

**MINUTES  
PLANNING & ZONING COMMISSION**

**ITEM 1: CALL TO ORDER / SWEARING IN OF NEW MEMBER/ROLL CALL**

The regularly scheduled Meeting of the Newcastle Planning and Zoning Commission was held on May 21, 2018. The meeting was called to order at 7:05 p.m. by Chairman Gordon Harness.

Gordon Harness swore in new member Will Wright.

Roll Call:

Chairman:	Gordon Harness	Present
Commissioner:	Dennis Sanders	Present
Commissioner:	Karl Evans	Present
Commissioner:	Jared Bennett	Present
Commissioner:	Will Wright	Present

Others: Todd Kennemer

**ITEM 2: CONSIDER APPROVAL OF AGENDA**

Gordon Harness moved Item 8 to after Item 14. Karl Evans made the motion to approve the Agenda with the amendment to Item 8. Dennis Sanders seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried

**ITEM 3: CONSIDER APPROVAL OF MINUTES  
April 30, 2018, Regular Meeting**

Karl Evans made the motion to approve the minutes of the April 30, 2018, Regular Meeting. Jared Bennett seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried

**ITEM 4: REPORT OF CITY COUNCIL'S DECISIONS ON PLANNING COMMISSION RECOMMENDATIONS OF LAST MEETING**

Gordon Harness reported that the City Council approved the Rezoning Application for Michael and Delilah Stalsworth. They also approved the Final Plat of Fox Hollow Phase I with designated no parking areas that will continue throughout the full development.

**ITEM 5: CONTINUANCE REQUESTS**

None

**ITEM 6: CITIZENS COMMENTS**

None

**ITEM 7: LOT SPLIT/DEED APPROVALS-Discussion and/or possible action  
Jerry Schmidt – TK approved 5-11-18**

**Item 8 was moved after Item 14.**

**ITEM 9: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR JUANITA GRIFFITH IRREVOCABLE TRUST, PATSY ANN MCMAHAN, TRUSTEE/EOG RESOURCES, INC. FOR THE USE OF OIL & GAS DRILLING LOCATED IN THE SW/4 OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 3200 S. PORTLAND AVENUE, NE CORNER OF SE 32<sup>ND</sup> AND S. PORTLAND AVENUE, NEWCASTLE, OKLAHOMA. (UPOR 2018-001 MCMAHAN 02111H)**

Wayne Smith, Tres Management and on behalf of EOG Resources, presented the Application.

This Application, along with the Application for Item 10, is a request for UPOR

to drill an Oil and Gas horizontal well. Horizontal well sites access 2 miles away from the surface location of the well site. Two well sites will be located at 3200 S. Portland (McMahan 02111H and McMahan 01121H).

EOG has also requested an Addendum to the City of Newcastle's Oil and Gas Drilling Ordinances for the following:

1. Hours of Operation
2. Use of gas compression systems instead of electrical motor
3. Increase of on-site storage

At this time, Gordon Harness opened Citizens Comments regarding all the UPOR Applications for drilling Oil and Gas wells.

Mike Manuel, 2109 NW 16<sup>th</sup>, has concerns over the damage to the roads and property. He feels there is not enough oil to be prosperous and sees no benefit to the City. He also asked about well site cleanup.

Gordon Harness commented at this time that the State Legislature passed a Bill in 2015 that limited the scope of what cities could address in the drilling operation.

Bobby Cleveland, State Representative, is concerned that enough gravel will be applied to the well site to keep the mud levels off the highways. He also has concerns on the noise level and the height of fencing around the well site along with the well site hours of operation.

Todd Volgren, President of the Eagle Lakes Homeowner's Association, asked that the City of Newcastle stay in accordance with the Ordinances in place.

Mark Moses, Highway 130 and Rockwell, has concerns because the Spitfire 08171H will be located within 300 feet of his property. He would like the well moved 660 feet off Rockwell and 660 feet off Highway 130. His concerns are the safety of the entrance off Rockwell. He also stated that a high-pressure gas line is located near the entrance.

