

GEAUGA COUNTY PLANNING COMMISSION AGENDA
December 13, 2022 REGULAR MEETING
12611 Ravenwood Drive
Conference Room A334, 3rd Floor
7:30 A.M.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES:
 - A. NOVEMBER 8, 2022 REGULAR MEETING MINUTES
4. FINANCIAL REPORT AND APPROVAL OF EXPENSES
5. DIRECTOR'S REPORT
6. OLD BUSINESS:
 - A. NOACA/CEDS (NO NEW MATERIAL)
 - B. PAY GRADE UPDATE
 - C. DERCHAR SUBDIVISION (NO NEW MATERIAL)
 - D. MODEL ZONING SECTION 1002.5 (NO NEW MATERIAL)
7. NEW BUSINESS:
 - A. COUNTY SUBDIVISION REGULATIONS UPDATE: EASEMENTS
 - B. GEAUGA COUNTY GENERAL PLAN ANNUAL REVIEW
 - C. CREDIT CARD REQUEST
 - D. HOUSING INVENTORY UPDATE
 - E. INFO SHEET SERIES UPDATE
 - F. MODEL ZONING SECTION 401.0(A)
8. ADJOURNMENT

Per Article 4, Section 2 of the Bylaws of the Geauga County Planning Commission,
this agenda is subject to modification.



Geauga County Planning Commission

12611 Ravenwood Drive, Suite #380, Chardon, OH 44024

Phone: (440) 279-1740

www.co.geauga.oh.us/Departments/Planning-Commission

DECEMBER 13, 2022 MEETING MINUTES

1. Pledge of Allegiance

Chairperson Caterina Cocca-Fulton called the December 13, 2022 regular meeting of the Geauga County Planning Commission to order at 7:34 a.m. at 12611 Ravenwood Drive, Suite A334, Chardon, Ohio. A quorum was obtained. Following the Pledge of Allegiance, the roll call was called by Ms. Irizarry, and the following members were present:

2. Roll Call

Members present: Caterina Cocca-Fulton, Gary Neola, Dan Miller, Dennis Bergansky, Walter Claypool, Jim McCaskey, and John Oros.

Members absent: Commissioner Lennon, Commissioner Ralph Spidalieiri, Commissioner Dvorak and Nick Gorris

Staff present: Linda Crombie (Director,) Allyson Kobus (Planner II), and Pamela Irizarry (Administrative Assistant).

3. Approval of Minutes for the November 8, 2022 Regular Meeting

Mr. Claypool made a motion to approve the November 8 2022 regular meeting minutes and Mr. Oros seconded the motion, Mr. Miller abstained, and upon a call for the vote, the motion passed.

4. Financial Report and Approval of Expenses

Ms. Irizarry provided the financial report as of December 12, 2022 attached hereto and the expenses marked as Exhibit "A" totaling \$302.77. Mr. Oros made a motion to approve the financial report and the summary of expenses, marked exhibit "A" totaling \$302.77. Mr. McCaskey seconded the motion, and upon a call for the vote, the motion carried unanimously.

See Exhibit 4A

5. Director's Report

1. GIS Day at Lakeland Community College: Ms. Crombie said she and Ms. Kobus attended this event along with Nick Gorris, who was there on behalf of the Geauga County Department of Water Resources. She said they spoke to various high school and college students and two people were interested in seeking internships. 2024 is when Planning Commission is budgeting to bring on a GIS intern. Mr. Claypool wanted to know why we would wait till 2024. Mr. Bergansky asked what the pay would be, and Ms. Crombie said it in the past it was \$10.00 per hour but it could be more. Mr. McCaskey asked if we could consider the intern for this summer in 2023. Mr. Claypool asked what type of work would this intern be doing, and Ms. Crombie replied GIS work.

2. Geauga County Township Association Quarterly Meeting: Ms. Crombie said that she and Ms. Kobus attended this meeting and there was a motivational speaker there from Perceptionology, who spoke about friendliness in public service.

3. State of Education presentation: Ms. Crombie said she attended the State of Education presentation organized by Geauga Growth Partnership. There were superintendents from all the Geauga public schools and Auburn Career Center. They all stressed the importance of early career exploration, starting with 8th graders.

4. 2023 Submittal Deadline and Meeting Date Schedule: Ms. Crombie said Ms. Irizarry has updated the 2023 Submittal Deadline and Meeting Date Schedule and it will be posted to the website as soon as possible.

5. 2023 Directory of Public Officials: Ms. Crombie said Ms. Irizarry is working on finishing edits to the 2023 Directory of Public Officials in December and it will be posted to the website.

6. New Building Lots: Ms. Crombie said there was one (1) new building lot proposal in November for a lot over 20 acres located in Troy Township. She presented a chart and map showing the monthly and year -to- date lot split activity.

7. Construction activity report update: Ms. Crombie explained how she was asked at our last meeting for a report providing all the construction going on in Geauga county. The Geauga County Building Department provided the information of non-residential building permit activity for the sample report provided. She highlighted three (3) Commercial projects; Stoney Point, Rainbow Hope, and a bakery shop. The report only shows the permit number, date, address, fees, and value. The project description is not shown and Planning Commission staff must still seek assistance from the Building Department and add this as a side note.

Ms. Crombie wanted to know if Planning Commission would like to have this information provided to them each month at our meetings starting in January. Mr. Miller asked if these projects shown were all approved, and Ms. Crombie said yes. Mr. McCaskey said let's add the construction report for a couple of months to our meetings. Ms. Cocca-Fulton said she was not sure if she wanted Ms. Crombie spending a lot of time each month tracking down the information for these construction activity reports. Mr. Claypool asked if this report could include demolitions, such as the Newbury school, it would be nice to know. Mr. McCaskey agrees that it would be nice to know what is going on and he asked if the reports would include new construction, new additions, demolitions and alterations. Ms. Crombie advised board that she could get this information for monthly reports, but noted that the staffing in the Geauga County Building Department is low right now.

8. American Housing Survey Job Opportunities: Ms. Crombie presented flyers showing part-time, temporary job opportunities for the Census Bureau's American Housing Survey.

9. Work Summary, November 2022:

a. Planning/Zoning/Subdivision Administration: Ms. Crombie said that during November there were 17 lot splits/consolidations, 76 different planning/zoning inquiries, lot inquiries, and 2 easements. Ms. Crombie briefly reviewed the various points of contact the Planning Commission had with Bainbridge, Chester, Claridon, Middlefield, and Newbury townships.

b. Comprehensive Planning Efforts: Ms. Crombie mentioned she referred the Land Use Chapter of the General Plan to assist with updating storm water.

c. Continuing Education: Ms. Crombie said she and Ms. Kobus attended a free zoning webinar about zoning verification letters, designated outdoor refreshment areas, and ARPA funds.

See Exhibit 5A

6. Old Business:

6A. NOACA/CEDS (no new material): Ms. Cocca-Fulton advised a draft letter was sent with the packet of information to the board for review, regarding reasons why Geauga county should opt out of being part of the CEDS. This letter will be sent to Board of County Commissioners (BOCC). She asked for any comments or recommendations; her only recommendation is to change the date of the letter. Mr. Oros said his only suggestion would be to not bold the word “economic” in the bullet points. Mr. McCaskey asked if this letter was strong enough for the BOCC to consider. Mr. Claypool said yes; this is a step to leave NOACA in general. He said he is waiting for Joe Cattell, Geauga County Engineer, to get back with him with some numbers on road funds received. Even if he doesn’t receive it, he will still send the steps needed to leave NOACA to the members. Mr. McCaskey asked why we need to go to Mr. Cattell. Mr. Claypool responded that this letter regarding the CEDS needs to be forwarded to BOCC. Mr. Claypool mentioned NOACA’s climate action plan and they are partnering with the ICLIE, which is part of the United Nations. Why would they partner with an international agency and not with local communities? He said this is overbearing and would interfere with sovereign ideas in Geauga County. Ms. Cocca-Fulton encouraged the board to look at an email that was submitted by Mr. Claypool yesterday regarding NOACA.

Motion made by Mr. Oros to submit the letter to Board of County Commissioners showing corrected date and unbold “economic” explaining reasons to leave the CEDS and seconded by Mr. Claypool, and upon a call for the vote, the motion carried.

See Exhibit 6A

6B. Pay Grade Update: Ms. Cocca-Fulton said pay grades need to be updated as some are not in alignment with what they should be. Ms. Crombie discussed how pay grades and job descriptions has been a topic for a couple of months. She would like to see a pay grade assigned to all job descriptions within the Planning Commission. Our Policy and Procedure manual mentions pay grades and we should assign them so it is clear. There was previous discussion of creating a pay grade table similar to Geauga Job and Family Services. That could be pursued in the new year. Ms. Crombie presented an organizational chart of all positions, the ones highlighted in “blue” are what we currently have, and others listed were previously used or could be future positions. Ms. Crombie said if you look at the Planner II position, right now it shows as a pay grade 10, which should be at least a 12. Mr. Claypool asked why are we creating pay grades as grades go with unions? Ms. Cocca-Fulton responded that this was brought to our attention that our job descriptions do not have pay grades assigned to them. Even though Planning Commission is its own entity, all our funds come from Geauga County. Ms. Crombie said pay grades have always been used by the County, regardless of a union or not. Mr. Claypool said assigning a pay grade is a union mentality, and he is against this, and to use a salary range instead.

Ms. Cocca-Fulton said we need to either revise our Policy and Procedure handbook or assign pay grades and for the time being, pay grades should be assigned. Mr. Oros said this is an internal process, and an internal tool to look at. The Geauga Park District uses pay grades; we should follow Ms. Crombie’s

recommendations. Mr. Neola asked if we use a salary range, would that be updated annually? Ms. Crombie said that could be something we address yearly or some other timeframe. Mr. Neola went on to say that we need to look at economy changes; if we assign pay ranges it would be simpler than the bureaucratic pay grades. Ms. Cocca-Fulton said she and Ms. Crombie can look at the Policy and Procedure Manual and also come up with something to show pay grades on job descriptions at the next meeting. Ms. Cocca-Fulton said there would be no motion made today.

See Exhibit 6B

6C. Derchar Subdivision (No New Material): No new information.

6D. Model Zoning Section 1002.5 (No New Material): Ms. Crombie said language was revised to be clearer. A township board of zoning appeals may place conditions on a variance but they have to be in the zoning resolution already and be reasonable and directly related to the proposed variance. Ms. Crombie gave an example that if someone applies for a side yard setback variance for a building and a BZA requires them to improve the appearance of their sign, that would be unreasonable as it is not directly related to the variance.

Mr. Claypool commented that a BZA could put in a statement in the resolution saying they can make any variance they want. Ms. Cocca-Fulton responded by saying a BZA cannot do whatever they want, it has to be specific to the variance and that was the reason for this change in the Model. Mr. Bergansky didn't like the word "reasonable" and said that word is a gray area. Ms. Crombie said it is commonly used and Ms. Cocca-Fulton agreed. Mr. McCaskey asked if we are updating this to put it in the Model zoning and Ms. Cocca-Fulton said yes. Mr. McCaskey said let a BZA figure out what reasonable means.

Motion made by Mr. Claypool to approve modifying the Model Zoning Section 1002.5, Supplementary Conditions on Variances, and seconded by Mr. McCaskey, and upon a call for the vote, the motion carried.

Ms. Cocca-Fulton said the Model will be updated and the townships will be notified.

See Exhibit 6D

7. New Business:

7A. County Subdivision Regulations Update: Easements: Ms. Crombie said this is another proposed amendment to the Subdivision Regulations that warrants discussion before red-lining the document. She reviewed the types that were submitted between 2018-2022 with most being related to ODOT, gas, or electric easements. Ms. Crombie said the Planning Commission is the planning authority and has review authority over platted subdivisions and any associated easements. In 2005 language was added to amend the Subdivision Regulations, giving the County Planning Commission authority to review any and all easements on un-platted, private property located within the townships. Per Section 505 easements go through the Planning Commission to make sure they are in accordance with the Subdivision Regulations and township regulations. While no discussion was found in the previous minutes or a memo, it can only be surmised the main reason easements were added was to make sure no easements of access were recorded.

Ms. Crombie said an average of 72 easements are reviewed each year and most of them are from the Ohio Department of Transportation (ODOT). She explained the easements from ODOT do not pose any problems and relate to road work or storm drainage.

Ms. Crombie presented some sketches of various shared driveway scenarios, one with lots having compliant road frontage but they all share one driveway, one with a landlocked parcel sharing a driveway with the front parcel, and another where several lots with narrow road frontage, such as ten feet, located together and share one driveway. She gave a brief history of the differences in easements and potential situations that could come up.

Mr. McCaskey asked which easements are proposed to be removed? Ms. Crombie replied all easements or possibly do some type of a hybrid but that is not ideal. Ms. Crombie said this is a difficult topic as someone has in the past proposed a utility easement but added an ingress/egress easement at the end of the document. However, the subdivision regulations apply regardless of what is contained in an easement. Mr. McCaskey inquired if Geauga County is the only County that reviews easements in this way? Ms. Crombie said yes. He expressed how he would hate to have Geauga County not review conservation easements. Ms. Crombie discussed some reasons why Planning Commission would continue to review easements; such as mentioned previously, to make sure no easements of access are recorded. Alternatively; the easement process can be left as it is currently, or review only certain types of easements.

