

**TOWN OF ERIE
PLANNING COMMISSION MEETING
Wednesday, May 20, 2015**

SUBJECT: Consider proposed text amendments to Title 10 of the Town of Erie Municipal Code.

CODE REVIEW: Town of Erie Municipal Code, Title 10 (UDC)

DEPARTMENT: Community Development Department
R. Martin Ostholthoff, Director

PRESENTER: Barbara Green, Board of Trustees Special Counsel

ACTION REQUESTED: Consideration of Resolution No. P15-18, a Resolution recommending approval of proposed text amendments to Title 10 of the Town of Erie Municipal Code.

STAFF

RECOMMENDATION: n/a

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Per Board of Trustees direction, the Town's Special Counsel is proposing an amendment to Title 10 and has provided the proposed amendment attached to Resolution P15-18 as Exhibit A. The proposed amendment eliminates the Special Review Use and Site Plan procedures for mineral extraction (including oil/gas drilling) when an Operator Agreement has been entered into between an oil/gas well operator and the Board of Trustees.

The current process for mineral extraction requires an oil/gas operator to make Special Review Use and Site Plan applications to the Town for each well pad. Both of these applications require recommendations from the Planning Commission with the final decision by the Board of Trustees.

All other oil/gas drilling not identified in a Board approved Operator Agreement will continue on the current process which includes the Special Review Use and Site Plan applications identified above.

Barbara Green of Sullivan Green Seavy will present the proposed Code amendments to the Commission and be available to answer questions.

CODE AMENDMENT APPROVAL CRITERIA

The following are the approval criteria of Section 7.21.C.9, Amendments to the Text of the Code. The Planning Commission must make findings that support the approval of, or the denial of, the proposed Code amendment based on these criteria.

1. THE PROPOSED AMENDMENT WILL PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE;

2. THE PROPOSED AMENDMENT IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN AND THE STATED PURPOSES OF TITLE 10; AND
3. THE PROPOSED AMENDMENT IS NECESSARY OR DESIRABLE BECAUSE OF CHANGING CONDITIONS, NEW PLANNING CONCEPTS, OR OTHER SOCIAL OR ECONOMIC CONDITIONS.

Public Notice:

Public notice is not required for Title 10 amendments before the Planning Commission.

Approved by:



R. Martin Ostholthoff
Community Development Director

Attachments:

- A. Resolution P15-18

ATTACHMENT A

RESOLUTION NO. P15-18

A RESOLUTION RECOMMENDING APPROVAL OF TEXT AMENDMENTS TO TITLE 10 OF THE TOWN OF ERIE MUNICIPAL CODE.

WHEREAS, the Planning Commission of the Town of Erie, Colorado, has received and considered text amendments to the Title 10 of the Town of Erie Municipal Code, on Wednesday, May 26, 2015, on the application of the Community Development Department.

WHEREAS, The Town desires to amend Title 10 of the Town of Erie Municipal Code; and

WHEREAS, it is deemed to be in the best interest of the Town and for the benefit of the public health, safety and welfare of the residents of the Town of Erie for the Town of Erie to amend Title 10 of the Municipal Code.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF ERIE, COLORADO, as follows:

Section 1. Findings of Fact

1. The Planning Commission determined that the application meets the Approval Criteria as specified in Title 10 of the Municipal Code, Section 7.21.C.9. Specifically that;
 - a. The proposed amendment will promote the public health, safety, and general welfare;
 - b. The proposed amendment is consistent with the Town's Comprehensive Plan and the stated purposes of Title 10; and
 - c. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

Section 2. Conclusions

The application is in substantial compliance with Title 10 of the Municipal Code, Section 7.21 – Amendments to the Text of The Code.

Section 3. Recommendations and Conditions

The Planning Commission recommends approval of the text amendments to Title 10 of the Municipal Code, attached hereto as "Exhibit A."

INTRODUCED, READ, SIGNED AND APPROVED THIS 26th DAY OF MAY 2015.

TOWN OF ERIE, PLANNING COMMISSION

J. Eric Bottenhorn, Chair

ATTEST:

Hallie S. Sawyer, Secretary

Exhibit A

PROPOSED AMENDMENTS TO UDC

ADD TO Section 10.7.13 A NEW SECTION F

F. Operator Agreement

The Town may enter into an Operator Agreement with an oil and gas operator governing proposed mining and mineral extraction. In the event that such an Operator Agreement is approved by the Town Board of Trustees, such mining and mineral extraction is exempt from the requirement for Special Review Use approval under this Section 10.7.13, and from Site Plan review under Section 10.7.12, unless such Operator Agreement provides otherwise.

ADD TO DEFINITIONS

Operator Agreement.

An agreement between the Town and an oil and gas operator establishing Best Management Practices and/or other terms and conditions for Mining and Mineral Extraction.

Oil and Gas Operator. The individual or firm engaged in all or a portion of the extraction of oil and gas.

REVISE EXISTING DEFINITION

Mining and Mineral Extraction

The extraction of minerals, including **oil and gas and** solids like coal and other ores, from their natural occurrences on affected land.