



**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 – April 28, 2015

The Board met in regular session pursuant to adjournment of the April 23, 2015, meeting.

David G. Young – present

Pat Arnold South – present

Tom Grossmann – present

Tina Osborne, Clerk – present

Minutes of the April 14, 2015, April 21, 2015 and April 23, 2015 meetings were read and approved.

- 15-0632 A resolution was adopted to hire Grant Crowe as a Summer Intern on behalf of the Board of Commissioners. Vote: Unanimous
- 15-0633 A resolution was adopted to approve Agreement with Buckeye Ranch as a Child Placement and Related Service Provider for the Warren County Board of County Commissioners on behalf of Warren County Children Services.
Vote: Unanimous
- 15-0634 A resolution was adopted to authorize payment of Bills. Vote: Unanimous
- 15-0635 A resolution was adopted to approve with conditions the Site Plan Application of Michael R. Dixon, property owner and Nathan O. Meyer, Developer for New Par dba Verizon Wireless. Vote: Unanimous

DISCUSSIONS

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

ADMINISTRATIVE HEARING

SITE PLAN REVIEW APPLICATION OF MICHAEL R. DIXON, PROPERTY OWNER, AND
NATHAN O. MEYER, DEVELOPER FOR NEW PAR DBA VERIZON WIRELESS

The public hearing to consider the Site Plan Review Application of Michael R Dixon, property owner, and Nathan O. Meyer, developer for New Par dba Verizon Wireless to construct a 300 ft. self supporting lattice telecommunications tower, equipment and equipment shelter was convened this 28th day of May 2015, in the Commissioners' Meeting Room.

Commissioner Young confirmed with the Clerk of Commissioners the following:

- i) the Site was posted with signage stating the Site would be subject to a public process and where to get additional information on April 3, 2015; and,
- ii) On April 3, 2015, written notice of this hearing was sent to the Applicant and all owners of property within 500 feet from the parcel lines of the Site subject of this hearing; and,
- iii) On July 3, 2014, WRITTEN NOTICES were received relating to this matter, and WRITTEN NOTICE were sent by this BOARD to the anyone proposing to construct the Tower on the Site in accordance with Ohio Revised Code Section 303.211 (B)(4)(a) that the tower is subject to applicable provisions of the Warren County Rural Zoning Code.

Commissioner Young then administered the oath to those desiring to give testimony during the public hearing.

Mike Yetter, Zoning Supervisor, presented the attached PowerPoint presentation identifying for the record:

- i) the Applicant;
- ii) the Township, Property location and Parcel # of the Site;
- iii) the Size of the Site;
- iv) the Site's current Zoning designated on the official Zoning Map;
- v) the existing Land Uses;

- vi) what is the future Land Use Map designation of the Site;
- vii) What is being requested by the Applicant
- viii) What are the Issues for consideration
- ix) Identify each document that has been filed by the Applicant; and,
- x) whether the Applicant has complied with the Application requirements in Article I, Section 1.303.3 and Section 1.303.5.
- xi) any comments, deficiencies, problems, concerns or recommendations you have based on your communications with applicable authorities and departments.

Mr. Yetter stated that compliance with the Warren County Rural Zoning Code Standards for Site Plan Review Section 1.303 has been met. He then stated that the telecommunications tower use meets the standards of Section 3.205.11 except for the following:

- (E) Site Access and Circulation: Section 3.205.11 (E) requires a dust free surface constructed of asphalt, concrete or dust free gravel and installation of the green address number sign.
- (F) Setbacks:
 - (1) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height. (There is no further development within 300' of the tower after construction).
- (I) Buffer Screening: Section 3.205.11(1) requirements have not been met on the southern boundary next to the drive and turn-around area and define the type of evergreen to be used.
- (K) Abandonment: The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.

Steve Carr, presenting on behalf of the Agent for property owners, stated the following:

1. Washington Township Trustees requested that SR 132 be utilized for access to the tower, rather than Fischer Road. He then stated that Ohio Department of Transportation has denied the access permit for said request.
2. They are in agreement to add additional screening if requested.
3. A locked gate will be place around the tower and security sensors placed within the equipment cabinet.
4. Verizon is open to co-location. He stated they could not find an existing tower to locate on and therefore, they must build their own to meet their needs.
5. The FAA has already approved the tower.