Mr. Claypool asked if land could be taken for road widening that has a conservation easement; is that eminent domain? Ms. Crombie replied yes, it could be taken. Mr. Claypool commented an easement is a longer-term contract, why would we prevent them; it is an agreement between land owners. Ms. Crombie said that is why it is proposed to be removed. Ms. Cocca-Fulton commented if Planning Commission continues to review easements, largely because of concerns with easements of access, Ms. Crombie is spending a lot of time reviewing easements, such as those from ODOT; do we as the board want Ms. Crombie to continue to review easements when other counties do not. Ms. Crombie commented how it all comes down to the Subdivision Regulations and township zoning. Mr. McCaskey asked if we could look at this again or leave in reviewing of conservation or agricultural easements.

Ms. Cocca-Fulton said the board could accept to review all easements except, gas, electric, and ODOT; or wording could be changed on easements to make ODOT allowable. She went on to say that we do not have to act today; we could move to the next agenda item, unless we agree on all easements being removed. Mr. Neola said let's keep agriculture and conservation easements and remove the rest. Let zoning dictate the other easements.

Motion made by Mr. Claypool to amend easements reviewed by Planning Commission, and seconded by Mr. Bergansky, and upon a call for the vote, the motion carried. Ms. Cocca-Fulton said Ms. Crombie will look at which easements to remove and present this information at the next meeting.

See Exhibit 7A

7B. Geauga County General Plan Annual Review: Ms. Crombie discussed the purpose of General Plan annual review is not to make major changes, which occur every five (5) years, but to get a general observation of how the plan has been used over the past year make corrections, re-wording, or clarifications. She went on to say she and staff have refer to the General Plan about 40 times over the first year.

Ms. Crombie explained Envision Group, whom the board hired to prepare the General Plan, used census data to prepare the urbanized area map. Chardon and Middlefield Townships should be classified as Urban clusters, not Urbanized Areas so the maps should be corrected. She also mentioned Census Bureau's new urbanized area information should be coming out this month and could be included if it is actually released. Ms. Crombie said the County's Strategic Plan for Economic Development prepared a couple of years ago states a CEDS could be created for the County and this can be added. Additionally, reference to Amish biking needs to be changed to scooters.

Ms. Crombie said she would work on drafting the rewording of the General Plan in the previous mentioned sections and present this back to the board for the next meeting, which would then have to be submitted to the County Commissions. 2026 is when the General Plan is scheduled to be fully updated.

Ms. Cocca-Fulton thanked the board for all their comments and time they put into this and let them know that Ms. Crombie will work on the amendments suggested.

See Exhibit 7B

7C. Credit Card Request: Ms. Crombie explained Planning Commission currently does not have a credit card, but one can be requested per our Personnel Policy and Procedure Manual. The purpose of the credit card is for overnight travel expenses. It would be helpful on longer continuing education conferences to cover expenses such as hotel, mileage, food, parking and conference registration fees. Ms. Crombie explained that Ms. Kobus recently traveled to Columbus, Ohio for the GIS conference, and she had to put pay for her hotel, mileage, and food on her personal credit card, and then submit receipts for reimbursements. Mr. Claypool asked if the credit card could be used for emergency situations. Ms. Crombie said it can only be use for items stated in the Policy and Procedure Manual. She said she had to use the County Auditor's credit card for a zoning webinar and also mentioned how she paid for a job posting out of her own pocket. Mr. Oros commented how the board needs to get this archaic policy changed.

Motion made by Mr. Oros to start the process for Planning Commission to acquire a credit card, and seconded by Mr. McCaskey, and upon a call for the vote, the motion carried.

It was also requested Ms. Crombie follow up on amending the Personnel Policy and Procedure to use credit card for other items.

See Exhibit 7C

7D. Housing Inventory Update: Ms. Crombie discussed how staff has been working on updating the Housing inventory and she reviewed a draft of the inventory. Ms. Kobus prepared a table of the various apartments, condos, duplexes and triplexes throughout the County, including the City of Chardon and the villages. It is a basic table showing parcel number, complex name, location, and number of units. Most of the information was taken from the Auditor's data. This table does not include the small apartments above retail shops; and the staff will have to reach out to the villages and townships for this information.

Mr. Claypool asked why condos and apartments on this table, they are not part of the rural community. Ms. Crombie said this is meant to show what exists. Ms. Cocca-Fulton replied apartments are part of the affordable housing in Geauga County. Mr. Claypool questioned the definition of affordable housing.

Ms. Crombie said duplexes and triplexes are found mostly in villages. She noted there will be a disclaimer that the inventory does not infer not in compliance with local zoning. Ms. Crombie explained staff is still working on this housing inventory and she asked if the board would like to see this more as spreadsheet form or include maps. Mr. Claypool commented spreadsheets is sufficient, and Mr. Neola and Mr. McCaskey agreed. Mr. Miller asked is this Housing Inventory spreadsheet would be updated annually and Ms. Crombie said yes.

See Exhibit 7D

7E. Info Sheet Series Update: Ms. Crombie said staff has been working on another info sheet titled "What Approvals do I need for a New Home". This was created after several comments from township officials about a building permit being issued and the owner starts construction before the zoning approval is granted. These info sheets are in draft phase, but puzzle pieces have been shown to illustrate the four main approvals needed, Township Zoning, Geauga County Building Department, Geauga Public Health or Department of Water Resources and Geauga Soil and Water Conservation, in order to have a building project approved. These puzzle pieces are broken down with detailed information required for each one.

Mr. Oros commented how he thought this was a nice piece of information. Ms. Cocca-Fulton asked if there were any questions or comments. There were none.

See Exhibit 7E

7F. Model Zoning Section 401.0 (A): Ms. Crombie said this topic was discussed at board's last meeting. regarding language in the Prohibited Uses in all Zoning Districts. The court case of Jones v. Auburn Township was provided by Mr. Claypool. Ms. Crombie said the case involved a wind turbine as it relates to it being an agricultural use. The case does site the Township's zoning section that says if a use it not already listed then it is a prohibited use.

Mr. Claypool said if you are going to prohibit something, then it must be clearly written in the zoning. Ms. Crombie said that other townships in Ohio use the language "substantially similar", meaning a use must be determined to be similar in regard to its impact, which can include lighting, noise, vibrations. Mr. McCaskey said hours of operation too and Ms. Crombie said no, that is something a township cannot regulate. Mr. Claypool said the current language in the Model is broadly used and there are ways to cover it. Ms. Cocca-Fulton commented how language such as "substantially similar" makes sense. Mr. Claypool said townships are using language to outlaw everything. If you don't want something, then specifically say it but otherwise it should be allowed.

See Exhibit 7F

Ms. Cocca-Fulton asked if there were any other questions or comments. Ms. Crombie said for the next meeting she would like to start using the projector screen for our meetings. It's a bigger screen for everyone to read.

Mr. Claypool told the board he sent out material the night before to all the members regarding Pat Holtz, who is part of the founding family in South Russell. He received a phone call from Mr. Holtz, who told him everything he said about NOACA was right.

Mr. Claypool said there was an Executive Order that just went through called Biden 30-30 Plan, which is to take possession of 30% of the land in our country. This is detrimental to private property rights and he is concerned about what this could mean for Geauga County.

Ms. Cocca-Fulton said still wants to be on the Board but this was her last meeting as Chairperson, as she is stepping down.

8. Adjournment

Chairperson Ms. Cocca -Fulton adjourned the meeting at 9:29 a.m.



Caterina Cocca- Fulton, Chairman



Gary Neola, Secretary/Treasurer

COUNTY PLANNING COMMISSION FINANCIAL REPORT
Summary

Budget – December 12, 2022



<u><i>Account</i></u>	<u><i>Appropriation</i></u>	<u><i>Expenditure</i></u>	<u><i>Balance</i></u>
Salaries	\$143,089.00	\$131,779.55	\$11,309.45
Supplies	\$3,848.00	\$991.96	\$2,856.04
Hosp.	\$24,904.00	\$22,803.00	\$2,101.00
Medicare	\$2,090.00	\$1,863.10	\$226.90
OPERS	\$19,980.00	\$18,369.74	\$1,610.26
Worker's Comp.	\$2.00	\$0.00	\$2.00
Other Expenses	3,868.00	\$1,193.74	2,674.26
Equipment	\$8,451.00	\$6,839.12	\$1,611.88
Contracted Services	\$0.00	\$0.00	\$0.00
Covid -19 Expenses	\$0.00	\$0.00	\$0.00
Copier Usage Services	\$500.00	\$55.48	\$444.52
Travel	\$2,600.00	\$1,572.86	\$1,027.14
Advertising	\$160.00	\$0.00	\$160.00
Training	\$300.00	\$0.00	\$300.00
Member, Dues, Lic. Sub	\$800.00	\$653.00	\$147.00
<i>Total</i>	<i>\$210,592.00</i>	<i>\$186,121.55</i>	<i>\$24,470.45</i>

**SUMMARY RESOLUTION FOR EXPENSES
GEAUGA COUNTY PLANNING COMMISSION**

Mr. Oros MOVED THE ADOPTION OF THE FOLLOWING RESOLUTION,
WHICH MOTION WAS SECONDED BY Mr. McCarty.

WHEREAS, THE EXPENSES LISTED HEREIN HAVE BEEN INCURRED BY THE GEAUGA COUNTY PLANNING COMMISSION IN ORDER FOR THE COMMISSION TO PERFORM ITS DUTIES; AND

WHEREAS, THESE EXPENSES HAVE BEEN REVIEWED BY THE MEMBERS OF THE COMMISSION AT ITS DECEMBER 13, 2022 MEETING;

NOW THEREFORE, BE IT RESOLVED, THAT THE GEAUGA COUNTY PLANNING COMMISSION HEREBY AUTHORIZES PAYMENT OF THE FOLLOWING BILLS OR CLAIMS:

<u>P.O.</u>	<u>ACCOUNT</u>	<u>DATE</u>	<u>VENDOR</u>	<u>AMOUNT</u>
1235	SUPPLIES	11/22	STAPLES	168.76
2790	TRAVEL	11/29	LINDA CROMBIE (MILEAGE REIMBURSEMENT)	45.38
2790	TRAVEL	11/29	ALLYSON KOBUS (MILEAGE REIMBURSEMENT)	88.63

TOTAL \$ 302.77



Caterina Cocca-Fulton, Chairman



Gary Neola, Secretary/Treasurer



Geauga County Planning Commission
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December 6, 2022

Prepared for the December 13, 2022 Geauga County Planning Commission meeting

Director's Report

1. GIS Day at Lakeland Community College

Ms. Kobus and I attended the GIS Day event along with Nick Gorris, who was there on behalf of the County Department of Water Resources. We spoke to numerous college and high school students and handed out our business cards as some inquired about internship availability. We advised none were available at this time but that it is a possibility in the future. Several other county agencies from Lake County were present as well as various consultants. Below are some photos:



As this was our first year, we were not sure what to expect but would like to participate next year as we can meet potential interns, which can be budgeted for 2024. There were also GIS presentations by various professionals, which the staff could do as well if time permits.

2. Geauga County Township Association Quarterly Meeting

Ms. Kobus and I attended the GCTA quarterly meeting and the keynote speaker was Donald Wayne McLeod from Perceptionology who spoke about friendliness in public service. “Friendliness is not who you are, it’s what you do” was the main motivational point.

3. State of Education presentation

I attended the State of Education presentation organized by Geauga Growth Partnership where superintendents from all Geauga public schools and Auburn Career Center gave a brief overview of each of their schools. While each school is unique, they expressed the importance of early career exploration (i.e. 8th grade vs. 11th grade), technology and engineering, biotech, and agricultural science.

4. 2023 Submittal Deadline and Meeting Date Schedule

Ms. Irizarry updated the above referenced schedule and it will be posted to the Commission’s website as soon as possible.

5. 2023 Directory of Public Officials

Ms. Irizarry will be finishing edits to the 2023 Directory of Public Officials in December and it will be posted the Commission’s website.

6. New Building Lots

One (1) new building lot proposal was submitted in November for a lot over 20 acres in area located in Troy Township. Please see the link for monthly and year-to-date lot split activity: <https://www.arcgis.com/apps/dashboards/9b2ef84b15904153909b9ccd48de8799>

7. Construction activity report update

At the November meeting it was requested staff begin providing updates on construction activity throughout the County. The Building Department can create a report on non-residential building permit activity and a sample is provided on the next page with permits issued *year to date*. I noted in red the projects with the highest valuation. As a “project description” is not part of the report, the staff must seek out this information and include it as a note.

This report can be provided each month to update the Commission on the prior month’s permit activity. Please note that as the packet is due to the Commission members one week before the meeting occurs, the report will likely be included only in the PowerPoint presentation as timing will not always permit the report to be part of the Director’s Report.

If the Commission feels the report is sufficient as presented, the staff will continue to prepare it in such a manner moving forward. Later, if the Commission desires the information in another format such as a map or table, that can be pursued as well but would have to be prepared by the Planning staff.

