PLANNING COMMISSION AGENDA
CITY OF PIQUA, OHIO
6:00 P.M. - TUESDAY, SEPTEMBER 12, 2017
MUNICIPAL GOVERNMENT COMPLEX
COMMISSION CHAMBERS - 201 W. WATER STREET

CALL TO ORDER
1. Chair Comments  Opening Remarks
2. Roll Call  Clerk Calls the Roll

OLD BUSINESS
3. Meeting Minutes  Minutes of July 11, 2017

NEW BUSINESS
4. Resolution PC 16-17  A Resolution to consider a request to change the zoning designation of a part of Inlot 7829 situated near Seidel Parkway and Laura Drive
5. Resolution PC 17-17  A Resolution to consider a request to authorize the dedication of public right of way for Staunton Street
6. Resolution PC 18-17  A Resolution to consider a request to authorize the dedication of public right of way for Covington Avenue
7. Resolution PC 19-17  A Resolution to consider a request to authorize a rock crushing special use of 111.576 acre tract of land situated near Piqua-Troy Road and Wyndham Way

OTHER BUSINESS
8. Parks Master Plan  Open public comment period for Parks Master Plan final draft

ADJOURNMENT
CALL TO ORDER

1. Chair Comments Opening Remarks

Chairman Oda outlined the meeting procedures that will be followed by the Planning Commission.

2. Roll Call Clerk Calls the Roll

Present: Mr. Oda, Mr. Koenig, Mr. Shear, Mr. Spoltman, Mrs. Pearson

Absent: None

OLD BUSINESS

3. Meeting Minutes June 13, 2017 Meeting Minutes

Motion to approve minutes as stated.

Motion: Pearson

Second: Shear

Voice Vote: 5-0

The minutes were approved.

NEW BUSINESS

4. Resolution PC 15-17 A Resolution to consider the Vacation of portion of platted public right of way and certain platted lots, known as Wilshire Drive, Wapita Court, and Inlots 8111-8126
Staff Comments:
Mr. Schmiesing explained that the right of way and lots in question were platted prior to a subsequent revision to the preliminary plat for subdivision. The right of way and lots were never developed and the purpose of this request is to vacate the previously platted right of way and lot configurations to allow for the area to be platted in accordance with the revised preliminary plat plan. City Commission has declared their intent to vacate the subject right of way and the public hearing has been advertised in accordance with the City Charter and the item is now being presented to the Planning Commission for a recommendation.

Public Comment
No one present to speak on the item.

Planning Commission members commented the item is very straightforward and acknowledged the need to vacate the right of way and lots to allow for replatting in accordance with the revised preliminary plat for the subdivision.

Mr. Oda noted the item satisfies the standards to be considered as noted in the resolution.

Motion: Splotman
Second: Pearson
Roll Call Vote: 5-0

Aye; Oda, Shear, Spoltman, Pearson and Koenig
Nay; None

A motion to recommend the adoption of PC 15-17 was approved by a unanimous vote.

OTHER

Mr. Schmiesing provided an information pamphlet and summary report regarding the trail usage and highlighted the economic and quality of life impact of the trail system.

ADJOURNMENT

The meeting was adjourned at 6:10 P.M.
RESOLUTION No. PC 16-17

WHEREAS, Andy Monnin, has submitted a request to change the zoning designation of a part of Inlot 7829 from OS (Open Space) to R-3 (Multi-Family Residential); and,

WHEREAS, Section 154.141 of the City of Piqua Code of Ordinances provides the procedure for authorizing a zoning amendment, including holding a public hearing and making a determination regarding the effect of the proposed zoning change upon the surrounding neighborhood, the comprehensive plan of the city, other planning documents, the community as a whole, and other matters relating to the public health, safety, and general welfare; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established findings that indicate the proposed zoning designation:

☐ Will be compatible with the intended use of the real property.

☐ Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.

☐ Is compatible with the general economic development policies of the City.

☐ Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member __________ hereby moves to recommend __________ of the request made, as described by this resolution, the testimony provided, and the documents included herewith, and the motion is seconded by board member __________, and the voting record on this motion is hereby recorded as follows.

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CITY OF PIQUA, OHIO

Application for Zoning Change

1. Applicant’s Name: Andy Mongin                      Phone: 937-778-8822
   Applicant’s Address: 8805 N. Crestview CT, Piqua, OH 45356
2. Owner’s Name: Upper Valley Community                  Phone: 937-778-8822
   Owner’s Address: 1400 Siedel Pkwy, Piqua, OH 45356
3. Type of legal interest held by applicant: President of Corporation; Lead Pastor
4. Location of Rezoning request:
   A. Legal description (Inlot No. or attach legal description): 7829 (Description Attached)
   B. Address: ___________________________________________________________________
5. Existing zoning: OS - Open Space
6. Existing usage: Farm Land
7. Proposed zoning: R-3 Multi Family Residential
8. Proposed usage: Parking & Green Space
9. Is this "Request for Zoning" contingent upon annexation? Y   N   X
10. Describe the reason for the requested rezoning: The lot is being replatted and joined to our current property to allow for a parking lot expansion and green space.
11. Has a Rezoning Request for this location been made before? Y   N   X
    If yes, give date of previous application: ____________
12. No. of site plans submitted (16 required UNLESS waived): 16

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant: ___________________________ Date: 9-20-12
Signature of Owner: ___________________________ Date: 7-20-12

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

* * * * * * * * * * * * * * * * * OFFICE USE ONLY * * * * * * * * * * * * * * * * *

$50.00 Fee paid ___________ Date fee paid ___________
Receipt no. _______________ P.C. Res. no. _______________
Legal Description
City of Piqua
Part of Inlot 7829
2.281 Acres

