RECORD OF PROCEEDINGS

Minutes of New Russia Township Trustee Public Hearing

HELD **May 20, 2024**

Chairman, Scott Justin called the May 20, 2024 Public Hearing to order at 6:30 pm, followed by the Pledge of Allegiance.

Trustees: Patricia Brubaker, Scott Justin and Michelle Tyner were present, as well as, Fiscal Officer, Lisa Akers. Staff and Public: James Griner, Edie Taylor, Dan Romancek, Rob Duncan, Dawn Essex, Steve & Diane Jackson, Rick & Pat Justin, Dan Polen, Rob & Mary Henes, Deputy Plemons

Chairman Justin read the Legal Notice as appeared in newspaper for statement of Public Hearing.

****Please see attached transcript for detailed discussion.***

Motion to Table Zoning Map/Text Amendment Discussion

Motion was made by Scott Justin to Table the Zoning Map/Text Amendment discussion until further information can be gathered regarding Landfill I and Total Acreage of Landfill, seconded by Patricia Brubaker. RCV: Scott Justin—aye; Patricia Brubaker—aye; Michelle Tyner—aye. **MOTION CARRIED** **2024-05-13A**

Motion to Adjourn

Motion was made by Scott Justin to adjourn Public Hearing at 7:38 pm, seconded by Patricia Brubaker. RCV: Scott Justin—aye; Patricia Brubaker—aye; Michelle Tyner—aye.
MOTION CARRIED **2024-05-13B**

AFFIRMED by Scott Justin at June 18, 2024 Regular Meeting

ATTESTED by Lisa Akers at June 18, 2024 Regular Meeting

RECORD OF PROCEEDINGS

Minutes of New Russia Township Trustee Public Hearing

HELD **May 20, 2024**

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NEW RUSSIA TOWNSHIP

BOARD OF TRUSTEES

- - -

PUBLIC HEARING ON PROPOSED AMENDMENTS TO NEW RUSSIA TOWNSHIP ZONING RESOLUTION

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MONDAY, MAY 20, 2024 - 6:30 P.M.

- - -

Public hearing held in the above-captioned matter, taken before me, Colleen A. Fox, a Professional Reporter and Notary Public within and for the State of Ohio, pursuant to public notice, at New Russia Township, 46300 Butternut Ridge Road, Oberlin, Ohio commencing at 6:30 p.m., the day and date above set forth.

APPEARANCES:

BOARD OF TRUSTEES:

Scott Justin, Chair

Patricia Brubaker

Michelle Tyner

Also Present:

Jacob Barnes, Esq., Zoning Consultant

James Griner, Zoning Board Commissioner, Chairman

MR. SCOTT JUSTIN: Let's stand for the Pledge.

(Pledge of Allegiance recited.)

MR. SCOTT JUSTIN: Roll call.

MS. AKERS: Mrs. Brubaker.

MS. BRUBAKER: Here.

MS. AKERS: Mr. Justin.

MR. SCOTT JUSTIN: Here.

MS. AKERS: Mrs. Tyner.

MS. TYNER: Here.

MR. SCOTT JUSTIN: Legal notice. "The Board of Trustees of New Russia Township will hold a Public Hearing on proposed amendments to the New Russia Township Zoning Resolution which was initiated by Motion of the Zoning Board of Commissions. The hearing will be held at "The Lodge," Ceder East, located at 46300 Butternut Ridge Road, Oberlin, Ohio, on May 20th, 2024 at 6:30 p.m. The updates propose revising and updating the full zoning Map, as well as Section 1430(B)19 and Section 2008 of the Zoning resolution

text. The map and text of proposed amendments will be available for examination for a period of ten days from May 11th, 2024 to May 20th, 2024 between the hours of 9:00 a.m. to noon at 46300 Butternut Ridge Road, Oberlin, Ohio.

By Order Of: New Russia Township Board of Trustees."

Jim, would you like to give us a little overview of the changes?

MR. GRINER: So the Zoning Commission took a look at the map based off of what the land use plan was for the Township. We're supposed to have a map that is in cohesion with the land use plan, so we made updates to the map to try to consider those recommendations in the land use plan, as well as updates based off the new zoning resolution text that we updated last year.

So that included actually expanding the amount of land that was in the R1-1 agricultural-residential to increase the farmland area and shifted more dense residential close to the South Amherst

corner of the township, as well as the southeast corner of the township, as well as surrounding Oberlin for higher density residential. That was just one step up from the R1-1 agricultural-residential.

The other two major areas was to look at or we proposed changing the area that is under a conditional use for the landfill, for landfill operations under 1430 in our zoning code to heavy industrial and also the parcels that are on owned at the airport by the commissioners to IP-1 industrial park. So that was the main changes to the map.

The other two text amendments was to clear up some texts in 2008 that was in opposition to the -- being able to remove conditional uses by the BZA that's not allowed by a ruling from the prosecutor's office here and also a line of text in the 1430 section for the landfill dealing with daily logs, to strike an area of that to require daily logs to be submitted to the township.

So that was the gist of the changes

that were made or recommended.

MR. SCOTT JUSTIN: Okay. Jacob, do you have anything you'd like to add?

MR. BARNES: That was an excellent overview by Jim. We're waiting on the county still for an updated map. I'm not sure -- I know that Jim has been on them several times to get us a map that reflects the latest changes. It's been a process and we've had a lot of great public input and we've taken that definitely into consideration and the maps went through several different iterations, and I think we came up with something that everybody can live with -- maintaining the rural character of the township, while at the same time, you know, recognizing that there is other non-residential uses.

It's impossible to get everything 100 percent in compliance, you probably already know that, but I think what we have -- what we've come up with up to this point -- is a pretty good compromise all around.

I think the residents will be really

pleased with it.

MR. SCOTT JUSTIN: Thank you. Board Members, do you have any questions?

MS. BRUBAKER: I just have one.

Jacob, when it's time to do the land use plan, the map will coincide with that also? That's this one.

MR. BARNES: That's the next logical step, you know. We could always come back and revisit it and make some tweaks, if need be. We try to base a lot of our recommendations on your existing land use plan that is in need of updating at that point. So there were a few areas -- I will just use for example State Route 58. There was debate back and forth on commercial zoning versus residential zoning and basically the future of that area, so that's one area that, perhaps, could change at some point in the future, could be various commercial uses, but we may need to revisit it, or we may not have to, but that would be the logical next step if the Board is willing to embark on that updating process.

