



Development Services Current Planning

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Planning Commission Staff Report October 22, 2012

Agenda #: Study Session - 1

Title: Public Notice Code Amendment

Applicant: City of Loveland Development
Services Department

Request: Code Amendment to Titles 18 & 16

**Staff
Planner:** Noreen Smyth, Senior Planner

Staff Recommendation:

Staff recommends that the Planning Commission instructs staff to schedule a public hearing on the proposed amendment.

Summary of Analysis

This is a study session to consider a staff-initiated text amendment to the public notice sections of Title 18, the Zoning Code, and Title 16, the Subdivision Code. The Code amendment was pursued in response to challenges applicants have experienced in meeting the lake front mailed notification requirement. In addition to tweaking the lake front notification provision, changes are proposed to certain other aspects of the public notice sections of the Code. These other changes center on simplifying the method of measuring mailed notice distance, clarifying the chapter through a reorganization of the text, and allowing for public notice for applications and director decisions that had not previously been included in the public notice chapters.

The proposed amendment has undergone a thorough review by the Title 18 Committee, which has instructed staff to forward the matter to the Planning Commission with a recommendation that the amendment be adopted. The attached draft text amendment reflects changes required by both the Title 18 Committee and the City Attorney. Staff believes that all key issues have been resolved.

I. ATTACHMENTS:

- 1) Title 18 Committee memo concerning draft Title 18 Text Amendment
- 2) Draft Title 18 Text Amendment
- 3) Draft Title 16 Text Amendment

II. BACKGROUND/TITLE 18 COMMITTEE REVIEW:

Attached for the Planning Commission's review is the staff memo that went to the Title 18 Committee concerning the draft public notice Code amendment. It explains in detail the proposed changes to the public notice provisions and the reasoning behind the changes.

The draft amendment to Zoning Code Chapter 18.05 was first presented to the Title 18 Committee at their July 2012 meeting. Concern over the Code's extensive lake front notification requirement, which had been enacted through a Code amendment approximately three years ago, prompted staff to initiate a modification to this provision. The lake front notice provision required all owners of lake front properties on the four largest lakes in the City to be notified by mail of a public hearing, neighborhood meeting or director's decision whenever the lake fell within the standard notice distance requirement. Applicants impacted by this provision felt that the number of property owners to whom they had to mail notification was too large. Also, some recipients of such notices complained that they had received notice for a project that had no relationship to their property. This issue and other minor concerns with the public notice provisions were explained to the Committee at the July meeting, and a draft text amendment addressing these issues was presented for their consideration. The Committee expressed general support for pursuing improvements to this chapter of the Code, gave initial feedback on the draft, and instructed staff to put the item on the August Title 18 Committee agenda for a more thorough analysis.

At their August meeting, the Committee agreed that the current lake front requirement was excessive and that other changes clarifying the method of measuring notification distances were useful. However, the Committee expressed concern that the changes may result in too significant a decrease in the number of property owners receiving mailed notice. The Committee instructed staff to address this matter come back to them at their September meeting.

For the September meeting, the amendment was further refined to modestly increase the standard mailed notification distance. This was done to make up for a potential decrease in the distance that could result from the changes to method of measuring distance. In addition, a draft amendment of the public notice section of Title 16, the Subdivision Code, matching the changes proposed for Title 18, was presented. The Committee supported the latest version of the amendment and referred the proposal to the Planning Commission with a recommendation of approval. However, because the Committee wants to further ensure the appropriateness of both the standard and the lake front notification distances, it has put the matter on their October 18 agenda for a further review. Staff will present additional recommendations, if any, that result

from the October Title 18 Committee meeting to the Planning Commission at their October 22 meeting.

V. SUMMARY:

Attached is both the Title 18 and Title 16 draft amendments to the public notice provisions. Cross-out versions have not been prepared because of the significant amount of reorganization that has occurred. The attached texts, if the amendment is approved, will represent complete replacements of their respective sections in Titles 18 and 16.

A detailed list of changes to the public notice provisions is provided at the top of the Title 18 draft. The changes center on:

- 1) Method of measuring both the lake front and standard mailed notice requirement;
- 2) Inclusion of public notice for applications and staff decisions not currently referenced in the chapter, and
- 3) Clarifying the Chapter's requirements through a reorganization of the text.

Staff will be prepared to discuss the amendment with Commission members at the October study session meeting.

V. KEY ISSUES:

Staff believes that all key issues have been resolved through the Title 18 Committee and staff review processes.

Action to be taken by the Planning Commission

Provide staff with feedback on the proposed amendment. If the Commission is supportive of the amendment and seeks no changes or only minor changes to the amendment, it can instruct staff to schedule a public hearing on the amendment.



Title 18 September Committee Meeting

9/20/12

Discussion Topic: Chapter 18.05 Public Notice Code Amendment

Zoning Code Chapter 18.05 details the requirements for notifying the public of hearings, meetings and staff decisions related to zoning requests. Approximately three years ago, the Chapter was amended to address concerns related to the public notice for development proposals near lakes, and at the same time, the entire chapter was reorganized to improve clarity. After a few years of implementing the amended chapter, staff believes the notice requirements can be further tweaked to improve the intent of the public notice provisions.

Background

For Chapter 18-related meetings and decisions requiring public notice, the determination of which property owners to notify by mail is based on distance from the subject property. Prior to the amendment of three years ago, the notification distance was always measured exclusive of lakes, meaning that if a lake fell within the standard notification distance, the measurement would cease at the edge of the water and continue again on land.

This “lake jumping” measurement method was considered to provide adequate notice to owners of properties fronting smaller lakes, but there was concern that it did not adequately account for the broad impact of developments near larger lakes. Recognizing that lake front properties have a uniquely large viewshed that is potentially impacted by any development in close proximity to the lake, the City increased the opportunity for such property owners to receive mailed notice of development proposals. Instead of “jumping over” the four largest lakes (Boyd, Horseshoe, Loveland, and Boedecker) when measuring notice distance, a provision was added to Chapter 18.05 requiring all properties on these lakes to be notified by mail in the event that any portion of the lake fell within the standard notification distance.

Implementation

Implementation of the provision requiring mailed notice to all lake front property owners on the four largest lakes has been found to be problematic. A recent and rather noteworthy example concerned a variance request for a property on Boyd Lake. The request was for a setback encroachment of an existing deck which was not visible from any lake front property beyond those within very close proximity of the subject property. Mailed notification to all owners of property within 150 feet was required. As Boyd Lake fell within the notification distance, all lake front properties on Boyd had to be mailed a hearing notice. That applicant was burdened with a cost for the mailed notification that

was disproportionate to the majority of other applicants and excessive given the nature of the request. Also, Boyd Lake property owners receiving the notification may have been unduly concerned about a perceived impact to their property.

