

# CHAPTER 1 – GENERAL PROVISIONS

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## **CHAPTER 1 – GENERAL PROVISIONS**

### **1.1 AUTHORITY OF THIS DOCUMENT**

These regulations, along with all future amendments, shall be known as the Larimer County Urban Area Street Standards (hereinafter called "these Standards" or "Urban Street Standards"). These Urban Street Standards have been adopted by each of the Local Entity Governing Bodies.

### **1.2 INTENT AND PROVISIONS**

These Standards shall be required for all development projects within the jurisdiction of Local Entities, which are listed in **Section 1.2.1**, and their Growth Management Areas (GMA). These Standards shall also apply to any public and private transportation improvements that may be outside of the GMA's limits, but are integral to the planned infrastructure systems of the GMA. These standards do not apply to other unincorporated areas of Larimer County.

The Local Entity's review and approval of any plans, reports, or drawings or the Local Entity's inspection and approval of any improvements constructed by the Developer in accordance with these Standards, does not constitute a representation, warranty, or guarantee by the Local Entity that such improvements are free from defects or will operate adequately for the purpose intended.

The chapters and appendices that make up these standards pertain to planning, design, approval, construction, inspection, testing, and documentation of street improvements. The intent of this manual is to establish the minimum acceptable standards.

#### **1.2.1 Local Entities Included Under the Urban Street Standards**

The following Local Entities are covered by these Standards:

**A. The City of Loveland, Colorado**

**B. The City of Fort Collins, Colorado**

**C. Larimer County, Colorado (unincorporated GMAs only)**

Larimer County, Colorado jurisdictions covered by these Standards include the GMA boundaries around the City of Loveland and the GMA boundaries around the City of Fort Collins.

**D. When Standards Differ Among Local Entities**

A majority of the requirements in these Standards apply uniformly among all of the above entities. Where requirements differ among entities they will be distinguished with one or more of the following descriptions:

1. Loveland (GMA and city limits)
2. Fort Collins (GMA and city limits)

3. Loveland (city limits only)
4. Fort Collins (city limits only)
5. Loveland (GMA only)
6. Fort Collins (GMA only)

## 1.2.2 Objectives of Street Standards

### A. Minimum Standards

These Standards shall be the minimum standards necessary for design and construction of all transportation public improvements in the Local Entities. Special situations as determined by the Local Entity may require different facilities and/or standards. For items not covered by these Standards, the Local Entities may require the use of resource standards in Section 1.3 below.

### B. Objectives

It is the objective of these Urban Street Standards to address the following:

1. Public Safety and Convenience. To protect the public health, safety, and welfare to the greatest extent possible and minimize public inconvenience resulting from construction and maintenance activities within the public rights-of-way.
2. Maintaining Public Use. To assure that bicycle, pedestrian and vehicular uses of rights-of-way are the primary uses thereof and that the rights-of-way are properly maintained during construction and repair work in these areas.
3. Standardizing Criteria. To protect the Local Entity's infrastructure investment by establishing standardized design, materials, construction, and repair criteria for all public improvements.
4. Optimizing Use. To optimize the use of the limited physical capacity of public rights-of-way held by the Local Entity.
5. Permit System. To provide an efficient permit system which regulates and coordinates activities in an effective and safe manner.
6. Fees. To adopt fees that provide fair compensation to the Local Entity for related services and activities provided by such Local Entity.
7. Protecting Private Property. To protect private property from damages that could occur because of faulty design and construction of public improvements upon public rights-of-way.
8. Inspection. To provide criteria for inspection of public and private improvements, by the Local Entity or Local Entity designated inspector, in order to assure conformance with approved plan's uniformity, proper construction techniques, and to ensure that acceptable materials are used for the construction process of such public and/or private improvements.

### 1.3 RESOURCE STANDARDS

The following Resource Standards (the latest editions unless otherwise stated) may be used as reference material when certain design or construction methods and materials are not specifically addressed in these Standards and require approval of the Local Entity Engineer.

#### A. List of Resource Standards for Reference

1. Colorado Department of Transportation, **Standard Specifications for Road and Bridge Construction.**
2. Colorado Department of Transportation, **Standard Plans (M&S Standards).**
3. Colorado Department of Transportation, **Roadway Design Manual.**
4. American Public Works Association, **Standard Plans.**
5. American Association of State Highway and Transportation Officials, **A Policy on Geometric Design of Highways and Streets.**
6. Institute of Traffic Engineers (ITE), **Trip Generation Volumes 1 through 3.**
7. Institute of Traffic Engineers (ITE), appropriate design publications.
8. National Cooperative Highway Research Program (NCHRP) Report 279, Intersection Channelization Design Guide, 1985.
9. Institute of Traffic Engineers, **Highway Capacity Manual.**
10. ASTM, American Society for Testing and Materials.
11. Federal Americans with Disabilities Act, (A.D.A.) Regulations.
12. U.S. Department of Transportation, **Manual on Uniform Traffic Control Devices (M.U.T.C.D.)**
13. Federal Highway Administration, Roundabouts: An Informational Guide.
14. American Association of State Highway and Transportation Officials, Guide for the Development of Bicycle Facilities.

### 1.4 AUTHORITY OF THE LOCAL ENTITY ENGINEER

The Local Entity Engineer shall have the authority on behalf of the Local Entity to determine that all design and construction is completed to a level that is equal to or exceeds the requirements set forth in these Urban Street Standards.

### 1.5 ENFORCEMENT RESPONSIBILITY

It shall be the duty of the Local Entity Engineer acting on behalf of the Local Entity to enforce the provisions of these Urban Street Standards.

## **1.6 AMENDMENTS AND REVISIONS TO STANDARDS**

These Standards may be periodically amended as necessary to provide additional clarity or to reflect changes in policy or in construction or engineering practice. Such revisions to these Standards may consist of either “policy” revisions or “technical” revisions. For unincorporated Larimer County, any revision, whether “policy” or “technical” shall become effective only after approval by the Larimer County Board of Commissioners, following receipt of recommendation from the Larimer County staff. For all other Local Entities, the revision procedures set forth in Section 1.6.2 (Revisions) shall apply.

### **1.6.1 Updated Standards**

Each Local Entity will maintain an electronic file of their Standards. All updates and revisions will be available on the Larimer County web page.

### **1.6.2 Revisions**

From time to time, this document will require revisions. Revisions shall be grouped as either policy revisions or technical revisions.

#### **A. Policy Revisions**

Policy revisions shall be considered major changes, changes in law and changes that will cause significant increased cost or controversy. Policy revisions also include those changes that relate to the public use and convenience, such as changes in standard street width. Policy revisions require a public hearing process for their adoption. Each Local Entity staff shall make recommendations to the Local Entity Governing Body concerning the proposed policy revision prior to the adoption by the Local Entity Governing Body by an ordinance or resolution (as applicable) making such revision. No policy revision shall become effective until it has been properly adopted by the Local Entity Governing Body.

#### **B. Technical Revisions**

Technical revisions shall consist solely of such minor additions, revisions, and corrections to these Standards as may, in the judgment of the Local Entity Engineer, be necessary to better conform to good engineering and/or construction standards and practice. The Local Entity Engineer shall approve only those proposed technical revisions that: (1) are consistent with all existing policies relevant to the revision, (2) do not result in any significant additional cost to persons affected by the revision, and (3) are consistent with existing law. Technical revisions shall become effective when approved, in writing, by each Local Entity Engineer. If technical revisions are deemed necessary, the revisions may occur through one of two processes.