MS. BRUBAKER: Thank you.

MR. SCOTT JUSTIN: Michelle, anything?

MS. TYNER: Yeah, I have a couple things.

First, when we're looking at the industrial for the landfill, I see that Lorain 1 is not part of that. That should be because that is always going to be a landfill. It's producing gas and it's connected to the power plant. The pipeline runs through there.

MR. GRINER: So for Landfill 1, that is not operating under conditional use or anything right now.

So they -- I'm not sure what happened with that over the years. I mean it was -- the landfill used to be conditional use under R1-1 agricultural-residential, but it's been from what Dan Jarven, the Zoning Inspector, indicated, it's been 20 years since there has been a conditional use associated with that old landfill.

And there has been some -- when we were discussing what was potentially going

to be heavy industrial, there was several comments from residents asking, okay, when it's no longer being used -- actively used for a landfill -- how does it -- does it automatically revert back to a lower classification and that's not the case. Things don't happen automatically that way. We'd have to go through a map update just like we're doing tonight -- I mean the process we're going through tonight.

So we were -- when we did this process, we were looking at the areas that have a conditional use of the exact parcels that the landfill operators had requested from the BZA and was granted by the BZA. So those were the areas that were colored in as heavy industrial on the proposed map, but the other stuff that was not operating under 1430 landfill operations, or did not have a conditional use, we didn't consider updating that -- just leaving that as R1-1.

So I mean that would be just like, I mean if it's just gas -- I mean, there are residents that have gas wells and that

kind of stuff and those are not considered different, but I don't know how it's dealing with the EPA, but --

MS. TYNER: All I do know is they were flying -- this is quite a few years ago -- they were flying those model airplanes on that field and EPA did not like that and they shut that down.

So there is certain amount of where the EPA does not -- I assume they don't want people up there. And then we look at the recycle center and the entrance was also marked heavy industrial and they are not under a conditional use permit.

MR. GRINER: So the entrance -- that area was requested, I mean that was an area that was under -- I would have to go back and look, but I was pretty certain that that area was -- is what they requested. Also there was an area around the recycling center that was previously light industrial and there was one -- well, some of the parcels were consolidated, so it got a little confusing there, but that area was previously light

industrial and that was proposed as heavy industrial.

MS. TYNER: But I would think to keep things continuous or keep things kind of, you know, along the same lines, you know, that L-1 is part of the zoning where they received 392 in the zoning acreage, that would be part of --

MR. GRINER: No, it's not. I mean, if you -- I went through a full process of looking at the spreadsheets and what was requested. The 392 acres is associated with Landfill 2. That's the 392 associated with that. That doesn't include -- even though the language in the text does talk about -- I mean current and future landfills -- I'm not sure when that text, I mean, was put into the zoning resolution, but the 392 concerns the Landfill 2. So that's the -- that's the numbers that -- if you add up all the numbers for the parcels and so forth, as well as the contours that they have drawn and what was -- which were the maps that I understand were used for the BZA, that was

the 392 contour and that had nothing to do with Landfill 1.

MS. TYNER: So from when I'm reading these -- I'm looking at the minutes from a meeting back on June 15th, 2016 -- they are stating here -- it's actually a quote from Mrs. Justin, that the Russia Township Zoning Board dated 1-26-1983, signed by Robert Brooks, John Friedstine, and Dan Campbell, that provided to the future expansion to the landfill.

"Russia Township shall be closed to all future landfills after this current question is settled." So my -- what landfill were they presently talking about in those minutes back in '83? That's where we need to go back and find out what they were referring to for the 392.

Can you add something to that, Mrs. Justin, since that was your comment?

MRS. JUSTIN: In '83, Landfill 1 would have been the only landfill.

MR. RICK JUSTIN: That 392 acres included Landfill 1, if you total it up.

MR. GRINER: So from the BZA in 2016,

this talks about Landfill 2 and that was 392.

MS. TYNER: Yeah, but that is not granting them anymore acreage.

MR. GRINER: This is what was asked for.

MS. TYNER: Well, this needs to be looked over because when you look at the zoning that was granted by the Trustees, we're looking at '83, granting that 392.

If they're -- that is not stipulating -- that conditional use permit cannot grant them more acreage than the zoning permits. So if that doesn't include Landfill 1, which is what, around 100 acres, I assume?

MR. JACKSON: If you look at that application for that hearing, they said they were at 389.5 or 7 acres at that time, so they only have another couple acres to go. They knew that at that hearing back when they approved, they approved that. So they're including Landfill 1 in that 392 acres.

When Dan said that conditional use

permit has expired, the landfill still exists. I just can't wrap my head around that. The landfill is still there. If that landfill has some massive blowout and garbage oozes out the side, Republic is going to have to come clean it up. It's still their landfill. So I don't know how we arrived at the idea that the conditional use permit has expired. It's still a landfill. That will be a landfill forever. I mean if it's really expired and they don't want the conditional use permit, pick all the trash up and haul that out. I don't see that happening. You were on the board for years, too.

THE COURT REPORTER: May I get your name, please, sir?

MR. JACKSON: Steve Jackson, Oberlin Road.

Wouldn't you agree that Landfill 1 has always been a part of the landfill of total acres?

MS. BRUBAKER: I believe it was.

MR. JACKSON: Back when I first got on the Board 20 something years ago, and I

was on the Appeals Board, I asked Mr. Emery why in the world do we have a landfill in R1-1 because that doesn't make sense?

Well, actually, it makes a lot of sense. It was put in R1-1 so the township can maintain leverage and control over the landfill.

My personal opinion is you should not change this to heavy industrial because when the landfill takes the township to court, which they're going to when they want to expand and the township says, no, you're at 392, they're going to say, look, Judge, they let us cross the road in 2000 whatever. In 2024, they rezoned it heavy industrial. What do you think they're going to do with this.

You can't give these people not an inch, they will take 100 miles.

MS. TYNER: Wasn't that -- can you help us with this?

MR. BARNES: So from my understanding at the last hearing, all the parcels north of Butternut Ridge Road and then one to

south, the compromise was to leave that R1-1 zoned.

MR. JACKSON: Right, you did do that. I'm not still on board with changing that to heavy industrial. The County Commissioners that were there had the County scratching their head because they can't figure out why the township wants to change this to heavy industrial.

