



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, July 25, 2011
500 E. 3rd Street – Council Chambers
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

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

b. Staff Matters

Recent Council actions, upcoming events, topics of interest, etc.

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES:

Approval of the June 27, 2011 meeting minutes.

V. CONSENT AGENDA:

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

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

1. Lee Farm 1st Subdivision

Consideration of a request for a two year extension for the approval of the Lee Farm 1st Subdivision preliminary plat, consisting of 246.86 acres. The preliminary plat was originally approved by the Planning Commission on August 23, 2010.

With the original approval of the related Lee Farm 1st Subdivision PUD Preliminary Development Plan, vested rights were acquired, assuring the validity of the PDP for three years. Since the preliminary plat and PDP are interrelated. It is appropriate to grant validity to the preliminary plat for the same length of time.

VI. REGULAR AGENDA:

1. Amendments to Title 18 Regarding Signs Not Subject to Permit-Exempt Signs and Project Marketing Signs.

This is a public hearing to consider the proposed amendments to Title 18 which are focused around the City's exempt and project marketing sign provisions. The amendments are considered minor amendments associated with the larger set of Temporary Sign amendments reviewed and recommended for approval by the Planning Commission on June 27, 2011. This application involves legislative action by the Planning Commission; the Commission's recommendation will be forwarded to the City Council for a final decision.

2. Amendments to Title 18 to Allow Small Wind Energy Systems (Wind Turbines) on Residential Properties.

This is a public hearing to consider amendments to Title 18 of the City of Loveland Municipal Code to allow small wind energy systems, (small wind turbines) on all residential properties in the City, subject to specific standards and process. This application involves legislative action by the Planning Commission; the Commission's recommendation will be forwarded to the City Council for a final decision.

VII. ADJOURNMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 27, 2011**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 27, 2011 at 6:30 p.m. Members present: Chairman Molloy; Vice Chairman Meyers; and Commissioners Dowding, Fancher, Leadbetter and Middleton. Commissioners Crescibene, Krenning and Ray were absent. City Staff present: Troy Bliss, Current Planning; Robert Paulsen, Current Planning Manager; Sunita Sharma, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Community Services office.

CITIZEN REPORTS

There were no citizen reports.

STAFF REPORTS

Bob Paulsen, Current Planning Manager, reported that his office had received a petition addressed to Planning Commission regarding a joint City/County effort to identify an alignment for the extension of Boyd Lake Road from 5th Street to Highway 60. He stated that the petition was handed out to all the Commissioners. He further commented that the alignment project would be discussed when the Public Works Department presents the 2030 Transportation Plan to the Planning Commission in the fall.

Chair Molloy stated that he would like to hear about the alignment by the Public Works department before it is done.

Mr. Paulsen stated that he would ask if they could email the Commission further information on the alignment.

Vice Chair Meyers reported on a recent meeting that he and Commissioners Dowding and Middleton had worked with Planning staff on prioritizing the Comprehensive Plan and Objectives as part of the Comprehensive Plan update process. He indicated that the meeting had been productive.

APPROVAL OF MINUTES

1 *Commissioner Fancher moved to approve the Minutes of the June 13, 2011 Planning*
2 *Commission meeting. Upon a second by Commissioner Dowding the motion passed*
3 *unanimously. (Chairman Molloy abstained.)*

4 **Mr. Paulsen** requested that Regular Item #2 be continued to July 11, 2011.

5
6 **REGULAR AGENDA**

7
8 **1. Amendments to Title 18 regarding sign definitions, temporary sign regulations, and sign**
9 **enforcement, legal procedures and penalties.**

10
11 SUMMARY OF AGENDA ITEM: This is a public hearing to review temporary signs. The purpose
12 in bringing forward this amendment to the municipal code is that City staff has seen an increase in
13 the use of temporary signs throughout the community. For the most part, issues have not been related
14 to volume but relate to the City's abilities to fairly enforce the sign regulations. There are also issues
15 of clarity and currency with the existing temporary sign regulations. This application involves
16 legislative action by the Planning Commission; the Commission's recommendation will be
17 forwarded to the City Council for a final decision.

18
19 **Troy Bliss, Project Planner**, gave a brief background report on this item. He stated that staff was
20 directed by the City Council to move forward on the Temporary Sign Regulations. He spoke of the
21 outreach that was done and of the numerous community groups that staff met with, commenting that
22 staff received a large amount of feedback. He commented that there were requests to simplify the
23 definitions so that they are understandable. He clarified that the sign companies are in general
24 support the proposed amendments.

25
26 He stated that the proposed amendments are focused around the City's temporary sign regulations,
27 and are specifically structured in three main areas:

- 28
- 29 • Adding definitions to types of temporary signs;
 - 30 • Providing expanded allowance to businesses for the use of temporary signs and providing
31 clearer temporary sign regulations; and
 - 32 • Making a small adjustment to the enforcement, legal procedures and penalties associated
33 with the sign code.

34 **Mr. Bliss** stated that he received an email from Mr. Greg Muhonen requesting amendment to the
35 height and square footage of flying banners.

36
37 **Ron Busby, 1441 39th Place**, thanked Mr. Bliss and staff for their hard work and stated that the
38 modifications made by staff will help his tenants. He was specifically pleased with expanded
39 allowance for portable, sandwich board-type signs. He urged the Planning Commission to
40 recommend adoption by City Council.

1 **Greg Muhonen, 2085 Quillan**, also thanked staff, the Title 18 Committee, and City Council for
2 their efforts. He spoke of a proposed amendment which would increase banner height allowance
3 from 10 ft. to 13 ft. and the width from 20 ft. to 25 ft. He indicated his overall support of the
4 proposed amendments.

5
6 **Commissioner Middleton** questioned if Mr. Muhonen, who serves on the Title 18 Committee, did
7 not agree with the Committee's recommendation.

8
9 **Mr. Muhonen** stated over several months of Title 18 Committee meetings and in their previous
10 discussions about the size of the banners being 13ft. x 25 feet, he had assumed that the Committee
11 was in agreement with the height and size of the banners he was advocating. He stated that he was
12 surprised to see that the size had not been adjusted to reflect this discussion.

13
14 After a brief discussion, **Mr. Bliss** stated that there are no specific industry size standards for pendent
15 signs; he stated that these types of signs are made in various heights and sizes by the various
16 manufacturers. **Mr. Paulsen** stated the increased sign height advocated by Mr. Muhonen is not a
17 crucial matter. He emphasized, however, that the standards be clearly defined.

18
19 **Mr. Bliss** clarified that there is no application fee for a temporary sign. He reported that that staff,
20 Title 18 Committee, sign companies, the public and members of the Chamber of Commerce have
21 been working on this amendment for approximately two years

22
23 After a discussion regarding flags, **Mr. Bliss** stated that American flags are placed in the category of
24 exempt signs by the code. He noted that the review of regulations concerning government flags had
25 not been part of this effort.

26
27 **Commission Dowding** indicated support for changing the height and width of teardrop banners
28 (flying banners) as proposed by Mr. Muhonen.

29
30 **Commissioner Leadbetter** commented that he liked that the new code language was straightforward
31 and easy to understand, and he concurred with Commissioner Dowding regarding Mr. Muhonen's
32 request.

33
34 **Vice Chair Meyers** agreed with previous speakers.

35
36 **Commissioner Middleton** supported the item with the proposed amendment by Mr. Muhonen.

37
38 **Chair Molloy** spoke in support of the amendments.

39
40 **Commissioner Fancher made a motion to recommend that City Council approve the amendments**
41 **to Title 18 regarding temporary signs as described in the June 27, 2011 Planning Commission**

1 *staff report, and as amended on the record. Upon a second by Commissioner Middleton the*
2 *motion was unanimously adopted.*

3
4 **Following completion of the previous agenda item, a general discussion about the frequency,**
5 **format and duration of Planning Commission meetings occurred.**

6
7 **Commissioner Leadbetter** suggested that the format of the commission meetings be changed by
8 holding one regular hearing and a worksession per month. He felt that would be a more efficient use
9 of staff and the Planning Commissions time.

10
11 **Assistant City Attorney Sharma** stated she would review the Charter to see if that recommendation
12 would be allowed by the City Charter.

13
14 **Commissioner Middleton** stated he would support putting a time limit on the length of the
15 meetings.

16
17 **2. Amendments to Titles 16, 17, 18 and 19 of the Loveland Municipal Code.**

18
19 SUMMARY OF AGENDA ITEM: Amendments to Titles 16-19 of the City of Loveland Municipal
20 Code that will implement a new process for application, review and approval of site development
21 plans and site work permits. The proposed amendments would affect all development except single-
22 family detached dwellings, single-family attached dwellings for no more than two units, and two-
23 family dwellings. This application involves legislative action by the Planning Commission; the
24 Commission's recommendation will be forwarded to the City Council for a final decision.

25
26 **Staff is requested that this item be continued to the July 11, 2011 meeting so that final City**
27 **staff review can be completed.**

28
29 *Vice Chair Meyers made a motion to open and continue Item #2 to the July 11, 2011. Upon a*
30 *second by Commissioner Fancher the motion was unanimously adopted.*

31
32 **ADJOURNMENT**

33
34 *Commissioner Middleton made a motion to adjourn. Upon a second by Vice Chair Meyers the*
35 *motion was unanimously adopted.*

36
37 _____
38 Robert Molloy, Chair

39
40 _____
41 Vicki Mesa, Secretary



**DEVELOPMENT SERVICES
Current Planning**

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

**Planning Commission Staff Report
July 25, 2011**

Agenda #: Consent - Item #1
Title: Lee Farm 1st Subdivision
Applicant: G.A. Lee Farm, LLC
Request: Extension of approval for subdivision preliminary plat
Legal Description: Lee Farm Addition
Location: along the west side of North Wilson Avenue between Buck PUD and Hunter's Run PUD.
Existing Zoning: Lee Farm PUD (P# 91)

Staff Recommendation

APPROVAL of the two year extension of the subdivision preliminary plat.

Recommended Motion

"Move to extend approval of the Lee Farm 1st Subdivision preliminary plat to the date of August 24, 2013."

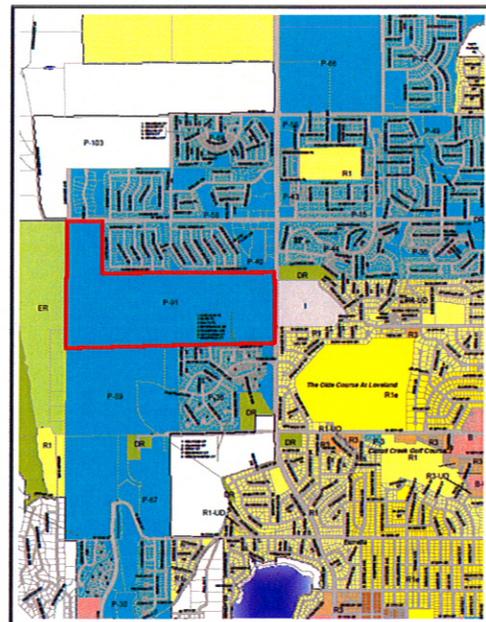
Summary of Analysis

Consideration of a request for a two year extension for the approval of the Lee Farm 1st Subdivision preliminary plat, consisting of 246.86 acres. The preliminary plat was originally approved by the Planning Commission on August 23, 2010.

The project includes 5 housing types and densities, a small neighborhood commercial area, and a community center with a private park and athletic fields. Over 30% of the project area will be devoted to private open space.

With the original approval of the related Lee Farm 1st Subdivision PUD Preliminary Development Plan, vested rights were acquired, assuring the validity of the PDP for three years. Since the preliminary plat and PDP are interrelated. It is appropriate to grant validity to the preliminary plat for the same length of time.

Vicinity Map



I. ATTACHMENTS:

1. Vicinity map
2. Applicant's letter of extension request, dated June 14, 2011
3. Approved August 23, 2010 Planning Commission minutes
4. Lee Farm 1st Subdivision preliminary plat, as approved by Planning Commission on August 23, 2010
5. Overall site plan for the Lee Farm 1st Subdivision PUD Preliminary Development Plan (for information only.)

II. STAFF ANALYSIS

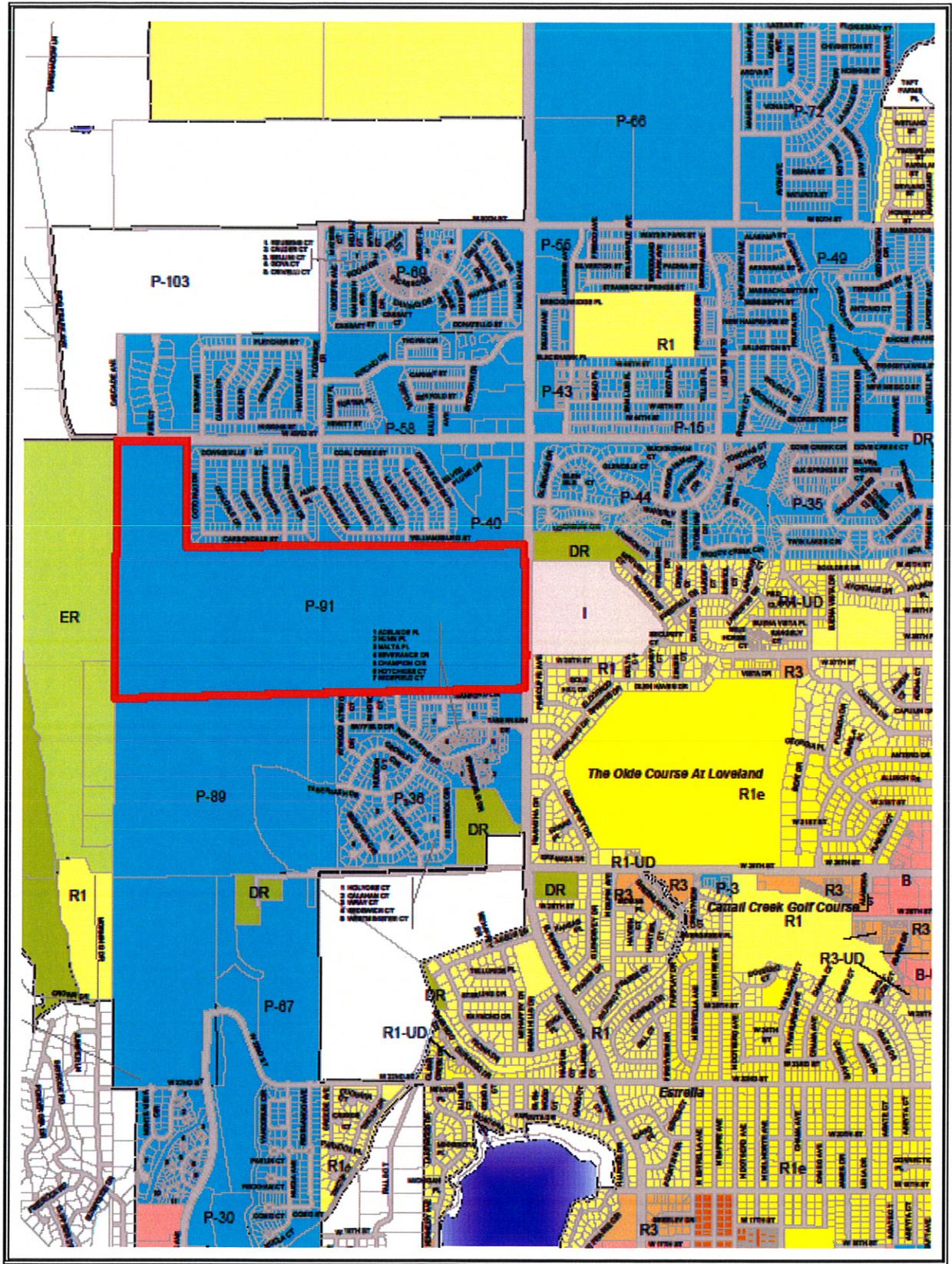
This is a request for a two year extension of the approval of the Lee Farm 1st Subdivision preliminary plat. The preliminary plat and the related PUD preliminary development plan were originally approved on August 23, 2010. Pursuant to Section 16.20.020 of the Municipal Code, a preliminary plat approval expires one year after approval by the Planning Commission; and pursuant to Section 18.41.050.E.6. a PUD preliminary development plan approval also expires one year after approval. However, when a PDP is vested it is recognized as being valid for a period of three years. This inconsistency in the code has never been harmonized or resolved. The Current Planning Manager is authorized to grant extensions of a PDP approval; however, only Planning Commission can grant extensions of a preliminary plat approval.

