



LOVELAND PLANNING COMMISSION MEETING
AGENDA
Monday, December 12, 2016
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM

Notice of Non-Discrimination

It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, sexual orientation, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.

For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org or 970-962-3319.

Notificación en contra de la discriminación

La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, orientación sexual, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.

Si desea recibir más información en contra de la discriminación o si desea ayuda de traducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad hará acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Americanos con Discapacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en ADACoordinator@cityofloveland.org o al 970-962-3319.

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org/

LOVELAND PLANNING COMMISSIONERS: Jeremy Jersvig (Chair), Carol Dowding (Vice-Chair), Michelle Forrest, Pat McFall, Rob Molloy, and Mike Ray, David Cloutier, Jamie Baker Roskie, and Jeff Fleischer.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

1. 12/26/16 Planning Commission Agenda Preview: Meeting Cancelled

2. **12/13/16 City Council Meeting: Commissioners are invited to attend the Study Session for the Unified Development Code**
 3. **Draft Minutes from the November 28th Planning Commission Meeting were sent to the Larimer County Commissioners**
 4. **Brian Burson, City Planner II, retired 12/9/16**
 5. **Hot Topics:**
- c. **Committee Reports**
1. **ZBA update: 630 W. 5th Street Variance approval**
- d. **Commission Comments**

IV. APPROVAL OF MINUTES

Review and approval of the November 28, 2016 Meeting minutes

V. REGULAR AGENDA:

1. Surrounding Communities: Planning Commission Diversity and Recruitment Research (15 minutes)

Sidney Michl, who is an intern with the City Manager's office, has been conducting research relating to planning commission membership for selected Front Range communities. At the meeting, Sidney will be presenting the information she has gathered to date. This information relates in part to Agenda Item # 2.

2. Planning Commission – Expansion of Residency Requirements (15 minutes)

The Commission has recently requested that staff forward a request to City Council that residents who live within the Loveland Growth Management Area (GMA) be eligible to serve on the Planning Commission. Currently, only residents of the City are eligible to serve on the Commission. Staff is recommending that the Commission consider a motion directing staff to prepare an Ordinance amending section 2.60.210 of the Loveland Municipal Code to expand potential membership of the Commission to include residents of the GMA.

3. Process Improvements for Sign Approvals (15 minutes)

The Current Planning office has developed plans to transfer the administration of sign permitting from the Building Division to the Planning Division in early 2017.

4. End of the Year Update (20 minutes)

Staff will review planning-related events and accomplishments of 2016 and identify initial priorities for 2017. This item is designed to engage the Commission and staff in a discussion of goals for 2017.

VI. ADJOURNMENT

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
November 28, 2016**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on November 28, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, McFall, Roskie, Cloutier and Fleischer. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Linda Bersch, Interim Planning Commission Secretary.

These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: <http://loveland.pegcentral.com>

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. Welcome new commissioner: Jeffrey Fleischer

Mr. Paulsen, Current Planning Manager, introduced the new Planning Commission member who was recently appointed by the City Council, **Mr. Jeffrey Fleischer**, and welcomed him to the Commission. **Mr. Fleischer** introduced himself as a licensed architect with 30 year experience. He has lived in Colorado for 25 years and Loveland for 13 years and is excited to be a part of the Commission.

2. Planning Commission Appreciation Dinner: 12/12/16 prior to the regular meeting.

Mr. Paulsen reminded the group that the annual Planning Commission Appreciation Dinner is to be held on December 12, 2016 at 5:15 pm prior to the next scheduled meeting. He hopes all Commissioners can attend and asked that an RSVP be sent to Jenell to confirm attendance.

3. 12/12/16 Agenda Preview:

Process Improvements for Sign Approvals

Mr. Paulsen reported that staff will present an overview of the sign approval process at the December 12th meeting. Current Planning is taking over that function from the Building Division and is introducing a more streamlined process to make it quicker and easier for applicants to receive signage approvals.

4. Hot Topics:

- **Mr. Paulsen** noted that three commissioners are up for reappointment this year. **Commissioners Jersvig, Ray and Cloutier** have all indicated their desire to continue on the Commission. Even though there were no other applicants, the required interviews will be conducted soon. **Commissioner Dowding** will be a part of the interview panel

along with **Councilman Krenning** and **Mr. Paulsen**. Interviews will likely take place on the first Monday in December pending Mr. Krenning's availability.

- **Mr. Paulsen** reminded the commissioners that they requested that staff draft a resolution to City Council in support of Planning Commission members being able to reside within the City's Growth Management Area instead of just within City limits to be eligible to serve on the Planning Commission. **Assistant City Attorney, Moses Garcia**, researched the question and reported the following: Under state statute, CRS 31. 23.203, Section 2, all members of such Commission shall be bona fide residents of the municipality and if any member ceases to reside in such municipality, his membership shall automatically terminate. **Mr. Garcia** went on to say that there are provisions for Home Rule Cities to vary certain provisions of the state statute; however, the statute specifically prohibits any variance to the residency status. Therefore, staff will not go forward with this request.
- **Mr. Paulsen** made reference to some minor corrections in the November 14th meeting minutes that were e-mailed to the Commissioners. Commissioners received a revised copy prior to this meeting.
- **Mr. Paulsen** also noted that the latest ZBA hearing was still in the appeals time frame so no report would be presented on that hearing until the next meeting.

COMMITTEE REPORTS

- **Commissioner Molloy** reported that the Title 18 Committee met right after the last Planning Commission meeting to discuss schedule and logistics and direction before the upcoming study session regarding the Uniform Development Code.
- **Commissioner Forrest**, ZBA Committee Chair, concurred with Mr. Paulsen that the November 14th ZBA hearing was still in the appeal phase and would be reviewed after that time has expired.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the November 14, 2016 minutes; upon a second from Commissioner McFall, the minutes were unanimously approved.

CONSENT AGENDA

There were no items on the Consent Agenda

REGULAR AGENDA

1. Larimer County Location and Extent Review

Larimer County is pursuing the development of a new office building at the NW corner of 1ST Street and Denver Avenue. The vacant 8-acre site would be developed to include a 48,000 square foot building that houses County services that will be relocated from the current downtown 6TH Street location. On November 15TH, the Loveland City Council approved a waiver of a number of City development-related fees to help make this project feasible. Fee waivers were also approved for a 10,000 square foot expansion of the Police & Courts building that is an associated component of the overall County project, with the expansion housing criminal justice services. By Colorado State Statute, the Planning Commission has the responsibility to review the site plan for the new County office development proposal. Staff supports the County proposal.

- **David Eisenbraun**, Staff Planner, presented an overview of the location and extent review plan for a new Larimer County administrative building. The site is zoned Industrial so this is a use by right application. Following a question by **Commissioner Dowding** regarding the recommended condition of a replat of all necessary easements as described in Section IX of the staff report, **Mr. Eisenbraun** reported that condition should be included in the recommended motion for this project.
- The County project team presented further details of the project beginning with **Ken Cooper**, Facilities Director, who started by thanking the city staff for their effort in moving the project forward in a quick manner. He gave a review of the recent progress and the project schedule.
- The architect for the project, **Jeff Errett** presented details of the site plan proposal including the landscaping design, the existing private street plan for access to the site, the parking and pedestrian walkways and noted that the existing regional stormwater drainage system along the east and south borders of the property presented landscape design challenges for the project.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Molloy** questioned the road access to the property and **Mr. Errett** noted that other projects in progress will have the private roads in place before the county begins construction.
- **Commissioner Fleischer** questioned the placement of the monument signage. **Mr. Errett** noted sign placement would be at the 1st Street and Peridot intersection. The county does not own the property to the north and the drainage system prevents placement at the 1st and Denver intersection so roadway information signs along Denver Avenue will be pursued. **Commissioner Fleischer** also inquired about the building service doors and if screening was planned for those. **Mr. Errett** noted

these doors are discreet and will be used on a limited basis. There is screening planned for this area.

- **Commissioner Forrest** inquired about the height of any planned building on the designated future site and if the building being constructed would be LEED certified. She also asked if the pedestrian walkway to the proposed bus stop would include a bridge. **Mr. Errett** said no plans are proposed for the designated future site and the size of the building would be based on the need at the time of development. The LEED certification is not being pursued for this building but designers are taking advantage of any sustainability metrics in the design. The pedestrian walkway is proposed with a culvert under the sidewalk for stormwater movement but that has not yet been designed.
- **Commissioner Dowding** asked if the Peridot intersection would allow left and right turns onto 1st Street. She would recommend it be right turn only due to the school and other traffic issues in the area. The intersection is proposed as a full movement access.
- **Commissioner Jersvig** inquired if the architecture would be a replica of the Fort Collins buildings. He finds the Ft. Collins building easy to navigate. He also inquired if the proposed bus stop was in addition to the one a quarter of a mile away. **Mr. Errett** said the building proposed should accomplish the same wayfinding. As to the bus stop, they plan to work with COLT to relocate the bus stop to the county building location.

CITIZEN COMMENTS:

Commissioner Jersvig announced that even though this item was not designated as a public hearing, he recognized that there were people in the audience who wished to speak on the issue. He was also has been assured that these minutes would be passed on to the County Commissioners so public comment will be allowed at this time.

Commissioner Jersvig opened the public comments at 7:15 p.m.

- **Ashley Waddell**, county resident, addressed the Commission regarding the relocation of the prairie dog colony at the 1st and Denver location. She stressed that many residents of the County and Loveland recognize the importance of prairie dogs in our eco-system and presented information on their importance and their ongoing population decline. She urged the Commissioners, as leaders of the community, to assure the relocation of the prairie dog colony to county public land before any construction begins on the county building.
- **Corinne Thomas**, county resident, is requesting that Larimer County relocate the vibrant prairie dog colony at 1st and Denver before construction starts on the county building at that location. She and other concerned citizens look forward to working with the county to make this relocation happen.
- **Natasha Wing**, county resident, is a volunteer with the prairie dog relocation group that successfully moved about 500 prairie dogs in Ft. Collins. It worked in Ft. Collins and it can work here. They are advocates for not poisoning prairie dogs and of being respectful of wildlife and not seeing them as obstacles to development. We can

develop and can save wildlife as well. **Ms. Wing** responded to **Commissioner Jersvig's** question about the relocation site for the Ft. Collins prairie dogs. They were relocated to Kathy Fromme open space.

- **Christi Brockway**, county citizen, is a volunteer for the Northern Colorado Prairie Dog Advocates. She is here as a follow-up to the information sent to the county commissioners on November 17th and to the November 14th meeting of this Planning Commission. The group recognizes the importance of this building to the people of the south county. They believe it is possible to save the colony if they work with the Prairie Dog Coalition, the three other owners, and the county to find a site for the relocation. They will be in touch with the county to start this project. They want to speak up for wildlife and be volunteers to care for them and to show that relocation is successful. One purpose of the county's open lands program is to preserve and protect wildlife habitat. Since the colony cannot stay where it is, they are asking for support in moving this colony to county open lands.

Commissioner Jersvig asked if the Coalition was a non-profit. Ms. Brockway indicated she is not an employee but a volunteer and doesn't speak for the coalition but they are a non-profit. **Commissioner McFall** asked if the relocations are to abandoned burrows or mechanically created ones. She responded that there were both in the Ft Collins relocation. **Commissioner Molloy** inquired about specific time frames when relocation can be done. **Ms. Brockway** indicated that time of the year does impact relocation and thought it was to be done between now and by March but would have to research a specific answer. There was also a discussion regarding how prairie dog advocates can find out about proposed developments on lands where prairie dog colonies exist.

Commissioner Jersvig closed the public comments at 7:32 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Jersvig** inquired to **Mr. Paulsen** about any course of action for the Planning Commission in regard to prairie dog relocation. **Mr. Paulsen** responded that the city does not have a policy regarding the relocation or euthanasia of prairie dogs. The commission has asked that the minutes, which will reflect the comments regarding relocation of the prairie dog colony, be forwarded to the county commissioners which staff will do. **Commissioner Jersvig** noted that, per the staff report, the county is already aware of this concern.
- **Commissioner Ray** applauded the Coalition for their presentation and suggested that a neighborhood meeting would be a good forum for them to pursue.
- **Commissioner Cloutier** also appreciated the coalition presentation and supports their efforts. He also supports the county project.
- **Commissioner Molloy** likes the landscaping on the project and hopes that more can be done on the signage for the building. He would like to see a longer time frame for the left turn light on Denver to alleviate some of the traffic concerns. It is a great project.

