

RESOLUTION 85-3
OF THE COUNCIL OF THE CITY OF FORT COLLINS
ADOPTING AN OFFSITE STREET IMPROVEMENT POLICY

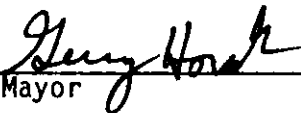
WHEREAS, on November 3, 1981, the Council of the City of Fort Collins passed the offsite street ordinance [City Code Provision 99-6 (B) (6)]; and

WHEREAS, in the fall of 1984 City staff adopted the attached policy regarding offsite street improvements in order to clarify developer responsibilities under the ordinance; and

WHEREAS, on October 22, 1984 the Planning & Zoning Board considered said policy and supports and recommends its adoption by the Council of the City of Fort Collins.

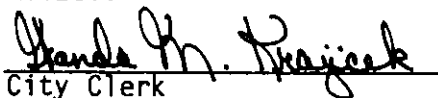
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FORT COLLINS that the attached offsite street improvement policy is hereby adopted.

Passed and adopted at a regular meeting of the Council of the City of Fort Collins held this 15th day of January, A.D. 1985.



Mayor

ATTEST:



City Clerk

OFFSITE STREET IMPROVEMENTS

The Philosophy

The City of Fort Collins requires all Subdivisions to have reasonable access to an improved arterial street or an arterial street funded in the Budget for improvement.

This ordinance was established based on three principles:

1). The acceptable capacity of the existing street network and the safety of the public. The street network must be able to handle the existing traffic as well as the proposed traffic, safely and at an acceptable level of service.

2). Maintenance cost. The City does not want to add to its responsibilities the maintenance of any streets that will require an enormous outlay of funds for upgrading to safely handle existing or increased traffic. The City has design criteria and standards for streets that describe the street that will handle expected traffic and keep maintenance costs to a minimum. A street must meet these standards before the City can accept its maintenance.

3). Growth management and the desire of our City Council to make new Development "pay its way". Due to the high cost of providing services to development in areas that are not adjacent to existing development (this is known as "leap frog" development), the City discourages leap frog development. The City does realize, however, that development does not always occur in an orderly, contiguous fashion. With this philosophy, the City feels that if leap frog development does occur, then that development needs to pay to provide these services. The offsite street improvement ordinance is one mechanism to accomplish this, at least, for the streets needed to serve such a development.

The Ordinance

This section is a breakdown of the ordinance with an explanation of each area.

99-6.b.(6). Streets and Alleys. All subdivisions must have access to an improved arterial street or to a street funded for improvement as an arterial street.

The City Planning Office maintains a map of all City arterial streets that are considered improved. These are, in most cases, streets that are of adequate width and have curb, gutter and a pavement thickness adequate to handle the projected traffic for a length of 20 years, with minor maintenance. Any development that does not have adequate access to such a street would be required to design and construct the street network necessary to have this access.

This access must be provided in the most reasonable direction of travel to major activity centers.

Any subdivision which does not have adequate access to an improved arterial street or an arterial street funded is required to improve the impacted offsite streets, as determined by the City, to include, as a minimum, a thirty-six (36) foot wide paved section on an adequate base for the ultimate design of the street as designated on the Master Street Plan or as determined by the City Engineer. A waiver to the requirements may be granted by the City Engineer when, in his determination, the existing arterial is in substantial compliance with the criteria for arterial streets.

Thirty-six feet is the width of a local street. On an interim basis this width should be adequate to handle most situations until properties adjacent to such streets develop and construct the remainder of the arterial. Individual sites may indicate that the 36' width will not be adequate and more of the offsite streets may be required to be constructed. This is determined by the City Traffic Engineer.

The City Traffic Engineer can require any developer to submit a traffic impact study. The information gathered by the study, plus knowledge of the area and its problems will be used by the City Traffic Engineer to determine the extent of the offsite street improvements when they exceed the minimum requirements.

Depending on the situation, local streets can be included in the offsite street improvement requirement. In such cases local streets offsite will require a minimum of curb and gutter as well as pavement. Collectors and arterials will have adequate shoulders to maintain the edge of asphalt. (Six foot wide 4 inch thick base course.) Existing pavement must be nondestructively tested for structural adequacy, if that pavement is to be retained.