Because this has been a recurring issue, staff is proposing a Code amendment to more appropriately determine the impacted lake front properties that warrant receiving mailed notice. Staff still considers it appropriate to increase the scale of notification of lake front property owners. However, the measurement can be limited to exclude properties for which it can be reasonably anticipated that no or minimal impact would occur due to distance from the subject property.

Proposed Amendment

Because of the great distance between the far ends of the largest lakes, and because of the curves to shorelines that limit viewsheds, it is unlikely that all lake front properties will be impacted by all development applications in close proximity to a lake. After analysis of a variety of approaches to measuring lake front notification, staff recommends replacing the requirement to notify all lake front property owners with the following distance-based approach to lake front notification:

Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 18.05-2 (Mailed Notice Distance Requirements).

A doubling of the notification distance for lake front properties significantly increases the likelihood (over the standard notification distance alone) that a lake front property will be mailed notice for development proposals in the vicinity of a lake. Unlike the Code's current approach to lake front measurement, this approach also ensures that properties at a great distance from a development proposal will not receive mailed notification. In addition, since the standard notice distance is larger for types of applications that are greater in magnitude (such as PUDs), lake front notification with this "doubling" approach will also be larger for applications of greater magnitude. It should be noted that although a lesser number of lake front properties will receive mailed notice with the proposed amendment over the City's current approach, all property owners can still potentially see the required posting of a notice on the property, in the newspaper, or at the Civic Building.

In staff's opinion, the standard notification distances specified in Chapter 18.05 and their doubling for lake front properties provide appropriate notice with the exception of the variance distance. At 150 feet, often only adjacent property owners are eligible to receive the variance mailed notice, and at its doubling to 300 feet, few additional lake front property owners would receive the mailed notice for requests near a lake. An increase in the variance mailed notice distance to 200 feet (and respectively to 400 feet for lake front notice) is recommended in the proposed amendment.

Because of the logical approach to lake front notice proposed by this amendment, staff further recommends that no distinction be made between the notification procedures on

small lakes and large lakes in the City. As the amendment is written, no lake will be excluded from the notice distance measurement and, in the event that any portion of any lake falls within the standard notice distance, all lake front property owners within double the standard notification distance will be notified.

Additional Changes

Reorganization

While the impetus for the current proposal to amend Chapter 18.05 is the lake front notification provision, staff would like to broadly reorganize the chapter as part of the amendment. The chapter is currently organized by type of notice (posted, mailed and newspaper) and groups neighborhood meeting, public hearing, and staff decision notice requirements together. This has caused confusion in how the requirements are interpreted and applied, since in actual practice, the approach and information provided in the public notice for each of these matters varies significantly. Given this complexity, the proposed amendment segments the chapter into type of meeting instead of type of notice.

The most noteworthy change in this regard is that notification requirements for Director (or staff) decisions, that is, Special Reviews and Major Home Occupations, have been removed from Chapter 18.05. The information in the public notice and the manner of providing the notice differs significantly for these types of requests versus neighborhood meetings and public hearings. This is because a staff decision public notice occurs after a decision has been made, while the neighborhood meeting and public hearing notice occurs before a decision. Also, additional public notices are required for staff decisions if an appeal is filed. Rather than going into detail about these staff decision notice procedures in 18.05, the proposed amendment refers the reader to the respective Special Review and Major Home Occupation sections of the Code. While referring a reader in the Code to another section of the Code is not ideal, this method is already utilized in Chapter 18.05 for Comprehensive Plan Amendments and Vested Right hearings, which are noticed in a less straightforward manner than other types of applications.

A provision has been added to the staff decision subsection specifying that the Current Planning Manager can require public notice for any zoning-related staff decision that is anticipated to impact other properties.

Measuring Distance

The Code requires notification distance to be measured exclusive of public streets and rights-of-way. This has been a difficult requirement to implement for two reasons: 1) The method of exclusion is unclear. For example, where a street extends in a perpendicular manner from a subject property, it is unclear how to exclude it from the measurement; and 2) For applications requiring a large notice distance, there can be an excessive number of streets/rights-of-way to exclude.

It is proposed that the Code be amended to clarify how to measure notice distance and to eliminate the exclusion of streets and rights-of-way. Two statements in this regard have been added to the proposed amendment:

- The references to *radius* have been removed and notification distance is instead “measured from the perimeter of the subject property.”
- The notification distance will be measured inclusive, instead of exclusive, of streets and rights-of-way, eliminating the difficulties and inconsistencies associated with methods of “jumping over” these areas.

To make up for the reduction in notice distance that results from this change, staff has proposed that the notice distances be increased by 20%, with the exception of the variance distance, which is proposed to be increased by 33% as discussed in the lake front notification section earlier in this memo.

Conclusion

Attached is a draft of the proposed text amendment to the Public Notice Requirements chapter of the Municipal Code. Changes to the Chapter center on:

- 1) Method of measuring the lake front property mailed notice requirement;
- 2) Defining and simplifying the method of measuring the standard mailed notice distance, and
- 3) Clarifying the Chapter’s requirements through a reorganization of the text.

Staff will be prepared to discuss the text amendment with the Title 18 Committee members at the August meeting. If the Committee is generally supportive of the text amendment, it can direct Staff to proceed with the matter to a Council study session. The amendment presented to Council can be further altered to reflect any changes requested by the Committee.

LIST OF ATTACHMENTS:

- 1) Draft Text Amendment

RECOMMENDED ACTION:

Provide Staff with feedback on the proposed text amendment and direct Staff to proceed with the matter to a Council study session.

Title 18 Zoning Code Public Notice Replacement Chapter: 10/17/12

This amended version of the Title 18 Zoning Code public notice chapter is proposed as a replacement of the entire chapter. Because there has been a significant amount of reorganization within the chapter, a cross-out text amendment version has not been prepared.

Yellow highlighting indicates substantive (rather than clarifying) text changes related to the following:

- Reduced lake front mailed notice distance
- Expanded standard mailed notice distances
- Inclusion of public streets/rights-of-way when determining notice distance
- Public notice for staff decisions not standardly required to be noticed but anticipated to impact other properties
- Inclusion of a notice distance for BE District site development plans requiring Planning Commission approval
- Expanded time period for obtaining the property owners list for the mailed notice

Clarifying changes include the following:

- Organizing the chapter by type of meeting instead of type of notice
- Providing information on staff decision (Special Review and Major Home Occupation) notice requirements in their respective chapters instead of duplicating it in this chapter
- Specifying how to measure notice distance requirements

Chapter 18.05

PUBLIC NOTICE REQUIREMENTS

Sections:

| | |
|------------------|---|
| 18.05.010 | Purpose. |
| 18.05.020 | Neighborhood Meetings. |
| 18.05.030 | Mailed Notice for Neighborhood Meetings. |
| 18.05.040 | Posted Notice for Neighborhood Meetings. |
| 18.05.050 | Public Hearings. |
| 18.05.060 | Mailed Notice for Public Hearings. |
| 18.05.070 | Posted Notice for Public Hearings. |
| 18.05.080 | Published Notice for Public Hearings. |
| 18.05.090 | Staff Decisions. |
| 18.05.100 | Computation of Time. |
| 18.05.110 | Notice Cost. |
| 18.05.120 | Applicant's Certification. |
| 18.05.130 | Failure to Provide Notice, Defective Notice. |
| 18.05.140 | Continuation of Hearings. |

18.05.150 Notice for Appeals

18.05.010 Purpose.

This Chapter provides standards for public notice for neighborhood meetings, public hearings, and staff decisions as specified within Title 18.

