



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, October 28, 2019  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537  
6:30 PM**

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**LOVELAND PLANNING COMMISSIONERS: Patrick McFall (Chair), Michael Bears, Jeff Fleischer, Rob Molloy, Milo Hovland, Susan Peterson, Deborah Tygesen and Jerico Devlin.**

### **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. Recognition of Commissioners Molloy and Hammond**
- 2. Commission Photo**
- 3. Monday, November 11, 2019 meeting canceled due to Veteran's Day**
- 4. Monday, November 25, 2019 Meeting Agenda Preview**
  - Connect Loveland Transportation Plan process update--Public Works**
  - Ranch Acres Rezone - Public Hearing**
  - East Loveland Industrial 3<sup>rd</sup> - Conditional Use Public Hearing**
- 5. Fall Recruitment for Boards and Commissions--Nov 1st application deadline**

**C. City Attorney's Office Updates**

**D. Committee Reports**

**E. Commission Comments**

**III. APPROVAL OF MINUTES**

**Review and approval of the October 14, 2019 meeting minutes**

**IV. REGULAR AGENDA**

**1. Dakota Glen Outlot J Public Hearing – Rezone and Zoning Document  
Presented by staff planner Troy Bliss**

This application requires a public hearing. Upon completion of the public hearing process, the Commission must forward a recommendation to the City Council for final action.

The application requests to rezone a 7.2-acre property located on the west side of South Wilson Boulevard from DR-Developing Resource to Planned Unit Development (PUD). The property is located to the north of 14th SW and is currently vacant. The requested rezoning would allow the development of a 19-lot, single-family subdivision. The homes would all be single-family detached units and would be placed on lots between 5,500 square feet and 7,000 square feet in size. The lot size range is generally smaller than the standard 7,000 square foot minimum allowed in the R1 zone district.

The Development Review Team is supporting the rezoning request based on City codes, standards and policies as specified in the Findings and as stipulated in the recommended Condition provided in the accompanying staff report. The recommended Condition addresses a key issue relating to the provision of a sidewalk to be installed by the developer along a portion of Carlisle Drive to the east of Wilson Avenue.

**2. Boards and Commissions Handbook Revisions Review**

This is an informational item. The City Council has recently revised the referenced Handbook. Planning and Legal staff will review the revisions with the Planning Commission and will discuss other portions of the handbook that are particularly relevant to the Commission's operations. Commissioners are encouraged to make ask questions and make comments.

**3. Planning Commission Photo**

As recently discussed, staff would like to start a tradition of taking an annual photo of the Commission.

**V. 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 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 center podium upon direction from the Chair. 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 criteria as found in adopted City policies and ordinances)*
- 12. PC Chair requests that the applicant agrees to any conditions prior to a vote**  
*(When preparing to vote on a motion for approval, the PC Chair will ask if the applicant is willing to accept the proposed conditions, if any. If the applicant does not accept the conditions as proposed, the PC may deny the application)*
- 13. Vote**  
*(The decisions of the PC must address relevant findings of fact. These findings respond to criteria specified in adopted plans and codes, and serve to guide zoning, annexation and other land use decisions. Relevant criteria and 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, including the applicant, staff and citizens, should communicate clearly and concisely, refraining from duplicating detailed information that has been provided by others.

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**October 14, 2019**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 23, 2019 at 6:30 p.m. Members present: Chairman McFall; and Commissioners Bears, Fleischer, Hovland, Peterson, Tygesen, and Devlin. Members absent: Commissioners Molloy and Hammond. City Staff present: Robert Paulsen, Current Planning; Moses Garcia, 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**, provided a preview of the agenda for the Monday, October 28, 2019 Planning Commission meeting. The first item will be a public hearing for Dakota Glen Outlot J – Rezone. A Planning Commission group photo will be taken, as well.
2. **Mr. Paulsen** announced the resignation of two Planning Commissioners. Commissioner Rob Molloy has been with the commission for 13 years and is now running for City Council. Commissioner David Hammond has been with the Commission for over a year, and is resigning effective immediately as he has taken a new job in the Denver area and unable to attend scheduled meetings of the Planning Commission.
3. **Mr. Paulsen** stated that the application deadline for the Planning Commission fall recruitment period is 4:30 p.m. November 1<sup>st</sup>. All applications would be welcome; however, applicants must be residents of Loveland to qualify. He added that the City's staff planner position, formerly held by David Eisenbraun, will soon be filled. This planner will be responsible for the City's long-range planning efforts, as well as some current planning applications.

**CITY ATTORNEY'S OFFICE UPDATES**

**Moses Garcia, City Attorney**, announced that he is attending tonight's meeting, as well as the October 28<sup>th</sup> meeting, due to Laurie Stirman's absence.

## **COMMITTEE REPORTS**

There were no committee reports.

## **APPROVAL OF THE MINUTES**

*Commissioner Bears made a motion to approve the September 23, 2019 minutes; upon a second from Commissioner Peterson, the minutes were approved unanimously.*

## **REGULAR AGENDA**

### **1. Northern Colorado Regional Airport – Master Plan Update**

**Project Description:** This is an informational item. Airport staff will provide an update on the Master Plan effort that is underway. The presentation to the Planning Commission is part of the public outreach process. The update will include a review of overall Master Plan goals, existing conditions, forecasted needs and recommendations for the Airport Influence Area. The Final Report will be presented for adoption to the Loveland City Council and the Fort Collins City Council in the first quarter of 2020. The Planning Commission is encouraged to ask questions and provide comments; no formal action is required by the Commission.

**Aaron Ehle, Planning and Development Specialist for Northern Colorado Regional Airport**, stated that they are in the process of updating their master plan, which was last completed in 2007. He added that the airport influence area is being analyzed with respect to compatible and complementary land use surrounding the airport.

**Ryan Hayes, consultant**, provided a PowerPoint presentation to the Commission. He shared that public outreach meetings have been held; the 3<sup>rd</sup> and final meeting will be in February 2020, when the Master Plan draft will be presented. The plan has been presented to the Fort Collins and Larimer County Planning Commissions, as well. The pre-planning and investigation phases of the Master Plan process have been completed, and they are currently in the solutions phase. Once recommendations have been made to the Airport Commission and they have accepted the concept plan, they will move into the final phase of implementation, which will involve a detailed financial analysis of the airports capital improvement projects. The FAA will fund approximately 90% of the project. The project schedule was reviewed and a projected completion date of February 2020 was mentioned.

**Mr. Hayes** explained to the Commission that the City of Loveland and the City of Fort Collins jointly own and operate the airport. Land use decisions around the airport are important, as this surrounding area includes unincorporated Larimer County land, City of Fort Collins land, and land within the city limits and growth management boundaries of Loveland. Following the presentation, questions from the Commissioners were addressed.

## **COMMISSIONER QUESTIONS**

- **Commissioner Fleischer** asked how many years the Master Plan vision covers. **Mr. Hayes** responded that it is a 20-year planning period, and improvements will be broken down into short, medium, and long-term projects. The FAA recommends that the plan is updated at least every 10 years and will pay for those updates. **Commissioner Fleischer** asked for clarification of the Airport Influence Area map and wondered if the area depicted in purple will be used for additional terminals. **Mr. Hayes** stated that the purple area is entirely parking, and the label within it refers to the Remote ATCT Facility located to the east.
- **Commissioner McFall** asked if the additional length of the runway is being considered by Allegiant Air due to high temperatures, and if the airport is considering bringing other aircraft in, if it's profitable. **Mr. Hayes** replied that the air is thinner in hot summer days, so more runway length is needed. He added that Allegiant has upgraded their entire fleet with much more modern and efficient aircraft, and may not require the longer runway as their older aircraft called for.
- **Commissioner Fleischer** asked what would trigger the need for a second runway. **Mr. Hayes** explained that the primary runway has a capacity of about 200,000 annual operations, and the airport is currently operating at about 50% of capacity. When the runway is at 60% capacity, the FAA recommends planning for the next runway; and at 80% capacity, funding of the additional runway would be justified.
- **Commissioner Devlin** asked if they see this airport as being used by Southwest or any other major airlines to help with the fiscal self-sufficiency. **Mr. Ehle** responded that they hope other carriers will see Allegiant's success and will want to come into the market. **Commissioner Devlin** asked if the plan for the runway takes into account the servicing of larger jets. **Mr. Hayes** stated that it does, as does the plan for the terminal. They are being conscious of leaving space for expansion should it be needed.
- **Commissioner McFall** asked what would promulgate Air Traffic Control (ATC) at the airport. **Mr. Hayes** responded that there is no longer funding available from the FAA for the physical ATC tower, which is why a remote tower is being pursued. CDOT would provide grant money for this type of tower, which Allegiant requires, and will meet their needs at a fraction of a cost of a traditional tower. **Commissioner McFall** added that people that move to an area with an already existing airport amaze him, and then they complain about the noise. **Mr. Hayes** stated that the communities around this airport have done a great job of land use planning. **Mr. Ehle** added they get about one complaint a week, and once air space jurisdiction is explained and an attempt to mitigate is made, people usually understand.

**Mr. Paulsen** asked, with the potential changes to the runway expansion and the addition of another runway, if they foresee any changes to the Airport Influence Area or to the Critical Zone. **Mr. Hayes** stated that they do not predict any changes because they are continuing to use the

larger noise contours, despite the current fleet of aircraft that would shrink that contour area, and recommended that the noise contours remain where they are.

## **2. Animal Husbandry Public Hearing - Ordinance**

**Project Description:** This is a public hearing to present proposed amendments to Title 6 (Animals) of the Loveland Municipal Code concerning allowances for the keeping of pot-bellied pigs and pygmy goats within the City limits. This topic responds to a "Rule of 4" request by the Loveland City Council.

The Current Planning Division has determined that the keeping of pot-bellied pigs and pygmy goats within an urban, residential setting is appropriate with licensing and other limited restrictions. In making this recommendation, planning staff has conducted significant research and consulted with the Larimer Humane Society and with Dr. Ragan Adams, a Veterinary Extension Specialist with Colorado State University. Planning staff has also received assistance from the Loveland City Attorney's office in preparing the proposed ordinance.

