

## RECORD OF PROCEEDINGS

Minutes of Waterville Township Zoning Commission

Meeting

BARNETT BOOKS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6-01

Held at 7:30 p.m. at the Waterville Township Hall on July 16, 2007ROLL CALL:

Chairman George J. Cole - Present  
 Vice-Chairman Tom Overmyer - Present  
 Member Daryl Powell - Present  
 Member Glenn A. Bamas - Absent  
 Member Tom Wardell - Absent

OFFICIALS:

Zoning Inspector Eric H. Gay - Present  
 Waterville Township Trustee Chairman Leslie Disher - Present  
 Fiscal Officer Kay Ann Robertson - Present

GUESTS:

Ms. Molly Maguire, Planner for the Lucas County Plan Commission  
 Fred Gothke, 11230 Stiles Road, Whitehouse, Ohio  
 Marvin Longnecker, 11402 Stiles Road, Whitehouse, Ohio  
 Doris Longnecker, 11402 Stiles Road, Whitehouse, Ohio  
 George M. Dunaway, 11462 Stiles Road, Whitehouse, Ohio  
 Jack A. Trail, 11807 Stiles Road, Whitehouse, Ohio  
 Robert A. Hertzfeld, 8649 Hertzfeld Road, Waterville, Ohio  
 Tamara J. Urbas, 5845 Berkey-Southern Road, Whitehouse, Ohio  
 Anton J. Urbas, 5845 Berkey-Southern Road, Whitehouse, Ohio  
 Liss Boltz, 11465 Stiles Road, Whitehouse, Ohio  
 Scott Boltz, 11465 Stiles Road, Whitehouse, Ohio  
 Paul Taylor, 11126 Temperance Street, Whitehouse, Ohio  
 Terry Milliman, 11441 Stiles Road, Whitehouse, Ohio  
 Donna Allman, 11640 Stiles Road, Whitehouse, Ohio

MINUTES:

The minutes had been prepared by Fiscal Officer Kay Ann Robertson and sent to each zoning commission member prior to the meeting:

Tom Overmyer made a motion to dispense with the reading of the minutes of the June 18, 2007, meeting and to approve these minutes with no additions or corrections. Seconded by Daryl Powell. Motion Carried.

CORRESPONDENCE:

A copy of a letter written by Solicitor Walter J. Calley to the Maumee Municipal Prosecutor's Office - John Arnsby was read to the group. In it Walt Calley asked to have criminal charges brought against Randy and Kristin Miller, 6544 North River Road, Waterville, Ohio, for having three (3) horses on their property in violation of Section 9.14 of the Waterville Township Zoning Resolution. Section 13.6 of the zoning resolution states that it is a misdemeanor to violate the zoning resolution. He asked to be kept apprised of steps and actions taken by John Arnsby in this matter.

PUBLIC HEARING - Z22-C109 - JAMES YAGGIE SMALL WIND TURBINE SPECIAL USE:

Chairman George J. Cole opened the public hearing which had been continued until this date and time. The purpose of the hearing is to consider an application by James and Jacqueline Yaggie, 11405 Stiles Road, Whitehouse, Ohio, in Waterville Township, for a special use permit for a small wind turbine.

COMMENTS:

George Cole: Both Chairman Cole and Inspector Gay attended the Lucas County Plan Commission on the small wind turbine amendment. \*\*Footnote: At the Lucas County Plan Commission and the subsequent public hearings held at the township zoning commission level and at the final public hearing held by the township trustees, no one attended nor spoke out for or against the amendment.

Jack Trail: Former Waterville Township Trustee Jack Trail who lives at 11807 Stiles Road asked about the noise level and whether it would be harmful to birds.

Molly Maguire: Decided to go with no guy wires to minimize the harm to wild life. You will see no comments from the F.A.A. because none were forthcoming.

Resident Comment: Concerned about the birds; 75' in the air is an eyesore; does not want to listen to the equivalent of a noise from a lawnmower; it will hurt property values.

Tony Urbas: What were the Lucas County Plan Commissions comments?

