

Stark County Planning and Zoning Commission Minutes

May 28, 2015
3:00 pm

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

Jay Elkin moved to approve the minutes from the April 30, 2015 meeting. Gene Jackson seconded. All voted Aye and motion carried.

Walter Hadley, City of Dickinson Planning Director introduced himself to the Stark County Planning and Zoning Commission.

Thomas Petroleum, LLC is requesting a Minor Subdivision Plat of the Norwegian Creek Second Subdivision Replat of Lot 2 containing approximately 9.57 acres.

No one was here to represent Thomas Petroleum, LLC. Jay Elkin moved to recommend to the Stark County Board of Commissioners a continuance for Thomas Petroleum, LLC. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Travis Wolf. The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the N1/2 of the SE ¼ of Section 20, Township 139, Range 95 containing approximately 5 acres.

Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval of the zoning change zoning change from Agriculture to Rural Residential on a parcel located in the N1/2 of the SE ¼ of Section 20, Township 139, Range 95 containing approximately 5 acres. Jay Elkin 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 Robert and Diane Procive. The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the NW ¼ of Section 35, Township 140, Range 99 on approximately 5.74 acres.

Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of the zoning change from Agriculture to Rural Residential on a parcel located in the NW ¼ of Section 35, Township 140, Range 99 on approximately 5.74 acres. Larry Messer 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.

Robert and Diane Procive are requesting a Minor Subdivision Plat of the Benjamin Subdivision located on a parcel in the NW ¼ of Section 35, Township 140, Range 99 on approximately 5.74 acres.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the Minor Subdivision Plat of the Benjamin Subdivision located on a parcel in the NW ¼ of Section 35, Township 140, Range 99 on approximately 5.74 acres. Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the Benjamin Subdivision dated May 2015 and as received by Stark Country on May 20, 2015.

Chairman Hoff opened the public hearing on a request from Al Schaeffer. The request is for a from Agriculture to Rural Residential on a parcel located in the S ½ of the S ½ of Section 36, Township 140, Range 95 on approximately 9.3 acres.

Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval of the zoning change zoning change from Agriculture to Rural Residential on a parcel located in the S ½ of the S ½ of Section 36, Township 140, Range 95 on approximately 9.3 acres. Jay Elkin 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.

Al Schaeffer is requesting a Minor Subdivision Plat of the Schaeffer Subdivision located in the S ½ of the S ½ of the S ½ of Section 36, Township 140, Range 95 on approximately 9.3 acres.

Commissioner Jackson requested that land contours be added to the plat map prior to County Commission approval.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the Minor Subdivision Plat of the Schaeffer Subdivision located in the S ½ of the S ½ of the S ½ of Section 36, Township 140, Range 95 on approximately 9.3 acres. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the Schaeffer Subdivision dated May 2015 and as received by Stark County on May 20, 2015.

Chairman Hoff opened the public hearing on a request from Bill Starlin. Bill Starlin is requesting a zoning change from Agriculture to Rural Residential on a parcel located in the NW ¼ of Section 25, Township 139, Range 96 on 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 approval of the zoning change from Agriculture to Rural Residential on a parcel located in the NW ¼ of Section 25, Township 139, Range 96 on approximately 40 acres. 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.

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

Chairman Hoff opened the public hearing on a request from Tyrene Sarsland. Tyrene Sarsland is requesting a zoning change from Agriculture to Rural Residential on a parcel located in the N ½ of the SE ¼ of Section 2, Township 140, Range 96 on approximately 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 of the zoning change from Agriculture to Rural Residential on a parcel located in the N ½ of the SE ¼ of Section 2, Township 140, Range 96 on approximately 5 acres. , Larry Messer 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 Knife River North Central. Knife River North Central is requesting a temporary use permit for a concrete batch plant operation on a parcel located in the NW ¼ of Section 36, Township 140, Range 98 on approximately 158 acres with a lease area of approximately 4 acres.

Chairman Hoff asked for anyone to speak for or against a temporary use permit.

Gary Ramsey represented Dorothy Tuhy. He voiced her concerns on the conditions from Northern Improvement's temporary use permit on the same parcel of land along with increased noise, dust, traffic, and smell.

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 for a concrete batch plant operation on a parcel located in the NW ¼ of Section 36, Township 140, Range 98 on approximately 158 acres with a lease area of approximately 4 acres. 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 to limited through the inclusion of the following conditions:
 - a. **The temporary use permit shall be limited to a temporary concrete batching 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 June 9, 2015 through October 31, 2015.**
 - c. **Hours of operation shall be limited to 6:00 a.m. through 7:30 p.m.**

- d. Operations associated with the temporary use permit shall be restricted to the areas shown on the map submitted with the application dated May 5, 2015. The sand and rock piles, concrete plant, load out, parking and wash out box areas shall be generally located as shown on the map submitted with the application dated May 5, 2015.**
- 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, 2015.**
- g. 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.**
- h. 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.**
- i. With the exception of those conditions listed above, the development and operation of the temporary concrete batching plant and other uses associated with this temporary use permit shall be performed in accordance with the Northern Improvement Temporary Use Permit as renewed by the Stark Country Commission on December 2, 2015. Additionally, development and operation of the temporary concrete batching plant and other uses associated with the temporary use permit shall be performed in accordance with the 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.

Duane Grundhauser moved to adjourn, Larry Messer seconded.