18.05.020 Neighborhood Meetings.

Mailed and posted public notice is required for neighborhood meetings. It is the applicant's responsibility to mail and post public notice for neighborhood meetings.

18.05.030 Mailed Notice for Neighborhood Meetings.

A. Deadline for Mailing. At least fifteen (15) days prior to a neighborhood meeting, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.030.C(1), at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 18.05.120

B. Content. The written (mailed) notice for neighborhood meetings shall include the following:

1. Time, date, and location of the meeting.
2. The application(s) to be considered.
3. Project name.
4. Applicant's name.
5. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Current Planning Division office.
6. Description of the proposal for the subject property, including existing and proposed zoning, if applicable.
7. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number and e-mail address.
8. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.

C. Requirements for Mailing.

1. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall within the distances provided in Table 18.05-1 and Sections 18.05.030.C (3) through (7), shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
2. Area of Notification. For all applications requiring written (mailed) public notice, the distances specified in Table 18.05-1 Mailed Notice Distance Requirements, shall be

used to determine the area to which such notice shall be given, except as provided in Sections 18.05.030.C (3) through (7). All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

| Table 18.05-1 MAILED NOTICE DISTANCE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS | | | |
|--|--|----------------------|------------------------------|
| Application Type | Application Size | | |
| | Under 21 acres | 21 – 50 acres | Greater than 50 acres |
| Annexation, Zoning | 1,200 ft. | 1,200 ft. | 1,200 ft. |
| Comprehensive Plan Amendment | See Section 6.0 of the Loveland Comprehensive Master Plan | | |
| PUD General Development Plan | 1,200 ft. | 1,200 ft. | 1,200 ft. |
| PUD Preliminary Development Plan | 600 ft. | 900 ft. | 1,200 ft. |
| Major Home Occupation | All members of the neighborhood <i>as defined in Section 18.48.020</i> | | |
| Rezoning | 600 ft. | 900 ft. | 1,200 ft. |
| Special Review | 600 ft. | 900 ft. | 1,200 ft. |
| Variance | 200 ft. | 200 ft. | 200 ft. |

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
4. Lake front notification. Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 18.05-1.
5. Reduction in Notification Area. All notification distances in Table 18.05-1 shall be reduced by fifty (50) percent, but shall not be less than three hundred (300) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
6. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 18.05-1 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.

18.05.040 Posted Notice for Neighborhood Meetings.

A. Deadline for Posting. At least fifteen (15) days prior to a neighborhood meeting, the applicant shall post a notice on the subject property.

B. Content. The posted notice for neighborhood meetings shall include the following:

1. Time, date, and location of the meeting.

2. The application(s) to be considered.
3. Project name.
4. Applicant's name.
5. City of Loveland Current Planning Division contact information, including the name, phone number and email address of the reviewing planner.

C. Requirements for Posting.

1. It shall be the applicant's responsibility to have the sign(s) created by a sign company.
2. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the neighborhood meeting. The Current Planning Division shall provide the applicant with specifications for the posting location of the required signs.
3. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 18.05.120.

18.05.050 Public Hearings.

Mailed, posted and published public notice is required for public hearings. It is the applicant's responsibility to mail and post public notice for public hearings; the City is responsible to publish notice for public hearings.

18.05.060 Mailed Notice for Public Hearings.

A. Deadline for Mailing. At least fifteen (15) days prior to a public hearing, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 18.05.060.C(1), at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 18.05.120.

B. Content. The mailed notice for public hearings shall include the following:

1. Time, date, and location of the hearing.
2. The application(s) to be considered.
3. Project name.
4. Applicant's name.
5. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Current Planning Division office.
6. Description of the proposal for the subject property.
7. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
8. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.

9. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.

C. Requirements for Mailing.

1. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall within the distances provided in Table 18.05-2 and Sections 18.05.060.C (iii) through (vii), shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
2. Area of Notification. For all applications requiring written (mailed) public notice, the distances specified in Table 18.05-2 Mailed Notice Distance Requirements, shall be used to determine the area to which such notice shall be given, except as provided in Sections 18.05.060.C (3) through (7). All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

Table 18.05-2 MAILED NOTICE DISTANCE REQUIREMENTS FOR PUBLIC HEARINGS

| Application Type | Application Size | | |
|--|---|---------------|-----------------------|
| | Under 21 acres | 21 – 50 acres | Greater than 50 acres |
| Annexation, Zoning | 1,200 ft. | 1,200 ft. | 1,200 ft. |
| Comprehensive Plan Amendment | See Section 6.0 of the Loveland Comprehensive Master Plan | | |
| Be District Site Development Plans* | 300 ft. | 300 ft. | 300 ft. |
| PUD General Development Plan | 1,200 ft. | 1,200 ft. | 1,200 ft. |
| PUD Preliminary Development Plan | 600 ft. | 900 ft. | 1,200 ft. |
| Rezoning | 600 ft. | 900 ft. | 1,200 ft. |

*For Be District site development plans requiring approval of Planning Commission as indicated in 18.24.050

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
4. Lake front notification. Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 18.05-2.
5. Reduction in Notification Area. All notification distances in Table 18.05-2 shall be reduced by fifty (50) percent, but shall not be less than three hundred (300) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.

6. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 18.05-2 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the public hearing.
7. Mineral Estate Owners. The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least thirty (30) days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act (C.R.S. § 24-65.5-101 et seq.)(the “act”). An affidavit of the applicant’s compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of the act.

18.05.070 Posted Notice for Public Hearings.

A. Deadline for Posting. At least fifteen (15) days prior to a public hearing, the applicant shall post a notice on the subject property.

B. Content. The posted notice for public hearings shall include the following:

1. Time, date, and location of the hearing.
2. The application(s) to be considered.
3. Project name.
4. Applicant’s name.
5. City of Loveland Current Planning Division contact information, including the name, phone number and email address of the reviewing planner.

