



Delaware County Regional Planning Commission

109 N. Sandusky Street, Delaware, Ohio, 43015
Phone 740-833-2260 Fax 740-833-2259
www.dcrpc.org

Scott B. Sanders, AICP, Executive Director

MINUTES

Thursday, May 31, 2007 at 7:00 PM
Delaware Hayes Services Building,
140 N. Sandusky Street, Room G 35, Delaware, Ohio 43015

I. ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of April 26, 2007 RPC Minutes
- Executive Committee Minutes of May 23, 2007
- Statement of Policy

II. VARIANCES

05-07.V The Reserve at Duncan Run – Alexandra Building Co. - Harlem Twp. – 6 lots / 22 acres

III. ZONING MAP/TEXT AMENDMENTS

10-07 ZON Jerome & Rebecca Donovan – Delaware Twp. - 1.04 acres from FR-1 to C-1
 11-07 ZON Mark Trucco – Delaware Twp. – 2.64 acres from FR-1 to I
 12-07 ZON James Chambers – Genoa Twp. – 1.112 acres from RR to SR

IV. SUBDIVISION PROJECTS

	Township	Lots/Acres
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Preliminary

06-07	T	Fiddler’s Creek	Concord	29 lots / 42.50 acres
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Preliminary/Final

Final

11-06		Greyland Estates, Section 1, Phase A (FKA: Willowbrook Farms)	Trenton	24 lots / 38.35 acres
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T=TABLED, W=WITHDRAWN

V. EXTENSIONS

16-04		Eagle’s Ridge, Sections 1-3	Berlin	63 lots / 87.82 acres
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VI. OTHER BUSINESS

- OEPA Olentangy Watershed draft stormwater permit

VII. POLICY / EDUCATION DISCUSSION

VIII. RPC STAFF AND MEMBER NEWS

I. ADMINISTRATIVE BUSINESS

▪ **Call to Order**

Chairwoman Foust called the meeting to order at 7:05 p.m.

▪ **Roll Call**

Representatives: Paul Snajd, Dale Johnson, Fred Fowler, Jim Ward, Steve Burke, Holly Foust, Charles Heimlich, Dick Gladman, Larry Crile, Eric Fischer, Lloyd Shoaf, Scott Love, and Bonnie Newland. *Alternates:* Ray Armstrong, David Leitch, Jack Smelker, Pat Blayney, and Sharon Hough. *Mr. Spanner arrived after roll call. Mr. Leitch remained present for the meeting but did not vote. Staff:* Scott Sanders, Ben Henson, Paul Deel, Da-Wei Liou and Stephanie Matlack.

▪ **Approval of the April 26, 2007 RPC Minutes**

Mr. Blayney made a motion to approve the minutes of the April RPC meeting. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

▪ **May 23, 2007 Executive Committee Minutes**

1. Call to order

Chairwoman Foust called the meeting to order at 8:30 a.m. Present: Holly Foust, Dick Gladman, Steve Burke, Jim Ward and Lloyd Shoaf. Staff present: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes

a. April 18, 2007 – *Mr. Shoaf made a motion to approve the minutes from the April 18th meeting, seconded by Mr. Gladman. VOTE: Unanimously For, 0 Opposed. Motion carried.*

3. Old Business

a. Contract updates –

- 1. Harlem** – staff work on comprehensive plan complete, Twp. to continue working
- 2. Berlin** – zoning update continuing
- 3. Berkshire** – comprehensive plan update continuing

