



Commerce City

7887 E. 60th Ave.
Commerce City, CO 80022
c3gov.com

Meeting Minutes - Final

Planning Commission

Tuesday, January 5, 2021

6:00 PM

Meeting via Zoom

This meeting will be conducted electronically via Zoom. There will be no physical meeting. The public can access this meeting through the Zoom platform via the internet or phone for public input/testimony or as a witness; pre-registration is required through www.c3gov.com/PC, by contacting staff at 303.289.3679, or aullom@c3gov.com. For more information, visit <http://www.c3gov.com/government/city-council/virtual-meetings>. The meeting will also be live on Channel 8 and c3gov.com/video.

Call to Order

Chairman Popiel called the meeting to order at 6:04 p.m.

Roll Call

Alexa Ullom called roll. All present affirmed.

Present 5 - Vice Chair Andrew Amador, Commissioner David Yost, Commissioner Dennis Cammack, Chair Jonathan Popiel, and Commissioner Jordan Ingram

Staff in attendance:

Jason Rogers, Community Development Director
Matt Hader, Deputy City Attorney
Steve Timms, Planning Manager
Domenic Martinelli, Planner
Jamie Rice, Planner
Tricia Mason, Community Development Manager
Alexa Ullom, Administrative Specialist
Matt Sura, Special City Counsel for Oil and Gas
And alternate board member Steve Douglas

Approval of Minutes:

[Min 21-01](#)

December 1, 2020 Minutes

Attachments: [December 1, 2020 Draft Minutes](#)

A motion was made by Commissioner Cammack, seconded by Commissioner Ingram, that these minutes be approved. VOTE:

Ayes: 5 - Vice Chair Amador, Commissioner Yost, Commissioner Cammack, Chair Popiel and Commissioner Ingram

Action Items:

[Pres 21-09](#)

ORD 2266: An ordinance to amend various sections of the Article III of the City's Land Development Code (LDC), modify section 21-5266, and establish a new section 21-6280, as it pertains to subsurface extraction operations in the city. Staff is also requesting to establish a supplemental Best Management Practices Document to apply to all Oil and Gas Facilities.

Attachments:

[Staff Report PC](#)

[Timeline & Overview of Changes – Oil and Gas LDC Updates from November 2019 to January 2021](#)
[Resources - Publications Reviewed](#)

[Ordinance 2266](#)

[Existing Ordinance 2266- Redlines](#)

[PC Presentation ORD 2266](#)

[Submitted Comments: HBA of Metro Denver](#)

[Submitted Comments: Oakwood Homes and Fulenwider](#)

[Submitted Comments: MAP Reunion Ridge](#)

[Submitted Comments: MAP Oil and Gas Offsets](#)

Matt Hader, Deputy City Attorney, introduced the ordinance and introduced staff presenting the ordinance.

Domenic Martinelli, Planner, introduced Matt Sura, Special City Counsel for Oil and Gas, and together presented the ordinance. The planner stated the DRT recommendation.

Commission discussed definitions of setback, reverse setback, and soft/hard setbacks. Commission also discussed setback measurements and point of setbacks, Rocky Mountain Arsenal, and potential committees to monitor Best Practice Management. Further discussion included code language, Adams Unincorporated parcels and annexation processes, how the revisions to the LDC may affect current oil and gas project sites and future residential projects, and previous assessments of 1000' setbacks versus tiered setbacks. Commissioners discussed the list of chemicals prohibited in gas and oil production, and lapse period.

Seeing no further discussion, Chairman Popiel invited the public to speak.

Steve Douglas, 10970 Unity Pkwy, Commerce City, CO

Commission discussed concerns over Rocky Mountain Wildlife Arsenal, "forever" chemicals, economic developments and how drilling could affect this, and soft setbacks.

Jim Hayes, 4908 Tower Rd, Denver, CO

Commission discussed how many homes would be affected by such a large setback, vested property rights, private agreements that the City was involved in, previous approvals, tiered setbacks, and affordable housing.

Ferd Belz, 1125 15th St, Denver, CO

Commission discussed impact of Reunion Ridge from the revisions of the ordinance, and thanked the City for the great partnership with Reunion.

Blake Fullenwider,

Commission discussed the support of updates of regulations except for the 1000' reverse setback and how the setback would impact current approved plans.

Ronna Sanchez, 10680 Wako St, Commerce City, CO

Commission discussed the penalty section of the LDC, reverse setbacks should be at a minimum of 1000' if not 2000' for safety, lighting concerns during evening hours, third party monitoring of air quality, and potential cumulative impacts.

Chairman Popiel acknowledged the written comments that were received. Seeing no further public comments, Chairman Popiel closed the public hearing portion of the meeting.

Commission discussed oil and gas in relation to residential zonings, setbacks, lighting, and if this will come to Planning Commission again.

Chairperson Popiel called for a motion.

Commissioner Cammack motioned to table Ordinance 2266 for a later date and to negotiate the setback, seconded by Commissioner Yost.

Commission discussed to instead amend the ordinance to adjust the setbacks and reverse setbacks.

VOTE:

5 No: Popiel, Amador, Cammack, Ingram, Yost

Motion has not passed.

Chairperson Popiel called for an alternative motion.

Commissioner Ingram motioned to recommend approval of Ordinance 2266 with the following modifications:

To amend section 21-6280 to add the items that were included in the July 2020 version and to allow the setback table VI-I to be included.

Seconded by Vice Chairman Amador.

Discussion included land included in the setback requirements, and other potential references to previous drafts of the ordinance.

Commission discussed amending the current motion along with continuing meeting at

a later date to write a letter to City Council in regards to the Commission's thoughts on the ordinance. The Commission designated Chairperson Popiel as the scribe for an initial draft prior to the study session.

Chairperson Popiel called for a motion to amend the previous motion.

Vice Chairperson Amador motioned to amend the previous motion that has been presented with the recommendation to modify the proposed Ordinance 21-6280 by striking subsection 1 from the current proposed ordinance and replacing it with the subsection 1 from March 2020 draft, and adding subsection 2 and Table VI-I to the current proposed ordinance; seconded by Commissioner Yost.

VOTE:

5 Yes: Popiel, Amador, Cammack, Ingram, Yost

Commission clarified wording of motion.

Chairperson Popiel called for a motion.

A motion was made by Vice Chairperson Amador:

I move that the Planning Commission recommend that City Council approve Ordinance #2266 with the following modifications:

To strike subsection 1 and replace it with subsection 1 from the March 10, 2020 draft and also to add paragraph 2 from the March 10, 2020 draft inclusive with Table VI-I from section 21-6280.

Seconded by Chairperson Popiel.

Ayes: 5 - Vice Chair Amador, Commissioner Yost, Commissioner Cammack, Chair Popiel and Commissioner Ingram

Board Business:

[Pres 21-20](#)

Comprehensive Plan Kick Off Meeting

Attachments: [CMP Memo to PC - Kickoff Meeting](#)

Jamie Rice stated that we are beginning process of Comprehensive Plan. This will be the first update of the Comprehensive Plan since 2010. Citizens and those interested are able to fill out a questionnaire on the website. January 25th at 6p.m. is the official kick off meeting and Planning Commission will receive an invite soon.

Attorney Business:

Commission decided the special meeting will be on January 14th at 4:30 p.m. and to send any comments to Chairman Popiel.

Staff Business:

Jason Rogers expressed his appreciation to the staff and Commission.

Adjournment

The meeting was adjourned at 9:08 p.m.