

AGENDA ITEM SUMMARY

September 4, 2018

City Council

STAFF

Martina Wilkinson, Assistant City Traffic Engineer
Joe Olson, City Traffic Engineer
Brad Yatabe, Legal

SUBJECT

Items Relating to Adequate Public Facilities for Transportation.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 109, 2018, Amending Article 3 of the Land Use Code Regarding Adequate Public Facilities Standards for Transportation Levels of Service.
- B. Second Reading of Ordinance No. 110, 2018, Amending Larimer County Urban Area Street Standards Related to Land Use Code Adequate Public Facilities Requirements.

These Ordinances, unanimously adopted on First Reading on August 21, 2018, amends the Land Use Code ("LUC") and the Larimer County Urban Area Street Standards ("LCUASS") as they relate to Adequate Public Facilities ("APF") standards for transportation levels of service. The changes will make the standards current and consistent and provide for Alternative Mitigation Strategies in cases where typical improvements are not feasible, not proportional to impact, or not desired by the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

ATTACHMENTS

- 1. First Reading Agenda Item Summary, August 21, 2018 (w/o attachments) (PDF)
- 2. Ordinance No. 109, 2018 (PDF)
- 3. Ordinance No. 110, 2018 (PDF)

AGENDA ITEM SUMMARY

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STAFF

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SUBJECT

Items Relating to Adequate Public Facilities for Transportation.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 109, 2018, Amending Article 3 of the Land Use Code Regarding Adequate Public Facilities Standards for Transportation Levels of Service.
- B. First Reading of Ordinance No. 110, 2018, Amending Larimer County Urban Area Street Standards Related to Land Use Code Adequate Public Facilities Requirements.

The purpose of this item is to consider revisions to the Land Use Code (“LUC”) and the Larimer County Urban Area Street Standards (“LCUASS”) as they relate to Adequate Public Facilities (“APF”) standards for transportation levels of service. The changes will make the standards current and consistent and provide for Alternative Mitigation Strategies in cases where typical improvements are not feasible, not proportional to impact, or not desired by the City.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

The purpose of this item is to refine LUC Sections 3.7.3, *Adequate Public Facilities*, and 3.6.4, *Transportation Level of Service Standards*, and the associated LCUASS standards and processes for evaluating intersections. The effort is in response to community interest and concern raised in connection with various projects. City Council provided direction to staff to review the current status, propose refinements, and create flexibility in the process.

Goals of the Transportation Related Changes to Adequate Public Facilities (APF)

The goals of the changes in Code, standards, and process include the following:

- The overall basis of APF remains unchanged: developments must review their impacts and make improvements if required to meet standards.
- If typical improvements needed for overall intersection function are not proportional, not feasible, or not desired by the City, then an Alternative Mitigation Strategy may be used to provide a way forward in a manner acceptable to the City while still having development mitigate their impacts.
- The revisions will combine two processes into one, reflect current standards, be consistent across documents, acknowledge changing development patterns (such as infill), and allow for consideration of a holistic transportation review based on City interests.

- The changes ensure that mitigation is implemented proportionally and addresses localized impact. It is separate from, yet complements the regional and Citywide Transportation Capital Expansion Fees.

Summary of the Proposed Changes

The following LUC and LCUASS changes are proposed. The full set of changes are included. **(Attachment 2)**

