

PRELIMINARY DRAFTS OF THE TREE MANAGEMENT BYLAW AND SOILS MANAGEMENT BYLAW

Engagement and Feedback Summary Report

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EXECUTIVE SUMMARY

This report summarizes the engagement input received from May to July 2017 on the drafts of the proposed Tree Management Bylaw (TMB) and proposed Soils Management Bylaw (SMB). The objectives of the bylaws are to protect and maintain the integrity of green infrastructure and sensitive ecosystems, and prevent their degradation through the regulation of activities which may impact them. The comprehensive engagement process included a Public Open House and Workshop, an online survey, and a Stakeholder Focus Session. The objective of the engagement process was to seek input from stakeholders and the public on the preliminary drafts of the bylaws and use the feedback to further refine the proposed draft bylaws before presenting them to Council for approval. Each of the preliminary drafts were divided across six themes for comment.

The following sets out the main points we heard the most often from all the input:

Overall general comments: Many comments focused on the benefit of the bylaws for the future sustainable development of the community. Overall there were fewer respondents against than in favour of the draft proposed bylaws.

The forestry industry specified at all engagement events the need to be informed about the details of how the two proposed bylaws would apply to their works – for example, at Site B, the Cheekeye Fan or the Squamish waterfront. Suggestion was made for exemption of the industry.

Other general comments most often heard were that the Bylaws should apply to District works, the excessive burden of the Bylaws on residential homeowners (regardless of lot size), and a real concern that the impact of the Bylaws will be to incentivize illegal activities.

Input on specific theme areas: Many comments were received on the following theme areas which are organized into sub-themes and example bullet points.

Expanded Scope and Exemptions

Many positive comments were received on this theme of the preliminary draft bylaw.

Proposed draft Tree Management Bylaw: Respondents liked the inclusion of Significant Trees (>80 cm) and tree replacement requirements; that Significant Trees are clearly defined; and that exemptions do not apply to Significant Trees.

Proposed draft Soils Management Bylaw: The most positive comments received on this theme of the proposed draft Soils Management Bylaw was that the bylaw will help address the need to improve the management of erosion / sediment control.

General comments suggesting improvements to either bylaws theme included:

Interpretation/ education/ communications: Need homeowner education for smaller lots who would be exempt; Create visuals/ scenarios to help with interpretation of the bylaws; Further clarify the exemptions to the exemptions.

Exemptions: Do not allow exemptions to apply to RAR and ESAs or bird nesting season; Exempt industrial activities; Move away from case-by-case review/application of the bylaws (s. 4.2(a)) and provide clear criteria for exemptions.

Do not sterilize greenfield: Consider future growth and growth management principles and not sterilize greenfield from development.

Fee Structure

Many comments received relating to the Fee Structure were about the bylaws being “a standard practice” and words like “reasonable, conservative and realistic” were used. Key sub-themes and points are as follows:

Concern with unintended incentivizing clearing: Be wary of loopholes leading to more tree cutting. Concern with people who will find ways to circumvent the bylaw. The bylaws may have the effect of encouraging more trees to be taken down. Specifically seek to disincentivize clearing of greenfield areas.

Encourage retention of Significant Trees / Greenways: Charge more fees for Significant Trees to encourage retention; Bylaws fees are an incentive for larger developments to retain greenways.

Fees are onerous: Fees are like DCCs; the costs will be borne by the end purchaser; consequent concern with making homes more unaffordable; General concerns with cost recovery and being taxed; Quantify / estimate figures and limit to fees; For small residential jobs, consider stepped approach based on scope of tree clearing.

Background context has changed: 5 year old background research may not be as relevant to today’s construction boom.

Meeting Flood Construction Level requirements: Challenge exists to meet FCL requirements; The 200,000m³ cap is not high when looking at 2100 FCL requirements.

Other permit /processes exist: Road damage can be addressed through current project process.

Tree Replacement

The Tree Replacement theme obtained the most comments from the engagement process. Many respondents provided positive feedback on this aspect of the bylaws, such as: “Finally! Good to see some type of replacement structure.” “Forces awareness of trees on private property.” “Helps maintain tree cover.”

The most repeated comments for improvements to the bylaws were as follows:

Need a preservation / conservation focus: Consider conservation values and objectives to drive the Bylaws. Whether as part of or outside of the Bylaws, protect viable greenfield / forested habitat or

small treed areas. This creates clarity on where developable areas are possible. Clarify rational/objectives to tie into policy.

Set tree target/figures: Set / use target figure for tree density (not ratios) within a municipality. Design a carbon footprint for tree removal. If ratio used: Require fewer number of trees per hectare.

Consider adjustments to height, sizing and setback figures. Concern was noted about height and size of tree replacement requirements such as: 6m high replacement tree for Significant Tree may be impractical for a small family lot, i.e. back yard. The 7 cm size is way too large for large scale replacement (7.3.1 (c)). Spacing from drip line is very large: 2.5m from dripline spacing requirement is very large does and not allow for under planting.

Consider tree types and timelines: Consider appropriate types and species of trees for replacement, suitable to area ecology for successful establishment. Planting timelines are critical. The bylaw may want to encourage the time of year to plant (i.e. avoid summer dry period).

Exemptions: Expand the definition and criteria for Significant Tree and Hazard Trees exemptions. Exemptions were suggested for scale of works; cottonwoods/alders; trees that have grown out of control.

Managing impacts: Concerns with replanting and how to address / manage for consequent creation of shade on neighbouring lots.

Unintended consequences: 6 m Significant Tree requirement is onerous / expensive and could incentivize cutting other Significant Trees.

Mapping: Inventory and map Significant Trees and Heritage Trees

Reporting/monitoring: Reporting and Tracking can be expensive/onerous – Is a QEP always needed? Who will monitor replacement trees and environmentally sensitive lands?

Use of fees / revenues: Direct the use of fees to specific municipal account. Develop a tree planting fund. Consider use of fees to purchase ESAs.

Maintenance and Bonding

Many commented that Maintenance and Bonding gives the power to the District to take action; holds people accountable, and this feature should already be mandatory.

The most repeated comments for improvements to both bylaws were as follows:

Onerous demand: Concern with increased time, increases cost, onerous demand.

Adjustments for small vs larger residences to large developments: Consider sliding scale requirements from small residential up to big developments.

Release process: Clarify monitoring and bonding release process.

Time: Clarify if an extension can be applied to a permit beyond 12 months. Maintenance for development lands: keep to 1 year.

Compliance, Management: Concern with District management of bond. At what point is landowner non-compliant and the District is able to step in?

Use of bonding fees: Collected monies should go to maintenance in public areas, Right of Ways (ROWs).

Proposed draft Tree Management Bylaw: Fee reduction conditions: Reduce bond upon planting.

Monitoring: Need to ensure plants survive once planted via monitoring and maintenance. *Protection covenants:* Put covenant in place to protect planted trees

Proposed draft Soils Management Bylaw: Fee excessive: Concern with bonding being excessive. *Other permit /process exist:* Bonding already provided with other permit mechanisms. *Timing and movement:* Preloading and timing questions (Is the bond returned once the preload is in place and stable? Exempt bond to soil movements on a site.

