

CITY OF DELTA

BYLAW NO. 7969

A Bylaw for the Protection of Trees

WHEREAS Council is empowered under the *Community Charter* to regulate, prohibit and impose requirements in relation to trees;

AND WHEREAS, Council is authorized to require permits to cut or remove trees, to establish fees for such permits, and to establish terms and conditions for the granting, refusal, and use of such permits;

AND WHEREAS, Council has adopted policies and objectives regarding tree preservation and replacement;

THEREFORE BE IT RESOLVED THAT the Council of the City of Delta in open meeting assembled ENACTS AS FOLLOWS:

PART 1 ADMINISTRATION

- 1.1 This bylaw may be cited for all purposes as the “**Delta Tree Protection and Regulation Bylaw No. 7969, 2021**”.
- 1.2 The Delta Tree Cutting Regulation Bylaw No. 7415, 2015 is hereby repealed.
- 1.3 Schedules A to D form part of this bylaw.

PART 2 INTERPRETATION

- 2.1 In this bylaw:

“applicant” means the person who is applying to the City for a permit;

“base” in relation to a tree’s measurement, means the top of the root crown or the point where the existing grade of the ground comes into contact with a tree’s stump, trunk or trunks, whichever elevation is higher;

“building permit work” means work requiring a building permit under the City’s Building/Plumbing Bylaw No. 6060, 2020, including work for which no building permit was issued;

“Burns Bog” means the entire raised bog wetland ecosystem known as Burns Bog, the ecological boundary of which is defined by the

City and amended from time to time, including but not limited to the Burns Bog Ecological Conservancy Area and lands within that ecological boundary which are owned by the City or by private persons;

“bylaw inspector” means any person designated by the City as a bylaw enforcement officer under the Delta Bylaw Notice Enforcement Bylaw No. 7009, 2011;

“City” means the City of Delta;

“Council” means the Council of the City;

“cut” means to cut down or remove by any means, and “cutting” has a corresponding meaning;

“Certified Tree Risk Assessor” means a qualified person who holds a Tree Risk Assessment Qualification from the International Society of Arboriculture;

“damage” means any action other than cutting which will cause a tree to die or decline in health and includes, without limitation, ringing, poisoning, burning, topping, cutting or damaging of the roots, pruning, excessive crown lifting, or removal of lower branches resulting in a live crown ratio of 65% or less of the total tree height;

“dangerous tree” means a tree when all or part of that tree is in imminent danger of falling and causing injury to persons or existing structures;

“drip line” means the outermost perimeter of the canopy of a tree;

“engineer” means a person who is registered or licensed as a professional engineer and permitted to engage in the practice of professional engineering under the Engineers and Geoscientists Act;

“General Manager” means the General Manager of Engineering as represented by the employee of the City serving in that capacity from time to time and includes a person acting in that capacity or a person delegated to act by the General Manager;

“hedge” means a row of three or more trees that through growth and pruning forms a continuous dense screen of vegetation from ground level which provides privacy, fencing, wind breaking and/or boundary definition, and any 5 metre linear section of hedge is deemed to be one tree;

“live crown ratio” means the ratio of crown or canopy width to the total tree height;

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“large diameter tree” means a tree that has a trunk diameter of 60 centimetres or greater measured at 1.4 metres above its base, or has a combined diameter of its three largest trunks or stems of 60 centimetres or greater measured 1.4 metres above its base;

means a tree in Sunshine Hills that has a trunk diameter of 50 centimetres or greater measured at 1.4 metres above its base, or has a combined diameter of its three largest trunks or stems of 50 centimetres or greater measured at 1.4 metres above its base;

“permit” means a permit issued by the General Manager under this bylaw, in a form approved by the General Manager, authorizing the cutting of a tree;

“property” means a parcel or lot of land or, in the case of common property as defined by the Strata Property Act, an area of 4,000 square metres;

“pruning” means the selective removal of branches or occasionally roots from a tree to achieve a specified goal;

