

1. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF COUNCIL MINUTES
 A motion to approve Council minutes from the May 7, 2013 regular meeting.

This is an administrative action to approve the Council minutes.

2. CITY MANAGER (presenter: Bill Cahill)
BOARD & COMMISSION APPOINTMENTS

A motion to approve the following appointments:

- Appoint Keith Benner to Construction Advisory Board of a partial term effective from May 21, 2013 until June 30, 2013.
- Appoint Banner Green to the Library Board for a partial term effective until December 31, 2013.
- Appoint Ellen Lawson as an alternate member on the Library Board for a term effective until December 31, 2013

This is an administrative action recommending the appointments of members to the Construction Advisory Board and the Library Board.

3. LIBRARY (presenter: Marcia Lewis)
UNITED WAY OF LARIMER COUNTY GRANT TO LOVELAND PUBLIC LIBRARY

A motion to approve and order published on second reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for a Contribution from the United Way of Larimer County for the Summer Literacy Program

This is an administrative action. The ordinance appropriates a contribution of \$3,000 from the United Way of Larimer County to the Loveland Public Library. This ordinance was unanimously approved by City Council on May 7, 2013.

4. PUBLIC WORKS (presenter: Keith Reester)
SUPPLEMENTAL APPROPRIATION FOR COLT VIDEO SURVEILLANCE INSTALLATIONS

A motion to approve and order published on second reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for the Transit Video Surveillance Project

This is an administrative action. The ordinance appropriates a Federal Transit Authority (FTA) Grant and the required local match for the video surveillance project. This appropriation supplements the 2013 Rollover with an additional \$41,210 to complete the project. The funds are excess FTA 5309 funds, from the recently completed electronic fare box installation project. This ordinance appropriates \$30,970 - FTA 5309 funds; \$10,240 - Local match. This ordinance was approved unanimously by City Council on May 7, 2013.

5. DEVELOPMENT SERVICES (presenter: Kerri Burchett)
FIRE STATION NO. 2 ADDITION

1. A motion to approve and order published on second reading an Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Fire Station No. 2 Addition" to the City of Loveland; and
2. A motion to approve and order published on second reading an Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Fire Station No. 2 Addition" to the City of Loveland

This is a legislative action to adopt an ordinance to annex 6.43 acres of City owned property to be known as the Fire Station No. 2 Addition; and a quasi-judicial action to zone the 6.43 acres to R1- Developing Low Density Residential District.

The property is located south of and adjacent to West 29th Street and approximately 900 feet west of North Wilson Avenue. The applicant is the City of Loveland Fire Rescue Authority. This ordinance was approved unanimously by City Council on May 7, 2013.

6. **PUBLIC WORKS** (presenter: Jason Licon)
FAA IMPROVEMENT 2013 GRANT AGREEMENT
A motion to approve a Resolution R-30-2013 Authorizing the City Manager to Execute the 2013 Grant Agreement (AIP Project No. 3-08-0023-32-2013) with the Federal Aviation Administration for Improvements at the Fort Collins-Loveland Municipal Airport
 This is an administrative action. The resolution authorizes the City Manager to execute a grant agreement with the Federal Aviation Administration (FAA) for funds in the amount not to exceed \$1,900,000. The FAA grant will be used to rehabilitate the north half of the general aviation apron and install perimeter fencing around the airport.

7. **FINANCE** (presenter: Brent Worthington)
CONTRACT AWARD FOR BANKING SERVICES
A motion to approve a Resolution R-31-2013 Authorizing the City Manager to Negotiate and Enter into an Agreement for Banking Services
 This is an administrative action. The City's current banking contract with Wells Fargo Bank is due to expire December 31, 2013. Staff recommends awarding the contract to 1st National Bank (located at 750 N. Lincoln, Loveland) based on responses to the Banking RFP.

8. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
KENDALL BROOK UTILITY EASEMENT VACATION
A motion to approve and order published on first reading an Ordinance Vacating a Portion of a Utility Easement on Lot 5, Block 21, Kendall Brook First Subdivision, City of Loveland
 This is a legislative action to adopt an ordinance on first reading vacating a portion of a utility easement for a single family residential lot in the Kendall Brook First Subdivision, located at 1670 Tennessee Street. The applicant is R + R Homes on behalf of property owners Ronald and Gail Ferguson. The side yard utility easement is not needed to accommodate existing or future utilities.

9. **DEVELOPMENT SERVICES/BUILDING** (presenter: Thomas Hawkinson)
PUBLIC HEARING
2012 INTERNATIONAL CODES
 A. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.08 of the Loveland Municipal Code and Adopting by Reference the International Building Code, 2012 Edition
 B. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.10 of the Loveland Municipal Code and Adopting by Reference the International Residential Code, 2012 Edition
 C. A motion to approve and order published on first reading an Ordinance Amending Chapter 15.12 of the Loveland Municipal Code and Adopting by Reference the International Property Maintenance Code, 2012 Edition
 D. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.16 of the Loveland Municipal Code and Adopting by Reference the International Mechanical Code, 2012 Edition

E. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.18 of the Loveland Municipal Code and Adopting by Reference the International Fuel Gas Code, 2012 Edition

F. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.20 of the Loveland Municipal Code and Adopting by Reference the International Plumbing Code, 2012 Edition

G. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.28 of the Loveland Municipal Code and Adopting by Reference the International Fire Code, 2012 Edition

H. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.48 of the Loveland Municipal Code and Adopting by Reference the International Energy Conservation Code, 2012 Edition

I. A motion to approve and order published on first reading an Ordinance Repealing and Reenacting Chapter 15.52 of the Loveland Municipal Code and Adopting by Reference the International Existing Building Code, 2012 Edition

J. A motion to approve and order published on first reading an Ordinance Amending Section 15.04.120 of the Loveland Municipal Code Regarding 2012 International Codes Adopted by Reference

K. A motion to approve and order published on first reading an Ordinance Amending Chapter 1.08 of the Loveland Municipal Code Regarding Right of Entry for Inspection

This is a legislative action to consider nine (9) ordinances, on first reading, repealing and reenacting multiple chapters in Title 15 to adopt the following international codes by reference: International Building Code, 2012 Edition; International Residential Code, 2012 Edition; International Mechanical Code, 2012 Edition; International Plumbing Code, 2012 Edition; International Fuel Gas Code, 2012 Edition; International Property Maintenance Code, 2012 Edition; International Existing Building Code, 2012 Edition; International Energy Conservation Code, 2012 Edition; and the 2012 International Fire Code. Complete copies of these codes will be on file with the City Clerk. Also presented for consideration as a legislative action are two (2) ordinances making related changes to other sections of the Municipal Code and a motion, which is an administrative action, setting a public hearing and directing publication of notice of the public hearing.

**10. LOVELAND FIRE RESCUE AUTHORITY (presenter: Randy Mirowski)
PERMISSIBLE LEGAL FIREWORKS IN THE CITY OF LOVELAND 2013**

This is an information only memo to City Council addressing concerns and planning for the sale of permissible, legal fireworks in the City of Loveland for 2013.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading,

Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

- 11. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)**
WOODWARD GOVERNOR FEE WAIVER
A motion to approve a Resolution R-32-2013 Waiving Certain Development-Related Fees for Woodward Governor Company Expansion at 3800 N. Wilson Avenue, Loveland, Colorado
 This is an administrative action. Woodward Governor Company ("Woodward") expanded operations in Loveland in 1991. Since that time the employer has had significant economic impact over 22 years. The City and Woodward are parties to a development agreement dated December 14, 1990 (as amended in 1991) providing Woodward a waiver of any and all fees for building permits associated with the original building and any expansions. \$9,900.00 of City Council Economic Incentive Funds will be used to backfill the capital expansion fees.
- 12. DEVELOPMENT SERVICES (presenter: Bob Paulson)**
PUBLIC HEARING
OIL & GAS MAILED NOTIFICATION AMENDMENT
A motion to approve and order published an Ordinance Amending Sections 18.05.030 and 18.05.060 of the Loveland Municipal Code to Establish Mailed Notification Distances for Neighborhood Meetings and Public Hearings Associated with Oil and Gas Permit Applications under Chapters 18.77 and 18.78
 This item requires a public hearing on a legislative action to consider adoption of an ordinance on first reading to establish mailed notification distances for oil and gas permit applications. On March 19, 2013, the City Council adopted Ordinance # 5753, adding chapters 18.77 and 18.78 to the Municipal Code in order to regulate oil and gas development. Now that the oil and gas regulations are in effect, it is necessary to establish mailed notification distances for neighborhood meetings and public hearings that are required as part of the oil and gas permitting process. Mailed notices are provided by applicants to all property owners within the specified distance at least 15 days in advance of required neighborhood meetings and public hearings.
 As specified in the ordinance, the recommended mailed notification distance is 2,200 feet as measured from the boundary of the property on which the oil and gas use will occur. This distance was derived by starting from a baseline distance of 1,200 feet (a notice distance that applies to several other types of applications in the Municipal Code) and adding 1,000 feet to account for the maximum setback distance that oil or gas operations require for certain buildings and outdoor uses. The purpose of the distance is to ensure that property owners who are potentially impacted by the surface activities associated with oil and gas development are notified.
- 13. COMMUNITY PARTNERSHIP (presenter: Alison Hade)**
HUMAN SERVICES GRANT FUND INCREASE
Human Services Commission Request for Increased Annual Grant Funds for 2014 and Subsequent Years.

This is an information and informal direction item.

1. Should the 2014 Budget for Human Services annual grant funds include a \$50,000 increase to base level funding for 2014 and subsequent years; and
2. Should a proposal for a formula (to provide some further level of funding on an annual basis in the event that greater than expected or budgeted revenues are realized), in addition to base funding, be developed and included in the budget request for 2014 and subsequent years.

The Human Services Commission is requesting a \$50,000 increase in funding to their base funding level of \$450,000. In addition, the Commission is asking that a specified percentage increase be given in years when City General Fund revenues are greater than anticipated and an unassigned fund balance occurs. The Commission's request was detailed in a letter sent to the City Council in November, 2012.

ADJOURN



CITY COUNCIL

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PROCLAMATION

- WHEREAS,** public works services provided in our community are an integral part of our citizen's everyday lives; and
- WHEREAS,** having the support of an understanding and informed citizenry is vital to the efficient operations of the various public works systems and programs such as stormwater, streets, transit, solid waste, fleet, development review, traffic, facilities and public buildings; and
- WHEREAS,** the health and safety and comfort of this community greatly depends on these facilities and services; and
- WHEREAS,** the quality and effectiveness of these facilities and services, as well as their planning, design, construction, is vitally dependent upon the efforts and skill of public works officials; and
- WHEREAS,** this year's observance of Public Works Week celebrates the theme, "Public Works: Creating a Lasting Impression", recognizing the valuable work carried out by our highly capable and reliable public works professionals, engineers and administrators and acknowledging their contributions to an improved quality of life in this community.

NOW, THEREFORE, we, the City Council of the City of Loveland do hereby proclaim May 19-25, 2013 as

NATIONAL PUBLIC WORKS WEEK

in the City of Loveland, and we call upon all citizens to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort and quality of life.

Signed this 21st day of May, 2013

Cecil A. Gutierrez, Mayor



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CITY COUNCIL

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PROCLAMATION

- WHEREAS,** the family, serving as the primary source of love, nurture, identity, self-esteem and support, is the very foundation of our community; and
- WHEREAS,** in Larimer County there are over 150 children and youths in foster or kinship care being provided with a safe, secure and stable home along with the compassion and care of a foster or kinship family; and
- WHEREAS,** foster and kinship families, who open their homes and hearts to children whose families are in crisis, play a vital role helping children and families heal and reconnect, and/or launching children into successful adulthood; and
- WHEREAS,** working family to family, foster and kinship providers mentor and support the birth parents with the goal of a timely reunification of the child to their family; and
- WHEREAS,** there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster and kinship parents.

NOW, THEREFORE, we, the City Council of the City of Loveland do hereby proclaim May, 2013 as

FOSTER AND KINSHIP CARE MONTH

for the City of Loveland and urge all citizens to volunteer their talents and energies on behalf of children in foster or kinship care, and the foster or kinship families who care for them, and the child welfare professional staff working with them during this month and throughout the year.

Signed this 21st day of May, 2013

Cecil A. Gutierrez
 Mayor



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CITY MANAGER

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PROCLAMATION

- WHEREAS** Colorado's climate and scenery make motorcycle riding an attraction in the beautiful state of Colorado, and riders consider our roadways to be some of the best for riding; and,
- WHEREAS** motorcycles are increasingly used as a regular means of transportation; and,
- WHEREAS** the motorcycle is an energy-efficient vehicle that reduces fuel consumption, traffic and parking congestion; and,
- WHEREAS** the motorcycle is an important form of transportation for commuting, touring and recreation; and,
- WHEREAS** as a matter of safety, it is necessary to develop appropriate driving habits to handle these vehicles on Colorado roadways; and
- WHEREAS** to prevent injuries and deaths on Colorado's roadways, motorcyclists and motorists must be vigilant in their efforts to share the road and ensure the safety of everyone; and,
- WHEREAS** Motorcycle Safety Awareness Month raises public awareness for a lifetime of safe motorcycle riding; and,
- WHEREAS** the International Women's Motorcycle Club, Leather & Lace Motorcycle Club, is committed to increasing the safe operation of motorcycles by promoting rider safety education programs; their goal is to alert the motorists of the town of Loveland, Colorado to: SHARE THE ROAD; and
- WHEREAS** Motorcycle Safety Awareness Month is designed to increase public awareness about motorcycles and to encourage their safe and proper use among motorcycle riders.

NOW, THEREFORE, we, the Loveland City Council, in the great state of Colorado, in recognition of over 9,477,243 registered motorcyclists nationwide, and in recognition of the continued role of Leather & Lace Motorcycle Club as a promoter of motorcycle safety, education and awareness, do hereby proclaim in the month of May 2013 as

MOTORCYCLE SAFETY AWARENESS MONTH

in the City of Loveland, Colorado and ask all citizens to join in a concerted effort to promote awareness, mutual respect, and safety on our roads.

Signed this 21st day of May, 2013

Cecil A. Gutierrez, Mayor



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CALL TO ORDER Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Gutierrez, Farley, Klassen, Trenary, McKean, Shaffer, Fogle, Taylor, and Clark.

PROCLAMATION Councilor Trenary read the proclamation declaring the week of May 5 through May 11, 2013 as "MUNICIPAL CLERKS WEEK", which was accepted by Terry Andrews, City Clerk.

PROCLAMATION

WHEREAS The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

WHEREAS The Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

WHEREAS The Municipal Clerk serves as the information center on functions of local government and community.

WHEREAS Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, we the City Council of Loveland, do hereby recognize the week of May 5 through May 11, 2013 as **MUNICIPAL CLERKS WEEK**

and further extend appreciation to our Municipal Clerk Team and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Signed this 7th day of May, 2013

Cecil A. Gutierrez

Mayor

PROCLAMATION Councilor McKean read the proclamation declaring the week of May 12, 2013 through May 18, 2013 as "NATIONAL POLICE WEEK", which was accepted by Captain Rob McDaniel.

PROCLAMATION

To recognize National Police Week 2013 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Loveland, Colorado Police Department; and,

WHEREAS, nearly 60,000 assaults against law enforcement officers are reported each year, resulting in approximately 16,000 injuries; and,

WHEREAS, since the first recorded death in 1791, almost 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including one member of the Loveland, Colorado Police Department; and,

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and,
 WHEREAS, 321 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 127 officers killed in 2012 and 194 officers killed in previous years; and,
 WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 25th Annual Candlelight Vigil, on the evening of May 13, 2013; and,
 WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 12-18; and,
 WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families.
 THEREFORE, BE IT RESOLVED that the City of Loveland City Council formally designates May 12-18, 2013, as
POLICE WEEK
 in Loveland, Colorado, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.
 Signed this 1st day of May, 2013
 Cecil A. Gutierrez
 Mayor

PROCLAMATION Councilor Fogle read the proclamation declaring May 2013, to be "ARCHAEOLOGY & HISTORIC PRESERVATION MONTH", which was accepted by Matt Newman, Chair of the Historic Preservation Commission.
PROCLAMATION

WHEREAS, historic preservation helps provide a deeper understanding of the diversity of our uniquely local and American heritage; and
 WHEREAS, historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability of communities across America; and
 WHEREAS, Colorado Archaeology & Historic Preservation Month 2013 provides an opportunity for citizens of all ages and from all walks of life to make the connection between historic preservation and the aesthetic, environmental and economic well-being of their communities; and
 WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and
 WHEREAS, "See it. Save it. Celebrate it." is the theme for Archaeology & Historic Preservation Month 2013; and
 WHEREAS, eighteen heritage-related events, ranging from a wood window preservation workshop, toolbox discussions, a historic homes tour, a presentation on ghost signs, a guided downtown walking tour, and many others will be held by the Loveland community in May 2013 and are listed on the City's website.
 NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim May 2013, as
ARCHAEOLOGY & HISTORIC PRESERVATION MONTH
 and call upon the people of Loveland to recognize and participate in this special observance. In recognition of Archaeology & Historic Preservation Month, we would like to honor all the buildings and sites in Loveland that are on the National Register of Historic Places, Colorado State Register of Historic Places, and Loveland Historic Register.

Signed this 7th day of May, 2013
 Cecil A. Gutierrez
 Mayor

PROCLAMATION

Councilor Clark read the proclamation declaring May 2013, to be "MENTAL HEALTH MONTH", which was accepted by Emily Dawson Peterson & Kathy Roth from Touchstone Health Partners.

PROCLAMATION

WHEREAS, mental health is essential to everyone's overall physical health and emotional well-being; and
 WHEREAS, one in every four families is affected by a mental illness in a given year regardless of age, gender, race, ethnicity, religion or economic status; and
 WHEREAS, Colorado is ranked as the 18th most depressed state and has the 9th highest suicide rate in the United States; and
 WHEREAS, the vast majority of children, youth, and adults in Colorado who have mental health disorders are not receiving the help they need; and
 WHEREAS, access to medically necessary medication and treatment helps prevent individuals from ending up in emergency rooms and corrections facilities and from becoming homeless and, most importantly, prevents suicide; and
 WHEREAS, it costs 6.5 times more to incarcerate an individual experiencing mental health issues than to treat them in the community; and
 WHEREAS, improvements are being made in the quality of and quantity of mental health care that is being delivered, and research in this field is being accelerated; and
 WHEREAS, indirect costs of mental illness in Larimer County total over \$22 million per year; and
 WHEREAS, comprehensive, community-based services that respond to individuals with mental health needs and their families are cost-effective and beneficial to consumers and to our community.
 WHEREAS, with appropriate care, people who have a mental illness can recover and lead full productive lives; and
 WHEREAS, Touchstone Health Partners observes nationally recognized Mental Health Month every May to raise awareness and understanding of mental health and illness.

NOW, THEREFORE, we, the City Council of the City of Loveland do hereby proclaim May 2013 as
 MENTAL HEALTH MONTH

in the City of Loveland and call upon the citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental health, and the need for appropriate and accessible services for all citizens.

Signed the 7th day of May, 2013

Cecil Gutierrez

Mayor

INFORMATION

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. Councilor Clark asked

that Item #5 be removed from the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda, with the exception of Item 5. The motion was seconded by Councilor Trenary and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY CLERK

Approval of Council Minutes

Administrative Action: The minutes from the April 9, 2013 Study Session, April 16, 2013 City Council Meeting, and the April 23, 2013, Study Session were approved.

2. DEVELOPMENT SERVICES

Koldeway Industrial 2nd Subdivision Rezoning

1) Ordinance # 5757

Quasi-judicial Action: "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED IN LOTS 2 AND 3, BLOCK 1, KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

2) Ordinance # 5758

Legislative Action: "AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY (ALLEY) ADJACENT TO LOTS 1, 2, AND 3, BLOCK 1, KOLDEWAY INDUSTRIAL SECOND SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on second reading.

3. DEVELOPMENT SERVICES

Range View 3rd (Lake Vista) Utility Easement

Ordinance #5759

Legislative Action: "AN ORDINANCE VACATING A PORTION OF A PRIVATE ACCESS, EMERGENCY ACCESS, AND CITY OF LOVELAND WATER AND SEWER EASEMENT ON LOT 4, BLOCK 1, RANGE VIEW THIRD SUBDIVISION, CITY OF LOVELAND" was approved and ordered published on second reading.

4. FINANCE

Supplemental Appropriation – Appropriate Unused Funds from 2012 City Budget

Ordinance # 5760

Administrative Action. "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET REAPPROPRIATING THE FAÇADE GRANT PROGRAM AND FUNDING FOR PARKING LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED" was approved and ordered published on second reading.

5. FINANCE

Supplemental Appropriation – Appropriate Unused Funds From 2012 LURA Budget

Ordinance # 5761

This item was removed from the Consent Agenda and will be considered on the Regular Agenda.

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

6. FINANCE

Supplemental Appropriation – Appropriate Unused Funds from 2012 GID Budget

Ordinance # 5762

Administrative Action. "AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE 2013 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 TO REAPPROPRIATE FUNDS FOR SIGNAL LIGHT UPGRADES AND PARKING LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED" was approved and ordered published on second reading.

THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID) ADJOURNED AND RECONVENED AS CITY COUNCIL

7. FINANCE

Supplemental Appropriation – Appropriate Unused Funds from 2012 Airport Budget

Ordinance # 5763

Administrative Action. "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2012." was approved and ordered published on second reading.

8. FINANCE

Supplemental Appropriation – Appropriate Unused Funds from 2012 New Projects Budget

Ordinance # 5764

Administrative Action. "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR PROJECTS OR PROGRAMS NOT ANTICIPATED AT THE TIME OF ADOPTION FOR THE 2013 BUDGET" was approved and ordered published on second reading.

9. LIBRARY

UNITED WAY OF LARIMER COUNTY GRANT TO LOVELAND PUBLIC LIBRARY

1st Rdg. Ord. & P.H.

Administrative Action: A Public Hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR A CONTRIBUTION FROM THE UNITED WAY OF LARIMER COUNTY FOR THE SUMMER LITERACY PROGRAM" was approved and ordered published on first reading.

10. PUBLIC WORKS

1st Rdg. Ord. & P.H.

Administrative Action: A Public Hearing was held and "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR THE TRANSIT VIDEO SURVEILLANCE PROJECT" was approved and ordered published on first reading.

11. WATER & POWER

IGA FOR PLATTE RIVER POWER AUTHORITY (PRPA)

Resolution #R-28-2013

Legislative Action: Resolution #R-28-2013 regarding an Intergovernmental Agreement between the City of Loveland, Colorado and Platte River Power Authority for Substation Maintenance was approved.

RESOLUTION #R-28-2013

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LOVELAND, COLORADO AND PLATTE RIVER POWER AUTHORITY FOR SUBSTATION MAINTENANCE

WHEREAS, the City of Loveland ("City") desires to hire Platte River Power Authority ("Platte River") to perform certain substation maintenance services, and Platte River desires to provide those services to the City; and

WHEREAS, as governmental entities in Colorado, the City and Platte River are authorized, pursuant to C.R.S. § 29-1-203, to cooperate or contract with one another to provide any function, service, or facility lawfully authorized to each.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the Intergovernmental Agreement for Substation Maintenance, attached hereto as Exhibit A and incorporated herein by reference ("Intergovernmental Agreement"), is hereby approved.

Section 2. That the City Manager is hereby authorized, following consultation with the City Attorney, to modify the Intergovernmental Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City.

Section 4. That the Director of Water and Power is hereby authorized to negotiate changes to Exhibit B to the Intergovernmental Agreement and execute a revised Exhibit B on behalf of the City.

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7th day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

Teresa G. Andrews, City Clerk

Exhibits available in City Clerk's Office

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports None

b) Business from Council

Clark	Update on Chamber of Commerce, Loveland Center Business Development staff will bring a quarterly report to City Council; Community Marketing Commission (CMC) gave finance report and discussed 2014 budget; CMC voted not to fund the request for assistance for the City fireworks event; Loveland Downtown Team (LDT) staff would like to have a study session to update City Council on "Electrification Coalition" (charging station).
McKean	Attended a Trap Shooting event for Colorado Youth Outdoors.
Farley	Attended the Mirasol Senior Living Community presentation at HACOL to the Senior Advisory Board; Attended the Governor's Art Show which is being sponsored by the Loveland Rotary
Fogle	Attended the Mirasol Senior Living Community presentation; Governor's Art Show offered through June 2 nd . Motion was made to appoint Councilor Fogle to Construction Advisory Board (CAB) and Councilor Trenary to the Affordable Housing Commission (AHC). The motion was seconded by Councilor Klassen and carried with all councilors voting in favor.
Trenary	Attended "LulzBot" awarded 3D Digital copiers to eight national and international companies; Attended "Mission for Lauren Project" final participation day; Jr. ROTC classes Loveland & Thompson Valley High School; Attended the Green Transportation System seminar; Attended Summer Celebration for the CMC Visitor Center; Attended the Loveland Fire Rescue Authority (LFRA) open house for Fire Station #6.

Klassen	Met with Commissioner Steve Johnson, who complimented City Manager, Bill Cahill, on his assistance with a tax issue; May 1 was "Law Day"; acknowledged the Governor's support of the Market Place Fairness Act, regarding tax on Internet sales.
Shaffer	Attended the Governor's Art Show; updated Council on North Front Range Metropolitan Planning Organization (MPO); Will be serving on the MPO Finance Committee.
Mayor Gutierrez	Attended "Cinco de Mayo" at the Boys and Girls Club; Attended the Marine Corps League Dinner; Attended Silveredge award as one of top 50 companies to watch in Colorado; Mayor Gutierrez indicated that he had received correspondence that was unsigned, and is unable to contact them.
c) <u>City Manager Report</u>	None
d) <u>City Attorney Report</u>	None

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) at 7:35 p.m.

5. FINANCE

Supplemental Appropriation – Appropriate Unused Funds From 2012 LURA Budget
Ordinance # 5761

Administrative Action. John Hartman presented this item. "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE LOVELAND URBAN RENEWAL AUTHORITY BUDGET REAPPROPRIATING THE FAÇADE GRANT PROGRAM AND FUNDING FOR PARKING LOT IMPROVEMENTS APPROVED IN 2012 BUT NOT COMPLETED". Councilor Shaffer moved to approve the ordinance and order published on second reading. The motion, seconded by Councilor Trenary, carried with all councilors voting in favor.

THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA) ADJOURNED AND RECONVENED AS CITY COUNCIL at 7:40.

12. DEVELOPMENT SERVICES

FIRE STATION NO. 2 ADDITION

1) Resolution #R-29-2013

Legislative Action: Kerri Burchett introduced this item to Council. Fire Chief of the Loveland Fire Authority, Randy Mirowski was available to answer questions. Mayor Gutierrez opened the Public Hearing at 7:40 p.m. Hearing no public comment Mayor Gutierrez closed the public hearing at 8:20 p.m. with no public comment. Councilor Shaffer moved that Resolution #R-29-2013 regarding the Annexation to the City of

Loveland, Colorado of a certain area designated as the "Fire Station No. 2 Addition" more particularly described herein, and setting forth findings of fact and conclusions based thereon as required by the state constitution and state statutes be approved. Councilor Farley seconded the motion. The motion carried with all councilors voting in favor thereof.

RESOLUTION # R-29-2013

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "FIRE STATION NO. 2 ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE STATE CONSTITUTION AND STATE STATUTES

WHEREAS, on January 28, 2013, a Petition for Annexation was filed by the Loveland City Manager on behalf of the City of Loveland as the sole owner of the area described on Exhibit A, attached hereto and incorporated herein, which area is not solely a public street or right-of-way; and

WHEREAS, said petition requests the City of Loveland to annex said area to the City; and

WHEREAS, the City Council has determined that the area proposed to be annexed complies with the applicable requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and of C.R.S. §§31-12-104(1)(a) and 31-12-105; is eligible for annexation under C.R.S. §31-12-106(3); that an election is not required under Section 30(1)(a) of Article II of the Colorado Constitution or under C.R.S. §31-12-107(2); and no additional terms and conditions are to be imposed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO THAT:

Section 1. The City Council of the City of Loveland makes the following findings of fact:

- A. The subject Petition for Annexation was signed by the Loveland City Manager, on behalf of the City of Loveland as the sole owner of the area proposed to be annexed.
- B. The area proposed to be annexed is not solely a public street or right-of-way.
- C. The proposed annexation complies with the applicable requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and of C.R.S. §§31-12-104(1)(a) and 31-12-105; is eligible for annexation under C.R.S. §31-12-106(3); no election is required under Section 30(1)(a) of Article II of the Colorado Constitution or under C.R.S. §31-12-107(2); and no additional terms and conditions are to be imposed.
- D. The land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the 2005 Comprehensive Plan, as amended. Therefore, pursuant to Section 3.3.1 of the Intergovernmental Agreement with Larimer County, the annexation impact report requirement of C.R.S. §31-12-108.5 has been waived.
- E. The perimeter of the area proposed to be annexed within is 6,137.03 linear feet, of which 2,303.16 linear feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.
- F. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.
- G. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.
- H. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.
- I. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

- J. The annexation of the area proposed to be annexed would not have the effect of extending the boundary of the City of Loveland more than three miles in any direction from any point of such boundary in any one year.
- K. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.
- L. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the City of Loveland.

Section 2. The City Council reaches the following conclusions based on the above findings of fact:

- A. The proposed annexation of the area described on Exhibit A complies with and meets the requirements of Section 30(1)(c) of Article II of the Colorado Constitution, and the applicable parts of C.R.S. §§31-12-104(1)(a) and 31-12-105.
- B. No additional terms and conditions are to be imposed.

Section 3. This Resolution shall become effective on the date and at the time of its adoption.

APPROVED the 7th day of May, 2013

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

ATTEST

Teresa G. Andrews, City Clerk

Exhibit available in the City Clerk's Office

2)1st Rdg. Ord. & P.H.

Legislative Action: Councilor Shaffer moved to approve and order published on first reading, "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "FIRE STATION NO. 2 ADDITION" TO THE CITY OF LOVELAND". Councilor Farley seconded the motion, which carried with all councilors voting in favor thereof.

3) 1st Rdg. Ord. & P.H.

Legislative Action: Councilor Shaffer moved to approve and order published on first reading, "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "FIRE STATION NO. 2 ADDITION" TO THE CITY OF LOVELAND". Councilor Farley seconded the motion, which carried with all councilors voting in favor thereof.

13. FIRE & RESCUE

BURN BAN & RESTRICTIONS

Ordinance #5765

Legislative Action: Fire Chief, Randy Mirowski introduced this item to Council. Discussion ensued. Councilor Shaffer moved to approve and ordered published on second reading "AN ORDINANCE ON AMENDING CITY CODE CHAPTER 15.28 GRANTING THE CITY COUNCIL AND THE CITY MANAGER AUTHORITY TO ENACT OUTDOOR FIRE BANS AND RESTRICTIONS UNDER CERTAIN EMERGENCY CIRCUMSTANCES WITHIN THE CITY OF LOVELAND". Councilor Fogle seconded the motion. The motion carried with eight councilors voting in favor and Councilor McKean voting against.

14. CULTURAL SERVICES

VISUAL ARTS COMMISSION ACTIVITIES UPDATE

Information Only Item: Chair of Visual Arts Commission, Sherri Heckel Kuhlmann, (Commission member) Roger Clark, and Suzanne Janssen introduced this item to Council. Report of the "State of the Arts" in Loveland, highlighted 2012 acquisitions, accomplishments, and 2013's highly visible public art projects undertaken for the Art in Public Places Program.

15. CULTURAL SERVICES/FINANCE

ONE YEAR RIALTO THEATER CENTER REPORT

Information Only Item: Rialto Theater Center Manager, Jan Sawyer and Finance Director, Brent Worthington introduced this item to Council to report on the first year of operation of the Rialto Theater Center and the Facilities Maintenance Agreement between the City of Loveland Rialto Bridge, LLC. Economic Development Manager, Mike Scholl spoke briefly. Discussion ensued. Staff will bring regular reports to City Council.

16. FINANCE

MARCH 2013 FINANCIAL REPORT

This item was removed.

17. FINANCE

MARCH 2013 INVESTMENT REPORT

This item was removed.

18. CITY MANAGER

Executive Session

City of Loveland v. Beierwaltes Litigation

Councilor Shaffer moved for Council to go into an Executive Session at 11:03 pm, as authorized in CRS Sections 24-6-402(4)(b), (4)(e) and (4)(g) and in City Charter Sections 4-4(c)(1), (c)(3) and (c)(6). This executive session will address a lawsuit currently pending in the Colorado Court of Appeals and Larimer County district Court, *City of Loveland v. Beierwaltes*, together with such other matters as may relate to or affect this lawsuit. The purposes of the executive session will be to receive legal advice from the City Attorney and special legal counsel, Kent Campbell; and since this lawsuit is a matter that is subject to negotiations: to receive reports concerning any negotiation discussions; to develop the City's negotiation positions and strategies; and to instruct the City's negotiators concerning those positions and strategies. In addition, documents and records related to this lawsuit may be considered that are protected by the mandatory non-disclosure provision of the Colorado Open Records Act, including, without limitation, work product documents. Councilor Farley seconded the motion. Councilor Fogle and Councilor Taylor recused themselves. The motion carried with all councilors voting in favor thereof.

Council reconvened at 12:28 p.m.

City Attorney John Duval gave an update on the Beierwaltes case. Councilor Shaffer made a motion that the Council instruct the City Attorney and special legal counsel to make a final settlement offer in the City v. Beierwaltes lawsuit in the amount of \$599,000, but if that offer is not accepted, to direct them to end settlement negotiations and proceed with the appeal. The motion was seconded by Councilor McKean. The motion carried with seven councilors voting in favor thereof.

ADJOURNMENT

Having no further business to come before Council, the May 7, 2013 Regular Meeting was adjourned at 12:39 am, May 8, 2013.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 2
MEETING DATE: 5/21/2013
TO: City Council
FROM: City Manager's Office
PRESENTER: Bill Cahill

TITLE:

Appointments to Construction Advisory Board and Library Board

RECOMMENDED CITY COUNCIL ACTION:

Motion to appoint Keith Benner to Construction Advisory Board of a partial term effective from May 21, 2013 until June 30, 2013.

Motion to appoint Banner Green to the Library Board for a partial term effective until December 31, 2013.

Motion to appoint Ellen Lawson as an alternate member on the Library Board for a term effective until December 31, 2013.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
-

DESCRIPTION:

This is an administrative action recommending the appointments of members to the Construction Advisory Board and the Library Board.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

The **Construction Advisory Board** has had a vacancy due to a resignation since June, 2012. Keith Benner was interviewed and is recommended for appointment to a term effective until June 30, 2013. As Mr. Benner will have served less than 50% of a full term, he will be notified by the City Manager's Office of the option to be reappointed to a full three-year term. If he desires this reappointment, the recommendation will be brought to Council at a later date.

Upon resignation of a member, the **Library Board** has had a vacancy. Two applications were received. Interviews were conducted May 6, 2013. The interview committee recommends the appointment of Banner Green to the Library Board for a partial term effective until December 31, 2013. The committee also recommends the appointment of Ellen Lawson to the board as an alternate member for a term effective until December 31, 2013.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

None



CITY OF LOVELAND
LOVELAND PUBLIC LIBRARY

Civic Center • 300 North Adams • Loveland, Colorado 80537
(970) 962-2665 • FAX (970) 962-2905 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 5/21/2013
TO: City Council
FROM: Marcia Lewis, Library Department
PRESENTER: Marcia Lewis

TITLE:

Consideration of an Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for a Contribution from the United Way of Larimer County for the Summer Literacy Program

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is an administrative action. The ordinance appropriates a contribution of \$3,000 from the United Way of Larimer County to the Loveland Public Library.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

The contribution provides additional funding for the Summer Literacy Program.

SUMMARY:

The United Way of Larimer County awarded funding in the amount of \$3,000 through the Smart Start for Kids Summer Literacy grant opportunity for Summer 2013. The grant will encourage children to read through the summer, as it will promote the Library's summer reading program and provide books as incentives and prizes.

This ordinance was unanimously approved by City Council on May 7, 2013.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

Funding letter from United Way of Larimer County/Library's Proposal

FIRST READING May 7, 2013

SECOND READING May 21, 2013

ORDINANCE NO. 5766

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR A CONTRIBUTION FROM THE UNITED WAY OF LARIMER COUNTY FOR THE SUMMER LITERACY PROGRAM

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That revenues in the amount of \$3,000 from a contribution from the United Way of Larimer County in the General Fund 100 are available for appropriation. Revenues in the total amount of \$3,000 are hereby appropriated for Summer Reading Program and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues

100-53-753-0000-35305-LBUWLC	Gifts/Donations	3,000
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Total Revenue	3,000
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Appropriations

100-53-753-0000-42899-LBUWLC	Other Supplies	3,000
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Total Appropriations	3,000
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

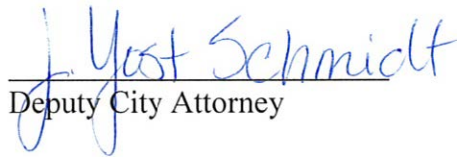
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

Greetings,

United Way of Larimer County ("UWLC") is pleased to announce that Loveland Public Library (the "Agency") has been approved for funding in the amount of \$3,000 through the Smart Start for Kids Summer Literacy grant opportunity for Summer 2013.

Smart Start for Kids is a United Way of Larimer County initiative that supports proven programs and strategies that ensure all children enter school ready to learn, and are reading at grade level by the end of third grade.

Poudre, Thompson and Estes Park school districts have all identified summer slide as a significant barrier to academic success. Students returning to school in the fall perform on average one month behind where they left off in the spring and the impact is even more pronounced for students living in poverty. The purpose of the 2013 Smart Start for Kids Summer Literacy Mini Grants is to provide financial resources to help build capacity by either enhancing academic programming or expanding the number of children served within select local summer literacy programs.

This Contract establishes the terms and conditions under which UWLC will provide an investment of United Way of Larimer County dollars to the Agency for the purposes outlined in this Agreement.

Please read all the details of this agreement below and affirm your acceptance of it by signing and returning one original copy and all supporting documents by April 12, 2013 to United Way of Larimer County.

The Agency understands and agrees that UWLC funding is contingent upon the Agency signing this Contract. Agency commits to provide excellent services to achieve the outcomes and benefits submitted in the proposal.

1. Agency Agreements:

1.1. Agency agrees to provide the following documentation to United Way of Larimer County by April 12, 2013.

A. Electronic Funds Transfer Authorization Form

B. Audit (*only needed if agency has had a new audit since last submitted to UWLC or if this is the first time agency has received funds from UWLC.)

C. IRS Form 990/990EZ (*MUST SUBMIT an IRS Form 990/990EZ unless your organization is a church or other house of worship, and thus not required by the IRS to file a return. This exemption DOES NOT apply to general faith-based nonprofit service organizations.)

D. Organization Operating Budget

E. Patriot Act Compliance

F. IRS Determination Letter

G. Certificate of Good Standing

- 1.2. Agency agrees to provide the services outlined in the Agency proposal and any other documents presented to UWLC in order to achieve the outputs, outcomes and benefits outlined in the Agency proposal.
- 1.3. Agency agrees to submit a final report as outlined in the Agency proposal at the completion of the summer program. Final report will reflect program results including the pre and post reading assessments of program participants. Successful programs are defined as ones that demonstrate reading levels were maintained or increased during the summer months.

2. UWLC Agreements:

- 2.1. UWLC agrees to make a one-time Electronic Funds Transfer payment in the amount stipulated in this contract no later than June 1st.
- 2.2. UWLC agrees to collect reporting information from agency participants and share the measureable results.

The parties listed below have read and understand the terms of this Contract as indicated by their signature.

United Way of Larimer County, Inc.

Signature: _____

Gordan Thibedeau

President & CEO

Date: 4/2/2013

Agency: City of Loveland

Signature: Marcia M Lewis

Printed Name: Marcia M Lewis

Title: Library Director

Date: April 11, 2013

APPROVED AS TO FC

BY: [Signature]
ASSISTANT CITY ATTORNEY

United Way - Smart Start for Kids Summer Literacy Mini Grant

- Please Select One of the Following:* Proposal Alignment: Which initiative(s) and community outcome(s) does your proposal address? **Initiative:** School Readiness **Community Outcome:** Third grade students are reading proficiently Which key strategy/ strategies does it utilize? * **Key Strategies:**
 - Early learning and literacy
 - Encouraging children to read through the summer so that they will maintain and/or gain in terms of reading skills by the time school starts in the fall.
- Target Population Served: Whom do you serve? Be specific in reference to the demographics, size of the target population, and number of participants. (10 points)* Through the Children's Division at the Loveland Public Library, we serve young children from birth to the age of 10 and their caregivers. One of the major programs we offer is a Summer Reading Program. The purpose of the program is to keep children reading during the summer months when a regression in reading skills tends to occur. During the summer of 2012, we enrolled 1672 children in our Summer Reading program which included ages 0 – 10 or 5th grade. A sizeable number of these children were enrolled in private schools or were homeschooled. Thompson School District's enrollment for the grant's target group (pre-K through 2nd grade) for the current school year is 4250. According to TSD's numbers, the district's total enrollment for the 2012-2013 school year, counting the 12 early childhood centers and 20 elementary schools, is 7785. The conclusion is that we can and should be reaching a lot more students with this reading incentive program. It is our intention, for this first year, to target the early childhood centers, elementary schools, and summer community free lunch sites within about a 3 mile radius of the library. (This population is more likely to use the Loveland Public Library after the Summer Reading Program has concluded as opposed to libraries in Fort Collins, Berthoud or other surrounding communities.) The goal is to interact with the 1670 children (Pre-K through grade 2) who attend public school in the area surrounding the library and double the number of participants in the Summer Reading Program.
- Statement of Need: Taking into account the target population and intended outcomes, identify the need you are addressing, using community data where possible. Include how you intend to use the funds. (20 points)*

Students who come from families where a parent does not worry about when, and if, the next paycheck will come, tend to perform better in school. They usually have a home library of books and access to more enrichment activities. While they may also suffer from a loss of reading skills over the summer, the loss is not as drastic and they tend to recover at a greater rate. Therefore, it makes sense to offer a Summer Reading Program to all students but we should especially target those students from low-income families.

TSD reported the following enrollments for the current school year: The 12 Early Childhood Centers have 617 students - with 63% on free/reduced lunch. There are 3633 K-2 students in the district - 42% are on free/reduced lunch.

It is our intention to use part of the funds to send an employee(s) to early childhood centers, elementary schools, and summer community free lunch sites within a 3 mile radius of the library. This would involve adding hours to employed staff members' schedules and would be above and beyond time spent providing programs and public service here at the library – where we are already stretched very thin in terms of coverage. The extra hours would be devoted to these sites:

minimum amount of time would amount to spending 5 hours per month with a book, however, many of our children report spending much more time once they get started.

During the summer, we offer a wide variety of enrichment programs for children and their caregivers here at the library - all free of charge. We have 6 Humpty Dumpty lapsit programs to introduce babies and caregivers to the joy of interacting with books and other literacy activities; 7 toddler and preschool story times featuring music, movement, stories and crafts; and weekly classes for elementary children featuring a variety of activities and most focused on the theme of this year's summer reading program - Dig Into Reading. We also have an outreach librarian who provides weekly programs for children enrolled in the Chilson Day Camp and children at Maple Terrace - a low-income housing development that is part of the Loveland Housing Authority.

Another popular program we take on in the summer is our Traveling Storyteller in the Parks in which one of our librarians takes story time out into the parks around Loveland 5 days a week during June and July. In addition, we sponsor four free family programs (2 in June and 2 in July) at the Foote Lagoon.

Let me say once again, all of these programs are provided at no cost to participants. We rely on grants and donations from area businesses to fund not only these programs but to help purchase thousands of books to give away. The Friends of the Loveland Public Library is our biggest donor but we also count on Poudre Valley Health System Foundation to donate money for books. Many organizations and volunteers donate their time...The folks at Larimer County Natural Resources have been great partners for programs. This year we look forward to working with the Larimer County Master Gardeners, Loveland Youth Gardeners, and the Larimer County Humane Society.

It is our overall program goal to instill a love of reading - by exposing children from birth to quality early literacy experiences and encouraging them as they grow to keep expanding horizons and challenging themselves to grow through literature.

- Evaluation: Describe your organization's on-going evaluation activities as it relates to this application. Explain what pre and post reading assessment will be used to demonstrate the program effectiveness. Successful programs are defined as ones that demonstrate reading levels were maintained or increased during the summer months. (10 points)*

Unlike teachers in schools, we really don't have a way to administer pre and post tests on our participating children to determine if they maintained or increased their reading levels over the summer. Privacy concerns prohibit the library from gathering or disseminating data on individual children. We do ask for some basic information when children register - age, grade, school, etc. For this program evaluation we do have a number of analytic tools that we can use to compare this summer's data to that gathered from 2012 and also use as baseline data as we go forward:

1. a breakdown by school as well as grade/age of participants
2. the number of hours children spent reading per month
3. completion rates for either month of the program

In addition, we would develop and administer upon completion of the program:

1. a short questionnaire regarding the perceived effects of participation in the Summer Reading Program on reading skills and attitudes toward reading to be completed by caregivers and/or participants
2. cumulative program participation data to be sent to the teachers of pre-K through grade 3 classes at the targeted schools shortly after the start of school followed later by a short questionnaire as to their perception of the program's overall effectiveness.



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT

Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
(970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

AGENDA ITEM: 4
MEETING DATE: 5/21/2013
TO: City Council
FROM: Keith Reester, Public Works Department
PRESENTER: Keith Reester

TITLE:

Consideration of an Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for the Transit Video Surveillance Project

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is an administrative action. The ordinance appropriates a Federal Transit Authority Grant and the required local match for the video surveillance project.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

Federal Grant Funds are leveraged to purchase equipment for video surveillance on the transit buses.

SUMMARY:

City of Loveland Transit (COLT) is using grant funds to complete the installation of video camera recording devices on all buses.

This project is the second phase of an existing project to install video recording equipment in all COLT buses. Primary objectives of the installations are: passenger safety, driver safety,

training, and risk management. There are existing policies in place on whom and when video surveillance tape is reviewed and these practices will continue with the new installations.

The project will cover 7 additional bus installations. The total project is expected not to exceed \$61,000.

In the 2013 Rollover, the following FTA 5309 funds (restricted to capital purchases) were committed to this project.

