

# Fort Collins City Council Work Session Agenda

6:00 p.m., Tuesday, December 10, 2024  
300 Laporte Avenue, Fort Collins, CO 80521

## NOTICE:

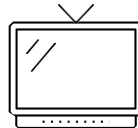
Work Sessions of the City Council are generally held on the 2nd and 4th Tuesdays of each month. Meetings are conducted in a hybrid format, however there is no public participation permitted in a work session.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

## How to view this Meeting:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on Channels 14 & 881 on cable television.



Meetings are livestreamed on the City's website, [fcgov.com/fctv](https://fcgov.com/fctv).

*Upon request, the City of Fort Collins will provide language access services for individuals who have limited English proficiency, or auxiliary aids and services for individuals with disabilities, to access City services, programs and activities. Contact 970.221.6515 (V/TDD: Dial 711 for Relay Colorado) for assistance. Please provide 48 hours' advance notice when possible.*

*A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione 48 horas de aviso previo cuando sea posible.*



While work sessions do not include public comment, mail comments about any item on the agenda to [cityleaders@fcgov.com](mailto:cityleaders@fcgov.com)





# City Council Work Session Agenda

December 10, 2024 at 6:00 PM

Jeni Arndt, Mayor  
Emily Francis, District 6, Mayor Pro Tem  
Susan Gutowsky, District 1  
Julie Pignataro, District 2  
Tricia Canonico, District 3  
Melanie Potyondy, District 4  
Kelly Ohlson, District 5

Council Information Center (CIC)  
300 Laporte Avenue, Fort Collins

Cablecast on FCTV  
Channel 14 on Connexion  
Channel 14 and 881 on Comcast

Carrie Daggett  
City Attorney

Kelly DiMartino  
City Manager

Delynn Coldiron  
City Clerk

## CITY COUNCIL WORK SESSION 6:00 PM

### A) CALL MEETING TO ORDER

### B) ITEMS FOR DISCUSSION

**1. Community Report: District Attorney Gordon McLaughlin**

The purpose of this item is for the District Attorney to provide a yearly update from his office.

**2. Council Priority to Update and Modernize the City Charter.**

The purpose of this item is to update Council on the Charter Update Project and obtain feedback from Councilmembers on the proposed approach and amendments.

**3. Rooted in Community, Urban Forest Strategic Plan.**

The purpose of this item is to provide an overview and to seek Council feedback on the draft, Rooted in Community, Urban Forest Strategic Plan.

**4. Appeals Procedure – Draft Code Update.**

The purpose of this item is to present and discuss a proposed code update related to the appeals procedures, contained in Chapter 2, Article II, Division 3, of the Fort Collins Municipal Code. The update rewrites this section of code to address a variety of issues and considerations discussed by the Council in prior work sessions.

### C) ANNOUNCEMENTS

## **D) ADJOURNMENT**

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*A solicitud, la Ciudad de Fort Collins proporcionará servicios de acceso a idiomas para personas que no dominan el idioma inglés, o ayudas y servicios auxiliares para personas con discapacidad, para que puedan acceder a los servicios, programas y actividades de la Ciudad. Para asistencia, llame al 970.221.6515 (V/TDD: Marque 711 para Relay Colorado). Por favor proporcione aviso previo. Las solicitudes de interpretación en una reunión deben realizarse antes del mediodía del día anterior.*

**File Attachments for Item:**

**1. Community Report: District Attorney Gordon McLaughlin**

The purpose of this item is for the District Attorney to provide a yearly update from his office.



December 10, 2024

# WORK SESSION AGENDA ITEM SUMMARY

City Council



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## PRESENTER

Gordon McLaughlin, Larimer County District Attorney

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## SUBJECT FOR DISCUSSION

**Community Report: District Attorney Gordon McLaughlin**

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## EXECUTIVE SUMMARY

The purpose of this item is for the District Attorney to provide a yearly update from his office.

# 8<sup>th</sup> Judicial District Attorney

*Annual Report*

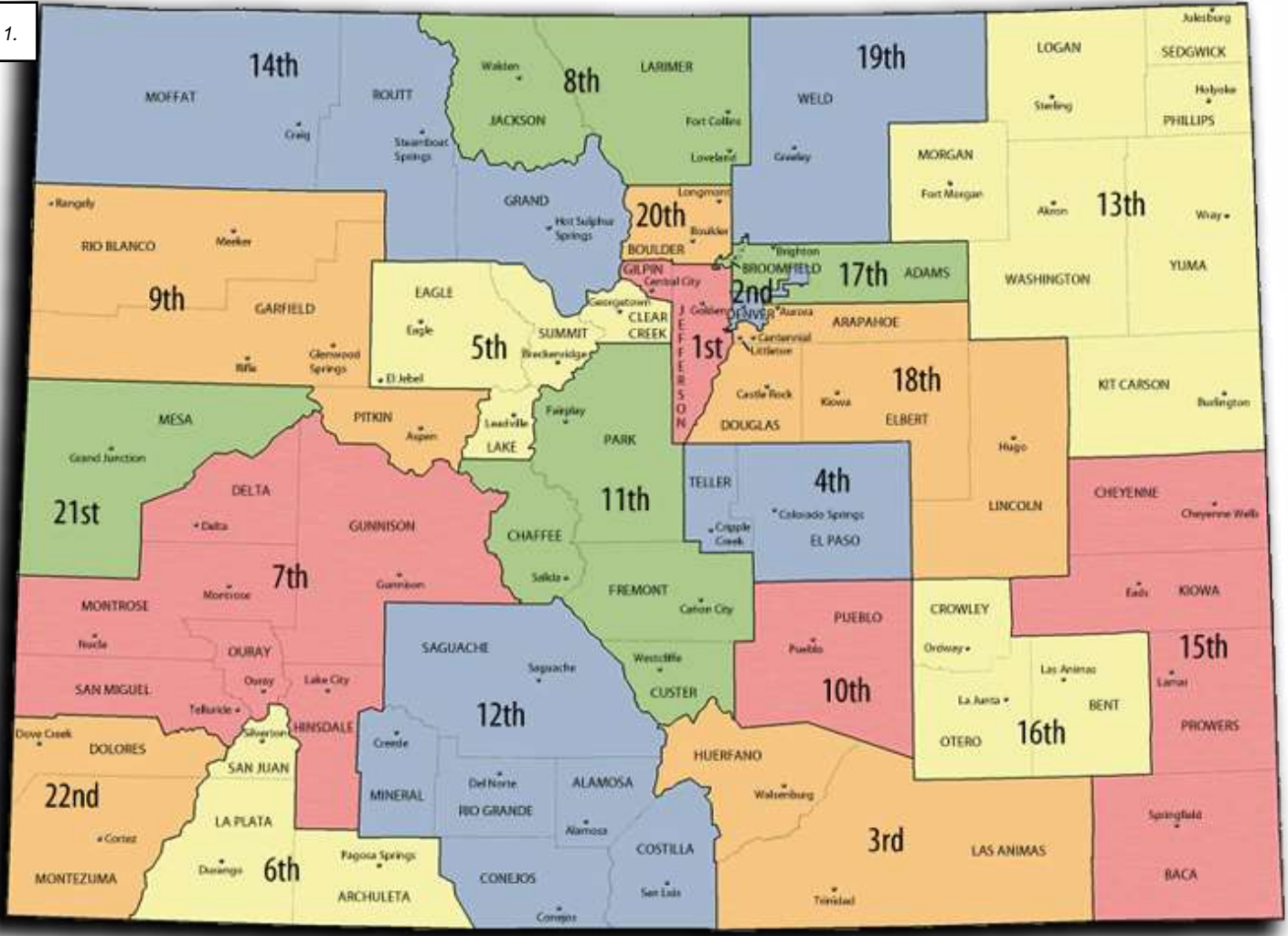
*2024 Fort Collins City  
Council*



## **Office of the District Attorney**

Gordon P. McLaughlin, District Attorney  
8th Judicial District  
*Serving Larimer and Jackson Counties*

Item 1.



8<sup>th</sup> Judicial District  
 Larimer & Jackson Counties  
 (pop. ~370,000)  
 6<sup>th</sup> most populous JD

[www.larimer.gov/da](http://www.larimer.gov/da)  
 @DA8Colorado  
 on Facebook & Twitter



**VISION:** To protect and serve Larimer and Jackson counties, while creating a stronger community where the application of criminal justice is more equitable and no longer at odds with social justice.



## **Mission**

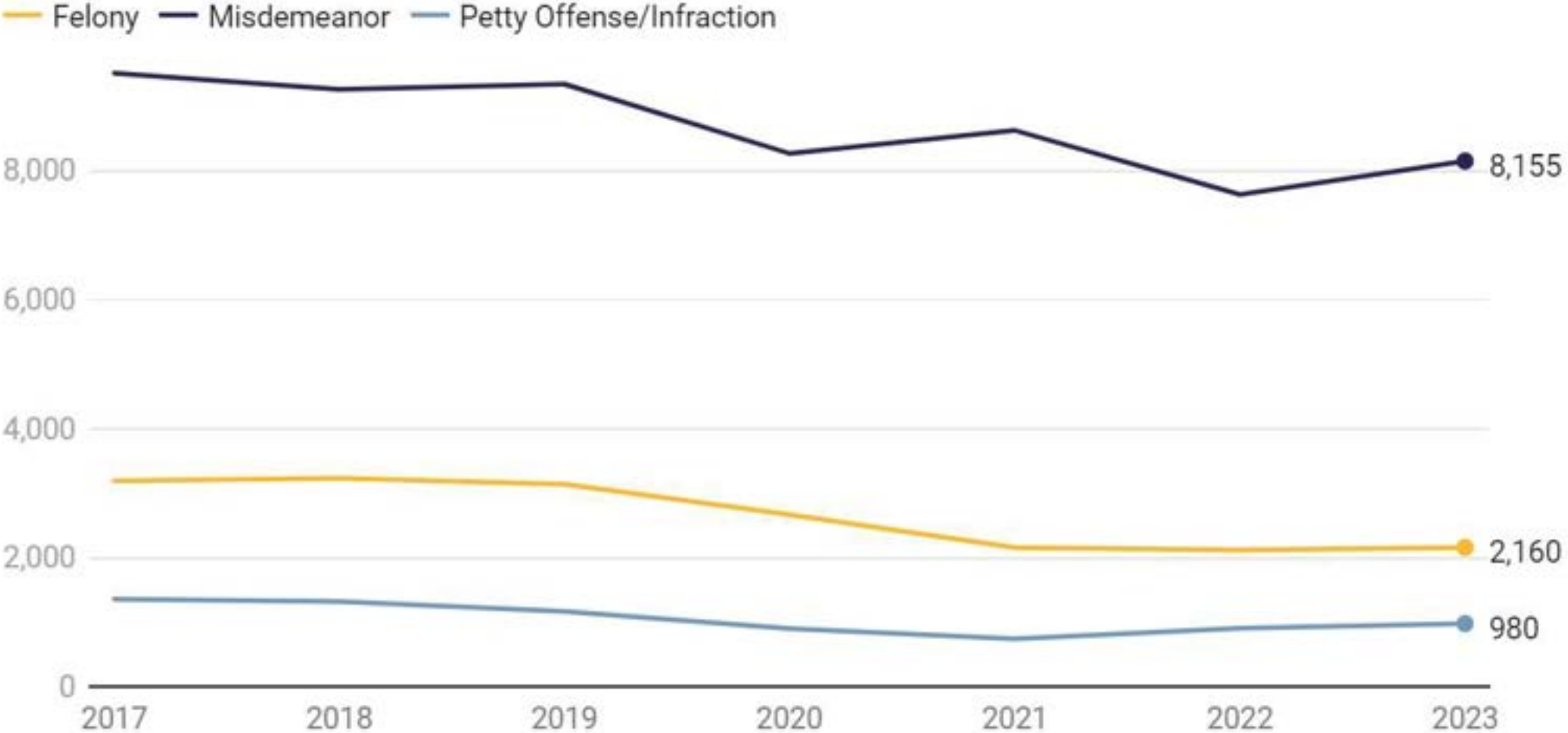
The District Attorney's office serves to seek justice and ensure the safety of our community in an equitable manner. Every day we work to thoughtfully prosecute crime, protect victims of crime, address systemic bias, rectify injustice, and provide transparency about our work. We are zealous advocates for the truth and fair practitioners of justice.

## **Vision**

To protect and serve Larimer and Jackson counties, while creating a stronger community where the application of criminal justice is more equitable and no longer at odds with social justice.



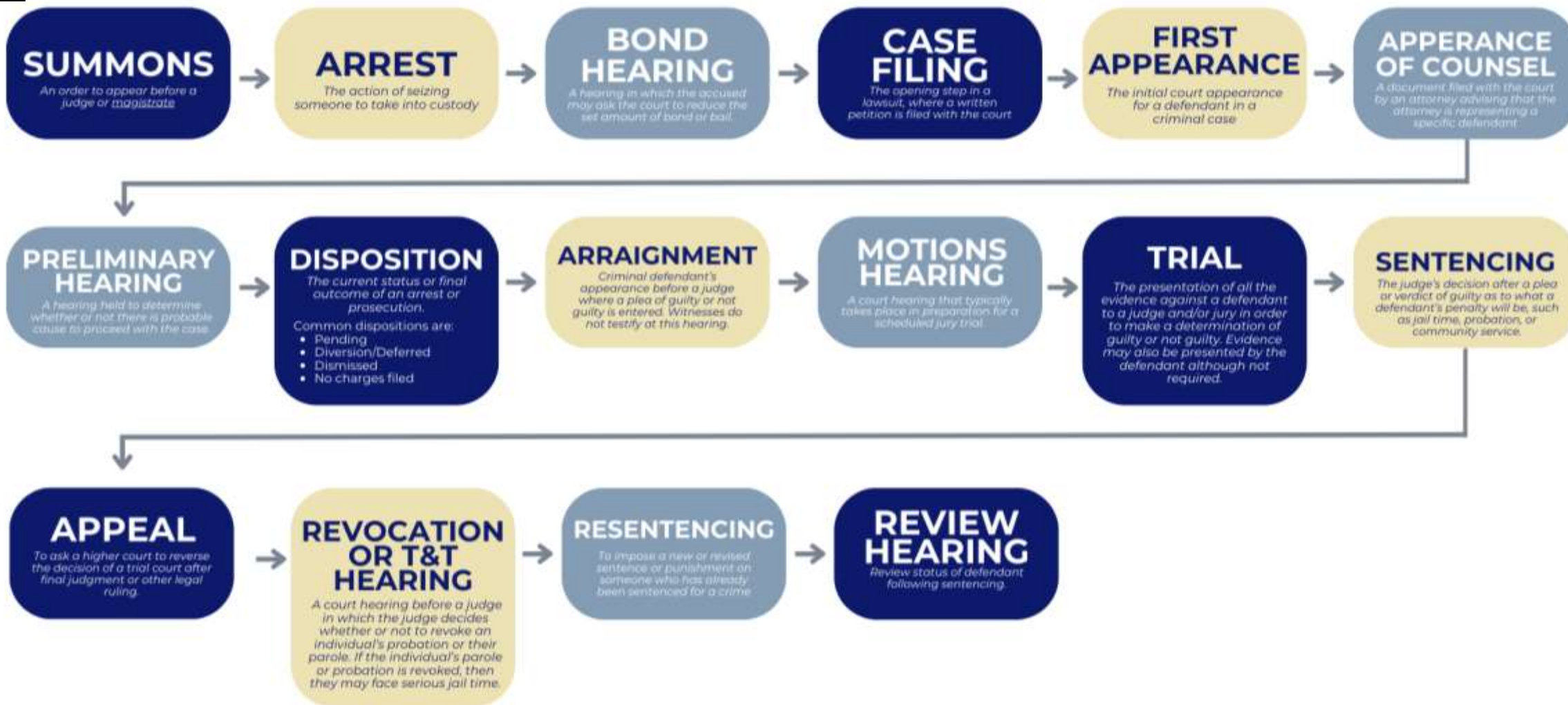
# Number of Cases Filed, by Year and Charge Level



**VISION:** To protect and serve Larimer and Jackson counties, while creating a stronger community where the application of criminal justice is more equitable and no longer at odds with social justice.

# Case Roadmap

Item 1.



**VISION:** To protect and serve Larimer and Jackson counties, while creating a stronger community where the application of criminal justice is more equitable and no longer at odds with social justice.



# Current Programs & Projects

## Diversion

- Divert cases away from traditional CJ resolution – address root causes
- In 2023:
  - 452 Juveniles – 52% success rate
  - 182 Adults – 94% success rate

## Fentanyl Causing Death

- New law started in July 2022
- Charged 7 distribution causing death cases since July 2023
- First conviction in the state

## Community Engagement & Accountability

- [www.larimer.gov/da](http://www.larimer.gov/da)
- @DA8Colorado (Twitter & FB)
- Community Presentations / Annual Report
- Citizens Academy

## Problem Solving Courts

- Competency Docket - efficient treatment & services for those w/ MH needs
  - Statewide/nationwide model
- Veterans Court – coming soon!

## Collaborative Task Forces

- Economic Crime: Never Summer Yurts (107 victims & \$24k in restitution)
- Drug Crime: 78,323 dosage units of fentanyl seized in 2023
  - Grand Jury Indictments – 8.5lbs fentanyl, 32lbs meth, 45 firearms...



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# Current Programs & Projects

## Domestic Violence Team

- DDA, Investigator, & Advocate
  - High risk case assessment & earlier victim support
  - Investigation of DV firearm restrictions
- Victim Rights Week (April 25<sup>th</sup> Event)

## Award Winners

- Judge Conrad Ball Award: Victim Witness Manager Kate Perrill
- Colorado District Attorney Prosecutor of the Year: Chief Deputy District Attorney Amanda Duhon
- Colorado Drug Investigators Assoc. Prosecutor of the Year: Complex Crimes Deputy DA Lynzi Mass

## Warrant Clearance

- Resolve case (restitution, treatment, etc.)
- Accountability & resources
- Cleared 125 warrants in 2023
- Loveland Warrant Event 4/6 (72 warrants cleared)

## Legislation

- 2023:
  - Strengthening of Auto Theft Laws
  - Indecent Exposure Penalties
- 2024:
  - Fixes to Victim Services Funding
  - Social Media Accountability
  - Preventing Felons from Possessing Firearms



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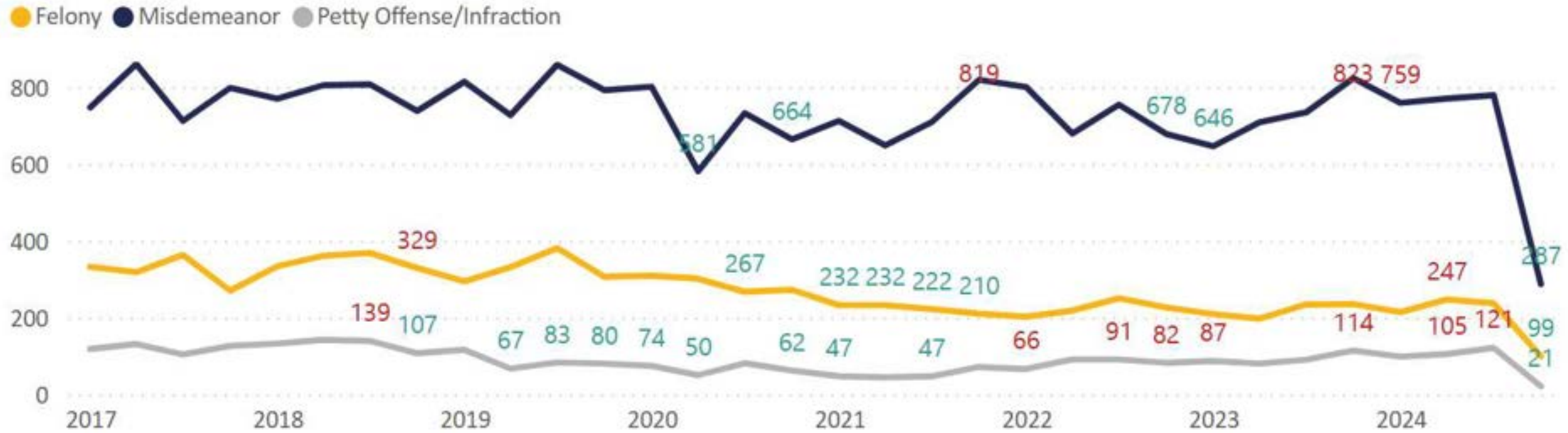
# Significant Fort Collins Case Update

- Tyler Zanella
  - 2023CR000799
  - Pled guilty to 7 Counts of Assault in the 3<sup>rd</sup> Degree-At Risk Person (F6)
  - Sentenced to 12.5 Years
    - 10.5 in the Department of Corrections after 2 years in the Larimer County Jail
- Adrian Pacheco
  - 2024CR000397
  - Murder 1-After Deliberation (F1)
  - Ongoing
- Marc Risheill
  - 2024CR000842
  - Enticement of a Child (F5) and Attempted Sex Assault on a Child (F5)
  - Ongoing



# Number of Cases Filed (FCPS)

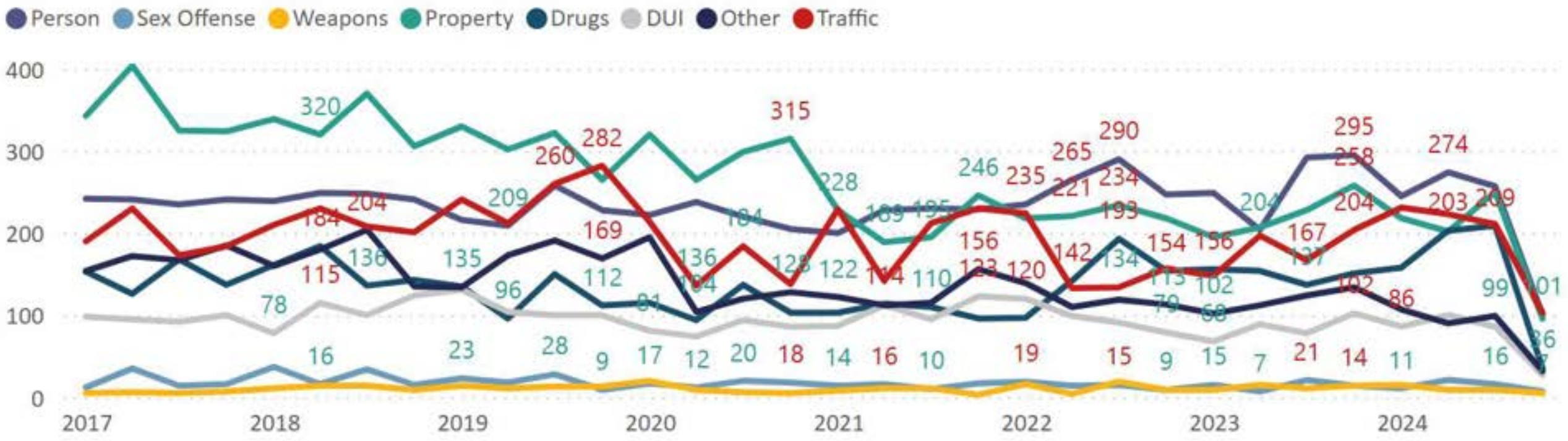
## Number of Cases Filed



**VISION:** To protect and serve Larimer and Jackson counties, while creating a stronger community where the application of criminal justice is more equitable and no longer at odds with social justice.

# FCPS Total Case Filings

## Number of Cases Filed



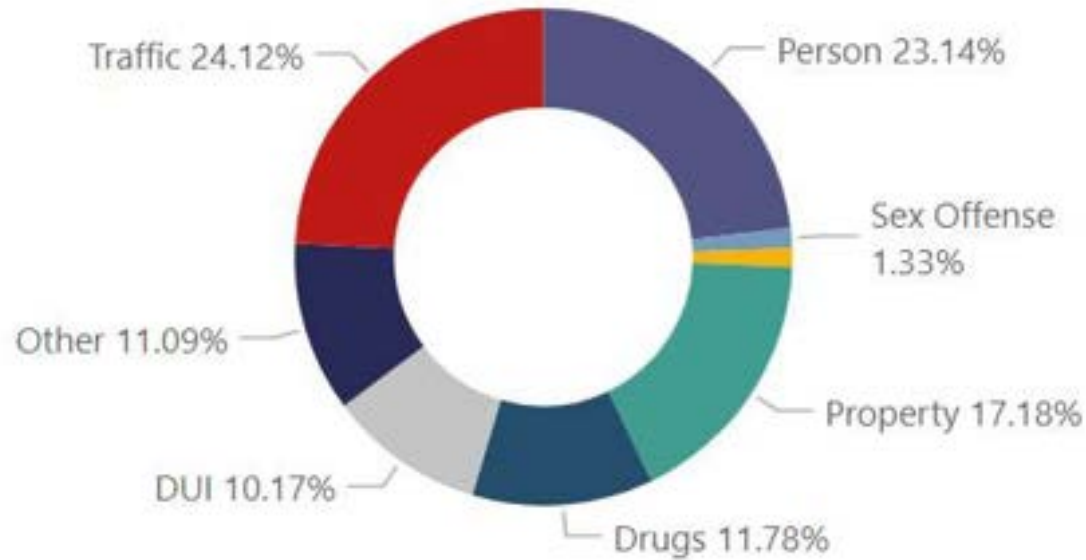
**VISION:** To protect and serve Larimer and Jackson counties, while creating a stronger community where the application of criminal justice is more equitable and no longer at odds with social justice.



# FCPS Case Filings by Type

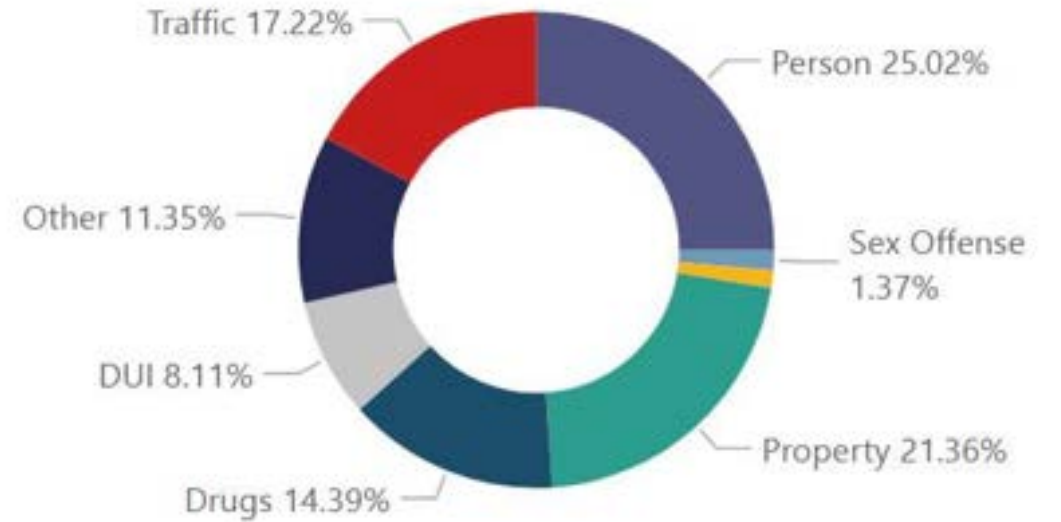
8<sup>th</sup> JD

Percent of Cases Filed



FCPS

Percent of Cases Filed










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## Case Resolution (8<sup>th</sup> JD)

Percent of Sentences Imposed  
**2023**

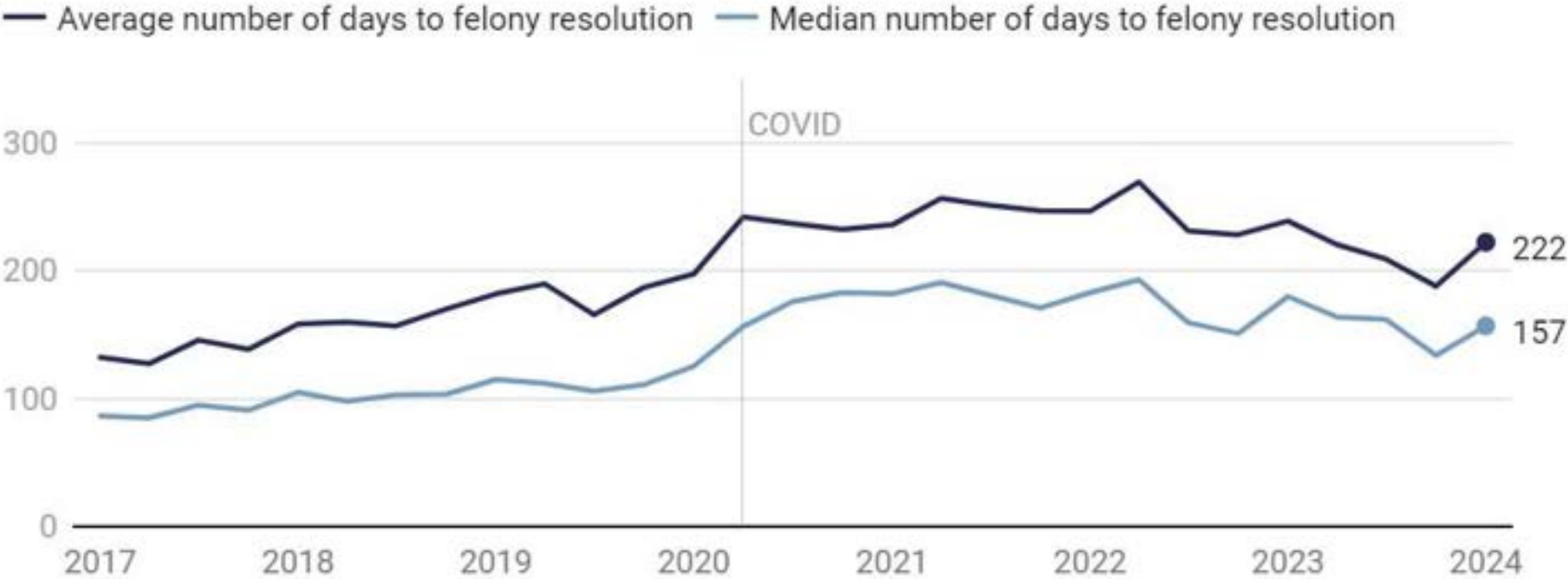
*\*Youth Corrections  
are less than 0.5%*

-  **30% Fee/Fine/Community Service**
-  **7% Credit for Time Served**
-  **41% Probation**
-  **5% Probation + Jail**
-  **9% Jail**
-  **3% Community Corrections**
-  **5% Department of Corrections**



# Time to Felony Resolution

This chart shows the number of days from felony case filing to resolution. Lengthy court cases cause hardship for victims and defendants, require unnecessary expenditures, and add to system backlogs. The timeliness of the case is influenced by the DA's Office as well as the defense and the presiding judge.



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**Thank You!**

**Please  
Reach Out**

**In Person: Loveland Police & Courts Building (810 E 10<sup>th</sup> St)  
Larimer County Justice Center (201 LaPorte Ave)**

**Online: Larimer.gov/da (Data Dashboard, CIRT Findings, Victim Services, Events, etc.)**

**Email: [8thdist-da@co.larimer.co.us](mailto:8thdist-da@co.larimer.co.us)**

**Phone: (970) 498-7200**

**Facebook: [DA8Colorado](#)**

**Twitter: [@DA8Colorado](#)**

**File Attachments for Item:**

**2. Council Priority to Update and Modernize the City Charter.**

The purpose of this item is to update Council on the Charter Update Project and obtain feedback from Councilmembers on the proposed approach and amendments.



December 10, 2024

# WORK SESSION AGENDA ITEM SUMMARY

City Council



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## STAFF

Sara Arfmann, Assistant City Attorney  
Delynn Coldiron, City Clerk  
Carrie Daggett, City Attorney

With Geoff Wilson, Special Legal Counsel

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## SUBJECT FOR DISCUSSION

**Council Priority to Update and Modernize the City Charter.**

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## EXECUTIVE SUMMARY

The purpose of this item is to update Council on the Charter Update Project and obtain feedback from Councilmembers on the proposed approach and amendments.

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## GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback do Councilmembers have about any of the potential cleanup or clarification items identified?
2. Are there other Charter provisions Councilmembers would like staff to review further or propose amendments for?
3. Would an additional work session or other discussion be beneficial in advance of presentation of Charter amendment ordinances for consideration?

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## BACKGROUND / DISCUSSION

On February 27, 2024, Council adopted eleven resolutions establishing 2024-2026 Council Priorities. Among the adopted resolutions is Resolution 2024-024, Adopting a 2024-2026 Council Priority to Modernize and Update the City Charter. The Resolution describes the Priority as follows:

### **Modernize and Update the City Charter**

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

The Council further discussed this Priority at the May 14 Work Session, identifying as the objectives for this work:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

City legal staff continues to monitor for legal developments that impact Charter language and identify changes that may be needed or beneficial. However, retaining a special legal counsel with expertise and experience working with municipal charters throughout Colorado adds a new perspective to the review and focuses resources more intentionally and systematically as well as supplements the capacity to carry out this work. Considering this, on July 16, 2024, Council adopted on second reading Ordinance No. 089, 2024, appropriating \$25,000 to support the retention of outside special counsel to assist with the work on this project. The City Attorney retained special legal counsel Geoff Wilson of the law firm of Wilson Williams Fellman and Dittman LLP in July 2024.

Staff from the City Attorney's Office, City Clerk's Office and City Manager's Office have been working with special legal counsel retained for this project, Geoff Wilson of the law firm Wilson Williams Fellman Dittman LLP, to identify aspects of the City Charter to be modernized, reconciled with statutory and other legal changes, simplified and revised for readability.

One or more corrections to the election-related articles of the Charter will also be part of this discussion. In particular, there is a correction needed to increase the total number of days allowed for circulation of initiative petitions to match the 77 days intended by Council in its Charter work last summer.

After a thorough review of the City Charter (attached and linked here: [Fort Collins Charter](#)) to identify opportunities for updating and modernization, the following items were noted for discussion with Council:

### Cleanup Items

1. Modernization of Language
  - a. **Art IV, Sec. 7 Publication:** Currently the Charter requires publication be done through a local newspaper of general circulation in the city. Options on how to modernize this requirement:
    - i. Remove the requirement to publish in a newspaper and instead require the notice to be posted on the City's website and to be posted at City Hall to ensure those without internet access also have a place to check for notices; or
    - ii. Alternatively, this requirement could be removed from the Charter and just state that the method for publication will be set by ordinance.
    - iii. Examples language:
      1. The requirements for publication of ordinances contained herein may be satisfied by publication in a newspaper of general circulation in the City by posting a copy thereof at the location or locations designated by resolution of the council, by posting on the city's website, by posting on the Internet, or in any other manner determined by the council to adequately advise the public.
      2. Placement on the City's internet website or other technologies adopted by the City, and placement of a copy in the City Library;
      3. The method of official City publication of ordinances shall be set by ordinance.

b. **Art IV, Sec 3 Residency requirements:** Provision regarding residency requirements of department heads appointed prior to March 6, 1985, no longer applicable because no qualified persons remain.

i. Recommend deleting this exception.

c. **Reformatting of Charter provisions (throughout) for readability.**

d. **Replace outdated language for gender neutrality and to eliminate unclear uses of the term “shall.”**

2. Alignment with State Law

a. **Art II, Sec.11 Meetings, quorum, executive session:** Currently, the Charter provides for executive sessions to be held only to: (1) discuss personnel matters; (2) consult with attorneys representing the city regarding specific legal questions involving litigation or potential litigation and/or the manner in which particular policies, practices or regulations of the city may be affected by existing or proposed provisions of federal, state or local law; (3) consider water and real property acquisitions and sales by the city; or (4) consider electric utility matters if such matters pertain to issues of competition in the electric utility industry.

i. State law additionally allows for more executive session purposes. For example: (1) any matter required to be kept confidential by federal or state law and/or in accordance with the requirements of the workplace harassment policy; and (2) specialized details of security arrangements or investigations.

ii. Options:

1. Could expand the current list to include all items included in the statute;

2. Keep the current list, which includes specific authority related to utilities and telecommunications, and add a catch all including any other authorized matter under the Open Meetings Law; or

3. Could take out the current list and instead state that executive sessions are permitted as allowed under state law.

iii. Examples language:

1. Executive sessions may be held in compliance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time.

2. Keep current list, which includes specific authority related to utilities and telecommunications, and add “Any other matter authorized by the Colorado Open Meetings Law, CRS § 24-6-401, *et seq.*, as amended.”

b. **Art V, Sec. 6 Maximum mill levy:** states that no mill levy shall exceed fifteen mills on each dollar.

i. Post TABOR this mill levy limit isn’t needed, in fact similar limits have been repealed as voters will decide any “limit.”

ii. Recommend deleting this in light of TABOR.

- c. **Art V, Sec.19.3 Revenue securities:** provides that Council may issue securities made payable solely from revenues derived from capital projects, etc, without an election.
  - i. Similar to the above, post TABOR the authority to issue “revenue” securities without an election is dead letter.
  - ii. Recommend deleting this provision.
- d. It may be beneficial to more directly reference other state laws, such as the Colorado Open Meetings Law.

### 3. Add Clarification

- a. **Art II, Sec.6 Ordinances, resolutions, motions:** This section is extensive, unformatted, and covers a few topics, including that any Councilmember may request that an ordinance be read in full at any reading of the same.
  - i. Recommend breaking this Section up into sub-sections for clarity and making it simpler to read. Also recommend deleting the read in full provision to ensure the efficiency of council meetings.
  - ii. Optional sub-sections: (1) procedure for voting; (2) requirements for ordinance content; (3) procedure for passing an ordinance; and (4) exceptions for emergency ordinances.
  - iii. Recommend clarifying that Council permits the City administration to impose administrative penalties, without prior Council approval, in emergency situations.
- b. **Art II, Sec. 7 Ordinances, publication & effective dates:**
  - i. Similar to above, Section 7 could be either reorganized with sub sections, or Sections 6 and 7 could be combined and reorganized together for simplification.
  - ii. Optional sub sections for this section: (1) publication procedures for ordinances; (2) exceptions for emergency ordinances; (3) signature requirements; and (4) requirements for a public hearing and notice requirements.
  - iii. To avoid the need to repeal and reenact ordinances when there has been a late or failed publication, add language allowing for a “cure” of a failed publication and providing that the ordinance is not effective until published.
- c. **Art II, Sec. 18(a)(3) Vacancies:** currently states that a vacancy exists when a Councilmember “fails to attend all regular and special meetings of the council for sixty (60) consecutive days unless excused by Council resolution.
  - i. Recommend clarifying when the 60 “consecutive” days of failure to attend begins to run and does not clearly provide for what happens when a meeting is cancelled OR changing the requirement to a specific number of missed council meetings. Options:
    - 1. Start the clock the day of the first missed meeting and run for 60 days, regardless of any cancelled meetings outside of their control; or
    - 2. Start the clock as above but provide an exclusion for any cancelled meetings (unless cancelled as a result of the members attendance causing no quorum), meaning the clock would start on the first missed meeting and run to the date of the next regularly scheduled meeting, but if that is cancelled then the clock pauses until the next regularly scheduled meeting; or

3. State that a Councilmember may not have more than a set number of absences from regular Council meetings during any period of 12 consecutive calendar months.

d. **Art. XIV Transitional Provisions:** the transition paragraphs currently included can create confusion as to other sections in the Charter and the Code.

i. Recommend repealing this to eliminate confusion since these provisions are no longer needed.

#### 4. Corrections

a. **Art. IX, Sec. 2(e)(2) Recall:** As a result of moving to rank choice voting this subsection should clarify the percentage of votes from the preceding election is based on the total of first choice votes cast. This was addressed in one place but not caught in the other.

i. Recommended change: "...percent of the total of *first choice* votes cast the last preceding regular city election..."

b. **Art. X, Sec.2 (e)(1) Initiative:** In the newly passed language, Charter, Article X, Section 2(e)(1) states that a petitioner will have 63 days to circulate an initiative petition after the City Clerk's approval of the form due to an error in the ordinance placing this item on the ballot. That needs to be changed to 77 days to meet Council's original intentions.

i. Recommended change: change 63 days to 77 days

#### Clarifications raising Policy Questions

1) **Art II, Sec 2 (d) Qualifications of candidates and members, challenges:** currently a protest as to a Councilmember's qualifications can be raised at any time and the Charter assigned the determination of eligibility to the City Clerk pursuant to a procedure established by Council. Under the Charter's election provisions, the eligibility of a candidate is determined pursuant to statutory procedures. Options:

i. Conform to state law which requires a protest be filed within 5 days of the statement of sufficiency for a candidate, recommend that the clock start after accepting a nomination or upon filing as a write in; or

ii. Provide for the use of the courts to determine the qualifications of a Councilmember; or

iii. Mirror other municipalities and state that Council is the judge of the qualifications of its own members.

1. Example language: The Council shall be the judge of the election and qualification of its own members and of the grounds for the forfeiture of the office of Councilmember subject to review by the courts in case of a contest.

2) **Art II, Sec. 18 Vacancies:** Provision providing for delaying appointments to fill Council vacancy if 45-day period to appoint overlaps with 45 days prior to election, this could lead to a lengthy vacancy on Council. Additionally, the last two paragraphs in subsection (a) should be turned into their own subsection(s) to clarify and make citing to them easier.

a. Recommendation: require that Council appoints the replacement officeholder unless the appointment is too late to allow for candidates to seek nomination for the office at the next regular election, in which case the appointment would wait until after the new Council is sworn in after the regular election.

- 3) **Art. IV, Sec 9(b)(1)(a) Conflicts of interest, sales to the City:** This provision prohibits any councilmember, or their relative, from having a financial interest in the sale to the City of any real or personal property, etc. Recommend providing some exceptions to this prohibition.
  - a. Recommendation: Consider whether this absolute prohibition is necessary in light of the general requirements for conflicts disclosure and removal from the decision making process. Or
  - b. Consider an exception where the City is in need of particular real property to carry out City purposes or projects (subject to the conflicts disclosure requirements).
- 4) **Art. IV, Sec. 9 (b)(2) Conflicts of interest, sales to the City:** This provision arguably could prohibit an employee from renting or leasing City provided housing.
  - a. Recommendation: provide an exception for rentals or leases to employees so long as the renting/leasing employee has no involvement in the decision making.

## **NEXT STEPS**

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Based on the work session discussion, staff will prepare Charter amendment language for further consideration either at a Council work session or for submittal to the voters. Further evaluation of how these items may be combined and how many ballot questions would be required to accomplish the changes will also be needed and may be a beneficial topic for further work session discussion.

## **ATTACHMENTS**

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1. Fort Collins Charter
2. Charter Amendments Presentation

## PREAMBLE

We, the people of Fort Collins, Colorado, under the authority of the Constitution of the State of Colorado, do ordain, establish and adopt this Charter for our municipal government.

## ARTICLE I. - FORM OF GOVERNMENT, POWERS, SEAL

## Section 1. - Name, boundaries.

The citizens of Fort Collins, in the County of Larimer, State of Colorado, within the boundaries of the municipal corporation as now established and heretofore existing under the name of Fort Collins, or as hereafter established in the manner provided by law, shall continue to constitute a body corporate and politic in perpetual succession, under the name of the City of Fort Collins, as a home-rule municipal corporation under Article XX of the Constitution of the State of Colorado. The official seal for the city shall consist of the word "SEAL" surrounded by the words "City of Fort Collins, Colorado."

## Section 2. - Form of government.

The municipal government provided by this Charter shall be known as the "Council Manager government." Pursuant to its provisions and subject only to the limitations and exceptions imposed by the state Constitution and by this Charter, all powers of the city shall be vested in an elective Council, hereinafter referred to as "the Council." All powers of the City of Fort Collins shall be exercised in the manner prescribed by this Charter or, if the manner be not therein prescribed, then in such manner as may be prescribed by ordinance.

(Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97)

## Section 3. - Succession to rights and liabilities.

The municipal corporation, the City of Fort Collins, shall continue to own, possess and hold all the real and personal property heretofore owned, possessed, or held by the city, and shall continue to manage and dispose of all trusts in connection therewith and succeed to all the rights, benefits, and liabilities of the city.

## Section 4. - Powers of city.

Item 2.

The city shall have all the powers granted to municipal corporations and to cities by the Constitution and general laws of this state, together with all the implied powers necessary to carry into execution all the powers granted. The enumeration of particular powers by this Charter shall not be deemed to be exclusive, and in addition to the powers enumerated or implied, or appropriate to the exercise of such powers, it is intended that the city shall have and may exercise all powers of local self-government which, under the Constitution of this state, it would be competent for this Charter specifically to enumerate.

## ARTICLE II. - CITY COUNCIL

### Section 1. - Membership; terms.

- (a) *Composition of Council.* The Council shall consist of seven (7) members, including a Mayor and Mayor Pro Tem, elected as provided in this Article.
- (b) *Method of election.* The Mayor shall be nominated and elected from the city at large. The remaining six (6) members shall be nominated and elected by Districts. The election of District Councilmembers shall alternate between the election of representatives for Council Districts 1, 3 and 5 and the election of representatives for Council Districts 2, 4 and 6.
- (c) *Council district boundaries.* The city shall be divided into six (6) contiguous, reasonably compact districts, each of which shall consist of contiguous, undivided general election precincts and, to the extent reasonably possible, an equal number of inhabitants. The districts shall be numbered consecutively in a clockwise fashion beginning with the northeast district, which shall be District 1. The Council shall establish by ordinance the process for adjusting district boundaries and giving notice of any proposed boundary changes, and the manner of protesting such proposed changes.
- (d) *Terms.* Except as otherwise provided in Section 18 of this Article and Section 3(d) of Article IX, the term of office of the Mayor shall be two (2) years, and the term of office of all other members of the Council shall be four (4) years each; provided, however, that all such officers shall serve until their successors have been elected and have taken office. The terms of the Mayor and other members of the Council shall begin when they take the oath of office, which shall occur as the first order of business at a special Council meeting on the second Tuesday of January next after the election, or, if appointed, the first regular or special Council meeting following their appointment.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 94, 1972, 1-4-73, approved, election 2-20-73; Ord. No. 197, 1986, § 1, Parts A, B, 12-16-86, approved, election 3-3-87; Ord. No. 154, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 100, 1990, 9-4-90, approved, election 11-6-90; Ord. No. 15, 1997, § 1, 2-4-



**Item 2.** approved, election 4-8-97; Ord. No. 011, 2011, § 1, 2-15-11, approved, election 4-5-11; Ord. No. 001, 2017, § 2, 1-17-17, approved, election 4-4-17; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 2. - Qualifications of candidates and members; challenges.

- (a) An individual shall be eligible to be a candidate for the office of Councilmember if at the time of the election he or she is a citizen of the United States; is at least twenty-one (21) years of age; has been for one (1) year immediately preceding such election an elector of the city; and, in the case of a District Councilmember, has continuously resided in the District from which he or she is to be elected since the date of accepting any nomination for election under Article VIII, Section 3, of this Charter.
- (b) No person prohibited by the Colorado constitution from serving in public office in Colorado shall be eligible to be a candidate for, or hold, the office of Councilmember.
- (c) No person shall be eligible to stand for election to more than one (1) elective office at any single municipal election. During a term of office, no member of the Council shall be an employee of the city or hold any other elective public office. No person shall be elected or appointed to any city office, position or employment for which the compensation was increased or fixed by the Council while such person was a member thereof until after expiration of one (1) year from the date when such person ceased to be a member of the Council.
- (d) Any registered elector may file with the City Clerk a written protest challenging the qualifications of any member of the Council. Any such protest shall be resolved by the City Clerk as expeditiously as possible but no more than forty-five (45) days from the date of filing of the protest, pursuant to a procedure established by the Council by ordinance. In order to resolve such protests, the City Clerk shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. No protest shall be filed prior to the date of appointment or the date of issuance of the certificate of election of a Councilmember, whichever is applicable, nor shall any such protest, other than a protest based upon the fact of a felony conviction, be filed more than fifteen (15) days after said date.
- (e) The fact that a Councilmember may be determined to have lacked any qualification for the office of Councilmember during all or any portion of his or her term of office shall not affect the validity of any action taken by the Council during such Councilmember's term of office.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 5, 1983, approved, election 3-8-83; Ord. No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 100, 1990, 9-4-90, approved, election 11-6-90; Ord. No. 20, 1991, § 1, 2-19-91, approved, election 4-2-91; Ord. No. 20, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 062, 2023, § 2, 4-18-23, approved, election 11-7-23)

## Item 2.

- (a) For the purpose of this Section, *Area Median Income* shall mean Area Median Income for a single-person household for the Fort Collins/Loveland Metropolitan Statistical Area, as determined and adjusted annually by the U.S. Department of Housing and Urban Development.
- (b) Commencing in 2023, compensation for members of the City Council shall be paid biweekly and adjusted annually as follows:
- (1) For the Mayor: seventy-five percent (75%) of Area Median Income.
  - (2) For the Mayor Pro Tem: sixty percent (60%) of Area Median Income.
  - (3) For all other Councilmembers: fifty percent (50%) of Area Median Income.
- (c) Although members of City Council are generally not considered City employees, compensation for service on City Council shall include the option to participate in the City organization's healthcare-related benefits, on the same terms those benefits are available to City employees.

(Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 198, 1986, § 1, Part A, 12-16-86, approved, election 3-3-87; Ord. No. 100, 1990, 9-4-90, approved, election 11-6-90; Ord. No. 16, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 082, 2022, § 2, 7-5-22, approved, election 11-8-22)

**Editor's note**— See § 2-575 of the City Code for current salaries of Councilmembers.

#### Section 4. - Organization.

The Mayor shall preside at meetings of the Council and shall be recognized as head of the city government for all ceremonial purposes and by the Governor of the state for purposes of military law. The Mayor shall execute and authenticate legal instruments requiring the signature of the Mayor. The Mayor shall also perform such other duties as may be provided by ordinance which are not inconsistent with the provisions of this Charter.

At the special meeting at which newly-elected officers take their oath of office as described in Section 2(d) of this Article, the Council shall elect a Mayor Pro Tem for a two (2) year term from among the members of the Council to act as Mayor during the absence or disability of the Mayor. If a vacancy occurs in the position of Mayor, the Mayor Pro Tem shall become Mayor as provided in Section 18(b) below.

If a vacancy occurs in the position of Mayor Pro Tem, whether through resignation or otherwise, the Council shall at the first regular or special meeting after the occurrence of such vacancy elect a new Mayor Pro Tem to serve for the remainder of the vacated term.

**Item 2.** No. 11, 1969, 2-27-69, approved, election 4-8-69; Ord. No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 100, 1990, 9-4-90, approved, election 11-6-90; Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 001, 2017, § 2, 1-17-17, approved, election 4-4-17; Ord. No. 011, 2021, § 2, 1-19-21, approved, election 4-6-21; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

#### Section 5. - Powers.

All powers of the city and the determination of all matters of policy shall be vested in the Council except as otherwise provided by this Charter. Without limitation of the foregoing, the Council shall have power to:

- (a) appoint and remove the City Manager;
- (b) establish, change, consolidate or abolish administrative offices, service areas or agencies by ordinance, upon report and recommendation of the City Manager, so long as the administrative functions and public services established by this Charter are not abolished in any such reorganization. The city shall provide for all essential administrative functions and public services, including, but not limited to the following:
  - (1) fire suppression and prevention;
  - (2) police services;
  - (3) finance and recordkeeping;
  - (4) electric utility services;
  - (5) water supply and wastewater services;
  - (6) street maintenance;
  - (7) storm drainage;
  - (8) planning and zoning.
- (c) adopt the budget of the city;
- (d) authorize the issuance of bonds by ordinance as provided by this Charter;
- (e) inquire into and investigate any office, service area, or agency of the city and the official acts of any officer or employee thereof, and to compel by subpoena attendance and testimony of witnesses and production of books and documents;
- (f) adopt plats;
- (g) adopt and modify the official map of the city;
- (h) provide for independent audits of all funds and accounts of the city.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 202, 1986, § 1, Part A, 12-16-86, approved, election 3-3-87; Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

**Item 2.** 6. - Ordinances, resolutions, motions.

The Council shall act by ordinance, resolution, or motion. The ayes and nays shall be recorded on the passage of all ordinances, resolutions, and motions. Every Councilmember present shall vote; if a member fails to vote when present, he or she shall be recorded as voting in the affirmative. All legislative enactments and every act creating, altering, or abolishing any agency or office, fixing compensation, making an appropriation, authorizing the borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property, shall be by ordinance, which shall not be so altered or amended on the final passage as to change the original purpose.

All ordinances, except the annual appropriation ordinance and any ordinance making a general codification of ordinances, shall be confined to one (1) subject which shall be clearly expressed in the title. All ordinances shall be formally introduced at a regular or special Council meeting in written or printed form by any member of the Council and considered on first reading and action taken thereon. No ordinance, except an emergency ordinance, shall be finally passed on the first reading or at the meeting at which it is first introduced. An emergency ordinance may be formally introduced at a special Council meeting and action taken thereon, including final passage at such special meeting. Reading of an ordinance shall consist only of reading the title thereof, provided that copies of the full ordinance proposed shall have been available in the office of the City Clerk at least forty-eight (48) hours prior to the time such ordinance is introduced for each member of the City Council, and for inspection and copying by the general public, and provided further that any member of the City Council may request that an ordinance be read in full at any reading of the same, in which case such ordinance shall be read in full at such reading. Final passage of all ordinances except emergency ordinances shall be at a regular Council meeting. Emergency ordinances shall require for passage the affirmative vote of at least five (5) members of the Council and shall contain a specific statement of the nature of the emergency. No ordinance granting any franchise or special privilege which involves a benefit to any private person or entity shall ever be passed as an emergency ordinance.

The enacting clause of all ordinances passed by the Council shall be as follows: "Be it ordained by the Council of the City of Fort Collins."

(Ord. No. 3, 1961, 2-23-61, approved, election 4-4-61; Ord. No. 94, 1972, 1-4-73, approved, election 2-20-73; Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 203, 1986, § 1, Part A, 12-16-86, approved, election 3-3-87)

Section 7. - Ordinances, publication and effective date.

**Item 2.**

Every proposed ordinance, except an emergency ordinance, shall be published in full at least seven (7) days before its final passage on the city's official internet web site. In addition, each such ordinance shall be published in a newspaper of general circulation in the city by number and title only, together with a statement that the full text is available for public inspection and acquisition in the office of the City Clerk and on the city's internet web site. Both publications shall contain a notice of the date when said proposed ordinance will be presented for final passage. The City Clerk shall, within seven (7) days after final passage of any such ordinance, publish such ordinance in the same method as is required for the first publication. All ordinances, except emergency ordinances, shall take effect on the tenth day following their passage. An emergency ordinance shall take effect upon passage and shall be published as provided above within seven (7) days thereof.

Standard codes and codifications of ordinances of the city may be published by title and reference in whole or in part.

Ordinances shall be signed by the Mayor, attested by the City Clerk and published without further certification.

The Council may enact any ordinance which adopts any code by reference in whole or in part provided that before adoption of such ordinance the Council shall hold a public hearing thereon and notice of the hearing shall be published twice in the newspaper of general circulation, published in the city, one (1) of such publications to be at least eight (8) days preceding the hearing and the other at least fifteen (15) days preceding the hearing. Such notice shall state the time and place of the hearing and shall also state that copies of the code to be adopted are on file with the City Clerk and open to public inspection. The notice shall also contain a description which the Council deems sufficient to give notice to persons interested as to the subject matter of such code and the name and address of the agency by which it has been promulgated. The ordinance adopting any such code shall set forth in full any penalty clause in connection with such code.

(Ord. No. 11, 1967, 2-9-67, approved, election 4-4-67; Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 205, 1984, approved, election 3-5-85; Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 93, 2005, § 1, 9-6-05, approved election 11-1-05)

#### Section 8. - Disposition of ordinances.

A true copy of every ordinance, when adopted, shall be numbered and recorded in a book marked "Ordinance Record," and adoption and publication shall be authenticated by the signatures of the Mayor and the City Clerk, and by the certificate of the publisher, respectively. The ordinances as adopted by the vote of the qualified electors of the city shall be separately numbered and recorded.

*Item 2.* 9. - Ordinance codification.

The Council shall cause the permanent ordinances to be codified. Such codification may be of the entire body of permanent ordinances or of the ordinances on some particular subject and may be re-enacted by the Council or authenticated in such other manner as may be designated by ordinance. No codification ordinance shall be invalid on the grounds that it deals with more than one (1) subject. The first codification shall be completed within five (5) years of the effective date of this Charter and subsequent codifications shall be made thereafter as deemed necessary by the Council, and all permanent ordinances adopted thereafter shall be codified at least once a year.

(Ord. No. 202, 1986, § 1, Part P, 12-16-86, approved, election 3-3-87)

Section 10. - Proof of charter and ordinances.

This Charter and any ordinance passed by the Council may be proved by a copy thereof certified to by the City Clerk under the seal of the city and, when printed in a book or pamphlet form purporting to be authorized by the city, the same shall be received as prima facie evidence by courts without further proof.

Section 11. - Meetings, quorum, executive session.

The Council shall hold regular meetings at such time and place as it may prescribe by ordinance and shall prescribe the manner in which special meetings may be called. Notice of any special meeting shall be given to all Councilmembers no less than one (1) day prior to such meeting. All meetings shall be open to the public. A majority of the members of Council shall constitute a quorum sufficient to transact business. A smaller number can adjourn a meeting to a later date and time, and in the absence of all members, the City Clerk may adjourn any meeting for not longer than one (1) week. In the event of an emergency, natural disaster, or unforeseen circumstance that renders the holding of a meeting undesirable or impracticable, the City Manager may, with agreement of the Mayor, cancel a City Council meeting and shall make a reasonable attempt to notify the public and the other members of Council of such cancellation before the scheduled time of the meeting. No other action, except to adjourn, may be taken by the Council in the absence of a quorum, unless the absence of a quorum is due to the filing of conflict of interest disclosure statements by all absent members, in which event at least three (3) remaining members may transact business. By majority vote of those present and voting, the Council may approve any action of the Council except the passage of emergency ordinances and the approval of executive sessions. By two-thirds (2/3) vote of those present and voting, the Council may go into executive session, which shall be closed to the public. Executive sessions may only be held to:

- (1) discuss personnel matters; or

Item 2.

- (2) consult with attorneys representing the city regarding specific legal questions involving litigation or potential litigation and/or the manner in which particular policies, practices or regulations of the city may be affected by existing or proposed provisions of federal, state or local law; or
- (3) consider water and real property acquisitions and sales by the city; or
- (4) consider electric utility matters if such matters pertain to issues of competition in the electric utility industry.

(Ord. No. 94, 1972, 1-4-73, approved, election 2-20-73; Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 19, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 14, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 002, 2017, § 2, 1-17-17, approved, election 4-4-17)

#### Section 12. - City Clerk.

With the approval of the Council, the City Manager shall appoint a City Clerk who shall act as Clerk of the Council and who while so employed shall be a resident of the Fort Collins Urban Growth Area. The City Clerk shall:

- (1) give notice of Council meetings;
- (2) keep a journal of Council proceedings;
- (3) authenticate by his or her signature and permanently record in full all ordinances and resolutions; and
- (4) perform other duties required by this Charter or by the City Manager.

(Ord. No. 209, 1984, 1-15-85, approved, election 3-5-85; Ord. No. 13, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Section 13. - Council not to interfere with administrative service.

Except for purposes of inquiry, the Council and its members shall deal with the administrative service of the city solely through the City Manager, and neither the Council nor any member shall give orders to any subordinates of the City Manager either publicly or privately.

#### Section 14. - Licenses, permits.

The Council may provide for licenses and permits, and fees therefor, for regulatory purposes. The Council shall provide an administrative procedure for the hearing and determination of appeals relating to issuance, suspension or revocation of such licenses and permits. The Council itself may hear and decide appeals.

(Ord. No. 202, 1986, § 1, Part Q, 12-16-86, approved, election 3-3-87)

Item 2. 15. - Surety bonds.

The Council shall require the City Manager, the Financial Officer, and other employees transacting financial business of the city to furnish bonds with such surety and in such amounts as the Council may determine.

(Ord. No. 202, 1986, § 1, Part I, 12-16-86, approved, election 3-3-87)

Section 16. - Contracts with other governmental bodies.

The Council may, by ordinance or resolution, enter into contracts with other governmental bodies to furnish governmental services and make charges for such services, or enter into cooperative or joint activities with other governmental bodies.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73)

Section 17. - Independent annual audit.

The Council shall provide for an independent audit at least annually by a certified public accountant of all books and accounts of the city, and shall publish a summary thereof once in the manner provided for publication of legal notices within seven (7) months after the end of each fiscal year.

(Ord. No. 206, 1984, 1-15-85, approved, election 3-5-85; Ord. No. 014, 2021, § 2, 1-19-21, approved, election 4-6-21)

Section 18. - Vacancies.

(a) A vacancy exists when a Councilmember:

- (1) dies, resigns, or moves from the city or the District from which elected or appointed;
- (2) assumes another elective office;
- (3) fails to attend all regular and special meetings of the Council for sixty (60) consecutive days unless excused by Council resolution;
- (4) is judicially declared mentally incompetent;
- (5) is convicted of a felony that disqualifies the Councilmember from serving in public office in Colorado under the Colorado Constitution, or is declared by the City Clerk, more than sixty (60) days after the date of issuance of the certificate of election of such Councilmember, to have previously been convicted of a disqualifying felony pursuant to a written protest filed under Section 2 of this article; or

(6)



*Item 2.* In case of an appointed member of the Council, is declared by the City Clerk to lack any qualification for the office of Councilmember.

Except for the office of Mayor, any vacancy on the Council shall be filled within forty-five (45) days by appointment of the Council. The person so appointed shall serve until the next regular election, when the electors will select a person to fill the vacancy for the remainder of the term, if any. This selection process shall be subject to the following exception: If the time for filling the vacancy by appointment would fall within forty-five (45) days prior to any regular election, and the remaining unexpired term of the Councilmember to be replaced is more than two (2) years, then the vacancy shall be filled by the newly constituted Council following their election, within forty-five (45) days after their terms of office begin.

Under this exception, the term of office of the Councilmember appointed shall run for the remainder of the replaced Councilmember's term. Any person appointed to fill a Councilmember's vacated position shall have all the qualifications required of regularly elected Councilmembers. In the case of a vacancy representing a member elected from a District, any person appointed or elected to fill such vacancy shall be from the same District, as such District is constituted at the time of the appointment or election.

(b) The following shall apply to filling vacancies in the office of Mayor:

- (1) If the position of Mayor becomes vacant more than forty-five (45) days prior to the next regular election, the Mayor Pro Tem shall become Acting Mayor, and the Council shall elect a new Mayor Pro Tem. Both the Acting Mayor and Mayor Pro Tem shall serve until the next regular election, at which time the office of Mayor shall be filled by the electors for a new term, and the Acting Mayor and Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any. The vacancy on the Council created by the Mayor Pro Tem assuming the office of Mayor shall be filled in accordance with the provisions of Section 18(a) above.
- (2) If the position of Mayor becomes vacant within the forty-five (45) days prior to any regular election, the duties of the Mayor shall be immediately assumed by the Mayor Pro Tem, who shall serve as Acting Mayor until said regular election, at which time the office of Mayor shall be filled by the electors for a new term. Pending the election and the commencement of the term of the newly elected Mayor, the Council shall consist of six (6) members, and the Council shall elect an interim Mayor Pro Tem. After the election, the Acting Mayor and Interim Mayor Pro Tem shall resume their duties as Councilmembers for the remainder of their unexpired terms of office, if any.
- (3) Nothing herein shall preclude the Mayor Pro Tem or any Councilmember from standing for election to the office of Mayor.

*Item 2.* No. 201, 1986, § 1, Part L, 12-16-86, approved, election 3-3-87; Ord. No. 154, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 100, 1990, 9-4-90, approved, election 11-6-90; Ord. No. 15, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 062, 2023, § 2, 4-18-23, approved, election 11-7-23)

### ARTICLE III. - CITY MANAGER

#### Section 1. - Appointment, qualifications.

The Council shall appoint and fix the compensation of a City Manager, who shall be the chief executive officer and head of the administrative branch of the city government. The City Manager shall be appointed on the basis of his or her executive and administrative qualifications, with special reference to actual experience in and knowledge of accepted practice in respect to the duties of the office. Prior to appointment, the City Manager need not be a resident of the city, but during his or her tenure in office the City Manager shall reside within the city.

No member of Council shall be appointed City Manager during the term for which he or she has been elected nor within one (1) year after the expiration of such term.

(Ord. No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 13, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Section 2. - Powers, duties.

The City Manager shall be responsible to the Council for the proper administration of all affairs of the city and to that end shall have power and be required to:

- (a) appoint and, when necessary for the good of the service, remove all heads of service areas and employees of the city except as otherwise provided by this Charter;
- (b) prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;
- (c) participate in discussions of the Council in an advisory capacity;
- (d) prepare and submit to the Council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year, and make written or oral reports to the Council when required by it as to any particular matter relating to the affairs of the city within his or her supervision;
- (e) keep the Council advised of the financial condition and the future needs of the city, and make recommendations to the Council;
- (f) enforce the laws and ordinances of the city;

**Item 2.** Form such other duties as may be prescribed by this Charter or required of the City Manager by the Council not inconsistent with this Charter.

(Ord. No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

### Section 3. - Absence of City Manager.

To perform his or her duties during temporary absence or disability, the City Manager may designate a qualified employee of the city by letter filed with the City Clerk. If the City Manager fails to make such designation, the Council may by resolution appoint a qualified employee of the city to perform the duties of the City Manager until he or she returns or his or her disability ceases.

(Ord. No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 13, 1997, § 1, 2-4-97, approved, election 4-8-97)

### Section 4. - Removal of City Manager.

The Council shall appoint the City Manager for an indefinite term and may remove a City Manager by majority vote of the Councilmembers. If a City Manager is removed by this method, at least thirty (30) days before such removal takes effect, the Council shall by majority vote of its members adopt a resolution stating the reasons for the removal, which resolution may also provide for interim suspension. Upon such removal or suspension by this method the Council shall cause to be paid to the City Manager any unpaid balance of his or her salary for the current month and the salary for the next calendar month.

(Res. No. 72-30, 4-6-72, approved, election 5-23-72; Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 202, 1986, § 1, Part B, 12-16-86, approved, election 3-3-87)

## ARTICLE IV. - GENERAL PROVISIONS

### Section 1. - Appointive boards.

- (a) The Council may, by ordinance, establish appointive boards and commissions. The ordinance establishing such boards and commissions shall:
- (1) prescribe the powers, duties, and operating procedures of the board and commission;
  - (2) establish the terms of office of the board or commission members, including initial overlapping terms;
  - (3) establish the amount of compensation, if any, to be paid to the board or commission members; and

Item 2.

(4) state whether the board or commission shall have alternate members authorized to vote when serving in the absence of regular members.

(b) All board and commission members shall be subject to removal by the Council with or without cause. Any vacancy during the unexpired term of any member shall be filled by the Council for the remainder of the term. Each board and commission shall choose its own officers from among its members. The Council may change any or all of the powers, duties and procedures of any board or commission and may abolish any board or commission which is not required by this Charter or law.

(Ord. No. 202, 1986, § 1, Part C, 12-16-86, approved, election 3-3-87; Ord. No. 18, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Section 2. - Administrative branch.

The administrative branch of the city government shall be composed of the offices, service areas and agencies established by ordinance upon report and recommendation of the City Manager. Administrative functions and duties may be assigned and distributed among offices, service areas or departments thereof, or agencies of the administrative branch by regulations issued by the City Manager. The City Manager shall have power, whenever the interest of the city requires, to assign any employee of one (1) service area to perform duties in another service area.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 202, 1986, § 1, Part D, 12-16-86, approved, election 3-3-87; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

#### Section 3. - Residency requirement.

Directors of a city service area or a group of city service areas, deputy city managers, and assistant city managers shall reside within the Fort Collins Urban Growth Area during their tenure in office, but need not reside within the Fort Collins Urban Growth Area prior to their appointment. City department heads may live outside the Urban Growth Area during their tenure in office, but only if their places of residence are within five miles of the city limits, as measured by a straight line connecting the parcel of property upon which the residence is situated to the nearest boundary line of the city. City department heads appointed prior to March 6, 1985, shall not be subject to this residency requirement.

(Ord. No. 209, 1984, 1-15-85, approved, election 3-5-85; Ord. No. 202, 1986, § 1, Part E, 12-16-86, approved, election 3-3-87; Ord. No. 13, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 21, 2001, § 1, 2-20-01, approved, election 4-3-01; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

#### Section 4. - Oath of office.

**Item 2.**

Before entering upon the duties of the office, each member of Council, the City Manager, the City Attorney, the City Clerk, the Judge of the Municipal Court, and each director of a service area shall take, subscribe before, and file with the City Clerk an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter, and the ordinances of the City of Fort Collins, and that he or she will faithfully perform the duties of the office or position. The City Clerk shall take and subscribe the oath before a notary public.

(Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

**Section 5. - Records to be public.**

All city records shall be available for public inspection, subject only to reasonable restrictions. Upon payment of a reasonable fee, a copy or a certified copy of any city record shall be furnished by the custodian thereof. A certified copy of any city record shall be prima facie evidence of its contents.

**Section 6. - Ordinances remain in force.**

All ordinances, resolutions, rules, or regulations in force in Fort Collins, a municipal corporation, at the time this Charter takes effect shall continue in full force and effect until superseded, amended, or repealed, except that those inconsistent with this Charter are hereby repealed.

**Section 7. - Publication.**

Whenever legal notice or other publication is required by this Charter, or by ordinance, rule, or regulation, such notice shall be published at least once in a local newspaper of general circulation in the city, which is devoted to dissemination of news of a general character, unless a different form of notice is specified in this Charter or in the ordinance, rule, or regulation requiring the notice.

(Ord. No. 19, 1997, § 1, 2-4-97, approved, election 4-8-97)

**Section 8. - Charter amendments.**

This Charter may be amended at any time in the manner provided by the laws of the State of Colorado. The Council may prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition for citizen-initiated Charter amendments which shall contain warnings and notices to signers as necessary.

(Ord. No. 199, 1986, § 1, Part D, 12-16-86, approved, election 3-3-87)

(a) *Definitions.* For purposes of construction of this Section 9, the following words and phrases shall have the following meanings:

*Business* means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, activity or entity.

*Financial interest* means any interest equated with money or its equivalent. *Financial interest* shall not include:

- (1) the interest that an officer, employee or relative has as an employee of a business, or as a holder of an ownership interest in such business, in a decision of any public body, when the decision financially benefits or otherwise affects such business but entails no foreseeable, measurable financial benefit to the officer, employee or relative;
- (2) the interest that an officer, employee or relative has as a nonsalaried officer or member of a nonprofit corporation or association or of an educational, religious, charitable, fraternal or civic organization in the holdings of such corporation, association or organization;
- (3) the interest that an officer, employee or relative has as a recipient of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens, regardless of whether such recipient is an officer, employee or relative;
- (4) the interest that an officer, employee or relative has as a recipient of a commercially reasonable loan made in the ordinary course of business by a lending institution, in such lending institution;
- (5) the interest that an officer, employee or relative has as a shareholder in a mutual or common investment fund in the holdings of such fund unless the shareholder actively participates in the management of such fund;
- (6) the interest that an officer, employee or relative has as a policyholder in an insurance company, a depositor in a duly established savings association or bank, or a similar interest-holder, unless the discretionary act of such person, as an officer or employee, could immediately, definitely and measurably affect the value of such policy, deposit or similar interest;
- (7) the interest that an officer, employee or relative has as an owner of government-issued securities unless the discretionary act of such owner, as an officer or employee, could immediately, definitely and measurably affect the value of such securities; or
- (8) the interest that an officer or employee has in the compensation received from the city for personal services provided to the city as an officer or employee.

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*Officer or employee* means any person holding a position by election, appointment or employment in the service of the city, whether part-time or full-time, including a member of any authority, board, committee or commission of the city, other than an authority that is:

- (1) established under the provisions of the Colorado Revised Statutes;
- (2) governed by state statutory rules of ethical conduct; and
- (3) expressly exempted from the provisions of this Article by ordinance of the Council.

*Personal interest* means any interest (other than a financial interest) by reason of which an officer or employee, or a relative of such officer or employee, would, in the judgment of a reasonably prudent person, realize or experience some direct and substantial benefit or detriment different in kind from that experienced by the general public. *Personal interest* shall not include:

- (1) the interest that an officer, employee or relative has as a member of a board, commission, committee, or authority of another governmental entity or of a nonprofit corporation or association or of an educational, religious, charitable, fraternal, or civic organization;
- (2) the interest that an officer, employee or relative has in the receipt of public services when such services are generally provided by the city on the same terms and conditions to all similarly situated citizens; or
- (3) the interest that an officer or employee has in the compensation, benefits, or terms and conditions of his or her employment with the city.

*Public body* means the Council or any authority, board, committee, commission, service area, department or office of the city.

*Relative* means the spouse or minor child of the officer or employee, any person claimed by the officer or employee as a dependent for income tax purposes, or any person residing in and sharing with the officer or employee the expenses of the household.

(b) *Rules of conduct concerning conflicts of interest.*

- (1) *Sales to the city.* No officer or employee, or relative of such officer or employee, shall have a financial interest in the sale to the city of any real or personal property, equipment, material, supplies or services, except personal services provided to the city as an officer or employee, if:
  - a. such officer or employee is a member of the Council;
  - b. such officer or employee exercises, directly or indirectly, any decision-making authority on behalf of the city concerning such sale; or
  - c. in the case of services, such officer or employee exercises any supervisory authority in his or her role as a city officer or employee over the services to be rendered to the city.

**Item 2.** *Gifts from the city.* No officer, employee or relative shall, directly or indirectly, purchase any real or personal property from the city, except such property as is offered for sale at an established price, and not by bid or auction, on the same terms and conditions as to all members of the general public.

- (3) *Interests in other decisions.* Any officer or employee who has, or whose relative has, a financial or personal interest in any decision of any public body of which he or she is a member or to which he or she makes recommendations, shall, upon discovery thereof, disclose such interest in the official records of the city in the manner prescribed in subsection (4) hereof, and shall refrain from voting on, attempting to influence, or otherwise participating in such decision in any manner as an officer or employee.
- (4) *Disclosure procedure.* If any officer or employee has any financial or personal interest requiring disclosure under subsection (3) of this section, such person shall immediately upon discovery thereof declare such interest by delivering a written statement to the City Clerk, with copies to the City Manager and, if applicable, to the chairperson of the public body of which such person is a member, which statement shall contain the name of the officer or employee, the office or position held with the city by such person, and the nature of the interest. If said officer or employee shall discover such financial or personal interest during the course of a meeting or in such other circumstance as to render it practically impossible to deliver such written statement prior to action upon the matter in question, said officer or employee shall immediately declare such interest by giving oral notice to all present, including a description of the nature of the interest.
- (5) *Violations.* Any contract made in violation of this Section shall be voidable by the city. If voided within one (1) year of the date of execution thereof, the party obtaining payment by reason of such contract shall, if required by the city, forthwith return to the city all or any designated portion of the monies received by such individual from the city by reason of said contract, together with interest at the lawful maximum rate for interest on judgments.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 155, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 10, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01; Ord. No. 003, 2017, § 2, 1-17-17, approved, election 4-4-17)

#### Section 10. - Penalties for violation of Charter.

Any violation of a provision of this Charter shall be deemed a misdemeanor. Any person convicted of such violation may be punished by a fine or imprisonment, or by both such fine and imprisonment, the maximum amount and term of which shall be no less than that established by ordinance for misdemeanor violations of the city Code. Said maximum penalty shall be set by the Council by ordinance. Any officer or employee of the city convicted of such a violation shall be deprived of his or her office or employment and shall be ineligible to any city office or employment for two (2) years thereafter.



**Item 2.** No. 202, 1986, § 1, Part X, 12-16-86, approved, election 3-3-87; Ord. No. 162, 1988, 12-20-88, approved, election 3-7-89)

Section 11. - Construction of words.

Whenever such construction is applicable, words used in this Charter importing singular or plural number may be construed so that one (1) number includes both; words importing masculine gender may be construed to apply to the feminine gender as well; and the word "person" may extend to and include firm and corporation; provided that these rules of construction shall not apply to any part of this Charter containing express provisions excluding such construction or where the subject matter or context is repugnant thereto.

(Ord. No. 19, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 12. - Construction of Charter.

In the event any section or part of a section of this Charter shall be declared unconstitutional or invalid by a court of competent jurisdiction, the validity of the remaining sections and parts of sections shall not be affected thereby.

Section 13. - Outgoing officers.

All officers of the city whose terms of office terminate shall deliver to their successors all papers, records, and property of every kind in their possession or custody by virtue of their office, and shall account to them or to any authority designated by the council, for all funds, credits, or property of any kind with which they are properly chargeable as such officials.

Section 14. - Eminent domain.

In carrying out the powers and duties imposed upon it by this Charter or by the general statutes, the city shall have power to acquire within or without its corporate limits lands, buildings, and other properties, and any interest in land and air rights over land, and may take the same upon paying just compensation to the owner as provided by law.

Section 15. - Improvement districts.

A public work or improvement, the costs of which in whole or in part are to be assessed by the city, may be initiated by the Council on recommendation of the City Manager, or on petition of property owners in such number and in such form as may be prescribed by ordinance. The Council shall by ordinance prescribe the method of making such improvements and the assessments for their cost.

**Item 2.** No. 202, 1986, § 1, Part S, 12-16-86, approved, election 3-3-87)

Section 16. - Limitation of actions.

No person shall be prosecuted, tried, or punished in the city's Municipal Court for any violation of this Charter unless a summons and complaint or penalty assessment notice for the violation is served on such person within one (1) year of the commission of the violation.

(Ord. No. 17, 1997, § 1, 2-4-97, approved, election 4-8-97)

ARTICLE V. - FINANCE ADMINISTRATION

Part I - Budget and Financial Management

Section 1. - Fiscal and accounting year.

The fiscal and accounting year shall be the same as the calendar year. "Budget term" shall mean the fiscal year(s) for which any budget is adopted and in which it is to be administered. Council shall set by ordinance the term for which it shall adopt budgets in accordance with this Article.

(Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 2. - Budget estimates.

On or before the first Monday in September preceding each budget term, the City Manager shall file with the City Clerk a proposed budget for the ensuing budget term with an explanatory message. The proposed budget shall provide a complete financial plan for each fund of the city and shall include appropriate financial statements for each type of fund showing comparative figures for the last completed fiscal year, comparative figures for the current year, and the City Manager's recommendations for the ensuing budget term.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 3. - Public record, hearing.

The City Manager's proposed budget shall be a public record and open to the public for inspection and copy. The Council shall, within ten (10) days after the filing of said proposed budget with the City Clerk, set a time certain for public hearing thereon and cause notice of such public hearing to be given by publication. At the hearing, all persons may appear and comment on any or all items and estimates in the proposed budget. Upon completion of the public hearing the Council may revise the budget estimates.

**Item 2.** 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 4. - Adoption of budget and appropriation of funds.

After said public hearing and before the last day of November preceding the budget term, the Council shall adopt the budget for the ensuing term. The adoption of the budget shall be by ordinance. Before the last day of November of each fiscal year, the Council shall appropriate such sums of money as it deems necessary to defray all expenditures of the city during the ensuing fiscal year. The appropriation of funds shall be accomplished by passage of the annual appropriation ordinance. Such appropriation of funds shall be based upon the budget as approved by the Council but need not be itemized further than by fund with the exception of capital projects and federal or state grants which shall be summarized by individual project or grant.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 10, 1991, § 1(a), 2-19-91, approved, election 4-2-91; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 5. - Levy.

The annual appropriation ordinance shall also include the levy in mills, as fixed by the Council, upon each dollar of the assessed valuation of all taxable property within the city, such levy representing the amount of taxes for city purposes necessary to provide, during the ensuing fiscal year, for all properly authorized expenditures to be incurred by the city, including interest and principal of general obligation bonds. The Council shall thereupon cause the total levy to be certified by the City Clerk to the county consistent with applicable state statutes, which shall extend the same upon the tax list of the current year in a separate column entitled "City of Fort Collins Taxes," and shall include said city taxes in his or her general warrant to the County Treasurer for collection. If the Council fails in any year to make said tax levy as above provided, then the rate last fixed shall be the levy fixed for the ensuing fiscal year and the Financial Officer shall so certify.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 202, 1986, § 1, Parts I, X, 12-16-86, approved, election 3-3-87; Ord. No. 10, 1991, § 1(a), 2-19-91, approved, election 4-2-91; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 6. - Maximum mill levy.

The mill levy shall not exceed fifteen (15) mills on each dollar of assessed valuation of taxable property within the city for all purposes. Any mill levy in excess of the fifteen (15) mills aforesaid shall be absolutely void as to the excess and it shall be unlawful for the Assessor to extend and for the Treasurer to collect any such excess.

**Item 2.** 7. - Effect of appropriation and levy.

After the commencement of the fiscal year, the annual appropriation ordinance and levy shall be irrevocable and the several amounts stated in the adopted budget and annual appropriation ordinance as proposed expenditures for such fiscal year shall be deemed appropriated for the purposes therein specified.

(Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

**Section 8. - Appropriations not to exceed revenue; appropriation required for expenditures and obligations.**

- (a) No appropriation shall be made by the Council which exceeds the revenues, reserves or other funds anticipated or available at the time of the appropriation, except for emergency expenses incurred by reason of a casualty, accident or unforeseen contingency arising after the passage of the annual appropriation ordinance.
- (b) It shall be unlawful for any service area, officer or agent of the city to incur or contract any expense or liability or make any expenditure for or on behalf of the city unless an appropriation therefor shall have been made by the Council. Any authorization of an expenditure or incurring of an obligation by any officer or employee of the city in violation of this provision shall be null and void from its inception.
- (c) Nothing herein shall apply to or limit the authority conferred by this Article in relation to bonded indebtedness, or to the collection of moneys by special assessments for local improvements; nor shall it be construed to prevent the making of any contract or lease providing for expenditures beyond the end of the fiscal year in which it is made, so long as such contract or lease is made subject to an appropriation of funds sufficient to meet the requirements of Section 8(b) above.

(Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

**Section 9. - Supplemental appropriations.**

The Council, upon recommendation of the City Manager, may make supplemental appropriations by ordinance at any time during the fiscal year; provided, however, that the total amount of such supplemental appropriations, in combination with all previous appropriations for that fiscal year, shall not exceed the then current estimate of actual and anticipated revenues and all other funds to be received by the city during the fiscal year. This provision shall not prevent the Council from appropriating by ordinance at any time during the fiscal year such revenues and funds for expenditure as may be available from reserves accumulated in prior years, notwithstanding that such reserves were not previously appropriated.

**Item 2.** 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 013, 2021, § 2, 1-19-21, approved, election 4-6-21)

Section 10. - Transfer of appropriations.

- (a) During the fiscal year, the City Manager may transfer any unexpended and unencumbered appropriated amount within the same fund.
- (b) During the fiscal year, the Council may, by ordinance, upon the recommendation of the City Manager, transfer any unexpended and unencumbered appropriated amount or portion thereof from one (1) fund or capital project account to another fund or capital project account, provided that:
  - (1) the purpose for which the transferred funds are to be expended remains unchanged;
  - (2) the purpose for which the funds were initially appropriated no longer exists; or
  - (3) the proposed transfer is from a fund or capital project account in which the amount appropriated exceeds the amount needed to accomplish the purpose specified in the appropriation ordinance.

(Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 11. - Lapsed appropriations.

All appropriations unexpended or unencumbered at the end of the fiscal year shall lapse to the applicable general or special fund, except the Council may designate in an ordinance appropriating funds for capital projects and for federal, state and private grants and donations that such funds shall not lapse until the completion of the capital project or until the earlier of the expiration of the federal, state or private grant or donation or the city's expenditure of all funds received from such grant or donation.

Nothing herein shall limit the ability of the Council to terminate a capital project or a federal, state or private grant or donation at any time prior to completion of the project or prior to expiration of or the city's expenditure of all funds from the grant or donation.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 013, 2021, § 2, 1-19-21, approved, election 4-6-21)

Section 12. - Deposit of public funds.

The cash balance of the city shall be deposited or invested in a manner approved by the Council by ordinance or resolution.

**Item 2.** No. 6, 1975, 2-18-75, approved, election 4-8-75; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 13. - Collection of taxes.

Unless the Council otherwise provides by ordinance or resolution, the County Treasurer shall collect city taxes in the same manner and at the same time as general taxes are collected under the laws of the State of Colorado. In like manner, the Council may provide for collection of special improvement assessments by said Treasurer. All laws of this state for the assessment of property and the levy and collection of general taxes, sale of property for taxes and the redemption of the same shall apply and have the same effect with respect to all taxes for the city as general taxes, except as modified by this Charter. On or before the tenth day of each month or as frequently as the Council may prescribe by ordinance, the County Treasurer shall report and pay to the Financial Officer the amount of tax collections of the city for the preceding month. The estimated costs of tax collections and losses shall be included in the budget.

(Ord. No. 202, 1986, § 1, Part I, 12-16-86, approved, election 3-3-87; Ord. No. 203, 1986, § 1, Part B, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 14. - Audit and payments.

No demand for money against the city shall be approved, allowed, audited, or paid unless it is in writing, dated and sufficiently itemized to identify the expenditure, and payment thereof approved by the Financial Officer and the person or service area creating the obligation.

(Ord. No. 202, 1986, § 1, Part I, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

Section 15. - Appropriations forbidden.

No appropriation shall be made for any charitable, industrial, educational, or benevolent purposes to any person, corporation, or organization not under the absolute control of the city, nor to any denominational or sectarian institution or association.

Section 16. - City not to pledge credit.

The city shall not lend or pledge its credit or faith, directly or indirectly, or in any manner to or in aid of any private person or entity for any amount or any purpose whatever, or become responsible for any debt, contract, or liability thereof.

(Ord. No. 203, 1986, § 1, Part D, 12-16-86, approved, election 3-3-87)

Section 18. - Forms of borrowing.

The city may borrow money and issue the following securities to evidence such indebtedness:

- (1) short-term notes.
- (2) general obligation securities.
- (3) revenue securities.
- (4) refunding securities.
- (5) special assessment securities.
- (6) tax increment securities.
- (7) any other securities not in contravention of this Charter.

(Ord. No. 203, 1986, § 1, Part E, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 19.1. - Short-term notes.

