



**PLANNING COMMISSION  
MEETING AGENDA  
SPECIAL/STUDY MEETING**

500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3364  
www.troymi.gov  
planning@troymi.gov

Donald Edmunds, Chair, Philip Sanzica, Vice Chair  
Karen Crusse, Steve Gottlieb, Michael W. Hutson, Tom Krent  
Gordon Schepke, Thomas Strat and John J. Tagle

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**November 25, 2014**

**7:00 P.M.**

**Council Board Room**

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1. ROLL CALL
2. APPROVAL OF AGENDA
3. MINUTES – November 11, 2014 Regular Meeting
4. PUBLIC COMMENT – For Items Not on the Agenda
5. ZONING BOARD OF APPEALS (ZBA) REPORT
6. DOWNTOWN DEVELOPMENT AUTHORITY
7. PLANNING AND ZONING REPORT

**ZONING ORDINANCE TEXT AMENDMENT**

8. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 247) – Oil and Gas Extraction

**OTHER BUSINESS**

9. PUBLIC COMMENT – Items on Current Agenda
10. PLANNING COMMISSION COMMENT

**ADJOURN**

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on November 11, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

- Karen Crusse
- Donald Edmunds
- Steve Gottlieb
- Michael W. Hutson
- Tom Krent
- Philip Sanzica
- Gordon Schepke
- Thomas Strat

Absent:

- John J. Tagle

Also Present:

- R. Brent Savidant, Planning Director
- Ben Carlisle, Carlisle/Wortman Associates, Inc.
- Allan Motzny, Assistant City Attorney
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2014-11-058**

- Moved by: Sanzica
- Seconded by: Strat

**RESOLVED**, To approve the Agenda as revised to add Agenda item 5.a., 2015 Planning Commission Meeting Dates.

- Yes: All present (8)
- Absent: Tagle

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2014-11-059**

- Moved by: Krent
- Seconded by: Gottlieb

**RESOLVED**, To approve the minutes of the October 28, 2014 Special/Study meeting as published.

- Yes: All present (8)
- Absent: Tagle

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

Joel Pumphrey of 6616 Glendale addressed concerns with the recently developed Cedar Pines Woods site condominium project that abuts his home to the north. He said he has discussed the matter with the City’s Engineering and Building departments and circulated photographs to demonstrate his concerns.

Mr. Savidant assured Mr. Pumphrey that all zoning ordinance requirements and any conditions placed on site plan approval for the development must be met. Appropriate information was exchanged and the matter will be handled administratively.

**OTHER BUSINESS**

5. MASTER PLAN UPDATE – Demographics

Mr. Carlisle gave a PowerPoint presentation on priorities and strategies in relation to Troy’s changing demographics.

Discussion followed.

5.a 2015 PLANNING COMMISSION MEETING DATES

**Resolution # PC-2014-11-060**

Moved by: Krent  
Seconded by: Hutson

**RESOLVED**, That the Troy City Planning Commission hereby establishes the following schedule for their meetings during the calendar year 2015.

1. Regular meetings will be held on the second Tuesday of each month.
2. Special/Study meetings will be held on the fourth Tuesday of each month, as necessary.
3. If additional Special/Study meetings become necessary, alternate Special/Study meeting dates may be set at the discretion of the Commission.

Yes: All present (8)  
No: Tagle

**MOTION CARRIED**

6. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENT

General Planning Commission comments followed.

The Regular meeting of the Planning Commission adjourned at 8:25 p.m.

Respectfully submitted,

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Donald Edmunds, Chair

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Kathy L. Czarnecki, Recording Secretary

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DATE: November 20, 2014  
TO: Planning Commission  
FROM: R. Brent Savidant, Planning Director  
SUBJECT: ZONING ORDINANCE TEXT AMENDMENT (File Number: ZOTA 247) – Oil and Gas Extraction

This item was initiated by the Planning Commission, based on a recognition that the Zoning Ordinance is presently silent on the issue of oil and gas extraction.

