

# **Agenda**

## **RPC Meeting**

Tuesday, December 8, 2015 @7:00pm  
Tuscarawas County Regional Planning Commission Board  
Commissioners Public Meeting Room  
County Office Bldg (2<sup>nd</sup> floor)  
125 East High Ave. – New Philadelphia, Ohio 44663

- ITEM 1. Approve the November 10, 2015 Minutes
- ITEM 2. Approve 2016 Temporary Appropriations
- ITEM 3. Commissioners Hearing on Increase in Minimum Lot Size
- ITEM 4. Director's Report

# **Tuscarawas County Regional Planning Commission Board Minutes**

## **Tuesday, November 10, 2015**

**Tuscarawas County Commissioners' William E. Winters Board Room**  
**County Office Building (2<sup>nd</sup> Floor)**  
**125 East High Avenue, New Philadelphia, Ohio 44663**

The Tuscarawas County Regional Planning Commission meeting was held in the County Commissioners 'William E. Winters Board Room on Tuesday, November 10, 2015 at 7:00 P.M. John Fondriest, Chairman, chaired the meeting. There were 13 members, 2 staff, and 1 guest present.

**Item 1 Approval of the October 13, 2015 Minutes**

Chett Peters made a motion to approve the minutes. Tedd Finlayson seconded the motion. Motion carried.

**Item 2 Approve 2016 Budget Draft**

Jill Lengler went over the budget. No significant changes. Health Insurance increased slightly. Shawn Handrich made a motion to approve the 2016 Budget Draft. Bill Miller seconded the motion. Motion carried.

**Item 3 Nominating Committee Report**

John Fondriest reported that no one has volunteered to serve next year as Officers. The committee will be meeting in the near future to come up with a ballot. Jill reported that Gloria Steiner is willing to serve as the Secretary.

John Fondriest, Chair asked for volunteers to serve. With no one in attendance volunteering, John and Don Ackerman agreed that they would schedule a meeting of the nominating committee to come up with a ballot for the December meeting.

**Item 4 Discuss presentation by Mary Greer, Concerned Citizens of Ohio – Moratorium on the permitting of new injection wells.**

Jill Lengler reported this group feels that the Ohio Department of Natural Resources regulations are not current and adequate to permit these injection wells for fracking fluid and that there should be a moratorium on all permits for this until the regulations have been brought up to date. They are asking political subdivisions and other groups to pass resolutions supporting a moratorium on permitting injection wells.

Their reasons are:

- These injection wells provide no benefit to the community: we get the pollution and no money or jobs.
- Oil and gas industry is exempt from federal hazardous waste regulations and portions of the Safe Drinking water act. These injection wells could be bad for our water supplies.
- Loosely monitored by the state after they finished, more chance for pollution of water sources
- State does not have a good process for letting locals know when wells are going in, lack of public and local government participation.
- Danger of transporting the fracking fluid on our roads`
- We get fracking water from other states that don't allow injection wells.
- And earthquakes.



Jill suggested that instead of having Mary come to a Regional Planning Meeting to speak for an hour, that she would speak with the Commissioners about jointly hosting a meeting during the day and extending an invitation to all townships to attend. In addition it was discussed drafting a resolution in support of this initiative that could be adopted by the individual townships and the Regional Planning Commission.

There was discussion among the members on both sides of this issue. Joe Bachman felt that she should be addressing Al Landis with the concerns because the legislature would need to act upon this. Jill Lengler pointed out that Concerned Citizens of Ohio is doing that but is asking for the endorsement or support of the townships throughout the state. It was agreed that ODNR is ultimately responsible.

It was also suggested that rather than just have Concerned Citizens of Ohio speak that we possibly have a panel discussion that would include a representative from the Oil & Gas industry.

Jill will draft the resolution, have it reviewed by County legal counsel and present it at the December meeting on the 8<sup>th</sup>. She will also get with the Commissioners regarding the meeting.