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Form 6101

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Continued:

George Cole: Waterville Township is the first in Lucas County to establish regulations covering small wind turbines. At all of the hearings before the regulations became effective, there were no negative comments. If these regulations were not in place, the township would have NO control over anything to do with small wind turbines.

Resident Comments: Did not pay good money for a lot just to have to listen to the noise of a wind turbine. Does not believe the turbines will make less noise than an airconditioner. What will happen if the noise exceeds 60 decibel?

George Cole: If noise violates the zoning resolution, the township will file charges. The noise level would be measured at the property line.

Resident Comments: These lots in this area are long and narrow. Do not want to hear noise 24/7. Will these wind turbines need beacons on top of them?

Molly Maguire: According to FAA regulations anything under 200 feet need not be lighted. These are well under that height.

Paul Taylor: Does not feel the township took into consideration the health and safety aspect when the regulations were written. These lots are long and narrow. Adjoining property is used residential. **\*\*Footnote:** The property in question is zoned agricultural although it may also be used for residential. These small wind turbines could throw off ice in the winter months and injure someone. Please reconsider how the amendment was passed. If the turbine should fail, where would it land?

Jack Trail: Is the township going to buy something to measure how much noise these turbines are making once one is installed?

Resident Comments: Are there any in the area? (One near Sandusky) Won't these be an eyesore. Isn't the township concerned about a lawsuit if one is allowed in the township? Mr. Yaggie (Applicant for special use permit) moved in and did not consult the neighbors about a wind turbine. What can the neighbors do to fight the turbines? Are asking for a delay in this commission's decision to give neighbors time to check out wind turbines. Was noise a consideration when the wind turbine amendment was passed?

George Cole: This commission will take another look at the wind turbine amendment. We need to contact the manufacturer about what happens if one fails. We will look at it from a noise and failure standpoint. We are attempting to control the placement of wind turbines. Before we passed this amendment, we reviewed information gathered from several states. We needed to start somewhere. We have no basis to say no if someone wants to erect a wind turbine but at least with the current regulations, we can have some control.

Molly Maguire: Currently, the township does not have a noise regulation.

Eric Gay: If noise is an issue, the township will need to monitor it.

Resident Comments: Information regarding this hearing only went to the adjoining property owners. **\*\*Footnote -** The township is only required to notify the adjoining property owners when an amendment to the zoning resolution is being considered. If the wind turbine is built and becomes a nuisance then what happens?

George Cole: If a complaint is filed, the zoning inspector investigates it and if it is well founded, the matter will be taken to court.

Eric Gay: This is not the applicant's only electric source. Extra electricity generated by the wind turbine cannot be sold to Toledo Edison.

Resident Comments: There must be some benefit or the State of Ohio would not be granting funds. The wind turbine may be saving resources but it is producing noise.

Tony Urbas: Bowling Green's wind turbines make very little noise. Maybe in the zoning commission's approval, they could have the manufacturer monitor the noise level after it is erected.

Paul Taylor: A wind turbine with no guywires is irresponsible. Mr. Taylor has adjoining lot and feels the township should be using 200% fallout.

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**Continued:**

George Cole: If I had my way, there would be no wind turbines in the township, but we cannot zone them out, so the best we can do is control them. We could ask Mr. Yaggie to move the tower back further on his property.

Daryl Powell: When we decided on the 125% fallout, we did not just pick a number out of a hat, we researched it.

George Cole: I suggest we delay making a recommendation to the trustees at this time. We need to gather information from the manufacturer. I would like to have all of the zoning commission members present when a decision is made. Mr. Cole does not know of a reasonable approach that would prohibit the building of a small wind turbine in the township.

Daryl Powell made a motion to continue the public hearing scheduled for this date/time until August 20, 2007, at 7:30 p.m. at the Waterville Township Hall, 621 Farnsworth Road, Waterville, Ohio. The purpose of the hearing is to consider a request by James and Jacqueline Yaggie, 11405 Stiles Road, Whitehouse, Ohio, for a special use permit for a small wind turbine. Second by George Cole.

**PUBLIC HEARING - ZZZ-C110 - WHEELER CORN MAZE:**

Motion Carried.

