

**KINGSTON TOWNSHIP ZONING COMMISSION
MEETING MINUTES**

APPROVED: As Amended December 17, 2008

DATE: November 19, 2008
LOCATION: Kingston Township Hall
TIME CALLED TO ORDER: 7:04 PM by Vice-Chair Harsany

MEMBERS PRESENT:	(CHECK ONE)		
BURRELL	YES	X	NO
GROVE	YES	X	NO
STEINHOFF	YES	X	NO
HARSANY	YES	X	NO
DEAVERS	YES		NO X
FILBERT	YES	X	NO
TALBOTT	YES	X	NO
STITES	YES	X	NO

PUBLIC PRESENT: Craig Cope

APPROVAL OF MINUTES:

Member Steinhoff made a motion to approve Meeting Minutes dated October 15, 2008. The motion was seconded by Alternate Filbert (voting status during meeting) and was unanimously approved.

ZONING REPORT:

The Zoning Commission was provided a copy of the October 2008 Zoning Report to the Trustees *attached as Item 1*. Zoning Inspector Talbott informed members that the Township had received a new copy of the survey and legal description for the 25 acre Township Hall/Park parcel from the Robert Weiler Company for review. The Township has requested a right-of-entry to the parcel so that Township personnel can inspect the site prior to acceptance. According to previous correspondence, a Phase 1 Environmental Study has not been completed on the parcel.

He also briefed members regarding Pastures at Blue Church litigation. Oral arguments were presented before a judge on October 29, 2008. A ruling has not been rendered regarding the case; however, the judge has cancelled a mediation hearing that had been scheduled for November 19, 2008.

Members were advised that the Trustees had reappointed Jim Martin to the Board of Zoning Appeal on November 3, 2008, and were given a copy of the updated Board of Zoning Appeal Roster *attached as Item 2*. They were also provided information regarding the development of a watershed action plan for the Upper Big Walnut Creek Watershed *attached as Item 3*, and encouraged to provide any input they may have to the coordinator. Information regarding a zoning workshop sponsored by the Delaware County Regional Planning Commission on January 24, 2009 was distributed (*attached as Item 4*), and members were encouraged to participate.

Media Articles:

Several documents/articles were distributed for information including:

- Harlem Twp. Wind Generators—Sunbury News, August 28, 2008, *attached as Item 5*
- Liberty Twp. Wal-Mart Fight—Columbus Dispatch, October 1, 2008, *attached as Item 6*
- Delaware Co. Courthouse—Big Walnut News, October 23, 2008, *attached as Item 7*
- Schirtzinger Letter To Editor—Delaware Gazette, October 29, 2008, *attached as Item 8*
- Harlem Twp. Prosecutor Response—Sunbury News, October 30, 2008, *attached as Item 9*
- New Petition Fence Law—Ohio Township News, November/December 2008, *attached as Item 10*

Members discussed several points in the articles. Regarding *Item 5*, it was pointed out that the Harlem Township Trustees were viewing wind turbines as a windmill exemption within their zoning code. Regarding *Item 9*, members were informed that the Delaware County Prosecutor's Office had responded to a letter from Harlem Township requesting that the position vacancy assigned to handle township issues be refilled. The Prosecutor indicated that due to county budget constraints, the position would not be refilled, and that the township should prioritize work forwarded to the office. Regarding *Item 10*, members were advised that additional information concerning the petition fence law could be accessed via referenced websites or copies were available at the Zoning Office.

OLD BUSINESS:

During the October 15, 2008 Zoning Commission Meeting, Vice-Chair Harsany suggested that discussion regarding a zoning case currently before the Ohio Supreme Court be postponed until the November 19, 2008 meeting so that all Members could review the information to be provided by Member Deavers in advance, and all Members agreed. The information, *attached as Item 11*, was again supplied to members for reference during the November 19, 2008 meeting. In that Member Deavers was not present and had the most expertise to lead topic discussion, members decided to table further discussion until the December 17, 2008 meeting.

Zoning Resolution Text Review & Amendment Process—Vice-Chair Harsany asked if Member Burrell had done any follow-up research regarding communication towers/wind turbines. Research items included further examination of ORC 519.213 to determine township regulatory authority over small wind farms; review of the existing Kingston Township Zoning Resolution, Section 20.10, pages 118 and 119 and provide update recommendations based on language used by other townships in Delaware County; and determine if the existing Kingston code language requires modification concerning telecommunication towers vs. personal communication towers. Member Burrell indicated that schedule conflicts had prevented her from performing further research.

Member Burrell did point out two news items found in the September/October Ohio Township Association Magazine. First, House Bill 562 was approved by the 127th General Assembly and changes voting action by trustees regarding zoning commission amendment recommendations. Previously, state law required a unanimous trustee vote to deny or modify zoning commission recommendations. The new revision changes the vote from unanimous to majority. Changes to the existing Kingston Township Zoning Resolution will need to be made. Secretary Stites was

instructed to add the item to a list of required zoning text amendments requiring action during the current text amendment process. Second, she provided several news articles concerning wind power that were distributed to members and *attached as Item 12*, and pointed out wind energy changes also included in HB562 referenced above. A copy of the news article will be distributed at the December Zoning Commission Meeting.

