

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 pm.
Wednesday, March 1, 2023

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

Mark Scholl, Vice Chairperson of the Clark County Planning Commission, called the meeting to order at 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jo Anderson, Mr. Dave Stickney, Ms. Keri Brammer, Mr. Skye Schelle, Mr. Mark Scholl, Mr. Don Wallace, Commissioner Lowell McGlothin and Commissioner Sasha Rittenhouse

Absent For Roll Call: Ms. Louise Maurer, Mr. Jay Kitchen and Commissioner Melanie Wilt

Also in Attendance: Mrs. Jennifer Tuttle and Mrs. Rachel Ricketts from Clark County Community and Economic Development.

Approval of Excused Members

Motion by Mr. Wallace, seconded by Commissioner McGlothin, to **Excuse** absent Board Members (Ms. Louise Maurer, Mr. Jay Kitchen and Commissioner Melanie Wilt)

VOTE: Yes: Mr. Wallace, Commissioner McGlothin, Mrs. Anderson, Mr. Stickney, Ms. Brammer, Mr. Schelle, Mr. Scholl and Commissioner Rittenhouse

No: none

Motion carried.

Approval of the November 2, 2022 Minutes were differed to next month's meeting

Approval of the February 1, 2023 Minutes

Motion by Commissioner Rittenhouse, seconded by Mr. Stickney, to **Approve** the minutes as presented

VOTE: Yes: Commissioner Rittenhouse, Mr. Stickney, Mrs. Anderson, Mr. Schelle, Mr. Wallace and Commissioner McGlothin

No: none

Abstain: Mr. Scholl and Ms. Brammer.

Motion carried.

Motion to Untable Case #SB-2023-01

Motion by Mrs. Anderson, seconded by Mr. Wallace, to **Untable** Case #SB-2023-01

VOTE: Yes: Mrs. Anderson, Mr. Wallace, Mr. Stickney, Ms. Brammer, Mr. Schelle, Mr. Scholl, Commissioner McGlothin and Commissioner Rittenhouse

No: none

Motion carried.

Chairperson Scholl asked Staff to present the case.

Subdivision Case #SB-2023-01 ~ Property Owner/Developer: Lewis Construction, Inc. ~ Surveyor/Engineer: Luis G. Riancho & Assoc. Inc. ~ Engineer: Professional Assoc. Inc., M.L. Oxner ~ Location: end of Bluffs Blvd., PID #180-10-00011-000-035; Mad River Twp. ~ Request: Preliminary and Final Plat Subdivision Plat approval Section 2, 15 single family lots

Mrs. Jennifer Tuttle stated that the subject property is located at end of Bluff Blvd. and consists of 9.0525 acres. The property is zoned R-2. The Preliminary approval of The Bluffs at Hunters Glenn Subdivision was given by the Clark County Planning Commission on February 2, 2005. That Preliminary Plan was for 150 single-family lots over 100-plus acres. The construction plans for the entire subdivision were reviewed and approved in 2005.

Mrs. Tuttle stated the Applicant filed for Final Approval for Section 2. The submittal was complete; therefore, Staff distributed plans to TRC and Township Trustees. Public notices were sent. After notification, Staff discovered the submittal should have included a Preliminary per Par. 3.213 Time Limit -A preliminary map shall be submitted for examination or re-approval if the time limit between approval of the preliminary map and the final map of the entire tract exceeds five (5) years. The Applicant was notified. The Applicant is now requesting a Preliminary Map re-approval of Section 2 and Final Plat approval for Section 2, which consists of 15 single-family lots with an average lot size of 0.52 acres. Bluff Blvd. would be extended with four new lots fronting Bluff Blvd. and the creation of 11 lots on Rocky Lane. Staff received the amended application on January 24 and Preliminary Map on January 25, 2023.

Mrs. Tuttle stated based on Staffs review, The Bluffs at Hunters Glenn Subdivision is Zoned R-2 with 12,000 sq. ft. lot size minimum and a minimum of 80 ft. of frontage. All 15 lots meet the Zoning requirement. There were several editorial items noted on the plat and submitted back to the Developer for corrections. The corrections have been made. Addresses have been updated on the map.