**Item 5      Director's Report**

1. Increasing Minimum Lot Size for unsewered areas. The commissioners will set a public hearing at their next board meeting. It is scheduled tentatively for Thursday, December 17 at 9:30 am in the commissioners meeting room. I have had a call from a builder who is in favor of it, and talked to a few realtors who did not get upset at the proposal.
2. Lot splits have been increasing this year, already we have had 11 in November. The budget is looking good.

John Fondriest asked if there was any other business to discuss. Don Ackerman encouraged the Township Trustees to support the proposed License Plates fee increase by attending the Commissioner's meeting on Friday at 4:00 p.m. He will be proposing that the Township Trustees pass a resolution after the first of the year to show their support when they meet.

Motion to adjourn made by Tedd Finlayson, seconded by Mike Jones. Meeting Adjourned.

\_\_\_\_\_  
John Fondriest, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lee Finley, Vice Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Absent  
Jerry Lahmers, Secretary

\_\_\_\_\_  
Date

**Temporary Appropriations – Regional Planning Commission  
First Quarter of 2016  
December 8, 2015**

M00 Regional Planning	E9100M000M01	Salaries – Regional Planning	\$16,100.00
M00 Regional Planning	E9100M000M02	Supplies	\$500.00
M00 Regional Planning	E9100M000M03	Equipment	\$715.00
M00 Regional Planning	E9100M000M04	Contracts - Repairs	\$0.00.00
M00 Regional Planning	E9100M000M05	Contracts – Services	\$500.00
M00 Regional Planning	E9100M000M06	Contract Engineering/Inspection	\$0.00
M00 Regional Planning	E9100M000M07	Travel	\$125.00
M00 Regional Planning	E9100M000M08	P.E.R.S.	\$2,260.00
M00 Regional Planning	E9100M000M09	Workers Comp.	\$0.00
M00 Regional Planning	E9100M000M10	Other Expenses	\$0.00
M00 Regional Planning	E9100M000M11	Transfers	\$0.00
M00 Regional Planning	E9100M000M12	Flood Plain Expenses	\$0.00
M00 Regional Planning	E9100M000M15	Unappropriated Balance	\$0.00
M00 Regional Planning	E9100M100M10	Insurance	\$3980.00
M00 Regional Planning	E9100M100M11	Medicare	\$235.00
M00 Regional Planning	E9100M000M01	Employee Longevity	\$0.00
Total			\$24,415.00

Approved: \_\_\_\_\_ (signed)  
John Fondriest, RPC Chairperson

Date: December 8, 2015



Proposed Changes to the Tuscarawas County  
Subdivision Regulations

Article III Minor Subdivisions (Lot Splits)  
Increase Minimum Lot Sizes for Unsewered  
Areas

Approved by Tuscarawas County Regional  
Planning Commission 10/13/15

Tuscarawas County Commissioners Public  
Meeting to be held Thursday, December 12,  
2015 at 9:30 AM in Commissioners' Board  
Room

## Residential Lots Minimum Chart

**The minimum lot size of any minor subdivision where there is no public sewers shall be as shown below or as required by township zoning and/or the Tuscarawas General Health District, whichever is greater.**

**Any lot split 2 acres or under in size (3 acres for 2 family unit), where there is no public sewer that is for any use that is likely to have an on lot sewage treatment system, will require a Sewage Treatment System Site Review from the Tuscarawas County General Health District to be attached to the lot split application.**

