

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON NOVEMBER 16, 2015 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.**

2<sup>nd</sup> Vice-Chairman Boyeff called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

**MEMBERS PRESENT:** Christensen, Hansen, Haugen, Long, Boyeff.

**MEMBERS ABSENT:** Aafedt, Maristuen

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Donald Kress, Principal Planner; Rachel Ressler, Senior Planner; Samantha Neill, Staff Planner; Josephine Ching, Staff Planner, Christine Edwards, Administrative Assistant; Bob Hanson, City Engineer; Jordon Evert, Assist. City Attorney.

**DISPOSITION OF MINUTES:**

- Minutes were approved for October 19, 2015 regular meeting. MOTION BY CHRISTENSEN, SECOND BY HAUGEN. CARRIED ON VOICE CALL.

**COMMUNICATION:**

Introduction and welcome of new Planning and Zoning Commissioner, Donna Hansen. Commissioner Hansen will be representing the residents of the City's extra-territorial jurisdiction. She was appointment by both the Williams County Commission and accepted by the Williston City Commission.

**PUBLIC HEARINGS:**

- A. Zone Change from R-1:Single Family Residential to C-1:Neighborhood Commercial for Lot 6, Block 1, Pettis Subdivision (212 13<sup>th</sup> St. W), City of Williston – Stacy Gunlikson

Boyeff introduced Item A of Public Hearings and asked Ressler to present. Ressler stated that this is a request for a zone change from R-1: Single Family Residential to C-1: Neighborhood Commercial for 212 13<sup>th</sup> Ave W. This property is surrounded by R-1: Single Family Residential to the north; C-2: General Commercial to the south and east and by R-1: Single Family Residential to the west. Ressler said that the property is a house that has been used as a residence in the past.

This applicant has requested a zone change on this property to a commercial zone, in order to have an office space. Ressler said that the applicant does not intend to live in the house, so the use would not qualify as a home occupation. The property is contiguous with C-2 zoning to the east. However, if the Planning Commission considers approving this, Planning would recommend a C-1: Neighborhood Commercial zone rather than C-2: General Commercial zone due to the less intensive uses allowable in C-1.

Ressler explained the applicant has stated that she plans to use this house for a 540 square foot office space with two employees (herself and one other person). A 540 square foot office would require 2 parking spaces. There is an additional 1140 square feet on the ground floor of the house (total of 1680 square feet on the ground floor). She does not propose to use this area. If the total ground floor area were to be used in the future, it would require 6 spaces.

The house must meet all requirements of the building code and the fire code. The applicant has been in contact with both departments to determine what would be required for a commercial occupancy.

Ressler said that there is a buffering policy between any C and any R zones. The property is bounded on the west, east and south sides by right of way, so that policy would not be in place on those sides. The lot to the north of this lot is zoned R-1: Single Family Residential. Due to the garage and driveway configuration to the north, it does not appear possible to buffer. A 540 square foot office space with two employees should not require a buffer.

Planning staff would not recommend this property be rezoned to commercial as it is viable residential property adjacent to the residential property to the north and across the street from residential properties to the west. "Office" is not a listed use in residential neighborhoods, nor is it available as an SPU. It would be allowed as a home occupation. Ressler said the reasoning for this is that there could be a large demand to transform residential houses into professional offices using an SPU, especially in a market where office space is limited. It would be difficult to pick and choose which types of offices would be allowable, and you could easily start to transform a viable residential neighborhood by allowing professional office spaces as an SPU in residential neighborhoods.

The applicant has submitted her rezone application to be heard, as the Planning Department cannot deny a request be heard.

At the November 2, 2015, ad hoc meeting staff discussed their concerns about the application with the applicant. The applicant stated that she would prefer to buy a residence to turn into commercial office space for financial reasons.

The ad hoc committee members discussed their concerns about rezoning the property to a commercial zoning, given that the property could be utilized for something other than an office. The committee wished to note its doubts on the property being changed to commercial and not setting a precedent for similar situations.

Ressler concluded her presentation and Commissioner Boyeff called for public input.

