

## SUNSHINE COAST REGIONAL DISTRICT

### BYLAW NO. 350, 1991

Consolidated for Convenience Only to incorporate amending Bylaw 350.1 through Bylaw 350.9. Subsequent to the adoption of Bylaw 350 and its amendments, as subdivisions occur, the underlying cadastral mapping is updated to facilitate interpretation.

A bylaw to provide for the application, approval, suspension or denial of Tree Cutting Permits in designated areas in the Sunshine Coast Regional District pursuant to Section 978 of the Municipal Act.

---

The Sunshine Coast Regional District having observed the relevant provisions of the Municipal Act, enacts the following:

#### PART A -TITLE

1. This Bylaw may be cited as the "*Sunshine Coast Regional District Tree Cutting Permit Bylaw No. 350, 1991*".

#### PART B - DEFINITIONS

2. In this Bylaw:

"Board" means the Board of the Sunshine Coast Regional District.

"Cutting" or "Cut" means the cutting down, knocking down, or cutting so as to cause the destruction of any tree.

"Qualified person" means a professional engineer with experience in geotechnical engineering or hydrology, geoscientist, registered professional forester, or an International Society of Arboriculture (ISA) Certified Arborist.

"Regional District" means Sunshine Coast Regional District or the geographical area within the boundaries of the Regional District, as the context may require.

"Tree" means any woody plant which is 3 metres (9.84 ft.) or more in height, including any which have been reduced in height to less than 3 metres (9.84 ft.) as a result of topping, having one or more self supporting trunks and including the roots, branches, trunk, crown or any part of the tree.

## PART C

### 3. APPLICABILITY

- (1) All lands as generally shown on Schedule A and Appendix 1 which are attached to and form part of this bylaw may be subject to flooding, erosion, avalanche or land slip and are designated as "Tree Cutting Permit Area A" and "Tree Cutting Permit Area B", with the exact location of such lands to be established by field definition of the crest of the beach-front, high water mark of streams or other watercourses, crest of ravine slope or creek-eroded slope through survey or professional field assessment as described in the Guidelines for Development Permit Areas in the Official Community Plans for Elphinstone (Bylaw 297); Roberts Creek (Bylaw 375); Halfmoon Bay (Bylaw 325) and West Howe Sound (Bylaw 304).

Designating those lands within Roberts Creek Electoral Area D which are generally shown on Appendix 1 which is attached to and forms part of this bylaw as "Tree Cutting Permit Area A" and "Tree Cutting Permit Area B".

- (2) Unless exempted from a permit by this bylaw, no person shall cut or cause, permit or allow the cutting of:
  - a. a tree within "Tree Cutting Permit Area A"; or
  - b. more than three trees per parcel per calendar year, or where a parcel is larger than one hectare, more than three trees per hectare per calendar year within "Tree Cutting Permit Area B"

without first obtaining a tree cutting permit subsequent to making an application pursuant to "Planning & Development Procedures and Fees Bylaw No. 522, 2003."

### 4. PERMITS

- (1) The Regional District may require an applicant for a Permit to provide, at the applicant's expense, a report by a qualified person certifying that the proposed cutting of trees will not create a danger from flooding or erosion and such report may also be required to certify any terms and conditions under which the proposed tree cutting may take place.

5. ENFORCEMENT

- (1) The Secretary or Planning Director, being officers, or the Planner, Chief Building Inspector, Building Inspector, Bylaw Enforcement Officer or other persons so designated by resolution, being hereby designated to act in place of the Secretary or Planning Director for the purposes of this section, are authorized at all reasonable times to enter on property that is subject to regulation under this bylaw to ascertain whether the regulations or directions under this bylaw are being observed.
- (2) The Secretary, Planning Director, or Bylaw Enforcement Officer may suspend work carried out under any Tree Cutting Permit if the tree cutting is not being undertaken in accordance with the terms and conditions of the Permit.

6. EXCEPTION

- (1) No permit shall be required where the tree cutting involves:
  - (a) the Regional District and other levels of governments, their employees or their agents when cutting is done in connection with their duties;
  - (b) cutting or management of trees undertaken under conditions specified in a geotechnical report accepted by the Sunshine Coast Regional District in conjunction with a building permit or subdivision;
  - (c) cutting of trees on any lands that are:
    - (i) classified as managed forest land under the Assessment Act, or
    - (ii) located within a licence area under the Forest Act;so long as the land continues to be used only for that purpose;
  - (d) the removal of dead or damaged trees that are determined to be dead or damaged by a qualified person provided that:
    - (i) any damage resulted from non-human causes, such as a storm or landslide;
    - (ii) such trees pose an immediate hazard to living accommodations or other lawfully constructed structures; and
    - (iii) the removal is accomplished through the use of standard forestry practices and techniques.

- (e) the removal of non-indigenous trees, unless such trees are required to be maintained as a condition of a geotechnical report, required in the issuance of a permit hereunder, a development permit, a building permit or the approval of a subdivision.
- (2) No permit is required under this bylaw where tree cutting is authorized by a development permit involving a riparian protection area or a geotechnical hazard area.

## 7. PENALTY

Every person who violates any provision of this bylaw or who suffers or permits any act or thing to be done in violation of any provision of this bylaw, or who neglects to do or refrains from doing anything required to be done by any provision of this bylaw shall be deemed to have committed an offence and upon summary conviction therefore, shall be liable for both:

- (a) the cost of restoring all vegetation: and
  - (b) the penalties provided by the Offence Act R.S.B.C. 1979, c. 305 and the amount of any unpaid permit fee.
- The cutting down of each tree shall be deemed to constitute a separate offence.

## 8. SEVERABILITY

If any Section or portion of this bylaw is held to be invalid by a Court of competent jurisdiction, such invalid Section or portion shall be severed and such invalidity shall not affect the remainder of this bylaw.

"SCHEDULE B"

PERMIT FOR TREE CUTTING  
WITHIN DESIGNATED TREE CUTTING PERMIT AREAS

TREE CUTTING PERMIT NO. \_\_\_\_\_

This Tree Cutting Permit is hereby issued by the Board of the Sunshine Coast Regional District to:

\_\_\_\_\_  
(name of owner - individual or company - the Permittee)

for tree cutting on \_\_\_\_\_

\_\_\_\_\_  
(legal description)

pursuant to the provisions of the Sunshine Coast Regional District Tree Cutting Permit Bylaw No. 350, 1991, subject to:

1. Tree cutting being undertaken strictly in accordance with the terms and conditions of this permit and any plans and specifications being attached hereto as part of this permit.
2. The Permittee pursuant to Sections 980(2) and (3) of the Local Government Act depositing the required security and giving permission to the Bylaw Enforcement Officer or other persons designated by Section 5(1) of Bylaw 350 to enter the subject properties when necessary.

WHEN JOB IS COMPLETED, BYLAW ENFORCEMENT OR PLANNING (885-2261) IS TO BE ADVISED.

THIS PERMIT EXPIRES ON \_\_\_\_\_  
(Date)

\_\_\_\_\_  
CHAIRMAN

\_\_\_\_\_  
SECRETARY

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2001