Lisa Moses, Highway 130 and Rockwell, has concerns over the health hazards of living so close to the well. She presented documentation (see file). She feels her children have been robbed of a future home site.

Eddie Masters, 5 acres North of the Moses property, feels the well site is too close to residents, as well as potential problems with smell and noise pollution.

Al Irwin has concerns with the traffic.

At this time, Wayne Smith, indicated that ODOT has required the Spitfire well entrance to be moved farther to the West at the top of the hill on Highway 130.

A.J. Stanford asked if EOG would provide firefighter training in the event of an oilfield fire.

Bob Marchum asked if EOG would be installing the 32 ft. sound walls if drilling close to residential property.

Steve Webb, Eagle Lakes resident, does not want oil wells in the area.

John Wigley, property owner on the South side of Highway 130 and 76 asked how many additional wells could be added to these sites.

Joe Covey, citizen commented that a site plan to scale had not been submitted for the Applications.

Karl Nail, citizen commented that the addendum for more tanks should be allowed to help keep the servicing of the locations down.

At this time, Gordon Harness closed Citizens comments.

After further discussion, Gordon Harness addressed the following conditions:

1. Road damage and repair provisions need to be provided to City Staff and the Street Department. Mr. Smith indicated that a photographic record could be established of the road before and after. A compensation program could be provided for.
2. The route would be from Highway 62 to SE 32<sup>nd</sup> Street. No well related traffic on Portland.
3. 70 ft. wing-in with 80 ft. depth for SE 32<sup>nd</sup> Street entrance. Approach road will have 6 ft. gravel base.
4. During rig move in and move out, flaggers will be used at Highway 62.
5. Applicant to meet with City Staff and determine proper street damage program.
6. Pad site will use standard construction with mudding problems resolved in 48 hours.
7. Pad site has containment around tanks per EPA requirements.
8. 6 ft. minimum chain link fencing with slats around well site.

9. Signage will include emergency information and contacts and will coordinate with Police and Fire with updated list at 6- month intervals.
10. Fire Department will coordinate and train on site familiarization of location.
11. Hours of Operation: approximately 40 days, 24-hour drilling will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guideline.
12. Tanks allowed: 6
13. Planning Commission will establish decibel levels by checking similar well site engine noise.

After further discussion, Gordon Harness made the motion to recommend conditional approval of the UPOR for the McMahan 02111H subject to decibel levels being established. The Planning Commission will discuss these levels at a Special Planning Commission on June 7, 2018, at 6:00 p.m.

Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried

**ITEM 10: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR JUANITA GRIFFITH IRREVOCABLE TRUST, PATSY ANN MCMAHAN, TRUSTEE/EOG RESOURCES, INC. FOR THE USE OF OIL & GAS DRILLING LOCATED IN THE SW/4 OF SECTION 36, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 3200 S. PORTLAND AVENUE, NE CORNER OF SE 32<sup>ND</sup> AND S. PORTLAND AVENUE, NEWCASTLE, OKLAHOMA. (UPOR 2018-002 MCMAHAN 01121H)**

This well is located in the same location as the well site in Item 9.

Gordon Harness addressed the following conditions (same as for Item 9):

1. Road damage and repair provisions need to be provided to City Staff and the Street Department. Mr. Smith indicated that a photographic record could be established of the road before and after. A compensation program could be provided for.
2. The route would be from Highway 62 to SE 32<sup>nd</sup> Street. No well related traffic on Portland.
3. 70 ft. wing-in with 80 ft. depth for SE 32<sup>nd</sup> Street entrance. Approach road will have 6 ft. gravel base.
4. During rig move in and move out, flaggers will be used at Highway 62.
5. Applicant to meet with City Staff and determine proper street damage program.
6. Pad site will use standard construction with mudding problems resolved in 48 hours.
7. Pad site has containment around tanks per EPA requirements.
8. 6 ft. minimum chain link fencing with slats around well site.
9. Signage will include emergency information and contacts and will coordinate with Police and Fire with updated list at 6- month intervals.
10. Fire Department will coordinate and train on site familiarization of location.
11. Hours of Operation: approximately 40 days, 24-hour drilling will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guideline.
12. Tanks allowed: 6
13. Planning Commission will establish decibel levels by checking similar well site engine noise.

