AGENDA
LARIMER COUNTY PLANNING COMMISSION
Wednesday, July 19, 2017/6:30 P.M./Commissioners' Hearing Room

A. CALL TO ORDER
B. PLEDGE OF ALLEGIANCE
C. PUBLIC COMMENT ON THE COUNTY LAND USE CODE
D. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
E. APPROVAL OF THE MINUTES FOR THE JUNE 21, 2017 MEETING.
F. AMENDMENTS TO AGENDA
G. ITEMS:
   1. LARIMER COUNTY TRANSPORTATION MASTER PLAN
      Staff Contact: Suzette Mallette
      PAGE 1
   2. MULBERRY FRONTAGE METROPOLATAN DISTRICT #17-GNRL0425
      Staff Contact: Rob Helmick
      PAGE 182
   3. LOVELAND GROWTH MANAGEMENT AREA OVERLAY ZONE DISTRICT BOUNDARY AMENDMENT #17-CODE0214
      Staff Contact: Matt Lafferty
      PAGE 251
H. ELECTION OF OFFICIALS
I. REPORT FROM STAFF
J. ADJOURN

NEXT MEETINGS: Wednesday, August 09, 2017: BCC/Planning Commission worksession
                Wednesday, August 16, 2017: Planning Commission hearing
3. **TITLE:** Loveland Growth Management Area Overlay Zone District Boundary Amendment

**REQUEST:** An amendment to the Loveland Growth Management Area (GMA) boundary. Properties being incorporated into the expanded Loveland GMA will retain their existing zone designation, and will be rezoned to add the GMA Overlay Zone District as defined by Section 4.2.1 of the Larimer County Land Use Code to those properties.

**LOCATION:** The region southeast of the City of Loveland that is situated on the north and south side of Highway 402 extending east to Interstate 25. Also a small area situated north of Highway 34 approximately 1.5 miles east of Interstate 25.

**APPLICANT:** City of Loveland
Karl Barton
500 East 3rd Street
Loveland, Colorado 80537

**PROPERTY OWNER:** N/A

**STAFF CONTACTS:** Matt Lafferty, Community Development

**FILE #:** 17-CODE0214

**NOTICE GIVEN:** Newspaper Notification
Surrounding Property Owner Notice

**PROJECT DESCRIPTION/BACKGROUND:**

The City of Loveland, in collaboration with Larimer County Community Development, is requesting an expansion of the jointly adopted Growth Management Area (GMA) boundary.

The subject amendment would increase the existing GMA boundary by incorporating a large area located along the Highway 402 corridor, extending from the existing boundary near
Highway 287 out to I-25 (see attached Exhibit A). An additional change to the boundary would be the addition of several properties east of I-25 and north of Highway 34.

In Larimer County an adopted GMA boundary is more than just a boundary, it is also a zone district. Therefore, properties within adopted GMA boundaries are subject to the existing zoning for those properties, as well as, the GMA Overlay Zone district. The added GMA Overlay Zone implements Section 4.2.1 of the Land Use Code, which section purpose is to:

- Designate areas in the county adjacent to a municipality's corporate limits where urban level development and annexation are appropriate, and where development may have an impact on present and future municipal growth patterns;

- Support a municipality's comprehensive plan within the GMA district;

- Protect the health, safety and welfare of county residents by providing land use regulations and standards that cause development to occur consistent with a municipality's comprehensive plan for its GMA district to the extent deemed feasible by the county in consultation with the municipality;

- Minimize urban services provided by the county by encouraging municipalities to annex land designated for urban uses and densities;

- Facilitate the annexation of lands that have developed in the GMA district while under county jurisdiction;

- Facilitate the annexation of lands that are eligible for annexation prior to the development of these lands;

- Implement the guiding principles and implementation strategies of the county master plan regarding urban and rural land uses;

- Establish county standards and criteria that are compatible with standards and criteria adopted by municipalities; and

- Implement intergovernmental agreements with municipalities regarding growth management.
For nearly a decade the City of Loveland and Larimer County have discussed the possible expansion of the GMA in the areas outlined by this request. However, for a variety of reasons the timing of such changes were not right. This changed in 2015 when the City and the County agreed that development pressures were on the horizon for the 402 corridor and agreed to pursue the expansion of the GMA.

