

LIBERTY TOWNSHIP BOARD OF TRUSTEES

FAIRFIELD COUNTY, OHIO

Minutes for a Special Meeting held on
December 30, 2009

The Board of Trustees of Liberty Township met in a special meeting at 7:30 p.m. December 30, 2009, for the purpose of conducting a public hearing on Zoning Amendment 01-ZC-2009. Mr. Tim Linkhorn, Chair, called the meeting to order and led the pledge of allegiance to the flag, and a moment of silence for our troops.

1. **Roll Call:**
Mr. Tim Linkhorn, Chair, present
Ms. Nancy Montell, Vice Chair, present
Mr. Ivan Ety, present

2. **Minutes:** Mr. Tom Spring, Township Administrator, took minutes in the absence of Fiscal Officer Dan Alt. Mr. Linkhorn announced that the meeting would be recorded.

3. **Introduction of the Public Hearing:** Mr. Linkhorn announced that the meeting was being held to consider a recommendation of the Liberty Township Zoning Commission to approve a comprehensive amendment to the zoning text and map of the Zoning Resolution. Legal notice was published in the Lancaster Eagle Gazette Dec. 14; with the text and map of the comprehensive amendment that was available since November at the township website, at the township office and the Baltimore Branch Library. Mr. Linkhorn announced the procedures for the public hearing.

4. **Staff report.** Mr. Spring stated that the zoning amendment was a culmination of two years of hard work of many township residents of the township through many workshops and meetings. Mr. Spring said that the zoning resolution:
 1. Removes vague language that rendered sections of the zoning resolution unenforceable or difficult at best.
 2. Conforms the Resolution to the Ohio Revised Code sections pertaining to township zoning.
 3. Adds new options previously unavailable such as conservation development, with the aim of protecting open space within the framework of quality developments.
 4. Addresses matters that were non-existent or adds updates, e.g., windmills, and telecommunication towers.
 5. Regulates for the first time agriculture in planned subdivisions, which is available to townships under Ohio law, but not provided for in the current Resolution.
 6. Provides a mechanism to address water and drainage issues before development begins. A soil erosion and sediment and drainage plan will become part of the application materials for a zoning permit, to be reviewed by Fairfield Soil and Water Conservation District, with the aim of preventing drainage issues.
 7. Eliminates the R-1 district that was virtually identical to the R-R district save for a 25-foot difference in road frontage and a half acre in lot size.
 Mr. Spring said the zoning resolution is a living, breathing document, meant to be amended from time to time as needs, technology, community interest, and changes in state law occur. The zoning resolution is an amalgam of all the various public inputs that were made in the past two years. Mr. Spring thanked the trustees, zoning commission, Board of Zoning Appeals, and the

public citizens who came to the workshops and meetings and offered input. He noted that the resolution is recommended by the Zoning Commission, the Fairfield County Regional Planning Commission, and zoning staff. Staff report attached.

5. Recommendation of the Zoning Commission: Mr. Greg Gutman, chair of Zoning Commission, stated that Holly Mattei, executive director of the Fairfield County Regional Planning Commission, and consultant, did a great job for the township and was very good about answering questions. He stated that the Zoning Commission had more public meetings than were originally scheduled and that these meetings generated good attendance. The county prosecuting attorney's office reviewed the document, which gave the Zoning Commission more time to look at theoretical issues and organization of the document, which enhanced the overall discussion and its application. It brings Liberty Township up to date in codes and legal matters, and provides a good frame work to move forward. It will be amended and tweaked down the line. It will help the lay person to better understand the code. Although extensive, it is logically laid out and complete and covers much more ground than before. Mr. Gutman stated that the document will provide more structure to assist newcomers and developers whereas no one really knew the processes and order under the old code. We're not blindsiding developers. We had our public hearing, good attendance, many comments, both criticisms and positive. As chair, we tried to run all the meetings to involve the public as much as possible, encourage people to come and to come back. At our last public meeting, the motion to move the resolution to the trustees for approval passed at that time. Mr. Gutman thanked all for their hard work and input. Mr. Linkhorn thanked Mr. Gutman for his help.
6. Consultant's report. Holly Mattei, executive director of the Fairfield County Regional Planning Commission, thanked the Zoning Commission, Board of Zoning Appeals, trustees, and Mr. Spring, stating she could not have prepared the amendment without their help, and that all the public input made the document a much better resolution. She said a lot of people were part of the process. Eleven 11 to 20 people attended each of the five to seven working sessions that she conducted, plus people attended the other zoning commission meetings in which the zoning amendment was discussed. Ms. Mattei stated that the document is living and will never be perfect, and that the township will want to make further amendments over time, as technology, development patterns and the economy changes.
7. Testimony of Witnesses. Mr. Gutman swore in witnesses.

