

Delaware County Regional Planning Commission

109 North Sandusky Street
P.O. Box 8006, Delaware, Ohio 43015
740-833-2260 www.dcrpc.org
Scott B. Sanders, AICP Executive Director



MINUTES

Thursday, July 27, 2023 at 6:00 PM

Hayes Services Building, 145 N. Union St., Conference Room 235,
Delaware, Ohio 43015

ADMINISTRATIVE BUSINESS

- Call to order
- Roll Call
- Approval of June 29, 2023 RPC Minutes
- Executive Committee Minutes of July 19, 2023
- Statement of Policy

CONSENT AGENDA (Final Plats)		Township	Lots/Acres
01-21.2	Berlin Farm, Sec. 2	Berlin	42 lots / 27.853 acres
23-21	Jonard CAD	Harlem	2 lots / 10.767 acres

VARIANCE / EXTENSION

06-23.V Bruce & Caroljean Hastilow - Trenton Twp. - requesting additional lot on CAD - 306.02

ZONING MAP/TEXT AMENDMENTS

19-23 ZON Liberty Twp. Zoning Commission - Zoning Resolution text amendments - Article 7
 20-23 ZON James & Deborah Clark - Harlem Twp. - 4.774 acres- AR-1 to FR-1
 21-23 ZON Berlin Township Zoning Commission - Comprehensive Plan Update

SUBDIVISION PROJECTS		Township	Lots/Acres
<u>Preliminary</u>			
09-23	Beechwood Estates	Brown	14 lots / 70.633 acres
12-23	Dublin Court	Concord	11 lots / 25.02 acres

OTHER BUSINESS

- Consideration for Approval: By-Laws amendments

RPC STAFF AND MEMBER NEWS

- Executive Committee resignations

ADMINISTRATIVE BUSINESS

- **Call to Order**
 Chairman Stites called the meeting to order at 6:00 p.m.
- **Roll Call**
 Representatives: Jim Nelson, David Weade, Steve Lisano, Ric Irvine, Duane Matlack, Sarah Holt, Joe Shafer, Mike Cannon, Dave Stites, Jeffrey Warner, Michele Boni, James Hatten, Herb Ligocki, Josh Vidor, Kent Manley, Mike Dattilo, and Doug Price. Alternates: Brad Stanton, Glynnis Dunfee, David Setzer, Mike Love, Kevin Vaughn, and Barry Bennet. Arrived after roll call: Jeff Benton (R), Walt Thompson (R), Jill Love (R). Staff: Brad Fisher and Stephanie Matlack.
- **Approval of the June 29, 2023 RPC Minutes**
Ms. Holt made a motion to Approve the minutes from the June 29th meeting, seconded by Mr. Irvine. VOTE: Unanimously For, 0 Opposed. Motion carried.
- **July 19, 2023 Executive Committee Minutes**

1. Call to order

Chairman Stites called the meeting to order at 8:45 a.m. Present: Dave Stites, Gary Merrell, Tiffany Maag, Joe Shafer and Michele Boni. Staff: Scott Sanders and Stephanie Matlack.

2. Approval of Executive Committee Minutes from June 21, 2023

Mr. Merrell made a motion for Approval of the June minutes as presented. Mrs. Maag seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

3. New Business

- Financial / Activity Reports for June

REGIONAL PLANNING RECEIPTS		JUNE	YTD TOTAL
General Fees (Lot Split)	(4201)	\$2,665.00	\$14,860.00
Fees A (Site Review)	(4202)	\$600.00	\$2,400.00
Insp. Fees (Lot Line Transfer)	(4203)	\$400.00	\$2,000.00
Membership Fees	(4204)		\$212,918.00
Planning Surcharge (Twp. Plan. Assist.)	(4205)	\$992.48	\$1,603.38
Assoc. Membership	(4206)		
General Sales	(4220)		\$230.00
Charges for Serv. A (Prel. Appl.)	(4230)	\$3,398.00	\$55,371.30
Charges for Serv. B (Final. Appl.)	(4231)	\$6,200.00	\$29,771.20
Charges for Serv. C (Ext. Fee)	(4232)	\$400.00	\$1,800.00
Charges for Serv. D (Table Fee)	(4233)	\$200.00	\$600.00
Charges for Serv. E (Appeal/Var.)	(4234)	\$900.00	\$1,800.00
Charges for Serv. F (Planned District Zoning)	(4235)		\$1,500.00

OTHER DEPT. RECEIPTS			
Health Dept. Fees	(4242)		\$11,370.00
Soil & Water Fees	(4243)	\$375.00	\$2,500.00
Commissioner’s fees	(4244)	\$111.00	\$690.00
MISCELLANEOUS REVENUE			
Other Reimbursements	(4720)		
Other Reimbursements A	(4721)		
Other Misc. Revenue (GIS maps)	(4730)		\$499.34
Misc. Non-Revenue Receipts	(4733)		
Sale of Fixed Assets	(4804)		
TOTAL RECEIPTS		\$16,241.48	\$339,913.22

Balance after receipts	\$1,213,796.22
Expenditures	<u>\$ 51,349.32</u>
End of June balance (carry forward)	\$1,162,446.90

Mr. Shafer made a motion to Approve the Financial reports as presented, subject to Audit. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried

- RPC Preliminary Agenda July
- SKETCH PLANS (none)
- ZONING MAP/TEXT AMENDMENTS
 - Liberty Twp. Zoning Commission Text amendments (Art. 7)
 - James & Deborah Clark - Harlem Twp. - 4.774 acres - AR-1 to FR-1
 - Berlin Twp. Zoning Commission - Comp. Plan update
- SUBDIVISION PROJECTS

	<u>Township</u>	<u>Lots/Acres</u>
Preliminary		
• Beechwood Estates	Brown	17 lots / 70.633 acres
• Dublin Court	Concord	11 lots / 25.02 acres
Consent		
• Berlin Farm, Section 2	Berlin	42 lots / 27.853 acres
• Jonard CAD	Harlem	2 lots / 10.767 acres
- Variance
 - Bruce Hastilow - Trenton Twp. - requesting additional lot on CAD

- Director's Report

Development Team Meetings

Hosted/scheduled by DCRPC, these meetings are generally quarterly and include RPC, DCEO, DCRSD, Building Safety, and Economic Development. Departments discuss project status throughout the County.

County Leadership Forum

Hosted/scheduled by County Administrator, these meetings are welcome to all Directors and Elected Officials of the County. General topics include personnel and benefit issues, security, building progress, etc.

Intel Working Group

Hosted/scheduled by Pat Tiberi on behalf of the Ohio Business Roundtable, the group is meeting quarterly and brings together county agencies and municipalities in Delaware County. Speakers include county representatives, JobOhio, Intel representatives, and other counties. The intent is to discuss the potential impacts of the Intel development and what county entities should to do prepare. **Attended on July 17.**

Delaware City Safety Action Plan (MORPC)

Gain input regarding local road safety issues and opportunities and help identify key priorities for the plan. Focus on Safe Streets 4 All (SS4A). Currently analyzing crash history, existing road network and facilities for walking/biking, desirable destinations and demographic data. Stakeholder engagement to be completed in two workshops. Expected to be completed in September, 2023. **Next meeting tomorrow (July 20).**

The Partnership for a Healthy Delaware County and Health Behaviors Collaborative (Delaware Public Health District)

The Partnership is a group of agency directors, organizations, businesses and residents representing multiple sectors of Delaware County that assesses the health of the community and develop an action plan to improve population health and drive policies, systems, and environmental change. The Collaborative acts as a subcommittee and is responsible for implementation of the four strategies that fall within the Health Behaviors priority area of the 2023-2028 Health Improvement Plan. Presenting funded projects from the 2023 Creating Healthy Communities (CHC) Mini Grant, as well as discussion of other project updates and activities that are related to the implementation of the CHIP Health Behaviors strategies.

Delaware County Housing Alliance (Affordable Housing)

Hosted by United Way, this effort includes **Task Force main group** meetings and a **Land Use and Zoning subcommittee**, both of which staff is involved with. This is an immediate-term effort (with long-term ongoing activities) that seek various tools to increase access and opportunities for affordable housing. Many social service agencies are involved. The effort included an initial study by a national consultant and information can be found at www.delcohousing4all.org. **Attended Land Use and Zoning subcommittee on July 10, sending talking points to full group.**

Transportation Advisory Committee

Hosted by MORPC, these are monthly in-person meetings. **No meeting in July.**

Active Transportation Committee

Hosted by MORPC, these are hybrid meetings that occur quarterly. Active transportation projects are shared – most activity is urban in nature, occurring in Columbus and suburbs. The Active Transportation Committee provides leadership and guidance in the realm of active transportation. The committee provides a forum to share information about best practices and collaborate on shared interests. The group consists of diverse representatives throughout Central Ohio including local governments, public agencies, non-profit organizations, and private interests. Staff attends occasionally. **Same as above.**

Central Ohio GIS Users Group

Hosted by MORPC, these are hybrid meetings that occur quarterly. GIS tips, tools, projects, data, maps and apps are shared by various agencies. Staff attends occasionally.

