

Palmer, Jeff

From: brianne.hetzel@dot.ohio.gov
Sent: Monday, September 9, 2024 2:56 PM
To: Palmer, Jeff
Cc: William Rueter; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov; Chris Fuller
Subject: Hidden Valley Orchard SR-48

Good Afternoon Jeff,

Last month, our ODOT permits team discussed the future plans and traffic patterns of Hidden Valley Orchard located at 5474 N State Route 48 in Lebanon, Ohio. After hearing their plans and anticipated growth and traffic generators, ODOT has no concerns with them moving forward and will not require any traffic studies or analysis to be completed. ODOT does not view this stretch of SR-48 as having a current safety issue but will continue to observe and monitor. Please let me know if there is anything additional ODOT can provide to the Township. Thank you.

Bree Hetzel, P.E.
District Traffic Studies Engineer
ODOT District 8
505 South State Route 741
Lebanon, OH 45036
D: 513.933.6624
[Brienne.Hetzel@dot.ohio.gov](mailto:Brianne.Hetzel@dot.ohio.gov)



**Department of
Transportation**

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SEP 09 2024

**CLEARCREEK TOWNSHIP
ZONING DEPT.**

Palmer, Jeff

From: brianne.hetzel@dot.ohio.gov
Sent: Wednesday, September 11, 2024 9:25 AM
To: Chris Fuller; William Rueter
Cc: Palmer, Jeff; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov
Subject: RE: Hidden Valley Orchard SR-48

Thanks Chris for the update. Could you share with us any files you presented to the Twp last night as well?

I will say yours is not the only agritourism market we get complaints from the public about. It's difficult to explain to folks that yes traffic may be heavy for a couple hours a couple weekends a year but that we don't plan or design for heavy/special event level traffic.

Bree Hetzel, P.E.
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ODOT District 8
505 South State Route 741
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From: Chris Fuller <chris@endurancefarmpartners.com>
Sent: Wednesday, September 11, 2024 5:48 AM
To: William Rueter <billy@endurancefarmpartners.com>
Cc: Hetzel, Brianne <brianne.hetzel@dot.ohio.gov>; Palmer, Jeff <JPALMER@clearcreektownship.com>; Braun, Lucas <Lucas.Braun@dot.ohio.gov>; Williams, Dustin <Dustin.Williams@dot.ohio.gov>
Subject: Re: Hidden Valley Orchard SR-48

Hi Brianne and team,

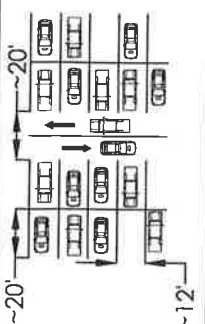
We had a preliminary meeting with Clearcreek last night. A number of folks from the township expressed concern that our plan will impact traffic on SR-48. As we discussed, we do not expect a meaningful change in the number of visitors to our business as a result of planned changes/improvements to Hidden Valley Orchards. Nonetheless, you may field calls and questions this week from the public on this topic.

We are available for follow up and clarifications as needed and can make the site available to you should you ever want to inspect or do further traffic counts.

Much appreciated,
Chris

(M) 617.710.0947

TYP: PARKING AISLE LAYOUT



Parking Area	Tot Aisle Length (ft)	Usable L (ft)	Veh's/Side	Tot Veh's
Existing Parking at Buildings	N/A	N/A	N/A	19
Pavement Parking	N/A	N/A	N/A	54
Overflow Aisle 1	140	131	10.9	21.8
Overflow Aisle 2	614	605	50.4	100.8
Overflow Aisle 3	615	606	50.5	101.0
Overflow Aisle 4	615	606	50.5	101.0
Overflow Aisle 5	614	605	50.4	100.8
Overflow Aisle 6	561	552	46.0	92.0
Overflow Aisle 7	464	455	37.9	75.8
Overflow Aisle 8	351	342	28.5	57.0
Overflow Aisle 9	238	229	19.1	38.2
Estimated MAX Tot Veh's =				761.5

Overflow Aisle Assumptions:

Average veh width = 9 ft
 Average distance between veh's on grass = 3 ft
 Assumed parking stall width on grass (ft) = 12

NO PUBLIC VEHICLE ACCESS.

DRAFT

BARN 1

BARN 2

FIRE PITS

SHADED SEATING / APPLE PRESS / CIDERY

STORAGE

PETTING ZOO AREA ???

OPTION: ADDITIONAL LANDSCAPING AT THE END OF AISLES TO PREVENT UNWANTED PARKING AWAY FROM DESIGNATED AREAS.

24-BZA-006 Exhibit 17

ACCESS POINT CLOSED TO PUBLIC. USED FOR EMERGENCY VEHICLES ONLY.

