

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON December 18, 2017 AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

Chairman Aafedt called the meeting to order at 5:30pm. Roll Call was taken. A quorum was present.

MEMBERS PRESENT: Eynon, Hansen, Long, Maristuen, Aafedt

MEMBERS ABSENT: Christensen, Bauer

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Jordon Evert, Assist. City Attorney; Bob Hanson, City Engineer; Christine Edwards, PZ Office Manager.

PUBLIC HEARINGS:

A. Ordinance 1073 – Beverage Kiosks Ordinance

Commissioner Aafedt introduced this public hearing (as above) and asked Laqua to present. Laqua explained that this ordinance amends Ordinance 958, passed in 2012, which was an amendment to Ordinance no. 613 of the City of Williston, also known as the Zoning Ordinance of the City of Williston, adding Q: Mobile Food Vendors and Portable Carry-Out Food to Section 25: Supplementary District Regulations prohibiting mobile food vending and carry-out food facilities and adding Section 25. T: Beverage Kiosks establishing the criteria and permitting process for beverage kiosks.

Laqua explained that a committee to gather public input and examine the beverage kiosk ordinance was set up by the City Commission at their July 25th, 2017 regular meeting. The committee consisted of Tate Cymbaluk, City Commissioner; Chris Brostuen, City Commissioner; Cyndy Aafedt, Planning and Zoning Commissioner; Paul Bauer, Planning and Zoning Commissioner; David Tuan, City Administrator; Janna Lutz, President, Williston Area Chamber of Commerce; Shawn Wenko, Executive Director, Williston Economic Development; Keith Olson, Director, Small Business Development; Amy Krueger, Executive Director, Williston Convention and Visitor Bureau; Jordon Evert, Assistant City Attorney; Jason Catrambone, Williston Fire Chief; Rachel Laqua, Principal Planner, Williston Planning Department; Kent Jarcik, Planning Director, Williston Planning Department; and representatives from the Building Department. The City Commission established the committee based on prior public comment received at a regular public meeting of the Planning and Zoning Commission. The committee was set up to review and evaluate the existing beverage kiosk ordinance #958.

This ordinance is the work of that committee, and:

1. Separates mobile food and portable carry-out food from beverage kiosks, creating two new subsections.
2. Clearly defines beverage kiosks
3. Updates regulations for beverage kiosks, including:
 - a. Updating language to clarify requirements for securing kiosks (Laqua stated that it also removed the words temporary/portable to be accessory structure)

the committee that worked on these changes was set up to only address beverage kiosks and specifically told there would be no discussion or change to any part of Ordinance 958 that dealt with mobile food vendors.

No other questions were raised by the Commission.

MOTION BY MARISTUEN, SECOND BY LONG to recommend approval of Ordinance 1073 as presented. **AYES:** Long, Hansen, Maristuen, Aafedt. **NAYS:** Eynon
ABSENT/NOT VOTING: Christensen, Bauer **ABSTAINED:** None.
(4-1 to recommend approval)

B. Plat and zone change from Agriculture to M-2:Heavy Industrial for two lots to be known as the HBM Subdivision located the SE1/4SE1/4SE1/4, Sec. 24, T155N, R101W– HBM Development LLC/AE2S

Commissioner Aafedt introduced this public hearing (as above) and asked Laqua to present. Laqua explained that this application is for a plat and zone change to a 10 acre parcel in the SESESE of Section 24, T155N R101W. This property is located next to Brady Trucking, at the corner of 84th St and 135th Ave NW.

The applicant had originally requested only a zone change from Agricultural to Industrial; however, for unplatted properties, the City does require platting with any requested zone changes. In addition, the City requested inclusion of the City lot on the north side of the lot (Lot 2), also to be rezoned to M-2: Heavy Industrial, and required the dedication of road rights of ways on the east and south sides, as is standard for all section line easements.

Laqua said that the property has a large drainage running through it which has been marked on the plat. This will need to be updated to include a no-build easement, as well as flood plain elevations.

The property is bordered on the west side by M-2: Heavy Industrial property and the lot to the north has undergone an unfinished zone change contingent on platting to M-2: Heavy Industrial as well. This zone change is also consistent with the future land use plan.

The roads to the south and east have been improved. Laqua added that this plat will finalize the dedication of the full road widths to the City.

Laqua explained that this is the preliminary plat; because this is a full plat this will be required to go to City Commission for public hearing on the zone change and review of the plat after the Planning Commission, and then will go back through the Planning Commission and City Commission for review of the final plat.

Laqua said that the zone change will need to be contingent on the final plat being approved and concluded her presentation. Aafedt called three times for any public comment. Hearing none she closed the public hearing and asked for the comment or a motion from the commission.

MOTION BY LONG, SECOND BY HANSEN to recommend approval plat and zone change from Agriculture to M-2: Heavy Industrial for two lots to be known as the HBM Subdivision located the SE1/4SE1/4SE1/4, Sec. 24, T155N, R101W, as presented, contingent on

recording requirements as presented. **AYES:** Eynon, Long, Hansen, Aafedt, Maristuen.
NAYS: None **ABSENT/NOT VOTING:** Bauer, Christensen **ABSTAINED:** None.

UNFINISHED BUSINESS:

A. Easement and Vacation of Right-of-Way, 50th Rd. NW – City/Vestal Properties LLC

City Attorney Evert stated that the Vestals have signed and returned all the required documents and that this item can be removed from the agenda.

NEW BUSINESS:

A. Special Permitted Use request to add six oil wells to an existing well pad known as the Pyramid site located at the corner of 26th St. W and 32nd Ave. – Statoil

Commissioner Aafedt introduced this item of New Business (as above) and asked Miller to present. Miller explained that this application is to add six additional oil wells on an existing well pad located on the N 1579.8' of W 649.45' in the W2W2NW of Section 15, T154N, R101W. There are currently 4 oil wells in operation on this well pad.

