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Senate Local Government, Public Safety & Veterans Affairs Committee

Sub. HB 500 Township Laws Written Proponent Testimony November 27, 2018

Good morning Mr. Chairman and members of the Committee. Jackson Township is a proponent for Sub. House Bill 500, specifically the provision dealing with submitting proposed zoning changes to the county or regional planning commission.

Jackson Township, Stark County, has a population of approximately 41,000 residents. It sits near the Pro Football Hall of Fame and the Akron-Canton Airport. The Township serves as the retail, hotel, and restaurant hub for Stark County and the less populated surrounding counties to the south, east and west. Quite simply, Jackson Township is a large urban township. With its large size, Jackson Township experiences economic development and zoning issues like that of a city.

ORC sections 519.07 and 519.12, which mandatorily requires townships to submit zoning amendments to a county or regional planning commission is simply out dated and counterproductive for townships like Jackson who actively engage in economic development. Put in other terms, one size does not fit all and ORC sections 519.07 and 519.12 are a hindrance to economic development.

In 2015, the Jackson Township Board of Trustees decided to market thirty acres it owned. The thirty acres has some challenges in regard to topography, wet lands and natural gas lines. These challenges precluded the land from being exclusively used as a park and made subdivision housing an unlikely option.

Jackson Township actively engages in economic development. Through these efforts, we met a potential tenant/buyer who sought to purchase nine acres to relocate his business and build his own building. After months of negotiations and site visits, the potential tenant/buyer expressed interest in moving forward with an economic development agreement, which included a \$14 million office building and 250 employees.

For the development to occur under the terms of the agreement, the Township was responsible for rezoning the land to an appropriate zone for the prospective tenant/buyer's use. To be fully transparent with the community and adjacent properties owners, including a church, there were several meetings with the parties to show the Township's plans for the development of the land. The impacted residents overwhelmingly expressed they did not support full retail development or a housing subdivision but were amenable to an office park (business district - 2), which fit the needs of the prospective tenant/buyer.

The Township then met with the Stark County Regional Planning Commission (RPC) Director and Department Head. The Township detailed the proposed development, shared that numerous meetings with neighboring residents were favorable, described the land's topography difficulties, and most importantly stressed the potential positive economic impact the development would have for Jackson Township.

Jackson Township initiated a zoning amendment shortly after the meeting with RPC. The Township complied with ORC sections 519.07 and 519.12. RPC staff later issued a recommendation that the land be used for residential and business development. The recommendation totally ignored the impact of wetlands on the project and the fact that the first nine acres of the thirty acres was unusable for business development as recommended due to high value wetlands. In a hearing before the RPC Board, the Township was forced to dispute RPC's staff recommendation which also would cause a large portion of the property to be land locked. The Township was successful in getting the RPC Board to approve the zoning request as submitted by the Township but needed to bring in many Board members who normally would not have been there to vote. The Jackson Township Zoning Commission received the RPC report, which unfortunately contained the staff's recommendation with a statement that the zoning amendment was approved by the RPC Board as submitted by the Township. No explanation was provided. The RPC report caused confusion within the Zoning Commission and required the foregoing facts to be recounted in order to provide clarity to the matter.

Ultimately, the Zoning Commission and the Board of Trustees approved the zoning amendment as submitted. There was never public opposition to the zoning amendment. However, being forced through the RPC process endangered the viability of the economic development project and spotlights the fact that RPC has little insight to the local communities they serve.

On another occasion, the Township was attempting to provide a high-tech corridor as part of our long-range plan for future development. The proposal clarified types of use for said zone. Our Trustees introduced the proposed text changes to the Township's zoning code. The changes went to RPC, who again recommended denial. When questioned about the denial, RPC responded that the changes would prohibit some uses. The RPC clearly did not comprehend the intent of the proposed text change and the impact on the future development of the area. Again, the role of RPC did not support our community's best interest.

Most recently, there was years of negotiation for the sale of a 72-hole golf course in Jackson Township. The Board of Trustees and the community would have loved to see the property remain a golf course. Unfortunately, the owners were retiring and had no offers to buy the property for use as a golf course. A plan was developed in which Stark Parks would purchase 300 acres of the land for passive park use, the Township would be gifted 20 acres for active park use, and the remaining 62 acres, faced by a State Highway, would be zoned for commercial development. The plan created a central park type environment protecting 320 acres of park land nestled nearly in the center of Jackson Township for generations to come.

Once again, an unwarranted modification came from RPC that would kill the project. The Township voted to approve the project/zone change and the issue ended up as a zoning referendum on the ballot. The RPC recommendation was used against the Township in the campaign to stop the zone change. Ultimately the referendum was defeated by a large margin at the ballot box and the Township's ruling and zone change stayed in place. This was yet another clear demonstration of RPC's recognizable disconnect with our community.

It is inaccurate to believe ORC sections 519.07 and 519.12 promote greater knowledge of what is happening in your community from a county perspective. Likewise, ORC 519.12 gives the legislative body the ability to modify or deny an RPC recommendation. Therefore, to claim ORC sections 519.07 and 519.12 promote uniformity of zoning codes within a county is just not accurate.

Simply put, there are just some economic development projects that do not require a mandatory submission to regional planning, and a Board of Trustees via their Zoning Commission should have that discretion. Therefore, we strongly recommend you approve H.B. 500 as submitted. Jackson Township has a total valuation of \$1.4 billion. Like many other large, urban townships it is dramatically different in its needs for growth and development and yet, RPC boards seem to lump them in with the average-sized townships. Jackson Township is larger than eighty-five percent of the cities in Ohio who do not have to go through this procedure. We feel the large urban townships could eliminate this cumbersome, out of date procedure of submitting to county regional planning boards.

Jackson Township supports HB 500 and encourages your favorable passage. Should you have any questions or concerns regarding our testimony, please do not hesitate to contact us. Thank you for your consideration.