

PUBLIC PARTICIPATION MEETING COMMENTS

24. Tree Protection By-law

- Sandy Levin, 59 Longbow Road – raising a small point because he heard Mr. J.M. Fleming, Managing Director, Planning and City Planner, talk about protect more as well; requesting an amendment or a change in that not only can the fines and the permit revenue go to tree planting but there will be times where the City will not want to use the Woodland Acquisition Fund to acquire lands that might not already come into City hands through the subdivision process; pointing out that there are going to be properties that continue to be zoned for development that the City may want to protect; wondering how you are going to be able to protect it if you are not going to be able to reward these good stewards of the land; pointing out that if it is only for planting you are missing that other leg that Mr. Fleming, Managing Director, Planning and City Planner, talked about in the Urban Forest Strategy, plant more, protect more, maintain more, so there has got to be something in there where you can protect and maintain, not just replant.
- Gary Brown, 35A – 59 Ridout Street South – pointing out that it has been hard for him to make a decision on this; indicating that we are only protecting old trees that are going to die anyhow; wondering if he applauds the fact that we have a Tree Protection By-law even being considered; advising that it has been a hard choice whether to be complementary or critical; indicating that he was at a climate change meeting last week, sponsored by the Liberals at Wolf Hall and he cannot help but think about that while he is here; hearing so many people say that they cut down a tree in their backyard and wondering why their basement floods so much; responding that that tree sucked up several hundred thousand cubic gallons of water that do not get sucked up anymore and your neighbour is probably getting flooded too, it is a communal responsibility, it is not just your own; enquiring why we are not looking at small trees, young trees; noting that he is an old guy; protecting seventy-five centimeter trees does not do much for him as they are going to die anyway within twenty-five to thirty years; protecting a young tree is the future, it is what our kids are going to see is a large tree in their neighbourhood when we pass on; thinking it is important that we give them some protection as well; applauding that you are saying that we cannot cut a tree down in a woodlot; wrestling with the fact that we make it simple to cut down trees; pointing out that we have said that we are going to make it simple to cut down trees and he partially understands why, but he also lived in Holland for a long time; indicating that, in Holland, if you want to cut down a tree you have to fill out essentially a bible's worth of paperwork and then they tell you no because they do not have enough trees to protect; pointing out that there is that side as well, make it difficult so it is hard to cut down a tree because we do not want trees cut down; noting that it is probably the way most of the Committee feels as well; advising that it is a community value whether it has just been planted, whether it is seventy-five centimeters, you are still going to cut them down, it is still going to die; enquiring if this is also at the lower threshold end for Ontario, never mind other cities, seventy-five centimeters, should we not be in the middle somewhere, not at the back end of this protecting younger trees that are going to be the future of our city's canopy; agreeing with not cutting down woodlots, which is a huge step forward, a huge step for Council to even be considering protecting on private property; thinking we need to move forward and it is a huge step and he really appreciates the Committee even considering this; asking the Committee to think about what is going to happen in the next fifty years; wondering if protecting such large trees, is it going to have any effect on our city in fifty years; enquiring how we are going to measure progress on this, how are we going to measure success or failure as we have not brought that part up; wondering if we are going to measure it by our tree canopy, whether it goes up or down; enquiring how we are going to measure this; pointing out that with most grants that you fill out, that is one of the major questions is how are you going to measure your outcomes; thinking it is very important that we also think about that as we move forward with this; and, thanking the Committee for discussing this matter.
- Richard Zelinka, Zelinka Priamo Ltd – speaking both as a professional planner as well as a citizen; appreciating Mr. Fleming, Managing Director, Planning and City Planner's,