1. Normal Technical Revision Process. The normal technical revision process will occur during planned periodic revisions. Technical revisions determined necessary by each Local Entity Engineer shall be accomplished (without a public hearing process) through discussion and agreement among all Local Entities.

2. **Accelerated Process.** The accelerated process may occur outside of the planned periodic revision schedule. If a technical revision is determined to be immediately necessary, the Local Entities may discuss and agree upon the revision. If all Local Entities have agreed upon such revision, then the change shall be made and notification given on the web page. The Local Entities will notify all document holders of the change.
3. Each Local Entity staff shall report such technical revisions to its Local Entity Governing Body as a part of a periodic review and update process.

## 1.7 DEFINITIONS OF TERMS AND ABBREVIATIONS

When the following words, phrases, or abbreviations appear in these Standards, they shall have the following definition and meaning:

**AASHTO** – American Association of State Highway and Transportation Officials.

**ABC** – Aggregate Base Course.

**Access for Land Uses** – The physical location where a legal traversable path may be constructed for vehicular movement between a parcel of land and the public right-of-way.

**Access Management** – The concept of a public agency controlling the location of access points in order to achieve the dual purposes of providing access to individual land uses and limiting access on higher order streets in order to facilitate the smooth flow of traffic with a limited amount of impedance.

**Access Management Plan** – A plan adopted by the Local Entity Governing Body defining access locations and requirements based on the traffic impact study evaluation of existing and proposed traffic, access points, and intersections. An access management plan supplements the Local Entity’s Transportation Master Plan, specifically adopted to regulate access on specific streets.

**ACF** – Adequate Community Facilities – also known as Adequate Public Facilities (APF). See County Land Use Code definitions.

**ACI** – American Concrete Institute.

**AISC** – American Institute of Steel Construction.

**Alley** – Minor public thoroughways that abut the side or rear of residential, industrial or commercial property and are used for vehicular access.

**ANSI** – American National Standards Institute.

**Applicant** – The person or designated agent providing pertinent information for preparation of permit, TIS, etc. This is often the Developer.

**Approach Taper** – A taper from the point where all approaching traffic must shift laterally, to the point of the beginning bay taper.

**APWA** – American Public Works Association.

**Arterials** – That part of the roadway system serving as the principal network for through traffic flow. Arterials connect areas of principal traffic generation and important rural highways entering the urban areas. Arterials may contain 2, 4, or 6 through lanes, as designated on the Local Entity Master Street Plan.

**ASA** – American Standards Association.

**ASTM** – American Society for Testing and Materials.

**ATSSA** – American Traffic Safety Services Association.

**Attached Sidewalk** – Sidewalk that is adjoining the curb.

**Bay Taper** – A taper from the edge of the adjacent through traffic lane to the beginning of the full width of the turn lane storage.

**Bicycle Facilities** – A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking facilities, mapping of all bikeways, and shared roadways not specifically designated for bicycle use.

**Bicycle Lane (Bike Lane)** – The portion of the shoulder or roadway that has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

**Bicycle Path (Bike Path)** – A bikeway physically separated from motorized vehicular traffic by open space or barriers and either within the City right-of-way or within an easement.

**Bicycle Route (Bike Route)** – A segment of a bicycle system, designated by the Local Entity. Bicycle routes have appropriate directional or informational markers, with or without specific bicycle route number.

**Bikeway** – Any road or path that is designed for bicycle or pedestrian traffic, but not necessarily for their exclusive use.

**Bridge** – Any structure conveying a roadway or path over a body of water or other feature. Bridges shall be designed to carry a varying combination of loading, including vehicular, bicycle, and/or pedestrian traffic.

**BP** – Building Permit.

**Calendar Day** – Each and every day shown on the calendar, beginning and ending at midnight.

**Capital Expansion Fee (CEF) Program** – A program that has been established by the Local Entity for the purpose of funding certain transportation improvements. The streets funded by a CEF Program primarily serve the overall transportation system, not just a single development.

**CDOT** – Colorado Department of Transportation.

**Chicanes** – Offset curb extensions which change the path of vehicular travel from straight to curvilinear.

**City** – City of Loveland or City of Fort Collins, Colorado.

**CMP** – Corrugated Metal Pipe.

**Code** – The latest official adopted ordinances, policies, codes, and/or regulations of Larimer County and the Cities of Fort Collins and Loveland, Colorado.

**Collector** – A street that provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas. The primary purpose is to collect traffic from local streets and properties and channel it into the arterial system.

**Commercial** – A business area of a municipality where ordinarily there are many pedestrians during day or night hours. This definition applies to densely developed business areas outside, as well as within, the central section of a municipality.

**Committed (Roadway) Improvements** – Improvements identified in the Local Entity’s Capital Improvement Program or CEF Program or identified as a financial obligation of a Developer.

**Connective Access Between Public Streets** – The physical location where one public street in one development connects to a public street in another development.

**Construction Coordination Meeting** – A meeting between the Local Entity, utility companies, the Developer, and other required attendees prior to the commencement of construction of the public improvements.

**Construction Costs** – Generally, the cost of all right-of-way, earthwork, paving, drainage, structures, signing and striping, traffic control, lighting, landscaping, curb and gutter, sidewalk, and utility relocation work necessary to complete the required improvements.

**Consultant Engineer** – A Colorado licensed professional engineer working on behalf of the Developer.

**Continuity** – The continuous length of a roadway segment that is uninterrupted by 90 degree turns or controlled intersections.

**Contract Documents** – The executed contract agreement, approved plans, and technical specifications, prepared by a Colorado licensed professional engineer, for constructing a facility.

**Contractor** – The person, firm, or organization to whom a construction contract is awarded by the Developer, or who has been issued a right-of-way work permit by the Local Entity. Agents, employees, workers, or designers employed by the Contractor are also bound by the terms of the contract or permit.

**Corner Clearance** – At an intersecting street, the distance measured along the curb line from the projection of the intersecting street flowline to the nearest edge of the curb opening.

**Corner Sight Distance** – The distance necessary for the driver of a motor vehicle stopped at a stop sign on a Minor Street or driveway to see approaching vehicles, pedestrians, and bicyclists along the intersecting major street and have sufficient space to make any allowed move to cross the Major Street or merge with traffic on the Major Street without causing vehicles, pedestrians, or bicyclists traveling at or near the design speed on the major street to slow down. The controlling distance for design is the longest distance, generally the distance necessary to merge with traffic.

**Cross Slope** – Slope of the pavement surface, excluding gutter, measured perpendicular to the street centerline.

**Days** – Intended as calendar days and not working days unless stipulated as working days.

**DCP** – Development Construction Permit.

**Deceleration Lane** – A right-turn lane or left turn lane lengthened to provide for safe reduction of travel speed.

**Departure Taper** – A left-turn bay from the point where through traffic beyond the intersection begins a lateral shift to the left to the point where the through lane is adjacent and parallel to the centerline.

**Design Speed** – The speed determined for design which takes into account the physical features of a street influencing vehicle operation; the maximum safe speed maintainable on a specified section of street when conditions permit design features to govern. Design speed is 5 to 10 mph higher than the posted speed limit to provide a factor of safety and allow for other conditions or uses of the street that may affect vehicle operation.

