

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 9, 2015

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 9, 2015 at 6:30 p.m. Members present: Vice Chairman Middleton; and Commissioners Meyers, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Chair Crescibene and Commissioner Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant 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 Development Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

Mr. Paulsen, Current Planning Manager, updated the commission on several items:

- The March 23rd meeting agenda has several items to be presented and additionally there will be a Study Session from the **Economic Development Department**.
- The Current Planning Division will be hiring two positions, a Planner II and a Planning Technician.
- The **Youth Advisory Commission** has been invited to attend the April 27th meeting and will give a brief presentation to share some of their accomplishments and goals.
- Code Amendments will go to **City Council** as a Study Session on April 28th.
- The book titled The Citizen's Guide to Planning is on order for each commissioner.
- The Current Planning Division has received three emails from residents in the Mariana Butte 27th Subdivision, these were handed out to each commissioner. There is yet to be a Neighborhood Meeting and a Public Hearing, so all correspondence will be saved and compiled in the project packet for when it is presented to the Planning Commission. Any further information submitted by neighbors or other interested parties will be retained by staff and provided to the Planning Commission prior to the public hearing.

Mr. Moses Garcia, Assistant City Attorney, had nothing to report.

COMMITTEE REPORTS

Title 18 Committee will meet this Thursday the 12th at 7:30 a.m. stated **Commissioner Meyers**.

COMMISSIONER COMMENTS

- **Commissioner Ray** has read The Planning Commissioners Guide and shared an excerpt that explains how a Planning Commission is tied to a Comprehensive Plan and how the

plan impacts a site. **Commissioner Ray** stated that he would like a study session on this topic. He shared another point in the book that recommended when a site needs to be viewed, that commissioners should not go with the builder or applicant or others to the site; rather, it was recommended to view the site by yourself. **Mr. Garcia** agreed and expanded on the point, stating that there needs to be limited communication with residents for impartiality and to make sure, even the appearance of bias is not present.

- **Commissioner Meyers** handed out copies of three different publications, Local Government Land Use Authority in Colorado; C.R.S. 22-32-124. Building codes, zoning, planning, fees, rules and definitions; and the Colorado Code of Regulations, 8 CCR 1507-30. These publications relate to local building divisions being certified by the Division of Fire Prevention and Control to review plans and inspect public schools. **Commissioner Meyers** stated that having a certified building inspector would help bring the review process of schools closer to the local communities since the decision making would be done based on the city codes. **Commissioner Forrest** also provided comment on the value of the building department certification program based upon her professional experience. Discussion ensued.

Commissioner Meyers made a motion for the Planning Commission to provide direction to the City Planning staff to further research the ability of the city of Loveland Building Division and other agencies outside of the existing relationship the fire protection group has with the Colorado Department of Education and the Department of Public Safety to determine what is required to have the Building Division of the City of Loveland certified as the jurisdictional authority for inspections permitting overall site integrity management as provided under Section 24-33.5-1213.5 of the Colorado Revised Statutes and to provide the Planning Commission with a report, at the March 23, 2015 Planning Commission meeting, to consider a resolution to the City Council with a proposal to seek direction from them and funding to city staff to pursue that, upon a second from **Commissioner Jersvig** the motion was unanimously approved.

APPROVAL OF THE MINUTES

Commissioner Ray made a motion to approve the March 9, 2015 minutes; upon a second from **Commissioner Dowding** the minutes were unanimously approved.

REGULAR AGENDA

1. Capital Expansion Fees Methodology

Alan Krcmarik, Executive Fiscal Advisor, addressed the commission and introduced consultants **Adam Orens and Janna Raley, with BBC Research & Consulting**. **Mr. Krcmarik**, informed the commissioners that the fee study team was directed by City Council to calculate CEFs using a different methodology compared to the traditional approach.

Mr. Orens, explained that in the past, Loveland's CEFs were calculated using the current standards or capital "buy-in" approach where fees were based on the current level of capital investment. The new CEF calculations use the "plans-based" methodology, in which fees are calculated by determining the growth-related portion of future capital plans.

Not all capital costs are eligible to be included in CEF calculations. Only the expansion of facilities to serve new development at the existing level of service can be included in the fees. Any capital costs related to repair, replacement, and enhancement of services must be excluded from the fee calculation.

Mr. Orens indicated that there are two main standards that CEFs must achieve or adhere to, there must be a rational nexus of the fee being imposed and the infrastructure demanded by the party the fee is being imposed upon. Must be levied proportional across land uses based on their demand for that service. He stated that fees are adjusted annually for inflation, depending on the rate, such as the construction cost index. In a plan based methodology you see every fee, it ties the capital improvements closer with the fees and there may only be pieces that apply to CEFs in a development.