Unit Type	Setback (feet)***			Group Water & Sewer	Group Sewer Only**	Group Water Only	No Group Water or Sewer**
	Thorough Fare						
	Collector						
	Local						
One Family Unit	40	35	30	60 Ft Frontage* 10,000 Sq. Ft. (.23 acre) Minimum	80 Ft Frontage* 20,000 Sq. Ft. (.46 acre) Minimum**	130 Ft Frontage* 40,000 Sq. Ft. (.92 acre) <b>65,340 Sq. Ft. (1 ½ acres)</b> Minimum	130 Ft Frontage* 40,000 Sq. Ft. (.92 acre) <b>65,340 Sq. Ft. (1 ½ acres)</b> Minimum**
Two Family Unit	40	35	30	85 Ft Frontage* 12,000 Sq. Ft. (.28 acre) Minimum	120 Ft Frontage* 20,000 Sq. Ft. (.46acre) Minimum**	150 Ft Frontage* 60,000 Sq. Ft. (1.38 acres) <b>87,120 Sq. Ft (2 acres)</b> Minimum	150 Ft Frontage* 60,000 Sq. Ft. (1.38 acres) <b>87,120 Sq. Ft (2 acres)</b> Minimum
Three Family Unit	45	45	45	100 Ft Frontage* 16,500 Sq. Ft. (.38 acre) Minimum	150 Ft Frontage* 30,000 Sq. Ft. (.69 acre) Minimum**	Prohibited	Prohibited
Four Family Unit & Above	45	45	45	Submit a building development plan to the RPC office and the State Division of Industrial Compliance for review.		Prohibited	Prohibited

\* The minimum lot frontage or lot width shall be measured perpendicular to the road and at the building line.

\*\* Check with County Health Department for adequate ground water supply.

\*\*\* Front setback beginning at right of way line and measured to front building line of the first structure. Also, see Section 711, Building Lines.

**NOTES:**

Easements, rights of ways for egress and ingress, flood hazard areas, bodies of water, wetlands, pipestem (the "pole" of a flag lots) driveways, and DPDs cannot be included in the lot acreage minimum. Structures, wells, and on lot sewage systems cannot be located in the public road right-of-way. Unless otherwise noted, county and township road right- of- way is 60'.

1 acre = 43,560 square foot

**Proposed Revision 8/11/15**



## **ARTICLE III - MINOR SUBDIVISIONS (Lot Splits)**

### **Section 300 – Purpose and Intent**

It is the purpose and intent of the Tuscarawas County Regional Planning Commission to ensure that lots that are created under this section are suitable and appropriate as sites for homes. These regulations are intended to prevent the creation of lots for which health standards cannot be met due to poor soils and drainage, steep slopes, abandoned mines, strip mine lands, and reclaimed strip mine lands, floodplain, and other environmental constraints. Minor Subdivisions shall successfully accommodate on-site wastewater systems without negatively impacting the environment. Lots splits shall be discouraged in areas designated as flood hazard zones according to the latest FEMA Flood Insurance Rate Maps (FIRMs). Minor Subdivisions will comply with the appropriate government entity's Access Management Regulations (County, State). Minor Subdivisions shall comply with zoning where it exists.

However, if in the opinion of the Regional Planning Commission, the tract has the potential to be ultimately divided into more than five parcels by subsequent further division of one or more of the parcels, the Regional Planning Commission shall require full compliance with the Major Subdivision Regulations herein contained.

Tracts that have the potential to be ultimately divided into more than five parcels are those that are:

- Located adjacent to incorporated communities, or
- Located in a rapidly growing area of the county, or
- In close proximity to public utilities (Public water and sewer), and
- Adequate acreage for subsequent splits

### **Section 301 – Comprehensive Plan Policies**

The creation of minor subdivisions in Tuscarawas County under the Subdivision Regulations shall be consistent with the policies of the Tuscarawas County Comprehensive Plan.

### **Section 302 – Applicability**

Article III of these subdivision regulations applies to Minor Subdivisions (lot Splits) which is the division of a parcel of land that does not require a plat to be approved by the RPC as defined under ORC 711.131. It is the division of a tract into five parcels or less (four parcels plus the remainder of the original tract as that tract existed on March 25, 2007) any one of which is under five acres in size.

