

As Passed by the House

**125th General Assembly
Regular Session
2003-2004**

Sub. S. B. No. 115

**Senator Robert Gardner
Representatives Combs, Daniels, Flowers, Schmidt, Wolpert**

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A B I L L

To amend sections 505.75, 711.001, 711.10, 711.131, 1
711.132, 713.21, and 713.22 and to enact section 2
711.133 of the Revised Code to permit the 3
exemption from the definition of "subdivision" in 4
the Platting Law of certain parcels of land, to 5
permit the regulation of certain parcels between 6
four and twenty acres for approval without plat, 7
to change the procedure for the approval of plats 8
by county or regional planning commissions, to 9
provide different methods for implementing the 10
statute authorizing the approval of certain 11
subdivisions without the submission of a plat, to 12
permit the payment of compensation to the 13
appointive members of county or regional planning 14
commissions, to permit townships to contract with 15
other townships to administer and enforce building 16
regulations, and to authorize the conveyance of 17
certain state-owned real estate located in Summit 18
County. 19

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 505.75, 711.001, 711.10, 711.131, 20

711.132, 713.21, and 713.22 be amended and section 711.133 of the Revised Code be enacted to read as follows:

Sec. 505.75. (A) A board of township trustees may, by resolution, adopt by incorporation by reference, administer, and enforce a standard code pertaining to the erection, construction, repair, alteration, and maintenance of single-family, two-family, and three-family dwellings promulgated by the state or any department, board, or other agency ~~thereof~~ of the state, or by any municipal corporation or county in this state, within the unincorporated territory of the township, or establish districts in any part of the unincorporated territory and adopt, administer, and enforce such a standard code in the affected districts. When adopted, all regulations contained in such a standard code, including those establishing service charges, shall be uniform within all districts in which building codes are established, except that more stringent regulations may be imposed in flood hazard areas in order to prevent or reduce the hazard resulting from flooding. In no case shall regulations exceed the scope of regulating the safety, health, and sanitary conditions of such buildings. Any person adversely affected by a resolution of the board adopting, amending, or rescinding a regulation may seek a declaratory judgment pursuant to Chapter 2721. of the Revised Code on the ground that the board failed to comply with the law in adopting, amending, rescinding, publishing, or distributing the regulation, or that the regulation, as adopted or amended by the board, is unreasonable or unlawful, or that the ~~revision~~ rescinding of the regulation was unreasonable or unlawful.

A township building code may include regulations that are necessary for participation in the national flood insurance program and are not in conflict with the Ohio building code, governing the prohibition, location, erection, construction, or

floodproofing of new buildings or structures, or substantial
improvements to existing buildings or structures, in
unincorporated territory within flood hazard areas identified
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975,
42 U.S.C.A. 4002, as amended, including, but not limited to,
residential, commercial, or industrial buildings or structures.

(B) Regulations or amendments to regulations may be adopted
under this section only after public ~~hearing~~ hearings at not fewer
than two regular sessions of the board of township trustees. The
board shall cause to be published in a newspaper of general
circulation in the township notice of the public hearings,
including time, date, and place, once a week for two weeks
immediately preceding the hearings. The proposed regulations or
amendments shall be made available by the board to the public at
the board office.

The township building code shall be adopted if it is approved
by an affirmative vote of all members of the board ~~of township~~
~~trustees~~.

The building code and any amendments to the building code
adopted by the board become effective thirty days after the date
of adoption unless, within thirty days after the adoption of the
building code or amendments, there is presented to the board a
petition, signed by a number of qualified voters residing in the
unincorporated area of the township equal to not less than eight
per cent of the total vote cast for all candidates for governor in
the area at the most recent general election at which a governor
was elected, requesting the board to submit the building code or
amendments to the electors of ~~such~~ the area for approval or
rejection at the next primary or general election.

No building code or amendments for which the referendum vote
has been requested shall be put into effect unless a majority of

the vote cast on the issue is in favor of the building code or
amendments. Upon certification by the board of elections, they
take immediate effect.

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(C) The board of township trustees may establish a building
regulation department and employ personnel to enforce building
regulations. Upon certification of the building department under
section 3781.10 of the Revised Code, the board ~~of trustees~~ may
direct the ~~township~~ building department to exercise enforcement
authority and to accept and approve plans pursuant to sections
3781.03 and 3791.04 of the Revised Code for any other kind or
class of building in the unincorporated territory of the township.

