



250 N. 5<sup>th</sup> Street, • Grand Junction CO 81501 • Office: 970/256-4047 • Fax: 970/256-4022

*This regulation was duly posted on the 17<sup>th</sup> day of March, 2003. Because the public had the opportunity to comment on the propriety of the following regulation, but no comments have been received, this regulation is effective as of the 31<sup>st</sup> day of March, 2003*

**RE: ADMINISTRATIVE REGULATION NO. 02-03**  
**Zoning and Development Code**  
**City of Grand Junction**

ISSUED BY: /s/ Mark Relph 3/14/03  
Mark Relph, Public Works & Utilities Director Date

Topic:

When should street improvements, including curbs, gutters and sidewalks, not be constructed along residential street frontage as a part of the land use or other approval process?

City Code. Section 6.2 B 1 of the City's Zoning and Development Code requires that streets, alleys, sidewalks, trails and bike paths be constructed in conjunction with project approvals, and the issuance of permits. Off site infrastructure must be built to provide safe and adequate access and circulation.

Section 6.2 B 2 allows the Director to require the developer to either pay the estimated costs of minimum street improvements or TCP or the Director may require that the developer install half-street improvements, in addition to any other improvements needed for safety reasons.

Background:

A. Existing facilities. Many areas that are now part of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods, the existing residential streets do not have curbs, gutters or sidewalks. Where houses are already built on most or all of such lots, the character of the neighborhood is well established. Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks.

The City classifies its streets and roads as residential, commercial, industrial collector or arterial. See, the City's standard Contract documents for the specifics.



---

In general, residential streets carry less than 1000 trips per day. This regulation applies only to residential streets, and the facilities within such rights of way.

B. Half Street Improvements. When an owner desires to subdivide a lot or parcel into two or three residential home sites, the Zoning and Development Code requires that such developer/owner must install half street improvements.<sup>1</sup>

Unless such improvements are extended off-site to connect with other facilities in the area, such smaller area improvements would result in a short “run” of curbing, gutters, or sidewalk that is not connected to a larger system. Such “short runs” will eventually be a part of a continuous system, until then are of little value and frequently look silly because they are so obviously disconnected, and therefore, useless as drainage facilities or pedestrian ways until some future development or improvement district extends other connecting facilities.

Payment Instead Of Construction. Instead of requiring “short run” improvements that begin and end along the new lot(s) residential street frontage, the City chooses to have the developer/owner pay to the City what it would have cost to build the “short run” improvements (“in lieu of” or “ILO” payment). This solution avoids silly looking improvements that lead nowhere (and therefore do not function, until integrated with a larger system). The City can use such ILO funds to fix problems, make improvements and complete segments of pedestrian and drainage systems elsewhere in the City. For these reasons, the City chooses not to waive the payment of the costs of such “short runs,” even though some will argue that the ILO payments should be used to make improvements on another nearby block or in another nearby neighborhood.

The City recognizes that Grand Junction is still small enough that storm drainage and transportation systems, including curbs, gutters and pedestrian linkages, can reasonably be treated, and improved, as integrated systems on a City-wide basis. Nevertheless, we expect that persons who make payments in lieu of building the required public improvements on residential streets will appreciate it if such payments are spent as close as possible to the property in question. Therefore, for purposes of this regulation, the City is divided into six areas: Orchard Mesa, south of the Colorado and east of the Gunnison Rivers; the Redlands, west of the Gunnison and south of the Colorado River; the balance of the City is divided into four areas northwest, northeast, southwest and southeast of the intersection of 12th Street and North Avenue. The City will spend ILO funds in the area in which the property in question is located.

Another rationale for this regulation arises when a minor subdivision developer would ordinarily be required to install curbs and gutters along a residential street in an area of rapidly changing grade, or where other facilities or typographical features would mean that the civil engineering design for the new (two or three) lots would

---

<sup>1</sup> “Half street improvements” means curbing, attached gutters, one half of an urban residential street, plus enough pavement transition to provide a street that is safe and comfortable.



have to extend for great distances off the site in order that the infrastructure in the area would all match and function. Otherwise, in an area without curb and gutters, the minor subdivision improvements would have to be ripped out later so that the transitions are smooth enough to meet the City's engineering standards.

C. Improvement districts. Either a developer/landowner or the City can form an improvement district to build and pay for<sup>2</sup> street improvements, including curbs, gutters and sidewalks for areas of the City where it makes sense to extend or replace curbing, gutters and/or sidewalks.

Either through redevelopment of existing areas, or by residents petitioning to form improvement districts, the City expects to eventually correct all existing deficiencies in the City's residential streets, and the correlative storm drainage systems. To facilitate the formation of improvement districts, which normally require that more than 50% of the owners consent, the current developer/owner must sign an agreement to form an improvement district which would be the vehicle to construct the necessary curb, gutters, sidewalks and street improvements.

If an improvement district is created and before the assessments are final the City Council is notified during or at the assessment hearing either by City staff, an owner or otherwise, the City will credit against the then owner's share of any assessment, the original dollar amount of the payment in lieu of, without interest or other accrual.