**Designer** – The person or persons responsible for the creation and submission of contract documents or construction plans for the purpose of one-time construction of a facility. This person shall be a Colorado licensed professional engineer.

**Detached Sidewalk** – Sidewalk that is offset from the curb.

**Developer** – The private party or parties desiring to construct a public or private improvement within Local Entity rights-of-way or easements, securing all required approvals and permits from the Local Entity, and assuming full and complete responsibility for the project.

**Development** – Construction of improvements on land that is essentially vacant.

**Development Agreement** – The contract between the Local Entity and the Developer that defines public improvement requirements, costs, and other related public improvement issues.

**Development Construction Permit** – Permit to construct public or private improvements for a project or within an unimproved right-of-way, obtained by application to the Local Entity.

**Director** – The Local Entity Service Director who oversees the Engineering Division (Fort Collins, Director of Planning, Development, and Transportation) (Loveland, Director of Public Works) (Larimer County, Director of Public Works).

**Distance Between Double Driveways** – The distance measured along the curb line between the inside edges of two adjacent curb openings.

**Document Holder** – All parties who have acquired these Standards by official registration with any Local Entity.

**Driveway** – A private access from a public or private roadway.

**Driveway Approach** – The portion of the driveway lying in the public right-of-way or public access easement between the street gutter lip or roadway of a public street and the right-of-way

or public access easement line, for the full width of the access, including both apron and side slopes.

**Easement** – The property right of the Local Entity to use lands owned in fee by a private party for the purposes of maintenance, access, drainage, or other use, as specified on a plat or deed of dedication.

**Edge Clearance** – The distance measured along the curb line from the nearest edge of the curb opening to a point where the property line extended intersects the curb line.

**Expressway** – A divided major roadway for through traffic with partial control of access and usually with interchanges at major crossroads.

**Eyebrow** – A bulb or semi-circular extension of a curb on the outside edge of a street or at an “L” turn to provide more street frontage for adjacent lots.

**Fees** – Monetary charges which compensate the Local Entity for services rendered or infrastructure constructed.

**FEMA** – Federal Emergency Management Agency.

**Fence** – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material, or combination of materials, erected to enclose, partition, beautify, mark, or screen areas of real property.

**FHWA** – Federal Highway Administration, Department of Transportation.

**Field Order** – A written notice given by the Local Entity Inspector to the Designer, Contractor or Developer detailing a change, request, mandate, or corrective action necessary to conform to these Standards, approved plans, or other applicable Local Entity Codes.

**Final Acceptance** – The written notification from the Local Entity, after the Local Entity Engineer finds the Warranty Period to be satisfactorily completed, that all public improvements are free of defects and the Local Entity releases the Developer from future maintenance obligations.

**FIRM** – Flood Insurance Rate Map.

**Franchise Agreement** – An agreement between the Local Entity and certain private utility companies, specifying terms and conditions for use of the Local Entity’s public rights-of-way or other public lands.

**Freeway** – A divided major roadway with full control of access and with no crossings at grade.

**Frontage** – The distance along the street right-of-way line of a single property or development within the property lines. Corner property at an intersection would have a separate frontage along each street.

**General Development Plan** The initial plan used by the City of Loveland to show preliminary development concepts.

**GMA - Growth Management Area Overlay Zone District** – The areas defined in the Larimer County Master Plan as existing or future potential annexation areas. Wherever these standards associate “GMA” with a particular city, “GMA” refers to that city’s annexation areas. Examples are Loveland (GMA only) or Loveland (GMA and city limits).

**HBP** – Hot Bituminous Pavement. Pavements constructed with a mix of aggregate and asphaltic/bituminous cement. (Similar acronyms used by other references may include: ACP – Asphalt Concrete Pavement, HAC – Hot Asphalt Concrete, HMA – Hot Mixed Asphalt, and similar variations.)

**High Volume Access** – Access from a public roadway designed to service 350 or more vehicle trip ends per day or 35 or more vehicle trip ends per hour.

**HMA** – Hot Mix Asphalt

**Improved Arterial Street** – That portion of an arterial street that has been totally or partially constructed to arterial street standards and accepted by the Local Entity.

**Improved Arterial Street Network** – The system of improved arterial streets which are interconnected and which are defined on the Local Entity map titled “Improved Arterial Streets Network” maintained by the Local Entity Engineer.

**Improvement Agreement** – The Subdivision Improvements Agreement, Public Improvements Agreement or Development Agreement, which are written documents of terms and conditions related to a one-time development of a specific project within the Local Entity’s jurisdiction. Such agreements are made between the Local Entity and Developer to outline responsibilities and duties of each party. (Refer to **Appendix B-2** for Public Improvements Agreement.)

**Improvements** – All public or private improvements within Local Entity rights-of-way or easements.

**Industrial or Warehouse** – Any establishment that manufactures or stores an article or product.

**Initial Acceptance** – This is the Local Entity’s document and process, by which the Local Entity initially accepts for ownership, maintenance, and warranty the public improvements identified in the approved plans and Improvement Agreement for a specific project.

**Insignificant Traffic Impact Development** – A development project of less than 3 dwelling units or a development generating fewer than 20 trips per day.

**Inspector** – An authorized representative of the Local Entity Engineer, assigned to make inspections to assure work is completed in compliance with plans, standards and specifications.

**Intersection Nose** – The radius or distance from the end of the storage bay to the near edge of the cross-route exit lane for the left-turning vehicle. For left-turn bays the cross-route exit reference is normally the centerline of an unchannelized 2-way street or the far edge of the median in a channelized street.

**Intersection Sight Distance** – Refer to Corner Sight Distance.

**“Issued for Construction” Plans** – Design plans that conform to these Standards and are signed and stamped by the Designer and signed by the Local Entity Engineer, ready for distribution to the Contractor for construction.

**ITE** – Institute of Transportation Engineers.

**Landscaping** – Materials including, without limitation, grass, ground cover, shrubs, vines, trees, and non-living materials, commonly used in landscape development, as well as attendant irrigation systems.

**Lane Width** – The width of a travel lane measured from the centerline of the lane striping to the centerline of the parallel lane stripe, or to the face of the curb in Fort Collins (city limits only), or lip of gutter in Loveland (city limits only), whichever is applicable.

**Lift** – The maximum specified thickness of material that may be placed at one time.

**Lip** – Defines the outermost edge of the gutter pan.

**LMC** – Loveland Municipal Code.

**Local Entity** - The Local Entity that possesses legal authority to establish laws and regulations pertaining to the health, safety and welfare of the residents living within its jurisdictional boundaries. For the purposes of this document the Local Entities are Larimer County, the City of Fort Collins, the City of Loveland and other municipalities that adopt these Standards.

**Local Entity Engineer** – The Engineering Division Manager, City Engineer, or County Engineer, or another Local Entity representative authorized to act on behalf of the Local Entity. In Fort Collins (city limits only), reference to the Local Entity Engineer for traffic-related items shall mean the City Traffic Engineer.

**Local Entity Governing Body** – The Larimer County Commissioners and the City Councils of Fort Collins and Loveland.

**Local Streets** – All street facilities that are not in one of the higher systems. Their primary purpose is to provide direct access to abutting lands and connections to the higher classification streets.

**Main Member** – Any member designed to carry the loads applied to the structure. The trusses.

**Major Street** – A Major Collector or Arterial street. Major Streets are typically designated on the Master Street Plan or Transportation Master Plan.

