

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Ron Rhodes, Hinckley Township Trustee, said this public hearing was advertised by the Commissioners and there would be a regular Township Trustees meeting immediately following the hearing. He introduced Pat Geissman, President of the Board of Medina County Commissioners.

Mrs. Geissman called the Public Hearing to order at 7:00 p.m. at the Medina County Highway Garage. A sign up sheet is attached. She turned the meeting over to the County Engineer, Mike Salay.

Mike welcomed everyone to the highway maintenance facility. He told the group how Access Management Regulations came to be. He said the General Assembly adopted a statute in 2002 that allowed County Commissioners to adopt Access Management Regulations. If they did not act to adopt them, individual townships could adopt their own. In March 2004, the Medina County Commissioners passed a resolution to start the process to draft Access Management Regulations. An Advisory Committee was established that had to consist of people from these different categories and the people chosen are listed as follows:

County Engineer or his designee	Dave Miller Mike Salay – alternate
Registered Surveyor in private practice	Nils Johnson, Cunningham & Associates Dan Cunningham – alternate
Representative of the homebuilding industry	Tim VanderLaan, MC Homebuilder Assn. Patricia Theken – alternate
Licensed Realtor	Harry Steward, NAI, New America Real Estate
Rep. of County Planning Commission	Tom Russell
Professional engineer with expertise in traffic engineering	David Lewis, Lewis Land Professionals
Representative of Metropolitan Planning Organization (MPO)	Howard Maier or his designee
Three Township Trustees	Lynda Bowers, Lafayette Township John Molnar, Litchfield Township Frank Ehrman, York Township
County Commissioner	Steve Hambley

The Advisory Committee presented a draft to the Commissioners in December 2004, and copies were forwarded to all of the townships. They held a public hearing on Monday, February 7, 2005, and this is the second one as required.

Mike explained that Access Management Regulations would regulate the placement of driveways. The goal is to create safe access locations for a new parcels on existing county or

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

township roadways. They will take into consideration the driveway's stopping site distance; distance of the driveway to the nearest intersections, and the driveway will have to follow rationale and criteria. One of the primary tools these regulations are proposing to create is a permit for site distance. The "Site Distance Permit" would have to be applied for and an evaluation done before a new minor subdivision parcel could be created. The second part that they already have in place is a "Driveway Permit". That would be an evaluation to make sure the driveway is placed so the property owner has optimum site distance. This would be a requirement instead of a suggestion as it is now. It is very expensive to fix problems such as unsafe blind spots so it makes sense to regulate driveway placement. Access is guaranteed to parcels that already exist.

Evelyn Czyz, Brunswick Hills Township Zoning Inspector, 453 Sugarbush Circle, Brunswick, asked if they would be issuing a permit type of document.

Mike said the driveway permit really is not that different from what it is now. There might be some additional information that gets considered. The new permit is the site distance permit.

Evelyn asked if they could issue one permit without the other.

Mike said not unless it is a lot that existed prior to adopting the regulations.

Mike stated that there are waiver and appeal processes and some are built into the regulations. This gives latitude to the County Engineers, and a formal variance board will be set up to consider variances if hardships exist. The criteria for the driveway permit and the site distance permit are related to the type of roadway the lot is on so Mike's predecessor, Dave Miller, assigned a classification to all of the county and township roads. This is similar to ODOT's Access Management Manual that has been in existence for about seven years. The state applies it very stringently to commercial development and not quite so much to residential development prior to a parcel being created. Then they have to react to what they are stuck with.

Mrs. Geissman opened the floor to questions from the audience.

Kathleen Scheutzow, Brunswick Hills Township Trustee, 3926 Foskett Rd., Medina, said she found some of the language confusing in section "302 Joint and Cross Access Drives". She asked the County Engineer to explain it.

Mike said there are some options in a situation where the required site distance cannot be achieved. They could make the parcel wider or propose an access easement on the adjacent landowner. This is done with the understanding that each township has different rules about common access driveways or driveways with easements that are not on the parcel. This is a tool that allows some driveways to meet criteria that otherwise they could not.

Kathleen said Item D3 is confusing and the figures look like they are creating a marginal along the roadway with access in and out.

Mike said what she is describing is like a parallel access road that is common in the Columbus area, and they usually run across the front of parcels. There is also such a thing as a rear access road. This is more common for commercial type development – not for residential.

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Larry Bush, Chatham Township Zoning Inspector, said Chatham Township does not allow shared driveways. He asked if this means they cannot issue permits now if the parcel does not have the site distance.

Mike said according to these regulations if they don't meet the county's requirements; they cannot create the parcel. They might meet the zoning resolution for minimum frontage and acreage, but they might not meet the Access Management Regulations for site distance. They have to be able to do both in order to create a new parcel.