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For the purposes of administering and enforcing the building
regulations, the board ~~of township trustees~~ may create, establish,
fill, and fix the compensation of the position of township
building inspector. The inspector shall be the chief
administrative officer of the ~~township~~ building ~~regulation~~
department and shall administer and enforce the ~~building~~
regulations. In lieu of the creation of the position of township
building inspector, the board may assign the duties of the
inspector to an existing township officer.

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(D) The board of township trustees may contract with any
other township, any municipal corporation, or ~~with~~ a board of
county commissioners for the administration and enforcement of
building regulations, and any other township, any municipal
corporation, or a board of county commissioners may contract with
a board of township trustees for the administration and
enforcement of the building regulations of the other township, the
municipal corporation, or the county.

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Sec. 711.001. As used in ~~sections 711.001 to 711.38,~~
~~inclusive, of the Revised Code~~ this chapter:

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(A) "Plat" means a map of a tract or parcel of land. 113

(B) "Subdivision" means either of the following: 114

(1) The division of any parcel of land shown as a unit or as 115
contiguous units on the last preceding general tax roll list and 116
duplicate of real and public utility property, into two or more 117
parcels, sites, or lots, any one of which is less than five acres 118
for the purpose, whether immediate or future, of transfer of 119
ownership, provided, however, that the following are exempt: 120

(a) A division or partition of land into parcels of more than 121
five acres not involving any new streets or easements of access, 122
and the; 123

(b) The sale or exchange of parcels between adjoining lot 124
owners, where such that sale or exchange does not create 125
additional building sites, shall be exempted; or 126

(c) If the planning authority adopts a rule in accordance 127
with section 711.133 of the Revised Code that exempts from 128
division (B)(1) of this section any parcel of land that is four 129
acres or more, parcels in the size range delineated in that rule. 130

(2) The improvement of one or more parcels of land for 131
residential, commercial, or industrial structures or groups of 132
structures involving the division or allocation of land for the 133
opening, widening, or extension of any public or private street or 134
streets, except private streets serving industrial structures, or 135
involving the division or allocation of land as open spaces for 136
common use by owners, occupants, or ~~lease holders~~ leaseholders or 137
as easements for the extension and maintenance of public or 138
private sewer, water, storm drainage, or other ~~public~~ similar 139
facilities. 140

Sec. 711.10. (A) Whenever a county planning commission or a 141
regional planning commission adopts a plan for the major streets 142

or highways of the county or region, no plat of a subdivision of 143
land within the county or region, other than land within a 144
municipal corporation or land within three miles of a city or one 145
and one-half miles of a village as provided in section 711.09 of 146
the Revised Code, shall be recorded until it is approved by the 147
county or regional planning commission under division (C) of this 148
section and the approval is endorsed in writing on the plat. 149

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(B) A county or regional planning commission may require the 151
submission of a preliminary plan for each plat sought to be 152
recorded. If the commission requires this submission, it shall 153
provide for a review process for the preliminary plan. Under this 154
review process, the planning commission shall give its approval, 155
its approval with conditions, or its disapproval of each 156
preliminary plan. The commission's decision shall be in writing, 157
shall be under the signature of the secretary of the commission, 158
and shall be issued within thirty-five business days after the 159
submission of the preliminary plan to the commission. The 160
disapproval of a preliminary plan shall state the reasons for the 161
disapproval. A decision of the commission under this division is 162
preliminary to and separate from the commission's decision to 163
approve, conditionally approve, or refuse to approve a plat under 164
division (C) of this section. 165

(C) Within five calendar days after the submission of a plat 166
for approval under this division, the county or regional planning 167
commission shall schedule a meeting to consider the plat and send 168
a notice by regular mail or by electronic mail to the clerk of the 169
board of township trustees of the township in which the plat is 170
located. The notice shall inform the trustees of the submission of 171
the plat and of the date, time, and location of any meeting at 172
which the county or regional planning commission will consider or 173
act upon the plat. The meeting shall take place within thirty 174

calendar days after submission of the plat, and no meeting shall 175
be held until at least seven calendar days have passed from the 176
date the planning commission sent the notice ~~was sent by the~~ 177
~~planning commission.~~ 178