Section of Code or Standard	Current Text	Proposed Change
LUC 3.6.4 - Transportation Level of Service Requirements	Identifies standards for transportation function	<ul style="list-style-type: none"> • Makes evaluation standards current and consistent with LCUASS • Defines nominal impact
LUC 3.7.3 - Adequate Public Facilities	Establishes mechanism to ensure adequate infrastructure is available with developments	<ul style="list-style-type: none"> • Makes evaluation standards for transportation current and consistent with LCUASS • Outlines process for improvements based on alternative mitigation for overall intersection function • Details threshold for APF exception for transportation
LCUASS Chapter 1 - Section 1.9.4 - Variances and Appeal Processes	Outlines variance process for designs that don't meet standards	<ul style="list-style-type: none"> • Clarifies applicability of variances for instances when pedestrian, bicycle, or vehicular approaches or movements at intersections do not meet standards.
LCUASS Chapter 4 - Section 4.2.2 Types of Studies	Description of when Transportation Impact Study (TIS) is not required.	<ul style="list-style-type: none"> • Clarifies that certain transportation Adequate Public Facilities requirements don't apply if TIS is waived.
LCUASS Chapter 4 - Section 4.5.2 Significant Negative Impacts in Fort Collins	Defines a significant negative impact	<ul style="list-style-type: none"> • Makes the threshold easier to understand and calculate.
LCUASS Chapter 4 - Section 4.6 Mitigation Measures	Discusses options for mitigation when proposals do not meet transportation levels of service	<ul style="list-style-type: none"> • Clarifies the process for when proposals cannot meet transportation levels of service • Adds Alternative Mitigation Strategy process for proposals where overall intersection levels of service are not met, and typical improvements are not proportional, feasible, or desired by the City.

Background

In 1997, the City adopted LUC Section 3.7.3 to establish a mechanism that ensures that public facilities and services needed to support development are available concurrently with the impacts of such developments. The transportation element of the APF ordinance details the required vehicular Level of Service (“LOS”) at substantially impacted intersections. If the LOS is not met, then the development is required to make improvements to reach an acceptable LOS, or the project cannot move forward. There are several challenges with the current status:

- APF was historically envisioned to address greenfield intersections on the fringes of the City, and some of its restrictions are difficult to meet or may not be wanted in infill areas.
- The evaluation for APF is in addition to other and different requirements within the City's street standards (i.e. there are currently two separate processes). **(Attachment 1)**
- The APF transportation criteria is dated and not consistent with other standards.

- The City's existing APF ordinance does not limit a developer's responsibility to a "proportionate share" of improvements based on impact and does not offer any flexibility for alternative mitigation.

City staff previously identified the challenges noted above and presented opportunities for refinement to City Council at work sessions in August 2016 and again in April 2018. General direction from Council has been:

- Support to retain APF but create flexibility to recognize alternative mitigation for transportation impacts.
- Support to establish a mechanism for proportional share contributions for transportation impacts.
- Support to better accommodate infill and re-development patterns in the city, as well as, recognition of the multi-modal transportation interests of the community.
- Support to update and consolidate the process with current transportation standards and make it consistent across documents LCUASS and the LUC.

Proposed APF Refinement

The refined process will be as generally outlined in Attachment 2. The following are noted:

- The transportation APF element in the Land Use Code will be aligned with LCUASS.
- Insignificant and/or nominal impact developments are limited to those where traffic impact studies ("TIS") are waived due to their small size. The criteria for a TIS waiver will be consistent with LCUASS.
- Mitigation for Level of Service (LOS) issues remain the same if reasonable/proportional mitigation is possible, or where Level of Service issues are limited to intersection approaches or movements.

In locations where overall intersection LOS is not met (the current APF threshold), and typical roadway improvements to meet LOS are not feasible, not desired by the City, or not proportional, a site-specific Alternative Mitigation Strategy can be developed. This strategy:

- Will be developed by a multidisciplinary team composed of City staff. The strategy can be proactively developed in locations of known APF issues, or can be concurrently developed during a development's review process once impacts are known;
- Identifies localized transportation improvements that the City supports and that helps mitigate the development's impact in the area of the APF constrained intersection;
- Is site specific to each location;
- May include roadway, intersection, signal, and/or multi-modal improvements (such as bicycle, pedestrian or transit facilities); and
- Should be constructible within a three-year timeframe.
- May include determination that no reasonably related and proportionate mitigation is possible or desired by the City.

