

Report to LLE Strata re: the cost for the removal of the row of black cottonwoods along the fence between #7 and the entrance way

**From Violet van Hees, LLE Council, Landscaping Portfolio
October 16, 2022**

LLE Strata council minutes from the strata council meeting of September 25, 2022 state:

Trees – The trees by Unit 7 have become a safety hazard and an increase to general maintenance, particularly Unit 7's roof and deck. It was decided that these trees will be removed along with the stumps and debris. The trees will be replaced with different plantings such as a tall hedge.

Since the items fall under Landscaping's portfolio, Landscaping will proceed to get a few quotations on removing the trees and stumps and the cost to replace said trees.

MOTION: (Maintenance) To have the trees by Unit 7 removed.

SECONDED (Vice Chair/Bylaws)

CARRIED 6 of 6

As the strata council's "landscape portfolio" person, I invited 3 tree service companies come to provide a quote. Two came by and have provided a quote. This is a bigger job than what Dale Phillips Tree Service is set up to do, so I have sought out mid-size companies who have a "bucket truck" and who do work in and around Deep Bay.

I also looked into information about the suitability of cottonwood poplars as residential landscaping trees, and options for dealing with the tree roots if the trees are cut down.

Summary:

- RDN has confirmed there are no specific protections on this row of trees, and it is up to the strata to decide what to do. *(emails to and from RDN on this topic are included as Appendix 1 to this report).*
- The two tree companies that came on site to look at these trees both agreed the trees are a hazard (both the limbs, and the roots) and are posing a risk of damage to buildings, water lines, and our septic field; and are not the kind of trees that ought to be where they are.
- Now that we are aware of this risk, we are responsible for managing that risk. What we do, or don't do, can affect our property insurance coverage and our exposure to liability for damages from these trees.
- The tree companies advised that we can remove the trees, but we should not pull out the roots as that could damage things. We ought to look at how to kill the roots instead.

- Making sure the roots are killed after the trees are removed by applying epsom salts to holes drilled into the cut-off tree trunk is a commonly known practice, and is considered to be a safe way that has a low environmental impact. Some strata residents have asked questions about this, so I have included some links with info about this.
- I asked the tree companies for cost estimates for 1) tree removal, and 2) stump grinding. We can decide whether we want stump grinding, in addition to the tree removal. I received two cost estimates (see details in the full report, below):
 - Clean Cuts: \$9,450
 - Hi-Rigger: \$26,250
- I expect that any planting of new shrubs could/would be done by us (strata residents)

Here is what each tree company said to me when they came to take an initial look before providing their quote:

Hi-Rigger Tree Service (Andy Vandermeer):

- Andy is an ISA certified arborist, and a utility certified arborist.
- I first asked him: are these trees a risk/hazard? He said definitely yes, for the following reasons:
 - they were topped years ago, and more branches have grown up and out from there. There are visible creases in the joints, which indicates weak areas. These trees pose a definite risk for breaking and dropping onto the houses across the fence, as well as #7.
 - these trees are still "young" cottonwoods, and will grow much taller quite quickly, increasing their hazard - and also increasing the difficulty to remove them.
 - the roots of cottonwoods grow wide, and are aggressive. They are visible now along the surface, and also grow out under the surface to water pipes, drainage pipes, and septic pipes. Since they are right beside a strata unit and our neighbour's houses, and adjacent to and growing in towards our septic field, he expects root damage will occur if it has not already.
 - So, even if we topped them again, the roots would be a major (and growing) problem.
- He also said that cottonwood trees are not suitable as hedge trees, because of how aggressive the roots are, how tall they grow, how they can break, and the debris they cause (both with the sticky yellow covers that fall in the spring, and the leaves in the fall.)
- He recommended that if we want a good hedge to provide a visual barrier, Cypress Leylandi shrubs (like we have as most of our hedges on the strata) are the best. They are deer resistant, can grow as tall as we want them to be (e.g. 12 feet tall), provide a good visual barrier, can be easily trimmed and maintained, and their roots are not

nearly as aggressive as for example the cottonwoods or the ornamental trees we have in our entranceway.

