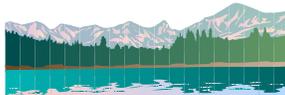


# Policies

of the Ashtabula County Planning Commission for the consideration of  
**Significant Areas**; Pursuant to Chapter 426 of the Ashtabula County  
Subdivision Regulations, as effective April 1, 1999.



January 1, 2000  
(Revised, May 3, 2000)  
(Revised, July 5, 2000)



- ◆ These Policies are compiled and established by a Special Committee of the Ashtabula County Planning Commission, as authorized under Article IV, Section D, Number 1 of the *By-Laws* of the Ashtabula County Planning Commission, adopted May 21, 1998, in consultation with the Director of the Department of Planning & Community Services.

The purpose of these Policies is to enable the Planning Commission to equitably and reasonably exercise its authority under Chapter 426 of the Ashtabula County Subdivision Regulations, for guidance in determining the existence of “Significant Areas”, as defined thereunder, so that these special assets may be preserved and sustained as extraordinary, valuable public resources.

**Membership of the Ashtabula County Planning Commission:**

**Commissioner Robert J. Boggs**  
**Commissioner Duane S. Feher**  
**Commissioner Deborah A. Newcomb**  
**Brenda Chutas, Colebrook Township**  
**Jerry Dunlap, Andover Township**  
**Sandra Kanicki, Pierpont Township**  
**Matin J. Kuula, Ashtabula, Ohio**  
**Jack Overly, Andover, Ohio**  
**Evelyn Schaeffer, Austinburg Township**  
**Philip Verdi, Geneva, Ohio**  
**(Open)**



**Albert J. Dispenza, Jr., AICP**  
**Director, Planning & Community Services**



# Policies

## Significant Areas

---

◆ *These Policies are Arranged as follows:*

**Section 1** Authorization

**Section 2** Policies to be used to define and determine the “**General Area**” benefitted by the identification, categorization, preservation, appropriate utilization, conservation, or enhancement of Significant Areas (**Section 426.01**).

**Section 3** Policies to be used to ascertain whether Significant Areas exist within land subject to Subdivision Regulations, and to assist Planning Commission in its determination of the type and limitations of potentially Significant Areas; as follows (**Section 426.05**):

- A. Decide appropriateness of requiring payment in lieu of dedication of Significant Areas (**Section 426.06**).
- B. Levels of Impact per Eligible Areas by Geography (**Section 426.05**)

**Section 4** Review and approval of design, layout, and method of preservation, dedication, and appropriate use of Significant Areas (**Sections 426.01-426.04; 426.07**).

## ◆ Section 1 Authorization

---

The review and definition of *Significant Areas* are stated under Chapter 426 of the Ashtabula County Subdivision Regulations. Authority to determine the presence of Significant Areas with an area of land proposed to be subdivided lies with the Ashtabula County Planning Commission, whose powers to review and approve subdivision plans are derived specifically from Section 711.10 of the Ohio Revised Code. Accordingly, Significant Areas are identified and regulated by the aforementioned Subdivision Regulations.

The Ashtabula County Subdivision Regulations are effective April 1, 1999. The intention of the Ashtabula County Board of Commissioners to execute its subdivision approval authority is vested in the Planning Commission as expressly stated under Section 118 of the Subdivision Regulations. Planning Commission's review authority for Significant Areas, consistent with the Board of County Commissioner's purposes for establishing the Subdivision Regulations as expressly stated under Section 114, is likewise stated under Section 426 thereof.

These Policies are hereby declared to be an extension and part of the above mentioned Section 426. They are intended to articulate the Board of County Commissioner's desire to preserve, protect, and maintain the significant, unique, and irreplaceable natural and man-made assets of Ashtabula County. Such objectives are accomplished by means of an equitable and thorough review process for the benefit of both private enterprise and the general public.