The attached report summarizes the issue and suggests language for a first draft of the oil and gas provisions. The proposed provisions would regulate oil and gas extraction in Troy, including prohibiting the practice of fracking. These operations would be permitted subject to special use approval in the IB district only, on parcels that are at least 5 acres in size or greater.

Staff is attempting to address this issue in a timely manner. This is a first draft that has not yet been reviewed by the City Attorney. Nor has it been developed in ordinance form. These actions will occur once Planning Commission agrees on the direction of the draft language.

Please be prepared to discuss this item at the November 25, 2014 Planning Commission meeting.

Attachments:

1. Draft ZOTA
2. Map of potential oil and gas sites.

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WORTMAN  
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**TO:** R. Brent Savidant, AICP, Planning Director  
**FROM:** Ben Carlisle, AICP  
**DATE:** November 18, 2014  
**RE:** Oil and Gas Extraction Ordinance

The Planning Commission has asked staff to draft regulations regarding natural resource extraction, specifically oil and gas. Based on Planning Commission direction, we have prepared draft ordinance language for consideration.

A tenet of the Zoning Ordinance is the protection of single-family residential properties. In order to better protect single-family residential properties, the language provides the following requirements:

- Permitted only in IB District as Special Use
- Require a well site to be setback 300 feet from any right-of-way; 500 feet from any residential zoned or used property or any property used for a religious facility, public or private school, or hospital; and 100 feet from any other property line.
- Require a minimum lot size of 5 acres
- Require extensive fencing, landscaping, and limited lighting
- Adherence to strict nuisance and performance standard requirements
- Require submittal of a detailed Operations Plan

We have attached a map that shows potential sites upon which an extraction operation could be developed.

## **RECOMMENDED TROY ZONING ORDINANCE AMENDMENTS FOR THE REGULATION OF OIL AND GAS WELLS:**

### **Section 2.02: Definition:**

*DERRICK – Any portable framework, tower mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil or gas.*

*DRILLING PAD-- The area of surface operations surrounding the surface location of a well or wells. Such area shall not include an access road to the drilling pad.*

*FRACKING-- The process of injecting water, customized fluids, sand, steam, or gas into a gas well under pressure to improve gas recovery.*

*OIL AND GAS -- Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.*

*OIL AND GAS DEVELOPMENT OR DEVELOPMENT-- The well site preparation, construction, drilling, redrilling, hydraulic fracturing, and/or site restoration associated with an oil or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of oil and gas. The definition does not include natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions.*

*OIL OR GAS WELL--A pierced or bored hole drilled or being drilled in the ground for the purpose of, or to be used for, producing, extracting or injecting gas, oil, petroleum or another liquid related to oil or gas production or storage, including brine disposal.*

*OIL OR GAS WELL SITE -- The location where facilities, structures, materials and equipment whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. This definition also includes exploratory wells.*

*NATURAL GAS COMPRESSOR STATION -- A facility designed and constructed to compress natural gas that originates from an gas well or collection of such wells operating as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.*

*NATURAL GAS PROCESSING PLANT -- A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas.*

*STORAGE WELL-- A well used for and in connection with the underground storage of natural gas, including injection into or withdrawal from a underground storage reservoir for monitoring or observation of reservoir pressure.*

**Section 4.21: Use Table:**

The table is as follows:

	R1A- R1E	RT	MF	UR	MHP	CF	EP	CB	GB	IB	O	OM	RC	PV	P
<i>Oil and Gas Well</i>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>S</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

**Section 6.33: Oil and Gas Extraction Specific Use Standards:**

*The purpose of this ordinance is to provide for the reasonable development of land for oil and gas drilling while providing adequate health, safety and general welfare protections of the residents of Troy. It is necessary and appropriate to adopt reasonable requirements for oil and gas resource development so that*

*these resources can be obtained in a manner that protects the environment, protects residential properties and residential property values, and mitigates negative impacts.*

*The following requirements shall apply to the location, installation, drilling and operation of any well for the commercial extraction of oil, gas or other hydrocarbons in the City:*

