

BOARD OF ADJUSTMENT MINUTES

JANUARY 25, 2017

The Board of Adjustment of the City of Norman, Cleveland County, Oklahoma, met in Regular Session in Conference Room D of the Norman Municipal Building A, 201 West Gray, at 4:30 p.m., January 25, 2017. Notice and agenda of said meeting were posted in the Municipal Building at the above address and at www.normanok.gov/content/board-agendas at least 24 hours prior to the beginning of the meeting.

Item No. 1, being:

CALL TO ORDER

Chairman Andrew Seamans called the meeting to order at 4:30 p.m.

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Item No. 2, being:

ROLL CALL

MEMBERS PRESENT

Brad Worster
Curtis McCarty
Nils Gransberg
James Howard
Andrew Seamans

MEMBERS ABSENT

None

A quorum was present.

STAFF PRESENT

Susan Connors, Director, Planning & Community
Development
Wayne Stenis, Planner II
Leah Messner, Asst. City Attorney
Roné Tromble, Recording Secretary
David Woods, Oil & Gas Inspector

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Item No. 3, being:

ELECTION OF OFFICERS FOR 2017

Curtis McCarty nominated Andrew Seamans as Chairman for 2017. James Howard seconded the nomination.

There being no further discussion, a vote was taken with the following result:

YEAS

Brad Worster, Curtis McCarty, Nils Gransberg, James
Howard, Andrew Seamans

NAYS

None

ABSENT

None

Ms. Tromble announced that Andrew Seamans was unanimously elected Chairman for 2017.

Nils Gransberg nominated Curtis McCarty as Vice-Chairman for 2017. Brad Worster seconded the nomination.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that Curtis McCarty was unanimously elected Vice-Chairman for 2017.

Curtis McCarty nominated Nils Gransberg as Secretary for 2017. Brad Worster seconded the nomination.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that Nils Gransberg was unanimously elected Secretary for 2017.

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Item No. 4, being:

APPROVAL OF MINUTES OF THE DECEMBER 7, 2016 REGULAR MEETING

Curtis McCarty moved to approve the minutes of the December 7, 2016 Regular Meeting as presented. James Howard seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion to approve the December 7, 2016 Minutes as presented passed by a vote of 5-0.

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Item No. 5, being:

BOA-1617-17 – HUGHES GAS SYSTEM, L.L.C. REQUESTS A VARIANCE FROM THE REQUIREMENT TO INSTALL FENCING AROUND THE WELL AND TANK BATTERY FOR THREE SITES LOCATED IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 8 NORTH, RANGE 2 WEST, AND ONE SITE LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 2 WEST, GENERALLY ON THE EAST SIDE OF JENKINS AVENUE AND THE WEST SIDE OF JENKINS AVENUE AT THE INTERSECTION WITH BRATCHER-MINER ROAD (SOUTH OF HIGHWAY 9).

ITEMS SUBMITTED FOR THE RECORD:

1. Staff Report
2. Application with Attachments, Location Maps & Aerial Photos
3. Applicant's Request for Postponement

PRESENTATION BY STAFF:

Ms. Connors reviewed the staff report, a copy of which is filed with the minutes. Staff does not support this request based on the oil and gas regulations approved by City Council.

PRESENTATION BY THE APPLICANT:

Robert Tucker, representing Hughes Gas Systems – All three of the locations we're asking for the variance are outside the Urban Service Area and I think they're all in the floodplain area so there's probably not going to be any future homes built nearby, except possibly on the Valouch 3 there may be some development from the subdivision that's to the east. I'm not sure if anyone is here from the developer there, but I think at one point they had also agreed that they were in favor of not fencing – the well that's within 600 feet of that subdivision does have a fence around it. The tank battery that goes with that is 1800 feet away to the south, completely away from everything, except it is close to the City street. So we would be fencing the battery 1800 feet or so away from the well. The well is fenced, which is the closest thing to the subdivision.

Mr. McCarty – Is it fenced and gated?

Mr. Tucker – Yes. There's locked gates both coming into the property from the main street and then the fence is around all the actual wells. The pumping units are all fenced and locked.

Mr. Seamans – There's a gate right at where Jenkins and Bratcher-Miner Road turn?

