



Logan-Union-Champaign regional planning commission

Director: Bradley J. Bodenmiller

Zoning & Subdivision Committee Thursday, March 10, 2022, 12:45 pm

- Minutes from last meeting of February 10, 2022
- 1. Review of Taylor Township Zoning Text Amendment (Union County) – Staff Report by Aaron Smith

Members:

Tyler Bumbalough – City of Urbana Engineer
Scott Coleman – Logan County Engineer
Weston R. Dodds – City of Bellefontaine Safety Service Director
Ashley Gaver – City of Marysville
Steve Robinson – Union County Commissioner
Steve McCall – Champaign County Engineer
Tammy Noble – City of Dublin Planning
Tom Scheiderer – Jefferson & Zane Township Zoning Inspector
Jeff Stauch – Union County Engineer
Robert A. Yoder – North Lewisburg Administrator
Brad Bodenmiller – LUC
Heather Martin – LUC
Aaron Smith – LUC

10820 St. Rt. 347, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 •

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Staff Report – Taylor Township Zoning Amendment

Jurisdiction:	Taylor Township Zoning Commission c/o Rhonda Lehman, Zoning Secretary 18990 Wheeler-Green Rd Marysville, OH 43040 malibu1965_2@yahoo.com (937) 645-5975
Request:	The proposed amendment to the Zoning Resolution, initiated by motion of the Zoning Commission, proposes to amend Article II Definitions, Article IX District Regulations, and Article X Supplementary District Regulations by adopting the LUC Model Text for Agritourism and LUC Model Text for Solar Energy Systems.
Location:	Taylor Township is in Union County.
Staff Analysis:	<p>LUC staff have worked with Taylor Township over the course of several months to help initiate this zoning amendment.</p> <p><u>Adoption of LUC Model Text for Agritourism</u> The Zoning Commission is proposing to adopt the LUC model text for Agritourism. The Zoning Commission chose to keep their existing definition of “Farm”, which does not match the LUC model text definition that came directly from ORC 901.80(A)(4). LUC staff recommend adopting the version from the model text.</p> <p>The Zoning commission also opted to not adopt language for “Section 101 Use of Land or Buildings for Agricultural Purposes Not Affected”, because they have previously adopted language in “Section 1060 Keeping of Farm Animals” that is within the limits of Township authority to regulate agriculture, and did not wish to expand those powers any further.</p> <p><u>Adoption of LUC Model Text for Solar Energy Systems</u> The Zoning Commission is proposing to adopt the LUC model text for Solar Energy Systems, specifically, “Version 1” which prohibits “Principal Solar Energy Production Facilities” as defined by the model text.</p>



Staff Report – Taylor Township Zoning Amendment

	<p>LUC staff recommended striking the requirement of a letter from the Health Department/Sanitary Sewer Authority, as discussed with previous LUC member Township amendments, and the Zoning Commission decided to do so.</p> <p>The Zoning Commission added (A)(8) under “Accessory Solar Energy Systems” which addresses the protection, repair, replacement, removal or re-routing of surface and subsurface drainage as it applies to the installation of an accessory solar energy system.</p> <p><u>Union County Prosecutor’s Office</u> A copy of the proposal was sent to the Prosecutor’s Office for review and comment. LUC Staff recommends including any modifications that the Prosecutor’s Office may recommend.</p> <p><u>Taylor Township Comprehensive Plan (2008)</u> A comprehensive plan is a guide for decision-makers considering land use changes.</p> <p>While the Taylor Township Comprehensive Plan doesn’t address agritourism and solar energy systems directly, there is an emphasis on “encouraging well-managed growth that preserves the rural character of Taylor Township” (Township Plan, pp.53), improve drainage (Township Plan, pp.54), and “Strengthen and update the Zoning Resolution and enforcement efforts” (Township Plan, pp.55).</p> <p><u>Union County Comprehensive Plan (2013)</u> An entire chapter of the Plan is devoted to Agriculture. The addition of language that promotes the health, safety, and welfare of people and property surrounding agritourism certainly achieves the planned objective of “Promote Agricultural Economic Development and Agricultural Business Vitality” (County Plan, pp.44).</p>
Staff Recommendations:	Staff recommends <i>APPROVAL WITH MODIFICATIONS</i> of the proposed zoning amendment. Those modifications are the replacement of the existing definition of “Farm” with that of the definition from the Agritourism Model Text, and to incorporate any modifications as proposed by the County Prosecutor’s Office.
Z&S Committee Recommendations:	



Logan-Union-Champaign regional planning commission

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Zoning Text Amendment Checklist

Date: 2/8/2022 Township: Taylor

Amendment Title: Zoning Text Amendment Application Regarding
Agritourism and Solar Energy Systems

Notice: Incomplete Amendment requests **will not** be processed by our office. LUC Regional Planning Commission will return them to the requestor, stating the reason the amendment was not accepted.