- A. *Spacing and Well Setbacks. In addition to the spacing and setback requirements of the State of Michigan and the regulations of its Supervisor of Wells, the drilling, completion, or operation of oil or gas wells or well site shall not be located within 300 feet from any road right-of-way, 500 feet of a residential zoned or used property or any property used for a religious facility, public or private school, or hospital, and 100 feet from any other property line.*

*The measurement of the setback shall be made from the edge of the well site in a straight line, without regard to intervening structures or objects, to the closest exterior point of the adjacent parcel. This section shall not be construed to prohibit directional or horizontal drilling under said property where lawfully permitted by the Michigan Department of Environmental Quality (MDEQ).*

- B. *Height. The completed wellhead structure shall not exceed twenty-two (22) feet in height. The temporary drilling derrick/rig shall not exceed one-hundred and ten (110) feet in height.*

- C. *Minimum Lot Size. The minimum lot size shall be 5 acres.*

- D. *Fencing, Landscaping, and Lighting.*

- 1. An oil or gas well site shall be completely enclosed within a 6-foot high fence designed to prevent unauthorized entry.*
- 2. Staggered ten (10) foot tall evergreen trees shall be placed around the perimeter of the fence with a minimum landscape greenbelt buffer of twenty-five (25) feet in depth within thirty (30) days of the removal of the temporary drilling derrick/rig. The landscape buffer and trees shall be irrigated and maintained.*
- 3. Exterior lighting shall comply with Section 13.05 of the Zoning Ordinance.*

- E. *Nuisance Mitigation. The drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes shall comply with Section 12.06. Environmental Performance Standards. Those standards address potential nuisances such as noise, smoke, dust, open storage, fire and explosive hazards, odors, wastes, and vibration. Due to the unique nature of this type of operation additional information and standards may be required.*

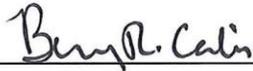
*Dust, Noise, Vibration, and Odors. All operations shall be conducted in such a manner as to minimize, so far as practicable, dust, noise, vibration, or noxious odors, and shall be in accordance with the best accepted practices defined by the Michigan Department of Environmental Quality (MDEQ) for the production of oil, gas and other hydrocarbon substances in urban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any drilling or production site or from anything incidental thereto, and to minimize the annoyance of persons living or working in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly, or unsafe.*

*Reasonable restrictions may be placed upon such operations to reduce impacts upon adjacent properties.*

- F. Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing are not permitted.*
- G. Compliance with Laws and Permit Issuance. The drilling, completion, or operation of oil or gas wells or other wells drilled for the purpose of oil or gas exploration shall be done in conformity with all State and Federal laws, statutes, rules, and regulations pertaining thereto and particularly with the State of Michigan and the regulations of its Supervisor of Wells. This shall include obtaining the required permit from the Supervisor of Wells, which permit shall be provided to the City before the City issues a permit under this section. Conformance with State and Federal laws, statutes, rules, and regulations including obtaining the required permit from the Supervisor of Wells shall also apply to, but are not limited to, the plugging of wells and all material used and work done in connection with the exploring for, producing, marketing, and transporting of petroleum products as well as the disposition and removal of any byproducts utilized and associated with said activities.*
- H. Associated Permits and Approvals. The permit required by this section for the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes is in addition to and are not in lieu of any permit or plan which may be required by any other provision of the City of Troy Zoning Ordinance, Building and Fire Codes, or by any other governmental agency, unless expressly outlined.*
- I. Operations*
  - 1. Permitted Construction Activity Hours. Site preparation and construction of well sites are limited to City of Troy construction hour regulations. Construction activities associated with establishing of the well sites shall be eligible for an exception by the Building Department in accordance with the City's Special Hours Work Permit provided such activities are in compliance with applicable laws and permits.*
  - 2. The movement of drilling rigs, tanker trucks or heavy equipment used in connection with the drilling or operation of oil or gas wells over public roads and streets shall be under the City's jurisdiction after obtaining approval from the City's Traffic Engineer. The City Engineer shall set forth the streets which may be used and any conditions that may apply.*
  - 3. All brine, mud, slush, saltwater, chemicals, wastewater, chemical, fluids or waste produced or used in the drilling or production of oil or gas shall, under the supervision of the State Supervisor of Wells, be safely, lawfully and properly disposed of to prevent infiltration of or damage to any fresh water well, groundwater, watercourse, pond, lake or wetland.*
  - 4. The oil or gas well site shall be kept in a clean and orderly condition, free of trash and debris, with weeds cut. Machinery and equipment not being used in the operation of the well shall not be stored or kept at the well site.*

