



## Staff Report

Subject: 2<sup>nd</sup> Reading - Tree Protection & Preservation Ordinance (Redline Revisions)  
Author: Jennifer Rose, Planner I  
Department: Development Services – Planning & Zoning  
Meeting Date: March 3, 2026

Proposed Zoning: N/A  
Existing Zoning: N/A  
Map & Parcel: County-wide application  
Parcel Size: N/A  
Proposed Use: Final consideration of approval  
Applicant: Effingham County Board of Commissioners  
Owner(s): Effingham County  
Location: County-wide

### Background & Determination:

At the February 17, 2026, meeting, the Board of Commissioners approved the Tree Protection & Preservation Ordinance at First Reading, subject to the revisions reflected in the attached redline amendments. The redline amendments represent the changes agreed upon by the Board as a condition of First Reading approval and serve to update the currently adopted ordinance.

The ordinance, as revised, is presented for Second Reading and final consideration. Additional amendments will be presented following the Steering Committee meetings scheduled over the upcoming months.

### The Redline Amendments:

REDLINE AMENDMENT TO PART II, CHAPTER 30, ARTICLE X  
OF THE EFFINGHAM COUNTY CODE OF ORDINANCES



## How to Read This

- ~~Strikethrough~~ = text being removed
- Underline = text being added
- Unchanged text remains normal
- Edits appear inline where the change occurs

## TREE PROTECTION AND PRESERVATION ORDINANCE

### ARTICLE II – DEFINITIONS

**Critical Root Zone (CRZ).** The area surrounding a tree’s trunk ~~extending outward a distance of one (1) foot for every inch of diameter at breast height (DBH), or as otherwise determined by the County Manager or their designee, and extending vertically to a depth of twenty four (24) inches below the existing grade, within which roots are considered essential to the tree’s health and stability.~~ within which roots are considered essential to the tree’s health, stability, and structural integrity. The Critical Root Zone shall extend horizontally from the center of the tree trunk at a radius of one and three-tenths (1.3) feet for every one (1) inch of diameter at breast height (DBH), and shall extend vertically below existing grade to a depth determined by the DBH of the tree as follows:

- Thirty (30) inches for trees with a DBH of nine (9) inches or less;
- Thirty-six (36) inches for trees with a DBH of ten (10) to fourteen (14) inches;
- Forty-two (42) inches for trees with a DBH of fifteen (15) to nineteen (19) inches; and
- Forty-eight (48) inches for trees with a DBH of twenty (20) inches or greater.

**Protected Trees.** Trees designated under this Ordinance as requiring a permit for removal or alteration, including, but not limited to:

(1) Any Landmark, Specimen, or Champion Tree; or

(2) Any tree ~~of the following species when six (6) inches DBH or greater;~~ identified within the Tiered Protected Species List below that meets or exceeds the applicable minimum diameter at breast height (DBH) threshold:

<u>Common Name</u>	<u>Genus</u>	<u>Species</u>
<u>Beech</u>	<u>Fagus</u>	<u>grandifolia</u>
<u>Black Cherry</u>	<u>Prunus</u>	<u>serotina</u>
<u>Black Gum</u>	<u>Nyssa</u>	<u>sylvatica</u>
<u>Buckeye (Yellow / Red)</u>	<u>Aesculus</u>	<u>flava, pavia</u>

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<u>Common Name</u>	<u>Genus</u>	<u>Species</u>
Flowering Dogwood	<u>Cornus</u>	<u>florida</u>
Fringetree	<u>Chionanthus</u>	<u>virginicus</u>
Hickory (All Native Species)	<u>Carya</u>	<u>spp.</u>
Holly (American)	<u>Ilex</u>	<u>opaca</u>
Longleaf Pine	<u>Pinus</u>	<u>palustris</u>
Magnolia (Southern)	<u>Magnolia</u>	<u>grandiflora</u>
Maple (Red Maple)	<u>Acer</u>	<u>rubrum</u>
Musclewood / Hornbeam	<u>Carpinus</u>	<u>caroliniana</u>
Oak (All Native Oaks)	<u>Quercus</u>	<u>spp.</u>
Red Cedar (Eastern Red Cedar)	<u>Juniperus</u>	<u>virginiana</u>
River Birch	<u>Betula</u>	<u>nigra</u>
Sycamore	<u>Platanus</u>	<u>occidentalis</u>
Tulip Poplar	<u>Liriodendron</u>	<u>tulipifera</u>
Walnut (Black Walnut)	<u>Juglans</u>	<u>nigra</u>

### Tier 1 Protected Trees

(Minimum sixteen (16) inches DBH)

