

## **MINUTES**

**February 3, 2015**

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: Kent Huston, President

Present: Joel Denny, Todd Edwards, Gail Ellinger, Jim Hochradel, Larry Joos, Joe Kemmerer, Dean LaRue, Harry Myers, Larry Neeley, Jerry Rainey, Karen Roberts, Pete Rockwood, Dan Singer, Mary Snider, Ira Weiss, Jeff White, Dave Levacy (County Commissioner), Bob Clark (County Economic Development Director), Holly Mattei (Executive Director), James Mako (Senior Planner), and Gail Beck (Adm. Asst).

### **ITEM 1. MINUTES**

The Minutes of the January 6, 2015 Fairfield County Regional Planning Commission meeting were presented for approval. Pete Rockwood made a motion for approval of the minutes. Ira Weiss seconded the motion. Motion passed.

### **ITEM 2. PRESIDENT'S REPORT**

Kent Huston welcomed everyone to the meeting. Kent stated that the recent zoning training by Jim Hartzler was well attended and very informative.

### **ITEM 3. PRESENTATION**

A presentation was given on Sustaining Scioto Draft Adaptive Management Strategies by David Rutter, Watershed Coordinator, with the Mid-Ohio Regional Planning Commission (MORPC).

### **ITEM 4. SUBDIVISION ACTIVITIES**

Holly Mattei presented the following report:

**ITEM 4a. SUBDIVISION:** Winding Creek – Section 5, Part 2 – Final Plat Extension Request

**DEVELOPER/OWNER:** Bob Deter

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

**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. Final Acceptance of the public improvements for Section 5, Part 1 was recently granted by the Fairfield County Board of Commissioners.

The Final Plat approval for the Section 5, Part 2 plat has been extended by the Commission to March 2, 2015. The developer is requesting two 180-day extensions, which would take Final Plat approval through February 26, 2016. 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.

**SUBDIVISION REGULATIONS COMMITTEE RECOMMENDATION:** The Subdivision Regulations Committee recommends approval of 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 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.
3. The final plat extension shall expire on February 26, 2016.

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

**ITEM 5. PROPOSED ZONING TEXT AMENDMENTS**

James Mako presented the following report:

**ITEM 5a. Applicant:** Liberty Township

**Proposed Revisions:** Liberty Township has submitted a proposed change to Article III (Definitions) of their zoning text. The proposed change would add the following language:

STRUCTURE, HABITABLE – A structure that meets the requirements of the Fairfield County Health Department. This would include but is not limited to a permanent foundation, closed in against the weather, running water, an approved septic system, and electricity.

**REGIONAL PLANNING COMMISSION STAFF COMMENTS:**

The township has indicated that this amendment is being considered due to a situation in the township where an individual has connected electricity to an automobile in order to use it as a house.

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends that the township not include this definition in their code. The Liberty Township code already has definitions established for “Structures”, “Buildings”, “Dwellings”, “Dwelling Units”, “Floor Area” and “Floor Area, Livable”. Taken together, RPC Staff believes that the code already addresses the issue of the automobile being used as a house. Furthermore, adding the proposed definition would create potential conflict with some of the existing definitions.

A motion was made by Harry Myers to approve the RPC staff recommendation. Jerry Rainey seconded the motion. Motion passed.

James Mako presented the following report:

**ITEM 5b. Applicant:** Liberty Township

**Proposed Revisions:** Liberty has submitted a proposed change to Article IX (Zoning Districts-Rural Residential District) of their zoning text. The proposed change would add the following language:

Article 9.2 D (Accessory Uses)

8. Garage sales and other temporary sales in association with an existing structure shall be permitted in any district in which dwellings are permitted, provided the sales are conducted during daytime hours only and all signs are removed immediately upon cessation of the sale.

Applicant: Liberty Township – Continued

Such sales activities on any single premises shall not be conducted for a total of more than five (5) days in any calendar year.

