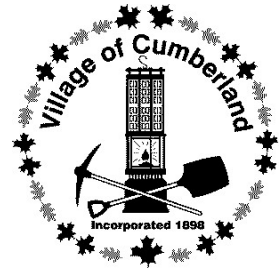


**The Corporation of the Village of Cumberland
Advisory Planning Commission Agenda**

**June 8, 2023 at 4 p.m.
Council Chamber, 2675 Dunsmuir Avenue**



We are honoured to gather on the unceded traditional territory of the K'ómoks First Nation.

1. Approval of the Agenda

2. Minutes

Adoption of Minutes of May 25, 2023

3. Unfinished Business

None

4. New Business

4.1 Tree Protection Bylaw

4.2 OCP Review (to be provided on table)

- Summary of input - May 24 Plan your Community Street Event
- Key discussion topics for fall public engagement

5. Next Meeting

The next meeting of the Advisory Planning Commission will be held on Thursday, July 13, 2023, at 4 p.m.

6. Adjournment

**The Corporation of the Village of Cumberland
Advisory Planning Commission Minutes**

**May 25, 2023 at 4:00 p.m.
Council Chamber, 2675 Dunsmuir Avenue**



Members Present:

Nick Ward (Chair)
Janet Bonaguro (Secretary)
Debbie Bowman
Jaye Mathieu
Jason Ross
Ryan Camp
Genevieve Burdett

Regrets: None

Staff Present:

Courtney Simpson, Manager of Development Services
Karin Albert, Senior Planner
Meleana Searle, Planner

Guests Present:

Dave Atkinson, (proponent item 2.1)
Dale Bellavance, (consultant item 2.1)
Joanne Rees, (consultant item 2.1)

The meeting was called to order at 4:02 p.m.

1. Agenda

Moved by: Bonaguro

Seconded by: Ross

THAT the APC approve the Agenda for May 25, 2023.

Carried Unanimously

2. Unfinished Business

2.1 Continuation of May 11, 2023, Agenda Item 4.2: Environmental Protection and Wildfire Urban Interface Development Permit and Development Variance Permit - Coal Valley Estates Phase 10/11

Environmental Development Permit

Comprehensive Development Agreement

- Staff provided the following clarifications:
 - the CDA begins at Phase 4b and remainder, not at Phase 1.
 - The existing DP approved land clearing right up to the stream bordering ML27.
- The developer has reinstated the silt fencing bordering the stream on ML27 since the last APC meeting.

Buffers

- Staff provided the following clarifications:
 - Develop with Care describes the 60m target buffer from park boundaries for rural development as providing guidance, and that conditions vary on a site-by-site basis but appropriate buffer width will depend on its purpose and the sensitivity of the habitat that is to be protected.
 - that prior Development Permits for this development did not include a 60m buffer from park boundaries.
 - that the subdivision process will require at least an additional 15m buffer around the park boundary on lot ML24 to align with biologist recommendations.
 - the next report to Council will provide further recommendations on the buffers.
- There may be a benefit to imposing buffers on lots now, rather than a later, to create consistency. Staff clarified that doing this later at the individual lot Development Permit stage better allows the placement of dwellings in areas that prevent further blasting on each site.
- The APC would like to see additional trees on ML25 protected that are not already protected by covenants.
- The current proposal identifies buffers between 10-30 metres above the high-water mark, not from the park boundary. We don't believe this is sufficient in light of the Develop with Care guidelines.
- There is desire to align with current best practice (e.g. Develop with Care guidelines) yet accommodate changes to best/standard practice where there is mutual benefit.

Roadways

- If a 60m buffer was applied from all park boundaries, then the new portion of Penrith Road wouldn't be able to be built as proposed.
- Road crossings above land are not addressed specifically in the Develop with Care Guidelines. Proposed Road B crosses the wetlands and does not appear to consider buffers. Not addressing this now could put the next phase of development (remainder lands) into an access issue. Further

consideration to access routes to this next site should be considered further in this phase of development.

Blasting

- Blasting is permitted in this phase to install services but not within lots to create building sites. This is a change from previous phases where cleared and level lots were provided to builders. This change is positive and enables landowners to work with the unique and natural contours of their property.

Slopes/Grades

- The lots at the top of Beaumont Crescent are allowed to be built at 10m per current zoning which will put them substantially higher than the houses across the street.

Stormwater

- The APC would like to ensure climate change is appropriately considered. Would like to see this peer reviewed.
- The developer clarified that overland directional water flows are considered in the stormwater management model. This addresses how the road structure (hardscape) contributes to runoffs. Their goal is to ensure net zero impact on runoff from hardscaping. Any runoff from lots will be dealt with in the Development Permits for individual lots.
- This site is at the confluence of three watersheds (Maple Lake, Comox Lake, and Trent River). The only locations higher on this site are previous phases of development.
- A peer review of the civil works will be required before construction of the subdivision.

Walking Paths

- A proposed greenway/walkway is a requirement in the CDA that the developer must provide. The proposed path is along the north side of the park ideally connecting to Road C.