Mr. Tucker – The gate is farther back in from there. There's a homeowner that lives on that street right behind that battery – Rex Valouch. So the gate for that is farther back in for the well.

Mr. Seamans – I just assumed that was a dead-end street or it was private property.

Mr. Tucker – Well, I don't think it's public going back into there. It's just a lease road going into the well.

Ms. Connors – But Bratcher-Miner Road is a public road.

Mr. Gransberg – Were you talking, specifically, about the Valouch 3, or were you talking about the Norman 1 that's on Bratcher Road?

Mr. Tucker – So far I was talking about the Valouch 3, which is closest to a subdivision. Norman #1 is the well that's right across from the sewage treatment plant around some of the City

property that we would need the variance – would have needed a waiver from the City, but since they don't do that administratively is one of the reasons we're here.

Mr. Gransberg – And then on the NJ Valouch battery site – the one that was up there on the corner – it's kind of tucked away back in the woods.

Mr. Tucker – It's pretty close to the corner, but that's required to be fenced under the rules because the well that goes with that, which is farther back to the east – the well is actually far enough away from the street, but it's within 600 foot of the home that's there. So, because the well is required to be fenced, it's my understanding so also under the ordinance that the tank battery that would go with that well would be fenced.

Mr. Gransberg – And that one's fenced as well already?

Mr. Tucker – Around the well bore is fenced, yes, around the pumping unit. But the tank battery is just a barbed wire fence.

Mr. Gransberg – Do you have a barbed wire fence around any of the other tank batteries at all?

Mr. Tucker – I know the V3 battery is fenced and Norman 1 is fenced but it's just a barbed wire fence also.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Mr. Gransberg – I think, at least from what I'm looking at, they look to have some different conditions. It would be Valouch 3 and maybe NJ Valouch battery both are within 600 feet of buildings, if you look at the very last page on the handout. So the battery is outside of that and I think that's a unique ...

Ms. Messner – The request, I don't believe, is for the Valouch 3 well, just the Valouch 3 battery.

Mr. Gransberg – So we're looking at the Valouch 3 battery that's unique by itself. So I think for the Valouch 3 battery I'd like to make a motion – but maybe before I make a motion, we would do something similar to what we've done before -- and this one is on a public road -- that we would give them the similar waiver.

Mr. McCarty – So are you wanting to do something different on the other ones? We've been doing the same thing on all those.

Mr. Gransberg – The difference I see here is the Norman 1 well and tank battery – because if you go down here in this area, this is actually a pretty busy area. You've got the Norman pistol range. You've got the water treatment plant. There's always a lot of traffic and a lot of people going through here. So from a safety standpoint, you hit both of your requirements – the buildings and roads. The fact that it's outside of the urban area I don't think is relevant to this because you're within 600 feet of a road; you're within 600 feet of public buildings. There's no waiver from the City as there would be a waiver from an owner of the property.

Nils Gransberg moved to grant the variance as requested on the Valouch 3 Tank Battery, to expire on December 31, 2019. Curtis McCarty seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance for the Valouch 3 Tank Battery fencing until December 31, 2019, passed by a vote of 5-0.

Curtis McCarty moved to grant the variance as requested for the NJ Valouch Tank Battery, to expire on December 31, 2019. Nils Gransberg seconded the motion.

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance for the NJ Valouch Tank Battery fencing until December 31, 2019, passed by a vote of 5-0.

Mr. Gransberg – This is from what I've looked at it, and what it looks like to me is you have – according to our ordinance our two requirements are that if it's within 600 feet of house, building – these are City buildings. It's within City roads – actually within two City roads. These are City buildings. If it was a private building, we would require the private landowner to provide a waiver. And in the past, we've required private owners to provide waivers and the City hasn't provided the waiver on this. So, in view of that, that's where I believe we should require them to comply with the ordinance.

Mr. McCarty – I have a question for the applicant. Is this one fenced off and gated, as well?

Mr. Tucker – Yes. The tank battery has a chain-link fence that would be in compliance, I believe, with the ordinance already – the pumping unit, I'm sorry. But the tank battery is just a barbed wire fence around the battery.

Mr. McCarty – And this particular one, they're in the same general area?

Mr. Tucker – Yes.