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends the following modifications:

1. Language should be included indicating whether or not a zoning permit will be required.
2. Staff recommends replacing the word “structure” with the “dwelling unit”.
3. Staff recommends taking out the phrase “in any district in which dwellings are permitted”.

A motion was made by Pete Rockwood to approve the RPC staff recommendation. Ira Weiss seconded the motion. Jim Hochradel questioned if the language in the staff’s recommendation would allow a yard sale at a property with a barn. After discussion, a motion was made by Jim Hochradel to amend the staff recommendation by eliminating item 2 so that a yard sale could be held in a barn. Gail Ellinger seconded the motion to amend. The amended motion passed.

James Mako presented the following report:

**ITEM 5c. Applicant:** Liberty Township

**Proposed Revisions:** Liberty has submitted a proposed change to Article IX (Zoning Districts-Small Scale Commercial Districts) of their zoning text. The proposed change would add the following language:

Article 9.6 B.8

8. Telecommunication Towers **as regulated by ORC 519.211.**

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends approval of the proposed amendment.

A motion was made by Harry Myers to approve the RPC staff recommendation. Jim Hochradel seconded the motion. Motion passed.

James Mako presented the following report:

**ITEM 5d. Applicant:** Liberty Township

**Proposed Revisions:** Liberty has submitted a proposed change to Article IX (Zoning Districts-Highway Business-Commercial Districts) of their zoning text. The proposed change would add the following language:

Article 9.7 (Permitted Uses)

**13. Telecommunication Towers as regulated by ORC 519.211.**

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends approval of the proposed amendment.

A motion was made by Gail Ellinger to approve the RPC staff recommendation. Todd Edwards seconded the motion. Motion passed.

James Mako presented the following report:

**ITEM 5e. Applicant:** Liberty Township

**Proposed Revisions:** Liberty has submitted a proposed change to Article IX (Zoning Districts-General Industrial Districts) of their zoning text. The proposed change would add the following language:

Article 9.8 B (Permitted Uses)

**7. Telecommunication Towers as regulated by ORC 519.211.**

**9. Dangerous and wild animals as licensed and regulated by the Ohio Department of Agriculture.**

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC Staff would like to note that the issue of dangerous and wild animals has arisen in the past and the County Prosecutor's Office has stated concerns that the I-District may be too restrictive. RPC staff recommends that the township may want to allow dangerous and wild animals in the Rural Residential District as a conditional use. If the township continues to pursue the I-1 District then RPC staff recommends the township contact legal counsel for further review.

In addition, RPC staff recommends modification of the text to read:

Dangerous and wild animals as licensed and regulated by ~~the Ohio Department of Agriculture~~ **all state laws and regulations, including those under Chapter 935 of the Ohio Revised Code and the Ohio Department of Agriculture.**

Applicant: Liberty Township – Continued

A motion was made by Ira Weiss to approve the RPC staff recommendation. Harry Myers seconded the motion. Motion passed.

James Mako presented the following report:

**ITEM 5f. Applicant:** Liberty Township

**Proposed Revisions:** Liberty has submitted a proposed change to Article X (General Development Standards) of their zoning text. The proposed change would add the following language:

Article 10.8 (Signs)

€ D. Measurement of Signs

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends approval of the proposed amendment.

A motion was made by Pete Rockwood to approve the RPC staff recommendation. Todd Edwards seconded the motion. Motion passed.