4. New Business

a. Financial / Activity Reports for April 2007

REGIONAL PLANNING RECEIPTS		APRIL	YTD TOTAL
General Fees (Lot Split)	(4201)	\$1,025.00	\$5,535.00
Fees A (Site Review)	(4202)	\$300.00	\$700.00
Insp. Fees (Lot Line Transfer)	(4203)	\$20.00	\$120.00
Membership Fees	(4204)	\$1,704.00	\$235,269.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$291.60	\$2,978.35
Assoc. Membership	(4206)		\$1,500.00
General Sales	(4220)	\$77.00	\$608.00
Charges for Serv. A (Prel. Appl.)	(4230)		\$6,900.16
Charges for Serv. B (Final. Appl.)	(4231)	\$1,030.00	\$8,823.98
Charges for Serv. C (Ext. Fee)	(4232)		\$1,240.00
Charges for Serv. D (Table Fee)	(4233)		\$800.00
Charges for Serv. E (Appeal/Var.)	(4234)		\$600.00
OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)	\$150.00	\$300.00

Soil & Water Fees	(4243)	\$525.00	\$1,250.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)	\$340.75	\$684.00
Misc. Non Revenue Receipts	(4733)		
TOTAL RECEIPTS		\$5,463.35	\$267,308.49

Balance after receipts		\$271,526.90
Expenditures	-	\$ 47,561.70
End of April balance		\$223,965.25

Mr. Gladman made a motion to approve the financial reports as presented. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

- b. **May RPC Preliminary Agenda** – includes 1 variance, 3 rezonings, 1 Preliminary, 1 final and 1 extension request. Mr. Sanders explained that the Preliminary plan for Fiddler’s Creek would be asking for a tabling. He also noted that staff would be recommending denial of the Eagle’s Ridge extension. This is the fourth extension request of their preliminary approval. Mr. Sanders explained that in other business the OEPA Olentangy Watershed draft stormwater permit process would be discussed.

5. Other Business

- a. **Discussion of Large Lot Regulations** – Chairwoman Foust asked about ways to proceed with Large Lot regulations. Mr. Sanders said that the Commission could discuss the large lot regulations at the end of the regular meetings or reconvene the Advisory Committee for a proposal. Chairwoman Foust clarified the Advisory Committee was originally formed to make a recommendation for CAD regulations and a review process for large lots. Mr. Sanders feels that the regulations that the staff are proposing are already the minimum that the ORC legislation defines. The items we ask for could be amended by the Commission during discussions. Due to the recent smaller agendas, the Committee agreed that there would be time to handle these discussions at the end of the regular Commission meetings. Chairwoman Foust explained that she would ask the Commission for their input.

- b. **Consideration for approval: Loveland & Brosius \$2,440.05** – *Mr. Gladman made a motion to recommend approval of the legal fees. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

6. Personnel (none)

- 7. **Adjourn** – *At 9:30 a.m. Mr. Gladman made a motion to adjourn the meeting. Mr. Burke seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.*

The next regular Executive Committee meeting will be Wednesday, June 20, 2007 at 8:30 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015

- **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to speak, at which time the chair will allow questions from the members of the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration. The Chairperson may limit repetitive debate.

II. VARIANCES

05-07.V The Reserve at Duncan Run – Alexandra Building Co. - Harlem Twp. – 6 lots / 22 acres

Applicant: Alexandra Building Company

Location: At and south of 3116 S. County Line Rd., Harlem Township.

I. Request

The applicant proposes to develop two side by side flag lots (21.99 acres total) into a 6 lot Common Access Driveway (CAD) subdivision to be called “The Reserve at Duncan Run”. A variance is requested from Section 306.01, which allows a maximum 3 lots on a CAD (except that 2 additional lots may be allowed if the additional lots have road frontage and are adjacent to the CAD at its access to the road).

II. Facts

1. Alexandra Building Company owns a 10-acre flag lot next to an 11.99 acre flag lot owned by Robert L. Moon.
2. Alexandra Bldg Co submitted a proposed 3-lot CAD subdivision of its 10 acres in February 2007. The RPC Staff suggested that the developer contact the adjacent property owner (Moon) to determine if the two accesses could be consolidated, avoiding a potential for two side by side CAD subdivisions.
3. The Moons are willing to participate in the subdivision but would like to reserve the ability to split their lot into three lots in the future.
4. The Alexandra lot is zoned FR-1 (2-acre minimum) and the Moon tract is zoned AR-1 (5-acre minimum). The Moons would secure the proper zoning and health approval at the time they subdivide their property.
5. The property is surrounded by agriculture and large lot residential, zoned AR-1 and FR-1. Duncan Run lies along the west property line.
6. The applicant has indicated that he is willing to construct the CAD to a width of 15’ to the point where the CAD breaks to the south serving the proposed Alexandra lots. In addition, he would provide a cross section acceptable to fire and emergency services.
7. The Harlem Twp. Trustees have provided a letter supporting the 6-lot CAD variance.