Summary: This Administrative Regulation sets forth the criteria that the City Engineer will use to decide when to accept ILO funds, instead of requiring that a developer of a minor residential subdivision located on a residential street must construct half-street improvements.

Administrative Interpretation:

When a developer requests land use approval from the City for a minor subdivision (the creation or construction of three or fewer lots) within a previously developed (in whole or in part) residential neighborhood, the City Engineer shall have the authority to determine acceptable minimum improvements to a residential street, and to accept ILO instead of requiring the construction of curbs, gutters, and sidewalks.

Unless the criteria are met, the City Engineer will require that the improvements are constructed, in accordance with §6.2 of the Zoning and Development Code.

A.  
CRITERIA

When the following circumstances arise, the City Engineer may allow the developer to: (a) pay the City Engineer's estimated costs to construct street improvements,

---

<sup>2</sup> The City Council's current policy for improvement districts allows the owner to pay the assessment over a ten year term.



rather than requiring that the improvements must be built; and (b) deliver a signed agreement to form an improvement district in the form approved by the City Engineer. The current approved form is attached.

The circumstances/criteria are:

1. The zoning or existing uses in the block or neighborhood are residential. The City Engineer shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns and the character of the neighborhood.
2. The existing residential street that provides access to the lot(s) or development must meet minimum safety and drainage standards, and have a design use of less than 500 ADT<sup>3</sup>. If the volumes on the existing street are 500 ADT or more, or if when the neighborhood or block is fully developed the ADT is expected to be greater than 1000, the improvements must be installed at the time of the development<sup>4</sup>.
3. At least 80 % of the lots and tracts in the neighborhood or block, as determined by the City Engineer, are already built upon, so that the street and drainage character of the neighborhood is "well established."
4. An existing safety hazard or drainage problem, including pedestrian or bicycle traffic, cannot be improved or remedied by requiring that the street improvements are built.
5. Within the next five years, according to the City's adopted capital plans at the time of the application, the street or block is not planned to be improved or widened, nor does the City plan to install curb, gutter or sidewalk improvements. Although, current City capital plans are for ten years, only those projects listed in the capital plans for the succeeding five years will be counted for these purposes.
6. No petition to make street or drainage improvements is being circulated by one or more owners in the neighborhood or block.
7. There is at least 250 feet from any point on the minor subdivision or development to the nearest existing street improvement(s) that substantially comply with the City's standard(s) for the particular kind of improvements.

## B. PROCESS

1. Written Findings. If the City Engineer determines, based on the listed criteria, that the improvements are not now required, he shall state in writing his findings along with the rationale, and shall state the amount of money that shall be paid to the City in lieu of such construction. The City Engineer will copy the City Clerk with each such determination so that over time examples of the implementation of this regulation can be used to validate the regulation, and to make any necessary changes, from time-to-time. The City Engineer may require that some elements or segments of the improvements be

<sup>3</sup> ADT means "average daily traffic," based on an assumed typical ten trips per day per home.

<sup>4</sup> "Development" is defined in the City's Zoning and Development Code.



City of Grand Junction  
Public Works Department  
Engineering

---

- constructed while accepting payment “in lieu of” for other elements or segments.
2. Security. Working with the City Attorney’s office, the City Engineer may accept equivalent security in lieu of cash at the time of approval where the City plans to make similar improvements in the neighborhood within the next five years and such security will be available at that time to pay for all or a part of the deferred infrastructure.
  3. Appeal. Any decision by the City made pursuant to this regulation may be appealed in accordance with the process described in Section 38-68 of the City Code.
  4. Definitions.
    - a. “Neighborhood” means a filing of a subdivision, or another area connected by similar housing, streets and similar characteristics. The City Engineer will decide the boundaries of the “neighborhood” or “block” for purposes of this regulation.
    - b. “Well established” means the area defined by the City Engineer has generally been the same for at least 10 years in terms of the street and drainage AND, based on the City’s growth plans and other adopted plans, the area or neighborhood is not expected to redevelop within 15 years, that is, the existing uses are consistent with the future land uses.
  5. Complying Examples. Examples of situations that meet the criteria so that the City Engineer may accept ILO payments are shown on the attached short descriptions and aerial photographs:
    - a. West Scenic Drive at Wyndham Drive
    - b. Palisade Street at Glenwood Road
    - c. Northernmost extension of Peony Drive
    - d. Residential lot on Jon Hall Street between Manry Street and Lantzer Road
    - e. Two lots, one on the north side and another on the south side of Ronda Lee Road, between Ronda Lee Road and Jon Hall Street, just east of Lantzer road
    - f. Large lot, proposed to be subdivided, on Quail Drive
    - g. Large lot proposed to be subdivided on Buffalo Drive
    - h. Tract along 23.5 Road, south of the RR tracks
    - i. Idella Court, but only regarding the sidewalk.
  6. Non-complying Examples. Examples of situations that do not meet the criteria, and for which the infrastructure must therefore be built are:
    - a. East Scenic Drive at Highway 340
    - b. 483 Sparn Street, a commercial lot.