- **Commissioner McFall** likes the criminal justice element as a separate project. He likes the concept and landscaping of this site.
- **Commissioner Ray** agrees with other commissioners. It is a good project.
- **Commissioner Jersvig** commends the Prairie Dog Coalition for their presentation. He likes the project.
- **Commissioner Jersvig** asked **Mr. Ken Cooper**, county facilities manager, if the county accepts the condition recommended in Section IX of the staff report. Mr. Cooper responded that the condition was acceptable.

Commissioner Dowding moved to communicate to the Larimer County Board of Commissioners that the City of Loveland Planning Commission has reviewed the site plan for the proposed Larimer County Offices and the said location and plans are in compliance with the City Master Plan and with the standards for infrastructure and utilities related thereto and also includes the condition listed in Section IX of the staff report. Commissioner McFall seconded the motion which passed unanimously.

ADJOURNMENT

Commissioner Dowding, made a motion to adjourn. Upon a second by Commissioner Forrest, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 7:47 p.m.

Approved by: _____
Jeremy Jersvig, Planning Commission Chair

Linda Bersch, Interim Planning Commission Secretary.



Current Planning Division

410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org
www.cityofloveland.org/DC

MEMORANDUM

December 12, 2016

To: Planning Commission

From: Bob Paulsen, Current Planning Manager

Subject: Research on Front Range Planning Commission Membership

This memo and the attached spreadsheet provide a summary of planning commission membership attributes and policies from selected Front Range communities. I will provide a brief presentation on this material at the December 12th Commission meeting.

The research was recently conducted by Sidney Michl who is an intern with the City Manager's office. By coincidence, this research was initiated at the same time that Planning Commission has been discussing a proposal to expand eligibility of Planning Commission membership to residents of the Growth Management Area (GMA)—a topic that is addressed in item #2 on the 12/12/2016 Agenda.

The representative communities were selected predominantly due to their proximity to Loveland and their similar population size. The research is neither exhaustive nor conclusive. Staff is available to conduct some additional research on this topic if the Planning Commission has a request for specific information.

In summary, some of the findings are:

- Planning commissions range from 7-10 members, usually with 2 alternate members
- Commission members are mostly male
- Selection of commission members generally happens biannually or annually, depending on vacancies and term expirations
- Typically, City Clerk's staff schedules appointments and City Council appoints members
- Interviews are performed by City Council and sometimes by board liaisons
- Applicants are typically required to be city residents for one year
- Not all cities have a formal training process; those that do emphasize group orientation and individual training held by the planning manager and city attorney where new commissioners are educated on how the system works.

- Consideration of diversity and ward representation seems to be more focused on geographic (ward) representation and less on gender, age, or ethnicity; there doesn't seem to be strict requirements for this across the selected group of cities.
- Most board meetings or member positions do not include compensation
- On average, terms range from 3-5 years with either 2- term limits or no term limits
- Meetings are held 1-2 times a month; meetings typically last around 2 hours

ATTACHMENT:

1. Research on Front Range Planning Commission Membership Spreadsheet

Research on Front Range Planning Commission Membership

City	Longmont	Fort Collins	Greeley	Brighton	Thornton	Westminster	Colorado Springs
Size of city	85,154 people	161,000 people	100,883 people	35,719 people	118,772 people	108,807 people	697,856 people
Number of commissioners	7 regular; 1 City Council liaison; 3 alternates	7 regular including 1 chair and 1 vice chair; Director of City Planning serves as secretary	7 regular including 1 chair and 1 vice chair	7 regular including 2 alternates, 1 chair, and 1 vice chair	9 members	7 regular commission members including 1 chair, plus 2 alternate members	10 regular commission members (currently have 1 vacancy)
Commission diversity	2/10 female	3/7 female	2/7 female	All male		2/9 female	1/9 female
Selection of commissioners	Bi-annual recruiting process put on by City Council	Annual recruitment occurs in September; Chair and vice chair are elected at the regular Board meeting in January	Vacancies are advertised immediately; Advertisement usually occurs around July so appointments can be made when terms expire in August	Citizens apply for open board seats			They are appointed by the City Council
Appointment process	City Clerk's staff schedules Board and Commission appointments for a regular session in June and December; Council votes at meetings and makes appointments	Appointments are managed by the City Clerk's office and occur annually in December	City Council takes a vote at a regular Council meeting (following a Worksession meeting where applicants are interviewed) to select applicants they wish to appoint	Members are appointed by Resolution at a City Council meeting	Board members are appointed by Council		Appointments are made by City Council
Applicant interviews	Interviews are 5-10 minutes and panel style with Council members	Interviews are conducted by the Council liaison to each Board and one other Councilmember	Applicants are interviewed by City Council members at the end of a given Worksession meeting	Applicants are interviewed by City Council	Based on a Council policy, applicants are interviewed by either the Board if there are less than or an equal amount of applicants as vacancies (and then a recommendation is sent to Council) or by the Council if there are more applicants than vacancies		City Council performs interviews
Applicant qualifications	Members must be a registered voter within the city limits of Longmont for one year prior to being appointed	Applicants must reside in the Fort Collins Growth Management Area for one year prior to being appointed	Applicants must be a resident of Greeley	Applicants come from different backgrounds and types of employment; The most general qualification is the desire to be part of improving and having positive input in the community			

Research on Front Range Planning Commission Membership

City	Longmont	Fort Collins	Greeley	Brighton	Thornton	Westminster	Colorado Springs
Training process			There is a new member orientation session that includes the community development director, planning manager, assistant city attorney, and office manager; New commissioners are provided a copy of the Development Code and Comprehensive Plan	The planning manager and city attorney hold annual trainings and also individual training at the time a commissioner comes on board; Study sessions are also held where the planning manager and city attorney go over any questions commissioners may have			Commissioners are trained on how the system works and a Code of Ethics
Consideration of diversity and/or ward representation			Pursued by using various mediums such as social media and email to various groups of people and organizations across the city (such as Hispanic groups, disability organizations, etc.)	Applications are only accepted if the applicant lives in the open ward	Council makes it a priority that all four wards are represented on the Board; however, there are not specific requirements in the bylaws for Ward representation or qualification		
Geographic distribution of commissioners			By ward	By ward	By ward		
Compensation	No	No	No	No; Members receive a recreation center pass	Each commissioner receives \$35/meeting and the Chair receives \$45/meeting		No
Length of terms and term limit	Regular commissioners have 5-year terms; alternates have 2-year terms	No commissioner is permitted to serve more than 2 terms in the same office	Terms have a length of 5 years with a 2-year limit	Terms have a length of 4 years with a 2-year limit	Board members are appointed 4-year terms and may be reappointed by Council without term limits		Terms have a length of 3 years; term limits vary
Commission meetings	Commissions meet on the third Wednesday of each month; Meetings start at 7 PM and are adjourned by 11 PM	Regular meetings are held on the third Thursday of each month; Meetings start at 6 PM and do not have a specific end time	Regular meetings are held on the second and fourth Tuesday of each month at 1:15 PM	Regular meetings are held on the second and fourth Tuesday of each month; They generally are 2 hours or less	Regular meetings are held on the second and fourth Tuesday of each month at 6 PM	Regular meetings are held on the second and fourth Tuesday of each month at 7 PM; They generally last 1-2 hours	Regular meetings are held on the third Thursday of each month; Meetings start at 8:30 AM



MEMORANDUM

December 12, 2016

To: Planning Commission

From: Bob Paulsen, Current Planning Manager

Subject: Expanding Planning Commission Eligibility to Include GMA Residents

This memo responds to the recent Planning Commission request for staff to prepare a resolution (or similar action) for consideration by the Commission that recommends to City Council that residents within the Loveland Growth Management Area (GMA) be eligible to serve on the Planning Commission. Currently, only bona fide residents of the City may serve on the Commission. (Reference Map #1 showing GMA Boundary and Municipal limits.)

Recent statutory research by the City Attorney's office and research of other Front Range communities by other staff has determined that expanding the geographic eligibility for the Planning commission is within the authority of home rule municipalities.

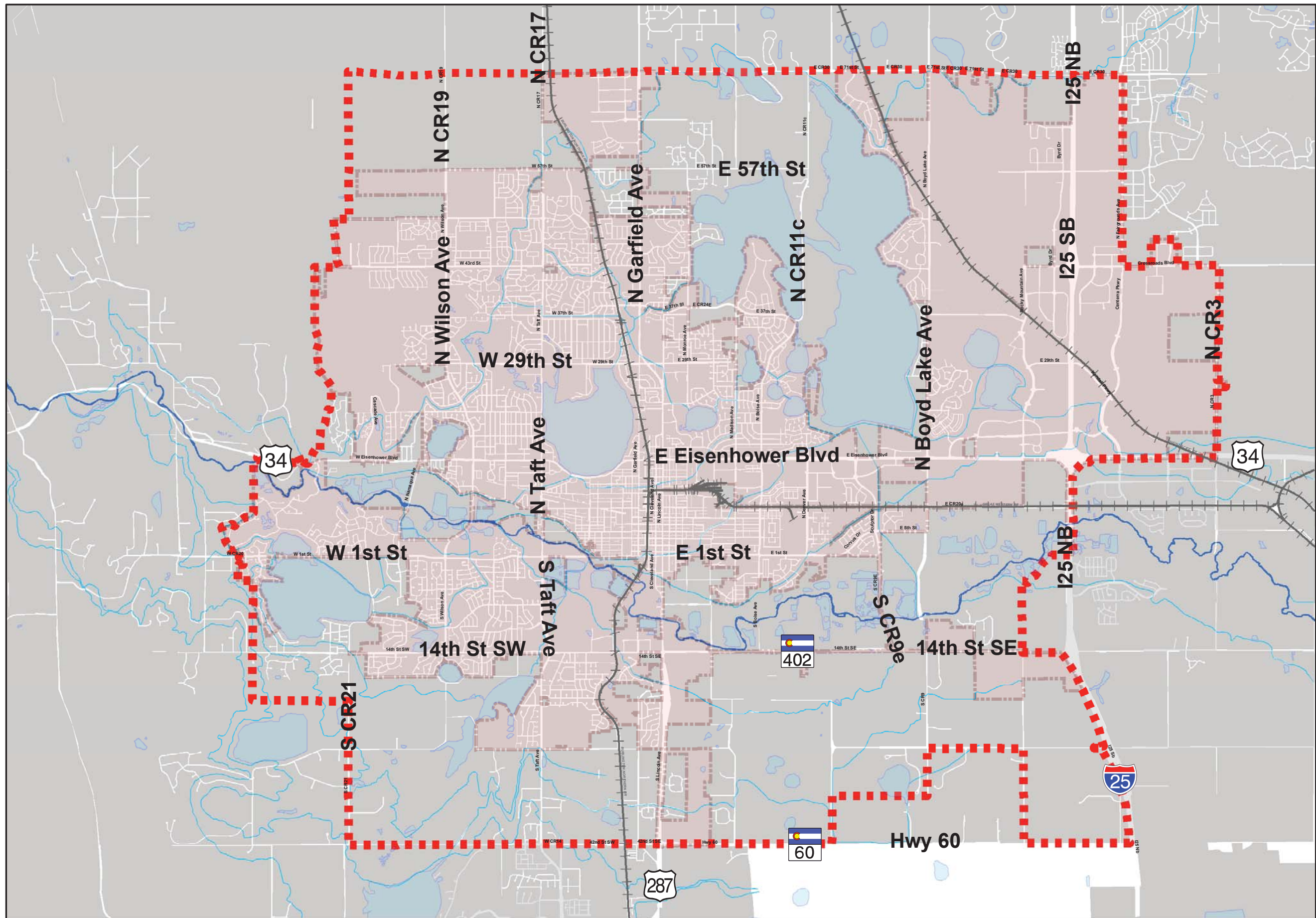
The GMA boundary is established by Create Loveland, the City's comprehensive plan. The majority of the City's GMA is recognized by Larimer County through an intergovernmental agreement and a Larimer County zoning overlay district. However, the Planning Commission should be aware that Larimer County does not recognize the SE portions of the City's GMA boundary through the IGA. These areas are not included in the County's Overlay Zone (reference Map #2). The City, through the Highway 402 planning effort, is working with Larimer County along with Johnstown to resolve the GMA boundary issue. The lack of agreement on the GMA boundaries would not prevent the City from using the GMA boundaries established by Create Loveland for Planning Commission eligibility. However, the Planning Commission may want to factor this issue into their decision on whether to move forward with the expanded residency proposal at this time.

