

Stark County Planning and Zoning Commission Minutes

August 27, 2015
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Hoff, Jay Elkin, Klayton Oltmanns, Duane Grundhauser, Larry Messer, and present and absent was Gene Jackson, Kurt Froelich, Sue Larsen. Also present were County Planner Steve Josephson, State's Attorney Tom Henning and Nicole Roberts of the Auditor's office.

Klayton Oltmanns moved to approve the minutes from the July 30, 2015 meeting. Jay Elkin seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from **Arden and Bonnie Warm**. The request is for a zoning change from Agriculture to Rural Agricultural on a parcel located in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 5 acres.

Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval zoning change from Agriculture to Rural, Agricultural on a parcel located in the NW ¼ of Section 3, Township 139, Range 95 containing approximately 5 acres following staff recommendations for Arden and Bonnie Warm.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- A. The proposed rezoning is comparable to and consistent with adjacent properties; and
- B. The adoption of the rezoning request with the following proposed conditions:
 1. **The minimum lot size allowed on the parcel shall be two (2) acres;**
 2. **The applicant shall record an easement agreement allowing access in perpetuity to the parcel. No building permit requests on the property shall be approved without evidence that an access easement agreement has been recorded with the Stark County Recorder.**

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Chairman Hoff opened the public hearing on a request from **WIX Barn and Lodge, LLC**. The request is for a Conditional Use Permit for a Hunting Lodge on a parcel located in the NW ¼ of

the NE ¼, NE ¼ of the NW ¼ of Section 28, Township 139, Range 92 containing approximately 79.18 acres.

Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for a Conditional Use Permit for a Hunting Lodge on a parcel located in the NW ¼ of the NE ¼, NE ¼ of the NW ¼ of Section 28, Township 139, Range 92 containing approximately 79.18 acres following staff recommendations for WIX Barn and Lodge, LLC.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

STAFF RECOMMENDATION: Approval subject to the following conditions:

1. The adoption of a conditional use permit shall limit impacts of commercial and industrial uses upon the existing agricultural and residential uses in the vicinity; and
2. Development of the subject property shall be limited through the inclusion of the following conditions.
 - a. **Development shall be limited to a six (6) room hunting lodge. The building will only be utilized as a hunting lodge during hunting seasons as posted by the North Dakota Game and Fish Department.**
 - b. **The location of the hunting lodge and parking shall be as shown on the drawings in the application received on August 11, 2015 and received on August 13, 2015.**
 - c. **Access points serving the subject property shall be determined in accordance with Stark County regulations.**
 - d. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
 - e. **The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
 - f. **Development of the subject property shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

- **Land Use-Avoid conflicts between land uses.**

The proposed conditional use is consistent with the following implementation strategy of The Stark County Comprehensive Plan:

- **Economic Development**-Stark County supports efforts to promote tourism and the county's recreational potential.

Chairman Hoff opened the public hearing on a request from **CMG Oil and Gas**. The request is for a zoning Conditional Use Permit for a Gravel Pit with Crushing and Stockpiling located in the NE ¼ of Section 34, Township 139, Range 91 containing approximately 640 acres. The actual mine site will be approximately 40 acres in area.

Chairman Hoff asked for anyone to speak for or against the Conditional Use Permit. Chairman Hoff closed the public hearing

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the Conditional Use Permit for a Gravel Pit with Crushing and Stockpiling located in the NE ¼ of Section 34, Township 139, Range 91 containing approximately 640 acres. The actual mine site will be approximately 40 acres in area following staff recommendations for CMG Oil and Gas.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following findings:

1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. **The location of the gravel pit shall be as generally shown on the drawing dated August 4, 2015.**
 - b. **The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the Stark County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.**
 - c. **All mining and excavation sites must have at least a 3-to-1 slope.**
 - d. **The developer shall be responsible for all maintenance associated with the gravel pit facility.**
 - e. **Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.**
 - f. **The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.**
 - g. **The applicant shall be responsible for dust control along the haul route.**
 - h. **The applicant shall be responsible for implementing a Weed Control Plan as prescribed by the Weed Control Officer for all new and invasive and noxious weeds as prescribed by the North Dakota Century Code. The applicant shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.**
 - i. **The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.**

- j. **The applicant shall post a bond in an amount to be determined by the County Commission.**
- k. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
- l. **The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- m. **Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The subject property is currently zoned Agriculture. The applicant proposes locating the facility on land currently in agricultural use. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Chairman Hoff opened the public hearing on a request from **CMG Oil and Gas**. The request is for a conditional use permit for a for a Gravel Pit with Crushing and Stockpiling located in the NW ¼ of Section 33, Township 139, Range 91 containing approximately 160 acres. The actual mine site will be approximately 30 acres in area.

Chairman Hoff asked for anyone to speak for or against the conditional use permit. Chairman Hoff closed the public hearing.

Larry Messer moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit for a for a Gravel Pit with Crushing and Stockpiling located in the NW ¼ of Section 33, Township 139, Range 91 containing approximately 160 acres. The actual mine site will be approximately 30 acres in area following staff recommendations for CMG Oil and Gas.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use permit based upon the following findings:

- 1. The location of the proposed project should not adversely impact the existing agricultural uses in the vicinity; and
- 2. The conditional use shall be limited through the inclusion of the following conditions.
 - a. **The location of the gravel pit shall be as generally shown on the drawings received with the application dated August 4, 2015.**
 - b. **The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the Stark County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.**
 - c. **All mining and excavation sites must have at least a 3-to-1 slope.**

- d. The developer shall be responsible for all maintenance associated with the gravel pit facility.
- e. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.
- f. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.
- g. The applicant shall be responsible for dust control along the haul route.
- h. The applicant shall be responsible for implementing a Weed Control Plan as prescribed by the Weed Control Officer for all new and invasive and noxious weeds as prescribed by the North Dakota Century Code. The applicant shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.
- i. The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.
- j. The applicant shall post a bond in an amount to be determined by the County Commission.
- k. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.
- l. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.
- m. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.

The subject property is currently zoned Agriculture. The applicant proposes locating the facility on land currently in agricultural use. As the surrounding area is undeveloped and appears to be in agricultural use, the proposed conditional use is consistent with the following objective of The Stark County Comprehensive Plan:

LAND USE-Avoid conflict between land uses.

Chairman Hoff opened the public hearing on a request from the **Concerned Citizens of Stark County**. The request is proposing amendments to the Stark County Zoning Ordinance as adopted on October 2, 2012.

Chairman Hoff asked for anyone to speak for or against the proposed amendments to the Stark County Zoning Ordinance as adopted on October 2, 2012.

Lori Nantt, Tom Reicert, Farren Richard, John Wanner, Craig Kubas, Cole Brew, Kurt Martin, Matthew Rostein all spoke for changes to the Stark County Zoning Ordinance. Nancy Kleingartner, Frank Kutka, Dan Resinauer, Sister Paula, Ed Krank, Brother Alias, Leland Brand all spoke against the changes to the Stark County Zoning Ordinance as adopted on October 2, 2012.

Chairman Hoff closed the public hearing.

Larry Messer moved to recommend to the Stark County Board of Commissioners the denial of proposing amendments to the Stark County Zoning Ordinance as adopted on October 2, 2012.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Larry Messer moved to recommend to the Stark County Board of Commissioners to form a group to review the Stark County Zoning Ordinance as adopted on October 2, 2012 for potential changes.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Jay Elkin moved to adjourn, Duane Grundhauser seconded.