

**TOWN OF MILLIKEN
PLANNING COMMISSION
MEETING HOUSE, 1201 BROAD STREET**

WEDNESDAY, OCTOBER 19, 2011 7:00 P.M.

MINUTES

The Planning Commission of Milliken convened into regular session on the 19th day of October, 2011 at 7:05 p.m. Those present were: Chairman Linda Measner, Vice-Chairman Tim Woodcock, Commissioners: James Anthony, Dave Bernhardt, Janet Carter, Jordan Jemiola, and David Watson. Also present: Community Development Director Steve House, Town Co-Clerk Betty Rangel and Building Official Ken Kidd.

Chairman Measner called the meeting to order and led the audience in the pledge of allegiance.

Agenda Approval

Agenda approved as presented.

Citizens Comments

There were none.

Minutes of Previous Meeting

September 7, 2011 minutes approved as distributed.

CONSENT AGENDA

No Items

ACTION AGENDA

1. Public Hearing on Use by Special Review Permit for Four (4) Gas Wells: Ehrlich PC 023-69-HAN, Ehrlich PC 023-67HN, Brandon PC 023-65HN, Sebastyen PC 023-63HN

Community Development Director Steve House explained that the applicant, Noble Energy, Inc., has requested approval of a Special Use Permit for four (4) gas wells. The wells are located in Section 23: NE ¼ & SW ¼, Township 4 North, Range 67 West and southwest of the intersection of WCR 44 and WCR 23 on the property owned by Lot Holdings Investments, LLC.

Vince Harris with Baseline Corporation, 700 12th St., Golden, Colorado, representing Noble Energy presented a power point presentation on the wells and sites.

The public hearing opened at 7:10 p.m.

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Discussion, comments, questions and concerns included the following;

- A concern on the drilling formation, and location of the well sites.
- An inquiry if there should have been two (2) Use by Special review applications filed due to the well site locations instead of one.
- There was a concern in regard to the gravel road and the dust issue that could be created for the residents along the gravel road.
- There was an inquiry as to the process in case of the noise and complaints.

Erich Green, 700 12th Street, Golden representing Baseline Corporation referred to the Project Review Comments letter from Lamp Rynearson Engineers. He said he is currently working with Director House on addressing their comments in regard to the Special Use Permit Application.

The public hearing closed at 7:30 p.m.

Commissioner Carter moved the Use by Special Review for gas wells known as Ehrlich PC 023-69HN, Ehrlich PC 023-67HN, Brandon PC 023-65HN, and Sebastyen PC 023-63HN be approved. Commissioner Woodcock seconded the motion.

Discussion: Commissioner Woodcock referred to the letter from Lamp Rynearson Engineers and requested to add the condition their comments be addressed. Director House requested to add the conditions of the dust control and that bales are installed to mitigate off-site noise in case of complaints from residents.

Friendly amendments to the motion include the following;

1. The comments from the Town's engineering consultant in his memo dated September 5, 2011, items #1 through #3, shall be answered to the satisfaction of the Town of Milliken prior to commencement of drilling at the site.
2. Noble Energy, Inc. shall perform dust control for water hauling vehicles on all unpaved roads in front of residences between the well sites and Milliken town limits.
3. In the event of noise complaints from residents within one half mile of drilling and during drilling operations, Noble Energy, Inc shall place a 12 foot high wall of hay bales to mitigate off-site noise.

Kevin Thorne, 180 E. Hawthorne Court, Milliken, commented if there have been noise complaints in the past in regard to the oil wells, he suggested the Town be proactive by requesting that the sound barriers be installed prior to any complaints. Vince Harris referred to page 22 of the application in regard to noise control.

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Erik Vandercarr, 1625 Broadway Denver, representing Noble Energy explained he wanted to clarify in regard to the possibility of the Town requiring two (2) Use by Special Review applications vs. one due to the well site locations. He referred to Milliken's Town Code Section 16-9-25.

Vote: All in favor, motion carried.

2. Public Hearing on Amendments to Chapter 16, Article VII or the Milliken Municipal Code Regarding the Sign Code continued.

Community Development Director Steve House explained this is a continuation of the public hearing from the last Planning Commission meeting. Director House reviewed the amendments from the last meeting as requested by the Commissioners. Director House referred to the Murals hand out Commissioner Jemiola provided for the commissioners.

