

AN ORDINANCE BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE AMENDING CITY OF ATLANTA CODE OF ORDINANCES SECTION 158-66, ENTITLED “TREE TRUST FUND”, TO ESTABLISH MINIMUM CRITERIA FOR THE USE OF TREE TRUST FUND DOLLARS TO PROCURE PRIVATELY-OWNED AFFORESTED PROPERTY, INCLUDING A REQUIREMENT THAT THE PROCURED PROPERTY BE DESIGNATED IN PERPETUITY AS FOREST LAND; AND FOR OTHER PURPOSES.

(HELD 6/28/16 BY THE COMMITTEE FOR A WORKSESSION TO BE SCHEDULED.)

WHEREAS, the City of Atlanta (“City”) has established a Tree Protection Ordinance that is set forth in City Code of Ordinances section 158-26 through section 158-110 (the “Tree Ordinance”); and

WHEREAS, the purpose of the Tree Ordinance is to “assure” that there is “no net loss of trees within the boundaries of the city . . . and that the city will continue to enjoy the benefits provided by its urban forest”. (City Code of Ordinances §158-28); and

WHEREAS, in furtherance of its purpose, the Tree Ordinance establishes a Tree Trust Fund (the “Tree Fund”) to be utilized “for the protection, maintenance, and regeneration of the trees and other forest resources of Atlanta”. (City Code of Ordinances §158-66(a)); and

WHEREAS, the Tree Fund is funded by developers, builders, contractors, homeowners and others who remove or destroy healthy trees located in the City. To “minimize the impact” of tree loss, the remover of trees must either plant “replacement trees”, and/or must pay “recompense” dollars into the Trust Fund to enable the City to remediate and protect Atlanta’s tree canopy. (City Code of Ordinances §§158-103(a) and (b)); and

WHEREAS, an effective method of protecting and maintaining Atlanta’s urban forest is to procure privately-owned property that is already forested and preserve its afforestation in perpetuity; and

WHEREAS, one benefit of purchasing afforested property, in comparison to purchasing and planting new trees, is that many trees on afforested property are mature, thus providing a benefit to the City’s tree canopy that would not be provided by a new tree for many years; and

WHEREAS, the Tree Ordinance does not currently provide minimum criteria for procurement of forested property; and

WHEREAS, in order to maximize the benefit of the Tree Fund expenditure, it is in the City’s best interest to establish minimum criteria for the use of Tree Fund dollars to purchase privately-owned forested property.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The City of Atlanta Code of Ordinances Chapter 158 (“Vegetation”), Article II (“Tree Protection”), Division 2 (“Tree Conservation Commission”), Section 158-66 (“Tree Trust Fund”) shall be amended as follows:

- i) The current subsection 158-66(b) shall be re-numbered as subsection 158-66(c);
- ii) The current subsection 158-66(c) shall be re-numbered as subsection 158-66(d); and
- iii) The current subsection 158-66(d) shall be re-numbered as subsection 158-66(e).

SECTION 2. The City of Atlanta Code of Ordinances Chapter 158 (“Vegetation”), Article II (“Tree Protection”), Division 2 (“Tree Conservation Commission”), Section 158-66 (“Tree Trust Fund”) shall be amended by adding a new subsection (b) entitled “Procurement of forested property”.

Subsection 158-66(b) shall read as follows:

“(b) *Procurement of forested property.*

As set forth in subsection 158-66(a) above, “protection, maintenance, and regeneration of the trees and other forest resources of Atlanta” shall include procurement of privately-owned forested property. The tree trust fund may be utilized to purchase forested property provided that the following minimum criteria are satisfied:

- (1) The property must contain one or more of the following, as determined by or at the direction of the Department of Parks and Recreation Commissioner and the Department of Planning and Community Development Commissioner: i) 80 percent or more canopy cover; ii) minimum forestation standards of 1,000 DBH inches; and/or iii) 50 mature trees per acre.
- (2) The purchase of the forested property must be authorized by a duly-enacted City ordinance, and said ordinance shall include the following:
 - i) The property must explicitly be dedicated and preserved in perpetuity as forested land;
 - ii) The property must be available for public use without cost (subject to Atlanta’s park rules and other applicable City ordinances);

- iii) Use of the property must be restricted to passive recreational activities with minimal environmental impact, as determined and established in writing by the Department of Parks and Recreation Commissioner based on the characteristics of the property; and

 - iv) The Department of Parks and Recreation Commissioner shall provide a property maintenance plan as an attachment to the ordinance. The plan will describe the types of maintenance that may be needed at the property, will estimate the property's annual maintenance cost, and will identify the source of funding for the estimated annual maintenance cost. To the extent that the Commissioner identifies the Tree Trust Fund as the source of maintenance funding, any specific allocation of maintenance dollars from the Tree Trust Fund shall be authorized as a separate procurement or expenditure, in a manner consistent with applicable city ordinances.
- (3) The Department of Parks and Recreation Commissioner and the Department of Planning and Community Development Commissioner shall jointly develop a written list of factors and a process for evaluating parcels that may be suitable for acquisition as forested property. An ordinance authorizing procurement of forested property, as described in subsection 158-66(b)(2) above, shall include as attachments an affidavit from each of the two commissioners providing her/his recommendation regarding the procurement based upon these factors.

SECTION 3. All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

**CITY COUNCIL
ATLANTA, GEORGIA**

16-O-1353

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(Held 6/28/16 by the Committee for a worksession to be scheduled.)

Workflow List:

Stephanie S Benfield	Completed	06/03/2016 2:47 PM
Finance	Completed	06/03/2016 3:41 PM
Information Technology	Skipped	06/03/2016 11:45 AM
Procurement	Skipped	06/03/2016 11:45 AM
Adam Smith	Skipped	06/03/2016 11:45 AM
Mayor's Office	Completed	06/03/2016 3:51 PM
Office of Research and Policy Analysis	Completed	06/07/2016 11:25 AM
Community Development & Human Resources Committee	Completed	06/14/2016 12:30 PM
Atlanta City Council	Completed	06/20/2016 1:00 PM
Atlanta City Council	Completed	06/20/2016 1:00 PM
Community Development & Human Resources Committee	Completed	06/28/2016 12:30 PM
Atlanta City Council	Completed	07/05/2016 1:00 PM
Atlanta City Council	Completed	07/05/2016 1:00 PM
Community Development & Human Resources Committee	Completed	07/12/2016 12:30 PM
Atlanta City Council	Completed	07/18/2016 1:00 PM
Community Development & Human Resources Committee	Completed	07/26/2016 12:30 PM
Atlanta City Council	Completed	08/15/2016 1:00 PM
Community Development & Human Resources Committee	Completed	08/23/2016 12:30 PM
Atlanta City Council	Pending	09/06/2016 1:00 PM
Mayor's Office	Pending	

HISTORY:

06/14/16	Community Development & Human Resources Committee	
06/20/16	Atlanta City Council	REFERRED TO COMMITTEE

RESULT: REFERRED TO COMMITTEE [13 TO 0] **Next:** 6/28/2016 12:30 PM
AYES: Bond, Dickens, Smith, Young Jr., Winslow, Archibong, Wan, Shook, Adrean, Moore, Martin, Bottoms, Sheperd
ABSENT: Mary Norwood
AWAY: Kwanza Hall

RESULT: HELD IN COMMITTEE [UNANIMOUS] **Next:** 7/5/2016 1:00 PM
AYES: Dickens, Young Jr., Bond, Archibong, Hall, Sheperd, Winslow

Certified by Presiding Officer	Certified by Clerk
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	