Enforcement

Many comments touched on enforcement such as simply the need for enforcement once the bylaws are put into force. It was seen as positive that Bylaw Officers have the power to issue tickets for violations. General suggestions for improvement to this section of both bylaws include the following themes and comments:

Violations / Non-compliance: Address repeat offenders. Must be careful about abuse of enforcement. Clarify the legality of entering private property; Clarify the collection of fees once the city enters property to do the work. Concern for illegal dumping by people to avoid the bylaws/fees.

Fee rate: Should use fines to reduce fees for honest people. Clarify fine calculation.

Conflict resolution: Describe a conflict resolution process.

Need for staffing or QEPs: Need staffing or QEPs for inspection and monitoring. Though two comments specified dislike for the need for more staffing.

1 INTRODUCTION

This report summarizes the engagement input received from May to July 2017 on the drafts of the proposed Tree Management Bylaw (TMB) and proposed Soils Management Bylaw (SMB).

Tree removal and soil movement are currently regulated under Site Alteration Bylaw No. 1886, 2005. Improving the management of trees and soils has been identified as a strategic priority in the [2015-2018 Council Strategic Plan \(2016 Update\)](#), and rewriting the Site Alteration Bylaw has been identified as a strategic action item to be completed by 2018.

The preliminary drafts of the Tree and Soils Bylaws require amendments to related District bylaws. Links to all relevant draft bylaws are noted on the District of Squamish webpage at <https://squamish.ca/yourgovernment/projects-and-initiatives/treesandsoils/>, which includes the following bylaws:

- [Preliminary Draft Tree Management Bylaw](#)
- [Preliminary Draft Soils Management Bylaw](#)
- [Companion Draft Amendment to Fees and Charges Bylaw No. 2012, 2007](#)
- [Companion Draft Amendment to Land Development Procedures Bylaw No. 2229, 2012](#)
- [Companion Draft Amendment to the Municipal Ticket Information System Bylaw No. 1832, 2004](#)

The objectives of the bylaws are to protect and maintain the integrity of green infrastructure and sensitive ecosystems, and prevent their degradation through the regulation of activities which may impact them.

The new bylaws provide an opportunity to update and improve the tools through which the District regulates trees and soils throughout the community. They also provide clear guidelines and requirements and establish a fee structure and framework to ensure adequate resourcing is in place to administer the bylaw and uphold the standards therein.

On March 7, 2017 staff presented an update to Council on the preliminary draft Tree Management Bylaw and preliminary draft Soils Management Bylaw for discussion and direction.

2 ENGAGEMENT PROCESS

A comprehensive engagement process was designed to include a Public Open House and Workshop, an online survey, and a Stakeholder Focus Session. The objective of the engagement process was to: Seek input from stakeholders and the public on the preliminary drafts of the bylaws; Take the feedback and further refine the proposed draft bylaws before presenting them to Council for approval. Overall, approximately 45 people engaged in the process and provided comments.

The Public Open House was held on June 22 2017, from 4:30 to 6pm. Four staff attended to a series of display boards outlining the process background and proposed changes to the bylaws. Approximately a dozen or so attended provided comments at this session.

The proposed changes to the bylaws were divided across six themes as follows: Scope and Exemptions, Permit Authority, Fee Structure, Tree Replacement, Maintenance and Bonding, Enforcement. Display boards on these six themes sought input on: ‘What do you like about the new changes?’ and ‘Do you have any suggestions for improvement?’ Approximately ten people attend the Open House to review the posters and provide feedback.

The workshop followed the Open House from 6:30 to 8:30 pm and was designed to enable deeper facilitated discussion of the six themed topics and discussion questions. Three people attended the workshop discussion.

The Online Survey was live June 13 to July 14 and ran for four and a half weeks. The survey was structured the same as the Display Boards, seeking input on the same questions. Ten people returned feedback on the survey.

An invitational stakeholder **Focus Group Session** was held on June 29, 2017 with 21 people in attendance representing Development, Civil, Stewardship, Quarry / Contractor and Qualified Environmental Professional (QEP) interests. Invitees were organized for balanced representation at four breakout tables. Each table reviewed all of the six themes with the same discussion questions as at the Public Open House and Survey.

3 WHAT WE HEARD

This section sets out the synthesis of the input obtained from all the engagement events: Open House, Workshop Survey responses + Emails, and Focus Group Session feedback.

Organization

The first section sets out General Themes, followed by input received on the six broad theme areas of the proposed bylaws: Scope and Exemptions; Permit Authority; Fee Structure; Tree Replacement; Maintenance and Bonding; Enforcement. In each theme section, comments are organized under the questions asked, as follows:

What do you like about the changes?

- General comments
- Comments specific to the draft proposed Trees Management Bylaw (“Trees”)
- Comments specific to the draft proposed Soils Management Bylaw (“Soil”)

Do you have suggestions for improvement?

- General comments
- Comments specific to the draft proposed Trees Management Bylaw (“Trees”)
- Comments specific to the draft proposed Soils Management Bylaw (“Soil”)

Within each question heading, comment and questions are organized into further sub-theme statements with bullet points added as examples.

Interpretation

To help synthesize the volume of input, and to help give a sense of weighting to the input: key words generally represent the numbers of individual inputs as follows:

- **Several, some, a few** means approximately 2 – 5 responses received on the topic
- **Many or most** mean more than 5 responses received on the topic

3.1 Summary

The following summarizes the comments that were received most often in the engagement process, organized by comments that addressed all themes and then by bylaw theme areas. Within each

section, the comments are sorted by key questions: What do you like and suggestions for improvement (General comments, Trees and Soils).

Comment that addressed all themes

What do you like?

Overall many positive comments were received: about the engagement process, the clarity and content of the preliminary drafts, the need for the bylaws; and the staffing/administration requirements. Forestry industry was a key sector that specifically noted its support. Many comments focused on the benefit of the bylaws for the future sustainable development of the community

General suggestions for improvement

There were some respondents who were not in favour of the bylaws and noted their dislike through each engagement event. Overall there were fewer respondents against than in favour of the draft proposed bylaws. Several respondents were not in favour of the draft proposals because they felt that the bylaws were akin to a tax. Others noted they were not in favour because they felt that trees or soils issues were already covered in the current District development process/permits.

The forestry industry specified at all engagement events the need to be informed about the details of how the two proposed bylaws would apply to their works – for example, at Site B, the Cheekeye Fan or the Squamish waterfront. Suggestion was made for exemption of the industry.

Other general comments suggesting improvements included:

- Bylaws should apply to District works.
- Concern with excessive burden on large-lot, residential homeowners.
- Concern for incentivizing illegal activities.
- Concern for increased staffing and burden on DOS.

Expanded Scope and Exemptions Theme

What do you like regarding the proposed draft Tree Management Bylaw?

Many positive comments were received on this theme of the preliminary draft bylaw, for example:

- Like the inclusion of Significant Trees (>80 cm) and tree replacement requirements.
- Like that Significant Trees are clearly defined.
- Like that exemptions do not apply to Significant Trees.

What do you like regarding the proposed draft Soils Management Bylaw?

A few positive comments were received on this theme of the preliminary draft bylaw, such as: The bylaw will help address the need to improve the management of erosion / sediment control.

