

SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON May 30, 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, Bauer, Christensen, Aafedt

MEMBERS ABSENT: Long, Maristuen

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Bob Hanson; Jordon Evert, Assistant City Attorney.

PUBLIC HEARINGS:

- NONE

COMMITTEE REPORT

- NONE

UNFINISHED BUSINESS

- A. Clarification of an SPU for a residence located on the N 250.05 ft. of 100 x 500.1 tract in NENW, Section 29, Parcel ID#45154010029190, in the HCC: Highway Corridor Commercial zone district. This item was tabled at the May 15, 2017, regular Planning & Zoning Commission meeting.**

Jarcik stated that this item was tabled at the May 15, 2017, regular meeting for a legal address correction. He stated that after the meeting it was determined that the correct property (Parcel ID#45154010029180) was advertised and the correct surrounding properties were notified; the mistake was only on the May 15 fact sheet.

Jarcik requested that the Commission approve the Special Permitted Use for a legal existing residence for property described as the Tract in NENW, Section 29, Parcel ID#45154010029180.

MOTION BY CHRISTENSEN, SECOND BY EYNON to approve the Special Permitted Use for a legal existing residence for a property described as a Tract in the NENW, Sec. 29, T154N, R101W. AYES: Hansen, Eynon, Bauer, Christensen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Long, Maristuen. ABSTAINED: None.

NEW BUSINESS

- A. Special Permitted Use request for a new oil well pad (Peregrine) in Sec. 24, T154N, R101W, City of Williston – Oasis Petroleum**

Aafedt introduced this item (as above) and asked Laqua to present. Laqua stated that this application is for a new oil well site on about 4.82 acres to the east of the City pistol range and the sewage lagoons. The site proposes to have seven wells.

A special use permit for oil well drilling may be considered in the A: Agricultural district. The zoning ordinance Section 25.M. directs that the following be examined:

1. Ingress and Egress: the site will be accessed through a combination of an existing gravel road and a re-routing of an existing gravel road to the north side of the pad. This access is 12th Ave. E across from Scenic Sports, south past Prairie Packing. Laqua said there is an easement on the plat (disputed by the City Engineer)
2. Screening Devices: This site will require a security fence of no more than 9 feet high. This site will not require landscaping, due to the nature of the surrounding land uses and lack of future development potential.

As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. *Access to the property will be utilized through an existing gravel road to the east of the site to 12th Ave. The applicant will be re-routing a gravel road that runs through the pad site to the north of the site.*
2. Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district. *No additional parking spaces are required for this SPU.*
3. Refuse and service areas, with particular reference to the items in "1" and "2" above. *No additional refuse containers will be required.*
4. Utilities, with reference to locations, availability, and compatibility. *There are no habitable structures on this site requiring water and sewer.*
5. Screening and buffering with reference to type, dimensions, and character. *A security fence will be required.*
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. *No additional signs are proposed.*
7. Required yards and other open spaces. *Acceptable. No additional space for yards or open space is required.*
8. General compatibility with adjacent properties and other property in the district. *Adjacent land uses to the east, west, and north are industrial or public (Water Resource Recovery Facility and City Pistol Range) in nature. The river is to the south.*
9. Use shall not impose a hazard to health or safety. *All drilling operations must meet North Dakota state safety requirements.*

Laqua told the Commission that reason for this special meeting is because Oasis has a drilling rig on the Harrier/Osprey site to the east of this site and need to be able to move it directly from there to this Peregrine site.

This is a use that has been found to be compatible with the long term growth of the City. The May 1, 2017, ad hoc committee was supportive of the application and special meeting, but did not hear the detailed application.

COMPLETION/RECORDATION REQUIREMENTS

1. Recordation of Findings as attached

Laqua concluded her presentation but added that Planning & Zoning Director Jarcik had taken a drive to and around the site earlier today with Planning Commissioner Eynon to look at concerns Eynon had on fencing and roadway.

Issue one Jarcik stated was security fencing on the south side of the site. There is an existing fence on the east side of the berm, if Oasis installs a second fence there would create a "no man's land" between the two fenced that will not be maintained. Laqua stated that she met at the site with JD DeMorrett of Oasis and he stated that they would not be installing an additional fence along that east side but would be attaching to the City fence to the east adding security fence to the north. The area between the back of the berm and the existing fence will be maintained and kept weed free. She stated that there was no landscaping required on this site.

Eynon's other concerns regarding the roadways presented by Jarcik were:

1. Where the road meets 12th Ave. E to the sewage lagoons need a stop sign?
2. The Pistol Range east at the well site is a private easement and not intended for public use but still a lot of traffic on it and there is a blind corner; does that need some signage for safety?
3. What is the ownership and maintenance of the road to the Kestrel site west of this?
4. There is a residence with a "Slow, Daycare" sign and a narrow bridge that is signed "Oasis, Light Truck Traffic" on the ingress/egress route; does the City need to set a speed limit and sign the area?