Jerry Fleck, owner of neighboring business, spoke about the lack of parking in the area currently and said that his staff and clients already have to use the public street for parking. He also wondered how the City could control the use of the building where the applicant says she is only going to use 540 sq. ft. of a 1400+ sq. ft. building. Mr. Fleck stated he is opposed to this zone change and proposed use.

Stacy Gunlikson, the applicant, stated that she agreed with Mr. Fleck that there are parking issues in that area as there is all over town and adds that Meg-a-Latte coffee shop next to Mr. Fleck's business has no parking other than on the public street. However she reminds that there will only be two employees (herself and one other) working at her business which is an insurance company with very little foot traffic. Gunlikson feels that her limited business would not affect Mr. Fleck's parking. Gunlikson explains to the Commission that she is looking at this building to purchase and use simply for financial reasons. She said that a couple of offices in current commercial zoning she has seen for sale are \$400,000 plus including one listed at \$1.2 million dollars that "need work". Any kind of commercial space on Main Street has no more parking available than the building being considered here. Gunlikson finished by stating that she is not asking for a re-zone to create a commercial space in the middle of all residential and reminds the Commission that this is a unique location.

George Niland, neighboring resident, backed up Jerry Fleck's statement that there is no parking in the area and adding any more business would make that even more problematic. Niland said he had spoken to an appraiser about what would happen to the value of his property if this zone change were allowed and the appraiser assured him it would have a negative impact for him. Finally, Niland pointed out that within a block or so of this area there are several properties like the one at issue tonight that similarly sit directly across from and/or next to commercial properties and he asked the Commission, "what is to stop all of them from doing this same thing"?

Barton Allard lives next door to George Niland and supports his comments and opposes this zone change.

Jerry Fleck agreed with Mr. Niland's statement about the other residences adjacent to commercial properties and said that once the zoning is changed and the business (Gunlikson) leaves then another business that fits that zoning is free to move in and may be much larger which would cause even more trouble in the future.

Commissioner Boyeff called twice more for public input and hearing none closed the public hearing asked for the wishes of the Commission.

MOTION BY CHRISTENSEN, SECOND BY HANSEN, to recommend the City Commission deny the Zone Change from R-1:Single Family Residential to C-1:Neighborhood Commercial for Lot 6, Block 1, Pettis Subdivision (212 13<sup>th</sup> St. W), City of Williston. AYES: Haugen, Christensen, Hansen, Long, Boyeff. NAYS: None ABSENT/NOT VOTING: Aafedt, Maristuen. ABSTAINED: None.

Kress stated that this item is expected to appear at the December 8, 2015, City Commission meeting.

- B. Short Plat to create two lots, Lot 4, Block 2, Holiday-Wright Subdivision, City of Williston – Ernie Graham/Dean Hoover, Morris & Ritchie Assoc.

Boyeff introduced Item B of Public Hearings and asked Ressler to present. Ressler reminded the Commission that original Holiday-Wright Subdivision was just finalized. She stated that Lot 4 currently has legal access to the frontage road. That legal access must be maintained through access easements which are shown on the plat. Ressler said these access easements are allowable to provide access to Lot 4B because these are commercially zoned lots.

The frontage road to the north of this proposed plat is under construction as part of the development improvements planned for the Holiday Wright Commercial Subdivision. Ressler said that other development improvements, including water and sewer, are part of the development agreement for the Holiday-Wright Commercial Subdivision and are being undertaken by the owner of the remainder of the lots in the subdivision. Lot 4 is owned by a separate entity from the remainder of the subdivision.

Ressler stated the applicant is to sign a Hold Harmless Agreement stating that the City is not liable if the proposed development on Lot 4B is not connected to water and sewer, pursuant to

the provisions of the Holiday-Wright Commercial Subdivision Development Agreement, by the time that development is ready for occupancy.

The applicant has been in touch with the City Engineer to determine if there are any specific curb and grading needs for this property due to the frontage road to the north that will be reconstructed. City Engineering is working with them on appropriately adjusting any necessary items.

Ressler explained that as part of the Holiday-Wright Commercial Subdivision, the owners signed a waiver of the right to protest any improvements to 55th St.; a waiver of the right to protest any improvements to 55<sup>th</sup> St will be required of this plat, as well.