Moved by: Bonaguro

Seconded by: Bowman

THAT the APC recommend that Council deny the Environmental DPA for the following reasons:

- Further consider Develop with Care Guidelines for buffers around park areas
- Obtain further input from professionals on buffers and location of Road B
- Consider protection of additional trees in southeast corner of ML25

Carried Unanimously

Professional Report, Peer Review and Monitoring

DISCUSSION

- There is a requirement in the draft Development Permit to fence sensitive areas during construction. Fencing does not address other disturbances to wildlife etc.
- Interest in requiring a Biologist to monitor the site and report the Village. Typically, this is done at the Development Permit stage on each lot, rather than at this stage of the process. However, the nature of the disturbance planned (roadways, services installation) is substantial at this stage.
- This project is missing having a professional Biologist that's advocating for the Village to accomplish the mission of the Environmental DPA which is about creating and maintaining connectivity and protecting natural resources. This is not the role of consultant biologists to advocate for the achievement of goals of the Village's DPAs. The Village should not solely rely on professionals to perform the role of accomplishing the goals of the Environmental DPA. The Village does have discretion (and duty) around making decisions in alignment with the DPAs in the OCP.

Moved by: Bonaguro

Seconded by: Camp

THAT the APC recommend to Council that the developer fund independent monitoring of the site in alignment with the Development Permit requirements.

Carried Unanimously

Fan House Covenant Area

DISCUSSION

- Keeping the road in its original planned location per the existing fan house covenant has impacts including:
 - The existing road design if the covenant is not amended would require some blasting into the western slope along where proposed lots 17-22 will be located if the covenant is amended to allow the new road design. If not moved, the road would eat into the setback from the park.
 - If covenant remains unchanged, then the fan house area would return to the Village to manage. Due to road grade requirements the fan house would be 3-4 metres below the new road grade and will likely need to be demolished or permanently fenced off due to liability issues.
 - If the fan house covenant area is kept the way it is, lots 17-22 would likely not meet the minimum criteria for lot size and could be amalgamated into adjacent lots ML23 or ML24.

- Moving the fan house covenant results in the following:
 - Provides the developer with 6-7 additional lots to sell backing onto the park
 - The new proposed fan house area would create a flat community amenity area. Installing a play park in the fan house park is of interest; the developer identified that due to traffic considerations a better lot for a playpark would be lot ML27 which is proposed to be transferred to the Village if the fan house covenant amendment is made. In addition to lot ML27, including lots 62-64 would provide more space for a park the size needed to accommodate the current and proposed population of the development area.
 - Straightening road as proposed makes sense in principle, other traffic calming methods will be in place.
- One member suggested the Cumberland Senior Citizens' Housing Society may welcome a gift of land at the southeast of lot ML25 to provide for further seniors housing needs, which would make the Fan House Covenant amendment's proposed transfer of land more sufficient.
- The benefit gained by the developer is substantial in terms of the potential creation of additional lots (pending Develop with Care guidelines around buffer distance from the park required) and decreased blasting and road construction costs. The proposed fan house park is not proposed to house a playpark suitable for children which is in need in this phase of the development.
- The APC would like to see a new concept plan that directly responds to the concerns around the Develop with Care buffers and family park area.

Moved by: Ward

Seconded by: Ross

THAT the APC advise Council that the amendments to the Fan House Covenant area are acceptable in principle, but the proposed transfer of land is insufficient. This modifies the motion made in the previous APC meeting related to the acceptance of the transfer of land.

Carried Unanimously

4. Next Meeting

The next regular APC meeting is Thursday, June 8, 2023 at 4:00 pm.

5. Adjournment

Bonaguro: THAT the meeting adjourn at 5:52 p.m.

MEMO

ADVISORY PLANNING COMMISSION



REPORT DATE: 5/5/2023
MEETING DATE: 5/11/2023

File No. 5280/03 Trees/2023TreeProtectionBylaw

TO: Commission Members
FROM: Karin Albert, Senior Planner
SUBJECT: Tree Protection Bylaw

At their March 27, 2023 meeting, the Committee of the Whole received a presentation by Camille Lefrançois with Diamond Head Consulting on a possible tree protection bylaw for the Village.

The staff report and Mrs. Lefrançois' presentation slides are attached to this report. The narrated presentation provides an excellent overview of tree protection bylaw options and can be viewed on the Village's YouTube Channel at https://www.youtube.com/watch?v=8drpw_tYzmM, starting at minute 50:05.

The purpose of this agenda item is to seek input from the Advisory Planning Commission (APC) on the following key questions regarding a possible tree protection bylaw:

1. Does the APC support the Village implementing a tree protection bylaw? (Yes/No)

If a tree protection bylaw is supported, please provide feedback on the following questions.