1 2 3

Permit Number	Status	Created Date	Issued To	Service Address	Fees Paid	Square Footage	Improvement Value
Permit Type C 101 - Commercial New Construction							
2021-00000061	Permit Issued	06/25/2021	REDWOOD CHARDON 7TH AVENUE OH P1 LLC	155 SEVENTH AVE CHARDON, OH 44024	512.22	.00	100,000.00
2022-00000005	Permit Issued	02/28/2022	SHROCK WESLEY & REGINA	16675 KINSMAN RD MIDDLEFIELD, OH 44062	4,512.19	.00	1,000,000.00
2022-00000006	Permit Issued	03/10/2022	DDC CLINIC	14565 MADISON RD MIDDLEFIELD, OH 44062	3,987.63	.00	600,000.00
2022-00000035	Permit Issued	04/08/2022	TDA ARCHITECTURE	424 NORTH ST CHARDON, OH 44024	556.54	.00	150,000.00
2022-00000059	Permit Issued	04/28/2022	WEBER MURPHY FOX INC	12465 COUNTY LINE RD CHESTERLAND, OH 44026	561.15	.00	125,900.00
2022-00000060	Permit Issued	05/05/2022	PASKEVICH AND ASSOC	12725 WOODSIDE DR CHESTERLAND, OH 44026	3,999.09	.00	4,300,000.00
2022-00000061	Permit Issued	05/13/2022	HANS ROTHENBUHLER & SON INC	15815 NAUVOO RD MIDDLEFIELD, OH 44062	1,455.34	.00	60,000.00
2022-00000062	Permit Issued	05/15/2022	L R C REALTY INC	124 PARKER CT CHARDON, OH 44024	9,756.60	.00	300,000.00
2022-00000063	Permit Issued	06/01/2022	DCE HOLDINGS LTD	11114 CHARDON RD CHARDON, OH 44024	805.25	2,000.00	180,000.00
2022-00000065	Permit Issued	06/03/2022	VILLAGE OF MIDDLEFIELD OHIO THE	15169 BURTON WINDSOR RD MIDDLEFIELD, OH 44062	642.68	.00	25,000.00
2022-00000070	Permit Issued	08/04/2022	TROY SELF STORAGE LTD	13955 MAIN MARKET RD HIRAM, OH 44234	1,397.26	5,630.00	100,000.00
2022-00000072	Permit Issued	08/22/2022	TROY SELF STORAGE LTD	13955 MAIN MARKET RD HIRAM, OH 44234	1,397.26	.00	100,000.00
Totals 12					\$29,583.21	7,630.00	\$7,040,900.00
Average					\$2,465.27	635.83	\$586,741.67
Permit Type C 102 - Commercial Addition							
2021-00000005	Permit Issued	03/26/2021	M & B CONSTRUCTION	17711 RAVENNA RD AUBURN, OH 44023	1,784.87	.00	25,000.00
2022-00000004	Permit Issued	04/11/2022	TMA ARCHITECTS	15825 OLD STATE RD MIDDLEFIELD, OH 44062	4,865.73	.00	200,000.00
2022-00000010	Permit Issued	07/17/2022	7896 MAYFIELD PROPERTIES LLC	7898 MAYFIELD RD CHESTERLAND, OH 44026	4,006.47	7,306.00	100,000.00
2022-00000011	Permit Issued	07/28/2022	10144 OLD STATE RD LLC	10144 OLD STATE RD CHARDON, OH 44024	914.99	3,000.00	100,000.00
Totals 4					\$11,572.06	10,306.00	\$425,000.00
Average					\$2,893.02	2,576.50	\$106,250.00

- 1) Stoney Point Metal, Middlefield Township
- 2) Rainbow of Hope, Middlefield Township
- 3) Bakery/coffee shop, Chester Township

8. American Housing Survey Job Opportunities

Below you will find two flyers regarding part-time, temporary job opportunities for the Census Bureau's American Housing Survey. This survey is performed every three years based upon a random sampling of households. The Census Bureau representative responsible for job recruiting for Geauga County asked for assistance in spreading the word about the job opportunities. Recruitment starts now and the goal is for the jobs to begin in May 2023 and end in September 2023.

U.S. Census Bureau Employment Opportunities in Your Area

PART-TIME FIELD REPRESENTATIVES
are needed to conduct the
American Housing Survey

Flexible Hours

PART - TIME WORK
Cleveland Metro Area in OH
counties
Cuyahoga, Lorain, Medina,
Lake and Geauga
Pay Rate \$16.14
62.5¢ mileage reimbursement

- Must be available to work a flexible schedule of days, evenings, and weekends.


Call to inquire:
(215 -717-1899 / 866-564-5420)

OR Email:
Philadelphia.ahs.recruiting@census.gov

**The Philadelphia Regional Office of the
U.S. Census Bureau services: DE, DC,
KY, MD, OH, PA, TN, VA, and WV.**

Requirements:

- **Must be a U.S. citizen and at least 18 years old**
- **Must have home and/or cell phone with voicemail**
- **Possess a valid driver's license and use of an insured vehicle**
- **For the full Field Representative Job posting, visit: [Philadelphia Region Employment Opportunities \(census.gov\)](https://www.census.gov/philadelphia-regional-employment-opportunities)**
- **Scan this QR code if you have a reader on your smartphone:**



United States
Census
Bureau

U.S. Department of Commerce
Economics and Statistics Administration
U.S. CENSUS BUREAU
[census.gov](https://www.census.gov)

This agency provides reasonable accommodations to applicants with disabilities. If you need a reasonable accommodation for any part of the application and hiring process, please notify this agency. The decision on granting reasonable accommodation will be on a case by case basis. The Census Bureau does not discriminate in employment on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, marital status, disability, age, membership in an employee organization, or other nonmerit factor.

Join the Census Team!

Apply NOW! Census Jobs

The Census Bureau needs part-time and intermittent field representatives in this area to interview selected households for our ongoing and periodic surveys.

Make your next job count! **Bilingual speakers are in high demand**

*For more information about our Field positions
please visit us at:*

census.gov/about/regions/philadelphia.html

To request an application or for more information:

Call 215-717-1899 or email:

philadelphia.recruiting@census.gov

**Pay starts at \$16.14/hour plus \$0.625
per mile reimbursement**



United States
Census

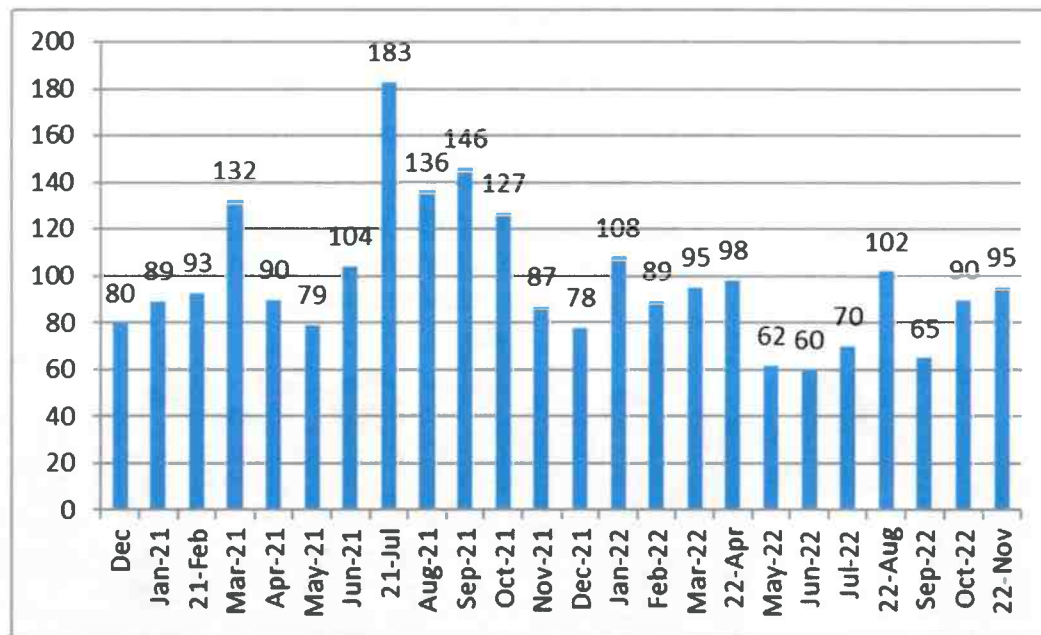
9. Work Summary, November 2022

a. Planning/Zoning/Subdivision Administration

	# Reviewed November 2022
Lot Splits/Subdivisions	
Re-plat	0

Major Subdivision	2 (informal)
Minor Subdivisions (5 acres and less)	0
Large Lot Subdivisions (Between 5-20 acres)	0
Exempt Lots (Transfer to Adjacent Owner)	6
Exempt Lots (Over 20 acres)	1
Lot consolidations	8
Total	17
Zoning	
Informal text or map amendment reviews	0
Formal text or map amendment reviews	0
Preliminary Lot split inquiries	15
Miscellaneous planning/zoning inquiries	61
Total	76
Miscellaneous	
Easements (roadway, septic, utility, etc.)	2

Monthly Totals, Lot Split/Subdivisions, Zoning, Miscellaneous



The following is a summary of various points of contact with the townships:

Bainbridge

- Assisted with research of designated outdoor refreshment areas (DORAS)

Chester

- Question about the zoning amendment process

Claridon

- Provided the basic steps in updating a land use plan and provided examples of other township land use plan surveys.

Middlefield

- Inquiry about whether there is an approximate Amish population in the County.

Newbury

- Question related to short term rentals

b. Comprehensive Planning Efforts

- Referred to the Land Use Chapter of County General Plan to assist the Soil and Water Conservation District on data for the NPDES townships (Chester, Russell, and Bainbridge)

c. Continuing Education

- Ms. Kobus and I attended a zoning roundtable webinar where various zoning officials reviewed topics including zoning verification letters, designated outdoor refreshment areas, and ARPA funds.



Geauga County Planning Commission
12611 Ravenwood Drive, Suite #380, Chardon, Ohio 44024
Phone (440) 279-1740
www.co.geauga.oh.us/Departments/Planning-Commission

MEMORANDUM

DATE: December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: NOACA/CEDS memorandum, Agenda Item #6A

As a follow-up to discussion at the November meeting, the memorandum was received regarding NOACA/CEDS and it was provided in the Dropbox link for your review and comment.

c: file

Memorandum

11/3/2022

To: Ralph Spidalieri
Tim Lennon
Jim Dvorak

From: Geauga County Planning Commission

Subject: Geauga County Economic Development and NOACA/CEDS

Dear County Commissioners,

At the October 13th Geauga County Planning Commission meeting there was a discussion about the NOACA Community & Economic Development initiative and its impacts on Geauga County. Based on this discussion a motion was made to ask the County Commissioners to end any and all involvement with the NOACA led CEDS initiative. And, to limit all government led initiatives to the Geauga County economic development office. The motion passed unanimously with one abstention.

As discussed, the primary reasons for Geauga County to lead all economic development activity separate of the NOACA/CEDS has do to with the potential harm that may result from any ongoing alignment with the NOACA policies as documented in the "Comprehensive Economic Development Strategy 2023-2028." The following outlines a few of the many detrimental factors that were considered:

- NOACA is primarily a transportation planning organization and claims responsibility for air quality and water quality planning. Its charter was narrowly tailored, but we believe it is overreaching its charter. Further, Geauga County has an Economic Development department.
- the NOACA/CEDS organization is controlled by Cleveland and Cuyahoga County by virtue of the number of seats held on the board.
- We believe that NOACA/CEDS board does NOT understand rural communities' values, but focuses on Cleveland/Cuyahoga centric priorities and solutions. Its planning bias is Urban focused.
- The cultures of Geauga County and Cuyahoga County are different, and our goals and objectives are very different.
- The key **economic** drivers and underlining principles are very different for Geauga County and NOACA/CEDS.
- The NOACA/CEDS efforts are counter to the best interest of Geauga County because it pushes urban based approaches or principles throughout the region which is against Geauga County General Plan (2021).
- Many of the organizations serving as resources for the strategies developed have questionable records of success and do not align with Geauga County objectives.
- The data and metrics in the strategy document are suspect at best (e.g.; the use of eNEO2050 data).

The Geauga County Planning Commission has broad visibility of Geauga County property and economic development activity. We have a statutory responsibility for protecting the interests of Geauga County residents. In our opinion any ongoing involvement with NOACA/CEDS would be detrimental to the interests of Geauga County Citizens.

Sincerely,
Caterina Cocca-Fulton
Chairman of the Geauga County Planning Commission Board



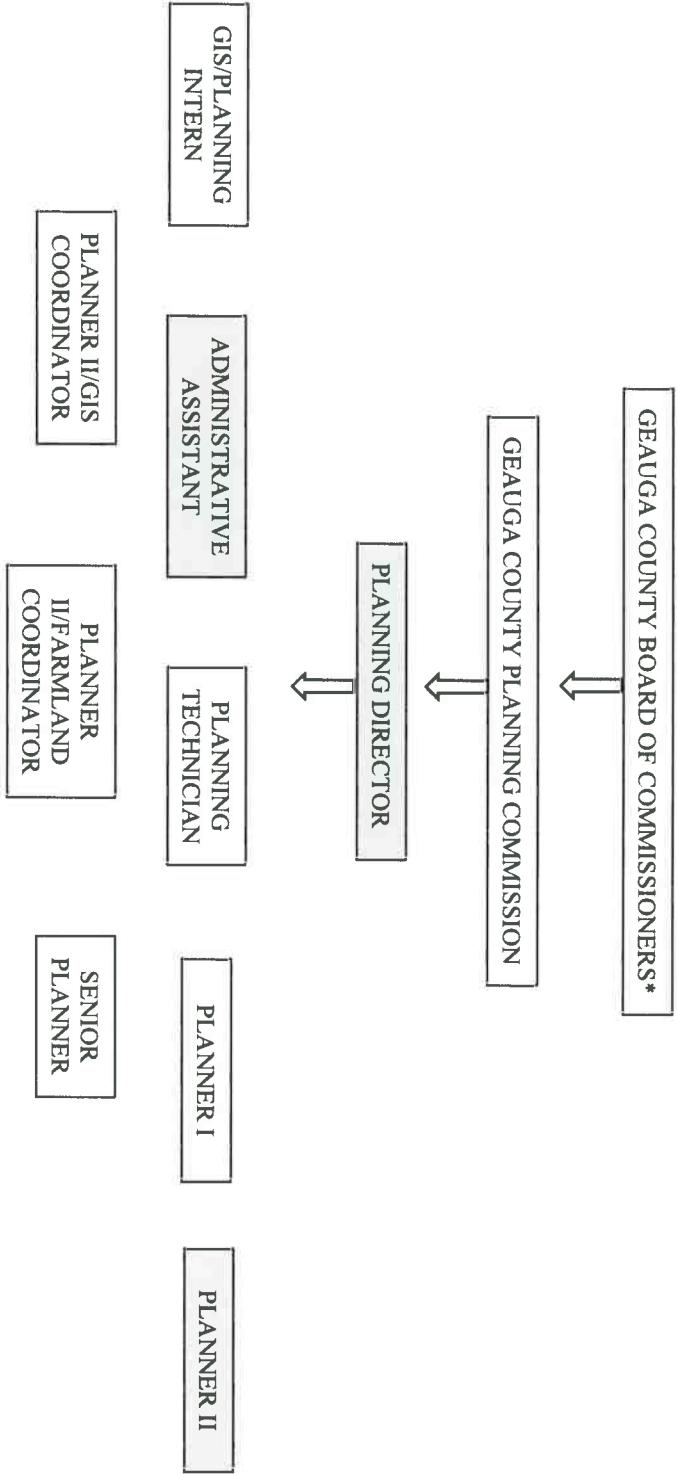
Geauga County Planning Commission

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GEAUGA COUNTY PLANNING COMMISSION ORGANIZATIONAL CHART



Highlighted staff positions are currently filled.

