

Held

July 6, 2006

**Special Meeting of the Board of Trustees  
July 6, 2006**

**OPENING OF MEETING**

**Meeting commences:** 6:34 p.m.

Motion by Mr. Corman for Ms. Bancroft to take minutes was made, Mr. Ritter seconded, and roll was called:  
Mr. Corman, Mr. Ritter, Mr. Fiedeldey were present

Mr. Corman said the purpose of meeting is to continue discussion of new Township zoning ordinance, and solid waste disposal and mining districts

**Public Input:**

Mr. Trauth, representing Rumpke, requested the Board to waive the setback of 1000 feet.

Another Rumpke representative stated that in regards to the height requirement, technical evaluation shows that the height of landfill does not cause slide. Issues today are height and blasting. He goes on to say that Rumpke compensated the state adequately for the slide. The company met with a consultant regarding blasting, and they must meet greater standards than set by the US Dept of Mines.

Motion to close this section of public input by Mr. Corman, Mr. Ritter seconded and the roll was called:

Mr. Corman – aye  
Mr. Ritter – aye  
Mr. Fiedeldey – aye

**Case ZA2006-01 – Text & Map Amendment – Article 17**

Discussion of Article 17.1 "SWD" Solid Waste Disposal District:

Mr. Fiedeldey suggests changing "area" to "neighborhood." 17.1.1(C)  
In 17.1.1(M), taking the word mining away since blasting is not allowed. And in 17.1.1(D) change to read - uses "to the maximum extent possible."  
Mr. Powell suggests the wording, "excavating without mining" in (M).

Mr. Fiedeldey questions the values of 500 or 300 feet 17.1.4 (A-1&2).

Ms. Moeller explains that the change to 500 feet was to increase the buffers. She asks whether parking or fencing will be included as allowed structures within the buffer.

Mr. Fiedeldey says roadways and fences are allowed items in buffer.

17.1.4(C): Discussion on the maximum building height and a greater setback allowing a taller building

Mr. Corman asks why was [the setback and height] changed around?  
Ms. Moeller says she does not recall.

Mr. Powell adds there is some redundancy. He believes the original intent was to have a maximum of 60 feet with the setback corresponding. He recommends going back to the 35/45 value in the second sentence.

*Board concurs on 45 feet.* Mr. Fiedeldey notes concern for the height/setback for the fire department.

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17 1 5(D): The Board agrees to add "other than solid waste uses."  
Subsection 3 removed Paragraph 2 should read, "blasting shall be prohibited."

In 17 1 8, discussion to add any "approved" development plans Overall consensus of Board is that this may be ambiguous.  
Ms Moeller says the current wording was to address Trout/Rumpke's concern of becoming a non-conforming use

Ms Moeller wants to add "passive recreation facilities, parks, and conservation uses" as a separate use under 17 1 3

Consensus of Article 17 1:

Board pauses to discuss and get consensus on these items in Article 17

Definition of "maximum consent" included in glossary of Ordinance  
Discussion of mining being misinterpreted, Mr Fiedeldey wants to remove entirely Mr Ritter wants to leave as is.

Agree to make above addition to 17 1 5

17 1 4 A2: In regards to setbacks, Mr Ritter supports the staff report to keep 1000 feet Board agrees Purpose of this is the 2500 feet would be for when blasting was permitted, decreasing to 1000 was in concert with the prohibition of blasting

Mr. Fiedeldey comments on the section: Vibration & Blasting  
If you allowed mining, you would have no control on the noise - it would be the state's domain Mr Ritter asks if no blasting involved, what sort of noise would be created by mining? Mr. Fiedeldey says general noise, movement, etc; a 1000' setback is not much of a buffer.  
Mr. Corman thinks that without the blasting, the noise would be no more than the noise of the landfill  
Mr Powell does not think that there is any law preventing the township from preventing blasting when the welfare of the surrounding properties and people are concerned. He asks Mr Fiedeldey, what if you couldn't prevent mining with or without blasting?  
Mr. Powell states the power of the township having the right to prohibit mining is eventually up to the courts.

