



TREE PROTECTION BYLAW

Open House

January 29, 2020





The District of Oak Bay is working on a new Tree Protection Bylaw to work toward a healthier urban forest with increased tree cover that contributes to the overall health of our community.

The proposed Tree Protection Bylaw is a direct result of Official Community Plan policy and implementation of the Urban Forest Management Strategy.

Trees provide so many benefits for our community, and we want to hear from you on our proposed efforts to best manage our trees for now and for future generations. Today's open house is intended to provide information to the community about our urban forest, and provide an opportunity for residents to discuss proposed regulations with District staff.



Come In!

Learn about the new Tree Protection Bylaw

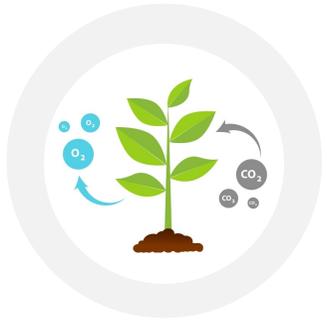
Ask Questions

Provide Your Input

Why Protect and Manage Our Trees?

Trees are a very important part of the Oak Bay community, and the Oak Bay Official Community Plan contains numerous policies that speak to the importance of trees and protecting our natural environment.

And with the Urban Forest Management Strategy being implemented, the District is developing a new Tree Protection Bylaw (replacing the existing Tree Protection Bylaw) to reflect the objectives and targets established by the Strategy.



Changing Climate

Trees remove pollutants from the air, store carbon dioxide in their wood and leaves, and release oxygen into the air.



Environmental Benefits

Trees help control flooding during storms, act as a windbreak, and provide wildlife habitat.



Community Benefits

Trees help to provide privacy for residents, and reduce noise pollution.



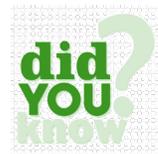
Energy Conservation

Trees act as a natural air conditioner, so they can help with residential heating costs and help block UV rays.



Increased Economic Benefits

Trees improve the property value of homes, and provide greater economic stability for commercial areas.



...that planting a mix of trees can greatly improve carbon storage.

Tree Protection Bylaw – What’s Changed?



Current Bylaw

- Protected trees include Garry Oak, Arbutus, Pacific (Western) Yew, Black Hawthorn, and Pacific (Western Flowering) Dogwood, with a diameter greater than 10 centimetres or a height more than 2 metres.
- Protected trees include any tree with a dbh greater than 60 centimetres.

• *dbh = diameter at breast height, as set out in the Bylaw.*



Proposed New Bylaw

- Protected trees include Garry Oak, Arbutus, Pacific (Western) Yew, Black Hawthorn, Pacific (Western Flowering) Dogwood, and **Shore / Contorta Pine**, with a diameter greater than **4** centimetres or a height more than **1** metre.
- Protected trees include any tree with a dbh greater than **30** centimetres.
- Introduces **tree canopy cover targets** for new construction or exterior renovations.
- Introduces **security deposits** for tree planting protection, and includes and **updated fee structure**.

What is a Protected Tree?

The District is proposing to expand the number of tree species that would be considered protected.



