

Development Process and the Champion/Blackhawk Golf Course Development

YOUR CONCERNS AND FREQUENTLY ASKED QUESTIONS - Oct. 14, 2019

1. “Why are we having this meeting and who is paying for it?”

There has been a great deal of incorrect information being circulated, yet it is very difficult to explain this process at one Village Council meeting or hearing. Several residents suggested we hold a town hall. Councilman David Simmons represents the Village on the Mid-Ohio Regional Planning Commission (MORPC) and he requested their help. They referred us to professional facilitator Marie Keister, AICP, president/CEO of MurphyEpson, to moderate this session and assist us in preparing related public information.

The Village is paying for Ms. Keister’s services. We scheduled this public information session prior to more public hearings on the Champion/Blackhawk development so you can learn facts about the development process and where the Champion/Blackhawk development is in that process. We are convening at the church to provide more capacity than we have at the Village Hall.

2. “Does the Champion Plan for Blackhawk Golf Course Fit Galena’s Vision & Requirements?”

In short, it does meet the vision outlined in the 2010 Master Plan. This is why the Planning and Zoning Commission recommended its approval to Village Council.

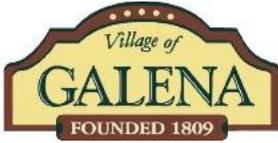
The Master Plan was adopted in 2010 after significant public input. It detailed a mix of uses with commercial development along State Rt. 3 and the rest residential, as is proposed by Champion. Residents agreed the Village needs a broader commercial tax base and the appropriate place for that was in the State Rt. 3 corridor. The Master Plan also encourages mixed uses; compact design; a range of housing opportunities and choices; walkable neighborhoods; distinctive and attractive communities with a strong sense of place; preservation of open space, farmland, natural beauty and critical environmental areas; variety of transportation choices; development decisions that are predictable, fair and cost effective; and community and stakeholder collaborations.

Public input was gathered in developing the Zoning Ordinance that envisioned Planned Resident District (PRD) single family homes at 2 units/gross acre. The Champion/ Blackhawk development plan for PRD is 2 units/gross acre.

Planned Commercial & Office (PC) has no maximum density in our zoning code in recognition that commercial entities may lend themselves to mixed uses including residential. The 2019 market is driving the need for apartments and the developer is responding to this. The proposed Champion PC includes 153 acres with 895 units, 6 units/gross acre.

Overall, the Champion/Blackhawk development is 221 acres. It is proposed to have a total of 1,029 residential units, or 4.65 units/gross acre including those in the PC.

It is important to note that the Zoning Ordinance has not yet been updated to reflect the Master Plan’s vision but staff have worked with developers to incorporate its objectives.



3. “What is a Planned Residence District?”

As stated in our Master Plan: “The Planned Residence District is intended to promote the variety and flexibility of land development for residential purposes while preserving and enhancing the health, safety and general welfare of the residents of the Village.” Zoning code section 10.11 allows:

- Up to 6 units/acre for Single Family
- Up to 8 units/acre for Two-Family and Townhouses
- Up to 12 units/acre for Two-story Apartments

The Champion/Blackhawk Development meets this definition

4. “What is the Planned District Development Process?”

This is a multi-step process based on Ohio Revised Code and Village of Galena statute. See accompanying information sheet (Galena Land Development Process – Detailed Overview) for more detail. Below is a high-level summary of the steps in the process:

- A. Informal Consultation: All prospective developers are encouraged to meet with Village staff so the staff can review our vision (detailed in the Master Plan) and regulations with them. Draft plans may be presented for feedback. Once staff is comfortable that the plan meets the Village’s requirements, the developer is encouraged to meet informally with the Planning and Zoning Commission to share their plan and get feedback. Champion has been meeting with staff since 2018 and met informally over three months with the Commission.
- B. Once the **Conceptual Plan for Rezoning** is presented by a developer to the P&Z Commission, specific processes and timelines are triggered. This requires public hearings. The Conceptual Plan details layout, phases, architectural design, types, and numbers of units. Once the P&Z Commission reviews and the public hearing process is completed, the P&Z Commission makes a recommendation to Village Council. Notice of the P&Z Commission’s action is sent to Council, which triggers a 30-day notice period before a Council public hearing.
- C. The Village Council considers the **Development Plan/Rezoning** through legislative readings and a public hearing.
- D. Once Village Council votes on the Development Plan, if approved should detail here the Emergency goes into effect immediately or after a 30-day Referendum Period. If a Referendum Petition is filed, the rezoning is on hold until the voters weigh in.
- E. If the rezoning is approved, **Final Engineering** begins. This includes extensive engineering details in preparation for construction, which requires **administrative approval**. Details are reviewed by Village staff, Village engineering and other regulatory bodies such as Ohio Environmental Protection Agency (OEPA), Delaware County Engineer, Ohio Department of Transportation (ODOT), US Army Corps of Engineers (USACE), etc.