comments but he takes issue with the suggestion that this is to close a loop hole; advising that he does not believe that this is closing a loop hole at all, the by-law that is in place is a by-law that does exactly what it was intended to do, what has changed is that the City is seeking a different type of protection for trees, taking it that additional step and that is fair enough, but we do tend to get into this habit that once anything is regulated, if anybody does something legally, under the system and then we think that maybe we should not have allowed that, then we call it the loophole; preferring to say that we are moving in a different direction and we are seeking to regulate more than has been done in past; expressing concern with the fact that this is something that no one has had a chance to even look at this and it is a big surprise to everybody; referencing the communication from Mr. J. Kennedy, President, London Development Institute, outlining that, from an individual property owner standpoint, this has a good similarity to a zoning by-law, there is a new regulation that is going to be put in place on a number of property owners in this city and how many of them actually know that this regulation is being put in place, have they been advised, no, we have been told now that the proposal is that once the by-law is passed they are going to let people know that they are covered by the by-law; thinking that this is the wrong way to do it in a democratic process; advising that the normal obligation is to let people know beforehand that they are going to be affected by a particular by-law; addressing one point that he believes the Chair, Councillor Squire, asked, he did go to the detailed maps on the website and had those printed off and there are some subdivisions, large lot subdivisions in the north, in the south, in the west that are covered, where individual properties are covered by the by-law with respect to the tree protection areas; noting that it is not just developable property, it is developed single detached residences within certain subdivisions and in other areas it is the rears of those properties and that includes some areas where they may be considered part of a natural heritage feature but there is a lot of them that include properties where trees have been planted for landscape purposes and once they are into a tree protection area, it does not matter if it was a stick that was planted last week or something that has been growing there for forty years, it is still covered and required as a permit; raising cautionary notes that a lot of people are going to be affected by this in ways that may be unintended or may be unintended by Councillors looking at this; indicating that the other thing about going forward with regulations like this is that once we start regulating these things we also as a society are now creating a new class of citizen, a class of citizen who is more likely to be criminalized; in other words we have to watch what you are doing because you are now covered by this and you are subject to your neighbours scrutiny, you are subject to a process which, while it has guidelines, it is arbitrary; realizing that the decision maker is initially going to be Mr. J. Fleming, Managing Director, Planning and City Planner, and he is quite happy with Mr. Fleming's decision making on things but it is not always going to be Mr. Fleming that is going to be making those decisions; advising that he does not know who is going to be making those decisions in future and the by-law says that that person may issue a permit so it does not say that under these conditions a permit shall be issued but rather that it may be issued and it also then leaves a citizen in the situation where you could then have to go to a Tribunal to determine whether I am going to get my permit and I may not get it as well; speaking as an individual citizen, he just wished to say that he is one who loves trees; however, he is not a tree hugger in those terms, but he loves trees; advising that he has spent many thousands of dollars planting trees on his lot in the City; noting that he has planted over thirty trees and he does have a large tree, it is not seventy-five centimeters yet but it is one that he prunes on a regular basis, but it is getting there; indicating that he is going to be put into a situation where, in a few years' time, he is going to have to make a decision, does he want to allow himself to become a regulated person, a regulated citizen, or does he wish to take that tree down before he becomes regulated; advising that this is another unanticipated consequence, instead of providing incentives to people and the City is seeking to have people come on board as partners in the quest to have a greener city, a city that has more trees; pointing out that there are penalties involved; explaining that, in his case, he has a large tree where he has planted successional planting with thirteen native species underneath that tree but he does not want to be in a situation where he is going to have to apply for a permit in order to do major changes to that tree; indicating that, as a property owner, he would like to be able to leave that under his own control and not be subject to a process that he does not have

control over; asking the Committee to be cautious about this in that most of the people that are affected by this do not know that they are being affected; and, asking the Committee to not start creating new classes of citizens that are going to be regulated within this by-law.

- Florine Morrison, Animal Outreach, 803 Waterloo Street - advising that her focus is animal protection; indicating that she is here tonight because you cannot protect animals without protecting their environment obviously; advising that she is glad to see that the Committee is looking at changes that will protect the trees that wildlife rely on for their homes and their food; requesting that the Committee consider smaller trees as they are very important and trees under seventy-five centimeters are also providing food and shelter for animals; asking that consideration be given to trees under that size as well; urging the Committee to consider humane standards as laid out in Humane Forestry protocol that is in the planning and that those humane standards be included in the licensing requirements for people considering cutting down trees.
- Paul Hinde, Manager, Land Development, Tridon Group of Companies – echoing Mr. R. Zelinka's comments in terms of the speed with which this by-law appears to be being presented to Committee for consideration; pointing out that it was also echoed in Mr. J. Kennedy, President, London Development Institute's letter to Council which is an added item on the Planning and Environment Committee agenda; advising that the report was made available on August 17, 2016, with comments needing to be provided by August 19, 2016 and we are now on August 22, 2016 and clearly it has been an extremely difficult time to really assess the potential impacts associated with this, not only from a developer's standpoint, but also as a general landowner at large throughout the entire community; questioning the urgency of having this done and, as it was suggested, will inform the people later through an education process of what we have just passed; pointing out that he did have an opportunity to ask a couple of very quick questions when he learned of this being presented to the Committee tonight to Mr A. Macpherson, Manager, Environmental and Parks Planning, and quite clearly, as a developer, he was asking if you are going through the normal planning process are you exempt or not and the answer as he has been reiterated or confirmed tonight is you would be exempt, but he then has to ask if the developer goes through the normal planning process and he will say for an example a plan of subdivision, as part of that plan of subdivision there is a tree preservation plan submitted and the tree preservation plan clearly has some trees to be protected and some trees that will be removed; advising that those trees being removed, through this normal planning process, there is also quite extensive consideration of what are you going to do to compensate the trees that are being removed and with those being removed, are you then going to be required to pay the fees to have those removed up to the \$100 per tree or the maximum \$1,000; wondering if you have gone through the normal process, it is exempt, but if through the Tree Preservation study and trees are removed, are you then required to pay the fees; asking that greater opportunity be afforded as the London Development Institute has asked for to fully consider and have some of their questions that were raised answered adequately, allow the developers, allow the planning consultants to inform their clients of the potential ramifications and possibly have this deferred for a very short time; noting that he does not think that everybody is going to hear the buzz of chainsaws tomorrow morning if this is deferred to a later Planning and Environment Committee meeting as we are in the Fall session so you are meeting every two weeks now instead of monthly.
- Dean Sheppard, ReForest London – (See attached presentation.)
- Mohamed Moussa, 155 Thornton Avenue – advising that he read over this today and he has flipped through it a couple of times; indicating that he likes what he sees but he does not know if we are quite there yet; expressing confusion with the exemptions, are these exemptions from the application process, are they exemptions from the fees or are they exemptions from the by-law altogether; seeing that one of those exemptions is for normal farm practice and, quite honestly, he thinks that some of the biggest abusers of clear cutting have actually been farmers in the past; noting that all we have to do is go back to January, 2013, and Kains Woods where a developer who was, under the guise of "farming", was clear cutting trees out there; advising that he is not certain why the exemption for that, is it because you do not want the by-law to be ultra vires with the *Farming and Food Production Protection Act* and not knowing whether the exemptions