“qualified person” means an arborist who is certified by the International Society of Arboriculture and includes a Certified Tree Risk Assessor;

“qualified environmental professional” has the same meaning as that term has under the Riparian Areas Protections Regulation;

“replacement plan” means a plan under this bylaw which sets out the requirements for replacing trees on a property;

“replacement tree” means a tree that is shown on a replacement plan that is intended to replace a tree;

“retained tree” means a tree that is not proposed or authorized by a permit to be cut;

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“significant tree” means a tree which:

(a) is located in Sunshine Hills;

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(b) has a trunk diameter of 70 centimetres or greater measured at 1.4 metres above its base, or has a combined diameter of its three largest trunks or stems of 70 centimetres or greater measured 1.4 metres above its base; and

(c) is one of the following 5 species: Douglas Fir (*Pseudotsuga menziesii*), Western Red Cedar (*Thuja plicata*), Himalayan Cedar (*Cedrus deodara*), Norway Spruce (*Picea abies*) and Giant Redwood (*Sequoiadendron giganteum*);

“Sunshine Hills” means the Sunshine Hills neighbourhood as shown in Schedule D;

“tree” includes any woody plant of any species that:

(a) has a trunk diameter of 20 centimetres or greater measured at 1.4 metres above its base;

(b) has a combined diameter of its three largest trunks or stems of 20 centimetres or greater measured 1.4 metres above its base; or

(c) if less than 1.4 metres in height, has a diameter of 30.5 centimetres or greater measured at its base;

and includes any replacement tree regardless of size;

2.2 All words and phrases that are not defined in this bylaw must be construed in accordance with the meanings assigned to them by the Community Charter, Local Government Act and Interpretation Act as the context and circumstances require. A reference to a statute in this bylaw refers to a statute of the Province of British Columbia, and a reference to any bylaw, enactment, publication or standard refers to that bylaw, enactment, publication or standard as it may be amended or replaced from time to time. Words in the singular include the plural, and gender specific terms include both genders and corporations. Headings in this bylaw are for convenience only and do not define or limit the scope or intent of this bylaw. A reference to a section number is a reference to a section number in this bylaw unless otherwise indicated.

2.3 If any portion of this bylaw is found invalid by a court of competent jurisdiction, that invalid portion will be severed and the remainder is deemed to continue as valid.

- 2.4 The non-enforcement of this bylaw, or any error, omission or other neglect in relation to the enforcement of this bylaw, must not be interpreted as giving rise to a cause of action in favour of any person.

PART 3 PROHIBITIONS AND EXEMPTIONS

- 3.1 Except as provided for in section 3.2, a person must not carry out, suffer, cause, or allow:

- (a) the cutting of a tree unless there is a permit which authorizes cutting the tree;
- (b) damage to any tree;
- (c) any activity which is contrary to the requirements of a permit, which includes for certainty any failure to satisfy any requirement of a permit;
- (d) when carrying out building permit work, any of the following activities inside the drip line of any tree:
 - (i) operating commercial vehicles, backhoes, excavators or other heavy equipment;
 - (ii) parking vehicles, except on existing paved areas;
 - (iii) digging or removing soil, except by hand when necessary to install services approved by the City;
 - (iv) depositing or storing any solid or liquid substance, including any soil, fill, concrete or asphalt, except as may be required under Schedule C; or
 - (v) blast or otherwise modify the land through use of explosives;
- (e) any activity within the protective barrier established in accordance with section 6.1(a).

