

# SIDEWALK AND BICYCLE MITIGATION FUNDS UDC AMENDMENTS

## PROPOSAL SUMMARY

The reason for this proposed UDC amendment is to create a mitigation fund that would allow for developers to pay a fee instead of building sidewalks or bicycle facilities if the project meets certain exception criteria within the UDC. Should the criteria be met, the developer will pay the fee and the money collected would be set aside in a mitigation fund for future pedestrian or bicycle facility construction in a designated area. This proposed UDC amendment would also establish the necessary exemption criteria.

## FORMATTED PROPOSAL

### Sec. 35-506 (d) (4) – Bicycle Facilities.

**A. Applicability.** ~~Bicycle~~ ~~Bike~~ facilities, when required within the city limits, may be constructed with development of the abutting property at the time building permit ~~is~~ acquired.

Bicycle facilities are required on all collector and arterial streets as per Table 506-3 (5), or wWhen identified on the city council approved Bicycle Master Plan, ~~bikemaster plan~~ Roadways requiring bicycle facilities shall be constructed in accordance with the American Association of State Highway and Transportation Officials “Guide for the Development of Bicycle Facilities” with additional guidance from the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide. Selection on the type of facility to be constructed shall be coordinated with Transportation & Capital Improvements.

### **B. Bicycle Facility Construction.**

(i) Bicycle facilities shall be installed where, in combination with existing bicycle facilities, there will be a contiguous block length of bicycle facilities, or if the proposed bicycle facility represents the entire block.

(ii) To promote build-out of the network, bicycle facilities shall be installed if the adjacent block on either side of the development also has a bicycle facility even when the proposed facility will not directly connect to the existing adjacent facilities.

(iii) If conditions (i) or (ii) are not met, the proposed development shall pay into the Bicycle Mitigation Fund or construct the bicycle facilities.

(iv) The proposed development should pay into the Bicycle Mitigation Fund when the Director of Development Services or County Engineer, in consultation with the Director of Transportation & Capital Improvements, determines that public construction which would require bicycle facility replacement will take place on the street within three (3) years following the completion of the subject development.

(v) For residential development, construction of bicycle facilities, if required, shall occur at the time of platting; for multi-family or commercial development construction of bicycle facilities, if required, shall occur at acquisition of the building permit.

### **C. Mitigation Fund.**

(i) The Bicycle Mitigation Fund contribution amount will be based upon the cost of a 10-foot multi-use path, unless the multi-use path will be less than three feet (standard planting strip) from the abutting street curb, at which time the cost will be based upon a 13-foot multi-use path, ~~with a planting strip or 13-ft multi-use path without a planting strip (directly abutting curb)~~ using the latest

Average Unit Price List posted on the city website by the Director of Transportation & Capital Improvements (TCI). The Average Unit Price List shall be reviewed by the Director of TCI on a regular basis to ensure the Average Unit Price List is consistent with current construction costs. Proposed or existing sidewalks which meet ADA compliance standards and which are not in substandard condition, as per the requirements of this chapter shall be subtracted from the Bicycle Mitigation Fund amount.

- (ii) If the installation of the proposed bicycle facilities exceeds the development's Roughly Proportionate Determination, the proposed development shall pay the lesser of the amount determined in 35-506(d)(4)(C)(i) and the Roughly Proportionate Determination into the Bicycle Mitigation Fund.
- (iii) In order to participate in the Bicycle Mitigation Fund, the developer must dedicate the required right-of-way for the bicycle facility as required by Table 506-3 and the Major Thoroughfare Plan.
- (iv) For residential development, payment into the Bicycle Mitigation Fund, if required, shall occur at the time of platting; for multi-family or commercial development, payment into the Bicycle Mitigation Fund, if required, shall occur at acquisition of the building permit.

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**Sec. 35-506 (q) (2) – Sidewalk Exemptions Construction and Mitigation.** Construction of sidewalks shall not be required in the following situations:

- F. If conditions 35-506(q)(2)(A),(B), or (E) apply, the proposed development shall pay into the Sidewalk Mitigation Fund.
  - (i) The Sidewalk Mitigation Fund contribution amount will be based upon the cost of a standard 4-ft or 6-ft sidewalk (width determined by Table 506-3) using the latest Average Unit Price List posted on the city website by the Director of Transportation & Capital Improvements (TCI). The Average Unit Price List shall be reviewed by the Director of TCI on a regular basis to ensure the Average Unit Price List is consistent with current construction costs.
  - (ii) If the installation of the proposed sidewalk facilities exceeds the development's Roughly Proportionate Determination, the proposed development shall pay the lesser of the amount determined in 35-506(q)(2)(F)(i) and the Roughly Proportionate Determination into the Sidewalk Mitigation Fund.
  - (iii) In order to participate in the Sidewalk Mitigation Fund, the developer must dedicate the required right-of-way for the sidewalk facility as required by Table 506-3 and the Major Thoroughfare Plan.
  - (iv) The proposed development shall not be required to contribute to the Sidewalk Mitigation Fund for sidewalks that are a component of a multi-use path and contribution has been made into the Bicycle Mitigation Fund as determined in 35-506(d)(4)(C)(i). Proposed or existing sidewalks which meet ADA compliance standards and which are not in substandard condition, as per the requirements of this chapter, shall be subtracted from the Sidewalk Mitigation Fund.
  - (v) For residential development, payment into the Sidewalk Mitigation Fund, if required, shall occur at the time of platting; for multi-family or commercial development, if required, payment into the Sidewalk Mitigation Fund shall occur at acquisition of the building permit.