Any properties built on this subdivision will need to fully maintain parking on their respective lots. There is a current building permit application in place. The parking associated with that building is fully contained in Lot 4B. Any building on Lot 4A will need to fully accommodate all parking and required landscaping within Lot 4A.

Ressler said landscaping and buffering will be required as part of the building permit. Lot 4B will be required to buffer against the Ag zone to the east.

The City Engineer asked that a non-protest agreement for a regional storm water detention pond be signed by the owner. With that Ressler concluded her presentation.

Commissioner Boyeff reminded the audience that this was a public hearing and asked for any public input. After calling three times and hearing no comment he closed the public hearing and asked for the wishes of the Commission.

Commissioner Haugen asked about a storm water easement and whether it was something dedicated or if it is a detention pond. City Engineer Hanson stated that the storm water detention previously approved for the whole subdivision will handle and drain these two lots. Ressler added that the regional detention is separate from this short plat.

MOTION BY LONG, SECOND BY HAUGEN, to approve the Short Plat for Lot 4, Block 2, Holiday-Wright Subdivision, City of Williston, contingent on a hold harmless agreement for water and sewer being signed, and a non-protest agreement for a regional storm water detention pond and a waiver of protest to any improvements to 55<sup>th</sup> St. being signed and recorded with the plat. AYES: Haugen, Christensen, Hansen, Long, Boyeff. NAYS: None ABSENT/NOT VOTING: Aafedt, Maristuen. ABSTAINED: None.

C. Short Plat to create four lots, Lots 3 & 4, Block 8, Wegley Green Acres (3420 2<sup>nd</sup> Ave. E), City of Williston – Dennis Barkie/Interstate Engineering

Boyeff introduced Item C of Public Hearings and asked Kress to present. Kress stated the applicant requests a short plat to create four lots out of two lots on Lots 3 and 4, Block 8, Wegley Green Acres Subdivision. These lots are currently zoned R-1A: Rural Residential. The proposed lots will meet the minimum lot area requirement of the R-1A zone.

Lots 4A and 4B will take access and public water and sewer from 3rd Avenue East, recently improved.

At the November 2, 2015 ad hoc meeting discussion included:

2<sup>nd</sup> AVENUE PAVING: The City Engineer stated he may attempt to initiate street improvements in those areas that were protested out of the 2015 special assessment district for street improvements. Kress said that the committee recommended that the applicant sign a waiver of protest for future improvements of 2<sup>nd</sup> Avenue East.

ACCESS FOR LOT 3B: As Lot 3B is a conforming lot in the R-1A zone; it can take access from 2<sup>nd</sup> Avenue East even though this street is not paved at this time.

SEWER/SEPTIC FOR LOT 3A: As proposed, Lot 3A has an area of one-half acre. The minimum size for lots with septic systems is one acre. Sewer could not be brought to Lot 3A across either Lot 3B or Lot 4A as it against city policy to run sewer across lot lines. The committee discussed running sewer up the alleyway. The City Engineer noted that the alleyway may have already been filled with other utilities, and also that the City would prefer not to start to "spider-web" sewer lines—that is, to have sewer lines connect in a way other than directly from the street to the property. Extending a short sewer up 2<sup>nd</sup> Avenue East just to serve this property was also not recommended by the City Engineer, as when the sewer line going north from 34<sup>th</sup> Street is installed, it needs to go all the way north to 38<sup>th</sup> Street. Kress said that the committee agreed that it is the state health department's call as to whether a lot smaller than one acre that is served by septic system can be created.

Kress stated that subsequent to the ad hoc meeting, on November 3, planning staff reviewed this project with the Upper Missouri District Health Unit, which advised that a septic system on a half-acre lot would be acceptable as long as the residence had the option to connect to city sewer if the septic system failed. As there is no option for the residence to connect to sewer at this time, Lot 3A cannot be created as proposed at this time. Planning staff advised the applicant and his engineer of this situation. Kress said the applicant is working with the City Engineer and the City's consulting engineer to determine whether a sewer line can be extended to proposed Lot 3A from the existing sewer main in 34<sup>th</sup> Street. Such a connection would be a modification of the City Engineer's statements at ad hoc and the connection would have to be approved by him. Kress said that having access to sewer would allow Lot 3A to be created as a one-half acre lot, as originally proposed.