Each Zoning Text Amendment change must be received in our office along with a cover letter, explaining the proposed zoning text change (s). All items listed below must be received **no later than 10 days** before the next scheduled LUC Regional Planning Commission Executive Board Meeting (second Thursday of every month). It is recommended that a person who is able to provide further information on the amendment attend the Zoning and Subdivision Committee meeting to answer any additional questions that may arise.

Required Item:	Completed by Requestor:	Received by LUC:
Cover Letter & Checklist	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Request (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Description of Zoning Text Amendment Change (s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date of Public Hearing (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Township Point of Contact and contact information for zoning amendment (stated in cover letter)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attachment of Zoning Text Amendment with changes highlighted or bolded	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Copy of current zoning regulation, or section to be modified for comparison	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Non-LUC Member Fee, If applicable	<u>N/A</u> <input type="checkbox"/>	<input type="checkbox"/>

Additionally, after final adoption regarding this zoning text amendment, please provide LUC with a letter stating the results of the Trustees vote, along with a copy of the adopted language.

Please see reverse side for a timeline of the Township Zoning Amendment Process, per ORC 519.12

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February 8, 2022

Logan-Union-Champaign Regional Planning Commission
c/o Aaron Smith
PO Box 219
East Liberty, OH 43319
aaronsmith@lucplanning.com

RE: Zoning Text Amendment Application, Taylor Township, Union County
Amendment topic: Agritourism and Solar Energy Systems

Dear LUC Regional Planning Commission Committee Members:

The Taylor Township Zoning Commission met at 7:00 PM on February 7, 2022. During the meeting, amendments to the Zoning Resolution were initiated by motion of the Zoning Commission. The amendments propose alterations to the text of the Zoning Resolution.

Description of Zoning Text Amendments.

The proposal amends Article II Definitions, Article IX District Regulations, and Article X Supplementary District Regulations by adopting the LUC Model Text for Agritourism and LUC Model Text for Solar Energy Systems.

Included with this cover letter, you will find a copy of the existing zoning as it appears in the Zoning Resolution. Please refer to these attachments for further information.

Public Hearing.

The Taylor Township Zoning Commission of Union County, Ohio, will hold a public hearing concerning the proposed amendments at 7:00 PM on March 17, 2022 in the Taylor Township Hall.

Point of Contact.

Please consider me Taylor Township's point of contact for this matter. My contact information is below:

Rhonda Lehman, Zoning Secretary
18990 Wheeler-Green Road
Marysville, Ohio 43040
Email: malibu1965_2@yahoo.com
Phone: 937-645-5975 (call or text)

Sincerely,


Rhonda Lehman
Zoning Secretary

Attachments.

- Proposed Zoning Resolution Text Amendments

Proposed Changes to Taylor Township Zoning Resolution As Initiated by Zoning Commission on February 7, 2022

These proposed changes impact the following articles and sections in the Taylor Township Zoning Resolution:

Amend Article II Definitions.

Amend Article IX District Regulations.

Amend Article X Supplementary District Regulations.

Amend Article II Definitions

Add the following definitions:

Agricultural Production. Commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of timber, field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; the growth of timber for a noncommercial purpose if the land on which the timber is grown is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use; or any combination of such husbandry, production, or growth; and includes the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with such husbandry, production, or growth; land devoted to biodiesel production, biomass energy production, electric or heat energy production, or biologically derived methane gas production if the land on which the production facility is located is contiguous to or part of a parcel of land under common ownership that is otherwise devoted exclusively to agricultural use, provide that at least fifty per cent of the feedstock used in the production was derived from parcels of land under common ownership or leasehold. Agricultural production includes conservation practices, provided that the tracts, lots, or parcels of land or portions thereof that are used for conservation practices comprise not more than twenty-five per cent of tracts, lots, or parcels of land that are otherwise devoted exclusively to agricultural use and for which an application is filed under Section 929.02 of the Revised Code.

