



DATE: MARCH 16, 2018

TO: HONOURABLE MAYOR AND MEMBERS OF COUNCIL

FROM: MARY REALI, DEPUTY CITY MANAGER, COMMUNITY SERVICES
GUS MICHAELS, DIRECTOR & CHIEF LICENSING OFFICER, BY-LAW AND COMPLIANCE, LICENSING AND PERMIT SERVICES

RE: ITEM 2, REPORT No. 10, COMMITTEE OF THE WHOLE, MARCH 06, 2018
REVIEW OF CITY PROCESSES FOR PROTECTION OF TREES – MOTION TO AMEND
– REMOVAL OF EXEMPTION TO OBTAIN A TREE REMOVAL PERMIT FOR GOLF COURSES AND NURSERIES

Purpose

At its meeting of March 06, 2018, Committee of the Whole recommended to Council:

1. THAT Council amend the proposed Tree Protection By-law to remove the exemption for golf courses and nurseries from having to obtain a Tree Removal Permit;

This communication is intended to provide City Council with additional information and seek Council's support to defer adoption of the above recommendation, allowing City staff to undertake consultations with golf course and nursery owners and upon conclusion provide a report to a future Committee of the Whole with staff's findings and recommendation.

Recommendation

- 1) THAT Council adopt the six [6] recommendations as outlined within Item 2, Report No. 10, Committee of the Whole, March 6, 2018, Review of the City Processes for Protection of Trees; and
- 2) That recommendation 2) of the Committee of the Whole be deleted and replaced with the following:
 - 2) THAT Council direct staff to undertake the necessary consultations with golf course and nursery owners and provide a report back to a future Committee of the Whole on findings and recommendations with respect to amendment of Tree Protection By-law to remove the exemption for golf courses and nurseries from having to obtain a Tree Removal Permit.

Background

At its meeting of March 06, 2018, Committee of the Whole recommended that Council adopt recommendations as provided within Item 2, Report No. 10, Committee of the Whole, March 6, 2018 – Review of the City Processes for Protection of Trees with an additional amendment provided through a motion recommending an amendment to the City's Tree Protection By-law to remove the exemption for golf courses and nurseries from having to obtain a Tree Removal Permit.

Analysis and Options:

To ensure that staff had opportunity to engage stakeholders, staff committed to consulting with golf course and nursery owners/operators, initially hoping that this consultation could take place prior to March 20, 2018 Council meeting.

In preparation for Council, staff undertook to and began identifying golf courses and nurseries within the City and discovered that in order to provide opportunity for the appropriate consultations and allow for staff to be in a better position to make a more informed recommendation to Council on whether the current exemption for golf courses and nurseries from obtaining a Tree Removal Permit should be maintained or amended, additional time would be required. Additionally, given the current time of year, staff recognize that golf courses and most likely nurseries are not in active operation. Seeking to communicate during a recognized holiday (e.g. March Break), would place operators at a disadvantage and staff at a disadvantage and not support the intended purpose of the consultation process. Staff wish to further explore whether any proposed amendments in this regard would have an adverse effect on the golf courses or nursery operators from carrying out their regular grounds maintenance, including the any annual maintenance of trees.

In this regard, staff have begun to make some preliminary contact with golf course and nursery operators and intend on scheduling additional time to meet with and consult with the operators.

Further, during staff's preliminary review of this matter, the issue of what constitutes a nursery has arisen. Common knowledge of nurseries are in fact garden centres that may not or would not be affected as all trees retailed are potted plants. Staff believe that gaining a better understanding of the intended purpose of the current exemption for nurseries is critical in understanding what if any unintended consequence may be realized.

Although little may be known regarding nurseries within the City at this time, it is reasonably known that golf courses are appropriately groomed, landscaped and all green spaces are maintained to a high standard. This includes providing regular maintenance to all landscaped areas, ground covers, trees and nature growth. It is reasonable to conclude that maintaining a healthy green space, tree canopy and having flexibility to alter landscaping where they deem necessary can be beneficial to their operation and aligned with what is in the golf course's best interests from a service perspective. It is also important to note that to date the current exemption has not given reason for concern.

Additionally, staff also recognize and support the value and importance that Council places on ensuring the appropriate level of over-sight and regulatory framework be in place with respect to protection of trees and supporting the Term of Council priorities of re-establishing the City's tree canopy.

In doing so, staff must balance the interest of all stakeholders and the greater public at large, while ensuring that Council is provided with a fulsome recommendation supported by sufficient and relevant information, including fulsome consultation with stakeholders, to facilitate Council in making an informed decision on the matter.

It is therefore staff's recommendation that Council direct staff to undertake and continue the necessary consultations with golf course and nursery owners, and provide a report back to a future Committee of the Whole on findings and any related recommendation(s) with respect to amendment of the Tree Protection By-law to remove the exemption for golf courses and nurseries from having to obtain a Tree Removal Permit.

Conclusion

Staff recommend that that Council adopt the six [6] recommendations as outlined within Item 2, Report No. 10, Committee of the Whole, March 6, 2018, Review of the City Processes for Protection of Trees; and direct staff to undertake the necessary consultations with golf course and nursery owners and provide a report back to a future Committee of the Whole on findings and recommendations.

Respectfully Submitted,



Mary Reali
Deputy City Manager, Community Services



Gus Michaels
Director & Chief Licensing Officer, By-law & Compliance, Licensing & Permit Services