



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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## Legislation Details (With Text)

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## REQUEST FOR DECISION

**DATE:** November 3, 2021      Report No. PRAC-21-008

**TO:** Parks and Recreation Advisory Committee

**FROM:** Rick Daykin, Manager, Parks and Facilities

### SUBJECT:

Tree Protection Bylaw Review

### RELEVANT POLICY:

Tree Protection Bylaw 2837  
Urban Forest Management Plan  
Climate Action Charter Goals

### STRATEGIC RELEVANCE:

The tree protection bylaw was identified by the strategic planning team and the Environmental Advisory Committee as an important bylaw to review and update.

### BACKGROUND:

The main objectives of the tree protection bylaw are to protect and preserve trees and provide for the replacement of trees where trees are permitted for removal. While the existing tree protection bylaw is still relevant and effective, a revised tree protection bylaw will include additional best management practices and will help to clarify application processes.

### ISSUES:

## 1. Rationale for Selected Option

### **Streamline the application process**

The application to remove or prune a tree or work within a protected tree root zone during construction will be made available in the next few weeks. Property owners can still drop off, email or mail in applications to the parks division administration office for processing and review.

### **Update the Significant Tree List and Replacement Tree List**

The significant tree list needs to be updated due to the removal of some trees. In order to aid in the significant tree list update, an exciting new program will be initiated to launch an Esquimalt Great Tree Hunt. This program will encourage residents to nominate trees to be included in this prestigious significant tree list. We will be looking for volunteers to help judge the nominations. In addition, the tree replacement list will be updated with new trees to help keep this list relevant.

### **New and updated Definitions**

A number of definitions have been created or updated to help provide homeowners and developers with additional clarity in the tree cutting permit process. Here are some proposed updates.

**Arboricultural Best Practices** means practices in accordance with the most current version of the American National Standards Institute (ANSI) publication - A-300. Tree Care Operation and the companion Best Management Practices Series of the International Society of Arboriculture.

**Arborist Report** means a technical written report prepared by an Arborist which may include one or more of the following:

- relevant information including, but not limited to, surveyed location, species, photographs, size and condition of the subject tree(s).
- the reasons for any proposed removal of a tree(s).
- the recommended tree protection and mitigation measures; and
- a tree replacement strategy.

**Development** means any of the following applications:

- the construction of building, roads, services or other improvements to land.
- rezoning,
- subdivision,
- development permits or temporary use permits associated with a new building or an addition to an existing building, or
- building permits associated with demolition, blasting or construction of a principal building.

**D.B.H. (Diameter at breast height)** means the diameter of a tree at roughly breast height (1.4 meters or 4.6 feet) above the highest point of natural grade of the ground measured from the base of

a tree.

For multi-stemmed trees, the three largest stems shall be measured 1.4 meters or 4.6 feet above the highest point of natural grade and the D.B.H. of the tree shall equal the cumulative total of the D.B.H of the three largest stems.

**Hazard Tree** means a tree that has, in the opinion of a Qualified Tree Risk Assessor:

- A high or extreme TRAQ risk rating, or
- An imminent likelihood of failure.

**Hedge** means a row of two or more trees of consistent size and form planted in close proximity that has been topped or sheared.

**Protective Root Zone** means:

- The area of land surrounding the trunk of a tree that contains the bulk of the critical root system of the tree which has been specifically delineated on a tree plan prepared by an arborist and approved by the Director of Parks and Recreation.
- In the absence of such information, the area of land surrounding the trunk of a tree contained within a circle having a radius which is calculated by multiplying the D.B.H. of the tree by 18.

**Qualified Professional** means a person in good standing with a legislated self-regulating association in British Columbia who is acting within the individual's area of expertise and include a professional Biologist, Agrologist, Arborist, Forester, Geoscientist Engineer, Architect and Landscape architect.

**Qualified Tree Risk Assessor** means a person qualified by the International Society of Arboriculture as a Tree Risk Assessor (TRAQ) or by the Province of British Columbia as a Wildlife/Danger Tree Assessor.

**Shared tree** means a tree with any part of its trunk or trunk flare crossing a property line, including where the adjacent property is a highway, park, or other City-owned-property.

**Top** means the cutting of a trunk, stem or scaffold limb of a tree back to a stub, bud or lateral branch not large enough to assume apical dominance. Reducing a tree size without regard for health or structural integrity and includes re-topping of previously topped trees.

## **Tree Assessment Reports**

An arborist's tree assessment report is required to be sufficiently clear and comprehensive that the municipal arborist does not need to attend the site to clarify any detail. Tree assessment reports contain any recommendations of tree retention and must provide detailed mitigation measures for the retention of trees. These measures include tree protection barriers, arborist supervision, relocation of retaining walls, drainage, and utilities, details on suspended slabs when working in critical root zones. Reports may also include requirement for hand digging, air spade excavation, hydro vac excavation,

root pruning, tree well construction, boring or tunneling under roots, tree surgery including cabling, and bracing, watering, mulching, fertilization, and drainage. Reports may also include details on risk to people or property. In addition, reports may include a summary on protected trees retained, removed, and the number of trees to be replaced.

**Tree Survey** means a survey plan prepared by an engineer or by a surveyor registered as a British Columbia land surveyor, that illustrates the location of trees in relations to the property lines of a lot, along with the size, and species of each tree, plus any other information required by the Director of Parks and Recreation for the purpose of assessing a tree cutting permit application. Survey Plan

The Survey Plan will show the location of the trees, including trees within and in close proximity to the building footprint.

The following information is required:

- Stamped by a registered BCLS surveyor or professional engineer
- Property scaled with scale given and North arrow
- Diameter of tree (DBH) must be provided in centimeters to nearest centimeter
- Readable - ie, Tag number is large enough to read
- Any existing or proposed buildings, driveways or sidewalks
- Overhead or underground utility lines (such as storm/sanitary/Telus/Hydro/Fortis)
- Septic fields, easements, restrictive covenant areas,
- All neighbour trees where the drip line is within 6 meters of any excavation or other works
- Tree barriers and sizes written on the plan
- Any other features which would impact tree removal or planting and maintenance or replacement trees or the viability of retained trees
- All public boulevard trees regardless of size

## 2. Organizational Implications

There are no organizational implications with the proposed changes to this tree protection bylaw.

## 3. Financial Implications

There are no financial implications with the proposed changes to this tree protection bylaw.

## 4. Sustainability & Environmental Implications

The tree protection bylaw is a great tool to protect and preserve Esquimalt's tree canopy. There are numerous benefits to trees such as improving air quality, conserving building energy in the winter and summer, reducing stormwater run-off, stabilizing slopes, providing food for people and wildlife, providing habitat for wildlife, and enhancing the character of neighborhoods.

## 5. Communication & Engagement

The general public will be asked to provide input on the proposed changes to the tree protection bylaw. The Esquimalt Great Tree Hunt program will be launched during the community feedback period with the intent to update the significant tree list during the month of April..