Ms Moeller: 1000 setback states "from the property line," not just the OEPA's wording of "from the domicile." This may be found to be preemptive. The reasoning of this is in the case of a vacant property or if a property was subdivided and a new residential building was added.

Mr. Ritter asks what is the setback is between solid waste and light industrial?  
Ms. Moeller says this value will be the state's value - naturally it is 500 feet or 100 from business districts

Motion to break by Mr Fiedeldey, Mr Corman seconded, and roll was called

Mr. Corman - aye  
Mr. Ritter - aye  
Mr. Fiedeldey - aye

Discussion of 17 2 "ME" Mineral Extraction District:

17 2 1 Mr Fiedeldey says testimony has shown that Colerain Township only has sand and gravel. No natural, mine-able limestone in this area, due to glacial deposit

He proposes changing the language from "certain minerals" to "sand and gravel," more definitive language

Also add "neighborhoods to the maximum extent feasible."

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Mr. Fiedelley again proposes to leave just "sand and gravel" extraction, delete the "other minerals"(A). In (B), he wants to delete lines after "commercial purposes "

The other Board members ask why

Ms Moeller states the reason to include the wording was to be proactive, to be overly inclusive if something is found within a (ME) mining district. It would make it possible that they could apply for ME designation.

Mr. Welch adds that sand and gravel are only found in glacial deposit areas, not elsewhere.

17.2.4

Mr. Fiedelley's suggestions for this section are:

- (A) regulation of general associated noises with mining cannot be controlled
- (B) protect the Miami ... "to the greatest extent possible."
- (C) insert "best management practices," in place of "control measures "

Mr. Ritter remarks that "best management practices" could break a business, if they were extraordinarily expensive - so keep "control measures" to protect the business owner.

Mr. Welch adds that the EPA has many regulations that must be met that protect the public's welfare.

In (E-3) Ms Moeller brings up that the setback for blasting has been removed, since blasting has been prohibited. She gets support for a setback of 100' to fall under (H)

(H-3) remove "substantial" from "where substantial damage occurs." So it now reads "where damage occurs."

(H-4) replace 250' with 150'. The new state standard will be 150' Mr. Fiedelley believes it to be consistent with the land use map

Ms. Moeller says this is a policy decision for the Board.

Mr. Ritter inquires about high water mark and the floodway mentioned earlier in the section. Ms. Moeller says whichever is greater will apply in each situation

(H-7) The definition for mineral extraction should reflect that only earth, sand or gravel is pertinent

(H-9) add "solid waste" before "facility" to clarify and lead to the below definition of such facility.

Mr. Fiedelley wishes that solid waste facilities should be "limited to the SWD district," and thus be prohibited elsewhere. He feels that clarification of this is important.

Mr. Corman thinks that wording is being too repetitive

Discussion of regulations for post-closure viable uses:

Mr. Fiedelley revisits discussion of future use of a closed solid waste facility. The use of the land will be limited. He states that limiting the slope may increase the number of viable reuses. 6:1 as maximum slope is suggested

It is found that the current waste facility is already 3:1

Mr. Ritter asks consultants of any awareness of slope regulation. They do not, only height.

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For comparison, Ms. Moeller reminds the group that the Hillside District is at 30% slope and that is approximately what a 3:1 ratio equals. A slope would be useful if you wanted to make it possible that the closed facility is more than open space.

Mr. Fiedeldey notes that the ME has a reclamation section, but the SWD does not.

Mr. Welch adds that there are river mining permits, some flood control permits. Some sand and gravel naturally comes from the floodplain. Corps of Engineers require that area of the flood way not be closed off from the flood waters, b/c they store flood capacity.

Mr. Ritter asks if new allowances of extraction come before the BZA. Mr. Powell says that is likely.

Public response says that 500' setback between SWD and F is excessive. Ms. Moeller adds that a minimum of 300' is state mandated. (A-1) Ms. Moeller suggests specifying 500' setback for residential, 300' for other uses. Chart in back of ordinance just covers section of landscaped buffer.

Mr. Corman asks if there is a motion to approve the changes? Mr. Fiedeldey states that he doesn't think the SWD should be in the ME district. He supports the larger setbacks. Mr. Corman says that while not 100% agreement, but with input from hired legal help and the public.