Mr. McCarty – So the pumper is fenced and gated; the tank battery is not?

Mr. Tucker – Correct.

Ms. Connors – If I could just clarify. The reason the variance is for the well and tank battery is that the well is fenced, but it doesn't totally comply with the regulations of the barbed wire. It's pretty specific in our ordinance.

Mr. McCarty – Six foot, barbed wire at the top, all that. We just don't have all those things.

Mr. Woods – What it has is it's a panel-built fence with six foot chain-link on it, but just does not have barbed wire on it, that probably could be on, but the posts aren't cemented in concrete that we specify.

Mr. Worster – I drove down there today and this isn't a high-pedestrian area. There may be traffic but it's everybody in a car. And it's industrial. There are piles of all kinds of other stuff out there – old broken concrete and rebar and all kinds of stuff piled around. If someone wants to get hurt, they can get hurt there. I don't know that putting a fence around this immediately now will make any difference to anyone else going down there. I don't know that it will be safer with a fence around this, if that yard is open with miscellaneous stuff piled up all over the place. If the pumpjack itself is fenced, I don't see how it's different than these other ones.

AUDIENCE PARTICIPATION:

Mike Rainer, 4705 Vista Drive – I'm a petroleum engineer, so I'm familiar with oil and gas operations. You've got it right with respect to the Current Urban Service Area – it's kind of an arbitrary line that the City had to use. The real concern here is for public safety. Even though you don't have a high-traffic area, you do have the potential for teenage kids or something coming down and entering into these pumping units. I've seen kids – and you can Google it – that get in there and get on those things and think that it's fun to ride. I don't know if it's electrified or if it's gas-fired unit, but Google it and you'll see what can happen. Kids can lose their arms. Kids can be killed. Now, I don't really have a dog in this fight, but I think they just discussed the new ordinance that was passed – I want to say two years ago – is very specific with respect to the fencing. It has to have a tension wire so it can't be pulled up and go under. It's supposed to have barbed wire – and this is all if it's within 600 feet of the well and it's supposed to have a locked gate. So I just wanted to clarify that, that I think it's a concern that you all need to be taking into consideration is the fact that it potentially represents a threat to really teenagers or kids that may go down there and think it's kind of interesting to get up on one of those pumping units and ride it, because it can be lethal.

Cynthia Rogers – I'm an economics professor, so not really an expert in oil and gas. But I appreciate your comment: there's all kinds of other stuff laying around there. I guess maybe this is a question for Ms. Connors. We're not supposed to have dump sites and stuff laying around like that, so don't make a decision based on having things that aren't supposed to be there anyway. If there's rebar and concrete for a construction dump site, that's kind of a no-no. So don't make a decision based on there's some potential other sort of violations there.

Mr. Worster – My only comment is I don't know how that one is different than the other two.

Ms. Rogers – Right. So my comment is maybe that needs to be cleaned up and that's a different issue.

Mr. Tucker – I wasn't specifically aware there was a need for the barbed wire. Our main concern was the cost of putting the chain-link fence around the tank battery. We would be more than willing with the variance to go ahead and bring the pumping unit fence up to code immediately, with the concreted posts and the barbed wire, if that would make a difference.

DISCUSSION AND ACTION BY THE BOARD OF ADJUSTMENT:

Curtis McCarty moved to grant the variance as requested on the Norman #1 Tank Battery, to expire on December 31, 2019; and not grant a variance for the Norman #1 well, so the pump jack fence is brought up to our current standard. Brad Worster seconded the motion.

There being no further discussion, a vote was taken with the following result:

YEAS	Brad Worster, Curtis McCarty, Nils Gransberg, James Howard, Andrew Seamans
NAYS	None
ABSENT	None

Ms. Tromble announced that the motion, to grant the variance for the Norman #1 Tank Battery fencing until December 31, 2019; and not grant a variance for the Norman #1 well, passed by a vote of 5-0.

Mr. Seamans noted that there is a ten-day appeal period for all three items.

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Item No. 6, being:

MISCELLANEOUS COMMENTS

None

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Item No. 7, being:

ADJOURNMENT

There being no further business and no objection, the meeting adjourned at 4:51 p.m.

PASSED and ADOPTED this 22nd day of February, 2017.


Secretary, Board of Adjustment