

Public Requests/Inquiries for Changes/Additions to the Portage County Subdivision Regulations

Contacting Entity	Date	Question/Statement/Addition Requests	Overall Response
Rootstown Township Trustees: Requesting that the following items be addressed & included in the proposed Subdivision Regulations	March 9, 2021	1.The holding & release of funds shall be administered entirely by the Board of County Commissioners.	The specific administration of the required holding and release of funds is governed by terms of an agreement in favor of the Board of Commissioners. A subdivision rule requiring the Board to administer release of funds in a certain way may add cost or inefficiency, where the Board is accustomed to being able to rely on information and assistance from the County Engineer and Water Resources Department.
		2. A signature of approval from the Township shall be required at various stages of completion in the development project. Please note this procedure is already included in Franklin County's subdivision regulations.	While unable to verify how Franklin County subdivision regulations play out in practice, we would note that the Portage County subdivision regulation proposed Amendments contained in Section 516.1(B), give townships the opportunity to accompany the County Engineer on a scheduled inspection prior to any conditional acceptance of a roadway. Because the inspection during construction is the duty of the County Engineer, and townships now or in the future may have different preferences for involvement, it is preferred this remain invitational and not required.
		3. Any changes or alterations to any aspect of the project shall be forwarded to the Township for its review and approval.	Section 503 and 506 of the current rules appears in proposed revised form in Section 514.8(A) and 514.9 and governs approval by the County Engineer of needed changes to improvement plans deemed necessary as work progresses. As the approving authority for the improvement plans during the subdivision planning stages, and responsible for inspection during construction, the County Engineer has working knowledge of the plans and is in the best position to authorize any such changes. All matters involving zoning at any aspect of plan or plat review or revision require township review and approval.
		4. The one-year maintenance period shall not start until the project is 100% complete, and 10% of the total project cost shall be retained by the Board of Commissioners as a maintenance bond for one year after the project is complete.	We understand the desire to ensure that all improvements are complete prior to entering the maintenance period but 100% complete cannot be achieved. We have previously written out the steps involved in order to achieve conditional acceptance within Article 5 and have specifically included all stakeholders in the process. This will help meet our intent to have as many of the improvements installed as possible at the time of conditional approval, but there will be a number of important items that cannot be completed until much closer to the end of the maintenance period. One of those for example is the requirement to have the developer install the final surface of asphalt right before the end of the 1-year maintenance period. This provides a new surface of asphalt on the roadway at the end of the maintenance period instead of at least a year earlier at the time of Conditional Acceptance. The current maintenance amount of 3% from the 1984 regulations has not been changed. If the commissioners wish to move forward with Rootstown Townships recommendations to increase the maintenance bond, from 3% to 10%, the Engineers office would not object to these changes in sections 516.1(F) and 517 of the proposed revised subdivision regulations.

<u>Rootstown</u> <u>Township</u> <u>Trustees:</u> <u>Continued</u>	March 9, 2021	5. Each Township in Portage County shall sign off on the new Subdivision Regulations before they are presented to the Board of County Commissioners.	The subdivision rules and regulations are implemented through the RPC Board and is made up of members including representatives from the Townships. The adoption of the subdivision regulations and their amendments by the RPC Board is an integral part of their coming into effect. All Townships have been notified of the proposed amendments, and their opportunity to provide feedback and comments is welcomed by the Regional Planning Commission and the Board of Commissioners.
		6. The townships and county shall have equal representation by the Portage County Prosecutor's Office in the enforcement of the Subdivision Regulations.	Where court action is necessary to enforce the subdivision regulations of a regional planning commission, the county prosecutor institutes the action for any violation occurring in the county. See R.C. 711.102. The prosecuting attorney and the attorneys of his office have a professional duty to use their sound professional judgment in bringing or defending a proceeding or asserting or controverting an issue. The current subdivision regulations support such enforcement, and no change is suggested.

