

## RECORD OF PROCEEDINGS

*Minutes of*

**Greenfield Township Trustees**

*Meeting*

Special Trustee Meeting

September 20, 2023 - Held 2:30 PM - Greenfield Township Office

The Greenfield Township Trustees met in a special session at the Township office. Trustee Kosch called the meeting to order and led those present in the Pledge of Allegiance. Dave Cotner, Lonnie Kosch and Kent Searle were present, as well as Dawn Wyne, Fiscal Officer, Tom Erlenwein, Zoning Inspector, and Pete Griggs of Brosious, Johnson & Griggs, LLC.

Trustee Kosch opened the meeting by stating the purpose of the meeting, which is to get guidance and ask questions concerning the Comprehensive Plan. He began by asking Mr. Griggs the following question: If Fairfield County passes/approves their Comprehensive Plan, he knows the Township is not required to accept it. However, he noted that the Township had been advised in the past to adopt the county's Comprehensive Plan as the Township's Comprehensive Plan, if the Township did not have their own plan: Is this still the correct process?

Mr. Griggs responded that the Township should always state that they have a Comprehensive Plan. He noted his firm has been up and down with the Supreme Court three times regarding what legally constitutes a Comprehensive Plan. In terms of the statute, if the Township has zoning, it must be in accordance with a Comprehensive Plan. That is the only mention in the entire 519 Zoning Section of a Comprehensive Plan; there is no definition or other mention of it in the code. That issue has been litigated many times, particularly by developers, when they make an attempt to argue that what you are doing is not in accordance with your Comprehensive Plan. The Supreme Court, at its basic level, has said that your Township Resolution and Township zoning map that shows how everything is zoned - that in and of itself - constitutes a Comprehensive Plan, for purposes of the 519 Zoning Code. When asked if you have a Comprehensive Plan, the answer should always be yes, we have a Comprehensive Plan. What does not exist is a stand-alone Comprehensive Plan, but the text and the map, for purposes of 519 and zoning, we comply with that; that's all you're required to have. He also gave a detailed example of a case in another county and how it had panned out. The determining factor is for the Board of Trustees to decide whether they want to use the county plan as they have laid out for the Township as their Comprehensive Plan. If that is not wanted, Mr. Griggs advised making a public statement that the Township wants to rely on the Township text and map as their Comprehensive Plan, and not rely on the county's Comprehensive Plan. This should be done formally in a Trustee Meeting in the form of a motion.

Mr. Griggs again reiterated that whatever the Township decides, i.e. adopting the county's Comprehensive Plan or relying on their own text and zoning map, it needs to be done in the best interest of the Township and what they want.

Discussion continued concerning whether there is a difference between a land management plan and a comprehensive plan. Mr. Griggs stated that one does not need to be an attorney to create a comprehensive plan. He also pointed out that he is a land use attorney, not a planner; he stated you will get two different answers from either party

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as to what a comprehensive plan is. His opinion was that there is no need to hire a land use attorney to do a comprehensive plan due to cost, and planning businesses are expensive, as well. Trustee Cotner stated he and Trustee Kosch were advised by the RPC that a group of citizens needs to be arranged, and then to hold meetings and create a comprehensive plan. Mr. Griggs advised that nothing is required; other than what it states in 519, which says that the Township's zoning has to be in accordance with their comprehensive plan; there's no other legal process or mention in the statute; a public hearing is not required for a stand alone comprehensive plan. He stated it would need to be discussed during a public meeting, whether a regular or a special meeting. He did acknowledge that the best practice would be to involve the community in the decision making process, but there is no formal process. He noted some of his smaller clients develop a map and the rationale behind why they think it's a good idea for certain areas to be developed, to have higher vs. lower density in specific areas, and then holding some workshops for people to give input. Also, some clients will ask their Zoning Commission to put a plan together, and other clients will mirror the rezoning process, and give it to the Zoning Commission to develop something from that. It is not required to have this approved by anyone, nor does it need to be taken to the RPC for any review or approval process. It can be reviewed by them, with recommendations made, but it is not required. He did recommend creating a resolution to formally adopt the Comprehensive Plan.

Discussion continued as to the estimated cost to hire someone to create a comprehensive plan, i.e. \$80,000 - \$100,000, vs. the Township creating a plan themselves, by holding meetings and getting public input. It is time-consuming, but it can be done. It was pointed out that the Zoning Book process took approximately one and a half years.