PROPOSED SIGN(S):
 "HVO ENTER ONLY"
 FOR VEHICLES ON SR48.

APPROX. SAME NUMBER OF SPACES (22, INCLUDING HANDICAP), HOWEVER, SHIFTED EAST FOR PROPOSED 5' ISLAND AND 6' PEDESTRIAN WALKWAY

OPTION:
 "ADDITIONAL PARKING" "OVERFLOW PARKING"
 OR SIMILARLY WORDED SIGNS COULD BE PLACED IN ISLAND TO DIRECT INCOMING TRAFFIC.

TWO (2) MORE PARKING SPACES 30+2=32, HOWEVER, SHIFTED EAST FOR PROPOSED 5' ISLAND AND 6' PEDESTRIAN WALKWAY.
 NOTE: 30 EX. SPACES BASED ON NUMBER OF PARKING BLOCKS IN AERIALS.

OPTION:
 PARKING ATTENDANT(S) TO ASSIST, DIRECT, ETC., VEHICLES PARKING AND PREVENT VEHICLES EXITING.

EXISTING GRAVEL DRIVEWAY. RE-GRAVEL AS NEEDED.

SEPARATE PEDESTRIAN PATHWAY: GRAVEL OR BETTER.
 OPTION: PLACE LOW BUSHES OR SIMILAR LANDSCAPE PLANTS BETWEEN WALKWAY AND DRIVEWAY. PLANTS SHOULD BE LOW-GROWING, NOT GETTING OVER 2' TALL.

PROPOSED SIGN(S):
 PLACE EXIT SIGNS W/ DIRECTIONAL ARROW AT THE END OF EACH AISLE.

PROPOSED SIGN:
 "HVO EXIT ONLY"
 FOR VEHICLES ON SR48.

RE-GRAVEL DRIVEWAY AREA AS NEEDED.

OPTION: ADDITIONAL LANDSCAPING IN THIS CORNER TO PREVENT UNWANTED PARKING AWAY FROM DESIGNATED AREAS.

OPTION: RESTRICT ACCESS TO EAST WITH GATE OR SIMILAR TO PREVENT UNWANTED PUBLIC ACCESS.

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CLEARCREEK TOWNSHIP GOVERNMENT CENTER

7593 Bunnell Hill Road, Springboro, Ohio 45066
(937) 748-1267 FAX (937) 748-3252

Board of Trustees

Ed Wade
Jason Gabbard
Steve Muterspaw



Fiscal Officer
Russell Carolus

Case No 24-BZA-006

Agritourism Site Plan Review

Supplemental Response of Township

I. Assignment and Brief Answer

This letter responds to the Board of Zoning Appeals' September 10, 2024 request to provide additional information and written responses to Applicant Endurance Farm Partner's specific questions sent to the Township Director of Zoning and Planning on September 10, 2024.

In response to Applicant's questions, please see the brief answers below. The underlying information supporting the Township's responses is set forth in detail below.

1. Is Applicant's plan adequate and does it provide emergency access?
 - a. Response: All internal roads are required to meet Section 503 of the Ohio Fire Code so that emergency response can occur across all properties. The proposed internal roads have not been verified for compliance.
 - b. Response: Applicant's submitted plan does not address the current safety concerns for access to the properties. The submitted plan does not separate vehicles and pedestrian assembly areas safely and adequately.
2. If not, what specific adjustments can Applicant undertake to meet the Township's standard?
 - a. Response: See Township proposal to increase safety below.
3. Other conditions required by Zoning regarding emergency access, parking, pedestrian flow, and ingress, egress or any other substantive issues?
 - a. Response: The Township will not require any other conditions beyond those set forth in this Response.

II. Background and Review of Site Plan Access and Parking

Hidden Valley/Hidden Valley Fruit Farms/Hidden Valley Orchards, has been a destination spot for farm goods and experiences for decades in Clearcreek Township. Over the years, multiple owners have owned the properties and tried to implement their vision for the properties.

Mr. Robert Ullrich owned the properties and operated the market and farm until December 2017. During Mr. Ullrich's tenure, the Orchard Meadows Subdivision (opposite the market barn) was also part of the farm. Mr. Ullrich routinely parked employees and patrons on that farm ground and encouraged people to cross State Route 48.

24-BZA-006 Exhibit 18A

Next to the historic market entrances, SR 48 has a knoll of a hill that blocks the sight distance for southbound travelers. Vehicles attempting to turn left into the market entrance will sit stationary in an area in which a southbound traveler is unaware of their position while traveling at a 55 mph speed. State Route 48, south of the historic market entrances also has an elevation change that blocks the sight distance of travelers northbound on State Route 48. Vehicles attempting to turn right into the market entrance will sit stationary in an area in which a northbound traveler does not see those vehicles while traveling at the 55 mph speed limit. After multiple discussions with Mr. Ullrich, he was finally persuaded to stop the practice of encouraging off-site parking for his activities. As a result, he expanded parking near the farm market.

