

Commerce City

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Meeting Minutes - Final

Tuesday, June 18, 2019

6:00 PM

Council Chambers

Planning Commission

Call to Order

Chairperson Popiel called the meeting to order at 6:08 p.m.

Pledge of Allegiance

The Pledge of Allegiance was recited.

Roll Call

Candice Alexander called roll.

Present: Chairperson Popiel, Vice-Chairperson Amador, Anderson, Yost, Ingram

Excused: Cammack, Jones

Approval of Minutes:

[Pres 19-336](#)

May 7, 2019 Minutes

Attachments: [5_May 7, 2019_Minutes](#)

Chairperson Popiel called for a vote.

*Commissioner Anderson made a motion to approve the May 7, 2019 meeting minutes.
Commissioner Ingram seconded the motion.*

4 Yes: Popiel, Amador, Anderson, Ingram

1 Abstained: Yost

Motion Passed.

Action Items:

[Pres 19-337](#)

ORD 2213: An ordinance to amend Article IX of the Land Development Code to establish an Oil and Gas Impact Fee.

Attachments: [Staff Report](#)
 [Presentation](#)
 [Oill & Gas Roadway Impact Study - Revised](#)
 [Proposed Sec 21-9260](#)

Deputy City Attorney Hader introduced the case and asked that the record reflect the file contained the relevant notification and publication information. Planner Martinelli introduced Mr. Elliot Sulsky, Principal Transportation Manager Planner with Felsburg Holt & Ullevig (FHU), and stated Mr. Sulsky would be reviewing the revised Oil and Gas Roadway Impact Study for the commission.

Mr. Sulsky addressed the commission and stated the City has had a road impact fee in effect for quite some time for typical land uses but does not have one for oil and gas. He stated there are two ways roadway needs are distinguished for oil and gas vs. other land uses. This includes impacts on roads, not just by the number of trips generated, but is also based on load of heavy trucks and road damage. The other difference is that much of the impact occurs during development phase vs. production.

Mr. Sulsky presented the revised version of the Oil and Gas Roadway Impact Study. The following items were covered in the presentation: Inventory of Existing Roadway, Trip Generation and Vehicle Types and Oil and Gas Activity, Oil & Gas Well/Pad Density Assumptions used for Analysis, Trip Generation Estimates for a 23-well pad, Fee Calculation Method by Improvement Type, Considerations for Impact Fee Schedule, Fee Range, Timeline and Next Steps. Mr. Sulsky pointed out that within the ordinance there will be a recommendation to have an "independent fee calculation" for City Consideration as well.

Planner Martinelli confirmed City Council Adoption meeting date is currently set for July 1, 2019. Planner Martinelli also stated that the Development Review Team did have opportunity to review the Oil and Gas Impact Fee Study and recommended approval. If enacted, the fee information will be within Section 21-9260 and a new section in Article IX will be created for the impact fee. Planner Martinelli then asked for any further comments/questions and recommendations.

The commission asked about rate figures, comparisons with other cities, city taxes on wells for road maintenance, impact fee vs. development fee, industry feedback, and who completed the study.

The meeting was opened to the public.

The meeting was closed to the public and there being no further discussion on the request, a motion was requested.

Commissioner Anderson made the following motion: "I move the Planning Commission recommend that City Council approve the proposed ordinance #2213 amending the Commerce City Land Development Code and enacting and authorizing the collection of an Oil and Gas Impact Fee." Vice Chairperson Amador seconded the motion.

The commission discussed amount of fees, new construction/reconstruction as it relates to the impact fees, inability to overlay concrete, maintaining levels of quality of roads, anticipated number of applications to be received, start of production timeline, and the possibility of refund of impact fees if development does not move forward.

In response to a question by the commission, Planner Martinelli explained that the City is currently working with Extraction Oil and Gas to form a Regional Operator Agreement. This agreement would specify items such as drilling times and when to expect activity. Before the agreement is fully executed, it would be open to a 21-day public comment period.

Chairperson Popiel called for a vote.

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

Motion Passed.

Board Business:**Staff Business:**

Deputy City Attorney Hader explained that after further review of distributing meeting packet agendas solely through a digital process, the subcommittee has decided to continue to provide hardcopy agenda packets in order to accommodate boards and commissions.

In response to a question by the commission, Planning Manager Timms explained that hardcopy agenda packets will be available for pick up in the Community Development department, and if not picked up by the commissioner before the meeting, the packet will be placed on the commissioner's desk the evening of the meeting.

Attorney Business:**Adjournment**

Chairperson Popiel adjourned the meeting at 6:45 p.m.