Larry asked if the document was approved.

Mike said this was just a draft that has not been adopted. This process is to get input on the draft. The Commissioners will take the input they get from this meeting and the previous meeting, or any written comments that people choose to send in. He suggests that the Advisory Committee take the comments and review them to see if anything needs revised. Then they could have more meetings like this for final approval before it gets adopted.

Mr. Hambley said under the circumstances they are describing, the property owner could go to the Appeals Board.

Mike said that is correct, and the makeup of that Appeals Board in Section 700 is five county residents who serve three-year overlapping terms. The Commissioners appoint two township residents and one surveyor or engineer. The Township Trustees' and Clerks' Association appoints two members. The initial appointments shall be two members for one year, two members for two years, and one member for three years.

Ron Rhodes stressed to the group about the importance of getting their comments to the committee. He said common driveways are not permitted in Hinckley Township either. The option of a rear access driveway is primarily used for commercial development. He asked if the plan actually says that, and if it doesn't – it should.

Mike said it does not say that. The front access or rear access road is a commercial type treatment. The common access is the more frequent residential type approach, but it still has to meet the township's zoning requirements.

Alliss Strogan, Medina Township Zoning Commission, 3003 Hood Rd., Medina, asked about the procedure to subdivide a lot. She asked if the surveyor would have to go to the County Engineer's Office first to get a buy off before they come to the zoning commission for a split.

Mike said that would be the process that would have to be followed. The surveyor would not want to do the survey and description and then seek a sight distance permit and find out that it's not meeting the criteria.

Alliss asked if the lawsuit for the taking of the land would be against the County Engineers if they turn down a split even though it meets the township's zoning requirements.

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Mike said possibly and deferred to Bill Thorne, Assistant County Prosecutor.

Bill said it would not necessarily be a “taking”. If the County Engineers will not let them do it with the minimum lot requirements that the township requires, they could get a variance or extend the lot.

Alliss gave an example of a person that has six acres and enough frontage for two lots with each meeting the township’s zoning requirements for minimum frontage. The county says he does not have sufficient frontage because of the lay of the land, and he would need 700 feet to split it into two parcels. He does not have 700 feet. She said that would mean they are taking a lot from him and asked if that is his fault; not the township’s fault.

Bill said that would be their fault, but that would be a legal taking.

Colleen Swedyk, Hinckley Township Clerk, 1410 Ridge Rd., Hinckley, asked what has been wrong with their driveways that Medina County feels they need to take this step now.

Mike said he thinks and probably all the township trustees know that on the 330 miles of roads, it is the driveways that cause the problems as far as where they are located and whether they are safe driveways. He understands the problems that go along with creating driveways. His driveway that was created in the late 1960’s would not pass the proposed criteria. It is common for people buy a parcel, move into the house, and later go to the township trustees or County Engineer and ask them to cut a hill down and do a repair so they can see to get out of their driveway. With all the new construction there are so many new driveways being created on the county frontage, the purpose is trying to stem the problem before it is really started. About 20 other counties are going through the same process now. The Advisory Committee tried to take “pieces parts” out of a number of different regulations to build this one suited to Medina County.

Emil Bolas, Sharon Township Trustee, asked if the law states that the regulations needed to be put into affect within a year, otherwise it would fall into the hands of the townships.

Mike said once the bill was passed it allowed County Commissioners to seek to adopt the regulations. Once they passed the resolution, the committee has 270 days to deliver the draft to the Commissioners. There is no timeline after that occurs as to how soon the Commissioners have to act on the regulations. If the Commissioners had not adopted the resolution and had chosen to ignore it, then the townships could adopt their own. The bill allowed for that situation.

John Ginley, Granger Township Trustee, 2233 Old Stone Drive, Medina, asked if they have a “ballpark” estimate how much the evaluation would cost a resident and what the time frame is. He also asked if the County Engineer’s Office has enough people to handle the extra work, or if they will have to hire more people.

Mike said they have not gone through the exercise to see what the actual cost of the evaluation is, but he thinks it will be in the \$100 range. The application for the site distance permit has to be acted upon within seven days. He will not have to hire more staff, but they would have to juggle some duties.

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Jim Crocker, Liverpool Township Trustee, 56 Station Rd., Valley City, asked if there is a driveway setback from intersections.

Mike said yes – in addition to site distance criteria there is spacing criteria between driveways, and between driveways and intersections. Driveway spacing criteria is probably the area that would often come into conflict with township minimum frontage requirements. That varies with the different types of roads. Dave Miller and the committee came up with tables and criteria. Mike commented that both he and Mr. Thorne have questions, input, and comments on the draft. There will probably be some changes to the document in its present form.

