

Guelph's Private Tree Protection Bylaw Update

Phase 2 Engagement

Committee to Council: Natural Heritage Advisory Committee (NHAC)

May 2024



Project Team Introductions



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Welcome to this Hybrid Meeting

Please

- Note this meeting is being recorded.
- Hold your comments / questions until the end of the presentation.
- Raise your real hand or your virtual hand with comments / questions.

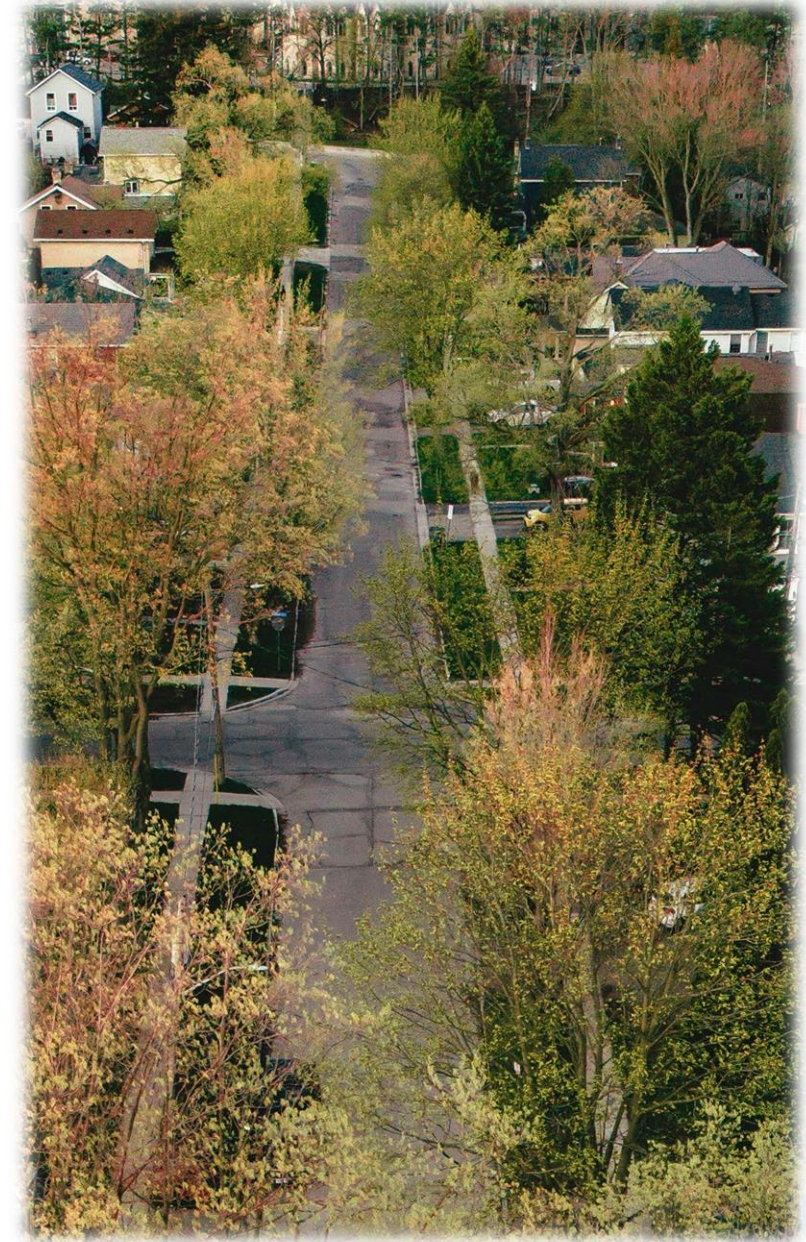
A recording of this presentation will be available.



Objectives

What is the purpose of this session?