The role of the Planning Commission is to conduct a public hearing and forward a recommendation to the City Council. The Commission may recommend approval, approval with adjustments to the ordinance, or denial.

**Emily Tarantini, Current Planning**, stated that she will be presenting the proposed amendments to Title 6 – Animals, relating to animal husbandry and in particular the allowance of dwarf goats and pot-bellied pigs. She added that staff from the Larimer Humane Society and CSU Veterinary Extension specialist, Dr. Ragan Adams, are in attendance and will be available to answer any questions.

**Ms. Tarantini** provided a project timeline, which began in the fall of 2018 when City Council decided on a rule of four request to the City administration in response to citizen complaints and violations issued by the Humane Society. Planning staff was assigned to this project and subsequently met with Larimer Humane Society staff to research animal regulations and discuss issues with Title 6. To obtain direction, a Planning Commission presentation was held in March 2019, followed by a Loveland City Council study session in April, 2019. Following the Planning Commission input and City Council direction, staff continued its research including consultation with CSU Veterinary Extension Specialist, Dr. Ragan Adams. With this information, regulations specific to the keeping of dwarf goats and pot-bellied pigs were drafted. An update and summary of proposed code amendments were presented to the Planning Commission in August, 2019. The Commission indicated support for the direction being taken by staff.

**Ms. Tarantini** stated that the focus of the hearing this evening would be on pot-bellied pigs and dwarf goats. The proposed code amendments address concerns relating to allowance for and enforcement of provisions relating to the pigs and goats. Specifically, enforcement has been difficult because City Code does not specify what parameters a resident must meet to classify an animal as a "Show Animal" and there are no standards for these animals. The City Code definition of "Pet" is another concern, as it is a very open-ended definition which leaves

opportunity for any animal that is dependent on human care. Other concerns were regarding nuisances and environment. Specifically, noise and odor, and proper animal waste disposal, as well as dwarf goats that escape and cause damage to adjacent property if proper shelter and enclosure is not provided. Public health concerns were raised. Specifically, zoonotic diseases, which transfer between animals and humans, and can cause sickness and sometimes death in people. Finally, animal welfare has been a large concern, specifically the lack of education for the care of the animals, animal housing, and health.

**Ms. Tarantini** presented a chart showing the current code challenges, along with the proposed amendments to Title 6, including a definition for dwarf goats that allow only Nigerian Dwarf or African Pygmy, and definitions for “Humane Society”, “Livestock”, “Pet”, and “Show Animal”. Other proposed code amendments with respect to the licensing of pot-bellied pig and dwarf goats were presented, and include licensing requirements, application and term of license, license and ID tags, impoundment, and rabies vaccination. She added that rabies vaccines have not yet been designed; however, many veterinarians are recommending that pot-bellied pigs and dwarf goats are included. The specificity of only vaccinating cats and dogs will be revised to “any animal”. An amendment regarding limitations of livestock was also discussed.

**Ms. Tarantini** welcomed questions from the Commissioners regarding the information provided.

- **Commissioner Devlin** stated that the proposed code amendment defines different breeds of dwarf goats, and questioned why pot-bellied pigs are not defined by breed. **Ms. Tarantini** stated that from what she has seen from other municipalities, pot-bellied pigs are not defined by breed. Some municipalities define it widely as “mini-pigs” and others define it as “Vietnamese pot-bellied pig”. She stated she does not believe there is a specific breed for mini pigs. **Commissioner Devlin** followed up by asking if there are certain size limits of the pigs. **Ms. Tarantini** stated that that staff chose not to limit the weight of a pig as staff did not feel that it was fair or reasonable to regulate. **Commissioner Devlin** stated that he likes the idea of licensing for tracking purposes, and asked if the humane society will be responsible for the certification of a pig passing its inspection requirement. Ms. Tarantini replied that it would be left to a Colorado State licensed veterinarian. She added that she will further discuss details of the pot-bellied pig regulations.
- **Commissioner McFall** asked if animal control feels that they can now, with the proposed code amendments, effectively, efficiently, and consistently provide enforcement. **Ms. Tarantini** stated that she will allow Larimer Humane Society to answer the question, and stressed that the code amendment process was a coordinated effort with Humane Society staff. **Ms. Judy Calhoun**, CEO of Larimer Humane Society, stated that the challenge with the current ordinance is that the definition of “show animal” is very loose, and has been a big challenge for enforcement. The code amendment specifies what type of goats and pigs are allowed, and under what conditions they should be housed. **Mr. Rigo Neiro**, Director of Animal Protection and Control, added that with a veterinarian giving a certification, they can determine what the species is and would be able to prevent a boar from passing for a pig. The problem with the previous ordinance is

that if a pig became 600 pounds, it could be considered a “pet” and not livestock that is going to be consumed. He indicated that the proposed amendment clears up the grey areas of the Code.

- **Commissioner Fleischer** asked if someone could pass off other goats as a Nigerian goat or an African pygmy. **Mr. Neiro** responded that this is why they rely on veterinarians with specific expertise to identify an animal. Unfortunately, some people will purchase a baby goat because it is cute, but once it starts to present adult features, they are substantially different from pygmy and dwarf goats. This is an issue that may need to be addressed at some point. Animals can outgrow the Code.
- **Commissioner McFall** asked if there is a reason that Nigerian and African pygmy are the two breeds chosen for the amendment. **Ms. Tarantini** responded that these were the two common breeds identified by other municipalities, which seemed to work for them.

**Ms. Tarantini** continued with her presentation and discussed the proposed dwarf goat requirements, which prohibits the keeping of just one goat, and only female or neutered male dwarf goats will be permitted. The housing requirements of goats to prevent predators was discussed, as well as the requirement of shelter from one half hour before sunset and one half hour after sunrise. Permits would also be required with the proposed amendment, and the Humane Society would conduct a site inspection to verify compliance with the requirements of this section.

- **Commissioner McFall** asked the purpose of the half hour before and half hour after sunrise reasoning. **Ms. Tarantini** responded that this level of detail was recommended by the legal department to clarify enforcement.
- **Commissioner Hovland** asked for clarification on the numbers allowed in the keeping of goats, specifically Sections A and G. **Ms. Tarantini** explained that under Section A of the proposed goat requirements, off-spring are not limited until they are weaned at 12 weeks of age and at that point the limitations for two goats would go into effect. Section G states that the goats kept after 12 weeks will be required to be vaccinated. **Commissioner Hovland** asked how many chances the escape artist goat gets. **Mr. Neiro** responded that there is no actual limit to the number of times animals are running at large; but similar to dogs running loose, there would be warnings, citations issued, and incremental increases in fines for repeat offences.
- **Commissioner Devlin** asked if there would be an annual inspection of the yard to make sure it is kept-up, and wondered what the licensing or relicensing requirement would be. **Mr. Neiro** stated that at any time, if someone has a concern about the welfare or caretaking of an animal, an inspection by the Larimer Humane Society could be requested. If an inspection that shows conditions are not up to regulations, they can be addressed through the rest of the ordinances under waste removal, proper structures, and the specific requirements of the type of shelter they should have. It would need to be reported, as there would not be a regular recertification date.

**Ms. Tarantini** presented the proposed pot-bellied pig requirements. A Colorado Certificate of Veterinarian Inspection would be required, as well as documentation of spay or neuter. She added that it was decided that limiting the weight of the pig would not be an enforceable characteristic. Animal codes from seven local jurisdictions were considered in the code amendments, and many resources were used to research animal regulations. **Ms. Tarantini** presented the Commission with a supplemental memo, which included recommended conditions from the Larimer Humane Society to be included with the motion. Planning staff has recommended that these revisions be adopted with the conditions.

- **Commissioner Devlin** asked how these codes would affect HOA covenants. **Ms. Tarantini** answered that HOA covenants will trump the City's requirements, when they are more restrictive. If there were an HOA, the Humane Society would require approval by the HOA prior to issuing a permit. She added that an HOA could choose to amend their covenants.

## **CITIZEN COMMENTS**

**Commissioner McFall opened the hearing for public comment at 7:45 p.m.**

- **Terry Cook, resident**, stated that he spoke at the previous meeting and is the owner of a pot-bellied pig named "Porkchop". He was unaware of an ordinance prohibiting her when he adopted her three years ago. He commended Ms. Tarantini for the research she has done. He thinks the provisions are well thought out believes that if the animals become a nuisance, it can be addressed like a dog or a cat would be through the Humane Society. Mr. Cook added that in the time he has had Porkchop, they have not received any complaints. He has two other dogs, as well, and she thinks she is one of the dogs. She goes outside to go to the bathroom, sleeps in the living room on a dog bed. She has a specialized diet of pig pellets and fresh fruits and vegetables. He shared that he is pleased there is no weight limit proposed because people might starve their pigs to keep them under a specified weight. He spoke of his concern regarding spaying her, which is part of the proposed regulation. He understands that this is recommended as it helps with their temperament. At the size Porkchop is now, it is potentially an issue, as she may not wake up from the anesthesia. He wondered if there would be a provision made for that since he is concerned for her well-being. **Mr. Cook** added that he is a City employee and works for the Public Works department.

**Commissioner McFall closed the public comment portion at 7:54 p.m.**

**Ms. Calhoun** responded to the citizen comment by stating that one option might be to make an exception, based on a veterinarian's certification, stating that it would not be in the best interest of the animal's health to spay or neuter an adult animal. She added that there is phrasing for exemptions from rabies vaccines that veterinarians use. **Dr. Ragan Adams** added that rabies

vaccination is mandatory for cats and dogs since they are the most common animals to live in close proximity to humans. There is no specific vaccination for goats, but often times a horse or cattle vaccine is used off-label, which is likely to be better than nothing. She added that there is an increase in rabies along the Front Range, but it is not at the level as it is in the South. **Dr. Adams** added that it could be grandfathered into the ordinance that the particular unspayed or unneutered animal has been in the Loveland area before the regulation started, and has grown to a place that anesthesia is too risky.