III. Criteria for a Variance

The burden is on the applicant to demonstrate in writing, each of the following:

1. The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.

Staff finding: The request would not be a detriment to the public health, safety, and welfare as long as the driveway is built to accommodate the additional trips generated.

2. The conditions, upon which this variance request is based, are unique to the property for which this variance is sought.

Staff finding: These are two existing large side by side flag lots, each having the potential to be a 3-lot CAD.

3. Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

Staff finding: The parcels are surrounded by residential frontage lots along County Line Road to the north and south, and Duncan Run to the west. The RPC generally does not support side by side CADs, so a hardship could exist to one of these owners if a separate CAD subdivision could be developed on one of the parcels but not the other.

4. The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Staff finding: The variance would not vary any existing zoning regulation or comprehensive plans.

IV. Staff Recommendation

Staff recommends **Conditional approval** of the variance to allow 6 lots to access a CAD in the proposed Reserve at Duncan Run subdivision, *subject to:*

1. *The CAD shall be at least 15' wide and designed and certified by the applicants engineer to support Harlem Township (and assisting) fire and emergency vehicles, and construction traffic anticipated for the development of the lots in the subdivision;*
2. *A sign post being located at the entrance of the CAD with a placard sign stating "Private Driveway"; and*
3. *The lot addresses shall be displayed on the entrance sign post as well as at each lots individual driveway extending from the CAD.*

Commission / Public Comments

Mr. Troy Miller of Alexandra Building Company was present. He agreed with the staff comments and conditions.

There was some discussion as to the handling of the driveway easement. Mr. Miller explained that a legal agreement would be created for the maintenance of the driveway and it would be noted on the final plat that would specify Mr. Moon could split up to two lots off his 11-acre lot.

Mr. Johnson asked the approximate value of the homes to be constructed on these lots and the surrounding lots. Mr. Miller estimated the new homes to be valued at \$300,000 - \$500,000 and the existing surrounding lots to be valued at \$150,000.

Mr. Shoaf made a motion for conditional approval of the variance request for The Reserve at Duncan Run, subject to staff comments in IV. 1-3. Mr. Fischer seconded the motion. VOTE: Majority For. Motion carried.

III. ZONING MAP/TEXT AMENDMENTS

10-07 ZON Jerome & Rebecca Donovan – Delaware Twp. - 1.04 acres from FR-1 to C-1

Jerome Donovan is requesting a rezoning of 1.04 acres on the east side of Braumiller Rd., approximately 550 feet north of Royal Dornoch Circle, in Delaware Township. The applicant is requesting to rezone the 1.04 acres currently zoned Farm Residential (FR-1) to Neighborhood Office District (C-1) to allow the existing structure to be leased as office(s).

I. Conditions

Present Zoning: Farm Residence (FR-1)

Proposed Zoning: Neighborhood Office District (C-1)

Present Use: Commercial

Proposed Use: Office

School District: Delaware City School District

Utilities Available: Del Co Water, on site septic system

Critical Resources: none

Soils: BoA: Blount Silt Loam (0 to 2% slopes)

BoB: Blount Silt Loam (2 to 4% slopes)

Surrounding land uses: single family residential to the north and west, agricultural and vacant agricultural to the north, east and south.

