

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**July 22, 2013**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on July 22, 2013 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Molloy, Dowding, Crescibene, Krenning, and Prior. Members absent: Commissioner Ray. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy 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 MATTERS**

1. **Bob Paulsen, Current Planning Manager**, informed the Commission that there are items scheduled for the 08/12/13 Planning Commission meeting, including approval of the 7/22/13 meeting minutes, and a public hearing for the Giuliano PDP amendment.

**COMMITTEE REPORTS**

1. **Chair Meyers** gave an update on the last Title 18 committee meeting and shared that the committee reviewed the Oil and Gas amendment to be presented to the Commission at tonight's meeting. Other items that were discussed include a weed control ordinance, and the development review process. **Commissioner Molloy** added that there was good discussion regarding the goals of the Title 18 committee, which included a review of the committee's mission statement, and what accomplishments have been achieved in the previous years.

**COMMISSIONER COMMENTS**

1. **Commissioner Krenning** shared his plans to run for City Council, Ward I, in the upcoming November election. He apologized to the Commission for not notifying them of his plans earlier, and explained that the news was leaked out before he could do so. He stated that he feels that the Planning Commission is an apolitical body, and said that he planned to keep it apolitical in the future. He welcomed fellow Commissioners to approach him with any concerns should they arise during his bid for election.
2. **Commissioner Crescibene** expressed his gratitude for the work that city staff put into creating the oil and gas code amendment. He expressed that work being done by the Current Planning department has been done for the good of the community.
3. **Commissioner Dowding** stated that she is also considering a bid for City Council. She explained she wanted to do the best that she can for the community and the City of Loveland. She shared that if she did decide to pursue a City Council seat, she would avoid any conflict in Planning Commission decisions.

4. **Commissioner Crescibene** provided a brief ZBA update and explained there had only been one meeting since the last update. He explained the Zoning Board approved the reconstruction of a garage on E. 4<sup>th</sup> Street that replaced an old garage that was dilapidated. He continued that it was a cut and dry approval that allowed for a 2 foot setback to the applicant. **Mr. Paulsen** assured that materials from the meeting would be given to the Commissioners at the next Planning Commission meeting. He shared there is another ZBA meeting scheduled for 8/12/13, and results from that meeting would be shared after the appeal period expires.
5. **Chair Meyers** shared that both **Commissioners Krenning and Dowding** are dedicated public servants to the city, and didn't expect any problems, concerns, or issues, with their plans to run for City Council.

### **APPROVAL OF THE MINUTES**

**Chair Meyers** asked for a motion to approve the minutes from the 07/08/13 Planning Commission meeting. **Commissioner Middleton** moved to approve the minutes. Upon a second by **Commissioner Dowding**, the meeting minutes were approved five to two with **Commissioners Molloy and Prior** abstaining since they were absent from the 07/08/13 Planning Commission meeting.

### **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. Marianna Butte 25th**

**Applicant Mr. Jess Rodriguez** has submitted a written request for a two-year extension of the Preliminary Plat and Preliminary Development Plan for the Mariana Butte 25<sup>th</sup> Subdivision (Mountain Gate). **Mr. Rodriguez** is the owner and potential developer of the 34-acre property generally located at the northwest corner of W. 1<sup>st</sup> Street and Namaqua Avenue. In February of 2012, the Preliminary Plat was approved by the city for 51 lots (46 paired single-family units and 5 detached single-family units). **Chair Meyers** questioned if there were any Commissioners who wished to move this item from the consent agenda to the regular agenda. **Mr. Krenning** made a motion to approve the item on the consent agenda. Upon a second from **Mr. Middleton** the consent agenda was unanimously approved.

## **REGULAR AGENDA**

### **2. King of Glory**

This is a public hearing concerning the annexation and zoning of a 4.28 acre parcel owned by the King of Glory Lutheran Church located at the northwest corner of N. Wilson Avenue and W. 29<sup>th</sup> Street. The property would be annexed and zoned to facilitate future development/redevelopment of the existing church facility. No development/redevelopment is being proposed in conjunction with the annexation. The hearing is to consider the following items:

- A legislative action for annexation of 4.28 acres; and
- A quasi-judicial action for zoning the property to R1-Developing Low Density Residential District.