- He said that we should not get the tree stumps and roots pulled out mechanically, as this could damage our septic field and the fence and lawns. We will need to do something to kill the tree roots, otherwise they will sprout suckers and continue to be a problem.
- I asked him to include a cost estimate for stump grinding, in addition to tree removal.

Clean Cuts (Scott Gilbert):

- Scott has ISA certified Arborists on staff, if any Arborist reports are needed.
- Scott said he came here to this strata to do the original topping of these trees, about 15 years ago.
- The growth we see now is what has grown since then. Cottonwoods grow fast, and if topped they need to be re-topped every 10 years or so, for safety reasons.
- Especially because these trees were topped, they are at risk of having branches break off because the joints that grew out of the topped-off part are weaker. The bigger the trees get, the bigger that risk. He said these trees are a definite concern for breaking branches now.
- Also, cottonwoods are not good for landscaping around houses or septic fields. They are messy trees (the cotton fluff, the yellow husks, the pollen, and the sticky leaves), and their roots are aggressive.
- Scott too said that trees such as the cypress Leylandi are much better for landscaping, as long as they are trimmed and maintained. (Interestingly, the big evergreens across the fence between unit 7 and our shed are also cypress Leylandi... which have NOT been trimmed and maintained. They can grow into big trees!)
- There are some very big roots from these cottonwoods visible on the surface, growing out towards our septic field. Other visible roots are growing towards #7 and likely there are roots growing towards our neighbours' houses. The roots from these trees do cause problems for foundations, water pipes, and septic fields.
- He said that pulling out the roots mechanically is not a suitable option, as it could damage our septic field etc.
 - He mentioned that he has sometimes used Epsom salts (applied into holes drilled into a cut stump) to kill roots, which works by dehydrating the roots.
 - This process can take some time, but is effective and doesn't harm the environment. *(See appendix 2 of this paper, for links to info about using Epsom salts to kill tree roots.)*
- I asked him to include a cost estimate for stump grinding, in addition to tree removal.

Cost estimates received:

Clean Cuts:

Trees - Remove \$6,800.00

Row of cottonwood trees on fence line at main entrance (left).

Chip and remove all wood and debris off site.
 Cut stumps low and full cleanup
 Grind all stumps \$2,200.00
 10" below grade. \$1950
 Grind large surface roots towards field area \$250
 Subtotal \$9,000.00
Tax (GST 5%) \$450.00
Total \$9,450.00

Hi-Rigger:

Tree removal:	\$20,000
Stump Grinding:	\$ 5,000
<u>Tax(GST):</u>	<u>\$ 1,250</u>
Total:	\$26,250

Insurance considerations

LLE has now been told by two tree companies that the cottonwoods are a hazard and pose a risk of damage to buildings (ours and our neighbours), and infrastructure such as water pipes and septic fields.

Now that we are aware of this risk, we are responsible for managing that risk. What we do, or don't do, can affect our property insurance coverage and our exposure to liability for damages from these trees.

Here is a bit of info about this:

<https://maplehilltree.com/does-insurance-cover-damage-caused-by-trees/>

Will Insurance Cover Compensate You if a Tree Falls on Your House?

The homeowner's insurance policy protects your home, the fence, shed and other structures. The insurance covers perils such as wind. Therefore, whether the insurance will cover the damage caused to the house depends on what caused the tree to fall.

If the tree was healthy and the damage to your home took place because of wind, then a typical homeowner's insurance policy may help in paying for the damages caused to your home and other structures within the property. However, the insurance does not cover damages caused by negligence or issues relating to maintenance.

And here is a link to another Canadian article talking about a lot of pertinent points related to this: <https://www.ratehub.ca/blog/does-homeowners-insurance-cover-fallen-trees/>

Information about the suitability of poplar trees for residential landscaping:

Few garden stores sell cottonwood trees for residential landscaping. Some carry Lombardy poplars, which are a variety of poplar similar to the black cottonwood but taller and skinnier. Here is an article that offers a good summary of the pros and cons of using cottonwoods in residential landscaping:

<https://www.hgtv.com/outdoors/flowers-and-plants/trees-and-shrubs/all-about-cottonwood-trees>

The Pros of Cottonwood

Fast growth and wonderful shade are reasons enough to cherish cottonwood, but these trees possess other qualities that make them worth planting. The leaves have flat stems, so they shimmer and rustle in the wind. The effect is eye-catching and distinctively attractive. The tree offers strong fall color, with leaves fading to glowing shades of gold.

