

1 BEFORE THE ALLEN TOWNSHIP ZONING COMMISSION

2 VAN BUREN, OHIO

3 - - -

4 In Re: Allen Township Zoning Commission

5 - - -

6 TRANSCRIPT OF PROCEEDINGS

7 - - -

8 Monday, May 20, 2024
9 5:00 p.m.
10 Allen Township Center
11 12829 State Route 613
12 Van Buren, Ohio 45889

13 - - -

14 SUSAN L. COOTS, RPR
15 REGISTERED PROFESSIONAL REPORTER

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1 APPEARANCES:

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9 On behalf of the Allen Township
10 Zoning Commission.

11 BOARD MEMBERS:

12 John Timmerman, Chairperson
13 Deb Stacy, Secretary
14 Dave Evans
15 Clara Pargeon
16 Matthew Cordonnier, Planning Director, Hancock
17 Regional Planning Commission

18 - - -

1 MONDAY EVENING SESSION
2 May 20, 2024
3 5:00 p.m.

4 - - -

5 P R O C E E D I N G S

6 - - -

7 BE IT REMEMBERED THAT, on the 20th day of
8 May, 2024, this cause came on for hearing before the
9 Allen Township Zoning Commission. And the parties
10 appearing in person and/or by counsel, as hereinafter
11 set forth, the following proceedings were had:

12 - - -

13 CHAIRPERSON TIMMERMAN: It's 5:02. I'll
14 call this meeting to order. I'm not even ready. I
15 don't have my pen out yet.

16 All right. Attendance.

17 Clara Pargeon.

18 (No response.)

19 CHAIRPERSON TIMMERMAN: Darrin Rehus.

20 (No response.)

21 CHAIRPERSON TIMMERMAN: Deb Stacy.

22 SECRETARY STACY: Here.

23 CHAIRPERSON TIMMERMAN: John Timmerman,
24 here.

MS. LAND: You do have a quorum.

1 SECRETARY STACY: Yeah, we do.

2 CHAIRPERSON TIMMERMAN: We do. Okay.

3 SECRETARY STACY: I'll go ahead and read the
4 minutes.

5 The Allen Township Zoning Commission,
6 May 16th, 2024.

7 Attendance: Dave Evans, Clara Pargeon, Deb
8 Stacy, John Timmerman. Darrin Rehus was absent.

9 Deb Stacy, Allen Township Zoning Commission
10 Secretary, read the May 13th, 2024, minutes.

11 Motion 24-04-27M. Clara Pargeon moved to
12 approve the Allen Township Zoning Commission minutes
13 from the May 13th, 2024, meeting. Dave Evans moved to
14 second the motion.

15 CHAIRPERSON TIMMERMAN: Is that yours?

16 SECRETARY STACY: No. I did get you one.

17 MR. EVANS: That's all right.

18 SECRETARY STACY: Dave Evans moved to second
19 the motion. Motion passed.

20 The Allen Township Zoning Commission
21 reviewed sections from Article 15, General Provisions,
22 from the Allen Township Zoning Commission and Hancock
23 County, Ohio, Proposed Zoning Resolution. Topics
24 included Board of Zoning Appeals, Changes and

1 Amendments, Interpretations and Enforcement. Work was
2 done on the map to determine the location of the
3 proposed districts.

4 Motion 24-04-28M. John Timmerman moved to
5 enter into Executive Session for the purpose of
6 litigation against the zoning commission at 7:47 p.m.
7 Clara Pargeon seconded the motion. On roll call vote
8 to enter into Executive Session, the members voted:
9 Dave Evans, yes. Clara Pargeon, yes. Deb Stacy, yes.
10 John Timmerman, yes.

11 Motion passed and the members entered into
12 Executive Session.

13 Motion 24-04-29M. Clara Pargeon moved to
14 leave Executive Session and return to regular session
15 with no action taken at 8:20 p.m. Dave Evans seconded
16 the motion. Motion passed.

17 Motion 24-04-30M. Clara Pargeon moved to
18 adjourn the meeting. John Timmerman seconded the
19 motion. Motion passed.

20 I'll go ahead and --

21 CHAIRPERSON TIMMERMAN: Yeah. I move to
22 accept the meeting minutes as read.

23 MR. EVANS: I'll second that.

24 SECRETARY STACY: So John. And Dave

1 seconded.

2 Everyone in agreement say "Yes."

3 (Vote taken.)

4 SECRETARY STACY: Motion passed.

5 (Mr. Cordonnier joined the proceedings.)

6 CHAIRPERSON TIMMERMAN: Just in time, Matt.

7 You missed what we did last meeting.

8 MR. CORDONNIER: Work on the map?

9 CHAIRPERSON TIMMERMAN: Well, I'm saying she
10 just read the minutes.

11 MR. CORDONNIER: Oh.

12 MS. LAND: I talked to Jacob earlier today,
13 but I forgot to ask him if we can get a couple more of
14 those maps that are blank like that before they
15 scribble on them.

16 MR. CORDONNIER: Uh-huh.

17 MS. LAND: Okay.

18 MR. CORDONNIER: I'll add that to my To-Do
19 List.

20 MS. LAND: That's what I didn't put on my
21 To-Do List, and then I didn't remember it when I hung
22 up with Jacob.

23 CHAIRPERSON TIMMERMAN: It happens.

24 MS. LAND: Crazy day.

1 CHAIRPERSON TIMMERMAN: Do you want to go
2 over the map at all, or do you want to go straight
3 into -- or do you have anything else?

4 MS. LAND: Remember when we were talking
5 about ponds? I have been doing some more research
6 because of another township's problem I'm working on;
7 and I've run across a couple of things that they've
8 added into their pond stuff that was kind of
9 interesting.

10 One of them was that any of the soil removed
11 had to stay on the parcel, either on the parcel -- or
12 a percentage of it had to stay. That's something you
13 might want to look at; it will alleviate the
14 possibility of a borrow pit that somebody's doing for
15 a commercial use because, if they can't take it off
16 the property, what's the point of having it, right?
17 And, then, it really would be a pond.

18 CHAIRPERSON TIMMERMAN: What if you don't
19 have anywhere for the dirt to go?

20 MS. LAND: Then you'd probably have to ask
21 for a variance of some sort. But most ponds aren't
22 going to be that deep.

23 CHAIRPERSON TIMMERMAN: Well, I get it. I'm
24 just saying if your landscaping is all -- you know, if

1 your -- whatever.

2 MS. LAND: Yeah. You'd probably have to
3 ask --

4 CHAIRPERSON TIMMERMAN: If the train is
5 already set up.

6 MS. LAND: -- for a special thing then. But
7 having it in there is kind of a good safeguard.

8 CHAIRPERSON TIMMERMAN: I don't disagree. I
9 like it.

10 MS. LAND: Most of the other ones I'm
11 looking at didn't have a pond size larger than 1 acre,
12 and we've got 3 and Liberty put in 3 -- or Washington
13 put in 3.

14 I don't know if you want to look at that.
15 I don't know why they only had 1 acre. Most of these
16 that I found were up around in Fulton County and Lucas
17 County and Wood County, up around where it starts to
18 be a little bit more urban in places, you know, where
19 the townships are as much city as they are rural.

20 CHAIRPERSON TIMMERMAN: Uh-huh.

21 MS. LAND: But the only thing that really
22 jumped out at me was where the soil goes. It would
23 have solved our problems in Washington Township, just
24 boom, if we had had that.

1 SECRETARY STACY: Right. Because I was --
2 I've looked at a couple other Zoning Resolutions.
3 Marion Township, they come right out and say there's a
4 list of items that are expressly prohibited, and
5 quarries and borrow pits are right on there.

6 And I know you had mentioned, like, if
7 someone was going to build a building or a home, or
8 something, perhaps they needed to bring the elevation
9 up for that; but that seems a completely separate
10 issue from what a borrow pit --

11 MS. LAND: A commercial borrow pit.

12 SECRETARY STACY: Right. Right.

13 MS. LAND: I think technically they are
14 borrow pits if they're digging them out while they're
15 raising their home site area. Most of those do
16 eventually get turned into ponds or else, you know,
17 sloping landscapes.

18 SECRETARY STACY: But the soil, I think,
19 typically stays on site.

20 MS. LAND: That's that distinction.

21 SECRETARY STACY: Yeah, the distinction.
22 The whole purpose of having a borrow pit for
23 commercial use is because you want that clay.

24 MS. LAND: To mine the soil and have it

1 removed.

2 SECRETARY STACY: You want to mine the soil
3 and remove it to another location.

4 MS. LAND: They are very careful not to say
5 that they're mining, because if you're mining, then
6 you fall under some ODNR rules that are really
7 stringent. And, I guess, apparently, they're somewhat
8 prohibitive, which probably they should be; it's a
9 mining operation. That's why they call it a pond.
10 It's not a pond; it's a borrow pit. I think I'll be
11 saying that in my sleep.

12 SECRETARY STACY: So is any of that in this
13 part or not?

14 MS. LAND: I didn't add any of that in
15 there.

16 SECRETARY STACY: That's fine. I'm
17 guessing -- I think we talked about a definition for
18 borrow pit.

19 MS. LAND: Uh-huh.

20 SECRETARY STACY: Even if it's not in here.

21 MS. LAND: It is in there.

22 SECRETARY STACY: Oh, it is. Okay.

23 Because, if my memory serves me correctly,
24 I think, at that point, last Thursday, there was an

1 agreement about 10 acres for a borrow pit. That kind
2 of weighed on me all weekend and I wasn't -- I wanted
3 to revisit that.

4 CHAIRPERSON TIMMERMAN: And we heard concern
5 from people in attendance as well. You know, it
6 initially started at 25 acres just as an arbitrary
7 number.

8 MS. LAND: Which is big.

9 CHAIRPERSON TIMMERMAN: And a resident
10 pointed out how that is very large.

11 MS. LAND: Super big.

12 CHAIRPERSON TIMMERMAN: And I think he was
13 still, you know, on the concerned side even at 10.

14 SECRETARY STACY: Yeah. Well, I was in that
15 camp, too. I wasn't aware of the other person, but --
16 yeah.

17 MR. EVANS: It seems to me, if you go that
18 big, it needs to be a case-by-case basis to where you
19 can look at it. I mean, is that possible to do that
20 to where you say that it can't be over 5 acres or
21 something like that? If somebody comes to you, is
22 that a --

23 CHAIRPERSON TIMMERMAN: If you're that big,
24 it's a commercial operation at that point, as far as

1 I'm concerned. If you're talking a pond size, that's
2 a residential, you know. So...

3 SECRETARY STACY: Yeah. Some of the things
4 that concerned me with a borrow pit, first of all,
5 what kind of setbacks? Is it going to be up close to
6 the road? Could it possibly be a hazard driving on
7 the road? Could it end up and be, like, a nuisance or
8 even an eyesore? Different things like that that --
9 those were things that concerned me.

10 MS. LAND: I think if you're going to allow
11 them, they'd have to be Conditional Uses in probably
12 I-2, so that you would have the ability to say how far
13 back they have to be set, what kind of screening or
14 safety measures they have to take. You know,
15 guardrails or whatever.

16 The State of Ohio, ODOT, has some standards
17 for how far one of their ponds has to be off the
18 right-of-way. It's really not as far as you think it
19 would be because a car going very fast would still get
20 into it.

21 We could maybe piggyback off that to try to
22 stay consistent. If you want to -- but if you put --
23 I would -- this is where you could take it as a
24 case-by-case basis. I don't know about size, but for

1 the stuff that you'd have to put in it, like, how far
2 you want it set back, what kind of guardrail, if they
3 need to have more of a barrier than just a guardrail.
4 Stuff like that, that would be the conditions.

5 The size, though, I think is something that
6 you can't really play with each time. You're going to
7 have to make a determination of a range.

8 MR. EVANS: Is 10 too big?

9 CHAIRPERSON TIMMERMAN: Well, I mean, who
10 did you say this was?

11 SECRETARY STACY: Marion.

12 CHAIRPERSON TIMMERMAN: Marion Township
13 says --

14 MS. LAND: Not at all.

15 CHAIRPERSON TIMMERMAN: -- not at all.

16 SECRETARY STACY: They're, like, nada. So
17 you can still do a pond and gather what you needed.

18 CHAIRPERSON TIMMERMAN: Is that a borrow pit
19 at that point? Like, is it --

20 MS. LAND: Not if you're building a pond and
21 you're taking the soil out. But what -- when they're
22 building a borrow pit, it's a different kind of
23 function going on than it is when you're building a
24 pond, because ponds are -- you know, I think they

1 start out with they're sloping and they're angles.
2 And these just sort of go right down and dig out
3 everything they can.

4 You could get the same effect if you want to
5 raise your house site by building a pond, I would
6 think, because you still have to pull that stuff out
7 of there during that process.

8 Some people don't want a pond. But what are
9 they going to do with a borrow pit either. If you
10 need to raise your house site, they're going to have a
11 hole, whether they make it a pond or something else.

12 I can't imagine anybody would want to leave
13 a borrow pit. It seems like a bit of a hassle.

14 SECRETARY STACY: Yes.

15 MS. LAND: Unless you want a fishing hole or
16 something. But it takes a really long time to have a
17 borrow pit fill with water. It's not the same as a
18 pond.

19 SECRETARY STACY: Right.

20 MS. LAND: And they leak, apparently.

21 SECRETARY STACY: Typically ponds have a
22 design. Didn't we address that? Like, the county
23 engineer or Soil and Water --

24 MS. LAND: Or a licensed engineer.

1 SECRETARY STACY: Right. So they -- I mean,
2 it's not a haphazard hole-digging thing. I mean,
3 there's a plan and a purpose for what they're doing.

4 MS. LAND: Yeah. There are a number of
5 ponds around the county that are the whole buddy with
6 a six-pack and a backhoe built, and a lot of them
7 don't hold any water, or they're too close to
8 something else and they drain into something they
9 shouldn't drain into.

10 So it's important to have legitimate plans
11 and somebody who is educated in how to do it and also
12 be responsible if the plan doesn't work. The guy with
13 the backhoe and the six-pack isn't going to be
14 responsible for anything.

15 CHAIRPERSON TIMMERMAN: Right.

16 MS. LAND: So the homeowner ends up on the
17 hook if they are damaging their neighbors or having
18 their own foundation wash out, which has happened a
19 couple of times because the pond just leaks into your
20 foundation and suddenly it fills your basement.

21 Oh, wow.

22 CHAIRPERSON TIMMERMAN: Yeah.

23 MS. LAND: Could have gone (unintelligible)
24 and a six-pack guy, do it better.

1 SECRETARY STACY: Yeah.

2 MS. LAND: It's more complicated than it
3 looks. I think that's what I'm getting to.

4 CHAIRPERSON TIMMERMAN: Sure. So where do
5 we want to go with borrow pit is the question then?

6 MS. LAND: Right now, I think you have
7 them --

8 CHAIRPERSON TIMMERMAN: At 10 acres.

9 SECRETARY STACY: Uh-huh.

10 MS. LAND: You have under -- this is what
11 I've got written in here, All zoning districts, except
12 I-2 Industrial Districts, they can be up -- borrow
13 pits under 3 acres in surface area.

14 And, then, Industrial, under Special
15 Conditions, or Conditional Uses, Borrow pits under
16 3 acres in surface area and borrow pits 3 acres or
17 greater in surface area.

18 And that's all I've got on it. I don't have
19 anything more. I don't have the 10, so I don't
20 know if I haven't finished that.

21 MR. CORDONNIER: I think the discussion was
22 on the 3 acres or more, putting a cap on the size.

23 MS. LAND: Of 10?

24 MR. CORDONNIER: Whatever size.

1 MS. LAND: And this is kind of messed up
2 because it's stuck right in the middle of my Wind
3 thing, too, so I have no idea how that happened.

4 CHAIRPERSON TIMMERMAN: Where are you at,
5 Deb? Are you leaning towards no borrow pits? Is that
6 what you're --

7 SECRETARY STACY: Uh-huh. Or if you do,
8 I would really limit the size, and I would really look
9 hard on the things, you know, setbacks, screening,
10 et cetera, et cetera.

11 CHAIRPERSON TIMMERMAN: So a Conditional Use
12 at that point where it's got to be approved?

13 SECRETARY STACY: (Nods.)

14 MR. EVANS: That makes sense. Because we
15 want to know why they're digging a borrow pit.

16 CHAIRPERSON TIMMERMAN: For sure.

17 MR. EVANS: That's kind of, like, our --
18 What do you need this for? What are you -- do you
19 need it for the land, and --

20 MS. LAND: The other question is do we want
21 to make borrow pits something that's a temporary
22 thing? They could have a borrow pit, but only for a
23 certain period of time, and, then, it has to be
24 converted to a real pond or filled in. I don't know.

1 MR. EVANS: But, then, do they have to have
2 a bond or something like that, in case they don't
3 follow through?

4 MS. LAND: Good point. We're talking
5 something that could take them a number of years to
6 make. Industrial -- for Industrial use, borrow pits
7 can take six to eight years to be mined out. That's a
8 long time. It's also quite a -- it's like having a
9 quarry next door to you. It's probably not something
10 the neighbors would enjoy that much. If it's in an
11 Industrial District, perhaps it wouldn't matter.
12 I don't -- I don't know.

13 SECRETARY STACY: Then you have the
14 trucking. Think of the traffic, too, and the wear and
15 tear on the roads going up with all the trucks,
16 especially if it has any size to it.

17 CHAIRPERSON TIMMERMAN: With the housing,
18 the way we have it throughout the entire township, we
19 don't really have just an Industrial District. We do
20 have Industrial Districts, but there's Residential
21 right next to it.

22 MS. LAND: You have industrial areas.

23 SECRETARY STACY: Yeah. There's residential
24 all over.

1 CHAIRPERSON TIMMERMAN: Yeah.

2 MR. CORDONNIER: I mean, the thing to
3 remember is if the township doesn't want someone to
4 have I-2, you don't have to give it to them. So
5 that's the first thing.

