

## **Millcreek Township Zoning Commission**

### **Public Hearing Minutes**

**Tuesday, December 15, 2020 7:00 pm**

**DATE & TIME:** Tuesday, December 15, 2020 at 7:00 pm.

**LOCATION:** Millcreek Township Hall, 10420 Watkins Road, Marysville, OH 43040

**CALL TO ORDER:** Chair called the hearing to order at 7:03 pm.

**ROLL CALL:** The Acting Zoning Clerk, Eryn Staats, called the roll.

**Present:**

Joni Orders, Chair  
Jim Lawrenz

Kevin Bryant  
Eryn Staats

Tim Belmonte  
Ron Todd, Zoning Administrator (FaceTime)

**Absent:**

Freeman Troyer

**Trustees:**

Keith Conroy

David Long

**Applicant(s) Present:**

Kevin Cooperrider

Paul Rice

**Public Present:**

Cindy Kuhn  
Robert Rea  
Jim Willits

Gary Conklin  
Ron Kuhn  
Theresa Rea  
Jan Willits

Doug Loudenslager  
Jeff Pieper  
Jeremy Smith

**HEARING PURPOSE AND RULES:**

Eryn Staats read Public Notice of the meeting.

Chair, Joni Orders, reviewed the agenda and flow of the presentation and time will be allotted for questions. All present must observe the rules of order and masks remain on while speaking inside the building.

Please wait to be addressed by the Chair before speaking and allow time for all that wish to speak to speak.

**APPLICANT PRESENTATION:**

*(Projections of Maps – Attachments provided and attached)*

Applicants: Paul Rice and Kevin Cooperider representing Shelly Corp. presented their application and supporting materials to request approval to rezone 35 acres from U-1 to EQ district.

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Kevin Cooperider noted the 35 acres is located within the "MA3" (Exhibit A). The presentation showed how the applicant plans to utilize the land to continue mining operations of material suitable for current market demands of home building and Ohio Department of Transportation for roadway construction. The last application for rezoning 50 acres was in 2017 (MA2 – Exhibit A) and as part of that Shelly constructed two tunnels under Jerome Rd to allow access between MA1 and MA2.

- There will be a new site ingress/egress for moving machinery and emergency access onto Watkins Road. It will be graded and gated as is a similar gate on Jerome Road.
- They will continue add sound/sight barriers per Code and as required for mining expansion.
- There will be a temporary road access that will be put back at the end. It currently renews every 6 months through the Union County Engineer's office.
- Plant to continue to send out pre-blast notices 24-48 hours prior via email to those that have requested. Their blasting times are conducted about once per week, Monday–Friday 11am – 3pm.
  - If anyone wishes to be added to the notification process, please contact Shelly Materials.
- As per the Zoning Resolution for EQ, Shelly Corp has installed three water monitoring wells around the Ostrander site. The water monitoring contractor, Eagon & Associates sends a quarterly report to the Township. No additional wells are required at this time for the expansion.
  - Based upon issues raised by neighbors to Shelly within the last three years they have replaced three residents' wells: 1. East across from electric, 2. Next property over (contacted and fixed within 3 to 4 days and 3. Conklin Farm.
- Cross-section diagram was shown as Thompson Property Cross-Section is representative
  - 872 feet depth of current mining and elevation is 975 ft off roads.
- Pump storm water only. A sump that pumps multiple times before being pumped out to Millcreek.
- 10ft safety bench and 15ft high berms. 3:1 slope with highest point at 23 ft but can be up to 30 ft. These will be dozed into the pit eventually.
- MA2: Is EQ and began mining expansion in the early 2000's and continues to present day with approximately 15 acres from 2017 left to turn into mining. Today's application represents an expansion into MA3. Within MA1 area they have 2 scales for inbound/outbound traffic, the rock processing plants, and an equipment shop. There is some limited mining in MA1, but not much.
- Shelly has been good neighbor through creating the soccer fields used by local travel soccer teams Elite FC and FC42. Mr. Cooperrider is most proud of the 100-acre wildlife site with ponds and wetlands where Shelly has welcomed local boy scout troops, and school groups from Fairbanks and Buckeye Valley.

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#### **CITIZEN QUESTION & COMMENTS:**

Q1: Robert Rea: Where do you send the blasting reports? Federal government? State government? County government?

A1: Kevin Cooperrider stated they are well below all monitoring levels. Overcast days can make it appear louder. He believes 28 inch/.3 sec for ground vibration.

A2: Mr. Rice stated he believes copies of all the reports also go to the County Engineer's office.

Q2: Robert Rea: Why is Shelly Corp moving towards Rt 42 now and not backwards?

