



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Executive Committee Meeting Agenda Thursday, March 10, 2011 - 1:15 p.m.

Call to Order – John Bayliss, President

Roll Call

Action on Minutes of January 13, 2011 – Executive Committee

Financial Report January – Andy Yoder, Treasurer

Financial Report February – Andy Yoder, Treasurer

ODOT Reports

New Business:

1. Review of Parcel Zoning Amendment to parcel number 080900000017001, in Harrison Township (Logan County). The application proposes the parcel go from U-1 to B-1 – Staff Report by Wes Dodds
2. Review of Longview Cove Final Plat, located in Richland Township (Logan County) – Staff review by Jenny Snapp.

Director's Report

Comments from Individuals

Adjourn

2011 Budget Summary

As of 2/14/2011

10-800 REVENUES:

	Estimated	To Date	CashBalance
1 Per Capita Assessments	\$ 174,115.24	\$ 149,327.45	\$ 24,787.79
2 Estimated Interest	\$ 4,000.00	\$ -	\$ 4,000.00
3 Estimated Other	\$ 1,650.00	\$ 975.00	\$ 675.00
4 Services and Projects	\$ 78,100.00	\$ -	\$ 78,100.00
Estimated Total Revenue	\$ 257,865.24	\$ 150,302.45	\$ 107,562.79

10-100 EXPENDITURES:

	Estimated	To Date	
1020 Salaries & Wages	\$ 150,000.00	\$ 11,114.26	\$ 138,885.74
1030 Supplies	\$ 6,000.00	\$ 386.05	\$ 5,613.95
1040 Equipment	\$ 5,000.00	\$ -	\$ 5,000.00
1050 Utilities	\$ 12,000.00	\$ 788.60	\$ 11,211.40
1060 Travel	\$ 9,000.00	\$ 231.00	\$ 8,769.00
1070 Professional Development	\$ 4,000.00	\$ 210.00	\$ 3,790.00
1090 Other Expenses	\$ 6,000.00	\$ -	\$ 6,000.00
1091 PERS	\$ 21,000.00	\$ 1,581.88	\$ 19,418.12
1092 Workers Compensation	\$ 5,250.00	\$ 1,890.99	\$ 3,359.01
1093 Medicare	\$ 2,175.00	\$ 160.13	\$ 2,014.87
1094 Hospital / Life Insurance	\$ 10,871.00	\$ -	\$ 10,871.00
1100 Contingencies	\$ 10,000.00	\$ 675.00	\$ 9,325.00
1300 Building Fund	\$ 6,000.00	\$ 3,616.62	\$ 2,383.38
Annual Meeting	\$ 3,500.00	\$ -	\$ 3,500.00
Estimated Total Expenditures	\$ 250,796.00	\$ 20,654.53	\$ 230,141.47

STATEMENT:

Cash Balance January 1, 2011	\$ 163,064.78
Estimated Cash Balance December 31, 2011	\$ 107,069.24
Actual Cash On Hand December 31, 2011	
Estimated Total Revenue	\$ 257,865.24
Actual 2011 Revenue	
Difference (+/Under)	
Estimated Total Expenditures	\$ 250,796.00
Actual 2011 Expenditures	
Difference (+/Under)	

**LUC REGIONAL PLANNING COMMISSION TREASURER'S REPORT
2011**

BEGINNING BALANCE ON January 1, 2011 **\$ 163,064.78**

RECEIPTS

Champaign County Engineer	2011 Membership Assessment	\$ 15,885.20
Champaign County Commissioners	2011 Membership Assessment	\$ 15,885.20
Logan County Commissioners	2011 Membership Assessment	\$ 37,265.60
Union County Commissioners	2011 Membership Assessment	\$ 19,561.20
Union County Engineer	2011 Membership Assessment	\$ 19,561.20
City of Bellefontaine (Logan)	2011 Membership Assessment	\$ 5,760.90
City of Marysville (Union)	2011 Membership Assessment	\$ 8,279.10
Village of Huntsville (Logan)	2011 Membership Assessment	\$ 487.50
Village of Quincy (Logan)	2011 Membership Assessment	\$ 487.50
Village of West Liberty (Logan)	2011 Membership Assessment	\$ 1,125.80
Village of Valley Hi (Logan)	2011 Membership Assessment	\$ 153.40
Village of St. Paris (Champ.)	2011 Membership Assessment	\$ 1,277.90
Village of North Lewisburg (Champ.)	2011 Membership Assessment	\$ 1,033.50
Village of Lakeview (Logan)	2011 Membership Assessment	\$ 697.45
Village of Milford Center (Union)	2011 Membership Assessment	\$ 487.50
Village of Christiansburg (Champ.)	2011 Membership Assessment	\$ 487.50
Darby Twp, Union Co	2011 Membership Assessment	\$ 1,318.85
Liberty Twp, Union Co	2011 Membership Assessment	\$ 1,374.10
Union Twp, Logan Co	2011 Membership Assessment	\$ 562.90
Claibourne Twp, Union Co	2011 Membership Assessment	\$ 1,075.10
York Twp, Union Co	2011 Membership Assessment	\$ 1,004.25
Goshen Twp, Champaign	2011 Membership Assessment	\$ 1,138.15
Washington Twp, Logan Co	2011 Membership Assessment	\$ 1,526.85
Harrison Twp, Logan Co	2011 Membership Assessment	\$ 1,085.50
McArthur Twp, Logan Co	2011 Membership Assessment	\$ 1,042.60
Dover Twp, Union Co	2011 Membership Assessment	\$ 1,736.15
Jackson Twp, Champaign Co	2011 Membership Assessment	\$ 1,201.85
Pleasant Twp, Logan Co	2011 Membership Assessment	\$ 639.60
Salem Twp, Champaign Co	2011 Membership Assessment	\$ 1,586.00
Liberty Twp, Logan Co	2011 Membership Assessment	\$ 819.00
Allen Twp, Union Co	2011 Membership Assessment	\$ 1,282.45
Jefferson Twp, Logan Co	2011 Membership Assessment	\$ 1,379.95
Miami Twp, Logan Co	2011 Membership Assessment	\$ 487.50
Wayne Twp, Champaign Co	2011 Membership Assessment	\$ 1,142.70
Lake Twp, Logan County	2011 Membership Assessment	\$ 487.50
Union County Commissioners	Reimburse K. Hanigosky Unemployment	\$ 975.00

TOTAL RECEIPTS **\$ 150,302.45**

TOTAL CASH ON HAND **\$ 313,367.23**

EXPENDITURES

Employee Salaries	2 Pay Periods	\$ 11,114.26
PERS	Dec-10	\$ 1,581.88
Medicare	2 Pay Periods	\$ 160.13
Time Warner	Internet/Phone Service	\$ 243.18
BWC State Insurance	Annual Workers Comp Premium	\$ 1,890.99
Verizon	Cell Phone	\$ 138.42
Dayton Power & Light	Electric	\$ 407.00
Ohio Dept of J&F Services	Unemployment for K. Hanigosky	\$ 675.00
Wes Dodds	Mileage - December 2010	\$ 125.00
Heather Martin	Mileage - December 2010	\$ 106.00
Staples	Supplies	\$ 322.08
COLCAS	2011 Membership dues	\$ 25.00
LUC Petty Cash Reimbursement	Miscellaneous Receipts	\$ 63.97
OPC/Ohio APA (Ohio Planning Assoc.)	2011 Membership dues	\$ 100.00
CCAO (Co. Planning Director's Assoc.)	2011 Membership dues	\$ 85.00

\$ 17,037.91

Bldg.

First & First	Basement Insulation/Light	\$ 3,573.75
Lowe's Companies	Salt	\$ 9.87
Hague Quality Water	Softener Salt	\$ 33.00

\$ 3,616.62

TOTAL EXPENDITURES **\$ 20,654.53**

BALANCE ON HAND AS OF January 31, 2011 **\$ 292,712.70**

Respectfully Submitted,



Andy Yoder, Treasurer

2011 Budget Summary

As of 3/9/2011

10-800	REVENUES:	Estimated	To Date	CashBalance
1	Per Capita Assessments	\$ 174,115.24	\$ 177,604.95	\$ (3,489.71)
2	Estimated Interest	\$ 4,000.00	\$ 85.86	\$ 3,914.14
3	Estimated Other	\$ 1,650.00	\$ 975.00	\$ 675.00
4	Services and Projects	\$ 78,100.00	\$ -	\$ 78,100.00
Estimated Total Revenue		\$ 257,865.24	\$ 178,665.81	\$ 79,199.43

10-100	EXPENDITURES:	Estimated	To Date	
1020	Salaries & Wages	\$ 150,000.00	\$ 22,523.67	\$ 127,476.33
1030	Supplies	\$ 6,000.00	\$ 1,067.20	\$ 4,932.80
1040	Equipment	\$ 5,000.00	\$ -	\$ 5,000.00
1050	Utilities	\$ 12,000.00	\$ 1,576.32	\$ 10,423.68
1060	Travel	\$ 9,000.00	\$ 544.50	\$ 8,455.50
1070	Professional Development	\$ 4,000.00	\$ 430.00	\$ 3,570.00
1090	Other Expenses	\$ 6,000.00	\$ 97.51	\$ 5,902.49
1091	PERS	\$ 21,000.00	\$ 3,150.89	\$ 17,849.11
1092	Workers Compensation	\$ 5,250.00	\$ 1,890.99	\$ 3,359.01
1093	Medicare	\$ 2,175.00	\$ 324.52	\$ 1,850.48
1094	Hospital / Life Insurance	\$ 10,871.00	\$ 697.72	\$ 10,173.28
1100	Contingencies	\$ 10,000.00	\$ 1,910.00	\$ 8,090.00
1300	Building Fund	\$ 6,000.00	\$ 3,630.58	\$ 2,369.42
	Annual Meeting	\$ 3,500.00	\$ -	\$ 3,500.00
Estimated Total Expenditures		\$ 250,796.00	\$ 37,843.90	\$ 212,952.10

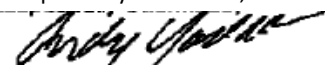
STATEMENT:

Cash Balance January 1, 2011	\$ 163,064.78
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Actual Cash On Hand December 31, 2011	
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Actual 2011 Revenue	
Difference (+/Under)	
Estimated Total Expenditures	\$ 250,796.00
Actual 2011 Expenditures	
Difference (+/Under)	