Examples of this might include alternate route improvements (i.e., Timberline/Vine) to address impacts at Lemay/Vine, bike or transit infrastructure in the downtown area to address impacts at College/Mountain, sidewalk improvements to address impacts in the vicinity of College/Harmony.

Once the strategy is developed, and an applicant's impact is known, staff will determine what portion (or all) of the strategy a development must complete based upon anticipated vehicular trips through the APF constrained location. The implementation could include either construction or proportional monetary contribution towards a specific upcoming project (within three years).

If the applicant is willing to implement its portion of the strategy, then that is noted in the recommendation of approval for the project and memorialized in the development agreement. If the developer is not willing to implement the strategy, they can pursue a Takings Determination through LUC Division 2.13.

Relationship of Alternative Mitigation Strategy to Transportation Capital Expansion Fees

The City has a Transportation Capital Expansion Fee (“TCEF”) program (previously called the Street Oversizing Program) which collects revenue from new developments to mitigate overall transportation impacts of growth. The TCEF fees are predominantly based on the cost to add capacity to the existing transportation network needed for growth and focus on funding roadway widening (complete streets) along arterial and collector roadway segments. The fees also include a limited contribution toward citywide intersection and multimodal improvements. The TCEF fees paid by a developer cannot be used to address existing deficiencies.

The proposed Alternative Mitigation Strategy is intended to address a development’s impact on localized transportation concerns that may not be funded (in full or part) by TCEF and/or able to be constructed within a reasonable timeframe (i.e. three years). Therefore, the strategy will serve as a companion to TCEF. Similar to TCEF fees, the Alternative Mitigation Strategy cannot address existing deficiencies.

Clarifications After Planning and Zoning Board Hearing

There are several minor clarifications made to the proposed changes after the Planning and Zoning Board hearing. This includes a formatting change in Land Use Code section 3.7.3 to add a sub-header, minor changes in LCUASS Chapter 4 to ensure that the usage of the term “proportional” is consistently linked with the term “reasonable” where appropriate, and a minor edit to LCUASS section 4.6.8 to clarify that the Alternative Mitigation Strategy may be challenged as a taking pursuant to Land Use Code Division 2.13.

CITY FINANCIAL IMPACTS

This proposal does not directly affect City financial resources. The changes are structured such that developments will contribute their proportional share towards mitigation of transportation impacts.

BOARD / COMMISSION RECOMMENDATION

The Transportation Board reviewed the proposal at two work sessions and took unanimous action at their May 16, 2018, meeting to endorse the proposed modifications to APF.

The Planning and Zoning Board reviewed the proposal at three work sessions. At its July 19, 2018, the Board, as part of its consent agenda, unanimously recommended that Council approve the proposed changes.

PUBLIC OUTREACH

In the past two years, staff has completed outreach to those sections of the community affected by and/or interested in the details related to APF standards. In addition to outreach to relevant boards and commissions, multiple meetings and conversations have been held with stakeholders in the development community to better understand the complexities and important considerations to keep in mind as the proposal was developed.

ATTACHMENTS

1. Current Status (PDF)
2. Proposed Process (PDF)
3. Council Minutes Work Session Summary APF (PDF)
4. Transportation Board Letter- 2018 APF ordinance (PDF)

ORDINANCE NO. 109, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE 3 OF THE LAND USE CODE REGARDING
ADEQUATE PUBLIC FACILITIES STANDARDS FOR
TRANSPORTATION LEVELS OF SERVICE

WHEREAS, on December 2, 1997, by its adoption of Ordinance No. 190, 1997, the City Council enacted the Fort Collins Land Use Code (the "Land Use Code"); and

WHEREAS, at the time of the adoption of the Land Use Code, it was the understanding of staff and the City Council that the Land Use Code would most likely be subject to future amendments, not only for the purpose of clarification and correction of errors, but also for the purpose of ensuring that the Land Use Code remains a dynamic document capable of responding to issues identified by staff, other land use professionals and citizens of the City; and

