

Stark County Planning and Zoning Commission Minutes

October 1, 2015
3:00 pm

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

Jay Elkin moved to approve the minutes from the August 27, 2015 meeting. Klayton Oltmanns seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Chad Groll. The request is for a variance to the setback requirement listed in Section 5.02-D of the Stark County North Dakota Zoning Ordinance for a property identified as Lot 9, Block 1 of the Green River Estates Subdivision that is currently zoned Residential, Low Density (RLD).

Chairman Hoff asked for anyone to speak for or against the variance to the setback requirement. Chairman Hoff closed the public hearing.

Klayton Oltmanns moved to recommend to the Stark County Board of Commissioners the approval for a variance to the setback requirement following staff recommendations for Chad Groll.

Larry Messer seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval based upon the following findings:

- The applicant has shown there is a hardship due to the particular physical surroundings shape and topographic condition of the specific property.
- The purpose of the variance is not based on a desire for economic gain.
- The applicant has submitted a letter in support of the variance request from an adjacent property owner. The site plan the applicant has submitted with his letter dated September 14, 2015 shows the proposed accessory structure will be located as far back in the front yard as physically possible; and
- The applicant has shown there is a unique characteristic of the property that would justify a variance.

Chairman Hoff opened the public hearing on a request from Terry and Lynn Kubas. The request is for a zoning change from Agriculture to Rural Residential on a parcel located in the S 1/2 of Section 14, Township 138, Range 96 containing approximately five (5) acres.

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

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval for the zoning change from Agriculture to Rural Residential following staff recommendations for Terry and Lynn Kubas.

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.
- Adoption of the rezoning request subject to the proposed condition that no building permit requests for the property shall be approved until an expansion of 44 H Street SW is completed by the developer. The design and final improvements of 44 H Street SW shall be subject to approval by the Stark County Road Superintendent.

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 Melissa Hochmuth. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the SE¹/₄ of Section 23, Township 137, Range 97 containing approximately 160 acres. The actual lease area is approximately 2.5 acres.

Chairman Hoff asked for anyone to speak for or against the Conditional Use Permit. Chairman Hoff closed the public hearing.

Gene Jackson moved to recommend to the Stark County Board of Commissioners the approval of the Conditional Use Permit following staff recommendations for Melissa Hochmuth.

Klayton Oltmanns seconded. Roll call vote. All voted Aye and the 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 uses in the vicinity; and**
- 2. The conditional use shall be limited through the inclusion of the following conditions:**
 - a. Development shall be limited to a guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
 - b. No outdoor storage shall be allowed on site;**
 - c. The maximum height of the MET shall be limited to 197 feet;**
 - d. The location of the MET shall be as generally shown on the drawing dated September 2, 2015;**
 - e. The duration of the conditional use permit shall be five and one-half years;**

- f. **The developer shall be responsible for all maintenance associated with the MET; and guys, and the driveways/roads accessing the tower;**
- g. **The developer shall provide a six-foot chain link fence around the MET and baseplate;**
- h. **Unless required by the Federal Aviation Authority, the MET shall not be lighted;**
- i. **If necessary, the developer, prior to construction, shall submit a letter from the Federal Aviation Administration (FAA) stating that the MET does not exceed the maximum height permitted under FAA rules and does not require lighting;**
- j. **Any proposed change of use of the MET, 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; and**
- k. **Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- l. **The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from. The request is for a Melissa Hochmuth. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to monitor and collect wind data on a parcel located in the SW¼ of Section 27, Township 137, Range 95 containing approximately 160 acres. The actual lease area is approximately 2.5 acres.

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

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of the following staff recommendations for Melissa Hochmuth.

Duane Grundhauser seconded. Roll call vote. All voted Aye and the 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 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 guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
 - b. No outdoor storage shall be allowed on site;**
 - c. The maximum height of the MET shall be limited to 197 feet;**
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- l. The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Chairman Hoff opened the public hearing on a request from. The request is for a Melissa Hochmuth. The request is for a conditional use permit for a 197 foot meteorological tower (MET) to be used to be used to monitor and collect wind data on a parcel located in the NW¼ of Section 32, Township 137, Range 95 containing approximately 160 acres. The actual lease area is approximately 2.5 acres.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of the following staff recommendations for Melissa Hochmuth.

Larry Messer seconded. Roll call vote. All voted Aye and the 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 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 guy-wired meteorological tower (MET) to be used to monitor and collect wind data;**
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- j. Any proposed change of use of the MET, 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; and**
- k. Development of the MET shall be performed in accordance with all applicable County, State and Federal rules and regulations.**
- l. The applicant shall report to the Zoning Administrator if the tower is no longer in use. The tower shall be removed, at the applicant's expense, within six (6) months of this notice and the site shall be restored by the applicant to its pre-existing condition.**

Steve Josephson, County Planner, reminded the board that the November meeting will be held on Tuesday November 24th, 2015 due to the Thanksgiving holiday. Code amendments will be in the near future.

Klayton Oltmanns moved to adjourn, Duane Grundhauser seconded.