



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

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***TOM GROSSMANN  
PAT ARNOLD SOUTH  
DAVID G. YOUNG***

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

**MINUTES: Regular Session – January 6, 2015**

The Board met in regular session pursuant to adjournment of the December 30, 2014, meeting.

Pat Arnold South – present

Tom Grossmann – present

David G. Young – present

Tina Osborne, Clerk – present

Minutes of the December 16, 2014, December 18, 2014 and December 30, 2014 meetings were read and approved.

- 15-0001      A resolution was adopted to Promote Lisa Dabbelt to the position of Protective Services Caseworker I within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 15-0002      A resolution was adopted to Hire Olivia R. Taylor as Case Aide, within the Warren County Department of Job and Family Services, Children Services Division. Vote: Unanimous
- 15-0003      A resolution was adopted to approve the Lateral Transfer of Gary Kilburn from Water Sewer Repair Worker III position to the position of Water Sewer Inspector position within the Water and Sewer Department. Vote: Unanimous
- 15-0004      A resolution was adopted to authorize the Posting of the “Unit Support Worker II” position, within the Human Services Department, in accordance with Warren County Personnel Policy Manual, Section 2.02 (A). Vote: Unanimous
- 15-0005      A resolution was adopted to approve Amendments #10 (Service Agreement) and #16 (Monitoring Agreement) to the current Home Incarceration Agreement with BI Incorporated for Electronic Monitoring / Service on behalf of Warren County Common Pleas Court, Community Corrections Division. Vote: Unanimous

- 15-0006 A resolution was adopted to approve and authorize the President of the Board of County Commissioners to enter into a Professional Service Agreement by and between Environmental Educators Inc. and the Board of Warren County Commissioners relevant to the Warren County Water and Sewer Department's Source Water Protection Program. Vote: Unanimous
- 15-0007 A resolution was adopted to approve a Street and Appurtenances Bond Release for Jean S. Ring for completion of improvements in Foxdale Farms, Section 5 situated in Clearcreek Township. Vote: Unanimous
- 15-0008 A resolution was adopted to approve Sheffield Way, Contessa Way and Hercules Way in Foxdale Farms, Section Five for public maintenance by Clearcreek Township. Vote: Unanimous
- 15-0009 A resolution was adopted to approve a Street and Appurtenances Bond Release for Stoneridge Development, Ltd., for completion of improvements in Stoneridge, Section One, situated in Clearcreek Township. Vote: Unanimous
- 15-0010 A resolution was adopted to approve a Street and Appurtenances Bond Release for Stoneridge Development, Ltd for completion of improvements in Stoneridge, Section Two, situated in Clearcreek Township. Vote: Unanimous
- 15-0011 A resolution was adopted to approve a Street and Appurtenances Bond Release for Stoneridge Development, Ltd for completion of improvements in Stoneridge, Section Three situated in Clearcreek Township. Vote: Unanimous
- 15-0012 A resolution was adopted to Amend Resolution #08-1514 adopted October 07-2008, to accept Pepperridge Court in Michel's Farm, Section 5 for public maintenance by Hamilton Township. Vote: Unanimous
- 15-0013 A resolution was adopted to approve Repayment of Cash Advance from Payroll Rotary Fund #714 into County General Fund #101. Vote: Unanimous
- 15-0014 A resolution was adopted to approve Supplemental Appropriation into Warren County Transit Fund #299. Vote: Unanimous
- 15-0015 A resolution was adopted to approve Appropriation Adjustment from Commissioners General Fund #101-1110 into Data Processing – GIS Fund #101-1401. Vote: Unanimous
- 15-0016 A resolution was adopted to approve and authorize the President of the Board to execute an Engagement Letter with Hurst Kelly and Company, LLC relative to the assembling to the County's Schedule of Expenditures of Federal Awards for Year End 2014. Vote: Unanimous

