

DEVELOPMENTAL CONTROLS COMMITTEE

June 7, 2011

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, June 7, 2011 at 3:00 p.m.** in the Conference Room of the Commission office located at 130 West North Street, Lima, Ohio.

The agenda was as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of DCC Minutes – March 29, 2011
4. Review Sugar Creek Township Variance Petition (SC-V01-11)
5. Status Update – FEMA Cooperative Partnership Mapping Project
6. Other
7. Adjournment

A quorum being present, Bruce Plumb brought the meeting to order and proceeded with the agenda.

1. **ROLL CALL**

Mr. Paul Basinger	American Township
Mr. John MacDonell	City of Lima
Mr. Bruce Plumb	City of Lima
Mr. Dan Reiff	Allen County
Mr. Walter Rysz	Richland Township
Mr. Jesse Sadiua	City of Lima

GUESTS

Mr. Douglass Degen	Allen County Engineer's Office
Mr. Ron Meyer	Allen County Engineer's Office
Mr. Dale Vandemark	Vandemark Esq.

STAFF

Mr. Thomas Mazur	Lima-Allen County Regional Planning Commission
Ms. Lisa Steffen	Lima-Allen County Regional Planning Commission

2. **APPROVAL OF AGENDA**

Motion 17 (6-7-11) DCC

John MacDonell made the motion that the agenda be approved. Seconded by Paul Basinger; motion carried.

3. **APPROVAL OF DCC MINUTES – March 29, 2011**

Motion 18 (6-7-11) DCC

John MacDonell made the motion that the DCC minutes of March 29, 2011 be approved. Seconded by Paul Basinger; motion carried.

4. REVIEW SUGAR CREEK TOWNSHIP VARIANCE PETITION (SC-V01-11)

Thomas Mazur reported that the petitioner seeks to divide a 3.594 acre parcel of land from a 19.17 acre parcel in Section 20 of Sugar Creek Township. The proposed parcel is subject to flooding and has been identified as a high hazard area as depicted in FEMA Community Panel Map #390758-0038B. Thomas Mazur reported that the variance petition stems from the need to address Section 102 of the Allen County Subdivision Regulations which stipulates that the subdivision of land shall not be permitted unless the parcel can be used safely for building purposes and Section 105 which acknowledges the most restrictive elements of other rules and regulations including the Allen County Floodplain Management Regulations and those of the Allen County Health Department. The Allen County Health Department acknowledges the site as flood prone and has declined to issue an approval of the parcel as a buildable lot. Thomas Mazur reported that staff acknowledges that preliminary discussions were held with representatives of Yocum Realty regarding the sale of the parcel in question. However, the discussions were conducted in a manner with no specificity as to the number of parcels, their location or their sizes and with the caveat of meeting the Allen County Health Department rules and regulations as well as the subdivision and floodplain regulations. Thomas Mazur reported that Section 304 of the Allen County Subdivision Regulations allows for an exempted land division only if the parcel is more than 5.0 acres. And, while the parcel is not over 5.0 acres in size, Section 304.1.4 of the same regulations stipulate specific deed restriction language to be placed on such parcel limiting the use to agricultural use. Thomas Mazur reported that Dale Vandemark proposed using the Allen County agricultural exemption language as a deed restriction which staff suggests would suffice to keep the parcel out of the realm of any possible future residential or commercial development. Thomas Mazur reported that staff accepts the petitioner's rationale for the variance as eliminating large farm machinery from utilizing streets within the Village of Gomer in order to access a 69.51 acre agricultural parcel owned by Richard & Donna Arthur. Staff suggests that Section 304.1.4 possesses adequate language to secure and protect the public's interest and prevent any development of the parcel. Thomas Mazur reported that staff recommends the approval of variance SC-V01-11 as presented. Dale Vandemark commented that the area depicted in the map provided is unique in that on the east side is the Village of Gomer and on the west side is a house and buildings which is part of the original tract. Dale Vandemark reported that they had initially looked at trying to expand the parcel to 5.0 acres which would go directly through the house; that parcel and the rest to the west is under contract to another party. Dale Vandemark commented that the parcel cannot be made any bigger to try to comply with the agricultural exemption because it is a non buildable lot because it is in a floodplain. Dale Vandemark commented that the deed restriction clearly states that the parcel will be used for farming purposes only and cannot be used as a buildable lot. Dale Vandemark reported that Mr. Jostpile intends to use the parcel as farm ground.

Motion 19 (6-7-11) DCC

Dan Reiff made the motion to approve SC-V01-11. Seconded by John MacDonell; motion carried.