- 3.2 This bylaw does not prohibit any of the following:

- (a) activities which impact trees on lands within the agricultural land reserve under the Agricultural Land Commission Act;
- (b) tree removal within Burns Bog when such tree removal is for the sole purpose of ecological restoration;
- (c) the cutting of a tree if all or part of that tree has been severely damaged by a natural cause and if a written report by a qualified person that the tree is unlikely to survive is provided to the General Manager in advance of the cutting;
- (d) the cutting of a tree if either of the following is provided to the General Manager:

- i. photographs taken before the tree was cut and a written report by a qualified person which together establish that the tree was a dangerous tree; or
 - ii. any evidence which the General Manager reasonably considers is sufficient to establish that the tree was or is a dangerous tree;
- (e) any activity which impacts trees in any City park, highway or other public place when carried out by or at the direction of the City, or with the written permission of the General Manager;
- (f) any cutting or damaging of trees:
 - i. carried out on property owned by the Government of Canada, the Province of British Columbia, or a school district if carried out by that entity or its authorized agent; or
 - ii. carried out pursuant to the *Hydro and Power Authority Act* or the *Oil and Gas Activities Act*,if the General Manager has provided in advance written approval for the cutting or damaging.
- (g) the pruning of a tree but only if:
 - i. the pruning is in accordance with “American National Standards Institute Publication A300-2017” and the companion publication “Best Management Practices – Tree Pruning 2019”;
 - ii. the pruning is in accordance with pruning and maintenance practices endorsed by the International Society of Arboriculture;
 - iii. the pruning does not include topping, excessive pruning of branches or roots, excessive crown lifting, or the removal of lower branches resulting in a live crown ratio of 65% or less of the total tree height; and
 - iv. the pruning does not result in the death or a decline in the health of the tree.

3.3 The cutting of a tree under sections 3.2(c) and 3.2(d) is deemed to not be an act of tree cutting for the purposes of sections 4.2(a) and 4.2(b).

PART 4 PERMIT APPLICATIONS

4.1 The following persons may submit an application for a permit:

- (a) the owner of the property where the tree is located, and where the base of a tree is located on more than one property, the application must be endorsed in writing by the owners of each property on which the tree is located; or

- (b) an agent of the owner of the property where the tree is located if written consent from the owner for the application is first provided to the City in a form acceptable to the General Manager.

4.2 Except as provided for in section 4.5, the General Manager may issue a permit if one of the following circumstances applies to the tree proposed to be cut:

- (a) only one tree would be cut on the property within a 24 month period, except that the one tree must not be:

- i. located on a steep-sloped portion of land so designated in the City's Official Community Plan;
- ii. located within a Streamside Protection and Enhancement Area as defined in Development Permit Area to Establish Streamside Protection and Enhancement Areas Bylaw No. 6349, 2005;
- iii. a replacement tree planted pursuant to a replacement plan; or
- iv. located in the Sunshine Hills neighbourhood.

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- (b) only one alder (*Alnus rubra*), cottonwood (*Populus balsamifera*) or poplar (*Populus nigra*) would be cut within any 24 month period, and for certainty, one tree of the above species may be cut in addition to one tree within a 24 month period as provided for in section 4.2(a), except that the one tree must not be located in Sunshine Hills;

- (c) the tree is causing damage to structure or infrastructure that cannot be remedied by measures other than cutting;

- (d) the tree is dead, is high or extreme risk as determined by a Certified Tree Risk Assessor, or is likely to die within the next six months as certified by a qualified person;

- (e) the tree is located within the footprint of a proposed building, underground service, driveway, or off-street parking area which would otherwise be permitted under the City's bylaws and which the General Manager has determined, based on site conditions, cannot be modified or relocated on the property so as to retain the tree; or

- (f) the roots of the tree are interfering with, blocking or damaging a drain, stormwater system, sanitary sewer system, or other underground utility, and the situation cannot reasonably be remedied through means such as the cleaning out of pipes or installation of root barriers.

