

Tree preservation bylaw discussed at Sustainability Committee meeting

By Angela Gismondi

Members of the public were invited to learn more about the future of tree protection in King at a tree preservation bylaw information session on April 22. The progress update was presented to King's Sustainability Advisory Committee and the public was invited to attend. All parties in attendance were invited to provide feedback at the meeting. At a meeting late last year, King council heard options on how best to introduce a tree preservation bylaw in King. No bylaw was adopted at the meeting. Instead, council requested more extensive community consultation be conducted and other options be further investigated in order to determine the most effective model to preserve the tree population in the township. Council also asked that staff look into developing program incentives for planting trees and enhancing tree coverage throughout the township, explained Township clerk Kathryn Smyth. Based on the feedback received to date, staff has developed several different approaches for council and the public to consider. Those approaches were presented by acting deputy clerk Alexander Harras at the meeting. One of the major issues throughout the process, Harras explained has been determining what trees in King are protected under the regional tree bylaw. The Region of York is currently finalizing the mapping for protected woodlands and woodlots in King and throughout the region. Although woodlands and woodlots may be covered under the regional bylaw, there is no legislation which governs removing a single tree on a lot in King. There is a possibility that the Region's legislation could cover the protection of trees on personal property. If that is the case, a municipal tree preservation bylaw may not even be required. "Part of the difficulty for us has been communicating what the regional bylaw covers ? which trees in King are protected and which are not," said Harras. "It could be that a tree preservation bylaw might not even be required." "A lot of this process may be for not if we realize that there are tools in place to protect our trees," added Smyth. Overall, the Township received 34 written responses regarding the tree preservation bylaw ? 15 per cent were in favour, 80 per cent were against and five per cent were unspecified. While a majority of people were against it, 40 per cent acknowledged importance of protecting trees, Harras pointed out. "It's not a question of whether tree protection is important, it's whether or not a tree bylaw is the right way to go," he stated. "There is a general desire to target large-scale tree removal overall, that's what we have heard consistently. There is also a high demand for a tree planting incentive program." Many residents were particularly against the strict approach, which was presented in December 2013, stating it would infringe on the owner's property rights. Under the strict approach, property owners would require a permit to remove single trees on their properties with exemptions for dead/diseased/emergency removal, and with this they would be expected to employ the services of companies who are practiced in the task (such as <https://www.akatreeremoval.com/services/tree-removal-service/>). Additionally, they would be required to replace every tree they remove. Property owners would not be permitted to remove healthy trees under the bylaw. The burden to property owner, the cost to administer the program, enforceability and tree protection and promotion all ranked high with this option. Although strict, Harras explained it is the most common approach in urban municipalities and is the preferred model recommended by the Ministry of Natural Resources. The moderate approach, presented in February, offers a scaled-down option. The approach requires property owners to obtain a permit to remove single trees on private property in urban areas only, not rural. Under this option, the removal of healthy trees would be allowed with no fees and permits required but property owners would be required to replace the healthy trees they remove. The burden to property owner, cost to administer, enforceability and tree protection and promotion would be moderate in this case. Under the lenient approach, property owners would be allowed to remove a maximum of five trees per year without a permit. The model, known as the Aurora model, is employed by the Town of Aurora. Permit fees and replacement would be required after the five-tree maximum. Although this model drastically reduces permit volume, it also helps target development lots and clear cutting, Harras pointed out. The impacts on the property owners and the Township's cost to administer and enforce the program would be low using this model. "In this case the bylaw only exists for them to avoid large-scale tree removal," Harras said adding King could drop it down to allow two or three trees to be removed each year. In terms of tree planting programs, Township staff have engaged in discussions with LEAF (Local Enhancement & Appreciation of Forests). The program offers subsidized trees at \$100 to \$150 for five, eight-foot trees. However, the organization's current presence in King is low, with 10 plantings annually. Residents at the meeting suggested King ask LEAF and York Region Forestry to consider expanding their presence in King. "It's easier to work with an existing organization then to establish our own," said Harras adding with the ice storm in December, it's also a good opportunity to begin a tree planting program this year to assist with re-forestation. "It's the perfect opportunity to increase our partnership with organizations like LEAF to help replace damaged trees. This could be a

real benefit to King at this time given the damage the ice storm has caused.? As for next steps, it is up to the township to decide if a bylaw is warranted, what it should look like and if and when it should be introduced. If a bylaw is the preferred option, Harras said it would have to be based on compliance rather than non-compliance as the Township doesn't have the resources to deal with enforcement. ?We need to achieve something that works in the context of King and encourages people to participate in that process,? said Harras. A phased approach to a work plan will be presented to council at the May 26 meeting, with a focus on education and promotion of tree preservation throughout the summer to encourage people to plant trees. A tree preservation bylaw will be considered at a later point in the work plan. ?What we bring forward will probably be a phased approach,? added Smyth, adding the Township needs more information from the Region before moving ahead. ?What we're looking to is an approach that can be applied in the future with the right education.? One local resident questioned why it is necessary for the Township to spend money on a bylaw when the Region's bylaw and MNR both deal with the issue. Councillor Peter Grandilli agreed and was concerned the proposed bylaw is an invasion of privacy. ?I don't think anyone has the right to come on my private property and tell me what trees to plant,? said Grandilli. ?We have all these things in place why do we need more bureaucracy? That's something we don't need in my opinion.? He also requested that three more consultations be held in each of King's villages. Harras responded that while the regional bylaw covers woodlands and woodlots, it does not address a single tree on a single lot. That is the purpose of the preservation bylaw. Another resident who attended the meeting suggested that two different approaches be employed for people living in rural and urban areas in King ? a blanket policy may not address everyone's needs directly, he said. Harras warned that may be perceived as unfair, but a way to get around that is to scale it based on property size, thereby getting rid of the urban and rural designations. Large-scale tree removal by developers was a major concern. ?Talking to my neighbours, everybody is more concerned about clear-cutting and ending up with nothing left in terms of trees,? said a King City resident, suggesting that the Township mandate the developers to plant larger trees in their subdivisions instead of the smaller ones that take 20 years to grow. It was mentioned that although there are policies in place through the development application process which prevent developers from clear cutting trees, what they do before they submit their application is up to them because it is private property. ?They are not a developer until they put in an application,? said Mayor Steve Pellegrini. ?They're just a private landowner like you and I and they can do that because we don't have a tree bylaw in place.? Another major issue was that of the subjectivity of the process and who decides that the trees are worth keeping or getting rid of. The information gathered at the meeting and through ongoing public consultation will help shape the recommendations put forward by staff when council reconsiders the matter on May 26. Staff welcomes all comments regarding tree preservation. For more information call Township clerk Kathryn Smyth at 905-833-4018 or email ksmyth@king.ca or call acting deputy clerk Alexander Harras at 905-833-4082 or email aharras@king.ca.