1. Explain:
 - a. Guelph's current Private Tree Protection Bylaw
 - b. how options to update the bylaw were identified
 - c. the four options identified
2. Invite you to provide input on the options for updating the bylaw (by completing the survey and/or engaging with us at public sessions)
3. Answer your questions about the current bylaw and the options for updating it



Guelph's Private Tree Protection Bylaw Update

Phase 2 Engagement

Rationale and process for the bylaw update



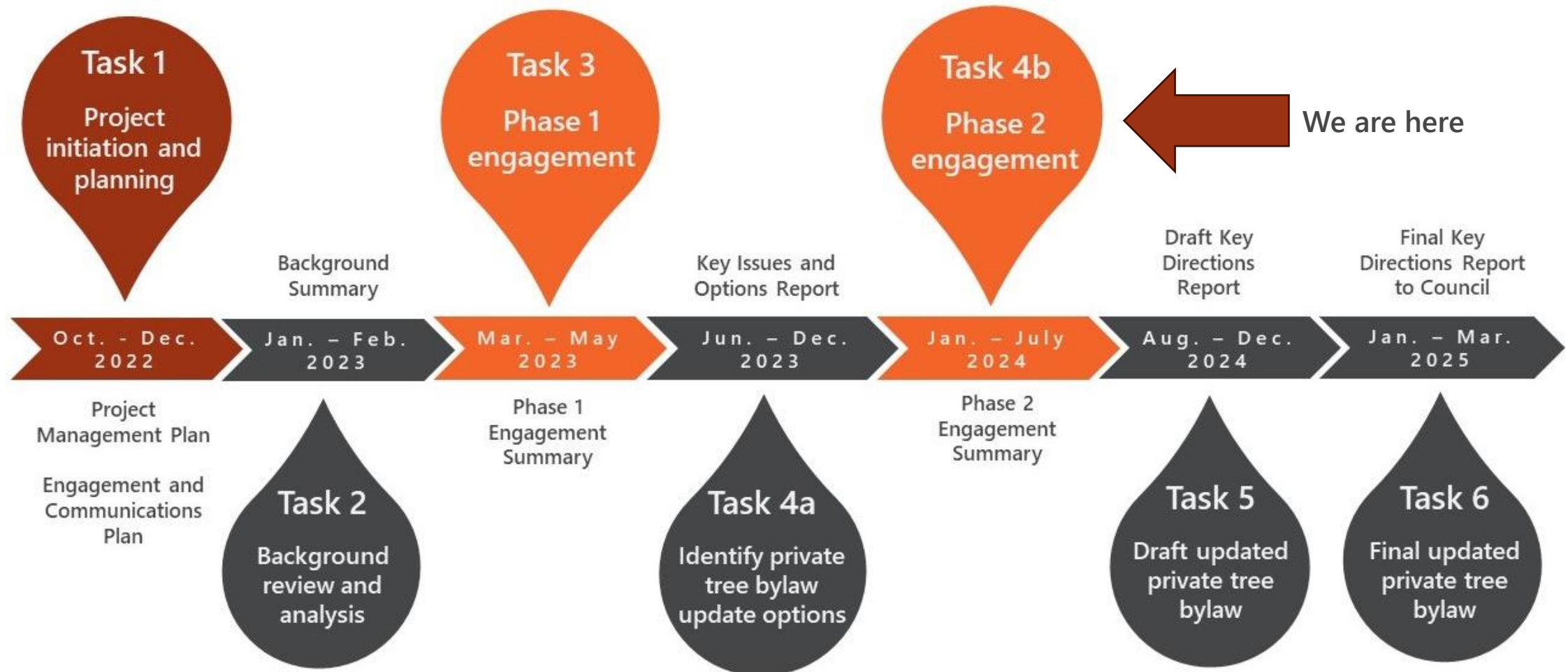
Why the current bylaw needs review

Guelph's Private Tree Protection Bylaw was last updated in 2010. What has changed?

- **Shift towards intensification:** The City needs to accommodate growth within its existing boundaries. This means more compact development and more intensification.
- **Need to adapt to climate change:** Maintaining and increasing tree canopy cover is recognized as an action to help the community adapt to climate change.
- **Need to align with other updated policies and rules:** Since 2010, the City has
 - adopted new Official Plan policies for its natural heritage system and tree canopy cover;
 - developed guidelines for tree protection and compensation; and
 - designated its first Heritage Conservation District, including regulations for trees.
- **Periodic updates are a recommended best practice** (City's Urban Forest Management Plan)



Private Tree Protection Bylaw Update Timeline



Note: This timeline has been revised since the Phase 1 engagement

What we heard in Phase 1

Key feedback and themes from the first round of engagement

- We need to protect and expand Guelph's tree canopy cover for many reasons, including climate adaptation.
- Mature trees should be a priority for protection and regulation.
- Many of us are not aware of and/or do not fully understand the current private tree bylaw.
- We have many different and strong opinions about how the private tree bylaw could be updated.

The Phase 1 engagement summary can be found at haveyoursay.guelph.ca/tree-bylaw.



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Overview of the current bylaw



Key benefits of a private tree bylaw

Guelph's private tree bylaw

- educates residents about the value of trees (e.g., when City staff answer inquiries);
- deters and prevents unnecessary tree removals or damage; and
- provides a legal basis for requiring tree replacements and/or financial compensation for trees removed.

Note: Among Guelph's 30 comparator municipalities, 19 of them have private tree bylaws.



The scope of the current bylaw

Guelph's current private tree bylaw protects

- trees of at least 10 centimetres (cm) in diameter;
- on privately-owned lots greater than 0.2 hectares (or 0.5 acres).

This means that, unless your tree(s) qualify for an exemption, you need a permit from the City if you

- own a lot that is at least 0.2 hectares; and
- plan to remove (or damage) one or more trees that are 10 cm in diameter or greater on your property.

Note: This 0.2 hectare rectangle is 90 feet wide by 239 feet long



Permit exemptions

The current private tree bylaw includes 14 exemptions.

Exemptions include a tree that is

- dead and/or a hazard (i.e., high risk) as certified by a qualified professional such as an Arborist;
- a listed invasive tree species (e.g., buckthorn);
- on lands with a Tree Management Plan approved by City; and/or
- on cemetery lands.



Is your lot greater than 0.2 hectares?



Are you planning on removing (or damaging) trees of at least 10 cm diameter?



Does the regulated tree qualify for one of the City's permit exemptions?



If yes, no permit required

What will not change

Aspects of the current private tree bylaw not expected to change through the update process:

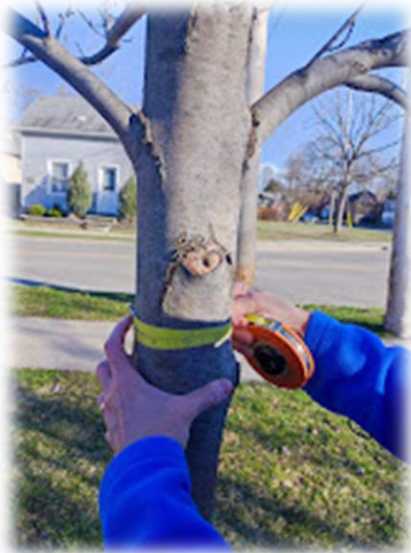
- no permit required for pruning regulated trees (using good arboricultural practices)
- permit exemptions (apart from minor refinements)
- the types of requirements for permit applications
- the types of considerations for issuing permits
- the enforcement mechanisms (e.g., ability to press charges, seek fines and corrective actions)



What may change

Depending on the ultimate direction for the updated private tree bylaw, one or more of the following may change

- size(s) of tree regulated
- size(s) of the private lot(s) where the bylaw applies
- the cost of administration and enforcement



Left: An 11 cm diameter tree



Right: A 55 cm diameter tree



Above: An 0.2 hectare lot (77 by 300 feet) compared to an 0.1 hectare lot (75 by 173 feet) in the City of London

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How update options
were identified



