

**DISTRICT OF MISSION**  
**TREE MANAGEMENT BYLAW 3872-2006**

A bylaw to manage and to regulate tree cutting in Mission.

The Council of the District of Mission, in open meeting assembled, ENACTS AS FOLLOWS:

Citation

This Bylaw may be cited as “District of Mission Tree Management Bylaw 3872-2006”.

1. Definitions

In this Bylaw:

“*Council*” means the Council of the District of Mission.

“*cut*” and “*cutting*” means the cutting down, removal, or cutting so as to cause the destruction of any tree.

“*Director of Engineering and Public Works*” means the Director of Engineering and Public Works for the District, and such other persons authorized by the Director of Engineering and Public Works to administer this bylaw, or part thereof.

“*District*” means the District of Mission.

“*owner*” means the registered owner or owners of a fee simple parcel of land.

“*permit*” means a permission or authorization in writing by the *Director of Engineering and Public Works* to cut or remove a tree(s).

“*replacement tree*” means a tree to be planted pursuant to Section 9 of this bylaw.

“*stream*” includes a watercourse or source of water supply, whether usually containing water or not, a pond, lake, river, creek, brook, ditch and a spring or wetland that is integral to a stream and provides fish habitat.

“*top of bank*” means

(a) the point closest to the boundary of the active floodplain of a stream where a break in the slope of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the break, and

(b) for a floodplain area not contained in a ravine, the edge of the active floodplain of a stream where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 metres measured perpendicularly from the edge.

2. Purpose

This bylaw is intended to support the intent of the Silverdale Urban Residential Neighbourhood Plan Terms of Reference Policy LAN.48 whereby relevant studies are conducted on individual properties prior to alteration of environment by the cutting of trees.

3. Applicability

This bylaw applies only to:

- (a) parcels of land included in the area designated as Urban/Urban Reserve in the District's Official Community Plan and located in the south west area of the District, as identified outlined in bold on Schedule A attached hereto and forming part of this bylaw; and
- (b) any tree having a diameter of at least 20 centimetres (7.87 inches) measured from a height of 150 centimetres (59.05 inches) above ground elevation.

#### 4. Exceptions

4.1 The following exceptions contained in section 4.2 do not apply to trees located:

- (a) within 30m (98.4ft), measured horizontally from the *top of bank* of all *streams*; and
- (b) on land having a slope greater than 3:1.

4.2 No permit is required to *cut* a tree when:

- (a) no more than 5 trees are *cut* for every 0.4 hectare (or portion thereof) on a parcel of land, to a maximum of 50 trees on a parcel of land, in any calendar year;
- (b) the trees are *cut* for a purpose that conforms with the provisions of the District's Zoning Bylaw, including any agricultural use;
- (c) in the case of an application to amend the zoning of a parcel of land, a tree retention/replanting plan has been approved by *Council* and/or a tree protection covenant has been filed against title to the parcel;
- (d) a subdivision plan, including a lot grading plan, for a parcel of land has been approved that identifies tree *cutting*, and/or a tree protection covenant has been filed against title to the parcel;
- (e) the owner has a valid building permit issued by the *District* to construct a building(s) and the *cutting* of a tree is necessary to accommodate the placement of the building(s), a driveway, private sewage disposal system or water system, or other required appurtenants such as hydro and communication lines;
- (f) a tree is within 30 metres of any residential dwelling;
- (g) a tree is *cut* by or on behalf of the *District*, or the provincial or federal government;
- (h) the *cutting* is required for the construction, improvement or repair of public works or utilities services undertaken by a public authority, or a public utility, or its contractors.

#### 5. Prohibitions

- (a) Except as provided for in section 4 of this bylaw, no person shall cut or allow to be cut a tree unless that person has a valid *permit*.
- (b) No person shall fail to comply with any term or condition of a *permit* or allow a term or condition of a *permit* to be contravened.
- (c) No person to whom a *permit* is issued shall *cut* a tree or *permit* a tree to be *cut* before 07:00 hours or after 20:00 hours.

## 6. Permits

- (a) When a *permit* is required pursuant to this bylaw, an application must be made in writing to the *Director of Engineering and Public Works* generally in the form attached hereto as Appendix "A" and must contain or be accompanied with the following information:
- i. The reason(s) for *cutting* the trees;
  - ii. A site plan drawn to scale indicating parcel size, location of each tree to be *cut*, trees to be protected, existing and proposed buildings, roads, driveways, parking areas, and any other physical structures;
  - iii. A proposed tree replacement plan;
  - iv. Department of Fisheries and Oceans approval if there is a stream on the parcel and the trees to be cut are within an environmentally sensitive area;
  - v. If any tree *cutting* is to occur on land having a slope greater than 3:1, or as required by the *Director of Engineering and Public Works* based on site specific concerns, the application must be accompanied by a report prepared by a qualified geotechnical engineer certifying that the work will not create a stability hazard;
- (b) An application for a *permit* must include a fully completed and signed application form as set out in Appendix "A".
- (c) A *permit* issued under this bylaw, generally in the form attached hereto as Appendix "B", will be valid for a period of 12 months from the date of issuance.
- (d) The issuance of a *permit* must be approved by *Council* resolution.
- (e) The *Director of Engineering and Public Works* may revoke or suspend a *permit* if the person to whom the *permit* is issued causes or permits a contravention of this bylaw or any term or condition of the *permit*.

