

WORK SESSION AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT FOR DISCUSSION

Proposed Tree Preservation and Mitigation Policies

EXECUTIVE SUMMARY

The purpose of this item is to seek Council feedback on potential tree policy updates in the Municipal and Land Use Codes.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback do Councilmembers have regarding the proposed tree policies?

BACKGROUND / DISCUSSION

Rooted in Community, the Fort Collins Urban Forest Strategic Plan, was adopted in March of 2025. The plan provides seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The plan outlines the current state of the urban forest, emphasizes why trees are an important component of our community's infrastructure, and identifies key opportunities to continue improving the urban tree canopy.

Highlights of Findings:

- Overall, the urban tree canopy has grown/expanded in most land use types over the last 10 years.
- Several commercial zoning types as well as "Institutional" (CSU Campus) are the areas that have lost canopy over 10 years.
- 88% percent of the urban canopy is on private property and the remaining 12% is on public property.

Future Growth Strategies

The following strategies are listed in more detail with supporting initiatives (Foundational and Transformational Initiatives) in the plan. The supporting initiatives serve as a menu of options that were identified as opportunities through our community and focus group engagement. These options create pathways for the community and the Forestry Division to focus on and refine over the next twenty years as the urban forest and community evolves, as Council Priorities change, and as other technologies or advancements become available.

The adopted Growth Strategies:

1. Strategically invest in growing tree canopy where it will promote resilience and quality of life in Fort Collins.
2. Complete the shift to proactive management of Fort Collin's public trees.
3. Strengthen city policies to protect trees.
4. Collect data to track changes to tree canopy over time and to inform Forestry activities.
5. Sustainably resource the Forestry Division to keep pace with growth of the urban forest.
6. Deepen engagement with the community about tree stewardship.
7. Expand the network of Forestry Division partners.

Growth Strategy Number 3 - Strengthen City Policies to Protect Trees:

In spring of 2025, an interdisciplinary team from Planning, City Manager's Office and Forestry began working with a landscape consultant to analyze the impact of proposed tree policies on future development in Fort Collins related to potential changes in both Municipal and the Land Use Code. In addition to drawing from community engagement conducted during the formation of the Urban Forest Strategic Plan, the team engaged focus group participants in conversations regarding potential tree policy changes. The team then utilized that feedback to create potential tree mitigation policy standards and other changes to simplify and strengthen tree policies and code standards. Much of the work of this team within this time period has focused on Growth Strategy Number 3.

Project Goals

5 Project Goals were created to ground the work of the team:

- Maintain current levels of tree canopy coverage
- Prioritize protection of larger trees
- Incentivize tree preservation with development
- Support tree-health infrastructure improvements (silva-cells, structural soils, Low Impact Development (LID), wider parkways, double row of street trees, etc.)
- Balance mitigation requirements (new tree plantings) while supporting new mixed-use and affordable housing development

These 5 Project Goals are in addition to the most relevant Council Priorities for this work:

- Council Priority No. 1: Operationalize City resources to build and preserve affordable housing
- Council Priority No. 4: Pursue an integrated, intentional approach to economic health
- Council Priority No. 8: Advance a 15-minute city by accelerating our shift to active modes

Land Use and Canopy Cover

Across Fort Collins, tree canopy has grown in most land use types over a 10-year period (between the 2011 and 2021 study period). Where canopy is growing includes residential areas, mixed-use areas, open spaces, and industrial areas. Canopy loss has occurred in commercial areas and "institutional" areas, which is the CSU campus. Commercial area losses often correspond to increased development intensity, including housing unit density, new and infill redevelopment where trees may have existed due to previous development and required tree planting at that time, as well as tree mortality related to tree health or other cumulative urban stressors. Many of these commercial areas along College Avenue and adjacent arterial

streets are also where some of the highest canopy density is within the community. Therefore, canopy loss through higher-intensity redevelopment can be a consequence or trade-off for higher density development along major transit corridors. However, trees remain an important part of city infrastructure and green spaces in higher density development, too. Therefore, staff have attempted to balance these trade-offs in recommended code updates and potential tree mitigation changes.