<u>Common Name</u>	<u>Genus</u>	<u>Species</u>
Black Cherry	<i>Prunus</i>	<i>serotina</i>
Live Oak	<i>Quercus</i>	<i>virginiana</i>
Longleaf Pine	<i>Pinus</i>	<i>palustris</i>
Southern Magnolia	<i>Magnolia</i>	<i>grandiflora</i>

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**Tier 2 Protected Trees**

**(Minimum twenty-four (24) inches DBH)**

<b><u>Common Name</u></b>	<b><u>Genus</u></b>	<b><u>Species</u></b>
American Holly	<i>Ilex</i>	<i>opaca</i>
Beech (American Beech)	<i>Fagus</i>	<i>grandifolia</i>
Black Walnut	<i>Juglans</i>	<i>nigra</i>
Blackgum	<i>Nyssa</i>	<i>sylvatica</i>
Bluff Oak	<i>Quercus</i>	<i>austrina</i>
Buckeye (Yellow Buckeye)*	<i>Aesculus</i>	<i>flava</i>
Eastern Red Cedar	<i>Juniperus</i>	<i>virginiana</i>
Flowering Dogwood	<i>Cornus</i>	<i>florida</i>
Fringetree	<i>Chionanthus</i>	<i>virginicus</i>
Musclewood / Hornbeam (American Hornbeam)	<i>Carpinus</i>	<i>caroliniana</i>
Post Oak	<i>Quercus</i>	<i>stellata</i>
Red Maple	<i>Acer</i>	<i>rubrum</i>
River Birch	<i>Betula</i>	<i>nigra</i>
Southern Red Oak	<i>Quercus</i>	<i>falcata</i>
Sycamore (American Sycamore)	<i>Platanus</i>	<i>occidentalis</i>
Tulip Poplar	<i>Liriodendron</i>	<i>tulipifera</i>
White Oak	<i>Quercus</i>	<i>alba</i>

**Regulated Trees.** Any tree designated under this Ordinance as subject to protection, permitting, mitigation, or replacement requirements, including:

1. Any Protected Tree as defined herein; and
2. Any Landmark, Specimen, or Champion Tree.

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The term “Regulated Tree” includes any such tree for which removal, disturbance, damage, or alteration is governed by the provisions of this Ordinance.

## **Section 4.08 – Mitigation for Tree Removal**

### **(a) Basis for Mitigation.**

Mitigation for tree removal shall be based on diameter at breast height (DBH) of the removed tree, as determined by the County Manager or their designee. Mitigation shall be ~~satisfied through a tiered mitigation system that accounts for both the mitigation value assigned to removed trees and the mitigation credit granted by replacement trees.~~ calculated using the mitigation ratios established in this Section and may be satisfied through approved replacement planting or payment into the Tree Fund.

### **(b) Required Mitigation Methods.**

Removal of ~~Protected Trees~~ regulated trees shall require mitigation through one or more of the following methods, subject to approval by the County Manager or their designee:

1. Replanting of replacement trees on-site;
2. Off-site planting at a location approved by the County; or
3. Payment into the Tree Fund in lieu of planting.

### **(c) Replacement Ratio.**

Mitigation shall be provided ~~at a ratio of two (2) inches replanted for every one (1) inch removed, unless otherwise approved by the County Manager or their designee.~~ based on the classification of the removed tree as follows:

- **Protected Trees:** Mitigation shall be provided at a ratio of one (1) inch removed to one and one-half (1.5) inches replaced (1:1.5), based on DBH.
- **Specimen, Landmark, or Champion Trees:** Mitigation shall be provided at a ratio of one (1) inch removed to three (3) inches replaced (1:3), based on DBH.

The total required mitigation inches shall equal the DBH of the removed tree multiplied by the applicable ratio.

### **(d) ~~Enhanced Mitigation for~~ Application to Specimen, Landmark, and Champion Trees.**

Removal of Specimen, Landmark, or Champion Trees shall require ~~triple (3x) mitigation, calculated based on the required mitigation for Protected Trees under this Section.~~ mitigation at the 1:3 ratio set forth above. Nothing herein shall prohibit the County Manager or their designee from requiring additional protective measures consistent with the intent of this Ordinance.

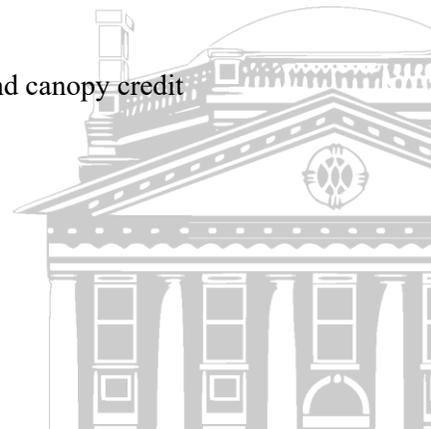
### **(e) Tiered Replacement Standards and Mitigation Credit.**

Replacement trees used to satisfy mitigation requirements shall meet the minimum size and canopy credit

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standards set forth below. Mitigation credit shall be awarded based on the classification, minimum caliper, and associated canopy coverage of each replacement tree.