Trustee Kosch expressed his concern about what is happening with the city of Lancaster and the annexation that is taking place, or the potential for it to happen. He noted they have already taken part of Hocking Township. Discussion continued as to the current lines between the Township and the city of Lancaster on the eastern end, near Bob Boyd, the new Lancaster school building, and the extended stay hotel. The utility access and the traffic pattern study is being investigated in relation to this situation. Mr. Griggs stated the Board definitely needed to factor this situation into how they proceed with their Comprehensive Plan. It would be best to keep it in the Township so Lancaster can't do what they want with the area, i.e. annex it. He went on to explain a similar situation that happened in Jefferson Township in Franklin County, which abuts City of Columbus land. Jefferson Township was able to stop annexation by the City of Columbus by matching their density along their border. He acknowledged that single family homes could still come into play.

Trustee Kosch stated that Commissioner Fix has approached him about meeting with the Commissioners, and the current and incoming Mayor, to discuss annexation issues ; however, he noted that group has been meeting with Hocking Township for over a year

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and haven't resolved anything. Mr. Griggs stated he felt it was a good idea for the Board to meet with the Commissioners and Mayor to gather information. It can be done in several formats - either one Trustee, or a Trustee and other members of the Township Office, i.e. Zoning Inspector and Clerk. He did not recommend making it a Special Meeting.

Mr. Griggs went on to explain a CEDA - A Cooperative Economic Development Agreement, that could be considered. It's an overarching, broad agreement. A JEDD can be included as part of that; it can also include how utilities are going to be provided, as well as land use controls. The zoning could be agreed upon in that document. He described some CEDAs he has worked on/is working on in Liberty Township and Powell, and also Jersey Township and New Albany. This CEDA can spell out where annexation can and cannot take place. It was noted that New Albany agreed to not annex any further land from Jersey Township. Mr. Griggs pointed out the advantage is maintaining a sense of community. New Albany is also paying for a Comprehensive Plan for Jersey Township, and the Township is also getting 90% of the JEDD in place; the city will only get 10%. He noted that multi-family housing is taxed as commercial and is eligible to be in a JEDD, so that is something to be considered.

Mr. Griggs stated he felt the focus should be determining whether or not the city of Lancaster intends to annex an area, and then trying to get a JEDD in place for commercial purposes. He again noted multi-family housing is taxed commercially and is eligible to be in a JEDD; single family residences are not eligible to be in a JEDD.

Trustee Kosch raised the issue of the two different school districts, Lancaster and Bloom Carroll, and what, if anything, can be taken into consideration in the scope of the annexation issue. Mr. Griggs confirmed that the Trustees cannot take into consideration the number of students when looking at the zoning situation.

Trustee Kosch then raised the issue of a JEDD, and entering into a JEDD with the Village of Carroll; would that help stop annexation into Lancaster, except if the Township does not have utilities? Mr. Griggs explained that a JEDD states a contract would be entered and it outlines and defines the area where the JEDD is in place, and then it is adopted; it is only applied to commercial. However, it does nothing to stop annexation. It is only on paper at that point. There is no property in the JEDD at that point. Until a property owner petitions to be in the JEDD; then that is when that parcel actually joins the JEDD. He noted the JEDD never goes away unless the contract is terminated, so a business would not want to be annexed and pay two income taxes.

Trustee Kosch asked whether the existing properties within the JEDD are exempt from the JEDD, and he specifically referenced the 33 corridor and Meijer and Waffle House which are already existing. Mr. Griggs stated yes, they could be asked to join the JEDD. If they choose to join, they enter the agreement with the Township and the Village, which affects their income tax (not a property tax). He gave an example of

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another township he worked with where a partner was chosen which does not actually touch the township; an entity can be chosen that is one intervening jurisdiction over. Tom Erlenwein, Zoning Inspector, raised the issue of how to proceed with the parcel on the Meijer property where a credit union is currently seeking to be built; however, they require a variance. He asked whether this would be the time that the discussions should begin with Meijer about joining a JEDD. Mr. Griggs explained that it is easier during a rezoning to a Planned Development. Language can be included to say they voluntarily agree to join the JEDD. With a variance, it is a little tougher. If they agree, the BZA could say that if the Township were ever to get a JEDD, that they would agree to join. JEDD language can and has been included in zoning codes.

