

Planning & Zoning Meeting
Logan County Safety Complex
December 5, 2012

Present: David Hepler; Robert Farmer; Bill Martin; Jan Schumacher; Chuck Ruben; Andy Meister

Absent:

Guests: Will D'Andrea; Derek Hurley; Douglas Muck

Mr. Hepler called the meeting to order at 6:30 pm.

A motion was made by Mr. Farmer, seconded by Mr. Martin, to approve the minutes from the November 7, 2012 meeting as printed. Motion passed.

Old Business:

- 1) Enforcement status of past violations: Mr. D'Andrea reported these are all being handled by Don Cavi. He had no further updates. Mr. Hepler reported no follow-up had been received from the previous State's Attorney. Mr. Hepler will ask Mr. Cavi for an update for the January meeting.
- 2) Quarry re-zoning: Mr. D'Andrea reported the ZBA meeting is scheduled for Monday, December 10th. The ZBA will provide their recommendation on the re-zoning petition and the resolution will come before the County Board on December 13th. The objectors have not responded to any of the requests for additional information and it is not clear when, or if, they will provide a response. Mr. Muck reported two Hanson representatives will appear at the ZBA meeting, as well as the two County Board meetings. They are very near to agreement on a contract. Power right-of-ways are having to be re-routed and that has caused a delay in the process in reaching an agreement. He is trying to coordinate all agreements between the power companies, the proposed wind farm and Hanson to facilitate the process. His pending mining agreement with Hanson requires protection of adequate water supply as well as addressing landscaping concerns. Mr. D'Andrea encouraged the Board to formulate a plan on handling discussion at the Board of Whole meeting. The Board is not obligated to hold an additional public hearing. There is no requirement to allow additional presentations by either party. Mr. Hepler suggested setting a time limit for each side to present a summary of their issue before turning the discussion over to the Board. Mr. Martin recommended an opinion be sought by the State's Attorney to ensure due process has been followed. Mr. D'Andrea explained that the ZBA has consistently made the deliberate decision to allow extensive discussion at multiple meetings to ensure that everyone has an opportunity to have their concerns heard. Mrs. Schumacher informed the committee that she would not be available at the Adjourned meeting for the official vote on this issue, as she will be attending her daughter's graduation with her Master's degree in West Virginia.

New Business:

- 1) Septic permit requirement under current zoning ordinance: Keith Hasprey had questioned why a septic permit is required in order to obtain a building permit. He also questioned the need for a one-year expiration. Mr. D'Andrea agreed the septic permit is required and believes it is necessary to ensure adequate septic is provided before any construction can begin. Mr. Martin agreed this is crucial since Logan County doesn't have occupancy permits. The expiration of the septic permit is directed by the Board of Health and they would charge another fee to issue or extend the permit. Mr. D'Andrea indicated the building permit requires construction begin within 90 days or it expires. The fee to re-issue could potentially be waived with the approval of this committee, if nothing in the original proposal had changed.

Zoning Officer's Report: Mr. D'Andrea reported there were recently massive changes to the Enterprise Zone program. He recently attended a meeting addressing those changes. The new bill is over 200 pages

long and re-legislates the program. The entire landscape of the program has changed. He plans to meet with the Mayor of Lincoln, the Development Partnership and the County to share the changes and requirements of the new program. The current zone will expire in 2016 instead of 2017, unless re-authorization is approved. If it does expire, all of the benefits associated with the zone would also be eliminated as well. This would include property tax abatements. It doesn't appear there would be any grandfathering clause. It was recommended application be made in 2014 requesting re-authorization to allow sufficient time for review. The process is much more competitive than the previous program. Nothing further to report.

Public comments: None

Communications: None

A motion was made by Mr. Martin, seconded by Mr. Farmer, to approve the bills. Motion passed.

A motion was made by Mrs. Schumacher, seconded by Mr. Farmer, to adjourn the meeting. Motion passed. Meeting ended at 7:17 pm.