\$26,900 – FTA 5309 funds

\$6,730 – Local match

This appropriation supplements the 2013 Rollover with an additional \$41,210 to complete the project. The funds are excess FTA 5309 funds, from the recently completed electronic fare box installation project. This ordinance appropriates:

\$30,970 – FTA 5309 funds

\$ 10,240 - Local match

This ordinance was approved unanimously by City Council on May 7, 2013.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING May 7, 2013

SECOND READING May 21, 2013

ORDINANCE NO. 5767

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR THE TRANSIT VIDEO SURVEILLANCE PROJECT

WHEREAS, the City has received funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That revenues and reserves in the amount of \$30,970 from a Federal Transit Authority Grant and \$10,240 from General Fund balance in the Transit Fund 105 are available for appropriation. Revenues in the total amount of \$41,210 are hereby appropriated for the video surveillance project and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Transit Fund 105**

Revenues

105-23-234-0000-37100	Transfers from the General Fund	10,240
105-23-234-0000-32004	5309 Transit Grant	30,970

Total Revenue		41,210
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Appropriations

105-23-234-0000-48240	Video Surveillance and Schedule Software	41,210
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Total Appropriations		41,210
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Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

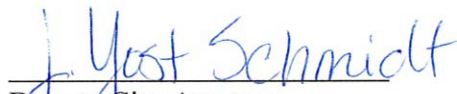
ADOPTED this ____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND

DEVELOPMENT SERVICES DEPARTMENT

Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 5/21/2013
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Kerri Burchett, Current Planning

TITLE:

1. An Ordinance on Second Reading Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Fire Station No. 2 Addition" to the City of Loveland; and
2. An Ordinance on Second Reading Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Fire Station No. 2 Addition" to the City of Loveland

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action as recommended by the Planning Commission:

1. Move to adopt on second reading the ordinance annexing the Fire Station No. 2 Addition to the City of Loveland, subject to the Planning Commission condition set forth in Section III of the attached City Council staff memorandum dated May 7, 2013; and
2. Move to adopt on second reading the ordinance zoning the Fire Station No. 2 Addition to the City of Loveland to R1-Developing Low Density Residential District;

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

- A legislative action to adopt an ordinance to annex 6.43 acres of City owned property to be known as the Fire Station No. 2 Addition; and
- A quasi-judicial action to zone the 6.43 acres to R1- Developing Low Density Residential District.

The property is located south of and adjacent to West 29th Street and approximately 900 feet west of North Wilson Avenue. The applicant is the City of Loveland Fire Rescue Authority.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible

SUMMARY:

This proposal is to annex and zone a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to develop a new fire station that would replace the existing Fire Station #2 located on Taft Avenue in the North Lake Park. The development of the fire station, which is currently in a conceptual stage, will require a special review application and a neighborhood meeting to provide an opportunity for public input. Special review applications can be approved administratively and there is an appeal period in which an application can be appealed to the Planning Commission.

The Planning Commission held a public hearing to consider the request on March 25, 2013. The Commission recommended approval of the annexation and zoning applications. City Council held a public hearing and unanimously adopted the annexation resolution and ordinances on first reading on May 7, 2013.

REVIEWED BY CITY MANAGER:



LIST OF EXHIBITS:

Ordinance for Annexation
 Ordinance for Zoning
 Staff Memorandum (listed as Exhibit 1)
 Planning Commission Staff Report (listed as Exhibits A, B & C)
 Future Growth Map

FIRST READING: May 7, 2013

SECOND READING: May 21, 2013

ORDINANCE NO. 5768

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "FIRE STATION NO. 2 ADDITION" TO THE CITY OF LOVELAND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That a Petition for Annexation, together with four (4) copies of the map of said territory as required by law, was filed with the City on January 28, 2013, by the Loveland City Manager, on behalf of the City of Loveland as the sole owner of the area of the territory hereinafter described. The Council hereby finds and determines that the proposed annexation complies with and meets the requirements of the applicable parts of Section 30(1)(c) of Article II of the Colorado Constitution and C.R.S. §§31-12-104(1)(a) and 31-12-105; is eligible for annexation under C.R.S. §31-12-106(3); does not require an election under Section 30(1)(a) of Article II of the Colorado Constitution or C.R.S. §31-12-107(2).; and that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2. That the annexation to the City of Loveland of the following described property to be designated as **"FIRE STATION NO. 2 ADDITION"** to the City of Loveland, Larimer County, Colorado is hereby approved:

Lot Two (2), Mehaffey Minor Land Division recorded December 19, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North 88°33'21" East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;

THENCE North 00°14'45" East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North 88°33'21" East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South 00°07'20" West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South 00°06'51" East continuing along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windemere Second Addition recorded March 26, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

THENCE South 00°06'51" East along the West line of said Windemere Second Addition a distance of 21.08 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 937.71 feet;

THENCE South 01°26'39" East along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE South 88°33'21" West along a line parallel with the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet;

THENCE North 01°26'39" West along a line perpendicular to the North line of the Northeast Quarter of said Section 9 a distance of 361.50 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 1319.67 feet to the West line of the Northeast Quarter of said Section 9, said West line being coincidental with the East line of the Vanguard-Famleco Second Addition recorded May 6, 1982 in Book 2166, Page 658 as Reception No. 456846 of the Records of Larimer County;

THENCE North 00°27'43" West along the West line of the Northeast Quarter of said Section 9 a distance of 50.01 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 6.436 acres, more or less (±).

Section 3. That the annexation of said territory is subject to the conditions set forth in Paragraph (14) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4. That the City Council hereby consents to the inclusion of the annexed territory in the Municipal Subdistrict of the Northern Colorado Water Conservancy District pursuant to C.R.S §37-45-136 (3.6).

Section 5. Should any court of competent jurisdiction determine that any portion of the land annexed in this ordinance was unlawfully annexed, then it is the intent of the City Council that the remaining land lawfully annexed to the City of Loveland should be so annexed and the City Council affirmatively states that it would have annexed the remaining land even though the court declares the annexation of other portions of the land to have been unlawfully annexed.

Section 6. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Dated this ____ day of May, 2013.

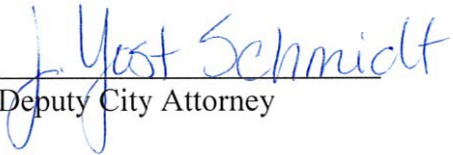
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:



Deputy City Attorney

FIRST READING: May 7, 2013

SECOND READING: May 21, 2013

ORDINANCE NO. 5769

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "FIRE STATION NO. 2 ADDITION" TO THE CITY OF LOVELAND

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the following described property recently annexed to the City of Loveland and within the area known as "FIRE STATION NO. 2 ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

R-1 – Developing Low Density Residential

PROPERTY DESCRIPTION

Lot Two (2), Mehaffey Minor Land Division recorded December 19, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North 88°33'21" East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;
THENCE North 00°14'45" East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that

Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North 88°33'21" East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South 00°07'20" West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South 00°06'51" East continuing along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windemere Second Addition recorded March 26, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

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THENCE South 88°33'21" West along said parallel line a distance of 1319.67 feet to the West line of the Northeast Quarter of said Section 9, said West line being coincidental with the East line of the Vanguard-Famleco Second Addition recorded May 6, 1982 in Book 2166, Page 658 as Reception No. 456846 of the Records of Larimer County;

THENCE North 00°27'43" West along the West line of the Northeast Quarter of said Section 9 a distance of 50.01 feet to the **POINT OF BEGINNING**.

Said parcel of land contains 6.436 acres, more or less (±).

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 3. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Dated this ____ day of May, 2013.

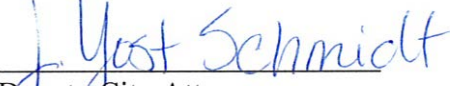
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Deputy City Attorney

**DEVELOPMENT SERVICES**
Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

TO: City Council

FROM: Kerri Burchett, Principal Planner

DATE: May 7, 2013

RE: Fire Station No. 2 Addition

I. EXHIBITS

- A. Planning Commission staff report, including:
 - 1. Chapter 18.12 R1 - Developing Low Density Residential
 - 2. Conceptual site plan
 - 3. Conceptual building elevations
 - 4. Annexation Map
- B. Planning Commission Minutes dated March 25, 2013
- C. Staff power point presentation

II. EXECUTIVE SUMMARY**A. Project Description**

The City Council public hearing is to consider an annexation and zoning of city owned property in order to develop a new fire station that will replace Fire Station #2 located on Taft Avenue in the North Lake Park. The proposal would annex and zone 6.43 acres, which includes a 3 acre parcel for the future fire station and 3.43 acres of right-of-way on West 29th Street. The property, which is vacant, is located on the south side of West 29th Street; approximately 900 feet west of Wilson Avenue (see Map 1 on page 2). The applicant, Loveland Fire Rescue Authority, proposes to annex this property and zone it R1 - Developing Low Density Residential in compliance with the city's Master Plan.

The city's determination to purchase property at this location for a replacement fire station was based on internal evaluations for future department expansion and response needs. The results were also supported by the Insurance Service Office (ISO) report, completed in 2008, that identified that the city was short a heavy rescue service and engine company in the northwest portion of the city. The ISO report was based on the number of calls that the Fire Authority receives from this area. The location of the existing Fire

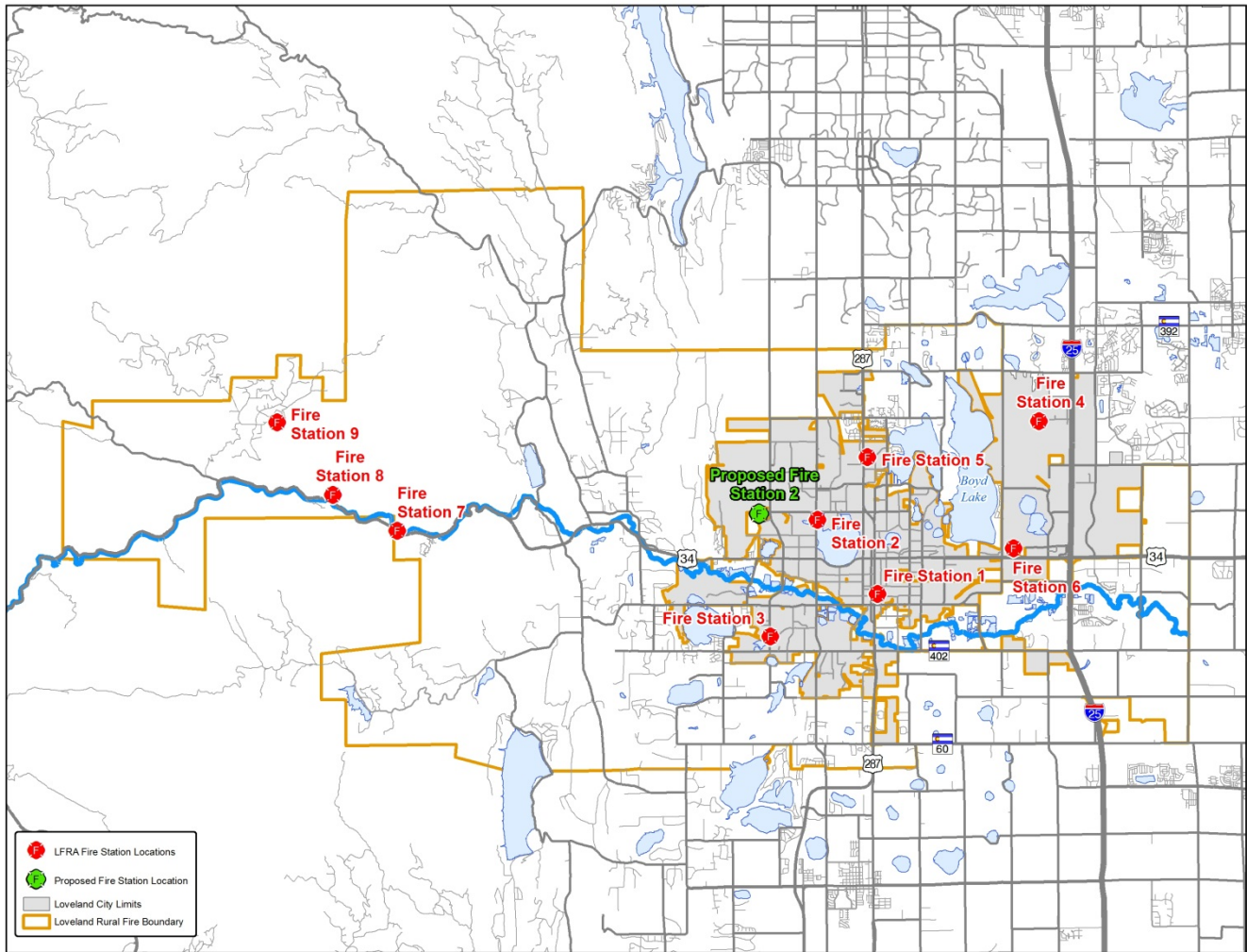
Station #2 in North Lake Park creates overlapping service areas with Fire Station #1 and #5 and does not provide the services needed in the northwest area of the city (see Map 2 on page 3). A review of the data from the internal review indicated that the best coverage location for a new site would be on West 29th Street and Wilson Avenue.

B. Project Location and Map of Fire Stations

The property proposed for annexation is located south of West 29th Street and approximately 900 feet west of North Wilson Avenue.

Map 1: Project Location



Map 2: Fire Station Locations for Loveland Fire Rescue Authority

There are currently nine fire stations within the Loveland Rural Fire boundary. Six of the fire stations are located within Loveland's city limits. Each fire station operates under a targeted 5 minute response time. In addition to fire and rescue, the Loveland Fire Rescue Authority provides basic life support service and primarily responds to major medical emergencies including heart, respiratory, and traumatic emergencies.

C. Fire Station Design and Development Process

The specific design of the fire station is in a conceptual planning stage. It is anticipated that the station would house a heavy rescue company and an engine company with a maximum of 8 persons staffing the facility at any given time. While a conceptual site plan and building elevation are provided on this page, these plans are for information purposes only and convey a general concept for the project. The plans have not been formally submitted to the city or presented to the neighborhood.

In the R1 zone district, the development of a fire station requires approval of a special review. The special review procedures require a neighborhood meeting and provide an opportunity for public input. A special review can be approved administratively by the Current Planning Division; however, the process allows for appeal to the Planning Commission.

Figure 1: Conceptual Site Plan

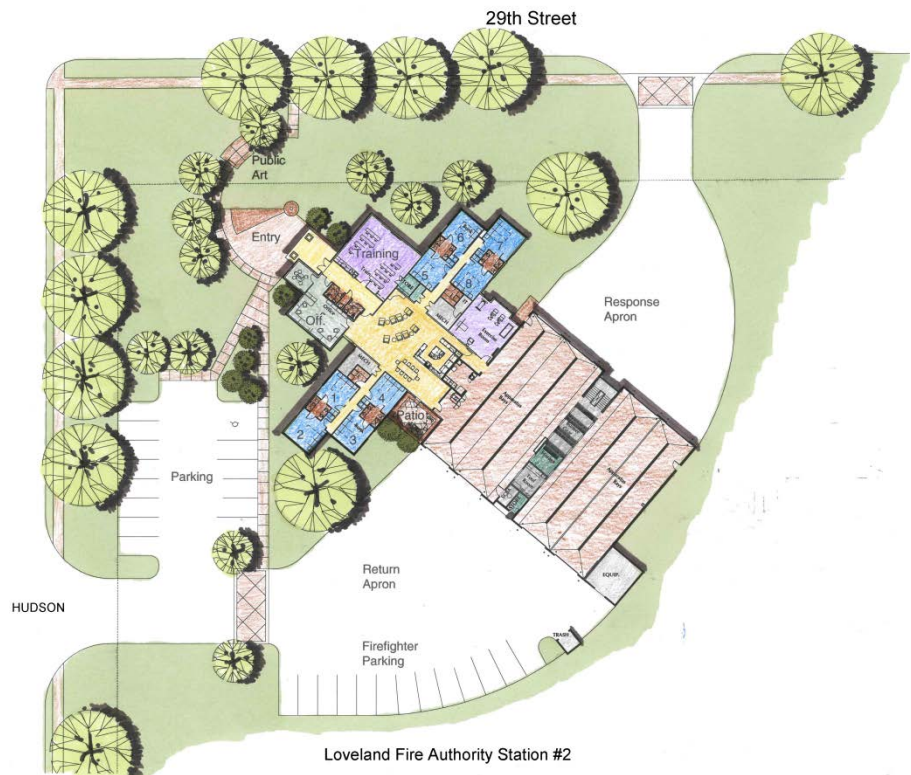


Figure 2: Conceptual Building Elevation



D. Planning Commission Hearing

The Planning Commission held a public hearing regarding the annexation and zoning proposal on March 25, 2013. Four residents spoke at the hearing and expressed concerns with the request. The following bullets highlight the neighborhood concerns that were voiced at the hearing and the responses provided by the applicant, Chief Randy Mirowski:

- Safety concerns for the children in relation to the nearby school and school bus stops.

Response: Fire vehicles are required to follow the same traffic rules (school bus stops etc.) as the rest of the community. All fire personnel housed at the station will familiarize themselves with the surrounding neighborhoods, including school bus routes and other activities.

- Development of the fire station will lower property values in the neighborhood.

Response: This was the first time that Chief Mirowski has heard the concern that a fire station would cause a decrease in nearby property values. He indicated that such a claim was contrary to his experience.

After the Planning Commission hearing, the Fire and Rescue Authority contacted several private appraisers to seek further clarification on the relationship between the development of a fire station and neighborhood property values. The appraisers that were contacted indicated that there would likely be no impact on surrounding property values if a fire station was built on a major thoroughfare like proposed Station #2 on West 29th Street. The appraisers indicated that if that station was proposed on local streets in the heart of a residential neighborhood, there could be a minimal impact on property values but the value of that impact would be very difficult to quantify. The appraisers' further indicated that the fire station could very likely decrease the cost of the neighborhood's homeowners insurance premium.

- General opposition to living near a fire station.

Response: The Fire Authority is committed to being a good neighbor and will work with the neighborhood to mitigate impacts from the station. Regarding noise impacts from sirens, the engines will generally not use their sirens until the trucks reach Wilson Avenue.

- Traffic concerns in particular with the intersection of Hudson Drive and Sedgwick Drive.

Response: A traffic analysis of the site will be prepared with the special review application and will comply with the City standards.

After considering the testimony provided by the public, the Planning Commission unanimously recommended approval of the annexation and zoning request. Also at the hearing, the Commission expressed interest in the City retaining the existing Fire Station #2 property for public and/or emergency service use. The minutes from the hearing are included as Exhibit B to this staff memorandum.

III. RECOMMENDED CONDITION

The following annexation condition is recommended by the Planning Commission and City staff.

Transportation Development Review

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).



Development Services Current Planning

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Planning Commission Staff Report

March 25, 2013

Agenda #: Regular Agenda - 1
Title: Fire Station No. 2 Addition
Applicant: City of Loveland Fire Rescue Authority, Randy Mirowski, Fire Chief
Request: **Annexation and Zoning**
Location: South of West 29th Street and approximately 900 feet west of North Wilson Avenue.
Existing Zoning: County FA -Farming
Proposed Zoning: R1 - Developing Low Density Residential
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the annexation and zoning..

Recommended Motions:

1. Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 25, 2013 and, based on those findings, recommend that City Council approve the Fire Station No. 2 Addition, subject to the condition listed in Section IX, as amended on the record, and zone the addition R1 Developing Low Density Residential.

Summary of Analysis

This is a public hearing concerning the annexation and zoning of a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to facilitate the development of a new fire station on the south side of West 29th Street. The new fire station would replace the existing Fire Station #2 located on Taft Avenue, south of W. 29th Street in the North Lake Park. The hearing is to consider the following items:

- An annexation of 6.43 acres; and
- A zoning of the property to R1- Developing Low Density Residential District.

Staff believes that all key issues have been resolved based on City Code and standards. The development of the fire station, which is currently in a conceptual stage, will require a special review application and a subsequent neighborhood meeting. Special review applications can be approved administratively, however there is an appeal period in which an application can be appealed to a public hearing with the Planning Commission.

I. SUMMARY

This proposal is to annex and zone 6.43 acres, which includes a 3 acre parcel that is owned by the city and 3.43 acres of right-of-way on West 29th Street. The property, which is vacant, was purchased by the city to develop a new fire station that will replace Fire Station #2 located on Taft Avenue in the North Lake Park. The property is located on the south side of West 29th Street, approximately 900 feet west of Wilson Avenue (see vicinity map on page 3). The applicant, which is the Loveland Fire Rescue Authority, proposes to annex this property and zone it R1 - Developing Low Density Residential in compliance with the city's Master Plan.

The city's determination to purchase property at this location for a replacement fire station was based on the results from an Insurance Service Office (ISO) report that identified that the city was short a heavy rescue service and engine company in the northwest portion of the city. The ISO report was based on the number of calls that the Fire Authority receives from this area. The location of the existing Fire Station #2 in North Lake Park creates overlapping service areas with Fire Station #1 and #5 and does not provide the services needed in the northwest area of the city. A review of the data from the ISO report indicated that the best coverage location for a new site would be on West 29th Street and Wilson Avenue.

The design of the fire station is in a conceptual planning stage. It is anticipated that the station would house a heavy rescue company and an engine company with a maximum of 8 persons at the facility per day. While a conceptual site plan and building elevations are included as **Attachments 2** and **3** in this report, these plans are for information purposes only and convey a general concept or potential for the orientation of the building. The plans have not been formally submitted to the City or presented to the neighborhood. In the R1 zone district, the development of a fire station requires approval of a special review. The special review procedures require a neighborhood meeting and provide an opportunity for public input. A special review can be approved administratively by the Current Planning Division, however the process includes an appeal period in which the application can be appealed to a public hearing with the Planning Commission.

II. ATTACHMENTS

1. Chapter 18.12 R1 - Developing Low Density Residential
2. Conceptual site plan
3. Conceptual building elevations
4. Annexation Map

III. VICINITY MAP



IV. SITE DATA

A. ANNEXATION

ACREAGE OF SITE GROSS	6.43 AC
ACREAGE OF RIGHT-OF-WAY	3.43 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	R1 DEVELOPING LOW DENSITY RESIDENTIAL
EXISTING USE	VACANT
EXIST ADJ ZONING & USE - NORTH	PUD HUNTERS RUN / SF RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	COUNTY FA / VACANT FARMED LAND
EXIST ADJ ZONING & USE - WEST	COUNTY FA / VACANT FARMED LAND
EXIST ADJ ZONING & USE - EAST	COUNTY FA / VACANT FARMED LAND
UTILITY SERVICE – WATER, SEWER	CITY OF LOVELAND
UTILITY SERVICE – ELECTRIC	CITY OF LOVELAND

V. KEY ISSUES

City staff believes that all key issues associated with the annexation and zoning request have been addressed. At the neighborhood meeting, there were questions and concerns voiced about noise and other impacts resulting from the development of a fire station (see Section VII.B, below). The neighbors were provided information regarding the special review process and informed that a neighborhood meeting will be held in the future to discuss the specific design and related impacts of the station.

VI. BACKGROUND

The Loveland Fire Rescue Authority purchased the 3 acre property proposed for annexation in December of 2012 for the purpose of developing a new fire station. The property is zoned FA Farming in Larimer County and has historically been used for agricultural production.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Merlin Green with the Loveland Fire Rescue Authority certifying that written notice was mailed to all property owners within 1,000 feet of the property on February 7, 2013 and notices were posted in a prominent location on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 9, 2013.
- B. **Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on February 25, 2013 at the Fire Administration Building. The meeting was attended by 11 neighbors and interested parties along with City staff. At the meeting, there were no objections voiced to the annexation and zoning requests, however there were questions and concerns raised about the impacts of the development of a fire station on the neighborhood. Comments voiced included noise and traffic impacts, questions on why the location was chosen and declining property values. Merlin Green, Division Chief/Fire Marshall, explained the operation side of the city's fire stations and how they worked to reduce impacts on the neighborhood, such as not turning on sirens until outside of the neighborhood area. Two additional outreach meetings with the Hunter's Run Home Owners Association are being held the week before the Planning Commission hearing. Planning staff also explained the process and public involvement with the special review application, which will be the next step in the development of the fire station. The neighbors and residents were informed that there would be another neighborhood meeting for the design and development of the fire station with the special review process.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code.

Annexation and Zoning

A. Annexation Policies and Eligibility

- 1. Loveland Comprehensive Master Plan, Section 4.2**
 - a. Annexation ANX2.A:** *Whether the annexation encourages a compact pattern of urban development.*
 - b. Annexation ANX2.B:** *Whether the annexation would result in the creation of an enclave*
 - c. Annexation ANX5.B:** *Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*
 - d. Annexation ANX1.C and 6:** *Whether the annexation encourages infill development and ensures that land is immediately contiguous to other land in the City that is already receiving City services, discouraging leapfrog and scattered site development.*
 - e. Growth Management GM7:** *Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*
- 2. Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
 - a.** *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*
 - b.** *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*
 - c.** *It is not physically practical to extend urban service which the municipality provides normally.*

Planning: Staff believes that the findings can be met, based on the following facts:

- A.1.a & d.** The development of the fire station will encourage a compact pattern of urban development and will not be leapfrog or scattered site development. The land is immediately contiguous to other land in the City that is already receiving City services.
- A.1.b.** No new enclaves will be created by this annexation and there is no evidence that two or more of the conditions listed in Section 17.04.020 of the Municipal Code, cited above, have been met. The property being annexed is part of a larger county enclave. The property owner of the remainder of the enclave has indicated a desire to remain in the county and continue the farming operation on the site.
- A.2.** The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area.

B. City Utilities/Services and Transportation

1. Loveland Comprehensive Master Plan, Section 4.2

a. **Annexation ANX1.A and B:** *Whether the annexation of land minimizes the length of vehicle trips generated by development of the land and whether the annexation minimizes the short and long term costs of providing community facilities and services for the benefit of the annexed area.*

2. Loveland Municipal Code

a. Section 17.04.040:

(i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*

(ii) *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*

(iii) *The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*

b. **Section 17.04.040,:** *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.*

c. **Section 18.04.010:** *The zoning, as proposed, would: lessen congestion in the streets; secure safety from fire, panic, and other dangers; and promote health and general welfare.*

Transportation: Staff believes that this finding can be met, based on the following facts:

- Annexing and zoning property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study will be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering staff does not object to the proposed annexation and zoning.

Fire: Staff believes that this finding can be met, based on the following facts:

- The site will comply with the requirements in the ACF Ordinance.

- Once constructed, the new fire station will provide increased response efficiency to the northwest area of the city.

Water/Wastewater: Staff believes that this finding can be met, based on the following facts:

- The subject annexation is situated within the City's current service area for both water and wastewater.
- The Department finds that the annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- Public facilities are available to serve the development.

Power: Staff believes that this finding can be met, based on the following facts:

- 600 amp and 200 amp three phase underground power currently exists in an underground duct bank located along the north side of W. 29th Street. 200 amp three phase underground power is currently available in an underground vault located at the northeast corner of W. 29th Street and Hudson Drive and can be extended south to the proposed annexation area.
- The proposed annexation currently lies within Excel Energy Company certified territory. Upon completion of successful annexation to the City of Loveland, the City will provide electric service to any future development of the proposed annexation.
- The existing electric facilities are sufficient for the current use. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.
- The existing uses as well as any future development requirements are current with the Power Division's existing infrastructure and system master plan.

Stormwater: Staff believes that this finding can be met, based on the following facts:

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

C. Land Use

1. Loveland Comprehensive Master Plan, Section 4.7

- a. **Land Use Plan:** *Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and GDP application.*

Planning: Staff believes that this finding can be met, based on the following facts:

- The Comprehensive Master Plan designates the site as Low Density Residential (LDR). The LDR category permits churches, parks, schools and civic uses as acceptable land uses.
- The proposed zoning of R1 is consistent with the zoning categories in the Comprehensive Master Plan. The R1 zone district requires that any governmental uses be processed as a special review.

2. Loveland Municipal Code

a. Section 18.04.010:

- (i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*
- (ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

Planning: Staff believes that this finding can be met, based on the following facts:

- 2.a.(i) Development of the fire station will incorporate perimeter landscaped bufferyards and open space on the site to ensure adequate light and air. The development will also facilitate the adequate provision of public facilities in this area.
- 2.a.(ii) Development of the fire station will be governed by all applicable City codes and standards in the R1 District, as well as any special provisions deemed necessary through the special review process. Based on the need for a fire station in the northwest portion of the city, as identified in the ISO report, staff believes that the annexation and zoning of the property to facilitate the development of a fire station would encourage an appropriate use of the land.

D. Environmental Impacts

1. Loveland Comprehensive Master Plan, Section 4.2

- a. **Annexation ANX3.A:** *Whether the annexation will comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.*
- b. **Annexation ANX3.B:** *Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.*
- c. **Annexation ANX4.A and B:** *If the planning staff and/or the City have determined that significant negative impacts on the environment may occur from development allowed under the proposed zoning, an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.*
- d. **Annexation ANX4.B:** *Whether the annexation application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be annexed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures can be taken in the event that such contamination exists.*
- e. **Annexation ANX4.D:** *All development agreements must deal satisfactorily with any environmental impacts upon the property.*

Planning: Staff believes that this finding can be met, based on the following facts:

- D.1.a & b. The Open Lands Plan does not identify any area of the site as a potential natural area.
- D.1.c The site is naturally vegetated and has historically been in agricultural use. No environmentally sensitive areas, as defined in the Municipal Code, were noted on the site.
- D.1.d A Phase I Environmental Site Assessment (ESA) was performed by the CTL Thompson in October of 2012. The ESA concluded that there are no recognized environmental conditions existing on or nearby the site.

E. Miscellaneous

1. **Loveland Municipal Code, Section 17.04.040.F:** *Whether the annexation is in the best interest of the citizens of the City of Loveland.*

Planning: Staff believes that this finding can be met, based on the following fact:

- The property proposed for annexation is owned by the City of Loveland and was purchased for the development of a fire station. The annexation and development of the fire station is in the best interest of the citizens and will provide increased response efficiency to the residents in the northwest portion of the City.

- F. **Mineral Extraction Colorado Revised Statute:** *The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.*

Planning: Staff believes that this finding can be met, due to the following fact:

- A geologic evaluation and mineral extraction assessment was prepared by CTL Thompson for the property. The assessment concluded that based on the review of geologic maps, published reports, satellite and aerial imagery, and the examination of the site, the potential for commercial mineral resources on the site is considered negligible.

IX. RECOMMENDED CONDITIONS

The following annexation condition is recommended by city staff.

Transportation Development Review

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

Chapter 18.12**R1 DISTRICT-DEVELOPING LOW-DENSITY RESIDENTIAL DISTRICT****Sections:**

18.12.010	Uses permitted by right.
18.12.020	Uses permitted by special review.
18.12.030	Lot area.
18.12.040	Lot width.
18.12.050	Front yard.
18.12.060	Rear yard.
18.12.070	Side yard.
18.12.075	Height limitations.
18.12.080	Off-street parking.
18.12.090	Special considerations.

18.12.010 Uses permitted by right.

The following uses are permitted by right in a R1 district:

- A. One-family dwellings;
- B. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- C. Open land for the raising of crops, plants and flowers;
- D. Accessory buildings and uses;
- E. Public schools. (Ord. 4246 § 1 (part), 1997; Ord. 3702 § 1 (part), 1990; Ord. 1276 § 4, 1973; Ord. 1004 § 5.1, 1968)
- F. Place of worship or assembly. In addition to standard buffering requirements of the Site Development Performance Standards and Guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the Current Planning Manager. (Ord. 5207 § 6, 2007)

18.12.020 Uses permitted by special review.*

The following uses are permitted by special review in a R1 district:

- A. Preschool nurseries;
- B. Parks, recreation areas and golf courses;
- C. Cemeteries;
- D. Estate areas;
- E. Two-family dwellings;
- F. Private schools;
- G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such

statutes; such use may be conducted in conjunction with the residential use of the property;

I. Governmental or semipublic uses;

- J. Group care facilities;
- K. Housing for elderly;
- L. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
- M. Accessory dwelling units;
- N. Personal wireless service facilities, as defined in § 18.55.020(G), in compliance with Chapter 18.55 of this title. (Ord. 5207 § 6, 2007; Ord. 4246 § 1 (part), 1997; Ord. 4239 § 1 (part), 1997; Ord. 4236 § 2, 1997; Ord. 3764 § 2 (part), 1991; Ord. 3702 § 1 (part), 1990; Ord. 3537 § 1 (part), 1988; Ord. 3282 § 1, 1986; Ord. 3210 § 2, 1985; Ord. 2021 § 7 (part), 1981; Ord. 1880 § 3, 1980; Ord. 1628 §§ 1 (part) and 2 (part), 1977; Ord. 1444 § 2 (part), 1975; Ord. 1414 § 2, 1975; Ord. 1391 § 2, 1974; Ord. 1390 § 2, 1974; Ord. 1276 §§ 5, 6, 1973; Ord. 1097 § 1, 1970; Ord. 1026 § 2, 1969; Ord. 1004 § 5.2, 1968)

*See Ch. 18.40 of this code.

18.12.030 Lot area.

The minimum area of a lot in the R1 district shall be seven thousand square feet as provided below:

- A. When a group of ten or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and creativity in design. However, in no case shall the lot area be less than five thousand square feet, the average lot size for the unit be less than seven thousand square feet, and more than twenty percent of the lots be less than seven thousand square feet. When such development procedures are followed, the city-approved subdivision plat must be of record in the Larimer County clerk and recorder's office.
- B. The minimum area of the lot for a two-family dwelling shall be at least nine thousand square feet in the R1 district.
- C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building. (Ord. 5207 § 6, 2007; Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 5.3, 1968)

18.12.040 Lot width.

The minimum width of a lot in a R1 district shall be sixty-five feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb. (Ord. 4246 § 1 (part), 1997; Ord. 3467 § 2 (part), 1987; Ord. 3096 § 2, 1984; Ord. 2021 § 3, 1981; Ord. 1004 § 5.4, 1968)

18.12.050 Front yard.

The minimum front yard in a R1 district, being the minimum distance of any building from the front lot line, shall be twenty feet. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 5.5, 1968)

18.12.060 Rear yard.

The minimum rear yard in a R1 district, being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;
 Detached accessory building, five feet. (Ord. 4246 § 1 (part), 1997; Ord. 1004 § 5.6, 1968)

18.12.070 Side yard.

The minimum side yard in a R1 district, being the minimum distance of any building from each side lot line, shall be one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling or two-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to this requirement may be approved by the chief planner for groups of three or more single-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet. (Ord. 4246 § 1 (part), 1997; Ord. 3574 § 2, 1989; Ord. 1628 § 1 (part), 1977; Ord. 1276 § 7, 1973; Ord. 1004 § 5.7, 1968)

18.12.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54 of this Code. (Ord. 4246 § 1 (part), 1997; Ord. 4106 § 5, 1995)

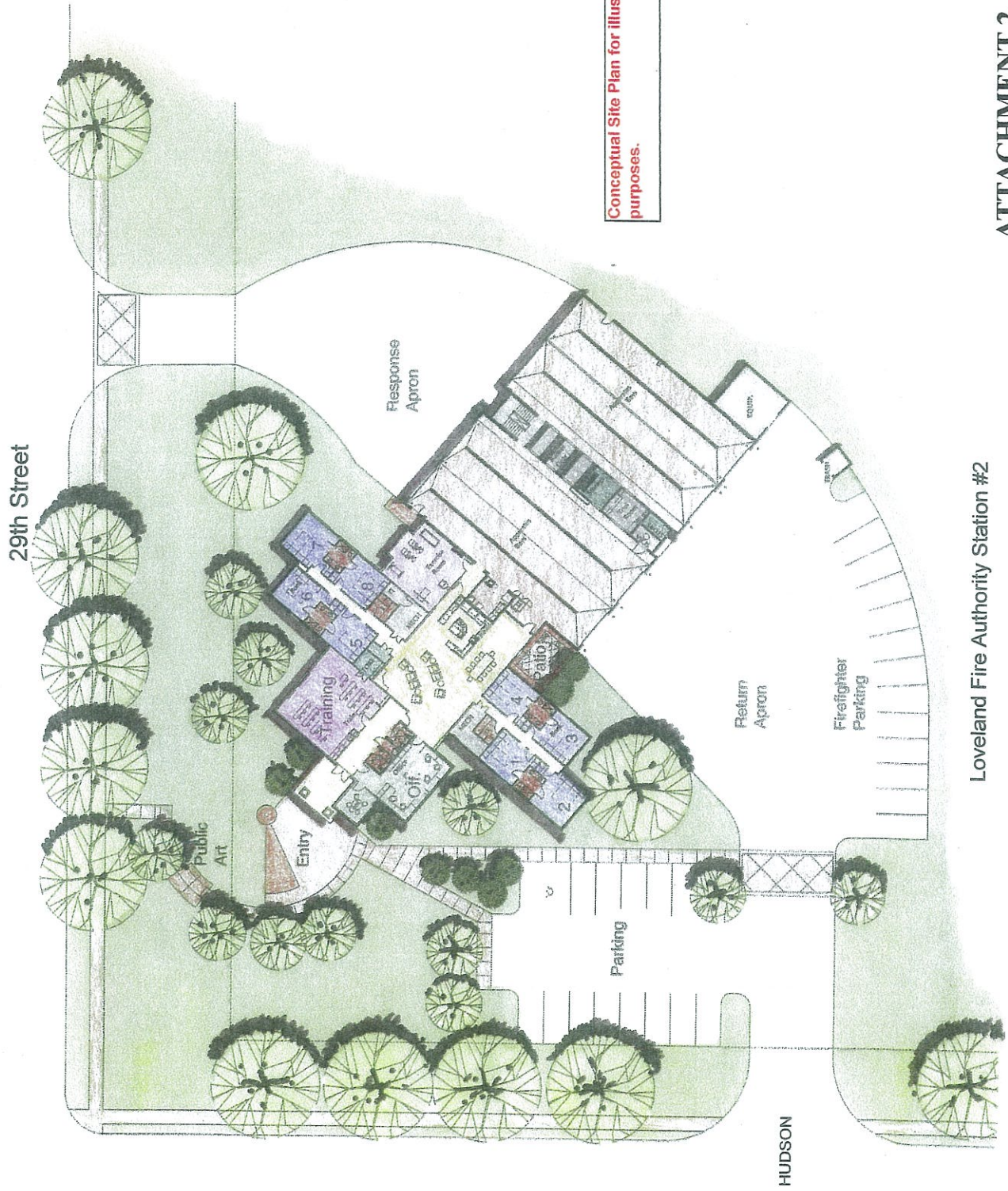
18.12.080 Off-street parking.

The minimum off-street parking in the R1 district shall be provided in Chapter 18.42. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1395 § 1 (part), 1974; Ord. 1004 § 5.8, 1968)

18.12.090 Special considerations.

The following special requirements shall apply for special review uses in the R1 district:

- A. Preschool Nurseries.
 - 1. At least fifty square feet of floor area is set aside for school purposes for each child; and,
 - 2. At least two hundred square feet of outdoor fenced play area is available for each child.
- B. Noncommercial Recreational Uses, including Swimming Pools, Community Buildings, Tennis Courts and Similar Uses as a Principal Use.
 - 1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
 - 2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines.
- C. Cemeteries. The minimum area of any cemetery shall be at least twenty acres, and gravesites shall be located at least twenty-five feet from the boundaries of the cemetery. (Ord. 4246 § 1 (part), 1997; Ord. 2021 § 7 (part), 1981; Ord. 1628 § 2 (part), 1977)

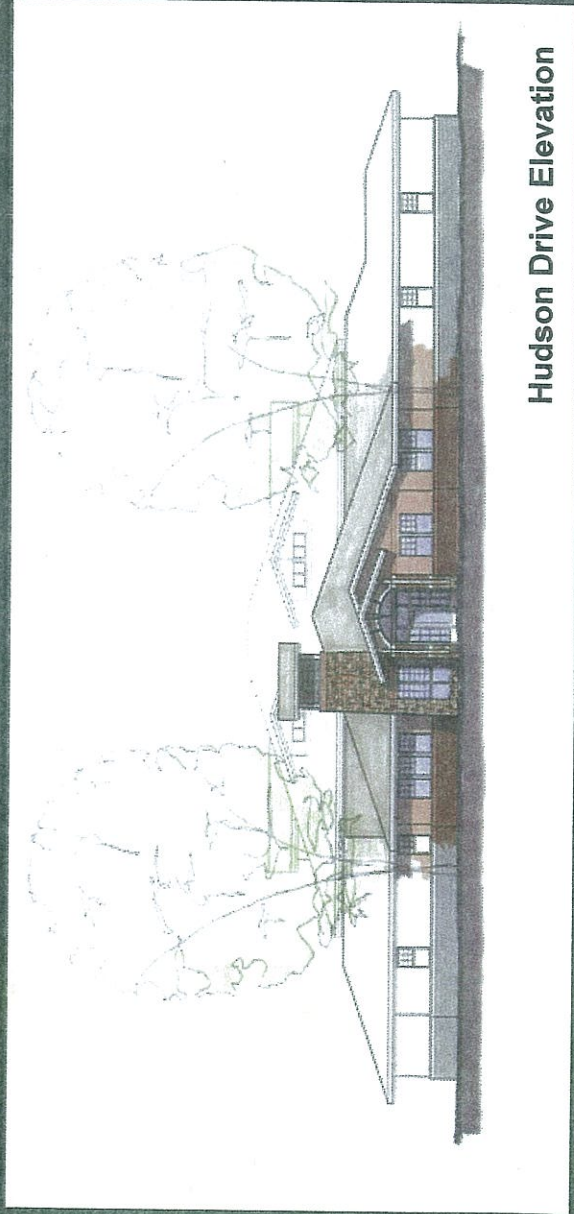


ATTACHMENT 2

Loveland Fire Authority Station #2



29th Street Elevation



Hudson Drive Elevation

Current Approach

FIRE STATION NO. 2 ADDITION TO THE CITY OF LOVELAND

Being An Annexation of Lot 2, Mehaffey Minor Land Division And A Portion Of West 29th Street Right of Way,
Situate In The Northeast Quarter Of Section 9, Township 5 North, Range 69 West, Of The 6th P.M., County Of Larimer, State Of Colorado

PROPERTY DESCRIPTION

Lot Two (2), Mehaffey Minor Land Division recorded December 18, 2012 as Reception No. 20120091404 of the Records of Larimer County and a portion of the West 29th Street Right of Way, located in the Northeast Quarter of Section Nine (9), Township Five North (T.5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado, and being more particularly described as follows:

BEGINNING at the North Quarter Corner of said Section 9, and assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto:

THENCE North 88°33'21" East along the North line of the Northeast Quarter of said Section 9, said North line being coincidental with the South line of the Vanguard-Famleco First Addition recorded May 6, 1982 in Book 2166, Page 650 as Reception No. 456843 of the Records of Larimer County, a distance of 2127.11 feet to the Southeast corner of said Vanguard-Famleco First Addition;

THENCE North 00°14'45" East along the East line of said Vanguard-Famleco First Addition a distance of 38.02 feet to a line parallel with and 38.00 feet Northerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9, said parallel line being dedicated as Right of Way in that Deed of Dedication recorded November 13, 2000 as Reception No. 2000077991 of the Records of Larimer County;

THENCE North 88°33'21" East along said parallel line a distance of 491.99 feet to the West line of the Fairway West First Addition recorded March 26, 1976 in Book 1691, Page 514 as Reception No. 145839 of the Records of Larimer County;

THENCE South 00°07'20" West along said West line a distance of 38.01 feet to the North line of the Northeast Quarter of said Section 9;

THENCE South 00°06'51" East continuing along the West line of said Fairway West First Addition a distance of 28.93 feet to the Northwest corner of the Windmere Second Addition recorded March 28, 1976 in Book 1691, Page 515 as Reception No. 145840 of the Records of Larimer County;

THENCE South 00°06'51" East along the West line of said Windmere Second Addition a distance of 21.08 feet to a line parallel with and 50.00 feet Southerly of, as measured at a right angle to the North line of the Northeast Quarter of said Section 9;

THENCE South 88°33'21" West along said parallel line a distance of 937.71 feet;

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THENCE South 88°33'21" West along said parallel line a distance of 937.71 feet;

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Northeast Quarter of said Section 9 as bearing North 88°33'21" East, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 2649.19 feet, with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

TITLE COMMITMENT NOTE

This survey does not constitute a title search by King Surveyors Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors Inc. relied upon Title Commitment Number 01330-13481, dated September 11, 2012 at 8:00 a.m., as prepared by Stewart Title Guarantee Company to delineate the aforesaid information.

NOTES

According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-80-105 C.R.S.)

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a registered Land Surveyor in the State of Colorado, do hereby certify that the annexation map shown hereon is a reasonably accurate depiction of the parcel of land described hereon and, to the extent described herein, is at least one sixth (1/6) of the peripheral boundary of said parcel is contiguous to the boundary of the City of Loveland, Colorado. The map was compiled using existing plats, deeds, legal descriptions, and other documents and is not based on a field survey nor should it be construed as a boundary survey.

Steven A. Lund-On Behalf Of King Surveyors Inc.
Colorado Registered Professional
Land Surveyor #34995

MAYOR CERTIFICATE

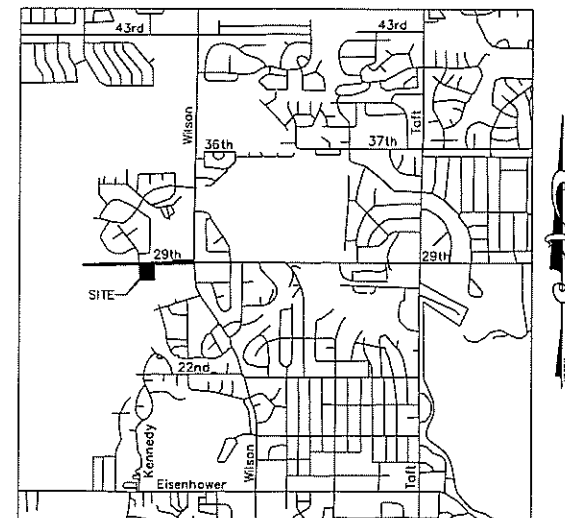
This map is approved by the City Council of the City of Loveland, Larimer County, Colorado by

Ordinance No. _____, passed on second reading on this _____ day of

_____, 20____, for filing with Clerk and Recorder of Larimer County.

Mayor

Attest: City Clerk



**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 25, 2013**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 25, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice Chairman Middleton; and Commissioners Molloy, Ray, Dowding, Crescibene, Krenning and Prior. City Staff present: Kerri Burchett, Current Planning; Randy Mirowski, Fire Department; Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Community Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

Robert Paulsen, Current Planning Manager, reported that Vicki Mesa would be leaving the city for a new adventure and that Brian Burson is scheduled for a serious medical procedure.

COMMITTEE REPORTS

Commissioner Molloy reported on the last Title 18 Committee meeting reviewed a draft report concerning development permitting process.

COMMISSIONER COMMENTS

Commissioner Krenning requested an update on Council's recent action regarding oil and gas regulations. **Ms. Schmidt** stated she would send, via email, City Council's deliberation.

APPROVAL OF THE MINUTES

Commissioners Dowding and Meyers offered the following amendments to the March 11, 2013 minutes:

Page 4 the spelling of the Five sisters and the name of their building:

Sandy Vine, Co-Owner of the adjacent Brandt Building

With these changes, the Commission unanimously approved the March 11, 2013 minutes.

