

Ch. Kamps called the public meeting to order at 7:00 p.m.

Roll found: Kamps, Pope, Pajk, Powell, Walrath, and Spellman present. Mrs. Siarkowski had an excused absence. Trustee Schulte and David Manley also present.

Mrs. Huff acted as clerk in Clerk Garrett's absence.

Ch. Kamps explained the purpose of the hearing was to hear public comment on the proposed riparian setback ordinance. All comments will be addressed from the podium.

Mrs. Huff read the legal ad for the record.

Mrs. Kyle Dreyfuss-Wells, Director of the Chagrin River Watershed Partners, Inc., was present as a professional with vast expertise in riparian legislation for townships. She gave an informative Power-Point presentation and also answered questions.

Mrs. Dreyfuss-Wells stated that it is much more cost-effective for the landowners, and the township overall, to prevent problems rather than repair them after they occur. The major obligation of owners and townships is to manage the runoff water from impervious surfaces to control erosion and flooding problems. There are three places water can travel: 1) into the soil through infiltration, 2) into the air through evaporation or 3) downhill as runoff. As the surface of the ground becomes impervious through concrete, asphalt and even some lawns, we get more runoff. It is our job as residents and governmental entities to manage that runoff.

Mrs. Dreyfuss-Wells detailed what can and cannot be controlled by using a riparian setback ordinance through zoning. The storm water management program is mandated by Ohio EPA. Riparian setback legislation is a specific zoning tool to limit development within a specific distance of streams and waterways. This legislation can only regulate the location of soil-disturbing activities: it cannot regulate such activities as walking near the stream, cutting of your trees or your grass. Zoning is prospective, you cannot fix problems through zoning but you can prevent problems through zoning. Variances are available with setbacks as with all parts of the zoning code. Variances are a necessary component of zoning because the goal is to write a code that applies to everyone and variances are needed to align the zoning design with specific situations.

Discussion of the definitions and differences between wetlands, ditches and drainage swales.

Ch. Kamps read excerpts from the Medina County Department of Planning Services letter regarding this legislation. The staff recommended approval of the proposal on September 5, 2007 with a full panel, with modifications. It stated that the modifications should reflect the comments of the Medina County Prosecutor's Office and the Dept. of Planning Services staff. Zoning officials should be trained prior to implementation of the regulations.

Ch. Kamps reported that he and Mr. Pope met with the prosecutor on September 12, 2007 and discussed his concerns.

Public Comment:

Ray Carmack, resident, asked which language was removed from the proposal.

Ch. Kamps: Sections 18.11 and 18.12. These are issues that relate to variances within the riparian setback. It was recommended that it would be handled as a separate issue.

Discussion of the different setback lengths.

Discussion of the map of the riparian setbacks within the township.

Discussion of the variance aspect of this legislation.

Paul Branson, resident, asked how many flooding incidents have happened over the years.

Ch. Kamps responded that the Ohio EPA has designated Hinckley as a Phase II township. There has been flooding in different areas throughout the years. Part of the Phase II township regulations requires that Hinckley implement a riparian setback regulation. If the regulation is not established, the township will be in violation of the Ohio Revised Code and subject to fines.

Donald Crush, resident, asked about the cost of implementing this legislation. Mrs. Dreyfuss-Wells stated that all that is needed is a tape measure.

Ch. Kamps explained how new construction and golf courses create more runoff.

Mr. Pope explained that both the map and the resolution are being utilized to support the legislation.

Mrs. Dreyfuss-Wells commented that the written legislation would have control over the map.

Mrs. Pajk made a motion to go into a work session.

Mr. Walrath second.

**Vote: Kamps – yes Pope – yes Walrath – yes Pajk – yes Powell – yes
Spellman – yes**

Mr. Pope went over the Prosecutor's comments in detail, the board and Mrs. Dreyfuss-Wells taking part in the discussion and changes.

It was decided that Section 18, Riparian Setback Ordinances will be divided into 3

sections: the main body of the legislation, the definitions, and an addendum pertinent to the Board of Zoning Appeals.

Mrs. Dreyfuss-Wells stated that she would be emailing 3 sections back to the Board.

Mr. Walrath asked that he get a copy in the mail before it is sent to the trustees.

Ch. Kamps conducted an informal vote of the board for approval of the riparian legislation as amended this evening subject to the written version that will be typed and distributed by Mrs. Dreyfuss-Wells. The official vote will take place at the next regular meeting of this board on October 4, 2007 and the proposal will be forwarded to the trustees for their action.

**Vote: Spellman – yes Powell – yes Walrath- yes Pajk – yes Pope-yes
Kamps – yes**

Mr. Walrath made a motion to adjourn the public meeting at 8:00 pm.
Mr. Powell second.

**Vote: Spellman – yes Powell – yes Walrath- yes Pajk – yes Pope-yes
Kamps – yes**

Patty Garrett, Zoning Clerk

Minutes Approved: _____, 2007

Jim Kamps, Chairman

Chuck Pope, Vice-Chairman

Diane Pajk, Member

Terry Walrath, Member

Calvin Powell, Member

absent
Karen Siarkowski, Alternate Member

William Spellman, Alternate Member