These Policies are further intended and established to provide the Director of the Department of Planning & Community Services with a comprehensive guide book to conduct the review process for Significant Areas through the usual and customary review practices of subdivision plans on behalf of the public, the Board of County Commissioners, and the Ashtabula County Planning Commission. Using these Policies to explain and direct such review, and interpret the meaning of Section 426 of the Subdivision Regulations, the Director shall appropriately and effectively advise the Planning Commission concerning Significant Areas, as so specified hereunder.

These Policies may also be an extension and a part of other policies and procedures employed by the Department of Planning & Community Services as authorized by the Board of County Commissioners in its handling of all proposed subdivision plans, for the purpose of achieving the highest possible level of diligent and skillful review.

◆ Section 2 General Area Defined By Specific and Select Criteria

---

1) Wetlands

- The general area affecting wetland shall be within a 1,000 feet radius of the boundaries of a proposed subdivision, or the area containing the primary watershed, or drainage district boundary of which the predetermined wetlands area is a part, as determined by the Planning Commission in consultation with the Director of the Department of Soils and Conservation; whichever is larger.

2) Wildlife Habitat

- The general area affecting wildlife habitat shall be the entire area of a proposed subdivision, plus two square miles surrounding the proposed subdivision, or a larger or smaller area if such area is determined to effect a particular specie or species upon advisement of credible wildlife authorities. Such authorities may include the Ohio Department of Natural Resources or other Federal, state, or local governmental agency, or any recognized, governmental or private authority, as determined by Planning Commission.

3) Historically Significant Areas

A. District:

The general area shall be the district's officially accepted boundary, if so defined. An official accepted historic district boundary may be so demarcated by legislation, proclamation by an appropriate governmental authority, or established by custom and continual, ordinary use and general public acceptance over time. (An example is *The Harbor Historical District*, Ashtabula, Ohio). For the purpose of compatibility, a proposed subdivision shall be determined to be within the general area of a historically significant area (district) if any point on a boundary line thereof is within 300 feet of a boundary of such area (district).

4) **Sites, Structures, Buildings, or Other:**

The general area for a specific site, parcel, lot, structure, building, or other physical place determined to be a historically significant area shall be within a radius of 300 feet, or another distance, which may be irregular in dimension, if necessary to ensure preservation within the intent and purpose of Chapter 426 of the Ashtabula County Subdivision Regulations, as determined by Planning Commission.

5) Trees

A. Individual Trees:

The general area affecting an individual tree shall be that area of land surrounding the tree that must be retained in its as-found, or better condition, in order to preserve the life and existing function of the tree, as determined by the Planning Commission after a recommendation from the County Arborist, or other qualified person. Such person shall be called upon by Planning Commission during review of a Preliminary Plan for a proposed subdivision. For those individual trees with historic significance or those individual trees with “Heritage Tree” or “Monument Tree” status, the Planning Commission shall ensure an adequate general area, and development near to such tree shall endeavor with all reasonable means to preserve and sustain the life of such tree.

B. Stand(s) of Trees:

The general area affecting a stand, or stands, of trees shall include the wood lot , preserve, or forested area within a proposed subdivision in which a significant stand of trees exists, within the meaning of Chapter 426. At minimum, such general area shall comprise the entire proposed subdivision. The general area of a stand of trees may include an area beyond the boundaries of a proposed subdivision in which it is located. In such cases, the general area shall extend at least to the limits of the woodlot, preserve, or forested area in which the significant stand of trees exists. In all cases, the general area shall include all land surrounding the significant stand of trees that must remain in its as-found condition in order to sustain or improve the vitality of such stand of trees.

6) Floodplain Areas:

The general area affecting a floodplain area shall comprise the floodplain itself as defined at Section 216.41 of the Ashtabula County Subdivision Regulations, plus the entire area of the proposed subdivision, plus, if applicable, any portion of the floodplain which extends beyond the boundaries of the proposed subdivision to a maximum distance of 1,000 feet.

