

RECORD OF PROCEEDINGS
Etna Township Zoning Commission

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

July 27,

2005

Held _____,

(YEAR)

Land Use and Zoning Map

The Etna Township Zoning Commission met in the Etna Township Hall on July 27, 2005 for the purpose of conducting a special meeting. The meeting was audio taped for the township records.

The meeting was called to order at 7:00 p.m. by Chairman Bravard with the following members present: Mr. Kerner, Mrs. Taylor, Mr. Colburn, Mr. Van Dyne, Chairman Bravard, and Clerk Laura Brown.

Announcements

The August 3rd, 2005 meeting will be held at the Etna United Methodist Church at 7:00 p.m. and contact Channel 4.

Mr. VanDyne moved that we adopt the agenda. Kerner seconded. Roll call: Motion passed 5-0.

Presentation was given by Phil Laurien with Delaware County Regional Planning Commission.

He focused on three items. Planning process, how you review the planning process, and the Concord Township Comprehensive Plan. How they do a typical comprehensive plan. He showed in depth the GIS document, there are sixty layers. They will show very briefly three different ones, planned residential, planned commercial and conservation subdivision.

If you are not ready for growth and development and you do not have a vision of what you want to do and what you want to be when you grow up you are in a "let's make a deal" situation. Somebody walks through the door and they paint you a picture and I want to get zoned. You are in a quandary if you do not have something to take the pressure off yourself to just look at that plan and say what we thought about for that site. You can change your plan or your vision at anytime. If you spend a little cash up front you will have less clash with the developers later on. Avoid the chaos, avoid the "let's make a deal" and have a vision and build that as your plan.

Phil Laurien reviews the Concord Township Comprehensive Plan with a power point presentation.

One of the things that you do during the planning process is we are really trying to find this balance, this stability, between stability and impermanence. The chaos is the impermanence side where you really do not know what is going to happen. Especially if you have land that is still agriculture. The farmers talk about the tipping point when the farm services go away, the roads have too much congestion and the farmers decide it is time to sell. When that happens and the land is in play then what are you going to do? You have to provide some reasonable economic use. The township wants to preserve the rural character. Do not cut down all the trees or knock over the stone walls, the natural buffer, basically the history of the township.

The township has to answer what do you want your township to look like when it is all built out? The township could get annexed by three directions and needs to seal off the boards the best we can. If the township is divided in your factions you will be conquered by bad development or you can shake hands with your enemies within the township and the political factions and consolidate your power and you will have a chance to attract good development and control your destiny. This is a marathon and not the 100 yard dash. This will take at least a year to put together a good comprehensive plan. To do this well, the township will have to learn the rules of the game. It is a very subtle game, it is like playing poker. Sometimes you can bluff and win and sometimes you can bluff and lose. You are going to be even more experienced at the end of this process. You will know what you can ask for, and what you ought not to ask for, and when to call your attorney to ask a question. Be aware of the fanatic fringe, some person or persons that are not able to break loose of that stand and will dominate the discussion and you can not move on. In an example Mr. Laurien stated in one township the fanatic fringe cost the township almost a thousand acres of property to annexation. The density was not what the township wanted and now they lost the property and the developer still got the density. For every action there is an equal and opposite reaction. You have to learn how to play the game.

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~~In the initial meeting we ask the township what do you like about the township and what do you dislike about the township and write them all down. Then establish initial goals and objectives. Then you develop alternatives, then you will evaluate those and select from them and then you will have some evaluation and feedback from them. Then go back and modify those goals and objectives.~~

They act as your client/consultant, as your team leader, as a consensus builder which means we will arrive at a consensus with the township which does not mean we can not disagree. They have done fifteen plans in the last seven years and we have always gotten consensus. We do not always have unity. We quote a price for the comprehensive plan and will honor that price even if we go over the number of hours we estimated. We will try to give you a proposal with realistic numbers but it does not matter if we say the number is thirty thousand and we get to thirty thousand we keep on working. We will not come back and ask you to appropriate more money or hurry up because you are out of money. We will stay with you until you have a plan that you want. We are a consultant for governmental agencies because that is all we are allowed to do. We are not in this to make money but we would like to cover our cost.

What factors should always be in a comprehensive plan.

Population both historical as well as future growth data to have some sense of where you are and where you will be heading based upon the growth in your area. We like to look at the recent development trend for the last ten years. How many building permits have been issued, what has been happening? Is it a slow growth community? Then we talk about the issues and the opportunities, what are the likes and dislikes. This is where we combine the comprehensive plan with strategic plan. What are the strengths of your community and what are the weaknesses? What are the opportunities to do something about it and what are the treats? A Chapter on existing land use, how much commercial, how much residential, how much agriculture and so on. Natural resources: They need to know where the flood plains are and so on. Housing: They are generally trying to determine the price range. What is the variety of single family, multi family? Do you need more variety to avoid lawsuits? General economic conditions, roads and transportation, utilities, schools, fire, police, recreation and open space. One community wanted more parks and recreation so the Trustees put it on the ballot and now they have a nice park. The Future development pattern will be looked at. Think big when doing these plans to when it is all built out. By using the comprehensive plans they were able to help the school district with the population projection. The school district then looked for land to purchase now before it is all purchased. They also worked out deals with the developers to help with the schools. We do not have the ability to control growth in townships in Ohio by establishing artificial moratoriums or things like that. If we have water and sewer capacity we have to decide what we are going to zone it for and you are going to have some growth. You need to have control over your destiny.