Mrs. Tuttle explained the comment letter from Mr. Chuck Bauer. "The only outstanding comment that the Utilities Department has is for the Bluffs Section 2 subdivision related to getting Ohio EPA approvals on the drinking water and sanitary sewer plans. The developer has submitted Ohio EPA paperwork to us for review and has asked for a letter from our department indicating that the County will accept the utilities, etc. The required letter will be provided after the Planning Commission approves the subdivision."

Mrs. Tuttle stated that a comment letter from The Clark County Tax Map Office was received on January 30, 2023. They noted that there are offsite storm sewer system & detention basin easements that have to be in place in the name of the Clark County Commissioners before this plat can be recorded. Mrs. Tuttle added I believe these items have been corrected.

Mrs. Tuttle explained the main reason Staff recommend the case to be tabled in February was due to the outstanding items required by the Engineer's office. Mrs. Tuttle stated the updated Clark County Engineer's comments were not available at the time of the Board packet. She stated the letter was in front of them today. Mrs. Tuttle noted Mr. Bender was in the audience and could further comment on the outstanding items.

Mrs. Tuttle added we just received updated plans from the Applicant as recent as yesterday and have not been fully reviewed yet, which is why these comment letters did not make it into the Board's Meeting Packets.

Mrs. Tuttle stated that there is a comment letter in front of you from Clark Soil and Water addressing soil and drainage.

Mrs. Tuttle explained the updated comments from residents Mr. Clemens and Mr. Gorman. Commissioner McGlothlin asked if these residents were here today. Mrs. Tuttle answered no.

Mrs. Tuttle stated based on the updated comments Staff's Recommendation is approval subject to the following conditions:

- Revisions made to the street improvement plans and addressing stormwater management and sign-off from the County Engineer's Office.

- Review and sign-off from the Tax Map Office on any revisions to the Final Plat.

- Review and sign-off from Clark County Utilities on any revisions to the Final Plat.

- Review and sign-off from Clark Soil & Water on any revisions to the Final Plat

- Review and sign-off from Planning on any revisions to the Final Plat.

Chairperson Scholl stated the Clark Soil and Water letter states on number 4, they designed the detention basin at a 1:1 slope. Soil and water is recommending a 3:1 slope so it can be mowed and maintained, when they recommend that, is that something that has to be followed. Mrs. Tuttle answered, Clark Soil and Water is a recommendation. Mr. Tom Bender and Jereme Best from Soil and Water were working together on this.

Mr. Tom Bender, Clark County Engineers Office, explained the drainage system down to mud run has been our primary concern. Not that it couldn't be accomplished, but ultimately the County Commissioners will be responsible for the maintenance of all of it. It has a 1:1 slope design, you cannot stand on that. We revised it and were able to get 2.5:1 slope which we are happy with. Soil conditions, the embankment appears to have a factor safety of almost 4. Mr. Bender explained the discharge channel terminates at the Mad River Township Trustee's property and goes back to existing what is there now. So we require that design channel continue across the property and an easement maintainable all the way to Mud Run. Mr. Bender explained we made a number of comments, but nothing the County Engineer thinks is a problem that cannot be accomplished.

Commissioner McGlothlin asked if they are satisfied with the water runoff. Mr. Bender explained they are meeting our regulations as far as the amount of runoff they can discharge. The concern was the safety of the pond, and they are meeting that. Commissioner McGlothlin stated we always run into problems in Enon with the water issues.

Mr. Wallace stated there were questions about traffic on Enon Xenia Rd. Mr. Bender stated we are not aware of any issues that would be of a concern. He stated nothing excessive and we are not aware of any complaints.

Chairperson Scholl stated this detention basin is designed for the entire project. Mr. Bender answered yes the entire 100+ acres.

Chairperson Scholl asked if this subdivision was built backwards than how they normally are. He stated typically you hook into the sewer and put in the streets and sell some lots. But with this one they had to bring the utilities in from off site. Mr. Bender states they had to build all of their infrastructure ahead of time.

Chairperson Scholl asked if the water tower was put in for this subdivision. Mr. Bender stated he believed it is for the whole area.

Mr. Schelle asked who maintains the pump station. Mr. Bender stated the County Utilities.