REGULAR AGENDA

1. Fire Station No. 2 Addition.

This is a public hearing concerning the annexation and zoning of a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to facilitate the development of a new fire station on the south side of West 29th Street. The new fire station would replace the existing Fire Station #2 located on Taft Avenue, south of W. 29th Street in the North Lake Park. The hearing is to consider the following items:

- An annexation of 6.43 acres; and
- A zoning of the property to R1- Developing Low Density Residential District.

Review of this application requires legislative action by the Planning Commission.

Kerri Burchett, Current Planning, gave a brief staff presentation on this item. She stated staff is recommending approval of the annexation and R1 zoning. She explained that a Special Review approval will be needed in the future to allow the use of the Fire Station.

Randy Mirowski, Fire Chief, spoke of the need for a new station, and explained how the decision to replace existing station #2 was arrived at. He stated that the location was selected based on the results from an Insurance Service Office (ISO) report that identified the city was short a heavy rescue service and engine company in the northwest portion of the city.

There was a discussion regarding the need for and the definition of heavy rescue facilities.

PUBLIC COMMENT

Mr. Voggsup, 1243 Autumn Purple Drive, a potential home buyer in the area, was opposed to living near a fire station and expressed safety concerns for children in relation to the nearby school and bus stop.

Pennie Patton, 3054 Hudson Drive, opposed the fire station and commented it would lower her property value. She felt the location of the station would have a negative impact on the neighborhood. She requested information on the appeal process specifically for those who were not in attendance.

Mark Fleetwood, Hudson Drive, concurred with previous speakers.

Ed Shorts, 3054 Hudson Drive, expressed concerns regarding the intersection of Hudson and Sedgwick. He commented the additional traffic and the location of the fire station would lower property values in the area.

COMMISSION QUESTIONS

Chief Mirowski reported on the meetings held with area residents and responded to the concerns as follows:

- Loud/sirens: The Fire Authority is committed to being a good neighbor and will not use their sirens until the trucks reach Wilson
- Property values issues: Stated this is the first time that he ever heard that a fire station would cause a decrease in nearby property values. He indicated that such a claim was contrary to his experience.
- He commented that the response area for the station is in the north and northwest portion of the city and surrounding area
- He stated that the Fire vehicles were required to follow the same traffic rules (school bus stops etc..) as everyone else

Ms. Burchett explained the appeal process, indicating that the annexation and zoning applications would be forwarded to City Council for final action. She explained that the Special Review process, which would be the next step in the development of a fire station, would include neighborhood notice and input, and any decision regarding the special review could be appealed to a Planning Commission public hearing.

Commissioner Dowding commented that when she has lived near a fire station her homeowners insurance has always decreased and her property values were not reduced. She stated she supported the project.

Vice Chairman Middleton concurred with Commissioner Dowding and stated that only half of the calls to a fire station are fire calls. He expressed his support for the annexation. He also indicated support for retention of existing Station No. 2 and having emergency services utilize that site.

Commissioner Molloy supported the project.

Commissioner Krenning spoke of the benefits of having a two unit fire house and stated he was in support of the project. Commissioner Krenning also spoke in favor of a community-oriented reuse of the existing fire station #2 facility, indicating the importance that facility had in the development and growth of the community.

Chair Meyers concurred with previous comments regarding the annexation and zoning applications. He noted that he has lived next to a fire station and they make very good neighbors. He also indicated support for a community-oriented reuse of the existing fire station # 2 property, indicating that an emergency services use or other community use would fit within the context of the Northlake Park area.

Vice Chair Middleton made a motion to make the findings listed in Section VIII of the Planning Commission staff report dated March 25, 2013 and, based on those findings, recommend that City Council approve annexation of Fire Station No. 2 Addition, subject to the condition listed in Section IX, as amended on the record, and zone the addition R1

Developing Low Density Residential. Upon a second by Commissioner Dowding the motion was unanimously adopted.

After discussion regarding keeping the current station for City use, it was decided that if Council considers selling the property, the Planning Commission could express their desire for the City to retain the property at that time.

2. 2012 Accomplishments / 2013 Goals.

At the beginning of each year, the Planning Commission reviews its accomplishments from the previous year and establishes goals for the New Year. This effort is designed to ensure that Commission agendas and related Commission activities reflect established priorities. This matter is administrative.

Commissioner Ray spoke of the importance of revitalizing the West Eisenhower corridor, including the development of standards to help guide redevelopment. Several other commissioners expressed a similar sentiment as to the importance of West Eisenhower and the need for the community to focus efforts on this area.

Mr. Paulsen stated that the city's current focus, in terms of corridor planning, is the Hwy. 402 corridor and the surrounding SE area of the city. He explained that the City Council had directed staff to pursue efforts with Johnstown to resolve policy differences. He indicated that plans for the 402 corridor would likely be pursued once the larger planning and policy matters were resolved with Johnstown and Larimer County.

Commissioner Krenning stated that the City Council had established its priorities and that the Planning Commission should not work contrary to that effort. However, he indicated that it was important that the City remember that the West Eisenhower area is important to the community and that the need to revitalize this area should not be forgotten.

After continued discussion, the Planning Commission expressed their desire for the Goals to include reference to the West Eisenhower corridor.

ADJOURNMENT

Vice Chair Middleton made a motion to adjourn. Upon a second by Commissioner Crescibene the motion was unanimously adopted.

Buddy Meyers, Chair

Vicki Mesa, Secretary



Fire Station No. 2 Annexation and Zoning

City Council
May 7, 2013



Fire Station No. 2 Presentation

1. Property Location and Description
2. Annexation and Zoning Proposal
3. Planning Commission and Staff Recommendation
4. Development Process
5. Why Relocate Fire Station #2?
6. New Fire Station Characteristics

4/17/2013

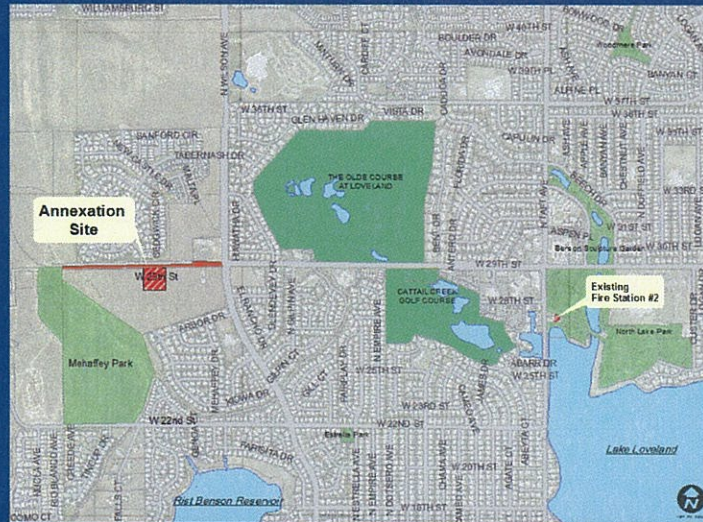
Fire Station No. 2 Addition

Location:

- West of Wilson Avenue, south side of W. 29th St.
- East of Mehaffey Park

Site:

- 6.43 acre total
- 3 acre property;
- 3.4 acres of right-of-way
- Purchased by the City of Loveland in 2012



City Council Public Hearing

May 7, 2013

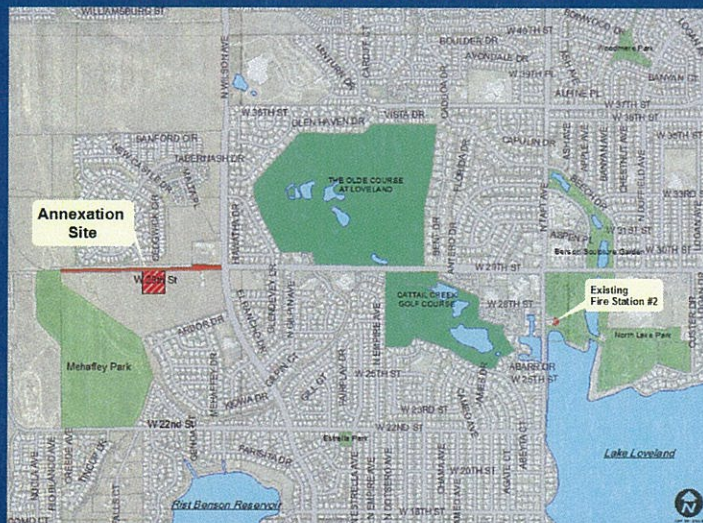
Fire Station No. 2 Addition

Request:

1. Annexation
2. Zoning to R-1

Purpose:

- Development of a new fire station to serve the northwest portion of the city
- Replace existing Fire Station #2 on Taft Avenue



City Council Public Hearing

May 7, 2013

Planning Commission and Staff Recommendation

- Recommend approval of annexation and zoning, with the annexation condition listed in staff report.
- Planning Commission expressed a desire for the City to retain the current Fire Station #2 site for emergency or public purposes.



City Council Public Hearing

May 7, 2013

Conceptual Rendering



Next Steps

- R-1 District requires Special Review process for government buildings.
- Special Review includes a neighborhood meeting; administrative approval with appeal period.

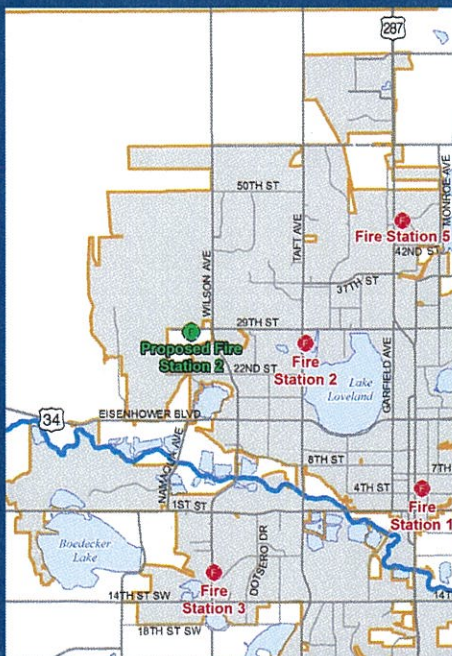
Why Relocate Fire Station #2?

- Enhanced citizen service delivery
- Response times
- Costs



Fire Station #2 Constraints

1. Location too close to Fire Stations #1 and #5.
2. Lake Loveland renders Station #2 less productive.
3. Costs greater to remodel existing fire station than to relocate station.



4/17/2013

New Fire Station #2 Location

- Goal is to enhance citizen service and improve firefighter safety.
- Research indicated the best location is near the intersection of West 29th Street and Wilson Avenue.
- New station will cover the north and northwest side of the fire district as primary responsibility.



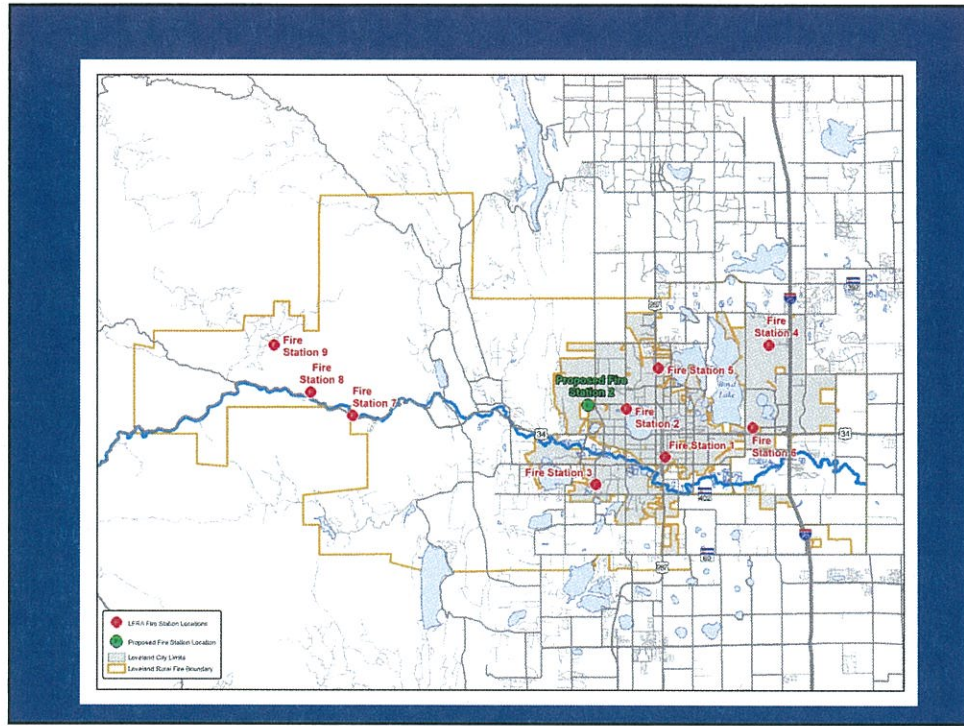
New Fire Station #2 Design

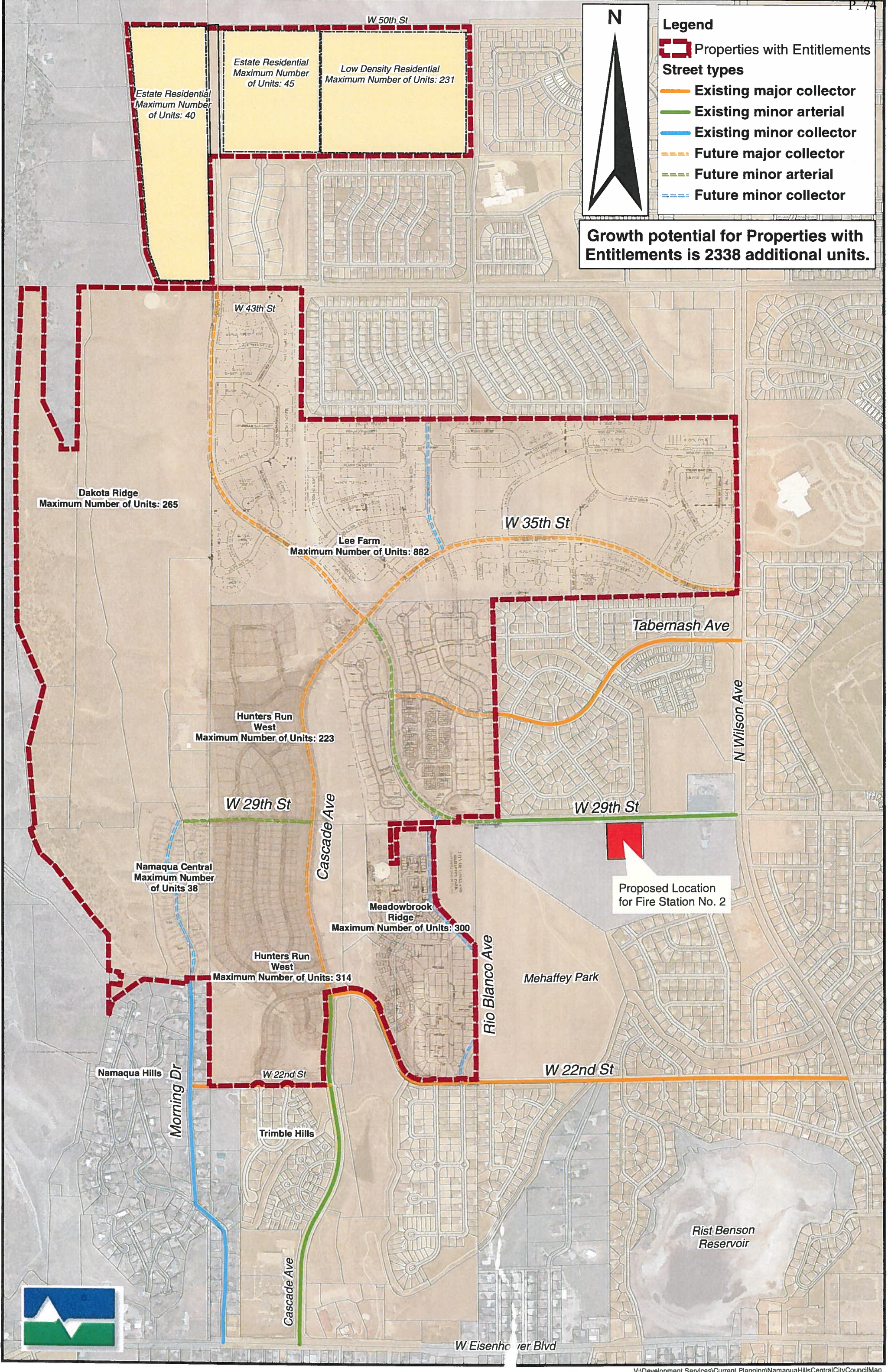
New station will be built to
compliment the neighborhood.

- ✓ Compatible Architecture
- ✓ Quality landscaping
- ✓ Appropriate art in public places theme
- ✓ Community room for neighborhood meetings



4/17/2013





Legend

Properties with Entitlements

Street types

- Existing major collector
- Existing minor arterial
- Existing minor collector
- Future major collector
- Future minor arterial
- Future minor collector

Growth potential for Properties with Entitlements is 2338 additional units.

Proposed Location for Fire Station No. 2



**CITY OF LOVELAND**
MUNICIPAL AIRPORT

4900 Earhart Road • Loveland, Colorado 80538
(970) 962-2852 • FAX (970) 962-2855 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 5/21/2013
TO: City Council
FROM: Public Works Department
PRESENTER: Jason Licon

TITLE:

A Resolution Authorizing the City Manager to Execute the 2013 Grant Agreement (AIP Project No. 3-08-0023-32-2013) with the Federal Aviation Administration for Improvements at the Fort Collins-Loveland Municipal Airport

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is an administrative action. The resolution authorizes the City Manager to execute a grant agreement with the Federal Aviation Administration (FAA) for funds in the amount not to exceed \$1,900,000. The FAA grant will be used to rehabilitate the north half of the general aviation apron and install perimeter fencing around the airport.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

The Airport's approved 2013 budget includes the expenditure of up to \$1,534,531 in Federal Aviation Administration Entitlement Grants. The remaining \$365,469 in Federal funding applied for is contingent upon FAA discretionary funding and may be applied to the project upon Council approval of an amended airport budget appropriation.

SUMMARY:

The Airport's approved 2013 budget includes the expenditure of up to \$1.53 Million in FAA Entitlement Grant funds and the Airport's matching share. The Airport's matching share is a 10% match and is covered by the State of Colorado 2013 Aviation Grant and airport revenue. The total local contribution for the total \$1,900,000 is 5% or \$105,556. Maintaining this asset in a safe, useful condition is critical if the Airport is to continue performing its transportation mission and support of economic growth to the area as an employment center, generating revenues to the City, and provision of regional transportation services.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

RESOLUTION # R-30-2013**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2013 GRANT AGREEMENT (AIP PROJECT NO. 3-08-0023-32-2013) WITH THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT**

WHEREAS, the Cities of Fort Collins and Loveland (the “Cities”) jointly own and operate the Fort Collins-Loveland Municipal Airport (the “Airport”); and

WHEREAS, the Cities, by resolution, have adopted the Fort Collins-Loveland Municipal Airport Master Plan; and

WHEREAS, the Federal Aviation Administration (“FAA”) provides grant funding to eligible airports to enable those airports to pursue, in a timely manner, capital improvements included within an adopted Airport Master Plan; and

WHEREAS, the Cities have applied for \$1,900,000.00 in FAA capital grant funding (“2013 Grant Funding”) for the purpose of rehabilitating the north half of the general aviation apron and installing perimeter fencing around the airport (“AIP Project No. 3-08-0023-32-2013”);

WHEREAS, the Cities have been offered \$1,534,531.00 of the 2013 Grant Funding and anticipate the FAA’s offer of the balance of \$365,469.00 shortly; and

WHEREAS, any capital grants funds provided by the FAA will be subject to the Cities’ execution of the standard FAA grant agreement that will be in substantially the form of prior years’ FAA grant agreements modified to reflect the purpose of AIP Project No. 3-08-0023-32-2013 (“2013 Grant Agreement”); and

WHEREAS, projects listed in AIP Project No. 3-08-0023-32-2013 are identified in the Fort Collins-Loveland Municipal Airport Master Plan as first priority projects; and

WHEREAS, the matching local funds of ten percent (10%) necessary to accept the initial capital grant funding of \$1,534,531.00 from the Federal Aviation Administration are divided equally between the State of Colorado and the Cities and have been previously appropriated as part of the Airport’s 2013 budget; and

WHEREAS, the State of Colorado’s matching local funds of five percent (5%) necessary to accept balance of the Grant Funding of \$365,469.00 from the Federal Aviation Administration have been appropriated and the Cities’ required matching local funds of five percent (5%) are available in Airport Reserves and will be appropriated upon approval and receipt of the balance of the Grant Funding.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO AS FOLLOWS:

Section 1. That the 2013 Grant Agreement is hereby approved.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to modify the 2013 Grant Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the 2013 Grant Agreement on behalf of the City of Loveland.

Section 4. That this Resolution shall take effect as of the date and time of its

ADOPTED this _____ day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE 2013 GRANT AGREEMENT (PROJECT NO. 3-08-0023-32-2013) WITH THE FEDERAL AVIATION ADMINISTRATION FOR IMPROVEMENTS AT THE FORT COLLINS-LOVELAND MUNICIPAL AIRPORT

**CITY OF LOVELAND****FINANCE DEPARTMENT**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2695 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 7
MEETING DATE: 5/21/2013
TO: City Council
FROM: Brent Worthington, Finance
PRESENTER: Brent Worthington

TITLE:

A Resolution Authorizing the City Manager to Negotiate and Enter into an Agreement for Banking Services

RECOMMENDED CITY COUNCIL ACTION:

Approve the Resolution authorizing the City Manager to execute an agreement awarding primary banking services to 1st National Bank, N.A., Loveland, Colorado.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is an administrative action. The City's current banking contract with Wells Fargo Bank is due to expire December 31, 2013. Staff recommends awarding the contract to 1st National Bank, based on responses to the Banking RFP.

BUDGET IMPACT:

- ☒ Positive
☐ Negative
☐ Neutral or negligible

Recommended Primary Banking Services Provider's proposal will result in nearly 50% lower fees.

SUMMARY:

In January, Staff issued an RFP for Banking Services. Nine proposals were received and analyzed by Staff. On the basis of price, level of service, required and desired products, and overall value, Staff recommends awarding the contract to 1st National Bank, N.A. (located at 750 N. Lincoln Avenue, Loveland).

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution
Staff Report

RESOLUTION #R-31-2013**A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO AN AGREEMENT FOR BANKING SERVICES**

WHEREAS, the City of Loveland, Colorado, is a municipal corporation operating under a home rule charter pursuant to Article XX of the Constitution of the State of Colorado; and

WHEREAS, Section 3.04.070 of the Loveland Municipal Code provides for the designation of depositories of City funds and monies by resolution of the City Council; and

WHEREAS, Section 31-20-303, Colorado Revised Statutes, provides that the governing body of the City may adopt a resolution appointing a custodian for City funds, and establishing requirements for the sale or other disposal of securities and for the deposit or reinvestment of any proceeds thereof; and

WHEREAS, Section 2.24.010 of the Loveland Municipal Code provides that it is the duty of the city manager to supervise the administration of the affairs of the City; and

WHEREAS, the City issued a request for proposals to provide banking services for City funds and monies; and

WHEREAS, the proposal submitted by 1st National Bank, National Association, Loveland, Colorado was determined to be the most qualified to meet the City's banking services needs as described in the request for proposals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby finds and determines that 1st National Bank, National Association, Loveland, Colorado meets the requirements of the banking services request for proposals.

Section 2. That the City Manager is hereby authorized to negotiate and enter into an agreement with 1st National Bank, National Association, Loveland, Colorado appointing said bank as the primary banking services provider to the City of Loveland for purposes of managing necessary banking transactions. Said agreement shall, among other provisions as deemed advisable by the City Manager, in consultation with the City Attorney, require the firm to comply with all pertinent federal laws and regulations, state statutes and regulations, and City ordinances and policies concerning the deposit of public funds and transactions related thereto.

Section 3. That the City Manager is hereby authorized to designate appropriate members of the City staff to direct and administer the agreement and to monitor the activities of 1st National Bank, National Association, Loveland, Colorado to assure compliance with all pertinent

federal laws and regulations, state statutes and regulations, and City ordinances and policies concerning the deposit of public funds and transactions related thereto.

Section 4. That this Resolution shall be effective as of the date of its adoption.

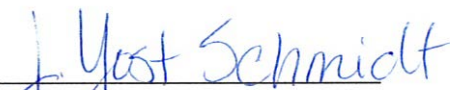
ADOPTED this 21st day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

**CITY OF LOVELAND****FINANCE DEPARTMENT**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2695 • FAX (970) 962-2903 • TDD (970) 962-2620

To: City Council
From: Brent Worthington, Finance Director
Date: May 21, 2013
Re: Primary Banking Services Agreement

Background

The City of Loveland contracts with a qualified financial institution to provide primary banking services. In order to provide services to municipalities, financial institutions must meet the requirements of the Colorado Public Depository Protection Act.

The contract with the current provider, Wells Fargo Bank, has been in place since 2008. The contract called for a three- year term, with 2 one-year renewals. The current renewal will expire December 31, 2013.

In January 2013, Staff released an RFP for Banking Services (after review by the Citizens Financial Advisory Commission [CFAC]). Nine proposals were received; Staff reviewed and analyzed the proposals, and identified three finalists (based on price, services, and overall value). A Sub-committee comprised of 3 staff members and 2 members of CFAC narrowed the field to 2 banks. Staff interviewed the banks, and re-convened with the Sub-committee, which decided to select and recommended 1st National Bank as the provider of primary banking services. This recommendation was presented to CFAC at the April 10 meeting; the recommendation was accepted unanimously by CFAC

Proposals

The Finance Department received written proposals from these financial institutions:

- 1st National Bank
- Bank of the West
- BBVA Compass Bank
- CitiBank
- JP Morgan Chase Bank
- Key Bank
- UMB Bank
- US Bank
- Wells Fargo Bank

The Finance Department performed cost analysis on the nine proposals. Based on this cost analysis, the top three providers were selected for presentation to the Selection Sub-committee as finalists. (The finalists were 1st National Bank, Key Bank, and US Bank).

The Sub-committee then met to review the finalists. US Bank was the third ranked financial institution; however, their proposed costs were considerably higher than the other two, so the Sub-committee elected to eliminate US Bank from further consideration.

The Sub-committee approved Staff's recommendation to conduct in-person interviews with 1st National Bank and Key Bank representatives. The information from the interviews, along with information gathered from references, led to staff's recommendation that 1st National Bank be selected to provide primary banking services to the City of Loveland. The recommendation was presented to and approved by the Sub-committee. On April 10, 2013, Sub-committee made the recommendation of 1st National Bank to the full CFAC, and the commission unanimously accepted the recommendation.

Some of the major points of consideration supporting the recommendation of 1st National Bank:

- 1) Customer service –1st National Bank has local representation (their Treasure Management staff is headquarter in Loveland), which will be a significant advantage during conversion and training.
- 2) The on-line portal is very user-friendly. (1st National Bank is rolling out an enhanced version of their portal June 2013, meaning it will be in place and fully functional in time for the City's conversion).
- 3) 1st National Bank's earnings credit rate (used for compensating balances to offset fees) was significantly lower.
- 4) 1st National Bank is able to meet all of the City's service needs with a highly robust technology platform. The bank has a number of new products in the pipeline which will enhance their services to the City; the bank expressed a willingness to work closely with staff to develop and provide technological enhancements tailored to the needs of the City.

Fiscal Impact

In staff's cost analysis, which was designed to compute line-item fees applied to the City's actual annual volume (thereby assuring an apples-to-apples comparison), 1st National Bank total fees represent a nearly 50% saving over the City's current banking services provider.

Conclusion

Based on the proposals, cost analysis, quality of service (supported by interviews with bank personnel and reports from staff's reference checks), available technology, and flexibility in providing service enhancements as needs arise, staff and the Sub-committee conclude that 1st National Bank represents the best value, and should be engaged to provide primary banking services for the City of Loveland.



CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: 5/21/2012
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Noreen Smyth, Current Planning

TITLE:

An Ordinance on First Reading Vacating a Portion of a Utility Easement on Lot 5, Block 21, Kendall Brook First Subdivision, City of Loveland

RECOMMENDED CITY COUNCIL ACTION:

Conduct a Public Hearing and move to adopt the ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is a legislative action to adopt an ordinance on first reading vacating a portion of a utility easement for a single family residential lot in the Kendall Brook First Subdivision, located at 1670 Tennessee Street. The applicant is R + R Homes on behalf of property owners Ronald and Gail Ferguson. The side yard utility easement is not needed to accommodate existing or future utilities.

BUDGET IMPACT:

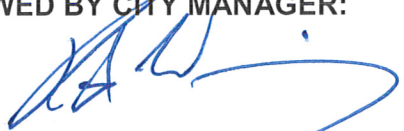
- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

This item proposes to vacate a portion of a utility easement on which there is an encroaching (overlapping) building. The house on the subject property was incorrectly situated at the 5-foot side yard setback line instead of the at the 6-foot utility easement line that runs along the side lot line.

There are no utility lines in the area proposed to be vacated and it is anticipated that no utilities will need to be located there in the future. Therefore, the portion of the easement to be vacated serves no greater public benefit and it will correct a minor encroachment issue. The required 5-foot wide building setback remains intact; and, the existing 2.5-foot wide side yard drainage easement will remain in place.

REVIEWED BY CITY MANAGER:

, Asst. City Manager

LIST OF EXHIBITS:

Ordinance

Staff memorandum (listed as Exhibit 1)

FIRST READING: May 21, 2013

SECOND READING: _____

ORDINANCE NO.

**AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT
ON LOT 5, BLOCK 21, KENDALL BROOK FIRST SUBDIVISION, CITY OF
LOVELAND**

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a utility easement described on **Exhibit A** attached hereto and incorporated herein by this reference, located in Lot 5, Block 21, Kendall Brook First Subdivision, City of Loveland, County of Larimer, State of Colorado;

WHEREAS, the City Council finds and determines that no land adjoining the portions of the easement to be vacated is left without an established public or private easement connecting said land with another established public or private easement; and

WHEREAS, the City Council finds and determines that the portion of the utility easement to be vacated are no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed with the Current Planning Division was signed by the owners of more than 50% of property abutting the easement to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby adopts and makes the findings set forth above.

Section 2. That based on the City Council's findings described above, the following portion of the utility easement be and the same is hereby vacated:

That portion of a utility easement located on **Lot 5, Block 21, Kendall Brook First Subdivision, City of Loveland, County of Larimer, State of Colorado described on Exhibit A attached hereto and incorporated herein by this reference**, containing 480 square feet more or less.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 4. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 5. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this ____ day of May, 2013.

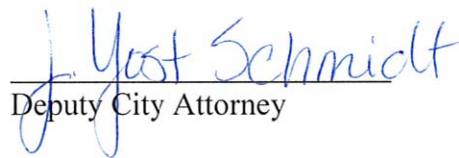
ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:



Deputy City Attorney

EXHIBIT A

P-13-7322
March 4, 2013

PROPERTY DESCRIPTION FOR UTILITY EASEMENT VACATION

That portion of Lot 5, Block 21, KENDALL BROOK FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

The Westerly Six (6) feet of said Lot 5, Block 21, KENDALL BROOK FIRST SUBDIVISION, Excepting Therefrom the Northerly Fourteen (14) Feet and the Southerly Six (6) Feet thereof.

Containing 480.0 square feet, more or less, and being subject to all existing easements and/or rights-of-way now existing or of record.

PREPARED BY AND ON BEHALF OF:

INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
P: (970) 669-0516
F: (970) 635-9775
E: rob.ils@qwestoffice.net

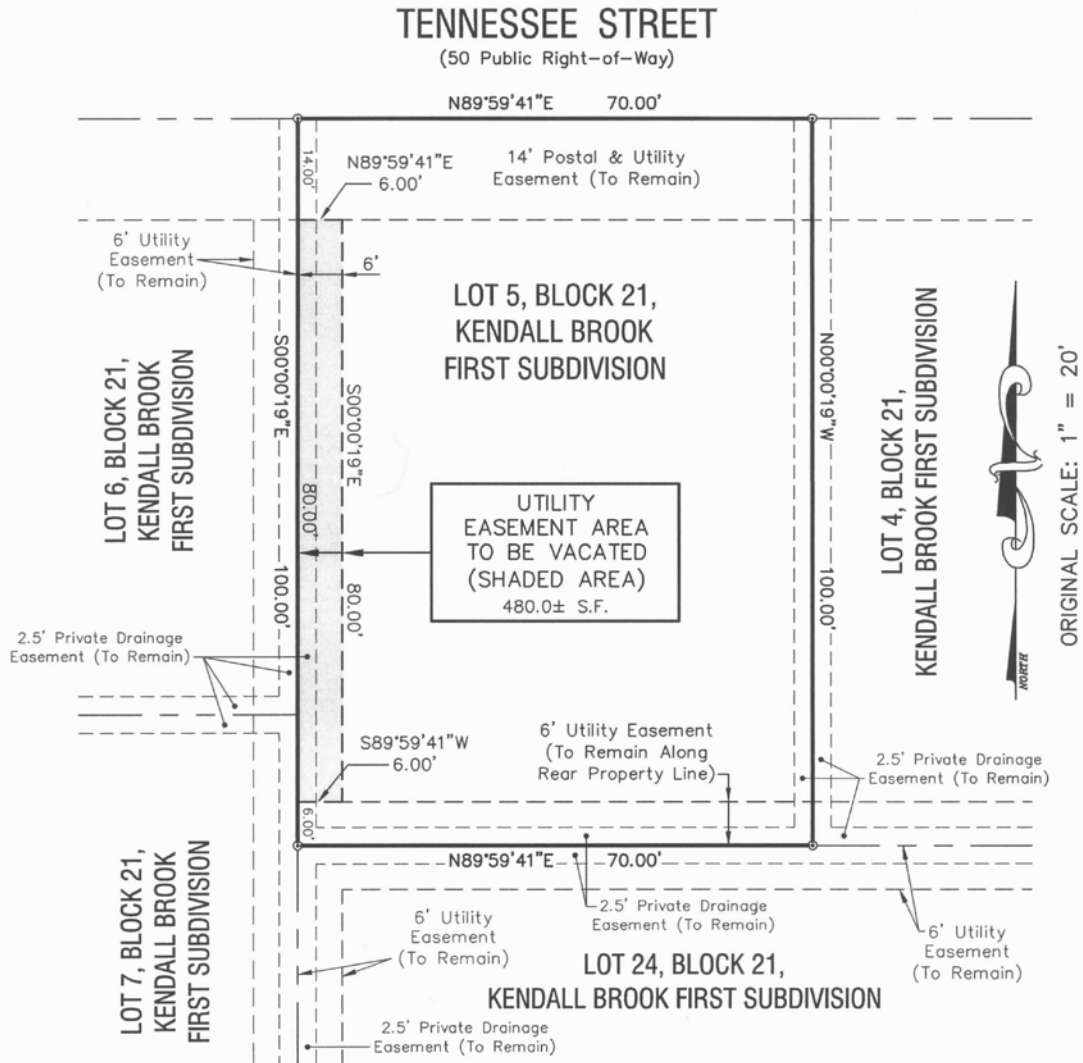
Robert George Persichitte
Colorado PLS No. 34174

Date: 03/04/2013



Exhibit B

EXHIBIT MAP DEPICTING THE PROPOSED EASEMENT VACATION AREA
BEING A PORTION OF LOT 5, BLOCK 21, KENDALL BROOK FIRST SUBDIVISION
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



PROPERTY DESCRIPTION FOR UTILITY EASEMENT VACATION:

That portion of Lot 5, Block 21, KENDALL BROOK FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

The Westerly Six (6) feet of said Lot 5, Block 21, KENDALL BROOK FIRST SUBDIVISION, Excepting Therefrom the Northerly Fourteen (14) Feet and the Southerly Six (6) Feet thereof.

Containing 480.0 square feet, more or less, and being subject to all existing easements and/or rights-of-way now existing or of record.

\\Vol\Prj\7322-R&H\Homes\Draw\Vacation MAP 03-01-13.dwg

**Development Services
Current Planning**

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

M E M O R A N D U M

TO: City Council

FROM: Noreen Smyth, Senior Planner, Current Planning Division

DATE: May 21, 2013

SUBJECT: Kendall Brook Utility Easement Vacation-1670 Tennessee Street
PZ-13-00042

I. EXHIBITS

- A. Vicinity Map
- B. Site Plan
- C. Slide presentation

II. KEY ISSUES

Staff believes that all key issues regarding the utility easement vacation have been resolved through the staff review process. The Planning Commission is not required to review vacations that do not concern access or rights-of-way, so there is no Planning Commission recommendation for this request. The item has been placed on the Council's consent agenda.

III. PUBLIC HEARING & NOTICE

The City Council review of the vacation request is a public hearing. An affidavit was received from the applicant's representative certifying that the required notice of the hearing for the vacation was conducted at least 15 days prior to the date of the hearing. Staff has not received any comments or inquiries on the application.

IV. BACKGROUND

The attached ordinance concerns a request to vacate a utility easement that runs along the side lot line of a single family residential lot at 1670 Tennessee Street, within the Kendall Brook PUD.

The easement was dedicated with the final plat of Kendall Brook First Subdivision (2002). An error in the siting of the foundation for the new single-family residence inadvertently placed the structure 1-foot into the platted 6-foot utility easement along the westerly lot line. The structure does not encroach into the 5-foot side yard setback required by the Kendall Brook PUD; thus, no setback variation is sought or needed. No water, wastewater or power utility lines or stormwater facilities are within the section of the easement to be vacated; therefore, the easement is not necessary for public use. The vacation, totaling 480 sq. ft. in area, would correct the building encroachment.

The utility easement is 6 feet wide. Overlapping with the utility easement is a 2.5-foot wide private drainage easement that is part of a corridor for carrying drainage runoff water away from nearby residential structures. The 2.5-foot wide drainage easement will remain intact and be unaffected by the utility easement vacation. The single-family house does not encroach into the 2.5-foot wide drainage easement; it only encroaches into the 1-foot into the 6-foot utility easement.

R+R Homes is the applicant acting on behalf of property owners Ronald and Gail Ferguson.

V. STAFF REVIEW/FINDINGS AND ANALYSIS

City staff is supportive of vacating the section of the utility easement on which the single family residential building stands. There are no water, sewer, or power lines or stormwater facilities in the area to be vacated and the City's ability to provide utility service to this lot or other lots will not be compromised by the vacation.

The following two findings must be met in order to vacate the portion of the easement. These findings are included in section 16.36.010.B of the Loveland Municipal Code.

Finding 1. *That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.*

Planning: No land adjoining the proposed vacation is being left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement as a result of the requested vacation because the vacation does not concern matters of access.

Finding 2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

Water/Wastewater: The subject area to be vacated is the City's current service area for both water and wastewater. The Department finds that:

- The existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.
- The existing easement to be vacated is no longer necessary for public use and convenience.

Fire: Staff believes that this finding can be met, due to the following:

- The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company (Station 2).
- The proposed easement vacation will not negatively impact fire protection for the subject development or surrounding properties.

No comments/concerns from any other City department.

VI. PLANNING COMMISSION REVIEW

Per Section 16.36 of the Municipal Code, requests to vacate easements (or portions of easements) require adoption of an ordinance by City Council, but only requests to vacate access easements or rights-of-way also require review by the Planning Commission. Because the easement to be vacated does not include an access easement, it was not reviewed by the Planning Commission.

RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on first reading.

VICINITY MAP FOR THE PROPOSED EASEMENT VACATION BEING A PORTION OF LOT 5, BLOCK 21, KENDALL BROOK FIRST SUBDIVISION SITUATE IN THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



PREPARED BY:

INTERMILL LAND SURVEYING, INC.

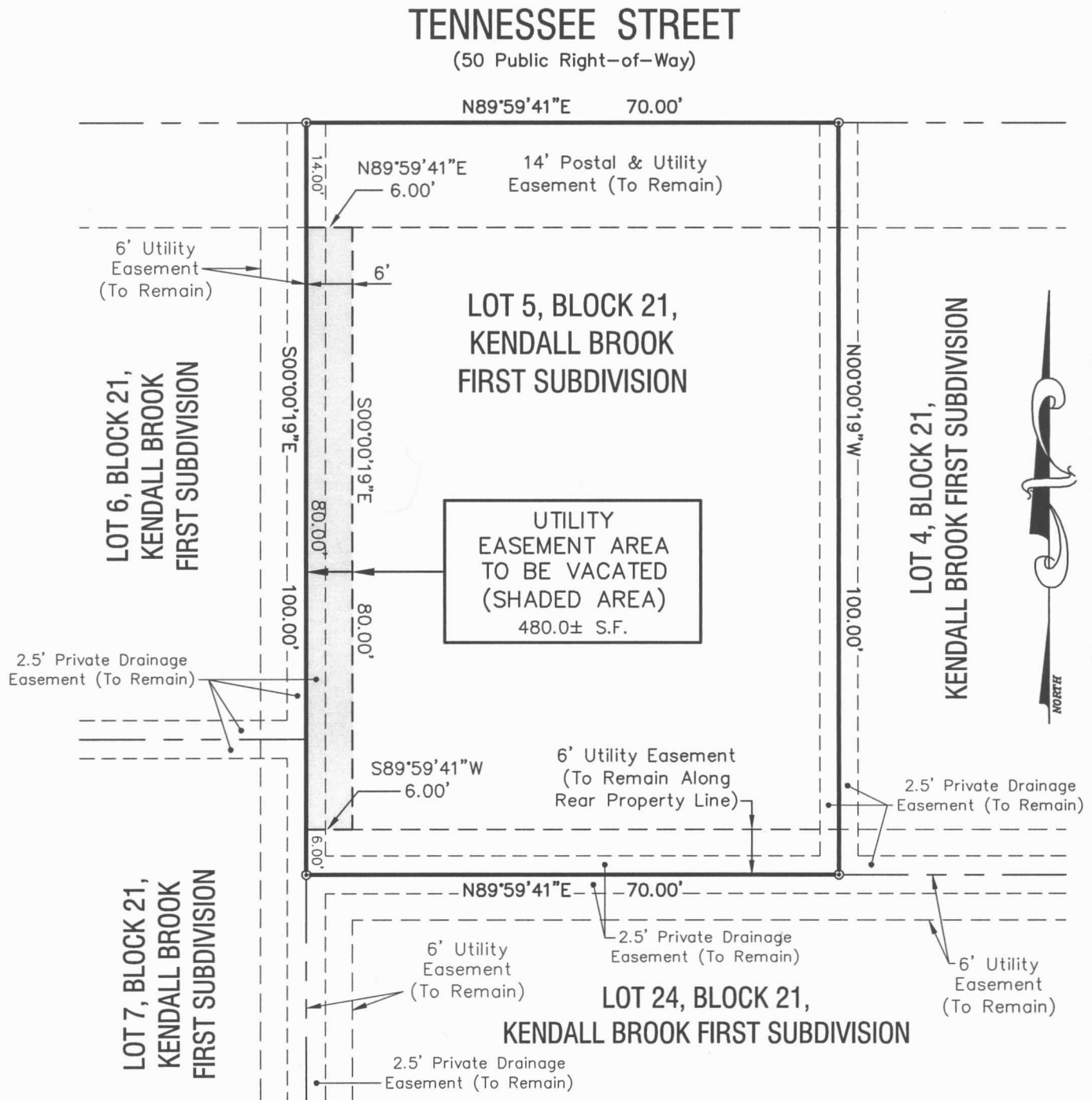
1301 North Cleveland Avenue – Loveland, Colorado 80537

P: (970) 669-0516 – F: (970) 635-9775 – E: intermill@qwestoffice.net

Project No.: P-13-7322

\\Hal\Prj\P-7322-R&R\Homes\Draw\Vicinity Map.dwg

EXHIBIT MAP DEPICTING THE PROPOSED EASEMENT VACATION AREA
BEING A PORTION OF LOT 5, BLOCK 21, KENDALL BROOK FIRST SUBDIVISION
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



PROPERTY DESCRIPTION FOR UTILITY EASEMENT VACATION:

That portion of Lot 5, Block 21, KENDALL BROOK FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

The Westerly Six (6) feet of said Lot 5, Block 21, KENDALL BROOK FIRST SUBDIVISION, Excepting Therefrom the Northerly Fourteen (14) Feet and the Southerly Six (6) Feet thereof.

Containing 480.0 square feet, more or less, and being subject to all existing easements and/or rights-of-way now existing or of record.

TENNESSEE STREET
(50 Public Right-of-Way)

N89°59'41"E 70.00'

N89°59'41"E 14' Postal & Utility Easement (To Remain)
6.00'

6' Utility Easement (To Remain)

LOT 5, BLOCK 21,
KENDALL BROOK
FIRST SUBDIVISION

UTILITY
EASEMENT
AREA
TO BE VACATED
(SHADED AREA)
480.0± S.F.

LOT 6, BLOCK 21,
KENDALL BROOK
FIRST SUBDIVISION

2.5' Private Drainage Easement (To Remain)

6' Utility Easement (To Remain Along Rear Property Line)

LOT 4, BLOCK 21,
KENDALL BROOK FIRST SUBDIVISION

2.5' Private Drainage Easement (To Remain)

LOT 7, BLOCK 21,
KENDALL BROOK
FIRST SUBDIVISION

LOT 24, BLOCK 21,
KENDALL BROOK FIRST SUBDIVISION

6' Utility Easement (To Remain)

2.5' Private Drainage Easement (To Remain)

6' Utility Easement (To Remain)

2.5' Private Drainage Easement (To Remain)

ORIGINAL SCALE: 1" = 20'



CITY OF LOVELAND

DEVELOPMENT SERVICES DEPARTMENT

Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 9
MEETING DATE: 5/21/2013
TO: City Council
FROM: Building Division, Development Services Department
PRESENTER: Thomas Hawkinson, Building Official

TITLE:

- A. An Ordinance Repealing and Reenacting Chapter 15.08 of the Loveland Municipal Code and Adopting by Reference the International Building Code, 2012 Edition
- B. An Ordinance Repealing and Reenacting Chapter 15.10 of the Loveland Municipal Code and Adopting by Reference the International Residential Code, 2012 Edition
- C. An Ordinance Amending Chapter 15.12 of the Loveland Municipal Code and Adopting by Reference the International Property Maintenance Code, 2012 Edition
- D. An Ordinance Repealing and Reenacting Chapter 15.16 of the Loveland Municipal Code and Adopting by Reference the International Mechanical Code, 2012 Edition
- E. An Ordinance Repealing and Reenacting Chapter 15.18 of the Loveland Municipal Code and Adopting by Reference the International Fuel Gas Code, 2012 Edition
- F. An Ordinance Repealing and Reenacting Chapter 15.20 of the Loveland Municipal Code and Adopting by Reference the International Plumbing Code, 2012 Edition
- G. An Ordinance Repealing and Reenacting Chapter 15.28 of the Loveland Municipal Code and Adopting by Reference the International Fire Code, 2012 Edition
- H. An Ordinance Repealing and Reenacting Chapter 15.48 of the Loveland Municipal Code and Adopting by Reference the International Energy Conservation Code, 2012 Edition
- I. An Ordinance Repealing and Reenacting Chapter 15.52 of the Loveland Municipal Code and Adopting by Reference the International Existing Building Code, 2012 Edition
- J. An Ordinance Amending Section 15.04.120 of the Loveland Municipal Code Regarding 2012 International Codes Adopted by Reference
- K. An Ordinance Amending Chapter 1.08 of the Loveland Municipal Code Regarding Right of Entry for Inspection

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinances on first reading.
 Adopt the following motion:

That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

"Public notice is hereby given pursuant to C.R.S. §31-16-203 that at 6:30 p.m. on June

18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will conduct a public hearing and consider on second reading the following ordinances:

- a) An Ordinance Repealing and Reenacting Chapter 15.08 of the Loveland Municipal Code and adopting by reference the International Building Code, 2012 Edition;
- b) An Ordinance Repealing and Reenacting Chapter 15.10 of the Loveland Municipal Code and adopting by reference the International Residential Code, 2012 Edition;
- c) An Ordinance Repealing and Reenacting Chapter 15.12 of the Loveland Municipal Code and adopting by reference the International Property Maintenance Code, 2012 Edition;
- d) An Ordinance Repealing and Reenacting Chapter 15.16 of the Loveland Municipal Code and adopting by reference the International Mechanical Code, 2012 Edition;
- e) An Ordinance Repealing and Reenacting Chapter 15.18 of the Loveland Municipal Code and adopting by reference the International Fuel Gas Code, 2012 Edition;
- f) An Ordinance Repealing and Reenacting Chapter 15.20 of the Loveland Municipal Code and adopting by reference the International Plumbing Code, 2012 Edition;
- g) An Ordinance Repealing and Reenacting Chapter 15.28 of the Loveland Municipal Code and adopting by reference thereto the 2012 International Fire Code;
- h) An Ordinance Repealing and Reenacting Chapter 15.48 of the Loveland Municipal Code and adopting by reference the International Energy Conservation Code, 2012 Edition; and,
- i) An Ordinance Repealing and Reenacting Chapter 15.52 of the Loveland Municipal Code and adopting by reference the International Existing Building Code, 2012 Edition;

A public hearing shall be held prior to said consideration. Copies of the above-referenced codes adopted by reference are on file with the Loveland City Clerk and are open to public inspection."