<p><u>Brimfield Township Trustees:</u> Proposed Changes to County Subdivision Regulations</p>	<p>March 2021</p>	<p>Despite the foregoing, the Trustees do not and cannot support the proposal to eliminate developers' ability to post security for a project through the traditional means of a bond. First, if the County ensures that a bond is properly completed and maintained, and timely executed upon should the need arise, there is no reason or ability for a bond to be ineffective. Furthermore, if the Subdivision Regulations are modified to require a developer to deposit sufficient cash, many, if not the vast majority of developers, will simply be unable to meet this requirement, and therefore unable to develop withing the County. This is detriment to the County itself. As the Commissioners are aware, Brimfield Township is an extremely vibrant community with great growth potential. And as such, the proposed modification to the current bond regulation would particularly harm the Township by stifling healthy growth within its borders. Such growth only serves to improve the quality of life tor Township residents, and residents of Portage County. Therefore, we, the Brimfield Township Trustees, unanimously implore the Commissioners to reconsider the proposed modification to the bond requirement. In the event the Commissioners continue to pursue the proposed change to the bond requirement, the Brimfield Township Trustees hereby make a public records request pursuant to the Ohio Public Records Act for any and all records pertaining to the instances where "the developer did not finish the improvements and when the County tried to cash the bond to access the funding to build the improvements" as referenced at page 217 of the Commissioners February 23, 2021 public meeting minutes. Time is of the essence in regard to this request.</p>	<p>The existing subdivision regulations do not currently accept surety bonds for performance guarantees. If the Commissioners would like to change the subdivision regulations to allow the use of surety bonds for performance guarantees staff would not be opposed. If the Board decides to make this change we have provided the changes necessary throughout this document to allow this to occur.</p>
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<p><u>Darren Shultz, President-Home Builders Association Portage & Summit Counties Comments to the proposed regulations broken down by section.</u></p>	<p>March 2021</p>	<p><u>Section 150-Planned Unit Developments;</u> Planned developments provide the developer the flexibility to cluster development in areas of the property in terms of use and density, while providing public and common open space. They also provide the local planning officials the ability to provide input and guidance to land use, density, and overall design, while setting aside present land use regulations and rigid plat approval processes. It also provides a process between the developer and government municipalities, which in turn strengthens the local authorities site plan review and control over development for potentially increased profits due to land efficiency, multiple land uses, and increased residential densities. Strict adherence to the Subdivision Regulations may impede this. There should be exemptions afforded to Planned Developments to allow for innovative planning and design. For example: - The extension of roadways to adjacent properties and block length requirements may not be conducive to the layout of a cluster development. - The requirements for roadway geometry (i.e. minimum centerline radii, minimum centerline tangent lengths) may not be conducive to a cluster development. - The requirement of utility services to be located outside the driveway areas may not be possible within a high-density residential development.</p>	<p>As the intent of this section is to allow for flexibility as determined by the Township and the County Engineer's Office and Water Resources as appropriate, this feedback is considered and the proposed amendments to section 150 are suggested to be withdrawn. Subdividers may pursue a non-traditional development, but those are determined through the preliminary plan process and thorough evaluation, including in the area of public safety, which is crucial when dealing with road design.</p>
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<u>Darren Shultz,</u> <u>President-Home Builders Association</u> <u>Continued:</u>	March 2021	<u>Section 201 - Definitions:</u> The term "Road Opening" should be defined. It is listed in Section 308.1 as Criteria for Subdivision Exempt from Platting. The definition of Preliminary Plan states "A map of a proposed subdivision prepared by a registered surveyor...". This definition should be expanded to also include a registered engineer as well. Variance should be defined as a modification of the strict terms of the relevant regulations, where such a modification will not be contrary to public interest and are due to conditions specific to the property and not the result of the actions of the applicant. Furthermore, where the strict implementation of the regulation would result in unnecessary and/or undue hardship to the landowner.	<p>Road opening as mentioned in Section 308.1 is in relation to Ohio Revised Code section 711.131, and here is intended to have the same meaning as understood therein.</p> <p>In keeping with Section 302.2, it is correctly stated that the definition of Preliminary Plan should include a registered engineer, and this revision is recommended.</p> <p>The definition of Variance is in accord with Section 705 on Variances, and no change is suggested.</p>
		<u>Section 301 - Pre-Application Meeting:</u> This is an added step in the subdivision process. It is not required, but "strongly recommended". The Pre-Application Meeting will result in additional time and expense to the developer in the approval process.	<p>The pre-application meeting is, as noted, strongly recommended, and the intent is to help the developer to work through some pre-application issues informally and have constructive dialogue before launching into extensive engineering costs, which may result in a savings for some developers.</p>
		<u>Section 302.1 - Preliminary Plans Required for Major Subdivisions:</u> Under the current regulations, a preliminary plan is optional. Whereas I do agree that a preliminary plan is necessary for developments that requires the installation of public improvements (i.e. public roadway, public utility extension, etc.), these requirements would be rather cumbersome for Major Subdivisions that are already serviced by existing public infrastructure. This will be an unnecessary added expense to a landowner simply trying to subdivide property along and existing public roadway.	<p>Preliminary plans are required for major subdivisions involving new, expanded, or extended roads, water and/or sewer lines (in the event that your development requires infrastructure to support it), as well as other major subdivisions with circumstances for example involving stormwater, wetlands, floodplain etc. issues that may exist on site. We do understand there will be less information devoted to roads and or water and sewer if they already exist; however, due to potential complexities on any given site, it is believed the required preliminary plan will resolve any possible issues earlier in the platting process and may result in savings to subdividers as well as consistency in applying the subdivision rules and regulations. For these reasons, no change to section 302.1 as proposed is suggested.</p>