C. Requirements for Posting.

1. It shall be the applicant’s responsibility to have the sign(s) created by a sign company.
2. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant’s responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the public hearing. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
3. An affidavit of the applicant’s compliance with the posted notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 18.05.120.

18.05.080 Published Notice for Public Hearings.

A. Deadline for Publishing. Notice shall be published by the current planning division at least fifteen (15) days prior to a public hearing.

B. Content. The published notice for public hearings shall include the following:

1. Time, date, and location of the hearing.
2. The application(s) to be considered.

3. Project name.
4. Applicant's name.
5. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Current Planning Division office.
6. Description of the proposal for the subject property.
7. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number and e-mail address.
8. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
9. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.

C. Requirements for Publishing. Notice of the public hearing shall be published one (1) time in a newspaper of general circulation.

18.05.090 Staff Decisions.

A. Required Notice. Mailed or posted public notice is required for certain staff decisions relating to special review and major home occupation applications. Refer to Code Section 18.40 for requirements applicable to special review application and Section 18.48.020 for requirements applicable to major home occupation application.

B. Optional Notice. Notice of staff decisions authorized under this Title but not otherwise subject to specific notice requirements may be required by the Current Planning Manager when the following circumstances exist:

1. A discretionary decision has been made by staff concerning the application of one or more regulations contained in this Title; and
2. The decision may impact the use or enjoyment of property within the vicinity of the subject site; and
3. There is reason to believe that there may be parties of interest residing or owning property within the vicinity of the affected property.

C. Type and Distance of Optional Notice. Notice type(s) and distance for optional notice shall be at the discretion of the Current Planning Manager. In no instance shall mailed notice exceed 300 feet from the boundary of the subject property.

18.05.100 Computation of Time.

In computing any period of time prescribed for the purpose of giving notice under the provisions of this Chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.

18.05.110 Notice Cost.

All costs for providing public notice as required by this Chapter shall be the responsibility of the applicant except for Published Notice.

18.05.120 Applicant's Certification.

Prior to the neighborhood meeting or public hearing, the applicant shall provide the Current Planning Division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Chapter have been met. The Current Planning Division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant in Sections 18.05.020 and 18.05.050.

18.05.130 Failure to Provide Notice, Defective Notice.

Failure to provide the required affidavit, or evidence of a defective mailing list prior to a neighborhood meeting or public hearing, shall result in termination of the review process until proper notice is provided, meeting all applicable provisions herein.

18.05.140 Continuation of Hearings and Neighborhood Meetings.

A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Chapter, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

18.05.150 Notice for Appeals

Any final decision that is appealed under this chapter is subject to the same notice standards as the original notice.

Title 16 Subdivision Code Public Notice Replacement Section: 10/17/12

This amended version of the Title 16 Subdivision Code public notice section is proposed as a replacement of the entire section. Because there has been a significant amount of reorganization within the section, a cross-out text amendment version has not been prepared. It has been reorganized to match the proposed reorganization of the public notice chapter of the Zoning Code (Title 18).

16.16.070 Public notice requirements.

- A. Purpose. This section provides standards for public notice for neighborhood meetings, public hearings, and staff decisions as required within Title 16.
- B. Applicability. Public notice shall not be required for Final Plats for Major Subdivisions, Boundary Line Adjustments, Lot Mergers, or Simple Plats.

16.16.071 Neighborhood meetings.

- A. Applicability. Mailed and posted public notice is required for neighborhood meetings. It is the applicant's responsibility to mail and post public notice for neighborhood meetings.
- B. Mailed Notice for Neighborhood Meetings.
 - 1. Deadline for Mailing. At least fifteen (15) days prior to a neighborhood meeting, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.16.071-3b at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 16.16.074.
 - 2. Content. The written (mailed) notice for neighborhood meetings shall include the following:
 - a. Time, date, and location of the meeting.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Civic Center.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
 - h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
 - 3. Requirements for Mailing.

- a. **Ownership List.** A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.16.071 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
- b. **Area of Notification.** The distances specified in Table 16.16.071 Mailed Notice Distance Requirements for Neighborhood Meetings, shall be used to determine the area to which written (mailed) notice shall be given, except as provided in subsections c through f of this subsection 16.16.071.B.3. All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

| Table 16.16.071 MAILED NOTICE DISTANCE REQUIREMENTS FOR NEIGHBORHOOD MEETINGS | | | |
|--|-------------------------|------------------------|------------------------------|
| Application Type | Application Size | | |
| | Under 21 acres | 21 – 50 acres | Greater than 50 acres |
| Preliminary Plat | 500 600 ft. | 750 900 ft. | 1,000 1,200 ft. |

- c. **Public rights-of-way and streets.** Notification distance shall be calculated inclusive of public rights-of-way and public streets.
 - d. **Lake front notification.** Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 16.16.071.
 - e. **Reduction in Notification Area.** All notification distances in Table 16.16.071 shall be reduced by fifty (50) percent, but shall not be less than four hundred (400) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
 - f. **Expansion of Notification Area.** The area of required notification may be expanded up to twice the distance specified in Table 16.16.071 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the neighborhood meeting.
- C. **Posted Notice for Neighborhood Meetings.**
1. **Deadline for Posting.** At least fifteen (15) days prior to a neighborhood meeting, the applicant shall post a notice on the subject property.
 2. **Content.** The posted notice for neighborhood meetings shall include the following:
 - a. Time, date, and location of the meeting.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.

- e. City of Loveland Current Planning Division contact information, including the name, phone number and email address of the reviewing planner.
- 3. Requirements for Posting.
 - a. It shall be the applicant's responsibility to have the sign(s) created at a sign company.
 - b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the neighborhood meeting. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
 - c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the neighborhood meeting for which the notice was given and shall satisfy the requirements of Section 16.16.074.

16.16.072 Public hearings.

- A. Applicability. Mailed, posted and published public notice is required for public hearings. It is the applicant's responsibility to mail and post public notice for public hearings and staff's responsibility to publish notice for public hearings.
- B. Mailed Notice for Public Hearings.
 - 1. Deadline for Mailing. At least fifteen (15) days prior to a public hearing, the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.16.072-B3 b at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 16.16.074.
 - 2. Content. The written (mailed) notice for public hearings shall include the following:
 - a. Time, date, and location of the hearing.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at City Hall.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
 - h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
 - i. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.
 - 3. Requirements for Mailing.