*The Geauga County Board of Commissioners are statutory members of the Planning Commission per ORC 731.22 who appoint the eight resident members, each serving a three-year term.

All staff positions are full-time except the Administrative Assistant. All positions are permanent except the GIS/Planning Intern.



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MEMORANDUM

DATE: December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Model Zoning Update, Agenda Item 6D

The language below was provided at the October meeting for review and comment but as we have not yet had time to discuss it, it is provided again for convenience.

If there are no comments, it can be processed as another amendment to the Model and the townships will be notified.

Section 1002.5 *Supplementary Conditions on Variances*

The board of zoning appeals, ~~in deciding when granting~~ any appeal for a variance, may ~~place~~ ~~provide such~~ supplementary conditions ~~which are~~ ~~which are based upon~~ regulations specifically provided for elsewhere in this resolution ~~reasonably~~ and which are reasonable and directly related to the requested variance ~~and are not in conflict with, and are specifically authorized by this resolution~~ and which the board deems necessary to protect the public health, safety, morals, and general welfare. Any such supplementary conditions shall be made a part of the board of zoning appeals' proceedings and shall be incorporated into the final decision by the board approving a variance. Violation of such supplementary conditions, which are made a part of the written decision of the board, shall be deemed a violation of this resolution.



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MEMORANDUM

DATE: ~~November 1, 2022~~ December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: County Subdivision Regulations Update Overview, Easements
 Agenda Item 9A- 7A

At the October meeting the Commission reviewed potential changes to large lot subdivisions related to septic system lot evaluations, which was the first of five more significant potential changes to the Subdivision Regulations. For the November meeting, easements will be addressed and the current language is found below:

Section 505: Review of Easements

The county auditor shall refer proposed new easements to the county planning commission for review in accordance with these regulations and applicable township zoning regulations prior to recording. The planning director, or his authorized representative, shall review the proposed easement instrument within seven (7) business days after submission. If the easement is approved, the planning director, or his authorized representative, shall complete and stamp the appropriate conveyance description check list form supplied by the county auditor and return it to the applicant or the auditor. If the easement is denied, the planning director, or his authorized representative, shall provide the reason(s) therefor on the appropriate conveyance description check list form supplied by the county auditor and return it to the applicant or the auditor. There shall be no fee for the review of proposed easements under this section. As a part of the review, the planning director, or his authorized representative, may require a map or other supplemental information relating to the proposed easement.

Easements —proposed revisions

In order to understand the scope of the proposed change, please see the following:

A. Background Information (to explain the history behind the requirement)

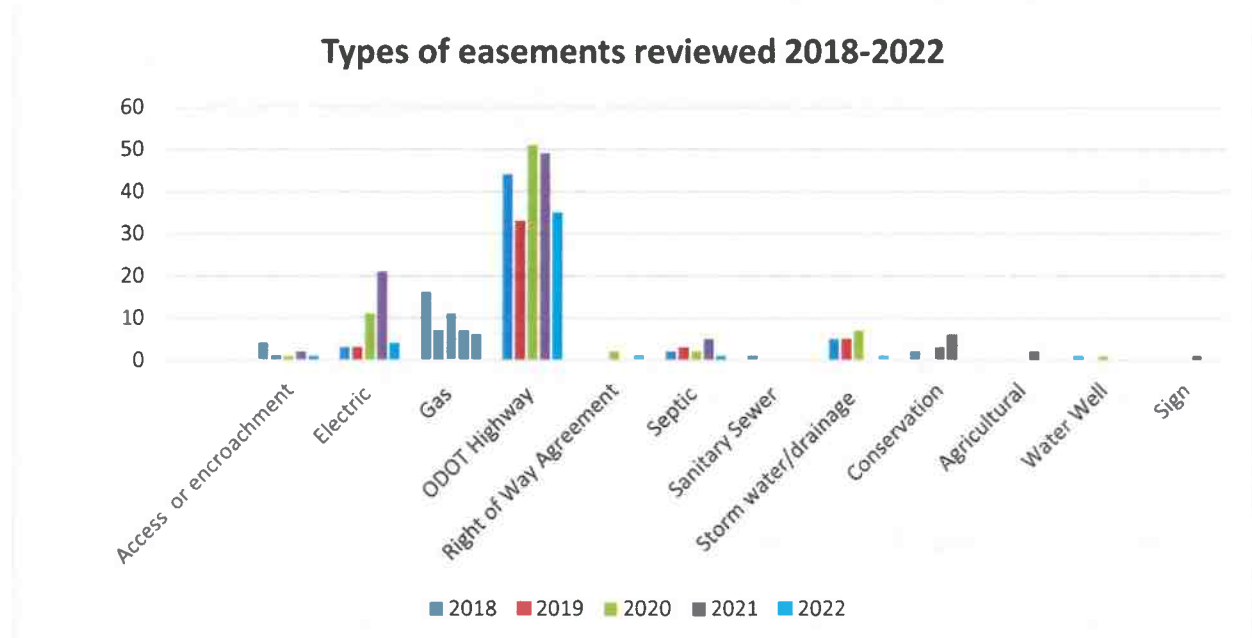
The County Planning Commission is the local planning authority and is responsible to review easements related to plats including major subdivisions and proposals for the extension and maintenance of public or private sewer, water, storm drainage, or other similar facilities. This authority is granted by ORC 711.001 and the County Subdivision Regulations. On September 30, 2005, via an amendment to the Subdivision Regulations, the authority was expanded to

include review over any and all easements on un-platted, private property located within the townships.

Coincidental or not, this expanded review of all easements was added through the same amendment that gave the Commission review authority over large lot subdivisions (lots between 5 and 20 acres). Per my 10/4/22 memo, in 2005 the State of Ohio allowed counties to amend their subdivision regulations as developers were creating multiple adjoining lots, each with just over five acres but also with substandard road frontage, accessed via a shared driveway (not a road build to County subdivision road standards. This type of land division was allowed prior to 2005 and it circumvented the zoning and subdivision review process. The developer may or may not have recorded an easement for the use of the shared driveway.

Per Section 505 above, the purpose of reviewing easements is to verify whether they are “... *in accordance with these regulations and applicable township zoning regulations prior to recording.*” During the amendment process in 2004-2005, the meeting minutes nor memo provided any indication that review of easements was being added. It can only be surmised that easements of access were the mostly likely reason why review of easements were added.

In assessing this proposed change, the staff performed an analysis of the easements submitted for review from 2018-2022 so as to provide a general sense of the number and types of easements that are submitted. On average seventy-two (72) easements are reviewed each year and the chart below provides a further breakdown. You will see that easements related to ODOT road work, whether permanent or temporary, are the highest number. These easements involve ODOT acquiring portions of land (typically very small in nature, such as less than 0.10 acres) along the existing road right of way in order to perform road or drainage work.



B. Proposed Change (brief description of the actual change)

The proposal is to eliminate the requirement that Planning Commission staff review easements within the townships that do not otherwise fall under the platting authority (the aforementioned major subdivisions and extension of public sewer, water, and storm drainage.)

C. Rationale for removal of easements (reasons why the change is considered)

1. Section 501(K) provided below stipulates “*A proposed division of land involving a new easement of access shall be equivalent of a private road and shall be subject to platting in accordance with these regulations.*” This language puts the general public on notice of such a requirement and an applicant would be advised accordingly of the platting requirements (i.e. compliance with all applicable County Subdivision Regulations and the Standard Specifications and Procedures for the Design and Construction of Subdivision Roads.)

K. Private Roads

A private road may be permitted by the planning commission, however, a private road must be established in accordance with the platting procedure as provided for in these regulations. A proposed division of land involving a new easement of access shall be equivalent to a private road and shall be subject to platting in accordance with these regulations. A new easement of access shall be equivalent to a private road in instances where the purpose, whether immediate or future, is to serve or create a building site. With respect to the construction of a private road, the county specifications for road improvements, adopted pursuant to R.C. 711.101, shall be applied and said road shall be subject to platting in accordance with these regulations.

Language shall be shown on the final plat indicating that an association has been formed to maintain a private road and that the individual lot or unit owners shall acknowledge in their respective deeds that they understand the road is private and no governmental body is responsible for the care and maintenance of the road. [See Appendix of these regulations for appropriate language].

The language “*A new easement of access shall be equivalent to a private road in instances where the purpose, whether immediate or future, is to serve or create a building site.*” impacts existing private driveways that serve lots created, for good or for bad, prior to Planning Commission having review authority over lots between 5-20 acres.

There are examples of residents who live or own a lot located on a private driveway but a recorded easement does not exist. This poses a problem when the lot is to be sold or re-financed as lending institutions require demonstration of a recorded easement as it runs with the land. Leases or other agreements, as they do not run with the land, are not accepted by the banks as they are not an interest in the property. I would have to reject a proposed easement in these situations.

2. Geauga County may be the only county in Ohio that requires Planning Commission review of any and all easements. This is in speaking with other county planning directors as well as numerous attorneys, title companies, ODOT representatives, and others.
3. Review authority over lots under 20 acres guarantees a compliance review with local zoning and subdivision regulations. If someone proposes a lot split involving an easement of access, it must be platted per Section 5051(K). Furthermore, the townships all require a minimum amount of road frontage to build, which is another safeguard. And in Middlefield Township (no zoning), thirty (30) feet of road frontage is required per the County Subdivision Regulations.
4. Easements are private agreements and Section 501(K) already has it covered that divisions of land involving a new easement of access are subject to platting. There has to be a legitimate government interest and purpose in staff reviewing *all* easements. ORC 713.23 relates to a county Planning Commission’s powers and duties and does not

specifically mention an all-inclusive review of easements. A couple of examples: 1) if an owner proposed a new septic system easement, that is already governed by the OAC and enforced by Geauga Public Health. 2) If an owner needs an electric easement from their neighbor because it is easier or less costly to install the line through that property, that is between those two private parties and does not relate to the subdivision regulations or to local zoning.

5. Time is money: It is understood that the policy to review easements had to be an “all or nothing” approach as a property owner could *and has* included a non-exclusive easement of access into an easement instrument that was otherwise for other purposes (utility, septic, etc.). However, the staff time involved to review all easements is substantial in the off chance of someone proposing a non-exclusive easement of access.
6. If an easement is already recorded, the County Recorder will allow an easement amendment to be recorded without the County Planning Commission’s review. This is an odd exception and means the Planning Commission is not technically reviewing all easements.

Rationale for keeping easement review

- A. Keeping the review process in place safeguards against an easement of access from being recorded, especially to access existing landlocked parcels. *However*, the local township zoning and Subdivision Regulations apply regardless, which requires a certain amount of minimum road frontage. Furthermore, ignorance of the law is no excuse.
- B. Provides broad oversight of any and all easements (access, utility, conservation, etc.). If, for example, a portion of someone’s driveway encroaches onto their neighbors’ property (zoning violation) the owners could agree to an easement, submit it, at which time I would not approve it due the zoning violation and advise the applicant and zoning inspector accordingly.

D. Alternatives (reasons why the change is considered)

- A. As easements of access are not common, devise a system with the County Auditor Office whereby the applicant must answer a written question to indicate whether the easement instrument involves a non-exclusive easement of access to serve or create a building site. If so, the County Auditor would not act on the easement and refer the application to the local township zoning inspector and County Planning Commission. (This alternative has not been brought up to the County Auditor’s Office.)
- B. Devise a system where Planning Commission reviews only certain easements. (This alternative is not advisable due to the fact that someone could still “slip in” an easement as described in Item C-5.)
- C. Do nothing and leave the Subdivision Regulations as-is.

This matter was discussed with the Prosecutor’s Office and Section 501(K) should adequately cover easements without the need for staff to review all proposed easement. This amendment may warrant more discussion with the Commission as well as the townships. I can provide specific examples of some of the easements, if you prefer, so you can more easily understand some of the requests that are submitted.

c: file



Geauga County Planning Commission
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MEMORANDUM

DATE: December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Geauga County General Plan Annual Review, Agenda Item #7B

The Commission was not able to discuss the annual review of the General Plan ("Plan") at the November 8 meeting due to losing the quorum. The intent was to go through the spreadsheet of comments for the members to decide whether a particular comment should be addressed in 2022 or wait until the 2026 major update. For the December meeting, to expedite the discussion, you will see that I entered in "2022" or "2026" into the spreadsheet (see Dropbox). The Commission, of course, can discuss and make changes as they see fit.