- **Commissioner Peterson** asked if a person moves into the area with a pot-bellied pig that was never spayed or neutered, would this be an exception that could be granted, if it would be too risky to the animal.
- **Commissioner McFall** stated that he would like to seek the City's legal counsel for advice. **Mr. Garcia** stated that it would be appropriate to adopt the motion as written, but add language to the end that would have it subject to an exemption for significant detrimental health defects, certified by a veterinarian, which language would be drafted by the City for inclusion in the final report to the City Council.

*Commissioner Hovland moved to recommend that City Council approve the amendments to Title 6 relating to the allowance of dwarf goats and pot-bellied pigs within the City limits as described in the Staff Memorandum dated October 14, 2019, with the conditions approved on the record, subject to an exemption for significant detrimental health defects, certified by a veterinarian. Commissioner Tygesen seconded the motion. The motion was opened for Commission discussion.*

## **COMMISSIONER DISCUSSION**

- **Commissioner Bears** questioned if there is a pig that cannot be spayed or neutered due to health reasons, what limitations are going to be in place to keep them from breeding. **Mr. Paulsen** stated that the recommendation from Mr. Garcia does not address this. **Commissioner McFall** added that the Code was not specific to breeding.
- **Commissioner Devlin** stated that under the definition of "pet animal", it does not list pot-bellied pig or dwarf goat. **Mr. Paulsen** indicated that even though these animals are not defined as pets, there are provisions within the recommended code changes that make allowances for them with the limitations discussed this evening.
- **Mr. Garcia** stated that breeding was not addressed within the Code. He added that a Commissioner could propose an amendment that would add language that the breeding of such unspayed or unneutered animals would be prohibited. **Commissioner McFall** asked why this was not in the Code to begin with. **Mr. Garcia** stated that he believes it was omitted because the animals are required to be spayed or neutered before they come to the City of Loveland. He added that someone could make a motion to amend the motion on the table, by adding language that would prohibit the breeding of such animals.

**Commissioner Peterson** made a motion to adopt additional language that would prohibit the breeding of any animals that had been made an exception to the spay and neuter Code; upon a second from **Commissioner Bears**, the motion was unanimously approved.

*The motion to recommend that City Council approve amendments to Title 6 relating to the allowance of dwarf goats and pot-bellied pigs within the City limits as described in the Staff Memorandum dated October 14, 2019, with the conditions approved on the record, subject to an exemption for significant detrimental health defects, certified by a veterinarian was unanimously approved.*

**Mr. Paulsen** announced that the hearing before the City Council originally scheduled for Tuesday, November 5<sup>th</sup> has been delayed since this is election night. A new hearing date will be determined in the near future.

#### **ADJOURNMENT**

**Commissioner Bears** made a motion to adjourn; upon a second by **Commissioner Tygesen**, the motion was unanimously adopted.

**Commissioner McFall adjourned the meeting at 8:06 p.m.**

Approved by: \_\_\_\_\_  
Patrick McFall, Planning Commission Chair

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Lisa Rye, Planning Commission Secretary



**CURRENT PLANNING DIVISION**  
410 E. 5<sup>th</sup> Street | Loveland, CO 80537 | 970-962-2523  
eplan-planning@cityofloveland.org | cityofloveland.org/DC

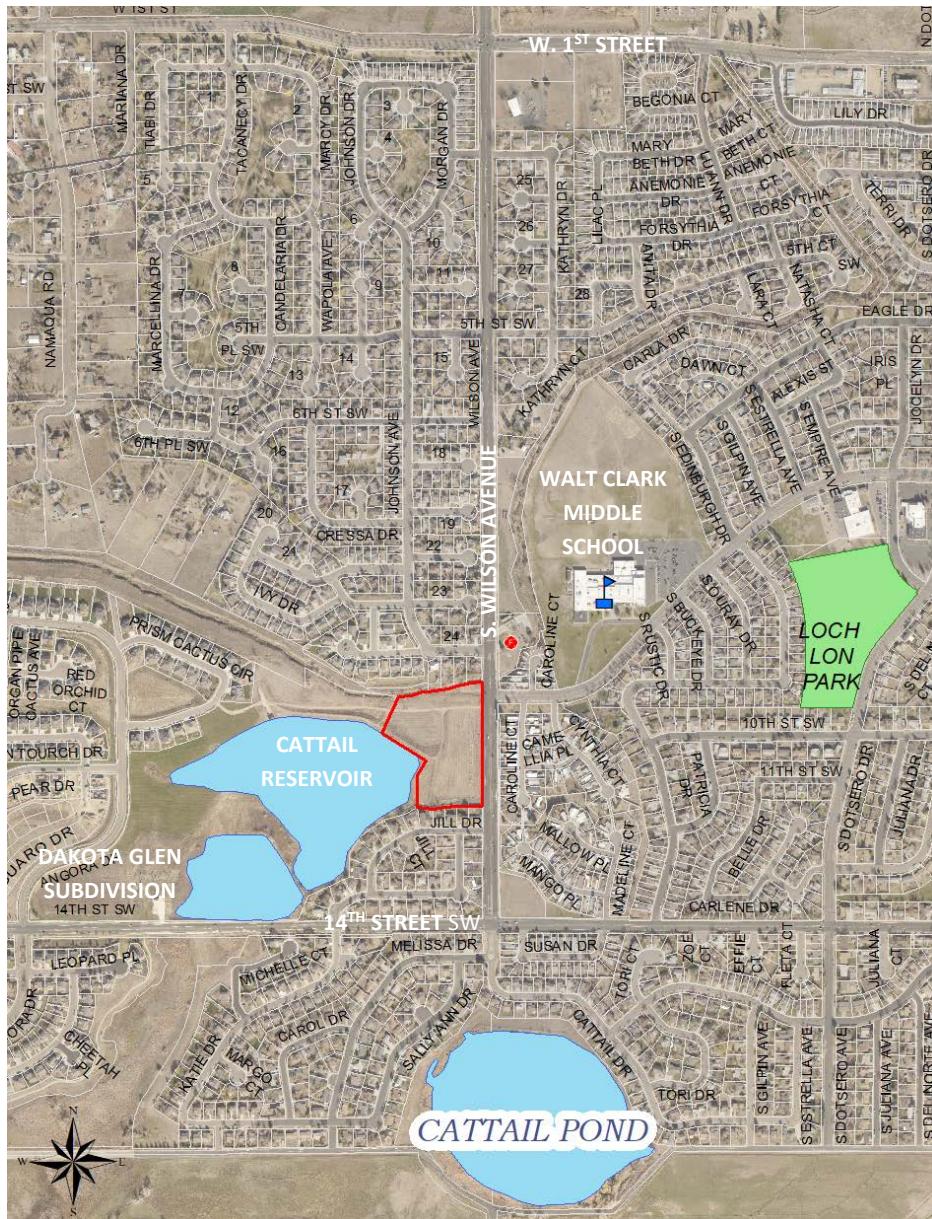
## Planning Commission Staff Report

October 28, 2019

### Dakota Glen Outlot J Planned Unit Development – Zoning Document

Agenda #: Regular Agenda #1	PZ #19-00051	Rezoning - Zoning Document
Location	1101 S. Wilson Avenue – West side of S. Wilson Avenue and north of 14 <sup>th</sup> Street SW, directly east of the Dakota Glen Subdivision.	

#### VICINITY MAP



Site Highlighted in Red

7.2 acres, currently zoned DR – Developing Resource

## Development Review Team Recommended Motion

### **Recommended Motion(s):**

Move to make the findings listed in this Staff Report dated October 28, 2019, and based on those findings recommend approval to the City Council for rezoning Outlot J – Dakota Glen First Subdivision from DR-Developing Resource to PUD and approving the Zoning Document subject to the conditions provided on page 12 of this report.

Options	Consequence
<b>Approve the Motion</b>	Approval of the motion would allow the application to proceed onto City Council for consideration of an ordinance to rezone Outlot J – Dakota Glen First Subdivision and to approve the Zoning Document.
<b>Deny the Motion or take no action</b>	Denying the motion would require the applicant to reconsider the application or proceed onto City Council knowing that the request is not supported by Planning Commission.  Taking no action on the motion would cause further delay in the applicant's ability to develop the site.
<b>Adopt a Modified Action</b>	As an alternative, additional conditions could be added to the Zoning Document (based upon the findings) should the Planning Commission identify findings not being addressed and/or contrary to the City staff analysis.
<b>Refer back to Staff</b>	If the item was referred back to staff, staff requests that Planning Commission provide specific in reaching resolution on the requested Rezoning/Zoning Document.

### Project Summary

#### **Summary**

This application proposes to rezone the 7.2 acre Outlot J – Dakota Glen First Subdivision (the “Property”) from DR – Developing Resource to Planned Unit Development (PUD) for a 19-lot, single-family subdivision (see Exhibit A below). By rezoning property to PUD, a Zoning Document is created for establishing zoning requirements, much like the City’s previous General Development Plan (GDP). Unique to the Zoning Document process, new PUD’s must identify specific standards that are proposed to deviate from the Unified Development Code (UDC). This development proposes smaller lot sizes (i.e. General Single-Family Detached Lots: 5,500 square feet to under 7,000 square feet) than what would otherwise be allowed in a conventional R1 – Developing Low Density Residential zone (i.e. Suburban to Estate Single Family Detached Lots: 7,000 square feet and above). Lot widths and building setbacks are also proposed with slight adjustments compared to Suburban Single-Family Detached Lots and larger. Additionally, architectural standards specific to recessed garage doors from the front plane of the homes is another proposed adjustment. (Please refer to Relevant Zoning District Regulations below, regarding specific details to UDC standards.)