- a. **Ownership List.** A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.16.072 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
- b. **Area of Notification.** The distances specified in Table 16.16.072 Mailed Notice Distance Requirements for Public Hearings, shall be used to determine the area to which written (mailed) notice shall be given, except as provided in subsections c through g of this subsection 16.16.072.B.3. All properties that fall wholly or partially within the stated distance, as measured from the perimeter of the subject property, shall be included.

| Table 16.16.072 MAILED NOTICE DISTANCE REQUIREMENTS FOR PUBLIC HEARINGS | | | |
|--|-------------------------|----------------------|------------------------------|
| Application Type | Application Size | | |
| | Under 21 acres | 21 – 50 acres | Greater than 50 acres |
| Preliminary Plat | 500 600 ft. | 750 900 ft. | 1,000 1,200 ft. |
| Obsolete Subdivisions | See Chapter 16.36 | | |
| Vacation (of easements or rights-of-way) | See Chapter 16.36 | | |

- c. **Public rights-of-way and streets.** Notification distance shall be calculated inclusive of public rights-of-way and public streets.
- d. **Lake front notification.** Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 16.16.072.
- e. **Reduction in Notification Area.** All notification distances in Table 16.16.072 shall be reduced by fifty (50) percent, but shall not be less than four hundred (400) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
- f. **Expansion of Notification Area.** The area of required notification may be expanded up to twice the distance specified in Table 18.05-2 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the public hearing.
- g. **Mineral Estate Owners.** The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least thirty (30) days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act (C.R.S. § 24-65.5-101 et

seq.) (the “act”). An affidavit of the applicant’s compliance with such requirements shall be provided to the City prior to the public hearing for which the notice was given and shall meet the provisions of the act.

C. Posted Notice for Public Hearings.

1. Deadline for Posting. At least fifteen (15) days prior to a public hearing, the applicant shall post a notice on the subject property.
2. Content. The posted notice for public hearings shall include the following:
 - a. Time, date, and location of the hearing.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant’s name.
 - e. City of Loveland Current Planning Division contact information, including the name, phone number and email address of the reviewing planner.
3. Requirements for Posting.
 - a. It shall be the applicant’s responsibility to have the sign(s) created at a sign company.
 - b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant’s responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 15-day period leading up to the public hearing. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.
 - c. An affidavit of the applicant’s compliance with the posted notice requirements shall be provided to the City prior to the public hearing for which the notice was given and shall satisfy the requirements of Section 16.16.074C.

D. Published Notice for Public Hearings.

1. Deadline for Publishing. Notice shall be published by the Current Planning Division at least fifteen (15) days prior to a public hearing.
2. Content. The published notice for public hearings shall include the following:
 - a. Time, date, and location of the hearing.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant’s name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties and for mineral estate notices, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Civic Center.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant’s consultant) information, including name of individual; name of company; phone number; e-mail address.
 - h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.

- i. A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.
3. Requirements for Publishing. Notice of the public hearing shall be published one (1) time in a newspaper of general circulation.

16.16.073 Staff decisions (minor subdivisions).

- A. Applicability. Mailed and posted public notice is required for staff decisions. It is the applicant's responsibility to mail and post public notice for staff decisions.
- B. Mailed Notice for Staff Decisions.
 1. Deadline for Mailing. Within fifteen (15) days after the preliminary approval of a minor plat of subdivision, the planning division shall formulate a preliminary written statement of findings and the applicant shall, by first class mail, send written notice to all property owners on the certified list required in Section 16.16.072 at the address listed for each owner. An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the City prior to final approval of the minor subdivision and shall satisfy the requirements of Section 16.16.074.
 2. Content. The written (mailed) notice for staff decisions shall include the following:
 - a. Date of the decision.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.
 - e. General description of the size and location of the subject property using street address and nearest street intersection. For platted properties, include the legal description of the subject property, referencing lots, blocks and tracts of identified subdivisions or additions. For metes and bounds properties, include a statement that the full legal description is available at the Civic Center.
 - f. Description of the proposal for the subject property.
 - g. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
 - h. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
 - i. A statement that interested parties may submit an appeal in accordance with the requirements of Chapter 18.80 of this Code and the date of the ten (10) day deadline for filing an appeal.
 3. Requirements for Mailing.
 - a. Ownership List. A list, certified by the applicant, of the names and addresses of all surface owners of record of all properties that fall wholly or partially within the distances provided in Table 16.16.073 shall be submitted to the City's Current Planning Division, using the names and addresses that appear on the latest records of the Larimer County Clerk and Recorder. This list shall be current to within sixty (60) days prior to the mailing.
 - b. Area of Notification. The distances specified in Table 16.16.073 Mailed Notice Distance Requirements for Staff Decisions, shall be used to determine the area to which written (mailed) notice shall be given, except as provided in subsections c

through f of this subsection 16.16.073.B.3. All properties that fall wholly or partially within the distance, as measured from the perimeter of the subject property, shall be included.

Table 16.16.073 MAILED NOTICE DISTANCE REQUIREMENTS FOR STAFF DECISIONS

| Application Type | Application Size | | |
|-------------------|------------------------|------------------------|------------------------|
| | Under 21 acres | 21 – 50 acres | Greater than 50 acres |
| Minor Subdivision | 150 300 ft. | 150 300 ft. | 150 300 ft. |

- c. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
 - d. Lake front notification. Should any portion of any lake be within the notification distance, written notice shall also be mailed to owners of lake front properties that are within two times the distances specified in Table 16.16.073.
 - e. Reduction in Notification Area. All notification distances in Table 16.16.073 shall be reduced by fifty (50) percent, but shall not be less than four hundred (400) feet for infill projects that are twenty (20) acres or less in size. For the purposes of this section, a project shall be considered an infill project if it is adjacent, on at least eighty (80) percent of its boundary, to existing city limits of the City of Loveland.
 - f. Expansion of Notification Area. The area of required notification may be expanded up to twice the distance specified in Table 16.16.073 if the Current Planning Manager reasonably anticipates interest or concern regarding the application from community members beyond the required distance. The applicant shall be notified in writing of any determination to expand the required notification area, including the reasons for the expansion, at least twenty one (21) days prior to the staff decision.
- C. Posted Notice for Staff Decisions.
- 1. Deadline for Posting. The applicant shall post notice on the subject property of the staff decision within fifteen (15) days after the preliminary staff decision and keep it posted for the duration of the ten (10) day appeal period.
 - 2. Content. The posted notice for staff decisions shall include the following:
 - a. Date of the decision.
 - b. The application(s) to be considered.
 - c. Project name.
 - d. Applicant's name.
 - e. City of Loveland Current Planning Division contact information, including the name, phone number and email address of the reviewing planner.
 - 3. Requirements for Posting.
 - a. It shall be the applicant's responsibility to have the sign(s) created at a sign company.
 - b. The posted notice shall be readily visible from each public street or highway adjoining the property. It is the applicant's responsibility to post the sign(s) on the site and ensure that the sign(s) remain in place during the full 10-day appeal

period. The Current Planning Division shall provide the applicant specifications for the location of signs required for the site.

- c. An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the City prior to the final approval for which the notice was given and shall meet the requirements of Section 18.05.120.

D. Optional Notice.

1. Notice of staff decisions authorized under this Title but not otherwise subject to specific notice requirements may be required by the Current Planning Manager when the following circumstances exist:
 - a. A discretionary decision has been made by staff concerning the application of one or more regulations contained in this Title; and
 - b. The decision may impact the use or enjoyment of property within the vicinity of the subject site; and
 - c. There is reason to believe that there may be parties of interest residing or owning property within the vicinity of the affected property.
2. Type and Distance of Optional Notice. Notice type(s) and distance for optional notice shall be at the discretion of the Current Planning Manager. In no instance shall mailed notice exceed 300 feet from the boundary of the subject property.

16.16.074 Additional notice requirements.

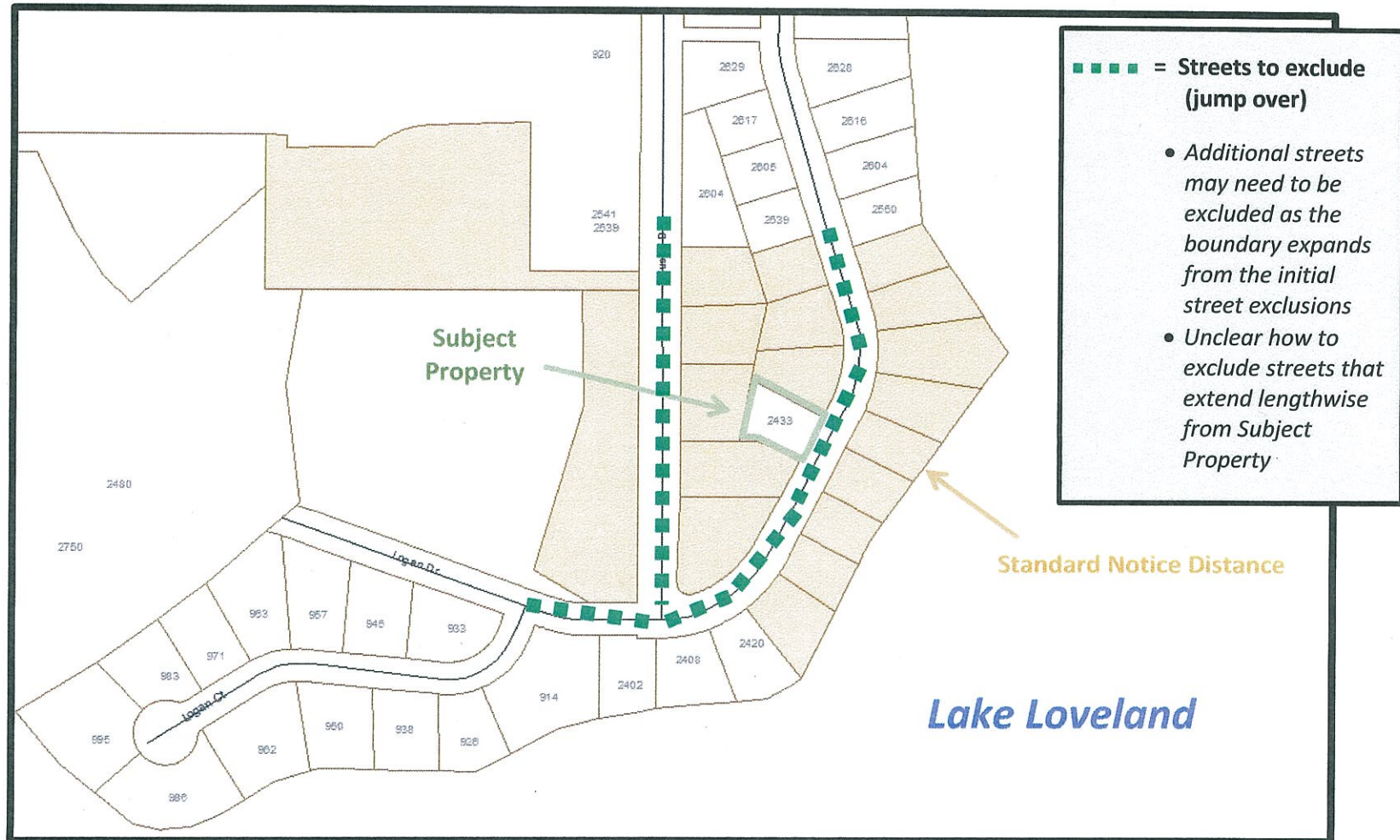
- A. Computation of Time. In computing any period of time prescribed for the purpose of giving notice under this Chapter, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- B. Notice Cost. All costs for providing public notice as required by this Chapter shall be the responsibility of the applicant except for the published notice.
- C. Applicant's Certification. Prior to the neighborhood meeting, public hearing, or final staff decision, the applicant shall provide the Current Planning Division with an affidavit certifying that the requirements as to the applicant's responsibility for the applicable forms of notice under this Chapter have been met. The Current Planning Division shall provide a sample of the certification, which shall address all applicable forms of public notice required of the applicant.
- D. Failure to Provide Notice, Defective Notice. Failure to provide the required affidavit or evidence of a defective mailing list prior to a neighborhood meeting or public hearing shall result in termination of the review process until proper notice is provided meeting all applicable provisions under this section.
- E. Continuation of Hearings and Neighborhood Meetings. A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Chapter, provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

16.16.075 Notice for appeals

Any final decision that is appealed under this section is subject to the same notice standards as the original notice.