**LUC Regional Planning Commission
Treasurer's Report**

BEGINNING BALANCE ON February 1, 2011		\$ 292,712.70
RECEIPTS		
Logan County	Interest - 4th Quarter	\$ 85.86
City of Urbana (Champaign)	2011 Membership Assessment	\$ 5,122.80
Village of Russells Point (Logan)	2011 Membership Assessment	\$ 994.50
Village of DeGraff (Logan)	2011 Membership Assessment	\$ 750.10
Village of Richwood (Union)	2011 Membership Assessment	\$ 1,428.70
Union Twp (Union)	2011 Membership Assessment	\$ 832.65
Leesburg Twp (Union)	2011 Membership Assessment	\$ 936.65
Monroe Twp (Logan)	2011 Membership Assessment	\$ 929.90
Perry Twp (Logan)	2011 Membership Assessment	\$ 694.85
Millcreek Twp. (Union)	2011 Membership Assessment	\$ 982.80
Adams Twp (Champaign)	2011 Membership Assessment	\$ 776.10
Stokes Twp (Logan)	2011 Membership Assessment	\$ 2,803.45
Harrison Twp (Champaign)	2011 Membership Assessment	\$ 586.30
Johnson Twp (Champaign)	2011 Membership Assessment	\$ 1,071.85
Washington Twp (Union)	2011 Membership Assessment	\$ 647.40
Jerome Twp (Union)	2011 Membership Assessment	\$ 2,346.50
Urbana Twp (Champaign)	2011 Membership Assessment	\$ 2,249.00
Bokescreek Twp (Logan)	2011 Membership Assessment	\$ 487.50
Taylor Twp (Union)	2011 Membership Assessment	\$ 1,145.95
Rush Twp (Champaign)	2011 Membership Assessment	\$ 608.40
Paris Twp (Union)	2011 Membership Assessment	\$ 1,092.00
Madriver Twp (Champaign)	2011 Membership Assessment	\$ 1,790.10
TOTAL RECEIPTS		\$ 28,363.36
TOTAL CASH ON HAND		\$ 321,076.06
EXPENDITURES		
Employee Salaries	2 Pay Periods	\$ 11,409.41
PERS	Jan-11	\$ 1,569.01
Medicare	2 Pay Periods	\$ 164.39
Anthem Life	Life Insurance - 2 months (Feb. & Mar.)	\$ 14.40
CEBCO	Health Insurance - 2 months (Feb. & Mar)	\$ 683.32
Staples	Supplies	\$ 581.15
ODJFS	Unemployment - K. Hanigosky (Dec. & Jan.)	\$ 1,235.00
US Postal Service	Annual Postal Box Fee	\$ 100.00
Verizon Wireless	Cell Phone	\$ 138.70
DP & L	Electric Service	\$ 407.00
Time Warner	Internet Service/Phone Service	\$ 242.02
SurveyMonkey.com	Internet Survey Program	\$ 200.00
Logan County Treasurer	Real Estate Taxes for 2011	\$ 51.51
Marysville Printing	Map Lamination for LC Sheriff's Dept.	\$ 46.00
Heather Martin	Mileage - January 2011	\$ 145.50
Wes Dodds	Mileage - January 2011	\$ 168.00
UC Twp Association	Annual Banquet Ticket & Program Ad.	\$ 20.00
		\$ 17,175.41
Bldg.		
Lowe's	Building Supplies (Salt)	\$ 13.96
TOTAL EXPENDITURES		\$ 17,189.37
BALANCE ON HAND AS OF February 28, 2011		\$ 303,886.69

Respectfully Submitted,



Andy Yoder, Treasurer

LUC MEETING
March 10, 2011

☐Active Construction Projects

No projects currently active.

☐Projects Awarded During Month of February

No projects awarded during February.

☐Upcoming Projects Scheduled for Sale Through Month of March

No projects scheduled for sale through March.

☐Work by ODOT Maintenance Forces During Month of March

Guardrail repair – Various locations as needed

Berming – Various locations as needed

Drainage Repair – Various locations as needed

☐ALL PROJECT INFORMATION CURRENT AS OF March 4, 2011.

Ferzan Ahmed, P.E. has been appointed as the new District 6 DDD.

Thom Slack, P.E. is now the D6 Planning and Engineering Administrator.

ODOT is reorganizing the previous Planning and Production Departments into one department which will now be known as Planning and Engineering.

Dan Wise, P.E. is serving as the Interim Highway Management Administrator.

CHP/LOG County Projects						
08/15/10 thru 09/30/12						
03/07/11	Updated	COUNTY ROUTE SECTION	PRIMARY WORK CATEGORY	DESCRIPTION	AWARD DATE CURRENT	AWARD DATE ACTUAL
PID						
80856	CHP SR 29 17.80		Minor Rehabilitation - Pavement Gmrl Sys	Pavement Planing and Resurfacing the existing roadway with Asphalt Concrete.	03/03/11	03/03/11
83897	CHP SR 29/507 15.08/0.00		Minor Rehabilitation - Pavement Gmrl Sys	Resurface the existing roadway, along with other roadway related items.	06/09/11	
83909	CHP SR 4 6.93		Minor Rehabilitation - Pavement Gmrl Sys	Resurface the existing roadway, along with other roadway related items.	07/01/12	
82454	CHP US 68 5.65		Minor Rehabilitation - Pavement Gmrl Sys	Pavement planing and resurfacing with asphalt concrete.Urban Paving Program.	07/07/12	
88422	D07 SRTS CHP Urbana Infrastruct		Add Sidewalks	Replacing crosswalk striping, install school zone flashers, ADA curb ramps, and replacing sidewalks. (South Elementary, North Elementary, and East Elementary Jr High)SRTS Infrastructure project.	03/09/12	
89126	LOG CR VAR PM FY12		Pavement Marking	PLACE NEW AND UPGRADE EXISTING PAVEMENT MARKINGS.	05/30/12	
80870	LOG SR 273 7.71		Minor Rehabilitation - Pavement Gmrl Sys	Resurfacing the existing roadway with Asphalt Concrete.Quantity Splits needed.	06/09/11	
82455	LOG SR 47 11.73		Minor Rehabilitation - Pavement Gmrl Sys	Pavement planing and resurfacing with asphalt concrete.Urban Paving Program.	07/07/12	
83760	LOG SR 47/292 15.33/0.24		Minor Rehabilitation - Pavement Gmrl Sys	Resurface the existing roadway with Asphalt Concrete.	07/01/12	
85004	LOG SR 540 0.10		Minor Rehabilitation - Pavement Gmrl Sys	Pavement planing and resurfacing of the existing roadway with asphalt concrete, along with other roadway related items.(Urban Paving Program)	07/07/11	
19741	LOG SR 708 2.08		Bridge Replacement	REPLACE 88FT STRUCTURE OVER BOAT CHANNEL WITH MINIMAL APPROACH WORK. 3 SPANS.	05/31/12	
83930	LOG SR 708/720 0.00/4.12		Minor Rehabilitation - Pavement Gmrl Sys	Resurface the existing roadway, along with other roadway related items.	03/31/11	
89026	LOG TRAFFIC SIGNALS BELLEFON	Signals		REPLACE OBSOLETE TRAFFIC PREEMPTION SYSTEM, INCLUDING 25 SIGNALIZED INTERSECTIONS, EQUIP 20 VEHICLES WITH GPS. REUSE INDICATOR LIGHTS IF POSSIBLE.	12/21/11	



OHIO DEPARTMENT OF TRANSPORTATION

CENTRAL OFFICE • 1980 WEST BROAD STREET • COLUMBUS, OH 43223
JOHN R. KASICH, GOVERNOR • JERRY WRAY, DIRECTOR

Budget Testimony for ODOT Director Jerry Wray February 19, 2011

Mr. Chairman, Distinguished Members,

First, Chairman Mica, welcome to the great State of Ohio and thank you for holding this field-hearing. I also want to thank all of our Members of Congress for coming today to discuss the ever important issue of Transportation.

As you may know, this is my second stint in the Director's seat at the Ohio Department of Transportation (ODOT) and I can tell you that while budgetary constraints and issues have certainly become more challenging since the mid-1990s, the mission and people of ODOT remain the same. ODOT is formed by a dedicated group of people that are more committed than ever to providing Ohioans the best value for their money on investments made in transportation here in our State. But, in order to continue to provide high-value to our citizens, we need a strong partnership and commitment from the Federal Government for continued, reliable funding; more flexibility in the way we are able to spend those funds; and decreased red tape associated with delivering projects.

Ohio is truly a cross-road for transportation in our country and is proven by the fact that:

- Ohio is a single day's drive from 60 percent of U.S. and Canadian population
- Ohio has the nation's 4th largest interstate system with 6,700 lane miles
- Ohio has the nation's 2nd largest total number of bridges with 43,412
- Ohio has approximately 715 miles of navigable waterways
- Ohio annually moves more freight by water than flows through the Panama Canal
- Ohio is ranked as high as 8th in the nation in value of freight shipments moved by water
- Ohio is 3rd in the nation in total active rail miles. In fact, in mid-2010, Ohio surpassed California.

It takes a great deal of work to maintain our system and we appreciate the partner we have in the Federal Government, but one of our most pressing needs is the fast-approaching shortfall of State funds we will have available to match Federal funds. In fact, our budget predictions show that by 2018 Ohio will no longer have the state matching funds needed to be eligible to receive all of our allotted Federal funding. This will consequently slow or stop much-needed projects.

We would like to respectfully suggest that the current matching criteria of 20 percent State and 80 percent Federal be re-evaluated and reduced to 10 percent State and 90 percent Federal. This is critical for continuing to maintain and grow our transportation system.

Additionally, reducing the match to 90/10 will not only help ODOT, but will arguably help our local partners even more. As you know, the budget situations for local governments are often-times more dire than State budgets and they depend on Federal dollars for many of their projects. Unfortunately, the matching requirements and regulations oftentimes make using Federal dollars not a viable option. Our infrastructure continues to age and we have to maximize our resources to ensure Ohio's economy, transportation system and citizens do not suffer.

Just like the rest of the country, Ohio is feeling the pinch of a sluggish economy and we fully understand the challenges associated with continuing to fund transportation projects. However, we strongly believe there is a need for reform. The current gas-tax structure is an outdated mechanism which, as we all know, can no longer sustain our nation's transportation system. We are dependent on a system that was created in 1925 when gas was only 22 cents a gallon.

The price of gas is not the only cost that has consistently risen over the years, inflation has affected our ability to construct new-and even maintain current- infrastructure, stretching our already over-stretched budgets. In fact, we have to spend 50 percent more today to get the equal amount of work performed in 2001. In 2011, we estimate our construction program-as well as the cost of steel, concrete and asphalt-to rise an additional 5.7 percent. Decreased revenues from the gas tax, combined with inflation in the construction sector, have seriously hindered ODOT's ability to provide much needed projects for our economic future.

As times change and prices continue to rise, our funding mechanisms must change as well. We would like to encourage Congress to look at new and innovative ways to pay for our transportation. These new mechanisms should accurately reflect the true use of the system and be fair to all members of our society.

Budget short-falls are not the only dilemma facing State Departments of Transportation around the country, the bureaucracy of the Federal project process, especially the National Environmental Policy Act, or NEPA, is also a major barrier to the quick and efficient delivery of projects. Much of the delay in the current process results from the 'logjam effect' in which too many projects are being pushed through too narrow of a pipeline of USDOT staff. To prevent this logjam, we believe USDOT's project-level responsibilities should be delegated to State DOTs, and USDOT should shift into an oversight role. SAFETEA-LU enabled this type of delegation to occur and it is our hope that the next Transportation Reauthorization Bill will greatly accelerate delegation to the states.

We believe it should not take 10 years for a project to reach the construction phase, but unfortunately due to these lengthy processes, this all too often is the case. We live in an era where time is money, and while still being good stewards of the environment is necessary, we are confident that the red tape could be cut dramatically.

Federal regulations within the United States Department of Transportation should also give states, like Ohio, the flexibility to leverage their resources and find innovative means for generating revenue. For example, the possibility to lease land near or within longitudinal right-of-way and to lease available resources to private partners opens the door for innovation and partnerships with private firms that are

necessary. However, USDOT regulations stipulate a multitude of restrictions on what ODOT is allowed to do within its own right-of-way that does not allow for these types of partnerships to happen. ODOT and the associated rules and regulations need to move at the speed of business and technology while at the same time providing for an efficient and safe transportation system.

Additionally, another example where this flexibility can help is by changing Federal Highway Administration regulations in a way to allow States the use of private sector revenues to help subsidize rest areas. We see serious potential in allowing advertising inside rest areas as a way to lower our costs and increase value to travelers.

Finally, as you are all aware, we are in desperate need of a new Transportation Reauthorization Bill. Having a strong, robust, sustainable, and less restrictive bill in place will help us confidently and accurately plan for the future. Right now as it stands, it is difficult to know exactly what projects we will be able to deliver. We need to know where our Federal partner will stand not just for this year, but for the future as well. Transportation Reauthorization will enable Ohio to plan with our private sector and our local communities for projects that create and retain jobs.

Our focus is clear in Ohio. We need to work more efficiently than we have before to build and maintain our lead in the logistics industry. We are striving to help solve our budgetary constraints by exploring innovative ideas for generating revenue from all available resources. Transporting people, goods and services while focusing on growing our economy can only happen with a predictable and dependable Federal partner.

