

Minutes: Russell Township Zoning Commission
Russell Town Hall
April 16, 2007

Present: Richard E. Snyder, Chairman
Bruce Murphy
Elizabeth Rader
Eileen Rogers
Donna Weiss Carson
Diana Steffen, Secretary

Also in attendance: Ric Machnics, Zoning Inspector, James Dickinson, Trustee, and Kyle Dreyfuss-Wells, Executive Director of the Chagrin River Watershed Partners.

The Chairman called the meeting to order at 7:31 p.m.

MINUTES OF MARCH 19, 2007 – *Mrs. Rogers made the motion to accept the minutes as submitted, Mr. Murphy seconded and the motion passed unanimously. (Ms. Rader abstained since she was not a member of the Commission at that time.)*

RIPARIAN SETBACKS – With Ms. Dreyfuss-Wells in attendance to answer questions, the Commission reviewed at length the March 19th draft of the riparian setback regulation. The following were discussed:

- 1) Section 2 Definitions – Whether to integrate the definitions into the Definitions section in the Zoning Resolution or keep them in the Riparian Setback section. Definitions such as "Impervious Cover" and "Soil Disturbing Activity" should not be duplicated in the Zoning Resolution, or must be identical to each other. Ms. Dreyfuss-Wells recommended not adding a time to the definition of "Watercourse", such as flowing for six months of the year, or continuously flowing for 72 hours following a rainstorm, since these could be subject to a legal challenge. She said that every community that has adopted the regulation uses the recommended definition, and has not had any problem with a ditch being considered a watercourse. All these issues will be decided at the next meeting.
- 2) Section 3 Establishment of Designated Watercourses and Riparian Setbacks A and B – There is a large difference between 0.5 square miles and up to 20 square miles for the 75-foot setback, and Mr. Snyder suggested dividing this into two separate setbacks, such as 0.5 to 10 having a 50-foot setback, and 10 to 20 having a 75-foot setback. Ms. Dreyfuss-Wells will redraft the riparian map to compare with the current map, in order to judge how many lots would be affected by such a change. She recommended not changing the figures. She will run the figures by staying with the three setbacks, but changing the smallest to a 30-foot setback, and by looking at the suggested four setbacks which are used by Lake County subdivision regulations. Mr. Murphy asked Ms. Dreyfuss-Wells to look into what would be an appropriate drainage area for a 30-foot setback.
- 3) Section 3 C.2 – The Commission added to the sentence to soften the regulation. Ms. Dreyfuss-Wells agreed to the additional wording but recommended deleting the beginning phrase of the sentence in that case.
- 4) Section 4 Riparian Setback Map – Ms. Dreyfuss-Wells said the map should be used as only a guide by the Zoning Inspector, even though her office has worked many hours to produce this layer for the G.I.S. The map has no legal authority if anything in it is incorrect. She suggested changing the name to 'riparian setback guide map' and changing the wording in 'C' to "...or if any discrepancy is found between site conditions and the riparian setback map, the criteria set forth in Section 3 shall prevail."

- 5) Section 5 Applications and Site Plan A – It was agreed that two copies of the site plan should be submitted. Due to some confusion as to the requirement, Ms. Dreyfuss-Wells suggested removing "and proposing to impact the riparian setback" from the first sentence. There could be a hardship if all applicants for a zoning certificate are required to provide a site plan based upon a survey that has been stamped and has the name and registration number of a professional consultant. Ms. Dreyfuss-Wells will look into changes to allow for accessory buildings, additions etc. to be exempt from this requirement.
- 6) Section 6 Permitted Buildings, Structures and Uses Within a Riparian Setback Without a Zoning Certificate – There were no questions regarding the items listed, but the Chairman asked the Commission to consider any additional items by the next meeting.
- 7) Section 7 Permitted Buildings, Structures and Uses Within a Riparian Setback With a Zoning Certificate – Mr. Snyder asked whether there could be leeway with the regulation to allow for someone to build into the riparian setback if they utilize some mitigating action such as a rain garden. Ms. Dreyfuss-Wells felt that the 100-year floodplain is usually the same as the 120-foot setback and so is already regulated by FEMA. A. Crossings – Due to some confusion over the wording and whether zoning certificates are required, Mr. Murphy suggested altering the language for clarification. B.1 – The word "crossing" should be "stabilization". C.2 – Permits storm water detention and retention facilities and fire protection ponds to be located within the riparian setback if the setback is less than or equal to 75 feet. Ms. Dreyfuss-Wells said this is in Munson Township's draft and can be removed. She will check the regulation that is in the County's subdivision regulations. E. Fences and Walls – will be discussed at the next meeting.
- 8) Section 9 Inspection of Riparian Setbacks – A. The Commission agreed that ten working days would be an appropriate time for an owner to notify the Zoning Inspector of the start of construction activities.

Discussion will continue at the next meeting.

OTHER BUSINESS – Mr. Snyder said that in a recent court case involving the disturbance of two vacant lots the judge had disagreed with Mr. Machnics that a road is a structure. He handed out copies of the judgement entry and asked the Commission to review it for discussion at the next meeting as to whether the current definition of "structure" should be refined.

Mrs. Steffen asked Commission members to let her know as soon as possible whether they wished to attend the workshop on May 2nd, "Implementing Riparian & Wetland Setbacks", and the June 1st "Ashtabula, Geauga, Lake, Trumbull Planning and Zoning Workshop 2007."

Mrs. Steffen also announced that the subject of the first educational program will be on drainage issues on April 25th in the Town Hall. The next two program dates have been confirmed for May 23rd on water wells and septic tanks and for September 26th on ponds and lakes.

There being no further business, Mr. Murphy moved to adjourn, Ms. Weiss Carson seconded and the meeting adjourned at 9:11 p.m.

Respectfully submitted,

Diana Steffen
Secretary

Date

Richard E. Snyder
Chairman

Date