



BOARD OF COUNTY COMMISSIONERS
RON AMSTUTZ • JONATHAN HOFSTETTER • SUE A. SMAIL

MINUTES

WAYNE COUNTY PLANNING COMMISSION MEETING
WAYNE COUNTY ADMINISTRATION BUILDING
WAYNE COUNTY PLANNING DEPARTMENT -
3:00 PM WEDNESDAY: JANUARY 11th, 2023

- MEMBERS PRESENT:** Ron Amstutz, Bill Cletzer, John Fitzpatrick, Bob Gralinski, Brian Gwin, Jon Hofstetter, Amy Marinello, Joel Montgomery, Sue Smail and Steve Wheeler
- MEMBERS ABSENT:** Gene Pouly
- OTHERS PRESENT:** Don Baker and Eli Troyer
- STAFF PRESENT:** Jenn Kiper, Ricky Papay, Rob Kastner, Jason Murvine, Rebecca Norris, Andrew Jones and Barbara Biro
- CALLED TO ORDER:** Chairman Cletzer called the meeting to order
- ROLL CALLED:** Secretary Fitzpatrick called the Roll; a Quorum was present
- OATH ADMINISTERED:** Chairman Cletzer administered Oath to anyone intending to speak at the meeting
- MINUTES:** November 9th, 2022
Moved by John Fitzpatrick to approve as submitted
Seconded by Amy Marinello,
MOTION carried
- OLD BUSINESS:** None
- NEW BUSINESS:**
SUBDIVISION REPORT: *Staff Recommended Acceptance of Report as Presented*
Moved by Steve Wheeler to approve as presented
Seconded by Sue Smail
MOTION carried
- EXTENSIONS:** None
- VARIANCES:** None

COMMON ACCESS DRIVES: None

MAJOR SUBDIVISIONS:

MA-22-02 EAU 35 SW, SR 250 DOVER ROAD, APPLICANT: KAUFMAN REALTY-ELI TROYER, OWNER: LYLE R. AMIET TRUSTEE, SURVEYOR: BAKER SURVEYING

The applicant is proposing a 11 lot major subdivision without introducing any new roadways. They are proposing to split an 8.424-acre lot, a 7.85-acre lot, an 8.574-acre lot, a 15.154-acre lot, a 25.275-acre lot, a 9.45-acre lot, 16.2-acre lot, a 10.0-acre lot, a 7.698-acre lot, a 16.26-acre lot and a 12.5-acre lot from an existing 136.5121-acre parcel. The proposed 8.424-acre lot will have 217' of frontage, the 7.85-acre lot will have 399' of frontage, the 8.547-acre lot will have 404' of frontage, the 25.275-acre lot will have 416' and 285' of frontage, the 15.154-acre lot will be on a 30' access easement, the 9.45-acre lot will have 389' of frontage, the 16.20-acre lot will have 30' of frontage, the 10-acre lot will have 422' of frontage, the 16.26-acre lot will be on a 30' access easement, the 7.698-acre lot will have 433' of frontage and the 12.5 acre lot will have 843' of frontage all on Dover Road. PD

Health: For the proposed 8.424, 7.85, 8.574, 9.45, 7.698 vacant acre parcels -Applicant must submit a soils report from a certified soil scientist identifying soil(s) in the primary and secondary replacement sewage treatment system area. Applicant must submit a plot plan noting the location of the primary and replacement septic system. A new STS shall not be sited in an area identified as a flood way, and only below grade soil absorption components of a new STS may be sited within any part of the one hundred-year flood plain except where prohibited by federal, state, or local regulations or ordinances. Applicant must submit the \$125 lot split review fee per lot split for the TRC application (5 lots x's \$125 = **\$625**).

For the proposed 10-acre parcel with dwelling address 9891 dover rd. The current septic system for this home was partially installed and or installed without a permit in 2014. It is currently an unapproved septic and will need an alteration permit obtained for **\$225**. **Health waives review for the remainders.**

Planning: Staff recommends Conceptual Approval contingent on compliance with the TRC requirements. One of the requirements is a subdivision name. Planning Commission has final approval of the subdivision name per **Section 3.4 Development Standard (H)**. The proposal will need to be resubmitted to the Planning Commission for Preliminary and Final Approval. This can be accomplished at one Planning Commission meeting if all the TRC comments are met.

The Planning Commission will review the conceptual proposal at the **January 11th, 2023 PC meeting**. The proposal was sent to the Apple Creek fire department and ODOT for comment.

It should be noted that there is 100-year floodplain located on the proposed 16.20-acre lot. Any development including but not limited to filling, grading; construction; alteration, remodeling or expanding any structure; or alteration of any watercourse that would occur on this parcel would need review by the County Floodplain Coordinator. This should also be denoted on the final plat.

