

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 City 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) 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

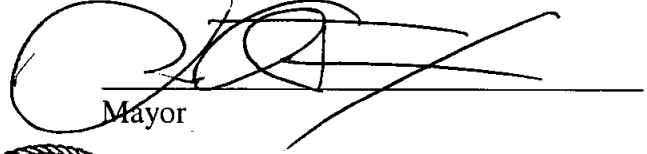
2. Obtained a variance regarding the affected transportation facility or facilities under LCUASS Section 4.6.7; or
 3. Agreed in the development agreement to implement an alternative mitigation strategy as defined by LCUASS Section 4.6.8, or portion thereof, to adequately mitigate the reasonably related 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'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.

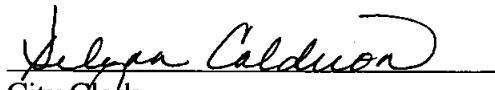
2. For Commercial/Industrial Development: The following documents/information shall be provided to the City's electric utility with each application for a building permit:
 - a. an approved and recorded final plat;
 - b. the final plan (two [2] copies);
 - c. the utility plan;
 - d. a one-line diagram 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.

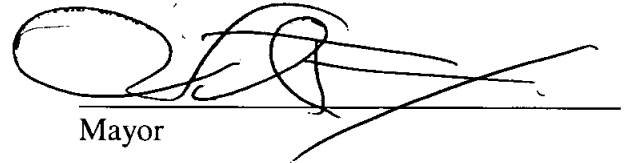

Mayor

ATTEST:

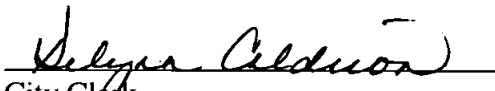

City Clerk



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


Mayor

ATTEST:


City Clerk

