

PROPOSED AMENDMENT TO CHAPTER 18.05,

PUBLIC NOTICE REQUIREMENTS:

Below is the entirety of Chapter 18.05 of Title 18 (the zoning code) of the Municipal Code, with the inclusion of proposed amendments relating to the public notice requirements for Oil and Gas Permits. Other minor, clarifying adjustments have also been provided. The amendments addressing notification for oil and gas permits respond to Ordinance #5753 that was adopted by the Loveland City Council on 2nd Reading on March 19, 2013. This ordinance (#5753) added chapters 18.77 and 18.78 to Title 18 of the Municipal Code for the purpose of regulating oil and gas development.

Please note that Chapter 18.05 was amended by the City Council on April 16, 2013 (2nd Reading). The amendment incorporated various clarifications and a restructuring of the chapter—but did not incorporate notification provisions for oil and gas development projects. Due to the recent adoption of the amendments to Chapter 18.05, the Municipal Code provisions assembled for access through the City's web site do not reflect the recent changes.

- Text proposed to be added is shown in underlined, red font
- Text proposed to be deleted is shown in ~~red font with strike-through~~

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. Vicinity map identifying the site within the neighborhood context.
6. 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.
7. Description of the proposal for the subject property, including existing and proposed zoning, if applicable.
8. Primary contact (applicant or applicant's consultant) information, including name of individual, name of company, phone number and e-mail address.
9. 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 (6), 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 Assessor. 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 (6). 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 5 acres	5 – 50 acres	Greater than 50 acres
Oil & Gas Permit ,per Chapter 18.77	<u>2,200 ft.</u> <u>(measured from</u> <u>boundary of</u> <u>property on which</u> <u>surface use will</u> <u>occur under permit)</u>	<u>2,200 ft.</u> <u>(measured from</u> <u>boundary of</u> <u>property on which</u> <u>surface use will</u> <u>occur under permit)</u>	<u>2,200 ft.</u> <u>(measured from</u> <u>boundary of</u> <u>property on which</u> <u>surface use will</u> <u>occur under permit)</u>
Annexation, Zoning	1,200 ft.	1,200 ft.	1,200 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland Comprehensive Master Plan		
Major Home Occupation	All members of the neighborhood <i>as defined in Section 18.48.020</i>		
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.
Special Review	600 ft.	900 ft.	1,200 ft.
Variance	200 ft.	200 ft.	200 ft.

Formatted Table

Formatted: Left

Formatted: Font: 10 pt

3. Public rights-of-way and streets. Notification distance shall be calculated inclusive of public rights-of-way and public streets.
4. Lake, golf course and park front notification.
 - a. If the subject property fronts a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 18.05-1. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.
 - b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in (a) above. 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.

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, except for oil and gas permits and variances,~~ for infill projects that are ~~less than twenty (20) five (5)~~ 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 properties within the 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 reduction in notification area as described in subsection 5. above shall not apply when there is an expansion of the notification area. 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. City of Loveland Current Planning Division contact information, including the division phone number.
- 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. Vicinity map identifying the site within the neighborhood context.
6. 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.
7. Description of the proposal for the subject property.
8. Primary contact (applicant or applicant's consultant) information, including name of individual; name of company; phone number; e-mail address.
9. Secondary contact (City of Loveland Current Planning Division) information, including the name, phone number and email address of the reviewing planner.
10. 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 (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 Assessor. 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 5 acres	5 – 50 acres	Greater than 50 acres
Oil & Gas Permit per Chapter 18.77	2,200 ft. (measured from boundary of property on which surface use will occur under permit)	2,200 ft. (measured from boundary of property on which surface use will occur under permit)	2,200 ft. (measured from boundary of property on which surface use will occur under permit)
Annexation, Zoning	1,200 ft.	1,200 ft.	1,200 ft.
Be District Developments*	300 ft.	300 ft.	300 ft.
Comprehensive Plan Amendment	See Section 6.0 of the Loveland Comprehensive Master Plan		
Height Exception	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 developments 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, golf course and park front notification.
 - a. If the subject property fronts a lake, public or private golf course or public park, written notice shall also be mailed to owners of other properties that front the lake, public or private golf course or public park that are within two times the distances specified in Table 18.05-2. For the purposes of this provision, lake front properties include those that are separated from the lake up to 50 feet by undevelopable property such as open space tracts and outlots.
 - b. The area of required notification may be expanded to include up to all properties fronting the lake, public or private golf course or public park if the Current Planning Manager reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of other fronting properties beyond the distance specified in (a) above. 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.

Formatted: Left
Formatted: Font: 10 pt

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, except for oil and gas permits and variances.~~ for infill projects that are ~~twenty (20) less than five (5)~~ 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 properties within the 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 reduction in notification area as described in subsection 5. above shall not apply when there is an expansion of the notification area. 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. City of Loveland Current Planning Division contact information, including the division phone number.
- 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. City of Loveland Current Planning Division contact information, including the division phone number.
 - 8. 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.

Section 2. That Chapter 16.18 of the Loveland Municipal Code is hereby amended and restated in its entirety to read as follows: