

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
July 8, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on July 8, 2013 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Dowding, and Crescibene. Members absent: Commissioners Molloy, Prior, Krenning and Ray. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney, and Karl Barton, Strategic Planning.

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. **Bob Paulsen, Current Planning Manager**, thanked the Commission members who attended the 06/24/13 Planning Commission Meeting simply to approve the meeting minutes from the 06/24/13 meeting. It was much appreciated.
2. **Karl Barton, Strategic Planning**, addressed the Commission to inform them of several exciting new projects that will require the Commission's time and effort in the next years to come. First is a business development plan for the U.S. 287 Highway Corridor that extends North and South, but excludes the downtown area. A decision was made to hire a consultant for this project due to limited staffing resources, and because of the time and attention it will take to complete a project of this size and scope. The focus of the plan will be to look at the development conditions along U.S. 287, and come to a determination as to what can spur private investment along the corridor in order to make it more vital. The goal is to improve the aesthetic climate along this stretch of corridor, ensure the transportation system continues to function optimally, and that the codes in place are appropriate for the conditions and development potential on the corridor. A statement of qualifications request was issued and we received responses from 9 consultant teams. Staff is currently reviewing those bids and will select 3 teams to respond to more specific requests for proposals along with a precise budget amount. The planning effort is targeted to kick off prior to the end of 2013, and continue into mid-year 2014. The second project is the 2015 Comprehensive Plan. This project has also gone through the statement of qualification process. It is a brand new Comprehensive Plan and will contain a new land use map. The objective is to determine where Loveland is now and where it will go in the future. Staff anticipates a large public outreach process during the duration of this project, as it is critical to the success of this effort. The process for choosing consultants for this work was similar to the 287 Corridor project, and Staff received proposals from 6 different planning teams. The aim is to interview the teams prior to the end of the year, and more detailed proposals will be requested once a budget has been finalized for this plan. The role of the Planning Commission will be to assist Staff and the consultant team in the creation of this plan. Staff is anticipating that the

implementation of this project will pave the way to a more useful and powerful tool in guiding the future growth of Loveland.

Mr. Paulsen assured the Commissioners that they would be kept updated with status as the projects move forward, either from himself or Karl.

3. **Mr. Paulsen** brought to the attention of the Commission that there are items on the agenda for the next two Planning Commission meetings to be held on July 22nd, and August 12th.
4. **Chair Meyers** asked Staff to prepare a ZBA update for the July 22nd or August 12th meeting.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Middleton thanked the City Council, Mayor, and the Loveland Fire Department for the great July 4th fireworks show over Lake Loveland. **Chair Meyers** noted that the 07/08/13 Planning Commission Meeting was the first to be streamed live online for public viewing.

APPROVAL OF THE MINUTES

Chair Meyers asked for a motion to approve the minutes from the 06/24/13 Planning Commission meeting. **Commissioner Middleton** moved to approve the minutes. Upon a second by **Commissioner Dowding**, the meeting minutes were approved four to one with **Chair Meyers** abstaining since he was absent at the 06/24/13 Planning Commission meeting.

REGULAR AGENDA

1. Intergovernmental Agreement with Johnstown and GMA Boundary Amendment

This is a public hearing to consider two separate but related items that are part of a larger strategy of cooperation with the Town of Johnstown in the handling of annexation and planning matters in the area where the two communities are adjacent.

First, an Intergovernmental Agreement (IGA) between the City of Loveland and Town of Johnstown. This IGA establishes a process for cooperation between the two municipalities when processing annexations in an area generally described as being bounded by I-25 on the east, Larimer County Road 7 on the west, and State Highway 60 on the south, extending north for approximately one and one half miles and defined in the IGA as the Overlap Area. Second, an amendment to Loveland's Growth Management Area boundaries so as to remove certain properties located on the west and east sides of I-25, north of State Highway 402, and primarily south of the Big Thompson River. This amendment is being proposed as a clean-up of the GMA boundaries as it is unlikely that Loveland would be able to annex or serve any of the property being removed from the GMA.

