

REPLACEMENT TREE SECURITY REQUIREMENTS



- A security of \$500 for each Replacement Tree, or \$350 for each Substitute Tree, will be required for each permit.
- The security will be refunded a minimum of six months after the date of planting of the required number of Replacement Tree(s) (or Substitute Trees) based on evidence provided by the applicant.

\$ FINES AND NON-COMPLIANCE

(See Bylaw for a full list of offenses)

CUT, REMOVE, OR MOVE A PROTECTED TREE WITHOUT A VALID PERMIT:	\$375
CUT OR REMOVE A SIGNIFICANT TREE WITHOUT AUTHORIZATION:	\$1,000
FAILURE TO PLANT AND MAINTAIN A REPLACEMENT TREE:	\$500
FAILURE TO CEASE TREE CUTTING OR REMOVAL ACTIVITIES AFTER A NOTICE OF NON-COMPLIANCE IS ISSUED:	\$500
OBSTRUCTION OF THE DIRECTOR OR OFFICER:	\$1,000

FAQ

My neighbour has a tree that is encroaching on my property and I would like them to trim it back. Can the City make them maintain their tree?

The City is unable to be involved in a private matter unless it is a hazardous tree. You may trim the tree back to your property line as long as it does not have an adverse impact on the long-term health or stability of the tree. This work should be done by a Certified Arborist.



DEFINITIONS

Protected Tree species refers to any of the following:

a) The following tree species 2.0 m (6.5 ft) or more in height, or 7 cm (3 in) in diameter or more when measured 15 cm (6 in) above natural grade:

- **ARBUTUS**
- **GARRY OAK**
- **PACIFIC DOGWOOD**
- **PACIFIC YEWE**

b) The following tree species with a DBH* of 20 cm (8 in) or more:

- **DOUGLAS FIR**
- **GRAND FIR**
- **BIG LEAF MAPLE**
- **WESTERN RED CEDAR**

c) Any tree with a DBH* that is 30 cm (12 in) or more.

d) Any Replacement Tree.

e) Any tree located within an environmental or Hazard Development Permit Area in the City of Duncan Official Community Plan.

f) Any tree planted or retained as a requirement of a subdivision application, development permit or building permit.

g) Any "Significant Tree"

**DBH refers to "diameter breast height" which means the diameter of the trunk of a tree measured at a point 1.4 meters above the natural grade.*

"Significant Tree" means a tree of significant size, species or heritage value as designated by Council, listed in the Tree Protection Bylaw.



THE TREE PROTECTION BYLAW WAS AMENDED BY COUNCIL IN 2021 TO FURTHER PROTECT DUNCAN'S URBAN FOREST.

Trees on private land compose a significant percentage of the City's overall tree canopy. The purpose of the amended bylaw is to regulate the removal of private trees and to grow the tree canopy within the City. A permit is required for the removal of all Protected and Significant Trees in the City of Duncan. Replacement Tree requirements also apply.

This guide provides key information on the application process, applicable fees and fines for non-compliance.

City of Duncan

TREE PROTECTION BYLAW GUIDE



TREE PROTECTION BYLAW GUIDE

P: 250 746 6126 e: duncan@duncan.ca

November, 2021



DUNCAN

PERMISSIBLE REASONS FOR REMOVING A PROTECTED TREE



One or more of the following categories must be satisfied in order to receive approval for the removal of a Protected Tree

- HAZARD TREE:** the tree is dead, damaged, diseased, or in decline beyond expectation of recovery.
- INFRASTRUCTURE RISK:** the tree is causing structure or infrastructure interference or risk and this cannot be reduced or removed through any other reasonable solution other than the removal of the protected tree as determined by the Director or a qualified professional engineer.

3. CONSTRUCTION: the removal of the tree is required for the construction or installation of a driveway, roads, or services, required off-street parking area, below ground service line, or an above ground utility corridor.

4. BUILDING FOOTPRINT: the tree is located within the footprint of a proposed building or structure, underground service, driveway, or off-street parking area that would be permitted under the Land Use Bylaw.

5. FOUNDATION RISK: the tree is situated within two (2) meters of a lawfully constructed building foundation wall.

6. INAPPROPRIATE TREE SPECIES: where the Director is satisfied that preservation of the tree will not meet the objectives of this Bylaw or the Urban Forest Strategy due to inappropriate siting or species selection.

The Director may require an Arborist Report to satisfy any of these requirements



REPLACEMENT TREES & SUBSTITUTE TREES

All Protected Trees that are removed will require Replacement Trees or Substitute Trees re planted

- Replacement Trees must be of a species that will grow to 30 cm DBH or greater at maturity.
- Replacement Trees are required at a ratio of 2:1 for each Protected Tree removed, up to the Tree Density Target on your property.
- Alternatively, Substitute Trees can be planted instead of Replacement Trees, and these are smaller tree species (eg. ornamental / fruit trees). Substitute Trees are required at a ratio of 3:1 for each Protected Tree removed (and the Tree Density Target does not apply).