II. General

This is the site of the former Don-A-Del private school, which had been operating as a childcare facility for some time. The owner believes the land was rezoned from FR-1 to Institutional, but that the map was never updated. Our records indicate that RPC did review a request to do so in 1973, but there is no indication that Delaware Township approved it. The applicant states he would like to lease the building, most likely for office space. Although the application lacks a significant amount of detail, the existing building appears to be roughly 2,200 sq. ft. with another 1,800 sq. ft. building to the east.

III. Conformance with Local Comprehensive Plan

Delaware Township does not have an adopted comprehensive plan. This site is surrounded by similar FR-1 single-family lots and is near a PRD residential neighborhood. It is not in proximity to any business district. The proposed office use does not correspond with the permitted or conditional uses allowed under FR-1 zoning and would be out of character in this location. Within the Neighborhood Office District (C-1) the following office facility uses are permitted: insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers, credit agencies, personal credit institutions or loan offices, veterinarians, and other offices similar in nature or character. C-1 zoning in this location would be a spot zoning.

IV. DCRPC Staff Recommendation

DCRPC staff recommends **Denial** of the 1.04 acre rezoning from FR-1 to C-1 for Jerome Donovan, to the DCRPC, Delaware Township Zoning Commission and the Township Trustees, based on the continuance of a non-conforming use within a residential area.

Commission / Public Comments

Mr. Jerome Donovan was present to answer questions from the Commission. He explained that there is nothing specific in the Delaware Twp. zoning code for office. The parcel was zoned Institutional in 1973 until 1989 when it was mistakenly turned back to FR-1. The daycare operated under the FR-1 designation until its closure last year. He explained they have had three offers but all have requested to know if the zoning is in place first.

Mr. Van Sickle, Delaware Twp. Trustee agreed that the proposed use Mr. Donovan was proposing would not create any more traffic or be a nuisance to the neighborhood.

Mr. Leitch asked if the Township had considered a conditional use or a use variance with a specific use to the prospective occupants. This would give the Township the opportunity to restrict certain uses.

Chairwoman Foust asked if the Board of Zoning Appeals considered a similar use or a determination to a less intense use. She explained that giving the C-1 blanket designation there is a whole list of types of offices that could occupy the space.

Mr. Ward made a motion to recommend Approval of the rezoning request for 1.04 acres from FR-1 to C-1. Mr. Shoaf seconded the motion. VOTE: Majority For. Motion carried.

11-07 ZON Mark Trucco – Delaware Twp. – 2.64 acres from FR-1 to I

Mark Trucco is requesting a rezoning of 2.64 acres on the south side of Airport Rd. approximately ¼ mile east of S. Section Line Rd. in Delaware Township. The applicant is requesting to rezone the 2.64 acres currently zoned Farm Residential District (FR-1) to Industrial District (I) for the construction of offices, maintenance facility and storage yard.

I. Conditions

Present Zoning: Farm Residential District (FR-1)

Proposed Zoning: Industrial District (I)

Present Use: Residential/Institutional

Proposed Use: Industrial/storage yard

School District: Delaware City

Utilities Available: Del Co Water, On-site sewage treatment (proposed)

Critical Resources: A jurisdictional wetland along the east property line

Soils: BoA: Blount Silt Loam (0 to 2% slopes)

 PwA: Pewamo Silty Clay Loam (0 to 1% slopes)

Surrounding land uses: the Delaware Municipal Airport to the north, vacant agricultural to the east and vacant industrial to the south and west.

II. General

This rezoning is an addition to the adjacent 49.198-acre tract to the west which is currently zoned Industrial District (I). The concept plan indicates that Trucco Construction will develop approximately the northern half of the 49.198-acre tract as its office headquarters with a maintenance facility and storage yard. An on-site wastewater treatment

system will also be installed. The addition of this 2.64-acre lot will allow for additional area for storage and additional setback for the treatment system.

III. Conformance with Local Comprehensive Plan

Delaware Township does not have an adopted comprehensive plan. The site is surrounded by similar industrial and commercial uses.

