

King shelves its proposed tree bylaw

By Mark Pavilons

King Township has put its draft tree bylaw on hold.

Despite being on the table for literally a decade, Township council and staff decided to put the new bylaw on hold, given the overwhelming public opinion against it.

Councillors opted to approve staff recommendations that put the bylaw on the backburner, and that "other tools and mechanisms be explored" to support King's greening initiatives and enhancing the tree canopy.

Consultation and online surveys, conducted through the summer and into September, drew a very high response, and the majority opposed the bylaw. The bulk of the residents had an issue with rules dictating what they can do with trees on their own property. Respondents felt the 3:1 replacement ratio was excessive and many residents felt development and building permits posed greater threats to trees. There were also questions raised about the replacement of dead or diseased trees, and the types of native species suggested by the Township.

The feedback received made it clear that residents don't support the private tree bylaw in urban communities.

The work hasn't been in vain and staff are still exploring other best practices to see what may work. As part of a "comprehensive tree preservation work plan," staff will be looking at tree protection, urban tree inventory, a study and forest master plan, its building permit process and a public tree bylaw.

While opposition at the Nov. 18 council meeting was minimal, many spoke about the need for the bylaw and the importance of preserving trees.

Catherine Flear spoke on behalf of herself, Bruce Craig, Mary Muter and Michael Shackelford, who participated in the working group.

She noted they tried to develop a made-in-King bylaw that addressed all concerns. She recognized the opposition and read the passionate correspondence in the King Weekly Sentinel, making the point clear. However, she said there's a "silver lining" in all of this, in that people are definitely engaged and interested in trees.

She suggested some next steps for the Township. She said members are willing to continue to meet and work on a new bylaw, and engage more members in the community. They will work with staff and she would like the opportunity for the working group to eventually bring back a revamped bylaw.

"Our work is clearly not done yet," she said.

A Manitou Drive resident urged the Township not to scrap the bylaw, but to continue to work on it. Despite public opinion, the canopy, she said, needs to be enlarged. A bylaw is needed, she said, to protect healthy, mature trees. Only 1% of trees in York are considered large or very large.

A "reasonable tree bylaw" will help, she concluded.

Environmental scientist Hans Martin said shelving the bylaw contradicts King's priority to address climate change and without tree protection, our future is "grim."

He pointed out that the sentiment that "my backyard is my business" is a myth "nature belongs to everyone and we have to treasure our trees, to help in the fight against climate change.

A Nobleton resident supported putting the bylaw on hold, noting the majority have spoken. The private tree bylaw, as proposed, restricts full autonomy on private property. The matter has been "well vetted" and she's comfortable to lay the matter to rest.

"Are we going to keep doing it until we get it right?" she asked.

Councillor Bill Cober fully understands the frustration with the matter, having been on council when it was first discussed.

This process has revealed that King really does care for its trees, noting the consultation has been lengthy. There is value in the work that was done.

Councillor Debbie Schaefer, the only one who didn't support the staff recommendation, said she was "shocked" at the decision. She fully assumed a tree bylaw was coming and she didn't expect this result. She urged her fellow councillors and staff to continue another round to create an amended bylaw.

A bylaw, coupled with the other tools mentioned by staff, is needed, she said.

Mayor Steve Pellegrini said this effort consumed a lot of resources and it also generated a lot of awareness. Public opinion was clear, he said.

"We've tried hard, and we can't get it," he said. "There's no debating the survey results; the vast majority are opposed."

Councillor David Boyd pointed out that there's tremendous value in public consultation and the broader public opinion can't be dismissed.

When the draft bylaw was presented this past June, and met with a backlash from residents.

The bylaw was first suggested back in 2009 by members of the Environmental Advisory Committee. Subsequent reports to committee followed in 2013 and 2014. It wasn't until last year that Concerned Citizens of King Township (CCKT) suggested a tree focus working group and it then provided presentations to the Sustainability Advisory Committee for feedback. Bi-monthly meetings continued and draft bylaw came to be.

It was determined that a more "permissive" approach was needed. The idea of the bylaw is to protect healthy trees and if landowners were removing them, they had to be replaced.