

RESOLUTION 028-2017

Cuyahoga County, Ohio

Be It Resolved by the Township Trustees of Olmsted Township that

WHEREAS, flooding is a significant threat to property and public health and safety and storm water management lessens flood damage by reducing and holding runoff and releasing it slowly; and,

WHEREAS, streambank erosion is a significant threat to property and public health and safety and storm water management slows runoff and reduces its erosive force; and,

WHEREAS, insufficient control of storm water can result in significant damage to receiving water resources, impairing the capacity of these areas to sustain aquatic systems and their associated aquatic life use designations; and,

WHEREAS, land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition; and,

WHEREAS, storm water runoff contributes to increased quantities of pollutants to water resources; and,

WHEREAS, storm water runoff, stream channel erosion, and nonpoint source pollution can be controlled and minimized through the regulation of runoff from land development projects; and,

WHEREAS, the United States Environmental Protection Agency has approved a Total Maximum Daily Load (TMDL) for nutrients, bacteria, total suspended solids and dissolved oxygen in the East Branch Black River; for bacteria and dissolved oxygen in the Main Stem Black River; and for nutrients in the Plum Creek watersheds.

WHEREAS, there are watershed-wide efforts to reduce flooding, erosion, sedimentation, and water quality problems in the East Branch Black River, Main Stem Black River and Plum Creek and to protect and enhance the water resources of the East Branch Black River, Main Stem Black River and Plum Creek; and,

WHEREAS, Olmsted Township finds that the lands and waters within its borders are finite natural resources and that their quality is of primary importance in promoting and maintaining public health and safety within its borders; and,

WHEREAS, Olmsted Township desires to establish standards, principles, and procedures for the regulation of soil disturbing activities that may increase flooding and erosion and may cause adverse impacts to water resources, resulting from storm water runoff; and,

WHEREAS, the use of green infrastructure and runoff reduction practices improves water quality in our streams and Lake Erie and reduces the magnitude and frequency of flooding and combined sewer overflow events through the infiltration, evapotranspiration, treatment and reuse of storm water runoff; and

WHEREAS, the use of green infrastructure produces community benefits including reduced crime, increased property values, increased retail sales and lower infrastructure costs; and

WHEREAS, soil is most vulnerable to erosion by wind and water during soil disturbing activities and this eroded soil necessitates repair of sewers and ditches and dredging of rivers, harbors, and lakes; accelerates downstream bank erosion and damage to public and private property; damages water resources by reducing water quality; and causes the siltation of aquatic habitat; and

WHEREAS, communities throughout the watershed(s) in which Olmsted Township is located have experienced and continue to experience costs associated with inadequate erosion and sediment control and increased State and Federal regulation; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123 and 124, referred to as NPDES Storm Water Phase II, require designated communities, including Olmsted Township to develop and implement a Storm Water Management Program to address, among other components, erosion and sediment control during soil disturbing activities; and

WHEREAS, Olmsted Township is a member of the Northeast Ohio Regional Sewer District and recognizes its obligation as a part of this organization to manage storm water, to reduce sedimentation and to protect water quality by controlling soil disturbing activities within its borders; and

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including Olmsted Township to develop a Storm Water Management Program that, among other components, requires Olmsted Township to address erosion and sediment controls during soil disturbing activities and implement standards, principles, and procedures to regulate the quality of storm water runoff during and after soil disturbing activities; and,

WHEREAS, Olmsted Township has the legal authority to implement a Storm Water Management Program under its governmental authority granted by Title 5, Chapters 501 to 521, Chapter 1502, and Chapter 5571 of the Ohio Revised Code. In addition, Ohio Attorney General Opinion No. 85-053 holds that a township may enact zoning resolutions which regulate land use in such a manner as to control sediment and storm water runoff from urban development. In this context, "urban development" may include large-lot housing subdivisions and low density, semi-rural commercial or industrial development, and does not necessarily imply the higher-density type of development associated with cities

NOW, THEREFORE, BE IT RESOLVED by the Olmsted Township Board of Trustees that the "Comprehensive Storm Water Management Regulations including Erosion and Sediment Control Regulations, Comprehensive Storm Water Management Regulations and Riparian and Wetland Setback Regulations" modified in January 2017 is hereby adopted and

BE IT FURTHER RESOLVED that this "Comprehensive Storm Water Management Regulations including Erosion and Sediment Control Regulations, Comprehensive Storm Water

Management Regulations and Riparian and Wetland Setback Regulations" modified in January 2017 supersedes "The Comprehensive Storm Water Management Plan" adopted in February 2011 and any other storm water management plans adopted prior to February 2011.

BE IT FURTHER RESOLVED that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Adopted the 23rd day of March, 2017

Attest: Brian W. Fattalo
Township Fiscal Officer

Tiffany Fiselbach
Tim J. ...
Jessica M. ...
Township Trustees