



Oil Well Requirements Zoning Text Amendment Staff Report

To: City of Dickinson Planning and Zoning Commissioners
 From: City of Dickinson Community Development Services
 Date: September 3, 2025
 Re: ZTA-005-2025 Section 16 & Section 62 – Oil Well Requirements

OWNER/APPLICANT

Name: City of Dickinson Community
 Development
 Address: 38 1st Street West
 City: Dickinson North Dakota 58601

Public Hearing	September 10, 2025	Planning and Zoning Commission
Public Hearing	September 16, 2025	City Commission
Final Consideration	October 7, 2025	City Commission

Community Development staff is requesting approval of a zoning text amendment to Section 16-166 - Conditional use permit, site plan, and Section 16-167 – Inspections, in Chapter 16-Environment, as well as Table 62-162-2. Permitted Uses by Zoning Districts in Section 62-162 – Development Regulations in Chapter 62-Zoning of the Dickinson Municipal Code, to remove the requirement of approval of a conditional use permit and a special use permit for oil wells and resource extraction. The intention of this amendment is to align the Dickinson Municipal Code with the North Dakota Century Code requirements regarding the permitting of oil well drilling.

Staff recommendation: Staff recommends approval of this text amendment.

STAFF ANALYSIS

BACKGROUND

The North Dakota Century Code states in Section 38-08-04: Jurisdiction of commission, that the North Dakota Industrial Commission (NDIC) has final authority over oil drilling activity. Additionally, Section 38-08-01: Declaration of policy, states *"It is hereby declared to be in the public interest to foster, to encourage, and to promote the development, production, and utilization of natural resources of oil and gas in the state"*. The NDIC requires that any organization proposing a new oil well must inform the municipality about the proposal prior to approval.

COMPATIBILITY, COMPLIANCE, AND RECOMMENDATIONS

Compatibility with the Municipal Code

Section 16-166: Conditional use permit, site plan, requires that any organization looking to drill or operate an oil well within either City limits or Dickinson's Extra-Territorial Zone must obtain a Conditional Use Permit prior to operation. This is one of only two instances where the Municipal Code requires a Conditional Use Permit as opposed to a Special Use Permit; the other instance is in regards the permitting of natural gas drilling. It is the jurisdiction of the NDIC to approve of oil well drilling in the state. Therefore, the City would not have the authority to either approve or deny oil wells. Table 62-162-2. Permitted Uses by Zoning Districts, located in Section 62-162 of the Municipal Code, lists oil wells and resource extraction as uses requiring approval of a Special Use Permit in order to be permitted in the Agricultural and General Industrial zoning districts.

The proposed text amendment removes the requirements for either a Conditional Use Permit or a Special Use Permit and instead requires the entity proposing to drill attend a public hearing in front of City Commission prior to NDIC approval. After this public hearing, the City Commission shall pass a resolution that outlines development requirements, as well as restrictions City staff would like to place on the oil well. This resolution shall be submitted to the NDIC for consideration alongside the oil well application and serves as proof that the organization met with and obtained feedback from the City. This process ensures the City Commission is informed of any potential new wells while not overstepping the authority granted by the Century Code.

PUBLIC INPUT AND STAFF RECOMMENDATION

Public Input: As of the date of this report, City staff has not received any public comments.

Staff Recommendation: The City Development Team staff recommends **approval** of ZTA-005-2025.

MOTIONS:

*****Approval*****

*"I move the City of Dickinson Planning and Zoning Commission recommend approval of **ZTA-005-2025: The Oil Well Requirements Zoning Text Amendment** as being consistent with the City of Dickinson Comprehensive Plan, as being compliant with the City of Dickinson Zoning Ordinance, and as being in the interest of the public health, safety and welfare "*

(AND) the following additional requirements (IF THE PLANNING AND ZONING COMMISSION RECOMMENDS ANY ADDITIONS AND/OR DELETIONS TO THE PROPOSED MOTION LANGUAGE):

1. _____;
2. _____.

*****Denial*****

*"I move the Dickinson Planning and Zoning Commission recommend denial of **ZTA-005-2025: The Oil Well Requirements Zoning Text Amendment** as NOT being consistent with the City of Dickinson Comprehensive Plan, as not being compliant with the City of Dickinson Zoning Ordinance, and as being contrary to the interest of the public health, safety and welfare."*