

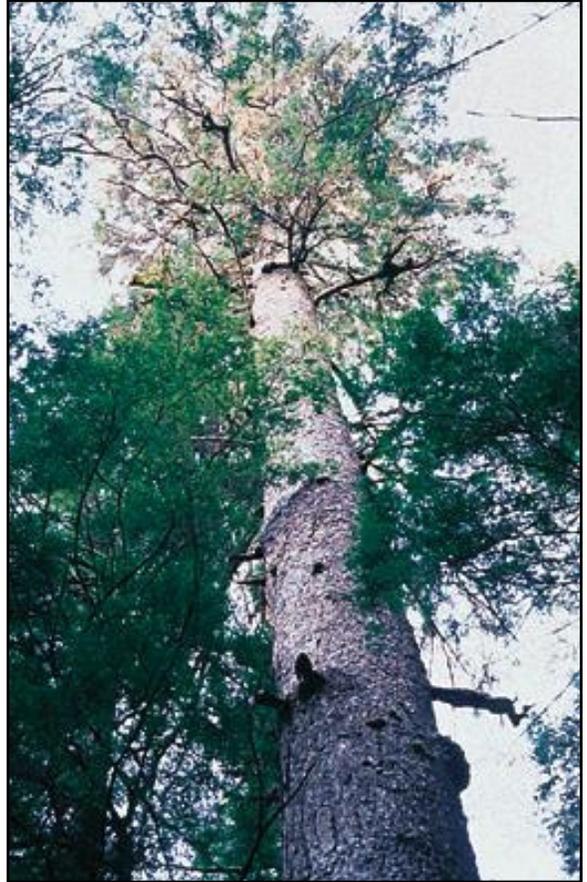
DEVELOPMENT TREE PROTECTION

As part of the Subdivision and Development Servicing Bylaw 2019 No. 5382, Schedule I - Tree Protection is designed to encourage retention of significant trees on development sites.

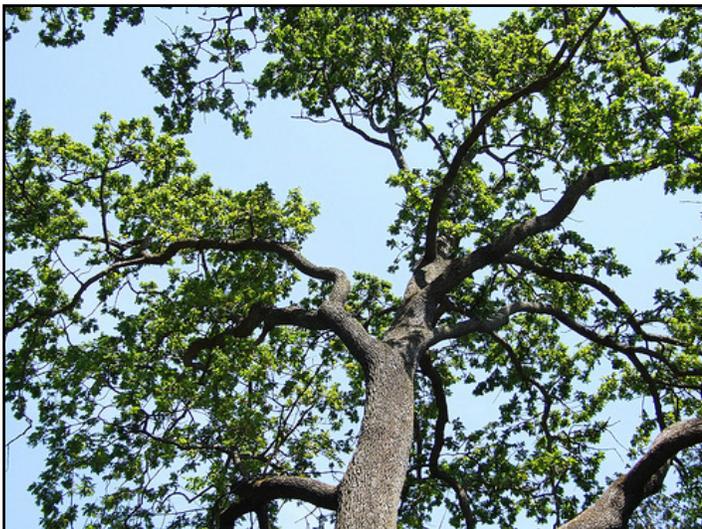
Pursuant to the Bylaw, applicants are required to identify and assess existing trees early in the development process.

Tools such as Tree Surveys, Tree Evaluation Reports, Integrated Site Design Concept (ISDC) Plans, and Tree Summary Schedules ensure that tree protection and replacement are key considerations of development design, rather than afterthoughts. Schedule I - Tree Protection requires replacement tree planting on all new development sites to ensure that trees continue to be a long-term local asset.

For the full tree protection requirements pertaining to development, please refer to the Subdivision and Development Servicing Bylaw 2019 No. 5382, Schedule I - Tree Protection, found online at tol.ca/development, under the Bylaws tab.



The Development Tree Protection Requirements Apply:



- **At time of submission of a development** application (i.e. rezoning, subdivision and development permit);
- To **all** land use types (residential, commercial, industrial, institutional, and comprehensive development);
- To all new development sites **not** located in the Agricultural Land Reserve (ALR);
- To **significant** trees as defined by the Subdivision and Development Servicing Bylaw 2019 No. 5382, Schedule I - Tree Protection; and
- To environmental conservation areas identified and protected through the development process.

Significant Trees

As defined in the Subdivision and Development Servicing Bylaw 2019 No. 5382 Schedule I - Tree Protection, Significant Trees are:

- a) all trees:
 - i. with a trunk diameter equal to or greater than 30 cm (12 inches) measured 1.4 meters above the highest point of the natural grade of the ground measured from the base of the tree, and
 - ii. determined by a Landscape Architect or Arborist to be in “excellent” or “good” condition, pursuant to Table 4.1 of the Guide for Plant Appraisal (10th edition), as may be amended from time to time
- b) the following trees over 3 m / 10’ height:

Arbutus, Garry Oak, Pacific Yew, all Pine, Western Red Cedar, Douglas Fir and Grand Fir, Pacific Dogwood; Redwood and Sequoia, Maidenhair and Monkey Puzzle or other non-native trees;
- c) all ‘heritage’ trees designated by Council or identified in the Langley Heritage Listing;
- d) alders, birch, big leaf maple and hemlock over 3 m / 10’ height in designated greenways;
- e) Significant Trees outside of the Developable Area must be identified and evaluated but are not eligible for credit against tree replacement requirements.



