



**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

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**BOARD OF COUNTY COMMISSIONERS
WARREN COUNTY, OHIO**

MINUTES: Regular Session – March 22, 2007

The Board met in regular session pursuant to adjournment of the March 20, 2007, meeting.

David G. Young - present

Pat Arnold South - present

C. Michael Kilburn - absent

G. Jean Miranda, Deputy Clerk – present

- 07-415 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 07-416 A resolution was adopted to approve the Planned Unit Development Preliminary Site Plan for San Mar Gale, Phase One (aka San Mar Gale Development Co., LLC PUD). Vote: Unanimous
- 07-417 A resolution was adopted to accept Resignation of Andrew Hamilton, Emergency Communications Operator, within the Warren County Emergency Services Communications Department, effective May 25, 2007. Vote: Unanimous
- 07-418 A resolution was adopted to approve end of 270-day Probationary Period and approve a Pay Increase for Jason Perez within the Warren County Department of Emergency Services. Vote: Unanimous
- 07-419 A resolution was adopted to approve various Refunds. Vote: Unanimous
- 07-420 A resolution was adopted to accept Resignation of Howard Shumaker, due to retirement, Building and Electrical Inspector II, within the Warren County Building and Zoning Department, effective May 11, 2007. Vote: Unanimous

- 07-421 A resolution was adopted to clarify the expiration dates for the Community Corrections Board Members. Vote: Unanimous
- 07-422 A resolution was adopted to approve a Subdivision Public Improvement Performance and Maintenance Security Agreement Reduction with Deerfield Towne Center Village Square, LLC for Deerfield Towne Center Phase II in Deerfield Township. Vote: Unanimous
- 07-423 A resolution was adopted to approve Change Order #GC-6 with Better Built Construction Services, Inc. relevant to the East Street Building Renovation Project. Vote: Unanimous
- 07-424 A resolution was adopted to approve Change Order #GC-7 with Better Built Construction Services, Inc. relevant to the East Street Building Renovation Project. Vote: Unanimous
- 07-425 A resolution was adopted to approve and authorize the Board to enter into an Agreement between Warren County Telecommunications and Embarq for Digilink Public Safety Service. Vote: Unanimous
- 07-426 A resolution was adopted to approve a Memorandum of Sublease between this Board and the Ohio Department of Public Safety. Vote: Unanimous
- 07-427 A resolution was adopted to enter into a Subdivision Public Improvement Performance and Maintenance Security Agreement with Salt Run, LLC for installation of certain improvements in Wellington Estates, Section 1, situated in Hamilton Township. Vote: Unanimous
- 07-428 A resolution was adopted to enter into an Erosion Control Bond Agreement with Salt Run, LLC for improvements in Wellington Estates, Section 1, situated in Hamilton Township. Vote: Unanimous
- 07-429 A resolution was adopted to enter into Sidewalk Security Agreement with Salt Run, LLC for installation of certain improvements in Wellington Estates, Section 1, situated in Hamilton Township. Vote: Unanimous
- 07-430 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Salt Run, LLC for installation of certain improvements in Wellington Estates, Section 1, situated in Hamilton Township. Vote: Unanimous
- 07-431 A resolution was adopted to enter into Erosion Control Bond Agreement with Meurer Investments, Ltd. for improvements in Meurer Field Estates, Section One, situated in Washington Township. Vote: Unanimous

- 07-432 A resolution was adopted to enter into Street and Appurtenances Security Agreement with Meurer Investments, Ltd. for installation of certain improvements in Meurer Field Estates, Section One, situated in Washington Township. Vote: Unanimous
- 07-433 A resolution was adopted to approve following Record Plats. Vote: Unanimous
- 07-434 A resolution was adopted to approve Appropriation Adjustment within Sewer Revenue Fund #580 and Water Revenue Fund #510. Vote: Unanimous
- 07-435 A resolution was adopted to approve Supplemental Appropriation Adjustment within Dog and Kennel Fund #206. Vote: Unanimous
- 07-436 A resolution was adopted to approve an Operational Transfer in TASC Fund #284. Vote: Unanimous
- 07-437 A resolution was adopted to approve an Operating Transfer within Sewer Revenue Fund #580 into the Deerfield Run Lift Station Elimination Project, Fund #575-3355. Vote: Unanimous
- 07-438 A resolution was adopted to approve Appropriation Decreases within various Funds. Vote: Unanimous
- 07-439 A resolution was adopted to declare a Surplus of Funds in the Certificate of Title Administration Fund #250 and Transfer #20,000.00 into the General Fund #101. Vote: Unanimous

DISCUSSIONS

On motion, upon unanimous call of the roll, executive session was entered into at 4:25 p.m. to discuss personnel matters pursuant to Ohio Revised Code Section 121.22 (G)(1) and exited at 5:20 p.m.