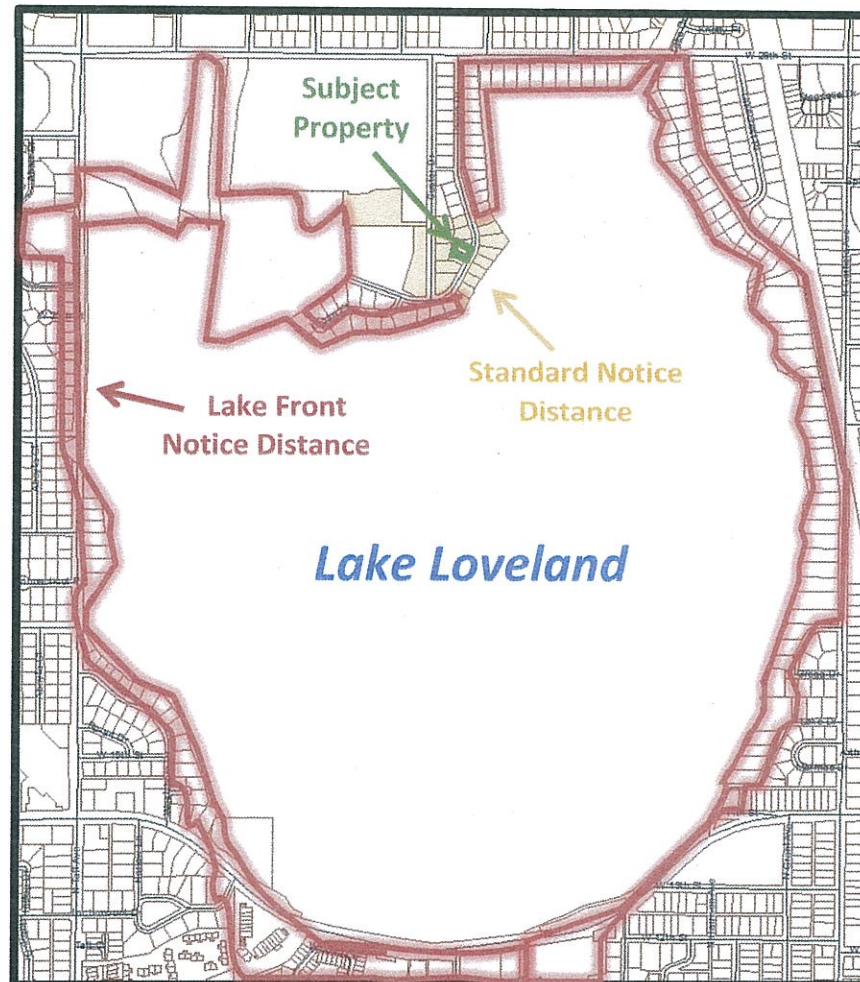
Existing Standard Mailed Notice Requirement

For variances on properties of any size



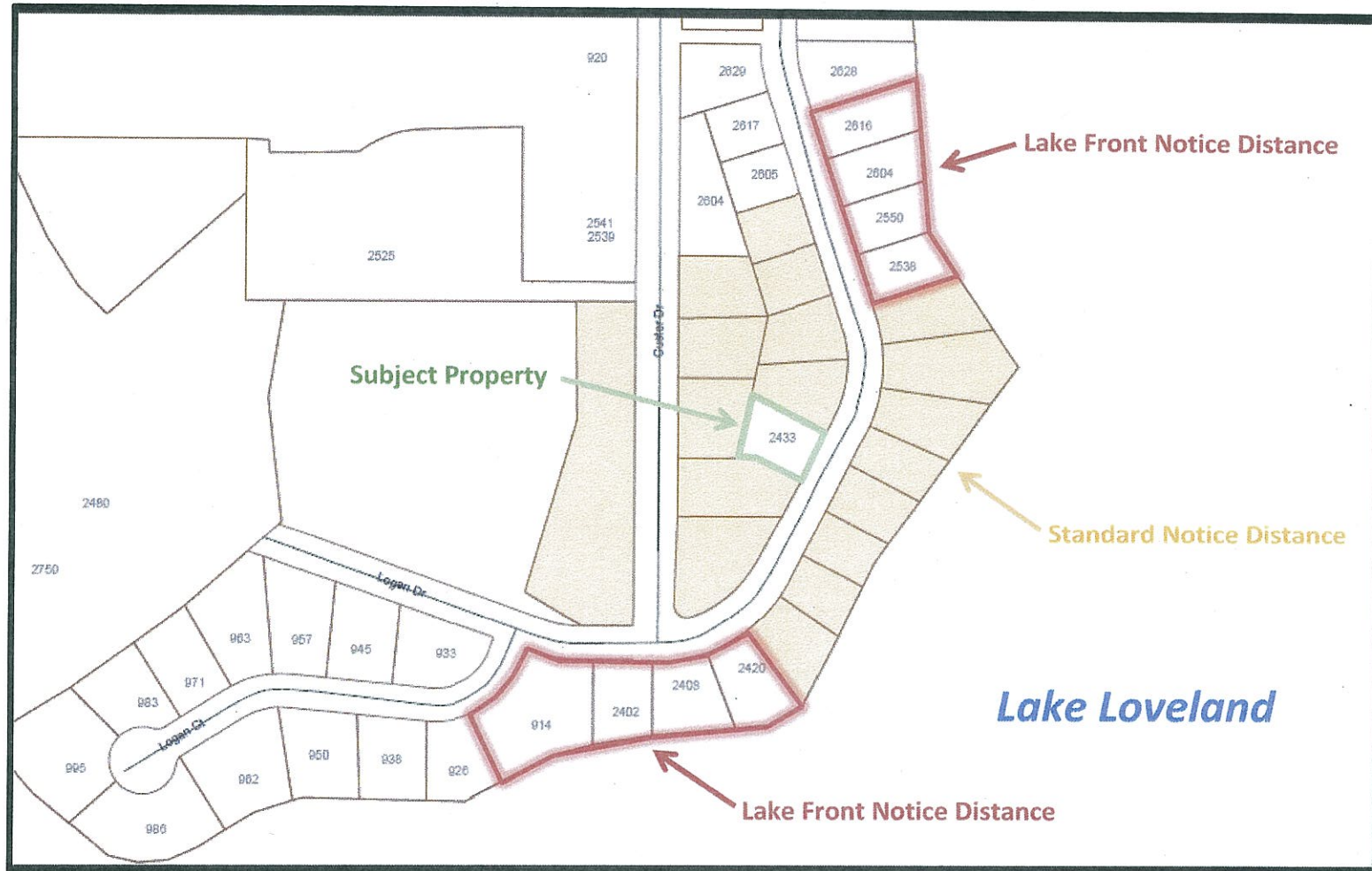
150 ft Standard Distance
Unclear public ROW exclusion

Existing Lake Front Mailed Notice Requirement *For variances on properties of any size*



