

**MINUTES OF THE PUBLIC HEARING
LAKE COUNTY SUBDIVISION REGULATIONS
March 28, 2006**

Mr. Brotzman opened the meeting by saying that Russell Schaedlich resigned his position as Chairman of the Planning Commission due to health concerns.

Mr. Brotzman announced the Public Hearing open at 6:30 p.m. and read the Notice of Public Hearing that was posted in the News Herald on February 24 and March 13, 2006.

NOTICE OF PUBLIC HEARING

Notice of public hearing is hereby given to amend the Lake County, Ohio Subdivision Regulations for the unincorporated areas of Lake County to be held at 6:30 p.m. on March 28, 2006 at 125 East Erie Street, Painesville, Ohio in accordance with Sections 711.10, 711.101, 711.131, and 711.133 of the Ohio Revised Code to consider amendments to the Lake County Subdivision Regulations.

Such amendments pertain to the addition of new Article I, General Provisions; Article II, Definition of Original Tract; and Article III, Plats and Plans. These are on file in the Lake County Planning Commission office, 125 East Erie Street, Painesville, Ohio.

Russell D. Schaedlich, Chairman

Darrell C. Webster, Secretary

February 24, 2006

March 13, 2006

Mr. Webster said that there were four comments submitted concerning the changes. Ms. Pesec said that she would like to see the time limit on a preliminary plan reduced from three years to one year because it was more appropriate to grant variances on time rather than have a three year and see what is happening in terms of the subdivision.

Mr. Radachy read the first definition of original tract. *"Each Lake County parcel issued a permanent parcel number by the Auditor in the unincorporated areas may be split into four plus a remainder, so long as the splits and remainder meet all township zoning requirements and all county regulations that apply."* The second definition of original tract was read. *"Any unsubdivided tract of land established by legal description and of record on January 1st of any calendar year."* The definition of subdivided was read as follows: *"Subdivided: Any tract of land divided by minor subdivision as defined by ORC 711.131 and these rules or any lot divided by major subdivision as defined by ORC 711.10 and these rules."* ORC 711.131 is the lot split law and ORC 711.10 is major subdivisions law.

Mr. Webster said we will define what a subdivision is in the next meeting.

Mr. Radachy said in cases where a temporary cul-de-sac is up against a property, having a definition of subdivision will allow enforcement of Article 4, Section a (1), saying, *"Subdivisions shall show an arrangement of streets where provision of continuation of existing streets into adjoining areas with proper projection where land is not subdivided."* This

definition of subdivision will allow us to determine where land is subdivided and where land is not subdivided.

Mr. Brotzman asked about the first definition of splits and frequency of splits, such as per property owner. Splits are defined through parcel numbers not owners.

Mr. Radachy said the splits are per parcel. The “strawman” was eliminated because the auditor accepted “from yourself to yourself”. A prosecutor’s opinion states that each owner can have four splits and a remainder. The remainder ends up with the original parcel number.

Mr. Webster said that we have been doing this all along, but needed to put it in writing.

Mr. Simon said the auditor could change the interpretation as to who receives the parcel number.

Mr. Radachy said if they change the way they do the parcel number, then we can redo the definition if it does not work. The law says we have until April, 2007 to come up with a definition.

Mr. Simon said, if the person doing the split is aware that the original parcel number will be kept for the larger piece for any potential split, they have eliminated the probability of doing any splits. If a new auditor determines that the largest piece keeps the original parcel number and everything else is different, so everybody knows that if that is the case, there will only be four splits.

Mr. Brotzman asked how the splits are tracked.

Mr. Radachy said the Planning Commission has recorded the splits since 1965 in a tax book. The splits are recorded to determine if a split is possible.

Mr. Brotzman brought attention to additional comments about the changes to the Subdivision Regulations. Mitch Ferguson of the County Engineer’s office said he would like a statement included saying, *“All subdivision plats were to follow OAC 4733-37 and the survey requirements per the Lake County Conveyance Standards.”*

Mr. Brotzman read a letter from Dan Donaldson, District Administrator for the Soil and Water Conservation District. *“In order to ensure thorough subdivision reviews by the Lake County Soil and Water Conservation District, the District proposes the following additions to Article III Section D(1)(k) of the Subdivision Regulations:*

k. drainage channels, lakes, ponds, professionally delineated streams and wetlands of any type, location of floodways, flood plains, and any other potentially hazardous areas and other water courses and basins;” Mr. Donaldson added, *“In order to better serve the Planning Commission concerning natural resource impacts to the County and Townships the District feels that providing accurate delineated stream and wetland information on the now required preliminary plan will reduce the number of plan revisions and reconfigurations resulting from state and federal requirements as projects move forward into the preliminary and final improvement drawing phases of review.”*

Mr. Brotzman read a third comment submitted by Prosecutor Charles Coulson and Assistant Prosecutor Pat Nocero. He read the applicable portion. *“It would be our recommendation that a provision be added to both Article III, Section 3, Paragraph D, Subparagraph 2c and to Article III, Section 6, Paragraph D, Subparagraph 2(a) that require proof that the subdivision complies with applicable zoning regulations.”*

Mr. Brotzman asked for comments. There being no further comments or correspondence, he closed the meeting at 6:52 p.m.

Timothy C. Brotzman, Chairman

Darrell C. Webster, Director/Secretary