## 7. Replacement Trees

Where a *permit* is required:

- (a) To *cut* a tree the current *owner* on the parcel of land shall replace the *cut* tree on the same parcel in compliance with the tree replacement plan submitted under section 6 (a) iii and as set out in Schedule "B". Each *replacement tree* must be planted within 3 months of the date of *cutting* of the tree approved for removal.
- (b) The *owner* of a parcel of land upon which a *replacement tree* is planted shall maintain the tree in accordance with standard arboricultural practice for a period of not less than one year from the date it was planted.
- (c) Subsections (a) and (b) do not apply when the trees are removed for agricultural purposes.

## 8. Administration and Enforcement

- (a) This bylaw will be administered by the *Director of Engineering and Public Works* or his designate(s).

- (b) The *Director of Engineering and Public Works*, and any person appointed to enforce or charged with the enforcement of *District* bylaws may enter at all reasonable times on any property to ascertain whether the requirements of this bylaw are being observed.
- (c) The *Director of Engineering and Public Works*, and any person appointed to enforce or charged with the enforcement of *District* bylaws may suspend work being carried out under any *permit* issued under the terms of this bylaw if the tree cutting is not being undertaken in accordance with the terms and conditions of the *permit*.

9. Offence

- (a) Every person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw is guilty of an offence against this Bylaw and is liable to the penalties hereby imposed.
- (b) Every person who commits an offence against this bylaw is liable to a fine and penalty of not less than \$1,000 and not more than \$10,000 for each offence.
- (c) Each day that a violation continues shall constitute a separate offence.

10. Validity

If any section or lesser portion of this bylaw is held invalid, it may be severed and the validity of the remaining provisions of this bylaw will not be affected.

11. Schedules

Schedule "A" and "B" attached hereto form part of the bylaw.

READ A FIRST TIME this 19<sup>th</sup> day of June, 2006

READ A SECOND TIME this 19<sup>th</sup> day of June, 2006

READ A THIRD TIME this 19<sup>th</sup> day of June, 2006

ADOPTED this 4<sup>th</sup> day of July, 2006

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MAYOR

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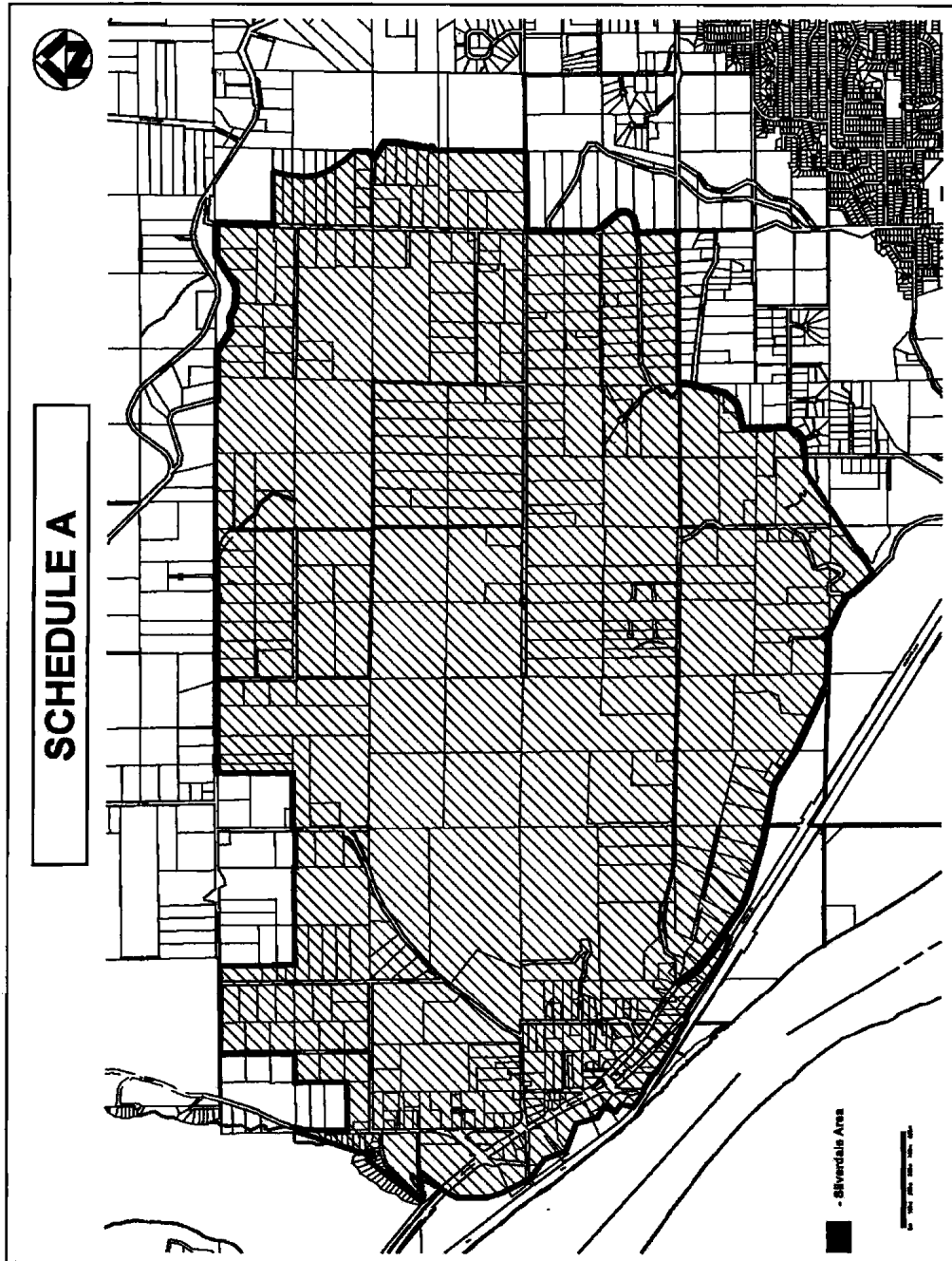
DIRECTOR OF CORPORATE  
ADMINISTRATION