The approval of the county or regional planning commission, 179
the commission's conditional approval as described in this 180
division, or the refusal of the commission to approve shall be 181
endorsed on the plat within thirty calendar days after the 182
submission of the plat for approval, under this division or within 183
such further time as the applying party may agree to in writing; 184
otherwise that plat is deemed approved, and the certificate of the 185
~~planning~~ commission as to the date of the submission of the plat 186
for approval under this division and the failure to take action on 187
it within that time shall be sufficient in lieu of the written 188
endorsement or evidence of approval required by this ~~section~~ 189
division. A 190

A county or regional planning commission ~~shall not require~~ 191
may grant conditional approval under this division to a plat by 192
requiring a person submitting the plat to alter the plat or any 193
part of it, within a specified period after the end of the thirty 194
calendar days, as a condition for final approval, ~~as long as the~~ 195
~~plat is in accordance with the general rules governing plats and~~ 196
~~subdivisions of land, adopted by the commission as provided in~~ 197
~~this section, in effect at the time the plat is submitted. The~~ 198
under this division. Once all the conditions have been met within 199
the specified period, the commission shall cause its final 200
approval under this division to be endorsed on the plat. No plat 201
shall be recorded until it is endorsed with the commission's final 202
or unconditional approval under this division. 203

The ground of refusal of approval of any plat submitted under 204
this division, including citation of or reference to the rule 205
violated by the plat, shall be stated upon the record of the 206

county or regional planning commission. Within sixty calendar days 207
after the refusal under this division, the person submitting any 208
plat that the ~~county or regional planning~~ commission refuses to 209
approve under this division may file a petition in the court of 210
common pleas of the proper county, and the proceedings on the 211
petition shall be governed by section 711.09 of the Revised Code 212
as in the case of the refusal of a planning authority to approve a 213
plat. A board of township trustees is not entitled to appeal a 214
decision of the ~~county or regional planning~~ commission under this 215
~~section~~ division. 216

A county or regional planning commission shall adopt general 217
rules, of uniform application, governing plats and subdivisions of 218
land falling within its jurisdiction, to secure and provide for 219
the proper arrangement of streets or other highways in relation to 220
existing or planned streets or highways or to the county or 221
regional plan, for adequate and convenient open spaces for 222
traffic, utilities, access of firefighting apparatus, recreation, 223
light, and air, and for the avoidance of congestion of population. 224
The rules may provide for their modification by the ~~county or~~ 225
~~regional planning~~ commission in specific cases where unusual 226
topographical and other exceptional conditions require the 227
modification. The rules may require the county department of 228
health to review and comment on a plat before the ~~county or~~ 229
~~regional planning~~ commission acts upon it and also may also 230
require proof of compliance with any applicable zoning resolutions 231
as a basis for approval of a plat. 232

Before adoption of its rules or amendment of its rules, the 233
commission shall hold a public hearing ~~shall be held~~ on the 234
adoption or amendment ~~by the commission~~. Notice of the public 235
hearing shall be sent to all townships in the county or region by 236
regular mail or electronic mail at least thirty business days 237
before the hearing. No county or regional planning commission 238

shall adopt any rules requiring actual construction of streets or 239
other improvements or facilities or assurance of that construction 240
as a condition precedent to the approval of a plat of a 241
subdivision unless the requirements have first been adopted by the 242
board of county commissioners after a public hearing. A copy of 243
the rules shall be certified by the planning commission to the 244
county recorders of the appropriate counties. 245

After a county or regional street or highway plan has been 246
adopted as provided in this section, the approval of plats and 247
subdivisions provided for in this section shall be in lieu of any 248
approvals provided for in other sections of the Revised Code, ~~so~~ 249
~~far~~ insofar as the territory within the approving jurisdiction of 250
the county or regional planning commission, as provided in this 251
section, is concerned. Approval of a plat shall not be an 252
acceptance by the public of the dedication of any street, highway, 253
or other way or open space shown upon the plat. ~~Any~~ 254

No county or regional planning commission shall require a 255
person submitting a plat to alter the plat or any part of it as 256
long as the plat is in accordance with the general rules governing 257
plats and subdivisions of land, adopted by the commission as 258
provided in this section, in effect at the time the plat is 259
submitted. 260

