

## DEVELOPMENTAL CONTROLS COMMITTEE

March 1, 2011

There was a meeting of the **Developmental Controls Committee** of the Lima-Allen County Regional Planning Commission held on **Tuesday, March 1, 2011** at **3:00 p.m.** in the Conference Room of the Commission office located at 130 West North Street, Lima, Ohio.

The agenda was as follows:

1. Roll Call
2. Approval of Agenda
3. Approval of DCC Minutes – January 18, 2011
4. Review Shawnee Township Zoning Amendment (SH-01-11)
5. Floodplain Update
6. Draft FY 2012-2015 Transportation Improvement Program (TIP)
7. Other
8. Adjournment

A quorum being present, Bruce Plumb brought the meeting to order and proceeded with the agenda.

### 1. **ROLL CALL**

Mr. Norman Capps	Perry Township
Mr. Bruce Plumb	City of Lima
Mr. Walter Rysz	Richland Township
Mr. Jesse Sadiua	City of Lima
Mr. Troy Strayer	Village of Elida
Mr. Howard Violet	Marion Township

### **GUESTS**

Mr. Ron Meyer	Allen County Engineer's Office
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### **STAFF**

Mr. Thomas Mazur	Lima-Allen County Regional Planning Commission
Ms. Lisa Steffen	Lima-Allen County Regional Planning Commission

### 2. **APPROVAL OF AGENDA**

Thomas Mazur presented Committee members with a revised agenda adding "Draft FY 2012-2015 Transportation Improvement Program (TIP)" as item 6.

#### **Motion 8 (3-1-11) DCC**

Troy Strayer made the motion that the revised agenda be approved. Seconded by Norman Capps; motion carried.

### 3. **APPROVAL OF DCC MINUTES – January 18, 2011**

#### **Motion 9 (3-1-11) DCC**

Norman Capps made the motion that the DCC minutes of January 18, 2011 be approved. Seconded by Walter Rysz; motion carried.

**4. REVIEW SHAWNEE TOWNSHIP ZONING AMENDMENT (SH-01-11)**

Thomas Mazur reported that the Shawnee Township Zoning Commission has, over the course of the last 2 years, been examining their zoning resolution to assess its shortcomings with respect to meeting the needs of the community as defined in its recently completed Comprehensive Plan and the day to day administration of the regulations. Thomas Mazur reported that Mr. John Gosnell is the current Shawnee Township Zoning Inspector and had previously been the Chairman of the Zoning Commission. Thomas Mazur reported that Mr. Gosnell has been very proactive in working to get their Zoning Resolution revised. Thomas Mazur reported that the current submission reflects proposed changes to Section 2, Section 3, Section 4 and Section 12 of the existing Resolution. Thomas Mazur reported that amendments to Section 2 address the interpretation of zoning district boundaries with respect to floodplains; the vacation of public ways and extension of affected zoning districts; and signatories for zoning map amendments. Amendments to Section 3 reflect the referencing, inclusion, modification or elimination of specific definitions totaling some 5 dozen. Amendments to Section 12 reflect the proposed addition of a refuse transfer station within the Industrial District as a Conditional Use; and, renumbering the District Requirements from Section 1202 to 1203. There are also four illustrations being proposed for the Appendix of the document. Thomas Mazur reported that the current list of items reflect 2 dozen separate Township Zoning Commission discussions and motions. Staff collapsed the independent amendments to expedite the process and eliminate additional paper and confusion from the process. Thomas Mazur reported that staff has met with Mr. Gosnell, who has been shepherding this process through the Township Solicitor and Township Zoning Commission, on numerous occasions to facilitate the amendment process. Staff expects that the number and rate of zoning amendment petitions will increase from Shawnee Township as they work to update their Zoning Resolution. Thomas Mazur reported that staff recommends approval as submitted with two caveats. Thomas Mazur reported that staff recommends that the verbiage in Section 204.7 be revised to reflect the following statement: "Whenever any street, alley, or other public way is vacated by official action of the Board of County Commissioners, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended district." And secondly, staff recommends that Section 412 be amended to read; "Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within twenty (20) days after the public hearing required by Section 412, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, ~~the unanimous~~ a majority vote of the Board of Township Trustees is required." Jesse Sadiua questioned what the next step is for the proposed text revisions. Thomas Mazur responded that the recommendation will go to the Township Zoning Commission who will hold a public hearing and then the Trustees will vote on the revisions.