Thank you all again for taking time out of your weekend to focus on these important issues. We appreciate your leadership and look forward to working with you. I would be happy to take any questions.

Ohio Department of Transportation

John R. Kasich, *Ohio Governor*

Jerry Wray, *ODOT Director*

2012-2013 Biennium Budget Testimony

Director Jerry Wray

Before the
House Finance and
Appropriations Committee

February 23, 2011

2:00 p.m.



Good afternoon, Mr. Chairman and Distinguished Members,

I am Jerry Wray, Director for the Ohio Department of Transportation. On behalf of Governor Kasich, it is my pleasure to present you with the 2012-2013 biennium transportation budget.

This is my second stint in the Director's seat at the Ohio Department of Transportation and I can tell you that while budgetary constraints and issues have certainly become more challenging since the mid-1990s, the mission and the people of ODOT remain the same. ODOT is formed by a dedicated group of people more committed than ever to providing Ohioans the best value for their money on investments made in transportation here in our State.

But, in order to continue to provide high-value to our citizens, we need a strong partnership and commitment from the Ohio Legislature for continued, reliable funding. ODOT also should be a partner, not a barrier, to local governments and projects and help deliver those projects statewide.

This biennium budget of \$5.6 billion represents our commitment to:

1. Concentrate all resources to improve and maintain the Department's existing road and bridge conditions and provide consistency in the delivery of our integrated transportation system;
2. Emphasize economic development in our project selection and encourage a new spirit of cooperation and innovation, as well as develop a sense of urgency to maximize and capitalize on economic development opportunities and create jobs;
3. Increase agency accountability to the public and provide the highest value for our investments;
4. Become a reliable partner with local communities and make ODOT more accessible and understandable;
5. Use innovative financing tools, such as Public Private Partnerships, to harness the ingenuity and financing capabilities of the private sector;
6. And finally, look for ways to streamline operations and explore lower cost options for completing projects.

Transportation is what keeps our country moving and Ohio is truly a vital cross-road as proven by the facts:

- Ohio is a single day's drive from 60 percent of U.S. and 50 percent of Canadian populations.
- Ohio has the nation's 4th largest interstate system with 6,700 lane miles.
- Ohio has the nation's 2nd largest number of bridges with over 43,000.
- Ohio annually moves more freight by water than flows through the Panama Canal.
- Ohio is 3rd in the nation in total active rail miles. In fact, in mid-2010, Ohio surpassed California.
- And, Ohio is the 3rd largest manufacturing state and number one in the value of outbound shipments.



It takes a great deal of work to maintain our system and just like every other Agency and Local Government, we are feeling the impact of a sluggish economy and the uncertainty of future Federal funding.

The hard economic times our citizens have faced over the past several years have translated into a decrease in vehicle miles traveled, meaning fewer fill-ups at the pump. Additionally, as technology advances and increased Corporate Average Fuel Economy Standards make vehicles more fuel efficient than ever, people are getting more miles to the gallon, which in-turn means less revenue to Federal, State and Local Governments.

To work within our current funding situation, we have to prioritize and focus on our true needs here in Ohio. As we all know, there is a difference between wants and needs, but sometimes it is difficult to distinguish

between the two. This Administration's number one goal is to put Ohioans back to work and to keep and bring new business to our State. We plan to use this economic indicator to help determine our priorities for the next several years.

As with all families and organizations, when times get tough, you review your priorities and make decisions...often difficult decisions. The Ohio Department of Transportation is committing to be as lean, efficient and effective as possible. We are working to cut our operating costs, so we can funnel any available money towards much-needed statewide transportation projects.

In fact, ODOT's operating budget, since 2009, has been held at 95 percent of 2008 levels, which has enabled the Department to redirect approximately \$40 million to our capital projects and offset the decrease in state motor fuel consumption. That savings will be slightly reduced in Fiscal Years 2012/2013 to 97 percent of 2008 level, resulting in approximately \$25 million in savings per year. You have our commitment to continue to keep these costs down and we are working to lower them even more.

Another key factor in our funding situation is the lack of a Federal Transportation Bill. The President released his Transportation Reauthorization proposal last week and called for a massive increase in Federal funding. While we support funding transportation at the highest levels, we know those levels need to be realistic and sustainable for the long-term and we must have State funds available to match Federal funds. Right now as we see it, neither of these criteria could be met.

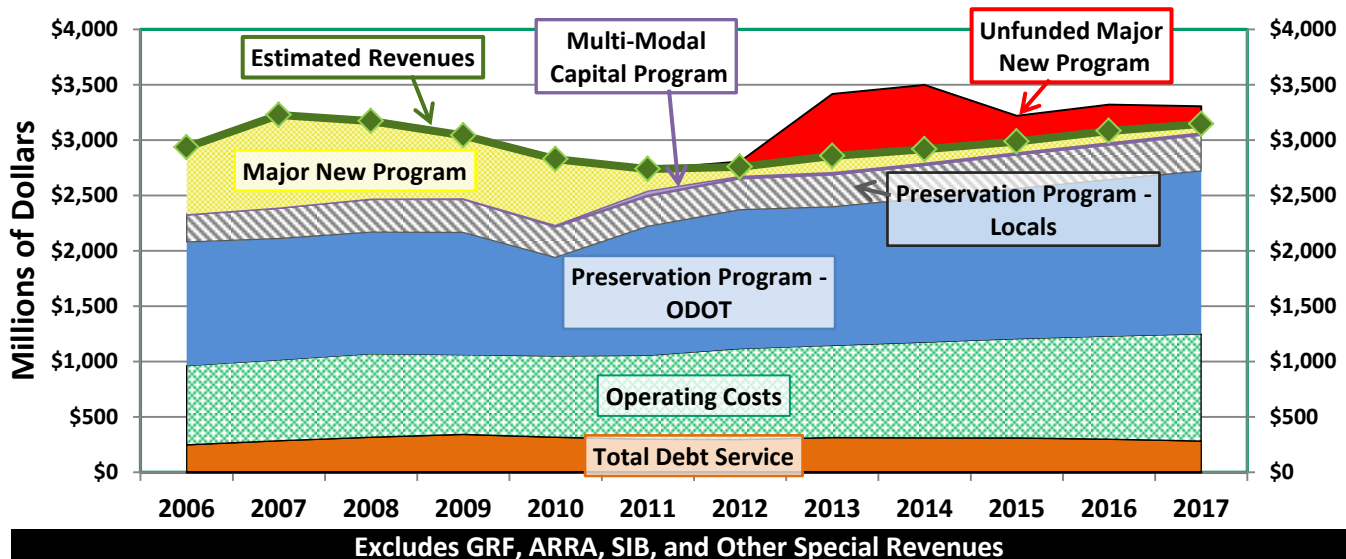
Even with current funding levels, Ohio is fast-approaching a shortfall of State funds available to match Federal funds. In fact, our budget predictions show that by 2018, Ohio will no longer have the State matching funds needed to be eligible to use all of our allotted Federal funding.

Additionally, starting in Fiscal Year 2013 we will not have sufficient funding available for our major-new program, which are projects over \$5 million that add capacity. Our infrastructure continues to age and we have to maximize our resources to ensure Ohio's economy, transportation system and citizens do not suffer.

Part of the solution to this problem would be to re-evaluate the current matching criteria of 20 percent State and 80 percent Federal and reduce it to 10 percent State and 90 percent Federal. Currently, members of our Congressional delegation are discussing this option and we appreciate their support.

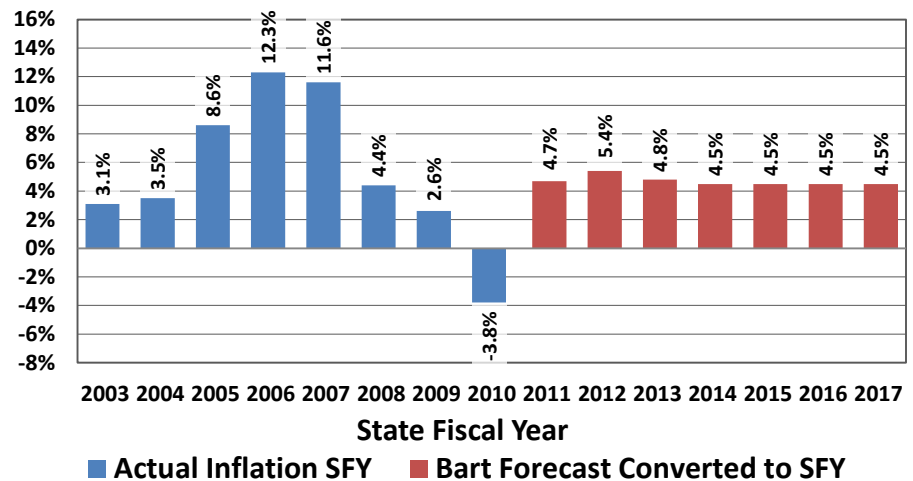
ODOT Revenue and Program Summary

Based on 2012-2013 Budget - As Introduced



Inflation has also affected our budget and our ability to build and maintain our transportation infrastructure, further tightening our already over-stretched budgets. In fact, we have to spend approximately 50 percent more today to get the equal amount of work performed in 2001. In 2011, we estimate our construction program, as well as the cost of steel, concrete and asphalt, will rise an additional 5.7 percent. Decreased motor fuel revenues, combined with inflation in the

Construction Cost Inflation Forecast



construction sector, have seriously hindered ODOT's ability to provide much needed projects for our economic future.

All of these issues funnel down to our partners at the local level. It is very difficult for local communities to use Federal funds.

First, because of the matching requirements and secondly because of all of the red tape associated with receiving Federal funding. An example of this red tape is the National Environmental Policy Act, or NEPA, which creates a costly web of bureaucracy that many local communities cannot afford. When time is money, it should not take over 10 years for a project to reach the construction phase. In order to address the many challenges ODOT faces and to move forward with Governor Kasich in his efforts to maintain and build infrastructure that will grow and retain jobs, we propose several changes and additions to the ODOT budget. These changes will allow us the flexibility to move at the speed of business while ensuring the safety of our transportation system and professionalism of the Department.

Our budget proposal will allow for the increase use of Value Based Design-Build projects. Originally enacted with limited authority by the previous Transportation Budget to expedite Federal American Recovery and Reinvestment Act projects, Value Based Design-Build is a process that combines technical qualifications for a specific project and a competitive bidding process that maximizes the value of the final Design-Build product.

We respectfully request ODOT's authority to use a competitive Value Based Design-Build process be made permanent and the cap for Design Build projects be increased to \$1 billion per biennium. This will allow ODOT continued use of Design-Build to accelerate development of complex and

high-dollar projects that may not be suitable for award under the Department's Design-Bid-Build program.

One example of the use and efficiency of this type of project is the Cleveland Interstate 90 Innerbelt Bridge. This quarter-of-a-billion dollar project is just part of an overarching multi-billion dollar program for the reconstruction of the existing interstate highway system in and around Cleveland's Central Business District. Value-based design-build contracting for the Cleveland Innerbelt Bridge provides increased opportunity for:

- Flexibility in innovative design changes, construction phasing and maintenance of traffic,
- And, it will increase collaboration between design and construction personnel.
- It also plans to provide a shorter delivery time of the project, meaning less interruption to the public.
- Lastly, the competitiveness of the design-build process resulted in more than \$100 million in cost savings from the official engineer's estimate.

Increasing ODOT's authority to use Value Based Design-Build will allow ODOT to capitalize on improved project schedules as well as innovative design and construction collaboration. Additionally, allowing ODOT to pay compensation for a preliminary design concept will attract competent and responsive firms from within the state to bid and compete on these larger projects. Without this compensation in place, it would be more difficult to allow a smaller firm to compete with a larger, well-established firm that may not necessarily offer us the best project for our dollar. This proposal, along with bill language relating to the confidentiality of ODOT's

selection process, will allow the Department to move forward with several critical projects while obtaining the best contract for the Ohio taxpayer.