- 15-0017 A resolution was adopted to authorize Partial Release of Retainage in the Danis Construction Company Escrow Account for the North Water System Booster Pump Stations Upgrade. Vote: Unanimous
- 15-0018 A resolution was adopted to approve Appropriation Decreases within Sheriff's Office Fund #292. Vote: Unanimous
- 15-0019 A resolution was adopted to approve Appropriation Decrease in Community Development Fund #265. Vote: Unanimous
- 15-0020 A resolution was adopted to approve Operational Transfer from County Commissioners' Fund #101-1112 into Mary Haven Youth Treatment Center Fund #270. Vote: Unanimous
- 15-0021 A resolution was adopted to approve Operational Transfer from Commissioners Fund #101 into Transit Fund #299. Vote: Unanimous
- 15-0022 A resolution was adopted to approve an Operational Transfer from Commissioners Fund #101-1112 into Crime victim/Witness Fund #245. Vote: Unanimous
- 15-0023 A resolution was adopted to approve Appropriation Adjustment within Children Services Fund #273. Vote: Unanimous
- 15-0024 A resolution was adopted to Continue Public Hearing to consider Text Amendments to the Warren County Rural Zoning Code to Amend Portions of Article 1, Article 2, Article 3 and Article 4. Vote: Unanimous
- 15-0025 A resolution was adopted to approve Modification of Text Amendments to the Warren County Rural Zoning Code "A" to Amend Section 3.101 (F) Animal Units. Vote: Unanimous
- 15-0026 A resolution was adopted to Waive One-Half (1/2) of the Building and Electrical Permit Fee for the Countryside YMCA located in the City of Lebanon. Vote: Unanimous
- 15-0027 A resolution was adopted to approve Supplemental Appropriations into Juvenile Court Indigent Guardianship Fund #268. Vote: Unanimous
- 15-0028 A resolution was adopted to approve Supplemental Appropriation into Health Insurance Fund #632. Vote: Unanimous

## DISCUSSIONS

On motion, upon unanimous call of the roll, the Board accepted and approved the consent agenda.

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## PUBLIC HEARING

### CONTINUATION OF THE PUBLIC HEARING TO CONSIDER TEXT AMENDMENTS TO ARTICLES 1, 2, 3, AND 4 OF THE WARREN COUNTY RURAL ZONING CODE

The continuation of the public hearing to consider text amendments to the Warren County Rural Zoning Code was reconvened this 6<sup>th</sup> day of January 2015, in the Commissioners' Meeting Room.

Mike Yetter, Zoning Supervisor, reviewed the events from the last public hearing by listing the sections of the zoning codes that the Board had agreed to amend that were clerical in nature and/or needed for clarification.

Mr. Yetter then reviewed the proposed changes to the Table of Permitted Uses by Zoning District that amends uses relative to composting facilities from the permitted use to a conditional use.

Mr. Yetter explained that if this provision is changed, the Board of Zoning Appeals (BZA) would determine if the composting facility is an appropriate land use within the I2, SD or ST zoning classification rather than the facility being a permitted use.

There was discussion relative to amending the process to have the BZA decide conditional use and then proceed to Board of Commissioners for site plan review.

Bruce McGary, Assistant Prosecutor, clarified the conditional use vs. permitted use and stated this amendment would take away the compost operation as a permitted use and allow the BZA to decide if the conditional use should be permitted based upon the conditions and location of the specific property.

There was much discussion relative to the BZA having control over that type of decision.

Mr. McGary informed the Board that under the current zoning, a composting facility is a permitted use in the three aforementioned zoning classifications. He stated that if a facility wants to locate within the zoning classification, the only thing the Board of Commissioners have the

legal authority to do is to create conditions for the facility to ensure that specific criteria within the zoning code is in compliance.

Commissioner Grossmann stated he is conformable with the conditional use concept for composting facilities.

Commissioner South questioned if the BZA could solicit input from the Board of Commissioners on a conditional use and if the Board can give testimony at the BZA public hearing.

Mr. McGary stated that the BZA could request input but it is required to give testimony in person from a representative of the Board during the public hearing and then cautioned the Board that any written response be based upon an analysis of the law, not on opinion.

Commissioner Grossmann stated his opinion that this text amendment is more restrictive than the current zoning and should be approved.

There was discussion relative to why our zoning code must accommodate a location for every use.

Mr. McGary stated that a composting facility is a lawful land use under the Ohio Revised Code and therefore, the Board cannot prevent the use through zoning.

Upon discussion, the Board stated their agreement to the proposed text amendment with the amendment to the process that if the BZA approves the conditional use, it must then proceed to the Board of Commissioners for site plan review.

Upon further discussion, the Board resolved (Resolution #15-0024) to continue this public hearing to January 20, 2015, at 9:15 a.m.

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## PUBLIC HEARING

### CONSIDER TEXT AMENDMENTS TO THE WARREN COUNTY RURAL ZONING CODE TO AMEND SECTION 3.101 (F) ANIMAL UNITS

The public hearing to consider text amendments to the Warren County Rural Zoning Code to Amend Section 3.101 (F) Animal Units was convened this 6<sup>th</sup> day of January 2015, in the Commissioners' Meeting Room.

Mike Yetter, Zoning Supervisor, stated that The Ohio State University Cooperative Extension Agency felt that the current zoning code was too restrictive on three to five acre subdivision lots

relative to the number of animals permitted (one per acre) and upon their request, the Rural Zoning Commission initiated this text amendment to the Warren County Rural Zoning Code.