IV. DCRPC Staff Recommendation

DCRPC staff recommends **Approval** of the 2.64 acre rezoning from FR-1 to I for Mark Trucco, to the DCRPC, Delaware Township Zoning Commission and the Township Trustees.

Commission / Public Comments

There was no one present to represent the application.

Mr. Shoaf made a motion to recommend Approval of the zoning request by Mr. Trucco. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-07 ZON James Chambers – Genoa Twp. – 1.112 acres from RR to SR

James Chambers is requesting a rezoning of 1.112 acres west of Tussic Street Rd. at the intersection of Medallion Dr. in Genoa Township. The applicant is requesting to rezone the 1.112 acres currently zoned Rural Residential District (RR) to Suburban Residential District (SR) for the construction of a single-family residence.

I. Conditions

Present Zoning: Rural Residential District (RR)

Proposed Zoning: Suburban Residential District (SR)

Present Use: Single-family residence

Proposed Use: Single family residence

School District: Westerville City

Utilities Available: Del Co Water, Delaware County Sanitary Sewer

Critical Resources: none

Soils: PwA: Pewamo Silty Clay Loam (0 to 1% slopes)

CaB: Cardington Silt Loam (2 to 6% slopes)

BeA: Benington Silt Loam (0 to 2% slopes)

Surrounding land uses: the site is surrounded by single-family residences.

II. General

The lot split exhibit attached with the rezoning application illustrates the applicant's intention to split 1.112 acres from a 6.74-acre tract to construct a single-family residence. The current RR zoning requires 2 acres to do so. SR zoning requires a minimum of .459 acres for a single-family residence.

III. Conformance with Local Comprehensive Plan

The 1999 Genoa Township Comprehensive Plan map shows this site as remaining Rural Residential District. However, the site is currently surrounded on nearly all sides by higher density Planned Residential District and can be served by centralized sewer. Constructing a single family home on 1.112 acres does not appear to be out of character with the area.

IV. DCRPC Staff Recommendation

The DCRPC staff recommends **Approval** of the 1.112 acre rezoning from RR to SR for James Chambers to the DCRPC, Genoa Township Zoning Commission and the Township Trustees.

Commission / Public Comments

Mr. Dave McCoy was present to represent the applicant. He agreed with staff comments.

Mr. Blayney made a motion to recommend approval of the rezoning request by Mr. Chambers. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

IV. SUBDIVISION PROJECTS

Preliminary

06-07 T Fiddler’s Creek – Concord Twp. - 29 lots / 42.50 acres

Applicant: William Adams

Engineer: John Piccin

I. Staff Comments

The applicant has requested a 90-day tabling to resolve TRC comments.

II. Staff Recommendation

Staff recommends *Approval of the 90-day tabling* for the **Fiddler’s Creek**, to the RPC.

Commission / Public Comments

Mr. Shoaf made a motion to approve the 90-day table request for Fiddler’s Creek. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

Preliminary/Final (none)

CONSENT AGENDA

Final

11-06 Greyland Estates, Section 1, Phase A - Trenton Twp. - 24 lots / 38.35 acres
(FKA: Willowbrook Farms)

Applicant: 605 Investments, LLC
Subdivision Type: Single-family residential/Conservation Subdivision
Location: east side of County Road 605, just south of Murphy Road, Trenton Twp.
Current Land Use: Woods and former agriculture
Zoned: Planned Conservation Residential Subdivision
Utilities: Del-Co water and individual on-site waste disposal
School District: Big Walnut
Engineer: Ryan Badger, ADR & Associates

I. Staff Comments

Greyland Estates was formerly known as Willowbrook Farms. The name was changed at the request of the Map Department because there is another subdivision in the County with a similar name. The overall development contains 69 lots on 161.9 acres (0.42 units per acre). It is Trenton Township's second subdivision to be developed under the Conservation Subdivision standards. The preliminary plan was approved in June 2006.

