Minutes for the

**Clinton County Regional Planning Commission**

**Or the Executive Committee**

April 16, 2024

Training Room, Clinton County Administration Building, 1850 Davids Dr., Wilmington, OH 45177

# ROLL CALL

Chairperson Ruth Brindle called the meeting to order at approximately 7:01 p.m. local time with the following Planning Commissioners present.

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| Ryan Bowman | Benjamin Collings | Robert Thobaben, Jr. |  |
| Jon Branstrator | Jim Fife | Rick Walker |  |
| Ruth Brindle | James Myers | Pat Thompson |  |
| John Carman | Michelle Morrison | Matt Purkey |  |
| John Cohmer | Mike McCarty |  |  |

The Commission attained a quorum.

A motion was made to approve the agenda by John Carmen, seconded by Rick Walker, and a voice vote: all yeas.

**Minutes from the Previous Meeting**

Minutes of the March 26, 2024, Regular Meeting (Full Commission) and the April 11, 2024 Meeting (Executive Committee) were presented and approved by motion from Mike McCarty seconded by James Myers and voice vote: all yeas.

**OLD BUSINESS**

**NEW BUSINESS**

Applicant #2024-10— Site Plan Review — Sandy Creek Partners, LLC

Jessica Looper, representing Sandy Creek Partners, LLC came to the front of the room to present updated documentation pertaining to the Final Site Plan approval of the Little Miami Mitigation Bank on parcel number 270071301000000. The subject property is 234.69 acres, and is situated along Jenkins Road in Union Township. The applicable Zoning designations for the property include Agriculture-Residential Transition District (A-3) and the Airport Zoning Districts 2,3, and 4 (AZD-2, AZD-3, AZD-4). The staff report was read which recommends that after careful review of the application and all related documents, the board table the application so that the applicant can address the concerns with potentially hazardous wildlife within the Airport Zoning District Overlay. The staff report included comments from the Clinton County Building and Zoning Department, the Clinton County Engineers Office, and the Clinton County Port Authority which show below:

**Clinton County Building and Zoning Department:**

The Clinton County Building and Zoning Department issued comments that further demonstrate the conflictions with the Clinton County Zoning Resolution and the proposed use. The “conservation area” is synonymous in practical and real terms with a wildlife sanctuary, which means the use is permitted within the Agricultural-Residential Transition District (A-3). However, the construction of “pools” along a riparian corridor would attract waterfowl. As mentioned, this is conflicting with section 6.06 of the CCZR as well as section 1.05.A, which states that the zoning resolution, at a minimum, is intended to promote public health, safety, convenience, comfort, and welfare. Staff believes that an increased number of waterfowl in this vicinity endangers the public health, safety, and welfare of residents due to an increased chance of an airplane/wildlife collision. After review of the application and submitted documentation, absent any additional facts or public discourse, the Building and Zoning department recommended that the Regional Planning Commission deny the applicants’ request for site plan approval. The applicant will be required to demonstrate compliance with all applicable CCZR standards prior to zoning/ land use permits for the effected parcel should Site Plan Review be approved.

**Clinton County Engineers Office:**

The Clinton County Engineers Office issued comments stating that the construction drawings do not include a stormwater pollution prevention plan (SWPPP), which is required in order to demonstrate compliance with the Water Management and Sediment Control Regulations. This plan was requested from the developer on March 13th, but has not yet been received. The Engineer’s Office also stated that due to the semi-permanent nature of the development, they recommend that the Regional Planning Commission require the dedication of right-of-way along Jenkins Road, consistent with what is required from a Major Subdivision. This additional right-of-way dedication should be thirty-five feet (35’) in width measured from the center of the road, and will ensure that the Township has adequate room to make road improvements when future development occurs on Jenkins Road. Following the satisfaction of each of these comments, the Engineer’s Office would then issue a Floodplain Development Permit.

**Clinton County Port Authority:**

The Clinton County Port Authority, which owns and operates the Wilmington Air Park, issued comments regarding the project that echo the statements made throughout the staff report. After careful review of the project, the Port Authority is opposed to the development due to the fact that the proposed use is a non-compatible land use with the potential for being hazardous to normal aircraft operations or the increase of the potential for personal and property damage in the event of an aircraft accident. The Port Authority’s main concern is the potential increase in wildlife, including but not limited to waterfowl, that would be detrimental to the safety of aircraft operations.