4.3 Except as provided for in section 4.4, if a person submits an application to the City for a permit, the application must be in a form approved by the General Manager and must include the following:

- (a) all applicable fees specified in Schedule A;
 - (b) a replacement plan if required under section 5.1;
 - (c) the address of the property or properties on which the tree proposed to be cut is located;
 - (d) a statement of purpose and rationale for the proposed tree cutting;
 - (e) a site plan of the property or properties illustrating property lines, topography, drainage, watercourses, vegetation and tree cover, existing and proposed grading, existing and proposed buildings, structures, roads and rights-of-way, and the locations, species and size (caliper and canopy) of all trees proposed to be cut and all retained trees;
 - (f) details of the scale, methods and timing of the proposed tree cutting;
 - (g) proposed methods to access the site, control erosion, manage runoff, and protect retained trees;
 - (h) a report from a qualified person assessing issues relating to tree(s) on the property, certifying that any tree proposed to be cut falls within the circumstances in section 4.2, specifying any conditions under which the proposed tree cutting may take place, and in assessing conditions under which the proposed tree cutting may take place, the report should consider and recommend the appropriate extent, timing and phasing of tree cutting to address public health and safety issues, minimize impacts to adjacent properties, protect retained trees, and protect other environmental features or functions; and
 - (i) in relation to a property subject to hazardous conditions, including but not limited to an property designated in the City's Official Community Plan as a development permit area established to protect development from hazardous conditions, any report by an engineer which has been required, at the discretion of the General Manager, to assess issues relating to slope stability, flooding and/or erosion on the property, certify that the proposed tree cutting will not destabilize slopes, cause flooding or erosion, and specify any conditions under which the proposed tree cutting may take place to address public health and safety issues, minimize impacts to adjacent properties, protect retained trees, or protect other environmental features or functions.
- 4.4 If an application for a permit is in relation to a tree as described in sections 4.2(a) or 4.2(b), the application does not require a site plan under section 4.3(e) or a report under section 4.3(h).

- 4.5 The General Manager may only issue a permit if the General Manager reasonable determines that all of the following requirements have been satisfied:
- (a) the tree subject to the application falls within the circumstances set out in section 4.2;
 - (b) the application satisfies the requirements in section 4.3;
 - (c) the General Manager has approved any replacement plan required under section 5.1;
 - (d) the owner has provided any security required under section 5.5;
 - (e) the tree subject to the application is not protected by a covenant registered under section 219 of the Land Title Act against the title to the property; and
 - (f) the applicant does not have any outstanding fees or fine owed to the City in relation to trees on the property subject to the permit.
- 4.6 A person must not provide false information in an application for a permit.
- 4.7 The owner is responsible for compliance with all other bylaws, enactments or covenants, and the City makes no representation that an owner who obtains a permit is exempt from or has satisfied any other bylaw, enactment or covenant.

PART 5 REPLACEMENT TREES

- 5.1 The applicant for a permit must provide a replacement plan to the City if the permit would authorize any of the following:
- (a) the cutting of a large diameter tree; or
 - (b) the cutting of more than one tree on a property within a 24 month period, except that the cutting of one tree under section 4.2(b) is deemed to not be a cutting of a tree under section 5.1.
- 5.2 Except as modified under section 5.3, every replacement plan must satisfy the following requirements:
- (a) the replacement plan must be prepared by a qualified person;
 - (b) the replacement plan must set out the number of replacement trees as recommended by a qualified person, as based on accepted arboricultural principles for assessing and mitigating the loss of the trees' values and functions, and with a rationale for the proposed number of replacement trees, the number of which must not be less than that set out in Schedule B;