Staff believes that all key issues have been resolved on city Codes and standards. The King of Glory Addition is a property that is becoming more and more surrounded by the city's municipal boundaries in northwest Loveland as a result of recent annexations that have included the Fire Station 2, and Mehaffey Park. The property is in the city's Growth Management Area (GMA), and is currently served by city water and sewer.

**Mr. Molloy** recused himself from this agenda item discussion and left the dais.

**Troy Bliss, City Planner II**, addressed the Commission and explained that the King of Glory Church is one of the more recognizable landmarks outside of city limits and was built in the 1970's. If the annexation is approved, it would be designated as R1-LDR; Low Density Residential. It should be noted that churches are permitted by right in the R1-LDR zone. Previous annexation requests were never followed through to completion; however, there were agreements to allow for city water and city sewer. **Mr. Bliss** shared that King of Glory has always had the intent and desire to follow through with annexation. City staff has conducted a thorough review and also held a neighborhood meeting to address any possible citizen concerns. The most common feedback at the neighborhood meeting was the belief by members of the community that King of Glory already resided within city limits. To date, city staff has not received any negative feedback regarding this annexation request.

**Mr. Bliss** shared that certain elements are not in compliance with code, including the King of Glory building height. The worship building is currently 65 feet in height, which is well beyond the height restrictions of the R1 zoning code. Any future proposals to increase building height on either new or existing buildings would require the applicant to follow the variance process. There is also an existing wireless communication facility on the property. Any future expansion of the facility would require a special review. Finally, there are landscaping elements on the current site that are not in compliance with city standards, including a lack of landscape buffers, and interior parking lot landscaping. These issues would be addressed as conditions if the annexation is approved. There is no development/redevelopment being proposed with the annexation request, however there is the anticipation of erecting columbarium/memoria walls upon annexation. Staff is recommending approval of the annexation and zoning, with conditions.

**Mr. Darell Zimbelman**, representative of the King of Glory Church, thanked the Commission for the opportunity to address plans for annexation. He stated that the church members felt there was a great amount of growth in the area around the property, and one of the goals of the church is to be a greater resource for the community it resides in. King of Glory currently offers several neighborhood services, including a community garden which benefits Habitat for Humanity. **Mr. Zimbleman** stated the congregations desire to become part of the Loveland community.

**Mr. Middleton** thanked **Mr. Zimbleman** for his comments. He asked if he was aware of the nine conditions included in the annexation agreement. **Mr. Zimbleman** replied that the congregation was aware of the conditions, and had voted unanimously to move forward with the annexation request. **Chair Meyers** asked that the record show that the applicant accepts all conditions.

**Chair Meyers** opened the meeting to public comment. Given that there were no public comments, the public hearing was closed.

**Mr. Middleton** stated that he was in full support of the annexation agreement and indicated he would be voting in favor of its approval. He moved to make a motion to make the findings listed in section VIII of the Planning Commission staff report, dated July 22, 2012 and, based on those findings, recommend that City Council approve the King of Glory Addition, subject to conditions, as amended on the record, and zone the addition R1-Developing Low Density Residential.

Prior to the vote, **Mr. Krenning** questioned why R1 zoning was chosen. **Mr. Bliss** explained that R1 was chosen to align the zoning with the land use designation of the Comprehensive Plan. **Mr. Krenning** wondered what zoning would be most appropriate if King of Glory wished to exceed allowable height standards in future expansions. **Mr. Bliss** stated that commercial zoning does allow for greater height allowance, however even in commercial zones, 65 feet exceeds city height limits.

**Chair Meyers** asked for a second to the motion. Upon a second from **Ms. Dowding** the motion is passed unanimously.

### 3. Oil and Gas Development Code Amendment

This is a public hearing to consider an ordinance amending Chapter 18.77 and 18.78 of the city of Loveland Municipal Code.

**Commissioner Massaro** addressed his fellow Commissioners and stated that his wife has been involved with "Protect our Loveland" group, and asked if anyone felt this created a conflict of interest with him participating in the discussion. **Chair Meyers** responded that given the nature of the amendment, he felt there was not a conflict of interest. **Judy Schmidt, Deputy City Attorney**, concurred and explained that this amendment does not represent a personal interest and would not create a conflict of interest.