In order to move at the speed of business, ODOT will need to form partnerships and relationships with the private sector to help manage, grow, and sustain our transportation network. The State of Ohio, along with its other Local and Federal partners, has done a tremendous job to build our highway and interstate network, but in order to stay ahead of the game we need to enlist the help of the private sector.

Public Private Partnerships, or P3s, have been in existence in states such as Virginia, Alabama, Texas, Florida, Massachusetts and others for several years. These projects have helped reduce the public's overall cost of renovation, maintenance, and expansion of many transportation facilities and networks. Language included in this budget will enable ODOT to enter into agreements and partnerships with the private sector.

We want to be clear, these projects must still adhere to and follow all existing local, state and federal regulations. Our private sector partners who would want to enter into an agreement with ODOT will be selected using selection criteria that involve some but not all of the following:

- A proposed cost and financial plan, a transportation facility feasibility study, proof of public benefits, and other criteria that the Department deems necessary;
- And, they will be financed by any combination of funding through public or private entities, including donations

of land or other resources to carry out the necessary project.

In order to help and facilitate business and job creation in Ohio, ODOT needs to adopt these measures and allow it to adapt, change, and innovate at the pace of business.

An example where we have identified room for cooperation is within our Traffic Generator Sign Program or “Brown Signs.” Many times, ODOT has placed brown signs on roads and highways to inform the traveling public that a certain site of interest or historical location exists and how to reach that particular destination.

ODOT will enter into contractual agreements with private or public entities that wish to sponsor a particular sign. Again, this program has the potential to partner with the private sector while providing added revenue to maintain our transportation system.

ODOT will also work to act as a partner with our local townships, villages, and cities. The Department has proposed that authority for the regulation of advertising devices be placed with the local zoning authority. This language has been proposed to eliminate ODOT as a “middle-man” for administering Federal Regulations pursuant to the Highway Beautification Act of 1965. Local jurisdictions should have the flexibility to control outdoor advertising placement within the geographic jurisdiction of those authorities. This will also reduce ODOT’s cost for ensuring compliance with the Highway Beautification Act of 1965.

Finally, the Department is also aware that significant savings to the public can be reached by addressing the purchasing of salt for ODOT’s snow removal operations. With the help of the Ohio Inspector General’s office, we have been made aware that we have paid significantly more for this necessary commodity than our neighboring states. The Inspector General’s report released on January 6, 2011 made several recommendations to change the practices of the Department of Administrative Services and the Department of Transportation with the goal of eliminating the possibility for collusion and price fixing. Along with taking those recommendations into account, we propose to adhere to practices in the spirit and the definition of Buy Ohio but to change what shall qualify as “sufficient competition.”

Currently, Ohio Revised Code (ORC) 125.11 (B) states that: “...If there are two or more qualified bids that offer products that have been produced or mined in the state, it shall be deemed that there is sufficient competition to prevent an excessive price for the product of the acquiring of a disproportionately inferior product.”

In the case of ODOT salt purchases, two qualified companies that had salt mined in Ohio were deemed to offer “sufficient competition” as defined by this statute of ORC. By removing this line from ORC, it will give ODOT and other agencies flexibility to determine what constitutes “sufficient competition.”

In order to accomplish our goals and make the Ohio Department of Transportation as lean, effective and efficient as possible we have set the following priorities:

- **Accountability:** The citizens of Ohio deserve a Department of Transportation that holds themselves to the highest levels of accountability. We plan to be accountable at all levels, including accountability to the public, local governments, consulting firms and contracting companies. We are committed to doing our part to make sure projects can quickly navigate through our process.
- **Flexibility:** We see flexibility as a key to success. We are going to change the way we do business to make sure we are a partner on transportation projects and not an obstruction.
- **Safety:** Safety has to be a top priority. Deaths on our roadways not only cost millions of dollars every year, but destroys families. The three keys to improving safety are engineering, education and enforcement and we are committed to this approach. In fact, it is our goal to decrease fatalities by a minimum of 150 by 2015.
- **Reliability:** We believe the key to maintaining and continuing to grow our transportation system is through reliable, stable funding levels. It is our goal to consistently maintain a \$1.3 to \$1.5 billion construction program. We want to avoid peaks and valleys and give our stakeholders confidence they can hire workers and keep them on-staff for the long-term because the money and work will be there.

Additionally, we are also taking this approach with funding for Ohio's Transit Agencies. We released earlier this month

that we are proposing to give transit agencies a reliable nearly \$30 million for as long as we are in office. This is a 62 percent increase over 2010 levels and it is something transit agencies can plan for in the future.

Our focus is clear in Ohio and we are prepared to take on the challenge of working within a tight budget. We need to work more efficiently than we have before to build and maintain our lead in the logistics industry, which is a \$12 billion a year industry here in Ohio, and maintain our transportation system as a whole.

When Queen Elizabeth I asked renowned philosopher, writer and statesman Sir Francis Bacon his opinion on what makes a country great, he simply replied, "Easy conveyance of men and goods from place to place." He understood more than 400 years ago the importance of transportation and we must heed his advice and continue to invest and improve our transportation system here in Ohio.

Continuing to transport people, goods and services while focusing on growing our economy has to be our top priority and can only happen with an accountable ODOT that stands ready to partner with local governments and the private sector. I am proud to say we are ready and willing to do what it takes to get the job done.

Thank you all for taking on this monumental task of improving and approving our transportation budget. We appreciate your leadership and look forward to working with you. I would be happy to answer any questions.



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
March 10, 2011

STAR HOLDINGS PROPERTY, 5.01 ACRES – ZONING AMENDMENT

- APPLICANT:** Star Holdings, Mark Brumbaugh Trustee
2115 S. Main, Suite 111
Bellefontaine, OH 43311
Phone 937-844-8242
- REQUEST:** Request from Harrison Township (Logan County) to review a request to re-zone one parcel owned by Star Holdings, Mark Brumbaugh Trustee
Parcel # 080900000017001
Total Acreage – 5.01
Currently Zoned: U-1 Rural Undeveloped District
Current Use: Residential/Agriculture
Proposed Zoning: B-1 Service Business District
Proposed Use: Multi-tenant mixed business uses
- LOCATION:** West of Bellefontaine, directly across from the Bellefontaine Municipal Airport.
- STAFF ANALYSIS:** The applicant, Star Holdings., would like to re-zone their property from U-1 Rural Undeveloped District to B-1 Service Business District. The property has most recently been used as a residential property. Star Holdings is proposing to utilize an existing building on this property for multi-tenant mixed business purposes.

In the attached letter from the applicant, he points out that there are several business in close to proximity his property. Although this property is situated directly across from the Bellefontaine Municipal Airport, and approximately a half mile west of the City of Bellefontaine, the surrounding area is of a very much rural and agricultural character. The airport has been at its present location since 2002, and there has been little to no



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commercial growth in close proximity to the airport. The area has remained largely rural and agricultural. Staff does not feel that this trend is likely to change in the near future. The applicant does mention several businesses located in the township in his application letter. However, none of them are zoned business or commercial. Because they are not zoned business, this limits the uses of the land to what is presently happening on those parcels. In this case, should the parcel be rezoned, it would open this piece of land to all of the uses allowed in the B-1 District in Harrison Township. Staff feels there are several uses permitted in the B-1 District that certainly do not fit with the character of the area. Because this would be the only parcel zoned business in the immediate area, staff feels this is a case of "spot zoning", as it would be incompatible with existing surrounding land uses.

STAFF RECOMMENDATIONS:

- Staff recommends **DENIAL** of the proposed rezoning of parcel #080900000017001 from U-1 Rural Undeveloped to B-1 Service Business based on the above staff analysis. Staff feels that this is a case of spot zoning, and the proposed uses listed by the applicant are very vague. Staff feels a conditional use permit would be more appropriate in this situation, as *some* business uses may be appropriate at this location. This would be an option for the applicant, as there are several business uses permitted in the B-1 Service Business District, including "Service Business", "Personal Services" and "Offices"

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:

- The Zoning & Subdivision Committee met and recommended **DENIAL** of the proposed rezoning of parcel #080900000017001 from U-1 Rural Undeveloped to B-1 Service Business based on the staff analysis and recommendation.
- LUC received communication from the applicant's legal counsel requesting that the application for rezoning be withdrawn from consideration at this time, and no formal action be taken by the LUC Executive Committee. The applicant and their legal counsel intend to reevaluate the property and its proposed future use, and approach at the township at a future date with a submittal.

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STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
March 10, 2011

LONGVIEW COVE FINAL PLAT

APPLICANT: James David Duff
9101 S.R. 117, P.O. Box 305
Huntsville, OH 43324

William Simms @ Longview Cove Group
7575 McEwen Road
Dayton, Ohio 45459

REQUEST: Approval of the Longview Cove Final Plat

LOCATION: Located on the northern side of County Road 38 and across from Township Road 38 in Richland Township, Logan County.

STAFF ANALYSIS: The proposed Final Plat is a residential subdivision with lake access consisting of 52 Single Family Home Residential Lots located on 25.420 Acres with a community lot with a swimming pool, clubhouse and a boat loading dock (for owners & guests only). A 5.186 acre wetlands area is being preserved as open space. The streets will be privately constructed, owned and maintained. A series of new channels will provide boat access from each property to Indian Lake.

The Preliminary Plat for the Longview Cove Subdivision was **conditionally approved** by the LUC Executive Committee on November 12th, 2009. There were several conditions of approval, including addressing all comments received from reviewing agencies and outlined in the LUC Staff Report.

At this time, staff has several issues with the submittal of the Longview



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Cove Final Plat. The developer was told on several occasions that there were concerns about the process in which Richland Township rezoned the property. Some of these concerns included the notification requirements of the zoning amendment, as well as the townships failure to send the proposed amendment to the Regional Planning Commission for review as required by the Ohio Revised Code, Section 519.12.

Per the minutes of the LUC Zoning and Subdivision Committee meeting of November 10, 2009 the zoning issue was discussed, and the applicant (Mr. Duff) was informed that there were likely deficiencies in the zoning amendment process on the part of the township. The minutes further state that LUC would be notifying the Prosecutors Office of the concerns regarding the zoning amendment, so that they could work with the township (as Richland Township chooses not be members of, or consult with LUC) on the correct process for the zoning amendment. LUC notified the Prosecutor's Office of the issue via email on December 22 2009. Per the minutes of the November 10 2009 LUC Zoning and Subdivision Committee and the recommendation letter to Mr. Duff dated November 13, 2009, LUC has fulfilled its obligations as stated. LUC feels that if the Prosecutors Office or Township had not contacted the applicant in reference to this issue, the developer should have followed up with this issue, as they had ample notice that there was likely a problem with the zoning amendment process. The Township should have sought guidance with this issue if they were unsure as to how to properly amend their zoning. While unfortunate for the developer, it is ultimately the responsibility of the township to ensure that they have followed Ohio Revised Code Section 519.12 to ensure that any zoning amendment is valid.

During research of this issue, it was also discovered that Richland Township had also improperly handled three variance requests from the developer. In minutes from the Richland Township *Zoning Commission*, it states that they acted on the variance requests. Chapter 519.14 of the Ohio Revised Code states that reviewing variance requests is a duty of the Board of Zoning Appeals, not the Zoning Commission.

For summary purposes, here is the list of items that are outstanding with the zoning:

- ✓ Zoning Amendment Procedures not followed:
 1. Public Hearing advertising incorrect per ORC 519.12
 2. Timeline of Zoning Amendment process per ORC 519.12 not followed

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Director: Jenny R. Snapp

3. Submittal to LUC Regional Planning Commission was never done per ORC 519.12

✓ Variances:

1. Acted on by Zoning Commission rather than Board of Zoning Appeals
2. No explanation of what the variances were in Township Minutes

LUC Staff met with the Logan County Prosecutor's Office to discuss this issue, and the Prosecutor's Office has advised that they have recommended that the township to go back through the zoning amendment process, and then to have the proper board address the variance requests.

