

RECORD OF PROCEEDINGS

665

Minutes of Waterville Township Zoning Commission

Meeting

8-20071 BUREAU OF PUBLIC SAFETY, COLUMBUS, OHIO

Form 6101

Held at 7:30 p.m. at the Waterville Township Hall on March 19, 2007

ROLL CALL:

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

OFFICIALS:

- Assistant Zoning Inspector Joseph R. Bublick
- Fiscal Officer Kay Ann Robertson

GUESTS:

- Molly McGuire, Lucas County Plan Commission Planner
- Tamara J. Urbas, 5845 Berkey-Southern Road, Whitehouse, Ohio

MINUTES:

The minutes were passed out to each Commission member at the beginning of the meeting.

Tom Wardoll made a motion to dispense with the reading of the minutes of the February 19th meeting and to approve the minutes with no additions or corrections. Seconded by Daryl Powell. Motion Carried.

PUBLIC HEARING - SMALL WIND TURBINES: ZZZ-C106:

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 amendment to the Waterville Township Zoning Resolution regarding small wind turbines. The Lucas County Plan Commission held a public hearing on February 21, 2007, and recommended the resolution be amended as shown in Exhibit "A".

STAFF ANALYSIS:

The Waterville Township Zoning Commission requests an amendment to the Waterville Township Zoning Resolution regarding small wind turbines. The amendment will be the first zoning text amendment in Lucas County that will permit small wind turbines on agricultural zoned land where residential electricity will be generated on site. The township will require applicants to obtain a Special Use Permit where a site plan will be required.

The amendment would provide guidelines for small wind turbines by requiring:

- Located on parcels on five (5) acres or greater in size.
- Service only one residence.
- Tower height will be a maximum of 80 feet.
- Base of tower shall be made of concrete.
- Six (6) foot perimeter fencing.
- Noise shall not exceed 60 dBA.
- Electrical generator shall have a rated capacity of not more than 10 kW.
- Notify FAA if located within 10,000 feet of an airport.
- Fall out and set backs must be shown on the site plan.
- Lighting must adhere to FAA guidelines.
- Applicant will notify Zoning Inspector if operations shall cease and will be required to remove the turbine within 60 days.
- Applicant will contact Metro Parks, US Department of Fish and Wildlife, Ohio Department of Natural Resources in order to verify that the small wind turbine will have no impact on eagles, wildlife or migratory birds.

PLANNING COMMISSION RECOMMENDATION:

The Lucas County Planning Commission recommends an approval of the proposed amendment to the Waterville Township Zoning Resolution shown in Exhibit "A" to the Waterville Township Zoning Commission and Township Trustees.

EXHIBIT "A"

SECTION 2.1 Interpretation of Terms or Words:

Electricity: Energy made available by the flow of electric charge through a conductor.

Electric Power: The product of voltage and current.

Electrical Generator: A device that produces electrical energy from a mechanical energy source.

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Fall Zone: The area, as defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. This area is less than the total height of the structure.

Feeder Line: Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind tow.

Rotor Diameter: The diameter of the circle described by the moving rotor blades.

Small Wind Turbine: Is defined as 10kw capacity or less.

Total Height: The highest point, above ground level, reached by a rotor tip.

Tower: Towers include vertical structures that support electrical generator, rotor blades, or meteorological equipment.

Tower Height: The total height of the tower exclusive of the rotor blades.

Turbine: Rotary engine in which the kinetic energy of a moving fluid is converted into mechanical energy by causing a bladed rotor to rotate.

Wind: Air moving (sometimes with considerable force) from an area of high pressure to an area of low pressure.

Wind Turbine: A wind turbine is any electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

SECTION 7.2: Special Uses and Procedures

The Board of Township Trustees may permit by resolution, the amendment of this Zoning Resolution and Zoning Map, the following uses of land or structures in any district except as specifically provided otherwise, after report thereon by the Zoning Commission and subject to the requirements and procedures set forth herein. Special Uses existing at the time of adoption of this Resolution may be continued and shall be considered as uses conforming to the Resolution.

7.2.1 Special Uses Permitted:

In an "A" District

Airport or aircraft landing field	Institutional Health Care Facilities
Animal Care Facilities	Nursery
Auction Market	Nursing Homes
Boarding of Livestock and Domesticated Animals	Radio Tower
Cemetery/Memorial Gardens	<u>Small Wind Turbine</u>
Dwelling, Two-Family	Tourist Home/Bed and Breakfast
Flea Market	

Section 9 Supplementary Regulations

9.26 Small Wind Turbine

9.26.1 General Requirements:

- Small wind turbines shall be allowed in Agricultural "A" districts on parcels five (5) acres or greater in size.
- The small wind turbine powered by electric generator shall service only one residence.
- The small wind turbine must be a freestanding tower without guy wires.

