

The Interim Tree Bylaw Working Group's recommendations for a proposed Tree Bylaw

Frequently Asked Questions

1. **Q.** Why is Council considering a tree bylaw?
A. *Council and staff hear repeated concerns from residents who believe their neighbourhood character is being harmed when most or all trees are cut down on a lot before a new home is built. The proposed bylaw has taken into account additional public input since the Interim Tree Bylaw was put into effect in April 2016.*
2. **Q.** Shouldn't I have the right to do whatever I want with the trees on my property?
A. *Existing bylaws (covering fence height, building height, floor area etc.) regulate aspects of private property that affect neighbours and overall neighbourhood character. The working group has worked hard to listen to resident concerns and balance the goal of preserving tree canopy and neighbourhood character with the flexibility and autonomy desired by residents to manage their own trees.*
3. **Q.** Why do all West Vancouver neighbourhoods have the same tree requirements? Each neighbourhood is unique and has its own distinct character.
A. *The working group felt that the responsibility of preserving tree canopy should be shared equally, without disproportionate requirements being placed on any particular group of residents (or neighbourhood). Average lot size and character varies between neighbourhoods, the minimum density being recommended is one tree per 1,615 square feet (150 square metres). This takes this into account and is intended to provide a baseline to protect current canopy cover. A recommendation has also been made to re-evaluate tree canopy on an ongoing, neighbourhood-by-neighbourhood basis to verify that the density target is achieving the desired goal of maintaining current tree canopy levels.*

TREE PROTECTION:

4. **Q.** Which trees are being considered for protection under the proposed bylaw?
A. *Trees 4 inches (10 centimetres) in diameter measured 1.3 metres above the ground, up to a minimum number of trees per lot based on lot size (one tree per 1,615 square feet or 150 square metres).*
5. **Q.** Why was a density target of one tree per 1,615 square feet (150 square metres) chosen? That doesn't make any sense - it seems ridiculously low/high.
A. *The working group evaluated several other bylaws that use tree density targets, leveraging work done by those communities to identify a tree density most likely to meet the goal of preserving tree canopy at current levels. Building upon experience gained by other jurisdictions, including how tree density numbers relate to canopy cover targets, a linear approach using one tree per **1,615 square feet (150 square metres)** was chosen as likely to achieve the desired outcome. The density target selected is within the range used by other communities with similar goals and conditions (i.e. coastal etc.). A recommendation was also made to re-evaluate tree canopy on an ongoing, neighbourhood-by-neighbourhood basis to verify that the density target achieves the goal of maintaining current tree canopy levels.*

FAQ

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6. **Q.** How can I find out my lot size?
- A.** *You can access the West Vancouver GIS system at maps.westvancouver.ca/westmap2017/map.htm (enter your address then click on Tempest in the footer of your screen. Alternatively, you can search on the BC Assessment website (cassessment.ca) to access your lot size in square feet.*
7. **Q.** Why are trees as small as 10 centimetres in diameter being protected? No other Lower Mainland jurisdiction has trees smaller than 20 centimetres in diameter being protected?
- A.** *10 centimetres (4 inches) is being recommended (as opposed to a larger size) to support the desirability of smaller trees in some instances, where larger trees may contribute to blocking views or sunlight. The 10 centimetre diameter size may also encourage retention of smaller mature species of landscaping trees and shrubs such as mature specimens of rhododendrons, camellias, etc.*
8. **Q.** I have a protected native species in my minimum number of trees. Will I be able to remove it with a permit?
- A.** *The circumstances around the requested removal of a protected native species will be considered. It is recommended that any allowed removal of a protected species require replacement with a tree of the same species.*
9. **Q.** If all trees can eventually be removed from a property (using the exemption of allowing one tree to be removed every three years without a permit), does it give the wrong message about the value of trees?
- A.** *Some residents believe that a well-landscaped property does not require trees in order to be pleasant in appearance (e.g. English gardens). The recommended allowance for a gradual removal of trees helps to provide a balanced approach for the varying needs of residents.*
10. **Q.** Why aren't large trees being specifically protected? These provide character to West Vancouver!
- A.** *All trees help contribute to neighbourhood character. Protection just for large trees (such as those that are 30 inches (75 centimetres) in diameter in the Interim Bylaw) wasn't identified in the consultation process as a particularly suitable strategy for West Vancouver, where residents' concerns with views, sunlight and safety are often specifically associated with large, very fast growing trees such as Red Cedar, Western Hemlock and Douglas Fir. When growing on open lots outside of their natural forest context, these tree species can grow very large quite quickly, posing a greater safety risk and contributing more to blocking views and sunlight than other trees, especially if they've developed multiple crowns from previously being "topped".*

EXEMPTIONS:

11. Q. Why are residents being allowed to remove one tree every three years without a permit, even below the minimum number of trees normally required?