In 2016, the Township contacted ODOT and requested assistance to help reduce the speed limit along this stretch of SR 48. At that time, the speed study conducted did not meet the criteria for ODOT to act upon the Township's request.

The Township then requested signage be established alerting the southbound traveler about an upcoming obstruction/activity/zone (or something to that effect) to help notify that there would be a potential change to the expected traffic flow. This request also did not meet ODOT's threshold for signage placement. Consequently, the Township had to address this obvious safety issue independently.

The Township established a "hill blocks view" sign north of Terrace Creek Lane, so that southbound traffic would be alerted that the traffic pattern would be different as the vehicle approached the access of the farm market. The Township established a "hill blocks view" sign north of the southern access point, so that northbound traffic would be alerted about the differing traffic pattern as the vehicle approached the access of the farm market.

In December 2017, Randal Lane/ATI Farms/Lane 5 LLC purchased the properties. A liquor permit was obtained and uses evolved to meet the new vision for the properties. On-site parking was expanded and the southern access point was encouraged as an alternative exit. The two access points adjacent to the farm market remained as points of unrestricted access.

III. Prior Complaints About the Traffic Situation

Since 2022, residents of Orchard Meadows Subdivision have voiced complaints that: 1. "Traffic backs up" on State Route 48 in front of their subdivision access point and impacts their ability to enter and exit their subdivision. 2. Patrons to Hidden Valley Orchards park on their subdivision road and ditches before walking across State Route 48.

State Representative Scott Lipps was contacted and included in conversations regarding the traffic generated to the site. This didn't produce a solution. Ultimately, that discussion resulted in Hidden Valley Orchard continuing to not encourage the use of the subdivision for parking. Hidden Valley Orchard also provided no parking signage in an attempt to discourage parking in the subdivision.

Within the past year, as a result of a traffic accident involving a Clearcreek Township Police cruiser next to the farm market entrance, the 40' wide access point has been closed by the owner

with “safety cones”. The 60’ wide access point has remained as a full access point. In addition to the above-described sight distance issues, the 60’ wide access point dumps an ingress vehicle immediately into a parking lot as well as areas for pedestrians to assemble. The vehicle is not physically separated from the pedestrians, nor is the vehicle routed to a “stack lane”. Currently, vehicles stack on State Route 48 to enter the site and vehicle(s) on the site compete for parking spaces as well as the physical space required to ingress and egress through the access points. This creates a safety concern for the current pattern of access. These ingress and egress issues can and should be addressed by the Township and the Applicant under R.C. 519.21(C)(4) because doing so is necessary to protect public health and safety.

IV. Applicant’s Current Plan for Ingress and Egress

The Agritourism Site Plan Review request is the most recent vision change for the properties. Applicant has represented that the amount of traffic will not change significantly from the current patterns. The Township anticipates that the intensity of use of the property will increase as a result of the increased activities. The ability for a vehicle to safely enter the property and exit the property is one of the review factors for public safety under R.C. 519.21(C)(4). The most intensive day of traffic access should function identically to the least intensive day of traffic access.

Prior to the current submittal, the Township met with the Applicant many times and stressed the need to improve ingress and egress for the site. The submittal has increased the amount of signage to help redirect traffic to the southern access point. The submittal segments the parking into two areas. The first area re-opens the 40’ wide access point to an unrestricted access point and maintains the 60’ wide access point. The second area is accessed via either of the former access points but then enters the unimproved parking areas through an ingress only “attendant” restricted vehicle area.

After the submittal, the Police Chief stated in his email “After looking over the newly submitted info I see they still intend to use the two confusing entrance/exit spots in front of the main building. After listening to us they seemed to have just ignored that suggestion of shutting down those two spots of ingress and egress that is problematic. The request to have all traffic enter and exit the property on the southernmost end has been ignored. The Police Department again expresses our desire that they shut down the northern entrance/exit to the property except for maybe emergency services and all traffic regarding entrance/exit move to the southern end of the property.”

In response, Applicant provided another exhibit that restricts the flow of traffic to both the 60’ and the 40’ access points, but incorrectly quotes the Police Chief regarding the need to restrict the use of the “northern passages on busy days”. The exhibit illustrates the point that restricting flow at these accesses is important. Consistency is good, but only restricting flow based upon a projected daily attendance doesn’t help the traveler navigate the area in a safer manner. In fact, the inconsistent use of the access point could lead to driver confusion and increase the potential for accidents rather than reduce them.