**Manager/Administrator.** – The highest level of staff authority within the Local Entity.

**May** – A permissive condition.

**Mini-Roundabout** – Elevated circular islands placed in the center of a street intersection to reduce vehicular travel speeds by requiring the motorist to travel in a counter clockwise direction around the circular island.

**Minor Development Project** – Projects limited to one parcel which do not generate more than five peak hour vehicular trips per day.

**Minor Street** – A Local or Minor Collector Street.

**MSP - Master Street Plan** – Fort Collins, see TMP.

**MUTCD** – Manual on Uniform Traffic Control Devices.

**Neckdowns** – A narrowing of the roadway for traffic calming at intersections or mid-block.

**Neighborhood** – A residential or commercial area defined by ordinance, resolution or common understanding.

**Official** – A person appointed by the Local Entity to administer these Standards.

**Opinion of Cost (Cost Estimate)** – Unit costs, based on those approved by the Local Entity and assigned to materials and related quantities. The Opinion of Cost shall be broken down by Phase, when applicable, for each project and shall be submitted by the Designer at the time of first plan review by the Local Entity.

**Ordinance** – A law established by the Local Entity Governing Body.

**Original Cost of Design and Construction** – The cost of financing, engineering, construction, and any other costs actually and reasonably incurred that are directly attributable to the improvements.

**OSHA** – Occupational Safety and Health Administration.

**Overall Development Plan** – A plan used by the City of Fort Collins for phased development projects to generally describe preliminary improvements.

**Parkway** – Refer to Tree Lawn.

**P.C.** – Point of curvature.

**P.C.R.** – Point of curb return.

**Pedestrian Walkway** – A public facility for pedestrian traffic either within the right-of-way of the vehicular traffic roadway or within a public easement (e.g., public tunnels).

**Permittee** – The holder of a valid permit issued in accordance with these Standards or other Local Entity related process.

**Phasing Plan** – A plan that defines improvements to be completed in specified parts over a defined sequence.

**P.I.** – Point of intersection.

**Plans** – Construction plans (**mylar only**) signed by the Local Entity depicting public improvements to be constructed for the project.

**Pre-Construction Meeting** – A meeting between the Designer and assigned agents and the Inspector to review proposed work necessary to construct the project, **prior** to proceeding with the work. A meeting may be required for each project, at the Inspector's discretion.

**Private Improvements** – Improvements similar to Public Improvements, but which are installed within private easements and requiring a Development Construction Permit.

**Professional Engineer (P.E.)** – A Colorado licensed professional engineer.

**Professional Land Surveyor (P.L.S.)** – A Colorado licensed land surveyor.

**Project** – The public or private improvement(s) designated in the approved plans, which are to be constructed in conformance with these Standards. The term “Project” includes any and all public or private improvement projects for or within the Local Entity, whether development projects, private utility projects, or capital improvement projects.

**Project Supervisor** – The person appointed by the Developer or Contractor for management and control of the work on the project as performed by the Contractor and Subcontractors.

**Proposed Roadway Improvements** – Those roadway improvements deemed necessary due to the impact of the project development.

**P.T.** – Point of tangency.

**Public Improvement Construction Plans** – Detailed and working plans including plan and profile, details, notes and any other information necessary for complete construction of the required improvements. Also refer to Utility Plans.

**Public Improvements** – Those public-type facilities to include: pavement, curb and gutter, sidewalk, pedestrian/bike/equestrian paths, storm drain facilities with related appurtenances, culverts, channels, bridges, water distribution or transmission facilities with related appurtenances, sanitary sewer collection facilities with related appurtenances, water and waste water treatment facilities, pavement markings, signage and striping, traffic signals and related appurtenances, erosion control and right-of-way grading, or earth excavation processes integral to construction of other public improvements listed herein.

**Punch list, Initial or Final** – A written list of work items, compiled by the Inspector, which do not conform to these Standards, the plans or other associated Local Entity Codes that govern the project.

**Raised Crosswalk** – A roadway crossing that slightly elevates the pedestrian crossing surface above the general roadway surface. A raised crosswalk is a traffic calming device.

**Record Drawings** – Original design drawings updated by a Professional Engineer depicting all modifications from the design that occurred during construction.

**Redevelopment** – Removal or modification of existing improvements and construction of new improvements or substantial remodeling.

**Reimbursement Agreement** – An agreement between the installing Developer and the Local Entity for the purpose of reimbursing the installing Developer for the front footage charge, when collected from the Developer of an adjacent property.

**Report** – A bound document, the contents of which may contain certain necessary analyses, surveys, tests, exhibits, and other pertinent data supporting the subject matter.

**Right-of-way** – (Also “public right-of-way.”) A public street, way, alley, sidewalk, or easement.

**Right-of-way Permit** – A document, with or without conditions specified by the Local Entity, which allows a Developer to construct any public or private improvements within an improved right-of-way or easement.

**Roadway** – The portion of the highway, arterial, collector, or local street, including shoulders, intended for vehicle and/or bicycle use.

**Roundabout** – A circular street intersection used as a traffic control device in lieu of a multi-way stop or a traffic signal. (Refer to Standard Drawing 8-10)

**Scoping Meeting** – A required meeting for the Applicant and Applicant’s traffic engineer to review all the requirements for a Transportation Impact Study.

**Secondary Member** – Member not designed to carry primary loads. The deck, stringer and floor beams.

**Setback** – The lateral distance measured perpendicular to the street and extending from the right-of-way line, or other specific feature, to the closest point of a structure.

**Shall** – A mandatory condition.

**Shared Roadway** – Any roadway upon which a bicycle lane is not designated and which may be legally used by bicyclists regardless of whether such facility is specifically designated as a bikeway.

**Should** – An advisory condition, recommended, but not required.

**Sidewalks** – Paved or otherwise improved area for pedestrian use, located within the public street rights-of-way that also contain roadway for vehicular traffic.

**Specifications** – Construction specifications and standards adopted by the Local Entity.

**Speed Humps** - Paved humps placed in the street roadway with the intent to slow vehicular traffic. The geometrics of the speed hump determine how fast it can be navigated.

**Standards** – Larimer County Urban Area Street Standards, inclusive of all secondary/supplemental codes and any subsequent amendments.

**Stop Work Order (S.W.O.)** – A written instruction/notice from the Local Entity, revoking the Developer’s and/or Contractor’s rights to continue work on the project due to nonconformance with these Standards.

**Stopping Sight Distance** – The distance required by the driver of a vehicle traveling at the design speed to bring the vehicle to a stop after an object on the road becomes visible. This distance is measured from the driver’s eye, 3.5 feet above the pavement to the top of an object 6 inches high on the pavement anywhere on the roadway.

**Storage Length** – The distance from the end of the bay taper to the nearest flow line extension of the intersecting street.

**Street** – A public way for vehicular, pedestrian, and bicycle travel, including the entire area within the right-of-way. This includes alleyways.

**Streetscape** – Pedestrian and landscape improvements in the right-of-way, generally occurring between the curb and the right-of-way line. Streetscape generally includes sidewalks, street trees, pedestrian lighting, fencing, furnishings, and landscaped areas, including medians and irrigation.

**Structure** – Anything constructed or erected with a fixed location below, upon, or above grade, including without limitation foundations, traffic signals, fences, retaining walls, buildings, inlets, vaults, poles, bridges, and major drainage facilities.

