

Minutes of Penfield Township Board of Trustees Meeting

September 1, 2009

All the officers and ten guests were present for the public hearing on proposed zoning amendments. The Zoning Amendments were read and acted upon separately.

1.) Change Article 16.01--PENALTY FOR VIOLATION from "shall be fined not more than one hundred dollars (\$100.00) each and every day during which said violation shall continue shall constitute a separate offense" to read "shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day's continuation of a violation shall be deemed a separate offense" Motion to approve the change by Thomas Younglas, second by Lloyd Gordon. All yes

2.) Article 4.10--REQUIREMENTS FOR OBTAINING A ZONING PERMIT; Add to #4 "Plan to include existing structures, if any, and layout of septic systems and geothermal lines" Insert as #6 "An approved letter from the Lorain County Soil & Water Conservation District for an Erosion and Sediment Control Plan (ESC) for soil disturbing projects of one acre or more." Motion to approve by Younglas, second by Gordon. Roll call, all yes.

3.) Article 4.14—SOLAR ENERGY Technologies employing Photovoltaic cells, concentrating solar power devices and low temperature collectors are permitted in all districts with proper permitting.

These technologies may be installed on existing or new structures not to exceed a total height of thirty five (35) feet.

Ground mounted devices may not exceed eight (8) feet in height.

All technologies must maintain the following set backs:

- A). Front yard-70 feet from the road right of way
- B.) Side Yard-15 feet from property line
- C. Rear yard-15 feet from property line

After discussion on the Zoning Commission requirements about the proposed set back was found to be too restrictive in cases where the home is located a distance from the road. A change to 70' from the road right of way was approved on a motion by Gordon , second by Younglas, the 70' was approved. Roll call, all yes.

4.) Article 4.15—GEOTHERMAL

Closed loop Geothermal Technologies are permitted in all districts with proper permitting

Open loop Geothermal Technologies are not permitted in any district.

The following will govern loop installations:

- A.) All loops must be installed on the lot of land upon which the main structure is located.
- B.) A diagram of location of all loop construction must be provided on the site layout and attached to the permit application.
- C.) Loops must contain an environmentally friendly anti-freeze and water solution.
- D.) All loops must maintain the following setbacks:
 - a. Front yard-- 70 feet from the road right of way
 - b. Side yard— 15 feet from property line
 - c. Rear yard— 15 feet from property line
 - d. 15 feet on either side of any water line and/or septic system
- E.) Loops may not be connected to any well water supply or home water supply
- F.) Horizontal loops must have a minimum of one (1) acre lot and must be installed at least five (5) feet deep.
- G.) Vertical loops must have a minimum of one half (1/2) acre lot and must be installed by a certified well driller.

Motion to approve by Gordon, second by Younglas. Roll call, all yes.

Article 17.05—POND REGULATION

Insert the following after A. Intent (first paragraph)

I. Regulations:

1. Standards and Specifications

A. The types of ponds shall be specified as excavated, embankment, fire protection, up ground reservoir or wildlife according to the Standards and Specifications on the USDA-Natural Resources Conservation Service Field Office Technical Guide

B. Ponds will be designed, constructed, seeded and maintained according to these Standards and Specifications.

C. Only those dams which do not require a permit under the Ohio Dam Safety Law will be covered by the agreement with Lorain SWCD.

Dams which do not require a ODSL permit are as follows:

- a. The dam, regardless of height, will have a storage capacity of not more than 15 acre- feet; or
- b. The dam, regardless of storage capacity, will be six (6) feet or less in height; or
- c. The dam will be less than 10 feet high and will have a storage capacity of 50 acre feet or less
- d. All dams not falling in the above categories must apply for a permit through the Division of Water, Ohio Department of Natural Resources. Dams requiring permits are not within the jurisdiction of Lorain SWCD,

D. All ponds must be at least 10,000 square feet in size with no dimension smaller than 80 feet. Exceptions will be dealt with on a case by case basis.

E. Copies of the Standards and Specifications are in the file at the Lorain SWCD office.

II. Policies and Procedures

A. The Lorain Soil and Water Conservation District Board of Supervisors , their employees, and the USDA-Natural Resources Conservation Service employees, and township trustees and their appointed representatives will coordinate their efforts and cooperation to obtain well planned and properly constructed ponds built in the township.

B. All ponds must meet the minimum zoning requirements and Lorain County Erosion and Sediment Control rules as far as size, set backs, etc. as determined by local Township Zoning Regulations.

C. Landowner completes application for SWCD pond design assistance and local set back requirements. And the landowner submits the required fee to SWCD.

D. Landowner contacts the township about pond construction permit and local set back requirements.

E. Lorain SWCD will make all OUPS calls with approval taking up to 10 working days. Lorain SWCD will not accept a 48 hour OUPS call from contractors.

F. Landowner arranges for backhoe to dig test holes. Test holes for ponds require a minimum of 10 working days notice to Lorain SWCD for a technician to be present.

G. Lorain SWCD staff conducts survey, design and engineering plan preparation. Final design is approximately 14 working days or longer after test holes are completed. A completed plan and construction requirements will be sent to landowners and township zoning inspector.