9.26.2 Specific Requirements:

- The applicant shall provide proof of notification to adjacent property owners as required by ORC Section 519.211.
- Height:** The total height of the tower shall not exceed eighty (80) feet and the minimum distance between the ground and any protruding blades is 15 feet as measured at the lowest point of the arc of the blades.
- Fall out:** The proposed small wind turbine that is powered by an electric generator shall be a distance of at least 125% of the height of the total structure from any property line, residence, building and public or private road or right-of-way.

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- d. Set-back: No part of the wind system structure, including guy wire anchors which would require a waiver by the Waterville Township BZA, may not extend closer than ten (10) feet to the property boundaries of the installation site.
- e. Lighting: The maximum lighting used for or on the structure is a low intensity red light defined by the Federal Aviation Administration.
- f. Electrical generator: The small wind turbine powered by an electric generator shall have a rated capacity of not more than 10 kW.
- g. Noise: Noise coming from the small wind turbine shall not exceed 60 dBA to the nearest property line.
- h. Fencing: The supporting tower shall be enclosed with a six (6) foot high fence unless the base of the tower is not climbable for a distance of twelve (12) feet.
- i. Base: All tower support bases shall be made of concrete.
- j. FAA: The FAA is required to receive notification of any construction or alteration of an object that is more than 200 feet in height above the ground level at the site or if the object is located within 10,000 feet of an airport per FAA, Title 14, Section 77.13.
- k. The applicant shall notify the Zoning Inspector if operations of the wind turbine cease and removed within 60 days of ceasing operations.
- l. Environmental impact: All applicants must receive written approval by the Metro Parks (if applicable), U.S. Department of Fish and Wildlife and the Ohio Department of Natural Resources based upon their determination that the proposed small wind turbine will not impact eagles, wildlife or migratory birds.
- m. The small wind turbine wire shall be placed underground to any structure.

Requirements for Issuance of a Permit:

Before installation of a small wind turbine, a zoning permit must be obtained, the following requirements must be met to obtain zoning permit for installation of a small wind turbine:

- a) Site plan: A detailed site plan shall be required in accordance with the requirements of Section 7.2.3 and Section 10.5.

Chairman George Cole, Assistant Zoning Inspector Joe Bublick and Fiscal Officer Kay Robertson all attended the Lucas County Plan Commission's public hearing on the above case which was held February 28, 2007. There was very little said about the amendment at that time.

Daryl Powell made a motion to recommend approval of the zoning resolution amendment regarding small wind turbines to the Waterville Township Trustees for their consideration. Seconded by **Glenn A. Benas**.

Motion Carried.

CORRESPONDENCE:

A letter was received from the attorney for Robert and Francelia Bryce, 11035 Stiles Road, Whitehouse, Ohio, in Waterville Township. Bryce's are requesting a lot split from their Parcel 91-10955 - 1.765 acres. Planner Molly Maguire recommended she check it out for compliance and then notify Inspector Bublick. Inspector Bublick will in turn have Solicitor Walt Celley send written notice to Robert Bryce.

OLD BUSINESS:

None.

NEW BUSINESS:

1) Planner Molly Maguire brought notice of a public hearing for a Preliminary Drawing for Crimson Hollow Plats 6 & 7. It is on the Lucas County Plan Commissions hearing date of March 28, 2007. This is nothing new but rather a renewal of what was approved two (2) years ago. Whenever a developer does not start a new plat within the two (2) year time frame that is allowed, they must come back to the Plan Commission and renew for another two years. Since this is a formality, Ms. Maguire stated no one from the Township needed to be there.

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2) Chairman George Cole asked that the May agenda include the review of the existing Special Use Permits:

1. Duke Wheeler - Butterfly Farm
2. Progressive Fishing Association - Sports Club
3. Betty Schultz-Bauman - Horse Boarding
4. Lial School
5. Waterville Community Church
6. Craig Bauer - Landscaping and Nursery

Three Special Use Permits have ceased to exist:

1. Fallen Timbers Community Church - Corn Maze has been discontinued.
2. Stephen Frushour - Air strip has been sold for a residence.
3. Tony Barnum - Air strip has been sold for a housing development.

ZONING INSPECTOR'S REPORT:

1) Assistant Inspector Publick reported that he has had another call on a small wind turbine. These are very popular in Texas - they are constructing several per day.

2) Craig Bauer has submitted a site plan for his special use facility on Noward Road.

3) Inspector Publick has received a call from a concerned neighbor about three horses at the K.R. Miller property at 6436 North River Road. Odor is the culprit. The township has recently enacted new regulations on how many animals can be on a certain number of acres. The key is how long they have had the horses. Mr. Publick will check it out.

There being no further business, Glenn A. Banas made a motion to adjourn.
Seconded by Daryl Powell.

Motion Carried.

Adjourned at 8:00 p.m.

Attest:



Commission:


