

MILLCREEK TOWNSHIP ZONING COMMISSION

REGULAR MEETING MINUTES

DATE & TIME: Wednesday, May 16, 2012 @ 7:00 p.m.

LOCATION: Millcreek Township Hall, 10420 Watkins Road, Marysville Ohio 43040

LEGAL NOTICE(S): The Millcreek Township Zoning Commission will hold a public hearing on proposed text amendments to the Millcreek Township Zoning Resolution to regulate the installation and operation of wind turbines and provide directions to the submission of required economic impact statements on Wednesday, May 16, 2012 at 7:00 p.m. The meeting will be held at the Millcreek Township Hall, located at 10420 Watkins Road, Marysville, OH 43040 and is open to the public. A copy of the proposed text amendments are available online at www.millcreektwpohio.us or in the Marysville Public Library. The regularly scheduled monthly meeting will immediately follow the public hearing.

CALL TO ORDER: Meeting called to order by Zoning Commission Chair Joni Orders at 7:09 p.m.

ROLL CALL: Zoning Administrator Joe Clase called the roll of members present.

Zoning Commission Present: Jocelin Boutet, *Alternate*
Joni Orders
Freeman Troyer
Greg Wisniewski

Absent Members: Kenny Coakley, *Alternate*
Jim Lawrenz

Others Present: Joe Clase, *Zoning Administrator*
Keith Conroy, *Trustee*
Bill Jordan, *Trustee*

PUBLIC HEARING: The Board reviewed draft code language in regards to regulating wind turbines and providing standards for economic impact statements. The Board discussed reorganization of information in Section 10051(a) and (b) to be clearer on standards. The Board discussed research conducted by Keith Conroy and language drafted by Keith and Joe Clase regarding shadow effect. The recommendations of the Logan-Union-Champaign Regional Planning Commission were also presented and discussed.

Freeman Troyer made a motion to recommend to the Millcreek Township Board of Trustees adoption of the text amendments, with amendments, as attached. Jocelin Boutet seconded the motion. All voted in favor of the motion and the motion carried.

Joni Orders closed the public hearing at 8:02 p.m.

MINUTES REVIEW & APPROVAL: The board reviewed minutes from April 18, 2012. Greg Wisniewski noted in the last paragraph under Old Business the "Whole Foods would be a good partner to also contact" should be replaced with "we should pursue a natural market as a potential partner" because the intent was not to single out an individual vender. Greg Wisniewski made a motion to approve minutes

from the April 18, 2012 meeting, as amended. Jocelin Boutet seconded the motion. All voted in favor of the motion and the motion carried.

CITIZENS' COMMENTS: None

TRUSTEES' COMMENTS: None

ZONING ADMINISTRATOR REPORT / COMMENTS: Joe Clase discussed his activities in April 2012.

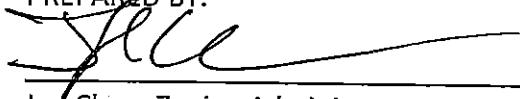
OLD BUSINESS: None.

NEW BUSINESS: None.

NEXT MONTHLY MEETING: Joni Orders announced the next meeting will be Wednesday, June 20, 2012 at 7:00 p.m. at the Township Hall. Joe Clase stated that he would ensure the public hearing is advertised.

ADJOURNMENT: Greg Wisniewski made a motion to adjourn the regular meeting. Jocelin Boutet seconded the motion. All voted in favor of the motion and the motion carried. Joni Orders announced the meeting to be adjourned at 8:37 p.m.

PREPARED BY:



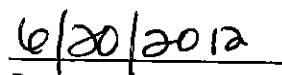
Joe Clase, Zoning Administrator

ATTEST:



Joni Orders, Zoning Commission Chair

APPROVED:



Date

Section 10050 – Exceptions to Height Regulations:

The height limitations contained in the official Schedule of District Regulations, do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, wind turbines (as regulated in Section 10051) or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, EXCEPT that they may not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said lot.

Section 10051 – Wind Turbines:

No wind turbine shall be erected, altered or re-erected without a permit from the Zoning Administrator demonstrating compliance with Section 10051 herein, except wind projects of 5MW or more. Such exempt projects shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations. Small Wind Projects less than 5MW and used solely for Agriculture will be exempt from these zoning regulations as an Agricultural Use.

Any proposed construction, erection, or siting of a small wind project less than 5MW including the wind turbine generator or anemometer or any parts thereof shall be a Permitted Use in the U-1 and PID Millcreek Township Zoning Districts exclusively.

(A) Height: The height of any turbine shall comply with the following:

(1) Turbines mounted on the ground: The maximum height of any turbine shall be 125 ft. For purposes of this Resolution, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the top surface of natural/undisturbed grade of ground at the tower foundation.

(2) Turbines mounted on a structure: The maximum height of any such turbine shall not exceed the permitted height of the structure, plus 15 feet.

