TO:    Fairfield County Regional Planning Commission

FROM:  Holly R. Mattei, AICP
        Executive Director

DATE:  August 30, 2011

SUBJECT: Meeting Notice and Agenda

There will be a meeting of the Fairfield County Regional Planning Commission on Tuesday, September 6, 2011, at 7:30 p.m. The meeting will be held at the Fairfield County Courthouse, Commissioners’ Hearing Room, 3rd floor, 210 E. Main Street, Lancaster, Ohio.

The tentative agenda will be as follows:

1. Approval of minutes of the August 2, 2011, RPC meeting (see enclosed)

2. President’s Report

3. Presentation by James Mako on Floodplain Management

4. Subdivision Activities
   a) Winding Creek – Section 5, Part 2 – Final Plat Extension Request
      Violet Township (see enclosed)

5. Proposed Zoning Amendments
   a) Applicant: Amanda Township
      Proposed Text Amendments (see enclosed)

   b) Applicant: Mary Lou Myers
      R-R Rural Residential to RMU – Recreational Mixed Use District
      Walnut Township (see enclosed)

   c) Applicant: Trillium Health Center
      R-R Rural Residential to R-3 Multi-Family Residential District
      Pleasant Township (see enclosed)
6. Personnel Manual Update – County Employee Motor Vehicle Eligibility (see enclosed)
7. Membership Dues (see enclosed)
8. Bills (see enclosed)
9. Other Business
AGENDA ITEM 1

MINUTES

August 2, 2011

The minutes of the Fairfield County Regional Planning Commission meeting held at the Fairfield County Courthouse, Commissioners’ Hearing Room, 210 East Main Street, Lancaster, Ohio.

Presiding: Jim Hochradel, President

Present: Donna Abram, Todd Edwards, Cyndi Fox, Kent Huston, Ray Karlsberger, Randy Kemmerer, Dean LaRue, Harry Myers, Larry Neeley, John Reef, Dan Singer, Mary Snider, Phil Stringer, David Uhl, Hart VanHorn, Ira Weiss, Bill Yaple, Shane Farnsworth (Economic Development Director), Jonathan Ferbrache (Soil & Water Conservation District), Holly Mattei (Executive Director), James Mako (Senior Planner), and Gail Beck (Adm. Asst).

ITEM 1. MINUTES

The Minutes of the July 5, 2011 Fairfield County Regional Planning Commission meeting were presented for approval. Randy Kemmerer made a motion for approval of the minutes. Hart VanHorn seconded the motion. The motion passed.

ITEM 2. PRESIDENT’S REPORT

Jim Hochradel welcomed everyone to the meeting.

ITEM 3. SUBDIVISION ACTIVITIES

Holly Mattei presented the following report:

ITEM 3a. SUBDIVISION: Spring Creek – Preliminary Plan Extension

OWNER/DEVELOPER: Ricketts/Dominion Homes

ENGINEER/SURVEYOR: Floyd Browne, c/o Jeremy Hoyt

LOCATION AND DESCRIPTION: The Spring Creek Subdivision is located in Section 3, Range 20, Township 15 of Violet Township. A revised preliminary plan for 175 acres with 338 single family lots, 10.1 acres of commercial property, and 12 acres of green space was approved by the Regional Planning Commission on August 3, 1999. Last year, the Regional Planning Commission approved an extension that took preliminary plan approval through August 3, 2011. This previous extension was conditioned upon a revised preliminary plan being approved for the realigned Spring Creek Drive before the construction drawings and/or final plat for any additional sections being submitting (excluding Peyton Ridge section, which does not affect the
SUBDIVISION: Spring Creek – Preliminary Plan Extension - Continued

The applicant has not yet submitted the revised preliminary plan for review and approval. The applicant is requesting another 1 year extension, which would take preliminary plan approval through August 3, 2012. The applicable filing fee has been paid.

Please note the applicant also received approval to remove a 3.00 acre parcel that has now been transferred to an adjacent church property.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the Spring Creek Preliminary Plan extension, subject to the following conditions:

1. The revised preliminary plan for the realignment of Spring Creek Drive must be approved by the Regional Planning Commission before the construction drawings and/or final plat for any additional sections being submitted (excluding Peyton Ridge section, which does not affect the area in question).

2. The preliminary plan extension shall expire on August 3, 2012.

Note: The Federal Emergency Management Agency (FEMA) has released preliminary Flood Insurance Rate Maps (FIRMS) for Fairfield County. The panel in which this subdivision is located includes proposed changes to the flood hazard areas. It appears the proposed FIRM revisions would affect the portion of this subdivision that has been annexed into the City of Pickerington. There will also be a small portion of the unincorporated area which will be affected by the preliminary maps. The applicant will need to address this issue once the new maps go into effect.

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation. Kent Huston seconded the motion. Motion passed with Harry Myers abstaining.

Holly Mattei presented the following report:

ITEM 3b. SUBDIVISION: Meadowmoore – Preliminary Plan – Extension Request

OWNER/DEVELOPER: Donley, Inc., c/o John Donley

ENGINEERS/SURVEYOR: EMH&T, c/o of Richard Hisrich

LOCATION AND DESCRIPTION: The Meadowmoore subdivision is located at the southeast corner of SR 204 and Milnor Road in Section 22, Township 16, Range 20 of Violet Township. The preliminary plan for 205 residential lots on approximately 138 acres was approved by the Regional Planning Commission on August 7, 2001. Preliminary plan approval has been extended through August 7, 2010. The developer is now requesting two, one-year
extends that would take preliminary plan approval through August 7, 2012. The applicable filing fees for the extensions have been paid.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends approval of the two, one-year extensions for the Meadowmoore Preliminary Plan approval. These extensions would take preliminary plan approval through August 7, 2012.

A motion was made by Phil Stringer to approve the Subdivision Regulations Committee recommendation. Donna Abram seconded the motion. Motion passed with Harry Myers abstaining.

Ms. Mattei presented the following report:

**ITEM 3c. SUBDIVISION:** Nutter Subdivision (Dollar General) – Section 1 – Final Plat

**DEVELOPER/OWNER:** James Nutter

**ENGINEER/SURVEYOR:** Hurley & Stewart, c/o Tim Stewart, P.E.

**LOCATION AND DESCRIPTION:** The proposed subdivision is located on the east side of SR 664 just south of the SR 37 intersection in Rushcreek Township, Section 10, Range, 17, Township 16. A preliminary plan for 5.68 acres (2 parcels) was approved by the Regional Planning Commission on July 5, 2011. The RPC also approved a variance to allow the construction of the building on lot 1 prior to final plat approval.

The applicant now seeks final plat approval for Section 1. Please note the applicant has changed the name of the overall subdivision to the Nutter Subdivision. This is the Section 1 Final Plat for the Dollar General store.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends approval of the Nutter Subdivision (Dollar General) – Section 1 Final Plat, subject to the following conditions:

1. The label for the off-site drainage easement needs to be changed to reference the recording information rather than indicating that it is proposed.
2. The service drive easement and maintenance agreement needs to have a place where the recording information can be filled in after it is recorded. “Proposed” also needs to be removed from this label.
3. The proposed Zane maintenance agreement also needs to have a place where the recording information can be filled in after it is recorded. “Proposed” also needs to be removed from this label.
4. The storm sewer improvements on lot 1 needs to be within a drainage easement with the language indicating that the improvements are to be maintained by the lot owner, but Fairfield County has the right to enter and make repairs for health and safety purposes should the owner fail to make such repairs. There needs to be an easement running from the right-of-way back to the storm sewer improvements for county access in the event we need to make such repairs.

5. The plat needs to show a 10-foot sidewalk easement overtop of the service drive easement to ensure public access to the walkway. The maintenance of the sidewalk is covered by the service drive maintenance agreement. We need a better understanding of the sidewalk maintenance for the portion north of the commercial drive within the right-of-way.

6. The text on the plat is too small and difficult to read. The plat should be split into two pages. The first page can be signature blocks and legal descriptions. The second page can include the survey drawing and easements.

7. The applicant shall pay the required recreation fees.

8. The applicant shall comply with the requirements of the Technical Review Committee, County Engineer, County Utilities Department, Soil and Water Conservation District, Village of Bremen Water and Sewer, Fairfield County GIS, the Ohio Department of Transportation, and Rushcreek Township Zoning.

A motion was made by Ira Weiss to approve the Subdivision Regulations Committee recommendation. Bill Yaple seconded the motion. Motion passed.

ITEM 4. PROPOSED ZONING TEXT AMENDMENT

James Mako presented the following report:

ITEM 4a. Applicant: Hocking Township Trustees

Hocking Township has recently completed a draft comprehensive revision of their zoning resolution and map. The Regional Planning Commission was contracted with to revise the Hocking Township Zoning Code. The new zoning code is to replace the existing code which was last updated in 2008. A copy of the entire revisions is available in the RPC for review.

Proposed Revisions: The Hocking Township Zoning Commission has completed a draft comprehensive revision to their zoning text. Minor revisions have been proposed throughout the code to address grammar, cross references, and formatting errors. Major revisions are summarized below:

1. Article I, TITLE, PURPOSE AND CONFORMANCE
   A. Purpose statement has been revised with standardized language.

2. Article II, INTERPRETATION OF STANDARDS
Applicant: Hocking Township Trustees - Continued

A. Revises the language that specifies that when the zoning resolution is amended, the previous resolution becomes repealed.
B. Agricultural exemption language has been updated to reflect Ohio Revised Code.
C. Public utility exemption language has been updated to reflect Ohio Revised Code. Includes individual wind energy conversion systems.