Gordon Harness made the motion to recommend conditional approval of the UPOR for the McMahan 01121H subject to decibel levels being established. The Planning Commission will discuss these levels at a Special Planning Commission on June 7, 2018, at 6:00 p.m.

Jared Bennett seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried

**ITEM 11: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR WILLIAM R. OWEN /EOG RESOURCES, INC. FOR THE USE OF OIL & GAS DRILLING LOCATED IN A 3.9 ACRE TRACT LOCATED IN SECTION 17, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: NW HWY. 130/EAST OF HWY. 76 ON HWY. 130, NEWCASTLE, OKLAHOMA. (UPOR 2018-003 BANSHEE 20291H)**

Wayne Smith, Tres Management and on behalf of EOG Resources, presented the UPOR Application for the Banshee 20291H. This Application is a request for UPOR to drill an Oil and Gas horizontal well. Horizontal well sites access 2 miles away from the surface location of the well site. The well site is located NW of Highway 130 and East of Highway 76 which is West of the ball complex on Highway 130. A water well is located close to the well site location. Moving the pad site would be acceptable with okay from property owner. Property owner was in attendance and would ok moving site due North to meet the setback requirements. (The setback from Highway 30 needs to be from the property line or right-of-way line and not the section line.)

EOG has also requested an Addendum to the City of Newcastle's Oil and Gas Drilling Ordinances for the following:

1. Hours of Operation
2. Use of gas compression systems instead of electrical motor
3. Increase of on-site storage

The following conditions need to be addressed:

1. Well site location drawn to scale needs to be 300 ft. from property line

2. Well site entrance off Highway 130 with a 70 ft. wing-in and 80 ft. depth. Approach will have a 6 ft. gravel base.
3. During rig move in and move out or high traffic volume, flaggers will be used.
4. Applicant to meet with City Staff and determine proper street damage repair program.
5. Pad site will use standard construction with mudding problems resolved in 48 hours.
6. Pad site has containment around tanks per EPA requirements.
7. Because of location next to ballfield, a minimum 8 ft. chain link fence with slatting to be installed. (Check on density of trees that will remain and distance to ball fields) Consider sound abatement because of ballpark to the East.
8. Signage will include emergency information and contacts and will coordinate with Police and Fire with updated list at 6-month intervals.
9. Hours of Operation: approximately 40 days, 24-hour drill will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guidelines.
10. Tanks allowed: 6
11. Planning Commission will establish decibel levels by checking similar well site engine noise.
12. Fire Department will coordinate and train on site familiarization of location.

After further discussion, Gordon Harness made the motion to continue the UPOR for William Owen to the June 7, 2018, Special Planning Commission Meeting. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried



At this time, Gordon Harness made the motion to rescind the conditional approvals of the McMahan 0211H, Item 9, and the McMahan 01121H, Item 10, and continue these two applications to the June 7, 2018, Special Planning Commission meeting. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried

**ITEM 12: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR MCMURTRY MANAGEMENT & INVESTMENTS, LLC /EOG RESOURCES, INC. FOR THE USE OF OIL & GAS DRILLING LOCATED IN A 3.9 ACRE TRACT LOCATED IN SECTION 7, TOWNSHIP 9 NORTH, RANGE 4 W, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: 3610 NW 24<sup>TH</sup>/WEST OF HWY. 76 AND NW 24<sup>TH</sup> STREET INTERSECTION, NEWCASTLE, OKLAHOMA. (UPOR 2018-004 NIGHT HAWK 07181H)**

