

Meeting Minutes
Wood County Planning Commission
October 6, 2020
5:30 pm

The Wood County Planning Commission met in regular session on Tuesday, October 6, 2020 at the County Office Building in Bowling Green, Ohio. Planning Commission staff members in attendance were David Steiner and Jamie Stanley. Planning Commission members in attendance were: Ted Bowlus, Doris Herringshaw, Craig LaHote, John Musteric, Jeffrey Schaller, Brian Swope and Erik Wineland. Two (2) guests were in attendance.

Chairman John Musteric called the meeting to order.

Old Business

None

New Business

Mr. Bowlus made a motion to approve the September 2020 Planning Commission meeting minutes. Mr. Schaller seconded the motion. Mr. Musteric called for a vote.

Mr. Arnold - Absent, Mr. Bowlus - Yes, Mr. Brossia - Yes, Mr. George - Absent, Ms. Herringshaw - Yes, Mr. LaHote - Yes, Mr. Musteric - Yes, Mr. Schaller – Yes, Mr. Schuerman - Absent, Mr. Swope – Yes, Mr. Wineland - Yes.

SUBDIVISION VARIANCE – MONTOMERY TOWNSHIP

Ms. Stanley provided an overview of the application. Ms. Stanley explained that Montgomery Township is unzoned and as such property owners are subject to the Wood County Subdivision Rules and Regulations. Ms. Stanley explained the applicants are seeking a variance of the minimum lot area, width and setbacks requirements and more specifically, the minimum lot width of 175 feet.

Ms. Stanley explained that Mr. Kenneth George, owner of parcel L45-412-200000019002, has a lot width of 175 feet but would like to split off a portion of his property and sell the split off portion to his neighbor, Mr. Gary Harrison, owner of parcel L45-412-200000019000. Ms. Stanley explained that Mr. Harrison currently utilizes two accessory structures on Mr. George's parcel and that the split would allow Mr. Harrison to have all the structures on his own parcel. Ms. Stanley explained that the proposed split of frontage from Mr. George's property would result in a loss of approximately 0.5 acres but Mr. Harrison would split of approximately 0.5 acres at the rear of his parcel so that both parcels would remain approximately the same acreage as they are currently.

Ms. Stanley explained that the proposed variance would result in Mr. George's parcel measuring approximately 90 feet in width and that is significantly less than the minimum lot width of 175 feet.

Ms. Stanley explained that there are three (3) major factors to consider when deciding whether to grant a variance: would the applicant have reasonable use of the property without relief; did the hardship result from unique characteristics of the property, specifically topographic or other physical conditions, that were not sufficiently recognized when the parcel was created; and did the applicant create the hardship.

Ms. Stanley said that based on these criteria, the request does not appear justified as: the property owner still has use of the property; the owners knew of the parcel layout when they purchased it and while they did not create the hardship, the parcel was bought as it currently exists.

Ms. Stanley explained that the Subdivision Rules and Regulations are designed to control density and make sure parcel splits result in buildable parcels in unzoned areas.

Ms. Stanley stated the Planning Commission staff feels that the Planning Commission members should discuss the situation thoroughly and determine if the justification that was provided is enough of a reason to grant a variance.

Mr. George whose property would need the variance for the split to occur explained that he farms the property and has no need or use for the accessory structures. Mr. Harrison explained the history of how the parcels were created and his desire to incorporate the accessory structures for future owners.

Mr. Wineland sought clarity on the request and the reason for seeking a variance and not seek another option. Mr. Harrison explained the previous owner divide the property to meet the minimum lot size requirements.

The Commission discussed alternative options that would not require the Planning Commission to look at such a drastic departure from the lot size requirements. The Planning Commission discussed the ambiguity in the proposed parcel split and what would be enforceable restrictions on a parcel created with a lot width so significantly less than the rules require. The Planning Commission discussed the long term impact of such a deviation. The Planning Commission discussed with the property owners if they had considered any options for access to the accessory buildings that did not involve a variance. After the discussion, the Planning Commission agreed to table the discussion until the applicants had the opportunity discuss other options.

Mr. Wineland made a motion that the Commission table the request so the applicants could assess other options and to wait until the applicants made a decision to act upon the request. Ms. Herringshaw seconded the motion.

Mr. Musteric called for a vote.

Mr. Arnold - Absent, Mr. Bowlus - Yes, Mr. Brossia - Yes, Mr. George - Absent, Ms. Herringshaw - Yes, Mr. LaHote - Yes, Mr. Musteric - Yes, Mr. Schaller - Yes, Mr. Schuerman - Absent, Mr. Swope - Yes, Mr. Wineland - Yes.