7) River Banks:

The general area affecting river banks shall comprise the river bank itself plus the entire area of the proposed subdivision, plus, if applicable, any portion of the river bank which extends beyond the boundaries of the proposed subdivision to a maximum distance of 1,000 feet.

8) Recreational Land:

The determination of the general area that would be directly or indirectly affected by the preservation, maintenance, improvement, or establishment of passive or active recreational land within a proposed subdivision shall be based upon the following factors which focus on the nature, scope, and level of significance of the proposed significant recreational land, and as to how that significant recreational land contributes to the quality of life in Ashtabula County.

A. Factors of Determination of Recreational Significant Land (Area)

- Total population within easy access (minimum of ½ mile walking distance, 3 mile biking distance, or 5 mile, one-way travel distance by motorized vehicle) to the boundary of the proposed subdivision upon an improved, public thoroughfare.
- The nature of the proposed significant recreational area.
- The extent of impact and/or scope of the proposed subdivision which creates the need for additional, public recreational facilities or open space. Following is a general guide to be employed by Planning Commission when determining the general area affecting recreational land.

■	2 to 10 Sublots:	Little or No Impact.
■	11 to 20 Sublots:	Average Impact
■	21 to 40 Sublots:	Strong Impact
■	41 to 60 Sublots:	Important Localized Impact
■	Over 60 Sublots:	Important Countywide Impact
- The relationship of the proposed subdivision to its setting and neighborhood relative to the surrounding area's rural, semi-rural, rural-agricultural, suburban, or urban-like character.

B. Factors of Determination, Existence of Significant Recreational Land (Area)

The following factors of determination shall be analyzed by Planning Commission when determining what constitutes the general area affected by the development of a proposed subdivision in deciding whether a significant recreational area exists.

- Chapter 426 states that the identification and preservation of significant areas within a proposed subdivision is of value to Ashtabula County and the general public because they are beneficial in either a “direct” or “indirect” manner. Although *directness* and *indirectness*, relative to significant areas, as well as most issues, are comparative terms that describe proportional, subjective, and speculative things, which may apply to real or perceived conditions, they shall apply as expressed in these Policies to determine the general area affected by significant recreational land.

To aid the Planning Commission in making its determination within its authority under Chapter 426 of the Ashtabula County Subdivision Regulations, the following factors, situations, or conditions may be employed to ascertain and decide whether a proposed significant recreational area has either a direct or an indirect effect on the general area in which it is to be located.

◆ **Considerations Indicating Direct Effect**

- Whether a causal relationship is present.
- The proportion of benefit or use to size, scope, type, or circumstance of the proposed significant recreational area to what constitutes the general area, as determined under these Policies.
- Immediacy
- Level of Impact
- Change to the General Area as a Result of the Significant Area
- Context with Surroundings
- Environmental Importance
- Harmony with or Enhancement of the Neighborhood Character, Condition, or Custom
- (Others as may be considered by Planning Commission).

◆ **Considerations Indicating Indirect Effect**

- The degree to which the effect upon the surrounding area is less than causal.
- Occasional or Seasonal Effect on General Area
- Influencing Effect as opposed to Determining Effect
- Whether the proposed significant recreational area will preserve the status quo rather than change the surroundings of the general area.
- Relative Size of Significant Area and General Area
- Whether the effect would be upon the general area as opposed to an entire township, a portion of the township, or the county as a whole.
- (Others as may be considered by Planning Commission).

◆ Section 3 Identifying and Prescribing Methods to Determine Significant Areas

---

A. *Payment-in-Lieu* of Dedication of Significant Areas

1) **Purpose for Payment-in-Lieu in Absence of Significant Areas**

This method is intended to provide Ashtabula County with the funds necessary to optimally protect Significant Areas by acquiring them for the public domain, and because they are unique and irreplaceable, to remove them from danger of being developed in such ways that they are lost forever to the enjoyment, use, and contentedness of the general public.

