

MINUTES

January 7, 2025

The minutes of the Regional Planning Commission meeting held at the Fairfield County Records Center, 138 West Chestnut Street, Lancaster, Ohio, and via livestream and conference call.

Presiding: Jennifer Morgan, President

Present: Josh Anders, Scott Baker, George Carr, Amie Cohen, Bob Deter, Joe Ebel, Amanda Everitt, Charles Hockman, Kent Huston, Anthony Iachini, Jarrod Mahaffey, Gina Matos, Mitch Noland, Dan Singer, Robert Slater, Corey Theuerkauf, Tony Vogel, Ira Weiss, Jeff Williamsen, Tiffany Wilson, Mike Wolfe, Commissioner Jeff Fix and Commissioner Dave Levacy.

RPC Staff: Holly Mattei, Josh Hillberry, Nicholas Eastham and Sharlene Bails.

ITEM 1. MINUTES

The minutes of December 3, 2024, Fairfield County Regional Planning Commission meeting, were presented for approval. Commissioner Fix made a motion for approval of the minutes. Dan Singer seconded the motion. Motion passed.

ITEM 2. PRESIDENT'S REPORT

Jennifer Morgan welcomed the newest member to the board, Tiffany Wilson.

ITEM 3. SUBDIVISION ACTIVITY

Josh Hillberry presented the following reports:

ITEM 3a. VALLEY VIEW FARMS – REPLAT

OWNER/DEVELOPER: George Carr

ENGINEER/SURVEYOR: J. Brady Picklesimer (Harral & Stevenson)

LOCATION AND DESCRIPTION:

Replat for the Valley View Farms subdivision in Pleasant Township. The applicant is proposing to vacate a portion of an easement and move the property line.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:

The Subdivision Regulations Committee recommends approval of the Valley View Farms – Replat (Type 2), subject to the following conditions:

1. Minor comments from the Fairfield County Engineer's Office

2. Complying with all the Technical Review Agencies, including, but not limited to:
 - a. Fairfield County Engineers' Office
 - b. Fairfield County Utilities
 - c. Fairfield Soil and Water Conservation District
 - d. Fairfield County Health Department
 - e. Pleasant Township Zoning

A motion was made by Kent Huston to approve the Subdivision Regulations Committee recommendation. Commissioner Fix seconded the motion. The motion passed.

ITEM 3b. SYCAMORE GROVE PHASE 1A – FINAL PLAT

OWNER/DEVELOPER: Corey Theurerkauf (Rockford Homes)

ENGINEER/SURVEYOR: Nick Stauffenger (Kimley-Horn) / Matt Ackroyd (CESO Inc.)

LOCATION AND DESCRIPTION:

The Final Plat for Sycamore Grove, Phase 1-A; located on the east side of Tollgate Road in Violet Township. Phase 1-A will create thirty (30) residential lots on 19.827 acres.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:

The Subdivision Regulations Committee recommends approval of the Sycamore Grove Phase 1A – Final Plat, subject to the following conditions:

1. Off-site Drainage Easements and Easements near creek are not shown on plat;
2. Preservations zones around the wetlands need to be shown on Final Plat;
3. Sanitary language on the first page needs to be revised per Fairfield County Utilities comments;
4. The applicant shall submit the required construction assurances for the Sycamore Grove Phase 1-A Public Improvements and Toll Gate Road Improvements.
5. The applicant shall pay the required recreation fees.
6. Complying with all the Technical Review Agencies, including, but not limited to:
 - a. Fairfield County Engineers' Office
 - b. Fairfield County Utilities
 - c. Fairfield Soil and Water Conservation District
 - d. Fairfield County Health Department
 - e. Violet Township Zoning

A motion was made by Commissioner Fix to approve the Subdivision Regulations Committee recommendation. Joe Ebel seconded the motion. The motion passed with Jarrod Mahaffey abstaining.

ITEM 3c. WINDING CREEK – FINAL PLAT EXTENSION

OWNER/DEVELOPER: Bambauer Deter Enterprise, LLC / Bob Deter

ENGINEER/SURVEYOR: EMH&T

LOCATION AND DESCRIPTION:

The proposed development is located along the west side of Milnor Road in Violet Township. This site will contain 27.550 acres and is zoned PD – Planned Residential District within Violet Township zoning. Access is proposed from Milnor Road. Water and sanitary sewers will be provided by Fairfield County Utilities.

A preliminary plan for Winding Creek (269 lots) was approved by the Regional Planning Commission in January 1996. The Regional Planning Commission conditionally approved the Winding Creek Sec. 5, Pts 1 and 2 Final Plats on November 4, 2003. Section 5, Pt 1 Final Plat has been recorded.

The Final Plat approval for Section 5, Pt 2 plat has been extended by the Commission to February 12, 2025. The developer is requesting a 180-day extension, which would extend the plat until August 12, 2025.

SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:

The Subdivision Regulations Committee recommends approval of the Winding Creek, Section 5, Part 2 – Final Plat (Extension Request), subject to the following conditions:

1. A Traffic Impact Study (TIS) for the subdivision will need to be updated per the Fairfield County Engineer's Office comments.
2. Proposed access points to Milnor Road could require re-evaluation dependent on future development activity on the east side of Milnor Road recorded prior to Section 5, Part 2.
3. The location of utilities installed on this site during the construction of Section 5, Part 1 will need verified and identified on the drawing prior to commencing construction of public improvements for Sec. 5, Part 2.
4. The construction drawings shall be revised to accommodate for post construction water quality required by OEPA as part of the NPDES permit that the site will have to obtain before construction can commence on Section 5, Part 2. In addition, the OEPA may require water quantity requirements to be met, which could result in the loss of additional lots to accommodate water retention facilities and would require a revised plat to be submitted.
5. Modification of the site design layout will require re-application to the Township for their review.
6. As part of a Planned District, this final plat will require review of the Township Trustees prior to recording.
7. Milnor Road improvements will need to be completed.
8. Complying with all the Technical Review Agencies, including, but not limited to:
 - a. Fairfield County Engineers' Office

b. Fairfield County Utilities

A motion was made by Commissioner Fix to approve the Subdivision Regulations Committee recommendation. Commissioner Levacy seconded the motion. Commissioner Fix asked how long the developer has requested an extension for this project. Josh responded and Holly Mattei explained the reasoning for the recommendation. After discussion, the motion passed.

Nicholas Eastham presented the following reports:

ITEM 4. ZONING MAP AMENDMENT

APPLICANT: Nick Babamov

LOCATION & DESCRIPTION: The property proposed to be rezoned is located at Old Columbus Rd NW, Carroll OH 43112. The parcel numbers for this address include 0130053721 and 0130053722, which according to the Fairfield County Auditor's website, are both 1.02-acre lots.

EXISTING ZONING: These parcels are currently zoned as R-1 Rural Residential.

EXISTING LAND USE: Open Area.

PROPOSED REZONING: I - Industrial District. According to the Greenfield Township Zoning Code, the purpose of an Industrial District "is to provide suitable areas for a range of industrial activities, while protecting the character of adjacent and nearby residential and commercial areas."

PROPOSED LAND USE: According to email correspondence on the application, the purpose is to ultimately combine these two lots to the larger, adjacent 5.05-acre parcel (parcel number 0130053720).

	ADJACENT ZONING	ADJACENT USES
NORTH	B-1 Business District	Commercial
EAST	B-1 Business District	Commercial
WEST	R-1 Rural Residential District	Agricultural
SOUTH	R-1 Rural Residential District	Agricultural

STAFF RECOMMENDATION:

The location of the proposed rezoning is adjacent to other industrial and commercial uses, and would be in a Priority Growth Area and Employment Center in the 2024 Comprehensive Plan. However, the proposed use is not specified, so the impacts of the proposed industrial use are unknown. RPC's staff would be concerned on potential industrial uses on the adjacent wetland area. In addition, because all affiliated parcels are in the 100-year floodplain, the applicant would need to comply with the Fairfield County Flood Damage Prevention Regulations. Therefore,

RPC staff recommend modification of the proposed rezoning, to rezone these parcels as a Planned Unit Development (PUD) instead of I-Industrial. This would permit Greenfield Township to require a development plan, which will allow the Township to limit the uses within the approved plan and ensure that the wetlands, floodplain and other environmentally sensitive areas to be shown on it to help regulate and mitigate the potential environmental impacts on the adjacent wetland area.

The board discussed the staff's recommendation to rezone the parcels as a Planned Unit Development (PUD). This would limit the use and help protect the wetland and floodplain areas. The board discussed the benefit of combining the adjoining property as a PUD.

A motion was made by Commissioner Fix to approve the RPC staff recommendation of modification of the proposed rezoning. Amanda Everitt seconded the motion. The motion passed.

ITEM 5. ZONING TEXT AMENDMENT

ITEM 5a. APPLICANT: Violet Township

Violet Township has submitted several proposed changes to its zoning code. The proposed changes affect Section III and Section XI.

SUMMARY OF CHANGES

- a) Section III
 - 1) Adds conditional uses for R-1, R-2, R-3, and R-7 Districts
 - 2) Adds structural standards to R-3 District
 - 3) Amends Residential General Development Standards
 - i) Adds fencing requirements
 - ii) Adds compliance requirements for structure (primary or accessory) additions
 - 4) Amends Non-Residential General Development Standards
 - i) Adds compliance requirements for structure (primary or accessory) additions
 - 5) Adds a PREC – Planned Recreation District
 - 6) Adds permitted uses in C-1 District
 - 7) Adds permitted uses in C-2 District
 - 8) Adds Portable Storage Units as a Permitted Temporary Use
- b) Section XI
 - 1) Adds definition for Portable Storage Units
 - i) “A non-permanent, non-habitable, self-contained unit, including rollback/roll-off dumpsters and bagsters, designed for placement on and subsequent removal from a property...”