Should the Commission wish to move forward in this matter, staff is recommending adoption of the following motion:

MOTION: I move to direct the Current Planning Manager to present to the Loveland City Council, upon recommendation by the Loveland Planning Commission, an ordinance to amend section 2.60.210 of the Loveland Municipal Code, in part, to expand the potential membership of the Loveland Planning Commission from bona fide residents of the city of Loveland to **bona fide residents of the city of**

Loveland and Colorado citizens residing with the city of Loveland Growth Management Area as defined in the city's comprehensive master plan. ATTACHMENTS:

1. Map #1 - Loveland GMA and Municipal limits
2. Map #2 - Loveland GMA, Municipal Limits, and Areas not Included in Larimer County Overlay Zone
3. SECTION 2.60.210 of the Loveland Municipal Code
4. IGA between the City of Loveland and Larimer County establishing the GMA



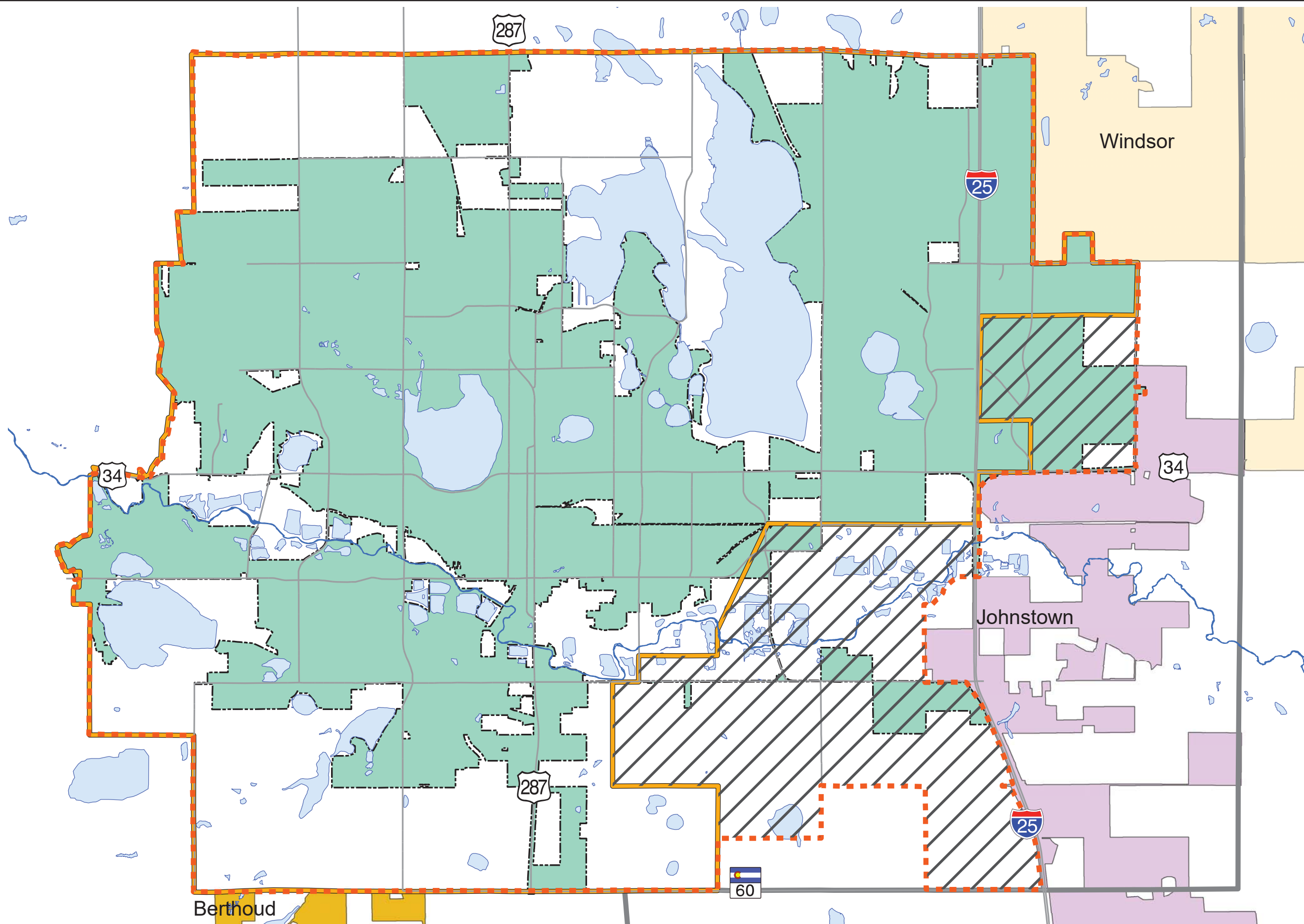
Legend

 Loveland City Limits

NAME

 GMA





Legend

- Loveland
- Larimer County Overlay Zone Boundary
- Loveland GMA
- Areas not included in Larimer County Overlay Zone

ATTACHMENT 2 (Map #2)

Development Services GIS
Map is not to scale



be eligible for appointment to the commission. The term of office of each member shall be three years.

- B. The purpose of the Loveland utilities commission shall be to serve as an advisory body to the city council on all matters pertaining to the water, waste water, and electric utility operations and services provided by the city. In addition to any other duties as may be delegated to it by the city council, the commission shall:
1. advise the city council on matters pertaining to rates, charges, and fees for water, waste water, and electric services provided by the city;
 2. approve procurement contracts, and change orders to procurement contracts, pursuant to Section 3.12.060;
 3. develop, approve, and adopt policies, practices, and guidelines to assist the water and power department in the efficient operation of the city's water, waste water, and electric utilities, and in the event a change to the municipal code is required in order to effectuate policies to be adopted by the commission, to recommend such changes to the city council;
 4. review the proposed annual budget for the water and power department;
 5. conduct public hearings on issues of policy concerning all water, waste water, and electric utility matters within the jurisdiction of the commission; and
 6. provide policy recommendations to the city manager and the director of the water and power department, consistent with any previously adopted city council policies, concerning all water, waste water, and electric utility matters within the jurisdiction of the commission. (Ord. 5401 § 1, 2009)

2.60.190 Open lands advisory commission.

- A. There is established an open lands advisory commission consisting of nine members appointed by the city council. The term of office of each member shall be four years. One person appointed by the Larimer County open lands advisory board shall serve as a non-voting liaison to the commission for a term to be determined by the county.
- B. The purpose of the open lands advisory commission shall be to make recommendations to the city council regarding the attributable revenue share to the city of the Larimer County open space sales and use tax. Further, the commission shall make recommendations concerning the acquisition, disposal, jurisdictional transfers, planning, preservation, development, use, and management of open space, natural areas, wildlife habitat, and other associated open lands issues.

2.60.200 Parks and recreation commission.

- A. There is established a parks and recreation commission consisting of nine members appointed by the city council. The term of office of each member shall be three years.
- B. The purpose of the parks and recreation commission shall be to serve as an advisory body to the city council with regard to the maintenance, administration, expansion, and development of the city's parks and the city's parks and recreation programs.

2.60.210 Planning commission.

- A. There is established a planning commission consisting of nine members appointed by the city council. All nine members shall be bona fide residents of the city of Loveland. The term of office of each member shall be three years.
- B. The purpose of the planning commission shall be to consider and pass upon all plats and make recommendations as to approval, modification, and disapproval thereof to the city council. The commission also shall consider and advise the city council on all proposed

changes to the zoning and subdivision ordinances and recommend adoption of comprehensive plans for the physical development of the city, which plans may be adopted by resolution of the city council, and perform such other duties as required by state statutes and as the city council may by ordinance or resolution prescribe.

2.60.220 Police citizen advisory board.

- A. There is established a police citizen advisory board consisting of nine members appointed by the city council. The term of office of each member shall be three years.
- B. The purpose of the police citizen advisory board shall be to support communication and education between the community and the Loveland police department. Additionally, the board shall serve as an advisory body to the Loveland police department and the city council concerning police policy, planning, and program issues.

2.60.230 Police pension board of trustees.

The police pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the police pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes.

2.60.240 Senior advisory board.

- A. There is established a senior advisory board consisting of fifteen members. Nine members shall be appointed by the city council to serve terms of three years. Six members shall be nominated by the senior advisory board, and approved by the city council, to serve terms of two years. These six members shall consist of one at large member, and one member from each of the following organizations: Chilson Senior Advisory Committee, Housing Authority of the City of Loveland, Colorado, McKee Senior Services, the UCH Aspen Club/Senior Services, and the McKee Medical Center Seasons Club. (Ord. 5747 §1, 2013; Ord. 5665 § 1, 2012; Ord. 5449 § 1, 2009; Ord. 5481 § 1, 2010)
- B. The purpose of the senior advisory board shall be to assist senior citizens in the Loveland area to live full and interesting lives, so that they might continue to contribute, participate, and share in the life of the community. Additionally, the board shall:
 - 1. serve as a coordinating agency for senior services and activities;
 - 2. assess, publicize, and support present senior services and activities in the community;
 - 3. investigate and evaluate requests for new senior citizen services and activities;
 - 4. plan, initiate, develop, and encourage new senior citizen programs as need is indicated; and
 - 5. establish and maintain communications with local, state, and federal government agencies concerning senior citizens.

2.60.250 Transportation advisory board.

- A. There is established a transportation advisory board consisting of seven members appointed by the city council. The term of office of each member shall be three years.
- B. The purpose of the transportation advisory board shall be to serve as an advisory body to the city council and staff to assist in the planning and development of multi-modal transportation systems, other than those considered solely recreational. In addition to any other duties as may be delegated to it by the city council, the board shall provide the city council with advice and recommendations relating to the following:
 - 1. local and regional transportation and transit matters, including, without limitation, those matters related to local and regional transportation projects and organizations;
 - 2. policies, standards, and code amendments concerning transportation and transit;

**Intergovernmental Agreement
For Growth Management**

**City of Loveland, Colorado
and
Larimer County, Colorado**

**Approved
January 12, 2004**

**Intergovernmental Agreement
for Growth Management
Table of Contents**

1.0	Definitions	3
2.0	Description of Areas Addressed in Intergovernmental Agreement	4
2.1	Growth Management Area (GMA)	4
2.2	Cooperative Planning Area (CPA)	4
2.3	Community Influence Area (CIA)	4
2.4	Area Boundaries	4
2.5	Procedure for Modification of Area Boundaries	5
2.6	Planning Boundaries in Loveland Comprehensive Plan	5
3.0	Development, Annexation, Coordination of ACFs/CEFs and Maintenance of Subdivision Roads within the GMA	6
3.1	Authority to Approve Development	6
3.2	Applicable Master Plan	6
3.3	Annexations within the GMA	7
3.4	Regulation of Development within the GMA	10
3.5	Referral of Development Applications within the GMA	10
3.6	Coordination of Adequate Community Facilities Standards, Capital Expansion Fees within the GMA, and Trails	12
3.7	Maintenance of Subdivision Roads within the GMA	12
4.0	Annexation of Enclaves	13
5.0	Development Within the CPA	13
5.1	Applicable Plan(s)	13
5.2	Referral of Development Applications in the CPA	14
6.0	Development Within the CIA	14
6.1	Referral of Development Applications in the CIA	14
7.0	Implementation of Intergovernmental Agreement	15
7.1	Amendment of Codes	15
7.2	Inform and Train	15
8.0	Enforcement	15
9.0	Termination	15
10.0	Term of Intergovernmental Agreement	15
11.0	General Provisions	16
11.1	Amendment of Agreement	16
11.2	Notice	16
11.3	Application and Interpretation of Other Provisions	16
11.4	Exhibits	16
11.5	Paragraph Captions	17
11.6	Additional Documents or Action	17
11.7	Severability	17
11.8	Waiver of Breach	17
11.9	No Third Party Beneficiaries	17

INTERGOVERNMENTAL AGREEMENT For Growth Management

This Agreement ("Agreement" or "IGA"), executed this 12th day of January, 2004, by and between LARIMER COUNTY, COLORADO, a body politic organized under and existing by virtue of the laws of the State of Colorado, hereinafter referred to as the "County" or "Larimer County" and the CITY OF LOVELAND, COLORADO, a Colorado home rule municipality, hereinafter referred to as the "City" or "Loveland." The County and the City are collectively referred to as the "Parties."