The city is hereby authorized to borrow money, by Council action and without an election, in anticipation of the collection of taxes or other revenues and to issue short-term notes to evidence the amount so borrowed. Any such short-term notes payable in whole or part from ad valorem taxes shall be issued after the annual levy of taxes and be payable in full within twelve (12) months from their date, except as otherwise specifically provided in this Charter.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-74)

Section 19.2. - General obligation securities.

Except as otherwise provided in this Part II of Article V of this Charter, no securities payable in whole or in part from the proceeds of ad valorem taxes of the city shall be issued until the question of their issuance has, at a special or regular election, been submitted to a vote of the electors of the city and approved by a majority of those voting on the question. The aggregate amount of such securities as are described in this Section, excluding securities which have been refunded and defeased, shall not exceed ten (10) percent of the assessed valuation of the taxable property within the city as shown by the last assessment for city purposes. Securities issued for water purposes may be issued by Council action without an election and shall not be included in the determination of such debt limitation.

*Item 2.* No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 203, 1986, § 1, Part F, 12-16-86, approved, election 3-3-87)

### Section 19.3. - Revenue securities.

- (a) The city, by Council action and without an election, may issue securities made payable solely from revenues derived from the operation of the project or capital improvement acquired with the securities' proceeds, or from other projects or improvements, or from the proceeds of any sales tax, use tax or other excise tax, or solely from any source or sources or any combination thereof other than ad valorem taxes of the city.
- (b) The Council may, by ordinance, establish any one or more of the city's water, wastewater, storm drainage or electrical utilities as an enterprise of the city. The Council may also, by ordinance, authorize any such city-owned enterprise, acting by and through the Council, sitting as the board of the enterprise, to issue its own revenue bonds or other obligations (including refunding securities) on behalf of the city, which revenue bonds or other obligations shall be payable solely from the net revenues (including special assessments) derived from the operation of the enterprise. Such revenue bonds or other obligations may be additionally secured by mortgages on or security interests in any real or personal property of the city used in the operation of the enterprise. Such revenue bonds or other obligations shall be issued by ordinance of the board of the enterprise, adopted in the same manner and subject to referendum to the same extent as ordinances of the Council.

The Council shall not appoint any persons other than its own members to serve on the board of the enterprise or delegate to any other person or entity the powers reserved to the board of the enterprise hereunder. Neither shall the Council authorize the board of the enterprise to acquire, construct or install or hold title to or dispose of any city-owned property used in the operation of the enterprise, to impose or adjust rates, fees, tolls or charges for the use of any such property or for any service or commodity furnished by the enterprise, to levy special assessments or to exercise any power reserved to the Council or other city officials by this Charter or otherwise (other than the power to issue revenue bonds and other obligations).

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 18, 1993, § 1, 2-16-93, approved, election 4-6-93)

### Section 19.4. - Refunding securities.

The Council may authorize without an election issuance of refunding securities for the purpose of refunding and providing for the payment of outstanding securities or other obligations of the city as the same mature, or in advance of maturity by means of an escrow or otherwise. The ordinance authorizing the issuance of such refunding securities may provide that the interest rate or principal



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amount of the refunding securities be higher or lower than that of the securities being refunded, provided that in the case of general obligation securities the total principal and interest payable on the refunding securities does not exceed that of the securities being refunded. No refunding securities (other than water refunding securities and tax increment refunding securities) issued for the purpose of refunding revenue securities shall be issued without an election if such refunding securities are made payable in whole or part from ad valorem taxes of the city.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 203, 1986, § 1, Part G, 12-16-86, approved, election 3-3-87)

#### Section 19.5. - Special assessment securities.

- (a) Securities for any special or local improvement district, secured as provided in this Section, shall not be subject to any debt limitation nor affect the city's debt incurring power, nor shall such securities be required to be authorized at any election.
- (b) The city may include property owned by it within any special or local improvement district and provide for the assessment of such property as it would any other property located within the special or local improvement district. The city may without an election elect to pay any such assessment in installments, and any such assessment, regardless of the source of payment thereof, shall not be included within the limitation contained in Section 19.2 of Article V of this Charter.
- (c) When all outstanding securities for a special or local improvement district have been fully paid and money remains to the credit of the district, it may be transferred to a surplus and deficiency fund. Whenever there is a deficiency in any special or local improvement district fund to meet the payment of outstanding securities and interest due thereon, the deficiency may be paid out of the surplus and deficiency fund.
- (d) Whenever three-fourths ( $\frac{3}{4}$ ) of the securities issued for a special or local improvement district have been paid and cancelled and for any reason the remaining assessments are not paid in time to redeem the final securities for the district, the city shall pay if so provided in the ordinance authorizing issuance of the bonds, the securities when due and levy additional ad valorem taxes necessary therefor and reimburse itself by collecting the unpaid assessments due the district.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 203, 1986, § 1, Part H, 12-16-86, approved, election 3-3-87; Ord. No. 160, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 161, 1988, 12-20-88, approved, election 3-7-89)

#### Section 19.6. - Terms and disposal of securities.

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The terms and maximum interest rate of all securities shall be fixed by the ordinance authorizing the borrowing and providing for its payment and all securities shall be sold or exchanged as determined by the Council. If bonds are publicly sold, Council action awarding the sale of securities, and thereby establishing the interest rates and price paid for the securities, may be by resolution.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73)

**Section 19.7. - Limitation of actions.**

No action or proceeding, at law or in equity, to review any elections, acts or proceedings, or to question the validity of or enjoin the issuance or payment of any securities issued in accordance with their terms, or the levy or collection of any assessments, or for any other relief against any acts or proceedings of the city done or had under this Part II of Article V of this Charter, shall be maintained against the city, unless commenced within thirty (30) days after the election or performance of the act or the effective date of the resolution or ordinance complained of, or else be thereafter perpetually barred.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73)

**Section 19.8. - Tax increment securities.**

The city, by Council action and without an election, may issue tax increment securities payable from ad valorem tax revenues derived from the increased valuation for assessment of taxable property within a plan of development or other similar area as defined by applicable state statutes. Such securities shall be issued in accordance with such statutes or any ordinance adopted by the Council not inconsistent with this Charter. Any securities issued pursuant to this Section shall not be included in the determination of the debt limitation contained in Section 19.2 of Article V of this Charter.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 203, 1986, § 1, Part I, 12-16-86, approved, election 3-3-87)

**Section 20. - No additional limitations.**

Section 6 of Part I of Article V of this Charter shall have no application to the payment of securities issued hereunder. Except as provided by this Part II of Article V of this Charter, there shall be no limitations on the authority of the city to incur indebtedness or to issue securities.

(Ord. No. 18, 1973, 2-15-73, approved, election 4-3-73)

Section 21. - Financial officer.

The City Manager shall appoint a Financial Officer who shall have special knowledge of municipal accounting, taxation, budget making, and finance. Such Officer shall be the ex-officio City Treasurer and head the administrative unit assigned the financial affairs of the city.

(Ord. No. 202, 1986, § 1, Part G, 12-16-85, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

Section 22. - Powers and duties.

The Financial Officer shall have charge of the financial records and general and special funds of the city, and shall collect, receive, and disburse all money belonging to the city, and shall have all other duties required to administer properly the financial affairs of the city; to that end the Financial Officer shall have authority and shall be required to:

- (a) maintain a general accounting system for the city government and each of its offices, service areas, and agencies; exercise budgetary control over the same in accordance with the budget and annual appropriation ordinance; prescribe the form of receipts, requisitions, warrants, and other evidence of income and disbursements; audit before payment all bills, invoices, payrolls, and other claims and charges against the city government; and with the advice of the City Attorney, determine the regularity, legality, and correctness of such claims, demands, or charges;
- (b) advise the City Manager of the budget requirements of the Financial Administration Unit and furnish estimates and information concerning other service areas, agencies, and boards as requested by the City Manager;
- (c) advise service areas of remaining allotments;
- (d) disburse funds in a manner which will assure that budget appropriations are not exceeded and that payments are not illegally made;
- (e) collect and hold all city funds; invest funds as directed by the Council by resolution or ordinance; be responsible for all trust funds;
- (f) serve as custodian of all bonds, documents, and other evidences of indebtedness owned by the city or under its control;
- (g) issue all licenses and collect the fees therefor; collect or receive funds of every description belonging to, due to, or accruing to the city, including fines, forfeitures, penalties, taxes, water rentals, sewer fees, and electric revenues;
- (h)

**Item 2.** it to the Council through the City Manager periodic statements of all accounts and funds, sufficiently itemized in detail to show the exact financial condition of the city at a frequency established by the Council;

- (i) examine and approve all purchase contracts, orders, and other documents by which the city incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations become due and payable;
- (j) advise the City Manager of any financial irregularity in any service area.

(Ord. No. 202, 1986, § 1, Part G, 12-16-86, approved, election 3-3-85; Ord. No. 203, 1986, § 1, Part J, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

#### Section 23. - Separate utilities accounts.

The accounts of each utility owned and operated by the city shall be maintained in a separate fund and kept separate and distinct from all other accounts of the city. Each utility fund shall be accounted for utilizing the basis of accounting appropriate for an enterprise fund, and shall contain a reasonable allowance for depreciation and obsolescence. All expenses incurred by service areas in rendering services to any utility owned and operated by the city shall be fully paid by such utility on a "cost of service" basis as determined by the City Manager. Each utility shall be fully paid for all services rendered by such utility to other city service areas. If the utility is subject to a payment to the general fund in lieu of taxes and franchise fees, an estimate shall be made of the amount of taxes and franchise fees that would be chargeable against such utility if privately owned, and the amount of such payment, as determined by the Council under Article XII, Section 6 of this Charter, shall be charged against the utility fund.

(Ord. No. 203, 1986, § 1, Part K, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

#### Section 24. - Responsibility for funds.

All money belonging to the city and in the custody of city employees shall be paid daily to the Financial Officer.

(Ord. No. 202, 1986, § 1, Part J, 12-16-86, approved, election 3-3-87)

#### Section 25. - Creation of funds.

The Financial Officer may create such funds as he or she deems appropriate to carry out the provisions of this Part III. The funds of the city shall include a general fund which shall be used to account for all financial resources of the city except those required to be accounted for in another fund.

**Item 2.** No. 203, 1986, § 1, Part L, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Part IV - Purchasing

##### Section 26. - Powers and duties.

The City Manager or designee shall appoint a Purchasing Agent who shall contract for all supplies, materials, and equipment required or used by all service areas and agencies of the city, including businesses and enterprises operated by the city.

(Ord. No. 202, 1986, § 1, Parts H, W, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 22, 2001, § 2, 2-20-01, approved, election 4-3-01)

##### Section 27. - Competitive bidding.

Before the Purchasing Agent makes any purchase of or contract for supplies, materials, or equipment, he or she shall give ample opportunity for competitive bidding under such rules and regulations, and with such exceptions as the Council may prescribe by ordinance.

(Ord. No. 12, 1967, 2-9-67, approved, election 4-4-67; Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 202, 1986, § 1, Parts W, X, 12-16-86, approved, election 3-3-87; )

##### Section 28. - Emergency purchases.

In case of emergency affecting the public peace, health, or safety, the Council may waive all provisions for competitive bidding and direct the Purchasing Agent to purchase necessary supplies in the open market at not more than commercial prices.

(Ord. No. 202, 1986, § 1, Part W, 12-16-86, approved, election 3-3-87)

##### Section 29. - Contracts for improvements.

All city improvements constructed by an independent contractor shall be executed pursuant to a written contract. Any such improvement, the cost of which exceeds an amount to be determined by ordinance of the Council, shall be insured by a performance bond or other equivalent security and submitted to a competitive bidding process resulting in award to the lowest responsible bidder or a competitive proposal process; provided, however, that the Council may, by ordinance, authorize the Purchasing Agent to exempt improvements from the competitive bidding and competitive proposal processes.

Item 2.

In the event that Council authorizes the city, rather than an independent contractor, to proceed with the construction of an improvement, the services of the city shall be charged as a part of the cost of the improvement.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 202, 1986, § 1, Part W, 12-16-86, approved, election 3-3-87; Ord. No. 12, 1991, § 1, 2-19-91, approved, election 4-2-91; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Section 30. - Contracts for service.

The Council shall establish by ordinance a maximum term for contracts for service which may be executed by the city without Council approval. No contract for service for a longer term shall be made by the city, unless authorized by ordinance, which ordinance shall not be passed as an emergency ordinance.

(Ord. No. 202, 1986, § 1, Part W, 12-16-86, approved, election 3-3-87; Ord. No. 13, 1991 § 1, 2-19-91, approved, election 4-2-91)

#### Section 31. - Contracts effective only when bond funds available.

No contract for the acquisition of property or the construction of improvements or other expenditures which is to be financed by bonds or other obligations shall be effective until the proceeds of the bonds or obligations have been received by the city.

Improvements to be paid for by special assessments shall be excepted from the provisions of this Section.

(Ord. No. 202, 1986, § 1, Parts I, W, 12-16-86, approved, election 3-3-87; Ord. 12, 1997, § 1, 2-4-97, approved, election 4-8-97)

### ARTICLE VI. - CITY ATTORNEY

#### Section 1. - Appointment.

The Council shall appoint and fix the compensation of a City Attorney. The City Attorney shall be licensed to practice law in the State of Colorado during his or her tenure in office, but need not be so licensed prior to appointment. The City Attorney shall serve at the pleasure of the Council.

Assistant and/or Deputy City Attorneys may be appointed as determined by the Council and they shall perform duties as assigned by the City Attorney, including attending Council meetings in the place of the City Attorney.

**Item 2.** No. 18, 1973, 2-15-73, approved, election 4-3-73; Ord. No. 202, 1986, § 1, Parts V, X, 12-16-86, approved, election 3-3-87; Ord. 13, 1997, § 1, 2-4-97, approved, election 4-8-97)

## Section 2. - Functions.

The City Attorney shall be the legal adviser of the Council and all employees of the city in matters relating to their official powers and duties. He or she shall represent the city in all legal proceedings, draw all ordinances, and prepare all other legal documents, attend all Council meetings and perform all services incident to the position as may be required by this Charter, ordinances, or the Council.

(Ord. No. 202, 1986, § 1, Parts V, X, 12-16-86, approved, election 3-3-87)

## Section 3. - Special counsel.

The Council may, upon the request of the City Attorney in special cases, employ special counsel if deemed necessary and advisable under the circumstances.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

## ARTICLE VII. - MUNICIPAL COURT

### Section 1. - Municipal court.

There shall be a Municipal Court vested with original jurisdiction of all causes arising under the City's Charter and ordinances. The Council shall appoint the judge or judges of Municipal Court for two (2) year terms. Council shall designate a Chief Judge to carry out related duties as adopted by the Council by ordinance, and shall fix the compensation of the Municipal Judges. Such compensation shall in no manner be contingent upon the amount of fees, fines or costs imposed or collected. Each Municipal Judge shall be licensed to practice law in the State of Colorado during his or her tenure in office, but need not be so licensed prior to appointment. As Council determines necessary, the Council may designate one (1) or more reputable and qualified attorneys to serve as temporary judge. The Council may remove a Municipal Judge for cause.

Rules of procedure, costs and fees shall be enacted by the Council upon recommendation of the Chief Municipal Judge.

(Ord. No. 202, 1986, § 1, Parts V, X, 12-16-86, approved, election 3-3-87; Ord. No. 5, 1989, 1-17-89, approved, election 3-7-89; Ord. 13, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 004, 2017, § 2, 1-17-17, approved, election, 4-4-17)

**Item 2.** 2. - Penalty for violation.

The Council shall provide for enforcement of its ordinances. The maximum penalty for a violation of the ordinances of the city shall be set by the Council by ordinance.

(Ord. No. 202, 1986, § 1, Parts R, V, W, 12-16-86, approved, election 3-3-87)

## ARTICLE VIII. - ELECTIONS

### Section 1. - Applicability of state constitution.

The Council shall provide by ordinance for the manner of holding city elections. All ordinances regarding elections shall be consistent with the provisions of this Charter and the state Constitution. Any matter regarding elections not covered by the state Constitution, this Charter or ordinance of the Council shall be governed by the laws of the State of Colorado relating to municipal elections, or coordinated municipal elections, as applicable.

(Res. No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 080, 2022, § 2, 7-5-22, approved, election 11-8-22; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

### Section 2. - City elections.

A regular city election shall be held on the first Tuesday in November of every odd-numbered year. All other municipal elections shall be known as special city elections and shall be called by ordinance and shall be held in accordance with the provisions of this Charter and any ordinances adopted pursuant thereto. All municipal elections shall be nonpartisan.

In order to implement a change of regular city elections from April of each odd-numbered year to November of each odd-numbered year, the term of the Mayor and each Councilmember shall be extended to such time as a successor elected in November of the appropriate odd-numbered year (consistent with Article II, Section 1(b)) takes office, unless otherwise ended due to an event of vacancy or recall. Such change in term length shall have no effect on the number of terms any such officer may be elected under the applicable term limits.

(Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 201, 1986, § 1, Part B, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 154, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)



**Item 2.** B. - Nomination; withdrawal from nomination.

Any person who is qualified at the time of nomination for the office to be filled may be nominated for the elective office by petition. A nominating petition for the office of Mayor shall be signed by not less than twenty-five (25) registered electors. A nominating petition for District Council office shall be signed by not less than twenty-five (25) registered electors residing in that District. A registered elector may sign one (1) petition for each office for which the elector is entitled to vote at the election. If an elector should sign more petitions than entitled, said elector's signature shall be void as to all petitions which the elector signed.

Nominating petitions must be filed with the City Clerk. The Council shall enact an ordinance specifying the time frame for circulation and submittal of nominating petitions and the deadline for withdrawal from candidacy for municipal office. Such time frame shall not be changed within one hundred eighty (180) days immediately prior to the election. No nominating petition shall be accepted unless the candidate completes a verified acceptance of the nomination certifying that he or she is not a candidate, directly or indirectly, of any political party, and that he or she meets the qualifications for office and will serve if elected.

A person who has been nominated may withdraw from candidacy by filing a written request to do so with the City Clerk before the deadline established by Council ordinance for such withdrawal, and no name so withdrawn shall be placed upon the ballot.

(Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 201, 1986, § 1, Part E, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 4. - Petitions.

- (a) Form; circulation. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, the form for a nominating petition which shall include such warnings and notices to signers as may be deemed appropriate by the Council, as well as the candidate's verified acceptance of nomination. The signatures on a nominating petition need not all be subscribed on one (1) page, but to each separate section of the petition there shall be attached a signed statement of the circulator thereof, stating the number of signers on that section of the petition, and that each signature thereon was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. When executed, such statement shall be accepted as true until it shall be proved false. If any portion is proved false, that portion of any petition shall be disregarded. Following each signature on the petition of nomination shall be written the printed name and the residence address of the signer, and the date of signing. All nominating papers comprising a petition shall be filed as one (1) instrument.

Item 2.

(b) Sufficiency of petition. Upon receipt of a nominating petition, the City Clerk shall forthwith examine the petition, and within five (5) days after the filing of the petition, notify the candidate in writing of the results of the examination, specifying the particulars of insufficiency, if any. Within the regular time for filing petitions, an insufficient petition may be amended and filed again as a new petition, in which case the time of the first filing shall be disregarded in determining the validity of signatures thereon, or a different petition may be filed for the same candidate. The petition for each candidate elected to office shall be preserved by the City Clerk until the expiration of the terms of office for such person.

(c) No person shall receive any compensation whatever for signing a nominating petition.

(Ord. No. 12, 1977, 2-15-77, approved, election 4-5-77; Ord. No. 201, 1986, § 1, Part E, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved election 3-3-87; Ord. No. 158, 1988, 12-20-88, approved, election, 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 005, 2015, § 1, 1-20-15, approved, election of 4-7-15)

#### Section 5. - Board of Elections for City-administered elections.

There is hereby created a Board of Elections consisting of the City Clerk, Chief Deputy City Clerk, and Chief Judge. The Board shall be responsible for any election duties specified in this Charter and for such additional duties related to the conduct of elections by the City as may be established by the Council by ordinance.

(Ord. No. 201, 1986, § 1, Part H, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 022, 2007, §1, 2-20-07, approved, election 4-3-07; Ord. No. 015, 2021, § 2, 1-19-21, approved, election 4-6-21; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

#### Section 6. - Appearance of names on ballot.

Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn. The names shall be arranged in alphabetical order of surname for each office, and shall not contain any title or degree designating the business or profession of the candidate. The candidate's name may be a nickname, but shall not include any punctuation marks setting out the nickname.

(Ord. No. 129, 1999, § 1, 8-17-99, approved, election 11-2-99)

#### Section 7. - Certification of election results.

## Item 2.

- (a) No later than the date specified by Council by ordinance and, after verifying the total number of legal votes cast for each candidate and measure voted upon, the Board of Elections shall complete a certificate declaring the results of the election. The candidate receiving the highest number of votes for a particular office, as determined pursuant to this Section 7, shall be declared elected to that office. In event of a tie, the selection shall be made by the Board of Elections by lot after notice to the candidates affected. In case the candidate elected fails to qualify within sixty (60) days after the date of issuance of the certificate of election, tabulation of results in that contest shall be rerun with the disqualified candidate being eliminated prior to any tabulation and the candidate with the resulting highest vote shall be elected, and the candidate failing to qualify shall forfeit his or her office whether or not such candidate has taken the oath of office. If there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the council, as provided in Article II, Section 18. In the event of a mandatory recount or recount by request, the Board of Elections shall complete an amended certificate declaring the results of the election no later than the fifth day after the completion of the recount.
- (b) For coordinated city elections (which are not administered by the City), the election shall be determined and certified and any tie vote or recount shall be administered, as provided in the applicable state law. The candidate receiving the highest number of votes for a particular office, as determined pursuant to Section 7(c), shall be declared elected to that office.
- (c) Ranked voting methods. Beginning in 2025, the candidate receiving the highest number of votes for a particular office will be determined using a ranked voting method.
- (1) For a City-administered election, the ranked voting method will be in accordance with specifications adopted by the City Council by ordinance.
  - (2) For a coordinated election, the ranked voting method will be in accordance with, and as provided by, applicable state law.

(Ord. No. 197, 1986, § 1, Parts C, M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99; Ord. No. 022, 2007, §1, 2-20-07, approved, election 4-3-07; Ord. No. 001, 2017, § 2, 1-17-17, approved, election 4-4-17; Ord. No. 080, 2022, § 2, 7-5-22, approved, election 11-8-22; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

## Section 8. - Campaign contributions.

The Council shall act by ordinance to establish a limit on the amount that any person or entity may contribute in support of a candidate for Council on the ballot at any city election.

**Item 2.**

No political party or city employee, directly or indirectly, and no public service corporation, nor any other person, firm or corporation, owning, interested in, or intending to apply for any franchise or contract with the city shall contribute or expend any money or other valuable thing, directly or indirectly, to assist in the election or defeat of any candidate.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 208, 1984, 1-15-85, approved, election 3-5-85; Ord. No. 201, 1986, § 1, Part M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99)

## Section 9. - Corrupt practices.

Any person who violates at a city election any state law, provision of this Charter or ordinance of the city shall, upon conviction thereof, be disqualified from holding any city position or employment for two (2) years, or any elective city office for four (4) years.

(Ord. No. 201, 1986, § 1, Parts J, M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99)

## Section 10. - Validity of City-administered elections.

No City-administered election shall be invalidated if it has been conducted fairly and in substantial conformity with the requirements of this Charter.

(Ord. No. 201, 1986, § 1, Part M, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99; Ord. No. 081, 2022, § 2, 7-5-22, approved, election 11-8-22)

## Section 11. - Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 129, 1999, § 2, 8-17-99, approved, election 11-2-99)

## ARTICLE IX. - RECALL

## Section 1. - The recall.

## Item 2.

- (a) Power. Any elective officer of the city may be recalled from office, through the procedure and in the manner provided herein, by the registered electors entitled to vote for a successor of such incumbent officer. For purposes of this Article, in the case of recall of the Mayor, the words "registered elector" shall be construed to mean persons residing within the city who are registered to vote as of the date they signed the petition for recall. For purposes of this Article, in the case of a proposed recall of District Council representatives, the words "registered elector" shall be construed to mean persons who are registered to vote within the particular affected Council District of the city as of the date they signed the petition for recall of the District Council representative. No recall petition shall be circulated or filed against any officer until the officer has actually held office for at least one (1) year in the officer's current term, nor within six (6) months of the end of such term. The procedure to effect a recall shall be as provided in this Article.
- (b) Commencement of proceedings; affidavit. One (1) or more registered electors may commence recall proceedings by filing with the City Clerk an affidavit of not more than two hundred (200) words stating the reasons for the recall of the officer sought to be removed. A separate affidavit shall be filed for each officer sought to be recalled. Within forty-eight (48) hours after the filing of the affidavit, the City Clerk shall mail a copy by certified mail to the affected officer. Within five (5) days after the date of the City Clerk's mailing, the affected officer may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of the charges. The affidavit and the response are intended for the information of the registered electors, who shall be the sole and exclusive judges of the sufficiency of the ground or grounds assigned for the recall, and said ground or grounds shall not be open to judicial review. Within ten (10) days after the date by which any statement in defense must be filed, a petition for recall of the officer shall be submitted to the City Clerk for approval of the form of the petition in accordance with Section 2(b) of this Article. The petition shall be circulated, signed, verified and filed in the manner provided in Section 2 of this Article. If no petition for recall has been submitted to the City Clerk for approval of its form within the time period specified above, the recall proceedings shall be terminated.
- (c) Call of election. A recall election shall be for the dual purposes of voting on the recall of the officer sought to be removed and the election of a successor. Upon the City Clerk's presentation of a petition certified sufficient for recall, the Council shall set a date for the election which shall be held on a Tuesday not less than sixty (60) nor more than ninety (90) days from the date of presentation of the certified petition to Council. However, if any other city election is to occur within ninety (90) days from the presentation of the certified petition to Council, the recall election shall be postponed and consolidated with such other city election. The order setting a date for the recall election shall not become effective until five (5) days from the presentation of

**Item 2.** certified petition to Council. If the officer resigns within the five-day period, the vacancy may be filled by appointment. If a vacancy occurs in the affected office after the effective date of the order, the election to fill the vacancy shall nevertheless proceed.

(d) Disqualification for office. No person who has been recalled or has resigned after the City Clerk's presentation to Council of a certified, sufficient petition for recall of such person shall serve the city in any elected or appointed capacity within two (2) years after such removal or resignation.

(Ord. No. 199, 1986, § 1, Part A, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-10-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. 128, 1999, § 1, 8-17-99, approved, election 11-2-99)

## Section 2. - Petitions.

(a) Separate petitions required. A separate petition shall be circulated and filed for each officer sought to be recalled.

(b) Form and content.

(1) Approval of form. No petition shall be circulated until the City Clerk has approved the form for circulation. The City Clerk shall first determine that the petition form contains only the matters required by this Article. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions for recall.

(2) Statement of purpose. The petition shall be addressed to Council and shall contain or have attached to each section throughout its circulation a copy of the charges set forth in the affidavit on file with the City Clerk, and if requested by the person sought to be recalled, a copy of the statement in defense.

(3) Signatures. Only registered electors may sign the petitions authorized under this Article. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing. No person shall knowingly sign his or her name more than once for the recall of the same incumbent.

(c) Circulation of petition. The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition. All sections shall be filed as one (1) instrument. Only

**Item 2.** Persons eighteen (18) years of age or older may circulate the petition for signatures. The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing a recall petition.

- (d) Affidavit of circulator. A circulator shall attach to each section of the petition circulated, an affidavit signed by the circulator under oath before a notary public stating the following:
- (1) the circulator's address of residence;
  - (2) that the circulator is eighteen (18) years of age or older;
  - (3) that he or she personally circulated the section;
  - (4) that each signature was affixed in the circulator's presence;
  - (5) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
  - (6) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
  - (7) that each signer had an opportunity before signing to read the full text of the petition; and
  - (8) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.

A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.

- (e) Number of signatures required.
- (1) First recall attempt. The petition must be signed by registered electors equal in number to at least twenty-five (25) percent of the entire vote cast at the last preceding regular city election for all candidates for the office, to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
  - (2) Subsequent recall attempts. After one (1) recall petition and election, a recall petition filed against the same officer during the same term for which elected must be signed by registered electors equal in number to at least fifty (50) percent of the entire vote cast at the last preceding regular city election for all candidates for the office to which the incumbent sought to be recalled was elected as one of the officers thereof, said entire vote being divided by the number of all officers elected to such office at said election.
- (f) Place of filing, time limits. Petitions for recall shall be filed with the City Clerk within thirty (30) days of the City Clerk's approval of the form for circulation. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent

**Item 2.** signers of the petition in all matters affecting the petition, and shall be endorsed by such persons.

- (g) Sufficiency of petition; amendment. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.

Registered electors desiring to protest the sufficiency of a petition may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested. The reasons assigned for recall may not be protested. Upon the filing of a written protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter. At least five (5) days before the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing. All records and hearings shall be before the City Clerk who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents. All records and hearings shall be public, and all testimony shall be under oath. The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed. The City Clerk shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded.

In case the petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be withdrawn and amended within fifteen (15) days from the filing of the City Clerk's certificate of insufficiency. The City Clerk shall, within five (5) days after such amendment, examine the amended petition and the registration books and certify the result. If the petition is still insufficient, or if no amendment is made, the City Clerk shall return it to one (1) of the designated petition representatives without prejudice to the filing of a new petition for the same purpose.

When and if a petition or amended petition is deemed sufficient, whether following the initial sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and present the certified petition to the Council at the next regularly scheduled meeting. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.

(Ord. No. 199, 1986, § 1, Part A, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 157, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00)



**Item 2.** B. - Elections.

- (a) Generally. Elections on recall shall be conducted in the same manner as provided generally for regular or special city elections in this Charter. All Charter provisions related to nomination and qualification of candidates shall apply to recall elections.
- (b) Nominations on recall. Anyone desiring to become a candidate at the recall election shall do so by nominating petition as required in Article VIII of this Charter. The deadline for filing a nominating petition for a recall election shall be as established by ordinance of the Council. If more than one (1) officer is sought to be recalled, then the nominating petition must specify which incumbent the candidate seeks to succeed. The name of the person against whom the recall petition is filed shall not appear on the ballot as a candidate for the office.
- (c) Ballots. There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the statement of grounds and, if requested by the affected officer, the officer's statement in defense followed by the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (\_\_\_\_\_)?" Following such question shall appear the words, "Yes" indicating a vote in favor of the recall and "No" indicating a vote against such recall. On such ballots, under each question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person sought to be recalled.
- (d) Election results. If a majority of those voting on the question of the recall of any incumbent from office votes "No," the incumbent continues in office. If a majority votes "Yes" for the incumbent's removal, the incumbent shall thereupon be deemed removed from his or her office upon the taking of the oath of office by his or her successor. If the officer is recalled, the candidate for succession receiving the highest number of votes at the election determined in accordance with Article VIII, Section 7, shall be declared elected for the remainder of the incumbent's term. The candidate elected shall take office upon taking the oath of office, which shall occur as the first order of business at the next regular or special Council meeting. In case the candidate elected fails to qualify within sixty (60) days after the issuance of a certificate of election, the candidate with the next highest vote shall be elected, and if there is no other elected successor who qualifies, the office shall be deemed vacant, and shall be filled by appointment by the remaining members of the Council, as provided in Article II, Section 18.

(Ord. No. 199, 1986, § 1, Part A, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts V, W, X, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 006, 2015, § 1, 1-20-15, approved, election of 4-7-15; Ord. No. 080, 2022, § 2, 7-5-22, approved, election 11-8-22)

Section 4. - Further regulations.

Item 2.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Ord. No. 199, 1986, § 1, Part A, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

## ARTICLE X. - INITIATIVE AND REFERENDUM

### Section 1. - The initiative.

- (a) Power. The registered electors of the city shall have the power at their option to propose ordinances or resolutions to the Council, and, if the Council fails to adopt a measure so proposed, to adopt or reject such ordinance or resolution at the polls. The procedure for initiative shall be as provided in this Article.
- (b) Commencement of proceedings; notice. One (1) or more registered electors may commence initiative proceedings by filing with the City Clerk a written notice of intent to circulate an initiative petition. The notice commencing proceedings shall contain the full text of the proposed ordinance or resolution and shall state whether a special election is requested. After such notice has been filed, the City Clerk shall approve the petition for circulation in accordance with Section 5(b) of this Article. The petition shall be circulated, signed, verified, and filed in the manner prescribed in Section 5 of this Article.
- (c) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election, except when a special election is requested by the petitioners, the petition must be signed by registered electors equal in number to at least fifteen (15) percent of the total ballots cast in the last regular city election.
- (d) Petition deadlines. The initiative petition shall be filed no more than sixty (60) days after the City Clerk's approval of the form for circulation. Unless a special election is requested, the petition must also be filed at least ninety (90) days prior to the next regular city election. If the petition requests a special election in conjunction with a Larimer County Coordinated or General Election, the City Clerk shall establish a submittal deadline for the petition that will enable the measure to be considered at such election, which deadline shall be consistent with all pertinent provisions of the Colorado Revised Statutes governing the conduct of such elections, and, if applicable, with Article X, Section 20 of the Colorado Constitution, and shall advise the petition representatives in writing as to the submittal deadline.

(e)

**Item 2.** n by Council. Upon presentation of an initiative petition certified as sufficient by the City Clerk, the Council shall either (1) adopt the proposed ordinance or resolution without alteration within thirty (30) days, or (2) submit such proposed measure, in the form petitioned for, to the registered electors of the city; provided, however, that if the proposed measure requires voter approval in advance under Article X, Section 20 of the Colorado Constitution, alternative (1) above shall not be available to the Council and the proposed measure shall instead be submitted to a vote of the registered electors. If the initiative petition proposing such a measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors on the first possible date permitted by Article X, Section 20 of the Colorado Constitution. If a special election is not requested, the proposed measure shall be submitted to a vote of the registered electors at the next regular city election. In the case of a proposed measure that does not require voter approval in advance under Article X, Section 20 of the Colorado Constitution, the proposed measure, if not adopted by the Council under alternative (1) above, shall be submitted to a vote of the registered electors at the next regular city election or, if the initiative petition proposing such measure requests a special election, the proposed measure shall be submitted to a vote of the registered electors at a special election to be called by the Council within one hundred twenty (120) days of the presentation of the certified petition to the Council, unless any other regular or special city election is to occur within said period, in which case the proposed measure shall be submitted at such other regular or special city election. All ordinances submitted to the Council by initiative petition and adopted by Council without the vote of the electors shall be subject to the referendum in the same manner as other ordinances.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 1, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 21, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 127, 1999, § 1, 8-17-99, approved, election 11-2-99; Ord. No. 101, 2002, § 1, 8-20-02, approved, election 11-5-02; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

## Section 2. - The referendum.

- (a) Power. The registered electors of the city shall have the power at their option to approve or reject at the polls, any ordinance, or portion of ordinance, adopted by the Council, except ordinances making the annual property tax levy, making the annual appropriation, calling a special election, or ordering improvements initiated by petition and to be paid for by special assessments.
- (b) Commencement of proceedings.
  - (1) One (1) or more registered electors may commence referendum proceedings by filing with the City Clerk within ten (10) days after final passage of the ordinance in question, a notice of protest against the going into effect of the ordinance. The notice shall be brief and need not state any reasons, but shall identify the ordinance or part thereof, or code section it proposes to have repealed.

## Item 2.

- (2) Not later than ten (10) days after the filing of the notice, the proponents shall present to the City Clerk the final form for the referendum petition conforming to the requirements of the Article.
  - (3) If the notice and petition form are timely presented, the City Clerk shall approve the petition form for circulation, in accordance with Section 5(b) of this Article.
  - (4) The petition shall be circulated, signed, verified, and filed in the manner prescribed by Section 5 of this Article.
- (c) Number of signatures required. The petition must be signed by registered electors of the city equal in number to at least ten (10) percent of the total ballots cast in the last regular city election.
- (d) Petition deadlines. The referendum petition shall be filed within twenty (20) days after the City Clerk's approval of the petition for circulation. If a completed petition is not subsequently filed within the requisite time after the City Clerk's approval of the petition for circulation, the referendum effort is null and void and the petition shall not be circulated further.
- (e) Action by Council.
- (1) The City Clerk's certification of a petition as sufficient for referendum automatically suspends the operation of the ordinance in question pending repeal by Council or final determination by the electors.
  - (2) The Council shall reconsider the ordinance at the next regular meeting of the Council, or at an earlier special meeting of the Council called for this purpose, following the receipt of the certification of the petition by the City Clerk, and shall adopt an ordinance to repeal the ordinance in question, or part sought to be repealed, on first reading, with second reading no later than the next regular meeting.
  - (3) If the ordinance, or that part sought to be repealed, is not repealed by final action on such repealing ordinance, the Council must refer the same to a vote of the registered electors at the next regular or special city election scheduled for any other purpose. Alternatively, the Council may call a special election for that specific purpose.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Ord. No. 199, 1986, § 1, Part B, § 2, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 127, 1999, § 1, 8-17-99, approved, election 11-2-99; Ord. No. 102, 2023, § 2, 8-15-23, approved, election 11-7-23)

### Section 3. - Council use of initiative and referendum.

The Council may submit any question or proposed ordinance or resolution, or refer any adopted ordinance or resolution, to the vote of the people at a regular or special election in the same manner and with the same force and effect as is provided for citizen initiated and referred

**Item 2.** measures.

(Ord. No. 6, 1980, 1-16-80, approved, election 2-26-80; Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 3, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Section 4. - Repeal or amendment of initiated measure.

An initiated measure submitted to the registered electors of the city by the Council, with or without a petition therefor, and adopted by electoral vote cannot be repealed or amended except by a subsequent electoral vote. This provision shall not apply to ordinances or resolutions adopted by the City Council and referred to the voters.

(Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

#### Section 5. - Petitions.

(a) Separate petitions required. A separate petition shall be circulated and filed for each measure sought to be initiated or referred to the vote of the electors.

(b) Form and content.

(1) Approval of form for circulation.

- a. No petition shall be circulated until the City Clerk has approved the form for circulation.
- b. The City Clerk shall first determine that the petition form contains only the matters required by this Article.
- c. The Council shall prescribe by ordinance, upon recommendation of the City Clerk, a general form of petition which shall contain warnings and notices to signers as necessary.
- d. The City Clerk's approval under this Section shall not constitute an approval of the content of the petition, but rather, shall start the running of the time periods provided for circulation and filing of petitions.

(2) Petition content.

- a. The petition shall be addressed to Council.
- b. An initiative petition shall contain or have attached to each section throughout its circulation the full text of the proposed ordinance or resolution and shall contain a general statement of purpose fairly and accurately summarizing the proposed ordinance or resolution, indicating that the petition is to be circulated in support of the initiated ordinance or resolution and specifying whether a special election is requested.
- c. A referendum petition shall contain or have attached to each section throughout its circulation the full text of the ordinance sought to be referred, clearly identifying the protested portions if only a partial repeal is sought. In the case of bond ordinances, the

**Item 2.** Text of the ordinance need not be set forth but the petition shall contain or have attached to each section throughout its circulation the title and summary of the ordinance in question as prepared by the City Clerk.

(3) Signatures.

- a. Only registered electors may sign the petitions authorized under this Article.
- b. Each signer must sign his or her own signature and each signature shall be followed by the printed name of the signer, the street and number address of his or her residence, and the date of signing.
- c. No person shall knowingly sign an initiative or referendum petition more than once.
- d. In the event that the signature of any person appears more than once on a petition authorized under this Article, the first signature verified shall be counted and all other signatures of that person shall be rejected.

(c) Circulation of petition.

- (1) The petition may be circulated and signed in sections with each section consisting of one (1) or more sheets securely fastened at the top, provided that each section contains a full and accurate copy of the text of the petition and the names and addresses of the designated representatives for the petition.
- (2) All sections shall be filed as one (1) instrument.
- (3) Only persons eighteen (18) years of age or older may circulate the petition for signatures.
- (4) The circulation of any petition by any medium other than personally by a circulator is prohibited. No person shall receive any compensation whatever for signing an initiative or referendum petition.

(d) Affidavit of circulator.

- (1) A circulator shall attach to each section of the petition circulated an affidavit signed by the circulator under oath before a notary public stating the following:
  - (i) the circulator's address of residence;
  - (ii) that the circulator is eighteen (18) years of age or older;
  - (iii) that he or she personally circulated the section;
  - (iv) that each signature was affixed in the circulator's presence;
  - (v) that to the best of the circulator's knowledge and belief each signer was at the time of signing a registered elector of the city;
  - (vi) that to the best of the circulator's knowledge and belief each signature is the genuine signature of the person whose name it purports to be;
  - (vii) that each signer had an opportunity before signing to read the full text of the petition; and

- (viii) that the circulator has not paid or offered to pay any money or other thing of value to any signer for the purpose of inducing or causing the signer to affix his or her signature to the petition.
- (2) A petition verified by the valid affidavits of its circulators in each of its sections shall be prima facie evidence that the signatures thereon are genuine and true.
- (e) Time limits; petition representatives. Petitions for initiative and referendum shall be filed with the City Clerk within the requisite time limits or they will be deemed null and void. Each petition shall designate by name and address not less than three (3) nor more than five (5) registered electors who shall represent the signers of the petition in all matters affecting the petition.
- (f) Sufficiency of petition.
- (1) Examination. Within five (5) working days of the filing of a petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and contains the required particulars and affidavits. If the petition is insufficient, the City Clerk shall so certify and forthwith notify all of the designated petition representatives in writing, specifying the particulars of insufficiency.
- (2) Insufficient petition; amendment.
- (i) If an initiative petition is deemed insufficient, whether following the initial determination by the City Clerk, or following protest proceedings, it may be amended by the submission of additional signatures collected after the City Clerk approved the form of the petition and within fifteen (15) days from the filing of the Clerk's certificate of insufficiency.
- (A) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.
- (B) Within five (5) working days after such amendment, the City Clerk shall make examination of the amended petition and certify the result.
- (C) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, the petition shall be null and void without prejudice to the filing of a new petition for the same purpose.
- (ii) If a referendum petition is deemed insufficient, it may be amended by the submission of additional signatures collected consistent with the requirements of this Article, but to be considered, any additional signatures must be submitted within the twenty-day circulation period after the City Clerk's approval of the petition form for circulation.
- (A) Such signatures must be collected consistent with the requirements for collecting petition signatures as described in this Article.
- (B)

Item 2.

Within five (5) days after such amendment, the City Clerk shall make like examination of the amended petition and certify the result.

(C) If the amended petition is still insufficient, or if no amendment was made before the expiration of the time permitted for amendment, said referendum petition is null and void and a new petition may not thereafter be filed for referendum of the same ordinance.

(3) Protests.

- (i) Registered electors desiring to protest a determination by the City Clerk that a petition is either sufficient or insufficient may file a written protest, under oath, in the office of the City Clerk within ten (10) days of the filing of the petition. The protest shall set forth with particularity the grounds of protest and the names and defects in form protested.
  - (ii) Upon the filing of a protest, the City Clerk shall set a time for hearing such protest, which shall be no more than seven (7) days thereafter.
  - (iii) At least five (5) days prior to the hearing, the City Clerk shall mail a copy of the protest to all of the designated petition representatives together with a notice of the time for hearing.
  - (iv) All hearings shall be before a hearing officer appointed by the City Manager who shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents.
  - (v) All records and hearings shall be public, and all testimony shall be under oath.
  - (vi) The hearing shall be summary in nature and concluded within thirty (30) days after the petition was filed.
  - (vii) The hearing officer shall decide and certify the results of the hearing within ten (10) days after the hearing is concluded, and no further protest regarding the petition may be filed.
  - (viii) The City Clerk shall make any final determination regarding the sufficiency or insufficiency of a petition and shall base such determination on the protest hearing results certified by the hearing officer.
  - (ix) A petition for referendum which has been deemed insufficient after protest may not be amended or circulated further and no further protest regarding the petition may be filed.
- (4) Certification and presentation to Council. When and if a petition or amended petition is deemed sufficient, whether following the sufficiency determination by the City Clerk in the absence of a protest, or following protest proceedings, the City Clerk shall so certify and then present the certified petition to the Council at the next regularly scheduled meeting or special meeting called for this purpose. The City Clerk's certificate shall then be a final determination as to the sufficiency of the petition.



**Item 2.** No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 4, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 158, 1988, 12-20-88, approved, election 3-7-89; Ord. No. 21, 1993, § 1, 2-16-93, approved, election 4-6-93; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 88, 2000, § 1, 8-15-00, approved, election 11-7-00; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15; Ord. No. 102, 2023, § 2, 8-15-23, approved, election 11-7-23)

## Section 6. - Elections.

- (a) Generally. Elections on initiative and referendum measures shall be conducted in the same manner as provided generally for regular or special city elections in this Charter.
- (b) Ballots. Upon ordering an election on any initiative or referendum measure, the Council shall, after public hearing, adopt by resolution a ballot title and submission clause for each measure. The ballot title shall contain information identifying the measure as a city initiated or citizen initiated measure. The submission clause shall be brief, shall not conflict with those selected for any petition previously filed for the same election, and shall unambiguously state the principle of the provision sought to be added. The official ballot used when voting upon each proposed or referred measure shall have printed on it the ballot title and submission clause and shall contain the words, "Yes/For" and "No/Against" in response to each measure.
- (c) Publication; notice of election.
  - (1) Initiative. An initiated measure being considered for adoption by Council shall be published in like manner as other proposed ordinances and resolutions. If the initiated measure is submitted to a vote of the people, the City Clerk shall publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the proposed ordinance or resolution. The text of a successful initiative measure need not be published in full after the election.
  - (2) Referendum. If the referred measure is to be submitted to a vote of the people, the City Clerk shall publish a notice of election in conformity with the laws of the State of Colorado relating to municipal elections, together with the ballot title, submission clause and full text of the referred ordinance. If the ordinance in question is a bond ordinance, the summary from the petition may be published in place of the full text. The full text of an ordinance passed on referendum need not be published after the election.
- (d) Election results. If a majority of the registered electors voting on the initiated measure vote in favor, the measure is adopted as an ordinance or resolution of the city upon certification of the election results. If a majority of the registered electors voting on a referred ordinance, vote in favor of the ordinance, the ordinance shall go into effect without further publication upon certification of the election results, or at such later date as may be set forth in the ordinance

**Item 2.** If the provisions of two (2) or more proposed or referred measures adopted or approved at the same election conflict, the measure receiving the highest affirmative vote shall become effective.

- (e) Frequency of elections. Any number of proposed ordinances or resolutions or referred ordinances may be submitted at the same election. Not more than one (1) special election on citizen-initiated measures shall be held in any twelve (12) months. This limitation does not apply to the Council which on its own motion may at any time call a special election for the purpose of considering any measure initiated, or adopted and referred, by the Council.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 5, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 004, 2015, § 1, 1-20-15, approved, election of 4-7-15)

#### Section 7. - Further regulations.

The Council may, by ordinance, make such further rules and regulations as are consistent with this Charter and the Colorado Constitution in order to carry out the provisions of this Article.

(Res. No. 83-22, 1-18-83, approved, election 3-8-83; Ord. No. 199, 1986, § 1, Part B, § 6, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 11, 1997, § 1, 2-4-97, approved, election 4-8-97)

### ARTICLE XI. - FRANCHISES AND PUBLIC UTILITIES

#### Section 1. - Franchise granted by ordinance.

The Council may grant a franchise relating to any street, alley, or other public place within the city by ordinance, subject to the initiative and referendum powers reserved to the electors of the city. No exclusive franchise shall ever be granted. Every franchise ordinance shall require for its adoption the concurrence of a majority of all the members of the Council.

A franchise may be awarded only after a public hearing on the application or proposal. The applicant for the franchise shall publish a notice of the hearing in a local newspaper of general circulation once a week for three (3) successive weeks immediately prior to the date of the hearing. Such notice shall specify the meeting of the Council at which it is intended to apply for the franchise, the name of the applicant, a general description of the rights and privileges to be applied for, and the time for and terms upon which the franchise is desired. The hearing on the franchise application shall not be held unless a publisher's affidavit of publication proving the applicant's compliance with the notice requirements has been presented to the Council. Publication of the franchise ordinance by the City Clerk shall be in the same manner as for other proposed ordinances.

**Item 2.**

The procedure for initiative and referendum of an ordinance granting a franchise shall be as otherwise provided in this Charter, except that the signatures required for referendum shall be equal in number to five (5) percent of the registered electors, or ten (10) percent of the total ballots cast in the last regular city election, whichever is less. If the franchise ordinance is referred to the vote of the electors, the grantee of the franchise shall deposit with the city's Financial Officer an amount determined by said Officer to be sufficient to pay for the cost of the election. No franchise election shall be ordered until the grantee deposits such costs.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 204, 1986, § 1, Part A, 12-16-86, approved, election 3-3-87; Ord. No. 19, 1997, § 1, 2-4-97, approved, election 4-8-97)

**Section 2. - Franchises to specify streets.**

All franchises or privileges hereafter granted to railroads or other transportation systems shall plainly specify the particular streets, alleys, avenues, and other public property, or parts thereof, to which they shall apply. All other franchises may be in general terms and may apply to the city generally.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

**Section 3. - Regulation of public utilities.**

The right to regulate the rates, fares, and rentals of public utilities and carriers serving the residents of the city shall always be reserved to the city to be exercised by ordinance. Every person or corporation operating under a franchise or grant from the city shall annually submit to the Council a report verified by the oath of the president, the treasurer, or the general manager thereof. Such reports shall be in the form, contain such detailed information, and cover the period prescribed by the Council. The Council shall have the power, either through its members or by authorized experts or employees, to examine the books and affairs of any such person, persons, or corporations, and to compel the production of books and other records pertaining to such reports or other matters.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

**Section 4. - Books of record.**

The Council shall provide and cause to be kept in the office of the City Clerk an indexed franchise record in which shall be transcribed copies of all franchises granted by the city. Said record shall be a complete history of all franchises granted by the city and shall include a comprehensive and convenient reference to actions, contests, or proceedings at law affecting the same, and copies of

Item 2.

all annual and inspection reports and such other information as the Council may require.

Section 5. - Term, compensation.

No franchise shall be granted for longer than twenty (20) years. Every grant of a franchise shall fix the amount and manner of payment of the compensation to be paid by the grantee for the use of the same, and no other compensation of any kind shall be exacted for such use during the life of the franchise. This provision shall not exempt the grantee from any lawful taxation upon his or her property, nor from any license, charges, or other impositions levied by the Council, not levied on account of the use granted by the franchise.

(Ord. No. 202, 1986, § 1, Parts V, X, 12-16-86, approved, election 3-3-87; Ord. No. 19, 1997, § 1, 2-4-97, approved, election 4-8-97; Ord. No. 023, 2007, § 1, 2-20-07, approved, election 4-3-07)

Section 6. - Option to purchase.

Every grant, extension, or renewal of a public utility franchise or right shall provide that the city may, upon the vote of the electors and the payment therefor of its fair valuation, purchase and take over the property and plant of the grantee in whole or in part. Such valuation shall be made as provided in the grant, but shall not include any value of the franchise or right-of-way through the streets or any earning power of such property.

(Ord. No. 202, 1986, § 1, Parts L, V, 12-16-86, approved, election 3-3-87)

Section 7. - Railroad tracks.

The Council, upon some fair apportionment of the cost thereof between the railroad and the city and/or other public authority in interest, may by ordinance require any railroad company to elevate or lower any of its tracks running over, along, or across any street or alley of the city, or to take such other measures for the protection of the public, as in the opinion of the Council the public safety or convenience may require.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

Section 8. - Street cleaning and paving.

Every grant of any franchise or privilege in, over, under, or along any of the streets or public places in the city for railway purposes, shall be subject to the conditions that the person, firm, or corporation exercising or enjoying the same shall, unless otherwise provided by ordinance, clean, keep in repair, and pave and repave so much of a street or other public place occupied by a railway track as lies between its rails, and between the lines of double track, and for such space outside of said track as may have been acquired by franchise.

*Item 2.* No. 202, 1986, § 1, Part B, 12-16-86, approved, election 3-3-87)

Section 9. - Right of regulation.

The grant of every franchise or privilege shall be subject to the right of the city, whether in terms reserved or not, to make any regulations for the safety, welfare, and accommodation of the public, including among other things the right to require proper and adequate extensions of the service of such grant, the right to require any or all wires, cables, conduits, and other like appliances to be placed underground, and the right to protect the public from danger or inconvenience in the operation of any work or business authorized by the franchise.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

Section 10. - Revocable permits.

The Council may grant a permit at any time for the use or occupation of any street, alley, or public place. Such permit shall be revocable by the Council at its pleasure, whether or not such right to revoke is expressly reserved in such permit.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 204, 1986, § 1, Part C, 12-16-86, approved, election 3-3-87)

Section 11. - Franchise renewal.

No franchise shall be renewed before one (1) year prior to its expiration, which renewal shall be subject to all provisions relating to the original grant of a franchise.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

Section 12. - Leasing of franchises.

No franchise granted by the city shall ever be leased, assigned, or otherwise alienated without the express consent of the city, and no dealing with the lessee or assignee on the part of the city to require the performance of any act or the payment of any compensation by the lessee or assignee shall be deemed to operate as such consent. Any assignment or sale of such franchise without the consent of the city shall, at the option of the Council, operate as a forfeiture to the city of such franchise.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

Section 13. - Issuance of stock.

Item 2.

Every ordinance granting any franchise shall prohibit the issuing of any stock on account thereof by any corporation holding or doing business thereunder.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

Section 14. - Amendment, renewal, extension or enlargement of franchise.

No amendment, renewal, extension, or enlargement of any franchise, or grant of rights or powers heretofore granted to any corporation, person, or association of persons shall be made except in the manner and subject to all the conditions provided in this Article for the making of original grants and franchises.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

Section 15. - Common use of facilities.

The City may by ordinance require any person or corporation holding a franchise from the city for any public utility to allow the use of any of its poles, tracks, wires, conduits, and other related facilities by any other person or corporation to which the city grants a franchise upon the payment of a reasonable rental to the owner therefor. If the person or corporation desiring to use the same cannot agree with the owner regarding said rental and the terms and conditions for such use, within sixty (60) days from offering in writing to do so, the Council after a fair hearing, shall by resolution fix the terms and conditions of such use and compensation to be paid therefor, which award of the Council shall be final and binding on the parties concerned.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 204, 1986, § 1, Part D, 12-16-86, approved, election 3-3-87)

ARTICLE XII. - MUNICIPAL PUBLIC UTILITIES

Section 1. - City may acquire utilities.

The Council upon vote of the electors shall have the power within or without the territorial limits of the city to construct, condemn and purchase, acquire, and lease waterworks, gasworks, light plants, power plants, transportation systems, telephone systems, heating plants, and other public utilities local in use and extent, in whole or in part, and everything required therefor, for the use of the city and its inhabitants, and any such systems, plants, works, or ways, or any contracts in relation or in connection therewith which may exist and which the city may desire to acquire or purchase, in whole or in part, the same or any part thereof may be purchased by the city. An

Item 2.

election is not required for the purchase of a portion of a utility system which is included in an area being annexed to the city and which is not the subject of an existing city franchise. Such public utilities acquired by the city, except waterworks and transportation systems, shall not be paid for out of general taxes or general obligation bonds, but shall be paid for from revenue derived from the public utility. Equipment necessary for transportation system may be acquired from the funds of the equipment fund of the city.

(Ord. No. 202, 1986, § 1, Parts L, V, 12-16-86, approved, election 3-3-87)

#### Section 2. - Right of entry.

The directors and employees of city-owned utilities shall have authority in the necessary discharge of their duties to enter upon any lands, properties or premises, within or without the city limits, for the examination or survey thereof, or for the purpose of repairing, inspecting, removing, or connecting the service, reading meters, or any other purpose whatever in connection with the water, wastewater, electric, and other utilities.

(Ord. No. 202, 1986, § 1, Parts M, V, 12-16-86, approved, election 3-3-87)

#### Section 3. - Restriction on sale of water and electric property.

The City shall not sell, lease, or in any manner dispose of the city's water or electric utility system as a whole unless and except the proposition for such purpose has first been approved by a vote of the electors. The provisions of this Section shall not apply to the sale, lease or exchange of any part of the water or electric utility systems, which the Council, by ordinance, determines does not materially impair the viability of the particular utility system as a whole and further determines is for the benefit of the citizens of Fort Collins. The provisions of this Section shall also not apply to the sale of water rights no longer useful to the city nor to the exchange of certain water rights for other water rights which would be more useful to the city.

(Ord. No. 12, 1969, 2-27-69, approved, election 4-8-69; Ord. No. 23, 1981, 2-17-81, approved, election 4-7-81; Ord. No. 202, 1986, § 1, Parts N, V, 12-16-86, approved, election 3-3-87)

#### Section 4. - Control of water.

If at any time the water supply is greater than the immediate needs of the city and its inhabitants, the Council may authorize the City Manager to permit the use of such surplus water by consumers outside the city at such rates as the Council may prescribe; provided that no vested right shall accrue under such permits.

**Item 2.**

The use of water belonging to the city, or the use of its water system, whether for domestic or industrial use, or for use in connection with a franchise or other privilege granted by the city, shall always be subject to the most comprehensive scrutiny, management, and control by the city, and nothing shall ever be done by a user which shall interfere with the successful operation of the waterworks or tend to interfere with the complete performance of the trust for the people under which such waterworks are held by the city; neither shall such use confer upon any user a right to water superior to the right of any other user.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

**Section 5. - Utility budgeting.**

Budgets for all city-owned public utilities shall be prepared and adopted at the same time and to the same extent as budgets for all other city functions, as specified in Article V of this Charter.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87)

**Section 6. - Municipal utility rates and finances.**

The Council shall by ordinance from time to time fix, establish, maintain, and provide for the collection of such rates, fees, or charges for water and electricity, and for other utility services furnished by the city as will produce revenues sufficient to pay the cost of operation and maintenance of the city's utilities in good repair and working order; to pay into the general fund in lieu of taxes on account of the city-owned utilities such amount as may be established by the Council by ordinance; to pay the principal of and interest on all bonds of the city payable from the revenues of the city's utilities; to provide and maintain an adequate working capital fund for the day-to-day business operations of said utilities; to provide and maintain an adequate fund for the replacement of depreciated and obsolete property and for the extension, improvement, enlargement and betterment of said utilities; to pay the interest on and principal of any general obligation bonds issued by the city to extend or improve said utilities. The provisions hereof shall be subject at all times to the performance by the city of all covenants and agreements made by it in connection with the issuance, sale, or delivery of any bonds of the city payable out of the revenues derived from the operation of its utilities, whether such revenue bonds be heretofore or hereafter issued.

All net operating revenues of the city's utilities shall be held within the respective utility's fund and may be expended only for renewals, replacements, extraordinary repairs, extensions, improvements, enlargements and betterments to such utility, or other specific utility purpose determined by the Council to be beneficial to the ratepayers of said utilities.



**Item 2.** No. 71-12, 2-11-71, approved, election 4-6-71; Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 203, 1986, § 1, Part N, 12-16-86, approved, election 3-3-87; Ord. No. 159, 1988, 12-20-88, approved, election 3-7-89)

Section 7. - Telecommunication facilities and services.

- (a) In addition to all the powers granted by this Charter to the Council to acquire, condemn, establish, construct, own, lease, operate and maintain an electric utility to provide light, power and other electrical facilities and services, the Council may, by ordinance and without a vote of the electors, authorize the electric utility to acquire, construct, provide, fund and contract for telecommunication facilities and services within and outside the City's territorial limits, whether directly or in whole or part through one or more third-party providers. Alternatively, the Council may create by ordinance, and without a vote of the electors, a telecommunications utility to exercise these same powers to furnish telecommunication facilities and services within and outside the City's territorial limits. If the Council creates a telecommunications utility, it may also establish that utility as an enterprise of the City in the same manner, with the same powers and subject to the same requirements and limitations established under Section 19.3(b) of Article V of this Charter for the City's other enterprises. The Council may also exercise with respect to the telecommunications utility the same general authority and powers granted to Council in this Charter with respect to the City's other utilities.
- (b) The Council, acting as itself, the board of the electric utility enterprise or as the board of the telecommunications utility enterprise, shall have the power to issue revenue and refunding securities and other debt obligations as authorized in Sections 19.3 and 19.4 of Article V of this Charter to fund the provision of the telecommunication facilities and services authorized in this Section. The cumulative total principal amount of any such securities and other debt obligations issued shall not exceed one hundred fifty million dollars (\$150,000,000), except that any refunding of such securities or other debt obligations shall not be included in that cumulative total. The City's payment of and performance of covenants under the securities and other debt obligations issued under this subsection (b) and any other contract obligations of the City relating to the provision of telecommunication facilities and services under this Section, shall not be subject to annual appropriation so long as annual appropriation is not required under Article X, Section 20 of the Colorado Constitution.
- (c) The Council shall set by ordinance the rates, fees and charges for furnishing the telecommunication facilities and services authorized in this Section subject to the same limitations in Section 6 of Article XII of this Charter for setting the rates, fees and charges for other City utilities, except to the extent this authority is delegated by Council pursuant to subsection (e) below. In setting such rates, fees and charges, the Council may also include amounts payable to the City's general fund for a franchise fee, a reasonable rate of return on any

**Item 2.** Contributions from the general fund to acquire or construct telecommunication facilities, and the repayment of any loans from the general fund used to support the provision of telecommunication facilities and services under this Section, to include the payment of a reasonable rate of interest on any such loans.

- (d) In addition to the authority to go into executive session as provided in Section 11 of Article II of this Charter, the Council, and any board or commission established under subsection (e) below, may go into executive session to consider matters pertaining to issues of competition in providing the telecommunication facilities and services authorized in this Section, which shall include, without limitation, matters subject to negotiation, strategic planning, pricing, sales and marketing, development phasing and any other matter allowed under Colorado law.
- (e) As authorized in Section 1 of Article IV of this Charter, the Council may, by ordinance, establish a Council-appointed board or commission and delegate to it, in whole or part, the Council's governing authority and powers granted under this Section concerning the furnishing of telecommunication facilities and services by the City's electric utility or telecommunications utility, but not the power to issue securities as provided in subsection (b), above which shall only be exercised by the Council acting as itself or as the board of the electric utility enterprise or as the board of the telecommunications utility enterprise. The Council may also delegate by ordinance to the City Manager, in whole or part, its authority in subsection (c) above to set the rates, fees and charges for furnishing telecommunication facilities and services. Any Council ordinance delegating this authority shall set forth the process to be used by the delegate for the setting of these rates, fees and charges. In addition, the amount of the rates, fees and charges so set by the delegate shall be determined under the same criteria the Council is authorized and required to follow in subsection (c) above.
- (f) For purposes of this Section, *telecommunication facilities and services* shall mean those facilities used and services provided for the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received, to include, without limitation, any broadband Internet facilities and services using any technology having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics and video. *Telecommunication facilities and services* and "broadband Internet facilities and services" are to be interpreted under this Section in the broadest possible way to cover the widest range of technologies and technology infrastructure, regardless of how these terms may be defined by federal or state law.

(Ord. No. 101, 2017, 8-15-17, approved, election 11-7-17)

#### ARTICLE XIII. - DEFINITIONS

Certain words and phrases used in this Charter are hereby declared to have the following meanings:

Item 2.

"Agency" means any organizational unit of the city.

"Allotment" means a portion of an appropriation made available for expenditure during a specified period of less than one (1) year.

"Appropriation" means the authorized amount of funds set aside for expenditure during a specified time for a specific purpose.

"City" means the City of Fort Collins, Colorado, a municipal corporation.

"Day" means a calendar day unless otherwise specified.

"Department" means a primary subdivision of a service area headed by a person who, regardless of title, is directly responsible to the director of the service area.

"Elector or taxpayer for a period of time" means that, if a person is required to be an elector or taxpayer for a period of time as a qualification to vote, to be a candidate, or to hold an office, then he or she shall be such during the entire and consecutive number of years next preceding the specified time.

"Emergency" means an existing condition actually arising from unforeseen contingencies which immediately endangers public property, health, peace, or safety.

"Emergency ordinance" means an ordinance immediately necessary, on account of an emergency, to preserve the public property, health, peace, or safety.

"Employees" means all persons in the compensated service of the city except Councilmembers.

"Fort Collins Urban Growth Area" means that geographical area within and adjacent to the City of Fort Collins identified by Intergovernmental Agreement between the City of Fort Collins and Larimer County as that area identified for annexation and urbanization by the City of Fort Collins including the Urban Growth Area as it exists on March 5, 1985, together with any amendments or changes thereto.

"Misdemeanor" means a violation of this Charter or of any city ordinance so designated, and it shall not have the meaning attached to it in the criminal statutes of the State of Colorado.

"Office" means an administrative, legislative, or judicial position in the service of the city.

"Officer" means a member of the City Council.

"Registered elector" or "elector" means a person residing in the city who has registered to vote in city elections in the manner required by law.

Item 2.

"Service area" means a major city administrative unit designated as a service area by the City Council by ordinance.

"Vote of the electors" means a favorable vote by a majority of the electors voting in an election.

(Ord. No. 209, 1984, 1-15-85, approved, election 3-5-85; Ord. No. 199, 1986, § 1, Part C, 12-16-86, approved, election 3-3-87; Ord. No. 201, 1986, § 1, Part N, 12-16-86, approved, election 3-3-87; Ord. No. 202, 1986, § 1, Parts F, R, V, X, 12-16-86, approved, election 3-3-87; Ord. No. 22, 2001, § 1, 2-20-01, approved, election 4-3-01; Ord. No. 011, 2015, § 1, 2-3-15, approved, election of 4-7-15)

#### ARTICLE XIV. - TRANSITIONAL PROVISIONS

##### Section 1. - Purpose and status of this article.

The purpose of this Article is to provide an orderly transition from the Commission form of government of the city to the Council-Manager form of government under provisions of this Charter and to prevent the impairment of any contractual relationships between the city and the beneficiaries of any retirement plans of the city in effect on the effective date of this Charter or the owners of any municipal bonds of the city then outstanding. This Article shall constitute a part of the Charter only to the extent and for the time required to accomplish that purpose.

(Ord. No. 202, 1986, § 1, Part V, 12-16-86, approved, election 3-3-87; Ord. No. 203, 1986, § 1, Part O, 12-16-86, approved, election 3-3-87)

##### Section 2. - Transitional period.

The period from the effective date of this Charter to April 12, 1955, shall be known as the transitional period. During the transitional period the former Charter of the City shall remain in effect, except that for the purpose of nominating and electing members of the Council, or filling vacancies thereon, Article VIII of this Charter shall be immediately operative. This Charter shall be fully operative at the close of the transitional period.

(Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87)

##### Section 3. - Retirement plans.

This Charter shall not affect any contractual relationships existing on the effective date of this Charter between the city and any officers or employees by reason of any retirement plans then in effect.

Item 2.

No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87)

Section 4. - Outstanding and authorized bonds.

The provisions of this Charter shall not affect municipal bonds outstanding on the effective date of this Charter. Failure to observe requirements of the former Charter, as amended, governing city elections shall not invalidate any bonds authorized at any election held prior to the effective date of this Charter. Bonds authorized at an election held prior to the effective date of this Charter may be issued in accordance with the provisions of this Charter and when so issued shall be the lawful and binding obligations of the city in accordance with their import.

(Ord. No. 202, 1986, § 1, Parts V, W, 12-16-86, approved, election 3-3-87)

Section 5. - Saving clause.

This Charter shall not affect any suit pending in any court on the effective date of its adoption. Nothing in this Charter shall invalidate any existing contracts between the city and individuals, corporations, or public agencies.

(Ord. No. 202, 1986, § 1, Parts U, V, W, 12-16-86, approved, election 3-3-87)

# City Charter Update and Modernization Project

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**Carrie Daggett**

City Attorney

**Delynn Coldiron**

City Clerk

**Geoff Wilson**

Special Legal Counsel

Resolution 2024-024, Adopted a 2024-2026 Council Priority to Modernize and Update the City Charter:

## **Modernize and Update the City Charter**

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

- What feedback do Councilmembers have about any of the potential cleanup or clarification items identified?
- Are there other Charter provisions Councilmembers would like staff to review further or propose amendments for?
- Would additional work session or other discussion be beneficial in advance of presentation of Charter amendment ordinances for consideration?



## Objectives Identified in Council's May 14 Work Session Discussion:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

## 1. Modernization of Language

- a. Art IV, Sec. 7 Publication:** Currently the Charter requires publication be done through a local newspaper of general circulation in the city
- b. Art IV, Sec 3 Residency requirements:** Provision regarding residency requirements of department heads appointed prior to March 6, 1985, no longer applicable because no qualified persons remain.
- c. Reformatting of Charter provisions (throughout) for readability.**
- d. Replace outdated language for gender neutrality and to eliminate unclear uses of the term “shall.”**

## 2. Alignment with State Law

- a. **Art II, Sec.11 Meetings, quorum, executive session:** Currently, the Charter provides for executive sessions to be held for a list of purposes that does not include all of the options identified in state law.
- b. **Art V, Sec. 6 Maximum mill levy:** states that no mill levy shall exceed fifteen mills on each dollar. This is outdated due to the requirements of TABOR.
- c. **Art V, Sec.19.3 Revenue securities:** provides that Council may issue securities made payable solely from revenues derived from capital projects, etc, without an election. This is outdated due to the requirements of TABOR.
- d. It may be beneficial to more directly reference other state laws, such as the Colorado Open Meetings Law.

### 3. Add Clarification

- a. **Art II, Sec.6 Ordinances, resolutions, motions:** Section is extensive, unformatted, and covers a few topics. Allows any Councilmember to request ordinance be read in full at any reading.
- b. **Art II, Sec. 7 Ordinances, publication & effective dates:**

Section 7 could be reorganized with subsections, alone or combined with Section 6. To avoid the need to repeal and reenact ordinances when there has been a late or failed publication, add language allowing for a “cure” of a failed publication and providing that the ordinance is not effective until published.
- c. **Art II, Sec. 18(a)(3) Vacancies:** currently states that a vacancy exists when a Councilmember “fails to attend all regular and special meetings of the council for sixty (60) consecutive days unless excused by Council resolution. Clarification of how this is determined is needed.
- d. **Art. XIV Transitional Provisions:** the transition paragraphs currently included can create confusion as to other sections in the Charter and the Code. These are no longer needed.

#### 4. Corrections

- a. Art. IX, Sec. 2(e)(2) Recall:** As a result of moving to rank choice voting this subsection should clarify the percentage of voters from the preceding election is based on the total of first choice votes cast. This was addressed in one place but not caught in the other.
- b. Art. X, Sec.2 (e)(1) Initiative:** In the newly passed language, Charter, Article X, Section 2(e)(1) states that a petitioner will have 63 days to circulate an initiative petition after the City Clerk's approval of the form due to an error in the ordinance placing this item on the ballot. That needs to be changed to 77 days to meet Council's original intentions.

## Clarifications raising Policy Questions

- 1) **Art II, Sec 2 (d) Qualifications of candidates and members, challenges:** currently a protest as to a Councilmember's qualifications can be raised at any time and the Charter assigned the determination of eligibility to the City Clerk pursuant to a procedure established by Council. Under the Charter's election provisions, the eligibility of a candidate is determined pursuant to statutory procedures.
- 2) **Art II, Sec. 18 Vacancies:** Provision providing for delaying appointments to fill Council vacancy if 45-day period to appoint overlaps with 45 days prior to election, this could lead to a lengthy vacancy on Council. It may be helpful to clarify/confirm that Council appoints the replacement officeholder unless the appointment is too late to allow for candidates to seek nomination for the office at the next regular election, in which case the appointment would wait until after the new Council is sworn in after the regular election.
- 3) **Art. IV, Sec 9(b)(1)(a) Conflicts of interest, sales to the City:** This provision prohibits any councilmember, or their relative, from having a financial interest in the sale to the City of any real or personal property, etc. Recommend providing some exceptions to this prohibition.
- 4) **Art. IV, Sec. 9 (b)(2) Conflicts of interest, sales to the City:** This provision arguably could prohibit an employee from renting or leasing City provided housing. Recommend providing an exception for rentals/leasing to employees so long as they are not involved in the decision-making process.

Staff will prepare Charter amendment language for further consideration either at a Council work session or for submittal to the voters.

Further evaluation of how these items may be combined and how many ballot questions would be required to accomplish the changes will also be needed and may be a beneficial topic for further work session discussion

- What feedback do Councilmembers have about any of the potential cleanup or clarification items identified?
- Are there other Charter provisions Councilmembers would like staff to review further or propose amendments for?
- Would additional work session or other discussion be beneficial in advance of presentation of Charter amendment ordinances for consideration?





**File Attachments for Item:**

**3. Rooted in Community, Urban Forest Strategic Plan.**

The purpose of this item is to provide an overview and to seek Council feedback on the draft, Rooted in Community, Urban Forest Strategic Plan.

December 10, 2024

# WORK SESSION AGENDA ITEM SUMMARY

City Council



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## STAFF

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Dean Klingner, Community Services Director  
Kendra Boot, City Forester

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## SUBJECT FOR DISCUSSION

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**Rooted in Community, Urban Forest Strategic Plan.**

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## EXECUTIVE SUMMARY

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The purpose of this item is to provide an overview and to seek Council feedback on the draft, Rooted in Community, Urban Forest Strategic Plan.

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## GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

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1. Do Councilmembers have feedback regarding the Urban Forest Strategic Plan and the Future Growth Strategies?
2. How can Growth Strategy 3 further support Council Priorities?

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## BACKGROUND / DISCUSSION

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Rooted in Community, the Fort Collins Urban Forest Strategic Plan provides seven recommended 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 for generations to come.

### Summary of Preliminary 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" (e.g. CSU Jurisdiction) are the areas that have lost canopy during this period of time.
- Eighty-eight percent (88%) of the urban canopy is on private property and the remaining twelve percent (12%) is on public property.
- City Forestry Division provides a high level of service to the community with a budget comparable to peer cities.

- Sixty percent (60%) of the public tree inventory are less than 8-inches in diameter and will require additional resources to manage as trees continue to mature and thrive.
- An urban tree canopy analysis was completed to intersect canopy disparities, prioritizing future planting efforts around the following variables:
  - Social, e.g. income, population density, BIPOC, renters
  - Health, e.g. asthma, heart disease, mental health
  - Environmental, e.g. urban heat and stormwater
  - Canopy cover over bus stops and bike lanes
    - The analysis identified 2,250 acres of High or Very High priority where additional tree canopy can capture stormwater, reduce urban heat, improve health outcomes, and benefit vulnerable communities.

## Community Engagement

The Urban Forest Strategic Plan conducted numerous community-wide and focus group activities. The information gleaned from these engagement opportunities informed the development of the draft plan. The following list comprises the communication tools, channels, and events the project team employed to garner public input:

### ‘Our City’ webpage:

- Including preview of the first plan draft

### Social media:

- Ongoing posts and interactions regarding plan status and opportunities for engagement

### In-person Public Meetings:

- October 2023 (2 meetings) and March 2024 (1 meeting)
  - North & south Fort Collins meeting locations
  - 160 Participants
  - Spanish translation for all materials
  - Spanish interpretation provided at all meetings

### Community Survey:

- September - December 2023
- 971 respondents
- 657 write-in comments
- In partnership with Our Climate Future Community Consultants and Urban Forest Ambassador volunteers

### Diverse Focus Groups:

- 9 focus group meetings were held between October - December 2023
- 49 representatives from local organizations, institutions, businesses, developers, affordable housing representatives, landscape and tree contractors, and government entities

### Boards and Commissions and Climate Equity Committee:

- Land Conservation and Stewardship Board – May 8, 2024
- Natural Resource Advisory Board – May 15, 2024
- Air Quality Advisory Board – May 20, 2024

- Parks and Recreation Advisory Board – May 22, 2024
- Transportation Board – June 12, 2024

#### **Public Preview of 90% draft plan:**

- 54 document downloads
- 210 page visits
- 74 newsfeed visits (format compliant per PDF Accessibility Law HB21-110)
- Sent to 124 emails with a 75% open rate and 22 clicks

### **Future Growth Strategies**

The following strategies are listed in more detail with supporting initiatives (Foundational and Transformational Initiatives) in the draft 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 proposed **Growth Strategies**, starting on page 60, are as follows:

1. Strategically invest in growing tree canopy where it will promote resilience and quality of life in Fort Collins. (p.62)
2. Complete the shift to proactive management of Fort Collin’s public trees. (p.64)
3. Strengthen city policies to protect trees. (p.66)
4. Collect data to track changes to tree canopy over time and to inform Forestry activities. (p. 68)
5. Sustainably resource the Forestry Division to keep pace with growth of the urban forest. (p. 70)
6. Deepen engagement with the community about tree stewardship. (p.72)
7. Expand the network of Forestry Division partners. (p. 74)

For a quick view of **Implementation and Metrics** of the seven Growth Strategies, see page 78.

### **Addressing March 2024 Council Work Session themes**

Staff heard various feedback and suggestions from Council which are summarized below:

- **Council:** Provide more emphasis on the broad benefits of the urban forest in Fort Collins, including and especially bird and wildlife habitat.
  - **Staff Response:** The plan addresses the broader benefits of trees throughout the plan but more specifically is identified in Section 2: *Trees Enhance Neighborhood & Community Vitality* (p. 36). An additional section was added: “Trees and Environmental Health” to provide more emphasis on trees providing food and habitat for wildlife (p. 39).
- **Council:** Provide more connection of the urban forest to the seven City Strategic Outcomes Areas, i.e. How does the urban forest support Economic Health?
  - **Staff Response:** The plan provides connection and alignment with the 2024 Citywide Strategic Plan and 2019 City Plan. Each future growth strategy (p. 60) lists each Outcome Area and how the plan supports it. Additionally, a section at the beginning of the plan highlights how trees support each of the 7 outcome areas (p. 18). In addition, edits to

language for Growth Strategy 3 aim to acknowledge how plans, strategies, and policies must work in harmony to achieve desired outcomes.

- **Council:** Clarify how trees fit in as we move toward a more water-wise landscape and how trees can support multiple objectives in a changing climate.
  - **Staff Response:** The plan offers a section on water conservation, drought and climate adaptation (p. 30-33) and includes initiatives to adapt to a changing climate; and to support and align with the Water Efficiency Plan (WEP).
- **Council:** Clarify and educate responsibilities for private trees between neighbors as well as other education and outreach opportunities to help support both community members and tree canopy.
  - **Staff Response:** Several plan initiatives support these efforts listed in both Growth Strategy 3 (p. 66-67) and Growth Strategy 6 (p. 72-73).

### Addressing Land Use Code (LUC) and Tree Policies:

An interdisciplinary team from Planning, City Manager's Office and Forestry will work with a consultant to analyze the impact of proposed tree policies on future development in Fort Collins related to potential changes in the Land Use Code. A separate Council Work Session will be scheduled in 2025 to discuss findings and identify next steps.

Growth Strategy 3: Strengthen City Policies to Protect Trees (p. 66) takes into consideration and operationalizes input garnered from community engagement events, focus groups, council feedback, review of the existing City ordinance, and best practice tree protection policies from peer communities. Proposed edits to this strategy seek to add nuance to potential future policy within this Growth Strategy. These edits and proposed future work strive to balance Council priorities regarding 15-Minute Cities and articulate potential trade-offs in policy decisions.

### NEXT STEPS

---

Staff will incorporate feedback from this Council Work Session and finalize the draft Urban Forest Strategic Plan for Council's consideration to adopt the Urban Forest Strategic Plan, Rooted in Community in Q1 2025.

Staff will continue to incorporate Council Priorities to balance the needs of the community while exploring tree canopy policy updates in 2025, including a future work session in alignment with future Land Use Code work.

### ATTACHMENTS

1. Urban Forest Strategic Plan (draft)
2. Urban Forest Strategic Plan Technical Appendix
3. Urban Forest Strategic Plan Focus Group Participants
4. Staff Presentation





# Rooted In Community

Urban Forest Strategic Plan

2024







“Change is never easy, and it often creates discord, but when people come together for the good of humanity and the Earth, we can accomplish great things.”

—David Suzuki



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# Acknowledgments

► The Fort Collins Urban Forest Strategic Plan was created with funding from the City of Fort Collins.

## FORESTRY DIVISION PLANNING TEAM

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**Ernie Wintergerst** Senior Supervisor, Forestry

## ADVISORY BOARDS

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**Land Conservation and Stewardship Board**  
**Natural Resource Advisory Board**  
**Parks and Recreation Advisory Board**  
**Transportation Board**

## STEERING COMMITTEE

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**Fred Haberecht** Fort Collins resident  
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**Katy McLaren** Environmental Services, City of Fort Collins  
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## CITY COUNCIL

**Jeni Arndt** Mayor  
**Susan Gutowsky** District 1  
**Julie Pignataro** District 2  
**Tricia Canonico** District 3  
**Melanie Potyondy** District 4  
**Kelly Ohlson** District 5  
**Emily Francis** Mayor Pro Tem, District 6

### Special thanks to:

The Fort Collins community members and visitors who shaped this plan.



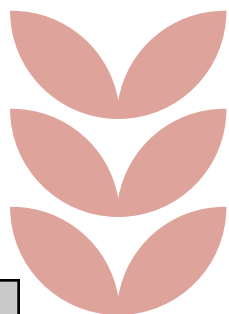
Prepared by **Davey Resource Group, Inc.** for the City of Fort Collins.

# Land Acknowledgment

The City of Fort Collins acknowledges and honors the lands situated within the city as the original homelands of the Hinono'eiteen (Arapaho), Tsétséhéstahese (Cheyenne), Numunuu (Comanche), Kiowa (Caiugu), Čariks i Čariks (Pawnee), Sosonih (Shoshone), Oc'eti S'akowin (Lakota) and Núuchiu (Ute) Peoples. This area is an important site of trade, gathering, and healing for these Native Nations. These lands are home to a diverse urban Native community representing multiple Native Nations and Indigenous Peoples. Despite forced removal and land dispossession, they continue to thrive as resilient members of our community. We are grateful for Native community members and honor the rich cultural heritage they bring to our collective community. We further recognize and value their social, intellectual, economic, and cultural contributions. The City of Fort Collins is committed to supporting, partnering, and working with the Native and Indigenous community. 🌱



IMAGE 1. SOAPSTONE PRAIRIE NATURAL AREA NEAR FORT COLLINS.



# Executive Summary

When you come into Fort Collins, Colorado, it doesn't take long to realize that you have arrived somewhere special. Whether you live here, work here, or like to visit, you have probably, at some point, noticed our tree canopy. Fort Collins' trees add to the livability of our neighborhoods and surrounding areas. Trees improve our mental and physical health, provide protection from urban heat, and are an integral component in our battle against climate change.

## TREE CANOPY IS GROWING IN FORT COLLINS

The urban forest is the collection of trees that grow on public and private land across the city. **Over a 10-year period, tree canopy cover in and around Fort Collins has increased by over 930 acres.** Not all communities can say the same—many cities are losing canopy at accelerated rates. However, tree canopy cover varies widely,




ranging from almost no trees in some parts of the city to over 40% tree canopy cover in other areas. While nearly all land uses in the city have gained tree canopy over the past decade (commercial land is the only land use type that has lost canopy), we have work to do to ensure that all residents are able to experience the benefits of trees.



### Themes of the Urban Forest Strategic Plan

This Rooted in Community is a framework for action. It is a 20-year plan that establishes a vision for managing the urban forest into the future.

**Three themes emerged during the planning process:**

-  Build resilience & wellbeing of people and trees.
-  Sustainably grow the Forestry Division as the urban forest grows.
-  Expand the community's knowledge about tree benefits and stewardship.

## FUTURE GROWTH STRATEGIES

*Rooted in Community* proposes seven Growth Strategies for Fort Collins' urban forest:

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 Collins' 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.

## TREES ARE AN INVESTMENT IN OUR COMMUNITY

Trees are one of the few investments that appreciate in value over time. Their benefits are innumerable, from improving human health and safety to improving the economic vitality of the community.

— **\$2.2 million** —  
in benefits is provided annually by Fort Collins' trees through cleaner water, cleaner air, and greenhouse gas reduction.


## Public Engagement for Rooted in Community

**More than 1,180 community members gave input about this plan via:**

- Partner focus groups (9).
- Public meetings (3).
- Community survey.
- Public draft preview.

## THE VISION FOR FORT COLLINS' URBAN FOREST

The City of Fort Collins is committed to bringing trees and their benefits to people where they are needed most to support human health, reduce urban heat, and build climate resilience.

*Rooted in Community* outlines a set of strategies that will build upon the stewardship of Fort Collins' urban forest over the last 160 years. Investments in urban tree canopy will ensure that tree benefits will grow and become more equitable, improving the lives of the people of Fort Collins for generations to come. 



1

FORT COLLINS' URBAN FOREST





# Fort Collins' Urban Forest

When viewed from above, the green tree canopy of Fort Collins stands out against the surrounding steppe, shrubland, and grassland of the Front Range. These trees bear witness to the sustained stewardship that has been provided by residents over more than 160 years. Trees have grown to become one of the hallmarks of the city, enhancing the natural beauty and hospitality of the Cache la Poudre River valley.

Fort Collins' urban forest includes trees growing along streets, in public parks, cemeteries, golf courses, and natural areas, and in the yards of homes, schools, and businesses. Together, these trees are a dynamic, living system that provides invaluable environmental, economic, and societal benefits to enhance the quality of life in Fort Collins.

## URBAN FOREST STRATEGIC PLAN

This Urban Forest Strategic Plan is a comprehensive plan for the management, protection, and improvement of Fort Collins' urban forest. It summarizes the state of the city's urban forest and the City of Fort Collins Forestry Division's program. Then, it provides seven Future Growth Strategies with tiered actions that the City of Fort Collins and its partners can take to ensure that its urban forest remains healthy and vibrant into the future.

The plan establishes a 20-year vision for managing the urban forest by answering a series of questions about Fort Collins' present and future (Figure 1).

99%

The proportion of residents who said that trees are an important part of Fort Collins in a public survey.

FIGURE 1. THE STRATEGIC PLANNING PROCESS.



## Themes of the Urban Forest Strategic Plan

This Urban Forest Strategic Plan summarizes the state of Fort Collins' urban forest and outlines a vision for the next 20 years to:

- Build resilience & wellbeing of people and trees.
- Sustainably grow the Forestry Division as the urban forest grows.
- Expand the community's knowledge about tree benefits and stewardship.

# A HISTORY OF TREES & FORESTRY IN FORT COLLINS



IMAGE 2. ON THE CACHE LA POUDE RIVER, COLORADO (1875) BY THOMAS WORTHINGTON WHITTREDGE | CREDIT: AMON CARTER MUSEUM OF AMERICAN ART, FORT WORTH, TX.

