

## AGENDA ITEM SUMMARY

City Council



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### STAFF

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### SUBJECT

**Items Relating to Tree Policy.**

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### EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 169, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

B. Second Reading of Ordinance No. 170, 2025, Amending Chapter 27, Article 32 of the Code of the City of Fort Collins for the Purpose of Requiring a Commercial Tree Removal Permit.

C. Second Reading of Ordinance No. 171, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Requiring Additional Enhanced Tree Protection Measures During Construction.

D. Second Reading of Ordinance No. 173, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins for the Purpose of Updating Tree Mitigation Exemptions.

E. Second Reading of Ordinance No. 175, 2025, Amending Article 5, Section 10 of the Land Use Code of the City of Fort Collins Amending Tree Planting Spacing Requirements and Tree Maintenance.

These Ordinances, unanimously adopted on First Reading on October 21, 2025, present seven ordinances that provide five tree policies for potential adoption in City Municipal and Land Use Codes, including an ordinance for tree spacing and Code maintenance. The five policies intend to update best management practices around tree preservation and mitigation, thus improving predictability and simplification of the current code.

Associated Ordinances Nos. 172 and 174 are on Discussion due to a split vote.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

## FIRST READING BACKGROUND / DISCUSSION

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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 has focused on Growth Strategy Number 3.

Staff intended to balance the following outcomes:

- 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 outcomes 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

#### 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 community's first Urban Forest Strategic Plan (UFSP).

#### Land Use, Canopy Cover and Trade-Off Considerations

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 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. Staff have attempted to balance these trade-offs in the following recommended code updates and potential tree mitigation changes.

#### **Proposed Policy Changes**

The following policy recommendations do not pertain to single home projects, including single home additions or to individual Accessory Dwelling Units (ADU). These policies will apply to commercial, multi-family, mixed use and larger neighborhood developments.

The primary goals around these policy and code changes are:

- Simplification of existing code language
- Creating more predictability in potential costs to development and enforcement processes
- An increased focus on preserving established trees across the community

Why should we prioritize established trees?

- Established trees represent decades of investment of time, money and water and are impossible to immediately replace.

- A tree at 30 inches in diameter stores over 90 times more carbon, intercepts 10 times more air pollution and has 100 times more leaf area than a 6-inch diameter tree of the same species, among other great benefits such as positively supporting human physical and mental health, stormwater interception, mitigating urban heat, and crime reduction.
- Microhabitats and niche diversity increase with tree size allowing for greater urban biodiversity.
- One mature tree can harbor upward of 300 other species of organisms (insects, birds, fungi, etc.)

#### Details of Proposed Policy and Code Changes

|   | <b>Recommendation</b>                                                                                   | <b>Policy applies only to new or redevelopment?</b> |
|---|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| 1 | Establish Commercial Tree Removal Permit Program                                                        | No                                                  |
| 2 | Enhanced measures for tree protection during construction                                               | Yes                                                 |
| 3 | 3-year establishment period for Street Trees                                                            | Yes                                                 |
| 4 | Expand exemptions for tree mitigation to include Russian-olive, ash, and Siberian elm species under 11" | Yes                                                 |
| 5 | Enhanced Tree Mitigation Policies                                                                       | Yes                                                 |

#### 1. Establish Commercial Tree Removal Permit Program (Ordinance Nos. 169 and 170)

| <b>Current Policy</b> | <b>Proposed Policy</b>                                      |
|-----------------------|-------------------------------------------------------------|
| No permit             | Tree removal permit for established trees, post-development |

There have been cases where a commercial property, outside of the development review process (post-development), will choose to remove trees from their property for a variety of reasons. In some cases, there may be alternatives to removing the tree(s). 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 intent for 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. This permit program will not require additional staffing or resources to support the policy change.