5. “What is a divergence?”

Divergences detail changes (pluses and minuses) from the district and general development standards and are part of the Planned District negotiation process. They are not part of the Master Plan nor are they illegal. They are a standard planning practice as it is not possible to anticipate every issue unique to every property. Every development (except one) in the Village has divergences.



Conditions may be added detailing regulations that have been negotiated or the Village adds on or does not want to diverge from, such as building the Ohio to Erie Trail during the first phase of construction or not reducing open space.

A Planned District differs from a straight zoning district where rules must be adhered to unless formal variances are granted. Planned Districts are negotiated between the Village and developers to allow flexibility to meet the specifics of each property. Variances require a public hearing to demonstrate issues related to special characteristics of the land.

6. “How many divergences are being sought by Champion?”

Nine total. Champion requests two divergences for the Planned Residence District:

1. Lot Area: Minimum required sq. ft. is 10,000. Divergence requested is 7,200.
2. Lot Frontage: Minimum required is 80 ft. Divergence requested is for 60 ft.

Champion requests two divergences for the Planned Commercial and Office District:

1. Single bedroom apartment sq. ft. required 850 sq. ft. Requested divergence is for 700 sq. ft.
2. Building height required for 2 stories or 35 ft. Requested 3 stories up to 50 ft.

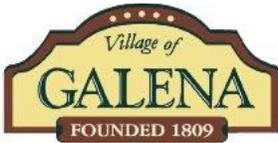
Champion requests five divergences from the General Development Standards:

1. Parking: Required 4 spots per dwelling for single family residential and 3 spots per dwelling for all other residential uses. Requested divergence is for: Multi-family 2.5 parking spots, Townhomes 2.3, Cottage homes 2,
2. Parking: Required Office 1 for 400 sq. ft. +1 for each employee, Retail/Commercial 5+1 for every 400 sq. ft., Hotels 1 per rental unit, 1 per employee of largest shift, and 1 for every four seats of dining area. Requested divergence: Office 1 per 260 sq. ft. of space, Retail/Commercial 1 per 230 sq. ft. of space, and Hotel to be determined on final plan approval for that pod.
3. Garages: Required 1.5 car attached for multi-family. Requested divergence: garages may be detached, .5 garages per unit for flats.
4. Streetscaping: Required 6 ft. tree lawn. Requested divergence to replace tree lawns with planters to increase the specialized feel of the neighborhood commercial center area.
5. Required side yard setbacks: Required 12.5 ft. Requested divergence 6 ft. for traditional homes.

7. “Don’t the divergences allow more density? We don’t want high density development in Galena.”

None of the divergences recommended allow more density than our code allows. Changing the parking spaces or side yard setbacks does not allow the developer to build more units in those spaces. In fact, the divergences create numerous advantages from this development that fit our Master Plan: Lots range from 60 ft.-70 ft. up to 110 ft. on the Estate lots. By clustering homes on smaller lots, as in all our developments, we will preserve 80 acres, or 37% of 221 acres as open space. Our code requires two acres of open space. We are preserving woods, wetlands and environmentally sensitive areas. These are some of the most beautiful and therefore most valuable parcels in this development.