6 CHAIRPERSON TIMMERMAN: What do you mean by
7 that?

8 MR. CORDONNIER: I mean, if -- like, if you
9 had whatever -- a borrow pit larger than 3 acres, they
10 need I-2 zoning.

11 CHAIRPERSON TIMMERMAN: Right. Sure.
12 You're saying --

13 MR. CORDONNIER: The easiest way to say no,
14 it's not after they have the zoning; it's before they
15 get the zoning.

16 CHAIRPERSON TIMMERMAN: Right.

17 MR. CORDONNIER: They don't have a right to
18 that zoning.

19 MS. LAND: That's exactly right. Yeah.

20 And even if you were to give them the
21 zoning, there is that extra possibility that the
22 petition could be passed and it could be put on the
23 ballot to have your change of zoning changed back.

24 You may say, Okay. You can have your I-2

1 zoning. But if I'm a resident, and I don't like that,
2 I can pass a petition, get 15 percent of those who
3 voted in the last -- for governor the last time, to --
4 which would probably be, in Allen Township, I would
5 say about 150 people. Sign this, then you can get it
6 put on the ballot whether this gets changed or it goes
7 back the way it was. And, then, it can always get
8 voted back.

9 MR. CORDONNIER: I forget the name of the
10 case, but it involved a quarry as a Conditional Use in
11 Southeast Ohio. The township set -- made the setbacks
12 be 700 feet. The quarry sued them saying that's
13 excessive because, you know, you're taking up so much
14 of -- the Court sided with the township on the
15 Conditional Use that they set the conditions. So,
16 I mean, you do have leeway.

17 MS. LAND: Especially since, in something
18 like that, you can cite safety, health, concern for
19 the roadways, people around there. There's legitimate
20 reasons for doing it. Not something arbitrary.
21 Arbitrary and capricious, you don't want to be that.
22 Not ever.

23 MR. CORDONNIER: With that said, I think in
24 the I-2 District, just put, you know --

1 MS. LAND: Currently, the only I-2 District
2 that they're contemplating is --

3 MR. CORDONNIER: The landfill.

4 MS. LAND: -- the landfill and the square
5 right around it.

6 MR. CORDONNIER: Yeah.

7 MS. LAND: Which is an I-2 use.

8 MR. CORDONNIER: So greater than 3, with a
9 maximum of 8 acres.

10 CHAIRPERSON TIMMERMAN: Or do you want to go
11 even smaller? It's still Conditional.

12 MR. EVANS: I'd be happy if we went between
13 3 and 5. And if they wanted bigger, okay, then, they
14 have to come before you.

15 SECRETARY STACY: I mean, 3 acres, in my
16 opinion -- I mean, again, I'm comparing my home and
17 how much yard I have. I have 3 acres. That is a fair
18 bit.

19 CHAIRPERSON TIMMERMAN: Yeah.

20 SECRETARY STACY: In my opinion. I think
21 that's a fair bit. I think 8 is a lot.

22 FROM THE FLOOR: Would it have to do with
23 the layout of the land, too? Like, if your land is
24 kind of hilly and you want to put a pond in there, you

1 want to set it in just right, you know. That would
2 have a bearing on the size of the pond, wouldn't it?
3 Or it could.

4 SECRETARY STACY: We're talking borrow pit,
5 I think, instead of pond.

6 FROM THE FLOOR: Okay.

7 SECRETARY STACY: Yeah.

8 CHAIRPERSON TIMMERMAN: And that would still
9 fall under -- you'd look at it as a condition, you
10 know, what are they proposing?

11 FROM THE FLOOR: Okay.

12 MR. CORDONNIER: I like Cindy's suggestion
13 of the percentage.

14 MR. EVANS: I agree.

15 MR. CORDONNIER: That's because -- I don't
16 like Marion's because they just say no borrow pits.
17 No one enforces that because borrow pits are built all
18 the time.

19 SECRETARY STACY: Okay.

20 MR. CORDONNIER: I mean, in my opinion, you
21 dig a 2-acre pond or an acre pond and you use most of
22 that, and, then, you give half of it to your neighbor.
23 That is a borrow pit, if someone was going to press
24 the issue.

1 SECRETARY STACY: Okay.

2 MR. CORDONNIER: But if you set a
3 percentage, then I think that takes away --

4 SECRETARY STACY: (Unintelligible) size and
5 setbacks, things like that, you think?

6 MR. EVANS: Yeah. But, then, size -- or the
7 amount of ground that has to stay there. Is that what
8 you were saying?

9 CHAIRPERSON TIMMERMAN: What's the point of
10 a borrow pit if the dirt has to stay there?

11 MS. LAND: Well, to raise the level on that
12 particular property. Like, if you want to build your
13 buildings up higher than what -- like, where it's kind
14 of in a gully, you want to build them up. A lot of
15 people want to build the pad up for the house higher
16 than the surrounding area, especially in this township
17 or this county. We flood.

18 CHAIRPERSON TIMMERMAN: I was just thinking
19 of it --

20 MS. LAND: You guys don't flood out here as
21 much, do you?

22 MR. CORDONNIER: I mean, the purpose of that
23 is to prevent someone who wants to do a 50-acre borrow
24 pit. It's, like, well, yeah, you can dig it all you

1 want, but it has to stay on this property.

2 CHAIRPERSON TIMMERMAN: Okay.

3 MR. CORDONNIER: And they're, like, well,
4 that's not -- you know.

5 CHAIRPERSON TIMMERMAN: Right. Yeah, I was
6 looking at it from the business side, like you're
7 saying there.

8 MS. LAND: For the -- there could be a
9 number of borrow pits around if they're building --
10 like, when they built the distribution centers. You
11 know, they need to build up the property, make it all
12 good and level and everything. That's where all those
13 retention ponds end up starting out as borrow pits.

14 SECRETARY STACY: Right.

15 MS. LAND: Because they don't need to hold
16 water like a pond. They need to have space for water
17 to go into and disperse out. It's all part of the
18 drainage, but they're still technically borrow pits.

19 CHAIRPERSON TIMMERMAN: Right.

20 MS. LAND: But it's all -- they would all be
21 using that on the parcel or on the site.

22 CHAIRPERSON TIMMERMAN: So what size do we
23 want to limit it to and do we want to throw --

24 MR. EVANS: Want to go to 5?

1 SECRETARY STACY: 3 or 5.

2 CHAIRPERSON TIMMERMAN: 3 or 5. Why don't
3 we have a 3 to 5? You said 3 to 8. Why would you
4 have a minimum size?

5 MS. LAND: Because the 3s are permitted in
6 anything not Industrial I-2.

7 CHAIRPERSON TIMMERMAN: Okay.

8 MS. LAND: We're allowing 3-acre ones in
9 those areas. That seems kind of big for in the --

10 CHAIRPERSON TIMMERMAN: What if we went down
11 to 1 for anything outside of I-2?

12 MR. EVANS: I-2.

13 CHAIRPERSON TIMMERMAN: And then up to --

14 MR. EVANS: 3. Up to 3 or --

15 SECRETARY STACY: Yeah. You could go 3,
16 what, in the Industrial?

17 CHAIRPERSON TIMMERMAN: In the I-2.

18 MR. CORDONNIER: Does that conflict with the
19 pond size?

20 MS. LAND: Ponds are 3. But ponds are meant
21 to hold water. Borrow pits are not.

22 MR. CORDONNIER: I mean, every borrow pit
23 that ODOT builds has water in it.

24 MS. LAND: Yeah. But they turn them into

1 retention ponds.

2 MR. CORDONNIER: I'm just -- I'm just
3 devil's advocate.

4 MS. LAND: I know. I've read up on that a
5 lot. They have to do a good bit of work on them to
6 change them from the borrow pits they took the dirt
7 out of to turn them into the ponds that are for
8 retention and drainage.

9 MR. CORDONNIER: Sure.

10 MS. LAND: So do you want 3-acre ponds, or
11 do you want something smaller than 3 acres?

12 CHAIRPERSON TIMMERMAN: I'm not a pond guy.
13 You could put "No ponds allowed" and I'd approve that.

14 MR. EVANS: If you have a subdivision, a
15 3-acre pond isn't out of the ordinary.

16 CHAIRPERSON TIMMERMAN: Sure.

17 MR. EVANS: But for one person to have a
18 3-acre pond.

19 MR. CORDONNIER: Lakeview's detention pond
20 is 6 acres. That a subdivision on the east side that
21 you can see from 236.

22 MS. LAND: Yeah. But that was built to be
23 lakefront property. That's why --

24 MR. CORDONNIER: I'm just giving

1 information.

2 MS. LAND: It's a good idea, though, to know
3 what size that is. It's not as huge looking as you
4 would think, but enough to be able to run kids off
5 when they want to fish there.

6 SECRETARY STACY: It seems kind of
7 conflicting. I understand people having the need to
8 elevate their site. Then I'm also thinking if these
9 -- if there are houses that are close -- neighbors
10 close by, that could be an issue as well.

11 CHAIRPERSON TIMMERMAN: If what? If you
12 elevate your site?

13 SECRETARY STACY: Well, someone's -- well,
14 no. Someone's digging a big hole and if you transport
15 it off site. I don't know. I guess it depends on
16 what you're using it for and how you'd do it. I don't
17 know.

18 CHAIRPERSON TIMMERMAN: I guess, to your
19 point on the 6-acre pond, there's a difference between
20 a pond on a residential or, you know, a --

21 MR. EVANS: Subdivision.

22 CHAIRPERSON TIMMERMAN: In a subdivision,
23 but I'm not sure that the zoning -- can you call that
24 out differently?

1 MS. LAND: You could, if you want to go into
2 a lot of detail -- that kind of detail identifying
3 different things. Are those ponds that are, like, in
4 Lakeview and, like, Forest Lake, those ponds, are
5 those --

6 MR. CORDONNIER: They're all detention.

7 MS. LAND: They're just detention ponds?

8 MR. CORDONNIER: Yeah. And the ponds you
9 see, even on the north side with Industrial, that's
10 all detention.

11 MS. LAND: Were they borrow pits initially?
12 Did they pull the dirt out of there to use on the
13 site? They probably did for roadbed and stuff.

14 MR. CORDONNIER: Sometimes they do.

15 Now, like, Humble Robinson on Crystal, they
16 put up the berm along Crystal Avenue. That was, one,
17 we required them to. But, two, they -- they do both.
18 They have to build the detention and they need to
19 level their site. It's kind of a chicken or the egg.
20 Whether they had to level their site or not, they
21 still had to build the same size detention pond.

22 MS. LAND: And do they get permits for a
23 pond when they do that? I mean, like, for
24 Marion Township, for example, do they get permits for

1 ponds in Forest Lake, or is it just part of the
2 drainage system of the subdivision?

3 MR. CORDONNIER: That's reviewed with the --
4 through the platting process. So Doug Cade reviews
5 the detention ponds and subdivisions --

6 MS. LAND: And the site plan --

7 MR. CORDONNIER: -- outside the city.

8 MS. LAND: -- plats, they get approved by
9 the township. They aren't really approving a pond
10 application; they're approving a site plan for a
11 subdivision then.

12 MR. CORDONNIER: Well, the townships don't
13 get a say in the platting process.

14 MS. LAND: No. But they do get a say in the
15 permitting process --

16 MR. CORDONNIER: Yes.

17 MS. LAND: -- for building in there. And,
18 then, you have to see that site plan when they're
19 asking for their permits.

20 MR. CORDONNIER: Yeah. So, now, the last --
21 since Doug's been here, the detention ponds are all
22 turned over to the County for maintenance.

23 MS. LAND: Right.

24 MR. CORDONNIER: So I don't know if that

1 makes a difference.

2 MS. LAND: They just do it as a -- like an
3 assessment proceeding, and the whole assessment is
4 against the developer for the pond and all the
5 drainage, and, then, it's under maintenance. And,
6 then, they don't grow weeds and the pumps get
7 repaired.

8 MR. CORDONNIER: Pipes collapse and all
9 sorts of things.

10 SECRETARY STACY: Share your thoughts, would
11 you?

12 MR. EVANS: I mean, I'm okay with an acre,
13 residential. 3, I-2. 3 acres, I-2.

14 CHAIRPERSON TIMMERMAN: On a borrow pit?

15 MR. EVANS: Yeah. I'm not firm on that, if
16 you guys have other ideas.

17 CHAIRPERSON TIMMERMAN: I'm okay with that
18 as well.

19 SECRETARY STACY: I wouldn't think you would
20 want it in the front of the property close to the road
21 or anything like that.

22 CHAIRPERSON TIMMERMAN: Well, that would go
23 back to the Conditional Use.

24 SECRETARY STACY: Yeah.

1 MR. EVANS: Or the setbacks.

2 CHAIRPERSON TIMMERMAN: So that would be
3 controlled later basically.

4 MR. EVANS: Are all of them a Conditional
5 Use then?

6 CHAIRPERSON TIMMERMAN: In I-2, right?

7 MS. LAND: I think they are in the
8 Residential, too.

9 MR. CORDONNIER: They are.

10 CHAIRPERSON TIMMERMAN: Anywhere?

11 MS. LAND: Yeah. Yeah.

12 CHAIRPERSON TIMMERMAN: So it'd be case by
13 case in that scenario.

14 MR. EVANS: Yeah. So at least they know
15 going into it, 1 acre or 3 acres, depending on how
16 many, if that's what you want to do.

17 CHAIRPERSON TIMMERMAN: Right.

18 SECRETARY STACY: (Unintelligible).

19 MR. CORDONNIER: I mean, every code is
20 living and breathing, and if you have five variances
21 for it over two years, you're, like, well, maybe we
22 need to change this rule.

23 CHAIRPERSON TIMMERMAN: Right. How about
24 ponds? Are we sticking with --

1 MS. LAND: I want to make sure I have this
2 straight here.

3 CHAIRPERSON TIMMERMAN: Yeah. Yeah.

4 MS. LAND: So all zoning districts, except
5 I-2 Industrial District, language to be added,
6 Conditional Use borrow pits under 1 acre in surface
7 area.

8 CHAIRPERSON TIMMERMAN: Do we want to say a
9 percentage also?

10 MR. EVANS: Of ground or --

11 CHAIRPERSON TIMMERMAN: Percentage of the --

12 MR. EVANS: -- of the lot?

13 CHAIRPERSON TIMMERMAN: -- dirt needs to
14 stay on site.

15 MS. LAND: What percentage?

16 CHAIRPERSON TIMMERMAN: I'd say 50.

17 MR. CORDONNIER: I was going to say
18 50 percent.

19 CHAIRPERSON TIMMERMAN: Yeah. What did you
20 see when you were reading?

21 MS. LAND: They were 100 percent.

22 CHAIRPERSON TIMMERMAN: 100 percent has to
23 stay on site?

24 MS. LAND: Uh-huh. I was thinking more like

1 75 or something to make it -- you know, we don't want
2 them deciding --

3 CHAIRPERSON TIMMERMAN: Really discourage
4 it.

5 MS. LAND: Yeah. To really discourage
6 anything commercial.

7 MR. EVANS: You're the one sitting there
8 with the customer saying, Well, I guess we'll dig it
9 twice as big so we can take --

10 MS. LAND: Take half of it out.

11 CHAIRPERSON TIMMERMAN: Is that 75 then?

12 MR. EVANS: Yeah. That's good.

13 MS. LAND: Is that okay?

14 SECRETARY STACY: Yeah.

15 MS. LAND: So it would say, Borrow pits
16 under 1 acre in surface area with 75 percent of the
17 soil excavated must retain on this parcel.

18 CHAIRPERSON TIMMERMAN: For all borrow pits.

19 MS. LAND: For all borrow pits in everything
20 except I-2.

21 CHAIRPERSON TIMMERMAN: Okay.

22 MS. LAND: Now, we're down to the I-2
23 Conditional Use. And we have, The following uses
24 shall be permitted subject to conditions hereinafter

1 imposed for each use and subject further to the review
2 and approval of the Board of Zoning Appeals.

3 I think it should be zoning commission. Not
4 Board of Zoning Appeals.

5 Borrow pits under 1 acre in surface area,
6 with 75 percent of the soil excavated remaining on the
7 parcel. And, then, also -- because that's the same as
8 what's allowed everywhere else.

9 And, then, also, borrow pits, 3 acres -- do
10 you want to say just 3 acres, or 3 acres and not
11 greater than something in surface area? 3 acres is
12 your maximum?

13 MR. EVANS: Right.

14 CHAIRPERSON TIMMERMAN: I think 3 is the
15 maximum.

16 MS. LAND: Okay.

17 CHAIRPERSON TIMMERMAN: So 2 or 3 acres.

18 MS. LAND: Okay. And with how much of it
19 staying on the property?

20 CHAIRPERSON TIMMERMAN: I mean, in I-2, it's
21 basically a business at that point.

22 SECRETARY STACY: Uh-huh.

23 MS. LAND: Although, in I-2, it could also
24 be the ability to get their site set up. You know,

1 like Lowe's, I think they had to really raise that
2 platform up.

3 CHAIRPERSON TIMMERMAN: But that would be in
4 I-1, right?

5 MS. LAND: Well, it could be.

6 CHAIRPERSON TIMMERMAN: I guess I-1
7 businesses could be located in I-2 as well.

8 MS. LAND: Right.

9 CHAIRPERSON TIMMERMAN: So -- but that was
10 all kept on site again.

11 MS. LAND: Right. But I think the 3 acre --
12 the ones you're talking about are the commercial ones,
13 and that would only be in I-2 that we'd have to worry
14 about. Do we want to have them keep anything on their
15 site? That would defeat the purpose of their
16 industrial borrow pit totally, unless they just want
17 to teach guys how to use heavy equipment.

