



M E M O R A N D U M

DATE: September 9, 2022

TO: Marty Hohenberger, Director, Center for Economic Development & Community Resilience, *Ohio University Voinovich School of Public Affairs*

FROM: Kate Perani, Special Projects Manager RISE Ohio, *Buckeye Hills Regional Council*
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CC: Samantha Miller, Development Director, *Buckeye Hills Regional Council*

RE: **RISE Ohio Project Proposal: Noble County Land Use Map and Recommendations**

Overview

Noble County, formed in 1851 to give Ohio its 88th and final County, lays in the heart of Ohio's Appalachian region. While Noble County has always been one of the smallest counties in Ohio by population, it has a unique blend of outdoor recreation assets and a long history of adapting to global economic changes. For over a century, major companies in the industries that have historically thrived in Appalachia at one time or another, including pottery, steel, chemical, and mining, have located in Noble County's communities. The County's scenic rural area is a recreational wonderland, complete with beautiful lakes, parks, camping options, a state park with 34,000-acres of public recreational area, and access to the nearby Wayne National Forest. While the economic and demographic changes that have taken place over the past 20-30 years have not benefited Noble County and Appalachia as much as other regions of the state or nation, this unique history of adapting to change, its outdoor assets, and its location, give Noble County's public and private leaders a base from which to build from as they look to enhance the existing quality of life and position their community for the future.

In recent years, Noble County's government and business leaders have been working to bring new residential and commercial development. On the public side, the Noble County Planning Commission has been working to update and modernize the community's housing and economic development strategies. For example, in 2019, the Planning Commission created an economic development strategic plan (led by Ohio University's Voinovich School); in 2021, a housing study (led by Iowa State University, with assistance from Ohio State); and over the past three years has worked with Ohio RCAP to fully map the County's water and sewer assets with geographic information systems mapping tools. On the private side, the Ohio State University Extension, which serves as Noble County's economic development agency, has worked diligently to position Noble County and its economic development assets for outside investment. For example, this past year Noble County and Crock Construction, in partnership with JobsOhio and Ohio Southeast Economic Development, announced the investment of over \$4.8 million to develop the new Caldwell Commerce Business Park one mile east of I-77 near Caldwell, Ohio, that is designed to attract logistics, light manufacturing, and oil and gas support industries in the region. The project includes the construction of a 10,000 square-foot commercial speculative building, construction of a new access road, site work, full utilities, and

extension of water and sewer to six commercial sites within the proposed commerce park. Most excitingly, several tenants have already signed leases to move in to the commerce park once spaces are ready in the next year, which demonstrates that demand for the type of commercial/industrial product that Noble County is offering is in demand. While roughly half of Noble County is located within Opportunity Zone #9685, unfortunately the Caldwell Commerce Business Park is located just outside of it.

However, Noble County's public and private leaders recognize more can be done to continue to position their community for investment, especially within the southern half of the County (where the Opportunity Zone is). For example, Noble County does not currently have a comprehensive plan, or a document that can guide land-use decisions. In addition, Noble County's subdivision regulations, which were adopted in 1993, are also in need of an update. A community-wide conversation on land-use policy and regulation also needs to be had, as currently only the Village of Caldwell and two townships have zoning.

To further the community's efforts for infrastructure development (including the expansion of water and sewer, or solar development) or for much-needed housing development, a land-use map that can help guide planning and zoning decisions would be essential. After consultation with the Noble County Planning Commission, which includes representatives from the Noble County Board of Commissioners, the Village of Caldwell, trustees from several townships, and the business community, the technical assistance Buckeye Hills Regional Council proposes for American Structurepoint to provide for Noble County will include:

1. The creation of a Noble County land-use map, in GIS, that includes multiple layers that describe the County's existing infrastructure, zoning policies, and flood mapping;
2. Recommended updates to Noble County's subdivision regulations (last updated in 1993);
3. A strategy to integrate the 2021 Noble County Housing Study with land-use planning efforts; and
4. A strategy to integrate the 2019 Noble County Economic Development Strategic plan and SWOT analysis, which are currently being updated this year by OU Voinovich, with land-use planning efforts.

This assistance described above will allow Noble County leaders, through the Noble County Planning Commission, to better position developable sites located within Opportunity Zone #9685 to investors/developers. Thus, this project achieves the goal of the RISE Ohio program by increasing Opportunity Zone investment opportunities within the Buckeye Hills Region.

Project Description

American Structurepoint will deliver the following:

- A Noble County land-use plan with GIS mapping of key county infrastructure (water, sewer, broadband, etc.) overlaid with flood mapping;
- Recommended updates to the 1993 Noble County subdivision regulations; and
- Strategies that outline the highest-priority projects the County should be working on in the short- to medium-term (1 to 3 years).

American Structurepoint and Buckeye Hills Regional Council anticipate this project will require 6 to 10 months to complete from an authorization date of October 1, 2022. Ultimate project length will primarily depend upon the availability of existing data, the timeliness/availability of key community stakeholders/the advisory committee/the Noble County Planning Commission to provide necessary feedback during the project period, and the ultimate extent of stakeholder outreach effort desired by Noble County.

Scope of Work

American Structurepoint (and its “project team”) will approach this work through a planning process that will follow three general phases, which we will refer to as the *Educate* phase, *Explore* phase, and the *Empower* phase. Running concurrently with these phases will be an all-encompassing *Engagement* task that will involve public and stakeholder outreach.

Engagement

The objective of this task is to identify the methods by which we will seek input from citizens and stakeholders, as well as to show the Noble County community the value of this initiative. A variety of outreach methods will be applied, some in-person, some virtual. This phase will run the entire length of the project, and will include the following deliverables to the Noble County Planning Commission:

- **A Communications Plan.** The project team will develop a communications plan and associated branding and strategies in order to provide clear channels of back-and-forth communication with the Noble County Planning Commission, community stakeholders, the public, and the project team. This plan will outline social media channels and frequency of communication, as well as clarify media and public communication procedures. In addition to the outreach techniques stated below, other methods will be proposed following discussion with the client and may include staff or volunteer attendance at public events to promote the planning process and receive input. The timing and associated outreach for the public meetings (discussed in other tasks) will also be clarified in this document.
- **Stakeholder Outreach.** The objective of this task is to identify how affected stakeholders view the potential plan updates and the impact their outcomes, for better or for worse. In order to more efficiently garner input, a preliminary list of stakeholders will be developed, potentially including representatives from the following groups:

Business organizations, (Chamber of Commerce)	Downtown interests
Community social services	Education
Economic development officials	Planning, transportation, public works, etc.
Industrial businesses/owners	

- **Public Engagement.** In conjunction with and at the Direction of OSU Extension and/or the Noble County Planning Commission, the project team will hold at least one in-person public meeting to learn from interested members of the community their perspective on Noble County’s current issues and challenges, their vision for the future, and desired land uses for each of the subarea plan boundaries. The project team will also explore utilizing alternative engagement techniques, such as plan ambassadors (mini-stakeholder led engagement meetings), virtual meetings, attendance at local events/community fairs, etc.
- **Surveys.** Consistent with the communications plan, the project team will develop an online surveys for additional citizen outreach activities to supplement in-person meeting(s).

Phase 1 (Educate)

The project team will be educating themselves about the County by gathering and analyzing data, communicating with stakeholders, examining recent business attraction success stories, reviewing past planning efforts, and meeting with local representatives. Tasks the project team will complete during the Educate phase will include:

- **Project Kick-Off Meeting**. This will provide an opportunity to clarify expectations and answer questions about tasks, schedules, data, and deliverables for the update.
- **Community Conditions**. The project team will work with the County staff to update relevant base data from existing plans and to review the County’s current land use and utility system maps. The project team will coordinate these efforts with citizen participation efforts to ensure that data is applied to help identify new trends and assist with developing methods to address concerns. The project team will explore the necessary data sets to develop the insights needed to assist with identifying the appropriate locations for new land uses. Data review will include, but is not limited to:
 - Review of existing plans;
 - Market analysis to identify local industry clusters and potential target industries (location quotient, shift-share, and retail gaps);
 - Existing and recent business starts/location;
 - Education program and workforce development opportunities;
 - Land use analysis and (if not provided by previous planning efforts);
 - Review existing zoning and development policies for both counties; and
 - Understand existing dynamics and relationships between internal jurisdictions, and assess willingness to cooperate on potential shared initiatives.
 - Existing and planned infrastructure, such as:
 - Quality and location of existing roads, water, sewer, telecommunications, etc.; and
 - Checklist of goals implemented from recent utility studies.
- **Advisory Group Meeting #1**. Upon the completion of the above described community conditions research, this in-person meeting will be convened with the Noble County Planning Commission, or a chosen subset of the whole (an “advisory group”) to discuss the development and evaluation of the alternatives.

Deliverables for the Educate phase will include:

1. **Existing Conditions Document**. This part of the plan will document and explain the project team’s existing conditions findings, and will including all mapping of existing land uses, utilities, roads, etc.

Phase 2 (Explore)

This phase is dedicated to dreaming, thinking creatively, and testing various ideas. The project team will use the knowledge gathered during Phase 1 to explore a future vision for the community resulting in a vision, goals, objectives, and strategies for this plan. Draft maps outlining future land use and transportation systems will be developed for review by the Noble County Planning Commission, eventually culminating the in the development and approval of a “preferred scenario” that reflects the consensus of the community.

- **Establishment, Refinement, and Identification of New Vision and Key Goals**. Revealed through discussions with the Noble County Planning Commission and guided by data analysis, the vision statement will serve as a guide for what the Noble County wants to become in the next 10-20 years.

- **Alternatives development.** Up to three scenarios for the future development of the County will be explored, and will include the following elements:
 - Description of how current assets can be leveraged to implement each option
 - Maps, pictures, or illustrations
 - List of possible partnerships
 - List of other available resources and agencies
- **Advisory Group Meeting #2.** This in-person meeting will be convened to discuss the development and evaluation of the alternatives.
- **Preferred scenarios.** Based upon noble County Planning Commission feedback, a refined scenario will be developed, reflecting one or a combination of the three alternatives discussed above.

Deliverables for the Explore phase will include:

1. **Alternatives document.** With sufficient detail to characterize and differentiate the benefits and costs of each alternative.
2. **Final Land Use Development Scenario.** The refined land use scenario will be delivered for review before embarking on Phase 3.

Phase 3 (Empower)

The land use plan is being created with the intention that the County, local partner agencies, and community groups would help facilitate its implementation. Thus, phase 3 will be dedicated to the development of implementation actions that will energize, encourage, and empower community organizations, partner organizations, local leaders, and residents to actualize the plan. As part of this strategy, American Structurepoint’s utility and transportation experts will identify potential general infrastructure upgrades that may be needed to facilitate the development types shown in the preferred concept plans. Activities in Phase 3 will include.

- **Draft Plan Recommendations.** This includes any maps, renderings, or sketches necessary for effective communication of the plan’s elements. Each strategy will outline specific action steps and corresponding implementation elements including timetables, general cost estimates, financial tools, legal tools, and manpower tools.
- **Implementation Matrix.** Our team will use the public’s input on strategy prioritization to identify the actions that should be initiated and completed first, as top priorities. A combination of short-term, affordable projects will be identified, along with others that are longer-term and may require an extended timeframe, additional funding, or additional staff resources to complete. To assist in implementation, the project team will produce an “implementation matrix” that will highlight the related goals, action items, people or organizations to involve, estimated timeframes and cost, and funding resources to consider.
- **Advisory Group Meeting #3.** This in-person meeting will be to review the refined final version of the land use plan and the implementation matrix.

Deliverables Include:

1. **Final Land Use Planning Map and Implementation Document**. The final product will consist of a Land Use Plan and report that documents the thought process. This document will succinctly, yet thoroughly, lay out a future “game plan” for the community. Special attention will be paid to how Noble County can use the land use map and document to steer investment towards its opportunity zone.

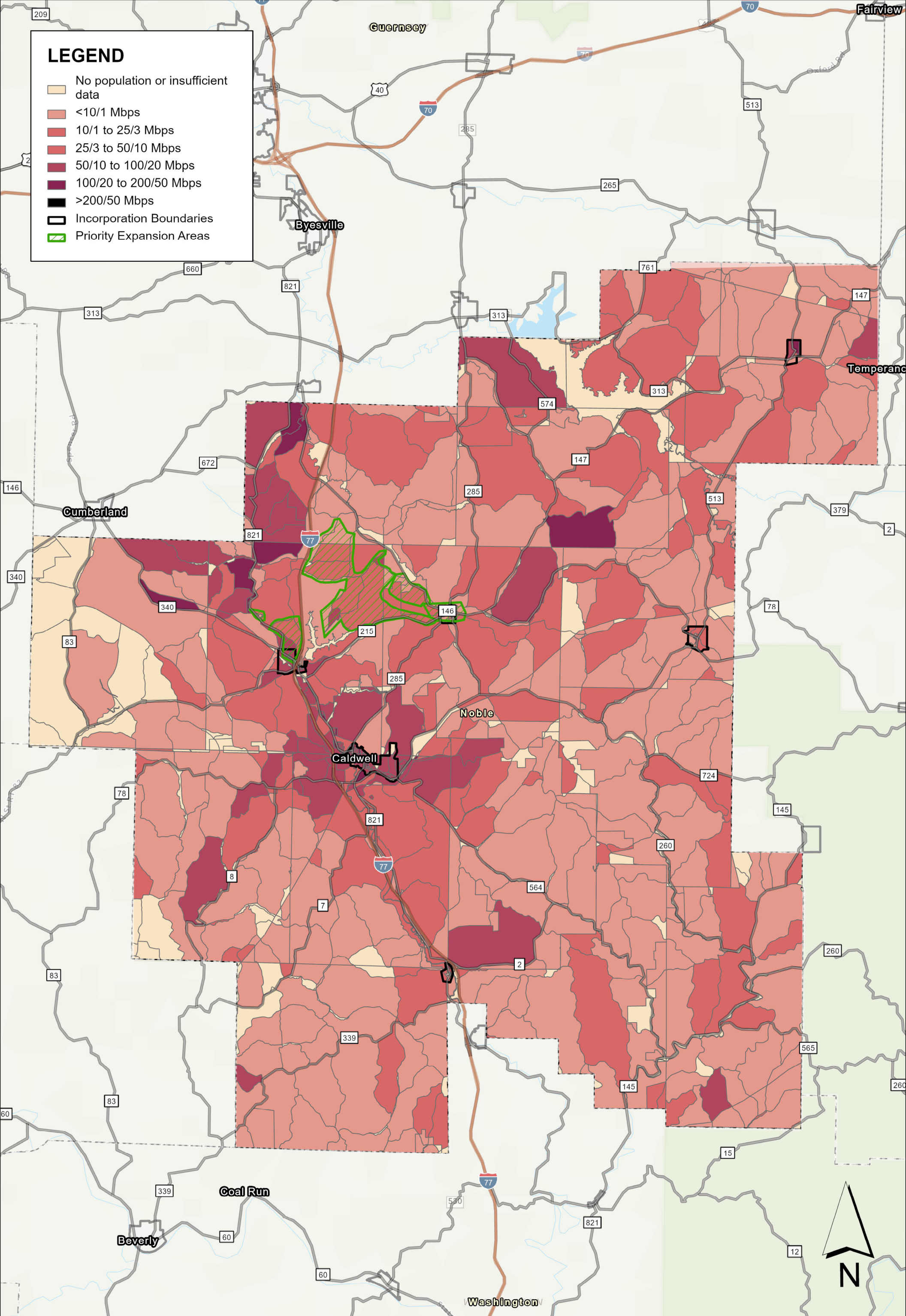
Budget

It is anticipated that the services described above will be approximately **\$50,000.00**. Justification of this amount is based on American Structurepoint’s projection of the hours necessary to complete this work for a building of this size. All time spent on the project will be billed using the standard hourly rates indicated in our master service agreement. Reimbursable expenses will be invoiced at cost.

Once project activities begin and should it arise that project costs may exceed \$50,000, Buckeye Hills Regional Council and American Structurepoint will justify the need for additional resources in writing.

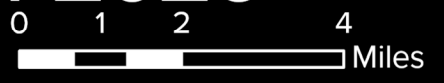
LEGEND

- No population or insufficient data
- <10/1 Mbps
- 10/1 to 25/3 Mbps
- 25/3 to 50/10 Mbps
- 50/10 to 100/20 Mbps
- 100/20 to 200/50 Mbps
- >200/50 Mbps
- Incorporation Boundaries
- Priority Expansion Areas



Maximum Broadband Speed - March 2023

RISE Ohio: Noble County Planning Assistance



RESOLUTION # 2023-__

RESOLUTION BY THE NOBLE COUNTY BOARD OF COUNTY COMMISSIONERS DESIGNATING THE NOBLE COUNTY HEALTH DEPARTMENT AS THE INSPECTOR OF NUISANCES PER THE OHIO REVISED CODE (ORC) §3767.27 WHICH PROVIDES THE HEALTH DEPARTMENT TO ACT AS THE OFFICIAL ENFORCEMENT AGENCY FOR ALL MATERS AS FOUND WITHIN ORC §3767

WHEREAS, the Noble County Board of Commissioners recognize that there have been nuisance complaints from various citizens within the County and the Board recognizes that the removal of the nuisances as identified within ORC §3767 would provide numerous health and community development improvements for the County;

WHEREAS, the assignment of the Noble County Health Department as the inspector of nuisances is recommended by the Noble County Planning Commission to the Board of County Commissioners; and

WHEREAS, the Noble County Board of Commissioners has its full faith in the Noble County Health Department and believes that it is the best agency within the county to be assigned the enforcement powers of inspector of nuisances per ORC §3767.27.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NOBLE COUNTY, OHIO:

The Noble County Health Department is hereby designated as the inspector of nuisances per §3767.27 which grants the agency to enforce the nuisance regulations as stated within ORC §3767.

ADOPTED AND PASSED by the Board of County Commissioners of Noble County, Ohio this ____ day of _____, 2023.

AYES

NAYS

Approved and signed by the Chairman of the Noble County Board of Commissioners this ____ day of _____, 2023.

RESOLUTION # 2023-__

RESOLUTION BY THE NOBLE COUNTY BOARD OF COUNTY COMMISSIONERS TO ACTIVELY ENFORCE THE OHIO REVISED CODE (ORC) §4513.65 WHICH PROVIDES THE COUNTY SHERIFF THE AUTHORITY TO REGULATE JUNK MOTOR VEHICLES ON PRIVATE PROPERTY BY EITHER REQUIRING REMOVAL OR A REQUIREMENT TO COVER THE VEHICLE FROM SIGHT ON PRIVATE PROPERTY FROM ANY PUBLIC RIGHT-OF-WAY

WHEREAS, the Noble County Board of Commissioners recognize that there are and have been numerous junk vehicles within the County that are unsightly and provide for nuisance concerns such as environmental concerns which should be remedied;

WHEREAS, the Noble County Planning Commission has officially recommended the passage of this resolution to ensure that the problem of junk motor vehicles is properly addressed within Noble County; and

WHEREAS, the County Sheriff is designated the power to be an enforcement agent of junk motor vehicles per ORC §4513.65 which can be assisted by other County agencies.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NOBLE COUNTY, OHIO:

That ORC §4513.65 be actively enforced by the County Sheriff and other supporting agencies within the County.

ADOPTED AND PASSED by the Board of Commissioners of Noble County, Ohio this ____ day of _____, 2023.

AYES

NAYS

Approved and signed by the Chairman of the Noble County Board of Commissioners this ____ day of _____, 2023.

RESOLUTION # 2023-__

RESOLUTION BY THE NOBLE COUNTY BOARD OF COUNTY COMMISSIONERS TO ADOPT A MINIMUM LANDSCAPING ORDINANCE WITH REASONABLE MINIMAL LANDSCAPING STANDARDS FOR PRIVATE PROPERTY IN CONFORMANCE WITH OHIO REVISED CODE § 303.02

WHEREAS, the Noble County Board of Commissioners reaffirms the passage of the previously adopted a Comprehensive Plan.

WHEREAS, the Noble County Planning Commission has officially recommended the passage of a minimum landscaping resolution to the Noble County Board of Commissioners;

WHEREAS, a minimum landscaping resolution is necessary to ensure that the housing stock within the County is maintained and that the premises of what could otherwise be useful property is not infested with rodents could eventually aid in the deterioration of properties within the County to a place where they could no longer be remedied and thus in violation of §3767.41 (Buildings found to be a public nuisance) that would have to be remedied by the County's Inspector of Nuisances; and

WHEREAS, the Noble County Planning Commission recommends to the Noble County Board of Commissioners that it enacts the following minimum landscaping standards pursuant to ORC § 303.02.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NOBLE COUNTY, OHIO:

That the reasonable minimum landscaping standards be enforced by the County's Inspector of Nuisances on all applicable properties within all unincorporated locations within the County:

1. *Sec. 1, Sanitation:* Exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
2. *Sec. 2, Grading and Drainage:* Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure location thereon.
3. *Sec. 3, Sidewalks and Driveways:* Premises and exterior property shall be maintained free from hazardous conditions.
4. *Sec. 4, Overgrowth of Vegetation:* Premises and exterior property shall be maintained to ensure that there is not any dense overgrowth of vegetation. A dense overgrowth of vegetation shall be include, but is not limited to all grasses, annual plants and vegetation, trees or shrubs that are overgrown. This term shall not include cultivated flowers and gardens. The County's Inspector of Nuisances shall be granted the authority to write a notice of violation. The State of Ohio also regulates noxious weeds by the Ohio Administrative Code (OAC) 901-5.
5. *Sec. 5, Rodent Harborage:* Premises and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Rodent harborage can occur via overgrowth of vegetation or by the accumulation of personal property that is unorganized and left outside with no apparent attempt to create an organized storage structure.

ADOPTED AND PASSED by the Board of Commissioners of Noble County, Ohio this ____ day of _____, 2023.

AYES

NAYS

Approved and signed by the Chairman of the Noble County Board of Commissioners this ____ day of _____, 2023.

DRAFT

Noble County, Ohio – Subdivision Regulations



Adopted Date:

Acknowledgements:

DRAFT

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Article I

GENERAL PROVISIONS

Section 101 Title

These rules, regulations and standards shall be officially known as the “Subdivision Regulations of Noble County,” and shall hereinafter be referred to as “these Regulations.”

Section 102 Policy

Section 102.1

It is declared to be the policy of Noble County to consider the subdivision of land and its subsequent development as subject to the control of Noble County, pursuant to the most recent edition of the County’s Comprehensive Plan and for the orderly, planned, safe, efficient, and economical development of the County.

Section 102.2

Land to be subdivided shall be of such character that it can be used for the intended purposes. Land shall not be subdivided until adequate facilities and improvements such as drainage, water, and sewerage, are provided, or a performance guarantee is filed, in accordance with Section 702, to assure that the subdivider will make the required improvements.

Section 102.3

The existing and proposed public improvements shall conform with and be related to the proposals shown in the most recent edition of the County’s Comprehensive Plan, capital improvement programs, or development programs of Noble County when they exist and it is intended that these Regulations shall supplement and facilitate the enforcement of the provisions and standards contained the aforementioned plans and programs.

Section 103 Purpose

These Regulations are adopted as minimum requirements for the regulation and control of land subdivision within the unincorporated portion of Noble County. These regulations are intended to:

- a. Establish standards for logical, sound, and economical development of land within Noble County;
- b. Provide for adequate light, air, and privacy;
- c. Secure safety from fire, flood, and other danger;
- d. Prevent population congestion and overcrowding of the land;
- e. Provide orderly expansion and extension of community services and facilities at minimum cost and maximum convenience;
- f. Provide for the proper arrangement of streets in relation to those existing or planned;
- g. Provide for the most beneficial relationship between use of land, buildings, traffic, and pedestrian movements; and
- h. Ensure appropriate subdivision of land, including the preparation, recordation, and equitable handling of subdivision plats by providing uniform procedures and standards for observance by both Noble County and its developers.

Section 104 Authority

The Ohio Revised Code (ORC), Chapter 711 enables the Board of County Commissioners and the Planning Commission of Noble County to adopt regulations governing plats and subdivisions of land within the unincorporated area of Noble County.

Section 105 Enactment of Regulations

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of public police power delegated by the state to Noble County pursuant to Chapter 711 of the ORC. The developer shall be in compliance with all conditions established by the Planning Commission for design, dedication, improvement, and restrictive use of the land to conform to the physical and economic development of Noble County and the health, safety, and general welfare of the future lot owners of the subdivision and of Noble County generally.

Section 106 Jurisdiction

Section 106.1

These Regulations shall be applicable to all subdivisions of land located within the unincorporated area of Noble County.

Section 106.2

Any municipal government within Noble County that has adopted a major thoroughfare plan or a parks and public open space plan for the territory within the village limits and for the territory within three miles of any village, or any portion thereof, and has adopted subdivision regulations may exercise extraterritorial jurisdiction for a distance of up to three miles of its corporate limits if township zoning is not in effect within the area as provided in Section 711.09 of the Ohio Revised Code.

Section 106.3

The Noble County Planning Commission and the village with subdivision regulation jurisdiction over the unincorporated territory within Noble County may agree, in writing, that the approval of the plat by the village, as provided in Section 711.09 of the ORC, shall be conditioned upon receiving advice from or approval by the Noble County Planning Commission.

Section 107 Relation to Other Laws

Section 107.1

The provision of these Regulations shall supplement the laws of the State of Ohio, other resolutions adopted by the Noble County Board of County Commissioners or township trustees, or the rules and regulations promulgated by authority of such law or resolution relating to the purpose and application of these Regulations.

Section 107.2

No subdivision plat shall be approved for recording until the requirements of these Regulations have been met and the proper certification has been endorsed upon the plat by the appropriate reviewing authority.

Section 107.3

Whenever the requirements of these Regulations conflict with the requirements of other lawfully adopted rules, regulations, or resolutions, the most restrictive or that imposing the highest standard shall govern. These Regulations shall be interpreted as minimum requirements.

Section 107.4

Whenever a township in Noble County has adopted township zoning, under Chapter 519 of the ORC, all proposed subdivisions shall meet the township zoning requirements, as well as the provisions of these Regulations.

Section 108 Validity and Severability

If, for any reason, any clause, provision, or portion of these Regulations shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or the legality of these Regulations as a whole, or any part thereof, other than the part that is held to be invalid. These Regulations shall not interfere with any other applicable law, regulation, or deed restriction. Under no circumstances will Noble County enforce any private deed restriction.

Section 109 Saving Provision

These Regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the county under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights adopted by any person, firm, or corporation by lawful action of the county except as shall be expressly provided for in these Regulations.

Section 110 Effective Date and Previous Approvals

These Regulations shall become effective on January 1, 2024. Prior to these regulations taking effect, the Noble County Board of County Commissioners adopted these regulations after a public hearing and certification to the county recorder as required by ORC Chapter 711. These Regulations shall in no way affect any subdivision having received preliminary plan approval prior to the effective date of these regulations or any amendment, provided, that no changes to previously approved preliminary plan are introduced by the subdivider.

Article II

ADMINISTRATION

Section 201 Administration, Enforcement and Interpretation

The Noble County Planning Commission shall administer and enforce these Regulations. The Planning Commission may be assisted by other government agencies, legal counsel, and through others whom it may solicit for professional advice. The Planning Commission will rely upon an Administrator to administer and enforce provisions of these Regulations that are specifically deemed for delegation. It shall be the responsibility of the Administrator to seek out input from all interested parties and governmental organizations prior to any internal decision to approve, approve with conditions, or deny any application.

Section 202 Reservations and Repeals

Upon the adoption of these Regulations, the Subdivision Regulations of Noble County previously adopted, as amended, are hereby repealed, except as to those sections expressly retained in these Regulations.

Section 203 Amendments

The Board of County Commissioners shall have the sole authority to make amendments to these Regulations. The Planning Commission shall be granted the opportunity to make recommendation prior to any final decision made by the Board of County Commissioners.

Section 204 Variances, Exceptions, and Waiver of Conditions

An application for relief will be denied if an owner requests it merely for their own convenience, such as when the land is not usable due to error or poor assumptions on the owner's part, or when the only supporting evidence is that compliance would add significantly to development costs.

Any application for a variance, exception, or waiver of condition may not be approved unless all feasible options complying with these Regulations have been exhausted. Furthermore any variance application shall conform to the spirit of these Regulations.

Where, due to exceptional topographic or other physical conditions, the Planning Commission finds that extraordinary and unnecessary hardship may result from strict application of these Regulations, or the purposes of these Regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions, and waivers of conditions, provided that they will not be detrimental to the public health, safety, or welfare or injurious to other properties.