**Greg George, Director of Development Services**, addressed the Commission and stated that he had taken the proposed amendments to the Title 18 Committee and explained there was some confusion as to the difference between Chapters 18.77 and 18.78. He wanted to clarify

that Chapter 18.77 does one thing; it regulates oil and gas development as it occurs within the city limits. Setbacks have been established, and a two-step process has been created in order for developers to get a permit from the city. Chapter 18.77 establishes regulations on new oil and gas development. By contrast, Chapter 18.78 establishes regulation on new land development, including new residential subdivisions and industrial commercial development, when that development is within close proximity to an existing oil and gas facility. The purpose of the two chapters is entirely different as they regulate two different issues.

**Mr. George** went on to explain the amendments addressed technical, procedural amendments to Chapter 18.77, regulating the location and mitigation measures required for new oil and gas facilities. He asked the Commissioners to refer to the copy of the proposed ordinance amendments and explained he would share on which pages the various changes were made. Starting on page 6, **Mr. George** explained that a definition of a high occupancy building was included. The definition was moved from section 18.77.065 to the definition section of the code, as it was a more appropriate placement; however, the definition itself was unchanged.

Turning to page 7, **Mr. George** shared that the definition of an oil and gas facility in the existing code did not provide easy means of measuring or determining the edge of an oil and gas facility. For purposes of measuring a setback, a well-defined starting point must be identified. The expanded definition is consistent with the oil and gas commission definition. This allowed for a starting point to measure from. Depending on the configuration of where the equipment is located, the shape of the oil and gas facility may change; however, it does provide a mechanism for measurement. It differs on how the oil and gas commission measures the location of an oil and gas facility; the oil and gas commission measures from the center of the facility, or the center of the wellhead itself. **Mr. George** stated he believes the new definition improves upon the oil and gas commission definition.

**Mr. George** added that also on page 7, there is a provision in the setback in the overlay zoning part of the ordinance, which does not allow outdoor assembly areas within the restricted zone. It initially indicated that backyards of residential buildings would not be included, but was later removed because it was considered to be a redundant statement. Outdoor assembly areas are not allowed in the restricted areas. Any portion of a residential lot would not be allowed in a restricted zone. The definition of a setback, located on page 8, was removed because the definition of a setback is used for enhanced standards. It is located in a different section of the code for the baseline standards of a setback. It states that the operator only needs to comply with setbacks established by the oil and gas commission, which is how the baseline standards were preempted. The current definition can be found in 18.77.065 of the proposed amendment.

**Mr. George** continued, addressing pages 13 and 14. He explained that in the section addressing the Appeal of Director's Decision, procedural clarifications were made by **John Duval, City Attorney**, who wanted to make clear who has standing to appeal the decision of the director. Any appeal to the director's decision would need to be made through Larimer County District Court. He also clarified who would get notice of any decision made by the director.

**Mr. George** went on to address setback requirements for oil and gas development in sensitive areas, found on page 23, indicating that the proposed definition of setbacks includes methods for measuring both the beginning point as part of the oil and gas facility itself and which portion of a sensitive area that is measured to. **Mr. George** explained he felt it was easier to clarify the setback requirements by using a table rather than the narrative description located in the current ordinance. The setbacks for the enhanced standards have not changed but do contain better definitions for measurement requirements.

**Mr. George** then moved onto Chapter 18.78. He referred the Commission to a diagram which illustrated the overlay zones and how they work. The diagram showed an example of an oil and gas facility. It was communicated that if an oil and gas company goes through the baseline standards, it requires a Planning Commission hearing process. The setback is measured to the nearest property line as 200 feet to the closest well head. Under city's enhanced standards; it is measured from the edge of the oil and gas facility, 200 feet to what is referred to as the critical zone.