Key facts considered

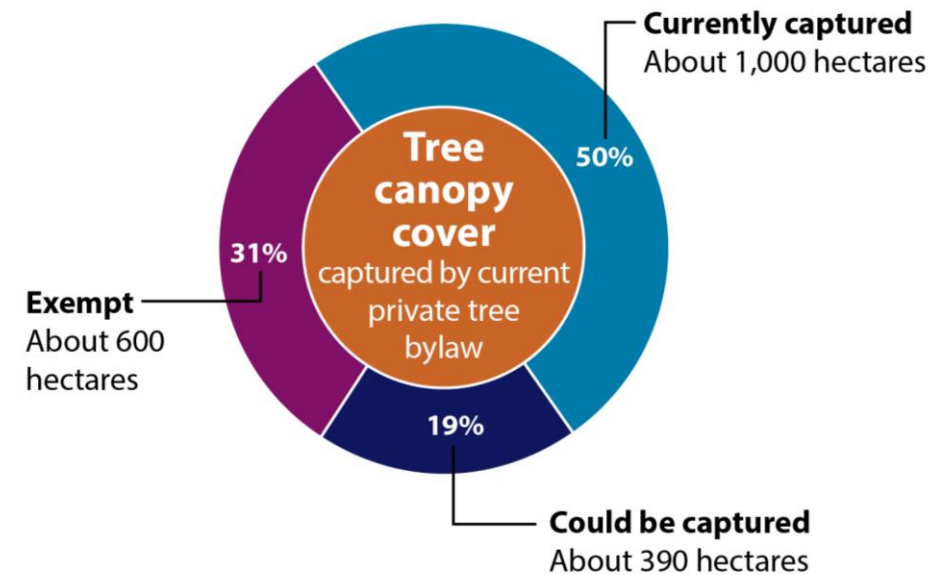
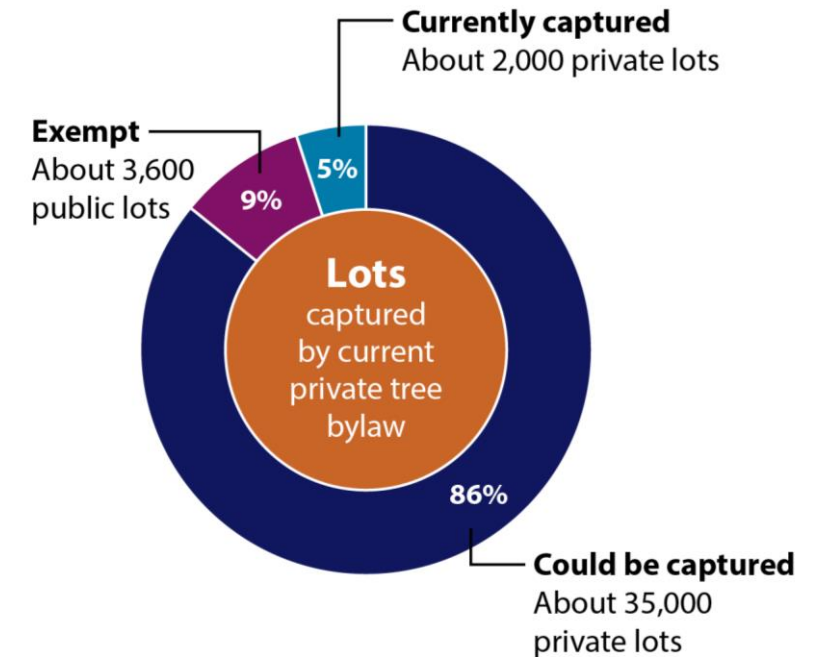
Where the current private tree bylaw applies

- to privately-owned lots that are greater than 0.2 hectares
- this captures 5 percent of the lots in the city (about 2,000 of the 40,000 lots)
- it also captures about 50 per cent of the city's tree canopy cover

