



VILLAGE OF LIONS BAY

TREES, VIEWS & LANDSCAPES COMMITTEE MEETING OF THE VILLAGE OF LIONS BAY HELD ON TUESDAY, DECEMBER 13, 2022 at 9:15 AM ON SITE: 61 BRUNSWICK BEACH RD

AGENDA

- 1. Call to Order**
- 2. Appointment of Recorder**
- 3. Approval of the Agenda**
THAT the agenda be approved as distributed.
- 4. Public Questions & Comments**
- 5. Approval of Minutes**
 - A. Trees, Views & Landscapes Committee Meeting Minutes – March 29, 2022 (Page 3)
THAT the Trees, Views & Landscapes Committee Meeting Minutes of March 29, 2022 be approved.
- 6. Business Arising from the Minutes**
- 7. Unfinished Business**
- 8. New Business**
 - A. Tree Cutting Application # 125: 61 Brunswick Beach Road
THAT the Trees, Views and Landscapes Committee recommends to Council THAT Council approves Tree Cutting Permit Application No. 125, subject to the following:
 - a) Topping / Trimming / Removal is to be in accordance with the photos and requested work in the application materials;
 - b) The applicant must clean up and remove all associated debris and notify the Municipality as soon as possible after the cutting to advise that this has been done;
 - c) The tree cutting permit shall be valid for one year subject only to confirmation prior to any cutting, or repeated cutting, within that period of:
 - i. compliance with the bylaw restrictions regarding bird nesting season,
 - ii. if working from the road, a traffic control plan approved by Public Works
 - iii. damage deposit, arborist/contractor's WorkSafe BC certificate and insurance in compliance with Municipal requirements, and

iv. any other Municipal bylaw requirements

9. Public Questions & Comments

10. Adjournment



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

TREES, VIEWS & LANDSCAPES COMMITTEE MEETING OF THE VILLAGE OF LIONS BAY

**HELD ON WEDNESDAY, MARCH 29, 2022 starting at 11:00 AM
AT 400 Centre Rd. Lions Bay, BC and via Zoom video conference**

MINUTES

In Attendance:

Council: Simon Waterson, Chair (via video conference)
Jay Barber (via video conference)
Jim Cannell (via video conference)
Mike Jury (via video conference)
Ron McLaughlin

Staff: Chief Administrative Officer Peter DeJong
Public Works Manager Nai Jaffer (via video conference)
Municipal Coordinator Karla Duarte (via video conference)(Recorder)

Public: 2

1. Call to Order

Simon Waterson called the meeting to order at 11:03 a.m.

2. Appointment of Recorder

Karla Duarte was appointed as the recorder.

3. Approval of the Agenda

THAT the agenda be approved, as presented.

4. Public Questions & Comments

A. Penny Nelson

P. Nelson commented on:

- her concerns that the tree Bylaw is not being enforced, that the process is not being followed, that consultation is insufficient, and that incomplete information is being passed to the Committee
- referred to the Official Community Plan, noting the preservation of the character of the Village and that many people are impacted by tree management

- noted that it is difficult to ascertain from the photos the work that is being done, that the qualities of trees are being ignored and that they are part of the views
- surprised that Climate Action Committee has not come into the conversation
- agreed with suggestion for signage on property for application
- stated that a Registered Professional Biologist doing a nesting survey decides compliance with federal and provincial legislation, not the Village or the Committee

Mayor McLaughlin questioned how Penny would define Affected Neighbours.

P. Nelson noted the difficulty in determining this as many people are impacted including visitors. There is a duty to retain character due to being part of the Biosphere reserve and having a canopy for birds. Treed neighbourhoods provide higher property values.

S. Waterson noted that in the applications the tree committee receives, not many trees have been authorized to be removed and that the Committee authorizes topping when a tree has been previously topped.

Discussion ensued on enforcement of the bylaw and P. Nelson suggested that Bylaw Enforcement officers be provided with a list of issued permits.