Robert Craig, Regional Planning Commission, was present along with Kim Lapensee, Deputy Director, for the preliminary site plan review application of San Mar Gale Subdivision, Phase I in Turtlecreek Township.

Mrs. Lapensee reviewed the proposed preliminary site plan for the area which includes the Wilmington Road and Liberty Keuter Road area where they are proposing 121 single family subdivision ranging from ½ acre to 1.4 acre lots. She then stated the Regional Planning

Commission Executive Committee's recommendation to approve the preliminary site plan subject to 33 conditions. She then stated that all original 21 conditions established in the rezoning resolution are included in the proposed conditions.

Bill Hines, Developer, stated concerns that conditions number 14, 18, and 20.

Proposed condition #14 states that the 100 year flood plain associated with Turtlecreek, unless eliminated via a letter of map revision through FEMA, shall be accurately reflected on the final site plan for Lots #110 and #111. A minimum of ½ acre (21, 780 sq. feet) net buildable area shall be demonstrated on the final site plan for all building lots affected by springs, flood plain and waterways.

Mr. Hines stated his concern that this proposed condition only apply to this phase of the entire subdivision.

Mc. McGary, Chief Deputy Prosecutor, stated that he does not read condition #14 to apply to future phases of the subdivision. This condition would only apply to Phase I being considered today.

Upon discussion, the Board changed condition #14 to read as follows:

14. One hundred (100) year flood plain associated with Turtle Creek, unless eliminated via a Letter of Map Revision through the Federal Emergency Management Agency (FEMA), shall be accurately reflected on the final site plan for lots 110 and 111. A minimum 17,500 sq. ft. net buildable area shall be demonstrated on the final site plan for all building lots affected by springs, flood plain and waterways in San Mar Gale, Phase One.

Mr. Hines stated his concern with proposed condition #18 and #20 as follows:

Proposed condition #18 states that the final site plan shall include detailed specification for project entry features and signage for approval by the Board of County Commissioners. All signage shall be ground mounted (monument style).

Proposed condition #20 states that the final site plan shall include detailed landscaping plans for approval by the Board of County Commissioners. Existing vegetation to be saved shall be indicated as such on the final site plan.

Mr. Hines stated that the Executive Director makes final decision on signage and landscaping in all other instances and desires to Board to follow standard procedure rather than have Commissioners make final approval.

Upon discussion the Board agreed to amend conditions to read as follows:

18. The final site plan shall include detailed specifications for project entry features and signage for approval by the Executive Director, Warren County Regional Planning Commission. All signage shall be ground-mounted (monument style).

20. The final site plan shall include detailed landscaping plans for approval by the Executive Director, Warren County Regional Planning Commission. Existing vegetation to be saved shall be indicated as such on the final site plan

Mr. McGary stated that the changes to condition #18 and #20 are consistent with the Warren County Rural Zoning Code.

Fred Grimm, Turtlecreek Township resident, stated his concern relative to condition #2 in the rezoning resolution relative to San Mar Gale being approved by the EPA for sewage treatment by the private sewer system but not the total acreage within the subdivision. He stated that they have applied for approval for Phase I but not Phase II. He stated that if the entire project is not approved by EPA, the land reverts to straight R-1 zoning. He questions what happens if the Board allows Phase I to go forward and Phase II is not approved by EPA and all land within the rezoning resolution reverts to straight R-1 zoning and Phase I already will already be built.

Mr. McGary stated that before final plat approval, all conditions of the zoning resolution must be met. It may not be practically possible to get permit to install for both treatment plants at the same time from the EPA. He stated he cannot foresee developer getting approval for the Phase I treatment plant and not Phase II.

Commissioner South questioned how much of San Mar Gale development will first treatment plant service.

Mr. Hines, developer, stated that the plant capacity of Phase I will service 665 lots. He stated that the north plant being proposed in the future will handle the remainder of the development (1500 lots).

Richard Renneker, Sanitary Engineer, stated that both treatment plants were never scheduled to be built at the same time. He stated that this has always been scheduled for a twenty year build-out and the first plant was scheduled to be in full operation prior to 2nd plant being engineered.

Chris Brausch, Deputy Sanitary Engineer, stated that the technology in this proposed plant is very new. He stated that it is best to work out problems, if any, on the first plan prior to construction on the second plant.

Mr. Grimm stated his concern that the County was sold on a concept of a treatment plant that will not be what is built.

Terry Banker, Turtlecreek Township resident, stated her concern that sewers are not being approved as one approval since the voters approved it in that concept.

Mr. McGary stated that original zoning resolution stated in condition #2 "one or more central sanitary sewer". If the Board were changing that condition, it would take a public hearing.

Linda Grimm, Turtlecreek Township resident, stated that the developer was always proposing a Village of San Mar Gale, not a one field at a time development.