Existing Land Use Code Tree Policies

Existing policies toward tree protection and canopy growth include:

- Tree and Habitat Protection in environmentally critical areas (Natural Habitat Buffer Zones)
- Robust landscape requirements result in increased canopy in new greenfield development areas
- Quality standards for soil amendments, plantings and irrigation

Current Land Use Code Tree Mitigation Requirements:

- Based on tree size, condition and species
- Applies to trees 6" caliper size and larger
- Each tree assigned a value of 1 to 6 replacement trees
- Based on assessment by Forestry staff
- Payment-in-Lieu allowed for mitigation trees that cannot be planted on site

Concerns heard regarding existing policies:

- May not be adequately valuing large trees based on recent development projects
- Do not provide incentives to protect existing trees with development

Focus Groups

Several focus groups were held to explain potential policy changes and how those would affect existing development projects. General support was offered for the recommended policy changes, including expanding species exemptions, enhanced tree protection during construction, the 3-year establishment period for street trees, and the proposed tree removal permit program.

Regarding proposed tree mitigation strategies, several scenarios were shared to show how different mitigation strategies would affect costs for existing development projects if different requirements were applied. Several participants noted that while trees are very important for development projects, mitigation requirements that are too high and may affect the feasibility of development projects, especially affordable housing projects. For additional detail, see the attached Focus Group feedback document.

After the focus group meetings, staff revisited the proposed policy changes and restructured them to favor the preservation of larger, established trees, to better balance the mitigation requirements. Staff then applied those to existing and approved projects as case studies. Those examples are attached to this AIS and three case studies are addressed in the presentation.

Previous Council Priority (2021-2023): Improve Tree Policies

Under the previous Council priority, several positive changes have occurred. These include continued overall growth in tree canopy cover based on existing tree policies; the addition of a Forestry Zoning Inspector position; municipal code improvements, including dedicating trees as important community

infrastructure; land use code improvements including dedicated irrigation to trees, mulching and other small technical clarifications; and the adoption of the Urban Forest Strategic Plan (UFSP).

Proposed Policy Changes

Staff are working to prepare education and outreach materials around residential tree preservation for community members making changes to their properties that may impact tree canopy long-term.

Proposed Code Changes

1	Establish Commercial Tree Removal Permit Program
2	Enhanced measures for tree protection during construction
3	3-year establishment period for Street Trees
4	Expand exemptions for tree mitigation to include Russian-olive, ash, and Siberian elm species under 11"
5	Enhanced Tree Mitigation Policies

Establish Commercial Tree Removal Permit Program

There have been cases where a commercial property, outside of the development review process, will choose to remove trees from their property. In some cases, there may be alternatives to removing the tree. Establishing a commercial tree removal permit would create a requirement for commercial property owners to seek a no-cost permit to remove a tree 15-inches in diameter or larger. The idea behind this proposed policy is to create additional communication prior to tree removal in hopes that the City, commercial property owners and licensed tree companies can partner to slow down or omit preemptive removal of well-established trees in the community.

Enhanced Measures for Tree Protection During Construction

There have been many times when a development commits to preserving existing trees onsite, but the trees are either not properly protected and/or damaged during construction unintentionally. Enhanced measures for tree protection during construction include alignment with other protection provisions currently listed in the code to support enforcement of tree protection standards, requiring the tree protection plan to be onsite and always adhered to, tree protection zone signage, and updates to fencing placed at the driplines (outer edge of canopy) of trees. If a development commits to preserving existing trees onsite, these proposed tree protection measures will help set the preserved trees up for survival during construction and for longevity, providing long-term community benefits, to both the development site and the surrounding area.

3-year Establishment Period for Street Trees

In the current code and plan requirements, street tree establishment is very gray in terms of when the City takes over responsibility for maintenance and care from the applicant. In some cases, this can be upwards to 5-6 years or more. Setting a three-year establishment period creates more predictability for the development community and gives clear parameters for both the City and development of when the applicant is done replacing trees before the City takes over maintenance and care for street trees. Other parameters have already been codified (March of 2025) to further set this effort up for success. For example, planting street trees in phases and planting trees during the shoulder seasons to avoid planting in the hottest and coldest timeframes of the year.

Expand Exemptions for Tree Mitigation

Currently the Land Use Code requires mitigation of Russian-olive, ash, and Siberian elm at the following diameter thresholds: 9-inches, 8-inches, and 11-inches, respectively. While these species provide urban canopy benefits as well as habitat for wildlife, staff are looking for ways to simplify this section of the code.

