

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE JUNE 14, 2011 MEETING**

**MEMBERS PRESENT:**

Mr. Larry Barrow  
Ms. Lauri Harding  
Mr. Robert Huck  
Mr. Tony Pfeffer  
Mr. Michael Williams  
Ms. Kay Wright  
Mr. Justin Verst, Vice-Chair  
Ms. Cindy Minter, Chair

**MEMBERS ABSENT:**

Ms. Deborah Blake

**STAFF PRESENT:**

Mr. Peter Klear, AICP, Director of Planning & Zoning  
Ms. Molly McEvoy-Boh, Legal Counsel

Ms. Minter called the meeting to order at 7:00 PM and asked for a roll call. Following roll call, a quorum was found to be present. Ms. Minter asked if everyone had reviewed the May 10, 2011 meeting minutes and asked if there were any additions or corrections. Ms. Wright asked about the use of the word "slide" on page 3, line 18. Mr. Klear stated that this word was referencing the Power point slide within the staff presentation. Ms. Wright noted that on page 4, line 5 it listed the word "cleaner". Ms. Wright asked if the word should be "clearer" not "cleaner". Ms. Minter suggested that both words meant essentially the same thing in this context. Ms. Wright agreed with Ms. Minter. Ms. Minter asked if there were any other corrections or comments. There being none, Ms. Minter called for a motion. Mr. Verst made a motion to approve the May 10<sup>th</sup> meeting minutes as submitted. Ms. Wright seconded the motion. A roll call vote found Mr. Barrow, Mr. Huck, Mr. Pfeffer, Ms. Wright, and Mr. Verst in favor of the motion. Ms. Harding, Mr. Williams and Ms. Minter abstained. Motion passed.

Ms. Minter introduced case #96-11-GRP-01 Robert Carter Grading Plan to the Planning Commission and asked Mr. Klear to present the staff report and staff's recommendation to the Commission.

**FILE:** 96-11-GRP-01  
**APPLICANT:** Robert Carter  
**LOCATION:** An approximate two and a half (2.5) acre area located at 1651 Upper Tug Fork Road, Unincorporated Campbell County.  
**REQUEST:** A proposed Grading Plan on 20% slopes for the area described herein, within the R-RE Zone.

1. The site in question, contains approximately two and a half (2.5) acres. The site in question is currently zoned R-RE (Rural Residential Estate). The R-RE Zone, requires a minimum lot size of one acre, lot widths of 100 feet, minimum setback dimension of 50 feet, side yards of 10 feet (one side) and 25 feet (total both sides), and a minimum rear yard depth of 35 feet.
2. The submitted request is for approval to grade on twenty percent slopes on the front and back of the house. The site is sloping towards Upper Tug Fork Road; the elevation of the slope is not clearly identified. The site contains steep slopes of 20% or greater. The applicant is proposing to cut the southern (rear) portion of the property behind the house and fill the north (front) side of the house. The applicant is also proposing to place four retaining walls each four feet tall. The remainder of the site will be left alone.

3. The site in question is residential with vacant land and residential homes surrounding this property.
4. The Recommended Land Use Map of the 2008 Campbell County Comprehensive Plan identifies this site and areas for Rural Mixed Use.
5. The submitted Grading Plan indicates the following:
  - a. The area being disturbed is in the immediate area surrounding the house.
  - b. The site plan indicates four walls will be placed on the property after the grading is completed. Two walls four feet high will be placed in the back and two in the front.
  - c. The site plan indicates silt fencing will be used.
  - d. The plans don't show the proper elevation on the topography.
  - e. The applicant has not indicated the location of utilities within the area.
  - f. The applicant has not included an engineer's report for the grading on site in compliance with the Hillside Development Controls.
  - g. The site plan does not show the bearings and distances for the entire lot.

**Campbell County Staff Recommendation:**

To approve the proposed grading plan subject to the following conditions:

1. That the applicant submits a revised drawing indicated the erosion control methods and best management practices that are to be used.
2. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
3. That the applicant submit an engineer's report for the grading within the 20% slopes and that all grading comply with its recommendations.
4. That the applicant submits a revised drawing indicating the proper topography.
5. That the applicant submits a revised drawing showing bearings and distances for the lot.
6. That the applicant submits a revised drawing showing location of all utilities.

**Bases for Recommendation:**

1. Pursuant to Article VII Improvements of the Campbell County Subdivision Regulations, the Planning Commission has the authority to review site plans wherein grading activities occur.
2. As of August 1, 2003, Sanitation District #1 has taken over the authority, by law, of reviewing storm water calculations and approving land disturbance permits for all land with a disturbed area of one acre or greater, to determine compliance with the newly adopted storm water regulations.
3. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.23.a., HILLSIDE DEVELOPMENT CONTROLS States: "hillside slopes of 20 percent or greater will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards."
4. CAMPBELL COUNTY ZONING ORDINANCE SECTION 9.23.b., HILLSIDE DEVELOPMENT CONTROLS States: Subsurface investigation of the area under consideration, including test borings, laboratory tests, engineering tests, and a geological analysis

should be made by a qualified Registered Civil Engineer and a geologist, indicating that the building and physical changes proposed in the area will be completed in manner which will minimize hillside slippage or soil erosion.