A1: Kevin Cooperider stated it is because of the geology. They found unexpected large clay voids and low-quality rock that would not allow use for road building. The new area it is showing to have thin overburden with a deep deposit.

Q3: Jim Willets: How long should this current request last for your needs?

A1: Kevin Cooperider stated with today's demand, it would probably last 3-4 years.

Q4: Jim Willets: The three wells that were dug – what depth? A1: Kevin Cooperider thinks 200 feet.

Mr. Rea stated he is concerned with the impact on his property's value with the quarry expanding in this direction.

Q5: Jeff Piper: Stated he is concerned about the truck traffic and how the trucks do not obey the stop signs and many other traffic laws within the Township.

A1: Kevin Cooperider stated ODOT continues to look at and plan work for improving US 42. He agreed adding a light at Jerome Rd and 42 would be helpful.

Q6: Joni Orders: Asked if Shelly has currently, or could possibly post signage reminding trucks leaving Shelly property to have traffic courtesy and safety in mind?

A1: Mr. Rice they could possibly investigate signs. They always remind them to obey traffic laws and to tarp their loads.

Q7: Tim Belmonte: Does Shelly currently hold any more rights to purchase property that have not been exercised?

A1: Kevin Cooperider stated no more options. Shelly owns all the areas inside the yellow lines on the Exhibit A map.

Q8: Robert Rea: What will be done to the pit after they complete all work? Will it be turned back to the township?

A1: Kevin Cooperider gave example of Hilliard site and stated they can engineer a planned area for completion.

A2: Mr. Rice gave examples from Western Ohio/Indiana of planned developed area with lakes.

Joni Orders explained to Mr. Rea that the EQ language and the State require reclamation plans. One goal of developing and implementing the EQ language was to provide many more safeguards for the Township regarding the use of lands before, during and after quarry use. There are definite requirements of what Shelly must do for the reclamation phase. Mr. Rice confirmed and stated his firm belief that Shelly has lived up to the standards that have been set. If blasting is a concern, Mr. Rice offered to send the seismic study for any citizen that would like to have a copy.

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Q9: Doug Loudenslager – Owner of Evolution Ag addressed the group in opposition of the rezoning:

1. Increased road hazards for drivers around the Quarry.
  - a. Watkins/Jerome Rd is a constant battle against dirt/debris/mud from the trucks. Shelly makes a great effort but not enough with the traffic area every day.
  - b. Rain or snow creates adds hazard to the debris with people sliding through the intersection on a regular basis.
2. Tunnels: The temporary entrance on Jerome Rd at the curve was to be used while building for a period nine months. It continues to be used three years later. There is a gate and is locked but there is a safety concern with trucks and equipment pulling onto Jerome at that curve.
3. Jerome/Rt 42 traffic intersection.
  - a. Searching ODOT records, he found it has had 1 fatal accident, 15 accidents and 1 semi-tractor in Evolution Ag's pond.
  - b. The trucks do not use the traffic light at Watkins/Rt 42 which would be a safer route.
  - c. He believes the ODOT plans to widen of Rt 42 will help with some of the above.
4. It is difficult for employees, customers, and suppliers to access Evolution Ag. They advise accessing the business via driving north on Rt. 42 to Watkins Rd light and then another left turn to Jerome.
5. Purchased this land in expectation of continued development of a business district within the Township at this intersection. He has serious concerns if there is quarry on all 4 sides around this business and no other commercial/retail is developed. He referenced pg. 73 of the Millcreek Township Land Use & Growth Comprehensive Plan regarding the East Planning Area.

Mr. Rice stated the Logan-Union-Champaign County Regional Planning Commission has reviewed the application against the Zoning Resolution and the Comprehensive plan and they recommended this rezoning request.

Kevin Cooperider stated Shelly owns 180 acres to Rt. 42, but it is not zoned EQ at this time.

Q10: Mr. Gary Conklin asked to speak in favor of the rezoning request.

1. He stated that ODOT has approved installation of turn lanes and traffic light on Jerome Rd/Rt 42 about a month ago. *(this has not been confirmed by anyone from the Township.)*
2. Developers came to his property with interest but the need for installation of sanitary sewer lines. They found the overburden in that area was only two feet deep so it would be cost prohibitive to develop his property.
3. Shelly has done everything EQ/Zoning has asked of them and he supports their request.

Q11: Mr. Rea asked why isn't Shelly going further south, over 42 instead of continuing east?

A1: Mr. Rice stated Shelly has no plans at this time for areas other than the requested area. Mr. Rea stated his concern about how fast they are going through land. He stated he bought land in 1997, built in 2004 but was not told about the rezoning at that time. Ms. Orders confirmed there was a public notice given for all hearings and meetings to draft EQ language as well as the subsequent rezoning requests.

