

MILLCREEK TOWNSHIP ZONING COMMISSION

REGULAR MEETING MINUTES

DATE & TIME: Wednesday, April 18, 2012 @ 7:00 p.m.

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

LEGAL NOTICE: The Millcreek Township Zoning Commission will hold a regular business meeting on the third Wednesday of each month for 2012, except November will be held on the second Wednesday of the month. The meeting dates are as follows: 2/15/12, 3/21/12, 4/18/12, 5/16/12, 6/20/12, 7/18/12, 8/15/12, 9/19/12, 10/17/12, 11/14/12 and 12/19/12. All meetings begin at 7:00 p.m. and are held at the Millcreek Township Hall, located at 10420 Watkins Road, Marysville, Ohio 43040. The public is invited to attend.

CALL TO ORDER: Meeting called to order by Zoning Commission Chair Joni Orders at 7:03 p.m.

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

Zoning Commission Present: Jocelin Boutet, *Alternate*
Kenny Coakley, *Alternate*
Joni Orders
Greg Wisniewski

Absent Members: Freeman Troyer
Jim Lawrenz

Others Present: Joe Clase, *Zoning Administrator*

MINUTES REVIEW & APPROVAL: The board reviewed minutes from March 21, 2012. Greg Wisniewski noted the "offered would tax away necessary taxes" should be replaced with "would strain the infrastructure without providing for a tax base to accommodate it." Joni Orders noted that "to" should be removed in the second sentence regarding minutes and that her name was misspelled in the last complete sentence on the first page. Greg Wisniewski made a motion to approve minutes from the March 21, 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 March 2012. The board discussed the recently adopted Section 10023 and Section 10024 and noted that a few corrections and amendments should be considered at an upcoming meeting.

OLD BUSINESS: Joni Orders reminded attendees that a public hearing is scheduled before the Millcreek Township Zoning Commission on May 16, 2012 at 7:00 p.m. in the Millcreek Township Hall to consider recommending approval of the drafted wind turbine regulations and economic impact statement guidelines to the Millcreek Township Board of Trustees. Joe Clase stated that the amendments have

been forwarded to the LUC Regional Planning Commission for review and should be heard on May 10, 2012 by the LUC Zoning & Subdivision Committee and the Executive Committee. Their recommendation will then be presented at the Zoning Commission's hearing on May 16, 2012.

Joe Clase presented an updated draft of the 2012 Millcreek Township Park & Activities Plan and sought feedback. Jocelin Boutet inquired why Home Depot was listed as a partner for the fitness stations and not Lowe's. Joe Clase stated he had contacted Home Depot because he was familiar with their community assistance program, but would broaden the recommendation to include other home improvement stores. Jocelin Boutet stated that she thought sponsors were a great idea for smaller recreational amenities and asked if Shelly Co. could be a partner for the stone trail. Joe Clase stated that it would make sense to contact them. Greg Wisniewski stated he felt ~~Whole Foods would be a good partner to also contact.~~ Joe Clase asked those present to review the document and offer any suggested modifications prior to the next meeting.

NEW BUSINESS: None.

*We should pursue
a natural market
as a potential*

NEXT MONTHLY MEETING: Joni Orders announced the next meeting will be Wednesday, May 16, 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 8:02 p.m.

PREPARED BY:



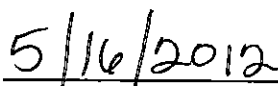
Joe Clase, Zoning Administrator

ATTEST:



Joni Orders, Zoning Commission Chair

APPROVED:



Date

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 Sherriff's Office, Jerome Township Fire Department, Union County Engineer's Office and all public utilities along with the request for service letters.

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.

(A) Turbines mounted on the ground: 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.

(1) Height: 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) Setbacks: Any turbine erected on a parcel of land shall be setback 1.5 times the height of the tower, or established "clear fall zone", from all road right-of-way 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 at.

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

(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 Inspector. 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, as presented in the manufacturer specifications.

(E) 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.

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

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

(H) 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 Regulations.

(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.