Since then, the City and the County have hosted six public outreach meetings to develop an understanding of the citizens’ ideas and concerns with such an expansion. Interest in the expansion varied from not wanting any changes, leave things alone, to adopt the new boundary as common planning practices between the City and County are desirable.

One of the most common concerns of citizens during the outreach was annexation into the City. While the GMA Overlay Zone district speaks to annexation, it does not mandate it for properties that are not being developed. Therefore, with the exception of statutory requirements related to enclave annexations, the only annexations in the GMA are for developing properties that share contiguity with existing City limits.

Other issues raised during the outreach process included a change in the development pattern (higher density and more non-residential developments) and lack of infrastructure. The Infrastructure issue has been partially addressed by studies performed by the City, which will provide greater opportunity for new infrastructure in the future. The issue of density and other land use activities remains unchanged as the Loveland Land Use Plan is the instrument for determining future land uses, and that plan is already adopted.

To this end the City and the County are presenting a new boundary, which can be seen on the attached exhibit and ask that the Planning Commission recommend to the Board of County Commissioners support for this new boundary.

REVIEW CRITERIA AND ANALYSIS:

To approve an amendment to the zoning district boundaries, overlay district boundaries or zone designation of a parcel on the official zoning map, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

A. The proposed change is consistent with the Master Plan;

The Larimer County Master Plan anticipates that the County and City will maintain a GMA for the urbanizing area surrounding the city. This request is consistent with the Master Plan in that it establishes a policy direction for the urbanizing area southeast of Loveland.
B. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property;

N/A

C. Conditions in the neighborhood have changed to the extent that the proposed change is necessary;

N/A

D. The proposed change does not result in significant adverse impacts on the natural environment;

N/A

E. The proposed change addresses a community need;

N/A

F. The proposed change results in a logical and orderly development pattern in the neighborhood;

N/A

G. In order to approve a rezoning to PD-Planned Development district, the subject parcel must be within a Growth Management Area Overlay Zone District or the LaPorte Plan Area or other adopted sub-area plan, and the County Commissioners must also find that the proposed land use type, density and intensity are consistent with the applicable supplementary regulations, if any, or with the LaPorte Area Plan or other adopted sub-area plan;

N/A

H. In order to establish or enlarge a GMA district, the County Commissioners must also find that the criteria in subsection 4.2.1.B.3 (below) have been met; and

4.2.1. B.3. The County Commissioners may establish or enlarge a GMA district if the following review criteria are met:

a. There is an intergovernmental agreement with the adjacent municipality pertaining to a growth management area and the GMA district is intended to implement the agreement;
b. The area within the GMA district boundary is expected, by the parties, to be annexed within the time frame anticipated by the municipality's comprehensive plan;

c. The municipality's comprehensive plan provides the county and property owners with clear guidance regarding the types and intensities of land uses intended for each parcel within the GMA district boundary;

d. The area within the GMA district can and will be served with urban level services, including, but not limited to, public sewer, public water, urban streets and urban fire protection; and

e. The review criteria for boundary or zone designation set forth in subsection 4.4.4(A) through (F) have been met.

4.2.1.B.4. The County Commissioners may exclude an area from an established GMA district boundary following consultation with the municipality if the county commissioners find that one or more of the review criteria in subsection B.3 above can no longer be met or that the municipality is not complying with the intergovernmental agreement.

4.2.1.B.4. The County Commissioners may exclude an area from an established GMA district boundary following consultation with the municipality if the county commissioners find that one or more of the review criteria in subsection B.3 above can no longer be met or that the municipality is not complying with the intergovernmental agreement.

With regards to the above review criteria the area being added to the Fort Collins GMA Overlay Zone District meets the intent of the criteria as stated above. Additionally, the area being added is a portion of subdivision that is already partly in the Existing GMA and thus will make expectations for this development consistent.

I. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in subsection 4.2.1.B.3 can no longer be met.

N/A
DEVELOPMENT SERVICES TEAM FINDINGS:

The Development Services Team finds that the expanded Loveland GMA Overlay Zone District boundary is consistent with the Larimer County Master Plan.

