

Zoning Board Minutes

March 3, 2008
4:00 pm

Chairman George Nodland called the meeting of the Stark County Zoning Board to order. Members present were George Nodland, Ron Hauck, Leo Kuntz, Duane Grundhauser, Frank Emch, Sue Larson, Russ Hoff, and Joe Frenzel. Also present were States Attorney, Tom Henning, Zoning Director, Diane Brines, and Auditor Alice Schulz.

Russ Hoff made a motion to approve the minutes from the January 3, 2007 meeting. Duane Grundhauser seconded. All voted Aye. Motion carried.

A request was made by Ben Richards to amend the zoning from Agricultural to Industrial to construct a welding shop/storage building on the N2 and Agricultural to Residential/Agricultural on the S2 to build a residence in the future. The parcel is located in the SE Section 29 Township 139 Range 99 containing 4.00 acres. Joe Frenzel called for a public hearing. Russ Hoff seconded. All voted Aye. Motion carried.

A continuation of a request for zoning change from Agricultural to Industrial with a conditional use permit for the purpose of excavation and mining coal was made by Neil Messer for Great Northern Power Development LP. The property is located in Township 139, Range 98, Section 9: South of RR, Section 10: SW4 South of RR, Section 13: SW4SW4, Section 14: W2W2, SE4SW4, S2SE4, Section 15: All, Section 16: All, Section 17: All, Section 20: N2N2, SE4NE4, E2SE4, Section 21: All, Section 22: All, Section 23: All, Section 24: W2NW4, Section 27: All, Section 28: N2NW4, E2, Section 29: NE4NE4, Section 33: NE4, E2SE4, Section 34: All. Township 138, Range 98, Section 3: N2N2.

This request was tabled at the January 3, 2008 meeting to allow Great Northern Power Development time to conduct public meetings to answer some of the concerns that the public had and also to allow the States Attorney to check into proper procedures on zoning. States Attorney Tom Henning told the board that they could reopen the public hearing to take in any new and additional information or they can move forward on either approving or denying the request. He also reminded them that the County Commission does have the authority to make a decision within 90 days of the public hearing without the Zoning Board recommendation. After hearing the recommendations from the States Attorney, Chairman Nodland asked for any thoughts from the board.

Joe Frenzel made a motion to grant the application from Great Northern Power Development to amend the Stark County Zoning Ordinance to change the zoning from Agricultural to Industrial and to grant a Conditional Use Permit for the use of the property as a coal mine subject to the following conditions:

1. That Great Northern Power Development LP obtains all necessary state approvals, licenses and permits relative to the operation of the coal mine.
2. That Great Northern Power Development LP agrees in writing to replace all water lost as a result of damage to water wells caused by their mining operations.
3. That Great Northern Power Development builds and maintains necessary access roads to the mine and plant, such roads to be built to the satisfaction of the Stark County Commissioners.

4. That Great Northern Power Development will work in concert with law enforcement and emergency responders to facilitate public safety.

Russ Hoff seconded the motion.

Mr. Hauck said that Mr. Frenzel is neglecting to address all the protocols that are in the zoning ordinance and also the hazardous materials haven't been addressed. Mr. Frenzel said that some of what Mr. Hauck is referring to is yet to come and that the zoning board only has the authority to make a recommendation to the county commission and if the county commission chooses to they may obtain more information. Mr. Hauck feels the protocol should be in order before making the recommendation to the county commission. Mr. Nodland said it is up to the power company to obtain twelve permits from three agencies. The County Commission does not have the staff or the expertise to get this done. Mr. Nodland said he feels comfortable with the plans and that most of the issues have been addressed at this time.

Ms. Larsen quoted some parts of the comprehensive plan and feels that the board needs to deal with the zoning area only. Mr. Hoff said he has spoken with Mercer County Commissioners on the coal plant in there county and said they have had no problems and would be happy to answer and questions anyone might have.

There was a call for the question. Chairman Nodand asked for a roll call vote.

All voted Aye and the motion carried.

Frank Emch moved to adjourn. Ron Hauck seconded.