When a person constructs a street, alley or path through undeveloped areas to serve his property or constructs such improvements along the perimeter of his property, the entire cost of such construction shall be the responsibility of such person.

All developers are responsible for 1/2 the width of a local street, if such a street is located on the perimeter of their property, but they would be responsible for the entire width if they develop before the the property across the street. Half local streets are not adequate to carry traffic so a full street is required.

The City may, in certain cases, use its power of eminent domain to obtain right-of-way for offsite street improvement, but the Developer will be responsible for any and all costs involved.

If this developer has furnished the City Engineer with an approved itemized list of the construction costs and has entered into an agreement for

repayment with the City within ninety (90) days of the completion, and acceptance by the City, of such improvements, then at the time the property abutting such improvements is developed and access to such improvements is accomplished, the City may collect a charge per front foot from the abutting property developer and, if so collected, shall reimburse the original installer to the extent of such collection after making any necessary adjustments. The amount of reimbursement paid to the City may be the original cost of the improvements plus any mutually agreed upon amount to reflect the effects of inflation, if any, but in no case shall the reimbursement be less than the original cost. These adjustments may be based on the "Construction Cost Index " for Denver, Colorado, as published monthly by Engineering News Record. Streets and alleys shall be completed as required by the City Engineer and all payments fully made for existing beneficial streets before the reimbursement to the original installer is made pursuant to provisions as contained herein. Any right to reimbursement pursuant to this provision shall not exceed a period of ten (10) years from the execution of the agreement. The City Council may approve extensions of the agreement for additional ten year periods.

To obtain reimbursement for street improvements, an agreement must be made with the City through the City Engineer's Office. To enter into this agreement, the Developer must submit to the City the following:

1. All invoices from the contractors for costs must be submitted for approval.
2. All affected properties must be listed with their affected front footages, County parcel number and the anticipated charge (not including the inflation factor).
3. A map showing the location of the street improvements and the affected properties.

Variances

Variances from this ordinance can be requested. A Developer must make a request in writing at the time he submits his final plans for review by the City. This request is to be accompanied by a traffic impact study and the reasons substantiating the request. Variance requests are thoroughly reviewed by the City staff who then make a recommendation on the request to the Planning and Zoning Board. The Board then makes the final decision.

A committee of 4 staff members from three different departments (Transportation Services, Engineering and Community

Development) reviews the request, first to see if it can meet the requirements based on the two of the three principles discussed earlier;

1. CAPACITY AND SAFETY. Can the street handle the existing and proposed traffic safely and at an acceptable level of service?
2. MAINTENANCE. Are the streets maintainable at an acceptable level?

If these requirements are satisfied by a consensus of staff, the staff then questions the variance from a slightly different view point.

1. Will the City be the recipient of a facility that is equal to or better than the existing facility?
2. Will the City be harmed by the variance even if the facility is equal to or better than what is existing?
3. Will the benefits outweigh the detriments or vice versa?

The staff then determines what their recommendation will be and addresses it in letter form to the Planning and Zoning Board for their consideration at the Board meeting at which they are considering the project.

DEFINITIONS

ACCEPTABLE LEVEL OF SERVICE -- Acceptable level of service for the City's street system will be level of service C in all off peak situations and level of service D during peak traffic conditions. These levels of service qualifiers will pertain to all major traffic movements. The following is a description of the level of service as they relate to urban street conditions.

LEVEL OF SERVICE	CHARACTERISTIC
A	Average over-all travel speed of more than 30 m.p.h. Free flowing with volume/capacity ratio of 0.60.
B	Average over-all speeds drop due to intersection delay and inter-vehicular conflicts, but remain near 30 m.p.h. Delay is minor. Volume/capacity ratio is 0.70.

- C Volume/capacity ratios of 0.80. Average over-all speeds of 25 m.p.h. Traffic flow still stable with acceptable delays.
- D Beginning to tax capabilities of street section. Approaching unstable flow. Volume/capacity ratio approaching 0.90. Average over-all speeds down to 20 m.p.h. Delays at intersections may increase to a point of waiting for one or more signal cycles.
- E Volume/capacity ratio at capacity 1.0. Average over-all traffic variable, but near 15 m.p.h., unstable flow. Continuous back-up on approaches to major intersections.