Separate from the CCZR, the Wilmington Air Park is a Title 14, Code of Federal Regulations, Part 139 Certified Airport. The Wilmington Air Park is located on approximately 1,900 acres directly adjacent to and in the general vicinity of the Project Site. As a Part 139 Certified Airport, the Wilmington Air Park operates under a Wildlife Hazard Management Plan (WHMP) approved by the Federal Aviation Administration. This WHMP has been reviewed and accepted by the Federal Aviation Administration and is part of the Airport Certification Manual (ACM). The WHMP places emphasis on identification and abatement of wildlife hazards within the airfield environment. Additional wildlife attractants (lakes, ponds, landfills, changing land use practices, etc.) within a five-mile radius of the airfield are also addressed, since these attractants jeopardize safe aviation operations into and out of the Wilmington Air Park by increasing the amount of birds, greatly increasing the potential for a serious, and potentially fatal, bird strike with an aircraft. Wilmington Air Park wildlife mitigation efforts are performed under compliance with all Federal, State, and municipal laws and regulations.

Pursuant to applicable federal law, the Port Authority and its agents are authorized to enter properties within a five-mile radius of the Air Park (such as the Project Site) to undertake such Wildlife Hazard Management activities. In the event the Project is approved despite the objections of the Port Authority, it will be necessary for the Port Authority to memorialize the authority of the Port Authority and its agents to enter onto the Project Site and conduct any Wildlife Hazard Management activities (which may include removing trees, overgrowth, animals, or other remediation activities) by executing a Memorandum of Understanding (MOU) with adjacent landowners to gain access to property in the airport environment, to mitigate and control wildlife populations that are detrimental to safe aviation operations. To date, however, the Port Authority has been unsuccessful in obtaining this Memorandum of Understanding with the Project site owners.

Following the staff report, comments were solicited from several board members and other agencies.

Jessica Looper, representing Sandy Creek Partners, LLC, presented documents addressing various concerns raised by the involved agencies. Alex Beres, Executive Director of the CCPA, conveyed that historical documents do not exceed the zoning overlay, highlighting the need for clear understanding and documentation regarding the management of wildlife on the property.

Concerns were raised about potential impacts on the nearby airport, with discussions focusing on the increased risk of wildlife interference due to the proposed change from agricultural to natural habitats. Chamblin emphasized the need for the port to be allowed to manage and remove wildlife, emphasizing the importance of having an MOU in place to address any such issues.

Jessica Looper reassured the group that there should be no immediate problem, suggesting that any issues could be addressed through an MOU if they arise. Rick Walker inquired about letters from neighboring landowners, prompting Chamblin to confirm the existence of MOUs with adjacent landowners.

Bob Thobaben, with experience in wildlife management, expressed concerns about the potential attraction of animals to newly created natural habitats. Thobaben suggested tabling the application until further discussions could be held with relevant agencies.

A motion to table the site plan review application for Sandy Creek Partners, LLC so that the applicant can address the concerns with potentially hazardous wildlife within the Airport Zoning District overlay was made by Bob Thobaben, seconded by Ryan Bowman, and a roll call vote: 12 yea, 0 nay, 2 abstention.

**FINANCIAL REPORT AND BILLS**

Drew DeMarsh presented the financial reports and noted that a bill was approved at the Executive Committee meeting and the bill was listed in the meeting minutes. The bill was for paying the Ohio Secretary of State for Clinton Count Land Bank updates in the amount of $55.00 that will be reimbursed by the Land Bank. Drew DeMarsh also provided an update that the CCRPC would have an intern starting in May and that the RPC has the funds to cover the interns wage.

A motion to approve the financial reports was made by John Cohmer, seconded by Benjamin Collings, and a voice vote: all yeas.

**RPC STAFF UPDATE**

The Clinton County Port Authority and Clinton County Economic Development presented an update of what projects they are working on and how their organizations can be of help and collaborate with the County leaders and businesses. Ruth Brindle with Workforce Development invited members of the Regional Planning Commission to attend Site Selection Trends with InSite Consulting on Tuesday April 23rd, 2024 at the Wilmington Air Park.

Drew DeMarsh provided an updated revision of the CCRPC’s bylaws that needed to be approved. Pat Thompson asked that the updated bylaws be added to the CCRPC’s website.

A motion to approve the updated bylaws was made by Benjamin Collings, seconded by John Cohmer, and a roll call vote: 14 yea, 0 nay, 0 abstention.

Drew DeMarsh gave an update to the Commission that David Milender concluded his tenure at the County Prosecutor's office. Following his departure, he presented a proposal from his firm, Ohio Valley Legal, including a quote to represent the Regional Planning Commission. Drew DeMarsh told the board the Executive Committee approved to hire Ohio Valley Legal and that the Committee recommends the Land Bank hire Ohio Valley Legal to represent the Land Bank as well. The board discussed the proposal and asked questions to clarify its details.

With no further business to conduct, the Commission adjourned by motion from Pat Thompson at approx. 8:09 pm, seconded by John Carmen.

Respectfully submitted and approved this \_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_ 2024.

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| Ruth Brindle, Chairman |  |
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| Robert Thobaben, Secretary |  |
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| Drew DeMarsh, Interim Executive Director |  |