<p><u>Darren Shultz, President-Home Builders Association Continued</u></p>	<p>April 20, 2021</p>	<p><u>Section 402 - Road and Street Design:</u> Item D requires the extension of public roadway to the boundary of the development to provide for future extension and connectivity. It appears that the new regulations will require a variance to not extend public roadway to adjacent properties. The variance would require the developer to prove a hardship created by the requirement to extend the roadway. The developer will also be burdened with determining the development potential of the adjacent parcels. The required Extension of streets to the boundary for future extension will result in added design and infrastructure costs to the developer. It may also result in a layout that is not favorable to the developer.</p>	<p>Proposed amendments to this item are a clarification of an existing requirement found in section 410.4 of the subdivision regulations and will be determined at the planning level.</p>
		<p><u>Section 408 - Open Space:</u> The proposed regulations require increased open space for developments with lot sizes less than 0.92 acre. The current regulation requires 5% for all development. The proposed regulations will require 7% for medium density lots and 10% for high density lots. This will result in reduced yield of higher density developments. We would like to keep the regulation at the %5 mark as it works well in many other parts of the country. In addition, the proposed regulations state that "permanent water bodies should comprise no more than 30% of the required open space" and "no more than 40% of the open space are may be sensitive or natural environmental areas". This is counter to encouraging the preservation of lakes, ponds, wetlands, streams, natural features, etc. We would like this part stricken from the regulations.</p>	<p>The intent of the change is two-fold, first as lots get smaller under and an acre and under a half-acre that kids and adults too need space to recreate. So, we created a sliding scale to address smaller lots. No changes to subdivisions with lots over an acre. So, we also recognize that environmental constraints, topography lot layout, may tip the scale on profitably developing the subdivision and added a fee-in-lieu of option. The fee is based on the land value prior to development and a fund is created for the Township to provide new equipment for all residents. We are trying to provide options and create a win/win opportunity for future and or current residents.</p>

<u>Darren Shultz,</u> <u>President-Home Builders Association Portage & Summit Counties:</u> <u>Continued</u>	April 20, 2021	<u>Article 5 - Portage County Engineers Standards for Road, Storm water and Drainage Improvements:</u> In general, it appears that the county highway engineer is addressing deficiencies in the current regulations. The items being proposed are not uncommon in other locations. However, it is signification upgrade to the previous regulation and will result additional survey, design, and construction costs for development projects in the county.	The Board appreciates that different standards for road, storm water and drainage improvements could be accompanied by a different cost, and a resultant potentially different cost in home prices or other developments, which may be affected by many factors. The revisions, as mentioned, are not uncommon, and would have the additional result of reduced wear and tear on vehicles, lower maintenance costs to the community, as well as higher quality standard of living and service within the communities of the county, which is believed to outweigh the risk of additional costs.
		<u>Section 502.5 Road Plan and Profile Sheets:</u> The scales designated for roadway plan and profile sheets by the highway engineer do not match the scales designated for sanitary/water plan and profile sheets by Water Resources in Section 601.2. Differing scales would require added plan sheets, resulting in additional design costs. The regulations need to be consistent with other regulations.	The County Engineer agree with matching the scale requirements and will adjust the appropriate sections to make them the same for consistency.
		<u>Section 519.2 - As Built Drawings:</u> The proposed regulations will require as built drawings, including all permanent Post-Construction Storm Water Management facilities (including as-built design calculations), all storm water structures, waterline and gas line structures such as valves and hydrants, service valves, sanitary, storm, and water connection in lots. As-builts for storm water management facilities and publicly dedicated storm sewer is common practice. However, the requirement for as-built locations of service lines and lot connection is not. The requirement for as built will be an added expense to the developer.	We understand the comment but providing As-built locations for the ends of the utilities is also a safety issue. We want to ensure the home excavator knows where the ends of the laterals are to ensure they are not searching for laterals so close to high power underground electric lines and fiber optics that are located behind the right of way within the easement. This is viewed as a safety and cost saving measure for each individual lot.
		<u>Section 519.3 - Final Inspections:</u> The proposed regulations will require all storm sewer to be cleaned and televised prior to acceptance by the county. This will be an added expense to the developer.	This is not a new requirement and is currently part of the ODOT specifications and is only highlighted to ensure it is not missed by the contractors in their estimates.

