

**As Reported by the House County and Township Government  
Committee**

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

**Sub. S. B. No. 115**

**Senator Robert Gardner**

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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 52  
improvements to existing buildings or structures, in 53  
unincorporated territory within flood hazard areas identified 54  
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 55  
42 U.S.C.A. 4002, as amended, including, but not limited to, 56  
residential, commercial, or industrial buildings or structures. 57

(B) Regulations or amendments to regulations may be adopted 58  
under this section only after public ~~hearing~~ hearings at not fewer 59  
than two regular sessions of the board of township trustees. The 60  
board shall cause to be published in a newspaper of general 61  
circulation in the township notice of the public hearings, 62  
including time, date, and place, once a week for two weeks 63  
immediately preceding the hearings. The proposed regulations or 64  
amendments shall be made available by the board to the public at 65  
the board office. 66

The township building code shall be adopted if it is approved 67  
by an affirmative vote of all members of the board ~~of township~~ 68  
~~trustees~~. 69

The building code and any amendments to the building code 70  
adopted by the board become effective thirty days after the date 71  
of adoption unless, within thirty days after the adoption of the 72  
building code or amendments, there is presented to the board a 73  
petition, signed by a number of qualified voters residing in the 74  
unincorporated area of the township equal to not less than eight 75  
per cent of the total vote cast for all candidates for governor in 76  
the area at the most recent general election at which a governor 77  
was elected, requesting the board to submit the building code or 78  
amendments to the electors of ~~such~~ the area for approval or 79  
rejection at the next primary or general election. 80

No building code or amendments for which the referendum vote 81  
has been requested shall be put into effect unless a majority of 82  
the vote cast on the issue is in favor of the building code or 83

amendments. Upon certification by the board of elections, they 84  
take immediate effect. 85

(C) The board of township trustees may establish a building 86  
regulation department and employ personnel to enforce building 87  
regulations. Upon certification of the building department under 88  
section 3781.10 of the Revised Code, the board ~~of trustees~~ may 89  
direct the ~~township~~ building department to exercise enforcement 90  
authority and to accept and approve plans pursuant to sections 91  
3781.03 and 3791.04 of the Revised Code for any other kind or 92  
class of building in the unincorporated territory of the township. 93

For the purposes of administering and enforcing the building 94  
regulations, the board ~~of township trustees~~ may create, establish, 95  
fill, and fix the compensation of the position of township 96  
building inspector. The inspector shall be the chief 97  
administrative officer of the ~~township~~ building ~~regulation~~ 98  
department and shall administer and enforce the building 99  
regulations. In lieu of the creation of the position of township 100  
building inspector, the board may assign the duties of the 101  
inspector to an existing township officer. 102

(D) The board of township trustees may contract with any 103  
other township, any municipal corporation, or ~~with~~ a board of 104  
county commissioners for the administration and enforcement of 105  
building regulations, and any other township, any municipal 106  
corporation, or a board of county commissioners may contract with 107  
a board of township trustees for the administration and 108  
enforcement of the building regulations of the other township, the 109  
municipal corporation, or the county. 110

**Sec. 711.001.** As used in ~~sections 711.001 to 711.38,~~ 111  
~~inclusive, of the Revised Code~~ this chapter: 112

(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

Within 150

(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, ~~se~~ 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 or plat required under R.C. 711.133; for agricultural or personal recreational use only" and have it signed by its clerk, secretary, or other official as the authority may designate. Nothing in this division excludes, or shall be construed as excluding, parcels that are exempt under this division as being used only for agricultural or personal recreational purposes, from the provisions of this chapter for any future divisions or partitions of those parcels. 364  
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When parcels of land that are exempt under this division from the approval requirements of this section are subsequently to be used for other than agricultural or personal recreational purposes, the planning authority shall first determine that such a parcel complies with the rules adopted under this section. 373  
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(D) Rules adopted under this section may regulate lot frontage and width to depth ratios for parcels to be approved in compliance with this section, but those regulations shall apply to a parcel only if there is no applicable zoning regulation for lot frontage or width to depth ratios that apply to the parcel. 378  
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(E) Rules adopted under this section may require the submission of a sketch and other information that is pertinent to the authority's determination under this section. 383  
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(F) A proposed division subject to approval in accordance with this section shall be approved within one of the following timeframes: 386  
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(1) For proposed divisions into not more than six separate parcels, approval shall be within seven calendar days after its submission. 389  
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(2) For proposed divisions into more than six separate parcels but less than fifteen separate parcels, approval shall be within fourteen calendar days after its submission. 392  
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(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~~ i from one or more counties 440  
of this state or any adjoining state ~~or~~ i 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 townships in division (B)(4) of this section, if a county does not contain the portion of any city with at least fifty per cent of the total population of the county and does not contain a limited home rule government township, the board of county commissioners shall appoint eight residents of the county selected at the discretion of the board.

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

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

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

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 614

county planning commission should be altered to comply with the 615  
membership requirements of division (B) of this section, within 616  
thirty days after the effective date of either of those types of 617  
change, the board of county commissioners, in the board's 618  
discretion, may make changes on the commission by resolution so 619  
that its membership representation complies with division (B) of 620  
this section. If the board does not adopt a resolution to so 621  
change the commission's membership, the board shall phase in the 622  
necessary changes in the commission's membership by waiting until 623  
a member's term of office expires and appointing new members so as 624  
to meet the representation requirements of division (B) of this 625  
section as soon as possible without interfering with any member's 626  
term of office. 627

**Section 2.** That existing sections 505.75, 711.001, 711.10, 628  
711.131, 711.132, 713.21, and 713.22 of the Revised Code are 629  
hereby repealed. 630

**Section 3.** (A) The Governor is hereby authorized to execute a 631  
deed in the name of the state conveying to the purchaser, and the 632  
purchaser's heirs and assigns or successors and assigns, all of 633  
the state's right, title, and interest in the following described 634  
real estate: 635

Situated in the Village and Township of Richfield, County of 636  
Summit, and State of Ohio; and known as being a part of Lot 1 in 637  
Tract 3 of said Township and Village, bounded and described as 638  
follows: 639

Beginning at the intersection of the centerline of the 640  
original right-of-way of Brecksville Road, C.H. 17, and the 641  
Southline of Lot 1, said line also being the North line of Lot 3; 642

Thence North 00° 19' 54" East along the centerline of the 643  
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  
present the deed for recording in the office of the Summit County  
Recorder.

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

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

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

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