FAQ

Can I plant Replacement Trees somewhere other than on my lot?

If it is determined that the required Replacement Tree(s) cannot be planted on your property, the Director can approve the planting of a replacement tree on City property instead. In this case, you must submit a rationale and specific property conditions. If you cannot plant the replacement tree yourself, a fee of \$500 will be required for the City to plant the replacement tree on your behalf.

WHAT IS THE TREE DENSITY TARGET?

The Tree Density Target measures the number of Protected Trees on a property and sets a target to achieve.

The formula is 50 Protected Trees per Hectare which works out to 3 or 4 Protected Trees on a standard residential property.

PROPERTY SIZE 500 - 699 M² = 3 PROTECTED TREES (TARGET)

PROPERTY SIZE 700 - 899 M² = 4 PROTECTED TREES (TARGET)

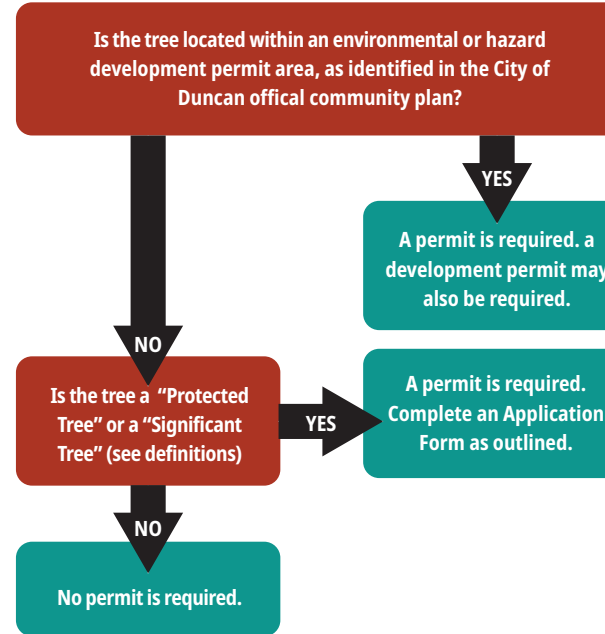
The number of Protected Trees counted on a property includes existing trees that are retained, (ie. not being removed).

FAQ

When does the Tree Density Target apply?

The Tree Density Target only applies when a property owner applies for removal of a Protected Tree. It is only used for calculating how many Replacement Trees will be required. The Tree Density Target does not require any action from existing properties unless you are applying to have a Protected Tree removed from the property.

WHEN IS A TREE REMOVAL PERMIT REQUIRED?



PERMIT APPLICATION PROCESS

- The permit application form is available on the City's website or from City Hall.
- Bring the completed permit application to City Hall and pay the applicable fees.
- The Director of Public Works and Engineering will then review the application. This may require a visit to the property identified in the application. The Director may also require an Arborist Report to support the application.
- The Director will determine the issuance of the permit and any accompanying conditions of the permit.



PERMIT APPLICATION FEES

APPLICATION FEE FOR A PERMIT TO CUT OR REMOVE A PROTECTED TREE:	\$50
<i>NOTE: No fee for removal of a Hazard Tree</i>	
APPLICATION FEE FOR A PERMIT TO CUT A SIGNIFICANT TREE:	\$100
AMENDMENT TO A TREE CUTTING PERMIT:	\$25
REPLACEMENT TREE FEE (IF NOT PLANTED ON APPLICANT'S PROPERTY):	\$500

REQUIRED DOCUMENTS TO APPLY FOR A PERMIT*

- A statement of purpose for the proposed tree cutting and removal;
- A tree cutting and tree replacement plan drawn to approximate scale;
- The street location and legal description;
- Consent in writing of the registered owner of the property, if different from the applicant, authorizing the applicant to act as the owner's agent;
- Methods proposed for control of drainage and erosion impacts during and after the tree cutting or removal;
- The proposed methods for disposal of woodwaste and other debris;
- The proposed methods of noise and dust control during the tree cutting or removal operation;
- The proposed completion dates for tree cutting or removal.

**For the full list of required documents, please refer to Tree Protection Bylaw available on the City of Duncan Website (www.duncan.ca) > City Hall > Bylaws.*

EXEMPTIONS FROM REQUIRED PERMITS**

- If the application is to remove a hazard tree which has been severely damaged by natural causes and poses an imminent danger of falling and injuring persons or property.
- If a Development Permit and/or Rezoning has been approved which addresses the removal of the Protected Tree.
- The Protected Tree cutting or removal is located within the building envelope of a parcel and the cutting or removal of the Protected Tree is necessary for the purpose of lawfully constructing a building or accessory building.

***See Tree Protection Bylaw for more information on exemptions*