REVIEWING AGENCY COMMENTS:

- **Logan County Engineer's Office**
 - Logan County Engineer's comments are attached. The following items are outstanding:
 1. Lot numbering & dimensions have changed from the Preliminary Plat.
 2. Date of Plat not provided.
 3. Township Road 38 is mis-labeled as County Road 38.
 4. Plat not signed by developers or surveyor and not notarized.
 5. ~~Outline of areas are to be reserved for common use. They have designated each of these areas as individual lots and have described them in the covenants and restrictions but have not outlined them on the plat in any other manner.~~ Per revised Logan County Engineer's review of March 8, 2011, this item has been deleted.
 6. Evidence is required from the Zoning Inspector that approval of clubhouse zoning and development zoning is granted.
 7. The Engineer's Office has not been contacted for any final inspections of improvements and no bond or surety has been furnished for completion of improvements.
- **Logan County Map Room**
 - Per an email sent from Suzie Yoesting at the Logan County Map Room dated March 7, 2011, the Final Plat meets Logan County Conveyance Standards.
- **Logan County Soil & Water Conservation District**

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- Steve Searson called on March 8, 2011 to report that the Logan County Soil & Water Conservation is satisfied that the developer has addressed their concerns appropriately.
- **Logan County Health Department**
 - Location of private water wells was not approved by the Logan County Health District at the time of Final Plat submittal. LUC advised the developer/attorney to withdraw the Plat as approval on individual wells from the Health Department was a condition of Preliminary Plat approval. Subsequently, drawings for well locations were dropped off to the Health Department on March 4 as indicated by Craig Kauffman. Since this time, Craig has indicated that it appears that each lot has a location for a private well and that he is okay with the development proceeding.
 - In the attached letter dated March 7, 2011, Craig Kauffman of the Logan County Health District has indicated that drawings dropped off to him on March 4, 2011 appear to demonstrate that each lot has a location for a private well. In addition, Craig indicates that they will also have something in place that advises buyers of these locations at the time of sale of lots.
- **Logan County Water Pollution Control District**
 - Garis Pugh called on March 8, 2011. Garis advised that the Logan County Water Pollution Control District has the capacity to handle additional discharge. He further states they will accept additional flows from the development. This is outlined in a letter to the developer's engineer dated as February 17, 2011. In addition, Garis advised that there were outstanding issues from the Ohio EPA that needed to be addressed.
 - Garis Pugh faxed a letter on March 8, 2011 from the Ohio EPA. Please find attached a list of outstanding issues in their preliminary review of Longview Cove.
 - Spoke to Cynthia Defibaugh on March 7, 2011. If the streets continue to be maintained privately, the developer/homeowner's association will also be required to maintain the sewer lines and pumps.
- **Indian Lake Watershed Project (ILWP)**
 - Spoke to Vicky Boots from the Indian Lake Watershed Project on March 7, 2011. Vicky indicated that the ILWP has met with Bill Simms to communicate their concerns earlier on in this process. Therefore, they have no comments at this time as they believe their concerns have been addressed.

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- **Indian Lake State Park**
 - Received a phone call from Frank Giannola, Director of Indian Lake State Park on March 7, 2011 indicating that they have no objections to the Longview Cove Final Plat, and all necessary permits have been obtained.
- **Richland Township**
 - As of March 7, 2011, no comments from Richland Township.
- **ODOT District 7**
 - As of March 7, 2011, no comments from ODOT District 7.
- **Logan- Union-Champaign Regional Planning**
 - Flood Plain Hazard Areas:
 - ✓ The Flood Plain Hazard Areas do not appear to be marked on the Plat. The Logan County Subdivision Regulations Section 323 Final Plat Contents #11, state that *"The limits of all Flood Hazard Areas (show the FEMA map number and date). Base Flood Elevations and minimum first floor elevations shall be shown for all lots located within Flood Hazard Areas."*
 - ✓ The plat only lists the map number and date. It does not actually show the Flood Hazard Areas as required by the Subdivision Regulations.
 - ✓ The Plat states that the area shown on the Plat is in Flood Zone "C", areas of minimal flooding. However, LUC staff feels this is incorrect. Per the attached map created by LUC, a portion of the development appears to be in the 100 year flood plain, which would be Flood Zone "A" area. Lot numbers 17,18,19,20, 27,28,29,30,31,32,33,34 and 35 all appear to be partially or entirely within the Flood Zone. The Plat does not list any base flood elevations or minimum first floor elevations for these lots as required by the Logan County Subdivision Regulations.
 - Outstanding zoning issues as stated above in "Staff Analysis". Summary of outstanding zoning issues as follows:
 - ✓ Zoning Amendment Procedures not followed:
 1. Public Hearing advertising incorrect per ORC 519.12
 2. Timeline of Zoning Amendment process per ORC 519.12 not followed

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- 3. Submittal to LUC Regional Planning Commission was never done per ORC 519.12
- ✓ Variances:
 - 1. Acted on by Zoning Commission rather than Board of Zoning Appeals
 - 2. No explanation of what the variances were in Township Minutes
- Per the Logan County Engineer's Office review, no bond or surety has been posted for the completion of the improvements nor has the Engineer's Office been contacted for final inspections of improvements. LUC feels that this is a major outstanding issue. We've not approved Final Plats in the past without the performance bond/surety having been posted (most recently, Jerome Village GPN-7 Final Plat). Ultimately, it's the developer's responsibility to know and follow the Subdivision Regulations. Here are the relevant sections of the Logan County Subdivision Regulations:
 - ✓ **Section 324 Supplementary Information, #2,** "A letter from the County Engineer shall be required showing that all required improvements have been either installed and approved by the proper officials or agencies, or that a bond or other surety has been furnished assuring installation of the required improvements.
 - ✓ **Section 326 Guarantee for Installation of Improvements,** "Prior to the granting of approval of the Final Plat, the subdivider shall have installed the required improvements, or shall have furnished a performance bond, certified check or letter of credit to the County for the amount of the estimated construction cost of the installation of the improvements as approved by the County Engineer. The County has the right to determine the kind of surety that will be accepted. Before the bond, certified check or letter of credit is accepted, it shall be approved by the County Commissioners and their legal counsel. The term of the bond, certified check or letter of credit shall extend 12 months beyond the completion date of the project unless released prior thereto by the County Commissioners. A completion date shall be

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established by the subdivider and approved by the County Commissioners. The period of time stipulated shall not exceed two years from the date of the Final Plat approval unless an extension is requested in writing by the subdivider and granted in writing by the County Commissioners. The completion date shall be stated in the bond, certified check or letter of credit.

STAFF RECOMMENDATIONS:

LUC has been in communication with the legal counsel for the Longview Cove Developers since this Final Plat was submitted and has made them well aware of the fact that there are issues with the zoning regarding this development. LUC Staff has given them the option, and in fact requested on several occasions that they withdraw the Final Plat from LUC's Agenda until these zoning issues can be resolved. They have been insistent that the Plat be left on the Agenda for review. Section 401, Conformity with Development Plans and Zoning, of the Logan County Subdivision Regulations states "...*In addition, no Final Plat of land within the area in which an existing zoning resolution is in effect shall be approved unless it conforms with such resolution.*"

In addition, no performance bond, certified check or letter of credit has been posted to the Logan County Engineer for the installation of improvements. LUC is not in the practice of approving final plats without such performance bond or surety having been posted.

Therefore, the LUC Staff recommendation is for ***DENIAL*** of the Longview Cove Final Plat. Whether the fault of the developer or not, Section 401 of the Logan County Subdivision Regulations clearly states that a final plat SHALL NOT be approved unless it conforms with zoning. LUC Staff feels it could not make any other recommendation in good faith knowing the outstanding issues with the zoning process. Also, the performance bond or surety has not been submitted to the Logan County Engineer.

Ultimately, it is the developer's responsibility to know and adhere to the Subdivision Regulations when platting and to ensure that all such regulations and requirements are followed and incorporated into plats. LUC Regional Planning Commission is not in the practice of approving Final Plats unless these regulations are followed as we strive to provide consistency and fairness in all of the subdivisions that we review.

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ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:

The Zoning & Subdivision Committee recommended **denial** of the Longview Cove Final Plat given the numerous unresolved issues including the outstanding performance bond/surety, evidence of zoning variances being obtained, Ohio EPA review, and technical additions/changes to the Plat. All outstanding concerns as listed above and included in this Staff Report as well as all reviewing agency comments must be incorporated into the Final Plat. The Final Plat will not be accepted unless all of these outstanding issues are included in the Final Plat *prior* to submittal. In addition, at the time of re-submittal subdivision filing fees will be again be required.

The Zoning & Subdivision also asked that LUC staff forward the Ohio EPA review to Craig Kauffman of the Logan County Health District as the EPA issues may affect location of private wells. Jenny Snapp emailed these comments to Craig on March 9, 2011. Craig has since forwarded comments for incorporation into the Final Plat given the EPA review. In addition, Garis Pugh of Logan County Water Pollution Control faxed to LUC on March 9, 2011, the developer's response to EPA.

All reviewing agency comments are attached to this report including those letters and comments that were sent to LUC on March 9, 2011 (since the Zoning & Subdivision Committee Meeting).

The LUC Executive Committee will be meeting in formal session on Thursday, March 10, 2011 to act on the Longview Cove Final Plat.

OFFICE OF THE
LOGAN COUNTY ENGINEER
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1991 COUNTY ROAD 13
BELLEFONTAINE, OH 43311
www.co.logan.oh.us

SCOTT C. COLEMAN, P.E., P.S.
LOGAN COUNTY ENGINEER

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March 7, 2011

Jenny R. Snapp, Director
LUC (Logan-Union-Champaign)
Regional Planning Commission
P.O. Box 219, 9676 E. Foundry St.
East Liberty, OH 43319

RE: Longview Cove Final Plat Review Comments

Dear Jenny:

This office has reviewed the Final Plat submission for the subject project. Below are our comments:

1. The lot numbering and dimensions have changed slightly from the approved Preliminary Plat, but they are acceptable.
2. No date of plat is provided.
3. Township Road 38 is labeled as County Road 38.
4. The plat is not signed by the developers or surveyor and it is not notarized.
5. Evidence is required from the zoning inspector that approval of clubhouse zoning and development zoning is granted.
6. The Logan County Engineer's Office has not been contacted for any final inspections of improvements and no bond or surety has been furnished for the completion of the improvements.

If you have any questions or concerns about these comments please contact me at our office at 937-592-2791.

Sincerely,



Scott C. Coleman, P.E., P.S.
Logan County Engineer



310 S. Main St. • Bellefontaine, OH 43311
PH: 937.592.9040 • FX: 937.592.6746

March 7, 2011

LUC Regional Planning Commission
East Liberty, OH

To Whom It May Concern:

Drawings of Longview Cove well locations submitted to this office on March 4, 2011 appear to demonstrate that each lot has a location for a private well. We will also have something in place that advises buyers of these locations at the time of sale of lots.

Please do not hesitate to contact me for further information.

Sincerely,

A handwritten signature in cursive script, reading "Craig D. Kauffman". The signature is written in dark ink and is positioned above the printed name and title.

Craig D Kauffman, RS
Environmental Health Director

Jenny R. Snapp

From: Craig Kauffman [Craig.Kauffman@odh.ohio.gov]
Sent: Wednesday, March 09, 2011 11:06 AM
To: Jenny R. Snapp; gpugh@logancowpc.com
Cc: 'Chad Ross'; 'Weston R. Dodds'; 'Daniel LaRoche'
Subject: RE: Longview Cove - Reviewing Agency Comments

Regarding item 11: The water lines in the private water systems have to be 18" above the sewer crossing.

