

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 26, 2019

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 26, 2019 at 6:30 p.m. Members present: Chairman McFall; and Commissioners Bears, Molloy, Fleischer, Hovland, and Tygesen. Members absent: Commissioners Hammond and Peterson. City Staff present: Robert Paulsen, Current Planning; 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 that the Boards and Commissions Appreciation Dinner will be held on Monday, September 9th. There are no items on the agenda for the regularly scheduled Planning Commission meeting that evening, and Mr. Paulsen recommended that the meeting be formally canceled.
2. **Robert Paulsen, Current Planning Manager**, provided a preview of the agenda for the Monday, September 23rd Planning Commission meeting. Three items are on the agenda, and all are public hearings. A couple items will undergo preliminary discussion tonight, and the other item is under school district authority, which will undergo location and extent review. The Planning Commission does not have planning authority over the item, but it does have the authority to speak with the representatives of the school district on projects of that type.
3. **Mr. Paulsen** stated that the application process for the Planning Commission vacancy has been closed and interviews have been conducted. **Chairman McFall** announced that Rico Devlin has been selected and will go before the City Council next week for confirmation. **Mr. Paulsen** added that Mr. Devlin is an experienced commercial realtor and has a background in land development, leasing, and other items associated with real estate.

CITY ATTORNEY'S OFFICE UPDATES

Laurie Stirman, Assistant City Attorney, noted there is nothing to report.

COMMITTEE REPORTS

There were no committee reports.

APPROVAL OF THE MINUTES

Commissioner Molloy requested that within the August 12, 2019 minutes, under Citizen Comments, the statement “**Commissioner McFall** closed the public hearing” be changed to read, “**Commissioner Molloy** closed the public hearing.” The Commission secretary agreed to correct the minutes.

Commissioner Molloy made a motion to approve the August 12, 2019 minutes; upon a second from Commissioner Bears, the minutes were approved unanimously.

REGULAR AGENDA

1. Animal Husbandry Briefing – Public Hearing

Project Description: This item is an informational briefing concerning the status of research on animal husbandry issues raised earlier in 2019. The specific issues are related to the proposed allowance for pot-bellied pigs and pygmy goats within the city limits. Planning staff has scheduled the public hearing for Planning Commission review of the proposed ordinance relating to animal husbandry code amendments for September 23rd. The purpose of the briefing is to clarify the direction staff is taking and to give the Commission the opportunity to provide input.

Ms. Emily Tarantini, Current Planning, reviewed a timeline of events, which began in the fall of 2018. Because of citizen complaints and violations issued by the Larimer County Humane Society, the City Council decided on a rule of four, which required staff to research the City’s animal regulations. On January 3, 2019, City Planning staff met with the Larimer Humane Society staff to understand the violations and to discuss their opinions and recommendations on the City’s code, since they enforce it. City staff presented the Planning Commission information on the current animal husbandry regulations compared to other municipalities’ regulations on March 11, 2019. Guidance and direction was acquired from the City Council following a presentation made to them at the April 9th, 2019 study session. During the summer of 2019, staff consulted with CSU Veterinary Extension Specialists and gained further information on the topic.

Through meetings and conversations over the past year, **Ms. Tarantini** stated that moving forward, pygmy goats and pot-bellied pigs will be the focus of the amendments. Suggestions from CSU Extension will be taken into consideration as regulations are crafted by staff, which includes nuisances (noise, odors, and damages), public health (zoonotic diseases), environmental (waste disposal and attraction of insects), and animal welfare (animal care, housing and health).

Ms. Tarantini discussed the recommended revisions to Title 6, which is the Animal section of the Municipal Code. The proposed revisions will include the elimination of the term “show animals”, classifying pot-bellied pigs with a “domesticated pet” definition, identifying separate regulations for each animal, the requiring of licensing or permitting, vaccinations and education for the permittees, and finally requiring a site inspection for pygmy goats. She added that these draft recommendations will be presented to the Planning Commission at the September 23rd, 2019 meeting. Based on recommendation, the item will be go before the City Council at the November 5th, 2019 meeting for 1st reading of the ordinance that would adopt the new provisions.

