

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**

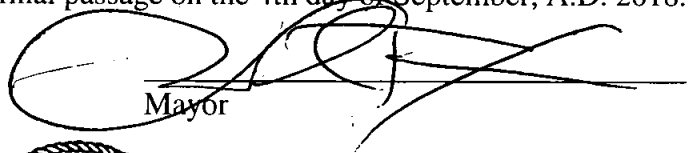
The findings of the Transportation Impact Study should be provided in summary format, including the identification of any areas of significant impacts and recommended improvements/mitigation measures to achieve the LOS standards for all modes

##### **A. Geometric Improvements.**

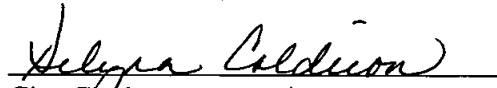
The TIS shall include recommendations for all geometric improvements such as pavement markings, signs, adding through or turn lanes, adding project access and assorted turn lanes, acceleration lanes, and changes in medians. Sufficient dimensions/data shall be identified to facilitate review. Anticipated 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.

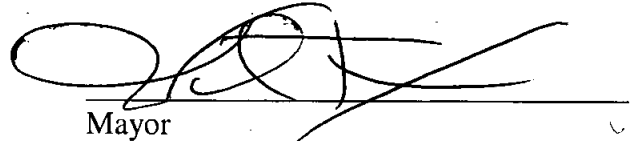
  
Mayor

ATTEST:


  
City Clerk



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

  
Mayor

ATTEST:

  
City Clerk