Kress noted that this plat subject to the park cash-in-lieu fee as prescribed in Ordinance 855. This fee will be collected at the time of building permit issuance for development on the undeveloped lots. Kress then concluded his presentation.

Boyeff called for public input three times and hearing none he asked for the wishes of the Commission.

City Engineer Hanson interjected and said that as far as sewer installation to these lots, the worst case scenario would be that Mr. Barkie would be responsible for the full cost. Hanson stated that neighbor participation, City participation and/or assessment district would be best case scenario.

MOTION BY HAUGEN, SECOND BY CHRISTENSEN, Short Plat to create four lots, Lots 3 & 4, Block 8, Wegley Green Acres (3420 2<sup>nd</sup> Ave. E) City of Williston, contingent on addressing all staff and ad hoc comments, a signed non-protest agreement and paying the in lieu fee for the Parks Department. AYES: Haugen, Christensen, Hansen, Long, Boyeff. NAYS: None ABSENT/NOT VOTING: Aafedt, Maristuen. ABSTAINED: None.

D. Short Plat to create four lots, Wells Subdivision- Mike Wells/Alliance Consulting

Boyeff introduced Item D of Public Hearings and asked Kress to present. Kress reminded the Commission that this original plat was created a year ago with a special permitted use granted for a cellular communications tower. This application requests a short plat to combine the existing Wells Subdivision (two lots) with an unplatted portion adjacent to the north to create four lots. Kress said that Lot 3 (which will be re-numbered to Lot 4) a long, narrow lot along the east side, is intended to be dedicated to the City as it includes a City drainage easement. This dedication is at the request of the City Engineer. Lot 3 (to become Lot 4) is not intended for development. Dedication will be by separate instrument once the lot is created.

Lots 1, 2 and 4 are currently served by water and sewer. Lots 1 and 4 (to be Lot 3) take access from an existing private access easement that leads to University Avenue. Lot 2 takes access from 9th Avenue East through an existing easement that crosses the drainage over a culvert.

Lot 4 (to become Lot 3) is an existing unplatted lot that is zoned A: Agricultural. Lots 1 and 2 are zoned R-1A: Rural Residential. Lots are conforming to the required minimum area in that zone.

At the November 2, 2015 ad hoc meeting, discussion included:

**REASON FOR THE SUBDIVISION:** City Engineer requested the applicant to create a lot that includes the full length of the drainage was along the applicant's property, with that lot being dedicated to the City. The City Attorney will prepare the dedication instrument but it will also be shown on the plat.

**LOT NUMBERING:** The City Engineer recommended renumbering the lots, so that the lot that will be dedicated to the City will be Lot 4 instead of Lot 3. Thus, when that lot is dedicated, it won't confuse the numbering of the subdivision.

Kress concluded his presentation and Commissioner Boyeff called for public input.

City Engineer Hanson stated as correction to Kress' presentation that these lots are served by water but not sewer. He stated that they have septic and that the properties are large enough to accommodate septic.

**MOTION BY LONG, SECOND BY HAUGEN,** to approve the Short Plat to create four lots on Lots 1 and 2, Wells Subdivision and an unplatted Lot in the NWSE, Section 12, T154N R101W, City of Williston, contingent on addressing all staff and ad hoc comments. **AYES:** Haugen, Christensen, Hansen, Long, Boyeff. **NAYS:** None **ABSENT/NOT VOTING:** Aafedt, Maristuen. **ABSTAINED:** None.

E. Short Plat to create two lots, Lot 60, West Acres Subdivision in the S1/2 SW1/4, Section 29, T154N, R101W in the extra-territorial jurisdiction to the City of Williston - one lot to be for railroad right-of-way for BNSF Railroad – West Acres Development Corp./ Cinnabar Southwest or BNSF/ Houston Engineering

Boyeff introduced Item E of Public Hearings and asked Ching to present. Ching explained this application requests a Short Plat for the rearrangement of land in the southwest ¼ of Section 29. This lot is located in the Extra-Territorial Jurisdiction and zoned Residential by the County. This parcel is 37 acres. Ching said the approval of this short plat will create two lots; 36.214

acres will be owned by West Acres Development Corporation and the other .600 acre lot will be owned by BNSF.