**Motion 10 (3-1-11) DCC**

Jesse Sadiua made the motion to approve SH-01-11 with two caveats: that the verbiage in Section 204.7 be revised to reflect the following statement: "Whenever any street, alley, or other public way is vacated by official action of the Board of County Commissioners, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended district." And secondly, that Section 412 be amended to read; "Pursuant to 519.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, within twenty (20) days after the public hearing required by Section 412, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the

**4. REVIEW SHAWNEE TOWNSHIP ZONING AMENDMENT (SH-01-11) (Continued)**

event the Board of Township Trustees denies or modifies the recommendation of the Commission, ~~the unanimous~~ a majority vote of the Board of Township Trustees is required.”  
Seconded by Walter Rysz; motion carried.

**5. FLOODPLAIN UPDATE**

Thomas Mazur reported that on Tuesday, February 15, 2011, staff held an open house for the general public to be able to review the results of the five year study. The study was funded by the Federal Emergency Management Agency (FEMA), the United States Geological Survey (USGS), the Allen County Commissioners, the Allen County Auditor and the Allen County Engineer’s Office (ACEO). Thomas Mazur reported that there were approximately 220 persons that attended the open house for the general public and 47 persons that attended the meeting for the public officials. Staff had five different computers running for people to be able to access information pertaining to their properties and whether the property was located within a floodplain. Thomas Mazur reported that new floodplain regulations will be required with the adoption of the new floodplain maps. Thomas Mazur reported that our current floodplain regulations are out of date. Staff had been working on updating the floodplain regulations in 2004 but nothing was adopted. Therefore, there is a draft that can be used to work up the new regulations. Thomas Mazur reported that the bigger issue is whether or not we want to investigate the Community Rating System (CRS). The CRS was discussed during the public officials portion of the FEMA presentation but no one really entered into the discussion in terms of trying to get a handle on what that meant. Thomas Mazur reported that the CRS is a process by which you adopt stricter standards than the minimum. CRS standards can give individuals a certain reduction in terms of the floodplain insurance that needs to be purchased. Thomas Mazur reported that the higher the standards you are willing to adopt, the cheaper your floodplain insurance is for program participants. Thomas Mazur reported that staff has not done a cost benefit analysis into what it is going to take to bring all of the affected parcels into compliance. Thomas Mazur directed Committee members to floodplain maps depicting the old floodplains with solid blue lines and the new floodplains depicted in a pink color. Thomas Mazur commented that as can be seen, there are some new areas in the floodplain and some are now out that were previously in. Thomas Mazur questioned if we want to adopt the higher standards or if minimalism is going to be continued? Thomas Mazur commented that it would take some time to break down all of the floodplains by valuation by property owners and assess this by land use and improvements. Thomas Mazur reported that FEMA realizes that the mapping process has and will cause issues; some properties will move out of the floodplain and some properties will move into the floodplain. FEMA has decided to provide some relief by “grandfathering” some properties if the property owners purchase flood insurance within the first two years after the new maps become effective. Flood insurance is not required if a property has no mortgage or if the mortgage is not held by a federally insured lending institution. Thomas Mazur reported that FEMA is allowing reduced costs during the two year “grandfather” period. After the two year period, property owners that choose to purchase flood insurance will pay the full cost of the flood insurance. Thomas Mazur reported that the cities and villages can adopt the CRS at any point in time. However, for the unincorporated areas, it must be done at the County level. Walter Rysz questioned if all of the Township’s would be included if the County adopted a CRS. Thomas Mazur responded yes. Thomas Mazur reported that the County does not assume any responsibility for the incorporated areas. Thomas Mazur commented that the City of Lima has areas that are now in the floodplain and these areas are in the poorest areas of the City. Therefore, those individuals who will be least able to afford flood insurance will be required to have it on any federally insured mortgage. Jesse Sadiua questioned if the City of Lima participated in this mapping exercise. Thomas Mazur responded that they did not. Thomas Mazur reported