Situate in the City of Piqua, Miami County, Ohio and being part of Inlot 7829, as shown by survey filed in Volume No. 58, Page No. 23 of the Miami County Engineer's Record of Land Surveys and being more particularly described as follows:

Commencing at an Iron Pipe found at the Northeast corner of Inlot 7829 and being at the point of beginning of the tract herein described;

Thence South 04 degrees 51 minutes 00 seconds West with the east line of Inlot 7829 for a distance of 68.35 feet to an Iron Pin found;

Thence South 04 degrees 41 minutes 22 seconds West with the east line of Inlot 7829 for a distance of 73.65 feet to an Iron Pin set;

Thence North 85 degrees 24 minutes 00 seconds West for a distance of 721.16 feet to an Iron Pin set on the Interstate right-of-way line;

Thence North 21 degrees 35 minutes 40 seconds East with the Interstate right-of-way line for a distance of 148.48 feet to an Iron Pin found on the north line of Inlot 7829;

Thence South 85 degrees 24 minutes 00 seconds East with the north line of Inlot 7829 for a distance of 678.17 feet to the Iron Pin found at the point of beginning, containing 2.281 Acres and being subject to all highways, easements, and restrictions of record.

The above description was prepared by Thomas R. Zechman, Ohio Registered Surveyor No. 7077.

DESCRIPTION APPROVED
MIAMI COUNTY ENGINEER
BY DA DATE 7-14-2017
CLOSING STATEMENT

SELLER

John S. Garbry

PURCHASER

The Upper Valley Community Church of the Nazarene, Inc.,
an Ohio Not for profit Corporation

DESCRIPTION OF TRANSACTION

Seller and Purchaser have entered into a Land Contract dated the 9th day of August 2016, for the sale and purchase of real property, consisting of 28.315 acres of vacant land for a total purchase price of $240,000.00. Seller desires to transfer a portion of the vacant land consisting of 2.281 acres to the Purchaser in partial satisfaction of the terms and conditions of the Land Contract and allocate $28,000.00 of the total purchase price for the 2.281 acre parcel.

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<th>Purchase Price allocated to 2.281 acres</th>
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<td>Purchaser’s closing expenses:</td>
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<tr>
<td>Deed preparation- Huffman, Landis, Weak &amp; Walters</td>
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<tr>
<td>Transfer Fee- Miami County Auditor</td>
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<td>Conveyance Fee- Miami County Auditor</td>
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<tr>
<td>Recording Fee- Miami County Recorder</td>
<td>$28.00</td>
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<td>Total</td>
<td>$234.50</td>
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SELLER

[Signature]
John S. Garbry

PURCHASER

The Upper Valley Community Church of the Nazarene, Inc.

By [Signature]

Its [Signature]
Resolution PC 16-17
Request to Change Zoning Designation

Rezone to R3

Quality of Place... Quality of Life
RESOLUTION No. PC 17-17

WHEREAS, City of Piqua, has submitted a request to authorize
the dedication of public right of way for Staunton Street; and,

WHEREAS, section 151.134 of the City of Piqua Code of
Ordinances provides the approval of a final plat; and,

WHEREAS, the Planning Commission has studied the request, conducted a
public hearing on the matter, and has established as fact that the proposed
use:

☐ Will be compatible with the stated intent of the
  zoning district.

☐ Will not threaten the general health, safety, and
  welfare of the surrounding properties, and the
  adjacent property values will not be negatively
  affected.

☐ Is compatible with the general economic development
  policies of the City.

☐ Conforms to all other applicable codes and regulations
  of the city.

NOW THEREFORE BE IT RESLED, board member _____________
hereby moves to ______________ the request made, as
described by this resolution, the testimony provided, and the
documents attached hereto, the motion is seconded by board member
______________, and the voting record on this motion is hereby
recorded as follows.

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DESCRIPTION


APPROVAL BY THE PIQUA CITY COMMISSION:

AT A MEETING OF THE CITY COMMISSION OF THE CITY OF PIQUA, THIS PLAT WAS APPROVED THIS DAY OF ___ BY ORDNANCE NO. ___.

MAYOR

CLERK

CITY OF PIQUA

THIS RECORD PLAT WAS REVIEWED AND APPROVED THIS ___ DAY OF ___, 2017.

CHRIS SCHMIDT

CITY PLANNER

CITY OF PIQUA

PLAT AUTHORIZATION AND DEDICATION


CITY OF PIQUA, CITY MANAGER

WITNESS

PRINTED NAME

WITNESS

STATE OF OHIO — COUNTY OF MIAMI SS.


NOTARY PUBLIC

PLAT AUTHORIZATION AND DEDICATION


CAP INDUSTRIES, INC.

WITNESS

PRINTED NAME

WITNESS

STATE OF OHIO — COUNTY OF MIAMI SS.


NOTARY PUBLIC
RESOLUTION No. PC 18-17

WHEREAS, Speedway LLC, has submitted a request to authorize the dedication of public right of way for Covington Avenue; and,

WHEREAS, section 151.134 of the City of Piqua Code of Ordinances provides the approval of a final plat; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the proposed use:

☐ Will be compatible with the stated intent of the zoning district.

☐ Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.

☐ Is compatible with the general economic development policies of the City.

☐ Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member ___________________________ hereby moves to ___________________________ the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member ___________________________, and the voting record on this motion is hereby recorded as follows.

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RESOLUTION No. PC 19-17

WHEREAS, Piqua Materials Inc., has submitted a request seeking authorization for a rock crushing special use of a 111.576 acre tract of land in a Heavy Industry I-2 zoning district situated near Piqua-Troy Road and Wyndham Way; and,

WHEREAS, section 154.140 of the City of Piqua Code of Ordinances provides the procedure for authorizing a special use, including holding a public hearing and making a determination regarding the effect of the proposed use upon the surrounding neighborhood, the comprehensive plan of the city, other planning documents, the community as a whole, and other matters relating to the public health, safety, and general welfare; and,

WHEREAS, the Planning Commission has studied the request, conducted a public hearing on the matter, and has established as fact that the proposed use:

☐ Will be compatible with the stated intent of the zoning district.