## 10,000+ YEARS BEFORE PRESENT

These were the original homelands of the Arapaho and Cheyenne Tribes that were forcibly removed. In the Cache la Poudre River Valley, trees are mostly found along waterways.

## 1870s-1880s

Gardens and promenades with trees are popularized in Fort Collins.

## 1920s

City Council makes the first allocation for "Street Forestry" (\$700).

## 1951

City Forestry Program proposed by W. D. Thomas, Jr., includes introducing City Forestry Code, arborist licensing, and survey of unsafe and infested trees.

## 1977

Fort Collins is recognized as a Tree City USA by the Arbor Day Foundation.

## 1988

The first computer-based citywide inventory of public trees is conducted.

## MID-1800s

The Council Tree is known as an important cultural site for multiple tribes to gather for trade.

## 1890s-1920s

As part of the City Beautiful movement, city residents plant elms, oaks, and maples along streets in Old Town.

## 1939

The City hires its first Forester, an independent contractor with authority to perform forestry services and allowed to use City equipment.

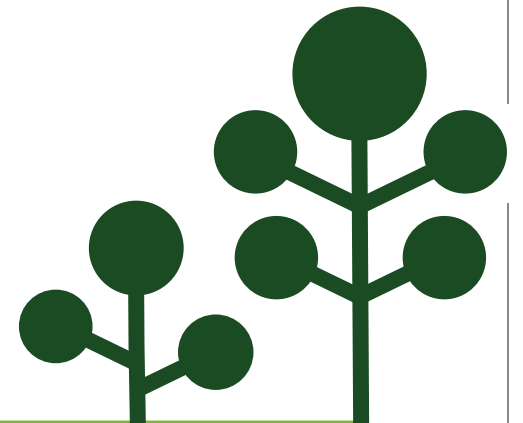
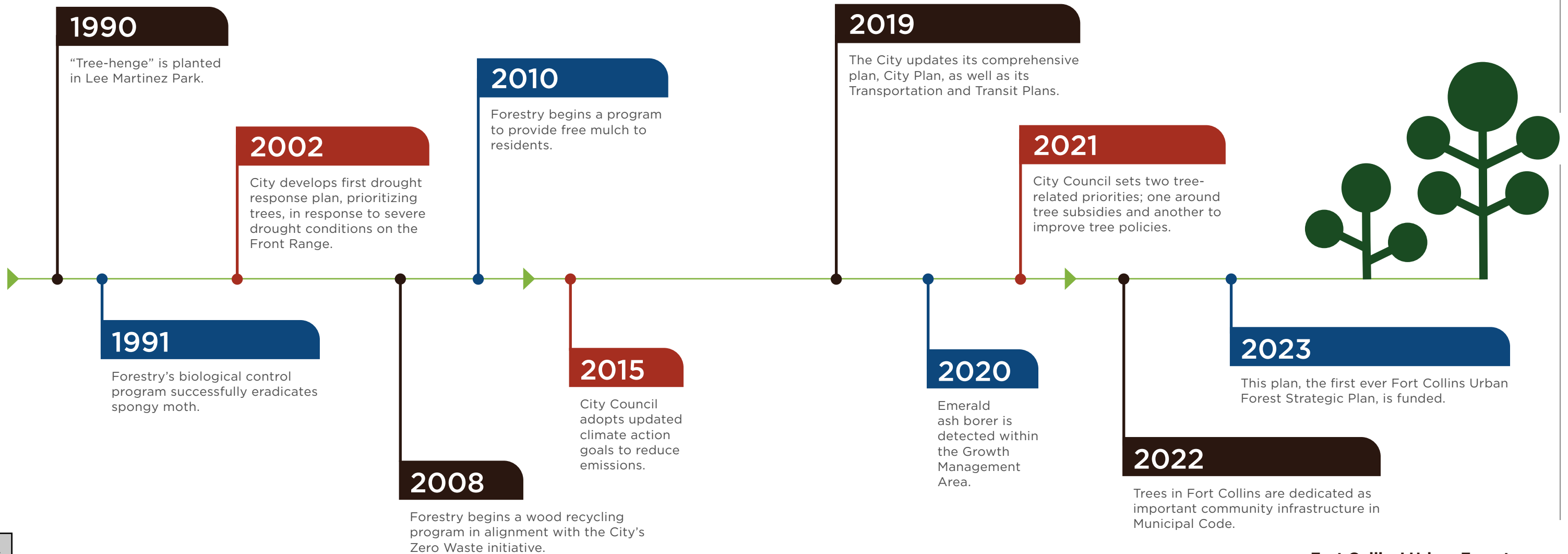
## 1970

A tree sanitation program begins in response to Dutch Elm Disease.

## 1980

The Forestry Division assumes maintenance of street trees.







# TREES SUPPORT FORT COLLINS' STRATEGIC OBJECTIVES

The City of Fort Collins 2024 Strategic Plan outlines seven Key Outcome Areas by which the City measures progress toward its vision and goals. Trees relate to each of these seven Outcome Areas through the many benefits that they provide and show that Fort Collins is a great place to live, work and visit.

- 1. High Performing Government.** The Forestry Division proactively maintains public trees and responds to hundreds of resident requests each year. It also influences private tree stewardship through arborist licensing, tree planting subsidies, City code implementation, and tree protection and preservation requirements for development.
- 2. Culture & Recreation.** Trees add to the beauty and character of Fort Collins and encourage people to spend more time outdoors.
- 3. Economic Health.** Trees in business districts encourage people to stay longer and participate in the local economy. Trees add value to properties and help residents save money on energy costs.
- 4. Environmental Health.** Trees provide habitat for wildlife and absorb carbon and other greenhouse gasses that contribute to climate change.
- 5. Neighborhood & Community Vitality.** Trees improve wellbeing and health outcomes in people by cleaning and cooling the air and reducing stress.
- 6. Safe Community.** Well-maintained trees build a sense of community and are associated with reductions in crime.
- 7. Transportation & Mobility.** Trees slow traffic and make streets and sidewalks safer and more comfortable for active modes of transportation.



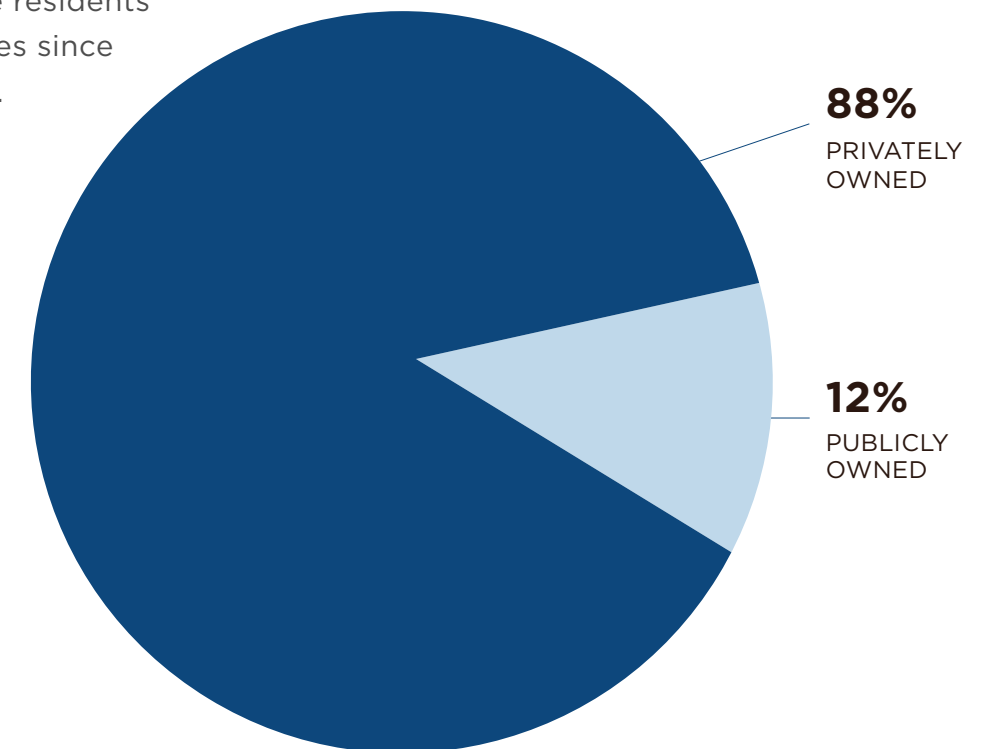
# FORT COLLINS' TREE CANOPY COVER HAS GROWN TO 13.7%

Urban tree canopy was measured across Fort Collins—where it is, how it is changing, the benefits it provides to residents, and where potential tree planting opportunities exist. The analysis used high-resolution aerial imagery from 2011 and 2021 to determine the 10-year change in canopy cover as viewed from above. It looked at land within the current city limits as well as the growth management area, which delineates the possible future extent of city boundaries. Average tree canopy cover in Fort Collins and the growth management area is 12.6% (Map 1). Tree cover varies widely, ranging from almost no trees in some parts of the city to over 40% tree cover (Map 2). In general, tree cover tends to be highest within the oldest parts of the city, where residents have been planting trees since the nineteenth century.

From 2011 to 2021, the city and the growth management area experienced an overall increase in tree canopy cover of 936 acres (+17.2% tree canopy compared to 2011) (Map 3).

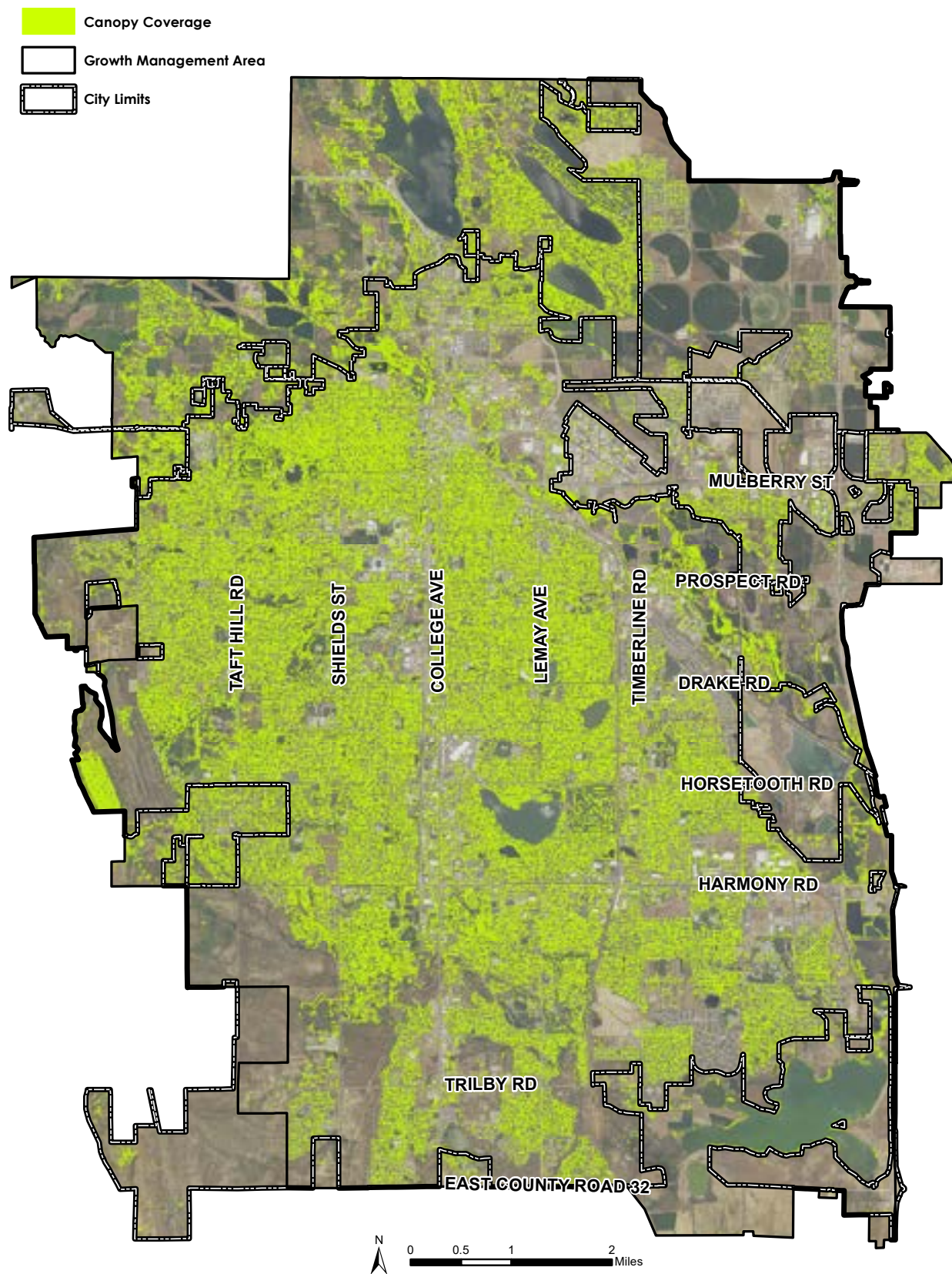
The largest gains in tree cover took place within low-canopy areas near the borders of the city, while canopy losses tended to take place within the more densely developed commercial and industrial areas. While the tree canopy study can tell us where canopy gains and losses have occurred over time, it cannot answer specific questions about the causes of tree canopy change. However, it is known that the older age of trees within the urban core, urban environmental stressors, and development (both new and infill) are all possible drivers of canopy change over the study period.

**FIGURE 2.** FORT COLLINS TREE CANOPY COVER BY TYPE OF LAND OWNERSHIP.





MAP 1. TREE CANOPY COVER IN FORT COLLINS CITY LIMITS AND THE GROWTH MANAGEMENT AREA, MEASURED FROM 2021 HIGH-RESOLUTION AERIAL IMAGERY.



## Tree Canopy Cover

### City Limits

- 13.7% average tree cover.
- Tree cover has grown by 753 acres (+17.3%) since 2011.

### City + Growth Management Area

- 12.6% average tree cover.
- Tree cover has grown by 936 acres (+17.2%) since 2011.

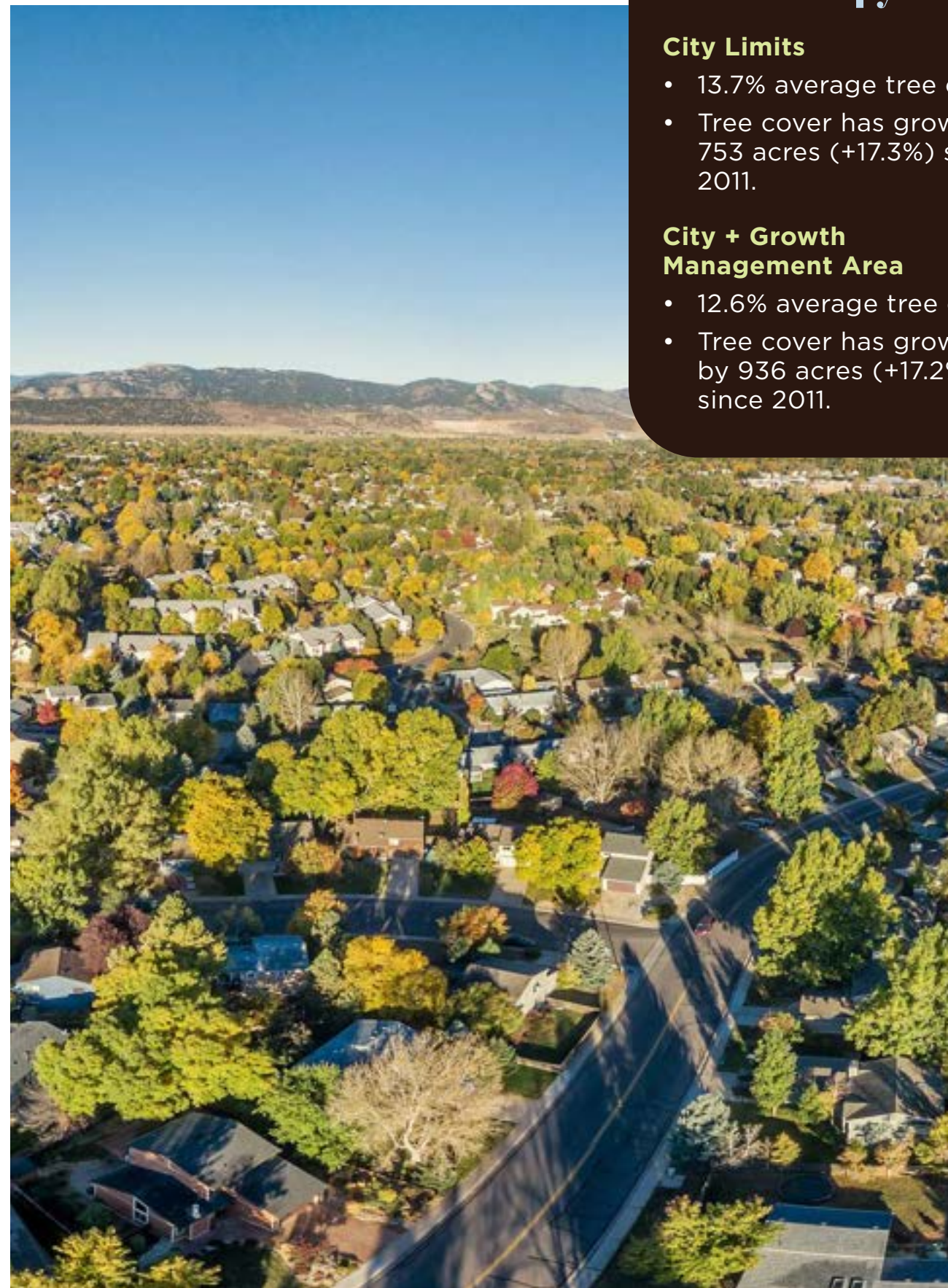
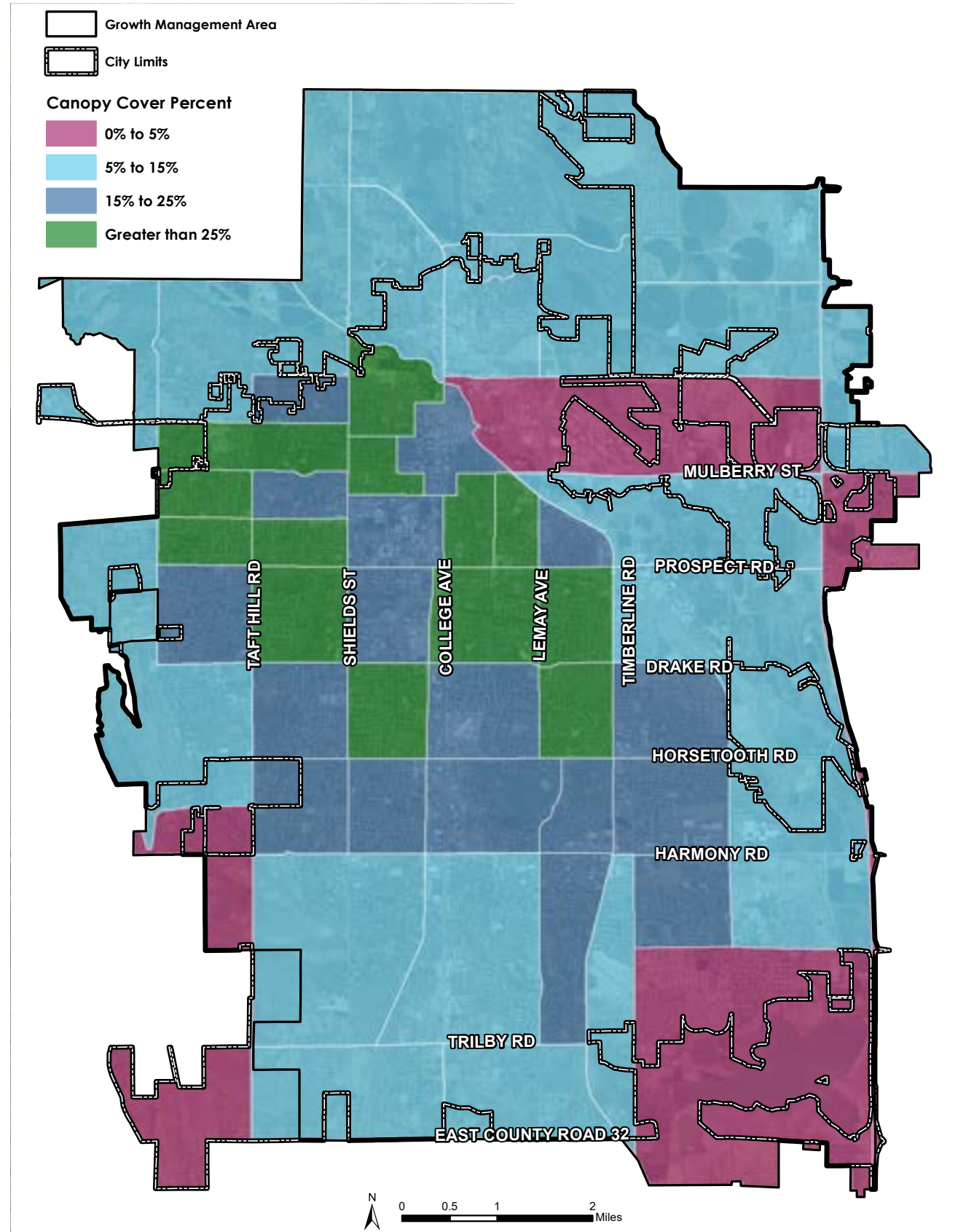


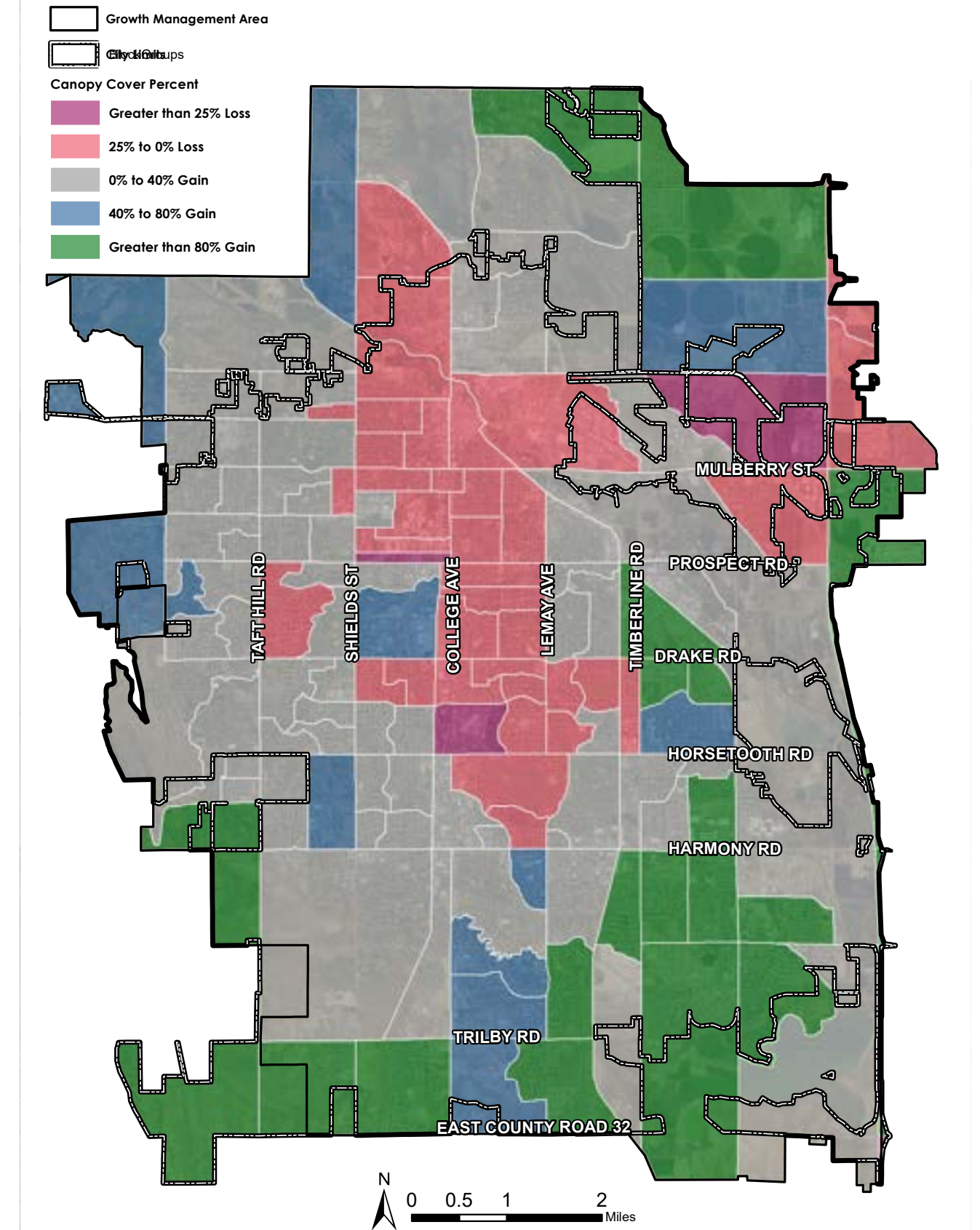
IMAGE 2. TREE CANOPY COVER IN FORT COLLINS.



**MAP 2. TREE CANOPY COVER BY U.S. CENSUS BLOCK GROUP. TREE COVER IS HIGHEST WITHIN THE OLDEST PARTS OF THE CITY.**



**MAP 3. TREE CANOPY CHANGE BY U.S. CENSUS BLOCK GROUP, 2011-2021. TREE CANOPY LOSSES WERE HIGHEST IN THE DENSELY DEVELOPED URBAN CORE.**

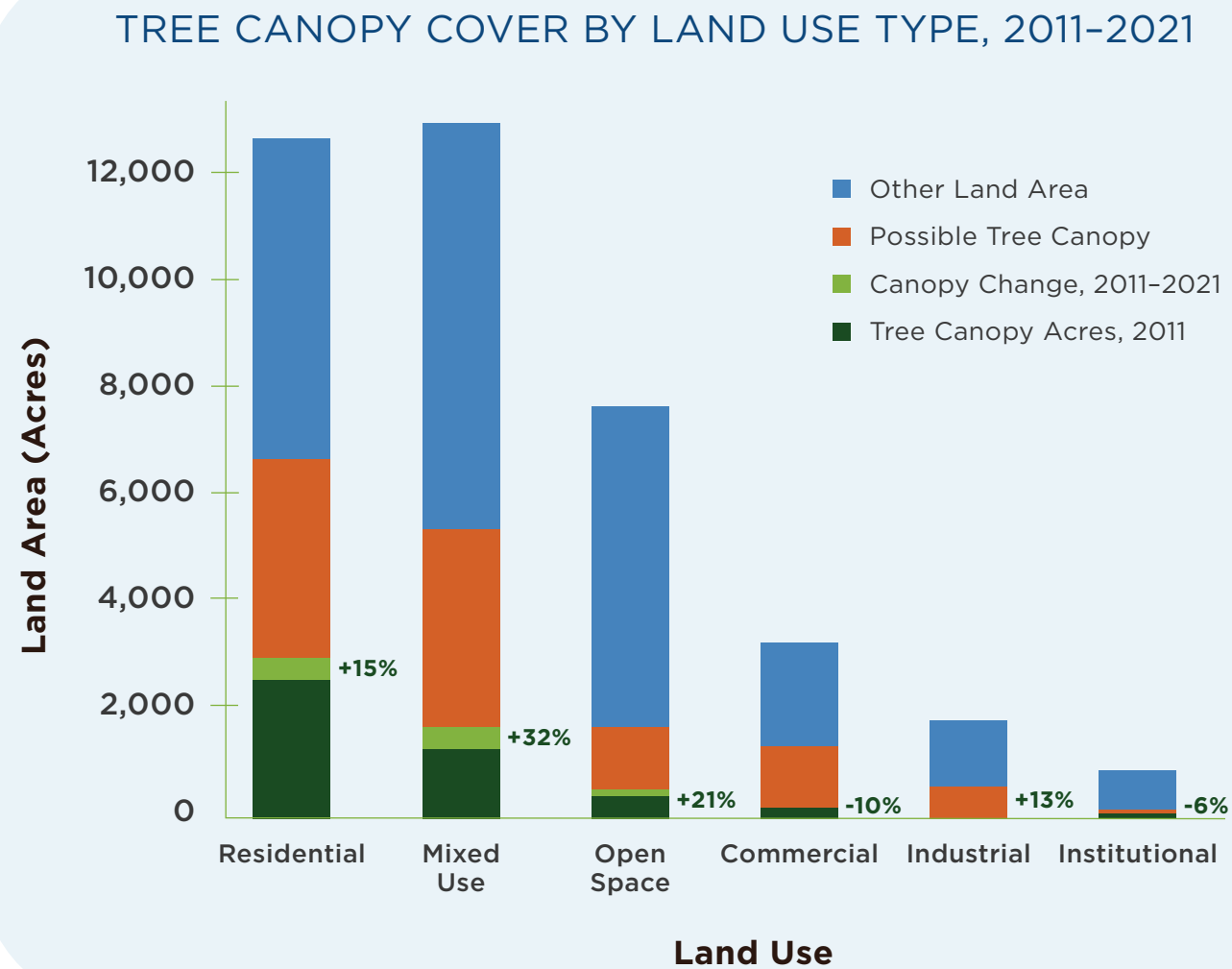




## RESIDENTIAL LAND CONTAINS THE MOST EXISTING TREE CANOPY—AND THE GREATEST POTENTIAL FOR MORE

In Fort Collins, residential land contains over half of the city’s tree canopy (Figure 3). Tree canopy has grown 15% on residential land since 2011. The largest tree canopy losses by total acreage have taken place on commercial land, which lost 30 acres (-10%) of tree cover since 2011.

The largest potential for additional tree canopy occurs within residential and mixed-use zoning types, which together contain 8,083 acres of possible additional tree canopy.



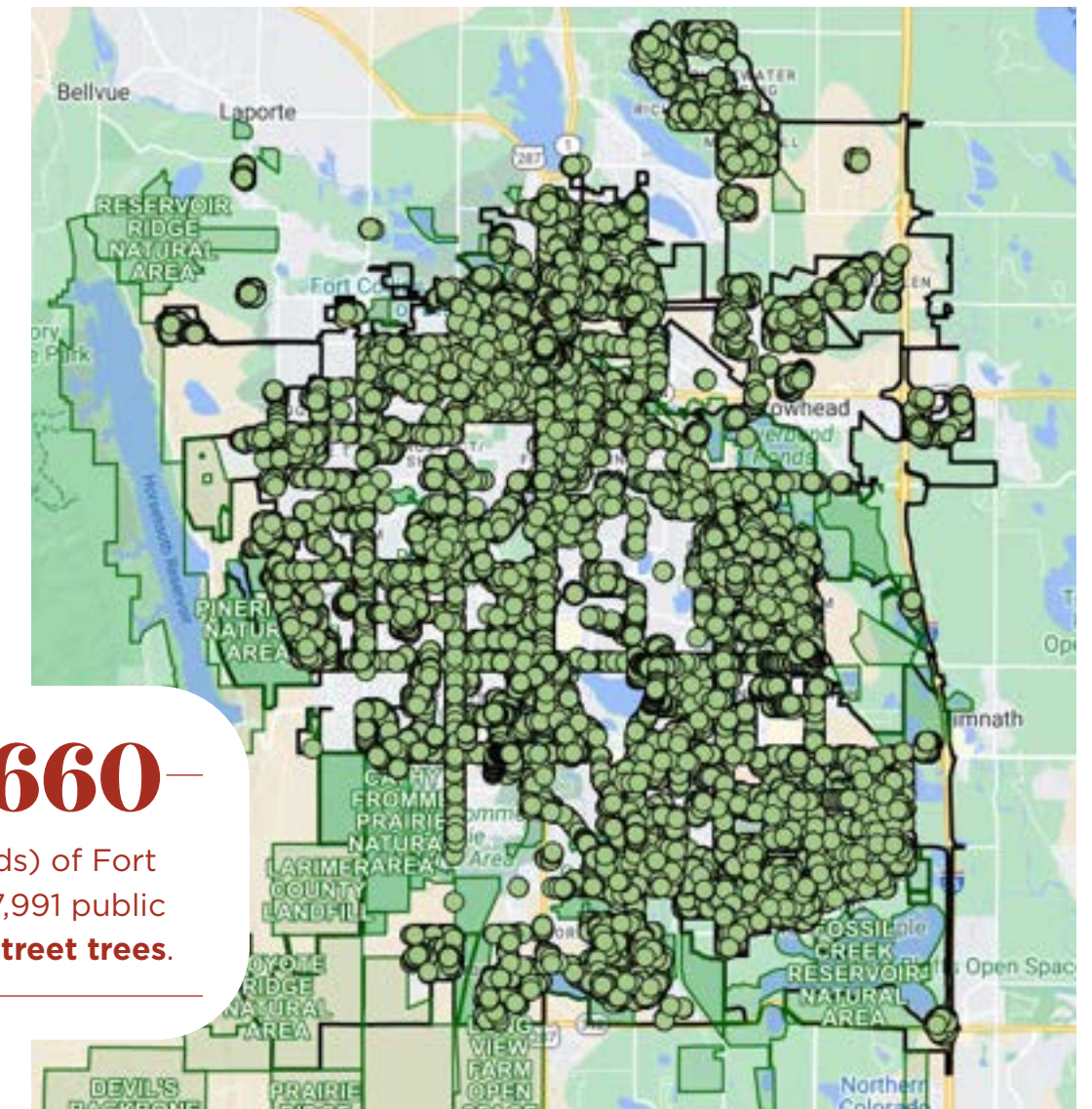
**FIGURE 3.** ACROSS FORT COLLINS, RESIDENTIAL PROPERTIES CONTAIN THE LARGEST PROPORTION OF CITY TREE CANOPY, AS WELL AS THE LARGEST POTENTIAL FOR FUTURE TREE CANOPY. TREE COVER HAS GROWN IN MOST LAND USE TYPES SINCE 2011.

## THE SPECIES COMPOSITION, SIZE, AND CONDITION OF CITY-MANAGED (PUBLIC) TREES

From 2018–2023, the Forestry Division and trained volunteers from the City’s Urban Forest Ambassador program updated the public tree inventory, documenting 57,991 trees, 2,668 vacant planting sites, and 729 stumps within

street rights-of-way, parks, and City-owned property (Map 4). Detailed information about public trees is used by the Forestry Division to guide management decisions.

**MAP 4.** PUBLIC TREES AND PLANTING SITES AS DOCUMENTED IN TREEKEEPER TREE MANAGEMENT SOFTWARE. SELECT TREE INFORMATION IS SHARED WITH THE PUBLIC ON THE FORESTRY DIVISION’S WEBSITE.



**38,660**  
 (two thirds) of Fort Collins’ 57,991 public trees are **street trees**.

### PUBLIC TREES TREND CLOSE TO RECOMMENDED DIVERSITY GUIDELINES

Tree diversity helps to make the population resilient to pests and diseases. The importance of tree diversity can be seen in the effects of emerald ash borer, due to the large number of ash trees in the community.

There are at least 214 unique species of trees within the public tree inventory that represent 56 genera and 26 families. At a species level, the diversity of public trees is approaching the urban forestry industry guideline of no more than 10% of a single species present in the inventory (Figure 4).

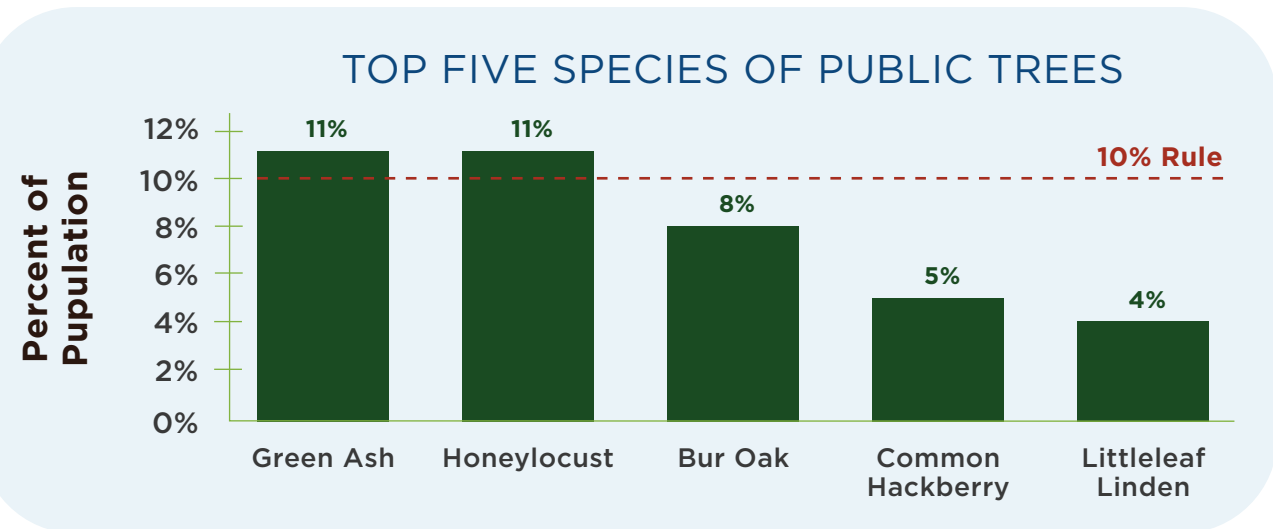
In 2024, both green ash and honeylocust exceeds recommended limits for species abundance (Figure 4). The abundance of all ash species is expected to decline over time due to emerald ash borer. The Forestry Division is reducing the planting of honeylocust on public property and is encouraging developers to shift away

**A public tree inventory** provides information about the possible management needs & vulnerabilities of the entire urban forest.

from planting honeylocust as part of required street tree plantings that are associated with development.

Genus- and family-level tree diversity is also important, as many tree pests and diseases have the ability to attack multiple related species. It is recommended that no one genus should comprise more than 20% of the tree inventory, and no one family should comprise more than 30%.

The tree genera and families in the public inventory remain below these thresholds; however, the pest and disease susceptibility of the larger tree population remains unknown.

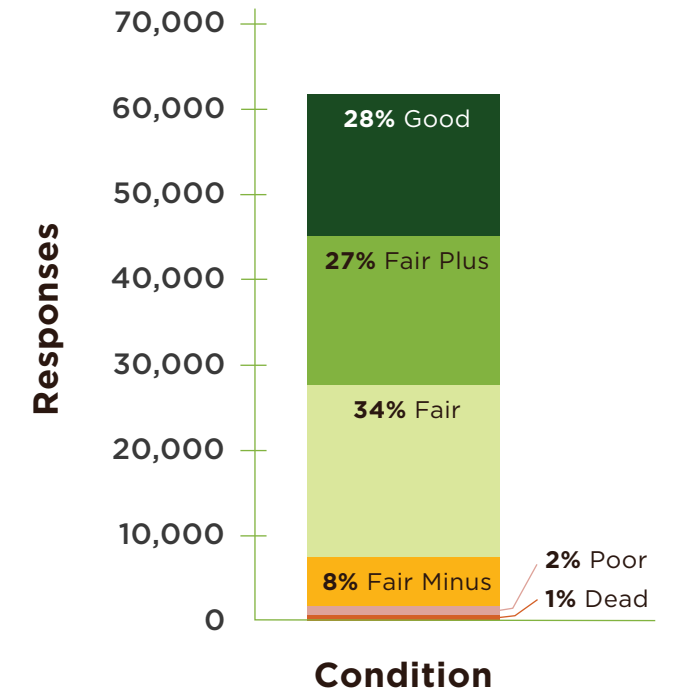


**FIGURE 4.** TOP FIVE SPECIES OF PUBLIC TREES. URBAN FORESTRY INDUSTRY STANDARDS FOR BIODIVERSITY RECOMMEND THAT ANY ONE SPECIES SHOULD NOT EXCEED 10% OF THE TOTAL POPULATION (“10% RULE”).

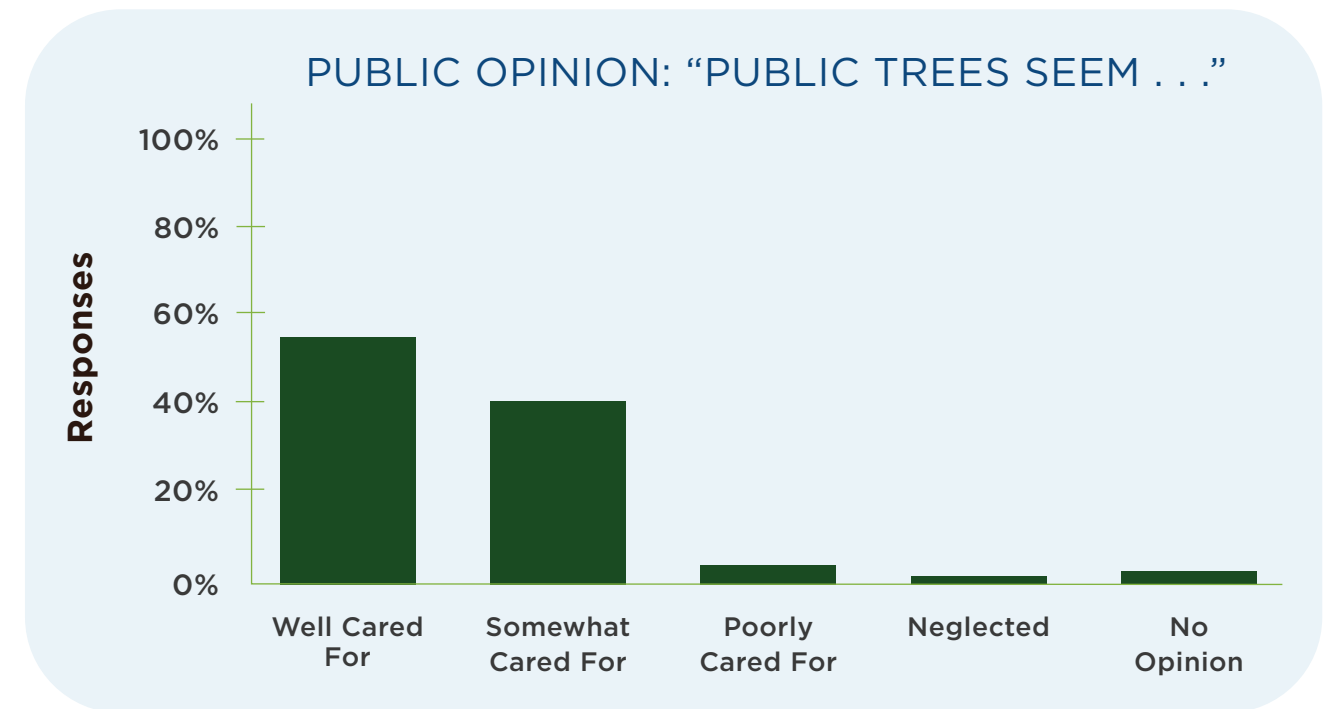
### PUBLIC TREES ARE IN FAIR-TO-GOOD CONDITION

The condition of public trees reflects significant investments in routine maintenance as the Forestry Division moves toward its goal of a five-year pruning cycle and away from reactive maintenance, which is comparably more costly.

More than half of public trees (55%) are rated to be in Good or Fair-Plus condition, meaning that their trunks and crowns are generally healthy and strong (Figure 5). An additional one-third (34%) are rated to be in Fair condition, indicating that they are healthy and show no major defects.



**FIGURE 5.** THE FORESTRY DIVISION VISUALLY ASSESSES THE HEALTH AND VIGOR OF TREES BASED ON MULTIPLE FACTORS. 89% OF PUBLIC TREES ARE RATED AS FAIR OR BETTER.

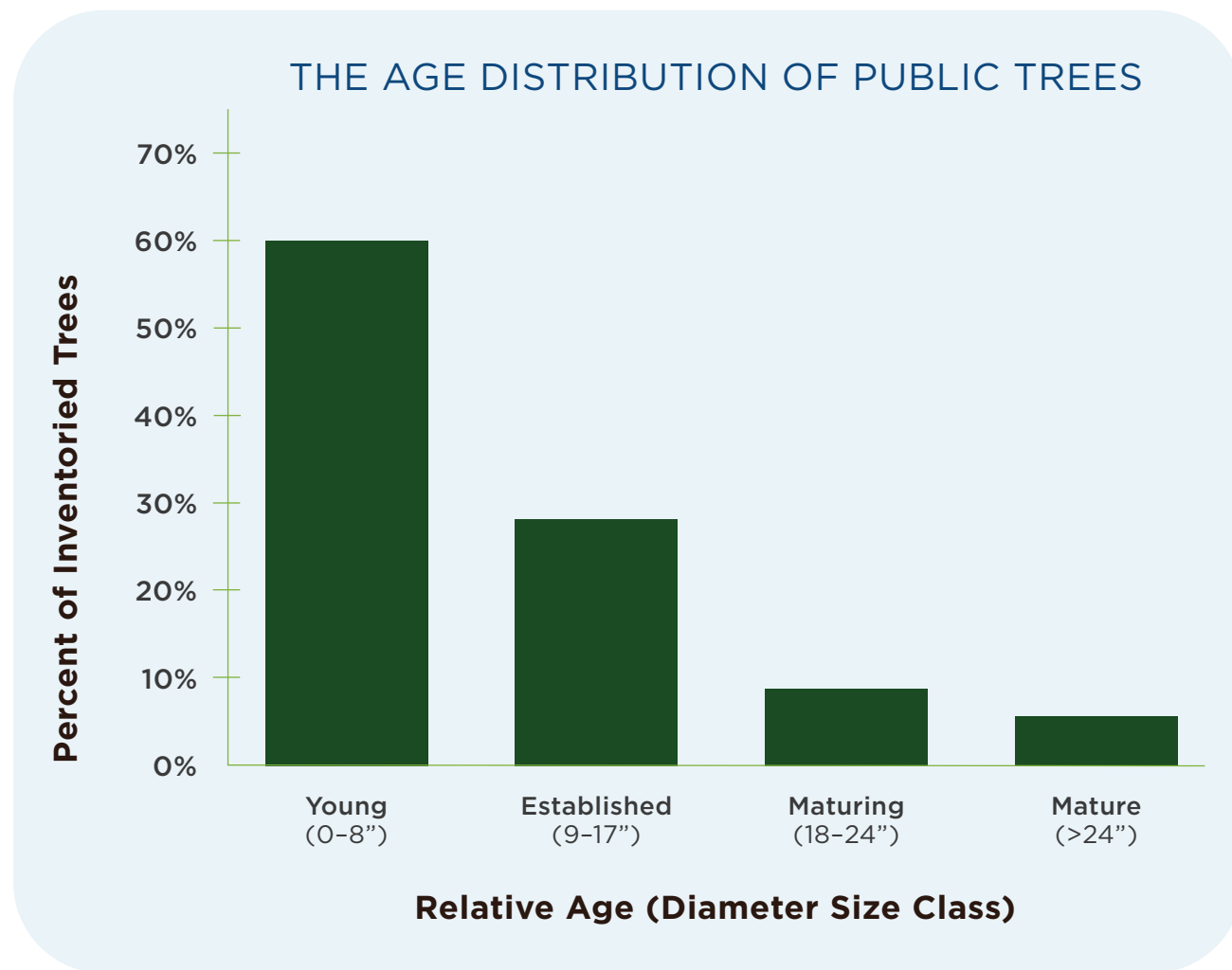


**FIGURE 6.** 971 PEOPLE RESPONDED TO A PUBLIC SURVEY ABOUT TREES IN FORT COLLINS. OF THOSE, 95% FELT THAT PUBLIC TREES ARE WELL OR SOMEWHAT WELL CARED FOR.

## PUBLIC TREES SKEW YOUNG

A mixed-age tree population balances the maintenance needs of public trees over time and protects against significant canopy loss. Sixty percent of public trees in Fort Collins are young (Figure 7), reflecting sustained tree planting efforts within the city that have occurred primarily through new development as the city has grown.

Care of young trees during establishment, as well as proactive maintenance of older age classes, will help increase the proportion of older trees to balance age classes over time. As the urban forest grows in the number and maturity of trees, the benefits that it provides will also increase. In the next 20 years, at the present rate of planting, the population of public trees is projected to shift toward more medium-sized trees.



**FIGURE 7.** THE RELATIVE AGE OF PUBLIC TREES, ESTIMATED FROM TRUNK DIAMETER. SIXTY PERCENT OF PUBLIC TREES ARE YOUNG.



## BUILDING RESILIENCE TO FUTURE THREATS

### PEST SUSCEPTIBILITY OF PUBLIC TREES

Pests, diseases, and climate change are potential threats to the long-term function and survival of trees. Because tree pests and diseases often have preferred hosts, the susceptibility of the urban forest to a pest or disease can be evaluated based on its species and genus diversity.

Of the pests and diseases of concern in Colorado, emerald ash borer threatens 13% of the public tree inventory that is composed of the genus *Fraxinus*, with potential tree losses valued at \$22 million (Table 1). Its potential impacts on private land are more profound—it is estimated that up to one-third of Fort Collins’ urban tree canopy is composed of ash trees. If Asian longhorned beetle

reaches Fort Collins, it threatens the greatest number of public trees in the city (36%), with potential losses valued at \$51 million.

Future indirect impacts of pest and disease outbreaks include the influx of wood waste from tree losses and removals and costs associated with tree replacement. This calls for a comprehensive plan to divert wood waste from landfills and put it into productive use. Urban forest products that are made from wood waste and reclaimed wood reduce greenhouse gas emissions, support local businesses, and improve the environment; however, diverting wood waste requires a high level of planning and coordination across sectors.

**TABLE 1.** SUSCEPTIBILITY OF FORT COLLINS’ PUBLIC TREES TO POTENTIALLY IMPACTFUL PESTS AND DISEASES OF CONCERN IN COLORADO. REPLACEMENT VALUES ARE BASED ON ACTUAL TREE ATTRIBUTES INCLUDING SIZE AND ARE CALCULATED USING I-TREE TOOLS.

PEST/DISEASE NAME	NUMBER OF SUSCEPTIBLE TREES	PERCENT OF PUBLIC TREE INVENTORY	TREE REPLACEMENT VALUE (\$)
<b>Asian longhorned beetle</b>	20,687	36%	\$51,310,744
<b>Spotted lanternfly</b>	8,628	15%	\$13,100,340
<b>Emerald ash borer</b>	7,388	13%	\$22,038,024
<b>Pine wilt nematode</b>	3,830	7%	\$9,957,809
<b>Dutch elm disease</b>	2,351	4%	\$14,876,845
<b>Spruce Ips beetle</b>	2,046	4%	\$9,102,307



## Drought Tolerance of Public Trees

- At least 4% of public trees in Fort Collins have **LOW** drought tolerance, and at least 64% have **MEDIUM** drought tolerance.
- The public tree inventory is gradually collecting information about irrigation status.

### CLIMATE VULNERABILITY & RESILIENCE

Future climate predictions include more severe and intense storms as well as more frequent periods of extreme heat, drought, and early and late freezes in Fort Collins, all of which can create challenging conditions for trees.

Although trees require water to survive, in irrigated spaces, trees save water by cooling air and surface temperatures and by capturing natural precipitation, which reduces the amount of irrigated water that is lost through evapotranspiration. Planting trees over turfgrass reduces total outdoor water consumption by up to 50%. For these reasons, tree planting and stewardship in public and private spaces aligns with and benefits Fort Collins' efforts to conserve water now and into the future.

Mature tree canopy **reduces total water use** in irrigated landscapes.



## Strategies for Drought and Climate Resilience

Trees cool the air and take decades to reach maturity. For these reasons, it is important to ensure the survival of trees during periods of drought. A combination of emergency response actions and long-term strategies can help reduce tree losses during drought.



#### Water new trees during establishment.

Newly planted trees are particularly sensitive to drought stress. They require regular water during establishment, whether as natural precipitation or supplemental water. The Forestry Division waters newly planted public trees for two years. In the future, Forestry is prioritizing irrigated spaces for new tree plantings to ensure their long-term survival.



#### Give trees dedicated irrigation.

Dedicated irrigation valves or zones allows for deeper watering of trees than the rest of the landscape requires. The City is shifting to dedicated irrigation to trees in anticipation of a warmer climate in the future. All public Capital Improvement Projects along streets and in new parks now include dedicated irrigation to trees.



#### Create a drought response plan.

Forestry has begun to collect information about irrigation status as part of its tree inventory. Inventory information about species and site characteristics can be used to create an emergency response plan. This helps to identify trees that need supplemental water during drought and priority locations for new irrigation. In drought response, trees can be prioritized on factors including the water needs of trees based on their species or microclimate, and the importance of trees based on their size, species, and/or cultural value.




#### Plant more drought-tolerant species where possible.

The increasing availability of drought-tolerant, urban-adapted tree species presents additional options for future planting. Species recommendations, such as the trees and shrubs that are recommended by Plant Select, have few specimens in the existing public tree inventory, demonstrating a potential for increased use. Collaborative partnerships with local growers will be needed for the continued management of pests and to secure desired climate-resilient nursery stock.





## Summary of Findings

- Tree canopy cover in Fort Collins and the Growth Management Area is 12.6% and has grown steadily over the past decade. The extent of tree cover varies widely across the city and the growth management area, ranging from almost no trees to over 40% tree cover.
- The largest gains in tree cover took place within low-canopy areas near the borders of the city, while canopy losses tended to take place within the more densely developed and treed urban core.
- The inventory of 61,388 public trees and planting sites in Fort Collins revealed that the diversity of public trees is approaching a level that will help the urban forest remain resilient to pests and diseases. Future management considerations should include planting species that are resilient to emerging pests, diseases, and climate change.
- The condition of 89% of public trees is rated as Fair or better. This is a reflection of investments made by the Forestry Division in routine maintenance, with a goal of moving away from reactive maintenance and toward a five-year pruning cycle.
- Fort Collins' public trees skew young, reflecting an uptick in more recent tree plantings that are associated with city activities and increased development. Future maintenance needs are expected to increase over time as new trees are planted and existing trees grow into larger size classes, which will require additional resources for the Forestry Division to keep pace. 





2

TREES ENHANCE  
NEIGHBORHOOD  
& COMMUNITY  
VITALITY





# Trees Enhance Neighborhood & Community Vitality

Trees provide innumerable benefits to the people of Fort Collins, making the city a more comfortable, healthy, and vibrant place to live. Tree benefits also help to offset expenditures that are needed for tree planting and maintenance. Because of the benefits that trees provide, issues around building more equitable tree canopy relate to larger conversations about social equity, environmental justice, and resilience.

## FORT COLLINS' TREES PROVIDE \$2.2 MILLION IN BENEFITS EACH YEAR

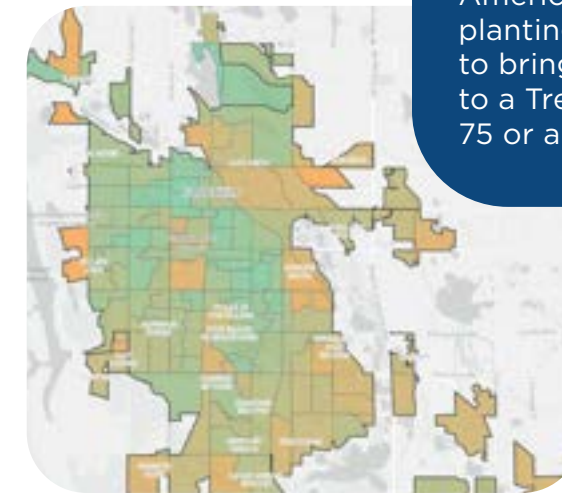
Some tree benefits can be assigned a monetary value that is based on avoided costs—this includes air pollution reduction, stormwater runoff mitigation, and carbon sequestration and storage (Table 2). Based on these benefits alone, Fort Collins' trees produce at least \$2.2 million in ecosystem services each year. This amount has increased in the past decade with tree canopy growth. As of

2024, Fort Collins' trees provide an additional \$346,000 in services each year than in 2011. Of these benefits, public trees account for more than \$69,000 in annual benefits and have an estimated replacement value of \$112 million. Replacement value is the cost of replacing a tree with tree(s) of a similar species, size, and condition in the same location.

### TREES HELP RESIDENTS SAVE MONEY

Trees save energy by providing shade and blocking wind, which reduces the need for heating and cooling and lowers energy costs for homes and businesses. Properly placing three trees around a home can reduce energy costs for the average household by \$100 to \$250 per year. Trees that shade air conditioning units can help them run up to 10% more efficiently.

Trees also help residents save money on health care costs. Trees reduce the incidences of medical complications due to asthma, heart disease, and heat-related illnesses.



◀ In Fort Collins, 17 block groups (orange) are High or Highest priority for increasing tree equity. Planting here will provide the greatest impact on resident wellbeing.

## American Forests' Tree Equity Score

The **Tree Equity Score** by American Forests measures the equitability of tree canopy benefits using climate, demographic, and socioeconomic data. A Tree Equity Score ranges from 0 (least equitable) to 100 (most equitable).

**Fort Collins has an average Tree Equity Score of 87 out of 100 from American Forests.**

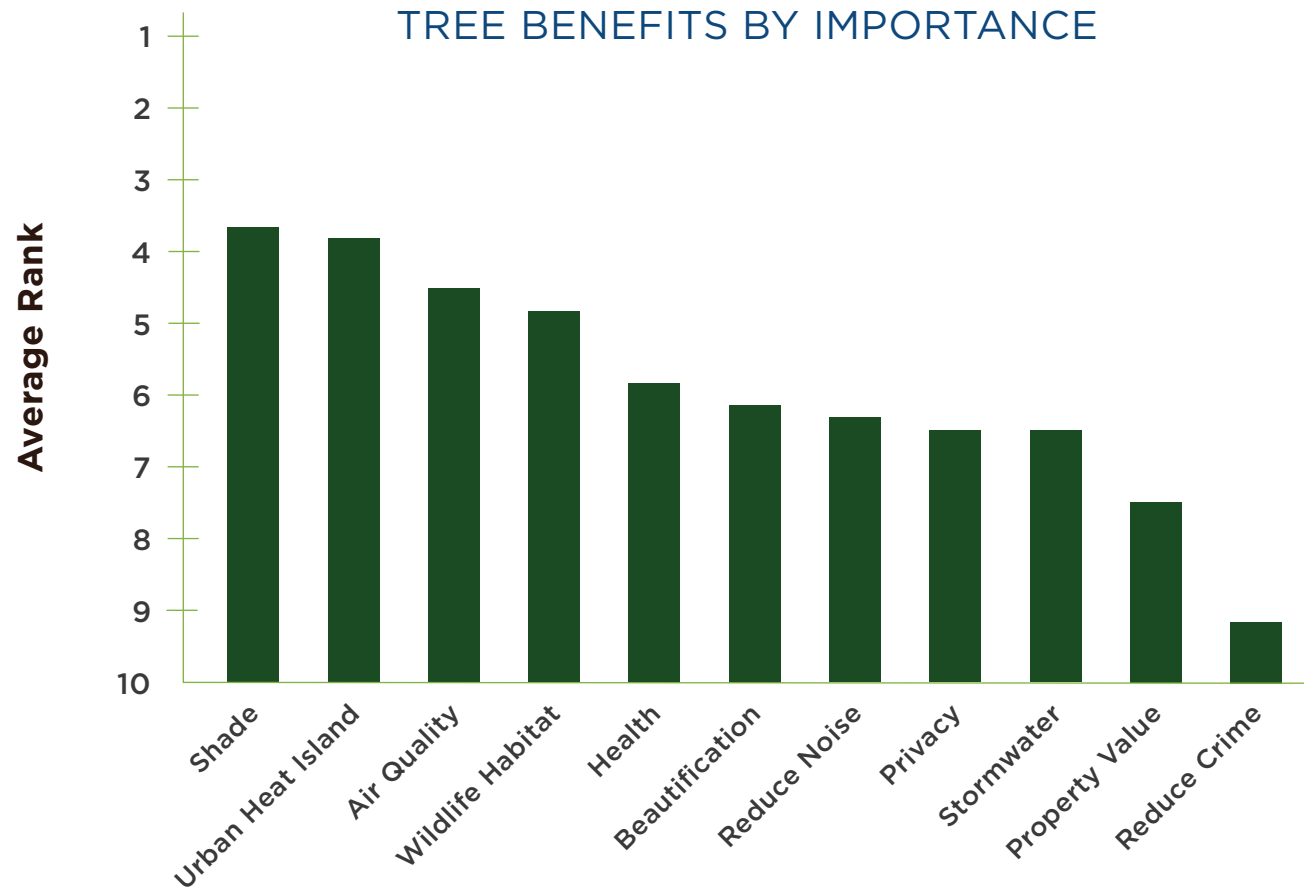
American Forests recommends planting at least 4,574 trees to bring all block groups to a Tree Equity Score of 75 or above.

**TABLE 2. ECOSYSTEM BENEFITS PROVIDED BY FORT COLLINS' TOTAL TREE CANOPY AND ITS PUBLIC TREES, AS ESTIMATED BY I-TREE TOOLS.**

ECOSYSTEM BENEFITS	ALL TREES			PUBLIC TREES	
	Quantity	Value	2011-2021 Change	Quantity	Value
Annual Benefits					
Air quality: pollution removal (pounds)	570,300	\$942,949	\$145,068	21,320	\$32,038
Carbon sequestration (tons)	5,810	\$991,666	\$152,564	276	\$47,013
Stormwater: avoided runoff (gallons)	35,130,000	\$313,902	\$48,292	2,318,837	\$20,721
<b>Total Annual Benefits</b>		<b>\$2,248,517</b>	<b>\$345,924</b>		<b>\$69,374</b>
<b>Structural Value</b>					
Carbon storage (tons)	226,820	\$38,684,069	\$5,951,395	18,616	\$3,175,046
		<b>Replacement Value</b>			<b>\$112,489,358</b>



### FORT COLLINS RESIDENTS RANK TREE BENEFITS BY IMPORTANCE



**FIGURE 8.** AMONG 971 RESPONSES TO A PUBLIC SURVEY, FORT COLLINS RESIDENTS WERE ASKED TO RANK THE TREE BENEFITS THAT THEY VALUED THE MOST, WITH A RANK OF 1 BEING HIGHEST. RESIDENTS PRIORITIZED BENEFITS THAT MAKE THE CITY A MORE COMFORTABLE PLACE, SUCH AS SHADE, HEAT REDUCTION, AND BETTER AIR QUALITY.

## Trees and Environmental Health

Trees provide innumerable ecological benefits that improve urban environments:



### Trees Cool Our Cities.

High temperatures in urbanized areas contribute to *urban heat island effect*, in which impervious surfaces such as roads, buildings, and sidewalks trap and hold heat. Urban heat island can raise air temperature in cities up to 7°F higher during the day and 5°F higher at night compared to neighboring rural areas. Urban heat island raises energy costs and power plant emissions and increases heat-related illnesses, which cause more deaths in the United States each year than any other natural disaster. Large, healthy trees lower temperatures through both shading and evapotranspiration. Trees reduce peak summer temperatures by 2-9°F and prevent an average of 1,200 heat-related deaths each year in the U.S, making them a critical tool to combat the negative health impacts of high temperatures.



### Trees Clean the Air.

Trees act as natural air filters, removing pollutants from the air and reducing their negative impacts on humans and the environment. Through the removal of air pollutants, trees save over 850 lives and prevent 670,000 incidents of acute respiratory symptoms in the U.S. each year. Trees are also an important carbon sink for climate change mitigation through the removal of carbon dioxide and greenhouse gasses from the air. One large, healthy oak tree growing in Fort Collins can remove over 30 pounds of pollutants from the air over 20 years.



### Trees Intercept and Conserve Water.

Trees intercept and retain stormwater, reducing runoff and water pollutants by 20%-60%, thereby reducing flooding, erosion, and the level of sediment and pollutants that enter local waterways. A mature deciduous tree can intercept 700 gallons of stormwater per year, and a mature evergreen tree can intercept 4,000 gallons of water per year. Underground, tree roots and decomposition help to increase the amount of water that soil can hold, allowing for more efficient use of irrigated water. In addition, the cooling effects of trees during summer months help to reduce the amount of moisture that is lost through evaporation. Through both processes, trees can retain water in the soil and reduce irrigation quantity and frequency.



### Trees Provide Food & Habitat for Wildlife.

Trees provide habitat and food for a wide variety of wildlife, supporting biodiversity and maintaining the health of local ecosystems. Oaks can support over 500 species of pollinators and other beneficial insects. In the Colorado Front Range, broadleaf deciduous forests outside of riparian areas are relatively new to the region. The tree canopy of Fort Collins provides migratory birds with an important stopover point. At the same time, trees can provide refuge for species such as hawks and corvids that hunt or outcompete native grassland birds and mammals. For these reasons, tree canopy in natural areas must be thoughtfully placed. In backyards and along streets, however, tree canopy acts as an important buffer for wildlife within the built environment.



# Canopy Cover: Bike Lanes & Bus Stops

## Bus Stops

- 18.3% average tree cover.
- Bus stops have lost 3.7% tree cover since 2011.

## Bike Lanes

- 9.5% average tree cover.
- Tree cover has stayed about the same (+0.1%) since 2011.

## TREES SUPPORT FORT COLLINS' SHIFT TO ACTIVE TRANSPORTATION

Trees support the City's goal to build a low-stress, high-comfort active transport network that promotes a physically active and environmentally sustainable community (Transportation Master Plan, 2019). Trees growing in street rights-of-way help to slow traffic, making streets safer and more attractive for use by pedestrians and cyclists. Shade and evapotranspiration cooling provided by street trees allow for more comfortable walking, biking, and use of public transit and increase the appeal of cycling routes. Trees and other vegetation can also reduce the exposure of cyclists and pedestrians to air pollution.

Encouraging individuals to shift their short vehicle trips to active transportation modes (e.g., biking, walking) is one of the most effective ways to reduce vehicle miles traveled, a goal of both the City's transportation master plan and Our Climate Future plan (2021).



**Bus Stops.** Trees provide shade that can make waiting for the bus more comfortable during summer months. Average tree cover is 18.3% at the 22 bus stations and 423 bus stops across Fort Collins, a loss of 3.7% cover since 2011 (Map 5).



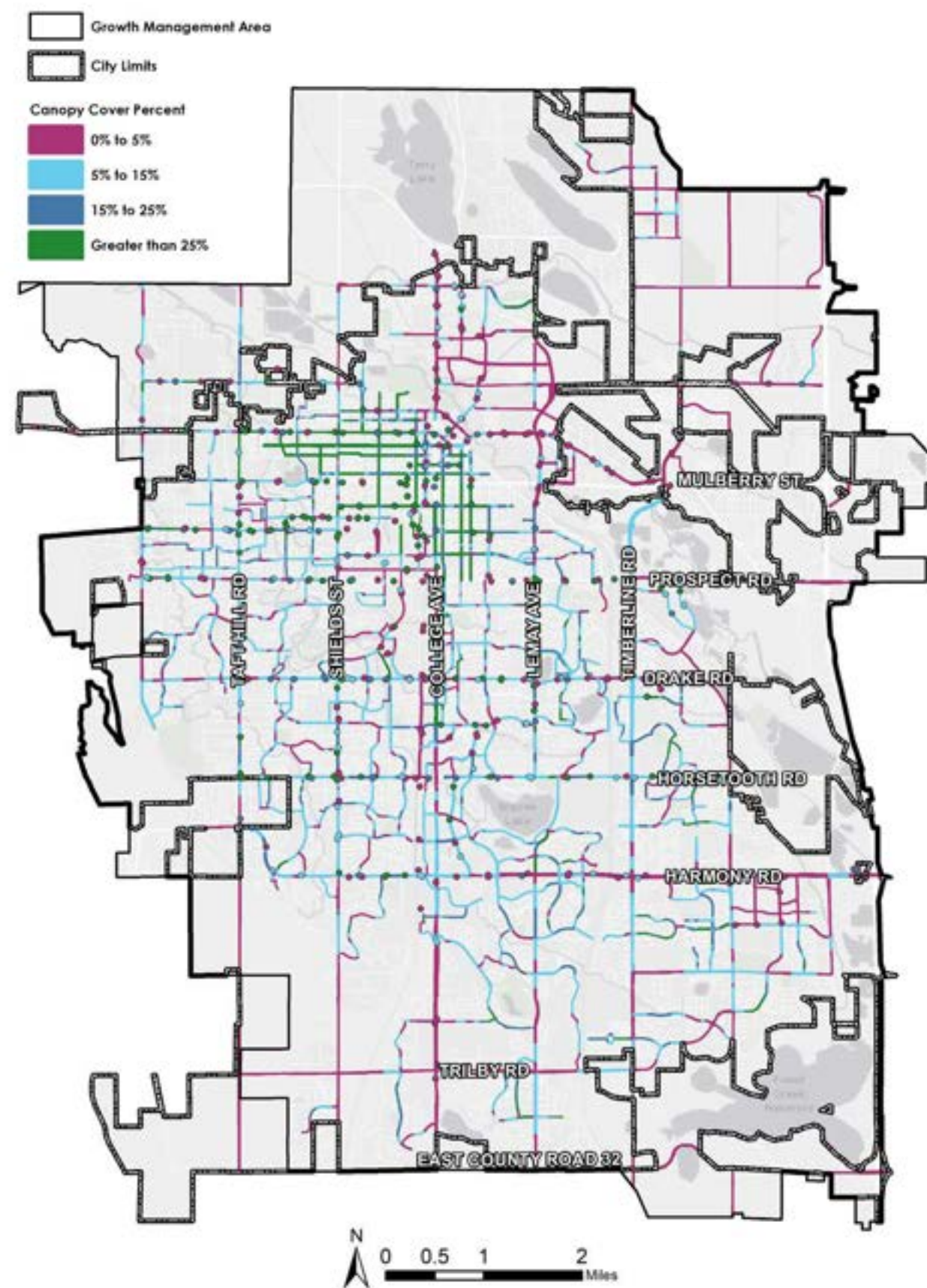
**Bike Lanes.** Trees not only shade bike lanes; they also contribute to the safety of cyclists by slowing traffic. Over the 267 miles of bike lanes across Fort Collins, average tree canopy cover is 9.5%, approximately the same as it was in 2011 (+0.1%).

### BALANCING THE COSTS & BENEFITS OF TREES

As with all infrastructure, tree placement requires considerations for maintenance and safety. Trees can increase some of the maintenance needs of streets and sidewalks, such as the frequency of street sweeping. Trees may also cause heaving of sidewalks where trees have been planted in narrow parkways (<6 feet width), in spaces with poor soil preparation and/or compaction, or in places where the tree

species and the planting site have not been well matched. In colder months, snow and ice can persist within the shadows of trees, creating a slipping hazard for pedestrians. On the other hand, shade from trees increases the lifespan of asphalt. While tree maintenance can be costly, the benefits of trees often outweigh the additional maintenance costs. Careful placement of trees can reduce both risk and cost.

MAP 5. TREE CANOPY COVER WITHIN BIKE LANES (BY STREET SEGMENT) AND WITHIN 30 FT OF BUS STOPS AND TRANSIT STATIONS.







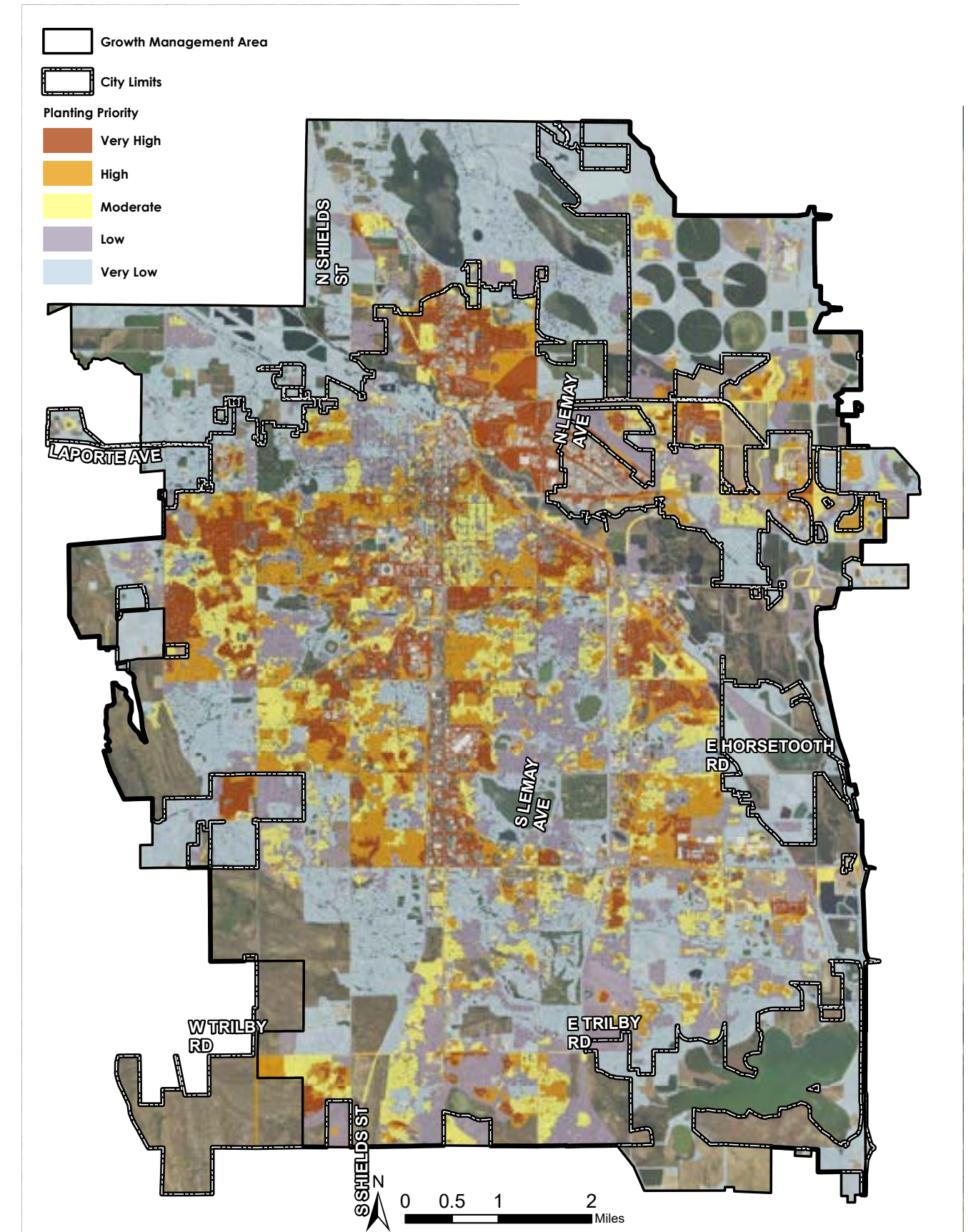
## A FUTURE OF MORE EQUITABLE TREE CANOPY

The tree cover analysis of Fort Collins identified 15,418 acres of possible tree planting area within city limits and the growth management area, on both public and private land. Possible planting area excludes places where tree canopy would conflict with land uses, such as agricultural fields, recreational fields, and major utility corridors.

A priority planting analysis ranked possible tree planting area on a five-point scale from Very Low to Very High, based on the potential for trees to benefit the environment, human health, and social equity (Map 6). The analysis identified 2,250 acres of High or Very High priority where additional tree canopy can capture stormwater, reduce urban heat, improve health outcomes, and benefit vulnerable communities.



**MAP 6.** COMPOSITE PRIORITY PLANTING AREAS THAT MAXIMIZE THE ENVIRONMENTAL, SOCIAL, AND HUMAN HEALTH BENEFITS OF TREES.





## COMMUNITY PRIORITIES

Findings from the community engagement process demonstrate that the people of Fort Collins value trees and understand the myriad ways that trees enhance quality of life in the city.

**Residents and urban forestry partners noted these opportunities for future growth of the forestry program:**

- Residents are invested in the ongoing management of Fort Collins’s trees and want to be involved in decisions about how the City will help ensure tree canopy preservation and growth into the future.
- Forestry Division partners, both internal and external to City government, underscored the collaborative nature of Forestry staff and the high level of expertise and service that they provide.
- Forestry partners want to continue to foster growth and collaboration among Forestry, other City departments, and external partners, for example, by ensuring that Forestry is at the table in other planning efforts.
- Both residents and Forestry partners are interested in resources that will help them be effective stewards of tree canopy, including informational resources, financial resources, and opportunities for involvement in urban forestry.



## Public Involvement in Plan Development

**The Urban Forest Strategic Plan was created with community feedback that was provided through:**

### Three Public Meetings

- October 2023 & March 2024.
- North & South Fort Collins.
- 160 participants.

### One Community Survey

- September–December 2023.
- 971 respondents.
- 657 write-in comments.
- In partnership with Our Climate Future Community Consultants.

### Nine Partner Focus Groups


- October–December 2023.
- 49 representatives from local organizations, institutions, businesses, and government entities.

### One Public Draft Preview

- August–September 2024.
- 210 page visits, 54 downloads.
- 2-week preview and comment period.



## Summary of Findings

- Fort Collins’ trees produce at least \$2.2 million in air quality, stormwater, and carbon storage benefits each year. Tree benefits have increased in the past decade with canopy growth. Today, trees provide an additional \$346,000 in services per year than they did in 2011.
- Trees support community goals to promote a physically active and environmentally sustainable community. Increasing tree canopy cover along bike lanes and near bus stops can be one component of a comprehensive approach to encouraging active modes of transportation.
- Many areas of greatest tree canopy loss have occurred where tree canopy is most needed to build social equity (see Maps 3 and 6). Priority planting maps can be used to guide future planting efforts on both public and private land, to add trees where they can have the greatest impact.
- Residents and urban forestry partners are interested in resources that can assist them with tree planting and maintenance as well as opportunities for input and involvement.
- Residents value trees for the myriad ways that trees enhance the quality of life in Fort Collins. 





# 3

## A HIGH-PERFORMING FORESTRY DIVISION





# A High-Performing Forestry Division

The Forestry Division is responsible for the planting and care of public trees in Fort Collins. In recent years, Forestry has started a shift toward proactive maintenance. It has set a goal of maintaining public trees on a five-year pruning cycle, which reduces per-tree maintenance costs and the number of emergency and service requests. Forestry is also looking to boost the long-term resilience of the urban forest as the region contends with new tree pests and diseases and the stressors of a changing environment.

## THE FORESTRY DIVISION STRIVES TO PROACTIVELY MANAGE PUBLIC TREES

Fort Collins' Forestry Division provides a high level of service in the management of its public tree inventory. Over the past decade, the Forestry Division has contributed to the city's steady canopy growth by increasing the

number of public trees that it plants and prunes each year. As the inventory grows through City tree planting and development, it will be necessary to scale Forestry Division operations and capacity to keep pace.

Fort Collins is within a minority of U.S. cities that manage their public trees at a high level of service.





### FORESTRY IS POSITIONING PUBLIC TREE CANOPY FOR GROWTH

Proactive pruning, tree planting, and pest management are part of comprehensive urban forestry care that promotes the growth and survival of trees.

Pruning comprises a majority of yearly Forestry activities (Figure 9). As of 2024, Forestry is maintaining trees on a 5-7 year pruning cycle to maintain tree health and is making progress toward achieving a five-year pruning cycle (Figure 10). In 2022, the City reached the benchmark for a five-year pruning cycle for the first time, aided by an

additional one-year budget allocation for storm response in 2021 that supported additional pruning activities. This puts Fort Collins within a minority of U.S. cities that proactively manage their public tree inventory on a routine pruning cycle of any length.

In 2021, the Division achieved a level of planting that exceeds removals, aided by \$100,000 in private donations for tree planting. Also in 2021, the Forestry Division began preventative treatments of public ash trees for emerald ash borer.

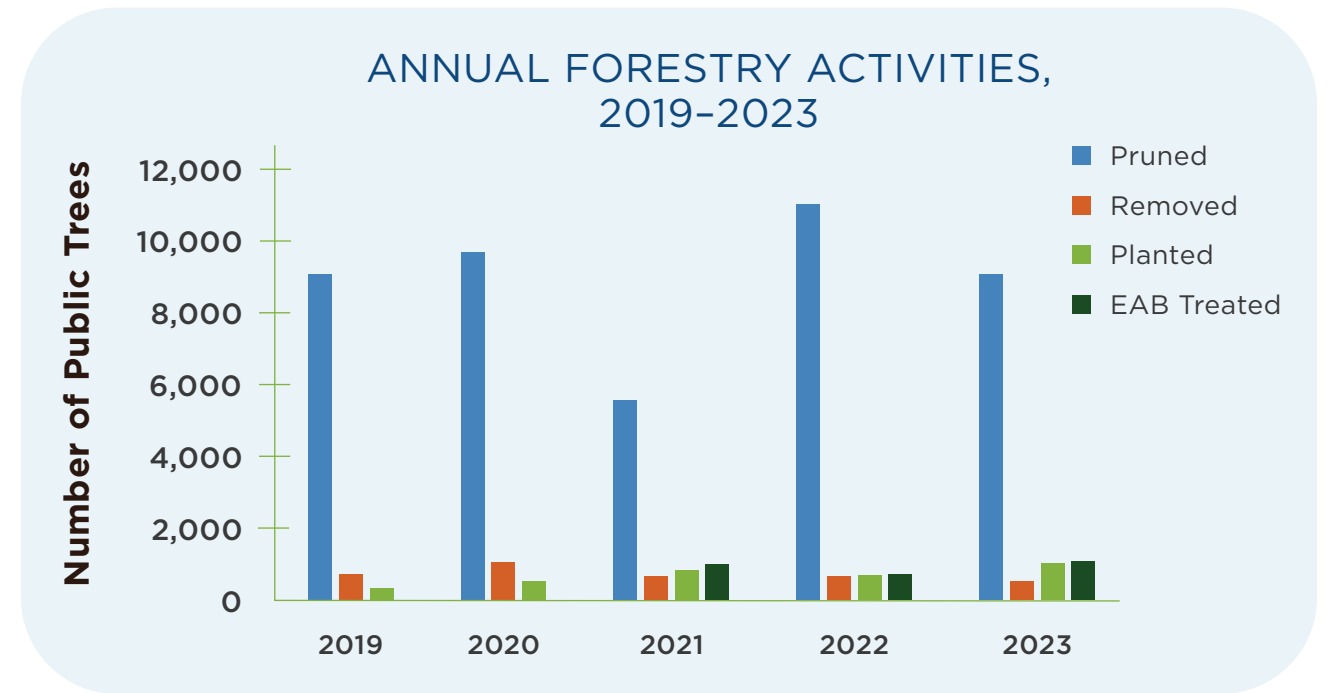


FIGURE 9. MOST OF THE FORESTRY DIVISION'S EFFORTS ARE SPENT ON PROACTIVE MAINTENANCE OF PUBLIC TREES.

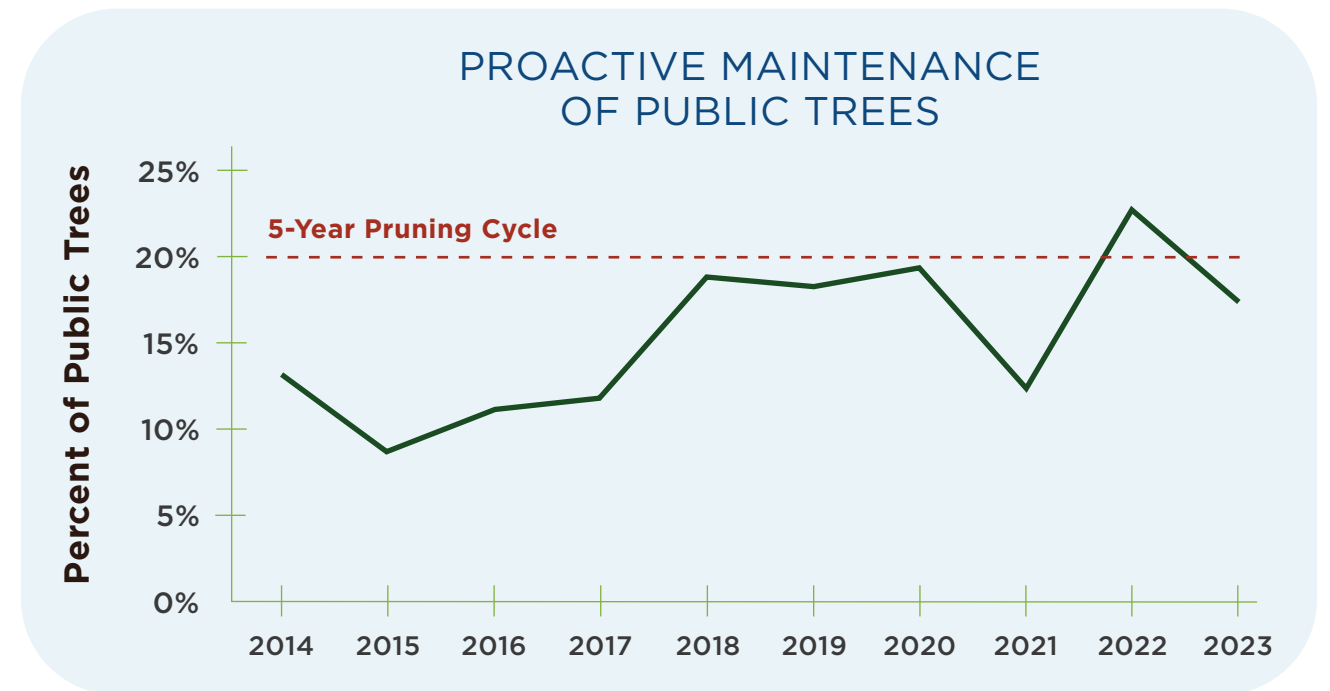


FIGURE 10. THE FORESTRY DIVISION IS APPROACHING A 5-YEAR PRUNING CYCLE FOR PUBLIC TREES. STRUCTURAL INTEGRITY, TREE HEALTH, LONGEVITY, AND FORM ARE IMPROVED THROUGH FREQUENT AND PROPER PRUNING.



# Forestry Division Contributions to a High-Performing Government

Fort Collins' Forestry Division, housed within the Parks Department, provides a high level of service in the management of public trees.



**Data-Driven Management.** Regularly updating the urban tree canopy assessment, inventory data, and other information in this Urban Forest Strategic Plan will assist Forestry with informed decision making. The information in this Plan can also be used to inform policy updates for the strategic growth and protection of the urban forest.



**Resident Involvement.** Urban Forest Ambassadors are trained volunteers that assist the Forestry Division with inventory data collection. This program provides residents with an opportunity to learn more about their urban forest and contribute to its upkeep. Residents are also able to make requests related to public trees through Access Fort Collins. And more than 900 residents contributed their ideas to the creation of this Urban Forest Strategic Plan through participation in the planning process.



**Integration with City Plans and Priorities.** Trees and tree benefits are integrated into many City plans, including the City's strategic plan. There are future opportunities to increase Forestry involvement in planning efforts. Implementation of this Urban Forest Strategic Plan will enhance the ways that urban forestry can be related to city Outcome Areas.

# FORT COLLINS' ANNUAL FORESTRY BUDGET IS ON PAR WITH OTHER CITIES WHILE DELIVERING A HIGHER LEVEL OF SERVICE

The Forestry Division is supported by the City's General Fund, which is the main operating fund for the City of Fort Collins. From 2019–2023, the Forestry Division's annual budget ranged from \$2.34 million to \$3.35 million. The proportion of total City budget that is

dedicated to Forestry is on par with that of other U.S. cities (Figure 11).

Forestry's budget supports tree activities that are completed by in-house staff and contractors. The largest annual expenditures relate to pruning (Figure 12).

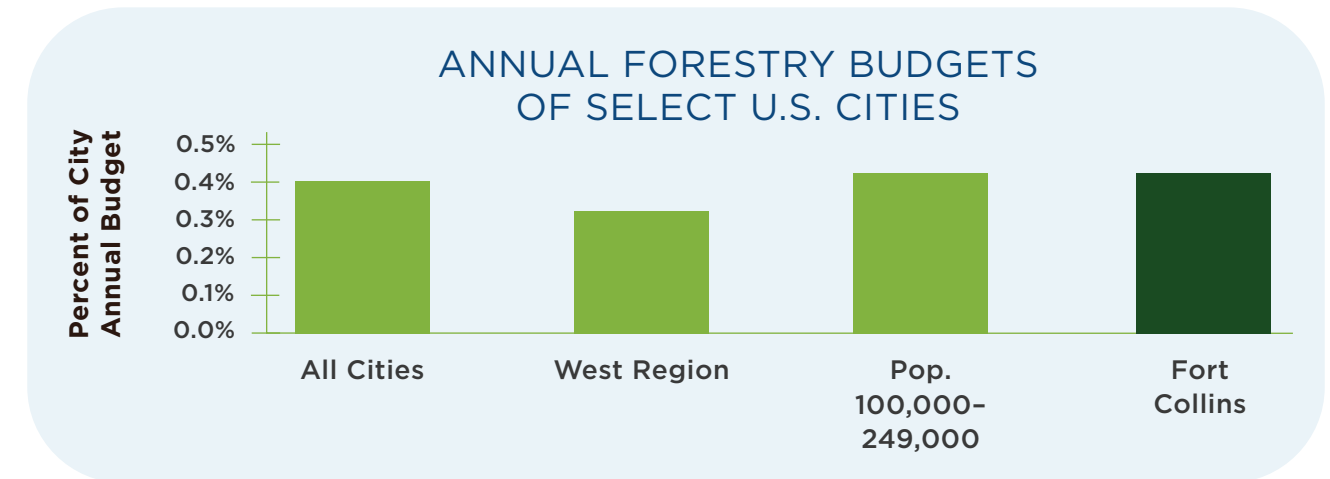


FIGURE 11. AS A PERCENTAGE OF THE TOTAL CITY BUDGET, FORT COLLINS IS ON PAR WITH THE AVERAGE FOR 463 CITIES THAT PROVIDED BUDGETARY INFORMATION TO A NATIONAL MUNICIPAL FORESTRY CENSUS.

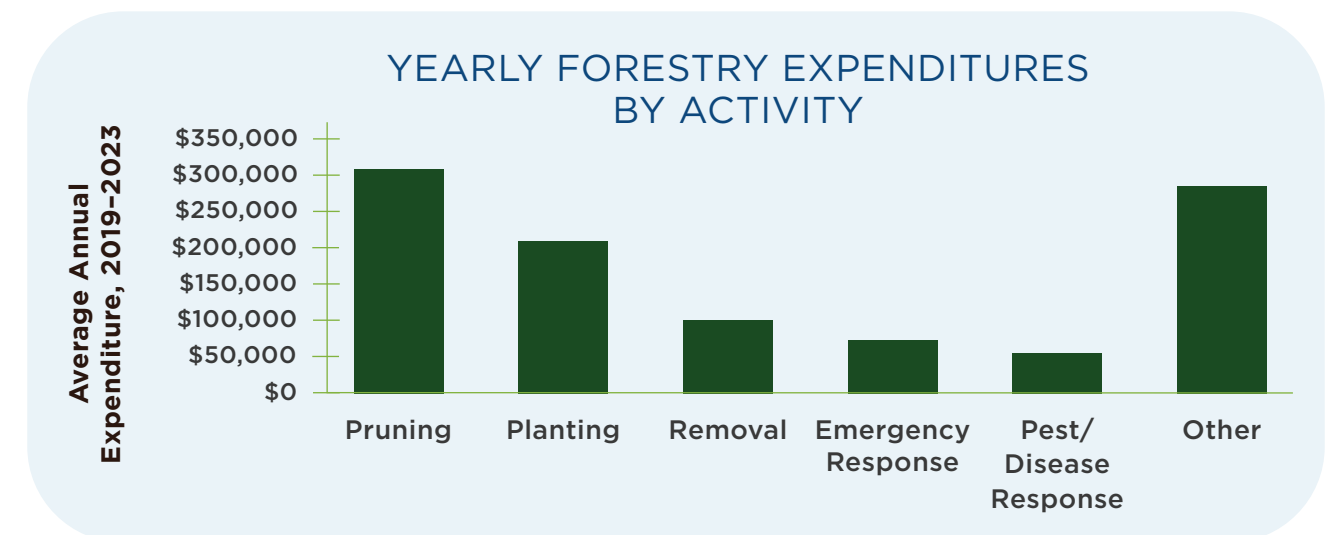


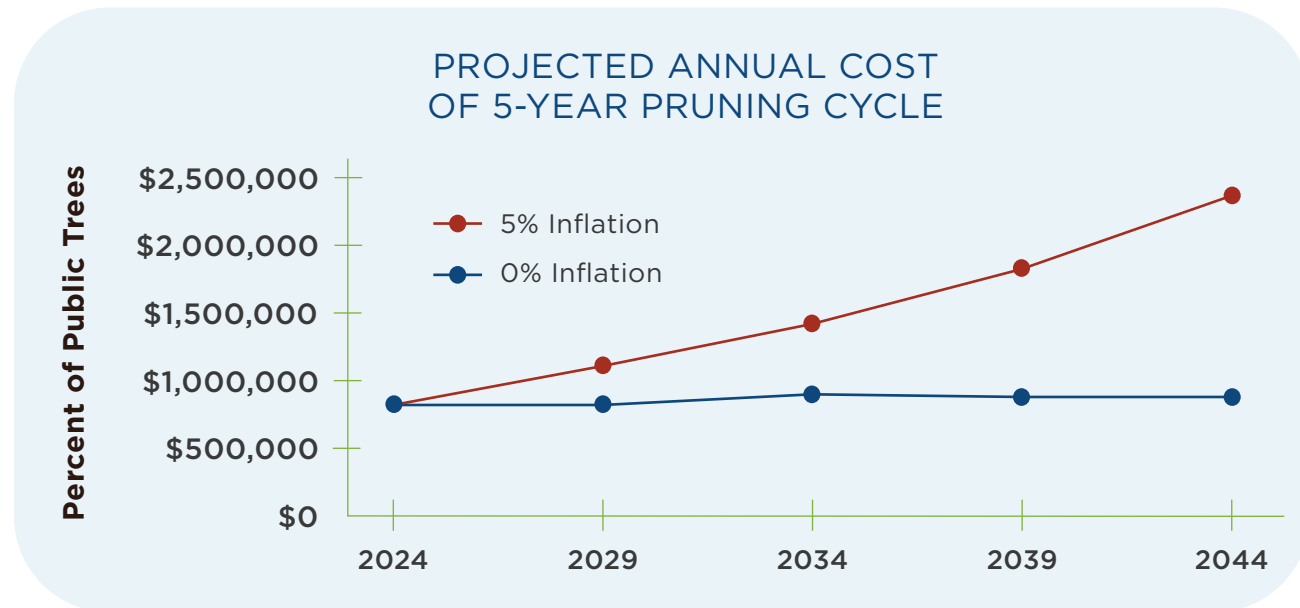
FIGURE 12. MOST OF THE FORESTRY DIVISION'S ANNUAL BUDGET FROM 2019–2023 WAS SPENT ON PRUNING PUBLIC TREES. PROACTIVE PRUNING HAS BEEN SHOWN TO REDUCE EMERGENCY RESPONSE EXPENDITURES BY UP TO 50%. EXPENSES IN THE "OTHER" CATEGORY INCLUDE SUPPLIES, MATERIALS, AND DEPARTMENT OPERATIONS.



## 54 ADDITIONAL CAPACITY WILL HELP FORESTRY KEEP PACE WITH GROWTH

In 2024, the Division employs 17 full-time staff, 5 hourly staff, and receives part-time assistance from one office assistant. One additional full-time position, housed within the Zoning Department, supports Forestry needs that relate to development. The Forestry Division has identified additional needed capacity in the near term:

- Planning & Policy Support.** An urban forest planner will help with grant writing, policy development, and the incorporation of the urban forest into long-range planning.
- Consistent & Safe Operations.** An additional operations crew, fully equipped, will help Forestry consistently achieve a five-year pruning cycle. Additional operations capacity will also allow for crew rotations among different tree activities, which is important for helping existing staff to develop new skills and remain safe and healthy in physically demanding positions.
- Contracted Services.** In the near term, an increase in contracted tree services can help the Forestry Division maintain the desired levels of pruning and planting until Forestry has the resources to support an additional operations crew. Thereafter, contracted tree services can supplement staff labor.
- Growing with the Urban Forest.** New development will increase the number of trees in the public inventory. To maintain a high level of service, Forestry budgets, staffing, and resources should scale in proportion to inflation and increases in the number of public trees (Figure 13).



**FIGURE 13.** WITHIN EXISTING CITY LIMITS, THE PROJECTED PRUNING COSTS UNDER A FIVE-YEAR PRUNING CYCLE FOR PUBLIC TREE MAINTENANCE ARE PROJECTED TO GROW AT THE RATE OF INFLATION. THE NUMBER OF NEW TREES AND GROWTH OF TREES INTO LARGER SIZE CLASSES WILL BE OFFSET BY AN AVERAGE MORTALITY OF 1%-2% PER YEAR AMONG PUBLIC TREES.

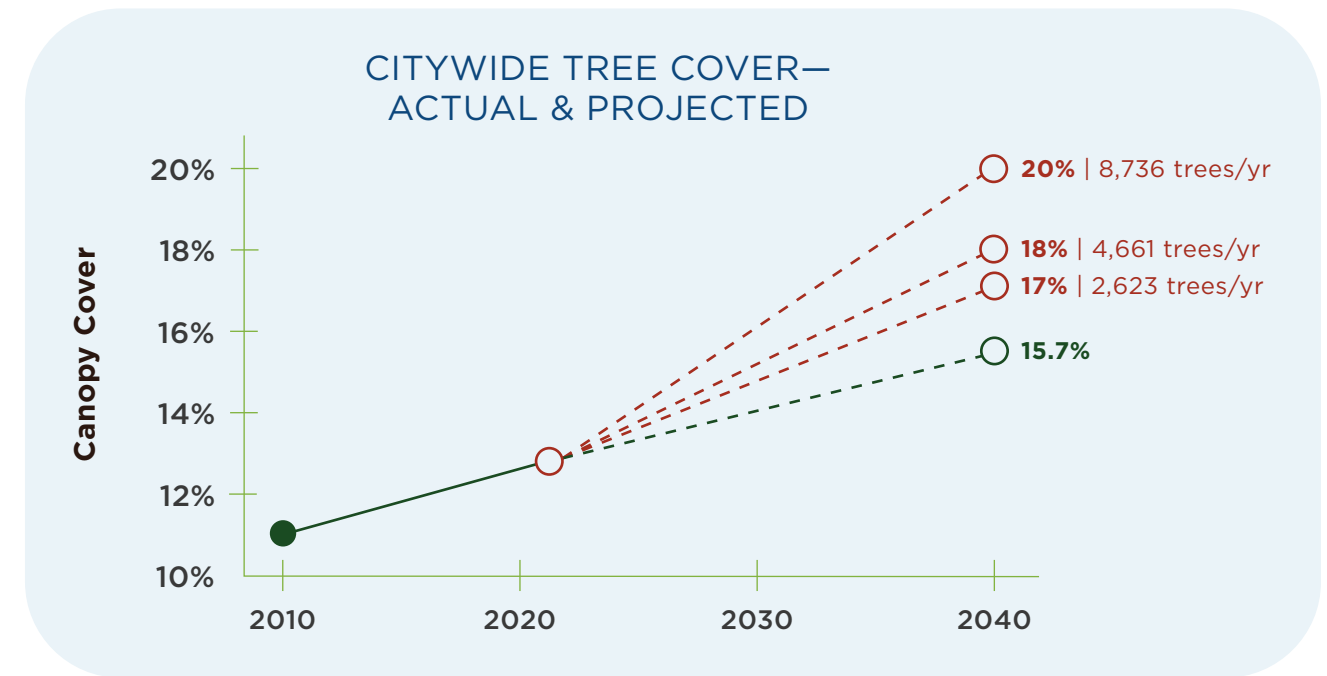
## 55 FORT COLLINS ON TRACK TO ACHIEVE 15.7% CANOPY COVER BY 2040

Fort Collins is on a path to achieve 15.7% tree cover by 2040 if the previous decade’s trend continues. Increasing the rate of canopy growth to deliver additional human health and environmental benefits would require a concerted effort to increase tree planting and preservation within both the public and private sector (Figure 14).

For example, growing tree cover to 17%-20% by 2040 would require additional planting or preservation of approximately 2,600-8,800 trees per year across public and private lands. The costs of such an endeavor vary but, using Forestry’s per-tree expenditure from 2019-2023

as a benchmark, costs are estimated to be \$1.3 million-\$4.3 million per year, spread across the public and private sector. Enhanced tree protection and preservation provides an alternative to tree planting to achieve the City’s canopy goal.

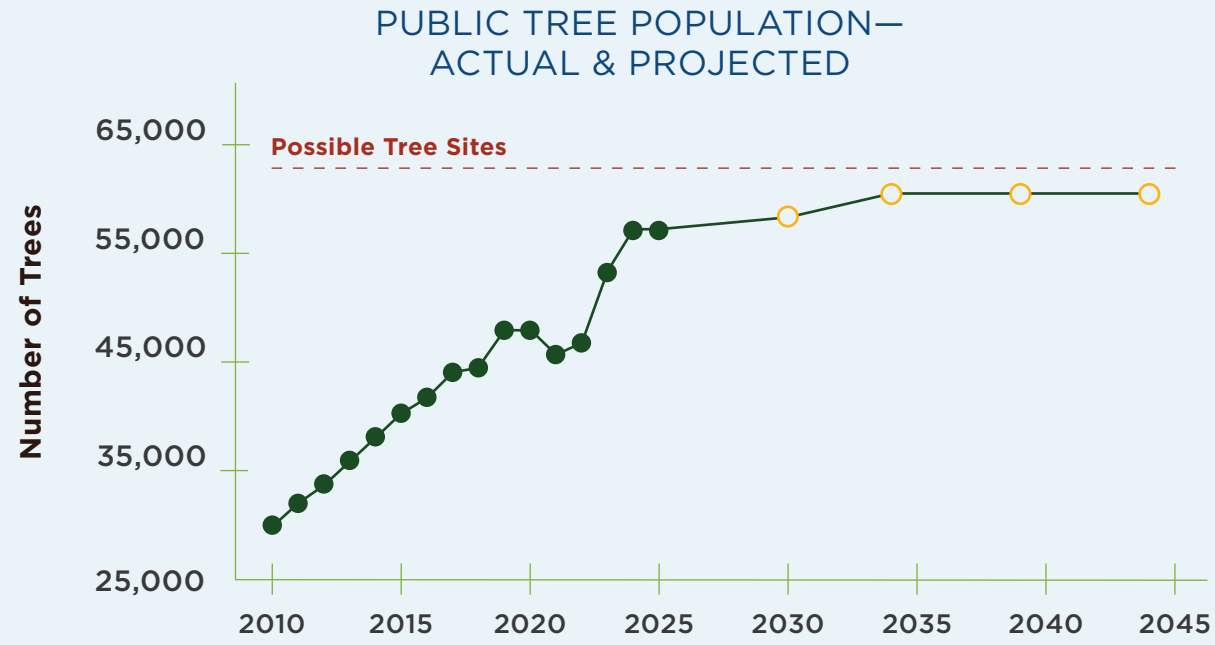
The population of public trees (on City property) is projected to slow its growth in the next 20 years as available vacant planting sites are filled (Figure 15). This does not account for additional tree sites that are added via development, which has averaged 1,500-2,000 trees per year in recent years.



**FIGURE 14.** IF THE CURRENT TREND CONTINUES, TREE CANOPY COVER IS PROJECTED TO REACH 15.7% BY 2040. ACHIEVING HIGHER LEVELS OF CANOPY COVER BY 2040 WOULD REQUIRE A SUSTAINED INCREASE IN PUBLIC AND PRIVATE TREE PLANTING OVER TIME.







**FIGURE 15.** IF THE CURRENT RATE OF ANNUAL TREE PLANTING AND MORTALITY CONTINUES, THE PUBLIC TREE POPULATION WILL LEVEL OUT OVER THE NEXT 20 YEARS AS IT APPROACHES THE MAXIMUM NUMBER OF AVAILABLE PLANTING SITES (RED LINE). THIS DOES NOT ACCOUNT FOR NEW TREE PLANTING SITES THAT MAY BE CREATED BY DEVELOPMENT.



## Summary of Findings

- Over the past decade, the Forestry Division has increased the number of public trees that it plants and prunes each year. The City has made significant progress toward its goal of a five-year pruning cycle.
- The Forestry Division’s budget is on par with the average forestry budget for U.S. cities, while delivering a level of service that is well above average.
- The Forestry Division is fully staffed and has identified needed capacity in grant writing, plan review, and operations. To provide a high level of service, meet its annual targets, and promote the health and career development of Forestry staff, the Forestry Division has a need for an additional operations crew and associated equipment in the coming years. Labor from contracted tree services can supplement Division capacity.
- In the future, Forestry Division resources should scale with the number of new trees that are added to the public tree inventory via development, the rate of inflation, and desired increases in the rate of tree canopy growth. 🌱





# 4

## FUTURE GROWTH STRATEGIES





# Future Growth Strategies

Three themes emerged from the strategic planning process to guide stewardship of Fort Collins' urban forest over the next 20 years:

## THEMES:



BUILD RESILIENCE & WELLBEING OF PEOPLE AND TREES.



SUSTAINABLY RESOURCE THE FORESTRY DIVISION AS THE URBAN FOREST GROWS.



EXPAND THE COMMUNITY'S KNOWLEDGE ABOUT TREE BENEFITS AND STEWARDSHIP.

The findings that are detailed above, as well as additional analysis that is presented in an accompanying technical appendix, informed the development of seven urban forestry Growth Strategies. Each Growth Strategy contains two levels of initiatives that can support implementation of this Urban Forest Strategic Plan. Fort Collins can select from, and refine, this menu of initiatives over the life of the Plan according to its capacity, resources, and community goals.

The Growth Strategies of the Urban Forest Strategic Plan reflect seven Outcome Areas that are detailed in the *City of Fort Collins 2024 Strategic Plan*. The most relevant Outcome Areas are listed for each strategy.



## Growth Strategy 1.



# STRATEGICALLY INVEST IN GROWING TREE CANOPY WHERE IT WILL PROMOTE RESILIENCE AND QUALITY OF LIFE IN FORT COLLINS

While tree canopy is growing in Fort Collins, it is not evenly distributed throughout the city. Forestry can support multiple community goals by targeting planting and maintenance where trees provide the most value. Creating a more comprehensive planting plan to guide planting decisions can help Forestry shift species composition, source trees, and spread out maintenance needs.

### Outcome Areas:

- Neighborhood & Community Vitality
- Culture & Recreation
- Transportation & Mobility
- Environmental Health

### FOUNDATIONAL INITIATIVES

- Prioritize equitable planting and maintenance within areas of greatest tree canopy loss that correspond to priority areas for human and environmental wellbeing.
- Implement a parks planting plan that aligns with the Living Tribute Tree program to strategically fill vacant planting sites in parks.
- Create a more comprehensive planting plan to fill vacant planting spaces over 10 years, prioritizing underserved areas where trees are needed most. Scale annual tree planting efforts to replace public tree losses due to natural mortality and other tree removals.
- Incorporate new species that are adapted to future climate conditions, for example, drought tolerant, pest/disease tolerant, and acclimated to warmer and more extreme temperatures.
- Work with water efficiency experts to create educational resources about trees and irrigation that include species guidance, proper tree watering techniques, and tree watering protocols for water conservation. Encourage the use of dedicated irrigation for trees.
- Grow the Community Canopy Program to supply more trees to residents for planting on private property, prioritizing areas where tree canopy is most needed.
- Influence and utilize Low Impact Development design to capture stormwater to water trees.

### TRANSFORMATIONAL INITIATIVES

- Coordinate with other City departments to integrate trees into a complete streets framework. Prioritize planting and maintenance along bicycle routes.
- Undertake a study of bus stops to understand patterns of recent tree canopy loss, create solutions to increase tree cover, and reduce conflicts between trees and bus infrastructure.
- Coordinate with other City departments to use smart growth urban design principles to develop a comprehensive heat mitigation plan for the built environment that prioritizes vulnerable populations. Include strategies for development, land use, and tree preservation.
- Build tree connectivity to parks and schools.
- Develop and set canopy goals for different geographies, for example, by block group, land use, or district, with a focus on underserved populations.
- Shift species composition of the urban forest toward more climate-adapted and drought-tolerant species.
- Build species-level diversity of the public tree inventory. Track the use of cultivars and varieties.
- Explore a citywide tree canopy goal that can inform planting and protection objectives for private property.
- Provide species guidance for tree giveaways and private planting.

## Foundational & Transformational Initiatives

- **Foundational Initiatives.** May be simpler to implement, or more urgent, or strategies that must be completed before Transformational Initiatives can be tackled.
- **Transformational Initiatives.** May be more complicated or difficult to implement, or they may represent standalone strategies that are complex or on a long implementation horizon, but overall they may provide more value to the forestry program and the City's larger community goals and Outcome Areas.





## COMPLETE THE SHIFT TO PROACTIVE MANAGEMENT OF FORT COLLINS' PUBLIC TREES

The Forestry Division strives for a five-year pruning rotation to maintain the health of public trees, create safe public spaces in the community, and reduce the cost of storm and emergency response.

### Outcome Areas:

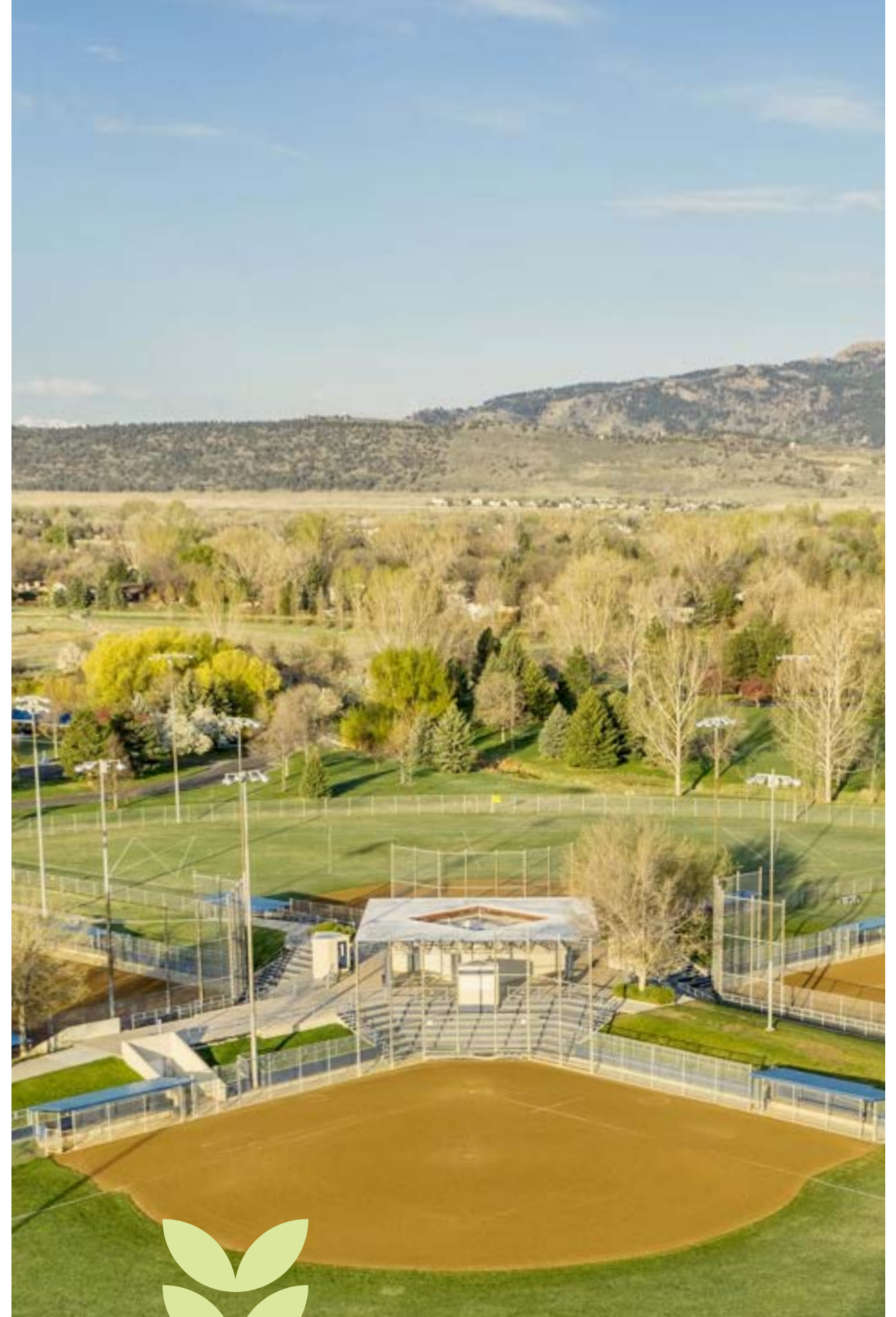
- Economic Health
- Safe Community
- High-Performing Government

### FOUNDATIONAL INITIATIVES

- Implement a five-year routine pruning cycle.
- Plan to scale up pruning activities as additional trees are added to the inventory.
- Use the existing tree inventory to inform management decisions based on species and size.
- Create an urban forest management plan that details Forestry operations over the next 5-10 years.
- Incorporate the storm response plan, the City's strategic plans, Parks Master Plan, Our Climate Future plan, and other city management plans into urban forestry operations.

### TRANSFORMATIONAL INITIATIVES

- Collect more detailed public tree inventory data to guide management that is based on risk rating, recommended maintenance, and/or related metrics.
- Project tree benefits under different management scenarios.
- Proactively implement climate adaptation strategies for multi-generational tree survivability and success.





## Growth Strategy 3.



# STRENGTHEN CITY POLICIES TO PROTECT TREES

In 2024, Fort Collins' municipal code focuses on the stewardship of public trees; however, only 12% of the City's tree canopy is publicly owned. Opportunities to protect trees on both public and private land—whether through policy or incentives—can help curb canopy losses, mitigate heat, and protect community tree benefits.

### Outcome Areas:

- Neighborhood & Community Vitality
- Environmental Health

### FOUNDATIONAL INITIATIVES

- Engage the community in adopting a citywide land use code to improve tree preservation and protection while balancing other priorities and needs of the community.
- Draft a heritage tree program that allows for the elective enrollment and protection of trees that have cultural, historic, or ecological value.
- Create policy summaries or tip sheets that clarify the responsibility for tree maintenance in spaces including alleyways, property boundaries, and ditches.
- Plan for education and outreach that will guide tree protection for development scenarios on private land.
- Reference existing good practices—best management practices and manuals, ISA Certified Arborist requirements, wood utilization program—in city code.
- Develop an adaptable response strategy for current and future threats from insect and disease.

### TRANSFORMATIONAL INITIATIVES

- Clarify the legal responsibility for trees within vacant and boundary areas (land without ownership) to encourage the protection and growth of tree canopy.
- Plan for tree preservation and tree canopy expansion within areas in the Growth Management Area that are to remain as future green space as identified by the Parks & Recreation Master Plan and the Natural Areas Strategic Framework.
- Demonstrate the role for trees in outdoor water efficiency by creating water-smart landscapes that incorporate trees on City property.
- Explore and expand tree protection and preservation policies within the Land Use Code to apply to non-development scenarios.
- Develop additional policy for newly acquired homeownership who make changes to their landscapes. Educate and engage with the public about policy scenarios to gauge public support.
- Require landfill diversion for wood waste that originates from private land.







## COLLECT DATA TO TRACK CHANGES TO TREE CANOPY OVER TIME AND TO INFORM FORESTRY ACTIVITIES

Accurate, up-to-date data informs sound decision making. Regular urban tree canopy assessments and tree inventory updates will provide information that can help the Forestry Division evaluate progress and refine management strategies.

### Outcome Areas:

- High-Performing Government

### FOUNDATIONAL INITIATIVES

- Repeat an urban tree canopy assessment in five years using 2026 data to measure canopy change. Collaborate with other City departments to expand the analysis to include additional land cover types and geographies.
- Map existing public trees that are under threat from pests and/or drought using inventory data; look for trends that may inform tree activities.
- Complete data fields for all public trees about irrigation status and emerald ash borer treatment priority.
- Conduct a sample inventory of natural areas in alignment with the Natural Areas Strategic Framework.

### TRANSFORMATIONAL INITIATIVES

- Repeat an urban tree canopy assessment in two years to capture early canopy changes due to emerald ash borer. Apply advanced mapping options to guide and measure the effects of policy changes.
- Update the public tree inventory on a five-year cycle.
- Use a sample inventory to evaluate tree species composition across the Growth Management Area to better understand resilience of the urban forest to pests, diseases, abiotic stressors, and climate change.





## Growth Strategy 5.



# SUSTAINABLY GROW THE FORESTRY DIVISION TO KEEP PACE WITH GROWTH OF THE URBAN FOREST

As the urban forest grows, additional capacity and a sustainable funding stream will be needed to keep pace with growth of the public tree inventory. Additional metrics about tree activities will be helpful for internal planning, budgeting, and reporting to both City Council and the community.

### Outcome Areas:

- Economic Health
- High-Performing Government

### FOUNDATIONAL INITIATIVES

- Internally track public requests that are submitted via phone and email.
- Regularly report on budget expenditures by tree activity.
- Create work plans to make efficient use of personnel and budget.
- Acquire additional staff for tree planting/preparation and pruning.
- Add capacity for grant writing and reporting.
- Pursue grants and other limited funding opportunities.
- Contribute to local initiatives to expand the green workforce.
- Align strategies with *Our Climate Future* and leverage funding from the 2050 Tax.

### TRANSFORMATIONAL INITIATIVES

- Use resource management software to track public requests.
- Create an urban forestry planner position.
- Annually or biannually report to the public on tree activities.
- Link tree activities to health, social, and environmental data, and to community data (transit ridership, cycling/pedestrian stats, city Outcome Areas) as available.
- Add at least one additional, fully equipped Forestry crew.
- Implement a staff rotation schedule. Regularly rotate Forestry staff to different teams to provide rest from physical labor and build knowledge across the team.
- Increase the space that is available to Forestry for operations, equipment, and wood waste. Locate space where it can maximize efficiency of fuel use and time.
- Increase the budget for tree maintenance over time as young trees grow.
- Create new sources of sustained funding, such as a Tree Fund, and align with City Give.





## Growth Strategy 6.



# DEEPEN ENGAGEMENT WITH THE COMMUNITY ABOUT TREE STEWARDSHIP

There is a great amount of support for trees and urban forestry in Fort Collins from the public, officials, and the surrounding region. This public support can help facilitate conversations about private tree protections and expand engagement to new community sectors.

### Outcome Areas:

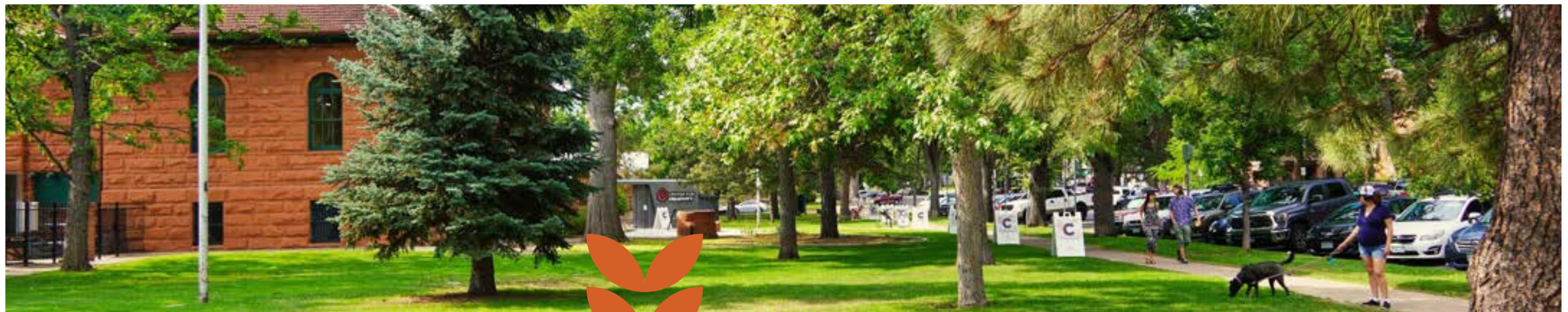
- Neighborhood & Community Vitality
- Environmental Health

### FOUNDATIONAL INITIATIVES

- Engage the public in policy updates that protect trees on private property.
- Continue and grow the Urban Forest Ambassador program.
- Provide educational resources to assist property owners with private tree planting, maintenance, and preservation.

### TRANSFORMATIONAL INITIATIVES

- Integrate forestry activities with implementation of the Active Modes Plan. Engage with Active Modes stakeholders including the cycling community.
- Expand engagement and volunteer opportunities into communities with health and social vulnerabilities.
- Align wood utilization efforts with larger Zero Waste initiatives.
- Engage with parks advocates; see Nature in the City and 15-Minute Walk campaigns.
- Engage with the business sector to promote trees for economic development, for example, by using trees to provide seasonal interest (e.g., Holiday Lights) and create inviting and comfortable spaces.
- Enlist community organizations to engage with their networks on topics including tree benefits, tree responsibilities, policy development, and volunteer opportunities.
- Work with other City departments and initiatives to develop and deliver coordinated education about holistic landscape management that considers trees, water, and the climate.
- Create resources on wood utilization best management practices for the public.
- Provide financial resources to assist property owners with private tree planting, maintenance, and preservation.
- Expand volunteer opportunities to assist with activities such as young tree pruning, watering assistance during drought, or community education.
- Create tip sheets that explain city code and policies in accessible, translated, and easy-to-understand language.







## EXPAND THE NETWORK OF FORESTRY DIVISION PARTNERS

Technical partnerships within urban forestry are abundant across the Front Range—see for example the Colorado Tree Coalition, the Front Range Urban Forestry Council, and the Emerging Pests in Colorado (EPIC) Committee. Increasing Fort Collins' presence and role within these collectives can promote greater knowledge sharing and adaptability for the city while building staff technical skills. Involvement can also promote adoption of the latest guidance and standards.


### Outcome Areas:

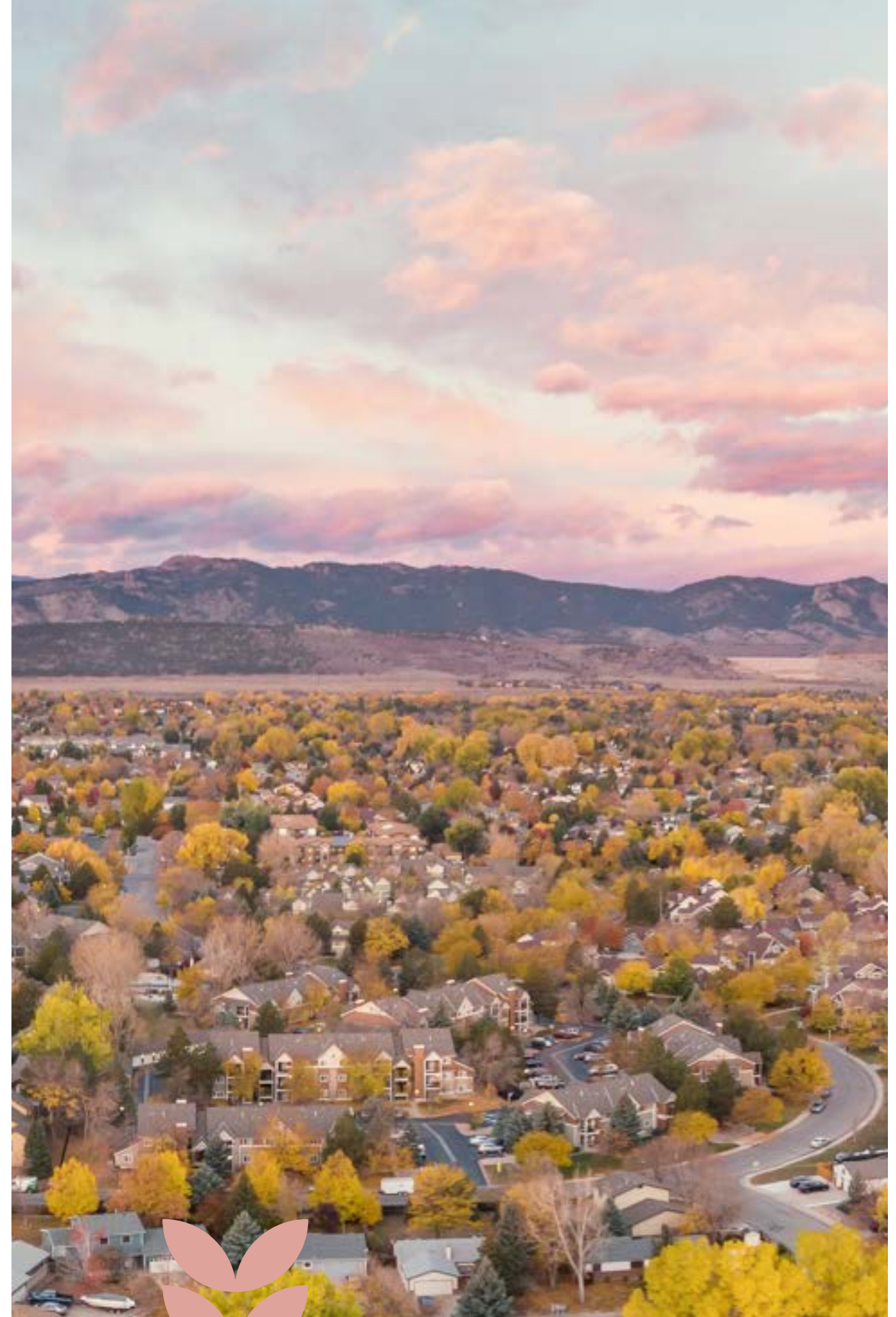
- Safe Community
- High-Performing Government

### FOUNDATIONAL INITIATIVES

- Continue regional work with nursery growers to secure the quantity and types of climate- and pest-adapted trees that will be needed to meet planting goals.
- Share urban forestry resources and knowledge with neighboring communities.
- Expand staff involvement in regional urban forestry networks; provide additional opportunities for staff that contribute to career development.

### TRANSFORMATIONAL INITIATIVES

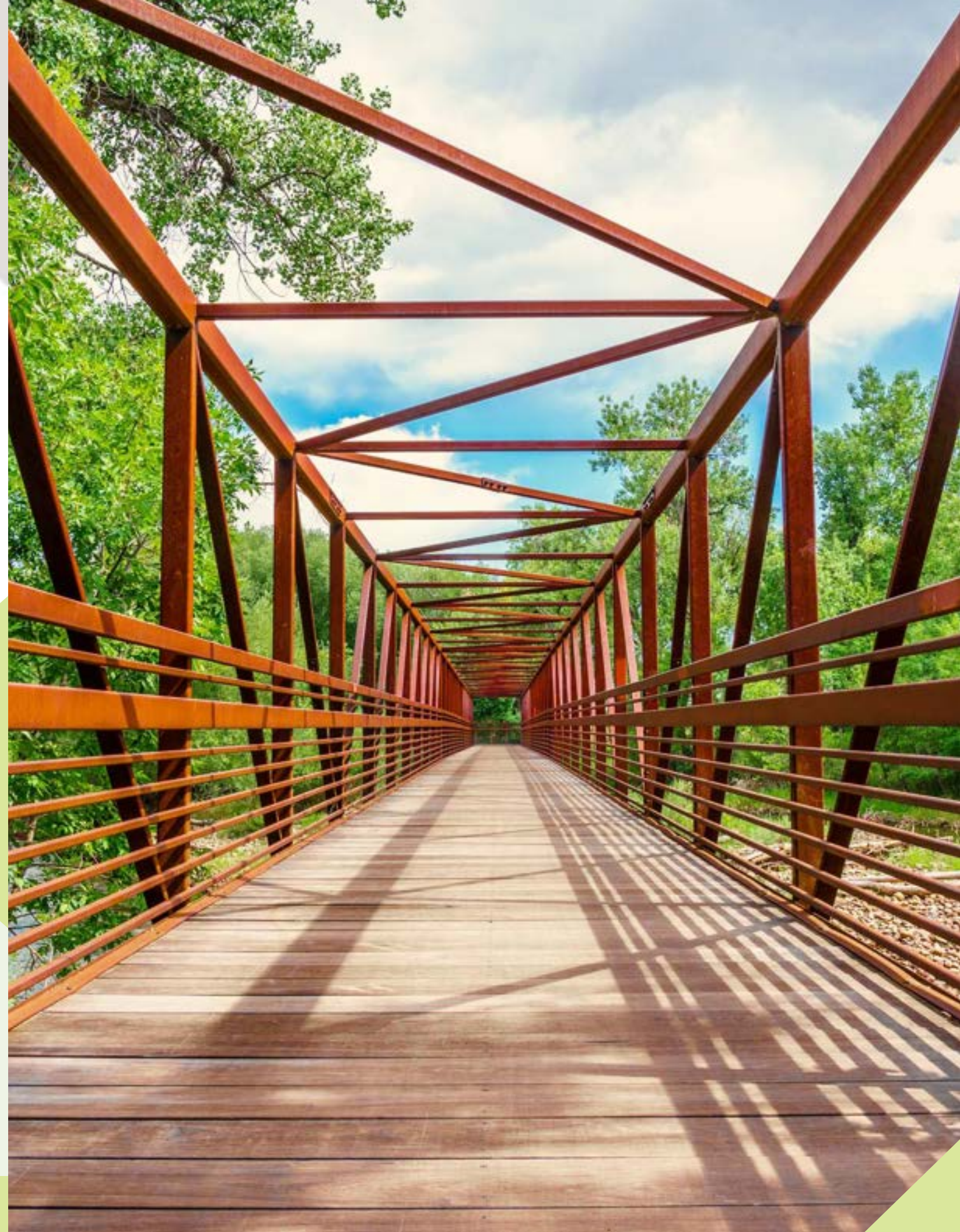
- Encourage large corporate and institutional campuses to develop tree plans.
- Continue engagement with partners about management of public trees.
- Contribute expertise about trees and urban forestry in regional planning efforts that relate to climate resilience, complete & green streets, human health, wood utilization, etc.
- Continue to support the wood waste program and grow the regional network of urban woodworkers and wood utilization partners. 





# 5

## MOVING FORWARD





# Moving Forward

“Other holidays repose upon the past; Arbor Day proposes for the future.”

—J. Sterling Morton

The trees in Fort Collins represent the deliberate, sustained stewardship of its residents over the past 160 years.

Growth of the urban forest over the next two decades, and adaptation to increase its resilience in the face of future threats, will similarly require deliberate and sustained care.

The Forestry Division is well positioned to lead this effort. It has set an example of collaboration and proactive maintenance. In recent years, the Division has hit two milestones that promote the growth and health of public trees, efficient operations, and public safety: planting that surpasses tree removals, and pruning at a level that is needed to achieve a 5-year pruning cycle.

To maintain this level of service over the next 20 years, the City should make near-term plans for a permanent, modest increase in Forestry Division resources to consistently meet these management targets. Thereafter, Division resources should plan to scale with the number of new trees that are added to the public tree inventory via development, the rate of inflation, and desired increases in the rate of tree canopy growth. Grants, as well as resources such as a Tree Fund, can supplement City funding streams.

In return, tree benefits to the people of Fort Collins—including cooler, cleaner air and water efficiency—will grow and become more equitable, promoting wellbeing and sustainability over the next two decades and beyond.



## IMPLEMENTATION & METRICS

The following table summarizes metrics and near-term implementation steps by Growth Strategy. It is not an exhaustive list, and it is expected that this information will change over time as the Urban Forest Strategic Plan is implemented.

### 1. STRATEGICALLY INVEST IN GROWING TREE CANOPY WHERE IT WILL PROMOTE RESILIENCE AND QUALITY OF LIFE IN FORT COLLINS.

**Timeframe:** 10–15 years.

**Next Steps:** Create a more comprehensive planting plan that focuses on underserved neighborhoods and low-canopied areas.

**Resources:** Regional forestry partners, scientists, local nurseries; transportation partners; grant funds for tree planting.

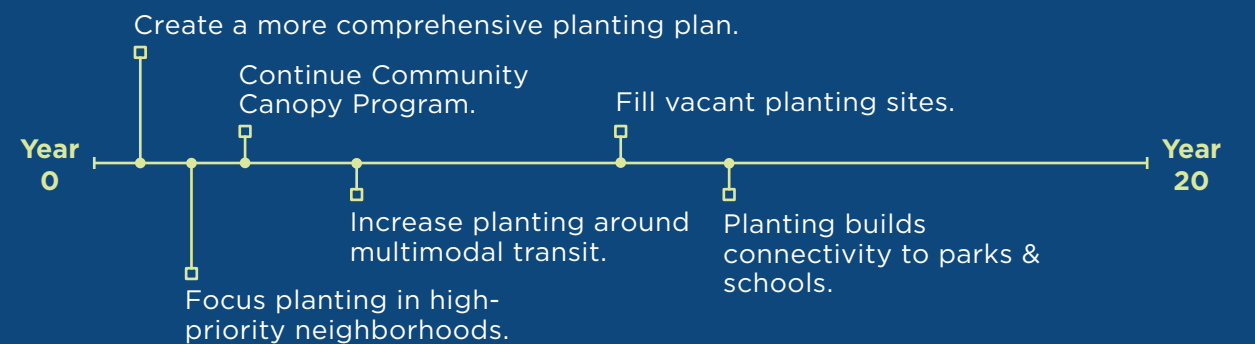
**Metrics:**

- Tree canopy cover: mean & variability.
- Public trees: number, size, condition, species diversity.
- Number of trees given to residents through the Community Canopy Program.
- 15-Minute City priority of City Council.
- Third-party metrics and planning frameworks for connectivity and social equity, such as Safe Routes to Schools and the Tree Equity Score (American Forests).

**Success Looks Like:**

- Growth in tree canopy over time.
- Smaller difference between areas of high and low tree canopy.
- Higher proportion of drought- and pest-resistant trees.
- Reduction in daytime and nighttime summer temperatures and the difference in temperature across the Growth Management Area.
- Residents will live within a 15-minute walk to nature and will have trees visible from where they live, work, and play.

#### Implementation Timeline



## 2. COMPLETE THE SHIFT TO PROACTIVE MANAGEMENT OF FORT COLLINS' PUBLIC TREES.

**Timeframe:** 5 years.

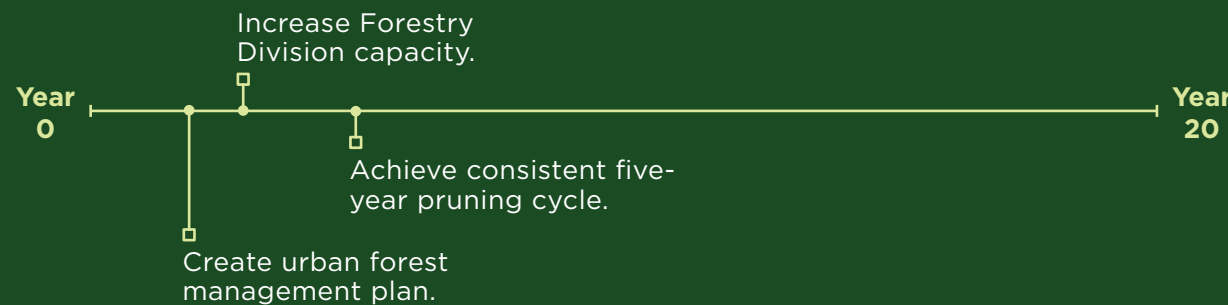
**Next Steps:** Create an urban forest management plan.

**Resources:** Urban Forest Ambassadors, pruning contractors.

- Metrics:**
- Proportion of public trees pruned each year.
  - Per-tree maintenance expenditures.
  - Value of tree benefits.
  - Expenditures on emergency response.
  - Number of public requests.
  - Number and credentials of Forestry staff.
  - Annual Forestry budget, Forestry allocations, and supplemental funding.

- Success Looks Like:**
- A sustained five-year routine pruning cycle.
  - An increase in the proportion of mature trees.
  - Reduced expenditures for emergency and storm response.
  - Growth in tree canopy benefits over time.
  - Land use incentives prioritize tree benefits and tree canopy equity for the people of Fort Collins.
  - Proactive climate adaptation strategies for long-term tree survivability.

### Implementation Timeline



## 3. STRENGTHEN CITY POLICIES TO PROTECT TREES.

**Timeframe:** 5 years.

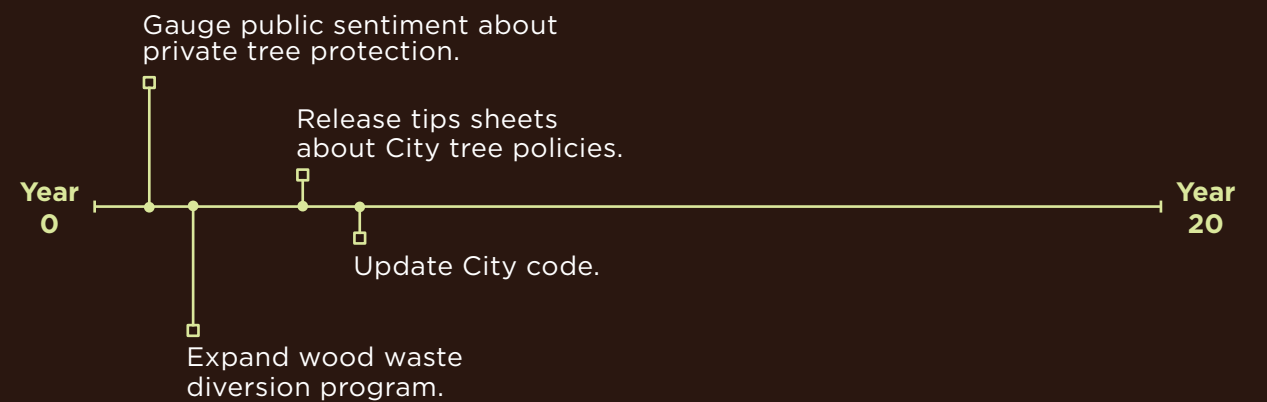
**Next Steps:** Begin public outreach about private tree protection, create tip sheets about existing policies.

**Resources:** City Council, peer cities.

- Metrics:**
- Tree canopy cover by land use.
  - Volume of diverted wood waste.
  - Number of participants in community outreach activities.
  - Gallons of outdoor water consumption.

- Success Looks Like:**
- An increase in net canopy growth on private property.
  - A public register of Fort Collins' heritage trees.
  - Expansion of the wood reutilization network.
  - Updated city code that reflects urban forestry best management practices and industry standards.
  - Best management practices for sustainable and water-efficient landscapes.

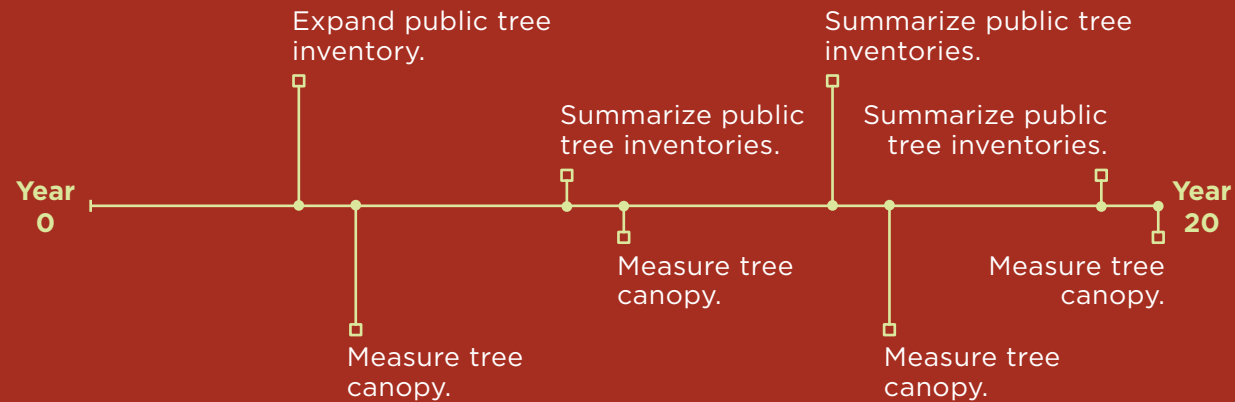
### Implementation Timeline



### 4. COLLECT DATA TO TRACK CHANGES TO TREE CANOPY OVER TIME AND TO INFORM FORESTRY ACTIVITIES.

- Timeframe:** Every 2-5 years.
- Next Steps:** Expand the attributes that are collected within the public tree inventory; plan for an updated urban tree canopy assessment.
- Resources:** Urban Forest Ambassadors, GIS specialists, ISA Certified Arborists, consultants
- Metrics:**
  - Up-to-date tree canopy studies and data.
  - Expanded public tree inventory attributes, including risk and irrigation status.
- Success Looks Like:**
  - Management and budgeting decisions are grounded in up-to-date information about public trees and citywide tree canopy.
  - Forestry activities are related to City Outcome Areas and other community goals.

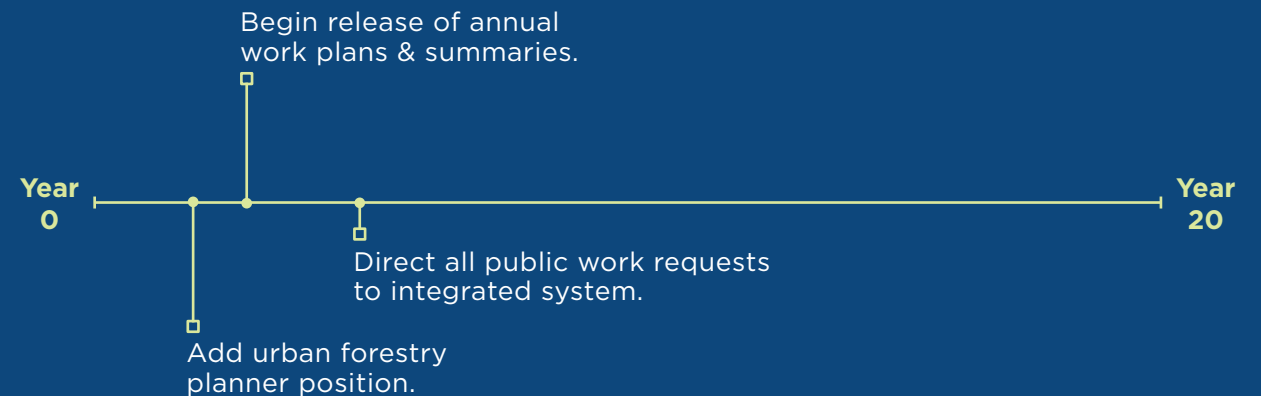
#### Implementation Timeline



### 5. SUSTAINABLY GROW THE FORESTRY DIVISION TO KEEP PACE WITH GROWTH OF THE URBAN FOREST.

- Timeframe:** 5-10 years.
- Next Steps:** Increase tracking of resident requests and annual reporting of tree activities.
- Resources:** City Council, Parks Department, Forestry Division staff.
- Metrics:**
  - Grant awards received.
  - Annual work plans.
  - Annual tree activities by type.
  - Budget requests & expenditures, by category.
  - Number and tracking of public work requests.
  - Number and credentials of Forestry Division staff.
  - Number of missed work days due to injury.
- Success Looks Like:**
  - Improved internal tracking on public requests and tree activities.
  - Increased public understanding and support of Forestry Division activities and budget.
  - Consistent, measured biannual budget increases.
  - Planned, sufficient growth of Division staffing and resources.
  - Successful grant requests.
  - A sustainable work environment that prioritizes employee health and wellbeing inside and outside of the workplace.

#### Implementation Timeline





## 6. DEEPEN ENGAGEMENT WITH THE COMMUNITY ABOUT TREE STEWARDSHIP.

**Timeframe:** 5-7 years.

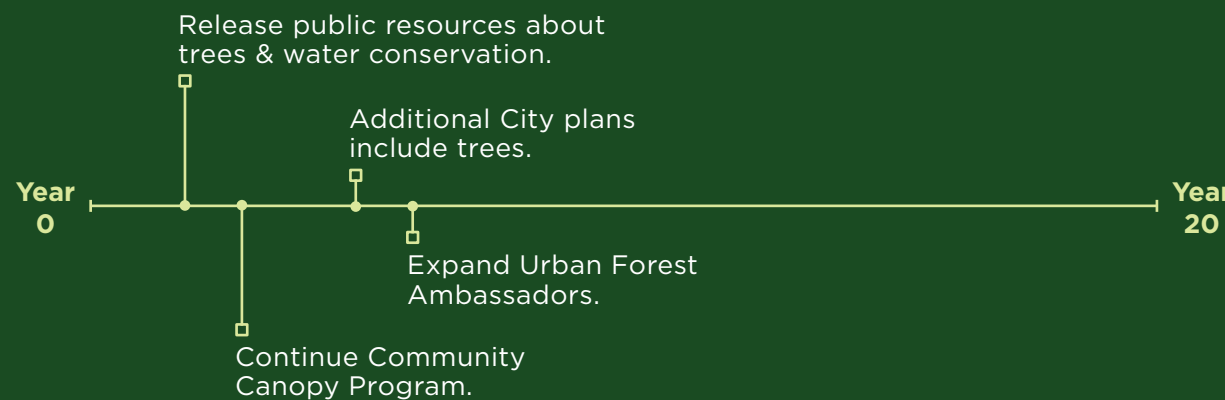
**Next Steps:** Increase community engagement about tree care; expand Forestry participation in other City departments' planning efforts.

**Resources:** Urban Forest Ambassadors, Planning and Development Services.

- Metrics:**
- Number of Urban Forest Ambassadors.
  - Accessible tip sheets and written resources.
  - Public participation.
  - City plans that integrate trees.
  - Resources provided to the public for tree planting and care.
  - Tree ordinances and code updates.
  - Forestry staff public appearances, media coverage, web/social media impressions.

- Success Looks Like:**
- Growth in the number of volunteers
  - An increase in the volume of wood waste that is diverted from landfills.
  - Increased net growth of tree canopy on private land.
  - Incorporation of trees in other City plans and initiatives, prioritizing urban heat and equitable distribution of canopy.
  - Expanded funding for tree planting and stewardship on private land.

### Implementation Timeline



## 7. EXPAND THE NETWORK OF FORESTRY DIVISION PARTNERS.

**Timeframe:** 3-5 years.

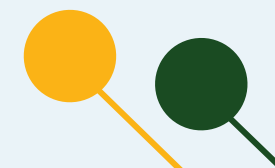
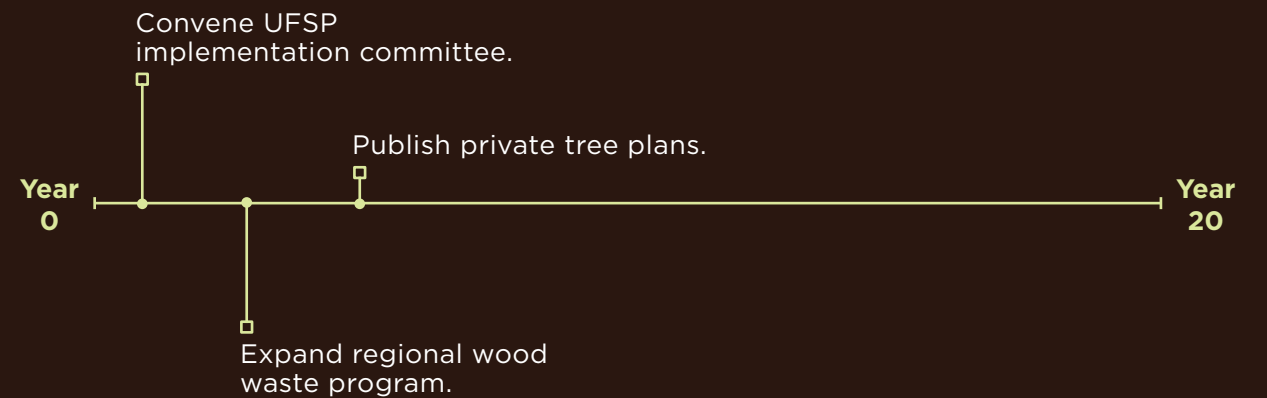
**Next Steps:** Form a committee to guide implementation of the Urban Forest Strategic Plan.

**Resources:** Colorado Tree Coalition, Front Range Urban Forestry Council, other regional groups.

- Metrics:**
- Number of regionally sourced trees.
  - Number of Forestry staff involved in regional groups/discussions.
  - Institutional/large campus tree plans.
  - Regional resources.

- Success Looks Like:**
- Increase in locally sourced trees.
  - An increase in the number of staff who participate in partner activities.
  - Equitable tree plans that are developed by institutions.
  - An increase in regional resources about trees. 🌱

### Implementation Timeline





# 6

## SELECTED REFERENCES & GLOSSARY





# Selected References

**Complete references can be found in the Fort Collins Urban Forest Strategic Plan Technical Appendix.**

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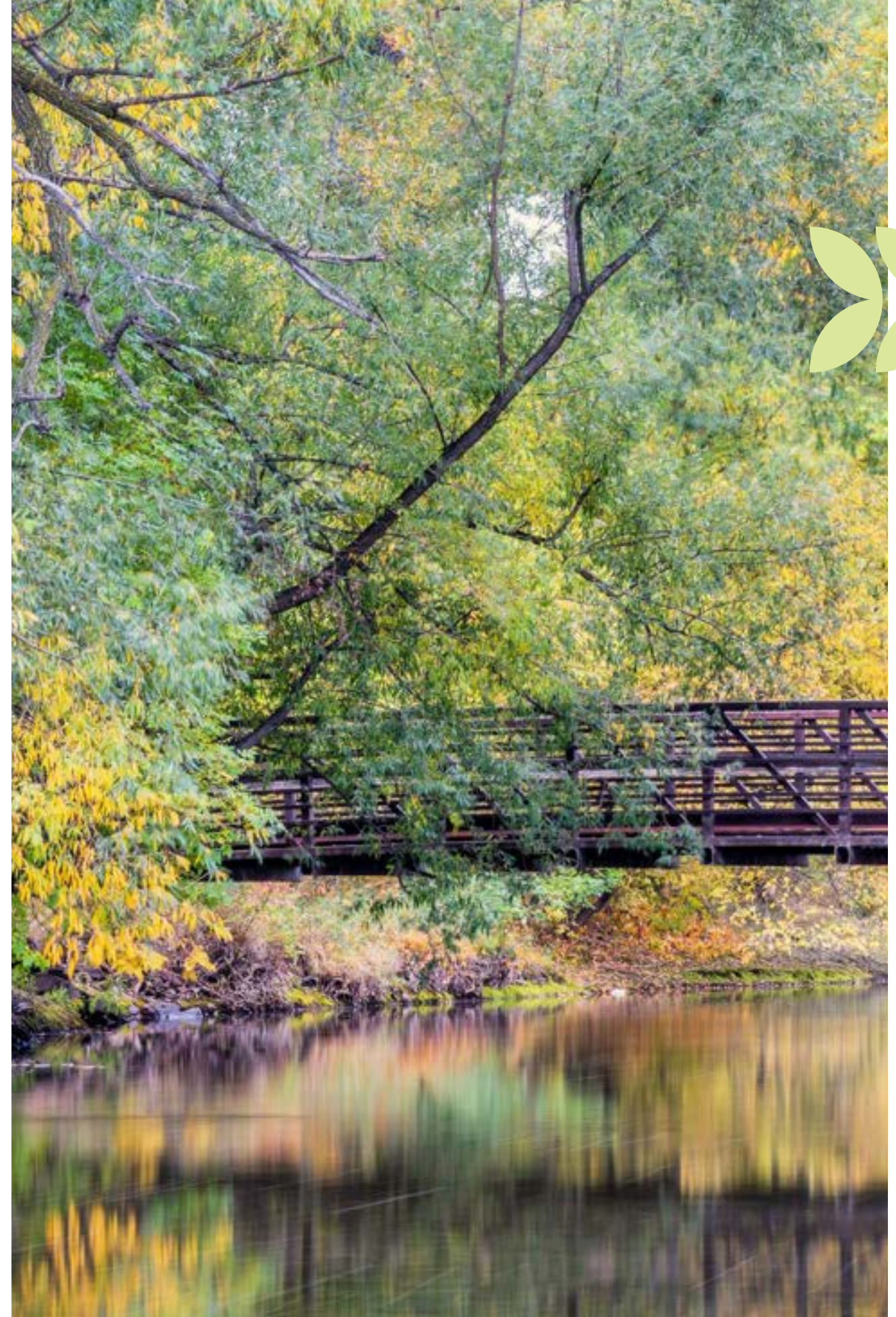
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# Glossary

**Biodiversity:** The variety of life that is found in a habitat or ecosystem.

**Block Group:** Federally defined geographic areas that are variable in size and typically contain between 600–3,000 residents.

**Carbon Sequestration:** The removal of carbon from the atmosphere to be stored within tree tissues.

**Conservation:** The careful preservation and protection of a resource, such as water or natural areas.

**Ecosystem Services:** The collection of social, environmental, and economic benefits that ecosystems provide to communities.

**Environmental Justice:** The just treatment and meaningful participation of all people to mitigate inequities and harms in the environment.

**Equity:** Equal access within a community to the same benefits, opportunities, and outcomes, factoring in systemic inequalities.

**Genus (plural, genera):** A grouping of closely related species.

**Geographic Information Systems (GIS):** Technology that is used to capture, store, manipulate, analyze, and display geographic data.

**Growth Management Area:** The area outside Fort Collins' city limits that delineates the possible future extent of city boundaries.

**Habitat:** The sum of the physical, chemical, and biological environment occupied by a particular species, population, or community.

**Land Use:** Describes the human use of land for cultural and economic purposes.

**Possible Planting Area:** An area of land where it is possible to plant trees; excludes places where tree canopy would conflict with existing land uses.

**Priority Planting Analysis:** A process to rank possible tree planting area based on the potential for trees to benefit the environment, human health, and social equity.

**Resilience:** The ability to withstand and recover from stressors such as pests, diseases, and drought.

**Social Equity:** The fair, just, and equitable management of resources and institutions that serve the community.

**Stewardship:** The responsible care and management of a resource.

**Stormwater Runoff:** Surface water that is not absorbed after a rainstorm or snow melt that flows into local waterways.

**Tree:** A woody plant that reaches a height of 15 feet or more at maturity.

**Tree Benefit:** A service that trees provide that improves the environment for people, plants, and wildlife.

**Tree Canopy:** The upper layer of foliage and branches of trees as seen from above.

**Tree Canopy Change:** A measure of how tree canopy cover differs from one point in time to another, expressed in acres and/or as a percentage.

**Tree Canopy Cover:** The amount of land that is covered by tree canopy as seen from above, expressed as a percentage of the total land area.

**Urban Forest:** The collection of trees growing along streets, in public parks and natural areas, and in the yards of homes, schools, and businesses.

**Urban Heat Island:** Urban areas that experience higher temperatures than nearby rural areas due to buildings and paved surfaces that trap and hold heat.

**Vulnerability:** Being able to be damaged or harmed. 





Item 3.





# Rooted In Community

Urban Forest Strategic Plan

# Technical Appendix

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## About This Document

This technical appendix, prepared by Davey Resource Group, Inc., is an accompaniment to the Fort Collins Urban Forest Strategic Plan (2024). It provides more detailed information about the methodology and findings that underlie the Plan and its recommendations.





# Strategic Planning Framework

When viewed from above, the green tree canopy of Fort Collins stands out against the surrounding steppe, shrubland, and grassland of the Front Range. Trees that have been planted over the past 160 years have grown to become one of the hallmarks of the city, enhancing the natural beauty and hospitality of the Cache la Poudre River valley.

The city of Fort Collins is in a period of growth—the city is expected to add 70,000 new residents by 2040 (City Plan, 2019). The shade, cooling effects, and carbon absorption of trees will make tree canopy a key component in regional approaches to climate mitigation, adaptation, and resilience as the city grows. Trees make streets and sidewalks safer and more comfortable for cycling, walking, and public transit. Trees cool the air, helping residents to save on energy costs and reducing the incidence of heat-related illness. Trees also capture stormwater and help to conserve irrigation water by cooling the ground and air.

In recent years, the city’s Forestry Division, founded in 1977, has been moving toward a more proactive approach to managing public trees. This Urban Forest Strategic Plan summarizes the state of Fort Collins’ urban forest, the near-term outlook for its public trees, the forestry program, public sentiment, and the City’s planning and policy framework. Then it proposes seven recommendations with tiered actions that the City can take to ensure that its urban forest remains healthy and vibrant into the future.

## The Urban Forest Strategic Plan

An urban forest strategic plan is a comprehensive plan for the management, protection, and improvement of the urban forest. It analyzes the existing condition, value, and resources of the urban forest and outlines a vision for the future, guided by input from the community. The plan provides a roadmap for implementation by prioritizing initiatives and actions to improve the urban forest over time. The development of an urban forest strategic plan is an important step in ensuring the long-term sustainability and resilience of the urban forest.

In 2023, the Forestry Division partnered with Davey Resource Group, Inc. to develop the *Fort Collins Urban Forest Strategic Plan*. The plan uses the principles of *adaptive management* to establish a 20-year vision for managing the urban forest (figure 1). Adaptive management is commonly used for resource planning and management and provides a conceptual framework for managing the urban forest. It seeks to develop an effective plan by answering a series of questions about Fort Collins’ present and future:



## Adaptive Management Process

1. **What do we have?** We looked at Fort Collins' existing urban forest, its current management, and public perception about trees. We put this into context by examining climate and social factors and the City's policy and planning framework.
2. **What do we want?** We engaged with City staff, partners, and the public and incorporated existing planning documents and urban forestry industry tools to identify priorities for the urban forest and the desired outcomes for the Forestry program.
3. **How do we get there?** We looked for gaps, opportunities, challenges, and desires for future canopy growth, social equity, staffing, and alignment with Fort Collins' future plans. This guided the creation of goals, initiatives, and actions that will be needed to achieve the desired outcomes.
4. **How are we doing?** We developed methods to create responsibility and accountability for the plan through audits and evaluations. Resulting metrics and information will feed back into the future adaptive management approach by providing an updated perspective on "What do we have?".

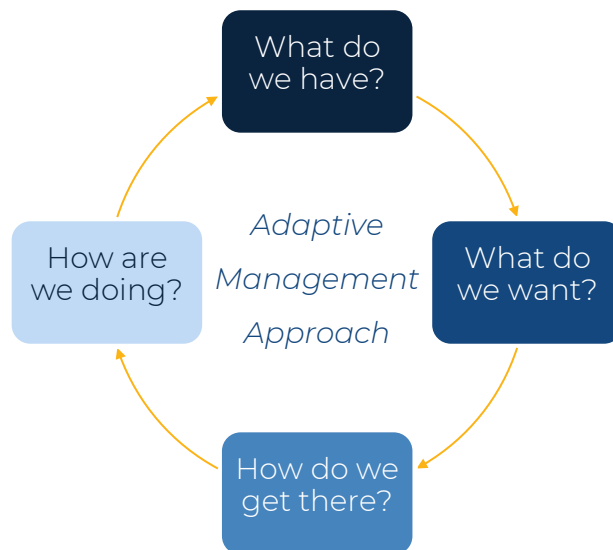


Figure 1. The adaptive management planning process used to create the Urban Forest Strategic Plan.





## Trees Support Fort Collins' Strategic Objectives

Fort Collins' 2024 Strategic Plan outlines seven Key Outcome Areas by which the city measures progress toward the vision and goals of its comprehensive plan:

1. High Performing Government
2. Culture & Recreation
3. Economic Health
4. Environmental Health
5. Neighborhood & Community Vitality
6. Safe Community
7. Transportation & Mobility

Trees relate to each of these seven Outcome Areas through the many social, ecological, and economic benefits that trees provide. Tree benefits and their relationships to the City's Key Outcome Areas are detailed throughout this document—look for the tree icon.





# Fort Collins' Urban Forest

Fort Collins' urban forest includes trees growing along streets, in public parks and natural areas, and in the yards of homes, schools, and businesses. Together, these trees are a dynamic, living system that provides invaluable environmental, economic, and societal benefits to enhance the quality of life in Fort Collins.

## URBAN TREE CANOPY

An **urban tree canopy assessment** was conducted by Davey Resource Group, Inc. in collaboration with the City of Fort Collins to better understand the city's urban tree canopy—where it is, how it's changing, the benefits it provides to residents, and where potential tree planting opportunities exist. The urban tree canopy assessment uses aerial imagery to measure the amount of tree canopy on both public and private property as viewed from above.

The urban tree canopy assessment analyzed 2021 high-resolution aerial imagery of Fort Collins to determine:

- **tree canopy cover by land use and geography:** land area that is shaded by trees when viewed from above, summarized by social and political boundaries
- **change in tree canopy cover from 2011–2021 by land use and geography:** how tree canopy cover has changed within social and political boundaries over the past decade
- **ecosystem benefits analysis:** estimates the benefits provided by the city's entire tree canopy
- **priority planting analysis:** prioritizes possible tree planting locations by stormwater, urban heat island, social equity, and human health benefits
- **tree placement analysis:** characterizes potential planting areas based on their suitability for large-, medium-, and small-stature trees

The information derived from the urban tree canopy assessment:

1. Establishes a baseline of tree canopy cover for future analysis
2. Estimates the rate of change in tree canopy over the past decade
3. Estimates the public benefits that are provided by existing tree canopy
4. Can help inform decision making about urban forest management, tree preservation, and future planting

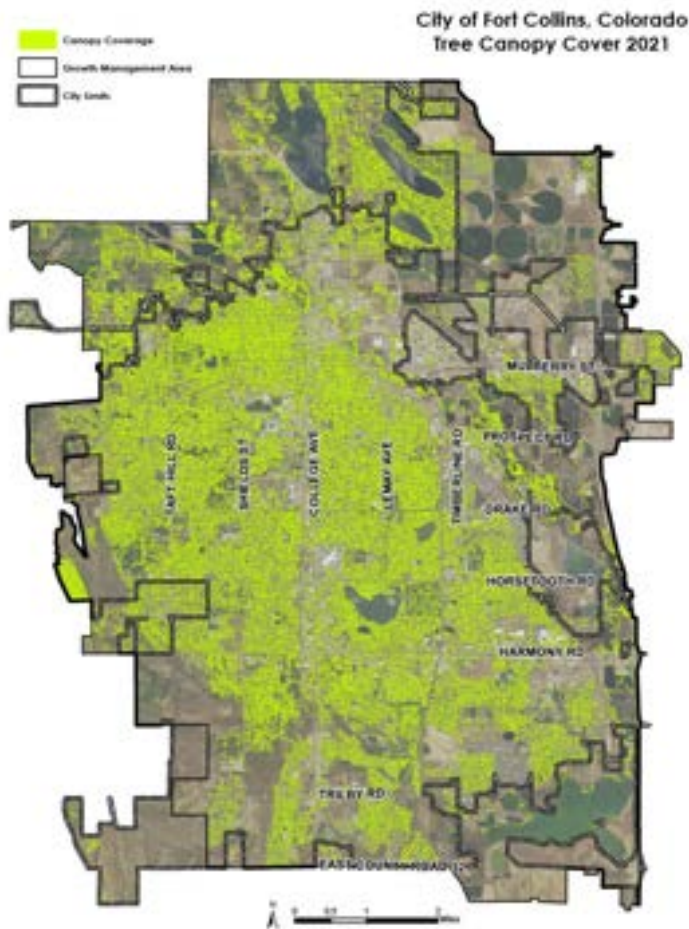


### Tree Canopy Cover and Change, City Limits & Growth Management Area

The urban tree canopy assessment measured tree canopy cover within current city limits. To provide a baseline for growth over the next 20 years, the assessment also measured tree cover across city limits plus the growth management area.

Within the current city boundaries, Fort Collins has 5,116 acres of tree canopy, equal to 13.7% tree cover (map 1). The growth management area includes an additional 1,280 acres of tree canopy, bringing the total tree canopy area for city limits plus the growth management area to 6,396 acres (12.6% cover).

Tree canopy cover derived from 2021 aerial imagery was compared to a 2011 tree cover analysis that was conducted by PlanIt Geo to examine how tree canopy has changed across Fort Collins in the prior decade. During this period, Fort Collins experienced a net gain of 753 acres within city limits and a total gain of 936 acres of tree canopy across city limits plus the growth management area (equivalent to 708 football fields), a net increase of 17.2% tree cover since 2011.



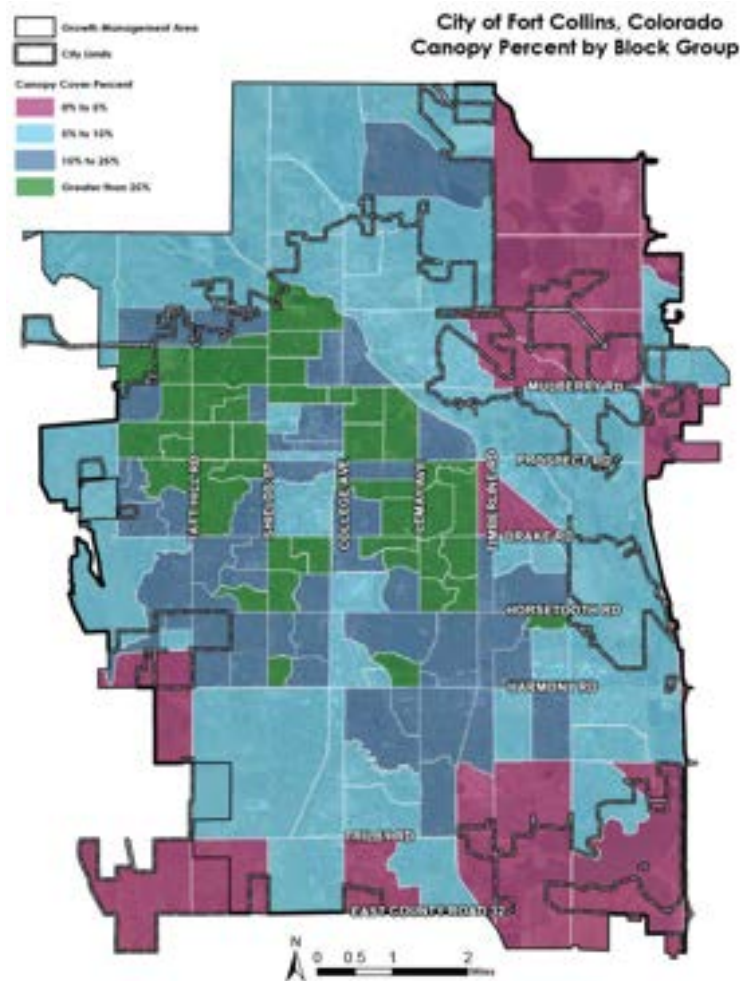
Map 1. Tree canopy cover in Fort Collins city limits and the growth management area, based on 2021 high-resolution aerial imagery.



### Tree Canopy Cover and Canopy Change by US Census Block Group

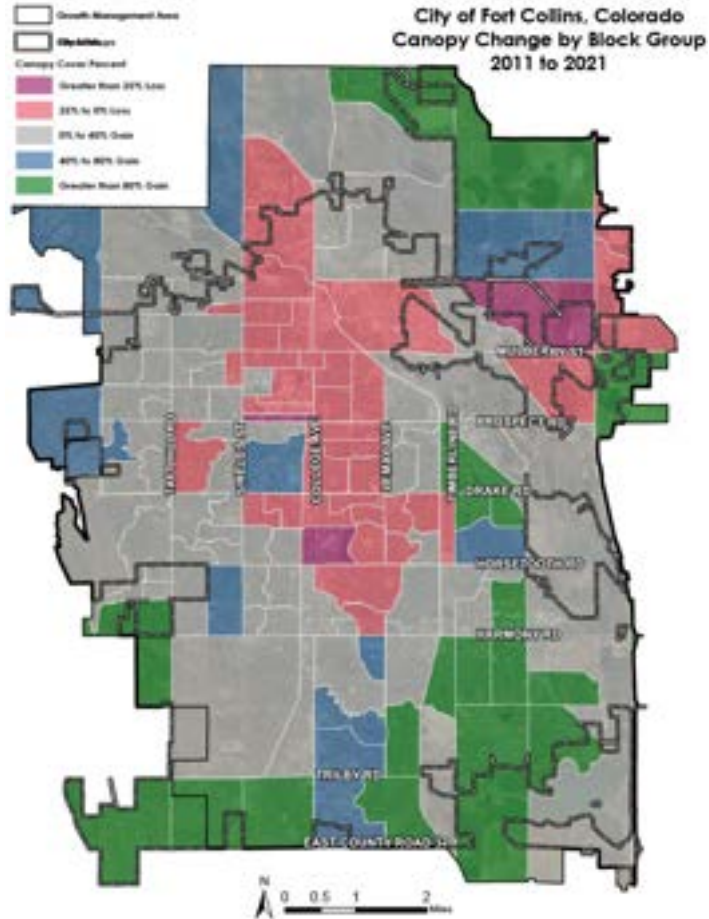
US Census *block groups* are federally defined geographic areas that are variable in size and typically contain between 600–3,000 residents. Block groups make for useful study areas due to the wide variety of sources that use census boundaries to report social and economic data. In Fort Collins during the 2020 U.S. Census, there were 137 block groups ranging in size from 2–3,025 acres.

Among Fort Collins’ block groups, tree cover ranges from <0.1% to 41% (map 2). From 2011–2021, 69% of block groups experienced tree canopy growth (maximum growth: +378% tree cover), while 30% of block groups lost tree canopy (maximum loss: -53% tree cover; map 3; figure 2).



Map 2. Tree canopy cover within Fort Collins city limits and the growth management area by U.S. census block group.





Map 3. Tree canopy change by U.S. census block group, 2011–2021.

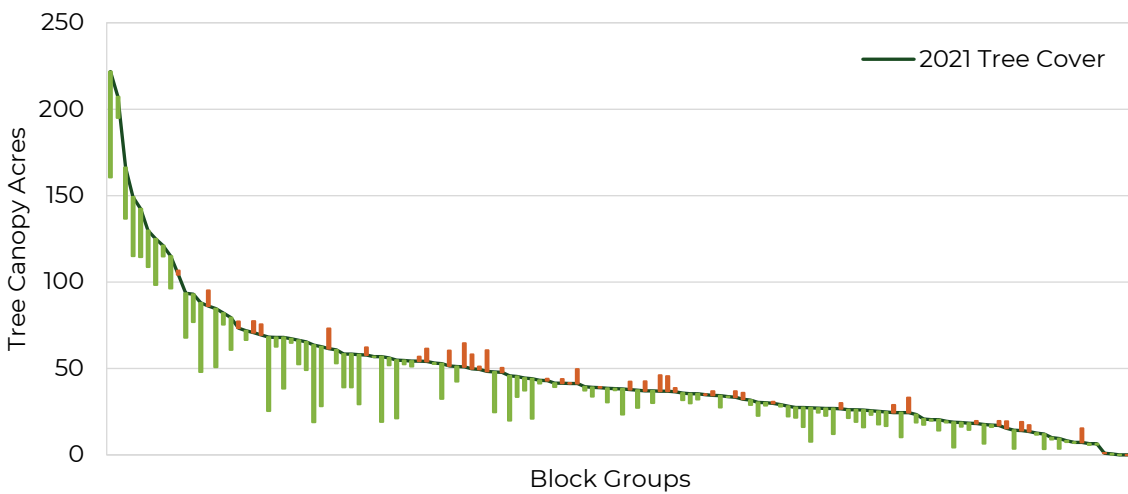


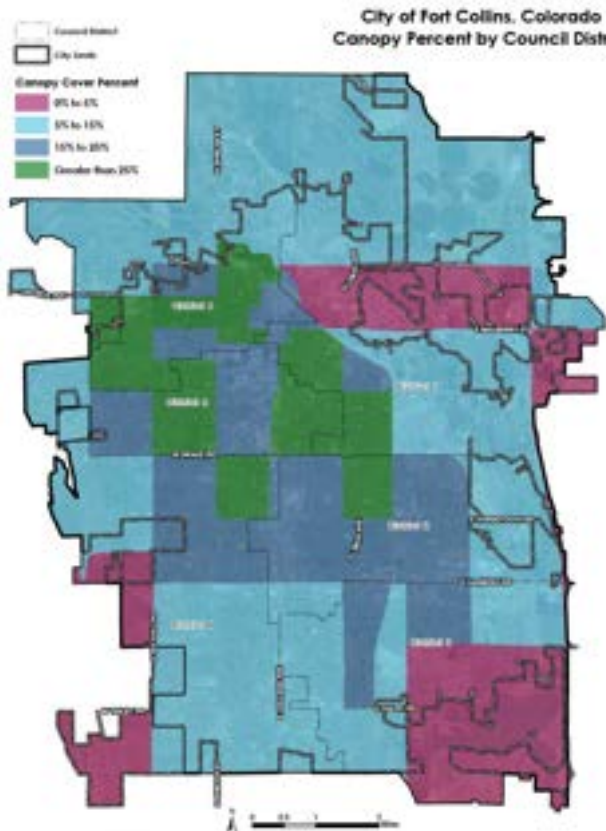
Figure 2. Census block groups in order of largest to smallest by tree canopy acres. Change in tree canopy acres from 2011–2021 is represented by green bars (net gain) and orange bars (net loss).



