

## Zoning Commission Minutes

March  
March 27, 2014  
3:00 pm

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

Duane Grundhauser moved to approve the minutes from the February 27, 2014 meeting. Larry Messer seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from John Throckmorton of Municipal Communications. The request is for a conditional use permit for a 400 foot telecommunications tower on a parcel located in the NE4 of Section 25, Township 140, Range 94 containing approximately 160 acres. The proposed lease tract is approximately 0.22 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 of the conditional use permit following staff recommendations for John Throckmorton of Municipal Communications. Gene Jackson seconded. Roll call vote. All voted Aye and motion carried.

### **STAFF RECOMMENDATION: Approval of the proposed conditional use 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 to limited through the inclusion of the following conditions:
  - a. **Development shall be limited to a guyed telecommunications tower, equipment building, generator, accessory equipment, and accessory structures to protect communications equipment on site;**
  - b. **The equipment compound shall not be used for storage of any excessive equipment, hazardous waste, or habitable space. No outdoor storage shall be allowed on site;**
  - c. **The maximum height of the radio tower shall be limited to 400 feet;**
  - d. **The location of the tower and accessory buildings shall be as shown on the drawing dated January 24, 2014;**
  - e. **The developer shall be responsible for all maintenance associated with the tower, the guys, the tower compound and the roads accessing the tower;**
  - f. **The tower shall allow for co-location of four additional providers;**
  - g. **The developer shall provide a six-foot fence around the perimeter of the tower compound. Chain-linked fences shall be painted or coated with a non-reflective color;**
  - h. **Prior to building permit issuance, the developer shall submit a letter from the Federal Aviation Administration (FAA) stating that the tower does not exceed the maximum height permitted under FAA rules;**
  - i. **Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Commercial advertising is strictly prohibited;**

- j. Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted;
- k. Security lighting for the equipment shelter shall be confined to the boundaries of tower site;
- l. The tower shall be constructed of galvanized material and shall be of an appropriate color to harmonize with the surroundings;
- m. Any proposed change of use of the tower, increase in height or change of location shall require a hearing before the Stark County Planning and Zoning Board and approval as well as approval from the Stark County Commission;
- n. Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and
- o. The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.

The subject property is currently zoned Agriculture. 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 Lan and Cindy Hertz. The request is for a zoning change from Agriculture to Rural Residential on a parcel located on Government Lots One and Eight in the NE4 of Section 6, Township 140, Range 95 containing approximately 83.12 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Lynette Hondl voiced her concerns on the fire hazards, roads and a share approach, previous weed problems. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval for a zoning change from Agriculture to Rural Residential following staff recommendations. Duane Grundhauser seconded. Roll call vote. All voted Aye and motion carried.

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

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

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

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.**

Lan and Cindy Hertz are requesting a Preliminary Plat of the Jackrabbit Flats Addition Subdivision located on a parcel located on Government Lots One and Eight in the NE4 of Section 6, Township 140, Range 95 containing approximately 83.12 acres. Mike Reis voiced his concern for his existing easement and water line.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the Preliminary Plat of the Jackrabbit Flats Addition Subdivision located on a parcel located on Government Lots One and Eight in the NE4 of Section 6, Township 140, Range 95 containing approximately 83.12 acres following staff recommendations. Sue Larsen seconded. Roll call vote. All voted Aye and motion carried.

**STAFF RECOMMENDATION:** Approval of the preliminary plat subject to the following conditions:

1. Final plat approval shall be contingent upon approval of the rezoning of the property.
2. Prior to final plat approval, the applicant shall submit an estimate of the cost of providing required improvements based upon county design standards.

Chairman Hoff opened the public hearing on a request from Border States Paving, Inc. The request is for a Temporary Use Permit for the setup and operation of an asphalt batching plant site with temporary stockpiling of aggregate materials on a parcel located in the SE4 of Section 18, Township 139, Range 91 containing approximately 90.86 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 the Temporary Use Permit following staff recommendations. Larry Messer seconded. Roll call vote. All voted Aye and Motion carried.

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

1. Through the inclusion of conditions, the location of the proposed project should not adversely impact the existing agricultural uses in the vicinity.
2. The temporary use shall be limited through the inclusion of the following conditions:
  - a. **The temporary use permit shall be limited to a portable hot mix asphalt mixing plant with ancillary equipment parking and storage that is needed to support that activity. No other activities shall occur on the site.**
  - b. **The duration of the temporary use permit shall be April 1, 2014 through October 31, 2014.**
  - c. **Hours of operation for mixing at the hot plant shall be limited to 6:00 a.m. through 7:30 p.m. In the event that a contract requires night paving, the applicant shall notify the Stark County Road Superintendent as well as any landowners and residents within a .75 mile radius a week in advance.**
  - d. **Operations associated with the temporary use permit shall be restricted to the areas shown on the map submitted with the application dated March 7, 2014. The stock piles, asphalt plant and staging area shall be generally located as shown on the map submitted with the application dated March 7, 2014.**
  - e. **No permanent structures shall be erected on the site.**
  - f. **No temporary structures, vehicles or equipment shall be stored on the site after October 31, 2014.**
  - g. **Prior to commencing the temporary use operations, the developer shall arrange for the County Weed Officer to inspect the property for all new and invasive and noxious weeds. If required by the County Weed Officer, the developer shall be responsible for implementing a Weed Control Plan as approved by the County**

**Weed Control Office. The developer shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.**

- h. Access points serving the subject property shall be determined in accordance with Stark County regulations.**
- i. Prior to commencement of the temporary use operations, the Stark County Road Superintendent shall approve a dust and erosion control plan submitted by the developer.**
- j. The developer shall be responsible for all maintenance associated with the temporary use permit, including, but not limited to, County roads used as part of the operations haul route.**
- k. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the temporary use haul route.**
- l. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the temporary use haul route.**
- m. The applicant shall be responsible for dust control along the haul route.**
- n. Any proposed change of the temporary 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.**
- o. 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.**
- p. Development and operation of the asphalt plant and other uses associated with the temporary use permit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The proposed request complies with the requirements of Chapter 6.30 and Chapter 8.5 of the Stark County Zoning Ordinance.

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

- LAND USE-Avoid conflicts between land uses.

Chairman Hoff opened the public hearing on proposed amendments to the Stark County Zoning Ordinance as adopted on October 2, 2012. The proposed amendments are meant to address primarily typographical errors, renumbering and clerical corrections. The underlined items are new. Discussion was held. Chairman Hoff asked for anyone to speak for or against the zoning change. Commissioner Jackson requested the County Planner bring forward a draft of corridor development standards similar to those in the City of Dickinson's Code. Chairman Hoff closed the public hearing. No motion was made.

Jay Elkin moved to adjourn. Duane Grundhauser seconded.