18 CHAIRPERSON TIMMERMAN: Training facility.

19 MS. LAND: Training facility. Playground
20 for little kids to come watch.

21 CHAIRPERSON TIMMERMAN: I mean, it is
22 limiting their business at that point.

23 MS. LAND: A little bit.

24 CHAIRPERSON TIMMERMAN: So did you see other

1 townships that really limited --

2 MS. LAND: The cases I was reading were ones
3 that were in areas other than an industrial area --

4 CHAIRPERSON TIMMERMAN: Okay.

5 MS. LAND: -- where they wanted to put them
6 in, like, an agricultural area or one of those.

7 (Ms. Pargeon joined the proceedings.)

8 CHAIRPERSON TIMMERMAN: How about the 170,
9 or whatever, acre place borrow pit.

10 MS. LAND: 117.

11 CHAIRPERSON TIMMERMAN: Whatever it was. I
12 mean, if they had to keep dirt on the site --

13 MS. LAND: They wouldn't want it. Couldn't
14 use it. They would never be there. Yeah.

15 CHAIRPERSON TIMMERMAN: Right. So in that
16 scenario --

17 MS. LAND: We would have stopped them cold
18 and I wouldn't be up to my elbows in litigation.

19 CHAIRPERSON TIMMERMAN: So at some point
20 there, that's a good thing?

21 MS. LAND: Right.

22 MR. EVANS: Which helps limiting it to
23 3 acres.

24 CHAIRPERSON TIMMERMAN: 3 acres really

1 limits it, too.

2 MS. LAND: It's not worth their time.

3 CHAIRPERSON TIMMERMAN: At 3 acres.

4 MS. LAND: I wouldn't think.

5 MR. EVANS: So at 3 acres, do we care too
6 much, or are we concerned with -- unless they dig it
7 to China.

8 CHAIRPERSON TIMMERMAN: Is there a limit on
9 depth? I mean, do people do that?

10 MS. LAND: I'm sure you could.

11 CHAIRPERSON TIMMERMAN: What's a reasonable
12 number for depth?

13 MS. LAND: There are -- yeah. It depends
14 maybe where bedrock is. But I understand that in
15 Seneca County -- and I'm not completely sure. I got
16 all of this sort of in a roundabout wonky way -- that,
17 when they got down -- the same company I'm dealing
18 with now, when they got down to their bedrock, they
19 started quarrying the bedrock and the stone.

20 CHAIRPERSON TIMMERMAN: So they changed what
21 their strategy -- their business was at that point?

22 MS. LAND: Yeah. Right. For the --

23 CHAIRPERSON TIMMERMAN: They just want to
24 keep going.

1 MS. LAND: So that lends the issue they
2 could get into water tables and aquifers.

3 SECRETARY STACY: Are they blasting any?

4 MS. LAND: I have no idea. I didn't get
5 into it that far.

6 SECRETARY STACY: Groundwater would concern
7 me big time.

8 MR. EVANS: Yeah.

9 MS. LAND: I think, even if they scrape down
10 to bedrock, groundwater could be --

11 SECRETARY STACY: Sure. Yeah.

12 MS. LAND: -- in trouble.

13 MR. EVANS: Should we put a 20-foot limit,
14 or something like that?

15 CHAIRPERSON TIMMERMAN: I'd put a limit
16 based on what I'm --

17 SECRETARY STACY: I honestly don't know how
18 far bedrock --

19 CHAIRPERSON TIMMERMAN: I don't have a clue.

20 MS. LAND: Instead of a limit, because
21 bedrock some places is only about 8 feet below the
22 surface. Some places it's 30 in this county. You
23 could maybe say, No deeper than --

24 MR. CORDONNIER: Some places is a foot.

1 MS. LAND: -- 3 feet above bedrock.

2 MR. EVANS: No deeper than what?

3 MS. LAND: Like, 3 feet till bedrock. You
4 know, go from the opposite direction. Instead of the
5 top down, the bottom up. That way it varies. Some
6 places they may only be able to skim off 5 feet; other
7 places they might be able to skim off 30. Who knows.

8 SECRETARY STACY: I don't want them into
9 bedrock.

10 CHAIRPERSON TIMMERMAN: How do you know when
11 you're 3 feet from bedrock? When you hit it, you come
12 back up?

13 MS. LAND: They better have engineers who
14 know.

15 MS. PARGEON: Don't they have tools they can
16 run down and find out?

17 MS. LAND: Yeah. They're able to tell where
18 bedrock is before they start digging, so they'll know
19 what their depth is. And I think -- I'm outside my
20 area of expertise, but I'm also almost positive we can
21 find out where bedrock is. They can do it with core
22 samples.

23 CHAIRPERSON TIMMERMAN: Sure.

24 MS. LAND: Unless they do like they did when

1 they built the jail back in 1988. They thought they
2 hit bedrock. Turns out it was just a big rock, and
3 kept going and they didn't hit bedrock. It was a bit
4 of a mess. That was before my time. I just heard
5 about it.

6 CHAIRPERSON TIMMERMAN: So, yeah, I wouldn't
7 want to get to bedrock at that point.

8 SECRETARY STACY: No.

9 MR. EVANS: No, we don't want people digging
10 big holes around here.

11 MS. PARGEON: Well, if they hit an aquifer,
12 it'd be a mess.

13 SECRETARY STACY: We don't want to
14 compromise wells.

15 MS. LAND: Once they get down to bedrock,
16 they have definitely the possibility of infecting or
17 contaminating --

18 MS. PARGEON: The underground water. Yeah.
19 You have to really consider that.

20 MS. LAND: Or fracking it and having it leak
21 out, which will drain everybody's wells. That's never
22 a nice thing.

23 MR. EVANS: That would be a catastrophe.
24 All for letting somebody in to do something.

1 SECRETARY STACY: Right.

2 CHAIRPERSON TIMMERMAN: So do we want to
3 approach it from the so many feet from bedrock then?

4 MS. PARGEON: Depends on what kind of rock
5 it is.

6 MR. EVANS: Like, let's say there's no
7 bedrock.

8 CHAIRPERSON TIMMERMAN: What's that?

9 MR. EVANS: Or is there always bedrock?

10 MS. LAND: There's always bedrock.

11 SECRETARY STACY: It's just a matter of how
12 deep.

13 MS. LAND: There are places up by the
14 hospital where the bedrock is only, like, 3 feet down.

15 MR. CORDONNIER: I lived on Hurd Avenue and
16 hit Bedrock consistently about 12 inches down.

17 MS. LAND: That spot over on -- like, in
18 Washington Township, over by the Seneca County line,
19 it's about 32 feet.

20 CHAIRPERSON TIMMERMAN: What if we did,
21 like, a, you know, 5, 10 feet from bedrock, or 20 feet
22 down --

23 MR. EVANS: Max.

24 CHAIRPERSON TIMMERMAN: -- whichever --

1 yeah, max.

2 MS. LAND: Okay.

3 MR. EVANS: That way, if they're not sure
4 where bedrock is, but they need 50 feet of soil,
5 they're probably going to abandon their plans if they
6 know that 3 acres, 20 feet, they can't get anything
7 they need out of there.

8 MR. CORDONNIER: They're going to look at
9 the zoning -- Allen Township Zoning rules, and they're
10 going to move on to the next township.

11 MR. EVANS: That's okay.

12 MS. LAND: It doesn't mean they can't do it,
13 but it's just maybe not as lucrative as some place
14 that's still a sitting duck.

15 CHAIRPERSON TIMMERMAN: Then you don't end
16 up with some huge hole.

17 MS. PARGEON: And, then, what if you hit a
18 spring? Then you've got the water shooting up, then
19 you've got a real problem.

20 MS. LAND: That's their problem.

21 CHAIRPERSON TIMMERMAN: Yeah.

22 MS. LAND: I'm going to make a note here to
23 add depth provisions here and I will have to sort of
24 figure out how to word it.

1 No borrow pit can be closer than 10 feet to
2 the bedrock and no deeper than 20 feet. So we'll
3 figure it out. That sounds -- that's still very
4 confusing. I'll find out -- I'll figure out a way to
5 say it. But those are our issues. No more than
6 20 feet down, as long as they still are 10 feet off
7 bedrock. Maybe we'll have an illustration.

8 MS. PARGEON: How tall is the ceiling in
9 here? That will give you --

10 MS. LAND: Probably about 10 feet.

11 MS. PARGEON: So twice that, that would be
12 20 feet.

13 MS. LAND: I was thinking of a cross-section
14 picture.

15 CHAIRPERSON TIMMERMAN: I agree with that.
16 Yeah.

17 We got to the bottom of that for now?

18 MS. LAND: 10 feet from it. Yeah.

19 CHAIRPERSON TIMMERMAN: Okay. Were we going
20 to touch base on ponds at all with that, or is that
21 still staying where it's at?

22 MS. LAND: We have 3 acres.

23 CHAIRPERSON TIMMERMAN: 3 acres for a
24 residential pond?

1 MS. LAND: Uh-huh.

2 CHAIRPERSON TIMMERMAN: Or any pond?

3 MS. LAND: It's artificial ponds.

4 CHAIRPERSON TIMMERMAN: Okay.

5 MS. LAND: It's all of them now.

6 CHAIRPERSON TIMMERMAN: Do we like that? Is
7 3 acres huge?

8 MR. EVANS: That's a good size. I mean,
9 it'd be okay for a subdivision. For one house, you
10 know, unless they have a 10-acre lot, that's pretty
11 big.

12 MS. LAND: It's a lot to maintain, 3 acres,
13 too, as a pond, because ponds take work to be able to
14 keep them from being icky.

15 MS. PARGEON: They start filling themselves
16 in gradually.

17 CHAIRPERSON TIMMERMAN: Okay. If somebody
18 was going to create a subdivision that would be a
19 Planned Unit Development?

20 MS. LAND: Not necessarily.

21 CHAIRPERSON TIMMERMAN: Not necessarily?

22 MR. CORDONNIER: Subdivision described is --
23 it would -- the subdivision would be zoned whatever,
24 R-1, R-2.

1 MS. LAND: R-1. Yeah.

2 MR. CORDONNIER: And the Subdivision
3 Regulations, you could only split so many lots before
4 you were forced to create a subdivision.

5 CHAIRPERSON TIMMERMAN: Right.

6 MR. CORDONNIER: And the subdivision, then,
7 they do a Preliminary Plat. The creation of the
8 subdivision is not the zoning. It's not a PUD. It
9 could be, but it's more the process. They do a
10 Preliminary Plat, which is reviewed by Regional
11 Planning.

12 They do construction drawings, which is
13 reviewed by the county engineer's office. And, then,
14 they submit a Final Plat to Regional Planning. So
15 that's more of the process. That creates all the
16 lots. That creates the public right-of-way, the
17 drainage, and how everything works is all worked out
18 through that process.

19 CHAIRPERSON TIMMERMAN: And what you were
20 describing earlier, that was all detention ponds,
21 right?

22 MR. CORDONNIER: Uh-huh.

23 CHAIRPERSON TIMMERMAN: And is that
24 different than -- does that -- would that -- I mean,

1 would they be at -- if we would change it from 3 acres
2 down to 1 acre, would that then -- would a 6-acre
3 detention pond, is that still achievable in a
4 subdivision, or is that the same rules and it would
5 still apply to only 1 acre?

6 MS. LAND: If you want to make sure that
7 it's not unclear, you could change it to 1 acre or a
8 larger size in a platted subdivision approved by
9 Regional Planning and the county engineer. So if
10 they've approved a plat that has a 6-acre detention
11 pond in it, then you guys are okay with it.

12 MR. CORDONNIER: That would be helpful,
13 because, if, in the platting process, we've looked
14 through your code, and we're, like, well, ponds are
15 only 1 acre, then we would go back and tell the person
16 doing the subdivision, Well, I guess you need to split
17 this into, like, five different ponds.

18 MS. LAND: The problem has been, in the
19 past, that nobody had any limits on the size of ponds,
20 so it didn't matter.

21 MR. CORDONNIER: Yeah.

22 MS. LAND: But, now, they're getting those.

23 One of the other things that you need --
24 that was the other thing I noticed. They -- most of

1 them had limits on how many ponds could be on a
2 parcel. If they want to have, you know, 50 acres of
3 pond, and you tell them you can't have more than
4 3 acres, we don't want them having multiple ponds.

5 CHAIRPERSON TIMMERMAN: Right.

6 MS. LAND: Which, eventually, will probably
7 erode into one big pond like we didn't want. But I
8 thought Liberty Township was going to make an issue
9 with how many ponds or how close together they could
10 be. I didn't see that in the -- not Liberty. I don't
11 know why I keep saying that. Washington Township.

12 MR. CORDONNIER: Yeah. I don't think --

13 MS. LAND: I don't think they did.

14 MR. CORDONNIER: I don't think that was
15 addressed.

16 MS. LAND: I think it might be something to
17 actually consider because -- yeah, the case I was
18 reading was a guy who owned a topsoil kind of business
19 and he wanted this piece of property so he could take
20 out -- you know, he said he was going to build a pond.
21 He was going to build -- he told them, in the first
22 place, he was going to build -- he was just going to
23 take the dirt for his business, and they said no.
24 And, then -- because they had that regulation.

1 And, then, he wanted to have several ponds,
2 and they said no.

3 Then his mother said, He's building me a
4 house there, and I want to have several ponds, and
5 they said no. And just there's a whole lot of suing
6 going on.

7 But, in the end, the township won because
8 they had it set out that they couldn't have bigger
9 than a certain size of pond, the dirt had to stay on
10 the property, and there could only be so many ponds
11 per parcel, which I think was one, if I can recall.

12 So no matter what you work out, somebody's
13 going to try to find a way to do something that you
14 don't expect.

15 CHAIRPERSON TIMMERMAN: Right.

16 MS. LAND: As much as you can tighten it up
17 without being overly restrictive, it's probably a
18 really good idea.

19 MR. EVANS: Do you want to have a max pond
20 size for, like, a single lot, and, then, something
21 other than -- like, up to 6 acres for a subdivision,
22 and up to -- is 3 acres too big if somebody wanted to
23 put a 3-acre in a 20-acre parcel they had for a house?
24 Would that be okay?

1 MS. PARGEON: Depends what they plan to use
2 the pond for.

3 CHAIRPERSON TIMMERMAN: We've got a guy
4 raising his hand.

5 FROM THE FLOOR: I would say this: 3 acres
6 is big for a residential pond. But, agriculture, that
7 can lead into it, which is not just agriculture, but
8 aquaculture. So they might do multiple series of
9 ponds interconnected, and that's for a -- that's just
10 to keep their fish separate. I don't know if that --

11 MS. LAND: That would probably be an
12 exception to the whole pond deal because that's
13 agriculture. Aquaculture is considered agriculture,
14 and agriculture and any kind of structures that need
15 to be built for it aren't excluded anywhere, except in
16 a platted residential area that have less than 1-acre
17 lots. Then you can say you can't have your
18 Agricultural uses; but everywhere else, they are
19 permitted. So I think they would jump through that.
20 It wouldn't affect them.

21 FROM THE FLOOR: I think, overall, 3 acres
22 for a residential pond is big, but it's not insanely
23 big. And I think it might be manageable when you
24 have, like you pointed out, 20-acre parcels, 3 acres

1 is going to look small if you make it an acre. An
2 acre pond is not that big. Those are quite common.

3 CHAIRPERSON TIMMERMAN: Okay.

4 FROM THE FLOOR: I think if you're trying to
5 keep restrictions less on Agricultural and
6 Residential, then maybe go a little bit bigger on
7 that, like, the 3.

8 CHAIRPERSON TIMMERMAN: We'll just keep --

9 MS. LAND: And the 3 number came from
10 Washington Township. Randy Boes had a big input in
11 what he builds, what he sees; and --

12 CHAIRPERSON TIMMERMAN: Sure.

13 MS. LAND: -- he didn't think 3 was out of
14 this -- you know, outrageously large either, just
15 because out of his experience from what he's been
16 doing.

17 CHAIRPERSON TIMMERMAN: Then I suggest we
18 keep 3 and we limit it to one per lot.

19 MR. EVANS: Uh-huh.

20 MS. LAND: What about subdivisions?

21 CHAIRPERSON TIMMERMAN: And if you can put a
22 provision in there kind of to what you guys were
23 saying earlier where, depending upon what Regional
24 Planning suggests.

1 MR. CORDONNIER: No.

2 MS. LAND: A platted subdivision.

3 MR. CORDONNIER: Platted subdivision.

4 I'd say up to 6 acres for a platted subdivision
5 because I know Forest Lakes is pretty big.

6 MR. EVANS: There's one in Hillcrest that's
7 pretty big, too.

8 MR. CORDONNIER: Yeah, they're all --

9 MR. EVANS: Don't want them too big. The
10 idea of the developer is he wants to have water lots
11 for --

12 MS. LAND: For as many as he can get.

13 MR. CORDONNIER: That's true. But at the --
14 you'd be surprised at how big the detention ponds have
15 to be. I mean, they --

16 MS. LAND: Especially the subdivisions that
17 are building large houses, covering quite a lot of the
18 surface area of the ground. They need bigger
19 detention ponds because there's more runoff and you've
20 got to wait for it too. When people build
21 half-million-dollar houses, they do not like getting
22 water backing up into their --

23 MR. CORDONNIER: Lakeview's will rise 4 to 6
24 feet in a rainstorm.

1 MS. LAND: Forest Lakes rises enough to go
2 in the patio doors of these people that have their
3 houses built on the hill.

4 MR. CORDONNIER: Because, I mean, all -- all
5 that water is draining.

6 MS. LAND: But, really. You build your
7 house on a hill with your patio doors open into the
8 pond, you've got to figure you're going to get fish
9 eventually. They do. I'm not one of them.

10 CHAIRPERSON TIMMERMAN: You say at a limit
11 of 6. Is 6 -- is there a reason behind 6 acres?

12 MR. CORDONNIER: We have some that --

13 MS. LAND: That are 6.

14 MR. CORDONNIER: -- that are 6.

15 MS. LAND: You can't really contemplate when
16 either -- Lakeview is like a pretty lavish, big --

17 MR. CORDONNIER: But I --

18 MS. LAND: Hillcrest is pretty close to that
19 kind of concept. What about the other one out here
20 on -- that might be in Liberty, it's not Allen.

21 MR. CORDONNIER: 6 is probably the largest
22 we have. And depending on the topography, sometimes
23 you -- I mean, sometimes they need to -- oftentimes
24 you have -- you know, there's a -- everything's flat.

1 Everything has elevation. And, so, you know, it rises
2 in the middle. It's like, well, you can't send it all
3 to that side, so you have two detention ponds on each
4 side of the rise. So I would say 6 is pretty safe
5 just because topography. You know, you've got to send
6 water in different directions. That's what we
7 normally see.

8 MS. LAND: And there's always that
9 possibility that, you know, there is -- there is the
10 variance kind of option here. So if, for some reason,
11 someone comes along and they need an 8-acre pond for
12 some reason, they can come and make their pitch when
13 they're doing their -- setting up their plats, that,
14 yeah, we'll allow it for whatever reason.

15 So it's not that you're closing off anything
16 that could ever come that way. But they come in and
17 say, This is because of the way things are, it would
18 have to be this much, then you can make those kind of
19 exceptions.

20 SECRETARY STACY: Sure.

21 MS. LAND: They are not common, not
22 something you do all the time; but there's a list of
23 reasons to do a variance.

24 CHAIRPERSON TIMMERMAN: Okay.

1 MR. EVANS: Good with 6?

2 SECRETARY STACY: Uh-huh.

3 CHAIRPERSON TIMMERMAN: Sure.

4 MS. LAND: Okay. That's really covering a
5 lot of things that we had concerns with, I think.

6 SECRETARY STACY: Did we address --

7 MS. LAND: We already have in here a limit
8 of one pond per parcel.

9 SECRETARY STACY: Did we address growth of
10 nonconforming uses?

11 MS. LAND: No. That's one of the things
12 that you do need to look at.

13 15. That's just the last one before I
14 stopped giving you guys the updates.

15 CHAIRPERSON TIMMERMAN: Did you have a page
16 number, Dave?

17 MR. EVANS: Is that 40? Maybe it's 40.

18 MS. PARGEON: Not to form a nuisance
19 structure (unintelligible).

20 MS. LAND: It is Page 40. Yeah, it's in the
21 General --

22 CHAIRPERSON TIMMERMAN: General Provisions.

23 MS. LAND: General Provisions, Section 15,
24 which I think will change to Section 14. I'm not

1 completely sure yet on some of those.

2 MR. EVANS: It should be 40. I think it's
3 still Page 40. Yeah.

4 SECRETARY STACY: Nonconforming.

5 MR. EVANS: The top of it says General
6 Provisions.

7 MR. CORDONNIER: It's Page 40.

8 SECRETARY STACY: Yeah. So, again, in
9 looking at other townships, their Resolutions, I'm
10 seeing where they just come out and say zero percent
11 growth. I saw one that was 20 percent growth. But...

12 MS. LAND: One of the townships says they
13 can grow as big a percentage as they want, as long as
14 they stay on the lot that they own; that they don't
15 buy more property and expand that way. That's pretty
16 liberal. That's one of the most liberal ones I've
17 seen.

18 MR. EVANS: But they'd have to use whatever
19 new setbacks were adopted; is that right?

20 MS. LAND: Yeah. Uh-huh. But if they are
21 on a 50-acre parcel, something could grow into
22 something way bigger than what it currently is and
23 just continue to go, even though it's not permitted,
24 if you don't have a percentage on it.

1 MR. CORDONNIER: Findlay, you can expand as
2 much as you want as long as you aren't making the non
3 -- as long as you're not --

4 MS. LAND: Increasing --

5 MR. CORDONNIER: -- increasing the
6 nonconformity.

7 So if the building's 8 feet from the
8 property line, and there's a 10-foot setback, you can
9 expand that building, as long as you don't go closer
10 than the 8 feet.

11 CHAIRPERSON TIMMERMAN: So the new -- the
12 addition would not --

13 MR. CORDONNIER: Actually, I think I
14 misspoke. No, the addition has to meet it.

15 MS. LAND: 10-foot.

16 MR. CORDONNIER: Sorry.

17 MS. LAND: Because that would increase the
18 nonconformity to add the building utility.

19 MR. CORDONNIER: I misread that. Sorry.

20 MS. LAND: The problem -- and that's fine,
21 especially in a city when the lots aren't so huge.
22 But you have the potential to have huge lots where
23 somebody has a nonconforming use where, you know, for
24 example, I'll use the O.H. Materials out there on 224.

1 That started out as a nonconforming -- well, it wasn't
2 even nonconforming; it was a Use Variance. And
3 because they had the variance that they could have
4 that there, they just kept growing and growing and
5 growing because they were on the same lot. And now
6 look at it. It's a huge complex which is partially
7 abandoned and it has other things in there, and it's
8 not that one cohesive company that it had been, which
9 has the potential -- I mean, right now, it still looks
10 wonderful. But it has the potential that it could go
11 into something really ugly, and you don't want to have
12 those things be permitted without some understanding
13 of what the process -- what it's going to be.

14 Especially if it's already nonconforming, means it's
15 not something that you thought would ever be there.

16 CHAIRPERSON TIMMERMAN: Right.

17 MS. LAND: And there are a lot of things
18 that are -- will end up being nonconforming.

19 CHAIRPERSON TIMMERMAN: Uh-huh.

20 SECRETARY STACY: It's just the nature of
21 our township is that -- that we will have a great
22 deal.

23 It almost seems like you can almost make
24 like a case-by-case situation. I mean, if it's

1 nonconforming, if they don't keep up the property now,
2 I would have concern that growth -- that that new
3 growth would be, again, a nuisance or eyesore or
4 impact on the neighbors. But you have the flip side,
5 maybe it's nonconforming, but it actually serves a
6 purpose in the community. They take care of their
7 property. They do have setbacks. I mean, how do you
8 wrangle all that together. And we've not had zoning
9 for so long, we have such a hodgepodge.

10 MS. LAND: And the whole -- I understand
11 that it makes sense that it could be a case-by-case;
12 you can't do it that way. You'll end up having
13 yourselves be accused of playing favoritism, having
14 somebody get something that somebody else doesn't,
15 because your thought process may change throughout
16 the -- while you're doing it and, you know, it's just
17 setting yourselves up to be accused of being
18 arbitrary, and that's an unconstitutional option.

19 If you're accused of applying your zoning
20 regulation in an unconstitutional manner, you could
21 lose big portions of the whole Resolution. It could
22 be determined to be null and void. That's why we have
23 that severance clause there in the back that, if they
24 challenge your -- like, if you did that and somebody

1 challenged it's unconstitutional, the way you do
2 nonconforming, that could get tossed and it wouldn't
3 exist anymore. The rest of the code would be okay,
4 but nonconforming would be a free-for-all, so you want
5 to have --

6 MR. CORDONNIER: You don't get that luxury
7 of, Well, they're a good owner.

8 MS. LAND: Yeah.

9 MR. CORDONNIER: I would say, if they have
10 outstanding violations -- I don't know if there's a
11 clause in here. But if they have outstanding
12 violations, like, that you can't get -- like, you
13 can't get more permits until your violations are taken
14 care of.

15 MR. EVANS: Like screening or whatever.

16 MR. CORDONNIER: Yeah.

17 MR. EVANS: Part of what I look at, I'm
18 trying to look at both sides. When I see all the
19 scattered red marks in here, I think all of those were
20 put in there and perfectly legally.

21 SECRETARY STACY: Uh-huh.

22 MR. EVANS: And I think it's kind of bad
23 that now, all of a sudden, we're labeling them
24 nonconforming when they didn't do anything wrong; it's

1 just that now that we're zoned. It seems like we have
2 to be somewhat lenient.

3 MS. LAND: The only way it can be a valid
4 nonconforming use is if it's a legal use. If somebody
5 is doing something that's not a legal option -- which
6 don't ask me what that could be because I haven't
7 really thought about that that much -- but it
8 specifically says a legal use, so I don't think you
9 have any that are not legal uses. If you did, you
10 guys would all know about it. It's a small enough
11 community.

12 MR. EVANS: Like marijuana.

13 MS. LAND: That's legal now. Not in this
14 township.

15 SECRETARY STACY: Not commercial.

16 MR. CORDONNIER: The way I understand it,
17 let's talk about, like, two scenarios. Scenario One
18 is a car dealership was put into effect before zoning,
19 so a bank -- and it's still a car dealership. So the
20 bank calls me, and we say, But it's zoned. Now it's
21 zoned R-1. So the bank calls us, we say, It's a legal
22 nonconforming use.

23 CHAIRPERSON TIMMERMAN: Uh-huh.

24 MR. CORDONNIER: Then, there's another

1 scenario where it's zoned Residential and, two years
2 ago, they put in a car lot. The jurisdiction didn't
3 notice. We get a call from the bank and we would just
4 say, It's illegal. We have no permits for it. They
5 did it without any permits. It's not the correct
6 zoning. It's illegal.

7 So in my interpretation, all those would
8 become legal nonconforming uses.

9 CHAIRPERSON TIMMERMAN: Right.

10 MR. EVANS: So there's a difference.

11 MS. LAND: I think you could end up with an
12 illegal nonconforming use if somebody did something
13 that wasn't permissible in the zoning therein, and it
14 just slipped through the cracks. Then, when you
15 rezoned, and it wasn't something that was supposed to
16 have been there in the first place, then it doesn't
17 get that nonconforming.

18 Like, if you change that from Residential to
19 Business, or whatever, and it still doesn't fit in the
20 new zoning code, it doesn't get to be nonconforming
21 with those protections. It's still illegal. It
22 shouldn't have been there. It wasn't allowed. So the
23 legal part is probably not going to come up for a
24 while. Everybody will be turned into a legal use,

1 nonconforming use because --

2 CHAIRPERSON TIMMERMAN: Initially.

3 MS. LAND: -- somebody that put anything
4 there is legally able to do it.

5 CHAIRPERSON TIMMERMAN: Is there a way --
6 with the growth, is there a way to, like, anybody that
7 lives within a quarter of a mile gets a say into
8 whether we're approving expansion? Does that make any
9 sense? Like, I mean, they're the ones that are going
10 to be most affected by it.

11 MS. LAND: Most nonconforming use expansions
12 go through the zoning commission, right? Well, they
13 don't normally. They wouldn't have to.

14 MR. CORDONNIER: Depending. So in the City
15 of Findlay -- I hate saying that because I know we're
16 different places, but it's just the way we handle --
17 how we handle things. A residential house does not
18 have to go -- you build a house, you just go pull a
19 permit. There's no meetings. There's no nothing.

20 Rite Aid wants to build on a new section
21 that's commercial, and that's -- our code says
22 anything, apartments, commercial, industrial office,
23 all have to go to Planning Commission for site plan
24 approval. In that case, Rite Aid is a legal

1 nonconforming and they want to expand. They would
2 have to go to Planning Commission. Our Planning
3 Commission, we put a sign out, and, then, we send
4 postcards. We draw a 250-foot buffer around -- now
5 it's 500 -- a 500-foot buffer and we send out
6 postcards saying, 100 Oak Street is on City Planning
7 Commission and a super small description, the meeting
8 is this date. Call for more information.

9 CHAIRPERSON TIMMERMAN: But is that a
10 nonconforming use that they're wanting to expand? Is
11 that a --

12 MR. CORDONNIER: Legally, yeah. I mean,
13 legal non- -- legal nonconforming has to go to
14 Planning Commission.

15 CHAIRPERSON TIMMERMAN: Okay.

16 MR. CORDONNIER: Expansion of a use or
17 structure has to go to Planning Commission.

18 CHAIRPERSON TIMMERMAN: But then --

19 MR. CORDONNIER: Other than Residential.

20 CHAIRPERSON TIMMERMAN: I'm just trying to
21 think. Is that -- I don't know.

22 MS. LAND: Right now --

23 CHAIRPERSON TIMMERMAN: I'm just trying to
24 think, like, if you -- you would still have guidelines

1 as to -- they're allowed to expand as much as they can
2 on their property. That's kind of your guys' rules.

3 MR. CORDONNIER: Within the -- within --

4 MR. EVANS: Setbacks.

5 MR. CORDONNIER: -- the setbacks.

6 CHAIRPERSON TIMMERMAN: Right. Right.

7 So -- but is there a way to say, Hey -- like, I'm
8 trying to see if there's a way to make it so that a
9 business can expand a good bit, as long as it's not
10 affecting the neighborhood in a bad way.

11 You know, like, if the neighbors -- if the
12 neighbors are good with it, Okay, expand up to 50 --
13 you know, 50 percent of what you currently are. But
14 if everybody in the area is against you, what your
15 business currently is and how it affects them,
16 everybody around here, is there a way to make it so
17 that you have a limit of 25 instead of 50 or
18 something? Is there a --

19 MR. EVANS: Have you ever done that to where
20 you have, like, let's say there's 20 neighbors, and
21 11 say, no, they can't; nine, yes, they can. How does
22 that --

23 MR. CORDONNIER: I mean, the Planning
24 Commission, the zoning commission, I mean, if there's

1 30 people speaking against it, one speaking for it,
2 that's an indication of -- but they still have to come
3 up with non-arbitrary reasons for their decision.

4 MR. EVANS: Other than they don't like it?

5 MR. CORDONNIER: Yeah.

6 MS. LAND: The neighbors can't actually sway
7 the vote based on what they don't like, versus what we
8 have in the code.

9 Right now, what we have in here is no
10 existing structure that is a nonconforming structure
11 can be altered or expanded in any way. But a
12 nonconforming use can be extended throughout the
13 building, as long as none of it goes outside the
14 building. So if they only had half of it set up as
15 their store or their shop, they can expand to the
16 whole building. That's fine. We don't care with
17 this. But they can't build more shop on. Now, you
18 can change it that they could build up to 50 percent
19 more or 20 percent more.

20 CHAIRPERSON TIMMERMAN: Uh-huh.

21 MS. LAND: I think you can put it that it
22 will be a Conditional Use and that the Conditional Use
23 for it has to have notice sent to all the surrounding
24 properties. But it doesn't change the -- you may end

1 up with a lot of angry people telling you no, and you
2 have no reason to say no.

3 CHAIRPERSON TIMMERMAN: Exactly.

4 MS. LAND: So that's something that you need
5 to keep in mind. Because just because people don't
6 like it, if it's legal and allowed, you still have to
7 let it happen.

8 CHAIRPERSON TIMMERMAN: And there's no way
9 to legally --

10 MS. LAND: Not without running into that
11 arbitrary and capricious issue again.

12 CHAIRPERSON TIMMERMAN: Okay.

13 MR. EVANS: Does anything ever come into it
14 where it's the legal or illegal nonconforming?

15 MS. LAND: It might. But it won't happen
16 until after you've had a couple layers of zoning where
17 it's -- because everybody is going to be legal this
18 first time. And, then, they may not be legal if they
19 change something.

20 MR. EVANS: After zoning.

21 MS. LAND: And, then, when zoning gets
22 changed again, it's hard to find an illegal use
23 frankly. In the city, it's easier because things can
24 change inside of buildings pretty easy. The different

1 things that -- but it's not going to happen as often
2 out here. It's one of those things where you're going
3 to know it when you see it, but I can't give you an
4 example.

5 MR. CORDONNIER: So one of these red spots
6 zoned Agricultural is a legal nonconforming use. Can
7 they expand their building?

8 MS. LAND: The building, no.

9 MR. CORDONNIER: Okay.

10 MS. LAND: They can expand what they're
11 doing within their building, but they can't make any
12 expansion that -- but no such use shall be extended to
13 occupy any land outside such building. So, like, the
14 wrecking yard, the building -- there's a wrecking yard
15 there.

16 MR. CORDONNIER: Yeah.

17 MS. LAND: That's going to be in
18 Agricultural, you think?

19 CHAIRPERSON TIMMERMAN: Where?

20 MS. LAND: You put it in Business, didn't
21 you? Or Light Industrial?

22 SECRETARY STACY: We put it in Light
23 Industrial.

24 CHAIRPERSON TIMMERMAN: Down there just

1 below I-2.

2 MS. LAND: Okay. Say it was in
3 Agricultural, it would be a nonconforming use. It
4 could stay there, but it can't expand.

5 CHAIRPERSON TIMMERMAN: Okay.

6 SECRETARY STACY: Since it's in
7 Industrial --

8 MS. LAND: It can do -- yeah.

9 SECRETARY STACY: Yeah.

10 MS. LAND: But if it were, like, the
11 recycling thing over by the landfill, it's going to be
12 fine because you're looking at putting, you know,
13 Industrial over there, Heavy Industrial, and it would
14 be fine in there.

15 But they're in a building doing their
16 recycling. If they just decide to take more part of
17 their building to store more stuff in and do more
18 recycling, that's allowed. But they can't build
19 another building to have a scale house, or whatever.
20 They wouldn't be able to expand in that manner with
21 the way it's written.

22 MR. EVANS: No how, no way. You mean, like,
23 applying for a variance?

24 MS. LAND: Well, that would be a Use

1 Variance, and that -- those are -- that way, a lot of
2 dragons. Don't go there.

3 MR. EVANS: Yeah.

4 MR. CORDONNIER: At that point, what you
5 tell the owner is apply for a rezoning. Get the
6 zoning that you need.

7 CHAIRPERSON TIMMERMAN: Okay.

8 SECRETARY STACY: So that would come to the
9 zoning commission?

10 MR. CORDONNIER: Come to the township. Yes.

11 MS. LAND: And, then, they would have to go
12 through the hearing process, one with the zoning
13 commission. When there's an application for a
14 rezoning, that's an amendment to the Zoning Resolution
15 and then Zoning Map.