WHEREAS, since its adoption, City staff and the Planning and Zoning Board have continued to review the Land Use Code and identify and explore various issues related to the Land Use Code and have now made new recommendations to the Council regarding certain issues that are ripe for updating and improvement; and

WHEREAS, the purpose of the Adequate Public Facilities requirement is to ensure that public facilities and services needed to support development are available concurrently with the impacts of such development; and

WHEREAS, the proposed changes to the Adequate Public Facilities Land Use Code relate to the transportation requirements and are intended to ensure that such requirements are reasonably related and roughly proportional to the impacts of development; and

WHEREAS, through its adoption of Ordinance No. 110, 2018, Council has made policy changes to the Larimer County Urban Area Street Standards specific to the City in coordination with these Land Use Code amendments to facilitate implementation of the Adequate Public Facilities transportation requirements; and

WHEREAS, the City Council has determined that the recommended Land Use Code amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 3.6.4 of the Land Use Code is hereby amended to read as follows:

3.6.4 - Transportation Level of Service Requirements

- (A) **Purpose.** In order to ensure that the transportation needs of a proposed development can be safely accommodated by the existing transportation system, or that appropriate mitigation of impacts will be provided by the development, the project shall demonstrate that all adopted level of service (LOS) standards will be achieved for all modes of transportation as set forth in this Section 3.6.4.
- (B) **General Standard.** All development plans shall adequately provide vehicular, pedestrian and bicycle facilities necessary to maintain the adopted transportation level of service standards. The vehicular level of service standards are those contained in Table 4-3 of the Larimer County Urban Area Street Standards (LCUASS). The bicycle and pedestrian level of service standards are those contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Mitigation measures for levels of service that do not meet the standards are provided in Section 4.6 of LCUASS. No Transit level of service standards will be applied for the purposes of this Section. Notwithstanding the foregoing, adopted level of service standards need not be achieved where the necessary improvements to achieve such standards are not reasonably related and proportional to the impacts of the development. In such cases, the Director may require improvements or a portion thereof that are reasonably related and proportional to the impacts of the development or the requirement may be varied or waived pursuant to LCUASS Section 4.6.
- (C) **Transportation Impact Study, Nominal Impact.** In order to identify those facilities that are necessary in order to comply with these standards, development plans may be required to include the submittal of a Transportation Impact Study, to be approved by the Traffic Engineer, consistent with the Transportation Impact Study guidelines as established in LCUASS Chapter 4. Should a Transportation Impact Study not be required pursuant to LCUASS Chapter 4, a proposed development shall be deemed to have a nominal impact and shall not be subject to the transportation level of service requirements described in this Section 3.6.4.

Section 3. That Section 3.7.3 of the Land Use Code is hereby amended to read as follows:

3.7.3 - Adequate Public Facilities

- (A) **Purpose.** The purpose of the adequate public facilities (APF) management system is to establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrently with the impacts of such development.
- (B) **Applicability.** This Section shall apply to all development in the City.
- (C) **APF Management System.**
 - (1) **APF Management System Established.** In order to implement the eCity's Principles and Policies, the adequate public facilities management system ("APF management system") is hereby established. The APF management system is incorporated into and shall be part of the development review procedures as well as the process for issuance of Building Permits.