In the wild, cottonwood is one of the fastest trees to colonize unplanted areas, making it a solid choice for areas prone to flooding and soil erosion. The National Forest Service uses it to stabilize streambanks and act as a natural waterway filtration system to reduce sedimentation. It tends to colonize and form groves that act as natural windbreaks. In areas with enough space, such as a ranch or acreage, a cottonwood makes a beautiful addition to a landscape.

The Cons of Cottonwood

Of course, not everything about the cottonwood tree is perfect. For instance, the cotton that helps carry seeds on the breeze can be a nuisance, especially when it sticks to window screens, blocks air conditioning units or coats a swimming pool. There's a workaround, though. Cottonwood trees are male and female, and only the female types form seeds (and cotton). Look for the male 'Siouxland' variety, which grows 2 feet to 3 feet per year, and you'll have a cottonwood tree minus the cotton.

The rapid growth that makes some folks cheer for cottonwood is also a negative because the wood is brittle, leading to breaking branches and plenty of twigs to collect before mowing. As a cottonwood tree grows, large branches often break in windstorms, which can lead to property damage.

Because cottonwood trees are adapted to thrive in floodplains, they naturally have shallow root systems, so that as floodwaters recede, the roots can breathe and the tree survives. These same shallow roots wreak havoc with sidewalks and driveways. Roots also seek out moisture, invading sewer pipes and septic systems.

The Bottom Line on Cottonwood

Cottonwood makes a stunning tree — planted in the right spot. It's a spectacular sight when it can grow unrestricted and welcome wildlife like roosting turkeys or eagles. A good place to grow cottonwood is away from structures, on a ranch, farm or in a park.

In a residential setting, it's not the best choice. In fact, some municipalities ban the planting of cottonwood and many gardening experts recommend removing cottonwood trees on residential properties. If you buy a home with a cottonwood tree, it's wise to have it inspected by a certified arborist who can assess the tree's health and prune — or remove — as needed.

Appendix 1: emails to and from RDN

On September 28, 2022 Council received the following email from a strata owner:

Violet and Council

We consulted with the RDN re cottonwood tree removal near unit 7 and to the trees extending towards Gainsberg on the fence line. Please be advised that before commencing any further activities concerning removal of any of these Cottonwood trees, that you first consult with the RDN as to whether they deem them unsafe, as per their email to us, below.

I ask that you please ensure the minutes of the next council meeting note this is a requirement for all tree removal on strata property where those trees create a buffer, as noted below.

Suzanne and Ron



Below are the emails between me and a Planner at RDN, to determine whether an approval from RDN is required to proceed with these specific trees. *(Please read starting from bottom and scroll upward, to read the emails in order).*

On Tue, Oct 4, 2022 at 12:31 PM Stephen Boogaards <SBoogaards@rdn.bc.ca> wrote:

Hi Violet,

In reviewing our records, these areas within 30 metres of the water features were the only areas that would not permit vegetation removal (as per the covenant or current development permit area requirements). If there were other areas that were planted at the time of the original development, I cannot find any documentation that the vegetation is protected.

With clearing vegetation, I would recommend ensuring that the vegetation does not fall within 30 metres of the water features to ensure a new approval is not required. There is no approval process if you are outside of the development permit area and the covenanted areas.

For clearing trees within 30 metres of a watercourse, you will need to comply with the exemptions in our development permit area guidelines:

<https://map.rdn.bc.ca/devpermitareadocs/Area%20H/Area%20H%20-%20Freshwater%20and%20Fish%20Habitat%20DPA%20excerpts.pdf>.