3. Article III, DEFINITIONS- All definitions scattered throughout the existing zoning text have been consolidated into the definition section. The definitions within the existing text have also been added/updated to reflect more recent zoning practices. Examples include:
   A. Accessory Structures/Uses
   B. Agriculture
   C. Agriculture Implement Business
   D. Businesses
   E. Child Day Care Facility
   F. Construction/Demolition Facilities
   G. Dwelling
   H. Hazardous Waste and Solid Waste
   I. Manufactured Homes
   J. Mobile Homes
   K. Residential Care Facilities
   L. Telecommunication Towers

4. Article IV, ENFORCEMENT- Text has been revised to clarify the submittal requirements for a zoning permit. Additional items to be included in a certificate of zoning compliance.

5. Article V- SCHEDULE OF FEES, CHARGES & EXPENSES- Text has been revised that allows the Trustees to establish a schedule of fees, charges and expenses.

6. Article VI, ADMINISTRATION - The requirements of the zoning inspector have been revised and expanded. The organizational requirements of the zoning commission and board of zoning appeals (BZA) have been revised and expanded. This section outlines the organization of the commission/board, defining quorums for meetings and specifications for record keeping.

7. Article VII, ADMINISTRATIVE PROCEDURES - The administrative and procedural sections have been updated to ensure they comply with current state law. The submittal requirements for a zoning amendment, appeals & variances, conditional uses, or other similar application have been updated based upon feedback from the Township Zoning Commission. The procedure for amending to a planned unit development has been moved to this article.
8. Article VIII, ZONING DISTRICTS & ZONING MAPS.
   A. The following districts have been added to the proposed zoning text
      i. Manufactured Home Residential District
      ii. Floodplain Overlay District
      iii. Wellhead Protection Overlay District
   B. Similar Use language has been added.

9. Article IX ZONING DISTRICTS. Uses and development standards within each zoning district have been updated to reflect more recent land use practices. Major changes to this section include the following:
   A. The existing Rural Residential (RR) district has been updated to include new permitted uses such as Residential Facilities Type A, Child Day Care Home Type B, Garage/Yard Sales, Individual Wind Energy Conversion Systems, Adult Family Homes and Attached Telecommunication Towers. Rural Residential Businesses have been added as a conditional use in the RR District.
   B. The R-1, Single Family Residential, District has been deleted. The Rural Residential (RR) District will now be the lone residential district. The new RR District will have a two acre size minimum, a maximum depth to width ratio of 5:1, 150’ minimum road frontage and a minimum 20’ side yard setback.
   C. Planned Unit Development Districts have been maintained. Language has been included in the planned industrial district to allow construction/demolition debris facilities.

D. The Neighborhood Business District has been revised to allow for multiple types of business enterprises (Neighborhood Retail, Personal Service and Individual Wind Energy Conversion Systems). Auto oriented businesses and sexually oriented business have been added as conditional uses in the NB district.

10. Article X GENERAL DEVELOPMENT STANDARDS.
    A. Revisions have been made to the accessory structure language. Wording has been added that specifies regulations for non-permanent accessory uses. A table establishing the maximum area requirements for accessory structures has been added.
    B. Language has been added that regulates garage/yard sales.
    C. Regulations for individual wind energy conversion systems have been added.
    D. Sign regulations have been added and expanded.
    E. Regulations for construction/demolition debris facilities have been added.

11. Article XI, CONDITIONAL USE REGULATIONS- This article has been revised to indicate specific requirements for all conditional uses listed throughout each individual zoning district.

12. Zoning Map - The Zoning Map has been updated to include all proposed districts in the key of the zoning map.
REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff believes the proposed modifications improve the existing zoning resolution and therefore recommends approval of the proposed zoning text and map amendments.

A motion was made by Harry Myers to approve the recommendation of the RPC staff. Hart Van Horn seconded the motion. Motion passed.

Holly Mattei presented the following report:

ITEM 5. PUBLIC HEARING – FAIRFIELD GROWING: AN AGRICULTURAL ECONOMIC DEVELOPMENT PLAN

This plan was developed in cooperation with The Ohio State University, the Fairfield County Economic Development Department, the Fairfield Soil and Water Conservation District, the Lancaster – Fairfield Chamber of Commerce, and Main Street Lancaster. There were also several local agencies, farmers, processors and retailers that participated in the advisory group that helped to create this plan.

The purpose of this plan is to help link our farmers, processors, and retailers to increase the production and consumption of local foods within Fairfield County. The goals and objectives of this plan are attached. This plan includes over 50 recommendations within eight broad categories, which include:

- Local Food Council
- Aggregation Facility
- Centrally Location
- Development Mechanisms
- Increasing Processing Capacity
- Return Underutilized Land to Production
- Job Development
- Public Relations

Richard and Roberta Deckerd, who take produce to a farmer’s market and also have a store at their home, talked to the RPC about the need to educate people in order to bring the consumers to their produce. Holly Mattei said that education is a key focus of the Plan and that the local food council will implement the education process. Jonathan Ferbrache also stated that we need to pool our resources to bring food together to meet the consumer’s needs. Ray Stemen, a former Agriculture teacher in the county, said that there were certain words in the Plan that bothered him. Mr. Stemen said that everyone needs to be aware of United Nations Agenda 21. Holly Mattei stated that this Plan is a local effort to create local jobs and keep the money in
PUBLIC HEARING – FAIRFIELD GROWING: AN AGRICULTURAL ECONOMIC DEVELOPMENT PLAN – Continued

Ohio. Larry Neeley asked about Bay’s Market and if they currently sell local produce. Karen Crutcher from Bay’s Market said that some of their produce is grown locally. Larry Neeley asked if big box stores sell local produce. Karen Crutcher responded that they sell Ohio produce but not Fairfield County produce. The public meeting was then closed.

A motion was made by Ira Weiss to move the Plan forward to the County Commissioners. The motion was seconded by Hart Van Horn. Motion passed.

Holly Mattei presented the following bills for payment:

**ITEM 6. BILLS**

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A motion was made by Bill Yaple to approve the bills for payment. Randy Kemmerer seconded the motion. Motion passed.

**ITEM 7. OTHER BUSINESS**

Phillip Settecase was present at the meeting and asked a question about the road in the Windy Hills Subdivision where he lives that is falling apart and hazardous to the residents. He wanted to know if there were funds available to finish this road. Holly Mattei responded that the County Engineer’s office has been out to the subdivision and the RPC office has provided notice to the developer to complete the work. The developer was given a July deadline to have the work completed. Ms. Mattei said that the RPC is working with the County Commissioners and legal staff to resolve this issue.

There being no further business, a motion was made to adjourn the meeting by Bill Yaple and seconded by Phil Stringer. Motion passed.

Minutes Approved By:

____________________________  ______________________
James R. Hochradel, President  Mary K. Snider, Secretary
AGENDA ITEM 4a

SUBDIVISION: Winding Creek – Section 5, Part 2 – Final Plat Extension Request

DEVELOPER/OWNER: DBI Land Company

ENGINEER/SURVEYOR: EMH&T, c/o Ed Miller

DATE: August 29, 2011

LOCATION AND DESCRIPTION: The Winding Creek Subdivision is located in Section 27, Township 16, Range 20 of Violet Township. A preliminary plan for 269 lots was approved by the Regional Planning Commission in January 1996. Centralized water and sewer are provided by the Fairfield County Utilities Department. The Regional Planning Commission conditionally approved the Winding Creek Section 5, Parts 1 and 2 Final Plats on November 4, 2003. The Section 5, Part 1 Final Plat has been recorded. The Final Plat approval for the Section 5, Part 2 plat has been extended by the Commission to March 28, 2011. The developer is requesting two, 180-day extensions, which would take Final Plat approval through March 23, 2012. The necessary filing fees have been paid.

The originally approved Section 5, Part 2 plat included 32 lots. On October 7, 2008, the Regional Planning Commission approved the Section 5, Part 1A Final Plat for lots 209 and 217, which were originally a part of the Section 5, Part 2 plat. Therefore, the Section 5, Part 2 plat will include only 30 lots.

The extension that the RPC staff is reviewing and making a recommendation upon is solely for the approval of the Winding Creek Section 5, Part 2 Final Plat. This review and recommendation in no way shall be considered a time extension for completing the 5-year maintenance repairs to the Winding Creek Section 5, Part 1 subdivision.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION: The Subdivision Regulations Committee recommends approval of the two, 180-day extensions of the Winding Creek Section 5, Part 2 Final Plat*, subject to the following conditions:

1. The applicant shall verify the location of utilities installed on this site during the construction of Section 5, Part 1. The verification of utilities must take place prior to commencing construction of the public improvements for Section 5, Part 2.

2. The construction drawings shall be revised to accommodate for post construction water quality, which is required by OEPA as part of the NPDES permit the site will have to obtain before construction can commence on Section 5, Part 2.

*This recommendation should in no way be considered a recommendation to extend the time frame for completing the 5-year maintenance repairs to the Winding Creek Section 5, Part 1 subdivision. RPC staff continues to work with the bonding company on the collection of the funds for the Winding Creek Section 5, Part 1 subdivision, per the direction of resolution 10-09.14.g.*
August 19, 2011

To: Holly Mattei, AICP
Executive Director
Fairfield County Regional Planning

From: Frank W. Anderson, County Engineer and
Todd May, Subdivision Engineer
Fairfield County Engineer’s Office

Subject: Winding Creek – Section 5, Part 2 - Final Plat Extension
Violet Township

The Engineer’s Office agrees with the two requested 180 day extensions for Winding Creek Section 5, Part 2 Final Plat, extending it through March 23, 2012.
TO: Holly Mattei, AICP

FROM: Donald R Sherman, PE

DATE: August 22, 2011

SUBJECT: Winding Creek – Section 5 Part 2
Final Plat Extension

We have reviewed the Final Plat extension request for the Winding Creek, Section 5, Part 2 subdivision in Violet Township. The Final Plat extension request does not negatively affect Fairfield County Utilities. Therefore, we have no problem with the approval of the requested extension.