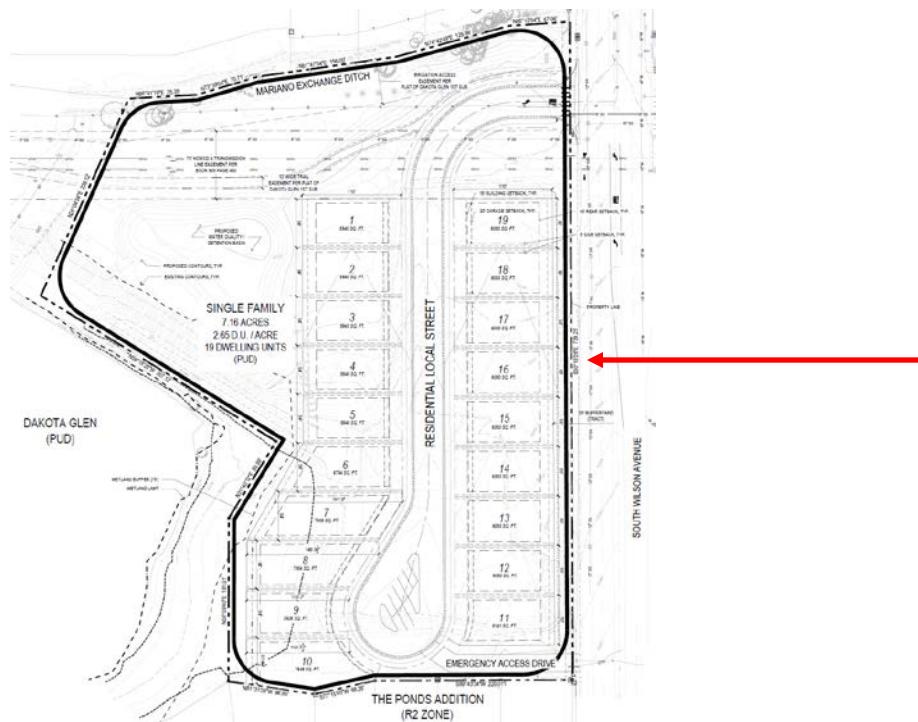
The goal with this rezoning is to provide for patio-style, low maintenance detached single-family home options for Loveland residents. Overall density would be 2.7 units per acre, in keeping with the City’s Comprehensive Plan based on the low density residential land use designation. The only option in pursuing smaller single-family lots, is to seek PUD zoning approval through the creation of a Zoning Document. If approved by City Council, the next step would be the development of final site and construction details along with the platting of lots as generally shown in Exhibit A below. This would be an administrative review/approval process with neighborhood comment prior to plat approval.

#### **Background**

The Property was annexed into the City in 1978 as Tract A of the Ponds Addition which included the single-family subdivision directly to the south. It was zoned DR – Developing Resource because it served as an overflow area for Cattail Reservoir (retention pond directly west). In 2008, the Property was re-platted in conjunction with the Dakota Glen First Subdivision as Outlot J (still zoned DR and serving as the overflow area for Cattail Reservoir). However, at the same time, the City approved a Final Development Plan for the Dakota Glen Subdivision, beginning infrastructure improvements for the subdivision. With these improvements, a new spillway for the Cattail Reservoir was

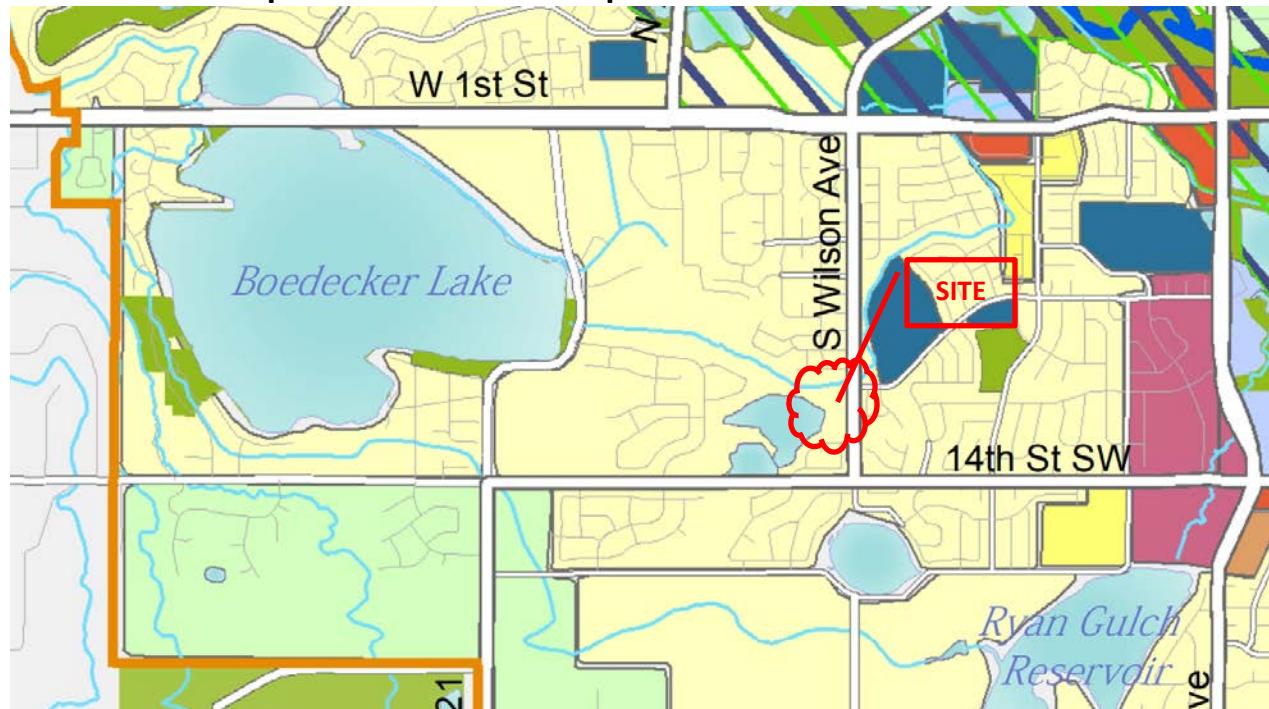
constructed (controlling release of flows from the Cattail Reservoir), no longer encumbering the subject property for overflow purposes. As a result, the DR zoning and Outlot designation is no longer necessary. The subject property is now considered to be developable based on the City's Comprehensive Plan for low density residential (see Exhibit B below – Low Density Residential: 2 to 4 units per acre).

## EXHIBIT A – Zoning Document Excerpt



This is the concept layout for the proposed 19-lot subdivision. It is incorporated into the Zoning Document (see Attachment D) to illustrate the layout of the subdivision.

## EXHIBIT B – Comprehensive Plan Excerpt



This is a section of the City's Comprehensive Plan Land Use Map depicting the site and Low Density Residential land use designation.

## Key Issue

With this application, the Development Review Team (DRT) identified an off-site pedestrian concern, particularly for school children, east across N. Wilson Avenue along the north side of Carlisle Drive. From N. Wilson Avenue to the southwest corner of the Walt Clark Middle School site, no sidewalk exists (see Exhibit C below). Children walking/biking to school who live on the west side of N. Wilson Avenue, are using the street (Carlisle Drive). The homes along this section of Carlisle Drive have limited on-site parking and use the street for parking purposes. Even though a bike lane exists and the fact that there is a sidewalk on the south side of Carlisle Drive, the school is on the north side of Carlisle Drive and naturally children are using the street to get to school, creating safety issues. As part of this Rezoning/Zoning Document, the DRT determined a nexus that the proposed development needed to address. Consequently, a condition is being recommended in response to this concern (see Staff Recommendation below). However, the applicant is not in agreement and believes this should be addressed by the City because it is a broader issue rather than specific to an individual development that will not contribute to the problem. City staff has had further discussions with the applicant as to an alternative which would be a cash in-lieu option. This is still being negotiated and will be a topic of discussion with both the Planning Commission and City Council for consideration of the Dakota Glen Outlot J - Rezoning/Zoning Document.

## EXHIBIT C – Street View along north side of Carlisle Drive



## Attachments

- Attachment A – Rezoning/Zoning Document Resolution
- Attachment B - Applicant's Rezoning Assessment and Compatibility Narrative
- Attachment C – Applicant's Community Participation Report
- Attachment D – Zoning Document

Applicant Information	Development Review Team Contacts
<b>Applicant:</b> Scott Bray Glen Development, LLC	<b>Planner:</b> Troy Bliss
	<b>Traffic Engineer:</b> Randy Maizland
	<b>LFRA:</b> Ingrid McMillan-Ernst
<b>Property Owner:</b> Scott Bray Glen Development, LLC	<b>Stormwater:</b> Suzette Schaff
	<b>Power:</b> Mark Warner
	<b>Water/Wastewater:</b> Melissa Morin

Site Data	
<b>Subdivision</b>	Dakota Glen First Subdivision
<b>Land Area</b>	Approximately 7.2 acres
<b>Existing Buildings</b>	N/A – site is vacant/undeveloped
<b>Topography</b>	The site relatively flat, bordered to the east by the Cattail Reservoir (retention pond that provides irrigation to the open space areas within the Dakota Glen Subdivision) which includes some high-quality wetland areas.
<b>Access</b>	-Entering/existing the site from S. Wilson Avenue via a local residential street that will align with Carlisle Drive to the east.
<b>Water Provider</b>	City of Loveland
<b>Wastewater Provider</b>	City of Loveland
<b>Power Provider</b>	City of Loveland

Subject Property and Adjacent Property Designations			
	Existing Zoning	Comprehensive Plan	Existing Land Use(s)
<b>Subject Property</b>	DR – Developing Resource	Low Density Residential	Vacant/undeveloped.
<b>Adjacent North</b>	R1 – Developing Low Density Residential	Low Density Residential	Single-family residential neighborhoods.
<b>Adjacent South</b>	R2 – Developing Medium Density Residential	Low Density Residential	Single-family residential neighborhood.
<b>Adjacent East</b>	R3 – Developing High Density Residential	Low Density Residential	Mobile Home Park – Mariana Village Second Addition
<b>Adjacent West</b>	P-98: Dakota Glen First Subdivision Planned Unit Development (PUD)	Low Density Residential	Dakota Glen single-family and single-family attached (townhome) residential neighborhood nearing build-out.