**Subcontractor** – A person, other than the Contractor, supplying labor and materials, or labor only, for the Project, and working for the Contractor or the Local Entity.

**Substantial Completion** – Major completion of all Work for the Project, prior to certain inspection(s) or the creation of Punch lists.

**Surety** – A financial instrument— such as cash, letter of credit, bond or escrow agreement as approved by the Local Entity—securing the Developer's responsibility to complete construction of Public or Private Improvements within an approved Project. Surety shall also mean a financial instrument securing the Developer's obligations throughout the Warranty Period.

**TIS** - Transportation Impact Study, as described in Chapter 4.

**TMP** – Transportation Master Plan or element thereof, including the Master Street Plan.

**Trail** – Any path used by pedestrians or bicyclists within a public right-of-way or easement. This would include concrete, gravel, or natural surfaces.

Transportation Master Plan (TMP) – Includes the Master Street Plan.

**Traversable Barriers** – A barrier placed across any portion of a street that is traversable by bicyclists, pedestrians, inline skaters, and emergency vehicles only.

**Traversable Path** – Consists of a curved curb transition, a curb cut, or a drive-over curb, along with a paved driveway width.

**Tree Lawn** – Area of right-of-way between the face of the curb and the sidewalk.

**Turn** – A roadway curve with a design speed of 30 mph or less.

**USGS** – United States Geological Survey.

**Utility Plans** – Public Improvements Construction Plans. The term “Utility Plans” is used only in Fort Collins (city limits only).

**Variance** – A deviation from these Standards that has been duly and properly approved by the applicable Local Entity.

**Vesting approval** (Loveland city limits only) – vesting approval is generally granted by the City Council for most development application types. Exceptions include phased PDP developments that are part of an approved GDP, and preliminary plats with a standard zoning designation

which are granted vesting approval by the Planning Commission. Minor subdivisions are approved through an administrative action by City staff.

**Warranty Period** – The period of time that the Developer or Contractor is responsible for material and workmanship defects in the public improvements, until written notification by the Local Entity of final acceptance of the public improvements.

**Wheel Path** – The 3-foot wide wheel traveled portion located on both sides of the travel lane and starting 2 feet from the center of the travel lane.

**Width of Curb Opening (W)** – The width of curb opening measured at the curb line, excluding the curb transitions or curb returns.

**Work** – All construction activity, including materials, labor, supervision, and use of tools and equipment necessary to complete the Project in full compliance with these Standards, approved Plans, or Improvement Agreements.

**Working Day** – 7 a.m. to 6 p.m., Monday through Friday, excluding any holidays observed by the Local Entity.

## **1.8 INTERPRETATION OF STANDARDS**

In the interpretation and application of the provisions of these Urban Street Standards, the following principles apply:

### **1.8.1 Governing Standards**

Whenever a provision of these Standards or any provision in any law, ordinance, resolution, rule, or regulation of any kind contains any restrictions covering any of the same subject matter, the standards that are more restrictive or impose higher standards or requirements shall govern.

### **1.8.2 Prior Acceptance of Construction Plans**

These Urban Street Standards shall not modify or alter any street construction plans that have been filed with and accepted by the Local Entity prior to the effective date of the ordinance or resolution adopting these Standards. This exception shall be subject to the conditions and limitations under which said plans were accepted by the Local Entity Engineer.

## **1.9 DEVELOPMENT PROCEDURES AND POLICIES**

### **1.9.1 General**

The purpose of this section is to describe the development procedures and policies of the Local Entities as they pertain to planning, design, approval, and construction of streets for which approval by the Local Entity is required.

## **1.9.2 Street Construction Policy – On-Site and Off-Site Requirements**

### **A. Street Construction Responsibility**

The responsibility for the design and construction of all new streets and the widening of existing streets necessary to provide adequate transportation service to, or within, a development rests exclusively with the Developer, except as outlined in **Section 1.9.2 C** (“Adequate Transportation Service” is described in Chapter 4). This responsibility includes the acquisition and/or dedication of all necessary rights-of-way and easements. This responsibility applies to on-site streets, adjacent streets, transition sections, and connections to the arterial street system. Certain portions of these improvements may be eligible for reimbursement. Reimbursement for off-site improvements may be sought from the local entity and/or property owners adjacent to the improvements. Reimbursement policies are presented in **Section 1.9.3**. The following list outlines the improvements that are considered to be an integral part of the street construction.

1. Street grading and subgrade preparation or stabilization.
2. Concrete curb and gutter.
3. Concrete sidewalk.
4. Pavement section including aggregate base courses and asphaltic or Portland cement concrete pavement.
5. Traffic signals.
6. Traffic signing and pavement markings.
7. Railroad crossings.
8. Ditch and drainage crossings.
9. Street lighting.
10. Water distribution system.
11. Sanitary sewer system.
12. Storm drain system.

### **B. Required Street Improvements**

1. General. The Developer is responsible for all improvements required of their development. In some cases, a financial security in a form acceptable to the Local Entity may be allowed in lieu of construction of all or part of an improvement. Such allowances must be authorized in writing by the Local Entity Engineer.

Variances allowing less than minimum improvements may be allowed as provided in Section 1.9.4. Conversely, in discretionary actions such as

annexations and certain rezoning actions, the Local Entity may require more than the minimum improvements provided for in these standards.

2. On-Site Criteria. The Developer is responsible for all improvements internal to the site. Necessary right-of-way and easements must be dedicated to the Local Entity prior to or concurrent with approval of the development.
3. Off-Site Criteria. The Developer is responsible for the following improvements external to the site boundaries.
  - a. Streets Adjacent to the Development Boundaries. Where street upgrades are needed to comply with these Standards and/or Local Entity’s Transportation Master Plan, the Developer shall be responsible for the design and construction of street improvements adjacent to the exterior boundary of the subject Property. When such improvements are designed and constructed, they shall be extended along the entire boundary(s) of the Property at the horizontal and vertical location that establishes the approved alignment for the long-range transportation facility as defined in these Standards.
    - 1) Minimum Requirements for Loveland (city limits and GMA). At a minimum, the Developer shall always be responsible for the equivalent of half the collector street adjacent to the development (vertical curb, gutter, a 5-foot sidewalk, and 17 feet of pavement). The Developer may also be responsible for curb, gutter, and sidewalk, as well as all or part of the remaining pavement on the opposite half of the adjacent street.
  - b. Transitions. Where an improved street must be tied into an existing street, transition areas must be provided to safely shift traffic back onto the existing street. Transition plans must meet the length and design requirements provided in these standards. Transitions shall typically be designed and constructed off-site from the Project. The off-site transition(s) may be installed as a permanent street improvement (i.e., long-range pavement thickness and location) or as a temporary improvement (i.e., interim thickness and location as approved by the Local Entity Engineer). Permanent off-site transitions may be eligible for future reimbursement by the Local Entity or a future Developer, while temporary off-site transitions will not be eligible for reimbursement. Transitions adjacent to the Development may be approved by the Local Entity in situations where the long-range improvements are constructed adjacent to the Property and traffic safety or operational concerns warrant a waiver of the off-site transition requirement.
  - c. Connection to the Arterial Street Network. Any Development which does not have direct access to an improved arterial street within the Improved Arterial Street Network will be required to improve certain off-site streets to provide adequate access to the nearest Improved Arterial Street.