Mr. Schelle asked if there were any concerns of the water pressure brought to County Utilities. Mrs. Tuttle stated that Chuck Bauer did not mention concerns.

Mrs. Anderson stated there is a question in the letter, how will future utility conflicts mitigated. Mr. Bender stated there is an easement that connects the property owned by G6 FARMS LLC to the sanitary sewer that comes through where Lewis construction would be in control of. It allows for future development to be able to access that sanitary sewer. Our storm water culvert system, its underground system that crosses that easement. In the future that easement is allowed to have a sanitary sewer run through it, crossing a storm sewer, and I don't know what conflicts are being created by that. Mr. Bender stated it is not really a concern of ours; it's more of a concern of the developer and their engineer. But I wanted to bring awareness to it that they should know there is a potential conflict. It does not hurt this project or what we are trying to accomplish. It's a red flag we want it to be looked.

Chairperson Scholl stated the developer and the engineer for the development are able to make changes to the plans to comply with the Engineer's request. Mr. Bender answered yes and I apologize for the late letter. He stated often times we do things sooner in the review process. We received updated plans for review the day before the meeting.

Mr. Schelle stated when it comes to traffic I looked at the GIS for the area and I couldn't find a structure built prior to year 2000, I don't understand the traffic concerns here. There doesn't appear to be any new development. I think it's worth putting in the record.

Hearing no further questions for Staff, Chairperson Scholl opened the public portion of the hearing at 2:28 pm and asked if the Applicant wished to speak.

Applicant, Joe Lewis, 7052 Dayton Rd., was sworn in. Mr. Lewis stated this has been going on for a while. He stated I grew up around this property and there really isn't traffic in this area. Mr. Lewis stated as far as the complaints from the homeowners, they do not mean much to me and it's not worth commenting on. He stated the main issue to me sounds like the retention stuff. If we can get through that we will be in good shape. Chairperson Scholl stated he can appreciate the concerns of the neighbors, are you able to work with the neighbors. Mr. Lewis stated I can do what I can but that won't easily be done. Mr. Gorman complains constantly. Chairperson Scholl asked how many residents live in there now. Mr. Lewis stated we've sold about 36 lots and there is maybe 10 lots without homes. Chairperson Scholl added people think they are moving out to the County for peace and quiet. Mr. Lewis stated every one of those people were told about this development.

Chairperson Scholl asked what happened with the natural gas. Mr. Lewis stated that they wanted over \$400,000 to bring it down the road to us. When we did Hunter's Glen we were able to get it for free.

Chairperson Scholl asked if he has different builders in there. Mr. Lewis stated yes. Chairperson Scholl stated just try and keep the neighbors happy. Mr. Lewis stated we only have 2 in there that are not happy.

Mr. Don Wallace stated that he would like to hear comments on the County Engineer's concern of the sanitary and utility lines crossing. Mr. Lewis stated I did not fully understand that or where that spot is. Mr. Bender pointed out at the northern property line, just west of the water tower. Mr. Bender stated the buried storm sewer crosses that easement and at a certain depth in the future there might be a

concern. Mr. Bender added if future development is hoped for on the G6 FARMS LLC property, a little bit of planning before things are installed should happen.

Commissioner Rittenhouse asked Mr. Lewis if he understood the conditions. Mr. Lewis said yes.

Luis Riancho, 140 W Wenger Rd., was sworn in. Mr. Riancho stated that we did the initial plat in the beginning, worked with Sam Lewis and Joe Lewis. Everything we did back then is the exact same. The time caught up with the preliminary plat and needs done again. Anything that needs done we can take care of. We are creating the record plan and Mike Oxner is updating the drawings for the plat. Anything the County is looking for we are taking care of it. We're trying to help the community with this project.

Chairperson Scholl asked if anyone else wished to speak in favor of the request.

Charles Stratton, 5477 Enon Xenia Rd., was sworn in. Mr. Stratton stated that traffic is not an issue. We own the lot surrounding the subdivision. We don't have debris across our land. I got to know a lot of builders and they never cause issues for us. I will speak to Mr. Gorman he is a pain. He is a hard guy to talk to and he doesn't have a lot of common sense. Mr. Stratton stated that they have no problems and are looking forward to more houses in the area.

Chairperson Scholl closed the public portion of the hearing at 2:47 pm and asked for Board discussion.