Mr. Klear concluded the report and asked if there were any questions. Mr. Verst asked about the details that were missing from the submission, specifically relating to the erosion control and best management practices. Mr. Klear replied that there was general information about these items; however, due to the severity of the slope, namely 20% or greater, an engineer may recommend additional measures be installed to handle the topography-related issues. Mr. Verst indicated that he understood staff's position and suggested that there be a modification to the first condition. Mr. Verst continued with a question about the missing location of the utilities. Is staff concerned that the utilities may be impacted by the grading? Mr. Klear replied that yes that was the basis for the concern. Ms. Harding inquired about the surrounding land uses and if the area to the south was a developable lot. Mr. Klear called up the aerial photograph to show the surrounding land uses. He restated that the area was a mixture of residential and vacant land uses. There was some general discussion about potential impact of runoff to adjacent properties. Mr. Verst suggested that with the topography of the site, runoff would not be an issue. At the conclusion of the discussion, the Planning Commission felt that this issue was adequately addressed. Ms. Minter asked if there were any additional questions for staff. There being none, Ms. Minter asked if the applicant was present.

Mr. Robert Carter, applicant, introduced himself and asked if there were any questions he could answer. Ms. Minter asked if there were any questions for the applicant. There being none, Ms. Minter called for discussion among the Planning Commission members. There being no discussion, Ms. Minter called for a motion. Mr. Verst made a motion to approve case # 96-11-GRP-01 Robert Carter Grading Permit subject to the following conditions:

1. That the applicant submits a revised drawing indicating adequate erosion control methods and best management practices that are to be used.
2. That the applicant complies with all applicable building, subdivision and zoning ordinance regulations.
3. That the applicant submits an engineer's report for the grading within the 20% slopes and that all grading comply with its recommendations.
4. That the applicant submits a revised drawing indicating the proper topography.
5. That the applicant submits a revised drawing showing bearings and distances for the lot.
6. That the applicant submits a revised drawing showing location of all utilities.

He cited the information listed in the staff report as the basis for his motion. Mr. Huck seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Huck, Mr. Pfeffer, Mr. Williams, Ms. Wright, and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

There being no other cases to come before the Planning Commission, Ms. Minter requested that Mr. Klear present his Director's Report.

## **DIRECTOR'S REPORT**

Mr. Klear indicated that he had a number of action items for the Planning Commission to consider. First, he noted that his memo requesting action from the Planning Commission on proposed bylaws should be revised to indicate that the Planning Commission had already taken action to approve a change in the location of the meeting. No further action was needed on this item. Next, Mr. Klear advised the

Commission that he has three training items that he will be requesting for approval. First was the training on Flag Lots held at the Alexandria Courthouse after the Planning Commission meeting in May. Mr. Barrow made a motion to accept the training on flag lots to satisfy a portion of the training requirements for Planning Commission as specified under House Bill 55. Mr. Huck seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Huck, Mr. Pfeffer, Mr. Williams, Ms. Wright, and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Second, Mr. Klear mentioned the session on “Place Matters” held May 12<sup>th</sup> on the campus of Thomas More College. Mr. Klear invited those members who attended to share their thoughts on the seminar. Ms. Minter stated that she thought the session was very good and very well attended. Mr. Pfeffer agreed that the speakers were good but the breakout session was not very effective. Ms. Minter stated that the discussion at her table was good. Mr. Klear added that the theme “Place Matters” was very important for professional planners and planning commission members. Mr. Verst made a motion to accept the training on “Place Matters” to satisfy a portion of the training requirements for Planning Commission as specified under House Bill 55. Mr. Barrow seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Huck, Mr. Pfeffer, Mr. Williams, Ms. Wright, and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

Third, Mr. Klear requested that the commission approve training that Ms. Minter attended. The training was held at the Ohio Department of Transportation (ODOT) District 8 office and the topic was Access Management. Ms. Minter indicated that the topic was quite timely as it dealt with flag lots. She noted that Ohio is having some problems with flag lots as they relate to access management and safety. Mr. Verst made a motion to accept the training on ODOT District 8 Access Management to satisfy a portion of the training requirements for Planning Commission as specified under House Bill 55. Mr. Williams seconded the motion. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Huck, Mr. Pfeffer, Mr. Williams, Ms. Wright, and Mr. Verst in favor of the motion. Ms. Minter abstained. Motion passed.

As an informational item, Mr. Klear shared details of the liability insurance with the Commission. Mr. Klear indicated that all of the members were covered under this insurance. The cost of the insurance is split between the county and the participating cities. Mr. Verst asked if there was a difference in the cost to the cities if they did or did not have a representative on the Planning Commission or Board of Adjustment. Mr. Klear responded that if the city wanted to have a representative on the Planning Commission, the city was assessed a portion of the insurance fee. There was no additional charge for having a member on the Board of Adjustment. Mr. Klear noted that the City of Woodlawn has chosen not to have an appointment to either body so the city was not charged. Mr. Klear concluded his report.

Ms. Minter recognized Mr. Huck. Mr. Huck mentioned the Back Roads Farm Tour July 23<sup>rd</sup>. Seventeen farms will be open for this self-guided tour. The tour runs from 9am to 5pm. He encouraged everyone to attend. Ms. Minter asked if there was any other business to discuss. There being none, Ms. Minter asked for a motion to adjourn. Mr. Verst made a motion to adjourn. Mr. Williams seconded the motion. An oral vote found everyone in favor. None opposed. Motion passed. Meeting adjourned at 7:43 PM.

Respectfully Submitted,

Approved:

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Peter J. Klear, AICP  
Director of P&Z

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Cynthia Minter  
Chair