



LOVELAND PLANNING COMMISSION MEETING AGENDA

Monday, August 27, 2018
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM

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“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en ADAcordinator@cityofloveland.org.”

LOVELAND PLANNING COMMISSIONERS: Carol Dowding (Chair), Pat McFall, Jamie Baker Roskie, Rob Molloy, Jeff Fleischer, Tim Hitchcock, Michael Bears, David Hammond, and Milo Hovland.

CALL TO ORDER

I. PLEDGE OF ALLEGIANCE

II. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Current Planning Updates

1. Monday, September 10, 2018 - Regular Meeting Agenda Preview

i. Unified Development Code – Public Hearing

2. Hot Topics

c. City Attorney's Office Updates

d. Committee Reports

e. Commission Comments

III. APPROVAL OF MINUTES

Review and approval of the August 13, 2018 Meeting minutes

IV. CONSENT AGENDA

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items requested to be removed from the consent agenda will be heard at the beginning of the regular agenda.

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 by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

- Does anyone in the audience wish to remove an item from the Consent Agenda?
- Does any staff member wish to remove an item from the Consent Agenda?
- Does any Commissioner wish to add any item from the Regular Agenda to the Consent Agenda or remove an item from the Consent Agenda?

V. REGULAR AGENDA

1. Changes to Municipal Code Chapters 16.38, 16.43 - Public Hearing - Ordinance

This is a public hearing to review proposed amendments to portions of the Subdivision Code which address the waiver of fees for designated affordable housing development projects. The amendments are being brought forward by Alison Hade with the City's Community Partnership office at the request of City Council.

As an incentive for designated affordable housing projects, the City Council may grant exemptions (waivers) from various City fees, including capital expansion fees. In most cases, the City Council is not required to reimburse or backfill the funds that would have otherwise received these fees. The proposed amendments, however, would require that Loveland Fire Authority impact fees be reimbursed or back-filled by the City's general fund or other fund.

The Commission's role is to conduct a public hearing and to forward a recommendation to the City Council for final action.

VI. ADJOURNMENT

SUPPLEMENTARY INFORMATION

Public Hearing Procedures

The purpose of a public hearing is for the Planning Commission (PC as used below) to obtain full information as to the matter under consideration. This includes giving all interested parties the opportunity to speak (provide testimony) at the hearing. The public hearing is a formal process. Below is the typical hearing sequence to be followed by the Planning Commission. *Annotations have been provided for clarity.*

1. **Agenda item is recognized by the Chair**
2. **Public hearing is opened***
3. **Staff presentation**
(May include clarifying questions to staff from Commissioners)
4. **Applicant presentation**
(May include clarifying questions to applicant from Commissioners)
5. **Public comment**
(All public comment should be made from the podium upon the PC Chair acknowledging the citizen speaking. Citizens should provide their name and mailing address in writing at the podium, and introduce themselves. The PC may ask clarifying questions of the citizens. At a public hearing, the PC does not respond to questions from citizens; questions directed to the applicant or staff should be requested through the Chair.)
6. **Applicant response**
(The Chair typically requests that applicants respond to comments and questions raised during public comment)
7. **PC questions to staff, the applicant and possibly to citizens who presented**
(Commissioners may use this step in the process to gain a more detailed understanding of relevant information)
8. **Close public hearing**
(Unless specifically permitted by the Chair, further testimony is not allowed after the public hearing is closed)
9. **Motion**
(Motions are made by a PC member with possible conditions)
10. **Motion is seconded**
(A 2nd is required before the motion can be considered; a motion that fails to obtain a second dies)
11. **PC discussion**
(The PC discusses the application and whether it satisfies the required findings)
12. **PC Chair requests that the applicant agree to any conditions prior to a vote**
(If an applicant does not accept the proposed conditions, the PC may deny the application)
13. **Vote**
(The decisions of the PC must address relevant findings of fact. These findings are specified in adopted plans and codes, and serve to guide zoning and annexation decisions. Relevant findings are itemized in the Staff Report and referred to in the recommended motion.)

* Note that the Planning Commission may place time limits on presenters. All presenters should communicate clearly and concisely, refraining from duplicating detailed information that has been provided by others.

CITY OF LOVELAND

PLANNING COMMISSION MINUTES

August 13, 2018

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 13, 2018 at 6:30 p.m. Members present: Chairwoman Dowding; and Commissioners Roskie, Hitchcock, Hammond, and Hovland. Members absent: Commissioners McFall, Fleischer, Molloy, and Bears. City Staff present: Bob Paulsen, Current Planning Manager; Laurie Stirman, Assistant City Attorney; Lisa Rye, Planning Commission Secretary.

These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: <https://loveland.viebit.com/>

CITIZEN REPORTS

There were no citizen reports.