Applicant's proposed plan does not restrict access to the 60' and the 40' access points in a consistent manner. The proposed plan continues the use of both access points. The proposed plan does not provide a stacking area for incoming vehicles that is located outside of the travel lane of the road right-of-way. The proposed plan does not separate pedestrians and vehicle traffic around the access points. The proposed plan only encourages the same pattern of traffic movements that the Township requested to be addressed. The former currently pose safety issues. The proposed plan does not mitigate the known safety issues.

V. The Township's Proposed Plan

The Township proposes that the 40' and 60' access points next to the farm market be reclassified as emergency access only and breakaway bollards be installed, with "Emergency only" access signs being posted.

Also, the proposed plan does not separate pedestrians and vehicle traffic around the access points. Consequently, a barrier needs to be established between all parking areas and areas of pedestrian assembly.

The southern 40' access point would become the primary access point for the entire site. This location improves site distance for vehicles exiting the site either northbound or southbound. This location improves visibility for traffic traveling on both northbound and southbound State Route 48 to see if traffic has slowed or stopped. This location also provides an increased opportunity to accommodate the change in traffic pattern because the current topographical road changes have been eliminated from conflicting with the access point. The existing drive, east of the access point, would function as the on-site stacking lanes for heavy traffic times, as traffic moves to the parking lot.

Since all internal roads must meet Section 503 of the Ohio Fire Code, this existing drive should already accommodate or would be scheduled to be upgraded to accommodate both fire apparatus and regular vehicular traffic. The incoming vehicle would then access the current eastern parking lot areas and infill from the north to the south. The outgoing vehicle would exit the parking lot as identified in the proposed plan.

In sum, the Township's proposed plan increases safety by: 1. Eliminating the current 60' and the 40' access points, which pose a safety risk to vehicles and pedestrians. 2. Establishing a barrier to prevent vehicles from the parking lot to enter pedestrian assembly areas. 3. Stacking traffic during peak and non-peak times consistently. 4. Re-educating or rebranding the new way to access the property. As noted above, the Township's proposed plan also allows for a single point of access that can safely and efficiently be used by the Police Department to temporarily shut down traffic to allow for the efficient release of the parking lot during peak times. As noted throughout, the Township's proposed plan for ingress and egress is necessary to protect public health and safety under R.C. 519.21(C)(4).

Palmer, Jeff

From: Palmer, Jeff
Sent: Monday, September 23, 2024 9:29 AM
To: brianne.hetzel@dot.ohio.gov
Cc: Terrill, John; Agenbroad, Steve; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov; Tara.Shumate@dot.ohio.gov
Subject: RE: Clearcreek Township Link to Submitted Documents for Hidden Valley Orchards

Greetings Bree:

Thank you for your time to review and consider our comments. I spoke with the Township Administrator, Police Chief and Fire Chief. The Township is in agreement with your direction and requirements. Please contact HVO/Endurance Farm Partners with your updated requirements.

Respectfully,
Jeff

From: brianne.hetzel@dot.ohio.gov <brianne.hetzel@dot.ohio.gov>
Sent: Friday, September 20, 2024 3:12 PM
To: Palmer, Jeff <JPALMER@clearcreektownship.com>
Cc: Terrill, John <jterrill@clearcreektownship.com>; Agenbroad, Steve <Steve.Agenbroad@clearcreektownship.com>; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov; Tara.Shumate@dot.ohio.gov
Subject: RE: Clearcreek Township Link to Submitted Documents for Hidden Valley Orchards

Hi Jeff,

After discussions with our other permit staff, we are going to ask the Hidden Valley Orchard development to do the following:

- Consolidate the northern access points from 2 driveways (with one having been emergency access only), to 1 driveway that aligns with Spring Blossom Dr. This driveway would be entrance only. This allows better delineation of the driveways, improves sight distance for southbound vehicles turning left into the site, eliminates the overlapping conflict of left turners into both Spring Blossom and HVO, allows better egress from Spring Blossom.
- The southern access would remain exit only.
- Evaluate a southbound left turn lane and profile adjustment at the entrance driveway across from Spring Blossom.
 - This should be accomplished by doing the following:
 - Obtaining counts over the course of the next several weeks with different weekday and weekend counts. The developer, Township and ODOT will agree to an amount of “typical” trips to use in the analysis of the turn lanes. These counts should also reflect the traffic volumes on SR-48 at the drive access.
 - Sight distance approaching the new drive location should be evaluated with and without a left turn lane
 - A northbound right turn lane would likely not be required, but should be checked with the turning movements obtained previously.
 - Preliminary design/layout of required turn lanes with impacts to utilities, ditches, etc.

If the Township is in agreement, I will go ahead and send these requirements to HVO.

Thanks for your help with all this!