Mr. Stickney stated, based on soil and water, the detention basin and drainage channel should be on County maintenance, if something goes wrong it will be difficult for the landowners to get anything done. He stated it is a pretty good idea if County maintenance did get put on this system.

Mr. Bender stated the entire system will be put on county maintenance.

Chairperson Scholl asked for a motion

Action on Subdivision Case #SB-2023-01 ~ Property Owner/Developer: Lewis Construction, Inc. ~ Surveyor/Engineer: Luis G. Riancho & Assoc. Inc. ~ Engineer: Professional Assoc. Inc., M.L Oxner ~ Location: end of Bluffs Blvd., PID #180-10-00011-000-035; Mad River Twp. ~ Request: Preliminary and Final Plat Subdivision Plat approval Section 2, 15 single family lots

Motion by Mrs. Anderson, seconded by Mr. Stickney, to **approve** as presented with conditions

VOTE: Yes: Mrs. Anderson, Mr. Stickney, Commissioner Rittenhouse, Ms. Brammer, Mr. Schelle, Mr. Wallace and Commissioner McGlothlin

No: None.

Abstain:

Motion carried.

Chairperson Scholl asked Staff to present the next case.

Case #Z-2023-02 ~ Property Owner/Applicant: Nathan Stuckey ~ Location: 0 Hunt Pkwy.; Moorefield Twp.; ~ Request: Rezone 5.82 acres from O-1 to R-1 for a single family dwelling

Mrs. Jennifer Tuttle stated that the subject property is located at 0 Hunt Pkwy in Moorefield Township and consists of 5.82 acres. The property is zoned O-1 (Office Business). The Applicant would like to rezone the property to R-1 (Rural Residence) for a single family residence.

Mrs. Tuttle explained the land use plan shows the parcel as Mixed-Use, Low Intensity, which was based on the existing zoning of the property at that time. She stated Simon Kenton Farm Section one was platted in 1998. Lots 1 and 2 of the plat were initially zoned for office/business use. Lot 2 was rezoned in 2019 for single-family residential. Mrs. Tuttle explained the Applicant's site plan to the Board.

Mrs. Tuttle stated the Clark County Engineer's Office commented on the drainage stating that the drainage currently flows to the west towards a retention basin and southeast towards Derr Rd. The Engineer's office also stated that the property currently has no developed access and access from Derr Rd is prohibited per the recorded plat. Access from the western most portion of the property will be permitted; however, a cut through the existing grass boulevard will be discouraged. A drive permit will be required through the Clark County Engineer.

Mrs. Tuttle stated staff recommends the Applicant's request to rezone 5.82 acres from O-1 (Office Business District) to R-1 (Rural Residence District) for a single family residence. The proposed rezoning is compatible with existing land uses. The requested rezoning would not have an unreasonable impact on the surrounding community and it will maintain the public health, safety, and general welfare because of the existing residential uses within the area.

Mr. Scholl asked to see the Applicants site plan. Mrs. Tuttle put up the slide of the Applicants site plan. Chairperson Scholl asked the size of the proposed accessory structure. Mrs. Tuttle answered I believe it is a 40 ft. by 60 ft. Chairperson Scholl asked what the reason is for that size of barn. Mrs. Tuttle explained the applicant could have up to 6,000 sq. ft. in accessory structures on the property. Chairperson Scholl stated Hunt Parkway is one of the best subdivision entrances in the County and I was against rezoning the other one to single family. I'm beside myself when people put these barns on lots that are as big as their house. They have strict covenants and restrictions that will hopefully be upheld.

Mrs. Anderson asked for the distance from Hunt Pkwy to the build line of the house. Mrs. Tuttle stated that it is 169 ft. to the (proposed) house. Mrs. Tuttle stated from Derr Road its about 208 feet. The abutting parcel is a green space that will remain A-1.

Mrs. Brammer asked if the Applicant has owned the lot for a period of time. Mrs. Tuttle stated the Applicant contacted staff about a year ago to discuss the rezoning.

