

FINDINGS AND RESOLUTION

Approving the Loveland Growth Management Area Overlay Zone District Boundary Amendment

The request to amend the Loveland Growth Management Area Overlay Zone District Boundary has heretofore been filed with the Board of County Commissioners of the County of Larimer.

On July 19, 2017, the Larimer County Planning Commission heard the request and unanimously recommended that the boundary amendment be approved.

On August 28, 2017, in the County Board Hearing Room of the Larimer County Courthouse, Fort Collins, Colorado, the Board of County Commissioners of the County of Larimer conducted a public hearing on said request. The Board of County Commissioners having heard the testimony and evidence adduced at said hearing, and having considered and carefully weighed the same, and having received the recommendations of the Larimer County Planning Commission, now makes the following findings:

1. Notice of this hearing was duly advertised in a local newspaper of general circulation.
2. Written notice of this hearing has been delivered or mailed, first class, postage prepaid, to adjoining landowners of the proposed amendments.
3. The County Planning Staff has made certain recommendations concerning this request, which recommendations are contained in the agenda for the August 28, 2017 meeting of the Board of County Commissioners and are filed with the record of this proposal.
4. The City of Loveland, in collaboration with Larimer County Community Development, is requesting an expansion of the jointly adopted Growth Management Area (GMA) boundary. Properties being incorporated into the expanded Loveland GMA will retain their existing zone designation, and will be rezoned to add the GMA Overlay Zone District as defined by Section 4.2.1 of the Larimer County Land Use Code to those properties.
5. The subject amendment would increase the existing GMA boundary by incorporating a large area located along the Highway 402 corridor, extending from the existing boundary near Highway 287 out to I-25 (see Exhibit A attached to the agenda for the August 28, 2017 Board of County Commissioners' hearing). An additional change to the boundary would be the addition of several properties east of I-25 and north of Highway 34.
6. In Larimer County, an adopted GMA boundary is more than just a boundary, it is also a zone district. Therefore, properties within adopted GMA boundaries are subject to the

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existing zoning for those properties, as well as the GMA Overlay Zone district. The added GMA Overlay Zone implements Section 4.2.1 of the Land Use Code, the purpose of which is to:

Designate areas in the county adjacent to a municipality's corporate limits where urban level development and annexation are appropriate, and where development may have an impact on present and future municipal growth patterns;

Support a municipality's comprehensive plan within the GMA district;

Protect the health, safety and welfare of county residents by providing land use regulations and standards that cause development to occur consistent with a municipality's comprehensive plan for its GMA district to the extent deemed feasible by the county in consultation with the municipality;

Minimize urban services provided by the county by encouraging municipalities to annex land designated for urban uses and densities;

Facilitate the annexation of lands that have developed in the GMA district while under county jurisdiction;

Facilitate the annexation of lands that are eligible for annexation prior to the development of these lands;

Implement the guiding principles and implementation strategies of the county master plan regarding urban and rural land uses;

Establish county standards and criteria that are compatible with standards and criteria adopted by municipalities; and

Implement intergovernmental agreements with municipalities regarding growth management.

7. For nearly a decade, the City of Loveland and Larimer County have discussed the possible expansion of the GMA in the areas outlined by this request. However, for a variety of reasons, the timing of such changes was not right. This changed in 2015 when the City and the County agreed that development pressures were on the horizon for the 402 corridor and agreed to pursue the expansion of the GMA.

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8. Since then, the City and the County have hosted six public outreach meetings to develop an understanding of the citizens' ideas and concerns with such an expansion. Interest in the expansion varied from not wanting any changes, leave things alone, to adopting the new boundary as common planning practices between the City and County are desirable.

9. One of the most common concerns of citizens during the outreach was annexation into the City. While the GMA Overlay Zone district speaks to annexation, it does not mandate it for properties that are not being developed. Therefore, with the exception of statutory requirements related to enclave annexations, the only annexations in the GMA are for developing properties that share contiguity with existing City limits.

10. Other issues raised during the outreach process included a change in the development pattern (higher density and more non-residential developments) and lack of infrastructure. The Infrastructure issue has been partially addressed by studies performed by the City, which will provide greater opportunity for new infrastructure in the future. The issue of density and other land use activities remains unchanged as the Loveland Land Use Plan is the instrument for determining future land uses, and that plan is already adopted.