Mr. Carr then requested the Board to approve the site plan review application.

Commissioner Young questioned how far the setback is from the corner of Fischer Road and Route 132.

It was determined to be approximately 500 feet.

Debra Kennard, Fischer Road resident, spoke in favor of the tower being located at this site due to her lack cell service at her property and the inability to call 911 from her cellular phone. She then stated the need to bring infrastructure to the area as well as teenagers need for cellular service when driving through the area. She stated that approval of this site plan review is a safety matter.

Harold Wall, adjacent property owner, stated his concern relative to access to Fischer Road during construction of the tower. He stated that the road is very narrow and heavy farming equipment travels the road frequently. He questioned if ODOT would allow a temporary access from SR 132 for construction purposes. He then stated his understanding for the need for the tower but stated he had concerns with the provisions within the lease agreement that allowed Verizon to walk away from the tower at any time.

Commissioner South questioned if the applicant had requested temporary access from SR 132 for construction purposes.

Mr. Carr stated that only permanent access was requested and denied.

Upon discussion, the Board stated their desire to request temporary access for construction purposes on behalf of the applicant.

Robert Hagee stated he lives and operates a nursery adjacent to the proposed tower. He stated the rural nature of the area and his concern regarding the possibility of depressed land values as well as the view he will see from his bedroom window relative to the beacon light required by FAA. He then requested the Board to deny the siting of the tower.

Jessica Godby stated she resides three lots down from the number at 4127 SR 132. She stated his concern relative to depressed property values stating this is her first home purchase and she feels the tower will greatly impact her resale value. She then stated she is strongly opposed to the tower.

Mr. Carr confirmed that the tower will have a visual impact. He stated that you cannot hide a 300' tower any more than you can hide the water tower that is located closer to the existing homes. He then stated the appraisal analysis that was completed a few years ago shows no change in property values after a tower is construction.

Mr. Carr stated that the FAA requires lighting on anything higher than 199'. He stated that the light is white during the day and red with barriers to ensure the light shines up rather than out and down at night.

There was discussion relative to the need for a tower 300' in height.

Mr. Carr stated that the height is needed to meet the coverage objective.

There was then discussion relative to the ability to locate several smaller towers within a coverage area vs. one large tower.

It was determined that one large tower was less offensive than several smaller ones.

Shannon Martin, Attorney for the Agent, reviewed the application and requested the Board to approve the site plan review.

Commissioner Young confirmed with the applicant that all testimony, evidence and witnesses have been presented and that the Board has not denied the opportunity to present their position, arguments or contentions.

On motion, upon unanimous call of the roll, the public hearing was closed.

Commissioner Grossmann thanked all those in attendance, especially the adjacent property owners with concerns. He then stated that telecommunication towers must be located somewhere and there will always be some opposition no matter where they are constructed.

Commissioner South stated her appreciation for the concerns presented but also recognized the need for adequate cell phone coverage due to public safety.

Commissioner Young stated he sympathizes with the residents' concerns as he has two (2) towers in his back yard. He then stated that public safety must come first.

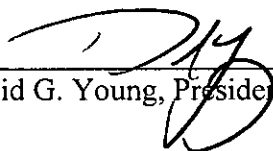
Upon further discussion, the Board resolved (Resolution #15-0635) to approve the site plan review application subject to the following conditions:

1. Compliance with the Access Permit that has been issued by Warren County Engineer for a driveway.
2. Less than 1 acre of land to be disturbed and the developer follows EPA guidelines for sediment and erosion control during construction as shown on the plan and as determined by Warren County Soil and Water Conservation District.
3. Applicant shall provide asphalt for the first 50' feet of driveway (measured from the edge of pavement) and a dust free gravel surface for the driveway and parking area.
4. Applicant shall obtain all building, zoning and electrical permits before construction begins. Applicant shall mark the driveway with a green address number sign that depicts the address issued for the site.
5. Applicant shall continue the screening on the southern boundary next to the drive and turn around area and define the type of evergreens to be used.
6. No development will be permitted within the 300' fall radius of the tower.

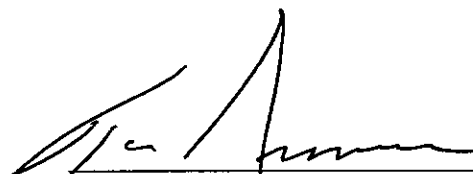
7. In the event the tower is deemed abandon by the Zoning Inspector, it shall be the responsibility of the applicant to bear the expense of removal.
8. The site shall be developed in compliance with the standards of Section 3.205.11.
9. Apply to Request Ohio Department of Transportation (ODOT) for a temporary access permit for construction purposes only on State Route 132 and I the event ODOT denies the request the condition will be satisfied.

On motion, upon unanimous call of the roll, the Board entered into executive session to discuss personnel relative to new hires within OhioMeansJobs Warren County at 10:55 a.m. and exited at 11:15 a.m.

Upon motion the meeting was adjourned.



David G. Young, President




Tom Grossmann



Pat Arnold South

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 April 28, 2015, in compliance with Section 121.22 O.R.C.



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

| | | |
|-----------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------|
| Case No. | 102-2015 SP | |
| <u>Applicant/Owner Agent</u> | (Owner) Michael R. Dixon (Applicant) Nathan O. Meyer, for New Par dba Verizon | |
| Township | Washington | |
| Property Location | Address | State Route 132 Clarksville, Ohio 45113 |
| | PIN | 14-07-100-002-2 |
| Property Size | 44.505 acres Road frontage approximately 3000' | |
| Future Land Use Map (FLUM) Designation | Agricultural-Vacant-Rural Residential | |
| Current Zoning District | “RU” Rural Residential (5 acre density) | |
| Existing Land Use | Vacant/Agricultural Land | |
| Site Plan Requested | Construct a 300' Lattice Telecommunication Tower | |
| Issue for consideration | Placement of telecommunications towers on residential land | |

**Site Plan
102-2015**

**Michael R. Dixon and
Nathan O. Meyer, for New
Par dba
Verizon Wireless**

**Corner of St. Rt. 132
And Fischer Rd.**

44.505 ac.

Washington Twsp.

14-07-100-002-2

**Sec. 3.205.11
Telecommunications
Towers**

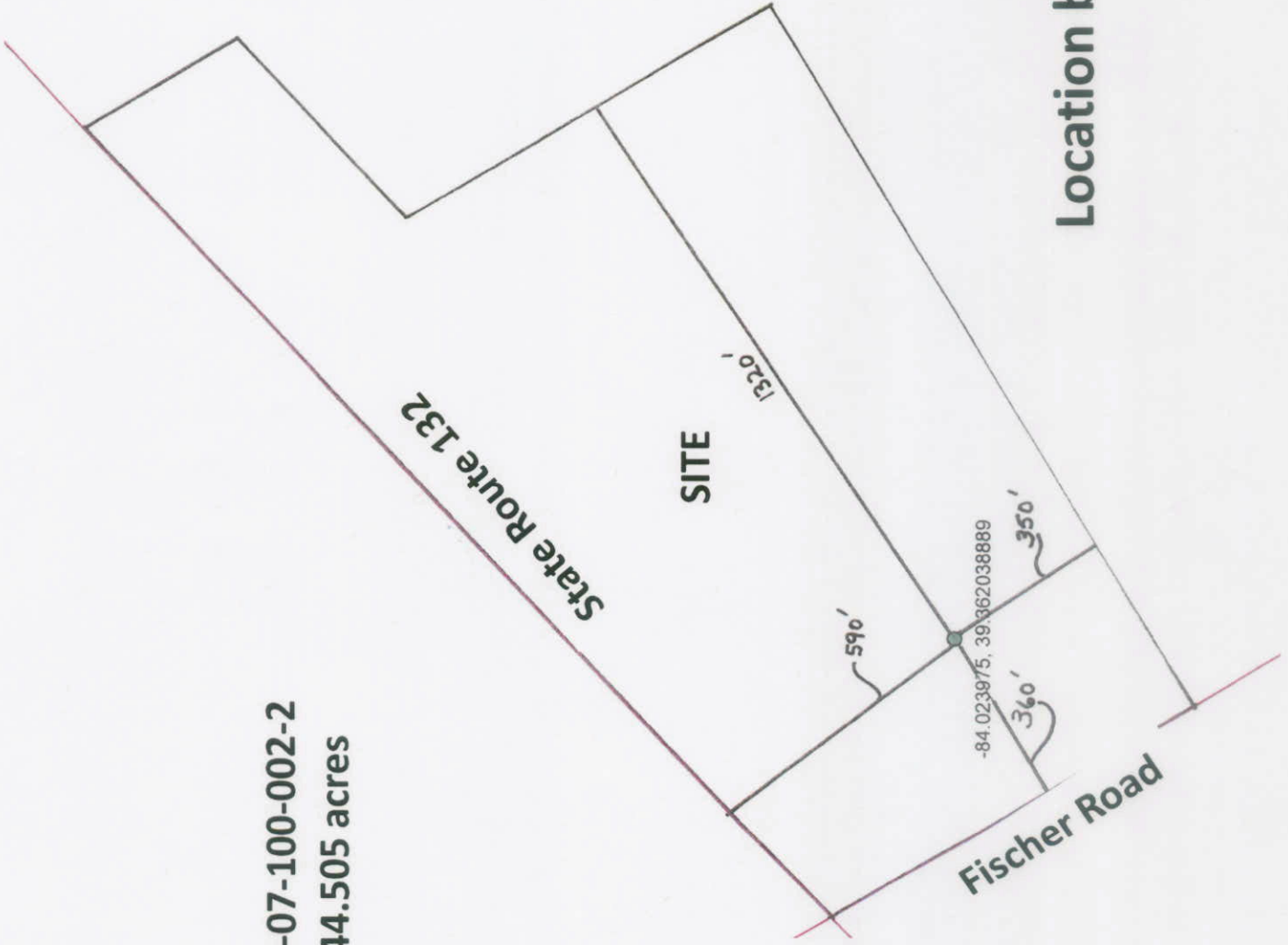
Aerial Map

2.



3.

