



Zoning & Subdivision Committee  
Thursday, October 13, 2011 12:15 pm

Start Time: \_\_\_\_\_

- Minutes from last meeting of August 11, 2011  
1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_
  1. Review of Taylor Township Proposed Wind Language Zoning Text (Union County) – Wes Dodds
- Adjourn End Time: \_\_\_\_\_  
1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_

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  
Jenny Snapp – LUC  
Wes Dodds – LUC  
Heather Martin – LUC

Guests:



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## STAFF REPORT

FOR CONSIDERATION BY LUC REGIONAL PLANNING COMMISSION EXECUTIVE  
COMMITTEE  
October 13<sup>th</sup>, 2011

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### TAYLOR TOWNSHIP (UNION. CO.) TEXT AMENDMENTS – WIND POWER PROJECTS & COMPLAINTS REGARDING VIOLATIONS

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**APPLICANT:** Taylor Township (Union Co.) Zoning Commission  
Bob Kroshefsky, Chairman

**REQUEST:**

- ✓ The Taylor Township (Union. Co.) Zoning Commission has submitted proposed zoning text amendments regarding Wind Projects Less than 5MW for review.

**STAFF ANALYSIS:**

- ✓ The Taylor Township (Union. Co.) Zoning Commission has drafted zoning text for Wind Projects Less than 5MW which is based largely on the model text from LUC. Staff has previously provided the township with an informal review of the proposed text, and the township has considered those comments in this text submitted. The Township is also proposing a change to their section on “*Complaints Regarding Violations*”. Staff has the following comments:
  - Staff suggests changing the title of the proposed section regarding Wind Power Projects to “*Small Wind Projects Less than 5MW*”, in order to clearly differentiate between projects local zoning has jurisdiction over versus those that the State of Ohio does. Staff also suggests changing all references to “Wind Power Projects” throughout the text to read “*Small Wind Power Projects*” for the same reason.
  - Section “C” – Noise. Staff feels that the township may have trouble measuring and enforcing the stipulations involved in this section. Staff questions how the township will establish a pre-existing noise level, and how levels in the future will be measured. Staff suggests replacing this section with the following language: “*Decibel levels shall not exceed those*”



*provided by the manufacturer”.*

- Section 340 Complaints regarding Violations – In order to be more efficient and track their zoning activity better, Taylor Township has created a “*Zoning Violation Complaint*” form. The form will track the complaint, as well as the action taken on the part of the township to investigate and/or correct the problem. Section 340 has been re-worded to reference this form, as well as time guidelines for investigating the complaint.
  - Staff questions the timelines the township has added to this section. The proposed language states that all complaints should be investigated within five (5) days, and the complainant should be notified within five (5) days after that. Staff feels the township should put a more general statement in place of this such as “*....complaints shall be investigated and the complainant shall be informed of the actions taken within a reasonable time.*” Staff feels this gives the township more leeway into investigating the alleged violation. In some cases, it may take longer than five or ten days to fully investigate the complaint and remedy the issue.

#### **STAFF RECOMMENDATIONS:**

- ✓ Staff recommends **APPROVAL** of the proposed zoning text in Taylor Township Union County, with the incorporation of staff comments.

#### **ZONING & SUBDIVISION COMMITTEE RECOMMENDATIONS:**



Logan-Union-Champaign  
regional planning commission

Director: Jenny R. Snapp

Zoning Text Amendment Checklist

Date: 10/14/2011 Township: Taylor (Union Co.).

Amendment Title: Wind Power Projects + Compliance Regarding Violations

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

Revision: Initial, 8/2009

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**Zoning Commission  
Taylor Township, Union County  
Broadway, Ohio 43007**

Sandy Evans, Secretary  
P.O. Box 232 Broadway, Ohio 43007  
(937)-246-3555 (937) 243-0342  
Sandyjimevans@embarqmail.com

The Taylor Township Zoning Commission held a meeting October 3, 2011 at the township hall in Broadway, Ohio. The meeting was called to order at 7:02 p.m. by Chairman Robert Kroshefsky.

Members present: Richard Laird, Robert Kroshefsky, Rob Marshall, and Eric Frysinger.  
Members absent: Charles Bliss, Wes Leeper and John Hull.

Mr. Kroshefsky asked members if there were any additions or corrections to the minutes of the last meeting, which had been sent to members before this meeting. There were no additions or corrections to the minutes.

Richard Laird made a motion to accept the minutes as written. This was 2<sup>nd</sup> by Rob Marshall.