Wayne Smith, Tres Management and on behalf of EOG Resources, presented the UPOR Application for the Night Hawk 07181H. This Application is a request for UPOR to drill an Oil and Gas horizontal well. Horizontal well sites access 2 miles away from the surface location of the well site. It was suggested that the well site be moved 200 ft. to the West of the proposed site. The entrance road will use an existing roadway from a previous well site. The should be 25 ft. to the West of the property line. This existing road needs to be brought into compliance from the prior McMurtry well approval in 2015. Comments were also made that County Line should not be used as the designated route, but should be 24<sup>th</sup> Street East to Highway 76. There was discussion on using flaggers on 24<sup>th</sup> and Highway 76 or a possible flashing light on 24<sup>th</sup> Street at the crest of the hill west of site, also off the entry of Highway 76 North before the crest.

EOG has also requested an Addendum to the City of Newcastle's Oil and Gas Drilling Ordinances for the following:

1. Hours of Operation
2. Use of gas compression systems instead of electrical motor
3. Increase of on-site storage

The following conditions need to be addressed:

1. Well site location drawn to scale needs to be 300 ft. from property line
2. Well site entrance off 24<sup>th</sup> Street existing roadway from previous well site (should be 25 ft. from East property line) with a 70 ft. wing-in and 80 ft. depth. Approach will have a 6 ft. gravel base.
3. During rig move in and move out or high traffic volume, flaggers will be used.
4. Applicant to meet with City Staff and determine proper street damage repair program.
5. Pad site will use standard construction with mudding problems resolved in 48 hours.
6. Pad site has containment around tanks per EPA requirements.
7. 6 ft. minimum chain link fencing with slats around well site.
8. Signage will include emergency information and contacts and will coordinate with Police and Fire with updated list at 6-month intervals.
9. Hours of Operation: approximately 40 days, 24-hour drill will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guidelines.
10. Tanks allowed: 6
11. Planning Commission will establish decibel levels by checking similar well site engine noise.
12. Fire Department will coordinate and train on site familiarization of location.
13. No Jake Brakes to be allowed.

Neighbor, Gerald Smith commented that the previous well company tore up 24<sup>th</sup> Street and tore down his mailbox.

After further discussion, Gordon Harness made the motion to continue the UPOR for McMurtry Management & Investments, LLC to the June 7, 2018, Special Planning Commission Meeting. Jared Bennett seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried.

**ITEM 13: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR STANFORD FAMILY TRUST/EOG RESOURCES, INC. FOR THE USE OF OIL & GAS DRILLING LOCATED IN A 3.9 ACRE TRACT LOCATED IN SECTION 17, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: NW HWY. 130/NW CORNER OF INTERSECTION OF ROCKWELL AVENUE AND HWY. 130, NEWCASTLE, OKLAHOMA. (UPOR 2018-005 SPITFIRE 08171H)**

Wayne Smith, Tres Management and on behalf of EOG Resources, presented the UPOR Application for the Spitfire 08171H. This Application is a request for UPOR to drill an Oil and Gas horizontal well. Horizontal well sites access 2 miles away from the surface location of the well site.

Mr. Smith commented that ODOT has required that the entrance location be moved from Rockwell to West of Rockwell at the crest of the hill on Highway 130. Gordon Harness also has requested that the pad site be moved to the West. Representatives of the Stanford Family indicate owner wants site to remain as presented.

EOG has also requested an Addendum to the City of Newcastle's Oil and Gas Drilling Ordinances for the following:

1. Hours of Operation
2. Use of gas compression systems instead of electrical motor
3. Increase of on-site storage

The following conditions need to be addressed:

1. Well site location drawn to scale needs to be 300 ft. from property line

2. Well site entrance West of Rockwell at crest of hill off Highway 130. with a 70 ft. wing-in and 80 ft. depth. Approach will have a 6 ft. gravel base.
3. During rig move in and move out or high traffic volume, flaggers will be used.
4. Applicant to meet with City Staff and determine proper street damage repair program.
5. Pad site will use standard construction with mudding problems resolved in 48 hours.
6. Pad site has containment around tanks per EPA requirements.
7. 6 ft. minimum chain link fencing with slats around well site.
8. Signage will include emergency information and contacts and will coordinate with Police and Fire with updated list at 6-month intervals.
9. Hours of Operation: approximately 40 days, 24-hour drill will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guidelines.
10. Tanks allowed: 6
11. Planning Commission will establish decibel levels by checking similar well site engine noise.
12. Fire Department will coordinate and train on site familiarization of location.
13. Sound barrier walls to be considered for sound abatement.