The Board of County Commissioners can only make variances for roadway specifications and construction standards. The Planning Commission may provide recommendations regarding variances.

Any approved variance shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or a township zoning ordinance, when they exist. In granting variances or modifications the Planning Commission may require such conditions as will, in its judgment, secure substantially the objective of the standards or requirements so varied or modified.

Section 205 Expiration or Extension

Failure to comply with stated time periods of these Regulations shall result in the expiration of the application and any associated Planning Commission approval. Before expiration, the subdivider may request an extension by filing a letter with the Administrator to be heard by the Planning Commission as to why an extension is necessary.

The subdivider is solely responsible for knowing expiration dates and meeting or extending them in accordance with these Regulations. The Planning Commission shall have no duty, obligation or responsibility to remind or notify subdividers of approaching expiration dates.

Section 206 Voided Applications

An application shall become void and have no rights, standing, or status under these Regulations, upon expiration, withdrawal, or disapproval.

Section 207 Recording of Plat

No plat of any subdivision shall be recorded by the county recorder or have any validity until said plat has received a final approval in the manner prescribed in these Regulations.

Section 208 Revision of Plat after Approval

No change, modification, or revision shall be made in any subdivision plat after approval has been given by the Planning Commission, and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Commission.

Section 209 Fees

The board of county commissioners shall establish a schedule of fees, charges, expenses, and fee collection procedures for administration of these Regulations. The schedule of fees shall be posted in the Office of the Administrator. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application, extensions or appeal.

The subdivider shall be solely responsible for submittal of the plat and payment of fees to the local agency having jurisdiction regarding review and/or approval of proposed improvements, including water, sanitary sewage facilities, and storm water maintenance.

Section 210 Violations and Penalties

Whoever transfers, or leases for a period of more than five years any lot, parcel or tract of land from a plat of a subdivision before such plat has been recorded in the office of the county recorder or that violates these regulations shall forfeit and pay the sum of not less than ten dollars (\$10) nor more than five-hundred dollars (\$500) for each lot, parcel, or tract of land so sold. The restriction of leasing to within five-year period without recordation ensures that long term leasing of property is not exempt for the subdivision process.

The description of such lot, parcel, or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. No building permit shall be issued for the construction of any building or structure located on a lot or plat, subdivided or sold in violation of the provisions of these Regulations, nor shall Noble County have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these Regulations.

There shall be no action brought against a property owner for violation of these Regulations when the action in question occurred prior to the effective date of these Regulations. Any lot that fits this standard shall be considered nonconforming.

Section 211 Appeal

Any person who believes he or she has been aggrieved by these Regulations or the actions of the Planning Commission has all rights to appeal as set forth in Chapter 711 or any other applicable section of the ORC.

Section 212 Representation of Application

Any application that is required to go before the Planning Commission shall be represented by one or more persons responsible for the development. If no representative is present at the assigned meeting, the application may be tabled until the next regular meeting of the Planning Commission. If no representative is available at the second meeting the application will be withdrawn. Any application that is withdrawn is required to be refiled by the applicant to be heard by the Planning Commission.

Section 213 Transfer and Conveyance Standards

In accordance with ORC 319.203 and ORC 317.22, no conveyance of property will be recorded until all standards associated with the *Transfer and Conveyance Standards of the Noble County Auditor and Noble County Engineer* have been met. Copies of these documents can be found in the offices of the County Engineer, County Auditor, and County Recorder.

The standards of these Subdivision Regulations are administered and enforced to regulate the subdivision of land and do not regulate the transfer of ownership of the property. The *Transfer and Conveyance Standards of the Noble County Auditor and Noble County Engineer* regulate the transfer and conveyance of property without regulating how the property is subdivided.

Article III

MINOR SUBDIVISION APPLICATION REQUIREMENTS

Section 301 Purpose

The purpose of this Article is to establish the procedure for review and approval of subdivisions, as authorized under Chapter 711 of the ORC. The procedure is intended to provide orderly and expeditious processing of such applications.

Section 302 Subdivision Types

Before any land is subdivided the owner of the property, or his authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the following procedures:

Section 302.1

Minor Subdivision (Lot Split): For no more than five lots along an existing public street. See Section 304 of these Regulations and ORC 711.131.

Section 302.2

Minor Subdivision (Large Lot): For lots from five to twenty acres in size that lie along existing public street. See Section 305 of these Regulations and ORC 711.133.

Section 302.3

Major Subdivision (Platted Subdivision): For all applications that do not qualify for approval through either minor subdivision process (large lot or lot split), the major subdivision process of Article IV shall be required.

Section 303 Minor Subdivision (Large Lot) and Minor Subdivision (Lot Split) Procedure

Section 303.1 Pre-Application Conference.

Prior to filing an application for a Minor Subdivision (Large Lot) or a Minor Subdivision (Lot Split) an applicant is encouraged to request an informal discussion with the Administrator to discuss the procedure for approval and to familiarize the applicant with applicable requirements. It is suggested that the applicant submit a scale drawing that includes the following information:

- a. Location map;
- b. Ownership of property;
- c. Existing and proposed public roads and easements;
- d. Existing structures;
- e. North arrow;
- f. Outline of areas to be divided;
- g. Approximation of proposed lot lines and dimension;
- h. Important natural features and drainage ways; and
- i. Information concerning storm drainage, sewage treatment, water supply, and other facilities that impact on the development.

Section 303.2 Submittal Requirements

The application for a Minor Subdivision (Large Lot) and Minor Subdivision (Lot Split) shall include, at a minimum, all of the following:

- a. A survey in accordance with Section 307.
- b. Location of monuments and their descriptions.
- c. Location and size of all existing buildings. If no building exists then state “no building exists”.
- d. A copy of the deed, whereby the current owner(s) obtained title to the land as well as copies any deed(s) of subsequent out conveyances.
- e. Areas within the 100-year floodplain and within floodways, as determined from flood studies or by scaling from mapping provided by the Federal Emergency Management Agency, shall be delineated. If not in a floodplain, state “not in a floodplain”.
- f. Legal description for each lot being created that meets the requirements of the *Transfer and Conveyance Standards of the Noble County Auditor and the Noble County Engineer*. The error of closure for such description shall not be greater than 1/10,000.
- g. A certification of approval by the local health department, inspector, and others as applicable.
- h. If applicable, access points in accord with adopted access management standards of the Ohio Department of Transportation.
- i. All applicable fees shall be paid with submittal of the application.
- j. All of the above shall be provided by a licensed surveyor.

Section 303.3 Approvals Required

After the minor subdivision has been given approval by all other departments with review responsibility, the deed, a copy of the Floodplain Certification, a copy of the approval by the Noble County Health Department and a copy of the survey drawing shall be reviewed by the Administrator for conformity with these Regulations. The Administrator shall stamp and sign the deed “approved-minor subdivision”, if the lot in question meets all requirements as specified above.

Section 303.4 Recordation Requirement

Upon approval by the Administrator, the deed shall then be taken to the county auditor for the transfer of property and then to the county recorder where it will become a legal lot of record. Minor subdivision requests expire if the deed is not recorded within (1) year of initial fee payment.

Section 303.5 Incomplete Submittals

Incomplete or deficient proposals shall be disapproved and the subdivider notified of issues and reasons for the disapproval.

Section 304 Minor Subdivision (Lot Split) Process

Section 304.1 Purpose

The purpose of this Section 304 is to establish the procedure for review and approval of minor subdivision / lot split as authorized by ORC 711.131.

Section 304.2 Applicability

The Minor Subdivision (Lot Split) process may be used to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots.

Section 304.3 Review and Approval

A Minor Subdivision (Lot Split) may be granted approval by the Administrator without a minor subdivision plat provided that the proposed subdivision meets all of the following conditions:

- a. The proposed division of a parcel of land involves no more than five (5) lots, after the original parcel has been completely subdivided.
- b. The survey requirements of Section 307 have been met.
- c. Another minor subdivision application has not been submitted on the affected property for at least one year preceding the application.
- d. The width to depth ratios shown below in Table 1 are required for all minor lot splits. All calculations shall be made from the actual road frontage. The Administrator will be responsible for calculating the ratios and if necessary, will provide a report of said ratios to the Planning Commission.

Table 1, Required Width to Depth Ratios	
Acres	Ratio
0.01 - 3.49	1:3
3.50 +	1:4

Section 305 Minor Subdivision (Large Lot) Process

Section 305.1 Purpose.

The purpose of this Section 305 is to establish the procedure for review and approval of minor large lot subdivisions as authorized under ORC § 711.133.

Section 305.2 Applicability.

The Minor Subdivision (Large Lot) Process may be used to request a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving the establishment of any lot ranging in size from not less than four (4) acres to not more than twenty (20) acres. A proposed division of land under and in compliance with this Section 305 shall not be considered a subdivision for purposes of ORC § 711.001(B)(1) and need only be approved under the provisions of this Section 305.

The Minor Subdivision (Large Lot) process is only available for once a calendar year per affected property. For example, if a 20-acre lot is submitted to into two parcels through this process with one parcel being 15 acres, the new 15-acre parcel cannot be subdivided a second time within the same calendar year through this process. This regulation is to ensure that the major subdivision process of Article IV is not subverted through small incremental subdivisions.

Section 305.3 Review and Approval

If the Administrator finds that the proposed subdivision is not contrary to any applicable health, sanitary, or access management regulations, regulations adopted under ORC § 307.37(B) (3) regarding existing surface or subsurface drainage, including, but not limited to, rules governing household sewage disposal systems or the regulations set forth in this Section 304, it shall be approved within 30 days after submittal.

The burden is upon the applicant to demonstrate compliance with these Regulations. Incomplete or deficient proposals shall be disapproved and the applicant notified of issues and reasons for disapproval.

Upon presentation of an approved conveyance of said parcel, the conveyance shall be stamped “Approved by Noble County Planning Commission; No Plat Required Under ORC § 711.133,” and signed and dated by the Administrator.

Minor Subdivision (Large Lot) deeds shall be recorded within one-year (365) days from the date of approval, or the approval expires. Upon the expiration of the approval, any proposed division of the subject tract shall be filed and processed as a new application.

Section 305.4 Agricultural and Personal Recreational Purposes Exemption

A proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and which meets the acreage requirements set forth in Section 305 but which is to be used only for agricultural or personal recreational purposes shall be exempt from the Minor Subdivision (Large Lot) approval requirements. Upon presentation of a conveyance of such a parcel, the conveyance shall be stamped “Approved by Noble County Planning Commission; No Approval or Plat Required under ORC § 711.133; **FOR AGRICULTURAL AND PERSONAL RECREATIONAL USE ONLY,**” and signed and dated by the Administrator. The conveyance shall include a statement “No change in use shall occur unless approved by the Noble County Planning Commission in accordance with applicable subdivision regulations”.

Nothing in this Section 305 shall be construed as excluding parcels that are exempt under this procedure that are currently being used only for agricultural or personal recreational purposes from the provisions of these Regulations for any future division or partitions of those parcels.

When parcels that are exempt from the approval requirements under this Section 305 are subsequently to be used for other than agricultural or personal recreational purposes, Commission staff shall first determine that such a parcel complies with the regulations set forth in Section 305.

An exemption under this Section 305 shall require a statement, signed by the landowner, that certifies that the proposed parcel will only be used for agricultural or personal recreational purposes, and that any subsequent change in use shall require that the Administrator first determine that the parcel complies with the then current provisions of Section 305.

Section 306 Transfer of Property between Adjoining Owners

Where a transfer of property between adjoining owners is less than 20 acres in size and results in a residual parcel, which is less than 20 acres, said residual parcel shall be subject to the requirements of these Regulations; and, the transfer of property shall be approved only if the residual meets these Regulations.

The grantees’ names on the deed shall match the ownership of the adjacent parcel being enlarged by the transfer. Deeds for combining acreage shall include the notation: “Not to be used as a separate building site or transferred as an independent parcel in the future without Planning Commission approval in accordance with applicable subdivision regulations. Parcel to be combined to Auditor’s Parcel Number - - - - .”

Section 307 Survey Requirements and Submittals

Section 307.1 Survey Requirement.

No division of land involving a metes and bounds description shall be approved or exempted unless it is accompanied by a survey and legal description certified by a Professional Surveyor licensed in the State of Ohio. The survey must meet the Minimum Standard for Boundary Surveys, Administrative Code 4733-37, and the survey and description must be approved by the office of the Noble County Engineer.

Section 307.2 Survey Submittal Requirements and Process.

An application for a Minor Subdivision (Large Lot) shall be filed by the landowner or designated representative with the Office of the Administrator and shall include the following information and materials:

- a. Survey boundaries and lot lines drawn on a survey plat not to exceed 18” X 24”. All dimensions shall be shown in feet and hundredths of feet.
- b. A survey and legal description prepared by a professional surveyor that is approved by the office of the Noble County Engineer. The survey shall conform to the State of Ohio Minimum Standards for Boundary Surveys (OAC 4733-37).

- c. Signed and completed application form with all required applicable fees.
- d. Proposed deed(s) for the new lots identifying Grantor and Grantee (if known) with a survey drawing and legal description that meets the requirements of Section 304.3.
- e. Existing/proposed buildings; well; location/type of household sewage disposal system.
- f. New or additional roadway easements and/or utility easements: easements must be conveyed and recorded by a separate instrument prior to recordation.
- g. Appropriate floodplain status information showing areas within the 100-year floodplain/floodway.
- h. Access points in accord with adopted access management standards or Ohio Department of Transportation (ODOT) driveway approval if access is to a state highway.
- i. Recording data for minor subdivision deeds previously approved from the original tract parcel.
- j. Written endorsement of the minor subdivision from the Noble County Health Department.
- k. A plan illustrating all minor subdivisions (large lot and lot splits) of adjacent parcels within the past year; and recording date of each.
- l. The subdivider shall mark proposed lot corners with stakes and colored flagging.

Article IV

MAJOR SUBDIVISION APPLICATION REQUIREMENTS

Section 401 Conditions for Major Subdivisions

Article IV sets out the requirements for the Major Subdivision process.

Section 401.1 Applicability

A land subdivision is required to be approved through the major subdivision process when any the following exists:

- a. The subdivision is for more than five (5) lots, any one of which is less than twenty (20) acres, including the original tract;
- b. The subdivision involves the creation, widening, or extension of a street or access easement; or
- c. Platted land is subdivided to create additional building lots in a recorded subdivision.

Section 401.2 Submission to Ohio Department of Transportation (ODOT)

Any plan within (300) feet of the centerline of a state highway requires the Planning Commission to give notice by registered or certified mail to ODOT. If ODOT notified the Planning Commission that ODOT is planning improvements in any portion of the submitted plan area, the Planning Commission shall refuse to approve the plan.

Section 401.3 Notice to Township Trustees

After a complete submission of a plat to be approved through the major subdivision process is submitted, the Planning Commission shall schedule a meeting to consider the plat. It shall send written notice by mail to the board of township trustees of the township in which a proposed plat is located. The notice shall inform the trustees of the submission of the proposed plat and of the date, time, and location of any meeting at which the Planning Commission will consider or act upon the proposed plat.

Section 401.4 Grading of Site Prior to Final Approval

The developer may begin earth excavation and construction in accordance with the grades and elevations required by an approved preliminary plan.

Section 401.5 Pre-Application Conference (Optional)

Prior to preparing a sketch plan, the subdivider may request an informal discussion with the Administrator to discuss the procedures for approval of the subdivision plan and to familiarize the developer with the County services and requirements, including, but not limited to, drainage and sewerage requirements, fire prevention, and the availability of existing utility services.

Section 402 Major Subdivision Preliminary Plan Standards

Section 402.1 Sketch Plan Requirements

Sketch plans (preparation is optional) may be submitted to the Administrator and shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information:

- a. Location or vicinity map
- b. Ownership of property and adjacent properties

- c. Review Sections 401, 402.4 and 402.5 of these Regulations and make known in writing if any of the subsections may need to be reviewed prior to the preliminary or final plat submission.

Section 402.2 Preliminary Plan

The developer shall submit a preliminary plan for review and tentative approval prior to the formulation and submittal of a final plat. The preliminary plan is conducted for the developer's benefit. Its submission does not constitute a formal subdivision review pursuant to ORC § 711.10. With the submission of the preliminary plan, the applicant waives any rights to an approval under ORC § 711.10 until such time as application is made for final subdivision plat review and is submitted to the Planning Commission for review and approval as detailed in these Regulations.

Section 402.3 Preliminary Plan Form

The preliminary plan application shall contain all of the following:

- a. Complete application form available from the Planning Commission.
- b. Signed variance application form and fee (if applicable).
- c. Copies of the preliminary plan containing all required information.
- d. One set of conceptual subdivision improvement plans, provided that completed design drawings shall be required at a later time.

Section 402.4 Preliminary Plan Content

The preliminary plan shall contain the following information:

- a. Proposed name of the subdivision, location by section, range, township or other survey.
- b. Boundaries and acreage.
- c. Name, address and telephone number of the owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- d. Date of survey, scale of the plat, north arrow, legend and a vicinity map of a scale not less than 2000 feet to an inch.
- e. Name of adjacent subdivisions, owners of adjoining parcels, and location of common boundary lines, extended to 200 feet beyond the boundary of the subdivision.
- f. Topographic contours with intervals no greater than 2 feet at 5% slope, no greater than 5 feet for slopes over 5% and less than or equal to 15%, and no greater than 10 feet for slopes greater than 15%.
- g. Location, width, and names of existing streets, railroad rights-of-way, easements, parks, buildings, corporation and township lines; wooded areas, water courses, drainage patterns, and water bodies.
- h. Topographic features within and adjacent to the plat for a minimum distance of 200 feet unless access to adjacent property has been denied the professional surveyor.
- i. Location of floodways, floodplains, current and abandoned mining activity, and a good faith effort to identify other potentially hazardous areas.
- j. A good faith effort to identify the location of environmentally sensitive areas.
- k. A good faith effort to identify the soil types, derived from the USDA Soil Survey.
- l. A good faith effort to identify the layout, number, dimensions of each lot, and setback lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plan will be made more legible). Reference Section 507.1 of these Regulations for lot arrangement and setback details.
- m. Parcels of land reserved for public use or reserved by covenant for residents of the subdivision.
- n. Point of ingress/egress or driveway locations and the distance to any existing driveway(s).

- o. Type of water supply and wastewater disposal proposed, approximate locations and dimensions of all proposed utilities and sewer lines, easements, drainage tiles, water mains, or other underground utilities within the tract or adjacent thereto.
- p. Known cemeteries, historical or archeological sites.
- q. Copy of proposed covenants and restrictions, and a schedule outlining the order of development of each section or phase of the subdivision.

Section 402.5 Additional Information for the Preliminary Plan

The following information applies only to specific project types, as necessary, and may be requested during the site review or required during review and approval of applications:

- a. Conceptual plan for commercial and industrial development, showing proposed parking, loading areas, alleys, pedestrian walkways, streets, points of vehicular ingress/egress to the development and landscape features.
- b. A drawing of all present and proposed grades and facilities for storm water drainage in cases where natural drainage is altered.
- c. A feasibility study on sewer and water facilities.
- d. Screening, buffering and/or noise abatement measures.
- e. Typical cross-sections and centerline profiles for each proposed street, and preliminary engineering designs of any new bridges or culverts proposed in the project.
- f. Other information, studies, items, or provisions deemed necessary or prudent to create buildable sites and to promote the public health, safety, and welfare.
- g. If any improvements are to be made within a publicly dedicated right of way, the applicant must make full disclosure of these plans at the earliest possible step in the review process. In the event of such improvements being proposed an application may be held from consideration until such a time that an agreement is reached between the applicant and the jurisdictional body responsible for said right of way.

Section 402.6 Public Hearing

The Planning Commission, prior to acting on a preliminary plan of a subdivision, may hold a public hearing at such time and upon such notice as the Planning Commission may designate.

Section 402.7 Filing

The preliminary plan shall be considered officially filed after it is examined by the Administrator and is found to be in full compliance with the application submittal provisions of these Regulations. The subdivider shall be notified by mail within five (5) days as to the date of official filing, which begins the thirty (30) day review period, and the meeting at which the plan shall be reviewed.

Section 402.8 Reviews and Approval of Preliminary Plans

The Planning Commission shall forward copies of the preliminary plan to such officials and agencies as may be necessary for the purpose of study and recommendation. After receipt of reports from such officials and agencies, the Planning Commission shall determine whether the plan will be approved, approved with modifications, or disapproved. The reasons for such disapproval shall be stated in writing.

The Planning Commission shall act on the preliminary plan within thirty (30) days after filing unless such time is extended by agreement with the subdivider. Approval of the preliminary plan shall be conditioned on compliance with all other applicable resolutions and regulations.

Section 402.9 Preliminary Plan Expiration

The approval of the preliminary plan by the Planning Commission shall be effective for a maximum period of one (1) year from the date of its approval unless an extension of the approval has been granted in writing by the Planning Commission. If the final plat application is not accepted within one (1) year, the preliminary plan approval shall expire and become void.

Section 402.10 Preliminary Plan Recall

The Administrator may recall portions of the preliminary plan for consideration, and reapproval, modification, or disapproval by the Planning Commission. A recall may occur in one of the following circumstances:

- a. Incomplete, inaccurate or fraudulent information influenced approval.
- b. The subdivider has failed to satisfactorily pursue platting or conditions of approval.
- c. Previously unknown or new health, safety or environmental concerns arise.
- d. The subdivider shall be notified by letter no later than 30 days before the recall is scheduled for consideration.

Section 403 Major Subdivision Final Plat Standards

Section 403.1 Final Plat Procedures

Having received the approval of the preliminary plan, if applicable, the subdivider shall submit a final plat application containing all changes required by the Planning Commission in the preliminary plan.

A professional surveyor shall prepare the final plat, and the design for construction of improvements prepared by a professional engineer licensed to practice in the State of Ohio. Within five calendar days of submission, staff shall accept and schedule the plat for the next appropriate meeting of the Planning Commission and notify the township in accordance with ORC § 711.10 and this Section of these Regulations. Notification shall also be given to other appropriate agencies and officials.

Section 403.2 Final Plat Application

A complete application shall contain:

- a. Complete and signed application form available from the Planning Commission with the fee.
- b. Original plat document signed by the subdivider and lien holder with notary and seal and the professional surveyor with seal.
- c. Plat, signed by applicable township zoning, health, sanitary and other government authorities.
- d. Fourteen (14) sets of copies of the final plat and one (1) reproducible tracing of the plat. (The 14 sets of copies may be reduced to a smaller paper size, as long as they remain legible.)
- e. Three (3) sets of approved construction drawings and engineering specifications as required for grading, streets, storm water management, waterline, sanitary sewer, and other improvements. Applicants are encouraged to file the application for final plat approval only after the appropriate authority approves construction drawings and engineering specifications. Failure to do so shall result in non-acceptance of the application.
- f. Supplementary and additional information as required by these Regulations.

Section 403.3 Final Plat Form

The final plat shall be submitted in the following form:

- a. Drawn at a scale between one hundred (100) feet to the inch and ten (10) feet to the inch, inclusively.
- b. Plats shall be on one or more sheets eighteen (18) by twenty-four (24) inches in size and shall be clearly and legibly drawn. The original shall be drawn on reproducible material capable of producing blue or black line paper prints.
- c. No ditto marks shall be used on the final plat and a legend of all symbols and abbreviations used shall be included on the plat.
- d. The Planning Commission requires the final plat to be filed in a digital format.

Section 403.4 Final Plat Contents

The final plat shall contain the following information:

- a. Subdivision name, location by section, range, township or other accepted survey district.
- b. The plat shall comply with the Minimum Standards for Boundary Surveys in the State of Ohio and the measurement specifications as contained in Chapter 4733-37 of the Ohio Administrative Code.
- c. A vicinity map showing general location of subdivision.
- d. Name, address and telephone number of owner, subdivider, professional surveyor and professional engineer with appropriate numbers and seals.
- e. Plat boundaries, based on accurate traverse, with angular and linear dimensions determined by an accurate control survey in the field. All lot lines shall be shown with accurate dimensions in feet and hundredths.
- f. Layout, number, dimensions of each lot, and set back lines (a note listing setback dimensions may be added in lieu of showing setback lines if the plat will be made more legible). Reference Section 507.1 of These Regulations for lot arrangement and setback details.
- g. Outline of areas to be dedicated or reserved for public or common use of property owners within the plat, and previous lots or blocks and their numbers indicated by a contrasting line style in the case of a replat.
- h. Bearings and distances to the nearest established street lines, and accurate location and description of all monuments.
- i. Names, locations, dimensions, rights-of-way of all existing and proposed streets and railroads within and adjoining the plat. Radii, internal angles, points of curvature, tangent bearings, length of arcs, and lengths and bearing of chords of all streets.
- j. Locations and dimensions of all easements and rights-of-way, with dimensions, purposes and wording addressing the purpose of such easements or rights-of-way.
- k. Location of all streams, rivers, canals or lakes, and flood hazard boundaries of the area.
- l. Base flood elevations and flood zone areas available from Federal Emergency Management, (FEMA) shall be shown.
- m. A copy of any restrictive covenants, and other notes, items, restrictions, or provisions required by these Regulations, the Planning Commission or its designated representative, or other plat signing authority.
- n. A statement or table showing total acreage in the subdivision and total acreage of lots, roads, open space, easements and other types of uses.

- o. Spaces for all signatures required by Article VIII.
- p. If the plat is within a township that has zoning regulations, then certification from the appropriate township zoning inspector shall be required to ensure that the proposal is in accordance with the township's zoning resolution.
- q. A letter from the permitting agency indicating that a driveway permit has been issued or will be issued by the office of the county engineer ODOT, or applicable township on existing roads.
- r. The error of closure of existing metes and bounds shall not be greater than 1/10,000.
- s. Any application requirement not listed above, that is however required to submit a preliminary plan in accordance with these Regulations.

Section 403.5 Filing

The final plat shall be filed with the Planning Commission not later than one (1) year after the date of approval of the preliminary plan; otherwise it will be considered void unless an extension is requested by the subdivider and granted in writing by the Planning Commission. The final plat shall be filed at least thirty (30) days prior to the meeting at which it is to be considered.

SECTION 404 Major Subdivision Approval

Section 404.1 Planning Commission Action

Before any final plat is approved, the ODOT must be notified as required by Section 401.2 of these Regulations.

The Planning Commission shall act on the final plat within forty-five (45) calendar days after a complete application is received in the Office of the Administrator, unless such time is extended by agreement with the subdivider, the final plat is withdrawn or a delay-of-action is requested and granted. Failure of the Planning Commission to act upon the final plat within such time shall be deemed an approval of the plat. Conditional approval of a final plat shall be limited to minor clerical and other non-substantive errors as determined by the Planning Commission.

If a plat is disapproved, the reason shall be stated in the record of the Planning Commission. If disapproved, the subdivider shall make the necessary corrections and resubmit the final plat, within forty-five (45) calendar days, to the Planning Commission for its final approval. If a final plat is refused by the Planning Commission, the person resubmitting the plat, which the Planning Commission refused to approve, may file a petition within sixty (60) days after such refusal in a court of component jurisdiction.

Section 404.2 Public Improvements

Prior to the granting of approval of the final plat, the Planning Commission may require that all public improvements be installed prior to the signing of the final plat. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final plat, the Planning Commission shall require that the applicant furnish a performance guarantee in accordance with Section 702 for the ultimate installation of said improvements.

Section 404.3 Final Plat Expiration

The subdivider shall record the final plat within 60 days of final approval; otherwise the final plat approval shall expire and become void.

Section 404.4 Signing, Recording and Transmittal of Copies of Final Plat

When a final plat has been approved and all conditions for approval have been satisfied, the designated representative of the Planning Commission shall sign the certificate of approval on the original tracing and return the same to the subdivider. The subdivider shall, within 60 days, submit a copy of the approved plat for processing by the county tax map department, county auditor, and filing with the county recorder. Should the final plat be transferred to new ownership, then the submitted final plat shall be in accordance with all requirements of the *Transfer and Conveyance Standards of the Noble County Auditor and the Noble County Engineer*.

It shall be the responsibility of the subdivider to gain all necessary certifications before filing the plat with the county recorder. The subdivider shall provide the Planning Commission with a paper copy of the approved plat. After the plat is recorded, the original plat or an archival quality reproducible reproduction shall be filed with the county recorder. Any office may require the submission of the final plat in digital or computer format.

Section 404.5 Final Plat Amendments

Amendment of the preliminary plan may be required before or concurrent with any amendment to a final plat.