OPTIONS:

- 1. Adopt the action as recommended
 - 2. Deny the action
 - 3. Adopt a modified action (specify in the motion)
 - 4. Refer back to staff for further development and consideration
 - 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

2012 International Codes

This is a legislative action to consider nine (9) ordinances, on first reading, repealing and reenacting multiple chapters in Title 15 to adopt the following international codes by reference: International Building Code, 2012 Edition; International Residential Code, 2012 Edition; International Mechanical Code, 2012 Edition; International Plumbing Code, 2012 Edition; International Fuel Gas Code, 2012 Edition; International Property Maintenance Code, 2012 Edition; International Existing Building Code, 2012 Edition; International Energy Conservation Code, 2012 Edition; and the 2012 International Fire Code. Complete copies of these codes will be on file with the City Clerk. Also presented for consideration as a legislative action are two (2) ordinances making related changes to other sections of the Municipal Code and a motion, which is an administrative action, setting a public hearing and directing publication of notice of the public hearing.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

Adoption of these codes has and will continue to allow design professionals to incorporate current construction technologies, methods and materials into building designs. These codes also include updated building safety requirements, such as those relating to exiting, structural elements, and fire safety. Other jurisdictions in the State of Colorado have already adopted these codes. Currently, at the designer's request, the Building Division is allowing design professionals the option of utilizing the 2006 International Codes when it is beneficial for the project as an alternate method of construction.

The City's Construction Advisory Board (CAB) has conducted subcommittee hearings since January 2012 on the review of the 2012 International Codes, during which they received input from various stakeholders, including code officials, design professionals, as well as, the development and construction communities. The CAB is recommending adoption of the codes as presented herein.

This matter also includes consideration of two (2) additional ordinances. The first makes conforming changes to LMC §15.04.120 to reflect the updated international codes adopted. The second makes changes to the right of entry provisions in LMC §1.08.010 pertaining to the City's right to enter onto private property for purposes of inspection and code enforcement.

Finally, a motion is included directing the City Clerk to publish notice that a public hearing will be held regarding these ordinances on June 18, 2013, at the time of second reading. This process satisfies the statutory requirement that the ordinances be introduced and that notice be published 15 and 8 days before a scheduled public hearing. (CRS §31-16-203)

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

LMC §15.04.120 Redlined to Show Changes (Exhibit A)

LMC §1.08.010 Redlined to Show Changes (Exhibit B)

Ordinances

ATTACHMENT 1**LMC §15.04.120****Redlined to Show changes from Existing Code – 4.21.13****15.04.120 Interpretation.**

- A. When the building code or other codes adopted in this title contain a provision that an act or activity must be accomplished in order to secure an approval from, or that an act or activity is subject to the direction of, the inspecting agents or any other officer of the city, then such provision shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with. No such provision shall be construed as giving any officer or agent discretionary powers to make any ruling or determination concerning such conditions or things not prescribed by ordinance or code or to enforce ordinance provisions in an arbitrary or capricious manner.
- B. When any reference in this Title, or other codes adopted in this Title, is made to the “International Building Code” such reference shall refer to the building code adopted in this Title.
- C. When any reference in this Title, or other codes adopted in this Title, is made to the “International Residential Code” such reference shall refer to the building code adopted in this Title.
- D. When any reference in this Title, or other codes adopted in this Title, is made to the “International Mechanical Code” such reference shall refer to the building code adopted in this Title.
- E. When any reference in this Title, or other codes adopted in this Title, is made to the “International Fuel Gas Code” such reference shall refer to the building code adopted in this Title.
- F. When any reference in this Title, or other codes adopted in this Title, is made to the “International Plumbing Code” such reference shall refer to the building code adopted in this Title.
- G. When any reference in this Title, or other codes adopted in this Title, is made to the “International Energy Conservation Code” such reference shall refer to the building code adopted in this Title.
- H. When any reference in this Title, or other codes adopted in this Title, is made to the “International Existing Building Code” such reference shall refer to the building code adopted in this Title.
- I. When any reference in this Title, or other codes adopted in this Title, is made to the “ICC Electrical Code” such reference shall refer to the electrical code adopted in this Title.
- J. When any reference in this Title, or other codes adopted in this Title, is made to the “International Fire Code” such reference shall refer to the fire code adopted in this Title.
- K. When any reference in this Title, or other codes adopted in this Title, is made to the “International Private Sewage Disposal Code” such reference shall have no application.

- L. When any reference in this Title, or other codes adopted in this Title, is made to the “International Property Maintenance Code” such reference shall refer to the property maintenance code adopted in this Title.

ATTACHMENT 2**LMC §1.08.010****Redlined to Show changes from Existing Code**

Title 1 of the Loveland Municipal Code regarding right of entry for inspection is amended by the revision of Section 1.08.020 to read as follows:

1.08.010 Generally.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or premises within the jurisdiction of the city, or when there is reasonable cause to believe that an ordinance or resolution violation is occurring in any building or upon any premises within the jurisdiction of the city any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the

owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours' notice of the authorized official's intention to inspect or take enforcement action. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused or the owner or occupant fails to respond to the notice within twenty-four hours, ~~the inspection entry~~ may be made only upon the issuance of an inspection search-warrant by a duly authorized magistrate the municipal judge or any other judicial officer having jurisdiction. In the event the owner and/or occupant refuses entry or the owner or occupant fails to respond to the notice within twenty-four hours after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.08
 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY
 REFERENCE THE INTERNATIONAL BUILDING CODE, 2012 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the 2012 Edition of the International Building Code (the “2012 IBC”) and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the International Building Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the International Building Code, 2012 Edition, and certain amendments and modifications thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
 CITY OF LOVELAND, COLORADO:**

Section 1. Chapter 15.08 of the Loveland Municipal Code is repealed in its entirety and reenacted to read as follows:

Chapter 15.08

BUILDING CODE

Sections:

- 15.08.010 International Building Code, 2012 Edition – Adopted.**
- 15.08.020 Modifications to the International Building Code, 2012 Edition.**
- 15.08.030 Violations and penalties.**

Section 15.08.010 – International Building Code, 2012 Edition – Adopted.

The International Building Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices C, E, I, and J, is hereby adopted by reference as the building code of the city. This code is a complete code covering all buildings hereafter constructed, erected, enlarged, altered or moved into the city, and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within

the city and certain equipment specifically regulated therein for the purpose of protecting the public health, safety and general welfare. At least one copy of the International Building Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.08.020 - Modifications to International Building Code, 2012 Edition.

The International Building Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Building Code of the City of Loveland, hereinafter referred to as “this code” or “building code.”

B. Section 103 is deleted in its entirety.

C. Section 104.10.1 is deleted in its entirety.

D. Section 105.2 is amended by adding the following to the first paragraph as follows:

(1) Item #2 under “Building” is amended to read as follows:

2. Fences not over 6 feet 3 inches high.

(2) Item #4 under “Building” is amended to read as follows:

4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of wall, unless supporting a surcharge. Specific manufacturer’s instructions of retaining wall products may be more restrictive regardless of the height of the retaining wall, thereby the more restrictive will apply.

(3) A new paragraph number 14 Is added under the section titled “Building” to read as follows:

14. Structures or work performed on properties of the government of the United States of America, State of Colorado, and the County of Larimer.

Unless otherwise exempted in this code, separate plumbing, electrical and mechanical permits may be required to meet the requirements of this subsection.

E. Section 105 is amended in part by the revision of Subsection 105.5 to read as follows:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more

extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. All permits issued shall become null and void regardless of any extensions granted pursuant to the provisions of this section, within eighteen (18) months of issuance.

- F. Section 105 is amended in part by the addition of a new Subsection 105.8 to read as follows:

105.8 Transfer of permits. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

- G. Section 107 is amended in part by the addition of the following in subsection 107.3.4.1 to read as follows:

In accordance with Section 107.3.4.1 the building official *may* require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed by the Board of Licensure for Architects, Engineers and Land Surveyors of the State of Colorado when, but not limited to:

- (1) Foundations are constructed on caissons or other than spread footings conforming to the requirements of Chapter 18.
- (2) Roof framing or wall framing is “other than standard” construction not conforming to the requirements of Chapter 16 and 23.
- (3) Conformation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

- H. Section 109.2 is amended in part by the revision of Subsection 109.2 to read as follows:

109.2 Schedule of permit fees. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

- I. Section 109.2 is amended by the addition of a new subsection 109.2.1 to read as follows:

109.2.1 Plan Review Fee. When submittal documents are required by Section 105.1, a plan review fee shall be paid. The plan review fees specified in this section are separate fees from the permit fees specified in Section 108.2 and are in addition to the permit fees.

- J. Section 109 is amended in part by the addition of a new subsection 109.2.2 to read as follows:

109.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or

additional information submitted by the applicant shall expire. Plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding sixty (60) days upon written request by the applicant demonstrating that circumstances beyond control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and review fee.

K. Section 109 is amended in part by the revision of Subsection 109.4 to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees. This fee can equal up to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other requirements nor from the penalty prescribed by law.

L. Section 109 is amended in part by the revision of Subsection 109.6 to read as follows:

109.6 Refunds. The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall be permitted to authorize a refund of not more than fifty percent (50%) of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled provided that no examination time has been expended.

The building official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of fee payment.

M. Section 109 is amended by the addition of a new Subsection 109.7 to read as follows:

109.7 Investigation fees - Work without a permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee may be up to or equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

N. Section 109 is amended by the addition of a new Subsection 109.8 to read as follows:

109.8 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time the job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Re-inspection fees may be assessed when the inspection card is not posted or otherwise not available on the work site; the approved plan is not readily available to the inspector; failure to provide access on the date for which an inspection is requested; or for deviating from the plans requiring the approval of the building official.

- O. Section 110 is amended by the addition of a new Subsection 110.1.1 to read as follows:

110.1.1 Inspection record card. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position as to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures which have been verified by the Building Division.

- P. Section 110 is amended by the addition of a new Subsection 110.3.1.1 to read as follows:

110.3.1.1 Drilled pier inspection. Inspection will be made while the piers are being drilled. The Engineer of record or his authorized representative shall be present during the drilling operations and be available to the City inspector during required inspections.

- Q. Section 110 is amended in part by the revision of Subsection 110.3.3 to read as follows:

110.3.3 Lowest floor elevation. The elevation certificate required in Section 1612.5 shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

- R. Section 110 is amended in part by adding the following sentence of Subsection 110.3.7 to read as follows:

Energy efficiency inspections, if required, shall be provided by and at the owner's expense to verify compliance with the provisions of this section.

- S. Section 110 is amended in part by adding the following sentences to Subsection 110.3.8 to read as follows:

All new footing and foundation inspections shall be performed by a design professional licensed by the State of Colorado and shall include the reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

- T. Section 111 is amended in part by the addition of a paragraph at the end of Subsection 111.1 to read as follows:

The issuance of a temporary certificate of occupancy may be granted when all provisions of a permit are not complete, provide all required life safety requirements are met. Where occupancies are not determined at time of building permit application, permits issued for no occupancy and core and shell construction shall be issued a limited letter of completion or letter of completion.

- U. Section 111 is amended in part by the addition of the new Subsection 111.1.1 to read as follows:

111.1.1 Exception. Certificates of occupancy are not required for work exempt from permits under Section 105.2. No certificate of occupancy shall be required for Private U Occupancies and permits not establishing a use.

- V. Section 113 is deleted in its entirety.

- W. Section 114 is amended in part by the addition of new Subsection 114.2.1 as follows:

114.2.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by US mail to the last known address of the owner, occupant or both.

- X. Subsection 115 is amended in part with the revision to Subsection 115.2 to read as follows:

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

- Y. Section 202 is amended by the addition of the following definitions of "Room, Sleeping (Bedroom)," and "Utility Space (Room)" to read as follows:

Room, Sleeping (Bedroom) is a habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Utility Space (Room) is a room designed or used to house heating and general maintenance equipment.

Z. Section 310 is amended in part by deleting “Live/work units” under Subsection 310.4.

AA. Section 414.1.3 shall be amended by adding “*and fire official*” following each occurrence of the term *building official*.

BB. Section 419 is deleted in its entirety.

CC. Section 508.1 is amended by the deletion of exception 3.

DD. Section 901.1 is amended to read as follows:

901.1 Scope. The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted fire code are in conflict the more restrictive shall apply.

EE. Section 901.2 is amended to read as follows:

901.2 Fire protection systems. Fire protection systems shall be installed, repaired, operated and maintained in accordance with this code and the adopted fire code.

Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

Exception: Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code and the adopted fire code.

FF. Section 903.1.1 is amended to read as follows:

903.1.1 Alternative protection. Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building official and by the fire code official.

GG. Item 4 of Section 903.2.7 is amended to read as follows:

4. A Group M occupancy used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) sq. ft.
- HH. Section 903.2 is amended by the addition of a new subsection 903.2.13 to read as follows:
- 903.2.13 Dead-end Roadways.** An automatic fire sprinkler system shall be installed in all Group R fire areas, including single family detached residences, on a dead-end roadway when the dead-end is in excess of 400 feet.
- II. Section 903 is amended by the addition of a new subsection 903.3.5.3 to read as follows:
- 903.3.5.3 Backflow protection.** All fire sprinkler systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code.
- JJ. Section 903.4.3 is amended to read as follows:
- 903.4.3 Floor Control Valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.
- KK. Section 907.2.11.2 is amended in part by the addition of a new paragraph 4 to read as follows:
- . . .
4. In Groups R-2, R-3, R-4 and I-1 occupancies, and in all attached garages, an interconnected heat detector shall be installed.
- LL. Section 907 is amended by the addition of a new subsection 907.2.10.4 to read as follows:
- 907.2.11.5 Exterior Strobe.** An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection.
- MM. Section 1101.2 is amended to read as follows:
- 1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this code and ICC A117.1, most current edition, and C.R.S. Section 9-5-101, et seq., as amended.
- NN. Section 1301 is amended by the addition of a new subsection 1301.1.2 to read as follows:

1301.1.2 Design values. The exterior design values shall be as follows:

Winter Design Dry-bulb	4 degrees F
Summer Design Dry-bulb	94 degrees F
Summer Design Wet-bulb	63 degrees F
Degree Days Heating	6600 degrees F
Degrees North Latitude	40 degrees 35 minutes
Air Freezing Index	1000

OO. Section 1403.6 is amended by adding a second paragraph to read as follows:

For buildings in flood hazard areas as established in Section 1612.3, all construction shall comply with the provisions of Chapter 15.14, Floodplain Building Code of the Loveland Municipal Code and any Floodplain Overlay Areas established by the City of Loveland.

PP. Section 1505.1 is amended by the addition of footnotes d and e to Table 1505.1, Minimum Roof Covering Classification for Types of Construction, to read as follows:

d. The roof covering on any new structure or on the re-roofing of 50 percent or more during a one year period of any existing structure located west of the following described line shall be upgraded from a Class C to a Class B: Starting at the intersection of the Wyoming border line and Range 69 West, then South nine miles to S.W. Corner of Section 31, Township 11, Range 69, then West three miles to N.W. Corner of Section 3, Township 10, Range 70 then South five miles to S.W. corner of Section 27, Township 10, Range 70, then East three miles to S.W. corner of Section 30, Township 10, Range 69, then South nine miles to S.W. corner of Section 7, Township 9, Range 69, then West one mile to N.W. corner of Section 13, Township 8, Range 70, then South four miles to S.W. corner of Section 36, Township 8, Range 70, then East two miles, to N.W. corner of Section 6, Township 7, Range 69, then South three miles to S.W. corner of Section 17, Township 7, Range 69, then East one mile to S.W. corner of Section 17, Township 7, Range 69, then South four miles to S.W. Corner of Section 4, Township 6, Range 69, then East one mile to S.W. corner of Section 4, Township 6, Range 69, then South four miles to S.W. corner of Section 27, Township 6, Range 69, then West one mile to S.W. corner of Section 28. Township 6, Range 69, then South three miles to intersection of U.S. Hwy. 34 then West following Hwy. 34 two miles to intersection with Range 69 West, then South seven and three quarter miles to S.W. corner of Section 18, Township 4, Range 69, then West one mile to S.W. corner of Section 13, Township 4, Range 70, then South three miles to where the S.W. corner of Section 36, Township 9, Range 70 meets the Boulder County Line.

e. For the purpose of using Table 1507.8, the City of Loveland shall be considered to be within the temperate climate classification. Underlayment in temperate climate: shakes shall be applied over solid sheathing with an underlayment of type 15 felt and with not less than 18 wide strips of type 30 felt applied shingle fashion between each course with no felt exposed below the butt of the shingle. Alternatively, shakes may be applied over

solid sheathing with an underlayment of not less than two type 30 felts applied single fashion.

QQ. Item 25 of Table 1607.1, is amended to reflect that Habitable attics and sleeping rooms is 40 psf uniform.

RR. Section 1608.2. is amended to read as follows:

1608.2 Ground snow loads. The ground snow loads to be used in determining the design snow loads for roofs are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in Figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official. Minimum design ground snow load for the City of Loveland shall be thirty (30) pounds per square foot.

SS. Section 1609.3 is amended to read as follows:

1609.3 Basic wind speed. The Special Wind Region, as indicated in Figure 1609 of the 2012 Edition of the International Building Code, shall apply. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Basic Wind Speed Study Map. Refer to Colorado Front Range Gust Map dated October 15, 2005.

Minimum design wind speed is 100 mph (3-second gust), exposure C.

Note: Exposure B may be allowed if the site plan and Colorado registered engineer's calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official.

TT. Section 1611.1 is amended by adding the following after the first paragraph, prior to the equation to read as follows:

1611.1 Design rain loads.

60 minute duration, 100 year event is 2.66 inches/hour; 0.0275 gpm/square foot.

UU. Section 1612.3 is amended to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Loveland," as amended or revised with the accompanying

Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

VV. Section 1803.6 is amended by the addition of a new subparagraph 11 to read as follows:

1803.6 Reports.

11. An investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water.

WW. Section 1809.5 is amended by the addition of the following sentence at the end of the section to read as follows:

The frost line, for footing/foundation design, shall be a minimum of 30 inches below finished grade line.

XX. Table 2304.6.1 is amended by adding the following footnote d:

d. The use of staples is permitted provide the staples are tested and listed for the appropriate installation and/or specified by a Colorado licensed design professional

YY. Section 3001.2 is amended to read as follows:

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1, ASME A18.1 (Platform Lifts & Stairway chairlifts), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3.

ZZ. Section 3109.1 is amended to read as follows:

Swimming Pools shall comply with the requirements of this section and other applicable sections of this code and per C.R.S. §25-5-801 et seq.

AAA. Section 3412.2 is amended to read as follows:

3412.2 Applicability. Existing structures in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions of Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.

- BBB. Appendix A, "Employee Qualifications", is hereby deleted in its entirety.
- CCC. Appendix B, "Board of Appeals", is hereby deleted in its entirety.
- DDD. Appendix D, "Fire Districts", is hereby deleted in its entirety.
- EEE. Appendix F, "Rodent Proofing", is hereby deleted in its entirety.
- FFF. Appendix G, "Flood Resistant Construction", is hereby deleted in its entirety.
- GGG. Appendix H, "Signs," is hereby deleted in its entirety.
- HHH. Appendix K, "Administrative Provisions" is hereby deleted in its entirety.

Section 15.08.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the building code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the building code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Chapter 15.08 of the Loveland Municipal Code to Adopt by Reference 2012 International Building Code. A public hearing shall be held prior to said consideration. Copies of the above-referenced ordinance and any codes adopted

by reference within said ordinance are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:

A handwritten signature in purple ink, appearing to read 'T. Ablao', is written over a horizontal line.

Teresa Ablao
Assistant City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO. _____
AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.10
OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE
THE INTERNATIONAL RESIDENTIAL CODE, 2012 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the 2012 Edition of the International Residential Code (the “2012 IRC”) and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the International Residential Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IRC and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.10 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.10

RESIDENTIAL CODE

Sections:

- 15.10.010 International Residential Code, 2012 Edition – Adopted.**
- 15.10.020 Modifications to the International Residential Code, 2012 Edition.**
- 15.10.030 Violations and penalties.**

Section 15.10.010 – International Residential Code, 2012 Edition – Adopted.

The International Residential Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A, B, C, D, H, J, K, and O is hereby adopted by reference as the residential code of the city. This code is a complete code covering certain buildings hereafter constructed, erected, enlarged, altered or moved into the city and its purpose is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one and two family dwellings and multiple single family

dwellings (townhouses) not more than three stories in height with separate means of egress and their accessory structures, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Residential Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.10.020 - Modifications to International Residential Code, 2012 Edition.

The International Residential Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section R101.1 is amended to read as follows:

R101.1 Title. These provisions shall be known as the Residential Code of the City of Loveland, hereinafter referred to as “this code” or “residential code.”

B. Section R103 is deleted in its entirety.

C. Section R105.2 is amended as follows:

(1) Item 2 under “Building” is amended to read as follows:

2. Fences not over 6 feet 3 inches high.

(2) Item 3 under “Building” is amended by the addition of the following sentence at the end of Item 3 to read as follows:

3. . . .

Specific manufacturer’s instructions of retaining wall products may be more restrictive regardless of height of the retaining wall, thereby the more restrictive will apply.

(3) Item 7 under “Building:” is amended to read as follows:

7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19,000 L), and are installed entirely above ground.

(4) The following paragraphs shall be added under “Building” to read as follows:

11. Replacement and repair of roofing of like materials on buildings classified as Group R-3 and U Occupancies, when such work is determined not to be historical as defined otherwise in this code.

12. Replacement and repair of nonstructural siding or siding which is not part of a required fire rated assembly on buildings classified as Group R-3 and U Occupancies.

13. Gutters, downspouts and storm windows (unless specified through design).

14. Pergolas

(5) The following new section is added to R105.2 to read as follows:

R105.2.3. Exemptions. Unless otherwise exempt by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in a manner in violation of the provisions of this code or any other laws or resolutions of the City of Loveland.

D. Section R105.3.1.1 is deleted in its entirety.

E. Section R105 is amended by modifying Section 105.5 to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandon for a period of 180 days after the time the work is commenced. All permits shall become null and void regardless of the provisions of this section within twelve (12) months of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extensions shall be requested in writing and justifiable cause demonstrated.

F. Section R105.8 is amended by the addition of two new subsections, R105.8.1 and R105.8.2, to read as follows:

R105.8.1. Transfer of permit. A building permit or application may be transferred from one party to the other upon written request to the building official, provided there are no changes to the plans and specifications. Additionally, the party to which the permit is transferred must be licensed in the appropriate license category and in good standing.

R105.8.2. Owner assuming role as contractor. Provided that no change in ownership has occurred since the permit was issued, the building official may allow the property owner to assume the role of contractor at any time on an active building permit provided the building official is in receipt of a written request from the application holder stating that the applicant is no longer the contractor of record on the permit application. Additionally, the letter shall list the permit number, the address of the project and stating that the original contractor is no longer in the employ of the owner. This change may be done at no charge. No change will be made in the expiration date of the original building permit.

G. Section R106 is amended by the addition of new subsections R106.3.4 and R106.3.5 to read as follows:

R106.3.4 Responsibility for preparation of plans and specifications. In accordance with this section, the building official shall require plans, computations, and specifications to be prepared, designed, and stamped by an engineer or architect licensed by the State of Colorado in certain circumstances, including but not limited to the following:

- (1) Foundations are constructed on caissons or any other method. The building official may exempt this provision on additions to existing residential and accessory structures constructed on spread footing conforming to the requirements of Chapter 4.
- (2) Roof framing or wall framing is construction not conforming to the requirements of Chapter 8 and 9.
- (3) Confirmation of beam sizes and spans, loading, or any structural element affecting the integrity of the building.

R106.3.5 Deferred submittals. For the purpose this section R106, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge (if required), shall list the deferred submittals on the construction documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the design professional in responsible charge (if required), who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in conformance with the design of the building or structure. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

- H. Section R108.2 is amended by the addition of subsections R108.2.1 and R108.2.2 to read as follows:

R108.2 Schedule of permit and inspection fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or inspection shall be paid in accordance with the schedule established from time to time by resolution of the City Council.

R108.2.1 Plan Review Fee. When submittal of documents is required by Section R106, a plan review fee shall be paid. The plan review fees specified in this section are separate fees from the permit fees specified as established by resolution in Section 108.2 and are in addition to the permit fees.

R108.2.2 Expiration of plan review. Applications for which no permit is issued within ninety (90) days following the date of last action of review without any response or additional information submitted by the applicant shall expire. Such plans submitted for checking may therefore be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not to exceed sixty (60) days upon written request by the applicant showing circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and review fee.

- I. Section R108.4 is amended by the addition of new subsections R108.4.1, R108.4.2, R108.4.3 to read as follows:

R108.4.1 Fee for commencing work without a permit. The fee for commencing work without a permit may be up to or equal to the amount of the permit fee required by this code. The payment of such fee shall not exempt an applicant from compliance with all other provisions of either this code or other requirements nor from penalty prescribed by law.

R108.4.2 Investigation fees - work without permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The investigative fee may be up to or equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same fee as the minimum set forth and adopted by the City Council. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this code or other requirements nor from any penalty prescribed by law.

R108.4.3 Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which an inspection or reinspection has been requested is not complete or when corrections called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Additional instances when re-inspection fees may be assessed include, but are not limited to the inspection card is not posted or otherwise not available on the work site, the approved plans are not readily available to the inspector, failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. The re-inspection fees specified in this section are separate fees from and are in addition to the permit fees specified in Section 108.2.

- J. Section R108.5 is amended to read as follows:

R108.5 Refunds. The building official is authorized to establish a refund policy in accordance with the following criteria:

1. The building official shall be permitted to authorize a refund of not more than 50 percent of the permit fee paid when no work has been done under the permit issued in accordance with this code; and
2. The building official shall be permitted to authorize a refund of not more than 50 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled, provided that no examination time has been expended; and
3. The building official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original permittee not later than sixty (60) days after the date of fee payment.

K. Section R109.1 is amended to read as follows:

R109.1 Types of inspections – inspection card. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the premises and in a position to allow the building official to make the required entries conveniently thereon regarding inspection of the work. The address of the building site must be posted in a conspicuous place readily visible from the public road. This card shall be maintained in such a position by the permit holder until all inspections have been made and final approvals have been granted by the building official. No permanent electric meters will be released until the card has all the required signatures and verified by the building official.

L. Section R109.1 is amended by the addition of a new subsection R109.1.1.1 to read as follows:

R109.1.1.1 Drilled pier inspection. Drilled pier inspections will be made while the piers are being drilled. The design engineer of record or his authorized representative shall be present during the drilling operations and shall be available to the City inspector during required inspections.

M. Section R109.1.3 is amended by the addition of a new subsection R109.1.3.1 to read as follows:

R109.1.3.1 Lowest floor elevation. The elevation certificate required in Section R109.1.3 shall be submitted when required by the building official or as required by Chapter 15.14 of the Loveland Municipal Code.

- N. Section R109.1.5 is amended by the addition of the following exception to R109.1.5.1 to read as follows:

R109.1.5.1 Fire-resistance-rated construction inspection. Lath or gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistive assembly or a shear assembly.

- O. Section R109.1.5 shall be amended by the addition of new subsections R109.1.5.2, R109.1.5.3 and R109.1.5.4 to read as follows:
...

R109.1.5.2 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

R109.1.5.3. Special inspections. For special inspections, Section 1704 of the building code shall apply. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as set forth in the building code.

R109.1.5.4. Footing and foundation inspections. All new footing and foundation inspections shall be performed by design professional licensed by the State of Colorado and to include, but not limited to, reinforcing, concrete-encased electrode (UFER ground), and when required damp-proofing and perimeter drain.

- P. Section R112 is deleted in its entirety.

- Q. Section R114 is amended to read as follows:

R114.1 Notice to owner and/or posting property. Upon notice from the *building official* that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted on the property and shall state and shall state the conditions under which work will be permitted to resume.

- R. Section R202 is amended by the addition of the following definitions of "Room, Sleeping (Bedroom)," "Townhouse," and "Utility Space (Room)" to read as follows:

Room, Sleeping (Bedroom). A habitable room within a dwelling unit designated primarily for the purpose of sleeping. Built in features such as closets and similar storage facilities shall not be considered as relevant factors in determining whether or not a room is a sleeping room.

Townhouse. A single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and open on at least two sides.

Utility Space (Room). A room designed or used to house heating, general maintenance equipment.

- S. Section R301.2 is amended by the addition of the following criteria to Table R301.2(1):

Table R301.2(1), insert the following:

Ground Snow Load: 30 psf (1436.4 pa)*

*designed in accordance with Table 1608.1, 2012 International Building Code

Wind speed: Minimum design 100 mph (3 second gust), exposure C**

**Exposure B may be allowed if site plan and Colorado licensed engineer's calculations show that exposure B is acceptable for the project location due to site conditions and it is approved by the Building Official. Additional Wind Design Speed for any given project area shall reference the Colorado Front Range Wind Speed Study Map. See the attached map BWS-1.

Seismic Design Category: B

Weathering: SEVERE

Frost Line Depth: Minimum 30" (762 mm) below finished grade

Termite: SLIGHT TO MODERATE

Decay: NONE TO SLIGHT

Winter Design Temperature: -2 F (-18.9 C)

Flood Hazards: VARIES***

***Chapter 15.14 Floodplain Building Code of City of Loveland Municipal Code

- S. Section R301.5 is amended by the modification of the minimum uniformly distributed live loads for "habitable attics and attics served with stairs," and "sleeping rooms" set forth in Table R301.5 to read as follows:

TABLE R301.5
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS
(In pounds per square foot)

USE	LIVE LOAD
Habitable attics and attics served by stairs ^{b,e}	40
Sleeping rooms	40

- T. Section R302 is amended by modification of the minimum fire separation distance for "Walls" and "Projections" as set forth in Table R302.1 to read as follows:

TABLE R302.1(1)
EXTERIOR WALLS

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPERATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 feet
	(Not fire-resistance rated)	0 hours	3 feet
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
	(Not fire-resistance rated)	0 hours	3 feet
Openings	Not allowed	N/A	< 3 feet
	25% max. of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

U. Section R303.1 is amended by the addition of exception #4 to read as follows:

4. Adequate artificial light shall be provided as approved by the building official upon documented information demonstrating practical difficulties providing additional natural light.

V. Section R305.1 is amended to read as follows:

R305.1 Minimum height. Habitable rooms shall have a ceiling height of 7 feet 6 inches (2286 mm). Hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than 7 feet (2134 mm). The required height shall be measured from the finished floor to the lowest projection from the ceiling.

Exceptions: . . .

X. Section R310.2.1 is amended by adding a second paragraph to read as follows:

R310.2.1 Ladder and steps.

. . . .

Window wells with a vertical depth greater than 44 inches (1118 mm) shall be equipped with a permanently affixed ladder or steps usable with the window in the fully open position. If the window well is stepped and has a horizontal dimension less than 36 inches, a ladder is required out of that said level complying with requirements for ladders or steps.

Y. Section R311.8.3.1 is amended to read as follows:

R311.8.3.1 Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall be not less than 32 inches (812.8 mm) and not more than 38 inches (965 mm).

Z. Section R313 is deleted in its entirety.

AA. Section R315 is amended by adding the following paragraph to read as follows:

R315.5 Carbon monoxide alarms and detectors shall also be installed per Title 38 of the Colorado Revised Statutes.

BB. Section 322.1.5, **Lowest floor**, is amended by adding the following paragraph:

The elevation certificate required by this section shall be submitted when required by the building official or as required by Chapter 15.14 of the City of Loveland Municipal Code.

CC. Section R401.4 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

R401.4 Requirements.

...

Investigation of the potential for subsurface water and, if necessary, designs for the control of subsurface water shall be required.

DD. Section R905.1 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

R905.1 Roof covering application.

...

Table 1505.1 Minimum Roof Covering Classification for Types of Construction as adopted in the 2009 International Building Code shall be used for all roof coverings.

EE. Section N1101.1 Scope is amended to read as follows:

N1101.1 Scope. This chapter regulates the energy efficiency for the design and construction of buildings regulated by this code.

Exceptions:

- 1) Portions of the building envelope that do not enclose conditioned space.
- 2) Utility and miscellaneous group U occupancies and agricultural structures.

FF. Section N1101.2, first paragraph is amended with the addition to read as follows:

N1101.2 Compliance. Thermal design parameters for the City of Loveland is Zone 5B, and shall be used for calculations required under this code. All ducted air-distribution heating and cooling systems shall be sized using cooling loads. All heating and cooling equipment shall be tested to ensure such equipment is operating within the

manufacturers' recommended parameters and standards according to the applicable protocols established by the building code official and in accordance with the mechanical code adopted by City of Loveland.

GG. Table N1102.1 is amended to read as follows:

Table N1102.1.1
Single-Family Prescriptive Package^{(a) (h)(i)}

Max	Max	Max	Min	Min	Min	Min	Min	Min	Min	Min
Glazing area window to wall %	Fenestration U-Factor	Skylight U-factor (b)	Ceiling R-value	frame wall R-value	Mass Wall R-value (g)	Floor R-value over unheated space (e)	Basement Wall R-Value Continuous cavity	Slab perimeter R-value/ Depth (d)	Crawl Space R value Cont./ cavity (c)	Heating/ Cooling efficiency Rating (AFUE)
NA	.35	.60	38	19 or 13+5 (f)	13	30	10/13	10, 2ft.	10/13	80/13
NA	.35	.60	38	13	8	30	10/13	10, 2ft.	10/13	90/ 13

- (a) R-values are minimums. U-factors Solar Heat Gain Coefficient (SHGC) are maximums.
R-19 shall be permitted to be compressed into a 2x6 cavity.
- (b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c) The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- (d) The R-5 shall be added to the required slab edge R-values for heated slabs.
- (e) Or insulation sufficient to fill the framing cavity, R-19 minimum.
- (f) 13+5 means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing cover 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural cover more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.
- (g) Nominal log thickness of 6 inches has a mass wall R-Value (8.3), an 8 inch log is (11.3), a 10 inch log is (13.9), and a 12 inch log is (16.5).
- (h) The thermal design parameters shall be used for calculations required under this code as listed in Design Value section.
- | | |
|--------------------------------------|-------------------------|
| Winter Outdoor, Design Dry-bulb (°F) | = 4 |
| Winter Indoor, Design Dry-bulb (°F) | = 72 |
| Summer, Outdoor Design Dry-bulb (°F) | = 94 |
| Summer, Indoor Design Dry-bulb (°F) | = 75 |
| Summer, Design Wet-bulb (°F) | = 63 |
| Degree days heating | = 6600 |
| Degree days cooling | = 479 |
| Degrees North Latitude | = 40 degrees 35 minutes |

Air Freeze Index = 1000

- (i) In addition City of Loveland will accept any Climate Zone 5B Single Family Prescriptive Packages in the 2012 International Energy Conservation Code (IECC) and ResCheck Compliance Report that passes using 2012 IECC and HDD = 6600, and any Home Energy Rating Score (HERS) less than 100 by an approved qualified energy rater. For additional information on energy codes or free software download of ResCheck go to www.energycodes.gov.

HH. Section M1307 is amended by the addition of a new subsection M1307.7 to read as follows:

M1307.7 Liquefied Petroleum Appliances. Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, underfloor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquefied petroleum gases, including construction and temporary heating, shall only be installed per adopted fire code and per manufacturer's specifications and listing per appliances.

II. Section M1410.1 is amended by the addition of the following sentence at the end of the paragraph to read as follows:

M1410.1 General.

....

Un-vented gas appliance(s) and room heaters are prohibited, except for listed domestic gas range installations.

JJ. Section M2005.1 is amended to read as follows:

M2005.1 General. The minimum Energy Factor for water heaters shall be .60 for fuel-fired type, and .92 for electrical types.

Section 15.10.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the residential code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the residential code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Chapter 15.10 of the Loveland Municipal Code to Adopt by Reference 2012 International Residential Code. A public hearing shall be held prior to said consideration. Copies of the above-referenced ordinance and any codes adopted by reference within said ordinance are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).


Signed this _____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 15.12 OF THE LOVELAND
 MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL
 PROPERTY MAINTENANCE CODE, 2012 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Construction Advisory Board recommending the adoption of the International Property Maintenance Code, 2012 Edition (the “2012 IPMC”), and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the International Property Maintenance Code by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IPMC and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.12 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.12

PROPERTY MAINTENANCE CODE

Sections:

- 15.12.010 International Property Maintenance Code, 2012 Edition– Adopted.**
- 15.12.020 Modifications to the International Property Maintenance Code, 2012 Edition.**
- 15.12.030 Violations and penalties.**

Section 15.12.010 – International Property Maintenance Code , 2012 Edition– Adopted.

The International Property Maintenance Code, 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including Appendix A is hereby adopted by reference as the property maintenance code of the city. This code is a complete code to safeguard life and limb, health, property and public welfare by regulating and governing the conditions and maintenance of all property, buildings and

structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Property Maintenance Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.12.020 Modifications to International Property Maintenance Code, 2012 Edition.

The International Property Maintenance Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Loveland, hereinafter referred to as “this code” or “property maintenance code.”

- B. Section 102.3 is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the currently adopted building and fire codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the adopted zoning code.

- C. Section 103 is deleted in its entirety.

- D. Section 104 is amended by the addition of a new subsection 104.7 to read as follows:

104.7 Fees. Fees for the administration and enforcement of this code shall be established from time to time by resolution of the City Council.

- E. Section 111 is deleted in its entirety.

- F. Section 112.4 is deleted in its entirety.

- G. Section 302.4 is deleted in its entirety.

- H. Section 304.14 is amended by inserting the following dates into the brackets of the paragraph:

From: “January 1 to December 31.”

- I. Section 302.4 is deleted in its entirety.

- J. Section 602.3 is amended to read as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

K. Section 602.4 is amended by inserting the following dates into the brackets of the paragraph:

From: "January 1 to December 31."

Section 15.12.030 Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of the property maintenance code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of the property maintenance code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor, and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Chapter 15.12 of the Loveland Municipal Code to Adopt by Reference 2012 International Property Maintenance Code. A public hearing shall be held prior to said consideration. Copies of the above-referenced ordinance and any codes adopted by reference within said ordinance are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance

has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).


Signed this _____ day of _____, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO.

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.16 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL MECHANICAL CODE, 2012 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2012 Edition of the International Mechanical Code (the “2012 IMC”), and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2012 IMC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IMC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.16 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.16

INTERNATIONAL MECHANICAL CODE

Sections:

- 15.16.010 International Mechanical Code, 2012 Edition – Adopted.**
- 15.16.020 Modifications to the International Mechanical Code, 2012 Edition.**
- 15.16.030 Violations and penalties.**

Section 15.48.010 – International Mechanical Code, 2012 Edition – Adopted.

The International Mechanical Code, 2012 Edition (the “2012 IMC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendix A only, is hereby adopted by reference as the mechanical code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.16.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems, and

providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IMC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.48.020 - Modifications to International Mechanical Code, 2012 Edition.

The International Mechanical Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Mechanical Code of the City of Loveland, hereinafter referred to as “this code” or “mechanical code.”

B. Section 103 is deleted in its entirety.

C. Section 106.2 is amended by the addition of the following numbered paragraphs to read as follows:

106.2 Permits not required.

9. Replacement or repair of a category one (1) furnace or water heater of the same BTU rating in buildings classified R-3 occupancies provided the initial installation has been permitted, inspected and approved.

10. Replacement or repair of air conditioning equipment of the same size, energy source, and rating in buildings classified as R-3 occupancies provided the initial installation has been permitted, inspected and approved.

D. The first sentence of Section 106.4.1 shall be amended to read as follows:

Section 106.4.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

[no change to remainder of Section 106.4.1]

E. Section 106.5.2 is amended to read as follows:

106.5.2 Fee schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

- F. Section 106.5.3 is amended by inserting “fifty percent” into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

- G. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, *alteration*, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

- H. Section 108.4 is deleted in its entirety.

- I. Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work, **or posted on the property**. The notice shall include the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as established from time to time by resolution of the City Council.

- H. Section 109 is deleted in its entirety.

- I. Section 801.2 is amended by adding the following sentence at the end of the first paragraph:

801.2 General.

. . . .

Un-vented gas appliance(s) and room heaters are prohibited, except for domestic gas range installations per manufacturers listing.

- J. Section 905.1 is amended by adding the following to read sentence at the end of the first paragraph:

905.1. General.

No permit shall be issued for the installation of a wood stove appliance, unless the wood stove appliance is listed and tested by an approved testing agency, fully complies with the manufacturers listing and conforms to any emissions standards of the State of Colorado in effect at the time of permit application which may pertain to the City of Loveland.

- K. Section 1001 is amended by the addition of a new subsection 1001.2 to read as follows:

1001.2 Operations and maintenance of boilers and pressure vessels. Boilers and pressure vessels shall be operated and maintained in conformity with requirements for adequate protection of the public according to nationally recognized standards. The State Boiler Inspector shall notify the owner or the authorized representative of defects or deficiencies, which shall be properly and promptly corrected.

- K. Section 1011 is amended to read as follows:

1011. Tests. An installation for which a permit is required shall not be put into service until it has been inspected and approved. It is the duty of the owner or his or her authorized representative to notify the State of Colorado Boiler Inspector or an authorized alternate that the installation is ready for inspection and test. The results of such test shall be submitted to the building official for acceptance.

Section 15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.16 of the Loveland Municipal Code and Adopting by Reference the International Mechanical Code, 2012 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Mechanical Code, 2012 Edition and any codes adopted by reference within such code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

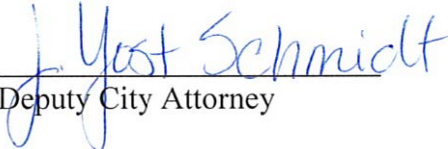
Signed this _____ day of _____, 2013

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO.

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.18 OF THE
 LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE
 INTERNATIONAL
 FUEL GAS CODE, 2012 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2012 Edition of the International Fuel Gas Code (the “2012 IFGC”), and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2012 IFGC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IFGC, and certain amendments and modifications thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
 CITY OF LOVELAND, COLORADO:**

Section 1. Chapter 15.18 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.18

FUEL GAS CODE

Sections:

- | | |
|------------------|--|
| 15.18.010 | International Fuel Gas Code, 2012 Edition – Adopted. |
| 15.18.020 | Modifications to the International Fuel Gas Code, 2012 Edition. |
| 15.18.030 | Violations and penalties. |

Section 15.18.010 – International Fuel Gas Code – Adopted.

The International Fuel Gas Code, 2012 Edition (“2012 IFGC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices A and B only, is hereby adopted by reference as the fuel gas code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.18.020 below. This code is a complete code and its purpose is to provide minimum standards to

safeguard public health, safety, and welfare by regulating and controlling fuel gas systems and gas-fired appliances, and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IFGC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.18.020 - Modifications to International Fuel Gas Code, 2009 Edition.

The International Fuel Gas Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Loveland, hereinafter referred to as “this code” or “fuel gas code.”

- B. Section 103 is deleted in its entirety.

- C. The first sentence of Section 106.5.1 is amended to read as follows:

106.5.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

[no change to remainder of Section 106.5.1]

- D. Section 106.6.2 is amended to read as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council.

- E. Section 106.6.3 is amended by inserting “fifty percent” into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

- F. Section 108.2 is amended to read as follows:

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, *alteration*, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the *approved construction documents* thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 108.4 is deleted in its entirety.

H. Section 108.5 is amended to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be given to the owner of the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall include the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as from time to time by resolution of the City Council.

I. Section 109 is deleted in its entirety.

J. Section 303.3 is amended by the deletion of listed exceptions numbered 3 and 4.

K. Section 304.11 is amended by the addition of the following numbered paragraph to read as follows:

304.11 Combustion air ducts.

....

9. In all R Occupancies a minimum of a six inch round duct or equivalent from the furnace and/or water heater shall be provided for combustion air.

L. Section 402.6.1 is amended by the addition of the following second paragraph to read as follows:

402.6.1 Liquefied petroleum gas systems.

....

Equipment burning liquefied petroleum gas (LPG) shall not be located in a pit, basement, under floor space, below grade, attic or similar location where vapors or fuel may unsafely collect. Liquid petroleum gases, including construction and temporary heating shall only be installed per the adopted fire code, manufacturer's specifications and listing of the appliance(s).

M. The last sentence of Section 406.4 is amended to read as follows:

Section 406.4 Test pressure measurement.

....

Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than **three** times the test pressure.

- N. Sections 406.4.1 and 406.4.2 are deleted and the following Section 406.4.1 is inserted in lieu thereof:

406.4.1. Test pressure and duration. These inspections shall include a determination that the gas piping size, material, and installation meet the requirements of this code and shall be made after all piping authorized by the permit has been installed and before any portions thereof which are to be covered or concealed are so concealed and before any fixture, appliance, or shutoff valve has been attached thereto. This inspection shall include an air, CO₂ or nitrogen pressure test, at which time the gas piping shall stand not less than ten (10) pounds per square inch (68.9 kPa) gauge pressure, or at the discretion of the building official, the piping and valves may be tested at a pressure of at least six (6) inches (152mm) of mercury, measured with a manometer or slope gauge. Test pressures shall be held for a length of time satisfactory to the building official, but in no case for less than fifteen (15) minutes, with no perceptible drop in pressure.