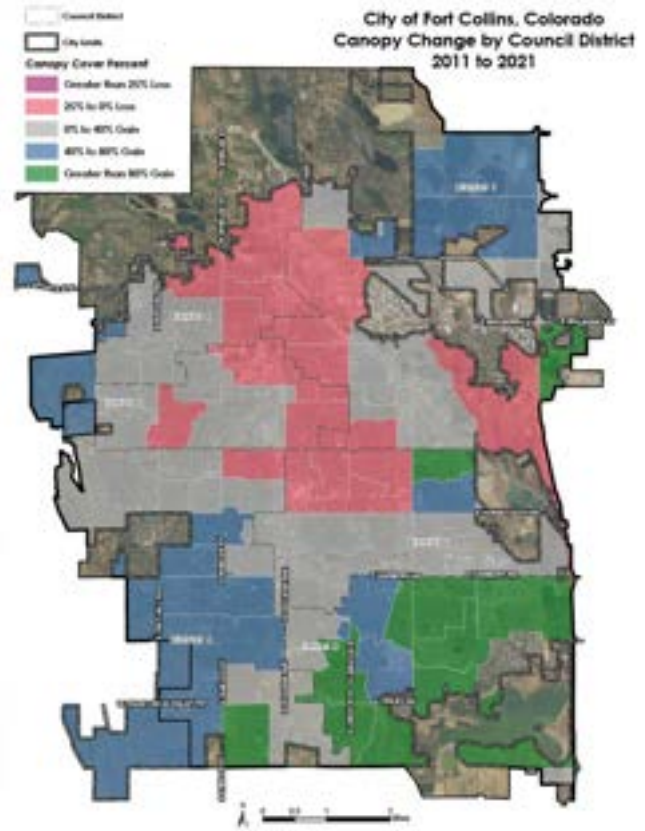


### Canopy Cover and Canopy Change by City Council District & Precinct

Among the six city council districts, tree canopy cover ranges from 8.9% to 25.1% (map 4). From 2011–2021, council districts 1–5 experienced net growth in tree cover (range: +6.1% in District 5 to +110% in District 3), while District 6 experienced a slight net loss of tree cover (-0.6%; map 5, figure 3).



Map 4. Tree canopy cover by city council precinct and district.



Map 5. Tree canopy change by city council precinct and district, 2011–2021.

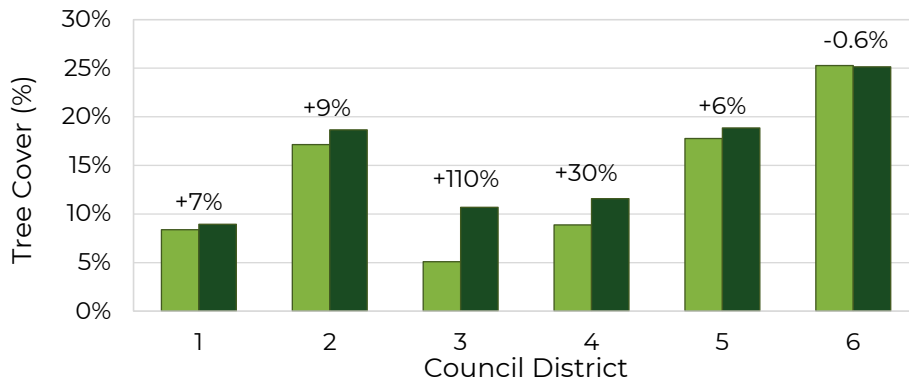


Figure 3. Tree canopy cover by council district in 2011 and 2021. Labels indicate net change in tree cover from 2011–2021.



### Canopy Cover and Canopy Change within Parks

Trees add to the natural beauty of parks and enhance the value of green space for many types of recreational uses. Trees within parks and natural areas also serve as important habitat for urban wildlife. For these reasons, planting, maintaining, and preserving canopy trees, with a focus on native species, are priority actions that are named in Fort Collins' *Recreate: Parks & Recreation Master Plan (2021)*.

Among Fort Collins' 60 parks, cemeteries, and golf courses, average tree cover is 18.9% over 1,379 total park acres (figure 4, table 1), greater than the city average of 13.7% tree cover. Tree cover ranges from no measurable tree canopy at Richards Lake Park to up to 62% cover at Indian Hills Park. In the study period from 2011–2021, there was a net gain of 47.7 acres (+1.7%) of tree canopy across the studied parks.

Six future park sites provide a potential for up to 102 acres of new tree canopy area.

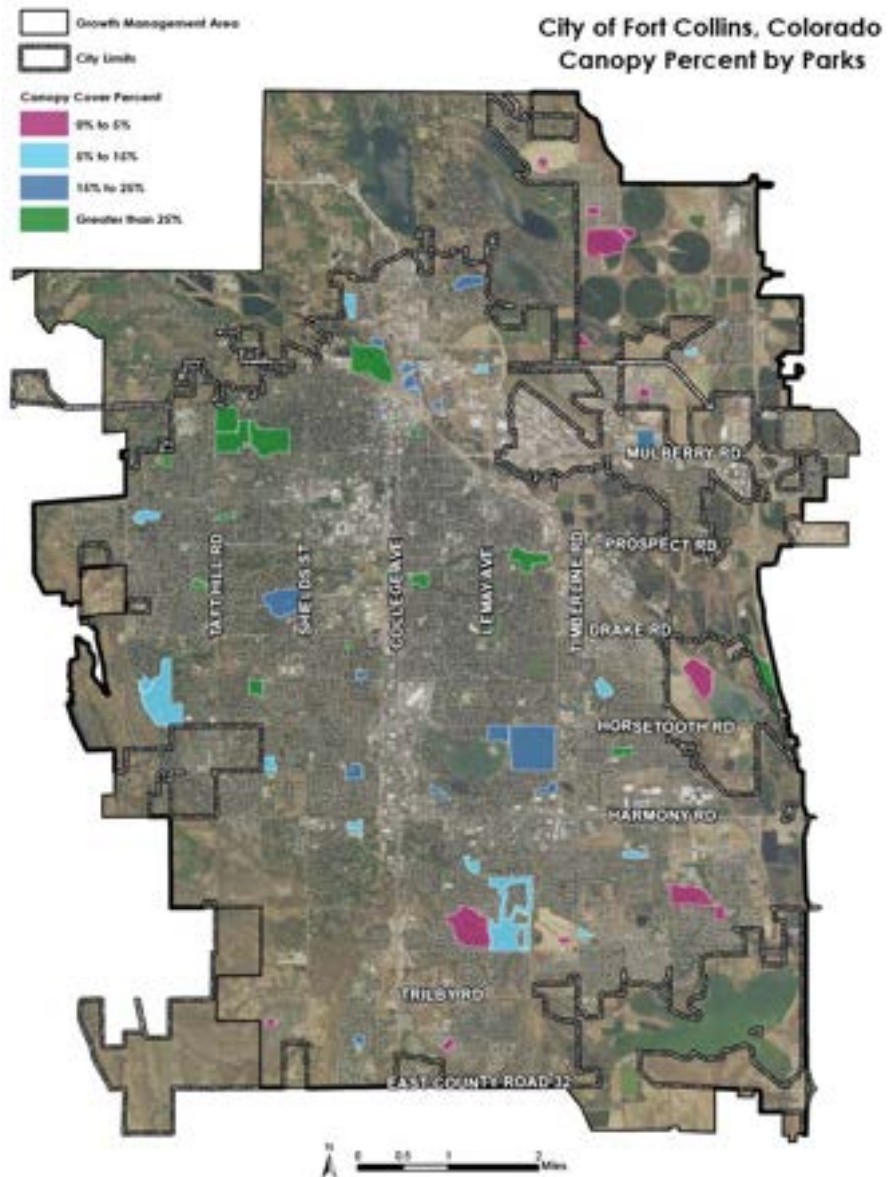


Figure 4. Tree canopy cover within Fort Collins parks.



Table 1. Tree canopy cover and change by park. Possible tree canopy includes grassy and vegetated areas where trees could potentially be planted. Maximum tree canopy is the sum of existing and possible canopy.

PARK	ACRES	TREE CANOPY	CHANGE 2011-2021	POSSIBLE CANOPY	MAXIMUM CANOPY
Alta Vista Park	0.6	41%	2%	15%	56%
Archery Range	54	34%	14%	50%	84%
Avery Park	6	45%	8%	36%	81%
Beattie Park	7	23%	5%	17%	40%
Blevins Park	6	33%	23%	59%	93%
Buckingham Park	5	15%	1%	46%	62%
City Park	76	29%	9%	29%	58%
City Park Nine Golf Course	55	28%	5%	1%	29%
Civic Center Park	2	24%	-6%	44%	69%
Collindale Golf Course	157	16%	12%	1%	16%
Cottonwood Glen Park	12	12%	119%	60%	72%
Creekside Park	3	29%	37%	39%	68%
Crescent Park	7	0.1%	100%	78%	78%
Eastside Park	2	31%	28%	53%	84%
Edora Community Park	42	25%	34%	40%	65%
English Ranch Park	12	26%	143%	38%	63%
Fossil Creek Community Park	96	4%	241%	51%	54%
Freedom Square Park	0.5	25%	-28%	22%	47%
Golden Meadows Park	11	22%	39%	43%	65%
Grandview Cemetery	43	39%	1%	0%	40%
Greenbriar Park	22	17%	75%	49%	67%
Harmony Park	10	11%	>600%	64%	75%
Homestead Park	6	16%	>600%	73%	89%
Indian Hills Park	2	62%	3%	36%	99%
Landings Park	8	22%	30%	36%	59%
Lee Martinez Community Park	90	33%	-2%	47%	80%
Legacy Park	9	16%	-21%	75%	91%
Leisure Park	0.9	54%	14%	27%	80%
Library Park	5	51%	9%	21%	72%
Lilac Park	0.7	18%	51%	59%	77%
Miramont Park	10	12%	269%	66%	78%
Oak St Plaza Park	0.3	55%	-9%	0%	55%
Old Fort Collins Heritage Park	14	22%	38%	38%	60%
Overland Park	16	15%	56%	48%	62%
Poudre River Whitewater Park	11	15%	-43%	47%	63%
Rabbit Brush Park	2	18%	155%	55%	73%
Radiant Park	9	3%	100%	71%	73%
Registry Park	5	2%	363%	78%	80%
Richards Lake Park	6	0%	0%	100%	100%
Ridgeview Park	11	11%	167%	67%	77%
Rogers Park	8	32%	69%	55%	88%
Rolland Moore Community Park	71	22%	27%	36%	58%
Romero Park	0.2	37%	28%	35%	72%
Roselawn Cemetery	28	20%	2%	46%	66%
Rossborough Park	16	26%	45%	69%	95%



PARK	ACRES	TREE CANOPY	CHANGE 2011-2021	POSSIBLE CANOPY	MAXIMUM CANOPY
Soft Gold Park	17	14%	192%	64%	78%
Southridge Golf Course	127	12%	73%	7%	19%
Spencer Park	0.4	45%	-1%	45%	90%
Spring Canyon Community Park	116	14%	77%	64%	77%
Spring Park	16	32%	16%	42%	74%
Stewart Case Park	14	6%	129%	67%	73%
Sugar Beet Park	6	8%	74%	71%	79%
Traverse Park	5	7%	0%	80%	87%
Troutman Park	15	22%	68%	48%	69%
Twin Silo Community Park	54	2%	-15%	51%	53%
Warren Park	25	21%	13%	37%	58%
Washington Park	0.7	56%	15%	42%	98%
Water's Way Park	8	1%	>600%	80%	81%
Westfield Park	15	9%	511%	63%	72%
Woodwest Park	3	36%	1%	60%	96%



### Trees Enhance Culture & Recreation

Trees enhance urban parks and green space by providing shade, beauty, and by contributing to the ecological function of green islands within the built environment. Trees along transit corridors build connectivity to parks and green space that eases the passage of both humans and wildlife.

According to Trust For Public Land's ParkServe mapping tool, **73%** of Fort Collins residents live within a 10-minute walk of a park, which is above average for all U.S. cities and towns (55%) and on par with the 100 most populous U.S. cities (74%). Increasing tree canopy within and around these parks is one way that urban forestry can support the Culture and Recreation. Fort Collins City Council has set a priority for all residents to live within a 15-minute walk to nature and have trees visible where they live, work, and play.

Trees are not compatible with all recreational uses, however. For example, trees are undesirable within ballfields, skate parks, and amphitheaters. Recreation centers and pavilions can limit the area where trees can be planted. Lastly, many of Fort Collins' natural areas are intended to protect native habitat including grassland and shrubland; in such places, contiguous tree canopy is not desirable.

Sources: Trust For Public Land; Fort Collins' ReCreate: Parks & Recreation Master Plan, 2021; Nature in the City, 2015; Natural Areas Master Plan, 2014.





### Tree Canopy by Land Use

Examining tree canopy cover and change by land use shows how different land uses are affecting citywide tree canopy trends, which can be useful for guiding policy decisions. Land uses that comprise larger areas have the greatest impact on citywide trends.

In Fort Collins, residential land contains 56% of the city’s urban forest (figure 5). Tree cover has grown 15% on residential land since 2011. The largest tree canopy losses by total acreage have taken place on commercial land, which lost 30 acres (10%) of tree cover since 2011.

The largest potential for additional tree canopy occurs within residential and mixed-use zoning types, which together contain 8,083 acres of possible additional tree canopy.

By zoning district, the highest proportions of tree canopy cover occur within the Neighborhood Conservation Districts (19%–36%), the Low-Density Residential District (26%), and Manufactured Housing District (24%; table 2). The highest proportions of tree canopy loss occurred within several commercial zoning districts (-36% to -23%) and the High-Density Mixed-Use Neighborhood District (-34%). Canopy cover within the Residential Foothills District is low (5%) but grew by 248% over the past decade.

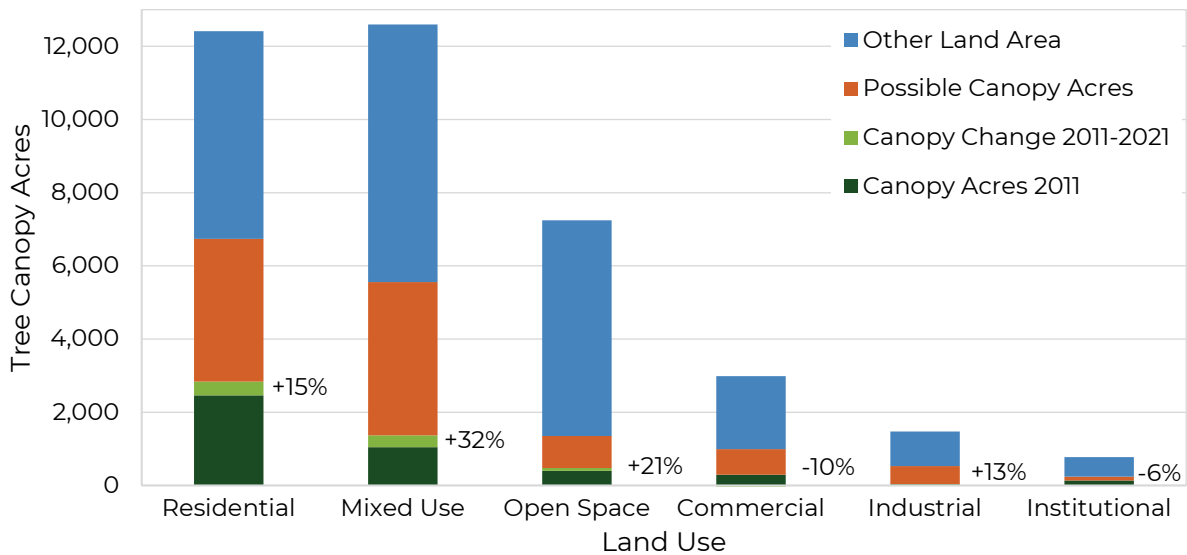


Figure 5. Tree canopy cover in 2011, net change from 2011–2021, and possible additional tree canopy by land use type.



Table 2. Tree canopy cover and change by zoning district.

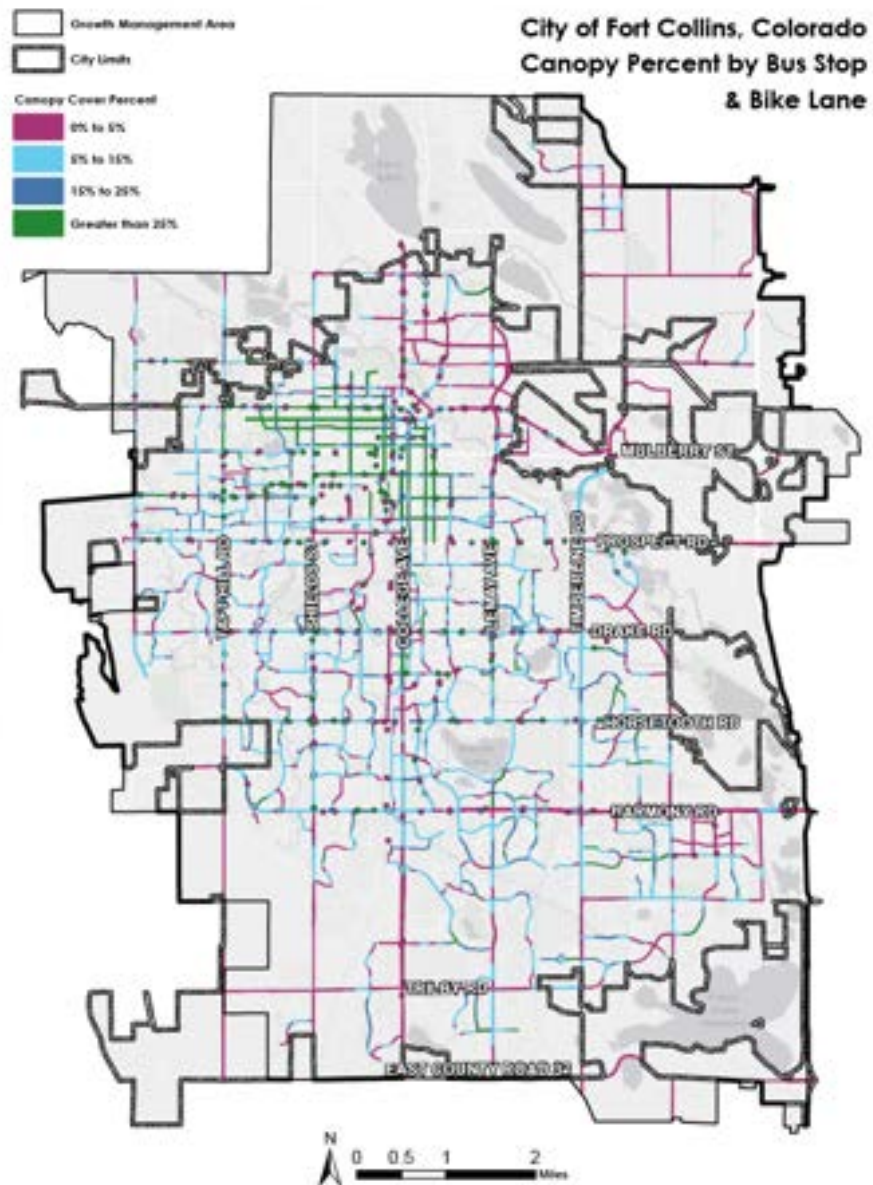
ZONING DISTRICT	ACRES	TREE CANOPY	CHANGE 2011-2021	POSSIBLE CANOPY	MAXIMUM CANOPY
<b>Commercial</b>	<b>2,958</b>	<b>9%</b>	<b>-10%</b>	<b>24%</b>	<b>32%</b>
Community Commercial - North College District	155	4%	7%	27%	31%
Community Commercial - Poudre River District	28	13%	-23%	24%	38%
Community Commercial District	244	5%	-35%	30%	35%
Downtown District	682	13%	-19%	17%	31%
General Commercial District	1,218	7%	-1%	25%	32%
Limited Commercial District	48	8%	-36%	17%	26%
Neighborhood Commercial District	299	14%	34%	22%	36%
Service Commercial District	284	6%	-32%	28%	34%
<b>Industrial</b>	<b>1,478</b>	<b>3%</b>	<b>13%</b>	<b>34%</b>	<b>36%</b>
Industrial District	1,478	3%	13%	34%	36%
<b>Institutional</b>	<b>762</b>	<b>17%</b>	<b>-6%</b>	<b>13%</b>	<b>31%</b>
CSU Jurisdiction	762	17%	-6%	13%	31%
<b>Mixed Use, Low Density</b>	<b>6,434</b>	<b>9%</b>	<b>88%</b>	<b>38%</b>	<b>47%</b>
Low Density Mixed-Use Neighborhood District	6,434	9%	88%	38%	47%
<b>Mixed Use, Medium Density</b>	<b>6,103</b>	<b>13%</b>	<b>10%</b>	<b>28%</b>	<b>42%</b>
Employment District	1,960	6%	16%	32%	38%
Harmony Corridor District	1,499	9%	44%	27%	35%
Medium Density Mixed-Use Neighborhood District	1,940	17%	23%	30%	47%
Neighborhood Conservation - Buffer District	159	29%	-20%	13%	42%
Neighborhood Conservation - Medium Density District	546	34%	-16%	17%	51%
<b>Mixed Use, High Density</b>	<b>56</b>	<b>15%</b>	<b>-34%</b>	<b>16%</b>	<b>30%</b>
High Density Mixed-Use Neighborhood District	56	15%	-34%	16%	30%
<b>Open Space</b>	<b>7,248</b>	<b>7%</b>	<b>21%</b>	<b>12%</b>	<b>19%</b>
Public Open Lands District	6,600	6%	20%	9%	16%
River Conservation District	226	18%	23%	30%	48%
Rural Lands District	288	3%	169%	61%	64%
Transition District	135	4%	10%	14%	18%
<b>Residential</b>	<b>12,416</b>	<b>23%</b>	<b>15%</b>	<b>31%</b>	<b>54%</b>
Low Density Residential District	8,654	26%	14%	26%	52%
Manufactured Housing District	128	24%	0%	20%	44%
Neighborhood Conservation - Low Density District	539	36%	-4%	20%	56%
Residential Foothills District	445	5%	248%	32%	38%
Urban Estate District	2,650	13%	32%	51%	64%



### Canopy Cover at Bus Stops

Trees are an important part of the layered strategies to increase the use of public transit that are outlined in the city's transportation master plan. Shaded bus stops make public transit safer for riders, particularly during hot summer months. Growing tree canopy cover at bus stops supports Fort Collins' intent to reduce Vehicle Miles Traveled by encouraging multimodal transportation (*City Plan, 2019*).

The urban tree canopy analysis quantified tree cover within 30-ft buffers of bus stops and bus stations to characterize tree canopy within areas that support the City's goals for encouraging multimodal transportation. Average tree cover is 18.3% at 22 bus stations and 423 bus stops across Fort Collins (map 6). Among 263 bus stops that did not have a built-in shelter, average tree cover is 21.2%, a loss of 2.3% tree cover since 2011. A majority of bus stops have less than 20% tree cover and experienced losses of tree cover since 2011 (figure 6).



Map 6. Tree canopy cover within a 30-ft buffer of bus stops and transit stations and within bike lanes by street segment.



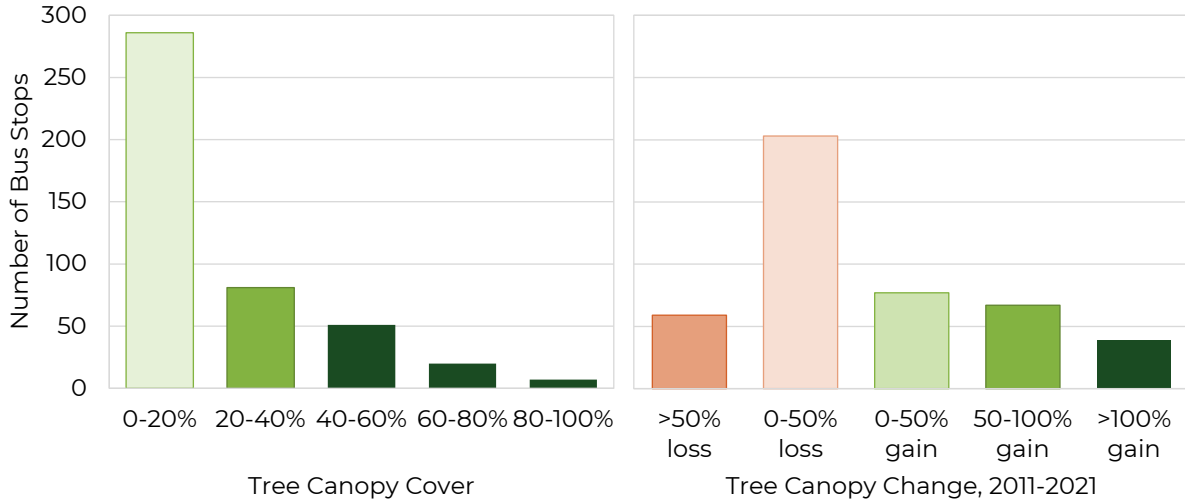


Figure 6. Tree canopy cover and change (2011–2021) at Fort Collins bus stops.



### Tree Benefits for Transportation & Mobility

Over the past several years, Fort Collins has experienced substantial growth in transit ridership and bicycling. Encouraging individuals to shift their short vehicle trips to active transportation modes (e.g. biking, walking) is one of the most effective ways to reduce vehicle miles traveled, a goal of both the City’s transportation master plan and its *Our Climate Future* plan (2021).

Trees contribute to Fort Collins’ goals of increasing multimodal transportation use. Trees growing in street rights-of-way help to slow traffic, making streets safer for pedestrians and cyclists. Shade and evapotranspiration cooling provided by street tree canopy allow for more comfortable walking, biking, and use of public transit and increase the appeal of cycling routes. Trees and other vegetative buffers can also reduce the exposure of cyclists and pedestrians to air pollution. For these and other reasons, residents are three times more likely to be physically active when they live in areas with high levels of trees and vegetation.

Sources: Ellaway et al., 2005; Ozdemir, 2019; Eisenman et al., 2021; Ewing & Dumbaugh, 2009.





### Canopy Cover within Bike Lanes

Trees along bike lanes contribute to the City’s goals of building low-stress, high-comfort bicycle facilities that promote a physically active and environmentally sustainable community (*City Plan, 2019*). Trees not only shade bike lanes; they also contribute to the safety of cyclists by slowing traffic.

Over 267 miles of bike lanes across Fort Collins, average tree canopy cover is 9.5% (map 6) approximately the same as it was in 2011 (+0.1%). Among street segments with bike lanes, 82% of segments have less than 20% tree cover; tree canopy change within these spaces has been variable in the period from 2011–2021 (figure 7).

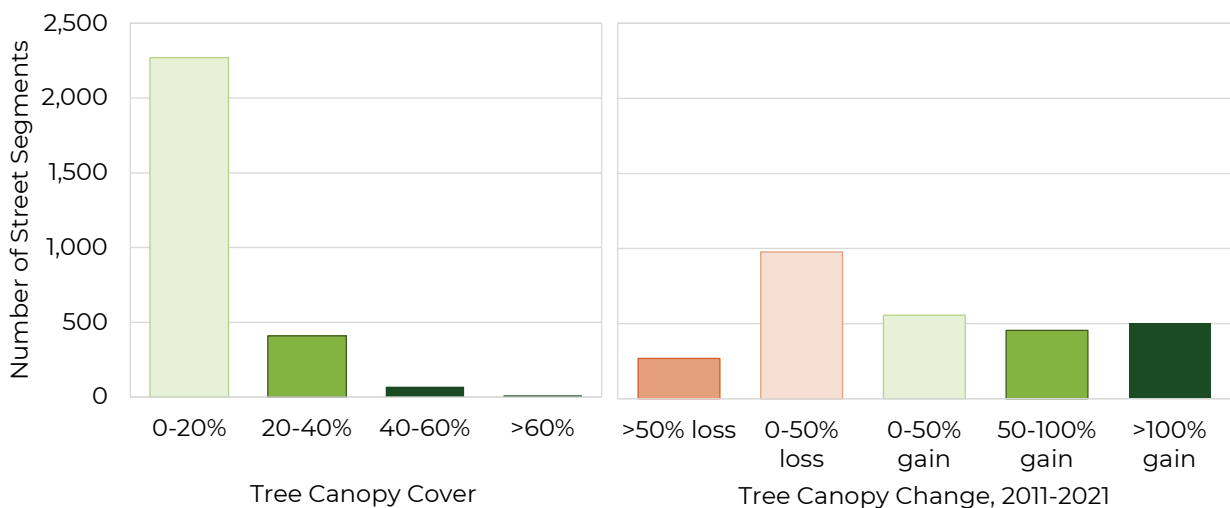


Figure 7. Tree canopy cover and canopy change, 2011–2021, in bike lanes by street segment.

## TREE CANOPY STUDY: SUMMARY OF FINDINGS

The results of the urban tree canopy assessment, which was based on an analysis of 2021 aerial imagery and compared to a prior analysis of 2011 imagery, show that tree canopy cover varies widely across Fort Collins and the growth management area, ranging from almost no trees in some parts of the city to over 40% tree cover. In general, tree cover tends to be highest within the oldest parts of the city, where residents have been planting trees since the nineteenth century. Citywide tree cover is 13.7%; including the growth management area, average tree cover is 12.6%.

From 2011–2021, the city and the growth management area experienced an overall increase in tree canopy cover of 17.2%. The largest gains in tree canopy cover took place within low-canopy areas around the periphery of the city, while canopy losses



tended to take place within the more densely developed urban core where tree cover is highest.

Tree canopy cover within parks, bus stops, and bike lanes was analyzed as part of an effort to evaluate tree canopy in relation to multiple city priorities. Publicly owned trees in these areas provide benefits that enhance quality of life and contribute to climate change mitigation. Future investments in the planting and maintenance of trees in parks and along streets rights-of-way is a dual investment in Key Outcome Areas including Neighborhood & Community Vitality, Culture & Recreation, and Transportation & Mobility.



### Trees and Economic Health

Economic benefits of trees are derived from both added value and avoided costs.

**Cost Savings.** Trees save energy by providing shade and blocking wind, which reduce the need for heating and cooling and lower energy costs for homes and businesses. Properly placing three trees around a home can reduce energy costs for the average household by \$100 to \$250 per year. Trees that shade air conditioning units can help them run up to 10% more efficiently.

Trees also help residents save money on health care costs. Trees reduce the incidences of medical complications due to asthma, heart disease, and heat-related illnesses.

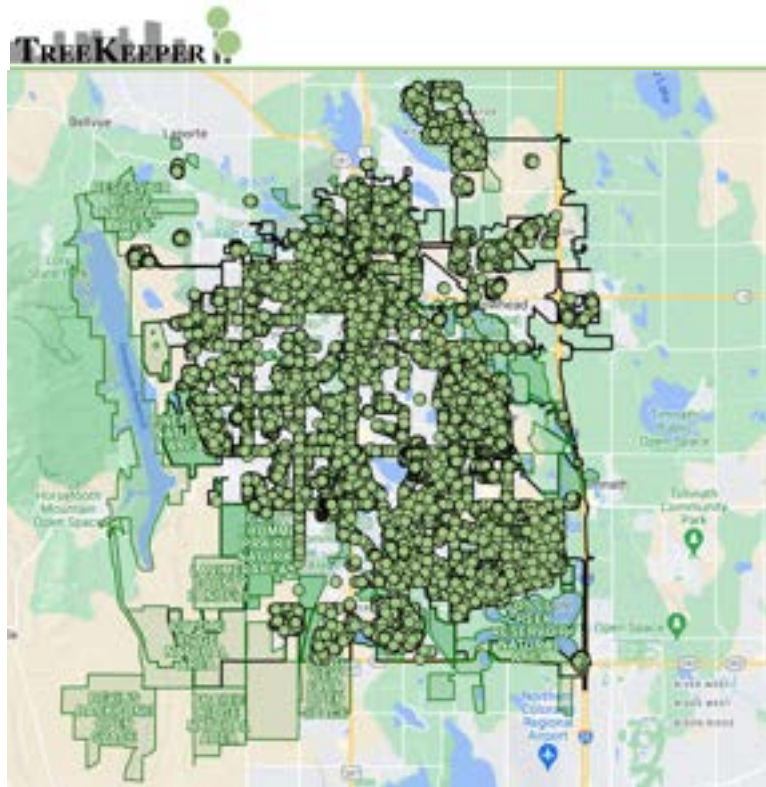
**Economic Development.** Trees and green spaces have a positive impact on the local economy by increasing property values, attracting tourism, and supporting local businesses. Mature, healthy trees can increase property values for both residential and commercial properties by 3%–7% or more, as well as increase values of neighboring properties. In business districts, trees attract customers. Shoppers spend more time and money in retail areas with mature, healthy tree canopies and are willing to spend 11% more for products, services, and parking at businesses with trees in front of them.

Sources: McPherson et al., 2005; Wolf, 2005; Vargas, 2007; Siriwardena et al., 2016; Hughes, 2013. Vargas et al., 2007; U.S. Department of Energy (n.d.)



## PUBLIC TREE INVENTORY

The Forestry Division is responsible for the care of public trees. From 2018–2023, the Forestry Division and trained volunteers from the City’s Urban Forest Ambassador program inventoried 57,991 trees and 3,397 possible tree sites within street rights-of-way, parks, and city property (map 7). Detailed information about public trees is used by the Forestry Division to guide management decisions.



Map 7. Public trees and planting sites as documented in TreeKeeper.



### 61,388 Inventoried Sites

Nearly two-thirds of all inventoried sites were street trees (figure 8). Together, vacant planting sites and stumps comprise 3,397 potential planting sites where additional trees can be planted over time (figure 9).

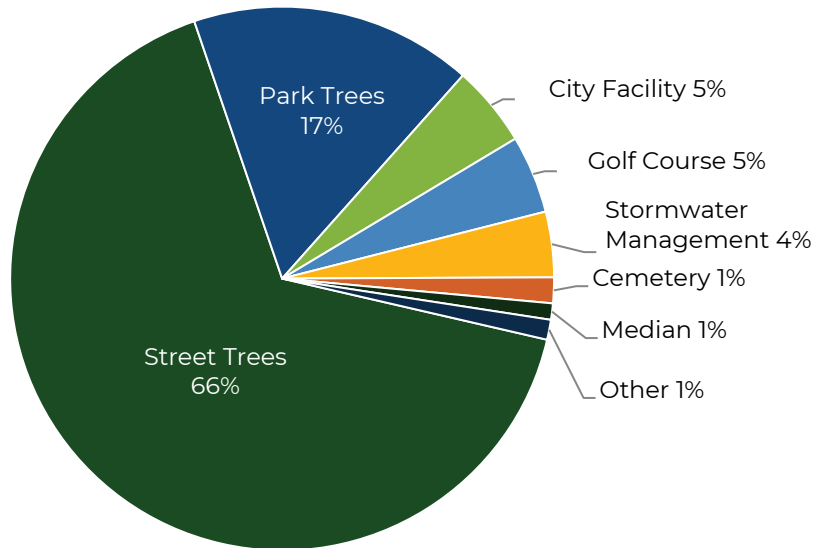


Figure 8. Public trees by location.

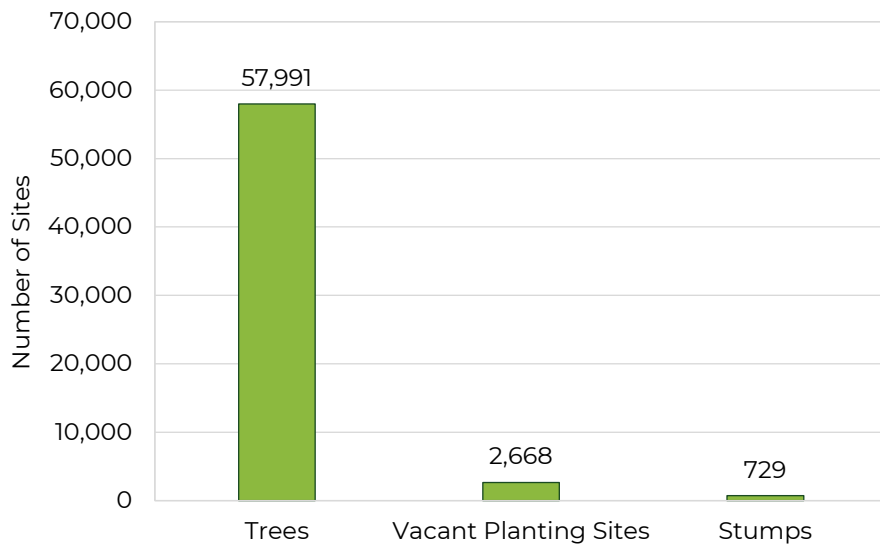


Figure 9. Inventoried sites, 2018–2023.





## Tree Diversity

The inventory of public trees cataloged 214 unique species of trees that represent 56 genera and 26 families. Diversity helps to make the tree population resilient to pests and diseases. Urban forestry industry standards for diversity recommend that no single species of tree should exceed 10% of the total inventory; no one genus should exceed 20%; and no one family of tree should exceed 30% of the total tree inventory (the “10-20-30 Rule” for species abundance).

### Top 5 Species of Public Trees Relative to the 10% Rule for Species Abundance

Among inventoried trees, green ash (*Fraxinus pennsylvanica*) and honeylocust (*Gleditsia triacanthos* and *G. triacanthos inermis*) exceeded recommended limits for species abundance (11% of public trees each; figure 10, table 3). The abundance of ash is expected to decline over time due to emerald ash borer and implementation of the city’s *Emerald Ash Borer (EAB) Management and Response Plan (2020)*, climate change, and city code. The Forestry Division is reducing the planting of honeylocust on public property and is encouraging developers to shift away from planting honeylocust as part of required street tree plantings that are associated with development.

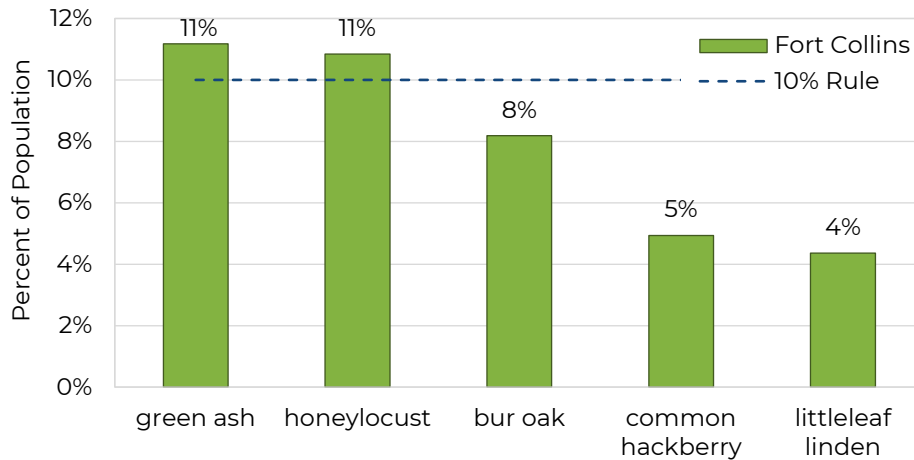


Figure 10. Top five species of public trees relative to a recommended 10% Rule for abundance of any single species.



Table 3. Top five species of public trees.

COMMON NAME	BOTANICAL NAME	NUMBER OF PUBLIC TREES
green ash	<i>Fraxinus pennsylvanica</i>	6,478
honeylocust	<i>Gleditsia triacanthos*</i>	6,286
bur oak	<i>Quercus macrocarpa</i>	4,749
common hackberry	<i>Celtis occidentalis</i>	2,864
littleleaf linden	<i>Tilia cordata</i>	2,527

\* includes var. *inermis*

Top 5 Genera of Public Trees Relative to the 20% Rule for Genus Abundance

At the level of genus, which groups similar species of trees, oaks are the most abundant trees in Fort Collins (15% of inventoried trees; figure 9). All genera remain below the recommended threshold of 20% abundance.

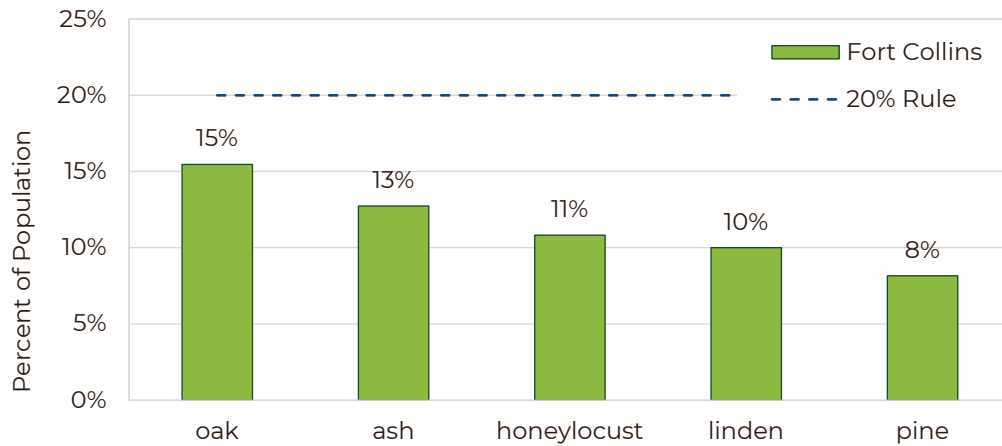


Figure 11. Top five genera of public trees relative to the 20% Rule for genus abundance.



Top 5 Families of Public Trees Relative to the 30% Rule for Family Abundance  
Families are larger groupings of similar trees, containing similar species and genera. All tree families that are represented in Fort Collins' inventory are well below recommended limits of 30% of the total public tree population (figure 10).

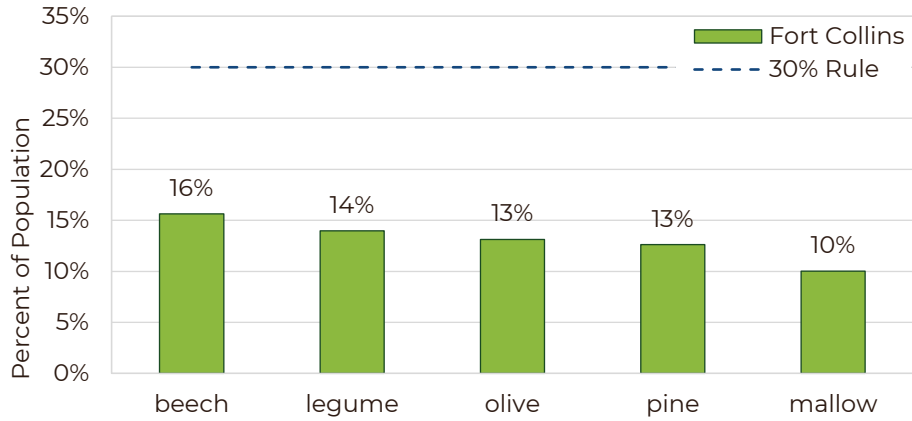


Figure 12. Top five taxonomic families of public trees relative to the 30% Rule for family abundance.





## Trees and Environmental Health

Trees provide innumerable ecological benefits that improve urban environments.

**Trees Cool Our Cities.** High temperatures in urbanized areas contribute to *urban heat island*, in which impervious surfaces such as roads, buildings, and sidewalks trap and hold heat. Urban heat island can raise air temperature in cities up to 7°F higher during the day and 5°F higher at night compared to neighboring rural areas. Urban heat island raises higher energy costs and power plant emissions and increases heat-related illnesses, which cause more deaths in the United States each year than any other natural disaster. Large, healthy trees lower temperatures through both shading and evapotranspiration. Trees reduce peak summer temperatures by 2-9°F and prevent an average of 1,200 heat-related deaths each year in the U.S, making them a critical tool to combat the negative health impacts of high temperatures.

**Trees Clean the Air.** Trees act as natural air filters, removing pollutants from the air and reducing their negative impacts on humans and the environment. Through the removal of air pollutants, trees save over 850 lives and prevent 670,000 incidents of acute respiratory symptoms in the U.S. each year. Trees are also an important carbon sink for climate change mitigation through the removal of carbon dioxide and greenhouse gasses from the air. One large, healthy oak tree growing in Fort Collins can remove over 30 pounds of pollutants from the air over 20 years.

**Trees Intercept and Conserve Water.** Trees intercept and retain stormwater, reducing runoff and water pollutants by 20%–60%, thereby reduce flooding, erosion, and the level of sediment and pollutants that enter local waterways. A mature deciduous tree can intercept 700 gallons of stormwater per year, and a mature evergreen tree can intercept 4,000 gallons of water per year. Underground, tree roots and decomposition help to increase the amount of water that soil can hold, allowing for more efficient use of irrigated water. In addition, the cooling effects of trees during summer months helps to reduce the amount of moisture that is lost through evaporation. Through both processes, trees can retain water in the soil and reduce irrigation quantity and frequency.

**Trees Provide Food & Habitat for Wildlife.** Trees provide habitat and food for a wide variety of wildlife species, supporting biodiversity and maintaining the health of local ecosystems. Oaks can support over 500 species of pollinators and other beneficial insects. In the Colorado Front Range, broadleaf deciduous forests are relatively new to the region. The tree canopy of Fort Collins provides migratory birds with an important stopover point. At the same time, trees can provide refuge for species such as hawks and corvids that hunt or outcompete native grassland birds and mammals. For these reasons, tree canopy in natural areas must be thoughtfully placed. In backyards and along streets, however, tree canopy acts as an important buffer for wildlife within the built environment.

Sources: Michigan Audubon, n.d.; USDA Forest Service, n.d.; US Environmental Protection Agency, n.d.; McPherson et al., 2002; Cappiella et al., 2005; VerCauteren & Gillihan, 2007; Nowak et al. 2014; Johnson et al., 2017; National Weather Service, 2021; McDonald et al., 2020; Shah et al., 2022; Breidt et al. 2022.





### Condition of Public Trees

In the tree inventory, more than half of public trees (55%) are rated to be in Good or Fair-Plus condition, meaning that their trunks and crowns are generally healthy and strong, and an additional one-third (34%) are rated to be in Fair condition, indicating that they are healthy and show no major defects (figure 11).

Structural integrity, overall tree health, and form are often improved through proper pruning. Routine pruning, young tree training, and other proactive maintenance can help keep trees within Fair, Fair Plus, and Good categories over time.

Though it is difficult to move a significant number of trees from a lower to a better condition category, structural and routine pruning on a five-year rotation will help maintain a majority of trees within Fair to Good tree condition ratings over time.

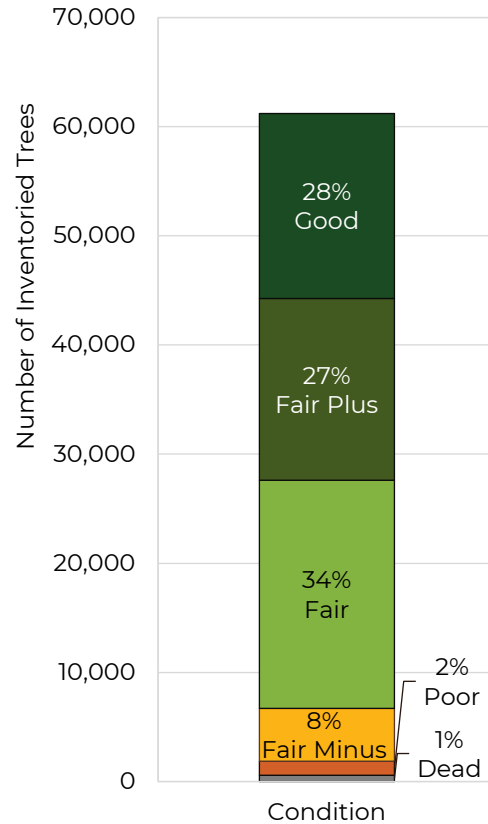


Figure 13. Condition ratings of public trees.

### Size-Age Classes of Public Trees

The relative age of trees can be estimated from trunk diameter. In Fort Collins, public trees were classified into four categories based on their trunk diameter at standard height (DSH): young (0–8 inches DSH), established (9–17 in), maturing (18–24 in), and mature (>24 in) trees.

Urban forestry industry standards recommend a mixed-age tree population to balance maintenance needs of the tree population over time and protect against significant canopy loss within a short period. Sixty percent of public trees in Fort Collins are in the young size class, reflecting sustained tree planting efforts within the city, including tree planting that occurs through new development as the city has grown (figure 12). Care of young trees during the establishment period, as well as proactive maintenance of older age classes, will help increase the proportion of older trees to balance age classes over time.



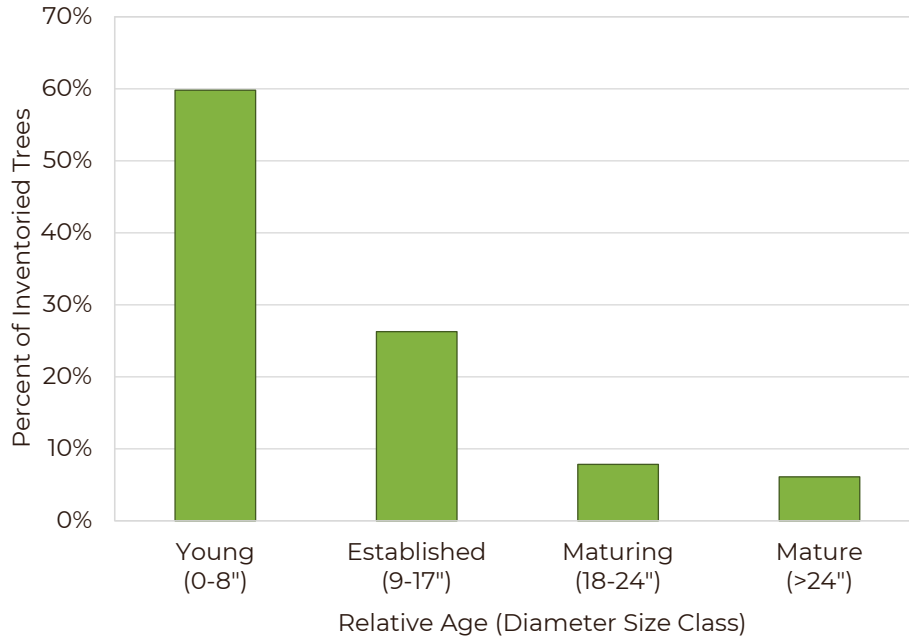


Figure 14. Relative age classes of public trees, estimated from trunk diameter.

## PUBLIC TREE INVENTORY: SUMMARY OF FINDINGS

The inventory of 61,388 public trees and planting sites in Fort Collins revealed that the diversity of public trees is approaching a level that will help the urban forest remain resilient to pests and diseases. The importance of such measures is currently reflected in the City's response to emerald ash borer, which threatens 13% of its public tree inventory. Reductions to ash and honeylocust, paired with species-level diversification of future tree plantings, will help increase diversity over time.

The condition of public trees reflects significant investments in routine maintenance as the Forestry Division moves toward its goal of a five-year pruning cycle and away from reactive maintenance, which is comparably more costly. Shifting toward proactive maintenance can reduce per-tree maintenance costs by as much as 50% compared with maintenance that relies heavily on storm and emergency response (AECOM, 2013).

Fort Collins' public trees skew young, reflecting an uptick in more recent tree plantings that are associated with city activities and increased development. Future maintenance needs are expected to increase over time as trees grow into larger size classes, which will require additional budget and capacity for the Forestry Division to keep pace.



## GOALS FOR FORT COLLINS' TREE CANOPY AND PUBLIC TREES

The findings of the urban tree canopy assessment and public tree inventory suggest potential goals for Fort Collins' urban forest that can guide Forestry Division activities and priorities over the next 20 years.

- Grow tree canopy in Fort Collins and make it more evenly distributed over time.
- Mitigate tree canopy losses on public and private property.
- Preserve and expand tree canopy cover at bus stops and along bike routes to encourage multi-modal transportation.
- Expand tree canopy within and around parks to support compatible recreational uses, conservation goals, and to build connectivity to green space that is accessible to all residents.
- Protect and enhance tree diversity to increase the resilience of the public tree population.
- Establish young trees, and proactively maintain older trees, to improve and/or maintain the general condition and even the age distribution of public trees over time.
- Expand collection of inventory data to include information such as risk, irrigation status, and EAB treatment priority to inform management decisions.



# Strategies for Resilience and Sustainable Growth

Urban tree canopy and public tree inventory data were further analyzed to characterize the benefits that are provided by existing trees; evaluate the potential resilience of the urban forest to future threats from pests, diseases, and climate change; and to identify priority locations for tree canopy growth to address environmental, social, and human health needs.

## PUBLIC TREE BENEFITS

Two benefits analyses were conducted to quantify the annual benefits and carbon storage of public trees using i-Tree Eco software from the U.S. Forest Service and partners. i-Tree Eco models (estimates) the benefits that trees provide based on data inputs about the location and quantity of tree canopy cover and the species, size, condition, and location of inventoried public trees. The resulting benefits calculations reflect the benefits that are provided by Fort Collins' total tree canopy, as well as the benefits provided by public trees.

### Benefits Provided by Fort Collins' Tree Canopy

Ecosystem benefits including air pollution removal, carbon sequestration and storage, and stormwater runoff reduction were estimated from urban tree canopy assessment data. The resulting model estimates reflect the benefits that are provided by all of Fort Collins' trees, including trees on both public and private tree canopy, across city limits and the growth management area (table 4). In addition, the change in tree canopy benefits was estimated from the prior 2011 urban tree canopy assessment to quantify the change in tree benefits from 2011–2021.

Fort Collins' tree canopy provides ecosystem benefits valued at more than \$2.2 million per year in savings to residents and businesses. Annual savings have increased by \$346,000 since 2011 with growth of tree canopy across the city.





Table 4. Ecosystem benefits provided by Fort Collins' total tree canopy, 2011-2021.

ECOSYSTEM BENEFITS OF TREE CANOPY	2011		2021		2011-2021 CHANGE IN VALUE
	QUANTITY	VALUE	QUANTITY	VALUE	
<b>Annual benefits</b>					
Air quality: pollution removal (lb)	482,600	\$797,881	570,300	\$942,949	\$145,068
CO removal	3,900	\$2,598	4,600	\$3,071	\$473
NO <sub>2</sub> removal	72,660	\$12,855	85,860	\$15,192	\$2,337
O <sub>3</sub> removal	256,320	\$210,223	302,920	\$248,445	\$38,222
SO <sub>2</sub> removal	15,400	\$1,033	18,200	\$1,220	\$187
PM <sub>2.5</sub> removal	4,360	\$163,864	5,140	\$193,657	\$29,793
PM <sub>10</sub> removal	129,960	\$407,308	153,580	\$481,364	\$74,056
Carbon sequestration (tons)	4,920	\$839,102	5,810	\$991,666	\$152,564
Stormwater: avoided runoff (gal)	29,720,000	\$265,610	35,130,000	\$313,902	\$48,292
<b>Total Annual Benefits</b>		<b>\$1,902,593</b>		<b>\$2,248,517</b>	<b>\$345,924</b>
<b>Structural Value</b>					
Carbon storage (tons)	191,920	\$32,732,674	226,820	\$38,684,069	\$5,951,395

### Benefits Provided by Fort Collins' Public Trees

i-Tree Eco modeling software was also used to estimate the benefits of public trees using data from the tree inventory, including the species, size, and condition of public trees (table 5). Public trees account for more than \$69,000 in benefits each year and have an estimated replacement value of more than \$112 million.

Table 5. Ecosystem benefits provided by Fort Collins' public trees.

ECOSYSTEM BENEFITS OF PUBLIC TREES	QUANTITY	VALUE
<b>Annual benefits</b>		
Air quality: pollution removal (lb)	21,320	\$32,038
CO removal	199	\$139
NO <sub>2</sub> removal	790	\$111
O <sub>3</sub> removal	15,336	\$9,042
SO <sub>2</sub> removal	445	\$10
PM <sub>10</sub> removal	4,421	\$14,512
PM <sub>2.5</sub> removal	122	\$8,225
Carbon sequestration (tons)	276	\$47,013
Stormwater: avoided runoff (gal)	2,318,837	\$20,721
<b>Total Annual Benefits</b>		<b>\$69,374</b>
<b>Structural Value</b>		
Carbon storage (tons)	18,616	\$3,175,046
<b>Total Replacement Value</b>		<b>\$112,489,358</b>



## Air Pollution Reduction

Trees improve air quality by intercepting and filtering particulate matter from the air, including dust, ash, pollen, and smoke. Leaves absorb harmful gaseous pollutants such as carbon monoxide, nitrogen dioxide, and sulfur dioxide and reduce ozone formation by shading surfaces and reducing air temperatures. The air cleaning benefits of trees is important for improving human health outcomes.

In total, the tree canopy of Fort Collins removes 285 tons of air pollutants each year, a service valued at \$942,949. Tree canopy growth from 2011–2021 has resulted in an additional 44 tons of pollutants being removed from the air each year. Of total air quality benefits, public trees account for the removal of 11 tons of air pollutants each year, valued at \$32,038.

## Stormwater Runoff Reduction

Trees play a significant role in local hydrology and water cycling, helping to reduce the amount of stormwater runoff that is generated during rain events. The value of reduced stormwater runoff is calculated based on avoided water treatment costs; not reflected in this value are also costs related to erosion and flooding.

Public trees in Fort Collins absorb 2.3 million gallons of stormwater each year, valued at \$20,721.

## Sequestering and Storing Carbon

Trees are carbon sinks, which means they absorb carbon from the atmosphere. As they grow, trees absorb carbon dioxide from the air through their leaves during photosynthesis and store it in their tissue.

Fort Collins' tree canopy stores an estimated 226,820 tons of carbon in tree trunks, branches, and roots, valued at \$39 million. Each year, all of the city's trees sequester (absorb and store) an additional 5,810 tons of carbon. Of this, public trees store 18,616 tons of carbon and sequester an additional 276 tons each year.

## PEST SUSCEPTIBILITY

Tree pests and diseases often have preferred hosts. The susceptibility of an urban forest to a pest or disease can be predicted based on its species and genus diversity. Early identification of tree pests and diseases can reduce the impact of infestations on the urban forest.

Of the pests and diseases of concern in Colorado, emerald ash borer threatens 13% of the public tree inventory—the portion that is composed of the genus *Fraxinus*—with potential tree losses valued at \$22 million (table 6). If Asian longhorned beetle



reaches Fort Collins, it poses the greatest threat to public trees, with predicted economic impacts of up to \$51 million. Replacement values are based on actual tree attributes including size and are calculated using i-Tree Tools.

Other pests and diseases not listed here may affect the tree population in Fort Collins, and many more trees, including those on private property, may be susceptible to these invasive pests.

Table 6. Susceptibility of Fort Collins' public trees to pests and diseases of concern in Colorado.

PEST NAME	NUMBER OF SUSCEPTIBLE TREES	PERCENT OF PUBLIC TREE INVENTORY	TREE REPLACEMENT VALUE (\$)
Asian longhorned beetle	20,687	36%	\$51,310,744
Oak wilt	8,706	15%	\$7,553,465
Spotted lanternfly	8,628	15%	\$13,100,340
Emerald ash borer	7,388	13%	\$22,038,024
Honeylocust spider mite	6,284	11%	\$10,104,137
Thyronectria & <i>Nectria</i> cankers	6,284	11%	\$10,104,137
Red turpentine beetle	4,878	8%	\$10,827,409
Pine wilt nematode	3,830	7%	\$9,957,809
Western spruce budworm	3,689	6%	\$12,940,510
Large aspen tortrix	2,582	4%	\$946,085
Dutch elm disease	2,351	4%	\$14,876,845
Spruce beetle	2,398	4%	\$10,078,587
Mountain pine beetle	2,126	4%	\$3,940,686
Spruce <i>Ips</i> beetle	2,046	4%	\$9,102,307
Drippy blight	1,153	2%	\$922,703
Aspen leaf miner	624	1%	\$1,757,006
Fir engraver	103	<1%	\$205,077
Aspen running canker	82	<1%	\$53,658
Douglas-fir beetle	77	<1%	\$155,075

### Emerald Ash Borer Response

Emerald ash borer (EAB) was first confirmed in Fort Collins in May 2020. The City's response is detailed in the *Fort Collins Emerald Ash Borer Management and Response Plan* (2020). There are 7,388 ash trees in the Fort Collins tree inventory—13% of the total inventoried tree population. Citywide, it is estimated that ash trees comprise 33% of total tree canopy.

Forestry staff began to identify ash trees that are good candidates for prophylactic treatment against emerald ash borer in 2016. Treatment of public trees began in 2021; to date, 2,054 trees have been treated. The tree inventory categorizes trees into priority rankings for treatment and removal and identifies trees that have been



treated by the adjacent property owner. Of these, 4,578 ash trees have been categorized; however, a plurality of ash trees (2,649; 37%) have not been categorized into treatment or removal priorities, and their treatment status remains unknown.

Ash trees should be routinely inspected to monitor for EAB infestations and symptom progression due to the rapidity of decline caused by EAB infestation and the safety implications of dead and dying trees in the right of way. A tier of inspection priority is recommended. Priority 1 should be ash trees with an unknown treatment status, so that these 2,649 trees can be assigned to a treatment group or a removal schedule.

The 76 trees being treated by the adjacent property owner should also be inspected regularly. Treatment is required every 2-3 years (depending on intensity and insecticide used) for the remainder of the tree's life; as property ownership changes, trees may fall out of regular treatment schedules. It is important that Fort Collins maintains the treatment record for these trees so that if adjacent property owners are no longer able to manage the insecticide treatment, the City is able to efficiently incorporate trees into their prioritization workflow.

### Pest & Disease Resilience Strategies

Trees should be monitored for signs and symptoms of pests and diseases on a regular basis. This can be done as part of the tree inventory process and during other routine maintenance activities such as pruning. When a pest or disease is suspected, act quickly to confirm the identification and begin management. Pay special attention to tree species that are preferred host plants for pests and diseases, and proactively remove specimens of invasive, exotic host species. For example, spotted lanternfly can infest many tree genera but prefers tree of heaven (*Ailanthus altissima*). Tree of heaven is currently rare in the state of Colorado; no specimens are currently noted in Fort Collins' public tree inventory.

Using the City's EAB Management and Response Plan as a model, it is recommended that the City prepare an invasive species management plan to guide the response to future pest or disease infestations. Use preventative pesticide treatments on high-value or historic trees that are susceptible to problematic pests and/or diseases. Lastly, when planting trees, select pest- and disease-resistant species or cultivars whenever possible.





## CLIMATE VULNERABILITY

Although trees require water to survive, in irrigated spaces, they help to conserve more water than they use. Trees cool air and surface temperatures through evapotranspiration and shade, which reduces the water requirements of the entire landscape. For example, planting trees over turfgrass can reduce outdoor water use by up to 50% (Shashua-Bar et al., 2009). For these reasons, Fort Collins’ tree canopy will become an increasingly valuable resource for mitigating the effects of climate change.

### Land Surface Temperature

Land surface temperature was measured and averaged across two summer dates to classify urban heat island effect in Fort Collins (figure 15). The analysis used satellite data that were collected during the late afternoon on August 10, 2022 and July 3, 2023. On both dates, high air temperatures of 93–95 degrees were recorded, which are close to the average high temperature of 89 degrees. Areas with higher tree canopy cover show up on the map as having lower surface temperature.

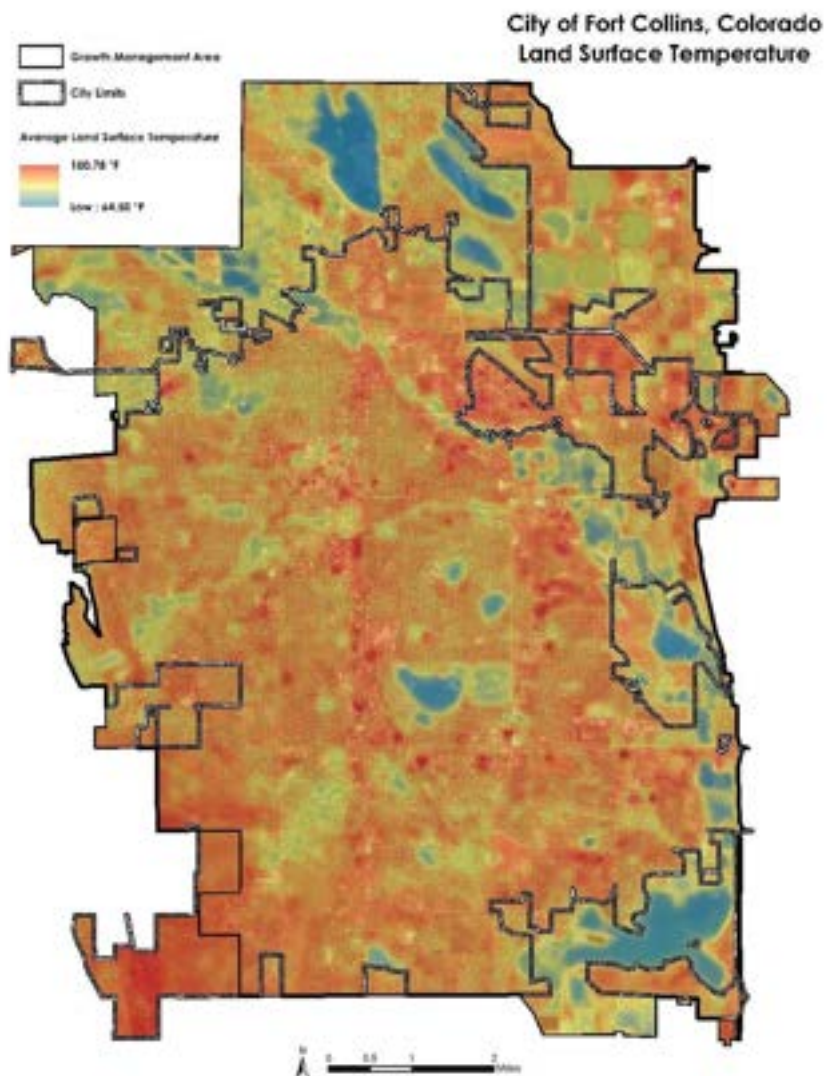


Figure 15. Land surface temperature of Fort Collins, averaged from recorded Landsat 8 satellite data across two summer dates in 2022 and 2023.



## Climate Vulnerability and Risk Indices

The U.S. Climate Vulnerability Index is a web tool that quantifies future climate vulnerability based on a combination of social, economic, infrastructure, and climate factors. It compares U.S. census tracts and counties and provides a percentile score that summarizes each location's climate vulnerability relative to other census tracts and counties. In this index, the *national vulnerability percentile* is the number of other census tracts or counties that score better than Fort Collins for a given indicator—a higher score indicates greater levels of vulnerability.

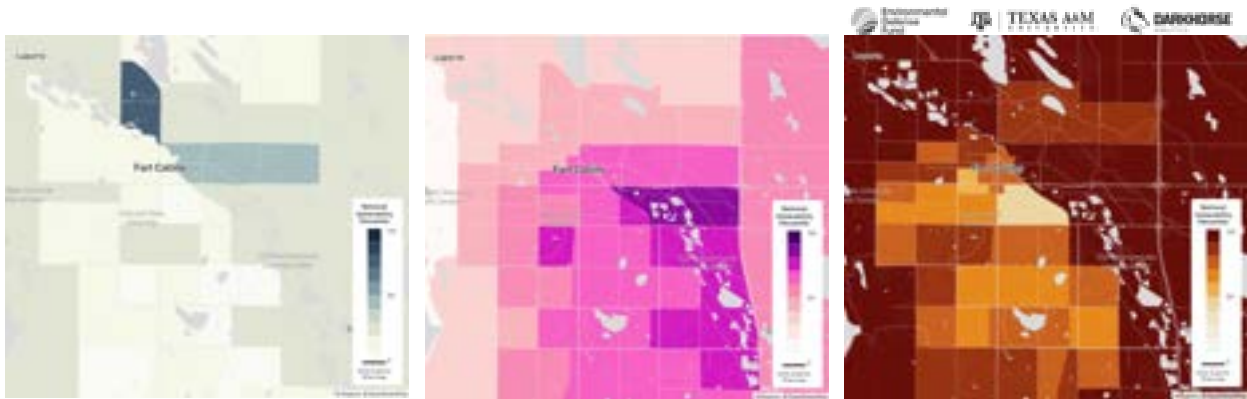


Figure 16. U.S. Climate Vulnerability Index maps for Fort Collins census tracts showing overall climate vulnerability (left), vulnerability that relates to the built environment (middle), and vulnerability related to the likelihood of extreme weather events (right).

Climate vulnerability of Larimer County ranks in the 13<sup>th</sup> percentile nationally, which means that only 13% of other U.S. counties are more vulnerable to climate change overall. This is **LOW** overall climate vulnerability. However, at the level of census tract, Fort Collins has highly variable overall climate vulnerability, suggesting inequality in the resilience of the city to future climate impacts (figure 16, left). In addition, Fort Collins ranks **HIGH** nationally in climate vulnerability that is related to two sets of factors: climate impacts due to the built environment (figure 16, middle), and the future impacts of extreme weather events (figure 16, right).

Climate vulnerability factors that relate to the built environment in Fort Collins and Larimer County compared to other U.S. areas include high levels of impervious surfaces, toxic air pollutants, vehicle traffic, agricultural pesticides, and a large number of facilities with existing EPA enforcement or violations that serve as pollution sources. Notably, low forested land cover relative to other U.S. counties and census tracts (95<sup>th</sup> percentile) is included as one factor that raises Fort Collins' environmental vulnerability.

U.S. Climate Mapping and Resilience Assessment provides more detailed information about climate projections for Fort Collins. It projects future climate risks based on two greenhouse gas emissions scenarios. A lower-emissions scenario



projects the climate effects if humans were to eliminate global fossil fuel combustion, resulting in no further greenhouse gas emissions, by 2040. The higher-emissions scenario projects the climate effects if the date of this achievement were not to occur until the year 2100.

### Climate Vulnerability Due to Extreme Weather Events

There are several mid-century climate factors that can affect tree growth and survival in Fort Collins. The national vulnerability percentile from the U.S. Climate Vulnerability Index is listed below. For select extreme weather events where there is additional information, the projections from the U.S. Climate Mapping and Resilience Assessment are given for lower and higher emissions scenarios (compared to the reference period from 1975–2005).

- Consecutive dry days: **94<sup>th</sup>** percentile. The maximum number of consecutive dry days is predicted to be 18 days by mid-century, a change of +0.6 days compared to 1975–2005.
- Daily maximum temperature: **93<sup>rd</sup>** percentile. The number of days per year with a high of >95°F is predicted to increase by 5-8 days by mid-century.
- Urban heat island extreme heat days: **82<sup>nd</sup>** percentile. The number of days per year with an air temperature of >90°F is predicted to increase by 16–21 days, which due to urban heat island effect will feel hotter within highly built areas of the city.
- Cold waves: **73<sup>rd</sup>** percentile. Overall, the number of days that remain below 32°F is predicted be reduced by 11-14 days per year, but the threat posed by cold waves will remain relatively high compared to other parts of the U.S.
- Frost days: **77<sup>th</sup>** percentile. Temperature extremes are predicted to become more erratic, leading to potentially more early and late frost days that can damage trees.

### Drought Tolerance of the Public Tree Inventory

The public tree inventory has begun adding information about the irrigation status of trees; at present, irrigation status is known for 16,665 trees. Of these, 14,754 trees have access to irrigation. The irrigation status of trees is important for evaluating the risk of the tree inventory to drought and planning emergency response including hand watering during periods of extreme drought.

An analysis examined drought tolerance of 151 species of trees in the public tree inventory, which comprise 78% of public trees (45,345 trees), based on species information from a 2006 study by Niinemets and Valladares (table 7).

- 1,765 public trees in Fort Collins have **LOW** drought tolerance



- 28,999 public trees have **MEDIUM** drought tolerance
- 14,581 public trees have **HIGH** drought tolerance

Together with information about projected climate impacts, including growth in the number of extreme heat days and consecutive dry days, the city can increase the resilience of its public tree inventory by planting more drought-tolerant species over time.

Table 7. Drought tolerance of the 35 most abundant species in the public tree inventory.

DROUGHT TOLERANCE		
LOW	MEDIUM	HIGH
<i>Populus angustifolia</i> *	<i>Acer grandidentatum</i>	<i>Catalpa speciosa</i>
<i>Populus sargentii</i> *	<i>Acer negundo</i> *	<i>Elaeagnus angustifolia</i> *
<i>Ulmus davidiana</i>	<i>Acer platanoides</i>	<i>Gleditsia triacanthos</i>
	<i>Acer saccharinum</i>	<i>Juniperus scopulorum</i>
	<i>Acer saccharum</i>	<i>Pinus edulis</i>
	<i>Acer tataricum</i>	<i>Pinus nigra</i>
	<i>Aesculus glabra</i>	<i>Pinus ponderosa</i>
	<i>Celtis occidentalis</i>	<i>Pinus sylvestris</i>
	<i>Fraxinus americana</i> *	<i>Pyrus calleryana</i>
	<i>Fraxinus pennsylvanica</i> *	<i>Quercus gambelii</i>
	<i>Malus domestica</i>	<i>Quercus shumardii</i>
	<i>Picea glauca</i>	
	<i>Picea pungens</i>	
	<i>Pinus strobiformis</i>	
	<i>Quercus macrocarpa</i>	
	<i>Quercus robur</i>	
	<i>Syringa reticulata</i>	
	<i>Tilia americana</i>	
	<i>Tilia cordata</i>	
	<i>Ulmus americana</i>	
	<i>Ulmus pumila</i> *	

\* Planting these species is prohibited by city code





## PRIORITY PLANTING ANALYSIS

The tree cover analysis of Fort Collins identified 15,418 acres of possible tree planting space within the city and growth management area. This space comprises areas on both public and private land that do not have existing tree canopy. It excludes areas including agricultural fields, recreational fields, and major utility corridors where tree canopy would conflict with existing land uses.

The priority planting analysis ranked possible tree planting area on a five-point scale from Very Low to Very High based on the potential for tree benefits to positively impact environmental, human health, and social factors (table 8).

### Priority Planting Factors

- **Environmental:** Priority areas for stormwater management were identified based on proximity to hardscape, proximity to tree canopy, floodplain proximity, soil permeability, slope, and soil erosion factor. Areas of higher potential for runoff and erosion were considered higher priority due to their ability to diminish water quality within urban areas. Priority areas for urban heat island mitigation were based on land surface temperature calculations (see figure 15, above). Higher surface temperatures were considered higher priority due to the adverse effects of elevated microclimates within urban areas.
  - The priority planting analysis identified 1,802 acres of possible planting area that rank High or Very High in the ability to mitigate stormwater runoff (figure 17).
  - The analysis identified 3,167 acres of possible planting area that rank High or Very High for urban heat island mitigation (figure 18).
- **Social Equity:** The priority planting analysis incorporated social equity factors that correlate with vulnerabilities that can be partially mitigated by tree benefits based on scientific research. The analysis used U.S. Census data of income, population density, racial and ethnic minority percent, and home renter percent. Priority areas for social equity are places where additional tree canopy would benefit vulnerable populations.
  - The priority planting analysis identified 2,287 acres of possible planting area that rank High or Very High for proximity to residents that have increased vulnerability to environmental and climate concerns that can be mitigated by trees (figure 19).
- **Human Health:** The priority planting analysis also incorporated three human health concerns that are prevalent in Fort Collins and most impacted by tree benefits: asthma, heart disease, and mental health disorders (see box, "Trees



Contribute to Neighborhood & Community Vitality”). Priority areas for human health are areas where these concerns are most prevalent.

- The priority planting analysis identified 3,342 acres of possible planting area that rank High or Very High for proximity to residents that have health concerns that can be mitigated by trees (figure 20).
- **Composite (All) Priorities:** This analysis overlays each of the factors above to identify priority planting areas where trees can address all issues.
  - The priority planting analysis identified 2,250 acres of possible planting area that rank High or Very High for the combined effects of all the factors listed above (figure 21).

Table 8. Possible tree planting area in Fort Collins, ranked by priority to address environmental, social equity, and/or human health factors.

PRIORITY	PRIORITY PLANTING ACRES				
	STORMWATER	HEAT ISLAND	SOCIAL EQUITY	HEALTH	ALL
Very Low	10,472	2,007	6,165	5,353	8,218
Low	1,989	3,723	3,565	4,418	3,337
Moderate	1,155	6,521	3,401	2,305	1,613
High	936	2,841	1,153	556	1,206
Very High	867	326	1,135	2,787	1,044



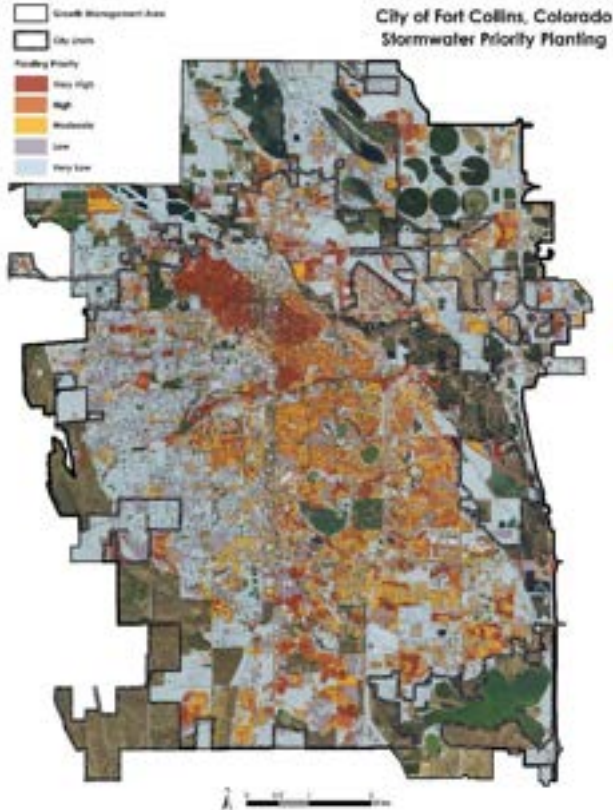


Figure 17. Priority planting areas for stormwater management, based on a combination of environmental factors that contribute to increased stormwater runoff.

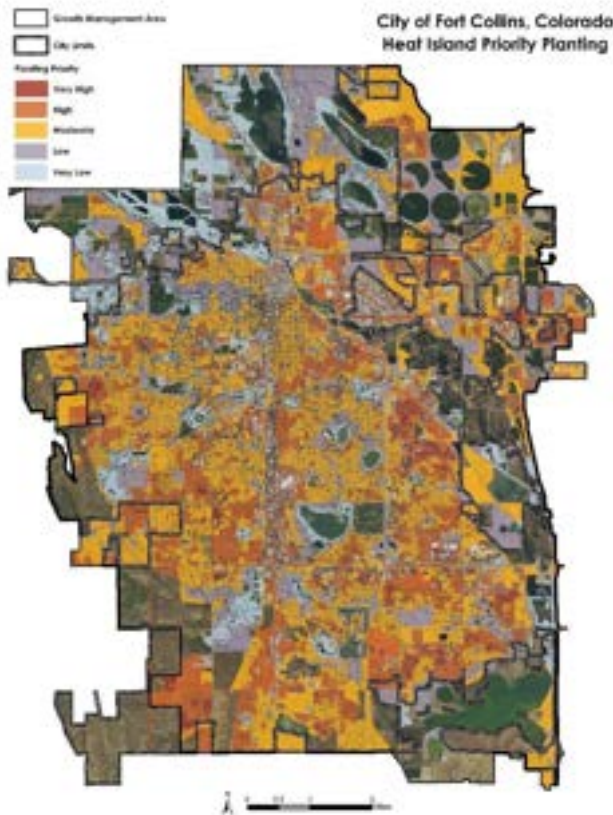


Figure 18. Priority planting areas for urban heat island mitigation based on land surface temperatures.



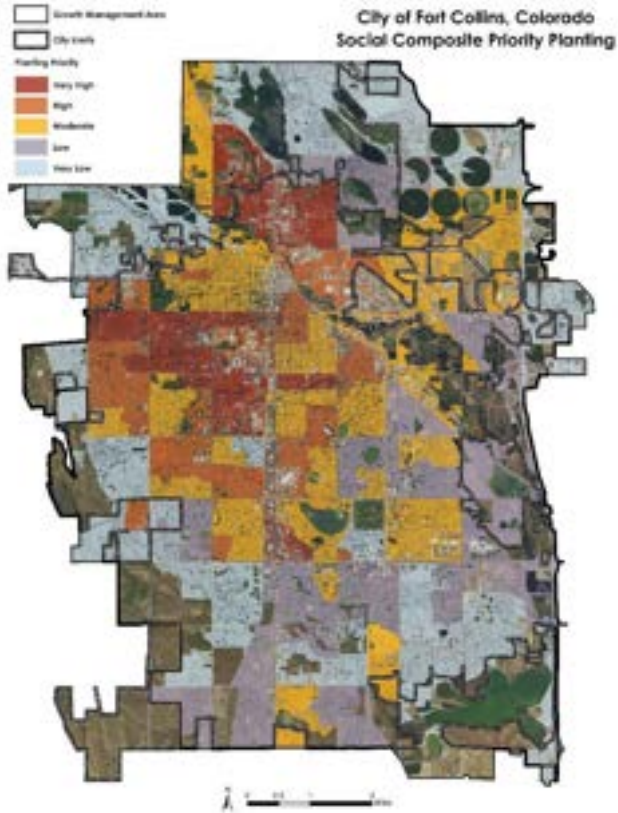


Figure 19. Priority planting areas where tree benefits can be placed in proximity to vulnerable resident populations.

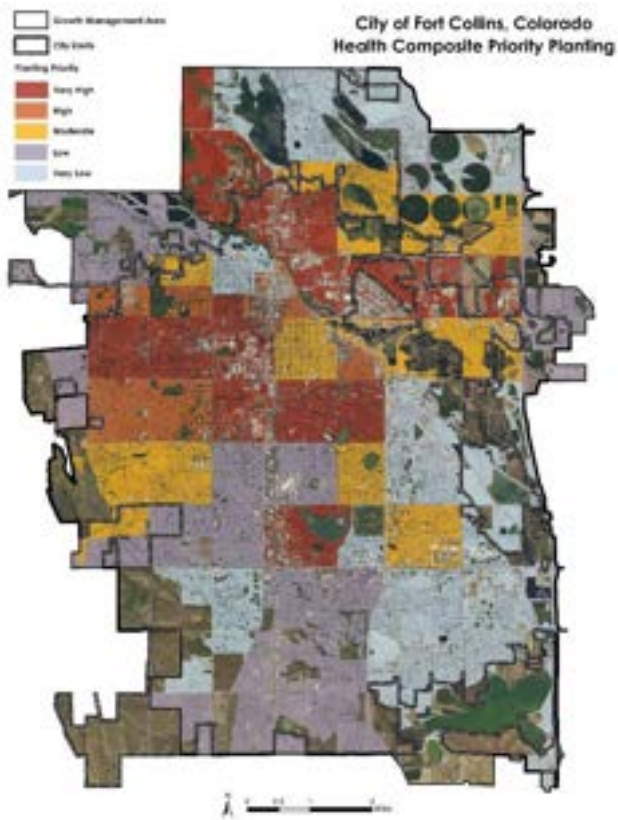


Figure 20. Priority planting areas where tree canopy can help mitigate asthma, heart disease, and mental health disorders.





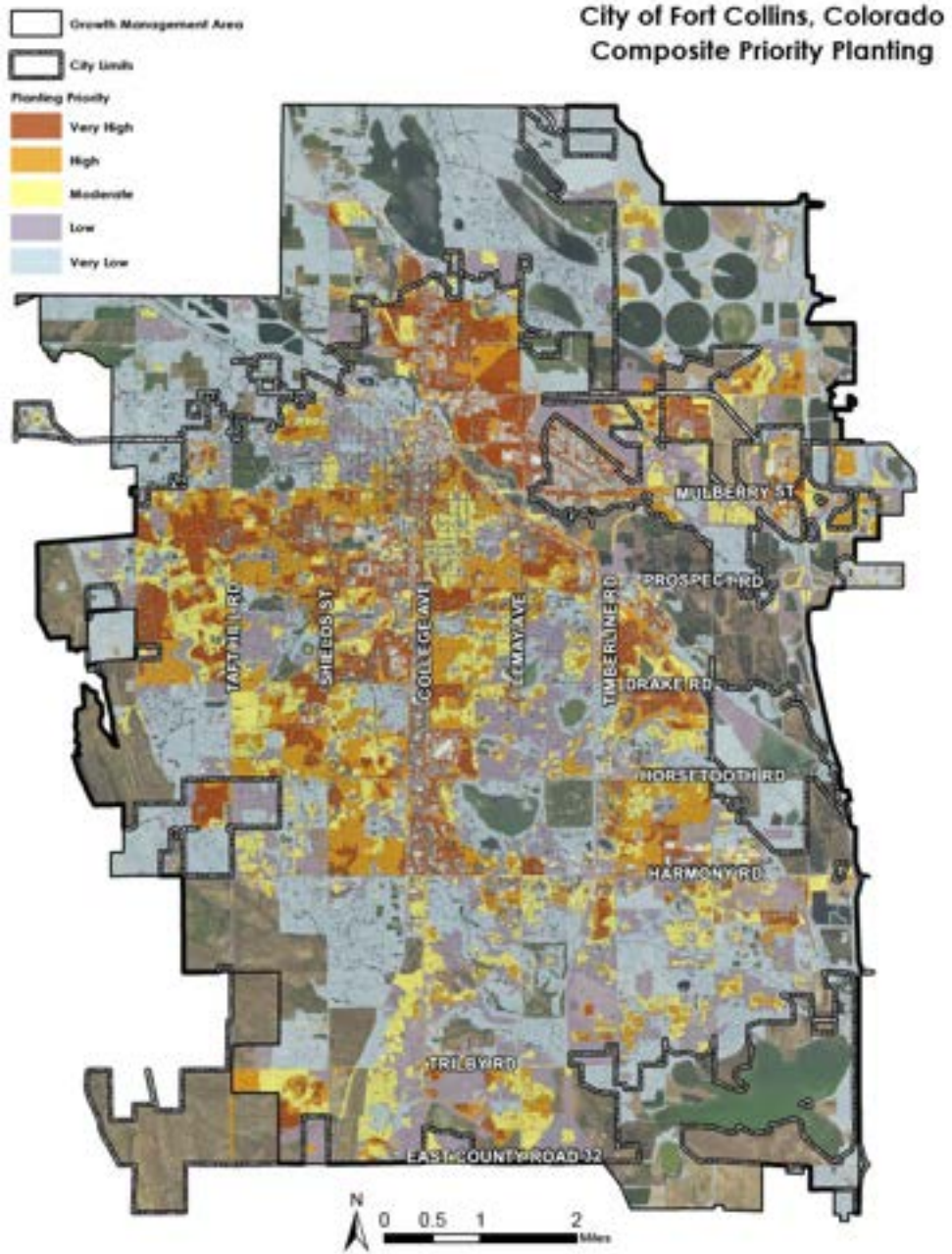


Figure 21. Priority planting areas that maximize the environmental, social, and human health benefits of trees.



### Tree Placement

A tree placement analysis identified 465,507 possible tree planting sites across Fort Collins, including on both public and private land (table 9). Sites were classified as being suitable for trees based on small, medium, or large crown size. Large trees were placed first, as they provide the greatest benefit; then, the remaining planting area was populated with small- and medium-statured trees.

The analysis produced a GIS data file with all planting sites and accompanying information about priority planting metrics for environmental, social, and human health factors (figure 22). Data are provided to the City of Fort Collins as a standalone GIS tool.

Table 9. Possible tree planting sites, classified by the size of tree that they can accommodate.

TREE CROWN SIZE	NUMBER OF PLANTING SPACES
Large	207,695
Medium	56,139
Small	201,673
<b>Total Sites</b>	<b>465,507</b>



Figure 22. A snapshot taken from the tree placement analysis showing possible planting locations for small-, medium-, and large-stature trees along a street right-of-way.



## RESILIENCE & SUSTAINABLE GROWTH: SUMMARY OF FINDINGS

Trees provide innumerable benefits to the people of Fort Collins. Select tree benefits can be assigned a monetary value that is based on avoided costs, including air pollution reduction, stormwater runoff mitigation, and carbon sequestration and storage. Based on these benefits alone, Fort Collins' trees produce at least \$2.2 million in ecosystem services each year. This amount has increased in the past decade with tree canopy growth—today, trees provide an additional \$346,000 in services per year than they did in 2011. These benefits can be used to explain expenditures for tree planting and maintenance activities to taxpayers and city leadership. These benefits also form the basis for efforts to preserve and expand tree canopy as part of climate resilience strategies and to more equitably distribute tree canopy across the city.

It is important to preserve the function and survival of trees in the face of future threats from pests, diseases, and climate change. Ash comprises a large portion of the city's tree canopy, making emerald ash borer a significant threat into the foreseeable future. Oak wilt may present a concern for public trees in the future. The city's EAB response can serve as a model for expanded pest and disease planning and management.

Future climate predictions include increases in periods of extreme heat, drought, and early/late freezes, all of which can be challenging conditions for trees. New species are coming to Fort Collins in the future that present additional options for drought tolerance and urban resilience. Species recommendations, such as the trees and shrubs that are recommended by Plant Select, have few specimens in the existing public tree inventory, demonstrating a potential for expanded planting. Collaborative partnerships with local growers will be needed for the continued management of pests and to secure desired climate-resilient nursery stock.

Comparing maps of canopy change (for example, see map 3) to priority planting maps for social and human health benefits show that many areas of greatest tree canopy loss have occurred where tree canopy is most needed to build social equity. The priority planting and tree placement analyses can be used to guide future planting efforts on both public and private land where trees can have the greatest impact.



# Operational Efficiency and Resource Management

## INDICATORS OF A SUSTAINABLE URBAN FOREST

To better understand and evaluate the level of urban forest care, management, and engagement in Fort Collins, the city's forestry program was assessed on 30 sustainable urban forest indicators (tables 10, 11, and 12). The Indicators of a Sustainable Urban Forest is a program assessment tool that uses industry standards and best management practices to assess the city's urban forest, its management, and the community and stakeholders that influence it.

Fort Collins' performance level for 30 Indicators of a Sustainable Urban Forest was assessed as:

- **LOW** on 3 indicators (10%)
- **LOW-MODERATE** on 1 indicators (3%)
- **MODERATE** on 15 indicators (50%)
- **MODERATE-HIGH** on 5 indicators (17%)
- **HIGH** on 6 indicators (20%)

Summarized by each of the three categories of indicators, Fort Collins' performance level is:

- The Trees: **MODERATE**
- The Community & Stakeholders: **MODERATE**
- The Management Program: **MODERATE-HIGH**





## The Trees: MODERATE

Table 10. Fort Collins' urban forestry performance level for eight indicators of a sustainable urban forest that relate to trees and tree canopy.

INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Urban Tree Canopy</b>	Achieve the desired tree canopy cover according to goals set for the entire city and neighborhoods.  Alternatively, achieve 75% of the total canopy possible for the entire city and in each neighborhood.	Canopy is decreasing.  - and/or -  No canopy goals have been set.	Canopy is not dropping, but not on a trajectory to achieve the established goal.	Canopy goal is achieved, or well on the way to achievement.	No canopy goal has been set, but canopy grew 17.2% in past 10 years.
<b>Equitable Distribution of Canopy</b>	Achieve low variation between tree canopy and equity factors citywide by neighborhood. Ensure that the benefits of tree canopy are available to all, especially for vulnerable populations for whom tree benefits are of particular importance.	Tree planting and public outreach and education is not determined by tree canopy cover or benefits.	Tree planting and public outreach and education is focused on neighborhoods with low tree canopy.	Tree planting and public outreach and education is focused in neighborhoods with low tree canopy and a high need for tree benefits.	A planting plan can help the city plan canopy growth for low-canopy, high-need neighborhoods.
<b>Age of Trees (Size and Age Distribution)</b>	Establish a diverse-aged population of public trees across the entire city and for each neighborhood. Ideal standard: 0-8" DBH: 40% 9-17" DBH: 30% 18-24" DBH: 20% Over 24" DBH: 10%	Age distribution is not proportionately distributed across size classes at the city level.	Age distribution is evenly distributed at city level, though unevenly distributed at the neighborhood level.	Age distribution is generally aligned with the ideal standard diameter classes at the neighborhood level.	Citywide age distribution is 60% young trees.
<b>Condition of Publicly Owned Trees</b>	Possess a detailed understanding of tree condition and potential risk of all intensively-managed, publicly-owned trees. This information is used to direct maintenance actions.	No current information is available on tree condition or risk.	Information from a partial or sample or inventory is used to assess tree condition and risk.	Information from a current, GIS-based, 100% complete public tree inventory is used to indicate tree condition and risk.	Condition information is available, and there is partial information about risk.
<b>Condition of Publicly-Owned Natural Areas</b>	Possess a detailed understanding of the ecological structure and function of all publicly-owned natural areas (such as woodlands, ravines, stream corridors, etc.), as well as usage patterns.	No current information is available on tree condition or risk.	Publicly-owned natural areas are identified in a sample-based "natural areas survey" or similar data.	Information from a current, GIS-based, 100% complete natural areas survey is utilized to document ecological structure and function, as well as usage patterns.	Limited tree inventory within public natural areas.



INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Trees on Private Property</b>	Possess a solid understanding of the extent, location and general condition of trees on private lands.	No data is available on private trees.	Current tree canopy assessment reflects basic information (location) of both public and private canopy combined.	Detailed information available on private trees. Ex. bottom-up sample-based assessment of trees.	Current citywide UTC assessment based on 2021 data.
<b>Diversity</b>	Establish a genetically diverse population of publicly-owned trees across the entire city and for each neighborhood. Tree populations should be comprised of no more than 30% of any family, 20% of any genus, or 10% of any species.	Fewer than five species dominate the entire tree population citywide.	No species represents more than 20% of the entire tree population citywide.	No species represents more than 10% of the entire tree population citywide.	Only <i>Fraxinus pennsylvanica</i> (11%) and <i>Gleditsia triacanthos</i> (11%) exceed 10%, and there are plans in place to reduce their population.
<b>Suitability</b>	Establish a tree population suited to the urban environment and adapted to the overall region. Suitable species are gauged by exposure to imminent threats, considering the "Right Tree for the Right Place" concept and invasive species.	Less than 50% of trees are considered suitable for the site.	50% to 75% of trees are considered suitable for the site.	More than 75% of trees are considered suitable for the site.	Many trees are reliant on irrigation for survival; predictions of future drought, extreme heat, and abrupt cold will pose a challenge to many species.

### The Players: MODERATE

Table 11. Fort Collins' urban forestry performance level for nine indicators of a sustainable urban forest that relate to partnerships and the community.

INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Neighborhood Action</b>	Citizens understand, cooperate, and participate in urban forest management at the neighborhood level. Urban forestry is a neighborhood-scale issue.	Little or no citizen involvement or neighborhood action.	Some active groups are engaged in advancing urban forestry activity, but with no unified set of goals or priorities.	The majority of all neighborhoods are organized, connected, and working towards a unified set of goals and priorities.	UFA program; HOA tree planting programs



<p><b>Large Private &amp; Institutional Landholder Involvement</b></p>	<p>Large, private, and institutional landholders embrace citywide goals and objectives through targeted resource management plans.</p>	<p>Large private land holders are unaware of issues and potential influence in the urban forest. No large private land management plans are currently in place.</p>	<p>Education materials and advice is available to large private landholders. Few large private landholders or institutions have management plans in place.</p>	<p>Clear and concise goals are established for large private land holders through direct education and assistance programs. Key landholders and institutions have management plans in place.</p>	<p>Several partners noted a good relationship with Forestry. CSU coordinates with Forestry on management of trees along their boundaries. Opportunity to increase cooperation on campuses for Broadcom/ Hewlett-Packard, Poudre School District, Woodward Governor, and Budweiser.</p>
<p><b>Green Industry Involvement</b></p>	<p>The green industry works together to advance citywide urban forest goals and objectives. The city and its partners capitalize on local green industry expertise and innovation.</p>	<p>Little or no involvement from green industry leaders to advance local urban forestry goals.</p>	<p>Some partnerships are in place to advance local urban forestry goals, but more often for the short-term.</p>	<p>Long-term committed partnerships are working to advance local urban forestry goals.</p>	<p>Forestry staff are highly involved in regional conversations about EAB, wood waste utilization, and other topics.</p>
<p><b>City Department and Agency Cooperation</b></p>	<p>All city departments and agencies cooperate to advance citywide urban forestry goals and objectives.</p>	<p>Conflicting goals and/or actions among city departments and agencies.</p>	<p>Informal teams among departments and agencies are communicating and implementing common goals on a project-specific basis.</p>	<p>Common goals and collaboration occur across all departments and agencies. City policy and actions are implemented by formal interdepartmental and interagency working teams on all city projects.</p>	<p>Veg Team meets to discuss vegetation across city departments. Partners noted that Zoning and Forestry may require closer cooperation.</p>
<p><b>Funder Engagement</b></p>	<p>Local funders are engaged and invested in urban forestry initiatives. Funding is adequate to implement citywide urban forest management plan.</p>	<p>Little or no funders are engaged in urban forestry initiatives.</p>	<p>Funders are engaged in urban forestry initiatives at minimal levels for short-term projects.</p>	<p>Multiple funders are fully engaged and active in urban forestry initiatives for short-term projects and long-term goals.</p>	<p>Share Some Shade and Living Tribute Trees programs; private donation of \$50,000 per year in 2022 and 2023.</p>



<p><b>Utility Engagement</b></p>	<p>All utilities are aware of and vested in the urban forest and cooperates to advance citywide urban forest goals and objectives.</p>	<p>Utilities and city agencies act independently of urban forestry efforts. No coordination exists.</p>	<p>Utilities and city agencies have engaged in dialogues about urban forestry efforts with respect to capital improvement and infrastructure projects.</p>	<p>Utilities, city agencies, and other stakeholders integrate and collaborate on all urban forestry efforts, including planning, site work, and outreach/education.</p>	<p>There is some coordination between Forestry and utilities. Additional coordination may be needed for education and outreach to private property owners. Utilities and Engineering/CIP have concerns about increased mitigation requirements of draft Land Use Code.</p>
<p><b>Developer Engagement</b></p>	<p>The development community is aware of and vested in the urban forest and cooperates to advance citywide urban forest goals and objectives.</p>	<p>Little or no cooperation from developers in (or awareness of) municipality-wide urban forest goals and objectives.</p>	<p>Some cooperation from developers and general awareness and acceptance of municipality-wide goals and objectives.</p>	<p>Specific collaborative arrangements across development community in support of municipality-wide goals and objectives.</p>	<p>Developers exhibit good understanding and acceptance of city rules. New LUC updates demonstrate capacity for city goals &amp; objectives.</p>
<p><b>Public Awareness</b></p>	<p>The general public understands the benefits of trees and advocates for the role and importance of the urban forest.</p>	<p>Trees are generally seen as a nuisance, and thus, a drain on city budgets and personal paychecks.</p>	<p>Trees are generally recognized as important and beneficial.</p>	<p>Trees are seen as valuable infrastructure and vital to the community's well-being. The urban forest is recognized for the unique environmental, economic, and social services it provides to the community.</p>	<p>The public is generally supportive of the urban forest on public land. Support for the private urban forest needs further assessment to tease apart public sentiment about specific issues.</p>
<p><b>Regional Collaboration</b></p>	<p>Neighboring communities and regional groups are actively cooperating and interacting to advance the region's stake in the city's urban forest.</p>	<p>Little or no interaction between neighboring communities and regional groups.</p>	<p>Neighboring communities and regional groups share similar goals and policy vehicles related to trees and the urban forest.</p>	<p>Regional urban forestry planning, coordination, and management is widespread.</p>	<p>Numerous local communities have indicated an interest in partnering. There's an opportunity to share planning and resources and coordinate more on education/outreach. Additional</p>





					opportunities at county level (Larimer, Weld), CO State Forest Service, CSU/CSU Extension, and Poudre School District.
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### The Management: MODERATE-HIGH

Table 12. Fort Collins' urban forestry performance level for 12 indicators of a sustainable urban forest that relate to Forestry operations.

INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Tree Inventory</b>	Comprehensive, GIS-based, current inventory of all intensively-managed public trees to guide management, with mechanisms in place to keep data current and available for use. Data allows for analysis of age distribution, condition, risk, diversity, and suitability.	No inventory or out-of-date inventory of publicly-owned trees.	Partial or sample-based inventory of publicly-owned trees, inconsistently updated.	Complete, GIS-based inventory of publicly-owned trees, updated on a regular, systematic basis.	Current inventory dates from 2018-2023
<b>Canopy Assessment</b>	Accurate, high-resolution, and recent assessment of existing and potential city-wide tree canopy cover that is regularly updated and available for use across various departments, agencies, and/or disciplines.	No tree canopy assessment.	Sample-based canopy cover assessment, or dated (over 10 years old) high resolution canopy assessment.	High-resolution tree canopy assessment using aerial photographs or satellite imagery.	Current UTC from 2021 data with comparison to 2011.
<b>Management Plan</b>	Existence and buy-in of a comprehensive urban forest management plan to achieve city-wide goals. Re-evaluation is conducted every 5 to 10 years.	No urban forest management plan exists.	A plan for the publicly-owned forest resource exists but is limited in scope, acceptance, and implementation.	A comprehensive plan for the publicly owned forest resource exists and is accepted and implemented.	City demonstrates elements of a management plan, such as a proactive pruning program. There is opportunity to create a planning document that can be circulated for support.



INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Risk Management Program</b>	All publicly-owned trees are managed for maximum public safety by way of maintaining a city-wide inventory, conducting proactive annual inspections, and eliminating hazards within a set timeframe based on risk level. Risk management program is outlined in the management plan.	Request-based, reactive system. The condition of publicly-owned trees is unknown.	There is some degree of risk abatement thanks to knowledge of condition of publicly-owned trees, though generally still managed as a request-based reactive system.	There is a complete tree inventory with risk assesment data and a risk abatement program in effect. Hazards are eliminated within a set time period depending on the level of risk.	Forestry has noted a decrease in risk assessment needs and tree failures with shorter pruning rotation. Forestry is trying to shift away from a request-based reactive system.
<b>Maintenance Program of Publicly-Owned Trees</b>	All intensively-managed, publicly-owned trees are well maintained for optimal health and condition in order to extend longevity and maximize benefits. A reasonable cyclical pruning program is in place, generally targeting 5 to 7 year cycles. The maintenance program is outlined in the management plan.	Request-based, reactive system. No systematic pruning program is in place for publicly-owned trees.	All publicly-owned trees are systematically maintained, but pruning cycle is inadequate.	All publicly-owned trees are proactively and systematically maintained and adequately pruned on a cyclical basis.	There is extensive pruning taking place, currently on a 5–6 year cycle. Young trees are visited more frequently—every 2-3 years to manage clearance.
<b>Maintenance Program of Publicly-Owned Natural Areas</b>	The ecological structure and function of all publicly-owned natural areas are protected and enhanced while accommodating public use where appropriate.	No natural areas management plans are in effect.	Only reactive management efforts to facilitate public use (risk abatement).	Management plans are in place for each publicly-owned natural area focused on managing ecological structure and function and facilitating public use.	Management plans are in place for natural areas by zone, but with minor exceptions, they do not include tree management components; in many places, trees are not desired
<b>Planting Program</b>	Comprehensive and effective tree planting and establishment program is driven by canopy cover goals, equity considerations, and other priorities according to the plan. Tree planting and establishment is outlined in the management plan.	Tree establishment is ad hoc.	Tree establishment is consistently funded and occurs on an annual basis.	Tree establishment is directed by needs derived from a tree inventory and other community plans and is sufficient in meeting canopy cover objectives.	Data from Urban Forest Strategic Plan can be used to create a data-driven planting plan to address priorities.



INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Tree Protection Policy</b>	Comprehensive and regularly updated tree protection ordinance with enforcement ability is based on community goals. The benefits derived from trees on public and private property are ensured by the enforcement of existing policies.	No tree protection policy.	Policies are in place to protect trees, but the policies are not well-enforced or ineffective.	Protections policies ensure the safety of trees on public and private land. The policies are enforced and supported by significant deterrents and shared ownership of city goals.	Policies are in place to protect trees during development, and a permitting process is in place for public trees. Policies are enforced, but there are currently no policies to protect trees on private land outside of development scenarios.
<b>City Staffing and Equipment</b>	Adequate staff and access to the equipment and vehicles to implement the management plan. A high level urban forester or planning professional, strong operations staff, and solid certified arborist technicians.	Insufficient staffing levels, insufficiently-trained staff, and/or inadequate equipment and vehicle availability.	Certified arborists and professional urban foresters on staff have some professional development, but are lacking adequate staff levels or adequate equipment.	Multi-disciplinary team within the urban forestry unit, including an urban forestry professional, operations manager, and arborist technicians. Vehicles and equipment are sufficient to complete required work.	City Forestry is adequately staffed but has identified near-term needs to scale department with growth of canopy. Equipment is in good shape overall, but some equipment needs were noted. City is approaching maximum capacity of existing staff.
<b>Funding</b>	Appropriate funding in place to fully implement both proactive and reactive needs based on a comprehensive urban forest management plan.	Funding comes from the public sector only, and covers only reactive work.	Funding levels (public and private) generally cover mostly reactive work. Low levels of risk management and planting in place.	Dynamic, active funding from engaged private partners and adequate public funding are used to proactively manage and expand the urban forest.	Most funding is from the public sector, but work is more than reactive. Risk management and planting could be increased.



INDICATOR	OVERALL OBJECTIVE OR INDUSTRY STANDARD	PERFORMANCE LEVEL			NOTES
		LOW	MODERATE	HIGH	
<b>Disaster Preparedness &amp; Response</b>	A disaster management plan is in place related to the city's urban forest. The plan includes staff roles, contracts, response priorities, debris management and a crisis communication plan. Staff are regularly trained and/or updated.	No disaster response plan is in place.	A disaster plan is in place, but pieces are missing and/or staff are not regularly trained or updated.	A robust disaster management plan is in place, regularly updated and staff is fully trained on roles and processes.	Storm response plan in place
<b>Communication</b>	Effective avenues of two-way communication exist between the city departments and between city and its citizens. Messaging is consistent and coordinated, when feasible.	No avenues are in place. City departments and public determine on an ad-hoc basis the best messages and avenues to communicate.	Avenues are in place but used sporadically and without coordination or only on a one-way basis.	Avenues are in place for two-way communication, are well-used with targeted, coordinated messages.	Avenues are in place including the City's Access FC system. Additional points of contact include phone and email to various staff. Outside of Access FC system, communication may be one-way and/or harder to track.



### Trees Help Build a Safe Community

Trees enhance neighborhoods by providing a sense of community and safety. This is not just perception; a 10% increase in neighborhood tree canopy cover has been associated with a 12%–15% reduction in violent and property crimes. Along streets, trees help to slow traffic, making streets safer for pedestrians and cyclists. Trees also cool streets and sidewalks, creating more comfortable conditions for walking, biking, and public transit.

In communities with high incidences of crime, trees and shrubs can reduce sight lines. In such communities, poorly maintained trees can contribute to a perceived lack of care, which can have negative effects on mental health. An equitable approach to urban forestry cover seeks to increase the benefits that trees provide while mindfully addressing real concerns that residents may have about tree canopy in their neighborhood, such as by ensuring proper maintenance.

Sources: Swift et al., 1997; Kuo, 2003; Ewing & Dumbaugh, 2009; O'Neil-Dunn, 2012; Gilstad-Hayden et al., 2015; USDA Forest Service, 2018.





## OPERATIONS REVIEW

An operations review of the Forestry Division was conducted via surveys, staff interviews, and review of written policies and data. Select metrics lend themselves to comparison with findings from a 2014 municipal urban forestry census, which provides benchmarks for forestry programs among U.S. cities by region and population size (Hauer & Peterson, 2016).

### Number of Public Trees per Capita

Fort Collins' public tree inventory of 57,991 trees is 0.34 public trees per capita (figure 23). While this is lower than the average for U.S. cities, it is also reflective of Fort Collins' native shrubland and grassland ecosystems.

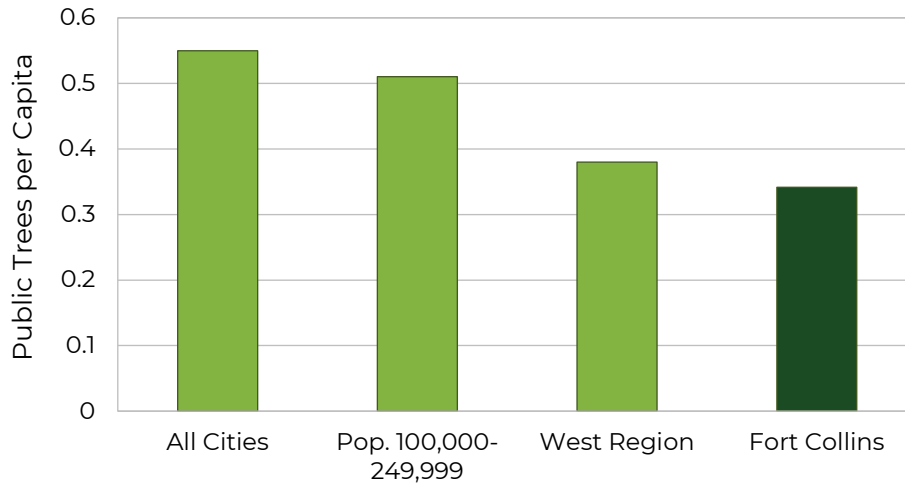


Figure 23. The number of public trees per capita for 330 U.S. cities who provided data to a 2014 municipal forestry census, compared to figures for cities with populations from 100,000-249,999, cities in the West region of the U.S., and Fort Collins.

### Public Tree Activities by Year

The Forestry Division pruned 8,832 trees per year, on average, in the years from 2019–2023 (figure 24). This marks a gradual increase in pruning activities over prior years as part of efforts to achieve a five-year pruning rotation for all public trees (figure 25).

In 2022, the Division pruned 10,877 trees or 22.4% of the public tree inventory, which meets the standard for a five-year pruning cycle. Industry standards recommend a regular pruning cycle of 5–10 years. Only approximately one-half of U.S. cities proactively prune their trees on a regular cycle of any duration (Hauer & Peterson, 2016).



Beginning in 2021, public tree planting exceeded tree removals (figure 26). In this year, the Forestry Division also began prophylactic treatments of public ash trees for emerald ash borer.

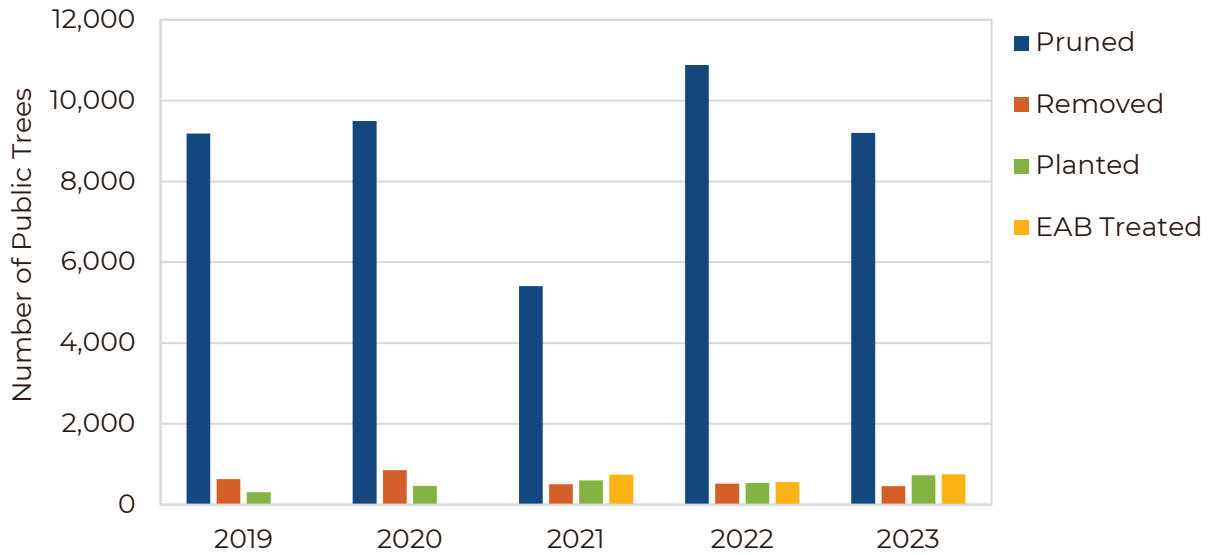


Figure 24. Forestry Division tree activities by year, 2019-2023.

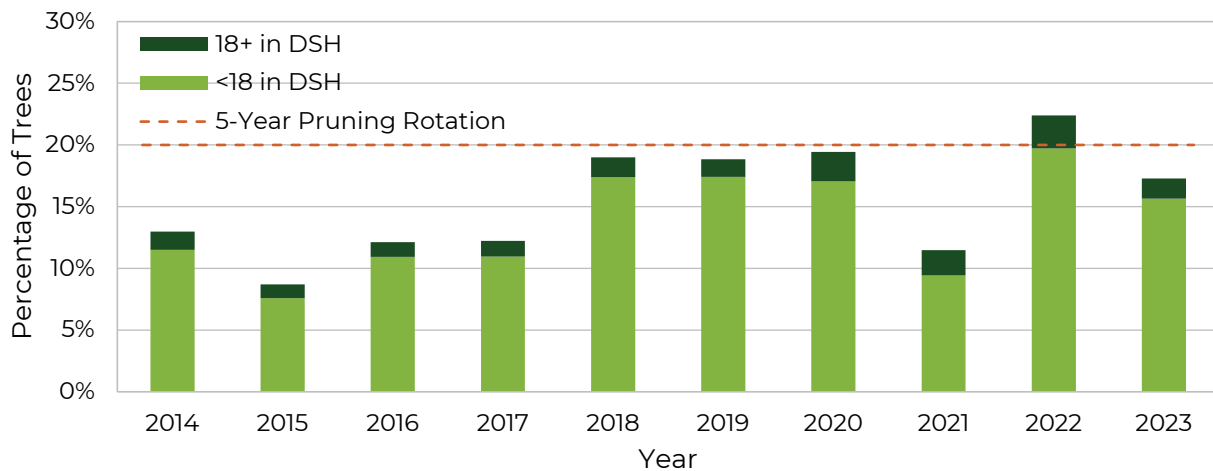


Figure 25. Percentage of public trees pruned by year. Public trees less than 18 inches DSH (light green) and trees 18 inches DSH or larger (dark green) are shown relative to the percentage necessary for a 5-year pruning cycle.



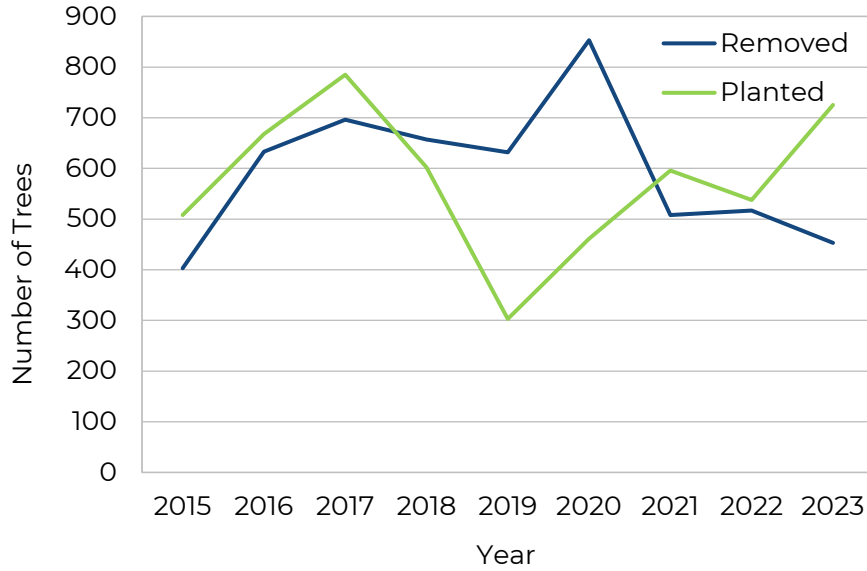


Figure 26. Number of public trees planted and removed by year.

### Staffing

The Forestry Division currently employs 17 full-time staff, 5 hourly staff, and receives part-time assistance from one office assistant (table 13, figure 27). One additional full-time staff is housed within the Zoning Department; city council added this position in 2023 to support forestry needs related to development.

Table 13. Forestry Division staffing, 2024.

STAFF TITLE	NUMBER OF STAFF	NUMBER OF VACANCIES
City Forester	1	0
Assistant City Forester	1	0
Senior Specialist, Forestry	3	0
Forestry Zoning Inspector (Zoning Dept.)	1	0
Senior Supervisor, Forestry	1	0
Crew Chief, Forestry	3	0
Technician II, Forestry	6	0
Technician I, Forestry	2	0
Hourly Staff	5	0
Office Assistant	0.25	0



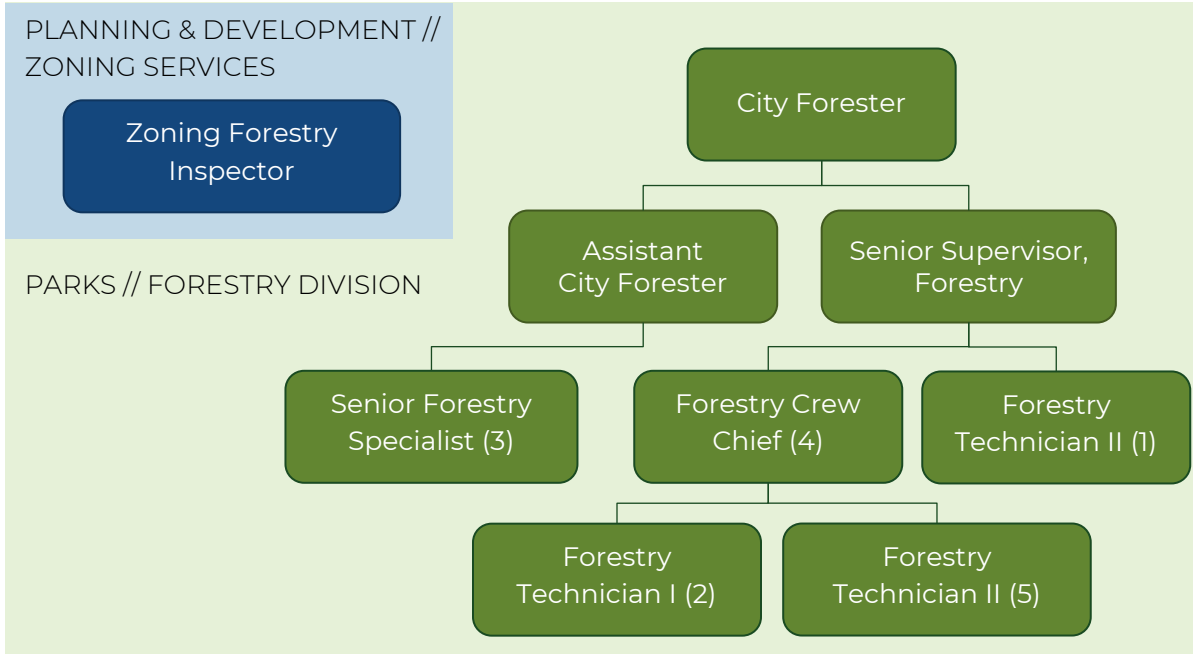


Figure 27. Organizational chart, City forestry staff.

### Needed Capacity

Additional capacity needs have been identified for grant writing, development plan review, and for operations including pruning, removal, planting, stump grinding, potholing, infrastructure conflicts, and contract management. Grant writing capacity can assist the Division with securing external funding sources to support expanded planning, policy development, and operations. In plan review, additional capacity would help the Division manage a growing number of requests for tree plan and permit review as staff members are increasingly working with developers to ensure that tree standards are met.

Operations needs can be summarized as one additional crew that will facilitate staff rotations to ease physical demands, reduce injuries, and provide opportunities for cross-training staff in various tree activities.

### Credentials and Training

Among 17 existing staff members, fifteen hold Certified Arborist credentials from the International Society of Arboriculture (ISA; figure 28). The Forestry Division was compared to 655 U.S. cities that reported on forestry staff credentials in a national municipal urban forestry census (Hauer & Peterson, 2016). The portion of Forestry Division staff that have advanced training in arboriculture is similar to, or higher than, the average among all U.S. cities for ISA Certified Arborist and Municipal Specialist credentials but slightly lower than the average for cities that are similarly sized to Fort Collins.





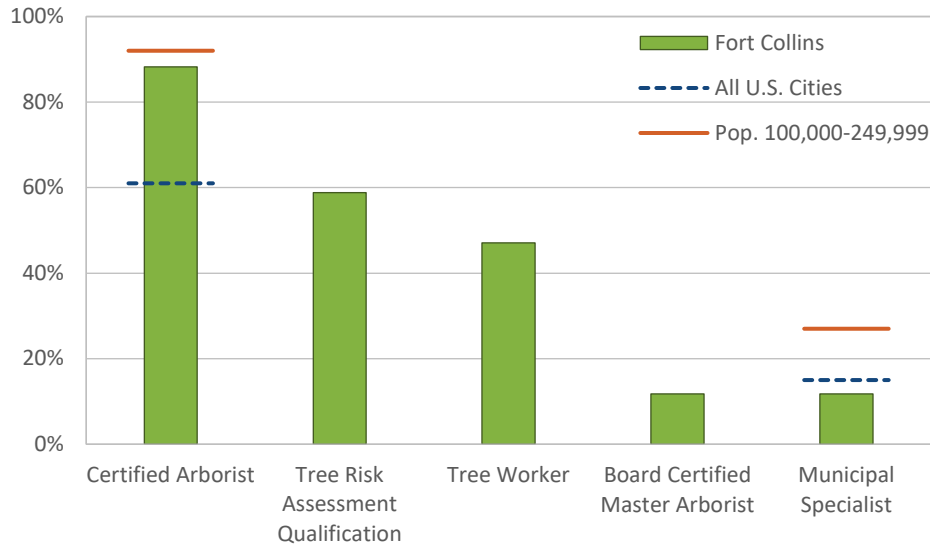


Figure 28. Portion of City forestry staff with ISA credentials compared to forestry staff in 655 U.S. cities of all sizes (blue dashed line) and a subset of cities with a population between 100,000 and 249,999 (red solid line).

Interviews of Forestry Division staff reported that city government is generally supportive of training opportunities as budget allows. The Division is highly participatory in regional working groups and discussions that relate to wood waste diversion and utilization, pest and disease management, and other forestry topics, providing team members with advanced regional learning opportunities. The Division also hosts trainings for external arborists and has Tree Worker Certified Proctors on staff who assist with annual tests.

Interviews supported a need for a more formal, consistent, and organized training process, as well as written policy and processes for training that can be referenced. There is also an opportunity for the Forestry Division to provide wage increases for advanced certification so that compensation rates keep pace with the labor market.

### Facilities

The Forestry Division has two office locations. Staff are divided between the two offices. Building, wood yard, and mulch space is approaching maximum capacity.

### Equipment

The Forestry Division is adequately equipped for its current workload, but equipment needs require frequent reevaluation (table 14). Staff noted equipment needs including replacements for equipment that is frequently used and currently in Fair condition: a grapple, utility lift, and large aerial lift. Staff also noted needs for additional equipment including a water truck, a small bucket truck, a traffic attenuator, and trucks that are able to haul a skid steer and/or stump grinder. If an



additional operations crew were to be added to the Division, there would be equipment needs related to outfitting that crew.

Table 14. Forestry Division equipment, quantity, and condition.

TYPE OF EQUIPMENT	QUANTITY	CONDITION RATING
Aerial lift	3	2 Fair, 1 Good
Chip truck	3	Fair
Chipper	3	Fair
Grapple truck	2	Good
Stump grinder	2	1 Fair, 1 Good
Dump truck	3	Fair
Pickup trucks	8	2 Good, 6 Fair
Electric vehicle	1	Fair
Traffic attenuator	1	Fair
Front loader	1	Fair
Electronic message & arrow board	1	Good
Utility trailer	5	Good

## Budget & Funding

The Forestry Division is supported by the City's General Fund, which is the main operating fund for the City of Fort Collins. The Division also has a revenue account that captures restitution and payment-in-lieu monies from development activities.

From 2019–2023, the Forestry Division annual budget ranged from \$2.34 million–\$3.35 million (figure 29). As a percentage of the total city budget, Fort Collins is on par with the average for 463 cities that provided budgetary information to a 2014 municipal forestry census (figure 30).

A significant snowstorm in March 2021 that brought up to 27 inches of snow resulted in extensive tree damage, which led to an additional allocation of \$273,837 to the Forestry Division for storm response that funded storm cleanup and additional pruning activities in 2021–2022. In addition, the Division received two private donations of \$50,000 each in 2022 and 2023, designated for tree planting.

Of the cities that provided budgetary information, only one-half (53%) reported that their annual budget was adequate to meet their city's forestry needs. Their average budget shortfall was 45%. Among cities that were similarly sized to Fort Collins, the percentage who said their annual budget was adequate to meet their forestry needs dropped to 39%. In these cities, the average budget shortfall was approximately 36%.



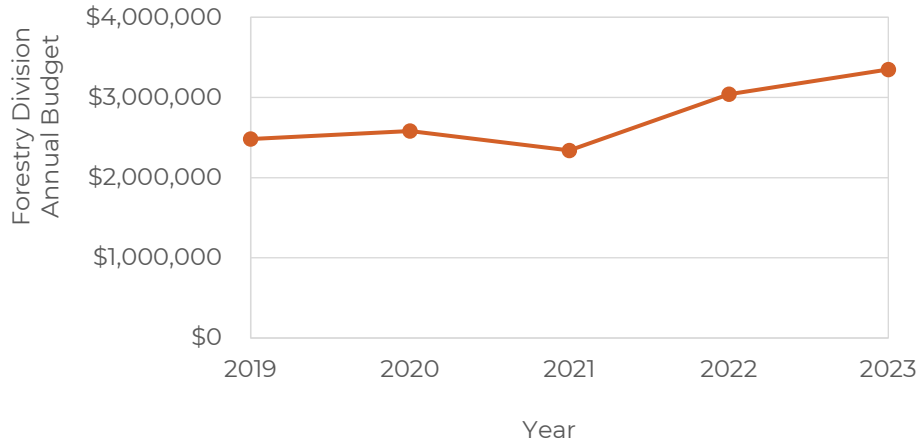


Figure 29. Forestry Division annual budget, 2019–2023.

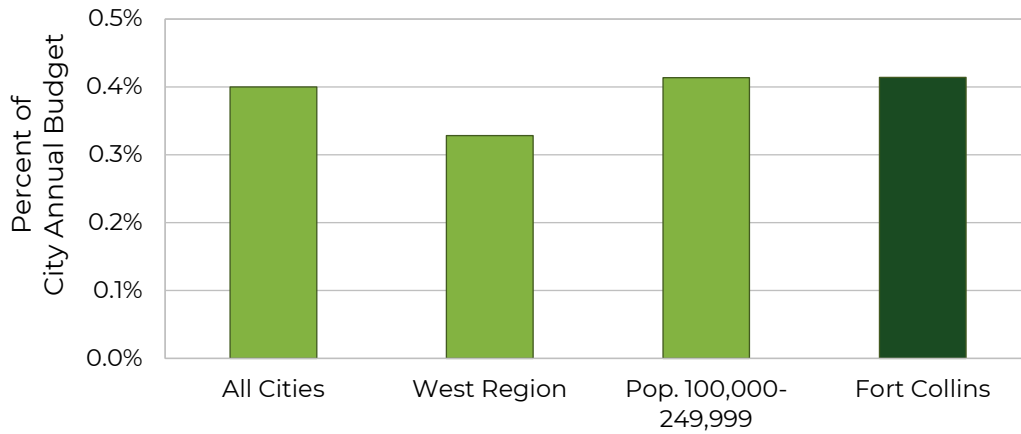


Figure 30. Municipal forestry budgets as a percentage of total municipal budgets for 463 U.S. cities (adjusted for inflation from 2014 values) compared to the Forestry Division's 2023 annual budget.

The Forestry Division’s budget supports tree activities that are completed by both in-house staff and contractors. The largest annual expenditures relate to pruning (figure 31). From 2019–2023, average expenditures for contractual pruning were \$224,000 per year (table 15). In 2023, the Forestry budget allotted \$300,000 for contractual pruning.



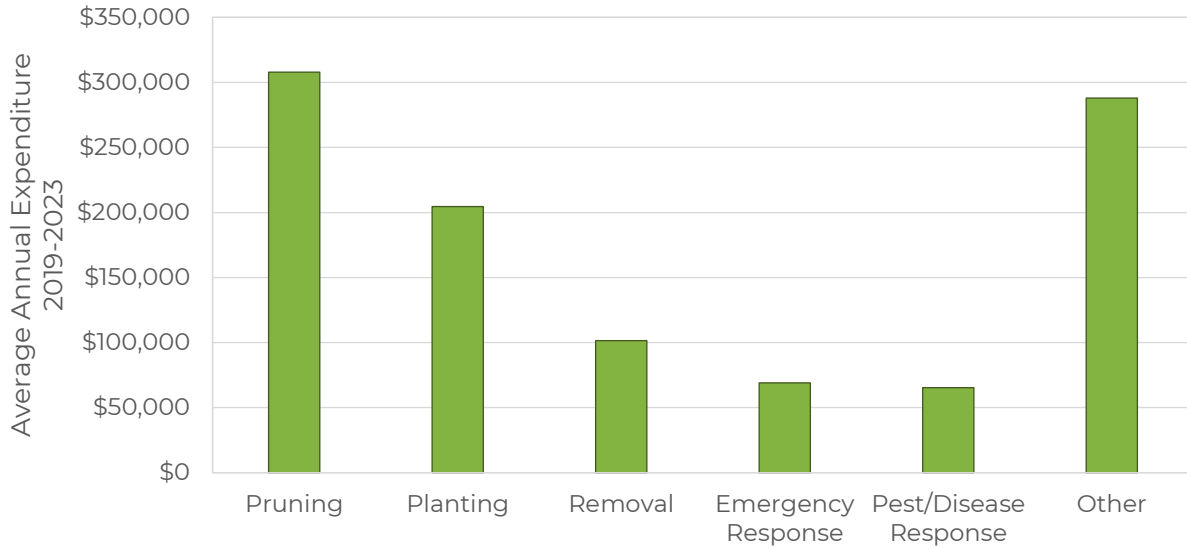


Figure 31. Average annual Forestry Division expenditures by activity, 2019–2023.

Table 15. Contractual pruning expenditures by year, 2019–2023.

YEAR	CONTRACTUAL PRUNING
2019	\$200,000
2020	\$200,000
2021	\$200,000
2022	\$219,384
2023	\$300,000
AVERAGE	\$223,877

### Forestry Plans, Policies, and Documents

The following written plans, policies, and documents are maintained by the City or the Forestry Division regarding tree care:

**Tree Management Standards and Best Management Practices Manual (2010):** Written standards for arborist licensing, pruning, removal, pesticide application, and tree protection. The Forestry Division would like to update this manual.

**Emerald Ash Borer Management and Response Plan (2020):** Details a three-year treatment plan for the city’s ash trees; procedures for detection, management, and tree replacement; and projected impacts.

**Approved Street Trees List:** Species guidance for street trees that are planted by property owners, developers, and landscapers in the public right-of-way.





**Parks Department Storm Damage to Urban Forest Rating Policy:** Describes how storm damage is assessed by city quadrant and prioritized. The Forestry Division would like to update this policy.

Forestry does not yet have the following plans or programs:

- Urban Forest Management Plan
- Risk Management Program
- Public Tree Maintenance Program
- Tree Planting Plan

### Forestry Service Requests

The Forestry Division received an average of 131 requests per year from 2019–2023 via Access Fort Collins, the city’s online service request portal (table 16). An additional 1,453 requests per year were sent via the Division’s email address. The Forestry Division also responds to service requests that are sent via phone and email to individual staff members; these requests have not been historically tracked.

Table 16. Forestry service requests from the public, 2019–2023.

YEAR	ACCESS FC INCLUDING COUNCIL SARS	FORESTRY@FCGOV.COM EMAIL
2019	71	
2020	124	
2021	209	
2022	121	1,475
2023	131	1,430

Requests via all channels of contact are routed to specific staff members based on topic. The most common requests relate to tree planting, insect and disease, maintenance, private tree issues, and arborist licensing. Pruning and removal requests are sent to Crew Chiefs, who specialize in specific topics. Emergency requests are typically routed directly to the City Forester, Assistant City Forester, or Senior Forestry Supervisor.

The typical response time for requests is within one year; a small number of larger projects and tree replacement requests are completed within two years. With a move toward a five-year pruning rotation, Forestry has been increasingly responding to pruning requests with education about the city’s pruning rotation, attempting to defer individual requests until an entire neighborhood can be scheduled and pruned at once.



Challenges of the existing system include multiple avenues of contact, which can create duplicate requests if residents reach out via more than one channel with their request.

### Wood Waste Program

The Forestry Division has worked to be zero waste since 2009 by diverting all wood waste material from landfills. The Division works with local wood workers to repurpose quality wood waste from the public tree inventory into value-added products. Other wood waste is provided as mulch to the general public at two locations. Residents can recycle private tree materials at city and county drop-off points and privately managed waste facilities. The City of Fort Collins is a member of the Urban Wood Network, a national network of urban wood professionals and stakeholders.

### Future Tree Canopy Growth

Tree canopy cover is projected for Fort Collins to the year 2040 under current tree planting practices, and tree planting is estimated for three possible tree canopy scenarios (table 17). By projecting 2011–2021 tree canopy trends and planting efforts into the future, Fort Collins is on a path to achieve 15.7% tree cover by 2040 (figure 32). Tree planting and preservation would need to significantly scale up to achieve 17%, 18%, or 20% canopy cover by 2040, involving the planting or preservation of 2,623–8,736 additional trees per year across public and private land. This would entail additional Forestry Division support for tree planting as well as strong community involvement to increase tree planting on privately owned land.

Based on Forestry expenditures from 2019–2023 of \$490.55 per tree planted, annual planting budgets for each canopy scenario are estimated to be between \$1.3 million–\$4.3 million per year. Because growing citywide tree canopy involves both public and private tree planting, these costs would be borne by both city government and the private sector. Preservation of existing trees, such as through enhanced tree protection policies for private land, may be a more cost-effective way to achieve a higher canopy goal.



Table 17. Tree canopy cover, canopy acres, and estimated trees to be planted under current levels of public tree planting and three scenarios.

CANOPY COVER 2021: 6,396 ACRES (12.6%)	CANOPY ACRES 2040	CANOPY COVER 2040	TREE CANOPY CHANGE, ACRES (2024–2040)	ESTIMATED TREES TO BE PLANTED/ PRESERVED PER YEAR, WITH MORTALITY*	ESTIMATED ANNUAL PLANTING COSTS, PUBLIC + PRIVATE**
Current Planting	7,988	15.7%	1,592	538	\$263,916
Scenario 1: 17% by 2040	8,643	17.0%	2,246	2,623	\$1,286,701
Scenario 2: 18% by 2040	9,151	18.0%	2,755	4,661	\$2,286,248
Scenario 3: 20% by 2040	10,168	20.0%	3,772	8,736	\$4,285,342

\* assumes 66 trees per acre

\*\* based on average Forestry expenditure per tree planted, 2019–2023 (\$490.55/tree)

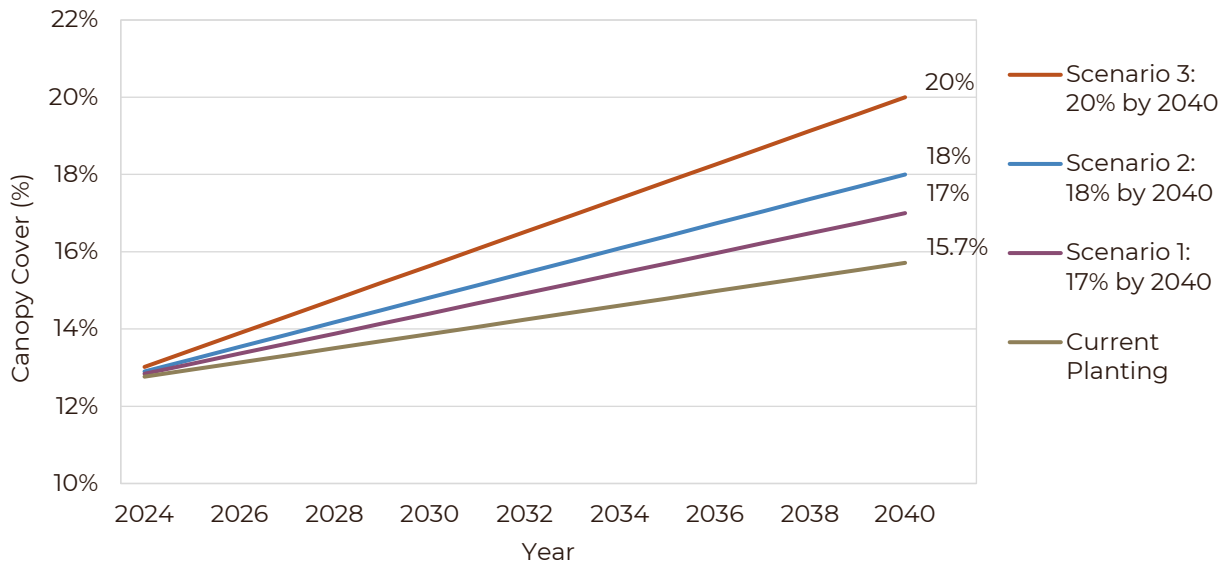


Figure 32. Predicted tree canopy cover under current levels of public tree planting and three scenarios.

## OPERATIONAL ANALYSIS: SUMMARY OF FINDINGS

Fort Collins’ Forestry Division provides a high level of service in the management of its public tree inventory. The city recently achieved the first year of a five-year pruning cycle, aided by an additional one-year budget allocation for storm response in 2021–2022 that supported additional pruning activities. This puts Fort Collins within a minority of U.S. cities that proactively manage their public tree inventory per urban forestry industry recommendations of a 5–10 year routine pruning cycle. The Division also recently achieved a level of planting that exceeds removals in 2022, aided by \$100,000 in private donations for tree planting.



As the inventory grows, it will be necessary to scale Forestry Division operations and capacity to keep pace. As noted in the public tree inventory, public trees skew to younger size classes (see figure 14). As these trees grow into larger size classes, per-tree maintenance costs will increase over time.

Additional capacity will be particularly needed if Fort Collins wants to increase its rate of canopy growth over time. The City is on a path to achieve 15.7% tree cover by 2040, if the previous decade's trend continues. To increase canopy cover to 17%–20% would require the additional planting of or preservation of 2,623–8,736 trees per year across public and private lands. The costs of such an endeavor vary but, using Forestry's per-tree expenditure from 2019–2023 as a benchmark, costs are estimated to be \$1.3 million–\$4.3 million per year. Enhanced tree protection and preservation provides an alternative to tree planting to achieve the City's canopy goal.

The Forestry Division is currently fully staffed and has identified needed capacity in grant writing, plan review, and operations. Additional staff capacity in plan and permit review will become especially necessary with any future adoption of an expanded land use code and any additional policy changes for tree preservation and protection. To maintain a five-year pruning cycle as the urban forest grows, it will be necessary to add an additional operations crew and associated equipment. Additional operations capacity will help existing staff develop new skills and remain healthy in physically demanding positions by allowing for crew rotations among different tree activities.

The Forestry Division could benefit from closer tracking of resident requests and budget expenditure by tree activity. Such tracking expands the opportunities for reporting about tree activities relative to the City's Key Outcome Areas. It also provides opportunities to more closely track staff time and expenditures related to resident requests.

Detailed work plans are another method to make efficient use of personnel and budget. Enhanced data collection for the tree inventory to include maintenance needs and risk can help inform planning for the routine pruning cycle and reduce resident requests. Inventory data about vacant planting sites, combined with the priority planting and tree placement analyses, can be used to create annual planting plans to plant trees where they are most needed.







## Forestry Division Contributions to a High Performing Government

Fort Collins' Forestry Division, housed within the Parks Department, provides a high level of service in the management of public trees.

**Proactive Maintenance.** The Division is among a minority of U.S. cities that maintain public trees on a routine pruning cycle. Routine maintenance is a safer and more cost effective alternative than reactive pruning that takes place in response to storm damage, emergencies, and public requests, saving the City up to 50% in pruning costs. The Division currently maintains public trees on a 5–7 year pruning cycle, with the goal of attaining a consistent five-year pruning cycle.

**Data-Driven Management.** The urban tree canopy assessment, inventory data, and other information that is presented in the *Urban Forest Strategic Plan* will be regularly updated to assist Forestry with informed decision making. The information in the Plan can also be used to inform policy updates for the strategic growth and protection of the urban forest.

**Resident Involvement.** Urban Forest Ambassadors are trained volunteers that assist the Forestry Division with inventory data collection. This program provides residents with an opportunity to learn more about their urban forest and contribute to its upkeep. Residents are also able to make requests related to public trees through Access Fort Collins. And more than 900 residents contributed their ideas to the creation of this Urban Forest Strategic Plan through participation in the planning process.

**Integration with City Plans and Priorities.** Trees and tree benefits are integrated into many City plans, including the City's strategic plan, and there are future opportunities to increase Forestry involvement in planning efforts. Implementation of this Urban Forest Strategic Plan will enhance the ways that urban forestry can be related to city Outcome Areas.

Sources: AECOM, 2013; Fort Collins 2024 Strategic Plan.



# Community Engagement and Policy Integration

## COMMUNITY FEEDBACK

Public engagement took place throughout the planning process to gather community input and feedback about Fort Collins' trees. Public engagement included a public survey and three public meetings. Forestry partnering entities were also invited to provide feedback in structured focus group meetings.

### Public Survey

The Urban Forest Strategic Plan planning team released a public survey in fall 2023 that was open to public participation from September–December 2023. Nine hundred seventy-one (971) participants completed the survey, which included 14 questions (table 18).

Ninety-nine percent (99%) of respondents agreed or strongly agreed that trees are an important part of Fort Collins (figure 33), while 95% agreed that public trees are well cared for or somewhat well cared for (figure 34). There was mixed agreement about whether Fort Collins has the right number of trees or too few (figure 35).

In general, respondents favor public land for tree planting, including parks, streets, schools, and trails, over private property (figure 36). When asked about their support for various private tree protection mechanisms, including tree removal permits, tree replacement or payment-in-lieu, and increased education about tree protection standards during construction, most respondents (75%) supported increased education (figure 37), while approximately 40% of respondents supported stronger tree protection mechanisms. Twenty percent of respondents did not support stronger private tree protection policies.

Participants ranked the top three tree benefits as shade, urban heat island mitigation, and air quality improvements (figure 38). In an open-ended question about their hopes for the future of Fort Collins' urban forest, the most common response themes included hopes for a healthy urban forest, opinions about species selection, and a desire for more trees (figure 39; table 19).



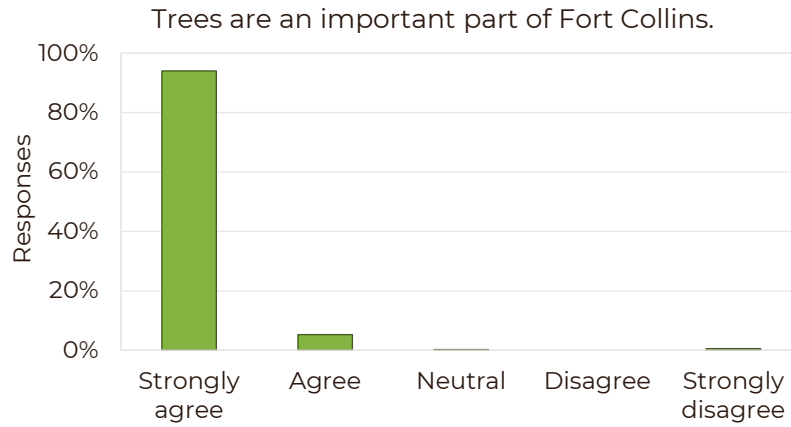


Figure 33. Responses to public survey question that asked participants to rate their agreement with the phrase, “Trees are an important part of Fort Collins” using a five-point Likert scale.

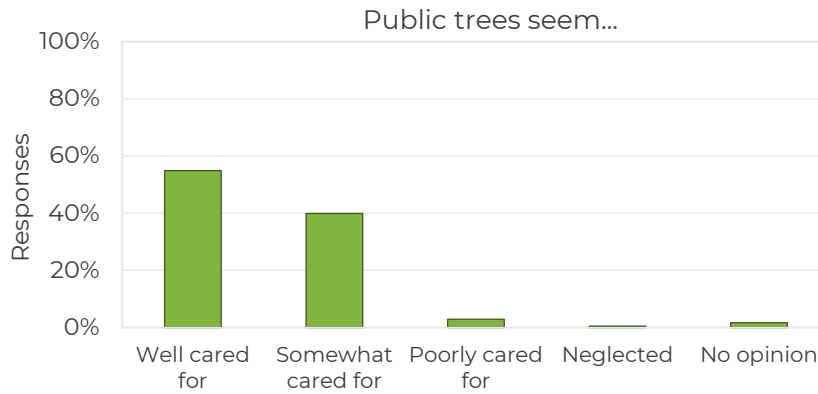


Figure 34. Responses to a public survey question that asked participants to complete the phrase, “Public trees seem...” with one of five response options.

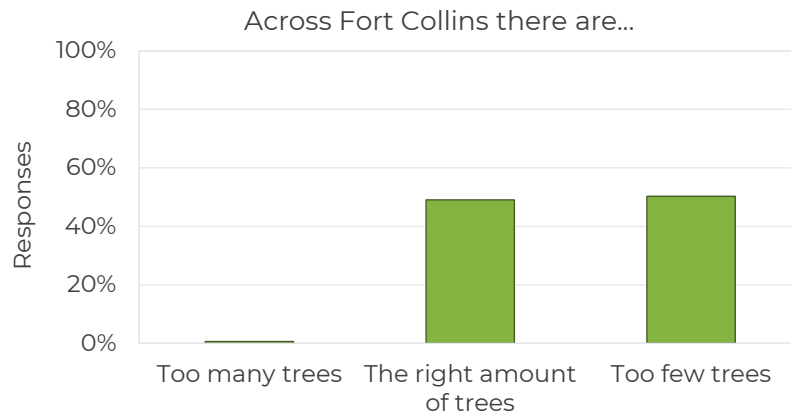


Figure 35. Responses to a public survey question that asked participants to complete the phrase, “Across Fort Collins there are...” with one of three response options.





Figure 36. Responses to a public survey question that asked participants to answer the question, “Where is it most important to plant trees?”, with the option to select multiple choices.

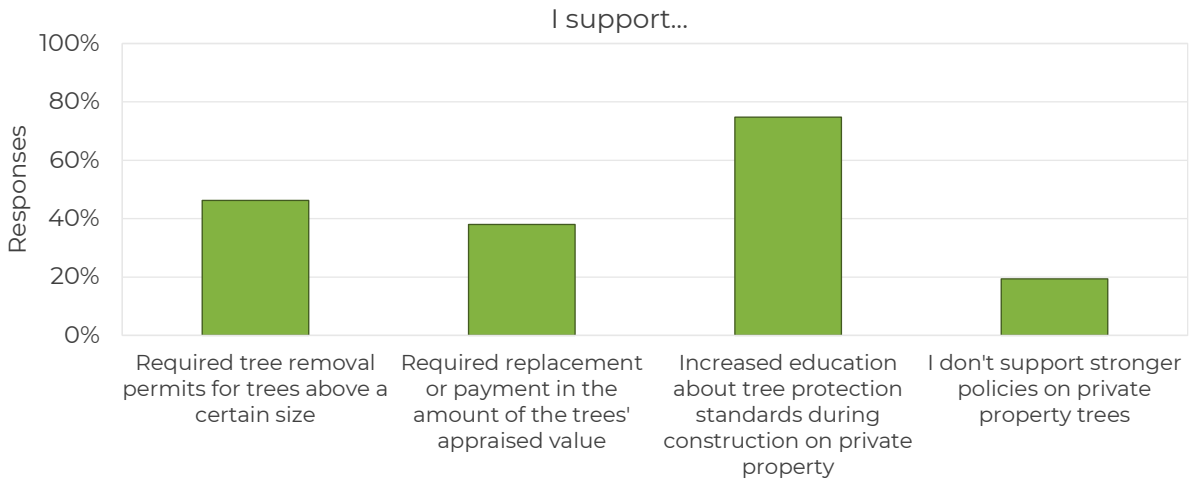


Figure 37. Responses to a public survey question that asked participants to complete the phrase, “I support...” with one of four response options.

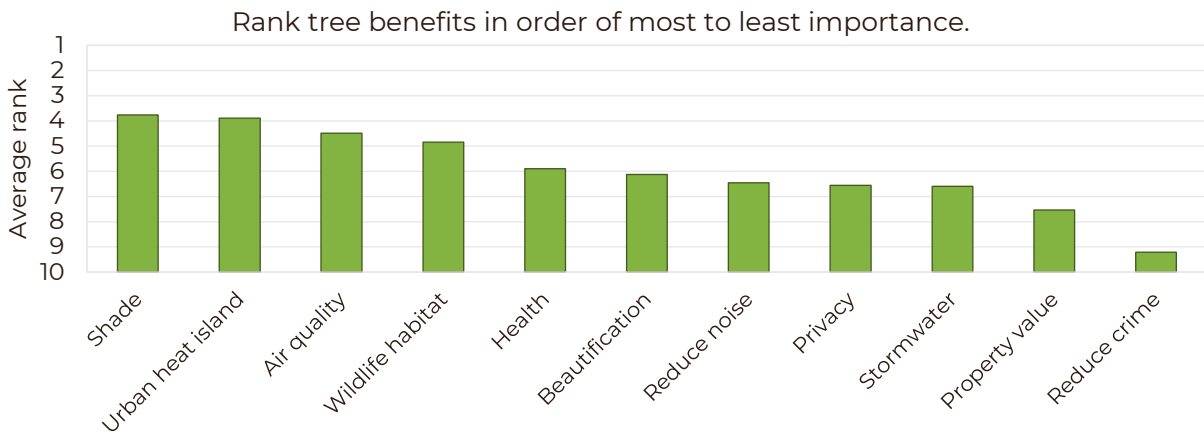


Figure 38. Responses to a public survey question that asked participants to rank tree benefits in order from most (rank 1) to least (rank 10) important.





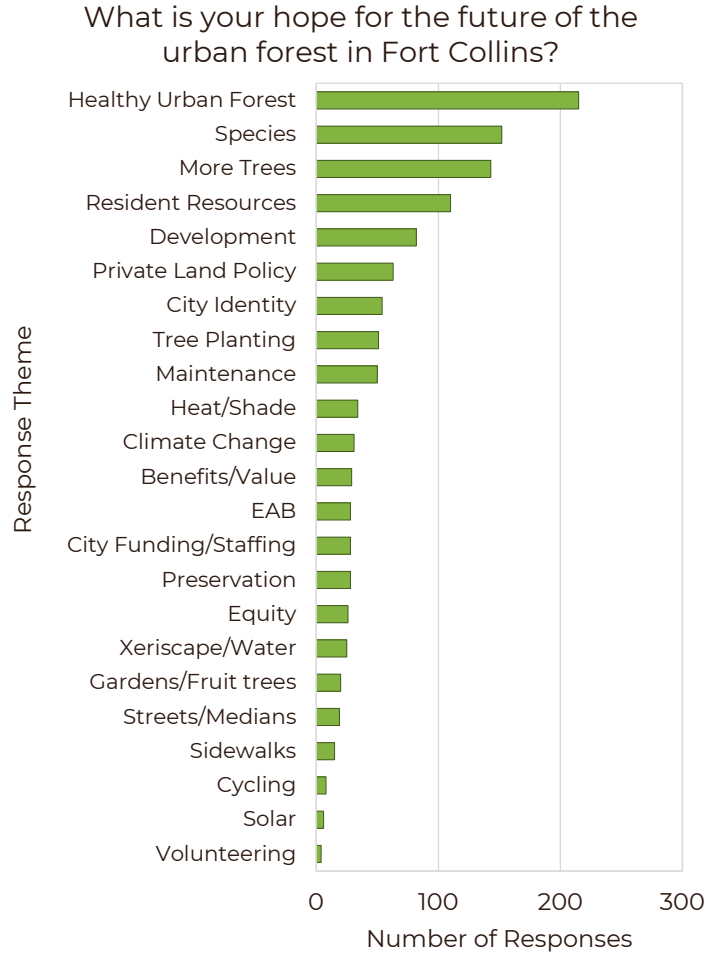


Figure 39. Responses to the open-ended question, “What is your hope for the future of the urban forest in Fort Collins?”, categorized by theme. A response could be positive, negative, or neutral about a theme.

Table 18. Public survey questions and responses (971 participants).

QUESTION	RESPONSES*
Q1- Trees are an important part of Fort Collins.	<b>Strongly agree (94%)</b> Agree (5%) Neutral (0.2%) Disagree (0%) Strongly disagree (0.5%)
Q1- Having trees is worth the financial cost of maintaining them.	<b>Strongly agree (86%)</b> Agree (11%) Neutral (2%) Disagree (0.2%) Strongly disagree (0.5%)
Q1- Public street trees seem well cared for in Fort Collins.	<b>Strongly agree (37%)</b> <b>Agree (48%)</b> Neutral (11%) Disagree (3%)



QUESTION	RESPONSES*
	Strongly disagree (0.7%)
Q2- Across Fort Collins there are...	<b>Too few trees (50%)</b> The right amount of trees (49%) Too many trees (0.6%)
Q2- In my neighborhood there are...	Too few trees (39%) <b>The right amount of trees (60%)</b> Too many trees (2%)
Q3- Trees in the urban environment provide many known benefits to the community, some of which are listed below. To help us understand how to best maximize these benefits to meet community needs, please rank the benefits below from most important to yo...	Average rankings: Help reduce crime (9.2) Increase my property value (7.5) Reduce flooding/run-off (basement/property) (6.6) Screen and provide privacy from my neighbors (6.6) Protect us from noisy roads and highways (6.5) Help landscape and beautify my property (6.1) Improve my mental and physical health (6) Provide habitat for wildlife (4.8) Improve air quality (reduce air pollution) (4.5) Prevent the city from becoming a hotter and drier place (3.9) <b>Shade to help reduce temperatures and keep my house cool (3.8)</b>
Q4- Where is it most important to plant trees in Fort Collins? Please select your top five.	<b>Parks (88%)</b> Private property (52%) Retail/commercial areas (i.e., parking lots) (71%) Schools (78%) Streets (parkways and medians) (79%) Trails (65%) Other (6%)
	<b>Strongly agree (84%)</b> Agree (13%) Neutral (2%) Disagree (0%) Strongly disagree (1%)
Q5- Public trees are those which are grown between the curb and sidewalk, in street medians, in parks, cemeteries, golf courses, and other City facilities, and are maintained by the City. These public trees seem:	<b>Well cared for (55%)</b> Somewhat cared for (40%) Poorly cared for (3%) Neglected (0.5%) No opinion (2%)
Q6- How do you feel about the City of Fort Collins Forestry Division's response to tree-related requests in the community?	Very responsive (21%) Responsive (29%) <b>Neutral (46%)</b> Responsive, but not in a timely manner (3%) Not responsive (1%)
Q7- The City of Fort Collins is exploring a Heritage Tree Program. Heritage Tree Programs are developed to protect and maintain trees on both public and private property in the community that may be of special species, sizes, or have cultural or horticultural significance.	<b>I am in support of a Heritage Tree Program (54%)</b> I am not in support of a Heritage Tree Program (9%) I don't know enough to decide (37%)
Q8- As part of planning for the urban forest, the City of Fort Collins is assessing the need to preserve canopy on private property. Examples of preservation tactics include adding	Required tree removal permits for tree removal over a certain size of diameter (46%) Required mitigation standards to apply - which means requiring replacement or payment in the amount of the trees' appraised value (38%)



QUESTION	RESPONSES*
tree removal guidelines to the building permit process, home expansion,...	<b>Increasing education around tree protection standards during construction on private property (75%)</b> I don't support stronger policies on private property trees (19%)
Q9- What is your hope for the future of the urban forest in Fort Collins?	<b>Open response (see below)</b>
Q10- Do you live, work, or play in Fort Collins? Please select all that apply.	<b>I own a home here (77%)</b> I rent a home/apartment here (16%) I am visiting (2%) I work or go to school here (32%) I own a business here (10%) Other (5%)
Q11- What zip code do you live in?	<b>80526 (29%)</b> 80525 (26%) 80521 (20%) 80524 (17%) 80528 (7%) 80523 (0.3%) 80527 (0.1%) 80522 (0%) 80523 (0%) Decline to specify (0.5%)
Q12- How do you identify your race and/or ethnicity? Please select all that apply.	<b>White (798)</b> Hispanic/Latinx/Spanish Origin (38) Asian/ Asian American (19) American Indian/Alaska Native (13) Middle Eastern/ North African (6) African American/ Black (4) Native Hawaiian/Other Pacific Islander (3) African (0) Decline to specify (113) Prefer to self-identify (10)
Q13- What is your age?	75 and older (5%) <b>65-74 (21%)</b> 55-64 (19%) 45-54 (14%) 35-44 (18%) 18-34 (17%) 12-17 (0.1%) Under 12 (0%) Prefer not to say (5%)
Q14- How would you prefer to receive information from the City regarding the urban forest? Please select all that apply.	<b>Email (650)</b> City website (372) Social media (@ParksandRecFC) (282) Community events (253) Volunteer opportunities (209) Training or workshops (177) Mail (153)



Table 19. Public survey write-in comment themes and specific examples. Percentages reflect the proportion of comments that related to a theme out of 655 total comments. Comments could be categorized as fitting with more than one theme.

COMMENT THEME	EXAMPLES
Healthy/resilient/diverse/beneficial urban forest; Grow & maintain the urban forest (15.7%)	<p>“Resilient, diverse and thriving trees across Fort Collins.”</p> <p>“We can continue to have a beautiful, well managed, resilient urban forest that will help us cool the city and combat climate change.”</p> <p>“Keep maintaining the trees we have, while still advocating for more cover.”</p>
Species (11.5%)	<p>“More and more trees. Especially ones that have natural defenses against disease and infestation in this particular climate (as well as a good guess on what our climate will be in the future).”</p> <p>“Wider diversity of tree species to guard against loss of canopy trees from pests or disease.”</p>
More trees (10.8%)	<p>“Adding more trees to new construction neighborhoods and city parks.”</p> <p>“Protection of existing trees and encourage and support new tree growth.”</p>
Financial & educational support for residents (8.4%)	<p>“More trees become available to residents at reduced costs, especially to new neighborhoods where there are no trees.”</p> <p>“Informing public of their responsibility to care for trees.”</p> <p>“I hope to educate more people about the value of trees and be sure that when any development happens, trees and animal habitats are given much more consideration than seems to be the case in recent years.”</p>
Maintenance/ Preservation (6.5%)	<p>“In general, I think trees are a good thing and should be maintained, preserved, and that more trees should be planted in areas where they are appropriate. When this becomes an issue of nuisance, private property rights, or detriment to public use, all factors should be considered (including value of the trees) before planting or removing trees. I hope that Fort Collins can continue to beautify our city by maintaining healthy trees, both public and private, and adding more in the right places.”</p> <p>“For Fort Collins to have more trees, all of the trees well taken care of and the city be cleaner and habitants breathing fresher air and the city looking prettier and enchanting. For trees and nature areas to be preserved and taken care of and not destroyed and not for people to keep destroying them for construction. Protect prairie areas of the city too!”</p>
Development (6.1%)	<p>“I would love to see new developers put more thought in their landscaping- they put trees right up next to house and windows for curb appeal but don’t take into consideration the size at maturity- so beautiful trees have to be removed.”</p> <p>“When large trees are removed for redevelopment of a property, the city, the developer and landowner must take responsibility for the adequate care of young replacement trees. I see too many dying young trees in new developments in the city.”</p>
Private land policy (4.7%)	<p>“..I love trees in our community, but dislike too much policy as that can often complicate things and create resentment between citizens and City departments. I’ll support more carrots than sticks for tree issues.”</p> <p>“I am all for increasing the canopy of Fort Collins, as long as the city is able to maintain the trees. I am concerned with our warming climate,</p>





COMMENT THEME	EXAMPLES
	that increased canopy without proper maintenance, could lead to future potential fire hazards. I'm also concerned about private homeowners that don't maintain their trees causing that same issue. I'd like to see the city MORE involved in declaring dead private trees hazardous, and forcing homeowners to deal with the situation. Easier said than done I realize however."
City identity (4.1%)	"I hope that Fort Collins will become known as the leader in urban forestry and sustainability in the US." "The trees is Fort Collins are incredible. I moved here only 2 years ago and they're one of my favorite parts of the city."
Other (3.9%)	"It is not natural for a forest, urban or otherwise to exist on the land Fort Collins covers. At least recently (last 10000 years). That said, trees are great." "The city needs to be aware that due to the policy of suppressing small natural fires along the Poudre trail and not removing fallen trees but piling them up on the side of the trail, has created a potential for a huge fire hazard that would likely burn entire neighborhoods that are near by, such as Pateros Creek."
General positive (3.7%)	"We're new here and think this city is doing an incredibly good job at keeping trees and nature integrated into the city. Thank you." "Thanks for the forward thinking efforts from the city!"
Heat/shade (2.5%)	"More trees/shade along certain trails (like power and Cathy fromme) and sidewalks to encourage walking/biking and reduce car use." "More shady places to walk in summer."
Climate change (2.4%)	"Maintain a diverse urban forest w an eye toward climate change." "Increased tree canopy throughout the city. Focus on trees that are only the best climate-wise for the next 50+ years. This is an investment in our community to avoid big and costly problems due to climate change-induced heatwaves, droughts, floods, etc. We have a great start, but we must continue to prepare."
Emerald Ash Borer (2.1%)	"I'm very worried about the 70K ash trees and their future in light of the emerald ash borer invasion. I'd like to see a concerted effort to have them all inoculated against this destructive bug." "That we can keep up with planting trees to replace those which need to be removed, i.e., emerald ash borer and other pests which need to be proactively addressed."
Benefits/value of trees (2.1%)	"That trees will be valued for all that they contribute towards improved quality of life." "Science supports the following 1) Trees reduce temperatures 2) Trees increase mental health 3) Trees support more wildlife I hope we are able to develop a sustainable urban forest to help with the listed issues."
Funding/staffing (2%)	"That the forestry department continues to lead the way in the municipal arborist field with implementation of the highest quality and knowledgeable tree care providers in the state." "That we continue to support and fund good care for our trees!"
Equity (2%)	"Our underresourced neighbors are gifted more trees!!!" "More trees all around town but especially in lower income areas and areas that are largely developed (lots of concrete i.e. Parking lots, malls, etc.)."



COMMENT THEME	EXAMPLES
Tree planting (1.8%)	<p>"I hope that the city can fill in any gaps that exist, by convincing property owners to plant more trees where there are currently too few. I also hope that the program continues indefinitely, or until there is some other self-sustaining program."</p> <p>"Support for young/growing trees. Continued planting."</p>
Maintenance (1.7%)	<p>"More trees and good maintenance."</p> <p>"Continued strong maintenance of trees especially larger sizes.."</p>
Xeriscape/ water (1.5%)	<p>"A canopy of trees that do well in this area and true xeriscape landscape throughout the city to replace turf and eliminate landscape with high water needs. Education to the general public about how to xeriscape and what trees to plant in this area of Colorado."</p> <p>"Probably the largest threat to our current city trees is the high cost of city water. I've seen many trees doing poorly or that have died because residents choose not to water their trees-likely because of the high cost of water. This will only become a larger problem as climate warms and dries."</p>
Community gardens/ fruit trees (1.5%)	<p>"That a park with numerous trees is added, perhaps fruit for public to harvest. This would be great on Precision and Cinquefoil instead of more apartments."</p> <p>"More urban fruit trees for urban foraging!"</p>
Streets/ medians (1.2%)	<p>"..And some trees between streets and sidewalks need to be pruned."</p> <p>"More trees along larger roads and in public shopping places. More trees between sidewalks and the road (including adding a buffer between sidewalks and roads to make pedestrians feel safer and make sidewalks more inviting)."</p>
Preservation (1.1%)	<p>"I hope that trees are watered more frequently to account for the higher temperatures that have become the norm during seasons when it hasn't been hot in the past, and that there are more efforts to save much older trees that are unhealthy, like the cottonwoods down by the river. I also hope that there will be more effort by developers to save as many trees as possible on lands that are slated to be razed."</p> <p>"For them to maintain the beauty of this town, and it's many trees, esp the older and more mature ones downtown on Oak, mountain, etc. And when clearing land to build new neighborhoods and homes, making it more difficult to remove existing trees too."</p>
Sidewalks (0.9%)	<p>"I think planting trees along the roadways, sidewalks and other paved area big mistake and just leads to unhealthy trees and root issues along cement walkways, path, roadways."</p> <p>"Trees between the sidewalk and street, and trees in medians are high priority because they are enjoyed by all citizens."</p>
Cycling (0.6%)	<p>"Important that trees are planted back from roads so that they have room to grow but don't present obstacles to seeing cars, bicyclers and animals. They should be properly trimmed for these reasons, too."</p> <p>"Plant trees along bike trails."</p>
Solar (0.5%)	<p>"Current and future rooftop solar panel owners should have their solar rights protected from encroaching shade from trees and from new development encouraged by changing city policies."</p> <p>"I would love to see more trees, but the type of trees should match the size of the property they are planted on. Fort Collins is blessed with a sunny climate which is good for home solar projects. Since we do not control the size of trees that people have, many home owners do not</p>



COMMENT THEME	EXAMPLES
	have enough sun to justify any type of solar improvement. Fort Collins is trying to reduce its carbon footprint, poorly placed large trees reduce individuals ability to contribute.”
Volunteering (0.2%)	<p>“I am passionate about trees and would love to volunteer with the city to help with our forest canopy.”</p> <p>“Home owners have the right to have none to many trees on their property. The city should not dictate what home owners do. Educating people on the benefits of having trees which are obvious to most people would help most. Providing saplings to plant or a volunteer group to plant trees on people's property that want them would also be helpful. Educating on the importance of deep watering at least once a month even through winter is crucial. A lot people do not take care of trees during the winter.”</p>
Meta (0.2%)	<p>“Question #3 malfunctioned. Some replies didn't offer all the way up to 11 choices.”</p> <p>“This survey is not only well conceived but so easy to use!!!”</p>

### Public Meetings

Public meetings were held on October 25 and 26, 2023, and March 2, 2024, and were attended by more than 150 members of the public. Participants left verbal and written comments and other feedback that expressed a variety of viewpoints about trees in Fort Collins (figure 40). Major themes from public comment are collected below.

#### Tree Benefits

- Shade, cooling, and wildlife benefits of trees were frequently mentioned.
- Several residents requested additional planting of edible fruit and nut trees.
- There is public interest and concern about water usage, indicating an opportunity for additional education and outreach regarding trees' role in conserving water, drought tolerant species selection, etc.

#### Species Selection

- Several participants spoke and left comments in support of native tree species.
- Many participants left opinions about the value and drawbacks of specific kinds of trees, e.g., oaks, cottonwoods, and talked about their favorite trees.
- There were a smaller number of comments that were skeptical of native species, for example, comments that questioned the role of native trees within a grassland ecosystem or that stressed adaptability over nativity.



- Several residents voiced support for more diversity in trees and shrubs that are planted in Fort Collins.
- Participants expressed interest in resources that would help them select appropriate tree species for specific sites, drought tolerant species, etc.
- Emerald ash borer has caused some concern about future pest and disease resilience and the plan for replacing ash trees that are removed in the future.

### Forestry Division

- There was general support for the Forestry Division.
- Some participants are satisfied with the current level of funding for Forestry, while others wanted to see the Division grow.
- Many residents support expansion of volunteer opportunities, community involvement, and internships in Forestry.
- Several residents expressed concerns that tree establishment activities could be improved, e.g., watering, mulching, and increasing the survival of newly planted trees.

### Tree Canopy

- A number of participants commented that commercial properties and streets are in greater need of additional tree planting/green space development.
- Many comments were made in support of building equitable tree canopy by strategically investing in tree cover within disadvantaged neighborhoods and/or in areas with low tree canopy.

### Tree Policy

- A large number of comments at public meetings focused on the potential for new policies and ordinances that would strengthen protections for trees on private property. Comments were made both in support of, and in opposition to, such policies.
- There were a number of questions and comments that indicated that participants want to learn more about policy options to create an informed opinion.
- In response to discussion and written comments about private tree policy, there were several requests for separate, added engagement that focuses on this topic.





- While residents are divided about tree protection on private residential land, there was more general support for strengthening tree protection policies that govern large developments and commercial properties.

### Resident Resources

- Homeowners would like to learn more about proper tree care.
- Cost is a difficulty many residents face when planting new trees. Tree care and removal costs are a burden to homeowners.
- There is strong support for additional resources for private property owners that support private tree protection, for example, financial resources, mitigation credits, and outreach and education. Support for resources may be in addition to, or in lieu of, mandates.
- There were a few requests about guidelines for preventing trees from blocking solar panels.



Figure 40. An interactive board from the October 25, 2023, public meeting.



## Partner Focus Groups

In October and November, 2023, the City of Fort Collins held a series of partner focus group meetings with city departments/divisions and external partners to inform the development of Fort Collins' Urban Forest Strategic Plan. In total, representatives from more than 49 partner entities and branches of local government participated across ten focus group meetings.

### Meeting Participants

#### City of Fort Collins Departments & Divisions

Cemeteries  
 Connexion  
 FC Moves  
 Forestry  
 Fort Collins 911  
 Gardens on Spring Creek  
 Golf  
 Light & Power  
 Natural Areas  
 Nature in the City  
 Neighborhood Services  
 Parks  
 Planning  
 Planning, Development, Transportation  
 Park Planning & Development  
 Police Services  
 Recreation  
 Streets  
 Utilities

#### External Partners

Arthur Irrigation Company  
 Bartlett Tree Experts  
 Bath Landscape Design & Irrigation Co.

BHA Design  
 Blue River Forestry & Tree Care  
 Broadcom Inc.  
 Colorado State University  
 CSU Extension  
 Davey Tree  
 Downtown Development Authority  
 Downtown General Improvement District  
 Fort Collins Tree Care Inc.  
 City of Greeley  
 Hartford Homes  
 HF2M Inc.  
 Housing Catalyst  
 Larimer and Weld Irrigation Company  
 Larimer County, Natural Resources  
 Lumen  
 Norris Design  
 Pleasant Valley and Lake Canal Company  
 Poudre Fire Authority  
 Poudre River Public Library District  
 Poudre School District  
 Ripley Design Inc.  
 SavATree  
 South Side Ditch Company  
 Transfort  
 Wisdom Tree Care  
 Zak George Landscaping

This section provides a description of major themes that arose from the ten meetings and the needs, issues, challenges, and opportunities that were identified with each theme.



## Policies & Procedures

- Create Explanatory Resources About City Policies and Procedures.** Stakeholders requested more plain-language written explanations and illustrations about city code to consolidate and convey information in various formats and to provide consistency in code implementation across staffing changes. Examples include tip sheets, best management practices manuals, and specifications.
- Industry Standards.** City policy should refer to written standards that can be easily updated and that reflect industry best practices. Examples include standards for boring and utility clearance. Standards should be consistent for in-house versus contracted labor.
- Code Enforcement.** Even with good tree policies on the books, both internal and external stakeholders noted that the City often lacks the resources to consistently monitor and enforce those policies. Examples were cited for development—both tree protection policies during construction and replacement of mature trees within developments.
- Irrigation Standards.** Tree roots can be damaged by improper irrigation. There is a need for improved education, outreach, permitting, and Forestry department involvement related to good irrigation practices for trees.
- Tree Metrics and Goals.** Stakeholders expressed uncertainty about what tree metrics and goals they should use for plans and to measure progress. For example, is the number of trees or canopy cover a more important metric?
- Tree Replacement Policy for Subdivisions.** Developers would like to see an adjustment to the time frame for which they are responsible for tree survival after new developments are completed. Tree care becomes the responsibility of homeowners after they move into their houses. In practice, mature trees are often not being replaced by developers per city code unless there are HOA funds to replace them.