Commissioner Eynon stated that when he took a site tour of the area he saw a lot of trucks, ATV's and other vehicles traveling the area and was concerned about safety and liability and asked the staff to look into this.

Laqua stated that she spoke with DeMorrett about this as well as City Attorney Evert. She said that the access to the Kestrel site along Riverside Drive to the west of the property (following along south of the railroad tracks) is a public access and utility easement granted to the City in the 1990's; access was granted to Oasis through easements. This is not a standard public road and maintenance responsibility is that of Oasis as part of the easement. As to the blind corner; again with the access easement maintenance is on Oasis with City indemnification according to City Attorney Evert. Eynon stated his concern is that is going to be the preferred route to the pistol range and he was more concerned with mitigating an accident than the liability to the City.

Eynon asked if Oasis maintains the road from the Midway Bar all the way to 12th Ave. E; Laqua stated yes. Eynon then asked if BNSF uses this access and JD DeMorette said that BNSF has their own access and rarely uses the oasis road.

DeMorrett suggests that Oasis put up signs warning of the blind curve and of heavy truck traffic at 12th Ave. E. Jarcik said he was supportive of this and had no further concerns.

Eynon asked about residences in the area being subject to the Oasis easement. Laqua said it is a public access easement that is also granted to Oasis with an agreement that Oasis would maintain the road; nothing changes for the residents.

DeMorrett said because of the narrow/light weight bridge (belonging to the Bureau of Reclamation and Army Corps of Engineers) Oasis cannot run large or heavy truck traffic by the residences. Oasis is working with BOR/CORPS to replace that bridge and states that the bridge was currently in an archeological study process because it does carry historic value.

Eynon asked Commissioner Christensen who also sits on the Williston Township Board if the township maintained this road prior to Oasis and Christensen said they had. Laqua asked if the township would work with necessary agencies (Sheriff's Dept.) to post speed limits on that road and he stated he would bring that up at the upcoming township meeting. It was stated that an un-posted road is understood to have a 25 mile per hour speed limit; Oasis states that they have imposed a 15 mile per hour speed limit on all their trucks. Oasis will work with Williston Township in any way they can. Aafedt questions asking the Township to post a speed limit or other signs and that then creating unnecessary liability for the Township.

Discussion and map illustration was had with City Engineer Hanson, Oasis and Commissioners about what roads in this area were purposeful and which were created by illegal ATV off-road use. City Engineer Hanson also disagrees with the City holding any public access easement of these roadways as they do not lay with City limits. As City Attorney Evert was unable to attend the meeting, it was decided that Evert would be called and placed on speaker phone.

Jarcik asks Evert to explain his understanding of the easement from the pistol range to the east. Evert said it is his understanding that the City holds an easement from 13th Ave. E. to the west side of the pistol range which was conferred to Oasis via agreement that included Oasis maintenance of the roadway and the indemnification of the City. Evert stated he is supportive of the signage to warn of the truck traffic and the blind curve if either the Planning Commission or City Engineer wish to have them but says there is no liability to the City. He said again that the road east of the pistol range is an easement (accompanying a plat) granted to the public, signed and accepted by the City of Williston.

City Engineer Hanson states that the City signed the plat(s) because they would have been in the City's extra-territorial jurisdiction but it does not mean the City has liability or responsibility regardless of easements. City should not be putting signage here.

Evert suggested that he could look further into this and that if the Commission chose they could pass this SPU contingent on attorney review and confirmation of jurisdiction. He agreed with Hanson that "if it's not ours it's not ours" so if we don't have the jurisdiction we don't want it.

Commission Chairman Aafedt stated that the Planning Commission has no authority to request signage. Commissioner Christensen suggested that would likely be on the Williston Township. Commissioner Eynon asked Christensen if he would take that up with the Township Board at their next meeting and Christensen agreed. JD DeMorrett stated again that Oasis places a 15 MPH speed limit on their employees but do not control any other traffic.

Commissioner Hansen suggested that "they" were making a bigger deal of these things than need be and the majority to the Commission agreed.

Commissioner Bauer asked Chairman Aafedt if he could make a motion and she answered affirmatively.

MOTION BY BAUER, SECOND BY CHRISTENSEN to approve the Special Permitted Use request as presented for a new oil well pad (Peregrine) in Sec. 24, T154N, R101W, City of Williston, contingent on recordation of suggested findings. AYES: Hansen, Eynon, Bauer, Christensen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Long, Maristuen. ABSTAINED: None.

B. Amendment to the Sign Master Plan for Iron Point Subdivision – Iron Point West, LLC

Aafedt introduced this item (as above) and asked Ching to present.