After further discussion, Gordon Harness made the motion to continue the UPOR for the Stanford Family Trust Application to the June 7, 2018, Special Planning Commission Meeting. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried.

**ITEM 14: A PUBLIC HEARING TO CONSIDER AN APPLICATION FOR USE PERMITTED ON REVIEW FOR A CONDITIONAL USE PERMIT FOR CASTLE FAMILY TRUST, BOBBY C & WANDA L. CASTLE, TRUSTEES/EOG RESOURCES, INC. FOR THE USE OF OIL & GAS DRILLING LOCATED IN A 3.9 ACRE TRACT OF SECTION 9, TOWNSHIP 9 NORTH, RANGE 4 WEST, MCCLAIN COUNTY, OKLAHOMA. PROPERTY LOCATION: NE CORNER OF NW 16<sup>TH</sup> STREET AND N. ROCKWELL AVENUE, NEWCASTLE, OKLAHOMA. (UPOR 2018-006 TOMCAT 16211H)**

Wayne Smith, Tres Management and on behalf of EOG Resources, presented the UPOR Application for the Tomcat16211H. This Application is a request for UPOR to drill an Oil and Gas horizontal well. Horizontal well sites access 2 miles away from the surface location of the well site. Entrance will be located on 16<sup>th</sup> Street. Owner has agreed to pad site and does not want it located elsewhere. Commission addressed concerns on bridge and the traffic on 16<sup>th</sup> Street. Residential is located close to this well site.

EOG has also requested an Addendum to the City of Newcastle's Oil and Gas Drilling Ordinances for the following:

4. Hours of Operation
5. Use of gas compression systems instead of electrical motor
6. Increase of on-site storage

The following conditions need to be addressed:

14. Well site location drawn to scale needs to be 300 ft. from property line
15. Well site entrance off 16<sup>th</sup> Street with a 70 ft. wing-in and 80 ft. depth. Approach will have a 6 ft. gravel base. Concerns on 16<sup>th</sup> Street bridge.
16. During rig move in and move out or high traffic volume, flaggers will be used.
17. Applicant to meet with City Staff and determine proper street damage repair program.
18. Pad site will use standard construction with mudding problems resolved in 48 hours.
19. Pad site has containment around tanks per EPA requirements.
20. 6 ft. minimum chain link fencing with slats around well site.

21. Signage will include emergency information and contacts and will coordinate with Police and Fire with updated list at 6-month intervals.
22. Hours of Operation: approximately 40 days, 24-hour drill will be allowed; approximately 60 days, 24-hour operating period will be allowed; after which time will adhere to City of Newcastle Ordinance guidelines.
23. Tanks allowed: 6
24. Planning Commission will establish decibel levels by checking similar well site engine noise.
25. Fire Department will coordinate and train on site familiarization of location.
26. Sound barrier walls to be considered for sound abatement.

After further discussion, Gordon Harness made the motion to continue the UPOR for the Castle Family Trust to the June 7, Special Planning Commission meeting. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes
Wright	Yes

Motion carried.

**ITEM 8: DISCUSSION AND POSSIBLE ACTION ON FINAL PLAT OF THE RIDGE, SECTION 2 – continued**

At Applicant's request, The Final Plat of The Ridge, Section 2 will be continued to the Special Planning Commission meeting on June 7, 2018, at 6:00 p.m.

Dennis Sanders made the motion to continue Th Ridge, Section 2 at the applicant's request to the June 7, 2018, Special Meeting. Jared Bennett seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Yes