Optimal protection is defined as condemnation – shifting ownership of real property from the private sector into the public domain, essentially forever. Optimal protection may occur by shifting ownership to a public interest in land that is something less than condemnation, such as in the form of conservation easements, permanent reservations, and the like, if a particular situation warrants it and is approved by Planning Commission.

Any procedure or method of accruing resources to the roster of the County’s Significant Areas shall be accomplished in a manner consistent with applicable Federal, State, and local laws, and other authoritative regulations, including the Ashtabula County Subdivision Regulations and these Policies.

Cash paid by the private developer for PIL of Significant Areas represents a legitimate cost to prepare the land for development that is more easily recoverable from the consumer than the value of dedicated land might be. And as such, the cost of PIL may be appropriately allocated to each subplot or other subdivided interest of the new subdivision.

2) **Technical Qualifications**

- In situations where Significant Areas are not found to be present within land proposed to be subdivided, *Payment-in-Lieu* (PIL) is mandatory as set forth under Subsection 426.02.
- PIL is not intended nor designed to be an arbitrary selection or substitute for land dedication when it is determined under criteria as set forth under Subsection 426.05 that eligible Significant Areas are present, or likely to be present, on land to be subdivided. When it is determined that a Significant Area, or Areas, exist(s), dedication pursuant to Subsection 426.01 is applicable, and land suitable for preservation and enhancement as a Significant Area must be dedicated in accordance with Subsection 426.03.

- The qualifications for acceptance of (PIL) of land dedication when it is determined that a Section 426-“Significant Area” does not exist on land of a proposed subdivision [as defined pursuant to Ohio Revised Code, Subsection 711.001 (B) and the Ashtabula County Subdivision Regulations], are set forth under Subsection 426.02 of the Ashtabula County Subdivision Regulations.

**3) Analysis to Determine Payment-in-Lieu (Key Factors and Disposition)**

**a. Determination of Applicability:**

The authority of reviewing for the presence of Significant Areas is vested in the Ashtabula County Planning Commission, as is the acceptance and disposition of Significant Areas. Subdivision approval is also vested in the Planning Commission under State law, and therefore, the decision that: *one*, a Significant Area exists on land of a proposed subdivision; *two*, the Significant Area has been accepted; and, *three*, that the value, ownership, and other necessary disposition of the Significant Area, is not finalized until the Preliminary Plan for the subdivision is heard and approved by Planning Commission.

**b. Department of Planning & Community Services as Agent of Planning Commission:**

In Ashtabula County, the Department of Planning & Community Services, under authority of the Ashtabula County Board of Commissioners, performs all professional and clerical duties for the Planning Commission, including the review of plans and plats of proposed subdivisions, during which time the pre-determination of the presence of Significant Areas is completed. The Department of Planning & Community Services is supervised by a Director who is responsible for advising Planning Commission in all matters concerning Significant Areas, pursuant to the Director’s general responsibilities and authority under the Subdivision Regulations, in particular Section 426, and through these Policies. And although independent of Planning Commission, the Director is under these Policies declared to be the agent of Planning Commission concerning Significant Areas.

As set forth under Subsection 426.02, the Director of the Department of Planning & Community Services, and as authorized under these Policies, is responsible for determining the appropriateness of requiring PIL of land dedication in any particular applicable subdivision situation. This determination is to be concluded in reference to and under the guidelines of these Policies at the Preliminary Plan stage of subdivision review.

**c. Amount of Payment-in-Lieu:**

PIL shall be five percent of the fair market value of the entire tract of land under proposal to be subdivided. Fair market value is considered under these Policies to be the appraised value, pursuant to the requirements of Subsection 426.06. In turn, Appraised Value is the pre-development real estate tax assessed valuation of the property.

The Planning Commission may require a subdivider to submit an appraisal as of the date the Preliminary Plan is deemed Officially Filed as set forth under Section 356. Such appraisal must be prepared by an independent, professionally certified appraiser, who shall be selected and retained by the subdivider and whose certification and qualifications shall be verified by the Director of the Department of Planning & Community Services. Subsection 426.06 further specifies an appraisal.