Improved access must be provided in the most reasonable and/or most heavily traveled route, as determined by the Local Entity Engineer. In some cases,

more than one off-site street may need to be improved. Pavement thickness shall be based on a 20-year design life including both projected site generated and background traffic growth. To facilitate construction of off-site street improvements, routing traffic through nearby residential areas will not be allowed unless the required traffic volume level of service for the respective street classification is maintained.

- 1) Minimum Requirements for Loveland (city limits). Where required, street improvements must include, at a minimum, a 34-foot wide paved street, edge of pavement to edge of pavement, and 4-foot gravel shoulders along the edge of pavement.
- 2) Minimum Requirements for Fort Collins (city limits). Where required, street improvements must include the following:
  - a) For arterial and collector streets such improvements shall consist, at a minimum, of constructing a thirty-six foot wide paved street cross section on a base that is adequate to accommodate the ultimate design of the street either (1) as designated on the Master Street Plan, or (2) in accordance with the Standards, whichever is applicable
  - b) For all other street classifications, the off-site street improvements shall be designed and constructed to City standards including, without limitation, curb, gutter, sidewalk, and pavement.
  - c) All intervening streets that connect to the Improved Arterial Street Network shall include the width and improvements necessary to maintain a level of service as defined by Part II of the City of Fort Collins Multi-modal Transportation Level of Service for the length required to connect to the Improved Arterial Street Network.
- 3) Minimum requirements for Loveland (GMA) and Fort Collins (GMA). The need for off-site improvements within the Fort Collins and Loveland GMA's shall be determined by the Local Entity Engineer and shall meet the requirements of numbers 1) and 2) above.
- d. Off-Site Right-of-Way and Easements. Prior to approval of any development which requires acquisition and dedication of off-site right-of-way or easements, the Developer shall provide legal documentation demonstrating their ability to obtain such right-of-way or easements without any restrictions and at no cost to the Local Entity.

Prior to final approval of plat and construction plan documents, all off-site rights-of-way and easements must be dedicated and recorded with the County Clerk.

In some circumstances where off-site right-of-way is necessary but acquisition of such right-of-way or easements can not be obtained from the property owner, the Local Entity may consider a condemnation action. In such cases the developer must demonstrate that a number of criteria have been met.

**C. Waiver from Off-Site Construction Responsibility.** A Developer may not be responsible for constructing the off-site street improvements needed to serve that development if circumstances meet any of the following conditions:

1. Improvements are included in the most recent Local Entity street capital improvement plan, the funds necessary for construction of the improvements have been appropriated, and the improvements are scheduled for construction by the Local Entity within three years from the time of Local Entity Governing Body approval of the final plat for the development; or
2. Improvements are included in a fully funded plan by another public agency, such as the Colorado Department of Transportation, and are schedule for construction within three years from final plat approval; or
3. Improvements are included in a binding agreement with another developer or private party, for which financial security acceptable to the Local Entity that fully covers the costs of the improvements is held by the Local Entity; or
4. The proposed development is a Minor Development Project within Loveland (city limits or GMA) or within Fort Collins (GMA only).

**D. Waiver from All Street Construction Responsibility.** In Loveland (GMA only) and Fort Collins (GMA only) the obligation to design and construct any street improvements may be waived for an Insignificant Traffic Impact Development.

### 1.9.3 Reimbursement Policy

Developments may be eligible for reimbursement of street and trail improvements made off-site and/or adjacent to the development if the requirements of the reimbursement policy for new street construction are followed (see next subsection). In addition, in Loveland (city limits only) those improvements for which street capital expansion fees are collected are also eligible for credit or reimbursement under the provisions of this section. In Fort Collins (city limits only), reimbursement may be received as long as the applicant follows all of the requirements provided in the City Code.

#### **A. Larimer County Reimbursement Policy**

The above policy does not apply to applications submitted to Larimer County. Reimbursement for Larimer County shall be in accordance with Larimer County Land Use Code, Section 9.5, and will be considered on a case by case basis.

#### **B. Additional Policies in Loveland (City Limits Only)**

1. Non-Capital Expansion Fee Streets Loveland (city limits only)
  - a. General. When any Developer, as a Local Entity–required condition of development, constructs a public street, alley, or pedestrian-bike way to serve property through undeveloped areas or areas that may be redeveloped, or constructs a public street, alley, or pedestrian-bike way along the perimeter of the property, the entire cost of such engineering and construction, including

acquisition of all necessary rights-of-way, shall be the responsibility of such person or Developer.

- b. Front Footage Charge. If the following conditions are satisfied, the installing Developer may enter into a reimbursement agreement with the Local Entity such that, as a condition of approval of subsequent development or re-development of property adjacent to the newly constructed public street, alley, or pedestrian-bike way, the Local Entity may collect a front footage charge from the abutting Developer prior to the issuance of any building permits for the abutting property. The front footage charge shall be established by prorating the total amount of original certified costs to the lineal frontage of all properties abutting the constructed improvement.
- c. Notice of Agreement. The Local Entity shall not attempt to make such collection until the reimbursement agreement is properly prepared and executed and the owners of abutting property have received or reasonably should have received notice of the reimbursement agreement.
- d. Letter of Intent. Within 30 days of the completion and acceptance by the Local Entity of such improvements, the Developer shall notify the Local Entity in writing of its intent to enter into a proper reimbursement agreement with the Local Entity.
- e. Full Payment. All costs for the construction of improvements must be fully paid by the Developer before such person shall be entitled to reimbursement under any agreement established hereunder.
- f. Documentation of Costs and Obligated Properties. After written acknowledgment by the Local Entity of receipt of said written intent to enter into a reimbursement agreement, the Developer shall have 60 days to provide the Local Entity Engineer with copies of the following:
  - 1) A letter from the Designer with detailed breakdown of all fees that are directly attributable to the street, alley, or pedestrian-bike way improvements eligible for reimbursement and a statement certifying that all such fees have been paid in full.
  - 2) A letter from the Developer's Contractor with a detailed breakdown of costs for all improvements eligible for reimbursement and a statement certifying that all such costs have been paid in full.
  - 3) A letter from the Developer's financing office certifying any financial charges assessed that are eligible for reimbursement.
  - 4) An accurate map prepared by a licensed Engineer or Surveyor which shows:
    - a) the location and limits of the eligible street, alley, or pedestrian-bike way improvements;