GA Lee Farm, LLC, represented by Joe Quinn, has requested a two year extension of the preliminary plat and the related PUD Preliminary Development Plan. The letter of request cites economic and financial reasons for the extensions, emphasizing the need to keep both the plat and PDP equally valid for a period of three years. If approved, this would extend the validity of both the plat and PDP until August 24, 2013. If the Planning Commission grants the extension of the preliminary plat, the Current Planning Manager is prepared to grant the extension of the PDP.

Staff review has given careful attention to each aspect of the proposed development that is governed by City codes and standards and the provisions of the approved GDP for the site. Many of the matters raised by the neighborhood have been evaluated by staff and resolved on the basis of applicable codes and standards. However, some matters are beyond the control of the City, such as trespass on private open space areas, the presence of sub-surface ground water, whether the project is needed, and the available facilities at affected public schools. However, neighborhood concern and opposition is clear.

III. RECOMMENDED CONDITIONS:

Staff has no recommended conditions to be made part of approval of the extension.



June 14, 2011

Mr. Robert Paulsen, Staff Liaison
Planning Commission
City of Loveland
500 E. Third St.
Loveland , CO 80537

RE: Lee Farm Subdivision PDP

Dear Bob:

Last August 23, we achieved the Preliminary Development Plan and Preliminary Plat approvals from the Planning Commission on the captioned project. We also requested and obtained vested rights for the same approvals. As you know the PDP and PP approvals without vesting are valid for one year. With vesting, the approvals are valid for three years.

On behalf of the Lee Farm, LLC, owners of the property, and as their authorized representative, I am requesting the extension of the Planning Commission approvals for the entire three year period which is another two years to coincide with the vesting approval period. We have been unable to find financing in this economic environment and need the additional time to allow the market to improve to allow the development process to proceed.

Your assistance in this matter is greatly appreciated. Please let me know if there is anything else I need to do. Also let me know if and when this request gets forwarded to Planning Commission so I can attend.



Joseph Quinn, Owner's Representative

Cc: Brian Burson
Elizabeth Johnson

ATTACHMENT 2

1 **Commissioner Middleton** stated that he would not participate in any type of vote regarding the
2 subject, or comment on Mr. Klen's presentation, and if that was understood, he felt that he could
3 agree to listen.
4

5 *The motion was adopted by a 4 to 3 vote to schedule a thirty minute presentation at the next*
6 *regularly scheduled Planning Commission hearing. Yeas: Commissioners Ray; Krenning;*
7 *Fancher and Middleton. Nays: Commissioners Leadbetter; Molloy and Crescibene.*
8

9 **Ms. Sharma** stated that due to pending litigation with the City and Mr. Klen, there would be no
10 presentation from City staff on this matter.
11

12 **Robert Paulsen**, addressing additional staff matters, stated that he would be providing information
13 at each Commission meeting about upcoming City Council items. He requested, by a show of hands,
14 how many Commissioners would like to schedule a joint study session with City Council on
15 November 23, 2010 to discuss growth related issues. It was the consensus of the Commission that
16 Mr. Paulsen secure November 23, 2010 for a Joint Study Session.
17

18 REGULAR AGENDA

19 Lee Farm 1st Subdivision Planned Unit Development.

20 Project Description from the Agenda:
21

22 *This is a public hearing to consider a phased Planned Unit Development ("PUD)*
23 *Preliminary Development Plan ("PDP") and subdivision Preliminary Plat for the*
24 *246.86 acre Lee Farm 1st Subdivision in NW Loveland. The project includes 5*
25 *housing types and densities, a small neighborhood commercial area, and a*
26 *community center with a private park and athletic fields. The property is located*
27 *along the west side of North Wilson Avenue between Buck PUD and Hunter's Run*
28 *PUD. Planning Commission action is quasi-judicial and would be final, subject to*
29 *appeal to City Council.*
30

31 **Brian Burson, Project Planner**, gave a brief introduction on this application. He stated the
32 applicant is proposing that the Commission consider a phased PUD Preliminary Development
33 Plan and subdivision Preliminary Plat for 246.86 acres. He stated that the project includes 5
34 housing types and densities, a small neighborhood commercial area, and a community center
35 with a private park and athletic fields. He stated that more than 30% of the project area would be
36 devoted to private open space. He further stated that if approved, the PDP would qualify for
37 vested rights. He reported that the action by the Planning Commission was final, subject to
38 appeal to City Council.
39

40 **Joe Quinn, representing the Lee Family, G.A. Lee Farms Inc.**, provided a presentation on the Lee
41 Farm project. He stated that it is the intent of the Lee Family to develop the property at some
42 unspecified time in the future. He spoke of issues related to traffic, stormwater, dwelling types, and

1 lot sizes, stating that he believed all issues had been resolved. He reported that engineers and
2 consultants would be successful in addressing the surface ground water issue and all traffic related
3 issues had been addressed. He commented that there would be both pedestrian and trail access
4 through the subdivision. He stated that the developer was open to discuss fencing concerns raised by
5 the surrounding neighbors.

6
7 **Commissioner Middleton** questioned if the school district had responded to the proposed
8 development. (*Secretary's Note: The School Report was copied and handed out to the
9 Commission and Audience during the hearing.) It was noted that the report was reviewed and was
10 favorable in terms of the Thompson School District accommodating expected enrollment levels
11 resulting from the project.

12
13 **Mr. Quinn**, in summary, reemphasized that the applicant has no current plans to develop the project
14 in the immediate future, but are requesting project approvals to ensure that entitlements are in place.

15
16 **Public Input**

17
18 **Mrs. Atkins, 3079 Sanford Circle**, expressed concerns regarding drainage issues.

19
20 **Robert Atkins, 3079 Sanford Circle**, spoke of safety concerns for children walking to school noting
21 there are no sidewalks on the west side of 43rd Street. He expressed concerns regarding drainage
22 issues.

23
24 **Jerry Westbrook, 2724 Lochbouie Circle**, expressed concerns regarding public access issues and
25 concurred with Mr. Atkins regarding the safety of children walking to school.

26
27 **Marcy McKenzie, 2676 Lochbouie Circle**, expressed concerns regarding ground water and
28 drainage issues.

29
30 **Mr. Quinn** responded to citizen concerns and reported that all stormwater from the site would be
31 detained on the Lee Farm property and would be properly conveyed to off-site stormwater facilities.

32
33 **Donald McKenzie, 2676 Lochbouie Circle**, reiterated the need for pedestrian access on the west
34 side of Wilson. He stated in 2006 there was an agreement with the previous developer that there
35 would be 10 ft. sidewalks along Wilson Avenue. He also questioned if the mailing for the
36 September neighborhood meeting was faulty in its notification. He asked if all the water would be
37 drained under Wilson Avenue through the Cadoa drain to the east.

38
39 **Commissioner Krenning** questioned if Mr. McKenzie had a concern that there is not a sidewalk
40 now or if there would not be one when the development is built out?

41 **Mr. McKenzie** he stated that previously it was stated that there would be a 10 ft. sidewalk on the
42 west side of Wilson from 43rd Street south to 35th Street. He stated although he had concerns

1 regarding future development on the site, he realized that the development would eventually occur.
2 He questioned if the property were sold would the project come back to the Commission for
3 approval.
4

5 **Chairman Molly** responded, stating that if the property is sold and there were major changes to the
6 approved GDP, then the item would come back to the Commission at a public hearing setting.
7

8 **Paul Danson, 3444 Sanford**, expressed concerns regarding traffic and connector streets and the
9 possibility of additional traffic signals.
10

11 **Josh Caucka, 3124 Williamsburg Street**, expressed concerns regarding storm drainage and excess
12 runoff. He spoke in support of creating a bufferyard to keep the excess runoff off of is property. He
13 also indicated that he wanted to have fencing that would mirror the existing fencing in the Buckhorn
14 Subdivision to act both as a buffer for water runoff as well as screening.
15

16 **Ben Lange, 4132 Cripple Creek Drive**, he stated that he had concerns regarding drainage and
17 expressed issues regarding the need for additional dwelling units at this time.
18

19 **Mr. Quinn, on behalf of the applicant**, addressed mailing list issues and clarified that the mailing
20 list was extended an additional 100 ft. beyond the required 1,000 ft. He indicated that the re-
21 notification of the hearing had been proper.
22

23 (***Secretary's Note:** The Chairman called for and the Commission took a short recess)
24

25 **Chairman Molloy** called the meeting to back to order and requested that Kevin Gingery with the
26 City Stormwater Division address the drainage concerns.
27

28 **Kevin Gingery, Public Works Department**, presented a detailed response to concerns regarding
29 stormwater issues within the vicinity of the lee Farm project site. He reported that the Buck
30 Regional Detention Pond was designed in the 90's and constructed along with the Buck 1st
31 Subdivision. He reported on the history of the Buck 1st Subdivision construction and the drainage
32 swales along the south and north sides of the subdivision and how they work. He reported that the
33 Lee Farm Subdivision currently straddles three different drainage basins (Caddoa Basin, Golf Course
34 Basin, Hogback Basin) and will remain so after construction of the Lee Farm Subdivision. He stated
35 that the Lee Farm project will be massively re-graded and re-sculptured but would continue to drain
36 in the same manner as it has historically drained. He commented that a change in the Buck 1st
37 Subdivision HOA irrigation management company has resulted in over watering of the greenbelts
38 and thus increased irrigation runoff as well as groundwater flows from the subdivision into the
39 regional detention pond. He commented that the regional detention pond was not originally designed
40 to accommodate a base flow of irrigation water and groundwater, thus it is in need of some serious
41 maintenance. He noted that currently the Stormwater Engineering Division has hired a contractor
42 (Mountain Constructors) to relocate the sidewalk up out of the detention pond bottom in order to

1 protect the safety of the citizens using the sidewalk. Then the contractor will re-channelize the
2 access irrigation water/groundwater into new concrete trickle pans in order to manage the flow of
3 water entering the detention pond. Along the way the contractor has been cleaning up the sediment
4 and debris deposited in the detention pond by the Buck 1st Subdivision over the years. He
5 commented that the Lee Farm Subdivision has designed a parallel swale along their southern
6 property line in order to protect the Hunters Run Subdivision. The southerly swale runs from west to
7 east to the detention pond near Wilson Avenue. He also commented that the Hunters Run engineer
8 (Shear Engineering) has worked very hard to ensure that no drainage waters from the Lee Farm
9 Subdivision run onto any of the surrounding subdivisions.

10
11 **Sean Kellar, Transportation Development Review**, responded to traffic and transportation issues,
12 stating that currently Tabernash Street is a full service access and reported that when the traffic flow
13 in the area requires it, a median would be constructed but stated he did not foresee that happening in
14 the near future. He further stated that there are adequate sidewalks to provide safe mobility to the
15 schools in the area and clarified City standards require that sidewalks be built when the development
16 is actually under construction.

17
18 **Matt Delich, Delich and Associates**, spoke of the traffic study and pointed out the numerous future
19 access points on the site.

20
21 **Ms. Sharma** recommended some adjustments to the conditions proposed by staff; generally the
22 adjustments related to basic grammar issues.

23
24 **Brian Burson** responded to questions regarding an alleged agreement that the fencing for the Lee
25 Farms Subdivision would mirror the fencing of the Buck Subdivision. He commented that there
26 would be a swale created as described by Mr. Gingrey and stated that staff felt that the buffer would
27 be adequate. He further stated that there was no evidence of a condition or promise previously made
28 to the Buck Subdivision regarding mirrored fencing.

29
30 **Mr. Quinn** commented that some residents would like open fencing and some want solid fencing.
31 He stated that as they reach the FDP process, they can discuss with the neighbors what it is that they
32 would like to see.

33
34 **Mr. Burson** stated that if the Commission wanted to require fencing then it would need to be done at
35 this time. He further commented that staff would rather not create a canyon-like effect between
36 developments (with solid fencing) for an open space walkway. He stated that the Code does not
37 require any buffer between two single family developments.

38
39 **Mr. Paulsen** stated that staff would prefer to see that no fencing be required.

40
41 **Joe Quinn** stated he would like to go on the record to the effect that the developer will act in good
42 faith to develop it in a manner in the best interest and desires of the community.

1
2 **Mr. Burson** requested the Commission give a definite direction regarding fencing if that is what is
3 decided.

4
5 **Commissioner Krenning** offered a suggestion that at the time of the Final Development Plan the
6 Planning Commission would make a determination on what type of fencing could be constructed.
7 He further commented that he believed that whatever fencing is constructed it should be consistent
8 with the surrounding properties.

9
10 **Chairman Ray** suggested that a determination be made a time of final plat and that fencing and
11 fencing materials should be consistent.

12
13 **Mr. Burson** stated if the Commission would like to place a condition at the time of Final Plat do
14 they then want to hold a neighborhood meeting with Buck Subdivision to gather their input to see
15 what is desired for the community. He further clarified that the City has no control over the Home
16 Owner's Association and/or any covenant.

17
18 After a lengthy discussion the following condition was added:

19
20 *3b. That the subdivision perimeter fencing needs to be of a consistent type and of*
21 *appropriate materials and submitted as part of the Final Development Plan.*

22
23 The applicant agreed with the added condition.

24
25 **Matt Delich** spoke of how the traffic flow would occur after build-out of the Lee Farm Addition. He
26 further stated that in his opinion motorists do not traditionally cut through adjoining neighborhoods
27 to access and arterial roadway, stating it would take them too long.

28
29 **Commissioner Comments**

30
31 **Commissioner Middleton** proposed an amendment to Condition 15 to read as follows:

32
33 Unless constructed by others, the Developer shall complete the design and construct
34 the improvements to expand the 29th Street Water Booster Station in order to provide
35 approved pressure and flow water to any property within the Boosted Pressure Zone 2
36 (BPZ2).

37 He stated that he wanted to make sure that if he moves into the area that he wanted good water
38 pressure.

39
40 **Melissa Morin, Water and Power**, responded to the water pressure concern and stated that the City
41 has minimum requirements that must be met; consequently, she did not believe it was necessary.
42 She further clarified that fire flow were more critical than domestic flow.

1
2 **Mr. Quinn** representing the applicant accepted the conditions.

3
4 *Commissioner Fancher made a motion to make the findings listed in Section VII of the staff*
5 *report dated August 23, 2010 and approve the Preliminary Development Plan and Preliminary*
6 *Plat for Lee Farm 1st Subdivision PUD, subject to the conditions of approval in Section VIII of*
7 *said report, as amended on the record. Upon a second by Commissioner Krenning the motion*
8 *was unanimously adopted.*
9

10 **VII. RECOMMENDED CONDITIONS**

11
12 The following conditions are recommended by City staff (as taken from the August 23, 2010
13 staff report and amended on the record):
14

15 **CONDITIONS OF APPROVAL:**

16
17 **A. PUD Preliminary Development Plan:**

18
19 **Current Planning:**

20
21 1. No sign permits will be issued for uses within the Tract N commercial area of the PUD until a
22 Planned Sign Program is submitted by the Developer and approved by the City.
23

24 2. The City shall not approve any FDP or final Public Improvements Construction Plans (PICPs) for
25 any phase(s) that includes the 100 foot wide PRPA easement within Tract HH until the Developer
26 submits to the City a letter from PRPA confirming their approval of the proposed landscape and
27 other open space improvements within said tract.
28

29 3. Before issuance of any applicable Certificate of Occupancy by the City for the townhomes or
30 condominiums, the Developer shall ensure that all parking areas, drive lanes and related access
31 drives from streets are paved, striped and signed in compliance with the approved plans.
32

33 3a. That the subdivision perimeter fencing needs to be of a consistent type and of appropriate
34 materials and submitted as part of the Final Development Plan.
35

36 **Transportation Engineering:**

37
38 4. Prior to the issuance of any building permits within this preliminary development plan (PDP),
39 unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the
40 Loveland Municipal Code, the following improvements shall be designed and constructed by the
41 developer, unless designed and constructed by others. A cash-in-lieu payment, or financial security,
42 may be accepted for all or part of these improvements if approved in writing by the City Engineer:

1
2 a) The four-lane arterial roadway improvements for Wilson Avenue adjacent to the PDP boundary,
3 including sidewalk, as shown on the approved Final Public Improvement Construction Plans.

4
5 b) The Channelized-T raised median configuration in Wilson Avenue (restricting left-turns at the
6 proposed right-in/right-out access while allowing full-movement access at the existing
7 Woodward/Governor access), as shown on the approved Final Public Improvement Construction
8 Plans.

9
10 c) The major collector roadway improvements for Cascade Avenue and 35th Street within the
11 property as shown on the approved Final Public Improvement Construction Plans.

12
13 d) The intersection improvements to Wilson Avenue and 35th Street as shown on the approved Final
14 Public Improvement Construction Plans.

15
16 e) The necessary traffic signal modifications at 35th Street and Wilson Avenue as deemed necessary
17 by the City.

18
19 f) The southbound right-turn lane on Wilson Avenue approaching 35th Street.

20
21 g) The southbound right-turn lane on Wilson Avenue approaching the proposed right-turns only
22 access.

23
24 h) The roundabout at the intersection of Cascade Avenue and 35th Street (if not already constructed
25 by others).

26
27 5. Notwithstanding any information presented in the preliminary development plan (PDP) or
28 accompanying preliminary plat and preliminary construction plan documents (text or graphical
29 depictions), all public street improvements shall conform to the Larimer County Urban Area Street
30 Standards (LCUASS) as amended, unless specific variances are requested and approved in writing.

31
32 6. The Developer shall acquire, at no cost to the City, any off-site right-of-way deemed necessary by
33 the City for mitigation improvements associated with this development.

34
35 7. Prior to approval of the Final Development Plan (FDP) or final construction plans, a traffic signal
36 plan must be submitted for review and approval by the City for the necessary traffic signal
37 modifications at 35th Street and Wilson Avenue.

38
39 8. The Developer shall obtain a Right-of-Way Obstruction Permit from the City for any proposed
40 gates within a public right-of-way prior to the signing of the FDP or Final Public Improvement
41 Construction Plan mylars.

1 9. All gates within this PDP shall remain permanently open unless otherwise specifically approved
2 by Loveland City Council.

3
4 10. The following note shall be placed on the cover sheet of the final plat: "Local Streets within this
5 subdivision are listed as Priority Three routes in the City of Loveland's Snow and Ice Control Plan,
6 meaning that snow removal services are unlikely except in extreme circumstances. Privately
7 contracted snow removal services are strongly recommended and are permissible when in accordance
8 with the provisions of Section 12.16.240 of the Loveland City Code."
9

10 **Fire:**

11
12 11. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire
13 sprinkler system shall not require heat detectors.
14

15 **Parks and Recreation:**

16
17 12. No drainage pipes/systems, utilities, signage, landscaping or irrigation shall be allowed to
18 encroach or be constructed in the underpass easements (temporary or permanent) without the Parks
19 and Recreation Directors approval. Any landscaping proposed in Tract A may not be planted until
20 after construction of the underpass. Funds shall be escrowed to complete the landscaping if the
21 underpass is not constructed prior to the completion of Tract A. See the plat dedication statements
22 for any exceptions or exclusions to this condition.
23

24 13. The sidewalk along Wilson, north of Iron City Drive may need to be installed with the
25 construction of the underpass. Funds for the full 10 foot wide sidewalk/trail shall be escrowed if the
26 City determines this to be best for the underpass project. This condition shall be finalized before the
27 final mylars are signed and approved by the City. A temporary 5' wide sidewalk may be required if
28 the permanent sidewalk is not installed.
29

30 **Water/Wastewater:**

31
32 14. Unless constructed by others, the Developer shall design and construct the following public
33 improvements prior to the issuance of any building permits:

34 a. Public water infrastructure as illustrated in the Public Improvement Construction Plans (PICPs) for
35 Vanguard-Famleco 13th Subdivision, aka Hunters Run West Filing 1.
36

37 15. Unless constructed by others, the Developer shall complete the design and construct the
38 improvements to expand the Water Booster Station in order to provide approved pressure
39 and flow water to any property within the Boosted Pressure Zone 2 (BPZ2).
40

41 **Stormwater:**

1 16. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the
2 Loveland Stormwater Utility with a final drainage design for Cascade Avenue which complies with
3 the major storm allowable flow depth of 0.75 feet as required by our criteria for a major collector
4 street classification.
5

6 **CONDITIONS OF APPROVAL:**
7

8 **B. Preliminary Plat**
9

10 **Current Planning:**
11

12 17. Prior to commencing any construction or grading on the site, the Developer shall submit a report
13 from a qualified professional to indicate whether there are any active prairie dog burrows or colonies
14 on the site. The report shall distinguish the presence of any black-tailed prairie dog burrows or
15 colonies, as compared to other types of more common prairie dogs. If there are active black-tailed
16 prairie dog burrows or colonies, all reasonable measures shall be taken by the Developer to relocate
17 the black-tailed prairie dogs to any accepting prairie grasslands. If there are any other prairie dogs on
18 the site, the Developer shall employ a professional exterminator, licensed by the Department of
19 Agriculture, to humanely eliminate the dogs from the site. Before extermination activities
20 commence, the Developer shall provide to the City written confirmation from the Division of
21 Wildlife and the licensed professional exterminator stating there will be no detrimental effect to
22 endangered species or burrowing owls.
23

24 18. Prior to commencing any construction or grading on the site, and prior to any removal or
25 extermination efforts of prairie dogs from the site, the Developer shall submit to the City a report
26 prepared by a qualified professional to indicate whether there are any burrowing owls on the site. If
27 such construction, grading or extermination activities are proposed outside the owls' normal activity
28 period (March 1 – October 15), this shall not be required.
29

30 19. As part of the final plat, the drainage swale lying along the rear of Lots 12-16, Blk 24, and the
31 west sideyard of Lot 9, Blk 24 shall be platted as a separate tract to accommodate the large drainage
32 swale that runs through this area.
33

34 20. At the time of final plat and final PICPs, the alignment of all water and sewer lines in public
35 streets shall be revised so that landscape areas within roundabouts and cul-de-sacs can include
36 canopy trees for higher quality visual impacts and improved shading of the on-street parking areas.
37 The landscape plan shall also be revised commensurately to include such trees.
38

39 21. At the time of final plat and final PICPs, the 8 inch water line running through the northern
40 portion of Lot 15, Blk 26 shall be relocated to lie near the north sideyard of said lot, or the easement
41 area shall be platted as a separate tract to be owned and maintained by the HOA.
42

1 22. At the time of final plat and final PICPs, the final grading of the site shall be substantially
2 consistent with the preliminary grading plans. Artificial elevation of perimeter lots in order to create
3 grading for walk-out lots shall not be allowed.
4

5 23. At the time of final plat, the drainage/utility easement shown along the rear of Lots 12-16, Blk
6 24 and the west sideyard of Lot 9, Blk 24, shall be revised to a separate tract dedicated for drainage
7 and utility purposes.
8

9 **Fire:**

10
11 24. Prior to approval of the Final Plat a “Fire Lane– No Parking” sign plan shall be submitted for
12 approval for all courts and multifamily areas.
13

14 **Parks and Recreation:**

15
16 25. Specific dedication statements for the trail and underpass easements, located in Tract A and
17 Outlot A shall be provided setting precedence for the trail as the primary use and all other easements
18 as secondary to the trail and underpass easement. The City shall provide draft language for these
19 dedication statements on the final plat. There shall be dedication statements for both the temporary
20 and permanent easements on the plat.
21

22 26. No additional encroachments, including blanket utility easements shall be allowed in the trail
23 and underpass easements without the City of Loveland, Parks and Recreation Director, approval and
24 as determined by the final dedication statements.
25

26 27. The following note shall be added to the final plat, “The City of Loveland is not responsible for
27 any damage to irrigation heads or the irrigation system, or turf or landscape damage bordering the
28 edge of trail if damaged due to routine snow removal or normal maintenance of the trail”.
29

30 28. On the final plat, Tract A shall be labeled in the table shown on plat as:

31
32 Trail/Drainage/Landscape/Open Space to address the trail and access component of the easement.
33

34 Mr. Quinn, in response to the Commission’s motion, accepted the conditions as amended on the
35 record.
36

37 **2. Title 18 Amendments for the Proposed Site Development Permit/Building Permit**
38 **Process.**

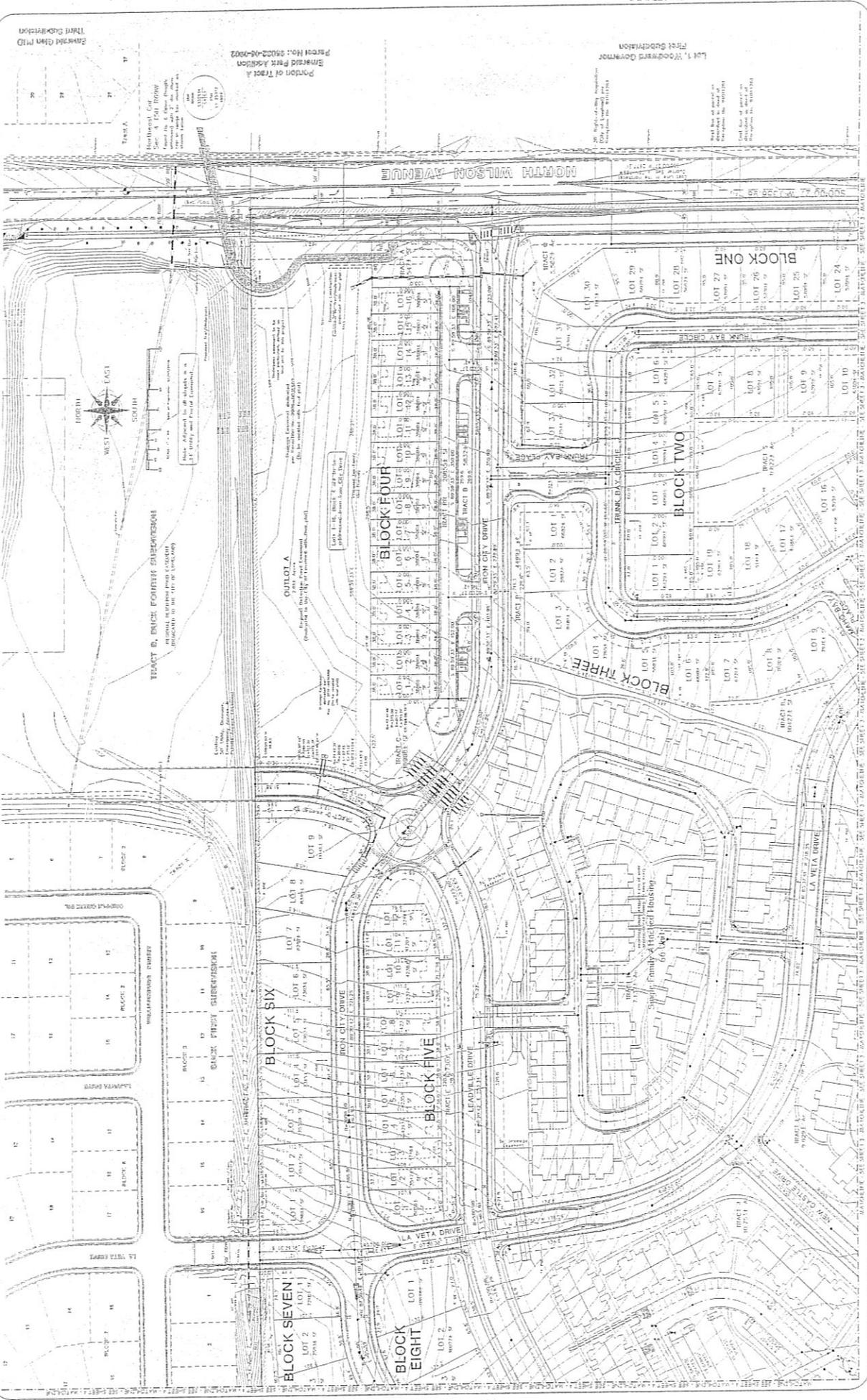
39 Project Description from the Agenda:

40 *Staff is requesting that the Planning Commission consider the proposed process for*
41 *Site Plan/Building Permit Review and offer any comments, insights or suggestions*
42 *regarding the proposal.*

1 **Brian Burson, Project Planner**, presented an explanation and summary of the information provided
2 to the Planning Commission in the staff memorandum, dated 8/23/10 regarding a proposed new
3 process for review and approval of site development plans that accompany building permit
4 applications. He reported that the new process would initially be limited to permits for non-
5 residential development and all multi-family development. He indicated that a recent evaluation
6 process by the City discovered that the majority of developers, contractors and consultants in the area
7 desire a building permit/site development permit process that is clear, consistent, predictable,
8 repeatable, and transparent. Mr. Burson stated that staff believes that the new process would result
9 in the improvements desired, as well as making significant improvements to timeliness, efficiency
10 and cost savings for both the developer and the City. He clarified that the new process would divide
11 the overall process into two distinct parts allowing submittal, review and approval of each part, thus
12 allowing site work to begin more rapidly and greatly reduce the need for early permits which require
13 the developer to file extra agreements and financial securities for required improvements. The
14 process would also accommodate shovel-ready sites, construction of core-and-shell buildings, and
15 would be waived when there are no exterior improvements required.

