

**CITY OF COLUMBUS  
PUBLIC HEARING IN INTERACTIVE TECHNOLOGY MEETING FORMAT  
INTERACTIVE TECHNOLOGY MEETING FORMAT  
STATUTES SECTION 13D.021  
ORDINANCE 23-04 CHAPTER 7C/7D  
5-17-2023**

The 5-17-2023 Public Hearing to consider the proposed Ordinance 23-04 to amend Chapter 7C and 7D regarding wetland zoning and stormwater management regulations. The meeting was called to order by Chair Lynn Carver-Quinn at the City Hall at 6:20 PM. Present were Planning Commission members Barb Bobick, Judy Huntosh and Bethany Barrette, City Administrator Elizabeth Mursko, Council Planning Commission Liaison Janet Hegland, City Planner Dean Johnson, and Associate Planner Frank Koenen.

Also in attendance were Cindy Angel, and Jon Sawyer

In attendance via interactive technology was City Engineer Tim Olson

The meeting was held in an interactive technology meeting format.

**Carver-Quinn:** Now we will move on to Ordinance 23-04 Chapter 7C/7D, wetland zoning and public stormwater management regulations, pages 47-74.

Notice was read at this time by Associate Planner Frank Koenen

**Carver-Quinn:** Is there anybody that wants to comment on this ordinance?

**Dean Johnson:** Would you like to let the City Engineer give an explanation of the ordinance?

**Carver-Quinn:** Yes. Tim Olson, would you like to give us a report?

**Tim Olson:** Yes, I'd be happy to Madam Chair and members of the Commission. This process started a few years ago; the Sunrise River WMO, or the Watershed Management Organization, reached out to the city of Columbus regarding some inconsistencies, and really discrepancies between their rules and the city's stormwater management and wetland ordinances that were mostly focused on wetland buffer discrepancies. What this really did was initiate a review of the entire stormwater management, erosion control, and wetland management ordinances. And at that time, the discussion included – you know, the fact that the city of Columbus has three separate watershed districts within its jurisdiction, all with very different rules, on top of the fact that your own stormwater management ordinance was different from all of those. So, that really initiated some conversation regarding which rules are the best, and which rules should really apply to all developments, to create some consistency in how development should be handled across jurisdictions. And since the Rice Creek Watershed district is the most restrictive within the limits of the city of Columbus, an effort was made to try and incorporate as many of the Rice Creek rules into the city's stormwater ordinance as possible. And when a development is submitted to the city of Columbus, we'll review those developments on behalf of the city's ordinance, which will follow mostly the Rice Creek rules, but each of those developments will still be required to submit permits within the jurisdictional boundaries of those watershed districts as well. So, there's a little but if carry over there, but the main impetus behind this was to create some consistency. We also explored the wetland management ordinances within both Chapters 7D and 7C and tried to really cater

those more towards the state's regulation, and the Wetland Conservation Act. So, what you have in front of you is that comprehensive update, which is very different than the previous ordinance, and more aligned with Rice Creek's rules. I'd be happy to answer any questions.

**Carver-Quinn:** Anyone have a question for Tim?

**Bobick:** I don't. But I'm looking at my paperwork here and at the top of the page it says Ordinance 23-03.

**Barrette:** I had the same question. It looks like all of us had the same question.

**Bobick:** Should it be 23-04 at the top of the ordinance?

**Barrette:** The thing we just talked about, that's supposed to be 23-03 is labeled with a XX, and then the next one that's supposed to be 23-04 says 23-03.

**Bobick:** We already passed the 23-03

**Koenen:** I'm sorry. I know Elizabeth right now doesn't have access to our file system, but in the way we have things organized right now, Ordinance 23-03 is in fact the Chapter 7A Amendment for administrative variances and Ordinance 23-04 is amending Chapter 7C/7D for stormwater management regulations.

**Bobick:** So, does this have to be amended on the paper here then?

**Koenen:** I believe it would.

**Bobick:** It's the first page of one through –

**Barrette:** It's right at the top.

**Bobick:** Should that be changed on our paperwork, or in your files?

**Koenen:** With the way we have things organized, I believe it would be amended.

**Bobick:** Well, our paperwork here says Ordinance 23-04 is Chapter 7C/7D, Wetland zoning and stormwater management regulations. It says 47 through 78, but my pages aren't numbered like that. But it's page number one, right after public hearing notice.