- (c) the replacement trees must be of the same species as the trees that have been cut or are proposed to be cut, or of a species recommended by a qualified person as being appropriate to the location, and any replacement trees in a Streamside Protection and Enhancement Area must be a species recommended by a qualified environmental professional;
 - (d) a replacement tree must have for coniferous species a height of at least 3.0 metres and for deciduous species must have a caliper of at least 7.0 centimeters measured 1.4 metres above the base of the tree;
 - (e) replacement trees must be planted at least 3.0 metres away from another tree and must meet minimum distances and clearances in relation to other features on the land as specified in the Delta Subdivision and Development Standards Bylaw No. 7162, 2015;
 - (f) if a replacement tree cannot be provided on the property on which the trees cut or proposed to be cut are located, or if trees of the required size or species are not available, the replacement plan must specify alternatives, and, subject to approval by the General Manager, the owner may provide to the City the cash-in-lieu amount specified in Schedules A and B for the City to purchase, plant and maintain the required number and type of replacement trees on a property owned by the City and, in such cases, the owner is not obligated to provide security or directly carry out the works; and
 - (g) unless otherwise agreed to under section 5.2(f), the replacement plan must require that replacement trees be watered and maintained at the owner's expense, using practices appropriate to sustaining the health and viability of the replacement tree, in perpetuity, unless a permit to cut the replacement tree is obtained.
- 5.3 The General Manager may consider the circumstances of each application for a permit and may relax the requirements for replacement trees as set out under section 5.2 if the impacts of the tree cutting have been or will be otherwise mitigated to his or her satisfaction, but the replacement ratio may not be reduced to an amount less than one replacement tree for each tree cut or proposed to be cut.
- 5.4 The General Manager must approve the replacement plan if the General Manager reasonably determines that the requirements under section 5.2 have been satisfied.
- 5.5 In relation to any replacement plan approved by the General Manager, the owner must provide security to the City for all required replacement trees in the amount specified as the replacement tree security in Schedule A.

- 5.6 The following are deemed to be requirements of any replacement plan under this bylaw:
- (a) all planting and maintaining of replacement trees must be performed under the direction of a qualified person in accordance with American National Standards Institute (ANSI) A300;
 - (b) if any replacement tree does not survive within one year after being planted, the owner must replace the deceased tree with an additional replacement tree subject to the same requirements as if the additional replacement tree was required under the replacement plan; and
 - (c) after the replacement trees have been planted and maintained for one year, the owner must have a qualified person certify, in a form acceptable to the General Manager, that the replacement trees have been planted and maintained in accordance with the replacement plan.
- 5.7 The General Manager may direct that a replacement plan be prepared in relation to any of the following trees:
- (a) a tree which was cut contrary to this bylaw;
 - (b) a tree which was damaged contrary to this bylaw and in the opinion of the General Manager is not likely to survive; or
 - (c) a tree which was cut pursuant to sections 3.2(c) and 3.2(d) and the General Manager reasonably determines that the circumstances described in those sections were caused by the owner or by actions taken with the advance knowledge of the owner.
- 5.8 A replacement plan prepared under section 5.7 must comply with section 5.2 except that:
- (a) the City will employ or retain the qualified person at the owner's expense; and
 - (b) the replacement plan must require at least five replacement trees for each tree cut or damaged.
- 5.9 If the owner of the property subject to a replacement plan prepared under section 5.7 is provided a copy of the replacement plan by the City, or if a copy of the replacement plan is posted at the property, the owner must immediately:

- (a) pay all costs and expenses incurred by the City in relation to the preparation of the replacement plan including a fee as specified in Schedule A for each replacement tree required under the replacement plan, and such fees, costs and expenses may be recovered from the owner as a debt owing to the City; and
 - (b) fulfill all of the requirements of the replacement plan.
- 5.10 If the owner does not pay to the City all of the fees, costs or expenses referred to in section 5.9(a) by December 31 of the calendar year in which the fees, costs or expenses were incurred, the City may collect the fees, costs or expenses as property taxes, pursuant to sections 17, 258 and 259 of the Community Charter, on the property subject to the applicable replacement plan.
- 5.11 Any funds received by the City under section 5.2(f) must be deposited into the City's Cash In Lieu – Trees – CPD account.

PART 6 PERMIT CONDITIONS

- 6.1 The following are deemed to be requirements of every permit:
- (a) the owner must install protective barriers around retained trees prior to cutting trees in their vicinity in accordance with Schedule C;
 - (b) the owner must dispose of trees and the remains of pruning by removing them from the site within 7 days of the tree cutting or pruning and taking them to an appropriate disposal site, or by storing them on site in accordance with Delta Property Enhancement Bylaw No. 7055, 2012;
 - (c) the owner must plant and maintain replacement trees in accordance with the requirements set out in any applicable replacement plan approved by the General Manager; and
 - (d) the owner must display the permit on the property where the tree is being cut, at the time of the tree cutting, in a place visible to the public and the permit must remain displayed until the completion of all work related to the tree cutting is complete.
- 6.2 Where security is required under the bylaw, it must be in the form of cash or an unconditional irrevocable letter of credit acceptable to the General Manager, and every letter of credit provided as security must either automatically renew or be replaced by the owner at least ten business days prior to its expiry, in default of which the City may without notice draw on the then current letter of credit and hold the cash as security.