**Mr. George** explained the overlay zones, indicating that there are three zones represented in the diagram; the critical zone, the restricted zone, and the high occupancy building zone. The goal of 18.78 is to create overlay zones that change the uses allowed by property owners. As it stands today, all three of the proposed overlay zones are absolutely restricted as open space areas, also referred to as "no build areas", and a 1000 foot radius around the oil and gas facility would create a 72 acre no build zone. As **Mr. George** explained, this area makes it very difficult to work within an urban setting during efforts to develop urban uses. To remedy the restriction, **Development Services** determined appropriate uses for these zones could include heavy industrial and certain types of industrial uses, which would be compatible with an oil and gas facility site, particularly after it's under production. It should be noted, **Mr. George** indicated that a permit can be issued by the oil and gas commission as well as the city, allowing permission to reenter the oil and gas facility; it could create additional heavy industrial activity. In Chapter 18.78, there are listed uses that would be allowed in the restricted zone that could be compatible to an oil and gas facility, but would require a Special Review. Special Review is the process used to determine if the use is compatible with the oil and gas facility and other uses in the vicinity. City reserves the right to deny the application if it is determined the use is not compatible at a site. Additional limitations for the uses listed in the proposed amendment states that no building or parking lot would be permitted within the restricted zone. High occupancy buildings, such as a hospital or library, would still be required to be outside of the 1000 foot radius.

**Mr. Duval** addressed the commission and explained that city staff discovered two changes that needed be made on page 34 to the definitions. It needed to be clarified that "critical zone" shall mean all land and water surface area less than 200 feet from an oil and gas facility, and "high occupancy building zone" shall mean all land and water surface area less than 1000 feet from an oil and gas facility. "Restricted zone" shall mean all land and water surface 500 feet or less from an oil and gas facility.

**Commissioner Krenning** questioned **Mr. Duval** as to why city staff did not use the "Rule of Seven" approved by the Supreme Court, meant for use in ease of calendaring. He asked if any consideration was given to the use this metric. **Mr. Duval** responded that it was not considered and felt that reasonable timelines were included which would work well internally for the City of Loveland.

**Commissioner Massaro** asked for clarification about the “restricted zone”. He stated that the proposed amendment would allow for uses such as an airport or helicopter port in the restricted zone, however he questioned how that could happen if a building or parking lot are not permitted. **Mr. George** responded that it could be used as a runway with open space, but stressed such a use would require Special Review approval. The goal, as **Mr. George** explained, is to allow as many buildings as appropriate to establish reasonable uses in the overlay zones. **Mr. Massaro** restated his concern about the wording in the ordinance in relation to the restricted zone. He asked if there was an existing building within the ‘restricted zone’, could an oil and gas well be placed within the proposed overlay zone. **Mr. George** clarified that existing setback requirements as they apply today would be enforced for existing developments and open space areas.

**Commissioner Dowding** stated she had concerns regarding the 18.77.060 section of the proposed amendment. She questioned if 18.78 complied with COG regulations. **Mr. George** stated that 18.78 does not regulate oil and gas development and, therefore, does not interfere with COG regulations.

**Commissioner Dowding** pointed out that on page one; under the sixth “Whereas”, it states that the city will not enact anything that is in “operational conflict” with state law. **Mr. Duval** explained that the “Whereas” clause regarding operational conflict is a legal clause the court has used when a city regulation is in conflict with a state regulation in terms of the location and permitting of oil and gas facilities. However, Chapter 18.78 is not a regulation imposed on the oil and gas operators; rather, Chapter 18.78 is a regulation that is imposed on developers that outlines the standard that will need to be met when they submit plans for subdivision or PUD’s, for example. **Commissioner Dowding** suggested that putting the word “existing” in the title would help clarify its intent. **Mr. Duval** agreed to the suggestion and said he would take it under consideration. **Commissioner Dowding** asked why city staff went to great trouble in 18.77 to create the beautiful table which made it very clear to understand, but in 18.78 it is all verbiage but no table. **Mr. Duval** agreed to take that recommendation under consideration as well. **Ms. Schmidt** suggested that using the phrase “permitted oil and gas facilities” for better clarification.

**Commissioner Crescibene** asked about 18.77, specifically page 20 of the proposed amendment, referring to chemical spills, water supplies, and hauling. He said that nowhere in 18.77 does it refer to the disclosure of what the chemicals being used by oil and gas operators are, nor does it refer to water testing requirements. **Mr. George** pointed out that on page 15, under paragraph I, COG requires that all operators shall provide the Loveland Fire Rescue Authority, in hard copy or electronic format, the operator’s chemical disclosure form. It was also pointed out that there is a provision for COG to test water baseline in accordance with oil and gas regulations. **Mr. George** made it clear that if the City of Loveland attempted to strengthen these provisions they would be preempted. He also stated that it was unlikely that city would create its own water sampling criteria or revisit how the COG regulations are working. The goal was to create an ordinance that would allow reasonable land uses on property in the vicinity of an existing oil and gas facility.