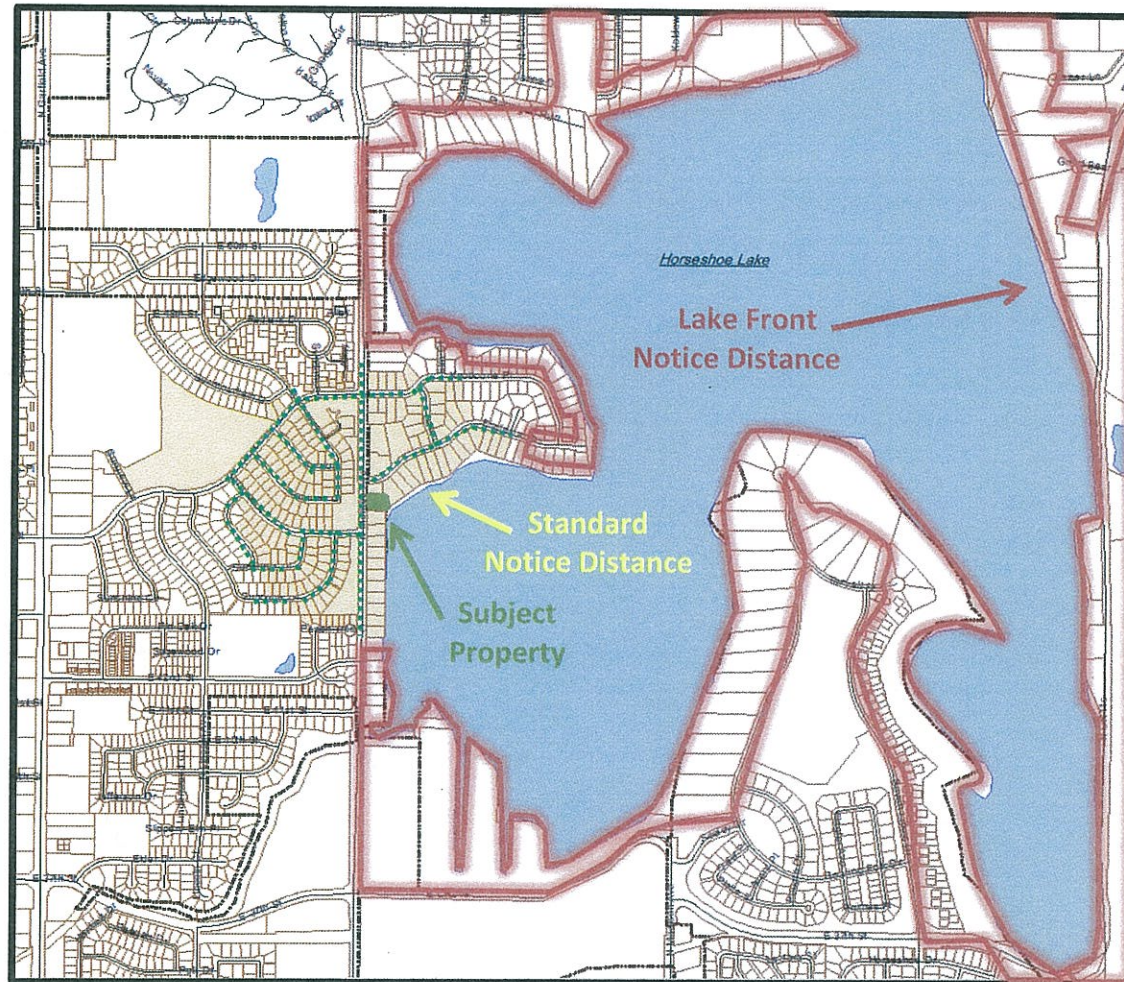
*150 ft Standard Distance / Full Lake Front Notification
Unclear public ROW exclusion*

Proposed Mailed Notice Requirement *For variances on properties of any size*



*200 ft Standard Distance / 400 ft Lake Front Distance
Public ROW included*

Existing Mailed Notice Requirement *For annexations on properties of any size*

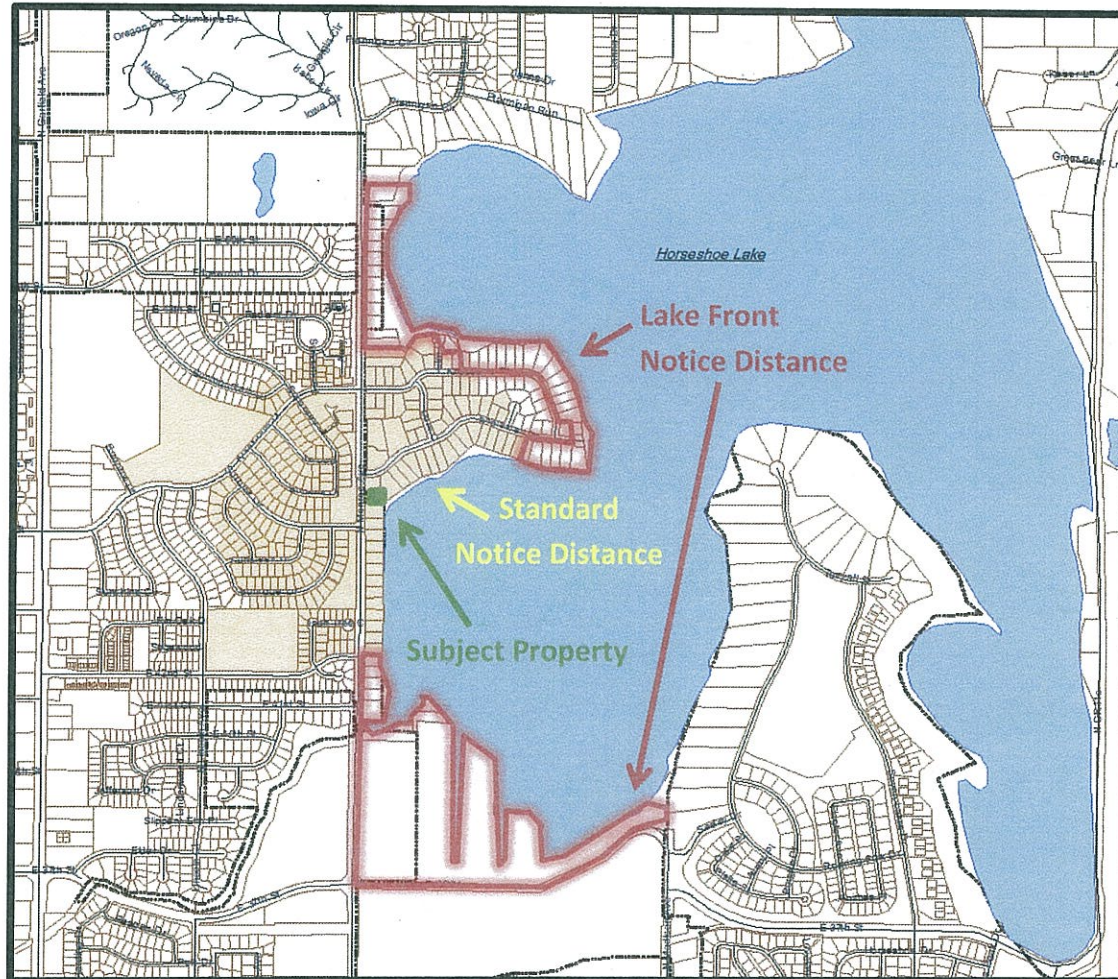


■ ■ ■ ■ = Streets to exclude
(jump over)

- Additional streets will need to be excluded as the boundary expands from the initial street exclusions
- Unclear how to exclude streets that extend lengthwise from Subject Property

*1000 ft Standard Distance / Full Lake Front Notification
Unclear public ROW exclusion*

Proposed Mailed Notice Requirement For annexations on properties of any size



*1200 ft Standard Distance / 2400 ft Lake Front Distance
Public ROW included*