Gallia County
Planning Commission

Minutes

September 28, 2023

The Gallia County Planning Commission met on Thursday September 28, 2023, with the following members in attendance: County Commissioners Jay Stapleton, Leslie Henry, and David Smith, Craig Barnes, Nick Mills, Shari Hill, Tom White, Cole Massie, John White, and Carolyn Wasch-Brown. Members absent: John McKean, Joash Sherwood. Guests were Paul Hutchins, Assistant Prosecutor Issac Beller, and Mark Harrison.

Craig Barnes brought the meeting to order and established a quorum at 2:09pm.

August 31, 2023 Meeting Minutes: Carolyn made a motion, seconded by John White to approve the August 31, 2023 Meeting Minutes. All members voting yea.

Business Discussed:

Parcel Split Form: Nick reiterated the need to approve a new split form (due to the Engineer's Office no longer signing the form and a few additions to the Health Department's section). Commissioner Stapleton asked what changes were made to the form. Nick stated that he removed the Engineer's Office, and that Josh added a few clauses to the form regarding the Ohio Department of Health requirements. Commissioner Stapleton asked about the 5 acres lot split minimum. Nick stated that he wishes the Health Department was present, but it's his understanding that there is not a minimum lot size, but there needs to be enough room for a septic system and a back-up system. Otherwise, a NPDES would be required or that someone just brought green space. Paul spoke about the Health Department would come out prior to him surveying. There was discussion on the history of the Ohio Department of Health changes. Commissioner Stapleton stated that he does not agree with rule being made in Columbus that apply to every scenario: because there are many instances where to situation does not fit the rule and vice-versa. Nick stated that there is another portion of the form regarding a $10.00 fee. He stated that when he took over Melissa that she told him she hasn't been collecting the fees. Nick stated that he has not been either. He stated that he agrees with the County Engineer that the regulations need to be updated and the current level of funding will not facilitate that: and collecting fees would assist with paying to have them updated. But he stated there is a number of questions that should be taken into consideration. For example, where does the money get deposited, do we take credit card payments (and the process for the transaction fee), the SWCD has a certain policy for handling non-district money, etc. Commissioner Henry looked up the Allen County Planning Commission and read what their fees are and that it takes 5 days from start to

finish to get a parcel split back to the landowner/surveyor/attorney. Commissioner Smith asked if this would create more work for Nick. Nick responded that it would. Commissioner Smith suggested to table the fee discussion until a later date. Commissioner Henry advised to look at other county's Planning Commission's to see their process and fees.

James 30' Easement: Paul explained that this easement is for ingress/egress and will only be 2 users and that they do have a maintenance agreement. Commissioner Stapleton asked if this split is under the new ODH system? Nick stated that it is under the new form.

Timeframe for parcel split approvals: Paul stated that it sometimes can take up to 2 weeks to get an approved parcel split back after submitting it. He added that the delay seems to be with the Health Department. Paul continued by stating it has gotten better, but still seems to take a while. Nick stated that the Planning Commission Office has been accused of dragging their feet on this. Nick said that many of the splits are signed and dated the day he sends to the Health Department, but then it's a week or 2 before they're returned to him: so, he sees why people are thinking it's the Planning Commission Office that's the hold up. Nick added that this is not the case, unless he is on vacation or out of the office, he reviews, approves, and returns them the day he receives them from the Health Department. Commissioner Smith said that we should have this discussion when the Health Department is present. Everyone agreed.

Woods Subdivision: Mark Harrison stated that he is confused with the minutes of the January 19, 2023 Planning Commission. Nick stated that the Planning Commission did not meet on 1-19-23. It was concluded that Mr. Harrison was referring to the 1-19-23 Commission Meeting Minutes. Mr. Harrison asked what issue the Green Township Trustees had with the Oak Ridge Drive. Commissioner Smith stated to ask the Trustees. But he thinks they were concerned with the pavement, base, culverts, and bridge. Craig said the bridge was sized for a 25-year rain event and that all public road standards have been met. Craig stated that there will be minimal road traffic on the road. Craig continued by stating he heard that the trustees didn't want to take over the road because it would be too much work. Craig said he thinks there would be minimal work due to the road just being brought up to public road standards. Craig said Green has the most mileage of all the townships. But he feels that since they are getting taxpayer money, they owe it to the Woods Subdivision residents to take care of the road. He concluded by stating that the County Engineered approved the road for public road standards, the Planning Commission approved the plat, that the road should be made public. Mr. Harrison stated that he has 29 signatures of county residents who want the road to be made public. Commissioner Smith stated that Issac is here representing the Prosecutor's Office. He said the Green Township has the right to state their opinion, but the Commissioner's Office will defer to the Prosecutor's Office. Mr. Harrison stated that he feels there are other roads that do not meet the ORC and that he feels everyone wasn't on the same page. Issac stated that there are 3 ways to make a road public according to ORC and this road doesn't meet any of them. Mr. Harrison stated that this ORC (that there must be a road or house within the first 500 feet) has been a law since

1973 and that there are roads that were made public that violated it. Mr. Harrison also stated that other counties don't follow this specific ORC. Issac replied that he can't speak on what occurred in the past as he has only been with the Gallia Prosecutor since March 2023. Craig asked when does ORC 5553.04 apply. Issac responded that this is a case-by-case basis. Commissioner Smith requested that Issac investigate this and if the Commissioners could implement this ORC. There was discussion on creating a public park to make the road public. Issac stated that every owner could dedicate land to the county to make the road public and this would be a way to skirt ORC 5553.03. Commissioner Smith asked if an easement to the county would work. Issac said he will look into this. Commissioner Smith stated that there is a way to make the road public, as outlined by Issac (land dedication to the county). Craig stated that the roadway was platted out when the subdivision was created. Commissioner Smith stressed that it would need to happen as soon as possible, not 5-10 years from now. There was discussion on how to proceed. Issac explained the land dedication process. Mr. Harrison asked for a guarantee that if the land dedication is done, the Commissioners would approve the road to be made public. Commissioner Smith stated that you need at least 2/3 Commissioners to vote yes for it to pass. He continued by stating he is 1 of the 2 votes and that he will vote yes if the legality of the road is met. He concluded that's the best guarantee he can provide. Commissioner Stapleton and Henry agreed. Nick said that as Commissioner Smith has already mentioned, this will need to be done as soon as possible because it sounds like all 3 commissioners are willing to make it public via the land dedication route. He added to not wait 5 years, get a whole new set of commissioners, and have this issue start all over again as has been done with this over the past 20 plus years. Commissioner Henry asked if this would be done over the next 90 days. Mr. Harrison replied yes, he would like it done within the next 30. Caryolyn asked if Issac would be providing Mr. Sager with the steps to begin the dedication process. Issac stated that he can't represent Mr. Sager that he should hire a real estate attorney. Caryolyn stated that Mr. Sager could hire Mark Sheets or David Evans as legal counsel. Issac stated he could provide the legal requirements to whatever counsel Mr. Sager chose to hire. Commissioner Henry stated that as long as the legal conditions are met she feels their office would support the road being made public.

At 2:51pm Tom White made a motion, seconded by Carolyn Wasch-Brown to adjourn. All members voting yea.