This concludes our comments at this time. If you have any questions, please contact me.

Sincerely,

[Signature]

Donald R. Sherman, P.E.
Deputy Director of Utilities

cc: File
August 16, 2011

Ms. Holly Mattei
Fairfield County Regional Planning
210 East Main Street
Lancaster, OH 43130

Re: Winding Creek S.5 P.2
Final Plat Extension

Dear Ms. Mattei:

Below are the comments for the above referenced project.

1. Our office recommends approval of the two, 180-day extensions.

If you have any questions about the above comments, do not hesitate to contact me at 740-653-8154.

Sincerely,

Chad Lucnt, CPESC
Sr. Urban Spec.
Holly,

I have no objections to the referenced plat extension.

Greg Butcher

DISCLAIMER:
Pursuant to the Ohio Public Records Act, virtually all written communications to or from Local Officials or employees are public records available to the public and media upon request. E-mail sent and received via the Township system will be disclosed unless specifically exempted from the Ohio Public Records Act.
Holly,

We have no objections to extending the approval period for Winding Creek Section 5 Part 2. At this time we would request that the culvert, placed at the stream crossing for the purposes of a construction entrance to Winding Creek Section 4 be removed as this office has received complaints that children have been moving and playing on the culvert pipes (the pipes were removed from the stream crossing).

We also request that the Developer make appropriate plans for the destruction of noxious weeds on this tract, specifically on the areas not currently planted with crops.

Thank you for the opportunity to comment on this request for extension.

Respectfully,

Kelly Sarko
Zoning Inspector

Violet Township
12970 Rustic Drive
Pickerington, Ohio 43147

Tele: 614.575.5560
Fax: 614.575.5562

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AGENDA ITEM 5a

Amanda Township Text Amendment

Applicant: Amanda Township

Proposed Revisions: Amanda Township has submitted a proposed change to Section IV, (Zoning Permits), of their zoning text. The Township wishes to make the following amendments to their code:

1. A 20% penalty shall be added to the cost of a zoning permit when construction of any building or other structure has commenced before acquiring a zoning permit.

Staff Comments:

1. Failure to obtain a zoning permit is a violation of the zoning code (see Section IV 6 (a) of the zoning code) and subject to Section IV 6 (d) (Penalties for Violation) of the code.
2. Per Ohio Revised Code Section 519.99, a person cannot be fined more than $500 for each offense. (ORC 519.99-“Whoever violates Sections 519.01 to 519.25 of the Revised Code shall be fined not more than five hundred dollars for each offense.”)
3. RPC staff believes penalties for violating the code are assessed through the court system. Due to this legal aspect of this proposed amendment, RPC Staff also recommends that the township seek legal counsel regarding this zoning amendment.

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

1. RPC staff recommends disapproval of the proposed amendment to the code. RPC Staff believes that the penalty should be imposed through the requirements of Section IV 6 (d) of its zoning code and in accordance with ORC Section 519.99.
Amanda Township Text Amendment

Applicant: Amanda Township

Proposed Revisions: The Amanda Township Zoning Board has submitted a proposed change to Article VII (Procedures and Requirements for Conditional Use Permits, Accessory Uses, Home Occupations, and Group Home Residential Facilities) of their zoning code. The Township wishes to make the following amendments to their code:

2. Delete the fencing requirements for pools and ponds.

Staff Comments:

1. It is unclear where in the zoning code the township requires fences for ponds. Section VII of the zoning code under Accessory Structures (Section VII 9.c, page 37)-Swimming Pools states: “The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and lock.”

2. RPC staff believes that the fencing requirements for swimming pools is a practical safety requirement that the township should include in their code.

3. RPC Staff also advises the township to seek legal counsel regarding this zoning amendment due to the potential liability concerns.

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

1. RPC staff recommends disapproval of the proposed amendment to the code due to the above stated reasons.

2. Although RPC staff disagrees with eliminating the fence requirements for pools, staff recommends that the township examine its definitions for pools and ponds and consider making the language in the code more clear and concise.
Amanda Township Text Amendment

Applicant: Amanda Township

Proposed Revisions: Amanda Township has submitted a proposed change to Article X (Lot Area, Yard Requirements, Height Limits, and Other Use Restrictions) of their zoning text. The Township wishes to make the following amendments to their code:

3. Delete the 3:1 maximum depth to width ratio for lots in the A-1 (Restricted Agricultural) and A-2 (Agricultural-Residential) Districts.

Staff Comments:

Both districts have a minimum road frontage requirement of 200 feet, which should prevent flag lots from being created.

REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:

RPC staff recommends approval of the proposed amendment.
AGENDA ITEM 5b

Walnut Township Map Amendment

APPLICANT: Mary Lou Myers

LOCATION & DESCRIPTION: The property proposed for rezoning is 7 acres out of an existing 85.92 acre parcel. The 85.92 acre parcel is located along Cattail Road in Walnut Township, R 18 T 16 S 1 SW. The 7 acres would be located in the northwest corner of the lot abutting Cattail Road. No lot split application has been applied for at this time. No survey or legal description was submitted in the application for rezoning.

EXISTING ZONING: R-R Rural Residential: The purpose of this district is to provide for single family homes on large tracts within areas suitable for agricultural production, and to control indiscriminate urban development in such areas. Areas within this district will not normally be served by public water and sewer.

EXISTING LAND USE: Agriculture; an existing 60’ x 100’ pole barn is located on the property. A single family home on the property was destroyed by fire earlier this year.

PROPOSED REZONING: RMU- Recreational Mixed Use District: It is the intent of this district to provide for a mixture of residential uses with commercial service and recreational uses associated with resort development. It is further the intent of this district to provide limited business uses that are scaled to blend with the surrounding area. The Recreational Mixed-Use District may be applied to land that does not directly abut Buckeye Lake but is within the general vicinity of this recreational area.

PROPOSED USE: A series of pole barns to be used for boat storage.

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**Land Use, Environmental, and Regulatory Issues:**

1. The applicant indicates that she is interested in developing 7 acres of her property. An existing 60’ x 100’ pole barn is located on the northwest corner of the parcel. At one time a single family home was located next to the pole barn. Recently, the single family house burned. The applicant wishes to utilize the existing pole barn as a boat storage facility. The applicant is planning on constructing a second pole barn, roughly 50’ x 50’ in size, soon after the rezoning is approved. The applicant wishes to add additional pole barns as needed.

2. The Fairfield County Development Strategy and Land Use Plan (2002) shows this site being developed as agricultural preservation with a small amount of critical resource. The future land use map does not include any recommended business/commercial uses in this area.

3. According to the Soil Survey of Fairfield County (2002) the site is contained within the Centerburg Silt Loam (CfB) and Marengo clay Loam (Ma).

4. The Fairfield County ground Water Resources Map (1992) indicates that the proposed site may support wells capable of producing between 10 and 25 gallons per minute.

5. The Ground Water Pollution Map of Fairfield County (1996) indicates that the property has a Relative Pollution Potential Rating of 100 (7ad2) which denotes moderate vulnerability.

6. The property is located outside of the delineated 100-year floodplain.

**Utility and Service Issues:**

1. The site is served by on-site water and sanitary utility services. Any splits on the property would require evaluation through the Health Department.

2. Fire and emergency services are provided by the Millersport Fire Department. The fire department is located at 5400 Fairfield Beach Road in Fairfield Beach.
Transportation and Access Issues:

1. Access to the site will be from Cattail Road. Cattail Road is classified as a local road.

2. The Fairfield County Engineer’s Office did not find any sight distance issues.

RPC STAFF RECOMMENDATION

1. RPC staff is recommending disapproval of this rezoning. RPC staff believes the RMU, Recreational Mixed Use District, is the appropriate district for this use, but staff does not believe that the parcel is in the appropriate location for this district as it does not fall within the general vicinity of the Buckeye Lake recreational area.

2. Furthermore, RPC Staff does not support a rezoning to the RMU or any other business zoning district for this parcel because the Fairfield County Development Strategy and Land Use Plan does not support commercial/business land use on this property. The site is surrounded by existing agricultural uses and the county land use plan call for this area to remain agricultural in the future.

3. There is insufficient information in the application as to what property is to be rezoned. Section 7.1 c of the Walnut Township Zoning Code requires a legal description of the parcel to be rezoned.
WALNUT TOWNSHIP  
ZONING COMMISSION  
11420 MILLERSPORT ROAD  
MILLERSPORT, OHIO 43046  
740-467-2430  FAX 740-467-3283  

APPLICATION FOR ZONING AMENDMENT

APPLICATION #: __11-29__

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in Zoning District classification as specified below:

1. Name of Applicant: Mary Law Myers  
   Mailing Address: 11045 Cottage Rd, Millersport, OH 43046  
   Home Phone: 740-467-2586  
   Business Phone:__________________________

2. Location Description: Subdivision Name:__________________________
   Section: 2  Township: 16  Range: 18
   Block: ___________________________  Lot No.: Volume 321, Page 194
   (If not in a platted subdivision, attach a legal description)

3. Present Use and District: Farm land and RR (Rural Residential)

4. Proposed Use and District: Recreational Storage and RMU (Residential Mixed Use)

5. Supporting Information: Attach the following items to the application:
   a) A vicinity map showing property lines, streets, and existing and proposed zoning.
   b) A list of all property owners and their mailing addresses, within, contiguous to, and directly across the street from the proposed rezoning.
   c) A statement of how the proposed rezoning relates it to the Fairfield County Comprehensive Plan.
   d) The proposed amendments to the zoning map or text in ordinance (resolution) form, approved as to form by the city (village, county, township Advisor).

