

## Zoning Commission Minutes

January 30, 2014  
3:00 pm

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

Jay Elkin moved to approve the minutes from the January 30, 2014 meeting. Gene Jackson seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from John Throckmorton of Municipal Communications. The request is for a conditional use permit for a 400 foot guyed telecommunications tower on a parcel located in the NW4 of Section 28, Township 138, Range 94 containing approximately 0.23 acres. Tracey Walth voiced his concerns on spot zoning, the scenery, and the value of the land. Chairman Hoff closed the public hearing.

Duane Grundhauser moved to recommend to the Stark County Board of Commissioners the approval of the conditional use permit following the staff recommendations for Municipal Communications. Larry Messer seconded. Roll call vote. 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 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 guyed telecommunications tower, equipment building, generator, accessory equipment, and accessory structures to protect communications equipment on site;**
  - b. **The equipment compound shall not be used for storage of any excessive equipment, hazardous waste, or habitable space. No outdoor storage shall be allowed on site;**
  - c. **The maximum height of the radio tower shall be limited to 400 feet;**
  - d. **The location of the tower and accessory buildings shall be as shown on the drawings dated November 4, 2014 and November 21, 2013;**
  - e. **The developer shall be responsible for all maintenance associated with the tower, the guys, the tower compound and the roads accessing the tower;**
  - f. **The tower shall allow for co-location of four additional providers;**
  - g. **The developer shall provide a six-foot fence around the perimeter of the tower compound. Chain-linked fences shall be painted or coated with a non-reflective color;**
  - h. **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;**
  - i. **Signs located at the telecommunications facility shall be limited to ownership and contact information, Federal Communications Commission antenna registration number (if required), and any other information as required by government regulation. Commercial advertising is strictly prohibited;**

- j. Unless required by the Federal Communications Commission or the Federal Aviation Authority, the telecommunications tower shall not be lighted;
- k. Security lighting for the equipment shelter shall be confined to the boundaries of tower site;
- l. The tower shall be constructed of galvanized material. and painted with a rust-preventative paint of an appropriate color to harmonize with the surroundings;
- m. 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;
- n. Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations; and
- o. 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.

Condition I for Municipal Communications was changed at the request of the applicant to read "The tower shall be constructed of galvanized material and shall be of an appropriate color to harmonize with the surroundings." They explained that galvanized material is rust proof and no painting is required. Condition l. originally appeared as "The tower shall be constructed of Towers shall be galvanized and painted with a rust-preventative paint of an appropriate color to harmonize with the surroundings".

Chairman Hoff opened the public hearing on a request from Marathon Oil Company. The request is for a conditional use permit for a 60 foot free standing radio tower and associated structures to be used to provide data transmission for oilfield communications on a parcel located in the NW4 of the SE4 of Section 24, Township 140, Range 96 containing approximately 0.02 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 Marathon Oil Company. Jay Elkin seconded. Roll call vote. Motion carried.

**STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:**

- 3. The location of the proposed project should not adversely impact the existing uses in the vicinity; and
- 4. The conditional use shall to limited through the inclusion of the following conditions:
  - p. 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;
  - q. The maximum height of the radio tower shall be limited to 60 feet;
  - r. The location of the tower and the accessory building shall be as generally shown on the drawings dated July 23, 2013 and July 24, 2013;
  - s. The developer shall be responsible for all maintenance associated with the tower;
  - t. The developer shall provide a six-foot chain link fence around the perimeter of the pad;

- u. **Prior to construction, 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;**
- v. **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**
- w. **Development of the radio tower shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Steve Josephson, County Planner, notified the board that next month the Zoning Board will be hearing minor amendments to the Zoning Ordinance. He anticipates that late this year there will be proposed amendments to the cell tower requirements, and that a storm water management ordinance may be proposed. Kurt Froelich addressed his concerns with the meeting dates for November and December 2014 and asked if those dates could be changed. The meeting dates in November and December will be revised.

Jay Elkin moved to adjourn. Gene Jackson seconded.