5. STATUS UPDATE – FEMA COOPERATIVE PARTNERSHIP MAPPING PROJECT

Thomas Mazur reported that late last month staff received notification that FEMA is in the process of formalizing the Hydraulic & Hydrologic (H&H) engineering analyses as part of the FEMA Map Modernization process. Thomas Mazur handed out a packet detailing the results of the studies. Thomas Mazur reported that the Ottawa River Watershed has been reassessed with new and old H&H studies utilized. FEMA has been posting the new base flood elevations. Thomas Mazur reported that staff has not received base flood information related to the Auglaize River and Blanchard River which will complete the County's

5. STATUS UPDATE – FEMA COOPERATIVE PARTNERSHIP MAPPING PROJECT
(Continued)

watersheds. Thomas Mazur reported that FEMA has gone through the public notification process. We now have 90 days from the publication date to formally appeal any outstanding issues. Thomas Mazur reported that staff has sent pdf files of all of the properties that we have any dissatisfaction or questions with. All of the political subdivisions, excluding Ft. Shawnee and Spencerville, have been met with and all of the individual maps have been reviewed. Staff requested specific locations from each political subdivision where they experience flooding issues. Thomas Mazur reported that staff has also met with Douglass Degen and Nathan Davis of the Allen County Engineer's Office to review the maps with respect to drainage issues. Thomas Mazur reported that we do have the base maps for Allen County; these maps will most likely change and be superseded by the next set of maps generated by the pending Auglaize and Blanchard H&H studies.

Thomas Mazur presented Committee members with a draft set of Floodplain Management Regulations; the current regulations date back to 1979. Thomas Mazur reported that drafts were prepared and reviewed with the Board back in 2001 and 2004; the draft was tabled in 2004. Thomas Mazur reported that there are new BFE's and we now have no choice but to adopt new Floodplain Management Regulations. Thomas Mazur reported that the regulations must be reviewed and approved by both FEMA and ODNR. Thomas Mazur reviewed the proposed draft page by page with sections highlighted for discussion purposes and reported that there are three studies that are going to be coming back and Section 1.6 of the draft regulations outlines these studies. In the Appendix of the document page 28 there are a list of studies that have already been done and may or may not have been used by FEMA when calculating the base flood elevations for a number of technical reasons. Thomas Mazur reported that we are reserving the right to go back to these old studies and issue permits based in part on the data contained therein. Dan Reiff questioned if we are going to issue permits based on the old data even though FEMA is telling us they are not correct or complete. Thomas Mazur responded that FEMA is saying they are not fully complete. Douglass Degen commented that we still have the option to use best available information, including personal knowledge. Jesse Sadiua questioned how a judgment call would be made in that situation. Thomas Mazur responded that it would be based on the person's individual knowledge, credibility and relationship to the property. Douglass Degen commented that the individual may have to perform their own H&H study and prove that what they are claiming is true. Ron Meyer questioned if the information provided in the table in the appendix is still in 29 datum. Thomas Mazur responded that some are and some aren't. Douglass Degen commented that it would be a good idea to add a column to the table regarding datum. Thomas Mazur commented that staff would add a column with this information. Thomas Mazur reported that in Section 2 there is a classification of flood insurance risk zones. Thomas Mazur commented that previously the feds wanted to change from a 100 year floodplain to a 500 year floodplain. A 100 year floodplain means that there is a 1.0 percent chance of a property flooding each and every year. A 500 year floodplain makes it a 0.2 percent chance. Thomas Mazur reported that this would have increased our costs by \$150,000 and not provide us with much benefit. Thomas Mazur reported that the Flood Insurance Risk Zones will change based on the three studies received. Thomas Mazur reported that the effective date of maps will be added to the document once it is known. Thomas Mazur reported that page 11 discusses the floodplain development permit application. The fee has been changed from \$450 to \$100. Thomas Mazur reported that we do not want to penalize the individuals for coming forward and saying what they want to do. Jesse Sadiua questioned what the \$450 was spent on. Thomas Mazur responded that it included all of the field visits, topographic mapping, the paperwork associated with the Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR) processes, etc. Thomas Mazur reported that page 18 refers to the AO zone and if there is no AO zone we will simply

5. **STATUS UPDATE – FEMA COOPERATIVE PARTNERSHIP MAPPING PROJECT**
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take that section out. Thomas Mazur reported that the appendices will include a new variance form, an application form and an elevation certificate. Thomas Mazur reported that ODNR is currently reviewing the Floodplain Management Regulations.

Motion 20 (6-7-11) DCC

Dan Reiff made the motion to accept the Draft Floodplain Management Regulations with the revisions to the elevation data. Seconded by Jesse Sadiua; motion carried.

6. **OTHER**

None.

7. **ADJOURNMENT**

Motion 21 (6-7-11) DCC

John MacDonell made the motion that the meeting be adjourned. Seconded by Paul Basinger; motion carried.