For welded piping, and for piping carrying gas at pressure in excess of fourteen (14) inches (356 mm) water column pressure, the test pressure shall not be less than sixty (60) pounds per square inch (413.4 kPa) and shall be continued for a length of time satisfactory to the building official, but in no case for less than thirty (30) minutes.

These tests shall be made using air, CO₂, or nitrogen pressure only and shall be made in the presence of the building official. All necessary apparatus for conducting tests shall be furnished by the permit holder. Test gauges used in conducting tests shall comply with Chapter 4 of this code.

- O. Section 501.8 shall be amended by deleting the following:

501.8 Appliances not required to be vented.

....

8. Room heaters *listed* for un-vented use.
10. Other appliances *listed* for un-vented use and not provided with flue collars.

Section 15.18.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of

whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.18 of The Loveland Municipal Code and Adopting by Reference the International Fuel Gas Code, 2012 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Fuel Gas Code, 2012 Edition and any codes adopted by reference within such code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

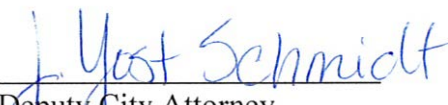
Signed this _____ day of _____, 2013

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO.

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.20 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL PLUMBING CODE, 2012 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2012 Edition of the International Plumbing Code (the “2012 IPC”), and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2012 IPC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IPC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.20 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.20

PLUMBING CODE

Sections:

- 15.20.010 International Plumbing Code, 2012 Edition – Adopted.**
- 15.20.020 Modifications to the International Plumbing Code, 2012 Edition.**
- 15.20.030 Violations and penalties.**

Section 15.48.010 – International Plumbing Code, 2012 Edition – Adopted.

The International Plumbing Code, 2012 Edition (the “2012 IPC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the mechanical code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.20.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems, and providing for issuance of permits and

collection of fees therefore. At least one copy of the 2012 IPC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.48.020 - Modifications to International Plumbing Code, 2012 Edition.

The International Plumbing Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Plumbing Code of the City of Loveland, hereinafter referred to as “this code” or “plumbing code.”

B. Section 103 is deleted in its entirety.

C. The first sentence of Section 106.5.1 is amended to read as follows:

106.5.1 Approved construction documents. When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “REVIEWED PLANS FOR CODE COMPLIANCE”.

[no change to remainder of Section 106.5.1]

D. Section 106.6.2 is amended to read as follows:

106.6.2 Fee Schedule. Fees for any permit, plan review or inspection required by this code shall be established from time to time by resolution of the City Council

E. Section 106.6.3 is amended by inserting “fifty percent” into the brackets of paragraphs numbered 2 and 3. Additionally, the last paragraph of this section shall be deleted in its entirety and replaced with the following:

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 90 days after the date of fee payment.

F. Section 108.2 is amended to read as follows

108.2 Notice of Violation. The code official shall post on the property or serve on the person responsible a notice of violation or order for the erection, installation, alteration, extension, repair, removal or demotion of work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 108.4 is deleted in its entirety.

H. Section 108.5 is amended by adding the last sentence to read as follows:

108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of the code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be given to the owner of

the property, or to the owner's agent, or to the person doing the work, or posted on the property. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

Any person who shall continue any work on the system after having been served by a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as from time to time by resolution of the City Council.

I. Section 109 is deleted in its entirety.

I The first sentence of Section 312.3 is amended to read as follows:

312.3 Drainage and vent air test. Plastic pipe tested with air is permitted provided the individual and/or company responsible for performing the work and test, provide proper notification by posting the area where the work and test is being performed. An air test shall

Section 15.20.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the City of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.20 of the Loveland Municipal Code and Adopting by

Reference the International Plumbing Code, 2012 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Plumbing Code and any codes adopted by reference within such code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

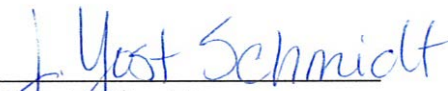
Signed this _____ day of _____, 2013

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO. _____

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.28 OF
 THE LOVELAND MUNICIPAL CODE AND ADOPTING BY
 REFERENCE THE INTERNATIONAL FIRE CODE, 2012 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the City Council has received the recommendation of the Loveland Fire Rescue Authority Board, the Loveland Rural Fire Protection District and the Fire Rescue Advisory Commission recommending the adoption of the 2012 Edition of the International Fire Code ("2012 IFC"), and amendments thereto; and

WHEREAS, the City Council has conducted a public hearing pursuant to C.R.S. § 31-16-203, concerning the adoption of the 2012 IFC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IFC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Section 15.28 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.28

FIRE CODE

Sections:

- | | |
|------------------|--|
| 15.28.010 | International Fire Code, 2012 Edition – Adopted. |
| 15.28.020 | Modifications to the International Fire Code, 2012 Edition. |
| 15.28.030 | Violations and penalties. |

Section 15.28.010 International Fire Code, 2012 Edition - Adopted.

The International Fire Code 2012 Edition, issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including appendices B, C, D and I, is hereby adopted by reference as the fire code of the city. The purpose of the fire code is to provide minimum standards to safeguard life and limb, health, property and the public

welfare by regulating fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; and to provide for the issuance of permits and collection of fees therefore. At least one copy of the International Fire Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk, and may be inspected during regular business hours.

Section 15.28.020 Modifications to International Fire Code – 2012 Edition.

The International Fire Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Subsection 101.1 of Section 101 is amended to read as follows:

101.1 Title. These regulations shall be known as the City of Loveland Fire Code hereinafter referred to as “the fire code”.

- B. Subsection 108.1 of Section 108 is amended to read as follows:

108.1 Appeals. Appeals arising from the application of the International Fire Code, 2012 Edition, shall be pursuant to Sections 15.04.150 and 15.04.152 of the Loveland Municipal Code.

- C. Subsection 108.2 of Section 108 is deleted in its entirety.

- D. Subsection 108.3 of Section 108 is deleted in its entirety.

- E. Subsection 109.3.1 of Section 109 is amended to read as follows:

109.3.1 Service. A notice of violation issued pursuant to this code shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by US mail to the last known address of the owner, occupant or both.

- F. Subsection 109.4 of Section 109 is deleted in its entirety.

- G. Subsection 111.4 of Section 111 is deleted in its entirety.

- H. Subsection 113.2 of Section 113 is amended to read as follows:

113.2 Schedule of Permit Fees. Fees for any permit, inspections, and services authorized by the fire code shall be assessed in accordance with the fee schedule established by resolution of the city council.

- I. Subsection 113.5 of Section 113 is amended to read as follows;

113.5 Refunds. The fire code official shall be permitted to authorize a refund of not more than fifty percent (50%) of the permit fee when no work has been done under a permit issued in accordance with this code. This refund shall only be redeemable within twelve months (12) of issuance of the permit.

The fire code official shall not be permitted to authorize a refund of any fee paid except upon written application filed by the original applicant not later than sixty (60) days after the date of fee payment.

- J. Section 202 is amended by the addition of a new definition to read as follows:

PERMISSIBLE FIREWORKS. Permissible fireworks are as defined in C.R.S. Section 12-28-101(8).

- K. Section 308 is amended in part, by the addition of a new subsection 308.1.1 to read as follows:

308.1.1 Open Flames. Sky Lanterns. The lighting of, and the release of, Sky Lanterns shall be prohibited.

- L. Subsection 311.5 of Section 311 is deleted in its entirety.

- M. Subsection 503.2.5 of Section 503 is amended to read as follows:

503.2.5 Dead Ends. Dead-end fire apparatus access roads in excess of one hundred-fifty (150) feet in length shall be provided with an approved area for turning around fire apparatus. Dead-ends in excess of one thousand (1,000) feet are not allowed.

- N. Subsection 503.6 of Section 503 is amended to read as follows:

503.6 Security Gates. The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the

emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.

Exception: Private driveways serving a single-family residence.

- O. Subsection 505.1 of Section 501 is amended to read as follows:

505.1 Premises Identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. The color of these numbers shall contrast with their background. Address numbers shall be Arabic numerals. New residential buildings that contain not more than two dwelling units shall have minimum 4-inch high numbers, with a minimum stroke width of ½ inch. Individual suite or unit addresses shall be displayed with minimum 4-inch high numbers, with a minimum stroke width of ½ inch. New multiple-family or commercial buildings shall have minimum 6-inch high numbers, with a minimum stroke width of ½ inch. New buildings three or more stories in height or with a floor area of 15,000 to 100,000 square feet, shall have minimum 8-inch high numbers, with a minimum stroke width of 1 inch. Buildings with a total floor area of 100,000 square feet or greater shall have minimum 12-inch high numbers, with a minimum stroke width of 1½ inches. Where building setbacks exceed 100 feet from the street or access road, additional numbers shall be displayed at the property entrance. The fire code official may require address numbers to be displayed on more than one side of the building.

- P. Subsection 507.3 Section 507 is amended to read as follows:

507.3 Fire Flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined in accordance with Appendix B.

- Q. Subsection 507.5 of Section 507 is amended to read as follows:

507.5 Fire Hydrant Systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6 of this fire code.

- R. The exceptions to Subsection 507.5.1 of Section 507 are amended to read as follows:

. . .

Exceptions:

1. Fire hydrants shall be spaced six hundred (600) feet apart for Group R-3 occupancies and three hundred-fifty (350) feet apart for all other occupancies.

2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet or as approved by the fire code official.

- S. Section 507 is amended in part by the addition of a new subsection 507.5.7 to read as follows:

507.5.7 Fire Department Connections. A fire hydrant shall be located within one hundred-fifty (150) feet of a fire department connection, using an approved route without obstacles.

- T. Section 510 is amended in part by the deletion of subsections 510.1 and 510.2 and replacing with new Sections 510.1 and 510.2, to read as follows:

510.1 Emergency responder radio coverage in new buildings. Where adequate radio coverage cannot be established within a building, as defined by the fire code official, public safety radio amplification systems shall be installed in the following locations:

1. New buildings with a total building area greater than fifty thousand (50,000) square feet. For the purpose of this section, fire walls shall not be used to define separate buildings.
2. All new basements larger than ten thousand (10,000) square feet.

Exceptions:

1. One and two-family dwellings and townhouses.
2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.6.1 and final fire department testing.

510.2 Emergency responder radio coverage in existing buildings. Existing buildings shall be provided with approved radio coverage for emergency responders if the buildings meet the criteria of Section 510.1 and are undergoing alterations or additions exceeding fifty percent (50%) of the existing aggregate area of the building as of the date of this ordinance.

Exceptions:

1. One and two-family dwellings and townhouses.

2. If approved by the fire code official, buildings that provide a documented engineering analysis indicating the building is in compliance with radio reception levels in accordance with Section 510.6.1 and final fire department testing.
- U. Subsection 901.1 of Section 901 is amended to read as follows:
- 901.1 Scope.** The provisions of this chapter shall specify where fire protection systems are required and shall apply to the design, installation, inspection, operation, testing and maintenance of all fire protection systems. When the requirements of this code and the adopted building code are in conflict, the more restrictive shall apply.
- V. Subsection 903.1.1 of Section 903 is amended to read as follows:
- 903.1.1 Alternative Protection.** Alternative automatic fire-extinguishment systems complying with Section 904 shall be permitted in lieu of automatic sprinkler protection where recognized by the applicable standard and approved by the building code official and fire code official.
- W. Item (4) of Subsection 903.2.7 is amended to read as follows:
- (4) A group M occupancy used for the display and sale of upholstered furniture which does not exceed six thousand (6,000) square feet.
- X. Section 903 is amended in part by the addition of a new Section 903.2.13, to read as follows:
- 903.2.13 Dead-end Roadways.** An automatic fire sprinkler system shall be installed in all Group R fire areas, including single-family detached residences, when the residential structure is located beyond four hundred (400) feet of the entrance to a dead-end roadway.
- Y. Subsection 903.3.1.3 of Section 903 is amended to read as follows:
- Section 903.3.1.3 NFPA 13D Sprinkler Systems.** Automatic sprinkler systems shall not be required in one- or two-family dwellings including townhouses that are located within six hundred (600) feet of a fire hydrant meeting minimum flow and pressure requirements and located within four hundred (400) feet from the entrance on a dead-end roadway. All other one- and two-family dwellings shall have automatic sprinkler systems installed in accordance with NFPA 13D.

- Z. Section 903 is amended in part by the addition of a new subsection 903.3.5.3 to read as follows:

903.3.5.3 Backflow Protection. All fire sprinklers systems undergoing modification, unless exempt by the Director of the City of Loveland Water and Power Department or other applicable water district, shall be isolated from the public water system by a backflow prevention device meeting the requirements of the Loveland Municipal Code or applicable water district.

- AA. Subsection 903.4.3 of Section 903 is amended to read as follows:

Section 903.4.3 Floor Control Valves. Approved supervising indicating control valves shall be provided at the point of connection to the riser on each floor in all multi-story structures.

- BB. Subsection 905.1 of Section 905 is amended in part by the addition of a new Section 905.1.1 to read as follows:

905.1.1 Alternative classes of standpipes. The fire code official is authorized to require to the installation of alternative classes of standpipes.

- CC. Subsection 905.3.4.1 of Section 905 is deleted in its entirety.

- DD. Subsection 907.2.11.2 of Section 907 is amended in part by the addition of a new Paragraph 4, to read as follows:

4. In Groups R-2, R-3, R-4 and I-1 occupancies, and in all attached garages, an interconnected heat detector shall be installed.

- EE. Section 907 is amended in part by the addition of a new Section 907.2.11.5 to read as follows:

907.2.11.5 Exterior Strobe. An exterior strobe shall be provided on the exterior of all R-3 and R-4 occupancies in a location readily visible from the roadway fronting the structure. This strobe shall alarm upon activation of any smoke or heat detection. The fire code official is authorized to require exterior strobes to be provided on more than one side of the structure.

- FF. Subsection 1104.16.5 of Section 1104 is amended to read as follows:

1104.16.5.1 Examination. Fire escape stairs and balconies shall be examined for structural adequacy and safety in accordance with Section 1104.16.5 by a registered design professional or others acceptable to the fire code official, at such times required by the fire code official. An inspection report shall be submitted to the fire code official after such examination.

GG. Subsection 3103.2 of Section 3103 is amended in part to read as follows, however, the exceptions remain unchanged:

3103.2 Approval Required. Tents/Canopies and membrane structures in excess of seven hundred (700) square feet shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

...

HH. Subsection 5601.1.3 of Section 5601 is amended to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited unless permitted by state and local laws.

II. Exception 4 of Subsection 5601.1.3 is amended to read as follows:

...

4. The possession, storage, sale, handling and use of permissible fireworks in accordance with the criteria established by the fire code official.

JJ. Section 5602 is amended by the addition of a new defined term to read as follows:

PERMISSIBLE FIREWORKS.

KK. Chapter 56 is amended by the addition of a new Section 5610 to read as follows:

SECTION 5610

PERMISSIBLE FIREWORKS

5610.1 General. Permissible fireworks use shall be as detailed in this section and in accordance with state and local laws.

5610.2 Use of Fireworks. The use of permissible fireworks shall be in accordance with Sections 5610.2.1 through 5610.2.4.

5610.2.1 It shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, or use, or discharge any fireworks, other than permissible fireworks.

5610.2.2 It shall be unlawful for any person to knowingly furnish to any person under the age of sixteen (16) years of age, by gift, sale, or any other means, any fireworks, or permissible fireworks.

5610.2.3 It shall be unlawful for any person under sixteen (16) years of age to purchase fireworks, including permissible fireworks.

5610.2.4 It shall not be unlawful for a person under sixteen (16) years of age to possess and discharge permissible fireworks if such person is under adult supervision throughout the act of possession and discharge.

LL. Subsection 5704.2.9.6.1 of Section 5704 is amended to read as follows:

5704.2.9.6.1 Location where above-ground storage tanks are prohibited. Storage of Class I and II liquids in above-ground storage tanks outside of buildings is prohibited within the city limits.

Exceptions:

1. Above-ground tank storage of aviation fuels at the Fort Collins-Loveland Airport fuel farm.
2. Protected above-ground tank storage (UL 2085) not exceeding one thousand (1,000) gallons in size per tank or two thousand (2,000) gallons per site.
3. Above-ground storage tanks not exceeding 500 gallons for supply of emergency generators or fire pumps when approved by the fire code official.

MM. Subsection 5704.2.13.1.4 of Section 5704 is deleted in its entirety.

NN. Subsection 5706.2.4 of Section 5706 is amended to read as follows:

5706.2.4 Permanent and temporary tanks. The capacity of permanent aboveground tanks containing Class I or Class II liquids shall not exceed five hundred (500) gallons. The capacity of temporary aboveground tanks containing Class I or Class II liquids shall not exceed two thousand (2,000) gallons unless a larger amount is approved in writing by the fire code official. Tanks shall be of single-compartment design.

OO. Subsection 5706.2.4.4 of Section 5706 is deleted in its entirety.

PP. Subsection 5806.2 of Section 5806 is amended by the deletion of the parenthetical information.

QQ. Subsection 6104.2 of Section 6104 is amended to read as follows, however the exceptions remain unchanged:

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of five hundred, (500), gallons.

...

RR. Subsection D102.1 of Section D102 is amended to read as follows:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 80,000 pounds.

SS. Subsection D105.2 of Section D105 is amended to read as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING – FIRE LANE signs complying with Diagram 1418 of the Larimer County Urban Area Street Standards. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2

15.28.030 Violations and Penalties.

No person who operates, occupies, or maintains a premises or vehicle subject to the provisions of this chapter shall allow a fire hazard to exist, nor shall fail to take immediate action to abate a fire hazard when ordered or notified to do so. Any person who shall violate any of the provisions of this chapter or who shall violate or fail to comply with any orders made hereunder or who shall act in any way in violation of any permits issued hereunder shall, severally and for each and every violation in noncompliance respectively, be guilty of a misdemeanor punishable by the penalty set forth in Section 1.12.010 of the Loveland Municipal Code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all persons shall be required to correct or remedy the violations or defects within a reasonable time, and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty pursuant hereto shall not be held to

prevent the forced removal of prohibited conditions nor the suspension or removal of a permit or license issued hereunder.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Amending Chapter 15.28 of the Loveland Municipal Code to Adopt by Reference 2012 International Fire Code. A public hearing shall be held prior to said consideration. Copies of the above-referenced ordinance and any codes adopted by reference within said ordinance are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:

A handwritten signature in purple ink, appearing to read 'T. Ablao', written over a horizontal line.

Teresa Ablao
Assistant City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO.

**AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.48 OF THE
 LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE
 INTERNATIONAL
 ENERGY CONSERVATION CODE, 2012 EDITION**

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2012 Edition of the International Energy Conservation Code (the “2012 IECC”), and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2012 IECC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IECC, and certain amendments and modifications thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
 CITY OF LOVELAND, COLORADO:**

Section 1. Chapter 15.48 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.48

INTERNATIONAL ENERGY CONSERVATION CODE

Sections:

- | | |
|------------------|---|
| 15.48.010 | International Energy Conservation Code, 2012 Edition – Adopted. |
| 15.48.020 | Modifications to the International Energy Conservation Code, 2012 Edition. |
| 15.48.030 | Violations and penalties. |

Section 15.48.010 – International Energy Conservation Code, 2012 Edition – Adopted.

The International Energy Conservation Code, 2012 Edition (the “2012 IECC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the energy conservation code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.48.020 below. This

code is a complete code to safeguard public health, safety and welfare by regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, light, and power systems and providing for issuance of permits and collection of fees therefore. At least one copy of the 2012 IECC, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.48.020 - Modifications to International Energy Conservation Code, 2012 Edition.

The International Energy Conservation Code, 2012 Edition, adopted in this chapter, is modified as follows:

- A. Section C101.1 is amended to read as follows:

C101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as “this code”.

- B. Section R101.1 is amended to read as follows:

R101.1 Title. These regulations shall be known as the International Energy Conservation Code of the City of Loveland, hereinafter referred to as “this code”.

- C. Section C101.2 is amended by adding the listed exceptions to read as follows:

Exception:

1. Energy conservation systems and components in existing buildings or structures undergoing repair, alterations or additions, and change of occupancy, shall be permitted to comply with the International Existing Building Code and Chapter 34 of the International Building Code.
2. Utility and miscellaneous group U occupancies and agricultural structures as defined by the International Building Code which are neither heated nor cooled by fossil fuels or electricity.

- D. Section C108.2 is deleted in its entirety and amended to read as follows:

C108.2 Issuance. The stop work order shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order, and the conditions under which the cited work will be permitted to resume.

- E. Section R108.2 is deleted in its entirety and amended to read as follows:

R108.2 Issuance. The stop work order shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work, or posted on the

property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order, and the conditions under which the cited work will be permitted to resume.

F. Sections C108.3 and R108.3 are deleted in their entirety.

G. Sections C108.4 and R108.4 are deleted in their entirety.

H. Sections C109, and R109 are deleted in their entirety.

I. Section C302.1 is deleted in its entirety and amended to read as follows:

C302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2012 International Building Code.

J. Section R302.1 is deleted in its entirety and amended to read as follows:

R302.1 Interior design conditions. The interior design temperatures used for heating and cooling load calculations shall be as defined in Section 1301.1.2 of the 2012 International Residential Code.

Section 15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.48 and Adopting by Reference the International Energy Conservation Code, 2012 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Energy Code, 2012 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

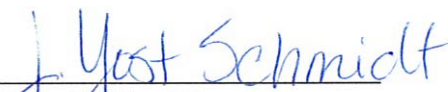
Signed this _____ day of _____, 2013

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO.

AN ORDINANCE REPEALING AND REENACTING CHAPTER 15.52 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION

WHEREAS, pursuant to Section 4-12 of the Charter of the City of Loveland, the City Council is authorized to adopt, by ordinance, any code by reference in accordance with the procedures established by state law; and

WHEREAS, the Construction Advisory Board has recommended that City Council adopt the 2012 Edition of the International Existing Building Code (the “2012 IEBC”), and amendments thereto; and

WHEREAS, The City Council has conducted a public hearing pursuant to C.R.S. §31-16-203 concerning the adoption of the 2012 IEBC by reference and finds and determines that it is necessary to the health, safety and general welfare of the public that the City regulate conditions hazardous to life and property by the adoption of the 2012 IEBC, and certain amendments and modifications thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. Chapter 15.52 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read as follows:

Chapter 15.52

INTERNATIONAL EXISTING BUILDING CODE

Sections:

- 15.52.010 International Existing Building Code, 2012 Edition – Adopted.**
- 15.52.020 Modifications to the International Existing Building Code, 2012 Edition.**
- 15.52.030 Violations and penalties.**

Section 15.52.010 – International Existing Building Code, 2012 Edition – Adopted.

The International Existing Building Code, 2012 Edition (the “2012 IEBC”), issued and published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the existing building code of the city is hereby adopted by reference as the energy conservation code of the city as if fully set forth herein, with the modifications, if any, set forth in Section 15.52.020 below. This code is a complete code to safeguard public health, safety and welfare by regulating and governing the conditions and

maintenance of all property, relocation of existing buildings and structures by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and providing for issuance of permits and collection of fees therefore. At least one copy of the International Existing Building Code, 2012 Edition, which has been certified by the mayor and city clerk, shall be on file in the office of the city clerk and may be inspected during regular business hours.

Section 15.12.020 - Modifications to International Existing Building Code, 2012 Edition.

The International Existing Building Code, 2012 Edition, adopted in this chapter, is modified as follows:

A. Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Existing Building Code of the City of Loveland, hereinafter referred to as “this code”.

B. Section 103 is deleted in its entirety.

C. Section 105.3 is amended by amendment of the first sentence to read as follows:

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Building Division for that purpose.

D. Section 112 is deleted in its entirety.

E. Sections 113.1 and 113.4 are deleted in their entirety.

F. Section 113.2 is amended to read as follows:

Section 113.2. Notice of Violation. The *code official* is authorized to post on the property or serve on the person responsible a notice of violation or order for the *repair, alteration, extension, addition, moving, removal, demolition* or change in the occupancy of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

G. Section 114.2 is amended to read as follows:

Section 114.2. Issuance. The stop work order shall be given to the owner of the property involved, or to the owner’s agent, or to the person doing the work, or posted on the property. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall include the reason for the order and the conditions under which the cited work will be permitted to resume.

- H. All references in the Loveland Municipal Code to “the ICC Electrical Code” shall be deleted and amended to read as follows:

“the National Electrical Code (NEC) as adopted and enforced by the State of Colorado”.

Section 15.48.030 – Violations and penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code, as adopted and modified by the city. Any person, firm or corporation violating any of the provisions of this code, as adopted and modified by the city, shall be deemed guilty of a misdemeanor and subject to penalties as set forth in Section 1.12.010 of the code of the city of Loveland.

Section 2. That if any section, subsection, or portion of this ordinance is, for any reason, held to be unconstitutional or invalid for any reason, such decision shall not affect that validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance, and each section, subsection, and portion hereof, regardless of whether any one or more sections, subsections, or portions may be declared unconstitutional or invalid.

Section 3. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, liability incurred, or cause of action acquired or existing under any ordinance hereby repealed, nor shall any legal right or remedy of any character be impaired by this ordinance.

Section 4. That the City Clerk shall cause to be published twice in a newspaper of general circulation within the City, once at least fifteen days preceding the public hearing, and once at least eight days preceding the public hearing, the following notice:

Public notice is hereby given that at 6:30 p.m. on June 18, 2013 in the City Council Chambers, City Hall, 500 East Third Street, Loveland, Colorado, the Loveland City Council will consider on second reading an Ordinance Repealing and Reenacting Chapter 15.12 and Adopting by Reference the International Existing Building Code, 2012 Edition. A public hearing shall be held prior to said consideration. Copies of the above-referenced International Existing Building Code, 2012 Edition and any codes adopted by reference within the code are on file with the Loveland City Clerk and are open to public inspection.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

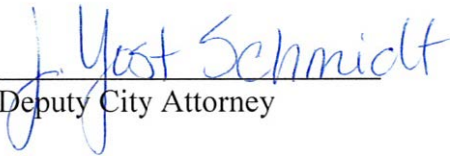
Signed this _____ day of _____, 2013

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney

FIRST READING May 21, 2103

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 15.04.120 OF THE LOVELAND MUNICIPAL CODE REGARDING 2012 INTERNATIONAL CODES ADOPTED BY REFERENCE

WHEREAS, Section 15.04.120 of the Loveland Municipal Code lists the international codes adopted by reference in Title 15; and

WHEREAS, City Council has adopted by reference the 2012 edition of various international codes, which codes are a part of Title 15 and must be listed in Section 15.04.120.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 15.04.120 of the Loveland Municipal Code is hereby amended to read as follows:

15.04.120 Interpretation.

- A. When the building code or other codes adopted in this title contain a provision that an act or activity must be accomplished in order to secure an approval from, or that an act or activity is subject to the direction of, the inspecting agents or any other officer of the city, then such provision shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with. No such provision shall be construed as giving any officer or agent discretionary powers to make any ruling or determination concerning such conditions or things not prescribed by ordinance or code or to enforce ordinance provisions in an arbitrary or capricious manner.
- B. When any reference in this Title, or other codes adopted in this Title, is made to the “International Building Code” such reference shall refer to the building code adopted in this Title.
- C. When any reference in this Title, or other codes adopted in this Title, is made to the “International Residential Code” such reference shall refer to the building code adopted in this Title.
- D. When any reference in this Title, or other codes adopted in this Title, is made to the “International Mechanical Code” such reference shall refer to the building code adopted in this Title.

- E. When any reference in this Title, or other codes adopted in this Title, is made to the “International Fuel Gas Code” such reference shall refer to the building code adopted in this Title.
- F. When any reference in this Title, or other codes adopted in this Title, is made to the “International Plumbing Code” such reference shall refer to the building code adopted in this Title.
- G. When any reference in this Title, or other codes adopted in this Title, is made to the “International Energy Conservation Code” such reference shall refer to the building code adopted in this Title.
- H. When any reference in this Title, or other codes adopted in this Title, is made to the “International Existing Building Code” such reference shall refer to the building code adopted in this Title.
- I. When any reference in this Title, or other codes adopted in this Title, is made to the “ICC Electrical Code” such reference shall refer to the electrical code adopted in this Title.
- J. When any reference in this Title, or other codes adopted in this Title, is made to the “International Fire Code” such reference shall refer to the fire code adopted in this Title.
- K. When any reference in this Title, or other codes adopted in this Title, is made to the “International Private Sewage Disposal Code” such reference shall have no application.
- L. When any reference in this Title, or other codes adopted in this Title, is made to the “International Property Maintenance Code” such reference shall refer to the property maintenance code adopted in this Title.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

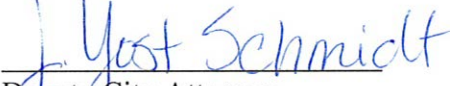
ADOPTED this ____ day of _____, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

First Reading May 21, 2013
 Second Reading _____

ORDINANCE NO. ____

**AN ORDINANCE AMENDING CHAPTER 1.08 OF THE LOVELAND
 MUNICIPAL CODE REGARDING RIGHT OF ENTRY FOR
 INSPECTION AND ENFORCEMENT**

WHEREAS, City Council finds that updates to Chapter 1.08 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, the City Council desires to revise sections of the code regarding the right of entry for code officials to be consistent for necessary code inspections and enforcement of ordinance, resolution, or code violations; and

WHEREAS, the City Council finds that such revisions to the following sections of the code are necessary to implement these changes.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
 THE CITY OF LOVELAND, COLORADO:**

Section 1. That Section 1.08.010 of the Loveland Municipal Code is hereby amended to read as follows:

1.08.010 Generally.

Whenever necessary to make an inspection to enforce any ordinance or resolution, or whenever there is reasonable cause to believe there exists an ordinance or resolution violation in any building or premises within the jurisdiction of the city, or when there is reasonable cause to believe that an ordinance or resolution violation is occurring in any building or upon any premises within the jurisdiction of the city any authorized official of the city, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by ordinance; provided, that except in emergency situations or when consent of the owner and/or occupant to the inspection has been otherwise obtained, he shall give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours ~~written~~ notice of the authorized official's intention to inspect or take enforcement action. The notice transmitted to the owner and/or occupant shall state that the property owner has the right to refuse entry and that in the event such entry is refused or the owner or occupant fails to respond to the notice within twenty-four hours, ~~the inspection entry~~ may be made only upon the issuance of an inspection search warrant by ~~a duly authorized magistrate~~ the municipal judge or any other judicial officer having jurisdiction. In the event the owner and/or occupant refuses entry or the owner or occupant fails to respond to the notice within twenty-four hours after such request has been made, the official is

empowered to seek assistance from the municipal court or any other court of competent jurisdiction in obtaining such entry.

Section 2. That Section 1.08.020 of the Loveland Municipal Code is hereby amended to read as follows:

1.08.020 Applicability of Section 1.08.010 ~~notice provisions.~~

The right of entry provisions of any ~~model ordinance~~ codes ~~heretofore or hereafter~~ adopted ~~into this code by the city,~~ by reference, and ~~any other~~ right of entry provisions ~~in this currently part of the municipal code shall of the city,~~ are not ~~be deemed~~ repealed by ~~Section 1.08.010 and, in the event of any conflict between such provisions and Section 1.08.010, the right of entry provisions of the adopted model codes and other code provisions shall control this chapter. However, the notice provisions of Section 1.08.010 are hereby specifically made applicable to all such right of entry provisions in all cases not involving emergencies and where the consent of the owner and/or occupant has not been obtained. It is the specific intent of this chapter that all entries of authorized officials and employees of the city be subject to the notice provisions of Section 1.08.010 except where there is an emergency or such consent has been obtained. (Ord. 1339 § 1 (part), 1974)~~

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this ____ day of _____, 2013.

Mayor

ATTEST:

City Clerk

Approved as to form:



Teresa Ablao
Assistant City Attorney



CITY OF LOVELAND
FIRE & RESCUE DEPARTMENT
Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
(970) 962-2471 • FAX (970) 962-2922 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 5/21/2013
TO: City Council
FROM: Loveland Fire Rescue Authority (LFRA)
PRESENTER: Randy Mirowski, Fire Chief

TITLE:

An Information Memo for Permissible, Legal Fireworks in the City of Loveland for 2013

RECOMMENDED CITY COUNCIL ACTION:

This is an information only item. No action required.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is an information only memo to City Council addressing concerns and planning for the sale of permissible, legal fireworks in the City of Loveland for 2013.

BUDGET IMPACT:

- ☐ Positive
☐ Negative
☒ Neutral or negligible
-

SUMMARY:

The weather concerns of 2012, (i.e., low fuel moisture, low humidity and high winds), created a situation where the sale of permissible, legal fireworks in the City of Loveland was prohibited last season. Loveland Fire Rescue Authority (LFRA) has monitored the current situation for weather related concerns, and future forecasting, and has determined that no compelling reason exists to prohibit sales of permissible, legal fireworks for 2013. City Council is being provided this informational update and report for corroboration and/ or discussion related to the current plans to move forward and return to normal business practices surrounding legal and permissible fireworks sales within the City of Loveland for year 2013.

HISTORY AND BACKGROUND:

For many years the City of Loveland has allowed the sale of permissible, legal fireworks within the city limits. One of the main reasons for the decision to allow such fireworks sales was their relatively low danger for citizens and property, and a belief that by allowing such sales, a reduction in the use of illegal fireworks within the City would be realized.

In 2012, several burn bans and restrictions were initiated by the county commissioners throughout the more extreme months of the fire season (June-September); the City of Loveland also enacted burn bans and restrictions, which included the sale of permissible, legal fireworks. A decision was made in late 2012 to address the issues surrounding the City's ability to enact burn bans and burn restrictions with more fluidity and less confusion than was seen in the experiences of 2012. However, decisions on the sale of permissible, legal fireworks were not a part of these discussions and subsequent actions; it was determined to leave these decisions solely to City Council.

Earlier in the year (April 2013) a letter was sent by the fire chief to past fireworks vendors advising that Council would review the issue of sales of permissible, legal fireworks sometime in May or soon after. The vendors were advised that Council would review the matter and consider the current and future weather forecasts, and input from the fire chief.

Current weather patterns and an unusually wet spring have placed Northern Colorado, and the City of Loveland in the near "normal" moisture content range. Hydrology reports from Bear Lake also reflect a return to near normalcy of the "30-Year Median" levels. In addition, Colorado State Weather Station has, at the time of this writing, listed precipitation levels well ahead of normalcy for this time of year (*Fort Collins Coloradoan* on 05-13 data) has Year-to-Date precipitation at 6.42" compared to "Normal Year-to-Date at 5.33". The future forecasts are calling for cooler temperatures than normal and precipitation levels slightly above normal (*Farmer's Almanac*).

CONCLUSION:

The current weather conditions and future long-range forecast suggests that a return to normal business practices related to permissible, legal fireworks is in order. Therefore, LFRA sees no compelling reason at this time to support a ban or moratorium on the sale of permissible, legal fireworks for 2013. It should be mentioned here that weather patterns could change and based on the past two seasons of drought conditions, we will continue to monitor fire conditions and weather patterns throughout the year, advising Council of any significant shifts in these patterns.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS: NONE

**CITY OF LOVELAND****ECONOMIC DEVELOPMENT OFFICE**

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 11
MEETING DATE: 5/21/2013
TO: City Council
FROM: Betsey Hale, Economic Development Director
PRESENTER: Representative from the Economic Development Department

TITLE:

A Resolution Waiving Certain Development-Related Fees for Woodward Governor Company Expansion at 3800 N. Wilson Avenue, Loveland, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Adopt the resolution which approves the development agreement and fee waivers agreed upon on December 14, 1990 and the amended agreement dated March 26th, 1991.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This is an administrative action. Woodward Governor expanded operations in Loveland in 1991. Since that time the employer has had significant economic impact over 22 years. The City and Woodward are parties to a development agreement dated December 14, 1990 (as amended in 1991) providing Woodward a waiver of any and all fees for building permits associated with the original building and any expansions.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☐ Neutral or negligible

\$9,900.00 of City Council Economic Incentive Funds will be used to backfill the capital expansion fees.

SUMMARY:

The development agreement signed by the City and Woodward in 1991, and amended in 1992, provided a permanent waiver of any and all fees associated with the expansion of their original facility or any enlargements in the future. This item will formally ratify the agreement and approve the fee waivers for the current expansion. The Council incentive fund includes sufficient appropriated 2013 funding to backfill capital expansion fees.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Resolution

1990/1991 Agreements (Exhibit A)

Building Permit Actual Fee Statement (Exhibit B)

RESOLUTION #R-32-2013**A RESOLUTION WAIVING CERTAIN DEVELOPMENT-RELATED
FEES FOR WOODWARD GOVERNOR, COMPANY EXPANSION AT
3800 N. WILSON AVENUE, LOVELAND, COLORADO**

WHEREAS, Woodward Governor Company, a Delaware corporation (“Woodward”) operates a manufacturing facility on approximately 40 acres of real property it owns at 3800 N. Wilson Avenue, Loveland, Colorado (the “Facility”); and

WHEREAS, Woodward proposes to construct a freestanding 10,450 square foot building to expand the Facility (the “Expansion”), and,

WHEREAS, Woodward has requested from the City certain economic incentives for the Expansion, in accordance with that certain Agreement between the City and Woodward dated December 14, 1990, as amended by Amendment to Agreement dated March 26, 1991 attached hereto as **Exhibit A** and incorporated herein by reference (the “Agreement”), which provides for waiver of “any fees for building permits or plans examination and approval in connection with the original facility or any enlargement or enlargements in the future” and “fees or charges ordinarily charged by the City for development of the nature described in [the] Agreement... for the initial development and for any expansion or enlargement of the facility, whether or not those fees or charges are otherwise specifically mentioned in [the] Agreement”; and

WHEREAS, the waiver for the Expansion includes permit and inspection fees, capital expansion fees, and City construction materials use tax for the Expansion as set forth on **Exhibit B** attached hereto and incorporated herein by reference (the “Waived Fees”), but not County Open Space Tax, County Jail Tax, or County Fairgrounds Tax, which are imposed by the County; and

WHEREAS, Loveland Municipal Code Section 16.38.070 provides that the City Council may grant an exemption from all or any part of the capital expansion fees or permit fees upon a finding that such waiver is in the best interests of the public by encouraging activities that provide significant social, economic, or cultural benefits; and

WHEREAS, Section 16.38.070 provides further that, whenever any capital related CEF is waived, the City Council shall direct that the waive fee be paid by the general fund or another appropriate fund; and

WHEREAS, Section 3.16.590 of the Loveland municipal Code provides that the City Council may grant by resolution a use tax credit upon a finding that such credit will serve a public purpose, including but not limited to providing the public with significant social and economic benefits; and

WHEREAS, City Council believes that ratifying the Agreement and granting Woodward an exemption from the Waived Fees and a credit for the use taxes is in the best interests of the

public because the Expansion will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased property tax revenues to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby finds that ratifying the Agreement and granting Woodward an exemption from the Waived Fees and a credit for the use taxes is in the best interests of the public because the Expansion will provide significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased property tax revenues to the City.

Section 2. That the Agreement is hereby ratified, and the waiver of the Waived Fees and the credit for City use taxes are hereby approved. If Woodward has paid the Waived Fees and/or City Use Taxes prior to the date of this Resolution in order to obtain a building permit, a refund of amounts so paid is hereby authorized.

Section 3. Any portion of the Waived Fees that are capital related capital expansion fees shall be backfilled by the general fund or other appropriate fund.

Section 4. That this Resolution shall be effective as of the date and time of its adoption.

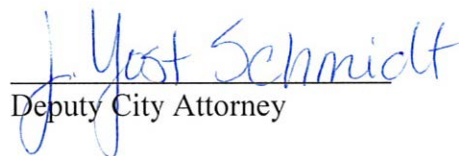
ADOPTED this 21st day of May, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

AGREEMENT

THIS AGREEMENT is executed and effective this 14th day of December, 1990, by and between the CITY OF LOVELAND, COLORADO, a municipal corporation (City), and WOODWARD GOVERNOR COMPANY, a Delaware corporation (Company.)


FACTUAL BACKGROUND

The Company plans to expand its engine control manufacturing and assembly facilities. It intends to build a new manufacturing and office facility of approximately 90,000 square feet, on one level, with the expectation of ultimately enlarging the facility. The building will be referred to as the "facility." The facility will be located on approximately 40 acres of land, described in Exhibit A, attached. The land will be referred to as the "site".

Before selecting the site, the Company investigated several other potential locations, both within and without the City. The Company prefers to build within the City because of the excellence of the community and the quality of life made available to its residents, resulting in high worker member morale and well being. The City desires that the Company select a site within the City, because the City believes that it would benefit the City and its citizens. The City has concluded that existence of the new facility within the City will stimulate the City's economy, will provide additional employment opportunities for residents of the City and Larimer County, and will result in the City realizing considerably increased sales, use and property tax revenues.

Realizing these benefits, and to induce the Company to build





its facility within the City, the City has determined that the Company should be exempt from the payment of all fees ordinarily charged for a development of this nature. Certain of those fees will be paid by the Loveland Economic Development Council and the rest waived by the City. The City has also agreed to construct certain improvements relating to the site. Fees to be waived or paid by others do not include property, sales and use taxes.

AGREEMENT

Therefore, in consideration of the taxes, revenues, employment opportunities and other benefits to be derived by the citizens of the City and in consideration of mutual promises contained herein, the parties agree as follows:

1. ZONING: The Company, together with the owner(s) of the site, will petition the City for appropriate zoning. The City has advised the Company that Developing Industrial zoning will enable the Company to conduct all phases of its manufacturing and assembly business on the site. The City agrees to process the application for zoning in an expeditious manner.

2. SITE PLANS: Prior to the formal submission of the plans, representatives of the Company and City, will meet to discuss their respective needs. The Company will submit conceptual site development plans, based on the agreements reached in these discussions, and the City will review the plans as soon as they are received. The City shall approve or suggest modification of these plans as quickly as possible after receipt.

3. BUILDING PERMITS AND PLANS EXAMINATION: The Company's initial facility will be a building of approximately 90,000 square feet on one level, with a whole or partial basement. Prior to and during the course of construction, the City will expeditiously review the Company's plans and specifications. The City recognizes that the Company's facility involves an unusual building design situation and that some phases of its design may require substantial deviation from the code. Where substantial deviations are required, the City agrees to review with the Company each area of variation on a case-by-case basis, and to approve the Company's design, where such variations are based upon good engineering practice. The review of plans and specifications, and the issuance of a building permit, will be without charge to the Company because all fees relating thereto will be paid by the Loveland Economic Development Council. In the future, the facility may be enlarged, although the size and location of the enlargement is unknown at this time. The general areas of the site onto which the facility may be expanded, both above and below ground, are shown on the diagram attached hereto, as Exhibit A. The City agrees that the Company shall not be charged, or required to pay, any fees for building permits or plans examination and approval, in connection with the original facility, or any enlargement or enlargements in the future. The City also agrees that the same plan and specification review procedure shall be followed for any expansion or enlargement.

4. ARCHITECT, CONSTRUCTION AND BUILDING INSPECTION:

Architects for the facility will be Larson and Darby, Inc. and the General Contractor will be Sjostrom and Sons, Inc., both of Rockford, Illinois. The City agrees that no testing is required of the General Contractor, who shall be licensed immediately upon payment of the required fee. The City shall perform the building inspection functions on call, or as necessary, during the construction of the facility. All such inspections shall be diligently performed so as to not cause any delay in the construction of the facility. At such time as a portion of the facility is substantially complete for the purposes of operation, manufacturing and use, the City shall issue a temporary Certificate of Occupancy. Upon substantial completion of the entire facility, the City shall issue a Certificate of Occupancy. Upon expansion or enlargement of the facility, this same procedure shall apply.

5. ELECTRIC SERVICE:

A. Temporary During Construction: The City shall, at all times, provide adequate temporary electric service to the site, for the use of the General Contractor, in building the facility. This temporary electric service shall be installed on or before April 1, 1991. The line and transformer shall be of the correct voltage and have the necessary amperage rating to serve the construction load for the type of facility to be constructed. This temporary electric service shall be installed at no cost to the Company.

B. Permanent Use For Facility: The City will, during the construction of the facility, install on the site, at a location specified by the Company, all necessary switchgears and/or transformers to provide dual permanent electric service to the facility. This construction of dual permanent electric service shall be completed and available for operational use by the Company, on or before April 1, 1992. This electric service shall consist of two (2) separate electric underground lines, in conduit, from separate electric sources installed in the switchgear(s) and/or transformer(s), whichever may be necessary. Each line shall have sufficient incoming voltage and amperage capacity to serve the original and enlarged facility. The incoming lines, switchgear(s) and/or transformer(s) shall be owned, maintained and repaired by the City. The City shall construct and install the underground dual electric lines, switchgear(s) and/or transformer(s), at no charge to the Company. After such construction and installation, the Company will connect its electric service lines, and upon use of the electric service the Company will be charged for electric service use at the Primary Rate, or the lowest applicable electric rate charged by the City. The Company will grant, at no charge, such easements to the City, as may be necessary, for the installation and maintenance of the underground lines, switchgear(s) and/or transformer(s).

6. EXISTING LOUDEN DITCH: The Louden Ditch lies along the eastern boundary of the site. The City will replace the Company's

access to irrigation water from the Loudon Ditch by the construction of a siphon, at a location off of the site, as shown on the attached Exhibit B. The City will permit the Company to connect a pipe, as necessary, without charge, to a turnout, to allow the flow of irrigation water to the site. The City will completely fill in the Loudon Ditch located on the eastern boundary of the site with suitable dirt and topsoil to allow for vegetative growth. All such work and construction shall be completed by April 1, 1992, and shall be performed at no charge to the Company. If, during construction, the Company has excess soil, such soil shall be made available to the City for use in filling the ditch, without charge.

7. WATER SERVICE:

A. Domestic and Industrial: Water lines, of a sufficient size, for delivery of potable water for domestic and industrial use for the original and enlarged facility shall be brought to a location on the site. The location shall be specified by the Company. The water lines shall be installed in a manhole and a meter(s) shall be installed to monitor the water usage. Construction and installation of the water line, manhole and meter(s) shall be done by the City, at no charge to the Company, and shall be completed on or before May 1, 1991. The water line, manhole, and meter(s) shall be owned, maintained and kept in good repair by the City. The Company shall grant the necessary easements, at no charge to the City, for such installation, maintenance and repair. The

General Contractor shall use the water for construction purposes and shall install on-site water lines from the manhole.

B. Irrigation: The City agrees to furnish sufficient water for the full irrigation of the site. The parties agree that it is estimated that 80 acre feet of water, per year, will be required for this purpose. During the irrigation season, the City will furnish the irrigation water from the Loudon Ditch by means of a turnout, which will be constructed and installed by the City, adjacent to the siphon referred to in paragraph 6. The turnout installation and construction shall be completed by September 1, 1991, at no charge to the Company.