CURRENT PLANNING UPDATES

1. **Robert Paulsen**, Current Planning Manager, reminded the commissioners of the Unified Development Code (UDC) Joint Study Session scheduled for Monday, August 20th with City Council, the Title 18 Committee and Planning Commission. This will be the last planned Study Session before the Planning Commission Public Hearing, which is scheduled for September 10th.
2. **Mr. Paulsen** reviewed the agenda scheduled for the Monday, August 27th Planning Commission meeting. **Alison Hade**, Community Partnership Administrator, will be proposing adjustments to current Municipal Code Chapters 16.38 and 16.43, which address affordable housing.
3. As a Hot Topic item, **Mr. Paulsen** discussed Planning Commission absences. It was decided that commissioners will send an emailed notification of any absence to the full commission, along with Bob Paulsen and Lisa Rye, in advance of the meeting.

CITY ATTORNEY'S OFFICE UPDATES

There was nothing to report from the City Attorney's office.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Roskie discussed her involvement as a member of a working group for health outcomes related to the built environment. The purpose of the group is to improve assistance from Larimer County to the local municipalities. She will share updates over the upcoming months and will ask the Planning Commission for feedback.

APPROVAL OF THE MINUTES

*Commissioner Roskie made a motion to approve the **July 23, 2018** minutes; upon a second from **Commissioner Hitchcock**, the minutes were unanimously approved.*

CONSENT AGENDA

1. Thornburg Hamilton 4th Sub – Preliminary Plat

This is a public hearing is to consider a preliminary subdivision plat that would subdivide a 38-unit townhome development into separate lots for individual sale. The property is part of a larger 74-acre residential development located on the west side of Fairgrounds Avenue, north of the Larimer County Fairgrounds. The overall development consists of a variety of multifamily apartments, townhomes, and condominiums, along with a new elementary school for the Poudre School District. A special review was administratively approved allowing the multifamily land uses; however, in order to subdivide the property for individual townhome units, preliminary and final plat approval is needed.

Staff is recommending approval of the preliminary plat based on compliance with the findings required in the Municipal Code, as outlined in Section VIII of this report. The Planning Commission's decision on the preliminary plat is final unless the decision is appealed to City Council.

***Commission Roskie** moved to make the findings listed in Section VIII of the Planning Commission staff report dated August 13, 2018 and, based on those findings approve the Thornburg Hamilton Fourth Subdivision. **Commissioner Hovland** seconded the motion.*

The motion was unanimously approved.

ADJOURNMENT

***Commissioner Roskie** made a motion to adjourn. Upon a second by **Commissioner Hovland**, the motion was unanimously adopted.*

Commissioner Dowding adjourned the meeting 6:40 pm.

Approved by: _____
Carol Dowding, Planning Commission Chair

Lisa Rye, Planning Commission Secretary.



Community Partnership Office

500 E 3rd Street • Loveland, CO 80537
(970) 962-2517 • TDD (970) 962-2903
www.cityofloveland.org

MEMORANDUM

To: Loveland Planning Commission

Through: Rod Wensing, City Manager's Office

From: Alison Hade, Community Partnership Office

Date: August 27, 2018

Subject: Proposed amendments to Title 16 at Chapters 16.38 and 16.43 of the Municipal Code regarding fire impact fees

I. MOTION

Motion to recommend that City Council approve amendments to the Loveland Municipal Code Chapters 16.38 and 16.43 regarding fire impact fees as described in the staff memorandum dated August 27, 2018, as amended on the record.

II. BACKGROUND

The City of Loveland supports affordable housing primarily through the waiver of development, capital expansion (CEF) and other fees for non-profit and for-profit developers. Other fees include utilities and charges that must be reimbursed, or backfilled, by the general fund and cannot be waived outright by City Council. Non-profit developers, namely the Loveland Housing Authority and Habitat for Humanity, have historically received a waiver of close to 100% of building permit and capital expansion fees, as well as utility fees that require backfilling. For-profit organizations have only received fee waivers that do not require backfilling.

The Municipal Code at 16.38 and 16.43 state that council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees. On May 15, 2018, City Council discussed back-filling fire impact fees and requested that the Community Partnership Office bring forward an action to update portions of 16.38 and 16.43 to make this change. Payment of fire utility fees may come from the Community Housing Development Fund, which is designated funding for affordable housing projects.

Below please find sections of Title 16 relating to the waiver of fees. The code has been copied verbatim and the bold text indicates the language that will be added. Should this item be adopted, the Community Partnership Office will ensure that these changes are incorporated into the Unified Development Code as well.

III. SPECIFIC CHANGES to current code

16.38.072(A) Exemption for historic downtown Loveland.

A. The capital expansion fees imposed by this chapter and any building permit fees imposed upon a construction project by the city, shall not be charged or collected for any construction project located within the boundaries of historic downtown Loveland. When a construction project is exempt from capital related fees pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge **or a Loveland Fire Rescue Authority impact fee**, in which case the affected utility fund **or the Loveland Fire Rescue Authority impact fee fund**, shall be reimbursed by the general fund **or other fund**.

