

Non-park Use Policy

COLUMBUS RECREATION AND PARKS DEPARTMENT (CRPD) POLICY FOR PRIVATE USE OR OTHER DEVELOPMENT OF PARKS

Purpose

Per City Code Section, 919.03 – Applicability, (A) The Director, acting through the Recreation and Parks Commission, shall manage the natural, cultural, developed and undeveloped resources, as well as such wildlife resources in the parks, in the public interest, providing the public with safe and healthful recreational opportunities while also protecting, enhancing and where possible, expanding these resources. Therefore, it is the policy of CRPD to limit, to the fullest extent practicable, private uses or any development of parks and parkland that would interfere with such recreational opportunities.

Definitions

- CRPD – Columbus Recreation and Parks Department
- Natural area – an area of land or water which either retains to some degree or has re-established its natural character, although it need not be completely undisturbed, or has unusual flora, fauna, geological, archeological, scenic, or similar features of scientific or educational interest.
- Non-park use/development – any use or treatment of park land by *public and/or private* entities that limits or diminishes the ability of the public to use the Park as intended, as determined by CRPD.
- "Park" or "parks" shall mean all city parks, facilities, parklands or waterways, as well as all other areas granted or under lease, license or agreement.
- Park features – improvements that are included as part of the park system that are located in a Park or on property formally under the jurisdiction of the CRPD.

Implementation Guidelines

1. General

- 1.1 Recreational opportunities for the public shall be deemed the paramount use of public parks. Any party requesting non-park use/development shall be required to set forth a statement of need for those uses. CRPD shall evaluate such requests to determine the impact on the paramount use in any manner and, at its sole discretion, approve or deny such requests.
- 1.2 It is not the intent of the policy to remove or displace existing infrastructure at the time of renewal, rather to apply the policy process to any renewals of previously approved non-park uses or previous commitments. This section shall not be interpreted as modifying any existing rights the City or CRPD may already have to terminate existing uses.
- 1.3 Any park that is legally restricted, environmentally protected, or designated as a natural area shall not be approved for any non-park use, unless said use is consistent with the terms of the pre-existing legal restriction, protection, or designation.



Non-park Use Policy

1.4 Park property may be approved for sale only under the following circumstances:

- (a) such transfer or use can be shown to provide substantial long-term benefit to the park system, poses no threat of damage to park infrastructure, and poses no long-term maintenance or access issues for park use; or

1.5 Any request from another City of Columbus Department, if approved, will include a Memorandum of Understanding (MOU) between the Departments. This MOU will include Exhibits, relative to each project, that will clearly outline the respective project impacts, rationale for the project and mitigation, restoration, and maintenance responsibilities as set forth within the project scope.

2. Application process

2.1 Upon submission of plan approval via the One Stop Shop process, or other process, *any entity* requesting non-park use/development **must** submit the following:

- (a) A Statement of Need setting forth the reasons for requesting non-park use/development of CRPD Park property.
- (b) A proposal with plans that detail the limits of the proposed project, and the existing environmental/natural resource conditions within and adjacent to the proposed project. The proposal must contain all of the following:

All features within the proposed footprint impacted by the proposed non-park use/development, including but not limited to:

- (i) pavements, recreational facilities, access points, utilities, drainage facilities, and any other physical items that are impacted; and
- (ii) a species list survey, and summary of all trees greater than 2 ½ -inch caliper that will be impacted; and
- (iii) all existing historic or cultural resources, as defined by the Advisory Council of Historic Preservation, Section 106 CFR, that will be impacted; and
- (iv) a boundary survey exhibit with legal description of the proposed impact area, and
- (v) GIS and Autocad information that supports the project plan set.
- (vi) information to support the project required storm water controls to meet the City Stormwater Manual, or whatever equal document exists at the time, specifically:
 - all wetlands identified and delineated with the OEPA ORAM method that will be impacted; and
 - a Qualitative Habitat Evaluation Index (QHEI), HHEI or an



Non-park Use Policy

equivalent, with data sheets for the area; and

- (vii) existing infrastructure, such use was installed prior to this non-park use project and the existing infrastructure serves a clear public purpose.

2.2 A statement of how all impacts to the park from the non-park use/development will be compensated and/or mitigated, at no impact to CRPD.

2.3 A complete scope of work for the non-park use/development with a statement describing why there are no other possible alternatives available. The statement shall also demonstrate that potential impacts have been minimized and include a listing of any disruptions to normal park operations including, but not limited to, access limitations, trail disruptions, sports programming, and natural resource protection. Long term maintenance must also be defined in this statement.

2.4 CRPD will require compensation and/or mitigation, which may require an appraisal for loss or damage of public park land, park facility, recreational opportunity, and/or tree canopy as a result of authorization of a non-park use/development. At a minimum, CRPD requires replacement/repair of all lands, facilities, improvements and amenities equivalent to pre-project work.

3. Approval/Disapproval

If the CRPD Director, or designee, approves a request for non-park use/development of public park lands based on the application submitted as required above, a MOU, lease, easement, or other instrument documenting the conditions under which the work is to proceed shall be issued.

3.1 Each Instrument or Agreement shall:

- (a) establish user's rights based upon the application submitted;
- (b) establish Mitigation and/or Compensation to be provided to CRPD. Such mitigation and/or compensation, as determined by CRPD, shall include one or more, but not be limited, to the following: diminished value and usefulness for park purposes, damages to park property, disruption and inconvenience to park users, including programming. Coincidental enhancements to the value of parkland which may result from the non-park use/development may also be considered to reduce the mitigation or compensation. It shall be CRPD Policy to recover the costs of administering non-park uses and to preserve the total value of CRPD assets, including efforts for inspection
- (c) define and limit the duration of non-park use/development to minimize the time public park land is either impacted and/or unavailable to the public;



Non-park Use Policy

- (d) define any protective or enhancement measures to be performed over the course of non-park use/development, to include, at minimum:
 - (i) all appropriate erosion and sediment control measures,
 - (ii) the complete removal of invasive plant species in the impacted area, as directed by CRPD, and
 - (iii) the complete removal of diseased or unsafe trees in the impacted area as directed by CRPD Forestry;

- (e) define any fees to be paid to CRPD for costs associated with inspection by CRPD or by a third party on CRPD's behalf required to monitor compliance with permit requirements and management of non-park use

4. Mitigation

4.1 Mitigation for Damage to or loss of park land

- (a) Impact of ½ acre or less shall be mitigated at a 2:1 ratio. (i.e. impact to ½ acre of park land will require mitigation and/or compensation equivalent to 1 acre.)

- (b) Impact of ½ acre or more shall be mitigated at a 2.5:1 ratio. (i.e. impact to 1 acres of park land will require mitigation and/or compensation equivalent to 2 ½ acres.

4.2 Tree compensation and replacement

- (a) The City Forester or their designee shall be consulted when it is determined that a request for non-park use will affect the City's tree resources. See CRPD *Urban Forest Health and Resiliency* for guidelines and standards.

- (b) Requirements for compensation or replacement of trees shall be in accordance with current City codes, policies, and ordinances.

- (c) Other Mitigation, as required, per 3.1.b