(B) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the greatest of the following:

(1) Turbines mounted on the ground: The height of the tower, from the finished grade to the tallest tip of the blade,

(2) Turbines mounted on a structure: The total height of the tower from the finished grade of the structure, on which it is mounted,

(3) Turbines mounted on the ground or on a structure: The established "clear fall zone", from all road right-of-way lines, above ground utility lines and neighboring property lines. A turbine shall be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located.

(C) Maintenance: Wind turbines must be maintained in good working order. The owner shall within 30 days of permanently ceasing operation of a wind turbine, provide written notice of abandonment to the Zoning Administrator. An unused wind turbine or small wind project may stand no longer than 12 months following abandonment. All costs associated with the demolition of the wind turbine and associated equipment shall be borne by the owner. A wind turbine is considered abandoned when it ceases transmission of electricity for 30 consecutive days. Wind turbines that become inoperable for more than 12 months must be removed by the owner within thirty (30) days of issuance of zoning violation. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing wind turbine.

(D) Decibel Levels: Decibel levels shall not exceed 70 decibels, by design or at the location of the tower.

(E) Shadow Flickering: Wind turbines shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year per property on existing buildings, decks, patios, porches, pools, etc. The applicant has the burden of proving that the shadow flicker will comply with such standard. Potential shadow flicker will be addressed either through siting or mitigation measures. Calculation inputs should include turbine location, potential receptor locations, sun's movement, hub height, rotor diameter, wind direction frequency distribution and monthly average sunshine hours.

(F) Wiring and electrical apparatuses: All wires and electrical apparatuses associated with the operation of a wind turbine unit shall be located underground and meet all applicable local, state, and federal codes including the County Building Regulations and Residential Building Code of Ohio.

(G) Signs: No signs shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.

- (H) Lighting: No lighting shall be permitted on turbines except that required by FAA, ODOT or other regulatory agencies.
- (I) Permits: All Small Wind Projects and parts thereof shall obtain all applicable permits, including a Zoning Permit and those permits required from the State of Ohio and Union County Building Department.
- (1) A permit shall be required before construction can commence on an individual wind turbine project.
- (2) As part of the permit process, the applicant shall inquire with the County Building Regulations as to whether or not additional height restrictions are applicable due to the unit's location in relation to any local airports or runways.
- (3) Applicant shall then provide the Township Zoning Administrator with the following items and or information, in addition to appropriate application form and fee, when applying for a permit:
- (a) Location of all public and private airports and runways in relation to the location of the wind turbine.
- (b) A report demonstrating the total size and height of the unit, the construction details of any structural foundation, a list and or depiction of all safety measures that will be on the unit including anti-climb devices, grounding devices, and lightning protection, braking systems, guy wiring & anchors, data specifying the kilowatt size and generating capacity in kilowatts of the particular unit, the maximum decibel level of the particular unit and a containment and disposal plan for any known hazardous materials.
- (c) A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines, as well as soil and bedrock data.
- (d) Evidence of established setbacks and "clear fall zone."
- (e) A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled shall be required as part of the permit.

The following definitions shall be added to Section 20200 of the Millcreek Township Zoning Resolution:

Anemometer – An instrument that measures the force and direction of the wind.

Clear Fall Zone – An area surrounding the wind turbine unit into which the turbine and -or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located. The purpose of the zone being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel.

Cowling – A streamlined removable cover that encloses the turbine's nacelle.

Megawatt (MW) – A unit of power, equal to one million watts.

Nacelle – Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

Professional Engineer – A qualified individual who is licensed as a Professional Engineer in the State of Ohio.

Small Wind Project – Any wind project less than 5MW which includes the wind turbine generator and anemometer.

Structure, Primary – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.

Wind Power Turbine Owner – The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower – The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height – The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

Appendix B – Economic Impact Statement

As required herein, an economic impact statement shall be accepted only if the Township feels the following questions have been adequately addressed for a projected 25 year period.

- (1) What is the projected assessed value and taxable value of all new construction?
- (2) What are the special and demographic characteristics of the proposed development, including:
 - (a) Projected population or service capacity,
 - (b) Target age group(s),
 - (c) Target service area, for any non-residential uses, and
 - (d) Other characteristics?
- (3) What is the projected level of service impact on infrastructure versus existing infrastructure capacity and any improvements that are being made with the proposed development relative to the following:
 - (a) Parks and recreation, and
 - (b) Public utilities (power, water, sewer, etc.)
- (4) What is the expected tax revenue versus projected expenses relative to the following:
 - (a) Local school district(s),
 - (b) Public safety,
 - (c) Fire protection,
 - (d) Roads, and
 - (e) Other relevant public entities or services?
- (5) What costs and benefits will the township experience as a result of the proposed development?
- (6) What costs and benefits will the county/region experience as a result of the proposed development?
- (7) Other relevant information, as requested by Zoning Commission/Trustees.

Such statement should be based on factual information provided by local agencies. Applicable portions of the statement shall be presented to the local school district(s), Union County Sheriff's Office, Jerome Township Fire Department, Union County Engineer's Office and all public utilities along with the request for service letters.