A motion to approve Case ZA2006-01 by Mr. Ritter, Mr. Corman second, and roll was called.

Mr. Corman – aye  
Mr. Ritter – aye  
Mr. Fiedeldey – aye

Open for public input: none given  
Close public input

Before proceeding to the next topic, Mr. Ritter stated that he thinks the new ordinance is good. He is disappointed by the feedback from the Regional Planning Commission.

#### Case ZA2006-05 – Comprehensive Text & Map Amendment

Comments on prior Text articles/sections led by Mr. Fiedeldey:

Article 9 2.2: Mr. Fiedeldey states that on p74, it looks like it is promoting construction in a floodway.

Ms. Moeller explains the reason for this is that if they really want to build in the area, and spend the money for the necessary work and research. You could say that you don't want construction in the floodway. She confirms that Hamilton County has extensive requirements to build in such an area.

9 2.2(B) - "provided that these [uses] are outside the floodway." Fiedeldey points out that they are in the floodway fringe. Title: "Uses in the Floodway Fringe" Mr. Corman states for the record that he thinks everyone at the meeting was aware of this.

Mr. Fiedeldey asks if there is a setback within the fringe from the floodway that is developable. This value is not given in the ordinance. But there are requirements that would direct how the development was designed.

Mr. Fiedeldey (10 2 1) - maximum height of *accessory building* cannot be higher than the principle building. He suggest a phrase added to this sections that reads "but should not be higher than the principle building." Agricultural buildings are exempt.

Minutes of

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

SPECIAL

Form 6101

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12.5.2 (p112) trash containers larger than 32 gallons, suggests adding "only permitable in the side or rear yard"

Mr Fiedeldey states a need for some regulation of excessive light on a home other than your own. Ms Moeller suggests "all outdoor lights must be illuminated so as to not be directed at a neighboring property." And then there would be a need for a separate non-residential lighting ordinance.

The Board asks for the Ms. Roschke's opinion on lights. She states that there have been some such complaints, but not too many. Everyone agrees to add something like the phrase above.

13.4.5: Driveways on <1 acre "should be graded and paved with an asphalt or cement surface." Board concurs

13.6(8) parking and storage of recreational vehicles. Junk vehicles only refers to cars, not RVs, boats, campers. Mr Fiedeldey suggests that all unlicensed vehicles should be licensed whether they are in use or not, only sitting on property. This would be of use when a complaint was made, licensing could be checked, and violation given. BZA option would be available for special cases. Board agrees to add the wording, "all vehicles, including recreational vehicles, stored outside are required to have a license." Further discussion needed on where best to put this, so that items like bicycles would not be considered vehicles. Mr Reuter said that as long as there is consensus among the Board the exact wording and placement can be decided outside this meeting.

13.7.2 - must meet agricultural provisions

Item 20 under definitions. Mineral extraction to reflect changes made to Article 17.

Mr Ritter disagrees with Mr Fiedeldey about fringe/floodway. He gets confirmation from Ms. Moeller that it has not been changed.

Comments on the Zoning Map:

The only boundary changes on the zoning map are those that reflect the most recent flood plain lines.

Mr Corman proposes to have the Zoning Commission look at new zoning map, land use map, and comprehensive plan to make recommendations to the Board for compliance.

A motion to approve Case ZA2006-05 by Mr. Ritter, Mr Corman second, and roll was called.

Mr. Corman - aye

Mr. Ritter - aye

Mr Fiedeldey - aye

Mr Reuter states that the map will truly be approved when the code and map are approved together. The earliest to do this is Tuesday, July 11.

Mr. Fiedeldey states that zoning is suppose to follow the Comprehensive Plan.

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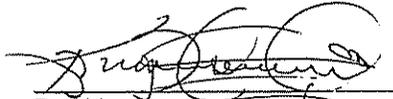
ADJOURNMENT

Motion to adjourn meeting by Mr. Corman, Mr. Ritter seconded, and roll was called

- Mr. Corman - aye
- Mr. Ritter - aye
- Mr. Fiedeldey - aye

Meeting adjourned at 9:45.

  
Fiscal Officer

  
President