

Delaware County Land Conservancy

Our Mission: The preservation and permanent protection of land and water for present and future generations

November 11, 2023

To the City of Delaware City Council,

As members of the Board for the Delaware County Land Conservancy, we value the opportunity to provide our input to the draft language for the rewrite of the City of Delaware's Chapter 1168 code pertaining to Tree Preservation.

Trees are a valuable tool for improving public health in urban areas. They reduce harmful pollutants in the air and water as well as mitigate summer air temperatures. And studies have shown that residents who live in close proximity to parks and treed areas, net both physical and mental health benefits as well as being tied to boosting longevity. See [Michelle Kondo's](#) recent research from the Northern Research Station of the US Forest Service for details.

We applaud efforts to bolster the city's tree canopy by setting a minimum tree size for planting, excluding invasive species favoring the planting of native trees, expanding coverage to all types of development zones as per the Delaware Together Comprehensive Plan; and preservation of trees in riparian zones and tree groupings of sufficient size and configuration to provide habitat, for wildlife, including but not limited to wildlife corridors.

We however have a few suggestions that will improve the Chapter both in environmental and legal standing:

- We see Section 1168.01 (Purposes), to be lacking in scientific evidence-based language describing how critical trees are to human health, wildlife survival and climate change mitigation. In earlier drafts, these benefits were suggested by residents but not included. We would like to see the following statements added to this section: "mitigate climate change effects by absorbing carbon dioxide and filtering other harmful pollutants, provide critical habitat and protect biodiversity for wildlife especially the endangered Indiana and Little Brown bat, improve property values, contribute to public health, capture water at the source for better groundwater recharge and improved water quality, absorb air pollutants, provide windbreaks, provide privacy, and foster a sense of community and social cohesion."
- We disagree with the Payment in Lieu of Minimum Tree Canopy construct as defined in Chapter 1168.05. We feel that the specific type of measurement needs to be spelled out in this section. For example, Columbus' proposal includes a PIL based on the measurement of a tree trunk's diameter at breast height (dbh). Columbus' fee is at least ten times higher than this proposed amount. We also are concerned that the low PIL amount will make it extremely difficult for the city to meet its tree canopy goals. This leads into a concern that

Delaware is not charging a high enough tree fee making it hard to even reach even a 30% canopy goal between the felling of mature trees and the planting of new ones of which there is roughly a 20-30% deadloss within the first three years. We also advocate for, like other tree preservation codes within the Sixth Circuit Court's region, specific designations and categories of trees and with a focus to differentiate common native species taking into account their growth rates and individual site needs.

- We are concerned that there is no language detailing permanence in designated tree canopy areas. If a set-aside by a developer happens upon the initial development there is nothing that stops the developer from selling off that preserved woodland area years down the road. This results in a loss of tree canopy as the original set-asides or preserved areas are no longer there. These stands of trees in set-asides need to be permanent and remain for the health of the tree canopy which again is directly tied to the health of the city's residents among other benefits. These TPZs have seemingly been employed in the past and have been permanently preserved by creating new city parks (Boulder Park) and incorporating tree preservation within a development itself (Stratford Woods, Sherbourne Forest Walk), among others.
- We, in partnership with Sustainable Delaware Ohio, feel strongly that a desirable community with a strong agricultural history like Delaware should set an example for other cities of similar size by increasing the tree canopy goal to 40%. This is the standard backed by scientific evidence by the National Institutes of Health, the US Forest Service, Trust for Public Land, Urban Land Institute, among others. American Forests calls for a 40-60% canopy for neighborhood stability and climate resilience. Columbus (draft), Cleveland, Akron, Cincinnati and Pittsburgh all have tree canopy goals of 40 percent or higher. Tree canopy is directly tied to positive health outcomes, longevity, lower mortality and mental health.

Thank you for considering these suggested changes as we plan for a more sustainable future by preserving as many trees as possible for the enjoyment of all in the years ahead.

Sincerely,

The Board of the Delaware County Land Conservancy

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