Article V

SITE DESIGN STANDARDS

Section 501 General Purpose

The purpose of good subdivision and site design is to create a functional and attractive development, minimize adverse impacts, and ensure that a project will be an asset to the county. To promote this purpose, the subdivision shall conform to this Article's standards that are designed to result in a well-planned community without adding unnecessarily to development costs. These design controls shall help ensure creation of convenient and safe streets, usable lots, space for public purposes, and will minimize the undesirable features of unplanned, haphazard growth. The Planning Commission has the responsibility for reviewing the design of each subdivision early in its design development to ensure that all the requirements of these Regulations are addressed.

Section 502 Suitability of Land

Land to be subdivided shall be of such character that it can be used for its intended purposes, and shall not be subdivided until adequate facilities and improvements such as drainage, water, and sewerage, are provided, or a performance bond, in accordance with Section 702, is filed to assure that the subdivider will make the required improvements.

The Planning Commission may find that the land proposed to be subdivided is unsuitable for subdivision development due to poor drainage, flood hazard, topography, inadequate water supply, landslip potential, unstable subsurface conditions due to underground mining or for reasons which may endanger health, life, safety, or property. If it is determined that in the best interest of the public the land should not be developed for the purpose proposed, the Planning Commission shall not approve the subdivision unless adequate methods for solving the problems are advanced by the subdivider.

For major subdivisions, a written statement may be required by the Planning Commission describing characteristics of the development site, such as bedrock geology and soils, topography, flood prone areas, existing vegetation, structures and road networks, visual features, and past and present use of the site.

Noble County contains sufficient amount of land located on areas defined by any governmental entity to contain or have once contained an active or abandoned underground mine, or such lands that are within five hundred (500) feet of an active or proposed surface mine. Any property found to have this characteristic may be required to have a site analysis study conducted to ensure that the ground is capable of supporting the use for which it is being proposed.

The soils on any proposed site shall be deemed suitable for their intended use per the Noble County Soil and Water Conservation District.

Specific setback requirements may be required by the Planning Commission or the Administrator prior to the subdivision. Specific examples of setback requirements include, but are not limited to the following:

- a. Setbacks for oil and gas development consistent with the standards of the Ohio Department of Natural Resources (ODNR); and
- b. Setbacks of at least 20 feet from any cemetery.

Section 503 Conformance to Applicable Rules and Regulations

In addition to the requirements established in these Regulations, all subdivisions shall comply with the following:

- a. All applicable township zoning resolutions (if applicable) and all other applicable laws in which the subdivision is to be located.
- b. The comprehensive plan, public utility plan, and capital improvement programs, including plans for all streets, drainage systems, and parks.
- c. The special requirements of these Regulations and any rule of the Noble County Health Department and/or appropriate state agencies.
- d. The rules of the Ohio Department of Transportation if the subdivision or any lot contained therein abuts a state highway or connected street.
- e. The standards and regulations adopted by the Noble County Engineer, and all boards, agencies and officials of the county including but not limited to the *Transfer and Conveyance Standards of the Noble County Auditor and the Noble County Engineer*.

Section 504 Subdivision and Site Design

Design of the subdivision shall take into consideration existing county, municipal, and regional comprehensive plans, and shall be based on a site analysis. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alterations of natural features. The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land, and in accordance with the U.S. and Ohio Constitutions and state or federal regulations:

- a. Unique and/or fragile areas, including wetlands, as may be defined in Section 404 of the Federal Water Pollution Act, as amended; and in the Ohio Environmental Protection Agency standards.
- b. Steep slopes in excess of fifteen (15) percent unless appropriate engineering measures concerning slope stability, erosion, and resident safety are taken into account to the satisfaction of both the Administrator and the Planning Commission.
- c. Habitats of endangered wildlife, as identified on federal and state lists.
- d. Historically and culturally significant structures and sites, as listed on the National Register of Historical Places.
- e. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
- f. The placement of buildings in residential developments shall take into consideration topography, building height, orientation and drainage.

Section 505 Floodplain Management

Flood prone areas shall be defined as those specified on the Federal Emergency Management Agency (FEMA) Flood Hazard Map, or those soils defined in the United States Department of Agriculture (USDA) Soil Survey of Noble County. All subdivision applications shall be forwarded to the Noble County Office of Emergency Management to ensure that the application meets the requirements of the County's Floodplain Ordinance.

Section 506 Blocks

The following regulations shall govern the design and layout of blocks:

- a. The arrangements of blocks shall conform to the street design criteria set forth in these Regulations.
- b. Blocks shall be arranged to accommodate lots and building sites of the size and character required by these Regulations and any applicable township zoning resolution, to provide for adequate community facilities, and with regard of the limitations and opportunities of topography.
- c. Irregularly shaped blocks, blocks intended for cul-de-sacs and loop streets, and blocks containing interior parks and playgrounds may be approved by the Planning Commission if properly designed and located.
- d. No block shall be larger than (1400) feet, or (12) times the minimum lot width required in any applicable township zoning district, and no less than (800) feet. Cross streets shall be provided between blocks.
- e. Where blocks are more than (900) feet in length, a walkway easement not less than (10) feet in width at or near the halfway point of the block may be required between streets.
- f. Blocks in the traditional gridiron pattern should consist of two tiers of lots and an easement may be included to separate them.
- g. Through lots (extending from one parallel street to the other) shall be discouraged to avoid problems between adjoining owners, and to reduce the number of streets.

Section 507 Lot Improvements

Section 507.1 Lot Arrangement and Dimensions

- a. Lot arrangement, design, and dimensions shall be such that all lots will provide satisfactory building sites. Driveway access to buildings on the lot shall be from a dedicated public street (existing or proposed or on a private street meeting public street standards). Lots shall be properly related to topography and the character of the surrounding development; and shall be in compliance with township zoning regulations (if applicable) and the Noble County Health Department regulations.
- b. The Planning Commission, upon recommendation from the Noble County Health Department may increase the size of any or all lots in the subdivision or may deny approval of the subdivision.
- c. Dimensions of corner lots shall be large enough to allow the erection of buildings, observing the minimum front-yard setback from both streets.
- d. The building setback for all lots shall be a minimum of thirty (30) feet from the edge of the right of way.
- e. The offset for side lot lines shall be a minimum of ten (10) feet.

Section 507.2 Lot Orientation

Residential lots shall front on a dedicated public street (existing or proposed) or on a private street meeting public street standards. All side lot lines where practicable should be at approximate right angles to street lines or radial to curving street lines, unless a variation from these rules will give a better street or lot plan. Variations are permitted to accommodate barriers such as streams and existing utility easements. However, side lot lines shall not deflect more than (30) degrees from the perpendicular in relation to street centerlines. A side lot line shall maintain the same angle of deflection between the front lot line and the minimum building setback line as established by any township zoning regulation (if applicable) or these Regulations.

The lot line common to the street right-of-way shall be the front line. All lots shall face the front line and a similar line across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.

Section 507.3 Double Frontage Lots and Access to Lots

- a. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. Residential lots abutting arterial or collector streets, where marginal access streets are not desirable or possible to attain, shall be designed as reverse lots or with side lot lines parallel to the major traffic streets. These requirements may be waived by mutual consent of the Planning Commission and the County Engineer.
- b. Lots may not be created by dividing land at the end of stub streets in adjacent subdivisions, such stub streets being intended to promote continuity of street systems in adjoining subdivisions.
- c. Fifty (50) feet (minimum) of additional lot depth or appropriate buffering as determined by the Administrator may be required where a residential lot in a subdivision backs up to a railroad right-of-way, a high pressure gasoline or natural gas line, open drainage ditch, an arterial street or interstate highway, an industrial area or other existing land use which may have a detrimental effect on the residential use of the property, and where no local street is provided at the rear of such lot.

Section 507.4 Lot Measurements

A lot shall be measured as follows:

- a. Depth of a lot: The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b. Width of a lot: The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width.

Section 507.5 Minimum Lot Size

- a. Properties where septic is required: The minimum lot size for all subdivisions shall be compliant with the Noble County Department of Health Regulations.
- b. Properties where public water and sewer are available: The minimum lot size shall be 15,000 square feet.

Section 508 Easements and Right of Ways

Section 508.1 Utility Easements

Location of utility line easements within the road right-of-way shall be located outside of the improved portion of the roadway. Utility easements may also be located along the front of line or centered on the rear or side lot line as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than twenty (20) feet wide.

Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the preliminary plan to all appropriate public utility companies.

Whenever practicable, the utilities shall be placed underground, according to the standards of the appropriate utility company.

Section 508.2 Residential Access Easements

A residential access easement shall only be approved when all of the following requirements are met:

- a. The residential access easement meets the requirements for a variance as set out in Section 204. Unless approved for a variance, the residential access easement is required to meet all of the other Article IV.
- b. The residential access easement is used to access a property that is currently landlocked (having a lack of street frontage) by no fault of the existing property owner.
- c. A residential access easement must be a minimum of 50 feet in width and have a bearings and distances description of the centerline of said easement.
- d. All property owners along a proposed access easement will be required to enter into a maintenance agreement for general repair and preservation of the roadway surface. This plan must be approved by the Noble County Planning Commission and recorded as an exhibit with each deed.
- e. All other feasible access options in accordance with these Regulations have been exhausted and no other end can be made.
- f. The following statement shall be applied to the plat and legal description of a proposed lot split on a residential access easement:

“The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated private street. Further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street.”

- g. A physical inspection of the proposed access shall be inspected by the Noble County Office of Emergency Management, to determine if the roadway will be adequate for any emergency response equipment to reach all building sites without injury to the equipment. A feasibility report shall be made and submitted with the variance application.

Section 508.3 Storm Water Easements

Easements shall be provided for storm drainage purposes. Such easements shall conform substantially with the lines of any natural water course, channels, streams or creeks which traverse the subdivision or for any new channel which is established to substitute for an existing natural watercourse, channel, stream or creek. Such easements shall be of sufficient width to provide adequate area for maintenance, however, shall not be less than twenty (20) feet. Provisions of an easement in no way make any political subdivision responsible for said maintenance of storm water facilities. The plat shall specify the entity or person responsible for the maintenance of storm water facilities.

Section 508.4 Pedestrian Access Easements

Any pedestrian access easements proposed in areas outside of street/road right of ways must be approved for the intended purpose and have adequate easement width.

Section 508.5 Hazards

The location of mailboxes and similar structures in the right-of-way of a public or private street shall be constructed so as to not create a hazard to the public and shall be constructed pursuant to standards of the Ohio Department of Transportation.

Section 509 Standards for Nonresidential Subdivisions

Section 509.1

In addition to the principles and standards in these Regulations, the applicant shall demonstrate to the satisfaction of the Planning Commission that the streets, parcels, blocks, and lot patterns proposed are specifically adapted to the uses anticipated and consider other uses in the vicinity.

Section 509.2

Proposed industrial parcels shall be suitable in area and dimension to the types of industrial development anticipated.

Section 509.3

Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

Section 509.4

Blocks intended for commercial and industrial subdivisions shall be designed specifically for such purposes and shall include adequate provision for parking, loading, and delivery services.

Section 510 Covenants and Restrictions

At any time during an application for a subdivision or variance the Planning Commission or Administrator may suggest or require the addition or amendment of any applicable covenants or restrictions in association with the impacted property. All covenants and/or restrictions shall be applied to the certificate of transfer and/or plat as may be applicable. The covenants and/or restrictions shall be recorded with the certificate of transfer and/or the plat and shall run with the land. Failure to apply or record any or all of the covenants or restrictions set forth by the Planning Commission shall be interpreted as a violation by the applicant, and subject to Section 210 of these regulations.

Article VI

STREET DESIGN STANDARDS

Section 601 General

These Regulations shall control the manner in which the road system is arranged on the land to permit the safe, efficient, and orderly movement of traffic; to meet, but not exceed, the needs of the present and future population; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.

Section 602 Street Frontage Requirement

No subdivision shall be approved unless the area to be subdivided has a minimum of 60 feet of road frontage on an actively maintained street shown upon a plat approved by the Planning Commission and recorded in the County Recorder's Office. An actively maintained street shall include all public and private owned right-of-way where regular maintenance is at a level where traffic is not impeded. Any street that is either new or is not actively maintained must be suitably improved as required by these Regulations or guaranteed, with a performance bond as required. Any street that is not publicly owned shall require a private maintenance agreement.

A subdivider may apply for a variance, in accordance with Section 204 of these Regulations, with the Planning Commission to reduce the 60-foot requirement. In addition to the requirements set out in Section 204, the Planning Commission shall consider the potential of whether or not the impact of the variance will create circumstances where land becomes devalued and less likely to be effectively used due to the lack of access to the public right-of-way. In no circumstances shall this variance be reduced to less than a 40-foot street frontage requirement.

Section 603 Official Road Design Standards

Section 603.1 Intersections

Streets shall intersect as nearly as possible at right angles and no street shall intersect another street at less than a sixty (60) degree angle. Street jogs shall have centerline offsets of at least one hundred twenty-five (125) feet. The right-of-way lines of intersecting streets shall be connected at all corners with a curve having a radius of at least twenty (20) feet.

Section 603.2 Curves

- a. When the line of a street changes direction by more than ten (10) degrees, the street line shall be connected by curves at the point where they deflect from each other. For all streets these radius shall be measured along the centerline.
- b. For dead end/ cul-de-sac streets, this curve shall be at least one hundred (100) feet in radius and for all other streets at least three hundred fifty (350) feet in radius.
- c. Vertical curves shall provide the stopping sight distance required for thirty-five (35) miles per hour (MPH).

Section 603.3 Cul-de-Sacs and Dead-End Streets

- a. No cul-de-sac or dead-end street shall be more than one thousand two hundred (1,200) feet in length.
- b. At the end of a permanent cul-de-sac or dead-end street, the minimum pavement radius shall be fifty (50) feet and the minimum right-of-way radius shall be sixty (60) feet.
- c. Dead-end streets may only be left in place for a period of six months or less. If after six months, the dead-end street still remains, the County shall require that a cul-de-sac be installed.

Section 603.4 Street Road Grades

Street grades shall be not less than 0.4 percent, and not more than fifteen (15) percent, except with approval from the county engineer for steeper grade.

Section 603.5 Street/Road Names/Signs

Streets shall be named without duplicating the name of existing streets in Noble County and approved by the county engineer. Street signs shall be installed by the developer in accordance with the Ohio Manual of Uniform Traffic Control Devices published by the Ohio Department of Transportation and should be allowed to blend in with the architectural design of the development.

Section 603.6 Right of Way Widths

Street right-of-way widths shall not be less than fifty (50) feet.

Section 603.7 Pavement Widths

Street pavement widths shall not be less than twenty (20) feet.

Section 604 Plans for Public Water Supply, Stormwater, and Wastewater Facilities

A professional engineer, licensed in Ohio, shall design any plans for public water supply, storm water and wastewater facilities. The plans shall meet regulations set forth by the county engineer, health department, sanitary engineer, and The Ohio EPA.

Article VII

CONSTRUCTION OF IMPROVEMENTS

Section 701: Improvements and Cost Estimate Information

Before the signing of the final plat, all applicants shall be required to complete, to the satisfaction of the county engineer, county health department or other appropriate agency, all the streets and other public improvements, including lot improvements on the individual lots, as listed on the plat. When required improvements are not completed, the subdivider shall insure their completion with a performance guarantee acceptable to the board of county commissioners.

The developer, at his or her expense, shall make all required improvements and cost estimates for various materials and labor shall be provided as requested by a professional engineer licensed in the State of Ohio, or a qualified contractor acceptable to the County Engineer. The developer shall dedicate public improvements to the local government, free and clear of all liens and encumbrances on the dedicated property and public improvements.

Section 702: Performance Guarantee for Installation and Maintenance of Improvements

To guarantee the construction and/or maintenance of required improvements prior to the approval and recording of the final plat, the subdivider shall be required to provide a performance guarantee in one or a combination of the following arrangements:

Section 702.1 Subdivision Bond, or Deposit of Funds

The subdivider shall post a bond executed by a surety company or a deposit of funds equal to the estimated cost plus ten (10) percent of the required improvements. The guarantee shall be in favor of the Board of County Commissioners and shall guarantee construction of the improvements according to the plans and specifications approved by the county engineer. The term of the guarantee shall not be less than two (2) years plus a one (1) year maintenance period for a total of three (3) years. The board of county commissioners may grant an extension where good cause can be shown. The amount required for the guarantee can be reduced to a percentage of its original amount during the one-year maintenance period. Under no circumstances shall the required guarantee be tied to or be considered a portion of the developer's financing for the development. The guarantee shall be considered in effect when approved by the board of county commissioners pursuant to recommendation by the county engineer.

Section 702.2 Deposit

The subdivider may make a deposit with a responsible escrow agent, or with a trust company. The deposit shall be money or negotiable bonds in an amount equal to the estimated cost plus ten (10) percent of the required improvements. If a deposit of funds is made, an agreement may be executed to provide payments to the contractor or the subdivider from the deposit as the work progresses and is approved by the responsible county officials consistent with Section 708.

Section 702.3 Contract Documents or Escrow Agreements

Where contract documents or escrow agreements for the proposed improvements are available, copies of such contracts shall be certified to the board of county commissioners and, when approved, will constitute sufficient guarantee for the installation of required improvements in lieu of other methods stated above.

Section 703: Temporary Improvements

The applicant shall build and pay for all temporary improvements required by the county engineer and shall maintain those temporary improvements for the period specified by the county engineer. Prior to construction of any temporary facility or improvements, the developer shall file with the board of county commissioners a separate performance guarantee in an amount equal to the estimated cost of the temporary facilities, which shall ensure that the temporary facilities will be properly constructed, maintained and removed.

Section 704: Extension of Time

If the construction or installation of any improvements or facility, for which guarantee has been made by the developer is not completed within two (2) years from the date of final approval of the recorded plat, the developer may request the board of county commissioners to grant an extension provided he can show reasonable cause for inability to complete said improvements within the required two (2) years. The request shall be accompanied by a revised cost estimate of construction to be completed and performance guarantee as provided by part a of Section 702 hereof covering the period of the extension and one year maintenance period.

Section 705: Failure to Complete Improvements

In case the subdivider fails to complete the required public improvements work within such time period as required by the conditions or guarantees as outlined above, the Board of County Commissioners may proceed to have such work completed and reimburse itself for the cost thereof by appropriating the deposit of funds or subdivision bond, or by drawing upon the letter of credit, or shall take the necessary steps to require performance by the bonding company.

Section 706: Deferral or Waiver of Required Improvements

The Planning Commission may defer or waive, at the time of final plat approval and subject to appropriate conditions, the provisions of any or all public improvements as, in its judgment, are not requisite in the interest of the public health, safety, or welfare, or which are inappropriate because of the inadequate or nonexistence of connecting facilities. Any determination to defer or waive the provision of certain public improvements must be expressly made on the record.

Whenever it is deemed necessary by the Planning Commission to defer the construction of any improvements, the subdivider shall pay his share of the cost of the future improvements to the county prior to the signing of the final subdivision plat by the Planning Commission. The developer may provide a separate guarantee for the completion of the deferred improvements upon demand of the county.

Section 707: Inspection of Improvements

The county engineer shall coordinate with the county health department or other appropriate agency to provide for inspection of required improvements during construction and ensure their satisfactory completion. The Applicant shall pay to the county an inspection fee, and shall notify proper administration officials at least twenty-four (24) hours before each phase of the improvements is ready for inspection. The board of county commissioners may waive the requirement for inspection fees to be paid by the developer. Work requiring periodic inspections and an inspection schedule shall be finalized by the developer and inspectors before any work begins. If, in the opinion of the inspector, installations are improper or inadequate, the inspector shall issue a stop order. The developer may appeal the inspector's findings to the county engineer within forty-eight (48) hours. Failure to comply with the inspector and/or county engineer's directive will be deemed a violation these Rules and Regulations subject to having the approved final plat invalidated by the Planning Commission.

Section 708: Completion of Work and Reduction of Security

As required improvements are completed, the board of county commissioners may, with concurrence of the county engineer, reduce the amount of the guarantee, in the following increments: 25%, 50%, and 75%. Twenty-two percent (22%) of the remaining amount of the guarantee shall be released when all construction, installation, and improvements have been completed and approved by the respective government authorities. The remaining three percent (3%) will be held for a one-year maintenance period. Guarantees for roads, storm drainage, water and sanitary sewer improvements shall not be released independently.

Section 709: Acceptance of Streets and Storm Drainage for Use and Maintenance by the Public

The subdivider shall have properly constructed and maintained all required improvements at the time he requests their acceptance by the county engineer. Upon completion of all improvements, the developer shall request that the county engineer perform an inspection for conditional acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the board of county commissioners, with a copy to the developer, giving notice of the engineer's conditional acceptance and the amount of a maintenance bond.
- b. Issue a letter to the developer, with a copy to the board of county commissioners listing items of work necessary to accomplish satisfactory completion of the improvements.

Upon completion of the improvements and conditional acceptance by the county engineer, the developer shall furnish a maintenance guarantee in the amount of 3% of the total performance guarantee or \$1,000.00, whichever amount is larger. The subdivider shall be responsible for routine maintenance of all improvements and shall repair all failures due to faulty construction as soon as they become apparent. Said subdivider shall also make repairs due to erosion or abuse by utility companies installing utilities and shall repair all failures, for all other reasons, during the one (1) year period. He shall restore the improvements at the end of the maintenance period.

The improvements will be eligible for final acceptance one year after the conditional acceptance. The maintenance bond shall remain in effect until final acceptance by the county engineer. Before the board of county commissioners will release the maintenance bond or maintenance fund, the developer shall submit a sworn statement that all bills and financial obligations incurred for maintenance or restoration of the subdivision improvements have been fully paid.

One year after conditional acceptance, the developer shall, after restoring all improvements to an acceptable condition, and after all monies are paid, request that the county engineer perform an inspection for final acceptance. After the inspection, the county engineer will do one of the following:

- a. Issue a letter to the board of commissioners, with a copy to the developer, recommending release of maintenance bond(s).
- b. Issue a letter to the developer, with a copy to the board of county commissioners, listing items of work necessary to accomplish before final acceptance can be made.

Article VIII

STATEMENTS AND SIGNATURES TO BE AFFIXED ON THE PLAT

Section 801: Required Statements

Some or all of the following statements, or similar appropriate statements, shall be required to be affixed on the subdivision plat. The Planning Commission may require modifications to the statements. All signatures, except the signatures of the county auditor, county recorder, and the Planning Commission shall be obtained prior to approval of the subdivision plat by the Planning Commission. Do not include any text associated with the title blocks that are in parentheses or italicized on the plat.

Section 802: Deed Reference (REQUIRED)

Situated in (Military Survey _____) _____ Township, County, Ohio, containing _____ acres and being (part or) the same tract as conveyed to _____ and described in the deed recorded in Deed (Official Records) Book _____ Page __, County, Ohio.

Section 803: Owner's Consent and Dedication (REQUIRED)

We, the undersigned, being all the owners and lien holders of the lands herein platted, do hereby voluntarily consent to the execution of the said plat and do dedicate the streets, parks or public grounds as shown hereon to the public use forever. Any "Public Utility Easements" as shown on this plat are for the placement of sidewalks and for the maintenance and repair of streets. This easement and all other easements shown on this plat, unless designated for a specific purpose, are for the construction, operation, maintenance, repair, replacement or removal of water, sewer, gas, electric, telephone, cable television, or other utility lines or services, storm water disposal and for the express privilege of cutting, trimming or removing any and all trees or other obstructions within said easement, or immediately adjacent thereto, to the free use of said easements or adjacent streets and for providing ingress and egress to the property for said purposes and are to be maintained as such forever.

No buildings or other structures may be built within said easements, nor may the easement area be physically altered so as to (1) reduce clearances or either overhead or underground facilities; (2) impair the land support of said facilities; (3) impair ability to maintain the facilities; or (4) create a hazard. The above public utility easements are for the benefit of all public utility service providers.

(Signature of owner, all lien holders and two witnesses for each signature required)

Section 804: Drainage Statement (REQUIRED)

The County Engineer assumes no legal obligation to maintain or repair any open drainage ditches or channels designated as "drainage easements" on this plat. The lot owner shall maintain the easement area of each lot and all improvements within it continuously. Within the easements, no structure, planting, fencing, culvert, or other material shall be placed or permitted to remain which may obstruct, retard, or divert the flow through the watercourse.

Section 805: Title Blocks to be Included on Plat

Section 805.1 Certificate of Ownership (REQUIRED)

We, _____ and _____ do hereby certify that we are the owners of the property described in the above caption and that all legally due taxes have been paid, and that as such owners, we have caused the said above described property to be surveyed and subdivided as shown.

_____. Seal

_____. Sea

I County
State of Ohio,} SS

Section 805.2 Certificate of Notary Public (REQUIRED)

State of Ohio S.S.

Be it remembered that on this ___ day of ____, 20__ before me the undersigned, a Notary Public in and for said State, personally came _____ (and _____), who acknowledged the signing and execution of the foregoing plat to be their voluntary act and deed. In testimony whereof, I have set my hand and Notary Seal on the day and date above written.

(Signature) _____

(Print name here) _____

State of Ohio

My commission expires _____

Section 805.3 Certificate of Surveyor (REQUIRED)

I hereby certify that this map is a true and complete survey made by me (under my supervision, on date) and that all monuments and lot corner pins are (or will be) set as shown.

(Signature) _____

(Print name and registration number here) _____

Registered Surveyor

Section 805.4 County Engineer (REQUIRED)

I hereby approve this plat on this ____ day of _____, 20 ____.

County Sanitary Engineer

Section 805.5 Health Department (REQUIRED)

I hereby approve this plat on this ____ day of _____, 20 ____.

County Health Commissioner

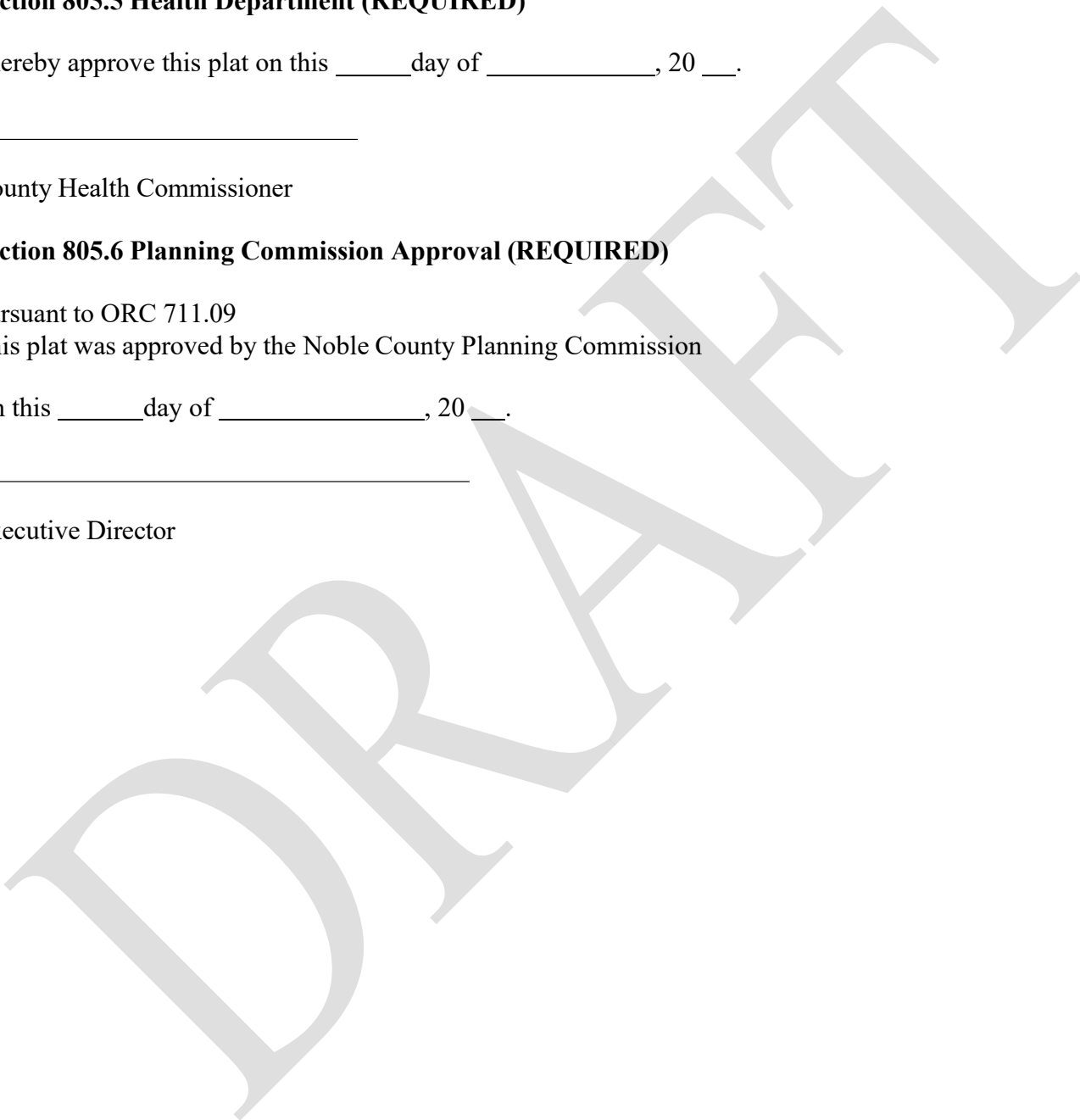
Section 805.6 Planning Commission Approval (REQUIRED)

Pursuant to ORC 711.09

This plat was approved by the Noble County Planning Commission

On this ____ day of _____, 20 ____.