MOTION PASSED UNANIMOUSLY

WIND POWER PROJECT

Mr. Kroshefsky had received comments on the wind project language from Wes Dodds of LUC-RPC on 9/28 and forwarded them to the Secretary for distribution on 9/30. However, not all commissioners had read them beforehand. Members went over Mr. Dodds' comments to see if any of the language should be changed. Mr. Kroshefsky acknowledged that he had likely been too technical when writing the latest revision and looked to the Commissioners for help in resolving issues that Mr. Dodds had raised.

After some discussion the following changes were made to various sections:

I.C.1. First sentence changed to read "Wind power projects shall not produce peak audible sound more than 5 decibels greater than the existing ambient noise levels within the range of normal human hearing (20 to 20,000 Hz) – as measured at a 6-foot height – at the nearest property line."

I.D.1. Corrected typographical error in OAC reference to read "Chapter 4101:8."

II.B.2.d: Added "at the nearest property line" to the first sentence to read "A chart of the maximum decibel level expected to be produced by the project throughout the human hearing range as determined at a 6-foot height above local ground level at the nearest property line." The second sentence was deleted.

II.B.2.e. This section was deleted in its entirety.

II.B.6. Remove "10-year" to read "The component manufacturers' recommended maintenance schedules."

A motion to adopt Section 1075, "Wind Power Projects," for the Taylor Township Zoning Resolution was made by Rob Marshall. This was 2<sup>nd</sup> by Richard Laird.

MOTION PASSED UNANIMOUSLY

ZONING COMPLAINT FORM

Mr. Kroshefsky indicated that he had shown the proposed zoning complaint form to both the Trustees and the Zoning Inspector at the Trustees' September meeting and all parties were in agreeable to using it.

A motion to revise Section 340, "Complaints Regarding Violations," of the Taylor Township Zoning Resolution was made by Eric Frysinger. This was 2<sup>nd</sup> by Richard Laird.

MOTION PASSED UNANIMOUSLY

Mr. Kroshefsky directed that an advertisement for a public hearing for these changes be placed in the Marysville Journal-Tribune to run on October 13<sup>th</sup>. The Zoning Commission's public hearing will be on Monday, October 24, 2010 at 7:00 p.m. at the Township Hall.

Mr. Kroshefsky will submit the proposed zoning changes to LUC-RPC for official review and action at its October 13<sup>th</sup> meeting and then expect to have those comments on hand for the public hearing. He shall also advise the Trustees of the Commission's actions so they are aware of the anticipated timing of notices and hearings on their part.

Motion to adjourn the meeting was made by Richard Laird, 2<sup>nd</sup> by Rob Marshall.

MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 7:44 p.m.

The next regular meeting of the Zoning Commission will be December 5, 2011.

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Chairman - Robert Kroshefsky

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Secretary - Sandy Evans

Section 1075 Wind Power Projects. The construction or erection of a wind power project producing less than 5 MW peak power in aggregate, including horizontal- or vertical-axis wind turbine generators, anemometers or any parts or subsystems thereof, shall be a Conditional Use in U-1 and M-1 districts. Wind power projects used solely for agriculture and unconnected to the local electrical utility are exempt from these regulations.

- I. Regulations:
  - A. Height:
    - 1. The maximum height of any wind power project structure shall be 125 feet.
  - B. Setbacks:
    - 1. Any free-standing structures shall be set back 1.1 times the maximum height of the structure from all road rights-of-way, utility lines, and property lines, creating a “clear fall zone.” Roof-mounted wind turbines require no setbacks.
  - C. Noise:
    - 1. Wind power projects shall not produce peak audible sound more than 5 decibels greater than the existing ambient noise levels within the range of normal human hearing (20 to 20,000 Hz) – as measured at a 6-foot height – at the nearest property line. Projects not meeting this requirement will be issued a zoning violation and be required to shut down immediately until modifications ensure that the noise level requirement is met.
  - D. Wiring and Electrical Devices:
    - 1. All wires and electrical devices associated with the operation of a wind power project shall be secured and inaccessible to unauthorized persons and meet all applicable local, state and federal codes including the Union County Building Regulations and Ohio Administrative Code Chapter 4101:8 Board of Building Standards: Residential Code of Ohio.
  - E. Warning Signs:
    - 1. Warning signs regarding rotating equipment or electrical hazards of any wind power project components shall be posted on the appropriate structure at eye level.
  - F. Maintenance and Demolition:
    - 1. Wind power project components must be maintained in good working order.
    - 2. A wind power project component is presumed to be inoperable when it is incapable of generating electricity.
    - 3. Wind power project components that remain inoperable for more than 6 months shall be in violation of zoning regulations and must be returned to service or removed within 30 days of issuance of said zoning violation.
    - 4. The project’s owner, within 30 days of permanently ceasing any component’s operation, shall provide written notice of such to the Zoning Inspector.
    - 5. Terminated wind power project components may stand no longer than 6 months.
    - 6. All costs associated with the demolition of a wind power project or removal of any of its components shall be borne by the project owner. Demolition requires removal of all components, devices, supports, ancillary structures, foundation assemblies above ground level, and other items associated with the project.