Site Clearing

Site clearing is not permitted until final approval of the proposed development is granted by Council (or in some cases the Approving Officer). Final approval means final reading of a rezoning bylaw by Council, issuance of a Development Permit by Council or final subdivision approval by the Approving Officer. An ESC permit and approved ESC plan must also be in place prior to any site clearing.

Proponents who begin clearing a site or removing trees prior to final approval of the development may face penalties under the Bylaw, including fines and/or denial or deferral of the application by Council. Trees should never be cleared in environmental areas protected by restrictive covenant.

Site clearing is generally not permitted between March and August as per the Provincial Wildlife Act and International Migratory Bird Convention Act. Clearing during this period requires specific approval from the Provincial Ministry of Environment (MOE) or Federal Department of Fisheries and Oceans Canada (DFO). Often this approval will require preparation of a raptor, heron and songbird survey documenting that NO nesting activity is present, to the acceptance of MOE and DFO. The Township of Langley does not administer this process. Contact the Ministry of Environment at 250.387.1161 or the Department of Fisheries and Oceans (Canada) at 613.990.1866 for more information.

Replacement Trees

All development sites are required to plant thirty (30) replacement trees per developable acre. A credit of 3 trees will be given for each significant tree retained on a development site.

$$\frac{\text{gross developable acres} \times 30}{\text{\# of significant trees retained} \times 3} = \text{\# of required replacement trees}$$

50% of replacement trees must be native conifers. Replacement trees do not include required street trees or trees in parks, greenways or environmental protection areas.

Development Application Process

The Subdivision and Development Servicing Bylaw 2019 No. 5382 mandates that specific tree protection information be provided by developers in support of land development proposals. Outlined below is a summary of the Development Application Process in relation to applicable tree requirements.

Submitting an Application

Before an application will be accepted by Township staff, the appropriate application information must be submitted. A list of Development Application Submission Requirements is available in checklist format online at tol.ca/development, or from the Development Services counter. It lists the information required for each type of application. Summarized below are the application requirements specifically related to the Tree Protection Bylaw.

Tree Survey

- A legible hardcopy drawing of the development application site at 1:500 (or suitable) scale prepared and sealed by a registered BC Land Surveyor showing the surveyed locations of all significant trees on the development site.
- Significant trees must be labeled with their tag number, spot elevation at the base of the tree, and common and scientific names.
- Background information to be shown on the tree survey includes all existing lot lines, rights of way, easements, watercourses, top of bank, and restrictive covenant areas.

Tree Evaluation Report

- A tree evaluation report must be prepared by an arborist or landscape architect.
- Significant trees are to be identified by their tag number, described in detail and assessed for overall health.
- Recommendations are made by the arborist as to the suitability of each tree for retention. Discussion should include feasible changes to the preliminary development concept to support tree retention.

Integrated Site Design Concept (ISDC)

- An integrated site design concept is a plan prepared and signed by the professional development team intended to integrate Significant Trees deemed suitable for retention into an applicant's preliminary site development plan.
- Detailed information on ISDC requirements and their approval process is available online at tol.ca/development or from the Development Services counter.

Tree Summary Schedule

- Attached to the Schedule I - Tree Protection is Appendix C - Tree Summary Schedule. It is to be completed by an arborist or landscape architect to summarize the tree survey, evaluation, retention, replacement and protection data for review by Green Infrastructure Services staff.

Applications Resulting in 5 or Fewer Lots or Units

For a development application resulting in 5 or fewer residential lots or units, a simplified application process has been created. Where applicable, applicants are required to comply with "Schedule I, Appendix D - Tree Management Plan for Residential Developments of 5 or Less Residential Units or Lots" of Subdivision and Development Servicing Bylaw 2019 No. 5382.



Processing the Application

Township Staff will review all materials submitted in support of the development application. When all requirements have been satisfactorily addressed, staff will prepare a report to Council summarizing the development project. This report will include recommendations to Council based on the following:

- Efforts the applicant has made to comply with the Tree Protection Requirements, including if the site has been prematurely cleared, qualified consultants engaged, and whether appropriate submissions have been made by the applicant
- Total number of significant trees onsite before development
- Total number of retained trees
- Total number of replacement trees
- Whether the applicant has complied with the Tree Protection Requirements.



Staff may also report to Council any amendments or additions they recommend as a condition of the application approval.

Final Approval of the Application

Each application type varies in specific submission requirements (refer to checklist) but in general, the following items must be submitted for review and acceptance by the Manager of Green Infrastructure Services:

- A Tree Protection Plan in accordance with Schedule I - Appendix A or D;
- A Tree Replacement Plan in accordance with Schedule I - Appendix B;
- A Final Landscape Plan;
- Security acceptable to the Manager of Green Infrastructure Services assuring the successful completion of all tree retention, protection and replacement works.
- Written confirmation from the arborist or landscape architect that they have been engaged to be responsible for the implementation of the tree retention, protection and replacement works.



With Green Infrastructure Services' review and acceptance of these submissions, the associated approvals may be granted (i.e. fourth/final reading by Council, issuance of a development permit, or approval by the Approving Officer)

Monitoring

After an application is approved, the applicant may proceed with a pre-construction meeting, site clearing, construction, and installation. Throughout these stages of development, an arborist or landscape architect is required to ensure that protective fencing is installed and maintained around retained trees. The certified professional must also conduct regular site visits with monthly reports submitted to Green Infrastructure Services to ensure that all retained and installed trees are maintained within accepted arboricultural practices and that commitments made through the development approval process are executed.



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Dispute Resolution

If an application is NOT accepted by the Manger of Green Infrastructure Services, the applicant may appeal to Council by submitting a Development Variance Permit application.