#### 2. Enhanced measures for tree protection during construction (Ordinance No. 171)

| <b>Current Policy</b>                                                           | <b>Proposed Policy</b>                    |
|---------------------------------------------------------------------------------|-------------------------------------------|
| Excavating, boring, storing, dumping, pruning and protective barrier guidelines | Updated best management practices         |
| Fencing 6ft from trunk                                                          | Fencing at edge of canopy                 |
| No signage required                                                             | Tree protection signage, provided by City |

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 as well as incorporating **updated best management practices** for trees during construction. 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. 3-year establishment period for Street Trees (Ordinance No. 172)**

| Current Policy                                              | Proposed Policy                                                                |
|-------------------------------------------------------------|--------------------------------------------------------------------------------|
| When all street trees are established and in good condition | Predictable three-year timeline for when City takes over care 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. Examples include planting street trees in phases and planting trees during the shoulder seasons to avoid planting in the hottest and coldest timeframes of the year are in practice and working.

**4. Expand exemptions for tree mitigation (Ordinance No. 173)**

| Current Policy                                                                                                                            | Proposed Policy                                                                       |
|-------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| Dead, dying or naturally fallen trees, threat to public health and safety                                                                 | Adding in poor condition trees                                                        |
| No mitigation for Siberian elm (11-inches), Russian-olive (9-inches) and ash (8-inches)                                                   | No mitigation for Siberian elm, Russian-olive, ash and tree of heaven under 11-inches |
| No mitigation for Siberian elm, Russian-olive, and ash of wild/volunteer origin, sprouted along fence lines or other unsuitable locations | Adding in tree of heaven (noxious species)                                            |

Currently the Land Use Code requires mitigation of Russian-olive, ash, and Siberian elm at the following diameter thresholds: 9-inches, 8-inches, and 11inches, 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 and align with long-term emerald ash borer treatment strategy. 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.

Staff are also proposing to add the species, tree of heaven, to this list for the following reasons:

- 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 species are prolific in seeding and many are also high in population numbers, creating monocultures across the community.
- Expanding these exemptions will assist with diversifying and creating a more resilient and healthy urban forest in the future and could reduce costs for development.

In relation to emerald ash borer management, the City does not recommend treating ash trees 11-inches in diameter and under in order to balance costs, environmental impact, and a means for improving species diversity across the community.

## 5. Enhanced Tree Mitigation & Mitigation Reduction Policies (Ordinance No. 174)

| Current Policy                                                                                                                    | Proposed Policy                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Based on tree size, condition and condition for trees 6-inches and greater; each tree is assigned <b>1 to 6</b> replacement trees | Poor Condition = no mitigation required<br>6" - 14" = <b>1 tree</b><br>15"- 19" = <b>2 trees</b><br>20"- 24" = <b>3 trees</b><br>25"- 29" = <b>5 trees</b><br>30"- 39" = <b>10 trees</b><br>40" and larger = <b>20 trees</b> |
| Off-site plantings or payment-in-lieu allowed if mitigation cannot be completed on site                                           | Payment-in-lieu allowed if mitigation cannot be completed on site                                                                                                                                                            |
| No reduction                                                                                                                      | <b>50% reduction</b> of the mitigation value of tree saved, <b>75% reduction</b> for Affordable Housing                                                                                                                      |
| No reduction                                                                                                                      | Allow <b>PIL fee reduction</b> for equal value of enhanced tree planting measures                                                                                                                                            |

As mentioned above, tree mitigation currently applies to all trees over 6-inches in diameter on a new development proposal. While the proposed tree mitigation policy adds detail to the code language, it greatly simplifies the tree mitigation process by creating more specificity and predictability for prospective developers in addition to incentivizing the mitigation of larger trees. Well-established and larger trees provide the most benefits in our community and staff believe that the current policy - and compared to peer cities - does not value larger, established trees enough. Other communities utilize different strategies as listed below. For more details on peer City standards, please see the attached Clarion Associates report.

Different tree mitigation 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.