General suggestions for improvement

General comments suggesting improvements to this bylaw theme included the following:

- Need homeowner education for smaller lots who would be exempt.
- Create visuals/ scenarios to help with interpretation of the bylaws.
- Further clarify the exemptions to the exemptions.
- Do not allow exemptions to apply to RAR and ESAs or bird nesting season.
- Consider future growth and growth management principles and not sterilize greenfield from development.

Suggestions regarding the exemptions included:

- Exempt industrial activities.
- Move away from case-by-case review/application of the bylaws (s. 4.2(a)) and provide clear criteria for exemptions.

Suggestions for improvement regarding the proposed draft Tree Management Bylaw

Suggestions for improvements included:

- Protect viable greenfield / forested habitat or small treed areas.
- Disincentivize clearing of greenfield areas and be wary of loopholes leading to more tree cutting.
- Redefine thresholds for exemptions.
- Use target figure for tree density within a municipality.
- Expand the definition and criteria for Significant Tree & Hazard Trees exemptions.

Exemptions were suggested for: scale of works; cottonwoods/alders; trees that have grown out of control.

Suggestions for improvement regarding the proposed draft Soils Management Bylaw

Suggestions for improvements included:

- Clarify that clean soil does not include invasive species.
- Increase the 30m3 exemption.
- Add exemption for Flood Construction Level (FCL) projects.
- Add further exemptions for a variety of soil management situations such as: removal of contaminated soils, run off, service agreement projects, landscape depots, road services projects, temporary construction pre-load (unique to Squamish).

Changes to Permit Authority

General suggestions for improvement

- Increase requirements for greenfield and Environmentally Sensitive Areas (ESAs).
- Coordinate mitigation and compensation to avoid doubled up requirements.
- Clarify sequence and timing of construction and reporting requirements.

- Ensure fair, consistent General Manager (GM) responses and require a Qualified Environmental Professional (QEP) determination.
- Make it easier for smaller residential projects to work on trees/soils projects.

Suggestions for improvement regarding the proposed draft Tree Management Bylaw

- Incorporate conservation considerations; and, increase oversight/monitoring standards for large scale clearing.

Suggestions for improvement regarding the proposed draft Soils Management Bylaw

- Reduce timing of soil exposure; 3m setback for soil deposit is not workable.

Fee Structure

What do you like?

General comments that arose in the Fee Structure theme included:

- Fee structure is a standard practice, reasonable, conservative and realistic
- An incentive for larger developments to retain greenways
- The 200,000m³ cap is not high when looking at 2100 FCL requirements.

General suggestions for improvement

- Concern with people who will find ways to circumvent the bylaw
- Fees are like DCCs; the costs will be borne by the end purchaser; consequent concern with making homes more unaffordable
- General concerns with cost recovery and being taxed
- 5 year old background research may not be as relevant to today's construction boom
- Quantify / estimate figures and limit to fees
- Road damage can be addressed through current project process
- Direct the use of fees to specific municipal account
- Consider use of fees to purchase ESAs.

Suggestions for improvement regarding the proposed draft Tree Management Bylaw

- The bylaws may have the effect of encouraging more trees to be taken down
- Charge more fees for Significant Trees to encourage retention
- For small residential jobs, consider stepped approach based on scope of tree clearing
- Challenge exists to meet FCL requirements
- Design a carbon footprint for tree removal

Suggestions for improvement regarding the proposed draft Soils Management Bylaw

- Exempt soils movement within the same development.

Tree Replacement

What do you like?

Many respondents provided positive feedback on this aspect of the bylaws, such as: Finally! Good to see some type of replacement structure; Forces awareness of trees on private property; helps maintain tree cover.

General suggestions for improvement

This theme and this sub-section obtained the most comments from the engagement process.

The most repeated comments were as follows:

- Clarify rational/ objectives to tie into policy.
- Inventory and map Significant Trees and Heritage Trees.
- Set target tree density not ratio.
- Require fewer number of trees per hectare.
- Consider adjustments to height, sizing and setback figures.
- Planting timelines are critical.
- Reporting and Tracking can be expensive/onerous – Is a QEP always needed?
- Concerns with replanting and consequent creation of shade on neighbouring lots
- Consider conservation values.
- Consider appropriate types and species of trees for replacement, suitable to area ecology for successful establishment.

Many comments and suggestions were provided about cost concerns, for example: 6 m Significant Tree requirement is onerous / expensive and could incentivize cutting other Significant Trees.

Many questions and comments arose about monitoring and protection of the replacement trees:

- Who will monitor replacement trees and environmentally sensitive lands?
- How will planted trees be protected in future? Future owners → new trees < 20cm.
- How will it be shown that replacement trees adequately mitigate the impact of the lost tree?

Use of revenues was also an important topic with suggestions as follows:

- Create specific fund for acquiring ESAs not general revenue.
- Direct funds to designated account.
- Develop a tree planting fund.
- Though some noted: Should not use revenues to purchase lands.

Maintenance and Bonding

What do you like?

General positive comments regarding maintenance and bonding included: Enables DOS to take action; hold people accountable, should already be mandatory

General suggestions for improvement

- Concern with increased time, increases cost, onerous demand.
- Clarify if an extension can be applied to a permit beyond 12 months.
- Consider sliding scale requirements from small residential up to big developments.
- Maintenance for development lands: keep to 1 year.
- Clarify monitoring and bonding release process.
- Concern with District management of bond.
- Collected monies should go to maintenance in public areas, Right of Ways (ROWs).
- At what point is landowner non-compliant and the District is able to step in?

Suggestions for improvement regarding the proposed draft Tree Management Bylaw

- Need for cross referencing sections.
- Reduce bond upon planting.
- Consider occupancy rather than bonding or fines.
- Need to ensure plants survive once planted via monitoring and maintenance.
- Put covenant in place to protect planted trees.

Suggestions for improvement regarding the proposed draft Soils Management Bylaw

- Concern with bonding being excessive.
- Bonding already provided with other permit mechanisms.
- Preloading and timing questions (Is the bond returned once the preload is in place and stable?)
- Don't apply bond to soil movements on a site.

Enforcement

What do you like?

General themes that arose from the feedback included the following:

- Need enforcement if we have bylaws.
- Good that bylaw enforcement has power to issue tickets for violations.
- Bylaws provide good and clear direction (Provides good clarity on what is allowed and what is not; and how its enforced).
- Need for more bylaw officers and more violations notifications.

General suggestions for improvement

- Address repeat offenders.
- Should use fines to reduce fees for honest people.
- Clarify fine calculation.
- Describe a conflict resolution process.

- Some noted: Reducing processing timelines will reduce non-compliance. Yet others noted: Bylaws will increase timelines and increase non-compliance.
- Need staffing or QEPs for inspection and monitoring.
- Must be careful about abuse of enforcement.
- Two comments specified dislike for the need for more staffing.

Suggestions for improvement regarding the proposed draft Tree Management Bylaw

Suggestions for improvements to this theme of the bylaw included: Clarify the legality of entering private property; Clarify the collection of fees once the city enters property to do the work.

Suggestions for improvement regarding the proposed draft Soils Management Bylaw

A key theme that arose often: concern for illegal dumping by people to avoid the bylaws/fees.