A county or regional planning commission and a city or 261
village planning commission, or platting commissioner or 262
legislative authority of a village, with subdivision regulation 263
jurisdiction over unincorporated territory within the county or 264
region may cooperate and agree by written agreement that the 265
approval of a plat by the city or village planning commission, or 266
platting commissioner or legislative authority of a village, as 267
provided in section 711.09 of the Revised Code, shall be 268
conditioned upon receiving advice from or approval by the county 269
or regional planning commission. 270

(D) As used in this section, "business day" means a day of 271
the week excluding Saturday, Sunday, or a legal holiday as defined 272
in section 1.14 of the Revised Code. 273

Sec. 711.131. (A) Notwithstanding sections 711.001 to 711.13 274
of the Revised Code and except as provided in division (C) of this 275
section, unless the rules adopted under section 711.05, 711.09, or 276
711.10 of the Revised Code are amended pursuant to division (B) of 277
this section, a proposed division of a parcel of land along an 278
existing public street, not involving the opening, widening, or 279
extension of any street or road, and involving no more than five 280
lots after the original tract has been completely subdivided, may 281
be submitted to the planning authority having approving 282
jurisdiction of plats under section 711.05, 711.09, or 711.10 of 283
the Revised Code for approval without plat. If the authority 284
acting through a properly designated representative ~~is satisfied~~ 285
finds that ~~the~~ a proposed division is not contrary to applicable 286
platting, subdividing, zoning, health, sanitary, or access 287
management regulations or regulations adopted under division 288
(B)(3) of section 307.37 of the Revised Code regarding existing 289
surface or subsurface drainage, including, but not limited to, 290
rules governing household sewage disposal systems, it shall ~~within~~ 291
~~seven working days after submission~~ approve the proposed division 292
within seven business days after its submission and, on 293
presentation of a conveyance of the parcel, shall stamp the 294
conveyance "approved by (planning authority); no plat required" 295
and have it signed by its clerk, secretary, or other official as 296
may be designated by it. The planning authority may require the 297
submission of a sketch and other information that is pertinent to 298
its determination under this ~~section~~ division. 299

(B) For a period of up to two years after the effective date 300
of this amendment, the rules adopted under section 711.05, 711.09, 301

or 711.10 of the Revised Code may be amended within that period to 302
authorize the planning authority involved to approve proposed 303
divisions of parcels of land without plat under this division. If 304
an authority so amends its rules, it may approve no more than five 305
lots without a plat from an original tract as that original tract 306
exists on the effective date of the amendment to the rules. The 307
authority shall make the findings and approve a proposed division 308
in the time and manner specified in division (A) of this section. 309

(C) This section does not apply to parcels subject to section 310
711.133 of the Revised Code. 311

(D) As used in this section: 312

(1) "Business day" means a day of the week excluding 313
Saturday, Sunday, or a legal holiday as defined in section 1.14 of 314
the Revised Code. 315

(2) "Household sewage disposal system" has the same meaning 316
as in section 3709.091 of the Revised Code. 317

Sec. 711.132. No rule or regulation of a planning commission 318
adopted pursuant to ~~the provisions of~~ this chapter, including any 319
rule adopted under section 711.133 of the Revised Code, shall 320
become effective until ~~the same shall have~~ it has been approved, 321
after public hearing, by the legislative authority of the 322
municipal corporation in the case of a municipal planning 323
commission or by the board of county commissioners in the case of 324
a regional or county planning commission. 325

Sec. 711.133. (A) Notwithstanding anything to the contrary in 326
sections 711.001 to 711.13 of the Revised Code, rules may be 327
adopted and amended that require a proposed division of a parcel 328
of land along an existing public street, not involving the 329
opening, widening, or extension of any street or road, and 330
involving the establishment of any lot that meets acreage 331

requirements under division (B) of this section, to be submitted 332
to the planning authority having approving jurisdiction of plats 333
under section 711.05, 711.09, or 711.10 of the Revised Code for 334
approval without plat in accordance with this section. The rules 335
shall provide that, if the authority acting through a properly 336
designated representative finds that a proposed division is not 337
contrary to any applicable zoning, health, sanitary, or access 338
management regulations, regulations adopted under division (B)(3) 339
of section 307.37 of the Revised Code regarding existing surface 340
or subsurface drainage, including, but not limited to, rules 341
governing household sewage disposal systems, or regulations 342
adopted under division (D) of this section, it shall approve the 343
proposed division within the applicable timeframe listed in 344
division (F) of this section and, on presentation of a conveyance 345
of the parcel, shall stamp the conveyance "approved by (planning 346
authority); no plat required" and have it signed by its clerk, 347
secretary, or other official as may be designated by it. For 348
purposes of this division, "household sewage disposal system" has 349
the same meaning as in section 3709.091 of the Revised Code. 350