11. To this end, the City and the County are presenting a new boundary, which can be seen on the exhibit attached to the August 28, 2017 Agenda.

12. The following review criteria to approve an amendment to the zoning district boundaries, overlay district boundaries or zone designation of a parcel on the official zoning map, have been met or have been determined to be inapplicable as follows:

a. The proposed change is consistent with the Master Plan.

The Larimer County Master Plan anticipates that the County and City will maintain a GMA for the urbanizing area surrounding the city. This request is consistent with the Master Plan in that it establishes a policy direction for the urbanizing area southeast of Loveland.

b. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property.

N/A

c. Conditions in the neighborhood have changed to the extent that the proposed change is necessary.

N/A

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d. *The proposed change does not result in significant adverse impacts on the natural environment.*

N/A

e. *The proposed change addresses a community need.*

N/A

f. *The proposed change results in a logical and orderly development pattern in the neighborhood.*

N/A

g. *In order to approve a rezoning to PD-Planned Development district, the subject parcel must be within a Growth Management Area Overlay Zone District or the LaPorte Plan Area or other adopted sub-area plan, and the County Commissioners must also find that the proposed land use type, density and intensity are consistent with the applicable supplementary regulations, if any, or with the LaPorte Area Plan or other adopted sub-area plan.*

N/A

h. *In order to establish or enlarge a GMA district, the County Commissioners must also find that the criteria in subsection 4.2.1.B.3 (below) have been met.*

4.2.1. B.3. The County Commissioners may establish or enlarge a GMA district if the following review criteria are met:

a. *There is an intergovernmental agreement with the adjacent municipality pertaining to a growth management area and the GMA district is intended to implement the agreement;*

b. *The area within the GMA district boundary is expected, by the parties, to be annexed within the time frame anticipated by the municipality's comprehensive plan;*

c. *The municipality's comprehensive plan provides the county and property owners with clear guidance regarding the*

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types and intensities of land uses intended for each parcel within the GMA district boundary;

d. The area within the GMA district can and will be served with urban level services, including, but not limited to, public sewer, public water, urban streets and urban fire protection; and

e. The review criteria for boundary or zone designation set forth in subsection 4.4.4(A) through (F) have been met.

4.2.1.B.4. The County Commissioners may exclude an area from an established GMA district boundary following consultation with the municipality if the county commissioners find that one or more of the review criteria in subsection B.3 above can no longer be met or that the municipality is not complying with the intergovernmental agreement.

4.2.1.B.4. The County Commissioners may exclude an area from an established GMA district boundary following consultation with the municipality if the county commissioners find that one or more of the review criteria in subsection B.3 above can no longer be met or that the municipality is not complying with the intergovernmental agreement.

With regard to the above review criteria, the area being added to the Loveland GMA Overlay Zone District meets the intent of the criteria as stated above. Additionally, the area being added is a portion of a subdivision that is already partly in the existing GMA and thus will make expectations for this development consistent.

i. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in subsection 4.2.1.B.3 can no longer be met.

N/A

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RESOLUTION

WHEREAS, the Board of County Commissioners has made its findings upon the request to amend the Loveland Growth Management Area Overlay Zone District Boundary which findings precede this resolution, and by reference are incorporated herein and made a part hereof; and

WHEREAS, the Board of County Commissioners has carefully considered the request, evidence and testimony presented to it, and has given the same such weight as it in its discretion deems proper, and is now fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED that the request to amend the Loveland Growth Management Overlay Zone District Boundary to expand the jointly adopted Growth Management Area (GMA) boundary as shown in Exhibit "A" hereto be and the same hereby is granted.

BE IT FURTHER RESOLVED that the Deputy Clerk of this Board shall forthwith cause a certified copy of this Resolution to be filed with the Clerk and Recorder for the County of Larimer and that the County Planning Director shall cause the Official Zoning Map for the County filed in the County Clerk's office, which is a part of the Larimer County Land Use Code, to be amended and shall amend the maps in the Larimer County Planning Offices to reflect the change in the overlay zoning boundaries in accordance with this Resolution.

Commissioners Gaiter and Donnelly voted in favor of the Findings and Resolution, and the same were duly adopted. Commissioner Johnson was absent.

DATED this 30th day of Jan., 2017.