5. Business Arising from the Minutes

None

6. Unfinished Business

None

7. New Business

A. Notice of Application

- i. Applicant's obligations
- ii. Staff's obligations
- ii. Tree Committee's obligations
- iii. General Public's obligations

CAO DeJong:

- provided an overview of bylaw officer hours, noting the gradual expansion of the season
- noted that it is not Public Works primary task to provide bylaw enforcement
- rare to find someone cutting municipal trees without permit

- enforcement of the bylaw is being done
- 2017 amendments to the bylaw expanded the definition of Affected Property Owner beyond simply the adjacent properties
- provided an overview of the process in determining Affected Property Owners
- public can monitor applications, provide input and attend tree committee meetings
- questioned whether there needs to be an additional step: eg: posting a sign on the property

S. Waterson questioned whether businesses who cut trees can be fined as well.

CAO DeJong noted he would look into it.

PWM Jaffer noted one of his staff has certification in horticulture and one in silviculture and commented on the factors reviewed by Public Works on tree applications (eg: Village infrastructure, health of trees and slope stability) and considered for determining any replanting requirements:

- slope stability is a primary concern more so than vegetation management
- the understory and the number of voluntary trees that have grown up in that area that could benefit from more light and exposure through tree removal

P. Nelson commented on her disagreement on the bylaw being enforced and her concerns with trees taken out for landscaping, noting indigenous planting should be encouraged.

Discussion ensued on:

- concerns with making the process too cumbersome
- lack of clarity in application of the work being done
- people have opportunity to provide input
- long-term goals and considerations of tree planting; big trees come with issues as well
- consideration should also be given to those being negatively impacted by the tree
- supporting the idea of signage that drives people to the website for more information
- communication plan regarding bird nesting season: increase awareness
- preference for people to give feedback prior to Council decision

CAO DeJong questioned whether the definition of Affected Property Owner needs to be amended.

Discussion ensued on:

- sufficient notice
- public responsibility
- sign enough to drive people to the website for more information
- applicant needing to fairly consult and neighbours are supposed to get a copy of the proposed work

PWM Jaffer noted that Public Works will put up signs instead of the applicant.

B. Committee Terms of Reference

CAO DeJong presented an overview of the Committee Terms of Reference and questioned whether the Committee agreed with the terms as they stand in the bylaw.

Discussion ensued on:

- PWM Jaffer provided an overview of considerations the Public Works Department takes including how a tree impacts underground utilities such as water and sewer, history of branch falls, previous topping, health, slope stability and erosion control.
- people who are most affected should have the most weight for consideration
- have to manage case by case, which is what the committee has been doing
- signage will allow for greater feedback; may make things easier but may complicate as well - every case is going to be different
- never going to be complete agreement
- suggestion not to amend Terms of Reference at this time

C. Nesting Provisions

CAO DeJong provided an overview of his discussion with a Registered Professional Biologist to understand protocols to make amendments to the nesting provisions in the bylaw so that applicants will know what is required in a nesting survey. He noted that he will provide the draft updates to the Committee.

CAO DeJong clarified that while the Village can only enforce bird nesting season in relation to municipal land, everybody has an obligation to abide by the federal and provincial law. He noted that the volunteer-run bird friendly initiative will help to increase awareness and education for protection of songbirds.

PWM Jaffer noted that anybody has the ability to call the Conservation Officers Service to report contraventions of the Federal and Provincial regulations.

8. Public Questions & Comments

A. Penny Nelson

P. Nelson commented on bird nesting dates being earlier/later for some species, more communication regarding bird nesting season and the success of the nesting provision in the bylaw evidenced by the rush of pre-season applications.

9. Adjournment

Moved/Seconded

THAT the meeting be adjourned

CARRIED

The meeting adjourned at 12:26 p.m.

DRAFT



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Schedule "A"

Tree Cutting Application Form

All fields must be completed

Applicant's Full Name: EnriqueQuintero/ExclusivepropertyRentals	
Address: 61 Brunswick Beach Rd. Lions Bay V0N 2E0	
Phone: [REDACTED]	Email: [REDACTED]
Arborist/Contractor Name: Voller Tree Care	
Phone: 604-783-4585	Email: vollertrecare@gmail.com

Office Use Only	Tree Application Number: 125
Received by: SD	Date: Oct 18/22
Amount Paid: \$75	Cash or Cheque: cash
Application Complete? (Y/N) yes	If no, reason:
Date referred to Public Works:	Date returned by Public Works: (See attached comments) Dec 2/22
Date Application to Tree Ctte: Dec 2/22	Meeting Date: Dec 13/22
Agenda forwarded to Tree Ctte: Dec 7/22	Minutes received from Tree Ctte:
Council Agenda Date:	Council Decision:
Parties Notified:	Received Damage Deposit: Name of Arborist/Contractor:
Date of Letter Notifying Applicant of Decision: (Mar 26-Aug 16 Registered Professional Biologist):	Proof of WorkSafe Certificate: Proof of Insurance (\$5 mil/VoLB Add'l Insured):
Permit Issued:	Post-work check by Public Works:
Damage Deposit Returned:	If not, reason:



