

Draft Minutes

Wednesday, December 18, 2019

Lake St. Service Centre at 5:00PM

Attendance:

Mark Jemison, Brenda Boonzaijer, Peter Howes, Daya Lye, Andrew Kretz

Regrets:

Dick Thomas, Mike Anderson, Steve Holmes

Staff Liaison:

Chris Nye (MW), Andrew Ferguson (EFES)

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1. **Call meeting to order:** Peter Howes (5:06 p.m.)
 2. **Recognition of Traditional Territories** – Read by Peter Howes
 3. **Additions / Deletions to the Agenda:** None
 4. **Motion to approve the agenda:** Mark Jemison
 5. **Motion to adopt the minutes of the previous meeting:** Andrew Kretz
 6. **Presentations:** None
 7. **Business**

7.1 2020 Work Plan

- \$1,900 dedicated to Community Involvement and plantings, bringing the total amount in the 2020 work plan to \$38,000.

Motion: Moved by Andrew Kretz to approve the costed projects as the GAC 2020 work plan.

CARRIED

Motion: Moved by Mark Jemison to present the 2020 work plan and budget to the ESC at the next meeting set for January 8, 2020.

CARRIED

- The approved 2020 Work Plan is attached to the minutes.

7.2 Private Tree By-Law Sub-Committee Report

- Report read to committee by Daya Lye

Motion: Moved by Daya Lye to accept the GAC sub-committee Private Property Tree By-law Report and Recommendations.

CARRIED

Motion: Moved by Peter Howes that the GAC present the Private Property Tree By-law Report and Recommendations to the ESC at the next ESC meeting, and then to pass the report through the ESC to Council.

CARRIED

7.3 Proposed Terms of Reference Change – Daya Lye

The following is the proposed change to the GAC Terms of Reference first sentence:
*"The Green Advisory Committee is a volunteer committee established to advise and assist City Council and staff on matters relating to **environmental sustainability** [formerly 'greening'] and the urban forest as follows:"*

- It is felt that changing the word "greening" to "environmental sustainability" would allow the committee to expand their scope of responsibility. This is to be discussed further at a future meeting.
- The GAC is interested in finding out the process for developing another committee dealing with sustainability.
- **Action Item:** Daya Lye to email Ilyse Norton and confirm the process.

7.4 Letter from Ken Thornton – Tree Planting Proposal

- Included for information purposes only.
- The GAC read the letter from resident Ken Thornton and it will be discussed at a future meeting.

Additional Business

Green Walls

- Brenda Boonzaijer and Andrew Kretz outlined potential locations throughout the City for green walls.

Educational Funding

- Group discussion regarding educational awards, previously implemented initiatives, co-operatives with school boards.

8. Date of next meeting: Wednesday, January 15, 2020.

9. Motion to Adjourn: 6:07 p.m. Andrew Kretz

GAC Report to Council on the Private Property Tree By-law – December 2019

The GAC supports the concept of a private property tree by-law especially in light of Council's recent declaration of a Climate Emergency. A tree canopy protection by-law is a readily available tool for Council to address "*the urgent need to take action to mitigate the effects of climate change*" **now** (to quote from Council's Climate Emergency resolution). Trees are universally recognized as efficient mechanisms for removing and sequestering carbon from the atmosphere. The Strategic Plan Update presented to Council on September 23, 2019 by the CAO provides in section 3.1 Environmental Stewardship, that a climate change adaptation plan will be developed to address "climate change impacts and mitigation plans". The implementation of a tree canopy protection by-law should be an integral part of such mitigation plans.

The GAC believes that the private property tree by-law proposed by staff in April 2019 (on which the GAC has been asked to comment) will be effective in dealing with the individual homeowner. However, the by-law does not adequately address issues that have arisen with developers. There is a concern that some developers will clear cut lots in advance of submitting a planning application and consider the small penalties proposed in the by-law for clear cutting as a cost of doing business. However, it should be noted that today, without a tree protection by-law, the city cannot prevent clear cutting and preserve mature trees in advance of a developer submitting a planning application. Therefore, the GAC believes that the tree by-law should be strengthened to curtail the indiscriminate cutting of trees by developers, while still applying to individual homeowners. This approach is the GAC's main comment on the by-law and is the recurrent theme in many of the GAC's following further comments and recommendations.

1. The purpose of the by-law should be amended as follows: "*to Protect Tree Canopy by Regulating the Injuring and Destruction of Trees on Private Property*".

2. To discourage developers from removing many trees at a time, the permit fee **should increase** as more trees are removed. The current fee structure **decreases** the fee after the first tree removed. The fee now to remove the first tree is \$101.40. The fee to remove each additional tree drops by half to \$50.70. Consideration should be given to increasing the permit fees applicable to help cover the cost of the extra staffing required for proper enforcement (see Recommendation #7).
3. For trees removed without a permit, there should be a **graduated fine** formula that significantly increases the fine as the number of removed trees increases. In addition, past a certain number of removals, a moratorium on development should be imposed on the repeat offender for X years. (X to be determined by staff). There are other municipalities of similar size in Ontario that have a similar moratorium.
4. There should be heavier fines, similar to those imposed by the cities of Burlington and Cambridge, in both the private property tree by-law and the public tree by-law.
5. The tree by-law should allow replacement trees to be planted in locations such as open green space at the discretion of the City arborist if adequate space for planting the replacement tree is not available on the subject site.
6. The city should develop and adopt a tree protection policy including specifications for construction near trees. A tree protection plan should be a requirement of a building permit to ensure that existing trees will survive nearby excavation and to prevent unnecessary losses to the tree canopy.
7. The by-law needs to be enforced in order to protect the mature tree canopy. Staffing levels need to be appropriately adjusted to ensure the enforcement of this by-law.
8. A tree replacement fund should be part of the by-law.
9. A tree canopy protection by-law that incorporates the graduated fine formula (see Recommendation #3) should reduce the likelihood of lots being cleared in advance of a development application and should ensure, in most cases, that when trees are removed, the removal will be in accordance with the development process.
10. Section 6.2 a. of the proposed by-law allows a permit to be issued if the City agrees with the applicant that a tree is dead, dying or diseased. The GAC recommends that the permit fee for removal of such trees should be waived upon such determination.

The Private Tree By-law is only one part of the effort to protect the tree canopy. Education and Tree Replanting are two equally important aspects that are presently being dealt with by staff. All three items were originally called for in the City's 2011 Urban Forestry Management Plan.

GAC 2020 Work Plan

GAC 2020 Work Plan	
<u>Project</u>	<u>Budget</u>
James/Lake/Welland	
360 Niagara Arboretum	
Backyard Tree Planting	\$ 5,000.00
Tree Protection	\$ 5,000.00
Social Media Advertising	\$ 2,000.00
Living Walls/Roofs	\$ 5,000.00
Naturalization/Pollinator/Tree Planting at Schools	\$ 2,000.00
Community Involvement and Plantings	\$ 1,900.00
Naturalization at Dieppe/Dunkirk Area	\$ 5,000.00
Pollinator Giveaway	
Earth Day Expo	\$ 1,000.00
Water Bill Insert	\$ 2,500.00
Flower Pot Program	
Community Gardens (20% of GAC budget \$38k)	\$ 7,600.00
Trillium Awards	\$ 1,000.00
Total	\$ 38,000.00

*Work plan was approved at the GAC's Dec. 18, 2019 meeting.