5. *An oil or gas well shall include measures or controls satisfactory to the City Engineer to prevent migration, run-off or discharge of any hazardous materials, including but not limited to any chemicals, oil or gas produced or used in the drilling or production of oil or gas, to adjoining property or to the City of Troy sanitary sewer system, stormwater system or any natural or artificial watercourse, pond, lake or wetland. There shall be no off-site discharge of storm water except to an approved drainage system in accordance with the City's engineering requirements.*
  
- J. *Inspection. The Building Official, and any other designee of the City Manager, shall have the right and privilege at any time to enter upon the premises covered by any permit issued pursuant to this section for the purpose of making inspections thereof to determine if the requirements of this section are complied with or the requirements of any other code or ordinance of the City are met.*
  
- K. *Injection wells. Injection wells used for brine disposal or other chemicals from production wells or from other sources shall be expressly prohibited within the City.*
  
- L. *Pipelines. No operator shall excavate or construct any lines for the conveyance of fuel, water, oil, gas or petroleum liquids on, under, or through the streets, alleys or other properties owned by the City without an easement or right-of-way license from the City.*
  
- M. *Submittal Requirements. In addition to submittal requirements for a Site Plan as set forth in Article 8 and Special Use as set forth in Article 9, the following information shall be submitted as part of the application:*
  1. *Environmental Impact Statement. Applicant shall submit a the Environmental Impact Statement filed with the Michigan Department of Environmental Quality in connection with a well permit under Part 615 of the Natural Resources and Environmental Protection Act, MCL 524.61501, et seq, and the administrative rules promulgated under Part 615, as amended.*
  
  2. *Hydrogeological analysis.*
  
  3. *Emergency Response Plan. Pursuant to State and Federal law, the operator shall provide any information necessary to assist the City Emergency Services Department with an emergency response plan and hazardous materials survey establishing written procedures to minimize any hazard resulting from the operation. Emergency Response Plan should including emergency contact information.*
  
  4. *Reclamation Plan. A statement, including both written description and supporting plans, that addresses returning the land to a stable and productive condition post drilling operations.*
  
  5. *Operations Plan to include:*
    - a. *Site ingress/egress*
    - b. *Haul Route Map. Vehicle Routes for truck traffic, construction vehicles and trucks, excluding pick-up trucks, associated with drilling and/or production operations shall be restricted to roads designated by the City Engineer.*

- c. *Hours of Operation. Applicant shall state listed hours of operation.*
- d. *Soil Erosion, Mud and Dust Control Plan.*
- e. *Noise Control Plan. Prior to the issuance of a permit and the commencement of operations, the petitioner shall submit a noise management plan, as approved by the City, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of the Zoning Ordinance. The operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generating equipment. The noise management plan shall include:*
  - i. *Identify operation noise impacts*
  - ii. *Provide documentation establishing the ambient noise level prior to construction.*
  - iii. *Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:*
    - 1. *Nature and proximity of adjacent development, location, and type*
    - 2. *Seasonal and prevailing weather patterns, including wind directions*
    - 3. *Vegetative cover on or adjacent to the site*
    - 4. *Topography*
- f. *Odor and Fume Control Plan*
- g. *Pollution Prevention Plan*
- h. *Impact Mitigation Plan*
- i. *Monitoring controls.*

