

SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, OCTOBER 3, 2011 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

President Glenn Boyeff called the meeting to order at 5:30 p.m. Roll call was taken. A quorum was present.

MEMBERS PRESENT: Chris Brostuen, Deeann Long, Jerry Fleck, Cynthia Aafedt, Glenn Boyeff.

MEMBERS ABSENT: Jon Maristuen, Nick Haugen.

OTHERS PRESENT: Elaine Sinness, Assistant City Planner, Jordan Evert, Attorney, Tom Rolfstad, Economic Development

DISPOSITION OF MINUTES: - NONE

NEW BUSINESS:

1. Special Permitted Use of Oilwell Site – Oasis Petroleum

Boyeff indicated the application is for a future well site to be located south of the Railroad tracks in the SWSE in Section 22, T154N, R101W, Williston Township. He indicated an adhoc did take place and asked Attorney Jordan Evert to present.

Evert said the applicant, Oasis Petroleum, proposes a production facility for an oil well to be located on the acreage south of the Railroad track and Midway Bar. He indicated oil well sites are listed in the Agricultural Section of the ordinance as a Special Permitted Use and that the nearest residence is approximately ¼ mile away. Evert went on to say that an adhoc met and discussed a number of concerns. He pointed out that the items discussed were: that a turn lane is needed to keep truck traffic from backing up; an employee to be on site to direct traffic during drilling and fracking activity; the need for lights/stop signage to be placed along 138th Avenue NE, in order to give trucks the right of way; placement of surface water pipe from the water depot to rig site to help decrease truck traffic; to not require the City to be held responsible for any safety issues associated with the oil site; the need to have the City work with the railroad to allow a natural gas line be located under the track; that a 3-sided shield be considered to block light emitted from the flare; and that Oasis provides a flood contingency plan.

Boyeff asked Fabian Kjorstad, representative for Oasis Petroleum, if he was aware of the additional comments from the County Highway and City Engineering regarding the turn lanes and culvert, Mr. Kjorstad said they are planning to widen the access points (150' turning lane) to help with the truck traffic and that on the south side of the track, they are contacting BNSF to get the necessary permit regarding the crossing. He said regarding the approach over the tracks that nothing can be done without BNSF's final approval.

Boyeff asked about the repair to the frontage road. Mr. Kjorstad said Oasis will be paying for any costs necessary for improvements required on both railroad property and frontage road repair. Boyeff said the other item is to have the City help facilitate the pipe line connection under the tracks. Mr. Kjorstad said any help to get the natural gas line would be great, along with a letter of support for installation of electronic crossing arms. Boyeff then referred to the Attorney General's opinion regarding placement of well sites. Evert explained that the Industrial Commission has the absolute authority to direct where each well site is to be located and that cities don't have the ability to overrule those locations. Boyeff said it is good the City has the ability to review site locations through the SPU as it relates to ingress and egress to the site and to assure safety measures are being met as recommended by engineering. A short discussion took place regarding inability to deny site locations for future well sites and the need to assure that the City is not held liable for any detrimental effects associated with the location. Boyeff asked for any comments from the audience. Scott Arnson, adjoining property owner, expressed his concerns about the increase in traffic as result of this well site. He said having a turning lane on the north side of the track helps but with the water depot being so close, he felt this is not a good location, especially with the tracks. Boyeff said the truck traffic will be going to the west, not east towards town.

Discussion continued regarding the road access, problems with winter weather, access being used under the tracks, need to raise the grade elevations to clear the tracks, watershed on the south side going into Arnson's property, need for proper drainage, location of culverts, pressure of the water, placement of a future berm around the site location, and the need to protect Corp land.

Boyeff referred to Commissioner Klug's comment regarding the heavy hauling to take place at off-peak times. Mr. Kjorstad said they would try to adhere to that request. He said at the time of the fracking, the plan is to utilize a line directly to the water depot, which will help with the hauling at that time. He indicated that storage tanks would be utilized to regulate the times for major truck traffic. Mr. Kjorstad said they are planning to provide a 3-sided shield to help mask the flair from the well site, fencing (chain link) will be provided as well as a cattle guard.

Boyeff said he feels this is not an ideal location but hopefully adequate safeguards will be implemented. He then referred to the criteria necessary for the use permit. Boyeff indicated there will be a turn lane, employee on site and stop lights, fencing and a cattle guard, a shield to block the glare, the flood contingency plan, and to provide for a 3ø berm for purpose of mitigation. Mr. Kjorstad said Oasis is willing to file the flood contingency plan with the County along with the height of the berm. Rolfstad asked about the storm water discharge plan. Kjorstad said a plan would only be required for sites over 5 acres.

MOTION BY FLECK, SECOND BROSTUEN, to approve the application for a Special Permitted Use for Oasis Petroleum, subject to Oasis meeting the adhoc and engineer's requirements and other contingencies required by this board for approximately 4 acres.

(1)- Install turn lane (150ø & 50ø turn radius (138th-frontage road); (2)- 5ø fill dirt to south road (cover (waterline); (3)- 54ø culvert (BNSF ditch); (4)- Oasis to repair frontage road (OK Tire to 2nd) (5)- On site employee (Oasis) to direct traffic (drilling and fracking) (6)- lights/stop signage (along 138th); (7) - Placement of water pipe from the water depot; (8) -City NOT to be held responsible; (9)-City to support Natural gas line under track & crossing arms; (10)-3-sided shield (flair) (11) - Submit Flood Contingency Plan(County D.E.S.); (12) - Require 3-4ø berm; (13) - Area to be fenced and provide cattle guard; and (14) Restrict heavy truck hauling (off-peak time only).

Boyeff indicated he would need to abstain from voting due to a potential conflict of interest by his employer.

AYES: Aafedt, Long, Brostuen, Fleck. NAYES: None. ABSENT NOT VOTING: Haugen, Maristuen ABSTAIN: Boyeff. MOTION CARRIED.

Mr. Kjorstad thanked the board for their time regarding this request.

Meeting adjourned. Next Meeting is set for October 17, 2011

Kent Jarcik, City Planner