16 Planning Commission asked questions regarding public participation in appropriate aspects of the
17 planning process, and whether appropriate input from the development community was part of the
18 process. Mr. Burson responded that the new process would not affect any current appeal rights,
19 except that provisions were proposed to assure that appeals of final plats could not be used as an
20 avenue to interfere with site plans that were for a use-by-right but linked to a plat. He further
21 described the presentations and input being sought through meetings with developers, Planning
22 Commission, Construction Advisory Board, and City Council. He reported that staff is projecting a
23 schedule for a follow-up meeting with developers in September, Planning Commission hearing in
24 October, and City Council in November and December, with the new process in place and ready to
25 implement by January 2011.

26
27



General Plan Map
Third Subdivision

Partion of Tract A
Enlarged Park Addition
Plan No.: 84022-06-0022

First Subdivision
Enlarged Park Addition

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

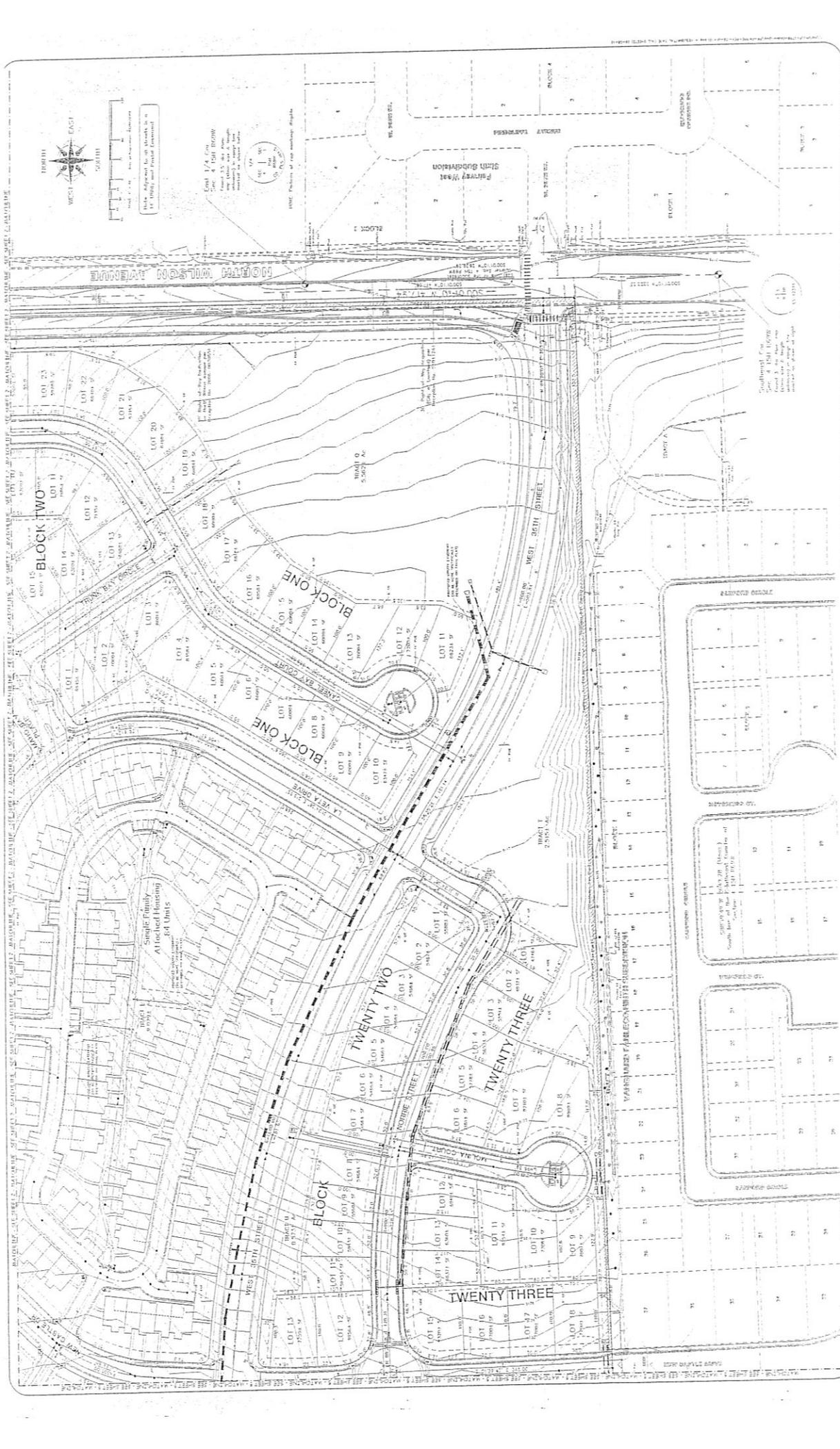
200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

200' Right-of-Way Acquisition
Proposed by the City of Leadville

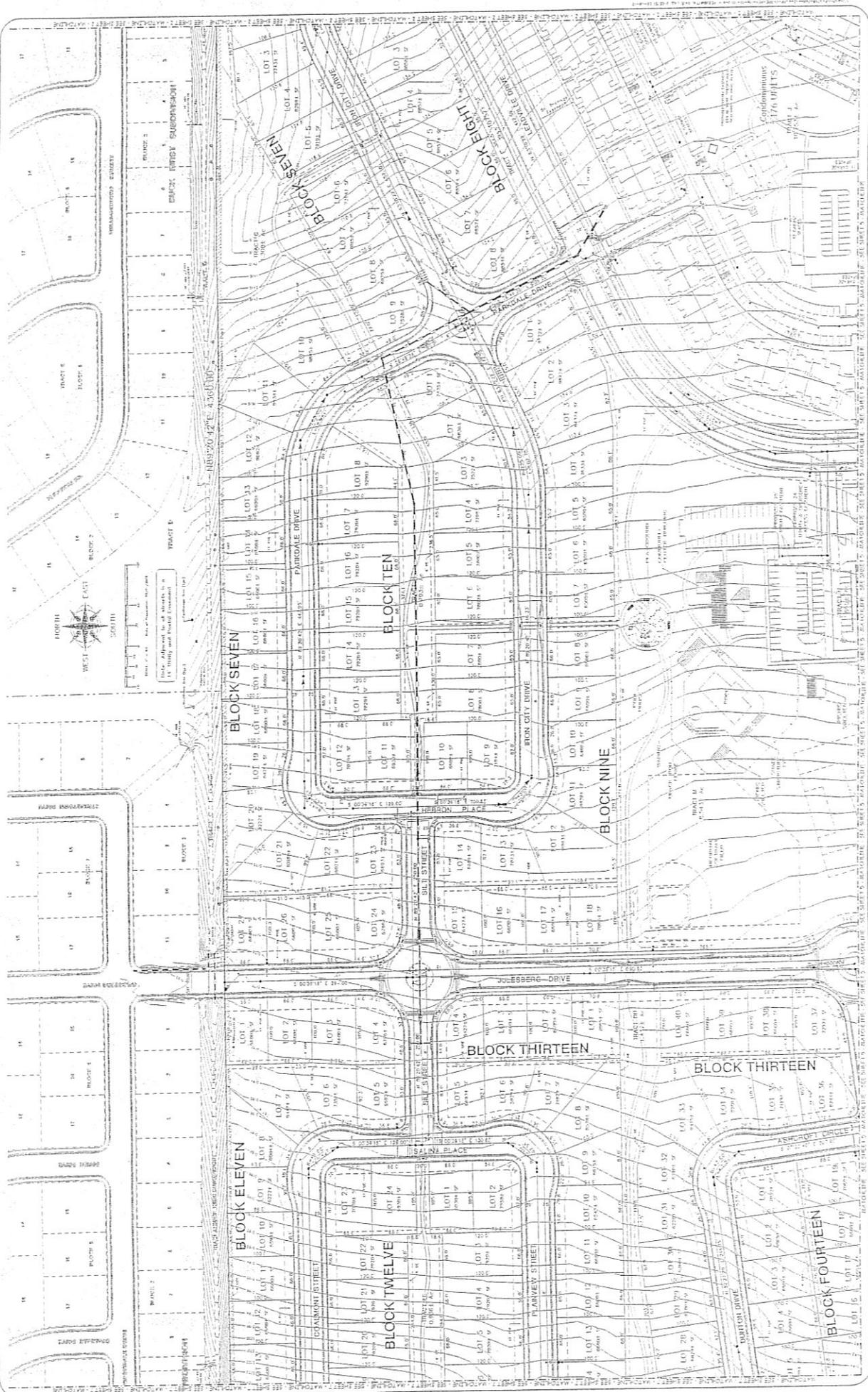
PROJECT NO.: 84022-06-0022
PREPARED BY: G. A. LEE FARM, L.L.C.
DATE: 06/15/2022
SCALE: AS SHOWN
SHEET NO. 1 OF 2
PROJECT: LEE FARM FIRST SUBDIVISION

INTERMILL LAND SURVEYING, INC.



PROJECT NO. 100-1000
 SHEET NO. 1
 PROJECT TITLE: LEE FARM FIRST SUBDIVISION
 OWNER: G & L LEE FARM, LLC
 SURVEYOR: INTERMILL LAND SURVEYING, INC.
 DATE: 10/15/2010
 SCALE: AS SHOWN
 LEGAL DESCRIPTION: SEE PLAT FOR FULL DESCRIPTION
 PREPARED BY: INTERMILL LAND SURVEYING, INC.
 CHECKED BY: [Name]
 APPROVED BY: [Name]

INTERMILL LAND SURVEYING, INC.
 1000 WEST 100TH STREET, SUITE 100
 OMAHA, NE 68114
 (402) 426-1000
 WWW.INTERMILL-SURVEYING.COM



PROJECT: LEE FARM FIRST SUBDIVISION
 SHEET NO. 1 OF 10 SHEETS
 DATE: 11/15/2011
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SURVEYED BY: [Name]
 PROJECT NO.: [Number]
 SHEET NO.: [Number]
 DATE: [Date]

INTERMILL LAND SURVEYING, INC.
 1000 N. [Address]
 [City, State, Zip]
 PHONE: [Number]
 FAX: [Number]
 WWW: [Website]

O & A LEE FARM LLC
 1000 N. [Address]
 [City, State, Zip]



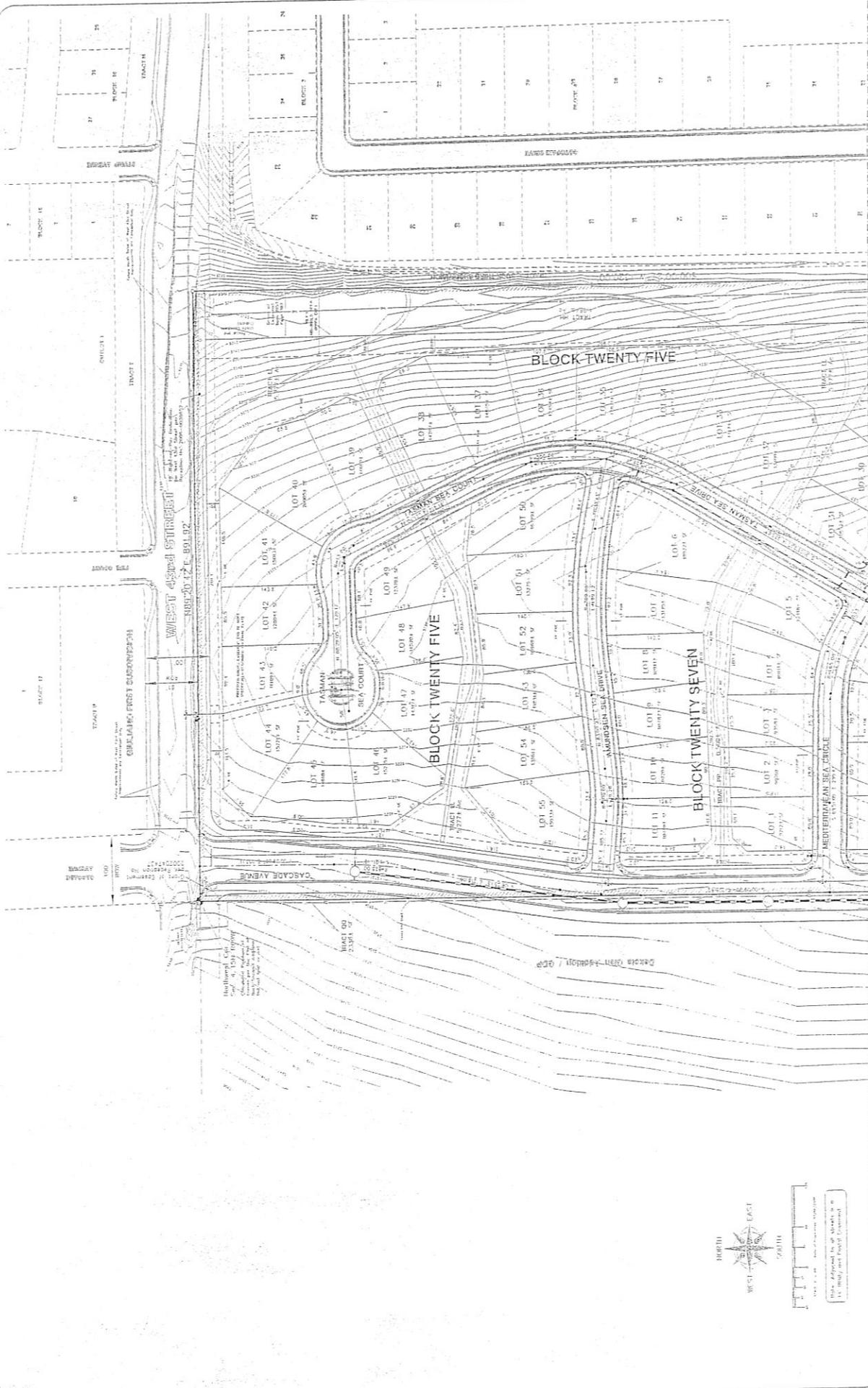
INTERMILL LAND SURVEYING, INC.
 1000 W. 10th Street, Suite 100, Fargo, ND 58103
 (701) 785-1111
 www.intermill.com