Section 1, Phase A is located on the east side of County Road 605. It consists of 24 lots on 38.35 acres. There will be 10.432 acres of open space provided. The access to this section is provided by Greyland Drive. Orvin Circle is a loop street extending north of Greyland Drive. Lots range from 0.8 to 1.26 acres, with most having 130' of frontage. Primary mound systems are located on each lot with secondary systems located either on-lot or within the common open space. The plat provides easements for the secondary systems within the open space.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

II. Staff Recommendation

Staff recommends *Final Approval* of **Greyland Estates, Section 1, Phase A** to the RPC.

Commission / Public Comments

Mr. Blayney made a motion for Final Approval of Greyland Estates, Section 1, Phase A. Mr. Spanner seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VI. EXTENSIONS

16-04 Eagle's Ridge, Sections 1-3 – Berlin Twp. - 63 lots / 87.82 acres

Applicant: Grover Johnson
Engineer: Ryan Badger, ADR and Associates
Preliminary approval: November 18, 2004
Extensions granted: 11-17-05 to 5/25/06, 5/25/06 to 11/30/06, and 11-30-06 to 5/31/07

I. Staff Comments

The last extension was granted November 30, 2006 with the condition that no more extensions would be approved for this project.

II. Staff Recommendation

Staff recommends *Denial* of the 6-month extension for **Eagle’s Ridge Sections 1-3** to the RPC.

Commission / Public Comments

Mr. Gladman made a motion to deny the extension request for Eagle’s Ridge, Section 1- 3 due the applicant exceeding the allowed requests under the Subdivision Regulations. Mr. Shoaf seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

VII. OTHER BUSINESS

- **Consideration for approval: Loveland & Brosius, legal fees \$2440.05 –**
Mr. Blayney made a motion to approve the legal expenditure. Mr. Snajd seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.
- **OEPA Olentangy Watershed draft stormwater permit**

I. Introduction

The Ohio EPA has released a draft General Permit as part of the National Pollutant Discharge Elimination System (NPDES). The permit (which would be required as part of an applicant’s efforts to receive Final Engineering Approval) is related to discharges of storm water associated with construction activity located within portions of the Olentangy River Watershed. This permit process occurs after the RPC gives Preliminary Approval of a subdivision.

II. Background

There are several pollutants associated with discharges from construction sites, including: sediment, solid and sanitary wastes, fertilizer, pesticides, oil and grease, concrete truck washout, construction chemicals, and debris. Of those pollutants, sediment is the main pollutant of concern. Sediment runoff rates from construction sites are typically 10 to 20 times greater than those of agricultural lands, and 1,000 to 2,000 times greater than those of forest lands.

The federal Water Pollution Control Act (also referred to as the Clean Water Act enacted in 1972), provides that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with a NPDES permit. The Clean Water Act amendments of 1987 (Water Quality Act) explicitly required the EPA to adopt regulations to require NPDES permits of storm water dischargers associated with construction activities. Construction sites disturbing one or more acres of land have been required to obtain NPDES permit coverage since March 10, 2003.

The Olentangy River watershed provides drinking water, recreation, agricultural drainage and other public goods for over 250,000 watershed residents. Its waters and habitats are home to unique and diverse communities of fish, mussels and other aquatic life. Recent studies document declines in its water quality and stream habitat. Among the most visible and widely publicized threats to the Olentangy’s water quality and habitats is the conversion of farm and forest acreage to residential and commercial land uses at an exceptionally rapid pace, particularly in fast-growing Delaware County. As a result, OEPA has decided to develop an alternative general permit for storm water associated with construction activity specific to portions of the Olentangy River watershed.

This alternative permit implements many of the basic recommendations regarding the programs, activities and Best Management Practices developed through the Total Maximum Daily Load process. Ohio EPA believes implementation of these recommendations is necessary to protect the unique water quality and biological integrity of the Olentangy River watershed.

III. Description of General Permit Coverage and Type of Discharges and Conditions

The permit would cover specific portions of the Olentangy River watershed and would authorize storm water discharges from construction activity disturbing one or more acres.