- b) the name, address, and telephone number of the owner of each property abutting the eligible improvements;
  - c) the frontage of each property (with lineal footage shown);
  - d) the reimbursement amount due from each property based on the original certified costs, divided by the frontage of all abutting properties, multiplied by the frontage of the individual property;
  - e) the book, page, and reception number from the records of the County Clerk and Recorder or the name of the recorded plat from which the information for each property was obtained; and
  - f) any other information deemed necessary by the Local Entity Engineer to properly prepare a reimbursement agreement.
- g. Reimbursement Agreement Forms. After receipt of written notice from the Local Entity Engineer documenting Certified Costs, the Developer shall provide three signed original Reimbursement Agreement forms to the Local Entity. (Refer to **Appendix B-1** for Reimbursement Agreement.) Following execution of the agreement by the Local Entity, two signed originals shall be returned to the Developer, who shall record the agreement with the Larimer County Clerk and Recorder.
- h. Notification of Agreement. After execution and recording of the reimbursement agreement, the installing Developer shall certify, by affidavit, that all owners of properties obligated to provide reimbursement have been notified in writing through certified mail with return receipt requested. The Local Entity shall then cause to be published a public notice listing the properties and reimbursement amounts. The Local Entity shall endeavor to provide notice on future plats of property obligated to provide reimbursement of the recorded agreement, but the failure to provide notice shall not relieve the owner of the platted property of any reimbursement obligation.
- i. Inflation Adjustment. The amount of the reimbursement assessed by the Local Entity for each adjacent property as it develops shall be based on the certified costs of the improvements plus an adjustment for inflation based on the construction cost index for Denver, Colorado, as published monthly by “Engineering News Record.” The Local Entity Engineer’s determination concerning total eligible costs shall be final.
- j. Collection. The Local Entity’s obligation to reimburse the Developer shall be contingent upon the Local Entity’s actual collection of the front footage charge from the abutting developer. The Local Entity shall have no obligation to reimburse any funds that it fails to collect, for whatever reason, provided that the Local Entity made a good faith attempt to collect such funds.
- k. Payment. When the front footage charge is collected, the Local Entity shall reimburse the installing Developer to the extent of such collection after deducting a service charge of \$500 or 3 percent of the amount collected,

whichever is greater, to cover the Local Entity's legal, engineering, and administrative costs.

1. Funds collected pursuant to a reimbursement agreement shall be paid to such person as identified in the agreement, and if such person cannot be found, to an alternate if designated in the agreement.
  - m. Limitations. Any right to reimbursement pursuant to this provision shall not exceed a period of 10 years from the acceptance by the Local Entity of the street, alley, or pedestrian-bike improvements. The Local Entity Governing Body may approve extensions of the reimbursement agreement for additional 10-year periods. No such reimbursement shall be made unless the person entitled to reimbursement has fully satisfied their obligations under any other agreements with the Local Entity.
2. Capital Expansion Fee Streets Loveland (city limits only). Upon prior budget appropriation by the city council and approval by the director, any person obligated to pay any of the street capital expansion fees set forth in Section 16.38.020 of the Loveland Municipal Code may receive a reimbursement against a portion of the amounts paid for public improvements installed and paid for by such Developer on specified arterial streets designated in the adopted street capital improvement plan. Payment of such reimbursement shall be subject to the following:
  - a. Required but Unnecessary Street Over-Sizing Improvements Policy. If the Local Entity requires a Developer to construct street over-sizing improvements that are not necessary to safely serve the development and these improvements are identified as part of the street capital improvement plan, then the Local Entity will reimburse the Developer for approved construction costs as soon as funds are available after completion and final acceptance of the street improvements by the Local Entity. If the Local Entity is unable to reimburse the Developer because of insufficient funds in the street capital improvement plan budget, the Developer will be paid interest at the same rate the Local Entity is earning on its pooled investments during the reimbursement period beginning three months after acceptance of the approved over-sizing improvements until reimbursement is completed.
  - b. Required and Necessary Street Over-Sizing Improvements Policy. If the over-sizing improvements are necessary to safely serve the development, as determined by the Local Entity, and the improvements are part of the street capital improvement plan, the Local Entity shall reimburse the Developer for approved construction costs *or as predefined in a development agreement*. Interest will not be paid on the reimbursement because the need for the improvements was dictated by the development; however, construction costs will be adjusted from the date of acceptance to the date of reimbursement based on the annual street CEF adjustment factors.
  - c. Timing of Reimbursement. In the previous two situations, reimbursement will be made at such time that the improvements are scheduled for construction

based on the most recently adopted street capital improvement plan, if Local Entity funds are available for such reimbursement. If funds are not available, the Developer will be reimbursed as soon as street capital improvement plan funds are sufficient, provided, however, that the reimbursements will be made on a “first completed, first reimbursed” basis. At the option of the Local Entity, the Developer may be entitled to all or a portion of the street capital expansion fee revenue paid by the development to the Local Entity. The Local Entity shall reimburse the Developer over time as the Local Entity receives the street CEF revenue from the project. The reimbursement shall be made once a year, unless otherwise determined by the director, until the development is completed or until the full reimbursement is made.

- d. Development Obligation. On capital improvement plan streets, each development is obligated for providing the financial equivalent of a Collector street adjacent to their property meeting all current standards. This includes 34 feet of pavement at the thickness appropriate for a Collector street, vertical curb and gutter, and a 5-foot wide sidewalk. The limits of this obligation may extend off site, as determined by the Local Entity when required to connect street improvements adjacent to the property with the portion of the existing arterial street that meets the current standards.

If a development is approved in an area that is far removed from any other existing curb, gutter, sidewalk, or bike lane, the Local Entity has the option of requiring the Developer to put the money necessary to construct the required curb, gutter, sidewalk, or bike lane into the street capital improvement plan account to be used by the Local Entity to build the curb, gutter, sidewalk, or bike lane when it is needed in the future.

- e. Development Reimbursement. The development may be eligible for reimbursement for one-half of the Collector street equivalent improvements from future developers of any vacant property on the other side of the improved street as outlined in the preceding **Section 1.9.3 A**. The CEF reimbursement policy for over-sizing (described in **Sections 1.9.3 B.1 and 1.9.3 B.2**) would also apply.

If a Developer can show that the land on which the development is located has already fulfilled its financial obligation for the equivalent of a Collector street on a partially improved capital improvement plan arterial adjacent to the development, all additional street improvements required by the Local Entity would be reimbursed from the street capital improvement plan fund.

The amount of reimbursement shall be based on the following:

- 1) An amount predetermined in an approved development agreement; or
- 2) The quantities from the approved construction plans as determined by the Developer and approved by the Local Entity; and
- 3) The unit costs shall be the average cost paid by the Local Entity on the most recent competitively bid Local Entity contracts, adjusted for inflation

by the appropriate Engineering News Record construction cost index, if necessary; or

- 4) The unit costs will be actual unit costs paid by the Developer if those costs are the lowest bid prices established through a competitive bidding process conducted by the Developer in accordance with Local Entity policies and state statutes.

The Developer shall provide a detailed quantity breakdown of the capital improvement plan eligible street improvements.

#### 1.9.4 Variances and Appeals Processes

##### A. Variances

Any design that does not conform to these Standards must be approved by the Local Entity Engineer. Variances from these Standards will be considered administratively on a case-by-case basis following a written request for a variance prepared by a Professional Engineer and submitted to the Local Entity Engineer. If the special district, developer, contractor, or utility responsible to the Local Entity for public improvements desires to design and construct such improvements in variance to criteria in these standards, such variance(s) shall be identified in a written attachment to the initial submittal of construction plans to the Local Entity Engineer. The design submitted for review shall show the variance. To assist with their plan preparation, designers may submit variance requests, along with sufficient documentation to support the variance, prior to formal submittal of construction plans for informal advisory consideration. Such advisory consideration shall not be binding on the Local Entity Engineer, but may help to guide the requestor in the preparation of plans. Variances may be considered by either of the following two administrative processes:

- a. Variances requested as part of an application for approval of a preliminary plat only shall be shown on the preliminary plat (or on the preliminary construction plans) and shall also be specifically substantiated and justified in a letter addressed to the Local Entity Engineer. In Loveland (city limits only), variances requested as part of a combined application for approval of a preliminary plat and preliminary development plan shall be described (complete with technical justification) in the regulatory procedures section on the preliminary development plan.
  - b. Variances requested as part of the submittal for approval of final public improvements construction plans shall be shown in the plans and shall also be specifically substantiated and justified in a letter addressed to the Local Entity Engineer. A summary of all approved variances shall be listed in the general notes on the approved plans.
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. 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.

