

§ 7.12 ADEQUATE PUBLIC FACILITIES

- A. **Purpose.** The purpose of these adequate public facilities regulations is to ensure that all utilities and other facilities and services needed to support development are available concurrently with the impacts of such development.
- B. **Applicability.** Adequate public facilities requirements apply to all new development and subdivisions subject to this Code, except that single-family residential development on a lot created and approved for such use prior to the effective date of this Code shall be exempt from the fire protection and transportation adequate facilities requirements of this Section. (Ord. 18-02 #1; Ord. 8-05 #1)
- C. **General Requirements.**
1. *Approval Conditioned Upon Adequate Public Facilities.* The approval of all development shall be conditioned upon the provision of adequate public facilities and services necessary to serve the new development. No building permit shall be issued unless such public facilities and services are in place or the commitments described in this Section have been made.
 2. *Level of Service Standards.*
 - a. This Section establishes level of service standards for the following public facilities: sewage disposal, water, drainage, transportation, fire protection and electricity. (Ord. 8-05 #1)
 - b. No development plan or building permit shall be approved or issued in a manner that will result in a reduction in the levels of service below the adopted level of service standard for the affected facility.
- D. **Sewage Disposal.**
1. *Level of Service.* All development shall provide adequate and functional sewage service to each lot pursuant to this subsection. Public central sewer service is the preferred method of sewage collection and treatment in all zoning districts in the Estes Valley. To the maximum extent feasible, this preferred method of service shall be provided.
 2. *Criteria for New Development.* The development shall be served by either the Upper Thompson Sanitation District or the Estes Park Sanitation District, or the development will be served by on-site sewage treatment systems and all of the following criteria are met:
 - a. The development site is located in a residential zoning district;
 - b. All proposed lots are at least two (2) acres in area;
 - c. An economic analysis of the cost to extend and connect to public central sewer, compared with the cost to design and construct on-site alternatives, shall be submitted for development sites within a current or proposed sewer service area. New development sites may utilize on-site sewer systems only when it can be demonstrated that it is clearly not economically feasible to connect to central public sewer; and
 - d. An inventory and analysis of site conditions relevant to the use of on-site sewer systems shall be submitted to support their use. Relevant site conditions include but are not limited to: soils, percolation rates, location of bedrock and

groundwater, surface water bodies, slopes, rock outcrops, irrigation ditches and wetlands; and

- e. Substantial evidence shall be submitted indicating that the design, layout and density of a development proposal incorporates the inventory and analysis of site conditions noted above. Proposals must demonstrate that site conditions are compatible with the use of on-site sewer systems and that the location of sewer systems will take advantage of favorable site conditions while avoiding significant constraints. Evidence of compatibility may include intrinsic suitability of soils and other site conditions, development design and density tailored to limits placed by site constraints, and the ability to meet future lot owners' expectations for operation and maintenance.

3. *Minimum Approval Requirements.* Adequate sewage disposal facilities and services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the Decision-Making Body shall require that, at the time of issuance of any building permit, all necessary sewage disposal facilities and services, as described in §7.12.D.2 above, are in place and available to serve the new development in accordance with the approved utility plan for the development.

E. Water.

1. *Level of Service.* All development shall provide adequate and functional domestic water service to each lot pursuant to this subsection. Public water service is the preferred method of domestic water provision in all zoning districts in the Estes Valley. To the maximum extent feasible, this preferred method of service shall be provided.
2. *Criteria for New Development.* New development shall meet one (1) of the following criteria:
 - a. Public Water System. The development will be connected to the Town of Estes Park Water System, or
 - b. Wells. The development will be served by individual or shared wells and all of the following conditions are met:
 - (1) The development site cannot physically be served by the Town of Estes Park Water System or the development site is outside the Town's existing or planned water service area;
 - (2) The development site is located in a residential zoning district; and
 - (3) An augmentation plan has been approved and the Colorado Division of Water Resources confirms that well permits will be issued.
3. *Minimum Approval Requirements.* Adequate domestic water facilities and services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the Decision-Making Body shall require that, at the time of issuance of any building permit, all necessary water facilities and services, as described in §7.12.E.2 above, are in place and available to serve the new development in accordance with the approved utility plan for the development.

F. Drainage/Water Quality Management.

1. *Level of Service.* All development shall provide adequate surface, subsurface and road storm drainage facilities and appurtenances as required by all current and applicable Town of Estes Park or Larimer County storm drainage master plans, and as required by the design criteria and construction standards set forth in the Larimer

County Stormwater Management Manual, as amended. Either open or closed drainage systems may be required, depending upon terrain, development density and other considerations.

