

ORDINANCE NO. 174, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE 5, SECTION 10 OF THE LAND USE CODE OF THE CITY OF
FORT COLLINS FOR THE PURPOSE OF ENHANCING TREE MITIGATION

A. The Council adopted Rooted in Community, the Fort Collins Urban Forest Strategic Plan (“Plan”), in March of 2025. This Plan identifies seven future growth strategies to support and maximize the community benefits that arise from fostering a healthy, urban tree canopy. The Plan also addresses 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.

B. Trees are a fundamentally important part of any urban environment because they provide essential ecosystem services like carbon sequestration, oxygen production, soil stabilization, water cycle regulation, and biodiversity support. Trees also contribute significantly to planetary health and human well-being. However, as development occurs, trees are often cut down or transplanted to make way for commercial, residential, and personal use. To compensate for this loss, the City requires mitigation as part of its tree preservation Plan and related ordinances.

C. Under existing Code, tree mitigation currently applies to all trees over 6-inches in diameter on a new development proposal. This Ordinance adds detail to existing Code language which greatly simplifies the tree mitigation process by creating more specificity and predictability for prospective developers. In addition, this Ordinance also incentivizes the mitigation of well-established and larger trees which provide the most benefits in our community. Existing policy, when compared to peer cities, does not adequately value larger, established trees.

D. Under this Ordinance, for every tree saved within the development, the total tree mitigation may be reduced by 50% of the mitigation value of the trees saved. With regard to affordable housing development, the total tree mitigation may be reduced by 75% of the value of the trees saved. For payment in lieu (PIL), any expenditure related to the following enhanced tree planting measures would further reduce the PIL fee responsibility: transplanting existing trees; the use of Silva cells, structural soils, or similar technologies; low Impact Development improvements above and beyond current standards; wider parkways; and double rows of street trees.

E. The benefits of this Ordinance include the following: simplifying existing Code language; more predictability in potential costs to development and enforcement processes; prioritizing protection of larger trees; incentivizing tree preservation with development; allowing for enhanced tree planting measures instead of PIL for off-site tree planting; and, balancing mitigation requirements (new tree plantings) with support of new mixed-use and affordable housing development.

F. During a Work Session on August 26, 2025, Council provided input regarding this proposed update to the City’s Land Use Code. On October 16, 2025, City

staff sought a recommendation from the Planning & Zoning Commission to update the Land Use Code for the purpose of requiring a commercial tree removal permit.

G. The City Council has determined that it is in the best interest of the health, safety and welfare of the City and its residents that Article 5, Section 10 of the Land Use Code be updated, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 5.10.1(F) and (F)(1) of the Land Use Code is hereby amended to read as follows:

5.10.1 LANDSCAPING AND TREE PROTECTION

. . .

- (F) Tree Preservation and Mitigation. Existing significant trees (six (6) inches and greater in diameter) within the LOD and within NHBZs must be recorded in a tree inventory and preserved to the extent reasonably feasible and may help satisfy the landscaping requirements of this Section as set forth ~~above~~ **below**. Such trees shall be considered "protected" trees within the meaning of this Section, subject to the exceptions contained in Subsection (F)(2) below. Streets, buildings and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans, demolition plans, grading plans, building plans, engineering plans, and utility plans shall accurately identify the locations, species, size and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant or protect.

Where the City determines it is not feasible to protect and retain significant existing tree(s) or to transplant them to another on-site location, the applicant shall replace such tree(s) according to the following requirements and shall satisfy the tree planting standards of this Subsection.

To the extent reasonably feasible, mitigation trees shall be planted on the development site or, if not reasonably feasible, ~~in the closest available and suitable planting site on public or private property. The closest available and suitable planting site shall be selected within one-half (½) mile (2,640 feet) of the development site, subject to the following exceptions. If suitable planting sites for all the replacement trees are not available within one-half (½) mile (2,640 feet) of the development, then the City Forester shall determine the most suitable planting location within the City's boundaries as close to the development site as feasible. If locations for planting replacement trees cannot be located within one-half (½) mile of the~~

development site, the applicant may, instead of planting such replacement trees, submit a payment in lieu to the City of Fort Collins Forestry Division to be used to plant replacement trees to plant replacement trees as close to the development site as possible. The fair market value payment in lieu mitigation fee per tree is determined by the City Forester using the current editions of the Council of Tree and Landscape Appraisers *Guide for Plant Appraisal*, the industry's international standard and best practice and may be adjusted annually based on market rates. Payment must be submitted before a Development Construction Permit or other required permit or pre-construction approval is issued, as applicable.

- (1) **Mitigation Trees.** A significant tree that is removed shall be replaced with not less than one (1) nor more than six (6) replacement trees sufficient to mitigate the loss of contribution and value of the removed significant tree(s). The following mitigation values by size class are as follows:

Existing Tree Diameter Range	Mitigation Value Equivalent
6" - 14"	1 tree
15" - 19"	2 trees
20" - 24"	3 trees
25" - 29"	5 trees
30" - 39"	10 trees
40" and greater	20 trees

The applicant shall coordinate with the City Forester to determine such loss based upon an onsite tree assessment, including, but not limited to, shade, canopy, condition, size, aesthetic, environmental and ecological value of the tree(s) to be removed. Mitigation trees shall meet the following minimum size requirements defined in Subsection (D)(d), unless otherwise determined by the City Forester:

- (a) Canopy Shade Trees: 2.0" caliper balled and burlap or equivalent.
- (b) Ornamental Trees: 2.0" caliper balled and burlap or equivalent.
- (c) Evergreen Trees: 8' height balled and burlap or equivalent.

Section 2. A new Section 5.10.1(F)(2) of the Land Use Code is added to follow Section 5.10.1(F)(1), to read as follows:

- (2) Depiction of Street Trees. All existing street trees that are located on City rights-of-way abutting the development shall be accurately identified by species, size, location, and condition on required landscape plans, and shall be preserved and protected in accordance with the standards of subsection (G).

Section 3. A new Section 5.10.1(F)(3) of the Land Use Code is added to follow new Section 5.10.1(F)(2), to read as follows:

- (3) Tree Mitigation Reduction Options: Tree mitigation can be reduced by the following options:
 - (a) For every tree saved within the LOD, total tree mitigation may be reduced by 50% of the mitigation value of the trees saved.
 - (b) For every tree saved within the LOD for an affordable housing development, total tree mitigation may be reduced by 75% of the value of the trees saved.
 - (c) For payment in lieu, any expenditure related to the following enhanced tree planting measures could further reduce tree mitigation responsibility:
 - 1. Transplanting existing trees.
 - 2. The use of Silva Cells, structural soils, or similar technologies.
 - 3. Low Impact Development (LID) improvements above and beyond current standards.
 - 4. Wider parkways.
 - 5. Double row of street trees.

Section 4. All subsequent subsections of Section 5.10.1(F) shall be renumbered accordingly.

Introduced, considered favorably on first reading on October 21, 2025, and approved on second reading for final passage on November 3, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: November 13, 2025
Approving Attorney: Stefanie Boster

Exhibit: None