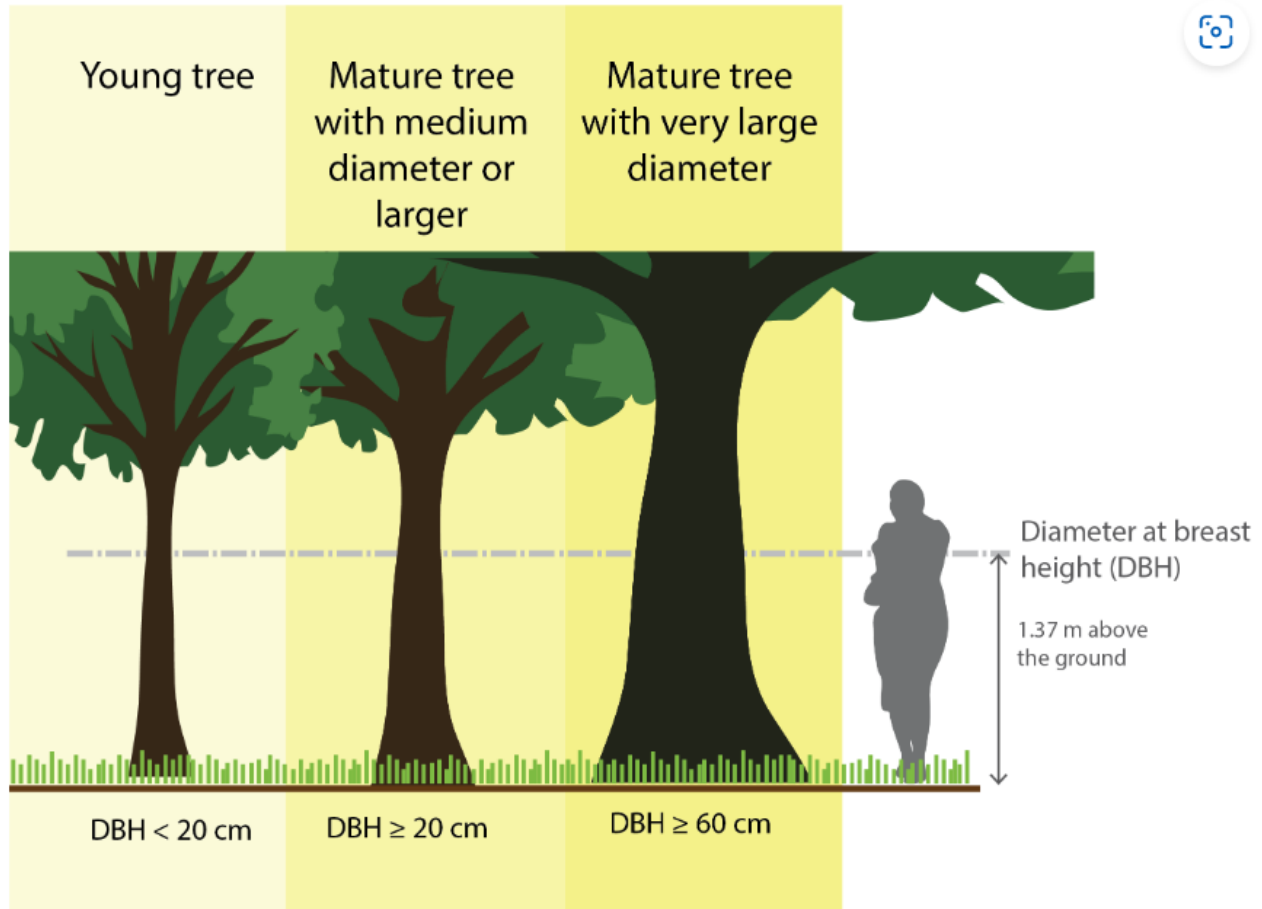
2. What private properties should be regulated under the Tree Protection Bylaw?

- a. All properties
- b. Only properties that have few or no trees (i.e., properties that have less than a targeted number of trees per hectare)
- c. Only large, forested properties
- d. Only properties undergoing subdivision or development (i.e., trees would not be protected until an application for development is made)
- e. Other (specify)

3. How large should a tree be before it is regulated on private property?

- a. Small (e.g., < 20 cm diameter)
- b. Medium (e.g., ≥ 20 cm diameter)
- c. Large (i.e., mature trees, e.g., ≥ 60 cm diameter)

Refer to the image below to visualize the different tree diameters.



4. In some communities, certain types of trees of high significance are given greater protection than others. Which of these examples do you feel should have a greater level of protection?

- a. Very large mature trees (e.g., ≥60 cm diameter)
- b. Trees individually nominated to a significant tree registry
- c. Native species of importance
- d. Other (specify)

- 5. Should replacement trees be planted for every tree removed?**
- a. Always, for all tree removals
 - b. Sometimes, only for properties that have few trees left
 - c. Sometimes, only when the trees removed are very large or important to the community
 - d. Never, no replacement trees should be required
- 6. How many replacement trees do you think property owners should be required to plant for every tree that is removed on their property?**
- a. None
 - b. One replacement tree
 - c. Two replacement trees
 - d. More than two replacement trees. Please specify the number:
- 7. Tree bylaws require staff time to implement and typically charge fees for tree permits that can cover some of the implementation costs. If Cumberland had a Tree Protection Bylaw, how should it be funded?**
- a. Through general revenue (i.e., property taxes)
 - b. By the permit fees
 - c. A combination of both

ATTACHMENTS

- 1. March 27, 2023 report to Committee of the Whole
- 2. Diamond Head powerpoint presentation

Respectfully submitted,

K. Albert

Karin Albert
Senior Planner

COUNCIL REPORT



REPORT DATE: 3/15/2023
MEETING DATE: 3/27/2023

File No. 5280/03 Trees/2023TreeProtectionBylaw

TO: Mayor and Councillors
FROM: Karin Albert, Senior Planner
SUBJECT: Tree Protection Bylaw

RECOMMENDATION

This report is presented for information.