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<p>Species/Description of Tree(s):</p> <p>Two Western Red Cedar Trees and Two Douglas Fir trees</p>
<p>Location of Tree(s):</p> <p>At the front of the property 61 brunswick Beach Rd beside the driveway.</p>

**Trees must be clearly marked with marking tape in time for the Trees, Views and Landscapes Committee's site visit.*

<p>Reason for Removal:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Too close to property (foundation, garage, fence, etc.) <input type="checkbox"/> Dead, dying or diseased <input type="checkbox"/> Unattractive <input type="checkbox"/> Blocking sunlight <input type="checkbox"/> Attracting wildlife 	<ul style="list-style-type: none"> <input type="checkbox"/> Interfering with infrastructure (roads, sidewalks, etc.) <input type="checkbox"/> Leaves causing problems <input type="checkbox"/> Blocking site access <input type="checkbox"/> Affecting house value <input checked="" type="checkbox"/> Hazardous <input type="checkbox"/> Interfering with view
<p>Please provide additional comments which may be useful:</p> <p>This is a request to prune and reduce the length of some branches of the trees described above. Some tree branches are a safety hazard. They have grown in length horizontally directly over the driveway. They can break and fall and injure us. Some branches also are interfering with the house's structures.</p> <p>The trees are located on the North East side corner of the lot. Pruning does not affect any neighboring lots.</p>	
<p>Replanting Plan, if any (please include anticipated timeframe for completion):</p> <p>N/A</p>	



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I have attached a colour photograph or colour photocopy of the subject tree(s) with descriptive notes or markings if applicable.

I have verified the information contained within this application is correct. No cutting of Significant Trees, as defined by Schedule "C" to Village of Lions Bay Tree Bylaw No. 393, 2007, as amended, is contemplated by this application or, if it is, this fact is clearly and explicitly set out in the application along with supporting rationale.

I acknowledge that responsibility for bylaw compliance rests with me as the applicant. I will indemnify and save harmless the Village of Lions Bay, its officials, employees and agents against claims, liabilities and expenses of every kind, in respect of anything done or not done pursuant to this application or ensuing permit, if issued, including negligence and/or failure to observe all bylaws, conditions, acts or regulations.

I understand that, should this application be approved, all work performed must comply with any and all conditions of approval incorporated in the Council resolution, and that failure to comply with such conditions may result in fines, penalties and/or legal action.

I understand that per section 3.4.8 of Tree Bylaw No. 393, 2007, in order to protect nesting birds, no tree cutting may be carried out between March 26th and August 16th in any given year, unless:

- the cutting is required to deal with a Hazardous Tree; or
- subject to the requirement for a nesting survey by a Registered Professional Biologist, the cutting is approved by the Council as an exception where the application is connected to a building permit or other process which, if delayed, the Council considers would result in hardship to the applicant and the Council may consider:
 - i. the circumstances of the applicant;
 - ii. the scope and location of the application;
 - iii. the timing of the cutting in relation to the nesting calendar attached as Schedule "E" to the Tree bylaw.

Enrique Quintero

A black rectangular redaction box covering the signature of the applicant.

October 11, 2022

Name of Applicant (Please Print)

Signature

Date Signed



Public Works Tree Cutting Referral Comments

GARTH DEC/2/22

Tree Cutting Application Number: 125

Name of Applicant: Jorge Graham c/o Enrique Quintero

Address of Applicant: 61 Brunswick Beach Road

Location of Trees(s);

Clearly on Municipal Land: (Y/N)
(If no, survey required at applicant's cost) MOST OF THE TREES ARE ON MUNICIPAL LAND

Location in Relation to Municipal Infrastructure (Present & Future):

NO

Location in Relation to Others' Infrastructure (Telus/Hydro Lines, etc):

NO

Slope Stability Considerations:

NO

Replanting Required (Y/N and recommendations, if any):

NO

Traffic Management : (Y/N)

NO

Other Considerations / Comments:

Attachments (Y/N and Description):

NO