

SECTION 6.0 **PROCESS AND PROCEDURES FOR
AMENDING THE 2005 COMPREHENSIVE PLAN**

TABLE OF CONTENTS

INTRODUCTION AND PURPOSE.....	1
GENERAL AMENDMENT PROCEDURES.....	1
TYPES OF AMENDMENTS.....	2
ROLE OF STAFF, THE PLANNING COMMISSION, AND COUNCIL IN THE AMENDMENT PROCESS.....	3
PUBLIC HEARING NOTIFICATION PROCEDURES	3
ADMINISTRATIVE REVISIONS TO THE PLAN.....	4
PUBLIC HEARING PROCEDURES	5
CRITERIA FOR DETERMINING AMENDMENT CONSISTENCY WITH THE ADOPTED PLAN	6

INTRODUCTION AND PURPOSE

The *Loveland, Colorado 2005 Comprehensive Plan* (the Plan) was originally adopted by the City Council in October 2005. Numerous amendments to the Plan have been approved since then, including the adoption of major functional and area plan elements that serve to supplement the Plan.

The 2005 Comprehensive Plan is intended to serve as a **guide** for development-related and service provision decision-making within Loveland and its surrounding community. As noted in state statute, the Plan is intended to be advisory in nature. The Plan shall be reviewed in accordance with the following procedures so that current issues continue to be addressed and to ensure that the Plan provides a realistic guide for the community's future growth. With the exception of Administrative Plan Amendments, all approved changes to the Plan are adopted by Resolution of the City Council following a public hearing and recommendation by the Planning Commission.

GENERAL AMENDMENT PROCEDURES

- A) The City Council shall provide for a general reexamination of the Comprehensive Plan based on the evaluative criteria outlined in Subsection VIII at least once every five (5) years, in accordance with the approved amendment process. The Council shall adopt certain amendments to the Plan only after a duly noticed public hearing is held and recommendations are received from the Planning Commission.
- B) The City Council shall cause a new Comprehensive Plan to be prepared at least once every ten (10) years. The Council shall adopt certain amendments to the Plan only after a duly noticed public hearing is held and recommendations are received from the Planning Commission.
- C) After the City Council has reviewed and adopted by resolution the changes resulting from such a reexamination, or portions thereof, a copy of said resolution shall be filed with the City Clerk and sent to the appropriate official of any adjoining jurisdiction receiving notice.
- D) The reexamination process shall include an evaluation of:
 - 1) the major opportunities and constraints affecting the City and its area of influence at the time of the adoption of the last significant Comprehensive Plan update;

- 2) the extent to which such opportunities and constraints have been reduced or have increased subsequent to that update;
- 3) the extent to which the vision articulated in the Comprehensive Plan has been achieved;
- 4) the extent to which actual development has departed from the development patterns envisioned in the current Comprehensive Plan;
- 5) the extent to which there have been, or need to be, significant changes in the assumptions, forecasts, projections, goals, policies, and guidelines that are the basis of the Comprehensive Plan (including assumptions about population and economic forecasts and the local land market; changes in land-use projections and in area designations in the land-use element for projected land uses; and changes in any regional plans or in the plans of adjoining jurisdictions); and what amendments, if any, the Comprehensive Plan should contain;
- 6) the extent to which proposed actions contained in the Program of Implementation have been carried out; and
- 7) whether a new Comprehensive Plan should be prepared based on the magnitude of changes currently facing the City and its area of influence.

TYPES OF AMENDMENTS

In terms of possible amendments to the Plan, there are five (5) basic forms:

- Comprehensive Plan Text Amendments are changes to the text of the 2005 Comprehensive Plan that could include revisions to the Plan's guiding principles, goals, and policies.
- Land Use Plan Amendments are changes to the land use designations and text contained within the Land Use Plan or revisions to the transportation system recommendations contained within the *City of Loveland 2030 Transportation Plan*.
- Loveland Growth Management Area Amendments are additions to or deletions of properties from the Loveland Growth Management Area, Cooperative Planning Areas, and Community Influence Area.
- Functional and Area Plan Amendments are amendments to

those functional (component) plan elements and area (section) plans previously adopted as a part of the Loveland's 2005 *Comprehensive Plan* and the adoption of new functional (component) plan elements and area (section or corridor) plans.

- Administrative Plan Amendments are amendments processed by City staff (not subject to the public hearing process) involving "technical corrections" or minor changes to the Plan's text and/or maps.

**ROLE OF STAFF,
THE PLANNING
COMMISSION, AND
COUNCIL IN THE
AMENDMENT
PROCESS**

The Manager of Community and Strategic Planning, or an appropriate designee, is responsible for reviewing and bringing Comprehensive Plan amendments to the Planning Commission for consideration. In making staff's recommendation on a Plan amendment to the Planning Commission, the Manager of Community and Strategic Planning, or an appropriate designee, may also seek the advice of applicable boards and commissions.

Comprehensive Plan amendments may be proposed by City Council, City staff, City boards and commissions, or by any member of the public. Plan amendments can be processed at any time of the year, per scheduling responsibility of the Manager of Community and Strategic Planning, or an appropriate designee.

The recommendations of the Planning Commission shall only be made after proper notification in the newspaper and a public hearing, during which any member of the public may comment on a proposed Plan amendment.