## City and Stakeholder Coordination

- Good Camaraderie and Culture.** Both internal and external stakeholder groups noted existing camaraderie among different City departments that touch trees and between the City and several external partners. They noted an intentional effort toward development of personal relationships that facilitates communication and collaboration. Communication and partnership with Forestry is established with many organizations and is performing well.
- City Interdepartmental Coordination.** Stakeholders noted several opportunities for improved coordination among city departments; examples included adding more departments to sidewalk repair maps, collaborating on a compost program that is under development, and adding Forestry to planning teams for other City plans.



- Stakeholders in development and construction noted a need for more City interdepartmental coordination and communication on tree species, planting locations, and tree protection requirements, particularly between the departments of Zoning and Forestry.
- An informal Veg Team was established in the past two years with representation from different departments that manage vegetation to discuss shared management objectives and goals. It meets 2-3 times per year. The Veg Team grew from a need for more formal policy, e.g., during plan review.
- **Collaboration With and Among External Partners.** Stakeholders named several examples where the City could facilitate broader conversations about urban forestry with and among external partners. Examples include:
  - Facilitate a regional meeting that brings together tree care companies and foresters to share information and respond to emerging threats.
  - It was noted that the City has a good working relationship with Colorado State University on the maintenance of trees on properties adjacent to CSU campus. The City and CSU coordinate on maintenance and treatment contracts for trees in shared spaces.
  - There is an opportunity to expand the CSU partnership model to other partners who steward large tracts of land or campuses. Potential engagement topics include tree management, planning, and planting on campus and adjacent properties and setting an example for other businesses in Fort Collins.
  - The City, Poudre Schools, and CSU all operate annual Arbor Day celebrations that are good opportunities to reach the public. There is some coordination on annual celebrations to set annual themes. This may be an opportunity for further coordination.
  - The Cities of Greeley and Fort Collins noted opportunities to collaborate more, for example, to share resources and information. Greeley has a City plant database with hydrozone as a filter criterion that could be useful in Fort Collins.
- **Consistent Messaging.** Coordination with partners to provide consistent messaging on topics such as EAB, cutting for solar, and property management.

### Public Education & Outreach

- **Strong Public Support for Trees.** Trees are largely viewed as assets by community members, partner organizations, and elected officials. City council recently declared trees to be “living infrastructure”.





- **Trees as Infrastructure.** A potential drawback to strong community support for trees is that they can be viewed as simplified or undervalued assets, which misses the complexity of their management needs as infrastructure. For example, residents may complain when trees are removed due to poor health. This is an opportunity for more education and outreach.
- **CSU Extension.** The Extension service receives a lot of questions/feedback about trees from residents and has started programs to address this, e.g., a Master Gardener program that provides free tree expertise to residents.
- **Xeriscaping.** Stakeholders noted a need for more public education about tree establishment and watering in a xeric environment. It is difficult to grow trees in Fort Collins relative to other places in the U.S.
  - Homeowners, HOAs, and irrigation companies could all be better educated about proper tree watering practices.
- **Public Notice.** The City could improve its communication to the public about its own activities; examples given include planned tree maintenance and removals, if there are alternatives to mitigation planting in suboptimal locations, planting permits, and ROW designation.
- **Homeowner Rights and Responsibilities.** Homeowners may not be adequately educated about their rights and responsibilities for trees in their yards and within the ditch easement, alleys, and street ROW.
  - Home buyers within new developments may need more education about tree benefits and care to promote survivorship of newly planted trees. Involving them earlier in the homebuying process to teach and gather input regarding species and location of trees that will be planted in their yards may promote survivorship.
- **Infrastructure Conflicts.** Ditch easements and alleys are often sites for utility conflicts, which arise from poor management of trees and uncertainty around rights and responsibilities for maintenance. At the same time, utilities may have misconceptions about how trees impact infrastructure. There is an opportunity for better education to the public and within utilities companies.

### Right Tree In The Right Place

- **Species Selection.** Tree species diversity can be challenging in Fort Collins due to its high desert climate and a growing emphasis on water conservation. Several needs for support with species selection were noted:
  - Species recommendations for naturalized buffers to boost habitat and capture stormwater. Importance of native/cottonwood forests along rivers for wildlife and enjoyment by people.
  - Ensuring minimum species diversity and adequate Forestry involvement, particularly for new developments.



- Balancing species requirements with design and aesthetic preferences. Tree planting palettes are limited and shift often, which is a source of frustration for developers and landscape designers. They would like to see more consideration for design within new developments.
- Mitigation planting recommendations.
- Limited species in streetscapes, but parks present an opportunity to diversify plantings. Expanded plant palettes for parks.
- Limited space downtown where planting spaces are small.
- **Planting Locations.** On a topic that closely relates to species recommendations, stakeholders are looking for more guidance from the City on proper planting locations.
  - Trees along trails are hard to establish (i.e., solitary/exposed) and maintenance is difficult, which can create conflict within departments.
  - Clarification on responsible parties at different planting locations, for example, along utility ROWs.
  - In sites that cycle through site plans > tree planting > dead tree > required replant—does failure to establish mean that the location isn't appropriate for a tree, or does it require a different kind of tree and/or different management? How is the city handling sites with repeated tree failure?
  - Downtown is very well served by many organizations that include trees in their programming and budgets. Perhaps other parts of Fort Collins are in need of similar investment.
- **Sourcing Trees.** Stakeholders noted that it is becoming increasingly hard to find new species or hardy ones due to development pressure and increased tree planting. Local shortages require ordering from more distant wholesale nurseries. This can affect plant hardiness and species diversity.
- **Costs.** Tree maintenance costs are burdensome to landowners.

### Trees and Other Infrastructure

- **Ditch Easements.** The rules and stewardship of the land without ownership along ditch easements were brought up in several stakeholder conversations. Trees that are not adequately maintained pose a risk to both residential structures and ditches. Conflicts arise because maintenance of trees within ditch easements is the responsibility of the homeowner; however, ditch companies are responsible for the delivery of water. The City is limited in their authority to regulate ditch easements.
  - Homeowners may not be adequately educated about their rights and responsibilities for the ditch easement.



- Trees are often not intentionally planted in the easement and are often not well maintained.
- There's conflicting information about how tree roots impact ditch embankments—do they stabilize them or deteriorate them? Opportunity for better education.
- **Alleys.** Alleys have abundant trees that are often not well managed, which creates conflicts with utilities. The rights and responsibilities of homeowners, the City, and utilities with regard to tree care was noted as a point of confusion for all three groups.
- **Traffic Calming.** CSU and the City share a joint interest in trees as traffic-calming measures, which can be linked to their Vision Zero programs to eliminate traffic fatalities. Fort Collins is a leading city in the U.S. in bike use and bike safety. CSU has examples of vegetated medians on their campus that they think should be replicated throughout the city to make better use of center turn lanes, promote bike safety, and reduce maintenance costs.
- **Street Conflicts.** A number of infrastructure conflicts with street trees were brought up in discussion. A recurring question was whether adjacent property owners have adequate information/resources to maintain trees in the street ROW.
- **Solar Infrastructure.** There is conflicting information for homeowners who are installing solar arrays about how much tree clearance is needed and which species are compatible with solar.
- **Bike Infrastructure.** Trees can block bike racks, and low-hanging branches are a concern over bike lanes. At the same time, low-stress bike networks are an effort to make ROW more bikeable and reduce conflict with cars; they could use more shade.

### Threats to the Urban Forest

- **Emerald Ash Borer (EAB).** The City has an EAB management plan but does not have funding to remove trees that present a hazard to the ROW, which is the responsibility of adjacent property owners. EAB management in the ROW requires the City to increase enforcement of city codes.
  - There may be an opportunity to collaborate with contractors to offer payment plans to ease financial barriers.
  - There is a need for more EAB education/outreach to homeowners, renters, and HOAs. Also a need for different agencies to coordinate on EAB messaging.
- **Species Selection/Diversity.** Species lists should reflect the latest information about climate change, with adequate consideration for xeriscaping and resistance to pests/diseases.



- **Fire Safety.** Is there a need for public education about the placement of evergreen trees close to homes?
- **Water Use.** As the cost of water increases and the community reduces water use, it is important to provide adequate water to support trees. Some HOAs may be limited in the dues they can collect to support tree watering.

## CITY CODE REVIEW

City code provides a regulatory framework for the protection, preservation, planting, and care of public and private trees. Fort Collins' Code of Ordinances (2023) and Land Use Code (2023) were reviewed in January 2024 using a set of criteria from the 2016 Municipal Tree Census (Hauer & Peterson, 2016) and International Society of Arboriculture Ordinance Guidelines (Swiecki & Bernhardt, 2001; table 20). Any changes to City code after January 2024 are not reflected in this code review.

The review identifies several areas where existing code could be strengthened, including the following recommendations:

- Reference the *Tree Management Standards and Best Management Practices* manual within city code. The manual contains procedures and policies related to arborist licensing, pruning, and other tree activities that the city has relied on since 2010 but that are not referenced in city code. Referencing the manual and providing instructions for updating it ensures that its use will persist across staffing and leadership changes.
  - Update the manual to comply with current best management practices.
- Establish an insect/disease control strategy, and/or reference external documents such as the *Emerald Ash Borer Management and Response Plan* that describe authority, procedures, and policies for pest and disease control.
- Expand tree protections:
  - Extend tree protection to prohibit damage to trees that are required to be preserved or protected.
  - Provide credits or incentives for tree preservation.
  - Establish penalties for damage or removal of trees that are to be preserved, protected, or saved.
  - Expand tree protections that currently only apply to development to additional scenarios.
- Encode the existing wood waste program and Tree Fund to preserve existing programs and resources across any future changes in leadership.





Table 20. City code review. Matrix is adapted from *Municipal Tree Care and Management in the United States* (Hauer, 2014).

TOPIC	ADDRESSED	CHAPTER & SECTION	COMMENTS
<b>Credentials</b>			
Requires certified arborist for paid private tree work			
Requires Certified Arborist for public tree work	(X)	CO 27-17	This is included in the Tree Management Standards and BMP document. CO 27-17 allows for the City Manager to implement written rules. A recommended improvement is to mention this document within city code.
Requires licensing of private tree care firms	X	CO 27-34-40	
Defines official authority for public tree management	X	CO 27-17	
<b>Public Tree Management and Protection</b>			
Establishes/Authorizes City Forester to regulate public trees	X	CO 27-17	
Establishes/Authorizes City position (e.g. Mayor, City Administrator, DPW Director) to regulate public trees	X	CO 27-17	
Establishes a community Tree Board or Commission			
Defines public trees			
Requires annual community tree work plans			
Identifies formula for determining monetary tree value	(X)	LUC 3.2.1 I-7	Applies only to development
Establishes responsibility for public tree maintenance (e.g. City, adjacent property owner)	X	CO 24-42, 27-17, 27-57	Responsibility for public trees is implied but not directly stated
Requires regular public tree maintenance	X	CO 27-57	
Requires particular types of maintenance (e.g., pruning)	X	CO 27-58	
Requires adherence to ANSI A300 standards and best management practices	(X)	CO 27-17	Tree Management Standards and BMPs
Establishes permit system for work on public trees	X	CO 27-33	
Requires payment of fees for the removal of public trees			
Establishes provisions for penalties for non-compliance	X	CO 27-59-62	
Restricts tree removal on public property			Permit required; see next line



TOPIC	ADDRESSED	CHAPTER & SECTION	COMMENTS
Permit or approval required for tree removal, pruning or excavating near public trees	X	CO 27-31-32	
Requires protection of public trees during construction, repairs or utility work	X	LUC 3.2.1 G	
Prohibits damage to public trees (e.g. attaching ropes, signs, wires, chemicals, storing materials, excavation etc.)	X	CO 27-19	
Establishes provisions for trimming for overhead utility line clearance			
Restricts burning of solid wood waste			
Establishes a wood utilization program			Recommended Improvement
Establishes an insect/disease control strategy			Recommended Improvement
Prohibits tree topping	(X)	CO 27-17	Tree Management Standards and BMPs
Regulates abatement of hazardous or nuisance trees on private property	(X)	CO 27-18(c)	
Regulates removal of dead or diseased trees	X	CO 27-58	
Tree Fund			Recommended Improvement
<b>Tree Planting</b>			
Regulates tree species which may or may not be planted on private property (approved tree list)	X	CO 27-18 LUC 3.2.1 D-4, I-2, I-8	
Requires tree planting around and within parking lots	X	LUC 3.2.1 D, E-4-5	
Requires replacement of removed publicly owned trees	X	LUC 3.2.1 D-2-d	Applies only to development
Permits public tree planting - beyond the right-of-way	X	LUC 3.2.1 D-2-b	
Requires tree plantings around new developments (see also trees in parking lots)	X	LUC 3.2.1 D, D-1-c	
Regulates tree species which may or may not be planted on public property (approved tree list)	X	CO 27-18 LUC 3.2.1 D-1-c, I-8	
<b>Private Tree Protection and Preservation</b>			
Restricts tree removal on private property			
Permit or approval required for tree removal on private property			
Requires preservation of trees during development on private property	X	LUC 3.2.1 F	
Prohibits damage to preserved/protected trees			Recommended Improvement
Prohibits damage or removal of trees on another person's property			



TOPIC	ADDRESSED	CHAPTER & SECTION	COMMENTS
Inventory of trees on site required	X	LUC 3.2.1 F	
Identification of forests/woodlands required			
Specific species and/or size tree regulated (e.g. heritage/significant trees)	(X)	LUC 3.2.1 F	Applies only to development
Location of Critical Root Zone/Dripline required	X	LUC 3.2.1 G-7	
Minimum canopy cover requirement set			
Identification of riparian buffers, natural areas, preservation zones	X	LUC 3.2.1 A, M	
Tree protection/preservation plan required	X	LUC 3.2.1 C	
Identification of prohibited activities in dripline/critical root zone	X	LUC 3.2.1 G-3	
Tree protection fencing required	X	LUC 3.2.1 G-3	
Location/type of other tree protection measures (e.g. root pruning, aeration, vertical mulching, trunk protection, soil protection, irrigation,) on development plans (e.g. site plans, construction plans, etc.)	X	LUC 3.2.1 G, G-7, J-2	
Provide credits/incentives for tree preservation			Recommended Improvement
Landscape plan with proposed landscaping and mitigation trees to be planted	(X)	LUC 3.2.1 C	
Requires Grading plan to include protected/preserved trees			
Utility plan with trees to include protected/preserved trees	X	LUC 3.2.1 K	
Tree planting requirements for removal of regulated trees	X	LUC 3.2.1 F, F-1	
Fee in Lieu of planting mitigation trees	X	LUC 3.2.1 F	
Tree mitigation survival requirements	X	LUC 3.2.1 I-4-6	
Fine for removal of regulated trees			Recommended Improvement
Penalties established for damage and removal of preserved/saved trees			Recommended Improvement
Bonding to ensure required trees are planted	X	LUC 3.2.1 I-4	
Bonding utilized to discourage tree removals			
<b>Other Ordinances of Note</b>			
Defining 'City Forester'	X	CO 27-16	
Alley ROW maintenance	X	CO 27-31	
Right of entry	X	CO 27-56	
Tree spacing	X	LUC 3.2.1 D-1-c	



TOPIC	ADDRESSED	CHAPTER & SECTION	COMMENTS
Visual clearance	X	LUC 3.2.1 L	
Requirement of ROW planting	X	LUC 3.2.1 D-2-a, D-2-c	
ROW tree spacing from infrastructure	X	LUC 3.2.1 D-2-a, D-2-c, K	
Minimum species diversity for development plans	X	LUC 3.2.1 D-3	
Minimum sizes for trees planted	X	LUC 3.2.1 D-4-5	
Buffering requirements	X	LUC 3.2.1 E-1	
Water conservation requirements	X	LUC 3.2.1 E-3	
Required maintenance for development landscape	X	LUC 3.2.1 I-5	





## HERITAGE TREE PROTECTION

Heritage Trees, sometimes also called Landmark or Significant Trees, are mature trees that receive special recognition and protection due to their ecological, cultural, and/or historic significance. The designation of heritage tree status acknowledges the outsized benefits that these trees provide to their communities and seeks to protect them from damage, removal, and neglect. Typically, protections are either reinforced through community outreach exercises including education, mapping, and storytelling, or required by policy or ordinance.

Mature trees provide many benefits to communities, including cleaner water, cooler and cleaner air, improved human health outcomes, increased safety, and positive effects on business and commerce. The value of some of these benefits can be quantified based on avoided costs—for example, trees that cool the air help nearby residents save on energy costs. However, most of the demonstrated benefits from trees are not currently quantifiable, and many heritage tree designations are founded on preserving access to a diverse species or the emotional connection to specific trees that serve as a backdrop to community events and key historic moments.

### Preservation

The Land Use Code references “significant trees” as being at least 6 inches DSH and requires their preservation “to the extent reasonably feasible”.

### Heritage Tree Programs

To develop suggestions for Fort Collins’ Forestry Division as it considers options for increased tree preservation and protection, DRG reviewed the existing programs for heritage or landmark trees of 24 municipalities. Cities were identified based on internet searches for “heritage tree”, “landmark tree”, “remarkable tree”, and “significant tree” terms along with “program” or “ordinance”; they were also identified by other municipal partners and from references contained within resources about heritage tree programs.

In general, existing heritage tree programs can be characterized into two basic structures: voluntary programs, where trees are nominated for heritage status based on ecologic, cultural, and/or historic significance; and mandatory programs, where trees are automatically enrolled into a heritage tree program once they reach a certain size. Several cities combine aspects of voluntary and mandatory programs.



## Examined Programs

Austin, TX	Portland, OR
Charlotte, NC	Sacramento, CA
Corvallis, OR	Salem, OR
Fernandina Beach, FL	San Luis Obispo, CA
Fort Worth, TX	San Mateo, CA
Glenview, IL	Santa Cruz, CA
Lakewood, WA	Seattle, WA
Manitou Springs, CO	Sonoma, CA
Menlo Park, CA	Telluride, CO
Nashville, TN	Washington, DC
Palo Alto, CA	Westmont, IL
Pittsburgh, PA	Whitemarsh, PA

## Voluntary Heritage Tree Programs

Thirteen cities with voluntary heritage tree programs were reviewed. Voluntary programs are those in which public and/or privately owned trees may be nominated for recognition as heritage trees; trees are not automatically enrolled. All the reviewed programs applied to trees on public land, and all programs allowed for nomination of trees based on local landmark status or cultural/historical significance in addition to, or instead of, size and species constraints.

Seven of 13 cities' heritage tree programs restrict the removal of designated trees. Two cities (Telluride and Seattle) have city codes with detailed restrictions governing heritage trees once designated.

Seven programs map or describe the trees for the public; four cities share heritage tree characteristics via an interactive map such as an ESRI StoryMap.

## Summary of 13 Voluntary Programs

- Requires property owner consent (100% of programs examined)
- Nomination criteria includes social factors (cultural or historical significance, local landmark; 100% of programs)
- Mapped locations shared with the public (62%)
- Restricts removal (54%)
- Requires certified arborist assessment before or after designation (38%)
- Heritage tree status maintained across land transfers (46%)
- Shared via an interactive web map (31%)
- Provides public maintenance funds (15%)
- Maintenance requires a permit (15%)



## Mandatory Heritage Tree Programs

Thirteen municipal ordinances were reviewed in which trees of a certain size are automatically enrolled in a heritage tree program, thereby protecting the tree from removal or significant damage. Seven of these cities additionally permit designation of a heritage tree based on cultural or historic significance. None of the programs reviewed applied to park lands only.

In one city (Sonoma, CA), the city assumes maintenance and removal responsibility for heritage trees, regardless of location. In the other twelve cities, a permit is required to remove a heritage tree. Most of these cities waive the permit requirement if the tree is hazardous. Eleven cities require mitigation planting and/or a fee-in-lieu for heritage trees that are removed.

### Summary of 13 Mandatory Programs

- Prohibits removal and damage (100% of programs reviewed)
- Minimum size requirement (100% of programs). Median = 15 inches DSH (range 8–50 inches DSH)
- Permit required for removal (92%). Permit often waived if tree is hazardous (69%).
- Mitigation required (85%)
  - Planting required: varies in number of stems, by inch, etc (85%). Sometimes there are species requirements (62%).
  - Relocation required (8%)
  - Fee-in-lieu (77%): varies from \$250 flat fee to value calculated from basal area
- Species requirements for heritage tree designation (46%)
- Fee for removal (15%; separate from mitigation requirements)
- Requirements vary by land type (15%): in two cases, small residential properties were exempted, or public/private/developed land had different requirements





## Trees Contribute to Neighborhood & Community Vitality

**Trees Enhance Streetscapes.** Trees beautify streets and encourage residents to spend time outdoors. Trees along streets and sidewalks help to slow traffic and create more comfortable conditions for walking, biking, and public transit use.

**Trees Improve Public Health.** Trees provide opportunities for outdoor recreation, improve access to nature, and reduce stressors that impact vulnerable populations. People living in neighborhoods with more canopy cover have been shown to have better overall health, including lower rates of obesity, more social cohesion, less stress, and lower blood pressure. Trees significantly decrease the incidence of asthma and heart disease in a community and help residents feel more at ease. The primary mechanism for these effects arise from the ability of tree canopy to reduce air pollution, extreme heat, and stress. Residents are three times more likely to be physically active when they live in areas with high levels of trees and vegetation. A 2018 study showed that residents reporting poor mental health decreased by 63% within 18 months after vacant lots near their homes were planted with grass and trees.

**Trees Provide a Sense of Community.** Trees in neighborhoods contribute to a sense of community. In Fort Collins, oaks, pines, and cottonwoods have strong cultural significance. Tree canopy is often cited by residents as one of the reasons they love living here.

Sources: Swift et al., 1997; Kuo, 2003; Ellaway et al., 2005; Ewing & Dumbaugh, 2009; O'Neil-Dunn, 2012; Donovan et al., 2013; Roe et al., 2013; Gilstad-Hayden et al., 2015; Ulmer et al., 2016; South et al., 2018.

## CITY POLICY AND PLANNING FRAMEWORK

The City of Fort Collins is committed to continuously enhancing, improving, and innovating services for its community. To achieve this, various City and County departments collaborate in developing plans, studies, and strategies. A comprehensive assessment of selected City of Fort Collins plans, studies, and standards was conducted to evaluate the integration of tree preservation, protection, and planting efforts. The purpose of the review is to identify opportunities or gaps in these documents and provide recommendations that will improve Fort Collins's urban forest resource.


- Fort Collins Water Efficiency Plan (2015)
- Water Shortage Action Plan (2020)
- Fort Collins City Plan (2019)
- Fort Collins Emerald Ash Borer (EAB) Management and Response Plan (2020)
- Fort Collins Parks and Recreation Master Plan (2021)





- Fort Collins Our Climate Future Plan (2021)
- Fort Collins Strategic Plan (2022) - lists city council priorities
- Larimer County Internal Climate Action, Resilience, And Education (ICARE) Report (2023)

## Ratings

 trees not incorporated

 trees incorporated but requires revision or implementation

 trees fully incorporated & implemented

### Fort Collins Water Efficiency Plan (2015)

*Description:* Presents the current state of Fort Collins' water supply system, demand, and management, as well as the opportunities and corresponding implementation principles to increase efficiency.

*Opportunity/Gaps:* Opportunity exists to promote urban trees' role in improving stormwater management, explore the impacts of water restrictions on trees, and include recommendations for ensuring trees receive adequate irrigation.

*Recommendation:* Publish an updated document to update community members on the city's water supply and current water efficiency efforts and provide efficient tree watering recommendations.

### Water Shortage Action Plan (2020)

*Description:* The Water Shortage Action Plan outlines emergency restrictions to water use to manage Fort Collins's water supply in the event of projected shortages. The Plan includes restrictions to tree irrigation: watering trees is permitted under all levels of water restrictions, but under higher levels, trees must be hand-watered or drip/microspray irrigated to maximize efficiency.

*Opportunity/Gaps:* Tree watering best practices could promote further water conservation and tree health.

*Recommendation:* Update plan to include tree watering best practices, or consider a public outreach campaign to raise awareness of tree watering best practices in the event of water shortage. Require irrigation for public trees.

### Fort Collins City Plan (2019)

*Description:* Shapes decision making and funding priorities over the next 10-20 years to implement the vision and goals gathered from community members.



*Opportunity/Gaps:* Trees offer numerous “co-benefits” not included in the plan that can serve as a crucial tool in achieving the city’s goals, including: sequestering and storing carbon, reducing stormwater runoff, improving air quality, reducing energy usage through strategically planting trees around buildings, increasing pedestrian, cyclist, and driver comfort along streets, sidewalks, and bus stops by providing shade, providing food with the development of maintained food forests/orchards in parks and open spaces, and increasing a community’s connectivity, involvement, safety, and attractiveness.

*Recommendation:* Creating and maintaining a safe, healthy and resilient urban forest is recognized as a guiding principle in meeting one of the Plan’s core values of Environmental Health. Implementation of the Urban Forestry Strategic Plan will assist in meeting the goals of the City Plan.

### Fort Collins Emerald Ash Borer (EAB) Management and Response Plan (2020)

*Description:* Reviews current EAB situation, the city’s plan, and the challenges at a time when EAB had just been detected in the city.

*Opportunity/Gaps:* The implementation of the Urban Forest Strategic Plan’s recommendations may relieve the deferred maintenance impacts and their negative consequences anticipated in the EAB Management and Response Plan.

*Recommendation:* Publish an updated document to inform the community on the current EAB distribution, the treatment’s progress, and the future management plan.

### Fort Collins Parks and Recreation Master Plan (2021)

*Description:* Envisions the future of parks and recreation, addressing needs and providing a strategic roadmap for the City to shape the system over the next 20 years.

*Opportunity/Gaps:* The Plan identifies the promotion of planting, preservation, and maintenance of canopy trees and native vegetation on public and private land as a key action in implementing the city’s parks and recreation goals.

*Recommendation:* Coordinate the implementation of the Urban Forest Strategic Plan to assist in meeting the goals of the Parks and Recreation Master Plan.

### Fort Collins Our Climate Future Plan (2021)

*Description:* Defines the city’s goals for climate, waste, energy, community equity and resilience, along with their respective implementation strategies.



*Opportunity/Gaps:* One of the “next moves” action items identified in the Plan is the development of an Urban Forest Strategic Plan, and a progress metric of healthy natural spaces to be the city’s tree replacement rate and percent canopy coverage. Trees could also be included in the goals relating to building an equitable and resilient community, reducing energy use, becoming carbon neutral, and increasing healthy local food sources.

*Recommendation:* Implementation of the Urban Forestry Strategic Plan will assist in meeting the goals of the Our Climate Future Plan.

### Fort Collins Strategic Plan (2022)

*Description:* As a companion to the City Plan, the Strategic Plan outlines short- and mid-term objectives, influences the City’s budgeting process, and guides the implementation of the City’s services.

*Opportunity/Gaps:* Trees are identified as an integral piece of the “Neighborhood Livability & Social Health” strategic initiative, which precisely calls out the components needed for a healthy urban forest. Although trees’ role in this category has broad implications, there is an opportunity to further incorporate urban forestry into other strategic initiatives.

*Recommendation:* Implementation of the Urban Forestry Strategic Plan will assist in meeting the goals of the Our Climate Future Plan.

### Larimer County Internal Climate Action, Resilience, And Education (ICARE) Report (2023)

*Description:* Captures progress of County’s climate goals since the adoption of the initial ICARE document in 2022, with intent to guide the forthcoming County Climate and Sustainability Plan. This plan, the completion of which is anticipated in 2024, aims to address climate change and lessen impacts on community members with innovative mitigation and adaptation strategies.

*Opportunity/Gaps:* There is opportunity to include the planting, maintenance, and preservation of trees into the County’s goals.

*Recommendation:* Collaborate with the Larimer County Climate and Sustainability Plan process to ensure integration and mutual reinforcement between the Urban Forest Strategic Plan’s priorities, recommendations, and actions, contributing to the sustainable development and progress of Larimer County.



## COMMUNITY ENGAGEMENT & POLICY INTEGRATION: SUMMARY OF FINDINGS

Findings from the community engagement process demonstrate that the people of Fort Collins value trees and understand the myriad ways that trees enhance quality of life in the city. Feedback that was gathered from the public survey and three public meetings indicate that residents are invested in the ongoing management of Fort Collins's trees and the ways that the City will help ensure tree canopy preservation and growth into the future.

Residents are particularly interested in resources that will help them be effective stewards of tree canopy. Examples of resources that were requested include opportunities to volunteer and intern with Forestry; education and information about species selection, including drought tolerant, climate adapted, and native species; opportunities to provide input into citywide forestry management, such as shaping the diversity and species composition of the urban forest; helping to recognize and manage pests and diseases; becoming educated about proper tree care; and having access to financial resources to help defray costs associated with tree maintenance.

Feedback from Forestry Division partners, both internal and external to City government, underscored the collaborative nature of Forestry staff and the high level of expertise and service that they provide. Suggestions from these meetings focused on building efficiency in partnerships and increasing the number of resources that can assist partners with their own tree management. Suggested resources include plain-language explanations of city code and policy, improved consistency of code enforcement, tree species recommendations, information about tree best management practices including care and irrigation, clarification about responsibilities, and resources that can be shared with clients and the general public. Several suggestions also centered on better integrating urban forestry and the Forestry Division into existing and future planning efforts that relate to climate resilience and city priorities.

A review of existing code, policies, and plans highlighted possible areas where the City can enhance tree protection and preservation. Protection and preservation are important strategies for canopy growth over time, both because a majority of tree canopy is contained on land that is not city-owned, and preservation is more effective (and cost effective) than relying on tree planting alone. Private property protections are a topic of particular interest to the general public, with strong opinions on multiple sides. In general, there seems to be stronger existing support for tree protections that affect development, large tracts of land, and large redevelopment projects than for ordinances that would affect private residential property. Many residents expressed a need for more information before taking a





position. Further engagement would be needed to accurately gauge public support for any enhanced protection measures. It is recommended that the City conduct additional, focused engagement on the topic of tree protection ordinances, particularly those that apply to private residential property.

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## City of Fort Collins Urban Forest Strategic Plan Focus Group Meetings - November 2023

In October and November, 2023, the City of Fort Collins held a series of focus group meetings with city departments/divisions and external partners to inform the development of Fort Collins' Urban Forest Strategic Plan.

### MEETING PARTICIPANTS

#### City of Fort Collins Departments & Divisions

Cemeteries  
Connexion  
FC Moves  
Forestry  
FC Police Department  
Gardens on Spring Creek  
Golf Division  
Light & Power  
Natural Areas  
Nature in the City  
Neighborhood Services  
Parks Division  
Planning & Environmental Planning  
Park Planning & Development  
Police Services  
Recreation  
Streets  
Transfort  
Utilities  
Water Conservation  
Zoning

#### Community Stakeholders

Arthur Irrigation Company  
Bartlett Tree Experts  
Bath Landscape Design & Irrigation Co.  
BHA Design  
Blue River Forestry & Tree Care  
Broadcom Inc.  
Colorado State University  
CSU Extension  
Davey Tree  
Downtown Development Authority  
Downtown General Improvement District  
Fort Collins Tree Care Inc.  
City of Greeley  
Hartford Homes  
HF2M Inc.  
Housing Catalyst  
Larimer and Weld Irrigation Company  
Larimer County, Natural Resources  
Lumen  
Norris Design  
Pleasant Valley and Lake Canal Company  
Poudre Fire Authority  
Poudre River Public Library District  
Poudre School District  
Ripley Design Inc.  
SavATree  
South Side Ditch Company  
Wisdom Tree Care  
Zak George Landscaping





# Urban Forest Strategic Plan

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**Dean Klingner**

Community Services Director

**Kendra Boot**

City Forester







# Feedback Sought from Council

1. Do Councilmembers have feedback regarding the Urban Forest Strategic Plan and the Future Growth Strategies?
2. How can Growth Strategy 3 further support Council Priorities?







# Item 3. Outcome Area and Council Priority Alignment



## Previous Council Priorities 2021-2023

- Tree planting subsidy (GS1, GS6)
- Improve tree policies (GS3, GS5)

## Current Council Priorities 2024-2026

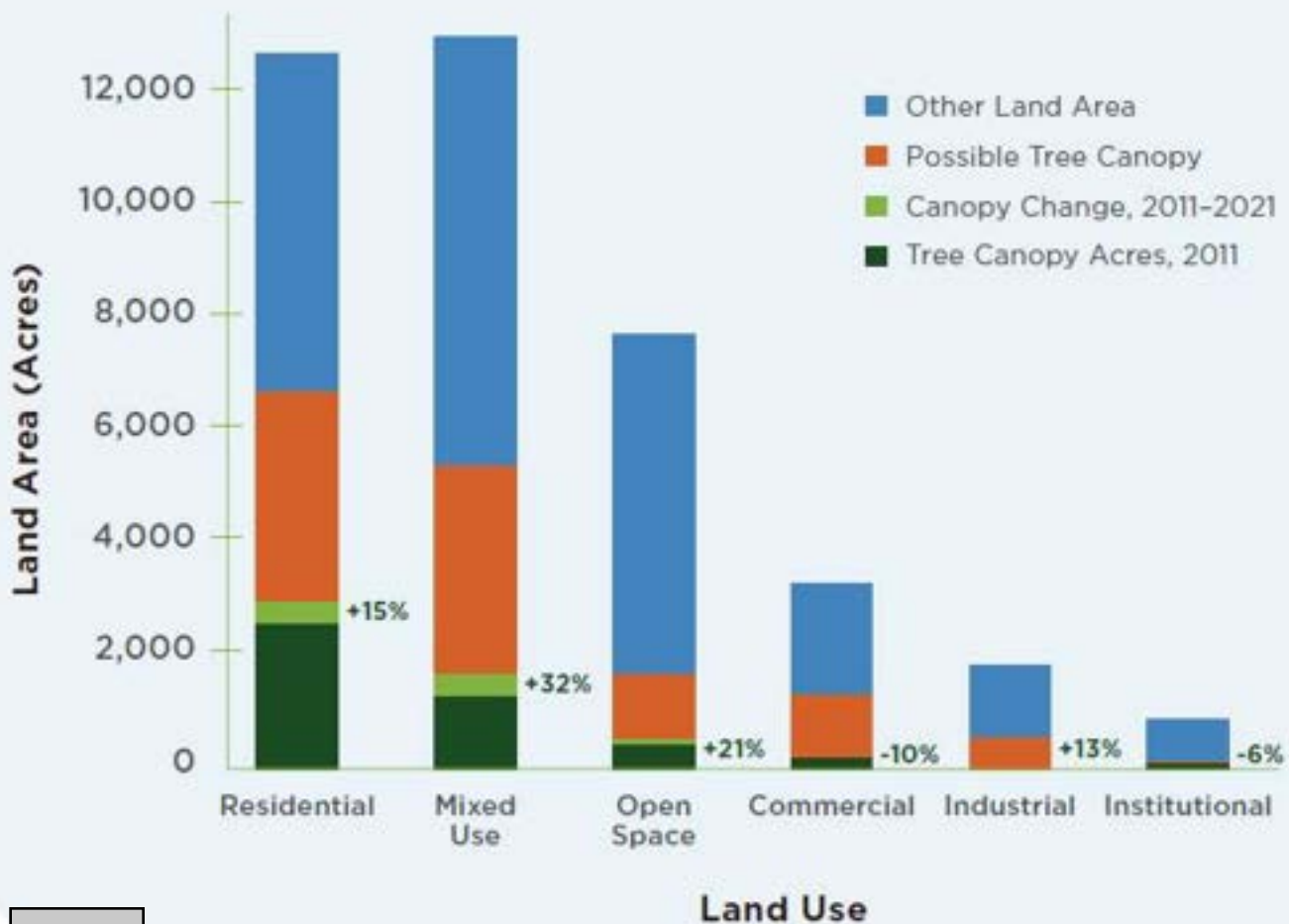
- Improve human and social health for vulnerable populations (GS1, GS2, GS6, GS7)
- Advance a 15-minute City igniting neighborhood centers and accelerating shift to Active Modes (GS1, GS4, GS6)
- Reduce climate pollution and air pollution through best practices (GS1, GS2, GS3, GS6, GS7)

## Other Council Priority Alignment

- Zero waste (GS3, GS6)
- Protect community water systems in an integrated way to ensure resilient water resources and healthy watersheds (GS1)
- Modernize and update City Charter (GS3, GS6)

**Note:** GS = Growth Strategy from Urban Forest Strategic Plan draft

TREE CANOPY COVER BY LAND USE TYPE, 2011-2021



## ACROSS FORT COLLINS

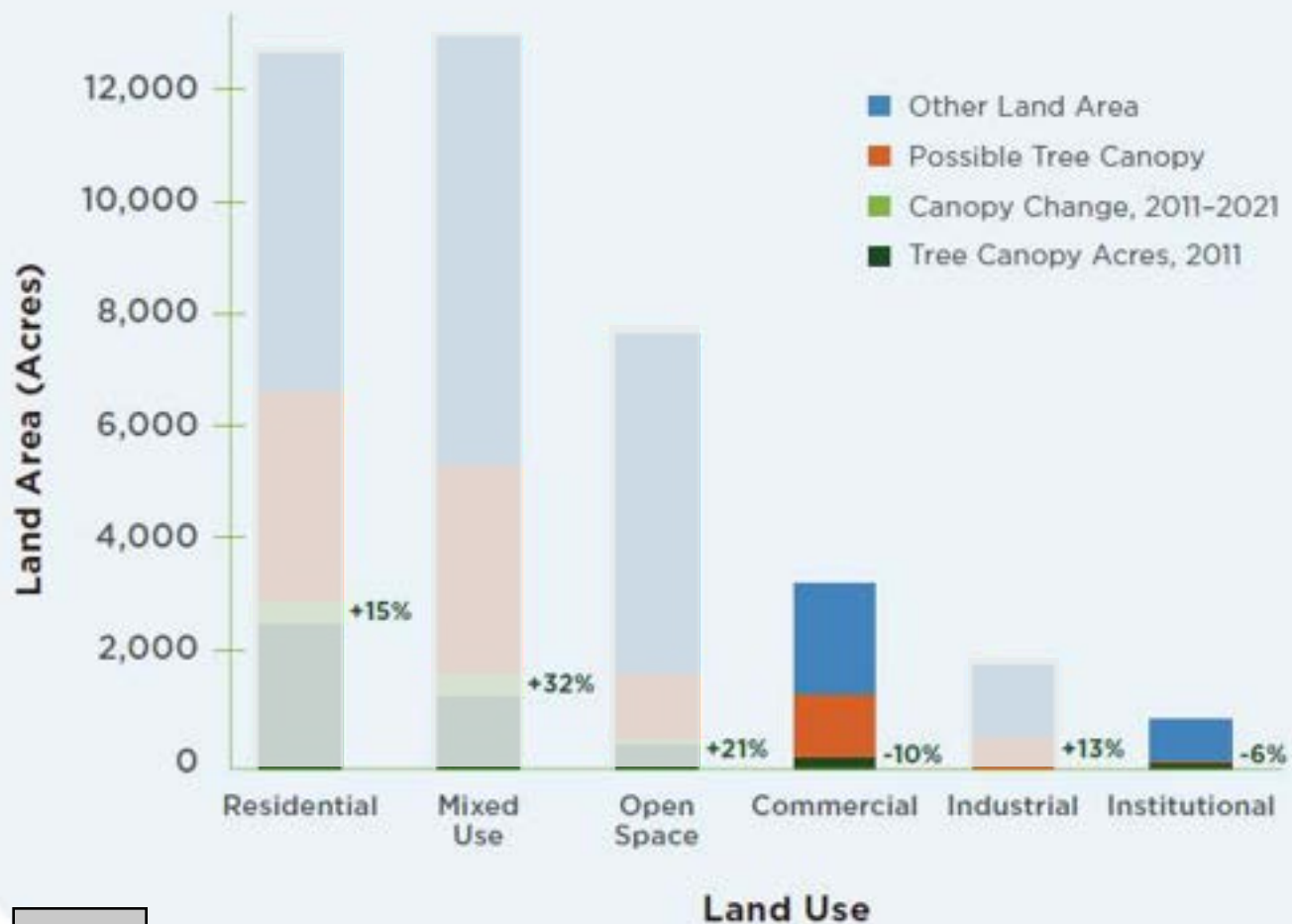
- Canopy has grown in most Land Use Types
- Residential and Mixed-use greatest opportunity
  - 8,083 acres of potential tree canopy
- Commercial and Institutional have lost canopy

## ACROSS FORT COLLINS

Possible drivers for canopy loss:

- Trees aging out
- Urban environmental stressors
- Development (both new and infill)

TREE CANOPY COVER BY LAND USE TYPE, 2011-2021





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 Collins' public trees.

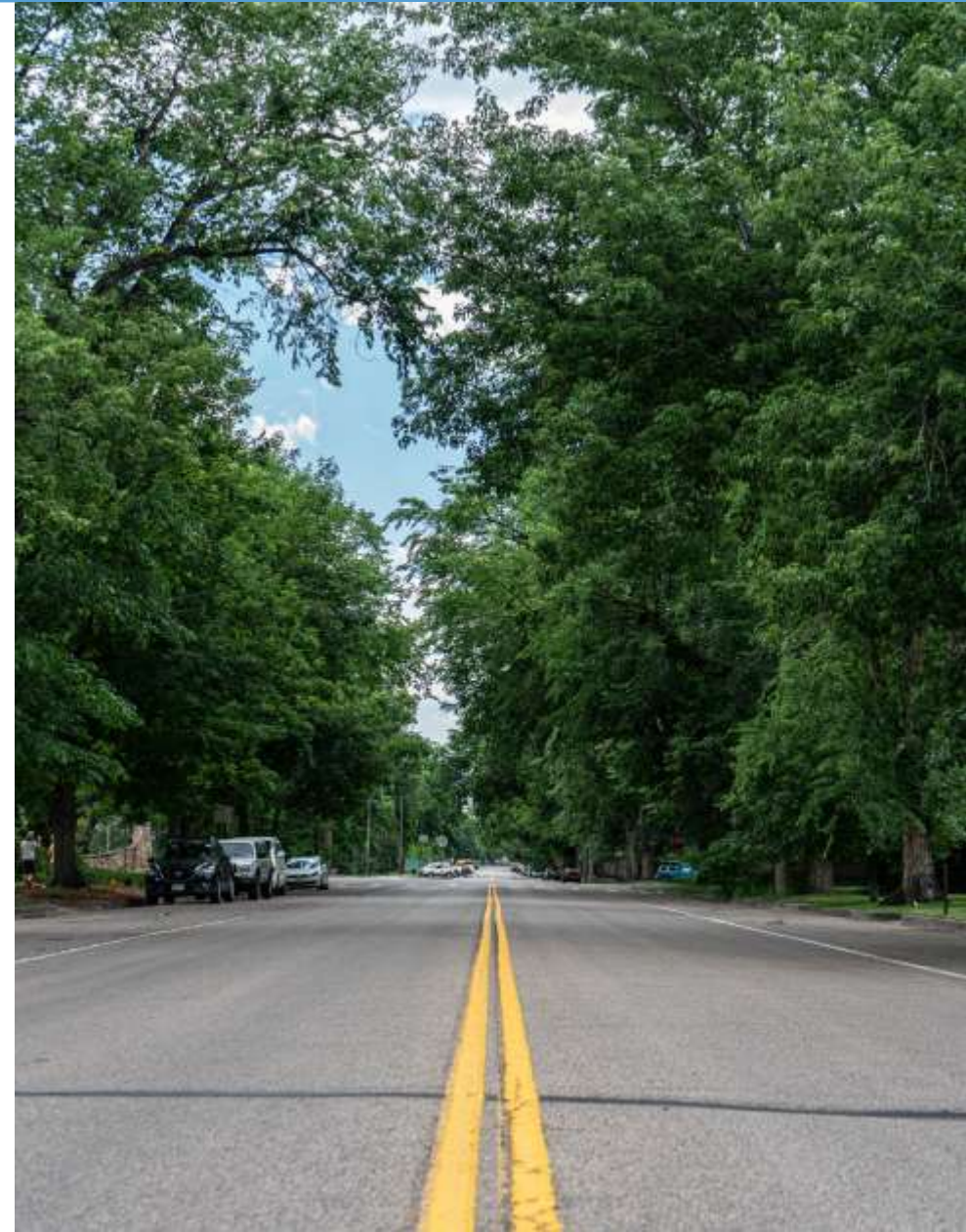
3. Strengthen city policies to protect trees.

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.





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2. Complete the shift to proactive management of Fort Collins' public trees.

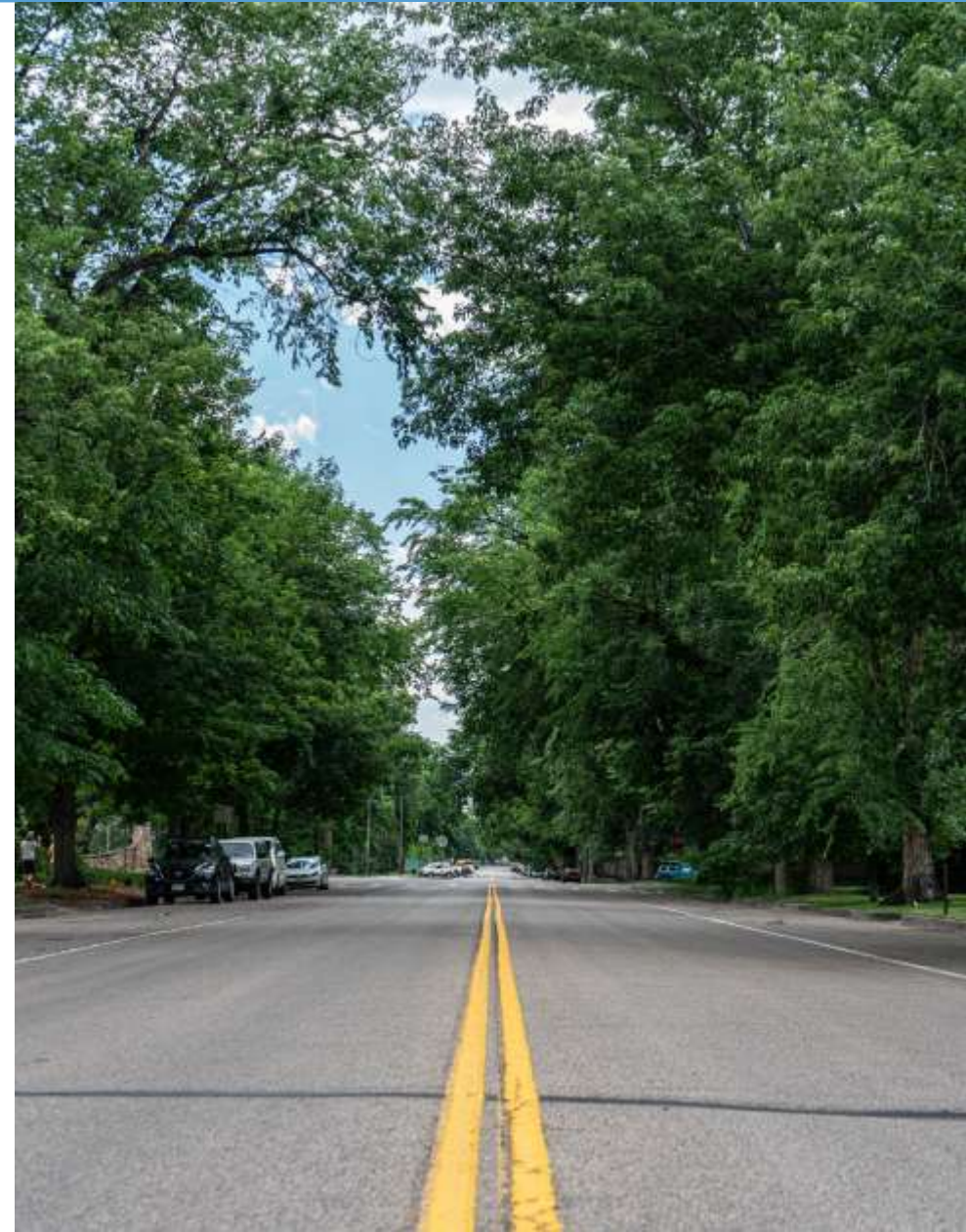
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7. Expand the network of Forestry Division partners.





# STRENGTHEN CITY POLICIES TO PROTECT TREES

*How can this strategy further support Council Priorities?*

## Foundational Initiative Examples

- Engage and adopt policies balancing other priorities.
- Draft a heritage tree program with elective enrollment.
- Reference existing good practices in city code.

## Transformational Initiative Examples

- Clarify the responsibility for trees.
- Demonstrate role of trees in water smart landscapes.
- Explore and expand tree protection policies into Municipal Code.

## STRENGTHEN CITY POLICIES TO PROTECT TREES

**Potential alternative language:** ADAPT CITY POLICIES TO PROTECT TREES

**More exploration to be done around tree policy...**

### **How this might be achieved:**

- Utilize case studies of past projects for analysis
- Identify potential policy options for infill, greenfield, and other development types
- Analysis will include feasibility study including proforma analysis for various policy scenarios
- Engage with frequent code users to understand pain points for development related to tree policy and test updated policy options
- Present code user supported options at a Council Work Session in 2025



# Feedback Sought from Council

1. Do Councilmembers have feedback regarding the Urban Forest Strategic Plan and the Future Growth Strategies?
2. How can Growth Strategy 3 further support Council Priorities?





Item 3.



# Thank you!



# Additional slides

Following slides are in Council's read before packet

971 Community Survey responses

3 Community Meetings

8 Community Events

20 City Departments Engaged

29 External Partners Engaged

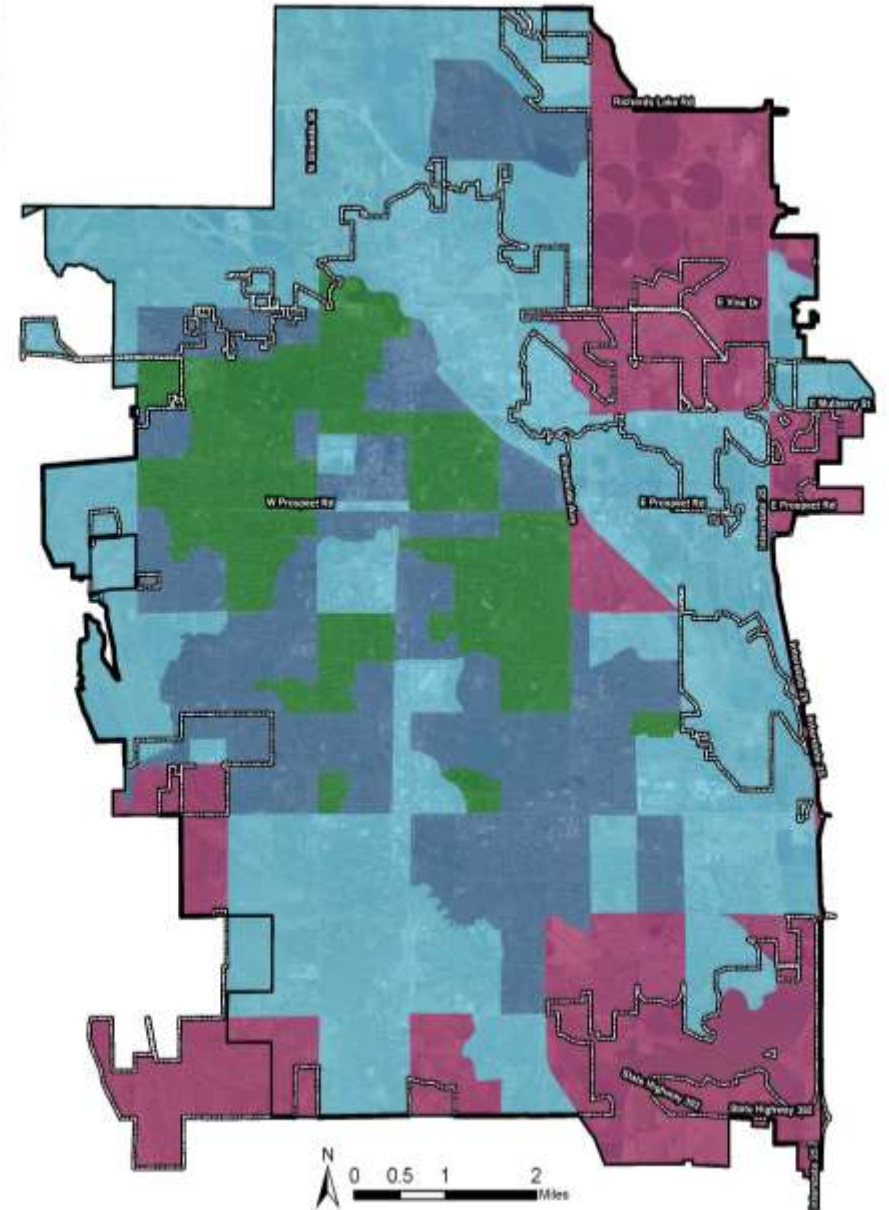
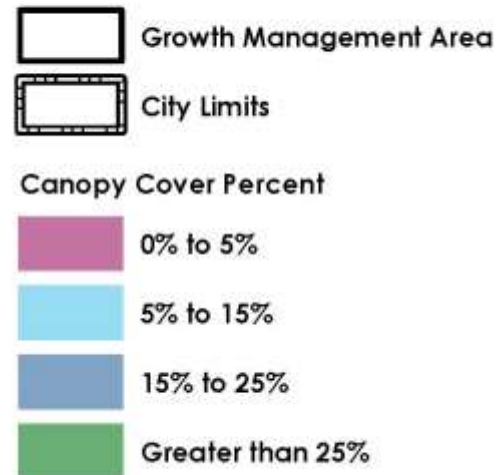
5 Different Boards

2 Public Draft Previews



# CANOPY PERCENT BY BLOCK GROUP

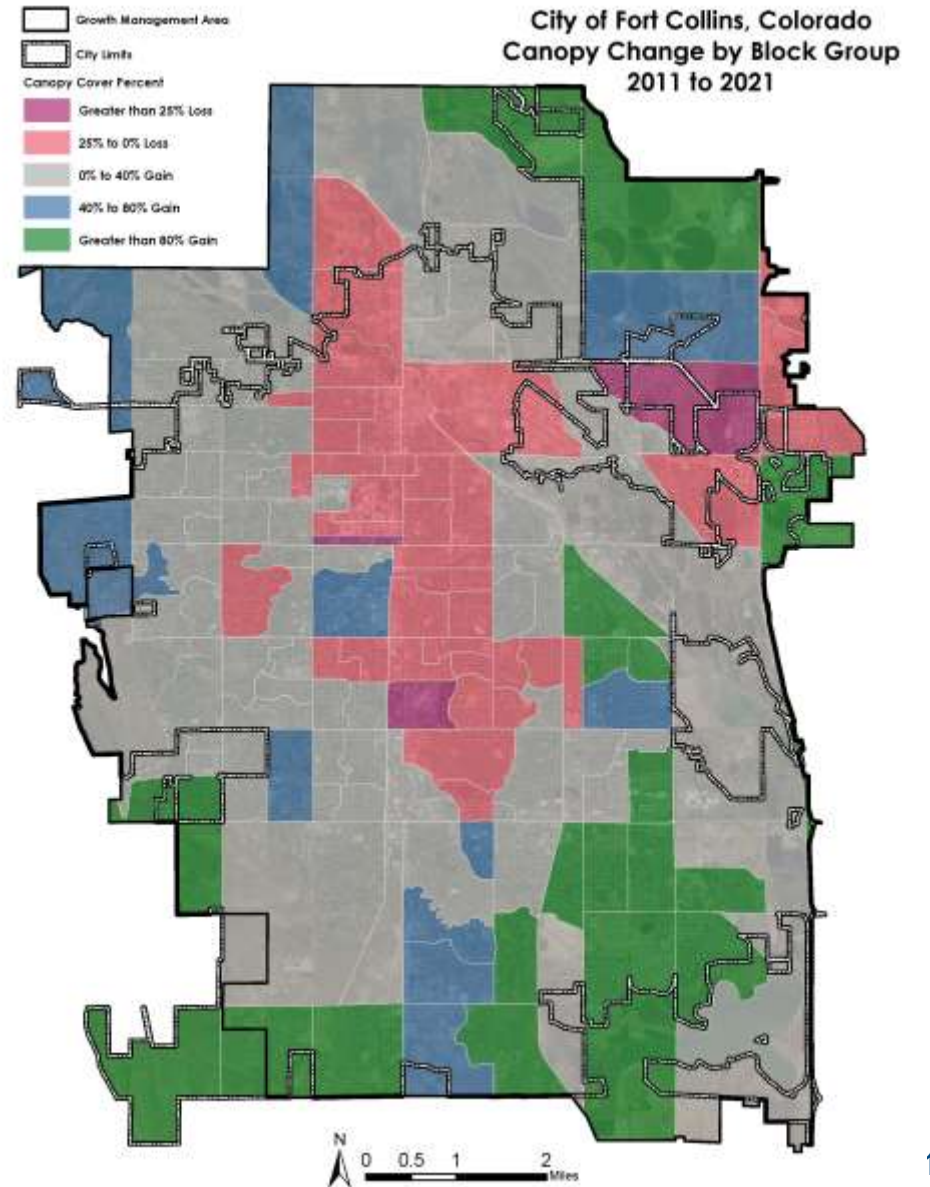
- Citywide: 13.7%
- City + GMA: 12.6%

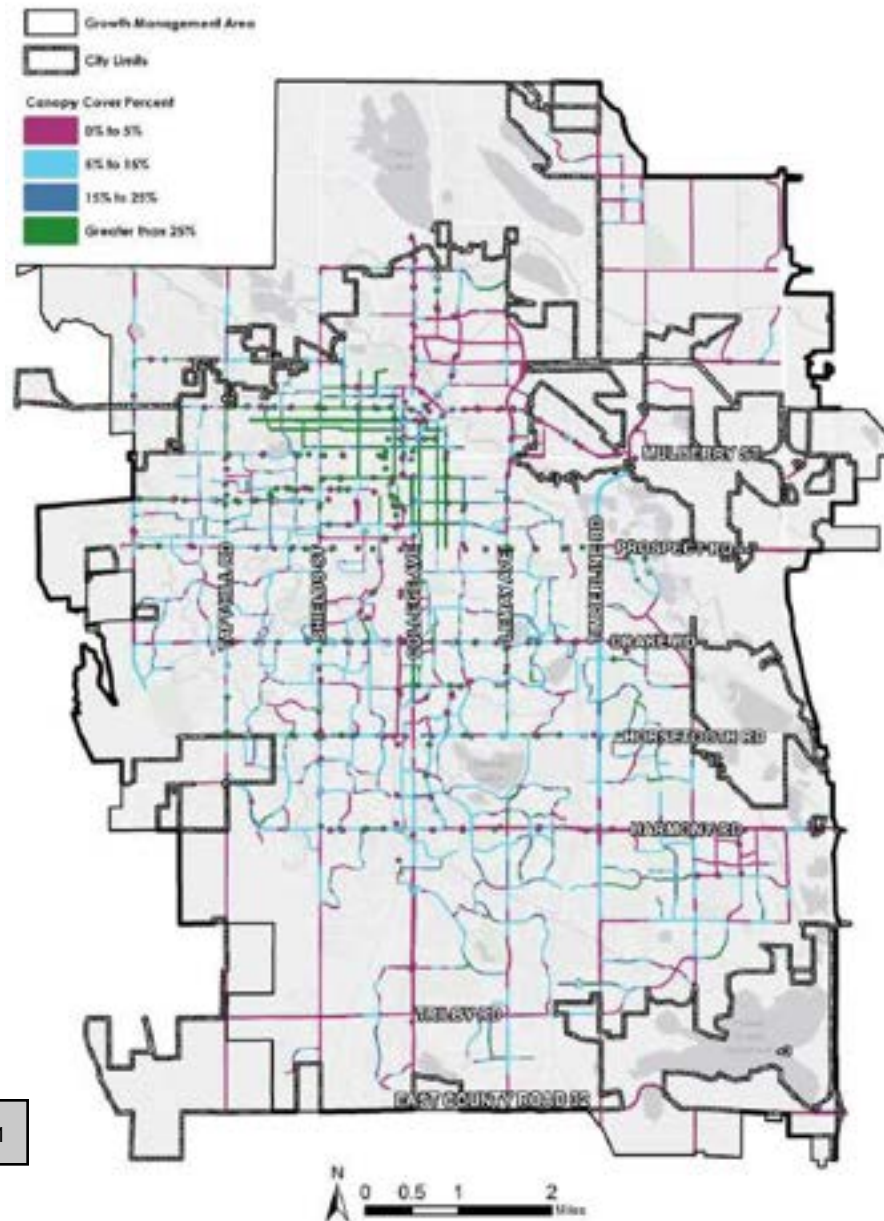




# TREE CANOPY CHANGE 2011–2021

- City Limits: +753 acres (+17.3%)
- City + GMA: +936 acres (+17.2%)



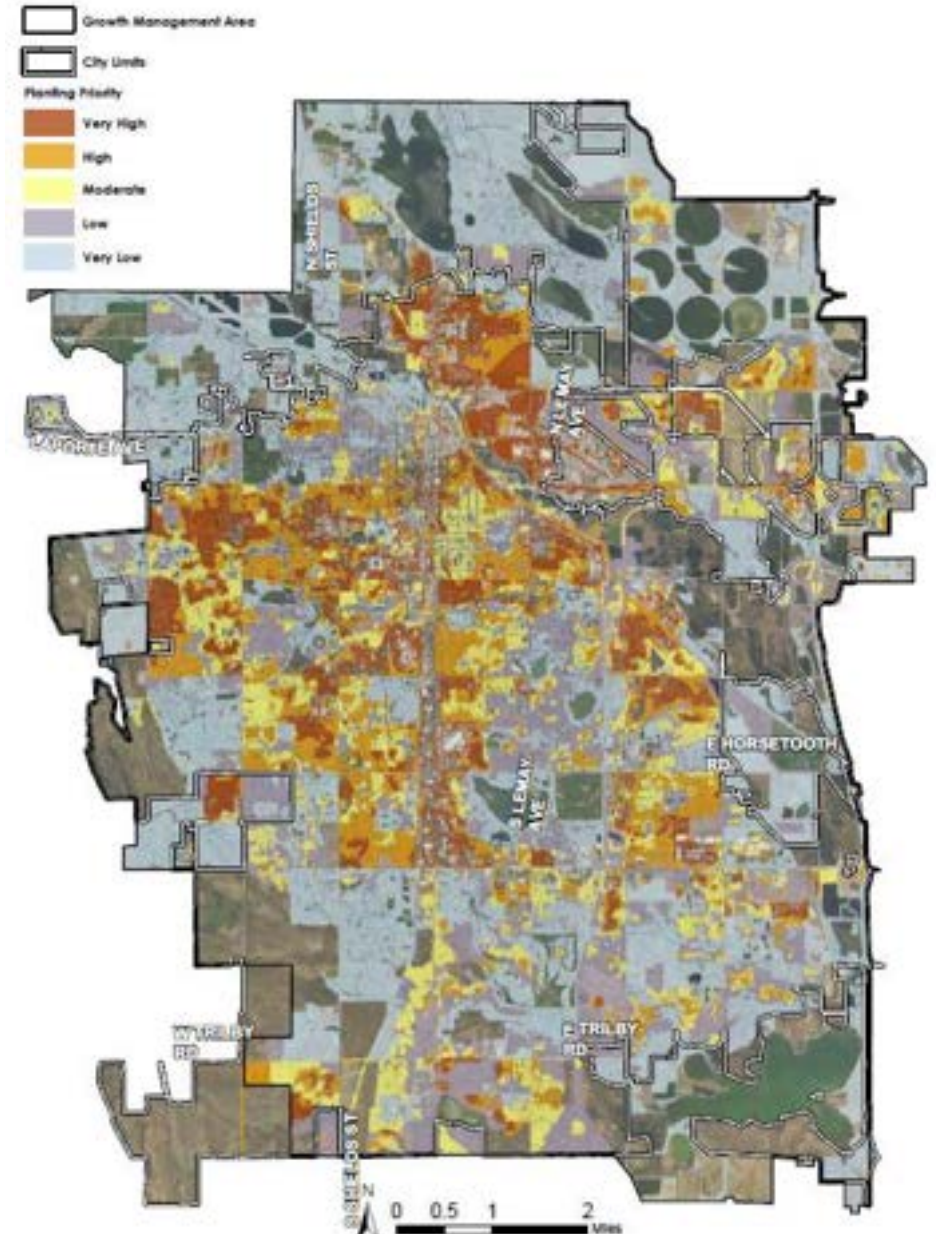


## TREES SUPPORT THE SHIFT TO ACTIVE TRANSPORTATION

- Bike lanes
  - 9.5% average tree cover
  - Consistent with 2011
- Bus stops
  - 18.3% average tree cover
  - Have lost 3.7% since 2011

# 15,418 POTENTIAL NEW CANOPY ACRES

- Classified from Very Low to Very High priority
  - **Social:** income, population density, BIPOC, renters
  - **Health:** asthma, heart disease, mental health
  - **Environmental:** urban heat and stormwater
- 2,251 acres of High or Very High priority
- Can help City plant trees for outcomes





## CLIMATE RESILIENCE

- Focus on young tree establishment
- Dedicated irrigation to trees
- Drought response plans
- Drought-tolerant, urban-adapted tree species

### Fun Fact:

Close to **70%** of public trees are **drought tolerant!**

### Fun Fact:

Mature tree canopy can **reduce outdoor water consumption** by up to **50%**.





- More emphasis on broad benefits of trees, including bird and wildlife habitat
  - p.36 and p. 39
- More connection of how the urban forest supports the 7 City Strategic Outcome Areas (e.g. Economic Health)
  - Throughout the plan, p. 18, p. 60
- Clarify trees and water
  - Drought/climate adaptation section and alignment with Water Efficiency Plan (WEP)
- Clarify and educate on private tree/property owner responsibilities
  - Several plan initiatives, GS3, GS6
- LUC and tradeoffs/tensions between community/organization priorities
  - GS3 and Tree Protection Policies work session in Q1/Q2 2025

**File Attachments for Item:**

**4. Appeals Procedure – Draft Code Update.**

The purpose of this item is to present and discuss a proposed code update related to the appeals procedures, contained in Chapter 2, Article II, Division 3, of the Fort Collins Municipal Code. The update rewrites this section of code to address a variety of issues and considerations discussed by the Council in prior work sessions.

December 10, 2024

# WORK SESSION AGENDA ITEM SUMMARY

City Council



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## STAFF

Kim Meyer, Interim Community Development & Neighborhood Services Director  
Carrie Daggett, City Attorney  
Heather Jarvis, Assistant City Attorney

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## SUBJECT FOR DISCUSSION

**Appeals Procedure – Draft Code Update.**

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## EXECUTIVE SUMMARY

The purpose of this item is to present and discuss a proposed code update related to the appeals procedures, contained in Chapter 2, Article II, Division 3, of the Fort Collins Municipal Code. The update rewrites this section of code to address a variety of issues and considerations discussed by the Council in prior work sessions.

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## GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What feedback do Councilmembers have on the proposed updated appeals procedures?
2. What additional issues or solutions are Councilmembers interested in developing further?

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## BACKGROUND / DISCUSSION

On November 14, 2023, Council held a work session to discuss the current state of the appeals process when the Council sits as a quasi-judicial body to consider appeals of decisions of boards, commissions, or other decision makers. The work session reviewed and discussed various elements of that process that might be updated to create a more fair, consistent, and simple appeals system. The 2023 work session resulted in direction to staff to present a range of alternatives and possible solutions to Council to simplify and streamline the process, provide a better experience for all parties and the community, and investigate some specific elements of the current process that might impact our current state.

On August 27, 2024, a second work session provided specific feedback on issues and elements of the current process, including who is the appropriate decision maker, who has standing to appeal, what are allowable grounds for appeal, should there be multiple levels of appeals, what evidence and arguments are allowed, and some process improvements. The Agenda Item Summary from the August work session is attached for reference.

The proposed code presented here provides updates and revisions to the overall process and decision makers at different levels to simplify the appeals process for the community, staff, and Council. A version

showing marked changes is provided, as well as a “clean” version. Significant elements that propose a process shift include:

- Creating a distinction between persons eligible to appeal and actual appeal parties who have registered with the Clerk their intention to participate in an appeal instead of lumping both types of persons all together as parties-in-interest.
- Clarifying who is eligible to appeal by requiring participation at the time of the original decision with the original decision maker (removing receipt of an original hearing notice as a basis for eligibility).
- Creating two routes for an eligible person to raise questions about a decision:
  - A Council appeal route for Council to examine questions of interpretation and application of Code that were raised before the original decision maker; and
  - An administrative route for an administrative decision maker (from the City Manager’s Office or City Attorney’s Office) to examine procedural defects such as fair hearing issues.
- Creating a completeness review and a screening procedure for any notices of appeal to ensure they have the required information and they raise viable questions for the hearing before Council.
- Requiring any eligible persons who want to become appeal parties to register with the City Clerk and adding a prehearing conference for all appeal parties.
- Clarifying timeframes, submittals of evidence, communication with appeal parties, and composition of the record on appeal.
- Eliminating the organized site visit.

## **NEXT STEPS**

---

Based upon feedback and direction that staff receives at the work session from Council, staff is prepared to make any required revisions to the proposed code language. Then, in the first quarter of 2025, staff will prepare an ordinance for Council’s consideration to approve the revised code.

## **ATTACHMENTS**

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1. August 27, 2024, Work Session Summary
2. Proposed Appeal Code Revisions (redlined)
3. Proposed Appeal Code Revisions (clean)
4. Flow Chart of Proposed Appeal Procedure
5. Process Duration Comparison Table
6. Presentation



Item 4.



Community Development and Neighborhood Services Department  
281 N. College Ave., Fort Collins, CO 80524  
PO Box 580, Fort Collins, CO 80522

## WORK SESSION MEMORANDUM

Date: September 3, 2024

To: Mayor and City Councilmembers

Through: Kelly DiMartino, City Manager *KD*  
 Tyler Marr, Deputy City Manager *TM*  
 Caryn Champine, PDT Director *CC*

From: Kim Meyer, Interim Community Development and Neighborhood Services Director *KM*

Subject: August 27, 2024, Work Session Summary - Quasi-Judicial Appeals Process

---

### BOTTOM LINE

The purpose of this memo is to document the summary of discussions during the August 27, 2024, Work Session. All Councilmembers were present, with Mayor Jeni Arndt attending remotely.

### DISCUSSION SUMMARY

Council discussed the content for this work session in multiple segments, to discuss and provide feedback on several elements of the current Quasi-Judicial (QJ) appeal process. Staff provided a current state, alternatives, and a recommendation for drafting updated code language on each of these main issues. A robust discussion on this overall topic provided general support from councilmembers for updating the process in a variety of ways.

To summarize each of the issues addressed:

- 1. Decision-maker:** Council voiced both support and concerns on this issue but overall communicated that a well-designed and -considered threshold clarifying the boundaries of staff decisions, versus what would move to hearing and be determined by the Council, could help streamline the process. Council would want notification of any remand for a new (de novo) hearing or decision with an original decision maker. Focus on simplifying the process and minimizing/avoiding impact to the timeline, while balancing access to Council with ensuring appeals meet the City's standards such as merit and standing. A list of recommended decision types that staff consider appropriate for pre-hearing staff review and decision-making is listed in the Follow Up Items section. In addition to the topic of staff decision-making, it was clarified that there is flexibility in which Councilmembers could be part of a Council committee that decides appeals, and that those committee appointments could shift on a set schedule.
- 2. Standing to Appeal:** General acceptance of the staff recommendation to require appellants to participate in the original hearing/decision (oral/written) was communicated by Council. Concerns expressed were largely related to ensuring community members

receive sufficient notice of projects and hearings. This item elicited questions and discussion related to the number of instances of neighborhood notifications, overall timelines, and opportunities to participate. This was a requested Follow Up Item, which is attached.

3. **Permitted Grounds for Appeal:** The recommendation is that any stated grounds for appeal be based on the current record, and that the issue on appeal was raised with the original decision-maker. Discussion also included a desire to see additional educational efforts by staff during development review and hearing efforts, and at appeals pre-hearing conferences, as well as including the ability for staff to screen Notices of Appeal to ensure the stated grounds were introduced at an original hearing/decision process.
4. **Multiple Levels of Appeals:** This item generated a request for a chart or table to more clearly illustrate the various decision makers and the path of appeals to be able to more fully understand and determine the best options to address any issues related to administrative/staff, hearing officers, and boards and commission decisions. The requested table is attached.
5. **Evidence & Arguments:** This was an expansive discussion centered on ensuring that the main arguments in an appeal are narrow in focus and relate directly to the record of the decision being appealed. Council expressed general support for not accepting new evidence at hearing and removing the Council site visit. Staff was encouraged to work towards a more predictable hearing experience for all involved.
6. **Process Improvements:** A variety of topics were brought up in this space aimed at ensuring better clarity, awareness, and education: pre-hearing conference encouraged, but not required; utilize technology and recorded webinars to educate and inform; work on a more streamlined scheduling system; pre-register respondents to improve predictability.

The best opportunity for impactful participation and community input is during the development process, and the appeal process can be misleading and create unrealistic expectations and frustrations. Council provided feedback that staff should focus heavily on communication, look into creating an informational video of the process, and developing other opportunities for education, support, and navigation assistance. Council also noted the difficult role they play during these QJ appeals, which is quite different than their typical community advocacy work.

Council cautioned both that the community will need some time to understand and process any updates to the appeal, but also voiced an eagerness to keep up momentum in drafting a proposed amendment to the code language as the issue has lagged over time. Staff needs to analyze and weigh the cumulative impacts of any proposed changes when drafting new code language.

The proposed amendment would be intended for regular adoption and effectiveness date and would therefore impact any new appeal filed after that date.

**NEXT STEPS**

Staff will synthesize the responses and discussions on this issue into proposed code language with the purpose of updating the City's appeal process to simplify and streamline the process of quasi-judicial appeals. Proposed code language will be provided to the Council in advance of a follow up work session, to be quickly followed by a proposed ordinance for hearing.

**FOLLOW-UP ITEMS**

Several items were requested as follow-up items to better clarify and inform Council of the current state and proposed changes.

**A) List of recommended pre-hearing decisions to be determined by authorized City staff:**

- i) Determine Standing of Appellant(s).
- ii) Pre-register Respondents prior to an appeal hearing and verify their standing.
- iii) Administrative review of Notice of Appeal for completeness including whether issues raised were addressed before the original decision-maker. To the extent a Notice of Appeal is not complete, staff would return the Notice to the appellant with the insufficiencies identified and allow a brief opportunity to correct and resubmit the Notice.
- iv) Administrative review of Notice of Appeal in relation to alleged Fair Hearing issues – to allow any remand to the original decision-maker as quickly as possible, or to dismiss for lack of evidence.
- v) Administrative review of all materials submitted by parties-in-interest to ensure they do not contain new evidence.

**B) Timeline of projects and notifications:**

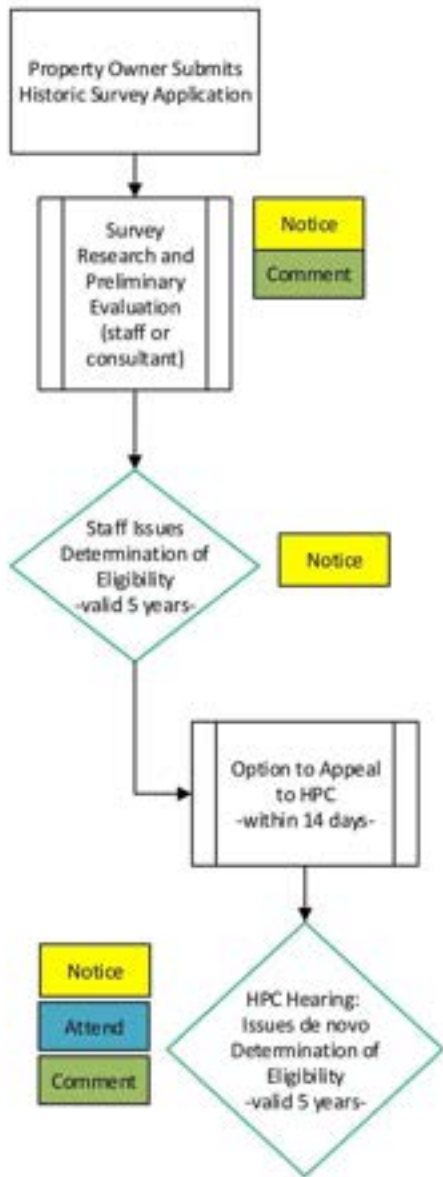
- i) Attachment A – Timeline of Historic Preservation projects
- ii) Attachment B – Timeline of Development Review projects
- iii) Attachment C – Print-out of Webpages re: Resident's Role in Development Review

**C) Appeals Flowchart – Current and Proposed:**

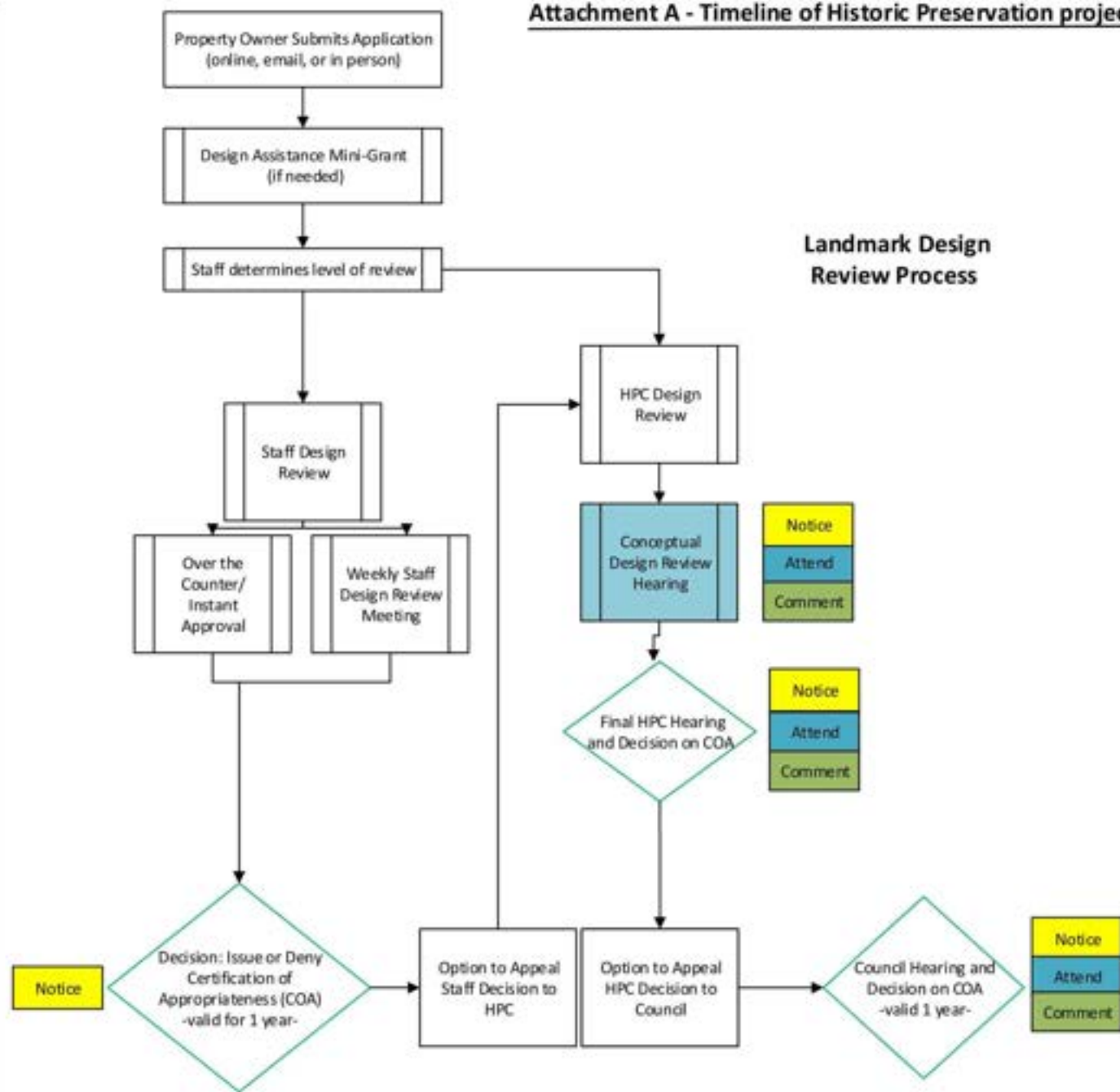
- i) Attachment D - Current Path of Decisions Appealable to City Council
- ii) Proposed/TBD – To be provided at follow up Work Session, to illustrate proposed code amendments.

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### Determination of Landmark Eligibility



### Attachment A - Timeline of Historic Preservation projects

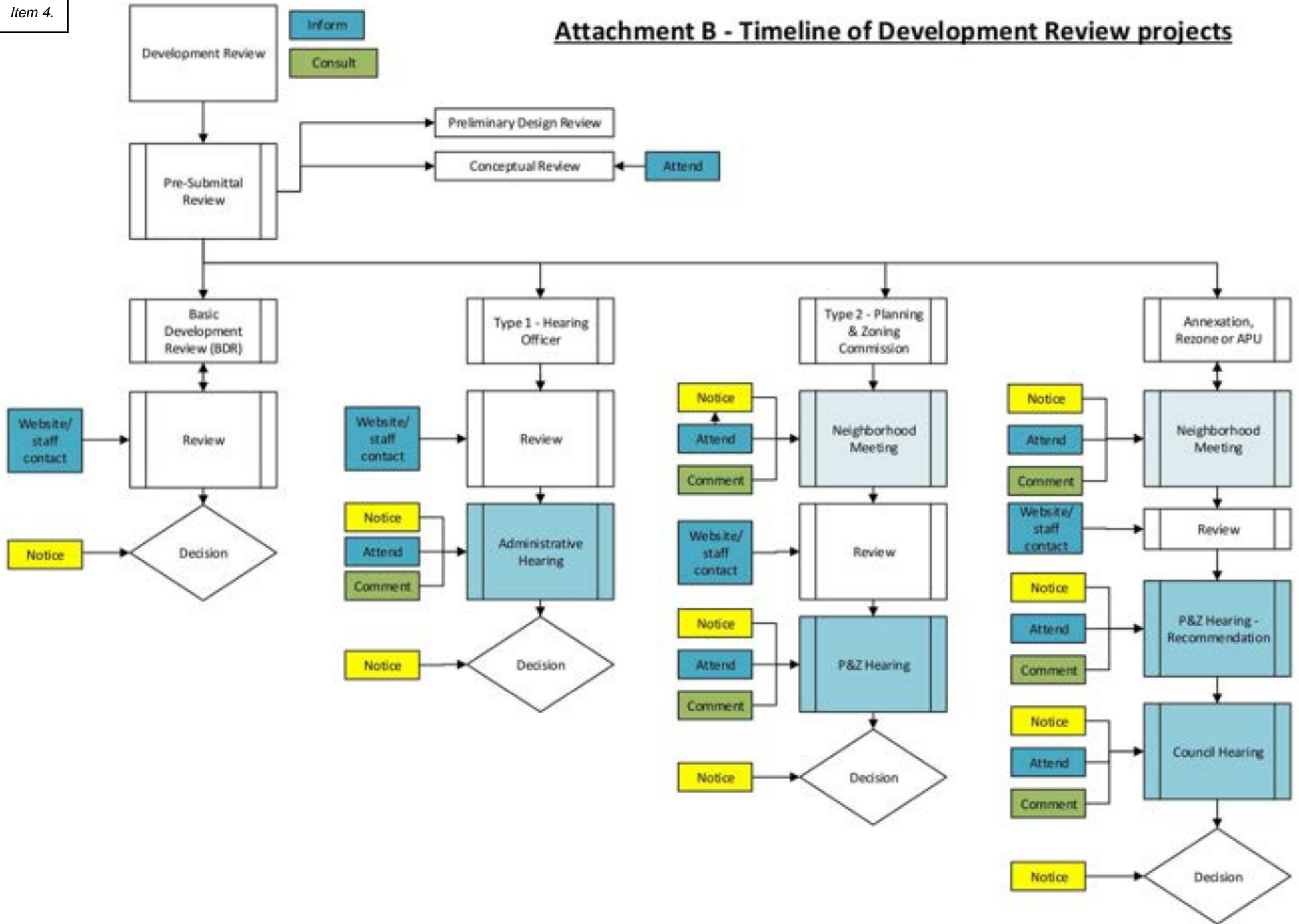


### Landmark Design Review Process



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### Attachment B - Timeline of Development Review projects



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## Development Review

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### Residents' Role in Development Review

Welcome to the Residents' Role in Development Review page!



The City of Fort Collins is committed to supporting you in understanding new development projects happening our community.

Learn how to stay informed about new development projects and how your feedback will be used.

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Stay informed and give feedback

Looking for more ways to get involved? Find opportunities related to [Planning and Development here.](#)

### Why Development Review?

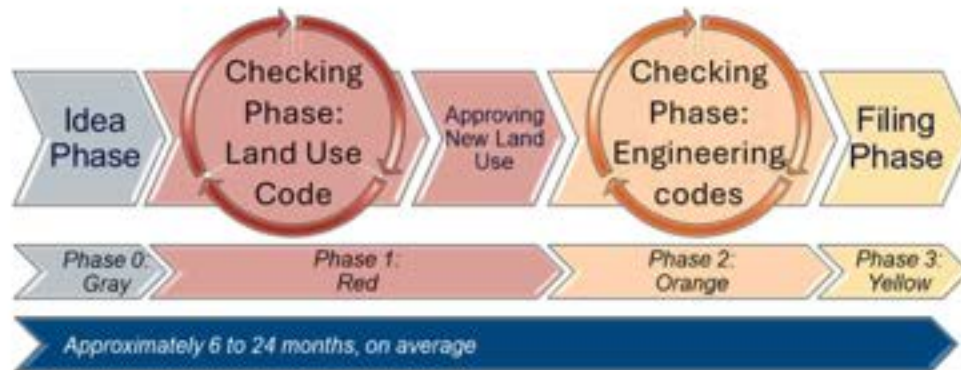
As cities and towns grow and change, local governments make sure these changes meet the needs of the community. These needs can include:

- safety and welfare of residents
- high-quality, consistent design
- protection of environmental resources
- public roads, sewers, streetlights and other infrastructure

Why Development Review? Learn more.