Bree Hetzel, P.E.
District Traffic Studies Engineer
ODOT District 8
505 South State Route 741
Lebanon, OH 45036
D: 513.933.6624
Brianne.Hetzel@dot.ohio.gov



**Department of
Transportation**

From: Palmer, Jeff <JPALMER@clearcreektownship.com>
Sent: Thursday, September 12, 2024 10:22 AM
To: Hetzel, Brianne <brianne.hetzel@dot.ohio.gov>
Cc: Terrill, John <jterril@clearcreektownship.com>; steve.agenbroad <steve.agenbroad@clearcreektownship.com>
Subject: Clearcreek Township Link to Submitted Documents for Hidden Valley Orchards

Greetings Bree:

Thank you for talking with me this morning regarding the Hidden Valley Orchards/Endurance Farm Partners Agritourism Site Plan. I have also experienced an “evolution” of understanding as the current submittal also varied from the preliminary discussions with the applicant. The applicant met with the Township on Monday September 9, 2024 and orally represented “solutions” to access that were not part of the original submittal. Here is a link to our website, so that you can review the information submitted for the Agritourism Site Plan Review: <https://www.clearcreektownship.com/calendar-events/event/board-of-zoning-appeals-oct-8-2024/2024-10-08/>. I will update this webpage with any updated information from the applicant. Thanks again for taking the time to review the documents.

We understand the access points are located on State Route 48 and not under our jurisdictional control. However, the applicant is requesting to add uses on four parcels that are accessed by State Route 48. As part of the review criteria for Agritourism Site Plan Review, we are required to perform a safety focused review for vehicular movement and pedestrian circulation. The Township believes the current access points (40' & 60') adjacent to the farm market have sight distance issues because of the topography of the road network. These access points also have vehicular and pedestrian conflict. Travelers of State Route 48 expect to travel at 55 mph and are not always able to see stopped traffic at these access points. That is why the Township wants the former access points to be emergency access only. The Township wants the southern access point to be the new access for all planned uses for the site. This access point has better sight distance for vehicles turning into the site as well as vehicles traveling on State Route 48. This access point also allows traffic to stack on the private drive as the driver locates a parking space (decreasing stacking on State Route 48). During heavy traffic trips to the properties, this access point is a safer location for a Police Officer to temporary stop traffic to flow vehicles on and off the properties.

I have copied Police Chief John Terrill and Fire Chief Steve Agenbroad on this email. If you have any questions in which their insight and expertise could be beneficial, please contact them. I look forward to hearing your updated comments/thoughts on the submitted Agritourism Site Plan.

Respectfully,
Jeff

Palmer, Jeff

From: brianne.hetzel@dot.ohio.gov
Sent: Monday, September 23, 2024 2:55 PM
To: Chris Fuller; William Rueter
Cc: Palmer, Jeff; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov; Matthew.Couch@dot.ohio.gov; Suzanne.Enders@dot.ohio.gov
Subject: WAR SR-48 Hidden Valley Orchards

Good Afternoon Chris and Billy,

First off, thank you for your additional information and patience as we discuss internally at ODOT your development and some of the proposed changes. After looking through the documents you supplied us following the Township’s meeting, ODOT believes this is more of a “change of use” according to our State Highway Management Manual than originally anticipated. A change of use is anything that includes structural modifications, remodeling, expansion, an increase of 10 or more trips in the peak hour, etc. The proposed improvements to Hidden Valley Orchards we feel could hit that increase in trips. ODOT has also received a couple additional public inquiries about the traffic on SR-48, resulting in us looking further into the proposed changes.

After discussions with our other permit staff, we are going to ask the Hidden Valley Orchard development to do the following:

- Consolidate the northern access points from 2 driveways to 1 driveway that aligns with Spring Blossom Dr. This driveway would be entrance only. This allows better delineation of the driveways, improves sight distance for southbound vehicles turning left into the site, eliminates the overlapping conflict of left turners into both Spring Blossom and HVO, and allows better egress from Spring Blossom Dr.
- The southern access would remain exit only.
- Evaluate a southbound left turn lane and profile adjustment at the entrance driveway across from Spring Blossom Dr.
 - This should be accomplished by doing the following:
 - Obtaining counts over the course of the next several weeks with different weekday and weekend counts. The developer, Township and ODOT will agree to an amount of “typical” trips to use in the analysis of the turn lanes. These counts should also reflect the traffic volumes on SR-48 at the drive access.
 - Sight distance approaching the new drive location should be evaluated with and without a left turn lane.
 - A northbound right turn lane would likely not be required, but should be checked with the turning movements obtained previously.
 - Preliminary design/layout of required turn lanes with impacts to utilities, ditches, etc.

Again, we appreciate your willingness to work with ODOT so that we can come up with solutions that benefit your patrons and make our roadways as safe as possible.