Agritourism. An agriculturally related educational, entertainment, historical, cultural, or recreational activity, including you-pick operations or farm markets, conducted on a farm that allows or invites members of the general public to observe, participate in, or enjoy that activity.

Agritourism Provider. A person who owns, operates, provides, or sponsors an agritourism activity or an employee of such a person who engages in or provides agritourism activities whether or not for a fee.

Solar energy related definitions.

1. **Accessory Solar Energy.** A solar collection system consisting of one or more roof/structure mounted and/or ground/pole mounted solar collector devices and solar related equipment, and is intended to primarily reduce on-site consumption of utility power. A system is considered an accessory solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
2. **Principal Solar Energy Production Facility.** An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one or more free-standing ground/pole, or roof/structure mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures and facilities. These production facilities primarily produce electricity to be provided off-site.
3. **Solar Energy Equipment.** Items for the purpose of generation, transmission, and storage of electricity, including but not limited to a solar photovoltaic cell, solar panels, lines, pumps,

inverter, batteries, mounting brackets, framing and/or foundation used for or intended to be used for the collection of solar energy.

4. **Solar Photovoltaic (PV).** The technology that uses a semiconductor to convert light directly into electricity.
5. **Clear Fall Zone (Solar Energy).** An area surrounding a ground/pole mounted solar energy system into which the system and/or components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the structure's failure that shall remain unobstructed and confined within the property lines of the primary lot where the system is located. The purpose of the zone being that if the system should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not intrude onto a neighboring property.

Amend Article IX District Regulations

Add the following:

Agritourism is to be listed as a **CONDITIONAL USE** in **ALL** zoning districts on the Official Schedule of District Regulations.

Amend Article X Supplementary District Regulations.

Add the following:

Section 1042 Agritourism.

In addition to the procedure and requirement for approval of conditional use permits, as stated in Section 560, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval if the following conditions have been met:

I. Conditions

- A. Evidence that the farm on which the agritourism operation is proposed is ten (10) acres or more in area shall be provided. If such farm is less than ten (10) acres, evidence shall be provided that such farm is currently enrolled in the Current Agricultural Use Value (CAUV) program or produces an average yearly gross income of at least twenty-five hundred dollars (\$2,500) from agricultural production.
- B. The educational, entertainment, historical, cultural and/or recreational relationship of the agritourism operation to the existing agricultural use of the property, the surrounding agricultural community, and/or the relationship of the agritourism activity to agriculture in general shall be identified.
- C. A site plan of the property illustrating all structures to be used for agritourism activities, setbacks from property lines for all structures and any existing or proposed well and/or on-site wastewater disposal system area(s) on the property shall be submitted.
 1. The size and setback for any structure used primarily for agritourism activities shall be in conformance with the requirements of the applicable zoning district, listed in the Official Schedule of District Regulations.
- D. Off-street parking in accordance with size requirements in Article XI Off-Street Parking and Loading Requirements shall be provided.

1. Additionally, off-street parking adequate to meet peak time demand shall be provided in a manner that does not cause nuisance or conflict with adjoining properties. Estimates of traffic generation shall be submitted. In no instance shall parking be permitted within yard setback areas or within 20 feet of the road right-of-way.
- E. Safe and adequate ingress and egress shall be maintained at all times.
- F. The applicant shall provide data establishing the seasons and weeks of operation, and the hours of operation. The Conditional Use Permit shall clearly state these parameters.
- G. Sales are limited to agricultural products meeting the criteria of products incident to the agricultural production and specific supporting products related to the agricultural tourism purpose such as animal feed pellets, U-Pick containers, etc...

Section 1077 Solar Energy Systems (Less than 50 MW)

A. Accessory Solar Energy Systems

It is the purpose of this regulation to promote the safe, effective, and efficient use of accessory solar energy systems installed to reduce the on-site consumption of utility-supplied electricity. An accessory solar energy system shall be considered a permitted accessory use in any district provided all requirements and regulations as set forth below are met.

No person shall cause, allow or maintain the use of an accessory solar energy system without first having obtained a zoning permit from the zoning inspector.

