

Minutes: Russell Township Zoning Commission
Russell Fire-Rescue Station
September 26, 2012

Present: Richard E. Snyder, Chairman
Bruce Murphy
Ben Kotowski
Diana Steffen, Secretary

Donna Weiss Carson and Tom Warren were absent with apologies.

Also in attendance: Jim Dickinson, Chairman of the Board of Trustees, and Ric Machnics, Zoning Inspector (part of the meeting only).

The Chairman called the meeting to order at 7:34 p.m., and noted that a quorum was present. He announced he was removing both approval of minutes and the follow-up on the "Fracking and Our Aquifers" program from tonight's agenda. He preferred to have the full Commission in attendance to discuss those topics.

LAND USE GUIDE PLAN UPDATE – SURVEY – Since Mr. Dickinson had suggested including a question on General Welfare in the survey, Mr. Snyder said he had asked Mr. Dickinson to assist with that question. A few items that might be included under General Welfare were written into an earlier draft of the survey. Mr. Dickinson explained that new language to include General Welfare was added to ORC 519.02 in 2005 and 2006. His concern was that if something pertaining to General Welfare is not included in the Guide Plan then in about ten years time when the Zoning Commission wants to look at a particular item it will be denied the opportunity to do so. He felt the residents should be consulted via the survey to see how they interpret General Welfare. He suggested a very broad question on how the residents feel about limitations on architectural features, design of buildings, etc. Residents may reply negatively so the Commission will know they do not wish to broaden the zoning, but if the question is not asked now and there is nothing in the Guide Plan pertaining to this, then in future the Commission will not be able to add the types of items that might be included under the General Welfare clause. Mr. Dickinson read aloud from the 1996 Landskronner case in the Eighth District Court of Appeals. He said he did not want to pass up an opportunity and recommended including a General Welfare question in the survey.

A lengthy discussion took place. Mr. Murphy said that since the Commission does not know at this time what may be included under General Welfare it is unlikely the residents would know either, and the responses to the question would not be meaningful. He also felt that asking about further regulation would elicit mostly negative comments because many people do not like having too much regulation in the Township. Mr. Snyder suggested asking a more general question about what people like about Russell Township, and then asking the planner if the answers tie into General Welfare. Mr. Kotowski suggested phrasing questions that related to the goals of General Welfare, such as asking residents if they would support General Welfare to insure that new buildings are harmonious with their neighbors, or new residences placed so they respect neighbors and the rural atmosphere. He said that would provide the Commission with a sense of the kind of township the residents want, and the Commission can then apply the needed powers to achieve those goals in the Guide Plan by using the tools that are available to the Commission. Mr. Murphy commented that since the proposed Guide Plan is subject to public review the Commission would have the ability to explain it at that time. He felt that the Commission has debated the meaning of General Welfare several times and has been unable to determine what exactly could be applied under that term.

The Commission agreed not to add a question regarding General Welfare in the survey.

Mrs. Steffen and Mr. Snyder had reviewed the revised draft from C.S.U. received just prior to the meeting, and they went over the questions with the Commission.