We will get approximately five miles of trails worth \$2.8 million in today’s market. This is not required in our code but encouraged in our Master Plan to create walkable, interconnected neighborhoods. The developer



is paying to create these trails. Other than the Ohio to Erie Trail parcel, they will be maintained by the Homeowners' Associations. Specifically:

- A. Champion's proposed Planned Residential District (PRD) meets our zoning code density of two units per acre (135 units on 67 acres = 2 units/gross acre)
- B. Planned Commercial and Office (PC) has no maximum density in our zoning code. In the Champion development, the apartments and condos are considered commercial rather than residential just as they are in downtown Galena. The proposed Champion PC is 153 acres with 895 units = 6 units/gross acre.
- C. The entire development is 221 acres with a total 1,029 residential units, or 4.65 units/gross acre.

For comparison, Clintonville averages about 6 dwelling units per acre. Our township, Berkshire, is planning densities at SR 36/37 and I-71 at up to 15 units per acre. High and low densities are relative terms and in comparison, this would be considered low density.

8. "Has Village staff and the mayor been meeting 'secretly' with the developer?"

Our process encourages informal consultation between developers and the Village staff and mayor so we can clarify our vision and regulations. These are not secret meetings but as in most staff meetings, they are not advertised to the public. During these meetings, we refer developers to the Master Plan, which was developed with extensive public input to provide guidance on how to plan for and address new growth and development.

9. "Why Isn't This Process More Transparent?"

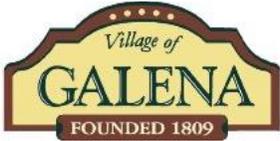
Three months of informal discussions were held with the Planning and Zoning Commission and Champion during public Commission meetings. None of these are required but were held to give the developer, the Commission, and the public informal opportunities to hear the proposed plans and offer input. Once an application is submitted, a very formal, legal process begins with public hearings. The Village is following this process which invites public input.

Documents outlining our Master Plan, Zoning Code and development process are available on our website at GalenaOhio.org.

The public is always encouraged to contact their Village staff, mayor, Commission and Council to gather information. The Village cannot afford to monitor, correct and clarify every incorrect comment posted on social media. As a result, we strongly recommend you refer to our website or the Ohio Revised Code for detailed information on the zoning and development process and law. The Village is not currently on social media due to financial constraints.

10. "Was there an emergency meeting that didn't allow public comment?"

There was no emergency meeting. At the regular Council meeting on Sept. 23, it was announced that a special meeting would be needed to deal with a trail easement. That special meeting was advertised and posted as required by law. The agenda was primarily related to accepting a trail easement that allowed us to add a trail connector to Zoar St. from the Ohio to Erie Trail project. This was precipitated by low bids on the trail project and needed to occur in a timely fashion due to grant requirements. This allowed us to utilize



\$40,000 in grant funds and add the connector to the project. The legislation was passed as an “emergency” to allow it to go into effect immediately as needed for the grant project’s construction schedule.

Due to the very specific timeline required in state annexation laws, the Blackhawk annexation was added to the agenda to allow for a second reading, which requires no discussion or action. This meeting was never intended to be a public input session about Blackhawk.

11. “I don’t understand why the Planning and Zoning Commission approved this development.”

The Planning and Zoning Commission did not approve this development, they recommended its conditional approval to Village Council. While they are a regulatory body and do make Conditional Use, Variance, and Appeal decisions, in the case of rezonings they make recommendations to Council. The P&Z Commission and Council must follow a state-regulated legal process that requires a specific timeline of events including advertising and sending notices regarding public hearings. The Commission and Council must find whether the application submitted meets the Village’s Master Plan vision and, more importantly, the Zoning Ordinance’s requirements.

Public hearings can be continued to later Commission or Council meetings if the Commission or Council run out of time, need additional information, or the applicant requests a continuance. At the Council level, annexation and rezoning hearings can be held concurrently, but the land must be annexed before the Village has a right to rezone it. At the Council, hearings will usually accompany readings of legislation. Typically, there are three readings of legislation but it is not required. Legislation can be approved as an emergency, meaning it goes into effect immediately, or not as an emergency, meaning it goes into effect within 30 days if no referendum petition is filed. A referendum petition has specific legal requirements but generally requires a certain percentage of voters to sign in order to send a ballot initiative to the voters to overturn Council legislation.

12. “How can the Village Council approve this development if everyone is against it?”