Where the current private tree bylaw does not apply

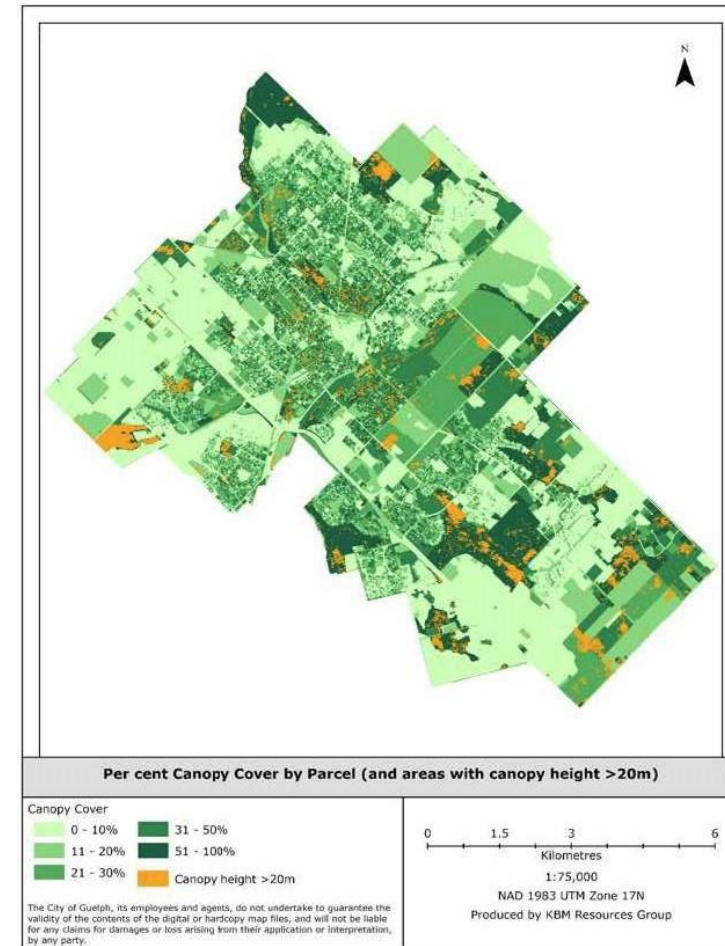
- to about 86 percent (35,000) of the privately-owned lots in Guelph (because they are 0.2 hectares or less)
- these lands account for about 19 per cent of the city's tree canopy cover

In addition, the private tree bylaw cannot be applied to the remaining nine (9) per cent of lots (about 3,600) because they are publicly-owned (i.e., owned by any level of government). These lands are subject to other environmental rules.



More key facts considered

- Council is committed to maintaining, and potentially open to expanding, the scope of the current private tree bylaw.
- Most trees in Guelph are relatively small/young (e.g., about 78 percent are less than 20 cm diameter).
- The current private tree bylaw captures about 50 per cent of Guelph's canopy cover on 5 per cent of the lots in the city.
- Up to 69 per cent of the tree canopy cover could be regulated by expanding the bylaw to all private lots.
- Expanding the bylaw to all private lots would add complexity and cost to both the City and more private property owners.



How the four options were identified

Nine (9) possible alternatives were identified based on every possible combination of 10, 20 or 50 cm diameter trees on 0.2 hectare, 0.1 hectare, or all lots (irrespective of size).

Feasible options for updating Guelph's private tree bylaw were identified based on

- the local context (including the bylaw already in place);
- the background review and data analyses; and
- input from the community, Council and staff.

Nine (9) possible alternatives considered

Possible alternatives screened against six (6) evaluation criteria

Resulted in five (5) preferred alternatives for which cost estimates were developed by City staff

Feasibility checked (based on level of regulation and cost estimates)

Four (4) options confirmed for community to consider

Note: The details of this process are provided in the full Key Issues and Options Report

Guelph's Private Tree Protection Bylaw Update

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About the options for updating
the private tree bylaw



Overview of the options

This process is asking the community to weigh in on whether the size of tree(s) regulated and/or the size of lot(s) captured by the bylaw should change.