DATE: 8-15-11  APPLICANT: Mary Law Myers

**********************************************************************************************************
FOR OFFICIAL USE ONLY  
(ZONING COMMISSION)

DATE FILED: 8-15-11  DATE OF HEARING:__________________________

TIME OF HEARING:__________________________  ZONING INSPECTOR:__________________________
BEING SEVEN ACRES, MORE OR LESS, TO BE SURVEYED AND DIVIDED INTO A R. & R. A. TRACT LOCATED AT OR NEAR 1240 CATTAIL RD. N.E. AND KNOWN AS THE FORCOURT ADDITION, DEDICATED AS MOWLEY OR GORDON, SODERBY. NOLES SHALL BE LOCATED IN THE NORTHWEST CORNER OF SAID TRACT AND SURVEYED TO HAVE A TRAVERSE OF 762.3 FEET ALONG CATTAIL ROAD IN SHAPE OF A RECTANGLE WITH A DEPTH OF 762.3 FEET.

A SKETCH DEPICTING THE LOCATION OF SAID TRACT IS ATTACHED HERE TO AND INCORPORATED HEREIN BY REFERENCE. TADDDYN.
AGENDA ITEM 5c

Pleasant Township Map Amendment

APPLICANT:  Trillium Health Center

LOCATION & DESCRIPTION:  The property proposed for rezoning is approximately 138.96 acres located at 3484 Cincinnati-Zanesville Road in Pleasant Township, Range 18 Township 15 Section 34.

EXISTING ZONING:  R-R Rural Residential District - It is the intent of the R-R, Rural Residential District, to provide areas for large-lot, single-family residential development that will help to protect and enhance the existing rural character found in Pleasant Township.  It is further the purpose of this district to serve as a transitional area between agricultural uses and the more intensely developed residential neighborhoods. Development within the R-R, Rural Residential District, is typically not served by public water or sewer systems.

EXISTING LAND USE:  Medical clinic, warehouse, offices

PROPOSED REZONING:  R-3 Multi-Family Residential District - It is the intent of the R-3, Multi-Family Residential District, to provide an area for low density apartments in areas where public water and sewer are available.

PROPOSED USE:  Adult group home.

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<th>ADJACENT ZONING</th>
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<td>NORTH</td>
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Land Use, Environmental, and Regulatory Issues:

1. The property proposed for rezoning was formerly the Trillium Health Center. The property has an existing clinic building and offices on the site.
2. Per Section 7.5 (D) of the Pleasant Township Zoning Code, adult group homes are a conditional use under the R-3 District.

3. Per the application submitted, Trillium Health Center is closing and the property is to be transferred to a non-profit (The Refuge) organization to operate a recovery center. The former Trillium site would be used as an induction center for men entering their recovery program. The men would stay at the group home for three weeks before moving to another site.

4. Per the application, there would be 15 to 20 men staying at the group home at any given time.

5. The Fairfield County Development Strategy and Land Use Plan (2002) shows this site being developed with rural residential and critical resource land uses.

6. Per the applicant, the Trillium Board of Directors wishes to place a conservation easement on the property to prevent any future residential development. A letter from the applicant is attached.

7. This parcel is not located in a FEMA identified flood hazard area.

8. According to the Soil Survey of Fairfield County (2002) the site is contained within the Amanda Silt Loam (AMc2 & AmB) and Aetna Silt Loam (Ah).

9. The Fairfield County ground Water Resources Map (1992) indicates that the proposed site may support wells capable of producing up to 10 to 25 gallons per minute.

10. The Ground Water Pollution Map of Fairfield County (1996) indicates that the property has a Relative Pollution Potential Rating of 111 (7Ad59) which denotes low vulnerability.

**Utility and Service Issues:**

1. This site is served by on site water and septic.

2. Fire and emergency services are provided by the Pleasant Township Fire Department.

**Transportation and Access Issues:**

1. The site has road frontage on US 22 (Cincinnati-Zanesville Road). A private drive from US 22 serves as the primary access point for the property. This drive is located on the west side of the property.
2. The Fairfield County Engineer’s Office reviewed the property for access and site distance. The Engineer’s Office deferred comment to the Ohio Department of Transportation.

RPC STAFF RECOMMENDATION:

RPC Staff recommends approval of this rezoning with the following comments:

1. The Trillium Health Center operated as an existing non-conforming use. The Pleasant Township Zoning Code does not have health clinics listed as a permitted or conditional use in the Rural Residential District. Medical offices are listed as a conditional use in the R-3 district along with adult group homes. Therefore, RPC staff believes the R-3 zoning classification is the appropriate district for the property.

2. As a Fair Housing agency, RPC staff would make note that the Fair Housing Act (42 U.S.C. §§ 3601 – 3619) prohibits local jurisdictions from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities. The Fair Housing Act defines “disability” to include individuals who are recovering from substance abuse. A joint statement from the Dept. of Justice and the Dept. of Housing and Urban Development is attached to help provide guidance to the township in making a land use decision that involves this protective class.

3. The application indicates that there will be 15-20 persons staying at the group home at any given time. The definition of adult group homes in the Pleasant Township Code allows up to 16 individuals. RPC Staff cautions the township from applying the 16 person limit on the group home as there are other uses in the R-3 zoning district that would not limit the number of persons living in a structure. RPC Staff recommends that the township make “reasonable accommodation” (see attachment) to allow this use as proposed to comply with Federal fair housing laws.

4. The site is over 100 acres in size which provides rather large setbacks between existing buildings and adjacent properties. The property is also serviced from an existing drive on US-22, a heavily utilized highway with a mixture of residential and commercial uses. Furthermore, RPC Staff believes that the proposed use will have similar land use aspects as the medical facility that has operated in this location for the past 20 years.
Pleasant Township Zoning
3005 Lancaster-Thornville Road
Lancaster, Ohio 43130

John A. Bowman
Zoning Administrator

Township House
740-654-0592

To: Fairfield County Regional Planning
    210 East Main Street
    Lancaster, Ohio 43130

Re: Re-Zoning 3484 Lancaster-Zanesville Road

July 21, 2011

Please find included documentation in regards to the rezoning application at 3484
Lancaster-Zanesville Road. I understand that your public hearing and recommendation
will be held on September 06, 2011.

Due to time constraints, I have scheduled the Pleasant Township Zoning Commission
Hearing on September 08, 2011. If possible, please fax your recommendation to the
Township at 740-654-5724 in time for the Hearing. If this is not feasible, please contact
me.

Thanks for your continued cooperation and guidance,

John A. Bowman
Pleasant Township Zoning Administrator
Pleasant Township Zoning

APPLICATION FOR ZONING AMENDMENT
PLEASANT TOWNSHIP

Application # 211001

The undersigned, owner(s) of the following legally described property hereby request the consideration of change in zoning district classification as specified below:

Name of Applicant  Trillium Health Center

Mailing Address  3484 Cincinnati-Zanesville Rd NE, Lancaster, OH 43130

Home Phone (740)654-2128

Location Description: Subdivision Name

Section  Township Pleasant Range 18

Block Lot No. (If not located in a subdivision attach Legal Description)

Existing Use Medical Clinic

Present Zoning District Rural Residential

Proposed Use Adult Group Home (for 20 unrelated adults)

Supporting Information. Attach the following items to the application:

a. A vicinity map showing property lines, streets, existing and proposed zoning.

b. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed zoning.

c. A statement of how the proposed rezoning relates to the comprehensive plan.

d. The proposed amendment to the zoning map or text resolution.

Applicant Signature  Norman Ayal, President Trillium Health Center

Date  7-18-11

For Official Use Only
Pleasant Township Zoning Commission

Date Filed  07-18-11

Fairfield County Regional Planning Commission

Date Filed
Trillium Health Center  
3484 Cincinnati-Zanesville Road  
Lancaster, OH 43130  

July 7, 2011

Pleasant Township Trustees  
3005 Lancaster-Thornville Road  
Lancaster, Ohio 43130

Dear Mr. Bowman,

Thank you for speaking with me yesterday about the zoning considerations for our property at 3484 Cincinnati-Zanesville Road NE.

Trillium Health Center is closing and the property is to be transferred to another non-profit organization. It is The Refuge, a recovery center. That group’s main campus is in Vinton County, but it would use the health clinic building as an induction center for men first entering their program.

These new men would be staying at the group home (the Trillium Clinic Building) for three weeks before moving to the Vinton County site for the next phase.

There would be fifteen to twenty men staying in the house at any given time.

I ask that the Trustees request a zoning ruling from Jason Dolan so that Trillium and The Refuge can take whatever steps are necessary to be in compliance.

Thank you,

Norman Boyd, President  
Trillium Health Center  
(740)654-2128
Dear

I am writing to you from Trillium Health Center as your next-door neighbor, even though we rarely, if ever, see one another. Our properties border on each other's and have for quite some time.

The McClelland family started Trillium in 1991, and for almost twenty years it has served people from our community and beyond. Last year Trillium's Board of Trustees made the decision to cease operations. The Center's doctors left to open their own practices and the clinic closed in September, 2010.

Since then, we have been completing all the legal actions required to end a charitable trust. The final piece is to pass on the property to another charitable organization.