The motion to table the request carried.

SUBDIVISION – TROY TOWNSHIP

Mr. Steiner explained that Feller Finch and Associates have submitted a request for a one year preliminary plat extension for the proposed Eagles Landing Subdivision located in Troy Township. Mr. Steiner explained that the subdivision was granted preliminary approval in October 2019.

Mr. Steiner explained that since the preliminary approval at the October 2019 Planning Commission meeting, the engineer's for the plat have been designing various components of the plat such as storm water retention, drainage, and floodplain mitigation. Mr. Steiner also explained that the COVID-19 issue has effectively halted much of the work that could be done on the plat.

Mr. Steiner stated that given the extenuating and unanticipated circumstances in the past year that have effectively put a damper on any progress, the request for extension should be granted in his opinion.

Mr. Schaller made a motion that the Commission approve the extension request. Mr. Wineland seconded the motion.

Mr. Musteric called for a vote.

Mr. Arnold - Absent, Mr. Bowlus - Yes, Mr. Brossia - Yes, Mr. George - Absent, Ms. Herringshaw - Yes, Mr. LaHote - Yes, Mr. Musteric - Yes, Mr. Schaller – Yes, Mr. Schuerman - Absent, Mr. Swope – Yes, Mr. Wineland - Yes.

The motion to approve carried.

PUBLIC FORUM

CHAIRMAN'S/COMMISSION MEMBERS' TIME

The Commission discussed the November Planning Commission meeting possibly being scheduled for November 3, 2020 and discussed moving it to November 10, 2020.

Mr. Bowlus made a motion to move the November Planning Commission meeting to Wednesday, November 10, 2020. Mr. Wineland seconded the motion.

Mr. Musteric called for a vote.

The Commission responded unanimously to approve moving the November Planning Commission meeting to Wednesday, November 10, 2020

DIRECTOR'S TIME

OCTOBER 6 2020 PLANNING COMMISSION MEETING MINUTES

Staff Activities

Mr. Steiner referred the members to the Staff Activities report.

Mr. Steiner stated that the office researched and assisted Troy Township officials with a zoning matter. Mr. Steiner explained that the staff met with the Prosecuting Attorney, Troy Township Zoning Inspector and a private attorney to discuss the aforementioned zoning matter.

Mr. Steiner stated that grant activity continued with work on CDBG and CHIP grants.

Mr. Steiner noted that Wood County was awarded \$1 million of grant funds for the PY2020 CHIP grant. He stated that projects will begin the first part of 2021.

Mr. Steiner shared that Wood County was awarded a Critical Infrastructure Grant (CIG) for the Village of Bradner for water tower and main waterline improvements.

Mr. Steiner stated that the second phase of the Perrysburg Heights NRG grant to Geddis Paving and Excavating.

Mr. Steiner explained that the staff adjusted and resubmitted the Fair Housing Plan for the PY2020 Community Development Grant.

Mr. Steiner explained that the staff completed the semi-annual labor reporting for all CDBG grants.

Mr. Steiner shared that he began to work on the 2021 budget.

Ms. Stanley shared that seven (7) rural addresses were issued from August 21, 2020 to September 25, 2020.

Ms. Stanley shared that eight (8) parcel splits and six (6) parcel combinations were processed.

Mr. Musteric mentioned that multiple complaints had been received about the Village at Riverbend. Mr. Musteric shared that due to changing street plans he had advised the developer to submit new plans or stick to the original ones.

Motion to Adjourn:

Mr. LaHote made a motion to adjourn the October 6, 2020 Planning Commission meeting. Commission members responded in full support. The meeting adjourned.

Troy Township Zoning Commission

Solar Energy

Definitions to be added to Article 2.02

ACCESSORY SOLAR ENERGY SYSTEM: An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consist of one (1) or more free-standing ground, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.

GLARE: The effect produced by light with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground or roof 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.

SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun.

SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in heating or cooling, for water heating and/or for electricity.

SOLAR ENERGY RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy.

SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL: The smallest basic solar device with generates electricity when exposed to light.

SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy.