apply completely outside of the by-law or if it is fees; and, indicating that he does not think that \$100 per tree is a reasonable amount for most people in London, it may be for corporations, it may be for developers but he does not think that it is a reasonable fee and he does think that something like this should be revenue neutral to cover costs of what is going to be an expanding enforcement and implementation of this; stating that the application process adds yet another layer of what the residents of London have to do; indicating that he recently had to take down five ash trees and one was approximately three times the size of the seventy-five centimeter tree example in diameter at the bottom but they were completely dead; advising that for him to come into City Hall to fill out an application and do all this stuff when they are clearly dead; noting that the Emerald Ash Borer has completely decimated the Ash as he is sure everybody is aware; pointing out that he does not see the compliance being there at a lower fee and he does not think that the fee is low enough.

- Marie Blosh, 43 Mayfair Drive – indicating that she and Mrs. F. Morrison, did meet with Mrs. S. Rowland, Urban Forestry Planner, about the proposed Tree Protection By-law several months ago; advising that Mrs. S. Rowland, is very knowledgeable, she listened to their concerns, she explained how they could or could not be fit within the by-law and hoping that she is appreciated as she is an excellent staff member, in her opinion; discussing with the City tree cutting protocols to be done in accordance with the humane wildlife policy that the City has adopted and the way that that would appear to fit into this would be that there would be conditions placed on any permit and they would hope that those conditions would be to comply with the tree cutting protocols that they hope will soon be in place; pointing out that she did not hear those mentioned and she is hoping that as they proceed through the staff process and as they go through the Community and Protective Services Committee that there is some connection somewhere in the staff that these two things are actually linked together because they are not onerous things to do, they are just avoiding cutting down trees during nesting season, etc., that, if you are cutting down a tree would be fairly easy to comply with; relating to the fees, it is a change in structure from the previous by-law in that there is a fee to cut down one tree and then another fee to cut down two or three and then there is a fee to cut down four or more; indicating that it seems like, if you are going to cut down four trees and there is a flat fee for that, you might as well cut down trees five, six and seven while you are at it rather than have to come back and pay more; questioning the fee structure as the previous by-law was not structured that way and she is not sure why it was changed but she would not want to encourage people to say that they are cutting down these, I might as well cut down those as well so I do not have to go through the process or pay another fee.
- Dr. Bill Maddeford, 1611 Healy Road – echoing what some of the other people at the meeting have said; believing that the by-law needs more work or amendments to tidy it up a bit; indicating that it is a step in the right direction but it has a lot of work to go to further it; agreeing with Mr. G. Brown's and Mr. D. Sheppard, ReForest London's, plea to lower the diameter of the trees that are to be preserved is a very positive step that we have to consider; and, indicating that he has been listening to the talks about London, the Forest City for seventy years and he thinks that if we are going to bother keeping that moniker than we should definitely do something that enhances it; agreeing with Mr. R. Zelinka that he does not like anybody telling him what to do about things that are concerning his property but he thinks that we have to adjust to the fact that they are living in a world that there is a lot of change in and we have to be able to do the proper changes to keep it going.