GALEE FARM, LLC
 1000 W. 10th Street, Suite 100, Fargo, ND 58103
 (701) 785-1111
 www.galeefarm.com

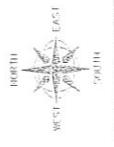
LEADVILLE REAL ESTATE, INC.
 1000 W. 10th Street, Suite 100, Fargo, ND 58103
 (701) 785-1111
 www.leadville.com

LEADVILLE REAL ESTATE, INC.
 1000 W. 10th Street, Suite 100, Fargo, ND 58103
 (701) 785-1111
 www.leadville.com

LEADVILLE REAL ESTATE, INC.
 1000 W. 10th Street, Suite 100, Fargo, ND 58103
 (701) 785-1111
 www.leadville.com



INTERMILL LAND SURVEYING, INC.
 REGISTERED PROFESSIONAL SURVEYOR
 1000 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202
 PHONE: (303) 733-1111
 FAX: (303) 733-1112
 WWW: WWW.INTERMILL-SURVEYING.COM
 DATE: 11/15/2011
 SHEET NO. 1 OF 2
 PROJECT NO. 11-001
 CLIENT: G & LEE FARM LLC
 REFERENCE: LEE FARM FIRST SUBDIVISION
 PREPARED BY: P. J. GIBSON



This is a plat of a survey and is subject to the provisions of the Colorado Survey Act, C.R.S. 38-1-101, et seq. It is hereby certified that the same is a true and correct copy of the original as filed in the office of the Register of Deeds for the State of Colorado.

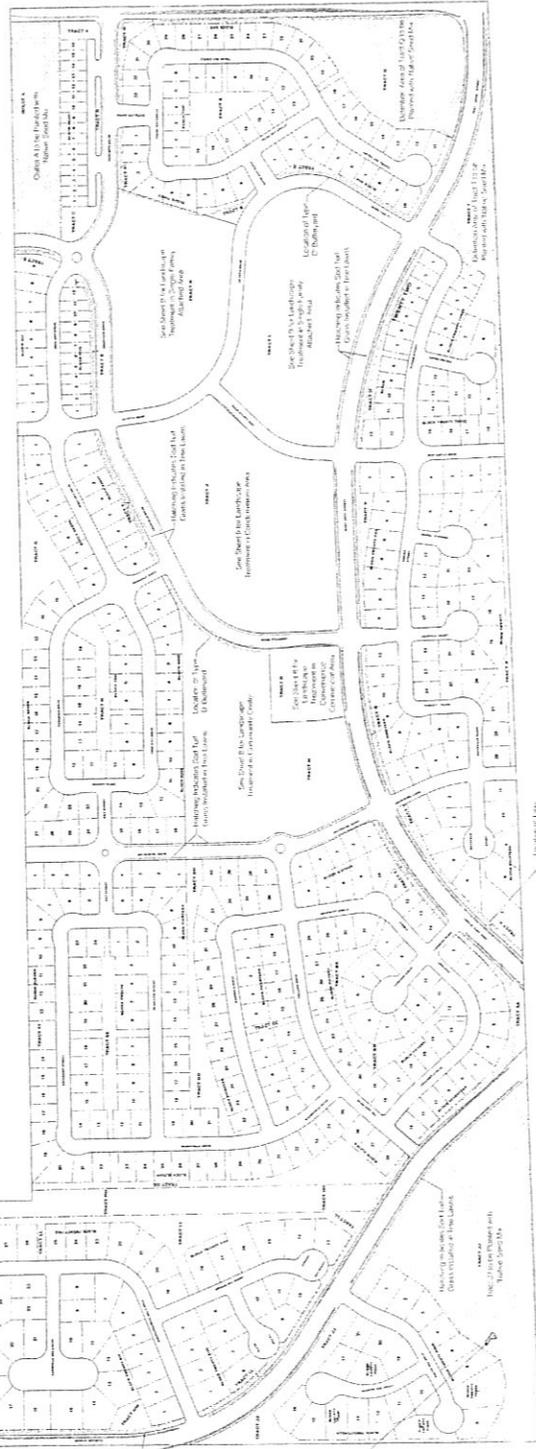
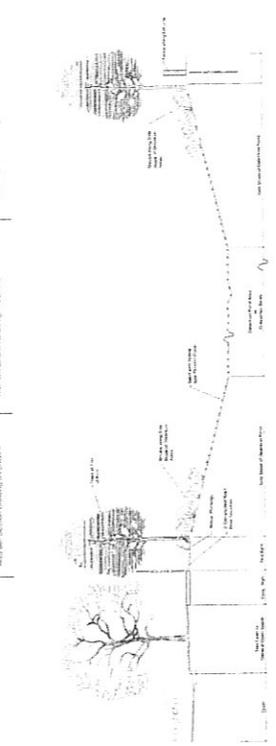
LEE FARM FIRST SUBDIVISION PRELIMINARY DEVELOPMENT PLAN

BEING AN PRELIMINARY DEVELOPMENT PLAN OF PORTIONS OF PARCELS 12, 3, AND 4, LEE FARM ADDITION, SITUATE IN SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

Ground Cover Schedule per Tract*
 *See Section 12.01 of the City of Loveland Code for more information.
 General Ground Cover Schedule
 Tracts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

Planting Schedule per Tract*
 *See Section 12.01 of the City of Loveland Code for more information.
 General Planting Schedule
 Tracts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ

General Notes:
 1. All plantings shall be in accordance with the City of Loveland Code, Section 12.01.
 2. All plantings shall be in accordance with the City of Loveland Code, Section 12.02.
 3. All plantings shall be in accordance with the City of Loveland Code, Section 12.03.
 4. All plantings shall be in accordance with the City of Loveland Code, Section 12.04.
 5. All plantings shall be in accordance with the City of Loveland Code, Section 12.05.
 6. All plantings shall be in accordance with the City of Loveland Code, Section 12.06.
 7. All plantings shall be in accordance with the City of Loveland Code, Section 12.07.
 8. All plantings shall be in accordance with the City of Loveland Code, Section 12.08.
 9. All plantings shall be in accordance with the City of Loveland Code, Section 12.09.
 10. All plantings shall be in accordance with the City of Loveland Code, Section 12.10.





**Development Services
Current Planning**

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

ITEM NO: 1 – **Regular Agenda**

PLANNING COMMISSION MEETING: July 25, 2011

TITLE: Amendments to Title 18 regarding signs not subject to permit-exempt signs and project marketing signs.

LOCATION: City-wide

APPLICANT: City of Loveland, Current Planning Division

STAFF CONTACT: Troy Bliss

APPLICATION TYPE: Amendments to Title 18 of the Loveland Municipal Code

ACTION: Recommend for adoption by City Council

STAFF RECOMMENDATION: *Move to recommend that City Council approve the amendments to Title 18 regarding signs not subject to permit-exempt signs and project marketing signs as described in the July 25, 2011 Planning Commission staff report and as amended on the record.*

I. ATTACHMENTS

1. Loveland Municipal Code, Title 18, Chapter 18.50 Table of Contents and Sections *18.50.050 (Signs not subject to permit-exempt signs) and 18.50.085 (Project marketing signs).
2. Proposed Amendments to the Loveland Municipal Code, Title 18, Chapter 18.50.050 (Signs not subject to permit-exempt signs) and 18.50.085 (Project marketing signs).

*Note that the definition for a flag/flying banner was included in the proposed Temporary Sign amendments presented to the Planning Commission on June 27, 2011.

II. SUMMARY

The proposed amendments to Title 18 are focused around the City's exempt and project marketing sign provisions, specifically structured in three main areas of focus:

- Expanding and clarifying the use of flags as exempt forms of signs;
- Providing greater allowances for real estate marketing and advertisement needs specifically relating to flags/flying banners; and
- Allowances for new developments under construction to maintain longer durations for keeping project marketing signs.

The amendments described above are considered minor amendments associated with the larger set of Temporary Sign amendments reviewed and recommended for approval by the Planning Commission on June 27, 2011. Work on the three amendments was prompted as follows:

- 1) Concerns expressed by Planning Commissioners regarding the limitation on the display of government flags (the current code limit being three) as specific in the sign provisions of the code.
- 2) Concerns expressed by development community representatives following the Planning Commission's June 27, 2011 hearing on Temporary signs relating to the marketing of real estate.

The amendments were presented to the Title 18 Committee on July 14th and received full support of the Committee. Following the Planning Commission's review of these amendments, staff intends to incorporate these

amendments into the Temporary Sign amendments when they are presented to the City Council in early September.

City staff is requesting Planning Commission review of the amendments and is recommending that the Commission vote to recommend approval to the City Council.

III. RECOMMENDATION

Recommendation

City staff is recommending that Planning Commission recommend approval to City Council for the proposed exempt and project marketing sign amendments presented in **Attachment 2** to this Planning Commission Staff Report dated July 25, 2011.

Chapter 18.50

SIGNS

Sections:

18.50.010 Purpose.

18.50.020 Definitions.

18.50.030 General sign regulations in all zones.

18.50.040 Measurement of sign dimensions in all zones.

18.50.050 Signs not subject to permit-Exempt signs.

18.50.060 Prohibited signs.

18.50.070 Temporary signs.

18.50.075 Business vehicle identification signs.

18.50.080 Residential, commercial and industrial project identification signs.

18.50.085 Project marketing signs.

18.50.090 Sign regulations for nonresidential uses in a residential zone.

18.50.095 Sign setback from adjacent residentially zoned land.

18.50.100 Sign regulations in nonresidential zones.

18.50.110 Sign regulations for structures with minimal building setback along a street right-of-way or in the Downtown Sign District.

18.50.115 Portable Signs – Downtown Sign District

18.50.120 I-25 Corridor.

18.50.130 Sign regulations for signs in the Highway 34 corridor.

18.50.135 Sign regulations for convenience stores.

18.50.140 Maintenance.

18.50.145 Abandoned/obsolete signs.

18.50.150 Nonconforming signs.

18.50.160 Approval procedures.

18.50.170 Enforcement, legal procedures and penalties.

18.50.180 Variances.

18.50.190 Appeals.

18.50.050 Signs not subject to permit-exempt signs.

There is community interest in allowing certain types of signs to be erected without a permit. Due to their temporary nature and limited aesthetic impact, the following signs may be erected without a

sign permit so long as they meet all applicable standards of this chapter, and construction and safety

standards of the city:

A. Business vehicle identification signs.

B. Commemorative signs which do not exceed a total of two (2) square feet. Only one (1) commemorative sign per premises shall be exempt.

C. Construction signs. One (1) construction sign per street frontage per premises that does not exceed sixteen (16) square feet in residential zoning districts or thirty-two (32) square feet in nonresidential zoning districts.

D. Election signs. Any number of election signs are allowed on property in a residential zoning district, provided such signs do not exceed four (4) square feet in area per face. Any number of election signs are allowed on property in a nonresidential or mixed-use zoning district, including property designated for non-residential use or mixed use in the PUD district, provided such signs do not exceed thirty-two (32) square feet in area per face. Election signs may be displayed a maximum of ninety (90) days prior to the applicable election and must be removed within ten (10) days after the applicable election.

E. Flags:

1. Flags of the United States;
2. Flags and insignias of the state of Colorado, the city of Loveland, Larimer County and nonprofit organizations exempt from federal tax, when displayed on premise, and where no single side exceeds forty-eight (48) square feet in area;
3. No more than three (3) flags shall be exempt for each premise.

F. Holiday decoration signs.

G. Information signs.

H. Logos, provided they are not used in connection with a commercial promotion or as an advertising device.

I. Nameplate signs that do not exceed a total of two (2) square feet in area. Only one (1) name plate sign per street frontage shall be exempt.

J. Noncommercial signs that do not exceed one (1) per premises and are not more than six (6) square feet of sign area per face and six (6) feet in height.

K. Private sale signs. One (1) on-premises private sale sign per street frontage that does not exceed four (4) square feet per face. Private sale signs shall be displayed only during the sale or event specified.

L. Real estate signs. One (1) real estate sign is permitted per street frontage on the property being advertised. Real estate signs in residentially zoned districts shall not exceed eight (8) square feet of sign area per face and six (6) feet in height, except signs on vacant residentially zoned lots shall not exceed sixteen (16) square feet of sign per face and six (6) feet in height. Real estate signs in non-residentially zoned districts shall not exceed thirty-two (32) square feet of sign area per face and seven (7) feet in height. All surfaces incorporated into the sign and sign structure Current as of 07/05/2011 Page 18-173

including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

M. Real estate model home signs. One (1) real estate model home sign is permitted per street frontage of the premise on which a model home or a temporary real estate sales office is located. Real estate model home signs shall not exceed thirty-two (32) square feet of sign area per face; free-standing real estate model home signs are limited to six (6) feet in height and wall mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. All surfaces incorporated into a real estate model home sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

N. Real estate open house signs. A maximum of six (6) real estate open house signs are allowed for

an open house event and such signs shall be displayed only on the day of the open house and the day prior to the open house. On-premise or off-premises display of real estate open house signs is permitted, but display in the public right-of-way is prohibited. Real estate open house signs shall not exceed six (6) square feet of sign area per face and four (4) feet in height. Pennants and balloons may be affixed to real estate open house signs provided that such attachments do not encroach upon street or sidewalk right-of-way or create a street or sidewalk safety hazard; balloons that are affixed to real estate open house signs shall have no linear dimension greater than two (2) feet.