2. *Minimum Approval Requirements.* Adequate stormwater drainage facilities and services to support the proposed development shall be available concurrently with the impacts of such development. Except as set forth below, at the time of building permit issuance, the Decision-Making Body shall require that all necessary drainage facilities and services are in place and available to serve the new development in accordance with the approved drainage and erosion control report and plan for the development. Where multiple building permits are to be issued for a project, twenty-five percent (25%) of the building permits and certificates of occupancy may be issued prior to the installation and acceptance of the drainage facilities.

G. Fire Protection.

1. *Level of Service.* All development shall provide sufficient fire suppression facilities and adequate accessibility to emergency fire protection services.
2. *Criteria for New Development.* New development shall provide adequate fire flows and hydrant distribution as required by the latest Insurance Services Office (ISO) "Fire Suppression Rating Schedule" unless alternative service levels are approved by the Town's consulting engineer or Fire Department representative.
3. *Minimum Approval Requirements.* Adequate fire protection facilities and services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the Decision-Making Body shall require that, at the time of issuance of any building permit, all such facilities and services, as described in §7.12.G.2 above, are in place and available to serve the new development.

H. Transportation.

1. *Levels of Service.*
 - a. General Standard: All developments shall be required to demonstrate that there will be no significant adverse impact on existing transportation levels of service, access and vehicular movement on any arterial or collector street or intersection within one-quarter ($\frac{1}{4}$) mile of the site or that any such adverse impact has been mitigated to the maximum extent feasible.
 - b. Waiver: The Decision-Making Body may waive these requirements upon a showing by the Applicant that the impact of the proposed development on adjacent roads and intersections will be minimal and insignificant.
 - c. Access to Development in All Districts: All development shall have safe and adequate access to the nearest paved road. "Safe and adequate access" shall mean that a paved access road is available to provide access to the nearest paved road on the Larimer County Major Road System or the Town Street System prior to the issuance of the first building permit for the development. Except as a more strict requirement in this Code may apply, access to county roads from development located in the County shall comply with the *Larimer County Access Code*.
 - d. Right of Access: Applicants shall provide written evidence of recorded, legal access to a public street.

2. *Thresholds for Traffic Impact Analysis.* Traffic Impact Analysis (TIA) may be required to be submitted with applications for development review and approval of:
 - a. Any subdivision or multi-family residential development with twenty (20) or more dwellings units;
 - b. Any nonresidential development that exceeds fifty (50) peak hour trips based on traffic generation estimates of the latest edition of the Institute of Transportation Engineers' *Trip Generation Manual*;
 - c. Any application for a Zoning Map Amendment (rezoning); or
 - d. Any development with frontage along a state or federal highway or numbered county road.
3. *TIA Contents.* The TIA shall contain the following information:
 - a. Traffic Impact Area. Identification of the precise boundaries of the Traffic Impact Area, which shall be approved in advance by Staff.
 - b. Current LOS. The current projected average daily traffic volumes (level of service) on the segments and intersections of the road system in the Traffic Impact Area based upon existing conditions and factoring in already approved developments.

For purposes of these transportation facility standards, "approved development" shall mean developments that have received preliminary or final approvals from the EVPC or its predecessors and that have not been completed.
 - c. LOS Including the Proposed Development. The projected average daily traffic volumes (level of service) of the segments and intersections on the road system in the Traffic Impact Area based upon existing conditions, the demands from approved development, and the proposed development.
 - d. Study Findings. A summary outlining the study findings on the traffic impacts of the proposed development, including a detailed description of proposed improvements and mitigation measures necessary to maintain the adopted level of service standard.
 - e. Other Information. Other information as may reasonably be required by the Decision-Making Body or Staff to determine compliance with the applicable level of service standards.
4. *Minimum Approval Requirements.* At a minimum, the Decision-Making Body shall require that at the time of final plat or development plan approval all necessary transportation facilities and services to meet the applicable level of service standard are:
 - a. Currently in place and available to serve the new development; or
 - b. Guaranteed by an enforceable development or improvement agreement that ensures that the public facilities will be in place at the time that the impacts of the proposed development will occur.

I. **Electricity.**

1. *Level of Service.* All development shall provide adequate and functional electric service to each lot pursuant to this subsection. (Ord. 8-05 #1)
2. *Criteria for New Development.* The development shall be served by the Town and shall meet current standards established by the Town. (Ord. 8-05 #1)

3. *Minimum Approval Requirements.* Adequate electric services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the Decision-Making Body shall require that, prior to issuance of the first building permit, all necessary electric services are in place and available to serve the new development or subdivision in accordance with the approved utility plan for the development, i.e., all electric service shall be installed up to and including mains and distribution boxes such as transformers and secondary pedestals. (Ord. 8-05 #1)

(Ord. 18-02 #1, 12/10/02; Ord. 8-05 #1, 6/14/05)