Comments from the members submitted thus far have also been added to the spreadsheet. **If you have comments, please email them to me prior to 12/13/22 meeting and I can add them to the spreadsheet. Otherwise, they can be added at the meeting itself.**

As some time has passed, below is an excerpt from the October Director's Report regarding the purpose of the annual review:

General Plan annual review

The General Plan will be in use for one year as of October 18, 2022. As the General Plan is to be reviewed annually, per the Executive Summary, this topic will be placed onto the November meeting agenda. Major updates are to occur every five years. This annual review is not an overhaul of the plan but rather an assessment of how it has been used, general observations, and to discuss potential items to add, delete, correct, modify, etc., when it comes time to make major updates in 2026.

This is the first annual review of the Plan and while an actual update of the Plan is not required, we can take the opportunity to correct or clarify any information, if absolutely necessary. As data constantly changes, such as population, housing, parks, etc., it may be tempting to feel the need to update the data every year. However, please know that land use plans are meant to be in effect for 5 to 10 years before any major updates are made. If any changes to the Plan do proceed with the 2022 annual review, such changes must also be submitted and approved by the County Commissioners, as was done with the original 2021 plan.

c: file

Geauga County General Plan Annual Review--Preliminary Discussion Topics

12-6-22 Draft

Prepared by Planning Commission staff on 10/27/22, edited on 11/4/22 per comments received from PC members

Page #	Topic	Comment	Take action on during 2022 Annual Review OR 2026 Five Year Review	Comment by
Table of Contents				
TOC	Table of Contents	Add more detail to each so sub-topics are easier to find within the document	2026	Staff
Chapter 1 - Background & History				
13	History	https://amishamerica.com/10-biggest-amish-communities-2019/ Geauga County's Amish population is 4th in the United States. Difficult to verify statistical accuracy. This ties in with the Demographics chapter. A sign located in the Village of Middlefield indicates 4th in world. Middlefield Village provided the following site: https://groups.etaown.edu/amishstudies/ . Revisit in 2026.	2026	Staff
Chapter 2 - Demographics				
23	Population density	Update map with block level density map and remove lakes and streams as it is an unnecessary layer	2026	Staff
N/A	Ethnicity	Potentially add chart about ethnicity (German, Italian, Irish, etc.) (2020 ACS estimates)	2026	Staff
N/A	Age data	Age data from the 2020 Census has not been released as of 10/25/22. Potentially update plan at the 2023 annual review as the Plan currently has a mix of 2020 Census data and 2019 estimates. Age data from the 2020 Census is supposed to be released in May 2023.	2023(?)	Staff
N/A	Amish population	Potentially add statistic on approximate Amish population	2026	Staff
N/A	Population char.	https://www.census.gov/quickfacts/geaugacountyohio	2026	D. Miller
22	Population density	If there are about 400.3 sq mi. in county then the density of person per sq mi. is 238 which is more than originally stated in the plan.	2026	C. Cocca-Fulton

Page #	Topic	Comment	Take action on during 2022 Annual Review OR 2026 Five Year Review	Comment by
22	Population density	It should just say it is the third least dense in NEOH. Wayne and Ashtabula are still less dense. Compare that with Cuyahoga on our West of a density of 2,766 person per sq. mi. and Lake to our North of 1,015. The Rural Character of Geauga County has withstood the tremendous pressure from the West, South, and North because the Rural Character of the County is a core value of the community.	2026	C. Cocca-Fulton
Chapter 3 - Land Use				
N/A	Lot split activity	Add data and maps on the number, location, and size of lot splits (minors, large lot, and exempt over 20 acres) as well as new platted subdivisions (include phases of previously approved preliminary plans) over the past 10 years. This will shows development activity patterns.	2026	Staff
N/A	Lot Size	Add Generalized Lot Size Map to the plan (map created April 2022)	2026	Staff
50	Parks	Correct 8,000 acres to 10,000 acres. (See 5-23-22 email from J. Oros). Reword sentence about 2.7 townships/24.5 square miles per average township	2022	Staff
N/A	Land Use / Land Cover	Look into adding Land Cover maps/data from the MRLC (Multi-Resolution Land Characteristics) and NLCD (National Land Cover Database) data. https://www.mrlc.gov/ ; https://www.usgs.gov/centers/eros/science/national-land-cover-database	2026	Staff
30	Urbanized Areas Map	Correct Urbanized Area Map: Areas defined by the Census Bureau are generally known as urban areas but Chardon and Middlefield areas should be Urban Clusters and designated in a different color to differentiate between the Cleveland Urbanized Area that includes parts of Bainbridge, Russell, Chester. The Census Bureau is supposed to release updated urbanized areas maps in December 2022 based upon 2020 Census data. Also remove lakes and streams layer from map.	2022	Staff
44 and 45	Land Use Map	Update maps both maps at end of 2023-Update map in 2026	2026	Staff
N/A	Re-zoning, business expansion	Related to potential rezoning from residential to commercial in Chester (automotive repair business in operation in one way shape or form since 1963 based upon granted use variance.	2026	Staff

Page #	Topic	Comment	Take action on during 2022 Annual Review OR 2026 Five Year Review	Comment by
46	Manufactured Home Parks	If Troy Township's 2022-01 and 02 are adopted, pages 46 in Land Use and 65 of Housing will have to be edited.	2026	Staff
N/A	Zoning	Add more detail on zoning (history, purpose, Generalized zoning map is located in Econ Dev. Chapter but could be added to land use as development patterns influenced by larger size lots required with septic systems.	2026	Staff
Chapter 4 - Housing				
65	Manufactured Home Parks	If Troy Township's 2022-01 (eliminate Manufactured Home Parks) and 02 (zoning map related to MHP) are adopted, pages 46 in Land Use and 65 of Housing will have to be edited.	2026	Staff
N/A	Inns/Bed and Breakfasts and Hotels	Need a list and or map of inns and bed and breakfasts. No hotels other than Punderson Manor. Red Maple Inn closed and is in use as a recovery center. What are overnight housing options? University Hospitals, at the 1/12/22 GCTA meeting described overnight accommodations are an issue for their patients but they actively work with Punderson. Describe AirBnB's and potential problems as it relates to zoning (not owner occupied dwelling; rent for parties as a source of income vs. someone who wants to rent a room of their house that they live in. Follow HB 563 as it seeks to prevent townships from regulating short term rentals; likely to not be acted on until 2023.	2026	Staff
63	Mobile homes	Update/review the 1,212 acres of land used for mobile homes if Troy's MHP is rezoned to R-3. This only applies if the Auditor changes the classification from mobile home to single family (unknown at this time if they will change classification). Also change reference from "1926" to "unknown" as the "year built" data in the Auditor's records was partially complete (only 12 had a year built data; all others were marked as "0")	2026	Staff
64	Average Year Built Map	Remove lakes and streams from map as it is an unnecessary layer.	2026	Staff
74	Assisted Living Fac. Map	Remove lakes and streams from map as it is an unnecessary layer.	2026	Staff
N/A	Nursing home	Inventory/list of all nursing homes in the county.	2026	Staff
N/A	Housing Inventory	Add reference to Housing Inventory when completed (2022 goal to be completed in 2023)	2026	Staff

Page #	Topic	Comment	Take action on during 2022 Annual Review OR 2026 Five Year Review	Comment by
Chapter 5 - Natural Resources				
81	Watersheds	Add lakes to the map	2026	Staff
84	Wetlands	Add additional disclaimer to the map that the wetland information came from the National Wetland Inventory by the U.S. Fish and Wildlife Service. https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper The text already describes that the map does not replace a wetland delineation.	2026	Staff
89	Conservation Easements	Update map with any easements approved after 2020. (See if part of 21-176741 has an easement on it. Court ordered ODOT easement was submitted and it referenced the WRLC). Add disclaimer to map that it does not contain CE located in platted subdivisions.	2026	Staff
Chapter 6 - Infrastructure				
N/A	Traffic crashes/safety	For information on safety and priorities from ODOT, go to MapRoom(state.oh.us)	2026	Staff
N/A	Commuting times	Potentially add map about commuting times. Look at Russell Township land use plan, page 71 for example	2026	Staff
96	Urbanized Areas map	Remove lakes and streams from map as it is an unnecessary layer. Correct Chardon and Middlefield-- change to urban cluster	2022	Staff
106	Sewer Service map	Remove lakes and streams from map as it is an unnecessary layer.	2026	Staff
107	Water Service map	Remove lakes and streams from map as it is an unnecessary layer.	2026	Staff
109	Broadband speed map	Improve the appearance of the map	2026	Staff
111	Broadband	New fiber optic network for Newbury and Russell by Kinetic by Windstream (10-6-22 Maple Leaf). Also visit BroadbandMap.fcc.gov for broadband service	2026	Staff
Chapter 7 - Economic Development				
N/A	Workforce	Discuss adding reference to NOC COG (Northeast Ohio Consortium Council of Governments. They administer a Workforce Innovation Program. https://noccog-area19.com/	2026	Staff
N/A	Economic Dev/CEDS	Add recommendation/strategy that the County pursue its own CEDS plan. The Geauga County Strategic Plan for Economic Development already recommends the County create its own CEDS. See page 58 of that plan)	2022	Staff

Page #	Topic	Comment	Take action on during 2022 Annual Review OR 2026 Five Year Review	Comment by
N/A	Economic Dev.	Add detail on the County's Economic Development department and the services offered (CRA, CDBG grants, tax abatement, etc.)	2026	Staff
131	Collaboration	Add about PC, BOCG, and DOD meeting with townships on a semi-annual basis to discuss projects, problems, interests, etc.	2026	Staff
129	Generalized Zoning Map	Insert updated Generalized Zoning Map from January 2022 (or later)	2026	Staff
120	Transportation	1) Non-profit and for-profit businesses that provide ride sharing programs as an alternative to single use driving. 2) Hospitals can invest back into their local communities by providing transportation to and from doctors visits (problem identified in the Geauga Public Health's Community Health Assessment. 3) Commute with Enterprise https://www.commutewithenterprise.com/	2026	Staff
N/A	Re-zoning, business expansion	Related to potential rezoning from residential to commercial in Chester. (automotive repair business in operation in one way shape or form since 1963 based upon granted use variance.) Also, impact of Troy text amendments related to removing automotive repair from business district, et al.	2026	Staff
N/A	Opportunity Zones	OP's are meant to incentivize private investment. There is reference to one in the Geauga County Strategic Plan for Economic Development but reference should be in the General Plan too. https://www.irs.gov/credits-deductions/businesses/opportunity-zones	2026	Staff
N/A	Commuting times	Potentially add map about commuting times. Look at Russell Township land use plan, page 71 for example	2026	Staff
Chapter 8 - Community Facilities				
148	Transportation	Insert more about Geauga County Transit and what they offer (cost per ride, how it works, number of trips each month/year, what individuals use it for (doctors appts, groceries, etc.)	2026	Staff
135	Public Schools map	Update Map. There are currently 10 School Districts in the county. Newbury is no longer a school district.	2026	Staff
137	Amish Schools	Correct Amish travel sentence from Biking to Scooters.	2022	Staff
137	Amish Schools list	Fix Zip codes/Typos; add any that are missing (to the extent possible)	2026	Staff
141	Gauga Park District	27 parks according to the park districts website, not 25 (may have been 25 when it was researched)	2026	Staff

Page #	Topic	Comment	Take action on during 2022 Annual Review OR 2026 Five Year Review	Comment by
141	Geauga Park District	Same comment as above about correctly number of parks from 25 to 27.	2026	J. Oros
141	Geauga Park District	Suggested rephrasing: "The Park District offers numerous public programs and special events of all kinds are held regularly throughout the parks throughout the year. A map of all park district parks its parks and preserves is on the following page.	2026	J. Oros
141	Geauga Park District	Suggested rephrasing: "A ride or walk on this great paved trail will give you provides a taste of everything the Geauga Park District has to offer, from gorgeous Geauga landscapes to returning migratory birds to growing numbers of buds and blossoms to warmer weather more suitable for recreation in the springtime to excellent exercise space and outdoor fun with family and friends or on your own. The trail can be accessed from along the way by a number of inlets, including several parks: Claridon Woodlands, Headwaters Park, Swine Creek Reservation and Mountain Run Station--as well as several other inlets along the way."	2026	J. Oros
General Comments/Ideas			2026 2026 2026	
1) Add more pictures where appropriate 2) Add hyperlinks so the plan is interactive (links to townships, story maps, etc.) 3) Review other county land use plans				



Geauga County Planning Commission
12611 Ravenwood Drive, Suite #380, Chardon, Ohio 44024
Phone (440) 279-1740
www.co.geauga.oh.us/Departments/Planning-Commission

MEMORANDUM

DATE: December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Credit card request, Agenda Item #7C

The Planning Commission currently does not have a credit card but one can be requested per our Personnel Policy and Procedure Manual, a copy of which can be found on the following pages.

Approval for the issuance of a credit card is initiated by the Planning Director but I first wanted to make the Board aware before proceeding to contact a local lending institution. I was informed Geauga Credit Union is regularly used for county credit cards.

Please note that the credit card can *only* be used for authorized overnight travel expenses so it will seldomly be used, perhaps one to two times a year. Qualified expenditures include hotel, mileage, food, parking, and conference registration fees. It cannot be used to pay any other expenses, such as office supplies, posting job openings, online training/webinars, etc.