☐ Will not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.

☐ Is compatible with the general economic development policies of the City.

☐ Conforms to all other applicable codes and regulations of the city.

NOW THEREFORE BE IT RESOLVED, board member __________ hereby moves to __________ the request made, as described by this resolution, the testimony provided, and the documents attached hereto, the motion is seconded by board member __________, and the voting record on this motion is hereby recorded as follows.

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Mr. Jim Oda
Mrs. Cindy Pearson
Mr. Stu Shear
Mr. Gary Koenig
Mr. Mark Spoltman
CITY OF PIQUA, OHIO

Application for Special Use Permit

1. Applicant's Name: Piqua Materials, Inc. Phone: (937) 584-2486

   Applicant's Address: 11641 Mosteller Road, Cincinnati, Ohio 45241
   Scodan Investments, Limited Liability Company; and
   R. K. Hydro-Vac, Inc.

2. Owner's Name: Phone

   Owner's Address: 332 Wyndham Way, Piqua, OH 45356

3. Type of legal interest held by applicant: In Contract for the Purchase of Real Estate - See Limited Power of Attorney attached to Application for authority.

4. Location of Special Use Permit request

   A. Legal description (Inlot No. or attach legal description): See attached Application

   B. Address: Piqua Troy Road/ 322 Wyndham Way, Piqua, OH 45356

5. Existing zoning: I-2 Heavy Industrial

6. Existing usage: Industrial - vacant land

7. Proposed usage: Extraction, processing, and sale of limestone minerals. See attached Application.


10. Describe the reason for the requested special use:

    Expansion of existing limestone quarry. See attached Application for a more detailed description of the proposed use and explanation of the regulatory agencies involved.

I hereby certify that the proposed request is authorized by the "Owner of Record" and agree to conform to all applicable laws of the City of Piqua, Ohio.

Signature of Applicant: [Signature] Date: 8-3-17

Signature of Owner: [Signature] Date: 8-3-17

Note: Both the owner and the applicant shall sign when application is made by someone other than the owner.

* * * * * * * * * * * * * * * * * OFFICE USE ONLY * * * * * * * * * * * * * * * * *

$100.00 Fee Paid: ✓ Date Fee Paid: 8-4-2017 Check in the amount of $100 enclosed herewith.

Receipt No.: 190226 P.C. Res. No.:
PLANNING COMMISSION
CITY OF PIQUA
MIAMI COUNTY, OHIO

IN RE:
PIQUA MATERIALS, INC.
11641 Mosteller Road
Cincinnati, Ohio 45241

APPLICATION FOR SPECIAL USE PERMIT

Prepared by:
Brian P. Barger
EASTMAN & SMITH LTD.
100 E. Broad Street, Suite 2100
Columbus, Ohio 43215
Telephone: (614) 564-1445
Facsimile: (614) 280-1777
bpbarger@eastmansmith.com

Attorney for Piqua Materials, Inc.

Now comes Piqua Materials, Inc. (hereinafter "Piqua Materials"), by and through its attorneys, Eastman & Smith, Ltd., and pursuant to §154.140 of the City of Piqua, Ohio Code of Ordinances ("Ordinances"), does hereby submit the following material in support of its application for the extraction, processing, and sale of limestone minerals. The real property involved in this Application is comprised of the following (the "Subject Property"):

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<tr>
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<tr>
<td>N44-078074</td>
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1 The application, supplemental information, exhibits, reports, and other documents are collectively referred to as the "Application".
I. NAME, ADDRESS, AND PHONE NUMBER OF THE APPLICANT

The applicant is:

Piqua Materials, Inc.
11641 Mosteller Road
Cincinnati, Ohio 45241
Attn: Dennis Garrison
Telephone: (937) 584-2486
Facsimile: (937) 584-4044

Contact:

Brian P. Barger
EASTMAN & SMITH LTD.
100 E. Broad Street, Suite 2100
Columbus, Ohio 43215
Telephone: (614) 564-1445
Facsimile: (614) 280-1777
bpbarger@eastmansmith.com
Attorney for Piqua Materials, Inc.

II. SUBJECT PROPERTY OWNER

The Subject Property Owners are: Scodan Investments, Limited Liability Company and R. K. Hydro-Vac, Inc. A copy of a limited power of attorneys for purposes of this application are attached as Exhibit A.

The next two sections of the Application are intended to give background information about Piqua Materials, describe the proposed use, and provide an explanation of the numerous agencies that regulate the activity.

III. GENERAL BACKGROUND INFORMATION ABOUT PIQUA MATERIALS

Piqua Materials started mining limestone in 1865 to help supply limestone products for the Miami County, Ohio area. Shortly thereafter, Piqua Materials produced materials for the Miami Erie Canal, and was a major supplier of aggregate used in buildings and churches in and around
Piqua, Ohio. Today, Piqua Materials serves markets throughout Ohio and continues to produce high quality, find grind products commonly known as calcium carbonate fillers and agricultural lime. In addition, Piqua Materials produces quality construction aggregates that are used throughout the Miami Valley.

IV. DESCRIPTION OF THE PROPOSED USE

The Subject Property is currently zoned as I-2 Heavy Industrial District and contains limestone reserves. Building materials sale and storage is a principal permitted use in the Heavy Industrial District under §154.028(B)(d) of the Ordinances. Pursuant to §154.028 of the Ordinances, rock crushing is a special use in the I-2 Heavy Industrial District if a special use permit for the use has been obtained in conformance with the provisions of §154.140.

