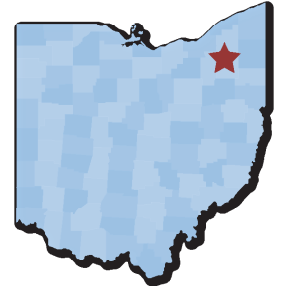


Stream Setback Zoning Copley Township, Summit County

Background

Copley Township, originally part of the Western Reserve Territory, elected its first township officials in 1819. Glaciers that came into Northern Ohio, perhaps as recently as 10,000 years ago, helped to shape the land. “Copley swamps with their rich muck soil have provided abundant nurture for crops of grain, vegetables and fruit as well as for livestock. A high glacial moraine running east and west through the area is a watershed sending some waters north to the Great Lakes while the rest flows south to the Ohio and Mississippi rivers” (Copley Township Website, 2014). The Township has sought to protect these valuable water resources through stream setback legislation. (also known as riparian setbacks).



The Riparian Setback Resolution

Riparian is defined as “relating to or living or located on the bank of a natural watercourse (as a river) or sometimes of a lake or a tidewater” (Merriam-Webster, 2015). Riparian setbacks (requiring most types of development to be a minimum space back from the bank edge) help to protect and preserve water quality at the same time as “protecting residents from property loss and damage because of erosion and flooding (Copley Township PDF, 2015). A stream or riparian setback regulation works much like any front or side yard setback: a distance is delineated, within which development is not permitted. Variances and procedures are provided for grandfathered and hardship situations.



In 2002, Summit County enacted riparian protection setback regulations that affected all townships in the County, including Copley Township. In 2003 Copley enacted a similar setback through passage of a resolution by the Board of Trustees. Adopting a Riparian Setback resolution directly into their regulations (with language matching the county regulation) gives Copley more flexibility for the process of administering the setback provisions. Developers are presented with one less level of bureaucracy in the application process as the Township's regulation supersedes the county's, and they can work with the Township directly.

Matt Springer, Copley Township Planning Director, notes that the Township has looked to the Summit Soil & Water Conservation District for leadership in water protection. They have been the initiators in promoting stream, floodplain and wetland protection via riparian protection ordinances for quite some time. Cindy Fink, Program Administrator at the Summit Soil & Water Conservation District, gives kudos back to Copley for adopting riparian setback ordinances into their own zoning code. The setbacks protect water quality and overall help to reduce flooding, and "help our residents," says Fink. Since the setback is considered a "non-structural water quality" measure, both Fink and Springer note that the Township has more flexibility in meeting "Phase 2" Ohio EPA water quality standards.

History

According to Fink, a developer receives much of the credit for initiating the water protection ordinances. The developer was being impacted by another developer's work on sensitive land, and so talked to some Summit County Council members. Something needed to be done about protecting streams and reducing erosion and downstream impacts.



The issue was brought to the Soil and Water District, who coincidentally happened to have had recently hired an urban stream specialist under a grant the organization had received. Looking to the US EPA, US Fish and Wildlife and other stream protection ordinances for models, the Summit Soil and Water Conservation District brought a brief proposed resolution for riparian setbacks and stream protection to the Summit County Council. Developers, building industry representatives, Ohio Department of Natural Resources (ODNR) grant recipients and others were part of the discussion in crafting a county-level code.

With the “blessings of [County] leadership” and after a two-year process, the stream protection ordinance passed, recalled Fink. One of those council members was concerned about the impact on farmers, but agricultural activity is exempt from zoning provisions such as the setback, according to Fink.

The need for riparian setback and other water protection ordinances was reinforced after flooding in 2003, in which a person from Hudson, Ohio died. Later that year, Copley adopted the County ordinance. Continual flooding, raining, and life changing events cause people to be concerned, and politicians react,” noted Fink.

Both Fink and Springer say that communication with developers and property owners is key to the success of the ordinance. After-the-fact enforcements do occur, according to Springer. Sites might be prepared for development and fill and/or structures installed in riparian areas that are supposed to be off-limits under the building prohibition of the law. In such cases, the Township and the County will have the encroachments removed.

Springer noted that there are two main reasons for Copley to go forward with the Riparian Setback regulation: first, to provide as much local control as possible on commercial development sites; and second, to help with compliance with the Ohio EPA’s Municipal Separate Storm Sewer System (MS4) permit process. Stream setbacks are considered part of a community’s stormwater program under the MS4 permit requirements.

Helen Humphrys, Copley Township Trustee, grew up right outside of Copley. She has seen how the Township has grown since 1984 in “leaps and bounds” and knows the necessity to not “build too close to the water ever.” She continues, “I’m pleased with how we’re going forward with watershed conservation.”



Bibliography

Copley Township PDF, "Riparian Setback Standards, 2013. Accessed 2015, via the web, <http://www.copley.oh.us/zoning-commission-meeting-minutes/2013-zoning-commission-meeting-minutes/1316-article-15-riparian-setback-standards-2013-1/menu-id-142.html>

Copley Township Website. Accessed 5/16/14 via the web, <http://www.copley.oh.us/about-copley/copley-history/history.html>.

Cindy Fink, interview with Steven Kanner, 2014.

Helen Humphrys, interview with Steven Kanner, 2014.

Matt Springer, interview with Steven Kanner, 2014.