The Director may call upon the Ashtabula County Auditor for assistance in determining the amount of PIL in the regular course of executing his or her duties under these Policies. The Director may use the opinion of the Auditor as to the appraised valuation of the proposed property and submit in writing a recommendation to the Planning Commission as to the appropriate amount of PIL.

**d. Disposition of Payment:**

The Planning Commission is responsible for determining a pay schedule for the subdivider to remit PIL. The particular payment schedule and other necessary and incidental arrangements involving PIL may be agreed upon at the Planning Commission meeting when the Preliminary Plan is first publically heard. The Planning Commission may request the assistance of the Board of County Commissioners to effect timely and accurate payment of PIL, and the disposition of its necessary documentation.

**e. Payment-in-Lieu Accounting:**

Subsection 426.02 mandates that Ashtabula County shall account for all money received as PIL in an account separate from the County General Fund and other funds. The PIL Fund may be used for public acquisition of Significant Areas as defined under Section 426 and according to other applicable laws. Such Significant Areas are required to be of direct or indirect benefit to the general area of the various subdivisions for which PIL is transacted.

In addition to the requirements listed under Subsection 426.02, proper accounting and use of the PIL Fund shall be governed by Generally Accepted Governmental Accounting Standards as determined by the County Auditor and other appropriate action of law.

**f. Use of PIL Funds in the General Area of Contributing Subdivisions:**

For the purpose of fulfilling the County's obligation to acquire into the public domain and preserve bone fide, categorical, Section 426-Significant Areas, the specific criteria for determining the "General Area" to benefit from expenditure of PIL funds shall be as written under Section 1 of these Policies.

In the context and meaning of Section 426, and to help identify and locate what land areas have direct or indirect effect upon PIL-contributed subdivided land that are, or have been subject to PIL requirements, these Policies are established.

## B. Level of Impact per Eligible Area by Geography

### 1) Purpose

- Significant Areas may be present within an area proposed for development which, owing to their limited area or other characteristics, do not have a countywide affect on the population. However, once it is established pursuant to Section 426 of the Ashtabula County Subdivision Regulations and these Policies that a significant area is present and has been identified, the importance of their preservation and public disposition is a given and understood as mandatory.
- For the purpose of measuring the impact that would be felt if a significant area is adulterated, in any way lessened, or eliminated as a result of a proposed development according to an ascending, geographic scale, so that such qualitative effect can be understood in quantitative terms, four “levels” of impact are hereby established.

### Levels of Impact

**Level 1: Localized**                      The entire jurisdiction of a township, or less.

**Level 2: Sectional**                      More than the territory of a single township in which a development impacts an identified Significant Area, but not larger than a *Section* of Ashtabula County as defined for this purpose per the Supplemental Map of this Section.

**Level 3: Intra-County**                      An area less than the entire county, but effecting a considerable portion thereof. (An area larger than ½ of the county, or more than on community, whether a township, city, or village, or a combination of two or more jurisdictions).

**Level 4: Countywide**                      Effecting the entire county at minimum, and possibly having a physical or social effect beyond the county’s borders, or environmentally affecting the bioregion generally, or specifically.

### 2) Test for Level of Impact by Geography per Significant Area

#### A. Wetlands:

##### Level of Impact

##### Definition

##### **1 Localized:**

An isolated, but important wetlands within a single township.

- 2 Sectional:** Wetlands crosses into neighboring township, having significant impact for a predetermined section of the county.
- 3 Intra-County:** Wetlands has important ecological and hydrological consequences for at least ½ of county, or more than the area of one township, city, or village, or any combination of such jurisdictions.
- 4 Countywide:** Wetlands has importance to entire county's environmental and social health, and its degradation, lessening, or loss may have the same negative consequences for a jurisdiction beyond the county.

