

King drafts tree preservation bylaw

By Mark Pavilons

True to its nature, King Township has created a tree preservation bylaw and is looking for feedback.

Council recently received a staff report and will circulate its proposed tree bylaw for feedback.

Subject to comments received from committee, members of the public and interested parties, staff will report back to the Feb. 24 meeting of Committee of the Whole with a draft Tree Preservation bylaw for consideration and adoption by council.

In her report, Clerk Kathryn Smyth noted the bylaw will help protect King's natural environment and maintain the existing tree population.

This bylaw responds to requests over the years from both council and the public. Basically, it protects healthy and unobtrusive trees from unnecessary destruction or injury. It also opens up dialogue with residents on the importance of trees in our communities.

A tree conservation bylaw template was created by the provincial Ministry of Natural Resources in 2010 for municipalities to follow.

Smyth noted the new bylaw complements York's Forest Protection Bylaw, which applies to all woodlands more than one acre in size.

There's been a concern about the destruction and harm to trees outside York's authority ? for those on private property and those that don't meet the woodland or woodlot definition.

The proposed bylaw will "fill the gap"?locally.

The new rules will apply to trees greater than 20 centimeters in diameter at 1.37 metres high. Those wishing to remove, destroy or damage a tree on private property that is not considered a woodlot will be required to get a permit from King Township.

They will grant it if the trees are dead, dying or diseased or in poor condition; trees that are a hazard and are likely to cause damage without [tree trimming](#); trees that are in inappropriate spots. Staff retains the right to assign conditions to approvals and ask that trees be replaced on a one-to-one basis.

There are mandatory exemptions under the Municipal Act and rules under the Normal Farm Practices Protection Board.

Smyth admitted that enforcement can be a challenge, but King does have one certified arborist on staff within Parks, Recreation and Culture who can oversee this function.

"The most effective enforcement tool within the bylaw is the ability to order the discontinuation of work and remediation of affected lands and trees where a contravention is occurring or has occurred,"?Smyth said in her report. "Where a tree is injured or destroyed in contravention of the bylaw, the Township may order the planting of a new tree in its place and restoration of the surrounding property at the expense of the property owner in violation of the bylaw."

If replacement is not an option, a fee system will be put in place to pay the Township to plant new trees elsewhere.

Resident Fred Jesty has some concerns with the new bylaw.

He said this bylaw will impact how a homeowner can landscape their back yard. He wonders whether something like a swimming pool will be refused due to a tree.

While Township is not seeing this as an extra tax, it is just a way of costing the homeowner extra in arborists and permit fees, Jesty said. He hopes council will allow homeowners to remove at least one or two trees per year on their properties without fees and permits.