Regarding item 14: The well appearing on page 8 of 13 is a private well on Lot 1 that has to be 10 feet from any sewer.

However, there is also proposed to be a public (EPA) well to serve the swimming pool and public building(s). This may be an issue if the EPA regulation requires a 200 foot isolation from sewer. This well only appears on the special well drawings they made for us, as far as I can see. The public well on our drawings is shown near or at where the large black circle is on page 6 of 13 of the construction drawings.

I will forward the drawings submitted to us last week in case you don't have them.

Craig D Kauffman, RS
Environmental Health Director
937-651-6190

From: Jenny R. Snapp [jennysnapp@lucplanning.com]
Sent: Wednesday, March 09, 2011 9:53 AM
To: Craig Kauffman; gpugh@logancowpc.com
Cc: 'Chad Ross'; 'Weston R. Dodds'; 'Daniel LaRoche'
Subject: RE: Longview Cove - Reviewing Agency Comments

Craig,

Please find the EPA review of Longview Cove attached that was sent to us from Garis Pugh/Logan County Water Pollution Control District. The LUC Zoning & Subdivision suggested that you review the EPA outstanding issues as they were concerned it could affect the location of private wells.... please note #14 as attached, "on page 8 of 13 there is a well noted. Is this a public well? What is the isolation distance from the sewer for the well? Are there any other wells in vicinity of the sewer (less than 200 feet)?" Please advise as to any changes that may be required from your end given the EPA review.

Thanks, Craig.

Jenny

Jenny R. Snapp
Director
LUC (Logan-Union-Champaign)
Regional Planning Commission
P.O. Box 219, 9676 E. Foundry St.
East Liberty, OH 43319
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**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 25, 2011

Mr. Bill Simms
HBS-Long View Cove
7575 McEwen Road
Dayton, Ohio 45459

Dear Mr. Simms:

I am writing in follow-up to your submittal of detailed plans for the Longview Cove Section 1 development. During my preliminary review the following items were noted:

1. The Permit to Install application does not provide for ownership of the sewer by the Indian Lake Water Pollution Control District. As such this would necessitate the establishment of a sewer authority by a third part. In order for this to happen the following items will need to be addressed:
 - The proposed development is in the Indian Lake Pollution Control District facilities planning area. The planning area will need to be modified to reflect an agreement between the sewer authority and the development to allow the developer to serve as the Designated Management Authority (DMA) for the proposed sewage facilities in the development.
 - The DMA for the development must establish financial and personnel authorities to manage and operate the sewer system.
 - The DMA must show documentation of ownership accountability, which includes the legal authority to take the measures necessary to construct, operate and maintain the sewer system.
 - Assurances that the DMA has committed to proper operation and management of the sewer system, including assurances of compliance with certified operator requirements.
 - The organizational structure, credentials of management and operations personnel, and cooperative agreements or service contracts.
 - Demonstration of the DMA ability to address both customer and compliance issues, including any violations of the applicable Revised Code.

Mr. Bill Simms
February 25, 2011
Page 2

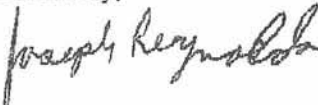
- A description of contacts and resources that will be available for system maintenance. A financial plan describing system revenues and cash flow for meeting the cost of system construction and cost of operation and maintenance into the future. The financial plan shall include: projected financial statements, balance sheets, income statements, cash flow, and an ability to fund cost of repairs, capital replacement, and compliance (including private and public litigation).
 - Any person that is or will be regulated as a public utility shall obtain and submit to the director a copy of their certificate of necessity and need from the Public Utilities Commission of Ohio.
2. The application covers the phase one part of the development. The plans cover additional phases. If you would like the additional phases of the development covered under this approval please submit revised forms A and B1. The application fee also will need to be revised to reflect the additional sewer cost.
 3. The Form A-B1, Attachment Sewer Pumping Stations, should be included as part of the application (see attached).
 4. Please provide the manufacture specifications for each type of pump station that will be used in the project. A pump station detail also should be included.
 5. Was an evaluation of the system hydraulics performed with respect to pressure and pump curves?
 6. Will all the grinder stations be located in basements? If so, was consideration given to access for maintenance? How will they be vented?
 7. The individual lateral lines should have back flow prevention and shut off valves beyond those in the stations.
 8. Please provide a detail of the manhole and check valve specified on plan page 3 of 13.
 9. Will flow monitoring be provided as part of the system?
 10. Please provide a copy of the pages from the specifications for the hydrostatic testing of the system.

Mr. Bill Simms
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Page 3

11. Plan Page 3 of 13 shows a sewer crossing of a 6" water main (located between lots 12 and 13). What is the vertical separation for this crossing? The sewer should cross under the water main.
12. Has a construction storm water permit approval been obtained for the development?
13. Has a 401 / 404 wetland reviews been performed for the site? Will there be any wetland disturbances as part of the project?
14. On plan page 8 of 13 there is a well noted. Is this a public well? What is the isolation distance from the sewer for the well? Are there any other wells in the vicinity of the sewer (less than 200 feet)?

I will continue my review of the project upon receipt of a written response to the items noted above. If you have any questions, please call me at (937) 285 – 6097.

Sincerely,



Joseph Reynolds
Division of Surface Water

cc: John Chico, Mad River Engineering
Garis Pugh, Indian Lake Water Pollution Control District
Logan County Health Department

LONGVIEW COVE GROUP LLC
7575 MCEWEN ROAD
DAYTON, OHIO 45459
937-438-0391
FAX 937-438-0204

March 2, 2011

Ohio EPA
Southwest District Office
401 E. Fifth Street
Dayton, Ohio 45402

Copy to Gave

ATTN: Joe Reynolds

RE: Longview Cove Sanitary Sewer PT1
Logan County, Ohio

Dear Joe,

In response to your correction letter dated 2/25/2011 we are offering the following information, material specifications and revised permit application forms for your use in processing the permit to install.

1. The plan for this 53 lot single family home subdivision calls for private streets and storm systems with a privately owned 3" sanitary sewer force main in the street right of way. The force main will be connected to an existing Indian Lake Pollution Control District owned 6" force main along the public road CR254. Each of the 53 lot owners will install an individual "E-1" grinder pump on the lower level of their home. This pump will pump thru a valve, check valve 1 1/4" line into the 3" force main. The pump and lateral line will be owned and maintained by the individual lot owner and the 3" force main will be owned and maintained by the "Home Owners Association" (HOA). The HOA has been created and recorded following the guidelines of the Ohio Revised Code and calls for ownership, maintenance and assessments for all the maintenance of common facilities. The HOA will contract with qualified people for the maintenance of the sewer line system. There will be no need for public utility regulatory involvement.
2. We are revising the permit application to cover all phases-entire 53 lot subdivision see attached revised A and B1.
3. We have included form A-B1 for the 53 pumps included in the system.
4. See enclosed pump details and specifications
5. Yes an evaluation of the capacity of the 3" force main to handle 53 individual home pumps was made.
6. Grinder pump stations will be located in the lower level floor of each home which is readily accessible from a rear at-grade entrance to the home.

7. Each 1 1/4" lateral will serve one home and each will have a corp stop, shut off valve and backflow valve on the line in addition to the check valve in the self contained unit. (See attached specs)
8. See attached spec sheets for valve and box.
9. No flow monitoring is included in the system
10. See attached testing requirements for the testing of the system.
11. The sewer crossing referred to on page 3 is not a water main but a tile drain.
12. Yes a NOI has been filed for the project.
13. Yes a 401/404 wetland delineation has been made and approved by the Core of Engineers as part of the channel permit process. The delineated wet land has been left in place undisturbed.
14. There is no public water supply involved in this project. Each lot owner will have individual wells in the rear yards. These well locations are predetermined and have been approved by the Logan County Health Department. Each lot own is required to locate the well in the predetermined location by way of a deed restriction in the HOA.

Joe, I believe this should resolve all of the questions. The planning for this project has been developed with the full cooperation of the Logan County Engineer, The Indian Lake Water Pollution Control District, and the Logan County Health Department Planning Commission. The HOA document is available for your review if requested. Look forward to your PTI approval so we may proceed with construction

SEE ENCLOSURES

Sincerely,



Bill Simms, Member

Administrative Office

Indian Lake District

937-843-3328

Logan County Water Pollution Control

February 17, 2011

1015 Orchard Island Rd. South
PO Box 1550, Russell's Point, OH 43348
937-843-3669 Fax number

Mr. John L. Chico
Mad River Engineering
8075 R McEwen Road
Dayton, Ohio 45458

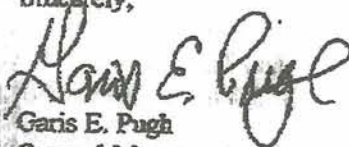
Dear Mr. Chico

Subject: Long View Estates

In accordance with Ohio Revised Code 6111.44/6111.45, any sewer extension Permit to Install (PTI) submitted to the Ohio Environmental Protection Agency (OEPA) for approval too discharge into the Logan County Water Pollution Control District must include I & I reduction calculations. Your proposed construction activities at Long View Estates indicate 53 sites will be constructed and discharged into our system. At this time Indian Lake sanitary sewer system has 158 gpm credits remaining. With the additional 53 sites added to our system, the calculations show 158 gpm - [(53 X 200 gpd/household) / 1440 min/day] = 150.64 gpm credit remaining. The calculation indicates that we have enough credits remaining and will accept your additional flows.

If you have any questions or comments, please do not hesitate to contact our office.

Sincerely,



Garis E. Pugh
General Manager
Indian Lake Water Pollution Control District

Jenny R. Snapp

From: Suzie Yoesting [syoesting@co.logan.oh.us]
Sent: Monday, March 07, 2011 2:56 PM
To: Jenny R. Snapp
Subject: Longview Cove

Hi Jenny,
The Map Room's review of Longview Cove is complete and the meets our conveyance standards.

Suzie Yoesting
Logan County Map Room
Tax Map Draftsperson Supervisor
100 S Madriver St, Suite B
Bellefontaine, Ohio 43311
(937)599-7230
Email legal description preapprovals to: syoesting@co.logan.oh.us

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Director's Report – March 10, 2011

Jenny's Activities:

Meetings, Miscellaneous & Projects

Feb 16	Meeting w/ Union County Engineer Jeff Stauch/Bill Narducci re: Woodbine Claibourne Township (Union County) Trustees Meeting
Feb 23	Upper Scioto Watershed Balanced Growth Meeting in Dublin
Feb 25	Columbus 2050 Planning Meeting in Columbus by Urban Land Institute
Feb 26	Union County Engineer's Annual Township Meeting
Feb 28	Meeting w/ Logan County Prosecutor Gerald Heaton & Dan LaRoche re: Longview Cove
Mar 8	LUC Zoning & Subdivision Committee Liberty Township (Logan County) Zoning Commission Meeting re: zoning text amendments
March 10	Logan County Agricultural Council Planning Committee Meeting LUC Executive Committee Meeting
Ongoing	Liberty Township (Logan County) Zoning Text Amendments Claibourne Township (Union County) Zoning Text Amendments Longview Cove Subdivision Plat Review Subdivision Regulations Update Upper Scioto Watershed Balanced Growth Plan Steering Committee
FYI	Was off appx. 7 weeks following foot surgery. Will have another surgery March 29 to remove screw from my foot. Will be off a few days following.