COMMISSIONER QUESTIONS:

- **Commissioner McFall** asked if there would be a cost as part of the site inspection by Larimer County. **Ms. Tarantini** replied that there would be a licensing and permitting fee, and a site inspection would be part of that.

2. Highway 402 Corridor Plan – Introduction of Final Draft

Project Description: The Strategic Planning office, in concert with their consultant team, has completed the final draft of the Highway 402 Corridor Plan. The Plan is scheduled for Planning Commission public hearing on September 23rd, followed by a scheduled City Council public hearing in October. The purpose of the introduction is to familiarize the Planning Commission with the Plan and its major components in advance of the September 23rd public hearing. Staff welcomes any questions or comments at or following the introductory session.

Ms. Jennifer Hewett-Apperson provided a background of the 402 Corridor Plan, which was a priority identified by City Council in 2012 that needed to be completed. The boundary area was identified in Create Loveland as needing a corridor plan. Intergovernmental agreements with Larimer County and Johnstown enabled the City to do this type of planning by expanding the Loveland Growth Management Area south to Highway 402. She added the importance of completing the corridor plan became evident last year when the City Council denied the West Creek project. The project may have been premature, given that the corridor plan was on the horizon.

Ms. Hewett-Apperson shared that the study area goes roughly from Taft Avenue to Interstate 25, and most of the area is unincorporated Larimer County. It is a mix of agricultural, large lot residential, industrial and undeveloped land. The zoning that dominates the area between Highway 287 and Interstate 25 is County Farming and Forestry, with pockets of Industrial and Mixed Use Activity Center districts, as well. The greatest impediment to development of the corridor is the lack of city water and wastewater service. The revised floodplain map shows that it has extended farther south into the middle of the corridor, which will require significant infrastructure improvements to remove the section from the floodplain.

Current transportation conditions were reviewed, and **Ms. Hewett-Apperson** stated that most of Highway 402 consists of state highway with some portions owned by the City, most of which is

a 2-lane roadway. There is no signalization east of South Boise Avenue, and there are no transit, bike, or pedestrian facilities. She added that the Interstate 25 and Hwy 402 interchange is currently closed and will be under construction until October of 2019. **Ms. Hewett-Apperson** stated that public engagement included a stakeholder committee, online survey, a project website; and, two public open houses, with over 100 citizens in attendance at the first held in November 2018 and over 50 citizens attending the final open house in May, 2019.

Plan recommendations regarding land use and development were presented, and involve aligning zoning with proposed future land use plan and focusing development around activity nodes, as well as developing corridor specific development standards. **Ms. Hewett-Apperson** stated that the expanded floodplain should be viewed as an asset as it will help maintain rural nature of certain parts of the corridor, which was very important to area residents. Other recommendations include coordinating with county and landowners on annexation, and minimizing intrusion into established residential areas through density and intensity transitions.

The proposed land-use map was shown and focuses more intense uses at key nodes of County Road 9, Interstate 25, and Highway 287; this arrangement provides for transitional uses between existing residential and areas that are more industrial. **Ms. Hewett-Apperson** added that landowners bought property in the area assuming it was zoned Commercial, and the City wanted to be respectful of property rights and impacts to property value.

Ms. Hewett-Apperson presented plan recommendations regarding transportation, utilities and quality of life. Public input recommendations are for a four-lane roadway with a median and separate bike and pedestrian facilities; roadway expansion should be consistent with this, and accommodate projected traffic volume increases and future network additions. Other recommendations include the requirement of developer financed utility installation, and aligning utility infrastructure with proposed roadway improvements and ensure adequately sized utility services that meet future needs. She added that exploration opportunities for green infrastructure, preservation of scenic view sheds, and corridor specific streetscapes and development guidelines are also recommended. A mobility and connectivity framework map was presented, which that depicted a parallel road network that would provide an alternate option for local travel in, and around, the corridor.