O. Window signs, except as provided in Section 18.50.060.

P. Works of Art. Fine art which in no way identifies a product, business or enterprise and which is

not displayed in conjunction with a commercial enterprise that would realize direct commercial gain from such display. (Ord. 5440 § 3, 2009; Ord. 5283 § 2, 2008; Ord. 4254 § 1 (part), 1997; Ord. 4219 § 1 (part), 1996; Ord. 4185 § 1 (part), 1996; Ord. 4124 § 2, 1995; Ord. 4089 §§ 3, 4, 1995; Ord. 3710 § 1, 1991; Ord. 3609 § 1 (part), 1989)

18.50.085 Project marketing signs.

A. Sign Area. The maximum sign area for a project marketing sign in residential zones and residential PUDs shall be fifty square feet. The maximum sign area for a project marketing sign in non-residential zones and non-residential PUDs shall be seventy-five square feet. The sign area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds fifty per cent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the fifty per cent limitation.

B. Number. There shall be no more than one sign per project entry from any adjacent street and no

more than two signs per project or phase of a project.

C. Height. Project marketing signs shall be no more than 12 feet in height.

Current as of 07/05/2011 Page 18-176

D. Lighting. Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that

no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.

E. Duration. Signs shall be allowed to remain for no more than 2 years following commencement of

construction of the public improvements within the project or until such time that a permanent project identification sign, as defined in subsection 18.50.020, is installed, whichever is less.

F. Maintenance. All applicants shall provide adequate assurance acceptable to the City that the sign

and the lot or tract upon which it is located will be maintained in good condition at all times.

(Ord. 5283 § 3, 2008 ;Ord. 4185 § 1 (part), 1996)

18.50.050 Signs not subject to permit-Exempt signs.

E. Flags:

1. Flags of the United States;
2. Flags and insignias of the state of Colorado, the city of Loveland, Larimer County, **governmental agencies**, and nonprofit organizations exempt from federal tax, when displayed on premise, and where no single side exceeds forty-eight (48) square feet in area;
3. **Except as provided in Section 18.50.050.E.4**, no more than three (3) flags shall be exempt for each premise. **Any additional flag shall be subject to a sign permit and the square footage shall be included in the sign area measurement for a freestanding sign.**
4. **Upon written request, the Current Planning Manager may authorize additional flags on a premise provided that the flags are not used as a sign, as defined in this Chapter, and are appropriate within the context of the premise and the surrounding neighborhood. Any final decision of the Current Planning Manager may be appealed to the Planning Commission in accordance with Chapter 18.80 of this code.**

M. Real estate model home signs. One (1) real estate model home sign **and a maximum of two (2) flying/flag banners are** is permitted per street frontage of the premise on which a model home or a temporary real estate sales office is located. Real estate model home signs shall not exceed thirty-two (32) square feet of sign area per face; free-standing real estate model home signs are limited to six (6) feet in height and wall mounted real estate model home signs shall not extend above the top of the wall or parapet wall of the building to which the wall sign is attached. **Flying/flag banners shall not exceed a dimension of four (4) feet in width and thirteen (13) feet in height.** All surfaces incorporated into a real estate model home sign and sign structure including, but not limited to, pole covers, monument style sign bases, and background surfaces shall be counted in the allowable sign area.

18.50.085 Project marketing signs.

- A. Sign Area. The maximum sign area for a project marketing sign in residential zones and residential PUDs shall be fifty square feet. The maximum sign area for a project marketing sign in non-residential zones and non-residential PUDs shall be seventy-five square feet. The sign area shall include only the extreme limits of lettering and depictions, except when the surface area of any structure to which the sign is affixed exceeds fifty percent of the area of the sign face, in which case all additional surface area will be included in the sign area measurement. Monument style sign bases and pole covers shall be included in calculating all such additional surfaces which are subject to the fifty percent limitation.
- B. Number. There shall be no more than one sign per project entry from any adjacent street and no more than two signs per project or phase of a project.
- C. Height. Project marketing signs shall be no more than 12 feet in height.
- D. Lighting. Any lighting shall be indirect. All lighting shall be aimed and/or shielded to insure that no direct light is seen upon the driving surface of any streets or upon any nearby residential properties.
- E. Duration. Signs shall be allowed to remain for no more than 2 years following commencement of construction of the public improvements within the project, **unless a written request to extend this time period is approved by the Current Planning Manager.** ~~or until such time that a~~

~~permanent project identification sign, as defined in subsection 18.50.020, is installed, whichever is less.~~

F. Location. Signs shall be located within the boundaries of a project or premise which is part of the original marketing of the lots, tracts, structures or units. For projects within a mixed use Planned Unit Development “PUD”, the premise shall constitute the boundaries of the entire PUD.

G.F. Maintenance. All applicants shall provide adequate assurance acceptable to the City that the sign and the lot or tract upon which it is located will be maintained in good condition at all times.



DEVELOPMENT SERVICES
Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

Planning Commission Staff Report

July 25, 2011

<p>Agenda #: Regular Agenda - 2</p> <p>Title: Amendments to Title 18 to allow small wind energy systems (wind turbines) on residential properties</p> <p>Applicant: City of Loveland Current Planning Division</p> <p>Request: Amendments to Title 18</p> <p>Staff Planner: Brian Burson</p>	<p>Staff Recommendation</p> <p>Subject to additional evidence presented at the public hearing, City staff recommends the following motion:</p> <p>Recommended Motion:</p> <p><i>"Move to recommend the City Council approve the amendments to Title 18 of the Loveland Municipal Code, as set forth in Attachment #3 of the attached Planning Commission staff memorandum, dated July 25, 2011, as amended on the record."</i></p>
--	--

Summary of Analysis:
This is a public hearing to consider amendments to Title 18 of the City of Loveland Municipal Code to allow small wind energy systems, (small wind turbines) on all residential properties in the City, subject to specific standards and process. Small wind energy systems could be either building-mounted or freestanding. Small wind turbines that fully comply with all of the specific standards would be a use-by-right as an accessory use. Small wind turbines that do not fully comply with all of the specific standards would be a use-by-special review. If approved as a use-by-special review, the small wind energy system would still be deemed as an accessory use.

In early 2009, City staff received an inquiry from a Loveland resident expressing interest in installing a small wind-energy generator on his property, as well as marketing the devices in the region. Currently, there are no provisions in the City code to allow these devices. City staff has been working with the Title 18 Committee to propose code amendments that would allow such devices on residential properties, subject to specific standards and process and in a manner that balances private, neighborhood, and public interests. Staff has also consulted with the Loveland Utilities Commission and the Construction Advisory Board. Study sessions have been held with the Planning Commission and City Council which resulted in positive response and general support. When allowed as a use-by-right, written notice to all adjacent property owners and residents will be required before City approval. When proposed as a use-by-special review, the normal written and posted notice to the neighborhood will be required as part of the normal process.

I. ATTACHMENTS:

1. Red-line draft of proposed Title 18 amendments
2. Clean draft of proposed Title 18 amendments

II. SUMMARY OF PROPOSED AMENDMENTS:

The proposed amendments would allow small wind energy systems, (small wind turbines) as an accessory use on all residential properties in the City, subject to specific standards and process. Small wind energy systems could be either building-mounted (including roof-mounted or gable-mounted) or freestanding (pole-mounted). As set forth in Chapter 18.48 of the Municipal Code, all accessory uses are required to be a subordinate use on the property which is:

- Clearly incidental to the principle use of the property;
- Customary in connection with the principle building or use;
- Ordinarily located on the same property as the principle use

The proposed standards are written to assure that small wind energy systems would truly be an accessory use, not likely to prompt significant concern or objection by the adjacent property owners or neighborhood. However, since small wind energy systems will be a new allowed use, it is impossible to say they are "customary" in connection to residential uses in the City. This is always a problem for allowing the first examples of anything. In order to address this issue, the proposed code expressly stipulates that a small wind energy system will be deemed as an accessory use.

Small wind turbines that fully comply with all of the specific standards would be an accessory use that could be approved by the City through staff review and issuance of the appropriate permits. Small wind turbines that do not fully comply with all of the specific standards could prompt some measure of concern or objection by the adjacent property owners or neighborhood, and therefore would be a use-by-special review. If approved as a use-by-special review, the small wind energy system would still be deemed as an accessory use.

The basic elements of the amendments are as follows:

- Limited to one per property, with a maximum rating of 10 kilowatts;
- Limit the height to 10 feet above the ridge line of the roof or 35 feet from grade for freestanding;
- Require appropriate distances from all property lines and all overhead utility lines to limit the impacts and prevent damage to other property and improvements;
- Minimize visual impacts by requiring neutral or muted colors, minimizing guy wires, and prohibiting signs and lights on the devices or towers;
- Assure compliance with the existing noise ordinance for residential properties.

III. BACKGROUND

In early 2009, City staff received an inquiry from a Loveland resident expressing interest in installing small wind-energy generators on his property, as well as marketing the devices in the region. Based on the current zoning code, staff determined that the current zoning code would not allow installation of the desired device, because it cannot be considered as "customary" under the current code provisions. This prompted staff to initiate research to determine what would be necessary and appropriate in order to allow small wind turbines in residential areas of the City.

Growing concerns about rising costs, interrupted or diminishing supplies and available energy resources are prompting citizen interest in alternative sources of energy for both the immediate and long-term future. As the public and private interest increases for alternative and renewable forms of energy, cities and counties around the nation are adopting local codes to appropriately accommodate such devices. The federal government is encouraging and supporting development and use of various forms of alternative energy. The state government has also adopted incentives, and has passed legislation to limit the powers of private Home Owners Associations to inappropriately interfere with installation of certain alternative energy devices on residential properties. The policies, incentives and support forthcoming thus far emphasize the need for a variety of measures on multiple levels to meet the rising future demand on energy resources, including smaller applications which can be implemented by individual citizens. This array of factors has prompted staff to initially focus on allowances for small wind-energy generators (traditional wind turbines) which could be used for augmentation to normal electrical energy resources for residential users.

Staff has endeavored to strike an appropriate balance between respecting the overall purposes of the zoning code and the long term public and private interest in this form of alternative energy. These amendments would be the first step in a larger overall effort to allow other forms of alternative energy to be pursued by residents of the City, as appropriate. Additional amendments are anticipated in the future to allow alternative energy in non-residential zones. This would take a much larger effort on the part of the City.

IV. RESEARCH

Staff has researched information from various sources such as U.S. Energy Department, the State of Colorado, Rocky Mountain Land Use Institute, American Planning Association, American Wind Energy Association and other local governments around the nation, to determine if small wind-energy systems could become a viable source of renewable alternative energy in Loveland. Staff research has discovered that, since potential for wind energy is governed by basic principles of physics and the current state of technology, there is a remarkable consensus within the public and private sectors regarding design, installation and use of small wind-energy generators, as well as the viable potential of such devices.

These available sources of expertise clearly indicate that the potential for viable electric power by small wind energy generators on individual residential properties in Loveland is very limited. Under the current technology, prevailing wind speeds and patterns will simply not generate a substantial amount of electrical power from a small generator with a height that is appropriate for

residential zones. Expert sources indicate that, in order for a wind turbine to operate with reasonable capacity, it must be at least 80 feet above the ground, and 30 feet above all other objects within 300 feet of the generator. To function at full capacity, a wind turbine must be 120 feet above the ground. This is not viable for most home owners and most neighborhoods. The information available to staff indicates that, with current technology, the available wind energy in the Loveland area is only sufficient for basic emergency lighting or such limited uses as charging the batteries of motor-cycles, boats or cell phones. However, as viewed from a larger perspective, the potential for shrinking or unavailable resources at the national and international level, the forward impetus in technology, and the growing demand for alternative energy sources, accommodating alternative sources may be in the best long-term interest of the City.

Another issue that has clearly surfaced in the research is that use of currently available forms of alternative energy sources can often be inadvertently hindered by traditional local regulations, especially for traditional residential areas. Much of the current City of Loveland zoning code was adopted in 1973-1993, when the need for alternative renewable energy was not keenly felt, and certain elements of technology were not available. Therefore the current zoning code does not adequately accommodate some of the typical devices now available, especially on private residential properties. The main body of the current zoning code was written in the early 1970s and it was never amended to accommodate any type of alternative energy devices such as solar hot-water systems, solar panels, wind generators, etc. Solar panels are now considered acceptable under the parameters of “customary and incidental” under the Accessory Uses section of the code. However, the currently available forms of small wind-energy devices would not be considered “customary and incidental” and cannot currently be allowed unless the code is amended.

Primary sources consulted by staff further recommend that regulation of small wind turbines be held to a strict minimum, to hold down costs and other discouraging factors. Although staff can easily understand the desire to keep the use of alternative energy a relatively simple matter for a property owner to achieve, the visual and noise impact issues sometimes linked to wind turbines also prompts concern from some participants. Therefore this updated draft includes provisions to assure written notice to adjacent owners and residents and appeal rights, under the procedures of the recently adopted Chapter 18.80.

V. PROCESS FOLLOWED

The proposed amendments have been thoroughly discussed with the Title 18 Committee, as well as various City departments to assure that any proposed code amendments will be consistent and compatible with the other City codes, standards and procedures. Consultations, presentations and discussions of the proposal have occurred as follows:

Title 18 Committee: September 14, 2009
October 22, 2009
November 19, 2009
May 27, 2011

Planning Commission
study session: October 26, 2009

Loveland Utilities
Commission: April 21, 2010

Construction Advisory
Board: April 21, 2010

City Council
study session: April 27, 2010

VI. MAJOR COMPONENTS

The basic elements of the amendments are as follows:

1. Use the term “Small wind-energy system” (SWES) for these devices. This is becoming the common term in the industry and would accommodate developing and future forms other than the traditional wind turbine which is currently popular on the market.
2. Allow building-mounted and free-standing SWES upon all residential properties in the City, including grandfathered residential uses in the DR zone, as an accessory use. This would require compliance with all normal limitations and requirements for any other accessory use, along with other specific standards for the SWES to balance the need for alternative forms of energy with the overall purposes of the zoning code. The proposed standards include:
 - a. Limit the rated capacity of the SWES to 10 kWh;
 - b. Allow only one per property;
 - c. Limit the height to 35 feet from grade, or 10 feet above the ridge line of the roofline;
 - d. Require minimum distance from property lines and easements to assure that any collapse of the device or a support tower will not result in danger to adjacent properties or public utilities. No freestanding SWES would be allowed in the front yard of a property.
 - e. Require SWES to be equipped with manual override system, automatic braking system, and governing or feathering system to allow shut down and prevent over-rotation;
 - f. Require a minimum of 15 feet between the bottom arc of the blades to the ground below (freestanding SWES only).
 - g. Allow no permanent access mechanisms such as foot pegs, steps, rungs or ladders within 12 feet of the ground below;

- h. Require compliance with all pertinent Building and Electric Codes and requirements of the City of Loveland Power Department or any other public provider of electric power for the property;
 - i. Require uniform neutral or muted colors approved by the City to blend into the surroundings;
 - j. Allow no illumination allowed unless required by FAA or the Airport Manager for purposes of safety;
 - k. Allow no signs to be installed on, or be part of, the SWES or its support members;
 - l. Require towers for freestanding SWES to be monopoles. Other types of support structures, such as the traditional "triangular web-joist" or "lattice towers", could be approved through the special review process, or on a case-by-case basis, by the Current Planning Manager;
 - m. Restate that the maximum noise levels set forth in the City noise ordinance applies to the SWES. This limits noise in residential areas to 55 db(A) during the day and 50 db(A) at night, measured 25 feet beyond the property line. This is compared to the noise produced by the average household refrigerator, and would be less noise than produced from an external residential AC unit. There is no need to include noise provisions in the Title 18 amendments other than to reference them for awareness and consistency. The City noise ordinance is not part of the zoning code, and cannot be varied by any provisions of the zoning code or related standards.
3. Allow building-mounted and freestanding SWES which do not fully comply with these standards as a use-by-special review in all residential zones. If the non-conforming element(s) of the Applicant's proposal is related to building code, electric code, etc., it could also require approval through other advisory bodies, such as Construction Advisory Board.
4. The proposed code does not contain requirements for the design or plans for each individual turbine device to be stamped and signed by a Colorado PE. If other pertinent codes, such as building code or electric code require this, it will be determined as part of the permit review by the Building Division. All professional and technical sources of information urge that this should not be done because it escalates the costs prohibitively, and adds nothing to the safety issues. The continuing absence of any overarching review and approval/certification entity, such as URL, is a problem that cannot be resolved by the City.
5. The U.S. Energy Department recommends that SWES not be mounted on the roof of a building, due to potential of increased vibrations and noise, and possible structural damage. However, after considerable discussion on this matter by the Title 18 Committee and other participants, the proposed code does not include provisions for prevention or dampening of noise or vibrations to the structure at the mounting points upon which it is mounted. This will be treated as a "buyer-beware" issue for the owner to consider. If dependable model codes are offered in the future, the City can consider adding it in the future.