Mr. Barton addressed the Commission and explained that Staff is asking for recommendation of both the Loveland and Johnstown Intergovernmental Agreement (IGA) and GMA Boundary Amendment (GMA) for City Council approval. The goal is to get final approval from City Council by the August 20th Council meeting. The IGA marks a new period of cooperation and agreement between the City of Loveland and the Town of Johnstown. Regional growth in Loveland and area communities has historically caused conflict during planning and annexation pursuits. This new growth also presents possibilities for neighboring communities to work together, and allows for more harmonious land use patterns, more proficient provision of infrastructure, and other services. **Mr. Barton** presented a map to the Commission indicating adjacent areas of Loveland and Johnstown as well as the existing Growth Management Overlap Areas. The map also illustrated the Larimer County Loveland GMA Overlay Zoning District. The district represents an agreement with the City of Loveland and Larimer County that states when a landowner comes to Larimer County for a discretionary land use approval, the property owner must contact Loveland to see if annexation is possible or desirable. The area along Highway 402, and to the west side of I-25, is not covered by the overlay zoning district. The biggest reason for this omission is due to the fact that Larimer County does not want to be involved in the conflict between Loveland and Johnstown regarding the GMA overlaps. Once an agreement is accomplished, Larimer County may entertain the idea of extending the zoning district into this area. Although there is no guarantee from Larimer County, it is the hope that an approved IGA will contribute to that effort. The ultimate goal is to forge a corridor plan for Highway 402, which has been indicated as a City Council priority. The IGA itself has a geographical affected area located west of I-25 to County Road 7, north of Highway 60, south of Highway 402, but not necessarily abutting Highway 402. Given the proximity to I-25, a planned interchange at Highway 16, I-25, and State Highway 60, growth pressure should be expected; land owners will want to develop their property. The IGA allows Loveland and Johnstown to work together with the annexation applicant to make the best decision possible in relation to annexation, planning, and zoning. The IGA has a process for discussion and collaboration on other planning efforts as well. Annexation is strictly the choice of the property owner and neither municipality relinquishes any rights. **Chair Meyers** questioned whether setbacks for mineral, oil, and gas right agreements would be included in the IGA. **Mr. Barton** assured the Commission that those good faith efforts are covered in the IGA; however neither community has control over the land uses of the other. **Mr. Barton** displayed two maps, one which revealed existing GMA boundaries; the other showed the proposed GMA boundaries. The new proposed boundaries would provide a “clean up” of the GMA’s and the surrounding areas by eliminating sections in the flood plains. It also would remove zones that would be too cost prohibitive for the City of Loveland to provide services to or that Loveland would not have the necessary contiguity to annex. The clean-up would provide a more accurate picture of areas that the City of Loveland expects to urbanize in the future. In return, the Town of Johnstown has agreed to relinquish the Ehrlich property from their GMA, as well as a rectangular parcel nearby. The Town of Johnstown is also presenting this IGA to their board for approval. The City of Loveland and Town of Johnstown currently has staff agreement for both the IGA and GMA’s. It should be noted that a public open house was held for affected property owners. Next step for the IGA is to go before the Loveland City Council on August 20th for approval. Johnstown will follow a similar approval process and it should be communicated that both the IGA and GMA are contingent on Johnstown approval. Staff recommends that the Commission ask the City Council for approval of both these items.

Chair Meyers stated that he understood that the outreach that staff did with the open house and mailings were not required by law, but were done as a courtesy to the community. **Mr. Barton** confirmed there was no process for approving an IGA. The GMA does require a public hearing notice, and mailings and phone calls were sent to community members. In addition, a public hearing notice was published in the newspaper.

Mr. Massaro stated he understood there was a small turn out at the open house, but was curious if there was any negative feedback from the attendees. **Mr. Barton** stated that for the most part participants at the open house were curious about the IGA and GMA's, but he did not receive negative reactions.

Ms. Dowding asked what role Larimer County will play in the future process. **Mr. Barton** responded he was hopeful that Larimer County will work closely with Loveland on the overlay expansion. He explained the first step is to communicate that there is an agreement between Loveland and Johnstown, indicating that the conflict has been resolved. He acknowledged that Larimer County will be involved in any SH 402 corridor planning, and confirmed that Larimer County has been kept apprised of any planning that has already occurred.