Mr. David Stone, 11585 Woodbridge Lane, and member of the zoning commission, stated he thought the document is perfect for the time being. It represents input for a two-year period giving us the things we wanted and overlaid the legal structure. For those dissatisfied, there is ample opportunity to propose changes, and the zoning commission and trustees can modify it.

Mr. Stone stated that there were a couple of meetings where people came in at the last minute to voice their objections, which fell into 3 categories:

1. "I didn't know about it."
2. "What is the rush?"
3. "The resolution diminishes property rights."

Mr. Stone said the first two objections lacked merit and were not credible. He said there was no rush, as the Zoning Commission worked on the amendment for more than a year-and-a-half, the meetings were advertised, and the commission went to great lengths to ensure the public was aware of it. Mr. Stone said that to not approve the amendment would be a reward for the people who did not stand up to their civic responsibility and a slam in the faces of those citizens who did. As for the third argument,

Stone noted that the rezoning of the R-1 District to R-R comports with the Fairfield County Department of Health Regulations which no longer allows septic systems on 1 ½ acres. Therefore, the rezoning does not diminish anyone's property rights. Mr. Stone also noted that other regulations such as sizes of fences and buildings can be changed. He concluded by stating that the current resolution, most of it 20 years old, exposes the township to things that no one wants and the new resolution protects everybody.

Mr. Bill McNeer, 10605 Heimberger Road, chair of the Board of Zoning Appeals, stated that the document could become more perfect by adjusting the size of accessory buildings. He noted that the BZA discussed the 1,350 square feet proposal in January, and recognized it as a reduction from a previous limitation of 1,600 square feet. Mr. McNeer said that so many people came to the BZA for larger buildings, that the trustees raised the minimum size to 2,400 square feet for which a zoning permit could be granted. He said he couldn't see reducing the size when so many people have large tracts of land. Mr. McNeer also said that he couldn't find anything in the current resolution requiring zoning permits for fences and didn't think it was necessary to require a permit for a fence around a garden.

Mr. Gutman stated that during the amendment process, both the BZA and Zoning Commission developed written bylaws. Mr. McNeer said he anticipates that the BZA will amend its bylaws in 2010. Mr. Gutman said the bylaws establish the rules and sequencing of business at public meetings and hearings, which was done at the request of Ms. Mattei and the Fairfield County Prosecuting Attorney's Office.

Ms. Barbara Sellers, 11747 Basil Rd. NW, a member of the BZA, stated that she was on the Zoning Commission in 2008 and found that the process was fair. She stated that the commission had a lot of discussion on many points of view with requests that came before members. Ms. Sellers said that it became clear that the township needed a more modernized and more pro-active zoning regulation and that the amendment accomplishes that. She stated that she doubted the amendment contains every detail each person wanted but is a very good start in that direction and something that the township really needs. She said the township needs to lead the discussion rather than reacting and scrambling, and that the amendment will help a lot.

Ms. Vicki Gingiss, 2670 Blacklick Eastern Rd., urged the trustees to adopt the zoning amendment and thanked everyone who participated in the process. She said she was overwhelmed by the number of people who attended the working sessions and appreciate the guidance Ms. Mattei provided and thank the Zoning Commission for their hard work. Ms. Gingiss said that the document takes the township to the 21st century and makes it compliant with Ohio Revised Code.

Mr. Ed Thomas, 12533 Saylor Rd NW, alternate on the BZA, stated that, traditionally, zoning has been reactive rather than proactive and, as a result, when a question came up that was not addressed in the resolution, the township was powerless to prohibit the request. He stated that although many newspapers circulate in the township, there is no centralized communication – as no one subscribes to any one newspaper. Despite that limitation, he said, the township advertised and talked enough about the proposed amendment to secure good public participation. Mr. Thomas said the amendment gives the township better direction and protection against lawsuits, and proactively prevents being blindsided by requests. When a developer proposes 350 houses in this area, the township will have something that articulates the type of development the township wants. Mr. Thomas stated that there were some legitimate concerns about lot size, chain link, lights, etc., but not having standards would provide no roadmap for future development. He said that while he personally favors allowing larger accessory buildings, a neighbor has one that is too large, so if the township were to insist on a perfect document, it would never be finished. He said that the trustees need to adopt the resolution.

Mr. Richard Kuhn, 4860 BE Rd., Baltimore NW 43105, former member of the Zoning Commission, stated that he saw the legal notice and produced a copy of the Amendment from the internet, but wondered how many other people saw it at the library or read it on the computer screen. He said he saw more cross outs and additions. Mr. Linkhorn explained that the crossouts represent the material deleted from the current resolution. Mr. Kuhn stated that he hadn't read the entire document and asked whether the 60-foot frontage requirement for 15 or more acres of land is still in effect. He said that resulted in a waste of land. Mr. Kuhn asked about the cost to go before the Board of Zoning Appeals. Mr. Linkhorn stated it is \$500, and that the new board of trustees can change it. Mr. Kuhn said his family has been in the township for 200 years.

