

**PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF AUGUST 26, 2008 MEETING**

Members Present: Howard Balzer, Glen Hymer, Hulda Moffitt, and Bruce Whyte (Alternate)

Members Absent: Christopher Finn and Judy Stalter

Others Present: Connie Swisher, Zoning Inspector; Dana Scott, Zoning Clerk; Pam Williams, Township Resident

Call to Order: The meeting was called to order by Howard Balzer, Chairman, at 3:00 p.m.

Meeting Minutes:

Mr. Balzer asked for a motion to approve or correct the July 22, 2008 Prairie Township Zoning Commission Meeting Minutes.

As there were no corrections, Mr. Hymer moved to approve the July 22, 2008 Zoning Commission Minutes as written. Ms. Moffitt seconded the motion.

Roll call as follows:

- | | |
|------------------|-----|
| 1. Glen Hymer | Aye |
| 2. Hulda Moffitt | Aye |
| 3. Bruce Whyte | Aye |
| 4. Howard Balzer | Aye |

The motion was approved unanimously.

Old Business:

None

New Business:

Connie Swisher provided information and addressed the Commission about the following items:

Transient Vendor Registration & Permit Process

The Prairie Township Trustees adopted by resolution a formal registration and permit process for transient vendors, effective August 2, 2008. This registration and permit process is applicable to all transient vendors, including door-to-door solicitors and operators of mobile food vehicles.

Prior to commencing commercial activity, all transient vendors must complete a State background check, performed by the Franklin County Sheriff Department, provide a valid form of identification, and complete and submit all other paperwork as required in the registration process to the Prairie Township Zoning Office.

Vendors will be notified within 72 hours that the registration has been approved or denied.

**PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF AUGUST 26, 2008 MEETING**

All approved solicitors must display their badge with photo and Township logo while going door to door. This should assure residents that transient vendors have successfully completed the permit and registration process.

Transient vendors are allowed to remain at the same location for up to 10 consecutive days and may renew their registration permit a maximum of three times per year. Using renewed permits, vendors may return to the same location but only after moving for at least one day.

The transient vendor resolution was passed in response to concerns expressed at Trustee meetings by several residents about the legitimacy of door-to-door canvassers.

**Legislative Change Governing Zoning Commission
Recommendations to Board of Trustees**

The Ohio Township Association (OTA) issued a legislative alert to Township Officials that HB 562 Capital Budget and Budget Corrections Bill contains a provision that creates the Ohio Commission on Local Government Reform and Collaboration. A section of the bill includes new language that governs Township Zoning Commission recommendations made to a Board of Trustees. HB 562's passage is imminent.

Assuming the bill passes, effective September 25, 2008, it will not require a unanimous vote (3 out of 3) of the Township Trustees to deny or modify Zoning Commission recommendations. Rather, a majority vote (2 out of 3) is now sufficient to deny or modify recommendations. If one trustee abstains or is absent¹ and they split the vote, the recommendation is denied.

Because of this State legislation, which affects township governments, a change in Article 6, Section 613 of the Prairie Township Zoning Resolution will be required.

Big Darby Creek Watershed Riparian Setbacks

The Franklin County Commissioners recently approved amended Section 650, Big Darby Creek Watershed Riparian Setbacks, of the Franklin County Zoning Resolution. Section 650 establishes stream setback requirements in the Big Darby Watershed pursuant to the Ohio EPA Water Quality Management Plan (§208 Plan), and is intended to be in compliance with the Big Darby Accord Master Plan. Section 650 applies to existing and new development.

The 208 Plan is a document that directs action to abate pollution and preserve clean water statewide. In late 2006 the Ohio EPA updated its 208 Plan and included special steps to preserve and protect the water quality of the Big Darby Watershed.

Section 650's jurisdiction includes Franklin County and Brown, Norwich, and Pleasant Townships (townships located in the watershed that use the County zoning code).

¹ Two out of three trustees present at a meeting constitute a quorum; therefore, official business may be conducted.

**PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF AUGUST 26, 2008 MEETING**

Section 650 was initially proposed as a model to amend Article 21 (Big Darby Creek Critical Resource Protection District) of the Township Zoning Resolution. However, after extensive and thoughtful review, Zoning staff does not recommend that Prairie adopt Section 650 as written into our zoning code.

Referring to a map of County riparian setbacks in the Big Darby Watershed, Ms. Swisher said that, in effect, development of almost any type, including building a fence, in the blue area (riparian setback) will have to go before the Board of Zoning Appeals (BZA).

It is at the critical point of appeal that there is little assurance that knowledgeable professionals, for example from the Ohio EPA or the Franklin Soil and Water Conservation District, must or will be involved in reviewing the variance application or providing reports related to it. What is lacking at the BZA is an effective mechanism that ensures that the protections and new development principles outlined in the Big Darby Accord will be enforced and subsequently carried out by anyone requesting a variance to build in the riparian setbacks.

Ms. Swisher said that she plans to meet with Harry Karapalides of the EPA to discuss possible ways Prairie can include the EPA in the variance process. Her concern is that the EPA likely will not want to be involved if less than an acre is disturbed. It appears that no one is accepting responsibility for looking at areas less than one acre.

Although they finally passed Section 650, the County Commissioners did so with reservations. Therefore, Franklin County is going to review it in six months.

Ms. Swisher said that she has read the Darby Accord and supports the very worthwhile and progressive development principles therein. Prairie Township needs to find an effective and consistent way to make these take place in order to protect the Darby and the neighbors, and to accommodate applicants to the extent possible within the Accord's guidelines.

Referring once again to the map of Franklin County Riparian Setbacks, Ms. Swisher said that the map was prepared by David Lowell, formerly of FSWCD, who just started working as GIS coordinator for Franklin County. She said that Tracy Hatmaker asked her to contact Mr. Lowell and request that he develop a map that displays the 100-year flood plain, the belt width of the riparian, and the 100 foot minimum setback from center line; and, if possible, another map showing property lines, buildings and houses, the 120 foot high water mark along the Big Darby, and the riparian set back from that point. This additional information will be extraordinarily valuable going forward.

Next Meeting:

Mr. Balzer announced that the next meeting of the Prairie Township Zoning Commission would be Tuesday, September 23, 2008, at 3:00 p.m. at the Township Hall, 23 Maple Drive.

**PRAIRIE TOWNSHIP ZONING COMMISSION
MINUTES OF AUGUST 26, 2008 MEETING**

There being no further business, Mr. Balzer adjourned the meeting at 4:00 p.m.

Respectfully submitted,

Hulda Moffitt, Secretary
Prairie Township Zoning Commission