Mr. Yetter stated that this entire provision is new to the zoning code and presented the following for consideration by the Board:

**SEC 3.101 (F):** On a lot that is greater than three (3) acres, but not more than five (5) acres, the agricultural use shall comply with the following:

1. The number of animals shall not exceed 1 animal unit per fenced acre;
2. The number of birds shall not exceed 1 bird unit per acre; and
3. The accessory structure that houses an animal unit or the confinement areas for a swine and bird units shall be setback at least eight five (85) feet from a non-farm use.
4. All bird and animal units shall be confined.
5. One rooster is allowed per parcel.

**Animal units are defined as:**

- 1 head of cattle = 1 animal unit
- 1 horse, mule, or donkey = 1 animal unit
- 3 sheep = 1 animal unit
- 2 swine = 1 animal unit (Maximum 5 swine per parcel)
- 3 goats = 1 animal unit
- 3 llamas = 1 animal unit
- 3 alpacas = 1 animal unit
- 2 ponies or burros = 1 animal unit

In addition, combinations of animals and/or bird units are allowed, provided that the ratio per acre is followed.

**Bird Units are defined as:**

- 20 chickens = 1 bird unit
- 12 ducks = 1 bird unit
- 8 turkeys = 1 bird unit
- 8 geese = 1 bird unit

Animals not described in Section 3.101(F) may be considered by the Zoning Inspector based upon the impact of the animal. The keeping of any species not listed as domestic animals requires the Zoning Supervisor approval.

Calculations of the acreage required are rounded up to whole numbers.

Commissioner Young requested clarification that the number of units is per fenced acre and not the entire parcel.

Bruce McGary, Assistant Prosecutor, stated that Greg Meyer, The Ohio State University Cooperative Extension Agency, was present to explain their request to amend the number of animal units per acre.

Greg Meyer stated that through his experience working with the farming community in both the 4-H program and through agricultural in general, he felt the current zoning that only allows one animal per acre is too restrictive. He stated that by defining animal units rather than one animal per acres as currently permitted, it provides for the best usage of the acreage.

Commissioner Grossmann questions if there were other counties that are restrictive like Warren County.

Mr. Meyer stated that all counties are different.

There was discussion relative to complaints relative to this requested amendment.

Mr. Yetter stated he has had complaints relative to chickens and horses being brought into a residential subdivision onto subdivision lots resulting in violations. He then stated he has had many calls relative to the ability to have animals on a particular parcel.

Commissioner Young stated his concern with a three acre lot in a residential subdivision having six pigs.

Commissioner Grossmann stated his concern that people who purchase a property thinking farm animals are not permitted all of a sudden having 60 chickens next door.

Kurt Pierson, 7426 Martz Paulin Road in Franklin Township, stated that prior to purchasing his 3.3 acres, he looked for a deed restriction that would prevent him from having animals. He stated that he did not realize that there were zoning restrictions that would prevent it until he had a barn fire.

Mr. Pierson stated that his children are in 4-H and have 17 chickens in a 10 x 9 coup on 3.3 acres. He then stated the property next door consists of 45 acres and has no neighbor complaints.

Mr. Yetter stated that he has received no complaints regarding Mr. Pierson's property.

Commissioner South stated that there is no proposed definition for mini animals or rabbits.

There was much discussion relative to the ability to have a pig farm in a residential subdivision or 80 chickens.

Mr. Meyer stated that the proposed regulations will not accommodate a pig farmer. He clarified that one litter of piglets and the property would be out of compliance.

Commissioner Young stated his feelings that these numbers are too high.

Mr. Meyer stated that the numbers presented to the Commissioners have been reduced significantly through the zoning process.

Commissioner Grossmann stated he is comfortable with the ability of a neighbor to file a nuisance complaint in court.

Mr. Pierson stated that from his personal perspective, 60 chickens would be too many for him.

Commissioner Grossmann questioned if the Board cut the number of units in half.

Mr. Pierson stated that if the numbers were cut in half of what is proposed, he would have to tell his children that they could not both have their 4-H projects.

Commissioner South questioned if there was a way to distinguish between 4-H and personal consumption.

Commissioner Young stated in his mind it wouldn't matter if it was 4-H or plain agriculture. His concern is with a residential subdivision neighbor having the nuisance of 60 chickens or 8 pigs next door.

Commissioner Grossmann then questioned the recommendation of the Zoning Supervisor.

Mr. Yetter stated his opinion that the current recommendation is restrictive enough for the property it would apply to and recommendation approval.

There was discussion relative to the number of animals per unit being recommended. The Board discussed the possibility of reducing the number of chickens from 20 to 12 and from 20 to 10.