**Mr. Crescibene** indicated that he believes that the baseline standards should be addressed and explained, and that is one of the more pressing issues surrounding oil and gas development. He would like full disclosure of what chemicals are being used in the process of hydraulic

fracturing. **Mr. Duval** explained that when creating the enhanced standards, they avoided including strict requirements because city staff felt it increased the likelihood of oil and gas developers participating in the process. Otherwise they might elect using the baseline standards and landowners would be left without options to develop property with existing oil and gas wells. **Mr. Crescibene** added that if he owned a well within 1000 feet of a fracking distribution point, he would have the water tested very frequently. **Mr. Duval** reiterated that city staff has not gotten direction from City Council to pursue those concerns.

**Commissioner Middleton** stated that he felt the topic of discussion related to oil and gas development has been a mess, and has been since day one. He commended city staff for their efforts on the proposed amendments, but echoed concerns regarding oil and gas development. He questioned why a disinterested third party could not do air and water quality testing at fracking sites, at the expense of oil and gas developers. **Mr. George** responded that city staff has been given a statement of direction from City Council regarding the oil and gas ordinance, but if in the future city staff was directed by City Council to further explore air and water quality standards, they would be happy to do so.

**Mr. Krenning** interjected that he felt the purpose of the meeting was to discuss the minor adjustments to the existing ordinance. The policy debate that is ongoing surrounding oil and gas development should be left to the City Council. **Mr. Middleton** disagreed and stated that the Commission is being asked to approve an ordinance. **Chair Meyers** pointed out that the ordinance is already approved and the Commission is only being asked to make redline changes.

**Commissioner Molloy** asked what the permit requirements were for capped wells in the vicinity of housing developments. **Mr. George** explained that a permit could be granted by the oil and gas commission, however, if the oil developer goes through the city's enhanced standards and the proposed location of the well does not comply with the enhanced standards for setbacks, they would not get the permit because certain setbacks are absolute. The operator would have to go through the Planning Commission review process where the COGCC setback rules apply.

**Mr. Molloy** stated he had concerns about the variances and Director's decisions. He used Greeley as an example, and explained that they recently made the decision to allow oil and gas developments in neighborhoods and felt that decision was a travesty. He wanted to make a suggestion that when it came to a Director's decision, written notification should be not only sent within the notification area, but also to individuals who attend neighborhood meetings and provide in writing their desire to be notified. **Mr. Krenning** expressed doubt that participation in a neighborhood meeting would grant a non-city resident standing in any Director decision appeal, and felt it would be a burden to city staff to do so. **Mr. Molloy** clarified the burden would fall to the applicant and not city staff. **Mr. Duval** responded that as the ordinance is written today, only people within the written notification area, which is currently any resident within 2200 feet, would be notified of decisions. **Chair Meyers** commented he felt such a requirement would create a process nightmare. **Mr. Duval** clarified that "parties of interest" who wish to appeal a director decision are only those who are included in the written notification area. He pointed out that Council Members and Planning Commissioners are also able to appeal decisions.

**Mr. George** stated his desire for the Commission to recommend approval of the proposed ordinance amendment to City Council. He stated that the Commission had the option, if it felt inclined to do so, to pass a motion with majority approval, to make comments to the Council about difficulties with the existing ordinance.

**Chair Meyers** opened up the meeting to Public Hearing and invited members of the audience to make comments. He asked that comments be kept to the issue at hand, which is recommendation of approval of the proposed ordinances.

**Ms. Kim Orr, PO Box 2045, Loveland CO**, addressed the commission and asked if it would be possible that in the ordinances for the developers, a requirement could be included for them to test water and air quality for contamination in existing well sites prior to further development.

**Ms. Sue Mullins, 4785 Hahn's Peak Dr. #203, Loveland, CO** wanted to share with the Commission what she considered to be their charge. After listening to the discussion, she said she appreciated **Mr. Molloy's** comments. She feels anyone who lives in the City of Loveland should have standing in this issue. She believes the Commission takes its charge seriously. She believes the Commission is responsible for the health and welfare of city citizens. She commented that having only appeal powers to the Larimer County District Court was a very high burden to place on concerned citizens. She wanted to share that she has listened to concerned citizens of Loveland and wanted to pass that concern on to the Commission. She asked the Commission to remember who they represent.