**Table 4.08-1. Tiered Mitigation Credit for Replacement Trees**

<b>Plant Type</b>	<b>Minimum Size</b>	<b>Canopy Credit</b>
Canopy Trees – Medium	Minimum two (2) inch caliper	550 square feet per tree planted
Canopy Trees – Large	Minimum three (3) inch caliper	1,500 square feet per tree planted

**(f) Application of Mitigation Credit.**

Mitigation requirements resulting from tree removal shall be satisfied by planting replacement trees in quantities sufficient to meet or exceed the total required mitigation ~~value~~ inches as calculated pursuant to this Section. Larger-caliper trees with greater canopy coverage shall receive proportionally greater mitigation credit in accordance with Table 4.08-1.

**(g) Administrative Authority.**

The County Manager or their designee shall have the authority to determine appropriate mitigation calculations, tree classifications, credit application, and compliance with the intent of this Ordinance.

**Section 4.10 – Pre-Clearing Restrictions and Mitigation Requirements**

**(c) Compensatory Planting and Payment Required.**

~~When a site has been stripped or clear-cut in violation of this Section, the sole remedy for permit reinstatement, or for consideration of any future development approval, shall be provision of **compensatory planting and/or payment**, as determined by the County Manager or their designee, as follows:~~

- ~~1. **Replanting.** The applicant shall replant replacement trees in an amount equal to three (3) times the total inches DBH unlawfully removed, or an equivalent canopy replacement as approved by the County; and/or~~
- ~~2. **Cash Recompense.** In lieu of, or in addition to, replanting, the applicant shall remit payment to the **County Tree Fund** at the current rate established under Article VI, Section 6.02(d), to offset the loss of tree canopy and associated ecological services.~~

Where trees are removed, clear-cut, or otherwise disturbed in violation of this Section prior to required County approvals, the property owner shall be required to provide compensatory mitigation as a condition of permit reinstatement or future development approval.

Compensatory mitigation for unlawful removal shall be calculated by first applying the mitigation ratios established in Section 4.08 based on the classification of the tree removed. The total required mitigation inches determined under Section 4.08 shall then be multiplied by three (3).



The total mitigation inches required under this subsection may be satisfied through on-site planting, approved off-site planting, or payment into the Tree Fund. Where payment into the Tree Fund is utilized, the monetary value of required mitigation shall be calculated in accordance with Section 6.06 using the Trunk Formula Method (TFM), with valuation based on a healthy Live Oak (*Quercus virginiana*) of equivalent caliper.

If the diameter at breast height (DBH) of removed trees cannot be reasonably determined, the County Manager or their designee shall determine DBH based on available evidence, including stump measurement, photographs, surveys, or comparable tree analysis. If DBH cannot be reasonably established, each removed tree shall be presumed, for purposes of mitigation calculation, to be a Live Oak (*Quercus virginiana*) with a DBH of six (6) inches. The applicable mitigation ratios and any multiplier required under this Ordinance shall then be applied to that presumed six-inch (6") Live Oak.

Mitigation required under this subsection shall be cumulative of, and not in lieu of, administrative fines, penalties, stop-work orders, permit suspension, bond forfeiture, or judicial enforcement actions authorized under this Ordinance.

#### **Section 4.11 – Clear-Cutting Regulations**

##### **(e) Clear-Cutting for Forestry Operations.**

Clear-cutting performed as part of an approved and ongoing **Forest Management Plan** filed with the Georgia Forestry Commission shall be exempt from subsections (c). ~~and (d), provided the land remains designated for forestry use.~~ In the event a change in land use, including rezoning for non-forestry or other use, such property shall be subject to all Developmental Regulations and Permitting Requirements contained within the Zoning Ordinances of Effingham County. ~~or an application for rezoning is submitted within three (3) years of any clear-cutting activity on a property, such clear-cutting shall be conclusively deemed pre-development clearing.~~ The property owner shall be required to restore a minimum of twenty five percent (25%) tree canopy coverage on the site. ~~Required buffer areas and street trees may be credited toward satisfaction of the canopy restoration requirement. Any shortfall in required canopy coverage shall be mitigated through payment into the Tree Fund in accordance with Section 4.10(e)(2).~~ Forestry operations shall comply with all Georgia Forestry Commission Best Management Practices. Failure to comply shall void any exemption.

The County Manager or their designee may require submission of documentation sufficient to demonstrate compliance with applicable Georgia Forestry Commission requirements, including proof of a valid timber harvest notification or permit where required by law, as a condition of recognizing or granting any exemption under this subsection. Failure to provide such documentation upon request shall result in denial or revocation of the claimed exemption.