Regional Information & Data Group (RIDG)

Hosted by MORPC, RIDG serves as a forum for sharing knowledge resources across organizations to enhance the ability, as a region, to use data to inform and improve planning, policy, and other decision-making that affects residents now and in the future. RIDG serves as an opportunity for professionals to convene around public sector challenges on a quarterly basis. **Next meeting today (July 19).**

Orange Township Active Transportation Plan (ODOT)

ODOT is providing a consultant for Orange Township to create an Active Transportation Plan with various recommendations for improvement to transportation infrastructure throughout the township.

SMART Columbus/Delaware County Digital Inclusion Plan

Hosted by Smart Columbus in partnership with BroadbandOhio, seeks to understand current barriers and needs of area residents, employees and businesses around affordable, reliable internet, access to devices and digital skills training. Work includes collecting a full inventory of all the digital equity programs, activities, and offerings that are currently available in the Columbus Region – i.e. public Wi-Fi, discount internet programs, skills training programs, device access, onsite resident support, etc. The accuracy of this inventory will allow the state to assess where resources are needed.

DCRPC-Managed Projects

Harlem Township Zoning Resolution

Staff is working with the Zoning Commission on various updates in existing sections of the Zoning Resolution. **Met on July 10.**

Village of Ostrander Comprehensive Plan

Staff is working on a new plan. **Brad met July 13, reviewed goals and recommendations.**

Liberty Township Comprehensive Plan

Staff is working on an update to the plan, which was last updated in 2018. **Still working to schedule a joint meeting with Steering Committee and Zoning Commission.**

Berlin Township Comprehensive Plan

Staff is working on an update to the plan, which was last updated in 2014. **BZC initiated new draft, on RPC agenda for July.**

Village of Galena

Staff is inserting existing language into a new format. **Continue to update.**

Troy Township Comprehensive Plan

Staff is working on an update to the plan, which was last completed in 2004. **Scott and Brad attended first meeting on June 5.**

Project-specific/other meetings

Trail Grant Committee: The County Commissioners offer annual funding for trails development in the county. A committee made up of representatives from RPC, Health, Preservation Parks, and MORPC meet to recommend applications to the Commissioners. **Applications are in for 2023, meeting to take place on Friday (July 21).**

Sunbury Parkway: ODOT is holding a stakeholder meeting and other study activity for the Sunbury Parkway interchange and extension. <https://PublicInput.com/SunburyParkway>.

US 23 Connect: The Route 23 Connect Study focuses on improvements along the U.S. 23 corridor between I-270 and Waldo. This ODOT-led study will develop concepts which will be evaluated to

determine an action plan that will identify specific projects that can be advanced into development. Study concepts range in size and scope, aiming to provide safer and more efficient travel, including improved travel time reliability for through traffic. Public input meetings are taking place and online comments are encouraged. <https://publicinput.com/23connect>

Ohio American Planning Association:

Scott Sanders, Tiffany Maag, and Monica Connors will be presenting a session during the statewide APA conference in September.

Delaware County Township Association

Meets quarterly at various locations. Each one includes several speakers and provides a number of townships the opportunity to share updates.

Economic Development Strategic Plan

AECOM is working with Delaware County to develop a 5-year Economic Development Strategy, identifying opportunities to support the County's goals around continuing to be a great place to live, work, and play.

4. Old Business

- Consideration for recommendation of Approval: By-Laws amendments Article V, Section 2

The Committee reviewed the draft amendments, made a couple corrections and will be recommending the amendments to the full Commission at the July 27th meeting. RPC staff to send the recommendations to the full Commission July 20th via email.

5. Adjourn

Having no further business, Mr. Shafer made a motion to adjourn the meeting at 10:25 a.m. Miss Boni seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next regular Executive Committee meeting will be Wednesday, August 23, 2023 at 8:45 a.m. at 109 North Sandusky Street, Delaware, Ohio, 43015.

- **Statement of Policy**

As is the adopted policy of the Regional Planning Commission, all applicants will be granted an opportunity to make their formal presentation. The audience will then be granted an opportunity to comment followed by questions from the Commission. This policy was adopted by the Regional Planning Commission to provide for the orderly discussion of business scheduled for consideration. The Chairperson may limit repetitive debate.

CONSENT AGENDA (Final Plats)

01-21.2 Berlin Farm, Sec. 2 – Berlin Twp. - 42 lots / 27.853 acres

Conditions

Applicant: M/I Homes / **Engineer:** EMH & T

Subdivision Type: Planned Residential

Location: north side of Berlin Station Rd., west of Dale Ford Rd.

Zoned: R-3/PRD / **Preliminary Approval:** 01/28/21

Utilities: Del-Co Water, central sanitary sewer / **School District:** Olentangy

Staff Comments

Berlin Farm Preliminary Plan was approved on January 28, 2021 as a 91 lot, single-family residential subdivision. The development is located at the northeast corner of Roloson-Piatt Road and Berlin Station Road. This is the final phase to be platted, it will complete the Berlin Farm subdivision and includes 42 lots. Berlin Farm West subdivision abuts the subject site to the west; the Preliminary Plan was approved in June, 2022 and the future extension and connection of Roloson-Piatt Road will be part of that plat.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends *Final Approval* of Berlin Farm, Section 2 to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Berlin Farm, Section 2. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

23-21 Jonard CAD – Harlem Twp. - 2 lots / 10.767 acres

Conditions

Applicant: J. Michael & Linda Jonard / **Consultant:** A to Zoning

Subdivision Type: Single Family Residential, Common Access Driveway

Location: north side of Center Village Rd., east of Red Bank Rd.

Zoned: Residential (AR-1) and Farm Residential (FR-1)

Preliminary Approval: 07/29/21

Utilities: Del-Co Water, private on-lot treatment systems

School District: Big Walnut

Staff Comments

Jonard CAD Preliminary Plan was approved July 29, 2021. The project is located in Harlem Township, on the north side of Center Village Road just east of Red Bank Road. All adjacent land is either developed with single-family homes or owned by the City of Columbus. The applicant is now requesting Final Plat approval to create a 2 lot CAD.

The applicant has presented to the RPC Office a Final Plat (mylar) signed by the various County agencies, a requirement for Final approval.

Staff Recommendation

Staff recommends *Final Approval* of Jonard CAD to the DCRPC.

Commission / Public Comments

Mr. Price made a motion for Final Approval of Jonard CAD. Mr. Weade seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

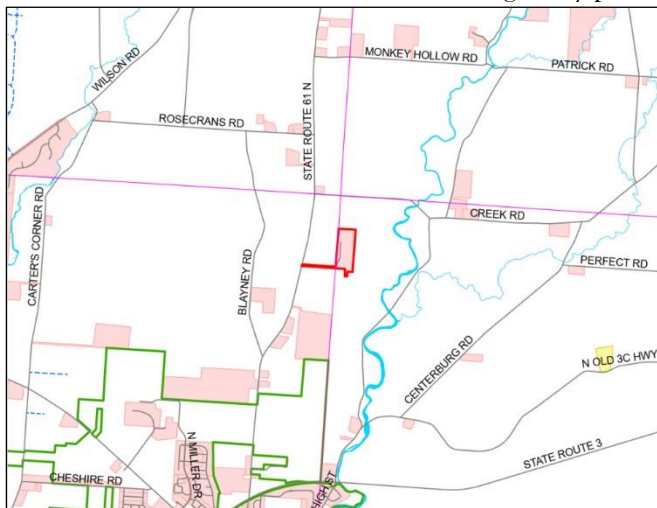
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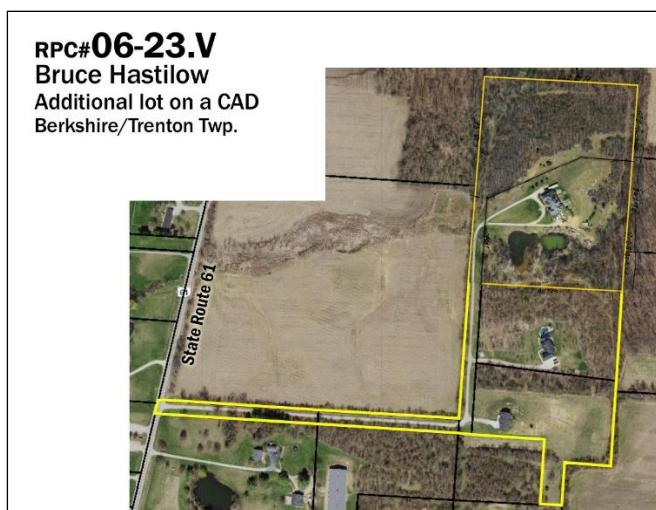
VARIANCES

06-23.V Bruce & Caroljean Hastilow – Trenton Twp. – requesting additional lot on CAD – 306.02

Request:

Bruce Hastilow is requesting a variance from Section 306.02 of the Delaware County Subdivision Regulations for the Hastilow CAD Subdivision to permit four lots in a Common Access Driveway subdivision. The Hastilow CAD was originally platted in September, 2018, and included three total lots.