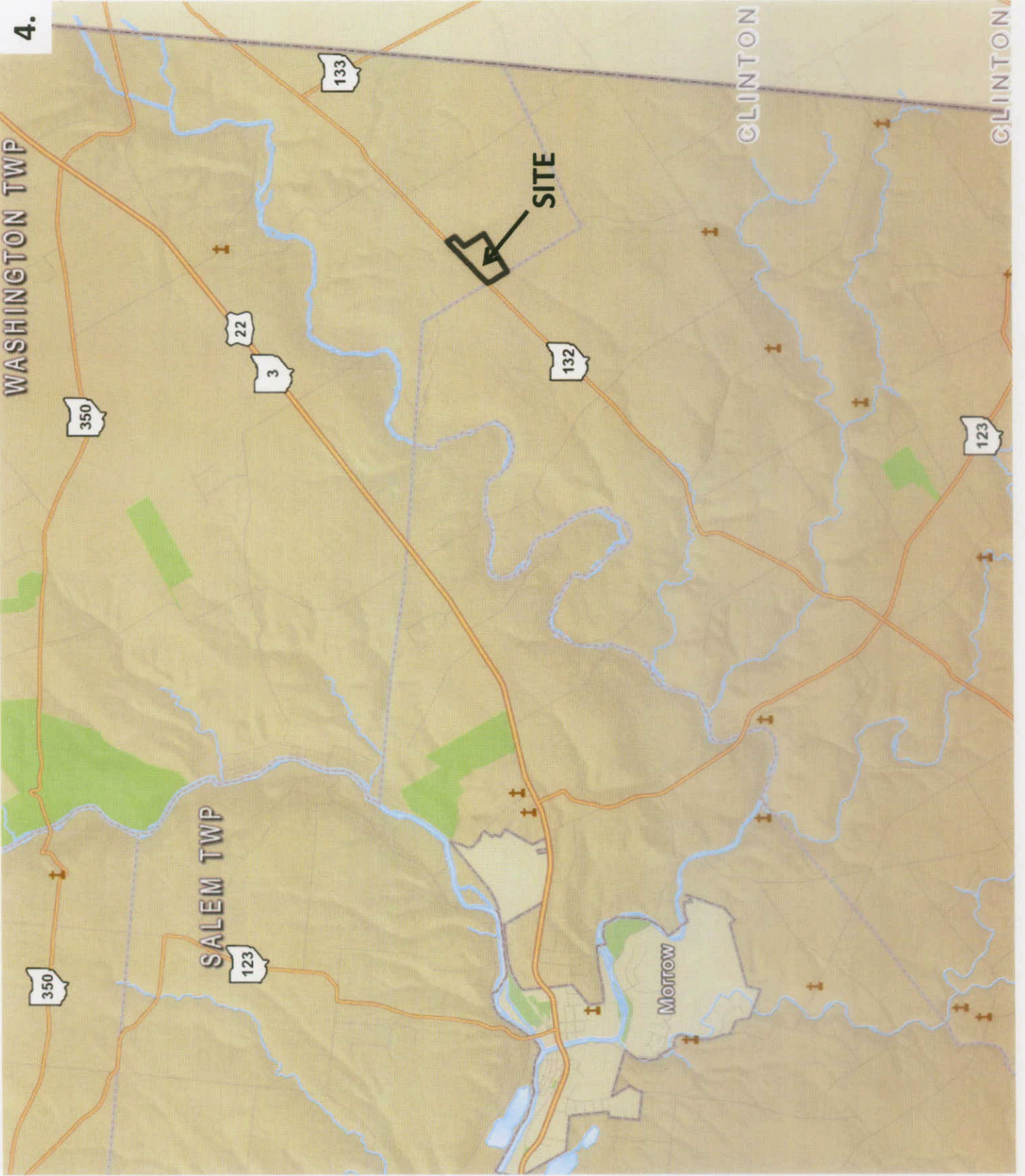
14-07-100-002-2
44.505 acres



Location by coordinates

Vicinity Map

102-2015



**Site Plan
102-2015**