Delivery of the irrigation water to the site from the turnout shall be accomplished, by the Company, by means of a pipe attached to the turnout. The City agrees that the Company shall have the right of ingress and egress for the purpose of gaining access to and the maintenance of the turnout. During the irrigation season, the City agrees to deliver water to the Company upon the Company giving a 24 hour notice (excluding Sundays) to the Loudon Irrigation Company.

C. Loudon Ditch Water Not Available: The parties acknowledge that the Loudon Ditch is not in operation during the winter months, (normally from November through March). The City agrees that the Company will have need of irrigation water when the Loudon Ditch is not in operation. Whenever the

Louden Ditch is not in operation, the City agrees to furnish the Company with irrigation water from the City's municipal water supply by delivering water to a pond on the site which will be constructed by the Company. The use of water, from the municipal water supply, for irrigation purposes, shall be separately metered. The City agrees to charge the Company for such water on the same basis as the Company is charged in paragraph D below for all irrigation water. The Company shall give 24 hours notice to the City for the delivery of such irrigation water.

D. Charges for Loudon Ditch Irrigation Water:

The yearly charge by the City, to the Company, for each acre foot of irrigation water used shall be the average per acre foot cost of the City's annual assessments for mutual ditch stock and waters of the Colorado-Big Thompson project which are owned by, or allocated to the City.

8. **SANITARY SEWER:** The City shall extend the Dry Creek Interceptor Sewer line from Taft Avenue to a location, as specified by the Company, on the site. The City shall install a manhole and meter at the location specified by the Company. The sewer line, manhole and meter shall be owned, maintained and kept in good repair by the City. All such construction and installation shall be at no charge to the Company. The sewer line shall be of a sufficient size and capacity to accommodate the original facility and all future enlargements. The Company will not be obligated to pay any fee for connecting to the sewer line. The cost of any

future extensions of the sewer line to the west, south or north shall not be charged to the Company. All construction and installation of the sewer line shall be completed on or before June 1, 1991. The Company shall grant a construction and maintenance easement to the City, as necessary, without charge, for the purpose of installation, construction, and maintenance of the sewer line, manhole and meter(s) on the site. The Company shall grant an additional construction and maintenance easement to the City, if necessary, the location of which shall be mutually agreed upon without charge, for the purpose of extending the Dry Creek interceptor to Wilson Avenue. All construction on the site shall occur prior to the completion of the facility construction, and thereafter the easement shall be for maintenance only.

9. **STORM DRAINAGE:** The parties agree that there are no major storm drainage improvements that will be required as part of this development. The Dry Creek drainage that runs through the northeast corner of the site shall be preserved as a natural drainage path to carry flows at historic rates. The City shall assist the Company in the design of a drainage and grading plan compatible with the Master Plan of the City.

The Company shall provide on-site detention of storm water so as to limit runoff volumes to those equal to historic two year storms. However, for the drainage of the site, the Company may elect, at no charge, to construct its detention ponds within the lands to be acquired by the City adjoining the northern boundary of the site. Such land is described in paragraph 11. Such ponds will

be compatible with the City's use of the land. The City agrees to indemnify and Hold the Company Harmless, from any and all liability, or causes of action, of any kind or nature, which may result from the existence of ponds on the property owned by the City. Such indemnification shall include payment of attorney fees, judgments or expenses in connection with any liability claim. No storm drainage system investment fee will be charged to the Company in connection with such ponds.

10. STREETS AND STREET IMPROVEMENTS:

A. Wilson Avenue: The City agrees, in cooperation with Larimer County, to widen Wilson Avenue from 28th Street north to a point sufficiently north of the northern boundary of the site to permit traffic to safely and conveniently enter and exit the facility. This widened road shall consist of four (4) lanes, and beginning north of the site, the four lanes shall be gradually reduced to two lanes in a manner so that traffic is controlled and safely returned to the two lane highway. The four lanes shall include an acceleration/deceleration lane on the east side, a left turn lane for southbound traffic, and two lanes for north and south bound through traffic. The City agrees to install curb, gutter, and a sidewalk on the east side of Wilson Avenue from Glendevey Street to the northern boundary of the site. At locations, to be specified by the Company, the City shall provide two entrances/exits for vehicular traffic to and from Wilson Avenue and the site, such entrances to be of a size

determined by the Company, in consultation with the City, and shall have curbs and gutters. There shall be no charge to the Company for any of the construction or work recited herein. All such construction and work shall be completed on or before August 1, 1991. The City agrees to provide ingress and egress from Wilson Avenue to the site for site construction purposes throughout the construction of Wilson Avenue. No street oversizing fees related to these improvements, or future improvements of streets in the area shall be charged to the Company. The City agrees that Wilson Avenue is and will remain on the primary list of streets to be kept free of snow. Attached hereto, as Exhibit C, is a general layout of the Wilson Avenue improvements, to demonstrate the understanding of the parties.

B. Extension of 37th Street: The City agrees to extend 37th Street west to the site at a location to be specified by the Company. The construction of the street extension shall be completed on or before August 1, 1991. The extended road shall be hard surfaced and placed within a 36-foot easement which is to be obtained by the Company as a part of its contemplated purchase of the site. At the time the Company closes the purchase of the site, the City agrees to accept, directly from the Seller, so much of the 36-foot easement as is necessary to construct and maintain a 26-foot road and shoulders to the site. The City agrees to allow the Company to install and perpetually maintain, within the

easement, a pipe which will deliver the irrigation water referred to in paragraph 6. The construction of the extended road to the site shall be at no charge to the Company, and after completed it shall be the obligation of the City to maintain and keep the road in good repair, and free of snow. This road will provide access for the Company for the purposes of maintenance, grounds keeping, fire control and emergency uses. The road shall not be used for the normal delivery of supplies, Company products or commuting worker members. In the event that the Company deems a traffic problem or other condition exists for worker members that can be solved by the use of the 37th Street road, then the City agrees to work with the Company to find an immediate solution, including the expanded use of the 37th Street road. Any such projected use will be subject to approval by the City.

11. PARKLAND/OPEN SPACE: The City will acquire 10 to 15 acres of land abutting the site to the north, which land is a portion of the Dry Creek Drainage Basin. The City will develop and maintain it as low-impact parkland/open space. This use excludes playgrounds and recreational equipment of any type or kind. It is the intent that the City will develop and maintain this area as grassland, tree plantings, a bike path, ponds and nature preserve area. A general map or description of the property to be acquired is attached as Exhibit D.

★ 12. FEES OR CHARGES: If there are now, or in the future will be, fees or charges ordinarily charged by the City for a

development of the nature described in this Agreement, the City agrees to waive such fees or charges for the initial development, and for any expansion or enlargement of the facility, whether or not those fees or charges are otherwise specifically mentioned in this Agreement.

13. LOVELAND SITE DEVELOPMENT STANDARDS: The Company understands that it must conform to the City of Loveland Site Development Standards and Guidelines. The City agrees that it will cooperate with the Company in the Company's attempts to meet them. In the event the Company determines that it cannot conform to such Standards and Guidelines, then the Company may terminate this Agreement.

★ 14. FAILURE TO BUILD FACILITY OR TERMINATION OF BUSINESS. In the event that the Company should fail to build its initial facility on the site, or should it fail to conduct its proposed business upon the site for a period of 10 years after the original facility has been constructed and occupied, then, to the extent that the City has not been the beneficiary of use, sales and property taxes in an amount equal to the exemption from waived fees, the Company shall be responsible to the City for the prompt reimbursement of any such shortfall in economic benefit to the City. The duty of the Company to make such reimbursement shall commence immediately upon the cessation of business operations upon the site or, in the event that business operations have not been commenced upon the site, upon the cessation of construction

activities upon the site for a period of six months. If the Company, after receiving demand from the City to make reimbursement in accordance with this provision, should fail or refuse to reimburse the City within 30 days of receipt of such demand, then the City shall have a first and prior lien against any real property of the Company within the boundaries of the City for purposes of enforcing such reimbursement. The amount of fees to be recovered is set forth in Exhibit E.

15. CONTINGENCY: This contract is contingent upon the Company's obtaining title to the site, and the site being zoned as requested by the Company, otherwise, this contract is null and void.

IN WITNESS WHEREOF, this Agreement is executed and effective as of the day and year first written above.

THE CITY OF LOVELAND, COLORADO
A Municipal Corporation

By: Michael J. Noch
CITY MANAGER

ATTEST:

Victoria L. Sherman
CITY CLERK

APPROVED AS TO FORM:

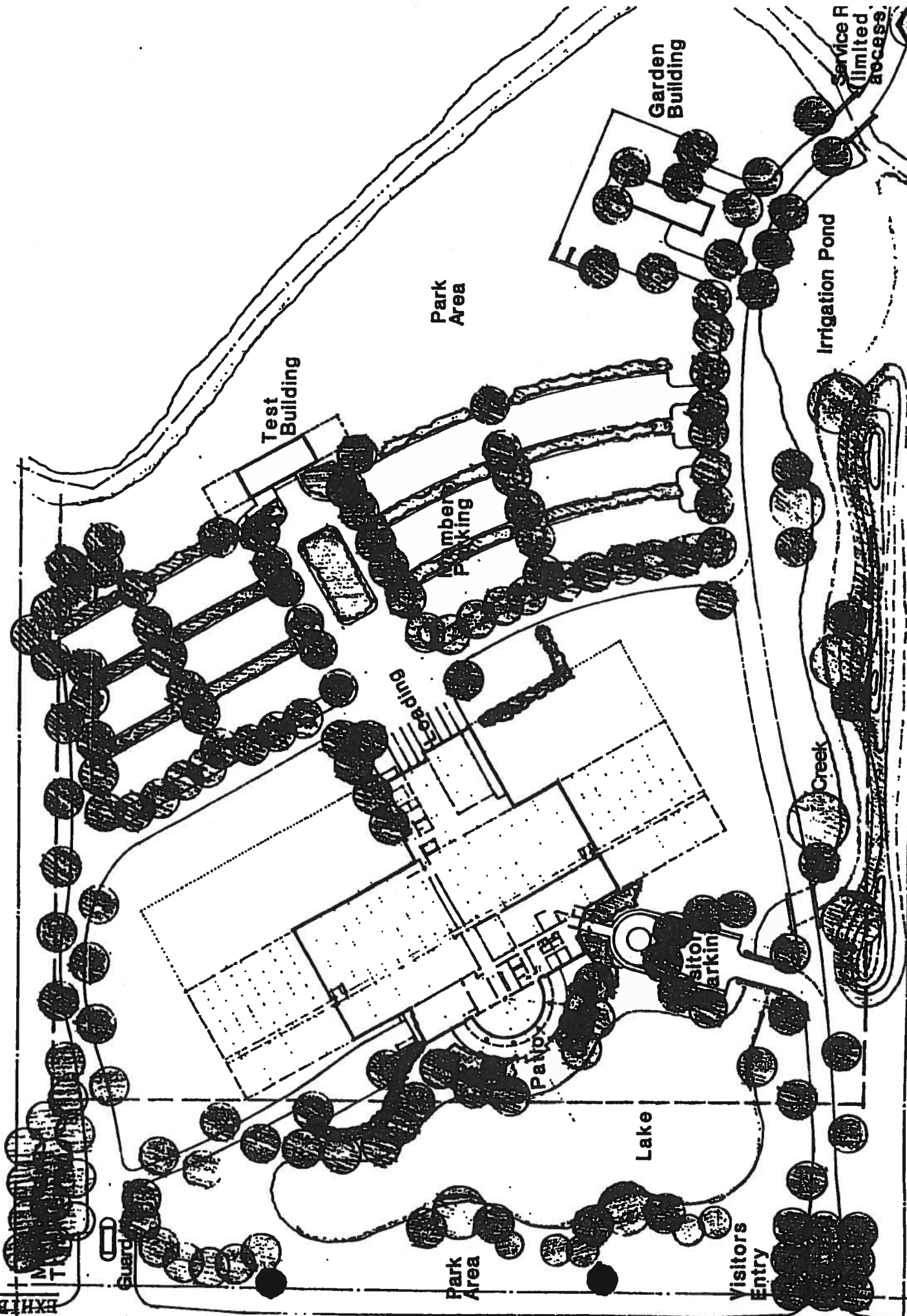
Coats
CITY ATTORNEY

WOODWARD GOVERNOR COMPANY
A Delaware Corporation

By: Chairman of the Board
CHAIRMAN OF THE BOARD

ATTEST:

Vern H. Barren
(seal)



Conceptual Land Use/Zoning Plan Site Study Woodward Governor Company Loveland, Colorado

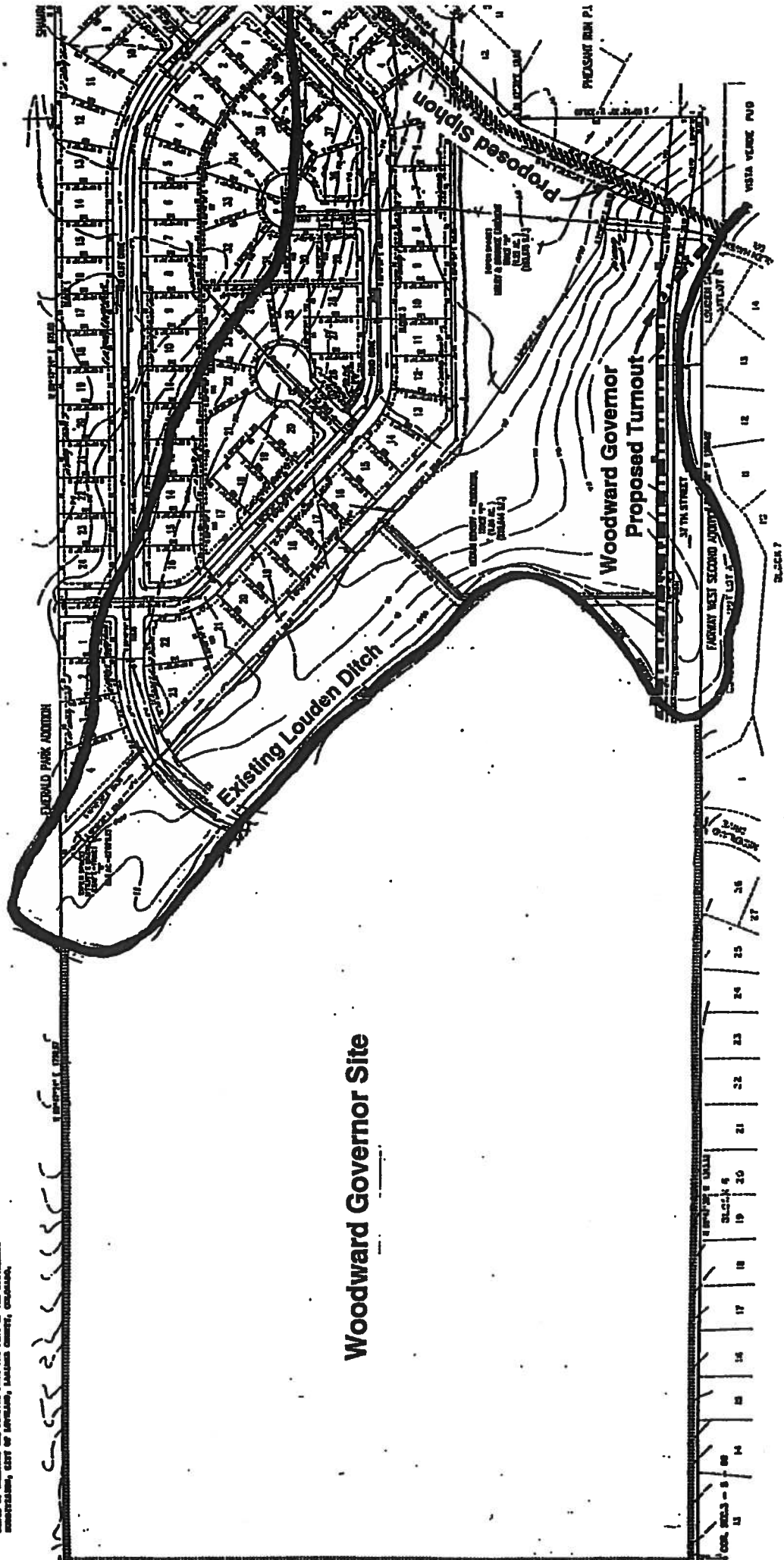
Louden Ditch Siphon Site Plan

December 6, 1990

GRAPHIC SCALE: 1"=100'
CITY S.D. 8137 - R.W.P. - 1881-21 - 37TH STREET AND CADDON
D.A. - S.D. - CORNER OF INTERSECTION - EAST RHT ON CORNER OF
PLAN SHEET.

BASED ON MEASUREMENTS FROM THE PLAN OF THE SURVEILLANCE
INTERSECTION, CITY OF LAFAYETTE, LAJANUS CORNER, COULAM.

Woodward Governor Site



PROPOSED PUBLIC IMPROVEMENTS
TO NORTH WILSON AVENUE

ADDITIONAL RIGHT-OF-WAY NEEDED FOR STREET

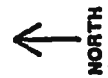
PROPOSED UNDERGROUND P.S. Co. ELECTRIC LINE

EXTENSION OF 30" WATER MAIN

NEW LOVELAND ELECTRIC


8' SIDEWALK

WOODWARD
GOVERNOR
SITE



SCALE: 1" = 200'
1" = 20' (EAST-WEST MEASUREMENTS
EXPANDED TO BETTER VISUALLY
REPRESENT DETAIL.)

EXHIBIT E

Rezoning Filing Fee:	\$125.00
Permit Fee Based on Valuation:	\$1,791.00 + \$2.50 for each \$1,000 over \$500,000
Electrical Subcontractor Fee:	Valuation based: 2,000 - 50,000 = \$4/1000 50,000 - 500,000 = 50 + 3/1000 500,000 up = 550 + 2/1000
Plumbing Subcontractor Fee:	Valuation based: 2,000 - 50,000 = \$4/1000 50,000 - 500,000 = 50 + 3/1000 500,000 up = 550 + 2/1000
Mechanical Subcontractor Fee:	Valuation based: 2,000 - 50,000 = \$4/1000 50,000 - 500,000 = 50 + 3/1000 500,000 up = 550 + 2/1000
Plan Review Fee:	65% of Building Permit Fee
Site Plan Review:	\$75.00
Water Plant Investment Fee: (6" tap)	\$52,350.00
 Raw Water Development Fee:	\$20,000.00
Water Rights for 6" meter:	\$90,000.00
Sewer Plant Investment Fee: (6" tap)	\$31,000.00
Storm Drainage Investment Fee for 40 acre industrial site:	\$69,720.00

AMENDMENT TO AGREEMENT

The Agreement executed and effective the 14th day of December, 1990, between the City of Loveland, Colorado, a municipal corporation (City), and Woodward Governor Company, a Delaware corporation (Company), is amended as follows:

1. Paragraph 7.B. WATER SERVICE—IRRIGATION is amended in its entirety to read as follows:

B. Irrigation: The City agrees to furnish sufficient water for the full irrigation of the site. The parties agree that it is estimated that 80 acre feet of water, per year, will be required for this purpose. During the irrigation season, the City will furnish the irrigation water from the Loudon Ditch by means of a turnout, which will be constructed and installed by the City, adjacent to the siphon referred to in paragraph 6. The turnout installation and construction shall be completed by September 1, 1991, at no charge to the Company.

The water from the turnout will be delivered by the City to the site by means of a buried pipeline to be installed by the Company within the easement obtained by the Company from The Northlands II Subdivision Joint Venture (Owner). The Company will Quit-Claim the property described in the easement back to the Owner on the same date that the Owner records the plat for the subdivision, which plat shall provide for the dedication of the property described in the easement, to the City. The cost of installation of the pipeline shall be paid by the Company, but the City shall be responsible for, and shall control and maintain the pipeline after its installation. During the irrigation season, the City agrees to deliver water

to the Company upon the Company giving a 24-hour notice (excluding Sundays) to the Loudon Irrigation Company.

2. In all other respects the Agreement, as amended, remains in full force and effect.

IN WITNESS WHEREOF, this Amendment to Agreement is executed and effective this 26th day of March, 1991.

THE CITY OF LOVELAND, COLORADO, a
municipal corporation

ATTEST:

Donna Rustin
City Clerk

By: Michael Roth
City Manager

APPROVED AS TO FORM:

Henry W. [Signature]
City Attorney, Asst.

WOODWARD GOVERNOR COMPANY, a
Delaware corporation

ATTEST:

CP [Signature]
(seal) Secretary

By: [Signature]
Chairman of the Board
Calvin C. Covert

\\whf\woodward.gov\amended.egt

AGREEMENT

This Agreement is made effective the 28th day of December, 19 94, by and between Woodward Governor Company (hereinafter "Woodward") and the City of Loveland, Colorado (hereinafter "Loveland").

FACTUAL BACKGROUND

Woodward is the owner and operator of facilities located on land owned by it within Loveland's boundaries. Woodward's property and site plan are shown on Exhibit A, attached. Attached as Exhibit B is an enlarged portion of the site plan.

To provide storm drainage for its property, Woodward has constructed a storm drainage system as shown on Exhibits A and B. The drainage system was constructed solely for the purpose of providing drainage for storm waters historically entering and leaving the Woodward property, and its capacity, as designed and installed, was limited to that purpose.

Property to the south of the Woodward site has been developed into residential subdivisions. The parties recognize that Woodward is obligated to accept onto its property the storm waters which have historically flowed onto it from adjoining lands but is not obligated to accept storm waters in excess of that amount. Loveland desires to obtain Woodward's consent to discharge storm waters from lands within Loveland and lying to the south of the Woodward site into the Woodward storm drainage system. Woodward is willing to accommodate Loveland's request under the terms and conditions hereafter set forth. It is accordingly agreed as follows:

AGREEMENT

1. Loveland may install certain drainage systems and connect such systems, together with certain existing storm drainage systems, as described on Exhibit C attached, and may connect such systems to the Woodward Governor storm drainage system at the point designated on Exhibits A and B as "MH No. 7" at Loveland's expense.
2. The installation and connections will be accomplished on or before Dec. 28, 1994, and all restoration shall be accomplished as soon thereafter as is reasonably feasible.
3. In consideration for the privilege granted to Loveland, Loveland agrees with Woodward that:
 - a. All construction and restoration costs shall be paid by Loveland. Woodward will have no

obligation for such costs, and Loveland indemnifies Woodward against any claims by third parties for any such costs. In addition, any expenses incurred by Woodward for Woodward's contribution of employee time or equipment shall be reimbursed to Woodward by Loveland.

- b. After construction and connection is completed, the Woodward site will be restored to its existing condition at the expense of Loveland.
- c. Loveland will indemnify and hold harmless Woodward from any claims of damages or injury to persons and property resulting from the construction and restoration.
- d. All fees incurred by Woodward for the preparation of documents, contracts, maps, surveys, designs, or the like, shall be reimbursed to Woodward by Loveland.
- e. Recognizing that the Woodward storm drainage system is not designed to accept waters in excess of historic flows, Loveland agrees to pay any damages suffered by Woodward which are the direct result of storm water running into Woodward's storm drainage system at those points set forth in Exhibit C in a quantity or rate in excess of the historic quantity or rate. In addition, Loveland agrees that any damage to third parties as a result of Loveland's collection of waters from lands adjoining the Woodward property as allowed by this agreement, or failure of Loveland's collection system, is solely the responsibility of Loveland and that Woodward is not responsible for the installation or maintenance of the collection system located outside of Woodward's property or at the point of connection to Woodward's system, or liable for injuries resulting from its construction or use. However, Loveland's liability to third parties shall be based only upon Loveland's wrongful or negligent acts.
- f. Loveland will do no work authorized by this Agreement except after prior notification to, and approval of, Woodward. Any work required on the Woodward site may, at Woodward's election, be accomplished by Woodward rather than by Loveland or its contractors, at the expense of Loveland.

- g. Loveland is granted the right of ingress and egress to the Woodward property as necessary to fulfill its obligations under this agreement.

In witness whereof these presents have been executed effective the day and year first above written.

WOODWARD GOVERNOR COMPANY

By: Ronald E. Fulkrod
 Ronald E. Fulkrod, Vice President



CITY OF LOVELAND, COLORADO

By: Ralph Mullinix
 RM

Donna Rustin

whf\woodward.gov\agreement

EXHIBIT B

This is the actual fees to be paid. Not an estimate.

BP-13-00432 : New - Industrial Building
3800 N WILSON AVE
Woodward

Permit	Party	Contractor	Fee	Statement	Review	Requirement	Inspection	Attachment
Description				Code	Amount			
A02a N-R Bldg PC (New)				FEES	6,967.19			
D02b N-R Bldg Permit Fee (New)				FEES	10,718.75			
D02c N-R Mech Permit Fee (New)				FEES	3,580.50			
D02d N-R Elec Permit Fee (New)				FEES	3,281.25			
D02e N-R Plum Permit Fee (New)				FEES	706.75			
D14 City Use Tax				FEES	35,986.77			
D15 County Open Space Tax				FEES	2,998.90			
D16 County Jail Tax				FEES	2,399.12			
D17 County Fairgrounds Tax				FEES	1,799.34			
F44 CEF Ind Fire Protection				FEES	313.50			
F44 CEF Ind General Government				FEES	522.50			
F44 CEF Ind Law Enforcement				FEES	418.00			
F44 CEF Ind St1				FEES	8,621.34			
F47 Street Insp Non-Res (ea Building)				FEES	150.00			
F49 Stormwater Insp Non-Res (ea Building)				FEES	150.00			
					78,613.91			

Amanda Dwight
970-962-2505
Amanda.Dwight@cityofloveland.org
www.cityofloveland.org



CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 5/21/2013
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Bob Paulsen, Current Planning Manager

TITLE:

An Ordinance Amending Sections 18.05.030 and 18.05.060 of the Loveland Municipal Code to Establish Mailed Notification Distances for Neighborhood Meetings and Public Hearings Associated with Oil and Gas Permit Applications under Chapters 18.77 and 18.78

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and motion to adopt on first reading, an ordinance establishing mailed notification distances for required neighborhood meetings and public hearings associated with oil and gas permit applications within Chapter 18.05 of the Loveland Municipal Code.

OPTIONS:

1. Adopt the action as recommended
 2. Deny the action
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

This item requires a public hearing on a legislative action to consider adoption of an ordinance on first reading to establish mailed notification distances for oil and gas permit applications. On March 19, 2013, the City Council adopted Ordinance # 5753, adding chapters 18.77 and 18.78 to the Municipal Code in order to regulate oil and gas development. Now that the oil and gas regulations are in effect, it is necessary to establish mailed notification distances for neighborhood meetings and public hearings that are required as part of the oil and gas permitting process. Mailed notices are provided by applicants to all property owners within the specified distance at least 15 days in advance of required neighborhood meetings and public hearings.

As specified in the ordinance, the recommended mailed notification distance is 2,200 feet as measured from the boundary of the property on which the oil and gas use will occur. This distance was derived by starting from a baseline distance of 1,200 feet (a notice distance that applies to several other types of applications in the Municipal Code) and adding 1,000 feet to account for the maximum setback distance that oil or gas operations require for certain buildings

and outdoor uses. The purpose of the distance is to ensure that property owners who are potentially impacted by the surface activities associated with oil and gas development are notified.

BUDGET IMPACT:

- ☐ Positive
 - ☐ Negative
 - ☒ Neutral or negligible
-

SUMMARY:

The proposed mailed notification distance of 2,200 feet is based on a recommendation from the city's *ad hoc* Title 18 Committee. This recommendation was forwarded to the Planning Commission with support from the Development Services Department staff.

At the April 22, 2013 public hearing, the Planning Commission voted unanimously to recommend that the City Council approve the amendment to Chapter 18.05 of the Municipal Code as recommended. The Planning Commission did not receive any written comments on this matter from the public, nor was anyone in attendance at the Planning Commission Public Hearing to voice an opinion on the amendment.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Ordinance
Text Amendment highlighting changes
Staff Memorandum with attachments

FIRST READING
SECOND READING

May 21, 2013

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 18.05.030 AND 18.05.060 OF THE LOVELAND MUNICIPAL CODE TO ESTABLISH MAILED NOTIFICATION DISTANCES FOR NEIGHBORHOOD MEETINGS AND PUBLIC HEARINGS ASSOCIATED WITH OIL AND GAS PERMIT APPLICATIONS UNDER CHAPTERS 18.77 AND 18.78

WHEREAS, City Council adopted Ordinance #5753 on March 19, 2013, adding Chapters 18.77 and 18.78 to the Title 18 of the Loveland Municipal Code, establishing regulations pertaining to and requiring a permit for oil and gas operations within the City of Loveland; and

WHEREAS, City Council desires to amend Sections 18.05.040 and 18.05.060 of Chapter 18.05 of the Loveland Municipal Code to establish mailed notification distances for required neighborhood meetings and public hearings associated with oil and gas permit applications and make other clarifying changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 18.05.030 of the Loveland Municipal Code is hereby amended to read as follows:

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	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.
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.

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, except for oil and gas permits and variances, for infill projects that are less than five (5) acres 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.

Section 2. That Section 18.05.060 of the Loveland Municipal Code is hereby amended to read as follows:

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.
5. Reduction in Notification Area. All notification distances in Table 18.05-2 shall be reduced by fifty (50) percent, except for oil and gas permits and variances, for infill projects that are 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.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

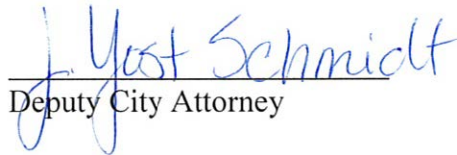
ADOPTED this _____ day of June, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:


Deputy City Attorney

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 text adjustments relating to the mailed notice requirements for Oil and Gas permit applications. Other minor, clarifying adjustments are also provided.

- Text proposed to be added is shown in underlined, red font
- Text proposed to be deleted is shown in ~~red font with strike-through~~
- All text adjustments are also highlighted in yellow

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	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.
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.

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
<u>Oil & Gas Permit</u> <u>-per Chapter 18.77</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>	<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.
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.

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:

MEMORANDUM

TO: City Council

FROM: Bob Paulsen, Current Planning Manager

DATE: May 21, 2013

SUBJECT: Municipal Code Text Amendment Concerning Mailed Notice Distance for Oil & Gas Permit Applications

I. EXHIBITS

- A. Planning Commission packet
- B. Planning Commission Minutes from April 22, 2013
- C. Presentation slides

II. AMENDMENT SUMMARY

This text amendment to Chapter 18.05 (Public Notice Requirements) of the zoning code would establish the mailed notification distance for required neighborhood meetings and public hearings associated with oil and gas permit applications. The distance would be 2,200 feet as measured from the boundary of property on which the oil and gas surface use occurs.

III. KEY ISSUES

Staff is not aware of any issues or objections associated with the text amendment.

IV. BACKGROUND

Under the provisions of the Municipal Code, certain types of zoning, land use, and subdivision applications require neighborhood meetings and public hearings. When neighborhood meetings or public hearings are required, there is a corresponding

requirement for public notice, providing those who may be affected by the application with the opportunity to learn about the project and to provide input into the decision making process. Public notice includes published notice in the local newspaper, posted signs on the application site, and mailed notice (provided by the applicant) to property owners within a specified notice distance. The content requirements for mailed notice are specified in the Municipal Code.

On March 19, 2013, the City Council adopted Ordinance #5753, adding Chapters 18.77 and 18.78 to the Municipal Code, which established regulations for oil and gas development within the Loveland municipal limits. The adopted regulations require that neighborhood meetings be held as part of the review and approval process for all new oil and gas development; the regulations also require a public hearing by the Planning Commission for applications that undergo the “standard” review and approval process.

Now that the oil and gas regulations have become effective, the public notice provisions of the Municipal Code require amendment to set forth distances for mailed notification associated with oil and gas development applications.

V. TITLE 18 COMMITTEE REVIEW

On Thursday, April 11, 2013, the City’s *ad hoc* Title 18 Committee evaluated the proposed amendment to Chapter 18.05 specifying required mailed notification distances for neighborhood meetings and public hearings associated with oil and gas permit applications. After a lengthy discussion, the Committee arrived at a consensus recommendation to set the notification distance at 2,200 feet from the property boundaries on which the oil and gas permit is being requested. A summary of the Committee’s rationale for this distance was as follows:

1. Other application types as specified in the zoning code require mailed notice distances of up to 1,200 feet.
2. Surface activities relating to oil and gas operations have the potential to impact other properties at a distance at least equivalent to those application types requiring a 1,200 foot distance.
3. Due to the setback distances that oil and gas operations require from certain building types and outdoor assembly areas (up to 1,000 feet as stipulated by the Municipal Code and state statute), the mailed notice distances for oil and gas operations should be expanded an additional 1,000 feet beyond the 1,200 foot baseline distance; the recommended distance for mailed notice is therefore 2,200 feet from the boundaries of the subject property.

VI. PLANNING COMMISSION

On Thursday, April 22, 2013, the Planning Commission conducted a public hearing to consider amendments to Chapter 18.05 of the zoning code that would establish the mailed notification distance for neighborhood meetings and public hearings associated with oil and gas permit applications. The Planning Commission's deliberations reflected concurrence with the recommendation forwarded by the Title 18 Committee and Development Services staff. Overall, the Commission indicated support for the establishment of a broad notification area that was related to the surface activities associated with oil and gas development. The Commission also agreed that the mailed notification distance should not be reduced when the proposed oil and gas operations were to be located on an "infill site," but indicated that expansion of the mailed notice distance would be acceptable under existing code provisions.

After review and discussion, the Planning Commission voted unanimously to recommend that the City Council approve the establishment of a mailed notice distance of 2,200 feet from the boundaries of the property on which the oil and gas operations would occur.

It is worth noting that the notice for the Planning Commission public hearing was supplemented with emails sent to citizens who had participated in the meetings and hearings addressing the development and adoption of the City's oil and gas regulations. Notwithstanding this supplementary notice, no one from the public attended the meeting nor provided written comments to the Planning Commission.

VII. AMENDMENT

The following is a description of the proposed text changes to Chapter 18.05, Public Notice Requirements. The primary changes are reflected in two tables (18.05-1 and 18.05-2) within the Chapter which identify mailed notice distances for neighborhood meetings and public hearings. In both instances, text has been added to reflect a mailed notice distance of 2,200 feet for oil and gas applications.

Table 18.05-1 Mailed Notice Distance Requirements for Neighborhood Meetings.

New text has been added to indicate that the mailed notification distance for required neighborhood meetings associated with oil and gas permits is 2,200 feet as measured from the property boundaries on which the surface use will occur. The 2,200 foot distance is proposed for projects in all three identified categories relating to project size: under 5 acres; 5-50 acres; and, greater than 50 acres.

The effect of this additional text will require an applicant seeking an oil and gas permit to provide mailed notice to property owners within 2,200 feet of the boundaries of the property on which the oil and gas operations are proposed to occur at least 15 days in advance of any neighborhood meeting. The boundaries of the property would be based

on the lot(s) or tract(s) of land on which the (oil and gas) surface use occurs. The City requires applicants to use the current records of the Larimer County Assessor in determining the ownership for the properties within the notification distance area.

Sub Section 18.05.030.C.5. Reduction in Notification Area.

In relation to neighborhood meetings, the adjusted text would exempt oil and gas applications from qualifying for the 50% reduction in mailed notification area otherwise available to “infill” projects. The added text also excludes variance applications from the “infill” reduction as the notification area for variances is viewed as the minimum necessary to inform affected property owners.

Sub Section 18.05.030.C.6. Expansion of Notification Area.

The added text clarifies that when the Current Planning Manager decides to expand the neighborhood meeting notification area (as provided in this subsection), the area of notice can be expanded up to twice the distance indicated on Table 18.05-1.

Table 18.05-2 Mailed Notice Distance Requirements for Public Hearings.

The new text indicates that the mailed notice distance for required public hearings relating to oil and gas development is 2,200 feet as measured from the property boundaries on which the surface use will occur. This Table has been modified in the same manner as Table 18.05-1 and would have the impact on the mailed notice distance requirements for public hearings that the added text in Table 18.05-1 has on neighborhood meetings.

Sub Section 18.05.060.C.5. Reduction in Notification Area.

The adjusted text parallels the text adjustment provided in 18.05.030.C.5, and exempts oil and gas applications from qualifying for a reduction in mailed notification area from qualifying for the “infill” reduction. The adjustment also excludes variance applications from the “infill” reduction.

Sub Section 18.05.060.C.6. Expansion of Notification Area.

The added text to this sub section parallels the text addition to 18.05.030.C.6, clarifying that the mailed notification area as indicated in Table 18.05-2 can be expanded up to twice the distance for public hearings associated with oil and gas applications.



Development Services Current Planning

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ITEM NO: **1 - Regular Agenda**

PLANNING COMMISSION MEETING: April 22, 2013

TITLE: Amendment to Chapter 18.05 of Title 18 regarding public notice requirements relating to oil and gas applications.

APPLICANT: City of Loveland, Current Planning Division

STAFF CONTACTS: Bob Paulsen, Current Planning Manager
Greg George, Development Services Director

APPLICATION TYPE: Amendments to Title 18 of the Municipal Code

ACTION: Legislative Action: Recommend Amendments to Title 18 for adoption by City Council

STAFF RECOMMENDATION: Subject to additional evidence at the public hearing, City Staff recommends the following motion:

Move to recommend that City Council approve the amendments to Chapter 18.05 of Title 18 as specified in the April 22, 2013 Planning Commission staff report, as amended on the record.

I. ATTACHMENTS

1. Proposed Amendment to Chapter 18.05, Public Notice Requirements

This document includes the recently amended (adopted) version of Chapter 18.05 and indicates in a redline/strike-through format the proposed text amendments to the public notice requirements associated with oil and gas development. The primary text amendments are provided in Tables 18.05-1 and 18.05-2. These tables specify the distance requirements for mailed notices for required neighborhood meetings and for public

hearings associated with various zoning and development applications. The proposed amendments set forth distances applicable to notices for proposed oil and gas permits under Chapter 18.77.

2. Ordinance # 5753, adding Chapters 18.77 and 18.78 to the Municipal Code

This ordinance was adopted on March 19, 2013 and added two chapters to the Municipal Code which regulate oil and gas development. This ordinance is provided for reference; there are no proposed changes to this ordinance or to the chapters 18.77 and 18.78.

II. BACKGROUND

The City Council's March 19th adoption of Ordinance #5753, adding Chapters 18.77 and 18.78 to the Municipal Code, was the culmination of months of research and deliberations addressing the regulation of oil and gas development within Loveland. Now that the oil and gas regulations have been approved, the public notice provisions of the Municipal Code require amendment to set forth notice distances for oil and gas development.

It is also worth noting that Chapter 18.05 has recently been amended. On April 16, 2013, the City Council passed an ordinance (on 2nd reading), which will become effective on April 30, 2013, amending the public notice requirements contained both the zoning code and the subdivision code. This amendment was designed to clarify a number of longstanding issues with public notice procedures. Because the provisions of Chapter 18.05 have just been approved and are not yet effective, the Municipal Code as available on the City's web site does not reflect this change.

III. TITLE 18 COMMITTEE REVIEW & RECOMMENDATION

On Thursday, April 11, 2013, the City's *ad hoc* Title 18 Committee evaluated the proposed amendment to Chapter 18.05 to specify required mailed notification distances for neighborhood meetings and public hearings associated with oil and gas permit applications. After a lengthy discussion, the Committee arrived at a consensus recommendation to set the notification distance at 2,200 feet from the property boundaries on which the oil and gas permit is being requested. A summary of the Committee's rationale for this distance was as follows:

1. Other application types as specified in the zoning code require mailed notice distances of up to 1,200 feet
2. Oil and gas operations have the potential to impact other properties at a distance at least equivalent to those application types requiring a 1,200 foot distance
3. Due to the setback distances that oil and gas operations require from buildings and outdoor assemble areas (up to 1,000 feet as stipulated by the Municipal Code and state statute), the mailed notice distances for oil and gas operations should be expanded an additional 1,000 feet beyond the 1,200 foot baseline distance

IV. STAFF REVIEW AND ANALYSIS

Under the provisions of the Municipal Code, certain types of zoning, land use, and subdivision applications require neighborhood meetings and public hearings. When neighborhood meetings or public hearings are required, there is a corresponding requirement for public notice, providing those who may be affected by the application the opportunity to learn about the project and to provide input into the decision making process. Public notice includes published notice in the local newspaper, posted signs on the application site, and mailed notice (provided by the applicant) to property owners within a specified notice distance. The content requirements for mailed notice are specified in the Municipal Code.

When Ordinance # 5753 was approved by City Council (establishing the regulations for oil and gas operations) notice of neighborhood meetings and public hearings were required in accordance with Chapter 18.05. Consequently, this is a follow-up effort to specify mailed notice distance applicable to neighborhood meetings and public hearings in connection with an application for an oil and gas permit.

The Title 18 Committee determined that the existing maximum mailed notice distance of 1,200 feet as specified for other application types would be an appropriate starting point or baseline. Because oil and gas operations are anticipated to concentrate in more rural areas of the City, where parcels are larger and distances between development is greater, a wide notification area makes sense. Another factor adding rationale for a wide notice area identified by the Title 18 Committee is the established setback requirements from oil and gas facilities. Chapter 18.78 specifies that occupied buildings shall be setback 500 feet from an existing or abandoned oil and gas facility; buildings with an occupancy rating for 50 persons or more and “outdoor assembly areas” shall be setback a minimum of 1000 feet from an existing or abandoned “oil and gas well.” Given this latter provision, the Title 18 Committee recognized that an oil or gas well near the edge of a property would have the effect of precluding the development of certain uses within 1000 feet of the well site. Therefore, the Committee determined that the baseline maximum notification distance as specified in Chapter 18.05 of 1,200 feet should be expanded an additional 1000 feet and applied to oil and gas permit applications.

The Development Services Department has concluded that the Title 18 Committee’s analysis was sound and its recommendation is supportable; consequently, staff is recommending that the mailed notice distance for oil and gas permit applications is 2,200 feet from the boundary of the property on which the surface use will occur.

V. DESCRIPTION OF THE PROPOSED CHANGES TO CHAPTER 18.05

The following is a description of amendments to Chapter 18.05 of as proposed to the Planning Commission as identified in **Attachment 1**:

Table 18.05-1 Mailed Notice Distance Requirements for Neighborhood Meetings.

New text has been added to indicate that the mailed notification distance for required neighborhood meetings associated with oil and gas permits is 2,200 feet as measured from the property boundaries on which the surface use will occur under the permit. The 2,200 foot distance is proposed for projects in all three identified categories relating to project size: under 5 acres; 5-50 acres; and, greater than 50 acres.

The effect of this additional text will require an applicant seeking an oil and gas permit to provide mailed notice at least 15 days in advance of any neighborhood meeting required by the Municipal Code to property owners within 2,200 feet of the boundaries of the property on which the oil and gas operations are proposed to be located on. The boundaries of the property would be based on the lot(s) or tract(s) of land on which the (oil and gas) surface use occurs. The City requires applicants to use the current records of the Larimer County Assessor in determining the ownership for the properties within the notification distance area.

Sub Section 18.05.030.C.5. Reduction in Notification Area.

The adjusted text would exempt oil and gas applications from qualifying for a reduction in mailed notification area for neighborhood meetings. The added text also excludes variance applications from the “infill” reduction. The infill reduction allows qualifying projects a 50% reduction in notice area.

Sub Section 18.05.030.C.6. Expansion of Notification Area.

The added text clarifies that when the Current Planning Manager decides to expand the neighborhood meeting notification area (as provided in this subsection), the area of notice can be expanded up to twice the distance indicated on Table 18.05-1.

Table 18.05-2 Mailed Notice Distance Requirements for Public Hearings.

The new text indicates that the mailed notice distance for required public hearings relating to oil and gas development is 2,200 feet as measured from the property boundaries on which the surface use will occur. This Table has been modified in the same manner as Table 18.05-1 and would have the impact on the mailed notice distance requirements for public hearings that the added text in Table 18.05-1 has on neighborhood meetings.

Sub Section 18.05.060.C.5. Reduction in Notification Area.

The adjusted text parallels the text adjustment provided in 18.05.030.C.5, and exempts oil and gas applications from qualifying for a reduction in mailed notification area from qualifying for the “infill” reduction. The adjustment also excludes variance applications from the “infill” reduction.

Sub Section 18.05.060.C.6. Expansion of Notification Area.

The added text to this sub section parallels the text addition to 18.05.030.C.6, clarifying that the mailed notification area as indicated in Table 18.05-2 can be expanded up to twice the distance for public hearings associated with oil and gas applications.

VI. CONCLUSION

Staff has reviewed the recommendation of the Title 18 Committee and supports their recommendation. Given the nature of oil and gas operations, and in consideration of the setbacks for buildings from oil and gas facilities established in the recently adopted Chapter 18.78, the establishment of the proposed 2,200 foot mailed notice distance is reasonable.

VII. ACTION TO BE TAKEN BY THE PLANNING COMMISSION

Conduct a public hearing on the proposed amendment to Chapter 18.05, taking comments from the public if requested. Following deliberation, the Commission shall vote to determine a recommendation to the City Council on the amendment. The Commission's recommendation may include modifications to the proposed amendment. If the Commission acts on this matter on April 22nd, it is anticipated that this matter will be scheduled for a public hearing by City Council on May 21st.

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
<u>Oil & Gas Permit</u> <u>-per Chapter 18.77</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>	<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.

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
<u>Oil & Gas Permit</u> <u>-per Chapter 18.77</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>	<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.
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.