- (2) *General Requirements.* The approval of all development shall be conditioned upon the provision of adequate public facilities and services necessary to serve new development. No Building Permit shall be issued unless such public facilities and services are in place, or the commitments described in subparagraph (E)(1)(a)(2) below have been made, or with respect to transportation facilities, a variance under LCUASS Section 4.6.7 or an alternative mitigation strategy under LCUASS Section 4.6.8 has been approved. Under this APF management system, the following is required:
- (a) The Ceity shall adopt and maintain level of service standards for the following public facilities: transportation, water, wastewater, storm drainage, fire and emergency services, electrical power and any other public facilities and services required by the City.
 - (b) No site specific development plan or Building Permit shall be approved or issued in a manner that will result in a reduction in the levels of service below the adopted level of service standards for the affected facility, except as expressly permitted under this Section 3.7.3 (and the referenced provisions of LCUASS).
- (D) *Level of Service Standards.* For the purpose of review and approval of new development and the issuance of Building Permits, the City hereby adopts the following level of service standards for the public facilities and services identified below:
- (1) *Transportation.*
 - (a) All development must have access to the Improved Arterial Street Network or to a street for which funds have been appropriated to fund improvement as an arterial street as more specifically required in Division 3.3.2, Subdivision Improvements, (F) Off-site Public Access Improvements.
 - (b) ~~A~~Except as provided in subsection (E)(1) below, all development shall meet or exceed the following transportation level of services standards:
 - 1. The vehicular level of service standards for overall intersection level of service standards contained in Table 4-3 of the Larimer County Urban Area Street Standards (LCUASS). Alternative mitigation strategies are provided in LCUASS Section 4.6.8
 - 2. The bicycle and pedestrian level of service standards are contained in Part II of the City of Fort Collins Multi-modal Transportation Level of Service Manual. Variances for levels of service that do not meet the standards are provided in LCUASS Section 4.6.7.
 - 3. No transit level of service standards contained in Part II of the Multi-modal Transportation Manual will ~~not~~ be applied for the purposes of this Section.
 - (c) If any off-site improvements are required by the standards contained in this Section, repayments for the costs of such improvements shall be provided to the developer in accordance with the provisions of 3.3.2(F)(2).

- (2) *Water.* All development shall provide adequate and functional lines and stubs to each lot as required by the current City or special district, as applicable, design criteria and construction standards.
- (3) *Wastewater.* All development shall provide adequate and functional mains and stubs to each lot as required by the current City or special district, as applicable, design criteria and construction standards.
- (4) *Storm Drainage.* All development shall provide storm drainage facilities and appurtenances as required by Sections 26-544 and 10-37 of the Municipal Code and by all current City storm drainage master plans, design criteria and construction standards.
- (5) *Fire and Emergency Services.* All development shall provide sufficient fire suppression facilities as required by the Fire Code.
- (6) *Electrical Power Service.* All development shall have service provided as described in the *Electric Construction Policies, Practices, and Procedures*, and the *Electric Service Rules and Regulations* of the Fort Collins Electric Utility.

(E) ***Minimum Requirements for Adequate Public Facilities.***

- (1) The City's APF management system shall ensure that public facilities and services to support development are available concurrently with the impacts of development. In this regard, the following standards shall be used to determine whether a development meets or exceeds the minimum requirements for adequate public facilities:
 - (a) For transportation facilities, at a minimum, the City shall require that, at the time of issuance of any Building Permit issued pursuant to a site specific development plan, all necessary facilities and services, as described in Section (D)(1) above, are either:
 - 1. in place and available to serve the new development in accordance with the development agreement, or
 - 2. funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, nonexpiring letter of credit, or escrow in a form acceptable to the City.
 - (b) Notwithstanding the foregoing, with respect to improvements required to maintain the applicable transportation facilities' level of service where, as determined by the Director, such improvements are not reasonably related to and proportional to the impacts of the development or currently desired by the City, a Building Permit may be issued pursuant to a site specific development plan provided the developer has:
 - 1. Agreed in the development agreement to install or fund improvements, or a portion thereof, that are reasonably related and proportional to the impacts of the development on the affected transportation facility or facilities; or