#### **Section 6.02 – Tree Replacement and Mitigation**

##### **(a) ~~Two for One Tree~~ Replacement; Canopy Equivalency.**

Replacement for the removal of any Regulated Tree shall be provided in accordance with the mitigation ratios established in Section 4.08 of this Ordinance.

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Mitigation shall be satisfied through canopy equivalency such that the total caliper inches of all replacement trees equals or exceeds the total mitigation inches required pursuant to Section 4.08 and, where applicable, Section 4.10.

Undisturbed buffers and street trees may be ~~counted~~ credited toward the required twenty-five percent (25%) minimum tree canopy coverage, provided such trees are protected in accordance with Section 4.03. Street trees shall be maintained in accordance with Appendix C, Article V, Section 5.9.8(d), *Street Trees and Landscaping Requirements (Maintenance)*.

~~For every Protected Tree removed, at least two (2) replacement tree shall be planted on-site. Mitigation shall be provided through canopy equivalency such that the total caliper inches of all replacement trees is not less than the total DBH inches of the Protected Tree multiplied by two (2)~~

### **Section 6.03 – Enhanced Mitigation**

Removal of Specimen, Landmark, or Champion Trees shall require ~~double~~ mitigation ~~measures at the ratio established in Section 4.08~~.

Unlawful removal, ~~requires triple mitigation measures, pre-clearing, or unauthorized damage to any regulated tree shall require compensatory mitigation calculated in accordance with Section 4.10(c), in addition to any administrative fines, civil penalties, or other enforcement remedies authorized under this Ordinance.~~

### **Section 6.06 – Tree Fund and Financial Assurances**

#### **(d) Valuation of Required Trees.**

##### ~~1. Unused Required Trees.~~

~~Where tree planting obligations are not satisfied~~

~~Required trees shall be valued at (100%) of the installed unit cost of a healthy two-inch (2") caliper Live Oak multiplied by two (2) times the number of required trees.~~

##### ~~2. Tree-Inch-for-Inch Mitigation.~~

~~Required mitigation for removal of Protected, Specimen, Landmark, or Champion Trees be calculated using the **Trunk Formula Method (TFM)**~~

~~mitigation shall be valued at one hundred percent (100%) of the installed unit cost of a healthy Live Oak (inch for inch), multiplied by two (2) times the number of required mitigation trees~~

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Where required tree planting obligations are not satisfied through on-site or approved off-site planting, the unmet planting requirement shall be converted to total mitigation inches as calculated pursuant to Section 4.08 and, where applicable, Section 4.10.

The monetary value of required mitigation shall be calculated using the **Trunk Formula Method (TFM)** as recognized by the International Society of Arboriculture (ISA), with valuation based on a healthy Live Oak (*Quercus virginiana*) of equivalent caliper.

The total mitigation inches required under the applicable ratio shall be multiplied by the calculated per-inch value to determine the total payment due to the Tree Fund.

If the diameter at breast height (DBH) of a removed tree cannot be reasonably determined, each removed tree shall be presumed to be a Live Oak (*Quercus virginiana*) with a DBH of six (6) inches for purposes of mitigation calculation, and the applicable mitigation ratios and multipliers shall be applied accordingly.

The County shall periodically update valuation data by resolution of the Board of Commissioners to reflect prevailing nursery, installation, and arboricultural cost standards.

### **Section 7.03 – Penalties and Enforcement**

#### **(e) Restitution, Mitigation, and Site Restoration.**

Violators shall complete all restorative actions required by the County, including but not limited to:

1. Tree replanting or canopy restoration in accordance with Article VI;
2. Soil stabilization, grading correction, or root-zone remediation where damage has occurred;
3. Payments into the County Tree Fund, where planting is not feasible as determined appropriate by the County, calculated in accordance with Section 6.06;
4. ~~Replacement of unlawfully removed trees at a ratio of three to one (3:1) DBH or an equivalent appraised value, as determined by the County;~~ Compensatory mitigation for unlawfully removed or damaged trees calculated in accordance with Section 4.10(c), which incorporates the mitigation ratios established in Section 4.08 and the multiplier applicable to unauthorized removal;
5. For clear-cutting or large-scale unauthorized removal, restoration of canopy to at least fifty percent (50%) of the minimum required under Section 4.02, or an equivalent payment into the County Tree Fund where on-site restoration is not feasible, as determined by the County Manager or their designee.

Restitution obligations ~~are in addition to~~ under this subsection shall be cumulative of, and not in lieu of, any administrative finest, civil penalties, stop-work orders, permit suspension, bond forfeiture, or judicial ~~penalties.~~ remedies authorized under this Ordinance.

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