In May, the Trillium Board of Trustees chose to transfer the clinic building and land to The Refuge. The Board also wished to place a Conservation Easement on the land to prevent any future subdivision or development. The writing and approval of that type deed restriction is a complicated process, but we look forward to its completion soon.

The purpose of my letter is to introduce The Refuge to you and to let you know how pleased we are to have them carry on the values and purpose of Trillium Health Center to help people in need.

The Refuge was founded eleven years ago by Pastor Tom Thompson as a Christian Recovery Center whose ministry is to see men's lives changed. Their website is: mensliveschanged.org. The participants must be eighteen years old and they must enter voluntarily, out of their
own personal sense of need. It has had remarkable success as almost 90% of the men completing the program have been, and remain, restored to their families, their jobs and their lives.

The Refuge will use the Trillium house for their Induction Phase, a three-week orientation period. Here they'll learn the discipline that will be required to complete their recovery. It is not a twelve-step plan; it is a one-step plan, and that one step is turning it all over to God and living as a follower of Jesus Christ.

Following the orientation time comes the centerpiece of the Refuge journey for each man. It is an extended period of time living at The Farm in Vinton County, Ohio. There the men study and pray with others on the same journey, strengthening themselves in the Word of God.

The final piece is rejoining the workforce through the Marketplace Ministry phase of the program. That is located in Columbus, Ohio, and includes HIS Marketplace Services (a temporary agency) as well as other businesses that partner with The Refuge.

Our belief is that The Refuge will be a great benefit to our community. The problem of alcohol and drug addiction in Fairfield County has been well-documented. Sheriff Dave Phalen said earlier this year that 85% of the theft-related crime in our county is tied to drug use. He and his officers are having success in arresting these people but they cannot change them. That is why Pastor Thompson has met with Sheriff Phalen and plans to work closely to provide the program that will see men's lives changed.

We have a serious problem in our community. Now with the presence of The Refuge we have hope. I ask that you join us in welcoming The Refuge here, and consider coming along side to help in the mission, so that no more lives will be lost to addiction and brokenness.

Sincerely,

Norman Boyd, President
Trillium Health Center
Community Information Meetings about The Refuge

To the Lancaster/Fairfield County Community:

As you may know, the Trillium Health Center operated east of Lancaster on St. Rt. 22 for over eleven years and in September 2010 closed its doors. The mission of this non-profit organization was to help people heal. I have been working with the Trillium Board to find a suitable non-profit organization to use the site and carry on the spirit of this vision. The Board worked diligently and found an organization that it believes is not only financial able to be good stewards of the property, but also meets the spirit of Trillium’s original mission: to help people heal. The Refuge moved the induction phase of its ministry into the facility in July. They want to get to know the community, and likewise want the community to get to know them. To do this, they are hosting two community information meetings next week for anyone wanting to learn more about them.

The Refuge is a non-denominational, faith-based outreach ministry that helps adult men turn their lives around. Most of the men have been fighting drug and alcohol addictions; many have tried a number of programs unsuccessfully. The Refuge offers a unique opportunity to those men who are voluntarily seeking to change their lives. They have a structured, secure program that requires commitment, discipline and a great deal of hard work. The success rate of this program is impressive.

If you are interested in learning more about their ministry, their processes and the men and families they serve, please attend either of these two community information meetings. Both will be held at the Ohio Glass Museum at 124 W. Main Street in downtown Lancaster on Thursday, September 1st at 7:00 p.m. and Friday, September 2nd at 9:00 a.m. Rev. Tom Thompson will provide a short presentation on their ministry and will answer any questions.

We appreciate your interest in learning how The Refuge can help our community. You can view a video about The Refuge at http://vimeo.com/27706778 or visit their website at www.mensliveschanged.org.

Linda L. Sheridan, CPA, CVA
Snyder & Company

GROUP HOMES, LOCAL LAND USE, AND THE FAIR HOUSING ACT

Since the federal Fair Housing Act ("the Act") was amended by Congress in 1988 to add protections for persons with disabilities and families with children, there has been a great deal of litigation concerning the Act's effect on the ability of local governments to exercise control over group living arrangements, particularly for persons with disabilities. The Department of Justice has taken an active part in much of this litigation, often following referral of a matter by the Department of Housing and Urban Development ("HUD"). This joint statement provides an overview of the Fair Housing Act's requirements in this area. Specific topics are addressed in more depth in the attached Questions and Answers.

The Fair Housing Act prohibits a broad range of practices that discriminate against individuals on the basis of race, color, religion, sex, national origin, familial status, and disability. The Act does not pre-empt local zoning laws. However, the Act applies to municipalities and other local government entities and prohibits them from making zoning or land use decisions or implementing land use policies that exclude or otherwise discriminate against protected persons, including individuals with disabilities.

The Fair Housing Act makes it unlawful --

- To utilize land use policies or actions that treat groups of persons with disabilities less favorably than groups of non-disabled persons. An example would be an ordinance prohibiting housing for persons with disabilities or a specific type of disability, such as mental illness, from locating in a particular area, while allowing other groups of unrelated individuals to live together in that area.

- To take action against, or deny a permit, for a home because of the disability of individuals who live or would live there. An example would be denying a building permit for a home because it was intended to provide housing for persons with mental retardation.

- To refuse to make reasonable accommodations in land use and zoning policies and procedures where such accommodations may be necessary to afford persons or groups of persons with disabilities an equal opportunity to use and enjoy housing.

- What constitutes a reasonable accommodation is a case-by-case determination.
Not all requested modifications of rules or policies are reasonable. If a requested modification imposes an undue financial or administrative burden on a local government, or if a modification creates a fundamental alteration in a local government's land use and zoning scheme, it is not a "reasonable" accommodation.

The disability discrimination provisions of the Fair Housing Act do not extend to persons who claim to be disabled solely on the basis of having been adjudicated a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs, persons who have been convicted of the manufacture or sale of illegal drugs, or persons with or without disabilities who present a direct threat to the persons or property of others.

HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable dispute resolution procedures, like mediation, as alternatives to litigation.

DATE: AUGUST 18, 1999

Questions and Answers
on the Fair Housing Act and Zoning

Q. Does the Fair Housing Act pre-empt local zoning laws?

No. "Pre-emption" is a legal term meaning that one level of government has taken over a field and left no room for government at any other level to pass laws or exercise authority in that area. The Fair Housing Act is not a land use or zoning statute; it does not pre-empt local land use and zoning laws. This is an area where state law typically gives local governments primary power. However, if that power is exercised in a specific instance in a way that is inconsistent with a federal law such as the Fair Housing Act, the federal law will control. Long before the 1988 amendments, the courts had held that the Fair Housing Act prohibited local governments from exercising their land use and zoning powers in a discriminatory way.

Q. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning. In this statement, the term "group home" refers to housing occupied by groups of unrelated individuals with disabilities. Sometimes, but not always, housing is provided by organizations that also offer various services for individuals with disabilities living in the group homes. Sometimes it is this group home operator, rather than the individuals who live in the home, that interacts with local government in seeking permits and making requests for reasonable accommodations on behalf of those individuals.

The term "group home" is also sometimes applied to any group of unrelated persons who live together in a dwelling -- such as a group of students who voluntarily agree to share the rent on a house. The Act does not generally affect the ability of local governments to regulate housing of this kind, as long as they do not discriminate against the residents on the basis of race, color, national origin, religion, sex, handicap (disability) or familial status (families with minor children).

Q. Who are persons with disabilities within the meaning of the Fair Housing Act?
The Fair Housing Act prohibits discrimination on the basis of handicap. "Handicap" has the same legal meaning as the term "disability" which is used in other federal civil rights laws. Persons with disabilities (handicaps) are individuals with mental or physical impairments which substantially limit one or more major life activities. The term mental or physical impairment may include conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. The term major life activity may include seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning, speaking, or working. The Fair Housing Act also protects persons who have a record of such an impairment, or are regarded as having such an impairment.

Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered disabled under the Fair Housing Act, by virtue of that status.

The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

Q. What kinds of local zoning and land use laws relating to group homes violate the Fair Housing Act?

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to six unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission. If that ordinance also disallows a group home for six or fewer people with disabilities in a certain district or requires this home to seek a use permit, such requirements would conflict with the Fair Housing Act. The ordinance treats persons with disabilities worse than persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together as long as the restrictions are imposed on all such groups. Thus, in the case where a family is defined to include up to six unrelated people, an ordinance would not, on its face, violate the Act if a group home for seven people with disabilities was not allowed to locate in a single family zoned neighborhood, because a group of seven unrelated people without disabilities would also be disallowed. However, as discussed below, because persons with disabilities are also entitled to request reasonable accommodations in rules and policies, the group home for seven persons with disabilities would have to be given the opportunity to seek an exception or waiver. If the criteria for reasonable accommodation are met, the permit would have to be given in that instance, but the ordinance would not be invalid in all circumstances.

Q. What is a reasonable accommodation under the Fair Housing Act?

As a general rule, the Fair Housing Act makes it unlawful to refuse to make "reasonable accommodations" (modifications or exceptions) to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling.

Even though a zoning ordinance imposes on group homes the same restrictions it imposes on other groups of unrelated people, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. For example, it may be a
reasonable accommodation to waive a setback requirement so that a paved path of travel can be provided to residents who have mobility impairments. A similar waiver might not be required for a different type of group home where residents do not have difficulty negotiating steps and do not need a setback in order to have an equal opportunity to use and enjoy a dwelling.