The Subject Property abuts the existing Piqua Materials limestone quarry operation. Piqua Materials desires to expand that operation and use the Subject Property for additional extraction, processing, and sale of limestone products (the “Proposed Use”). Altogether, the Proposed Use of the Subject Property will consist of: a pit from which limestone is mined; a processing operation which will include the crushing, screening and washing of limestone products to meet customer specifications; finished material stockpiles; a maintenance facility; sales and customer loading; and customer truck scales.

A proposed mining plan shown on the Site Plan is attached hereto as Exhibit B. As depicted, the mining will begin on the eastern portion of the Subject Property and proceed west across the Subject Property. As a general rule, approximately four and one-half (4.5) to five (5) acres of land, depending on geology and market demand, will be mined annually.

The mining process begins with the removal of overburden (the earth and other materials that cover a natural deposit of minerals) from the area to be mined in order to expose the rock
surface underneath. Typically, only a limited area will be "stripped" of its overburden at any one time. Part of the overburden material may be used for the construction of berms as required by ODNR.

Once the overburden is stripped, bore holes are drilled into the limestone. The holes are then charged with an ammonium nitrate based blasting agent. No explosives or detonators are stored on site. All blasting will be performed by certified blasters and done in conformance with state and federal regulations. In Ohio, ODNR has exclusive authority over the regulation of surface mining, including blasting. Ohio's blasting laws were updated in March of 2002. The regulations may be found in the O.R.C. at §1514.12. The overarching purpose of the state (and federal) blasting regulations is that explosives shall be used in a manner which prevents injury to persons and damage to public or private property that is located outside the surface mining permit area. O.R.C. §1514.12(A). All blasting will take place during daylight hours throughout the normal work week. Blasting will occur approximately two (2) to three (3) times per week. See Exhibit C for a copy of R.C. §1514.12 and O.A.C. §1501:14-3-04, the use of explosives regulations.

Additionally, blasting in Ohio is subject to strict rules set forth in the Ohio Administrative Code and must be performed by certified individuals. The O.A.C. rules require prevention of injury to persons or property due to blasting and the minimization of vibrations and noise to neighboring properties.

Further limitations set the time which blasting may occur, the peak ground vibration level, and noise levels associated with blasting. Mine operators are required to monitor blasts and make those records available to ODNR upon demand. Should an applicant be unable to demonstrate to ODNR that it is able to comply with these laws and regulations, ODNR will not issue a surface mining permit.
While blasting may result in some vibration, it is important to understand that blasting is a controllable event. Blasts are designed so that a given amount of stone is broken up and available for crushing. Blasts are also designed so that no damage will occur to any nearby structures.

In the state of Ohio, blasting is a strict liability activity. This means that if damage occurs, the blasting company is liable, regardless of fault. Accordingly, blasts are designed to fall well below regulatory limits for vibration and noise. Further, should anyone report that the blasting activity has caused damage, ODNR representatives will promptly investigate such complaint. In the event damage has occurred, ODNR has the authority to order the mining operation to cease blasting until such time as ODNR is satisfied that no further damage will result from said blasting.

During the blasting process, large pieces of rock are released from the limestone formation. Those large pieces of rock are then transported to the primary crusher and crushed into a size that allows for further processing. Once the material exits the primary crusher, the stone is transported by conveyor to the screening plant. There, the raw material is further crushed, screened and processed to meet customer specifications.

Every facet of the operation is tightly controlled to ensure that the products used for highway construction meet Ohio Department of Transportation specifications. Once processed, the stone which is used for concrete and asphalt is washed to remove fine particles. The wash water will be directed to a water impoundment to allow the fine particles to settle out. All water-discharge from the site will be discharged in accordance with the existing Ohio EPA National Pollutant Discharge Elimination System that is in place for Piqua Materials’ existing surface mine permit.

The finished materials are then stockpiled. Customer trucks will be loaded by front-end loaders and weighed by scale before exiting the plant. The mining plan described herein and on
Exhibit B, depicts the mine progression anticipated at this time. The mine plan is, however, subject to change, particularly if advances in equipment of mine technology are made and/or market or geologic conditions require.

As stated, ODNR regulates the surface mining process from cradle-to-grave. If this special use permit application is approved by the City, Piqua Materials will submit an application to add the Subject Property to its existing ODNR Surface Mine Permit IM-0382. The process for adding acreage to an existing permit requires the operator to submit an amendment application which must conform to the numerous performance standards contained in Chapter 1514 of the Ohio Revised Code.

It is important to note that no mining may take place without first obtaining the amended surface mining permit from ODNR. If such a permit is obtained, ODNR will continue to routinely inspect the mine site to make sure that the mine operation conforms with its surface mining permit.

After mining has ceased, ODNR oversees the reclamation of the site to ensure compliance with the reclamation plan submitted and approved by ODNR. Additionally, Piqua Materials must post a bond with ODNR which shall not be released until reclamation is complete.

V. §154.140 OF THE CITY OF PIQUA, OHIO CODE OF ORDINANCES PROVISIONS:

1. The proposed special use is compatible with the stated intent of the zoning district.

Since the sale and storage of building material is a permitted use in the Heavy Industrial District and rock crushing is a special use, the Proposed Use is compatible and in conformance with the Ordinances. The inclusion of rock crushing as a special use in the I-2 Heavy Industrial District is the best evidence that such use is compatible with the stated intent of the zoning district. It would be an odd result to have the Ordinances allow rock crushing as a special use in the I-2 zoning district and at the same time, hold that this use is not in accordance with the Ordinances. Further, the fact that the Subject Property is adjoined by the existing Piqua Materials limestone quarry operation makes the Proposed Use compatible with the district.
2. The proposed special use does not threaten the general health, safety, and welfare of the surrounding properties, and the adjacent property values will not be negatively affected.