(B) Rules adopted under this section shall designate the size 351
range of parcels to be approved in compliance with this section; 352
parcels may be in a range of not less than four acres and not more 353
than twenty acres. If the designated size range includes any 354
parcels of four to five acres in size, the rules shall state that 355
the proposed division shall not be considered a subdivision for 356
purposes of division (B)(1) of section 711.001 of the Revised Code 357
and need only be approved as specified in division (A) of this 358
section and the rules adopted under this section. 359

(C) Rules adopted under this section shall exempt from the 360
approval requirements of this section parcels of land to be used 361
only for agricultural or personal recreational purposes. On the 362

presentation of a conveyance of such a parcel, the authority's 363
designated representative shall stamp the conveyance "no approval 364
or plat required under R.C. 711.133; for agricultural or personal 365
recreational use only" and have it signed by its clerk, secretary, 366
or other official as the authority may designate. Nothing in this 367
division excludes, or shall be construed as excluding, parcels 368
that are exempt under this division as being used only for 369
agricultural or personal recreational purposes, from the 370
provisions of this chapter for any future divisions or partitions 371
of those parcels. 372

When parcels of land that are exempt under this division from 373
the approval requirements of this section are subsequently to be 374
used for other than agricultural or personal recreational 375
purposes, the planning authority shall first determine that such a 376
parcel complies with the rules adopted under this section. 377

(D) Rules adopted under this section may regulate lot 378
frontage and width to depth ratios for parcels to be approved in 379
compliance with this section, but those regulations shall apply to 380
a parcel only if there is no applicable zoning regulation for lot 381
frontage or width to depth ratios that apply to the parcel. 382

(E) Rules adopted under this section may require the 383
submission of a sketch and other information that is pertinent to 384
the authority's determination under this section. 385

(F) A proposed division subject to approval in accordance 386
with this section shall be approved within one of the following 387
timeframes: 388

(1) For proposed divisions into not more than six separate 389
parcels, approval shall be within seven calendar days after its 390
submission. 391

(2) For proposed divisions into more than six separate 392
parcels but less than fifteen separate parcels, approval shall be 393

within fourteen calendar days after its submission. 394

(3) For proposed divisions into fifteen parcels or more, 395
approval shall be within twenty-one calendar days after its 396
submission. 397

Sec. 713.21. (A) The planning commission of any municipal 398
corporation or group of municipal corporations, any board of 399
township trustees, and the board of county commissioners of any 400
county in which ~~such~~ the municipal corporation or group of 401
municipal corporations is located or of any adjoining county may 402
~~co-operate~~ cooperate in the creation of a regional planning 403
commission, for any region defined as agreed upon by the planning 404
commissions and boards, exclusive of any territory within the 405
limits of a municipal corporation not having a planning 406
commission. After creation of a regional planning commission, 407
school districts, special districts, authorities, and any other 408
units of local government may participate in the regional planning 409
commission, upon ~~such~~ terms ~~as may be~~ agreed upon by the planning 410
commissions and boards. ~~The~~ 411

The number of members of ~~such~~ a regional planning commission, 412
their method of appointment, and the proportion of the costs of 413
~~such~~ regional planning to be borne respectively by the various 414
municipal corporations, townships, and counties in the region and 415
by other participating units of local government shall be ~~such as~~ 416
~~is~~ determined by a majority of the planning commissions and 417
boards. Costs may include, but are not limited to, compensation 418
and actual and necessary expenses for appointive members of a 419
regional planning commission who are not also holding another 420
public office to which they were elected. Any member of a regional 421
planning commission may hold any other public office and may serve 422
as a member of a city, village, ~~and a~~ or county planning 423
commission, except as otherwise provided in the charter of any 424

city or village. ~~Such~~ 425

Boards of township trustees, boards of county commissioners, 426
and legislative authorities of ~~such~~ municipal corporations, and 427
the governing bodies of other participating units of local 428
government, may appropriate their respective shares of ~~such the~~ 429
costs of regional planning. ~~The Those~~ sums ~~so appropriated~~ shall 430
be paid into the treasury of the county in which the greater 431
portion of the population of the region is located, and shall be 432
paid out on the certificate of the regional planning commission 433
and the warrant of the county auditor of ~~such that~~ county for the 434
purposes authorized by sections 713.21 to 713.27, ~~inclusive,~~ of 435
the Revised Code. ~~The~~ 436

