

Stark County Planning and Zoning Commission Minutes

August 2, 2018
3:00 PM

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Russ Hoff, Jay Elkin, Scott Decker, Sue Larsen, Sarah Trustem, Kurt Froelich, Daneen Dressler, and Byron Richard were present, and absent was Duane Grundhauser. Also present were County Planner Steve Josephson and Nicole Roberts of the Auditor's Office.

Daneen Dressler moved to approve the minutes from the June 28, 2018 meeting. Jay Elkin seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on CUP 03-18, a request from **John Throckmorton of Municipal Communications**. The request is for a conditional use permit for a 400-foot telecommunications tower on a parcel located in the NW4 of Section 28, Township 138, Range 94 containing approximately 157.48 acres on a lease area of approximately 0.25 acres.

Chairman Hoff asked anyone to speak either for or against the conditional use permit for John Throckmorton of Municipal Communications. Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of CUP 03-18 for the conditional use permit for a 400-foot telecommunications tower on a parcel located in the NW4 of Section 28, Township 138, Range 94 containing approximately 157.48 acres on a lease area of approximately 0.25 acres following staff recommendations for John Throckmorton of Municipal Communications.

Kurt Froelich 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 guyed telecommunications tower, equipment building, generator, accessory equipment, and accessory structures to protect communications equipment on site;**
 - b. **The maximum height of the radio tower shall be limited to 400 feet;**
 - c. **The location of the tower and accessory buildings shall be as shown on the drawings received by Stark County on June 25, 2018;**
 - d. **The tower shall allow for co-location of four additional providers;**
 - e. **Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and**
 - f. **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; and**
 - g. **The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.**

Chairman Hoff opened the public hearing on CUP 04-18, a request from **John Throckmorton of Municipal Communications**. The request is for a conditional use permit for a 400-foot telecommunications tower on a parcel located in the NE4 of Section 25, Township 140, Range 94 containing approximately 160 acres on a lease area of approximately 0.25 acres.

Chairman Hoff asked anyone to speak either for or against the conditional use permit for John Throckmorton of Municipal Communications. Chairman Hoff closed the public hearing.

Sue Larsen moved to recommend to the Stark County Board of Commissioners the approval of CUP 04-18 for the conditional use permit for a 400-foot telecommunications tower on a parcel located in the NE4 of Section 25, Township 140, Range 94 containing approximately 160 acres on a lease area of approximately 0.25 acres following staff recommendations for John Throckmorton of Municipal Communications.

Scott Decker 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 guyed telecommunications tower, equipment building, generator, accessory equipment, and accessory structures to protect communications equipment on site;**
 - b. **The maximum height of the radio tower shall be limited to 400 feet;**
 - c. **The location of the tower and accessory buildings shall be as shown on the drawings received by Stark County on June 25, 2018;**
 - d. **The tower shall allow for co-location of four additional providers;**
 - e. **Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and**
 - f. **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; and**
 - g. **The service provider shall report to the Zoning Administrator if the telecommunications tower facility is no longer in use. The telecommunications tower facility shall be removed, at the service provider's expense, within six (6) months of this notice and the site shall be restored by the service provider to its pre-existing condition.**

Chairman Hoff opened the public hearing on CUP 05-18, a request from **Ron and Shirley Buckman**. The request is for condition use permit for the following:

- Storage of equipment and material related to oil exploration and production; and
- Limited activities associated with an oil service business.

The subject property is located at 12205 Highway 10 located in the East ½ of the Southeast ¼ of Section 3, Township 139, Range 98 containing approximately 79.5 acres. The actual area subject to the conditional use is approximately 2.5 acres.

Chairman Hoff asked anyone to speak either for or against the conditional use permit for Ron and Shirley Buckman. Dennis Streitz, Diane Procive, and Delvin Streitz all voiced their concerns about traffic, setbacks, road maintenance, and zoning.

Chairman Hoff closed the public hearing.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval of CUP 05-18 for the conditional use permit subject to the following amended staff recommendations for Ron and Shirley Buckman.

- a. **The conditional use permit shall be limited to the following:**
 - **Storage of oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers; and**
 - **The following activities associated with an oil service business:**
 - **Indoor maintenance of equipment;**
 - **Daily fueling of pickup trucks associated with the business;**
 - **Outdoor service of oil rigs;**
 - **Temporary office building; and**
 - **Monthly safety training sessions for the applicant's employees;**

No other non-agricultural activities shall occur on the site, and no other non-agricultural materials shall be stored on the site.
- b. **The duration of the conditional use permit shall be ~~November~~ August 2018 through November 2021. Approval of CUP 05-18 will result in the repeal of the previously approved Temporary Use Permit. Renewal of the conditional use permit shall require a public hearing before the Stark County Planning and Zoning Commission and approval by the Stark County Commission.**
- c. **The conditional use permit shall expire should ownership of the property change.**
- d. **The storage of oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers associated with the conditional use permit shall be restricted to the area shown on the map submitted with the application dated July 9, 2018. ~~No gravel, seoria, concrete, asphalt or similar materials shall be spread on top of the storage area.~~**
- e. **Transport of oil rigs, ~~enclosed trailers, oil tanks, and bumper hitch trailers~~ shall be restricted to daylight hours.**
- f. **~~Outdoor service of oil rigs shall restricted to daylight hours.~~**
- g. **No oil rigs, enclosed trailers, oil tanks, and/or bumper hitch trailers shall be stored within 200 feet of adjacent property boundaries.**
- h. **~~All oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall be cleaned and free of chemicals and other toxic materials prior to storage on the site.~~**
- i. **~~No chemicals or toxic and/or flammable materials shall be stored on the site.~~**
- j. **~~No washing of nonagricultural structures, vehicles, equipment or material shall occur on the site.~~**
- k. **~~No additional permanent structures shall be erected on the site.~~**
- l. **~~No other non-agricultural structures, vehicles, equipment or materials shall be stored on the site.~~**
- m. **Access points serving the subject property shall be determined in accordance with Stark County regulations.**
- n. **The developer shall be responsible for all maintenance associated with the temporary conditional use permit.**
- o. **Any proposed change of the conditional use permit, including location of the storage of the oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**

- p. 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.**
- q. Storage of the oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Byron Richard seconded. Roll call vote. All voted Aye and the motion carried.

Planner Items

County Planner Steve Josephson informed the Planning and Zoning Commission he plans to bring forward proposed zoning code amendments. These proposed changes may include, but aren't necessarily limited to, the following;

- Floodplain overlay district;
- Animal feeding activity;
- Code enforcement procedures;
- Oilfield services in the A zoning district; and \
- Accessory dwelling units.

Jay Elkin moved to adjourn. Scott Decker seconded.