Piqua Materials is a member of the Jurgensen Companies which owns and operates a number of limestone quarries and surface mines throughout Ohio. Piqua Materials has been operating surface mines since 1865. Accordingly, Piqua Materials has a great deal of experience in operating and maintaining its facilities in a manner which minimizes any off-site impacts. As such, Piqua Materials is recognized as an industry leader which employs the best mining practices and has a long-standing reputation for operating in a harmonious manner within its community. Furthermore, the Subject Property is adjacent to the existing Piqua Material limestone quarry operation which abuts the Great Miami River. As such, the Proposed Use will have no effect on a significant portion of the surrounding properties.

The proposed mining operation anticipates that approximately four and one-half (4.5) to five (5) acres of the Subject Property will be mined per year. Landscaped berms made of the earthen overburden will be constructed around the Subject Property in order to create a visual barrier from adjoining land uses. These berms will be constructed contemporaneously with overburden removal. Piqua Materials' proposed mining operation on the Subject Property will, therefore, be harmonious with the existing character of the general vicinity and will not change the essential character of the surrounding area.

The mining activity proposed for the Subject Property will be regulated by numerous regulatory agencies, including ODNR, Ohio EPA, U.S. EPA, Mine Safety Health Administration and the U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. These various agencies ensure that the Proposed Use of the Subject Property as a limestone quarry will not pose a discernible hazard to adjacent uses. Special attention is paid to compliance with all regulatory permits so that the operation is maintained and operated in a manner which is consistent with best industry standards. Piqua Materials has a solid record of compliance with the aforementioned agencies. Based upon the foregoing reasons, the use of the Subject Property for mineral extraction will be compatible with existing land uses and will not negatively affect adjacent property values.

3. The proposed special use is compatible with the general economic development policies of the city.

Pursuant to the Comprehensive Plan referred to as: Plan It Piqua – Preserve the Past Empower the Future, Land Use Objective No. 7, commercial and office development is critical to Piqua's economic health. Further, part of the City's Economic Development
goal and strategy is to retain and expand existing small businesses, specifically in the construction materials industry.

In addition to supporting local business, ensuring that future industrial development on the edges of the Community will be compatible with the surrounding areas, and not burden the existing transportation infrastructure is another land use principle of the Comprehensive Plan. Since the Subject Property abuts the existing Piqua Materials limestone quarry operation to the west and will not cause additional truck traffic, the Proposed Use is compatible with the Comprehensive Plan. The exiting truck traffic bearing will remain as it is today with no additional burden to the existing transportation infrastructure.

In light of the aforementioned, the Proposed Use of the Subject Property can only be characterized as consistent with both the general economic policies of the City and in accordance with its Comprehensive Plan.

4. The proposed special use conforms to all other applicable codes and regulations of the city.

In addition to compliance with the numerous regulatory agencies, Piqua Materials will comply with any and all applicable laws, rules, and regulations of the City.

CONCLUSION:

In short, Piqua Materials employs the best mining practices and has a long-standing reputation for operating in a harmonious manner within its community. Accordingly, and as outlined herein, the use of the Subject Property for mineral extraction is compatible with existing uses and will not adversely impact adjacent properties.

WHEREFORE, Piqua Materials, Inc. respectfully requests that the Planning Commission of Piqua, Ohio approve its Application for a special use permit to allow the Subject Property to be used for: a pit from which limestone is excavated; a processing operation which will include the crushing, screening and washing of limestone products to meet customer specifications; finished material stockpiles; a maintenance facility; sales and customer loading; and customer truck scales.

Respectfully submitted,

[Signature]
Brian P. Barger
EASTMAN & SMITH LTD.
EXHIBIT A

LIMITED POWER OF ATTORNEY

Scodan Investments, Limited Liability Company (the "Owner"), an Ohio limited liability company, is the fee owner of the following real estate (the "Subject Property"):

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<th>Legal Description</th>
<th>Acres</th>
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Owner does hereby appoint Piqua Materials, Inc. (the "Company"), an Ohio corporation, with mailing address of 11641 Mosteller Road, Cincinnati, Ohio 45241, as the Attorney-in-fact for the Owner for the limited purpose of securing a special use permit for the extraction, processing, and sale of limestone minerals on the Subject Property from the Planning Commission, City of Piqua, Miami County, Ohio.

Giving unto the Attorney-in-fact full power, authority and discretion to do all things required or permitted to be done in carrying out the purpose for which this power is granted as fully as the Owner could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming that which the Attorney-in-fact or its substitute shall lawfully do or cause to be done by virtue hereof. Persons, public officials, corporations or partnerships dealing with the Attorney-in-fact need not inquire into the authority of the Attorney-in-fact.

A photostatic copy of this Power of Attorney, as executed, given by the Owner or the Attorney-in-fact to any third party shall be conclusive to such third party as to the authority of the Attorney-in-fact to act for the Owner as provided herein, unless and until such third party shall have received written notice from the Owner or the Attorney-in-fact of the revocation or limitation of this Power of Attorney.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]
Executed on the 30th day of August, 2017.

Scodan Investments, Limited Liability Company

By:

STATE OF OHIO

COUNTY OF Miami

The foregoing instrument was acknowledged before me this 30th day of August, 2017 by

Russ D Kimmel

NOTARY PUBLIC

This instrument prepared by:
Brian P. Barger
EASTMAN & SMITH LTD.
100 E. Broad Street, Suite 2100
Columbus, Ohio 43215
Telephone: (614) 564-1464
Facsimile: (614) 280-1777
bpbarger@eastmansmith.com
LIMITED POWER OF ATTORNEY

R. K. Hydro-Vac, Inc. (the “Owner”), an Ohio corporation, is the fee owner of the following real estate (the “Subject Property”):

<table>
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Owner does hereby appoint Piqua Materials, Inc. (the “Company”), an Ohio corporation, with mailing address of 11641 Mosteller Road, Cincinnati, Ohio 45241, as the Attorney-in-fact for the Owner for the limited purpose of securing a special use permit for the extraction, processing, and sale of limestone minerals on the Subject Property from the Planning Commission, City of Piqua, Miami County, Ohio.