A. *There are certain situations where residents may not already have, or be able to accommodate the number of trees recommended for a given lot size. This could include lot characteristics (unsuitably steep/rocky terrain) or specific gardening preferences (for example open, English gardens). This exemption gives residents flexibility and autonomy to manage their own trees without a permit requirement in those situations.*

*This should be considered in the context that prior to 2016 there was no Tree Bylaw governing tree removal **at all** in West Vancouver, and that the Interim Tree Bylaw in place since July 2016 has no minimum tree retention requirements (or protection for trees under 30 inches or 75 centimetres in diameter). Despite this historic lack of tree protection, the largest group of residents surveyed felt that current tree canopy levels are “about right”. Large scale tree canopy loss or “clear cutting” on non-development lots was not identified as a significant concern by residents, whereas residents did express a strong desire to be able to manage their own trees without municipal interference, as in the past. The working group felt that this exemption satisfies the needs of residents, while providing a safeguard against future “clear cutting” on non-development lots, if or when that ever becomes a problem.*

DEVELOPMENT LOTS:

12. Q. Why are trees being protected on all lots? The problem is with development lots.

A. *The recommendation to protect trees on all lots was made as a possible safeguard against bulk removal of trees (i.e. “clear-cutting”) on single family lots **not** under development. This was based on a working group concern that large scale tree removal might also occur on non-development lots if left largely unregulated.*

13. Q. Why do development lots only have the same tree density requirements as non-developing lots?

A. *The working group felt that the responsibility of preserving tree canopy should be shared equally, without disproportionate requirements being placed on any particular group of residents.*

14. Q. I am redeveloping my lot. What trees am I mandated to preserve?

A. *It is anticipated that residents redeveloping their lots will retain trees that do not impact the building envelope. It is recommended that single family lots under a new or redevelopment permit should be required to have a landscape plan including a minimum number of trees. If existing trees cannot be retained to meet the requirements, new/replacement trees of a specified size (based on species) should be required as part of the landscape plan. Retaining some existing trees can reduce the potential costs of replacement trees.*

FAQ

The Interim Tree Bylaw Working Group's recommendations for a proposed Tree Bylaw

- 15. Q.** I am planning on redeveloping my lot, but have a huge Douglas fir straddling the lot line with my neighbour. The tree roots reach 16 feet (5 metres) into my lot, encroaching on my desired foundation for my new home. How should I proceed?
- A.** *The bylaw recommendations include the protection of root systems of trees on neighbouring public or private lands during development. The extent of protection required would be determined as part of the planning and permitting process, but would not typically take precedence over a proposed building envelope.*
- 16. Q.** If building, how do I find out where my property lines and principal building envelope are?
- A.** These can be established by a professional surveyor. Contact one of the many companies that provide this service.
- 17. Q.** What is a principal dwelling envelope?
- A.** *It's the area on a lot that a house can be built. It is calculated by applying the required setbacks to a lot as per the Zoning Bylaw. Requirements may vary due to lot configuration, watercourses on or adjacent to the lot or the presence of covenants, easements or right-of-ways registered against the property. The Zoning Bylaw must always be consulted for exact interpretation and additional information.*

PERMITS AND REPORTING:

