



kinnaturalizationprojects@gmail.com

March 15, 2024

Dear Mayor Craig, Deputy Mayor Clarke and Members of Council,

RE: Current Draft Tree Protection By-law

We are writing this letter as a follow-up to our February 10, 2024 letter in which we expressed general support for the January 25 version of the proposed Tree Protection By-law. We also provided a list of questions and suggested revisions. The draft dated February 26 addressed our main concerns, and we thank Councillor Hinchberger for taking the time to meet with us to answer our questions.

KNP strongly supports the current draft by-law and we urge Council to enact it. Many members of Council were elected with a mandate to implement tree protection in MOK and this by-law is a very significant step towards fulfilling those promises. The by-law's clear focus is to prevent clearcutting of development property, which is appropriate in the circumstances. We also very much appreciate the protection of larger trees on existing smaller residential lots, including the residential portion of agricultural properties. The circumstances in which an arborist report/opinion is required are reasonable and the addition of penalties and offences has remedied one of the biggest issues with the earlier draft. We also request that Council adopt the policy recommended by the Subcommittee.

KNP offers the following additional comments to assist in the achievement of the by-law's objectives:

- Submitting false information on an application should be designated as an offence;
- We recommend addition of a rebuttable presumption clause to ensure that owners are presumed to have committed offences (the presumption can be rebutted by evidence to the contrary).
- Contraventions of the by-law or an order should be designated as multiple offences and continuing offences pursuant to section 429(2) and (5) of the Municipal Act, 2001.

Our comments for further consideration:

- Transparency continues to be a concern and we would like to see a requirement for the Director to report on all permit applications, including trees removed/destroyed, retained, and replaced.
- The reporting requirement referred to above would provide much needed data about the Municipality's canopy.
- We would like to see the scope expanded to all non-invasive trees rather than just native ones, in the future.

We ask that Council approve the Private Tree Protection By-law, with revisions as per this letter, and turn its attention to amending the Official Plan. Recent development applications illustrate our concerns, especially regarding submission requirements and Official Plan designations. The County has recently determined that an Official Plan Amendment is not required to permit subdivisions in Significant Woodlands.

We thank Council for its attention to this important issue.

Sincerely,

Blair Brajuha, Samuel Benson, Douglas Peebles, Andrea Peebles
Local Advocacy Sub-Committee, Kincardine Naturalization Projects