To get started, he recommends a town meeting that usually last around two hours. They will ask the community to prioritize the likes and dislikes of the township. Then they take all of the strengths, weaknesses, etc then they come up with a mission statement for Etna Township from the goals of the people of the township. The township wants to have a balance of residential, commercial, to avoid lawsuits.

They will map the land that is owned by developers. The citizens that live in the two acre lots are shocked because they like to watch farmer Brown go out and plant his corn. They do not like it when it goes away. They do not realize that farmer Brown has not owned the land and has been leasing it back from the developer all along. Then they might say it is already in play, it is going to be something other than corn.

They will also use an elevation map to plan the future of the township. Slopes greater than twenty percent you really can not build a road or typically build a house on. They also have the wetlands marked.

The farmers do not want to preserve their farm land they want to sell. The guy that has the two acre lot gets angry and says what are we going to eat if the farmer sells his land. That is a selfish kind of comment, that person needs to zoom out and see a more macro view. Their farmers are selling a hundred acres and getting the tax free exchange for ten times the amount of land somewhere else. They are able to change a hundred acre farm to a thousand acre farm. They are preserving agriculture that needs to be recapitalized somewhere else.

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In Delaware County the farmland is right next to water and sewer and they are in proximity to a four lane road. We will lose some of the farmland in the Urbanizing areas.

They will look at the economic condition of the township, the taxes and the revenues.

They will look at the township road table, the federal and the state highways. The county road inventory and the road name, the surface width from the county engineer. Travel information and local traffic. Can the road handle the traffic and how are we going to budget for this? ODOT wants to have a unified vision.

They will look at the utilities available and where they are available in the township.

Future Development Patterns.

Large lot development is one option, a PRD development with usable open space, and the layout of the roads with connectivity in the neighborhoods. This is a typical PRD.

Conservation subdivision has been around for twenty years. Randall Arendt wrote a book on them. His model became the national model. His idea was that fifty percent or more of the build able land is designated as permanent open space so it is usable. This is for rural areas. The density is one unit per acre or less, when the density gets to be more than one unit per acre fifty percent open space results in very tiny house lots. Phil Laurien had some pictures to show the Zoning Commission. With the conservation subdivision you look at the natural resources first then place the houses and the roads. It is density neutral. The lot sizes are smaller but you have more usable open spaces.

Phil Laurien suggests making it an equal opportunity. You can either have the large lot or the conservation with the same density, same traffic impact, and same school impact. The lots in the conservation subdivision sell for fifteen percent more than the acre lots. The developers make more money because they have fewer infrastructures. It is like the golf course lot without the golf course.

The traditional neighborhood development or design started in the early 1980's. It looks like Etna village. Grid streets, a park or open space where from the center to the edge is a fifteen minute walk.

Recommendations section will be very detailed in the comprehensive plan for Etna Township. Mr. Laurien showed the Zoning Commission the way the map program with the features will work. This program would pull up a property owner and gives you the information from when it was built to the last sale date. The use of the program is part of the package. Delaware County will check with Licking County Planning Commission and the Licking County Auditor's office for the data. If you have a detailed comprehensive plan that is thought out it would stand up better in court.

Mike Kerner does feel that we need a good comprehensive plan. Tina Taylor asked who would be responsible for the open space in the conservation plan. Phil Laurien stated that it depends on how it is set up.

Phil Laurien stated that the Farm Bureau wanted to see the concept of the Conservation Subdivision and they endorsed it. A wildlife officer with ODNR has been to several of Mr. Laurien's presentations and he is an advocate of the Conservation Subdivision. He stated that by providing prime habitat to expect an increase in the deer population and some of the other animals and at some point in time the homeowners may have to allow for selective hunting. Vince Colburn asked if there is a name for the way it is developed on the short east side by Children's Hospital where they take a strip of land maybe 50 to 100 feet wide and 6 to 800 feet long and merge the street around it have a community area in the middle and have the houses face it. Community Park or the New Urbanistic Design is where you have high density but you have park space. Conservation Subdivision and New Urbanism are cousins. They are both based around a core of open space. Conservation Subdivision is much lower density and the open space much larger. The New Urban area density is much higher and the open space is much less. Phil Laurien used St. Augustine, Florida and Savanna, Georgia for examples of New Urbanism/Old Urbanism.

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Jim VanDyne asked if the roads and transportation can be done at the same time. Phil Laurien stated that in Ohio with Township law we do not have impact fees. For off site traffic impact we do not have the ability to collect the fees. The developer may build the roads or improve the roads as part of their negotiations. Representative John Petterson from Delaware County recently introduced a bill into legislature that if it passes would give impact fee authority to townships for things like roads. Don Brosius thinks it is HB299. Phil Laurien stated that municipalities, charter cities, and villages are home ruled, they can make up their own rules. When it comes to planning and zoning, townships are creatures of state law and only have the limited powers that you are given. But with Planned Unit Development you have more latitude and you do get health and safety and general welfare for the area that is in the development. That allows you to do more things, but you have to be careful you do not abuse the power.