2. Obtained a variance regarding the affected transportation facility or facilities under LCUASS Section 4.6.7; or
 3. Agreed in the development agreement to implement an alternative mitigation strategy as defined by LCUASS Section 4.6.8, or portion thereof, to adequately mitigate the reasonably related and proportional impacts of the development on the affected transportation facility or facilities; or
 4. Funding for such improvements has been appropriated by the City or provided by the developer in the form of either cash, nonexpiring letter of credit, or escrow in a form acceptable to the City.
- (c) For water and wastewater facilities, at a minimum, the City shall require that, at the time of issuance of any building permit issued pursuant to a site-specific development plan, all necessary facilities and services, as described in Section (D)(2) and (3) above, are in place and available to serve the new development in accordance with the approved utility plan and development agreement for the development.
- (d) For storm drainage facilities, the City shall require that all necessary facilities and services, as described in Section (D)(4) above, are in place and available to serve the new development in accordance with the approved drainage and erosion control report, utility plans and development agreement for such development. The timing of installation of such facilities and service shall be as follows:
1. Where multiple building permits are to be issued for a project, twenty-five (25) percent of the building permits and certificates of occupancy may be issued prior to the installation and acceptance of the certification of the drainage facilities. Prior to the issuance of any additional permits, the installation and acceptance of the certification of the drainage facilities shall be required.
 2. For projects involving the issuance of only one (1) building permit and certificate of occupancy, the installation and acceptance of the certification of the drainage facilities shall be required prior to the issuance of the certificate of occupancy.
- (e) For fire and emergency services, at a minimum, the City shall require that, at the time of issuance of any building permit issued pursuant to a site-specific development plan, all necessary facilities and services, as described in Section (D)(5) above, are in place and available to serve the site within the new development where the building is to be constructed in accordance with the Fire Code and the development agreement.
- (f) For electric power facilities, the following minimum requirements shall apply:
1. For residential development: The developer must coordinate the installation of the electric system serving the development with the ~~city~~City's electric

utility. In addition, each application for a building permit within the development must show the name of the development, its address, each lot or building number to be served, and the size of electric service required. The size of electric service shall not exceed that originally submitted to the electric utility for design purposes. Costs for installation of the electric service line to the meter on the building will be payable upon the issuance of each building permit.

2. For Commercial/Industrial Development: The following documents/information shall be provided to the City's electric utility with each application for a building permit:
 - a. an approved and recorded final plat;
 - b. the final plan (two [2] copies);
 - c. the utility plan;
 - d. a one-line diagram of the electric main entrance;
 - e. a Commercial Service Information Form (C-1 form) completed by the developer/ builder for each service, and approved by the electric utility (Blank forms are available at the Electric Utility Engineering Department, 970-221-6700);
 - f. the transformer location(s), as approved by the electric utility;
 - g. the name and address of the person responsible for payment of the electric development charges; and
 - h. the name, of the development, building address and lot or building number.
3. Compliance with Administrative Regulations: The developer shall also comply with all other administrative regulations and policies of the electric utility, including, without limitation, the *Electric Construction Policies, Practices and Procedures*, and the *Electric Service Rules and Regulations*, copies of which may be obtained from the electric utility.

(F) ***Transportation APF Exception. Nominal Impact.*** For the purpose of the transportation APF requirements contained in this Section, a proposed development shall be deemed to have a nominal impact and shall not be subject to the APF requirements for transportation if the development proposal is not required to complete a Traffic Impact Study per the requirements in Chapter 4 - Transportation Impact Study of the Larimer County Urban Area Street Standards.

Introduced, considered favorably on first reading, and ordered published this 21st day of August, A.D. 2018, and to be presented for final passage on the 4th day of September, A.D. 2018.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of September, A.D. 2018.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 110, 2018
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING LARIMER COUNTY URBAN AREA STREET STANDARDS
RELATED TO LAND USE CODE ADEQUATE PUBLIC FACILITIES REQUIREMENTS

WHEREAS, on January 2, 2001, the City Council adopted the Larimer County Urban Area Street Standards ("LCUASS"), with the adoption of Ordinance No. 186, 2010; and

WHEREAS, Council adopted the current version of LCUASS in February 2007, and such version has been subsequently amended from time to time; and

WHEREAS, LCUASS Section 1.6.2.A. states that policy revisions to LCUASS may be made by City Council by ordinance or resolution provided a public hearing regarding the policy revision is held and City staff makes a recommendation on the policy revision to City Council; and

WHEREAS, this LCUASS policy revision is proposed in connection with the proposed Adequate Public Facilities transportation requirements Land Use Code amendments set forth in Ordinance No. 109, 2018; and

WHEREAS, the City Council has determined that the recommended LCUASS amendments are in the best interests of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 1.9.4 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

1.9.4 Variances and Appeals Processes

A. Variances

...