Garry oak



Arbutus



Pacific (Western) Yew



Black Hawthorne



Shore / Contorta Pine

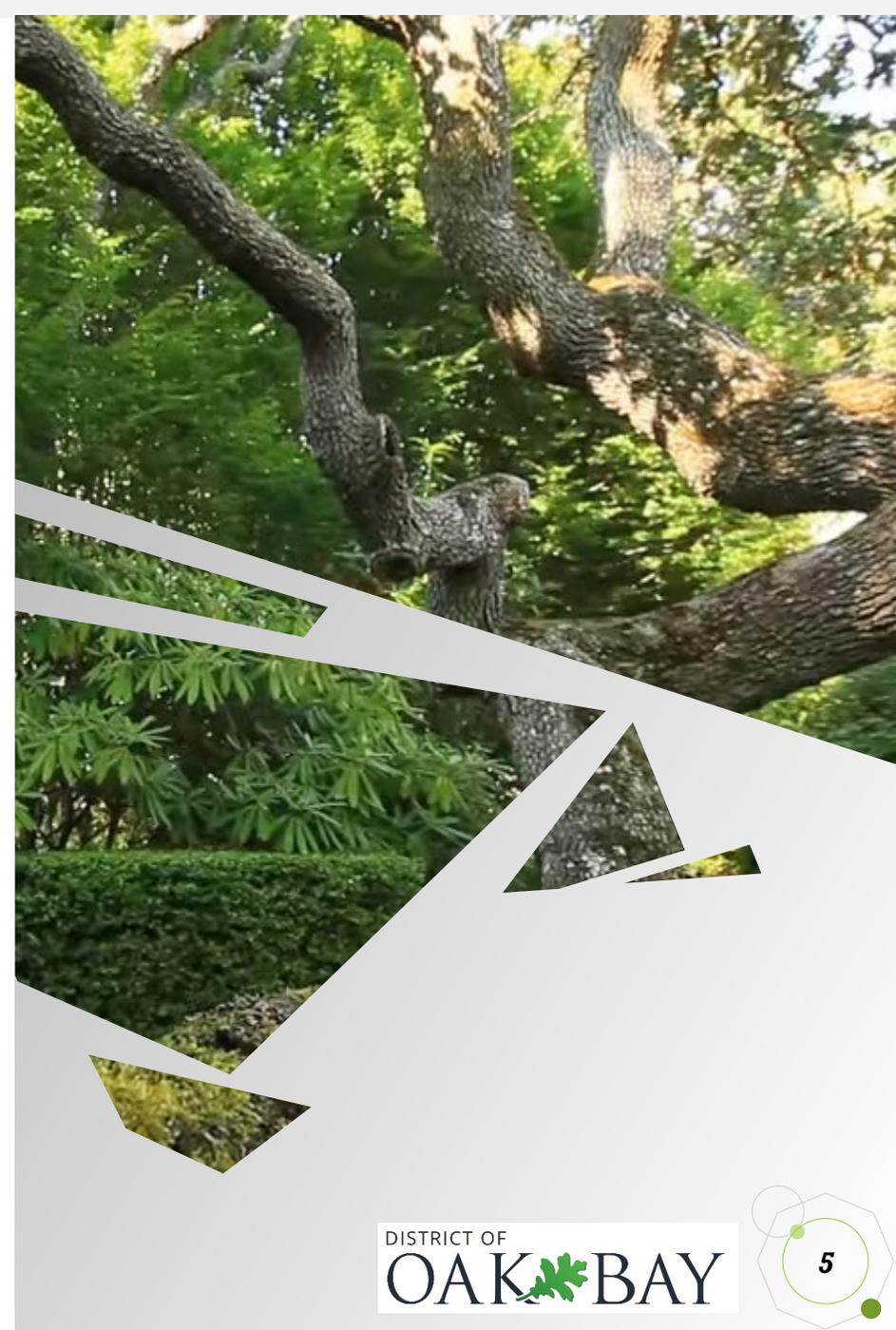


Pacific (Western Flowering)
Dogwood

Protected Trees would also include:

- Any tree with a dbh greater than 30 centimetres
- A significant tree
- A replacement tree
- A tree designated to be retained on a plan submitted with a land use application
- A tree protected by covenant with the District
- A tree with evidence of a nest used by raptors, osprey or herons
- A tree of scientific value 

dbh = diameter at breast height, as set out in the Bylaw.

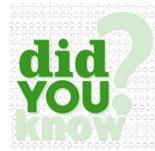


Replacement Trees

Replacement trees are trees that are planted on your property to replace trees that you have received permission to remove. The number of replacement trees is likely to be more than the number of trees you have removed.

Description	Replacement Trees
Removing a tree for construction of a building?	2
Removing a tree that is causing damage to a building? *	1
Removing a tree for driveways or parking? *	1
Removing a tree to install services? *	1
Removing a tree that is causing interference with utilities?	1
Removing a tree that is dangerous, or that is sick or dying?	1 

* Where there is undue hardship as defined in the Bylaw.



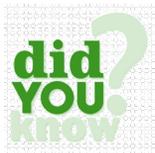
...that since 2013, of the 1400 trees that have been removed from Oak Bay, 86% were dead, diseased or dying.



Significant Trees

Significant Trees include trees in the community that have been designated by Council due to its historical, cultural, indigenous significance, or landmark value to the community, its exceptional botanical significance, ecological heritage, scientific value or its value as wildlife habitat.

Significant trees are identified in Schedule D of the draft Tree Protection Bylaw. These trees may be growing on municipal land, or they may be located on private land. A homeowner can request their trees be placed on the Schedule where the tree(s) are identified as having significance, which Council would then consider for adoption into the Bylaw.



...that if you are interested in having one or more of your trees designated as a significant tree, you can contact the Parks Department at 250.592.7275 and our arborists would be happy to help you determine the significance of the tree(s).



Tree Canopy Cover

The Urban Forest Management Strategy aims to increase tree canopy cover in Oak Bay to 40% by 2045. This can be achieved by planting trees on both public and private property. Canopy cover refers to the total tree coverage of a parcel, within its legal lot lines, as viewed from above. Canopy cover targets are introduced to the Tree Protection Bylaw, and vary according to the zoning and land use on the property.