WHEREAS, the Parties have determined that it is in their mutual best interests to preserve the unique identities of communities in the northern Colorado region; and

WHEREAS, maintaining and enhancing areas of urban development in a thoughtful and deliberate way involves cooperation in land use and transportation planning, implementation of growth management policies, and the identification and preservation of open lands and natural areas; and

WHEREAS, concentrating urban development in areas designated for such development affords greater efficiency in the delivery of such services as electrical power, water, storm water, sanitary sewage disposal systems, transportation, fire and police protection and other services, and also affords a measure of predictability to landowners and residents concerning where services will, in the future, be provided and urban development will be permitted; and

WHEREAS, communication among local jurisdictions, special districts, property owners and other interested Parties is essential to accomplishing these ends; and

WHEREAS, the purposes of this Intergovernmental Agreement are to:

- Implement the Larimer County Master Plan and Loveland Comprehensive Plan;
- Establish effective means of joint planning and management of urbanization within the unincorporated portion of Larimer County in the vicinity of the City of Loveland;
- Establish rules for referral of development applications for consideration of annexation, for comment, and to determine development applications that will be subject to supplementary regulations adopted for the Loveland GMA Overlay Zone District;
- Assure that urban development occurs only as urban level facilities and services are able to be provided to such development;
- Assure land eligible for annexation to the City of Loveland is annexed to the City prior to development;
- Assure urban development that occurs in the unincorporated portion of Larimer County in the vicinity of the City of Loveland is annexed to the City as soon as possible;
- Provide an effective means for the appropriate maintenance of public improvements intended to serve urban development;
- Discourage annexation conflicts between Loveland and other municipalities; and
- Prevent development within the jurisdiction of one party from negatively impacting infrastructure in the other Party's jurisdiction, and provide for mitigation of such impacts when they occur; and

WHEREAS, pursuant to State law, local jurisdictions are authorized to: regulate the location of activities and developments; phase development of services and facilities; regulate development on the basis of its impact on the community or surrounding areas; plan for and regulate the use of land so as to provide for planned and orderly use of land and protection of the environment; and to cooperate or contract with other units of government for the purpose of planning and regulating the development of land, including but not limited to, the joint exercise of planning, zoning, subdivision, building; and related regulations and annexation of property, all in a manner consistent with constitutional rights and statutory procedures; and

WHEREAS, planning and regulation of land use within the northern Colorado region is the responsibility of individual local jurisdictions; and

WHEREAS, any provisions in this Intergovernmental Agreement may be implemented only to the extent legally permitted by State Law.

NOW, THEREFORE, in consideration of the covenants and obligations expressed herein, it is hereby agreed by and between the Parties as follows:

1.0 Definitions

As used in the IGA, the following words and terms shall have the meanings set forth:

Annexation. Annexation means the incorporation of a land area into an existing municipality with a resulting change in the boundaries of that municipality.

Adequate Community Facilities (ACF). Standards for community facilities established to maintain a level of service, such as a level of service C or D for roads.

Adequate Public Facilities (APF). Standards for public facilities as established in the County Land Use Code.

Capital Expansion Fee (CEF). Fees charged to development and collected by the Parties to the agreement to fund the expansion of public capital facilities.

Growth Management Area (GMA). (As defined in Section 2.1 of this Agreement)

Cooperative Planning Area (CPA). (As defined in Section 2.2 of this Agreement)

Community Influence Area (CIA). (As defined in Section 2.3 of this Agreement.)

Growth Management Area Overlay Zone District. The overlay zoning district applied by Larimer County to municipal GMAs to implement the standards and requirements of Intergovernmental Agreements (Larimer County Land Use Code Chapter 4.2.1).

Larimer County Land Use Code. The code of regulations as adopted and amended by the Larimer County Board of County Commissioners pursuant to the authority of Title 30, Article 28 of the Colorado Revised Statutes to implement the Larimer County Master Plan, as amended, and the land use regulatory authority of Larimer County, Colorado.

Larimer County Master Plan. The official policy document, and all elements, functional components or sub-area components as adopted and as it may be amended by Larimer County, Colorado, pursuant to the authority of Title 30, Article 28 of the Colorado Revised Statutes that establishes the long-range framework for decision making for the unincorporated area of the County.

Loveland Comprehensive Plan. The City of Loveland 1994 Comprehensive Master Plan and all elements, functional components or sub-area components as adopted and as it may be amended by the City of Loveland, Colorado, pursuant to Title 31, Article 23 of the Colorado Revised Statutes and pursuant to the City's Charter and Code, all which provide

authority of the City to make and adopt a long-range master plan for the physical development of the City, including any areas outside its boundaries.

2.0 Description of Areas Addressed in Intergovernmental Agreement

The Intergovernmental Agreement addresses the Cooperative Planning Area (CPA), Community Influence Area (CIA), and the Growth Management Area (GMA). The sections below describe the application of this Agreement to these areas.

2.1 Growth Management Area (GMA)

The Growth Management Area is that area into which urban development and annexation shall be directed and within which urban level services to support urban development will be needed. Urban level services for the GMA are anticipated to be provided by the City of Loveland, the private sector, or a special district. The GMA includes land that is expected by the Parties to be annexed and developed within a timeframe as anticipated by the Loveland Comprehensive Plan. The Growth Management Area is that area of the County included in the Growth Management Overlay Zone District and subject to an intergovernmental agreement between the County and the applicable city or town.

2.2 Cooperative Planning Area (CPA)

The Cooperative Planning Area is that geographical area beyond the GMA where the Parties do not consider urban development as currently appropriate or desired, but where development may likely present impacts upon present and future growth patterns within the GMA, the City of Loveland, and Larimer County. Lands within the CPA may eventually be annexed into the City of Loveland and urban level services may be necessary beyond the timeframe anticipated for the GMA by the Loveland Comprehensive Plan. It is intended that these areas will be jointly planned by Larimer County and the City of Loveland. Until joint plans are agreed upon, only the development referral provisions in Section 5 of this Agreement apply in these areas.

2.3 Community Influence Area (CIA)

The Community Influence Area is that area beyond the GMA for which the City of Loveland has an interest in future development proposals due to the potential impact upon the City as the result of development. The CIA may overlap the GMA and CPA boundaries of other municipalities. Development applications within the CIA will be referred to the City of Loveland by Larimer County for comment during the County's development review process as provided for under the terms of this Agreement.

2.4 Area Boundaries

- 2.4.1 Geographical boundaries of the GMA, CPA and CIA shall be as shown on Exhibit 1 to this Agreement, unless modified pursuant to Sections 2.4.2, 2.4.3, or 2.5 of this Agreement. Areas labeled "area excluded from GMA" by Exhibit 1 shall not be subject to the terms of this Agreement applicable to areas within the GMA. The County agrees that it will not enter into an intergovernmental agreement to include the areas labeled "area excluded from GMA" within the GMA of another municipality,

unless Loveland and that other municipality have mutually agreed to the inclusion of these areas in a GMA boundary.

- 2.4.2 The Parties acknowledge that in order to implement the terms of this Agreement, the County must adopt and apply the County's GMA Overlay Zoning District pursuant to Section 4.2 of the Larimer County Land Use Code. The County has previously adopted a part of the GMA area shown on Exhibit 1 as an overlay zoning district pursuant to the Intergovernmental Agreement between the City and County dated August 2, 1989. The County agrees that it shall propose for adoption as an overlay zone district that area of the GMA shown on Exhibit 1, which differs from the current GMA Overlay Zone District boundary. The final decision regarding the GMA Overlay Zone District boundary shall be within the sole discretion of the County.
- 2.4.3 In the event the GMA Overlay Zone District boundary as finally adopted by the County differs from that shown on Exhibit 1, the parties agree that an amendment to this Agreement shall be prepared and executed by both parties showing the GMA, CPA and CIA area boundaries as revised, with the GMA boundary matching the County GMA Overlay Zone District boundary. All references in this Agreement to the GMA are intended to refer to the area adopted and applied by Larimer County as the GMA Overlay Zone District.
- 2.4.4 The parties acknowledge that the County has not adopted the CPA Overlay Zone District and does not intend to adopt a CIA Overlay Zone District.

2.5 Procedure for Modification of Area Boundaries

Boundaries of the GMA, CPA, and CIA as shown in Exhibit 1 may be amended, modified, and revised in the same manner as an amendment of this Agreement; and as a zoning or rezoning of the GMA Overlay Zone District; provided, however, that the annexation by the City of Loveland of any property within the GMA, CPA, or CIA shall result in the exclusion of such annexed property from the area's boundaries without need for formal amendment of Exhibit 1. The City of Loveland shall, at least annually develop and issue to the Parties a revised Exhibit 1 in order to update and illustrate the modification of the GMA, CPA, or CIA as the result of the amendment, modification, or revision of the area(s) as mutually agreed to by the Parties as an amendment to this Agreement, and as an amendment to the GMA Overlay Zone District, or as the result of annexation(s) by the City. The County will undertake to implement any agreed upon amendments to the GMA boundary as an overlay zoning district in accordance with the procedures, standards, and requirements for amendments to zoning district boundaries as provided in the Larimer County Land Use Code. Decisions regarding adoption of changes to the GMA boundary as an overlay zoning district shall be subject to the sole discretion of the County. Loveland shall provide the County Planning Department a copy of the annexation plat for all annexations within thirty (30) days of the approval of the annexation.

2.6 Planning Boundaries in Loveland Comprehensive Plan

The County acknowledges that the City may adopt and amend planning boundaries in its Comprehensive Plan, as it deems necessary. Such planning boundaries may be used by the City to evaluate the appropriateness of areas for future annexation and land uses within these areas. Such Planning boundaries shall be identified by names other than GMA, CPA

or CIA in the Loveland Comprehensive Plan. The City acknowledges that the County has no obligations under this IGA with respect to these planning boundaries.

3.0 Development, Annexation, Coordination of ACFs/APFs/CEFs and Maintenance of Subdivision Roads within the GMA

3.1 Authority to Approve Development

Within the GMA, Larimer County shall maintain and exercise the right to approve development subject to the Larimer County Land Use Code and supplementary regulations.

3.2 Applicable Master Plan

The Loveland Comprehensive Plan shall be the generally applicable advisory master plan for the GMA and shall be considered as the supporting basis for the supplementary regulations applicable within the Loveland GMA Overlay Zone District. The Loveland Comprehensive Plan shall include all Loveland-adopted elements of the plan. The County need not apply the plans, map, text or policies of the Loveland Comprehensive Plan, unless such plans or policies are included in the supplementary regulations adopted by the County for the Loveland GMA Overlay Zone District pursuant to this Agreement. It is recognized, however, that plans or policies of the Loveland Comprehensive Plan may be used by the City in its comments and recommendations to the County regarding development proposals referred to the City pursuant to subsection 3.5 of this Agreement. The Parties acknowledge that the following requirements and policies are applicable to the GMA:

- 3.2.1 Loveland shall prepare and consider amendments to the Loveland Comprehensive Plan, if necessary, to ensure that such plan will be specific enough to give guidance, through maps and text, to the County, property owners and developers as to what types, densities and intensities of land use are acceptable on any given parcel of land in the GMA.
- 3.2.2 Loveland acknowledges that any amendment to its Comprehensive Plan applicable to the GMA shall have no effect within the GMA Overlay Zone District without an amendment, if such is needed, to this Intergovernmental Agreement and/or to the GMA Overlay Zone District, and any supplementary regulations.
- 3.2.3 The County will encourage the location of urban development in the GMA or other areas specifically designated for urban development in accordance with the Larimer County Master Plan.
- 3.2.4 In cases where development is proposed in the GMA Overlay Zone District, regardless of whether the site is eligible for annexation or not, and the public utilities necessary to support the development are not available for any reason, then the County may consider and approve uses and densities consistent with existing County zoning, County development standards, and the development design standards in the Supplementary Regulations. The City shall annex such developed property at the time it becomes eligible for annexation as provided for under Sec. 3.3.1 of this Agreement.

