

**MINUTES  
PLANNING & ZONING COMMISSION**

**ITEM 1: CALL TO ORDER / ROLL CALL**

The regularly scheduled meeting of the Newcastle Planning and Zoning Commission was held on June 25, 2018. The meeting was called to order at 7:00 p.m. by Chairman Gordon Harness.

Roll Call:

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

Others: Todd Kennemer

**ITEM 2: CONSIDER APPROVAL OF AGENDA**

Applicant has requested that Item 10 be continued to the next regular meeting in July. Karl Evans made the motion to approve the June 25, 2018, Agenda with the requested continuation. Dennis Sanders made the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

**ITEM 3: CONSIDER APPROVAL OF MINUTES  
May 21, 2018 Regular Meeting  
June 7, 2018 Special Meeting**

The minutes of the May 21, 2018 Meeting had changes to some of the provisions, however; all the matters were continued to the June 7, 2018, Special Meeting. Dennis Sanders made the motion to approve the minutes of the May 21, 2018 Regular meeting. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

Gordon Harness made the motion to approve the June 7, 2018 Special Meeting minutes with noted changes made to the provisions regarding the oil and gas items from the May 21, 2018 Regular Meeting. (changes are noted with underline)

1. McMahan well sites
  - a. Road Damage and Repair Provisions coordinated with City Staff is a condition of the approval.
  - b. Oklahoma Corporation Commission approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of permit.
  
2. Owen well site
  - a. During rig move in and out add Highway 76 along with Highway 130 already indicated.
  - b. Road Damage and Repair Provisions coordinated with City Staff is a condition of the approval.
  - c. Oklahoma Corporation Commission approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of permit.
  
3. McMurtry well site
  - a. Road Damage and Repair Provisions coordinated with City Staff is a condition of the approval.
  - b. Oklahoma Corporation Commission approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of permit.
  
4. Stanford well site
  - a. Continued to June 25, 2018 regular meeting
  
5. Castle well site
  - a. Road Damage and Repair Provisions coordinated with City Staff is a condition of the approval.

- b. Oklahoma Corporation Commission approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of permit.

Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

**ITEM 4: REPORT OF CITY COUNCIL’S DECISION ON PLANNING COMMISSION RECOMMENDATIONS OF LAST MEETING**

Gordon Harness reported on the City Council approvals of the Planning Commission recommendations.

McMahan well sites: City Council approved with the requirement that the approved Oklahoma Corporation Commissions permits be received. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit. See 6-7-18 Planning Commission minutes for list of other provisions.

Owens well site: City Council approved with the requirement that the approved Oklahoma Corporation Commissions permits be received. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit. Truck route to be Highway 76 to Highway 130. The site location to be moved to the North to secure more than 300 feet from to the South property line. 80 ft. from the East property line allowance is appropriate. Live flaggers on Highway 76 and Highway 130. City Council adopted 16 ft. sound barrier fencing on the East, West, and South sides of the site. See 6-7-18 Planning Commission minutes for list of other provisions.

McMurtry well site: City Council approved with the requirement that the approved Oklahoma Corporation Commissions permits be received. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit. It was indicated that the existing oil company using the entrance off 24<sup>th</sup> Street has already oil and chipped entrance. This entrance was previously approved for the existing well site on the property. The City Council did not require that the entrance road be moved by EOG Resources. It is required that a 16 ft. sound barrier fence along

the East property line be erected 200 ft from each side of the corner of Gerald's Smith residence on a temporary basis during high volume and drilling operations. 16 ft. sound barrier fencing on the East, West, and North. Fencing not required on the South side. See 6-7-18 Planning Commission minutes for list of other provisions.

Stanford well site: City Council took no action. This item was continued to June 25, 2018 Planning Commission

Castle well site: City Council approved with the requirement that the approved Oklahoma Corporation Commissions permits be received. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit. Fencing requirement of 24 ft. sound barrier on the South and East and chain link fencing or applicant's choice on the West and North was approved by the Council. See 6-7-18 Planning Commission minutes for list of other provisions.

**ITEM 5: CONTINUANCE REQUESTS**

Applicant has requested Item 10 Final Plat of Wyndemere Duplexes be continued to the July 30, 2018 Regular Planning Commission meeting.

**ITEM 6: CITIZENS COMMENTS**

None

**ITEM 7: LOT SPLIT/DEED APPROVALS Discussion and/or action  
Gramling/Clark – TK approved 6-20-18**

**ITEM 8: 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) - continued**

Wayne Smith, Tres Management and on behalf of EOG Resources, presented the Application for the Spitfire 08171H. Mr. Smith stated that ODOT has set the access location off Highway 130. Mr. Smith also stated that the well bore has been moved at the property owner's request. A new site plan was presented. Because of the terrain, the pad site will remain the same, but the well bore has been moved. The well bore (not the pad site) is within the 300 ft. from the

property line. Site shows the operating equipment and tankage has been moved to the East side. It is also noted that a high-pressure gas lines runs East/West on the South and a pond on the North.