The landfill will some day close, so now it's zoned heavy industrial. Are you going to build a factory on top of a Mt. Trashmore? I doubt it. What are you going to do with it?

It's going to grow grass and trees that's all it's ever going to do. That is what R1-1 is for.

MR. SCOTT JUSTIN: Do you have anything to add to that, Jacob?

MR. BARNES: Typically landfills are in heavy industrial zoned areas. If it ceases operation, we can always change it back, but, typically, when it ceases operation, there is not much you can do with the property anyway. So, frankly,

ultimately, the zoning doesn't matter. It's better to get it correct and move forward, which is -- whether it's R1-1, commercial, industrial, whatever, some day it will cease operation. Nobody is going to be out there building on top of it. I really don't think it will be a huge issue.

MR. SCOTT JUSTIN: State your name, please.

MR. RICK JUSTIN: Richard Justin, 44604 Butternut Ridge Road.

Jim is wrong on Landfill 1 not being included into that acreage. If you need the paperwork, I've got it. That's all included in there.

You guys need to use a little bit of common sense. Granted Dan is saying it goes back to original zoning. Who is going to build a house there? Who is going to farm that? It's always a landfill. And as soon as you take that out of a landfill -- when the landfill wants to expand, they're going to say, hey, that 102 acres or whatever it is,

isn't a landfill anymore, it's zoned R1-1 agricultural, so then they're going to go for the acreage they've got.

Jim needs to sit down and figure out the acreage, new Landfill 2 is 290 some odd acres. So like I say, if you need the paperwork, I've got it.

MRS. JUSTIN: Pat Justin. I just have a question for, Jacob. When you're saying that the landfills are normally heavy industrial, are those in townships that you've done before, because I know this is what you do? Are those townships that have other heavy industrial acreage in their townships? I mean this would be the only heavy industrial acreage in the township and to give something that special to the landfill, I don't think that's right. I think that is showing favoritism. And, Jim, when you're talking about they've requested, is it the landfill that requested this? And why was the landfill included in meetings with your committee, I don't understand.

MR. GRINER: When I said that, that

was concerning their conditional use request for the Board of Zoning Appeals, not me.

MRS. JUSTIN: Okay. Well, you said when they requested.

MR. GRINER: They, the landfill, requested this conditional use and they were granted conditional use by the BZA.

MRS. JUSTIN: Okay.

MR. GRINER: That's the information that I'm going off, that's not my board. I'm going off of the information from -- the written information from the BZA.

MRS. JUSTIN: Okay. When you were saying about the recycling center and how that went into something different --

MS. TYNER: It's industrial, like the landfill.

MRS. JUSTIN: And you said they requested it to be heavy industrial.

MR. GRINER: No, I didn't.

MR. RICK JUSTIN: Yes, you did.

MRS. JUSTIN: You just said it.

MR. BARNES: If I may answer part of her question. So every township is

different. Every scenario is different. Most have varying, you know, portions of heavy industrial, but, you know, from a zoning and planning perspective, landfills, 99 percent of the time is going to be in a heavy industrial district.

You guys can choose to go heavy industrial on the south part of this and leave the rest R1-1, or you can do the whole thing R1-1. Frankly, it's not really going to be make any difference whatsoever.

Ultimately, that's up to the Board, but I almost kind of think from my outside perspective, this is such a ridiculous debate because it's honestly not going to change anything in the big scheme of things. You can zone it whatever, it's still there. It's still going to be there.

MS. TYNER: So it wouldn't be any harm to put L-1, L-2 in heavy industrial or leave it agricultural?

MR. BARNES: It will be about the same difference anyway. The original goal

of the committee looking at the entire township was to try to eliminate as many nonconformities and try to match up zoning with existing land use, you know. You try to in most of the cases. I know the landfill is kind of a unique situation. It sounds like there's a really long history, there's battles back and forth on it. What I'm saying, ultimately, frankly, it's not going to really matter what it's zoned because it's an existing use already.

So the Board can really go either way on it in and in the big scheme of things, it's not going to make a huge difference.

MR. POLEN: I have a question.

MR. SCOTT JUSTIN: State your name, please.

MR. POLEN: My name is Dan Polen. I live on Oberlin Road.

Why do you want to rezone that area, what are you going to gain from that? Why?

MS. TYNER: To rezone it to heavy industrial?

MR. POLEN: Why? Yeah, why do you want to change it to heavy industrial? For what reason?

MS. TYNER: For the whole thing, or just L-1?

MR. POLEN: Whatever they're talking about, any of that.

MR. BARNES: I can answer that. That's the district it should be in. Landfills should be in heavy industrial.

MR. POLEN: Why should it be in that district?

MR. BARNES: That's the most appropriate zoning district for that use.

MR. POLEN: Who says? We don't want it.

MR. BARNES: That's the accepted way of doing it.

MR. POLEN: They don't want it.

MR. BARNES: You can zone it R1-1, it's still going to be there. You can zone it whatever. It's still going to be there.

MR. POLEN: Leave it that way.

MR. BARNES: That's fine, too. I

mean it's ultimately up to the board on this.

MR. POLEN: When you change that area to heavy industrial, you're going to lose all control.

MR. BARNES: That's not correct.

MR. POLEN: Oh, yes, it is. That's true. We heard that from the County Commissioner. Once you change it, you've lost control of it. You leave it the way it is, you still have control of it.

You might not agree. I don't want to see a change. I think a lot of people here don't want to see it changed.

MS. TYNER: Is the control change from -- is it because of our zoning that we want to keep it agricultural because we seem to have more regulations for ag. in our own zoning? So can we then, if we make it industrial, are there changes to our zoning book that needs to happen to keep it strict like you want?

MR. POLEN: Why do you want to change it?

MR. BARNES: So I can explain

something that, clearly, the residents don't understand.

MR. POLEN: I don't understand. You're absolutely right.

MR. BARNES: The Township technically has more control of heavy industrial because if you've seen the new zoning code, there is tons of increased setbacks, 100 foot maximum -- I mean there's tons of increased maximum buffering requirements, all sorts of other requirements for the protection of the surrounding residents.

If you left it R1-1, you can throw all those protections out the window, so you could actually make an argument completely opposite to what you're saying. You have more control when it's zoned heavy industrial with all the other regulations that we have.

MR. POLEN: I don't agree with that. I'm sorry, but I don't.