- 3.2.5 Loveland will strive to enter into intergovernmental agreements with all applicable special districts, which shall require the special districts to plan their facilities according to Loveland's adopted Comprehensive Plan.
- 3.2.6 The County shall not establish or approve any new improvement district or other form of special district within the GMA without consulting the City of Loveland.
- 3.2.7 Nothing in this Intergovernmental Agreement shall be construed or applied to limit the County's legislative authority or discretion in adopting or amending its land use regulations.
- 3.2.8 Nothing in this Intergovernmental Agreement shall be construed or applied to limit the City's legislative authority or discretion in adopting or amending its land use regulations.

3.3 Annexations within the GMA

- 3.3.1 It is the Parties' intent that Loveland will annex all property within the GMA that is eligible for annexation. The phrase "eligible for annexation" shall mean any land that is eligible for annexation pursuant to the Municipal Annexation Act of the State of Colorado, C.R.S. 31-12-101 through 123. It is Loveland's policy to annex as expeditiously as possible all lands eligible for annexation in the GMA at such time that an annexation petition conforming to the requirements of state law is filed, all required fees and additional or supplemental information is received from the property owner(s); and the property owner(s) and the City of Loveland reach a mutual agreement on the reasonable conditions and terms of the annexation. For properties subject to signed annexation agreements with a power of attorney in favor of the City, the City shall be the applicant and shall prepare and file the annexation petition. The City represents that it fully intends to annex all lands in the Growth Management Area at such time as they become eligible for annexation. Decisions regarding annexations shall, however, be subject to the sole discretion of the City Council. In addition, the Parties agree that the policies in this section shall guide annexation of property within the GMA. When any proposed annexation is located wholly within the GMA, the County agrees to waive the requirement for an Annexation Impact Report pursuant to C.R.S. 31-12-108.5. This provision shall not change the requirements for notice to the County contained elsewhere in the Municipal Annexation Act.
- 3.3.2 When undertaking any annexation of land within the GMA, Loveland shall annex the entire width of public roadways located within and immediately adjacent to such lands. It is the intent of this Intergovernmental Agreement that all public roadways immediately adjacent to the corporate limits of the City of Loveland shall be located within the City of Loveland.
- 3.3.3 Larimer County shall not accept applications for any of the following development applications for property within the GMA Overlay Zone District which has any contiguity to the boundary of the City unless the owner(s) of the property described in the application has first sought a decision concerning annexation from Loveland and Loveland has issued to Larimer County a written denial of the request for annexation:

- a. Rezoning;
- b. Special Review (excluding gravel extraction); and
- c. Planned Land Division.

For the purposes of this provision, the applicant is not required to submit an annexation request under the provisions of this Agreement when (1) the Director of Community Services for the City of Loveland, or the Director's designee, has determined that an annexation request is not required based upon the Director's consideration of (a) the nature of the proposed use, and (b) the compatibility of the proposed use with surrounding properties; and (2) the Board of County Commissioners determines that an application may be accepted by the County under Sec. 4.2.1. D.2 of the County Land Use Code. In such cases, the Director of Community Services shall provide the County with a written statement that the City does not require the applicant to submit an annexation petition for the property. Such written statement shall include the reasons why such petition is not required.

For the purposes of this provision, "any contiguity" shall mean that the parcel shares any portion of its boundary with that of the Loveland municipal boundary. This shall include cases where the corner of a parcel is contiguous with the corner of the City's boundary, and cases where the parcel is separated from the City's boundary by a public or private right-of-way (street, alley or other), dedicated public or dedicated private open lands, or a lake, reservoir, stream or other natural or artificial waterway (Figure 1).

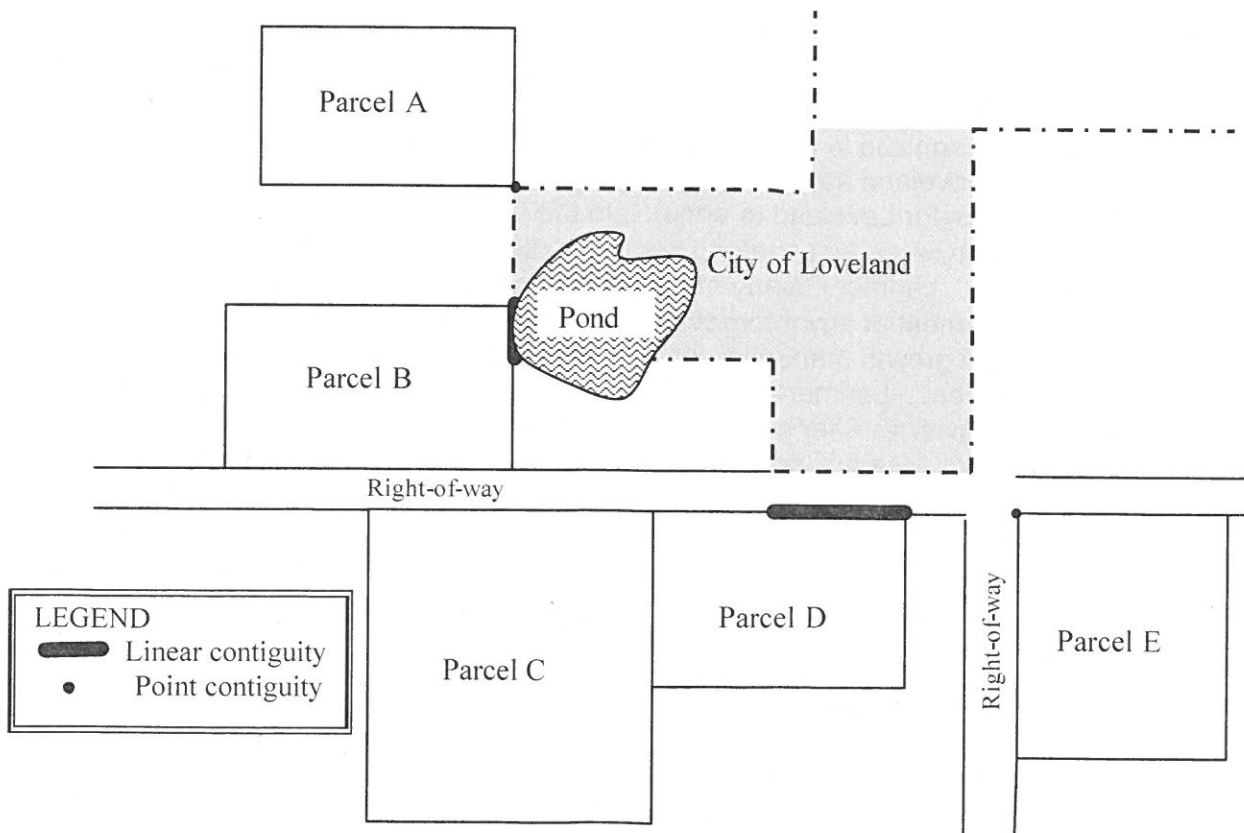


Figure 1: Parcels with and without Contiguity

Figure 1 illustrates examples of parcels with and without "any contiguity" with the City for the purposes of this Agreement. (Note: "Any contiguity" in such instances does not need to be 1/6th contiguity as defined in Colorado Revised Statutes.)

- **Parcel A** has contiguity at a point.
- **Parcel B** has contiguity along a portion of its perimeter, even though separated by a body of water.
- **Parcel C** does not have contiguity
- **Parcel D** has contiguity because existing right-of-way does not affect contiguity.
- **Parcel E** has contiguity at a point because existing right-of-way does not affect contiguity.

- 3.3.4 In the case of lands within the GMA that are not eligible for annexation and for which the owner(s) have submitted an application identified in 3.3.3 above, or an application for a Site Plan or Minor Land Division, the County will require a binding annexation agreement as a condition of approval. The Loveland City Attorney and the Larimer County Attorney shall approve the standard form of the annexation agreement.
- 3.3.5 The City shall promptly forward to the County minutes from the meeting of the City Council regarding the denial of any annexation petition in the GMA. If the City denies an annexation petition, the County shall process the development proposal according to the requirements of the GMA Overlay Zone District, and will require a binding annexation agreement as a condition of approval.
- 3.3.6 The City will not annex into a Growth Management Area, Cooperative Planning Area, or other comparable planning area of another municipality if such area is officially recognized in an intergovernmental agreement with Larimer County, unless: (i) Loveland has an intergovernmental agreement with that municipality that provides for Loveland to annex into the Cooperative Planning Area; or (ii) the land to be annexed by Loveland has been disconnected from another municipality. Larimer County shall use reasonable efforts to involve Loveland in the development of any intergovernmental agreements with other municipalities, which affect growth management and growth boundaries and Cooperative Planning Areas. Larimer County shall not enter into an intergovernmental agreement with another municipality to officially recognize a Growth Management Area or Cooperative Planning Area or other comparable planning area of another municipality where such area encroaches into the Loveland GMA as depicted by Exhibit 1 of this Agreement. Loveland will use reasonable efforts to reach intergovernmental agreements with other municipalities to such effect in order to manage conflicts concerning appropriate growth areas and municipal boundaries.
- 3.3.7 To the extent permitted by law, the City will not annex property north of County Road 30 unless the County either requires the landowner to petition for annexation or requests that the City consider annexation. The foregoing limitations on annexation shall not apply to the annexation of publicly owned open space, trails or parklands.

3.3.8 In recognition that requests for Special Review for gravel extraction on sites eligible for annexation will be processed and considered by the County (per Sec. 3.3.3.b), the City agrees to annex said sites immediately following approval of the Special Review for gravel extraction by the County, or as soon as such sites become eligible for annexation according to state statutes. Decisions to annex said sites shall be within the sole discretion of the City Council,

3.4 Regulation of Development within the GMA

3.4.1 Supplementary Regulations

The Parties shall cooperate in drafting and proposing for adoption supplementary regulations to be applied by the County in review of development applications within the GMA Overlay Zone District. Supplementary regulations, and any amendments thereto, shall generally conform to the City's Land Use Plan for the GMA in its Comprehensive Plan and shall include development standards that conform more closely to the City's development standards. Such standards shall be developed by mutual agreement of the Parties. Larimer County will require rezoning, Special Reviews, Site Plans, and Planned Land Divisions, to meet or satisfy the more stringent of standards in the Larimer County Land Use Code or the supplementary regulations for the Loveland GMA Overlay Zone District.

3.4.2 The following procedure shall apply to proposed text amendments or revisions to the map of land use types, intensities or densities initiated by the City to the supplementary regulations referenced by the GMA Overlay Zone District for the Loveland GMA:

- a. The County shall receive written notice at least 30 days in advance of any proposed text amendment or revision to the map depicting land use type, density and intensity of land uses ("the map") in the supplementary regulations.
- b. The proposed text or map amendment shall be forwarded to the County after approval by the City.
- c. The County will initiate the amendment of the supplementary regulations to include the amended text or map within thirty (30) days of receiving the proposed amendment from the City.
- d. If the amended text or map is adopted by the County as an amendment to the supplementary regulations, the new map shall be used as the guide for land uses within the GMA Overlay Zone District and the amended standards shall be applied to proposed development as provided for by this Agreement.

3.5 Referral of Development Applications within the GMA

3.5.1 The County shall refer the following proposed development applications within the GMA to the City for review and comment:

- a. Rezoning;
- b. Special Review (including gravel extraction); and
- c. Planned Land Division.

For these applications, the City shall provide its comments to the County in writing within the time required for County referrals established by State Law. The County shall make the final determination of whether the proposed development complies

with the applicable supplementary regulations. If the City provides no comments to the County, the County may assume that the proposed development complies with all applicable standards.