The same presentation will be taken to the September 3rd City Council meeting as an information item. The Planning Commission public hearing will be held September on 23rd, followed by and October 1st City Council adoption public hearing. The City will be coordinating with Larimer County for adoption by their Commissioners, as well as updating the Create Loveland Futures Land Use Map.

COMMISSIONER QUESTIONS:

- **Commissioner Molloy** asked if Johnstown has been involved in the process as they have a big piece in this. **Ms. Hewett-Apperson** answered that they have been invited to various stakeholder meetings throughout the process. They were involved in the

early visioning sessions. Since their management staff went through a complete turnover, they have not been involved as they had been. She added that **Steve Adams, Loveland City Manager**, has coordinated a joint meeting with key stakeholders, and members from Johnstown and Loveland to review the Plan in September.

- **Commissioner McFall** stated he is concerned about growth at either end of the corridor as it is very congested. He asked if the City plans to allow growth in the area ahead of any road improvements. **Ms. Hewett-Apperson** stated that with any development that is reviewed, some type of developer funding of improvements will be required. Improvements will likely be incremental and will be challenging. **Commissioner McFall** added that if we look at incremental growth on 402, developers will want to put their money into the area they are developing, but the chokepoints will be ignored. He stated that traffic is one of his main concerns in Loveland, and added that he is happy to see the Plan starting to formulate. **Ms. Hewett-Apperson** answered that they will be looking at the corridor holistically even as development comes in incrementally.

Robert Paulsen emphasized that there is about a month for commissioners to review the plan before it comes before the Planning Commission for recommendation. The City Council is typically interested in reviewing commissioner comments. Ms. Hewett-Apperson will welcome any questions, and staff would appreciate knowing what concerns or feedback they might have. He urged the commissioners to come back on September 23rd with any questions or comments.

3. Affordable Housing Code Amendments – Public Hearing

Alison Hade, Community Partnership, described the proposed amendments to Title 18 at Chapter 18.16 regarding deed restriction durations on for-sale and for-rent housing, public facilities and Community Development Block Grant funding.

Ms. Hade stated that in 2017, changes to the Municipal Code were brought before the Planning Commission regarding increasing deed restriction on multi-family housing from 20 to 50 years for the purpose of protecting city investments. The item went before the City Council, but they did not get incorporated into the Unified Development Code when it was adopted.

Ms. Hade spoke about Community Development Block Grant (CDBG) Funding, and explained that the City receives under \$400,000 in this type of funding each year. Most of the funding this year will be spent on water rights for The Edge II project through the Loveland Housing Authority. Easter Seals will also receive a small grant of about \$4,000 for a push plate by their entrance for wheelchair accessibility through their front door vs. waiting for a staff member to open the door.

Ms. Hade added that public facilities will be deed restricted to 25 years. HUD will not deed restrict below \$25,000, but will put a restriction of 5 years on anything above that amount. The Affordable Housing Commission approved a change to any grant less than \$20,000 a deed

restriction of 5 years.

CITIZEN COMMENTS:

Commissioner McFall opened the public hearing at 7:20 p.m.

There were no citizen comments.

Commissioner McFall closed the public hearing at 7:20 p.m.

Commissioner Molloy moved to recommend that City Council approve amendments to the Unified Development Code, Part 4, Chapter 18.16, Division 16.01.04 and 18.16.05.07 regarding deed restriction durations for housing and public facility projects, and Community Development Block Grant funding of \$20,000 or less; upon a second from Commissioner Hovland, the motion was unanimously adopted.

Commissioner Molloy moved to cancel the Planning Commission meeting for September 9, 2019; upon a second from Commissioner Bears, the motion was unanimously approved.

Commissioner Bears made a motion to adjourn. Upon a second by Commissioner Tygesen, the motion was unanimously approved.

Commissioner McFall adjourned the meeting at 7:22 p.m.

Approved by: _____

Patrick McFall, Planning Commission Chair

Lisa Rye, Planning Commission Secretary