## **B. Appeals**

1. Appeal to the Director. If a variance request is denied by the Local Entity Engineer, the Developer may appeal the decision to the Director. All appeals shall be processed through the Local Entity Engineer. The Developer shall give written notice of appeal to the Director within 10 days after denial by the Local Entity Engineer. The Director shall respond within 15 working days after receipt of the Developer's notice to appeal. If the Director overturns the Local Entity Engineer's decision, the developer may then proceed with the requested variance(s) in the plans.

If the Director concurs with the Local Entity Engineer's decision, the Developer shall bring the Plans into compliance with these Standards, or appeal the Director's decision to the Local Entity Governing Body. In Fort Collins (city limits only) and Loveland (city limits only), the Director's decision shall be final.

2. Appeal to Governing Body. In Fort Collins (GMA only) and Loveland (GMA only), the Developer may appeal to the Local Entity Governing Body within 10 days from receipt of denial from the Director. The appeal shall be placed on the agenda for consideration by the Local Entity Governing Body in accordance with Local Entity procedure, but no later than 60 days following receipt of the written notice of appeal. The Local Entity Governing Body shall hold a public hearing on the appeal in accordance with Local Entity procedure. All notices and appeals shall be in writing. Any such appeal shall constitute a "new hearing" on the variance request before the Local Entity Governing Body.

### **1.9.5 Maintenance of Private Improvements**

#### **A. Compliance**

When a request is made for the Local Entity to assume maintenance of any private improvement, it shall be the responsibility of the person(s) making the request to satisfactorily demonstrate that the private improvement is constructed in accordance with these Urban Street Standards.

#### **B. Review**

The Local Entity will review these requests under normal review procedures.

#### **C. Refusal of Responsibility**

The Local Entity will not accept maintenance responsibilities for private street improvements (and public street improvements in the unincorporated GMA unless otherwise agreed to by formal agreement or supplemental regulations) associated with land development activities. Private improvements that were not constructed in accordance with the applicable design and construction standards and specifications shall not be accepted for maintenance by the Local Entity.

### **1.10 COST ESTIMATE AND DEVELOPMENT AGREEMENT**

Any Applicant for final plat approval must provide the Local Entity with an itemized estimate of all Public Improvements (as defined by Colorado law) associated with the development. Cost estimates are used to establish the amount of collateral to be provided by the Applicant to secure the requirements of the Development Agreement. An amount equal to 15 percent of the total cost estimate shall be added to the total cost to cover construction contingencies.

After review and acceptance of the cost estimate by the Local Entity Engineer, it shall be incorporated into a Development Agreement of a format suitable to the Local Entity Attorney. The Development Agreement should be executed by the Developer prior to the Local Entity approval of the final plat. Collateral must be provided by the applicant in the form and amount as defined in **Chapter 24, Acceptance Procedures and Record Drawings/Warranty**.

### **1.11 WORK SCHEDULE**

Normal working day hours are 7 a.m. to 6 p.m., Monday through Friday. No work shall be permitted on weekends or holidays without written approval from the Local Entity Engineer. Work activity done at times other than during normal working hours may require reimbursement to the Local Entity for the overtime cost to the Local Entity. Work requests beyond normal working hours must be submitted to the Local Entity Engineer a minimum of 5 working days prior to the requested date.

## **1.12 UTILITY COORDINATION**

The Developer shall coordinate construction with affected private utility companies and notify said utilities in accordance with their notification requirements at least 5 Working Days prior to interruption of service or operation. Prior to construction, the Developer shall be responsible to make special arrangements with private utilities for any relocation necessary within the approved project and to coordinate such relocation activities with adjacent affected property owners. The Developer shall be responsible to notify said utilities of any damage to utility systems caused during construction.

## **1.13 URBAN INFILL AND REDEVELOPMENT AREAS IN LOVELAND (CITY LIMITS ONLY)**

For infill and redevelopment projects located in downtown Loveland and surrounding neighborhoods, flexibility shall be considered in the establishment of the requirements for road improvements, driveway placement, access management and other *Larimer County Urban Area Street Standards* (LCUASS) requirements (as deemed appropriate by the Local Entity Engineer). These downtown areas have an established traditional grid network of streets and existing road and access conditions. These conditions are unique and distinctive when compared to undeveloped and developing “greenfield” areas around the periphery of the City where there are fewer barriers to the application of standard LCUASS requirements.

### **1.13.1 Design and Access Flexibility for Core of City**

In core areas of the City, the imposition of roadway design and access criteria that are more suitable for greenfield locations is often contrary to their existing and intended urban character. In these areas, pedestrian access and circulation require greater priority relative to vehicular transportation, and design flexibility is needed to accommodate such considerations. For example, such design consideration may include, but may not be limited to the following:

#### **A. Smaller Turning Radii**

Smaller turning radii for roads and driveways to facilitate pedestrian activity by slowing vehicular turning movements and reducing walking distances for pedestrians. For local streets, where appropriate, templates for larger vehicular turning movements may factor broader lane usage to allow for smaller corner radii. Also, allowance should be made for bulb-outs at corner locations, and other traffic calming measures to slow vehicular traffic, and reduce pedestrian crossing distances and the exposure of pedestrians to high speed traffic. Mid-block pedestrian crossings may also be appropriate in some cases where deemed appropriate by the Local Entity Engineer.

#### **B. Alternate Driveway Spacing**

Standard driveway spacing requirements may be modified to factor existing driveway locations and the individual access needs of smaller redevelopment and infill development sites within smaller development blocks created by the existing grid network of streets.

**C. Alternate Trip Generation Rates**

Trip generation rates for mixed-use projects and projects located with good access to transit may be modified to reflect internal trip capture and the availability of alternate transit modes and pedestrian trips if verified by the applicant's traffic engineer in a scoping meeting with the Local Entity Engineer.

**D. Alternate Speed Limits**

Overall, slower design speeds may be desirable in traditional neighborhoods as they greatly increase the safety and comfort of pedestrians.

**E. Other Trip Generation Factors**

The grid network of streets located in the core areas provides a greater number of trip alternatives for motorists. These alternative routes may be factored into trip generation and distribution analysis so that traffic is distributed more evenly throughout the grid with less burden or demand placed on individual intersections and turning movements. Alleyways can also provide some circulation as long as the traffic volumes or delay do not exceed ACF thresholds.

**F. Alternate Street Widths**

Some LCUASS street standard suggested widths may be more suited to greenfield developments than to redevelopments where land is limited and where the surrounding street network functions well with narrower streets than those recommended in the LCUASS guidelines.

**G. On-Street Parking**

On-street parking may be encouraged because it reduces the need for off-street parking; serves as a buffer between pedestrians and motorists; and slows passing vehicular traffic. Diagonal parking may be appropriate for some streets on a case-by-case basis.

**H. Maintain Connectivity**

Development and redevelopment in the core areas should maintain and enhance connectivity for pedestrians, cyclists and motorists as appropriate.

**1.13.2 Preserve Public Health, Safety and Welfare**

Any of the above flexibility in applying the LCUASS standards in these areas shall not be detrimental to the public health, safety and welfare nor will it reduce the design life of the improvement or cause the city of Loveland additional maintenance costs.