I bring this to your attention as when Ms. Kobus traveled to Columbus for the GIS conference, she had to personally pay for the hotel, mileage, and food, which totaled \$740.00 and then submit for reimbursement. At that time, the Finance Manager in the County Commissioners Office recommended we pursue acquiring a credit card as it is easier for the employee as well as the administrative staff, as the entire employee reimbursement process is avoided.

The form would be completed and signed by me and any employee that would use the card must also sign the form. The County Commissioners must approve the submission for a credit card, authorize the users and set dollar amount limits per month/per employee.

SECTION 7: TRAINING AND TRAVEL

USE OF COUNTY CREDIT CARDS **(ORC 301.27)**

Travel Expenses: All travel expenses must first be authorized through the travel expense procedure before becoming legitimate travel expenses payable through the use of a County credit card. Credit card approval does not constitute Travel Expense Request approval.

Credit Card Use: For each County credit card, there shall be a resolution that authorizes the issuance of the card and specifies who may use the card.

Issuance of Credit Cards: Before any County credit card may be used, it shall be approved by the County Commissioners. Approval for the issuance of a County credit card is initiated by the Planning Director, who shall apply by January 1 of each year. The application shall state whether the card is to be issued in the name of the office of the Planning Commission itself, or whether the card shall also include the name of a specified officer or employee using the Application provided in this manual.

Authority to Use: The Board of County Commissioners shall authorize, by Board action, an employee to incur debt through the use of a credit card for the estimated amount of expenditure under permissible uses mentioned in this policy or for a revised amount as they deem proper. The amount approved by the Commissioners shall be encumbered by the Planning Commission according to standard County procedures. Continued late fees and/or finance charges on a bill will be grounds for the Commissioners to deny authorization of credit card use.

Types of Cards Covered: All County credit cards are covered by statute, specifically Ohio Revised Code Section 301.27 (gasoline and telephone cards are included).

Permissible Uses: The ONLY purposes for which a County credit card shall be used are limited to the following types of work-related expenditures: food, lodging, telephone, gas and oil for County owned or leased vehicles, work-related travel, minor motor vehicle maintenance for County owned or leased vehicles, and emergency motor vehicle repair for County owned or leased vehicles.

Expenditures such as supplies (ex: from an office supply store) or repair (ex: parts at hardware store) are NOT legal and anyone who uses a card for such purposes is subject to criminal penalties as an unauthorized use.

SECTION 7: TRAINING AND TRAVEL

Payments for Expenses Incurred by Credit Card: Debt incurred as a result of the use of a County credit card is to be paid from monies that the County Commissioners appropriate to the Planning Commission for the eligible work-related expenditures. Late fees and/or finance charges will not be paid on the Geauga county credit cards issued to the Planning Commission.

Approval of Expenditures: Unless otherwise adopted by resolution, before expenditures can be made in any one month, a request shall be submitted to the Board of County Commissioners before the first day of that month. The request shall include an estimate of the amount of permissible expenditures that will be made on the card during that month. The total of all such estimated expenses for the Planning Commission is not to exceed the amount set by the Board of County Commissioners for any one month. This estimate is to include a signed statement by the Planning Director that the estimated expenses are within the available, budgeted travel account.

If any debt is incurred beyond the authorized amount, payment shall be handled pursuant to Ohio Revised Code 301.27. The employee may be required to repay that debt.

Unauthorized Use: Anyone knowingly using a County Planning Commission credit card for an unauthorized use or for personal benefit shall be subject to criminal prosecution and disciplinary proceeding. Any suspicious of an unauthorized use shall report it immediately in writing to the Planning Director and to the Board of County Commissioners.

Loss or Theft: Suspected loss or theft of the County Planning Commission credit card shall be reported immediately in writing to the Planning Director and to the Board of County Commissioners.

Accounting Procedures: Use of the County Planning Commission credit card in no way diminishes the requirements of ORC 325.20 and the Auditor's Office regarding travel expense requests. Employees using a credit card shall attach the signed customer copy of the credit slip to the payment voucher before the voucher is processed.

SEE UPDATED FORM ON THE NEXT PAGE

Geauga County Planning Commission Personnel Policy and Procedure Manual
Adopted: December 9, 2008 *Effective: December 10, 2008*

SECTION 7: TRAINING AND TRAVEL

***APPLICATION FOR AUTHORIZATION TO PERMIT
THE USE OF THE COUNTY PLANNING COMMISSION CREDIT CARDS
(ORC 301.27)***

As the Planning Director, I hereby request that credit card(s) be issued to the office of the County Planning Commission.

This office will follow the instructions for County credit cards in accordance with the *Use of County Credit Cards* policy.

The following credit account(s) will be utilized only by the authorized employee or employees listed below.

<u>Firm/Company</u>	<u>Account No.</u>	<u>Expiration Date</u>	<u>Authorized Employee(s)</u>	<u>Title</u>	<u>Signature</u>
			1. 2. 3. 4. 5. 6.		

I will direct the above signed employees in the proper use of the County Planning Commission credit cards pursuant to Section 301.27 ORC, 325.20 ORC, and the policies of the Board of County Commissioners and the County Auditor.

Signature of Planning Director

Date

Board Resolution to be included in Commissioners' Journal with copy to Auditor's Office.

**APPLICATION FOR AUTHORIZATION TO PERMIT
THE USE OF COUNTY CREDIT CARDS
(ORC 301.27)**

As a duly elected/commissioned appointing authority I hereby request that credit card(s) be issued to the office of _____.

This office will follow the instructions for County credit cards in accordance with the *Use of County Credit Cards* policy.

The following credit account(s) will be utilized only by the authorized employee or employees listed below.

Firm/Company	Account No.	Expiration Date	Authorized Employee(s)	Title	Signature
			1. 2. 3. 4. 5. 6.		
			1. 2. 3. 4. 5. 6		
			1. 2. 3. 4. 5. 6.		

I will direct the above signed employees in the proper use of County credit cards pursuant to Section 301.27 ORC, 325.20 ORC, and the policies of the Board of County Commissioners and the County Auditor.

Signature of Appointing Authority

Date

Board Resolution to be included in Commissioners' Journal with copy to the Auditor's Office

c: file



Geauga County Planning Commission
 12611 Ravenwood Drive, Suite #380, Chardon, Ohio 44024
 Phone (440) 279-1740
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MEMORANDUM

DATE: December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Housing Inventory update, Agenda Item #7D

The staff has been working on the Housing Inventory as time permits and I wanted to provide an update thus far. The draft Table of Contents is provided below to provide an idea of the scope of the inventory.

TABLE OF CONTENTS	
<u>Part 1: Introduction</u>	
<u>Part 2: Methodology</u>	
<u>Part 3: Single Family Dwellings</u>	
a. Overview	
b. County wide map of single-family housing density at the census block level data	
c. Lot split activity over the last 15 years	
<u>Part 4: Multi-family Dwellings</u>	
a. Overview	
b. Tables maps of all apartments, condos, duplexes, triplexes, and mobile home parks by jurisdiction	
c. Apartments	
d. Condominiums	
e. Duplexes	
f. Triplexes	
g. Manufactured Home Parks (Hawthorn, Chardon, Chester, Troy and any others)	
<u>Part 5: Senior Housing</u>	
a. Overview	
b. Tables maps of apartments, Assisted Living	
c. Nursing homes	
<u>Part 5: Appendix</u>	
a. Geauga County Auditor Property Class Codes	
b. Master spreadsheet of housing types: single family, apartments, condominiums, duplexes, triplexes.	

Geauga County Planning Commission | Housing Inventory | 1

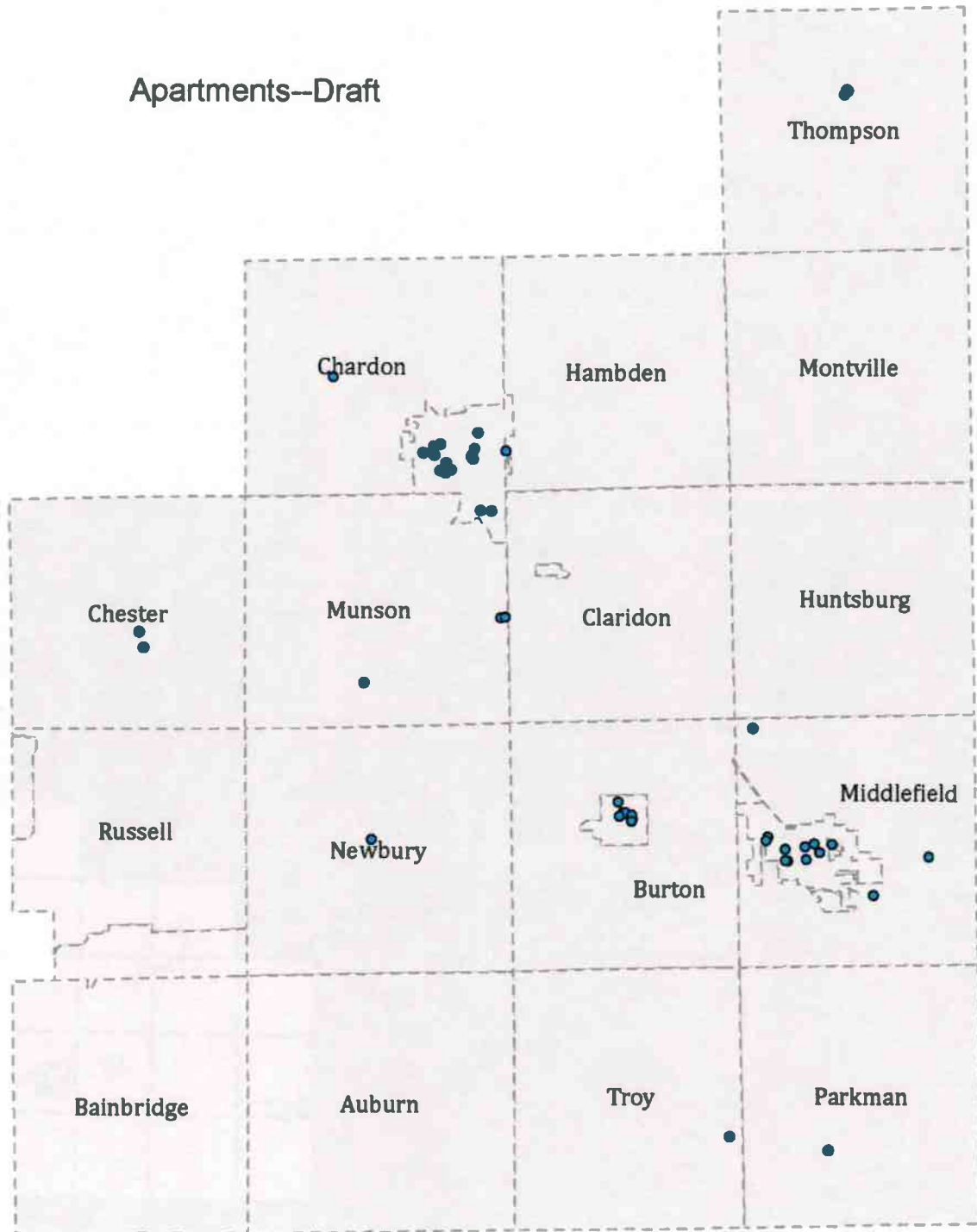
Ms. Kobus prepared a table of the various apartments, condos, duplexes, and triplexes throughout the County, including the City of Chardon and the villages. A screen shot of table of apartments is provided below but the full spreadsheet will be presented at the December meeting.

ParcelId	Complex Name	LocationAdd	# of Units	PropClass
Burton Village				
05-002550	Apartment above That Hawaiian Guy's BBQ	14530 N CHESHIRE ST		404
05-003550	West Block Lofts	14544 N CHESHIRE ST		404
05-003610	House Apartment	13938 E CENTER ST	5	401
05-003611	Crestview	13944 E CENTER ST	4?	401
05-004210	House Apartment	14561 HICKOX ST	5	401
05-015300	Apartment Complex	14557 BAIRD ST		401
05-016420	Apartment above The Gunrunner	14542 N CHESHIRE ST		404
05-017301	Berkshire Hills Apartments	14380 N CHESHIRE ST	127	403
05-018600	Apartment above Burton Nutrition	14528 N CHESHIRE ST		404
05-020000	Apartment above Hill Hardware	14545 N CHESHIRE ST		404
05-023700	Apartment above A.H. Christiansons	14529 N CHESHIRE ST		404
05-029450	Longview	13931 E CENTER ST		401
05-031800	Apartment above Subway	14548 N CHESHIRE ST		404
05-035800	Apartment above the Twisted Twig Vintage Nook	14538 N CHESHIRE ST		404
05-037100	Apartment above Soul of the Rose	14533 N CHESHIRE ST		404
05-047700	Apartment above Uptowne's Barber Shop	14543 N CHESHIRE ST		404
Chardon Township				
06-114400	Mountain View Apartments	10623 MITCHELLS MILL RD	8	401
Chardon City				
10-017100	House Apartment	371 PARK AVE	4	401
10-029700	Chardon Hills	317 WILSON MILLS RD	124	403
10-047800	The Meadows	110 MEADOWLANDS DR	84	403
10-048720	Apartment above Professional Rental	100 SOUTH ST		431
10-053700	Integrity Chardon	564 WATER ST	87	403
10-062500	Apartment above The Carriage Trade Boutique	105 N HAMB DEN ST		431
10-071570	Apartment above Jasmine Dragons	115 MAIN ST		404

The data included for the number of units was obtained from records the staff already had on file or from the individual housing development's website. Ms. Kobus and I will work to fill in as much missing data as possible using existing county records before reaching out to the communities in 2023 to request their assistance, as their local knowledge and expertise will be invaluable. If necessary, the staff will reach out to the building owners.