The subplot that will be owned by BNSF will be for railroad purposes only; this will be noted on the plat. Ching said BNSF plans to expand the existing railroad track to three rails. To do this they must acquire approximately 50 sublots to allow for room to perform maintenance when necessary. This short plat, and two other plats (Muscha and Everson property) from October, will be the only three properties that they will acquire in the City's jurisdiction. The owner has already signed contracts with BNSF.

Ching stated that there is an oil pad located on this property. The oil pad is located north of the BNSF subplot, there is a distance of 25 feet between the oil pad and the BNSF subplot.

Ching explained that this land cannot be added to the existing BNSF right-of-way due to a title issue that is associated with rail road right-of-way. The railroad owns a right of way to construct and operate the rail line, however, it does not own the area occupied by the right of way in fee simple. Ching said that a plat could not merge a lot with the existing right of way, because the lot is a fee simple ownership and the right of way is akin to an easement.

At the ad hoc committee meeting held on November 2, 2015 discussion included:

The BNSF subplot is undevelopable. The subplot does not have access to water and sewer. It will be noted the subplot will be utilized as a utility lot and for railroad purposes only.

Staff requested to see a master plan for all BNSF sublots, a continued request from October, 2015. Ching noted however that The West Acres Development Corp. property and two from October (Muscha and Everson property) will be the only plats that BNSF will be applying for in the City's jurisdiction.

#### **STAFF COMMENTS:**

ENGINEERING: City Water Transmission Line and WBI Gas Transmission Line easements need to be depicted on the plat.

MOTION BY CHRISTENSEN, SECOND BY HANSEN, to approve the Short Plat to create two lots, Lot 60, West Acres Subdivision in the SW1/4, Section 29, T154N, R101W in the extra-territorial jurisdiction to the City of Williston - one lot to be for railroad right-of-way for BNSF Railroad, contingent on addressing all staff and ad hoc comments. AYES: Haugen, Christensen, Hansen, Long, Boyeff. NAYS: None ABSENT/NOT VOTING: Aafedt, Maristuen. ABSTAINED: None.

- F. Short Plat to create three lots, Lots 13 &14, Block 2, Iron Point Subdivision, City of Williston – Iron Point Williston/Ackerman Surveying & Associates, Inc.

Boyeff introduced Item F of Public Hearings and asked Ressler to present. Ressler explained this application is for a short plat to rearrange Lots 13 and 14 of the Iron Point Park Subdivision.

The lots will utilize water, sewer, and roads to be constructed as part of the Iron Point Park Development Agreement. Access will be from proposed roads Iron Point Blvd and 60<sup>th</sup> Ave W.

Ressler said that Lot 17R will contain 2.5 acres, Lot 16R will contain 2.85 acres, and Lot 15R will contain 5.0 acres.

The ad hoc committee, at the meeting held on November 2, 2015, had no questions other than ensuring that Iron Point Park Subdivision would be recorded before this short plat was recorded.

MOTION BY LONG, SECOND BY CHRISTENSEN, to approve the short plat for the rearrangement of Lots 13 and 14 of the Iron Point Park Subdivision, contingent on staff, ad hoc and commission comments being addressed. AYES: Christensen, Hansen, Haugen, Long, Boyeff. NAYS: None ABSENT/NOT VOTING: Aafedt, Maristuen. ABSTAINED: None

**COMMITTEE REPORT: NONE**

**UNFINISHED BUSINESS:**

- A. Short plat for rearrangement of an 11.91 acre parcel in the SW1/4NW1/4 of Section 22, T154N, R101W, into two sublots, north of Hwy 2/85 and east of 27th Ave W and a zone change for the entire property from A: Agricultural to C-2: General Commercial - Martin Reiger/Jeff Ames

Kress stated that the project engineer, Jeff Ames, has indicated that a monument has been moved and this proposed project has been re-platted. A new plat is expected to be submitted for consideration but at this time the engineer and applicant request this item be tabled for to the December 21, 2015 Planning and Zoning Commission meeting. MOTION BY HAUGEN, SECOND BY CHRISTENSEN, to table this item until the December Planning Commission Meeting. CARRIED ON VOICE CALL

**NEW BUSINESS:**

- A. Special Permitted Use request for a new 12 well oil pad in the SWSW Section 8, T154N, R100W (along County 9, north of the landfill), in the City's extra-territorial jurisdiction – Triangle USA Petroleum Corp.