Relevant Zoning District Regulations		
Dakota Glen Outlot J	Required: R1 or all applicable UDC	Proposed (PUD)
Minimum Lot Square Footage	7,000 square feet or larger	5,900 to 7,900 square feet
Minimum Open Space	20%	40%
Maximum Building Heights	26/35 feet	26/35 feet
Minimum Lot Width	50/65/80/100 depending on lot size	50-55 feet
Minimum Building Setback:		
• Front and Street Side	15 feet and 20 feet to garage doors	15 feet and 20 feet to garage doors
• Rear	15 feet	15 feet
• Interior Side	5 to 6 feet depending on lot size	5 feet
Percentage of Garages Recessed Behind Front Plane	75%	50%
Extension of Garage Before Mitigation Measures are Required	10 feet	12 feet

Neighborhood Outreach		
Notification	<p>A neighborhood meeting was held on June 19, 2019, at the Development Center and began at 5:30 p.m. Property owners within a 500-foot radius around the subject site were notified by mail and a sign posted at least 15 days in advance of the meeting.</p> <p>Notice for the Planning Commission hearing on October 28, 2019, was also mailed to property owners within a 500-foot radius of the site and a sign posted at least 15 days in advance of the hearing.</p> <p>Both neighborhood meeting and public hearing was noticed in advance on the City's website.</p>	
Neighborhood Response	<p>No neighborhood response has been provided. At the neighborhood meeting held on June 19, 2019, approximately 6 neighbors along with the applicant and City staff were in attendance. A majority of the neighbors were from the Dakota Glen Subdivision, a few from the Ponds Subdivision to the south, and a few from other surrounding neighborhoods to the north and east. Generally, neighbors didn't express significant concerns, other than mentioning that they have enjoyed the open space/views and felt that the lots were a little small. It was important folks that the wetland areas around Cattail Reservoir would not be impacted by development. Other questions came up about anticipated pricing for the future homes and whether or not this development would become a part of the Dakota Glen Subdivision HOA.</p>	

Planning Commission Criteria and Findings for Approval or Denial		
<p>Pursuant to Section 18.17.08.07.G. and 18.17.09.01.A-D. of the City of Loveland Municipal Code the Planning Commission shall consider and make findings regarding the following criteria for Planned Unit Development zoning amendments. All findings must be met in order to approve the requested zoning amendment.</p>		
Standards for Zoning Documents		
<p>1. The Zoning Document is consistent with the policies and goals of the Comprehensive Plan, any applicable adopted area plan, or community plan of the City, or reflects stated conditions that have changed since the adoption of the Comprehensive Plan. Specific plan policies are referenced at the end of this document;</p> <p><i>Finding: Staff finds that the criteria has been met.</i></p>		

*Analysis: The land use designation of the Comprehensive Plan is Low Density Residential. The Zoning Document proposes a 19 lot, single-family development with a gross density of 2.7 units per acre. This is in alignment with the City's Comprehensive Plan.*

**2. The Zoning Document either:**

- a. Advances the following policy objectives:**
  - i. Promoting more economical and efficient use of land while providing a harmonious grouping of a variety of land uses;
  - ii. Allowing for a project that assists in the implementation of adopted City plans (and not as a device to circumvent the standards of this UDC and good planning practice);
  - iii. Addressing a unique situation or conferring a substantial benefit to the City; or
- b. The creation of a PUD zone is the only practical way to avoid completely prohibiting a legal, permitted business use within the City.**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The Zoning Document provides the following:*

- Promotes a more economical and efficient use of the land for single-family development compared to the current zoning which does not provide for development opportunities. The proposed single-family development is also compatible with surrounding existing development, which is predominately single-family.
- Allows for a project that assists in the implementation of the City's Comprehensive Plan and Low Density Residential land use designation.
- Addresses a unique existing situation that no longer applies, such that the property no longer serves as an overflow for the Cattail Reservoir.

**3. The PUD complies with all applicable City standards not specifically modified or waived by the Zoning Document;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: Standards including lot type, lot square footage, lot width, and garage placement/mitigation are proposed to be modified from the UDC. These standards are outlined in detail under the Relevant Zoning District Standards (above) section of this report. These modifications are primarily to support smaller lots in a suburban setting. All other modifications are minimal deviations from UDC dimensional standards. Beyond the proposed modifications, all other applicable UDC standards for residential development will be met with this PUD.*

**4. The PUD is integrated and connected with adjacent development thru street connections, sidewalks, trails, multi-use pathways, and similar features;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The PUD is already integrated and connected with adjacent development through a network of sidewalks, trails and streets.*

**5. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: Outlot J – Dakota Glen First Subdivision does contain a significant natural area (wetlands) along the western property boundary. However, no development is occurring within the wetland buffer. This area would be retained as natural open space associated with the development. Additionally, Outlot J was once an overflow area for the Cattail Reservoir within the Dakota Glen Subdivision. Since construction of the spillway within the subdivision, the subject property is no longer encumbered and can be developed without any potential significant adverse impacts on adjacent properties or the general community.*

**6. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;**

*Finding: Staff finds that the criteria has been met.*

**Analysis:**

**Transportation**

Rezoning a parcel or property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. All future development or land application within this property shall be in compliance with the City of Loveland Transportation Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application. Moreover, as identified in the City Municipal Code Title 16, a Traffic Impact Study shall be required with all future development or other land use applications. The property will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.

Therefore, pending future proposed development within this property, of which review and approval by the City is required, the Transportation Development Review staff does not object to the proposed rezoning.

**Fire**

Staff believes that this finding can be met, due to the following:

- With the proposed rezoning, the development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The rezoning of the land for 19 residential units will not negatively impact fire protection for the subject development or surrounding properties.

**Water/Wastewater**

The development is situated within the City's current service area for both water and wastewater. The Department finds that:

- Sufficient public utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing developments.

**Stormwater**

Prior to approval of a Final Plat, the Developer shall provide the Loveland Stormwater Engineering Division with a recorded copy of a Home Supply Ditch Company Agreement allowing Outlet J, Dakota Glen First Subdivision to release developed Stormwater runoff from the on-site detention pond into the Mariano Exchange Ditch.

**Power**

This development is situated within the City's current service area for power. The Department finds that the Development will be compliant to ACF for the following reasons:

- The proposed development will not negatively impact City power facilities.
- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City power.

**7. The same development could not be accomplished thru the use of other techniques, such as complete neighborhood development, application of the Enhanced Corridor Overlay Zone, height exceptions, variances, minor modifications, or a planned unit development is a preferable way to regulate the subject property due to its large land area or multi-year build-out schedule; and**

*Finding:* Staff finds that the criteria has been met.

*Analysis:* Since development of the subject property proposes to integrate into an existing PUD, this is the preferable way to facilitate the proposed development.

**8. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, and capacity.**

*Finding:* Staff finds that the criteria has been met.

*Analysis:* Not applicable. Development is proposed in a single phase.

## Standards for Rezoning

**The criteria of Resource Protection Policy & Plan Consistency and Public Benefits, below, are met; and**

*Finding: Staff finds that the criteria has been met.*

*Analysis: See Resource Protection Policy & Plan Consistency and Public Benefits analysis below.*

**One or more of the alternatives set out in the Additional Findings, below, are met;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: See Resource Protection Policy & Plan Consistency and Public Benefits analysis below.*

**The subject property is a legal lot of record (or group of contiguous legal lots of record); and**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The subject property is a legal lot of record. However, due to the “outlot” designation and proposed single-family use, the property will be replatted prior to any development activity.*

**No legal lot of record will contain multiple zones within its boundaries as a result of the rezoning.**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The rezoning is not proposing multiple zones within the property boundary.*

### Resource Protection Policy

**It is the policy of the City not to rezone property in a manner that would create or facilitate the creation of development rights or entitlements that would either:**

**Reduce the level of protection for significant natural resources that exist on the subject property; or**

**Expose additional people or personal property to unmitigated natural hazards that are present on the subject property (e.g., fire, flood, or geological hazards).**

*Finding: Staff finds that the criteria has been met.*

*Analysis: Outlot J – Dakota Glen First Subdivision does contain a significant natural area (wetlands) along the western property boundary. However, no development is occurring within the wetland buffer. This area would be retained as natural open space associated with the development. Additionally, Outlot J was once an overflow area for the Cattail Reservoir within the Dakota Glen Subdivision. Since construction of the spillway within the subdivision, the subject property is no longer encumbered and can be developed without hazard.*

**This policy may be waived upon a finding by the City Council that:**

**Alternative means have been implemented to achieve a comparable or better level of resource protection (e.g., conservation easements, development agreements, or other comparable mechanisms for resource protection); or**

**The policy is outweighed by a substantial community interest that is served by approval of the rezoning (see Subsection C.1., below).**

*Finding: Staff finds that the criteria has been met.*

*Analysis: Not applicable.*

### Plan Consistency and Public Benefits

**The proposed zone, as applied to the subject property, is consistent with its land use designation in the Comprehensive Plan or an amendment to the Comprehensive Plan is approved in accordance with Section 4 of the Comprehensive Plan prior to the approval of the rezoning application;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The proposed zoning or more importantly the single-family use and gross density of 2.7 units per acre is consistent with the Low Density Residential land use designation of the Comprehensive Plan.*

**Rezoning to the proposed zone will provide a benefit to the community or immediate area that cannot be provided under the existing zone, and the balance between the anticipated benefit, if any, and the anticipated burden on the community or immediate area, if any, is either neutral or favors the rezoning;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The proposed PUD zoning provides an alternative to conventional single-family development with a land use designation of Low Density Residential. Lots would be smaller in size, offering a low maintenance housing choice for Loveland residents. The subject property also benefits from rezoning because under the current DR zoning designation, development opportunities are very limited and likely would remain in its current state.*

**The proposed zone would not cause an I zone to share a boundary with an ER, R1e, R1, R2, R3e, or R3 zone, unless there is sufficient land area on the subject property to provide a buffer, as set out in [Division 18.08.03, Standards for Bufferyards](#), and a development agreement is approved to mitigate use incompatibilities with fencing, walls, landscaping, noise and lighting restrictions, or other appropriate techniques; and**

