



# Delaware County Regional Planning Commission

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www.dcrpc.org

Scott B. Sanders, AICP  
Executive Director

## \*MINUTES\*

Thursday, December 20, 2012 at 7:00 PM

Frank B. Willis Building, 2079 US 23 North, Conference Room,  
Delaware, Ohio 43015

### I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of November 29, 2012 RPC Minutes
- Executive Committee Minutes of December 12, 2012
- Statement of Policy

### II. VARIANCES

06-04.V Homewood Corp. - Summerwood Lakes – Berkshire Twp. – 101 lots / 81 acres

### III. ZONING MAP/TEXT AMENDMENTS

19-12 ZON Orange Twp. Zoning Comm. – addition of new zoning district – Planned Elderly Residential (PERD)  
 20-12 ZON John Wicks for Old Harbor Estates, Sec. 1, Ph.'s A & B – Berlin Twp. – 26.267 acres from  
 FR-1 to R-3 w/ PRD overlay

### IV. SUBDIVISION PROJECTS

Preliminary (none)

Preliminary/Final

		Township	Lots/Acres
11-12	Harvest Wind, Ph. 6, Sec. 1, Lot #5554 Replat	Genoa	01 lot / 0.244 acres
28-04.2	Derby Glen Farms, Section 2	Liberty	11 lots / 8.332 acres

Final

**T=TABLED, W=WITHDRAWN**

### V. EXTENSIONS

06-04	Summerwood Lakes	Berkshire	101 lots / 81.01 acres
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### VI. OTHER BUSINESS

- Executive Committee member election

### VII. POLICY / EDUCATION DISCUSSION

- Consideration for Approval: Bylaws amendments
- Consideration for Approval: Subdivision Regulation amendments

### VIII. RPC STAFF AND MEMBER NEWS

## I. ADMINISTRATIVE BUSINESS

### ▪ Call to Order

Chairman Burke called the meeting to order at 7:05 p.m.

### ▪ Roll Call

Representatives: Jeff George, Susan Kuba, Ric Irvine, Fred Fowler, Ken O'Brien, Steve Burke, Tiffany Jenkins, Gary Gunderman, Holly Foust, Tom Farahay, Charlie Callender, Bonnie Newland, and Mike Dattilo. Alternates: John Piccin, Karl Gebhardt and Bob Talbott. Staff: Scott Sanders, Da-Wei Liou and Stephanie Matlack.

**Due to the lack of a quorum, no business could be conducted by the RPC. The agenda will be presented at the next RPC meeting on January 31, 2013.**

## II. POLICY / EDUCATION DISCUSSION

**The items listed below were discussed and these amendments will be forwarded to all Representatives and Alternates and a vote will take place at the January 31, 2013 meeting.**

### • DCRPC Bylaws

Several items need to be updated in the Bylaws of the Commission. (See attachment.)

**Process** – Article X defines the process for amending the Bylaws. The Executive Committee may approve, then recommend adoption to the full Commission (Article X, Section 1, a.). Notice must be delivered to each member not less than 5 days before said meeting (Article X, Section 1, b.). The information is being presented tonight for possible adoption at the January 31, 2012 meeting. Adoption of the changes will require an affirmative vote of 2/3 of those present (Article X, Section 1, e.).

**Proposed Change: Per Capita Fee** – There are several references to a specific previous per capita fee that has not been in effect for several years. This amendment removes the specific amount and references that such amount shall be determined annually. This fee is currently determined as part of the budget process, which includes two separate reviews by the full Commission. There is no change in the way the per capita is determined.

**Proposed Change: Officers of the Commission** – Currently there is no language that requires Executive Committee members be a member of the Commission as determined by their jurisdiction. This change clarifies that.

**Proposed Change: Officers of the Commission** – The current language leaves the process somewhat vague when reorganizing after an officer is no longer serving. The amendment defines how empty positions shall be filled but also allows for reorganization after vacancies have been filled.