- II. Permits:
- A. A Conditional Use Permit (CUP) shall be required before construction can commence on a wind power project.
  - B. In addition to the items already required when applying for a CUP, a wind power project application shall also consist of the following:
    - 1. Location of all public and private airports within 10 miles of the location of the wind power project and whether FAA height restrictions are applicable.
    - 2. A technical report showing:
      - a. The total size and height of the structures associated with the project.
      - b. Electrical capacity of all generators involved in the project.
      - c. The total size and depth of the subsurface foundation structures, if any, as well as a licensed, civil engineer's report or affidavit indicating compatibility of said foundation design(s) with the local soil and bedrock.
      - d. A chart of the maximum decibel level expected to be produced by the project throughout the human hearing range as determined at a 6-foot height above local ground level.
    - 3. A site drawing showing the location of project components in relation to existing structures on the property, roads and other public right-of-ways, and neighboring property lines to demonstrate evidence of clear fall zone setbacks.
    - 4. A listing or description of all safety measures that will be utilized in the project including anti-climbing devices, grounding devices, lightning protection, braking systems, guy wires, and ground anchors.
    - 5. The component manufacturers' recommended maintenance schedules.
    - 6. A plan narrative generally outlining how free-standing structures and generating units will be installed, maintained, removed, and demolished.
  - C. Approved wind power projects shall obtain a zoning permit from Taylor Township.
  - D. Approved wind power projects shall obtain applicable building permits from the Union County Engineer's office.



Section 340 Complaints Regarding Violations. (current wording)

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution.

Section 340 Complaints Regarding Violations. (proposed wording)

Whenever any person believes that a violation of this Resolution has occurred; that person shall file a written complaint with the Zoning Inspector. Such complaint shall be recorded on a form provided by the Zoning Inspector. The Zoning Inspector shall acknowledge and record such complaint, investigate the matter within 5 days, take action thereon as provided by this Resolution, and inform the complainant within another 5 days regarding any action taken.

**OFFICE OF THE ZONING INSPECTOR  
TAYLOR TOWNSHIP, UNION COUNTY, OHIO  
18672 MAIN STREET  
BROADWAY, OHIO 43007**

**ZONING COMPLAINT**

PROPERTY ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

COMPLAINT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMPLAINANT'S NAME: \_\_\_\_\_

COMPLAINANT'S ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
COMPLAINANT'S SIGNATURE

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(THIS SECTION TO BE COMPLETED BY TAYLOR TOWNSHIP)

DATE RECEIVED: \_\_\_\_\_

\_\_\_\_\_  
ZONING INSPECTOR'S SIGNATURE

INVESTIGATION DATE: \_\_\_\_\_

APPLICABLE ZONING SECTION: \_\_\_\_\_

ACTION TAKEN: \_\_\_\_\_

DATE COMPLAINANT NOTIFIED: \_\_\_\_\_



## Zoning & Subdivision Committee

The Zoning and Subdivision Committee met in regular session on Thursday, October 13, 2011, at 12:25 pm at the LUC Office in East Liberty. Zoning & Subdivision Committee Members were in attendance as follows: Brad Bodenmiller, Greg DeLong, Wes Dodds, Charles Hall, Heather Martin, Fereidoun Shokouhi, Jenny Snapp, Jeff Stauch, and Andy Yoder. Absent members were Scott Coleman and Paul Hammersmith.

Greg DeLong chaired the Zoning & Subdivision Committee Meeting.

Minutes of the August 11, 2011, meeting were approved as written with Andy Yoder making the first motion to approve and Charles Hall making the second motion. All in favor with Greg abstaining as he was not at the meeting.

