

# *Swan creek Township*

## *Zoning Commission Meeting*

### **Record of Proceedings**

**June 25, 2008**

Meeting was called to order at 6:00 p.m. by Chairman Walt Lange

Roll call was taken by Chairman Walt Lange

Roll ~ Chairman Walt Lange - present, James McConkey - present, Joe Kahl - present, Robert Westmark - present

Township Officials & employees present: Trustee Holdeman, Trustee Wiland, Trustee Leu, Christine Lauch, Administrative Assistant, Walter Hallett, III, Zoning Inspector

Visitors: Steve Brown, Fulton County Regional Planning Commission, Darrin Gramling, Raymond Schaffer

The meeting was called to order at 6:00 p.m. to discuss proposed changes to the current Swan creek Township Resolution.

#### ❖ Item 1:

Steve Brown, Fulton County Regional Planning Commission, spoke of terms of reviewing a request under a Conditional Use application. There is a need to control placement in residential districts and higher density areas because of the free fall zone area to adjoining and adjacent properties. The ones that are going up now in other areas are approximately 40' to 100' in height. There are also questions of what classifies as a public utility in the preliminary studies of the wind turbines. Owners may also possibly be able to sell back the power generated.

Board members discussed Ag. Exempt situations.

Joe Kahl asked Mr. Brown how many cases, if any, has he heard of the towers falling.

Mr. Brown stated that he has not heard of any.

Bob Westmark questioned the possibly of the danger in a case of a tornado. Steve Brown said it is hard to say. Trustee Holdeman stated that they have a break on them and Mr. Brown said once they reach a certain wind speed they automatically shut down.

Walt Lange stated that one of the main concerns of wind turbines is the noise factor and referred to the ones in Bowling Green, Ohio. The board discussed the sound of the wind turbines and passing Steve Brown's suggested language as a preliminary resolution, for now, until more studies can be done.

James McConkey asked if the applications would all be regulated through the Board of Zoning Appeals. Steve Brown said yes, for residential areas. Mr. McConkey asked about the scenario of several property owners going together for one.

Mr. Lange suggested the proposed language be submitted to the Prosecutor for Legal Opinion.

Mr. Schaffer, public visitor, asked what if the Swanton schools wanted to put them in place. Mr. Browns said Pettisville and Archbold are looking into going together on wind turbines and it could possibly be a permitted use for all schools.

Mr. Lange inquired as to there being a stipulation of "free standing" in stead of having the guy wires.

The board discussed height issues. Right now the Swan creek Township's maximum height of a structure is 30'.

Mr. Hallett, Zoning Inspector, said that he has already had one inquiry for one on County Road A between 3 and 2. It is a 20 acre lot. The woman currently lives in Arizona and is looking into creating a wind turbine farm with the intention of building a home at a later date. The Swancreek Township has no regulations currently in place, so if she were to build them we could not regulate them. Joe Kahl asked if she planned to sell it as a utility. Mr. Hallett stated that was a possibility and that she could make money from it to offset expenses that there is enough acreage there.

Trustee Leu spoke of a wind turbine situation in the Whitehouse, Ohio currently. He stated that 5 acres constitutes a "farm" in our current Zoning Resolution.

Joe Kahl said there could possibly be tax breaks, etc., if they were run as a business.

Mr. Lange said without this amendment the township would regulate it by the maximum structure height and if the intent was more than 30' then it would go to the Appeals board for review.

Joe Kahl said he felt the language should be created to avoid the need for an appeal in every case.

Bob Westmark felt that the suggested language would be a good starting point.

Walt Hallett explained the difference between a Conditional Use and a Variance.

Mr. Lange stated the Standards at the appeals hearing would at least address the noise and ascetic aspects if it is not harmonious with the area.

Joe Kahl said in the event that this situation takes off, not everyone should have to go to the Board of Zoning Appeals. Mr. Kahl said he is not appose to the wind turbines, but that the board needs to consider any problems in the future and without knowing much about them, it is difficult to consider specific language.

➤ Bob Westmark Motioned to accept the suggested language from Steve Brown, Fulton County Regional Planning Commission, as a starting point, Jim McConkey 2<sup>nd</sup> Motion

➤ Roll ~ Chairman Walt Lange - yea, James McConkey - yea, Joe Kahl - yea and Robert Westmark - yea

Joe Kahl stated the height issues. Walt Lange said the board could pass a second motion to exempt wind turbines from the 30' restriction.

Joe Kahl said he would like to avoid the Resolution contradicting itself with a 30' restriction in one place and a 100' restriction in another area.

Jim Leu stated the words "only free standing" could be added. The board discussed "stand alone" and "free standing" word definitions.

Walt Hallett said the Board of Trustees can tweak the language and make any necessary changes as they see fit.

Darrin Gramling suggested putting the definition of a free standing unit description of no guy wires in the Definition section of the Zoning Resolution.

➤ Walt Lange Motioned, as amended, to place the words "Only free standing towers (no guy wires) will be permitted" to be placed as item #2 and then renumber thereafter.