3.2 General Themes

The following set out the points raised by respondents that applied generally to the two bylaws. The comments are organized under sub-theme statements, according to the headings: What do you like about the changes? and, General suggestions for improvements.

What do you like about the changes?

Many positive comments were received noting:

- Well organized engagement process; enjoyed the dialogue and opportunity for input.
- Appreciation for the work done on these preliminary drafts; importance of working on these considerations.
- Bylaws are long overdue and taking us in the right direction, especially in regard to removal of large stands of trees.
- Many other municipalities also regulate trees and soils this way, and it's time for Squamish to do the same.
- Support for the bylaws as a legal mechanism by the District to manage and control the removal of trees and movement of soil.
- Overall the bylaw changes are clear, well crafted.
- Support additional staffing to address process backlogs.

Many comments focussed on the benefit of the bylaws for the future sustainable development of the community, noting:

- The bylaws will help fill the gap to protect key values such as the estuary, green field sites and forested habitat.
- Terms and conditions provided by district on responsibilities by landowner helps streamline environmental requirements.

Key sectors stating support of the bylaws:

The forestry industry noted their overall support of the stated objectives of the trees and soils bylaw.

General suggestions for improvement

Some overall suggestions for improvement include:

- Need to clarify rationale and objectives in the introduction to the Bylaws which can help direct bylaw clauses and linkages between clauses.

Some broader conservation concerns include:

- Several comments received emphasizing the need to take a broader ecosystem based approach to managing trees or soils movement rather than the bylaw 'per stem' approach.
- Concern for the estuary being noted as a primary priority.
- Concern for use of storm-drain pond inundating the estuary with poor quality water.
- Lack of protection on the waterfront lands due to industry, commercial zoning expansion (e.g., Dewatering at Main/3rd).

Some do not like the proposed bylaw changes:

- Several respondents noted that there is 'no shortage of trees in Squamish' and used this as a basis to disagree with the proposed bylaws.
- Several comments showed concern for any bylaws to apply to soil/tree movements on private property.
- Several respondents noted they were not in favour of the bylaws at all and made note of this in each theme and through various engagement events.
- Several responses noted existing District development process / permits and felt these already address the matters in the proposed bylaws, suggesting bylaws are not needed to achieve the themed objectives.

Forestry Industry requests to know how they are impacted by the bylaws and request exemption

Forestry industry requested being informed how the proposed bylaws may apply to them particularly in regard to land development works for Site B, Cheekeye Fan or Squamish waterfront. Suggestion is made for exemption of the industry because particular land development/management activities are required by DOS; the industry does not use District-maintained roads; and Site B in particular is part of an agreed land relocation.

Bylaws should apply to District works

Several respondents felt that the District should be subject to the bylaws and should not be allowed to be exempt, except in outstanding circumstance. The view was that the District could be setting an example for the community, and avoid being an exception to the bylaws.

Concern with excessive burden on large-lot homeowners

Many commented on the concern that the bylaws will cause undue burden on homeowners with either small or larger residential lots who seek to manage trees on their properties.

Concern for illegal activities

A concern arose that the bylaws could increase illegal cutting or attempts to circumvent the bylaw due to the costs and administrative burden of obtaining a permit.

Concern for increased staffing and burden on DOS

Some concerns were expressed that bylaw changes will require more staffing and an increased burden on the District. Mostly the view was that increased staffing will help to address back log and improve efficiencies and enable applicants to move forward with their projects.

3.3 Expanded Scope and Exemptions

The following set out the points raised by respondents that applied to this particular theme: Expanded Scope and Exemptions.

What do you like about the new changes?

Trees

Many positive comments were received on this theme of the preliminary draft of the TMB, for example:

- Like the District's will to address tree removal in the community.
- Like that the bylaw acknowledges that trees have value.
- Discourages large-scale clearing of greenfield sites and helps address rouge tree cutting.
- Like the inclusion of Significant Trees (>80 cm) and tree replacement requirements.
- Like that Significant Trees are clearly defined.
- Like that exemptions do not apply to Significant Trees.

Soils

Some positive comments were received on this theme of the preliminary draft of the SMB, for example:

- Will help address the need to improve the management of erosion / sediment control.
- Acknowledges soil movement is an important issue especially regarding regulation / management / control of the movement and spread of invasives.

Suggestions for Improvement

General

General comments suggesting improvements to this themed section of the bylaws included the following:

Need for homeowner education

One respondent felt that smaller residential lots owners who are exempt end up missing out on the opportunity to be educated on tree / soils management on their properties. Perhaps there is a way to reach out to this target audience?

Some general comments were received against the bylaws including:

- Bylaws are another form tax.
- Requirements expanding to small residential lots.
- Consequent increase in illegal dumping to avoid costs.

Creating visuals/ scenarios can help with interpretation and further clarification needed on exemptions

To help with interpretation, it was suggested that scenarios could be developed for various lot sizes. Some comments were made for the need to further clarify the “exemptions to exemptions.”

Exemptions should not apply to RAR and ESAs or bird nesting season

Several responses included that exemptions should not apply in Riparian Area Regulations, lots within Environmentally Sensitive Areas, or to activities during bird nesting season.

Exempt industrial activities

Several comments were received on need for industrial exemptions such as mining, forestry and other resources extraction licenses/operations. A question arose as to how the bylaws apply to log handling and processing companies.

Clarify criteria for exemptions and less case-by-case review/application of the bylaws

One person noted their concern with section 4.2 ‘Determining whether a parcel is exempt; a) At the discretion of the GM, a QP is required in order to determine whether a parcel is exempt from the bylaw.’

The person noted that this wording creates an environment of a case-by-case application of the bylaws.

The suggestion was for clear direction in the bylaws on the criteria for exemptions and this would reduce any opportunity for influence or favoritism.

Concern for sterilizing greenfield development; consider future growth and growth management principles

Some people were concerned with the bylaw sterilizing greenfield development. A note stated that permit exemptions should consider growth management principles and future residential neighborhoods.

Trees

Protect viable greenfield / forested habitat or small treed areas

Concern was noted for the protection of viable forested habitat and that the bylaw does not protect forested areas, greenfield sites or treed areas on smaller residential properties.

Disincentivize clearing of greenfield areas and be wary of loopholes leading to more tree cutting

Many comments were received about disincentivizing greenfield clearing. One suggestion was for responsibility for green cover to be shared among all property owners.

Several people were concerned with the proposed bylaws creating loopholes influencing clearing of property for housing development. One comment also stated larger lands can be classified as private management lands, logged and set aside for 15 years.

Many comments were received suggesting expanding the definition and criteria for Significant Tree

Include criteria such as: Lower diameter; trees with high habitat value; established wildlife trees below 80cm; specific species; nesting/active; buffer? Dead trees?

Clarify exemptions for parcels with Significant Trees

Some commenters queried: As exemptions do not apply to sites with a Significant Tree, does this apply to the site or the tree itself?

Suggestion by others was that the exemption does not to apply to the actual Significant tree(s), not the site, because the tree being cut could be hundreds of meters away from the Significant tree.