The proposed subdivision is located on 13.082 acres on the east side of S.R. 61, south of Stockwell Rd.

History

The applicant requested the same variance this past April, with the proposed developable lot to the south of their existing home. Staff determined that land area was not suitable for development and the proposed 6.662-acre lot did not meet all zoning requirements. Staff made comments with the previous variance request that if the Commission were considering approving the variance request, a more suitable land area would be to the north, where the applicant is now requesting to create a 5-acre developable lot.

Facts

1. The applicant seeks to create an additional lot in an existing three-lot Common Access Driveway subdivision;
2. The site is 13.082 acres and consist of parcel 41622001044005;
3. The land is zoned FR, with a minimum 5-acre lot size;
4. The applicant has provided letters in support from the two other landowners in the CAD;
5. Relevant section of the Subdivision Regulations:

“306.02 Number of Lots. The CAD may serve and provide access for up to three (3) lots as shown on the CAD subdivision plat. Two (2) additional lots contiguous to the CAD at the point of access to the public or private road by the CAD and which would meet the current applicable zoning requirements as free-standing lots may, at the discretion of the Commission, be accessed by the CAD.”

Criteria for a Variance

The burden is on the applicant to demonstrate in writing, each of the following:

- 1) The granting of this variance request shall not be detrimental to the public health, safety and welfare and not injurious to other property.

Applicant:

- a. *We applied last month, April 27, 2023 meeting and included supporting letters from the two other property owners in the CAD.*
- b. *We have a very close relationship with Kerry and Nathan Froelich next door. We have dinner with them*

about once a week and we pick up the girls from the school bus every day. We have "adopted" one another as family.

- c. The Oppliger's are good friends too. The children use our trail for their 4-wheelers and as a walking path. We have a very close neighborhood, and they all look out for us because of our older age.

Staff Comment: Staff does not believe the request will negatively impact public health provided an on-site wastewater treatment system were approved by the DCPH District.

- 2) The conditions upon which this variance request is based are unique to the property for which this variance is sought.

Applicant:

- a. This property has been in Bruce's family for 66 years. On the attached pages I have given you a history of the property and how we got to this point.
- b. There is already a riding trail cleared around the perimeter of the 27.784 acres. This would be a perfect driveway with minimal tree removal.
- c. It is not close to a flood plain area.

Staff Comment: Staff does not agree that the personal reasons listed or floodplain not impacting the site are unique conditions to this property. There are no unique qualities to this property that would warrant adding one additional lot (or more) to this CAD, other than the FR-1 minimum 5-acre lot size could be met. Staff has concerns that granting this variance would set a precedent for approving this variance for other CAD subdivisions. There are similar CAD subdivisions in the area and across the County that could essentially request this variance. While the CAD regulations do allow two additional lots, those additional lots are required to be "contiguous to the CAD at the point of access to the public or private road by the CAD."

Examples of nearby CAD subdivisions that are similar to the subject site in design and lot size that could request this same variance include: Howard-Henshen (1,540 feet south), Maplewood Farms (1.3 miles west) and Monkey Hollow Estates (1.3 miles north).

Staff acknowledges that our previous staff report in April brought up the opportunity to create a lot in this area, but that was solely based on if the Commission were to consider approving the previous variance request, which was unanimously voted for denial by the Commission

- 3) Due to the physical surroundings, shape, or characteristics of the property, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the Delaware County Subdivision Regulations were carried out.

Applicant:

- a. If we were unable to build our new home on this property it would cause extreme hardship to our family. We have intended all along to build a smaller home in which we could move after our family grew smaller. Both of our families have lived and died on this property. Bruce's father, Tommy Hastilow, lived on this property 37 years and died here in 1994. My parents lived with us from 2004 when they were 85 until they passed away in 2010 and 2013. My Uncle and Aunt also lived with us in their later years until they passed away in 2012. We also have many pets that have been very important in our children's and our lives that we have buried on our property.

- b. *If we are unable to build, I'm afraid that our only choice is to stay in our present home that is way too large and unaffordable as we retire. Also, we are unable to maintain the house physically.*

Staff Comments: *Staff understands the hardship of wanting to remain on a property they and their family have resided on for many years. However, the applicant created this CAD in 2018 and has already sold the two southern lots where a smaller home could have been developed. Those lots developed in 2019 and 2020.*

- 4) The granting of this variance will not vary the provisions of the applicable zoning regulations, comprehensive plans, or other existing development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community.

Applicant:

- a. *We are not requesting any zoning changes; we will conform to all zoning regulations. The only thing we are asking for is that the fourth residence can access this common access driveway. We have checked with the Trenton Township Zoning Representative Mike Dattilo and he agrees with all our plans.*
- b. *There are also other properties in Delaware County where there are 4 houses off a CAD driveway. There are also many flag lots within 10 miles of our property.*

Staff Comments: *Staff agrees that the proposal meets the comprehensive plan recommendations and zoning requirements. However, approving the variance request would set a precedent for approving similar variance requests when additional lots could be created within the CAD subdivision and meet all subdivision and zoning requirements.*

Reviewing Agency Comments

BST&G Fire District – Requests that [if approved] a dry hydrant be located between the driveway and large pond and hydraulic calculations must be provided.

Staff Recommendations

DCRPC staff recommends *Denial* of the variance request from Sec. 306.02 of the Subdivision Regulations for **Hastilow CAD** to allow a total of 4 lots on a CAD, based on Findings of Fact.

Commission / Public Comments

The applicants and neighbor were sworn in.

Mr. and Mrs. Bruce Hastilow were present along with neighbor Mrs. Kerry Hageman Froelich. Mr. Hastilow presented the Commission with the proposed driveway area if the additional lot were to be approved which tries to preserve the wooded area as much as possible.

Chairman Stites' initial concerns were if the fire department had reviewed the proposal. The staff report confirmed the fire department's comments. He also asked Trenton Twp. Zoning if they had any issues. Mr. Dattilo stated that if they met the 5 acre minimum requirement and 300' easement for the driveway then they would have no issues.

Miss Boni stated that the challenge with a variance is that granting one requires a hardship but she was having a hard time identifying the hardship in this case based on the criteria.

Mr. Bennett stated that the staff recommendation for denial appears to be partly based on not wanting to set a precedent. Mr. Fisher agreed and further stated that there is opportunity to meet all the requirements and build another 5 acre lot if they could work that out with the neighboring property. Chairman Stites stated that future developers may want to use it as a precedent but the Commission needs to review them on a case by case basis.

Mr. Price made a motion to Approve the Variance request by Mr. and Mrs. Hastilow to add one additional lot to the existing Hastilow CAD. Mr. Irvine seconded the motion. VOTE: Majority For, 2 Abstained (Berkshire and Trenton Twp.'s.). Motion carried.

ZONING MAP/TEXT AMENDMENTS

19-23 ZON Liberty Twp. Zoning Commission – Zoning Resolution text amendments - Article 7
Liberty Township has forwarded proposed changes for the RPC to consider and provide recommendations prior to adopting these changes.

Amendments are specific to Article 7, Swimming Pool standards, and include minor text changes and allows appropriate swimming pool covers in lieu of required fencing. The emended language to allow for a power safety cover has become more common in zoning resolutions provided the pool covers comply with American Society for Testing and Materials (ASTM) International standards, as indicated in the new text.

Staff Comments

Consider adding the following statement: “A swimming pool at least 48 inches high measured from grade with a removable ladder or barrier around the ladder is exempt from 48-inch-high barrier requirement. Non-removable ladders must have a barrier around the ladder capable of self-latching and be self-closing or be secured to prevent access. Drawings or other information for this assembly are required to be submitted.”

Staff Recommendations

DCRPC staff recommends **Approval** of the text amendments to the Liberty Twp. Zoning Resolution to the DCRPC, Liberty Twp. Zoning Commission, and Liberty Twp. Trustees.