Vice-Chair Harsany then volunteered to present his text amendment homework assignment regarding Protection Overlays. Members were asked their thoughts regarding the overlays; were they looking at simple setbacks or something more substantial? Several items were distributed regarding overlays including:

- Model Riparian Area Protection Overlay Zone, Allegan Conservation District, Allegan, Michigan *attached as Item 13*.
- Model Ordinance Erosion & Sediment Control, Chagrin River Watershed Partners in Northeast Ohio *attached as Item 14*.
- Summary of Riparian & Wetland Setback Regulations in Ohio & Nationwide, Chagrin River Watershed Partners in Northeast Ohio *attached as Item 15*.
- Riparian Corridor Overview, ES EnviroScience, Inc., Stow, Ohio *attached as Item 16*.

While members were formulating their opinions, Vice-Chair Harsany provided a local example for discussion—indicating that he had completed his masters’ thesis on development impacts on wetlands. He proceeded to describe how the developer of Medallion Estates along the west side of Hoover Reservoir off Big Walnut Road had used wetlands with setback buffers to enhance property values and create biodiversity rather than attempt considerable mitigation. He suggested that an overlay should be placed in the Planned Development section of the Kingston Township Zoning Resolution to ensure sound land use/preservation practices on “raw land” prior to the construction of homes vs. placing an overlay on existing developed properties. Finally, he suggested that another way to accomplish sound land use/preservation might be to provide development incentives.

After a general group discussion regarding stream bank erosion, mitigation measures and long term mitigation maintenance, Members settled on a two prong strategy:

1. Add protective setback language to Article VII, Farm Residence District and Article XX, General Development Standards to new construction of single family residences.
2. Create a protective overlay in Article VIII, Planned Residence District for large tracts of undeveloped land.

Secretary Stites was asked to secure a copy of the urban sediment and runoff standards reference on Page 117, Section 20.07 of the Kingston Township Zoning Resolution for future discussion. It was also decided that Kris Bruestle, Upper Big Walnut Watershed Coordinator, Delaware Soil and Water Conservation District would be invited to a future meeting to discuss setbacks and conservation measures that might be considered by the Zoning Commission.

Member Grove then distributed a copy of several concrete curb and gutter designs used by the City of Columbus and attached as Item 17. As a construction contractor, he pointed out his preference for the curb design that brings house gutter water via pipe through the curb to discharge at the street.

He indicated that the alternative that collects individual house gutter discharges into a buried pipe between the curb and sidewalk with a periodic, central discharge to the street has failed in many observed incidences due to crushing of the common collection pipe by residential maintenance vehicles and equipment, being plugged with leaves coming from residential gutters and tree roots. Zoning Inspector Talbott pointed out that there are no curb requirements or regulations in existing zoning resolution. Members discussed the possibility of using drainage swales in the Farm Residence District, and curbs in Development Districts—no definite decision was made concerning the matter. Member Burrell pointed out that she believed that the Trustees had decided that leach field curtain drains and downspouts could not be discharged into township roadway ditches. No other members or zoning office staff could verify that decision, and felt that it would be unreasonable to make that decision due to the relatively flat topography of much of the township.

Based on discussion at this and previous meetings regarding the difficulty that members were having researching their topics, Zoning Inspector Talbott suggested that the Delaware County Regional Planning Office Staff be considered to research and provide written text amendment recommendations concerning 6-8 top priority topics. He felt that they would be a logical source for assistance based on the assistance they have provided to other townships rewriting text amendments, their review of all text amendments within Delaware County and their need for additional work to generate funds due to a budget shortfall. The Zoning Commission unanimously agreed with the suggestion, and authorized Talbott to seek a written proposal from Regional Planning realizing that any funding would require Trustee approval.

NEW BUSINESS: **None**

FOLLOW UP ITEMS:

- Discuss the Supreme Court Zoning Case, *Item 11* at the December 17, 2008 meeting.
- Zoning Inspector Talbott to seek a funding proposal from the Delaware County Regional Planning Office to provide zoning text amendment review and recommendation services.
- Secure a copy of the urban sediment and runoff standards reference on Page 117, Section 20.07 of the Kingston Township Zoning Resolution for future discussion.
- Invite Kris Bruestle, Upper Big Walnut Watershed Coordinator, Delaware Soil and Water Conservation District to a future meeting to discuss setbacks and conservation measures that might be considered by the Zoning Commission.

ADJOURNMENT:

Member Burrell made a motion for adjournment. The motion was seconded by Member Grove, and was unanimously approved.

TIME: **9:05 PM**

SUBMITTED BY: Dave Stites, Zoning Secretary/Assistant Zoning Inspector