All accessory solar energy systems shall meet the following requirements:

1. A solar energy system is permitted in all zoning districts as an accessory to a principal use.
2. A solar energy system shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
3. Roof/Structure mounted solar energy systems:
 - a. Shall be flush-mounted, or as long as it matches the slope of the roof, shall have a maximum tilt of no more than five (5) percent steeper than the roof pitch on which it is mounted.
 - b. Shall not extend beyond the perimeter (or edge of roof) of the building on which it is located.
 - c. May be mounted to a principal or accessory building.
 - d. Combined height of the solar energy system and building to which it is mounted may not exceed the ridgeline of the roof for hip, gable, and gambrel roofs and may not be taller than eighteen (18) inches above the roofline of a flat roof.
4. Ground/Pole mounted solar energysystems:
 - a. Shall be no taller than seventy-five (75) percent of the maximum building height allowed in that zoning district for accessory buildings.
 - b. Shall be permitted in the rear or side yard only.
 - c. Shall be erected within an established clear fall zone.
 - d. The minimum setback distance from the property lines for structures comprising solar energy systems and all related equipment shall be at least one hundred ten (110) percent of the height of any structure or at least twenty (20) feet from the nearest property line, whichever is greater.
5. Solar energy systems shall be designed and located in order to prevent reflective glare toward any inhabited structure on adjacent properties as well as adjacent street right of ways.

6. Solar energy systems and all solar energy equipment that are no longer functioning shall be completely removed from the property within six (6) months from the date they are no longer producing electricity, become damaged, discontinued or broken. Any earth disturbance as a result of the removal of the ground mounted solar energy system shall be graded and reseeded within thirty (30) days of removal.
7. In addition to the site plan required for any zoning permit or conditional use permit, the following shall also be submitted at the time of application and shall include:
 - a. Elevation of the proposed solar energy system(s) at maximum tilt.
 - b. Evidence of established setbacks of 1.1 times the height of any structure and "clear fall zone".
 - c. Proof of notice to the electric company regarding the proposal.
8. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties. Preexisting drainage tile draining adjoining property shall be restored or re-routed when cut, crushed, or otherwise affected by any construction, excavation, or utility installation on any lot.

B. Principal Solar Energy Production Facilities

No Principal Solar Energy Production Facility shall be located in a zoning district where such facilities are not explicitly listed as a permitted or conditionally permitted use.

It is not the purpose of this regulation to regulate a major utility facility, or subsidiary use, as defined by the Ohio Power Siting Board (50 MW or greater). It is also not the purpose of this regulation to regulate public utilities that meet the definitions as stated in the O.R.C. 4905.02 or O.R.C. 4905.03 and the three criteria of O.R.C. 4905.65(B).

Principal Solar Energy Production Facilities are prohibited in any district.



Zoning & Subdivision Committee
Thursday, March 10, 2022

The Zoning and Subdivision Committee met in regular session on Thursday, March 10, 2022, at 12:46 pm.

Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Tyler Bumbalough, Scott Coleman, Wes Dodds, Mark Mowrey for Steve McCall, Heather Martin, Steve Robinson, Tom Scheiderer, Aaron Smith, and Andy Yoder. Absent members were Ashley Gaver, Tammy Noble, Jeff Stauch.

Guests included: Charles Hall

Scott Coleman chaired the Zoning & Subdivision Committee Meeting.

Andy Yoder moved a motion to approve the minutes from the February 10, 2022, meeting as written and Tyler Bumbalough seconded. All in favor.

1. Review of Taylor Township Zoning Text Amendment (Union County) – Staff Report by Aaron Smith
 - Tyler Bumbalough – What's the difference in the farm definitions?
 - Aaron Smith provided an explanation, and there was discussion about the difference between the existing definition and the model text definition. The township wishes to keep its existing definition.
 - Andy Yoder – Should we emphasize that they get comments from the Prosecutor's Office if they choose to keep their definition and not the state's?
 - Aaron Smith – Yes, we can. If you look at all the places that farm is mentioned, it doesn't really have an impact.
 - Andy Yoder moved a motion to recommend approval of the Taylor Township Zoning Text Amendment with staff comments with a strong emphasis that if Taylor Township wants to retain their own definition of farm that they incorporate any comments from the Prosecutor's Office and Steve Robinson seconded. All in favor.

The Zoning and Subdivision Committee adjourned at 12:56 pm with Mark Mowery moving a motion to adjourn and Andy Yoder seconded. All in favor.