There are eight conditions/requirements in the draft permit, that differ from Ohio EPA's standard Construction Storm Water general permit which is applicable statewide. The conditions are very similar to OEPA's general permit for activity within the Big Darby Creek Watershed. Ohio EPA is requesting comments on these eight conditions in particular:

1. Requiring submittal of the Storm Water Pollution Prevention Plan (SWP3). The SWP3 is the plan to minimize contamination of storm water that will be discharged to surface waters from the site;
2. Requiring the application package to be submitted 45 days prior to the initiation of ground disturbance;
3. Requiring riparian setback distances from streams, to provide additional filtering capacity and a margin of safety during construction. The draft permit requires the use of one of three methods to determine the needed setback distance. Where an intrusion into the setback zone is necessary to accomplish a project, the intrusion may be mitigated. An intrusion within 25 feet of the stream edge would require mitigation at a rate of 4:1, whereas at least a fourth of the mitigation would be in the form of stream restoration. An intrusion within 25 to 100 feet of the stream edge would require mitigation at a rate of 3:1 and an intrusion in the setback area 100 or more feet from the stream edge would require mitigation at a rate of 2:1;
4. Requiring the use of sediment settling basins that receive drainage from disturbed areas of 5 acres or greater, to reduce sediment loads from active construction sites;
5. Requiring sediment settling basins to be sized to maintain a target discharge performance standard. To address sediment reduction recommendations of the Olentangy River Watershed TMDL, the draft permit requires that sediment settling ponds be sized to provide a minimum sediment storage volume of 134 cubic yards of effective sediment storage per acre of drainage up to a 0.75-inch rainfall event within a 24-hour period;
6. Requiring monitoring of the outfalls associated with sediment settling ponds. To ensure that the target discharge is maintained, the draft permit requires that the outfall of each sediment settling pond be monitored initially and on a quarterly basis;
7. Prohibiting the use of silt fence as a primary sediment control for sites greater than 5 acres in size unless pre-approved by Ohio EPA;
8. The draft permit prohibits extended detention basins (dry) for satisfying post-construction storm water requirements.

IV. Response

Communities within the watershed area see this draft permit as a threat not only to the potential residential and commercial development within their boundaries, but also to county and municipal projects, such as roads and bridges, and utility expansions and extensions. For these reasons, affected communities including Delaware County, the City of Delaware, and the City of Powell, have worked with MORPC to ask the EPA for an extension of the time for public comment as well as to request that the permit be re-worked and include hearings within the affected communities. We are also asking the EPA to allow current local zoning, planning, construction inspection, and watershed action plans to work.

Commission / Public Comments

Mr. Sanders explained that the Commission did not need to vote on this issue. He just wanted to provide the Commission with the information.

Mr. Blayney stated that the OEPA would consider written comments and comments made at a public meeting to be held in Delaware County in the near future. No date has been set yet.

VIII. POLICY / EDUCATION DISCUSSION

- **Large Lot Review** – Chairwoman Foust asked the Commission if they wished to reconvene the Advisory Committee to provide the Commission with a draft regulation for Large Lot review. The Commission agreed that they would like for the Advisory Committee to present the Commission with a proposal for the large lot review.

IX. RPC STAFF AND MEMBER NEWS

Mr. Ward made a motion to adjourn the meeting at 8:15 p.m. Mr. Blayney seconded the motion.

VOTE: Unanimously For, 0 Opposed. Motion carried.

The Public hearing of the Delaware County Regional Planning Commission on the proposed amendment to the 2007 Subdivision Regulations regarding Common Access Driveway standards will be held June 28, 2007, 7:00 p.m. at the Delaware Hayes Services Building, 140 N. Sandusky Street, Conference Room G-35, Delaware, Ohio 43015.

The next regular meeting of the Delaware County Regional Planning Commission will be held immediately following.

Holly Foust, Chairperson

Stephanie Matlack, Executive Administrative Assistant