

## Stark County Planning and Zoning Commission Minutes

March 31, 2016  
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Hoff, Klayton Oltmanns, Duane Grundhauser, Kurt Froelich, Byron Richard, Daneen Dressler, Gene Jackson, Sue Larsen and Jay Elkin and were present. Also present was County Planner Steve Josephson and Nicole Roberts of the Auditor's office.

Jay Elkin moved to approve the minutes from the February 25, 2016 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Kelsie and Michael E. Kasian.

The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the SE ¼ of the SE ¼ of Section 6, Township 140, and Range 98 on approximately 5.51 acres.

Chairman Hoff asked for anyone to speak either for or against the zoning change for Kelsie and Michael E. Kasian. Chairman Hoff closed the public hearing.

Byron Richard moved to recommend to the Stark County Board of Commissioners the approval for the zoning change from Agriculture to Rural Residential on a parcel located in the SE ¼ of the SE ¼ of Section 6, Township 140, Range 98 on approximately 5.51 acres following staff recommendations for Kelsie and Michael E. Kasian.

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

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 Wayne and Nancy Yates. The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the NE ¼ less 7.7.2 acres of Section 1, Township 139, Range 95 on approximately 12 acres.

Chairman Hoff asked for anyone to speak either for or against the zoning change for Wayne and Nancy Yates. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for a zoning change from Agriculture to Rural Residential on a parcel located in the NE ¼ less 7.7.2 acres of Section 1, Township 139, Range 95 on approximately 12 acres following staff recommendations for Wayne and Nancy Yates.

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:

- 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.

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 W ½ of the W ½ of the NE ¼ of the SE ¼ of Section 20, Township 139, Range 99 containing approximately 90 acres. Staff clarified that only the southern 20 acres of the property would be used for the temporary use.

Chairman Hoff asked for anyone to speak for or against the conditional use permit for Border States Paving, Inc. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for the 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 W ½ of the W ½ of the NE ¼ of the SE ¼ of Section 20, Township 139, Range 99 containing approximately 90 acres following staff recommendations for Border States Paving, Inc.

Gene Jackson seconded. Roll call vote. All voted Aye and the 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, 2016 through October 31, 2016.**
  - c. **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 prior to project commencement.**
  - 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, 2016. The stock**

piles, asphalt plant and staging area shall be generally located as shown on the map submitted with the application dated March 7, 2016.

- 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, 2016.
- 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 a request from MBI Energy Services. The request is for a temporary use permit for storage of equipment and material related to oil exploration and production on a parcel located in the SE ¼ of Section 35, Township 140, Range 99 containing approximately 77.74 acres. The actual area for storage of the equipment is approximately 1.44 acres.

Chairman Hoff asked for anyone to speak for or against the temporary use permit for MBI Energy Services. Chairman Hoff closed the public hearing.

Klayton Oltmanns moved to recommend to the Stark County Board of Commissioners the approval for the temporary use permit for storage of equipment and material related to oil exploration and production on a parcel located in the SE ¼ of Section 35, Township 140, Range 99 containing approximately 77.74 acres. The actual area for storage of the equipment is approximately 1.44 acres following staff recommendations for MBI Energy Services.

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

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

1. Through the inclusion of the following conditions, the location of the proposed project should not adversely impact the existing agricultural uses in the vicinity.
  - a. **The temporary use permit shall be limited to the storage of frack tanks and upright tanks. No other activities shall occur on the designated sites, and no other materials shall be stored on the site.**
  - b. **The duration of the temporary use permit shall be April 1, 2016 through March 31, 2017.**
  - c. **The storage of frack tanks and upright tanks associated with the temporary use permit shall be restricted to the areas shown on the map submitted with the application dated March 2, 2016.**
  - d. **All stored frack tanks and upright tanks shall be located a minimum of 22 feet from adjacent property lines.**
  - e. **Transport of frack tanks and upright tanks shall be restricted to daylight hours.**
  - f. **All tanks shall be cleaned and free of chemicals and other toxic materials prior to storage on the sites.**
  - g. **No permanent structures shall be erected on the sites.**
  - h. **No other structures, vehicles, equipment or materials shall be stored on the sites.**
  - i. **Access points serving the subject property shall be determined in accordance with Stark County regulations.**
  - j. **The developer shall be responsible for all maintenance associated with the temporary use permit.**
  - k. **Any proposed change of the temporary use permit, including location of the storage of the frack tanks and upright tanks, 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. **Storage of the oil rig buildings shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Steve Josephson, County Planner discussed going over properties in the unincorporated ETZ area of the City of Dickinson to match city zoning codes.

Duane Grundhauser moved to adjourn, Klayton Oltmanns seconded.