**B. Wildlife Habitat:**

Level of Impact

Definition

- 1 Localized:** Particular wildlife is disturbed within the area proposed for development whose existence would be threaten within the township.
- 2 Sectional:** Particular wildlife is disturbed because of proposed development that would threaten its existence within that section of the county.
- 3 Intra-County:** The existence of particular wildlife is threatened over an area greater than ½ of the county as a result of the proposed development.
- 4 Countywide:** As a result of the development, the negative effect on a particular wildlife is so catastrophic that because of the disturbance to its habitat, its displacement, thinning, or elimination from the area under consideration could threaten its existence in all of Ashtabula County, and would be an important loss of habitat for the bioregion.

**C: Historically Significant Areas:**

**Level of Impact**

**Definition**

**1 Localized:**

The feature is important or unique to the neighborhood in and around the proposed development, or the entire township, but compromising its historical integrity would have a minimal impact beyond that individual township. Similar features exist in another portion(s) of the county, or the feature is not exemplary of a type, architecture, etc.

**2 Sectional:**

A feature's inappropriate alteration, contamination, relocation, or destruction, in whole or in part, would have an important deleterious effect on that section of the county.

**3 Intra-County:**

A feature's inappropriate alteration, contamination, relocation, or destruction, in whole or in part, would have an important deleterious effect on at least ½ county, and as such, qualifies as an important historical feature by definition according to these Policies.

**4 Countywide:**

A feature's inappropriate alteration, contamination, relocation, or destruction, in whole or in part, would have an important deleterious effect on the entire county and region. The feature is an important landmark because of its uniqueness, superior quality in any regard, identity, fame, or otherwise represents a tangible legacy of the county's heritage. A feature may also stand as an important benchmark of the county's, or an individual community's, collective history and human progress, and because of that, distinctively exemplifies the county's social worth.

**D. Trees:**

**Level of Impact**

**Definition**

**1 Localized:**

Tree(s) is/are of such age, size, specie(s), and/or placement that partial or total elimination, or threat because of development, that its/their importance to the area proposed for development and the township is obvious.

**2 Sectional:**

Tree(s) is/are of such notoriety and because of age, size, specie(ies), and/or placement that partial or total elimination, or threat because of development, would have such an important deleterious effect on that section of the county as to injure the general welfare of the people, fauna, or other plant life of that section.

**3 Intra-County:**

A tree or several trees being so unique in age, size, specie(ies), placement, and/or notoriety that if threatened in any way by a proposed development that its, or their, preservation should be diligently pursued as critical to the well being of most of the county.

**4 County:**

A tree or special trees having all the characteristics described in Nos.1 through 3 above, and additionally its, or their, preservation is critical to the entire county and the bioregion.

**E Floodplain Areas:**

**Level of Impact**

**Definition**

**1 Localized:**

The presence of natural or enhanced floodplain, as defined under the Ashtabula County Subdivision Regulations, that are hydrologically important for the area proposed for development and the township generally. "Importance" may also mean important to the present conditions of

animal or plant habitat.

**2 Sectional:** The presence of natural or enhanced floodplain, as defined under the Ashtabula County Subdivision Regulations, that are hydrologically important for that section of the county. “Importance” may also mean important to the present conditions of animal or plant habitat.

**3 Intra-County:** The presence of natural or enhanced floodplain, as defined under the Ashtabula County Subdivision Regulations, that are hydrologically important over most of the county. “Importance” may also mean important to the present conditions of animal or plant habitat.

**4 Countywide:** The presence of natural or enhanced floodplain, of such significance that the degradation or alteration of such would have major deleterious consequences to and affect the environmental balance of the county and its place in the bioregion.

**F River Banks:**

**Level of Impact**

**Definition**

**1 Localized:** River banks within the area proposed for development where the development either along or near such river banks will have a deleterious effect on the quality of life within that development, its immediate vicinity, or the entire township.