(B) The regional planning commission may accept, receive, and 437
expend funds, grants, and services from the federal government or 438
its agencies, ~~i~~ from departments, agencies, and instrumentalities 439
of this state or any adjoining state ~~or~~; from one or more counties 440
of this state or any adjoining state ~~or~~; from any municipal 441
corporation or political subdivision of this or any adjoining 442
state, including county, regional, and municipal planning 443
~~commission~~ commissions of this or any adjoining state, ~~i~~ or from 444
civic sources, ~~and~~. The regional planning commission may contract 445
with respect ~~thereto~~ to those funds, grants, and services, either 446
separately, jointly, or cooperatively, and may provide ~~such the~~ 447
information and reports ~~as may be necessary~~ to secure ~~such~~ 448
~~financial aid~~ those funds, grants, and services. Within the 449
amounts ~~thus~~ agreed upon and appropriated or otherwise received, 450
the regional planning commission may employ necessary engineers, 451
accountants, consultants, and employees ~~as are necessary~~ and may 452
rent or lease ~~such~~ space, purchase, lease, and lease with option 453
to purchase ~~such~~ equipment, and make ~~such other~~ purchases ~~as~~ it 454
~~deems~~ considers necessary to its use. The regional planning 455
commission may purchase, lease with option to purchase, or receive 456

as a gift property and buildings within which it is housed and 457
carries out its responsibilities, provided that the rules of the 458
commission provide for the disposition of the property and 459
buildings ~~in the event that~~ if the commission is dissolved or 460
otherwise terminated. 461

(C) The regional planning commission may establish ~~such~~ 462
committees with ~~such~~ the powers ~~as~~ it finds necessary to carry on 463
its work, including an executive committee to make ~~such~~ final 464
determinations, decisions, findings, recommendations, and orders 465
as ~~the~~ provided in the commission's rules ~~of the regional planning~~ 466
~~commissions~~ provide. All actions of ~~such~~ these committees shall be 467
reported in writing to the members of the regional planning 468
commission no later than ~~the~~ its next meeting ~~of the regional~~ 469
~~planning commission~~ or within thirty days from the date of the 470
action, whichever is earlier. The regional planning commission may 471
provide a procedure to ratify committee actions by a vote of the 472
members. ~~The~~ 473

(D) The regional planning commission may make agreements with 474
other ~~agencies,~~ public or private, agencies for the temporary 475
transfer or joint use of staff employees, and may contract for 476
professional or consultant services for or from other governmental 477
and private agencies and persons. 478

Sec. 713.22. (A) The board of county commissioners of any 479
county may, and on petition of the planning commissions of a 480
majority of the municipal corporations in the county having those 481
planning commissions shall, provide for the organization and 482
maintenance of a county planning commission. A county planning 483
commission shall consist of the members of the board of county 484
commissioners, or their alternates designated in accordance with 485
this division, and eight other members appointed by the board in 486
accordance with divisions (B)(1) to (4) of this section or their 487

alternates designated and approved in accordance with this 488
division. Any alternate designated under this division shall be a 489
resident of the county. 490

To designate an alternate for a member of the board of county 491
commissioners, the board member shall send a letter of appointment 492
to the alternate and deliver a copy of that letter to the clerk of 493
the board of county commissioners. At the next regular meeting of 494
the board, the clerk shall inform the board of the designation of 495
the alternate, and the board shall have the designation entered on 496
the journal. 497

To designate an alternate for any other member of the 498
planning commission, the member shall send a letter of appointment 499
to the clerk of the board of county commissioners designating an 500
individual to serve as that member's alternate. At the next 501
regular meeting of the board, the clerk shall inform the board of 502
the designation of the alternate, which designation the board may 503
either approve or disapprove. The board shall enter its decision 504
on the board's journal and, if the alternate is approved, 505
designate the name of the alternate on the journal. The clerk of 506
the board shall notify the commission member of the board's 507
action, and the commission member shall inform the alternate. 508