Ms. Raley explained how the team calculated fees for projects. The team looked at population growth and employment projections from the North Front Range Metropolitan Planning Organization (NFRMPO). She stated that the burden of city services across land use types is calculated based on growth. The team calculated the burden at 84% residential and 16% nonresidential weighted by square foot per employee.

Mr. Krcmarik indicated that the fee comparisons in 2012 for industrial projects were lower than surrounding communities. He stated that the city is very competitive when putting a package in front of companies and has been willing to back fill the fees from other sources to get and keep primary jobs. He stated that the plan based methodology makes us higher than three or four other surrounding communities, but there are other factors that make us more competitive such as the location and amenities.

When asked what "trended" means **Mr. Orens** explained that it means a level of service according to future growth.

Commissioner Concerns

- Commissioners asked what a reasonable time frame under the Colorado statutes and spending of the funds is.

Mr. Orens explained, the fee study team looked at a 10 year window, but extending it out to 25 years would give them a better look. The projects should be real constructible products, not a wish list. The system is designed to be updated and he feels that every 5 years would be an acceptable time frame to do updates. **Mr. Krcmarik** informed the commissioners that the Citizens Finance Advisory Commission is working on a report to address this policy question.

- Commissioners questioned the Fire and Rescue's new training facility and 95% of the cost being covered by CEF's. **Commissioner Ray** felt that it didn't fall within the guidelines of the state statute.
Mr. Orens explained they were basing the calculation off of the facility being an expansion not a replacement.
- Industrial fees going up by 138.5% causes concern that industrial projects with "higher paying jobs" won't choose Loveland if the fees are too high. The commissioners noted that the reduced commercial fees may be an incentive for more retail and service oriented businesses. There needs to be good high paying jobs in the area and not an over weighted balance of retail and service oriented new jobs.
It was suggested the team do a full cost recovery amount or a break even analysis to show how the change would affect costs.
Mr. Orens stated that the team had been given direction by **Bill Cahill, City Manager**, to go back and relook at the Industrial CEFs due to concerns of potential impacts to prospective companies. He also noted, even with the increase these fees were still not the highest in the area.
- Commissioners asked what the difference between commercial and industrial is. According to the NFRMPO the definition is of commercial is service/office and retail related and industrial is production related. Commissioners suggested it would be helpful to know what percentage of commercial is retail and what is office related.
- The Fire and Rescue's CIP Analysis shows the City's Share at 82% with the balance coming from the county of 18% since Loveland and the rural district are managed under the Fire Rescue Authority. The commissioners were concerned that the county wouldn't have the balance when it is needed for a project especially if it came to a mill levy vote to come up with additional revenues.
- Commissioners would like to see nonresidential land uses pay fees for parks, open space, recreation, and trails because they felt these are the non-tangibles that contribute to the quality of life. They added that trails become critical to the infrastructure and they contribute to the healthy living and commuting life style promoted by employers. They felt that council should look into this. **Mr. Krcmarik** stated they will look at the commuter counts on the bike plan which could be a basis for some allocation.

The commissioners were appreciative of the presentation and how thorough the information was. No motion was made as this was an informational item.

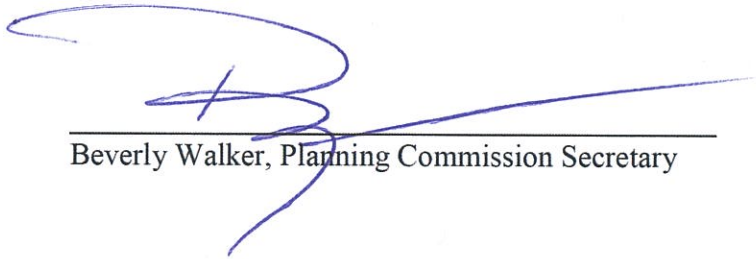
ADJOURNMENT

Commissioner Dowding, made a motion to adjourn at 8:26 p.m. Upon a second by **Commissioner Ray**, the motion was unanimously adopted.

Minutes Approved by:

A handwritten signature in blue ink, appearing to read "Richard Middleton", written over a horizontal line.

Richard Middleton, Planning Commission Vice-Chair

A handwritten signature in blue ink, appearing to read "Beverly Walker", written over a horizontal line.

Beverly Walker, Planning Commission Secretary