Option 1: Same as current bylaw

- Regulation of trees at least 10 cm diameter on private lots greater than 0.2 hectares

Option 2: Somewhat expanded

- Regulation of trees at least 10 cm diameter on private lots greater than 0.1 hectares

Option 3: Significantly expanded

- Regulation of trees at least 20 cm diameter on all private lots

Option 4: Current bylaw plus mature trees everywhere

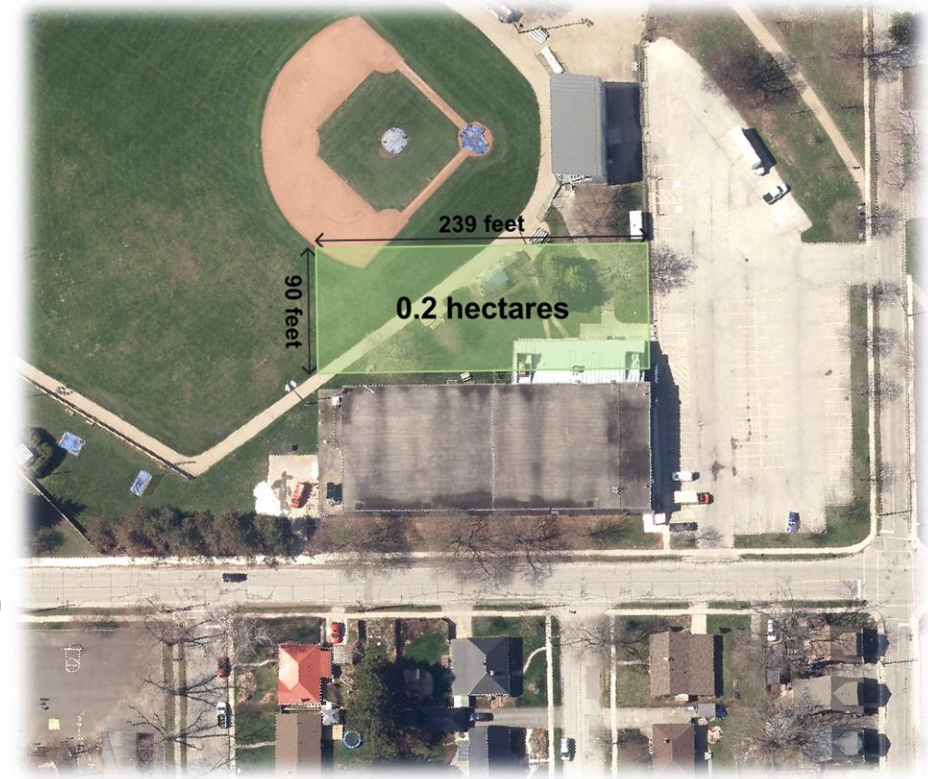
- Regulation of trees at least 10 cm diameter on private lots greater than 0.2 hectares plus regulation of trees at least 50 cm diameter on all private lots

One of these options, or potentially a combination of different elements from these options, will form the basis of the updated bylaw.



Option 1: Same as current bylaw

- **What's regulated:** Trees of at least 10 cm diameter on lots greater than 0.2 hectares (i.e., larger properties – 0.5 acres or 21,500 square feet)
- **Who it affects:** Owners of large private lots who want to remove regulated trees (5 per cent of private lots)
- **Community value:** Captures about half (50 per cent) of the city's tree canopy cover
- **Community cost:** No new costs expected (i.e., can be implemented with available staffing)



An 0.2 hectare area (90 by 239 feet) in Exhibition Park in Guelph

Option 2: Somewhat expanded bylaw

- **What's regulated :** Trees of at least 10 cm diameter on lots greater than 0.1 hectares (i.e., "semi-large" properties – 0.25 acres or 10,750 square feet)
- **Who it affects:** Owners of semi-large private lots who want to remove trees (5 per cent of private lots)
- **Community value:** Captures over half (about 55 per cent) of the city's tree canopy cover
- **Community cost:** No new costs expected (i.e., can be implemented with available staffing)



Aerial view of a neighbourhood in the City of London showing examples of an 0.2 hectare (77 by 300 feet) and an 0.1 hectare (75 by 173 feet) lot.