At what density do the two lane roads become four lane roads? If you go generally over one unit per acre average everywhere in the township there will be enough trip generation that in order to maintain a very high level of service, service A you will go to four lane highways, service B and C would have some waiting. When deciding where you want the density you need to keep in mind whether you will want a four lane road.

Paul George was interested in the parks and recreation. Don Brosius stated the township petitioned to have a levy put on under Parks and Recreation. The township has authority to put a levy on to preserve open space. It is a five year levy.

Gary Burkholder asked what would be the next step. Phil Laurien stated that the first step is the Trustees would need to pass a resolution to join them as an associate member for \$1,500 a year and that entitles the township to have access to all the resources and gives you twenty hours of free service the first year and entitles you to contract with them. Then if you want, the township can join them as a member and would like them to work up a proposal to create a quick planned unit development to help you in the short term and a long term master plan. The zoning stuff is on an hourly basis because they do not know how much the township is going to ask for them to do and it is hard to give a proposal to do a whole zoning code or even a piece of one so it is time and materials. We have a library of zoning codes so they can take one off the shelf and tailor one for the township but instead of paying for the total cost of that development Phil may be able in one day or two days time to put together a code that may work for the township and give the township a draft. Then in one month or two months time you may be ready to initiate a new code. This is a good way to do it because Phil will listen to what the township is trying to accomplish and what you want that district to look like when it is built out. He is interested in what it is going to look like when it is done and how do I make it work. Don Brosius will review the code to see if it is a one step process or a two step process. Does it incorporate all the elements and statutes and is it legally defensible? The township will get two sets of eyes looking at the code. They have been doing this for a lot of years.

Make it a two step process. Separating out the preliminary development plan from the final development plan and this way the developer spends less cash to come before the township with a street layout, the density, and preliminary landscape plan. The developer will not engineer it for the drains, the size of the sewer pipes. That is very expensive to do a complete development plan and then you run a risk of referendum. You are in a confrontational atmosphere. That developer has read your regulations, hired landscape architects, planners, and engineers and then when you start to criticize it, the developer gets angry. Phil Laurien has found out that if you separate the process into a first and second step. The first step in a PRD is referendable. It is more preliminary with use and density. The second step is the detailed engineering and that is administrative review that is not referendable. The Zoning Commission can do it or the Zoning Commission and Trustees structured either way. There are four ways to do a Planned Unit Development in the statute; this way is 5-19-0-2-1A and you have regulations in place and someone comes in and applies to have those regulations applied to their land. This is the modern way to do it.

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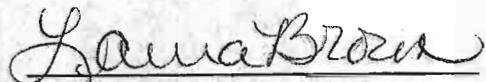
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A planned unit development does not have to be a mixture of uses of residential, commercial, industrial as long as you have at least one other use. Don Brosius said open space is a use. Phil discussed commercial district and the North American Industrial Classification System listed all types of business by a six digit number. The township can pick from those numbers to decide what you want in your commercial area. In the neighborhood commercial you would go for a dry cleaners, pizza shop, and gas station and so on. You do not want the big box retailer in the neighborhood commercial. You would in the community commercial or the highway service. Now you are starting to differentiate and identify by numbers.

Conservation Subdivision Code this one followed 519021C that is one of the four ways that you can adopt a planned unit develop. This is what Phil calls you float the cloud. You can either do the acre and a half lot in Concord Township or you can do .66 units per units which is the same density in a conservation subdivision without sewer. If you get sewer you get a little bonus. You get up to three quarters. We floated the cloud, when we float the cloud that is a legislative act the first step of the project. When we zoned, we took the whole township and said you now can have conservation subdivisions anywhere in this township. Now this doesn't happen automatically, what we have said is it is up there in the clouds. It is above Farmer Brown's land and he can not use it because down here on the ground he is still zoned FR1. But if Farmer Brown wants to sell it to developer A and developer A comes in and says here is my development plan and I would like to apply to have the conservation subdivision standards brought down to the ground and applied to my land here is my development plan let's start the dialogue. That is an administrative review and is not referendable.

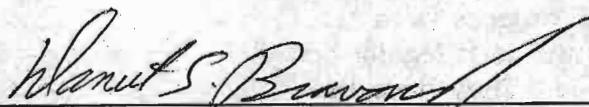
Phil Laurien stated if you are increasing the density, the neighbors should have the right of referendum. If you are changing use from residential to commercial or industrial, the neighbors should have the right of referendum. But if it is density neutral, and everybody says we can go for the large lot or the conservation design let them to this one as the overlay.

Chairman Bravard adjourned the meeting.


 Laura Brown, Clerk

Approved September 7, 2005

Approved as corrected/amended _____


 Dan Bravard, Chairman