PURPOSE

The purpose of this report is to provide an overview of the project to develop a tree protection bylaw for the Village and introduce Camille Lefrançois with Diamond Head Consulting. Mrs. Lefrançois will present on the regulatory tools available to municipalities to protect trees, the key elements of a tree bylaw, activities to engage the public in the discussions and project timelines.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
Nov. 22, 2021	THAT Council direct staff to report back to Council on financial and work plan implications to move the Urban Forest Management Plan and tree bylaw into the 2022 financial year.

BACKGROUND

In November 2019, Council adopted the Village of Cumberland [Urban Forest Management Plan 2020-2040](#). The Plan provides guidance and recommendations to enhance the health of Cumberland's urban forest and increase the Village's canopy cover. Key recommendations in the Plan are that Cumberland maintain a 56 percent canopy over its entire administrative boundary and seek to increase the canopy cover in the developed urban areas from 20 percent to 30 percent by 2040.

The Village is actively increasing the canopy cover on public lands through its street tree planting and maintenance program. To retain or increase the tree canopy on private land, the Urban Forest Management Plan recommends a tree protection bylaw.

A tree protection bylaw does not prevent landowners from developing their land as permitted under land use planning and development bylaws. The intent of a tree protection bylaw is to

ensure trees are not needlessly removed and the maximum number of trees practical are retained during land clearing and development.

As part of the development of the Urban Forest Management Plan in 2019, the Village conducted a survey to learn about public support for enhancing the Village's urban forest. Among the 258 survey respondents, there was considerable support for increasing the canopy cover and for providing some protection for trees on private land:

- 76 percent felt that the urban forest canopy cover target should be set above where it currently stands for the *total* Cumberland area
- 89 percent felt it should be set above where it currently stands for the *developed* areas of Cumberland
- 77 percent strongly agreed or agreed with the statement that "the Village of Cumberland should take measures to protect trees on private land"
- 68 percent supported the idea that "private landowners should be allowed to remove healthy trees but there should be some restrictions," and
- 62 percent agreed that "new developments should be allowed to remove healthy trees but there should be some restrictions."

The current project to develop a tree protection bylaw will build on the recommendations in the Urban Forest Management Plan and the 2019 survey results. At the Committee of the Whole meeting, Diamond Head Consulting will review the range of regulatory options available to municipalities to protect trees on private land, what other local municipalities are doing, and best practices. The consultants will also provide an overview of upcoming activities to further engage the public and learn what level of support exists for the different regulatory options. The following provides a brief summary of the key items to be presented for discussion at the meeting:

1. Possible application of a tree protection bylaw:
 - Trees on properties under development
 - Trees on large or greenfield properties
 - Trees on all properties
 - Trees of a certain size or diameter
 - Trees of high significance
 - Heritage trees or important species
2. Conditions when a tree can be removed and replacement requirements
3. Implementation considerations
 - Incentives
 - Permit fees
 - Enforcement
4. Bylaws in neighbouring municipalities
 - Courtenay
 - Comox
5. Public engagement
 - Online meeting
 - Survey
6. Project steps and timeline

PUBLIC NOTIFICATION AND CONSULTATION

Public engagement on a tree protection bylaw is planned for May of this year and will include an online public meeting and a survey.

The key questions to be explored with the public will also be discussed with the Advisory Planning Commission (APC) at an upcoming APC meeting.

The results from the public engagement and discussion with the APC will be shared with Council in late spring.

ALTERNATIVES

1. THAT Council provide specific direction to staff for the tree protection bylaw and direct staff to consult with the public on a draft bylaw.

This would mean public input is deferred to later in the process and would not inform the drafting of the bylaw.

2. Not proceed with any action at this time.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

FINANCIAL IMPLICATIONS

The development of a tree protection bylaw is funded in the 2023-2027 financial plan. Implications of a tree protection bylaw on financial and staff resources will be discussed when the components of the bylaw have been developed and a draft bylaw is introduced to Council for consideration.

OPERATIONAL IMPLICATIONS

The development of the tree protection bylaw is supported by Development Services staff. Once adopted, depending on the type of regulations, a tree protection bylaw may require staff resources to implement and enforce a tree cutting permit system.