Bree Hetzel, P.E.
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Brianne.Hetzel@dot.ohio.gov

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Palmer, Jeff

From: William Rueter <billy@endurancefarmpartners.com>
Sent: Monday, September 23, 2024 3:51 PM
To: brianne.hetzel@dot.ohio.gov
Cc: Chris Fuller; Palmer, Jeff; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov; Matthew.Couch@dot.ohio.gov; Suzanne.Enders@dot.ohio.gov
Subject: Re: WAR SR-48 Hidden Valley Orchards

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Hi Bree,

Thank you for sending this. We have felt for some time that a consolidated entry and single exit makes sense.

I would like to emphasize the below:

(1) We anticipate about the same attendance but a DECLINE in trips. The Township uses a standard of 4.0 people per car in the Farm Based Tourism measure of parking and no referenced standard for Agritourism we had conservatively assumed 3.5 people per card, below the Township and below industry benchmarks. This compares with about 2.0 people per car assumed at the property today as people go most for bar cocktails, sit down restaurant, music, events, and some agritourism rather than making the agritourism and broader enjoyment of the site more of the focus, with less emphasis on alcohol, sit down restaurant, music, and events

(2) Our temporary parking area looks large and was expanded at the Township's request, we had a considerably smaller parking area until they asked us to expand it and to change where we had several things positioned. We would be happy to go back to a much smaller footprint

(3) I dont think "developer" is a correct label for us -- almost every structure on the site is agricultural structure except for two. The other items are non-structural and I dont think they are relevant to the Township or your standards on remodeling or construction. The Farm Kitchen - is an agritourism strcuture and about shifting food preparation further into the farm rather than centering it with the bar at the front of the site, so not a change a use, but a transfer of uses. If this is a problem for your tests, we can discuss it. There is a single pavilion for shade that could be removed if needed.

We know you have many responsibilities beyond this, but our submission for the October meeting is due tomorrow so it would be very important to us to connect with you as soon possible to make important clarifications, and / or to represent to the Township that you will work work with us on a safe traffic pattern as a contingency to our moving forward, so they can proceed with the other parts of our plan.

Thank you very much for your attention to this. Please do let us know if you have time to speak.

Billy

On Mon, Sep 23, 2024 at 11:54 AM brianne.hetzel@dot.ohio.gov <brianne.hetzel@dot.ohio.gov> wrote:

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Bree Hetzel, P.E.

District Traffic Studies Engineer

ODOT District 8

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**Department of
Transportation**

--

Billy Rueter

Endurance Farm Partners LLC

(410)-458-2578 | Billy@endurancefarmpartners.com

www.endurancefarmpartners.com

Palmer, Jeff

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SEP 24 2024

CLEARCREEK TOWNSHIP
ZONING DEPT.

From: Prass, Jeff
Sent: Tuesday, September 24, 2024 9:11 AM
To: Palmer, Jeff
Cc: Agenbroad, Steve; Buehler, Justin; Carman, Larry
Subject: Hidden Valley Proposal Additional Comments

The Clearcreek Fire District (CCFD) makes the following recommendations/requirements for the proposed changes to the Hidden Valley Orchard Property.

Please Note: We have two priorities for protecting life and property within our response area. Life safety includes being able to treat sick and injured employees and visitors to a property. We also look at what will improve our ability to protect property and structures in the event of a fire.

Our critical element is time. Any delay in our ability to access a person, structure or resource will impact the outcome.

1. Access:

The access roads shown will need to meet requirements for fire apparatus access roads as specified in section 503 of the 2017 Ohio Fire Code. This includes a width of 20' and able to support 56,000 pounds.

The existing and proposed roads shown on the plan will need to be usable for emergencies including fires and medical calls. Lanes and roads will need to be maintained year-round for access. This includes the off season and winter months.

The existing and proposed roads on the plan are usable with the following exceptions:

The proposed emergency entrance in front of the main (original barns) from St. Rt. 48 is usable. The parking currently in front of the main barns will need to be eliminated to allow medical and fire apparatus to turn into and between the barns to access the back part of the property. The lane between the barns will need to be posted and maintained as a fire lane.

Additionally, the lane between the barns will need to be widened at the point of the left-hand jog to facilitate medic and fire apparatus. This will require the removal of some landscape on the right side of the lane.

The lane used for emergency access cannot have any permanent structures obstructing the lane. The construction of the proposed pedestrian access point will need to be reviewed to ensure passage of medic and fire apparatus.

The area leading to the Children's Education Activity Area will need to be improved and widened and the turnaround in place now will need to remain.

The covered bridge is impassable for our medic and fire apparatus. The height and width of the covered bridge structure will not permit crossing. The construction of the bridge support appears to be structurally sound but the I beam supports are too narrow to support our medic and fire apparatus's wheel-base. The load capacity of the bridge is unknown.