Heather's Activities:

Meetings, Miscellaneous & Projects

Jan 20	Champaign County CoC Leadership Meeting Champaign County PIT Training Logan County PIT Training
Jan 25	Caring Kitchen – PIT Count
Feb 8	Adams Township, Champaign County – Fair Housing Training
Feb 15	Meeting with Linda Rudawski, i.e. Champ. Co Leadership Team
Feb 17	Champaign County CoC Leadership Meeting Champaign County Housing Inventory Meeting
Feb 23	Logan County CHIP Housing Advisory Committee Mtg
Feb 24	COLCAS Meeting Union County Continuum of Care
Feb 26	Union County Engineer's Annual Meeting
Mar 1	Champaign County Housing Coalition
Mar 2	Champaign County Prevention Alliance
Mar 3	Logan County CoC Meeting Champaign County CHIP Housing Advisory Committee Mtg
Mar 4	Union County CHIP Housing Advisory Committee Mtg
Mar 9	Meeting with Linda Rudawski, i.e. Champ. Co Leadership Team
Ongoing	Updating Township/Village/City Contact Information
Beginning	Analysis for Impediment Reports – Logan, Union, Champaign & City of Urbana



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Ben's Activities:

Meetings, Miscellaneous & Projects

Ongoing Projects	Township Plans
Completed Projects	2011 AEPP applications; helped Wes with maps and data.

Wes' Activities:

Miscellaneous

Jan. 19	Attended Champ. Co. Twp. Association Meeting
Jan. 20	Attended meeting with Union County Commissioners regarding Raymond & Peoria CDBG Project
Jan. 24	Attended Stokes Township Zoning Commission Meeting
Jan. 27	Met with Brad Bodenmiller regarding the Urbana Comprehensive Plan
Feb. 4	Attended Meeting for 2011 Logan County AEPP Applications at Logan County Soil and Water
Feb. 4	Met with Jane Napier, Gene Gaver & Phil Hisnay to discuss Ag Exemption from Zoning
Feb. 7	Attended Logan County Ag Council Breakfast
Feb. 8	Met with Natalie Comer from Logan County Chamber to discuss CDBG Administration
Feb. 23	Met with Washington Twp. (Logan County) Zoning Inspector to Update Zoning Maps
Feb. 24	Attended Union County Bikeway Meeting at the Union County Chamber
Feb. 24	Met with the Harrison Twp. (Logan Co.) Zoning Commission
Feb. 26	Attended & Presented at the Union County Engineer's Annual Township Meeting
Feb. 28	Met with the Logan County Prosecutor's Office regarding Zoning Issues with the Longview Cove Subdivision
Feb. 28	Met with the Salem Township Zoning Commission
Mar. 2	Attended the Union County Township Association Meeting
Mar. 3	Conducted FY2011 CDBG First Public Hearing at the Champaign County Commissioners Office
Mar. 3	Attended Champaign County CHIP Housing Advisory Committee Meeting
Mar. 3	Met with the New Village of West Mansfield Zoning Inspector
Mar. 8	Attended LUC Zoning & Subdivision Committee Meeting
Mar. 10	Attended Logan County Ag Council Meeting

Ongoing Projects

CDBG	Champ. Co. – Pre-applications mailed to all jurisdictions. 1 st Public Hearing held March 3 rd , 2011 Union Co. – Pre-applications mailed to all jurisdictions. 1 st Public Hearing scheduled for March 15 th , 2011
GIS	Village of Mechanicsburg, Jefferson Township Sign Inventory, Searchable Maps for Zoning Inspectors and LUC Website, Salem Township Zoning Map
Comp Plans	Logan County Township Plans: Perry Township – Ongoing; Zane Township - Ongoing; City of Urbana – Ongoing, Union County Update
Zoning Updates	Stokes Township – Next Meeting 03/24/2011 Salem Township – Next Meeting 03/28/2011
Other	Upper Scioto Watershed Balanced Growth Plan Steering Committee

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Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Executive Committee Meeting Agenda

Thursday, March 10, 2011 - 1:15 p.m.

LUC President John Bayliss called the meeting to order at 1:15 pm.

Roll Call – Jenny Snapp

Members present: John Bayliss, Brad Bodenmiller, Kevin Bruce, Max Coates, Scott Coleman, Greg DeLong, Ves DuPree, Steve Stolte for Charles Hall, Paul Hammersmith, Jim Holycross, Bill Kelley, Rob Priestas for Valerie Klingman, Barry Moffett, George Showalter for Bill Nibert, Tim Notestine, Jenny Snapp, Jeff Stauch, Tim Tillman, and Andy Yoder.

Members absent: Tracy Allen, Bill Edwards, Randy Kyte, Doug Miller, Matt Parrill, Ryan Shoffstall, Fereidoun Shokouhi, Rick Shortell, Tom Smith, and Roger Yoder.

Guests present: Wes Dodds, Ben Willson, and Heather Martin of LUC Regional Planning Commission; Chad Ross of Thompson, Dunlap & Heydinger; Robb Cummins, Harrison Township; Dustin Wickersham, Logan County Commissioner; Kathy Streng, DLZ.

Minutes – Scott Coleman made the first motion to approve the minutes from the January 13, 2011 meeting as written. Max Coates made the second motion to approve the minutes from the January 13, 2011 meeting as written. All in favor.

Financial Report January – Andy Yoder presented the Financial Report for January. Jim Holycross made the first motion to accept the January Financial Report. Max Coates made the second motion to accept the January Financial Report. All in favor.

Financial Report February – Andy Yoder presented the Financial Report for February. Max Coates made the first motion to accept the February Financial Report. Tim Notestine made the second motion to accept the February Financial Report. All in favor.

ODOT Reports - ODOT District 6 and 7 reports were placed on the web-site. Jeff reported Tracy Allen will be on medical leave for about two months. Not sure if he'll be providing reports or someone else. Jenny stated that he sent an e-mail that he was going to be on leave and he didn't think anyone would be sending a report. The only other person I can think of talking with is Tom Slack. Jeff will keep an eye on anything major and report to the board, they're a little short handed with the restructuring. They have provided us with the Work Program Report for resurfacing and I'll try to bring the map for the next meeting but it's all pretty straightforward. Jenny reported that Matt Parrill called this morning, he's the replacement for Brad Lightle and he is interested in partnering with us and continuing that relationship and attending the meetings however he was unable to make it to today's meeting, nor could his replacement make it. He said

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if anyone had any questions they could ask Rob, which Rob's here, and Rob will have to put on his other hat. Rob gave the ODOT 7 report. Jenny reported that Matt also pointed out that District 7 Director has been involved with some of the budget conversations. The testimony is on the LUC web if you want to look at it. Scott reported a loss of the road bed over County Road 105 at the Shelly Materials Quarry. It's been repaired and opened up to traffic. They've been working on County Road 4 by Quincy so they'll be finishing up that project and moving onto a new project. Jeff reported that up until yesterday there was some question about the OPWC funds, it's been in jeopardy, yesterday HB114 made it out of the House Finance Committee where that money was inserted back into the budget to go through the Senate. There's a lot going on at the federal level with the highway bill, at our township meeting we tried to convey how important the budget is and that we won't know anything for some while. There is concern that the bill may restrict money for bridges. OPWC is the biggest thing at the State Level, local funds for us appear to be on par for us.

New Business:

1. Review of Parcel Zoning Amendment to parcel number 080900000017001, in Harrison Township (Logan County). The application proposes the parcel go from U-1 to B-1 – Staff Report by Wes Dods
 - The Staff Report included the updated information that the Township had stated the applicant had requested withdrawing the application which the Township Zoning Commission approved. The Township has requested to have this zoning amendment withdrawn to allow them to work with the applicant to come up with a solution that's amicable to both parties. So, the Township is going to allow them to withdraw the application, correct Rob? Rob stated Yes. So I don't believe the Committee needs to take any formal action on it at this time. I believe we'll see it again at some point in the future, maybe in its current form, maybe not.
 - Steve – Can we just drop things, or would it be more appropriate to table it indefinitely?
 - Scott – What if they don't withdraw it?
 - Wes – He submitted an official letter to the Township requesting withdraw which I have a copy of. And I've confirmed with the Zoning Commission and the Trustees and they have received that and are going to allow him to do that.
 - Max – I would think you would have to do something with it.
 - Brad – If we're going to take actual action on it, I would deny it.
 - Scott Coleman made the first motion to accept the Zoning and Subdivision recommendation of denial of the Harrison Township Parcel Zoning Amendment with staff comments, as well as, Zoning and Subdivision Committee comments. Brad Bodenmiller made the second motion to accept the Zoning and Subdivision recommendation of denial of the



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Harrison Township Parcel Zoning Amendment with staff comments, as well as, Zoning and Subdivision Committee comments.

- Max asked if the structure was built for agriculture use, did he say?
 - Wes – He, and Rob if I'm not completely accurate on this, feel free to jump in. I believe he built this structure and didn't, I don't believe he approached the Township at all at first about it. He was basically asked about it, I think, and then told them that it was going to be agriculture but then they realized it started to look strange with residential doors and a poured concrete floor and that's when things started to change.
 - John – The Building Department has subsequently become involved in that.
 - Max – He built without a permit.
 - Jim – If it comes back around, and it will in some other form, if they look at zoning there and know that everything across the road from it is M1 which would make any business applicable. And there is water and sewer running out there too.
 - Steve – Just to ask a question, this is to rezone it from U1 to B1, and if we deny it, then it comes back to us three months from now, with the same request after it's gone through the proper channels through the township, what position does that put us in to decide three months later that we approve it.
 - Scott – Well our recommendation was based upon spot zoning and that they should go after conditional use. I think we'd probably have the same recommendation in the future.
 - Wes – The conditional use in a U1 do allow offices, personal services, service business, I guess one of the big things that I was concerned about that is a permitted use in the B1 is it allows Transient Lodging there, which I didn't really feel is appropriate at that area.
 - John – If there is no further discussion I'll call for those in favor of the motion to signify by saying aye. All in favor. Opposed likewise. Motion passed unanimously.
2. Review of Longview Cove Final Plat, located in Richland Township (Logan County) – Staff review by Jenny Snapp.
- Scott – Mr. Chair, I'd like to make a comment. I guess, I'm the chair of the Zoning & Subdivision Committee and we went through some discussions and I'm still not convinced that our decision to deny it rather than grant a tabling was consistent with our past practice. So, I'll make that comment.
 - Greg – Then why did you vote no?
 - Scott – I did not vote, I'm the chair.
 - Jenny – It was a unanimous vote beyond Scott.
 - Scott – In the past with Jerome Village. In many years past, we've had issues besides Jerome Village. I don't exactly know what they were but I think we've had various.

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John – What's the recommendation of the committee then?

- Jenny – Denial.
- John – Let me call for a motion on this first
- Jenny – I think Max has a question.
- Max – Well if you want the motion. I just want to ask a question on the zoning part again, what wasn't done and because there wasn't a complaint issue that isn't a question then of whether you can go forward with it. If no body's challenged it, that's the argument, that doesn't make sense.
- Jenny – That was the Prosecutor's opinion the other day.
- John – I know from a Robert's Rules of order standpoint, we're getting in a grey area. I'm going to call for a motion and then we'll have discussion and we'll allow Mr. Ross to comment.
- Kevin – I'd like to make a motion that we table it.
- Jenny – Kevin should be abstaining from the vote because you're working for the developer.
- Kevin – That's right
- John – And with that, you should refrain from voting.
- Jim – Specifically you want a motion on their recommendation?
- John – A motion on this particular item, it could be to accept the recommendation of the committee, it could be a motion to table it, or it could be a motion to reject the recommendation.
- Greg made the first motion to accept the recommendation of the Zoning and Subdivision Committee of denial of the Longview Cove Final Plat and Steve Stolte made the second motion to accept the recommendation of the Zoning and Subdivision Committee of denial of the Longview Cove Final Plat.