Mr. Crescibene stated that he felt the IGA was long overdue and that it was good to see it come before the Commission. He wondered what would happen if a landowner wanted to annex their property into Loveland if their property was within the Johnstown GMA. **Mr. Barton** explained that if the landowner had contiguity, then technically Loveland would have the final decision whether to annex a property but noted that the goal of the IGA is to create a culture of cooperation between the two communities. **Mr. Paulsen** added that based on state statutory requirements, 1/6th of a property proposed for annexation must have contiguity with existing property in Loveland in order for annexation to be considered.

Mr. Middleton thanked **Mr. Barton** for his effort and hard work that went into the creation of the IGA. He asked for the record to show that this is a public hearing; however there are no community members in the audience. He also asked if there was a shelf life for the IGA. The IGA specifically states that either community can opt out of the agreement. **Ms. Schmidt** explained that there are two provisions in the IGA; first, either party can terminate the agreement, but they must provide a year's notice. Second, the agreement is intended to run for a 10 year period and will automatically start to roll in 5 year increments unless one city or the other provides notice that they don't want it to go forward. That notice also requires a year's notice. **Mr. Middleton** clarified the question and asked how long it would take to get the agreement finalized. He said he wouldn't like to see the process drag out for 2 or 3 years. **Mr. Barton** stated that the City Council would most likely propose a timeframe for Johnstown to approve the agreement, however if it gets into a situation where it is not getting approved by Johnstown in a relatively timely fashion, it might indicate that Johnstown isn't interested in entering the IGA. **Mr. Barton** felt that was very unlikely. **Ms. Schmidt** added that IGA's typically don't contain a provision as to when it must be approved.

Chair Meyers stated he felt that in the spirit of good faith, having an expiration date in the IGA probably wouldn't be a good idea.

Mr. Massaro asked **Mr. Barton** if the IGA is on the Town of Johnstown agenda for approval. **Mr. Barton** explained that he didn't know when it would be on the Johnstown agenda, but he had been in contact with **John Franklin, Town of Johnstown Planner**, who indicated he still needed to speak with his manager regarding timing of the approval.

Mr. Massaro shared that he would be voting in favor of the IGA.

Mr. Middleton agreed that the IGA was needed and is pleased with the work done so far. He stated that he would be voting in favor of the IGA and would like to see it finalized in 120 days.

Ms. Dowding shared that she felt the IGA and GMA boundary clean-up was long overdue, and stated that both looked very solid and clean and she appreciated the effort that went into creating them.

Chair Meyers stated that the IGA demonstrated great effort on behalf of City Staff, City Managers, and City Council from both cities. He stated he was in strong support of the IGA and GMA and would be voting in support of both.

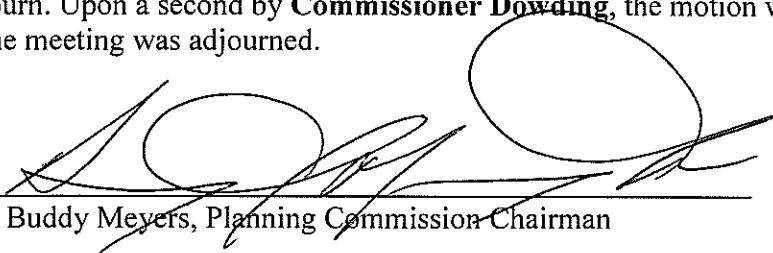
Commissioner Middleton made a motion to recommend that the City Council adopt the proposed Intergovernmental Agreement between the City of Loveland and Town of Johnstown. Upon a second from **Commissioner Dowding** the motion was unanimously approved.

Commissioner Middleton made a motion to recommend that the City Council amend the City of Loveland "2005 Comprehensive Plan" by the amendment of Section 4.7—Future land use plan map as needed for the anticipated Intergovernmental Agreement with the Town of Johnstown and as proposed to "clean up" Loveland's GMA Boundaries. Upon a second from **Commissioner Dowding** the motion was unanimously approved.

ADJOURNMENT

Vice-Chair Middleton asked for a motion to adjourn. **Commissioner Crescibene** made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted and the meeting was adjourned.

Approved by:


Buddy Meyers, Planning Commission Chairman


Kimber Kreutzer, Planning Commission Secretary