**Michael R. Dixon and
Nathan O. Meyer, for New
Par dba
Verizon Wireless**

**Corner of St. Rt. 132
And Fischer Rd.**

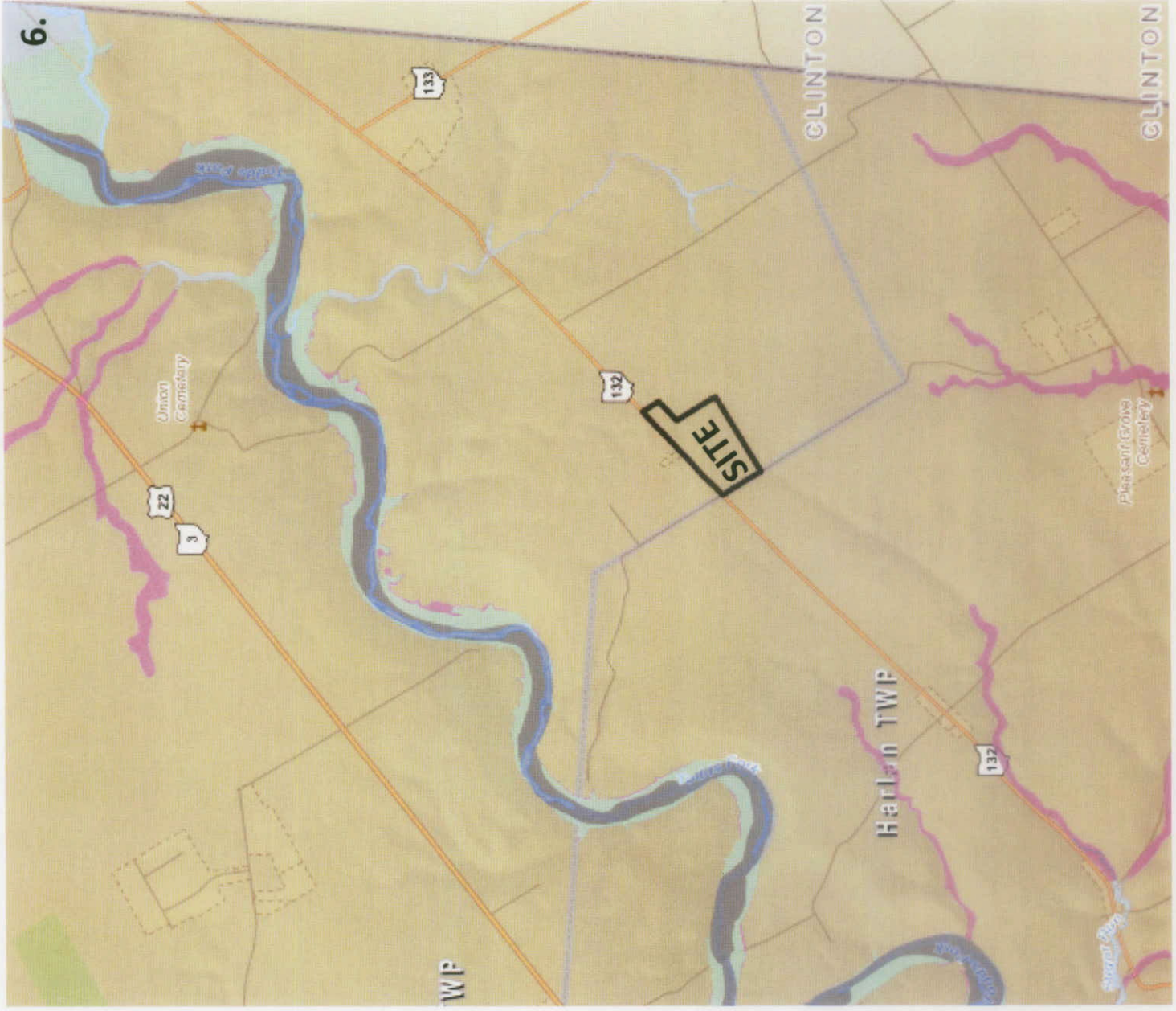
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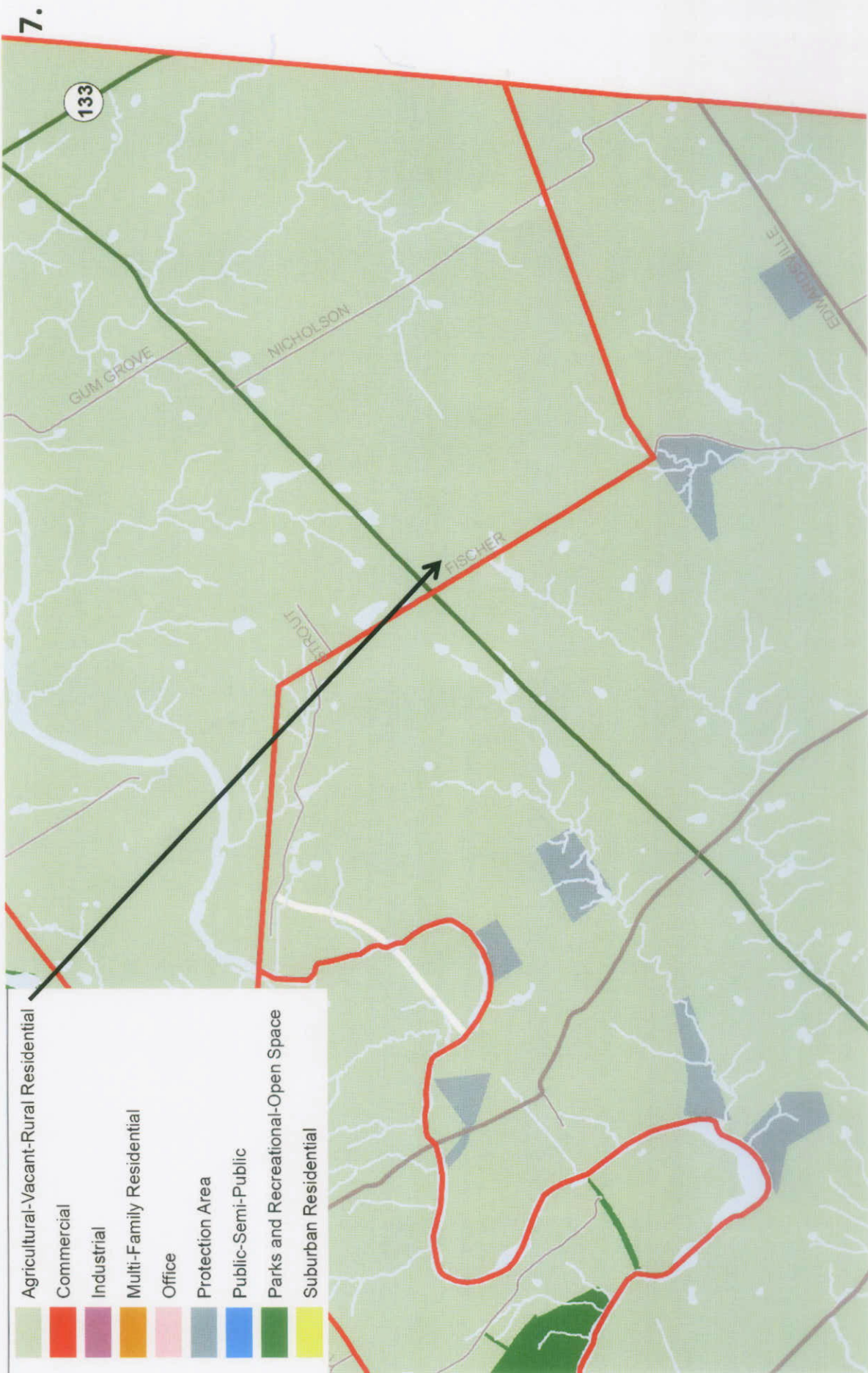
Washington Twsp.