- 3.5.2 The County will refer the following proposed development applications within the GMA to the City for review and comment:
- a. Requests for modifications to or appeals of the Loveland GMA supplementary regulations filed with the Board of County Commissioners; and
 - b. Rural Land Plans.
- 3.5.3 Rural Land Plans in the GMA may be permitted by the County subject to review by the City as provided for in paragraph 3.5.2 and the application of any conditions necessary to prevent such development from becoming an impediment to future planned urban development in the surrounding area of the GMA. Such conditions may include, but are not limited to, preservation of necessary right-of-way for road or utility extensions necessary to serve future urban development in the area.
- 3.5.4 While the City may issue comments and recommendations to the County in accordance with this section, the final authority and discretion regarding approval, disapproval, or approval with conditions rests with the appropriate or designated decision-making body of Larimer County. The County will encourage compliance with recommendations and comments of the City; however, the County is only obligated to require compliance with development standards in the County Land Use Code and supplementary regulations for the Loveland GMA Overlay Zone District. If Loveland recommends against approval or conditional approval of an application and the County subsequently grants approval or elects not to impose a recommended condition, the County shall promptly provide to Loveland the minutes from the meeting at which the decision was made. Additionally, any decision regarding interpretation of the Larimer County Land Use Code, including Supplementary Regulations, shall be made by the County.
- 3.5.5 Loveland shall provide the County with an opportunity to review and comment upon any proposed developments in the City that are expected to (a.) necessitate physical modification to a County road or intersection; (b.) generate traffic that will require an intermediate level of traffic study per the Larimer County Urban Area Street Standards; or (c.) cause roads within the County jurisdiction to drop to lower level of service standards. Any proposed development in the City that will contribute storm water run off above historic rates or alter a point of discharge to downstream property in Larimer County shall also be referred to the County for comment. For purposes of this paragraph, "development" means application for rezoning, major or minor subdivision, and Planned Unit Development. The County has at least twenty-one (21) days from the date of mailing or hand delivery to the County to return comments and recommendations to the City before any final decision is made on such application. Additionally, the City shall honor specific requests by the County to review and comment on specific development proposals. While the County may issue comments and recommendations to the City in accordance with this section, the final authority

and discretion regarding approval, disapproval, or approval with conditions rests with the appropriate or designated decision-making body of the City.

3.6 Coordination of Adequate Community Facilities and Adequate Public Facility Standards, Capital Expansion Fees within the GMA, and Trails

- 3.6.1 **Street CEFs:** To the extent they may legally do so, the Parties agree to consider a coordinated street CEF program for the Loveland GMA, subject to the necessary study and analysis to create such a program, and provided that both Parties agree to such a program.
- 3.6.2 **Street ACFs and APFs:** To the extent they may legally do so, the Parties agree to condition development approvals within their jurisdiction to require mitigation of impacts to roads outside their jurisdiction in accordance with level of service standards in the Larimer County Urban Area Street Standards.
- 3.6.3 **Parks:** The County collects both community and regional park CEFs. Community park CEFs are collected by the County from new development according to a schedule in the Larimer County Land Use Code (Section 9.3.8). The Parties agree that such community park CEFs collected from new development, as may be amended from time to time, within the Loveland GMA Overlay Zone District, shall be transmitted to the City for expenditure on its community park acquisition program.
- 3.6.4 **Parks, Open Space and Trail Coordination:** The Parties agree to cooperate in the coordination of trail connections, and establishing open space, parks and trail segments; the development of compatible design standards; and the exchange information about opportunities for securing trail right-of-way easements and open space adjacencies.
- 3.6.5 **Drainage:** The Parties acknowledge that a coordinated storm drainage CEF program within the Loveland GMA Overlay Zone is desirable and may be entered into subsequent to this Agreement. Such a coordinated storm drainage CEF program is contingent on completion of master plans for drainage basins within Loveland and the County and mutual agreement to a coordinated CEF program by the Parties to this Agreement.
- 3.6.6 **Reimbursement Agreements:** The Parties will consider mutual reimbursement agreements, to the extent they may legally do so, whereby developers within one jurisdiction (City or County) are reimbursed for improvements that benefit developments outside that jurisdiction.

3.7 Maintenance of Subdivision Roads within the GMA

The Parties acknowledge that the County does not maintain certain subdivision roads pursuant to a policy adopted by the Board of County Commissioners at an open meeting on February 2, 1994. As a condition of development approval, the County requires the creation of a homeowners association (HOA) with the necessary financial mechanism to ensure the proper maintenance of subdivision roads.

During the County's subdivision plat review process for proposed development in the GMA, the City shall provide a maintenance plan and schedule prior to the public hearing before the County Planning Commission, for consideration by the County and the applicant. As a condition of Final Plat approval, the County shall require the HOA to enter into an agreement with the City for the City to inspect subdivision roads annually to ensure that roads are maintained in a standard of condition established in the maintenance plan and schedule. The City agrees to execute such inspection agreement. The City also agrees to provide a copy of the annual inspection reports to the HOA and County. The inspection agreement shall include provisions for reimbursement of the City's cost of providing annual inspection services to the HOA. The inspection agreement may also include requirements for a bond or letter of credit to ensure payment of the required road inspections. If an HOA does not pay the City the agreed upon fees for road inspections for any reason, then the City is not obligated to continue inspection of roads within the subdivision.

As a condition of Final Plat approval, the County shall also require the HOA to perform the necessary road maintenance in accordance with the maintenance plan and schedule. Upon annexation, the expense of and responsibility for road maintenance and inspection may continue to be that of the HOA, or the City may accept the expense and responsibility for road maintenance, provided that roads have been built to Larimer County Urban Area Street Standards and maintained in good condition in accordance with the maintenance plan and schedule.

4.0 Annexation of Enclaves

It is Loveland's policy to annex all enclaves (meeting the definition of an enclave eligible for involuntary annexation in C.R.S. § 31-12-106) as expeditiously as possible. In the case of an enclave, Loveland will consider annexation at such time that an annexation petition conforming to the requirements of state law, and all required fees and additional or supplemental information is received from the property owner(s) and, where deemed appropriate by the City, the property owner(s) and the City of Loveland reach a mutual agreement on reasonable conditions and terms of the annexation. If such an annexation petition is not received, the City shall commence the process for the involuntary annexation of such enclave after the enclave is eligible for involuntary annexation in accordance with state law C.R.S. § 31-12-106. Notwithstanding the foregoing, any decision to annex an enclave shall be within the sole discretion of the Loveland City Council. Subject to adequate funding being budgeted and appropriated, the County agrees to reimburse the City for one half (1/2) of all costs associated with the preparation of annexation maps and necessary title documentation to annex existing enclaves.

5.0 Development Within the CPA

5.1 Applicable Plan(s)

Until a sub-area plan is jointly adopted by the Parties for a CPA, the Larimer County Master Plan shall be the applicable advisory master plan for the CPA as described by C.R.S. §§ 30-28-106 and 30-28-108. The Parties will initiate the process to prepare and amend their respective Master or Comprehensive Plans to include any sub-area plan mutually agreed to by the Parties for a CPA, and to encourage development in a CPA in accordance with such sub-area plan, as it may be adopted by the Parties to the Agreement.

5.2 Referral of Development Applications in the CPA

The County will refer the following proposed development applications within the CPA to the City for review and comment and the City shall provide its comments to the County in writing within the time required for County referrals established by State Law:

- a. Rezoning;
- b. Special Review (including gravel extraction);
- c. Conservation Development;
- d. Subdivision Plat;
- e. Special Exceptions; and
- f. Rural Land Use Plans

5.2.1 While Loveland may submit comments and recommendations to the County in accordance with this Section 5.2, the final authority and discretion regarding approval, denial, or approval with conditions rests with the appropriate or designated decision-making body of Larimer County. If Loveland recommends against approval or conditional approval of an application and the County subsequently grants approval or elects not to impose a recommended condition, the County shall promptly provide to Loveland the minutes from the meeting at which the decision was made.

5.2.2 The Parties shall cooperate in the process of reviewing development proposals to clearly identify the impacts of the proposed development on infrastructure within the City of Loveland and in Larimer County, and particularly, on existing road and storm drainage systems.

5.2.3 The County shall not establish or approve any new improvement district or other form of special district within the CPA without consulting the City of Loveland.

6.0 Development Within the CIA

6.1 Referral of Development Applications in the CIA

The County shall refer the following development applications within the CIA to the City for review and comment and the City shall provide its comments to the County in writing within the time required for County referrals established by State Law:

- a. Rezoning;
- b. Special Review (including gravel extraction);
- c. Conservation Development;
- d. Special Exceptions; and
- e. Subdivision Plat.

6.1.1 While Loveland may submit comments and recommendations to the County in accordance with this Section 6.1, the final authority and discretion regarding approval, denial, or approval with conditions rests with the appropriate or designated decision-making body of Larimer County. If Loveland recommends against approval or conditional approval of an application and the County subsequently grants approval or elects not to impose a recommended condition(s), the County shall

promptly provide to Loveland the minutes from the meeting at which the decision was made.

- 6.1.2 The Parties shall cooperate in the process of reviewing development proposals to clearly identify the impacts of the proposed development on infrastructure in the City of Loveland and in Larimer County, and particularly, on existing road and storm drainage systems.

7.0 Implementation of Intergovernmental Agreement

7.1 Amendment of Codes

Each party shall initiate amendments to their respective plans, policies, procedures and codes necessary to implement the terms and provisions of this Agreement.

7.2 Inform and Train

The Parties will (a) notify newly-elected officials, new managers, and key staff of the existence of this Intergovernmental Agreement; and (b) on an as-needed basis, conduct training sessions on the procedures which are necessary to implement this Intergovernmental Agreement.

In the interest of achieving the broader intent and purposes of this Agreement, the Parties will participate in the collaborative planning efforts among local jurisdictions.

8.0 Enforcement

The laws of the State of Colorado shall govern this Agreement. The venue for any action for the enforcement of this Agreement shall be in the appropriate court for Larimer County, Colorado. Any judgment shall be limited to specific performance and/or injunctive relief and neither party shall have any claim or remedy for monetary damages arising from an alleged breach of this Intergovernmental Agreement against the other party, nor shall this Intergovernmental Agreement confer upon either Party standing to contest a land use decision or action of the other except as a breach of this Intergovernmental Agreement. Notwithstanding the foregoing, the prevailing party in any judicial action to enforce this Intergovernmental Agreement shall be entitled to reasonable attorneys' fees and cost. This Intergovernmental Agreement is not intended to modify or eliminate the standing the Parties may possess independent of this Intergovernmental Agreement.

9.0 Termination

Either party may terminate this Intergovernmental Agreement upon three hundred sixty-five (365) days written notice to other party. Prior to exercising any termination permitted by this Intergovernmental Agreement, the governing body of party seeking termination shall meet, in good faith, with governing body of non-terminating party in attempt to resolve or explain the reasons for termination.

10.0 Term of Intergovernmental Agreement

This Agreement shall remain in force and effect for a period of ten (10) years from the date of its execution, subject to any earlier termination as may result from the provisions of Sections 8.0 or 9.0 above. At the end of five years from the date of its execution, and on each five year anniversary thereafter, the term of the Agreement shall be automatically extended for five years beyond its then stated expiration date, unless at least three hundred and sixty-five days (365) days prior to any five year anniversary, either party notifies the other in writing of its intention that the Agreement shall not be extended beyond its then stated expiration date.

11.0 General Provisions

11.1 Amendment of Agreement

Either party may request an amendment of the Intergovernmental Agreement at any time. Such request shall be in writing to the other party, and shall be considered without unreasonable delay and within no more than sixty (60) days of receipt.

11.2 Notice

Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail, return receipt requested, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below, or at such other address as has been previously furnished in writing, to the other party or Parties. Such notice shall be given when deposited in the United States mail.