Minor Subdivisions shall:

- Front upon an existing public-street or road, and;
- Shall involve no opening, widening or extension of any street or road, and
- Not involve the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders;

### **Section 303 – Development Standards**

**1. Lot Size** – ~~see Residential Lot Minimums Chart in the Appendix.~~

***The minimum lot size of any minor subdivision where there is no public sewers shall be as shown in the Residential Lot Minimums Chart in the Appendix or as required by township zoning and/or the Tuscarawas General Health District, whichever is greater.***



**Any lot split 2 acres or under in size (3 acres for 2 family unit), which is for any use that is likely to have an on lot sewage treatment system, and where there is no public sewer, will require a Sewage Treatment System Site Review from the Tuscarawas County General Health District to be attached to the lot split application.**

**2. Lot Frontage** - A lot must front onto an improved public road or be part of a Dedicated Private Drive (DPD) Subdivision. Minimum frontage for a lot is 40 feet, **or meet township zoning regulations, whichever is greater.** The lot frontage is measured at the right-of-way of the road with a sufficient width for a driveway to access the parcel without encroaching on neighboring parcels. See Residential Lot Minimums Chart Exhibit "A" for the minimum width of a lot at the building line.

**3. Access** – No minor subdivision shall be approved unless the area to be subdivided shall have frontage as required herein on an existing state, county, township, municipality or street shown upon a plat recorded in the County Recorder's Office, or be part of an approved Dedicate Private Drive (DPD) Subdivision as permitted herein. Any minor subdivision served by a DPD must reference this in the deed and surveyor's description.

#### **4. Sanitary Sewer Facilities**

a. When a public sanitary sewage system is reasonably accessible (as per current Ohio Revised Code regulations) to the structure with sanitary facilities, the lot shall be served by the public sewer, and shall meet the specifications, rules, regulations and guidelines of the Tuscarawas County Metropolitan Sewer District or other entity owning the public sanitary sewer system.

b. When a public sanitary sewer system is not reasonably accessible, the lot shall be served by an on-lot sanitary sewage system meeting the specifications, rules, regulations and guidelines of the Tuscarawas County **General Health Department District**, and the Ohio Environmental Protection Agency, as applicable.

#### **5. Water Supply**

a. When the lot is to be served by a public water system, it shall meet the specifications, rules, regulations and guidelines of the Tuscarawas County Metropolitan Sewer District or other entity owning the public water system.

b. When the lot is to be served by a private water system, it must meet the specifications, rules, regulations, and guidelines of the Tuscarawas County **General Health Department District**, or the Ohio Environmental Protections Agency, as applicable.

**6. Floodplain** – Land to be subdivided or developed should be designed and improved in a way that meets the requirements of the Tuscarawas County Flood Damage Reduction Regulations.

a. No private on-lot sewage systems are permitted to be installed in special flood hazard areas defined by FEMA.

b. No private water supply systems (wells) are permitted in special flood hazard areas defined by FEMA.

c. ~~No buildings are permitted in the Army Corps of Engineers Flowage Easements.~~ **The minor subdivision must be in compliance with the Army Corps of Engineers where they have jurisdiction.**

**7. Zoning** – The minor subdivision must be in compliance with township zoning regulations where zoning exits.

**8. Contiguous Parcels** – If a proposed minor subdivision results in the creation of a parcel of land that cannot be used as a building site because it has no approvable access to a public road ("landlocked") or does not meet



RPC minimum lot size (~~Table A~~), (**Residential Lot Minimums Chart in Appendix**) it can only be sold or exchanged between adjoining lot owners. Contiguous parcels do not have to meet the minor subdivision standards (lot split).

Parcels transferred in this manner will include the following language in the deed: “Contiguous parcel, not to be transferred separately from adjoining parcel without review of the Regional Planning Commission. Original signed deeds will be stamped by the RPC office with a contiguous parcel stamp which will state “**Contiguous parcel. Not to be conveyed separately without review by the Tuscarawas County Regional Planning Commission.**”

### **Section 304 General Procedure and Requirements for Submittal**

Whenever approval of a division of real property classified as a minor subdivision is sought by an applicant, the following items shall be submitted to the Regional Planning Commission Office.

1. One (1) copy of a completed minor subdivision application (available from the TCRPC office or the county website), completed in its entirety, signed and dated by the applicant with the following information and approvals. All applications must be double-sided, the current form, and signed in blue ink.