Giving unto the Attorney-in-fact full power, authority and discretion to do all things required or permitted to be done in carrying out the purpose for which this power is granted as fully as the Owner could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming that which the Attorney-in-fact or its substitute shall lawfully do or cause to be done by virtue hereof. Persons, public officials, corporations or partnerships dealing with the Attorney-in-fact need not inquire into the authority of the Attorney-in-fact.

A photostatic copy of this Power of Attorney, as executed, given by the Owner or the Attorney-in-fact to any third party shall be conclusive to such third party as to the authority of the Attorney-in-fact to act for the Owner as provided herein, unless and until such third party shall have received written notice from the Owner or the Attorney-in-fact of the revocation or limitation of this Power of Attorney.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]
Executed on the 30th day of August, 2017.

R. K. Hydro-Vac, Inc.

By:

STATE OF OHIO

COUNTY OF Miami:

The foregoing instrument was acknowledged before me this 30th day of August, 2017 by

[Signature]

AUSTINA THOMPSON
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
03-14-2022

This instrument prepared by:
Brian P. Barger
EASTMAN & SMITH LTD.
100 E. Broad Street, Suite 2100
Columbus, Ohio 43215
Telephone: (614) 564-1464
Facsimile: (614) 280-1777
bpbarger@eastmansmith.com
1514.12 Use of explosives.

(A) Explosives shall be used in a manner that prevents injury to persons and damage to public or private property that is located outside the area for which a permit was issued under section 1514.02 or 1514.021 of the Revised Code.

(B) The ground vibration resulting from the use of explosives when measured at any dwelling, public or commercial building, school, church, or community or institutional building that is located outside the area for which a permit was issued under section 1514.02 or 1514.021 of the Revised Code and that is not owned by the operator shall not exceed the frequency-dependent particle velocity limits listed in the "report of investigations 8507, appendix B--alternative blasting level criteria, (1980)," published by the former United States bureau of mines, or other limits established by rule.

(C) The airblast resulting from the use of explosives when measured with a two hertz high-pass system at any location listed in division (B) of this section shall not exceed a level of one hundred thirty-three decibels.

(D) On and after July 1, 2003, all blasting in surface mining shall be conducted by persons who are trained and competent in blasting as certified by the chief of the division of mineral resources management or a certifying authority approved by the chief.

(E) The chief shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code establishing requirements and standards governing all of the following:

(1) Seismographic monitoring and alternate methods to prove compliance with the ground vibration limits established under division (B) of this section and the airblast limits established under division (C) of this section;

(2) Protection of any building or structure not listed in division (B) of this section;

(3) Training, examination, and certification of persons conducting blasting in surface mining and suspension or revocation of certifications;

(4) Standard blast warning and all-clear signals;

(5) Blasting records and flyrock reporting requirements;

(6) Safety measures for blasting in surface mining.

(F) The chief may adopt rules under this section that establish limits on the amount of ground vibration resulting from the use of explosives that is permissible when measured at the locations described in division (B) of this section.

Effective Date: 03-15-2002.

http://codes.ohio.gov/orc/1514.12v1
Exhibit C continued

1501:14-3-04 Use of explosives in industrial minerals operations.

(A) General.

(1) The provisions of this rule shall apply to all blasting operations on all industrial minerals mining and reclamation operations.

(2) Blasting operations shall be conducted in accordance with all applicable state laws and regulations.

(3) For purposes of this rule, "certified blaster" shall mean a blaster who possesses a valid certificate obtained pursuant to rule 1501:13-9-10 of the Administrative Code and "blaster-in-charge" shall mean, for each blast, the certified blaster responsible for the loading of the blastholes (including delay detonator connections), detonation of the blast, and completion of the blast record required under paragraph (E) of this rule.

(4) On and after July 1, 2003, blasting operations shall be conducted only under the supervision of a certified blaster. Only a certified blaster, or a member of the blasting crew under the direct supervision of the certified blaster, may detonate a blast. Any certified blaster who is responsible for conducting blasting operations at a blasting site shall give direction and on-the-job training to persons who are not certified and who are assigned to the blasting crew or assist in the use of explosives at that site.

(5) Certified blasters, and other persons responsible for blasting operations at a blasting site, shall review and know the permittee's blasting plan and site-specific blasting requirements. The permittee shall keep a copy of the current blasting plan and permit map at the permit site for use by employees, contract blasters, and any other persons responsible for blasting operations.

(B) Blasting times.

(1) Blasts may be detonated only between sunrise and sunset. The chief may further limit the time periods for blasting if necessary and reasonable in order to protect the public health and safety.

(2) Blasts may be detonated at other times only in emergency situations where rain, lightning, other atmospheric conditions, or operator or public safety so requires. When a blast is detonated under any of those circumstances, the blaster-in-charge shall document the reason for the late or unscheduled blast in the blast record required under paragraph (E) of this rule.

(C) Blasting signs, warnings, and access control.

(1) All blasting signs required to be posted shall be of uniform design throughout the operation, easily visible, and made of durable material. These signs shall be maintained during all operations to which they pertain and shall conform to local ordinances and codes.

(2) The permittee shall conspicuously place signs reading "BLASTING AREA" along the edge of any blasting area that comes within one hundred feet of any public road right-of-way, and at the edge of blasting areas along access and haul roads within the permit area. In addition to "BLASTING AREA," such signs may include supplemental words or phrases such as "danger" or "do not enter."