Expand Hazard Trees exemption definition

Many comments emphasized various reasons for removing a tree beyond the current definition of “hazard tree,” including:

- Impacts to the health of other trees in the stand (e.g., a tree might be exempt from the permit requirement if cutting it improves the health of other more desirable tree).
- Impacts to sunlight, causing mildew / moss from lack of sun and air flow.
- Proximity to a house, foundation or roof lines (e.g., tree debris/needles clogging gutters, roof valleys).
- Proximity to passive solar heating, service lines, drain lines, septic field.
- Fire safety/ protection setbacks.
- Agricultural Land Reserves.

Exempt cottonwoods/alder and trees that have grown out of control

Several comments noted cases where trees planted as hedges have been left unattended and have grown out of control, now impacting neighbours by casting shade, or preventing the use of gardens. In addition, unattended hedges that have become Significant Trees should be allowed to be removed along with cottonwoods and alder.

Exempt ‘small scale works’ and redefine thresholds for exemptions

Several comments were received to define and exempt ‘small scale works;’ allowing a specific number of trees per year. Absolute number could be set (e.g., Nanaimo 4 trees/year) or could use property size (e.g., 1 tree per ½ acre/year); and allow a carry forward for up to 5 years. One person commented preferring to see minor tree work defined on a per-tree basis rather than lot size, as a lot below ½

could have 50 or more trees and be exempt vs a homeowner on a 1-acre lot who wants to remove 1 tree.

One person queried how many residential properties in Squamish are greater than ½ acre, while another suggested using other municipal examples where the exemption threshold was set at 1 hectare rather than ½ acre.

Use target figure for tree density within a municipality

Many comments were received to set a tree target density; one comment emphasizing this approach strikes a balance between retaining trees and other considerations on residential properties. The bylaw could allow cutting a certain percentage of trees per annum, or as many trees as would be allowed as long as target density is maintained. These suggestions were supplemented with the suggestion to clarify what counts as a tree in such cases.

Soils

Manage invasive species

In section 4.1 (a), it was suggested to further define clean soil specifically as not soil that does not contain invasive species.

Add exemption for Flood Construction Level

Many comments were received suggesting exemption for areas with Flood Control Level (FCL) requirements such as required bulk filling, gravel for flood protection or removal; diking, and overall raising of sites.

Several comments were received noting concern that the 3-meter set-back requirement for soil deposit in section 5.8 (d) seems unworkable, particularly in areas where lots are to be raised to new FCL (e.g., business park).

Add exemptions for the following situations and materials

Many comments were received suggesting the addition of the following situations/materials to the section 4.1 exemptions:

- Removal/impurity of fill for contaminated sites.
- Management of runoff.
- Projects with servicing agreements tied to a building permit.
- Landscaping and gardening materials: landscape depots, asphalt plants, road services, lumber yards, aggregate/ gravel delivery; barging of soil
- Businesses/operations that import material to re-sell re-process (e.g, processing rocks/columns companies)

- Construction preload should be exempt because it is a temporary engineering requirement, somewhat unique to our building area.

30m³ exemption should be increased

Several comments were received that 30m³ is much too low because most rural or development projects are large properties, and three truck loads are almost the size of a garden.

3.4 Changes to Permit Authority

What do you like about the new changes?

General

General feedback included liking the sequencing and timing of works.

Suggestions for Improvement

General

Coordinate mitigation and compensation to avoid doubled up requirements

As a general comment, some people were concerned about the possibility of two sets of requirements and suggested, where it was possible, coordinating mitigation and monetary compensation requirements through the District and Fisheries and Oceans Canada (DFO).

Clarify sequence and timing of construction and reporting requirements

Some concerns were received regarding sequencing and timing of construction, including retaining a QEP rather than being a District decisions; and to either specify a time frame, or refer to specific regulations.

A great concern by many is the length of time for approvals. One person noted frustration that people plan to do work at optimal times, but then approval delays mean work ends up being done during less than optimal times.

A suggestion was made that in Section 6 for both bylaws, permits be issued for subsequent phases of a phased development in order to fulfill best management practices for material management. One question arose about reporting requirements in section 7.1.2: when is it and is it ongoing?

Ensure fair, consistent GM responses; require QEP determination

Many comments were received on the need to ensure fair, consistent and non-discretionary GM responses where noted. Some suggested to add in the requirement for a QEP to determine if a parcel is exempt or to address other key considerations. A suggestion was made that regarding the exemption report required by the GM, clarify the trigger for the report.

Make it easier for smaller residential projects

Some respondent felt the requirements are more focussed on addressing larger scale works and noted, for example, tree protection fencing and queried the efficiency of the requirement for the removal of one tree. One respondent felt a middle ground was needed for smaller scale tree cutting on residential properties or soils movement that would be subject to the bylaws. Many suggestions were made to adjust both bylaw processes for smaller scale works on residential lots.

- Several people noted considering online permitting for such smaller scale residential projects, “which could help reduce administrative burden to both the District and the homeowner.” An online process would provide an educational tool and would encourage responsible tree cutting. The online permit could be similar to the campfire permit, ticking boxes. Specific criteria could include: cutting down dead trees; cutting that maintains target density; not cutting on steep slopes or floodways.
- Oversight requirements may not be needed for smaller jobs versus larger jobs. For example, someone felt that a QEP is not necessarily needed to assess a ‘dead tree.’
- Consider also a stepped application requirement depending on size of tree or soil removal.

Increase requirements for Greenfields and Environmentally Sensitive Areas

Several people noted a need for more rigorous requirements for greenfield sites. Some noted that it should be specified and standard that tree/ soils removal permits should be required for all ESAs and properties next to ESAs.

Trees

Incorporate conservation considerations

Several people commented on the need to impose requirements in the Tree Permit that mitigate impacts to bird nesting. One person noted that in section 7.1.4 the GM should be able to refuse a tree permit if “removal can be avoided and if there are ecologically important (high habitat value) reasons.” One comment received was that the Bylaws do not provide protection for large trees.

Increase oversight/monitoring standards for large scale clearing

One note stated the need for more rigorous monitoring/oversight standards for irrigation/fuming etc., for large scale clearing than for cutting an individual tree because it is easy to assess one tree. However, things might get missed if clearing a site.

Soils

Reduce timing of soil exposure

Several comments were received on soil exposure timing. Where a site is left unattended for a lengthy period of time, concern arises for the resulting loss in soil volume through wind and rain run-off. One person suggested that the period of time a site is permitted to have exposed soil should be stated to be 3 months or less.

3m setback for soil deposit is not workable

One person commented that regarding Section 5.8 (d), the 3m setback does not work for most properties in Squamish. Especially in areas, such as the business park, where all lots are being raised to the new FCL.

3.5 Fee Structure

What do you like about the new changes?

General

Fee structure is standard practice, reasonable, conservative and realistic

One note stated that despite potential negative feedback from the community and developers, the bylaws are part of standard fee services elsewhere in BC and Canada. Many other comments noted positive feedback on the new changes, for example:

- Based on what I see in other communities, this fee structure is rather conservative and very realistic. Considering we are going from "no fees" to "any fees."
- It's good that the District is seeking to recover costs through permitting fees.
- For small-scale tree cutting, the actual permit and per-tree costs seem reasonable.
- Fair price structure for small developers.
- Reviewing other bylaws, our proposed tree removal/soil volume, cap and permit fees seem reasonable.
- Like the flat fee; seems reasonable, as does per-tree fee.
- Good that this is based on volume and numbers of trees.