Kathleen Scheutzow questioned some of the levelness of the document. She said there are seven days on the site distance permit, but the document gives 30 days on approval of a driveway permit – so there is some inconsistency there. Also, there is a section that says if there were a significant change in use, they would have to come into compliance with the regulations. She thinks the word “significant” could be an argumentative point. She commented that the \$500 per day penalty is somewhat “draconian” for this type of thing.

Mike said he cannot address the penalty and thinks it was probably part of the bill. The part about change in use might not be that well defined. “Change of use” usually means something like taking a field driveway that has been there a long time in an industrially zoned area and a new owner wanting to put in a high traffic generator at that location. Another example would be going from a residence to a business.

Dale Farrell, 590 Messina Drive, Sharon Township, asked if this applies to interior roads in new subdivisions.

Mike said access management would be handled when the lots were being created under the subdivision process. This would not apply to new subdivision roads, but it would apply to existing county and township roads. The regulations would also not apply to new lots being created on state highways because the statutes do not allow for that. However, the state highway department could enter into an agreement with the County Commissioners to have it apply to state highways.

Emil Bolas said that roads types could change because of the volume of traffic due to a new subdivision or a road connection between developments, for example. He asked if the road categories were reevaluated and the criteria for the driveway’s site distance would change.

Mike said most of the arterial roads are on the state highway system and not county or township roads. Each road has ascending criteria for driveway spacing and that relates to traffic volume. Dave Miller’s analysis for his list of the roads into categories is probably based upon traffic volumes and use. That is something that could possibly be reevaluated as time goes by. There could be a township road that becomes triple the traffic volume it once was.

Kathleen Scheutzow commented that the draft says the Access Management Regulations will be reviewed every five years. Looking at the roads in her township, some segments of the same road are different as they are defined – one portion might be an arterial and another portion a collector, for example. As they add traffic to them, she can see them being upgraded to the next classification. She asked if that reclassification would be done in the five-year review process, and Mike said he would

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

think so. Kathleen asked if anything done under the old criteria stays the same, and Mike said once a parcel is created, it would be “grandfathered” in to allowing the access. She asked if they expect a rush of preemptive subdivisions trying to get done now before the regulations become more stringent, and he said possibly since that has happened in the past when changes were proposed.

Colene Conley, York Township Trustee, 6520 Wolff Rd., Medina, asked how often the county does traffic counts.

Mike said they do a two-year cycle for traffic counts on all the township and county roads. They do about half the county every year.

Al Fulkerson, Brunswick Hills Township Zoning Commission, asked Mike to elaborate on how Access Management will affect new subdivision streets culminating in cul-de-sacs or stubs, and Mike said they do not pertain to that. That issue is a planning issue.

Ron Rhodes, said on Page 2, Section 102, Item 2 is about connectivity. It says all land will be connected and no cul-de-sacs.

Mike said Ron is referring to Section 102, which are statements on connectivity as a planning principle. There are some relationships between land development and thoroughfare planning that really do have some access management mix to it. However, the document has no criteria that states how that is to be done. It is a statement that just supports connectivity and reinforces the principle.

Gary Chidsey, Chatham Township Trustee, 5279 Vandemark Rd., Medina, said that Page 13, Table 2, shows safe stopping site distance. He asked if that is for all roads and if it applies to county roads when they are rebuilding intersections. There have been two intersections in Chatham Township that were rebuilt by the county and they are still not safe to cross.

Mike said it is for all county and township roads. There is criteria they are supposed to follow for vertical line, which relates to site distance. Intersections are actually a more stringent requirement with regard to site distance than for driveway stopping site distance.

Dick Aughenbaugh, Sharon Township Zoning Commission, asked if he wanted to get an access permit now and he lives on a state highway, if he would have to get two permits.

Mike said if he lives on a state highway, these regulations would not apply unless the county enters into an agreement with the state to utilize the site distance permit on state highways. If the county enters into an agreement with the state highway department to utilize the manual, then he would have to get a site distance permit to create a parcel. If it were an existing parcel he would need one permit - a driveway permit from the State of Ohio. If he were creating a new parcel he would need two permits – a site distance permit followed by a driveway permit, and the driveway permit would be obtained from the state instead of Medina County.

Dick said that the jurisdiction provision that says no person shall construct or modify any new access is not true if the state elects not to assign this project to the county.

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Mike said if the state does not want to enter into an agreement with Medina County and uses their own criteria, then a new parcel on a state route will not be dealing with Medina County at all. That is the process now.

Dick asked if the county wants this to be in a state of indecision like it is.

