

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
January 14, 2013**

6 A meeting of the City of Loveland Planning Commission was held in the City Council Chambers
7 on January 14, 2013 at 6:30 p.m. Members present: Vice Chairman Middleton; and
8 Commissioners Molloy, Ray, Dowding, Crescibene, Krenning and Prior. Commissioners absent:
9 Chairman Meyers. City Staff present: Karl Barton, Community and Strategic Planning; Greg
10 George, Director Development Services; Robert Paulsen, Current Planning Manager; Judy
11 Schmidt, Deputy City Attorney.

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

STAFF MATTERS

18 **Robert Paulsen, Current Planning Manager**, introduced Adam Prior as the newest member of
19 the Planning Commission. He reported the annual Holiday Dinner for the Planning Commission
20 would be held on February 11th prior to the meeting and that more details would be coming soon.
21 He stated at the next meeting the Commission would hold the Election of Officers.

23 **Mr. Paulsen** noted that Chip Leadbetter, past Planning Commission member, was in the
24 audience and invited him to the podium. Mr. Leadbetter spoke to staff and the Commission
25 thanking them for the time they shared together and for all that he learned during his tenure.
26 **Vice Chairman Middleton** thanked Mr. Leadbetter for his past service on the Planning
27 Commission and presented him with a plaque for his years of service.

CITIZEN REPORTS

31 There were no citizen reports.

COMMITTEE REPORTS

34 There were no committee reports

COMMISSIONER COMMENTS

38 Vice Chairman Middleton wished everyone a happy new year and thanked staff for displaying
39 the 2012 City of Loveland's accomplishments.

1 **REGULAR AGENDA**

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3 **1. Process for adoption of zoning regulations for oil and gas development.**

4 This is an informational item about the process for review and adoption of new regulations on oil
5 and gas development in the City. A Planning Commission public hearing on this matter is
6 scheduled for January 28th.

7

8 **Greg George, Director of Development Services**, introduced the item and noted that the
9 Planning Commission is not being asked to make a recommendation at this time and his
10 presentation would be informational in nature.

11

12 **Mr. George** provided an overview of the approach being taken by the City in the development of
13 oil and gas regulations and the effort being made to monitor new rule-making by the state Oil and
14 Gas Commission. He emphasized that the state Commission had not completed their rule-
15 making process. He further explained that City staff is developing a regulatory approach that
16 would provide oil and gas developers two options for pursuing a permit from the City for oil and
17 gas development; the options were summarized as follows:

18

19 • **Baseline Standards** are designed to specifically avoid preemption by State law and legal
20 challenges by oil and gas companies. This procedure would require a neighborhood
21 meeting and approval by the Planning Commission at a fully noticed public hearing, at
22 which time the Planning Commission could approve the permit, approve the permit with
23 conditions or deny the permit. The decision of the Planning Commission could be
24 appealed to City Council by “any party of interest”, defined as the applicant, the
25 Development Services Department Director, two or more City Council members, any
26 person receiving mailed notice of the public hearing or any person who provided written
27 or verbal testimony at the Planning Commission public hearing.

28

29 • **Enhanced Standards** would involve an optional process designed to achieve higher
30 standards that might include greater setbacks from occupied buildings and other sensitive
31 features such as natural areas, parks, rivers, streams and wetlands; bufferyards; mitigation
32 of air quality impacts; water well and groundwater monitoring; the location of pipelines;
33 and noise mitigation.

34

35 He explained that compliance with these standards would be voluntary and that the
36 purpose is to create an incentive for an applicant to agree to comply with certain higher
37 standards than currently being applied by the Colorado Oil and Gas Conservation
38 Commission (the “Commission”). Mr. George stated that this option represents the more
39 desired procedure and that it would be considered a more expedited process.