➤ Roll ~ Chairman Walt Lange - yea, James McConkey - yea, Joe Kahl - yea and Robert Westmark - yea

❖ Item 2 Solar Energy:

Steve Brown said that the new technology is incredible. He recommends that the Board revisit it later after he can get them better information.

\* This item tabled.

❖ Item 3 Corn Burners:

The Board reviewed Edgerton's code.

Joe Kahl asked what issues there were with wood burners. Walt Hallett stated there is a possibility of nuisance with adjoining property owners due to the smoke. Mr. Hallett said there is no lot size regulation currently.

Steve Brown said the main concern is setbacks and referred to the "Outdoor Furnace Fact" sheet (attached) he provided for the Board's review.

Trustee Leu said the code might state they should only be used during the winter months because windows aren't usually open during the winter months.

The Board discussed item #5 which talks about the size of the units.

Mr. Hallett said it is a structure and they need a zoning permit.

Walt Lange stated that Mr. Brown should come up with some guidelines and that it should be named wood burners, not corn burners as listed on the Agenda.

Steve Brown said he would also talk to the fire chef and get the suggested language.

\* This item tabled.

❖ Item 4 Suggested Amendments:

Walt Lange said he assumes the Amendment Committee would review Walt Hallett's suggested changes and make a recommendation.

The Board discussed the duties of the Amendment Committee that was requested to be formed.

Walt Lange asked if there were any volunteers. Mr. Lange instructed Christine Lauch, Administrative Assistant, to state the purpose of the committee. Chris said it was to go through the current Zoning Resolution for any proposed amendments, as well as do an extensive study of the AG/RE districts that should be zoned Residential. Mr. Lange said the zoning book was thoroughly examined after the last court case. Mr. Hallett stated that he feels the Resolution has some pitfalls and gray areas. Steve Brown said he would give the Board some written answers to some of Mr. Hallett's suggested changes.

The Board discussed forming an Amendment Committee or just having working meetings for the Zoning Board. The Board discussed the best time to hold the working meetings. The working meetings are meetings of discussion with no voting.

Walt Lange instructed Chris Lauch to set up a meeting for July 9, 2008 at 6:00 p.m. and to place the suggested changes and rezoning of the districts on the Agenda for consideration. Chris Lauch will put together a schedule for the Board of every second Tuesday of each month.

❖ Item 5 Pond Regulation Adoption:

Walt Hallett said he has been dealing with ponds that do not have adequate drainage or overflow. He gave an example of a violation he just worked on where a property owner altered his pond overflow to intentionally drain onto adjoining properties.

In German Township new applications for ponds are reviewed by the Engineer. Steve Brown said Soil & Water use to regulate Fulton Counties.

Walt Lange said the County offers a Pond Clinic. Walt Hallett said the clinics are just suggested information and has no teeth; it needs to be something more set in stone. The township can make a pond permit specific, in addition to having a Zoning Permit and that the Engineer can make suggestions of size of pipes, etc. because they are more familiar with the specifics.

Walt Lange said to make it a part of the working meeting that is scheduled also so there can be some discussion of language.

- Bob Westmark Motioned to approve April 23, 2008 Minutes, Jim McConkey 2<sup>nd</sup> Motion
- Roll ~ Chairman Walt Lange - yea, James McConkey - yea, and Robert Westmark - yea  
Joe Kahl - abstained

Mr. Lange informed the public and the Board that the Board of Trustees accepted the proposed amendments of the April 23, 2008 meeting.

Trustee Wiland told the Board that there are areas in the township that appear to be subdivisions, like Peaceful Valley, and that there was some interest by Jim McConkey to look into rezoning that area to a R1 district. Trustee Wiland stated that Peaceful Valley would be a nice starting point for these types of districts.

Trustee Leu stated that subdivisions like that should be zoned R1 districts.

Ray Schaffer, public visitor, asked if there was a difference in taxes for AG/RE and R1 districts. Steve Brown said no.

Walt Hallett stated the difference between the districts; front and side yard setbacks are less strict, as well as R1 right-away setbacks and that R1 districts have more protection.

Steve Brown said if the frontage footage was changed all those size lots would be conforming.

Trustee Wiland said the lots would need water and sewage also to be conforming.

Walt Hallett said it would be a good idea to consider Peaceful Valley.

James McConkey stated that his neighbors have great concern about switching to an R1 district.

They have a lot of questions such as would that make them susceptible to a take over like a merger. Mr. McConkey said his neighbors would like a pros and cons list of the differences.

Mr. Lange said the rezoning will be discussed at the working meeting. Chris Lauch is to get copies of the map for the Zoning Commission Board for this meeting.

- James McConkey Motioned to adjourn, Joe Kahl 2<sup>nd</sup> Motion
- Roll ~ Chairman Walt Lange - yea, James McConkey - yea, Joe Kahl - yea and Robert Westmark - yea

Meeting Adjourned: 7:46 p.m.

**Zoning Board Approval of Minutes:**

Walter Lange, Chairman	