Attachments # 1 and #2 to this staff memorandum describe the staff proposal, in the form of actual code amendments that will be needed to implement the allowance for Small wind-energy systems (SWES) for residential properties in Loveland. We believe this will be an important first step in a longer and more valuable effort of the City to be better prepared for the energy needs of the future.

**PROPOSED CODE AMENDMENTS FOR
SMALL WIND ENERGY SYSTEMS - Red-lines**

**PLANNING COMMISSION PUBLIC HEARING
July 25, 2011**

A. *Add definitions:*

1. *Add sub-section 18.04.355.5 to read as follows:*

18.04.355.5 Small wind energy system defined.

“Small wind energy system” means any device or mechanism such as a wind charger, windmill, wind turbine, wind generator, or wind alternator which converts wind energy to a form of original useable electrical energy, and which has a maximum output rating of 10 kilowatts per hour (kWh), including associated components, elements or features such as base, tower, wiring, connections, batteries, and associated control equipment.

2. *Add sub-section 18.04.115 to read as follows:*

18.04. 113.3 Building-mounted small wind energy system defined.

“Building-mounted small wind energy system” means a small wind energy system which is permanently attached to a permitted building in either of the following ways:

- a. It is attached to the roof and/or walls of the building; or,
- b. It is attached to a tower which is anchored into, both the ground and to a wall or eave of a permitted building.

3. *Add sub-section 18.04.164.5 to read as follows:*

18.04.164.5 Freestanding small wind energy system defined

“Freestanding small wind energy system” or "Freestanding SWES" means a small wind energy system which is permanently attached to a tower which is anchored into the ground but is not attached to a building.

B. *Allow both building-mounted and freestanding SWES which comply with the specific standards in chapter 18.48 on all residential properties in the city as a use-by-right accessory use. This would include residential properties in the Be, B, MAC and E zones, and on properties in the DR zone which have a grandfathered residential use. Also allow building-mounted and freestanding SWES which does not comply with the normal standards as a use-by-special review on all such properties:*

1. ER District:

a. Add sub-sections 18.07.040. H. and I. as follows:

H. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

I. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.07.050. K. and L. as follows:

K. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

L. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

2. R1e District:

a. Add subsections 18.08.010. G. and H. as follows:

G. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

H. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.08.020. P. and Q. as follows:

P. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

Q. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

3. R1 District:

a. Add sub-sections 18.12.010. G. and H. as follows:

G. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

H. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.12.020. O. and P. as follows:*

O. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

P. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

4. R2 District:

a. *Add sub-sections 18.13.020. I. and J. as follows:*

I. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

J. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.13.030. M. and N. as follows:*

M. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

N. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

5. R3e District:

a. *Add sub-sections 18.16.010. M. and N. as follows:*

M. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with standards set forth in section 18.48.110.

N. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.16.020. BB. and CC. as follows:*

BB. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

CC. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

6. *R3 District:*

a. *Add sub-sections 18.20.010. K. and L. as follows:*

K. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

L. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.20.020. W. and X. as follows:*

W. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

X. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

7. *Be District:*

a. *Add sub-sections 18.24.020. YY. and ZZ. as follows:*

YY. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

ZZ. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.24.030. X. and Y. as follows:*

X. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

Y. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

8. B District:

a. Add sub-sections 18.28.010. RR. and SS. as follows:

RR. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

SS. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.28.020. OO. and PP. as follows:

OO. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

PP. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

9. MAC District:

a. Add sub-sections 18.29.020. SS. and TT. as follows:

SS. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

TT. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.29.030. Q. and R. as follows:

Q. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

R. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

10. E District:

a. Add sub-sections 18.30.020. MM. and NN. as follows:

MM. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

NN. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.30.030. X. and Y. as follows:

X. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

Y. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

11. DR District:

a. Amend sub-section 18.38.010. to read as follows:

18.38.010 Uses permitted by right.

~~There are no uses permitted by right in a DR district.~~

A. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

B. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.38.020. J. and K. as follows:

J. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

K. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

C. *Establish a new sub-section in Chapter 18.48 to allow Small wind energy systems, as follows:*

18.48.110 Small wind energy systems (SWES)

A. Purpose.

1. To allow opportunities for certain alternative forms of electrical energy generation in appropriate areas of the city by installation and operation of small wind energy systems;
2. To assure that small wind energy systems comply with the provisions for accessory uses, as set forth in this chapter;
3. To assure that potential negative impacts on public and private safety, aesthetics, economy and convenience that may result from a small wind energy system are adequately mitigated; and,
4. To assure that small wind energy systems are reasonably compatible with the character of the neighborhood in which they are to be located.

B. General Provisions

1. A small wind energy system shall be deemed, and is hereby declared to be, an accessory use in designated zone districts, provided it complies with the standards set forth in this chapter, or is otherwise approved by the city.
2. The city hereby declares that the provisions of this section shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply, any easement or right of access to wind for the function of any small wind energy system approved by the city; and the city hereby expressly declares that it shall not be party to any effort, negotiation or acquisition of any such access or right to wind.
3. The allowance of small wind energy systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions or covenants, or other restrictions that may apply to the premises.

C. Definitions. As used in this section, the following words and phrases shall have the following meanings:

1. "Abutting property" means all real property which is contiguous to the property upon which a small wind energy system is proposed, including those properties which have contiguity at only a single point of contact.
2. "Total height" means the vertical distance between the uppermost components, elements or features of a small wind energy system, including the highest point of arc of the rotor blades.

3. “Tower” means a self-supporting monopole, or other similar structure approved by the current planning manager or planning commission, that is designed and constructed primarily for the purpose of supporting a small wind energy system.

D. General standards. The following standards apply to all small wind energy systems except as otherwise approved by a special review pursuant to the provisions of chapter 18.40 of this title:

1. There shall be no more than one (1) small wind energy system per property and it shall be located on the same property as the principle dwelling for which it is an accessory use.

2. The SWES shall have a maximum rated capacity not to exceed 10 kilowatts per hour (kWh).

3. Irrespective of the zoning district in which the SWES is located, the SWES shall be located a minimum distance of twenty (20) feet from all property lines of the property upon which the small wind energy system is located. A small wind energy system may not be located in a dedicated easement or right-of-way.

4. Notwithstanding sub-section 18.48.110.D.3, no SWES or the associated components, elements or features associated therewith, shall be located in the front yard of any property, as defined in subsection 18.04.420.1 of this title.

5. The SWES shall comply, at all times, with the maximum allowable noise levels set forth in chapter 7.32 of the municipal code.

6. The SWES shall be designed and installed in compliance with all applicable provisions of chapter 15 of this title as determined by the chief building official.

7. For properties which receive electrical power from the City of Loveland, the SWES shall be in compliance with “The Standard for Interconnecting Distributed Resources with the City of Loveland Power Department”, including a site inspection by a representative of the water and power department prior to approval of a building permit. For properties which receive electrical power from another public provider of electric power, no building permit shall be approved until the applicant has submitted written verification from said provider that they have reviewed the permit application and have determined that the SWES will meet all requirements of said provider. Off-grid systems shall be exempt from these requirements.

8. No advertising or signs may be placed on the SWES or its components, elements or features, including any support poles or towers, other than those incorporated by the manufacturer.

9. Colors of all external surfaces of the SWES and all components, elements or features, including any support poles or towers, must uniformly be matte grey or other neutral or muted colors approved by the City which best blends the SWES and its support structure into the surroundings;

10. No illumination of the SWES, or its external components, shall be allowed unless required by FAA regulations or by the manager for the Loveland-Fort Collins Airport on a case by case basis;

11. The SWES shall be equipped with a manual override system to allow shut-down in case of an emergency.

12. The SWES shall be equipped with an automatic braking, governing or feathering system to assure that over-rotation cannot occur.

13. Any SWES that is out of service for a continuous period of twelve (12) months may be deemed by the city to be abandoned and the permit for the small wind energy system may be revoked, whereupon the small wind energy system shall be deemed a violation of this title and subject to removal by the property owners pursuant to the provisions of chapter 18.68 of this title.

14. The electrical energy produced by an SWES shall only be stored, used or consumed on the same property upon which the SWES is located, except when connected in compliance with "The Standards for Interconnecting Distributed Resources with the City of Loveland Power Department".

E. Additional Standards for building-mounted small wind energy systems (SWES).

In addition to the general standards set forth in sub-section D. above, a building-mounted SWES shall comply with the following standards except as otherwise approved pursuant to the provisions of chapter 18.40 of this title:

1. A building-mounted SWES shall be permanently affixed to a permitted principle or accessory building on the property.

2. The maximum total height of a SWES which is affixed directly to the roof of a building shall be thirty-five (35) feet, or ten (10) feet above the ridge line of the highest point of the roof upon which the SWES is attached, whichever is less. The maximum height of a SWES which is affixed to a building in some manner other than directly to the roof shall be thirty-five (35) feet. In both cases, the maximum height shall be measured from the top of the uppermost component, element or feature of the SWES, including the uppermost point of the arc of the rotor blade, to the grade below, as set forth in sub-section 18.04.113.2 of this title.

3. Any guy wires, tether wires, or stabilizing wires needed to affix the SWES or its support structure to a building shall be attached only to the building upon which the SWES is attached.

4. When a building-mounted SWES is attached in the manner described in sub-section 18.04.115.b, the support structure shall be positioned and attached to the building so that its relative position is as close to the building as can be practically and reasonably accomplished by standard construction techniques, as determined by the current planning manager

5. All components, or elements or features associated with any SWES, including service cabinets, battery cabinets, accessory components, must be located entirely within a permitted building on the property.

6. Electrical lines or ground wires connecting a building-mounted SWES to other functional components, elements or features, including service cabinets, battery cabinets, accessory components may not be suspended above grade, but must be located internal to, or attached immediately upon, the external surfaces of the permitted building upon which the SWES is affixed.

F. Additional Standards for freestanding small wind energy systems.

In addition to the general standards set forth in section D. above, all freestanding SWES shall comply with the following standards except as otherwise approved pursuant to the provisions of chapter 18.40 of this title:

1. The tower upon which the SWES is affixed shall be a self-supporting mono-pole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis, the current planning manager may approve other types of towers, based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided the tower is designed by a professional engineer currently licensed in the State of Colorado. The plans for said tower, when submitted to the city, shall be stamped by the designing professional engineer.

2. The maximum total height of any SWES shall be thirty-five (35) feet as measured from the top of the uppermost component, element or feature of the SWES, including the uppermost point of the arc of the rotor blade, to the grade directly below, as set forth in sub-section 18.04.113.2 of this title.

3. The distance between the bottom of rotor blades, at their lowest point of arc, to the grade directly below, shall be a minimum of fifteen (15) feet.

4. No permanently affixed mechanism for access to or onto the tower which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within twelve (12) feet of the grade directly below.

5. Appropriate warning signage, shall be placed on both the SWES and tower in accordance with the manufacturers' recommendations.

6. The minimum horizontal distance between the SWES, including the tower and all property lines shall be ten per cent (10%) greater than the total height of the SWES.

7. The horizontal distance between the tower and all overhead public utility lines shall be twenty-five (25%) per cent greater than the total height of the SWES.

8. No electrical lines or ground wires connecting the SWES to other functional components, elements, or features (such as service cabinets, battery cabinets, accessory components) or to a permitted building on the property may be suspended above the ground, but shall be attached immediately upon or within the tower and installed underground.

G. Application and review procedure.

1. No person shall install a small wind energy system within the city without must first obtaining the appropriate permits from the city, as determined by the current planning manager and the chief building official at the time of application. The applicant shall submit the required applications to the city on forms required by the city, along with the application fee, as determined by city council resolution, and a list of the names and addresses of all the record owners and residents of all abutting property. All applications must describe the extent to which the SWES will meet all applicable city criteria, codes and standards, and indicate which applicable city criteria, codes and standards with which it would not comply.

2. Upon completion of the review by the city, the city shall notify the applicant whether the review is complete and whether a final decision can be made, or if the application must be revised and further reviewed. Upon city determination that a final decision can be made, it shall issue said final decision in the form of a written notice.

3. Upon issuance of the final decision, a copy of the written notice shall be mailed by the city to the applicant and to all owners and residents of abutting properties. All notified persons shall have ten (10) days from the date of mailing to submit an appeal of the final decision, pursuant to the provisions of chapter 18.80 of this title.

H. Issuance of permits.

1. Upon completion of any appeal process regarding the proposed SWES, and if the application is approved, the city shall issue all permits necessary to allow installation and operation of the SWES as described in the application and in accordance with any conditions placed on the permit by the city.

2. Prior to the issuance of said permits, the applicant shall certify that he or she will install and operate the SWES in conformity with the provisions of this title and any conditions agreed upon as part of the review and approval process.

I. Enforcement. It is unlawful for any person to operate a SWES that does not conform to the provisions of this section. It shall also be unlawful for any person to operate a SWES that does not conform to the conditions of approval as stated on the SWES permits.