Commission / Public Comments

Mr. Bennett made a motion to recommend Approval of the text amendments to the Liberty Twp. Zoning Resolution, seconded by Mr. Vidor. VOTE: Unanimously For, 0 Opposed. Motion carried.

20-23 ZON James & Deborah Clark – Harlem Twp. – 4.774 acres AR-1 to FR-1

Request

The applicants, James and Deborah Clark, are requesting a 4.774-acre rezoning from AR-1 to FR-1 to allow the lot to be split into two residential lots.



Conditions

Location: 11661 Woodtown Rd.

Present Zoning: Agricultural (AR-1) / **Proposed Zoning:** Farm Residential (FR-1)

Present Use(s): One single-family house / **Proposed Use(s):** Two single-family house lots

Existing Density: 1 du / 5 acres **Proposed Density:** 1 du / 2 acres

School District: Big Walnut Local School District

Utilities Available: Del-Co Water and private on-lot treatment systems

Critical Resources: none / **Soils:** CeB, SsA, PwA , BeA

Introduction

The applicant seeks to rezone a 4.774-acre site to the FR-1 District. The FR-1 District allows for one single-family dwelling on a lot not less than 2-acres in size. The site is a corner lot, fronts on and gaining access to Woodtown Road and fronting on Brookview Drive. The subject site is currently developed with one single-family home. Based on the survey submitted, the current frontage of the parcel is 535 feet. The site plan submitted shows the lot being split into two 2.387 acre lots.

Comprehensive Plan

Harlem Township's 2021 Comprehensive Plan recommends preserving the Township's rural character and maintaining a 2-net acre minimum lot size for all lot splits and rezonings for residential developments that do not utilize sewer facilities. Staff believes the proposal conforms to these recommendations.

Issues

Traffic and access:

The current driveway gains access from Woodtown Road and the proposal indicates the new lot would also gain access from Woodtown.

Drainage:

A swale drains along the center of the proposed lot from north to south. This swale may impact the general development of the proposed lot.

Sanitary Treatment:

The site and any new lots created will be served by on-site wastewater treatment systems as sanitary sewer is not yet available in this area. The site plan submitted identifies proposed primary and secondary wastewater treatment system locations for the proposed lot, however, no soils report showing where a primary and secondary septic system could be located on the proposed lot if split or where a secondary system could be located on the parent tract. Staff notes that much of the proposed lot includes poorly drained soil (Pewamo), and the swale limits how the site may be developed (home, wastewater treatment system and driveway locations); therefore, a soils report should be reviewed and approved by the Delaware County Public Health District prior to the Township approving the rezoning request.

Reviewing Agency Comments

DCEO - The drive as shown on the site plan submitted must be relocated.

DCPH - If the swale has an easement for County Maintenance then we would require them to get permission to run a line through it. Both properties will need soil testing for the NPA process; 2 soil tests; 1 for the proposed lot and 1 for the property with the existing home. The existing lot is needed to ensure there is adequate space for a replacement system if needed in the future. The soil tests will help determine the size of septic system they can have and also the number of bedrooms in the home.

Staff Recommendations

Staff recommends **Conditional Approval** of the rezoning request by James and Deborah Clark from AR-1 to FR-1 to the DCRPC, Harlem Twp. Zoning Commission and Harlem Twp. Trustees, *subject to:*

- 1.) *A soils report should be reviewed and conceptually approved by Delaware County Public Health prior to the Township approving the rezoning request.*

Commission / Public Comments

No one was present to represent the Applicants.

Miss Boni made a motion to recommend Conditional Approval of the rezoning request by James and Deborah Clark, subject to:

- 1.) *A soils report should be reviewed and conceptually approved by Delaware County Public Health prior to the Township approving the rezoning request.*

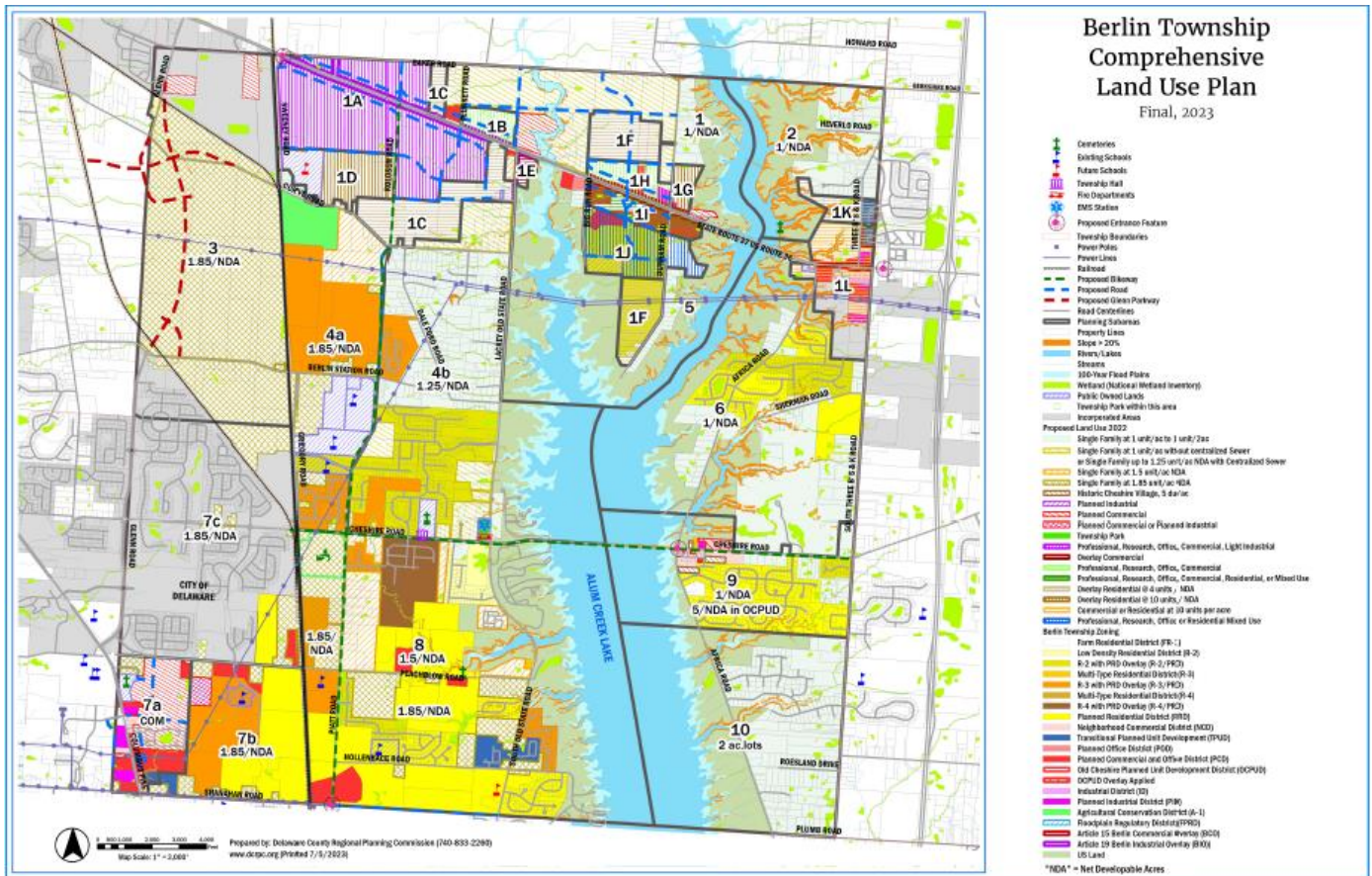
Mr. Matlack seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

21-23 ZON Berlin Twp. Zoning Commission – Berlin Twp. Comprehensive Plan update

Request

For several months, DCRPC staff has been working with the Zoning Commission on an update. This amendment updates all the background chapters and maps from the 2011 Plan. Many of the recommendations from the prior plan did not change, although densities were increased adjacent to the City of Delaware within the city’s water agreement area. Internal maps were also updated, as was the latest version of the zoning map to reflect existing development. The main change within the document is the incorporation of information from the two zoning overlays that will enable the Berlin Business Park. These are the Berlin Industrial Overlay (BIO) and Berlin Commercial Overlay (BCO). The plan’s text and map references the uses and densities as defined in the overlay, bringing the Zoning Resolution and Comprehensive Plan into agreement. The plan also includes conceptual road connections which were referenced as part of the overlay adoption process. These will be used as development plans are reviewed to ensure an overall road network can be achieved.