CLIMATE CHANGE IMPLICATIONS

A tree protection bylaw will support the goal of the Urban Forest Management Plan to increase the urban forest canopy cover in the Village. An increased canopy cover moderates the micro-climate in and around treed areas, mitigating against the severity of summer heat waves and their health impact on residents. Tree retention and planting also reduces the severity of erosion and flooding during severe rainfalls and increases the uptake of greenhouse gases emission.

ATTACHMENTS

None.

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

K. Albert

Karin Albert
Senior Planner

M. Mason

Michelle Mason
Chief Administrative Officer



Village of Cumberland Tree Protection Bylaw

Council Presentation | March 27, 2023

Camille Lefrançois, Environmental Planning Manager

Diamond Head Consulting

1

Agenda



- Project context
- Overview of tree regulatory tools
- Key elements of tree bylaws
- Project next steps
- Discussion

GU0



2



3

Official Community Plan



- Building on relevant OCP objectives, including: KAO
 - Environmental preservation: “Protect and enhance the integrity of the natural environment” (section 7.1.2 (1))
 - Economic development: “Expand, preserve and promote the Village’s working forest land, environmentally sensitive areas, and natural amenities” (section 6.1.2 (5))

4

GU0

Urban Forest Management Plan

- Identified:
 - Canopy cover loss to which development contributed
 - Community support for more private tree protection
- Recommended a private Tree Protection Bylaw, inclusive of:
 - Replacement tree requirements
 - Construction requirements for tree protection

Cumberland canopy cover targets

Village-wide

56% 56%



2020-2040

Urban areas

20% 30%



2020-2040

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6

Regulatory tools for trees

1. Higher-level tools

- a. Regional Growth Strategy
- b. Official Community Plan

2. Tools regulation land use

- a. Zoning Bylaw
- b. Subdivision and Development Bylaw

3. Tools primarily regulating trees

- a. Development Permit Areas
- b. Tree Bylaw



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7

Land use

Regulating the space where trees grow:

- Zoning bylaws:
 - Site coverage
 - Landscaping requirements, incl. tree planting at laneway housing development
- Subdivision and development bylaws:
 - Street boulevards
 - Utilities and drainage

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8

GU0

Trees: Development Permit Area



- DPA 1 (Environmental Protection)
 - Protection + restoration requirements
- DPAs 7-9 (Form and Character) – landscaping requirements
 - Multi-family: minimum tree cover
 - Commercial + mixed use: screening, shading, and stormwater management

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10

GU0

Best practices/administrative elements

- Application requirements
- Exemptions
- Tree protection during construction
- Timing of tree clearing (development)
- Technical standards for replacement trees (species, soil volume, etc.)
- Enforcement

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11

Value-informed elements

1. WHAT is regulated

- Bylaw application – types of properties or applications
- Type of trees

2. HOW it is regulated:

- Restrictions on removals + exemptions
- Replacement requirements

3. HOW it is implemented:

- Incentives to protect trees
- Permit fees
- Enforcement approach

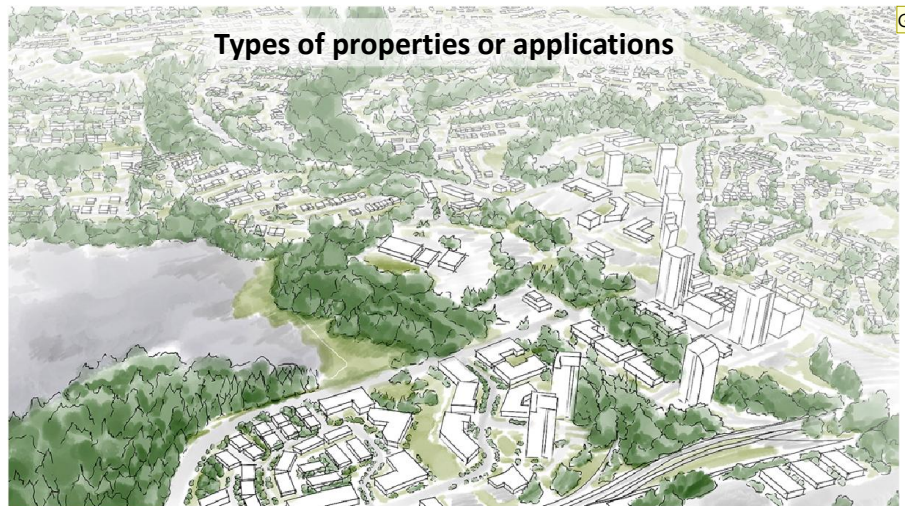
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12