- 6.3 The City must release security to the owner following the City receiving certification under section 5.6(c) in relation to the applicable replacement plan.
- 6.4 Any security provided pursuant to this bylaw may, on the owner's default in satisfying the requirements of this bylaw in relation to replacement trees, be used by the City to carry out work to satisfy those requirements in relation to replacement trees.
- 6.5 In addition to any other conditions set out in this bylaw, Council or the General Manager may impose conditions in a permit:
- (a) dealing with the extent, timing and phasing of tree cutting and replacement of trees if such conditions are considered necessary to address public health and safety issues, minimize impacts to adjacent properties, or protect other environmental features or functions, and without limiting the foregoing, the General Manager may delay cutting during bird nesting season in accordance with the Wildlife Act; or
 - (b) requiring that a qualified person monitor work done on the property and certify, in a form acceptable to the General Manager, that any retained trees have not been damaged or cut.
- 6.6 Any permit is valid for only six months after which time any authorization to cut trees under that permit ceases to exist but any obligations the owner has under the permit in relation to replacement trees survives.
- 6.7 The General Manager may revoke a permit, by providing written notice to the owner, if the General Manager reasonably determines that any provision of this bylaw is breached or the information on which the issuance of a permit was based is found to be incorrect, and if a permit has been revoked, all tree cutting authorized by the permit must cease until the revocation of the permit is withdrawn under section 6.8.
- 6.8 If a permit has been revoked under section 6.7, the General Manager must withdraw the revocation if the General Manager reasonably determines that the circumstances giving rise to the revocation have been remedied.

PART 7 REMEDIAL ACTION

- 7.1 If an owner does not satisfy with respect to a property any requirement of a permit or any requirement of a replacement plan under section 5.9(b), the bylaw inspector may post a written notice on the property that the City may satisfy the requirement at the owner's expense if the owner does not satisfy the requirement within 30 days.

- 7.2 If the owner does not comply with the requirement set out in the written notice posted under section 7.1 within 30 days of the notice being posted, the City, by its employees or others, may:
- (a) enter on the property and satisfy the requirement; or
 - (b) in relation to a requirement with respect to replacement trees, the City may plant and maintain an equivalent number of replacement trees at an off-site location.
- 7.3 If the City incurs any costs or expenses under section 7.2:
- (a) the costs or expenses may be recovered from the owner as a debt owing to the City; and
 - (b) if the costs or expenses have not been recovered by December 31 of the calendar year in which the costs or expenses were incurred, the City may collect the costs as property taxes, pursuant to sections 17, 258 and 259 of the Community Charter, on the property subject to the requirement under section 7.1.

PART 8 ENFORCEMENT

- 8.1 This bylaw may be enforced by a bylaw inspector.
- 8.2 An owner must immediately report to the City any damage to a tree on the owner's property.
- 8.3 If a bylaw inspector reasonably determines that activity is taking place on a property contrary to this bylaw, the bylaw inspector may post a stop work order at the property requiring the cessation of the activity, and upon the posting of the stop work order, the owner and all persons having notice of the stop work order must immediately cease from carrying out the activity until otherwise authorized in writing by the General Manager.
- 8.4 A person must not:
- (a) obstruct a bylaw inspector engaged in the enforcement of this bylaw;
 - (b) remove, conceal, or otherwise interfere with a stop work order posted under this bylaw; or
 - (c) fail to comply with a stop work order posted under this bylaw.

