

MINUTES OF A REGULAR VOTING MEETING OF THE

FAIRFIELD PLANNING COMMISSION

May 13, 2009

Jerry Dailey, Chairman, called the Regular Voting Meeting of the Fairfield Planning Commission to order.

Members present: Jerry Dailey, Jeff Holtegel, Deborah Rhees, Scott Lepsky and Don Hassler. (Diana Bailey arrived later in the meeting).

Deborah Rhees, seconded by Don Hassler, made a motion to excuse Terry Senger and Diana Bailey. Motion carried 5 – 0.

MINUTES OF THE PREVIOUS MEETING:

The minutes of the previous meeting, held May 6, 2009, will be submitted at the next meeting.

NEW BUSINESS:

Rezoning Petition – Pt. Lot 170 – Symmes Road – M-2 to B-1

As discussed at the Public Hearing on Monday, this property consists of just over 8 acres and is partially in a flood zone. The purchaser of the property is confident that they can locate the church out of the flood zone. The issue of widening Symmes Road was discussed Monday and as part of the approval of the rezoning, the applicant will dedicate the right of way the City needs for the anticipated future widening.

Jeff Holtegel, seconded by Don Hassler, made a motion to recommend approval of the Rezoning Petition for part lot 170, Symmes Road, as submitted changing the current M-1 zoning to B-1.

Motion carried 5 – 0.

Rezoning Petition – River Road Planned Unit Development

Mr. Bachman stated the Public Hearing for this item was also this past Monday and there were several comments made. A memo was given to the Commission from staff and several slides shown. Mr. Bachman showed a slide of the different flood zones and zoning districts associated with this lot (made a part of these minutes). The floodway occurs from the white line west towards the river and flood zone from the white line to the east. Mr. Bachman explained that the floodway/flood zone boundaries were re-worked in 1990 when the City of Hamilton constructed their lagoons. Floodway/Flood Zone A is where flowing or ponding water can occur during a significant storm and is generally considered a 100 year storm. The area shown in green is Flood Zone B and is considered a 500 year flood area. The property currently has two zoning districts, A-1 and R-1. There is also an existing P.U.D. near this property for the Oberson Nursery.

Jeff Holtegel asked how the different flood determinations are made and Mr. Bachman responded it is calculated based on topography and distance from the river.

Mr. Bachman briefly reviewed the memo given to the Commission by staff. Attached to the memo was information submitted by Mr. Baker, adjacent property owner, regarding the tub grinder that Mr. Brown operates. P.U.D. zoning is being requested which allows the Commission to place conditions of approval if the Commission feels this is an appropriate use of the property. The survey plat of the proposed P.U.D. and screening was shown. The plat shows an existing gravel driveway that the Browns (applicant) used which encroached approximately 30' onto the Baker's property. That driveway has since been abandoned and a new drive cut in along the south property line.

Don Hassler asked Mr. Brown if it was his initial intention to construct a house on this property when it was purchased. Mr. Brown replied he bought the property from Dewey Hacker who used to sell sold topsoil from there. Mr. Brown said it was never his intention to build a house there. He felt mulching was considered foresting and was a permitted use under agricultural zoning. Mr. Brown took wood chips to Dewey Hacker for years. After the wind storm last year, the City brought limbs to the River Road site for mulching.

Don Hassler asked if gravel is being mined in the back portion of the property and Mr. Brown said he dug some gravel out to use for the new driveway on the south property line. Half of the pile is gone. The hole where the gravel was excavated was filled in with solid fill.

Jerry Dailey asked when the property survey was completed and Mr. Brown replied he had it done so he could make Mr. Baker an offer to purchase his property. The Bakers however wanted double the amount the property appraised for. Tim Bachman added the survey was also done as part of the P.U.D. process in order to show existing and proposed uses and improvements.

Don Hassler said it was stated at the Public Hearing that the operation could not be seen from River Road but you can. Dave Robertson, attorney for Mr. Brown, replied that wood chips are dumped off on the flat area by River Road and pushed over the embankment to the area where the tub grinder is located. You will see wood chips. The mulch is moved further back after it is processed. Mr. Hassler stated that the ground from River Road to where the property drops off has been built up by the continuous dumping.