This project was reviewed by the RPC in September, 2022. The Comprehensive Plan was then reviewed extensively by the Township Trustees, who worked with RPC staff to update the document. Structurally, a significant amount of County data was moved into a separate document, allowing the main body of the Comp Plan to be customized to Berlin Township. Given the number of changes, the document was returned to the Zoning Commission, which will perform a full review on July 25. Staff has no recommended changes. Any BZC changes will be updated and forwarded to the Trustees.



Staff Recommendations

Staff recommends **Approval** of the amendments to the 2023 Berlin Township Comprehensive Plan to the DCRPC, Berlin Twp. Zoning Commission and Berlin Twp. Trustees.

Commission / Public Comments

Mr. Matlack made a motion to recommend Approval of the amendments to the 2023 Berlin Township Comprehensive Plan, seconded by Mr. Manley. VOTE: Unanimously For, 0 Opposed. Motion carried.

SUBDIVISION PROJECTS

Preliminary

09-23 Beechwood Estates – Brown Twp. - 14 lots / 70.633 acres

Conditions

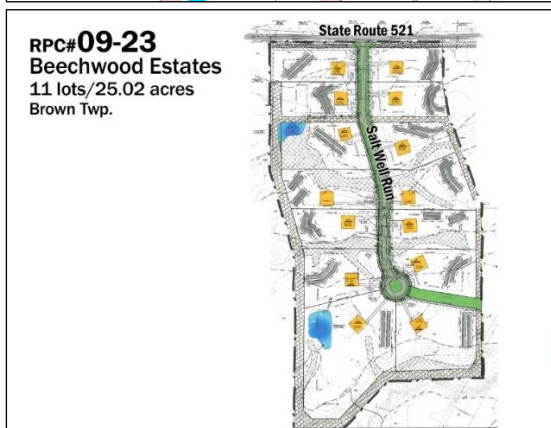
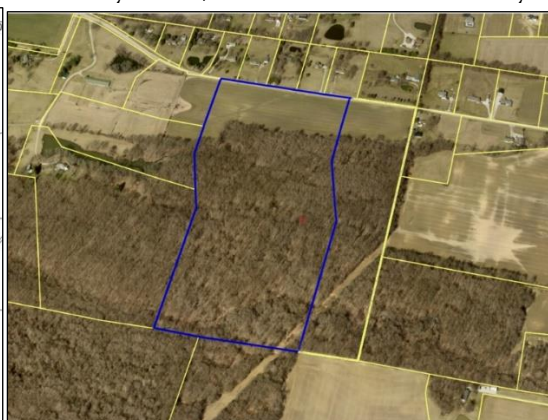
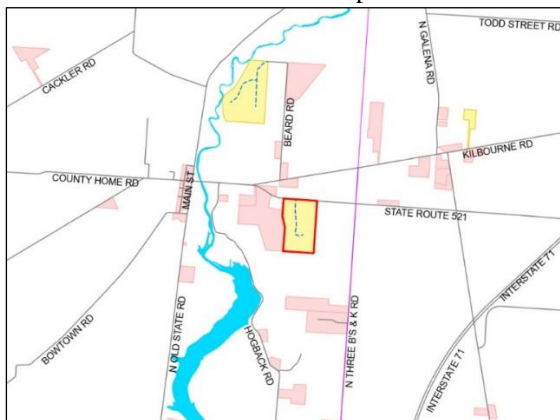
Applicant: Robert Johnson / **Engineer:** GHG Civil

Subdivision Type: Single Family Residential

Location: South side of SR 521, west of N. Three B's & K Rd.

Current Land Use: Vacant / **Zoned:** Farm Residential (FR-1)

Utilities: Del-Co water and private on-lot treatment systems / **School District:** Buckeye Valley



RPC#09-23
Beechwood Estates
11 lots/25.02 acres
Brown Twp.

Staff Comments

Beechwood Estates is a 14-lot single-family residential subdivision that will gain access off of State Route 521 and is just west of N. Three B's & K Road. All 14 lots will gain access from Salt Well Run, which connects to State Route 521 and terminates with a cul-de-sac. A sidewalk is proposed on the west side of Salt Well Run, surrounding the cul-de-sac and extending to the eastern lot line. Road right-of-way will be dedicated to the east to allow for access to any future development to the east; this ROW will be platted as dedicated open space at this time and will include a trail connection to the perimeter nature trail within the subdivision. The open space and nature trail will be owned and maintained by an HOA. Lots range in size from 2 to 6.928-acres, with a net density of 0.282 du/acre.

High-voltage powerlines travel along the southeast corner of the site, but do not impact development. Two stormwater ponds are located on private lots and all lots are served by on-site waste water treatment systems. Salt Well Run stream travels along the southern border of the subdivision, other streams bisect the site from east to west and over two thirds of the site is currently wooded. Dedicated open space of 5.514 acres surrounds the subdivision, south of lots 2 and 13, and includes a nature trail. A 20.92-acre portion of the existing parcel to the east and south will not be part of this platted subdivision. That land area should be split prior to Beechwood Estates being platted.

A technical review was held on May 17, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Beechwood Estates** to the DCRPC.

Commission / Public Comments

Mr. Robert Johnson, owner, and Mr. Aaron Heydinger, Gandee Heydinger Group, were present to answer questions from the Commission.

Mr. Shafer asked how the developer planned to communicate the future road extension to the east. Mr. Heydinger stated that there would be a sign posted.

Mr. Weade made a motion for Preliminary Approval of Beechwood Estates. Ms. Holt seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

12-23 Dublin Court – Concord Twp. - 11 lots / 25.02 acres

Conditions

Applicant: MZL Investments and Sanhua International Inc. / **Consultant:** Plan 4 Land

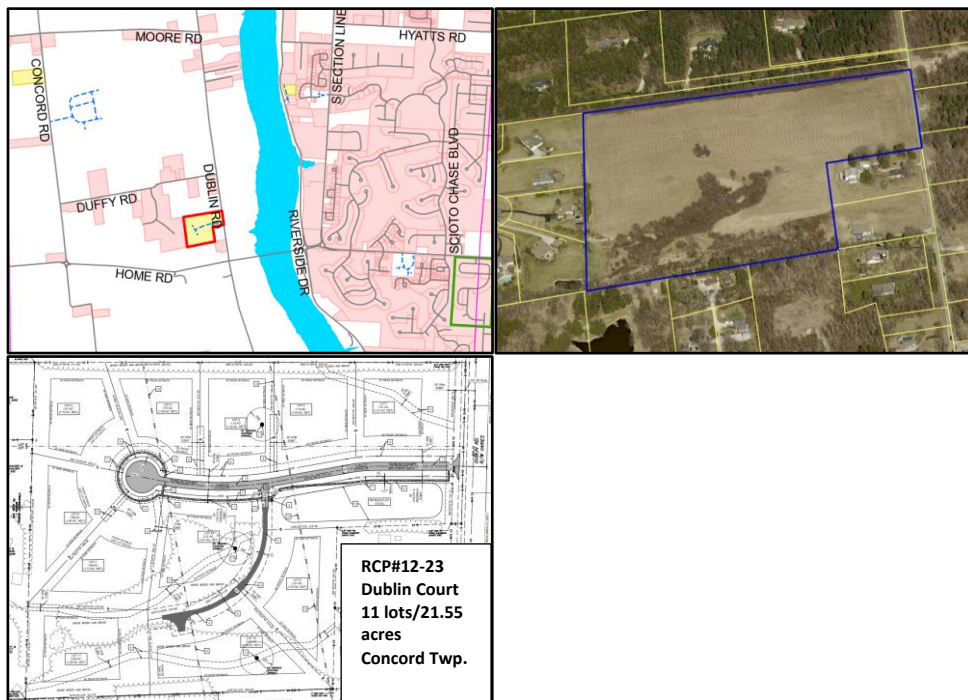
Subdivision Type: Single Family Residential community

Location: West side of Dublin Rd., between Duffy and Home Rd.

Current Land Use: Vacant

Zoned: Farm Residential (FR-1)

Utilities: Del-Co water and private on-lot treatment systems / **School District:** Buckeye Valley



Staff Comments

Dublin Court is an 11-lot single-family residential subdivision that fronts on Dublin Road, just north of Home Road. Eight lots will front on Dublin Court, which terminates with a cul-de-sac and gains access off of Dublin Road. Sidewalks are provided on the north side of Dublin Court and surrounding the cul-de-sac. Three lots to the south will gain access off of a CAD that is approximately 515 linear feet in length and connects to Dublin Court, with a cluster mailbox located at the southeast corner of Dublin Court and the CAD. Lot range in size from 1.6 to 2.54-acres, with a net density of 0.51 du/acre. One stormwater pond is located in dedicated open space near the subdivision entrance and all lots are served by on-site waste water treatment systems. A drainage easement abuts lots 7 and 11 in the adjacent O'Shaughnessy Reserve subdivision and drainage easements are extended through this subdivision to accommodate stormwater management for both subdivisions. All FR-1 and general zoning requirements have been met and no reviewing agencies have any concerns.