MR. BARNES: It's what it is. I'm not making this stuff up.

MR. POLEN: That's how politics works.

MS. JACKSON: Couldn't you add those restrictions in R1-1?

MR. SCOTT JUSTIN: Could you please state your name?

MS. JACKSON: Diane Jackson, 12050 Oberlin Road.

Couldn't you add some of those buffers and things as R1-1 in this case?

MR. BARNES: So there wouldn't be any reason to because why would you want to buffer R1-1 that that joins R1-1 in the same exact district?

MS. JACKSON: Because it's got trash in it.

MR. GRINER: If you start adding that to R1-1, then that starts restricting people's residential use, so when it comes to -- most of the township is R1-1 and if you look at how we did the districts, R1-1 is a certain density for residential and agricultural use. I mean you could do agricultural in any zoning area, that's by ORC, but the -- and then it goes down to more and more restrictions as you go down the list in residential and then you jump

to commercial uses, which they are for businesses and so forth, and then you go into commercial uses. If you have something zoned as a business, you can't do residential in a business district.

So there is separations -- that's the reason we have zoning -- is to separate these types of uses from one another and to give ample buffers around those so you're not impacting the surrounding areas.

So as residential adjoins a heavy industrial or commercial or industrial use, there are increased buffers and so forth to prevent being right up next to a house. If you have a house next to a house, you get fairly small buffering distances or setbacks that are required, but as you go to industrial, there is -- I mean 100 feet. So if you added 100 feet for residential, you would wipe out being able to put a house on some of these lots.

MS. JACKSON: Most of the landfill is heavy industrial, is that right, on the south side?

MR. GRINER: Right now everything is agricultural-residential just like most peoples houses are right now in the township.

MS. TYNER: So is this an idea why they go heavy industrial for landfills, because you can't build on it?

MR. BARNES: It's really the most restrictive industrial district you have. It's got the most restrictive setbacks, most restrictive buffering.

MR. POLEN: What are some of the restrictions? What are some of the restrictions for a dump? What will be the restrictions? Give me an example of one.

MR. BARNES: In general, you have -- so it will have to go through an increased process to complete a site plan review process when they want it do any kind of major project on the site and all of those things are looked at, you know, things like lighting, you know, no light splash on surrounding properties, buffering, the whole nine yards, which if it was zoned R1-1, you don't have any of that in place.

I mean, you could look at it both ways, but, ultimately, the way we crafted the heavy industrial district is it's very restrictive. There is only a few intense types of uses. The majority of your industrial development will be in light industrial district because of the way it's framed. There is a lot more uses allowed, less setbacks, people can use those properties much more than they could with a heavy industrial zoned property.

MS. TYNER: So if it's zoned heavy industrial with the landfill and there's an issue with dust or dirt or debris coming over the road and so on and so forth, being zoned heavy industrial, that would allow our zoning inspector to cite them, correct?

MR. BARNES: For similar types of things, yes, yes. It would be much easier to enforce heavy industrial than it would be residential.

MR. GRINER: There is whole section in 1430 in our zoning code that deals with all of that.

I mean it's page, after page, after page dealing with the landfill. And so anything that they're doing outside of that, I mean Dan as the zoning inspector can work with them to correct those and then if it's not, then it keeps escalating up to Trustees getting involved and then even court after that.

So there is a process, but that's for anything that is in opposition to the zoning resolution. So Dan has that enforcement ability.

MR. SCOTT JUSTIN: So by changing that to heavy industrial, in the future, will that help us keep them from expanding?

MR. BARNES: They would be limited to those parcels that are already zoned, correct.

MR. SCOTT JUSTIN: They would have to stay in that without coming back and changing.

MR. GRINER: The thought behind this was that heavy industrial for the areas they have a conditional use for right now,

that's what they asked for with the BZA, that's what they got from BZA, these particular parcels, that's what we colored in as proposed for heavy industrial.

If they want to go beyond that, they would have to come back for a map amendment, go through the whole process for a map amendment, including the process we're dealing with tonight. Even after that if they want to use it as a landfill under 1430, that's a conditional use, so after the map amendment, if that was successful, then they have to go to BZA and try to get a conditional use on top of that.

So the process was to get a whole lot more viewing of this by the public, to have public input and know what's going on, rather than the one step that they just jump directly to the BZA ask for a variance because there was nothing zoned heavy industrial in the township. Since there wasn't something zoned correctly, then they could go directly to the BZA. It was a one-stop type of deal rather than

the whole process and that's why we made changes to the zoning resolution or zoning book to put them in heavy industrial away from agricultural-residential because if there was, if it was an agricultural-residential with a conditional use, then there would be no map changes. They would just go to the BZA like they had been doing, and it was just one public hearing and done, so no Trustees involved. I mean Trustees couldn't override that because that's not the process.

So with this, there was a whole map process through the Trustees and get that input even, and multiple residents involvement, before you even jump to the BZA.

So that was the thought process by putting more and more hoops to jump through and more eyes on it and the new resolution even requires site plan reviews by the Zoning Commission. So there is a whole process to go through that for any new commercial development and so forth to

try to get more eyes on it, more -- I mean so that it wasn't just one variance or conditional use with the BZA, that was the whole thought process.

MR. RICK JUSTIN: I just have one question, did he just say even those it's heavy industrial, they still have to get a conditional use permit?

MR. SCOTT JUSTIN: Yes.

MR. RICK JUSTIN: Why? Because a landfill is allowed in heavy industrial.

MR. SCOTT JUSTIN: It's a conditional use under -- it's still conditional use. That's why we still have control with it with conditional use.

MR. GRINER: It's not a permitted use, it's a conditional use. With permitted uses, you don't have to go through the BZA to ask for permission, but conditional uses you do, and it's under conditional use.

MS. JACKSON: But there is no trash on the north side. I mean I can see buffers for moving dirt and stuff. It's the south side that you would need more

buffers from, isn't it? That's where the smell is. That's where all the odors come out. That's where all -- you're going to have everything going into your water so much, that's your contamination, your poison, and all that other stuff they throw in there, whatever. There is no trash on the north side, so to put that in heavy industrial --

MR. SCOTT JUSTIN: We're not putting the north side in heavy industrial.

MS. JACKSON: That's good.

MR. GRINER: That was the compromise made by --

MS. JACKSON: So the south side is the only side heavy industrial. That's only the south side. That's why I didn't understand. I'm sorry. That's a dumb question.