Trees

An incentive for larger developments to retain greenways

Several comments noted the fee structure provided incentive to retain/manage greenways

Soils

One commented specified that the 200,000m³ cap is not high when looking at 2100 FCL requirements.

Suggestions for Improvement

General

Concern with circumventing the bylaw

A note was provided that developers at the focus group session expressed concern about per-tree fees and were discussing ways to circumvent the bylaw.

Fees are like DCCs; costs will be borne by the end purchaser; concern with making homes more unaffordable

Developers commented that the fees will make new homes more expensive; just as many other costs are already passed along to the end consumer, developers will shift the cost down the line. The view is this bylaw is no different than costs associated with servicing and all other development costs (e.g., DCCs).

One comment noted that for larger clearing / development projects, “Under the new bylaw, what used to cost \$250 for a permit could now cost \$70,000 plus \$5/tree; a huge increase” that will be passed along to the consumer. Several notes were received about the concern that the fees will make houses more unaffordable.

General concerns with cost recovery and being taxed

Several respondents noted concerns with cost recovery, increased staffing needs, a sense of being taxed and future costs to address IFHMP objectives.

- Fees should solely be based on cost to administer not an average of all other municipalities.
- Cost recovery based on forecasted development does not compute. Staff time should be \$x,000,000's of dollars a year. Fees would exceed recovery costs.
- Concern arose that the bylaw necessitates more staffing to undertake monitoring or site visits, such as erosion control field review.
- Concern that there is no such thing as ‘revenue neutral;’ “it's all taxes out of my pocket; nothing neutral to that!”

- Cost recovery does not seem to equal what is on the horizon given IFHMP requirements (i.e., increase to FCL), oceanfront, waterfront landing, Skyridge, etc.

Concern with background research:

One person noted that reviewing information from last 5 years is not relevant to recent construction boom. Several comments noted fee structure comparisons with other municipalities are not the same:

- In Vancouver, the majority is brownfield development (i.e. no trees). West Vancouver does not have a flood plan, or firm FCL requirements.
- How do the fees compare not only looking at same permits but within the complete cost to build? Is it fair compared to other communities?

Consider quantifying or estimating figures and limit to fees

Several people suggested quantifying a calculation or estimate on the cost of the combined soil and tree bylaws as there are costs associated with the tree, trucking, planting, and maintenance.

For the average house the figures were stated to be substantial. For larger areas of land, an example was given: 204 ha means 1,000 trees/Ha; means 204,000 trees; with greenfield removal of 40% trees this is about 81,600 trees; at \$5 / tree this means \$408,000 just in permit fees.

Several comments suggested a maximum dollar figure / land area. One person noted that Burnaby sets maximums for fees.

Road damage can be addressed through current project process

One comment noted that the bylaws are not needed to address road damage; and that cost recovery for road damage can be adequately addressed through existing District project processes.

Directing use of fees

Some comments were received suggesting specifying an account and use of the fees:

- *Direct fees to specific bylaw account:* Fees must be held in an account specific to the bylaw and not general revenue.
- *Use balance of fees to purchase ESAs:* Increased revenue from increased greenfield development and flood construction level soil placement can go to support purchase of ESAs if it exceeds administrative costs.

Trees

Concern with encouraging more trees to be taken down

One respondent noted that with the fee structure, the more trees that are removed at one time, the lower the cost per tree, which might encourage the taking down of more trees at once.

Charge more fees for Significant Trees to encourage retention

One respondent noted the bylaw could increase the fee charge for Significant Trees to encourage retention.

For small residential jobs, consider stepped approach based on scope of tree clearing

Many comments were received on the high costs involving fees and QEPs for small works on residential lots that would be subject to the bylaws. These costs could be prohibitive to an individual homeowner trying to manage their property (e.g., six-fold increase in costs). Some respondents made suggestions to simplify the process and associated costs for small scale residential works, for example:

- QEP reports and tree replacement fees are a considerable cost to homeowners for “small” jobs. Small jobs could be considered between 1-5 trees.
- Consider stepped approach based on scope of tree clearing. A two-stage process where homeowners can bring an application for approval by the GM without a QEP and approve or exempt as appropriate.

time, rather than less.

Challenge to meet FCL requirements

Several comments throughout noted that the objective of preserving trees and meeting FCL height requirements will be a challenge particularly in North Yards.

Carbon footprint for tree removal

One commenter noted considering a carbon footprint for tree removal (\$ of carbon).

Soils

Exempt soils movement within same development

Many comments were received regarding what should be considered exempt from the fees, noted in the Exemptions theme. One note was made that fees should not apply to soil moved within the same land development or ownership.

Forestry Industry requests exemption from the bylaw fees

The Forestry Industry set out several circumstances to take into account, with respect to application of the draft Soils Management Bylaw fee structure suggesting the fees should not apply to the forestry industry transport of soils for new facilities on any of their development lands. Specific rationale comments included:

- (1) In contrast to other land developers, proposed forest industry land development projects (at Site B and Cheekye Fan) are for economic development and not residential use purposes.

- (2) Development of new, greenfield sites for handling and processing logs and other wood products and residuals, and the paving of log sorts (requiring significant and expensive site preparations) are land development projects necessitated by and/or requested in District of Squamish land use policies. For example, the District's Squamish Oceanfront Peninsula Sub Area Plan forces a relocation of facilities to new, greenfield sites – and, in the case of Site B, requiring extensive fill deposit.
- (3) Reference is made for the district to recoup road maintenance costs associated with truck transport of soils. In the case of the forest industry companies and Site B: the road in use is not maintained by the District; the railway crossing is not part of the CN/ District of Squamish upgrade program; and the site is without any municipal servicing.

Forestry Industry seeking exemption to Site B

- A comment was made that some areas such as 'Site B' have no choice but to fill the property with significant volumes that ensure the maximum costs for proponents. The Squamish Estuary Management Plan was implemented with the intent of moving industry out of the estuary and onto a site that has to be filled as it is currently under shallow water. Suggestion therefore that Site B be identified as exempt in the bylaw.

3.6 Tree Replacement

What do you like about the new changes?

General positive feedback

Many respondents provided positive feedback on this aspect of the bylaws:

- Finally! Good to see some type of replacement structure.
- Definitions realistic: Like and support the language within the draft Tree Management Bylaw and feel the definitions are realistic (e.g., tree diameter/height, number of trees being removed, replacement tree requirements).
- Helps protect sensitive areas.
- Forces awareness of trees on private property

Helps maintain tree cover

Many responses provided on maintaining some tree cover

- Good to ensure no net loss of trees.
- I like that there is an attempt to keep some tree cover.
- I like that the bylaw attempts to retain tree cover by requiring replacement trees or cash in lieu.

Suggestions for Improvement

This theme and sub-section obtained the most comments from the engagement process.

Clarify rationale/ objectives to tie into policy

A person commented generally on the need to be clear on rationale and objectives at the front end of the bylaws to tie into policy. For example: Why is there a fee per tree? For administrative coverage, so that staff work is done properly. Why replacement trees? Clarify the objectives upfront.

Considering ratios, need flexibility, are too high, and will be passed on to home purchasers

Many comments were received on the need to adjust the ratios due to high cost concerns particularly for developers.