Chairman George Cole opened the public hearing which had been continued until this date and time. The purpose of the hearing is to consider an application for an amendment to his special use permit for a butterfly viewing and education center to include a corn maze by Duke Wheeler, 11455 Obee Road, Whitehouse, Ohio.

**STAFF ANALYSIS:**

The request is for an amendment to the special use permit for a corn maze proposed for a 31.571 acre site located at 11455 Obee Road, east of S.R.295 in Waterville Township. The applicant has asked to extend the current special use permit for the Butterfly House and Education Center in order to operate a seasonal corn maze on the northwest portion of the property. The corn maze will operate from mid-September through October based on the weather where the days of operation will be Friday, Saturday and Sunday.

The corn maze offers seasonal, recreational activity for the community and will have four different mazes based on skill level of the visitor. The design illustrated on the sketch shows the mazes lay out in butterfly shapes and a catapillar. The site plan shows there will be an additional gravel parking lot with 191 spaces, grass parking lot with 73 spaces to include the existing parking lot that serves the butterfly house and education center.

The location of the parcel is abutting a subdivision located in the Village of Whitehouse where the applicant has provided a buffer to the south and will not be crossing Swan Creek with any activities. Several conditions of approval are intended to provide additional safety features for the site.

**PLANNING COMMISSION RECOMMENDATION:**

The Lucas County Planning Commission recommends an approval of the Special Use Permit to the Waterville Township Zoning Commission and Township Trustees subject to the following twenty-three (23) conditions.

The conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

**Lucas County Buildings Regulations:**

1. The corn maze will be situated mostly within the 100-year designated floodplain as long as no "structures" are built within the designated floodplain, no objections will be issued.

**Plan Commission Staff:**

2. A site plan review fee of \$100.00 shall be remitted to the Lucas County Plan Commissions Office prior to final site plan approval.

3. No permits shall be issued until arrangements satisfactory to the Waterville Township Zoning Inspector have been made for compliance with the conditions as set forth above.

**Lucas County Health Department:**

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4. Provide port-o-johns during hours of operation of sufficient number.

Whitehouse Fire Department:

5. Two (minimum) look out towers for safety.  
 6. No smoking signs.  
 7. Fire extinguishers.  
 8. Fence or walking patrol provided along creek side of the parcel.

Lucas County Engineer:

9. Access management should be included to improve traffic operations and safety. The development should be limited to one driveway to each parking lot for a total of two driveways, which would include access to the butterfly house.
10. The County Engineer's Office has plans for the improvement of Obee Road in 2007. The construction and design of proposed driveways to the site should be coordinated with the County Project.
11. Improvement plans for the parcel indicating proposed site grading, drainage, paving and utilities shall be submitted to the Lucas County Engineer for review and approval. The improvement plans must indicate:
- Topography on the site and immediately adjacent to the parcel, proposed building locations, drives, parking aisles and spaces.
  - Existing and proposed grades including grades of abutting properties and proposed building foundation elevations. The grading plan must be based on Lucas County datum. Site grades not to be in excess of 3:1.
  - Existing and proposed drainage for site.
  - Proposed pavement composition for the driveways and parking areas.
12. Improvement plans for the project should clearly indicate and distinguish between existing and proposed improvements with heavier, solid linework for proposed and lighter broken/dashed linework for existing improvements. For clarity and better readability the text size used should be 0.10", with a larger size of 0.12" preferred.
13. If there is to be any grading and drainage such as the grass parking area, submit storm drainage calculations for review and approval. The grass parking lot would not need detention.
14. The proposed driveways shall slope away from Obee Road pavement.
15. Indicate driveway radii on the plan. Minimum radii of 25 feet are recommended.
16. Use 9' x 18' stalls with 25' aisles for parking area.
17. Include the following notes on the plan:
- The approved site grading and drainage may not be changed without the authorization of the Lucas County Engineer's Office.
  - A permit is required from the Lucas County Engineer's Office for work within the public right-of-way on Obee Road.
  - A site grading inspection permit shall be obtained by the developer, or his representative, a minimum of five (5) working days prior to final grading and construction work. Applications for said permit may be obtained at the Office of the Lucas County Engineer or the County Building Regulations Department.
18. Include the following additional information on the plan:
- Developer's address and telephone number.
  - Plan approval signature and date by the Developer.
  - Parcel address.
  - Bench mark information—County Bench Mark and Site Bench Marks.
  - Pavement width on Obee Road.
  - Dumpster location (if applicable).
  - Erosion and sedimentation control measures.
  - Show approximate distances from parcel to S.R.295 and Whitehouse-Spencer Road.
  - Label 100-year flood elevation of Swan Creek.