ANALYSIS

The proposed amendment is largely satisfactory. For clarify purposes, for Sections D and E in the 3H4, RPC staff recommends changing the term development plan to preliminary development plan. The regulations clearly state that the (“preliminary”) development plan is the legislative rezoning process. It appears the final development plan is an administrative action. If so, RPC staff recommends that the regulations clearly state that the final development plan is an administrative review subject to appeal to the Fairfield County Court of Common Pleas.

STAFF RECOMMENDATION

Staff recommends modification of the proposed amendment to address the above comments in the Analysis section of the report.

A motion was made by Commissioner Levacy to approve the RPC staff recommendation. Kent Huston seconded the motion. The motion passed.

ITEM 5b. APPLICANT: Rushcreek Township

Rushcreek Township has submitted several proposed changes to its zoning code. The proposed changes add an additional section.

SUMMARY OF CHANGES

- a) Solar Energy Systems Resolution
 - 1) Adds definitions
 - 2) Adds permitted uses
 - i) Roof-, Building-, and Ground-Mounted Solar Energy Systems: “Permitted in all Agricultural, Residential, Commercial, and Industrial Zoning Districts, as well as in a Flood Plain Hazard District under 30kw”
 - ii) Commercial Energy Systems: “Shall only be permitted in Industrial Zoned Districts”
 - iii) Adds appeal process
 - 3) Adds general requirements
 - i) Defines solar systems as accessory uses
 - ii) May be installed to any surface or existing structure that does not result in violation
 - iii) Ground-mounted systems may be installed as an independent system
 - iv) Construction cannot occur in the right-of-way or easement
 - 4) Adds roof-mounted & ground mounted requirements
 - i) Adds application and plan requirements
 - 5) Adds commercial solar energy system requirements
 - i) Adds application and plan requirements
 - ii) Adds decommissioning requirements

ANALYSIS

Fairfield County Engineer's Comments:

In reaching out to the technical agencies for comment, the Fairfield County Engineer's Office clarified that "Rushcreek Twp zoning cannot name Fairfield County Engineer as approval authority to SW3P. The County Engineer has no authority on non-roadway/non-subdivision matters."

Fairfield Soil and Water Conservation District Comments:

The Fairfield County Soil and Water Conservation District had recommended using the term "maximum" in place of "no more than" for roof-mounted and ground-mounted systems. They also recommended that "negatively" should be replaced with a measurable effect, such as increased percentage of runoff. Lastly, they recommended conduits be included in removed materials.

Fairfield County Health Department and Fairfield County Utilities:

Neither the Fairfield County Health Department nor Fairfield County Utilities provided comment.

RPC Staff Comments:

1. This proposal defines residential systems as less than 15kW and commercial systems as more than 30kW but less than 50MW. There is concern with how a system would be defined if it is between 15 and 30 kW.

Additionally, RPC staff reached out to the Fairfield County Prosecutor's office regarding this matter. Their office concurred with RPC staff's above concern and also commented that, "The FCPO has suggested previously that townships could use a mathematical formula for solar panel allowances (for example, residents/businesses can have as many panels as would provide 120% of the expected annual usage, or something like that), which would remove any needed distinction..."

2. RPC staff recommends adding language indicating that a Commercial Building Permit will be required from the Fairfield County Commercial Building Department when solar panels are being installed for commercial use/on a commercial building.
3. RPC staff has several other minor comments noted below in the recommendation section.

STAFF RECOMMENDATION

Staff recommends modification of the proposed amendment to address the following changes and questions:

- 1) Revisions to the distinction between residential and commercial solar energy systems including follow-up with Fairfield County Prosecutor's Office for guidance on how to best regulate energy amounts related to solar system power production.

- 2) Follow-up with Fairfield County Engineer's Office regarding the appropriate regulatory authority for solar system regulation in regard to SW3P.
- 3) The U.S. Army Corp of Engineers and the Ohio EPA are the agencies responsible for determining an existing wetland.
- 4) To make changes to verbiage to include more measurable/quantitative language.
- 5) To move the proposed definitions to existing definitions section of the zoning code.
- 6) "Right to Appeal to Board of Zoning Appeals" should be categorized in a different subsection from the listed permitted land uses.
- 7) Commercial energy systems should require a building permit from the Fairfield County Building Department, provided that is a commercial building or commercial use.

A motion was made by Commissioner Fix to approve the RPC staff recommendation of modification of the proposed amendment. Kent Huston seconded the motion. The motion passed with Charles Hockman and Commissioner Levacy abstaining.

ITEM 6. BUILDING DEPARTMENT APPLICATIONS

RPC staff presented a list of building permit applications under review.

ITEM 7. BILLS

Holly Mattei presented the following bills for payment:

530000	Contractual Services		<u>\$11,000.00</u>
		TOTAL	\$11,000.00

A motion was made by Amanda Everitt to approve the bills for payment. Dan Singer seconded the motion. Motion passed.

ITEM 8. OTHER BUSINESS

Holly Mattei updated the board on the following:

A public hearing will be held for the Active Transportation Plan on February 4, 2025.

There being no further business, a motion was made to adjourn the meeting by Commissioner Fix and seconded by Dan Singer. Motion passed.

Minutes Approved By:

Jennifer Morgan, President

Kent Huston, Secretary