

Zoning Commission Minutes

June 27, 2013

3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Gene Jackson, Sue Larsen, Duane Grundhauser and Jay Elkin present and absent were Larry Messer, Kurt Froelich, Klayton Oltmanns and Chuck Steffan. Also present were Planner Steve Josephson, States Attorney Tom Henning and Auditor Kay Haag.

Jay Elkin moved to approve the minutes from the May 30, 2013 meeting. Duane Grundhauser seconded. All voted Aye and motion carried.

Jay Elkin moved to approve a preliminary plat following Staff recommendations for Dakota Prairie North Subdivision.

STAFF RECOMMENDATION: Approval of the preliminary plat, dated June 31, 2013, subject to the following conditions:

1. Zoning designation is Surveyor's Note 3 will be changed from "Agricultural Residential" to "Industrial" on the final plat;
2. "Outlot A" will be shown on the final plat as "Tract A";
3. The applicant shall contact the Stark County Road Department to determine the need for additional right-of-way dedication on 38th Street and/or 116th Avenue.
4. The applicant shall contact the Stark County Road Department to determine the need for an agreement outlining an understanding of maintenance responsibilities on 38th Street.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from 701 Resources, LLC. The request was for a Conditional Use Permit for Gravel Pits, Crushing and Stockpiling on a 157.82-acre tract located in the SW4 of Section 20, Township 139, Range 94. 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 a Conditional Use Permit following the staff recommendations and contingent upon the Management Plan for 701 Resources, LLC.

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 May 13, 2013.**

- 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 the Gravel Pit Weed Management Plan dated June 24, 2013 as accepted by the Weed Control Officer (See Attachment A).**
- 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.

Gene Jackson seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Kyle Binstock. The request was for a zoning change from Agricultural to Agricultural Residential located in the NE4 of Section 23, Township 137, Range 97 containing approximately 10 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 of a zoning change from Agricultural to Agricultural Residential following Staff recommendations.

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

- The proposed rezoning is consistent with the development pattern in the vicinity.

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.

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

Chairman Hoff opened the public hearing on a request from Doug Scheeler. The request was for a zoning change from Agricultural to Rural Residential located in the SE4 of Section 18, Township 140, Range 95 containing approximately 40 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Tracy Hoff and Laura Tooz voiced concerns regarding subdivisions moving in. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Rural Residential following Staff recommendations.

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

- The proposed rezoning is consistent with the development pattern in the vicinity.

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.

Sue Larsen seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Michael Eustice and Lindsey Jeske. The request was for a zoning change from Agricultural to Agricultural Residential located in the NW4 of Section 25, Township 139, Range 96 containing approximately 20 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Agricultural Residential following Staff recommendations.

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

- The proposed rezoning is consistent with the development pattern in the vicinity.

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.

Prior to obtaining a building permit, the developer shall plat the subject property in accordance with the Stark County Subdivision regulations.

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

Chairman Hoff opened the public hearing on a request from Jesse and Joanne Boltz. The request was for a zoning change from Agricultural to Industrial located in the NE4 of Section 3, Township 139, Range 99 containing approximately 148.57 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Ed, Bonnie, Curt, Cindy and David and Stacey all voiced concerns against the Industrial zoning. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the denial of a zoning change from Agricultural to Industrial following Staff recommendations.

STAFF RECOMMENDATION: Denial based upon the following reasons:

- 1. The proposed rezoning is not consistent with the zoning pattern in the vicinity of the site;**
- 2. The proposed rezoning would allow for uses that are generally not comparable to the uses found in the general vicinity of the site;**
- 3. The adjacent property to the east is zoned Industrial; however, the adjacent property is 7.55 acres in area and extends 630 feet to the south of the property line. As the subject property is approximately 149 acres in area and extends approximately 2,500 to the south, neither the size nor the depth of the property is comparable with the adjacent Industrial zoned property to the east.**

The request is not consistent with the following objectives of the Stark County Comprehensive Plan:

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

The request is not consistent with the following policies of the Stark County Comprehensive plan:

1. LAND USE-Stark County supports protecting farming practices from contrasting interests of non-farm residents and businesses.
2. LAND USE-Stark County supports the prohibition of the approval of spot zoning except at established farmsteads or other sites which meet the county's requirements.
3. ECONOMIC DEVELOPMENT-Stark County supports the land use and zoning designation of an adequate supply of commercial and industrial land as needed to attract quality business and industrial development within the County. In

particular this type of growth should be directed not only to areas adjacent to Dickinson but also to the rural business centers adjacent to the I-94 corridors surrounding Richardton and Belfield and the Highway 10 corridor between Dickinson and South Heart.

Gene Jackson seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Boyd and Sons Construction, LLC. The request was for Conditional Use Permit for temporary crew housing, aka a crew camp located on Lot 11C in the Norwegian Creek Subdivision of Section 16, Township 139, Range 99 containing approximately 7.31 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Jay Elkin moved to table the request until the July meeting and grant a continuance to allow time for requirements to be met. Gene Jackson seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing for the proposed amendments to the Stark County Zoning Ordinance as adopted on October 2, 2012. Chairman Hoff asked for anyone to speak for or against the amendments. Discussion was held and will continue for the July meeting.

Diane Allmendinger, Weed Officer discussed a workshop in July for zoning, weed law and control and well sites.

Steve Josephson, County Planner, discussed the following gravel pit reclamation bonds regarding cost and using State guidelines. Jay Elkin moved to present the State guidelines to the Commission. Sue Larsen seconded. All voted Aye and the motion carried.

Sue Larsen moved to adjourn. Jay Elkin seconded.