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:

FIRST READING: March 5, 2013

SECOND READING: March 19, 2013

ORDINANCE # 5753

AN ORDINANCE ADDING TO THE LOVELAND MUNICIPAL CODE CHAPTER 18.77 FOR THE REGULATION OF OIL AND GAS OPERATIONS AND CHAPTER 18.78 FOR SETBACKS FOR DEVELOPMENT FROM OIL AND GAS OPERATIONS WITHIN THE CITY OF LOVELAND

WHEREAS, on May 15, 2012, the City Council adopted Ordinance No. 5685 as an emergency ordinance; and

WHEREAS, Ordinance No. 5685 imposed a nine (9) month moratorium on the City's acceptance, processing and approval of all applications for City licenses, permits and any other approvals needed to conduct oil and gas operations within the City; and

WHEREAS, this moratorium began on May 16, 2012, and was set to expire on February 16, 2013; and

WHEREAS, on December 18, 2012, the City Council adopted Ordinance No. 5735 to extend the moratorium from February 16, 2013, to the earlier of April 15, 2013, or on the date that an ordinance adopted by City Council to enact local oil and gas regulations becomes law; and

WHEREAS, the primary purpose of the moratorium has been to give City staff and this Council a reasonable opportunity to investigate the extent of the City's legal authority to regulate oil and gas operations occurring within the City and to consider the adoption and implementation of local oil and gas regulations consistent with that authority in order to protect the environment, wildlife resources and the public's health, safety and welfare; and

WHEREAS, in that process it was determined that under Colorado law the regulation of oil and gas operations by home rule municipalities, such as Loveland, is a matter of mixed statewide and local concern and, as such, the City has the legal authority to enact its own oil and gas regulations so long as those regulations are not in "operational conflict" with state law, including the oil and gas regulations which have been adopted by the Colorado Oil and Gas Conservation Commission ("Commission"); and

WHEREAS, in the exercise of that legal authority, the Council finds that it is important for the City to have a role in minimizing the adverse impacts that oil and gas development within the City will likely have on the City's environment and on its residents' health, safety and welfare; and

WHEREAS, the Council therefore finds that this Ordinance is a proper and necessary

exercise of the City's general police power and of its home rule authority to regulate zoning and land use, in order to regulate oil and gas operations and facilities within the City to the full extent permitted by law; and

WHEREAS, the development of oil and gas resources presents unique public health, safety and welfare issues that are inadequately addressed in the City's current zoning and land use regulations; and

WHEREAS, City staff has completed a review of applicable state law and of the Commission's regulations concerning oil and gas operations, a review of the oil and gas regulations adopted by other local governments throughout Colorado, and has received and considered input from the public, including from the Anadarko Petroleum Corporation, currently the only oil and gas operator known to have plans to begin new oil and gas operations within the City; and

WHEREAS, as a result of that process, the oil and gas regulations and the building setbacks from oil and gas activities as set out in this Ordinance are necessary to protect the City's environment and wildlife resources, and the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That a new Chapter 18.77 is hereby added to the Loveland Municipal Code to read in full as follows:

Chapter 18.77

Oil and Gas Regulations

Sections:

18.77.010	Authority.
18.77.015	Purpose.
18.77.020	Applicability.
18.77.025	Rules of Construction and Definitions.
18.77.030	Zoning.
18.77.035	Alternative Permit Processes.
18.77.040	Conceptual Review.
18.77.045	Planning Commission Review Process.
18.77.050	Administrative Review Process.
18.77.055	Baseline Standards for Planning Commission Review Process.
18.77.060	Baseline Standards for Planning Commission and Administrative Review Processes.
18.77.065	Enhanced Standards for Administrative Review Process.
18.77.070	Application Requirements.
18.77.075	Variances.
18.77.080	Transfer of Permits.
18.77.085	Other Applicable Code Provisions.
18.77.090	Emergency Response Costs.

- 18.77.095 **Application and Inspection Fees.**
- 18.77.100 **Capital Expansion Fees.**
- 18.77.105 **Reimbursement for Consultant Costs.**
- 18.77.110 **Adequate Transportation Facilities**
- 18.77.115 **Insurance and Performance Security.**
- 18.77.120 **Inspections, Right to Enter and Enforcement.**
- 18.77.125 **Violations, Suspension and Revocation of Permits, Civil Actions and Penalties.**
- 18.77.130 **Conflicting Provisions.**

18.77.010 Authority.

This Chapter 18.77 is enacted pursuant to the city's police powers and land-use authority under Article XX of the Colorado Constitution, Title 31 of the Colorado Revised Statutes, the OGC Act, the COG regulations and under all other applicable laws, rules and regulations. It is the intent of this chapter that these powers and authority be exercised in a manner that will not create an operational conflict with the provisions of the OGC Act or the COG regulations, which conflict could arise if any application of this chapter has the effect of materially impeding or destroying a state interest as expressed in the OGC Act or the COG regulations. The provisions of this chapter are therefore to be interpreted and applied in a manner that is consistent and in harmony with any conflicting provisions of the OGC Act or the COG regulations, so as to avoid an operational conflict.

18.77.015 Purpose.

The purpose of this chapter is to generally protect the public's health, safety and welfare and the environment and more specifically to regulate oil and gas operations within the city so as to minimize the potential land use conflicts and other adverse impacts that may negatively affect existing and future land uses when oil and gas operations occur within the city near those uses. This purpose is intended to be achieved in a manner that recognizes the state's interests in oil and gas operations as expressed in C.R.S. § 34-60-102, which include: fostering the responsible and balanced development of the state's oil and gas resources in a manner consistent with the protection of the public's health, safety and welfare, including protection of the environment and wildlife resources; protecting public and private interests against waste in both the production and use of oil and gas; and allowing Colorado's oil and gas pools to produce up to their maximum efficient rate subject to the prevention of waste, protection of the public's health, safety and welfare, protection of the environment and wildlife resources, and the protection and enforcement of the rights of owners and producers to a common source of oil and gas so that each owner and producer obtains a just and equitable share of production from that source.

18.77.020 Applicability.

Except as otherwise provided in this section, the provisions of this chapter shall apply to all surface oil and gas operations occurring within the city's boundaries, which shall include, without limitation, any oil and gas operation requiring the commission's issuance or reissuance of a drilling permit or any other permit under the COG regulations. Prior to any person commencing any such operations within the city, that person shall apply for and receive an oil

and gas permit from the city in accordance with the provisions of this chapter. This chapter, however, shall not apply to those surface oil and gas operations for which a drilling permit was issued under the COG regulations prior to April 2, 2013, the effective date of this chapter, and under which permit the oil and gas operations were commenced before April 2, 2013. It shall also not apply to any surface oil and gas operations occurring on real property annexed into the city on or after April 2, 2013, provided those operations are occurring as of the effective date of the annexation pursuant to a drilling permit issued under the COG regulations. This chapter shall apply to all other surface oil and gas operations occurring within the city's boundaries after April 2, 2013.

18.77.025 Rules of Construction and Definitions.

A. The words, terms and phrases expressly defined in this section shall have the meaning hereafter given them, unless the context requires otherwise. The words, terms and phrases used in this chapter not defined in this section shall have the meaning given to them in the OGC Act, the COG regulations or in chapter 18.04 of this code, and where there is more than one definition, the controlling definition shall be the one that is most consistent with the city's authority described in Section 18.77.010 and with the city's purposes for enacting this chapter as described in Section 18.77.015. Words, terms and phrases not defined in this section, the Act, the COG regulations or chapter 18.04, shall be given their commonly accepted meaning unless they are technical in nature, in which case they should be given their technical meaning generally accepted by the industry in which they are used. Therefore, for those words, terms and phrases peculiar to the oil and gas industry, they shall be given that meaning which is generally accepted in the oil and gas industry. Words, terms and phrases of a legal nature shall be given their generally accepted legal meaning.

B. When determining the end date of a time period under this chapter, the day on which the time period begins shall not be counted and the last day shall be included in the count. If the last day is a Saturday, Sunday or federal or state legal holiday, that day shall be excluded in the count.

C. "Abandonment" shall mean the plugging process of cementing a well, the removal of its associated production facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the wellsite.

D. "Act" or "OGC Act" shall mean the Colorado Oil and Gas Conservation Act as found in Title 34, Article 60 of the Colorado Revised Statutes, as amended.

E. "Adverse effect" or "adverse impact" shall mean the impact of an action that is considerable or substantial and unfavorable or harmful. The term includes social, economic, physical, health, aesthetic, historical impact, and/or biological impacts, including but not limited to, effects on natural resources or the structure or function of affected ecosystems.

F. "Administrative review process" shall mean the expedited and enhanced review process set out in section 18.77.050.

G. "Applicant" shall mean any person possessing the legal right to develop oil or gas underlying land located within the city's boundaries and who has applied for an oil and gas permit under this chapter.

H. "Application" shall mean an application filed with the city by any person requesting an oil and gas permit under this chapter.

I. "Baseline standards" shall mean those review standards and operation requirements set out in sections 18.77.055 and 18.77.060.

J. "Best management practices" shall mean the best proven and commercially practicable techniques, technologies and practices that are designed to prevent or minimize adverse impacts caused by oil and gas operations to the public health, safety or welfare, including the environment and wildlife resources.

K. "Building" shall mean any residential or non-residential structure designed and permitted to be occupied by natural persons.

L. "City manager" shall mean the city's duly appointed city manager or his or her designee.

M. "Code" shall mean the duly adopted ordinances of the city including, without limitation, the Loveland Municipal Code, as amended.

N. "COG permit" shall mean a permit issued by the commission to drill, deepen, re-enter or recomplete and conduct any other oil and gas operation as allowed under the COG regulations.

O. "COG rule" or "COG regulations" shall mean the Colorado oil and gas rules and regulations duly adopted by the commission, as amended, including 2 Colo. Code Regs. 400; et seq.

P. "Commission" shall mean the Oil and Gas Conservation Commission of the State of Colorado.

Q. "Completion" shall mean, for the completion of an oil well, that the first new oil is produced through wellhead equipment into leased tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in the COG regulations. Any well not previously defined as an oil or gas well, shall be considered completed ninety (90) days after reaching total depth. If approved by the director of the commission, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

R. "Completion combustion device" shall mean any ignition device, installed horizontally or vertically used in exploration and production operations to combust otherwise vented emissions from completions.

S. "Current planning" shall mean the city's current planning division.

T. "Day" shall mean a calendar day.

U. "Designated agent" shall mean the designated representative of any operator.

V. "Development review team" or "DRT" shall mean the city's development review team.

W. "Director" shall mean the director of the city's development services department or his or her designee.

X. "Enhanced standards" shall mean those review standards and best management practices set out in section 18.77.065.

Y. "Gas" shall mean all natural gases and all hydrocarbons not defined in this section as oil.

Z. "Hydraulic fracturing" shall mean all the stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geological formation to enhance production of oil and gas.

AA. "Inspector" shall mean any person designated by the city manager who shall have the authority to inspect a well site to determine compliance with this chapter and any other applicable city ordinances.

BB. "Minimize adverse impacts" shall mean, whenever reasonably practicable, to avoid significant adverse impacts to wildlife resources, the environment, or to the public's health, safety or welfare from oil and gas operations, minimize the extent and severity of those impacts that cannot be avoided, mitigate the effects of unavoidable remaining impacts, and take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts.

CC. "Natural area" shall mean those areas described or identified as natural areas in the City of Loveland Open Lands Plan, dated March 2003.

DD. "Oil" shall mean crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

EE. "Oil and gas facility" shall mean equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment or processing of oil or gas.

FF. "Oil and gas operations" or "operations" shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, re-entering, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well including the installation of flowlines and gathering lines; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

GG. "Operator" shall mean a person who has the legal right under a permit issued under this chapter 18.77 and under a COG permit issued by the commission to conduct oil and gas operations on the surface within the city's boundaries by drilling into and producing from a pool and to appropriate the oil or gas produced therefrom either for the operator or for the operator and an owner.

HH. "Outdoor assembly area" shall mean an improved facility, not within a building, designed to accommodate and provide a place for natural persons to congregate, but shall not include the backyards of residential buildings.

II. "Owner" shall mean any person having an ownership interest in the oil and gas resources underlying land either as the owner of a corporeal estate in realty or as an owner of a leasehold interest therein.

JJ. "Permit" or "oil and gas permit" shall mean a permit issued by the city to an applicant under this chapter.

KK. "Person" shall mean any natural person, corporation, association, partnership, limited liability company, receiver, trustee, executor, administrator, guardian, fiduciary or any other kind of entity or representative, and includes any department, agency or instrumentality of the state or any political subdivision thereof and any county, city and country, home rule municipality, statutory municipality, authority or special district.

LL. "Pit" shall mean any natural or man-made depression in the ground used for oil or gas exploration or production purposes. A pit does not include steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils. This shall include, without limitation and as applicable, "production pits," "special purpose pits," "reserve pits," "multi-well pits" and "drilling pits," as these are defined in the COG regulations.

MM. "Planning commission" shall mean the city's planning commission as established in code section 2.60.210.

NN. "Planning commission review process" shall mean the review process set out in section 18.77.045.

OO. "Seismic operations" shall mean all activities associated with the acquisition of seismic data including, but not limited to, surveying, shothole drilling, recording, shothole plugging and reclamation.

PP. "Setback" shall mean the distance on the surface estate between the following, as applicable: a wellhead, intermediate line, gathering line or oil and gas facility structure boundary and the closest projection of a building or structure, property line of a platted lot or unplatted tract of land or a permitted oil and gas operation.

QQ. "Significant degradation" shall mean any degradation to the environment that will require significant efforts and expense to reverse or otherwise mitigate that degradation.

RR. "State" shall mean the State of Colorado.

SS. "Surface water body" shall include, but not be limited to, rivers, streams, ditches, reservoirs, and lakes.

TT. "Surface owner" shall mean any person having title or right of ownership in the surface estate of real property or any leasehold interest therein.

UU. "VOCs" shall mean volatile organic compounds.

VV. "Well" shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, or a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

WW. "Well blowdown" shall mean the maintenance activity designed to remove fluids from mature wells during which time gas is often vented to the atmosphere.

XX. "Well completion" shall mean the process that perforates well casing, stimulates the reservoir using various techniques including, but not limited to, acid treatment and hydraulic fracturing, allows for the flowback of oil or natural gas from wells to expel drilling and reservoir fluids, and tests the reservoir flow characteristic, which may vent produced hydrocarbons to the atmosphere via an open pit or tank.

YY. "Wellhead" shall mean the equipment attached to the casinghead of an oil, gas or injection well above the surface of the ground.

ZZ. "Wetlands" shall have the same meaning as this word is defined in code section 18.41.110.

18.77.030 Zoning.

Notwithstanding any provision in this code to the contrary, oil and gas operations shall be permitted in all of the city's zoning districts, planned unit developments, general development plans, unit developments and within any other city-approved land uses, but only if a permit has been issued to the extent required by this chapter and a COG permit has been issued by the commission for those oil and gas operations.

18.77.035 Alternative Permit Processes.

Any person applying for a permit under this chapter must proceed under the planning commission review process as provided in section 18.77.045, unless the applicant voluntarily chooses to proceed under and qualifies for the expedited and enhanced administrative review process as provided in section 18.77.050. The permit application under the planning commission review process shall be reviewed and granted or denied on the basis of the applicable baseline standards set out in sections 18.77.055 and 18.77.060 and any other applicable standards and requirements in this chapter and code. A permit application under the administrative review process shall be reviewed and granted or denied under the applicable baseline and enhanced standards set out in sections 18.77.060 and 18.77.065 and any other applicable standards and requirements in this chapter and code.

18.77.040 Conceptual Review.

Prior to any person submitting an application under this chapter, that person shall first schedule with current planning and attend a conceptual review meeting with the city's development review team. Current planning shall schedule such meeting within fifteen (15) days after a written request for the meeting has been received. At least fifteen (15) days before the scheduled conceptual review meeting, the person requesting the meeting shall submit to current planning in electronic form or one (1) hard-copy set of all applications, plans, studies and other documents that such person has filed or will be required to file with the commission under the COG regulations to obtain a COG permit for the oil and gas operations proposed to be conducted within the city. The purpose of the conceptual review meeting is to give the prospective applicant and the city's development review team the opportunity to discuss the proposed oil and gas operations and to discuss the city's application and review processes under this chapter. This will include a discussion as to whether the prospective applicant is interested in using the expedited and enhanced administrative review process rather than the planning commission review process. Within ten (10) days after the meeting, current planning shall provide the prospective applicant with the development review team's written comments and recommendations concerning the proposed oil and gas operations. When these comments and recommendations are sent to the prospective applicant by current planning, the prospective applicant shall have three (3) months thereafter in which to file with current planning an application for the proposed oil and gas operations. Failure to file that application within this time period will require the prospective applicant to schedule and conduct another conceptual review meeting under this section for those oil and gas operations. However, in the event current planning fails to timely provide DRT's written comments and recommendations to the prospective applicant, the prospective applicant may proceed to file its application with current planning within three (3) months thereafter.

18.77.045 Planning Commission Review Process.

A. *Application Completeness Review.* After an application has been filed with current planning, the director shall review the application for completeness to determine its compliance with the applicable requirements of section 18.77.070. If the director determines that any of those applicable requirements have not been satisfied, the director shall, within fifteen (15) days after the application is filed, notify the applicant in writing of any deficiencies in the application. This process of review and notice of deficiency shall continue until the director determines the application satisfies all applicable requirements of section 18.77.070 and is, therefore, a complete

application. The director shall notify the applicant in writing that the application is complete within fifteen (15) days after the later of the filing of the application or the filing of the last application resubmittal in response to a notice of deficiency from the director. Promptly thereafter, current planning shall post the complete application on the city's website for public review, but excluding any information required in this chapter to be kept confidential.

B. *Development Review Team.* After an application is filed with current planning and has been determined by the director to be a completed application, it shall be reviewed by the DRT. The DRT shall review the application for conformance with the applicable provisions of this chapter and any other applicable provisions of this code. As part of this review, the DRT may meet with the applicant or the applicant's representatives to discuss the application and to present the DRT's questions, concerns and recommendations. Within thirty (30) days after the application has been determined by the director to be a complete application, the DRT shall complete its review by submitting a written report of its findings and recommendations to the applicant and the director. The report shall also be posted on the city's website with the application, but excluding any information required under this chapter to be kept confidential. Within thirty (30) days of the issuance of the DRT's report, the applicant may supplement its application in response to the DRT report.

C. *Neighborhood Meeting.* Promptly after the director has issued the written determination that the application is complete, current planning shall schedule a neighborhood meeting to be held within forty-five (45) days of the director's written determination of completeness. Once that neighborhood meeting has been scheduled, notices of the neighborhood meeting shall be provided in accordance with all applicable requirements of code chapter 18.05. The mailed notice required for neighborhood meetings under chapter 18.05 shall also be sent to the surface owner or owners of the parcel or parcels of real property on which the oil and gas operations are proposed to be located. In addition to the other contents required for the mailed notice under chapter 18.05, the mailed notice shall state that the application can be reviewed prior to the neighborhood meeting on the city's website or at current planning's office. The neighborhood meeting shall be conducted by current planning. The applicant or a representative of the applicant shall attend the neighborhood meeting and be available to answer questions concerning the application. The objective of a neighborhood meeting shall be to inform noticed persons and other interested citizens attending the meeting of the scope and nature of the proposed oil and gas operations under the application and how the operations will be regulated under this chapter and the COG regulations. Notwithstanding the foregoing, the director may waive the provisions of this paragraph C. if the director determines that the City's required notices and neighborhood meeting under this paragraph will be duplicative of the notice and neighborhood meeting requirements under the COG regulations for the applicant's COG permit. To be considered duplicative, the commission's neighborhood meeting must be held within the city.

D. *Planning Commission Hearing.* Current planning shall schedule the application for a public hearing before the planning commission within forty-five (45) days after the DRT has finished its review of the application. Notice of the hearing shall be provided in accordance with all applicable requirements of chapter 18.05. The mailed notice required in chapter 18.05 for this hearing shall also be mailed to the surface owner or owners of the parcel or parcels of real property on which the oil and gas operations are to be located. In addition, the mailed and

published notices shall state that the complete application can be reviewed by the public on the city's website or at current planning's office.

E. Planning Commission Hearing Procedures. The planning commission's public hearing shall be conducted as a quasi-judicial proceeding. Subject to the planning commission chairperson's discretion to limit the time and scope of testimony and to make allowances for the adequate presentation of evidence and the opportunity for rebuttal, the order of the hearing shall be as follows: (1) explanation and nature of application by current planning staff; (2) applicant's presentation of evidence and testimony in support of the application; (3) public comment and presentation of evidence; (4) applicant's rebuttal presentation; and (5) motion, discussion and vote by the planning commission on the application. No person making a presentation and providing testimony or comment at the hearing shall be subject to cross-examination. However, during the hearing members of the planning commission and the city attorney may make inquiries for the purposes of eliciting new information and to clarify information presented.

F. Planning Commission Decision. The planning commission shall consider the application based solely on the testimony and evidence submitted at the hearing, the applicable provisions of this chapter and any other applicable provisions of this code. At the conclusion of the presentation of testimony and evidence, the planning commission shall vote to grant, grant with conditions or deny the oil and gas permit requested in the application under consideration. A condition may only be imposed on the grant of an oil and gas permit if the applicant agrees to that condition on the record of the hearing. Any such condition agreed to shall be submitted by the applicant to the commission to be included as an express condition on the applicant's COG permit. An applicant's refusal to agree to any such condition shall not be used by the planning commission as a basis, in whole or part, to deny the applicant's requested oil and gas permit, unless the condition is expressly required by this chapter 18.77. In granting, granting with conditions or denying an application for an oil and gas permit, the planning commission shall adopt its written findings and conclusions within thirty (30) days of its decision at the hearing.

G. Appeal of Planning Commission Decision. The planning commission's decision described in paragraph F. of this section may be appealed to the city council by the applicant and any "party in interest" as defined in section 18.80.020. The written notice of appeal shall be filed with current planning within ten (10) days of the effective date of the planning commission's final decision, which date shall be the date the planning commission adopts its written findings and conclusions. The appeal shall be filed and conducted in accordance with the applicable provisions in chapter 18.80 for appeals from the planning commission to the city council. The council's decision in the appeal hearing to grant, grant with conditions or deny the applicant's request for an oil and gas permit shall, like the planning commission's decision, be based on the applicable provisions of this chapter and any other applicable provisions of this code. The council shall also not impose any condition on its grant of the oil and gas permit unless the applicant agrees to the condition on the record of the council's appeal hearing. Any condition agreed to shall be added to the permit and the applicant shall submit the condition to the commission to be included as a condition on the applicant's COG permit. An applicant's refusal to agree to any such condition shall not be used by the city council to deny the permit unless the condition is expressly required by this chapter 18.77.

18.77.050 Administrative Review Process.

A. *Applicant's Election to Use Administrative Review Process.* As an alternative to processing an application using the planning commission review process set out in section 18.77.045, an applicant may elect to use the expedited and enhanced administrative review process set out in this section. In electing to use this administrative review process, the applicant must acknowledge and agree in its application to all of the following: (1) that by using this administrative review process to obtain an expedited review, the applicant's application will not only be subject to the baseline standards in section 18.77.060, but also the enhanced standards in section 18.77.065, which enhanced standards might be interpreted to be in operational conflict in one or more respects with the COG regulations; (2) that to the extent the enhanced or negotiated standards imposed through this administrative review process are not already included as conditions in the applicant's COG permit, the applicant will request the commission to add such enhanced standards as additional conditions to the applicant's COG permit; and (3) that if for any reason the applicant wishes to revoke its election to use this administrative review process or to withdraw from the process once started, but still desires an oil and gas permit under this chapter, it will be required to follow and meet all of the requirements of the planning commission review process.

B. *Application Completeness Review.* An application reviewed under this section shall be reviewed by the director for completeness using the same process used in the planning commission review process as set out in section 18.77.045.A.

C. *Development Review Team.* After an application is filed with current planning and determined by the director to be a complete application, it shall be reviewed by the DRT. The DRT shall review the application for conformance with the applicable provisions of this chapter and any other applicable provisions of this code. As part of this review, the DRT may meet with the applicant or the applicant's representatives to discuss the application and to present the DRT's questions, concerns and recommendations. Within thirty (30) days after the application has been determined by the director to be a complete application, the DRT shall complete its review by submitting a written report of its findings and recommendations to the applicant and the director. The report shall also be posted on the city's website with the application, but excluding any information required under this chapter to be kept confidential. Within thirty (30) days of the issuance of the DRT's report, the applicant may supplement its application in response to the DRT report.

D. *Neighborhood Meeting.* The neighborhood meeting for an application reviewed under this section shall be scheduled, noticed and conducted or waived in the same manner as under the planning commission review process set out in section 18.77.045.C., but with one addition. The notices mailed under section 18.77.045.C. shall state that the application is being reviewed under the administrative review process and notify the recipients of the notice that they will have until fifteen (15) days after the neighborhood meeting is held or after such other date set by the director if the neighborhood meeting is waived by the director as provided in section 18.77.045.C. in which to submit to current planning for the director's consideration any comments and information, in written, electronic or photographic form, related to the subject application as provided in paragraph E. of this section.

E. *Public Comment.* Within fifteen (15) days after the neighborhood meeting is held or after such other date set by the director if the neighborhood meeting is waived by the director as provided in section 18.77.045.C., any person may file with current planning for the director's consideration and to be included in any record on appeal taken under paragraph H. of this section, any comments and information, in written, electronic or photographic form, relevant to the director's consideration of the subject application under this section. Current planning shall preserve all of the comments and information received under this section to ensure that they are included in any record of appeal. These comments and information shall also be made available for review by the applicant. The applicant may supplement its application in response or rebuttal to the comments and information submitted by the public. The applicant must file this supplemental information with current planning within fifteen (15) days after the deadline for the public's submittal of its comments and information. Any comments and information received by current planning after the deadlines set forth herein, shall not be considered by the director in his or her decision and shall not be included in the record of any appeal under paragraph H. of this section.

F. *Director's Negotiations with Applicant.* After receiving the DRT report and all of the public comments and information provided under paragraph E. of this section, the director shall negotiate with the applicant for standards to be added as conditions to the oil and gas permit in addition to or in substitution of those baseline standards required in section 18.77.060 and the enhanced standards in section 18.77.065, if in the director's judgment such conditions will result in the increased protection of the public's health, safety or welfare or further minimize adverse impacts to surrounding land uses, the environment or wildlife resources. The director shall have ten (10) days after the last of the public comments and information have been submitted under paragraph E. of this section in which to conduct those negotiations. If after those negotiations the applicant agrees in writing to these new standards, they shall be added as conditions to the oil and gas permit if the permit is granted by the director. The condition shall also be submitted by the applicant to the commission to be added as an express condition on the applicant's COG permit. If the applicant does not agree to these conditions, they shall not be added as conditions to any granted oil and gas permit. In addition, the applicant's refusal to agree to any such conditions shall not be used by the director as a basis, in whole or part, to deny the applicant's requested oil and gas permit, unless the condition is expressly required by this chapter 18.77.

G. *Director's Decision.* Within fifteen (15) days after the expiration of the negotiation period in paragraph F. of this section, the director shall issue his or her written findings and conclusion, granting, granting with conditions to the extent agreed by the applicant under paragraph F. of this section or denying the applicant's requested oil and gas permit. The record which the director must consider in issuing his or her written findings and conclusions shall consist solely of the application, the applicant's supplementals to the application, the DRT report and the public comments and information submitted under paragraph E. of this section. This record shall be used by the director to then determine the application's compliance or noncompliance with the applicable provisions of this chapter and any other applicable provisions in this code.

H. *Appeal of Director's Decision.* The director's decision as set out in his or her written findings and conclusions shall constitute the director's final decision. The director's final decision is not appealable to the planning commission or the city council. The director's final

decision may only be appealed by the applicant or a "party in interest," as defined in section 18.80.020, to the district court for Larimer County under Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The record to be considered in the appeal shall consist of the director's written findings and conclusion, the application, the applicant's supplementals to the application, the DRT report, all comments and information provided by the public under paragraph E. of this section and any other evidentiary information the district court orders to be included in the record.

18.77.055 Baseline Standards for Planning Commission Review Process.

All applications considered in the planning commission review process and all oil and gas operations approved under this process shall be subject to and comply with the setback and mitigation requirements set forth in COG rule 604, as amended, in addition to the standards and requirements in code section 18.77.060.

18.77.060 Baseline Standards for Planning Commission and Administrative Review Processes.

All applications considered in the planning commission review process and the administrative review process and all oil and gas operations approved under either process shall be subject to and comply with the following standards and requirements, as applicable:

A. *COG regulations for setback requirements.* All oil and gas operations shall comply with COG rule 603, as amended.

B. *COG regulations for groundwater baseline sampling and monitoring.* All permits for oil and gas operations shall comply with COG rule 318.A.e, as amended.

C. *COG regulations for protection of wildlife resources.* All permits for oil and gas operations shall comply with COG rule series 1200, as amended. The operator shall notify the director if consultation with Colorado Division of Parks and Wildlife is required pursuant to COG rule 306.c.

D. *COG regulations for reclamation.* All permits for oil and gas operations shall comply with COG rule series 1000, as amended. The operator shall provide copies of the commission's drill site reclamation notice to the director at the same time as it is provided to the surface owner.

E. *COG regulations for well abandonment.*

1. All oil and gas facilities shall comply with the requirement for well abandonment set forth in COG rule 319, as amended. The operator shall provide a copy of the approval granted by the commission for the abandonment to the director within thirty (30) days from receiving such approval.

2. The operator shall provide copies of the commission's plugging and abandonment report to the director at the same time as it is provided to the commission.

3. The operator shall notify the Loveland Fire Rescue Authority not less than two (2) hours prior to commencing plugging operations.

F. *Applications and permits.* Copies of all county, state and federal applications and permits that are required for the oil and gas operation shall be provided to the director.

G. *Burning of trash.* No burning of trash shall occur on the site of any oil and gas operations.

H. *Chains.* Traction chains on heavy equipment shall be removed before entering a city street.

I. *COG regulations for hydraulic fracturing chemical disclosure.* All operators shall comply with COG rule 205.A, as amended. Each operator shall also provide to the Loveland Fire Rescue Authority in hard copy or electronic format the operator's chemical disclosure form that the operator has filed with the chemical disclosure registry under COG rule 205.A. Such form shall be filed with the director within five (5) days after the form is filed in the chemical disclosure registry.

J. *Color.* Oil and gas facilities, once development of the site is complete, shall be painted in a uniform, non-contrasting, non-reflective color, to blend with the surrounding landscape and with colors that match the land rather than the sky. The color should be slightly darker than the surrounding landscape.

K. *Cultural and historic resources standards.* The installation and operation of any oil and gas facility shall not cause significant degradation of cultural or historic resources, of sites eligible as City Landmarks, or the State or National Historic Register, as outlined in code section 15.56.030.

L. *Stormwater quality and dust control.* All permits for oil and gas operations shall comply with COG rule 805, as amended, plus code chapter 13.20.

M. *Electric equipment.* The use of electric-powered equipment during production operations shall be required if a provider of electric power agrees at the provider's customary rates, fees and charges to provide electric service to an oil and gas facility and the cost to make the electrical connection is economically practicable. If available, electric service to the oil and gas facility shall be acquired by the operator within the shortest time period reasonably practicable. Temporary use of natural gas or diesel generators may be used until electric service is provided. Electric equipment shall not be required during drilling and well completion operations.

N. *Emergency response standards.*

1. In General. Operators agree to take all reasonable measures to assure that oil and gas operations shall not cause an unreasonable risk of emergency situations such as explosions, fires, gas, oil or water pipeline leaks, ruptures, hydrogen sulfide or other toxic gas or fluid emissions, hazardous material vehicle accidents or spills.

2. Emergency Preparedness Plan. Each operator with an operation in the city is required to provide to the City its emergency preparedness plan for operations within the City, which shall be in compliance with the applicable provisions of the International Fire Code as adopted in the city code. The plan shall be filed with the Loveland Fire Rescue Authority and updated on an annual basis. The emergency preparedness plan shall contain at least all of the following information:

(a) The designation of the operator's office group or individual(s) responsible for emergency field operations. An office group or individual(s) designated to handle first response situations, emergency field operations or on-scene incident commands will meet this requirement. A phone number and address of such office group or individual(s) operation shall be required.

(b) A map identifying the location of pipelines, isolation valves and/or a plot plan, sufficient in detail to enable the Loveland Fire Rescue Authority to respond to potential emergencies. The information concerning pipelines and isolation valves shall be kept confidential by the Loveland Fire Rescue Authority, and shall only be disclosed in the event of an emergency or as otherwise required by law.

(c) A provision that any spill outside of the containment area that has the potential to leave the facility or to threaten waters of the state and that is required to be reported to the commission or the commission's director shall be immediately reported to the Loveland Fire Rescue Authority emergency dispatch at 911 and to the director promptly thereafter.

(d) Access or evacuation routes and health care facilities anticipated to be used in the case of an emergency.

(e) A project-specific emergency preparedness plan for any operation that involves drilling or penetrating through known zones of hydrogen sulfide gas.

(f) A provision obligating the operator to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency caused by oil and gas operations and not promptly handled by the operator or its agents.

(g) Detailed information showing that the applicant has adequate personnel, supplies and funding to implement the emergency response plan immediately at all times during construction and operations.

O. *Noise mitigation.* All permits for oil and gas operations shall comply with COG rule 802, as amended, plus the following:

1. The exhaust from all engines, coolers and other mechanized equipment shall be vented up and in a direction away from the closest existing residences.

2. Additional noise mitigation may be required based on specific site characteristics, including, but not limit to, the following:

- (a) Nature and proximity of adjacent development;
- (b) Prevailing weather patterns, including wind direction;
- (c) Vegetative cover on or adjacent to the site; and
- (d) Topography.

3. The level of required noise mitigation may increase with the proximity of the well and well site to existing residences and platted subdivision lots, and the level of noise emitted by the well site. To the extent feasible and not inconsistent with its operations, operator may be required to use one (1) or more of the following additional noise mitigation measures to mitigate noise impacts:

- (a) Acoustically insulated housing or cover enclosures on motors, engines and compressors;
- (b) Vegetative screens consisting of trees and shrubs;
- (c) Solid wall or fence of acoustically insulating material surrounding all or part of the facility;
- (d) Noise mitigation plan identifying and limiting hours of maximum noise emissions, type, and frequency, and level of noise to be emitted and proposed mitigation measures; and
- (e) Lowering the level of pumps or tank batteries.

P. *Fencing.* After the drilling, well completion and interim reclamation operations are completed, the operator shall install permanent perimeter fencing six (6) feet in height around the entire perimeter of the production operations site, including gates at all access points. Such gates shall be locked when employees of the operators are not present on the site. Such fencing and gates shall be solid, opaque and consist of masonry, stucco, steel or other similar materials. The director may allow chain link fencing if solid and opaque fencing creates a threat to public safety or interferes with emergency or operations access to the production site.

Q. *Flammable material.* All land within twenty five (25) feet of any tank, pit or other structure containing flammable or combustible materials shall be kept free of dry weeds, grass or rubbish.

R. *Land disturbance standards.* The following mitigation measures shall be used to achieve compatibility and reduce land use impacts:

1. Pad dimensions for a well shall be the minimum size necessary to accommodate operational needs while minimizing surface disturbance.
2. Oil and gas operations shall use structures and surface equipment of the minimal size necessary to satisfy present and future operational needs.
3. Oil and gas operations shall be located in a manner that minimizes the amount of cut and fill.
4. To the maximum extent feasible, oil and gas operations shall use and share existing infrastructure, minimize the installation of new facilities and avoid additional disturbance to lands in a manner that reduces the introduction of significant new land use impacts to the environment, landowners and natural resources.
5. Landscaping plans shall include drought tolerant species that are native and less desirable to wildlife and suitable for the climate and soil conditions of the area. The operator shall submit to the city a temporary irrigation plan and implement said plan, once approved by the city, for the first two years after the plant material has been planted. If it is practicable to provide a permanent irrigation system, the operator shall submit an irrigation plan for permanent watering and the operator shall provide a performance guarantee for such landscaping that is acceptable to the director. Produced water may not be used for landscaping purposes.
6. The application shall include an analysis of the existing vegetation on the site to establish a baseline for re-vegetation upon temporary or final reclamation or abandonment of the operations. The analysis shall include a written description of the species, character and density of existing vegetation on the site and a summary of the potential impacts to vegetation as a result of the proposed operations. The application shall include any commission-required interim and final reclamation procedures and any measures developed from a consultation with current planning regarding site specific re-vegetation plan recommendations.

S. *Landscaping.* When an oil and gas operation site is less than one hundred (100) feet from a public street, a Type D Bufferyard shall be required between the oil and gas operation and the public street in accordance with the City of Loveland Site Development Performance Standards and Guidelines as adopted in code chapter 18.47.

T. *Lighting.* All permits for oil and gas operations shall comply with COG rule 803, as amended, plus the following:

1. Except during drilling, completion or other operational activities requiring additional lighting, down-lighting shall be required, meaning that all bulbs must be fully shielded to prevent light emissions above a horizontal plane drawn from the bottom of the fixture; and

2. A lighting plan shall be developed to establish compliance with this provision. The lighting plan shall indicate the location of all outdoor lighting on the site and on any structures, and include cut sheets (manufacturer's specifications with picture or diagram) of all proposed fixtures.

U. *Maintenance of machinery.* Routine field maintenance of vehicles and mobile machinery shall not be performed within three hundred (300) feet of any water body.

V. *Mud tracking.* An operator shall take all practical measures to ensure that the operator's vehicles do not track mud or leave debris on city streets. Any such mud or debris left on city streets by an operator's operation shall be promptly cleaned up by the operator.

W. *Reclamation plan.* The application shall include any interim and final reclamation requirements required by the COG regulations.

X. *Recordation of flowlines.* The legal description of all flowlines, including transmission and gathering systems, shall be filed with the director and recorded with the Larimer County Clerk and Recorder within thirty (30) days of completion of construction. Abandonment of any flowlines shall be filed with the director and recorded with the Larimer County Clerk and Recorder within thirty (30) days after abandonment.

Y. *Removal of debris.* When oil and gas operations become operational, all construction-related debris shall be removed from the site for proper disposal. The site shall be maintained free of debris and excess materials at all times during operation. Materials shall not be buried on-site.

Z. *Removal of equipment.* All equipment used for drilling, re-drilling, maintenance and other oil and gas operations shall be removed from the site within thirty (30) days of completion of the work. Permanent storage of equipment on well pad sites shall be prohibited.

AA. *Signs.* A sign permit shall be obtained for all signs at the oil and gas facility or otherwise associated with the oil and gas operations in accordance with code chapter 18.50 except such permit shall not be required for those signs required by the COG regulations or this chapter.

BB. *Spills.* Chemical spills and releases shall be reported in accordance with applicable state and federal laws, including, without limitation, the COG regulations, the Emergency Planning and Community Right to Know Act, the Comprehensive Environmental Response Compensation and Liability Act, the Oil and Pollution Act, and the Clean Water Act, as applicable. If a spill or release impacts or threatens to impact a water well, the operator shall comply with existing COG regulations concerning reporting and notification of spills, and the spill or release shall also be reported to the director within twenty-four (24) hours of the operator becoming aware of the spill or release.

CC. *Temporary access roads.* Temporary access roads associated with oil and gas operations shall be reclaimed and re-vegetated to the original state in accordance with COG rule series 1000.

DD. *Development standards for street, electric, water/wastewater, and stormwater infrastructure.* All permits for oil and gas operations shall comply with the development standards for street, electric, water/wastewater and stormwater infrastructure set forth in code chapter 16.24.

EE. *Transportation and circulation.* All applicants shall include descriptions of all proposed access routes for equipment, water, sand, waste fluids, waste solids, mixed waste and all other material to be hauled on the city's streets. The submittal shall also include the estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles, and any other information required by the city engineer. In addition to any other bonding or indemnification requirements of the city as may be reasonably imposed, all applicants shall provide the city with a policy of insurance in an amount determined by the city engineer to be sufficient to protect the city against any damages that may occur to the city's streets, roads or rights-of-way as a result of any weight stresses or spillage of hauled materials including, without limitation, water, sand, waste fluids, waste solids and mixed wastes.

FF. *Water supply.* The operator shall identify on the site plan its primary source(s) for water used in both the drilling and well completion phases of operation. In addition, if requested by the city's Water and Power Department director, the applicant's source(s) and amounts of water used in the city shall be documented and a record of it shall be provided to the city. The disposal of water used on site shall also be reported to the Water and Power Department director if requested to include the operator's anticipated haul routes and the approximate number of vehicles needed to supply and dispose of the water. When operationally feasible, the operator shall minimize adverse impacts caused by the delivery of water to the operation site by truck. If available and commercially viable, the operator shall make a service line connection to a domestic water supplier who is willing to provide such water at the same rates, fees and charges and provided that the amount of the water that can be supplied by that provider can be done so without delay or negative impact to the operator's drilling and well completion operations. When operationally feasible, the operator may alternatively purchase non-potable water from any other sources and transfer that water through ditches or other waterways and/or through above or below ground lines.

GG. *Weed control.* The applicant shall be responsible for ongoing weed control at oil and gas operations sites, pipelines and along access roads during construction and operations, until abandonment and final reclamation is completed pursuant to commission rules. Control of weeds shall comply with the standards in code chapter 7.18.

HH. *Well abandonment.* The operator shall comply with the COG regulations regarding well abandonment. Upon plugging and abandonment of a well, the operator shall provide the director with surveyed coordinates of the abandoned well and shall leave onsite a physical marker of the well location.

II. *Federal and state regulations.* The operator shall comply with all applicable federal and state regulations including, without limitation, the OGC act and the COG regulations.

JJ. *Building permits.* A building permit shall be obtained for all structures as required by the International Fire Code and/or International Building Code as adopted in the city code.

KK. *Floodplains.* All surface oil and gas operations within the city's floodway and flood fringe districts, as these districts are defined and established in code chapter 18.45, shall be conducted, to the extent allowed under COG regulations, in accordance with all applicable COG regulations, including, without limitation, COG rules 603.k. and 1204. In addition, if the operator's oil and gas operations will involve any development or structures regulated under the city's Floodplain Building Code in code chapter 15.14, the operator shall also obtain a floodplain development permit before beginning such regulated operations.

LL. *Trash and recycling enclosures.* All applications for oil and gas operations shall comply with the requirements contained in code chapter 7.16, to the maximum extent feasible.

MM. *Representations.* The approved project development plan shall be subject to all conditions and commitments of record, including verbal representations made by the applicant on the record of any hearing or review process and in the application file, including without limitation compliance with all approved mitigation plans.

NN. *Seismic operations.* The operator shall provide at least a fifteen (15) day advance notice to the director and the Loveland Rural Fire Authority whenever seismic activity will be conducted within the city.

OO. *Access roads.* All private roads used to access the tank battery or the wellhead shall, at a minimum, be:

1. A graded gravel roadway at least twenty (20) feet wide with a minimum unobstructed overhead clearance of thirteen (13) feet six (6) inches, having a prepared subgrade and an aggregate base course surface a minimum of six (6) inches thick compacted to a minimum density of ninety-five percent (95%) of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures approved by the City Engineer. The aggregate material, at a minimum, shall meet the requirements for a Class 6, Aggregate Base Course as specified in the *Colorado Department of Highways Standard Specifications for Road and Bridge Construction*, latest edition.

2. Grades shall be established so as to provide drainage from the roadway surface and shall be constructed to allow for cross-drainage to waterway (i.e. roadside swells, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of culvert pipes shall be subject to approval by the city engineer.

PP. *Visual impacts.*

1. To the maximum extent practicable, oil and gas facilities shall be:

- (a) Located away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings, and other landmarks;
 - (b) Located to avoid crossing hills or ridges;
 - (c) Located to avoid the removal of trees; and
 - (d) Located at the base of slopes to provide a background of topography and/or natural cover.
2. Access roads shall be aligned to follow existing grades and minimize cuts and fills.
3. One (1) or more of the landscaping practices may be required on a site specific bases:
- (a) Establishment and proper maintenance of adequate ground cover, shrubs and trees;
 - (b) Shaping cuts and fills to appear as natural forms;
 - (c) Cutting rock areas to create irregular forms; and
 - (d) Designing the facility to utilize natural screens.

QQ. *COG regulations for odor.* All oil and gas operations shall comply with COG rule 805.

RR. *COG regulations for abandonment of pipelines.* Any pipelines abandoned in place shall comply with COG rule 1103 and the operator's notice to the commission of such abandonment shall be promptly filed thereafter by the applicant with the director.

SS. *Temporary Housing.* Temporary housing shall be prohibited on any oil and gas operations site, including, without limitation, trailers, modular homes and recreational vehicles, except for the temporary housing customarily provided and required during twenty-four hour drilling, well completion and flowback operations.

18.77.065 Enhanced Standards for Administrative Review Process.

All applications considered in the administrative review process and all oil and gas operations approved under this process shall be subject to and comply with the following standards and requirements, as applicable, in addition to the standards and requirements in code section 18.77.060. The operator shall designate these standards and requirements, to the extent applicable, as agreed upon best management practices on any application the operator files with the commission.

A. *Setbacks.* The following setbacks shall apply to the oil and gas operations. Unless specified otherwise herein, setbacks shall be measured from the closest edge of the oil and gas facility to the nearest wall or corner of the building.

1. Except as required under subparagraph 5, below, all oil and gas facilities shall be located at least five hundred (500) feet from any building, or such greater distance as may be required by the commission.
2. All oil and gas facilities shall be at least two hundred (200) feet from public roads, major above ground utility lines, railroads or any property or lease area line of the oil and gas facility, or such greater distance as may be required by the commission.
3. All oil and gas facilities shall be located at least five hundred (500) feet from: (i) the boundary of any natural area or wetland; (ii) the property line of any property managed by the city's Parks and Recreation Department and any city park; (iii) the operating high water line of any surface water body; (iv) the boundary of the FEMA floodway zoning district as set forth in code chapter 18.45; and (v) the property line of any property subject to a conservation easement managed by a public or non-profit entity, or such greater distance as required by the commission.
4. All oil and gas facilities shall be located at least five hundred (500) feet from any domestic or commercial water well, or such greater distance as required by the commission.
5. All oil and gas facilities shall be located at least one thousand (1,000) from any building with an occupancy rating for fifty (50) persons or more and any outdoor assembly area with a capacity of fifty (50) persons or more, or such greater distance as required by the commission.

B. *Commission mitigation regulations.* All oil and gas operations shall comply with the mitigation measures required under commission Rule 604.c, as amended.

C. *Bufferyards.* The bufferyards set forth in Table 1 below, shall be established once the well is in production around the entire perimeter of the oil and gas production site, excluding vehicular access points, and maintained until the site has been restored in accordance with the final reclamation plan approved by the city and the commission. Bufferyards shall not be required during drilling and well completion operations. The use of xeriscape plant types shall be used unless a permanent irrigation system is provided by the operator. A temporary irrigation system shall be provided, maintained and operated for xeriscape plant types for a period of two years from planting.

Table 1 - Bufferyards			
Base Standard (plants per 100 linear feet)	Optional Width (feet)	Plant Multiplier	Option: add 6 foot opaque masonry wall

5 canopy trees	150	1.00	.85
6 evergreen trees	170	0.90	
4 large shrubs	190	0.80	
	210	0.70	
	230	0.60	
	250	0.50	

D. *Air quality standards.* Air emissions from oil and gas facilities shall be in compliance with the permit and control provisions of the Environmental Protection Agency, Air Quality Control Commission and Colorado Oil and Gas Conservation Commission. In addition, the operator of the oil and gas facility agrees to employ the following enhanced standards for air quality mitigation.

1. *General duty to minimize emissions.* All continuously operated equipment, including but not limited to, storage vessels and dehydrators shall route vapors to a capture and control device with at least a ninety-eight percent (98%) destruction efficiency. Operators shall submit to the director test data of like equipment or manufacturer's data demonstrating the control device can meet the destruction efficiency. Any combustion device, auto ignition system, recorder, vapor recovery device or other equipment used to meet the destruction efficiency shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instruction and operating manuals.
2. *Combustion devices.* All flares shall be designed and operated as follows:
 - (a) The combustion devices shall be designed and operated in a matter that will ensure it complies with 40 Code of Federal Regulations ("CFR") §60.18 (General control device and work practice requirements);
 - (b) The combustion device, during production operations, shall be operated with a pilot flame present at all times vapors may be routed to it. Presence of a pilot flame shall be continuously monitored and recorded; and
 - (c) Combustion devices shall be equipped with automatic flame ignition systems in the event the pilot flame is extinguished.
3. *Fugitive emissions.* The operator shall develop and follow a leak detection and repair plan to minimize emissions from fugitive components. The plan will be submitted to the director for incorporation into the permit.
4. *Pneumatic controllers.* The operator shall use only no- or low-bleed pneumatic controllers, where such controllers are available for the proposed application. High-bleed pneumatic controllers may be used where air is the motive gas for operation of the controller and valve.