MR. GRINER: No, that's okay.

MS. TYNER: I just think for continuity, though, you have to have Lorain 1 in there, that was --

MR. SCOTT JUSTIN: I think we need to figure out the total acreage and what is

actually included before we make a decision.

MS. TYNER: That's based on that ruling in '83.

MS. BRUBAKER: Don, do you have any comments?

MR. ROMANCAK: Don Romancak with Lorain County.

Just to reiterate a little bit about what Jim and Jacob had said for your perspective. Currently, you're existing zoning, the landfill could go -- throw a dart at the township map, and it's going to hit R1. That's were they're allowed to put the landfill.

They couldn't put it in your commercial district. If they hit a little bit of 58, they could have applied for a conditional use and for whatever reason is that that landfill is zoned residential and you're conditional use back then was if it was zoned residential, this is an allowable conditional use. Any homeowner could go and ask for a landfill.

By putting it this way, you are

greatly restricting. You still have the conditional use process, but you're saying this is the area and this is the only area and what they have -- what your group has done and worked very hard at is to go through decades of difficult, contradicting documents and try to figure out what was said in the '70s, that happened in the '80s, that got interpreted in the 90s through today.

The landfill is definitely a hot topic, but to have it called residential -- if I am Republic, I'm going to say, any place in the township is open. You've had the opportunity for years. You've known that we're a rough use and you've said residential is okay for a landfill.

So these are some of the things I just want to put a bright shining light on.

The other thing is why heavy industrial? You're right. That landfill one day is going to go away, now they're not using 100 percent of their parcel.

There are setbacks and whatnot, maybe, just maybe, there's a small manufacturing business that could go on a piece of that, not on the actual active landfill phase, but somewhere in there, that could actually take advantage, create some jobs, maybe take advantage of that. Wouldn't it be nicer if rather than moving that methane recovery and shipping the gas off site if it were done on site, compact, and keeping that heavy industrial use of electricity generation on site and keeping it away from peoples backyards where it ended up going because the zoning allows for it, or the zoning is capable of contemplating it.

The key is in your zoning map. You have a great land use plan. Let your zoning map reflect it. Those are just a couple of my comments. But as a township and as residents, you should be proud of what's been brought before you today. It is a great improvement over what you had two years ago.

MR. SCOTT JUSTIN: Anything else?

MS. TYNER: Oh, yeah. You were going to take out the floodplains off the zoning and that. Because we're such a wet township, I can understand taking it off the zoning map, but then we need to with our zoning and on our website, we need to bring up -- because the county has some great information on their flood -- developing land in a 100-year floodplain, but we need to have the insurance map brought forth on our website so people understand how much of the township lies in floodplains and some in hazard floodplains.

So this may help us in the future when we have to go through and clean ditches. We're having present trouble now with Cobb ditch where residents aren't letting us on the land to clean the waterway.

So I think it would behoove the township if you're taking it off this, because most of the residents are going to look at the land use map to see what's going on with their backyards. We need to

bring forth in our zoning and I printed this out for you, it's just talking about -- this is another township talking about floodplain regulations and it just says the township zoning inspector shall maintain on file for public inspection, one, the current flood insurance map for -- this is Delaware County -- floodplain as applicable for that township, information on the federal control of discharge that must be a river, and it's also talking about Ohio Administrative Code, Section 401, water quality certification. I know on this 100-year flood plain, you need a special permit from the county to do any kind of --

MR. GRINER: So the reasoning behind it, we were trying to clean up the map from things that were only zoning-related on the map because before we had the enterprise zone and a few other things that were confusing residents and, actually, sometimes board members, because those were not zoning items.

In the old zoning book, there was a section dealing with floodplains and that may have been the reason it was left on the map at that time, but a lot of those things get handled before a zoning inspector would ever deal with anything because like if you want to build on it and you need a septic system before Dan will even process a permit, he needs the septic permit and all that kind of stuff, and Lorain County Health Department and so forth would have approved that. So that kind of checks a lot of boxes before it even gets to us dealing with the zoning, also Soil and Water.

So we had things in the code or in the zoning resolution that was really stepping on the toes of other organizations like Lorain County Soil and Water, Lorain County Health Department, that type of thing.

We tried to in the new code point to those and say you need to go and deal with that, but it's not something that is particular on zoning. I think it is

useful in the land use plan and it is in the land use plan showing the floodplain map and so forth.

So from a planning perspective or strategic-type perspective for zoning districts and so forth, as well as uses, that should be a consideration for a land use plan, but since it was -- there is no longer any language in our zoning resolution dealing with floodplains, our thoughts were to remove that from the map because that wasn't necessarily zoning-related.

As a township, we can put whatever maps we want to, I mean, for information for residents, but that was just the thought process.

MS. TYNER: Isn't that what -- Mr. Barnes, isn't that what a lot of other townships -- because when I look at other townships, they say they have had a map room on their website that will show the zoning, and you're right, it doesn't show the floodplain, but then it also has the land use floodplain, you know, because,

you know, we are as Lorain County, we are part of the floodplain program. So through FEMA people can get flood insurance, because Lorain County is part of that.

I'm just saying as far as usefulness for our residents, it would probably be very useful information and it's kind of hidden in the land use plan -- to be more up front about it.

MR. BARNES: Yeah, I thought Jim put it really well. It's good information, it just isn't zoning-related, so you could have it as a separate map in the zoning appendix if you wanted to, or somewhere for the residents, but just not on the zoning map is our thought.

MS. TYNER: Yeah, because when you start seeing -- a lot of times the first step, people go to build, they sit with the zoning inspector, they may not know they're in a 100-year floodplain or anything like that. That is the time the township needs to step up and help people instead of saying well, you know.

MR. BARNES: If I could add to that. Typically it's not the zoning inspector's expertise to advise people on floodplain issues. I mean that's going to be your County Engineer's Office. That's going to be your Soil and Water.

If I was a trustee, I would not want your zoning inspector advising people on floodplain issues. It's not a zoning topic. I really would not -- I wouldn't want the wrong information. I would leave that to the floodplain experts to advise on, not your zoning inspector.

MS. TYNER: That's what I'm saying, if we have the information out there. It's just pointing out that, you know, you want to put a development in a floodplain. And, again, that information sometimes is a little bit hard to come by.