A technical review was held on July 18, 2023, after which the applicant has addressed all of the required changes.

Staff Recommendation

Staff recommends *Preliminary Approval* of **Dublin Court** to the DCRPC.

Commission / Public Comments

Mr. Joe Clase, Plan 4 Land was present to represent the applicant.

Mr. Irvine asked if the karst on the property was addressed at Technical Review. Mr. Love stated that they are reviewing the preliminary engineering plans and asking for more information at this time. Mr. Clase stated that Geo-Technical Consultants did a preliminary study and they would design around that.

Mr. Price made a motion for Preliminary Approval of Dublin Court. Mr. Love seconded the motion. VOTE: Majority For, 0 Opposed, 1 Abstained (Concord Twp.). Motion carried.

=====

OTHER BUSINESS

- **Consideration for Approval: By-Laws amendments**

Over several meetings, the DCRPC Executive Committee has been working on proposed amendments to the Bylaws that would streamline the election procedure. The proposed changes move the election back to February to avoid conflicts with Spring Break and allow the submission of candidates directly to the RPC rather than to a Nominating Committee. [See attachment.]

Mr. Vidor made a motion to Approve the amendments to the By-Laws as presented. Mr. Benton seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

RPC STAFF AND MEMBER NEWS

- Executive Committee resignations

Miss Boni explained that she would be stepping down from the Executive Committee. She remains the Administrator for Orange Twp. but would like their Zoning Director to be more involved. She said that she enjoyed her time on the Executive Committee and would still be involved. She will serve as the Alternate.

Chairman Stites also gave his resignation to the Executive Committee as he will be retiring from Kingston Twp. at the end of August. He stated he has been on the Commission for 16 years, 11 years on the Executive Committee and served as Chairman for 8. He said Dave Willyerd, Zoning Inspector for Kingston Twp. will be the new Representative. He said it was a pleasure to serve as Chairman and thanked the Commission for their attendance at the meetings.

Chairman Stites explained that Mr. Shafer has agreed to Chair the September meeting. If anyone is interested in serving on the Executive Committee, please email Scott Sanders (ssanders@co.delaware.oh.us) with a brief description of why you would like to serve along with a bio by August 23rd. There will be a special election at the August 31st meeting.

Having no further business, Mr. Price made a motion to adjourn the meeting at 6:45 p.m. Mr. Irvine seconded the motion. VOTE: Unanimously For, 0 Opposed. Motion carried.

The next meeting of the Delaware County Regional Planning Commission will be Thursday, August 31, 2023, 6:00 PM at the Frank B. Willis Building, 2079 US 23 North, Conference Room, Delaware, Ohio 43015.

Dave Stites, Chairman

Stephanie Matlack, Executive Administrative Assistant

By-Laws

Delaware County Regional Planning Commission

Adopted November 30, 1989

Amended February 28, 1991

January 25, 1996

June 27, 1996

July 23, 1998

October 28, 2004

January 26, 2006

May 29, 2008

January 31, 2013

November 30, 2017

March 30, 2023

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**The Delaware County
Regional Planning Commission
BY-LAWS**

PREAMBLE

The Delaware County Regional Planning Commission was first created in October 1960 through membership and participation from the County Commissioners, townships and municipalities to formulate and promote the execution of a comprehensive plan for the region. A Comprehensive Plan was adopted in 1964 by the Regional Planning Commission, the municipalities, and townships, citizens, and ex-officio members for adoption as a part of the Comprehensive Master Plan for Delaware County.

The Delaware County Comprehensive Water and Sewage Development Plan was adopted by twelve members of the Planning Commission and County Commissioners in 1969. On October 31, 1973, the Commission adopted a Policy Plan for Delaware County (1970-1990) which updated the 1964 Comprehensive Master Plan. This was in cooperation with the Regional Planning Commission, the Delaware County Land Use Update Committee, Surveys Unlimited, Mid-Ohio Regional Planning Commission and the Ohio Department of Economic and Community Development. In 1975, a study was taken by the Regional Planning Commission to assess the impact upon land uses within Delaware County's newly completed Alum Creek Reservoir. An update of this study funded by the County Commissioners was presented by the Mid-Ohio Regional Planning Commission and adopted in 1984 pertaining to I-71 between State Route 161 and U.S. 36 / State Route 37.

The Southern Delaware County Thoroughfare Plan was adopted in January 1988. This Thoroughfare Plan was updated in 2001 in conjunction with the County Engineer's office. In 1997, the Regional Planning Commission began working with individual townships and municipalities to create individual Comprehensive Plans that would work together as an update to the county-wide plan. By 2008, the staff had completed work with seventeen jurisdictions. In 2004 the Commission worked with members of the Sanitary Engineer's office, the Delaware General Health District, County Commissioners and community representatives to create a Sewer Facilities Update which was adopted by the Commissioners in 2005. The Commission has regularly updated the county's Subdivision Regulations with input from county offices and a broad range of stakeholders, with the most recent changes adopted in 2007.

In order to carry out the duties and functions of the Delaware County Regional Planning Commission vested in it by its Resolution of Organization and the statues of the State of Ohio, the following By-Laws were originally adopted and have been amended according to the Ohio Revised Code, Section 713.

**Article I
REGION**

Section 1. The Region for which the Regional Planning Commission shall be created and maintained is all of Delaware County exclusive of the territory within the limits of any municipality having a Planning Commission.

Section 2. Upon establishment of a Planning Commission in any such municipalities, the territory of a said municipality may become part of the Region.

**Article II
MEMBERSHIP OF THE COMMISSION**

Section 1. The Regional Planning Commission shall consist of the following members:

- a) The members of the board of the County Commissioners of Delaware County and the County Engineer of Delaware County each of whom shall serve during his tenure in office.
- b) A representative of each of the Municipal Corporations cooperating in the funding of said Regional Planning Commission shall be designated by said Municipal Planning Commission or by the Municipal Council, subject to approval by the Mayor of the appropriate office for such term as the municipality may elect. The municipality shall be represented by one person and one vote with the exception of the City of Delaware which shall be represented by two persons and two votes. Such members shall hereinafter be referred to as “Municipal Members” of the Delaware County Regional Planning Commission.
- c) Each Township participating in the funding of the Regional Planning Commission may have a member appointed from such Township to membership on the Planning Commission. The Township representative shall be appointed by the Township Trustees of each Township for a term of three years each, commencing on ~~January~~ ~~March~~ 1st. Thereafter, such members shall be referred to as “Township Members.”
- d) The Commissioner of the Delaware Public Health District or the Commissioner’s representative as designated and appointed by the Delaware Public Health District. Such members shall serve for a term of three years commencing on ~~January~~ ~~March~~ 1st.
- e) The County Regional Sewer District shall be represented. The County Building Safety Department shall be represented. These persons shall serve for a three-year term commencing ~~January~~ ~~March~~ 1st.
- f) Alternate members for each township, municipal and county agency member may be appointed in the same fashion as the regular members and shall be reported to the Secretary of the Regional Planning Commission. Any alternate person may attend in place of the regular member and shall identify themselves when the regular member’s name is called during the roll call of a meeting. The alternate has the right to enter discussion and vote only when the regular member is absent.

Section 2. Associate Regional Planning Commission Memberships are open to all county school districts, utilities and other quasi-governmental organizations, which wish to contract for specialized services.

- a) This membership is a non-voting position.

Section 3. The appointive agency shall be so notified of any member, other than those specified in Section 2 above, who misses three consecutive meetings. Any vacancy thus created or any vacancy occurring from death, voluntary resignations, or other cause shall be filled for the unexpired term in the same manner in which the said member was originally designated or appointed.

Article III FUNDING

Section 1. The funding of the Regional Planning Commission shall be as follows: Each municipal or township member shall contribute funds annually, based upon a per capita of their total population. The per capita amount shall be determined annually.

The Board of County Commissioners shall contribute funds annually, based upon the total combined population of the municipal and township members area. Such funding shall be calculated using the same per capita amount set for municipal and township members. The Board of County Commissioners shall also furnish as a contribution, office space and utilities for the Regional Planning Commission.

Section 2. The Regional Planning Commission staff will prepare population projections in conjunction with the preparation of the succeeding years budget. The population projection formula will be based on the most current data available with the most recent U.S. Census data being the base line and a yearly update of building permits being added minus any annexations to equal the population estimate for which membership fees will be based.

The determination of the population and the per capita fee for the upcoming year shall be approved by the Regional Planning Commission membership in November of every year. Special provision is made for the adoption of the population number for the determination of the FY91 budget membership fees upon the approval of the Regional Planning Commission in February, 1991.