Option 3: Significantly expanded bylaw

- **What's regulated:** Trees at least 20 cm diameter on all lots (irrespective of size)
- **Who it affects:** Any private property owner who wants to remove a semi-mature or mature tree
- **Community value:** Captures about 69 per cent of the city's tree canopy cover
- **Community cost:** Significant new costs for bylaw administration and enforcement



A 20 cm diameter tree in Guelph



Option 4: Current bylaw plus mature trees everywhere

- **What's regulated:** Option 1 (current bylaw scope) plus trees of at least 50 cm diameter (mature trees) on all lots (irrespective of size)
- **Who it affects:** Potentially all private property who wish to remove trees, but large property owners would be more affected than small property owners
- **Community value:** Captures 50 to 69** per cent of the tree canopy cover
- **Community cost:** Significant new costs for bylaw administration and enforcement

** The range reflects the uncertainty around how much of the canopy will not be captured by excluding trees 10 to 49 cm diameter on lots less than 0.2 hectares.



A 55 cm diameter tree in Guelph

The four options

Option number and name	Approximate number private lots captured	Estimated tree canopy cover regulated ⁽¹⁾	Estimated new City costs (per year) ⁽²⁾	What would be regulated on private lots
Option 1: Same as current bylaw	2,000	50%	\$0 (can be implemented with available staffing)	Trees of at least 10 cm diameter on lots greater than 0.2 hectares
Option 2: Somewhat expanded	4,000	55%	\$0 (can be implemented with available staffing)	Trees of at least 10 cm diameter on lots greater than 0.1 hectares
Option 3: Significantly expanded	37,000	69%	\$235,000	Trees of at least 20 cm diameter on all lots
Option 4: Current bylaw <u>plus</u> mature trees everywhere	37,000	50–69% ⁽³⁾	\$113,000	Option 1 <u>plus</u> trees of at least 50 cm diameter on all lots

(1) Based on the tree canopy cover in Guelph (i.e., on private and public lands).

(2) All options include a new community outreach campaign and additional site inspections.

(3) This range reflects the uncertainty about how much of the canopy will not be captured by excluding trees 11 to 49 cm diameter on lots 0.2 hectares and smaller.

Additional considerations

Equity

How will the private tree bylaw be updated to help protect our tree canopy without placing an undue financial burden on residents and/or landowners, particularly those who cannot afford it? **We want your ideas!**

Replacement trees

Small trees planted to replace trees removed through the private tree bylaw process are not regulated until they reach 10 cm diameter. **Do you think newly planted replacement trees should be regulated?**



What is expected to change

No matter how the private tree bylaw is updated, the City plans to:

- launch an outreach and education campaign (once the updated bylaw is passed)
- modernize the permitting process
- update tree compensation requirements to align with Guelph's Tree Technical Manual
- try and ensure the permitting and tree compensation costs to residents and/or landowners are reasonable and fair
- make minor and housekeeping revisions
- shift staffing to help enforce the private tree bylaw more fully (e.g., more site inspections)
- explore options for cost recovery

Depending on the update private tree bylaw direction, what may also change

- size(s) of tree regulated
- size(s) of the private lot(s) where the bylaw applies
- the cost of administration and enforcement