The Development Services Team finds that the expanded Loveland GMA Overlay Zone District boundary amendment to add certain properties, as illustrated on the attached Exhibit A, meets the review criteria for enlarging the GMA Overlay Zone District as found in Section 4.2.1.B.3 of the Larimer County Land Use Code.

DEVELOPMENT SERVICES TEAM RECOMMENDATION:

The Development Services Team recommends the Larimer County Planning Commission recommend to the Board of County Commissioners approval of the rezoning for the expanded Loveland Growth Management Area Overlay Zone District boundary, File #17-CODE0214, as proposed.
PARCELS TO BE ADDED TO LOVELAND GROWTH MANAGEMENT AREA OVERLAY ZONING DISTRICT

PARCELS ALREADY WITHIN CITY OF LOVELAND

Exhibit A
May 23, 2017

COL. Robert “Terry” Gilbert (ret), AICP
Community Development Director
Larimer County

Via email to: gilberrt@co.larimer.co.us, laffermn@co.larimer.co.us

Dear Terry,

Please accept this letter as the request and application to extend the Larimer County Loveland Growth Management Overlay Zoning District onto properties where it does not currently exist, so as to implement the Intergovernmental Agreement for Growth Management. The properties for which the extension is requested are depicted in Exhibit A.

It is in the best interest of both jurisdictions, the region, current and future residents and property owners, to extend the overlay zoning district so that it more closely matches the Growth Management Area of the City of Loveland to provide greater certainty around growth and development. As you know, the proposal depicted in Exhibit A has been arrived at through discussion with Larimer County staff, the Larimer County Planning Commission and Board of County Commissioners (BOCC), and the residents of the areas potentially affected.

It is my understanding that the extension of the overlay zoning district will need to be approved by the BOCC after a recommendation by the Larimer County Planning Commission. Additionally, I understand that the IGA will need to be amended by updating the map included as Exhibit 1 in the IGA. I assume that the Larimer County Planning Commission and BOCC will be able to amend the IGA at the same time that they are acting on the zoning.

The action on the part of the City of Loveland will be to amend the IGA. This will require a recommendation from our Planning Commission to a final approval by our City Council by Resolution. We are intending to take the amended IGA to our Planning Commission on June 26th with a hearing in front of our City Council on August 15th.

It is our proposal to take the IGA to our respective boards prior to the zoning proposal and IGA amend go to the parallel County Board. For example, to our Planning Commission on June 26th and then the Larimer County Planning Commission on July 19th. We are hoping the actions could go to the BOCC on August 28th. We will plan to draft the language in the IGA amendment to allow it to be modified as necessary in order to reflect the overlay zoning boundaries adopted by Larimer County. Please confirm with me the appropriateness of this strategy in your opinion.
As the action embodied is a zoning action that must be approved through the Larimer County process, we will defer to Larimer County staff as to the role to be played by City of Loveland staff during the hearing process.

Please let me know if I need to provide any further information in regards to this proposal.

Thank you,

Karl Barton, AICP
Senior City Planner
Community & Strategic Planning
City of Loveland, Colorado
970-962-2721
Karl.Barton@cityofloveland.org
4.2.1. - Growth management area overlay zone district.

A. Purpose. The purposes of growth management area overlay zone districts (GMA districts) are to:

1. Designate areas in the county adjacent to a municipality's corporate limits where urban level development and annexation are appropriate, and where development may have an impact on present and future municipal growth patterns;
2. Support a municipality's comprehensive plan within the GMA district;
3. Protect the health, safety and welfare of county residents by providing land use regulations and standards that cause development to occur consistent with a municipality's comprehensive plan for its GMA district to the extent deemed feasible by the county in consultation with the municipality;
4. Minimize urban services provided by the county by encouraging municipalities to annex land designated for urban uses and densities;
5. Facilitate the annexation of lands that have developed in the GMA district while under county jurisdiction;
6. Facilitate the annexation of lands that are eligible for annexation prior to the development of these lands;
7. Implement the guiding principles and implementation strategies of the county master plan regarding urban and rural land uses;
8. Establish county standards and criteria that are compatible with standards and criteria adopted by municipalities; and
9. Implement intergovernmental agreements with municipalities regarding growth management.