16 If it's something that's going to rezone
17 less than -- or 10 parcels or less, then every parcel
18 that is surrounding that area needs to get a letter
19 saying, We're going to have a rezoning hearing.

20 When somebody makes an application for a
21 rezoning, they give it to your zoning inspector.
22 Within five days, he has to give it to the Regional
23 Planning, and, then, he has to set up a hearing for
24 the zoning commission, not quicker than 20 days, not

1 longer than 40 days, from when he received that
2 Resolution. It's very, very specific, this statute.

3 And, then, within 30 days after the zoning
4 commission has their hearing, they have to determine
5 if they're going to allow it, deny it, or modify it in
6 some way. And they also have to acknowledge that
7 they've received Regional Planning's recommendation
8 and acknowledge whether they're going to take it or
9 not.

10 And, then, it goes on. Once the zoning
11 commission makes their determination, it goes to the
12 trustees, and they have to have a notice. It's only
13 ten days now for the notices, instead of 30. And,
14 then, they have a hearing. What they're having a
15 hearing on is the recommendation from the zoning
16 commission, which was that you recommended they either
17 accept it, they deny it, or they take it as you
18 modified it.

19 The trustees, then, have their hearing; hear
20 from people, and decide if they're going to make the
21 zoning change, not make the zoning change, or modify
22 what they got.

23 Once that happens, they pass a Resolution
24 and the zoning book is -- or map is changed. All this

1 has to be published, too. Everything gets published.
2 But, then, it doesn't actually change for 30 days
3 because that 30-day window is when somebody can pass
4 that petition to have what is decided by the zoning
5 commission and the trustees put on the ballot.
6 Happens all the time.

7 SECRETARY STACY: It will go on the ballot
8 then?

9 MS. LAND: No. Only if somebody passes a
10 petition.

11 SECRETARY STACY: Oh.

12 CHAIRPERSON TIMMERMAN: That's quite a
13 process.

14 MS. LAND: Yeah. And after the 30 days has
15 lapsed, if nobody has passed a petition, the new
16 zoning goes into effect. The zoning change to the map
17 or to the book goes into effect.

18 CHAIRPERSON TIMMERMAN: So if somebody does
19 pass a petition, it's just put on pause?

20 MS. LAND: Yeah. It's stayed. It's on
21 hold. That's when we were talking about things were
22 being stayed, that's what that is, until it goes
23 through the whole election process and the vote is
24 certified.

1 CHAIRPERSON TIMMERMAN: Okay.

2 MS. LAND: And it usually takes -- from the
3 November election, they usually certify right around
4 the week of Thanksgiving or the next week after; so
5 you'd be looking at the end of November of that year.

6 SECRETARY STACY: Does that happen?

7 MS. LAND: It's happened once since I've --
8 in 32 years, I've had it happen once.

9 SECRETARY STACY: In one of the
10 neighboring --

11 MS. LAND: Washington Township. They
12 rezoned to permit soccer fields. The neighbors didn't
13 want it. They pass the petition and they got it beat;
14 they didn't get their soccer fields.

15 MR. CORDONNIER: McComb had one that I was
16 helping them with, but they only needed 42 signatures.
17 For Findlay, you need 1,500. And, here, I don't know
18 how many you would need, but the number of people you
19 need to get to sign it is definitely --

20 MS. LAND: It used to be 8 percent. It
21 changed to 15 with the Budget Bill this past year.
22 15 percent, so they almost doubled it. 8 percent here
23 is, what? 89 people. So you think about 150, 175.

24 CHAIRPERSON TIMMERMAN: Yeah. So,

1 currently, our nonconforming can expand within its
2 current building?

3 MS. LAND: In the building.

4 MR. CORDONNIER: So you need to -- there's
5 really -- nonconforming structure has the correct
6 zoning, but it's not in conformance with one of those
7 standards. That's legal depending on when they --
8 there's a difference between nonconforming use and
9 nonconforming structure.

10 CHAIRPERSON TIMMERMAN: Can you explain the
11 structure.

12 MR. CORDONNIER: So nonconforming use, let's
13 say it's R-1 Residential, and the home's been there
14 for 150 years, and it's 6 feet over -- it's
15 encroaching --

16 MS. LAND: That's a nonconforming structure.

17 MR. CORDONNIER: It's encroaching into one
18 of the setbacks or lot coverage or anything there.
19 And that structure can -- I mean, in general, that can
20 be expanded, as long as you don't make -- as long as
21 you follow the current standards.

22 CHAIRPERSON TIMMERMAN: And that's how ours
23 is currently worded?

24 MS. LAND: It's written here it can --

1 MR. CORDONNIER: The structure can't.

2 MS. LAND: Uh-huh.

3 MR. CORDONNIER: Nonconforming structure.

4 CHAIRPERSON TIMMERMAN: It cannot what?

5 MS. LAND: Hold on a second. Let me
6 double-check.

7 SECRETARY STACY: I think we're on Page 41.

8 CHAIRPERSON TIMMERMAN: Yeah.

9 MS. LAND: No such structure may be enlarged
10 or altered in a way which increases its nonconformity,
11 but such structures may be enlarged or altered in a
12 way which does not increase its nonconformity. So
13 they can grow as long as it does not increase the
14 nonconformity.

15 CHAIRPERSON TIMMERMAN: Right.

16 MS. LAND: Like, if you have a house that's
17 sitting too close to the setback on one side, if you
18 want an addition on the back, you just have to make
19 sure it's jogged over enough to be in the appropriate
20 setback.

21 CHAIRPERSON TIMMERMAN: Right.

22 MS. LAND: And that would not increase its
23 nonconformity.

24 CHAIRPERSON TIMMERMAN: Yeah.

1 MR. CORDONNIER: Nonconforming use is, let's
2 say, it's agriculture and you have a sheet metal shop
3 or a tool and die shop or something.

4 CHAIRPERSON TIMMERMAN: Yeah.

5 MR. CORDONNIER: That would require
6 Industrial, but it's zoned Agricultural, so you're a
7 legal nonconforming use.

8 CHAIRPERSON TIMMERMAN: Yeah.

9 MR. CORDONNIER: And in that case, you can't
10 add on to that.

11 MS. LAND: In that case, we've got the, you
12 can't add to your structure or make your shop bigger,
13 but you can expand to use the entire shop if you only
14 use a half of it or a portion of it.

15 Up here, under the section regarding the
16 nonconforming structures, is also where you have,
17 Should the structure be destroyed by any means to
18 extend or more than, we have 60 percent, of its market
19 value appraised by the Hancock County Auditor,
20 exclusive of the foundation, it shall be reconstructed
21 only in conformity with the provisions of the
22 Resolution.

23 So if it gets destroyed more than
24 60 percent, they lose their nonconformity for the

1 structure. They have to -- when they fix it, they
2 have to put it in conformity.

3 Some townships say 100 percent destroyed
4 before it has to -- because, you know, 60 percent, but
5 they want to rebuild it, but they can't really move
6 the foundation.

7 MR. EVANS: That's the thing. I don't know
8 how you -- if you have a fire and you lose that much
9 percentage, you can't -- it might be the part that was
10 good is on the nonconforming side and the fire was
11 over here where you can't -- I don't know how you
12 could tell somebody, Hey, you've got to tear that good
13 side off because it's in the nonconforming and you
14 lost this much value. It seems like that doesn't make
15 sense.

16 SECRETARY STACY: Yeah.

17 MR. CORDONNIER: It seems like I'd go 75 or
18 100. But, again -- and Cindy was right. This is not
19 an issue that you will deal with nearly as much in
20 cities as much -- the city's -- the whole
21 three-quarters of the city was built 100 years ago,
22 and there was no zoning, so we have got a ton of
23 nonconforming structures. But, out here, you've got
24 5-acre lots. I mean, you would have to be

1 hard-pressed to --

2 SECRETARY STACY: What year was zoning put
3 in for the city?

4 MR. CORDONNIER: '57.

5 MS. LAND: Marion Township was '62. And
6 Washington was in the mid '60s. I don't know about
7 the others.

8 SECRETARY STACY: Liberty was put in '74, so
9 it's 50 years.

10 MS. LAND: And Delaware and Jackson had been
11 within the last 30 years.

12 SECRETARY STACY: Okay.

13 MS. LAND: Because I was here when it went
14 through. Cass, I don't know.

15 MR. EVANS: I think we need to raise that
16 60 percent to at least 75 for the reason of, you know,
17 like what I stated.

18 SECRETARY STACY: Right. And that makes
19 sense. If the foundation is good, you're going to
20 tell the person --

21 MR. EVANS: You've got to put a new
22 foundation in 5 feet away from your current
23 foundation.

24 SECRETARY STACY: Yeah. That's --

1 MR. EVANS: Because that 5 feet --

2 MS. LAND: Basically you're telling them if
3 it's a 60 percent loss, it's a 100 percent loss.

4 MR. EVANS: Right.

5 MS. LAND: You can't reuse it. Now we're
6 saying if it's a 75 percent loss, it's a 100 percent
7 loss. They have to move on and do something
8 different. And I think, realistically, if your house
9 or your structure is damaged down to only 25 percent
10 less --

11 MR. EVANS: Insurance is --

12 MS. LAND: -- chances are good they're not
13 going to let you fix it. They're going to say, Start
14 again.

15 MR. EVANS: And then you'll fix it.

16 CHAIRPERSON TIMMERMAN: So 75 then?

17 SECRETARY STACY: That works.

18 CHAIRPERSON TIMMERMAN: That's fine.

19 Are we good on nonconforming structures
20 then?

21 MS. LAND: I just -- don't know what I just
22 did, but I lost what I typed.

23 MR. EVANS: Actually the other thing that's
24 going to kind of mess things up is when they talk

1 about the value appraisal by the Hancock County
2 Auditor, you know that's actually a lot lower than
3 what it actually is. So the bad thing there is let's
4 say you have a \$400,000 building, and the Hancock
5 County Auditor has a \$200,000 value on. If it
6 75 percent is destroyed, that's \$150,000. Well, it's
7 not that hard to get \$150,000 damage.

8 MS. LAND: On a \$400,000 house.

9 MR. EVANS: Right.

10 MS. LAND: So I think the auditors are
11 working harder at having legitimate appraisals but
12 they're still always on the low side. Almost nobody
13 would sell for what the auditor's appraisal is.

14 SECRETARY STACY: Right.

15 MR. CORDONNIER: And people will work hard
16 to get around it. They'll find a contractor that
17 says, Well, this is only \$80,000 to fix, which is
18 right below your threshold. You know, it's just --
19 so...

20 MS. LAND: I guess. Right. I don't
21 remember having a fight with anybody on this in all
22 the years I've been doing zoning.

23 SECRETARY STACY: Nonconforming.

24 MS. LAND: With it being destroyed --

1 MR. EVANS: Structure.

2 MS. LAND: Yeah. Structural destruction.

3 So, I mean, if you give them the 75 percent,
4 I think you're probably pretty -- being pretty
5 liberal. They have a lot of wiggle room.

6 CHAIRPERSON TIMMERMAN: Okay.

7 MS. LAND: And if -- you know, we have in
8 here the appraisal by the Hancock County Auditor, you
9 know, it's kind of a double-edged sword because if
10 they have a \$400,000 house, do they really want the
11 auditor changing it to a \$400,000 taxable house, or do
12 they want to keep their \$200,000 and deal with the
13 75 percent? So it gives some different things to
14 juggle.

15 If my house was, you know -- if it were a
16 \$400,000 house and they only had me paying taxes on
17 \$200, I'd keep my mouth shut.

18 MR. EVANS: Until it caught on fire.

19 MS. LAND: The auditor lives in my
20 neighborhood and she keeps going around raising our
21 taxes. I think we've been raised more than anybody in
22 the county over the last 10 years.

23 SECRETARY STACY: She's probably more
24 familiar with that's going on.

1 MS. LAND: She's, like, Nobody's going to
2 accuse me of having my neighborhood not right.

3 MR. EVANS: Flatten her tires.

4 MS. PARGEON: Let the air out. Yeah.

5 CHAIRPERSON TIMMERMAN: Nonconforming uses.

6 MS. LAND: Do you want to keep the -- under
7 A, we say no structure may be enlarged -- that's still
8 on structures.

9 CHAIRPERSON TIMMERMAN: Okay. Sorry. No,
10 you're good.

11 MS. LAND: No such structure may be enlarged
12 or altered in any way which increases its
13 nonconformity. We okay with that?

14 CHAIRPERSON TIMMERMAN: Uh-huh.

15 MS. PARGEON: Yeah.

16 MS. LAND: Such structures may be enlarged
17 or altered in a way which does not increase its
18 nonconformity.

19 Does that say the same thing in two
20 different ways?

21 MS. PARGEON: Yeah. I've got written in
22 here that -- to keep and rewrite what was there.

23 MS. LAND: No such structure may be enlarged
24 or altered in a way which increases its nonconformity.

1 However, such structure may be enlarged or altered in
2 a way which does not increase its nonconformity.

3 CHAIRPERSON TIMMERMAN: Seems like the same.

4 MS. LAND: Says the same thing, doesn't it?
5 Conformity. The only -- now I'm thinking like a
6 lawyer. Somebody came along and said, It didn't say I
7 could still -- I can enlarge it. It just says it
8 can't be enlarged in a different way.

9 CHAIRPERSON TIMMERMAN: Right. That's what
10 it's doing. Yeah.

11 SECRETARY STACY: Is it better to state
12 something in the positive rather than in the negative?

13 MS. LAND: We can change it to say, Such
14 structure may only be enlarged or altered in a way
15 which does not increase its nonconformity.

16 SECRETARY STACY: I would prefer that.

17 MS. LAND: And, then, take out that first
18 line?

19 SECRETARY STACY: Yes. Yes. I don't like
20 the way it currently is. Make it as clear as
21 possible.

22 MS. LAND: Okay.

23 MR. CORDONNIER: Is there any thought to
24 letting nonconforming uses expand a little bit? I'm

1 just -- I'm just --

2 SECRETARY STACY: Yeah. I'm --

3 MR. CORDONNIER: I'm just thinking, there's
4 different things out there, and since we're kind of
5 coming in a little late to the game, I would, you
6 know --

7 MS. LAND: We're only a few years ago or so.

8 SECRETARY STACY: We're 50 or 60 years.
9 Late to the game. Yeah.

10 MR. CORDONNIER: I would hate for someone
11 to have a --

12 SECRETARY STACY: It's less restrictive to
13 allow a little bit of growth.

14 MR. CORDONNIER: Yeah.

15 SECRETARY STACY: And I agree with you.
16 So...

17 MR. EVANS: Back to my point. They were
18 fine when they put it there.

19 SECRETARY STACY: Right. Correct.

20 MR. EVANS: It was okay to do it. And maybe
21 they thought of expanding and, now, they're thinking,
22 Oh, now I can't.

23 SECRETARY STACY: Right.

24 MS. PARGEON: Well, you were going to

1 rewrite that is what I had written. It said, Keep and
2 rewrite, when we went over there the first time.

3 SECRETARY STACY: If we go down that road,
4 then we need to decide what is that percentage? Like
5 I said, I looked at a couple Resolutions. Two of them
6 said zero; one said 20. You could make it 25, or I
7 bet you could pick whatever number.

8 MR. EVANS: Yeah. As long as -- and, then,
9 the setback and everything applies.

10 SECRETARY STACY: Yeah.

11 CHAIRPERSON TIMMERMAN: Right.

12 MS. LAND: Because even if they expand their
13 use, they still can't expand their -- they couldn't do
14 something that made it a nonconforming structure then
15 which would not apply to the setbacks.

16 MR. CORDONNIER: The only tough thing there
17 is you have, let's say, an Industrial use with
18 Agricultural setbacks, or an Industrial use with
19 Residential setbacks. It's a little bit of a -- I've
20 dealt with that before.

21 My thought was maybe, you know, come up with
22 a percentage and just clearly state even, you know,
23 subject to Planning Commission approval, I don't --
24 your boards are named differently -- so that someone

1 could expand, which is kind of a concession to being a
2 little more lenient, but the township does get a
3 chance to review it.

4 MS. LAND: Almost like a case-by-case basis?
5 I think we need to have a parameter that they are
6 looking in.

7 MR. CORDONNIER: I think we would give them
8 a percentage, but maybe expand it up to 25 percent
9 subject to Planning Commission approval.

10 CHAIRPERSON TIMMERMAN: But isn't it subject
11 to a case-by-case basis?

12 MR. CORDONNIER: No. There can be
13 legitimate concerns. I mean, you know, you're 40 feet
14 from that house, you know. We don't like -- you know,
15 you're -- you know, you're a loud, noisy use.
16 Expanding it in this confined area is not a good idea.
17 There's also, you know --

18 MS. LAND: If you're sitting on 50 acres,
19 you can expand and nobody is going to care.

20 MR. CORDONNIER: You know, if you can't see
21 your next neighbor, I think you'll be all right. You
22 know, those are just two -- just because -- I mean,
23 you're giving the commission a little bit of leeway,
24 but they have to use common sense. They can't just

1 be -- you know, they have to base it on health,
2 welfare, safety, and all that.

3 CHAIRPERSON TIMMERMAN: I'm still waiting on
4 that list of your, like, five questions whatever or
5 nonconforming use.

6 MR. CORDONNIER: Okay.

7 CHAIRPERSON TIMMERMAN: I'd love to see
8 that.

9 MS. LAND: I got -- I found some case law
10 that sets out a really nice standard.

11 CHAIRPERSON TIMMERMAN: Okay.

12 MS. LAND: So I don't know if it's the same
13 one you were talking about, but it was one I knew I
14 could -- I knew I had seen it and I went and I refound
15 it.