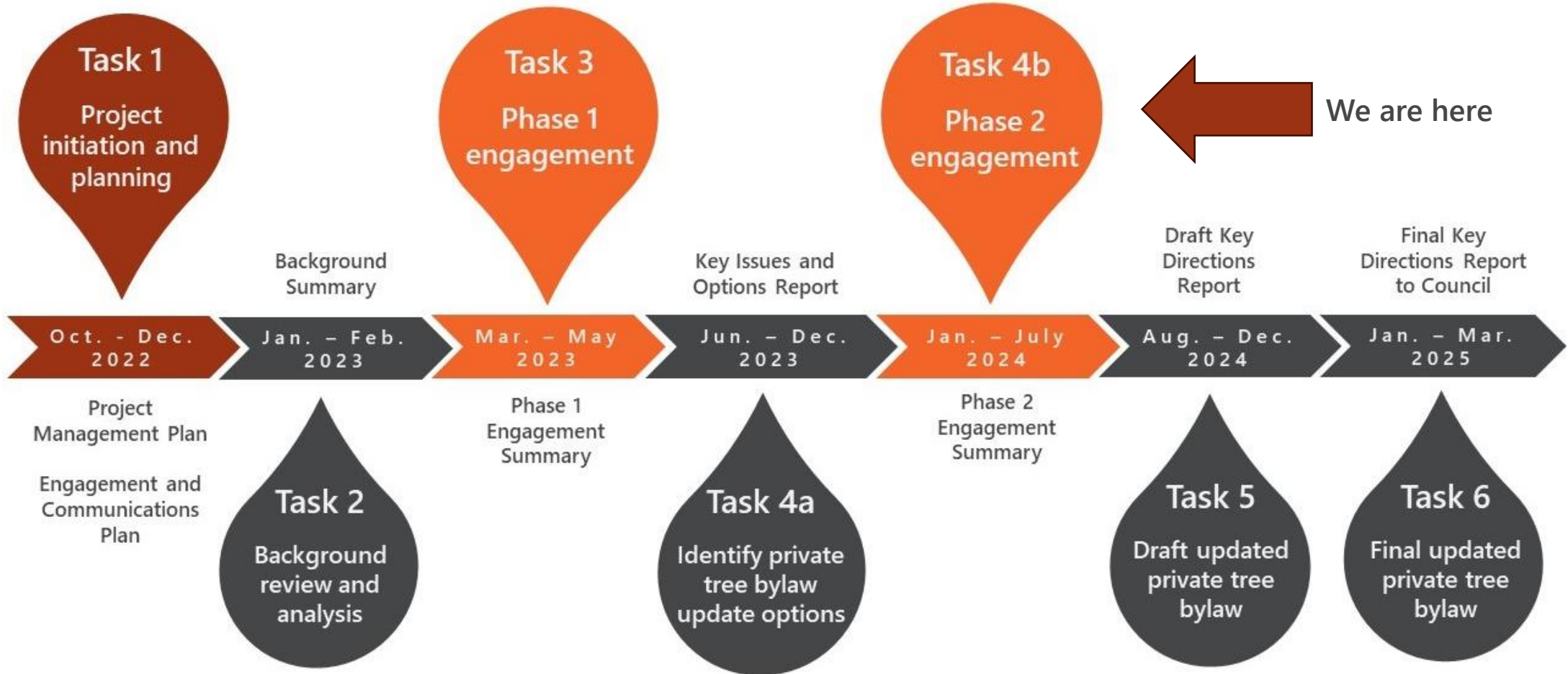
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Concluding remarks



Private tree bylaw update timeline



Note: This timeline has been revised since the Phase 1 engagement

Next steps

- Phase 2 engagement summary
- Confirm the direction for updating Guelph's Private Tree Protection Bylaw based on
 - the findings of the background review and assessments;
 - the local context and issues;
 - feedback gathered in Phase 1 and 2; and
 - input from City staff (e.g., legal, bylaw).
- Develop an updated bylaw (fall 2024)
- Present to Council for approval (first half of 2025)



Other opportunities for engagement

Complete the Phase 2 survey

Members of the community and any other interested parties are invited to any of the following public events

- In-person pop-up: **May 4, 1–4 p.m.** at the Italian Canadian Club (Community Climate Forum), 135 Ferguson Street
- In-person pop-up: **May 11, 8 a.m.–1 p.m.** at the Guelph Farmer's Market, 2 Gordon Street
- In-person information session: **May 8, 6:30–8 p.m.** at Guelph City Hall, Meeting Room C, 1 Carden Street
- Virtual information session: **May 14, 6:30–8 p.m.** (please register at haveyoursay.guelph.ca/tree-bylaw)

Tell us what you think about the options for updating the private tree bylaw by completing the online survey between **April 30 and May 27**

haveyoursay.guelph.ca/tree-bylaw



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Questions or comments

