

Minutes: Russell Township Zoning Commission
Russell Town Hall
June 18, 2007

Present: Richard E. Snyder, Chairman
Bruce Murphy
Elizabeth Rader (arrived at 8:00 p.m.)
Eileen Rogers
Donna Weiss Carson
Diana Steffen, Secretary

Also in attendance: Ric Machnics, Zoning Inspector, and James Dickinson, Trustee.

The Chairman called the meeting to order at 7:33 p.m.

MINUTES OF JUNE 18, 2007 – Tabled until Ms. Rader arrived.

JULY MEETING – The Chairman asked the Commission if they wished to cancel the July meeting since Mrs. Steffen will be on vacation. If an amendment is initiated tonight there will have to be a public hearing on July 16. The Commission agreed not to cancel that meeting.

SECTION 2 – DEFINITIONS – The Chairman explained that the Riparian Setback draft has several new definitions. Each time new definitions are added to Section 2 alphabetically the numbers have to be changed as well. The County Model does not use numbers in the Definitions section. David Dietrich of the Geauga County Planning Commission (G.C.P.C.) approves removing the numbers and has advised this should be done separate from, and prior to, the Riparian Setback amendment. There are definitions in the Adult Oriented Businesses section, but those are unique to that section, whereas the Riparian Setback definitions may be used elsewhere in the Zoning Resolution. Mr. Dietrich has advised that legal counsel Rebecca Schlag has also approved this change.

Mr. Murphy made the motion that an amendment to the Russell Township Zoning Resolution, identified as number 2007-3, consisting of seven pages, marked Exhibit A and attached hereto and incorporated herein as though fully rewritten, be hereby initiated by the Russell Township Zoning Commission this 18th day of June, 2007. Mrs. Rogers seconded and upon roll call the vote was Mr. Murphy – yes, Mrs. Rogers – yes, Ms. Weiss Carson – yes, Mr. Snyder – yes, and the motion passed unanimously. Ms. Rader was not in attendance.

Ms. Weiss Carson made the motion that the Russell Township Zoning Commission conduct a public hearing on the proposed amendment, identified as number 2007-3, to the Russell Township Zoning Resolution as attached hereto on the 16th day of July, 2007, at 7:30 p.m. at the Russell Town Hall, 14890 Chillicothe Road, Russell Township. Mr. Murphy seconded and upon roll call the vote was Mr. Murphy – yes, Mrs. Rogers – yes,

Ms. Weiss Carson – yes, Mr. Snyder – yes, and the motion passed unanimously. Ms. Rader was not in attendance.

RIPARIAN SETBACKS – The Commission reviewed outstanding issues in the draft regulation and discussed several issues:

- 1) The definitions of Impervious Cover and Impervious Surface are similar. It was agreed to combine the two definitions into one by revising the definition of Impervious Surface that is currently in Section 2. Mr. Murphy will work on this.
- 2) The Commission has added "persistent" to the definition of Watercourse, so that temporary cuts in the ground that occur with rainfall are not included, but Mr. Dietrich recommends against this. The Commission agreed to keep "persistent".
- 3) Section 3.B.3 of the draft – Whether to require a 25-foot setback from watercourses draining an area less than 0.5 square mile or whether to stay with the existing 30-foot setback. The G.C.P.C. strongly recommends using 25 feet since the County Model and other county townships are using that. If Russell uses 30 feet there could be difficulty with legal defense, although Ms. Dreyfuss-Wells has stated that there is little scientific distinction between 25 and 30 feet. After discussion the Commission agreed to use 25 feet.
- 4) Section 4.A of the draft – Mr. Snyder said that since the G.C.P.C. recommends making the Riparian Setback Guide Map part of the amendment and having it signed by the Trustees, he believed it should become part of the Zoning Resolution. It was agreed that it should be inserted as Appendix "C" rather than Exhibit "A".
- 5) Section 5.A of the draft – The Geauga Soil & Water Conservation District recommends not using its name, so the Commission replaced it with "a qualified professional." Other wording was also changed.
- 6) Section 7.C.3 of the draft – Mr. Snyder said that after talking with Ms. Dreyfuss-Wells regarding stormwater retention and detention facilities within a riparian setback, he recommended allowing them only when the riparian setbacks are equal to or greater than 75 feet, and locating them at least 50 feet from the watercourse. The Commission agreed to make this change.
- 7) Section 7.E of the draft – Fences and Walls permitted within the Riparian Setback with a Zoning Certificate – Since fences and walls do not currently require a zoning certificate, this item may be removed after a discussion regarding the list of items permitted in yards.
- 8) Section 7.G of the draft – Whether to permit construction activities disturbing 300 square feet or less of soil within the riparian setback with a zoning certificate. The Commission agreed to change this to a conditional use.

Mr. Snyder said that Ms. Dreyfuss-Wells was scheduling a meeting with the G.C.P.C. the week of June 25th to discuss particularly items #2 and #8 above, since Mr. Dietrich has indicated the G.C.P.C. may recommend denial of the amendment due to these two items. Mr. Snyder and Mr. Murphy planned to attend.

STRUCTURES AND FRONT YARDS – Mr. Snyder referred to a recent decision in a Leroy Township case in Lake County that poses a possible problem with the commonly-