- 18. Q.** If permits aren't required for cutting some trees, how do we know that the trees are being cut legally?
- A.** *Most tree bylaws have permit exemptions for certain sizes, numbers or classes of trees. Similarly, our recommendations also require residents to be informed as to when permits are required, and how to obtain them. There is also a recommendation that the municipality provide a web-based reporting site that will include a list of upcoming tree work, both permitted and permit-exempt. This will provide information about planned tree work and details of the permit terms or the type of exemption, to encourage compliance through transparency.*
- 19. Q.** How can I determine if the tree-cutting my neighbour is doing legal?
- A.** *There is a recommendation that the municipality provide a web-based reporting site that will include a public list of upcoming tree work, both permitted and permit-exempt. This would provide information about planned tree work and details of the permit terms or the permit exemption, to encourage compliance through transparency.*
- 20. Q.** I don't own a computer. How can I self-report a tree I want to remove?
- A.** *If you are unable to report planned tree removal using a proposed online system, it is proposed that municipal staff would assist you with meeting reporting requirements.*

FAQ

The Interim Tree Bylaw Working Group's recommendations for a proposed Tree Bylaw

21. Q. What can I do if my neighbour is illegally cutting trees?

A. *Any concerns about compliance would be directed to the District's Bylaw & Licensing Services Department.*

22. Q. How will this bylaw be enforced?

A. *As with all District bylaws, Bylaw Services officers would work with staff, residents and property owners to identify and investigate potential violations of the bylaw. If violations are found, fines will be levied.*

REPLACEMENT TREES:

23. Q. Why aren't replacement trees required for all trees removed?

A. *The working group felt that the responsibility of preserving tree canopy should be shared equally, without disproportionate requirements being placed on any particular group of residents (for example residents already having a higher than required number of trees on their lot).*

24. Q. When replacement trees are required, why is the ratio only 1:1? It should be higher.

A. *With a proposed bylaw based on preserving a certain number of trees per lot size (as opposed to protecting specific trees based on diameter), replacement ratios reflect only the pre-existing number of trees and do not align well with an overall goal of maintaining a certain number of trees based on lot size.*

25. Q. Can I still plant native West Coast trees like Cedar and Douglas fir?

A. *Yes. There would be no restrictions on tree species, only recommendations to select appropriate species, taking into account factors like mature height, views, sunlight etc.*

26. Q. Can I still plant trees like flowering cherry even if they aren't native?

A. *Yes. There would be no restrictions on tree species, only recommendations to select appropriate species, taking into account factors like mature height, views, sunlight etc.*

27. Q. How can I find out about the best trees to plant that require little water?

A. *There is a recommendation that the municipality update its Tree Book and website resources to provide specific recommendations for selecting trees that are best suited to various site conditions, maximum mature height, slope suitability, drainage and water requirements, etc.*

HAZARDOUS TREES:

28. Q. What can I do if my neighbour won't take care of a dangerous tree?

A. *Trees posing a safety hazard will continue to be an issue to be resolved between neighbours. If a resolution cannot be reached, the affected neighbour may need to bring the issue to court.*

FAQ

The Interim Tree Bylaw Working Group's recommendations for a proposed Tree Bylaw

- 29. Q.** What can I do if the District won't take care of a dangerous tree?
A. *For trees posing a safety hazard on municipal lands, the regular process is to contact the municipal arborist so that the tree can be assessed. DWV does not assess trees on private property.*
- 30. Q.** How can I find out the appropriate ways to prune my large coniferous trees to reduce hazard?
A. *There is a recommendation that the municipality update its Tree Book and website resources to provide specific recommendations for pruning and tree maintenance, etc. that best promote safety and tree health.*
- 31. Q.** A tree on my lot has been declared dangerous. Who will pay for its removal?
A. *Trees on private property are the responsibility of the land owner, including tree removal.*
- 32. Q.** Even arborists sometimes misinterpret the stability of a tree. What can be done to reduce this occurrence?
A. *A second opinion from a different arborist might be helpful. Be sure that the arborist is ISA-certified, specifically to perform hazard tree assessment (Tree Risk Assessment Qualified).*

VIEWS AND SUNLIGHT:

- 33. Q.** Can I remove a large tree on my property to renew my pre-existing view?
A. *Yes, as long as you maintain the required minimum number of trees specified for your property, no permit would be required.*
- 34. Q.** Can I request that a neighbour remove a tree that is blocking my pre-existing view and sunlight?
A. *This is a matter between you and your neighbour, if both parties agree and the minimum number of trees is maintained for the lot, no permit will be required.*

HEDGES:

- 35. Q.** Why are hedges being included in this tree bylaw?
A. *Overgrown and abandoned edges were identified by residents as a significant source of problems with regard to blocking views and sunlight. A clear hedge definition and height restriction is intended to provide a basis for conflict resolution between residents.*
- 36. Q.** Can I request that a neighbour lower their hedge to 10 feet (3 metres), as it is blocking my view and sunlight? Who is responsible for the cost of lowering the hedge to the maximum 10 feet (3 metres)?
A. *Yes, the hedge height restriction is intended to provide a clear maximum height as a tool for dispute resolution between neighbours. A hedge is the responsibility of its owner, but as with tree removal, other agreements are often made between neighbours to assume or share costs.*

37. **Q.** My neighbour and I both like the 16 foot (5 metre) hedge between our properties. Do we have to lower them to 10 feet (3 metres)?
- A.** *No, the maximum hedge height restriction is intended to provide a clear basis for neighbour conflict resolution, rather than being generally enforced by municipal staff where no conflict issues exist.*
38. **Q.** Why aren't the hedge height restrictions the same as fence height restrictions?
- A.** *A maximum height of **10 feet (3 metres)** is being recommended to accommodate hedges intended for privacy, while at the same time addressing problems identified by residents with overgrown and abandoned hedges blocking sunlight and views. Hedges are a common feature in West Vancouver neighbourhoods and have a different esthetic impact on neighbourhood character than fences of a similar height.*

SLOPES AND RUNOFF:

39. **Q.** What about tree removal on slopes and problems with water retention and erosion?
- A.** *Tree removal on steep terrain was identified by the working group as a concern. We are recommending that a permit be required for all tree removal on slopes greater than 35% so that any impact, and appropriate mitigation, can be addressed prior to tree removal. This aligns with the current requirement for slope stabilization on lots under development.*
40. **Q.** I am concerned that one large tree may legally be replaced by one small tree. Leaves on trees store rainfall and slow runoff. Will this lead to increased runoff?
- A.** *While there are many factors that can lead to increased runoff, the likelihood of increased runoff is typically linked to sloped properties. We are recommending that a permit be required for all tree removal on slopes greater than 35% so that any impact, and appropriate mitigation, can be addressed prior to tree removal.*
41. **Q.** Who is responsible for excess runoff when trees are removed above my property?
- A.** *The recommended requirement for a permit to remove trees on slopes greater than 35% should reduce the likelihood of excess runoff. For sloped lots over 35%, a Development Permit is required. Additionally, a Stormwater Management Plan is required for more substantial development projects and this aligns with the current requirement for slope stabilization on steep lots under development. However, should trees be removed in compliance with the recommendations and increased runoff occurs, this is a civil matter that must be resolved between property owners. If neighbours cannot resolve the issue themselves, the affected neighbour(s) may need to bring the issue to court.*
42. **Q.** If deciduous trees are used as replacement trees, what happens in the winter to slow down runoff?
- A.** *In winter, coniferous trees do reduce runoff on steep slopes compared to deciduous trees. However, there are many factors that can lead to affect runoff, such as soil type and drainage systems. We are recommending that a permit be required for all tree removal on slopes greater than 35% so that any impact, and appropriate mitigation, can be addressed prior to tree removal.*

GENERAL:

43. Q. How will deciduous trees effect canopy coverage?

A. *Canopy coverage is not statistically changed when a coniferous tree is replaced with a deciduous tree with a crown of similar size. Visually there is an obvious difference in winter. There are pros and cons to both types of trees. For example, deciduous trees allow for more light penetration in the darker winter months, but provide more shade and cooling in the brighter summer months.*

44. Q. What process do I have to follow to remove any tree during bird-nesting season?

A. *An arborist's report, or verification by the municipal arborist, confirming there are no active nests in the tree to be removed will be required. This is to assure compliance with provincial legislation.*

45. Q. How do I get a certified arborist's report?

A. *Contact one of the many companies that offer arborist services in the Lower Mainland. A professional arborist is one who is certified by the International Society of Arboriculture.*

46. Q. Where will the tree bylaw apply?

A. *It is proposed to apply to all private property in the District of West Vancouver except where a property is subject to a development permit or a heritage alteration permit.*

47. Q. Do other municipalities have a bylaw that protects trees on private property?

A. *Yes, almost all municipalities in Metro Vancouver have tree bylaws for private land*