*Finding: Staff finds that the criteria has been met.*

*Analysis: Not applicable.*

**Adequate community facilities are available to serve development in the proposed zone in accordance with Section 18.15.02.05, Determination Regarding Adequacy; or the proposed zone would limit demands upon community facilities more than the existing zone; or reasonable assurances are provided that adequate community facilities will be made available to serve new development by the time the new development places demands on the facilities.**

*Finding: Staff finds that the criteria has been met.*

*Analysis:*

#### Transportation

*Rezoning a parcel or property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. All future development or land application within this property shall be in compliance with the City of Loveland Transportation Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application. Moreover, as identified in the City Municipal Code Title 16, a Traffic Impact Study shall be required with all future development or other land use applications. The property will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.*

*Therefore, pending future proposed development within this property, of which review and approval by the City is required, the Transportation Development Review staff does not object to the proposed rezoning.*

#### Fire

*Staff believes that this finding can be met, due to the following:*

- *With the proposed rezoning, the development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.*
- *The rezoning of the land for 19 residential units will not negatively impact fire protection for the subject development or surrounding properties.*

#### Water/Wastewater

*The development is situated within the City's current service area for both water and wastewater. The Department finds that:*

- *Sufficient public utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing developments.*

#### Stormwater

*Prior to approval of a Final Plat, the Developer shall provide the Loveland Stormwater Engineering Division with a recorded copy of a Home Supply Ditch Company Agreement allowing Outlet J, Dakota Glen First Subdivision to release developed Stormwater runoff from the on-site detention pond into the Mariano Exchange Ditch.*

#### Power

*This development is situated within the City's current service area for power. The Department finds that the*

Development will be compliant to ACF for the following reasons:

- The proposed development will not negatively impact City power facilities.
- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City power.

#### Additional Findings

(The City Council may approve an application for rezoning upon a determination that at least one of the following three criteria has been met.)

**Alternative #1: Plan Implementation.** The proposed zone is more appropriate than the existing zone to implement an adopted or approved current City plan that was developed with public input (e.g., the Comprehensive Plan, the Highway 287 Strategic Plan, etc.).

*Finding:* Staff finds that the criteria has been met.

*Analysis:* The proposed PUD zoning is more appropriate than the current DR zoning with respect to implementing the City's Comprehensive Plan of low density residential development.

**Alternative #2: Change in Character of the Area.** The City Council finds that the proposed zone is more appropriate than the existing zone because:

- a. There has been a change in character or capacity of public infrastructure in the area (e.g., installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.); and
- b. The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.

*Finding:* Staff finds that the criteria has been met.

*Analysis:* The proposed PUD zone is more appropriate than the current DR zone because a change in character has occurred. The subject property was historically an overflow area for the Cattail Reservoir (Dakota Glen Subdivision retention pond directly west). With development of the Dakota Glen Subdivision, a spillway was constructed, controlling release of flows from the Cattail Reservoir to the Mariano Exchange Ditch, no longer encumbering the property for overflow purposes.

**Alternative #3: Need for Zone in Land Inventory.** The City Council finds that the proposed zone is more appropriate than the existing zone because:

- a. There is greater need in the City for land in the proposed zone than the existing zone based on a market study provided by the applicant; and
- b. The proposed zone will promote a balance of land uses in the City that will improve economic opportunity or community mobility in alignment with the Comprehensive Plan.

*Finding:* Staff finds that the criteria has been met.

*Analysis:* The proposed PUD zone is more appropriate than the current DR zone because it provides opportunities for additional housing rather than raw/vacant land not being utilized. No market study was provided by the applicant. However, more housing options adds to the economic welfare of the City.

#### Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial

In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following goals, and policies within the City of Loveland Comprehensive Plan:

 Create Loveland	<b>Land Use Designation: Low Density Residential</b> <ul style="list-style-type: none"><li>• Can consist of a variety of housing types, but includes primarily detached single-family.</li><li>• Promotes densities of 2 to 4 units per acre.</li></ul>
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	<ul style="list-style-type: none"> <li>• <b>Suitable for R1 or PUD zoning.</b></li> <li>• <b>Limits building heights to no more than 3 stories.</b></li> </ul>
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<b>Staff Recommendation</b>	
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<p>Staff is recommending conditional approval of Dakota Glen Outlot J Rezoning/Zoning Document with the following conditions:</p>	
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Transportation

1. All future development within this addition shall comply with the Larimer County Urban Area Street standards and the Transportation Plan and any updates to either in effect at the time of site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.
2. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:
  - a. Right-of-way for the following facilities shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.
3. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

PLANNING COMMISSION

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION RECOMMENDING APPROVAL BY THE LOVELAND CITY  
COUNCIL OF THE REZONING OF OUTLOT J - DAKOTA GLEN FIRST  
SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO FROM DR-  
DEVELOPING RESOURCE TO PLANNED UNIT DEVELOPMENT AND APPROVAL  
OF THE ASSOCIATED ZONING DOCUMENT**

WHEREAS, on May 2, 1978, the City Council adopted Ordinance No. 1660 annexing property known as the Ponds Addition, including a portion of such property known as Tract A (“Tract A”). Upon annexation, the property was zoned DR-Developing Resource; and

WHEREAS, in conjunction with the development of the Dakota Glen First Subdivision, Tract A was replatted as Outlot J (“Outlot J”), and remained zoned DR; and

WHEREAS, Glen Development, LLC seeks to develop Outlot J and has submitted an application to rezone Outlot J to PUD-Planned Unit Development; and

WHEREAS, the Loveland Planning Commission held a public hearing on October 28, 2019 to consider the rezoning of Outlot J and approval of the associated Zoning Document; and

WHEREAS, at the hearing, the Planning Commission duly considered the recommendations of the City’s Current Planning Division as well as all necessary testimony by the applicant and the public; and

WHEREAS, the Planning Commission has considered the application to rezone Outlot J in light of the intent and objectives of Section 18.17.09.01, including the factors set forth therein, and has determined that pursuant to such factors, that the rezoning should be conditionally approved; and

WHEREAS, the Planning Commission has further considered the application to approve the Zoning Document associated with the requested rezoning in light of the intent and objectives of Section 18.17.08.07, specifically the standards set forth in subsection (G), and has determined that pursuant to such standards, that the Zoning Documents should be conditionally approved.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION FOR THE  
CITY OF LOVELAND, COLORADO:**

**Section 1.** That the Planning Commission recommends that the City Council approve the rezoning of Dakota Glen First Subdivision – Outlot J, City of Loveland, County of Larimer from DR-Developing Resource to PUD-Planned Unit Development, and further approve the associated Document for Outlot J.

**Section 2.** That the Planning Commission makes the findings regarding the rezoning and Zoning Document set forth in pages 6 through 11 of the Staff Report as its written findings and conclusions in support of its recommendation of approval.

**Section 3.** That this Resolution shall be effective as of the date set forth below.

Signed this \_\_\_\_\_ day of October, 2019.

**LOVELAND PLANNING COMMISSION**

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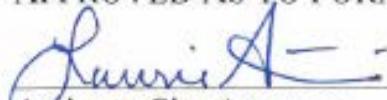
Patrick McFall, Planning Commission Chair

ATTEST:

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Planning Commission Secretary

APPROVED AS TO FORM:



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Laurie A.  
Assistant City Attorney

## REZONING ASSESSMENT

### **Resource Protection**

#### **Protection of Natural Resources**

- The rezoning will not reduce the level of protection for significant natural resources existing on the subject property.

#### **Unmitigated Natural Hazards**

- The rezoning will not expose additional people or property to unmitigated natural hazards present on the subject property.

### **Plan Consistency and Public Benefit**

#### **Consistency with the Comprehensive Plan**

- The proposed zoning will fit within the Comprehensive Plan's designation for low density residential use for the subject land area.

#### **Public Benefit**

- Rezoning to the proposed zone will provide a benefit to the community or immediate area that cannot be provided under the existing zone, and the balance between the anticipated benefit, if any, and the anticipated burden on the community or immediate area, if any, is either neutral or favors the rezoning.

#### **Compatibility with Industrial Zoned Property**

- Not applicable

#### **Adequate community Facilities**

- Adequate community Facilities are available to serve development in the proposed zone in accordance with UDC Section 18.15.205

### **Additional Findings**

#### **Plan Implementation**

- The proposed zone is more appropriate than the existing zone to implement an adopted or approved current City plan that was developed with public input (e.g. the Comprehensive Plan, the Highway 287 Strategic Plan, etc.)

#### **Change in Character of Area**

- The proposed zone is more appropriate than the existing zone because: The proposed zone allows for the reasonable development or redevelopment of the subject property in a manner that will be compatible with its existing or planned context.

#### **Need for Zone in Land Inventory**

- The proposed zone is more appropriate than the existing zone because: 1) There is a greater need in the City for land in the proposed zone than the existing zone based on a market study provided by the applicant; and 2) The proposed zone will promote a balance of land uses in the City that will improve economic opportunity or community mobility in alignment with the Comprehensive Plan.

The Enclave at Dakota Glen  
Outlot "J" Dakota Glen

July 9, 2019

Dakota Glen Planned Unit Development was brought into the City in June of 2008. The first homes were built in 2010. Outlot "J" at the time of the plat was the emergency spillway for the pond located to the west of Outlot "J". The emergency spillway was relocated in 2009, allowing for Outlot "J" to be developed. The zoning was Developing Resource "DR". Outlot "J" is surrounded by single family west, north and south with the east side across Wilson Avenue being mobile homes. The Comprehensive Plan shows low density zoning. This request for a PUD including the addition of 19 single family residential lots, is consistent and compatible with the Comprehensive Plan and existing uses (residential).