J. Revocation of permits-appeal.

Any permits issued by the city for a SWES may be revoked by the city if the city finds that the SWES no longer conforms to the provisions of this section or the conditions of approval accompanying the approval of the permits. A SWES permit may also be revoked upon a

determination by the city that the mailing list was faulty or the applicant failed to follow the application, review and appeal process. Notification to the applicant shall include findings in support of the revocation and the applicant's rights of appeal. The written notification of revocation shall be mailed to the last known address of the permit holder. The date of the mailing shall be the date of notification. The permit holder and/or the current owner of the property may file a written appeal of the city's decision as provided for in chapter 18.80 of this title.

**PROPOSED CODE AMENDMENTS FOR
SMALL WIND ENERGY SYSTEMS - Clean draft**

**PLANNING COMMISSION PUBLIC HEARING
July 25, 2011**

A. Add definitions:

1. Add sub-section 18.04.355.5 to read as follows:

18.04.355.5 Small wind energy system defined.

“Small wind energy system” means any device or mechanism such as a wind charger, windmill, wind turbine, wind generator, or wind alternator which converts wind energy to a form of original useable electrical energy, and which has a maximum output rating of 10 kilowatts per hour (kWh), including associated components, elements or features such as base, tower, wiring, connections, batteries, and associated control equipment.

2. Add sub-section 18.04.115 to read as follows:

18.04. 113.3 Building-mounted small wind energy system defined.

“Building-mounted small wind energy system” means a small wind energy system which is permanently attached to a permitted building in either of the following ways:

- a. It is attached to the roof and/or walls of the building; or,
- b. It is attached to a tower which is anchored into, both the ground and to a wall or eave of a permitted building.

3. Add sub-section 18.04.164.5 to read as follows:

18.04.164.5 Freestanding small wind energy system defined

“Freestanding small wind energy system” or "Freestanding SWES" means a small wind energy system which is permanently attached to a tower which is anchored into the ground but is not attached to a building.

B. Allow both building-mounted and freestanding SWES which comply with the specific standards in chapter 18.48 on all residential properties in the city as a use-by-right accessory use. This would include residential properties in the Be, B, MAC and E zones, and on properties in the DR zone which have a grandfathered residential use. Also allow building-mounted and freestanding SWES which does not comply with the normal standards as a use-by-special review on all such properties:

1. ER District:

a. *Add sub-sections 18.07.040. H. and I. as follows:*

H. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

I. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.07.050. K. and L. as follows:*

K. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

L. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

2. R1e District:

a. *Add subsections 18.08.010. G. and H. as follows:*

G. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

H. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.08.020. P. and Q. as follows:*

P. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

Q. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

3. R1 District:

a. *Add sub-sections 18.12.010. G. and H. as follows:*

G. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

H. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.12.020. O. and P. as follows:*

O. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

P. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

4. R2 District:

a. *Add sub-sections 18.13.020. I. and J. as follows:*

I. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

J. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.13.030. M. and N. as follows:*

M. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

N. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

5. R3e District:

a. *Add sub-sections 18.16.010. M. and N. as follows:*

M. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with standards set forth in section 18.48.110.

N. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.16.020. BB. and CC. as follows:*

BB. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

CC. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

6. *R3 District:*

a. *Add sub-sections 18.20.010. K. and L. as follows:*

K. Building-mounted small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

L. Freestanding small wind energy system, as an accessory use to the permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.20.020. W. and X. as follows:*

W. Building-mounted small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

X. Freestanding small wind energy system, as an accessory use to the permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

7. *Be District:*

a. *Add sub-sections 18.24.020. YY. and ZZ. as follows:*

YY. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

ZZ. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.24.030. X. and Y. as follows:*

X. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

Y. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

8. B District:

a. Add sub-sections 18.28.010. RR. and SS. as follows:

RR. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

SS. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.28.020. OO. and PP. as follows:

OO. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

PP. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

9. MAC District:

a. Add sub-sections 18.29.020. SS. and TT. as follows:

SS. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

TT. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. Add sub-sections 18.29.030. Q. and R. as follows:

Q. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

R. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

10. E District:

a. *Add sub-sections 18.30.020. MM. and NN. as follows:*

MM. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

NN. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.30.030. X. and Y. as follows:*

X. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

Y. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

11. DR District:

a. *Amend sub-section 18.38.010. to read as follows:*

18.38.010 Uses permitted by right.

A. Building-mounted small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

B. Freestanding small wind energy system, as an accessory use to a permitted residential use, and in compliance with the standards set forth in section 18.48.110.

b. *Add sub-sections 18.38.020. J. and K. as follows:*

J. Building-mounted small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

K. Freestanding small wind energy system, as an accessory use to a permitted residential use, that does not comply with one or more of the standards set forth in section 18.48.110.

C. *Establish a new sub-section in Chapter 18.48 to allow Small wind energy systems, as follows:*

18.48.110 Small wind energy systems (SWES)

A. Purpose.

1. To allow opportunities for certain alternative forms of electrical energy generation in appropriate areas of the city by installation and operation of small wind energy systems;
2. To assure that small wind energy systems comply with the provisions for accessory uses, as set forth in this chapter;
3. To assure that potential negative impacts on public and private safety, aesthetics, economy and convenience that may result from a small wind energy system are adequately mitigated; and,
4. To assure that small wind energy systems are reasonably compatible with the character of the neighborhood in which they are to be located.

B. General Provisions

1. A small wind energy system shall be deemed, and is hereby declared to be, an accessory use in designated zone districts, provided it complies with the standards set forth in this chapter, or is otherwise approved by the city.
2. The city hereby declares that the provisions of this section shall not be deemed to establish, grant, require, assure, reserve, preserve, or imply, any easement or right of access to wind for the function of any small wind energy system approved by the city; and the city hereby expressly declares that it shall not be party to any effort, negotiation or acquisition of any such access or right to wind.
3. The allowance of small wind energy systems is not intended, nor shall it be construed, to abrogate or otherwise modify other zoning restrictions, subdivision restrictions or covenants, or other restrictions that may apply to the premises.

C. Definitions. As used in this section, the following words and phrases shall have the following meanings:

1. "Abutting property" means all real property which is contiguous to the property upon which a small wind energy system is proposed, including those properties which have contiguity at only a single point of contact.
2. "Total height" means the vertical distance between the uppermost components, elements or features of a small wind energy system, including the highest point of arc of the rotor blades.

3. “Tower” means a self-supporting monopole, or other similar structure approved by the current planning manager or planning commission, that is designed and constructed primarily for the purpose of supporting a small wind energy system.

D. General standards. The following standards apply to all small wind energy systems except as otherwise approved by a special review pursuant to the provisions of chapter 18.40 of this title:

1. There shall be no more than one (1) small wind energy system per property and it shall be located on the same property as the principle dwelling for which it is an accessory use.

2. The SWES shall have a maximum rated capacity not to exceed 10 kilowatts per hour (kWh).

3. Irrespective of the zoning district in which the SWES is located, the SWES shall be located a minimum distance of twenty (20) feet from all property lines of the property upon which the small wind energy system is located. A small wind energy system may not be located in a dedicated easement or right-of-way.

4. Notwithstanding sub-section 18.48.110.D.3, no SWES or the associated components, elements or features associated therewith, shall be located in the front yard of any property, as defined in subsection 18.04.420.1 of this title.

5. The SWES shall comply, at all times, with the maximum allowable noise levels set forth in chapter 7.32 of the municipal code.

6. The SWES shall be designed and installed in compliance with all applicable provisions of chapter 15 of this title as determined by the chief building official.

7. For properties which receive electrical power from the City of Loveland, the SWES shall be in compliance with “The Standard for Interconnecting Distributed Resources with the City of Loveland Power Department”, including a site inspection by a representative of the water and power department prior to approval of a building permit. For properties which receive electrical power from another public provider of electric power, no building permit shall be approved until the applicant has submitted written verification from said provider that they have reviewed the permit application and have determined that the SWES will meet all requirements of said provider. Off-grid systems shall be exempt from these requirements.

8. No advertising or signs may be placed on the SWES or its components, elements or features, including any support poles or towers, other than those incorporated by the manufacturer.

9. Colors of all external surfaces of the SWES and all components, elements or features, including any support poles or towers, must uniformly be matte grey or other neutral or muted colors approved by the City which best blends the SWES and its support structure into the surroundings;

10. No illumination of the SWES, or its external components, shall be allowed unless required by FAA regulations or by the manager for the Loveland-Fort Collins Airport on a case by case basis;

11. The SWES shall be equipped with a manual override system to allow shut-down in case of an emergency.

12. The SWES shall be equipped with an automatic braking, governing or feathering system to assure that over-rotation cannot occur.

13. Any SWES that is out of service for a continuous period of twelve (12) months may be deemed by the city to be abandoned and the permit for the small wind energy system may be revoked, whereupon the small wind energy system shall be deemed a violation of this title and subject to removal by the property owners pursuant to the provisions of chapter 18.68 of this title.

14. The electrical energy produced by an SWES shall only be stored, used or consumed on the same property upon which the SWES is located, except when connected in compliance with "The Standards for Interconnecting Distributed Resources with the City of Loveland Power Department".

E. Additional Standards for building-mounted small wind energy systems (SWES).

In addition to the general standards set forth in sub-section D. above, a building-mounted SWES shall comply with the following standards except as otherwise approved pursuant to the provisions of chapter 18.40 of this title:

1. A building-mounted SWES shall be permanently affixed to a permitted principle or accessory building on the property.

2. The maximum total height of a SWES which is affixed directly to the roof of a building shall be thirty-five (35) feet, or ten (10) feet above the ridge line of the highest point of the roof upon which the SWES is attached, whichever is less. The maximum height of a SWES which is affixed to a building in some manner other than directly to the roof shall be thirty-five (35) feet. In both cases, the maximum height shall be measured from the top of the uppermost component, element or feature of the SWES, including the uppermost point of the arc of the rotor blade, to the grade below, as set forth in sub-section 18.04.113.2 of this title.

3. Any guy wires, tether wires, or stabilizing wires needed to affix the SWES or its support structure to a building shall be attached only to the building upon which the SWES is attached.

4. When a building-mounted SWES is attached in the manner described in sub-section 18.04.115.b, the support structure shall be positioned and attached to the building so that its relative position is as close to the building as can be practically and reasonably accomplished by standard construction techniques, as determined by the current planning manager

5. All components, or elements or features associated with any SWES, including service cabinets, battery cabinets, accessory components, must be located entirely within a permitted building on the property.

6. Electrical lines or ground wires connecting a building-mounted SWES to other functional components, elements or features, including service cabinets, battery cabinets, accessory components may not be suspended above grade, but must be located internal to, or attached immediately upon, the external surfaces of the permitted building upon which the SWES is affixed.

F. Additional Standards for freestanding small wind energy systems.

In addition to the general standards set forth in section D. above, all freestanding SWES shall comply with the following standards except as otherwise approved pursuant to the provisions of chapter 18.40 of this title:

1. The tower upon which the SWES is affixed shall be a self-supporting mono-pole with no other means of support or stabilization such as guy wires, tether wires, or stability wires. However, on a case-by-case basis, the current planning manager may approve other types of towers, based upon a determination that the proposed tower will not have a negative visual impact on the neighborhood or adjacent properties, and provided the tower is designed by a professional engineer currently licensed in the State of Colorado. The plans for said tower, when submitted to the city, shall be stamped by the designing professional engineer.

2. The maximum total height of any SWES shall be thirty-five (35) feet as measured from the top of the uppermost component, element or feature of the SWES, including the uppermost point of the arc of the rotor blade, to the grade directly below, as set forth in sub-section 18.04.113.2 of this title.

3. The distance between the bottom of rotor blades, at their lowest point of arc, to the grade directly below, shall be a minimum of fifteen (15) feet.

4. No permanently affixed mechanism for access to or onto the tower which mechanism is incorporated or attached to the tower such as foot pegs, steps, rungs or ladders, shall be within twelve (12) feet of the grade directly below.

5. Appropriate warning signage, shall be placed on both the SWES and tower in accordance with the manufacturers' recommendations.

6. The minimum horizontal distance between the SWES, including the tower and all property lines shall be ten per cent (10%) greater than the total height of the SWES.

7. The horizontal distance between the tower and all overhead public utility lines shall be twenty-five (25%) per cent greater than the total height of the SWES.

8. No electrical lines or ground wires connecting the SWES to other functional components, elements, or features (such as service cabinets, battery cabinets, accessory components) or to a permitted building on the property may be suspended above the ground, but shall be attached immediately upon or within the tower and installed underground.

G. Application and review procedure.

1. No person shall install a small wind energy system within the city without must first obtaining the appropriate permits from the city, as determined by the current planning manager and the chief building official at the time of application. The applicant shall submit the required applications to the city on forms required by the city, along with the application fee, as determined by city council resolution, and a list of the names and addresses of all the record owners and residents of all abutting property. All applications must describe the extent to which the SWES will meet all applicable city criteria, codes and standards, and indicate which applicable city criteria, codes and standards with which it would not comply.

2. Upon completion of the review by the city, the city shall notify the applicant whether the review is complete and whether a final decision can be made, or if the application must be revised and further reviewed. Upon city determination that a final decision can be made, it shall issue said final decision in the form of a written notice.

3. Upon issuance of the final decision, a copy of the written notice shall be mailed by the city to the applicant and to all owners and residents of abutting properties. All notified persons shall have ten (10) days from the date of mailing to submit an appeal of the final decision, pursuant to the provisions of chapter 18.80 of this title.

H. Issuance of permits.

1. Upon completion of any appeal process regarding the proposed SWES, and if the application is approved, the city shall issue all permits necessary to allow installation and operation of the SWES as described in the application and in accordance with any conditions placed on the permit by the city.

2. Prior to the issuance of said permits, the applicant shall certify that he or she will install and operate the SWES in conformity with the provisions of this title and any conditions agreed upon as part of the review and approval process.

I. Enforcement. It is unlawful for any person to operate a SWES that does not conform to the provisions of this section. It shall also be unlawful for any person to operate a SWES that does not conform to the conditions of approval as stated on the SWES permits.

J. Revocation of permits-appeal.

Any permits issued by the city for a SWES may be revoked by the city if the city finds that the SWES no longer conforms to the provisions of this section or the conditions of approval accompanying the approval of the permits. A SWES permit may also be revoked upon a

determination by the city that the mailing list was faulty or the applicant failed to follow the application, review and appeal process. Notification to the applicant shall include findings in support of the revocation and the applicant's rights of appeal. The written notification of revocation shall be mailed to the last known address of the permit holder. The date of the mailing shall be the date of notification. The permit holder and/or the current owner of the property may file a written appeal of the city's decision as provided for in chapter 18.80 of this title.