Mr. Robertson told the Commission that Mr. Brown intends on paving the driveway down into the site to ease the dust complaints. The old lane will have a screen installed consisting of pine trees that will be 3' – 4' tall when planted. They also can plant an additional tree line back from River Road to obscure the area where the chips are dumped. Mr. Dailey inquired about the growth rate of the trees and Mr. Robertson did not know. If this would become a significant issue, they could plant taller trees. Mr. Robertson felt that the tree screen and blacktopping part of the lot would limit the dust from the site. Mr. Brown only wholesales the mulch which the majority of it is taken to Mr. Oberson where it is sold retail. Mr. Robertson did not believe the dust is coming from the Brown property but possibly from the Oberson property.

Mr. Robertson explained that a lot of water is added to the wood chips (70 gpm) as it is being made into mulch. Mr. Dailey asked about the fires at this property and Mr. Robertson explained there has been one fire there in the past 15 years. The Browns were able to put it out themselves. It was the wood chips that actually ignited before they were even processed. The fire occurred in January of

this year after the operation had closed for the season. Mr. Bachman asked if they had well or city water and was told it is well. Mr. Robertson stated the chips are stored in an area that has a concrete wall on one side and earthen mounds of two sides. The only open side is the west side where the machine is stationed.

Mr. Robertson said the odor the neighbors smell could be from the City of Hamilton's mulch pile at the waste water treatment plan. Mr. Brown only grinds mulch a few months out of the year during the spring. Jeff Holtegel asked if dye is injected to color the mulch and Mr. Brown replied yes. The wood chips are ground once with water added and then re-ground with more water and dye added.

Discussion occurred regarding the tub grinder. Mr. Brown stated some of the aggressive tub grinders can grind stumps and can throw items out of them. The grinder Mr. Brown has only takes smaller items such as the wood chips. There is a steel bonnet on the machine that keeps wood from being thrown out. Mr. Robertson added there is no opening on the machine except for when the product is taken up the conveyor belt. It would take something very large to be forced through the steel and thrown out. Mr. Holtegel asked how long Mr. Brown had the machine and was told 5 years. Nothing has ever been thrown from the machine during this period. Mr. Brown explained the exhaust faces the river to reduce the noise level. He hired someone with another machine come in to grind the larger logs that were on the property. The chippers that are taken to the various job sites are 18" and once the wood is chipped, the chips are brought back to the River Road facility to be put through the tub grinder and processed into mulch. Mr. Brown has been dumping wood chips at this property for 15 years.

Deborah Rhees asked how many truck go in and out of this site on a daily basis. Mr. Brown stated he has two tree crews which come and go maybe once or twice a day. Total trips might increase to 10 or 12 during peak season. Ms. Rhees asked the hours of operation and was told 7:30 a.m. until 4:30 or 5:00 p.m.

Mr. Hassler asked Mr. Brown if he anticipated increasing the size of his operation if this is approved. Mr. Brown stated he did not; he actually has deleted the mulch piles through the years. The older material is gone and the material being hauled in now is turned around quickly. What he hauls in throughout the year is gone by the end of the year.

Mr. Brown was asked when the mulching operation starts and the Commission was told depending on weather, it could be January, possibly February. Water is needed for the process so it has to be warm enough. Grinding might cease in May or June.

Mr. Lepsky asked how often grinding occurs and was told 1 or 2 days a week, 3 – 4 hours at a time. It's a high maintenance machine so it is worked on more than it is run. The blades for the machine are swing blades, not hammer blades. If a blade would happen to break, it would be taken up the conveyor belt and dropped into the mulch pile. Diana Bailey asked if the machine is operable with the lid open and was told it is not.

Tim Bachman asked if any permits were needed from the EPA or NPDES since this operation is over an aquifer. Mr. Robertson responded they have not gotten any permits. The materials the dye is made of are all natural materials and are not a threat. He offered to address this further with the EPA if the Commission desired.