The layout of the document itself is still being developed but the inventory will also include maps for visual representation. A couple of examples are provided on the following pages but *much* work is yet to be done.

Apartments--Draft





c: file

Exhibit 7E

Geauga County Planning Commission

12611 Ravenwood Dr. Chardon, Ohio 44024

Telephone: (440) 279-1740 • Email: Planning@co.geauga.oh.us

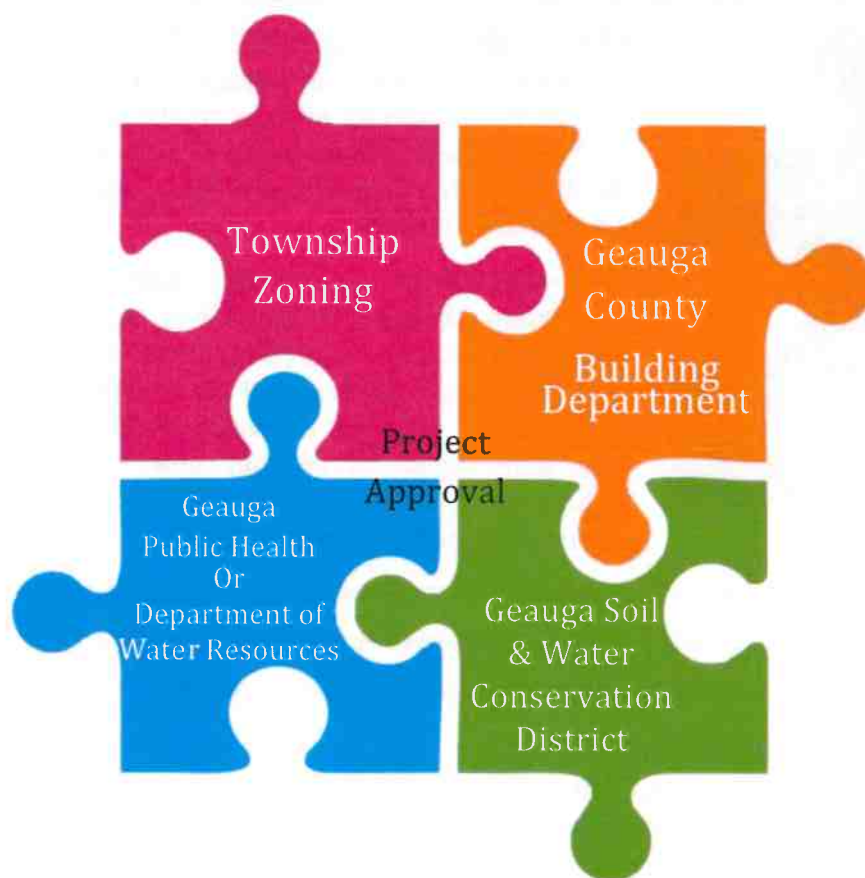
<https://co.geauga.oh.us/Departments/Planning-Commission>



What Approvals Do I Need for a New Home?

Four (4) local government offices are involved in the review and approval to construct a new home, as depicted in the puzzle image below.* Each office is a piece of a puzzle, having a specific purpose in the review process.

While property owners often hire contractors to obtain permits, it is ultimately the property owner's responsibility to ensure ALL required approvals have been obtained BEFORE construction begins. Residents often believe having a permit from the Geauga County Building Department alone is sufficient to begin construction but that is just one piece of the puzzle, as more fully described on the following pages.



*Other projects such as detached garages, additions, storage buildings, etc. may require fewer approvals. Check with each office to determine if approval is required. This Info Sheet was prepared as it relates to townships only.

Zoning approval is the most important approval you must obtain prior to construction. Why?

Zoning regulations, adopted by your local township, specify what types of uses are permitted, where they are permitted (known as "zoning districts"), and how small/large the use can be, as well as other requirements.

If your project does not comply with zoning, all other government approvals are moot.

The zoning approval for your project, often referred to as a "Zoning Certificate" is issued by a township zoning inspector based upon a review of plans that you submit to the township. It is your legal, written approval that the proposed building/structure/use is permitted and complies with zoning.



Other approvals, such as the "Building Permit" from the County Building Dept. is approval for how the building/structure must be physically constructed, not the actual concept of what you want to build.

All townships, cities, and villages, except for Middlefield Township, require zoning approval and it is recommended you contact the respective office to secure the approval.



Dwellings Served by a Septic System:

Within the townships of Geauga County dwellings are primarily served by household sewage treatment systems, AKA a "septic system", review and approval of which is administered by Geauga Public Health ("GPH") based upon regulations adopted by the Ohio Board of Health.

You must have a lot evaluation performed, which is a review to determine whether it is feasible to install a septic system on your lot. You must hire a soil scientist and a septic installer to prepare a soil report, calculations, and plans related to the proposed septic system, the capacity of which is based upon the number of bedrooms proposed in your new home. This information is submitted to GPH (often referred to as the "Health Department") for review per the following steps:

1. "Application for Lot Evaluation" form, fee, soil report, calculations, site plan
2. Application and drawing for Private Water System (aka "water well permit")
3. Application and isometric drawing for a plumbing permit

Dwellings Served by Central Sanitary Sewer:

Other dwellings are served by a central sanitary sewer system for household waste and by public water systems for drinking water, which is administered by the County Department of Water Resources. In these instances, prior to this issuance of a permit, construction plans must be submitted to the County Sanitary Engineer for review and approval. A tap-in and permit fee are required. Depending on your area of residence, all of the villages and some individual subdivisions maintain their own system. Please contact the Water Resources Department for further information. Sewer and water permit applications available at: www.gcdwr.org

The Geauga Soil and Water Conservation District is charged with ensuring water quality in Geauga County is maintained as construction sites contribute to soil erosion, the sedimentation of which leads to water quality problems. The District must review the site plan for your proposed new dwelling to ensure proper measures are in place, such as silt fencing, to reduce sediment run-off from the site. The review period is typically one week or less for residential projects.



A Water Management and Sediment Control (WMSC) Plan is required when soil disturbing activities are proposed that will disturb one (1) acre or more, or less than one (1) acre and part of a larger common plan of development.

A complete copy of the Geauga County Water Management and Sediment Control Regulations can be found at <https://www.geaugaswcd.com>



The Geauga County Building Department is responsible for enforcement of the Residential Code of Ohio and the National Electric Code. A "Building Permit" issued by this department is approval of the actual *physical* construction of your project, which includes *structural (foundation and framing) mechanical, electrical, and plumbing**. Many site inspections by certified inspectors occur during the construction. (*See puzzle piece for Geauga Public Health regarding the plumbing permit.)

Be aware that if your project complies with these codes, the Building Dept. is legally obligated by the State of Ohio to issue the building permit for the project regardless of whether you have secured the zoning certificate or other approvals. **This does not obsolev you of the requirements to obtain those other approvals.**

Example: you could propose to build a single family dwelling in an industrial zoning district. As long as it complies with the structural, mechanical, electrical, and plumbing requirements, the Building Department can issue the Building Permit. However, that does not mean a single family home is actually permitted by zoning in the industrial district.

County Engineer:

The County Engineer's Office 3-4 days based upon one (1) complete set of residential house plans.

Checklist

1. Zoning Certificate from township
2. Septic permit (from Geauga Public Health) or Sewer Tap Permit (from Sanitary Engineer)
3. WMSC Plan or exemption form (from Geauga SWCD)
4. Driveway Culvert Pipe Permit (from Geauga County Engineer)
5. Building Permit from the Geauga County Building Department.
Flood Plain Permit

Always check with local zoning if your project may require a zoning certificate. Be aware that not all projects require zoning approval, such as an electrical panel upgrade.

Contacts

Geauga Soil & Water Conservation District

12611 Ravenwood Dr. Suite #240
Chardon, Ohio 44024
(440) 834-1122
<http://geaugaswcd.com/>

Geauga County Building Department

12611 Ravenwood Dr. Suite #360
Chardon, Ohio 44024
(440) 279-1780
<https://co.geauga.oh.us/Departments/Building-Department>

Geauga County Dept. of Water Resources

12611 Ravenwood Dr. Suite #390
Chardon, Ohio 44024
(440) 279-1970
<https://www.gcdwr.org/>

Geauga Public Health

12611 Ravenwood Dr. Suite #300
Chardon, Ohio 44024
(440) 279-1914
<http://gphohio.org/>

Scan the QR code for the Planning Commission's contact info or visit:
<https://co.geauga.oh.us/Departments/Planning-Commission>





Geauga County Planning Commission
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MEMORANDUM

DATE: December 6, 2022

TO: Planning Commission members

FROM: Linda M. Crombie, AICP, Planning Director

RE: Model Zoning Resolution, Agenda Item #7F

At the November meeting, Section 401.0(A) of the Model Zoning Resolution was discussed during the review of a proposed township text amendment. That section is provided below and the local court case that was mentioned at the meeting has also been provided in the Dropbox link for the December meeting.

Section 401.0 *Prohibited Uses in all Zoning Districts*

- A. Any use not specifically listed in this resolution shall not be permitted, nor shall any zoning certificate be issued therefor, unless and until a zoning amendment to provide for such use has been adopted and is in effect in accordance with Article XII or a variance has been granted in accordance with Article X.

c: file

STATE OF OHIO

COUNTY OF GEAUGA

)
FILED
IN COURT OF APPEALS

IN THE COURT OF APPEALS

ELEVENTH DISTRICT

THOMAS E. JONES, et al.,

Appellants,

DEC 26 2012

DENISE M. KAMINSKI
CLERK OF COURTS
GEAUGA COUNTY

JUDGMENT ENTRY

CASE NO. 2011-G-3033

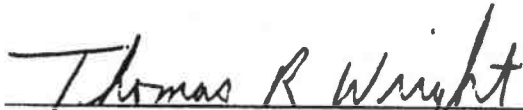
- vs -

AUBURN TOWNSHIP
BOARD OF ZONING APPEALS, et al.,

Appellees.

For the reasons stated in the opinion of this court, it is the judgment and order of this court that the judgment of the Geauga County Court of Common Pleas is reversed, and this matter is remanded to the trial court for further proceedings consistent with the opinion.

Costs to be taxed against appellees.


JUDGE THOMAS R. WRIGHT
FOR THE COURT

14/044

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY, OHIO**

FILED
IN COURT OF APPEALS

2012

DENISE M. KAMINSKI
CLERK OF COURTS
GEAUGA COUNTY

THOMAS E. JONES, et al.,	:	OPINION
Appellants,	:	
- vs -	:	CASE NO. 2011-G-3033
AUBURN TOWNSHIP	:	
BOARD OF ZONING APPEALS, et al.,	:	
Appellees.	:	

Administrative Appeal from the Geauga County Court of Common Pleas, Case No. 10A001299.

Judgment: Reversed and remanded.

Jeffrey J. Snell, 253 W. Aurora Road, Sagamore Hills, OH 44067 (For Appellants).

Abraham Cantor, Johnnycake Commons, 9930 Johnnycake Ridge Road, Suite 4-F, Concord, OH 44060 (For Appellees).

THOMAS R. WRIGHT, J.

{¶1} This appeal is from a final judgment of the Geauga County Court of Common Pleas. Appellants, Thomas E. and Diane J. Jones, challenge the court's decision to uphold a prior administrative ruling of the Auburn Township Board of Zoning Appeals denying their zoning application. Specifically, they assert the court should have held that they were entitled to construct a wind turbine upon their property because the Auburn Township Zoning Resolution does not set forth any restrictions on

the use of such wind turbines.

{¶2} Appellants own a large farm in Auburn Township, upon which they breed, train, and show Arabian horses. The farm has a number of buildings and other facilities which use a considerable amount of electricity. In light of the costs they were incurring for the electricity, appellants decided to construct a wind turbine on their property in order to produce their own electricity.

{¶3} As part of the system for transmitting the generated electricity, appellants' proposed turbine would be connected to the power grid of a public electric company. This connection would be necessary to ensure that the property would still receive electricity when the wind turbine is not operating, and also to serve as a means of storing any excess electricity when the turbine produces more than the farm needs. Given the nature of the connection, the local electric company classified appellants' electric meter as "commercial."

{¶4} To defray some of the costs for their proposed turbine, appellants applied for state and federal grants. In order to qualify for the grants, it was necessary for them to state that their wind turbine would be for "commercial" use. However, since they only intended to use the generated electricity for the horse farm, appellants contend that the turbine would be essentially for an agricultural purpose.

{¶5} In April 2010, appellants submitted a zoning application to Frank V. Kitko, Auburn Township Zoning Inspector. In that application, they specifically indicated that the electricity generated by the wind turbine would be used exclusively for agricultural purposes. Initially, Inspector Kitko granted the zoning application, stating in a letter that appellants were entitled to an agricultural exemption under R.C. 519.21. Upon asking

for additional information about the project, though, Inspector Kitko reversed his original decision. In a second letter sent in July 2010, he denied the application on the grounds that there were still unanswered questions concerning whether some of the electricity generated by the turbine would be used for commercial purposes.

{¶6} Appellants appealed the denial of their zoning application to the Auburn Township Board of Zoning Appeals ("the board"). In September 2010, the board held a hearing on the appeal, during which appellant submitted ten exhibits and the "testimony" of two witnesses. The witnesses consisted of a master electrician, who would assist in the installation of the turbine, and an employee of the company who manufactured the turbine. Their "testimony" essentially consisted of answering various questions raised by the board members.