Should the Council vote to approve a development in the face of public opposition, this does not mean they are corrupt or not following the will of the people. The Master Plan and Zoning Ordinance were developed with public input and public hearings and do represent the will of the people at the time they were passed. If your public officials were to not follow legal and Village rules and bow only to emotions, they would leave your Village government open to very costly lawsuits. While the Village does have insurance that covers their defense, the personnel cost involved is immense and impedes other Village business from being completed.

13. “Can’t we keep Galena rural? We moved out here to be in the country.”

Galena is a municipality in one of the top growth counties in Ohio and in the nation. Mid-Ohio Regional Planning Commission predicts one million more people will live in Central Ohio by 2050, bringing total population to 3 million. The Tanger Outlet Mall opened the development flood gates for the east side of Delaware County. Our area is no longer rural and as long as landowners are able to sell their property, development will continue to meet these increased growth demands.

Two decades ago, Village residences decided they wanted to control their own destiny by developing a cohesive vision and specific rules. If residents turn down annexation and development surrounding the



Village, the Village will not have direct control over what occurs. Development could occur in the township at a much higher density but still affect Village residents. Those residents will still use our streets and trails but we will have no income to mitigate those impacts.

The rules that allowed all of our new subdivisions to be built are the same rules the Champion/Blackhawk development is following. All the Village's developments have been controversial but ultimately fit in well. Other people want the same amenities we all enjoy. The vision and rules the Village has established help preserve our community's unique character and sense of place.

14. "Why can't this stay a golf course?"

The Groezinger family has been trying to sell the golf course for at least 10 years. The Wright family has opted to sell their farm. As property owners, they have the right to sell to whomever they choose. We may all wish it to stay a golf course, but unfortunately the market for golf has decreased through the years as growth pressures have increased. While there has been a rumor of a backup bidder who wants to keep this land a golf course and event center, the Groezingers have told the Village that is not so. Regardless, the Village can only deal with someone who is in legal control of the land, and that is the Champion Company.

15. "Why apartments? We don't want low income housing."

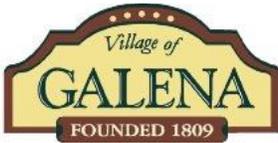
Excluding any specific category of people, called "Exclusive Zoning," is a violation of federal non-discrimination laws. Central Ohio and Delaware County have a high demand but low inventory of apartments. Many millennials want to start out with apartments rather than houses. Increasingly, older adults want to downsize within their communities and not have to mow lawns. Overall, people want more options. Champion's apartments in Sunbury rent for \$1,395-\$2,145 – hardly low income. The older parts of the Village already have seven buildings with 12 apartments including three mixed-use structures downtown. The Village has 242 condominiums approved in Miller Farm, Retreat at Dustin, and Arrowhead Lake Estates, with some already under construction.

16. "Will this development increase demand on our services and raise our taxes?"

This development has five phases with the final phase planned for approval in 2026. Most large developments can take 5 to 20 years to build out, depending upon the economy. All new developments add to the burden for service agencies and infrastructure. However, all new developments also pay taxes toward those services.

The Village safety services are provided by the Delaware County Sheriff's Office, the Delaware County Emergency Medical Services, and the BST&G Fire District. Each new residential unit results in additional property, New Community Authority, real estate, and income taxes. Commercial properties result in higher property taxes than residential or agricultural as well as corporate and employee income taxes. All those taxes go to each service agency such as BST&G, Sheriff's Office, schools, etc.

Galena's New Community Authority (NCA) will tax the Champion/Blackhawk Development higher than existing Village properties to offset impacts. Will it be enough? As development increases, the Village and its service partners must always stretch tax dollars and leverage public-private financing mechanisms as far as possible. Here are specific examples of how we've managed that so far:



Big Walnut Schools

We do expect continued growth will put pressure on Big Walnut Schools. Ohio's planning and zoning statutes do not require school district approval for land development, but the Village of Galena has worked closely with Big Walnut Schools for years to plan for potential growth. The school administration requested our New Community Authority (NCA) and we worked closely with them to incorporate their need for 4 mills over a 20-year period to build and operate new schools. Many of the new developments in the school district are including NCAs in their projects. That does not mean there will not be new bond issues or operating levies but it helps offset the size of bond levies needed.

Every new residential unit has potential to contribute more children to the schools. However, millennials in apartments tend to have few children. Empty nester patio homes, villas and estate homes typically house fewer children but tend to have higher incomes. The Federal Housing Authority estimates 64 children per 100 single-family homes and 19 children per 100 apartments.