John – Mr. Ross if you would like to address the committee.
 Chad Ross – Thank you Mr. Chairman. Again, I'm the attorney for the developer. Just a couple of items of background. I was at the Subdivision Committee meeting on Tuesday and when we had submitted the final plat, we had done so with really one of the local issues in question knowing it to be something we couldn't take care of before today, that being the variance matter. It should be known that my client from November and December of 2009, until submittal of this final plat actually had both the resolution from the Richland Township Trustees saying that the zoning had been changed which is the basis of the amendment standing. And also even though it is correct, it's incorrect, and I've looked at it and reapplied, the Zoning Commission of Harrison Township also made a statement in their resolution that they were granting the variances of the 20 foot setback instead of the 30 foot setback on the rear yard. That's the variance issue. So, that is outstanding, we knew that. We were coming to see if we could work something out and we were working something out at the Prosecutor's and was going to present it to the board. On Monday



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Director: Jenny R. Snapp

afternoon, and then Tuesday morning, these other issues that Ms. Snapp pointed out came and up. So when I came to the meeting on Tuesday, my request was to focus on the zoning amendment question because I thought it merited discussion. But to actually ask to have it tabled, that was why I was at the meeting on Tuesday. We're not pushing to have it approved; obviously there are issues that we are working with LUC staff and various agencies on that were identified on Monday afternoon and Tuesday morning before the Tuesday meeting. So I just wanted to point out that timing a little bit as well. I think there might have been a question about the zoning amendment, and that question was asked by LUC in November 2009 and forwarded onto the County Prosecutor in December 2009 and nothing then had been relayed onto us until February of 2011 so when that came up with the prosecutor, I went out and actually looked at the records of the Township Trustees and while they did not comply with every chapter and theory and comment in the amendment procedure, notice to proper parties was given in public. People did show up at public hearings so the Zoning Commission and Township Trustees passed a resolution. Based on that, and also the review with the County Prosecutor's Office, in particular because nobody has come up, come forward to challenge it in the period of time in the two years, year and a half that it's been passed, the opinion is that if there is error, it's harmless error and is someone does have standing in the future to even litigate it, it's defensible where the amendment should stand and that's the position of the County Prosecutor and also my client. So, I think that was the recommendation of the subdivision committee that met on Tuesday and so I don't know if that clarifies the timing or the issue before you, but we are not asking it to be approved. Of course any consideration you give on tabling the matter instead of denying it, would be obviously very happy to have that discussion. We'll be back next month, either way, but the issue from our perspective is the \$2500.00 filing fee if we file again next month, which we will be doing. And I'll be happy to answer any questions.

- Bill – The difference between tabling and denying, we just heard there's the \$2500 fee, are there other ramifications if you table instead of denying?
- Jenny – No, it'll have to be resubmitted either way but they're going to have to make sure all the comments are included in the submittal.
- Steve – Is it still in law or not, that you have to take action within 30 days or it can be deemed approved? If so, do we get caught in that part of the law if we table it?
- Scott – I think the tabling is requested by the developer, so they would request a tabling basically they're withdrawing until a future date and then there's a fee of, what \$200?
- Jenny - \$200 versus the full filing fee.

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- John – Chad what's your understanding?
- Chad – Well, first of all, I'm not sure that I, not familiar with any law before the LUC on a denial or not of a plat, I know that there is some similar language that maybe in zoning amendment changes for zoning codes at trustee level but if there is a concern at all, I can stipulate on behalf of my client that any tabling will be included, we can put it in the record, or I can send a letter if necessary, that we will not be taking any position or considering it to be an approval. We know of the issues and we're working on them and we'll be back next month to hopefully get it done. Time is of the essence for the developer.
- John – Thank you. Any other comments?
- Tim – I'd like to ask that the votes be registered by hand votes or names.
- Steve – An additional question, for the Logan County folks, if we do end up tabling this, do you feel comfortable with that with the way the attorney stipulated that if there is such a thing as a 30 day requirement, that condition is taken off the table. Do you feel comfortable with that?
- Scott – I am from my perspective, but I know Jenny has some concerns about their hours and time involved in the review process.
- Jenny – We put a lot of time on this the last couple of weeks and we in fact recommended that they withdrawal it a couple of times knowing that there were some outstanding issues. And we are going to have to back through when they resubmit it and do a lot of legwork to make sure all the things were followed. Again, staff perspective.
- Jeff – I think that's the big question in my mind is the amount of work and it's hard to pinpoint when looking at tabling versus denying. Each case is probably different, I think LUC staff is most in the position to say the amount of work it's going to do the review and make sure these things are dealt with, whether the tabling fee is covers that or not is probably the question.
- Andy – Did we actually get something from the Prosecutor that states the fact that it's his opinion? I have a real issue with that. To me zoning is somewhat set in stone, so to speak, and basically what we heard the other day is that it's only illegal if you get caught.
- Max – That doesn't make sense.
- Chad – In all due respect, that is certainly not what I said.
- Jenny – No, he said the prosecutor.
- Andy – It's the determination of the fact that if no one challenges.
- Chad – I'm not saying anything to that effect.
- Andy – I'm not saying you did, my point is if nobody challenges it, it's ok. To me if there are rules as far as zoning, then I think everybody should be held to those standards.



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Chad – I want to address your question. I'm not saying and I hope that isn't what everyone heard, that if no one objects, it's not a problem. Now, I do think it is a relevant fact that the zoning amendment process continued on December 30, 2009. There's a 30 day period after that for the public to file a petition to have a referendum on the matter that did not occur. Which is my point, my feeling is indicative of the fact that there was no public outcry or issue with the process, but even after that 30 day period that's in the zoning statute, no one has independently filed a lawsuit. I think those things are relevant. I'm not saying that's why in totality the prosecutor and our agreement was that there's harmless error. And if you're familiar with zoning lawsuits, there are cases that clearly will overlook harmless error in the zoning amendment process, particularly the more local you get on things. Like in this case, the issues were certain content of public notices that was published and public hearings were held. People came to the public hearings of the Zoning Commission with notice. Adjacent land owners got notice and they showed up at the hearing. LUC did not get the document for a review and the comment to the zoning commission prior to that hearing that is a technical flaw. With all due respect to this committee, the only thing I'd point out is, number one, would you have recommended a denial, are you recommending a denial now so that's issue number one. Issue number two is that it's just for comment, that's not a decision of yes or no, it's just for the zoning committee of the local township to consider. So that error in, and of itself, would not have been, even if this committee had voted to say no we're not going to approve this zoning change, it's not beholden on the township who voted in favor of it. Then, the other technical flaw was the time from the zoning commission meeting on October 13, 2009, until the date of the township trustees hearing on December 30. That should have happened in 30 days. With all due respect again, in my opinion, if anybody's prejudice by that long delay between, it's my client, it's not the public. Generally developers want this to be done quickly and therefore, that delay which is not technically in favor of my client is that really harm to the public? I view it as more of harm to my client frankly and of course my client hasn't objected at this point. And then finally the township trustees meeting which was the final legislative step with public notice in the Bellefontaine Examiner held on December 30 and then a resolution was passed. I will say the resolution that was passed was flawed on its face because they put the wrong dates on it and they've since corrected that. But that's the file, that's what I reviewed, that's what the prosecutor reviewed and again, absence of one filing a lawsuit and proving and having a judge and jury say that the technical flaws there are enough to overturn this legislation that's in place, it's not the prosecutor's opinion or mine opinion that what took place is able to be overturned by another body.

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- That's where we're coming from, not saying that if no one objects it's ok, but I guess my point is, until it has its day in court, it's ok on its face.
- John – I have a motion on the floor. Go ahead Scott.
 - Scott – I was just going to say what the Assistant Prosecutor did say was that they were not advising the township to redo their zoning. And, I guess, whether we agree with the way zoning was done or not, County Prosecutor is the legal council for Richland Township so.
 - Andy – They're also the council for LUC right?
 - Scott – Currently.
 - John – There's a motion on the floor to accept the recommendation of the staff and the Zoning and Subdivision Committee to deny this request. I haven't heard anyone make a motion to table the action.
 - Max – Can we make a motion when there's an open motion?
 - Jenny – No, we have to act on the motion.
 - John – I think that, well, I believe, I understood that a motion to table supersedes any motion on the floor.
 - Max – I didn't know that.
 - Jenny – We have a motion on the table though that we have to act on. We have to act on the motion at hand unless it's withdrawn.
 - John – We may want to talk to an attorney after this.
 - Scott – Call into question.
 - John – I will. Call into question those that are in favor of the motion on the floor signify by saying aye.
 - Jenny – I thought it was requested that we do a roll call?
 - John – Wait, I'm sorry, we will do a roll call.
 - Jenny called roll with the votes as following:
 - John Bayliss – abstaining as chair
 - Brad Bodenmiller – yes
 - Kevin Bruce - abstaining
 - Max Coates – yes
 - Scott Coleman – no
 - Greg Delong – yes
 - Vest Dupree – yes
 - Steve Stoltz – yes
 - Paul Hammersmith – yes
 - Jim Holycross – no
 - Bill Kelley – no
 - Rob Priestas – yes
 - Barry Moffitt – yes
 - George Showalter – yes
 - Tim Notestine – no
 - Jeff Stauch – yes
 - Tim Tillman – no



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- Andy Yoder – yes
- Jenny reported there were 5 no votes and 11 yes.
- John – Yes Jim?
- Jim – Mr. President, I would like you to make note in the minutes that I believe that everybody from Logan County voted no; the county affected by the development.
- John – Well, it appears that the aye's have it on the motion on the floor.
- Chad – Thank you gentlemen. We'll be resubmitting and working with Jenny and her staff to get it together for next month so it'll be nice and neat without issue.
- Jenny – Thank you.
- Dustin Wickersham – Question Chairman. So the developer then will have to pay another \$2500 for submittal for another review?
- John – That appears to be the case.
- Dustin Wickersham – I'm a Logan County Commissioner, I think my comment would be, this board is very important but stifling development does not help our goals of what we want to do here to attract development. Hopefully the board can review waiving that fee because I think the folks at LUC are going to be working here anyway. I don't see how resubmitting a fee helps with that project so I just wanted to comment there.

Director's Report – Jenny Snapp

Comments from Individuals

- Annual Assessments – Jenny gave an update on the received assessments. Maybe one or two will still trickle in still, like Zane Township and West Mansfield.
- Census – County data has come out, for 2010 census, Logan County and Champaign County went down a little bit and Union County went up significantly. Because of the ORC, the county with the highest population should be the fiscal agent for the Planning Commission. As you know, we've been operating under Logan County as our fiscal agent for a number of years but now Union County has surpassed in population. We need to start thinking about that and laying the groundwork for that. I talked to Steve a few minutes before and he'll need to talk to the Commissioners and maybe they're Prosecutor as well. It isn't unexpected, I think we knew there was a high possibility that Union County's population would exceed Logan County's in the last census. Any more questions or comments about that?
 - John – So we need to consider a transfer of the fiscal responsibilities from Logan to Union. Bringing the auditor's into the conversation early would be beneficial.
 - Steve – We have a new auditor that takes office on Monday so we probably don't want to hit her with that the first day.

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- John – Does it say how soon that transfer should occur?
- Jenny – I copied the ORC section on it, which you all have a copy of. It doesn't really say. I think if we have a question about that we should talk to the Union County Prosecutor and we'll do what we need to do. It'll be a learning curve, but we'll do that. As long as you guys are ok with everything, then we'll start trying to learn the processes.
- Max - We met with the Logan County Auditor about this in the past, 10 or 12 years ago.
- Jenny – If you guys want to talk amongst yourself first and then we'll try it and set up a meeting, you think?
- Steve- I think so. It might make more sense to meet with you all, then you all will become Union County employees?
- Jenny – Yes because right now everything is there.
- Steve – There's a lot of ramifications here that I think we need to consider, might want to look to the end of the year to give everyone some time.
- Jenny – Being consistent with our budget too. I think it would be better for a new fiscal year.
- Steve – We'll talk about it.
- John – Our people went to Champaign County it looks like.

Adjourn – Max Coates made the first motion to adjourn the LUC Executive Committee Meeting at 2:08 pm, and Scott Coleman seconded the motion. All in favor.

Next Scheduled Meeting: Thursday, April 14, 2011, 1:15 pm at the LUC Office at 9676 E Foundry St, East Liberty.

[Signature] President
[Signature] Secretary