



February 12, 2024
Berlin Township
3271 Cheshire Rd.
Delaware, OH 43015

Mr. Scott Sanders, Executive Director
Delaware County Regional Planning Commission
1610 State Route 521
P.O.Box 8006
Delaware, Ohio, 43015

DCRPC Zoning Reviews Pursuant to Ohio Revised Code 519.021

Dear Mr. Sanders,

Berlin Township recently received a letter from Concord Township in reference to ensuring that recommendations by DCRPC were appropriately consider legally standing documents within their township and considered the comprehensive land use plans and the zoning resolution in consideration for their approvals. As you are aware, in 2022 the Board did ask about a similar consideration when it updated its Comprehensive Land-Use Plan (CLUP), and we were informed that it would be taken into consideration. Having completed the update to the CLUP in 2023, the Board was pleased to see the work of the CLUP represented in the recommendations from 2023 moving forward. The Board of Trustees in Berlin Township concurs with Concord Township when they indicated the following in their recent letter:

Based upon our understanding, Ohio Revised Code §519.12(E)(1)(a) requires the Delaware County Regional Planning Commission to review any proposed zoning amendment and to provide a recommendation of (1) approval, (2) denial, or (3) approval of some modification of it. However, beyond the language contained in Ohio Revised Code §519.12(E)(1)(a), there does not appear to be any specific guidance, policy, or standard that the Delaware County Regional Planning Commission must follow in reaching the recommendation required by Ohio Revised Code §519.12(E)(1)(a), including in the By-Laws for the Delaware County Regional Planning Commission.

Accordingly, the Concord Township Board of Trustees would propose that the Delaware County Regional Planning Commission adopt a policy / standard for conducting its reviews pursuant to Ohio Revised Code §519.12(E)(1)(a), which requires the Commission to either recommend approval or denial of any particular amendment based upon compliance or non- compliance with a township's comprehensive plan and zoning

resolution or approval of some modification of the proposed zoning amendment, which also must comply with a township's comprehensive plan and zoning resolution. In addition, if the Commission wishes to provide suggestions and/or recommendations for a township to consider with regard to a proposed zoning amendment that do not comply with the then-existing township comprehensive plan and zoning resolution and the reasons therefore, then the Commission should provide those recommendations in a separate portion of its report to the township, separate and apart from its recommendation of approval or denial.

The Berlin Township Board of Trustees further supports a meeting with DCPRC and other townships and will establish a representative to speak on behalf of the Board should such a meeting take place. The anticipated outcome of the meeting would be to learn more about the process for recommendation currently in place and to ensure township and DCRPC interests are aligned with respect to representation of the township zoning documents in consideration of recommended approvals or denials by the DCRPC.

Thank you, and we look forward to the continued conversation.

Kind Regards,

Berlin Township Board of Trustees