



# Delaware County Regional Planning Commission

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**Scott B. Sanders**, AICP, Executive Director

## *\*COMMON ACCESS DRIVEWAY AMENDMENTS PUBLIC HEARING MINUTES\**

**Thursday, June 28, 2007 at 7:00 PM**

**Delaware Hayes Services Building,**

**140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015**

### **I. ADMINISTRATIVE BUSINESS**

#### **• Call to order**

Chairwoman Foust called the meeting to order at 7:00 p.m.

#### **• Roll Call**

*Representatives:* Jim Kappenhagen, Rick Sedlacek, Fred Fowler, Steve Burke, Gary Gunderman, Dave Stites, Holly Foust, Charles Heimlich, Dick Gladman, Larry Crile, Bill Thurston, Marvin Miller, Lloyd Shoaf, Tom Brown, Scott Love, and Bonnie Newland. *Alternates:* Paul Clay, David Leitch, Jack Smelker, Pat Blayney, and Dave Jackson. *Staff:* Scott Sanders, Paul Deel, Ben Henson, Da-Wei Liou and Stephanie Matlack.

### **II. AMENDMENT TO THE 2007 SUBDIVISION REGULATIONS COMMON ACCESS DRIVEWAY STANDARDS DISCUSSION**

(Please note the minutes are a summary, not a verbatim account (except when specifically requested to have their comments included.))

Chairwoman Foust explained that the public hearing for the CAD amendments was initiated at the April 26, 2007 RPC meeting and set for June 28, 2007. The hearing was advertised in the Delaware Gazette on May 16, 2007. The meeting notice and amendments were also posted on the DCRPC website.

Mr. Sanders distributed copies of the amendments to the Commission. He reviewed the proposed amendments (see attached).

*Mr. Steve Martin (50 N. Sandusky St., Delaware)* was present on behalf of Del-Co Water Company. He explained that P.K. Tudor was not able to attend the meeting. Mr. Martin presented the Commission with a legal analysis and opinion memorandum (attached) regarding the RPC proposing to regulate the design of public water systems. He requested that the last two sentences of Section 306.04 be removed:

“If public or private centralized water is available, and proposed to be used for domestic supply, then one common trunk waterline shall serve all CAD lots. The Commission may require a fire hydrant(s), if recommended by the local fire chief.”

He further stated that fire hydrant lines are typically six inches but CADs may be coming off a two-inch line. Also, having six inch water lines on a small subdivision can cause “water aging” if there is low water flow/use.

*Mr. Bill Cox (1580 Burnt Pond Road)* requested that his comments be made part of the record. The following is a

verbatim account of his comments.

