



Legislation Details (With Text)

File #: 2800-2023 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 10/3/2023 **In control:** Rules & Reference Committee

On agenda: 12/11/2023 **Final action:** 12/14/2023

Title: To amend City Code Chapter 912, Trees and Shrubs, by repealing and replacing the chapter in its entirety; and to supersede provisions of Executive Order 2015-01, Tree Protection and Mitigation Policy. (\$0)

Sponsors: Mitchell Brown, Emmanuel V. Remy

Indexes:

Code sections:

Attachments: 1. Chapter 912_REVISION FINAL

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/11/2023	1	Columbus City Council	Approved	Pass
12/4/2023	1	Columbus City Council	Read for the First Time	

Background: This ordinance amends Columbus City Codes Chapter 912, Trees and Shrubs, and supersedes by codifying, Executive Order 2015-01, Tree Protection and Mitigation Policy.

Columbus' Urban Forestry Master Plan (UFMP) was approved by City Council in 2021 and is a strategic plan to prioritize, preserve, and grow our tree canopy over the next decades. One of the key actions in the UFMP is to update Columbus' public tree protections.

Public trees are all trees growing on City-owned properties. In Columbus, 30% of our overall tree canopy grows on public land and includes more than 125,000 street trees. Protecting these trees is important to Columbus' canopy goals, particularly stopping net loss by 2030. City Code confers authority over all trees planted or to be planted on City-owned property to the Columbus Recreation and Parks Department.

Public trees are governed today by City Code Chapter 912 and Executive Order 2015-01. Chapter 912 was adopted over 30 years ago, in 1991, and gives the Columbus Recreation and Parks Department the authority over trees planted or to be planted on City-owned properties. It includes some protections for public trees, established a tree fund, and established the Tree Subcommittee. In 2015, Former Mayor Coleman signed an Executive Order to ensure that City construction activities and capital improvement projects minimize impacts to trees, requiring tree mitigation via planting or payment-in-lieu.

The City held two public comment periods, and the Recreation and Parks Department held over 35 City interdepartmental meetings to work through implementation logistics. Major changes to the City Code and a companion manual to aid in better outcomes and better protect public trees were discussed. The proposed Tree Technical Manual was drafted. For the first time, code changes to allow for the creation of a Tree Technical Manual that carries the force of City Code were advanced. This is important because it means the department can both provide more detail on meeting code with best

practices, and the manual can be updated more frequently than City Code, allowing it to be a living document that can change with advances in the forestry industry. Mitigation will now apply to all projects. Today, there instances in which the current system results in healthy trees not being replaced when work occurs on public land. The proposed code changes will address this issue. Stronger valuation of trees and an inch-for-inch replacement is also recommended. In the current system, the tree valuation and replacement practices do not accurately reflect the value of trees in Columbus. A mitigation fee structure is needed. The proposed tree code amendments not only include mitigation options for the first time, but they also increase the rate to \$260 per inch based on the average appraisal value of a representative sample of public trees. This increased rate better reflects the value of Columbus' public trees and this fee will be used to plant trees across the City of Columbus.

Principal Parties: n/a

Benefits to the Public: Residents benefit from public trees, which shade our streets, clean the air, filter the water, and make our city more walkable and resilient. Modernizing Columbus' public tree code ensures those benefits remain for generations to come.

Community Input/Issues: There were two public comment periods advertised for input on these changes, from January 12, 2022 to February 4, 2022 and again from August 25, 2023 to September 22, 2023. There was also a City Council hearing with public comment on September 14, 2023.

Area(s) Affected: Citywide (99)

Master Plan Relation: This project will support the Recreation and Parks Master Plan by being proactive in protecting trees and establishing a canopy replacement program in furtherance of overall tree canopy goals.

Fiscal Impact: No fiscal action is required at this time.

To amend City Code Chapter 912, Trees and Shrubs, by repealing and replacing the chapter in its entirety; and to supersede provisions of Executive Order 2015-01, Tree Protection and Mitigation Policy. (\$0)

WHEREAS, it is necessary to amend City Code Chapter 912, Trees and Shrubs, by repealing the existing chapter and replacing it in its entirety; and

WHEREAS, this amendment will codify provisions of Executive Order 2015-01, Tree Protection and Mitigation Policy, and supersede conflicting provisions of that Executive Order; and

WHEREAS, it is necessary to delay superseding Executive Order 2015-01, Tree Protection and Mitigation Policy, until August 1, 2024; and

WHEREAS, the Recreation and Parks Commission, by action of October 10, 2023, has reviewed and voted to recommend the City Code changes contained herein; and

WHEREAS, it has become necessary in the usual daily operations of the City for the Tree Code to be amended for all of the reasons provided in the background and incorporated fully herein; **NOW, THEREFORE**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That City Code Chapter 912, Trees and Shrubs, be replaced as provided for in the following attachment:

Chapter 912, Trees and Shrubs

SECTION 2. That the current version of City Code Chapter 912 is hereby repealed.

SECTION 3. That new Section 912.06 shall go into effect on August 1, 2024.

SECTION 4. That provisions of Executive Order 2015-01, Tree Protection and Mitigation Policy, shall remain in effect until August 1, 2024 at which time the provisions of Executive Order 2015-01 will be superseded by City Code Section 912.06.

SECTION 5. That except as otherwise provided in Section 3, this ordinance shall take effect and be in force from and after the earliest period allowed by law.