

# **Modernizing Ohio County and Township Planning Legislation: A Modest Proposal**

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## **I. Introduction**

Ohio planning, zoning and subdivision laws are almost 50 years old. These laws lack specificity and powers that have been delegated by other states. Townships and counties lack modern tools to shape their growth.

Because all township and county planning, zoning and subdivision resolutions are based upon these antiquated statutes, any wholesale attempt to amend the current laws may be fraught with arcane battles over form and substance.

The key feature of this proposal is to develop a voluntary, parallel track of legislation that permits counties or townships to be designated as “Certified Ohio Communities” (COC). In return for COC certification counties and townships would be eligible for state economic development incentives, including reimbursement for the planning cost required of becoming a “COC”.

The voluntary nature of this parallel track of laws is the key. No community would be forced to do it. Any community wanting to continue under the old laws could do so. Any county or township wanting to opt for the new laws would have to meet certain planning requirements in a prescribed program to qualify, and be certified by the state as a COC. The legislative body of the community would initiate the process. The final comprehensive plan would be approved by the community’s legislative body prior to submission to the state for certification.

## **II. Ohio Revised Code Chapters to be amended: ORC 303, 519, 711, 713**

The following are the essential elements to be included in a Certified Ohio Community:

### **A. Comprehensive Plan**

**1. Require a stand-alone Comprehensive Plan as a prerequisite to township or county zoning** in any COC. The local Comprehensive Plan would be certified by the Ohio Development Department to comply with Ohio Revised Code requirements and be eligible for cost reimbursement by ODD.

**2. Define the required elements of a comprehensive plan** for a COC as follows:

- a.) A section outlining the goals and objectives of the plan, incorporating the vision of the community's growth for the ensuing 5-10 year period, and a statement of how the community should look and function when it is completely developed.
- b.) A citizen participation section, which outlines the significant and ongoing participation of elected and non-elected community members in drafting the comprehensive plan.
- c.) A population section with current and projected population statistics for the community.
- d.) A land use section, which takes into account existing conditions and the proposed location, extent, and intensity of future land usage.
- e.) A housing section, which analyzes existing housing resources and addresses future housing needs.
- f.) A utility and public service section analyzing the need for, and showing the present and future general location of existing and anticipated public and private utilities, their supplies, distribution and storage facilities.
- g.) A natural resource, conservation and preservation section provides for the preservation, conservation, and development of natural and man-made resources.
- h.) A transportation section showing the location and types of facilities for all modes of transportation required for the efficient movement of people and goods into, about, and through the community.
- i.) A community facilities section showing the location of, type, and need for educational or cultural facilities, historic sites, libraries, hospitals, fire houses, police stations and other related facilities, including their relation to the surrounding areas.

- j.) A recreation section, which shows existing recreation facilities and which addresses future recreation needs.
- k.) Appendices or separate reports where appropriate which contain the underlying scientific and statistical data for the comprehensive plan and its constituent elements.
- l.) A recommended final comprehensive plan text and a comprehensive land use plan map at a scale of at least 1" 1000 feet. This plan map shall be site specific in recommended land use categories and densities, and shall show topography, property lines, and floodplains.
- m.) An Implementation section, which outlines how the comprehensive plan is to be implemented, namely through new development policies, zoning amendments, subdivision regulation, or impact fee regulations.

#### **B. Fiscal Impact Analysis**

Empowers Certified Ohio Communities to require a fiscal impact analysis for projects of major significance. Defines project of major significance and fiscal impact analysis.

#### **C. Traffic Impact Analysis**

Empowers Certified Ohio Communities to require a traffic impact analysis for projects of major significance; defines traffic impact analysis.

#### **D. Impact Fees**

Empowers Certified Ohio Communities to enact reasonable impact fees for new roads, parks, or recreational facilities based upon an Ohio Development Department-approved comprehensive plan, and in addition, a traffic impact analysis and fiscal impact analysis meeting the standards of the ORC.

#### **E. Economic Development**

Sets up a state partnership with "COCs" to encourage economic development. State gets expectation of a predictable amount of zoned land with concurrent services, inventoried in COCs for new business. Certified Ohio Community gets properly planned growth, reimbursement for the costs of the comprehensive plan and its implementation, as well as potential new tax base. Requirement for an annual meeting between COC Committee and ODD to review progress of the COC, report to ODD.

**F. Subdivision, definition**

Subdivisions in Certified Ohio Communities would include any division of one lot into two. No more 5-acre exempt lots. Exemptions would be adjacent property transfers and no-plat splits as currently permitted by ORC 711.131. Defines original tract in 711.131 for COCs as any parcel of record under separate ownership on the county auditor’s tax duplicate on the adoption date of subdivision regulations incorporating the COC amendments.

**G. Agricultural/Open Space Preservation**

Empowers COCs to permit, as part of a Planned Unit Development zoning, the transfer of development rights from agricultural land in designated “sending areas” to development parcels in designated “receiving areas” for the purpose for preserving prime agricultural lands or creating permanent managed open space. Requires the use of the USDA Land Evaluation Site Assessment (LESA) to determine the suitability of the “sending areas”.

Land whose development rights were transferred (by public or private purchase) as part of a PUD zoning in accordance with a comprehensive plan would continue to be farmed or used as managed open space, restricted against development by an easement subservient to the approved PUD that purchased the development rights.

Extraterritorial transfer of development rights may be allowed between two or more COCs provided that all comprehensive plans specifically permit such transfer and receipt, and the legislative bodies approve the transfer, which would happen as part of the PUD zoning process.

**III. Potential Partners in the Process**

1. Principle Partners

- County Commissioners Association of Ohio
- County Planning Directors Association of Ohio
- Ohio Municipal League
- Ohio Township Association

2. Affiliated Partners:

Building Industry Association

Ohio Planning Conference

American Planning Association

Ohio Bar Association

Ohio Farm Bureau