

Zoning Commission Minutes

June 28, 2012

3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Joe Frenzel, Jay Elkin, Chairman Hoff, Duane Grundhauser, Chuck Steffan and Larry Messer present, Sue Larsen, Kurt Frohlich and Gene Jackson absent. Also present were Zoning Director Diane Brines, States Attorney Tom Henning and Auditor Kay Haag.

Duane Grundhauser moved to approve the minutes from the April 26th, 2012 meeting. Jay Elkin seconded. All voted Aye and motion carried.

Dennis Richard presented a final plat for Richard Subdivision located in the SE4 Section 29, Township 139, Range 99, to be rezoned from Agricultural to Industrial. Jay Elkin moved to table the rezoning from Agricultural to Industrial. Joe Frenzel seconded. Jay Elkin withdrew his motion. Joe Frenzel withdrew his second. Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Industrial for Dennis Richard's plat to be known as Richard Subdivision contingent on a corrected plat labeling 80' to the street and dedicated public road easement. Chuck Steffan seconded. Roll call vote. All voted Aye and the motion carried.

Quentin Kitzan presented a final plat for Copperleaf Subdivision located in the SE4 Section 35 and the SW4 Section 36, Township 140, Range 95. Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the plat of Copperleaf Subdivision for Quentin Kitzan. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Kurt Martin, City of Gladstone, requested Stark County's approval for a rezoning request from Carbo Ceramics located in the NW4 Section 9, Township 139, Range 94. The Commission gave their approval and for Carbo Ceramics to adhere to Stark County's road conditions.

Chairman Hoff opened the public hearing on a request from Scott Cymbaluk. The request was for a Conditional Use Permit for a shop and truck parking facility. The location being in the NW4 Section 15, Township 140, Range 99 containing approximately 16.1 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 denial of a Conditional Use Permit for Scott Cymbaluk. Joe Frenzel seconded. Roll call vote. All voted Aye except Larry Messer voted Naye and the motion carried.

Chairman Hoff opened the public hearing on a request from Big Well Service, Inc. The request was for a zoning change from Agricultural to Industrial. The location being in the SW4SW4 Section 16, Township 140, Range 99 containing approximately 11 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Chuck Steffan moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Industrial for Big Well Service, Inc. Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Borsheim Builders Supply Inc. The request was for a zoning change from Agricultural to Industrial. The location being in the SW4SW4 Section 16, Township 140, Range 99 containing approximately five acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Chuck Steffan moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Industrial. Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Richard Dahm. The request was for a zoning change from Agricultural to Residential for the plat of Duck Creek Estates. The location being in the SE4 Section 2, Township 139, Range 97 containing approximately 218 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Terry Bernhardt voiced concerns regarding density and road easements. 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 Residential for Richard Dahm. Joe Frenzel seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from AES Drilling. The request was for a Conditional Use Permit to allow two mobile homes for offices.. The location being Lot 7 Norwegian Creek Subdivision SW4 and E2 Section 16, Township 139, Range 99. 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 Conditional Use Permit for AES Drilling. Joe Frenzel seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from WBI Energy. The request was for a zoning change from Agricultural to Industrial with a Conditional Use Permit for the processing and refining of hydrocarbons derived from crude oil and its associated natural gases and related uses. The location being two tracts of land in the N2 and N2N2SW4 Section 15, Township 139, Range 97 containing approximately 274 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 Industrial with a Conditional Use Permit and with conditions as the County Commission deems suitable for WBI Energy. Joe Frenzel seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from MBC Properties LLC. The request was for a zoning change from Agricultural to Industrial for the plat of Bang Industrial Park. The location being in the NW4 Section 36, Township 140, Range 98 containing approximately 157.49 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Gilbert Ridl questioned if the rezoning would increase

property taxes. Dorothy Tuhy voiced concerns regarding traffic, dust control, water contamination and property values. Allen Tuhy voiced people are requesting it and there is a need for Industrial Parks. Byron Richard voiced there is not a need for another Industrial Park. 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 for MBC Properties LLC. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Ed Wanner. The request was for a zoning change from Agricultural to Residential Low Density for the plat of Wanner Subdivision No. 2. The location being in the E2W2SW4 Section 22, Township 139, Range 95 containing approximately 40 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 denial of a zoning change from Agricultural to Residential Low Density for Ed Wanner. Chuck Steffan seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Jeff Seward. The request was for a Conditional Use Permit for 14 RV's for workers. The location being in the NW4 Section 33, Township 137, Range. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Joe Frenzel moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit contingent on an acceptable drawing, approach built to county specs, remove posted sign and the following conditions:

1. Units to be placed 20' apart.
2. Provide adequate parking for any and all crew housing facility residents.
3. Provide for adequate fire suppression.
4. Provide for adequate access to emergency vehicles and each unit marked with reflective type numbers.
5. Meet all design standards required by any building code and fire code.
6. Comply with waste water rules with Southwest District health.
7. Any fees on these conditions will be paid by the applicant.
8. There will be a \$400 fee per unit per year.

for Jeff Seward. Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Environmental Solutions LLC. The request was for a zoning change from Agricultural to Industrial with a Conditional Use Permit for the construction and operation of a special waste landfill. The location being in the N2NE4 4 Section 16, Township 138, Range 99 containing 80. Chairman Hoff asked for anyone to speak for or against the zoning change. Tom Tessier voiced concerns regarding traffic, location and storm run-off. Connie Fulton voiced concerns regarding location and hazardous materials. Byran Richard approved the rezoning. 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 Industrial for Environmental Solutions LLC., with the following conditions:

1. Environmental Solutions LLC. will sign a road agreement with the County Commissioner, Stark County Road Superintendent and County Engineer.
2. Environmental Solutions LLC. will do dust control as needed under supervision of the Road Superintendent.
3. Any additional signage will be paid by Environmental Solutions LLC.
4. Environmental Solutions LLC. is to obtain all the required permits and approvals from the State Agencies, which will be reviewed and approved by Stark County States Attorney.
5. If the location (N2NE4 of Section 16, Township 138, Range 99 containing 80 acres) is not being used for the sole purpose of the Solid Waste Facility operated by Environmental Solutions LLC. it will revert back to the original zoning of Agricultural.

Joe Frenzel seconded. Roll call vote. All voted Aye except Chuck Steffan voted Naye. Motion carried

Chairman Hoff opened the public hearing on a request from Knife River Corporation. The request was for a Conditional Use Permit for the construction and operation of a ready-mix concrete batch plants. The location being in the SW4 Section 31, Township 140, Range 94 containing 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 for a Conditional Use Permit for 5 years and to sign a Road Agreement with Stark County for Knife River Corporation. Joe Frenzel seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Nunez Development. The request was for a zoning change from Agricultural to Residential Low Density for the plat Meadow View Estates. The location being in the W2NW4 Section 25, Township 139, Range 96 containing 79.78 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Don Reisenauer, Chad Brusseau, Butch Feininger, Becky Roshau, Nancy Klatt and Judeen Brusseau voiced concerns regarding traffic, dust, property values, water pressure, wildlife habitat and roads. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the denial of a zoning change from from Agricultural to Residential Low Density for Nunex Development. Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

Jay Elkin moved to adjourn. Duane Grundhauser seconded.