2. The variance request(s) shall include the following:

- a. Identifying Issue. Identification of the standard to be waived or varied and why the standard is unfeasible or is not in the public interest.
- b. Proposing Alternate Design. Identification of the proposed alternative design or construction criteria.

- c. Comparing to Standards. A thorough description of the variance request including impact on capital and maintenance requirements, costs, and how the new design compares to the standard.
- d. Justification. The Professional Engineer must determine and state that the variance will not be detrimental to the public health, safety and welfare, will not reduce design life of the improvement nor cause the Local Entity additional maintenance costs. The proposed plan (as varied) must advance the public purpose of the standard sought to be varied equally well or better than would compliance with such standard.
- e. Applicability to Transportation Level of Service Review (City of Fort Collins City Limits Only). Based on Section 4.6 of these standards, a variance may be requested for development proposals that do not meet Level of Service standards for 1 -pedestrian, 2 – bicycle, and 3 -vehicular approaches or movements at an intersection. The variance may be submitted only in cases where the level of service cannot be restored or improved with improvements that are reasonably related and proportional to the development proposal’s impact. The variance request must include items a-d above. The requested variance may include alternative mitigation measures that address the development’s impact or relief from the applicable standard. A variance for development proposals that do not meet Level of Service standards for overall operation of an intersection is not available under this section 1.9.4 and is addressed in LCUASS Section 4.6 and City of Fort Collins Land Use Code Section 3.7.3.
- fe. Approval or Denial of Variance. Based upon review of the plans and additional information submitted, and an analysis of the criteria set forth in this subsection (2), the Local Entity Engineer may approve or deny the variance request. If the Local Entity Engineer approves the variance request, the plans will continue to be reviewed and approved within the typical review process. If the Local Entity Engineer denies the variance request, the developer shall subsequently submit revised plans in compliance with these Standards. The Local Entity Engineer shall provide a written response outlining the basis for all approvals or denials of variance requests.

Section 3. That Section 4.2.2 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

4.2.2 Types of Study

...

E. No TIS Required.

Upon submittal of a Transportation Worksheet (Attachment “C”) by the Applicant and/or

written acceptance by the Local Entity Engineer, the TIS requirement may be waived if all of the criteria below are satisfied:

Note that in Loveland (GMA and city limits), the proposed land use will be exempt from demonstrating compliance with the transportation Adequate Community Facilities requirements, if the TIS requirement is waived.

In Fort Collins (city limits only), the proposed land use will be exempt from demonstrating compliance with the Adequate Public Facilities requirements in the Land Use Code if the TIS requirement is waived.

...

Section 4. That Section 4.5.2 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

4.5.2 Significant Negative Impacts in Fort Collins (GMA and City Limits)

This section applies primarily to vehicular related impacts associated with the proposed project. A project is defined as significantly impacting a study intersection when one of the following criteria are satisfied:

A. For Signalized Intersections.

1. When the added project traffic causes movements, approaches or the overall intersection to fail the minimum acceptable level of service standards in Table 4-3; or
2. When the background traffic conditions (without project traffic) causes an intersection to fail the minimum acceptable level of service standards; and when the project adds additional traffic (10 or more trips during the peak hour); or
3. When added project traffic is determined to create potential safety problems.

...

Section 5. That Section 4.6 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

4.6 Mitigation Measures

When a project's vehicular impacts are determined to not meet the minimum acceptable level of service standard, the TIS shall include feasible measures, which would mitigate the project's impacts. The mitigation measures are intended to be *in addition to* the minimum required improvements necessary to meet the Local Entity's standards and

codes. The goal of the mitigation measure(s) should be to minimize the demand for trips by single occupant vehicles and to increase the use of alternative modes.