Executive Director



Section 805.7 Noble County Commissioner (REQUIRED)

Certification of Submission

I hereby certify this plat was submitted to the Board of County Commissioners, __day of _____20 ____.

Clerk, Board of County Commissioners

Plat Approval

This plat is hereby approved pursuant to ORC 711.05 __day of _____20 ____, Resolution # _____.

Commissioner

Commissioner

Commissioner

ATTEST: _____
Clerk, Board of County Commissioners

Section 805.8 County Auditor’s Transfer (REQUIRED)

Transferred on this __day of _____, 20 ____.

By _____
Deputy County Auditor

Section 805.9 County Recorder (REQUIRED)

File No. _____

Received on this __day of _____, 20 ____at _____M.

Recorded on this __day of _____, 20 ____at _____M.

Recorded in plat book No. _____, Page _____.

Fee _____.

By _____
County Recorder

Article IX

DEFINITIONS AND RULES OF INTREPRETATION

Section 901: Interpretation of Terms or Words

For the purpose of these Regulations, certain terms or words used herein shall be interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
- d. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel.”
- e. The word “County” where used shall mean Noble County, Ohio and its legal entities.

Section 902: Glossary

Adjacent: A lot, parcel of land, or right-of-way that shares all or part of a common lot line or boundary with another lot, parcel of land, or right-of-way. For the purposes of these Regulations this term does not include properties that are divided by a public right-of-way even if the lots in question are very close in proximity to each other.

Administrator: The person chosen by the Noble County Board of Commissioners to be the primary point of contact for the administration and enforcement of these Subdivision Regulations.

Agricultural Purposes: A parcel or parcels that are devoted exclusively to animal or poultry husbandry, aquaculture, apiculture, the production for a use of field crops, tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, or flowers or other similar agricultural uses.

Alley: See Street Types.

Block: That property abutting one side of a street and lying between the two nearest intersecting streets, or between the nearest such street and railroad right-of-way, un-subdivided acreage, river or live stream, or between any of the foregoing and any other barrier to the continuity of development.

Board: The Noble County Board of County Commissioners.

Building: A structure designed to be used as a place of occupancy, storage or shelter.

Building Site: A parcel under separate deed or description containing less than 5 acres and having road frontage.

Comprehensive Plan: A plan or any portion, thereof, adopted by the Planning Commission and the Board of County Commissioners showing the general location and extent of present and proposed physical facilities, including housing, industrial, and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

Corner Lot: See Lot Types.

Covenant: A written promise or pledge.

Cul-de-sac: See Street Types.

Culvert: A transverse drain that channels under a bridge, street, or driveway.

Dead-end Street: See Street Types.

Develop: To make a development; also to do any grading or filling of land, whether undeveloped or already subdivided, so as to change the drainage or the flow of water, or to do any work upon the land that is capable of serving as a subdivision or development of building sites in the future.

Developer: Any individual, subdivider, firm association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself or for another.

Driveway: A vehicular travel way used to provide access from a street to dwelling units or commercial or industrial activities. Driveways are designed for low travel speeds and are often used as, or are integral with, parking areas for vehicles.

Dwelling Unit: Space within a building comprising living, dining, sleeping and storage rooms as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

Easement: A grant by the property owner of the use of a strip of land by the public, a corporation, or other persons, for specified purposes.

Engineer: Any person registered to practice professional engineering by the state board of registration as specified in ORC § Section 4733.14.

Erosion: The wearing away of the earth's soil surface by water, wind, gravity, or any other natural process.

FEMA: The Federal Emergency Management Agency.

Final Plat: A revised version of the preliminary plan showing exact locations of lot lines, rights-of way, easements, and dedicated areas. The final plat is recorded in the office of the County Recorder.

Flood: An overflowing of water, from watercourses, onto land, which is normally dry.

Flood, 100-Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every 100 years (i.e., that has a one percent (1%) chance of occurring each year, although the flood may occur in any year.)

Floodplain: Any land area susceptible to be inundated by water from the base flood. The term refers to that area designated as subject to flooding from the base flood (100-year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development.

Grade: The amount of rise or descent of a sloping land surface, usually measured as a percent where the numbered percent represents the amount of vertical rise or fall, in feet, for every 100 feet horizontally. For example, a one foot vertical rise over one hundred horizontal feet represents a one percent slope.

Health Department: Noble County Health Department.

Household Sewage Disposal System: means any sewage disposal or treatment system or part thereof for a single family, two family, or three family dwelling, which receives sewage in accordance with Chapter 3701-29 of the Ohio Administrative Code as amended hereafter.

Improvements: Street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control for drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.

Land Contract: A legal agreement between a landowner and another person or persons interested in purchasing real property owned by the landowner, wherein the landowner agrees to receive regular payments, at specified intervals for a specified period of time, from the purchaser and at the end of the specified time period agrees to transfer ownership of the property to the purchaser.

Location Map: See Vicinity Map.

Lot: For purposes of these regulations, a lot is a parcel of land that is:

- a. A single lot of record;
- b. A portion of a lot of record; or
- c. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot Area: The area of a lot computed exclusive of any portion of the right(s) of way of any public or private street.

Lot Depth: The mean horizontal distance between the front and rear lines of a lot.

Lot Frontage: The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this Section.

Lot of Record: A lot, which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types: Terminology used in these Regulations with reference to lot types are as follows:

- a. **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- b. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- c. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Lot Width: The horizontal distance between side lot lines measured along the required building setback line. When the street line is curved, the measurement shall be made on the arc, on or parallel to the curve of the street line.

Major Thoroughfare Plan: A plan that shows a jurisdiction's roadways; has then broken into functional classifications and creates a plan for future improvements to the transportation system.

Maintenance Bond: An agreement by a subdivider or developer with the county guaranteeing the maintenance of physical improvements for a period of one (1) year from the release of the performance bond.

Minor Subdivision: A division of a parcel of land that does not require a plat to be approved by the Planning Commission according to ORC § 711.131. Also known as Lot Split.

Monuments: Any permanent marker either of stone, concrete, galvanized iron pipe, or iron or steel rods, used to identify the boundary lines of any tract, parcel, lot, or street lines that is placed by a licensed surveyor and in compliance with Ohio Revised Code (ORC) 711.03.

Open Space: An area open to the sky, which may be on the same lot as a building. The area may include, along with the natural environmental features, swimming pools, tennis courts, and any other recreational facilities that the Planning Commission deems permissive. Streets, structures for habitation, and the like shall not be included.

Owner: Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Regulations.

Parcel: Any piece of land described by a current deed.

Performance Bond: An agreement by a developer with the county for the amount of the estimated construction cost (as approved by county commissioners and county engineer) guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Performance Guarantee: Any security that may be accepted by a local government as a guarantee that the improvements required as part of an application are for development that is satisfactorily completed.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

Personal Recreational Purposes: A parcel or parcels that are devoted exclusively to personal recreational use of a private type and nature that is conducted by the owner(s) of such parcel(s) or the individual(s) entitled to exclusive use and possession of such parcel(s), without fee or consideration of any kind, excluding any commercial or membership recreational type of use whether or not for fee or profit.

Planning Commission: The Noble County, Ohio Regional Planning Commission.

Plat: The map, drawing, or chart on which the developer's subdivision is presented to the Planning Commission for approval, to the county recorder (final) for recording.

Preliminary Plan: The initial proposal, including both narrative and site design information, intended to provide the Planning Commission with an understanding of the manner in which the site in question is to be developed. The submittal of this plan is a required part of the subdivision process.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public entity have a right, or which are dedicated, whether improved or not. (See Right-of-Way)

Qualified Contractor: A contractor currently qualified to perform road construction activities, as evidenced by a certificate of qualifications from the Ohio Department of Transportation (ODOT).

Replat: A subdivision or plat, the site of which has heretofore been platted or subdivided with lots or parcels of land. It may include all or any part of a previous subdivision or plat.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography of treatment) such as grade separation, landscaped areas, viaducts, and bridges. (See Public Way)

Setback: A line established by the subdivision regulations generally parallel with and measured from the lot line, defining the limits of a yard in which no building or structure, other than an accessory building, may be located above ground.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See Walkway.

Sketch Plan: An informal drawing which shows how a developer proposes to subdivide a property and which gives sufficient site information for the Administrator to offer suggestions for site development. A sketch plan is frequently used during a pre-development conference.

Street, Road, or Thoroughfare: The full width between property lines bounding every dedicated travel way, with a part thereof to be used for vehicular and pedestrian traffic.

Street Types: Terminology used in these Regulations with reference to street types are as follows:

- a. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street. Design speed is 10 miles per hour.
- b. **Arterial Street:** A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route. Design speed is generally 55 miles per hour.
- c. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions. Design speed is generally 35 miles per hour.
- d. **Cul-de-Sac:** A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround. Design speed is generally 25 miles per hour.
- e. **Dead-end Street:** A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. **Local Street:** A street primarily for providing access to residential, commercial, or other abutting property. Design speed is generally 25 miles per hour.

- g. **Loop Street:** A type of local street each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than three thousand (3000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h. **Marginal Access Street:** A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Stopping Sight Distance: The distance down a roadway for which a motorist is able to have unobstructed sight. Stopping sight distance is reduced by vertical and horizontal road curvature, fixed objects on the side of the road, and overhanging vegetation.

Subdivider: Any individual, developer, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision of land hereunder for himself or for another.

Subdivision:

The term subdivision as used in these Regulations shall mean one or more of the following:

- a. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two (2) or more parcels, sites, or lots, any one of which is less than twenty (20) acres, for the purpose, whether immediate or future of transfer of ownership, provided, however, that the division or partition of land into parcels of more than twenty (20) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
- b. The improvement of one or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities. (See Minor Subdivision)

Surveyor: Any person registered to practice surveying as specified in ORC 4733.02.

Tract: The term is used interchangeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots.”

Through Lot: See Lot Types.

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vicinity Map: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the county in order to better locate and orient the area in question.





Wetland: An area of land, as defined by the federal definition at the time of preliminary plan submission, inundated by water for a portion of each year resulting in the land possessing unique soil and vegetative types.

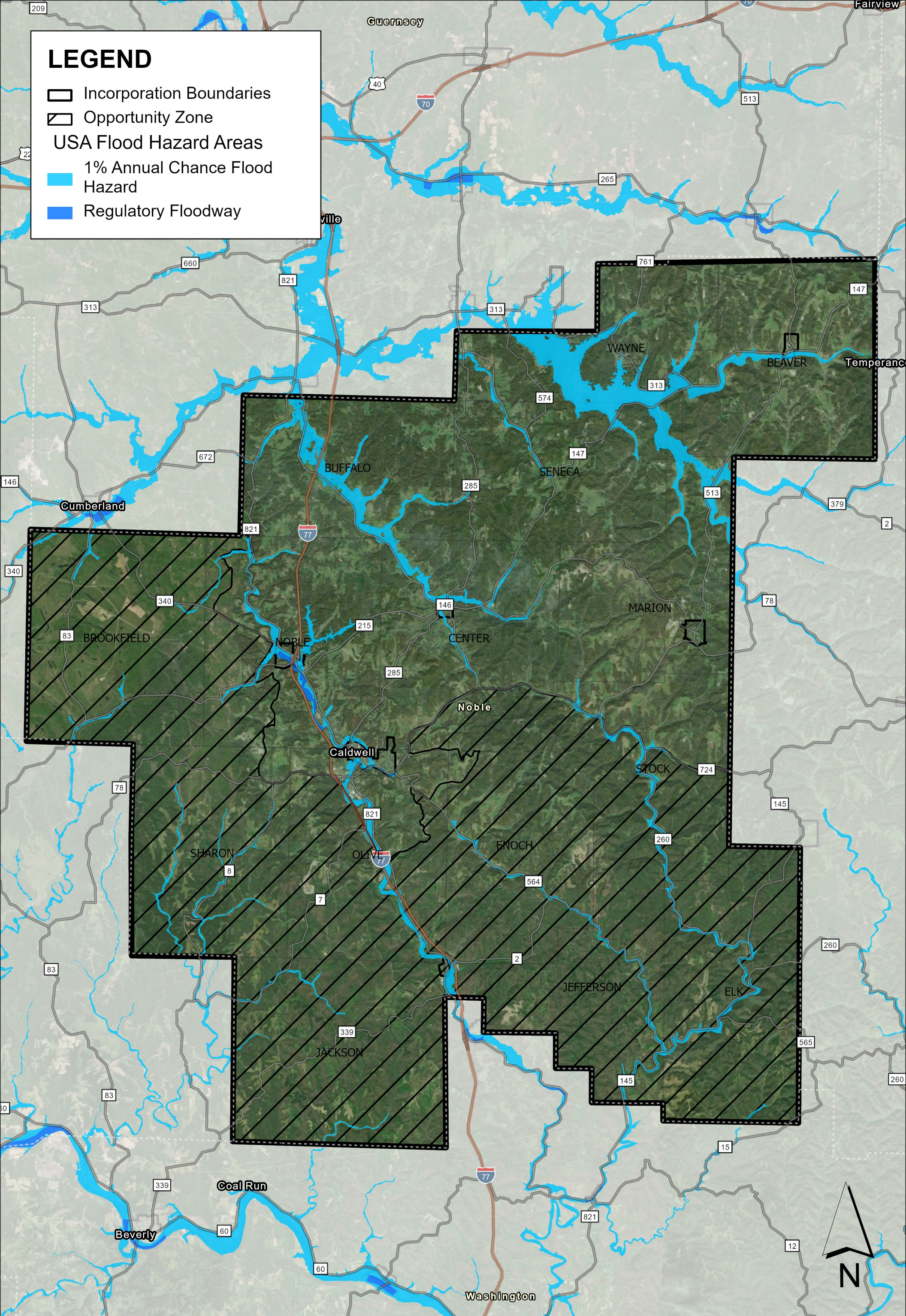
Yard: A required open space other than a court unoccupied and unobstructed by any structure from three (3) feet above the general ground level of the graded lot upward, provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstructions of visibility.

- a. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- b. **Yard, Rear:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- c. **Yard, Side:** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

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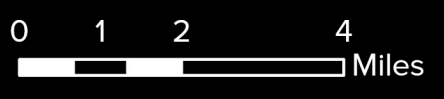
LEGEND

-  Incorporation Boundaries
-  Opportunity Zone
- USA Flood Hazard Areas**
-  1% Annual Chance Flood Hazard
-  Regulatory Floodway



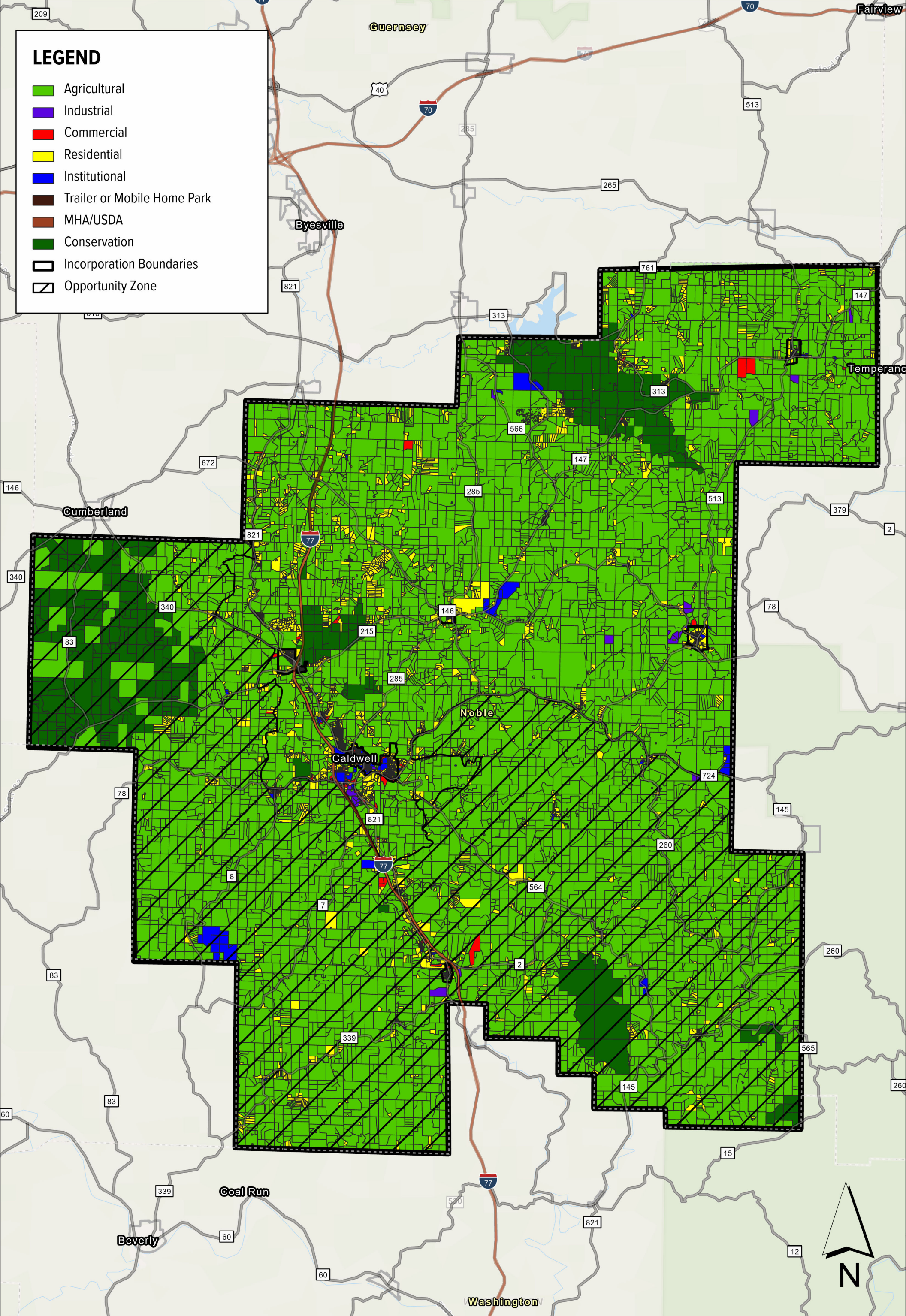
Environmental Characteristics

RISE Ohio: Noble County Planning Assistance



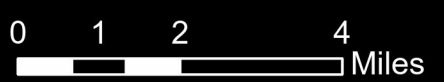
LEGEND

-  Agricultural
-  Industrial
-  Commercial
-  Residential
-  Institutional
-  Trailer or Mobile Home Park
-  MHA/USDA
-  Conservation
-  Incorporation Boundaries
-  Opportunity Zone



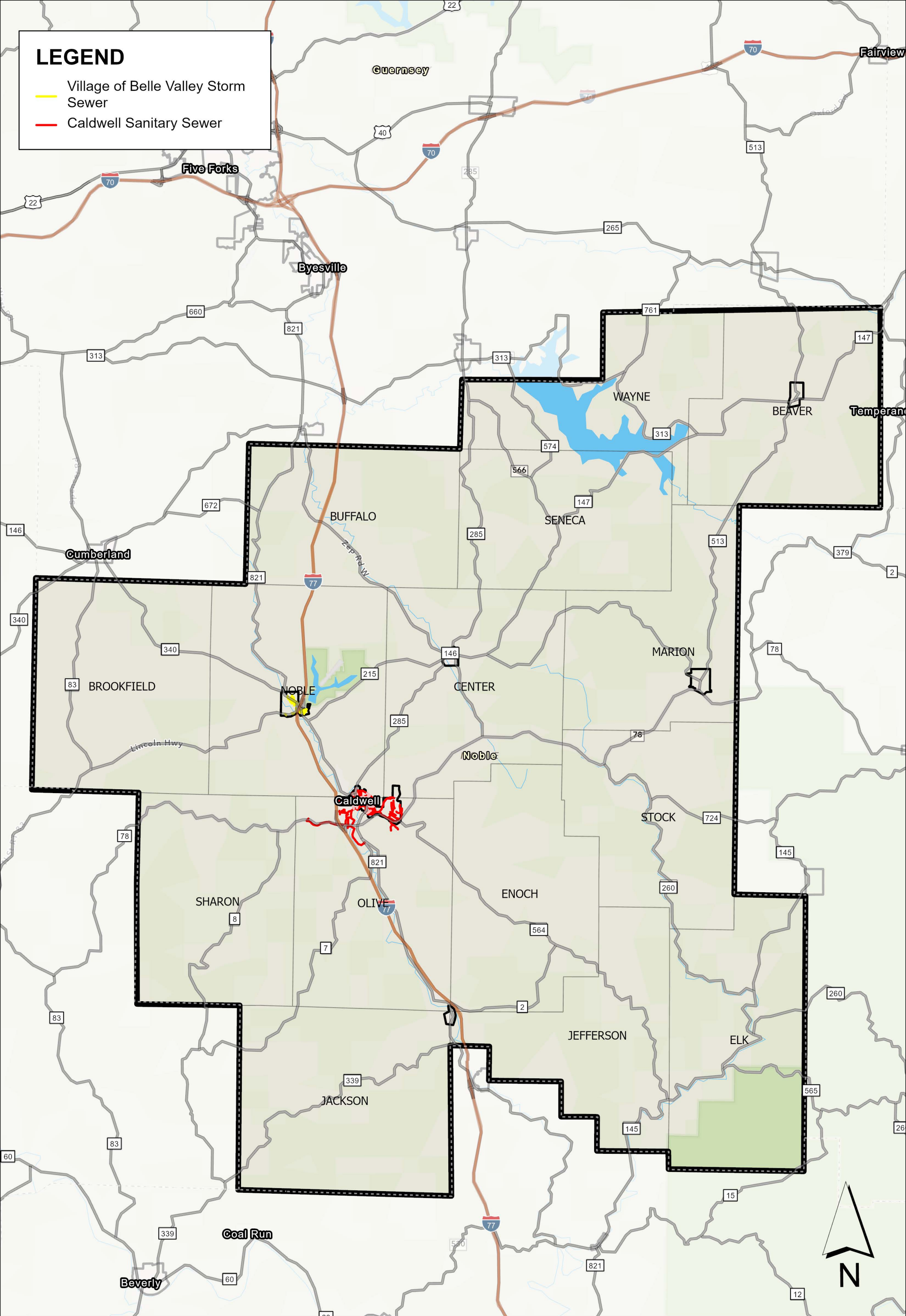
Existing Land Use Map

RISE Ohio: Noble County Planning Assistance



LEGEND

- Village of Belle Valley Storm Sewer
- Caldwell Sanitary Sewer



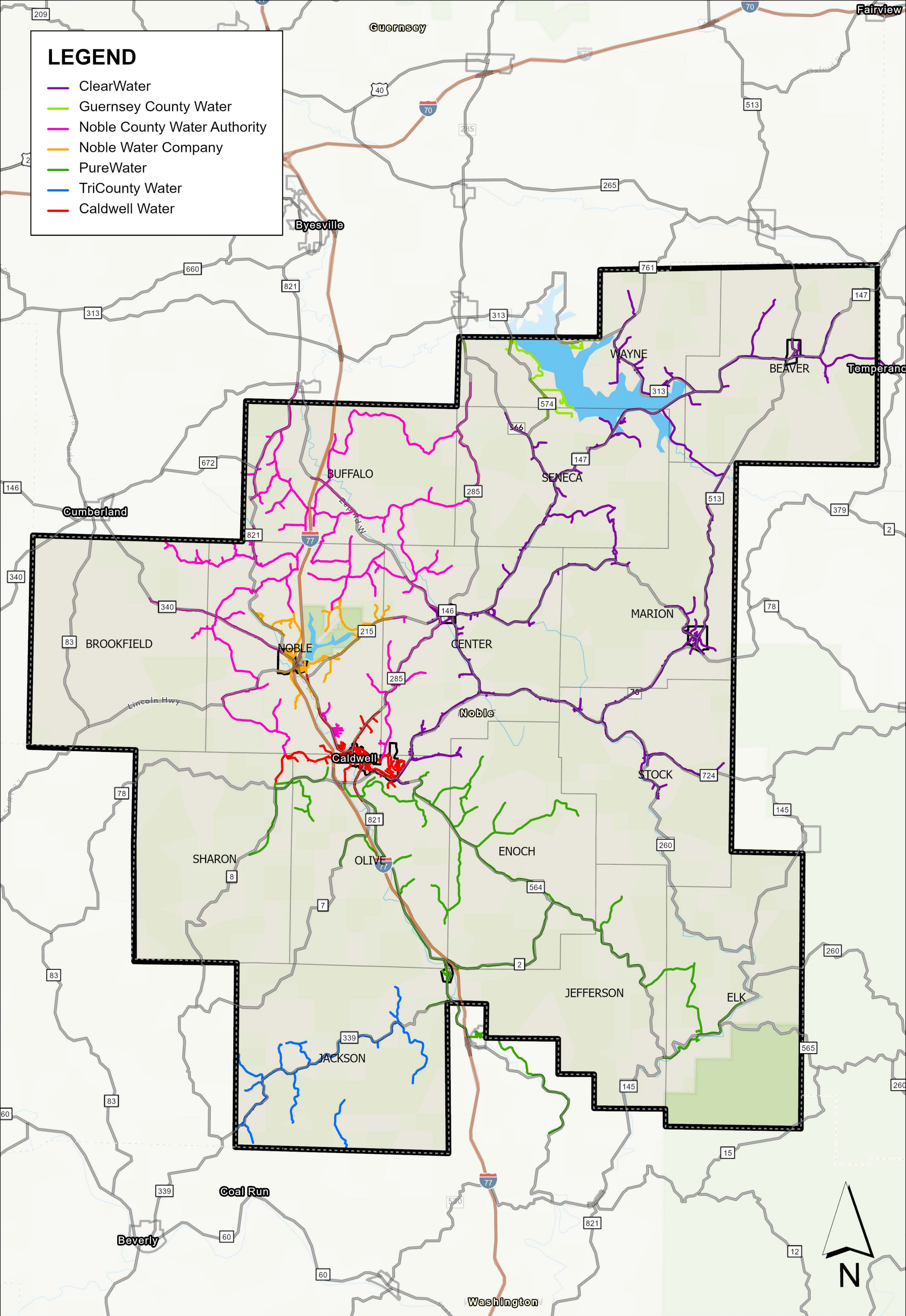
Existing Sewer Infrastructure

RISE Ohio: Noble County Planning Assistance



LEGEND

- ClearWater
- Guernsey County Water
- Noble County Water Authority
- Noble Water Company
- PureWater
- TriCounty Water
- Caldwell Water



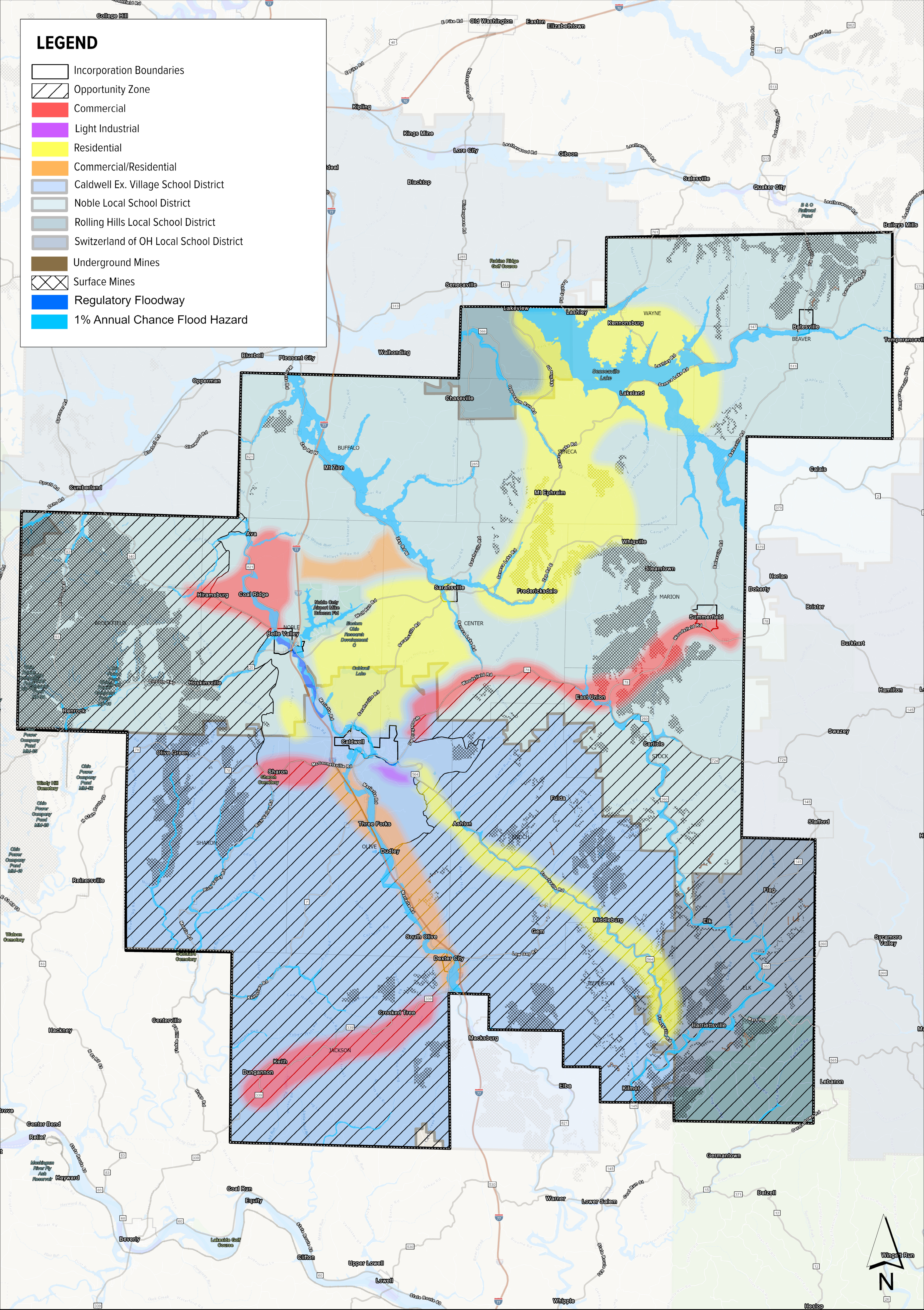
Existing Water Infrastructure

RISE Ohio: Noble County Planning Assistance

0 1 2 4 Miles

LEGEND

-  Incorporation Boundaries
-  Opportunity Zone
-  Commercial
-  Light Industrial
-  Residential
-  Commercial/Residential
-  Caldwell Ex. Village School District
-  Noble Local School District
-  Rolling Hills Local School District
-  Switzerland of OH Local School District
-  Underground Mines
-  Surface Mines
-  Regulatory Floodway
-  1% Annual Chance Flood Hazard



Noble County Planning Assistance Existing Conditions Report

**Buckeye Hills Regional Council of Governments
1400 Pike Street,
Marietta, OH 45750**

September 8, 2023



AMERICAN
STRUCTUREPOINT
INC.