**5. FLOODPLAIN UPDATE (Continued)**

that the City of Lima did not want to pay the money and assumed all of their floodplains would stay the same and there would not be changes. Thomas Mazur reported that unless someone challenges the proposed floodplain maps, they will become the new maps. Thomas Mazur reported that if something looks odd, staff is reviewing the locations in case they need to challenge them. Thomas Mazur reported that staff is working to meet with the Township's to go over the maps and look for any oddities. Bruce Plumb questioned how long staff has to challenge the maps. Thomas Mazur responded that he believes we have 90 days from the public hearing, which was held February 15. Thomas Mazur responded that once an appeal is filed it is indefinite when the maps will be adopted. Bruce Plumb questioned who does the challenge. Thomas Mazur responded that Regional Planning does on behalf of the County Commissioner's. Thomas Mazur reported that if nothing is appealed, the maps are processed as is. Thomas Mazur reported that specific areas must be appealed. Thomas Mazur questioned what Committee members thought about looking at CRS. Thomas Mazur questioned if the Committee would like him to get someone to come in from ODNR and discuss it. Walter Rysz questioned if it would be added later. Thomas Mazur responded that it could be added later, but his fear is that once the focus is lost it will not happen. Jesse Sadiua questioned if CRS was on the parcel level. Thomas Mazur responded that it is on the political subdivision level. Thomas Mazur questioned if the Committee would be interested in learning more about the CRS. Howard Violet responded that he would be interested. Thomas Mazur reported that no County has adopted the CRS. Several communities have adopted it, mostly upper income communities. Bruce Plumb commented that he thinks if we can do it later, maybe that would be better to let someone else do it first. Bruce Plumb questioned if it was the DCC's responsibility to do this or if it was up to the Executive Committee (EC). Thomas Mazur responded that if the DCC is not interested he is not going to push it onto the EC. Howard Violet commented that if it is not done now, it may never get done. Thomas Mazur commented that staff will take some time and look over the maps to see how the villages are impacted and if the villages are interested staff will have someone from ODNR come in later to talk about it with the Committee.

**6. DRAFT FY 2012-2015 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

Thomas Mazur presented Committee members with the Draft FY 2012-2015 Transportation Improvement Program (TIP). Thomas Mazur reported that air quality is addressed on page 8. Thomas Mazur reported that Table 2 on page 14 identifies 30 projects. Table 3 on page 15 looks at RTA's transit projects. Table 6 reflects the funds coming into the MPO of approximately \$2 million annually over the four-year time period. Table 7 reflects the projects that the MPO will be funding. Table 7 reveals that several projects have had their funding capped at this time to meet the ODOT fiscal constraint regulations. Thomas Mazur reported that Table 8 starts on page 18 and provides a lot more detail regarding the projects. Page 29 contains the project map. Thomas Mazur reported that there are approximately \$265 million in projects with approximately 95 percent of the projects ODOT sponsored, 3 percent are funded by the MPO and 2 percent reflect the ACRTA. Thomas Mazur reported that the biggest project in the TIP reflects I-75 and all of the bridges. Thomas Mazur reported that it is his understanding that ODOT is going to pull the sidewalks out of the SR 309 West and SR 81 projects. Bruce Plumb questioned if there were still going to be ramps at the intersections. Thomas Mazur responded that not all of the intersections would have ramps.

**Motion 11 (3-1-11) DCC**

Troy Strayer made the motion to accept the Draft FY 2012-2015 Transportation Improvement Program. Seconded by Howard Violet; motion carried.

7. **OTHER**

Bruce Plumb commented that Lloyd Grimm passed away. Mr. Grimm was a long time member of the DCC and was a part of the Regional Planning Commission for a long time.

Thomas Mazur presented Committee members with two news articles for their review. One article pertains to a court decision on whether a private landfill is a public utility. The second article discusses a road salt lawsuit filed on behalf of Ohio political subdivisions regarding anti competitive bid practices.

8. **ADJOURNMENT**

**Motion 12 (3-1-11) DCC**

Troy Strayer made the motion that the meeting be adjourned. Seconded by Jesse Sadiua; motion carried.