14-07-100-002-2

**Sec. 3.205.11
Telecommunications
Towers**

Flood Map





Comprehensive Plan-Land Use Element

**Site Plan
102-2015**

**Michael R. Dixon and
Nathan O. Meyer, for New
Par dba
Verizon Wireless**

**Corner of St. Rt. 132
And Fischer Rd.**

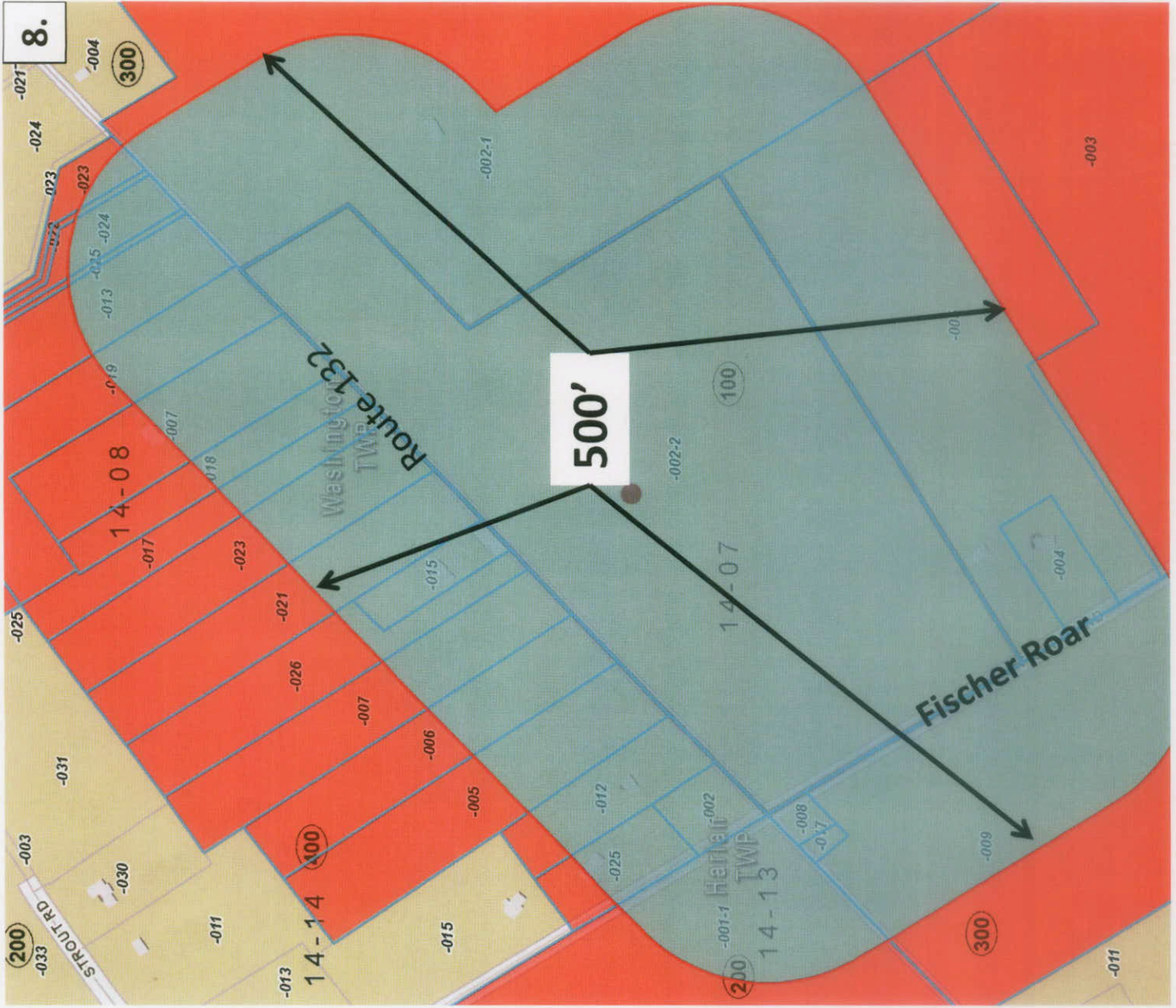
44.505 ac.

Washington Twsp.

14-07-100-002-2

**Sec. 3.205.11
Telecommunications
Towers**

Surrounding Properties



SUMMARY OF APPLICATION:

The proposed Telecommunications Towers is 300' feet in height and is proposed to fill gaps in the service area.

ANALYSIS OF ZONING:

| | | |
|--------------|-----------------------------------|---------------------------------------------------------|
| North | “RU” Rural Residential | <u>Agricultural-Vacant-Rural Residential</u> |
| West | “RU” Rural Residential | <u>Agricultural-Vacant-Rural Residential</u> |
| South | “RU” Rural Residential | <u>Agricultural-Vacant-Rural Residential</u> |
| East | “RU” Rural Residential | <u>Agricultural-Vacant-Rural Residential</u> |

REVIEWING DEPARTMENTS :

Site Plans were circulated to the Warren County Engineer, Warren County Soil & Water Conservation, Warren County Regional Planning Commission, Washington Township Trustees and Clinton-Warren Joint Fire and Rescue District, Warren County Combined Health District, Warren County Building Department, and Warren County Sheriff.

ZONING INSPECTORS REVIEW
OF W. C. CODE STANDARDS :

1. Compliance with the Warren County Rural Zoning Code Standards for Site Plan Review Section 1.303 have been met.
2. The Telecommunications Towers use meets the standards of Section 3.205.11 except for the following:

(E) Site Access and Circulation: Section

3.205.11(E) requires a dust free surface constructed of asphalt, concrete or dust free gravel and installation of the green address number sign.

(F) Setbacks:

(1) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height. *(There is no further development within 300' of the tower after construction).*

Continue

- (I) **Buffer Screening:** Section 3.205.11(I) requirements have not been met on the southern boundary next to the drive and turn-around area and define the type of evergreen to be used.
- (K) **Abandonment:** The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.