



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

Zoning & Subdivision Committee

Thursday, May 10, 2012 12:15 pm

Start Time: _____

- Minutes from last meeting of April 12, 2012

1st: _____ 2nd: _____

1. Millcreek Township, Union County, Zoning Text Amendments - Staff Report by Wes Dodds

- Adjourn End Time: _____

1st: _____ 2nd: _____

Members:

Scott Coleman – Logan County Engineer

Greg DeLong – Marysville Planning

Charles Hall – Union County Commissioner

Jeff Stauch – Union County Engineer

Paul Hammersmith – Dublin Engineer

Fereidoun Shokouhi – Champaign County Engineer

Brad Bodenmiller – Urbana Zoning

Robert A. Yoder – North Lewisburg Administrator

Joel Kranenburg- Village of Russells Point

Jenny Snapp – LUC

Wes Dodds – LUC

Heather Martin – LUC

Guests:

9676 E. Foundry St, PO Box 219

East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203

• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE
COMMITTEE
May 10th, 2012

MILLCREEK TOWNSHIP (UNION CO.) ZONING AMENDMENT – ZONING TEXT AMENDMENTS REGARDING SMALL WIND PROJECTS AND ECONOMIC IMPACT STATEMENT

APPLICANT: Millcreek Township Zoning Commission

REQUEST: Approval of text amendments to the Millcreek Township Zoning Resolution regarding Wind Turbines and Economic Impact Statement.

BACKGROUND: The Millcreek Township Zoning Commission has drafted language regarding wind turbines that can be regulated under the authority of township zoning. As part of this amendment process, the zoning commission has also drafted an appendix outlining specifically what an "*Economic Impact Statement*" as requested for their planned districts entails.

STAFF ANALYSIS:

- **SECTION 10051 WIND TURBINES**
 - The text drafted by the Millcreek Township Zoning Resolution regulates both ground mounted and building mounted wind turbines. Both types of turbines are permitted uses only in their U-1 and PID Districts.
 - The text regarding ground mounted turbines is consistent with the LUC model text, with the following exceptions:
 - Millcreek Township is requiring a setback of 1.5 times the height of tower, an increase from the 1.1 times the height in the LUC model.



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Millcreek Township is allowing wind turbines to be mounted to structures, provided that the mounted turbine does exceed the permitted height of the structure, plus and an additional 15 feet.
 - The LUC model text does not address building mounted turbines; however, staff does not see any issues with this language.
- (C) Maintenance
 - This section is consistent with LUC model text.
 - Recommend that the township replace "*Zoning Inspector*" with "*Zoning Administrator*" to be consistent with the rest of the document.
- (D) Decibel Levels
 - Staff feels this section is somewhat confusing as it states a turbine "*...decibel levels shall not exceed 70 decibels, as presented in the manufacturer specifications*". The way this sentence is worded, it sounds as if all manufacturer specifications are 70 decibels.
 - Staff recommends using the language for the LUC model text which reads "*Decibel levels shall not exceed those provided by the manufacturer*".
- (E) Wiring
 - This section is consistent with LUC model text.
- (F) Signs
 - Staff suggests the township consider adding that warning signs shall be posted on the apparatus when applicable, due to voltage, etc.
- (G) Lighting
 - Staff has no problems regarding this section.
- (H) Permits
 - This section is consistent with LUC model text.
- Appendix B Economic Impact Statement
 - An Economic Impact Statement is a something that Millcreek Township Zoning Resolution requires of an applicant when applying in their planned districts.
 - Prior to this zoning amendment, there were no specifics listed for what should be included as part of the Economic Impact Statement.
 - This addition to the Zoning Resolution will ensure that

9676 E. Foundry St, PO Box 219
East Liberty, Ohio 43319

• Phone: 937-666-3431 • Fax: 937-666-6203
• Email: luc-rpc@lucplanning.com • Web: www.lucplanning.com



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

the township is receiving consistent documents from applicants that contain relevant information regarding their proposed development.

- Staff has no issues with this addition

STAFF RECOMMENDATIONS:

- Staff recommends ***APPROVAL*** of the proposed zoning text amendments to the Millcreek Township Zoning Resolution based on the staff analysis and comments.

ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:

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.

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.



Zoning & Subdivision Committee

The Zoning and Subdivision Committee met in regular session on Thursday, May 10, 2012, at 12:24 pm at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Scott Coleman, Jeremy Hoyt for Greg DeLong, Wes Dodds, Paul Hammersmith, Joel Kranenburg, Heather Martin, Fereidoun Shokouhi, Jeff Stauch, and Andy Yoder. Guest included Joe Clase, Millcreek Township.

Brad Bodenmiller chaired the Zoning & Subdivision Committee Meeting.

Minutes of the April 12, 2012, meeting were approved as written with Paul Hammersmith making the first motion to approve and Andy Yoder making the second motion. All in favor.

1. Millcreek Township, Union County, Zoning Text Amendments - Staff Report by Wes Dodds
 - Jeremy - In regards to setbacks should there be consideration for overhead lines?
 - Wes - I thought it stated it in the clear fall zone.
 - Jenny - Joe you may want to consider adding utility lines to the text.
 - Fereidoun - What about a maximum height restriction for those roof-top mounted?
 - Wes - The language they have looks like it only applies to ground mounted turbines.
 - Fereidoun - That's what I want to make sure of. They may want to add a more definite number for building mounted turbines something seen as the height is no more than 120 feet.
 - Jeremy - In Section H (2) - It should read Union County Building Department instead of Building Regulations. Also, do they want to allow both lattice and monopoles?
 - Wes - We've never differentiated between the two types of poles.
 - Jeremy - In the Economic Impact Statement section - the lead in, some of it seemed a little vague or unclear as to how the applicant should address the items listed.
 - Joe - That would be a zoning commission's and trustee's discretion
 - Jeff Stauch made the first motion to recommend approval of the Millcreek Township Zoning Text Amendments with staff and committee comments and Fereidoun Shokouhi made the second motion to recommend approval of the Millcreek Township Zoning Text Amendments with staff and committee comments.



Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

The Zoning and Subdivision Committee adjourned at 12:35 pm with Fereidoun Shokouhi making the first motion to adjourn and Paul Hammersmith making the second motion to adjourn. All in favor.