B. Establishment and amendment of district boundaries.

1. In order to carry out the purposes of this section, the following zoning district classifications are established within Larimer County:
   a. The Fort Collins GMA district;
   b. The Loveland GMA district; and
   c. The Windsor GMA district.
   The term "GMA district" shall mean whichever of the above districts is applicable given the location of the subject site.

2. The boundaries of each GMA district are shown on the official zoning map adopted for Larimer County.

3. The county commissioners may establish or enlarge a GMA district if the following review criteria are met:
   a. There is an intergovernmental agreement with the adjacent municipality pertaining to a growth management area and the GMA district is intended to implement the agreement;
   b. The area within the GMA district boundary is expected, by the parties, to be annexed within the time frame anticipated by the municipality's comprehensive plan;
c. The municipality’s comprehensive plan provides the county and property owners with clear
guidance regarding the types and intensities of land uses intended for each parcel within the
GMA district boundary;
d. The area within the GMA district can and will be served with urban level services, including, but
not limited to, public sewer, public water, urban streets and urban fire protection; and
e. The review criteria for boundary or zone designation set forth in subsection 4.4.4(A) through (F)
have been met.

4. The county commissioners may exclude an area from an established GMA district boundary
following consultation with the municipality if the county commissioners find that one or more of
the review criteria in subsection B.3 above can no longer be met or that the municipality is not
complying with the intergovernmental agreement.

C. Applicability.
1. The GMA districts are overlay zoning districts and shall be applied together with the underlying
zoning district.
2. The provisions of this subsection 4.2.1 will apply in each GMA district. Supplementary regulations to
a GMA district, herein referred to as supplementary regulations may be adopted which will apply
only to a particular GMA district or to a limited, defined geographical area within a particular GMA
district.
3. In the event of a conflict between the supplementary regulations, the provisions of subsection 4.2.1
or any other provisions of the land use code, the supplementary regulations shall prevail over the
provisions of subsection 4.2.1 and the other provisions of the land use code; the provisions of
subsection 4.2.1 shall prevail over the other provisions of the land use code.

D. General requirements.
1. Except as provided in subsection D.2 below or as otherwise permitted by the supplementary
regulations, the county shall not accept any application for a rezoning (PD-planned development),
special review or planned land division:
   a. For any property in a GMA district which has any contiguity to the municipal limits and, thus,
can be made eligible for voluntary annexation, whether through a series of annexations or
otherwise. Instead the owner of such property shall be required to seek annexation to the
municipality; or
   b. For any property in a GMA district, which was part of a parcel eligible for annexation as of
December 18, 2000, but which is no longer eligible because of subsequent land divisions
resulting in a break in contiguity, except land divisions created by court order from probate,
dissolution of marriage or eminent domain proceedings; or
   c. Where the municipality denies the petition for annexation because:
      (1) The property owner has included conditions or requirements in the petition which the
county deems to be unreasonable or unduly burdensome; or
(2) The property owner refuses to agree to conditions or requirements imposed by the municipality as a condition of annexation which the county deems to be reasonable.

2. The county may accept applications for rezoning, special review or planned land division where:
   a. The subject parcel(s) has no contiguity to the municipal limits; or
   b. The municipality denies the petition for annexation for reasons other than those stated in subsection D.1.c(1) or (2) above; or
   c. The applicable supplementary regulations authorize the county to accept the application for rezoning, special review or planned land division.
   d. In lieu of a denial of annexation by the municipality, the county commissioners accept the written determination by the designated representative of the municipality that the subject property owner(s) need not apply for annexation.

3. Any parcel within a GMA district may be used for any use which is designated a use allowed by right in the underlying zoning district. This does not apply to uses that involve land divisions, special review or any other decisions requiring discretionary review by the county commissioners.

4. Uses allowed only by special review in the underlying zoning district may be approved only if such uses are consistent with the applicable supplementary regulations to a GMA district. If no applicable supplementary regulations have been adopted, the review criteria for special review shall apply (subsection 4.5.3). Supplementary regulations do not apply to commercial mobile radio service facilities (section 16).

5. The underlying zoning of parcels within a GMA district may be rezoned only to the PD-planned development district. The PD-planned development rezoning application must specify the proposed land use types, densities and intensities.

6. In order to approve a rezoning to PD-planned development, the county commissioners must find the proposed rezoning meets the review criteria in subsection 4.4.4 of this code, and that the proposed land use type, density and intensity are consistent with the applicable supplementary regulations, if any.