The access road running off the east side of the property off Applewood Lane will be needed as an access point for all medic and fire apparatus. This access will be used for the proposed Chutes and Ladders, Apple Barn, and Storage Building.

Therefore, the access lane will need to be improved through the Apple and Rotational Crop field from Applewood Lane to the proposed Apple Barn. The lane will need to be improved with stone and compacted to support our medic and fire apparatus. If a gate is needed, an emergency access system or Knox key box will need to be installed to facilitate passage of our medic and fire apparatus.

The access road leading to the residential structure on the south end of the property will need to be maintained. If a gate is needed, an emergency access system or Knox key box will need to be installed to facilitate passage of our medic and fire apparatus to the residential structure.

2. Fire Protection:

In lieu of a private fire hydrant system, the two ponds on the property will need to have dry hydrants installed at a location specified by CCFD. Dry hydrants will allow us to use the water in the ponds as a year-round water source. The proposed dry hydrant for the large pond to the proposed Apple Barn will need a short access road constructed for use.

We are seeking measurements of the ponds (length, width, and depth) to estimate their capacity.

NOTE:

Approximate distances from hydrants on the public water system to proposed buildings.

Primary hydrant on State Route 48 to proposed Children's Education Activity Area = 2300 ft.

Proposed Dry Hydrant from small pond to proposed Children's Education Activity Area = 900 ft.

Hydrant on Applewood Lane to the proposed Apple Barn = 2000 ft.

Hydrant on Applewood Lane to the proposed Storage Building = 700 ft.

Proposed Dry Hydrant from large pond to Apple Barn = TBD

As the project moves forward, we may need to address additional issues that might arise during the planning and construction process.

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SEP 24 2024
CLEARCREEK TOWNSHIP
ZONING DEPT.

Palmer, Jeff

From: Chris Fuller <chris@endurancefarmpartners.com>
Sent: Wednesday, September 11, 2024 11:00 AM
To: Palmer, Jeff
Cc: William Rueter; Randy Lane; Wolf, Matthew
Subject: Remarks from Board of Zoning Appeals Session

Follow Up Flag: Follow up
Flag Status: Flagged

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CLEARCREEK TOWNSHIP
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Jeff - Good to see you last night at the Board of Zoning Appeals meeting. While I understand the session was recorded, I wanted to pass along a summary of my remarks from the session.

We will follow up separately on the ongoing discussion related to our submission related to the site's ingress/egress.

Much appreciated,
Chris

--

We are prepared to receive this board's consideration and to proceed with the hearing and we think our plan has met the standards of the Clearcreek Township Agritourism Site Plan Review. We would welcome questions and comments and discussion, and a determination to approve, approve with conditions, or deny our application.

Our submitted plan for the property would shift the focus from evening bar, music, and events toward daytime family activities. We would preserve and improve a working farm and share agricultural production, education, jobs, and recreation with the community. We would be moving a young family to the property and building a rich tradition in a county that considers itself "Ohio's largest playground."

The motion to postpone by the Director is based on a mischaracterization of a collaborative meeting with the Police Chief to receive clarifications on his suggestions and preferences for our site plan, informed by his years of experience. We have submitted a plan and have sought to collect comment and feedback in hopes of improving that plan alongside the Zoning Office and Authorities. We conducted a town hall hearing to hear any comments and opposition to our site plan. We submitted a list of proposed activities that exist or will be implemented on the property, under the use of agritourism.

Under Ohio Revised Code § 303.21(C)(4) and § 519.21(C)(4), shown in Exhibit 13c of the materials, the township zoning officials have no power “to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for agritourism except in four key areas and ONLY when NECESSARY for the public health and safety.

Still to this moment, The Zoning Office has inadequately identified what is necessary in the public safety realm to allow them to regulate of parts of our zoning plan, including site access and ingress/egress vis-a-vis the 60-year, continuing operation of this farm with decades of agritourism in the form of hayrides, you-pick, and other offerings.

The Zoning Office's opposition to our plan is based on the fact that our emergency access, pedestrian circulation, and parking plan does not perfectly align with the preferences of the Clearcreek Fire Chief and Police Chief's. However, we have received no direct feedback or requirements from either Official or from the Zoning Office.

Under the Township's own standards of adequacy for Agritourism in section 21.01.G.3.C&D, we know of no better way to provide an adequate plan, than to have one designed by a professional, Ohio licensed traffic engineer, with corroboration from ODOT that there are no traffic or safety issues on this stretch of State RT-48, and with suggestions collected from collaborative engagement with Township officials in pursuit of an “adequate” plan for pedestrians, traffic, parking, and that provides emergency access.