Example of comments: Ratio of replacement trees is way too high. Too onerous. Identify rationale for 2:1. Costs will be significant. Excessive costs will be added to home costs.

One person made a suggestion to review the ratio for larger sites and identify if the same objective can be met in another way.

Set target tree density not ratio

In terms of meeting objectives, many comments were received on the need to consider a target density approach, such as density per hectare, rather than 2:1 replacement tree ratio. It is felt by some that the current ratio is not as feasible in Squamish, and concern arose that \$5 per tree cut could add \$000's to greenfield developable sites; and Squamish has a lot of green field.

Several notes stated there needs to be more context around tree planting and tree density for land objectives which seem to be a more holistic approach. Municipalities of Comox and Chilliwack were provided as an example (50 trees/Ha).

Sample of comments on the matter of density include:

- Ratio conflicts with housing density requirements. Need tree density vs development density requirements.
- One person suggested managing tree retention through land use (density transfer) on large sites.
- Set target density of trees/Ha, for all property and possibly exempt infill properties from bylaw, or from replacement requirements, if they maintain target density, say 50 trees/Ha.
- I think ALL property owners should bear responsibility to retain a certain target density of tree cover.
- Re-planting should be required if cutting results in property falling below tree target density. Replanting should NOT be required if the property remains above the tree target density.
- Why not require a certain % tree cover retained on property? Clustered or in corridors (other communities require 25%).

Require fewer number of trees per hectare

Concern arose that the desired ratio in the proposed bylaws may be too high compared with what nature may dictate. Two comments noted:

- Nature dictates the number of trees that will grow healthily in a given area. Seek to mandate along the lines of nature. For example: 500 stems per Ha in nature vs 3000 stems per Ha under the proposed bylaws. Consider health vs mandate/regulation.
- One note focussed on port development: stating there should be a limit to the number of replacement trees which would be a realistic number of trees that can be placed on port development land.

Inventory and Map Significant Trees and Heritage Trees

Suggestion was made to inventory Significant Trees instead of only basing the determination on size alone. One note commented about identifying, mapping and adding Heritage trees to the definition of Significant Trees. It was noted that some studies value heritage street trees as \$75,000.

Consider adjustments to height, sizing and setback figures

For replacement, several notes considered types and size of land:

- Include trees on lots that are required to be raised to new FCL.
- A sliding scale from 0.5 acre plus, instead of a simple replacement if the land is larger than 0.5 acres.

Concern was noted about height and size of tree replacement requirements:

- 6m high replacement tree for Significant Tree may be impractical for a small family lot, i.e. back yard.
- 7 cm size is way too large for large scale replacement (7.3.1 (c)).

Spacing from drip line is very large

- Several comments noted 2.5m from dripline spacing requirement is very large does and not allow for under planting.

Planting timelines are critical

Timelines for replanting is critical. One person commented the bylaw may want to encourage the time of year to plant (i.e. avoid summer dry period). Another emphasized that trees will grow during the application process stating: There should be an accounting for trees growing over the period that an application is in process. For example, Alders can grow to “tree” size over the course of a month, in April.

Reporting and Tracking concerns – is a QEP always needed?

Is a QEP always necessary for replacement trees: One comment was received asking if a land owner may submit a replacement tree plan without a QEP?

Regarding section 7.3.3, a question arose on how to track replacement trees through multiple owners.

Concerns with creating shade on neighbouring lots

One person noted a concern that if more trees go in as replacements, then this could create a situation of more shade and shadows on neighbor lots; a growing concern in some areas of the community where minimal sunlight is a factor.

Clarity section 7.3.6 with diagram or matrix

A suggested was made to improve interpretation of section 7.3.6 with a Diagram or Matrix.

Consider conservation values

Many comments received on this theme were about conservation concerns. For example:

Maintain very large trees

- Add restrictions on removing very large trees
- Develop tax incentive programs for those keeping trees / big trees

Retain tree clusters with habitat value

- For larger-scale clearing in association with development, property owners should be encouraged to maintain their target density by retaining clusters or strips of trees that have habitat value. These would be over and above any required park allowance for the development.

Consider other incentives to discourage forested clearing

- Could the District provide other incentives to discourage clearing of forested greenfield sites, or to encourage tree retention? For example, reduction in development cost charges?

If no space on development property look to support important/ sensitive areas

- Where to plant replacement trees. If no space on development property? Concentrate in important areas (e.g., Wetlands, stream sides, or in protected areas outside of property).

Consider appropriate types and species of trees for replacement, suitable to area ecology for successful establishment

Key comments obtained regarding types/species for tree replacement included:

- Replacement criteria should be based on species. Specify what types/ species to recommend.

- Regular tree or Significant Tree replacement - with same species or different - may not always be appropriate. Ensure trees are appropriate/suitable to site/area ecology for successful establishment.
- Absolutely avoid invasives and using ornamentals in place of native trees.
- Should not allow high wildlife attractants such as Oregon ash, oak with acorns, berry producing.
- Tree replacement should be subject to QEP.

Tree replacement cost concerns

Many comments and suggestions were provided about cost concerns, for example:

6 m Significant Tree requirement is onerous / expensive and could incentivize cutting other Significant Trees

- Question if a 6m-high tree can be planted for \$1500.
- Not feasible to plant, maintain, monitor planting of 6m tall tree. Low survival rate, very expensive.
- Don't think you can plant 6m tree for \$1500 so will result in cutting significant trees.

Consider use of provincial stumpage rates

- One note suggested that for greenfield development use provincial stumpage rates as guideline.

Monitoring and Protection

Several questions arose about monitoring and protection of the trees:

- Who will monitor replacement trees and environmentally sensitive lands?
- How will planted trees be protected in future? Future owners → new trees < 20cm.
- How will it be shown that replacement trees adequately mitigate the impact of the lost tree?

Use of revenues

Many comments were provided about directing and using the funds received by the District from the bylaws. Some were against the funds concept and saw it as an extra charge.

Specific fund for acquiring ESAs not general revenue

- Any cash in lieu needs to go into specific fund for acquiring ESAs (not general revenue).

Funds direct to designated fund

- Any funds raised through cash in lieu of replacements should (MUST) be put in designated fund that can only be used for environmental works.

Develop a tree planting fund

- Cash in lieu money should go to a city boulevard tree planting fund.

Should not use revenues to purchase lands

- District should not collect revenue for bylaw to purchase lands.

3.7 Maintenance and Bonding

What do you like about the new changes?

General

General positive comments regarding maintenance and bonding included:

Enables DOS to take action; hold people accountable, should already be mandatory

- This is long over-due and will hopefully help to prevent irresponsible developments by allowing the DOS to act if the developer/land owner fails to uphold their end of the work order.
- I like the attempt to hold people accountable, especially in the case of large scale clearing.
- Security deposits and bonding should already be mandatory!!

Suggestions for Improvement

General

Concern with increased time, increases cost, onerous demand

One comment suggested ensuring bonding is sufficient. Many other respondents commented on the concern with increased time, demand and costs:

- This requirement increases our work 3 x the time; 3 x the cost
- Note that it often costs more in QEP fees to get the bond back, than it's worth
- Slows the pace of work. Penalizes those who do the work properly to ensure a few bad eggs are stopped.
- Bonding and/or security deposits are very onerous on all but the largesse construction companies.
- Bonding is VERY problematic and not workable in most cases.