**Proposed Change: Quorum** – Occasionally, the Commission cannot conduct business due to lack of a quorum. Currently the quorum is calculated as a simple majority of all members. In the past, legal opinion has found that members cannot be removed from the Commission nor can they

remove themselves. However, a recent legal opinion has found that quorum can be defined as a simple majority of “qualified voting members,” which can be defined as those members who are participating in the funding of the organization as defined in Article III, Section 5.

**Recommendation** – No action by the RPC is necessary at this time. Staff requests that any members who have questions or suggestions regarding these changes please contact the staff as soon as possible and definitely prior to the Executive Committee’s January 23, 2012 meeting. A full set of the changes shall be distributed to the Commission prior to the meeting as prescribed in Article X of the Bylaws.

- **DCRPC Subdivision Regulations**

Two items are proposed for amendment in the Subdivision Regulations. (See attachment.)

**Process** – According to ORC 711.10 and Ohio Attorney General 395, the Planning Commission must provide 30-day notice of the intent to amend the Subdivision Regulations in a newspaper, with written notice sent to each township 30 days before the hearing. If the proposed amendments are recommended at tonight’s meeting, the amendments would be placed on the February 28, 2012 RPC meeting. Those amendments would then be forward to the Board of County Commissioners, which would also require a 30-day notice for their approval.

Amendments were recommended by the County Prosecutor and numerous discussions were held between staff and the County Engineer’s staff, as well as the Executive Committee and Prosecutor’s staff for crafting of the final language.

**Proposed Change: Vacating a General Easement** – The Prosecutor’s office has determined that while easements that are specific to the County Engineer and Sanitary Engineer may be vacated directly through the County Commissioners’ process, certain general easements on recorded, platted subdivisions cannot be released without the public process of the Regional Planning Commission. To date, this has generated several subdivisions (such as Harvest Wind case this evening) to go through the Preliminary/Final subdivision phase, with the preparation of a Preliminary Plan and a Final Plat mylar which is signed by the plat-signing agencies. This adds unnecessary time and cost in the preparation of documents to meet the requirements of the Regulations.

This change adds a paragraph to describe a new process for vacating easements that includes submission of a survey and legal description of the proposed vacation. The applicant is also required to submit the names and addresses of all the applicable utilities within the plat, as well as a fee to cover the cost of providing notice. RPC staff will send notice via certified mail as well as place the notice in the newspaper. Commission will determine approval before the vacation can be recorded. Paragraph (c.) states the current process of going through the County Commissioners and does not establish the authority to do so. This section is also moved from Administration to a location immediately following “Recording and Distributing Copies of Plat,” which is more logical.

**Proposed Change: Sidewalk Requirement** – The current language requires sidewalks within subdivisions with certain lot frontage and where a road is projected to exceed 1500 trips per day. The purpose was to cover those subdivisions in FR-1 districts (or similar) where the local Zoning Commission does not review a Development Plan. The proposed language simplifies this requirement by requiring sidewalks in all cases except CADs and references local bikeway plans. The County Engineer’s design standards for collector streets (1,500 ADT) include sidewalks. This policy change reflects efforts to respond to potential health impacts of the built environment.

**Staff Recommendation** – While the ORC does not define how such amendments must be initiated, staff recommends the Commission vote to initiate these changes. Notice will be sent as prescribed in ORC 711.10 with proposed vote during the February RPC meeting.

*Mr. Gunderman made a motion to adjourn the meeting due to lack of quorum, seconded by Mrs. Kuba.  
VOTE: Unanimously For, 0 Opposed. Motion carried.*

*The next meeting of the Delaware County Regional Planning Commission will be Thursday,  
January 31, 2013, 7:00 PM at the Willis Building, 2079 US 23 North, Conference Room, Delaware,  
Ohio 43015.*

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*Steve Burke, Chairman*

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*Stephanie Matlack, Executive Administrative Assistant*