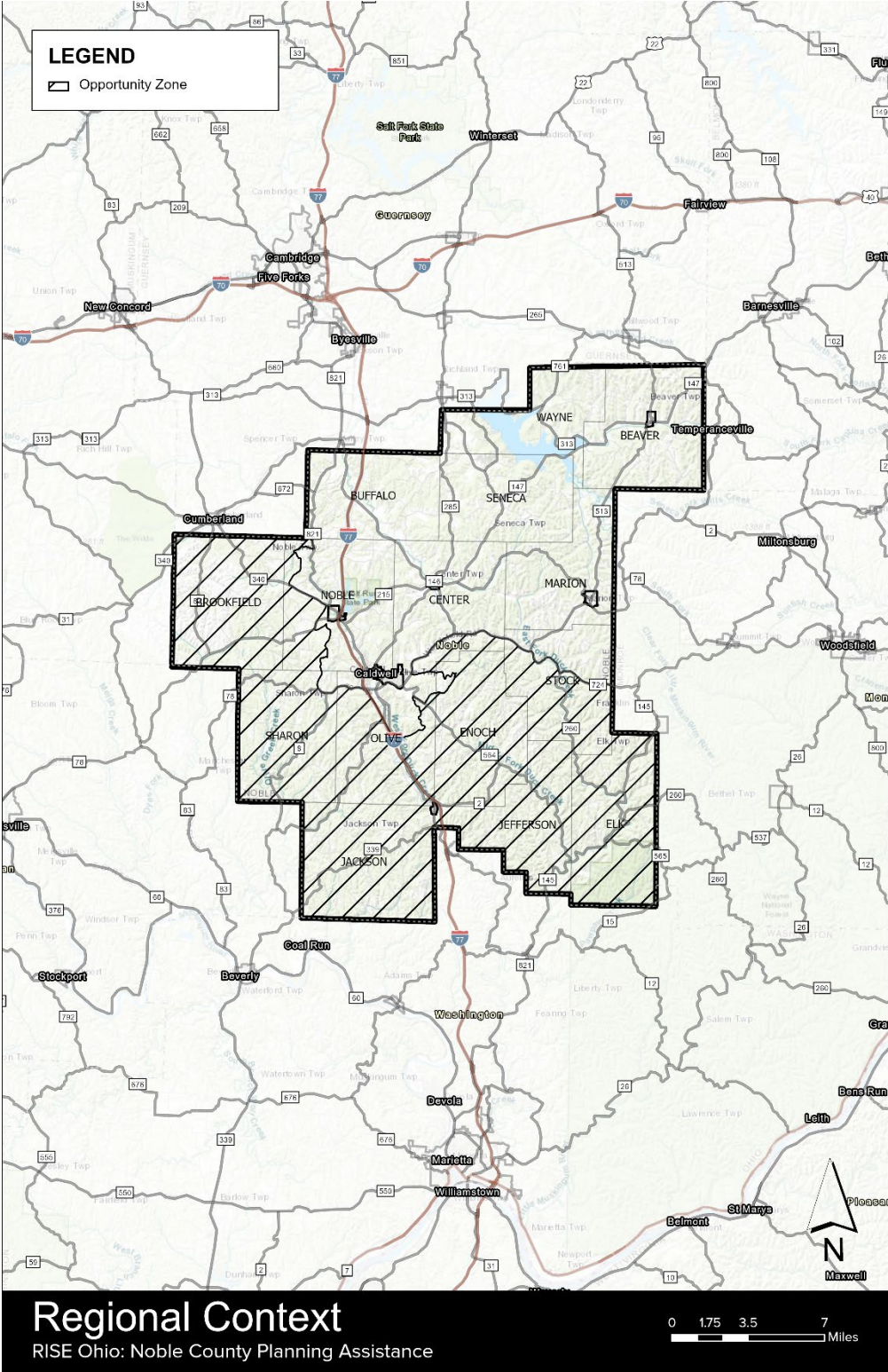
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1.0 Introduction

With the advent of available funding through the RISE Ohio program (see opportunity zone limits in Figure 1), Noble County and Buckeye Hills have partnered with American Structurepoint to provide planning assistance that builds upon the momentum of the community's recent housing and economic development strategy updates. Two recent plans, the 2019 economic development strategic plan (led by Ohio University's Voinovich School) and a housing study (led by Iowa State University and The Ohio State University), along with the new Caldwell Commerce Business Park, highlight the County's need for land use planning. That need is further emphasized by the Noble County Water Authority/Pure Water Consolidation Feasibility Study, the infrastructure condition analysis in the feasibility study, and the housing demand analysis. All three analyses developed by American Structurepoint are crucial to informing future sewer and water infrastructure expansion.

Figure 1: Regional Context. Source: West Virginia GIS, Esri, HERE, Garmin, USGS, NGA, EPA, USDA, NPS, SafeGraph, METI/NASA.



2.0 Existing Conditions

2.1 Existing Document Review

2.1.1 Noble County 2022-2023 Economic Development Strategic Plan¹

In March 2023, the Voinovich School of Leadership and Public Service at Ohio University updated the 2019 Noble County Strategic Plan. The 2019 plan was updated to provide current US Census data.

Study focus areas included infrastructure, small business support, flooding, housing, and Tourism and Outdoor Recreation.

Key findings included:

- Since 2010, the county has experienced the challenges of an aging and declining population. One barrier to attracting more residents is the lack of quality housing stock.
- Between 2016 and 2020, the county's agriculture, forestry, fishing, hunting, and mining industries experienced almost 120 percent growth.

2.1.2 2021 Rural Housing Readiness Action Plan²

The Rural Housing Readiness Action Plan was conducted by The Ohio State University (OSU) Extension office. It was the first housing plan in county history. OSU conducted workshops, a survey, and vision and action planning sessions with the Noble County Planning Commission (housing steering committee) and residents. Iowa State University Community and Economic Development used a self-assessment tool to frame the evaluation.

Key findings included:

- Development regulations and process guidance are unclear and unavailable online, which may discourage outside investment from housing developers.
- Access to utilities (i.e., broadband, cell phone service, and city water) are the factors most important to selecting a home in Noble County.
- In three to five years, respondents wanted to see an inventory of vacant housing, better property maintenance, updated subdivision regulations, and improved access to sewerage.

¹ <https://www.ohio.edu/voinovich-school/news-resources/reports-publications/noble-county>

² <https://noblecohd.org/wp-content/uploads/2022/03/Noble-County-RHRA-Final-Report.pdf>

2.1.3 Zoning Regulations

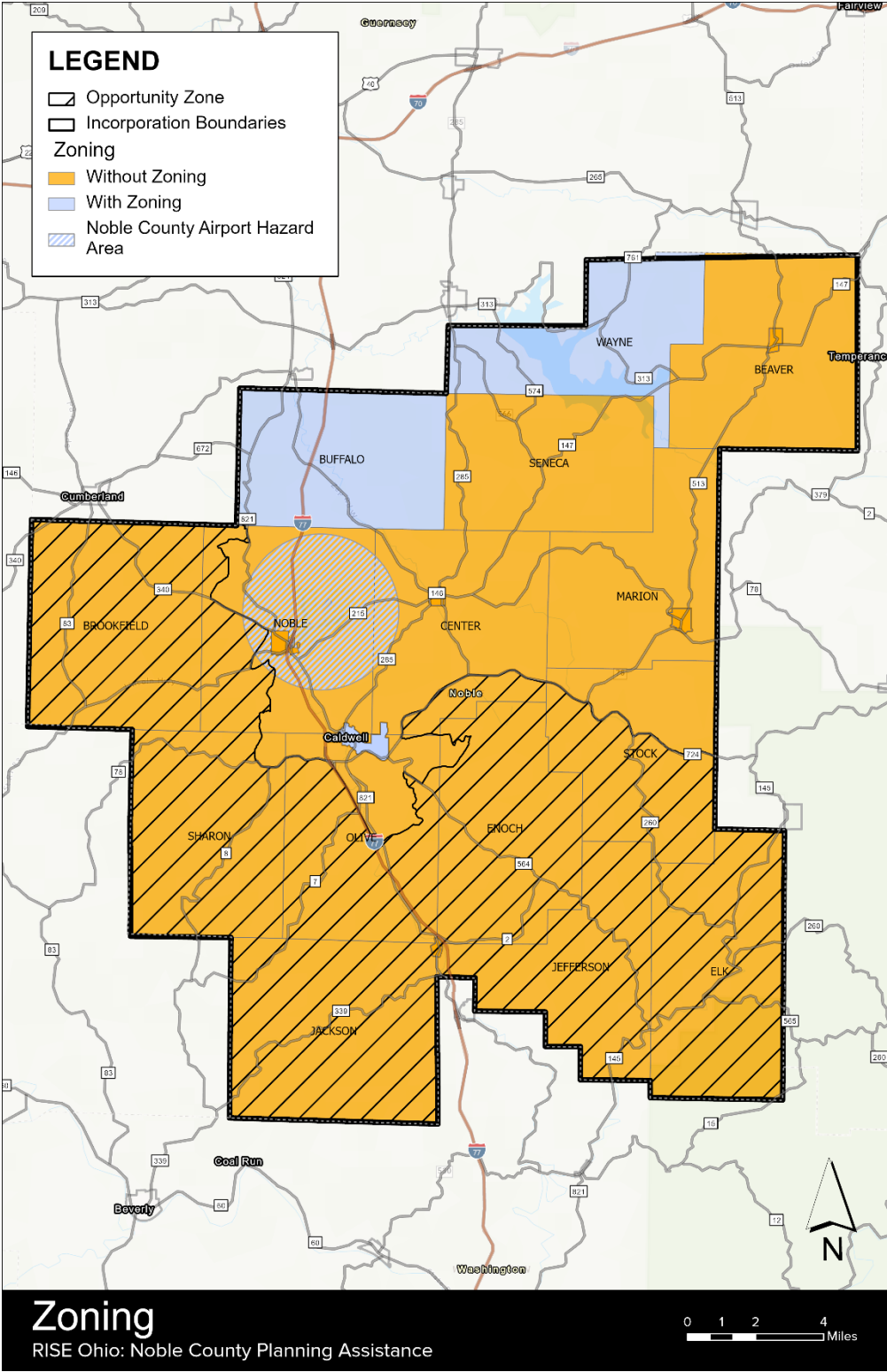
Counties in the State of Ohio are permitted to enact countywide zoning regulations. See Ohio Revised Code (ORC) Chapter 303, *County Rural Zoning*.³ Despite specific state-enabling legislation for county zoning, few counties in Ohio have enacted zoning. Zoning has been a function of government that has traditionally been reserved for both townships and municipalities. While zoning ordinances through townships have been successful within many of the larger counties in Ohio, small counties such as Noble have many townships with limited administrative capacities to successfully administer and enforce a zoning ordinance.

The Village of Caldwell, Wayne Township, Buffalo Township, and Noble County Airpark are the only locations within the county where a zoning ordinance has ever been enacted. The Airpark is zoned according to federal airport regulations and primarily regulates the height of structures within a 12,110-foot radius of the airport, known as the Airport Hazard Area. While the zoning ordinances exist on paper for Buffalo Township and Wayne Township, there is no active administration or enforcement of these ordinances. The Village of Caldwell does, however, have an active zoning ordinance administered and enforced primarily through the office of the Village Administrator. All four ordinances are over 25 years old and should be evaluated for regulatory compliance with Federal law, state code, and applicable case law.

Another key issue to be concerned with in creating any countywide zoning regulation is that Noble County is a Dillon's Rule jurisdiction and not a Home Rule jurisdiction. Home Rule jurisdictions allow government entities to enact regulations unless a specific law states that the regulation cannot be enacted. Dillon's Rule jurisdictions are the opposite in that a law must be passed, typically through the state legislature, that specifically states that a specific regulation may be enacted. This rule limits most counties in Ohio as to what they can regulate through a zoning ordinance. For the specific details of what can and cannot be regulated, see ORC Chapter 303, *County Rural Zoning*.

³ [Ohio Revised Code](#)

Figure 2: Zoned Areas in Noble County. Source: Esri, HERE, Garmin, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA.



2.2 Existing Land Use⁴

An inventory of existing land uses is necessary to set a baseline and provide context for future development at a county level. It is a high-level snapshot of how county development patterns lie today that can be compared to how county leaders, businesses, and residents want to see their community change. For those reasons, an existing land use map is one of the first steps toward adopting zoning ordinance(s) should the county move in that regulatory direction. Additionally, existing land use maps are essential to determine the most efficient locations for infrastructure expansion based on current conditions. Zoning ordinances are based on a future land use map, identifying the best land use scenario to support the goals and objectives of a community's comprehensive plan.

2.2.1 Existing Land Use Categories

The existing land use map in Figure 3 was developed based on the land use codes for property tax assessment, as defined in OAC Rule 5703-25-10.⁵ This data was supplemented by observed use visible on aerial imagery by ESRI, Google Earth, and comments by community stakeholders.

A. Agricultural

Agricultural land use is for crop farming, animal husbandry, and associated activities. Single-unit dwellings and manufactured homes exist within these areas primarily as an accessory use for farming-related activities. Multiple single-unit dwellings often exist on one parcel for multiple generational living.

B. Industrial

Industrial land uses include packaging, manufacturing, warehousing, and other similar activities.

C. Residential

Residential includes attached and detached dwelling units with up to four units per parcel. Most of Noble County's housing is single-unit detached dwelling units.

D. Institutional

Institutional uses include educational facilities, religious facilities, cemeteries, government buildings, and other public-owned lands, such as The Ohio State University Extension farm.

E. Trailer or Mobile Home Park

This land use is for manufactured home communities with shared amenities and common ownership.

F. MHA/USDA

Many of the existing multi-unit residential areas in Noble County are federally subsidized apartments through the Metropolitan Housing Authority (MHA) or the United States Department of Agriculture. They are generally located within or adjacent to incorporation boundaries. Multi-unit buildings have five or more dwelling units within a single structure and are part of a greater common development.

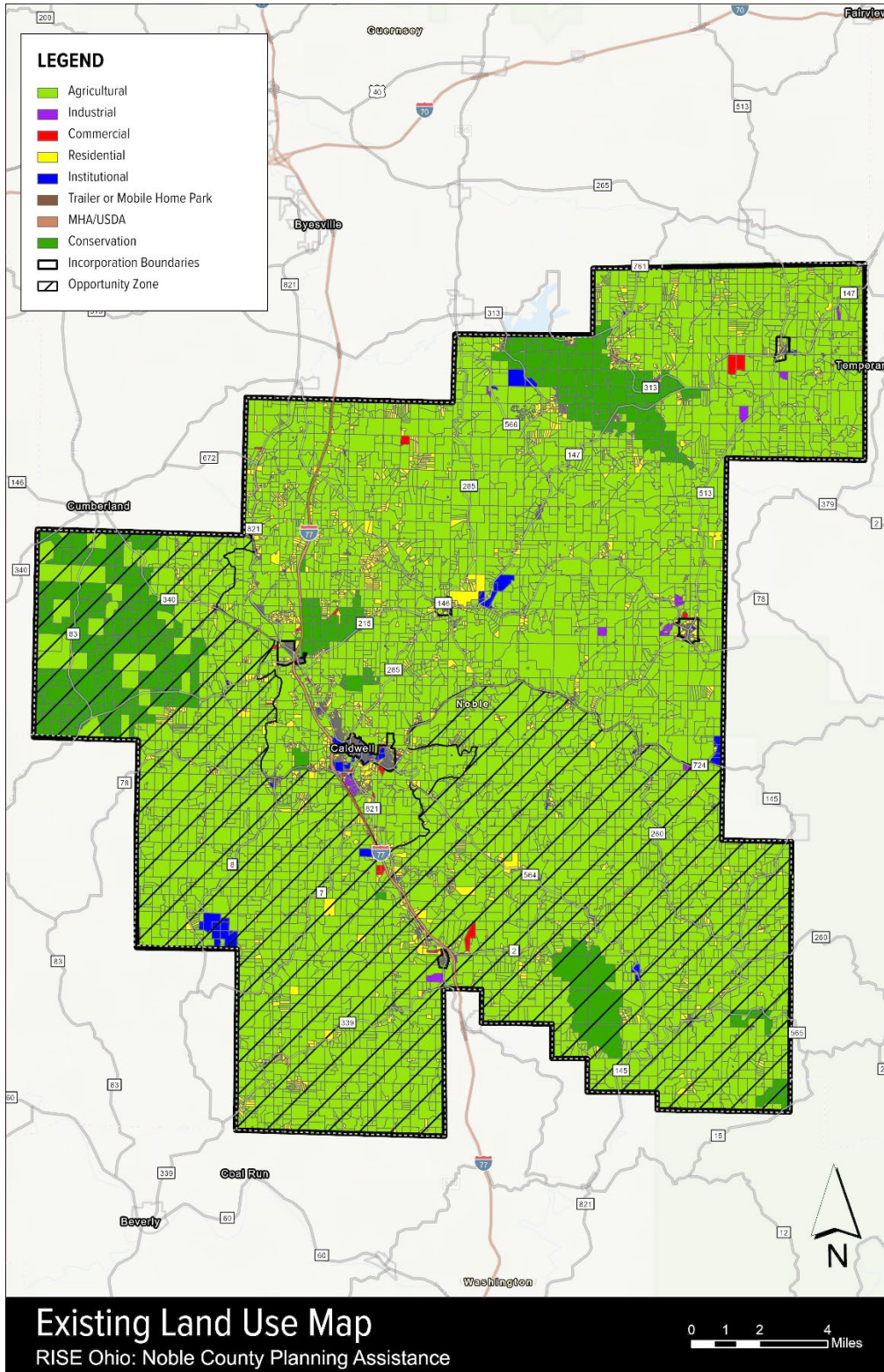
G. Conservation

The Conservation land use category indicates parklands, environmentally sensitive areas, or other non-agricultural open space.

⁴ Noble County Auditor

⁵ [Rule 5703-25-10 - Ohio Administrative Code | Ohio Laws](#)

Figure 3: Existing Land Use Map. Source: Esri, HERE, Garmin, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA, Noble County Auditor.



2.3 Flood Hazard Areas

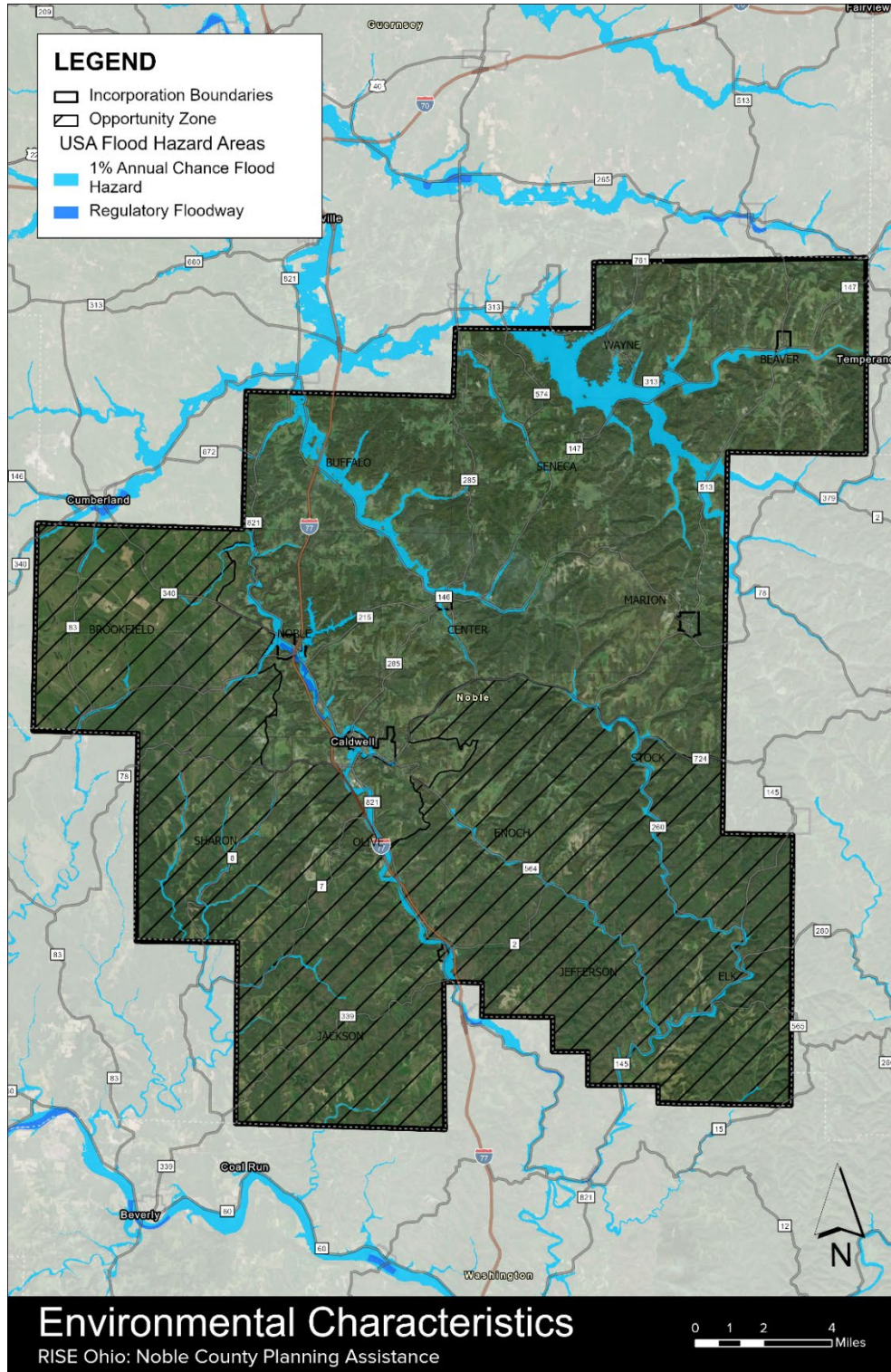
Figure 4 shows the Special Flood Hazard Areas (regulatory floodplain and floodway) and general land cover for Noble County. It also provides a high-level impression of the county's topography challenges and the limited available land.

The Federal Emergency Management Agency (FEMA) provides flood insurance for properties in flood-prone areas through the National Flood Insurance Program (NFIP). Communities must opt into the NFIP and adopt a local floodplain management ordinance that meets a minimum of specific criteria set by FEMA. The floodplain management program sets regulations on new development and alterations to existing properties that intend to promote public safety, reduce property damage from floods, and reduce costs associated with recovery from a flood event. Noble County is a participating community in the NFIP.

FEMA has developed Flood Insurance Rate Maps (FIRMs) throughout the United States to identify flood risk zones. The specific focus relevant to community floodplain management programs is the Special Flood Hazard Area (SFHA), the flood risk zone expected to flood from the "100-year flood" event. That is, properties within the SFHA have a 1% risk of flooding in any given year. Properties within the SFHA have a 26% risk of flooding at least once during the lifetime of a typical 30-year mortgage. The properties at risk are identified based on the Base Flood Elevation (BFE) or the expected elevation of the water surface resulting from the 100-year flood. Therefore, the depth of expected flooding at a property can be established by subtracting the ground elevation from the BFE. All land with a ground elevation below the BFE is within the SFHA and must comply with the local floodplain management program.

Floodplain management regulations depend on where in the SFHA a property lies. The SFHA consists of the floodway and the floodway fringe. The floodway, or moving current of floodwaters, is the most dangerous; development within the floodway should be avoided. The floodway fringe, or standing storage of floodwaters during an event, is considered less dangerous; however, bringing a structure into compliance by fill or floodproofing is expensive. Therefore, the SFHA should not be prioritized for future development. Any construction or development within the SFHA must be coordinated with the local floodplain administrator for compliance with the local floodplain management program. Noble County Emergency Management administers floodplain regulations for the county and incorporated areas.