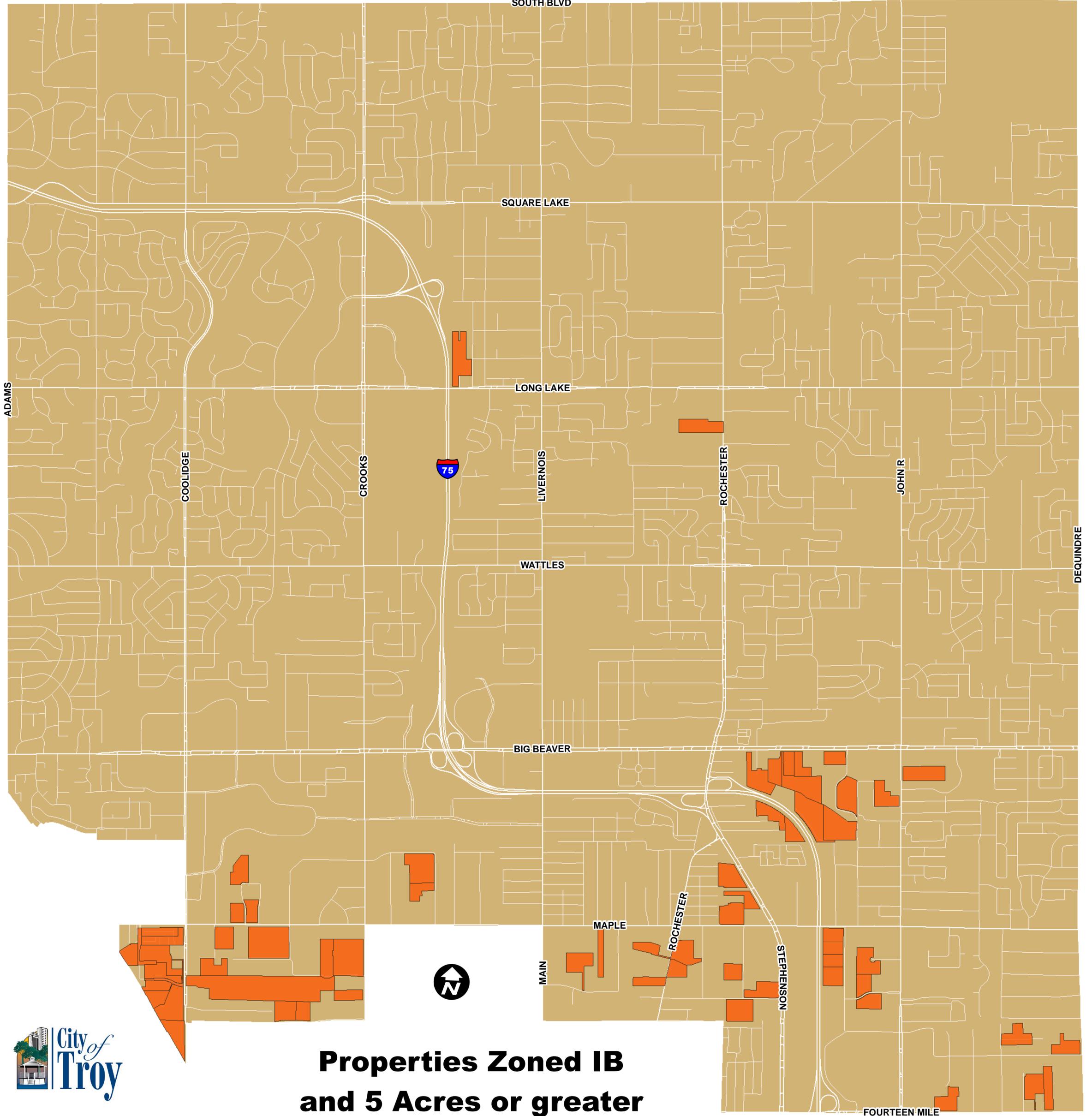


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**CARLISLE/WORTMAN ASSOC., INC.**  
**Benjamin R. Carlisle, LEED AP, AICP**

Attachment:

- 1. Map of Properties



**Properties Zoned IB  
and 5 Acres or greater**

