



**Staff Report – Claibourne Township (U) Zoning Amendment**

<p><b>Applicant:</b></p>	<p><b>Claibourne Township Zoning Commission</b> c/o Todd Dresback <a href="mailto:dresbackconstruction@gmail.com">dresbackconstruction@gmail.com</a></p>
<p><b>Request:</b></p>	<p>The proposed amendments, initiated by motion of the Zoning Commission, propose to amend Article II by adding the definition of “Small Off-Site Battery Energy Storage System” and “Data Center”, amend the definition of “Public Service Facility” in Article II, amend the public notice requirements in Article V Administration, amend the public notice requirements and procedure in Article VI Amendments, and clarify prohibited uses in Article IX District Regulations.</p>
<p><b>Location:</b></p>	<p>Claibourne Township is in northeastern Union County. The Township is located between Leesburg Township to the south and Jackson Township to the north.</p>
<p><b>Staff Analysis:</b></p>	<p><b>Relationship to Comprehensive Plan</b> The Union County Comprehensive Plan is intended as a policy guide (not legislation) for decisions about the physical development of the County (pp. 7).</p> <p>Given the varying level of access to both electrical and water infrastructure throughout the County, it may be prudent for Townships to carefully plan for utility needs and any future development associated with newly available or increased utility capacity should they wish to permit a large utility user. The Plan encourages local jurisdictions to be mindful of their zoning districts, the purpose statements for them, and the permitted and conditional uses within them (pp. 252). For example, a Township wishing to plan for and then permit a large use such as a data center in its U-1 Rural District may need to consider rezoning the affected property as opposed to permitting a large use in a district that may not have been intended for such a purpose.</p> <ul style="list-style-type: none"> <li>• The Plan notes “data centers are high water users; these types of users should be considered carefully for their impact to the area water supply” (pp.230).</li> <li>• The Plan references “baseline [electric] generation going offline is not being replaced at the same scale and reliability” (pp. 252). It goes on to state that population growth and the location of high end users in the area (such as data centers) can compound this issue.</li> </ul> <p>In addition to raising the points above, the Plan also lists multiple goals for the County to pursue. Three of these include:</p>



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- Ensure transportation, utilities, and broadband infrastructure keep pace with growth to support both urban and rural areas (pp. 132).
- Encourage well-managed growth within the County (pp. 153).
- Ensure adequate public water supply (pp. 224).

**Small Off-Site Battery Energy Storage System**

The Township is proposing to adopt a definition for “Small Off-Site Battery Energy Storage System”, which has been used in several recent township zoning amendments. The Township is electing not to list it as a permitted or conditional use in any zoning district, meaning it is not a permissible use in the Township and is effectively prohibited.

**Data Center**

The Township is proposing to adopt a definition for “Small Off-Site Battery Energy Storage System”, which was provided by LUC Staff. The Township is electing not to list it as a permitted or conditional use in any zoning district, meaning it is not a permissible use in the Township and is effectively prohibited.

**Public Service Facility**

The Township is proposing to amend the definition of Public Service Facility based on old model text and makes clearer uses specified elsewhere like principal solar energy are not included in the definition.

**BZA Hearing**

The Township is changing the time requirement to hold a public hearing for a BZA application from 20 days of submittal of an application to 40 days.

**BZA Public Notices**

The Township is modifying several sections in Article V Administration. The change eliminates specific public notice requirements, and instead references the relevant ORC language. This is similar to recent changes by other Townships.

**Zoning Amendments**

The Township is modifying Article VI Amendments. Instead of listing out the entire process, it leaves in place application and initiation information, but then references ORC 519.12 for the remainder of the process. This is similar to recent changes by other Townships.

**District Regulations**

The Township is adding additional text to their District Regulations which clarifies that uses not listed in the zoning code are prohibited. It also clarifies that if a use is specifically defined in



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	the zoning resolution, it cannot be construed as being included within the definition of any other defined use.
<b>Staff Recommendations:</b>	Staff recommends <b>APPROVAL</b> of the proposed zoning text amendment.
<b>Z&amp;S Committee Recommendations:</b>	<i>Options for action:</i> <ul style="list-style-type: none"><li>• <i>Approval</i></li><li>• <i>Approval with modifications (state modifications)</i></li><li>• <i>Denial</i></li></ul>