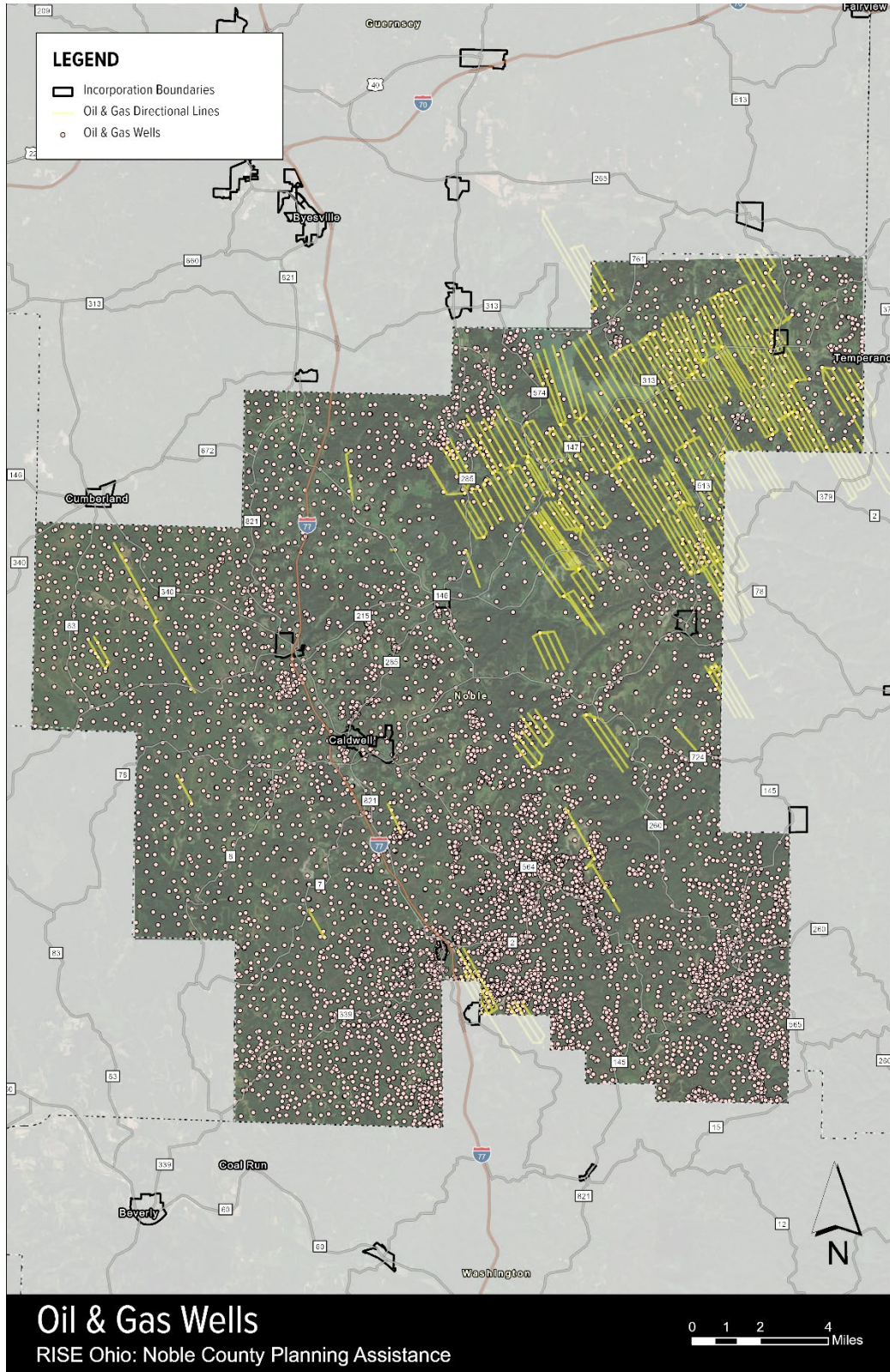
Figure 4: Environmental Characteristics. Source: Source: Esri, HERE, Garmin, FEMA, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA.



2.4 Oil & Gas Activity

Directional oil and gas wells, Class II brine wells, and mining activities are widespread throughout the county, as shown in Figure 5. The permitting process for oil and gas activities is handled through the Ohio Department of Natural Resources (ODNR), and permits are exempt from most local approvals. Stakeholders and county officials noted that oil and gas activity provides a challenge in attracting development. Many developable parcels only permit surface rights, which opens above-surface improvements to potential destruction if the subsurface/mineral rights owner wishes to extract resources. Determining the scope and limits of this private property matter would require considerable title research. For this reason, the county's top northeast and bottom southeast corner should not be emphasized as an area for encouraging future development.

Figure 5: Oil and Gas Activity. Source: Esri, HERE, Garmin, ODNR, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA.



2.5 Telecommunications

With the increased dependence on broadband services, broadband communications planning is rapidly becoming necessary for various services. The recent COVID-19 pandemic exacerbated this need. Broadband has also become a public health matter, as it provides telemedicine access to otherwise remote areas. While the level of necessity varies by location, each business and household must have reliable broadband access to connect to the greater community.

An important distinction here is Internet vs. broadband. The Internet is a data network accessible through capable devices (e.g., computers, laptops, smartphones, etc.). Broadband is the technology used to connect those devices to the Internet. While a cable or a Wi-Fi router had to be used in the past, broadband requires only an access point to provide high-speed Wi-Fi to nearby areas.

According to the US Government Accountability Office, 25/3 Mbps is considered basic broadband speed, and approximately 70.0 percent of the county is at or below this benchmark. Limited broadband accessibility presents a challenge for encouraging future development in Noble County. Participants in the 2021 Rural Housing Readiness Action Plan noted access to broadband as a top priority when selecting a new home. As shown in Figure 6, businesses need an intermediate or advanced level of service to remain competitive and have greater market reach.

Between 2020 and March 2023, Reid Consulting collected broadband speed data based on existing infrastructure and grouped it by census tracts. The number of transmission points varies by census tract. Figure 7 shows the top broadband speeds averaged over the data collection period and between all transmission points within a census tract. Broadband infrastructure expansion (shown as green hatching) is currently planned under funding from the Appalachian Regional Commission in 2025.

Figure 6: Benefits of broadband speeds. Source: GAO.

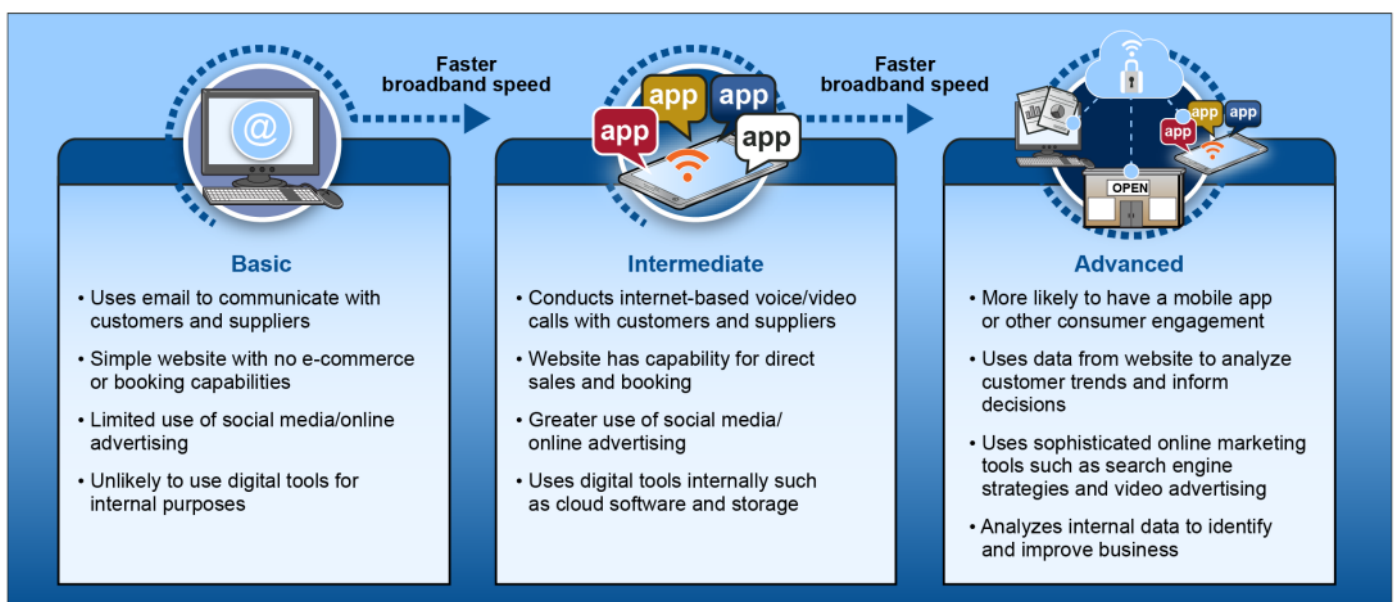
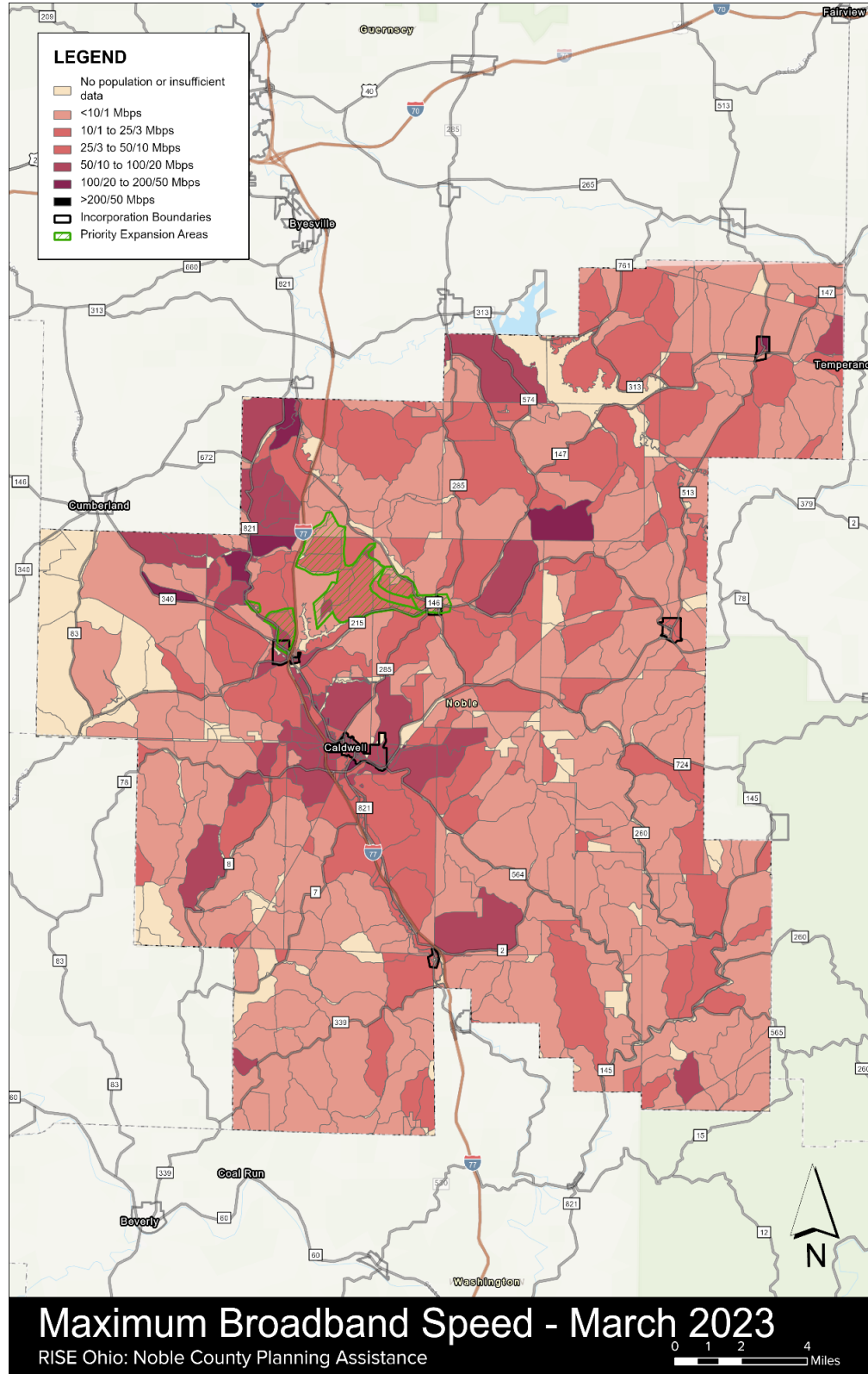


Figure 7: Existing broadband speeds by census tract. Source: Esri, HERE, Garmin, Reid Consulting, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA.



3.0 Regulatory and Service Jurisdictions

3.1 Potable Water & Sanitary Sewer Service

Respondents in the 2021 Rural Housing Readiness Action Plan indicated that water service was a top priority when selecting a Noble County home. There are currently seven water service providers:

- TriCounty in the southwest
- Pure Water in the southeastern quadrant
- Noble Water Company near Wolf Run State Park
- Noble County Water Authority in the northwestern quadrant
- ClearWater in the northeastern quadrant
- Guernsey County Water at Seneca Lake
- Village of Caldwell Water within and immediately surrounding incorporation limits

Figure 8 and Figure 9 show the extent of existing water and sewer infrastructure by service provider. The remainder of the county relies on private septic systems and wells. Future development is limited without access to private water due to the topography, soil suitability, and health department minimum lot size requirements to maintain private septic systems.

The economic feasibility of consolidating two service providers is currently being analyzed under the Noble County Water Authority/Pure Water Consolidation Feasibility Study.

Due to insufficient mapping data, some sewer and water projects are not shown. The known data gaps are the abandoned TriCounty water tank project site, Dexter City sewers, Batesville sewers, and sewers on the north side of Lake Seneca.

Figure 8: Existing water service in Noble County. Source: Source: Esri, HERE, Garmin, RCAP, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA, Thrasher Group.

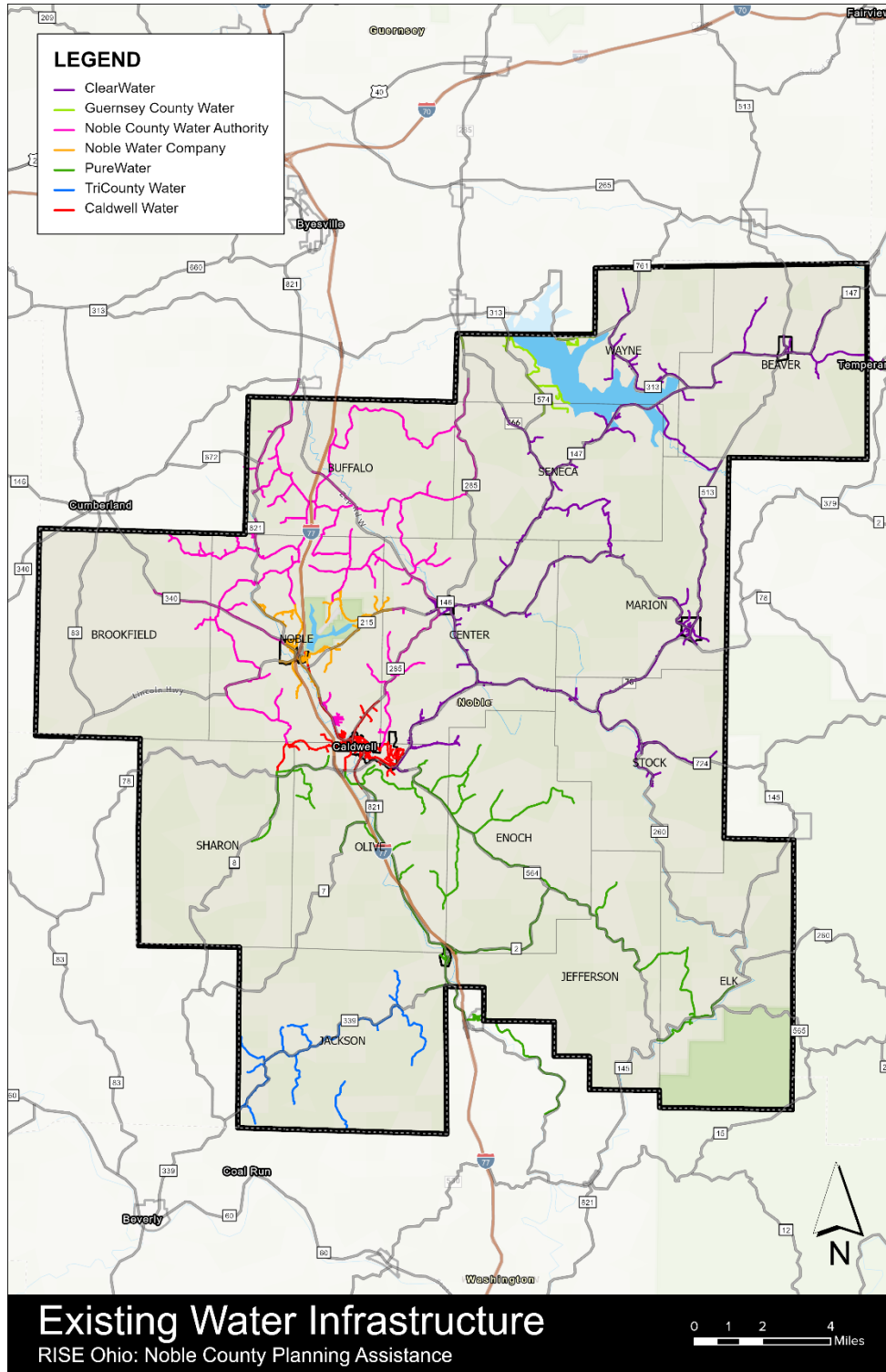
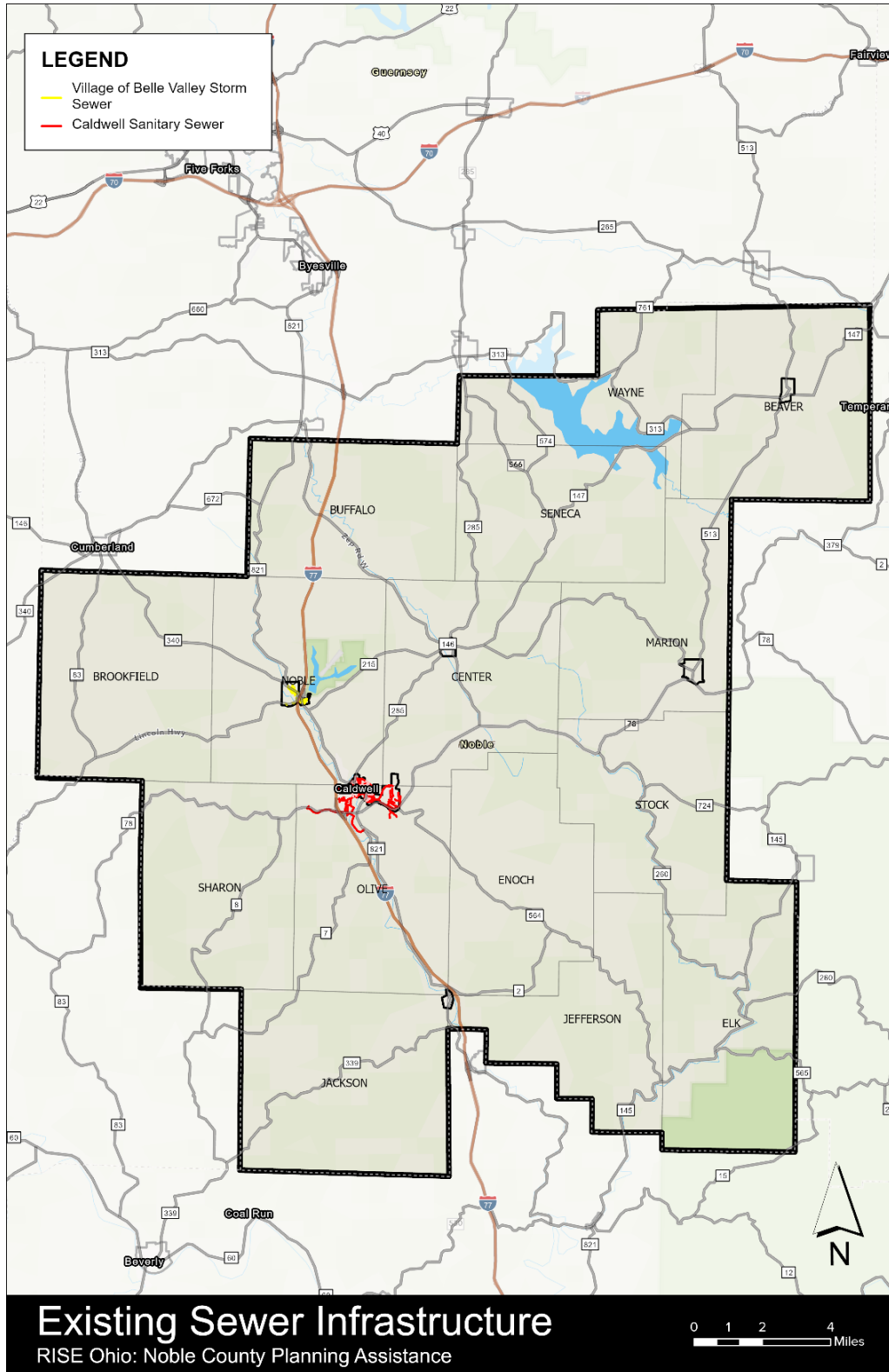


Figure 9: Existing sewer service in Noble County. Source: Source: Esri, HERE, Garmin, RCAP, USGS, EPA, USDA, NPS, SafeGraph, METI/NASA, Thrasher Group.



4.0 Focus Group Discussions

As part of the existing conditions analysis, stakeholder group discussions were held on May 15 and 16, 2023, regarding current development, county development regulations, and potential future development. Shown below are some of the key themes that emerged from each of the stakeholder sessions. None of the statements below are direct quotes; however, they give an overview of the general areas of consensus that occurred between members of each stakeholder session.

4.1 Township Trustee / Agricultural Interests:

- Support existed for property maintenance regulations and limited common-sense subdivision regulations.
- Concerns existed about zoning. Those in attendance felt that the property maintenance approach made more sense.
- A significant concern about dealing with landlocked properties and properties only accessed by unmaintained township roads.
- There is a significant concern that some townships do not have the money to enforce regulations. However, there was a belief in the room that all townships would support enforcing property maintenance regulations and limited subdivision regulations.
- Many homes are owned or rented as second homes for hunters and other outdoor recreation users.

4.2 Developers / Contractors:

- Although invitations were sent out to community members who have worked in this area, no one could attend.
- Because of a lack of regulation enforcement and most county building permits being approved through the Washington County Building Department, the developers and contractors may not have seen the need to attend this session.

4.3 Realtors:

- Having subdivision regulations that protect future purchasers of property and ensure that land is used effectively does make sense; however, those in attendance did not want anything that unnecessarily restricts creativity.
- The County not having a principal point of contact for development requests is highly problematic.
- Property maintenance regulations are needed. There are numerous properties that, when seen by visitors, do not reflect well on the county.
- Growth occurs through new single-family homes spread out throughout the county on large parcels of properties. Growth is not occurring within the village limits; however, revitalization of the existing villages is needed.
- Many recent sales have been made to Amish families.

Noble County Planning Assistance Housing Demand Analysis

**Buckeye Hills Regional Council of Governments
1400 Pike Street,
Marietta, OH 45750**

September 11, 2023



AMERICAN
STRUCTUREPOINT
INC.

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1.0 Executive Summary

This market analysis was conducted as part of the Planning Assistance RISE Ohio project in partnership with Buckeye Hills Regional Council of Governments. It conservatively assesses existing housing demand in Noble County, Ohio. American Structurepoint examined current industry trends for real estate, demographics, employment, and Noble County's housing market characteristics.

The analysis revealed a mismatch between existing housing stock and current housing demand. A conservative 2050 population projection revealed that future demand would likely mirror current demand in the number of housing units; however, the housing mix, owner-occupied vs. renter-occupied, may vary. Current demand estimates indicated that the Noble County housing market was underserved by 2,269 units in 2022. A breakdown of the market demand revealed a need for 1,374 rental units and 895 owner-occupied units based on existing pent-up demand from households and capturing county employees with a commute of ten miles or further.

2.0 Noble County Market Rate Housing Demand Market Analysis

The first step towards establishing the demand for new residential housing units in any market is to examine the existing demographics of the county to determine historical base population, income, employment, and housing demographic patterns.

2.1 Regional and Historical Context

In the heart of southeastern Appalachian Ohio, Noble County was formed in 1851 and was the last county formed in the state. The county is approximately 100 miles east of Columbus, OH, 100 miles west of Pittsburgh, PA, and 150 miles south of Cleveland, OH.

2.2 Population and People

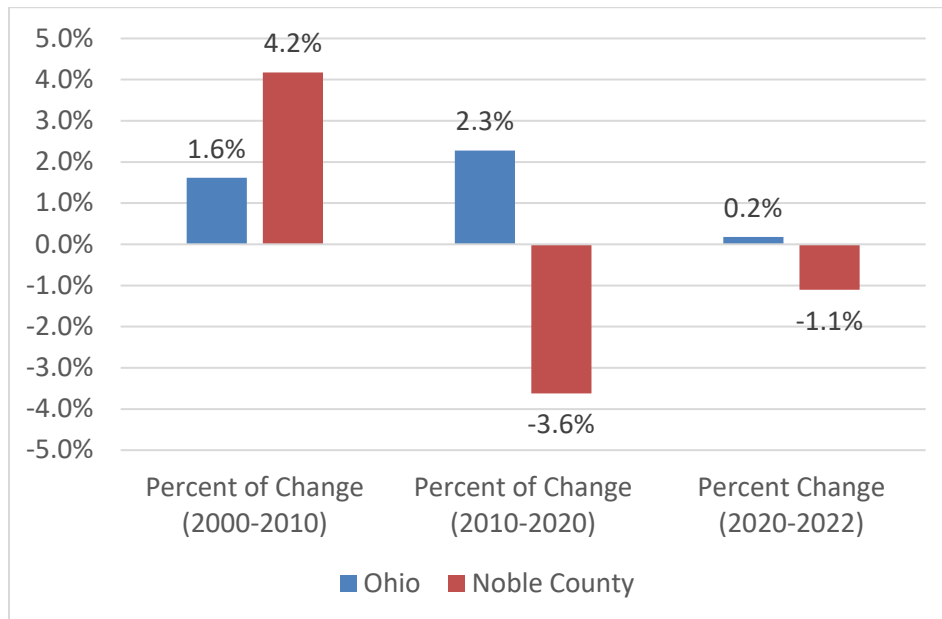
2.2.1 Population

Noble County's total population in 2022 was 13,959, as the American Community Survey published by the US Census Bureau reported. This decrease in residents is down slightly over one percent (156) from the 2020 population of 14,115 and down 0.7 percent (99 people) from Noble County's 2000 population of 14,058. The county's growth has not historically been in line with the state. For example, Noble County (4.2 percent) experienced nearly three times the growth experienced by Ohio (1.6 percent) between 2000 and 2010. Inversely, Ohio's population grew 2.3 percent the following decade, while Noble County's population declined by 3.6 percent.

Noble County is home to Noble Correctional Institution, which housed 2,240 offenders in 2022¹. While incarcerated individuals are counted towards the total population, the Census does not count them towards households. Households are the primary unit throughout this analysis; controlling for correctional institution population was performed where appropriate.

¹ [Ohio Correctional Institution Inspection Committee](#)

Figure 1: Population change comparison. Source: American Community Survey.



2.2.2 Household Income

The median household income in 2022 was \$52,531, which has increased 4.9 percent since 2020 (median income of \$50,070). As noted in the Noble County Economic Development Strategic Plan (NCEDSP)², median income grew slightly over 20 percent from 2016 to 2020, quicker than in Ohio for the same period (14.7 percent). The number of households in Noble County also increased by 2% during this timeframe.

Figure 2: 2021 Household income distribution.

Household Income	Noble County Households Earning this Income
less than \$15,000	676
\$15,000-\$24,999	434
\$25,000-\$34,999	689
\$35,000-\$49,999	657
\$50,000-\$74,999	805
\$75,000-\$149,999	999
\$150,000 or greater	348

² [Noble County Economic Development Strategic Plan](#)

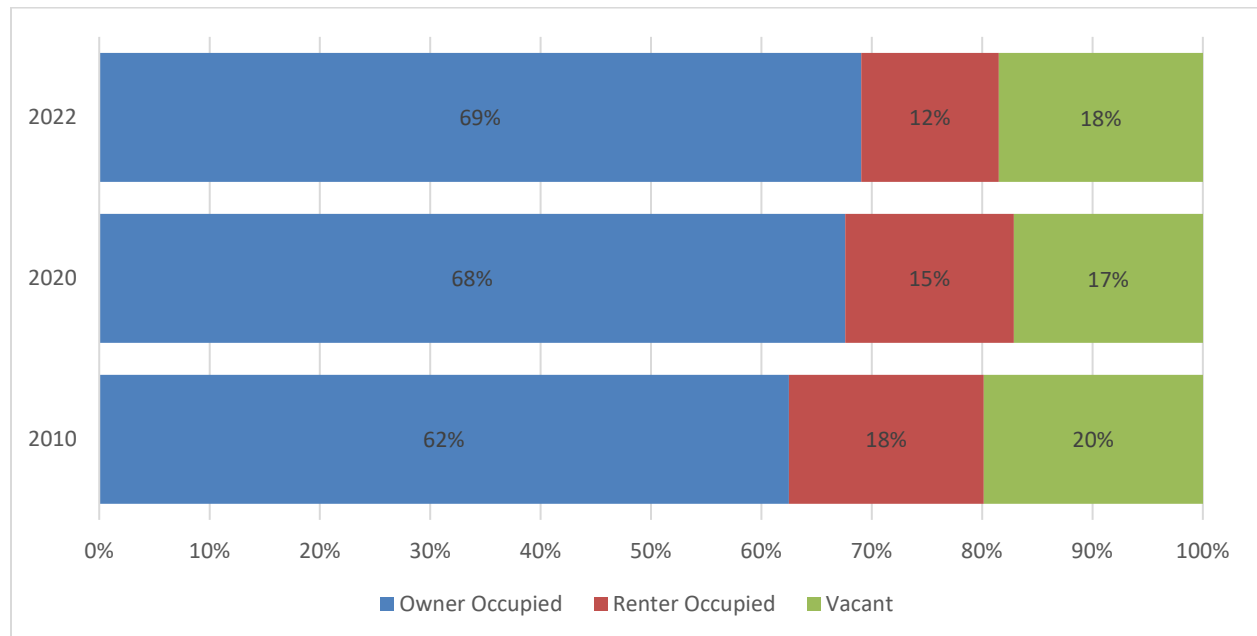
2.3 Existing Housing Stock

Before evaluating the demand for new housing units, this report established a 2022 existing home baseline. This step helps the analysis uncover how the market kept up with the pressures of increased residents.