#### A. Information (Front page of Application)

- Name, address, telephone number, fax number and e-mail address of seller and buyer.
- Parcel number of lot from which it is being split
- Location (township, street address)
- Number of acres in parcel
- Proposed land use
- Water and Sewer (public, private)
- Acreage of residual parcel

#### B. Approvals (back page of application)

- Sanitary Sewer (County **General Health Department District**, sewer utility, or Ohio EPA)
- Water Supply (County **General Health Department District**, water utility, or Ohio EPA)
- Access Management (County Engineer, ODOT, municipality)
- Zoning (Township)
- Flood Plain (County Flood plain Office)
- Subdivision Regulations (Regional Planning Office)

2. One (1) copy of survey plat and legal description

#### A. Survey Requirements

- The proposed minor subdivision shall conform with Chapter 4733-37 of the Ohio Administrative Code captioned “Minimum Standards for Boundary Surveys in the State of Ohio,” In all respects including, in particular, the following items:
- An accurate and current survey description of the proposed minor subdivision prepared in accordance with Chapter 4733-37 of the Ohio Administrative Code by a surveyor registered with the State of Ohio. The distance and bearing of each lot line shall be provided. Distances shall be to the nearest one-hundredth of a foot and bearings to the nearest second. The dimensions of all curves shall include the following information: radius, arc length, tangent, delta, chord and chord bearing. The area in acres shall be provided for the lot. The area in the lot shall be calculated to the third decimal place. The



surveyor's name, registration number, and date of survey shall be provided.

- A survey map prepared in accordance with Chapter 4733-37 of the Ohio Administrative code, signed and dated by a surveyor registered with the State of Ohio (including registration number and seal). The surveyor shall certify that he has surveyed the premises and prepared the survey map in accordance with the provisions of Chapter 4733-37 of the Ohio Administrative Code. In addition to the Ohio Administrative Code Requirements, the survey will follow Tuscarawas County's Minimum Requirements for Instruments of Conveyance.:

#### B. Information required on Plat of Survey

- Name, address, telephone number, fax number and e-mail address of surveyor.
- Location and size of existing and proposed parcels, including date of creation of existing parcel to be split.
- Township, section and quarter section.
- North arrow and bar scale.
- House number of existing property or adjacent property, if available.
- Locational information including: location map; adjacent or frontage roads; adjacent
- parcel ownership; existing easements of access; rights of ways, driveways, etc.
- Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries.
- All minimum building setback lines (minimum front yard, side yard and rear yard) shall be shown with dimensions, and including any minimum riparian setback lines-(s), in accordance with current township zoning regulations if applicable.
- If any part of the property is in the FEMA designated flood hazard areas and floodways they shall be shown where they exist on the property. The following note shall be included: "Flood Hazard Note: Approximate limits of Flood Hazard area Zone\_\_\_ as shown on Flood Insurance Rate Map #\_\_\_\_\_ with an effective date of \_\_\_\_\_. (If no base flood elevation has been determined, state "No Base flood elevation has been determined for this area.")"

3. Unsigned deed (unless contiguous parcel see 303.8)

4. The appropriate fee. The fee schedule is available from the TCRPC office or the county website.

5. Review by Regional Planning on Minor Subdivision.

If the regional planning office finds that a proposed minor subdivision and the remainder if any, of the original tract are not contrary to the applicable platting, subdividing, township zoning (if any), health, sanitary, or access management regulations, the regional planning office shall approve the proposed division within seven (7) business days after the submission of all of the items specified in Section 304 and notify the applicant of the action. This notification will be on the minor subdivision application form submitted for review. The Regional Planning office will sign this form and mark it as approved or not approved, with the reason(s) why, if not approved.

Once the director has signed the lot split application, the applicant shall take the application and attachments to the Map Office. Allow at least two business days for the Map Office to process and sign. The applicant will take the paperwork from the Map Office to the Auditor's Office and from there to the Recorder's Office. These last two steps must take place in the same day.

If the Minor Subdivision is not recorded at the end of 12 months from the approval date it must be resubmitted to the RPC office for review and approval. The fee in effect at the time of resubmittal will be charged.