The applicable exemption says: "Removal of trees deemed hazardous by a certified Arborist or Registered Professional Forester that pose an imminent threat to buildings or life safety. Removal of hazardous trees that also contain an eagle or heron nest are exempt only if a permit under the Wildlife Act has been obtained." In practice, the arborist will send us a letter or email identifying each tree to be removed (such as a photo and description) and identify why it poses a threat to buildings or life safety.

If the vegetation is within the covenanted area, you should speak with the Province of BC as they hold this covenant (and the covenant identifies that vegetation shall not be removed without their consent). You can try the Front Counter BC phone number at 1-877-855-3222.

For trees within RDN parkland, you can give the RDN Parks Department a call at 250-248-4744.

Regards,
Stephen

Stephen Boogaards

Planner, Planning & Development

Regional District of Nanaimo

6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

T: 250-390-6524 | Email: sboogaards@rdn.bc.ca

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From: Violet Van Hees <violet@violetvanhees.com>

Sent: Thursday, September 29, 2022 4:07 PM

To: Stephen Boogaards <SBoogaards@rdn.bc.ca>

Subject: Re: 5300 Gainsberg Road: what is required to seek RND consent to replace a row of cottonwoods with a cypress leylandi hedge

Hi Stephen -

Thanks for your reply. This vegetation does not fall in the covenant area, nor is it within 30 metres of a watercourse that drains into fish habitat.

- Please let me know what needs to happen to confirm that RDN consents with us removing these trees and replacing them with more suitable landscaping shrubs, as described in my first email to you.

I have two other somewhat related questions:

- Our strata looking to have an Arborist come do a hazard assessment for a number of other trees on our property that ARE either in the ditch covenant or within 30 metres of a watercourse that drains into fish habitat.
 - What do we need to ask for from the Arborist, and what needs to be provided to RDN, to get an exemption for the removal of trees determined by an Arborist to be hazardous?
 - Are there only certain Arborists who can do this for RDN, and if so where is the list or description of who those Arborists are?
- And, our property is bordered by forest that is on RDN land. There are a number of trees on the RDN lands that look like they may be hazardous to our property. How do I arrange with RDN for RDN to have someone come assess those trees on RDN land?

Thanks very much -
Violet

On Thu, Sep 29, 2022 at 2:11 PM Stephen Boogaards <SBoogaards@rdn.bc.ca> wrote:
Hi Violet,

Thank you for contacting me. I looked through the historic development permit file this morning for more context.

I understand there is a drainage ditch on the east side of the property. There is a covenant that protects the vegetation around this drainage course (I have attached the document for reference). Does the vegetation fall within this covenant area?

If the vegetation is close to this drainage course or any other watercourse that contains or drains into fish habitat, our freshwater and fish habitat development permit area may apply: <https://map.rdn.bc.ca/devpermitareadocs/Area%20H/Area%20H%20-%20Freshwater%20and%20Fish%20Habitat%20DPA%20excerpts.pdf>. This development permit area applies to development or vegetation removal within 30 metres of a watercourse. If the vegetation removal falls within this area, and it creates a hazardous situation, there is an exemption for removing the vegetation provided an arborist can document the trees being removed and the reason (i.e. the reason for being a hazard).

Regards,
Stephen

Stephen Boogaards
Planner, Planning & Development
Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2
T: 250-390-6524 | Email: sboogaards@rdn.bc.ca
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From: Violet Van Hees <violet@violetvanhees.com>

Sent: Thursday, September 29, 2022 8:44 AM

To: Stephen Boogaards <SBoogaards@rdn.bc.ca>

Subject: 5300 Gainsberg Road: what is required to seek RND consent to replace a row of cottonwoods with a cypress leylandi hedge

Hi Steve -

I am the "landscaping portfolio person" for the strata council for the strata at 5300 Gainsberg Road, in Deep Bay.

The strata council has asked me to look into the potential removal of a row of black cottonwood trees that are growing along one of the perimeter areas of our strata land. These cottonwoods are getting very tall. They are located in part between one of our strata units and the houses of our neighbours on the other side, and for the rest they are adjacent to our septic field. Strata council is concerned that:

- the roots are starting to pose a hazard for the water lines and foundations for our and our neighbours homes, and for the septic field
- the trees are getting very tall and we are concerned that the branches will break and damage our and our neighbours' homes.