Mike said he discussed with the Prosecutor's Office that when he read the statute it referred to county and township roads. But, the document is written to include all parcels in Medina County. Given the way the statute is written, Medina County cannot regulate new parcels on state routes unless there is some sort of an agreement. That question has not been posed to ODOT and it needs to, before Medina County pursues any sort of agreement.

Dick questioned Page 10 where it says that all driveways shall be designed so that all vehicles entering and leaving the site will not crossover onto the opposing lane of traffic. He asked if that was conceivable and he said no driveway is wide enough to accommodate a horse trailer or a truck.

Mike said the county's current driveway criterion is designed in such a way that it accounts for most types of traffic that use a driveway. There is probably some type of vehicle that is going to cross over the centerline. Mike said he is not naïve enough to believe that is not going to happen for every type of vehicle that exists.

Dick said he finds some things in this document to be extremely weak. He is not sure that joint access does not constitute a taking if the neighbor does not agree to joint access the county does not approve a driveway.

Mike said he does not think the county would be saying that - that is an option that is available to the applicant.

Dick said if they do not take the option, that means they would not get a driveway – so that's not an option. He feels this has the capability of imposing some difficult burdens and he thinks it might be unconstitutional.

Mike said a permit is required now and the current standards are based upon turning radiuses. The required length of a culvert has been extended from 20 ft. to 30 ft. Those standards are for how to build a residential driveway are probably not going change. Those standards on Page 10 are looked at more if they are going to develop an industrial or commercial parcel, and Dick said it should say that.

Ms. Ray said on Page 26, Section 702, Item 1, it states in granting variances, the Board of Appeals may consider whether or not granting the variance would deny all reasonable access. She said it looks like there are some provisions made.

Mike said he still has some questions about the document. The Advisory Committee needs to evaluate all of the comments and look at the manual again to see whether or not changes to the document need to be made. Then they should send the document back to the Commissioners. He suspects they would want to have some type of public forum to reconsider a revised document.

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Kathleen Scheutzow asked Mike about Sections “401 Major Subdivisions and Minor “lot split” Subdivisions” and “402 Parcels Not Covered Under Chapter 711 of the Ohio Revised Code”. She interpreted it to mean a subdivision that is going through the Department of Planning Services and the County Planning Commission would be subject to the Subdivision Regulations and not under these site distance permit requirements. Any of the lots created as part of a subdivision are not a part of this document.

Mike said there could be a major subdivision created and it is not on a new road. For example, there could be eight lots created on Substation Road. This was intended to be for any size parcel. There could be a 20-acre parcel with 50 feet of access. That is what this section is referring to.

On another matter, Mike said rear lots are allowed in some townships. There could be issues when both rear lots, with only 40 to 60 feet of road frontage, do not have the ability to shift driveways. Those could be in conflict with these criteria. Upon questioning, Mike said the County Engineer has the ability to make some waivers. For example, if a rear lot does not meet the driveway spacing but has site distance, the Highway Engineer could waive that requirement. If he does not, the property owner could go to the Appeals Board. This gives the Highway Engineer a lot of discretion, and Mike said he is not so sure he likes that. But, it would eliminate a lot of variance requests by having the ability to administer waivers in a reasonable fashion.

Bill Ostmann, Medina Township Trustee, 3670 Hamilton Rd., Medina, asked who is liable in the event of an accident in a situation where the county denies a permit because there is not enough access because they think it is unsafe and then the property owner goes to the Board of Appeals and gets a variance.

Mike said it would depend upon the circumstances of the accident.

Bill Thorne said as long as it is a reasonable variance, just like a zoning variance, there’s not a problem.

Toni Roberts, Brunswick Hills Township Clerk, and Secretary/Treasurer for the Medina County Township Association said she would like to express their gratitude to the Medina County Commissioners and the County Engineer for their willingness to hold this additional public hearing because this is of such enormous interest to them.

Mrs. Geissman told the group that they can be assured that their questions and concerns raised here tonight and the first hearing will certainly will be reviewed. This is a working document and they are not done with it. There will be another opportunity to talk about it before it is actually adopted by the Commissioners.

Mr. Hambley made a motion to adjourn the Public Hearing. Ms. Ray seconded the motion. Roll Call showed all Commissioners voting AYE. The meeting adjourned at 7:55 p.m.

BOARD OF COMMISSIONERS

Respectfully submitted,

**PUBLIC HEARING – MEDINA COUNTY ACCESS MANAGEMENT REGULATIONS
THURSDAY, FEBRUARY 17, 2005**

Patricia G. Geissman

Stephen D. Hambley

Sharon A. Ray

Pamela M. Vereb, Asst. Clerk