**Elizabeth Mursko:** This is Elizabeth Mursko. Yes, we'll amend the ordinance to say 23-04, and we're also going to amend the heading because 7C was taken out of the ordinance. I know that Tim and Bill Griffith looked at this, and there were some sections that were changed, but I believe that 7C did not have any amendments.

**Carver-Quinn:** Thank you Elizabeth. Council Member Hegland?

**Hegland:** This is Janet. So, this is a question for Tim. On the first page, where there's definitions, you have an emergency overflow definition and I'm wondering if it needs to be expanded to say that the overflow – right now it says 'without causing flooding', but should it say 'flooding of private lands' or 'private property'? Rather than just flooding?

**Tim Olson:** You know, I think that that is meant to be more of a catch-all statement, but if we'd like to be more specific on which properties were trying to protect, we can certainly do that. I think that's meant to be more of a catch-all, that 'flooding on any property should be protected by the EOF.

**Hegland:** Yeah, I'm asking the question because I have a friend in another community who's fighting with her city because they're directing the overflow to her property. So, I thought it might be good to just clarify that in ours. And then the second question has to do with the definition of excavation, and this has kind of come up recently too, so your definition is just talking about removal of soil, do you also want to include hauling in? That could change the elevation.

**Tim Olson:** Yes, that might qualify under a different definition.

**Bobick:** Yeah, there is one.

**Tim Olson:** Maybe even under 'land disturbance activity'. I think excavation is just meant for removal, not necessarily for fill. Anything that's red in this modified ordinance that you see on your screen would have been a definition from Rice Creek that's verbatim.

**Hegland:** Okay, that's helpful. We had an offline conversation, Elizabeth and I, and I actually asked the question about the definition of excavation, and in the situation we were discussing, we were including both hauling in and removing. So, I just wanted to make sure we were intentional in having it be a separate definition.

**Tim Olson:** I would be happy to look into that, and see if there's some other sources that include fill as part of the definition of excavation.

**Bobick:** This is Barb. I also have a question about that. Excavation in the construction industry is actually a process which involves planning and changing elevation, filling and digging. So its more of an in-depth definition than you have here, and that can be a question of concern, especially when you have residents that aren't real particular. They don't understand the nuances of definitions. So if you could make it as clear and concise as possible. I think it would be more helpful to any residents that are checking into this.

**Tim Olson:** Yeah absolutely, I'll look into that. I'll point to the definition letter M, land disturbing activities or development activities. That is a little bit more comprehensive related to those development activities, which include things like a demolition of a structure or soil stripping, clearing, grubbing, grading, excavation, and filling. The reason that there may be two definitions, one for excavation and one for land disturbance activity, is that the word excavation comes up throughout the rules. But as you follow and comply with the city's ordinance, everything is related back to that land disturbing activity definition. But I will look into it, you're making great points. So let me check into that definition, both of them, and make sure that we're all clear and on the same page.

**Hegland:** Thank you.

**Carver-Quinn:** Thank you.

**Barrette:** I have a question with the crossing out – so the red, is new or changed? I'm still kind of figuring out – ok it's new. So then, the red that's crossed out, what does that mean and why is it crossed out?

**Tim Olson:** That's likely the previous definition and we're replacing that with the more comprehensive Rice Creek definition in that case.

**Barrette:** Oh, so that's all it used to say, and you're replacing it with what's above it. Okay.

**Tim Olson:** That's right. I mean if you keep going down, there are humongous sections that are removed from this. You know, as you keep scrolling. And have been replaced by other things. It's a little easier to read the cleaned version, but at least these redline versions will show you – actually there's a previous one even before this that shows more redlines. So, regardless, those redlines are just meant to show what the changes were and I can certainly share our first iteration that included all of the language that was removed and everything that was added. It's quite comprehensive. This one doesn't show as much change as I thought it would.

**Elizabeth Mursko:** Tim, I think this is the third or fourth draft. It was really hard with all the redlines at one point to discern between them. This was kind of the intermediary of the three or four drafts we had.

**Tim Olson:** Ok, thank you Elizabeth.

**Carver-Quinn:** Is there anyone that would like to come forward? Anybody online that would like to say anything? Then I'll close the public hearing.

At this time, Chair Carver-Quinn closed the Public Hearing. Hearing closed at 6:34 PM.

*Eleanor Hahn*

Respectfully submitted: Eleanor Hahn, Recording Secretary