**2 Sectional:** River banks that should be retained in their as-found condition and because of any alteration as a result of a proposed development, would have a deleterious effect on that section of the county.

- 3 Intra-County:** Important river banks that should not be threatened by development because of their importance over most of the county, and if they should be so threaten, must be protected within such development.
- 4 Countywide:** River banks that because of their importance to the county and the bioregion, should be taken permanently out of service for development.

**G: Recreation:**

**Level of Impact**

**Definition**

- 1 Localized:** Based upon recreational plans or policies of the Ashtabula County Commissioners, if a proposed development possess land that is suited to public enjoyment and use as a recreation area, whether passive or active recreation, and if such area would tend to serve the residents of that development or at most, residents of that township, such area should be so retained as a local recreation site.
- 2 Sectional:** Based upon recreational plans or policies of the Ashtabula County Commissioners, if a proposed development possess land that is suited to public enjoyment and use as a recreation area, whether passive or active recreation, and if such area would tend to serve the residents of that section of the county, such area should be so retained as a recreation site for that section of the county.

**3 Intra-County:**

Based upon recreational plans or policies of the Ashtabula County Commissioners, if a proposed development possess land that is suited to public enjoyment and use as a recreation area, whether passive or active recreation, and if such area would tend to serve at least ½ of the residents of the county, such area should be so retained as a recreation site for most of the county.

**4 Countywide:**

Based upon recreational plans or policies of the Ashtabula County Commissioners, if a proposed development possess land that is suited to public enjoyment and use as a recreation area, whether passive or active recreation, and if such area would tend to serve all of the residents of the county, and possibly others, such area should be so retained as a county recreation site.

## **Supplemental Map: Significant Areas Sections of Ashtabula County**

---

**(See Following Page)**

◆ **Section 4 Processing Subdivision Plans: Identification, Review, and Approval of Significant Areas**

---

**Review and Approval of Design and Layout of Subdivision Plans**

- 1) Processing Subdivision Plans for Identification of Significant Areas
  - A) Review of proposed subdivision plans, whether residential, commercial, or industrial in nature, occurs at the preliminary plan stage, following the Submission Requirements as set forth under Section 354 of the Ashtabula County Subdivision Regulations, and the procedural rules of the Department of Planning & Community Services.
  - B) Under the system of subdivision plan processing as practiced in Ashtabula County, the Director of Planning & Community Services shall ascertain whether a Significant Area of any eligible class exists within an area proposed for subdivision by means of a “sketch plan” of the site, and later confirmed by a site visit. The identification of a Significant Area, or conversely, the determination that a Significant Area is not present within land under consideration, occurs through ordinary and usual processing of a preliminary plan application. The “sketch plan” and site visit noted above are elements of the normal review of a preliminary plan. The Director may call upon the Ashtabula County Engineer, the Director of the Soils and Water District, the Ohio Department of Natural Resources, and/or other qualified parties to assist in the determination of the presence of Significant Areas. Confirmation of the presence of a Significant Area shall be concluded prior to approval of the preliminary plan by Planning Commission. A proposed preliminary plan shall not be concluded on the merits thereof unless a decision by Planning Commission concerning the presence or absence of a Significant Area is decided.
  - C) When submitting the final documentation to Planning Commission attesting to a satisfactory Departmental review of a preliminary plan, the Director shall indicate in writing whether:
    - In his or her opinion, employing these Policies predominantly, a Significant Area(s) exists within the boundaries of the area proposed to be subdivided. Such opinion shall be appropriately and adequately documented to the fullest extent possible; or,