8.5 Any person who:

- (a) violates or fails to comply with any provision of this bylaw;
- (b) permits, suffers or allows any action or thing to be done in violation of this bylaw;
or
- (c) fails or neglects to do anything required to be done under this bylaw,

contravenes this bylaw, and when the contravention is a continuing one, each day that the contravention continues constitutes a separate contravention, and when the contravention impacts more than one tree, the impact on each tree constitutes a separate contravention.

8.6 Any person who contravenes this bylaw commits an offence and upon conviction by way of a proceeding under the Offence Act is liable to a penalty of up to fifty thousand dollars (\$50,000.00) for each offence and the costs of prosecution.

8.7 This bylaw may be enforced by the issuance of a bylaw notice under the Delta Bylaw Notice Enforcement Bylaw No. 7009, 2011 or by the issuance of a municipal ticket information under the City of Delta Municipal Ticketing Information Bylaw No.6639, 2007.

READ A FIRST time the	6th	day of	December,	2021.
READ A SECOND time the	6th	day of	December,	2021.
READ A THIRD time the	6th	day of	December,	2021.
FINALLY CONSIDERED and ADOPTED the	13th	day of	December,	2021.

“George Harvie”

George V. Harvie
Mayor

“Michelle Jansson”

Michelle Jansson, CMC
City Clerk

Amend BL 8575

SCHEDULE A**Fees**

	Delta (excluding Sunshine Hills)	Sunshine Hills
1. Application for cutting of one tree within a 24-month period	\$100.00	\$100.00 application fee plus \$50 per tree to be cut
2. Application to cut more than one tree within a 24-month period	\$100.00 application fee plus \$50.00 per tree to be cut	\$100.00 application fee plus \$50.00 per tree to be cut
3. Application to cut one to four Significant Trees	N/A	\$200.00 application fee plus \$100.00 per tree to be cut
4. Application to cut five or more Significant Trees	N/A	\$300.00 application fee plus \$150 per tree to be cut
5. Application for cutting each 5 metre linear section of a Hedge	\$100.00 application fee plus \$50.00 per tree to be cut	\$100.00 application fee plus \$50.00 per tree to be cut
6. Replacement tree security and cash-in-lieu amount	\$700.00 per replacement tree	\$700.00 per replacement tree
7. Fee for replacement plan under section 5.9	\$50 per replacement tree	\$50 per replacement tree

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SCHEDULE B

General Replacement Tree Requirements (excluding Sunshine Hills)

Type of Tree Cut	Minimum Number of Replacement Trees per tree proposed for removal	
	If planting on site	If providing cash-in-lieu
20-59 cm diameter tree	2	3*
60+ cm diameter tree (large diameter tree)	3	4*
1 large diameter tree cut in 24 months	1	1
Alder, cottonwood or poplar, regardless of size of tree cut, excluding 1 tree cut in 24 months	2	2
Every 5 metre linear section of a hedge cut, excluding large diameter trees	2	2

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Replacement Tree Requirements (Sunshine Hills only)

Type of Tree Cut	Minimum Number of Replacement Trees per tree proposed for removal	
	If planting on site	If providing cash-in-lieu
20-49 cm diameter tree	2	3*
50+ cm diameter tree (large diameter tree)	3	4*
70+ cm diameter tree (Significant Tree)	4	6*
5 or more Significant Trees	6	9*
Every 5 metre linear section of a hedge cut, excluding large diameter trees	2	2

***Mixed Replacement**

If some replacement trees will be planted on site and cash-in-lieu will be provided to the City for the remaining replacement trees, please use the following formulas to determine the cash-in-lieu amount:

For 20-59 cm trees: (using cash-in-lieu equivalent of 1 ½ trees = \$1,050)

Cash-in-lieu = (# of trees required if planting on site - # of trees planted on site) x \$1,050

For 60+ cm trees: (using cash-in-lieu equivalent of 1 ⅓ trees = \$933)

Cash-in-lieu = (# of trees required if planting on site - # of trees planted on site) x \$933

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For 20-49 cm trees in Sunshine Hills: (using cash-in-lieu equivalent of 1 ½ trees = \$1,050)