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### **ZONING COMMISSION QUESTION & COMMENT:**

Q1: Jim Lawrenz: Stated his concerns with the reclamation plan showing the 33-degree berms can be dropped to 25 ft and the difficulty to maintain and mow at that steepness.

A1: Kevin Cooperrider stated federal and state mining regulations mandate the 3:1 ratio.

Jim Lawrenz questioned if Shelly could do a lesser ratio or add fencing?

A2: Mr. Rice – already have some at those angles and they are already maintained with no problem.

Q2: Tim Belmonte: Is the MA3 expansion meant to increase output capability and therefore increase the amount of truck traffic?

A1: Kevin Cooperrider stated per EQ requirements, this is for continued operations into the near future and long-term. Because the main mining area will move to MA3 and drop off in MA1/MA2 so there will be no increase of truck traffic.

Mr. Belmonte: How fast will more land be needed?

A1: Mr. Cooperrider stated about three years like this time. This is the same speed as national averages according to market demand. The demand continues to build year over year so therefore they are requesting additional land. Other EQ rezoning in 2004, 2008, 2016 and 2017. The longer gap was because the economy shrunk and so did the demand. The 2016 / 2017 was because of the low-quality rock found.

Q4: Jim Lawrenz: Does berm need to be on inside of permitted area?

A1: Mr. Rice stated needs to be on property, but mound can be closer to property line.

Q5: Eryn Staats: Do you monitor the loudness of the sound? Yes.

Q6: Kevin Bryant: Do you monitor blasting? Yes. They do have seismograph by Thompson property and substation on the property.

Q7: Jim Lawrenz: How many and in what locations does Shelly have seismic readers?

A1: At Thompson house and Mr. Rice offered to do readings at his house as well. Kevin Bryant stated he also felt it at his house recently. Mr. Rice offered to install a reader at his house as well.

Mr. Loudenslager stated he has not seen any published data on the seismic readings, but he has not asked for it either. Whatever the blasting levels are, they shake significantly at his business.

Q8: Mr. Lawrenz: Asked if the applicant provided proof of bonding and increase in correlation to the requested area for reclamation. Ms. Orders referenced the Exhibit. Mr. Rice stated it is in place and is at ODNR. Mr. Lawrenz followed up with a question if the testing lab and other such buildings be left at reclamation. Kevin Cooperider stated no they will be removed.

Q9: Mr. Lawrenz stated he is also concerned with the Jerome Rd. curve and debris. Can it be cleaned more often? A1: Kevin at Shelly stated yes, they can clean it more often.

Ms. Orders explained all rezoning requests are required to be submitted and reviewed by the Logan-Union-Champaign County Regional Planning Commission. She provided the Staff Report from LUC showing the review and approval.

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Ms. Orders read Mr. Todd's Zoning Administrator Staff Summary and noted there were recommendations:

1. Pre-blast surveys/notification need to be identified prior to hearing even though the surveys come after approval and prior to beginning quarrying. See attached for more complete information.

Ms. Orders referenced the applicant to review the 2017 Land-Use Growth Plan Update and augment the application with a map of the East Planning area from that document showing the proposed site overlaid and reviewing compliance with the Land Use Growth Plan.

Jim Lawrenz and Kevin Bryant expressed concern about temporary roads, gate, and safety access if something went wrong in the tunnels. Ms. Orders recommended it would be helpful to provide agreement with county engineer to verify regular maintenance.

### **ZONING COMMISSION DECISION:**

At the conclusion of questions and discussion, Ms. Orders thanked the community for coming out and participating and the Applicant, Shelly Materials Inc. for the presentation.

Mr. Bryant motioned to recommend to the Millcreek Township Trustees approval of the application to rezone 35 acres from U-1 to EQ as indicated on the map and other supporting documentation. Ms. Staats seconded the motion.

The Chair requested a roll call vote. Ms. Staats called the roll:

Jim Lawrenz: Yea with concerns noted of reclamation plan and overall safety  
Kevin Bryant: Yea  
Eryn Staats: Yea  
Joni Orders: Yea  
Tim Belmonte: Nay

Ms. Orders announced the motion had passed and explained the application will now be delivered to the Township Trustees who will set a public hearing to consider the application as well as recommendations from LUC and Zoning Commission within the next 30-40 days.

Ms. Orders adjourned the public hearing at 8:50 pm.

### **PREPARED BY:**

Eryn Staats, Acting Zoning Clerk

Date

### **APPROVED:**

Joni Orders, Chair

Date