

**Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
July 23, 2012**

Members: Vince Rubino, Chair
Jerry James
Ken Barnhart

Mr. Rubino called the meeting to order at 6:50 p.m. Mr. James was absent.

The minutes from the June 18, 2012 and June 25, 2012 Committee meetings were approved as submitted.

Legislation Discussed

Temp. Ord. A-59

Discussion

Temp. Ord. A-59

An ordinance amending Section 1125.02 of Chapter 1125, Title 2, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), relating to stream corridor protection, and declaring an emergency.

Mr. Guerra did not have anything else to add to his statements made during the public hearing. He did point out that in people's backyards, it allows for modifications if someone wanted to do something, such as access structures. Although any paving may require porous material. Mrs. Pyke asked who determined what the ordinary high water mark was. Mr. Guerra replied that the high water mark would be determined by an engineer. Mrs. Pyke asked if someone wanted to build something, would it be up to the engineer to state where the high watermark was? Mr. Guerra replied that the Code states the Cuyahoga River is a Type 5 stream so the preservation buffer is 30 feet, the managed buffer is 100 feet, and the limit is 300 feet. This change protects that 30 feet, which is the center of the river to the edge. He cannot answer where the high water mark is because it depends where on the river it is. Mrs. Pyke stated that line 67 sounds like a measurement. Mr. Guerra stated that meant if you measure where that line is in May, it would be 30 feet from that line. In October, that measurement may not be correct. Mrs. Pyke asked who is going to determine where that mark is. Mr. Guerra stated if there is disagreement, they would look into that. That wording has been the same since 2005. It has not changed. At the time, they had various determinations on where the end of things were so they looked at it and agreed to a certain area. He did not think that type of problem would occur on the Cuyahoga River. This legislation just lets the City protect that preservation buffer so developments do not occur up against the river.

Mr. Barnhart moved to bring out A-59 with a favorable recommendation, second by Mr. Rubino. Motion passed 2-0.

Meeting adjourned at 6:55 p.m.