Ching stated that this application is an amendment to the Sign Master Plan for the Iron Point Subdivision that was approved by the Planning and Zoning Commission on January 17th, 2017.

The intent of the Sign Master Plan is to cover any future signage on the property and to keep a consistency among all of the signs on the lots that are being affected by the plan.

The Sign Master Plan for Iron Point Subdivision that was granted in January 2017 allowed Iron Point Subdivision to have an oversize monument sign that is approximately 305 square feet and 26.79 feet high located on the south/east corner of Lot 1, Block 1. The plan also proposes to have a 10 feet tall, 60 square foot monument sign at each individual lot.

This amendment to the Sign Master Plan is to add one business center sign that was not included in the original proposed Sign Master Plan. The business center sign that the applicant is proposing is approximately 181 square feet and 25 feet high located at the south/west corner of Lot 4, Block 1. The proposed sign matches the design of the existing oversize monument sign located on Lot 1, Block 1.

The Sign Master Plan laid out in the sign ordinance limits one business center identification sign per minor business center entrance. This sign cannot be over 25 feet high and more than 200 feet square.

There is an existing billboard located approximately 50 feet away from the west property line of Lot 4, Block 1. The proposed sign will be located west from the billboard and the distance between the proposed sign and the existing billboard will be approximately 25 to 30 feet.

The proposed sign appears to be located on an appropriate location since Lot 4, Block 1 is reserved as a storm water detention lot and there will be no development on this lot. The distance between this proposed sign and the existing monument sign on Lot 1, Block 1 will be 1,000 feet apart and the subdivision frontage along Highway 2 is approximately 1,210 feet long. This second business center sign would be considered appropriate under the sign master plan guidelines laid out in Ordinance 1028/1062.

An ad hoc meeting was not held for this item.

STAFF COMMENTS

CITY ENGINEER:

1. There is a potential conflict with an existing Rural Water line. The applicant will need to contact the Williams Rural Water Users Association on regarding the location of the proposed sign. The applicant will also need to call for locates to ensure that the sign is clear of the water line.
2. The North Dakota Department of Transportation District Engineer, Joel Wilt, should be consulted regarding the sign location due to its proximity to Highway 2.

COMPLETION/RECORDATION REQUIREMENTS

1. Approval from Joel Wilt at NDDOT

Ching concluded her presentation; Aafedt asked for comment or questions from the Commission.

Aafedt stated that this proposed sign seems awfully close to the billboard at only 25 feet. Steph Bean of Indigo Sign Works said it is 25 – 30 feet to the west of the billboard. Aafedt asked if signs could be put that close together. Bean stated that she felt with the NDDOT sign also on the property she was sure that they couldn't put it so close but she wasn't sure about other signs; she stated that they needed to talk to Joel Wilt about placement from the DOT sign. Aafedt stated she was confused about why conversation with Wilt hadn't happened before this meeting.

City Engineer Hanson wondered if the billboard owner has in their lease agreement to prohibit signs within a certain distance to the next sign. Both are on Iron Point West property; agreement between Newman signs and Iron Point West. Laqua stated that staff contact the applicant and/or billboard company to inquire about such a lease provision and suggested that the Commission could table any decision on this item until the June 19, 2017 regular meeting. Aafedt asked if an approval could be given contingent on clarification of sign distances and NDDOT approval; Laqua said that was also an option. Both of these things are listed as conditions for approval.

Steph Bean, Indigo Sign Works, states that Billboard are only for off premise advertising therefore they are asking for this sign for on premise advertising.

Aafedt stated that if there is an issue with proximity to the billboard that would be between Newman signs who own the billboard and Iron Point West. City Engineer Hanson stated that was correct, the City has no authority over contracts between billboard companies and property owners.

Eynon asked if the water line has been located. City Engineer Hanson stated that there is no way to know exactly where the line is right now just that he knows it's out there so Williams Rural Water needs to locate it. Laqua stated that is part of the building permit process where this request is just for permission to place the sign.

Commissioner Christensen voiced concern about lack of information for either of the two items being discussed and asked Chairman Aafedt if he could make a motion.

MOTION BY CHRISTENSEN, SECOND BY HANSEN to table this item pending location of Williams Rural Water line and DOT approval of sign location along Highway 2. **AYES:** Hansen, Eynon, Bauer, Christensen, Aafedt. **NAYS:** None. **ABSENT/NOT VOTING:** Long, Maristuen. **ABSTAINED:** None.

DATE OF NEXT REGULAR MEETING: June 19, 2017

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

**APPENDIX
TO THE MAY 30, 2017 PLANNING AND ZONING
COMMISSION SPECIAL MEETING**

1. Special Permitted Use for an oil well pad in the SESW, Sec. 24, T154N, R101W,
City of Williston– Oasis Petroleum