Karl Evans still has concerns with the site not meeting the 300 ft. property line boundary. Will Wright has concerns with the tanks and operating equipment being located on the East side close to residential.

Mr. Smith, Tres Management, has asked that the Planning Commission set forth reasonable provisions with the pad site remaining at the presented location and send to City Council for decision.

After further discussion, and suggestions for other options and after discussions with EOG Resources, it was agreed that the pad site will remain as presented with the well bore being 329 ft. from the property line and the tanks and equipment will be located in excess of 300 ft. from the property line with the tanks being located on the West side and the compressors on the North side. These conditions meet the City Ordinances of 300 ft. from residential structures.

#### Public Comments:

Bart Masters, property owner to the North of the Moses property, would like to have the sound barrier on the North, East and West.

Mark Moses would like the pad site moved farther to the West. Would like the site re-designed to make the site safer for all citizens.

Lisa Moses commented that if she decides to sell her property, standards from VA and FHA will not allow her to sell to another party.

#### Provisions to be included for this Application for the Spitfire 08171H well site:

1. The truck route will use Highway 76 East on Highway 130 to ODOT designated entrance West of Rockwell.
2. The pad site will remain as presented with the well bore being 329 ft. from the property line and the tanks and equipment will be located in excess of 300 ft. from the property line with the tanks being located on the West side and the compressors on the North side. These conditions meet the City Ordinances of 300 ft. from residential structures.
3. Notation was made by Mr. Harness that at the May 21, 2018 Discussion on Entrances and Drives provided for minimum 70 ft. wing-in with 80 ft. depth for Highway 130 entrance. Approach and road will have 6-inch gravel base. However, the well site inspection revealed that the EOG standard appeared to have standard dimensions of approximately 130 ft wide x 96 ft. deep and The

Planning Commission requests the EOG standard be used if it provides greater entrance area.

4. During rig move in and move out and high traffic volume, live flaggers will be used at Highway 130. Signage on Highway 76.
5. Pad site has containment around tanks per EPA requirements. Planning Commission notes that Okla. Corp. Comm. [and the City of Newcastle] interprets the largest tank volume to be the total volume of tanks that are connected together (discussion was had and acknowledged that piping might exist but if closed by normally closed valves such would prevent a common volume).
6. Pad site will use standard construction with mudding problems resolved in 48 hours to prevent mud from tracking on public roadways.
7. Signage will include emergency information and contacts and operator will coordinate with Police and Fire with updated list at 6- month intervals.
8. Operator will contact Fire Department and will coordinate and train for on-site familiarization of location.
9. 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 guidelines.
10. Tanks allowed: 6. Additional tanks may be added with coordination of City Staff.
11. Fencing: 24 ft. sound barrier, site proof fencing on all 4 sides of pad.
12. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit
13. Oklahoma Corporation Commission Approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of UPOR permit.
14. Use of gas motors will be approved subject to review by the Planning Commission with a recommendation made to the City Council which may be addressed separately by the City Council for approval. The primary factor to be reviewed is the cost of electric service – considering both initial service connection fees and operating costs.
15. Noise Decibel levels should be in conformance with the testing results presented and should be no greater that 75db at 300 ft. from the sound source.

Wayne Smith did comment on #11. He feels 24 ft. fencing is not cost effective. 16 ft. is more reasonable.

At this time, Gordon Harness made the motion to recommend approval of the UPOR 2018-005 for the Stanford Family Trust Spitfire 08171H with the following provisions:

1. The truck route will use Highway 76 East on Highway 130 to ODOT designated entrance West of Rockwell.
2. The pad site will remain as presented with the well bore being 329 ft. from the property line and the tanks and equipment will be located in excess of 300 ft. from the property line with the tanks being located on the West side and the compressors on the North side. These conditions meet the City Ordinances of 300 ft. from residential structures.
3. Notation was made by Mr. Harness that at the May 21, 2018 Discussion on Entrances and Drives provided for minimum 70 ft. wing-in with 80 ft. depth for Highway 130 entrance. Approach and road will have 6-inch gravel base. However, the well site inspection revealed that the EOG standard appeared to have standard dimensions of approximately 130 ft wide x 96 ft. deep and The Planning Commission requests the EOG standard be used if it provides greater entrance area.
4. During rig move in and move out and high traffic volume, live flaggers will be used at Highway 130. Signage on Highway 76.
5. Pad site has containment around tanks per EPA requirements. Planning Commission notes that Okla. Corp. Comm. [and the City of Newcastle] interprets the largest tank volume to be the total volume of tanks that are connected together (discussion was had and acknowledged that piping might exist but if closed by normally closed valves such would prevent a common volume).
6. Pad site will use standard construction with mudding problems resolved in 48 hours to prevent mud from tracking on public roadways.
7. Signage will include emergency information and contacts and operator will coordinate with Police and Fire with updated list at 6- month intervals.
8. Operator will contact Fire Department and will coordinate and train for on-site familiarization of location.
9. 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 guidelines.
10. Tanks allowed: 6. Additional tanks may be added with coordination of City Staff.