Carol Tulik, Turtlecreek Township resident, questioned if the second sewer plant is not approved by the EPA if the property will revert back to Rural Residence "R-1".

It was determined that if the first plant is approved by EPA that the second plant will most certainly be approved as well.

Harry Lyons, Turtlecreek Township resident, stated his concern with his well being contaminated. He also stated his desire for a fence to be construction for safety due to the pond he has on his property.

Mr. Hines stated that if the well goes dry or is contaminated; his development company will pay for the Lyons property to be connected to Western Water. He then stated that proposed condition #7 addresses that concern.

Bob Rybarczyk, Turtlecreek Township resident, stated his concern with the speed limit in the area.

It was determined that, according to the County Engineer, the speed limit will remain 40 mph.

Steve Pomroy, Turtlecreek Township resident, questioned the availability of natural gas to the area.

Mr. Hines stated that Duke is bringing natural gas to the area and would probably welcome other customers.

There was further discussion relative to the proposed sanitary sewer system not being approved by the EPA.

Commissioner Young read into the record a portion of one of the condition from the original zoning resolution as follows:

Or, in the event Applicant does not obtain from the Ohio EPA all necessary permits to construct and permits to operate one or more central sanitary sewer treatment facilities and apparatus, and to discharge using a land application/absorption system, then the Applicant will have failed to satisfy the conditions set forth in this Rezoning Resolution and in accordance with Sec. 18.05 (B) of the Warren County Rural Zoning Code, the 3,239.0 acres subject of this rezoning application shall remain on the Warren County Rural Zoning Map as currently zoned, Rural Residential ("R-1").

Mr. Grimm then stated his desire for a statement of intent from the EPA for approval of the second phase of the treatment plant when the first plant is approved.

Upon further discussion, the Board resolved (Resolution #07-416) to approve the planned unit development (PUD) preliminary site plan for San Mar Gale, Phase One (aka San Mar Gale Development Co., LLC PUD) in Turtlecreek Township, subject to the following conditions:

1. Compliance with Warren County Resolution 06-355, as well as approval conditions imposed on the preliminary plan.
2. Approval of site access and interior vehicle circulation by the Warren County Engineer, in conjunction with the Turtlecreek Township Fire Department.
3. Improvements shall comply with the Requirements and Standards for the Design and Construction of Streets and Roadway Facilities, as determined by the Warren County Engineer, with appropriate latitude, within sound engineering principals. Frontage improvements and necessary right-of-way vacations to Liberty-Keuter Road and Wilmington Road, as required by the Warren County Engineer.
4. Review of the proposed roundabout feature by an independent third party, at developer's expense, prior to approval of this feature.
5. Verification of conformance with the existing Traffic Impact Study (TIS) for the PUD to the satisfaction of the Warren County Engineer, in conjunction with the Ohio Department of Transportation, prior to final site plan approval. Any necessary updates shall be at developer expense. The TIS shall demonstrate existing and build-out volumes to capacity ratios expressed in terms of the Level of Service (LOS) for the affected road network and trip assignments (distribution).
6. Compliance with all requirements of the Warren County Engineer and/or Ohio Department of Transportation regarding the improvements required for all interior and exterior roadways (existing road network). Improvements will be required for any intersection or roadway where the development impacts to the level of service (LOS) are greater than permitted under Section 403 of the Warren County Subdivision Regulations, or where, in the opinion of the Warren County Engineer, certain safety improvements are required to accommodate the future traffic volumes. Prior to recording a final plat, an agreement shall be established between the County Commissioners and the developer that will summarize the scope and location of the required improvements, establish trigger points for the improvements and establish a formula for determining the required developer contributions toward the cost of the off-site improvements. The agreement shall also contain language that it can be revisited periodically (every 5 years or so) to adjust the priorities as needed.
7. The plans and specifications for all public water supplies, water pipes or mains to be constructed by the Western Water Company shall be approved by the Ohio Environmental Protection Agency (OEPA). The developer is responsible for necessary extension of the water mains for the subdivision; and 2000 Wilmington Road (Lyons property), should the private well on that property become contaminated or cease to provide sufficient domestic capacity.