5. *Well completion practices.* For each well completion operation, the operator shall minimize emissions from the operation as set forth below:

- (a) For the duration of flowback, route the recovered gas to the sales pipeline once the well has enough gas to safely operate the separator, or like device, and liquid control valves;
- (b) If flow and gathering lines are not available to comply with subparagraph (a) above, the operator shall capture the recovered gas to a completion combustion device, equipped with a continuous ignition system, to oxidize the recovered gas stream except in conditions that may result in a fire hazard or explosion, or where high heat emissions from the completion device may negatively impact a sensitive area or nearby structure;
- (c) Operators shall have a general duty to safely maximize resource recovery and minimize releases to the atmosphere during flowback; and
- (d) Operators shall maintain a log for each well completion operation. The log shall be completed in accordance with the methods outlined in the Environmental Protection Agency's Code of Federal Regulations, specifically 40 CFR Part 60, Subpart OOOO.

6. *Well maintenance and blowdowns.* The operator shall utilize best management practices during well maintenance and blowdowns to minimize or eliminate venting emissions.

7. *Capture of produced gas from wells.* Gas produced during normal production shall be captured, to the maximum extent feasible, and not flared or vented, except in situations where flaring or venting is required to ensure that associated natural gas can be safely disposed of in emergency shutdown situations.

8. *Rod-packing maintenance.* Operators shall replace rod-packing from reciprocating compressors located at facilities approved after April 15, 2013, every twenty-six thousand (26,000) hours of operation or thirty-six (36) months, whichever occurs first.

9. *Monitoring compliance and reporting.* Operators shall submit to the director an annual report providing the following information concerning the operator's oil and gas operations as related to air emissions:

- (a) Dates when the operator or its agent inspected its oil and gas facilities under its leak detection and repair plan;
- (b) A record of the expected and actual air emissions measured at the facilities;
- (c) The operator's emissions data collected during well completion activities;

(d) Dates and duration when operator conducted well maintenance activities to minimize air emissions;

(e) If venting occurred at any time during the reporting period, an explanation as to why best management practices could not have been used to prevent such venting; and

(f) Dates when reciprocating compressor rod-packing is replaced.

E. *Pipelines.* Any newly constructed or substantially modified pipelines on site shall meet the following requirements:

1. Flowlines, gathering lines and transmission lines shall be sited at a minimum of fifty (50) feet away from residential and non-residential buildings, as well as the high-water mark of any surface water body. This distance shall be measured from the nearest edge of the pipeline. Pipelines and gathering lines that pass within one hundred fifty (150) feet of residential or non-residential building or the high water mark of any surface water body shall incorporate leak detection, secondary containment or other mitigation, as appropriate;

2. To the maximum extent feasible, pipelines shall be aligned with established roads in order to minimize surface impacts and reduce habitat fragmentation and disturbance;

3. To the maximum extent feasible, operators shall share existing pipeline rights-of-way and consolidate new corridors for pipeline rights-of-way to minimize surface impacts; and

4. Operators shall use boring technology when crossing streams, rivers, irrigation ditches or wetlands with a pipeline to minimize negative impacts to the channel, bank and riparian areas.

F. All oil and gas facilities shall comply with the sound limitation standards set forth in code chapter 7.32 after development of the well is complete, meaning while the well is in production. A noise mitigation study shall be submitted with the application to demonstrate compliance with said code chapter. If necessary to comply with said chapter, a noise screen shall be constructed along the edge of the oil and gas facility between the facility and existing residential development or land zoned for future residential development.

18.77.070 Application Requirements.

All applications submitted to current planning shall contain the information required for a COG permit and any additional information required by the city's "Oil and Gas Development Application Submittal Checklist" approved by the city manager.

18.77.075 Variances.

A. *Variance Request.* In both the planning commission review and administrative review processes, an applicant may request a variance from any provision of this chapter. A request for a variance under this section may be included in the applicant's application and shall be processed, reviewed and granted, granted with conditions or denied in accordance with and as part of the planning commission review process or the administrative review process, as applicable. The variance provisions of chapter 18.60 shall not be applicable to a variance request under this chapter.

B. *Grounds for Variance.* A variance from the application of any provision in this chapter shall be granted on the basis of one or more of the following grounds:

1. The provision is in operational conflict with the OGC act or the COG regulations, meaning the application of the provision would have the effect of materially impeding or destroying a state interest as expressed in the COG act or the COG regulations.
2. There is no technology commercially available at a reasonable cost to conduct the proposed oil and gas operations in compliance with the provision and granting a variance from the operation of the provision will not have an adverse effect on the public health, safety or welfare or on the environment.
3. Protection of the public health, safety and welfare and of the environment would be enhanced by an alternative approach not contemplated by the provision.
4. Application of the provision will constitute a regulatory taking of property without just compensation by the city under Article II, Section 3 of the Colorado Constitution.
5. Application of the provision is impractical or would create an undue or unnecessary hardship because of unique physical circumstances or conditions existing on or near the site of the oil and gas operations, which may include, without limitation, topographical conditions, shape or dimension of the operation site, inadequate public infrastructure to the site, or close proximity of occupied buildings.

18.77.080 Transfer of Permits.

Oil and gas permits may be assigned to another operator only with the prior written consent of the director and upon a showing to the director that the new operator can and will comply with all conditions of the transferred permit and with all of the applicable provisions of this chapter. The existing operator shall assign the permit to the new operator on a form provided by the city and the new operator shall also sign the form agreeing to comply with all of the conditions of the permit and all applicable provisions of this chapter.

18.77.085 Other Applicable Code Provisions.

In addition to the provisions of this chapter, all oil and gas operations conducted within the city shall comply with all applicable provisions of the following code chapters: 3.16, Sales and Use Tax; 7.12, Nuisances - Unsanitary Conditions; 7.16, Solid Waste Collection and

Recycling; 7.18, Weed Control; 7.26, Accumulations of Waste Materials; 7.30, Graffiti; 7.36, Fire Protection; 10.04, Traffic Regulations; 10.20, Parking; 12.16, Use of City Rights-of-Way; 12.28, Prohibited Uses of Streets and Other Public Places; 13.18, Stormwater Management; 13.20, Stormwater Quality; 15.08, Building Code; 15.12, Property Maintenance Code; 15.14, Floodplain Building Code; 15.16, Mechanical Code; 15.24, Electrical Code; 15.28, Fire Code, 16.38, Capital Expansion Fees; 16.41, Adequate Community Facilities; 16.42, Street Maintenance Fee; 18.45, Floodplain Regulations; 18.50, Signs; 13.04, Water Service; 13.06, Cross Connection Control; and 19.06, Irrigation.

18.77.090 Emergency Response Costs.

The operator shall reimburse the Loveland Fire Rescue Authority for any emergency response costs incurred by the Authority in connection with fire, explosion or hazardous materials at the well or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by mistake of the Authority or in response to solely a medical emergency.

18.77.095 Application and Inspection Fees.

The city council may establish by resolution fees to be collected at the time an application is filed with current planning for the city's reasonable costs in processing applications under this chapter and for fees thereafter imposed for the city's reasonable costs to conduct inspections to ensure compliance with this chapter. Fees established for inspections shall be nondiscriminatory to only cover the city's reasonable costs to inspect and monitor for road damage and for compliance with the city's fire code, building codes and the conditions of any permit issued under this chapter. However, such inspection fees shall not be based on any costs the city might incur to conduct inspections or monitoring of oil and gas operations with regard to matters that are subject to rule, regulation, order or permit condition administered by the commission.

18.77.100 Capital Expansion Fees.

Oil and gas operations within the city shall be subject to the capital expansion fees established under code chapter 18.38. The city council may adopt and set such fees by resolution. Any such fees adopted, shall be paid by the operator to the city at the time of issuance of an oil and gas permit under this chapter.

18.77.105 Reimbursement for Consultant Costs.

If the city contracts with an outside consultant to review and advise the city concerning any applicant's application or in connection with any applicant's hearing conducted under this chapter, the applicant shall reimburse the city for the city's reasonable costs incurred with that consultant. No permit shall be issued and no suspended permit shall be reinstated until the applicant reimburses the city in full for any such costs.

18.77.110 Adequate Transportation Facilities.

All applications submitted and all permits issued under this chapter shall be subject to all of the applicable adequate community facilities requirements of code chapter 16.41 as they relate solely to the transportation facilities required in code section 16.41.110.

18.77.115 Insurance and Performance Security.

A. *Insurance.* Every operator granted a permit under this chapter shall procure and maintain throughout the duration of the operator's oil and gas operations a policy of comprehensive general liability insurance, or a self-insurance program approved by the Colorado Insurance Commission, insuring the operator and naming the city as an additional insured, against any liability for personal injury, bodily injury or death arising out of the operator's permitted operations, with coverage of at least one million dollars (\$1,000,000) per occurrence. Unless the operator is self-insured, insurance required by this paragraph A. shall be with companies qualified to do business in the State of Colorado and may provide for a deductible as the operator deems reasonable, but in no event greater than ten thousand dollars (\$10,000). The operator shall be responsible for payment of any deductible. No such policy shall be subject to cancellation or reduction in coverage limits or other modification except after thirty (30) days prior written notice to the city. The operator shall identify whether the type of coverage is "occurrence" or "claims made." If the type of coverage is "claims made," which at renewal the operator changes to "occurrence," the operator shall carry a twelve (12) month tail. The operator shall not do or permit to be done anything that shall invalidate the policies. In addition, the insurance required by this paragraph A. shall cover any and all damages, claims or suits arising out of the actual, alleged or threatened discharge, disbursal, seepage, migration, release or escape of pollutants, and shall not exclude from coverage any liability or expense arising out of or related to any form of pollution, whether intentional or otherwise. Further, the policies required by this paragraph A. shall be deemed to be for the mutual and joint benefit and protection of the operator and the city and shall provide that although the city is named as additional insured, the city shall nevertheless be entitled to recover under said policies for any loss occasioned to the city or its officers, employees or agents by reason of negligence of the operator or of its officers, employees, agents, subcontractors or business invitees and such policies shall be written as primary policies not contributing to or in excess of any insurance coverage the city may carry. Prior to the issuance of the operator's permit, the operator shall furnish to the city certificates of insurance evidencing the insurance coverage required herein. In addition, the operator shall, upon request by the city and not less than thirty (30) days prior to the expiration of any such insurance coverage, provide the city with a certificate of insurance evidencing either new or continuing coverage in accordance with the requirements of this section.

B. *Performance Security for Road Damage.* Prior to the issuance of a permit to an applicant, the applicant shall provide the city with a twenty-five thousand dollar (\$25,000) performance security for each well that is permitted while the well is in operation in the form of an irrevocable letter of credit or equivalent financial security acceptable to the director to cover the city's costs to repair any damages to the city's public rights-of-way caused by the operator's use of said rights-of-way. In the event this security is insufficient to cover the city's costs to repair any such damages, the operator shall be liable to the city for those additional costs and the city may pursue a civil action against the operator to recover those costs as provided in section 18.77.125.C. Reclamation and other activities and operations which fall under the COG regulations are exempted from this performance security coverage.

18.77.120 Inspections, Right to Enter and Enforcement.

A. *Inspections.* All oil and gas operations and facilities may be inspected by the city's duly appointed inspectors at reasonable times to determine compliance with the applicable provisions of this chapter and all other applicable provisions in this code. However, the city's inspections shall be limited to the inspection of those matters directly enforceable by the city under this chapter 18.77 as provided in paragraph C. of this section. In the event an inspection is desired by the city relating to a matter not directly enforceable by the city under this chapter, the city shall contact the commission to request that it conduct the inspection and take appropriate enforcement action.

B. *Right to Enter.* Notwithstanding any other provision in this code to the contrary, for the purpose of implementing and enforcing the provisions of this chapter and the other applicable provisions of this code, the city's inspectors shall have the right to enter upon the private property of a permitted operator after reasonable notification to the operator's designated agent, in order to provide the operator with the opportunity to be present during such inspection. Such notice shall not be required in the event of an emergency that threatens the public's health or safety. By accepting an oil and gas permit under this chapter, the operator grants its consent to this right to enter.

C. *Enforcement.* The city's enforcement of the provisions of this chapter 18.77 and of the conditions included in permits issued under this chapter shall be limited to those provisions and conditions that are not in operational conflict with state law or COG regulations. Notwithstanding the foregoing, the city may also enforce any provision or condition that is an enhanced standard imposed and agreed to by the applicant through the administrative review process or agreed to by the applicant in the planning commission review process, unless such provision or condition is made an express condition of the applicant's COG permit.

D. *Designated Agent.* The applicant shall include in its application the telephone number and email address of its designated agent and at least one back-up designated agent who can be reached twenty-four (24) hours a day, seven (7) days a week for the purpose of being notified of any proposed city inspection under this section or in case of an emergency. The applicant shall notify the city in writing of any change in the primary or back-up designated agent or their contact information.

18.77.125 Violations, Suspension and Revocation of Permits, Civil Actions and Penalties.

A. *Violations.* It shall be unlawful and a misdemeanor offense under this chapter for any person to do any of the following:

1. Conduct any oil and gas operation within the city without a validly issued permit;
2. Violate any enforceable condition of a permit; or

3. Violate any applicable and enforceable provision of this chapter and code.

B. *Suspension and Revocation.* If at any time the director has reasonable grounds to believe than an operator is in violation of any enforceable provision of this chapter or code, the director may suspend the operator's permit. The director shall give the operator's designated agent written notice of the suspension and, upon receiving such notice, the operator shall immediately cease all operations under the permit, except those reasonably required to protect the public's health and safety. The director's written notice shall state with specificity the operator's violation(s). The suspension shall continue in effect until the director determines that the violation(s) has been satisfactorily corrected. At any time during the suspension, the operator may appeal the director's action to the City Council by filing with the City Clerk a written notice of appeal stating with specificity the operator's grounds for appeal. Within thirty (30) days of the City Clerk's receipt of that notice, a public hearing shall be held before the City Council. The hearing shall be conducted as a quasi-judicial proceeding with the operator having the burden of proof and with the director defending the suspension of the permit. After hearing and receiving evidence and testimony from the operator, from the director and from other city staff and consultants, and after receiving public comment, the City Council may revoke the permit, terminate the suspension of the permit or take such other action as it deems appropriate under the circumstances taking into consideration and balancing the protection of the public's health, safety and welfare and the operator's rights under this chapter and state law to conduct its oil and gas operations. Within twenty five (25) days after the hearing, the Council shall adopt its written findings and conclusion supporting its decision. The Council's written findings and conclusions shall constitute the Council's final decision that may be appealed to the Larimer County District Court under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

C. *Civil Actions.* In addition to any other legal remedies provided under this chapter to enforce violations of this chapter, the city may commence a civil action against an operator committing any such violations in any court of competent jurisdiction and request any remedy available under the law or in equity to enforce the provisions of this chapter, to collect any damages suffered by the city as the result of any violation and to recover any fees, reimbursements and other charges owed to the city under this chapter and code. If the city prevails in any such civil action, the operator shall be liable to the city for all of the city's reasonable attorney's fees, expert witness costs and all other costs incurred in that action.

D. *Penalties.* A violation of any enforceable provision of this chapter shall constitute a misdemeanor offense punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a term not exceeding one (1) year, or both such fine and imprisonment. A person committing such offense shall be guilty of a separate offense for each and every day, or a portion thereof, during which the offense is committed or continued to be permitted by such person, and shall be punished accordingly.

18.77.130 Conflicting Provisions.

In the event of any conflict between any provision of this chapter and any other provision of this code, the provision of this chapter shall control.

Section 2. That a new Chapter 18.78 is hereby added to the Loveland Municipal Code to read in full as follows:

Chapter 18.78

Building Setbacks from Oil and Gas Facilities

Sections:

- 18.78.010 Purpose**
- 18.78.020 Building Setbacks from Oil and Gas Facilities**
- 18.78.030 Variances.**
- 18.78.010 Purpose.**

The purpose of this chapter is to generally protect the public's health, safety and welfare and more specifically to establish setbacks for new development from existing or abandoned oil and gas facilities.

18.78.020 Building Setbacks from Oil and Gas Facilities.

All "buildings," as defined in code section 18.77.025, except such buildings with an occupancy rating for fifty (50) persons or more, shall be setback a minimum distance of five hundred (500) feet from an existing or abandoned oil and gas facility. All such buildings with an occupancy rating for fifty (50) persons or more and "outdoor assembly areas," as this term is defined in code section 18.77.025, shall be set back a minimum of one thousand (1,000) feet from any existing or abandoned "oil and gas well," as this term is defined in code section 18.77.025. Land included in such setback areas shall be restricted to use only as open space and recreational uses within that open space, such as play fields, parks and playgrounds, shall not be permitted.

18.78.030 Variances.

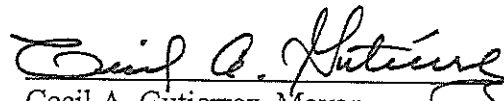
The owner of any real property subject to the setback requirements of section 18.78.020 may request a variance from those setbacks in accordance with the provisions of section 18.77.075 using the planning review process set out in Chapter 18.77.

Section 3. That Ordinance No. 5685 and Ordinance No. 5735 are hereby repealed.

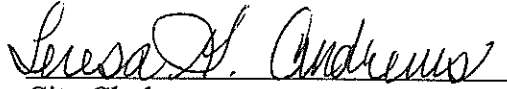
Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this _____ day of _____, 2013.





Cecil A. Gutierrez, Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Ordinance # 5753

I, Teresa G. Andrews, City Clerk of the City of Loveland, Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on March 5, 2013 and was initially published in the Loveland Daily Reporter-Herald, a newspaper published within the city limits in full on March 9, 2013, and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on March 23, 2013.


City Clerk

Effective Date: April 2, 2013

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 22, 2013**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 22, 2013 at 6:30 p.m. Members present: Chairman Meyers; and, Commissioners Massaro, Molloy, Dowding, Crescibene, Krenning, and Prior. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Community Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. Informational: Withdrawal by applicant Steve MacMillan of the appeal of the Planning Commission's denial of the height exception for a 3-story, multi-family development at South Shore Plaza.
2. Request to cancel the Planning Commission meeting scheduled for Monday, May 27th due to the Memorial Day holiday.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Chairman Meyers announced that he would like to let any Loveland residents with ties to Boston who are watching the Commission broadcast know that the Commission grieves with them, supports them, and wishes them the best of luck in the wake of the Boston marathon bombing tragedy.

APPROVAL OF THE MINUTES

Chairman Meyers asked for a motion to approve the minutes from the April 8, 2013 meeting. Commissioner Dowding moved to approve the minutes. The motion to approve the minutes was seconded by Commissioner Massaro and it was approved unanimously.

OTHER BUSINESS

Commissioner Dowding made a motion to cancel the meeting scheduled for May 27, 2013 because it falls on Memorial Day. It was seconded by **Commissioner Crescibene** and it passed unanimously.

APPROVED: April 22, 2013 Planning Commission Minutes

REGULAR AGENDA

1. Amendment to Chapter 18.05 of the Municipal Code

Chairman Meyers introduced this item indicating that it is a public hearing to consider an amendment to Chapter 18.05 of the Municipal Code establishing mailed notification distances for oil and gas permit applications.

Bob Paulsen, Current Planning Manager, provided a summary of the proposed code amendment and its purpose, and indicated that the Commission's role was to review the amendment and make a recommendation to the City Council for final action. He described the amendment as a follow-up to the City Council's recent adoption of Ordinance #5753 that established regulations for oil and gas operations within the municipal limits.

Mr. Paulsen explained that now that the oil and gas regulations have been approved, the public notice provisions of the Municipal Code require amendment to set forth mailed notice distances for oil and gas development applications. He elaborated that the new code provisions have two processes for oil and gas permit applicants. One is "Enhanced Standards" and the other is "Mandatory Process." Both involve neighborhood meetings; the Mandatory Process includes a public hearing before the Planning Commission and possible appeal to the City Council. The proposed mailed notice provisions would apply to both neighborhood meetings and public hearings, he explained.

Mr. Paulsen indicated that the Title 18 Committee had reviewed the proposed amendment to Chapter 18.05. He indicated that following a lengthy discussion, the Committee agreed on a recommendation to set the notification distance at 2,200 feet from the boundaries of the property where the permit is requested. **Mr. Paulsen** reported that the Committee's rationale for the distance of 2,200 feet included the following:

1. Other application types as specified in the code require mailed notice distances of up to 1,200 feet.
2. Oil and gas operations have the potential to impact other properties at a distance at least equivalent to those application types requiring a 1,200 distance
3. Due to the setback distances that oil and gas operations require from certain buildings and outdoor assembly areas (up to 1,000 feet as stipulated by the Municipal Code and state statute), the mailed notice distances for oil and gas operations should be expanded an additional 1,000 feet beyond the 1,200 foot baseline distance in order to ensure that impacted property owners are notified.

Mr. Paulsen went on to say that while the existing maximum mailed notice distance of 1,200 feet was an appropriate starting point or baseline for analysis, oil and gas operations are anticipated to locate in more rural areas of the City, and a wider notification area makes more sense where properties are larger and distances are greater between uses. **Mr. Paulsen** also emphasized that the regulatory set back requirements from occupied buildings of up to 1,000 feet could result in potentially significant impacts on properties adjacent to oil and gas operations; future development within the setback radius from the well-head, whether 500 or 1,000 feet, would be limited. He indicated that the setback factors weighed heavily into the

decision of the Title 18 Committee. As a result, the Committee felt it appropriate to establish the recommended 2,200 foot mailed notice distance.

Mr. Paulsen indicated that Development Services Department staff agrees with the Committee's analysis and recommends that the mailed notice distance for oil and gas permit applications is 2,200 feet from the boundary of the property on which the surface use will occur. **Mr. Paulsen** reviewed the redline version of the amendment specifying the changes.

Chairman Meyers added that the Title 18 Committee voted unanimously on this recommendation.

*After a short discussion, **Commissioner Dowding** made the motion to recommend to City Council to approve the amendments to Chapter 18.05 of Title 18 as specified in the April 22, 2013 Planning Commission staff report. The motion was seconded by **Commissioner Prior** and it passed unanimously.*

2. 2012 Accomplishments/2013 Goals

Chairman Meyers introduced the item as an administrative matter.

Bob Paulsen called the Commission's attention to the submitted report, including adjustments made in response Commission comments from a previous meeting. He asked for comments. Commissioner Dowding said she was very pleased with the report. All Commissioners agreed.

The Commission accepted the report without further discussion.

At this juncture, Chairman Meyers adjourned the Planning Commission and called to order a meeting of the Zoning Board of Adjustment.

ZONING BOARD OF ADJUSTMENT

1. ZBA Hearing Officer decision on Variance Application #2013-1

Chairman Meyers called the Zoning Board of Adjustment to order.

Bob Paulsen indicated that the variance application concerned a property in the Boyd Lake North Subdivision. He reported that the applicant had just recently withdrawn pursuit of their variance application.

ZBA Hearing Officer Crescibene provided a summary of the application and his decision. He explained that the property had a 100 foot setback restriction and a maximum building size limitation. The owner wanted to build a larger building, a horse barn, at a 50 foot setback and,

therefore, applied for the two-part variance. **ZBA Hearing Officer Crescibene** said his decision was to adhere to the adopted restrictions.

Commissioner Dowding requested that, as an alternate hearing officer, she receive the decision findings prior to receiving them at the ZBA meetings.

Mr. Paulsen indicated that in the future staff would provide Commissioner Dowding with a staff report in advance of the ZBA hearings.


Chairman Meyers adjourned the Zoning Board of Adjustment and reconvened the Planning Commission meeting.

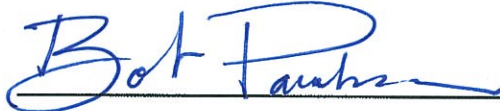
PLANNING COMMISSION

ADJOURNMENT

Commissioner Prior made a motion to adjourn. Upon a second by **Commissioner Massaro**, the motion was unanimously adopted.

Approved By: _____


Buddy Meyers, Planning Commission Chairman



Bob Paulsen, Acting Planning Commission Secretary



Code Amendment: Mailed Notice for Oil & Gas

City Council

May 21, 2013



Mailed Notice for Oil & Gas

Amendment to Chapter 18.05 **[Public Notice Requirements]**

Establish Mailed Notice Distances

- *Neighborhood Meetings*
- *Public Hearings*
- *Appeals to City Council*



Mailed Notice for Oil & Gas

Amendment to Chapter 18.05:

- Necessary to Ensure Clear Mailed Notice Requirements
- Will Not Change Recently Adopted Oil & Gas Regulations



Mailed Notice for Oil & Gas

Recommended Distance:

2,200 feet as measured from the boundary of the property on which surface use will occur under the oil and gas permit

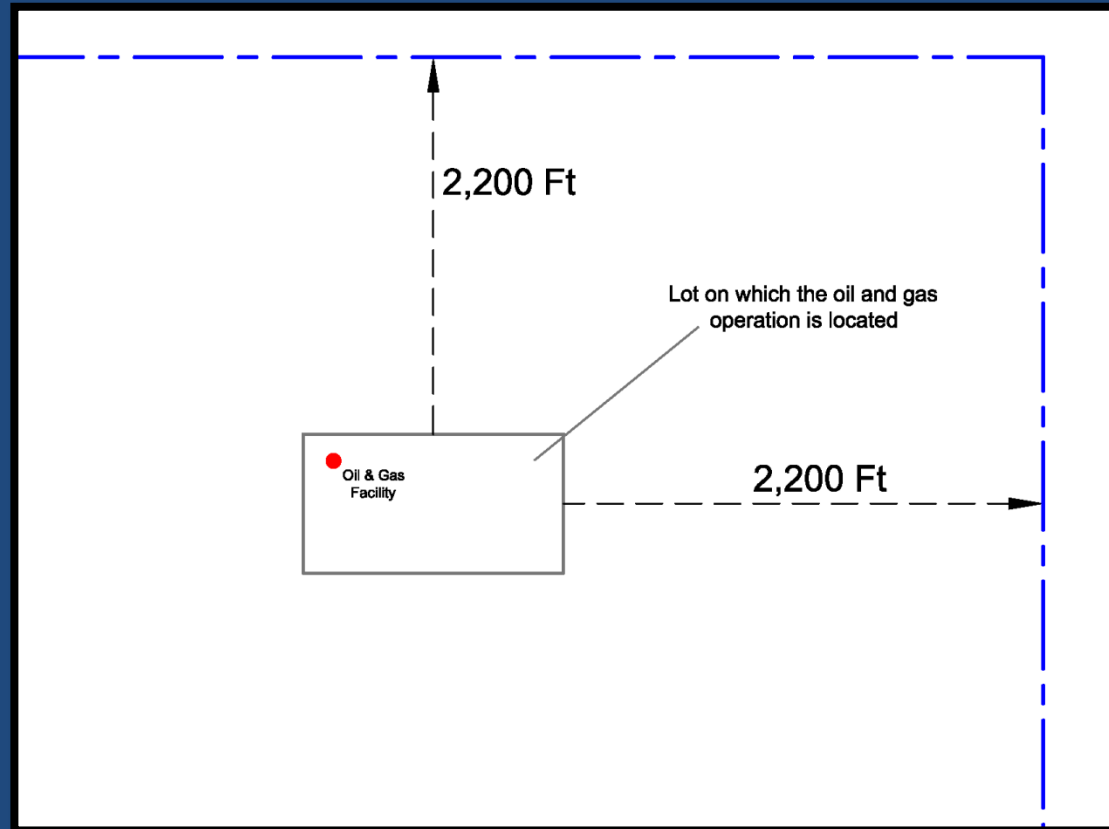


Mailed Notice for Oil & Gas

Recommended 2,200 foot Distance:

- Developed by Title 18 Committee
- Recommended by Planning Commission
- Supported by staff

Proposed Mailing Notification Distance



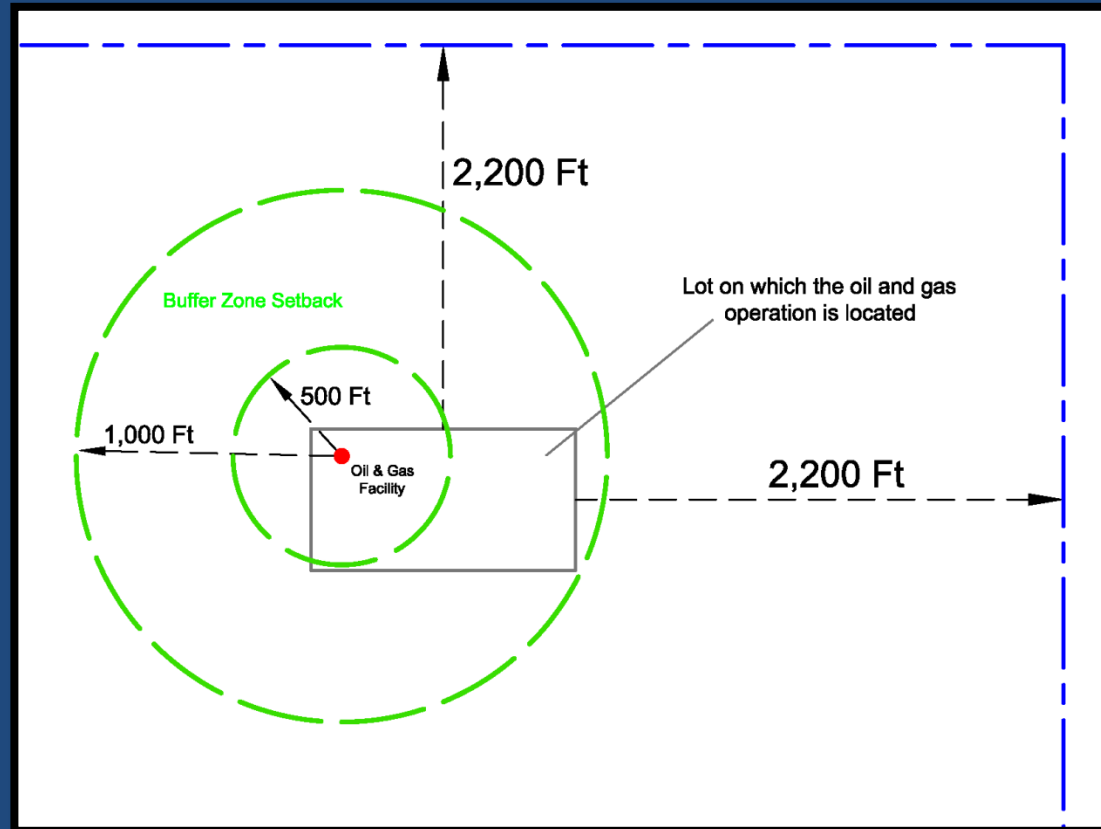


Mailed Notice for Oil & Gas

Rationale for 2,200 foot Mailed Notice Distance:

- 1,200 foot Distance Required for Other Projects
- Oil & Gas Operations as Impactful as Other Projects
- Required 1,000' Setback Distances from High-Occupancy Buildings and Outdoor Assembly Areas
- $1,200' + 1,000' = 2,200 \text{ ft.}$

Proposed Mailing Notification Distance With Setbacks





CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 13
MEETING DATE: 5/21/2013
TO: City Council
FROM: Alison Hade, Community Partnership Office
PRESENTER: Alison Hade

TITLE:

Human Services Commission Request for Increased Annual Grant Funds for 2014 and Subsequent Years.

RECOMMENDED CITY COUNCIL ACTION:

Provide direction as to:

1. Should the 2014 Budget for Human Services annual grant funds include a \$50,000 increase to base level funding for 2014 and subsequent years; and
2. Should a proposal for a formula (to provide some further level of funding on an annual basis in the event that greater than expected or budgeted revenues are realized), in addition to base funding, be developed and included in the budget request for 2014 and subsequent years.

OPTIONS:

1. Provide the direction as requested
 2. Deny the request
 3. Adopt a modified action (specify in the motion)
 4. Refer back to staff for further development and consideration
 5. Adopt a motion continuing the item to a future Council meeting
-

DESCRIPTION:

The Human Services Commission is requesting a \$50,000 increase in funding to their base funding level of \$450,000. In addition, the Commission is asking that a specified percentage increase be given in years when City General Fund revenues are greater than anticipated and an unassigned fund balance occurs. The Commission's request was detailed in a letter sent to the City Council in November, 2012.

BUDGET IMPACT:

- ☐ Positive
☒ Negative
☐ Neutral or negligible
At least \$50,000 annually.

SUMMARY:

The Human Services Commission has allocated funding to non-profit organizations serving Loveland residents since 1993. The amount of General Fund dollars has been set at \$450,000 since 2008, when it was increased from \$400,000. For many years, however, the Commission has received requests for funding that are almost double the amount of available funding.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Letter to City Council from Human Service Commission (November 2012)
Presentation

To: Mayor Gutierrez, City Councilors and City Manager Cahill

From: The Human Services Commission

Re: Recommendation for increased funding

Please accept this letter on behalf of the members of the Human Services Commission. Thank you for your continuing support and dedication to the human service agencies of Loveland, the clients they serve, and the members of the Commission as we work to sustain their efforts through financial assistance.

We have a recommendation for the City Council: we are asking for additional dollars for the HSC grant funding as soon as the necessary steps can be completed. The requests from agencies have gradually increased as the needs and numbers of citizens of Loveland have increased (see the following graph). For 2012, the total requested was \$933,081, whereas the total available for the allocation of funds through HSC was \$493,235, which includes CDBG funds -52.9 % of the requested amount. Other possible funding sources for the agencies have seriously decreased, or have been eliminated, making the competition for funds even more difficult.

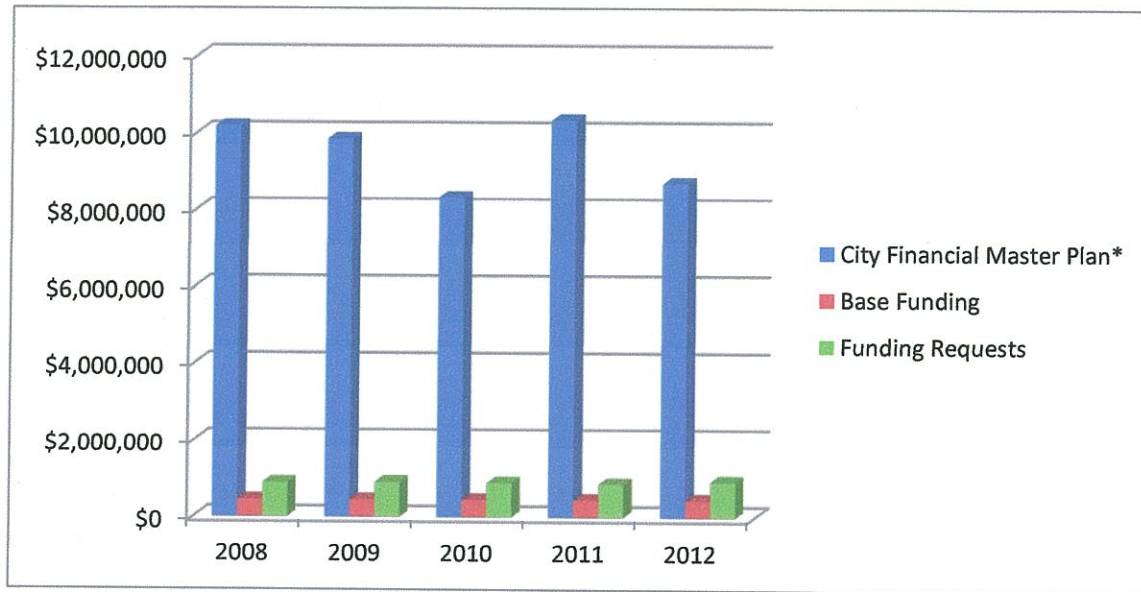
We are recommending an increase of \$50,000 to the base funding level which would raise it to \$500,000 annually. Additionally, during the years when City General Fund revenues are greater than anticipated and with an unassigned fund balance, we recommend that a specific percentage (e.g. 1/2 of 1%) be allocated to the HSC grant funds for that year in addition to the increased base funding. The HSC discussed this item during the November 15th meeting and the motion to approve the recommendation letter for increased funding was passed unanimously.

Thank you for your attention to our recommendation; we look forward to discussing this in the near future with any additional information that you require.

Jackie Elliott--Chair *Jackie Elliott*
 Lorna Greene--Vice Chair
 Melody Bettenhausen
 Alouette Greenidge
 Tim Hitchcock
 April Lewis
 Alison Miller
 Audra Montoya
 Amy Olinger
 Rebecca Paulson
 Penn Street
 Stan Taylor

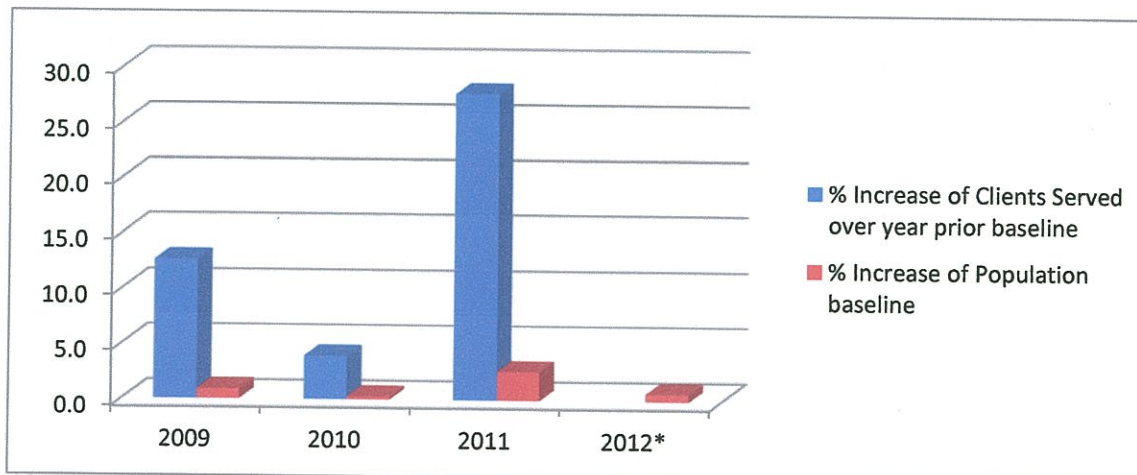
	2008	2009	2010	2011	2012
City Financial Master Plan*	\$10,194,198	\$9,856,404	\$8,330,546	\$10,349,992	\$8,700,000
Base Funding	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000
Funding Requests	\$888,759	\$905,659	\$888,428	\$866,471	\$933,081

*2012 is an estimate for year end for the unassigned fund balance.



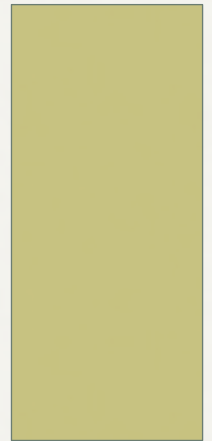
	2008	2009	2010	2011	2012*
% Increase of Clients Served over year prior	baseline	12.6	3.9	27.7	
% Increase of Population	baseline	0.9	0.26	2.6	0.68
Population	64,858	65,442	65,614	67,330	67,786

*Final numbers not available for 2012-2013 grant year until July 2013



HUMAN SERVICES COMMISSION GRANT PROGRAM

REPORT TO THE LOVELAND CITY COUNCIL
MAY, 2013



ALLOCATIONS

Human Services Grant Program History							
Comparison Facts	2012	2011	2010	2009	2008	2007	2006
# of Applications	48	46	48	48	50	49	46
Total Requested	\$933,081	\$866,471	\$888,428	\$905,659	\$888,759	\$790,048	\$719,969
HSG Funds Available	\$450,000	\$450,000	\$450,000	\$450,000	\$450,000	\$400,000	\$400,000
CDBG Funds Available	\$43,235	\$41,276	\$49,000	\$45,500	\$44,110	\$45,337	\$44,852
Total Funds Available	\$493,235	\$491,276	\$499,000	\$495,500	\$494,110	\$445,337	\$444,852
Average Grant	\$15,101	\$12,928	\$14,257	\$10,543	\$10,742	\$12,370	\$11,406
# Requests Funded	33	38	35	36	43	36	28
% Requests Funded	69%	83%	73%	75%	90%	75%	62%

GRANT PROCESS



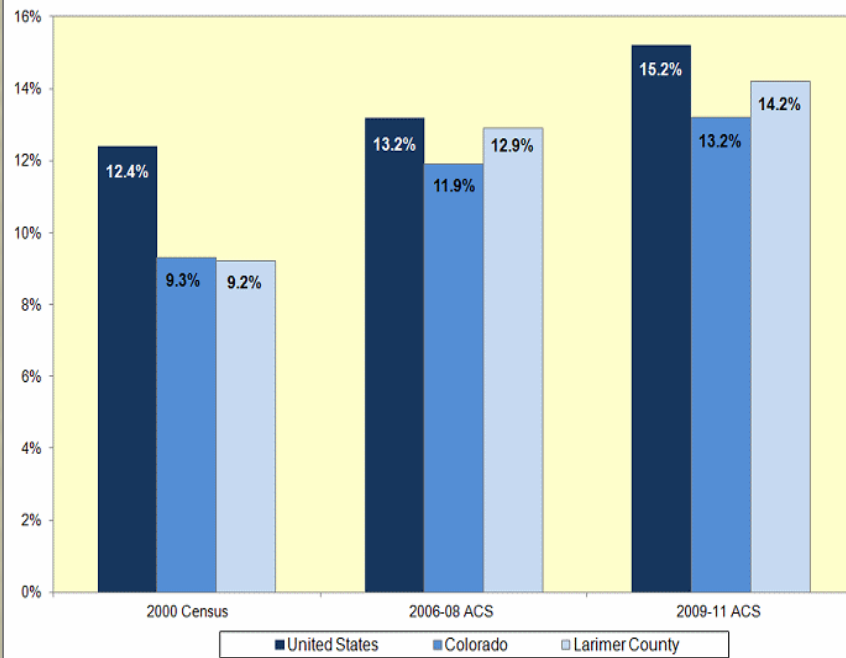
COMMUNITY VALUE

- Human Service Grants leverage \$9,152,658.
- HNS has served (on average) 24.5% of the Loveland community each year.
- Volunteers contributed 110,043 hours to local agencies in 2012.

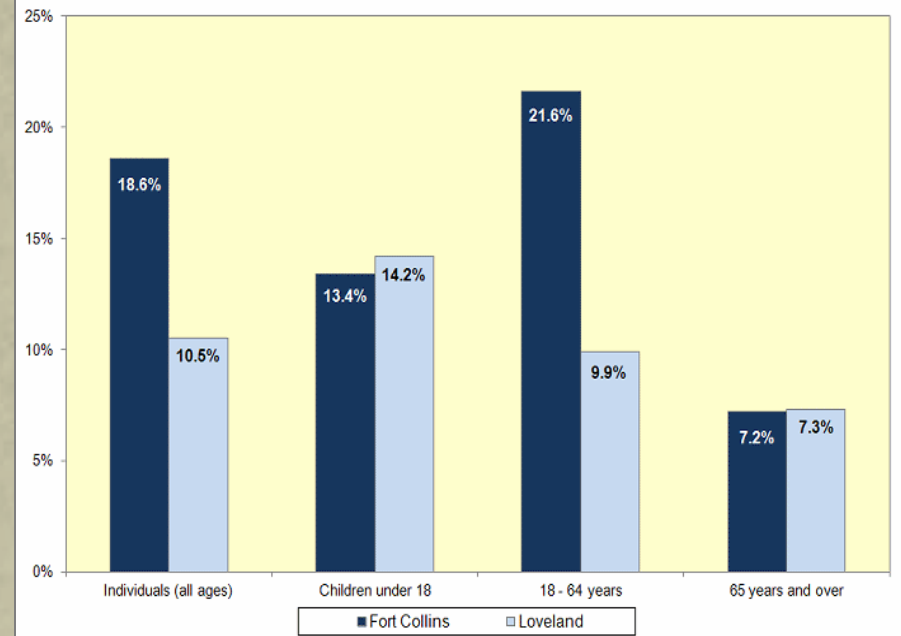


POVERTY

Percentage of All Individuals Living in Poverty
United States, Colorado and Larimer County



Percentage of Individuals Living in Poverty
Fort Collins and Loveland, 2009-2011 (3-Year Average)



IN THE NEWS

Page
A3
Friday

FEBRUARY 1, 2013

FRONT RANGE

Brainstorming ways to help homeless

Poverty by the numbers

City Council hears report on challenges facing Loveland residents

Sunday
January 27, 2013

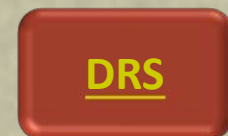
LOVELAND • COLORADO

REPORTER-HERALD

It's estimated that 1 percent of the population in any city or town is homeless; approximately 117 are living in Loveland

Counting the HOMELESS

PEOPLE WITH DISABILITIES



VICTIMS OF VIOLENT CRIMES

Changing the Child Abuse System

WHAT HAPPENS TODAY WHEN KIDS
NEED HELP FOR ABUSE



A 17 year old client came to ATV before she was supposed to start college. While on tour of a college campus she was raped by a stranger. She dealt with self blame, depression, and fear for her safety. After over a year of therapy, she has learned safety planning, is able to maintain her depression though she reports feeling better most of the time, and has learned to stop blaming herself and to stop believing victim blaming. She had to delay her college dream and scholarship, and will stay closer to home for now. She came to Loveland when she was 2yrs old.

ATV



Thank you for helping
me and my mommy

HUNGER

LOVELAND • COLORADO

Wednesday
April 3, 2013

REPORTER-HERALD

Childhood poverty rate on the rise

37.7 percent of TSD students identified for federal free and reduced lunch program

Focus on Loveland

In 2012, 1 in 7 Loveland
Residents Received Food
from Loveland Food Share

Getting a food box
for my family means
that my kids can go to
bed with their tummies
full of food and wake up
ready for school.



BY THE NUMBERS

Kids Pak provided over 5,100 bags of nutritious food during the 2011-12 school year.

MAKING AN IMPACT

"I have seen children's lives changing for the better, thanks to Kids Pak!"

- Gloria Major, Thompson School District,
Family Outreach

"Kids Pak is an important piece in ensuring children have access to nutritious food."

- Rita McCusker, Hunger Free Colorado

KidsPak

HOMELESSNESS



Bridging the gap...helping homeless families help themselves!
*During my 90 day stay at Angel House, while I have
 no housing expenses, I will actively work
 on goals to return me and my family to self-reliance!*



HNS