Learn about the process and how to plug in:

### The Development Review Process

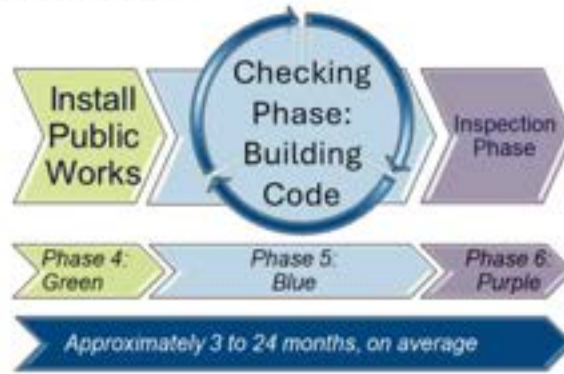


*\* Timeline is for an "average" project. Depending on the project, it could take 2-4 months or up to 5-10 years.*

### The Building Review Process



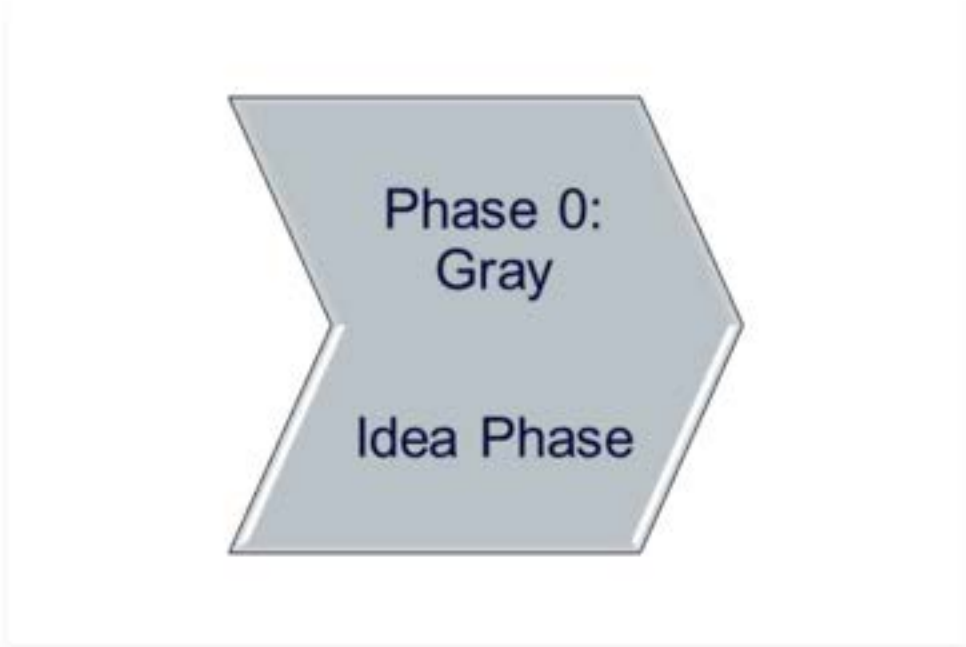
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*\*Timeline is for an "average" project. Depending on the project, this could take 1 month or up to several years.*

## The Development Review Process and the Building Review Process

^ Phase 0: Gray - Idea Phase



Someone has an idea about building something new on land they own or would like to buy.

They can talk to City departments all at once during a Conceptual Design Review meeting.

During this meeting they will learn if their idea might work.

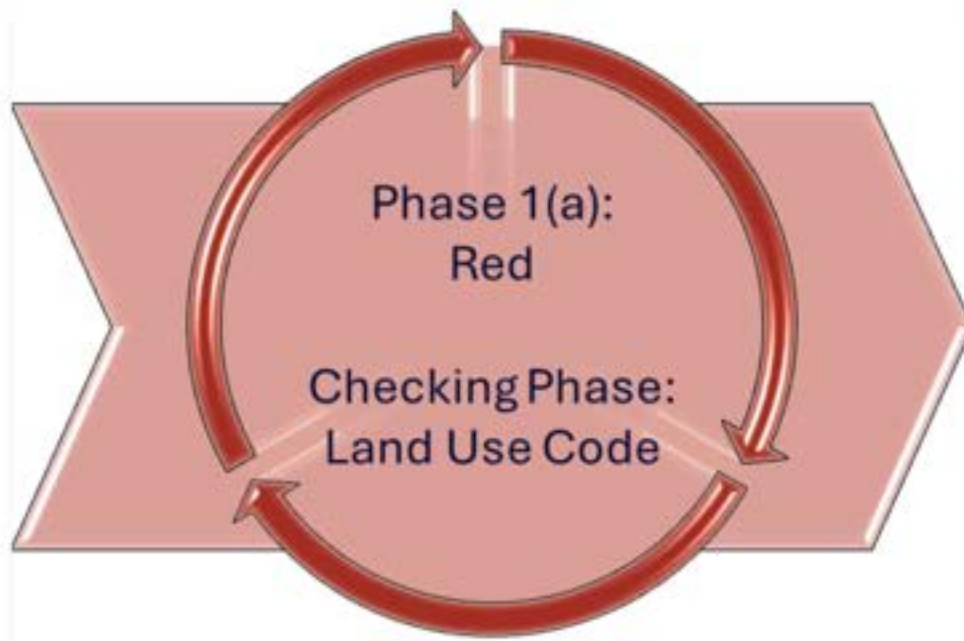
The person with the idea might need to have a meeting with neighbors too.

*\*About half of the project ideas in this phase will not move forward.*



**Our Promises to Residents:**

- **We will keep you informed** when we have Conceptual Design Review meetings.
  - Email newsletter, [This Week in Development Review](#).
  - Application summaries posted on our [webpage](#).
- **We will keep you informed and listen to your concerns** if there is a Neighborhood Meeting.
  - Invitation letters mailed to property owners within 800 feet (or about 1-2 city blocks).
  - Meeting time, date and location posted on our [webpage](#).
  - You may attend a neighborhood meeting and have a conversation with the applicant.
  - Recording of the meeting will be posted on our [webpage](#).

**Phase 1(a): Red - Checking Phase: Land Use Code**

Someone decides they will build something new on land they own or would like to buy. They send their plans to the City and pay their fees. The person or team who are hoping to build something new are called Applicants.

City staff check the plans to see if they meet all the City's rules.

City staff returns the plans with a list of changes that need to be made in order to follow the City's rules.

The Applicant fixes the plans.

This happens again and again until the plan meets all the rules.

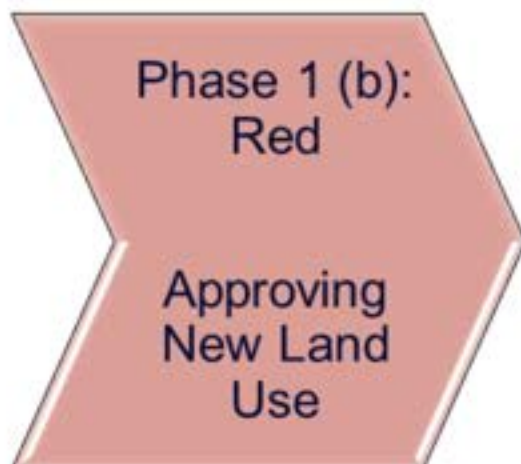
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[Learn more about the Red Phase: Review and Approval](#)

#### Our **Promises** to Residents:

- **We will keep you informed** when someone applies to do a project.
  - Email newsletter, [This Week in Development Review](#).
  - Plan summaries posted on our [webpage](#).

^ Phase 1(b): Red - Approving a New Land Use



When a project meets all the city's rules, it can be approved.

Projects making smaller changes may be approved by the Director of the Community Development and Neighborhood Services Department.

Projects making larger changes may be approved by an Administrative Hearing Officer.

Projects making the largest changes allowed under the Land Use Code may be approved by the Planning and Zoning Commission.

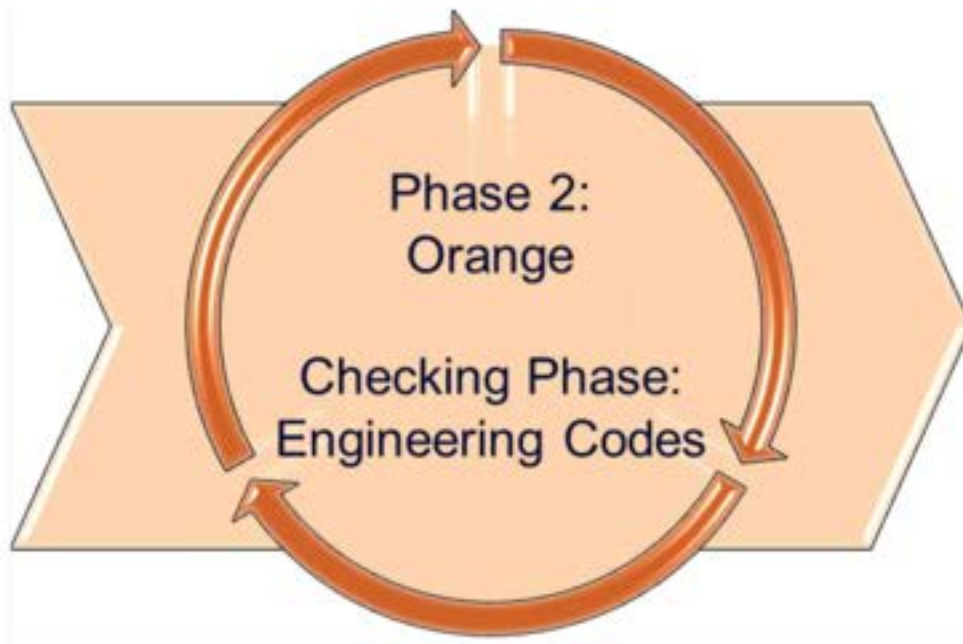
[Learn more about the Red Phase: Review and Approval](#)

#### Our **Promises** to Residents:

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- **We will keep you informed** when a project has been approved by the Director of the Community Development and Neighborhood Services Department.
  - Letters will be mailed to neighboring property owners when a decision has been made.
  - Decisions posted on our [webpage](#).
- **We will keep you informed and listen to your concerns** when a project is being considered by an Administrative Hearing Officer or by the Planning and Zoning Commission. We will keep you informed if a project is approved by either of these.
  - Letters will be mailed to neighboring property owners prior to a hearing.
  - You may attend a hearing and speak to the decisionmaker. You may also email, mail, or drop off your written comments prior to the hearing.
  - You may watch a recording of the hearing.
  - Letters will be mailed to neighboring property owners when a decision has been made.
  - Hearing information and decisions will be posted on our [webpage](#) and in the [This Week in Development Review](#) newsletter.

^ Phase 2: Orange - Checking Phase: Engineering Codes



If a new land use has been approved, the project plans will need to meet more rules for very technical details. These are things like the type of concrete used to build sidewalks, or the height of curbs and gutters around driveways.

City staff will check the plans and return edits to the applicant. This will happen again and again until the plan meets all the rules.

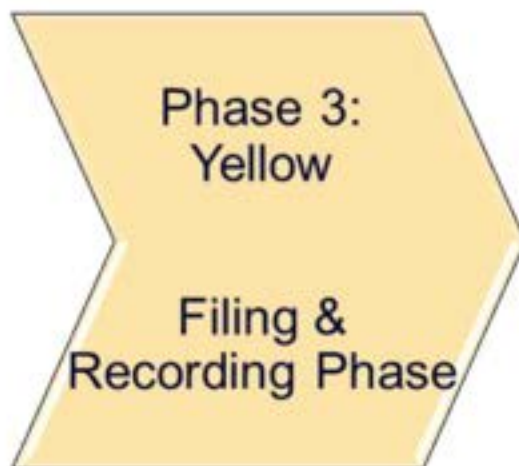
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Learn more about the Orange Phase: Final Development Plans

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There is no public participation in this phase. It is strictly an interaction finalizing technical drawings and plans between the City and a private property owner.

^ Phase 3: Yellow - Filing & Recording Phase



When the final plans have been approved, they will be filed and recorded with Larimer County and/or with the City.

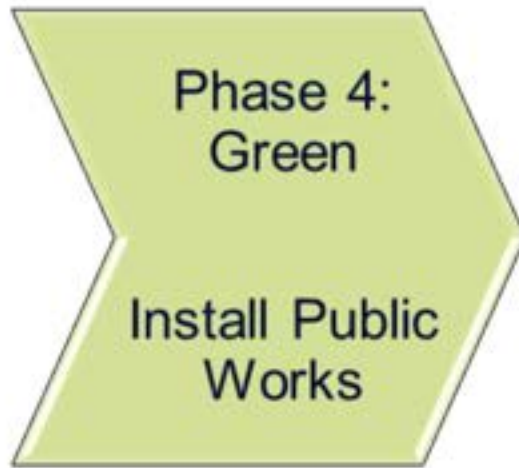
There is no public participation in this phase. When the final plans have been filed and recorded, they will be public records which are available for anyone to find.

Find Public Records

^ Phase 4: Green - Install Public Works



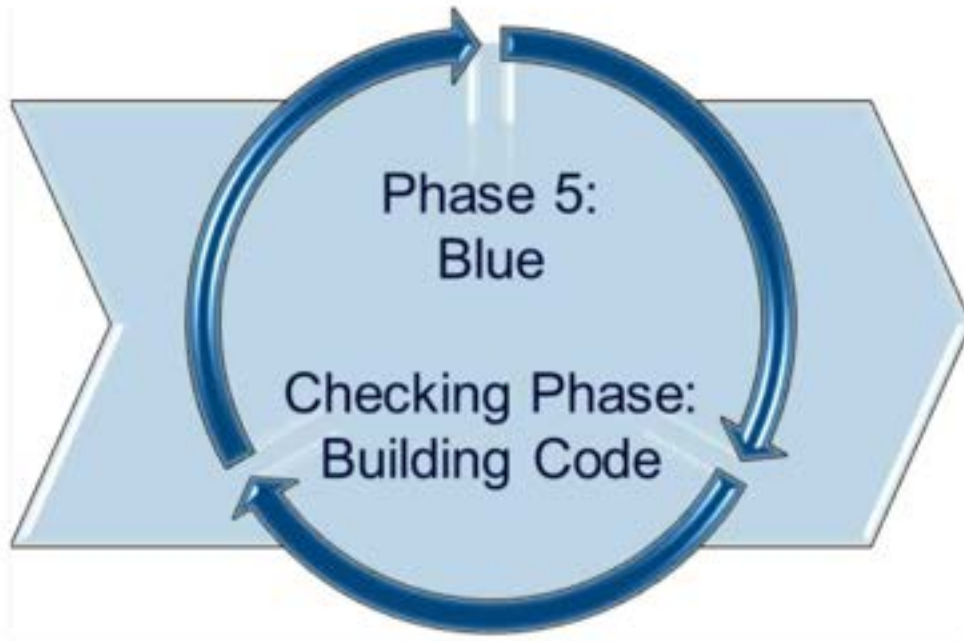
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Now things like roads or sidewalks may be built. Street trees may be planted. Erosion and sediment controls may be put in.

There is no public participation in this phase.

^ Phase 5: Blue - Checking Phase: Building Code



Building plans will be checked for safety to make sure they meet all the City's rules.

You may check on the status of any building permit.

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[^ Phase 6: Purple - Inspection Phase](#)

While the project is being built, the City will inspect it to make sure it is being built according to the plans and codes.

After the project is built and has passed all of its final inspections, the project will get a Certificate of Occupancy. This means the project is ready for people to start using it.

There is no public participation in this phase.

## Residents' Toolbox

[^ Find Out What Development Proposals are Being Reviewed](#)

The [Proposals Page](#) contains a complete list of all development proposals that are currently being reviewed by City staff, as well as information on upcoming events where the public can engage:

- [Conceptual/Preliminary Design Reviews](#)
- [Neighborhood Meetings](#)
- [Development Proposals currently under review](#)

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- [Hearings and Decisions](#)
- [Minor Amendments](#)

To search for development proposals currently being reviewed and to learn more about them, scroll to the "[Development Proposals Under Review](#)" section and search by address, name, project number, sign number or keyword. Each proposal entry includes a brief description, a link to the public records archive to view documents related to the submittal, and staff and applicant contact information.

*\*The Proposals page only includes proposals from the current year.*

For information on proposals from previous years, visit:

<https://www.fcgov.com/developmentreview/proposals/archive#amendments-heading>

[Visit the Proposals Page](#)

#### [^ Find Documents Related to Development Proposals](#)

All documents submitted by applicants for a development proposal and responses from City staff are public documents. They can be found in the City's Public Records Archive. These documents often include:

- Site plans
- Transportation Impact Studies
- Utilities Plans
- A narrative about the project from the applicants
- And much more...

Hint- when searching in the Archive, using the project's name or address may not work. The best way to search is by clicking "Project Number Search" and using the alpha-numerical project number. You can find these numbers in mailings sent by the City or on the Proposals page.

[Visit the Public Records Portal](#)

#### [^ Get Help From City Staff](#)

If you find that this website doesn't fully answer your questions or give you the tools you need, City staff is always available to help.

The first person to reach out to is the Neighborhood Development Liaison. This person is the public face of Development Review, and exists to support members of the public throughout the process by hosting neighborhood  
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meetings, sharing important information, providing customer service and collecting public input.

Email the Neighborhood Development Liaison

### This Week in Development Review Newsletter



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Click the Newsletters button at the top of this page to subscribe to our This Week in Development Review email newsletter

**Don't miss out on upcoming events! Subscribe to our newsletter to receive weekly information on development that may impact you.**

Every week, there are new proposals going through the Development Review process at the City of Fort Collins, and every week the City hosts events for residents to get involved in them. The **TWIDR** email newsletter was created to help any member of the public learn more about Development Review and stay in the loop about what's going on in their City.

[Development Review Home](#) | [Planning Home](#) | [Environmental Planning Home](#) | [Zoning Home](#) | [FAQ Page](#)



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- Local Facts and Demographics
- Poudre School District
- Colorado State University
- Front Range Community College
- Convention & Visitor's Bureau

- Mission, Vision, Values
- "City of Fort Collins MVP"
- City Budget
- Open Book
- Sustainability
- Careers
- Contact Us
- Email Subscriptions

### Social Media Accounts

- Facebook [14]
- Twitter [12]
- Youtube [6]
- Instagram [11]
- Flickr [2]
- Pinterest [1]
- Linkedin [1]
- Nextdoor [2]

### Performance Excellence



- Employee Resources
- CityHub
- Support Portal

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**ATTACHMENT D**  
**Current Path of Decisions Appealable to City Council**

Code	Section	Decision Type	Initial Appeal	Secondary Appeal
Municipal Code	2-47	Certain appeals to be taken to City Council		
<b>DEVELOPMENT</b>	<b>RELATED:</b>			
Land Use Code	6.3.12 6.14.2	Director decision (Minor Amendment, Change of Use, Basic Dev Review, FONSI)	Planning & Zoning Commission	City Council
	6.3.12	Hearing Officer	City Council	
	6.3.12	Planning & Zoning Commission	City Council	
	6.18.1	Director decision (applicable to 11 decision types)	Land Use Review Commission	City Council
	6.14.3 6.18.1	Land Use Review Commission (Variances, Director decisions)	City Council	
	6.19.5 - .8	Hearing Officer decision – Vested Rights	City Council	
Municipal Code	5-27.13 18-3	Building Official decision	Building Review Commission	City Council
	5-3	Building Review Commission decision	City Council	
Municipal Code	14-23(b)	Historic Preservation Staff determination of eligibility	Historic Preservation Commission	City Council
	2-174(b) 14-32 14-55	Historic Preservation Commission decision	City Council	
<b>OTHER:</b>				
City Charter	Sec.14	Licenses & Permits, and fees "may be appealed"	City Council	
Municipal Code	10-28 26-520	Utilities Exec Director decision	Water Commission	City Council
	10-28	Water Commission	City Council	
	15-265, - 298, -318, -394	City Manager decision (Pawnbroker, Place of Entertainment, Secondhand dealer, outdoor vendor)	City Council	
	26-351	Utilities Executive Director decision	City Council	
	26-692	City Engineer decision (Utility install license)	City Council	

## ***Division 3 Appeals Procedure***

### **Sec. 2-45. Appeals generally.**

An appeal of any final decision expressly appealable to City Council under other provisions of this Code, including the Land Use Code, shall be initiated by an eligible party and decided by the City Council in the manner set forth in this Division. (moved from 2-47) Any action taken in reliance upon any decision of a board, commission or other an original decision maker that is subject to review or appeal under the provisions of this Division shall be totally solely at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action. (moved from 2-47(b))

### **Sec. 2-46. Definitions.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

*Appeal party* means an eligible person who has taken steps necessary under Section 2-52(a) and been verified under Section 2-52(b) to participate in an appeal.

*Appellant* shall mean one or more parties in interest eligible persons appealing a decision from a board, commission or other an original decision maker to the City Council by the filing of a notice of appeal.

*Appellant representative* means the individual designated in a notice of appeal as the contact person for all matters related to that appeal.

*Applicant* shall mean the person who or organization that submitted the application to the board, commission or other original decision maker whose decision has been appealed.

*Decision maker, administrative* means the designee of the City Manager who performs fair hearing reviews under Section 2-48 and notice of appeal screening under Section 2-51.

*Decision maker, original* means the board, commission or other decision maker the final decision of which is the subject of an appeal or a request for administrative review.

*Evidence* shall mean any information, whether in verbal, audio, written, graphic, or other form, presented at the appeal hearing to support or refute a particular proposition or conclusion. *Evidence* shall does not include argument as to how information offered as evidence should be viewed by the City Council.

*Final decision* shall mean the action of a board, commission or other an original decision maker by a vote of a majority of its members when no further rehearing is available before such board, commission or other that original decision maker; provided, however, that a recommendation to the City Council from a board, commission or other decision maker shall not be considered as a final decision of that board, commission or other decision maker.

*New evidence* shall mean any evidence, relating to the proposal or application that was the subject of final decision by a board, commission or other an original decision maker, that was not provided or presented at the hearing or as part of the record before such board, commission or other that original decision maker. *New evidence* does not include evidence in the record that has been modified by highlighting, underlining, italicizing or otherwise marked to emphasize certain portions of writings or graphics presented to the original decision maker as long as any modified graphic presented to the City Council at the appeal hearing is accompanied by a reference to the location of the original material in the record of the decision being appealed.

~~[MOVE TO ALPHA ORDER] Party in interest~~ **Eligible person** shall mean a person who or organization that has standing to appeal the final decision of a ~~board, commission or other~~ **an original** decision maker. Such standing to appeal shall be limited to the following:

- (1) The applicant;
- (2) Any party holding an ownership or possessory interest in the real or personal property that was the subject of the decision of the ~~board, commission or other~~ **original** decision maker whose action is to be appealed;
- (3) ~~Any person to whom or organization to which the City mailed notice of the hearing of the board, commission or other decision maker;~~
- (4) Any person who or organization that provided written comments to the appropriate City staff for delivery to the ~~board, commission or other~~ **original** decision maker ~~prior to~~ **before** or at the hearing on the matter ~~which that~~ is to be appealed;
- (5) Any person who or organization that appeared before ~~and provided comments to the board, commission or other~~ **original** decision maker at the hearing on the action ~~which that~~ is to be appealed;
- (6) The City Council as represented by the request of a single member of the City Council.

**~~Sec. 2-47. Certain appeals to be taken to city council.~~**

~~An appeal of any final decision expressly appealable to City Council under other provisions of this Code, including the Land Use Code, shall be decided by the City Council in the manner set forth in this Division.~~

~~(Ord. No. 020, 2020, § 2, 2-4-20)~~

**~~Sec. 2-48.~~ **Sec. 2-47. Appeal of final decision permitted; effect of appeal; grounds for appeal; limit on subject matter of appeal.****

- (a) **Initiating an appeal.** ~~A party in interest~~ **Any eligible person** may appeal to the City Council the final decision of any ~~board, commission or other~~ **original** decision maker to which this appeal procedure applies in the manner provided in this Division **by the filing a notice of appeal with the City Clerk within fourteen (14) calendar days after the decision that is the subject of the appeal. A separate process for seeking administrative review of fair hearing issues is provided in Section 2-48.**
- ~~(b) **Risk during pending appeal.** Any action taken in reliance upon any decision of a board, commission or other an original decision maker that is subject to review or appeal under the provisions of this Division shall be totally solely at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action.~~
- (b) **Grounds for appeal.** Except for appeals by members of the City Council, the permissible grounds for appeal shall be limited to allegations that the **original decision maker** ~~board, commission or other decision maker committed one (1) or more of the following errors:~~
  - (1) ~~Failure~~ **failed** to properly interpret and apply relevant provisions of the Code and Charter **in deciding particular aspects of the decision raised by an eligible person for consideration by the original decision maker.**
  - (2) ~~Failure to conduct a fair hearing in that:~~
    - a. ~~The board, commission or other decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;~~



- b. ~~The board, commission or other decision maker substantially ignored its previously established rules of procedure;~~
- c. ~~The board, commission or other decision maker considered evidence relevant to its findings which was substantially false or grossly misleading;~~
- d. ~~The board, commission or other decision maker improperly failed to receive all relevant evidence offered by the appellant; or~~
- e. ~~The board, commission or other decision maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the decision maker's independence of judgment.~~

(c) Limit on subject matter of appeal. Allegations of appeal must follow from issues raised before the original decision maker. Issues not raised in connection with the original decision are deemed waived and are not subject to appeal.

(d) ~~(e) Councilmember appeals.~~ Appeals filed by members of the City Council need not include specific grounds for appeal, but shall ~~must~~ include a statement of each specific question to be considered on appeal rather than allegations of error.

- (1) Upon the filing of any such appeal, the director of the affected City service area shall identify the specific Code provisions that may pertain to the specific questions raised by ~~such the~~ appeal and shall provide ~~such the~~ information to the City Clerk ~~prior to~~ before the date that the notice of hearing on the appeal is to be mailed ~~by the City Clerk to parties in interest under Section 2-52 of this Division.~~
- (2) ~~The City Clerk will include s~~ Said information shall then be mailed to the parties in interest ~~together with the notice of hearing.~~
- (3) Councilmembers who file an appeal may participate in hearing ~~such the~~ an appeal in the same manner as they participate in hearing appeals filed by other ~~eligible persons~~ parties in interest.

#### **Sec. 2-48. Administrative fair hearing review of final decision permitted; effect of fair hearing determination.**

- (a) Fair hearing review. Any eligible person may seek administrative review of procedural defects in connection with the final decision of an original decision maker to which this Division applies by filing a request for fair hearing review with the City Clerk within fourteen (14) calendar days after the decision that is the subject of the requested review.
- (b) Fair hearing issues. Procedural defects subject to review include those matters constituting an alleged failure to conduct a fair hearing in that:
  - (1) The original decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;
  - (2) The original decision maker substantially ignored its previously established rules of procedure;
  - (3) The original decision maker considered evidence relevant to its findings that was substantially false or grossly misleading;
  - (4) The original decision maker improperly failed to receive all relevant evidence offered by the appellant; or
  - (5) The original decision maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the original decision maker's independence of judgment.

(c) Review process.

- (1) The request for fair hearing review shall be on a form provided by the City Clerk, shall be signed by all persons joining the request for review, and must include documentation to substantiate the grounds for the review sought, such as evidence in the record, new evidence relevant to the issues under review, and written arguments explaining the allegations.
- (2) If the eligible person seeking the fair hearing review is not the applicant, the City Clerk will notify and provide a copy of the request for review to the applicant within two (2) working days of receiving the request for review.
- (3) The applicant may file a written summary of facts and arguments and any documentation to oppose the allegations no later than five (5) working days after the City Clerk's notice of the request.
- (4) The administrative decision maker may review any information received from the requesting party, applicant, City staff or other source, that the administrative decision maker considers relevant to evaluate the allegations of procedural defects, including the original decision and supporting documents internally, potentially requesting additional information or clarification.

(d) Fair hearing/procedural defect determination.

- (1) The administrative decision maker will review all information received and any other information obtained by the administrative decision maker related to the allegations, and will make findings and conclusions as to the issues raised no later than five (5) working days after receipt of the request, unless the request was made by the a party other than the applicant, in which event the administrative decision maker will issue a decision no later than five (5) working days after receipt of the applicant's response.
- (2) If the administrative decision maker determines that no procedural defect raised a significant question as to whether the decision under review was based on a fair hearing, the administrative decision maker will provide written notice of that determination to the requesting party and to the applicant.
- (3) If the administrative decision maker determines that a procedural defect occurred that raises a significant question as to whether the decision under review was based on a fair hearing, the administrative decision maker will remand the matter for rehearing.
- (4) If the administrative decision maker determines that on remand the original decision maker will be unable to provide a fair rehearing or will be unable to provide a fair rehearing because a quorum will not be available, the administrative decision maker must remand the matter for rehearing to a qualified, alternative decision maker. Additionally, the administrative decision maker may remand the matter for rehearing to a qualified, alternative decision maker if the public confidence in the decision on remand would be better served than remand to the original decision maker. (modified from Sec. 2-56.)

(e) Effect of fair hearing determination. If the administrative decision maker remands the matter for rehearing, any notice of appeal that was filed on the same matter will be automatically cancelled without prejudice and the appeal fee will be refunded.

- (f) Fair hearing review fee. In all fair hearing reviews, the person requesting review must remit to the City Clerk with the request a fee of [FILL IN FEE AMOUNT HERE] [Add escalation clause based on inflation or some other index?] No fair hearing review will begin until the fee has been received by the City Clerk. Any fair hearing review for which the fair hearing review fee has not been paid before the deadline for the filing of the fair hearing review will be rejected as untimely.
- (g) Final decision. Any fair hearing review decision under this Section is final and is not subject to further municipal review or appeal.

#### Sec. 2-49. Filing of a Notice of appeal; no new evidence.

- (a) An appeal shall be commenced by filing a notice of appeal of the final decision of a board, commission or other decision maker to which this Division applies with the City Clerk within fourteen (14) calendar days after the action that is the subject of the appeal.
- (b)(a) Form of appeal notice. Such notice of appeal must be on a form provided by the City Clerk, must be signed by all persons joining the appeal and must include the following:
- (1) The action of the board, commission or other original decision maker that is the subject of the appeal;
  - (2) The date of such the action;
  - (3) The name, address, telephone number and the basis for the person's qualification to appeal as an eligible person relationship of each appellant to the subject of the action of the board, commission or other decision maker;
  - (4) In all appeals except those filed by members of City Council, the grounds for the appeal, including specific allegations of error of interpretation or application of relevant and specific provisions of Code or the Charter; and
  - (5) A summary of the facts contained in the record on appeal (no new evidence) which that support these appeal allegations, separated into support for each separate allegation, including where in the record (such as the minute number in a recording, or page and line number in a document) the appellant raised the issue(s) before the original decision maker;
  - (6) A written summary of the appellant's argument accompanied by specific references to applicable material in the record (no new evidence), separated into argument for each separate allegation;
  - (5) In the case of an appeal alleging a fair hearing issue under § 2-48(b)(2)c, d or e, above all new evidence related to such allegations that the appellant wishes for Council to consider at the hearing on the appeal must be submitted to the City Clerk within seven (7) days calendar days after the deadline for filing a notice of appeal and must be clearly marked as new evidence;
  - (67) The name, address, email address, and phone number of the appellant representative who is authorized to receive notice required to be mailed by the City to the appellant and an indication of the appellant representative's preferred means of contact. In the case of an appeal filed by more than one (1) person, the name, address, email address, and telephone number of one (1) such person appellant representative who shall be authorized to receive, on behalf of all persons joining the appeal, any notice required to be mailed by the City to the appellant under the provisions of § 2-52 of this Division and an indication of the appellant representative's preferred means of contact; and
  - (7)(8) Any other information required by the City Clerk.
- (c)(b) Limit on submittal. No materials other than that specified in Subsection (b) above shall (a) of this Section are allowed to be included in or attached to the notice of appeal or submitted by the appellant at any time, except for presentation materials as allowed in Section 2-554(d).

- (d) Appeal fee. In all appeals, except those filed by members of the City Council, the appellant must remit to the City Clerk with the notice of appeal a fee of [FILL IN FEE AMOUNT HERE] [Add escalation clause based on inflation or some other index?] No appeal will be reviewed for completeness or sufficiency until the appeal fee has been received by the City Clerk. Any appeal for which the appeal fee has not been paid before the deadline for the filing of the appeal will be rejected as untimely. If a fair hearing review was filed on the same matter and the administrative decision maker remands the matter for rehearing, the appeal for the same matter will be automatically cancelled without prejudice and the appeal fee will be refunded.
- (e) ~~The City Clerk will promptly post the notice of appeal and any attached information, and any new evidence subsequently received pursuant to Subsections (b)(5) above or 2-55(b)(2), on the City's website, and such information shall be available for public inspection in the Office of the City Clerk.~~ [moved to after screening review]

### Sec. 2-50: Completeness review.

- (a) Within three (3) working days of receiving the notice of appeal and appeal fee, the City Clerk will review the notice of appeal in consultation with the City Attorney for completeness and sufficiency.
- (b) Completeness includes any obvious defects in form or substance, confirmation that the person(s) submitting the appeal qualifies as an eligible person (the person has standing to raise the appeal), confirmation that the listed code provisions are relevant, and determination that all items in Section 2-49 have been properly provided.
- (1) If a notice of appeal is incomplete, the City Clerk will promptly notify the person authorized to receive notice that the notice of appeal is incomplete and will specify the incomplete items.
  - (2) Within three (3) working days of being notified the notice of appeal is incomplete, the notice of appeal may be resubmitted with the incomplete items cured.
  - (3) If the notice of appeal is not resubmitted, or if the resubmitted notice of appeal is determined, after additional review to be incomplete, the appeal shall be terminated, the City Clerk will provide notice to the appellant representative, and no further action will be taken on the notice of appeal.
- (c) When an appeal has been determined to be complete and the appeal fee has been paid, the City Clerk will promptly forward the appeal to the administrative decision maker for screening. ~~post the notice of appeal and any attached information, and any new evidence subsequently received pursuant to Subsections (b)(5) above or 2-55(b)(2), on the City's website, and such the information shall be available for public inspection in the Office of the City Clerk.~~ When an appeal has been determined to be complete, the City Clerk will also order assembly of the relevant record and thereafter will make it available to the appeal parties.

### Sec. 2-51: Screening review.

- (a) Scope of screening. If a notice of appeal is determined to be complete, whether initially or after resubmittal, the administrative decision maker will review the subject matter of the appeal to determine whether:
- (1) all persons joining in the appeal are eligible persons;
  - (2) each ground for appeal was raised before the original decision maker;
  - (3) each ground for appeal is legally sufficient and raises a valid interpretation or application issue
  - (4) each ground for appeal has merit based on clearly established evidence in the record of the original decision; and
  - (5) no new evidence was submitted.
- (b) Screening review process. The administrative decision maker may review any information received as part of the notice of appeal, or in the record of the original decision, that the administrative decision



maker deems relevant to evaluate the appeal allegations.

(c) Screening determination.

(1) The administrative decision maker will review all information received and any other information obtained by the administrative decision maker related to the allegations, and will make findings and conclusions as to the sufficiency of the appeal and each allegation on appeal no later than ten (10) working days after receipt of the notice of appeal, except if a simultaneous fair hearing review was filed under Section 2-48, the ten (10) working days time for completing the screening review does not begin until after the fair hearing review is determined.

(2) If the administrative decision maker determines that the appeal or any allegation asserted in the appeal is not proper, does not raise legally cognizable issues for review, or has no merit based on clearly established evidence in the record of the original decision, the appeal or those allegations will not be presented to the City Council for review and will be dismissed.

(d) Notification of decision. Upon completion of the screening determination, the administrative decision maker will notify the appellant and the applicant of the determination and those appeal allegations that remain active will be set for hearing and appeal party registration will proceed as described in Section 2-52.

(e) Posting of appeal materials. The City Clerk will promptly post on the appeal page of the City's website the notice of appeal and screening determination of the administrative decision maker, and the information will be made part of the record on appeal and will be available for public inspection in the Office of the City Clerk.

(f) Final decision. The screening determination under this Section is final and is not subject to further municipal review or appeal.

**Sec. 2-50. Fee for filing of appeal.**

In all appeals, except those filed by members of the City Council, the appellant must remit to the City Clerk with the notice of appeal shall be charged a fee of [FILL IN FEE AMOUNT HERE] one hundred dollars (\$100.), to be paid to the City Clerk at the time of the filing of the notice of appeal. [Add escalation clause based on inflation or some other index?] Any appeal for which the appeal fee has not been paid before the deadline for the filing of the appeal will be rejected as untimely.

**Sec. 2-51. Record on appeal. [moved to Section 2-54, below]**

Any appeal to the City Council shall be an appeal on the record of the hearing before the board, commission or other decision maker together with such additional evidence as may be admitted by the Council for consideration as provided in this Article. The record provided to the City Council shall include the following:

(1) All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the board, commission or other decision maker at the proceedings;

(2) A verbatim transcript of such proceedings before the board, commission or other decision maker. The cost of the transcript shall be borne by the City. If a verbatim transcript of the proceedings does not exist and cannot be produced, whether due to an equipment malfunction or clerical error, or for any other reason, the decision that is the subject of the appeal will be re-heard before the decision maker after notice as required by the relevant provisions of this Code or the Land Use Code, whichever is applicable, and the appeal shall be terminated.

- (3) ~~If available, a video recording of such proceedings before the board, commission or other decision maker. The cost of reproducing any such video recording for review by the City Council shall be borne by the City. Additional copies shall be provided to any party in interest requesting the same within a reasonable period of time prior to the date for hearing the appeal, at a cost not to exceed the actual reproduction costs incurred by the City.~~
- (4) ~~A copy of notice of the hearing on the decision appealed, along with a list of those to whom such notice was mailed.~~

**Sec. 2-52. Appeal party registration/Scheduling of the hearing/pre-hearing conference/consolidation of hearings/no ex parte contacts.**

- (a) Appeal party registration. Within fourteen (14) calendar days after the complete and screened notice of appeal is posted on the City's website, any eligible person who intends to be an appeal party must register with the City Clerk using a form provided by the City Clerk as follows:
- (1) The eligible person(s) who signed the notice of appeal is deemed an appeal party by virtue of filing a complete notice of appeal.
  - (2) An eligible person who is not the appellant but wishes to be an appeal party in support of the appeal must do so through the appellant and as part of the appellant's presentation and argument on the appeal.
  - (3) An eligible person who wishes to be an appeal party opposed to the appeal must submit:
    - i. a statement of how the person qualifies as an eligible person;
    - ii. a summary of the facts contained in the record on appeal (no new evidence) that oppose the appellant's appeal allegations, separated into support for each separate allegation;
    - iii. a summary of the appeal party's argument accompanied by references to applicable material in the record, separated into argument for each separate allegation; and
    - iv. the name, address, email address, and phone number of the person and an indication of the person's preferred means of contact.
- (b) Verification. Within two (2) working days of receiving the registration submittal the City Clerk will review the submittal and confirm the registrant is an eligible person before the person is deemed an appeal party.
- (c) Posting of appeal materials. Upon verification of any appeal party opposed to the appeal under Subsection (b) of this Section, the City Clerk will promptly post the summary of facts filed by the verified appeal party and any attached information on the City's website, and the information will be made part of the record on appeal and will be available for public inspection in the Office of the City Clerk.
- (d) Scheduling of the hearing. ~~In the event of~~ After screening of an appeal is complete and the deadline for appeal party registration has elapsed, the City Clerk will identify a possible date for ~~shall schedule~~ the hearing on the appeal for a date as early as reasonably practicable but no fewer than ~~twenty-eight (28)~~ **fourteen (14)** days and no more than ~~seventy-seven (77)~~ **sixty-three (63)** calendar days after the deadline for filing of the notice of appeal for appeal party registration has elapsed and their appeal materials are posted on the City's website under Subsection (c) of this Section. The City Clerk will also identify a possible date for the pre-hearing conference under Subsection (f) of this Section.
- a. ~~Prior to~~ **Before** scheduling the hearing, the Clerk ~~shall provide~~ **will notify** the appellant and applicant appeal parties ~~with a~~ **of** the possible hearing date, or dates ~~and the possible pre-hearing conference date or dates.~~
  - b. The appeal parties must respond within two (2) working days to **inform the City Clerk** ~~determine if they believe they have an~~ **unavoidable conflicts that makes** attendance impossible at such date, or dates, ~~exist.~~

- c. The City Clerk will set the hearing date at a time that takes into account the unavoidable conflicts identified to the extent reasonably practicable.
- (e) Posting of hearing notice. The City Clerk will post on the appeals page of the City's website and will shall mail to the appeal parties written notice of the date, time and place of the hearing and the pre-hearing conference to the appellant and all other parties in interest no less more than twenty-one (21) calendar five (5) working days after prior to setting the date of said the hearing. Said notice shall also include a copy of the notice of appeal (excluding attachments, which shall be available as provided in §2-49(e)Section 2-51(e)).
- (f) Pre-hearing conference. Not fewer than four (4) working days before the scheduled appeal hearing, the City Clerk will convene a meeting with the appeal parties to provide information and respond to questions about the appeal hearing process. Any questions the City Clerk receives outside of the pre-hearing conference will be addressed at the pre-hearing conference so that all appeal parties may receive the same information.
- (b)(g) Consolidation of hearings. All appeals regarding the same decision may will be consolidated and scheduled together to be heard in a single hearing. Council may in its discretion by majority vote at the time of the scheduled hearing separate the hearing process for individual appeals as provided under Section 2-53(e).
- (e)(h) Extension. At any time prior to before the expiration of the time for Council to hear an appeal under Subsection (ad), the City Manager may in the event of scheduling difficulties or notice defects request that Council approve by motion or resolution the extension of the time for hearing an appeal for a specified period.
- (d)(i) No ex parte contact. In order to afford all parties in interest eligible persons a fair opportunity to respond to the information upon which the City Council is to base its decision on appeal, and in order to preserve the impartiality of Councilmembers hearing the appeal, all Councilmembers who intend to participate in hearing the appeal shall, to the extent reasonably possible, avoid communications with parties in interest appeal parties and members of the general public regarding the merits of the appeal prior to before the hearing on the appeal, and all appeal parties and the general public must avoid communications with Councilmembers regarding the merits of the appeal.

### **Sec. 2-53. Site inspection.**

- (a) ~~Councilmembers may inspect the site of an overall development plan, project development plan or other proposal that is the subject of an appeal, either alone or with City staff present, for the purpose of gaining a better understanding of the physical characteristics of the site and the surrounding area.~~
- (1) ~~If a Councilmember wishes to schedule a site inspection with City staff present, he or she shall, no later than fourteen (14) days after the filing of the notice of appeal, request that the City Manager schedule such inspection.~~
- (2) ~~Upon receipt of such a request, the City Manager shall forthwith schedule the inspection for a date and time when he or she believes that a majority of the Councilmembers wishing to inspect the site will be able to attend.~~
- (3) ~~The City Clerk shall, no less than seven (7) days prior to the date of the site inspection, mail notice of such inspection to the appellant and to all parties in interest to whom notice of the appeal hearing was sent by the City Clerk under § 2-52 above.~~
- (4) ~~The appellant and all other parties in interest shall be entitled to attend such scheduled inspection, along with any members of City staff whose presence is requested by the City Manager. Failure to mail notice to any party in interest shall not affect the scheduling or validity of any proceeding held or determination made under this Division. Upon receipt of any notice returned by the U.S. Postal Service marked as undeliverable for any reason, the City Clerk may exclude the party in interest to which such notice had been mailed from any future mailings related to the appeal that was the subject of the returned notice.~~

- (b) ~~Any Councilmembers conducting a site inspection under the provisions of Subsection (a) above, either alone or with City staff present, shall, at the hearing on the appeal, state on the record any observations they made or conversations they had at the site which they believe may be relevant to their determination of the appeal.~~
- (c) ~~Nothing in this Section shall be construed to authorize any Councilmember or other officer or employee of the City to enter upon any parcel of real property that is not open to the public without the permission of the owner of such property or the permission of such other person or entity as may be lawfully in possession of the property.~~

### Sec. 2-5453. Procedure at the hearing.

- (a) At the hearing on the appeal by the City Council, the presentation of argument on the merits of the appeal shall be made in the following order and for the times set forth below, subject to modification of such limitations in time and scope allowed as may be imposed established at the discretion of the Mayor or a majority vote of the Council:
- (1) Presentation by City staff explaining the nature of the appeal or appeals and the decision being appealed;
  - (2) Comments by Councilmembers who have inspected the site pursuant to Subsection 2-53(a) above of their own accord regarding the date of the inspection and any observations of the site they believe may be relevant to the Council's determination of the appeal;
  - (3) Consideration of any procedural issues identified under Subsection (c) below;
  - (4) Presentation of argument by the appellant for up to twenty (20) minutes or such other time as City Council allots and any party in interest in support of the appeal;
  - (5) Presentation of argument by any party in interest who is an opponent of appeal party opposed to the appeal for a total of up to twenty (20) minutes or such other time as City Council allots;
  - (6) If one or more appeal parties has argued to oppose the appeal, rebuttal presentation by the appellant for up to ten (10) minutes or such other time as City Council allots and any party in interest in support of the appeal;
  - (7) Rebuttal presentation by any party in interest who is an opponent of appeal party opposed to the appeal for a total of up to ten (10) minutes or such other time as City Council allots;
  - (8) Councilmember questions of City staff and parties in interest appeal parties; and
  - (9) Motion, discussion and vote by the City Council.
- (b) Factors to be considered in determining whether to modify the period of time for the presentation of argument on the merits of an appeal shall include, but not be limited to, the complexity of the issues raised in the notice of appeal, the length of the record on appeal, the potential impact that the determination of the appeal may have on the community at large and the number of parties in interest appeal parties who wish to address the Council with regard to the merits of the appeal.
- (c) Prior to hearing the presentation of argument on the merits of the appeal, the Mayor may, in their his or her discretion, establish a separate period of time during which the Council may first consider and the Mayor may determine, subject to override by the Council by majority vote, any procedural issues related to the hearing of the appeal, including, but not limited to, objections regarding the possible introduction or exclusion of certain evidence, whether to separate any consolidated appeals of the same decision by different appellants, the period of time to be allowed for presentation of argument and rebuttal on the merits of the appeal and any concerns or objections related to the record on appeal.



- (d) No person making a presentation to the City Council shall be subject to cross-examination except that members of the City Council and the City Attorney may inquire of such person for the purpose of eliciting information and for the purpose of clarifying information presented.
- (e) In the event of multiple appeals involving the same decision of a board, commission or other an original decision maker that have been consolidated in accordance with ~~§2-52(b)~~ Section 2-52(f), the Mayor, in his or her the Mayor's discretion, may modify the procedure contained in Subsection (a) above so as of this Section to expedite the hearing of such appeals, while still ensuring that each appellant can make that appellant's own case and that appeal parties for and against each appeal will have equal time.

### ~~Sec. 2-51. Record on appeal.~~

Any appeal to the City Council shall be an appeal on the record of the hearing before the board, commission or other decision maker together with such additional evidence as may be admitted by the Council for consideration as provided in this Article. ~~[moved to 2-54(b)]~~ The record provided to the City Council shall include the following, together with such additional materials as are provided in Sec. ??:

- (1) ~~All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the board, commission or other decision maker at the proceedings;~~
- (2) ~~A verbatim transcript of such proceedings before the board, commission or other decision maker. The cost of the transcript shall be borne by the City. If a verbatim transcript of the proceedings does not exist and cannot be produced, whether due to an equipment malfunction or clerical error, or for any other reason, the decision that is the subject of the appeal will be re-heard before the decision maker after notice as required by the relevant provisions of this Code or the Land Use Code, whichever is applicable, and the appeal shall be terminated.~~
- (3) ~~If available, a video recording of such proceedings before the board, commission or other decision maker. The cost of reproducing any such video recording for review by the City Council shall be borne by the City. Additional copies shall be provided to any party in interest requesting the same within a reasonable period of time prior to the date for hearing the appeal, at a cost not to exceed the actual reproduction costs incurred by the City.~~
- (4) ~~A copy of notice of the hearing on the decision appealed, along with a list of those to whom such notice was mailed.~~

### ~~Sec. 2-55~~ 54. Record on appeal; ~~W~~ritten materials; ~~new~~ evidence.

- (a) The City Council shall consider an appeal based upon the record on appeal, including any new evidence admitted for or at the appeal hearing, the relevant provisions of the Code and Charter and any other applicable legal authorities, the grounds for appeal cited in the notice of appeal, the arguments made by parties in interest ~~appeal parties~~ at the hearing on the appeal, and the City staff report and presentation prepared for the appeal; provided, however, that issues raised during the presentation of argument but not raised in the notice of ~~within the allowable scope of~~ the appeal shall not be considered by the City Council in deciding the appeal.
- (b) The record provided to the City Council shall include the following: *[moved from Section 2-51 and modified]*
- (1) All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the original decision maker at the proceedings;
  - (2) A verbatim transcript of the proceedings before the original decision maker unless the decision was not made a hearing (such as a decision by a department director). The cost of the transcript shall be borne by the City.

- (3) If available, a video recording of the proceedings before the original decision maker. The cost of reproducing any such video recording for review by the City Council shall be borne by the City. Additional copies shall be provided to appeal party requesting the same within a reasonable period of time before the date for hearing the appeal, at a cost not to exceed the actual reproduction costs incurred by the City.
- (4) A copy of the notice of appeal and screening determination.
- (5) A copy of all appeal party submittals admitted under Section 2-52(c).
- (6) A copy of notice of the appeal hearing.
- (7) City staff presentation required under Subsection (d) of this Section and appeal parties' presentations.
- (b)(c) No new evidence shall be presented to the City Council before or during an appeal hearing, and no new evidence shall be considered on appeal, except as follows:
- (1) When offered by an appellant and submitted pursuant to § 2-49(b)(5);
  - (2) When offered by a party in interest opposed to the appeal in response to and regarding appeal allegations under § 2-48(b)(2)c, d, or e, provided that any such new evidence must be submitted to the City Clerk within twenty one (21) calendar days after the deadline for filing the related notice of appeal and the City Clerk shall not provide any new evidence to Council submitted by any person after the time for submittal has expired;
  - (3) When offered by City staff or parties-in-interest in response to questions presented by Councilmembers at the hearing on the appeal under Subsection 2-54(a) or (d) above; or
  - (4) When offered by Councilmembers after inspecting the site of the project development plan or other proposal that is the subject of an appeal pursuant to the provisions of § 2-53 of this Article.
- (c)(d) City staff shall prepare for Council consideration the record as described in § 2-51 Subsections (a) and (b) of this Section, together with a staff agenda item summary and presentation materials, which shall become part of the record of the appeal hearing. Staff shall also provide to the Council the notice of appeal and all attachments to it, and new evidence provided to the City Clerk in accordance with subsection (b)(2), above. The Council will determine whether to admit for consideration each item of new evidence offered by any party, and those materials admitted for consideration shall become part of the record of the appeal hearing.
- (d)(e) Any party in interest appeal party wishing to submit a presentation of their previously submitted written facts and argument shall must submit them to the City Clerk a copy of all materials, including digital presentations, to be presented to the Council at the appeal hearing in digital form and in hard copy no later than noon on the working day before the day of the appeal hearing, or 4:00 p.m. the business day prior to the appeal hearing if the Council meeting at which the hearing will be conducted is scheduled to begin earlier than 6:00 p.m., and such materials shall thereafter be made reasonably available by the City Clerk will post any presentation materials received by the end of the working day before the day of the hearing to any persons upon request. In light of the limitations on admission prohibition on submission of new evidence, admission of any such materials for consideration shall be subject to Council determination at the appeal hearing. Any party in interest appeal party may provide a true and accurate hard copy of any such argument or presentation to be provided to the for Council at the hearing, and to City staff and the other appeal parties reference, so long as no fewer than twenty (20) such copies are provided to the City Clerk along with the digital presentation brought to the hearing for distribution.
- (e)(f) Any party in interest appeal party who believes that new evidence has been improperly offered or introduced into the appeal hearing may, at any time during the hearing, interrupt the proceedings and object to the Council's consideration of such evidence. If such an objection is made, the Mayor shall rule on the objection, after consultation with the City Attorney if necessary, and the evidence shall either be received and considered by the Council or disregarded by the Council in accordance with the ruling of the Mayor; provided, however, that the Mayor's ruling on this or any other procedural issue raised during the course of the hearing may be overridden by a majority of the Council. The failure of a party in interest an appeal

party to make such an objection shall constitute a waiver of the same by that party in interest appeal party for the purpose of any court appeal of the Council's decision.

**Sec. 2-5655. City Council decision on appeal.**

- (a) In considering an allegation that a board, commission or other decision maker failed to properly interpret and apply the relevant provisions of the Code or Charter asserted under Paragraph 2-48(b)(1) Subsection 2-49(b) of this Article, the City Council shall determine how such provisions should, in the City Council's judgment, be applied to the evidence contained in the record of the appeal hearing.
- (b) At the conclusion of such hearing, the City Council shall uphold, overturn or modify the decision of the ~~board, commission or other~~ original decision maker, and may impose such conditions as the Council determines appropriate to further the purposes of or compliance with the standards governing the decision; provided, however, that:
- (1) ~~The City Council shall instead remand the matter for rehearing if it finds that the appellant was denied a fair hearing before the board, commission or other decision maker for any of the reasons stated in Paragraph 2-48(b)(2) of this Article. Notwithstanding any language to the contrary in City Code, if City Council determines that on remand the board, commission, or decision maker will be unable to provide a fair rehearing or will be unable to provide a rehearing because a quorum will not be available, City Council shall remand the matter for rehearing to a qualified, alternative decision maker determined by City Council. Additionally, City Council may remand the matter for rehearing to a qualified, alternative decision maker if the public confidence in the decision on remand would be better served than remand to the original board, commission, decision maker.~~
- (2) ~~The City Council may also remand the matter for rehearing in order for the board, commission or other~~ original decision maker to receive and consider additional information with regard to any issue raised on appeal. Any such remand shall include direction from the City Council to the ~~board, commission or other~~ original decision maker as to the issues to be considered at the rehearing.
- (c) No later than the date of its next regular meeting, the City Council shall adopt, by resolution, findings of fact in support of its decision. The date of passage of such resolution shall be the date of final action of the City Council for the purpose of any subsequent judicial review of the decision of the City Council.
- (d) ~~Subsequent to the~~ After adoption of the resolution required under Subsection (c), ~~above of this Section,~~ the Council may amend ~~said the~~ resolution at any time in order to clarify or correct it, or to modify the decision in order to resolve a related legal dispute or to bring the decision into compliance with federal, state or local law, including the Charter and Code of the City of Fort Collins, provided:
- (1) At least fourteen (14) days ~~prior to~~ before consideration of any such amendments, written notice that the Council will consider such amendments must be mailed to the last known address of the ~~appellant, the applicant, and any other party in interest~~ appeal parties who appeared at the related appeal hearing.
- (2) Persons entitled to notice of the consideration of amendments shall have an opportunity to comment at the time of such consideration.

**Secs. 2-5756—2-70. Reserved.**

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### ***Division 3 Appeals Procedure***

#### **Sec. 2-45. Appeals generally.**

An appeal of any final decision expressly appealable to City Council under other provisions of this Code, including the Land Use Code, shall be initiated by an eligible party and decided in the manner set forth in this Division. Any action taken in reliance upon any decision of an original decision maker that is subject to review or appeal under this Division shall be solely at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and the City shall not be liable for any damages arising from any such action.

#### **Sec. 2-46. Definitions.**

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

*Appeal party* means an eligible person who has taken steps necessary under Section 2-52(a) and been verified under Section 2-52(b) to participate in an appeal.

*Appellant* means one or more eligible persons appealing a decision from an original decision maker to the City Council by the filing of a notice of appeal.

*Appellant representative* means the individual designated in a notice of appeal as the contact person for all matters related to that appeal.

*Applicant* means the person who or organization that submitted the application to the original decision maker whose decision has been appealed.

*Decision maker, administrative* means the designee of the City Manager who performs fair hearing reviews under Section 2-48 and notice of appeal screening under Section 2-51.

*Decision maker, original* means the board, commission or other decision maker the final decision of which is the subject of an appeal or a request for administrative review.

*Eligible person* means a person who or organization that has standing to appeal the final decision of an original decision maker. Such standing to appeal shall be limited to the following:

- (1) The applicant;
- (2) Any party holding an ownership or possessory interest in the real or personal property that was the subject of the decision of the original decision maker whose action is to be appealed;
- (3) Any person who or organization that provided written comments to the appropriate City staff for delivery to the original decision maker before or at the hearing on the matter that is to be appealed;
- (4) Any person who or organization that appeared before and provided comments to the original decision maker at the hearing on the action that is to be appealed;
- (5) The City Council as represented by the request of a single member of the City Council.

*Evidence* means any information, whether in verbal, audio, written, graphic, or other form, presented at the appeal hearing to support or refute a particular proposition or conclusion. *Evidence* does not include argument as to how information offered as evidence should be viewed by the City Council.

*Final decision* means the action of an original decision maker when no further rehearing is available before that original decision maker; provided, however, that a recommendation to the City Council from a board, commission or other decision maker shall not be considered as a final decision of that board, commission or other decision maker.



*New evidence* means any evidence, relating to the proposal or application that was the subject of final decision by an original decision maker, that was not provided or presented at the hearing or as part of the record before that original decision maker. *New evidence* does not include evidence in the record that has been modified, highlighted, underlined, italicized-or otherwise marked to emphasize certain portions of writings or graphics presented to the original decision maker as long as any modified graphic presented to the City Council at the appeal hearing is accompanied by a reference to the location of the original material in the record of the decision being appealed.

**Sec. 2-47. Appeal of final decision permitted; effect of appeal; grounds for appeal; limit on subject matter of appeal.**

- (a) Initiating an appeal. Any eligible person may appeal to the City Council the final decision of any original decision maker to which this appeal procedure applies in the manner provided in this Division by the filing a notice of appeal with the City Clerk within fourteen (14) calendar days after the decision that is the subject of the appeal. A separate process for seeking administrative review of fair hearing issues is provided in Section 2-48.
- (b) Grounds for appeal. Except for appeals by members of the City Council, the permissible grounds for appeal shall be limited to allegations that the original decision maker failed to properly interpret and apply relevant provisions of the Code and Charter in deciding particular aspects of the decision raised by an eligible person for consideration by the original decision maker.
- (c) Limit on subject matter of appeal. Allegations of appeal must follow from issues raised before the original decision maker. Issues not raised in connection with the original decision are deemed waived and are not subject to appeal.
- (d) Councilmember appeals. Appeals filed by members of the City Council must include a statement of each specific question to be considered on appeal rather than allegations of error.
  - (1) Upon the filing of any such appeal, the director of the affected City service area shall identify the specific Code provisions that may pertain to the specific questions raised by the appeal and shall provide the information to the City Clerk before the date that the notice of hearing on the appeal is to be mailed under Section 2-52 of this Division.
  - (2) The City Clerk will include said information with the notice of hearing.
  - (3) Councilmembers who file an appeal may participate in hearing an appeal in the same manner as they participate in hearing appeals filed by other eligible persons.

**Sec. 2-48. Administrative fair hearing review of final decision permitted; effect of fair hearing determination.**

- (a) Fair hearing review. Any eligible person may seek administrative review of procedural defects in connection with the final decision of an original decision maker to which this Division applies by filing a request for fair hearing review with the City Clerk within fourteen (14) calendar days after the decision that is the subject of the requested review.
- (b) Fair hearing issues. Procedural defects subject to review include those matters constituting an alleged failure to conduct a fair hearing in that:
  - (1) The original decision maker exceeded its authority or jurisdiction as contained in the Code or Charter;
  - (2) The original decision maker substantially ignored its previously established rules of procedure;

- (3) The original decision maker considered evidence relevant to its findings that was substantially false or grossly misleading;
  - (4) The original decision maker improperly failed to receive all relevant evidence offered by the appellant; or
  - (5) The original decision maker was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the original decision maker's independence of judgment.
- (c) Review process.
- (1) The request for fair hearing review shall be on a form provided by the City Clerk, shall be signed by all persons joining the request for review, and must include documentation to substantiate the grounds for the review sought, such as evidence in the record, new evidence relevant to the issues under review, and written arguments explaining the allegations.
  - (2) If the eligible person seeking the fair hearing review is not the applicant, the City Clerk will notify and provide a copy of the request for review to the applicant within two (2) working days of receiving the request for review.
  - (3) The applicant may file a written summary of facts and arguments and any documentation to oppose the allegations no later than five (5) working days after the City Clerk's notice of the request.
  - (4) The administrative decision maker may review any information received from the requesting party, applicant, City staff or other source, that the administrative decision maker considers relevant to evaluate the allegations of procedural defects, including the original decision and supporting documents internally, potentially requesting additional information or clarification.
- (d) Fair hearing/procedural defect determination.
- (1) The administrative decision maker will review all information received and any other information obtained by the administrative decision maker related to the allegations, and will make findings and conclusions as to the issues raised no later than five (5) working days after receipt of the request, unless the request was made by the a party other than the applicant, in which event the administrative decision maker will issue a decision no later than five (5) working days after receipt of the applicant's response.
  - (2) If the administrative decision maker determines that no procedural defect raised a significant question as to whether the decision under review was based on a fair hearing, the administrative decision maker will provide written notice of that determination to the requesting party and to the applicant.
  - (3) If the administrative decision maker determines that a procedural defect occurred that raises a significant question as to whether the decision under review was based on a fair hearing, the administrative decision maker will remand the matter for rehearing.
  - (4) If the administrative decision maker determines that on remand the original decision maker will be unable to provide a fair rehearing or will be unable to provide a fair rehearing because a quorum will not be available, the administrative decision maker must remand the matter for rehearing to a qualified, alternative decision maker. Additionally, the administrative decision maker may remand

the matter for rehearing to a qualified, alternative decision maker if the public confidence in the decision on remand would be better served than remand to the original decision maker.

- (e) Effect of fair hearing determination. If the administrative decision maker remands the matter for rehearing, any notice of appeal that was filed on the same matter will be automatically cancelled without prejudice and the appeal fee will be refunded.
- (f) Fair hearing review fee. In all fair hearing reviews, the person requesting review must remit to the City Clerk with the request a fee of [FILL IN FEE AMOUNT HERE] [Add escalation clause based on inflation or some other index?] No fair hearing review will begin until the fee has been received by the City Clerk. Any fair hearing review for which the fair hearing review fee has not been paid before the deadline for the filing of the fair hearing review will be rejected as untimely.
- (g) Final decision. Any fair hearing review decision under this Section is final and is not subject to further municipal review or appeal.

#### **Sec. 2-49. Notice of appeal; no new evidence.**

- (a) Form of appeal notice. The notice of appeal must be on a form provided by the City Clerk, must be signed by all persons joining the appeal and must include the following:
  - (1) The action of the original decision maker that is the subject of the appeal;
  - (2) The date of the action;
  - (3) The name, address, telephone number and the basis for the person's qualification to appeal as an eligible person;
  - (4) In all appeals except those filed by members of City Council, the grounds for the appeal, including specific allegations of error of interpretation or application of relevant and specific provisions of Code or the Charter;
  - (5) A summary of the facts contained in the record on appeal (no new evidence) that support the appeal allegations, separated into support for each separate allegation, including where in the record (such as the minute number in a recording, or page and line number in a document) the appellant raised the issue(s) before the original decision maker;
  - (6) A written summary of the appellant's argument accompanied by specific references to applicable material in the record (no new evidence), separated into argument for each separate allegation;
  - (7) The name, address, email address, and phone number of the appellant representative who is authorized to receive notice required to be mailed by the City to the appellant and an indication of the appellant representative's preferred means of contact. In the case of an appeal filed by more than one (1) person, the name, address, email address, and telephone number of one (1) appellant representative who is authorized to receive, on behalf of all persons joining the appeal, any notice required to be mailed by the City to the appellant under this Division and an indication of the appellant representative's preferred means of contact; and
  - (8) Any other information required by the City Clerk.
- (b) Limit on submittal. No materials other than that specified in Subsection (a) of this Section are allowed to be included in or attached to the notice of appeal or submitted by the appellant at any time, except for presentation materials as allowed in Section 2-54(d).
- (c) Appeal fee. In all appeals, except those filed by members of the City Council, the appellant must remit to the City Clerk with the notice of appeal a fee of [FILL IN FEE AMOUNT HERE] [Add escalation clause based on inflation or some other index?] No appeal will be reviewed for completeness or sufficiency until the appeal fee

has been received by the City Clerk. Any appeal for which the appeal fee has not been paid before the deadline for the filing of the appeal will be rejected as untimely. If a fair hearing review was filed on the same matter and the administrative decision maker remands the matter for rehearing, the appeal for the same matter will be automatically cancelled without prejudice and the appeal fee will be refunded.

### **Sec. 2-50: Completeness review.**

- (a) Within three (3) working days of receiving the notice of appeal and appeal fee, the City Clerk will review the notice of appeal in consultation with the City Attorney for completeness and sufficiency.
- (b) Completeness includes any obvious defects in form or substance, confirmation that the person(s) submitting the appeal qualifies as an eligible person (the person has standing to raise the appeal), confirmation that the listed code provisions are relevant, and determination that all items in Section 2-49 have been properly provided.
  - (1) If a notice of appeal is incomplete, the City Clerk will promptly notify the person authorized to receive notice that the notice of appeal is incomplete and will specify the incomplete items.
  - (2) Within three (3) working days of being notified the notice of appeal is incomplete, the notice of appeal may be resubmitted with the incomplete items cured.
  - (3) If the notice of appeal is not resubmitted, or if the resubmitted notice of appeal is determined, after additional review to be incomplete, the appeal shall be terminated, the City Clerk will provide notice to the appellant representative, and no further action will be taken on the notice of appeal.
- (c) When an appeal has been determined to be complete and the appeal fee has been paid, the City Clerk will promptly forward the appeal to the administrative decision maker for screening. When an appeal has been determined to be complete, the City Clerk will also order assembly of the relevant record and thereafter will make it available to the appeal parties.

### **Sec. 2-51: Screening review.**

- (a) Scope of screening. If a notice of appeal is determined to be complete, whether initially or after resubmittal, the administrative decision maker will review the subject matter of the appeal to determine whether:
  - (1) all persons joining in the appeal are eligible persons;
  - (2) each ground for appeal was raised before the original decision maker;
  - (3) each ground for appeal is legally sufficient and raises a valid interpretation or application issue
  - (4) each ground for appeal has merit based on clearly established evidence in the record of the original decision; and
  - (5) no new evidence was submitted.
- (b) Screening review process. The administrative decision maker may review any information received as part of the notice of appeal, or in the record of the original decision, that the administrative decision maker deems relevant to evaluate the appeal allegations.
- (c) Screening determination.
  - (1) The administrative decision maker will review all information received and any other information obtained by the administrative decision maker related to the allegations, and will make findings and conclusions as to the sufficiency of the appeal and each allegation on appeal no later than ten (10) working days after receipt of the notice of appeal, except if a simultaneous fair hearing review was filed under Section 2-48, the ten (10) working days' time for completing the screening review does



not begin until after the fair hearing review is determined.

- (2) If the administrative decision maker determines that the appeal or any allegation asserted in the appeal is not proper, does not raise legally cognizable issues for review, or has no merit based on clearly established evidence in the record of the original decision, the appeal or those allegations will not be presented to the City Council for review and will be dismissed.
- (d) Notification of decision. Upon completion of the screening determination, the administrative decision maker will notify the appellant and the applicant of the determination and those appeal allegations that remain active will be set for hearing and appeal party registration will proceed as described in Section 2-52.
- (e) Posting of appeal materials. The City Clerk will promptly post on the appeal page of the City's website the notice of appeal and screening determination of the administrative decision maker, and the information will be made part of the record on appeal and will be available for public inspection in the Office of the City Clerk.
- (f) Final decision. The screening determination under this Section is final and is not subject to further municipal review or appeal.

**Sec. 2-52. Appeal party registration/ scheduling of the hearing/ pre-hearing conference/ consolidation of hearings/no ex parte contacts.**

- (a) Appeal party registration. Within fourteen (14) calendar days after the complete and screened notice of appeal is posted on the City's website, any eligible person who intends to be an appeal party must register with the City Clerk using a form provided by the City Clerk as follows:
  - (1) The eligible person(s) who signed the notice of appeal is deemed an appeal party by virtue of filing a complete notice of appeal.
  - (2) An eligible person who is not the appellant but wishes to be an appeal party in support of the appeal must do so through the appellant and as part of the appellant's presentation and argument on the appeal.
  - (3) An eligible person who wishes to be an appeal party opposed to the appeal must submit:
    - i. a statement of how the person qualifies as an eligible person;
    - ii. a summary of the facts contained in the record on appeal (no new evidence) that oppose the appellant's appeal allegations, separated into support for each separate allegation;
    - iii. a summary of the appeal party's argument accompanied by references to applicable material in the record, separated into argument for each separate allegation; and
    - iv. the name, address, email address, and phone number of the person and an indication of the person's preferred means of contact.
- (b) Verification. Within two (2) working days of receiving the registration submittal the City Clerk will review the submittal and confirm the registrant is an eligible person before the person is deemed an appeal party.
- (c) Posting of appeal materials. Upon verification of any appeal party opposed to the appeal under Subsection (b) of this Section, the City Clerk will promptly post the summary of facts filed by the verified appeal party and any attached information on the City's website, and the information will be made part of the record on appeal and will be available for public inspection in the Office of the City Clerk.
- (d) Scheduling of the hearing. After screening of an appeal is complete and the deadline for appeal party registration has elapsed, the City Clerk will identify a possible date for the hearing on the appeal as early as reasonably practicable but no fewer than fourteen (14) and no more than sixty-three (63) calendar days after-the-deadline

for appeal party registration has elapsed and their appeal materials are posted on the City's website under Subsection (c) of this Section. The City Clerk will also identify a possible date for the pre-hearing conference under Subsection (f) of this Section.

- (1) Before scheduling the hearing, the Clerk will notify the appeal parties of the possible hearing date or dates and the possible pre-hearing conference date or dates.
  - (2) The appeal parties must respond within two (2) working days to inform the City Clerk if they believe they have an unavoidable conflicts that makes attendance impossible at such date, or dates.
  - (3) The City Clerk will set the hearing date at a time that takes into account the unavoidable conflicts identified to the extent reasonably practicable.
- (e) Posting of hearing notice. The City Clerk will post on the appeals page of the City's website and will mail to the appeal parties written notice of the date, time and place of the hearing and the pre-hearing conference no more than five (5) working days after setting the date of the hearing. Said notice shall also include a copy of the notice of appeal (excluding attachments, which shall be available as provided in Section 2-51(e)).
- (f) Pre-hearing conference. Not fewer than four (4) working days before the scheduled appeal hearing, the City Clerk will convene a meeting with the appeal parties to provide information and respond to questions about the appeal hearing process. Any questions the City Clerk receives outside of the pre-hearing conference will be addressed at the pre-hearing conference so that all appeal parties may receive the same information.
- (g) Consolidation of hearings. All appeals regarding the same decision will be consolidated and scheduled together to be heard in a single hearing. Council may in its discretion by majority vote at the time of the scheduled hearing separate the hearing process for individual appeals as provided under Section 2-53(e).
- (h) Extension. At any time before the expiration of the time for Council to hear an appeal under Subsection (d), the City Manager may in the event of scheduling difficulties or notice defects request that Council approve by motion or resolution the extension of the time for hearing an appeal for a specified period.
- (i) No ex parte contact. To afford all eligible persons a fair opportunity to respond to the information upon which the City Council is to base its decision on appeal, and to preserve the impartiality of Councilmembers hearing the appeal, all Councilmembers who intend to participate in hearing the appeal shall, to the extent reasonably possible, avoid communications with appeal parties and members of the general public regarding the merits of the appeal before the hearing on the appeal, and all appeal parties and the general public must avoid communications with Councilmembers regarding the merits of the appeal.

### **Sec. 2-53. Procedure at the hearing.**

- (a) At the hearing on the appeal by the City Council, the presentation of argument on the merits of the appeal shall be made in the following order and for the times set forth below, subject to modification of time and scope allowed as may be established at the discretion of the Mayor or a majority vote of the Council:
- (1) Presentation by City staff explaining the nature of the appeal or appeals and the decision being appealed;
  - (2) Comments by Councilmembers who have inspected the site of their own accord regarding the date of the inspection and any observations of the site they believe may be relevant to the Council's determination of the appeal;
  - (3) Consideration of any procedural issues identified under Subsection (c) below;
  - (4) Presentation of argument by the appellant for up to twenty (20) minutes or such other time as City Council allots;
  - (5) Presentation of argument by any appeal party opposed to the appeal for a total of up to twenty (20) minutes or such other time as City Council allots;
  - (6) If one or more appeal parties has argued to oppose the appeal, rebuttal presentation by the appellant for up to ten (10) minutes or such other time as City Council allots;

- (7) Rebuttal presentation by any appeal party opposed to the appeal for a total of up to ten (10) minutes or such other time as City Council allots;
  - (8) Councilmember questions of City staff and appeal parties; and
  - (9) Motion, discussion and vote by the City Council.
- (b) Factors to be considered in determining whether to modify the period of time for the presentation of argument on the merits of an appeal shall include, but not be limited to, the complexity of the issues raised in the notice of appeal, the length of the record on appeal, the potential impact that the determination of the appeal may have on the community at large and the number of appeal parties who wish to address the Council with regard to the merits of the appeal.
- (c) Prior to hearing the presentation of argument on the merits of the appeal, the Mayor may, in their discretion, establish a separate period of time during which the Council may first consider and the Mayor may determine, subject to override by the Council by majority vote, any procedural issues related to the hearing of the appeal, including, but not limited to, objections regarding the possible introduction or exclusion of certain evidence, whether to separate any consolidated appeals of the same decision by different appellants, the period of time to be allowed for presentation of argument and rebuttal on the merits of the appeal and any concerns or objections related to the record on appeal.
- (d) No person making a presentation to the City Council shall be subject to cross-examination except that members of the City Council and the City Attorney may inquire of such person for the purpose of eliciting information and for the purpose of clarifying information presented.
- (e) In the event of multiple appeals involving the same decision of an original decision maker that have been consolidated in accordance with Section 2-52(f), the Mayor, in the Mayor's discretion, may modify the procedure contained in Subsection (a) of this Section to expedite the hearing of such appeals, while still ensuring that each appellant can make that appellant's own case and that appeal parties for and against each appeal will have equal time.

**Sec. 2-54. Record on appeal; written materials; evidence.**

- (a) The City Council shall consider an appeal based upon the record on appeal, the relevant provisions of the Code and Charter and any other applicable legal authorities, the grounds for appeal cited in the notice of appeal, the arguments made by appeal parties at the hearing on the appeal, and the City staff report and presentation prepared for the appeal; provided, however, that issues raised during the presentation of argument but not within the allowable scope of the appeal shall not be considered by the City Council in deciding the appeal.
- (b) The record provided to the City Council shall include the following:
- (1) All exhibits, including, without limitation, all writings, drawings, maps, charts, graphs, photographs and other tangible items received or viewed by the original decision maker at the proceedings;
  - (2) A verbatim transcript of the proceedings before the original decision maker unless the decision was not made a hearing (such as a decision by a department director). The cost of the transcript shall be borne by the City.
  - (3) If available, a video recording of the proceedings before the original decision maker. The cost of reproducing any such video recording for review by the City Council shall be borne by the City. Additional copies shall be provided to appeal party requesting the same within a reasonable period of time before the date for hearing the appeal, at a cost not to exceed the actual reproduction costs incurred by the City.
  - (4) A copy of the notice of appeal and screening determination.
  - (5) A copy of all appeal party submittals admitted under Section 2-52(c).
  - (6) A copy of notice of the appeal hearing.
  - (7) City staff presentation required under Subsection (d) of this Section and appeal parties' presentations.

- (c) No new evidence shall be presented to the City Council before or during an appeal hearing, and no new evidence shall be considered on appeal, except:
  - (1) When offered by City staff or parties-in-interest in response to questions presented by Councilmembers at the hearing on the appeal; or
  - (2) When offered by Councilmembers after inspecting the site of the project development plan or other proposal that is the subject of an appeal.
- (d) City staff shall prepare for Council consideration the record as described in Subsections (a) and (b) of this Section, together with a staff agenda item summary and presentation materials, which shall become part of the record of the appeal hearing. Staff shall also provide to the Council the notice of appeal and all attachments to it.
- (e) Any appeal party wishing to submit a presentation of their previously submitted written facts and argument must submit them to the City Clerk in digital form and in hard copy no later than noon on the working day before the day of the appeal hearing. The City Clerk will post any presentation materials received by the end of the working day before the day of the hearing. In light of the prohibition on submission of new evidence, admission of any such materials for consideration shall be subject to Council determination at the appeal hearing. Any appeal party may provide a true and accurate hard copy of any such argument or presentation to be provided to the Council at the hearing, and to City staff and the other appeal parties, so long as no fewer than twenty (20) such copies are brought to the hearing for distribution.
- (f) Any appeal party who believes that evidence has been improperly offered or introduced into the appeal hearing may, at any time during the hearing, interrupt the proceedings and object to the Council's consideration of such evidence. If such an objection is made, the Mayor shall rule on the objection, after consultation with the City Attorney if necessary, and the evidence shall either be received and considered by the Council or disregarded by the Council in accordance with the ruling of the Mayor. The Mayor's ruling on this or any other procedural issue raised during the course of the hearing may be overridden by a majority of the Council. The failure of an appeal party to make such an objection shall constitute a waiver of the same by that appeal party for the purpose of any court appeal of the Council's decision.

**Sec. 2-55. City Council decision on appeal.**

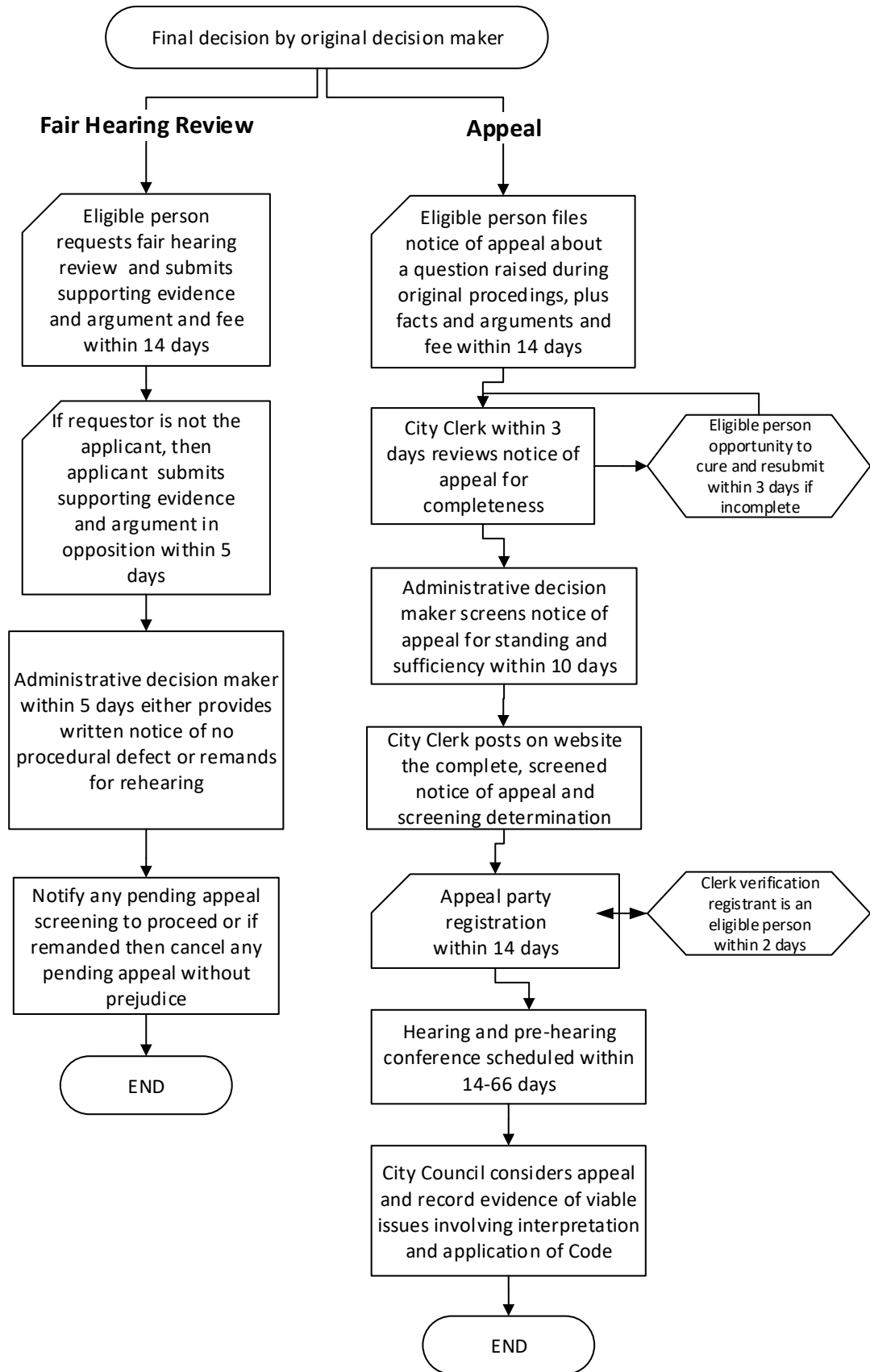
- (a) In considering an allegation that a board, commission or other decision maker failed to properly interpret and apply the relevant provisions of the Code or Charter asserted under Subsection 2-49(b) of this Article, the City Council shall determine how such provisions should, in the City Council's judgment, be applied to the evidence contained in the record of the appeal hearing.
- (b) At the conclusion of such hearing, the City Council shall uphold, overturn or modify the decision of the original decision maker, and may impose such conditions as the Council determines appropriate to further the purposes of or compliance with the standards governing the decision; provided, however, that:

The City Council may also remand the matter for rehearing for the original decision maker to receive and consider additional information with regard to any issue raised on appeal. Any such remand shall include direction from the City Council to the original decision maker as to the issues to be considered at the rehearing.
- (c) No later than the date of its next regular meeting, the City Council shall adopt, by resolution, findings of fact in support of its decision. The date of passage of such resolution shall be the date of final action of the City Council for the purpose of any subsequent judicial review of the decision of the City Council.
- (d) After adoption of the resolution required under Subsection (c) of this Section, the Council may amend the resolution at any time to clarify or correct it, or to modify the decision to resolve a related legal dispute or to bring the decision into compliance with federal, state or local law, including the Charter and Code of the City of Fort Collins-, provided:
  - (1) At least fourteen (14) days before consideration of any such amendments, written notice that the Council will consider such amendments must be mailed to the last known address of the appeal parties who appeared at the related appeal hearing.



- (2) Persons entitled to notice of the consideration of amendments shall have an opportunity to comment at the time of such consideration.

**Secs. 2-56—2-70. Reserved.**



Process Duration Comparison Table

Dec. 10, 2024

Decision Day	Fair Hearing Review	Appeal-New Procedures	Current Procedure
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14	FH review request 14 cd	Notice of appeal 14 cd	Notice of appeal 14 cd
15			
16	Notify applicant if applicant not req 2 wd		
17		Completeness review finished 3 wd	
18			
19	FH determination if applicant request 5 wd		
20		Cure deadline if incomplete 3 wd	
21	Applicant submit response 5 wd		
22			
23			
24			
25			
26	FH determination if app not requestor 5 wd		
27			
28			
29			
30		Screening complete (1) if no FH or FH app request 10wd	
31			
32			
33			
34			
35			
36		Screening complete (2) if FH app not requestor 10 wd	
37			
38			
39			
40			
41			
42			Earliest hearing date 28 cd after notice of appeal
43			
44		Appeal party registration (1) 14 cd	
45			
46		Appeal party verification (1) 2 wd	
47			
48			
49			
50		Appeal party registration (2)	
51			
52		Appeal party verification (2) 2 wd	
53			
54			
55			
56		Pre-hearing conference (1) 4 wd before hearing	
57			
58			
59			
60		Earliest hearing date 14 cd after appeal party verification (1)	

Process Duration Comparison Table

61			
62		Pre-hearing conference (2) 4 wd before hearing	
63			
64			
65			
66		Earliest hearing date 14 cd after appeal party verification (2)	
67			
68			
69			
70			
71			
72			
73			
74			
75			
76			
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105			
106			
107			
108		Pre-hearing conference (1) 4 wd before hearing	
109			
110			
111			Last hearing date 77 cd after notice of appeal
112		Last hearing date 66 cd after appeal party verification (1)	
113			
114		Pre-hearing conference (2) 4 wd before hearing	
115			
116			
117			
118		Last hearing date 66 cd after appeal party verification (2)	
119			
120			



# Appeals Procedure - Draft Code Update

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- Appeals can be complex and confusing.
- Certain elements of appeal hearings can be unpredictable.
- Appeals can create an unrealistic expectation of different outcomes.
- Grounds for appeal are frequently found to lack merit at hearing.
- Processing and preparing for appeals is burdensome on Council and other City resources – as well as the Appellant and Respondent.

- What feedback do Councilmembers have on the proposed updated appeals processes?
- What additional issues or solutions that Councilmembers interested in developing further?

- Clarify Eligibility to Appeal
- Require Participation in Original Hearing
- Separate Processes for Fair Hearing vs Failure to Apply/Interpret
- Completeness Review & Screening
- Prehearing Registration for Participants & Prehearing Conference
- Clarify timeframes, submittals, communication and “the record”
- Eliminate the organized site visit



## Item 4. Zoning Code Process Improvements

Improve communication and clarity of the overall process for projects at Neighborhood Meetings, in Notices, and on the Planning & Historic Preservation webpages.

Review existing appeals guides and templates for revisions – focus on simplicity and clarity.

Work to better communicate the need to participate in Hearings with the original decision-makers to maintain ability to appeal a decision.

Enhance technical assistance to support community members for more impactful participation at *all* levels of decisions.

- What feedback do Councilmembers have on the proposed updated appeals processes?
- What additional issues or solutions that Councilmembers interested in developing further?