Section 7.21 Solar Panel Regulations

Solar Panel arrays shall be allowed in all zoning districts either to permitted principal or accessory buildings or free-standing structures subject to the following conditions:

7.21.01 Free Standing Solar Panel Arrays

Free-standing solar panel arrays that are not attached to a building shall be permitted subject to the following regulations:

- a) Free-standing solar panel arrays shall not be permitted in the front yard.
- b) Free-standing solar panel arrays shall be set back by a minimum of fifteen feet (15) from all side property lines and ten feet (10) from the rear property line.
- c) Free-standing solar panel arrays shall not exceed a height of four feet (4).
- d) The ground surface area covered by free-standing solar panel arrays shall be included in the total permitted lot coverage calculations for the lot and not to exceed 40% of maximum available net area.
- e) All power transmission lines shall be underground.

7.21.02 Roof Mounted Solar Panel Arrays

Where attached to building, the solar panels shall be subject to the same regulations as the building in terms of height and setbacks. Solar panels may be attached to the roof only.

- a) Roof mounted panels shall include solar panels integrated as the surface layer of the roof structure which no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface.
- b) Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
- c) Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
- d) Solar panels mounted on a flat roof shall not project vertically higher than the height of the parapet wall surrounding the roof or shall be screened by architectural features.

7.21.03 Solar Panel Array Maintenance

Solar panel arrays must be maintained in good working order. Panels that become inoperable for more than twelve (12) months must be repaired or 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 solar panel array.

7.21.04 Solar Panel Array Glare

Solar panel arrays shall be placed and arranged such that reflected solar radiation or glare shall not create a hazard or nuisance to adjacent buildings or roadways.

ADD to 4.02.05 on page 36 on the matrix

Principal Solar Energy Systems (PSES) I-1 (p) and B-PUD (P)

7.21.05 Principal Solar Energy Systems (PSES)

PSES shall be permitted in I-1 and B-PUD subject to site plan review.

1. Plan Approval Requirements

- a. Location of all public and private airports in relation to the location of the alternative energy system, as well as any applicable FAA restrictions that may be applicable to the solar panel array.
- b. A site drawing showing the location of the unit, system or array in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
- c. A maintenance schedule as well as a dismantling plan that outlines how the unit, system, or array will be dismantled, shall be required as part of the permit.
- d. Description of compliance with NFPA 1 (National Fire Protection Association) for firefighting access.
- e. Listing of owner(s), operator(s) and maintenance providers if any.
- f. Proper drainage away from adjacent property and buildings.
- g. Demonstrate compliance with Article 8.

2. Ground Mounted Principal Solar Energy Systems

- a. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- b. Maintenance Solar panel arrays must be maintained in good working order. Panels that become inoperable for more than twelve (12) months must be repaired or 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 solar panel array.
- c. Glare: Solar panel arrays shall be placed and arranged such that reflected solar radiation or glare shall not create a hazard or nuisance to adjacent buildings or roadways.

3. Decommissioning

- a. The PSES owner is required to notify the township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- b. The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owners expense. The owner shall restore land to the original condition, including ground covering of the same type/variety and density as the original.

4. Site Requirements

- a. Maximum Lot Coverage

- Seventy percent (70) of maximum site coverage available for equipment.
- b. Set Backs
Minimum set back to equipment is forty feet (40) from all property lines.
- c. Height
Ground mounted PSES shall not exceed twenty feet (20) in height.
- d. Screening
Ground mounted PSES shall be screened from adjoining districts or zones per Article 8 Landscape Requirements.
- e. Site Access
The site must be located on a major roadway as designated in the Wood County Major Street and Highway Plan and access to the site does not require travel on a designated township road.

Approved by Troy Township Zoning Commission on October 15, 2020.

WOOD COUNTY PLANNING COMMISSION

AGENDA

October 6th, 2020 at 5:30 PM

The Wood County Planning Commission will meet in regular session on Tuesday **November 10th, 2020** at the County Office Building in Bowling Green, Ohio. The time of this meeting is 5:30 pm. A suggested agenda follows:

OLD BUSINESS

NEW BUSINESS

Approval of the October 2020 Planning Commission Meeting Minutes

ZONING - TROY TOWNSHIP

The Troy Township Zoning Commission has submitted zoning language to address and regulate solar power facilities in the Township. Both residential systems and large scale facilities are addressed.

PUBLIC FORUM:

CHAIRMAN'S/COMMISSION MEMBER'S TIME

DIRECTOR'S TIME

WOOD COUNTY PLANNING COMMISSION STAFF ACTIVITIES REPORT

Staff activities for October 2020 will be reviewed.

ADJOURNMENT

Please make plans to attend

Please be advised that appropriate facial masks must be worn when in the Courthouse Complex. Individuals not wearing masks will be denied entry.