16 MR. CORDONNIER: An attorney gave it to me
17 from case law, so I'm guessing it might be the same
18 one.

19 MS. LAND: Might be the same one.

20 MR. CORDONNIER: Very similar.

21 MS. LAND: Some of those things are, I know
22 I've seen it. I've got to go find it. That's the
23 worst thing, by the way, once you know something's
24 there, trying to find it. But I did find it the other

1 day. So I will -- I'll get -- I'll bring that next
2 time.

3 CHAIRPERSON TIMMERMAN: Perfect.

4 SECRETARY STACY: I do think that we
5 initially try to approach this whole process as being
6 more less restrictive.

7 MS. PARGEON: Uh-huh.

8 CHAIRPERSON TIMMERMAN: Right.

9 SECRETARY STACY: Versus more restrictive.

10 So I like the idea of allowing a percentage
11 for a nonconforming use. Just what makes the most
12 sense.

13 CHAIRPERSON TIMMERMAN: Know what
14 percentage?

15 MR. EVANS: Part of me thinks I should stay
16 out because I might have a red dot on there, so
17 it's -- you know, it doesn't matter to me really. I
18 mean, I don't have any plans for expansion or
19 anything. So...

20 CHAIRPERSON TIMMERMAN: What percentage
21 sounds good then? It's one of those things. I mean,
22 if you have, you know, a business that currently takes
23 up 100 square feet, 20 percent, you didn't add
24 anything in reality. You know what I mean?

1 MR. EVANS: Restrooms.

2 CHAIRPERSON TIMMERMAN: Right. Exactly.

3 MS. LAND: One shared one.

4 CHAIRPERSON TIMMERMAN: But if you own
5 Whirlpool, or some huge business, 20 percent's all of
6 a sudden a big deal.

7 So, now, I think the way we are going about
8 zoning, I think most of the big businesses are already
9 in the appropriate district. So I think -- I know we
10 were looking at specifically there was two businesses
11 right outside the Residential there. Some rubber
12 company, whatever.

13 MS. LAND: The foam.

14 CHAIRPERSON TIMMERMAN: Foam. Whatever they
15 were.

16 MR. EVANS: Benna.

17 CHAIRPERSON TIMMERMAN: Those are on small
18 lots; therefore, 20 percent is not going to be huge at
19 that point.

20 MR. CORDONNIER: I'll give you my 2 cents.
21 I would say up to 50 percent. Most likely -- I mean,
22 in my 20 years, I haven't had issue -- much issue
23 where someone -- you know, if someone expanded an
24 existing, it wasn't going to be much of an issue. You

1 know, it's already -- the nature of it is already
2 there.

3 CHAIRPERSON TIMMERMAN: For sure.

4 MR. CORDONNIER: And making it a little more
5 is generally -- most people don't even notice, but I
6 think it would be valuable to the property owner.

7 MS. LAND: You made kind of a point there
8 that made a light go off. Expand up to, say,
9 50 percent, but not to go larger than what can fit on
10 the existing lot. So you don't want to say, I'm going
11 to expand 50 percent, so I'm going to buy another
12 parcel to do it. Do you want to --

13 MR. CORDONNIER: I agree with that.

14 CHAIRPERSON TIMMERMAN: Yeah.

15 MS. LAND: That way we know the lot is the
16 finite number.

17 SECRETARY STACY: Right.

18 MS. LAND: One of the townships says they
19 can expand as much as they want, as long as they fit
20 on that lot. But that's a --

21 CHAIRPERSON TIMMERMAN: Right.

22 MS. LAND: -- problem, if they're on a
23 massive big parcel.

24 CHAIRPERSON TIMMERMAN: 50 percent does give

1 you a fair bit of growth.

2 SECRETARY STACY: Yes.

3 CHAIRPERSON TIMMERMAN: So...

4 MR. CORDONNIER: And it's a problem when
5 it's -- if the setbacks were not meant for that use of
6 the existing parcel what it's zoned. But...

7 CHAIRPERSON TIMMERMAN: Yeah.

8 MR. CORDONNIER: I'm not sure what the
9 Agricultural setbacks are.

10 MS. LAND: 40, 30.

11 MR. CORDONNIER: Those are big setbacks. It
12 is -- in the cases I've had, it's Industrial use with
13 a Residential zoning and the side yard setback is
14 3 feet.

15 CHAIRPERSON TIMMERMAN: Agricultural is
16 like, 20, isn't it?

17 MR. EVANS: Yeah. 20. Front and rear are
18 40, sides are 20 in Agricultural.

19 MR. CORDONNIER: And I think 50 percent,
20 subject to approval. And that's where the subject to
21 approval, you know, in my mind is the valuable
22 catch-all. They can't say, It's Bob. I don't like
23 you. But if they can provide good sound reasons,
24 I think they can, you know --

1 SECRETARY STACY: As long as we're not being
2 arbitrary, right?

3 MS. LAND: Arbitrary.

4 SECRETARY STACY: It's like walking that
5 tightrope.

6 MS. LAND: It is a little. And sometimes
7 arbitrary is in the eye of the beholder. You've got
8 to be very careful.

9 SECRETARY STACY: I can see that. I can see
10 that.

11 MS. LAND: That's why you'll get really
12 tired of me saying, Paper trail. Paper trail. Paper
13 trail. Make sure you have written down the reason for
14 why you came to this.

15 MR. CORDONNIER: Yeah.

16 MS. LAND: They can then challenge maybe
17 that your reasoning is skewed, but they can't say you
18 did something just, you know, willy-nilly or
19 arbitrarily that damaged somebody.

20 MR. EVANS: It would be nice if there was a
21 checklist. Let's say some huge purple building wants
22 to expand by 50 percent. We don't want more purple.
23 Okay. That's probably not a --

24 MS. LAND: We can't say that.

1 MR. EVANS: That's what I'm saying. There
2 ought to be a checklist.

3 MS. LAND: I think the variance standards
4 kind of checklist is something that could be applied
5 to this kind of thing also.

6 MR. CORDONNIER: If you read the Variance
7 Standards or the Conditional Use Standards, I mean
8 they all kind of --

9 CHAIRPERSON TIMMERMAN: Are they the same --

10 MS. LAND: They're very similar.

11 CHAIRPERSON TIMMERMAN: -- or very similar?

12 MS. LAND: They're very same already.

13 MR. CORDONNIER: They're very similar. But
14 the whole -- it's -- to me, it's kind of the
15 foundation of decision-making --

16 CHAIRPERSON TIMMERMAN: Right.

17 MR. CORDONNIER: -- for zoning.

18 MS. LAND: It all has -- most of them are
19 based on the degree of impact that what they are
20 talking about is going to have on neighboring
21 districts or properties and whether it's going to
22 affect health, safety. Those are the kind of
23 buzzwords that are important. Those are what you're
24 supposed to be considering. Not, you know, just that

1 they're, you know, not a good neighbor because they
2 let weeds grow, you know. Fun to be around, you know,
3 those kind of things.

4 MS. PARGEON: Poison ivy.

5 MS. LAND: We all have those.

6 SECRETARY STACY: Yeah. That makes sense to
7 me.

8 MS. LAND: That list, when I give it to you
9 next week we'll -- or on Thursday. Whatever.

10 CHAIRPERSON TIMMERMAN: I was going to say.
11 I do the same thing all the time.

12 MS. LAND: Yeah. I'm working a week in a
13 day these days. Next week could be tomorrow. But
14 Thursday, I will definitely have that for you guys.

15 CHAIRPERSON TIMMERMAN: Perfect.

16 MS. LAND: I'd email it out, but I don't
17 want to cause any issues.

18 SECRETARY STACY: No. We can't do that.
19 We'll wait.

20 MS. LAND: Yeah. Can we take a quick break
21 so I can run out and get my water? I'm about to die
22 here.

23 CHAIRPERSON TIMMERMAN: Sure.

24 I'm going to pull the map up while

1 they're taking a quick break.

2 MS. LAND: Of course, I feel like the
3 Tin Man trying to -- been sitting too long.

4 FROM THE FLOOR: Are you guys still working
5 on the map, or did you finish --

6 CHAIRPERSON TIMMERMAN: We're still working
7 on the whole thing. What have you got for me?

8 FROM THE FLOOR: No, I was just looking at
9 whatever the colors were and all that stuff.

10 MS. PARGEON: Come on up.

11 FROM THE FLOOR: I got here late, so sorry
12 about that.

13 CHAIRPERSON TIMMERMAN: Let's do this then.

14 Orange is R-1, so we kind of think
15 subdivision, so the Hillcrest stuff that we already
16 got and the neighborhood straight across the way. And
17 we threw in kind of what would connect the village to
18 that, just the future growth kind of thing.

19 Going down the line. Green is R-M, so
20 Multi-Family, condos, stuff like that.

21 This section down here, somebody that
22 Siferd --

23 FROM THE FLOOR: That's where Siferd's at.
24 Yeah.

1 CHAIRPERSON TIMMERMAN: Siferd's. And
2 apparently they've already got a sign up saying
3 "Future Condos," or something. So it's like the
4 prime -- they're already going to do it. Might as
5 well make it that.

6 Brown is B-1. It's hidden behind this
7 little Post-It here. That idea, I-75, we've already
8 got, you know, Jeffrey's Antiques here. You've
9 already got Business here, kind of letting it grow.
10 And, then, kind of tapering off from B-2 down to B-1
11 as you're getting to Residential is kind of why we put
12 it there.

13 Blue is B-2, here. B-3 is purple. I got
14 some hidden behind here and here. We kind of threw
15 this area here. That's going to be more specifically
16 gas stations is kind of why part of this -- Sheetz is
17 going right here.

18 FROM THE FLOOR: Gotcha.

19 CHAIRPERSON TIMMERMAN: So -- so gray I-1,
20 here and up here. And, then, this has got good access
21 to -- 18 is right here, so they're on the Interstate,
22 and there's really very few houses up in this area so
23 it's not going to affect many residents.

24 I-2 is basically your landfill area.

1 And then yellow is Expressway Services;
2 restaurants, hotels. If we ever get to that point,
3 put them right next to that because we really don't
4 have any land here that's that available to it.

5 FROM THE FLOOR: All right. Thanks.

6 CHAIRPERSON TIMMERMAN: Make enough sense?

7 FROM THE FLOOR: Whole rundown. That's
8 perfect. Thanks.

9 CHAIRPERSON TIMMERMAN: Quick and dirty.
10 Okay.

11 MS. PARGEON: Looks good.

12 MS. LAND: You guys put good thought into
13 the way you were putting things.

14 MS. PARGEON: They did a good job.

15 CHAIRPERSON TIMMERMAN: I would throw out
16 the potential to change a few little pieces in there.
17 There's this one little dot right there (indicating)
18 that technically is zoned Agricultural right now. The
19 way we have it, I don't know --

20 MS. LAND: What's in there? What is that?

21 MR. EVANS: It's right beside Lowe's
22 Distribution.

23 CHAIRPERSON TIMMERMAN: Yeah. There's a
24 little pond in there and I don't know what's there.

1 It's kind of too small to be Industrial.

2 MR. CORDONNIER: Isn't it compressed natural
3 gas there?

4 MR. EVANS: Well, it's across the road.
5 It's on the same side of the road as Lowe's.

6 MR. CORDONNIER: Okay.

7 CHAIRPERSON TIMMERMAN: So I didn't know
8 whether that should be zoned I-1 or maybe a B-3
9 extension right there.

10 MR. EVANS: The Lowe's retaining wall
11 (unintelligible) is right on one side of it.

12 CHAIRPERSON TIMMERMAN: Okay.

13 MR. EVANS: And then the rest of it.

14 SECRETARY STACY: I think B-3 makes sense.

15 CHAIRPERSON TIMMERMAN: Pause while we're
16 discussing that. Do we want to get quick votes on it?

17 Do we want it -- does B-3 make sense there?
18 Or do we leave it Agricultural for any reason?

19 MR. EVANS: It's small enough to where it's
20 not really good for Agricultural.

21 CHAIRPERSON TIMMERMAN: Exactly.

22 SECRETARY STACY: Right. Right. I would
23 make it --

24 CHAIRPERSON TIMMERMAN: And it's not what

1 you would -- I mean, most of the I-1 properties are
2 much larger.

3 SECRETARY STACY: Right. Yeah. I think B-3
4 makes sense. What do you think?

5 MS. PARGEON: Yeah.

6 CHAIRPERSON TIMMERMAN: Go with B-3 on that?

7 MS. PARGEON: Go with B-3.

8 CHAIRPERSON TIMMERMAN: We chose this one
9 parcel in there and made it B-3, and I don't know
10 what's all in here, which I don't know what that
11 property is versus -- you have the Dark Horse in here,
12 Northwest Masonry. I don't know which one falls
13 where. I feel like more of this should probably be
14 B-3 at that point.

15 MR. EVANS: Is purple Northwestern Masonry?

16 CHAIRPERSON TIMMERMAN: I don't know what
17 that piece is.

18 MR. EVANS: I don't think so because they
19 have more frontage.

20 SECRETARY STACY: I think that's the field
21 that goes back behind.

22 MR. EVANS: Behind. Yeah.

23 CHAIRPERSON TIMMERMAN: So is Northwest
24 Masonry --

1 MR. EVANS: Which is a farm right now.

2 SECRETARY STACY: Probably right in there.

3 MR. CORDONNIER: I think that purple was
4 Dr. Lai's property that continues. He owns quite a
5 bit along the highway and I believe that's his that
6 goes out there.

7 MR. EVANS: He probably owns I think behind
8 that yellow tag right beside it.

9 MR. CORDONNIER: He does. Into the north.
10 Yeah.

11 MS. LAND: Can you guys still see?

12 CHAIRPERSON TIMMERMAN: Yeah. That is
13 Dr. Lai. That one is. This one here is the church.
14 Shouldn't have pointed with my middle finger. This
15 one here is the church. So this is Northwest Masonry
16 here; is that fair? Is that -- Northwest Masonry is
17 right next to the church, right?

18 MR. EVANS: Right.

19 MS. PARGEON: Yeah.

20 SECRETARY STACY: Yeah.

21 MR. CORDONNIER: I can't tell without my
22 aerial.

23 MS. TUCKER: I can see it. Thank you.

24 CHAIRPERSON TIMMERMAN: And then the Dark

1 Horse is right here somewhere (indicating).

2 MS. PARGEON: They're on that block.

3 MR. EVANS: Yeah.

4 CHAIRPERSON TIMMERMAN: But I didn't know
5 whether we wanted to make more of this. I mean,
6 there's a couple houses in there, too, but you're not
7 going to change --

8 MR. EVANS: (Unintelligible) houses.

9 CHAIRPERSON TIMMERMAN: Right. I didn't
10 know whether you just make this whole section B-3.

11 SECRETARY STACY: I think there's logic to
12 that. Obviously, the people that are in their homes
13 right there, as long as they want to stay there and be
14 in their homes, they have that --

15 CHAIRPERSON TIMMERMAN: For sure.

16 SECRETARY STACY: They're going to have that
17 right.

18 CHAIRPERSON TIMMERMAN: Right.

19 SECRETARY STACY: But, at some point, if
20 it's no longer a residence, I could easily see it
21 flipping to maybe a B-3.

22 CHAIRPERSON TIMMERMAN: It's already fully
23 developed.

24 SECRETARY STACY: It is.

1 CHAIRPERSON TIMMERMAN: It's not
2 agricultural.

3 SECRETARY STACY: Correct.

4 CHAIRPERSON TIMMERMAN: I think if it would
5 want to change to a -- not be residential use any more
6 they could make it whatever. A business.

7 SECRETARY STACY: Yeah.

8 CHAIRPERSON TIMMERMAN: So I like keeping
9 that whole section there. I don't know what all of
10 this is actually Findlay, but that's where the new
11 Raceway Gas Station.

12 SECRETARY STACY: Racetrack.

13 MS. PARGEON: Another gas station?

14 MS. LAND: Yeah. We need more.

15 SECRETARY STACY: We need more. Right.

16 MR. CORDONNIER: That's one of those things.
17 They have the zoning, I mean --

18 CHAIRPERSON TIMMERMAN: You're tall.

19 (Laughter.)

20 MS. PARGEON: Yeah, he is, isn't he?

21 CHAIRPERSON TIMMERMAN: This is not fair.

22 MR. CORDONNIER: The gas station Sheetz is
23 here (indicating).

24 CHAIRPERSON TIMMERMAN: I wanted to get

1 where I could see. Sorry.

2 MR. CORDONNIER: So Speedway Drive is being
3 extended north, and, then, that's Sheetz. And, then,
4 with that annexation, Dr. Lai wanted to be a part of
5 it, and so Sheetz and Dr. Lai --

6 MS. LAND: Is that Sheetz or Racetrack?

7 MR. CORDONNIER: Racetrack. I'm sorry.

8 So Speedway Drive is going north. Dr. Lai
9 wanted to be annexed also.

10 SECRETARY STACY: Right.

11 MR. CORDONNIER: He hopes that Speedway
12 Drive is extended north so he can develop his
13 property. Racetrack is here. And, then, so this was
14 annexed.

15 CHAIRPERSON TIMMERMAN: Just that section?
16 Not to the right of it?

17 MR. CORDONNIER: No, I don't believe this
18 was.

19 MS. LAND: Do you have a marker or something
20 that you can --

21 CHAIRPERSON TIMMERMAN: I got my pen on me.
22 I covered the whole thing. I had full intentions of
23 bringing my markers with me -- my daughter's markers.
24 Let's clarify.