FOR CITY OF LOVELAND, COLORADO
City Manager
City of Loveland
500 E. Third Street
Loveland, Colorado 80537

FOR LARIMER COUNTY, COLORADO
County Manager
200 W. Oak Street
PO Box 1190
Ft. Collins, CO 80522-1190

11.3 Application and Interpretation of Other Provisions

Whenever a provision of the Loveland Zoning Code or the Larimer County Land Use Code are inconsistent with a specific provision of this Agreement, the party with the inconsistent code shall evaluate its regulations and initiate the process to amend its codes to be consistent with this Agreement, and/or negotiate in good faith with the other party to amend this Agreement to be consistent with the applicable code and/or any amendment to the code.

11.4 Exhibits

Exhibits referred to in this Agreement are incorporated herein for all purposes.

11.5 Paragraph Captions

The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

11.6 Additional Documents or Action

The Parties may execute any additional documents or take any additional action reasonably necessary to carry out this Agreement.

11.7 Severability

If any provision of this Agreement is held invalid or unenforceable for any reason, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

11.8 Waiver of Breach

A waiver of any party to this Agreement of the breach of any term or provision of the Agreement shall not operate or be construed as a waiver of any subsequent breach by either party.

11.9 No Third Party Beneficiaries

Any enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and the County, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third person on such Agreement. It is the express intention of the Parties that any person other than the City and the County receiving services or benefits under this Agreement, shall be deemed to be an individual beneficiary only.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement this day and first above written.

CITY OF LOVELAND

Attest:

By _____
Mayor

City Clerk

Date

APPROVED AS TO LEGAL FORM:

APPROVED AS TO CONTENT:

City Attorney

City Manager

THE COUNTY OF LARIMER, COLORADO

ATTEST:

By _____
Chair, Board of Commissioners

Secretary

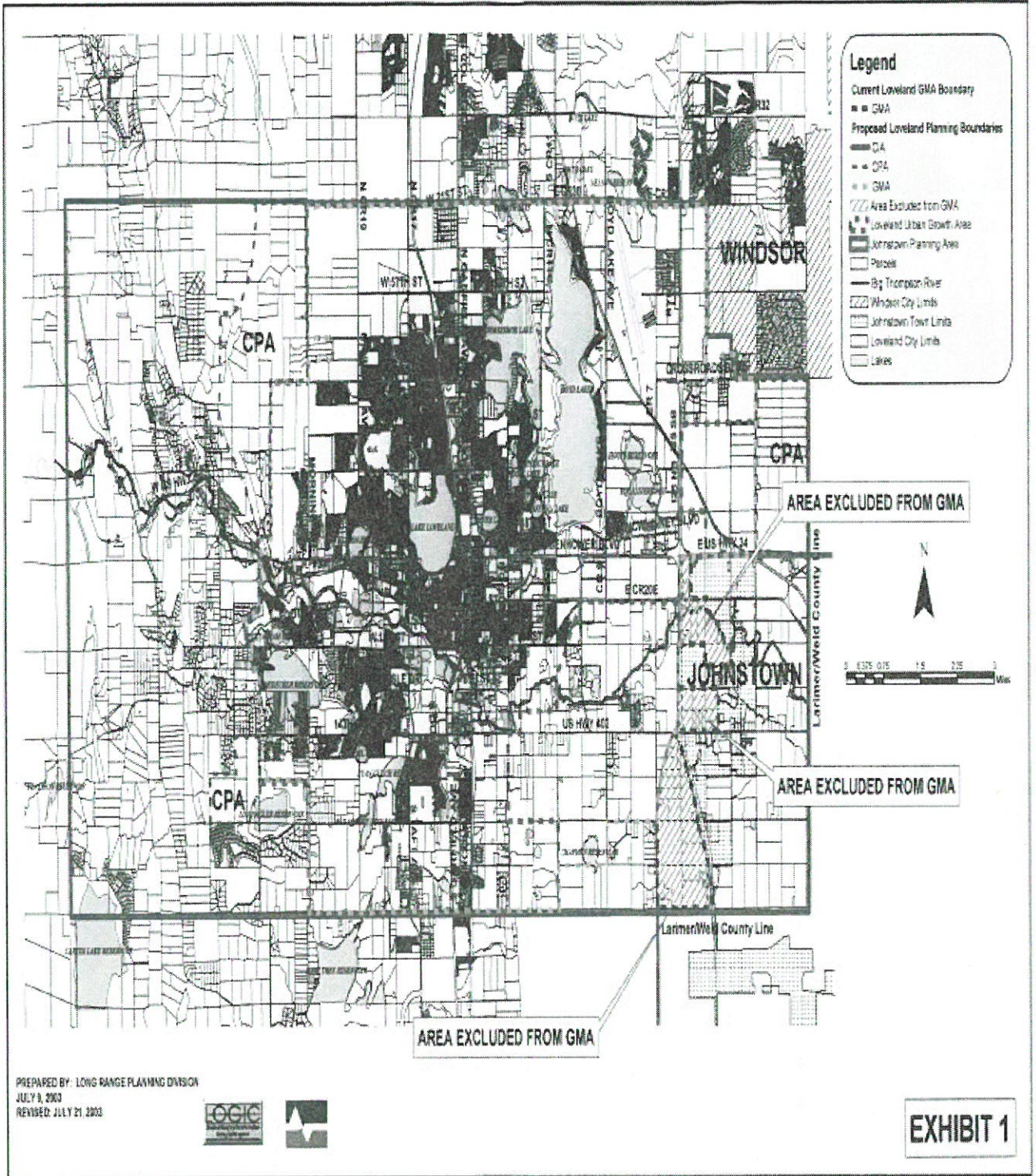
Date

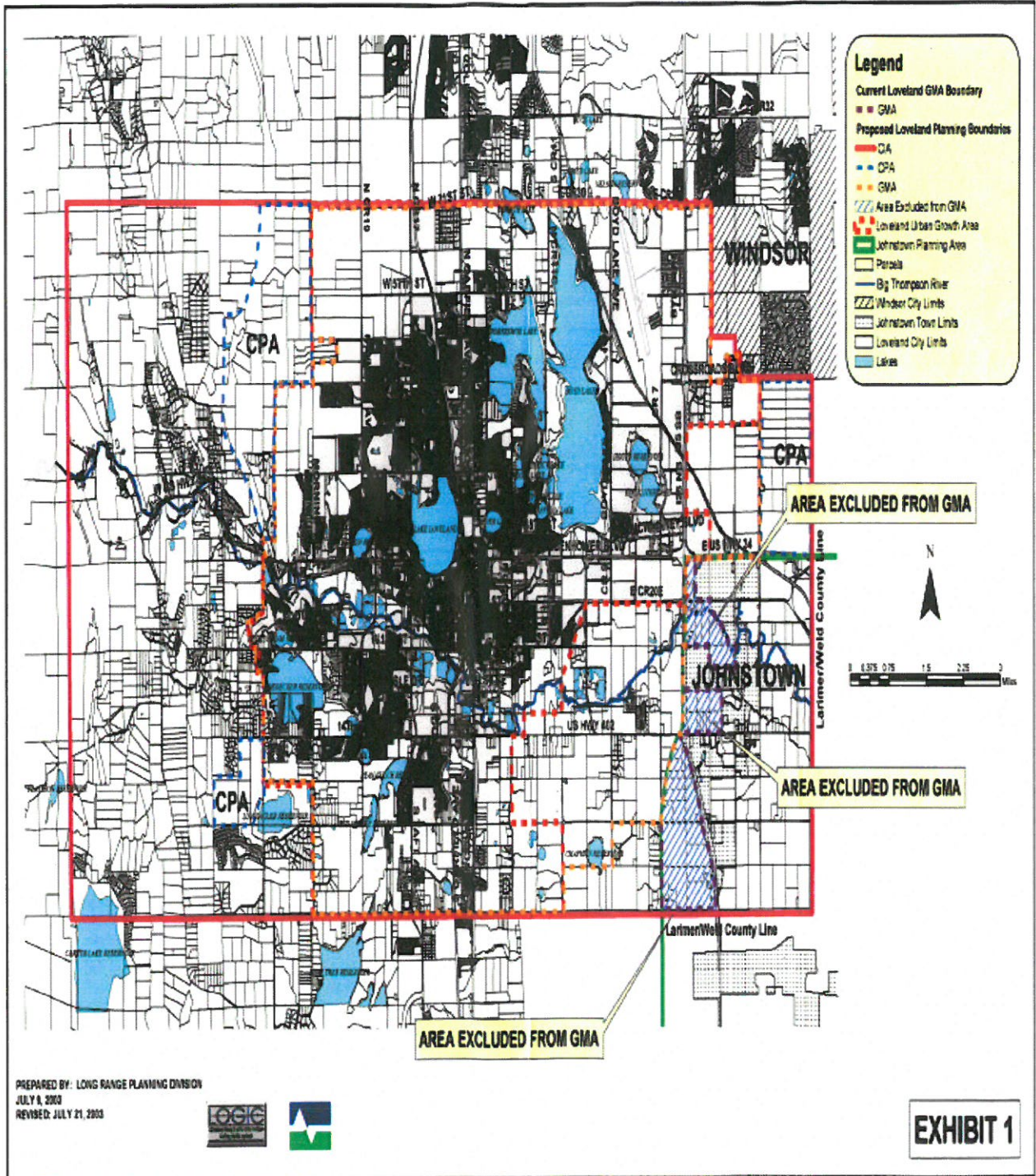
APPROVED AS TO LEGAL FORM:

APPROVED AS TO CONTENT:

County Attorney

County Manager





PREPARED BY: LONG RANGE PLANNING DIVISION
JULY 8, 2003
REVISED: JULY 21, 2003



EXHIBIT 1



MEMORANDUM

December 6, 2016

FROM: Emily Tarantini, Planning Technician
TO: Loveland Planning Commission
SUBJECT: Changing the Sign Permit Process

Attached please find a power point presentation regarding the proposed changes to the sign permitting process. I will be giving a brief presentation on 12/12/16 regarding the proposed changes to our current sign permit process. The new sign permitting process will be greatly simplified, will offer a quicker review time and cut back on the administrative load. The proposed sign permitting process will be similar to that of a Home Occupation application, there will be a flat fee and will only involve planning and zoning review. I look forward to answering any questions you may have.

ATTACHMENTS:

Sign Permit Process-Power Point Presentation

SIGN PERMITTING

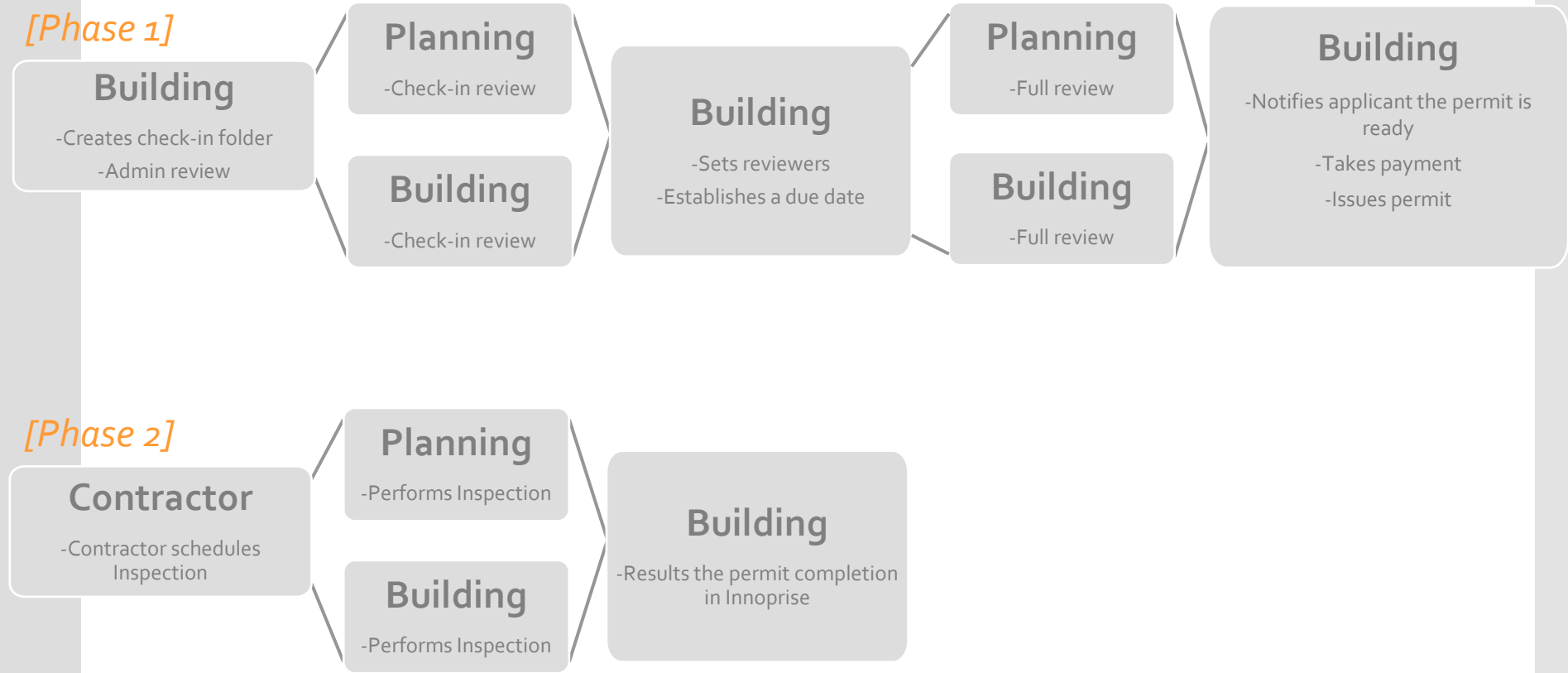
Overview of the new sign permit process

12/12/16

Current

Administrative Process

[Building Permit Module in Innoprise]



[Innoprise] Community Development software automates the creation, issuance, and tracking of public sector community development activities.