(3) At all entrances to the permit area from any road, the permittee shall conspicuously place signs that state "WARNING! EXPLOSIVES IN USE" which clearly explain the meaning of the audible warning and all-clear signals in use.
For each blast, the blaster-in-charge shall define the limits of the blasting area where danger from flyrock exists. The permittee shall be responsible for controlling access to the blasting area to prevent the presence of livestock or unauthorized persons at least ten minutes before each blast, and until the blaster-in-charge has determined that no unusual hazards, such as imminent slides or undetonated charges, exist, and access to and travel within the blasting area can safely resume. The permittee shall not allow anyone to re-enter the blasting area until the blaster-in-charge has confirmed that the all-clear signal has been sounded.

At least one minute, but not more than two minutes before the detonation of a blast, the blaster-in-charge, or someone directed by the blaster-in-charge, shall give an audible warning signal. If the blast is not detonated within two minutes of the audible warning signal, the warning signal shall be repeated as required by this paragraph before the blast is detonated. After the blast has been detonated and the blaster-in-charge has confirmed that the blast area is safe to re-enter, an audible all-clear signal shall be given.

Warning and all clear signals, to be produced by an airhorn, siren or similar device, shall be audible to at least one thousand feet in all directions from the blast site. The warning signal shall consist of three long sounds, each lasting at least five seconds. The all-clear signal shall consist of one long sound lasting at least five seconds.

Control of adverse effects.

Blasting shall be conducted in a manner that prevents injury to persons and damage to public or private property outside the area for which a permit was issued.

"Flyrock," defined as rock, mud or debris (excluding dust or detonation byproducts) ejected from the blast site by the force of a blast, shall not be cast beyond the permit boundary.

If flyrock is cast beyond the permit boundary, the certified blaster shall notify the division of mineral resources management by telephone within two hours after learning of the flyrock incident, and submit a flyrock incident report to the division within three business days after learning of the Incident. The report shall be signed by the blaster-in-charge who conducted the blast. The report shall include, at a minimum, a copy of the blast record and all available seismographic data, a sketch of the blast site and rock deposition area, and a detailed explanation of: how the blasts were designed and loaded; who witnessed the blast and where they were located and what they observed; the location and nature of the flyrock deposition (including property owners, type and approximate number of rocks, size and distance range), property damages (if any) and personal injuries (if any); what measures have been taken to repair all property damages (if any) and address all personal injuries (if any); the probable cause of the flyrock incident; and the corrective measures to be taken to prevent another flyrock incident.

Ground vibration, when measured at any dwelling, public or commercial building, school, church, or community or institutional building located outside the permit area and not owned by the permittee, shall not exceed the frequency-dependent particle velocity limits illustrated below, from the "Report of Investigations 8507, Appendix B: Alternative Blasting Level Criteria (1980)," published by the former U.S. Bureau of Mines. When applying the frequency-dependent particle velocity limits, the lower plateau at 0.50 inches per second shall apply at its corresponding frequencies to the nearest dwelling or building listed above, unless the permittee submits to the chief site-specific technical evidence to support application of the higher plateau at 0.75 inches per second, and the chief approves a blast plan modification to that effect.
(4) Airblast, when measured at any dwelling or building listed in paragraph (D)(3) of this rule shall not exceed one hundred thirty-three decibels.

(5) A seismograph shall be used beside the nearest dwelling or building in paragraph (D)(3) of this rule to demonstrate compliance with the ground vibration and airblast limits of paragraphs (D)(3) and (D)(4) of this rule. As an alternative to seismographic monitoring, the blast shall comply with the scaled distance equation, \( W = (D/90)^2 \), where \( W \) is the maximum weight of explosives, in pounds, that can be detonated within any period less than eight milliseconds, \( D \) is the distance, in feet, from the nearest blasthole to the nearest dwelling or building in paragraph (D)(3) of this rule, and ninety is the applicable scaled distance factor.

(6) For structures not listed in paragraph (D)(3) of this rule, such as oil or gas wells, oil or gas transmission and distribution lines, high-voltage steel transmission towers, public water lines, dams, silos, and unoccupied barns and pole buildings, located outside the permit area and not owned by the permittee, a seismograph shall be used beside the nearest structure to demonstrate that the peak particle velocity did not exceed 2.0 inches per second. As an alternative to seismographic monitoring, the blast shall comply with the scaled distance equation, \( W = (D/40)^2 \), where \( W \) is the maximum weight of explosives, in pounds, that can be detonated within any period less than eight milliseconds, \( D \) is the distance, in feet, from the nearest blasthole to the nearest structure, and forty is the applicable scaled distance factor. A higher peak particle velocity limit may be approved for a specific structure if the permittee submits to the chief site-specific technical evidence to support the higher limit, and the chief approves a blast plan modification to that effect.
(7) Any or all of the ground vibration and airblast limits in paragraphs (D)(3), (D)(4) and (D)(6) of this rule may be waived by the current owner or controlling authority of the dwelling, building or structure, provided such waiver is in the form of a written consent, submitted to the division of mineral resources management upon application for a new permit or an amendment to add acreage to an existing permit, or with a request to modify a mining and reclamation plan, and approved by the chief.

(8) All seismographs used to prove compliance with the ground vibration and airblast limits required by this rule shall have seismic and acoustic systems with a minimum frequency range of two to two hundred fifty hertz, with accuracies that meet or exceed the performance specifications for blasting seismographs adopted by the International society of explosives engineers on February 17, 2000, available from the "International Society of Explosives Engineers, Blast Vibrations and Seismograph Section, 30325 Bainbridge Road, Cleveland, OH 44139" or at the website http://isee.org/sections/2SelsPerfSpecs00.pdf. The ground vibration shall be measured as the particle velocity and recorded in three mutually perpendicular directions. The maximum allowable frequency-dependent particle velocity limits and peak particle velocity limits in this rule shall apply in each of the three directions of measurement. Whenever possible, the seismographic measurement shall be made within ten feet of the building or structure being monitored, on the side of the building or structure closest to the blast site.