WOOD COUNTY PLANNING COMMISSION

Staff Activities Report October 2020

PLANNING AND ZONING

- Researched and assisted Troy Twp. Zoning officials with zoning matter.
- Researched zoning for solar power to prepare for Troy Township agenda item.

COMMUNITY DEVELOPMENT

- Continued to work on all CDBG grants as well as CHIP grant.
- Began work on the Critical Infrastructure Grant (CIG) for Village of Brander for water tower and main water line improvements.
- Awarded the second phase of the Perrysburg Heights NRG grant to Geddis Paving and Excavating.
- Placed the third phase of the Perrysburg Heights NRG Grant out to bid. This phase is for the pavilion installation.
- Concluded work of the PY18 Pemberville street improvement project.
- Began work on the PY18 Village of North Baltimore NRG grant.
- Began the Environmental Review process for the CHIP grant.

ADMINISTRATIVE

- Prepared items for the November 2020 Planning Commission meeting.
- Issued 7 rural addresses issued from September 25, 2020 through October 30, 2020.
- Processed 7 parcel splits (21.587 acres) and 4 parcel combinations (66.041 acres) – there were numerous complicated issues in the parcel split requests.
- Met with the County Engineer, the County Engineer and members of their staffs to discuss changes to the current land transfer policy.
- Met with the Wood County Health Department to discuss option for having their department review parcel splits.
- There have been multiple zoning classification requests from citizens, title companies and real estate professionals.

TO ALL WOOD COUNTY PLANNING COMISSION MEMBERS:

The Wood County Planning Commission Staff intends to take photos of all current members of the Commission to post to our website. The website hasn't been updated for quite some time, and we need to not only list the new members, but have photos of them as well.

ITEM # 1 – ZONING -TROY TOWNSHIP

APPLICANT

Troy Township Zoning Commission
P.O. Box 921
Luckey, OH 43443

PROPOSAL

The Troy Township Zoning Commission has submitted language to address and regulate solar energy systems within the township. The Township currently has no zoning to regulate residential solar power generation, nor does it have any language to address large scale solar power facilities

ATTACHMENTS

1-A: proposed regulations

STAFF ANALYSIS

Before the Director delves into this item, he feels it would be wise to provide a brief explanation to Commission members regarding solar power generation. Given the interest in renewable energy, it is anticipated that there will be an increase in the amount of solar power generating facilities being constructed. Currently, there are small scale residential solar power generating systems that are being installed in new homes, or retrofitted for existing homes. These systems can consist of a free standing solar array, or a roof mounted array. These are classified as Accessory Solar Energy Systems per this proposed language. These are designed to provide energy for use for the primary dwelling only. Another type of system are large scale solar power generating facilities. The township has designated these as Principal Solar Energy Systems. These are designed to generate power on a large scale, well beyond what can be used for residential purposes. Of these large scale facilities, there are two types. The first type are ones owned by a power – utility firm. These exist solely to generate solar energy to add to their power grid. These cannot be regulated through zoning since they are classified as a public utility. The second type of facility is a large scale facility that generates solar power to sell to whatever utility they choose to. These are not considered utilities and thus can be regulated through zoning.

The portion of the proposed regulations that address Accessory Solar Energy Systems is similar to what other townships have written. These are fine as written, they are standard throughout the State and have passed the legal challenges.

The portion that administers Principal Solar Energy Systems has been drafted “from scratch” by the township. The Director has been in the process of drafting zoning language to regulate these large scale solar energy systems, however, this language has not been completed. The language Troy Township has drafted for these large scale Principal Solar Energy Systems is very similar to what the Director has drafted and discovered through research on the item. It also needs to be noted that the as with all zoning language, this language is a living document. As laws and trends change, it will need adjusted.

STAFF RECCOMENDATION

The Director feels that what the Township has drafted is comprehensive, well researched and practical. In regards to the language for Accessory Solar Energy Systems, it is nearly identical to what other townships in Wood County have placed in their zoning codes.

As for the Principal Solar Energy Systems, the Director feels that these type of non-public utility facilities will become prevalent. It makes sense to address the issue now.

As noted in the analysis portion, these regulations are a living document, so as laws change and patterns emerge, the township will need to adjust the language accordingly.

An issue that the Director feels needs to be noted is that there is the potential of an increased workload that may be placed upon the township zoning inspector if these regulations are adopted.

This being said, the Director recommends that the Commission recommend to Troy Township that the Township approve language as presented. The Director would also like to have the Commission members review the language closely and note any issues or errors that the Director may have overlooked.