1 MS. PARGEON: You borrowed them.

2 MS. LAND: I have markers.

3 MR. CORDONNIER: I've got it marked on this
4 one.

5 MS. LAND: I don't have any little kids at
6 my house.

7 CHAIRPERSON TIMMERMAN: And Sheetz down here
8 is Findlay.

9 MR. EVANS: These are big houses that are on
10 that 100.

11 CHAIRPERSON TIMMERMAN: So we're thinking
12 Findlay is really --

13 MS. LAND: Straight up there.

14 MR. CORDONNIER: Yeah. Just --

15 MS. LAND: Right there.

16 MR. EVANS: And you turn -- yeah. Right
17 there.

18 MS. LAND: Yeah.

19 CHAIRPERSON TIMMERMAN: So this is Findlay.
20 And, then, this is where Sheetz is going out here.

21 MS. LAND: Is it that whole big section?

22 MR. CORDONNIER: Yeah.

23 CHAIRPERSON TIMMERMAN: This whole section.

24 MR. CORDONNIER: But not the two houses.

1 CHAIRPERSON TIMMERMAN: Right.

2 MR. EVANS: Oh, not the two houses.

3 SECRETARY STACY: Right.

4 FROM THE FLOOR: 3 acres.

5 MR. EVANS: I'm wondering if those two
6 houses were still there.

7 CHAIRPERSON TIMMERMAN: We're going to do
8 this. We're going to put this in B-3. This is going
9 to be B-3.

10 Is there any sense in the church being B-3?
11 Just stop it right in that section there.

12 MS. LAND: Yeah.

13 CHAIRPERSON TIMMERMAN: Okay. The rest of
14 my Post-Its were future growth thought processes.

15 MS. LAND: Yeah.

16 CHAIRPERSON TIMMERMAN: Well, actually,
17 that's not true. This I-1, some of it is upside down.
18 (Unintelligible) both sides of the table.

19 If we made I-1 to the railroad tracks, does
20 it make sense to go on the other side of the railroad
21 track? Like, if this piece of property is valuable as
22 I-1, why would this on the other side of the tracks
23 not be valuable as I-1?

24 SECRETARY STACY: I think you could also --

1 CHAIRPERSON TIMMERMAN: You break it, you
2 buy it.

3 SECRETARY STACY: -- go here.

4 CHAIRPERSON TIMMERMAN: You're saying over
5 to the Interstate and that's where I was going with
6 it.

7 MS. LAND: Do you want to look at that as
8 Expressway Services. Isn't that an interchange right
9 there?

10 CHAIRPERSON TIMMERMAN: The interchange is
11 actually in --

12 MR. EVANS: It's farther north.

13 CHAIRPERSON TIMMERMAN: It's in the next
14 county.

15 MR. EVANS: Yeah.

16 MS. LAND: Yeah. Then definitely.

17 MR. EVANS: The only thing I think, you see
18 all those houses right there. I hate to have
19 Residential right beside I-1.

20 CHAIRPERSON TIMMERMAN: I know.

21 SECRETARY STACY: Again --

22 MR. EVANS: That's why I kind of thought
23 stopping where we did seemed good. But...

24 CHAIRPERSON TIMMERMAN: If somebody wants

1 it, they can always put in for a zoning change, as
2 you --

3 MR. CORDONNIER: I don't -- I don't like
4 zoning for future speculation. Never been a fan of
5 that. Meaning, that's all agricultural land.

6 CHAIRPERSON TIMMERMAN: Uh-huh.

7 MR. CORDONNIER: I would say zone it
8 agricultural. And, then, if someone wants it, then,
9 they can come in and go through the process.

10 MS. LAND: And make it all Future Use Map?

11 MR. CORDONNIER: Yeah.

12 MS. LAND: Agricultural -- or I mean
13 Industrial.

14 CHAIRPERSON TIMMERMAN: I don't like it
15 because, I mean, at that point in time, the only thing
16 that would be I-1 would be what's currently being used
17 as I-1. Is that a fair statement?

18 You would -- because --

19 MR. CORDONNIER: Yeah. I mean, so what --
20 where did we land with the kind of the Land Use Plan
21 for the basis of the zoning map?

22 MS. LAND: They haven't done it yet.

23 MR. CORDONNIER: Okay.

24 MS. LAND: They want to use what they are

1 putting on for the zoning map and then the Land Use
2 Plan, grow from there where they see future growth
3 where they think things will go.

4 MR. CORDONNIER: Okay.

5 MS. LAND: That's why they want that other
6 blank map.

7 MR. CORDONNIER: The blank map.

8 MS. LAND: Yeah. A blank map so they can --

9 MR. CORDONNIER: So I would -- I'm more --
10 I mean, especially there, I can see it a little more
11 on the south part where --

12 MS. LAND: See, that's where they don't want
13 it to be.

14 CHAIRPERSON TIMMERMAN: Sure. The City of
15 Findlay seems to annex --

16 MS. LAND: They want to give targets
17 elsewhere.

18 CHAIRPERSON TIMMERMAN: -- anything if we --

19 MS. LAND: They're being gobbled up from the
20 bottom. They don't want that to happen.

21 CHAIRPERSON TIMMERMAN: So if we give them a
22 spot to go up out of the way.

23 MS. LAND: Which is actually quite a good
24 spot. I mean, it's got access to water and sewer.

1 It's got access to rail and two major highways right
2 up to 75.

3 CHAIRPERSON TIMMERMAN: I would push to keep
4 it.

5 MS. LAND: It's a good spot.

6 CHAIRPERSON TIMMERMAN: I think --

7 MS. LAND: Because the City is still -- as
8 long as they're still pushing their hard water policy,
9 everything that they want to develop down at the
10 bottom is going to get gobbled away from Allen
11 Township.

12 If you do that parcel up there, I think then
13 your trustees need to contact Economic Development and
14 tell them, We've got a parcel up here that you guys
15 can be looking at, start talking to people. And,
16 then, they at least know that it's there. If they
17 don't market it, nobody will ever know it's there.
18 Which is fine. But, instead, they're going to keep
19 marketing stuff down here and try to bully zoning
20 changes and annexations.

21 MS. PARGEON: And the school loses money.

22 MS. LAND: Schools don't lose any money.

23 MS. PARGEON: They don't lose any money.

24 Okay.

1 MS. LAND: Just the township.

2 MS. PARGEON: Just the township.

3 CHAIRPERSON TIMMERMAN: So I don't know. If
4 you -- again, I could see an argument to include
5 these. I can see Dave's argument that you're dealing
6 with residential right across the road, but you're
7 dealing with it here as well. So I'm good either way.
8 I mean --

9 MS. LAND: What is that road at the bottom
10 of it?

11 CHAIRPERSON TIMMERMAN: 114.

12 MS. LAND: Okay. What's on the -- up above
13 it?

14 CHAIRPERSON TIMMERMAN: Up here?

15 MS. LAND: Yeah.

16 CHAIRPERSON TIMMERMAN: It's not listed.

17 MS. LAND: It's not a road? It's just the
18 township line?

19 CHAIRPERSON TIMMERMAN: It might not be a
20 road. I think it's the township line.

21 SECRETARY STACY: Yeah. You're into Wood
22 County north of that.

23 MS. LAND: Okay.

24 SECRETARY STACY: And 18 is --

1 CHAIRPERSON TIMMERMAN: About here. I think
2 these are the ramps for 18.

3 SECRETARY STACY: Yeah.

4 CHAIRPERSON TIMMERMAN: So...

5 MS. LAND: I guess what I'm getting at is
6 anything in that Industrial area, would they use --
7 they would have to use 114 as probably their access
8 points --

9 CHAIRPERSON TIMMERMAN: Probably.

10 MS. LAND: -- to be able to get over to --
11 okay. So that would impact those houses there. If
12 they had access on the other side, then chances are
13 good they wouldn't go down there and loop down and
14 come back up.

15 CHAIRPERSON TIMMERMAN: If you wanted to --
16 yeah. I mean, if you didn't have this I-1, it might
17 encourage them to go further down before coming down.
18 So...

19 SECRETARY STACY: And I will say, it is Ag
20 north of that.

21 CHAIRPERSON TIMMERMAN: Here (indicating).

22 MS. LAND: In Wood County.

23 SECRETARY STACY: Well, yeah.

24 MS. LAND: Where is CSX? Is their big deal

1 over this way?

2 SECRETARY STACY: It's west of North
3 Baltimore.

4 MR. CORDONNIER: Where would the water be
5 coming from?

6 MS. LAND: Van Buren.

7 CHAIRPERSON TIMMERMAN: That's right here.
8 City sewer and water in here. There's already City
9 sewer and water in here.

10 I haven't heard anybody push hard for what I
11 threw out there as an option. So...

12 MR. EVANS: What's that?

13 CHAIRPERSON TIMMERMAN: Those last two --
14 those last two parcels towards the Interstate. I can
15 take it or leave it. It was just a thought process I
16 wanted to present.

17 FROM THE FLOOR: How about that section
18 where Jeffrey's is at? Could that be the same deal?
19 You say you'd like to keep the Industrial by
20 Interstate.

21 CHAIRPERSON TIMMERMAN: So Jeffrey's is
22 here. What are you asking?

23 FROM THE FLOOR: Up above that.

24 CHAIRPERSON TIMMERMAN: Here?

1 FROM THE FLOOR: Yeah. Couldn't that be all
2 the same as what you have up at the top, Industrial?
3 Because you already have --

4 MS. LAND: I think you really want to keep
5 that --

6 MR. CORDONNIER: It's in pretty close
7 proximity to --

8 CHAIRPERSON TIMMERMAN: Findlay.

9 MR. CORDONNIER: -- it's residential.

10 MS. LAND: I would keep that Agricultural
11 there.

12 FROM THE FLOOR: Okay. I think it's a good
13 spot up there. It's close to the inter -- you know,
14 the exchange up there off of 75. It's open space.
15 There's not homes.

16 CHAIRPERSON TIMMERMAN: Yeah. There's,
17 like, no homes over here. The reason I don't want to
18 put industry right next to what's going on here
19 either. But...

20 MS. LAND: And you can zone that I-1 and it
21 has no effect on it being Agricultural.

22 CHAIRPERSON TIMMERMAN: Absolutely. It can
23 stay farms for as long as they want.

24 MS. LAND: Forever if they want to.

1 FROM THE FLOOR: That's true. Look at 212.
2 They put in that 212 little curb road there behind
3 Lowe's. They could do the same thing up there.

4 SECRETARY STACY: They could.

5 CHAIRPERSON TIMMERMAN: Yeah.

6 SECRETARY STACY: They could.

7 FROM THE FLOOR: I think it's a good idea.

8 CHAIRPERSON TIMMERMAN: It's out of the way.
9 Gives them a place.

10 What if you -- what if you split --
11 actually, this is two parcels. But what if you did,
12 like, these two, just to keep a barrier from the
13 houses.

14 FROM THE FLOOR: Take them out? Take some
15 of that out?

16 CHAIRPERSON TIMMERMAN: Take this -- just,
17 like, this section here out could be an option, too,
18 if we wanted to keep it away from houses.

19 MR. EVANS: What I'm thinking, are we trying
20 to be less restrictive? Because I'm thinking -- let
21 me see. I can see about 20 people there that are
22 going to say, if I saw that map, it's like --

23 CHAIRPERSON TIMMERMAN: You're saying these
24 houses here -- people?

1 MR. EVANS: If you live there, like, you
2 say --

3 CHAIRPERSON TIMMERMAN: That's the downside.
4 We've never been zoned, so we have houses everywhere.
5 There's never been a plan. Like it's -- somebody's --
6 somebody's going to be offended by something that
7 you're going to do.

8 MR. EVANS: Right. I guess I was kind of
9 looking at --

10 MS. LAND: What you're doing is on paper.
11 It's not somebody building something there right now.

12 MR. EVANS: It's just -- I'm thinking, let
13 me see if that's the only non-used I-1, then, that's
14 next to be used, and I live in one of those.

15 CHAIRPERSON TIMMERMAN: Do you like the idea
16 of getting rid of this parcel here just so it's not
17 directly across the road? You at least have a field.

18 MR. EVANS: I mean, I'm just -- I'm just
19 trying to think. We want to make it less restrictive.

20 SECRETARY STACY: Could you make it B-3?
21 Would you want to make this B-3 instead of I-1?

22 MR. EVANS: Well, the only access it has, it
23 doesn't even have 220 access.

24 SECRETARY STACY: No.

1 MR. EVANS: So the only road it has is 114.

2 SECRETARY STACY: Right.

3 FROM THE FLOOR: It is very close. 220 --
4 it's pretty close to 220. You know, you could put an
5 access road, and that's 212 right there. That's huge.
6 You know, kind of comparable. It's very close to the
7 Interstate exchange --

8 CHAIRPERSON TIMMERMAN: Uh-huh.

9 FROM THE FLOOR: -- exit.

10 CHAIRPERSON TIMMERMAN: But somebody's got
11 to put a road in still.

12 FROM THE FLOOR: True.

13 CHAIRPERSON TIMMERMAN: Who is that on?

14 MS. LAND: County or the Township.

15 MR. CORDONNIER: Developer.

16 MS. LAND: Well, the developer could do it.
17 Yeah.

18 MR. EVANS: I mean, do we have to go across
19 the railroad tracks? I don't know what that's like,
20 if that's a big deal. Is that a big deal?

21 MR. CORDONNIER: Railroads are -- railroads
22 have millions of neighbors and so they talk to none of
23 them.

24 MS. LAND: Right. They do things like not

1 pay their taxes.

2 MR. CORDONNIER: And they're a utility, and
3 they're just -- it's -- railroads are tough. I mean,
4 they --

5 MS. LAND: They had a strong -- they had a
6 strong lobby back in the 1880s, and they haven't
7 stopped.

8 MR. CORDONNIER: They kept rolling. So...

9 FROM THE FLOOR: Just north of that I-1
10 place that you have up there, there's a big ODOT,
11 I think, operation just north of that.

12 CHAIRPERSON TIMMERMAN: In Wood County?

13 FROM THE FLOOR: Uh-huh. I think so.

14 MR. EVANS: It's, like, a garage, isn't it?

15 SECRETARY STACY: Yeah.

16 FROM THE FLOOR: Yeah. It's -- they tension
17 structures and stuff like that.

18 FROM THE FLOOR: Across from the old propane
19 place.

20 FROM THE FLOOR: Yeah. There's a propane
21 place up there. That's just over the line.

22 CHAIRPERSON TIMMERMAN: So...

23 MS. LAND: So Industrial makes good sense
24 there.

1 CHAIRPERSON TIMMERMAN: Uh-huh.

2 MS. LAND: Now, the question is, do you want
3 to make it -- the parts that aren't vertical, or do
4 you want to make it a horizontal cut and do it the
5 other way? Or leave it as is?

6 CHAIRPERSON TIMMERMAN: I mean, initially, I
7 proposed this section here because it would not --
8 there's only, like, a parcel here, a house here, and a
9 house here. This is ODNR. There is a house tucked in
10 there (indicating). But...

11 MS. LAND: It's surrounded by ODNR. It's
12 pretty well insulated.

13 CHAIRPERSON TIMMERMAN: Right. So it's
14 insulated. So I proposed this because it would affect
15 so few houses. Going this way, you do affect houses,
16 so I guess my gut would say why don't you utilize the
17 train, and put one here and one here, and maybe we cut
18 it off. But if anybody else says -- go all of those?

19 MS. LAND: That gives some insulation to
20 those houses before it gets to the part that is --

21 CHAIRPERSON TIMMERMAN: I like it.

22 MS. LAND: -- zoned for Industrial.

23 MR. EVANS: Yeah. I would go for that more.

24 CHAIRPERSON TIMMERMAN: So we'll cancel this

1 one out.

2 MR. EVANS: Yeah. Go up halfway.

3 CHAIRPERSON TIMMERMAN: Well, there's
4 already a property line right here.

5 FROM THE FLOOR: You have some businesses in
6 there already.

7 CHAIRPERSON TIMMERMAN: On this side?

8 FROM THE FLOOR: Yeah. You're putting a --
9 isn't there a cement place?

10 CHAIRPERSON TIMMERMAN: Yeah.

11 FROM THE FLOOR: Which is kind of
12 industrial.

13 SECRETARY STACY: Yes.

14 MR. EVANS: It's actually across from some
15 of the houses.

16 SECRETARY STACY: Yeah.

17 MR. EVANS: Is it still operating?

18 CHAIRPERSON TIMMERMAN: Somebody suggested
19 last time that maybe it wasn't. I don't remember who
20 said that. But...

21 FROM THE FLOOR: Kind of an interesting
22 concept, as Deb pointed out, to make that B-3, which
23 kind of feathers it in, kind of like what you did down
24 there near Hillcrest area.

1 CHAIRPERSON TIMMERMAN: So is everybody
2 agreeing on I-1 in this piece here? Like, if we cut
3 this in half.

4 MR. EVANS: Sure.

5 MS. PARGEON: Yeah. Go ahead and do it that
6 way.

7 CHAIRPERSON TIMMERMAN: And, then, do we
8 want to change this one to a B-3 to Deb's idea of
9 starting to feather --

10 MR. EVANS: Towards the Residential.

11 CHAIRPERSON TIMMERMAN: Or do you think go
12 smaller than B-3 and make it a B-2?

13 MR. EVANS: Well, do you want on the other
14 side of the railroad tracks? Because, really, their
15 only access, unless a road's put in, is 114.

16 CHAIRPERSON TIMMERMAN: To get where? Here?

17 MR. EVANS: There. Yeah.

18 CHAIRPERSON TIMMERMAN: So they're going to
19 come down here and come here (indicating).

20 SECRETARY STACY: Right.

21 MR. EVANS: Right. So should you make --

22 CHAIRPERSON TIMMERMAN: Technically, you
23 could come down road this road, too. I don't know if
24 these roads -- 281 comes down.