The strata council discussed that we may need to remove these trees, and replace them with a hedge that is a suitable landscaping plant for a tall hedge instead. (e.g. cypress leylandi, which is a recommended landscaping plant for buffer hedges).

Another strata resident from here contacted the RDN planning office about this, and you provided a response yesterday by email to them. I have copied and pasted your email here, for easy reference:

From: Ask Planning <askplanning@rdn.bc.ca>

Date: September 28, 2022 at 16:52:30 PDT

To: thelaroys@shaw.ca

Subject: RE: Ask Planning Submission: 5300 Gainsberg Road Tree Removal

Hi Suzanne,

We have issued a development permit for the property before the strata was created. While the development permit does not appear to be prescriptive about locations for landscaping, I believe there was an emphasis on buffering units and property lines. Any changes to landscaping should have consent from the RDN as this could affect the development permit. If the strata is considering this, they should could contact us and confirm the trees are safety hazard and need to be removed.

Regards,

Stephen

I would appreciate having an opportunity to talk with you, to find out what our strata needs to do in order to get the consent of RDN, since an Arborist has advised us that yes, these trees are a hazard, and we ought to take down this row of cottonwood trees and replace them with something more suitable. (see below). **Please call me at 250-327-4751, or let me know a good time to call you about this - thanks.**

I have the following information from Andy Vandermeer, from Hi-Rigger Tree Service, who came by here on Tuesday this week to look at the trees. Andy is an ISA certified arborist, and a utility certified arborist. I had him look at the whole row of these black cottonwoods (there are about 17 trees, plus various off-shoots).

I first asked him: are these trees a risk/hazard? He said definitely yes, for the following reasons:

- they were topped years ago, and more branches have grown up and out from there. There are visible creases in the joints, which indicates weak areas. These trees pose a definite risk for breaking and dropping onto the houses across the fence, as well as #7.
- these trees are still "young" cottonwoods, and will grow much taller quite quickly, increasing their hazard - and also increasing the difficulty to remove them.
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- So, even if we topped them again, the roots would be a major (and growing) problem.

He also said that cottonwood trees are not suitable as hedge trees, because of how aggressive the roots are, how tall they grow, how they can break, and the debris they cause (both with the sticky yellow covers that fall in the spring, and the leaves in the fall.)

He recommended that if we want a good hedge to provide a visual barrier, Cypress Leylandi shrubs (like we have as most of our hedges on the strata) are the best. They are deer resistant, can grow as tall as we want them to be (e.g. 12 feet tall), provide a good visual barrier, can be easily trimmed and maintained, and their roots are not nearly as aggressive as for example the cottonwoods or the ornamental trees we have in our entranceway.

thanks -
Violet

Violet van Hees
Lighthouse Landing Estates strata council
250-327-4751 (cell)

Appendix 2: Use of Epsom salts to dry out and kill tree roots

The use of Epsom salts to dry out and thus kill tree roots is a commonly known practice, for once a tree has been cut down.

There are lots of websites that talk about using Epsom salts to remove stumps and roots. Here are some describing how this works, and how to do it:

<https://www.trees.com/gardening-and-landscaping/how-to-remove-tree-stump-with-epsom-salt>

Conclusion

Epsom salts kill a tree stump by drying out the roots and remaining trunk stump. They are a good option for removing tree stumps in a variety of situations, especially if you want a DIY option that is safe and isn't physically demanding. Epsom salts provide a solution for tree stump removal that is low cost, easy to achieve, and doesn't harm the environment.

The only drawback of using Epsom salts to kill a tree stump is that it can take an extended amount of time compared with other alternatives. If you are happy to wait a few months for Epsom salts to dry out your tree stump, then it could be the right solution for you.

<https://www.treetriage.com/stump-removal/epsom-salt-tree-stump/>

<https://treecutpros.com/killing-tree-root-with-salt/>