(9) Any person who operates a seismograph for the purpose of demonstrating compliance with the ground vibration and airblast limits of this rule shall have received appropriate training, for the specific seismograph model(s) in use, in: programming the seismograph(s) to record the blast; positioning the geophone and microphone; coupling the geophone to the ground; extracting the data after the blast in digital and printed form; and understanding the results. Such training shall be received from a representative of the seismograph manufacturer or distributor, or other competent person. A record of such training shall be maintained by the seismograph operator or his or her employer, and made available for inspection by the chief or his or her authorized representative upon request.

(E) Blast records.

(1) The permittee shall retain a record of all blasts for at least three years, and shall make those records available for inspection upon request by the chief or an authorized representative of the chief.

(2) Where blast records are normally kept at an office of the permittee not located on the permit site, the record for each blast shall be on file at that office within five business days after the blast is detonated.

(3) Blast records shall be accurately completed at the mine site by the blaster-in-charge, and shall contain the following data for each blast:

(a) Name of the permittee and permit number;
(b) Name of the firm conducting the blast, if different from the permittee;
(c) Location, date, and time of blast;
(d) Printed name, signature, and certification number of the blaster-in-charge, and the name of each person on the blasting crew;

(e) Relative to the nearest blasthole, the identification of, distance to, direction to, and method used to determine the distance and direction to, the nearest dwelling, public or commercial building, school,
church, or community or institutional building outside the permit area that is not owned by the permittee. The direction shall be stated in degrees, as an azimuth from zero to three hundred sixty degrees. The distance shall be stated in feet, as derived from an aerial photo, a topographic map, conventional field measurement devices (e.g., measuring tape or transit), or electronic devices (e.g., laser-ranging or global positioning system units);

(f) Weather conditions, including temperature and approximate wind direction and velocity;

(g) Type of material blasted;

(h) Number, diameter, and depth of holes;

(i) Depth of subdrilling, where applicable;

(j) Burden and spacing dimensions;

(k) Type, manufacturer, and amount of explosives used, including bulk, bagged, or cartridge explosives, detonating cord, primers, and surface and in-hole delay detonators;

(l) Total weight of explosives used;

(m) Weight of explosives used per hole;

(n) Maximum number of holes and maximum weight of explosives detonated within any period less than eight milliseconds;

(o) The actual scaled distance factor, expressed as the distance from the nearest blasthole to the nearest dwelling or building in paragraph (E)(3)(e) of this rule, divided by the square-root of the maximum weight of explosives detonated in any period less than eight milliseconds;

(p) Type of initiation system used, including the type of blasting machine or other power source, and the types of trunkline and downline systems, if not readily apparent from other information in the blast record;

(q) Sequential timer setting, in milliseconds, if applicable;

(r) Type and length of stemming used per hole;

(s) Sketch of the blast pattern showing all holes, delay pattern (including initiation hole, and hole-to-hole and row-to-row delay detonator locations and periods), location of free faces and previously blasted material, and a north arrow;

(t) Sketch of a typical blasthole cross-section showing the depth and location of stemming and explosive decks, primers, and delay detonators;

(u) Mats or other special protections used;

(v) Selsmographic records, when required for compliance, shall be attached to the blast record within fourteen days of the blast, and shall include:

(l) Make, model and serial number of the selsmograph, seismic and acoustic trigger levels, and most recent annual calibration date;

http://codes.ohio.gov/oac/1501:14-3-04v1 8/2/2017
(ii) Exact location of the instrument and distance from the blast, and the date and time of the recorded blast event;

(iii) Name of the person and firm operating the seismograph;

(iv) Full waveform printout, including: three mutually perpendicular channels of ground vibration and an airblast channel; dynamic calibration results; a plot of particle velocity versus frequency with a comparison to the frequency-dependent blast vibration limits in paragraph (D)(3) of this rule, based on a half-cycle zero-crossing analysis method; and the peak particle velocity and airblast levels; and

(v) If the seismograph fails to be triggered by the blast, a printout showing the date and time the seismograph was armed and ready to record a blast and the date and time the seismograph was disarmed or shut down, or a written statement including the above information, signed by the seismograph operator and attached to the blast record; and

(w) Reasons and conditions for a late or unscheduled blast.

Effective: 10/06/2011
R.C. 119.032 review dates: 07/14/2011 and 10/06/2016
Promulgated Under: 119.03
Statutory Authority: 1514.12
Rule Amplifies: 1514.011, 1514.02, 1514.12
Prior Effective Dates: 3/24/75, 5/1/03
*** PUBLIC HEARING NOTICE ***

Please be advised that the City of Piqua Planning Commission will conduct a public hearing at the time and location stated below.

TIME: 6:00PM
DATE: Tuesday, September 12, 2017
LOCATION: Commission Chambers – 2nd Floor
Municipal Government Complex
201 W. Water Street

This letter serves to notify persons who may have an interest in an agenda item to be discussed at the above referenced public hearing. A public hearing affords citizens and other parties with standing the opportunity to speak in favor of, or object to, an item submitted for consideration. If you desire to state your opinion concerning this matter and will be unable to attend the public hearing, please submit your statement in writing to this office prior to 5pm on the date of the meeting.

You may view the Planning Commission agenda packet in its entirety online at http://www.piquaoh.org/agenda_plan_comm.htm or by visiting the Development Office.

Please contact the Development Department at (937) 778-2049 if you have any questions pertaining to this notice.

Christopher W. Schmiesing
City Planner
Enc.
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