BOARD OF COUNTY COMMISSIONERS
LARIMER COUNTY, COLORADO

By: Steve Johnson
Chair

(SEAL)

ATTEST:

Jan Walsh
Deputy Clerk

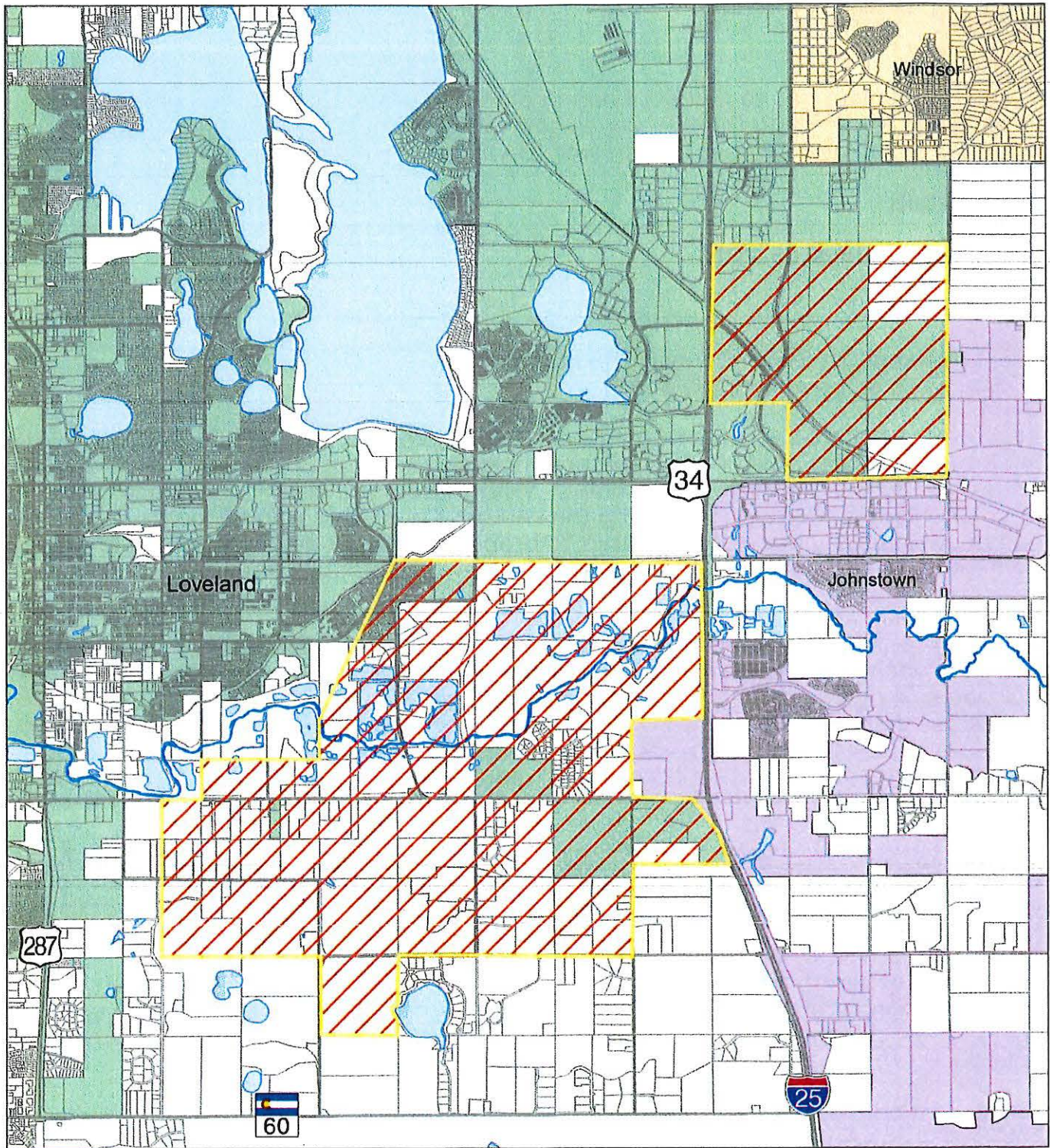
DATE 9 22 17

APPROVED AS TO FORM:

Shaag
COUNTY ATTORNEY

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Exhibit A






 Not to scale
 City of Loveland

Prepared by City of Loveland Development Services
July 2017

Legend


 Amendment will propose adding these areas to the Intergovernmental Agreement