MR. SCOTT JUSTIN: But for this meeting, it does not belong on the zoning map.

MR. BARNES: That was just our thoughts. It's not saying that there shouldn't be a map --

MR. JUSTIN: It just shouldn't be on this map.

MR. BARNES: Correct, that was just our thoughts.

MR. JACKSON: We need to have a map because it is referenced in Section 4, the purpose of the agricultural-residential district is to serve and protect agricultural uses, natural waterways, drainageways, and floodplains.

So floodplains are in our zoning book. We're talking about them. So if they're not on the zoning map, we should have some other map that's accessible so people can see them.

MR. SCOTT JUSTIN: All right.

MR. RICK JUSTIN: Rick Justin. Back to the landfill limits. This was done 5-1 of '97, this is in your old zoning book. "Landfill limits, total fill acreage excluding required setback berm area, outside drainage, shall not exceed 392 acres."

The old landfill was still in operation in `97. So the acreage, the

392, included the Landfill 1.

MR. SCOTT JUSTIN: Anyone else?

MS. TYNER: No.

MR. SCOTT JUSTIN: Anymore public comment?

MR. JACKSON: The text amendment where you're going to change they don't have to provide you the paperwork logs, I get it, it's a lot of paperwork. If you're changing it, I would think it might include the words must be provided upon request. I get it. They're supposed to give it to you, you might as well put that in there.

MS. TYNER: Was that a problem with that document because our not so great internet site because of an Excel program or Excel document, 25 pages or so, is not a big file, but I could see with the limitations, which we've now since hopefully corrected soon, that really is not that big of deal to take that -- Excel it is not a big document, is not a big draw on our system.

MR. SCOTT JUSTIN: Okay.

MR. HENES: Robert Henes, Albrecht Road. The question on the airport, nobody wants to discuss that.

Why are we making that to light industrial? Nobody can ever answer the question. We've gone to him many times, Jim, and it kind of gets bypassed.

Why are we going to light industrial for it? Why are they changing it to that?

MR. SCOTT JUSTIN: Because it's always been in the land use plan that that area would be industrial.

MR. HENES: Didn't the county commissioners just take another grant, it's like another ten years?

MR. SCOTT JUSTIN: For what?

MR. HENES: They took money for the airport and all that. They use for the airport, so taking grant money, they have to have it for so long, don't they, or are they going to pay it back?

MR. SCOTT JUSTIN: The airport is not going anywhere.

MR. GRINER: The airport is a use in an industrial park. I mean, so in the

current zoning book that we have, that is -- I can't remember if it's conditional use or permitted use, but I mean airport is in industrial park in our zoning code, that's where it should be.

MS. HENES: You want to take 1200 acres of prime farmland and make it --

MR. GRINER: So in Ohio, agriculture can be done in any zoning district. We cannot restrict agricultural use in any zoning district, whether it's agricultural-residential or all the way to heavy industrial.

MS. HENES: But if you change it --

MR. JUSTIN: One at a time please, and please also state your name. Can you stand up and state your name if you're going to comment.

MS. HENES: I can't state it. It's not that good. I don't know. We've asked many questions on this airport. He was here last year when we went through this. You voted it down and now here it is on the zoning, that plan was just to --

MR. SCOTT JUSTIN: Nope, the reason I voted it down was because our zoning did not match. Our zoning did not match what was going to happen there, so we have no control. If we put the zoning in for something wanting to come in there, then we have control over what is going in.

MS. HENES: If you leave it agricultural, it's not going to come in there because it's not zoned for it.

MR. SCOTT JUSTIN: Correct, but our land use land which has been there for 11 years has always stated that that area was going to be industrial.

MS. HENES: It doesn't mean it has to be.

MR. HENES: But the thing is if you turn around and now you turn around and put factories back there, now you got the roadway for Russia Road, Albrecht Road, and now you got that much more traffic.

MS. HENES: And drainage.

MR. HENES: And drainage. We just turned it around and had the drainage issues fixed behind our property because

it wasn't draining. So now that it's all been fixed, now you're going to turn around and add all this and it's going to come right back to us.

MR. GRINER: With the new text that we put in the zoning resolution, we have a whole lot more steps that businesses have to go through in order to get any ability to build, so that includes site plan review process now, where they have to bring their plans to us. We have to go through that and look are they meeting all these requirements, are they dealing -- have they dealt with Soil and Water, have they got all that storm water processes, have they done their traffic studies. There's a whole new section for traffic studies and processes they have to go through to deal with that.

So we have put a whole lot of safeguards in place in this new zoning code to have the Zoning Commission look at things where we didn't before. It was a permitted use. The zoning inspector said checkmark, let's pay the fee and start

building. I mean they had to go through the commercial zoning guy, too, or the commercial building permit process, but now we have a process that goes through to make sure they're meeting all of these requirements and have dealt with them beforehand, before the zoning inspector could ever meet with them on the zoning permit. They have to come through a whole new process now to do that so that we can have eyes on these potential problems before they occur.

MR. HENES: A 100 foot buffer ain't shit -- excuse my language.

MR. GRINER: Well, it's a lot more than even the county -- the county suggested 50 and we -- I mean we went well above that. A buffer of 100 feet doesn't mean just bare land 100 feet. It could require landscaping. It could require berms. It could require other things as needed depending on that use of space of what they're trying to bring in.

So we've included all that in our zoning, our new zoning language, to allow

us to take a look at that, their plans, what they're planning on doing and meeting the landscaping and buffering requirements. There's a whole section on farmland.

MR. HENES: It seems like the airport wants to do what they want to do as county commissioners. I mean, they already have massive floodlights back there that shine in our backyard.

MS. HENES: Yeah, did the zoning approve those lights back there?

MR. HENES: I mean they have some hellacious lights back there.

MS. HENES: We have to close our blinds at night because they shine right in the windows a mile away. They're not low profile.

MS. TYNER: Isn't that what you were referring to in heavy industrial, that that could control some of that stuff?

MR. BARNES: The an enforcement issue.

MS. TYNER: It would be the same for light industrial, for industrial park?

MS. HENES: Well, in the old zoning book, it wasn't permitted to have high profile lighting at the airport.

MS. TYNER: Were you one who was also mentioning -- I've read the minutes -- about the water that you had to go after the airport was put in, it took many years to resolve water issues as a result.