Value-informed: What is regulated

1. WHAT is regulated:

- Bylaw application



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13

Value-informed: What is regulated

1. WHAT is regulated:

- Bylaw application



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14

Value-informed: What is regulated

1. WHAT is regulated:

- Bylaw application



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15

Value-informed: What is regulated

1. WHAT is regulated:

- Bylaw application



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16

Value-informed: What is regulated

1. WHAT is regulated:

- Protected trees

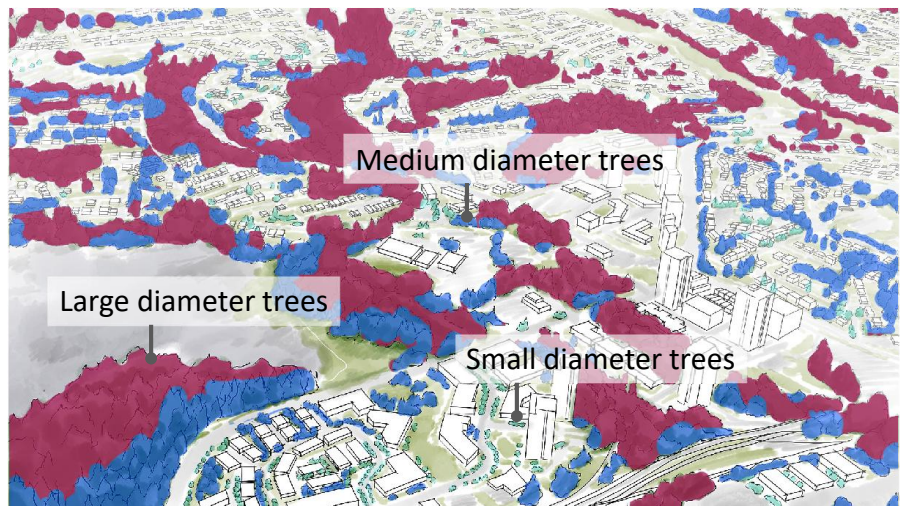


17

Value-informed: What is regulated

1. WHAT is regulated:

- Protected trees



18

Value-informed: What is regulated

1. WHAT is regulated:

- Trees of high significance



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19

Value-informed: What is regulated

1. WHAT is regulated:

- Trees of high significance



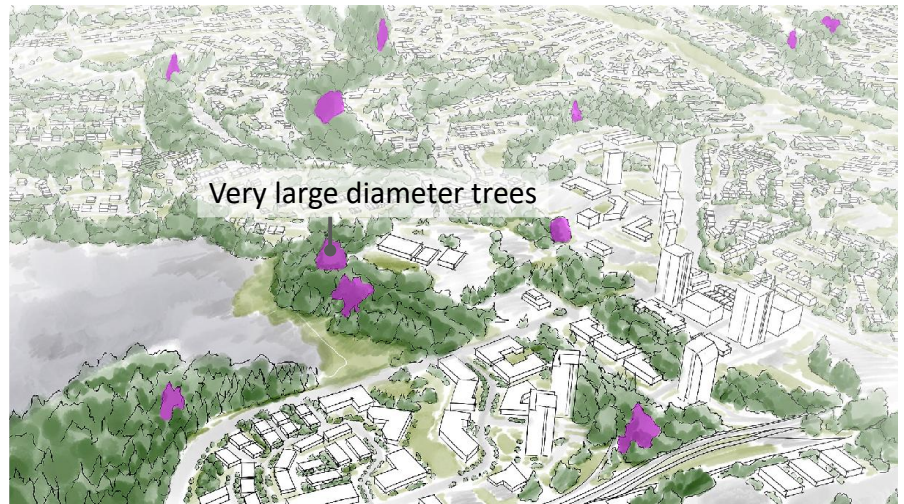
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Value-informed: What is regulated

1. WHAT is regulated:

- Trees of high significance



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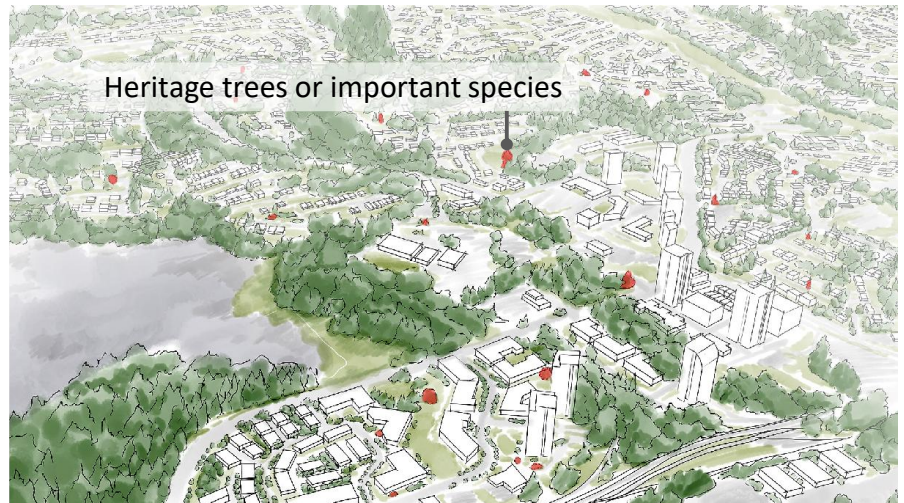
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Value-informed: What is regulated

1. WHAT is regulated:

- Trees of high significance



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22

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Value-informed: How it is regulated



2. HOW it is regulated:

- Restrictions on removals
 - Conditions when a tree can be removed
- Replacement requirements
 - Number of trees planted for every tree removed