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 every tree saved within the development, total tree mitigation may be reduced by 50% of the mitigation value of the trees saved.
- For payment in lieu, any expenditure related to the following enhanced tree planting measures could further reduce tree mitigation responsibility:
  - Transplanting existing trees
  - The use of Silva cells, structural soils, or similar technologies
  - Low Impact Development (LID) improvements above and beyond current standards
  - Wider parkways
  - Double row of street trees
- For affordable housing development, total tree mitigation may be reduced by 75% of the value of the trees saved

### **Potential Benefits of Proposed Policy:**

- Simplification of existing code language
- Creating more predictability in potential costs to development and enforcement processes
- 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

### **Development Scenarios for Tree Mitigation Policy and Cost Analysis**

Staff looked at 11 different recent development scenarios, including the Bird Whistle (Kechter Townhomes) after Council 2x2 discussions in September. All have been developed with exception to the Kum & Go and Tapestry projects which are still in review stage.

Every project is unique and we never get the same site twice. The biggest take away from the developments analyzed below is that if the same development was developed again under the proposed tree mitigation policy, then 50% of the developments would see an increase in mitigation cost and the other half would see a decrease in cost. However, with the proposed tree mitigation reductions, staff believes

that applicants may have an increased consideration for saving more trees to reduce their mitigation costs for canopy loss with development if this policy is adopted.

Where applicable, each Development is labeled for Housing (H) or Affordable Housing (AH) in the left column below. The table shows a comparison of the current tree mitigation policy to the potential changes in cost with the proposed tree mitigation policy.

|                               | Current Land Use Code             | Change with Proposed Mitigation Changes |                    |
|-------------------------------|-----------------------------------|-----------------------------------------|--------------------|
| Union on Elizabeth (H)        | \$21,000 or 42 mitigation trees   | \$20,000 or 40 mitigation trees         | \$1,000 reduction  |
| Kum&Go – not built yet        | \$20,000 or 40 mitigation trees   | \$27,000 or 54 mitigation trees         | \$7,000 increase   |
| Prospect Sports Club          | \$10,500 or 21 mitigation trees   | \$0 or 0 mitigation trees               | \$10,500 reduction |
| Worthington Storage           | \$24,500 or 49 mitigation trees   | \$3,500 or 7 mitigation trees           | \$21,000 reduction |
| Village on Horsetooth (AH)    | \$7,000 or 14 mitigation trees    | \$8,750 or 18 mitigation trees          | \$1,750 increase   |
| Timberline Road               | \$25,500 or 51 mitigation trees   | \$29,500 or 59 mitigation trees         | \$4,000 increase   |
| Stodgy Brewing                | \$28,250 or 57 mitigation trees   | \$0 or 0 mitigation trees               | \$28,250 reduction |
| The Grainary (Fairway) (H)    | \$140,750 or 282 mitigation trees | \$189,000 or 378 mitigation trees       | \$48,250 increase  |
| Copperleaf (H)                | \$10,750 or 22 mitigation trees   | \$19,750 or 40 mitigation trees         | \$9,000 increase   |
| Tapestry (AH) – not built yet | \$4,500 or 9 mitigation trees     | \$500 or 1 mitigation tree              | \$4,000 reduction  |
| Bird Whistle (AH)             | \$2,250 or 4.5 mitigation trees   | \$0 or 0 mitigation trees               | \$2,250 reduction  |

(H) = Housing; (AH) = Affordable Housing

Note: The Grainary was a very uniquely forested site, previously a tree nursery.

## CITY FINANCIAL IMPACTS

None.

## BOARD / COMMISSION / COMMITTEE RECOMMENDATION

On October 16, 2025, the Planning & Zoning Commission heard the Land Use Code tree preservation and mitigation ordinance amendments and unanimously recommended approval.

## PUBLIC OUTREACH

Several focus groups were held with the development community, both internal and external to the City organization, 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.

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
- While the language is simple, the current mitigation requirements are vague and unpredictable, and the tree value assignment is only determined upon tree inspection rather than being based on diameter and species

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. These examples are attached to this AIS and the case studies are addressed in the presentation.

## **ATTACHMENTS**

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First Reading attachments available in October 21, 2025, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 169, 2025
2. Ordinance No. 170, 2025
3. Ordinance No. 171, 2025
4. Ordinance No. 173, 2025
5. Ordinance No. 175, 2025