16.43.060 Exemption from capital expansion fees – not-for-profit or public facilities.

Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon a new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit or public facilities open to Loveland area residents that might otherwise be provided by the city at taxpayer expense, that such facilities relieve the pressures of growth on the city-provided facilities, and that such facilities do not create growth or growth impacts. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge **or a Loveland Fire Rescue Authority impact fee**, in which case the affected utility fund **or the Loveland Fire Rescue Authority impact fee fund**, shall be reimbursed by the general fund **or other fund**. No certificate of occupancy shall be issued for any project that obtains a fee waiver pursuant to this section unless the project is encumbered by a deed restriction that meets the requirements described in Section 16.38.080.

16.43.070 Exemption from capital expansion fees – designated affordable housing developments and affordable housing units.

A. Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed is an affordable housing development, and the development has been previously designated as such by resolution of council. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge **or Loveland Fire Rescue Authority impact fee** in which case the affected utility fund **or Loveland Fire Rescue Authority impact fee fund** shall be reimbursed by the general fund **or other fund**.

...

D. Exemptions for fee waivers under this Title 16, including those capital-related utility fees and charges **or Loveland Fire Rescue Authority impact fees** that must be reimbursed by the general fund **or other fund**, are granted at the sole discretion of council and under the specific terms approved by council. (Ord 6155 § 1, 2017).

IV. ATTACHMENTS

- Attachment 1 – August 27, 2018 Planning Commission PowerPoint

V. PLEASE DIRECT QUESTIONS TO:

Please contact Alison Hade for any questions regarding the items listed above by telephone, email, or in-person.

Alison Hade, Administrator
Community Partnership Office
alison.hade@cityofloveland.org
970-962-2517

Affordable Housing Code Fire Impact Fees

Presentation to the Planning Commission

August 27, 2018

Background

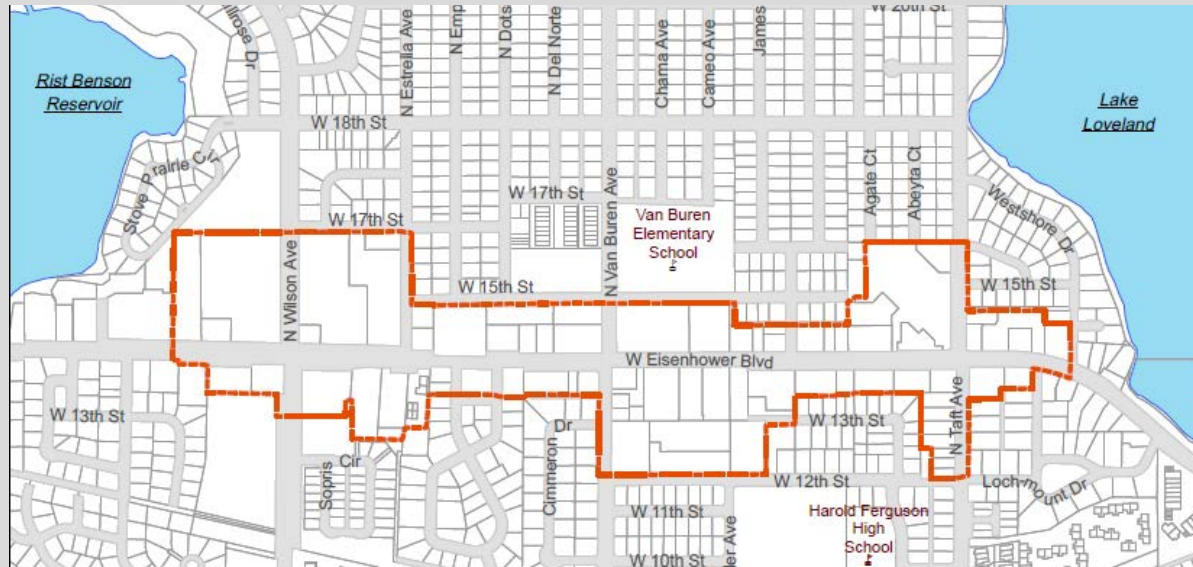
- Request for a waiver of permit/development fees
- Enterprise fees paid by City Council
- Community Housing Development Fund
- Fire impact fees paid with CHDF

Affects

- 16.38.070 – General provisions on waiver of fees
- 16.38.072 – Exemption for historic downtown Loveland
- 16.43.060 – CEFs – not-for-profit or public facilities
- 16.43.070 – CEFs – affordable housing

Affects

- Loveland Housing Authority
- Loveland Habitat for Humanity
- West Eisenhower Reinvestment Zone (#R-66-2016, #R-52-2018)



Discussion