Cash-in-lieu = (# of trees required if planting on site - # of trees planted on site) x \$1,050

For 50+ cm trees in Sunshine Hills: (using cash-in-lieu equivalent of 1 ⅓ trees = \$933)

Cash-in-lieu = (# of trees required if planting on site - # of trees planted on site) x \$933

For 70+ cm Significant Trees in Sunshine Hills (using cash-in-lieu equivalent of 1 ¼ trees = \$875)

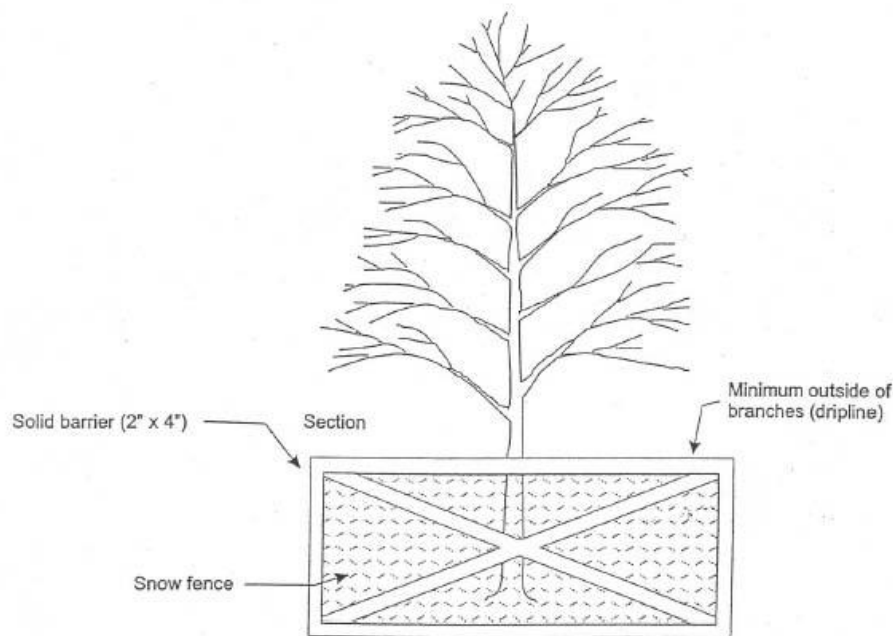
Cash-in-lieu = (# of trees required if planting on site - # of trees planted on site) x \$875

For 5 or more 70+ cm Significant Trees in Sunshine Hills (using cash-in-lieu equivalent of 3 trees = \$2100)

Cash-in-lieu = (# of trees required if planting on site - # of trees planted on site) x \$2100

SCHEDULE C

Specification for Tree Protection Barriers



Notes:

1. A protective barrier must be installed around every tree to be retained prior to the work commencing onsite, and that barrier must remain intact until the General Manager has authorized its removal.
2. Any excavation adjacent to the protective barrier must be done by hand.
3. Maintenance of trees that are to remain must include watering and application of 10 cm of mulch, but will not include any cutting or pruning of branches or roots unless approved by the General Manager in advance.
4. The dimensions of the protective barrier must be equal to the extent of the drip line, or six times the tree diameter, whichever is greater.
5. Measurements in relation to tree diameter must be taken at 1.4 m above the soil surface.

SCHEDULE D

The map displays the geographical layout of Kelowna, British Columbia, with a focus on the boundary between the City of Kelowna and the City of West Kelowna. A prominent red line delineates this boundary, running from the north to the south. The area to the west of this line, including the city center and the waterfront, is shaded in green and represents the City of Kelowna. The area to the east, which is more suburban and includes the airport, is shaded in yellow and represents the City of West Kelowna. The map is filled with a network of streets, including major thoroughfares like Highway 1 and Highway 99, as well as numerous residential streets. Key landmarks such as the Kelowna International Airport, the University of Kelowna, and the Kelowna City Centre are also visible. The map is oriented with North at the top.