**Ms. Carla Massaro, 4250 Tarryall Ct, Loveland, CO**, stated she wanted to reiterate her appreciation for all the Commissioners hard work and concern that they have displayed for the citizens of Loveland. She doesn't feel that the City Council has the same concern. She would like to believe experience in the field should carry more weight than just opinion. **Chair Meyers** asked if **Ms. Massaro** could please redirect the discussion to focus on the two amendments to the current ordinance. **Ms. Massaro** stressed the importance of listening to professional opinions and applauded the Commission for their concern regarding air and water quality at fracking sites and thanked them for their hard work.

**Chair Meyers** closed the Public Hearing.

**Mr. George** addressed concerns raised by citizens and explained that the purpose of the proposed amendments was to lessen the burden of property owners within the vicinity of oil and gas facilities by increasing available opportunities for development. He stated the city did not feel it was reasonable to require land developers to conduct air and water quality test prior to development activities.

In response to concerns regarding citizen appeal rights only at the Larimer County District Court, **Mr. Duval** responded that this is a process that's been in place for a long time and also applies to any quasi-judicial City Council decisions.

**Chair Meyers** continued the discussion regarding who should have standing in neighborhood meetings. **Mr. Krenning** replied that he didn't support the concept of granting citizens standing who aren't directly impacted by oil and gas development. He continued that he felt that it was important to keep the focus of the meeting on the proposed amendments. He stated

that he has provided close attention on the issue of fracking because it is controversial, serious, and a hot topic item. **Mr. Krenning** noted that he recently read an article published in the Denver Post regarding a study done by the Department of Energy along with a group of private scientists. **Mr. Krenning** stated that the study concluded that there has been zero ground water contamination due to oil well drilling and fracking. He stated that he is open to any scientific data that would prove otherwise, but to date he has not seen any information that supports fracking contaminates ground water. He reiterated the importance of focusing on the proposed amendments and did not want the Commission to be bogged down in another discussion regarding the controversy surrounding fracking. He made a motion to recommend that City Council adopt the proposed amendments to Chapter 18.77 and 18.78 of the Loveland municipal code. Upon a second by **Ms. Dowding** the discussion continued.

**Mr. Molloy** stated that he felt the Planning Commissions has a responsibility to ensure that projects being developed within the city not have any negative consequences to the city or its citizens. He reiterated his suggestion to expand the requirement to notify citizens of a Director's decision not only within the current notification area, but also to individuals who attend neighborhood meetings. He pointed out that heavily industrialized projects could impact more than just the citizens in the written notification area.

**Mr. Massaro** commented that he disagreed with the statements made suggesting ground water has not been contaminated by fracking. He stated that on the COGCC website that there are over 200 incidents in Weld County alone of documented ground water contamination from the oil and gas industry. He pointed out that contaminated ground water is very difficult to clean-up. **Mr. Massaro** continued that in the entire State of Colorado there is a spill per day, and 43% of those spills contaminate ground water. In regards to expanding the mailing list, he agreed that the notification area be as wide as possible, however, he felt it would create a burden by allowing out of area citizens to be notified and wanted to take more time to consider the issue.

**Commissioner Prior** agreed with **Mr. Molloy** regarding citizen notification but felt that Director decisions should be limited to citizens within city limits, but only in cases when the impact would be city wide. He stated that he has a background in water engineering, and agreed that there is no proven evidence of water contamination from fracking. He explained that the data provided by the COGCC does not point to evidence of contaminated ground water and felt the confusion regarding the data should be resolved at a later time.

**Ms. Dowding** commented that the Commission originally addressed the issue of notification by doubling the mail notice area to 2,200 feet at a prior meeting. She concluded that the issue has been sufficiently addressed. She suggested that if the issue needed further discussion it should be hashed out at a Title 18 Committee meeting.

**Commission Middleton** asked for a vote on the motion before the Commission. The motion passed 7-1 with **Commissioner Middleton** voting nay.

**ADJOURNMENT**

**Commissioner Middleton** made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted and the meeting was adjourned.

Approved by:



Buddy Meyers, Planning Commission Chairman



Kimber Kreutzer, Planning Commission Secretary