**PUBLIC HEARING
NOTIFICATION
PROCEDURES**

A) Written notice of a public hearing on a Plan amendment shall include:

- 1) the date, time, and place of hearing;
- 2) a description of the substance of the proposed Comprehensive Plan amendment. If the proposed regulation or amendment affects discrete and identifiable lots or parcels of land, the description shall include a legal and/or general description of the affected lots or parcels;
- 3) the contact person(s) from whom additional information may be obtained;
- 4) the time and place where such amendment may be inspected by any interested person prior to the hearing; and

- 5) the location where copies of the proposed amendment may be obtained or purchased.

B) The Manager of Community and Strategic Planning, or an appropriate designee, shall give notice in writing of all public hearings on all proposed amendments via publication in the newspaper of record at least fifteen (15) days prior to a public hearing being conducted by the Planning Commission or City Council. Staff may also give notice via publication on a computer-accessible information network or by other appropriate means.

C) When a proposed amendment to be considered at a public hearing does not apply to all land in the City's planning area and instead applies to discrete and identifiable lots or parcels of land, the Applicant shall also give notice in writing of that hearing by first class mail, mailed at least fifteen (15) days prior to a public hearing being conducted by the Planning Commission or City Council to the owners of record of all parcels or lots that would be affected by the proposed amendment.

D) Pursuant to state statute, the Manager of Community and Strategic Planning, or an appropriate designee, shall provide written notice to any neighboring jurisdictions partially or wholly located within three (3) miles of Loveland's city limits of a public hearing at which a Comprehensive Plan amendment is to be considered. A copy of the proposed Comprehensive Plan amendment shall be provided to the neighboring jurisdiction.

E) Prior to the public hearing, the Applicant shall provide the Manager of Community and Strategic Planning, or an appropriate designee, with an affidavit certifying that the notice requirements set forth above as being the responsibility of the Applicant have been met. Failure to provide the required affidavit, or evidence of a defective mailing list, may result in termination of review or action on an amendment request until proper notice is provided.

**ADMINISTRATIVE
REVISIONS TO THE
PLAN**

Administrative revisions are those Plan changes made by City staff that are not subject to the public hearing process. Administrative revisions are limited to the following "technical corrections":

- Correction of an error, either text or mapping. This could include outdated information, grammatical errors, incorrect symbols and graphics, or revisions of a similar nature.

- Minor changes regarding base mapping information such as streets, subdivisions, etc.
- A revised map legend or notation.

PUBLIC HEARING PROCEDURES

The following procedures apply to public hearings held by the Planning Commission and City Council regarding Comprehensive Plan amendments:

- A) At the public hearing, the Planning Commission and City Council shall permit all interested persons, specifically those persons notified by first class mail pursuant to this Section, to present their views orally or in writing on the proposed Comprehensive Plan amendment.
- B) The hearing may be continued from time to time.
- C) After having given due consideration to all written and oral comments received at the public hearing, the Planning Commission and/or City Council may revise the proposed Comprehensive Plan amendment recommended by staff.
- D) A request for an amendment to the City's Growth Management Area, the Land Use Plan, or the 2030 Transportation Plan that is based upon a proposed or future development project shall be processed in accordance with one of the following two (2) options.

Option A: If a Plan amendment is deemed necessary by staff and is requested to be processed concurrently with the corresponding proposed development project, then the Planning Commission and City Council shall consider four (4) separate actions and motions in the following order:

- 1) The proposed amendment to the 2005 Comprehensive Plan.
- 2) The proposed annexation request.
- 3) The proposed zoning or rezoning requests.
- 4) The proposed development project.

Option B: If a proposed or future development project is deemed to be require a Plan amendment by staff, then the proponent has the option of making said amendment request separate from, but prior to, any request being made for an annexation, rezoning, or other action on the proposed or future development project.

Compliance with the Comprehensive Plan does not guarantee approval of an annexation, rezoning, or other development-related action. The final determination of the merits of an annexation, rezoning, or other development-related action will be made during that part of the approval process.

**CRITERIA FOR
DETERMINING
AMENDMENT
CONSISTENCY WITH
THE ADOPTED
PLAN**

The appropriateness of a Plan amendment request shall be determined in accordance with the following specific criteria:

- A) Does the amendment request implement or further, or is it otherwise consistent with one or more of the philosophies, goals, policies and strategies of the *2005 Comprehensive Plan*? Explain.
- B) Will the amendment request interfere with the existing, emerging, proposed or future land use patterns and/or densities/intensities of the surrounding neighborhood as depicted on the Land Use Plan Map and as contained within the *2005 Comprehensive Plan*? Explain.
- C) Will the amendment request interfere with, prevent, or implement the provision of any of the area's existing, planned, or previously committed services or proposals for community facilities, or other specific public or private actions contemplated within the *2005 Comprehensive Plan*? Explain.
- D) Will the amendment request interfere with, prevent, or implement the provision of any of the area's existing or planned transportation system services as contemplated by the *2030 Transportation Plan*? Explain.

Staff, the Planning Commission, and City Council shall make findings in support of their action or recommended action on a proposed Plan amendment utilizing the above-stated criteria.