Not all requested modifications of rules or policies are reasonable. Whether a particular accommodation is reasonable depends on the facts, and must be decided on a case-by-case basis. The determination of what is reasonable depends on the answers to two questions: First, does the request impose an undue burden or expense on the local government? Second, does the proposed use create a fundamental alteration in the zoning scheme? If the answer to either question is "yes," the requested accommodation is unreasonable.

What is "reasonable" in one circumstance may not be "reasonable" in another. For example, suppose a local government does not allow groups of four or more unrelated people to live together in a single-family neighborhood. A group home for four adults with mental retardation would very likely be able to show that it will have no more impact on parking, traffic, noise, utility use, and other typical concerns of zoning than an "ordinary family." In this circumstance, there would be no undue burden or expense for the local government nor would the single-family character of the neighborhood be fundamentally altered. Granting an exception or waiver to the group home in this circumstance does not invalidate the ordinance. The local government would still be able to keep groups of unrelated persons without disabilities from living in single-family neighborhoods.

By contrast, a fifty-bed nursing home would not ordinarily be considered an appropriate use in a single-family neighborhood, for obvious reasons having nothing to do with the disabilities of its residents. Such a facility might or might not impose significant burdens and expense on the community, but it would likely create a fundamental change in the single-family character of the neighborhood. On the other hand, a nursing home might not create a "fundamental change" in a neighborhood zoned for multi-family housing. The scope and magnitude of the modification requested, and the features of the surrounding neighborhood are among the factors that will be taken into account in determining whether a requested accommodation is reasonable.

Q. What is the procedure for requesting a reasonable accommodation?

Where a local zoning scheme specifies procedures for seeking a departure from the general rule, courts have decided, and the Department of Justice and HUD agree, that these procedures must ordinarily be followed. If no procedure is specified, persons with disabilities may, nevertheless, request a reasonable accommodation in some other way, and a local government is obligated to grant it if it meets the criteria discussed above. A local government's failure to respond to a request for reasonable accommodation or an inordinate delay in responding could also violate the Act.

Whether a procedure for requesting accommodations is provided or not, if local government officials have previously made statements or otherwise indicated that an application would not receive fair consideration, or if the procedure itself is discriminatory, then individuals with disabilities living in a group home (and/or its operator) might be able to go directly into court to request an order for an accommodation.

Local governments are encouraged to provide mechanisms for requesting reasonable accommodations that operate promptly and efficiently, without imposing significant costs or delays. The local government should also make efforts to insure that the availability of such mechanisms is well known within the community.
Q. When, if ever, can a local government limit the number of group homes that can locate in a certain area?

A concern expressed by some local government officials and neighborhood residents is that certain jurisdictions, governments, or particular neighborhoods within a jurisdiction, may come to have more than their "fair share" of group homes. There are legal ways to address this concern. The Fair Housing Act does not prohibit most governmental programs designed to encourage people of a particular race to move to neighborhoods occupied predominantly by people of another race. A local government that believes a particular area within its boundaries has its "fair share" of group homes, could offer incentives to providers to locate future homes in other neighborhoods.

However, some state and local governments have tried to address this concern by enacting laws requiring that group homes be at a certain minimum distance from one another. The Department of Justice and HUD take the position, and most courts that have addressed the issue agree, that density restrictions are generally inconsistent with the Fair Housing Act. We also believe, however, that if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community. Especially in the licensing and regulatory process, it is appropriate to be concerned about the setting for a group home. A consideration of over-concentration could be considered in this context. This objective does not, however, justify requiring separations which have the effect of foreclosing group homes from locating in entire neighborhoods.

Q. What kinds of health and safety regulations can be imposed upon group homes?

The great majority of group homes for persons with disabilities are subject to state regulations intended to protect the health and safety of their residents. The Department of Justice and HUD believe, as do responsible group home operators, that such licensing schemes are necessary and legitimate. Neighbors who have concerns that a particular group home is being operated inappropriately should be able to bring their concerns to the attention of the responsible licensing agency. We encourage the states to commit the resources needed to make these systems responsive to resident and community needs and concerns.

Regulation and licensing requirements for group homes are themselves subject to scrutiny under the Fair Housing Act. Such requirements based on health and safety concerns can be discriminatory themselves or may be cited sometimes to disguise discriminatory motives behind attempts to exclude group homes from a community. Regulators must also recognize that not all individuals with disabilities living in group home settings desire or need the same level of services or protection. For example, it may be appropriate to require heightened fire safety measures in a group home for people who are unable to move about without assistance. But for another group of persons with disabilities who do not desire or need such assistance, it would not be appropriate to require fire safety measures beyond those normally imposed on the size and type of residential building involved.

Q. Can a local government consider the feelings of neighbors in making a decision about granting a permit to a group home to locate in a residential neighborhood?
In the same way a local government would break the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities, a local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers are not themselves personally prejudiced against persons with disabilities. If the evidence shows that the decision-makers were responding to the wishes of their constituents, and that the constituents were motivated in substantial part by discriminatory concerns, that could be enough to prove a violation.

Of course, a city council or zoning board is not bound by everything that is said by every person who speaks out at a public hearing. It is the record as a whole that will be determinative. If the record shows that there were valid reasons for denying an application that were not related to the disability of the prospective residents, the courts will give little weight to isolated discriminatory statements. If, however, the purportedly legitimate reasons advanced to support the action are not objectively valid, the courts are likely to treat them as pretextual, and to find that there has been discrimination.

For example, neighbors and local government officials may be legitimately concerned that a group home for adults in certain circumstances may create more demand for on-street parking than would a typical family. It is not a violation of the Fair Housing Act for neighbors or officials to raise this concern and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the application, if another type of facility would ordinarily be denied a permit for such parking problems. However, if a group of individuals with disabilities or a group home operator shows by credible and unrebutted evidence that the home will not create a need for more parking spaces, or submits a plan to provide whatever off-street parking may be needed, then parking concerns would not support a decision to deny the home a permit.

Q. What is the status of group living arrangements for children under the Fair Housing Act?

In the course of litigation addressing group homes for persons with disabilities, the issue has arisen whether the Fair Housing Act also provides protections for group living arrangements for children. Such living arrangements are covered by the Fair Housing Act's provisions prohibiting discrimination against families with children. For example, a local government may not enforce a zoning ordinance which treats group living arrangements for children less favorably than it treats a similar group living arrangement for unrelated adults. Thus, an ordinance that defined a group of up to six unrelated adult persons as a family, but specifically disallowed a group living arrangement for six or fewer children, would, on its face, discriminate on the basis of familial status. Likewise, a local government might violate the Act if it denied a permit to such a home because neighbors did not want to have a group facility for children next to them.

The law generally recognizes that children require adult supervision. Imposing a reasonable requirement for adequate supervision in group living facilities for children would not violate the familial status provisions of the Fair Housing Act.

Q. How are zoning and land use matters handled by HUD and the Department of Justice?

The Fair Housing Act gives the Department of Housing and Urban Development the power to receive and investigate complaints of discrimination, including complaints that a local government has discriminated in exercising its land use and zoning powers. HUD is also obligated by statute to attempt to conciliate the complaints that it receives, even before it completes an investigation.
In matters involving zoning and land use, HUD does not issue a charge of discrimination. Instead, HUD refers matters it believes may be meritorious to the Department of Justice which, in its discretion, may decide to bring suit against the respondent in such a case. The Department of Justice may also bring suit in a case that has not been the subject of a HUD complaint by exercising its power to initiate litigation alleging a "pattern or practice" of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

The Department of Justice's principal objective in a suit of this kind is to remove significant barriers to the housing opportunities available for persons with disabilities. The Department ordinarily will not participate in litigation to challenge discriminatory ordinances which are not being enforced, unless there is evidence that the mere existence of the provisions are preventing or discouraging the development of needed housing.

If HUD determines that there is no reasonable basis to believe that there may be a violation, it will close an investigation without referring the matter to the Department of Justice. Although the Department of Justice would still have independent "pattern or practice" authority to take enforcement action in the matter that was the subject of the closed HUD investigation, that would be an unlikely event. A HUD or Department of Justice decision not to proceed with a zoning or land use matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and the Department of Justice encourage parties to group home disputes to explore all reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation. HUD attempts to conciliate all Fair Housing Act complaints that it receives. In addition, it is the Department of Justice's policy to offer prospective defendants the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

1. The Fair Housing Act uses the term "handicap." This document uses the term "disability" which has exactly the same legal meaning.

2. There are groups of unrelated persons with disabilities who choose to live together who do not consider their living arrangements "group homes," and it is inappropriate to consider them "group homes" as that concept is discussed in this statement.
On June 21, 2011, the Fairfield County Board of Commissioners adopted an update to the County Personnel Manual relating to the County Employee Motor Vehicle Eligibility. Below is an excerpt of a memo I received from the Fairfield County Human Resource Department:

Section 3:21 was added to fully and appropriately address motor vehicle operation and eligibility from a county-wide risk management perspective.

During our most recent loss control evaluation by CORSA, the County’s property and liability provider, they indicated that the County needed to update the existing motor vehicle eligibility policy and obtain agreement from all elected officials and department heads that they would follow the County’s updated policy or implement a departmental policy that is either equal to or greater than the core requirements of the County’s policy.

Therefore, the Board of County Commissioners drafted a revised policy that met the parameters set forth by CORSA and sought feedback from County leadership on this draft policy. Discussions with County leadership regarding this policy revision began in the fall of 2010 and included a lengthy roundtable discussion. Following the roundtable discussion, suggestions for modifying the policy were solicited and incorporated to create a policy that would have the ability to meet the needs of ALL County departments.