1. Review of Taylor Township Proposed Wind Language Zoning Text (Union County) – Wes Dodds
  - Wes presented the Staff Report.
  - Charles – What’s reasonable time? That’s open to interpretation and that bothers me a little bit?
    - Wes – I said reasonable amount of time, if the Township could articulate a reason that it took that amount of time. I felt that putting the five days is too short.
    - Charles – I agree, five days is too short.
    - Jeff – In regards to meetings township, it seems like 30 or 45 days is a lot but you may need that much time to deal with it administratively.
    - Fereidoun – What if you put a reasonable time not to exceed 30 days?
    - Jeff – If someone came in at an October meeting and placed a complaint, it could be the next meeting before they address it.
    - Brad – I don’t know why they put that in there, it just creates a liability for them.
    - Greg – We don’t do this, it almost looks like our grass height rule. It just varies depending on the violation; we have different days for different violations. It came across to me as holding their zoning inspector accountable.
    - Fereidoun – There is an obligation with yourself that dictates how fast you process it; this can become problematic. Everyone expects you’ll handle it in a reasonable time, but what is that?
    - Andy – What about 45 days, that would give you enough time to accomplish it before the next township meeting.
    - Charles – If it came into you two days before the next township meeting, then you won’t have time to take care of it.



# Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

- Jenny suggested to Wes to express that the five days is too short.
  - Greg – What bothers me the most is the complaint. I think you need to say that the notification to the owner of the property for the complaint needs to happen within a set time frame.
  - Jeff – Are the regulations pretty similar for the wind?
    - Wes – They may be slightly different but they're broadly based on the text we provide them.
    - Brad – Under the permit section #5 – the project owner will provide the township with the maintenance schedule. Is the township now responsible to make sure that the maintenance is done?
  - Fereidoun Shokouhi made the first motion to recommend approval of the Taylor Township Proposed Wind Language Zoning Text with subject to the comments of the staff and the Zoning and Subdivision Committee and Jeff Stauch made the second motion to recommend approval of the Taylor Township Proposed Wind Language Zoning Text subject to the comments of the staff and the Zoning and Subdivision Committee. All in favor.
2. Other
- Jeff, Brad, Jenny, Andy met last week and thought we would revisit this annually in regards to meeting times and situations like this when there's very little on the agenda. Does this work well for people to hold it right before the Executive meeting? It's always been a play it by ear thing. When the agenda is small like this it's one thing, but larger issues it's probably best that we keep them on Tuesday. Traditionally, we've always done the Executive meeting at the middle of the day, is that still valid?
  - Jenny – when you have those Tuesday's meetings, is there another time that would work better?
    - Fereidoun – First thing in the morning would not work for me.
    - Jeff- If I had to pick, middle of the day would not be my first preference.
    - Charles – Commissioner's couldn't do the morning
    - Jenny – Just to make the point that there's some flexibility. Would two o'clock be better? With this subcommittee we have the flexibility to change the time.
    - Charles – A little later in the day, like two o'clock would help my schedule.
    - Jeff – What about staff wise? Does it matter for you guys?
    - Wes – If it's on Tuesday, we still have all day Wednesday to follow up on anything that needs to be done so I don't see an issue about moving the time back on Tuesday.
    - Charles – I've talked to Jenny about it in the past, when we have a short agenda, I'd much rather have the meetings on the same day.

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## Logan-Union-Champaign regional planning commission

Director: Jenny R. Snapp

The staff usually knows when a meeting will be longer and can make the necessary adjustments.

- Fereidoun – For purpose of the scheduling we'll say the meetings will happen on the Thursday unless staff determines the need for a Tuesday meeting.
- Brad – You're saying if we meet on Tuesday, 2:00 pm or 3:00 pm would be ok?
  - Andy – That depends what we get into. If you get into a hot topic, you're pushing 4:00 pm or 4:30 pm. In the fall my afternoon schedule is locked up.
- Jenny – The other thing is, we should think about moving Scott off of the chair position cause there is no Logan County vote since Don Walters passed away. That's up to you guys to appoint the chair. He's the only person for Logan County on the committee. Either we get another Logan County representative or allow them to have a vote. But I can talk to Scott about that.
- Jeff – It'd be a good idea to have a voting presence from that area. Maybe we can talk to Paul and Scott before the end of the year to determine what time works for them.
- Jenny – We do have business next month already.

The Zoning and Subdivision Committee adjourned at 12:47 pm with Fereidoun Shokouhi making the first motion to adjourn and Andy Yoder making the second motion to adjourn. All in favor.

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