Zone	Description	Target
RS-1 / RS-2	Uplands	45%
RS-3 / RS-4 / RS-5	Single Family	35%
RD-1	Duplex	35%
RM	Multi Unit Residential	20%
C / CS	Commercial	30%
P	Community Institutional	30%
P-2	Community Institutional	50%
Other	For zones not listed above, the Manager of Park Services may determine which of the canopy cover targets listed above are most appropriate, based on the uses permitted on the parcel where the development is to occur.	

New canopy cover is calculated based on the type of trees that are being planted, at 20 year maturity.

Large Canopy Trees provide 125 m² per tree (eg. Arbutus, Deodor Cedar, Garry oak)

Medium Canopy Trees provide 50 m² per tree (eg. Evergreen magnolia, Honey locust)

Small Canopy Trees provide 25 m² per tree (eg. Japanese maple, Giant Dogwood)

A detailed list of canopy trees is available in the Tree Protection Bylaw.

What Happens with an Application?

Tree permit applications are managed through the Oak Bay Parks Department.

Thinking about making an application?

- Have you consulted an arborist?
- Consider what types of trees you would like to plant to achieve your tree canopy cover target.
- Contact the Parks Department to confirm the Tree Management Plan requirements.

What to Submit With Your Application

- Application Form
- All necessary reports, surveys, checklists and letters
- Tree Management Plan (as required)
- Tree Assessment Report prepared by a Qualified Tree Risk Assessor to identify the health and condition of the trees (as required)
- Fees and Security Deposit

Tree Management Plan *(sample content)*

- Location, species and dbh of all trees on your property, and immediately adjacent on your neighbor's property
- Tree canopy cover targets
- Location of tree protection measures
- Letter of undertaking that details activities to be supervised by an arborist.

A complete listing can be obtained from the Parks Department

What Will it Cost?

A **new fee structure** more accurately reflects the cost of processing a tree permit application.

Application fees are nonrefundable, but security deposits are returned upon successful completion of works.