Mr. Dave Keller, 13211 Lancaster Kirkersville Road, stated that he agreed that the old resolution needed changes and updates, but wasn't sure how much better the amendment was. He stated that the approval process was political and asked the trustees to return the resolution to the zoning commission for more public input and more consensus.

8. Questions. Mr. Linkhorn asked whether there were any questions for the board, Ms. Mattei, or Mr. Spring.

Mr. Keller said he asked Diana Uther of the Fairfield County Health Department about the impact of the department's two-acre lot rule on conservation development, but had not yet received an answer. Ms. Mattei replied that the proposed conservation district in this proposed code is a model document that the Regional Planning Commission has worked on for several years prior to presenting it to the township. Upper level health department staff members were involved in the development of the model code. At the time it was prepared, it was agreed that septic systems would be allowed in the common areas with easements, as long as each house its own individual unit. Ms. Mattei said that Hocking Township has a conservation type development with the smaller lots and then each unit has its own leach field in the common area.

9. Discussion. Mr. Linkhorn asked the board for discussion.

Mr. Ety stated that a farmer wanted to sell three two-acre lots. Mr. Ety stated he did not think it was quite right for Ms. Uther to make the farmer double the size of the acreage when the zoning said it should be two acres.

Ms. Montell stated that the planner the township retained four years ago had been engaged to work with the township on a land use plan, not the zoning resolution. She stated that the township learned later that the zoning resolution needed to be amended before work on the zoning resolution resumed. Had the land use plan continued, she said, there would not have been a hearing tonight on the zoning resolution. Ms. Montell said she would like to see the amendment passed.

Tim Linkhorn said that the amendment was advertised, had a lot of public input, and that all the input, both pros and cons, culminated in everyone coming together with the best solutions. He said the amendment was talked about it at all the township meetings, put in the newspaper, and was well publicized. If someone really cared in this community they would know, as the workshops and meetings were well attended. Mr. Linkhorn stated that different opinions help produce the best of all worlds and that's what we are supposed to have in a democracy – everyone putting in their two cents worth. There's always room to change and tweak it and hopefully it will be done. It's been a long process and a lot of work from a lot of people. The comments were greatly appreciated from everybody.

At the close of discussion, Ms. Montell offered a motion to accept the recommendation of the Zoning Commission and to approve the changes and amendments represented by Liberty Township Zoning Commission Resolution Case No. 01-ZC-2009. Mr. Ety seconded the motion.

Roll Call:

Ms. Montell – yes

Mr. Ety – no

Mr. Linkhorn – yes.

Ms. Montell moved to close the public hearing. Ety seconded. Public hearing closed at 8:14 p.m.

Mr. Thomas asked how the zoning amendment process will work under the new resolution.

Mr. Gutman said that any landowner, the Board of Trustees or the Zoning Commission may propose an amendment. The process for consideration will be the same as this amendment and Regional Planning Commission will make a recommendation. The process is stated in the Zoning Resolution. Ms. Mattei stated that it is also laid out in the Ohio Revised Code.

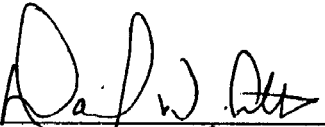
Mr. McNeer asked when a clean copy of the Resolution will be available. Ms. Mattei said the Resolution will become effective 30 days from today. During that time frame, the planning commission staff will remove the deleted material and she will provide a clean copy, with table of contents, to the township.

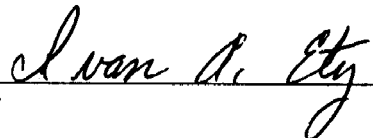
Mr. Spring stated that during the next 30 days, the zoning staff will be working on replacing the triplicate zoning permit forms which are almost exhausted, and the applications to the Board of Zoning Appeals and Zoning Commission so that they conform with the new resolution. He said that the zoning staff has been telling callers about the zoning amendment and the public hearings and suggesting that they compare the current and proposed resolutions to see whether they want to apply under the old or the new resolution. Mr. Spring said this was yet another way the township was able to spread the word about the public hearings and the proposed changes.

Mr. Kuhn asked whether the new code would be on the internet. Ms. Mattei said that the Planning Commission will be providing a .pdf for the township to post. Mr. Spring said that both the RPC and the township place Liberty Township's zoning code and map on their respective websites. Mr. Linkhorn said there will be copies at the office as well.

Mr. Gutman said the length of the document will be two-thirds the size of the public hearing document or smaller, because the document had to show the changes from the current resolution. Mr. Stone said that was done at the behest of the township's legal counsel to present what is and what is going to be in one document.

Ms. Montell moved to adjourn. The meeting adjourned at 8:22 p.m.


 Fiscal Officer Attest


 Chair