1 **Mr. George** presented a map outlining potential areas for future oil and gas wellhead
2 locations and commented the map will be updated due to the most recent setback ruling.
3

4 **Commissioner Ray** asked if the general content of the regulations would change after
5 the study session and questioned if there would be voluntary air quality monitoring and
6 if that would create an issue with the potential operators.
7

8 **Mr. George** stated that depending on what is heard at the public hearing, the content of
9 the regulations may change. He stated that he believed that the voluntary air quality
10 monitoring may be an issue and commented staff has been collaborating with Anadarko
11 Oil Company's legal department to discuss and review the City's enhanced regulations.
12 He further stated that the enhanced regulations will only work if an oil company will
13 agree to follow them.
14

15 **Commissioner Ray** questioned how funding for personnel and/or equipment would be
16 managed.
17

18 **Mr. George** stated that costs may be funded under Capital Expansion fees and it would
19 depend on what regulations were adopted and of how inspections on air quality issues
20 might be handled. He stated that setback requirements are very complicated and that he
21 was not prepared to discuss setback requirements at this time. He spoke of open pit
22 drilling stating there are very few locations that might be available for that type of
23 drilling but none of those would be in the City limits.
24

25 **Commissioner Ray** asked if Mr. George thought the City Council would expect the
26 Planning Commission to look at existing regulations as it pertains to new development
27 relevant to well heads in certain areas. He stated it was not the Planning Commission's
28 duty to do so when reviewing development plans, unless directed by City Council to do
29 so.
30

31 **Mr. George** commented that it was likely that the Planning Commission would be
32 asked in the future to consider building setbacks for existing and abandoned oil wells.
33

34 **Mr. George** concluded his remarks, thanking the Planning Commission for their
35 interest and indicating that he would be presenting a complete proposal for the
36 regulation of oil and gas development within the City at the January 28th Planning
37 Commission hearing. He indicated that the staff report would be provided to the
38 Commission a week prior to the hearing due to the complexity of the matter.
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1 2. **Comprehensive Plan Future Land Use Plan Amendment.**

2 This is a public hearing to consider an amendment to the City of Loveland Future Land Use Plan.
3 The amendment proposes to change the land use designation of the property west of I-25, north
4 of County Road 60, and east of County Road 7. Currently, the land use designation for this
5 property on the Future Land Use Plan is DR – Development Reserve. This amendment proposes
6 to change the DR designation to a combination of RAC – Regional Activity Center and E –
7 Employment. These proposed land use designations foresee a mix of commercial, employment
8 and residential uses typical for an area located adjacent to I-25. The land area subject to the
9 proposed amendment is currently within both the Town of Johnstown and City of Loveland
10 Growth Management Areas. This amendment is being proposed by City staff as part of a larger
11 strategy to resolve GMA conflicts between the Town of Johnstown and City of Loveland. The
12 proposed land use designations for the City of Loveland Future Land Use Plan would align with
13 those currently shown on the Town of Johnstown Comprehensive Plan.

14
15 **Karl Barton, Community and Strategic Planning**, gave a staff presentation on the future land
16 use plan amendment and outlined the location of the proposed amendment in the southeast
17 portion of the City's growth management area. He reported that the City of Loveland and the
18 Town of Johnstown have been working cooperatively over the past year on the issues of
19 annexation and growth management, specifically in the areas where their growth management
20 areas overlap.

21
22 **Mr. Barton** stated part of the strategy is to craft a future intergovernmental agreement between
23 the two municipalities establishing procedures for annexing land within the overlap area and
24 pursuing other cooperative planning opportunities. He stated this strategy would then lay the
25 ground work for the two municipalities to collaborate in the development of a corridor plan for
26 State Highway 402. He stated that property owners would benefit from being located in a growth
27 management area.

28
29 **Mr. Barton** responded to questions and clarified the RAC land use designation in that area
30 around the Hwy. 402 and I-25 interchange is being proposed because of its flexibility and
31 believed that is was appropriate for the location. He stated this land use designation pattern is
32 similar to the pattern seen in the area that has developed as the Centerra commercial area.

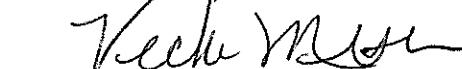
33
34 *Commissioner Dowding made a motion to adopt Resolution 13-01 of the Planning
35 Commission of The City of Loveland Recommending Amendment of The Land Use Map Set
36 Forth in Section 4.7 of The City of Loveland 2005 Comprehensive Master Plan. Upon a
37 second by Commissioner Ray the motion was unanimously adopted.*

1 **ADJOURNMENT**

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3 *Commissioner Ray made motion to adjourn. Upon a second by Commissioner Cescibene the*
4 *motion was unanimously adopted.*

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6 Rich Middleton, Vice Chair

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8 Vicki Mesa, Secretary