H. Landowners hires contractor and notifies SWCD when construction will begin. Lorain SWCD stakes the site for pond and discusses construction requirements with contractor. Contractor constructs pond according to SWCD plans.

I. Lorain SWCD inspects pond and conducts final survey.

J. Lorain SWCD sends letter of completion or deficiency to landowner and township. If pond is not constructed according to plan, the landowner then has 12 months from the time of initial application to correct the deficiency.

III. General rules for construction

ARTICLE 20; WIND TURBINE ENERGY SYSTEMS FOR GENERATING ELECTRICITY (all districts)

I PURPOSE

It s the purpose of this resolution to promote the safe, effective and efficient use of wind turbine energy systems installed to reduce the on-site consumption of utility supplied electricity.

II DEFINITIONS

A. Wind Turbine Energy System: A wind energy conversion system consisting of a wind energy turbine, a tower and associated control or conversion electronics, which is intended to primarily reduce on-site consumption of utility power.

B. Tower Height: The height above grade of the fixed portion of the tower, excluding the wind turbine itself.

C. Economically Significant Wind Farm: Wind turbines and Associated facilities with a single connection to the grid designed for, or capable of, operation at an aggregate capacity of greater than five (5) megawatts. Economically significant wind farms are governed under the rules adopted under division (B) (2) of Section 4906.25 of the Revised Code.

D. Small wind farms: Includes wind turbines designed for on site power generation and/ or interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five (5) megawatts.

E. Clear Fall Zone: An area surrounding the wind turbine unit into which the turbine and/ or its components might fall that shall remain unobstructed and confined within the property lines of the parcel where the turbine is located

III Conditionally Permitted Use:

Wind turbine energy systems of less than five (5) megawatts shall be a conditionally permitted use in all zoning classifications where structures of any sort are allowed; subject to certain requirements as set forth below:

- A. Minimum Lot Size: Minimum of one (1) acre.
- B. Tower height: Tower height shall not exceed $\frac{3}{4}$ of the property width at the tower build line or 100 feet which is more restrictive shall apply.
- C. Set-Back: No part of the wind turbine energy system structure, including guy wire anchors, may extend closer than twenty (20) feet to the property boundaries of the installation site. A minimum set-back of the height of the tower plus the length of one blade from any structure and any neighboring property lines is also required. No wind turbine systems may be installed in front yards.
- D. Noise: Wind turbine energy systems shall not exceed DBA as measured at the property boundaries of the installation site. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms.
- E. Commercially Produced Energy Systems: Wind turbine energy system must have been approved under any wind certification program recognized by the American Wind Energy Association, in compliance with the Ohio Building code and certified by a licensed Professional Engineer and shall also be submitted to the Zoning Inspector, and Board of Zoning Appeals (BZA) before a Zoning Permit is issued.
- F. Zoning Permit Requirements: All conditionally approved uses must be reviewed and approved by the Board of Zoning Appeals. Zoning permit applications for wind turbine systems shall be issued only after conditional use has been approved by the board of Zoning Appeals (BZA) and shall be accompanied by:
 - 1.) Standard drawings of the wind turbine structure and locations, including the tower, base, and footings, property lines and structures within 150 ft. Evidence of "clear fall zone" must be provided on the plan.
 - 2.) Engineered drawings showing size, height and construction of the structure, as well as the size and depth of the units mounting pad.
 - 3.) An engineering report or documentation from the manufacture showing the average decibel rating of the model.
 - 4.) A list or depiction of all safety measures that will be on the unit including anti-climb devices and lightening protection.
 - 5.) Data specifying the kilowatt size and generating power of the unit.

6.) A maintenance schedule, as well as dismantling plan for the removal of an inoperable unit.

G. Compliance with FFA Regulations: Wind turbine energy systems must comply with applicable FFA regulations including any approvals for installations close to airports.

H. Compliance With National Electrical Code: Zoning permit applications for wind turbine energy systems must be accompanied by a line drawing of the electrical components in sufficient detail to allow for determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

I. Utility Notification: No wind turbine energy system shall be installed until evidence is given that the utility company has been informed of the customer's intent to install an interconnected customer generator. Off grid systems shall be exempt of this requirement.

J. Electrical Wires: All electrical wires associated with wind turbine energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box and the grounding wires shall be located underground.

K. Lighting: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

L. Appearance, Color & Finish: The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in a zoning permit.

M. Signs: All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind turbine energy system visible from any public road shall be prohibited.

N. Shadow/Flicker: Wind turbine energy systems shall be sited in a manner that does not result in significant shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or migration.

O. Maintenance: Wind turbines must be serviced by the manufacturer so that it is supplying power in the manner as defined in Section F above. Wind turbine energy systems that become inoperable for more than six (6) months must be removed from the property within ninety (90) days of an issuance of zoning violation at the property owners expense or other body identified in the dismantling plan.

Gordon made the motion , seconded by Younglas the amendment be approved. Roll call, all yes.