There was discussion relative to dogs and cats being addressed in this amendment.

Mr. Yetter stated that the zoning code only addresses dogs and cats on parcels less than three acres.

There was discussion relative to placing a maximum number of units per parcel and keeping the number of animals as recommended.

Upon discussion, on motion, the public hearing was closed and the Board resolved (Resolution#15-0025) to approve a modification to the text amendment to the Warren County Rural Zoning Code to amend Section 3.101 (F) Animal Units as follows:



**SEC 3.101 (F):** On a lot that is greater than three (3) acres, but not more than five (5) acres, the agricultural use shall comply with the following:

6. The number of animals shall not exceed 1 animal unit per fenced acre;
7. The number of birds shall not exceed 1 bird unit per acre; and
8. The accessory structure that houses an animal unit or the confinement areas for a swine and bird units shall be setback at least eight five (85) feet from a non-farm use.
9. All bird and animal units shall be confined.
10. One rooster is allowed per parcel.

**Animal units are defined as:**

- 1 head of cattle = 1 animal unit
- 1 horse, mule, or donkey = 1 animal unit
- 3 sheep = 1 animal unit
- 2 swine = 1 animal unit (Maximum 5 swine per parcel)
- 3 goats = 1 animal unit
- 3 llamas = 1 animal unit
- 3 alpacas = 1 animal unit
- 2 ponies or burros = 1 animal unit
- Mini animals are treated as ½ an animal unit)

In addition, combinations of animals and/or bird units are allowed, provided that the ratio per acre is followed.

**Bird Units are defined as:**

- 20 chickens = 1 bird unit (Maximum 60 chickens per parcel)
- 12 ducks = 1 bird unit
- 8 turkeys = 1 bird unit
- 8 geese = 1 bird unit

Animals not described in Section 3.101(F) may be considered by the Zoning Inspector based upon the impact of the animal. The keeping of any species not listed as domestic animals requires the Zoning Inspector approval.

Calculations of the acreage required are rounded up to whole numbers.

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Jerry Spurling, Chief Building Official, was present for a work session to discuss the request of the Countryside YMCA for a building and electrical permit fee waiver associated with their renovation/addition project.

Mr. Spurling stated that the Countryside YMCA has requested the Board to waive the Building and Electrical Permit fees for the \$7.6 million building renovation and addition they are proposed. He stated that the City of Lebanon has waived their portion of the fees (25%) of approximately \$5000.

Mr. Spurling then stated that as the Chief Building Official, he feels his department should not be a burden on the general fund and should be self supported by the fees paid from users of their services. He then explained that this project will require significant staff time for reviews and inspections and requested the Board to take that into consideration when considering the request for a waiver of fees.

Mr. Spurling stated that the approximate waiver request of 75% would result in an approximate \$15,000 loss to his department.

Commissioner Young stated he would consider waiving  $\frac{1}{2}$  of the fees rather than 100%.

Mr. Spurling stated that the  $\frac{1}{2}$  fee waiver would come close to collecting the cost of personnel to provide their reviews and inspections.

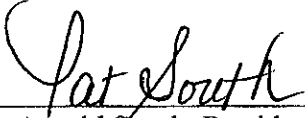
Upon further discussion, the Board resolved (Resolution #15-0026) to waive One-Half (1/2) of the Building and Electrical Permit Fee for the Countryside YMCA located in the City of Lebanon.

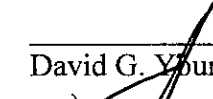
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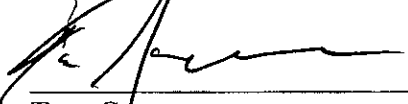
On motion, upon unanimous call of the roll, the Board entered into executive session at 12:19 p.m. to discuss imminent litigation pursuant to Ohio Revised Code Section 121.22 (G) 3) and exited at 12:44 p.m.

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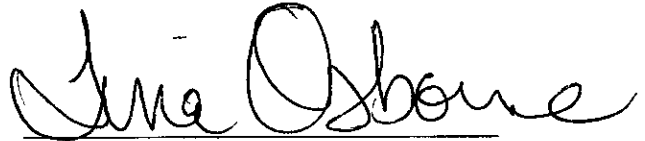
Upon motion the meeting was adjourned.

  
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Pat Arnold South, President

  
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David G. Young

  
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Tom Grossmann

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 January 6, 2015, in compliance with Section 121.22 O.R.C.

A handwritten signature in black ink, reading "Tina Osborne". The signature is written in a cursive style with a horizontal line underneath the name.

Tina Osborne, Clerk  
Board of County Commissioners  
Warren County, Ohio