Scott Lepsky asked about the fire that occurred recently. Mr. Brown stated it started on Christmas Eve. The Fire Department was consulted and Mr. Brown was told how to take care of it. He believed it was out but it would smolder and reignite. It lasted for about 2 weeks but was not continuous. When it started smoldering, they addressed it.

Mr. Tim Baker, adjacent property owner, addressed the Commission regarding safety concerns he has with the tub grinder and this operation occurring on a lot that is 188' wide between two residential homes. He can't let his children play outside when the grinder is running. Mr. Baker spoke with Mrs. Oberson and was told that an arm broke off of the tub grinder and ended up in the Oberson's yard. The large pile of chips gets very hot and can catch fire. Mr. Baker stated that his leech lines have been crushed due to Mr. Brown's equipment running over them.

Mr. Baker submitted pictures showing dust generated from the truck traffic, damage to his property from truck ruts and trash that gets thrown/blown onto his property from the Brown property.

Susan Sauerwein, 4185 Bedford Dr., submitted pictures she took of the Brown property and the Hamilton mulch pile. The mulch smells, it is not the Hamilton lagoons. The site generates soot and dust which accumulates on her siding and windows. Planting trees along River Road could cause a sight problem for trucks entering and leaving the property. Ms. Sauerwein asked that the property not be rezoned since it is in a residential neighborhood.

Mr. Robertson stated that a lot of the issues that Mr. Baker has dealt with the road that Mr. Brown used but was on the Baker property. If the new driveway is paved and trees are planted along the Brown/Baker property line, most of the issues will be alleviated. The loader and several of the trucks shown in Mr. Baker's photos belong to Mr. Oberson.

Deborah Rhees asked if the bonnet for the grinder was new. Mr. Brown replied it is factory made. The only modification made to it was the addition of rubber mats that were extended down further. Mr. Brown added he was not aware of anything flying into Oberson's yard. The grinder has to be perfectly balanced to operate. The chippers however will throw things. Since the material fed through the grinder has already been chipped, the danger of operating the grinder is reduced. OSHA has inspected the operation and is happy with the protective gear the employees wear.

Mr. Robertson offered to check with the EPA regarding the dye being used. He stated they could also increase the size of the trees used as a screen and add additional paving to reduce the dust. They would like to continue operation since it has gone on for some time here and work with the neighbors. They feel this use is similar to Obersons and most everyone that goes by does not even know the operation exists down there. With extra effort, they can continue to keep it operating and still remain isolated.

Don Hassler asked if a Cut/Fill Permit would be needed for the gravel mining. Mr. Bachman responded it depends on the quantity be removed. Jeff Holtegel asked if the equipment is permitted there under A-1 zoning. Tim Bachman said no, it is his opinion this is manufacturing, not foresting. A lot of items have been discussed – floodway/flood zone, well water coming from Obersons, operation over the aquifer, etc. Is it acceptable to rezone this property to P.U.D. similar to what was done for Mr. Oberson. A lot of Mr. Oberson's property remains in A-1 and is used for tree farming which is permitted.

Scott Lepsky asked if this use is applicable for a P.U.D. John Clemmons stated we have several commercial planned unit developments in the city. What needs to be decided is whether or not this is an acceptable use for this area. As far as the dye, it isn't an issue. Dyed mulch is used all over the place.

Ms. Sauerwein stated she does not have a problem with the Oberson P.U.D. He is growing trees and the business is environmentally friendly. She is not sure how many residential areas in the city would appreciate having an operation like this put in their neighborhood.

Jeff Holtegel, seconded by Don Hassler, made a motion to recommend denial of the River Road Planned Unit Development on part lot 12.

Motion carried 6 – 0.

Comprehensive Plan Update

The Commission decided to review this item at their next scheduled meeting on May 27, 2009.

Being no further business, Scott Lepsky, seconded by Deborah Rhees, made a motion to adjourn which passed unanimously.

Jerry L. Dailey, Chairman

Peggy Flaig, Clerk