Boyeff introduced Item A of new business (as above) and asked Kress to present. Kress stated that this application requests a special permitted use (SPU) for a new oil well pad to accommodate 12 wells and explained the location of this item and the surrounding uses. To the north is a recycling center, to the south is vacant land near the City Landfill, a recycling center to the east and single family residences to the west on the west side of County Road 9. Kress said that only three wells are proposed to be drilled at this time.

The property is located on the east side of County Highway 9 on the Ellis/Olson, LLC property across County 9 from the Olson/Ellis Subdivision, a single-family residential subdivision. This property is within the City's one-mile extra-territorial jurisdiction (ETJ) and has not, at this time, been rezoned by the City. The property was zoned Industrial in the County.

Kress said that the pad site will take access from County 9 by way of an existing road on the Ellis/Olson LLC property; an access road to the pad site will be constructed south from this road.

Recommended screening and landscaping are consistent with previous recommendations for well pads along major roads near existing residential subdivisions. These recommendations are similar to the Continental well pad off of Hwy. 1804 near Scenic East.



Discussion at the November 2, 2015, ad hoc meeting included:

**SCREENING:** As this site is visible from County Highway 9 and adjacent subdivisions (on the west side of County 9), a full-perimeter security fence (double-slatted chain link) as well as trees on the west side, wrapping around the north and south sides as necessary to screen the view from the highway are recommended. On the rest of the north, east, and south sides, which face industrial areas, un-slatted chain link fencing is recommended. At the ad hoc meeting, the applicant presented a landscape plan that was close to this requirement. **The committee directed staff to work with the applicant to bring the landscape plan entirely up to the recommended standard. Staff has sent revisions of the landscape plan to the applicant.**

**FLARING:** At this time, there is no gas collection pipeline to the proposed well pad location. **The committee directed that the applicant bring to the Planning Commission meeting a plan to limit the height of the flare, which could include lowering the flare pit below grade or using multiple flare pipes, so the flare is not visible to the public.** The committee was concerned that a large, high flare would be disruptive to the adjacent residential neighborhood, especially as this pad site occupies a prominent position at the top of a hill.

**TRUCK TRAFFIC:** As there currently is no collection system for this location, oil, freshwater, and saltwater will have to be trucked until these systems are installed. The applicant estimated there would be 8 to 10 trucks per day per well once the well was established (24 to 30 trucks for the three wells total). This number includes oil, water, and saltwater trucks. **The committee directed the applicant to provide the location of the saltwater disposal site and the oil loading facility;** the committee encouraged the applicant to route truck traffic to facilities to the east of the pad site so trucks would not be routed through the city.

**STATUS OF COUNTY HIGHWAY 9:** This is a Williams County road that is currently serving as the temporary truck bypass (Highway 85 B). It has a 105,500 pound load limit. *NOTE: Subsequent to the ad hoc meeting, on 3 November 15, Planning staff talked with County highway supervisor Dennis Nelson, who said that the load rating of County 9 would be re-evaluated once it was no longer in use as a bypass. Planning staff also contacted with North Dakota Department of Transportation District Engineer Joel Wilt, who did not express concerns about traffic/turning and reiterated that County 9 is a County highway in terms of access control. He commented that overweight permits would be required for non-divisible loads that exceed County 9's 105,500 pound load limit, but that daily truck traffic of oil and saltwater from the pad site should not run into any problems with the load limits as these are divisible loads.*

**PAD SITE CUT/FILL/TOPOGRAPHY:** **The committee directed that the applicant provide a cross-section drawing of the pad site to more clearly indicate how the cut/fill/berm would appear on the actual site.**

**STANDARD ROAD DAMAGE AGREEMENT:** The City Attorney stated that the standard road damage agreement is not applicable in the extra-territorial jurisdiction.