Section 3. Additional funding for special capital projects may be implemented by a surcharge to the dues when approved from time to time by 51% of the Regional Planning Commission.

Section 4. Associate membership fees will be set yearly by the Regional Planning Commission.

Section 5. Voting privileges will be suspended for any member who has not met their financial obligations by the 15th of April of every calendar year. Payment must be made prior to voting rights being reinstated. The Regional Planning Commission will send out a second notice for payment 30 days prior to the April 15th deadline.

For municipalities partially located within Delaware County, the annual membership fee will be set at a minimum of \$1,000.00 or the per capita fee as determined by Section 1, whichever is greater. If a surcharge is in place at the time of inclusion, the Commission will determine the terms and the amount of the said fee.

Section 6. A majority vote of a quorum of members present at a properly noticed meeting of the Commission shall be required to authorize and approve the purchase, lease with the option to purchase, or receive as a gift, or the sale, lease or other disposition thereof, property and buildings within which the Commission is to be housed and carries out its responsibilities. Upon the approval of the Commission, the Executive Director, or the Chairman of the Commission, or such other person as the Commission may, from time to time designate, shall be authorized to negotiate and consummate any such purchase, lease, sale or transaction and to execute and deliver such contracts, leases, deeds, options, affidavits, transfer instruments, closing statements and any other such documents as they may deem necessary or desirable in connection therewith.

Upon the termination of the Commission by dissolution or otherwise, the Commission shall, after paying or making provision for the payment of all of the liabilities of the organization, dispose of all of the assets of the Commission in such manner so that they can be used for a public purpose within the geographic region of the Commission. Unless otherwise determined by the Commission at the time of termination, the net proceeds shall be distributed among the then current dues paying County, Municipal and Township members of DCRPC who are in good standing at the time of distribution in such proportion as determined by multiplying the total net proceeds times the percentage obtained by dividing each such dues paying member's most recent annual dues (i.e. numerator) by the total amount of the current year's DCRPC dues collected (i.e. denominator). In no event shall any distribution be made to any private individual or an entity which does not otherwise qualify as a political subdivision of the State of Ohio and all such distributions shall be used exclusively for public purposes.

Article IV POWERS AND DUTIES OF THE COMMISSION

Section 1. The Regional Planning Commission shall have the following powers and duties as set forth in Section 713.23, Ohio Revised Code as amended:

The regional or county planning commission may make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic, and governmental characteristics, functions, service, and other aspects of the region or county respectively. The Commission may make such studies, maps, plans, recommendations, and other reports as to areas outside the region or county concerning the physical, environmental, social, economic, and governmental characteristics, functions, services and other aspects which affect the development and welfare of the region or county respectively, as a whole or as more than one political unit within the region or county.

b) The duties of the planning commission include but are not limited to:

1. Preparing plans, including studies, maps, recommendations, and reports on:
 - a. Regional goals, objectives, needs, standards, priorities, and policies to realize such goals and objectives;
 - b. Economic and social conditions;
 - c. The general pattern and intensity of land use and open space;

- d. The general land, water, and air transportation systems, and utility and communication systems;
 - e. General locations and extent of public and private works, facilities, and services;
 - f. General locations and extent of areas for conservation and development of natural resources and the control of the environment;
 - g. Long-range programming and financing of capital projects and facilities.
2. Promoting understanding of and recommending administrative and regulatory measures to implement the plans of the region;
 3. Collecting, processing, and analyzing social and economic data, undertaking continuing studies of natural and human resources, coordinating such research with other government agencies, educational institutions, and private organizations;
 4. Contracting with and providing planning assistance to other units of local government, councils of governments, planning commissions, and joint planning councils; coordinating the planning with neighboring planning areas; cooperating with the state and federal governments in coordinating planning activities and programs in the region;
 5. Reviewing, evaluating, and making comments and recommendations on proposed and amended comprehensive land use, open space, transportation, and public facilities plans, projects and implementing measures of local units of government; making recommendations to achieve compatibility in the region;
 6. Reviewing, evaluating and making comments and recommendations on the planning, programming, location, financing, and scheduling of public facility projects within the region affecting the development of the area;
 7. Undertaking other studies, planning, programming, conducting experimental or demonstration projects found necessary in the development of plans for the region or county, and coordinating work and exercising all other powers necessary and proper for discharging its duties.

Section 2. Certified copies of the County Plan as completed and adopted by the Regional Planning Commission shall be supplied by said Commission to the Board of County Commissioners and to the Planning Commissions of each municipal corporation within Delaware County and Township Trustees.

Section 3. A copy of the County Plan, as prepared by the Regional Planning Commission and as adopted and certified by the Board of County Commissioners, shall be deposited by the Secretary of said Regional Planning Commission in the offices of the Delaware County Recorder as provided by Section 713.27 Ohio Revised Code.

Section 4. Said plans and maps referred to in Section 1 hereof, may be changed, supplemented, or abolished from time to time at the discretion of the Commission, but no plans or maps shall be adopted, changed, supplemented or abolished without a public hearing thereon.

Section 5. Before approving or recommending the approval of any subdivision plat or zoning change within the Region, the Commission shall determine whether any such plat or zoning change

is or will be affected by, or in conflict with, any highway plan within the region or county as provided by Section 5511.01 Ohio Revised Code.

Section 6. The Regional Planning Commission may undertake for the Planning Commission of any cooperating member at the request of such member, the study, planning, mapping and other reports upon public improvements or the use of land within the boundaries of such member the cost thereof to be paid by such member in such manner and amount as may be agreed on between the Regional Planning Commission and legislative authority of such member.

Section 7. The Commission may make agreements with other agencies, public or private, for the temporary or joint use of staff employees, and may contract for professional or consultant services for or from other governmental and private agencies and persons. In no case however, shall the Regional Planning Commission undertake or engage in the designing or drafting plans for any building or other structure for such member.

Section 8. The Delaware County Regional Planning Commission may by agreement join with other regional or county planning commissions to create a joint planning council after approval by at least a majority of the legislative authorities of the members participating in the Commission and by the participating board or Board of County Commissioners as provided for by Section 713.231, Ohio Revised Code.

Section 9. Said Regional Planning Commission shall have all other powers and duties now or hereafter provided by law for Regional Planning Commissions.

Article V OFFICERS OF THE COMMISSION

Section 1. There shall be a Chairperson, Vice-Chairperson, and a Second Vice-Chairperson, according to Article V, Section 2, and a Secretary according to Article VII, Section 3, (i). Officers must be qualified voting members of the Commission as designated by their agency, township, or municipality as defined in Article II, Section 1.

Section 2. ~~The Chairperson of the Regional Planning Commission shall appoint a nominating committee of three qualified voting members of the Commission, at least one month before the regular March meeting for the purpose of presenting the nominations of the four members. Other nominations may be placed on the floor by any qualified voting member of the Commission.~~ At the regular December meeting of the Regional Planning Commission, the Chairperson shall inform members that nominations will be accepted throughout the month of January for persons interested in serving on the Executive Committee.

- a) Four of the Executive Committee positions are comprised of qualified voting members (excluding Alternates). Due to the potential for conflicts of interest in their legislative role, township trustees are discouraged from seeking Executive Committee appointment. Based on membership demographics*, only one of the four positions shall be held by a representative of a Delaware County agency. The fifth member is selected by the Board of County Commissioners.

*Current membership includes 18 townships, 6 city/villages, 4 county agencies and 3 commissioners.

- b) All interested members shall contact the Executive Director or the Chairperson in writing to express their desire to serve by submitting a short biography, including information as to why they are interested in serving, by February 10th. The names and biographies of all interested candidates will be forwarded to the Commission for consideration prior to the regular February meeting.
- c) At the regular February meeting, a ballot vote will take place by qualified voting members. Except for extenuating circumstances, all candidates shall be present to accept the vote. In case of a tie, a second ballot vote will be taken for the tied candidates only.
- d) These newly elected officers shall begin serving at the next regularly scheduled Executive Committee meeting. These newly elected officers shall serve until February ~~March~~ of the next year.

Section 3. The newly elected Executive Committee members shall organize their positions at the next regularly scheduled Executive Committee meeting. Positions to be determined are the Chairperson, Vice-Chairperson, Second Vice-Chairperson, and Member-at-Large. Consideration may be given to the advancement of Officers from Second-Chairperson to Vice-Chairperson and Vice-Chairperson to Chairperson.

Section 4. The Chairperson shall be the Executive Head of the Commission and the Executive Committee and shall perform such duties as may be delegated to them by the Commission.

Section 5. The Officers shall perform such duties as may be delegated to them by the Commission.

