

## Zoning Commission Minutes

Sept 27, 2012  
3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Jay Elkin, Chairman Hoff, Chuck Steffan, Duane Grundhauser, Kurt Frohlich, Sue Larsen and Klayton Oltmanns present and Gene Jackson and Larry Messer absent. Also present were Planner Steve Josephson, Assistant States Attorney Jim Hope and Auditor Kay Haag.

Duane Grundhauser moved to approve the minutes from the August 30, 2012 meeting. Chuck Steffan seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from Rodney A Kostelecky. The request was for a Conditional Use Permit for a one hundred foot free standing radio tower with antennas , cables, communication building, generator, and electric service to provide data transmission for oilfield communications. The location being in the NE4 of Section 32, Township 140, Range 97, containing approximately ½ an acre. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

**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 be limited through the inclusion of the following conditions.
  - a. Development shall be limited to a free standing radio tower with cables, communication building, generator, and electric service to provide data transmission for oilfield communications.
  - b. The maximum height of the radio tower shall be limited to 100 feet.
  - c. The location of the tower and the accessory building shall be as generally shown on the drawings dated August 12, 2012 and August 13, 2012.
  - d. The developer shall be responsible for all maintenance associated with the tower and the roads accessing the tower.
  - e. The developer shall provide a six-foot chain link fence around the perimeter of the pad.
  - f. 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.
  - g. 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.
  - h. Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations.

The subject property is currently zoned Agriculture. The applicant proposes locating the radio tower on a butte cliff. 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.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a Conditional Use Permit following the staff recommendations and excluding

2. f. as listed above for Rodney A Kostelecky. Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Brad Brennan. The request was for a zoning change from Agricultural to Residential to allow for a single-family home. The location being in the NE4 of Section 26, Township 140, Range 97, containing approximately 8.89 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

**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 applicant shall dedicate 100 feet of northern portion of the subject parcel immediately adjacent to 34<sup>th</sup> Street Southwest to Stark County for use in any future road widening. Written documentation of the road dedication shall be submitted prior to permit issuance.

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.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Industrial following the staff recommendations and to include a survey of the lot for Brad Brennan. Klayton Oltmanns seconded. Roll call vote. All voted Aye and the motion carried.

Chairman Hoff opened the public hearing on a request from Keith and Jenn Buckman. The request was for a zoning change from Agricultural to Residential to allow for a single-family home. The location being in the SE4 of Section 21, Township 140, Range 99, containing approximately 10 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Chairman Hoff closed the public hearing.

**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 applicant shall dedicate 100 feet of the southern portion of the subject parcel immediately adjacent to 34<sup>th</sup> Street Southwest to Stark County for use in any future road widening. Written documentation of the road dedication shall be submitted prior to building issuance.

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.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Residential following the staff recommendations. Duane Grundhauser seconded. Roll call vote. All voted Aye and the motion carried.

Steve Josephson, County Planner, proposed the following amendments for the Stark County Zoning Ordinance:

Creation of an Agricultural Residential zoning district with minimum lot sizes of ten (10) acres;

- Creation of a Residential Rural District with a minimum lot size of five (5) acres;
- Elimination of higher density residential lots;
- Addition of a Planned Unit Development Overlay District;
- Renamed Recreational District to Recreation and Open Space and moved some of the proposed uses (water and ski slides and resorts, golf driving ranges, go cart tracks, etc) into the Commercial zoning district;
- Added landscaping and screening provisions to Off Street Parking;
- Moved all specific requirements of uses into the “Additional Provisions” Section;
- Minor changes to Subdivision and Crew Camp sections; and
- Request meetings between developer and County staff prior to submittal of preliminary and final subdivision plats.

STAFF RECOMMENDATION: Approval of the proposed amendments based upon the following findings:

The proposed amendments are consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE A-Encourage the wise use of agricultural land;
- LAND USE B-Strive to protect the agricultural integrity of rural areas;
- LAND USE C-Ensure orderly and desirable energy development;
- LAND USE D-Provide for proper growth management practices; and
- LAND USE E-Avoid conflicts between land uses.

The proposed amendments are consistent with the following implementation strategies of the Stark County Comprehensive Plan:

- GOVERNMENTAL- Stark County supports the periodic review of county codes and ordinances to ensure their current relevancy;
- LAND USE-Stark County supports prohibition of non-agricultural uses of floodplain areas.
- LAND USE-Stark County supports protecting farming practices from contrasting interests of non-farm residents and businesses.
- LAND USE-Stark County supports working toward uniform land use regulations.
- LAND USE-Stark County supports ensuring that lot or subdivision development programs do not create runoff, siltation, or conflicting uses for adjacent property owners.

Eric Schulz, Endeavor Engineering, spoke against items listed in the Stark County Zoning ordinance.

Duane Grundhauser moved to adjourn. Jay Elkin seconded.