James Mako presented the following report:

**ITEM 5g. Applicant:** Liberty Township

**Proposed Revisions:** Liberty has submitted a proposed change to Article X (General Development Standards) of their zoning text. The proposed change would add the following language:

Article 10.9 (Off Street Parking and Loading Spaces)

2. Inoperable motor-powered vehicles, dismantled vehicles, or trailers shall be stored in an enclosed Structure. ~~or screened from view from any adjacent Lot or Street.~~ **Those vehicles meeting the criteria of Section 505.173 of the Ohio Revised Code as defined as:**

**A. Three model years old, or older;**

**B. Apparently inoperable;**

**C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.**

**D. Unlicensed**

Applicant: Liberty Township – Continued

**REGIONAL PLANNING COMMISSION STAFF RECOMMENDATION:**

RPC staff recommends modification of the proposed amendment. RPC staff recommends adding the following definition to Article III (Definitions) of the Zoning Resolution:

MOTOR VEHICLE, JUNK: A motor vehicle that meets all of the following criteria:

- (1) Three model years old, or older;
- (2) Apparently inoperable;
- (3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

In addition, Section 10.9 should read:

2. Inoperable motor-powered vehicles, dismantled vehicles, trailers, **unlicensed vehicles, or junk motor vehicles (as defined in Article III)** shall be stored in an enclosed Structure.

A motion was made by Todd Edwards to approve the RPC staff recommendation. Pete Rockwood seconded the motion. Motion passed.

Holly Mattei presented the following report:

**ITEM 6. CDBG FY 2013 CONTRACT AMENDMENT**

The following is an amendment to the contract between the RPC and the Fairfield County Board of Commissioners for administrative services for the FY 2013 CDBG program. The maximum amount of the original contract was \$21,400. The RPC had hours that exceeded the original contract amount that were not billed. At the completion of this grant, the County had unused administrative funds. This contract is now being amended to allow the RPC to bill for these eligible hours utilizing the remaining grant funds.

Due to the grant timing, the RPC Director, Holly Mattei, has already executed the amendment so that the payment could be processed within the parameters of the grant. Holly Mattei is requesting ratification of her signature on this contract amendment.

**AMENDMENT TO CONTRACT  
TO PROVIDE SERVICES FOR THE FISCAL YEAR 2013 CDBG ALLOCATION  
PROGRAM**

**CONTRACT AMENDMENT 1**

This Amendment to Contract ("Amendment") is made effective as of the \_\_\_\_ day of January, 2015 by and amongst the **Fairfield County Board of Commissioners** ("the Commissioners") with offices located at 210 East Main Street, Lancaster, Ohio 43130 and the **Fairfield County Regional Planning Commission** ("the RPC") with offices located at 210 East Main Street, Lancaster, Ohio 43130 (collectively, all of the foregoing entities are referred to as "the Parties") and amends a certain contract previously executed by and amongst the Commissioners and the RPC signed December 10, 2013, a copy of which is attached hereto and incorporated herein ("the Original Contract").

**RECITALS**

WHEREAS, the Parties previously entered into the Original Contract; and

WHEREAS, the Parties now seek to amend the Original Contract as set forth below.

NOW THEREFORE, for the promises contained herein and other adequate consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, and intending to be legally bound, the Parties to this Amendment do hereby agree as follows:

It is mutually understood and agreed by and amongst the undersigned Parties that the Original Contract is hereby amended as follows:

The following language is agreed to and revised to Section 2:

The COUNTY shall pay the RPC an amount not to exceed ~~\$21,400~~ **\$22,575** (~~\$23,100~~) for activities 1 through 5. These monies shall be paid in accordance with Appendix A upon receipt of invoices from the RPC, and upon subsequent receipt, or in anticipation of receipt, of CDBG funds reserved for the program from the U.S. Treasury or State of Ohio Treasury in accordance with all applicable laws and regulations. The RPC agrees to use its best efforts to perform the services specified in this Agreement within such estimated compensation. The COUNTY shall not be obligated to reimburse the RPC for compensation in excess of ~~\$21,400~~ **\$22,575**.

Except as specifically amended as set forth above, all other terms and conditions of the Original Contract are to remain unchanged and in full force and effect.