Police

We are protected by the Delaware County Sheriff. They have been good partners and have conducted several speed studies at our request. The studies usually find that our perceptions of speeding exceed the evidence gathered by the speed camera. The Sheriff positions cars and officers in town to provide visible speed enforcement. We have a very low crime rate.

We used to have our own police department but when that became too expensive, we partnered with Sunbury for coverage. The cost at that time of \$70,000 was increasing and residents did not want to pay higher taxes, so we cancelled that contract. Village Council has been satisfied with the responsiveness of the Sheriff's Department to date.

BST&G Fire District

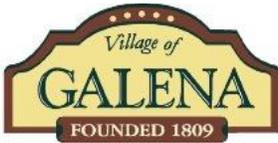
We also originally had our own fire department. As a member of the BST&G Fire District, we have a Council member who represents us on the Fire Board making critical service and budget decisions. We have found BST&G Fire District to be responsive to our service needs. The new truck recently purchased has been many years in the planning stages and had nothing to do with this development.

Taxes

While no one can predict taxes, several factors are involved. The State Legislature establishes inside millage that can be increased to a specific level without a vote of the people statewide and locally. The Legislature has established a state income tax, gas, sales, and other taxes.

The Delaware County Auditor reassesses property values every three years. Increased property value does not increase your taxes until new taxes are voted in. In fact, more homes often lead to lower per home taxes over time. Services such as Sheriff, Big Walnut Schools and Delaware Area Career Center, Health District, BST&G, Preservation Parks, Community Library, Delaware-Morrow Mental Health, 911, etc. are all voted on by the people. Delaware County also has a sales tax.

Inside the Village municipal corporation limits, a two-mill property tax is in place as voted on by the people. Council established a one percent income tax as allowed under state law. This cannot be increased without a public vote. Since this Village is still wholly part of Berkshire Township, our residents pay Berkshire Township taxes although we receive no township services within the Village. You do drive on township-



maintained roads outside the Village. Village residents vote on all township matters except zoning since we have separate zoning laws.

The Galena New Community Authority establishes a minimum 8-mill property tax levy on new development properties only. Four-mills goes to the Village in perpetuity to assist with community facilities used by the new development and four-mills go to Big Walnut Schools for 20 years to assist with new buildings needed as a result of the new development. This can be increased if the developer desires additional millage for their costs.

A **Tax Increment Financing (TIF) district** redirects taxes from service agencies such as the Sheriff, Big Walnut Schools, Delaware Area Career Center, Health District, BST&G, Preservation Parks, Community Library, Delaware-Morrow Mental Health, 911, etc. to the TIF district. This can be very specifically formatted to not redirect taxes from the schools but from other specific service agencies. Champion has proposed a TIF and the Village hired experts at the Bricker and Eckler law firm to analyze this complex financial document. The Council Finance Committee is currently gathering information and analyzing this request and will make a recommendation to Council. **No recommendation and no decisions have been made yet.** While Bricker and Eckler represents the Village relevant to its NCA, the Village does not believe there is a conflict of interest between the NCA and the financial request.

For information on how the Village spends its funds, the Village of Galena's fiscal data is online at ohiocheckbook.com so you can search by year for various expenditures starting in 2008.

17. “How will this affect traffic?”

Each new development increases traffic, so our Master Plan encourages a Complete Streets approach to provide safe transportation for all users, not just drivers, to access our amenities and reduce traffic on the roads. The goal is for residents to use trails to access the parks, restaurants, and businesses throughout the Village, and for kids to walk or ride their bikes to school and other activities.

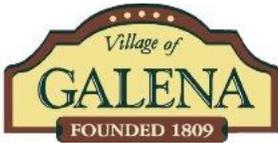
Champion will be making significant on- and off-site improvements to help mitigate the development’s traffic impacts, including more than \$3 million in off-site road and intersection improvements at State Rt. 3 and Dustin, State Rt. 3 and Lewis Center, and on Plumb Rd. We have received a second version of a traffic study which will be reviewed by the Village engineer, the Delaware County Engineer, and ODOT to further analyze potential impacts.