All utilities i.e. access (Wilson Ave), sewer, water, electric and storm drainage, are in place and existing for this development. All are onsite and adequate to service this zoning and proposed use

Scott Bray  
Glen Development LLC

**ATTACHMENT B**

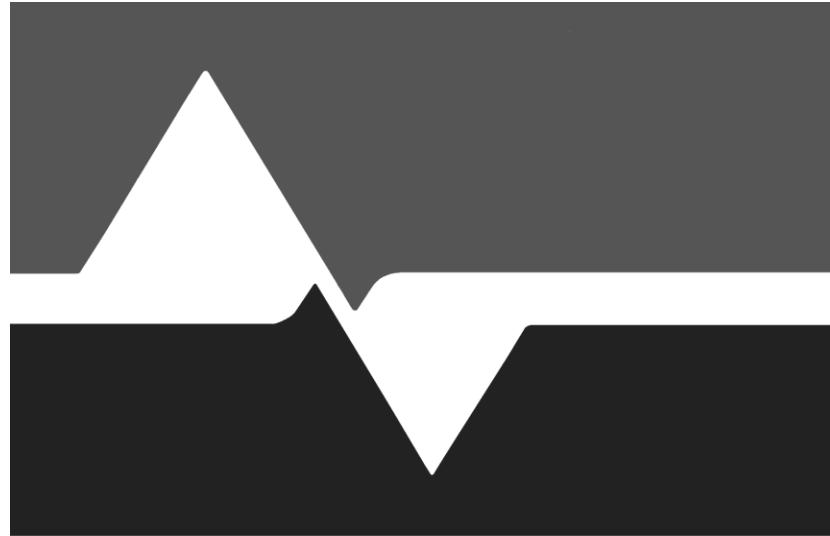
The neighborhood meeting was held on June 19<sup>th</sup>, 2019 at the City of Loveland Development Center. Approximately 25 neighbors attended the meeting, some from "The Ponds" adjacent to my proposed 19 lots and some from "Dakota Glen" interested homeowners.

I spent the first 20 minutes giving the attendees the history of this particular parcel. This site had been the original emergency spillway of the pond that was constructed in 1967. It remained the spillway for the pond until I annexed Dakota Glen and moved the spillway to the west with permission from the State Engineers office and the City of Loveland. In doing this dam modification I was able to provide the City of Loveland additional 30 acre feet of emergency storm water storage. This new location for the spillway provided me the opportunity to develop this last 7 acres since it was no longer designated an emergency spillway. This parcel is also the last piece to be developed in the 900 acre land purchase my father did in 1960.

There were two main points of discussion, the size of the lots and size of the homes. The size of the lots are about 15% narrower than the patio home lots in Dakota. Because of that I speculate the concern the audience had was I would put in smaller homes (maybe tiny homes) or manufactured homes. I dispelled that thought right away, explaining the proposed homes are of similar size to the patios in Dakota. The narrower lots does make it a bit more challenging to design the houses but I have come up with two new plans (one a side load garage my first ever) and will be using three of the "original" plans I built in Seven Lakes. There was some discussion from the residents of the Ponds development (south side of my development) about their views. There certainly will be some restricted views but will not totally block existing views.

Overall I felt the meeting was people coming together for information and my assurance that it was going to be a quality development. I left them with what I have told buyers when I start a new development and the buyer can't see the beyond the colored plat map on our sales office wall. Go to any of my other developments Marianna Glen, Emerald Glen, Seven Lakes and Fairway West. If there is anything you don't like about those developments then don't buy here!





# City of Loveland

*Handbook for  
Boards and Commissions*

*Revised September 20197*

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## **INTRODUCTION**

The public is playing an ever increasing role in local government. Citizens concerned about quality of life for themselves and their families, taxes and governmental services are speaking out as never before, and are shaping local government in a way that meets their needs. Indeed, the governing body of a city like Loveland is composed of citizens elected by their fellow citizens to set policy and to guide and direct city government.

In order to assist it in setting direction for the city, the City Council considers the advice of its various boards and commissions. Citizens who serve on boards and commissions, therefore, play an important part in translating ideas into programs and suggestions and concerns into change. They also expand the knowledge and experience base of the elected decision makers.

The City Council has engaged more and more citizens in the process of government by creating new advisory boards when the need arises. At present, the City of Loveland has the following advisory bodies:

Affordable Housing Commission (AHC)  
Citizens' Finance Advisory Commission (CFAC)  
Community Marking Commission (CMC)  
Construction Advisory Board (CAB)  
Cultural Services Board (CSB)  
Disabilities Advisory Commission (DAC)  
Downtown Development Authority (DDA)  
Fire & Rescue Advisory Commission (FRAC)  
Golf Advisory Board (GAB)  
Historic Preservation Commission (HPC)  
Housing Authority (HA)  
Human Services Commission (HSC)  
Library Board (LB)  
Loveland Communications Advisory Board (LCAB)  
Loveland Utilities Commission (LUC)  
Open Lands Advisory Commission (OLAC)  
Parks and Recreation Commission (PRC)  
Planning Commission (PC)  
Police Citizen Advisory Board (PDCAB)  
Senior Advisory Board (SAB)  
Transportation Advisory Board (TAB)  
Visual Arts Commission (VAC)  
Youth Advisory Commission (YAC)

In addition to the above, the City Council is responsible for making appointments to several boards and commissions whose powers and duties are defined under state law, and whose functions go beyond advising and making recommendations to the City Council. Those boards and commissions are:

Employees' RetirementPension Board  
Housing Authority  
Local Licensing Authority  
Police Pension Board of Trustees  
Volunteer Firefighters' Pension Board of Trustees?

## **PURPOSE**

The purpose of this Handbook for Boards and Commissions is to explain the role of boards and commissions in advising the City Council and to set forth guidelines to assist in carrying out their work.

## **CITY STRUCTURE**

In order to be more effective in fulfilling their purpose, board and commission members should understand the organizational structure of the city. The City of Loveland is a home rule municipality operating pursuant to the City of Loveland Charter, adopted by the citizens of Loveland in May, 1996. The citizens have chosen a council-manager form of government. Under this form, the citizens elect eight council members, two from each ward, and one mayor at large. The entire City Council elects the mayor pro tem.

The City Council sets the goals and policies for city government and annually adopts a budget in support of city activities. City staff, under the direction of the City Manager, is responsible for carrying out the direction of the City Council in implementing programs and services. The municipal judge, City Manager, and City Attorney report directly to the City Council. Department directors and their staffs are under the direction of the City Manager.

As the city's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the city, including assigning staff to assist boards and commissions in carrying out their responsibilities. The City Manager is responsible for conveying and implementing City Council policy.

## **BOARD MEMBER EXPECTATIONS**

### **Attendance**

The effective operation of a board depends upon regular attendance of the members at meetings. Members shall be required to attend a minimum of 70% of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson or staff liaison at least 24 hours in advance of the meeting, when possible. If needed, a board member may participate in a meeting by video or phone. If a member has three unexcused absences in a row, the member shall automatically lose his or her position on the board or commission. For the purposes of this rule, "unexcused absences" shall be all absences other than for illness, family emergency, or participation in other City of Loveland business. The chairperson shall monitor attendance and forward attendance information to the City Clerk Manager's Office when a member fails to meet the attendance requirements stated herein. The City Manager's Clerk's Office shall inform the member that his or her membership has been terminated for failure to meet the attendance requirements, and shall begin the process for appointment of a replacement member as set forth herein.

In addition, the chairperson shall provide attendance information to the City Clerk's Office upon request. Each calendar year, the City Clerk shall report to the City Council attendance information for every board and commission to include the number of meetings held by each board and commission, the number of meetings attended by each member, and the number of positions vacated due to failure to meet the attendance requirements.

### **Conflicts of Interest**

The objective of City Council is that the appointed member avoids any conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, the following guidelines should be considered and any member may consult with the City Attorney's Office if there are questions.

If a board member has acquired confidential information in the course of official duties that information cannot be used to substantially further the member's personal financial interests or any family members.

Occasionally gifts aremay be offered to board members. Rules regarding acceptance of gifts over \$50.00 are set forth in Chapter 2.73 of the City Code. A gift includes anything of value where the person receiving it does not pay the full market value. Before accepting a gift, the member should ask him or herself whether it is being offered in order to influence any official action or influence the member in any way.

State law provides that a board member shall not hold an interest in a business or undertaking that may possibly be directly and substantially economically affected or benefited by any official action of the member's board. A board member shall not perform an official act causing an economic detriment to the member's business or personal competitors.

For six months following termination of office, a board member should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A board member shall not engage in anysubstantial financial transaction for private business purposes with a person under the direction of that member's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter, and must refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest. The disclosure shall be made in writing to the Secretary of State City Clerk's Office, listing the amount of his financial interest, if any; the purpose and duration of his services rendered, if any; and the compensation received for the services and such other information as is necessary to describe his interest. Following this procedure, if the interested member then proceeds to vote, the member shall state for the record that the member has an interest and shall summarize the nature of the interest. The member should consider not only his or her financial interests and investments, but also those of spouse and children.

If you are unsure of your legal responsibilities on any matter coming before your advisory body, you should seek the advice of the City Attorney's Office as soon as possible before the meeting.

### **Training for New Board Members**

Recognizing that a newly appointed board or commission member will need a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission, the city will provide informal and/or formal training opportunities for each newly appointed member. The Council liaison, staff liaison, and chairperson of the board or commission shall work cooperatively to establish a training process which will provide to the new member a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission. Where appropriate, in-service

training should be provided which may include presentations on the responsibility of board and commission members, parliamentary procedure, conflicts of interest, specific board or commission mission, consensus and decision making model, city administration overview, open meetings, and language of local government and commonly used abbreviations and acronyms.

Board and commission members should be invited to in-service opportunities offered by the city. Board and commission members should be encouraged to identify in-service opportunities which would be specifically beneficial to their particular board or commission. When possible, exit interviews should be conducted with departing board and commission members to determine areas in which the city can be more helpful to the board or commission. The city should provide funding for appropriate in-service training for board and commission members

### **Board Responsibilities**

Each advisory board and commission is responsible to investigate and make thoughtful recommendations to the City Council and city staff on issues coming before it. Such recommendations are often most useful if they include alternatives that were considered and an analysis of the pros and cons of the alternatives.