The purpose of a major subdivision is to ensure creation of sound neighborhoods that are sensitive to the county's rural character, responsive to environmental constraints and be consistent with the Comprehensive Plan. This layout I feel doesn't comply with that. You are proposing large lots that are eating up all the road frontage and not keeping any land for farm or open space dedication. Refer to **Section 3.14 Environmental Planning- (B)** any site may contain prime agricultural soils. Selecting the priority resources to be preserved will identify those portions of a site that are therefore set aside for development and **(J)** Prime Agricultural soils. Also, the site distance on the State Route 250 is inadequate and having some many driveway cuts added to this already busy road may not create safe access to the roadway. **Section 3.3 Lot Arrangements:** I am not sure that there won't be foreseeable difficulties in the future securing driveway access to building on the lots from Dover Road.

WCSWCD: MA-22-02: A 20-foot-wide drainage course exists extending from the north property line to the west property line of the proposed 16.26-acre parcel. The approximate location of the drainage course is

shown on the attached aerial photo, however, the drainage course location indicated on the survey drawing shall depict the actual location of the drainage course as it exists in the field. A 20-foot-wide drainage course exists extending from the west property line to the eastern drainage course of the proposed 7.698-acre parcel. A 20-foot drainage course exists extending from the east property line of the proposed 7.698-acre parcel to the watercourse to the west. A 20-foot drainage course was observed extending from the north property line to the south property line of the proposed 16.20-acre parcel. A 20-foot drainage course was observed extending from the north property line to the west property line of the proposed 16.20-acre parcel. A 20-foot-wide drainage course was observed extending from the east property line of the proposed 16.20-acre parcel to the watercourse to the west on the parcel. A 20-foot-wide drainage course exists extending from the west property line to the east property line of the proposed 8.424-acre parcel. A 20-foot-wide drainage course exists extending from the north property line to the east property line of the proposed 8.574-acre parcel. A 20-foot-wide drainage course exists extending from the west property line to the south property line of the proposed 7.85-acre parcel.

Drainage Course Note:

A drainage course was observed on the proposed 15.26, 7.698, 16.20, 8.424, 7.85, and 8.574 acre parcels. The drainage course is a swale, as shown and identified on the survey drawing. The drainage course should be preserved as a means of disposing stormwater and groundwater and is intended to benefit all who adjoin it. To preserve the function of the drainage course an area described as, ten feet on each side of the centerline of the swale, extending along its entire length, should not be impeded. Within the drainage course, no structure, fencing, culvert or other material should be placed or permitted to remain which may obstruct, retard or divert the flow.

A watercourse was observed extending from the south property line to the west property line of the proposed 16.20 ac parcel. A watercourse was observed extending from the north property line of the proposed 7.698 ac parcel to the south property line of the proposed 16.26 ac parcel. A watercourse was observed extending from the north property line of the proposed 12.5 ac parcel to the south property line of the parcel, running west along the southern property line to adjoin to the watercourse on the proposed 16.26 ac parcel. A watercourse was observed extending along the eastern property lines of the proposed 15.154 ac and 8.574 ac parcels.

Survey Drawing Note:

A watercourse was observed on the proposed 16.20, 7.698, 16.26, 12.5, 15.154, and 8.574 acre parcels, as shown and identified on the survey drawing. State and Federal requirements may apply. It is up to the applicant to contact any agencies with jurisdiction in the watercourse before earth-disturbing activity is conducted in the watercourse.

The Wayne County Soil Survey indicates that Sebring (Sb) and Luray (Ly) soil is present on the proposed 15.154 Acre lot. These soils are Hydric and has a Severe Ponding rating for Dwellings with and without Basements.

The National Wetlands Inventory Map indicates that wetlands exist on a portion of the 16.20 Acre parcel (see attached map). Due to the proximity of the proposed home site to the mapped wetlands, Ohio EPA and Army Corps of Engineers should be contacted before any earth-disturbing activity is conducted to determine what requirements, if any, these agencies may have regarding this work.

It appears that steep slopes (average slope of greater than 10%) are present on the proposed 8.424 Acre parcel. A sketch or a plan shall be included with the Construction Application for Permit (CAP) for all non-farm, earth-disturbing activities planned on this lot to show that there is less than 20,000 square feet of contiguous steep slopes being disturbed and that there is sufficient distance outside of riparian corridors and/or wetland buffers to provide sediment and erosion controls per Section 203.04 D. of the Wayne County Subdivision Regulations.

A portion of proposed parcel 16.20 is located in the 100-year floodplain. A Floodplain Development Permit should be obtained as an attachment to the Construction Application for Permit (CAP) prior to the initiation of construction in this area.

A Construction Application for Permit (CAP) shall be submitted to the Wayne SWCD office prior to constructing the drives or a dwelling in the proposed major subdivision. Based on an estimated earth disturbance of one half acre of ground for each vacant, residential building lot, the total earth disturbance will be one acre or greater. Therefore, a Storm Water Pollution Prevention Plan (SWP3), meeting the requirements of the Wayne County Storm Water Management Regulations, shall be attached to the CAP.

Map: No Comments

Engineering: ODOT Road. The proposed 9.45 ac & 8.424 ac parcels and respective easements on the West end have limited sight distance on SR 250.