The drilling and operation of oil wells are allowed by a special permitted use (SPU) pursuant to Section 25 (M) of the Williston Zoning Ordinance.

The City Engineer, Bob Hanson, stated that the primary access route to the well site should come from the west along 26th Street/52nd Street W. This will avoid trucks having to use the 32nd Ave W roundabouts. Bob Hanson also stated that Statoil will need to consult with Williston Township regarding springtime load limits and the use of their roads heading out 26th Street/52nd Street W towards US Highway 85. Miller stated that he had spoken with Adam Landstrom from Statoil who said Statoil had spoken with the Williston Township and received permission to use the road.

At the December 4, 2017, ad hoc meeting the representative for Statoil, Josh Skluzacek, gave a brief presentation that provided the committee with some insight into their intended project.

It was mentioned that they would be removing the old storage facilities and the old flare stack to install new more advanced equipment that could handle the increased production. There was concern that the increased production would generate a much larger flare and could cause some issues for surrounding properties. Josh explained the new flare stack is not the typical style large orange flame flare stack that we generally associated with oil fields. He discussed how this new style of flare stack forces fresh air into the system and causes the flare to burn hotter, creating a nearly invisible blue fare, reducing emissions and light pollution by as much as 95%.

Miller said the committee was also concerned with the timeline for drilling to occur during September of 2018. This is when the school year begins and there will be increased traffic in this area, due to the location of the new high school on 37th St W. It was discussed to possibility move the drill timeline back a month to start in August of 2018.

There were also concerns about any increased noise from the drilling process. Josh had explained how Statoil takes every step possible to ensure that their equipment operates as discretely as possible, by using catalytic converters and mufflers on their drilling equipment. It was stated that the drilling process would take approximately 80-90 days to complete.

It was further discussed how some of their required trees used for screening would need to be replaced as they appear to be either dead or dying. Josh explained how there are plans to replace the drip irrigation system, in the spring of 2018, and to create a revised buffer plan. It was determined by Paul Bauer to make the revised buffer plan a condition of the SPU. Miller stated that the revised buffer plan had been provided and was at each commission seat for their consideration.

The following completion and recordation requirements must be completed:

1. Recordation of Findings as shown in factsheet
2. Approved revised buffer plan (presented at meeting)

Miller concluded his presentation and said that several representatives of Statoil were present for questions. Aafedt asked if there were any comments or questions from the Commission.

Josh Skluzacek representing Statoil introduced himself and said he was available for any questions. Commissioner Maristuen asked when this well pad was built. Skluzacek said to the best of his memory, the pad was built in 2012 and production began in 2013. Maristuen asked if they have received any complaint or comment about the site in the years since. Adam Landstrom stood from the audience and said that in his time with Statoil the only comments he has ever heard is about the Christmas lights on the trees and about the monument on the corner. He stated that notices of this intent to expand were mailed to surrounding property owners according to Planning & Zoning requirements and only person contacted them. Statoil has worked with this person to address their concerns and believe that those are resolved.

Skluzacek added that they intend to continue the lights on the trees at the site but on a smaller scale that will be easier to maintain.

Commissioner Eynon asked about the trees on the east and west sides of the site. Skluzacek said that at this point the trees on the south of the site will remain as is. The trees on the east side were planted on a berm and don't have room to grow and are dying; those will have to be removed. Eynon asked if there are plans to replace them. Skluzacek said there is a healthy tree row to the east now belonging to the neighboring apartment complex so Statoil does not currently have a plan to replace the trees they have to remove there.

Maristuen asked about the new flare that Statoil will use at this site. Skluzacek said this will be the first site they will be using this new technology at. While there may be times that the flare will be brighter, for instance if there is pipeline maintenance happening, but in general the flare should be a dull blue color.

Commissioner Eynon asked if there had been any thought to moving up the start of the drilling

project on the site to not interfere with the start of school. Skluzacek said that he had spoken with their production supervisor about the possibility and it may not be possible but it is still on the table.

With no other questions or comments Aafedt asked for the wishes of the Commission.

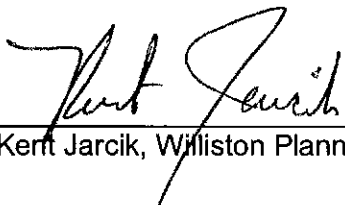
MOTION BY LONG, SECOND BY CHRISTENSEN to approve the special use permit for the addition of six (6) oil wells located on the N 1579.8' of W 649.45' in the W2W2NW of Section 15, T154N, R101W, as presented, contingent the completion of the recordation requirements.
AYES: Eynon, Long, Hansen, Maristuen, Aafedt. **NAYS:** None
ABSENT/NOT VOTING: Christensen, Bauer **ABSTAINED:** None.

COMMITTEE REPORT:

Commissioner Aafedt asked Commissioners Long and Eynon to be the nominating committee for board seats to be elected at the January, 2018, Planning and Zoning Commission meeting. Both agreed.

DATE OF NEXT REGULAR MEETING: Tuesday, January 16, 2018.
Commission was reminded that the January and February meetings will be on the third Tuesday of the month due to the regular third Monday being holidays which the City will be closed for.

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

APPENDIX

TO THE DECEMBER 18, 2017 PLANNING & ZONING COMMISSION MEETING MINUTES

1. Special Permitted Use request to add six oil wells to an existing well pad known as the Pyramid site located at the corner of 26th St. W and 32nd Ave. – Statoil