A designated alternate shall serve at the pleasure of the 509
member who makes the designation. Removal of an alternate shall be 510
made by a letter of removal, delivered and journalized by the same 511
method that the alternate was designated. 512

Once an alternate is designated for a member of the planning 513
commission, if that commission member is absent from a planning 514
commission meeting, the alternate has the right to vote and 515
participate in all proceedings and actions of the commission at 516
that meeting as if that alternate were the commission member. 517

(B)(1) Except as provided for counties with two or less 518

townships in division (B)(4) of this section, if the population of 519
the portion of any city located in the county exceeds fifty per 520
cent of the total population of the county, the board of county 521
commissioners shall select three of the appointive members from 522
persons nominated by the planning commission of that city. The 523
board shall appoint three members from the unincorporated 524
territory of the county from persons recommended by the townships 525
to the county, except that, if one or more of those townships in 526
the county is a limited home rule government township, then the 527
board shall appoint at least one of these three township 528
appointees from the persons recommended by a limited home rule 529
government township. The remaining two appointees shall be 530
selected at the discretion of the board and shall be residents of 531
the county, one residing in the unincorporated territory of the 532
county and representing townships and the other residing in the 533
incorporated territory of the county and representing municipal 534
corporations in the county. 535

(2) Except as provided for counties with two or less 536
townships in division (B)(4) of this section, if a county does not 537
contain the portion of any city with at least fifty per cent of 538
the total population of the county but contains one or more 539
limited home rule government townships, one of the appointees 540
shall be a resident of a limited home rule government township in 541
the county, selected at the discretion of the board of county 542
commissioners from persons recommended by a limited home rule 543
government township in the county. One appointee shall be a 544
resident of the municipal corporation with the largest population 545
contained within the portion of the municipal corporation located 546
in the county, selected at the discretion of the board of county 547
commissioners from persons recommended by that municipal 548
corporation. The remaining six appointees shall be residents of 549
the county, selected at the discretion of the board of county 550

commissioners. 551

(3) Except as provided for counties with two or less 552
townships in division (B)(4) of this section, if a county does not 553
contain the portion of any city with at least fifty per cent of 554
the total population of the county and does not contain a limited 555
home rule government township, the board of county commissioners 556
shall appoint eight residents of the county selected at the 557
discretion of the board. 558

(4) If a county contains two or less townships with 559
unincorporated territory, the board of county commissioners shall 560
appoint eight residents of the county selected at the discretion 561
of the board, except that, if the population of the portion of any 562
city located in the county exceeds fifty per cent of the total 563
population of the county, then at least three of the appointive 564
members shall be selected from persons nominated by the planning 565
commission of that city. 566

(C) Subject to division (F) of this section, the appointive 567
members of a county planning commission shall be appointed for 568
terms of three years, except that, of the eight members first 569
appointed, three shall be appointed for terms of two years, and 570
two shall be appointed for a term of one year. The appointive 571
members shall serve without pay may be allowed their actual and 572
necessary expenses and the compensation that the board of county 573
commissioners determines to be appropriate. Any member of a county 574
planning commission may hold any other public office and may serve 575
as a member of a city, village, and regional planning commission, 576
except as otherwise provided in the charter of any city or 577
village. 578

(D) The compensation and expenses of the appointive members 579
of a county planning commission and the compensation of planning 580
commission employees shall be paid from appropriations made by the 581

board. 582

The county planning commission may employ engineers, 583
accountants, consultants, and employees as are necessary, and make 584
purchases as may be needed to the furtherance of its operation. 585

The county planning commission may accept, receive, and 586
expend funds, grants, and services from the federal government or 587
its agencies, from departments, agencies, and instrumentalities of 588
this state or any adjoining state, from one or more counties of 589
this state or any adjoining state, from any municipal corporation 590
or political subdivision of this or any adjoining state, including 591
a county, regional, and municipal planning commission of this or 592
any adjoining state, or from civic sources, may contract with 593
respect thereto, either separately, jointly, or cooperatively, and 594
may provide information and reports as may be necessary to secure 595
such financial aid. 596