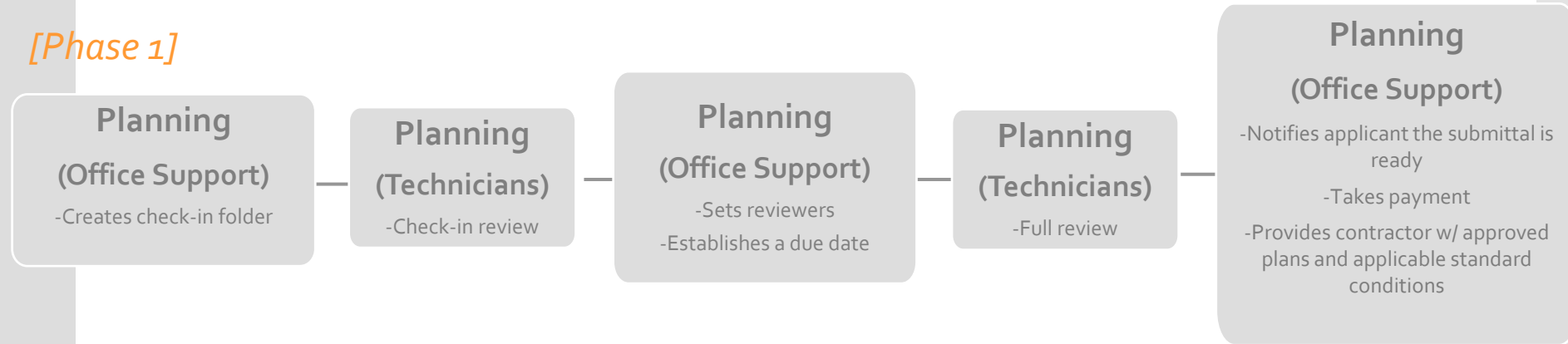
New Proposed Administrative Process

[Planning and Zoning Module in Innoprise]

Recommendations:

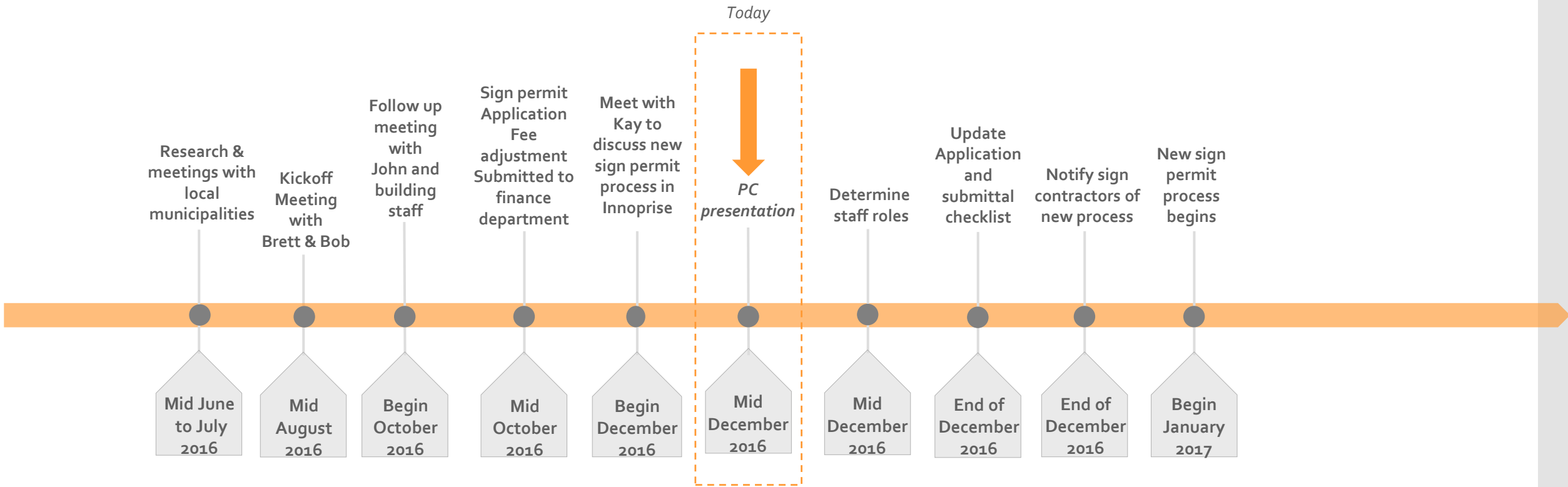
- Sign permits move to PZ module
- Sign permits become simplified, similar to a Home Occupation
- Building department is no longer involved
- No physical permit will be printed and issued, conditions are provided on the submitted paperwork/drawings

[Phase 1]



Sign permits would transfer to the PZ module. This can allow for a simplified process all together, one similar to a Home Occupation. This can reduce the administrative burden and allows the sign permit process to be customized to the planning department.

The sign permit process is quicker, simpler and more affordable for the applicant.



Timeline

What has been worked on?

Fees

Sign Permit Application fees

Benefits:

- Sign permit costs are lowered per the request of sign contractors

Sign type	Proposed Application Fee
Wall Sign	\$75
Freestanding/Monument	\$50
Simple signs (face replacements, temporary signs, business identification & marketing signs)	\$25



MEMORANDUM

December 12, 2016

To: Planning Commission
From: Bob Paulsen, Current Planning Manager
Subject: **End of Year Update**

This memo and the associated attachment provides a summary of notable Planning Commission and Planning Division events and achievements in 2016. Since the December 12th meeting is the Commission's last meeting of the year, it is an opportune time to look back at the past year. This effort is the first step in the Commission's annual process of developing a list of achievements from the previous year and identifying goals for the new year. The Commission typically completes this process in January of each year.

Commission Events, Activities & Achievements

- New commissioners Roskie, Cloutier and Fleischer appointed
- Passing of former Commissioner Rich Middleton
- Create Loveland adopted
- Flexible Zoning Overlay Code adopted
- Loveland Classical Schools campus approved
- Larimer Humane Society campus approved
- County office building approved
- Mirasol GDP amendment approved for apt complex
- Lee Farm residential GDP amendment approved
- Water's Edge residential development (Preliminary Plat) approved
- Downtown Foundry project concept reviewed
- 20 PC meetings
- 48 PC agenda items
- 16 public hearings
- 4 study sessions (5 items)
- 2 special study sessions:
 - Joint Session w/ City Council (I-25 Electronic Message Signs)
 - Joint Session with County Planning Commission and Commissioners (Hwy402 planning)

Planning Division Events, Activities & Achievements

- The Development Center (DC) opened
- Zoning, Subdivision & Annexation clean-up & process amendments adopted
- Unified Development Code initiated
- Monthly Dashboard established
- Everhart training completed, work program effort continues
- New Director Brett Limbaugh hired
- Hired new Planning Technician—Emily Tarantini
- Hired new Planner II—David Eisenbraun
- Hired new office specialist—Cita Lauden
- Planner Brian Burson retired

ATTACHMENTS:

1. December Dashboard

DEVELOPMENT SERVICES PLANNING DIVISION

December Update

A review of 2016 year-to-date development activity



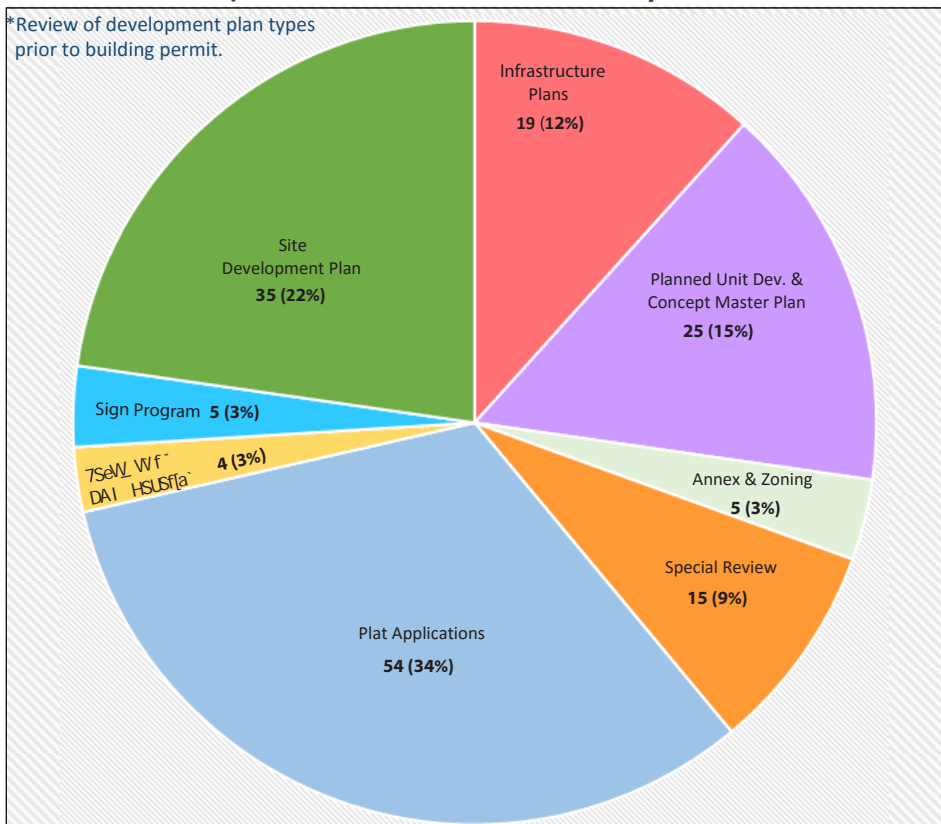
The Current Planning Division coordinates the review of various planning, zoning and infrastructure applications made to the City.

Current Planning Monthly Overview:

	November	2016 YTD	2015 Total
Concept Review Meetings	9	121	125
Project Review Meetings	8	89	97
Neighborhood Meetings	4	21	22
Home Occupation Applications	2	27	26
Administrative Variations	1	23	10
Variance Hearings	1	3	2
Items Presented to Planning Commission	6	51	52
Zoning Compliance Review (of Building Permits)	165	1815	2331
Planning Field Inspections	192	1821	1836

YTD Development Review Activity

*Review of development plan types prior to building permit.



The Foundry Project

This downtown project continues to make progress as collaboration between Brinkman and City Staff work through design details. This project will transform three city blocks into a movie theater, apartments, offices, retailers and parking to support the increased traffic coming to the new epicenter of entertainment in downtown Loveland.

2016 DATA

- Total project submittals: 174
- Number passed: 167
- Acceptance Rate: 96%

Review for completeness at check-in ensures that sufficient information is provided to complete the review process.