Fort Collins (City Limits only)

When a project's impacts are determined to not meet the minimum acceptable level of service (LOS) standard, the TIS shall include feasible measures that would mitigate the project's impacts. The mitigation measures may be *in addition to* other minimum required improvements necessary to meet the Local Entity's standards and codes. Potential mitigation categories/strategies are listed below and may not be all-inclusive.

The LOS should be recalculated to reflect the effectiveness of the proposed mitigation measures and show that the project-related impacts have been reduced to an acceptable LOS for all transportation modes (vehicle, bicycles, and pedestrians). If mitigation that is reasonably related and proportional to impact is not feasible (or not desired by the City) to address the specific LOS issue then the following can occur:

1. For bicycle and pedestrian level of service issues Section 4.6.7 Variances can be utilized.
2. For vehicular level of service issues related to intersection approaches or movements, Section 4.6.7 Variances can be utilized.
3. For vehicular level of service issues related to overall intersections Section 4.6.8 Alternative Mitigation Strategies can be utilized.

...

Section 6. That Section 4.6.7 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

4.6.7 Variances

Requests for variances to the requirement for mitigation measures should follow the process outlined in Section 1.9.4. In the City of Fort Collins City Limits, such a variance is applicable for level of service issues related to bicycle, pedestrian and/or intersection approach or movements.

Section 7. That Section 4.6.8 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

4.6.8 Alternative Mitigation Strategies (City of Fort Collins city limits only)

In cases where a study intersection does not meet overall level of service standards, and reasonably related and proportional mitigation to address the level of service is not possible or not desired by the City, an Alternative Mitigation Strategy may be requested and

considered using the following process:

1. The applicant submits preliminary information from the Transportation Impact Study related to the intersection, the impact, mitigation measures considered, discussion related to feasibility and any recommendations for alternative mitigation to the City.
2. City identifies a multi-departmental team of staff members (at least two). Members may typically include Engineering, Traffic Operations, FCMoves, Streets and/or Planning.
3. The team reviews the submitted information, develops an Alternative Mitigation Strategy and identifies the reasonably related and proportional contribution based on impact. The Strategy should be specifically linked to project impact, and may include improvements for any mode of travel at the impacted intersection or elsewhere, or a fee in lieu of improvements towards a project anticipated to be constructed within three years. If the City Engineer determines that no reasonably related and proportional mitigation based on impact is possible or desired by the City Engineer, no alternative mitigation may be required.
4. Implementation of an identified Alternative Mitigation Strategy serves as fulfillment of intersection level of service requirements. The administrative determination with regard to an Alternative Mitigation Strategy is final and may only be appealed pursuant to City of Fort Collins Land Use Code Division 2.1.3.

Section 8. That Section 4.7.1 of the Larimer County Urban Area Street Standards is hereby amended to read as follows:

4.7 Report Conclusions

4.7.1 Recommended Improvements

The findings of the Transportation Impact Study should be provided in summary format, including the identification of any areas of significant impacts and recommended improvements/mitigation measures to achieve the LOS standards for all modes

A. Geometric Improvements.

The TIS shall include recommendations for all geometric improvements such as pavement markings, signs, adding through or turn lanes, adding project access and assorted turn lanes, acceleration lanes, and changes in medians. Sufficient dimensions/data shall be identified to facilitate review. Anticipated right-of-way needs shall also be identified. This information shall be made available to the project civil engineer for use in preparing scaled drawings.

City of Fort Collins City Limits Only: If variance requests or Alternative Mitigation Strategies are being utilized, those shall be detailed in the report.

Introduced, considered favorably on first reading, and ordered published this 21st day of August, A.D. 2018, and to be presented for final passage on the 4th day of September, A.D. 2018.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 4th day of September, A.D. 2018.

Mayor

ATTEST:

City Clerk