ELBERT COUNTY
Meeting Minutes
PLANNING COMMISSION HEARING
Elbert County BOCC Hearing Chambers
215 Comanche St., Kiowa, CO 80117
August 22, 2017 – 7 pm

Note: These meeting minutes are only a summary of the meeting. Duplication of the audio recording is available, for a fee, by contacting Community & Development Services.

The Planning Commission Meeting was called to order at 7:00 p.m. by Acting Chairman, Ron Turner; Chairman Daniel Rosales was not in attendance at this meeting.

PLEDGE OF ALLEGIANCE – Led by Dan Michalak

ROLL CALL

Commission members present: Brian Harris, Jim Keen, Dan Michalak, Bob Lewis, Justin Klassen, Ron Turner and Paula Wilderman

Staff present: Kyle Fenner, Director CDS; Tracey Aaron, Technical Coordinator CDS.

STAFF REPORT ON BOARD OF COUNTY COMMISSIONERS ACTION(S)

A. No items

CONSENT CALENDAR

A. Approval of meeting minutes for June 6, 2017 PC meeting;

Ron Turner and Paula Wilderman both recused themselves from this vote.

Bob Lewis made a motion to approve; the motion had a second with Jim Keen.
The meeting minutes from June 6, 2017 were approved with a vote of 5 in favor, two recused, two absent.

COMMUNITY INPUT:

A. No items

PUBLIC HEARINGS / WORKSHOPS

A. ELBERT COUNTY ZONING REGULATIONS AMENDMENTS

a. Part II, Section 17: Special Use by Review #32; to update the language in this sentence.

b. Part II, Section 25: To add four new definitions with regard to Oil and Gas activities, major facilities, minor facilities and activities requiring permits.

c. Part II, Section 27: Administrative Review and MOU Process for Minor Oil and Gas Operations and Related Facilities. To void the entire section to manage minor Oil/Gas applications in the Building Department.

Kyle Fenner explained to the Planning Commission that these changes were being proposed as a direct result of requests made to her by the BOCC. The BOCC requests to “simplify” the process of Oil and Gas projects/activities proposed in Elbert County. That request included moving minor facilities from the Planning Department to the Building Department. That meant that Part II, Section 27 of the ECZR was no longer necessary.

B. TO PERMANENTLY TABLE ITEMS CONTINUED FROM JUNE 6, 2017 PERTAINING TO “UNDEFINED PUDS” AND “XX PARCELS. These items will be addressed in the rewrite of the regulations or will be re-noticed following thorough legal review.

Kyle Fenner proceeded to give an overview of the items on the agenda for the evening; she gave explanation as to what the BOCC was expecting to accomplish with the changes they have requested in the above referenced sections of the Regulations, and she explained why it would be a relatively simple process to work together in order to
ensure the wording of these Regulations and Amendments would be correct and applicable for the outcome the BOCC hopes to see.

Paula Wilderman asked where the wording for the proposed changes came from; Kyle Fenner explained that the wording came from a few places; discussion with Commissioner Thayer, Weld and LaPlata Counties, Baseline Engineering Firm, different discussions and research with all of the above listed parties and a bit more.

Justin Klassen asks for clarification of what is trying to be accomplished; adding to the definitions or taking away? At this time there was mingled conversation regarding who (on the PC) has what information in their binders, what sections are contained, where items are located, and what items are being proposed to be added, removed, or rescinded.

Further conversation regarding the previous Director; Richard Miller, and what work he had completed with regard to changes and rewrites. Kyle Fenner stated that when she first began her career as CDS Director, Mr. Miller had been working on these Regulations. She proceeded to state that her first assignment as the newly appointed Director was to “throw it (Mr. Miller’s rewrites) in the trash and start over.” She explained to the PC that it was then she developed Section 27. There were a lot of components that she was trying to bring together and make work, including political views, statutes, regulations, opinions, and the like.

There was further discussion with regard to state statutes and how the state has become much more arduous in their regulation of the Oil and Gas industry than they used to be. This discussion included the points of having to define Major and Minor Oil and Gas applications within Elbert County; how the process will work moving forward, and what needs to be changed in the current Regulations to ensure clarity and ease of understanding while maintaining Regulatory compliance on both a County level and a State level. The general idea here was that the changing of these Regulations and removal of portions would not change the outcome of the process except to simplify it. No matter what, the State requirements are thorough and concise; this information is also housed online so there is no need for it to be housed within the County. There was discussion between Kyle Fenner and the Planning Commission of County Regulations that could “fly in the face of” State Regulations.

During the course of the meeting Kyle Fenner utilized a PowerPoint presentation that she had put together as a tool for all to follow along and determine the best way to word the Amendments to the Regulations while ensuring complete compliance with State Regulations and Guidelines.
This meeting was an open back and forth conversation among the Planning Commission members and staff. Some of the items discussed were where the County has authority over Oil and Gas applications; the answers to that were with regard to Road and Bridge issues and fire and safety issues. It was also discussed that Kyle Fenner is currently the “LGD,” and she will have to get together with Faith Mehrer in the near future in order to speak with her about the upcoming changes since the Minor applications for Oil and Gas would be moving to Building Department control. The County has limited authority to regulate Oil and Gas applications; most of the authority over these types of projects is done through the state.

After continued discussion between staff and the PC members decisions were made as to what changes would be made to the proposed Amendments. Ron Turner shared a concern with Kyle Fenner as to whether or not she felt “anything would be missed” in the period of time it would take for the PC to vote to recommend the changes and the BOCC would possibly approve the recommendations made. Kyle Fenner reassured him and the rest of the PC that there was nothing going on in the County at this time with Oil and Gas, and the proposed changes would not cause any issues prior to BOCC approval. At this time discussions were complete and the Planning Commission reached the point where Chair Ron Turner entertained a motion to begin voting on the proposed Amendments.

A. Roll Call vote on Amendment One, Part II, Section #17, Special Use by Review #32 Language Change; Motion made by Brian Harris, Second by Jim Keen; Vote Carried 7-0

B. Roll Call vote on Amendment Two, Part II, Section 25 Definitions; Motion made by Brian Harris, Second by Paula Wilderman; Vote Carried 7-0

C. Roll Call vote on Amendment Three, Part II, Section 27, Administrative Review and MOU Process for Minor Oil and Gas Operations and Related Facilities; Motion made by Bob Lewis, Second by Brian Harris; Vote Carried 7-0

D. Roll Call vote to Permanently Table Items Continued from June 6, 2017; pertaining to “Undefined PUDs” and “XX Parcels.” Motion made by Bob Lewis, Second by Jim Keen; Vote Carried 7-0.

FOR A COMPLETE RECORD OF THIS MEETING, THERE IS A RECORDING AVAILABLE THROUGH CDS FOR A SMALL FEE; ALL RECORD OF THIS AVAILABLE FOR PUBLIC VIEW AS WELL.
Meeting adjourned at 9:11 PM