The revised policy specifically speaks to:

- Pre-employment and active employment qualifications
- Violation reporting
• Alcohol and controlled substances
• Firearms
• Accidents and traffic citations
• Use of personal vehicles for County business

In order to meet the requirements of CORSA, we will need to have documentation from each department head or elected official indicating that they will follow the County’s motor vehicle eligibility policy. If a department has implemented a policy that is equal to or greater than the County’s policy, HR will need to obtain a copy of the policy.

I sent the proposed county policy to the RPC Executive Committee earlier this year and received only minor comments. I am attaching a copy of the adopted county policy for your reference.

Per the request of the Human Resource Department, I am requesting that the RPC adopt the enclosed revision to the RPC Personnel Manual so that we will be in line with the requirements of the county’s property and liability provider’s requirements.
All expense account forms will be reviewed by the Director. If the expenses are deemed to be excessive, the costs will be questioned and may be subject to only partial reimbursement.

A. **AIR TRAVEL.**

Air coach, tourist class, or similar accommodations must be used when traveling by air. First class accommodations are not permitted unless other accommodations are not available.

B. **PERSONAL CAR MILEAGE.**

Approval for the use of personal cars must be obtained from the Director prior to incurring any costs. All employees must comply with the Fairfield County Employee Motor Vehicle Eligibility requirements as outlined in the Fairfield County Personnel Policy Manual. Each employee must show proof of automobile insurance.

Mileage while driving on RPC business will be paid at the rate as established by the County Commissioners.

C. **RECEIPTS.**

Receipts for costs incurred in the performance of Commission business must be attached to the applicable expense account form before submission. Failure to comply with this procedure may result in partial reimbursement and/or suspension of expense account privileges.

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**SECTION IX - FRINGE BENEFITS**

A. **MEDICAL INSURANCE.**

Employee medical insurance is presently provided by the County through a special contract with the Fairfield County Board of Commissioners.

A full time RPC employee who works at least 35 hours per week is eligible for this insurance at shared cost. The employee share of the cost of medical insurance shall be determined by the Executive Committee.

B. **PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS).**

The RPC is a contributing partner to the Public Employees Retirement System of Ohio for its employees. Participation in the PERS is mandatory for all employees.
2. The Employee is required to identify/highlight personal calls on the monthly cell phone bill and will pay the County for these calls in a manner determined by the department head.

3. For all personal calls, the employer includes the direct charges and a pro rata share of the monthly fees and services when calculating the amount of reimbursement the employee must pay.

b. Category II: Use of Personally-Owned Cellular Telephone for County Business (Employee Owned):

1. An employee in this category may be reimbursed for all official county business calls made from or received on the individual's personally-owned cellular telephone.

2. For plans that offer detailed itemized statements, the county shall reimburse each eligible call. For fixed air time plans, the county shall reimburse calls on a proportional basis. All eligible air time shall be aggregated and reimbursed proportionally by county calls vs. personal calls. Any additional eligible calls above the fixed air time plan shall be reimbursed at the cost per call.

3. Obtaining Reimbursement

   a. Requests for reimbursement for cellular telephone costs must include a complete copy of the detailed cellular telephone bill identifying applicable County and personal use charges.

   b. Reimbursement from the County to the employee for business calls is limited to Category II.

   c. Reimbursement from the employee to the County for personal calls is limited to Category I.

SECTION: 3:21

SUBJECT: COUNTY EMPLOYEE MOTOR VEHICLE ELIGIBILITY

This policy is applicable to all elected officials, full or part-time employees, summer workers, volunteers, and contract employees of Fairfield County, Ohio who are required to drive a motor vehicle in the course of their employment or activities on behalf of Fairfield County, Ohio. For purposes of this policy, the above-listed categories of persons are referred to as "Employees." This policy applies to vehicles titled to, purchased or leased by, or insured by or through the Board of Fairfield County Commissioners and also applies to privately-owned vehicles operated by Fairfield County employees in
the course of their employment or activities on behalf of Fairfield County, Ohio and vehicles rented by employees for travel in and out of Fairfield County for authorized reasons.

Employees are responsible to ensure safe vehicle operation. It is the responsibility of every Fairfield County employee who drives a vehicle to comply with the following:

A. All drivers must be at least eighteen (18) years of age.
B. All drivers must maintain a valid Driver’s License that applies to the type of vehicle to be operated. (e.g. Commercial Driver’s License)
C. All drivers must operate the vehicle in a safe, courteous and economical manner.
D. All drivers and all passengers in vehicles so equipped shall wear safety belts. Infant/child car seats are required to be used in accordance with the laws of the State of Ohio and manufacturers’ product manuals.
E. All drivers and passengers shall comply with the motor vehicle laws of the State of Ohio or the state in which they are driving for or on behalf of the County.

Driver Eligibility

Pre-employment/employment qualifications - Hiring or promoting persons who will be required to drive as a function of his/her job duties will be at the sole discretion of Fairfield County or the applicable appointing authority. An applicant or employee, who will be required to drive as a function of his/her job duties, may be denied employment on the basis of a driving record deemed unsatisfactory by Fairfield County or the applicable appointing authority. At the discretion of the appointing authority, denial of employment may be made without regard to the number of points or violations, whether they occurred within the past thirty-six (36) months or whether they occurred within the State of Ohio.

A. Employees or applicants for employment may be considered qualified to drive when the following are met to the satisfaction of Fairfield County or the applicable appointing authority:
   1. A review of the applicant’s or employee’s motor vehicle driving record (“MVR”) and a favorable recommendation by Fairfield County’s insurance carrier (“Insurer”)
   2. The provision by the applicant or employee of proof of insurance or compliance with the State of Ohio’s Financial Responsibility Laws.
   3. Employees whose position requires a commercial driver’s license (CDL) will follow the driving policy specific to their department and position. In the event of a conflict, the department-specific policy controls, but only if the department-specific policy meets or exceeds the provisions of this policy.
B. Employees or applicants for employment who, at the sole discretion of Fairfield County or
the applicable appointing authority, have an MVR that demonstrates poor driving habits shall not drive any vehicle on behalf of Fairfield County without receiving, and providing evidence satisfactory to Fairfield County or the applicable appointing authority that they have received additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the appointing authority’s satisfaction that there has been substantial improvement in their driving abilities, performance and skills. Fairfield County’s Insurer may exclude coverage for any driver or drivers on a temporary or permanent basis.

**Active employment qualifications** - Fairfield County’s Human Resources Department shall maintain an Eligible Drivers List containing the names of all employees eligible under this policy and authorized to drive a vehicle for or on behalf of Fairfield County or the applicable appointing authority. Motor vehicle records of drivers will be submitted by Human Resources annually for review and approval by Fairfield County’s Insurer. Upon completion of such review, the Insurer will forward to the employer recommendations regarding continuation of eligibility restrictions, etc.

A. Upon evaluation by Fairfield County of an employee’s MVR and a recommendation by Fairfield County’s Insurer, drivers may have their driving eligibility temporarily or permanently suspended/revoked and/or be required to participate in driving or alcohol/controlled substance intervention programs. Any conviction of one or more of the ten violations below appearing on an employee’s MVR during the prior 36 months may result in the above action being taken.

1. Driving under the influence of alcohol or drugs
2. Leaving the scene of an accident
3. Vehicular homicides or manslaughter
4. Driving during a period of suspension or revocation
5. Reckless operation or other intentional and dangerous use of a motor vehicle
6. Attempting to elude or flee a law enforcement officer after a traffic violation
7. Road rage statute violations
8. Falling asleep while driving
9. Use of a motor vehicle in the commission of a crime
10. Non-Compliance with Ohio’s Financial Responsibility Law

An arrest or conviction for one or more of the above violations on or off county time by an employee whose job requires that he/she drive a motor vehicle for or on behalf of Fairfield
county or the applicable appointing authority must be reported within 24 hours of arrest/conviction and prior to operating a vehicle on behalf of the County to the employee’s immediate supervisor and failure to do so may, at the discretion of Fairfield County or the applicable appointing authority, result in disciplinary action up to and including employee’s termination from employment.

B. Upon evaluation by Fairfield County of an employee’s MVR and a recommendation by Fairfield County’s Insurer, drivers may have their driving eligibility temporarily or permanently suspended/revoked due to the appearance of any of these items on an employee’s MVR within the prior 36 month period.

1. Two or more “At Fault” accidents
2. Two or more moving violations
3. One “At Fault” accident and one moving violation.

C. In any case where the appointing authority or the County’s Insurance carrier has temporarily or permanently suspended/revoked the employee’s driving eligibility and driving is an essential, necessary or substantial function of the employee’s job, the appointing authority may take appropriate disciplinary action, up to and including termination, as permitted by department policy, laws and regulations of the State of Ohio, and any applicable collective bargaining agreement.

Continued Eligibility - Each employee’s eligibility to operate a vehicle is within the discretion of the appointing authority and extends only so long as the employee is in compliance with this Policy.

Violation Reporting

Any employee eligible to operate a vehicle must notify his/her immediate supervisor in any case where his/her license has expired or is suspended or revoked. Employees must further report any and all accidents, arrests, violations, and citations issued to him or her while driving for or on behalf of the County. Failure to do so may result in disciplinary action.

Alcoholic Beverages or Controlled Substances

A. No alcoholic beverages, illegal drugs or controlled substances are permitted in or on a vehicle except as a function of law enforcement or medical emergency vehicles.

B. No alcoholic beverages, illegal drugs, or controlled substances are permitted to be transported in or on a vehicle except as a function of law enforcement.
C. No employee shall operate a vehicle under the influence of alcohol or illegal drugs or illegal use of prescription drugs or after having consumed or used any alcohol or illegal drugs or substances and while such alcohol or illegal drugs or substances remain in the employee’s body in any detectable quantity.