2.3.1 Total Housing Units

In 2022, there were 6,196 total housing units within the county, of which 3,959 homes were owner-occupied and 714 were renter-occupied. There were 1,060 vacant homes. Due to the varying nature of structural vacancies (e.g., disrepair, outdated amenities, etc.), this report did not factor vacant homes into the demand for new housing units.

Figure 3: 2022 home ownership.



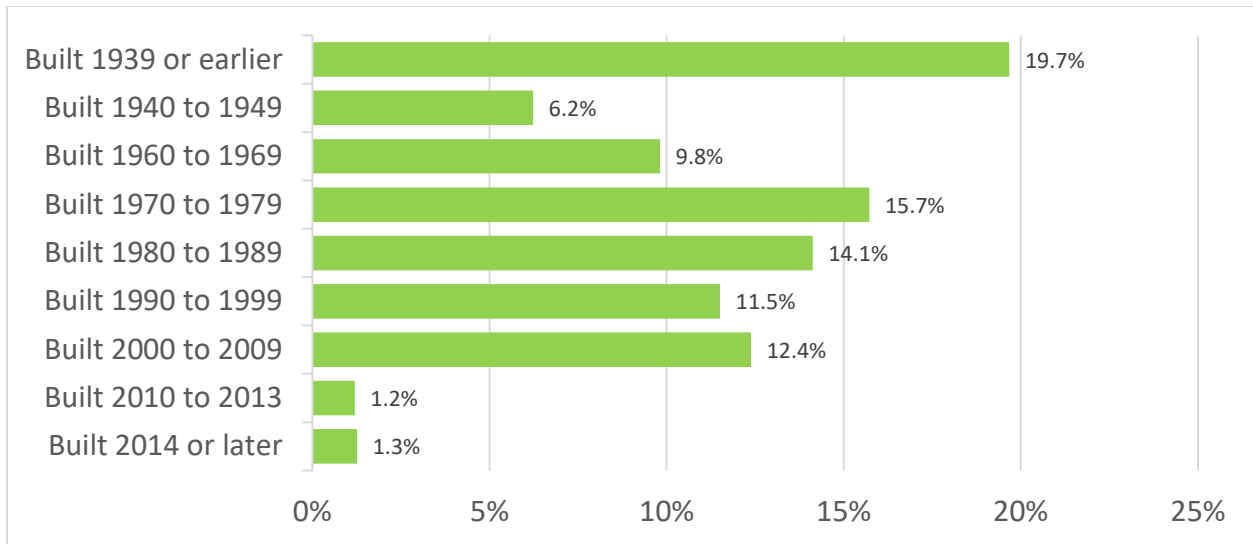
2.3.2 Average Household Size

The average household size for a community is an important step to help determine the potential demand for new housing units. Communities with smaller average household sizes may show the need for more units than those with larger average household sizes. In 2022, the average household size in Noble County was 2.44, narrowly higher than Ohio's 2.38.

2.3.3 Years Homes Built

From 2010 to 2022, the number of housing units in the local market shrank by 302. With Noble County's average household size of 2.44 and population growth of 686 people from 2010 to 2022, there was an estimated decrease in demand of 281 units.

Figure 4: Housing age (2022).



2.3.4 Owner-Occupied and Rental Housing Comparison

Establishing a base housing demand for all units answers only a portion of determining housing demand.

In 2022, there were 6,196 total housing units within the county, of which 8,286 (69 percent) homes were owner-occupied and 5,323 (12 percent) were renter-occupied. There were 1,060 (18 percent) vacant homes. In 2010, 62 percent of Noble County’s housing units were owner-occupied; in 2000, 66 percent were owner-occupied, consistent with Ohio.

In comparison, Ohio had 3,239,803 owner-occupied housing units, 61.4 percent of Ohio’s total housing units in 2022. 30.2 percent of Ohio’s housing was renter-occupied, over double Noble County’s; however, the state proportion considers its urban and suburban centers with mixed-use and multi-unit residential complex development, which is very different from Noble County’s predominately rural character. Ohio had 8.2 percent vacant housing units, substantially less than Noble County.

Noble County’s owner-occupied vs. renter-occupied housing mix varies from Ohio; however, it is not dissimilar from comparable counties in the region, such as Monroe County³. Therefore, this report used these stated percentages where appropriate for generating future demand estimates for both home types.

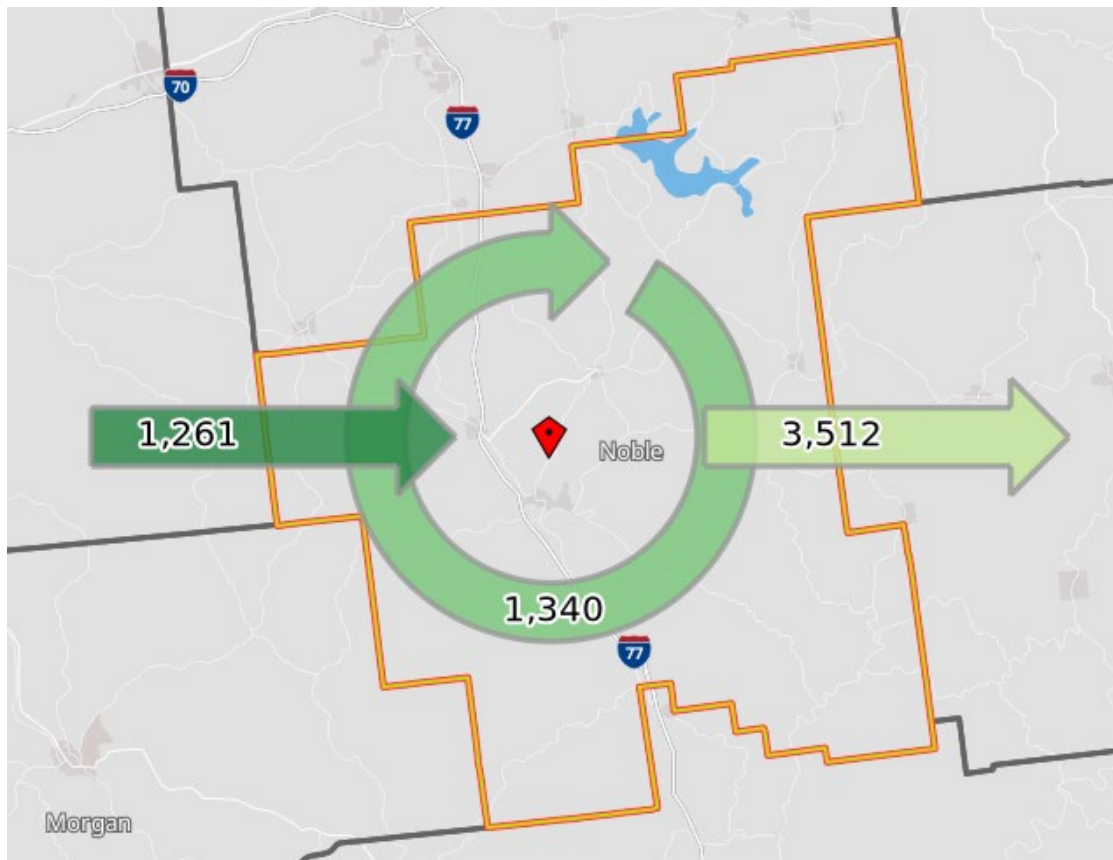
³ [Census Reporter](#)

2.4 Daytime Population and Employment

Existing Noble County residents only comprise a portion of the potential market demand for new units. Local employees also represent likely residents depending on commute patterns.

The total daytime population of Noble County in 2022 was 11,141. More than double commuters leave Noble County than come to the county for employment. According to the Census Bureau's "On the Map" tool, Noble County businesses employed 2,601 individuals in 2020. Of that total, 1,261 (48.5 percent) did not live in the city. Figure 1 visually represents these observed commute patterns.

Figure 5: Commuter shed.

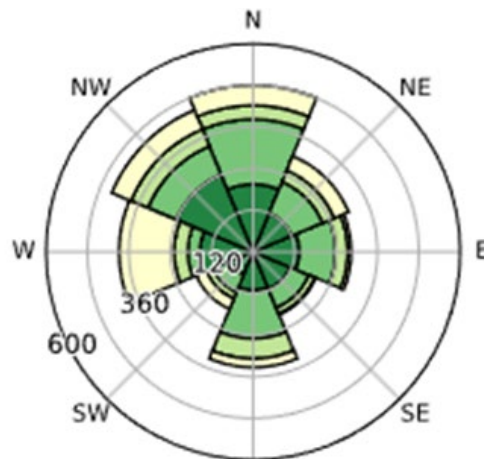


2.4.1 Distance Traveled

Local workers who do not live in the county have varying commute lengths. A little over half of these commuters (54.9 percent) commuted ten miles or farther, and 26.6 percent traveled over 25 miles one-way. New or updated housing may incentivize some of these employees to move closer to their places of employment. Considering the high number of vacancies, housing options should include owned and rented housing.

Figure 6 shows that many workers coming into Noble County are traveling from the northwest, likely from the Zanesville area.

Figure 6: Commuter direction and distance chart.



2.5 Multi-Family Residential Market Analysis

2.5.1 What Households Pay in Rent

Figure 7 displays the monthly rent amounts paid by Noble County households in 2021. These ranges help inform the demand model and determine what types of rents are underserved in the local market.

Figure 7: Noble County gross rents.

Household Rent	Number of Households
less than \$100	0
\$100 to \$149	9
\$150 to \$199	0
\$200 to \$249	57
\$250 to \$299	28
\$300 to \$349	76
\$350 to \$399	65
\$400 to \$449	1
\$450 to \$499	18
\$500 to \$549	45
\$550 to \$599	82
\$600 to \$649	52
\$650 to \$699	85
\$700 to \$749	155
\$750 to \$799	42
\$800 to \$899	61
\$900 to \$999	25
\$1,000 to \$1,249	73
\$1,250 to \$1,499	0
\$1,500 to \$1,999	0
\$2,000 to \$2,499	0
\$2,500 to \$2,999	0
\$3,000 to \$3,499	0
\$3,500 or more	0

2.5.2 Existing Multi-Unit Apartment Stock

In addition to what current residents are paying, an apartment demand analysis needs to account for existing units that might already fulfill local market demand. There are three apartment complexes in the county. Rent information was unavailable for Cumberland Street, Salt Run, and Marietta Road.

- 210 Cumberland Street with a duplex unit
- Salt Run Apartments with 22 units
- Marietta Road with 19 1-bedroom units
- Crestwood Village Apartments with 96 Section 515 Rural Rental units
- Willow Arms with 20 rent-controlled, senior-only units

2.5.3 2021 Market Rate Multi-Family Unit Market Rate Demand

Figure 8 below examines how many Noble County households in 2021 paid a maximum affordable rent compared to the number of households that earned an income in this same income cohort. Based on this analysis, the county was short 3,576 units.

Figure 8: Rental unit demand based on resident income (2021).

Income Cohort	Maximum Affordable Rent	Noble County Households Renting in this Range	Noble County Households Earning this Income	Net Unit Demand
less than \$15,000	\$375	252	676	424
\$15,000-\$24,999	\$625	287	434	147
\$25,000-\$34,999	\$875	334	689	355
\$35,000-\$49,999	\$1,250	159	657	498
\$50,000-\$74,999	\$1,875	0	805	805
\$75,000-\$149,999	\$3,750	0	999	999
\$150,000 or greater	\$3,751+	0	348	348
Total Net Unit Demand Based on Existing Housing Income				3,576

Apartments are affordable to the income cohorts with an annual income below \$34,999 and likely need assistance to pay rent. Households with an income of \$75,000 tend to favor homeownership. Therefore, most demand for market-rate rental apartments comes from household incomes in the \$35,000 to \$74,999 range. This equates to a market-rate rental gap of 1,303 based on the number of households in these income brackets.

2.6 Additional Market-Rate Rental Unit Demand Based on Noble County Employees

Existing residents only comprise a portion of the potential market demand for new units. Local employees also represent likely residents depending on commute patterns. This report's Daytime Population and Employment section noted that approximately 1,200 current Noble County employees did not live within the county. Additionally, of those commuters, 1,458 had a commute of over 10 miles. A portion of these individuals likely choose to commute for various

reasons. However, some commuters may want to live closer to work, and the lack of available market-rate rental units probably limits the number of employees living within the county.

This analysis assumes that 15 percent of current commuters earning salaries between \$35,000 and \$74,999 would move to Noble County if additional units were available. Capturing another 15 percent of that workforce (180 people) generates demand for 74 units at a median household size of 2.44.

2.7 Owner-Occupied Market Demand

Noble County's existing housing stock was comprised of 3,959 owner-occupied homes. This report examined the number of units available for households based on annual income, like understanding the demand for rental units based on price point. This analysis utilized the debt-to-income (DTI) ratio to determine affordable owner-occupied housing prices and assumed monthly mortgage costs. The DTI used was based on an industry standards ratio of 36/43.⁴ Mortgage experts and lenders use this ratio based on the assumption that monthly mortgage costs should not rise above 36 percent of a household's gross monthly income and that total monthly debt should be no more than 43 percent of someone's pre-tax income. Since individual household debt is impossible to calculate, this analysis used 36 percent of a household's income to estimate general affordable monthly mortgage payments.

2.7.1 Unmet Demand Based on Monthly Mortgage

Figure 9 below indicates that Noble County's owner-occupied housing market has a current net market demand of 829 owner-occupied units. However, some of these units were at the lower end of the income range, and building homes at these prices without construction subsidies was unlikely, considering high construction and land costs. The figure also examines the income that 2019 Noble County households earned compared to how many residents pay that maximum affordable mortgage. This analysis used the industry standard of 36 percent of a household's monthly income to estimate a maximum affordable payment. The monthly housing costs calculation included principal, mortgage interest, taxes, and private mortgage insurance (PMI) and was generated using Zillow's total home cost calculator.⁵

⁴ <https://www.zillow.com/mortgage-calculator/house-affordability/>

⁵ <https://www.zillow.com/mortgage-calculator/house-affordability/>

The bulk of market-rate single-family housing will primarily be generated by those making \$50,000 to \$79,999, allowing home values between \$286,200 and \$385,200. Homes priced for households in the \$385,000 to \$583,000 also revealed demand for 672 units. Since existing residents generated this demand, and not all those in the \$50,000 to \$79,000 would want to purchase a new home instead of rent, this report assumed that 25 percent (71) of those households would consider purchasing a new home in the next two years. Therefore, the new unit demand generated from existing residents with incomes between \$50,000 and \$99,999 would equate to an unmet need for 985 owner-occupied units.

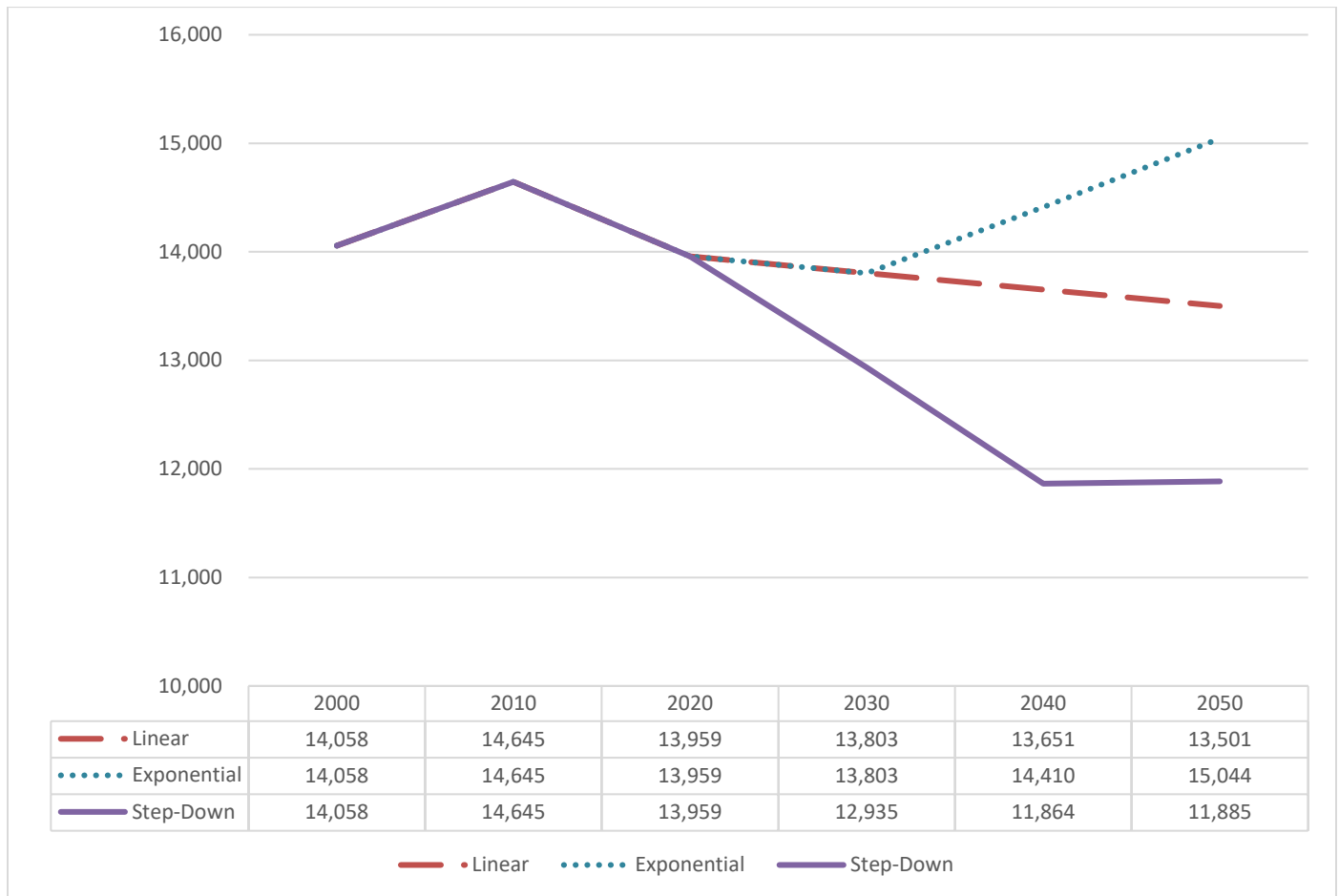
Figure 9: Owner-occupied unit demand based on resident income.

Income Cohort	Maximum Affordable Monthly Mortgage	Noble County Households Valued in this Range	Noble County Households that could Purchase in this range	Affordable Home Price Based on DTI of 36 Percent	Net Unit Demand
less than \$15,000	\$450	516	549	\$51,100	33
\$15,000-\$24,999	\$750	826	434	\$88,500	-392
\$25,000-\$34,999	\$1,050	679	689	\$128,000	10
\$35,000-\$49,999	\$1,500	675	657	\$187,400	-18
\$50,000-\$79,999	\$2,250	523	805	\$286,200	282
\$80,000-\$99,999	\$3,000	215	465	\$385,200	250
\$100,000-\$149,999	\$4,500	112	534	\$583,000	422
\$150,000-\$199,999	\$6,000	84	162	\$780,700	78
\$200,000 or greater	\$6,001+	22	186	\$780,700+	164
Total Affordable Mortgages on Existing Housing Income					829

2.8 Projections

2.8.1 Population Projections

The population and housing trends in the report provide a consistent basis for this analysis to predict future housing needs into 2050. Noble County’s average growth rate of 4 percent from 1970 to 2022 generated a 2050 population estimate. The population projections do not correct for age bands, birth rates, death rates, or the Noble Correctional Institutional population. Assuming linear growth, Noble County will conservatively have an estimated 13,501 people by 2050, which would not generate additional demand, and the current demand calculations would apply.



2.8.2 Total Demand

Current demand estimates indicated that the Noble County housing market was underserved by 2,269 units in 2022. A breakdown of the market demand revealed a need for 1,374 rental units and 895 owner-occupied units based on existing pent-up demand from households and capturing county employees with a commute of ten miles or further.

Looking at the current and projected demand, we estimate that the local market needs no new housing units to meet current and projected housing needs through 2050, provided that the demand for the current variety of housing does not change.

3.0 Growth Policy Map

The housing demand analysis indicates how much the market can support; however, it does not prioritize where the new housing should be encouraged. A future land use map or a growth policy map are examples of land use planning tools communities can use to signal intent to developers and other community stakeholders. Both consider infrastructure, environmental constraints, existing development patterns, and other factors to identify which areas within a community are most compatible with specific land uses and where future development should be encouraged. The critical difference between the two tools is regulatory power. The future land use map is adopted through legislative action, becoming an enforceable law. It assigns a desired land use to every parcel within a community's jurisdiction. Future land use maps are informed by a comprehensive plan and justify a local zoning code. By contrast, a growth policy map is an advisory document that cannot be used as a ground to deny development approvals. It is a consensus-building and long-term planning document that identifies priority development areas on a conceptual basis.

After examining existing conditions and discussions with county officials and other community stakeholders, a growth policy map in conjunction with a nuisance ordinance and an update to the subdivision ordinance was determined to be an appropriate land use tool at this time for Noble County, provided the limited administrative capacity and lack of precedence for county-wide code enforcement. Zoning was determined to be a tool too intensive to address the county's property maintenance issues. A zoning code and the future land use map require dedicated staff to administer and enforce; county officials expressed budget concerns about additional staff, and no current staff can fulfill the associated duties. Stakeholders also expressed reservations about property regulation beyond maintenance along major corridors. The growth policy map is strictly an advisory document. It can be used as a stepping stone for future land use regulation efforts in the county once a nuisance ordinance is successfully implemented and garners public support. The county may adopt zoning for local review of solar farms; solar farms are exempt unless the community has adopted a zoning code. Noble County has limited buildable land, and solar farms compete for the same land used by uses Noble County wishes to attract, such as residential.

The growth policy map focuses on Commercial, Residential, and Light Industrial use categories. Mapped Special Flood Hazard Areas were avoided as they should not be considered priority development areas, particularly floodway areas. The only potential exception is the floodplain surrounding the desired Seneca Lake Residential, as the lake is an important asset for the county to attract development.

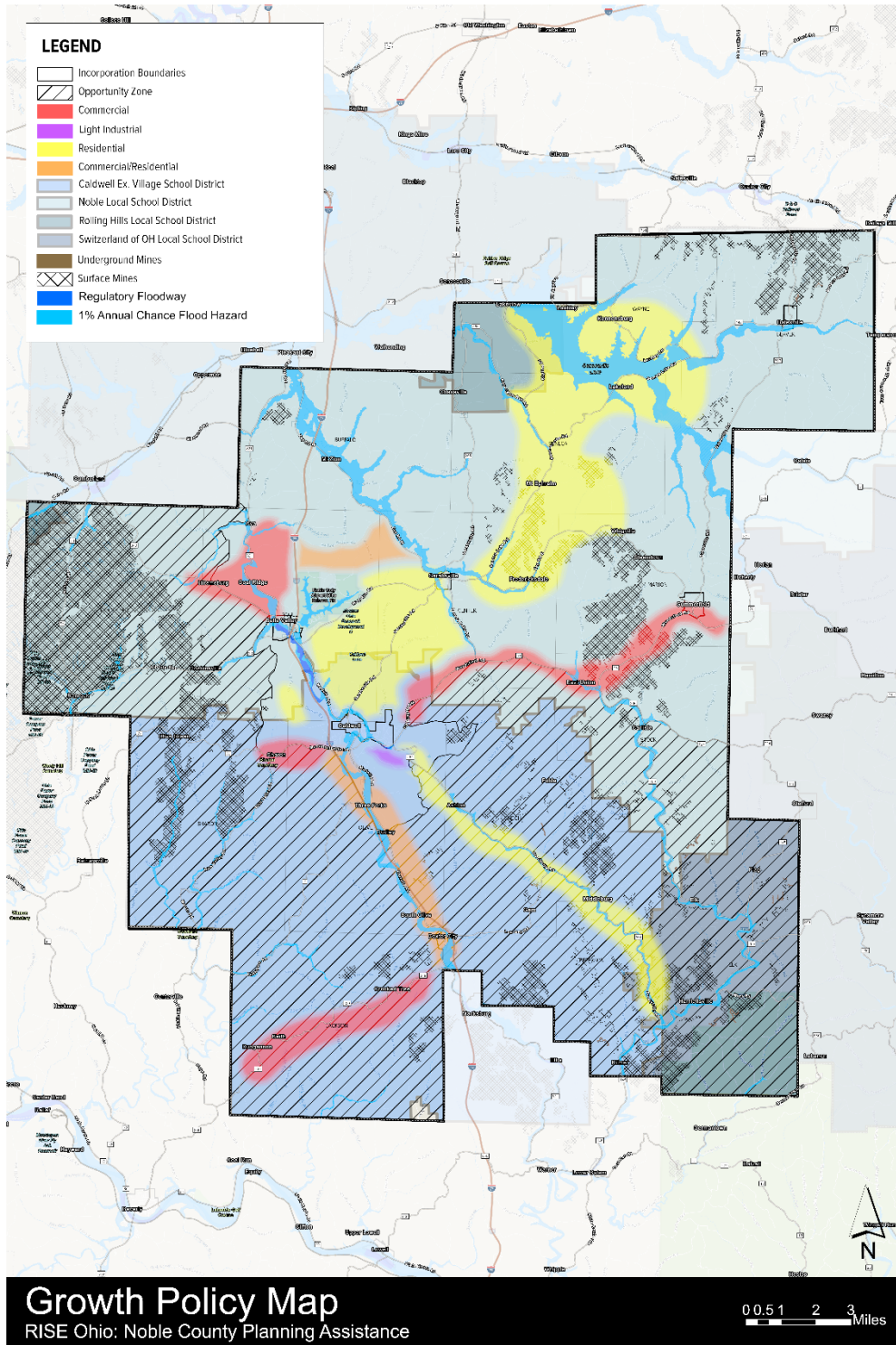
Commercial areas are indicated on roadways classified as Major Collector (or higher) by ODOT and have existing water service. Respondents preferred Residential areas to be concentrated between Belle Valley, Sarahsville, and Caldwell. Additionally, respondents preferred that the areas surrounding and leading up to Seneca Lake should be focused on encouraging Residential, as the portion of the lake in Guernsey County is focused on commercial development.