ODOT: This section of US 250 is considered a Category 3 access roadway and the preferred minimum driveway spacing is 495 feet (55 MPH). ODOT's State Highway Access Management Manual states that one direct private access will be permitted per parcel or contiguous parcels under common ownership and no additional access will be provided for the splitting or dividing of existing parcels. Access for corner properties should be from the side road whenever possible. There are four existing driveways along US 250 for this parcel, two on each side of the roadway. Stopping sight distance is not met for eastbound US 250 traffic at the existing driveways near the west end of the parcel at the proposed 8.424 and 9.45 acre parcels. Stopping sight distance is met for both directions of US 250 at the existing driveways near the house/farm at the proposed 8.574 and 10 acre parcels.

- We would recommend relocating the existing driveways at the proposed 8.424 and 9.45 acre parcels further east to a location where at least 495 feet of stopping sight distance is available for both directions of US 250. The driveway on the north side of US 250 could provide access for the 8.424, 7.85, and 15.154 acre parcels. The driveway on the south side of US 250 would still provide access to the 9.45 and 16.20 acre parcels as proposed.
- We would also recommend relocating the existing driveway at the 10-acre parcel to the proposed 30' easement on the 7.698-acre parcel. This driveway could provide access to the 10, 7.698, and 16.26 acre parcels. Since the distance between the existing driveway at the 10-acre parcel and the proposed easement on the 7.698 is less than 495' a variance would need to be granted by ODOT for additional access to US 250.
- Since the 25.275 and 12.5 acre parcels have frontage along Fountain Nook Road, access to these parcel should be from Fountain Nook Road and direct access to US 250 would require a variance to be granted by ODOT. It appears the 25.275-acre parcel has existing access to Fountain Nook Road.

The property owner would need to submit a permit application to ODOT District 3 for any proposed work to or change in use of an existing driveway (residential to commercial, field/agricultural to residential/commercial, etc.). An ODOT permit is needed before any work can be done within the US 250 right-of-way.

FIRE DISTRICT: No Comments sent in

Staff introduced the application as an 11 lot major subdivision with no new roads to be introduced. The subdivision was located on State Route 250, Dover Road and TR 187 Fountain Nook Road. Staff also pointed out that the comments submitted from ODOT were submitted after the packet was sent out and a printout of those comments were at their seats. Staff introduced the applicant and agent to speak on behalf of the proposal.

Don Baker, survey and Eli Troyer, Kaufman Realty represented the clients. Mr. Troyer stated they were here to get feedback on the layout of the subdivision.

Mr. Amstutz had concerns about ODOT's comments with drives coming off State Route 250, Dover Road and Fountain Nook Road. Mr. Jones from the county engineer's office actually said that they would not allow a drives so close to the intersection of Fountain Nook and Dover Road for the north portion of the proposed subdivision.

Ms. Smail asked the health department about the 10-acre parcel and its comments on not having a working septic system. Jason Murvine from the health department commented that they would have to either abandon the existing system or bring it up to code.

Ms. Smail also stated that this application does not meet the intent of the major subdivision in keeping the rural character, responsive to environmental constraints and be consistent with Comprehensive Plan.

Mr. Gwin asked if they had any thoughts on having a common access driveway that comes off Fountain Nook Road and having all the lots come off that keeping Amish buggies and bicycles from pulling onto Dover Road. Mr. Troyer said they had not really thought about that. Mr. Baker stated that there were issues with water and stream crossings if they would do that.

Mr. Fitzpatrick was concerned that this application does not meet our Comprehensive plan and was not preserving farmland or helping the housing situation.

Questions were asked on whether 7+ acres are really what is selling in our county.

Mr. Troyer stated this was in a trust and that was making agreement on issue hard. Planning Commission stated that financial gain of the clients is not the commissions concern and that following the Comprehensive Plan and proper planning and stewardship of the land is.

Planning Staff offered a collaborative meeting with the applicant and the Technical Review Committee to come up with a plan that is consistent with the major subdivision regulations as well as the Comprehensive plan and their clients. That meeting was declined.

*Moved by **Joel Montgomery** to deny application stating to many issues unresolved with ODOT and the County Engineer on site distance and safety, that it doesn't follow the County Comprehensive plan and they could be issue with storm water management plans.*

*Seconded by **John Fitzpatrick**,
MOTION carried*

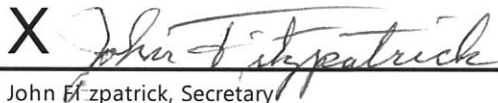
INTERGOVERNMENTAL REVIEW: None

OTHER BUSINESS: NONE

ADJOURN: *Upon hearing no additional further business, **Sue Smail moved** to adjourn, and **Jonathan Hofstetter** seconded. MOTION carried. Meeting adjourned at 4:00 pm.*

X 

Bill Cletzer, Chairman
Wayne County Planning Commission

X 

John Fitzpatrick, Secretary
Wayne County Planning Commission