Expanding the exemptions for tree mitigation to include Russian-olive, ash, and Siberian elm under 11-inches would decrease the numbers of trees currently required for mitigation. These species are either invasive or susceptible to infestation (emerald ash borer) and are seen to be less valuable than larger trees for mitigation. These three species are also high in population numbers, creating monocultures across the community. Expanding these exemptions will assist with diversifying and creating a more healthy and resilient urban forest in the future and could reduce costs for development.

Enhanced Tree Mitigation Policies

As mentioned above, tree mitigation currently applies to all trees on a new development proposal. Well-established and larger trees provide the most benefits in our community and staff believe that the current policy does not value larger, established trees enough. Other communities utilize different strategies. For more details on peer City standards, please see the attached Clarion Associates report.

These different strategies include:

- Greater restrictions and mitigation requirements for larger trees
- Canopy coverage by lot size
- Canopy coverage by zoning district (i.e., different canopy goals for residential zone districts vs. commercial districts)
- Replacement based on equal tree canopy
- Assessing large fees and fines
- Appraised value of tree based on a standardized appraisal process
- Prohibiting tree removals in Environmentally Sensitive Areas
- Incentives/reduced mitigation for saved trees

After reviewing case studies and engaging with both internal departments and external entities within the development community, staff has worked to find a similar approach to the current tree mitigation requirement that is intended to be more predictable early in development and emphasizes mitigation of larger trees. The proposed mitigation requirements include a softening of the originally proposed mitigation requirements to find a good fit for Fort Collins. Staff have been weighing the importance of the community's tree canopy and the changes that will occur over time as we continue to support housing and commercial development as a community. Below is a comparison of the current and newly proposed mitigation requirements.

Tree Mitigation – Proposed Changes



Current LUC Tree Mitigation Requirements	Proposed Tree Mitigation Requirements
Based on tree size, condition and species	Based on tree size, condition and species
Applies to trees 6" caliper size and larger	Applies to trees 6" caliper size and larger
<u>Tree mitigation required for each tree removed:</u> Each tree assigned a value of 1 to 6 replacement trees	<u>Tree mitigation required for each tree removed:</u> Poor Condition = no mitigation required 6"-14" = 1 tree 15"-19" = 2 trees 20"-29" = 5 trees 30"-39" = 10 trees 40" and larger = 20 trees Allow for mitigation reductions based on trees saved and enhanced tree planting measures
Based on assessment by Forestry staff	Verified with assessment by Forestry staff

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In addition to the newly proposed mitigation requirements, staff created the potential for mitigation reductions, which does not exist in today's land use code. Below is a list of how mitigation can be reduced or omitted when trees are saved on site as well as other site improvements for tree and landscape health that further reduce an applicant's mitigation requirement. Staff have also explored additional reductions for affordable housing projects as defined in LUC 5.2.1.

Tree Mitigation Reductions

- For each tree saved with development, allow reduction in overall tree mitigation requirements based on 50% of the mitigation value of each tree saved
- For Payment-in-Lieu for mitigation trees that cannot be planted on site, allow up to 25% reduction in Payment-in-Lieu fees for equal value of enhanced tree planting measures:
 - Silva cells
 - Structural soils
 - Low Impact Development (LID) improvements
 - Wider parkways
 - Double row of street trees
- For affordable housing projects, for each tree saved with development, allow reduction in overall tree mitigation requirements based on 75% of the mitigation value of each tree saved

Potential Benefits of Proposed Policy:

- Prioritizes protection of larger trees
- Incentivizes tree preservation with development:
 - Reduction in mitigation requirements for trees saved
 - An additional reduction in mitigation when trees are saved with affordable housing projects

- Development projects that protect larger trees may have no mitigation for removal of smaller trees on site
- Allows for enhanced tree planting measures instead of PIL for off-site tree planting
- Balances mitigation requirements (new tree plantings) with supporting new mixed-use and affordable housing development

NEXT STEPS

Staff will incorporate feedback from this Council Work Session and work to draft updated code language based on the Council's direction.

Depending on Council feedback, staff can engage the Planning and Zoning Commission, follow up with focus groups, and return for Council Adoption in the fall.

ATTACHMENTS

1. Urban Forest Strategic Plan Growth Strategy 3 Initiatives
2. Focus Group Feedback
3. Best Practices Report – Clarion Associates
4. Presentation