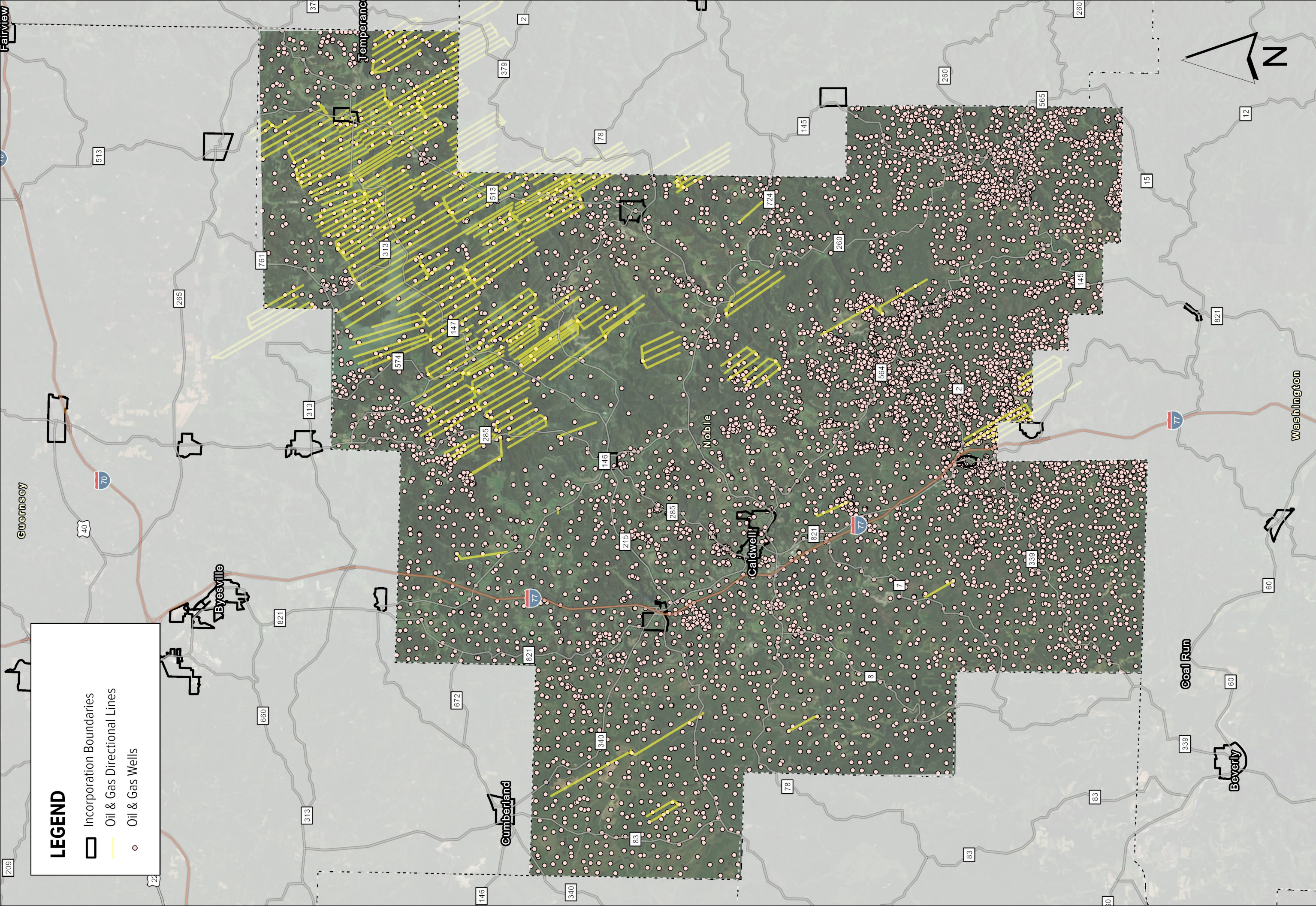
A small area surrounding Caldwell Business Park has been classified as Light Industrial. Future economic development efforts may continue to grow this oil and gas, logistics, and light manufacturing industry cluster.⁶

⁶ [Noble County officials announced \\$4.8M business park east of Caldwell.](#)




Based on stakeholder comments, the remainder of the county should remain agricultural, conservation, or otherwise open space.

Figure 10: Growth Policy Map





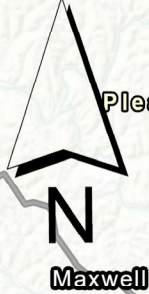
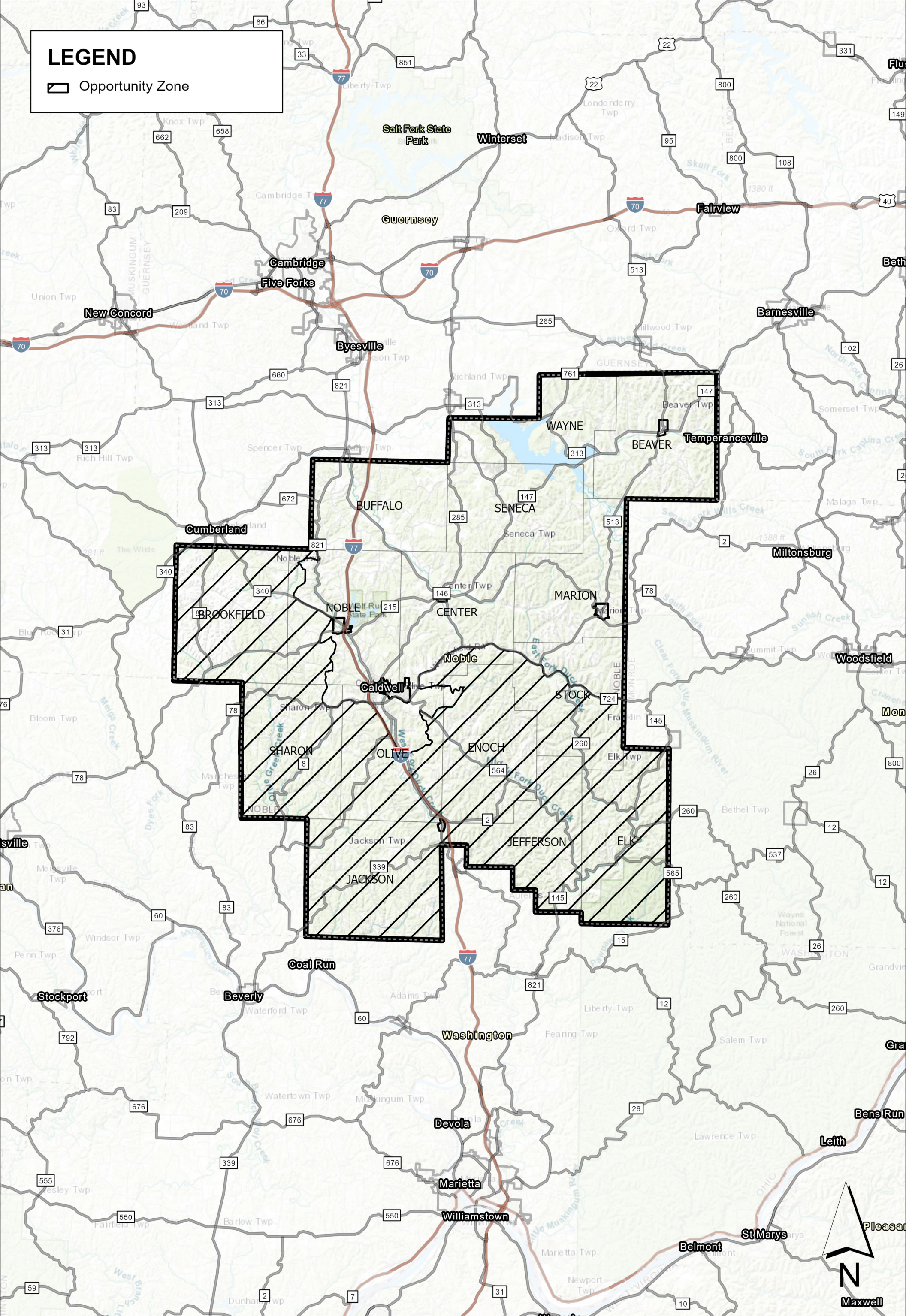
LEGEND

-  Incorporation Boundaries
-  Oil & Gas Directional Lines
-  Oil & Gas Wells



LEGEND

 Opportunity Zone





M E M O R A N D U M

DATE: Tuesday, October 31, 2023

TO: Jordan Croucher, Noble County Attorney

FROM: David Baird, Senior Project Manager, American Structurepoint

RE: Regulatory Framework Memorandum

CC: Gwynn Stewart, Ohio State University Extension
Todd Coss, Noble County Engineer's Office
Shawn Ray, Noble County Health Department
Kirby Moore, Noble County Health Department
Erica Rossiter, Noble County Emergency Management Association
Kate Dunn, Buckeye Hills Regional Council
Ashley Newnan, American Structurepoint

Introduction

On Monday, October 16th the Noble County Planning Commission met to recommend to the Noble County Board of County Commissioners the enactment of subdivision regulations and three separate resolutions which have been developed by American Structurepoint as part of our work on the RISE Ohio: Noble County Planning Assistance Project administered through the Buckeye Hills Regional Commission. This memorandum discusses the steps that American Structurepoint staff recommends to fully implement the subdivision regulations and nuisance resolutions that have been developed and recommended for the County through this project. As part of the Noble County Planning Assistance Project, we at American Structurepoint completed the following other deliverables: an existing conditions report; an existing land use map; a growth policy map; and a housing study. However, only the regulatory tasks (regulations and resolutions) are discussed within this memorandum. The memorandum is divided into sections to best discuss the subdivision regulations and each of the three resolutions separately.

Subdivision Regulations

The county has an existing set of subdivision regulations that are still technically intact, however there has been a substantial lack of enforcement since shortly after their adoption in March of 1993. The County Recorder's office also has *Transfer and Conveyance Standards* that have been enacted. Within these standards are a set of provisions which would typically be found within a County's Subdivision Regulations. The *Transfer and Conveyance Standards* are currently being enforced by the County Recorder. During our set of stakeholder meetings with realtors and business individuals within the County we frequently heard comments such as "I am frustrated that I get to the end of this process and I find out that there is an additional requirement. I would have preferred to have known about the regulation earlier in the process." Absent from these discussions were comments about the actual regulations, but rather the timing of when the regulation was applied. This is not surprising because the regulations within the *Transfer and Conveyance Standards* are very reasonable. They provide very basic subdivision standards that the County desperately needs. As such, we have taken the provisions that function as subdivision standards and have transferred them into the subdivision regulations that were recommended for adoption by the Planning Commission at their meeting on Monday, October 16th.



Basic subdivision regulations are essential to ensure that property is used efficiently. Oddly shaped lots such as ones that have inadequate street frontage can create problems for subsequent buyers of property years after an original subdivision has occurred. Throughout our meetings, we heard from numerous individuals about issues such as landlocked or partially landlocked parcels of property. To ensure that these problems do not continue to increase in frequency basic subdivision regulations are necessary. The process of consolidating lots has been and will continue to be a difficult process to rectify problems which occurred years prior.

Counties in the State of Ohio have the legal right to enact subdivision regulations per Chapter 711 of the Ohio Revised Code (ORC). We did not find any specific provision within Chapter 711 of the ORC that regulates how the County was required to enact these regulations. As such, the typical process for adopting legislation should be followed.

Nuisance Resolutions

At their meeting held on Monday, October 16th, the Planning Commission recommended three separate resolutions for adoption by the Noble County Board of Commissioners. All three of these resolutions are similar in that they create basic property maintenance standards for all private property within the County. During our stakeholder meetings, our conversations with elected officials, and the Planning Commission, it became apparent that the complaints being received by the County's Board of Commissioners, County employees, and County Extension Staff were not about how the property was being used, but rather the general up-keep and maintenance of the property. As such, we determined that a recommended course of action for the County would be to enact regulations that focused on property maintenance and not zoning (which focuses on the use of the property and not the general condition of the property).

The three specific resolutions passed by the Planning Commission for consideration by the Board of County Commissioners are as follows:

1. Inspector of Nuisances Resolution
2. Junk Vehicles on Private Property Resolution
3. Minimum Landscaping Resolution

Inspector of Nuisances Resolution

Noble County's Health Department has been a key partner in this project. Shawn Ray and Kirby Moore have been very involved and are willing to be continually involved in the enforcement of any regulations that come out of this process for which their agency has both the legal authority and administrative capacity to enforce. To be able to fully utilize their willingness to be involved, the County's Board of Commissioners should take the proactive steps to adopt a resolution to specifically identify the Noble County Health Department as the official "inspector of nuisances" per ORC Chapter 3767, *Nuisances*. Specifically, this chapter of the ORC regulates the following items:

- No person shall erect, continue, use, or maintain a building, structure, or place for the exercise of a trade, employment, or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort, or property of individuals or of the public. [ORC §3767.13(A)]
- No person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public. [ORC §3767.13(B)]



- No person shall unlawfully obstruct or impede the passage of a navigable river, harbor, or collection of water, or corrupt or render unwholesome or impure, a watercourse, stream, or water, or unlawfully divert such watercourse from its natural course or state to the injury or prejudice of others. [ORC §3767.13(C)]
- No person shall intentionally throw, deposit, or permit to be thrown or deposited, coal dirt, coal slack, coal screenings, or coal refuse from coal mines, refuse or filth from a coal oil refinery or gasworks, or whey or filthy drainage from a cheese factory, into a river, lake, pond, or stream, or a place from which it may wash therein. [ORC §3767.14, first sentence]
- No person shall cause or permit petroleum, crude oil, refined oil, or a compound, mixture, residuum of oil or filth from an oil well, oil tank, oil vat, or place of deposit of crude or refined oil, to run into or be poured, emptied, or thrown into a river, ditch, drain, or watercourse, or into a place from which it may run or wash therein. [ORC §3767.14, second sentence]
- No person shall put the carcass of a dead animal or the offal from a slaughterhouse, butcher's establishment, packing house, or fish house, or spoiled meat, spoiled fish, or other putrid substance or the contents of a privy vault, upon or into a lake, river, bay, creek, pond, canal, road, street, alley, lot, field, meadow, public ground, market place, or common. No owner or occupant of such place shall knowingly permit such thing to remain therein to the annoyance of any citizen or neglect to remove or abate the nuisance occasioned thereby within twenty-four hours after knowledge of the existence thereof, or after notice thereof in writing from a township trustee or township highway superintendent, constable, or health commissioner of a city or general health district in which such nuisance exists or from a county commissioner of such county. [ORC §3767.16]
- No person shall willfully obstruct a ditch, drain, or watercourse constructed by order of a board of county commissioners or by a board of township trustees or divert the water therefrom. [ORC §3767.17]
- No person shall maliciously put a dead animal, carcass, or part thereof, or other putrid, nauseous, or offensive substance into, or befoul, a well, spring, brook, or branch of running water, or a reservoir of a water works, of which use is or may be made for domestic purposes. [ORC §3767.18]
- No person shall carry on the business of slaughtering, tallow chandlery, or the manufacturing of glue, soap, starch, or other article, the manufacture of which is productive of unwholesome or noxious odors in a building or place within one mile of a benevolent or correctional institution supported wholly or in part by the state. No person shall erect or operate, within one hundred twenty rods of such benevolent institution, a rolling mill, blast furnace, nail factory, copper-smelting works, petroleum oil refinery, or other works which may generate unwholesome or noxious odors or make loud noises, or which may annoy or endanger the health or prevent the recovery of the inmates of such institution. [ORC §3767.19]
- No person, firm or corporation shall cut, injure, remove, or destroy any fence or other barrier designed and erected to prevent traffic from entering or leaving a limited access highway without the permission of the director of transportation, except in a case of emergency where life or property is in danger. No person, firm, or corporation shall cause a vehicle of any character to enter or leave a limited access highway at any point other than intersections designated by the director for such purpose, except in a case of emergency where life or property is in danger. [ORC §3767.201]



- No person shall abandon, discard, or knowingly permit to remain on premises under the person's control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch, or other fastening device capable of securing such door or lid, without rendering said equipment harmless to human life by removing such hinges, latches, or other hardware which may cause a person to be confined therein. [ORC §3767.29]
- No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state unless one of the following applies: 1) The person is directed to do so by a public official as part of a litter collection drive; 2) Except as provided in division (B) of this section, the person deposits the litter in a litter receptacle in a manner that prevents its being carried away by the elements; or 3) The person is issued a permit or license covering the litter pursuant to Chapter 3734 or Chapter 6111 of the ORC. [ORC §3767.29(A)]

By designating the Noble County Health Department as the County's official "inspector of nuisances" per the ORC, the agency clearly has the power to enforce these regulations per state statute [See ORC §3767.27]. Additionally, the County's Prosecuting Attorney is deemed by state statute to be the legal advisor for the "inspector of nuisances" position [See ORC §3767.28]. It is important to make sure that the County Prosecutor's Office has the same interpretation of the law as the "inspector of nuisances" has because should any citation be appealed in a court of law, the County Prosecutor's Office will need to be involved in that appeal. Additionally, the County Prosecutor's Office may be able to review specific case law as it relates to the facts of a specific case to determine whether a court of law would be likely to uphold a specific citation.

Junk Vehicle Resolution

The issue of the enforcement of abandoned junk vehicles on private property is handled in Ohio law through the Title 45, *Motor Vehicles*, of the ORC. ORC §4513.65 states:

“ The sheriff of a county..... may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.”

This provision of law lists out a series of positions including the County Sherriff which may cite for this offense. The position of "inspector of nuisances" is notably absent from this list. As such, we are recommending that the County Sherriff make the official determination of whether to cite for this violation. This does, however, in no way mean that the Noble County Health Department and its staff cannot be involved in the identification of specific properties that may be in violation of this regulation. Our recommendation is for the County Health Department to identify potential violations and then have a member of the County Sheriff's Department investigate potential violations to determine whether the County Sheriff will issue a citation. We also recommend that the County Prosecuting Attorney provide legal advice when necessary to determine if a citation can be issued should there be uncertainty related to enforcement.



Minimum Landscaping Resolution

Found within Chapter 303 of the ORC is the ability for counties to regulate landscaping. Specifically, ORC §303.02(A) states:

Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the board [of County Commissioners], by resolution, in accordance with a comprehensive plan, may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the county.

While Noble County has the authority to enact very specific regulations as to the number of plants that are required to be planted and maintained through the above referenced provision of state law, the County desires only to regulate at the lowest possible level by only requiring that properties be free from debris and be mowed on a seasonal basis to ensure that unsanitary and unsafe conditions do not occur.

In addition to granting the County authority to regulate landscaping, Chapter 303 of the ORC additionally grants counties the ability to enact zoning regulations. As Chapter 303 of the ORC is partially entitled “County Rural Zoning”, the chapter does grant the authority to specifically enact countywide zoning, however zoning is not the only regulation that can be enacted. In addition to zoning, landscaping, and architectural standards, §303.02(A) also provides the County the option of regulating setbacks (on residential and non-residential properties); height, bulk, number of stories, building size, open space percentages (on non-residential properties); and population density (on residential properties).

Typically, most local governments enact the aforementioned regulations as part of a zoning ordinance which identifies specific zones and regulations that match the character of each zone. In this circumstance, Noble County only desires to provide regulation for what it deems to be most important for the general welfare of its citizens. For this reason, our recommendation and the recommendation of the County’s Planning Commission is to only enact minimal landscaping regulations. To keep these regulations basic and fair for all of its citizens, there is no reason for the county to enact specific zones which regulate landscaping differently in each zone. The better approach is to create basic regulations and to apply them uniformly throughout all of Noble County. It is our belief that §303.02(A) does not require specific zones for any of the aforementioned regulations to be enacted because of the use of the term “may” in the second to last sentence of the first paragraph of §303.02(A):

For all these purposes, the board *may* divide all or any part of the unincorporated territory of the county into districts or zones of such number, shape, and area as the board determines.

While the county may not be enacting zoning through Chapter 303 of the ORC, the minimum landscaping regulations are being recommended for enactment through Chapter 303. As such, we recommend that the public notification requirements to enact this resolution under Chapter 303 be followed as if the county was enacting specific zoning districts. There is, however, no reason that we have identified that would require this use of this more detailed process to adopt the junk vehicle and inspector of nuisance resolutions.

The minimum landscaping resolution also differs from the other two resolutions recommended by the Planning Commission in that it enacts a code as part of its resolution. The code language is derived from the International Property Maintenance Code (IMPC). To create this draft code, we reviewed the IMPC to identify only the most critical provisions to ensure that basic maintenance of the property is maintained.



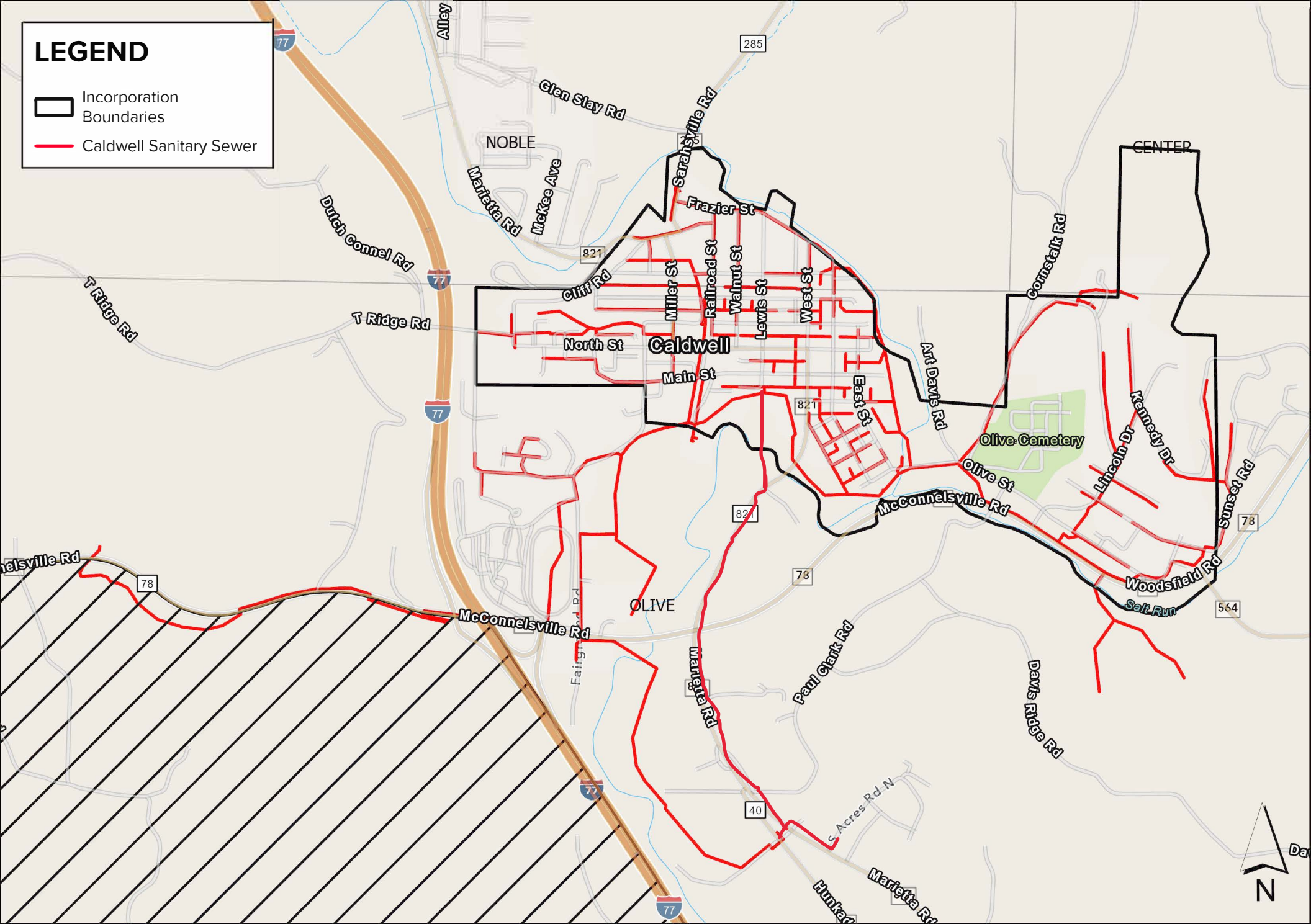
Conclusion

The proposed subdivision regulations and nuisance resolutions discussed in this memorandum provide basic regulatory provisions that will provide for help Noble County to prosper. Our recommendation is that the Board of County Commissioners move forward with adopting the proposed subdivision regulations and all three of the nuisance resolutions at an upcoming meeting prior to the beginning of the calendar year and to make these regulations effective on January 1, 2024. Should this timeline be found to be soon, then we recommend adoption during the either January or February of 2024. The winter months serve as the time of the year with the least amount of development proposals and enforcement issues. This reduces any potential conflicts that might exist about whether a particular applicant or enforcement provision should be applied using the past regulatory framework or the new regulations.

We at American Structurepoint have enjoyed the opportunity to serve Noble County, Ohio, through the Buckeye Hills Regional Commission, on this grant funded project. Although our official work on the project is very near completion, we are available on a consultation basis to provide the County with any points of clarification as it relates to this memorandum and the work that we have completed on this project. We wish Noble County well in all of its future endeavors.

LEGEND

-  Incorporation Boundaries
-  Caldwell Sanitary Sewer








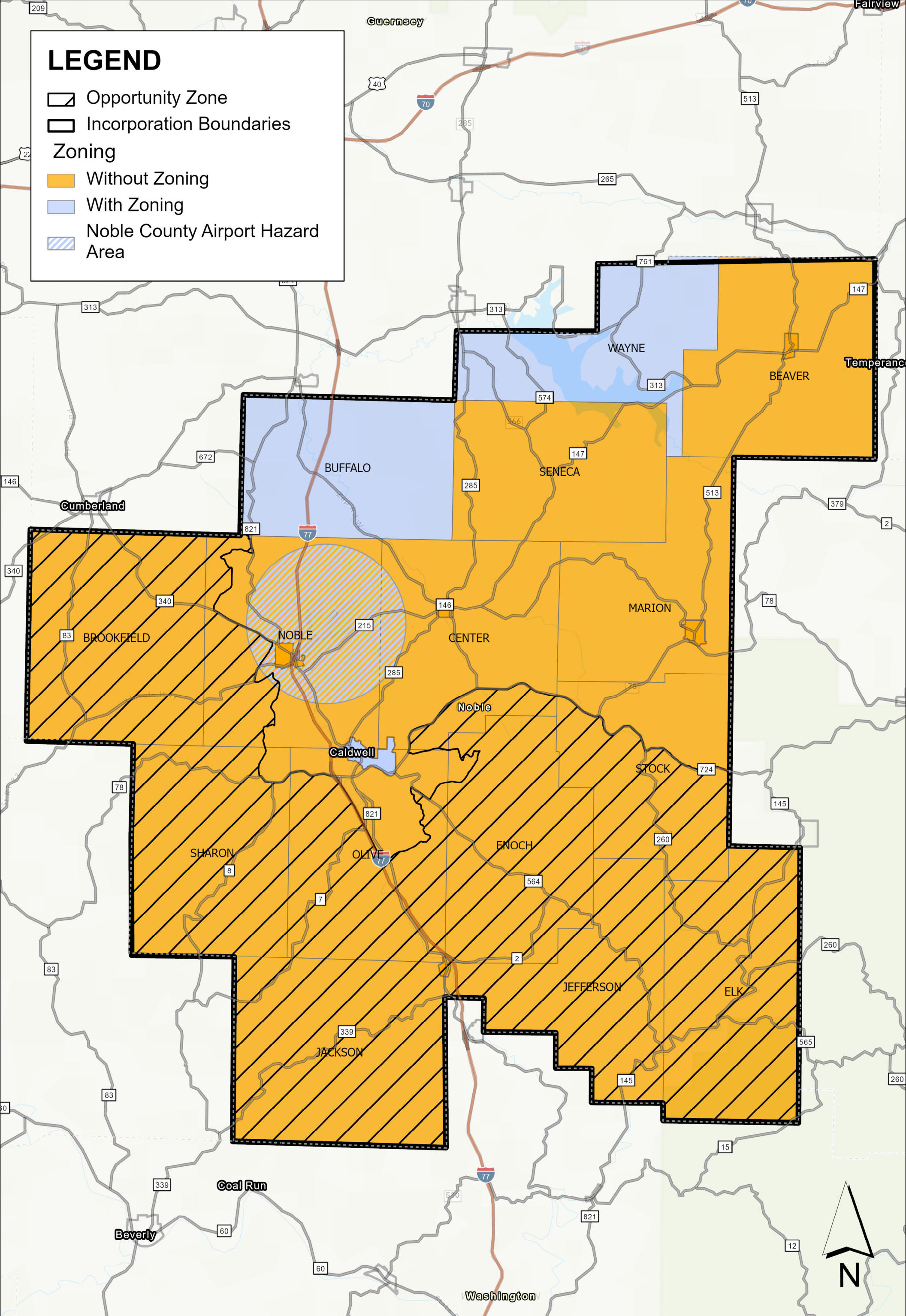
Village of Caldwell - Existing Sewer Infrastructure

RISE Ohio: Noble County Planning Assistance



LEGEND

-  Opportunity Zone
-  Incorporation Boundaries
- Zoning**
 -  Without Zoning
 -  With Zoning
 -  Noble County Airport Hazard Area



Zoning

RISE Ohio: Noble County Planning Assistance