Hearing no further discussion Chairperson Scholl asked for a motion

Action on Case #Z-2023-02 ~ Property Owner/Applicant: Nathan Stuckey ~ Location: 0 Hunt Pkwy.; Moorefield Twp.; ~ Request: Rezone 5.82 acres from O-1 to R-1 for a single family dwelling

Motion by Commissioner Rittenhouse, seconded by Mr. Schelle, to **approve** as presented

VOTE: Yes: Commissioner Rittenhouse, Mr. Schelle, Mrs. Anderson, Mr. Stickney, Ms. Brammer, Mr. Wallace and Commissioner McGlothlin

No: None.

Motion carried.

Solar

Substitute House Bill Number 501, signed by Governor on January 5, 2023, allows a board of county commissioners, a board of township trustees, (or the board of zoning appeals for a county or township), and the legislative authority of a municipal corporation, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm or small solar facility, whether publicly or privately owned, or the use of land for that purpose.

Sec. 303.213

(A) As used in this section, "small : (1) "Small wind farm" means wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code. (2) "Small solar facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

(B) Notwithstanding division (A) of section 303.211 of the Revised Code, sections 303.01 to 303.25 of the Revised Code confer power on a board of county commissioners or board of zoning appeals to adopt zoning regulations governing the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm or small solar facility, whether publicly or privately owned, or the use of land for that purpose, which. With regard to a small wind farm, the regulations may be stricter than the regulations prescribed in rules adopted under division (B) (2) of section 4906.20 of the Revised Code. (C) The designation under this section of a small wind farm or a small solar facility as a public utility for purposes of sections 303.01 to 303.25 of the Revised Code shall not affect the classification of a small wind farm or a small solar facility for purposes of state or local taxation. (D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation.

Mrs. Tuttle explained, Clinton County put things in prior to this being signed, they may be a guide. We have been talking to the prosecutor's office so if they can take a look to see if others have started writing as well.

Items covered:

Define

Small solar facility means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

Megawatt- One megawatt equals one million watts or 1,000 kilowatts, roughly enough electricity for the instantaneous demand of 750 homes at once. That number fluctuates because electrical demand changes based on the season, the time of day and other factors.

Mrs. Tuttle explained the acreage is all over the place if you look to see what kind of acreage and the wattage so we don't have a good number. A couple months ago we were getting a phone call everyday about the small solar farms (20-60 acres) all over the County.

Mrs. Tuttle explained the discussion is how we want to address it so we can dictate the location and zoning district. Do you want to make it a permitted use, a Conditional Use or a Conditioned Use? Keeping in mind the location requires flat cleared land, close proximity to three-phase power and transmission substation. None of the electrical providers provide us a map showing us where those areas are. Once we determine where we can talk about construction, reconstruction, alteration, enlargements and maintenance of it. We would then have leeway to regulate that.

Height and setbacks, evaluate what that would look like. Require screening, fences or vegetation. She stated most want fences for protection. The last part is the decommissioning plan.

Mrs. Tuttle passed out a draft for the Board to start considering.

Mrs. Brammer asked about surrounding areas with regulations. Mrs. Tuttle stated Clinton County put it in place before this was passed. Mrs. Tuttle stated she was still researching to see what other counties were doing.

Commissioner Rittenhouse stated that Commissioner Daniels commented that Highland County wasn't going to allow any under 50 megawatts because they are afraid the companies would put multiple small megawatt farms to create a larger farm.

Mr. Wallace stated for awareness, an Engineer at Ohio State, tells us they can install solar in areas and retain up to 90 percentage of the productivity of the land over which the solar is being built by the sizing of the solar panels they are putting in. I don't think it connects with this but something to be aware of when you speak of these smaller solar installations or even behind the meter installations.

Mrs. Tuttle added these (regulations) are just for the small solar farms it does not address what we already have in zoning for your roof or backyard that you service the parcel.

Mr. Stickney explained the type of the land they want to use is flat cleared land. The best ground around is where they want to put these. They don't want to put it on the non-suitable ground. Mrs. Tuttle agreed and explained they can use the brownfields and dumps. Mr. Stickney stated in the contract it states to put the land back how it was originally, but it will never be how it was originally.

Staff Comments

Next scheduled meeting: April 5, 2023/

Adjournment

Motion by Mr. Stickney, seconded by Commissioner McGlothin, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:11 pm.

Mr. Mark Scholl, Chairperson