

**Wood County Planning Commission
December 5, 2006 @ 5:00p.m.**

The Wood County Planning Commission met in regular session on Tuesday, December 5, 2006 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Tim Brown, Jim Carter, Patrick Fitzgerald, Chris Ewald, Ray Huber, Alvie Perkins, Donna Schuerman, and Tom Weidner. Planning Commission staff in attendance was: David Steiner, Kelly Hemminger, and Cheryl Riffner. In addition to Planning Commission members and staff, 15 guests were present.

Chairman Weidner called the meeting to order. Upon calling the meeting to order, Ms. Schuerman made a motion to approve the November 2006 Planning Commission meeting minutes. Mr. Perkins seconded the motion with Commission members in full support.

New Business:

REVIEW OF ACTIVITIES REPORT – NOVEMBER 2006

Mr. Steiner began his review and stated that the Northwest Ohio Planning Conferences' Annual Planning and Zoning Workshop had been attended. Mr. Steiner stated that assistance was provided to Perry and Plain Townships to update their Zoning Resolutions and reported that Center and Lake Townships had also been assisted with various zoning issues. Mr. Steiner stated that the Village of Bloomdale RLF (Revolving Loan Fund) Project and the FY05 Village of Custar project were bid out and reported that a contract for the FY05 Village of Pemberville CDBG project was entered into with Midwest Contracting and Henson Plumbing & Heating. Mr. Steiner reported that officials from USDA, the Northwest Water and Sewer District, and the Village of Hoytville gathered to discuss the Village of Hoytville waterline project. Mr. Steiner reported that the 2007 Planning Commission budget had been completed. Mr. Steiner reported that 13 parcel splits and 5 parcel combinations had been completed, which totaled approximately 160 acres. Mr. Steiner stated that 10 rural address locations were issued and reported that 76 addresses for lots in Emerald Lakes, Plat II had been established.

ZONING – MIDDLETON TOWNSHIP

Hull Prairie Development Company submitted a request to change the footprint of an existing PUD development in Middleton Township. The applicant indicated that they wished to alter the originally approved footprint for Plats One and Two of the Village at Hull Prairie Meadows which called for 16 villa units containing two living units per building. The new, modified version separated the combined living units on several of the zero lot line villas into individual buildings. The request constituted as a "major" amendment to the PUD development,

therefore the applicant needed to undergo Planning Commission review as well as review by Middleton Township.

Mr. Steiner began his review and discussion and stated that the property was located in the western half of Section 23, Middleton Township, and was part of a larger development named Hull Prairie Meadows. Mr. Steiner reported that the property was located on the west side of Hull Prairie Road, approximately one half mile south of Roachton Road, and directly south of the Saddlebrooke Development. Mr. Steiner stated that the subject parcels were located along Trail's End and Lake Winds Drive, in the western end of the Hull Prairie Meadows Subdivision. Mr. Steiner reported that the property was zoned R-3 PUD and reported that lands to the north and west were zoned R-3 Residential, and lands to the south and west were zoned A-1 Agricultural. Mr. Steiner stated that land use in the area was primarily medium density residential, reported that no environmental constraints were associated with the property, and noted that the Wood County Comprehensive Land Use Plan had designated the area as residential and an expansion area for the City of Perrysburg. Mr. Steiner reported that all utilities were available to the property.

When the item was turned over to the Planning Commission members for review and discussion, Mr. Huber expressed several concerns with the plat and suggested to deny the PUD amendment. Mr. Huber stated that he was concerned about access for emergency personnel and equipment, storm drainage to lot owners rather than the homeowners association, off site drainage, and drainage maintenance which would be assessed by the Wood County Engineer. Mr. Huber stressed that as the Wood County Engineer he could not assess the plat for drainage maintenance. Mr. Huber stated that he would like to make a motion to deny approval of the PUD footprint based on the concerns that he had expressed.

Mr. Dean Frederick, Frederick & Associates, stated that he would like to address the concerns that Mr. Huber had expressed. Mr. Frederick stated that the Ohio Residential Code required fire treatment on common walls within 3' ft. of a lot line. Mr. Frederick stated that he was proposing 10' ft. between units, which would be greater than the 6' ft. total that is required by the Ohio Residential Code. Mr. Frederick stated that a fire wall would not be required. Mr. Frederick reported that ample emergency access is available to the back of the housing units. Mr. Huber stated that his concern with fire access was satisfied. Mr. Frederick stated that he showed Plats One and Two on his proposal because units on both Plats One and Two would be affected. Mr. Frederick stated that the drainage language could be adjusted to satisfy Mr. Huber. Mr. Ewald stated that he felt Mr. Huber had misinterpreted the language on the Plat because every lot would have an owner, whether it is the first lot owner or the developer. Mr. Frederick stated that the PUD text on the Plat was copied from the language of the previously approved PUD. Mr. Frederick stated that the purpose of this amendment was to create 13 detached units opposed to the 6 attached units that had been approved back in 2001. Mr. Frederick stated that nothing on the plat would be altered except for detaching the living units.

Mr. Carter questioned if the living units were considered to be a condominium and questioned who would do the lot maintenance. Mr. Chuck Schmalzried, developer, stated that a homeowners association was currently in place and reported that they maintained the grounds and provided services. Mr. Frederick added that lot lines would not be altered. Mr. Huber expressed concern about the home owner being responsible for drainage maintenance. Mr. Frederick stated that language could be added to include the homeowners association. Mr. Huber stated that homeowners associations usually fall apart after two years. Mr. Huber stated that the right way to address the drainage issue would be to petition to the Wood County Commissioners and have the subdivision put under a maintenance program. Mr. Huber stated that this would give the ability to assess homeowners.