“First thing I would like to bring up is on your final draft Sec. 306.06 on the Standards and Regulations. Section B the CAD easement shall be at least 60 foot wide to permit driveway construction and roadway drainage and the utilities service infrastructure. Over the past year or more, every piece of legislature that came out of Planning (*inaudible*) Commission has always said “60 feet or wider”. I really think that when you are nailing everything to the wall real close, that you should spell this out a lot better. If it’s 60 feet, make it 60 feet. If you want to make it 70, make it 70 but don’t put in here “or wider” or like you have here for the first time it “shall be at least 60 feet”. That is one thing that I’m concerned about because people build houses on these lots and the next thing you know you people come along and decide you want something else in their front yard and you’ll take up more of their front yard property with utilities and so forth or whatever. The next item I have was the gentleman from the County Engineers department was requesting 3 lots maximum on that CAD driveway and one of his reasonings was if I refer you to the notes in February, it was notes because you didn’t have a quorum that month. It says in there on page 6 that Mr. Blayne thought that if you have a CAD with 8 lots there is a estimated 80 trips per day on 12 inches of gravel. The engineers concerned that it is not good public policy to expand the CAD lots with a road base like this. I made a personal survey on Burnt Pond Road, the road that I live on. I took a very (*inaudible*) some had CADs lots driveway, some had (?) but they all had long driveways. This is the count that I received and I talked personally to the people that lives in these homes. This is not an estimate, it’s the real deal. 2, 7, 2, 4, 2, 5, 3, 4. A total of 29 trips on 8 residence divided by 8 comes out to 3.625 trips per day. Not the 10 that the engineers office is trying to put over on us. It’s a simple, now where that estimate come from I don’t know. Maybe it came from the same people that developed Sawmill Road south of Home Road. If you folks ever drive down that road and watch the cars ahead of you, that is the craziest piece of highway I’ve ever seen when you see how the cars and the trucks straightens that road out. A drunk could have done a better job of designing Sawmill Road south of Home Road. But this is something I want the Board or the Commission to realize is you aren’t getting the real deal when you are getting someone to say that there are 10 whether it’s a estimate, guesstimate or what it’s not the real facts. Next, I would like to whole heartedly thank the Advisory Committee for their work and effort that they put in and golly it’s surprising the amount of common sense that they used that too bad it got muddled up and got reduced. I read an article in the paper in the Dispatch some time back where firemen and school teachers in the Granville area cannot live in Granville. It’s too expensive. We are doing the same thing in Delaware County. The other day I looked in the Delaware Gazette and almost other than one ad in the bottom, 6 pages of sheriff sales. Now all that going to tell you folks is people cannot afford to pay the bills. Now whether it’s their fault personally or all it’s inflated (*inaudible*) but when you’re putting 3 lots on an expensive driveway you (*inaudible*) pumping up the cost of those driveways and I think you ought to take another serious look at increase it. Somewhere a happy medium but I still have to pour my heart out to the Advisory Committee. Really I think they should be sitting on the Commission, the rest of you should go home. Now, what ever this Commission does it will be compromised until the By-Laws of this Commission have been changed. Having all three County Commissioners, Sanitary Department, and the County Engineers as voting members as well as being the ones who promote and formulate the business of the Commission, one which is on the Executive Board, it will be tainted until a change is made at the State level. This is not blaming the current officials. They are following their duty according to the By-Laws. Now if you think I’m crazy when I say all this, I would like to read to you on the front cover of the State of Ohio Ethics Commission pamphlet. They didn’t just put this on here for decoration. I want to read it slow so everybody gets it. “No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and not improbably, corrupt his integrity.” That is the words of my cousin six times removed, President James Madison. He’s also considered the father of the US constitution. Now if stuff don’t mean anything from the Ohio Ethics Commission. Now we all know what’s going on with the ethics, national level, state level and the county level. The paper is full of it and people just ignore it (*inaudible*). And then finally I’d like to say you need to be more selective in who we send to the State House because we are not getting good representation if we are

making up By-laws because it's tough. It's not a Democratic process by far. That's all I have to say other than one thing. I request what I said be included in the minutes. Thank you."

*Mr. Calvin Finks (3450 Russell Rd.) explained that he did not see an advertisement for a meeting held first on February 28 (?). He also questioned where the surplus money from 2002 (\$644,383.65) went. Chairwoman Foust asked if Mr. Finks had any comments on the proposed CAD regulations on tonight's agenda. He explained, "it's not for the people. It's not for the younger generation. You're pricing the younger generation out."*

Having no further comments from the public, Chairwoman Foust asked for Commission comments.

Mr. Gunderman asked if there were any staff response to the comments made by Mr. Martin on the water system. Mr. Sanders explained that that language predates any work that we have done in the last year and it probably goes back to when the Technical Review Committee was reviewing it, which included representation from Del-Co. He said that Del-Co is at the table at every Technical Review Committee meeting for any subdivision and that it is unfortunate that they would wait until now to bring this up.

Mr. Brown agreed with Mr. Martin in deleting the last two sentences of Sec. 306.04.

Mr. Miller suggested deleting the last two sentences of Section 306.04 and leaving it up to the company providing the water line.

Mr. Sedlacek noted two areas with typographical errors: the word "~~and~~" should be deleted from Section 306.06 (b) and the lettering for Section 306.06 should be corrected. Chairwoman Foust noted those changes.

Mr. Sanders explained that the 60 foot width requirement for the CAD driveway was determined because it is the minimum width of any lot of any Township zoning. He further explained that if the developer needed to go wider to get the utilities in or to turn a corner, they have that ability. Mr. Brown explained that he has had discussions with Mr. Cox regarding this issue. Mr. Cox feels that if the requirement is for "at least 60 feet" and "often seeing the word discretion" in the regulations, the Commission could require more than 60 feet on a particular application as opposed to 60 feet being an automatic yes.

***Mr. Miller made a motion to adjourn the public hearing for the discussion of the amendments to the 2007 Subdivision Regulations of Delaware County, Ohio. Mr. Sedlacek seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.***

Public hearing adjourned at 8:00 p.m.

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Holly Foust, Chairperson

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Stephanie Matlack, Executive Administrative Assistant