- a) The Vice-Chairperson or the Second Vice-Chairperson shall, in the absence, death, or resignation of the Chairperson, assume the duties of the Chairperson. Other officers shall advance to fill any open position (Second Vice-Chairperson becomes First Vice-Chairperson, Member-at-Large becomes Second Vice Chairperson).
- b) Due to a vacancy on the Executive Committee, ~~the resignation or inability to serve by the First or Second Vice-Chairperson, or Member-At-Large,~~ the Chairperson of the Regional Planning Commission shall appoint a nominating committee of three (3) qualified voting members of the Commission and they in turn shall present the nominations during a regular monthly meeting. ~~Nominations may be placed on the floor by any other qualified voting member~~ hold a special election within 45 days of announcement as referenced by steps outlined in Art. V, Sec. 2 (b).
- c) Officers may reorganize their positions at the next regularly scheduled Executive Committee meeting after any vacancies have been filled.

Section 6. The Secretary is appointed according to Article VII, Section 3 (i). The Secretary shall keep a full and accurate record of the proceedings of the Commission and of its committees and shall perform such other duties as required by the Commission.

Article VI EMPLOYEES OF THE COMMISSION

Section 1. The Regional Planning Commission may employ an Executive Director, engineers, other professional services, and such other employees as are necessary for the performance of its functions as provided by Section 713.21, 713.33, and 713.23, Ohio Revised Code.

Section 2. The Executive Director shall have charge of and manage the active business operations of the Commission; shall superintend and control the work to be done by its employees; shall sign all reports and recommendations of the Commission or Executive Committee under the direction of the Commission; shall prepare budget and census reports based upon current U.S. Census and other available current population data as defined in Article III, Section 2 for approval; shall keep active accounts of all property and present a physical annual inventory to the Executive Committee; and shall do and perform all other duties as may from time to time be assigned to or requested of the Executive Director by the Commission or the Executive Committee Officers.

Section 3. Duties of the Assistant Director and Staff – The Assistant Director and staff members shall perform such duties as assigned by the Executive Director of the Regional Planning Commission or the Executive Committee in the absence of the Executive Director.

Section 4. Appointment of Staff Personnel – All other employees shall be appointed by the Executive Director and they shall be, in his/her best judgment, the best qualified applicant for the position.

Section 5. Compensation – The staff of the DCRPC shall be compensated in an amount approved in the annual budget according to the recommendation of the Executive Director with the concurrence of the Executive Committee. The Executive Director shall be compensated in an amount recommended by the Executive Committee and approved by the full DCRPC.

Article VII BOARDS AND COMMITTEES OF THE COMMISSION

Section 1. The Regional Planning Commission may establish such committees with such powers, as it finds necessary to carry on its work, including an Executive Committee. All Committees shall report their findings in writing to the Commission for a final decision. The Regional Planning Commission may not delegate to a committee the authority to make decisions on behalf of the Commission.

Section 2. The Executive Committee of the Delaware County Regional Planning Commission shall be its Chairperson, Vice-Chairperson, and Second Vice-Chairperson; one member of the County Commissioners, selected by the Board of County Commissioners; and one qualified voting member of the Commission nominated and elected by the Regional Planning Commission. Preference should be given to any past Chairperson. The total membership shall always consist of five (5) members, except as herein provided. ~~If any member should withdraw from the Executive Committee, he or she shall be replaced by proper nominations to the Regional Planning Commission, and duly elected by qualified voters of the Commission, except if the Chairperson withdraws within six months or less of the next March meeting, the Vice-Chairperson shall assume the duties of the Chairperson as acting Chairperson until the next March meeting.~~

Section 3. Duties of the Executive Committee

- a) **Expenditures and Disbursements** – The Executive Committee of the Regional Planning Commission shall review all invoices, payrolls, requisitions, budgets and grants by the state or federal government, and shall prepare a financial report for every meeting of the Commission, and shall prepare an annual financial report for distribution to the membership, and shall

prepare a proposed budget for the succeeding year to be approved at the November meeting of the Commission.

- b) **Minor Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements up to \$5,000.00 shall be authorized by the Executive Director or in his/her absence by the Assistant Director. All expenditures, commitments, or contracts for expenditures or disbursements between \$5,000.01 and \$10,000.00 shall be authorized in writing by the Executive Director, or in his/her absence by the Assistant Director, and the Chairperson or Vice-Chairperson of the Executive Committee of the Commission.
- c) **Major Expenditures** – All expenditures, commitments or contracts for expenditures or disbursements in excess of \$10,000.00 shall be approved by a majority of the Executive Committee and then presented to the Regional Planning Commission for their approval.
- d) **Legal Counsel** – The Executive Committee may recommend an independent legal counsel to the Regional Planning Commission for approval.
- e) **Evaluation** – The Executive Committee shall conduct a written evaluation of the Executive Director of the Regional Planning Commission at least once a year prior to the first pay period of the budget year and report to the full commission. Any recommendations regarding salary adjustments must be acted on by the full commission.

The Executive Director of the Regional Planning Commission shall evaluate all other employees of the Commission at least once a year in writing and report to the Executive Committee.

- f) **Cost of Living** – Cost of living adjustments unless specifically given an (as of) date will be deemed effective the first pay period of the budget year.
- g) **Executive Committee Meeting** – The Executive Committee of the Regional Planning Commission may meet with the Executive Director of the Commission and/or staff of the Commission at least seven days prior to a regular or called meeting of the Regional Planning Commission, either the Chairperson or the Executive Director or both may call a meeting for any purpose pertaining to the business of the Regional Planning Commission.
- h) **Appointment of the Executive Director** – The Executive Committee of the Regional Planning Commission shall interview the person(s) who have made application for the position of Executive Director of the Regional Planning Commission and recommend to the Regional Planning Commission, to their best judgment, the best qualified applicant for the position of Executive Director of the Regional Planning Commission.
- i) **Appointment of Secretary** – The Secretary of the Regional Planning Commission meeting shall be a member of the staff, appointed by the Executive Director of the Regional Planning Commission.

Section 4. Advisory Committee – The purpose of the Advisory Committee shall be to provide expertise to the Regional Planning Commission and the Executive Committee when needed. The members of the Advisory Committee shall be recommended by the Executive Committee to the Regional Planning Commission for appointment for temporary terms on special projects. The members of said committee may attend any or all regular, or special meetings of the Commission as their interest in the work of the Commission may dictate. The Advisory Committee shall be a non-voting position.

Article VIII
MEETINGS OF THE COMMISSION

Section 1. The Regional Planning Commission shall hold a regular monthly meeting unless there is not enough business to justify such a meeting. Election of officers shall occur during the regular ~~February~~ ~~March~~ meeting according to Article V, Section 2. Special meetings may be called by the Executive Director, Chairperson, or any three qualified members of the Commission for any type of business pertaining to the Commission.

Section 2. The Regional Planning Commission shall by rule, establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings and the time, place, and purpose of all special meetings.

Article IX
QUORUM

Section 1. At any meeting of the Commission, a Quorum shall consist of a majority of all members thereof, but a lesser number may, however adjourn the meeting from time to time.

Section 2. A qualified voting member shall be defined as a member with voting privileges as defined in Article III, Section 5.

Section 3. A quorum of all committees of the Regional Planning Commission shall be a simple majority of the appointed committee members.

Article X
AMENDMENTS

Section 1. The By-Laws of the Regional Planning Commission may be amended from time to time only in accordance with the following procedures:

- a) Before (a) proposed amendment(s) may be considered by the Regional Planning Commission, one of the following must take place: The Regional Planning Commission Executive Committee may approve, then recommend adoption of the amendment(s) with or without changes, to the Regional Planning Commission, or a petition for the amendment(s) signed by at least five (5) legal voting members of the said Commission, shall be delivered to the Secretary of the Commission at least fifteen (15) days prior to the next regular or special meeting of the Commission.
- b) The Secretary shall forward to each member of the Commission a copy of the proposed amendment(s) with a notice that the proposed amendment(s) shall be presented to the Commission for action at the next regular or special meeting. Such notice shall be delivered not less than five (5) days before said meeting.
- c) In case a proposed amendment to the By-Laws is introduced to the Commission for the first time without proper procedure, [Article X, Section 1 (a) and (b)], then it shall be necessary to

withdraw any motions and present it at the next regular meeting, after the proper procedures have been followed.

- d) The Chairperson of the Commission may appoint a By-Law Review Committee at any time for the purpose of reviewing the By-Laws and report to said Commission on the status of the By-Laws of said Commission.
- e) An affirmative vote of two-thirds (2/3) of those present at a regular Commission meeting consisting of a quorum of the total qualified voting members shall be necessary for approval of said amendment.