**TIMING OF CONNECTION TO CLOSED SYSTEM:** In response to a question from the committee about whether contingencies regarding truck traffic and the collection system can be attached to this SPU, the City Attorney stated that the Planning Commission could approve the pad site for only for three wells proposed to be drilled at this time so that the future nine wells would come through the SPU process again where the time came to drill them. He stated that this is the only way this SPU could move forward while they are working on the pipelines. *NOTE: The committee did not make a recommendation regarding only approving three wells.*

**ADDITIONAL EXPERTISE:** The committee encouraged the applicant to bring additional staff to the Planning Commission meeting, particularly operations staff and engineers who were familiar with the technical and day to day details of the operation of the pad site, to answer questions from the Commission and neighbors.

Kress referred the Commissioners to the draft findings in the packets for consideration and he added that they may be updated should any further recommendations be made by the Commission.

Kress stated it is required that surrounding owners within 150 ft. be notified by certified mail of this proposal and concluded his presentation; in this case, owners within 200 ft. were actually notified. John Skaare, representing Triangle Petroleum spoke and stated that he and two other employees were available to address any concerns.

City Engineer Hanson asked Skaare about a flare shield vs. a dyke or berm wondering if the shield would be higher. Greg Salvesen of Triangle Petroleum stated that they are looking into flare shields but said that their protocol has been to build berms higher in residential neighborhoods anyhow. Salvesen further added that they are already contracted with Oneok to pipeline all liquids so there will be no need for a flare to be used except for emergencies.

Commissioner Hansen asked Triangle what "overnight" means to them in terms of operation. Salvesen stated that the wells run 24 hours a day and for the first 90 days trucks would need to go into the site to get a load of oil but it would only be one or two trucks. After the first 90 days, other than the wells, operations would be primarily during daytime hours. Hansen stated she had concerns about the disruption of residents because of the nighttime operations and that she is concerned about the flare as it would be on one of the highest points in Williston. Salvesen stated again that they intend to be hooked to a pipeline right away so that after the first few weeks of operation there should be almost no reason for a flare.

Commissioner Boyeff asked about flare shields suggesting ones similar to StatOil and Oasis sites in the City. Salvesen agreed to go look at those particular sites but added that their flare will be set lower in pit and that they will have a more high efficiency system that will produce a lesser flare.

Commissioner Hansen reminded of an ad hoc discussion of only permitting the first three of the requested 12 wells. She suggested that allowing the first three would give the City to see that Triangle Petroleum would keep all agreements, provide appropriate screening and would be good neighbors before a larger operation was constructed.


Commissioner Christensen asked Triangle representatives about the abandoned coal mines in the area. John Merkeler, drilling supervisor for Triangle Petroleum, stated that they would use a small rig to drill first and if they hit a mine they would either fill or re-locate before they brought in a larger rig.

**MOTION BY CHRISTENSEN, SECOND BY HANSEN,** to approve the Special Permitted Use request for a new 12 well oil pad in the SWSW Section 8, T154N, R100W (along County 9, north of the landfill), in the City's extra-territorial jurisdiction, contingent on addressing all staff and ad hoc comments. **\*\*DISCUSSION:** Haugen asked about previous conversation of approving the first 3 wells now and asking the applicants to come back to the commission for another SPU for the addition of more wells to the in the future. **CHRISTENSEN AMENDED HIS MOTION, SECONDED BY HANSEN,** to add that this approval is for the first three wells only and that should the applicant choose to add to the well pad in the future they will apply for

another SPU and come back before the Planning and Zoning Commission. AYES: Haugen, Christensen, Hansen, Long, Boyeff. NAYS: None. ABSENT/NOT VOTING: Aafedt, Maristuen. ABSTAINED: None.

**DATE OF NEXT REGULAR MEETING:** December 21, 2015

**MEETING ADJOURNED.**



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Kent Jarcik, Williston Planning Director

**APPENDIX**  
to the  
**NOVEMBER 16, 2015 PLANNING AND ZONING COMMISSION MINUTES**

- A. Special Permitted Use request for a new 12 well oil pad in the SWSW Section 8, T154N, R100W (along County 9, north of the landfill), in the City's extra-territorial jurisdiction – Triangle USA Petroleum Corp.