23

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Value-informed: How it is implemented



3. HOW it is implemented

- Incentives to protect trees
- Permit fees
- Enforcement approach



24

Summary of value-informed elements



1. WHAT is regulated:

- Bylaw application:
 - Size of property
 - Type of application
- Type of trees:
 - Protected trees – Based on diameter size
 - Trees of significance – individual or size/species importance

KAO

2. HOW it is regulated:

- Restrictions on removals + exemptions
- Replacement requirements

3. HOW it is implemented:

- Incentives to protect trees
- Permit fees
- Enforcement approach

25

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Objectives for key directions



Understanding Council's overall preference for the desired level of:



Urban forest protection

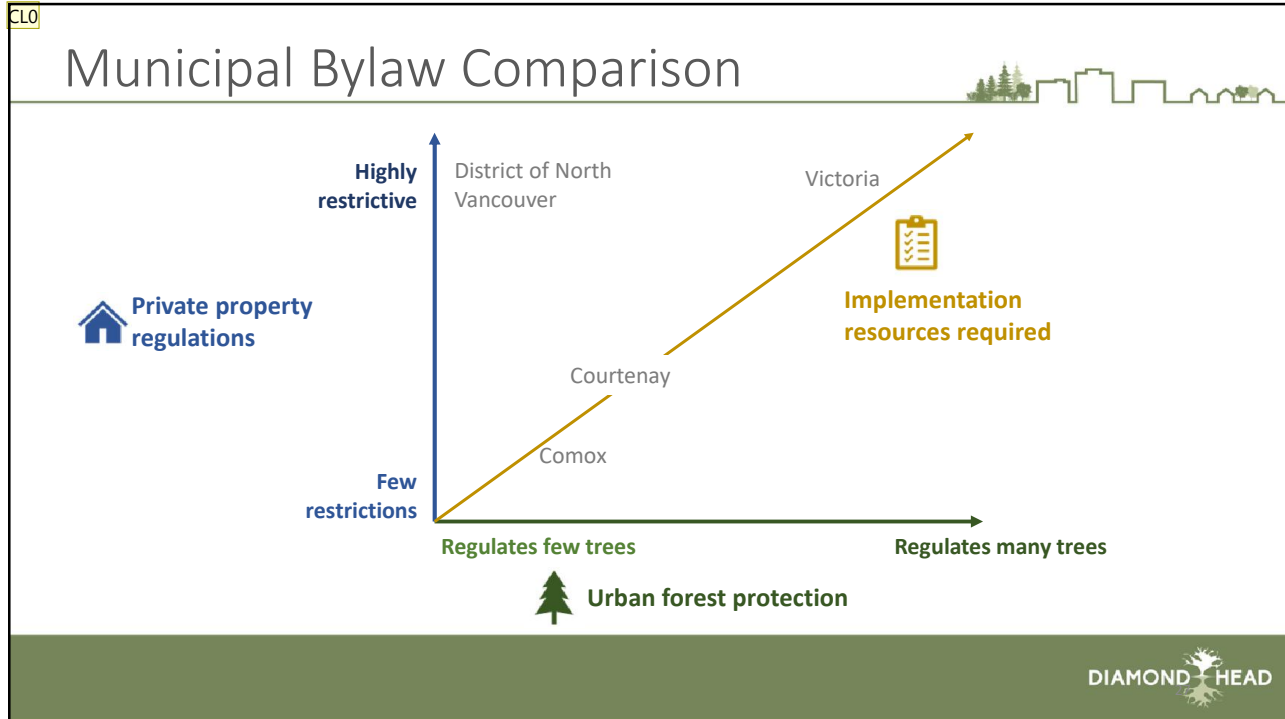


Implementation resources required

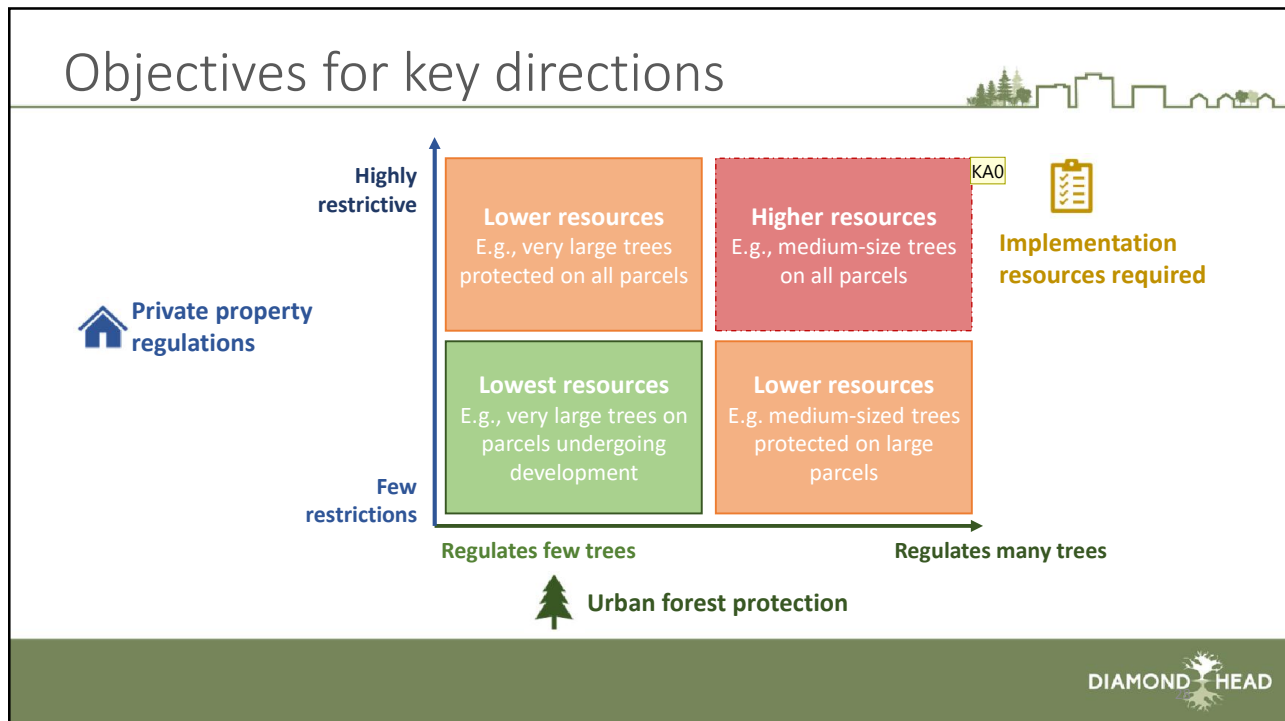


Private property regulations

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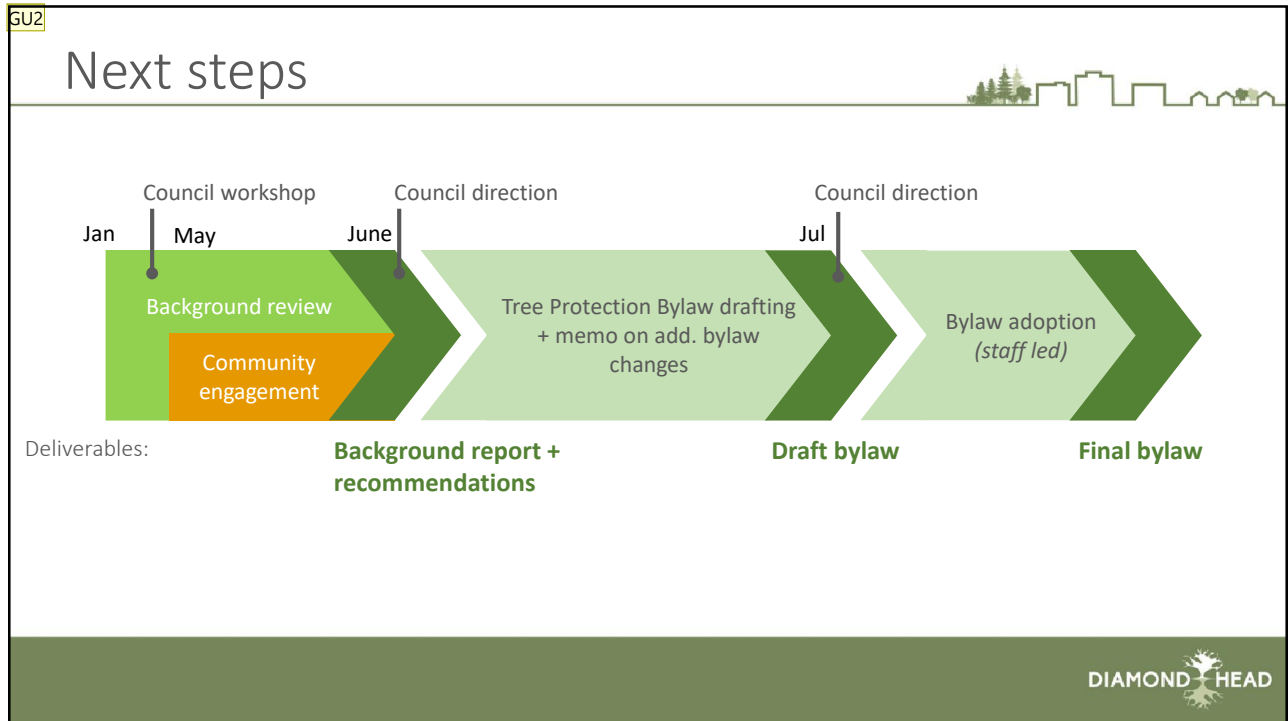
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28



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30



31

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Questions



- What are Council's objectives for tree regulations?
 - For example:
 - Preventing clearcutting
 - Protecting specific types of trees
 - Improving subdivision/development outcomes

32

CLO

Objectives for key directions



Understanding Council's overall preference for the desired level of:



Urban forest protection



Implementation resources required



Private property regulations