MS. HENES: They didn't maintain --

MR. HENES: They didn't maintain. It was 75 years, they didn't maintain the ditch out back.

MS. HENES: They destroyed our property. They utterly destroyed it.

MS. TYNER: So we always as a township need to say where is the water going to go.

MR. HENES: They put a ditch in two years ago.

MS. HENES: But we had to go through a ditch petition and we had to take them to court.

MR. HENES: We took them to court.

MS. HENES: Then they denied they owned it.

MR. HENES: Right, they still denied it.

MS. HENES: That's how they work.

MR. HENES: It's like they used to be wetlands in the airport behind us. Well, now they're saying the wetlands ain't there anymore. Where did it go?

It's not going to vanish. The problem is they're back there, you know, laying more tile and putting more dirt, stone, whatever, because there is an access down on Albrecht Road. They turned around and the problem goes back in.

MS. HENES: We worry about our property value. If I sell and it's light industrial back there, people are going to stand there and say, okay, we have this pretty piece of almost two acreage property they're going to inhabit. This is how they're going to see it, like I see it, an industrial park in their backyard.

MR. HENES: Who wants to see that? I might as well be looking at Midway Mall.

MS. HENES: They don't care for their land now, nevertheless if they put

industrial in there, which I don't see how they can do, because they would be building on their buffer, won't they? Don't they have to have a buffer around that airport? I thought it was 1500 acres around the airport.

MS. TYNER: Do you know what the buffer is around the airport?

MR. SCOTT JUSTIN: No.

MR. GRINER: There's specific distances from the runway and overruns on -- towards each end of the runway. There is certain distances away from the center line of the runway, but it's not necessarily an acreage requirement. I mean from all the --

MS. TYNER: Where the fence is.

MR. GRINER: From all the requirements I've seen.

MS. HENES: I looked it up, I'm pretty sure it said 1500 acres for a county airport.

MS. JACKSON: The section is only 800.

MR. DUNCAN: Well, it depends on the

size of the runway, but, technically, you could put a 5000 foot runway on 350 acres.

MR. SCOTT JUSTIN: One person talking at a time, please.

THE COURT REPORTER: I need people to state their name, please, too.

MR. DUNCAN: Oh, I'm sorry. Rob Duncan with Lorain County.

MS. HENES: So do you know the buffer for Lorain County Airport?

MR. DUNCAN: Right offhand, I do not, but I just know that we looked at airports and it's not -- it doesn't take that much land.

MS. HENES: So you don't know.

MS. JACKSON: I was wondering why you would have to make that whole thing light industrial? I mean it's like it's 800 -- I don't know how many acres it is. It's like the whole section and wouldn't it be enough to go around the airport? They've got, you know, I don't know, it's just the whole thing is light industrial. That's a lot of property.

MS. TYNER: So you're talking about

just putting light industrial for the actual airport and leaving the vacant land agricultural.

MS. JACKSON: I guess, he is saying we would lose control, they could do whatever, so I don't know what the advantages and pluses are of not doing that, but it just seems like if it could stay agricultural. I don't know if you would have to make the whole thing light industrial. I don't know the advantages of -- if there is a compromise somewhere, but maybe you lose all -- I know you were saying that they could just come in and do whatever they want with R1-1 and there is no rules about that, like a factory might be able to come in if you didn't make it light industrial.

MS. TYNER: I think she is directing the question to you.

MR. BARNES: If you like, I can give some input to the board on this.

As elected officials, you're aware of the limitations, frankly, for funding for a township. You can't just -- I mean you

can try to go out and ask your residents for increased taxes. If you really want to fill the room -- you will you feel the room if you want to do that.

If you want to keep the taxes at the lowest rate possible, you have to look at economic development opportunities and there is no place that's as logical as the airport and the surrounding area. We're not even requesting light industrial. The request on this is industrial park, which is even more restrictive if you look at all the setbacks and everything. That's the perfect area for a joint economic development district to fund your township into the future so that you don't have to ask your residents to pay higher taxes because if you don't identify opportunities like that, that's where you will be in the next few years.

So I would think, I mean the residents that bought their homes all around that airport all bought homes knowing the airport is there. It's been there since the 40's, based on my

research.

MS. JACKSON: No, they took it from my grandfather with eminent domain, so when I was --

MR. BARNES: It's been there a long time.

MS. JACKSON: It was in the 60's. I'm not that old. I'm pretty old now, but I'm not that old.

As a kid we rode our horses around, it was so small.

MR. RICK JUSTIN: Here's the map when they did it in 1972.

MS. JACKSON: Yeah, it's not that old.

MR. BARNES: I saw records back to the 40's.

MR. SCOTT JUSTIN: Once again, one person talking at time, please. I'm going to get my gavel.

MS. JACKSON: It was planned in the 40's. My grandfather was still farming there. We still farm the remnants of it around the edges, so that's another thing that makes it difficult when they start

putting factories there, we would have to move the rest of us. That's why it's still agricultural. We're still doing parcels around it.

MR. BARNES: I just think my advice to the Board is it would be extremely short-sighted to not consider that area for economic development.

Granted, I mean, you're looking for the greater good of the greater amount of the township. I get the fact that a few dozen people may live right near there. I get that, you know, and it's not saying that if this map changes that you're going to have quote, unquote "factories" popping up tomorrow. That's absolutely not the case. Agricultural activity can continue just as it has been. Any future use would be very limited to indoor technology uses. If you look at that IP-1 district, there are very limited uses that can even go there with a full on-site plan review that looks at all the details.

So I just think that the complaints you're getting are, in a sense, are a

little bit overblown because it's not really going to be that big of a difference any time soon.

MS. TYNER: That's a discussion. We have to form a new land use committee, you know, these types of industrial areas, should that be a decision or a research that a new zoning -- our new land use committee should look into.

MR. POLEN: Can I speak to that?

MR. SCOTT JUSTIN: One more time.

MR. POLEN: One more time. You know, the dump approached Carlisle Township. You know what they told them, go jump in the lake.

Now, there is a lot of property over there, too, so why don't they just go over there. It's all farm land. It's all, you know, that's what it is zoned. So --

MS. JACKSON: I don't really want them to go anywhere.

MR. POLEN: Yeah, they don't want to go anywhere. We don't want them to go anywhere, except for the people that live there.

MS. BRUBAKER: So, Jacob, your recommendation to us is this map and then the landfill be heavy industrial?