1 SECRETARY STACY: Yeah. Yeah.

2 CHAIRPERSON TIMMERMAN: So...

3 MR. EVANS: Must dead end right there.

4 That's --

5 SECRETARY STACY: It's very narrow. Very
6 narrow road.

7 CHAIRPERSON TIMMERMAN: I'm sitting down.
8 You scare me.

9 MR. CORDONNIER: I'm just trying to -- where
10 is -- is 18 up here (indicating)?

11 SECRETARY STACY: Yes. Yes.

12 CHAIRPERSON TIMMERMAN: These are the on and
13 off ramps right here.

14 SECRETARY STACY: Right.

15 MR. CORDONNIER: So this is 114?

16 CHAIRPERSON TIMMERMAN: Right.

17 MR. CORDONNIER: Okay. So there's a road
18 in -- there is no -- I'm just trying to -- there's --
19 okay.

20 So that's that. So we are south. So
21 there's a road in here that I'm not -- where's road?

22 SECRETARY STACY: There is no road.

23 MR. CORDONNIER: Okay.

24 SECRETARY STACY: 18. This is Wood County.

1 This is Wood County, and so 18 would be --

2 MR. CORDONNIER: Gotcha.

3 FROM THE FLOOR: Hey, John. Look on the map
4 right there where the big white number "6" is. That's
5 where you're talking, right?

6 MS. LAND: Yeah. That's 114.

7 CHAIRPERSON TIMMERMAN: We're talking the
8 properties just above it. Yeah. This is 281 which is
9 there.

10 MR. EVANS: So I would say, if you did
11 anything, go on the lower ones just north of 114 and
12 make both of those B-3 and both of them a higher I-1.

13 CHAIRPERSON TIMMERMAN: I'm okay with that.

14 MS. LAND: What about that little --

15 CHAIRPERSON TIMMERMAN: Triangle piece?

16 MS. LAND: -- triangle? Yeah.

17 CHAIRPERSON TIMMERMAN: Go B-3 there, then,
18 also?

19 MR. EVANS: Yeah. I'm trying to think if --
20 is anything in there? It doesn't look like it. Yeah.
21 It looks like there's a house.

22 CHAIRPERSON TIMMERMAN: Is that trail --
23 where's the trailer sale place at? Or not trailer.
24 The building sales.

1 MR. EVANS: Storage units.

2 MS. LAND: It's got a yellow mark on this
3 map. It's right under the 114 number.

4 MR. EVANS: Oh, yeah. Right there.

5 CHAIRPERSON TIMMERMAN: What's that?

6 MR. EVANS: There's a yellow little
7 rectangle right there.

8 CHAIRPERSON TIMMERMAN: That's the --

9 MR. EVANS: Where's the storage units?
10 That's the concrete plant. Is the storage units north
11 of that or south of that?

12 CHAIRPERSON TIMMERMAN: I don't recall.

13 MS. LAND: Are they that red stripe?

14 MR. EVANS: I think that's the concrete
15 plant.

16 CHAIRPERSON TIMMERMAN: B-3.

17 SECRETARY STACY: That works for me.

18 CHAIRPERSON TIMMERMAN: Dave. B-3 for these
19 two?

20 MR. EVANS: Yeah.

21 CHAIRPERSON TIMMERMAN: Clara?

22 MS. PARGEON: Yes.

23 MS. LAND: And the triangle?

24 CHAIRPERSON TIMMERMAN: Triangle now.

1 MR. EVANS: B-3.

2 MS. PARGEON: Yeah. Put it in there.

3 CHAIRPERSON TIMMERMAN: Okay.

4 MS. LAND: It wouldn't be a very desirable
5 ag piece, that one little chunk up there.

6 MS. PARGEON: Somebody will stick a gas
7 station.

8 MS. LAND: Not another one.

9 MS. PARGEON: They're all over.

10 CHAIRPERSON TIMMERMAN: Okay. That's
11 everything I had for the map for tonight. Well, until
12 we start doing the Future Use.

13 Any idea when we can get more maps? We just
14 made this one bad since I --

15 MR. CORDONNIER: I can bring several. I'll
16 bring four or five.

17 MS. LAND: Okay.

18 CHAIRPERSON TIMMERMAN: That would be
19 awesome.

20 MS. LAND: Do you want one before that to be
21 able to have a home coloring project?

22 CHAIRPERSON TIMMERMAN: You know what? I
23 might as well.

24 MS. LAND: Can he stop up to your office and

1 get one?

2 CHAIRPERSON TIMMERMAN: Where is your
3 office?

4 MR. CORDONNIER: Third floor of the
5 municipal building, Room 304. At the jail. Police
6 department. Not the jail. Sorry. The police
7 department.

8 CHAIRPERSON TIMMERMAN: Okay.

9 MR. CORDONNIER: Cell 4. They let me out to
10 come here.

11 MS. PARGEON: Let him out once in a while.

12 MS. LAND: Something about those doors and
13 the --

14 CHAIRPERSON TIMMERMAN: So third floor.

15 MR. CORDONNIER: Yeah.

16 MS. LAND: Muni building.

17 MR. CORDONNIER: Yeah. The muni building is
18 right behind the courthouse.

19 MR. EVANS: Mayor's office is there.

20 CHAIRPERSON TIMMERMAN: What's that?

21 MR. EVANS: The mayor's office and all
22 that's there.

23 MS. LAND: It's got a very big Findlay logo
24 on it. It's easy to see.

1 MR. CORDONNIER: 318 Dorney Plaza.

2 CHAIRPERSON TIMMERMAN: 318, what is it?

3 MS. LAND: Dorney Plaza.

4 MR. CORDONNIER: D-O-R-N-E-Y.

5 MS. PARGEON: Person's name.

6 MR. EVANS: Park on Crawford or you can

7 park --

8 CHAIRPERSON TIMMERMAN: What's that?

9 MR. EVANS: Park on Crawford or you can park
10 right behind the courthouse if there's spots.

11 CHAIRPERSON TIMMERMAN: And when I go up to
12 the third floor is it easy to find?

13 MR. CORDONNIER: Room 304. It's
14 Engineering, Regional Planning and Zoning.

15 CHAIRPERSON TIMMERMAN: 304. Okay.

16 MR. CORDONNIER: And my goal is to print
17 them out in the morning and just set them at the front
18 counter.

19 CHAIRPERSON TIMMERMAN: Okay. How late are
20 they open in there to get them?

21 MR. CORDONNIER: We're open 8:00 to 5:00.

22 MS. LAND: Is Denise coming to the meeting
23 tomorrow morning?

24 CHAIRPERSON TIMMERMAN: I don't know that

1 answer.

2 MS. LAND: If she is she could zip over and
3 get them because it's a block away.

4 CHAIRPERSON TIMMERMAN: Okay.

5 MR. CORDONNIER: Yeah.

6 CHAIRPERSON TIMMERMAN: Okay.

7 MS. LAND: Or I could even have one of my
8 secretaries run down and grab them, bring them back to
9 our building so she could get them there so she
10 doesn't have to run around.

11 Would you have them printed out before 9:30?

12 MR. CORDONNIER: I think I can have them.

13 MS. LAND: Okay.

14 MR. CORDONNIER: I've got a meeting at 9:00,
15 but I think I'll have time to --

16 MS. LAND: I'll send somebody over to grab
17 them. They'll be in our building then, so...

18 CHAIRPERSON TIMMERMAN: Here we go again.
19 Where's your office?

20 MS. LAND: Where the Commissioners are.

21 CHAIRPERSON TIMMERMAN: In the Commission --

22 MS. LAND: Same building as the
23 Commissioners.

24 CHAIRPERSON TIMMERMAN: Another building?

1 MS. LAND: Across the hallway. Second
2 floor. It's 514 South Main. Cafe Marie Scrambler's
3 is on the first floor. We're right above that.

4 CHAIRPERSON TIMMERMAN: Floor two.

5 MS. LAND: Literally, right above that.
6 Every now and then you get a puff of bacon smell in
7 our office. You can tell when their exhaust fans are
8 backing up.

9 CHAIRPERSON TIMMERMAN: How late are you
10 guys in your office to swing through there?

11 MS. LAND: We're there until 4:30.

12 CHAIRPERSON TIMMERMAN: Till 4:30. Okay.
13 I'll make an effort to be there tomorrow, but no
14 promises.

15 MS. LAND: If she gets there, I'll have them
16 for her when she comes to the meeting. If not --

17 CHAIRPERSON TIMMERMAN: If not, they'll be
18 there.

19 MS. LAND: They'll be there whenever she
20 wants to pop in. I'll leave them at the front in our
21 office.

22 CHAIRPERSON TIMMERMAN: Is there a room
23 number or is it obvious when you go?

24 MS. LAND: It's pretty obvious because

1 there's a big symbol on the door, "Prosecutor."

2 MR. CORDONNIER: I'll print them out and
3 I'll have someone run them down.

4 MS. LAND: I can have Hannah come get them.
5 She really likes to run around.

6 MR. CORDONNIER: I've been busy.

7 MS. PARGEON: Little runaround.

8 MS. LAND: Send your intern.

9 MR. CORDONNIER: He's like, What's next?
10 I'm like, Just relax.

11 MS. LAND: That's kind of like Hannah. Get
12 these admins that are 21. Like, What's next? What do
13 we do now? Just --

14 CHAIRPERSON TIMMERMAN: Pause.

15 MR. CORDONNIER: Breathe deep.

16 MS. LAND: -- pause. Take a breath. She's
17 going to be gone though coming this weekend because
18 she's in the Miss Ohio USA pageant. So I'm rooting
19 for her.

20 MR. EVANS: Good for her.

21 MR. CORDONNIER: Well, I'm going to see if I
22 can catch the last couple innings at The Cube. At
23 7:30 they're playing.

24 CHAIRPERSON TIMMERMAN: Okay.

1 SECRETARY STACY: And you're going to get us
2 that signage portion.

3 MR. CORDONNIER: Yes.

4 MS. LAND: Do you want me to send you the --
5 I didn't send it to him. I realized today.

6 SECRETARY STACY: Okay. Thank you.

7 CHAIRPERSON TIMMERMAN: Okay.

8 MR. CORDONNIER: See you all Thursday.

9 CHAIRPERSON TIMMERMAN: What's realistic on
10 getting the signage stuff?

11 MR. CORDONNIER: I'm hoping to have it
12 Thursday. A few -- a few atom bombs have popped up.

13 MS. LAND: Me, too. That's why you don't
14 have the entire thing.

15 CHAIRPERSON TIMMERMAN: No, that's fine. We
16 got --

17 MR. CORDONNIER: My goal is Thursday.

18 CHAIRPERSON TIMMERMAN: Yeah. Okay.

19 MS. LAND: My goal Thursday is to have the
20 rest of all of this in draft form to be able to
21 complete.

22 CHAIRPERSON TIMMERMAN: Okay.

23 MS. LAND: If you guys want to read through
24 the part that I gave you by the next time, then, we

1 can talk about anything -- make sure --

2 CHAIRPERSON TIMMERMAN: I think that's the
3 best strategy.

4 Thanks, Matt.

5 MR. CORDONNIER: See you Thursday.

6 MS. LAND: -- that I interpreted everything
7 that you guys have discussed. Because notes sometimes
8 are cryptic, and I wrote some things here and some
9 things there. I think I got them all, but just in
10 case.

11 CHAIRPERSON TIMMERMAN: Yeah. It is 7:06
12 right now. Is this where we're ending?

13 MS. LAND: If you want.

14 CHAIRPERSON TIMMERMAN: Do you have anything
15 on the legal realm that we want to discuss?

16 MS. LAND: Yes. If we could have an
17 Executive Session to discuss some pending litigation
18 for just five minutes, that would be great.

19 CHAIRPERSON TIMMERMAN: Okay.

20 MS. LAND: Could be more than five. I'm
21 just saying five.

22 CHAIRPERSON TIMMERMAN: Right. Sure.

23 MR. EVANS: Will we be adjourning, though?

24 CHAIRPERSON TIMMERMAN: I would assume.

1 You know what? Do we want to open the floor
2 to questions and comments real quick? I feel like
3 it's been open for the majority of the meeting.

4 MS. LAND: Very interactive meeting.

5 CHAIRPERSON TIMMERMAN: Nothing additional?

6 FROM THE FLOOR: No.

7 CHAIRPERSON TIMMERMAN: Okay. Then --

8 FROM THE FLOOR: Appreciate it.

9 CHAIRPERSON TIMMERMAN: Yeah. I move to go
10 to Executive Session.

11 MS. LAND: To discuss --

12 CHAIRPERSON TIMMERMAN: To discuss legal --

13 MS. LAND: Pending litigation.

14 CHAIRPERSON TIMMERMAN: -- pending
15 litigation.

16 MR. EVANS: I second that.

17 CHAIRPERSON TIMMERMAN: We've got to do
18 that --

19 MS. LAND: At 7:07 p.m.

20 SECRETARY STACY: 7:07. And then we have
21 to --

22 CHAIRPERSON TIMMERMAN: Roll call vote.

23 SECRETARY STACY: Yeah. Got to do roll call
24 vote.

1 CHAIRPERSON TIMMERMAN: Clara Pargeon, you
2 say yes to --

3 MS. PARGEON: Yes.

4 SECRETARY STACY: Okay.

5 MR. EVANS: Yes.

6 CHAIRPERSON TIMMERMAN: Dave says yes. Deb
7 says yes?

8 SECRETARY STACY: Yes.

9 CHAIRPERSON TIMMERMAN: And John says yes.

10 SECRETARY STACY: Yeah. Okay. And everyone
11 in agreement say "Yes."

12 (Vote taken.)

13 SECRETARY STACY: Motion passed.

14 CHAIRPERSON TIMMERMAN: According to Cindy,
15 we'll be back in five minutes. Hold your breath.

16 - - -

17 And, thereupon, an Executive Session was
18 held.

19 - - -

20 SECRETARY STACY: Can I have motion to leave
21 Executive Session and return to regular session?

22 MR. SCOTT: I make a motion we leave
23 Executive Session.

24 SECRETARY STACY: Thank you.

1 May I have a second to that?

2 MR. EVANS: I'll second that.

3 SECRETARY STACY: Dave seconded it.

4 And everyone in agreement with that, say,
5 "Yes."

6 (Vote taken.)

7 SECRETARY STACY: All right. Motion passed.
8 I have 7:29.

9 CHAIRPERSON TIMMERMAN: Did she say, "Exit
10 Executive Session with no action taken"?

11 SECRETARY STACY: With -- yeah. I'll word
12 it the same as I -- "with no action taken." Yeah.
13 I've learned a few years -- few things in doing some
14 things before.

15 CHAIRPERSON TIMMERMAN: I'm going to take
16 the maps home again, so I have it to recolor.

17 SECRETARY STACY: Yeah.

18 CHAIRPERSON TIMMERMAN: Do we want to
19 discuss -- well, we need to sit down with the Future.
20 I was going to say, do we want to discuss that at all,
21 but that's going to be probably a longer -- not super
22 long session, but we're already at 7:30.

23 SECRETARY STACY: Right. So for Thursday,
24 discuss Future --

1 CHAIRPERSON TIMMERMAN: Well, I think we can
2 or -- and/or just dive right into the book Thursday.

3 SECRETARY STACY: Okay.

4 MR. EVANS: Seems like the Future we ought
5 to do last, because if we don't have time for it, it's
6 not a big deal, right?

7 CHAIRPERSON TIMMERMAN: You --

8 MR. EVANS: Just from what Matt was saying.

9 MS. LAND: Yeah. It's something that,
10 actually, when you vote on the map and the book, you
11 don't vote on that Future Map. That's just --

12 CHAIRPERSON TIMMERMAN: Is that something
13 you could do after -- if after zoning passed?

14 MS. LAND: You could. It's probably a good
15 idea to have the bones of it. The pretty --

16 CHAIRPERSON TIMMERMAN: For sure. For sure.
17 I was just saying if something got pushed off, that
18 would be it.

19 MS. LAND: It can be changed and altered
20 without going through an amendment process because
21 it's not part of the actual plans.

22 SECRETARY STACY: True.

23 MS. LAND: So it's lower on your priority
24 list. Yeah.

1 CHAIRPERSON TIMMERMAN: Okay. So we will --
2 I'll update the map then, and we can look at it just
3 to make sure everybody approves it at that point, but
4 that could be the end of the map portion.

5 MS. LAND: I'm really happy with what you're
6 doing.

7 MS. PARGEON: Yeah. You did a good job.
8 Very good job.

9 CHAIRPERSON TIMMERMAN: Coloring it?
10 Thanks.

11 MS. PARGEON: Not just coloring. I mean
12 marking it for where you're putting stuff.

13 MS. LAND: Yeah.

14 CHAIRPERSON TIMMERMAN: The coloring is
15 pretty bad. Hey, it was preliminary. I knew it was
16 going to be preliminary. How about that?

17 SECRETARY STACY: There you go.

18 CHAIRPERSON TIMMERMAN: I'll get my
19 4-year-old out to do it.

20 MS. PARGEON: Yeah. Oh, she did it.

21 FROM THE FLOOR: It was a good thing Molly
22 helped you with that.

23 CHAIRPERSON TIMMERMAN: Yeah. It was all
24 Molly. She's good at staying in the lines.

1 Okay. I guess we're done.

2 SECRETARY STACY: We're done.

3 CHAIRPERSON TIMMERMAN: I move --

4 SECRETARY STACY: Yeah. I'll entertain a
5 motion to adjourn.

6 MS. PARGEON: I second it.

7 CHAIRPERSON TIMMERMAN: Oh, no. No. I have
8 to move. I have to make a motion to adjourn first.
9 Somebody's eager.

10 SECRETARY STACY: So are you --

11 CHAIRPERSON TIMMERMAN: What's that?

12 SECRETARY STACY: I need --

13 CHAIRPERSON TIMMERMAN: I make a motion to
14 adjourn.

15 SECRETARY STACY: Okay.

16 CHAIRPERSON TIMMERMAN: Clara.

17 MS. PARGEON: Second it.

18 SECRETARY STACY: She was right on there.
19 Everyone say "Yes."

20 (Vote taken.)

21 SECRETARY STACY: Motion passed. We are
22 adjourned.

23 - - -

24

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