(E) A county planning commission may adopt a policy under 597
which members of the board of county commissioners, as members of 598
that commission, or their designated alternates must abstain from 599
participating and voting on the commission's recommendation, 600
whenever a county planning commission is required by section 601
303.12 of the Revised Code to recommend the approval or denial of 602
a proposed amendment or approval of some modification of an 603
amendment to the county zoning resolution, or is required by 604
section 303.07 of the Revised Code to approve or disapprove, or 605
make suggestions about, a proposed county zoning resolution. The 606
policy may require that a quorum of the commission under those 607
circumstances be determined on the basis of an eight-member 608
commission instead of an eleven-member commission. 609

(F) If at any time a change occurs within a county so that 610
the population of a portion of a city within the county exceeds or 611
no longer exceeds fifty per cent of the total population of the 612
county or a township becomes a limited home rule government 613

township, thus creating a situation where the membership of a
county planning commission should be altered to comply with the
membership requirements of division (B) of this section, within
thirty days after the effective date of either of those types of
change, the board of county commissioners, in the board's
discretion, may make changes on the commission by resolution so
that its membership representation complies with division (B) of
this section. If the board does not adopt a resolution to so
change the commission's membership, the board shall phase in the
necessary changes in the commission's membership by waiting until
a member's term of office expires and appointing new members so as
to meet the representation requirements of division (B) of this
section as soon as possible without interfering with any member's
term of office.

Section 2. That existing sections 505.75, 711.001, 711.10,
711.131, 711.132, 713.21, and 713.22 of the Revised Code are
hereby repealed.

Section 3. (A) The Governor is hereby authorized to execute a
deed in the name of the state conveying to the purchaser, and the
purchaser's heirs and assigns or successors and assigns, all of
the state's right, title, and interest in the following described
real estate:

Situated in the Village and Township of Richfield, County of
Summit, and State of Ohio; and known as being a part of Lot 1 in
Tract 3 of said Township and Village, bounded and described as
follows:

Beginning at the intersection of the centerline of the
original right-of-way of Brecksville Road, C.H. 17, and the
Southline of Lot 1, said line also being the North line of Lot 3;

Thence North 00° 19' 54" East along the centerline of the

original right-of-way of Brecksville Road a distance of 896.51 644
feet the True Place of Beginning; 645

Thence continuing North 00° 19' 54" East along the centerline 646
of the original right-of-way of Brecksville Road a distance of 647
145.00 feet to a point; 648

Thence North 89° 09' 54" East a distance of 1273.34 feet to 649
an iron pin found in the North right-of-way line of interstate 650
Route 271 and said line passing thru an iron pin set at 33.00 feet 651
from the centerline of Brecksville Road; 652

Thence South 50° 41' 46" West along the North right-of-way 653
line a distance of 233.04 feet to a set iron pin; 654

Thence South 89° 09' 54" West a distance of 1093.84 feet to a 655
point in the centerline of the original right-of-way of 656
Brecksville Road and said point being the True Place of Beginning 657
and said line passing thru an iron pin set at 33.00 feet from said 658
centerline and containing with said bounds 1.3082 acres in the 659
Village; 2.6309 acres in the Township, more or less, but subject 660
to all legal highways, as surveyed by Santee Associates in 661
December 1972. 662

(B) The Attorney General shall have the real estate described 663
in division (A) of this section appraised by a state certified or 664
licensed appraiser. 665

(C) Consideration for the conveyance of the real estate 666
described in division (A) of this section shall be a purchase 667
price of at least two-thirds of the appraised value and acceptable 668
to the Attorney General. 669

(D) Upon payment of the purchase price by the purchaser, the 670
Auditor of State, with the assistance of the Attorney General, 671
shall prepare a deed to the real estate described in division (A) 672
of this section. The deed shall state the consideration. The deed 673

shall be executed by the Governor in the name of the state, 674
countersigned by the Secretary of State, sealed with the Great 675
Seal of the State, presented in the office of the Auditor of State 676
for recording, and delivered to the purchaser. The purchaser shall 677
present the deed for recording in the office of the Summit County 678
Recorder. 679

(E) Advertising costs, appraisal fees, and all other costs of 680
the sale of the real estate described in division (A) of this 681
section shall be paid by the purchaser. 682

(F) The net proceeds of the sale of the real estate described 683
in division (A) of this section shall be deposited in the state 684
treasury as follows: sixty-two per cent to the credit of Fund 4Z2, 685
appropriation item 055-609, BCI Asset Forfeiture & Cost 686
Reimbursement, and thirty-eight per cent to the credit of the 687
general revenue fund. 688

(G) This section shall expire three years after its effective 689
date. 690