Concern with District management of bond

Several comments arose on the costs to the District to manage the bond: Are the costs to the district to manage the bond acceptable?

Permit extension

A question arose whether an extension can be applied to a permit beyond 12-month period? It's understood that this would require new payment to be made.

Consider sliding scale requirements from small residential up to big developments

A comment suggested a sliding scale for small residential up to big developments. Some questions that arose were whether there could be multiple incentives possible for homeowners to choose from and are there allowances for larger single-family lots (> 0.5 acre)?

Maintenance for development lands – keep to 1 year

One note suggested the maintenance period of one year is sufficient. Another note stated maintenance for 2 years is not an option as property is sold to homeowner and is no longer maintainable by the developer.

Clarification needed for monitoring and bonding release

Several people commented on clarification needs for monitoring and release of bonding:

- How is tracking undertaken? How does a builder or homeowner get their security deposit back?
- How do you know how much soil was brought in or taken out?
- Is there a drawdown or final release?

One person commented on the concern that bonding only goes so far as there is no oversight once the bonding period expires.

Use of Funds

One person emphasized that the collected monies should go to maintenance in public areas, ROWS.

Enforcement of non-compliance

One person commented in relation to bonding /maintenance, that in the timeframe of requirements: At what point is landowner non-compliant and the District is able to step in?

Trees

Cross referencing sections needed

One note emphasized the need to cross reference section 7.3.4 with section 8.1.1: more than 10 trees require bonding.

Reduce bond upon planting

A suggestion was made that the tree replacement bond should be reduced to 20% upon planting.

Consider occupancy rather than bonding or fines

A suggestion was made that tree replacement could be a condition of occupancy rather than bonding or applying fines.

Monitoring and maintenance and ensuring functioning trees

In the case of trees, it is important to ensure they survive once planted. Many respondents commented on this matter:

- Timeline needs to be clarified. Planted trees may take more than 1 - 2 years to become established.
- This section needs clear language around long-term bonding. What is the time line to ensure tree replacement is functioning: 12, 24, 36 months?
- How do you ensure trees survive beyond 1-2 years on private property?

Suggestions included:

- For tree replacement to have any value, there has to be oversight for more than 1 year.
- One year post construction for tree replacement is inadequate; should be 3 - 5 years.
- At year x, consider a 10% hold back.
- What is the mechanism for release?

Covenant planted trees

Several people noted the need to ensure planted trees are protected or included as a covenant on property.

Soils

Concern with bonding being excessive

Two comments were made in relation to the draft Soils Management Bylaw that bonding for soil seems excessive at \$5/ cubic meter and one person asked why there was no cap.

Preloading and timing

Many comments were received on addressing preload and bonding. A question was asked: How is the bond dealt with for a site that is preloaded?

- Is the bond returned once the preload is in place and stable?

- After 1-year expiry: What if preloading is not removed?
- How does the bylaw and bonding deal with preload that may need to be in place more than 1 year?
- Clarify that preload deposit is a combination of a permit + bonding. What if preload is not removed until after the permit expires? Is it then subject to a new permit and bonding? How does bond address this?
- If preload must be removed it is subject to economic forces and ties up considerable bond money.

Don't apply bond to soil movements on site

One respondent noted the need to clarify how site alterations are dealt with when moving soil within a site. Another comment suggested that a bond should not apply to movement in a site.

Bonding provided with other mechanisms

Several notes commented on the concern with double bonding:

- In Squamish fill is usually needed to build. Removal or addition of soil already triggers a security via development servicing agreements - Building and Development permits. Would this not be double bonding?
- Soil removal and deposit would be really difficult to track; could consider a cap?

3.8 Enforcement

What do you like about the new changes?

General

General themes that arose from the feedback included the following:

Need enforcement if we have bylaws

Good that bylaw enforcement has power to issue tickets for violations

- I really like this component that gives power to the by-law enforcement officers to actually issue tickets that have substantial impacts if a development is in violation! Well done!

Bylaws provide good and clear direction

- Need good and clear direction for bylaw officers to do their job.

- Provides good clarity on what is allowed and what is not; and how its enforced.

Need for more bylaw officers and more violations notifications

- The point was brought up that the bylaws were written to address the “15 infractions in 2016”... there are way more infractions visible if you look around town- additional staff will be able to find and address more of these infractions. The bylaw helps to solve this “circular argument”.
- Fees may be punitive and inequitable, but enforcement and planning approvals are more meaningful and constructive.

Suggestions for Improvement

General

General suggestions for improvement to this section of the bylaw include the following themes and comments:

Address repeat offenders

- There should be a separate stream for repeat offenders so their next application goes to the bottom of the file.
- How to deal with repeat offenders? Can they be banned from future applications and development?

Should use fines to reduce fees for honest people

- Bylaw fees need to be targeted at offenders in a meaningful way to reduce the fees to those that adhere to the rules.
 - Several \$10,000 fines for example may reduce tree to \$2.50 and soil to \$0.20/m³.
- In general, I support increasing the penalties to the 16 people that violated the law in 2016 and any others like that. But this law will only increase costs on the honest people and builders.

Reducing processing timelines will reduce non-compliance

This new bylaw was started because of the increased number of illegal clearing and soil deposits. How many of these non-complying sites were because permits took 8-plus months?

Bylaws will increase timelines and increase non-compliance

Increasing restrictions and costs will cause more non-compliance as it will add to delays in issuing permits.

Need for staffing or QEPs for inspection and monitoring

- Ensure fee structure covers adequate staff to review, inspect, monitor.
- Authority: District, at sole discretion, can retain services of QP to inspect and report back. Can rely on this report to enforce.
- Who will enforce the bylaw?

Need to describe a conflict resolution process

Clarify fine calculation

A maximum of \$10,000/per day is stipulated for violations. Clarify what an average fine would be and how it's calculated.

Do not like that more staffing is needed

This section adds a new layer of civic staffing needs.

Concern for capacity to implement enforcement

Enforcement rules need to be accompanied by appropriate capacity to implement.

Concern with abuse

- Must be careful about abuse of enforcement.
- With enforcement where are the checks and balances for occasional abuse of power.

Trees

Legality of entering private property

One person questioned the legality of the District entering private property to plant trees.

Query regarding collection of fees

One comment noted that when the city enters a property and does the work, clarify how they would collect fees for the costs: Charge against taxes or encumbrance on title?

Soils

Concern with illegal dumping

There were several concerns that the proposed soil bylaw may drive people to illegally dump due to desire to avoid fees and process.

4 APPENDIX

4.1 Acronyms

DCC	Development Cost Charges
DFO	Fisheries and Oceans Canada
DOS	District of Squamish
ESA	Environmental Sensitive Areas
FCL	Flood Construction Level
GM	General Manager
HA	Hectares
IFHMP	Integrated Flood Hazard Management Plan
M	Metre
M3	Cubic metre
QEP	Qualified Environmental Professional
QP	Qualified Professional
ROW	Right of Way
SEMP	Squamish Estuary Management Plan
SMB	Soils Management Bylaw
TMB	Tree Management Bylaw