Commissioner Jemiola explained he was not sure if the Commission would be considering any Mural Guidelines in Milliken's Sign Code and found some information on Mural Policy and Guidelines that could be helpful in addressing Murals. He also distributed a sheet amending the Sign Code Section 7.1 Purpose/Intent adding no. 9 "*In order to provide an incentive for removal of nonconforming signs, permit fees and use taxes will be waived by the Town of Milliken, when a nonconforming sign is removed and replaced by a sign conforming with these regulations*".

Discussion, comments, questions and concerns included the following;

- There was a question as to separating Murals from the Sign code and who determines what is art and what is graffiti. Would it be considered censorship if there are restrictions placed on Murals?
- There was a suggestion that Murals be considered under the creative sign criteria in the sign code. The suggested language was "*Murals are classified as creative signs*". Director House explained that Murals are not usually used for commercial messages; they are considered Art or Architectural Features. Director House explained that he was not comfortable with calling a Mural a sign; he suggested that there be clarification that a sign advertises a service or a product for sale. A Mural does not provide that, even though there are murals that are advertisements.
- A concern on the six inch size of the letters for Sandwich boards on a four foot wide board. A suggestion was made that the letters could be four inches instead of the suggested six inch requirement.

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- There was a question on the maximum area and height on a sign. Director House explained signs that large are usually used for large box stores, an example would be Wal-Mart. He also mentioned that the sign would be addressed during the site plan approval.
- A suggestion was made staff ask for a legal opinion from the Town Attorney on the murals.

Kevin Thorne, 180 E. Hawthorne Court, Milliken explained the Webster's Dictionary definition of a mural; he quoted "a mural is any work of art that is painted on a permanent structure (building)". Art is not a sign; a sign is used for advertisement selling a specific product. He commented that adding murals under creative signs is not moving in the right direction for the Town.

Commissioner Bernhardt moved to continue the public hearing for the proposed amendments to the Sign Code until the next Planning Commission meeting. Commissioner Watson seconded the motion.

Discussion: There was no further discussion.

Vote: All in favor, none opposed.

DISCUSSION AGENDA

1. Downtown Parking

Director House distributed the draft outline for the Commissioners to review with the added recommendations for the Board; items discussed included the following;

- A suggestion was made that as an alternative to the bike lanes, medians or raised crosswalks be added on Broad Street.
- A suggestion was made that in future planning the Town consider taking Broad Street/Highway 60 from the Colorado Department of Transportation.
- A request was made that safety cones be placed by Solomon's Trailer Park in order to provide safety for kids crossing the streets.

2. Annexation Regulations

Director House explained that included in the packets is a copy of the Town's current annexation process and requirements, and the Colorado Revised Statutes requirements for annexations.

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Commissioner Jemiola distributed copies of the Town of Johnstown and Town of Berthoud annexation regulations. He suggested annexation regulations for the Town of Milliken be revised. He referred to Section 16-13-30 (3) d. *The legal description shall be provided in digital format either in MSWord or WordPerfect format.* He suggested that MSWord or WordPerfect format language be removed.

Director House explained the Town of Milliken's annexation regulations are consistent with other towns and allow flexibility.

There was a suggestion that fee schedules from other towns be reviewed and compared in regard to annexation regulations.

3. Town Square Master Plan

Town Square Master plan was discussed during the work-session with the Town Board Trustees.

4. DCP Pipeline Routes

Director House explained he added this item to their packet because of the referral from Weld County, in regard to the DCP Pipeline facility. DCP contacted him in regard to Milliken's floodplain regulations and putting in a pipeline. DCP provided the Town with the attached map outlining the pipelines. No comments or objections from the Commissioners.

END OF DISCUSSION AGENDA

Other Business

1. Weld County Notice Case Number: USR11-0010

Director House explained the Town received Weld County notice for referral USR 11-0010. He said he had no comment on the referral. Commissioners said there is no conflict with the Town's interest.

2. Generational Themes-Quick Summary

Director House explained that he attended a seminar at Aims Community College about how the generations differ in their approach to life.

3. Director House gave a reminder of the joint Meeting with the Johnstown Planning Commission on October 26, 2011 at 5:30 p.m. at 1101 Broad Street, Milliken-Town Hall.

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Unfinished Business


None

Adjournment

There being no further business, the meeting adjourned at 9:50 p.m.

Prepared by:

Approved by:


Beatriz Rangel, Town Co-Clerk


Chair, Linda Measner