11. Fencing: 24 ft. sound barrier, site proof fencing on all 4 sides of pad.
12. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit.
13. Oklahoma Corporation Commission Approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of UPOR permit.
14. Use of gas motors will be approved subject to review by the Planning Commission with a recommendation made to the City Council which may be addressed separately by the City Council for approval. The primary factor to be reviewed is the cost of electric service – considering both initial service connection fees and operating costs.
15. Noise Decibel levels should be in conformance with the testing results presented and should be no greater than 75db at 300 ft. from the sound source.

Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

**ITEM 9: 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) - continued**

Note\* UPOR should be 2018-007.

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



Application for the War Hawk 06311H. This is second well on the pad site of the Night Hawk well. (McMurtry UPOR 2018-004) This well is located farther from the East boundary than the previous Night Hawk.

After discussion, Gordon Harness made the motion to recommend approval of the McMurtry UPOR 2018-007 for the War Hawk 06311H with the following provisions:

1. The truck route will use Highway 76 to NW 24<sup>th</sup> Street. Entrance will be off NW 24<sup>th</sup> Street.
2. Notation was made by Mr. Harness that at the May 21, 2018 Discussion on Entrances and Drives provided for minimum 70 ft. wing-in with 80 ft. depth for 24th Street entrance. Approach and road will have 6-inch gravel base. However, the well site inspection revealed that the EOG standard appeared to have standard dimensions of approximately 130 ft wide x 96 ft. deep and The Planning Commission requests the EOG standard be used if it provides greater entrance area minimum 70 ft. wing-in with 80 ft. depth for 24th Street entrance. Approach and road will have 6-inch gravel base. Currently, the entrance has been updated with oil and chip and the Applicant has agreed to increase the depth by 20 ft.
3. During rig move in and move out and high traffic volume, live flaggers will be used at Highway 76 and 24<sup>th</sup> Street to the West. Warning signage approved by ODOT to be provided on Highway 76 North and South of NW 24<sup>th</sup> Street with flashers.
4. Pad site has containment around tanks per EPA requirements. Planning Commission notes that Okla. Corp. Comm. [and the City of Newcastle] interprets the largest tank volume to be the total volume of tanks that are connected together (discussion was had and acknowledged that piping might exist but if closed by normally closed valves such would prevent a common volume).
5. Pad site will use standard construction with mudding problems resolved in 48 hours to prevent mud from tracking on public roadways.
6. Signage will include emergency information and contacts and operator will coordinate with Police and Fire with updated list at 6- month intervals.
7. Operator will contact Fire Department and will coordinate and train for on-site familiarization of location.
8. 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 guidelines.

9. Tanks allowed: 6. Additional tanks may be added with coordination of City Staff.
10. Fencing: 16 ft. sight proof, sound barrier fencing on the East, West, North sides of the site. The South shall be chain link fencing. Applicant shall erect a 16 ft. sound barrier fence along the East property line 200 feet from each side of the center of Gerald Smith's residence on a temporary basis during high traffic volume and drilling operations. Solid fencing shall be brown or tan in color.
11. A Road Maintenance and Damage Agreement be reached with the City of Newcastle prior to issuance of any UPOR Permit
12. Oklahoma Corporation Commission Approved Permit to Drill Applications should be received to make the Application complete and actionable by the Planning Commission and City Council prior to issuance of UPOR permit.
13. Use of gas motors will be approved subject to review by the Planning Commission with a recommendation made to the City Council which may be addressed separately by the City Council for approval. The primary factor to be reviewed is the cost of electric service – considering both initial service connection fees and operating costs.
14. Noise Decibel levels should be in conformance with the testing results presented and should be no greater than 75db at 300 ft. from the sound source.

Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried

Neighbor, Gerald Smith, commented that he still has questions and concerns regarding the acceptable footage of the site to the property line. Gordon Harness said he will check on and will have the City Council address. Gordon will also address Council regarding the permanent or temporary basis of the fencing.

**ITEM 10: DISCUSSION AND POSSIBLE ACTION ON FINAL PLAT OF WYNDEMERE DUPLEXES**

Continued

**ITEM 11: DISCUSSION AND POSSIBLE ACTION ON FAÇADE REQUIREMENTS – continued**

Continued

**ITEM 12: DISCUSSION AND POSSIBLE ACTION ON SETTING DATE FOR NEXT SPECIAL MEETING.**

None

**ITEM 13: NEW BUSINESS**

None

**ITEM 14: OLD BUSINESS**

None

**ITEM 15: ADJOURNMENT**

Dennis Sanders made the motion to adjourn the meeting at 9:00 p.m. Karl Evans seconded the motion.

Board Polled:

Harness	Yes
Sanders	Yes
Evans	Yes
Bennett	Absent
Wright	Yes

Motion carried.