Matters upon which a board makes recommendations can come from the City Council, from city staff, the citizens of Loveland, and from the board members themselves. The City Council does not wish to impose a rigid structure upon the thoughts and ideas of any board or commission, but instead believes that creative and innovative ideas can come from many different sources. Often, however, ideas will originate with the consideration and adoption of goals by the City Council, and boards and commissions will be asked to consider such goals.

The normal channels for communication between the City Council and the boards and commissions are through the City Council liaison to the board and city staff in the affected department. Such persons will report to the Council the deliberations and recommendations of the board. The boards and commissions, and their individual members, are always free to communicate directly with the City Council on any matter concerning their areas of responsibility.

In considering recommendations from boards and commissions, the City Council will attempt to balance the many diverse interests in our community.

Each member is representing the City of Loveland when serving as a member and should at all times be respectful and avoid inappropriate behavior, Administrative Regulation AR-00037.

### **ORGANIZATION OF THE BOARD**

Each board shall choose a chairperson and a vice chairperson. Additional offices may be created by the board from time to time as necessary. If a city staff person is not made available to serve as recording secretary, a board shall also choose a recording secretary.

#### **Chairperson**

The chairperson serves as the presiding officer over all meetings. It is the responsibility of the chairperson to conduct meetings, keep the discussion on track, encourage the input of ideas and facilitate the overall decision process. The chairperson should clarify ideas as they are discussed and should repeat motions to ensure that all members fully understand the wording of the item upon which they are voting. It is also

the chairperson's responsibility to sign all documents on behalf of the board, see that all of the decisions of the board are carried out properly, and perform any other duties and functions requested by the board.

The chairperson, working with the recording secretary, is responsible for preparing an agenda for each meeting, and assuring its circulation in advance to all members of the board and other persons who have requested notification and to ensure public notice of the board's regular and, if any, special meetings.

### **Vice Chairperson**

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson shall also perform any other duties assigned to his office by the board. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

### **Recording Secretary**

The recording secretary keeps the record of the board, is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. The secretary also performs any additional duties or functions that the board may assign. The secretary prepares an agenda in advance of each meeting. A copy of the approved minutes from each meeting shall be deposited with the Loveland city clerk. Minutes from meetings shall be recorded as soon as possible.

### **Officers' Terms of Office**

The term of office for the chairperson and the vice chairperson shall be 1 year. Each officer shall be eligible for reelection. However, chairpersons are encouraged not to serve for more than 2 consecutive years so that other board or commission members may gain experience as a chairperson. Officers shall be elected at the next regular meeting following the month of the year in which the terms of office of the members of the board expire.

### **Council Liaison**

The City Council liaison assigned to a board or commission shall serve the following roles:

1. Communicate with the board or commission when City Council communication is needed and to serve as the primary two-way communications channel between the City Council and the board or commission.
2. Participate in filling vacancies, reviewing applications, and interviewing candidates for the board or commission.
3. Serve as the primary informal City Council contact.
4. Help resolve questions the board or commission may have about the role of the City Council, municipal government, and the board or commission.
5. Establish formal or informal contact with the chairperson of the board or commission and effectively communicate the role of the liaison.

6. Provide procedural direction and relay the City Council's position to the board or commission, and to communicate to the board or commission that the liaison's role is not to direct the board in its activities or work.
7. Serve as City Council contact rather than an advocate for or ex-officio member of the board or commission.

## **CONDUCT OF MEETINGS**

### **Open Public Meetings**

All meetings at which any public business is discussed where a quorum of the board is present are public meetings open to the public at all times. No board or commission shall conduct any closed meeting without first consulting with the City Attorney's Office concerning its propriety whether the subject qualifies for executive session, generally there are no closed meetings.

### **Quorum**

The majority of all of the appointed members of a board shall constitute a quorum. In order to conduct business at any meeting, a quorum shall be present. No action shall be taken in the absence of a quorum, except to adjourn the meeting to a future date.

### **Special Meetings**

A special meeting may be called by the chairperson or vice chairperson, or upon the written request of three members of the board. Notice should be given to each of the board members by personally serving them or by leaving notice at their usual place of residence. Notice of special meetings should be given as much in advance as possible. The notice of a special meeting shall set forth the time, place, date and purpose of the meeting. Attendance at a special meeting constitutes a waiver of the notice of the meeting.

### **Public Notice**

Public notice of all meetings where the board may take any formal action or at which a majority or quorum of the board is expected to attend shall be given. The public notice shall be given no less than twenty-four hours in advance of the meeting and shall be posted at a location designated by the City Council, including the bulletin board outside the City Council Chambers. The public notice should also be posted on the City's website. The notice shall contain a specific agenda if possible, and should be in the format specified by the City Clerk. Meetings by phone or email are not allowed because the public cannot participate. Voting must be done at a properly noticed meeting.

### **Rules of Order**

Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

## **Public Hearings**

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If members have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, board members should discuss the matter among themselves (still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the City Attorney's Office.

## **APPOINTMENT AND VACANCIES**

Unless otherwise provided by state law or by the ordinance establishing the particular board or commission, the following guidelines will be used in dealing with appointments and vacancies to boards and commissions.

When a vacancy occurs on a board or commission by removal of a member or resignation, with approval of the interview committee, the Council-appointed alternate shall be recommended to the City Council for appointment to the position. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following steps will be taken unless otherwise directed by the City Council:

1. The chairperson shall notify the City-ClerkManager's Office of the vacancy.
2. Upon notice of the vacancy or not less than 75 days prior to the expiration of a term, whichever is applicable, the City-ClerkManager's Office will notify the City Council of the vacancy and advertise for the position. Said advertisement shall include, at minimum, publication of a notice in a newspaper of general circulation within the city. The City-ClerkManager's Office shall establish a closing date for the receipt of applications, which date shall be not less than 30 days from the date of first newspaper, website, or social media advertisement. Applications received after the closing date may not be considered by the interview committee.
3. The chairperson should announce the vacancy at the first meeting after being notified of the vacancy and urge the members to solicit qualified candidates.
4. Applications shall be in a form determined by the City-ClerkManager, but shall include, without limitation, a question related to the applicant's current service on other city boards and commissions.
5. Interviews shall not be required when the only applicants are current members seeking reappointment for a new term and there are no other applicants for the vacancy. Private

interviews for a vacant position shall be required for new applicants or where there are more applicants than there are vacancies, except that interviews shall not be required for members of the Youth Advisory Commission who have successfully completed a term of office and desire to be reappointed to a new term. Interviews shall occur within a reasonable time following the closing date for receipt of applications and shall be scheduled by the staff liaison. Except as otherwise provided by a formal action of the City Council, the interview committee shall consist of the following persons: the City Council liaison; the staff liaison; and the chairperson.

6. Immediately following the interviews, the interview committee, or in the case of the Youth Advisory Commission where no interviews are held, the staff liaison, shall advise the City ~~Manager's Clerk's~~ Office of the recommendation. The City ~~Clerk Manager~~'s Office will endeavor to place the matter on the next available City Council agenda for consideration of appointment.
7. The recommendation of the interview committee and the appointment by the City Council shall be based upon qualification, experience, knowledge, interest, willingness to serve, ward residency, the need for a diverse cross-section of the community, past and current service on other city boards and commissions, and other factors deemed relevant by the City Council. The recommendation of the interview committee shall be considered but shall not be binding upon the City Council.
8. The City ~~Clerk Manager~~'s Office shall forward a letter of appointment and a Handbook for Boards and Commissions to the newly appointed member.

Members shall serve for their appointed term as specified in the City Code. Alternates appointments shall be effective until the expiration of the term of any other member on the board or commission for which the alternate appointment was made. Alternates shall be available to assume unexpired terms in instances of resignation or removal, but shall not be appointed to serve where a vacancy is created by expiration of a term. However, in such circumstances, alternates are encouraged to apply for the position.

There shall be no term limits for board and commission members unless the term limits for the board or commission are specifically set forth in state law or in the City Charter or Code. In addition, board and commission members may not serve on more than one board and commission at a time, unless: (i) the member is the only qualified applicant for the position; or (ii) the member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

Unless otherwise provided by state law or by the City Charter or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides within or has substantial ties within the corporate limits of the city; or (b) where the City Council determines that the duties and functions of a board or commission impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area. Factors which may be considered in determining whether a person has substantial ties to the city or an affected area are property ownership, employment, conduct of a business or profession or other factors deemed relevant by the City Council. Any person who ceases to reside in, or have substantial ties to, the area which was determined to be the basis for appointment may be removed from the board or commission by the City Council.

Further, unless otherwise provided by state law or by the City Charter or Code, no appointment of a person to any board or commission shall have the effect of increasing the number of nonresident members on that board or commission to more than 50% of the total membership of the board or commission.

A person shall not be eligible for appointment to any city board or commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or adoption) is a city employee who in his or her capacity as a city employee regularly appears before or advises that board or commission. This does not prohibit such person from being eligible for appointment to any other city board or commission not affected by this eligibility limitation. [Employees may not serve on any board or commission appointed by City Council, except the Retirement Committees. This restriction shall not apply to "Hourly with No Benefits" employees, provided that such employee is not required to appear before such board or commission. "Hourly with No Benefits" employees are required to obtain the written authorization of the City Manager prior to serving or continuing to serve on a board or commission.](#)

### **EXPENSE REIMBURSEMENT**

The city will reimburse any member of a board or commission who incurs expense for travel, lodging, registration fees and the like where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the City Manager's Office.

### **LIABILITY**

When performing the function for which a member is appointed, such member is an authorized volunteer of the City of Loveland, and is entitled to the protection of the Governmental Immunity Act. The Act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage. The City Attorney's Office is available for further discussions regarding liability.

### **BOARDS AND COMMISSIONS**

For specific information regarding the City's boards and commissions and a description of their membership requirements and duties, please see City Code Chapter 2.60, available online at [www.cityofloveland.org](http://www.cityofloveland.org), or contact ~~the City Manager's Office at (970) 962-2303, or~~ the City Clerk's Office at (970) 962-23922.