8. Prior to approval of the final site plan, the developer shall expand and/or upgrade the water system to meet the requirements for the Western Water Company and County Resolution 06-355 regarding fire fighting capabilities for the Turtlecreek Township Fire Department. Fire hydrants and spacing as required by the Turtlecreek Township Fire Department.
9. Compliance with all requirements of the Warren County Sanitary Engineer and Ohio Environmental Protection Agency regarding sanitary sewer service. The developer shall be responsible for the construction of the wastewater treatment plant and land application system necessary to treat and dispose of the wastewater. There shall be an agreement between the County Commissioners and the developer that will address ownership, operation and maintenance of the sanitary sewer system, the wastewater treatment plant and the land application system. A Permit to Install (PTI) shall be obtained prior to final plat and final site plan approval.
10. Approval of a stormwater drainage plan, per Section 421 (Stormwater Management) of the Warren County Subdivision Regulations and compliance with the Rules and Regulations for the Design of Storm Sewer and Stormwater Management Systems. There shall be no net loss of storage capacity within flood plain areas.
11. Compliance with the Ohio Environmental Protection Agency (OEPA), National pollutant Discharge Elimination Systems (NPDES) permit for stormwater discharges associated with construction.
12. Approval of design and construction of stormwater retention impoundments by the Ohio Department of Natural Resources (ODNR) Division of Dam Safety, as determined necessary.
13. Approval of an erosion and sediment control plan, in compliance with the Warren County Erosion and Sediment Control Regulations, as determined by the Warren County Soil and Water Conservation District, prior to earth disturbing activities. Post construction stormwater quality shall also be addressed, including bio-retention, wetland pre-treatment and/or extended detention.
14. One hundred (100) year flood plain associated with Turtle Creek, unless eliminated via a Letter of Map Revision through the Federal Emergency Management Agency (FEMA), shall be accurately reflected on the final site plan for lots 110 and 111. A minimum 17,500 sq. ft. net buildable area shall be demonstrated on the final site plan for all building lots affected by springs, flood plain and waterways in San Mar Gale, Phase One.
15. The minimum elevation for first floor or foundation openings recommended by the design engineer and accepted by the Warren County Engineer shall be indicated for each lot on the final plat.
16. Compliance with the Warren County Rural Zoning Code, except as varied through the planned unit development (PUD) rezoning or site plan review process.

17. The relocation of Liberty-Keuter Road shall not create zoning non-conformities for properties outside the subdivision. A timeline shall be established for the relocation of Liberty-Keuter Road in the Capital Improvements Plan.
18. The final site plan shall include detailed specifications for project entry features and signage for approval by the Executive Director, Warren County Regional Planning Commission. All signage shall be ground-mounted (monument style).
19. Final detailed site plan approval in accordance with the procedure set forth in Section 18.07 of the Warren County Rural Zoning Code.
20. The final site plan shall include detailed landscaping plans for approval by the Executive Director, Warren County Regional Planning Commission. Existing vegetation to be saved shall be indicated as such on the final site plan.
21. Street signs and stop signs shall be erected prior to occupancy to ensure emergency response.
22. Prior to final site plan approval, the new community authority or homeowner's association (HOA) shall be created to ensure ownership and maintenance all common property, street lighting, detention areas and irrigation ponds, landscaping, signage, etc. A copy of documentation regarding this entity, including a list of designated officers, shall be provided to Turtlecreek Township.
23. Compliance with Section 412 (Snow and Ice Control for Unaccepted Streets) of the Warren County Subdivision Regulations.
24. If combined postal collection and delivery facilities are to be provided, these facilities shall be in compliance with Section 415 (Postal Facilities) of the Warren County Subdivision Regulations.
25. Compliance with Section 27.05 (Exterior Light Allowance Limitation Specifications and Permitting) of the Warren County Rural Zoning Code, as demonstrated by submission of a detailed lighting plan for final site plan approval for the wastewater treatment plant (photometric analysis as determined necessary).
26. Compliance with Section 417 (Street and Walkway Lighting) of the Warren County Subdivision Regulations.
27. Compliance with Section 414 (Street Names) of the Warren County Subdivision Regulations.
28. Provision of written documentation certifying sufficient public school capacity the Lebanon City School District prior to final site plan approval.

29. The developer shall create rear yard conservation/buffer zones in the covenants and restrictions where existing vegetation exists and create rear yard landscaping buffer zones where no vegetation exists for adjacent property owners on the final site plan.
30. The covenants and deed restrictions for this area shall specify a minimum square footage for single-family residential dwelling units per County Resolution 06-355.
31. In compliance with Section 407 (Public Utility Easements) of the Warren County Subdivision Regulations, easements (15 foot minimum width) shall be provided along both sides of all proposed streets and along frontage roads. Duke Energy requires 25-foot wide easements along interior rights-of-way proposed as urban class local streets.
32. A building pad shall be shown on the final site plan and final plat which outlines the buildable area for lots that are of a non-traditional shape for the ease of determining the rear yard and side yard setbacks.
33. All other requirements of the Warren County Subdivision Regulations.

Upon motion the meeting was adjourned.

David G. Young, President

Pat Arnold South

C. Michael Kilburn

I hereby certify that the foregoing is a true and correct copy of the minutes of the meeting of the Board of County Commissioners held on March 22, 2007, in compliance with Section 121.22 O.R.C.

G. Jean Miranda, Deputy Clerk
Board of County Commissioners
Warren County, Ohio