<u>Darren Shultz, President-Home Builders Association Portage & Summit Counties: Continued</u>	April 20, 2021	<u>Section 520.2 - General Liability Insurance:</u> The proposed regulations will increase the insurance limits required by the developer. This will result in increased insurance premiums for the developer. We need to keep this regulation in line with other municipalities.	Matching to the county's insurance limits for liability per the current coverage rate standards. The old rates were from 1984.
		<u>Section 521 - Minimum Roadway Specifications:</u> The proposed regulations will change the roadway specifications for publicly dedicated roads. These changes will result in additional pavement thickness, the addition of an aggregate base course, and the addition of curb under drains. This is an upgrade and will result in a more superior roadway construction. However, it will also be a significant cost increase for the developer to install streets.B37:D37	The Board appreciates that different standards for roadway specifications could be accompanied by a different cost, and a resultant potentially different cost in home prices or other developments, which may be affected by many factors. The revisions, as mentioned, will result in superior roadway construction, and would have the additional result of reduced wear and tear on vehicles, lower maintenance costs to the community, as well as higher quality standard of living and service within the communities of the county, which is believed to outweigh the risk of additional costs.
		<u>Article 6 - Water Resources Standards:</u> In general, it appears that PC Water Resources is incorporating their current standards into the subdivision regulations. Most items listed in the proposed regulations were already required for the installation and dedication of public water and sanitary sewer mains.	The intent of the update to the subdivision regulations was to match the Departments rules and regulations for sewer and water systems.
		<u>Section 601.2 - Drawings shall be submitted in the following format:</u> The scales designated for sanitary/water plan and profile sheets by the highway engineer do not match the scales designated for roadway plan and profile sheet by the Highway Engineer in Section 502.5. Differing scales would require added plan sheets, resulting in additional design costs.	The County Engineer agree with matching the scale requirements and will adjust the appropriate sections to make them the same for consistency.

<u>Darren Shultz, President-Home Builders Association Portage & Summit Counties: Continued</u>	April 20, 2021	In conclusion, as Portage County is at a great point of growth and expansion, we need to make sure our regulations move with the community and do not overshadow the potential growth of the area. We look forward to continuing these conversations and coming to a common ground on the regulations.	Portage County appreciates the comments.
<u>Richard Bancroft and Mike Wohlwend</u>	April 22, 2021	1) Section 404(B)3 - basically not allowing Cul-du-sacs to be longer than 1,200 feet if they do not intersect with an ingress/egress path from the development.	We understand the concern and feel this can be handled with a variance procedure as describe herein. Suggested to add – 404 1a) Lengths over 1,200 shall require a variance to the block length requirements. 1b) The variance will be required to demonstrate the ability to adequately address emergency vehicles for public safety. 1c) Variances should consider lot configuration, topography, environmental constraints (wetlands, floodplains, and soil conditions), and the ability to appropriately sub-street connect to adjoining parcels. The intent is primarily for public safety with emergency vehicles and to encourage interconnection to other existing or future subdivisions. Due concern must be given to public safety with emergency vehicles and to encourage interconnection to other existing or future subdivisions.
		2) Section 301.1(B) - clarify what we want for a pre-application sketch	We want applicants to use FIRM Maps and NWI maps for the surrounding parcel info. Append to Section 301.1(B) "using information contained in the FIRM and National Wetland Inventory Maps."
		3) Section 303.2(H&I) - Clarify what we want as part of the preliminary plan (information just outside the project site).	We want applicants to use FIRM Maps and NWI maps for the surrounding parcel info. Insert to Section 303.2(I) after "(FIRM)", "and National Wetland Inventory Maps".

General Inquiries	General	Enactment of regulation amendments	Added Section 180: Enactment. These Regulations shall become effective from and after the date of their approval, adoption and/or amendment by the regional planning commission and the board of county commissioners after public hearing(s) and certification to the county recorder as required by Chapter 711 of the Ohio Revised Code. Henceforth, any other subdivision regulations previously adopted pursuant to Chapter 711 of the Ohio Revised Code by the Portage County Regional Planning Commission and Portage County Board of Commissioners shall be deemed to be repealed. These Regulations shall not affect any subdivision having received preliminary plan approval prior to the effective date of these regulations or amendment thereto, provided, however, that no changes to the preliminary plan, as approved, are introduced by the subdivider.
		Appendices 5A & 6A	The template / example documents provided in Appendices 5A and 6A are not themselves rules or regulations and are being stricken during the pendency of the amendment process so that they may be updated and provided for convenience of developers at the time any amendments to the subdivision rules and regulations are approved and adopted.