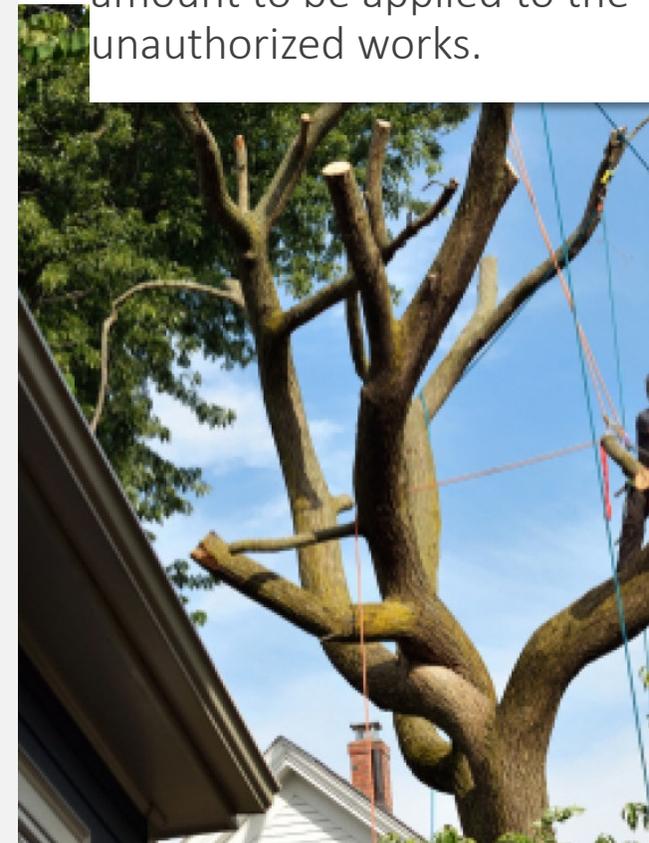


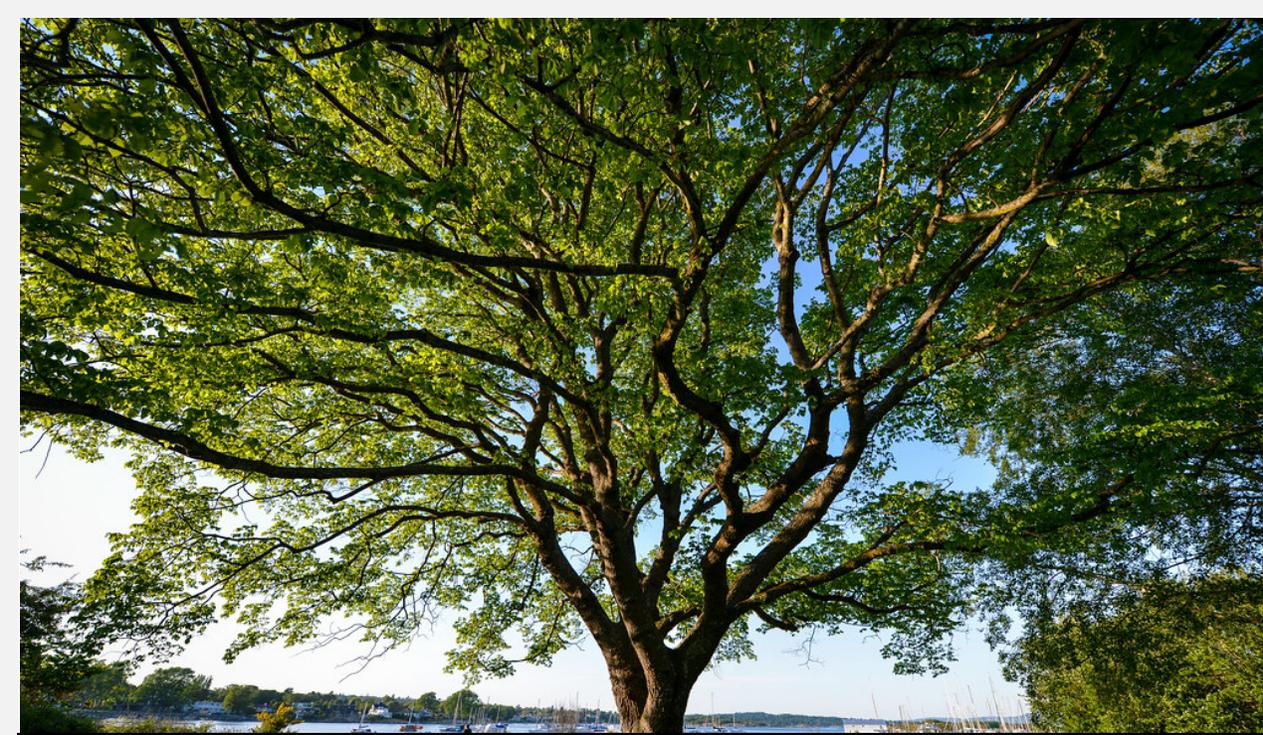
	Description	Fee	
Application	Significant Tree Removal or Pruning	No application fee	
	Removal or Pruning of Tree Above 30 cm dbh	\$50	
	Dead, Diseased, Dying Hazardous Tree Removal	\$50	
	Renewal Permit	\$50	
	Tree Permits for Building Construction or Parking Areas	\$500	
	No Replacement Trees Planted on Applicant Property	\$500	
	Description	Deposit	
Security	Planting, Care and Maintenance of Replacement Trees for a Period of Three (3) Years	\$500 per tree	
	Planting, Care and Maintenance of Replacement Trees for a Period of One (1) Year	\$500 per tree	
	Protection During Construction (max. \$50,000 per lot)		
	Protected Trees Under 30 cm dbh	\$1,000 per tree	
	Protected Trees 30 cm to 60 cm dbh	\$2,500 per tree	
	Protected Trees Greater Than 60 cm dbh	\$5,000 per tree	
	Significant Trees	\$10,000 per tree	
	Canopy Cover Requirements – New Build / Renovation	\$200/m ² canopy	

Non Compliance With the Tree Bylaw

If a homeowner undertakes activity that does not have an approved permit, or that does not comply with the conditions of the permit, a **new fine structure** sets out the fine amount to be applied to the unauthorized works.

	Description	Fine
Offence	Cut, Prune Protected Tree Without Permit	\$2500
	Damage Protected Tree Without Permit	\$2500
	Fail to Plant Replacement Tree – Permit Condition	\$1250
	Fail to Maintain Replacement Tree	\$1250
	Fail to Protect Tree During Construction – No Permit	\$1000
	Fail to Comply with Specified Practices – Construction	\$1000
	Fail to Comply with Specified Practices – Other	\$1000
	Fail to Plan Replacement Trees – Trees Removed Without Permit	\$1250





Next Steps

- The Tree Protection Bylaw will be considered at an upcoming meeting of Council.
- Council will consider the proposed Tree Protection Bylaw. If approved, the Bylaw would be adopted.
- Upon adoption, all regulations contained in the Tree Protection Bylaw will be in force.



Thank You

DISTRICT OF
OAK  BAY

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www.oakbay.ca 