Trustee Searle asked how it would be applied if there was a JEDD with the Village of Carroll on the properties behind Meijer which are serviced by the city of Lancaster? Does Lancaster have an obligation to provide services? Mr. Griggs responded that the property owners would have concerns about that. A developer wouldn't move forward until they know who is servicing the property. Why would they go through a rezoning and join and JEDD. Trustee Kosch said they had learned from the meetings they had attended that the plan was for the county to run services from Carroll to Coonpath and put lift stations in there. Discussion continued regarding the TIF that is in place; however, it is a commercial and not a residential TIF. Mr. Griggs stated that residential TIF's can be done; however, townships tend not to have residential TIF's like they do commercial TIF's. The commercial TIF in place right now would apply to the residential hotel.

Trustee Kosch also mentioned the area that a church owns which they are talking about buying; however, it is zoned as special use; therefore, it is not in the TIF. Mr. Griggs stated that those parcels could be removed from the commercial TIF and add a residential TIF. In that way, the extension of the utilities could be paid for through the TIF. Tom Erlenwein stated he had spoken to Chris Connelly about this and gave him an updated parcel list. Mr. Griggs stated if the parcel is multi-family, the TIF can be extended; if it is single family, a residential TIF would need to be done.

Trustee Kosch asked what is the best option and route to take, based on all that had been discussed. Mr. Griggs recommended the following:

1. The Township has a Comprehensive Plan. It should be made abundantly clear with the county by having a motion and documenting it at a regular meeting and having it included in the meeting minutes, in order to have protection from developers.
2. If the Township wants to have a Comprehensive Plan through their own process, there needs to be a consensus as to what that will look like. This can be done with whatever process the Board decides upon. It can be stated that the Township is going to do their own Comprehensive Plan, this is what it will look like, and be on the lookout for it.

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3. Take a team to meet with the county in Lancaster, and hear what they have to say. No commitment can be made at that time. Then, the Board can start meeting in Executive Session under 121.22G8 for the purposes of discussing economic development assistance with another political subdivision. Come back from the meeting, make a motion, second, take roll call, and go into Executive Session, and give an update in terms of the discussion.

Discussion continued as to whether or not the meeting with the county could be taped; however, it was felt the county would not allow it. It was also noted that a recording would be a public record.

Mr. Griggs recommended taking a team to the meeting with the county, but again noted that only one Trustee can go.

Tom Erlenwein mentioned that the city of Lancaster had people show up when the TIF information was being discussed at the Trustee Meetings, and Mr. Griggs stated that was because of the planning that was being done.

Tom also stated that he can get an updated list of parcels together (other than B1's and HB) to be included in the TIF, so it can be approved at a meeting. Mr. Griggs noted that the notices would need to be sent out again to the school districts. He also advised against making any formal notice of the Township not participating in the county Comprehensive Plan at this time; wait to see how the Commissioners meeting goes.

Discussion continued as the county's proposed Comprehensive Plan, with Trustee Searle pointing out that it involves close to a third of the township. This would cause the township to go from rural residential to suburban residential, meaning four units per acre or more, including multi-family housing; and would potentially involve 12,000 houses.

Trustee Kosch also asked if the Township needed to formally rescind their participation in the County's plan which was adopted several years ago. Mr. Griggs recommended waiting until the County made their decision on their new plan, and then take action as to the Township's next steps.

A resident in attendance asked what she, as a resident, can do regarding the county's Comprehensive Plan; do they have a say in this? Trustee Searle stated that the Board can only accept or reject the county's plan. He recommended that they attend the public hearings.

Trustee Kosch asked how the Board should proceed with entering a JEDD with Carroll? Mr. Griggs recommended that the Board go into Executive Session, and make a decision that the Township wishes to move forward with the JEDD; then have a Trustee to reach out to the Village of Carroll and inform them of what is going to take place.

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He anticipated that as long as the area is not within Carroll's growth plan, they would be willing to enter a JEDD with the Township. A resident asked if it would make sense to enter a JEDD with an entity farther away from Carroll, such as Lithopolis. Mr. Griggs stated it depended upon who the Township is trying to block. Additional discussion centered around how Carroll will proceed, as well as how the county will be moving forward, and what has happened with Hocking Township at this point.

With no further business to be discussed, a motion to adjourn was made by Trustee Searle; seconded by Trustee Cotner.

ROLL CALL: Cotner: Yes    Kosch: Yes    Searle: Yes    Motion Passed 3-0

Meeting adjourned at 3:46 p.m.