**IN TESTIMONY WHEREOF**, the said parties have hereunto set their hand the day and year first above written.



**Fairfield County Regional Planning Commission**

By: Holly R. Mattei Date: 1-15-15  
Title: Executive Director

**Fairfield Co. Bd. of Commissioners**

By: Carri Brown Date: 1-16-15  
Carri Brown, Administrator

**Approved as to Form**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Assistant Prosecuting Attorney



APPROVED AS TO FORM ONLY:  
Jason M. Dolin Asst. Pros. Atty  
Jason M. Dolin, Asst. Prosecutor  
Fairfield County, Ohio  
Date: 1/14/15

A motion was made by Todd Edwards to approve the request for ratification of the RPC Director's signature on the contract amendment. Mary Snider seconded the motion. Motion passed.

Holly Mattei presented the following report:

**ITEM 7. REQUEST FOR TRANSFER OF FUNDS**

The RPC has established a separate Letter of Credit Fund to be used for money received from developers as a cash bond or letter of credit. In this fund, there are unappropriated monies that need to be appropriated to meet future obligations. Therefore, the RPC Staff is requesting approval of the following:

1. Issue an additional and Amended Certificate in the amount of \$5,000.00 to the credit of the Fairfield County Regional Planning Commission – Letter of Credit (7416).
2. Update the receipt line item 74741600 438000 SD033 in the amount of \$5,000.00.

Request for Transfer of Funds – Continued

3. Appropriate from unappropriated funds \$5,000.00 to 74741600 590000 SD033 – Meadowmoore 3.3.

**RESOLUTION #2015-1**

**IN THE MATTER OF AMENDED CERTIFICATE, UPDATE RECEIPT LINE AND APPROPRIATE FROM UNAPPROPRIATED FUNDS**

**WHEREAS**, the Fairfield County Regional Planning Commission has received money from the Meadowmoore 3.3 Subdivision, and

**WHEREAS**, in order to return a cash bond to the developer of this project upon the completion of punch list items, it is necessary to amend our certificate, update the receipt line, and appropriate from unappropriated funds, and

**NOW, THEREFORE,**

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**BE IT RESOLVED**, by the Fairfield County Regional Planning Commission, State of Ohio:

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1. Issue an additional and Amended Certificate in the amount of \$5,000.00 to the credit of the Fairfield County Regional Planning Commission – Letter of Credit (7416).
  2. Update the receipt line item 74741600 438000 SD033 in the amount of \$5,000.00.
  3. Appropriate from unappropriated funds \$5,000.00 to 74741600 590000 SD033 – Meadowmoore 3.3.
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Motion by \_\_\_\_\_ seconded by \_\_\_\_\_  
that the resolution be adopted was carried by the following vote:

YEAS: \_\_\_\_\_ NAYS: \_\_\_\_\_  
ABSTENTIONS: \_\_\_\_\_

Adopted: February 3, 2015

\_\_\_\_\_  
Kent Huston, President  
Fairfield County Regional Planning Commission

A motion was made by Pete Rockwood to approve the transfer of funds. Joe Kemmerer seconded the motion. Motion passed.

Holly Mattei presented the following bills for payment:

**ITEM 8.      BILLS**

|        |                           |                  |
|--------|---------------------------|------------------|
| 561000 | OFFICE SUPPLIES           | \$ 110.11        |
| 530005 | CONTRACT SERVICES - OTHER | \$ 575.36        |
| 543000 | REPAIR AND MAINTENANCE    | \$ 81.85         |
| 558000 | TRAVEL & EXPENSES         | <u>\$ 125.56</u> |
|        | TOTAL                     | \$ 892.88        |

A motion was made by Todd Edwards to approve the bills for payment. Joel Denny seconded the motion. Motion passed.

**ITEM 9.      OTHER BUSINESS**

There was no other business brought before the meeting.

There being no further business, a motion was made to adjourn the meeting by Todd Edwards and seconded by Ira Weiss. Motion passed.

Minutes Approved By:

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Kent Huston, President

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Mary K. Snider, Secretary