Mr. Ewald questioned if changing the language on the plat would affect the existing residences were built. Mr. Ewald suggested that changing the language may not be a good idea since the existing residences would have conflicting language on their lots. Mr. Frederick stated that the language on the plat and the lot lines on the plat had not changed from what was previously approved in 2001. Mr. Frederick reported the only change would be from attached units to detached units.

When the item was turned over to the Planning Commission members for a motion, Mr. Brown suggested that the language of this plat and future plats be addressed by Mr. Huber. Mr. Huber withdrew his motion. Mr. Brown made a motion to recommend approval of the new PUD footprint of Plats One and Two of the Village of Hull Prairie which called for 16 villa buildings containing two living units per building with the suggestion that the Township carefully review the language on the Owner's Certification portion of the PUD development before taking any action. Mr. Frederick noted that he would meet with Mr. Huber to address the language on the plat. Ms. Schuerman seconded the motion. Commission members responded with a vote of 6 in favor, one opposed (Mr. Ewald), motion carried.

ZONING – PERRY TOWNSHIP

The Perry Township Zoning Commission submitted a series of text amendments to the current Perry Township Zoning Resolution for Planning Commission review and comment. The amendments are the result of an effort made on behalf of the Perry Township Zoning Commission to update the current Perry Township Zoning Resolution. Proposed amendments included: changes and expansion of the Townships "transportation for hire" section, an update of the zoning fees section, changes to the accessory building, in the home businesses, minimum lot area, and zoning district sections of the current resolution. Perry Township also added new language designed to deal with agribusiness.

Mr. Steiner began his review and discussion and reported that the Planning Commission had been working with Perry Township to update the Perry Township Zoning Resolution. Mr. Steiner continued his discussion by focusing on two main amendments to the Zoning Resolution; prohibition of adult

entertainment and an addition of language designed to deal with agribusiness. Mr. Steiner reported that adult entertainment could not be regulated and stated that Perry Township had agreed to withdraw the amendment that prohibited it. Mr. Steiner then addressed the addition of agribusiness and stated that the township was trying to address Concentrated Animal Feeding Operations (CAFO's) or "mega farms" within Perry Township. Mr. Steiner reported that currently two Ohio counties (Greene County and Darke County) have been taken to court by the operators of CAFO's, and reported that both counties are at various stages and levels of the legal system. Mr. Steiner reported that Agriculture cannot be regulated and suggested not to advise Perry Township to enact this type of zoning. Mr. Steiner reported that Perry Township had proposed several other amendment to their zoning resolution including: expansion of the Township's "transportation for hire" section, an update of the zoning fees section, changes to accessory buildings, in the home businesses, minimum lot areas, and the zoning district sections. Mr. Steiner then handed out an interesting article relating to CAFO's.

When the item was turned over to the Planning Commission members for review and discussion, Mr. Weidner questioned if Mr. Steiner had recommended denying the language relating to agribusiness. Mr. Steiner stated that he could not recommend approval given the uncertainty of the legality of regulating agribusiness. Mr. Ewald questioned who in Wood County had made the opinion that regulating agribusiness was not recommended. Mr. Steiner stated that the Wood County Prosecuting Attorney's Office had made this opinion and he himself had interpreted the Ohio Revised Code in this way. Mr. Ewald questioned if the Wood County Prosecutor had issued an opinion on this matter. Perry Township officials stated that a legal opinion had not been issued on this matter. Mr. Fitzgerald questioned if Perry Township was preemptive to put this language into their zoning resolution. Mr. Fitzgerald stated that it was presumed to be illegal because the issue had been taken to court. Mr. Ewald stated that he would like to have a legal opinion in order to take action on the issue. Mr. Brown questioned if the Planning Commission members could recommend approval but caution Perry Township to get a legal opinion regarding agribusiness before implementing these regulations.

Mr. Ewald questioned if "in home occupation" and "in home business" were intended to be one in the same. Mr. Steiner stated that they were. Mr. Ewald stated that if they were intended to be the same that they should be the same. Mr. Ewald stated that if two other counties in Ohio have agribusiness language in their regulations that precedence has been set. Mr. Ewald stated that precedence had been challenged, but stated again that it had been set. Mr. Brown made a motion to recommend to Perry Township that the Township approve the text amendments with the suggestion that the Township be strongly cautioned about the potential legal ramifications in regards to the proposed agribusiness language that the Township had included in the amendments. Mr. Fitzgerald seconded the motion and suggested that the Township research language that may help to regulate adult entertainment. Mr. Steiner added that

the amendments needed to be better organized and integrated into the current Perry Township Zoning Resolution so that they can be effectively administered.

Mr. John Bresler took several minutes to read a letter on why Perry Township would like to regulate agribusiness. At the conclusion of this letter, Planning Commission members responded to the motion in full support.

Director's Time

Mr. Steiner handed out a rough draft of the 2007 budget that had been submitted to the Board of County Commissioners. Planning Commission members voted that the next Planning Commission meeting would be held on January 9, 2007 at 5:00 p.m. Mr. Steiner stated that a nomination committee needed to be formed to nominate the 2007 Planning Commission officers. Mr. Ewald and Ms. Schuerman volunteered to head the committee. There being no further discussion, the meeting stood adjourned with a motion from Ms. Schuerman. Mr. Fitzgerald seconded the motion with Commission members in fully support.