- That a Significant Area(s) does not exist within the boundaries of the area proposed to be subdivided.
- D) If the Director indicates that he or she finds that a Significant Area exists, that determination shall be communicated in writing to the applicant/land owner/subdivider in a timely fashion, prior to the meeting at which Planning Commission first considers the proposed preliminary plan.
- E) If the Director indicates that he or she finds that a Significant Area does not exist, that determination shall be communicated, orally or in writing, to the applicant/land owner/subdivider in a timely fashion, prior to the meeting at which Planning Commission first considers the proposed preliminary plan.
- F) For occurrences when a Significant Area is determined by the Director not to exist, the Director shall inform the applicant/land owner/subdivider, orally or in writing, that ***Payment-in-Lieu*** (PIL) is required, as set forth under Section 426 of the Ashtabula County Subdivision Regulations, and Section 3 of these Policies. The Planning Commission may override a determination by the Director of the absence of a Significant Area by simple majority vote. If the Planning Commission so overrules the determination of the Director, the preliminary plan shall not be approved, but remanded to the Director for additional review. In such case, the preliminary plan shall then be considered by Planning Commission at its next regularly scheduled meeting, or at such other time as may be mutually agreed upon between the Planning Commission and the applicant/land owner/subdivider.
- G) Either the Planning Commission or the Director may at any time practicable call upon the Ashtabula County Auditor for assistance in appraising the fair market value of the land for purposes of PIL pursuant to Subsection 426.06 of the Ashtabula County Subdivision Regulations.
- H) All preliminary plans whose approval is subject to the Ashtabula County Subdivision Regulations shall be analyzed for the presence of Significant Areas pursuant to Section 426 of those Regulations and these Policies. If a Significant Area is determined by the Director, and decided upon by the Planning Commission, not to exist within the boundaries of an area proposed to be subdivided, PIL, as set forth under Subsection 426.02, shall be required. The correct and equitable disposition of PIL in order to satisfy the requirements of Subsection 426.02 shall proceed according to Section 3 of these Policies.

2) Subdivision Design and Layout

- A) The applicant/land owner/subdivider shall be free to design his or her subdivision in any manner consistent with the Ashtabula County Subdivision Regulations and any other applicable laws. The Department of Planning & Community Services may be called upon for professional opinion and assistance in this regard. These Policies are intended to advocate for and promote subdivision design that preserves both public and private open spaces and minimizes the impacts on the natural environment, and the existing or planned surface transportation system.
- B) Generally, these Policies encourage and advance subdivision design and development (installation of infrastructure) that reflects modern planning theories, techniques, and practice, including, but not limited to the following:
- Conservation Development;
  - Rural Design;
  - Traditional Neighborhood Design;
  - Cluster Development (not statutory planned unit development); and,
  - Conservation Easements and Reservations.

3) Method of Preservation

The Planning Commission and the Director may call upon the advise of experts knowledgeable about the conservation and preservation of the various Significant Area classifications. A decision as to the appropriate and optimal preservation of Significant Areas shall be concluded prior to platting of the subdivision under consideration. The plat shall indicate that a Significant Area is present, in a manner as determined by the Director. Such indication shall attest to the agreement between the Ashtabula County Board of Commissioners and the applicant/land owner/subdivider. Other written and recorded agreements may also be required under law.

4) Dedication

Significant Areas shall be deeded to a public entity. The Director may, and the Planning Commission shall, recommend an appropriate, logical public entity to hold title to or control a Significant Area to the Board of County Commissioners. The Board shall decide to which public entity title to a Significant Area shall be transferred. Dedication shall be as set forth under Section 426 of the Ashtabula County Subdivision Regulations.

Ashtabula County may own or hold land containing Significant Areas. If an area proposed to be subdivided does not contain a Significant Area, the entire area of the subdivision shall remain private property with the exception of right-of-way and other land to be dedicated publicly for other reasons.

5) Appropriate Use of Significant Areas

The Planning Commission shall upon deciding that a Significant Area exists within the boundaries of an area proposed to be subdivided, indicate the permitted use thereof, if any, other than simply held in public trust. This determination shall assist the Board of County Commissioners in ascertaining the best and most logical public transferee of the Significant Area, in concert with the purpose and intent of Section 426 of the Ashtabula County Subdivision Regulations, and those Regulations as a whole.

/AD

Policies Significant Areas