Firearms

Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any vehicle driven for or on behalf of the County or applicable appointing authority. Such prohibition shall apply to all non-law enforcement employees regardless of whether such employee has been issued a concealed carry permit under ORC 2923.124, et seq.

Accidents and Traffic Citations

In the event of a traffic accident or traffic stop for a violation while in the course of employment, employees shall:

A. Stop, no matter how minor the accident. Report all collisions involving vehicles to the law enforcement agency having jurisdiction.

B. Take precautions to avoid further damage or injury to persons or property.

C. Make no statements admitting responsibility.

D. Do not advise other parties involved on any matter, especially that the County will pay for the damage resulting from said accident.

E. If collision is with an unattended vehicle or other object, try to locate the owner and call the law enforcement agency. If this cannot be done, leave a written notice with your name, department name, address, and telephone number.

F. The driver of a vehicle is responsible for the vehicle until it has been returned to the department or collected by the towing service. Unsafe vehicles should not be driven from the scene of an accident. Contact your Supervisor regarding damage and towing if necessary.

G. Report all accidents and known damage to vehicles as follows:
   1. Report accidents and/or damage to vehicles to your Supervisor, who shall notify Human Resources, immediately.
   2. Employee’s Supervisor shall record and secure all appropriate information on initial accident report and forward to Human Resources within twenty-four (24) hours.
a. In the event of a collision, the Supervisor shall forward the following information to Human Resources:

   I. A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.

   II. Repair estimates, when appropriate, in due course. In all investigations of the accident by Fairfield County or the applicable appointing authority, the emphasis will be on fact-finding, however, discipline may result.

**Use of Personal Vehicles on Official County Business**

This policy applies to employees who use personal vehicles while on County business.

A. Use of personal vehicles by employees on county business is discouraged unless a county vehicle is not available, the use of a county vehicle would cause serious inconvenience, extreme hardship, or the use of a personal vehicle is otherwise authorized by the department supervisor or his/her designee.

B. Employees who use personal vehicles while on County business shall abide by all County rules, including department rules.

C. All employees who use their own vehicle on County business shall first show proof of liability insurance coverage for their personal vehicle to their Department manager in the amounts of at least $25,000 per person for bodily injury; $50,000 per occurrence for bodily injury; and $10,000 property damage per occurrence.

D. Employees who are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the authorized county rate.

**Miscellaneous**

A. Parking tickets, moving violations, and other fines received while operating a vehicle are the responsibility of the driver.

B. Employees must report theft of or from a County vehicle to local law enforcement.

C. Cell phone usage is discouraged and should be limited to hands free devices if available while the vehicle is moving. If an employee utilizes a cell phone or other electronic communication device that is not hands free while driving a vehicle for or on behalf of Fairfield County or the applicable appointing authority and they have not been authorized to do so, they may be subject to discipline up to, and including, suspension or termination.

D. Texting is prohibited at all times while driving a vehicle for or on behalf of Fairfield County or the applicable appointing authority.
E. The use of tobacco products is prohibited in all county-owned or leased vehicles.
TO: Regional Planning Commission

FROM: Holly R. Mattei, AICP
   Executive Director

DATE: August 30, 2011

SUBJECT: Membership Dues

As you are aware, the RPC Membership Dues are an important component of the RPC’s operating budget, and without our members support we would be unable to continue the services we provide to our communities on a daily basis. As I have mentioned in the past, in 2011 for the first time in eight years, every village, city and township paid its membership dues to the RPC. We again thank you for this support.

The RPC membership dues are based upon the latest available federal census data. In 2011, the RPC office received the newly published 2010 population data from the US Census Bureau, which means that we are in the process of recalculating the RPC membership dues based upon the new data.

Most of our communities also understand the budget concerns that the RPC office has been addressing over the last several years with the downturn in subdivision activity and other revenue sources. We have and continue to take cost savings approaches to address these concerns, but the Executive Committee and I also feel that additional revenues need to be raised to comprehensively address the budget issues.

As a result, the RPC Executive Committee is proposing an amendment to the RPC’s By-Laws and Rules of Procedures to increase the per resident fee by five cents from the current $0.20 (established in 1995) to $0.25 (see attached) to help offset some of the revenue losses we have been experiencing. I am also attaching a table that outlines three items:

- The membership dues paid by each community in 2010 (based on 2000 data)
- The membership dues based upon new census data (with no per resident increase)
- The membership dues based upon new census data (with the five cent per resident increase).
The RPC Executive Committee and I understand that many of our member communities are also experiencing budget pains as well, but we hope that you will support us in this proposed amendment. I am attaching a list of the services we provide to our member communities in hopes that you will see that this modest increase in membership dues has an invaluable return on investment for your community.

I am including the proposed By-Laws and Rules of Procedures amendment in the packet for the September 6, 2011 meeting. Although we may discuss this agenda item on September 6th, I do not expect a vote on it at this meeting. I would like our members to review this information and plan to vote on this issue at the October 4th RPC meeting. This will provide enough time for RPC staff to prepare the 2012 Membership Dues Bills which will be sent out in November.

Thank you again for your support. Please do not hesitate to contact me if you have any questions or concerns regarding this proposal.
SECTION VI - FINANCIAL PROVISIONS (Amended August 1, 1995) (TBD)

A. APPORTIONMENT OF COSTS.

The cost of maintaining the RPC shall be apportioned in the following manner.

1. Each cooperating member jurisdiction shall contribute in each calendar year such sum as shall be determined and appropriated by the legislative authority of the respective jurisdiction but in no event less than twenty-five (25) twenty (20) cents for each person residing in said jurisdiction according to the last federal census. Such contribution shall be paid in January of each year.

2. In no event shall the amount paid by any city exceed the amount paid by the remainder of Fairfield County including the villages.

3. The RPC may accept, receive, and expend funds, grants, and services from the federal, state, or local governments or their agencies, from departments, or from civic sources, contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid.

4. Each county cooperating herein shall contribute in each calendar year such sum as shall be determined and appropriated by the legislative authority of the respective county, but in no event less than twenty-five (25) twenty (20) cents for each person residing in the cooperating portions of said county according to the last federal census. Such contribution shall be paid in January of each year.

5. In addition to the payment above provided for, Fairfield County shall also pay for and on behalf of any villages within said county containing a population of less than 3,000 persons according to the last federal census such contribution as would otherwise be payable to said village for the first complete comprehensive plan of the entire region. The village will pay the full cost of any portion of the plan which covers territory lying inside its corporation limits after the first comprehensive plan.

6. In no event shall the amount paid by any city exceed the amount paid by the remainder of Fairfield County including the villages.

7. The RPC may accept, receive, and expend funds, grants, and services from the federal government or its agencies, from departments, or from civic sources, contract with respect thereto and provide such information and reports as may be necessary to secure such financial aid.
MEMBERSHIP DUES COMPARISON CHART

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List of RPC’s Services and Accomplishments

- **Long Range Planning**
  - Fairfield County 2002 Development Strategy and Land Use Plan
  - U.S. Route 33 Bypass Corridor Development Plan
  - Fairfield County Active Transportation and Open Space Plan (2009)
  - Fairfield Growing: An Agricultural Economic Development Plan (2011)

- **Review Zoning Amendments**
  - Provide a recommendation back to the township on all proposed text and map amendments

- **Provide Zoning Technical Assistance to our member communities**
  - Provide assistance to the local zoning inspectors when requested.
  - Conduct research on particular zoning matters raised by member communities
  - Steer zoning officials to the applicable portions of the Ohio Revised Code
  - Other similar services

- **Assist Villages and Townships with Comprehensive Zoning Code Updates**
  - To date, the RPC has assisted 5 townships and 3 villages with this revision process

- **Provide training to Zoning Officials within the County**
  - Training sessions have been well attended over the years, with up to 50 people at some sessions

- **Administers the Fairfield County Flood Damage Prevention Regulations**
  - Issues building permits for development within FEMA flood hazard areas
  - Issues certificates of flood hazard area determination
  - Local coordinator for FEMA’s map modernization process
  - Reviews and proposes amendments to the county’s flood plain regulations to ensure they are in line with current requirements.

- **Administers the Fairfield County Subdivision Regulations**
  - Administers minor subdivision (lot split) applications
  - Coordinates the review of Major Subdivisions
    - Administers construction assurances for subdivisions
  - Proposes updates to the county’s subdivision regulations to ensure they are in line with current planning and construction practices.

- **Community Development Block Grant and Other Grant Services**
  - Completes county’s annual CDBG application
  - Administers the county’s Fair Housing Program
    - Completed the required Analysis of Impediments to Fair Housing
Conducts housing inspections for the Community Housing Improvement Program (CHIP) and Neighborhood Stabilization Program (NSP)
Successfully completed a $300,000 Neighborhood Revitalization Program Grant with the funds being directed to community improvements for the Village of Thurston

- Provides Census and other Demographic Data
  - Many communities use this data for grant applications

- County Representation on several committees:
  - Mid-Ohio Regional Planning Commission’s (MORPC) Transportation Advisory Committee
  - MORPC Policy Committee
  - Fairfield County Tax Incentive Review Council
  - Fairfield Land Preservation Association
  - Fairfield County Transportation Improvement District (TID)

- Represent County in larger region planning efforts, such as:
  - MORPC Shaping Our Future Plan
  - Walnut Creek Balanced Growth Plan
  - Provides a Fairfield County voice to ensure the county’s goals and priorities are incorporated into the broader planning efforts.
AGENDA ITEM 8

BILLS
REGIONAL PLANNING COMMISSION
SEPTEMBER 6, 2011

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