7. The county shall not accept any applications for special exceptions in any GMA district.

8. All divisions of land to create new lots in GMA districts shall be submitted and processed as planned land divisions (subsection 5.2), minor land divisions (subsection 5.4) or rural land plans (5.8). No division of land to create new lots in GMA districts through the planned land division process shall be approved unless the county commissioners have approved a rezoning of the land to PD-planned development pursuant to subsection 4.2.1.D.6 of this code.

9. Prior to final approval of a rezoning, special review, site plan review (section 6), planned land division, minor land division or rural land plan, the property owner shall provide a binding agreement for annexation. The agreement shall be in a form approved by the county and shall include a power of attorney authorizing the city or town clerk to execute and file annexation petitions and maps, and shall state that the property owner agrees to submit to the applicable...
municipality a petition for voluntary annexation at such time as the property becomes eligible for
annexation according to state annexation laws. Such agreement shall be signed by the owner of the
property, shall run with the land and shall be recorded in the office of the clerk and recorder of
Larimer County with a copy forwarded to the applicable municipality.

10. The county shall submit, to the applicable municipality for review and comment, all proposals for
rezoning, special review, minor land division, planned land division and rural land plan within the
applicable GMA district. The county shall afford the municipality 21 days from the date of
transmittal of the referral to provide written comments.

E. Modifications of development standards required by supplementary regulations. Development
standards in supplementary regulations to the GMA district may be modified if agreed upon in writing
by the developer, county commissioners and the municipality. For proposed modifications not agreed
to by the applicable municipality, the county commissioners may grant such modifications only in
exceptional circumstances and only if they find that granting the modification will not be detrimental to
the public good and that:

1. By reason of exceptional physical conditions or other extraordinary and exceptional situations
unique to such property, including, but not limited to, physical conditions, such as exceptional
narrowness, shallowness or topography, the strict application of the standard sought to be
modified would result in unusual and exceptional practical difficulties, or exceptional and undue
hardship upon the owner of the affected property, provided such difficulties or hardship are not
caused by the act or omission of the applicant; or

2. The alternative plan, as submitted, will advance or protect the public interests and purposes of the
standard for which modification is requested, equally well or better than a plan that complies with
the standards for which modification is requested. In ascertaining the "public interests and
purposes of the standards" the county commissioners shall give great weight to:
   a. The recommendation of the municipality;
   b. The specific language of the standard, taken in the context of the regulation in which the
      standard is contained and in the context of the applicable provisions of the municipality's
      comprehensive plan; and
   c. The willingness and agreement of the municipality to annex the subject area.

A modification shall be processed and reviewed concurrently with the development application to which it
applies. A modification may be processed separately from such development application only if the county
planning director in his/her sole discretion determines there is adequate information to allow the
modification to be evaluated separately from the development application.

Applicants seeking a modification shall file a written request with the county planning director. The county
planning director shall refer the application to the planning director of the municipality. The municipality
shall provide a recommendation to the county within 21 days of receipt of the request. The Larimer County
Planning Commission or other recommending board, per the applicable intergovernmental agreement, and
the county commissioners shall hear the request in the public hearings set for the development application. If the county planning director has authorized the modification request to be processed separately from the development application, the applicable recommending board shall hear the request at the next available public hearing as determined by the planning director after receipt of the recommendation of the municipality, and the county commissioners shall hear the request at a public hearing no later than 21 days after receipt of the recommendation from the applicable recommending board.

At the hearing, the county commissioners shall consider relevant information presented by the applicant, the municipality and interested members of the public. Based on the information, the county commissioners may grant the modification or grant the modification with conditions in accordance with the criteria contained in this section or deny the modification.

If a modification is approved it shall be controlling for the successively, timely filed, development applications for that particular development proposal only to the extent that it modified the standard pertaining to such plan. All modifications which apply to a development plan which has not been filed at the time of the granting of the modification shall be valid for a period of time not to exceed one year following the determination of the county commissioners of the request for the proposed modification.

(Res. No. 04292003R005, 4-29-2003; Res. No. 09162003R012, § 2, 9-16-03; Res. No. 10052004R001, Exh. A, 10-5-2004)