MR. BARNES: The compromises from the last meeting which I'm assuming we're all still waiting for the actual map that reflects basically what you said, the landfill was heavy industrial to the south of Butternut Ridge and then there were some changes along State Route 58, some commercial changes, and then the airport which we just talked about, we recommended the IP-1 district for those parcels of the county.

MR. GRINER: The map that you guys have and the one that was posted on the website has those changes reflected I mean as comments on that map. So the map that the Trustees have, the ones we're discussing tonight, has those. That was our recommendation of the amendment with those modifications and those three modifications are listed or shown or depicted on the map that they have, so it's on the docket tonight.

MR. RICK JUSTIN: Do you know the total acres of parcels that you are changing to heavy industrial, not including the recycling center?

MR. GRINER: Those are from the parcels listings and the spreadsheet and the map that the BZA received from Republic or from the landfill for the conditional use, so, yes, we have the parcel numbers and the acreage associated with that. I have a spreadsheet. I can't remember the numbers off the top of my head for all that.

If the Trustees want to include the Landfill 1 acreage, I mean, along with that heavy industrial that we already depicted on the map, we would have to go back and get those exact drawings and contours and so forth to include that. I don't have that. I don't have any specific documentation on Landfill 1. We've not been dealing with that.

MR. SCOTT JUSTIN: Okay. What's your recommendation on that, Jacob, with Landfill 1?

MR. BARNES: I'm looking at this map which I think you guys may have had one that Jim brought up.

MR. GRINER: Yep.

MR. BARNES: I see on here, is it the original L-1, is that the original landfill?

MR. SCOTT JUSTIN: Yeah.

MR. BARNES: That all makes sense. If that is the use, then it would make sense for consistency to zone that heavy industrial as well.

MR. SCOTT JUSTIN: Okay. It's the light blue on that map, right?

MR. GRINER: Let me correct that. The map that he's discussing, let me borrow this to show you guys. This is the map that was presented to the BZA and I just color coated that just for clarification. The light blue down there, that was zoned light industrial --

MR. BARNES: Okay.

MR. GRINER: -- before and we were proposing that as heavy industrial also just to carry it over for consistency of

the zoning district.

MS. TYNER: Okay. This is what you're pointing here?

MR. GRINER: Yes, it's purple on there. The green is the exact parcels that was the -- under the conditional use, the first conditional use for that the landfill was granted by the BZA and the yellow was for the borrow pit areas that they requested under their second conditional use.

So we were originally proposing all the yellow, the green, and the blue as heavy industrial, but the compromise at the last public hearing we had and our vote that we had for our recommendation that went to you from the ZBC was to leave this all the yellow as R1-1 and only the green and the blue as heavy industrial.

That did not include anything to deal with Landfill 1 because we were going off of the conditional uses that are currently in place, that was just our thought process.

MS. AKERS: So where is Landfill 1?

MR. GRINER: The blue, that's the recycling center. I don't have it color coated. Republic did not indicate that on their maps when they went for their conditional use to the BZA from what I glean from all the documentation. I tried to go through it many times. So on the map that you have right now, the pink or mauve, or whatever color that is, is the green and the blue or light blue. All right.

MR. BARNES: I guess to answer the Board's question, if that original landfill, if there still is landfill activities and the usage still remains the same, then, yes, for consistency it should also be light industrial, wherever that exact parcel is. I'm not sure.

MRS. JUSTIN: I just have one last question. When these changes go into effect, like for the landfill going to heavy industrial and the airport going to industrial park, do they have to go by the new regulations, or are they going to be grandfathered in and they can do what they

have been doing all along, like with all this with all the new buffers and all the new things for the heavy industrial that we're supposed to be able to control more, will the landfill have to abide by the new rules, or because they were already there, they don't have to, or the airport will they have to abide by new rules with it being an industrial park or what?

MR. BARNES: So I can answer that, if I may.

So there is not a cut and dry answer on that. The answer would be anything that's currently -- activities, operations, so on and so forth that are currently in place, the township can't knock on their door tomorrow and say discontinue these. Those are existing uses. Those are uses and activities that have gone on for who knows how long, years probably.

Some of the things, as things change, would fall under enforcement that obviously the zoning inspector could look into, but virtually anything they want to

do going forward, obviously, any new development, any change in activity, really any significant change would be subject to the new regulations.

MRS. JUSTIN: Thank you.

MR. SCOTT JUSTIN: I would like to make a motion to table this decision so I can do some more research on Landfill 1 and the acreage before I make a decision, so we have up to 30 days for vote.

MS. TYNER: Do we have to have another public hearing?

MR. SCOTT JUSTIN: No.

MS. TYNER: Can we do this at a regular meeting?

MS. AKERS: Landfill 1 and what?

MR. SCOTT JUSTIN: Landfill 1 and all the total acreage.

MS. AKERS: You could approve or deny. If you approve, it would be whatever your changes are.

MS. TYNER: So we would go through --

MS. AKERS: So you made a motion, Scott?

MR. SCOTT JUSTIN: Yes.

MS. AKERS: I need a second.

MS. BRUBAKER: Second.

MR. SCOTT JUSTIN: Roll call.

MS. AKERS: Mr. Justin.

MR. SCOTT JUSTIN: Yes.

MS. AKERS: Mrs. Brubaker.

MS. BRUBAKER: Yes.

MS. AKERS: Mrs. Tyner.

MS. TYNER: Yes.

MR. SCOTT JUSTIN: I would like to make a motion to adjourn.

MS. BRUBAKER: Second.

MR. SCOTT JUSTIN: Roll call.

MS. AKERS: Mr. Justin.

MR. SCOTT JUSTIN: Yes.

MS. AKERS: Mrs. Brubaker.

MS. BRUBAKER: Yes.

MS. AKERS: Mrs Tyner.

MS. TYNER: Yes.

(Hearing adjourned at 7:39 p.m.)

- - -

CERTIFICATE

- - -

State of Ohio,)
) SS:
County of Cuyahoga)

I, Colleen A. Fox, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the foregoing is a true and correct transcript.

I do further certify that I am not a relative, employee or attorney of either party, or otherwise interested in the event of this action.

IN THE WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio on this 10th day of June, 2024.

/s/ Colleen A. Fox

Colleen A. Fox, Notary Public,
in and for the State of Ohio.

My commission expires June 3, 2028