

Columbiana County Land Use Task Force
Report of 8 March 2006

The meeting was called to order at 7:11 p.m. on 03-08-06 by Tom Butch, Chair, with about 30 in attendance. He noted that Ernie Oelker would not be able to attend tonight's meeting due to illness. Tom spoke briefly of the county's loss with the recent death of Paul Zehentbauer and noted that Paul was a big supporter of this endeavor. Tom said that it was Paul who nominated Tom for the Chair position and Tom feels it should have been Paul. He asked for a moment of silence in Paul's memory. Tom suggested that we dedicate the finished plan in his memory.

Tom updated the group on recent developments. He told those present that the Steering Committee believed that a land use plan was not a regulatory document. However, some new information has arisen based on a case in Clinton County that indicates that under certain limited circumstances, a land use plan can have some limited regulatory power. He said that the proposed Columbiana County draft subdivision regulations will control land use under 5 acres. If our land use plan recommends restrictions on parcels less than 5 acres, the subdivision regulations will honor the land use plan. He explained the Clinton County situation, noting that a mining permit was denied based on language in the land use plan. The Appeals Court upheld the plan. Tom noted that we wanted to get this information out to all so there was no confusion. He reminded those in attendance that a public hearing will be held on March 13 at 7 p.m. here at CAA by the County Planning Commission on the proposed subdivision regulations and encouraged all to attend and comment.

At this juncture he introduced Professor Cheryl Mattevi, who teaches Geology at the Salem KSU branch. Cheryl had prepared a presentation on Maps as a Tool for Land Use Planning and used a disc prepared by a number of units of local government, US EPA and some regional planning organizations that provided a variety of maps of Northeastern Ohio that could be layered to show certain features. She began with a map of Columbiana County that showed forested areas and layered this map with other features. She showed a map that delineated areas vulnerable to ground water pollution potential as well as a flood plain map and layered these maps with various other features. She noted that part of a land use plan is identifying resources and where there are advantages or disadvantages of development. Using maps for a land use plan can provide a solid scientific basis to prevent adverse land use, for example, the siting of land fills. Discussion ensued on land fills and how the County could prevent more landfills from being located in the County. Commissioner Logan noted that waste is considered to be Interstate Commerce and localities

have very limited control over where it goes. The only way to regulate placement is to use geological and scientific data to show that the location will have adverse effects on groundwater, surface water or air quality. The plan would have to have criteria in it. An attendee asked if that meant that the land use plan then becomes a regulatory document? Betty Sekula, former planner for Mahoning County, said that it could. Commissioner Logan noted who Betty was and what her background was. An attendee asked if Ohio can send waste out and Commissioner Logan said Ohio sends waste to Kentucky and Indiana.

Jim Converse noted that because Ohio is a home rule state we don't have a lot of strong regulations in place to regulate waste and Columbiana County has less rules than Ohio. Cheryl Mattevi explained how maps and data could be used to support a plan that recommended no landfills be placed in areas vulnerable to groundwater pollution. This is one benefit of having a plan. More discussion ensued.

Next, Tom Butch introduced Betty Sekula, who was involved in the development and adoption of the Mahoning County land use plan. This plan covered the unincorporated areas of Mahoning County. Each township had a chapter with information on soil types, flood plains, areas in need of attention, etc. Our plan stood up in court when the Village of Poland filed suit against ESSROC's proposed expansion of its landfill. Poland had to go to court but the court upheld the plan and ESSROC didn't expand its landfill.

She said when Mahoning County started its plan; there were only 3.5 townships that were not zoned. These townships remain unzoned by their choice. Once a plan is completed and adopted it needs reviewed every 5 years. Townships can change their section of the plan whenever they want to and the Board of Commissioners will approve the changes. Mahoning County has revised its plan 3 times since it was adopted in 1990. She said that zoning in townships without a land use plan lacks teeth. In Mahoning County, the townships have the final word on the plan because it is meant to serve their needs. YSU surveyed 1,400 people by phone during the development of the plan to obtain public input. She said the best way to obtain buy-in for the plan is to do it by township because you are closest to the people. She told those present that townships lack statutory authority in the O.R.C. to conduct planning activities; such activities must be conducted by the County Planning Commission. She noted that some townships hire a consultant and try to sneak zoning in, but it won't work. Another attendee, who works for the Mahoning

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Soil & Water Conservation District stated that the townships retain the ability to change the plan at any time and the County Planning Commission must uphold the changes. Betty was questioned about the enforcement mechanism for the plan and she noted that it falls to state agencies such as EPA or the County General Health District, or existing laws such as Phase 2 Storm Water Runoff regulations.

Discussion ensued on the powers of a land use plan by itself. Commissioner Logan noted that if a land use plan is adopted and the County General Health District adopts siting criteria for waste, that plan will have regulatory authority even without zoning being in place.

A question arose about what keeps this plan from being used by the people who wrote the plan to tell the people who own the land what to do. Betty Sekula noted that the Commissioners can unanimously agree to vary the plan. She cites the example of Goshen Township. A man wanted to put in condos and asked Betty what he had to do; she said "put in a road, that's all".

She cautioned those present to "keep it simple, it sounds complicated but it isn't". She said a property owner has the right to live how he wants to as long as he's not bugging his neighbors, "that's when you go by the book, which is your plan".

Tom Butch reminded everyone of the training on April 4th at the Lisbon Lions Club at 6 p.m. and urged all to attend. The meeting was adjourned.

Minutes: CF Bretz