{¶7} Approximately one month after the hearing, the board released its written decision upholding the denial of appellants' application. As the basis for its ruling, the board basically concluded that appellants failed to show that the electricity generated by the wind turbine would be solely for agricultural purposes. In support of its conclusion, the board emphasized that, since the turbine would be directly connected to the local power grid, the public electric company would be able to employ any excess electricity produced by appellants. According to the board, this means that appellants would be distributing electricity for "off-site" use.

{¶8} Appellants then appealed the board's decision to the common pleas court, pursuant to R.C. Chapter 2506. Initially, appellants captioned their notice of appeal as a "complaint" in which they tried to assert claims for relief. Moreover, besides Inspector Kitko and the zoning board, appellants also tried to name the Auburn Township Board

of Trustees as a party to the proceeding. However, after the case had been pending for nearly five months, the common pleas court issued an entry in which it was noted that appellants' "complaint" did not raise any constitutional challenge to the township zoning resolution. As a result, the case went forward solely as an administrative appeal. After the transcript of the board proceedings was filed, the parties submitted their respective briefs on the merits. No oral hearing was held before the common pleas court, and no new evidence was taken regarding the "agricultural use" issue.

{¶9} In its final judgment, the common pleas court began its analysis by noting that, under R.C. 519.21(A), real property used for agricultural purposes is exempt from township zoning regulations. However, the common pleas court then observed that the statutory scheme governing township zoning had a specific section, R.C. 519.213, that pertained to the use of wind turbines. Applying the definition in subsection (A) of that statute to the assertions in appellants' zoning application, the court concluded that the installation of the proposed turbine would cause their property to be considered a "small wind farm" which could be subject to township zoning regulation. Turning to subsection (B) of the statute, the common pleas court next emphasized that R.C. 519.213 gives a board of township trustees or a board of zoning appeals the power to regulate certain matters involving a "small wind farm." In light of these specific provisions, the common pleas court ultimately decided the case without determining whether the proposed wind turbine was to be used for agricultural purposes:

{¶10} "Based on the foregoing, regardless of Appellants' intended agricultural use, the BZA's decision should be affirmed. While the BZA's decision was based upon the prospect that the sale of electricity disqualified the wind turbine re-classification as

an agricultural use, that does not affect the upholding of its decision in this case. The BZA has power with respect to the location, erection, construction and so on of a small wind farm. The BZA in this case denied the appeal. They had the power to do so and therefore, the decision of the Auburn Township Board of Zoning Appeals in upholding the Zoning Inspector's denial of a zoning permit to [appellants] for a wind turbine is affirmed."

{¶11} In appealing the foregoing determination to this court, appellant has raised the following three assignments of error for review:

{¶12} "[1.] The trial court erroneously relied upon Section 519.213 to hold the Board of Zoning Appeals had inherent authority to prescribe more strict regulations of wind turbines when the Township had not created no such regulations under Section 519.213.

{¶13} "[2.] The court committed error in affirming the Board of Zoning Appeals' denial of a wind turbine when the unrefuted evidence in the record was that the wind turbine would be used exclusively for agricultural purposes and was thus exempt from the Township Zoning under [Section] 519.21.

{¶14} "[3.] The court's affirmance of the Zoning Inspector's reversal of a zoning permit was against the manifest weight of the evidence as the wind turbine was agricultural and could only serve the agricultural use."

{¶15} Appellants' first assignment constitutes the crux of their appeal. Basically, they contend that the common pleas court erred in holding that the zoning board could invoke R.C. 519.213 to regulate their proposed use of a wind turbine in the absence of previously enacted regulations. While not denying that the statute generally grants such

boards the authority to oversee the use of wind turbines, appellants argue that such power could not be exercised in this case because the Auburn Township Zoning Resolution does not contain any specific provisions governing wind turbines. According to appellants, in the absence of any controlling regulations in the resolution, Inspector Kitko and the board were obligated to grant their zoning application, and the board was not permitted to create the regulations in the first instance. For the following reasons, we agree.

{¶16} To briefly reiterate, Inspector Kitko's decision and the zoning board's ruling focused solely upon whether appellants' use of the proposed turbine would be for agricultural purposes only. The reason for this analysis was R.C. 519.21(A), which states, in pertinent part:

{¶17} "Except as otherwise provided in division (B) of this section, sections 519.02 to 519.25 of the Revised Code confers no power on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, * * *."

{¶18} While not expressly stated in the board's written decision, it is apparent that if the proposed turbine had been found to be solely for agricultural use, appellants generally would have been allowed to go forward with minimal requirements regarding the actual construction and maintenance of the turbine. However, if the turbine would have had other uses besides agricultural, such as commercial, the board would not allow the project to proceed under any circumstances.

{¶19} In its separate analysis, the common pleas court held that the resolution of the “agricultural use” issue was simply irrelevant to whether appellants’ construction of the turbine is permissible under the law. Instead, the court held that the outcome of the controversy is controlled entirely by R.C. 519.213. The first two subsections of this statute provides:

{¶20} “(A) As used in this section, ‘small wind farm’ means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

{¶21} “(B) Notwithstanding division (A) of section 519.211 * * * of the Revised Code, sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of the land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.02 of the Revised Code.”

{¶22} Appellants do not contest the common pleas court’s finding that their proposed wind turbine will render their property a small wind farm for purposes of R.C. 519.213, or the statute’s general applicability. Instead, appellants challenge the court’s interpretation of the statute that the zoning board has the power to create the standards for regulating the use of wind turbines in the first instance.

{¶23} Applying R.C. 519.213, the common pleas court first noted the statutory language that gave zoning boards express power over certain items or issues pertaining

to small wind farms. The court then concluded that the statute gave the Auburn zoning board the authority to decide if appellants should be permitted to install the proposed wind turbine, and that, in light of this grant of authority, the board's ultimate ruling must therefore be upheld. By framing its analysis in this manner, the common pleas court essentially held that R.C. 519.213 gives the zoning board the power to both create and enforce regulations governing the installation of wind turbines.

{¶24} While the relevant portion of R.C. 519.213(B) is worded in a broad manner, that statutory grant of power must be construed in light of the other statutes in R.C. Chapter 519. A township zoning board's limited powers are delineated under R.C. 519.14, which states that such a board has the authority to perform three basic tasks: (1) hear and decide appeals from a decision of a township's administrative official; (2) authorize variances from the township zoning resolution in specific cases; and (3) grant conditional zoning certificates. R.C. 519.14 confers no power to a board of zoning appeals to regulate in the first instance. Under the governing statutory scheme, such authority rests solely with the board of township trustees. See R.C. 519.02(A).

{¶25} In construing statutes that relate to the same general subject matter, a court is required to read the various provisions *in pari material*; i.e., the entire statutory scheme must be given a reasonable construction so that each and all statutes are accorded proper force and effect. *United Telephone Co. of Ohio v. Limbach*, 71 Ohio St.3d 369, 372 (1994). Accordingly, this court concludes that, in conferring power to zoning boards regarding small wind farms, R.C. 519.213(B) only gives such boards authority that is commiserate with their basic powers under R.C. 519.14. That is, R.C. 519.213 only grants zoning boards the ability to hear appeals from administrative rulings

as to a small wind farm's location, erection, construction, and the other items listed in the statute. As to the standard to be used in deciding such appeals, the zoning board cannot create the regulations, but instead must follow the law as set forth in the governing state statutes and township zoning resolution.

{¶26} When construed in concert with R.C. 519.02(A), R.C. 519.213 can only be interpreted to grant a township board of trustees the authority to regulate small wind farms in the township zoning resolution. However, in this case, the parties agree that, at the time appellants submitted their zoning application, the Auburn Township Zoning Resolution did not contain any provisions governing wind turbines or small wind farms. In other words, the Auburn Township Board of Trustees had never invoked its power under R.C. 519.213. Accordingly, appellants assert that their zoning application should have automatically been granted.

{¶27} In response, Inspector Kitko and the zoning board maintain that, given the lack of any specific provisions in the zoning resolution, appellants cannot place the wind turbine on their property until the necessary provisions are enacted. In support of this point, they emphasize that, under Article 4.03(c) of the Auburn Township Zoning Resolution, a proposed use of property must be expressly cited in the resolution before it is permissible.

{¶28} In essence, it is the position of Inspector Kitko and the zoning board that wind turbines are completely banned in Auburn Township at this time. As to the power of a township board of trustees to ban a specific use for all purposes, this court has stated:

{¶29} "The purpose of a zoning ordinance is to limit the use of land in the

interest of the public welfare.’ *Smith v. Juillerat* (1954), 161 Ohio St. 424, 428, * * *. A township’s power to regulate may include the power to prohibit a use. *E. Fairfield Coal Co. v. Booth* (1957), 166 Ohio St. 379, 382, * * *, citing *Juillerat*, *supra*. “Whether the power exists to forbid the use must not be considered abstractly, but in connection with all the circumstances and locality of the land itself and its surroundings.” *Booth*, *supra*, at 382, quoting *Euclid v. Ambler Realty Co.*, 272 U.S. 365, 387, * * *.” *Machnics v. Sloe*, 11th Dist. No. 2004-G-2554, 2005-Ohio-935, ¶51.

{¶30} In *Machnics*, this court upheld the township’s ban of the commercial sale of motor vehicles because the property owner did not present any evidence demonstrating that the township trustees had failed to consider all relevant circumstances, including the locality of the land. *Id.* at ¶52. *See, also, Edinburg Twp. Trustees v. 14 & 76 Novelty Co.*, 11th Dist. No. 91-P-2366, 1992 Ohio App. LEXIS 3731.

{¶31} In this case, the issue of whether the use of wind turbines is totally banned in Auburn Township was never raised before the trial court. As a result, neither side presented evidence on the pertinent issues. Since no evidence on either point is in the trial record at this juncture, the “ban” issue is not properly before this court in this appeal, and the matter must be remanded to the trial court for further proceedings.

{¶32} As a separate point, this court would further indicate that, regardless of the outcome of the “ban” dispute, appellants still would be entitled to erect the proposed wind turbine if the agricultural exception is applicable. As previously noted, R.C. 519.21(A) states that township officials have no authority to prohibit the construction or use of structures that are intended for agricultural purposes. In enacting R.C. 519.213,

the General Assembly gave no indication in the wording of R.C. 519.213 and 519.21 that the power granted to township officials over small wind farms is intended to supersede the agricultural exception.

{¶33} In its analysis, the trial court essentially concluded that, in light of the authority granted to the zoning board under R.C. 519.213(B), the “agricultural use” issue was no longer relevant. However, given the lack of any limitation on the agricultural exception in the governing statutes, the trial court’s legal analysis was incorrect. That is, if appellants’ proposed wind turbine is covered under the “agricultural use” exception of R.C. 519.21(A), that decision would be dispositive of the entire underlying dispute. For this reason, upon remand, the trial court should first review the merits of the zoning board’s decision that the “agricultural use” exception was not applicable in this instance. If the trial court concludes that the zoning board’s decision must be upheld, it should then proceed to the merits of the township’s “ban” argument.

{¶34} As to the “agricultural use” exception, Auburn Township, in its zoning resolution, has adopted its own version of R.C. 519.21(A). Article 1, section 1.05 specifically states: “Powers not conferred by Chapter 519 of the ORC or this Resolution follow.” Subsection (a) states: “This Resolution does not prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures *incident* to the use for agricultural purposes of the land on which such buildings or structures are located, * * *.” (Emphasis added.) In its use of the word “incident,” subsection (a) is similar to R.C. 519.21(A), which provides that a township has no authority “to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures *incident* to the use for agricultural purposes * * *.” (Emphasis added.)

{¶35} In analyzing the question of what constitutes an agricultural use, the employment of the word *incident* is significant. Nowhere in the Revised Code or in the township's zoning resolution is there a suggestion that the structure must be used *exclusively* for agricultural purposes. If the intention was to limit the "agricultural" structures to those used *exclusively* for agricultural purposes, that is what the General Assembly would and should have provided. Therefore, an ancillary benefit, such as distribution of any excess energy produced, should not disqualify the structure, as long as the primary purpose of structure is clearly agricultural. See *Schabel v. Troyan*, 11th Dist. Nos. 2010-G-2953 and 2010-G-2954, 2011-Ohio-2452, ¶53.

{¶36} Because the common pleas court erred in not reviewing the actual merits of the zoning board's ruling, appellants' first assignment has merit.

{¶37} Under their remaining two assignments, appellants challenge the zoning board's finding on the "agricultural use" dispute. Under their second assignment, they state that the board erred as a matter of law in holding that the agricultural exemption under R.C. 519.21(A) can only be invoked when the proposed wind turbine will serve no commercial purpose. Under their third assignment, they assert that the board's finding was not supported by a preponderance of the evidence.

{¶38} Again, in light of its unwarranted emphasis on the "small wind farm" statute, the common pleas court never went forward on either of the foregoing questions concerning the merits of the zoning board's determination. Given the inherent differences between the standards of review that a common pleas court and an appellate court apply in relation to an administrative appeal of a zoning board's ruling, see *Schabel*, 2011-Ohio-2452, ¶30, it would not be prudent for this court to analyze the

two questions raised by appellants until the common pleas court has rendered a decision on the matter. For this reasons, the merits of the second and third assignments are not properly before us at this juncture.

{¶39} Pursuant to our legal analysis under the first assignment of error, the judgment of the Geauga County Court of Common Pleas is reversed, and this case is remanded for further proceedings in regard to the “agricultural use” issue and, if necessary, the issue of whether a small wind farm have been banned in Auburn Township if the wind turbine is not for agricultural purposes.

TIMOTHY P. CANNON, P.J.,

MARY JANE TRAPP, J.,

concur.