The recent state gas tax increase will also give us access to additional funds for our roadways and other transportation infrastructure.

18. “Does this new development have anything to do with the new sewer plant?”

The Village has known since the 2007 approval of the Miller Farm development that a new wastewater treatment plant would be needed. Plans were made then but shelved during the recession. The Village knew that the existing plant was also reaching the end of its capacity and useful life. Extensive study went into this plant and one of the main concerns the Village had was “What happens if new development stops like it did in the Great Recession in 2008 and isn’t able to help offset costs?”

The Village pays for wastewater capital projects through tap fees. Quarterly user fees pay for system operation and maintenance. Developers currently pay \$4,000 for the first half of a single-family home tap fee upon platting their land. Commercial uses and multi-family have a higher tap equivalency depending on



the services offered and capacity of the use. The second half \$4,000 single-family home tap fee or whatever the commercial equivalency equals is paid when a zoning permit application is filed. Apartments pay a single tap fee per apartment. This plant is being paid for by the tap fees on a 30-year loan.

After an audit conducted years ago by the Rural Community Assistance Program (RCAP) suggested the Village's system was headed toward red ink, the Village followed RCAP's recommendation and made a 25% increase in user fees with annual 3% increases to keep the system solvent. Today, our wastewater utility is in solid financial condition. The sewer fund is a stand-alone fund and those funds cannot be used for any other purpose.

19. "Is The Mayor is pushing this development through?"

The Mayor does not have the authority to force or stop any issue before Village Council. The mayor meets informally with staff and prospective developers to inform them of our development philosophies and regulations. As a member and chairman of the Planning and Zoning Commission, the Mayor is one of five votes in recommending approval, approval with conditions, or denial of a rezoning/development plan application. The Commission is a regulatory body charged with determining if an applicant meets the requirements of the law, not emotions. The Commission recommended approval with conditions of Champion's rezoning/development plan application. Nothing has been passed, approved or denied at this point concerning Champion's application. Only Council has the legal authority to approve or deny a rezoning/development plan application. The Mayor chairs the Council meeting but does not have a vote except in the rare instance when Council votes in a tie. The Mayor has had to vote only one time in 20 years on a matter before Council.

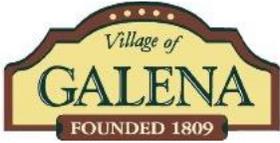
The Champion application is in front of the Village at this time. If they meet the regulatory requirements there is legally no basis to deny the application. Other communities who have denied developments that met legal requirements have been sued by developers – and not only lost, but also had to pay extensive legal bills at taxpayer expense. I thought we had the statement in here about insurance?

20. "If I can't change the law, what can I do to be sure my opinion is considered?"

The Village of Galena staff and elected officials understand your concerns and will continue to work on your behalf for development consistent with the Master Plan vision developed with extensive public input. We can't say no to development, but we can advise developers on our standards for thoughtful, attractive and community-oriented investments. We are currently working to revise our zoning code to be in concert with our Master Plan.

21. "I'm really angry about this and I want my voice to be heard."

We can appreciate that it is difficult to see a beautiful area like the Blackhawk Golf Course be developed, especially if it backs up to your property. Everyone, whether within the Village or not, has the right to speak about how a development affects them, good or bad, and we want to hear from you. At the same time, it is the golf course owner's right to sell their property. Galena staff and elected officials have been working hard to encourage all new developments to meet the community values and high standards outlined in the Master Plan. We're really trying our best and ask that you share your input in a respectful way. We ask that



you please share factual information on social media (link to our website when needed) to help us correct and clarify misstatements.

22. "How do I get accurate information?"

The Village's website includes contact information for all staff, the Mayor and Council members. They are all your public servants and welcome your calls and questions. In fact, they would prefer you call and get the facts rather than believing unsubstantiated claims on social media.

Call the Village office at 740-965-2484 for more information.

Documents outlining our Master Plan, Zoning Code and development process are available on our website at GalenaOhio.org.

23. "What's next with the Champion/Blackhawk development?"

- Continued Council public hearing on Champion/Blackhawk application
- Second and possibly third readings leading to a decision
- Finance Committee continued gathering/analyzing financial proposal, makes recommendation to Council
- Council begins discussion on applicant's financial proposal