I HEREBY CERTIFY the foregoing to be  
a true and correct copy of " District of Mission  
Tree Management Bylaw 3872-2006".

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DIRECTOR OF CORPORATE  
ADMINISTRATION

# SCHEDULE "A"



**SCHEDULE A**

- Silverdale Area

SCHEDULE "B"  
Tree Replacement Criteria

Where a permit is required to cut a tree, and subject to an approved tree replacement plan, a *replacement tree* shall be provided from the species list provided below.

Tree Replacement species:

Trees for replanting shall be selected from those trees listed below. New plantings are to represent a mix of deciduous and coniferous trees, wherever feasible, and are encouraged to be replanted in natural grouping.

**Trees Deciduous**

Common Name

Scientific Name

Big leaf maple	Acer macrophyllum
Blackwood cottonwood	Populus balsamifera ssp.
Pacific Dogwood	Cornus nutallii
Bitter Cherry	Prunus emarginata
Pacific crabapple	Malus fusca
Douglas maple	Acer glabrum
Black hawthorn	Crataegus douglasii
Vine Maple	Acer circinatum

**Trees Conifer**

Grand fir	Abies grandis
Noble fir	Abies procera
Douglas fir	Pseudotsuga menziesii
Sitka Spruce	Picea sitchensis
Western red cedar	Thuja plicata
Yellow cedar	Clamamaecyparis nootkatensis
Western White pine	Pinus monticola
Shore Pine	Pinus contorta

APPENDIX "A" – TREE CUTTING PERMIT APPLICATION

(must be completed by owner of property)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE (HOME) \_\_\_\_\_ PHONE (WORK) \_\_\_\_\_

PURPOSE OF PROPOSED TREE REMOVAL:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TREES PROPOSED TO BE CUT:

QUANTITY	SPECIES

**I HEREBY DECLARE** that the above information is correct, that I have been provided and read a copy of the District of Mission Tree Management Bylaw 3872-2006, and that I will abide by all of the applicable provisions of the said bylaw and such terms and conditions as may form part of any Tree Removal Permit issued pursuant to this application.

I acknowledge and agree that any Tree Removal Permit issued pursuant to this bylaw does not relieve me from complying with all applicable Federal and Provincial Laws and that the District of Mission makes no representations or warranties that such tree removal is lawful or that it may occur with immunity from prosecution.

The following information is attached to this application, as necessary:

site plan

proposed tree replacement plan

top of bank survey plan

Department of Fisheries and Oceans approval (if required)

geo-technical engineer report (if required)

\_\_\_\_\_

APPLICANT'S SIGNATURE

\_\_\_\_\_

DATE

APPENDIX "B" – TREE CUTTING PERMIT

1. This Tree Cutting Permit is issued pursuant to District of Mission Tree Management Bylaw 3872-2006, and is valid for a period of twelve (12) months from the date of issue.
2. This permit is issued to \_\_\_\_\_  
and applies only to property located at \_\_\_\_\_, and is issued for the removal of the following trees:

QUANTITY	SPECIES

3. This permit is subject to compliance with the all of the applicable provisions of the District of Mission Tree Management Bylaw \_\_\_\_\_, and such terms and conditions as may form part of this Tree Removal Permit (as attached) issued pursuant to the said bylaw. This permit may be revoked at any time by the District of Mission for any failure to comply with these provisions, terms and conditions.

\_\_\_\_\_  
DIRECTOR OF ENGINEERING AND PUBLIC WORKS

\_\_\_\_\_  
DATE ISSUED