We would continue to welcome any feedback, first on why our plan is inadequate, and second to know the parameters of the Townships requirements. We can read for the record the letter from ODOT (which the Zoning Department has received) and the clarifications from Jason Oaks of OAKS Engineers about the suitability of our access, parking, pedestrian, and traffic plan.

[At this point or close to this point my remarks, I read the following except from the ODOT Letter from Sept 9th:

"After hearing their plans and anticipated growth and traffic generators, ODOT has no concerns with them moving forward and will not require any traffic studies or analysis to be completed. ODOT does not view this stretch of SR-48 as having a current safety issue but will continue to observe and monitor."

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24-BZA-006 Exhibit 23B

In response to the Zoning Office’s objection that we have not identified setbacks for the children’s education and activity area – we clarified that there are no structures contemplated there. In addition, other elements (even the mobile food cabins) do not qualify as a structure under the code.

In response to the Zoning Office’s objection that we have not identified setbacks of existing structures, we noted the Township’s own code, which does not require us to identify anything other than agritourism structures. The “existing structures” in the plan are retail / commercial B-1 buildings or are agricultural in nature.

The Zoning Office had our application for 20 days before we received a response in the mail and never asked for clarification, though it was offered alongside our submission

We would like to proceed with the hearing and to receive constructive feedback to regulate us as necessary to public health and safety up to the standard of the Township's zoning code

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CLEARCREEK TOWNSHIP
ZONING DEPT.

Palmer, Jeff

From: brianne.hetzel@dot.ohio.gov
Sent: Tuesday, September 24, 2024 12:38 PM
To: Palmer, Jeff
Cc: William Rueter; chris@endurancefarmpartners.com; Lucas.Braun@dot.ohio.gov; Dustin.Williams@dot.ohio.gov
Subject: WAR SR-48 Hidden Valley Orchards ODOT comments

Good Morning Jeff,

In regards to the proposed agritourism business planned for the existing Hidden Valley Orchards, ODOT is agreeable to the following solutions:

- Consolidate the northern access points from 2 driveways to 1 driveway that aligns with Spring Blossom Dr. This driveway should be entrance only.
- The southern access point would remain exit only.
- “Developer” shall complete a traffic study that will analyze the need for turn lanes as well as the sight distance at the new location of the northern driveway. ODOT and the traffic consultant will work together to determine the scope and requirements of this study. Based on the results of that traffic study, there will be a determination for any roadway infrastructure improvements that will be required to be built by HVO.

Separate from this, ODOT will commit to completing a speed study to determine if the speed limit on SR-48 can be reduced.

Thank you all for your time and commitment to ensuring the safety and operations of SR-48.

Bree Hetzel, P.E.
District Traffic Studies Engineer
ODOT District 8
505 South State Route 741
Lebanon, OH 45036
D: 513.933.6624
Brianne.Hetzel@dot.ohio.gov



**Department of
Transportation**

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CLEARCREEK TOWNSHIP
ZONING DEPT.

Palmer, Jeff

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SEP 25 2024

From: William Rueter <billy@endurancefarmpartners.com>
Sent: Wednesday, September 25, 2024 4:14 PM
To: Palmer, Jeff
Cc: Chris Fuller; Yoder, Benjamin; jeff@endurancefarmpartners.com; Wayne Bishop
Subject: Re: Updated HVO Agritourism Site Plan Submission

CLEARCREEK TOWNSHIP
ZONING DEPT.

Jeff,

Thank you. In response to your parking clarifications.

- Flexible and / or movable barriers such as flexible bollards and planters are contemplated
- All the parking aisles are wide enough for backing out and two way movements and were designed to be so
- Large deliveries are infrequent and unlikely to occur during public hours of operation. Should a large delivery occur during public hours we have easement rights to the North and / or can temporarily halt pedestrian traffic while a large vehicle maneuvers. Smaller deliveries can be managed and maneuvered around the site conventionally.

Thank you,

Billy

On Wed, Sep 25, 2024 at 5:30 AM Palmer, Jeff <JPALMER@clearcreektownship.com> wrote:

Greetings:

If the consultant can provide a better image today, I'll incorporate it, if not I'll just use the images from the presentation.

I have a couple of questions regarding the updated parking plan. The updated parking plan has placed bollards to separate the incoming traffic from the pedestrian area. Are these bollards "temporary" and able to be driven over by emergency vehicles? Not clear, since a second option was to install landscape planters in conjunction with the bollards. Emergency vehicles will need to have access through the bollards to reach the existing buildings and the access driveway between the existing buildings. There doesn't seem to be appear to be a travel lane for vehicles to get to and through the permanent parking and then route back to the exit lane. How will delivery vehicles access the existing and proposed buildings? I look forward to your responses.

Respectfully,

Jeff