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Continued:

19. If there is any excavation on the property, suggest listing known utilities near or adjacent to site including contact name and phone number information for contractor's information and use.
20. Show right-of-way drainage and indicate whether a driveway tile is needed.
21. The existing right-of-way on the south side of Obee Road from the east property line to approximately 1,046 feet west of the east property line is 16.5 feet in width. The County Engineer's Office request that a 13.5 foot highway and utility easement be dedicated across this property frontage to result in a 30' one-half right-of-way.
22. A site plan review fee of \$140.00 shall be remitted to the Lucas County Engineer's Office prior to final plan approval.
23. One set of revised plans addressing the previous items shall be forwarded to the Lucas County Engineer's Office for final review. Upon approval, nine (9) sets of plans should be provided to our office prior to issuance of zoning and building permits

COMMENTS:

Molly Maguire: The county engineers had an issue with the drainage and Duke Wheeler is working with them on it. The plan commission did not restrict the number of parking spaces they wanted. There will be a driveway in and one out. Mr. Wheeler will probably add more parking when he has a butterfly release. He also states he will have better security than he has had in the past. Lucas County is planning to widen Obee Road and this could be a major problem for Mr. Wheeler depending on the timing of that. They suggested that Duke put wood chips and/or mulch to eliminate muddy roads.

Tony Urbas: Dust could be as much of a problem as mud - this is a sandy area.

Tom Overmyer made a motion to recommend approval of the special use permit amendment to include a corn maze for Duke Wheeler at 11455 Obee Road. In addition to the twenty-three recommendations, the parking lot(s) should be covered with mulch and Obee Road should be kept free of dust and mud, along with a yearly review. This approval recommendation to be forwarded to the Waterville Township Trustees for their final decision. Seconded by Daryl Powell. Motion Carried.

MOLLY MAGUIRE - PLAN COMMISSION PLANNER:

The Lucas County Commissioners recently adopted new access management regulations which became effective July 6, 2007. When someone comes to the township zoning inspector for a zoning permit that requires a drive way, the applicant must go to the county first to obtain a driveway permit. The county is trying to limit the number of driveway coming out onto any given road. A zoning permit cannot be issued without this permit. Time should be allotted because this part of the process could take several days.

ZONING INSPECTOR'S REPORT:

- 1) Twenty-nine (29) permits to date.
- 2) Recently Inspector Gay attended a meeting on the Swan Creek Watershed Area. The purpose of the group is to improve water quality in the Maumee River and Lake Erie. So far what they have done, has not helped. The Maumee River contributes 70% of the sediment found in Lake Erie. There was word that they would be asking townships to amend their land use plans with new language on watershed issues; however, Ms. Maguire would like to have it be some form of amendment to the township's zoning regulations. Updating a land use plan cost most townships thousands of dollars. It could be handled just as effectively with a zoning amendment.

COMMENTS:

Les Disher: Coventry Glen Subdivision on Dutch Road continues to be an eyesore. The weeds need to be cut, debris is ending up in adjacent fields, the retention vs detention pond is still an issue and the entrance way remains unfinished and a mess. The trustees have asked the Solicitor Walt Celley to have some sort of correspondence ready for their approval at the July 25, 2007, meeting. They would like to be able to say that no more zoning permits would be issued until these items are addressed.

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# RECORD OF PROCEEDINGS

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Minutes of Waterville Township Zoning Commission

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6701

Held at 7:30 p.m. at the Waterville Township Hall on July 16, 2007

Continued:

There being no further business, Tom Overmyer made a motion to adjourn. Seconded by Daryl Powell.

Motion Carried.

Adjourned at 10:10 p.m.

Attest:

Kay Ann Robertson

Commission:

Tom Overmyer  
Daryl Powell