



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MAY 28, 2024

Wayne Township – Zoning Text Amendments

APPLICANT: Wayne Township Zoning Commission
794 Wright St.
Newtownsville, OH 45158

REQUEST: Modifications to the Wayne Township Zoning Resolution

PROPOSED TEXT AMENDMENTS: Amendments to Alternative Energy regulations.
See attached Exhibit A for specific text amendments

CONTENT OF REPORT:

Exhibit A: Text Amendments

Exhibit B: Township Minutes

STAFF ANALYSIS:

Wayne Township has proposed an addition to the Zoning Resolution to include Article 16: Alternative Energy Resolution to add language regarding specific alternative energy land uses in Wayne Township. The list below has been provided by the Township:

- Addition of Article 16: Alternative Energy
 - 16.1: The Power to Regulate Wind Energy System
 - 16.2: Regulation of Wind Energy Systems
 - 16.3: Regulation of Utility Grid Energy Systems
 - 16.4: Regulations of Solar Energy Under 50MW
 - 16.5: Regulations for Utility Grid Solar Energy System
 - 16.6: Definitions

The proposed text amendments are not in conflict with the provisions established in Section 519.12 of the Ohio Revised Code relative to the Township Zoning Authority and are consistent with actions meant to protect and preserve public health and safety. As the recommendation of the Planning Commission is nonbinding, staff acknowledges that the proposed text amendments are permissible and the Township has the authority to process them according to their discretion.

RECOMMENDATION:

Staff recommends a motion to **RECOMMEND APPROVAL** as to form of the Wayne Township Text Amendments as submitted.

Exhibit A

Article 16 Alternative Energy

Section 16.1 The Power to Regulate Wind Energy System

Ohio Revised Code (ORC) section 519.213 confers power on the Board of Trustees, or Board of Zoning Appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind, privately owned, permitted parcel. Regulations may be stricter than the regulations prescribed in the rules adopted under this division (B)(2) of Section 4906.20 of the Revised Code.

Section 16.2 Regulation of Wind Energy Systems

Wind energy systems shall be permitted in the AR - Agricultural Residential district, and shall be designed for or capable of operation at an aggregated capacity of less than five (5) megawatts. A wind energy system shall be considered as an accessory use that is intended to serve the needs of the consumer at that site.

Site Approval Application: the applicant shall submit to the Wayne Township Zoning Administrator, along with a zoning permit application, the following information:

- 1) Maps, plans and/or detailed drawings showing the proposed location of the wind energy system.
- 2) Measurements from property lines and public-right-of-way.
- 3) Distance from all structures on proposed and neighboring parcel.

Minimum Parcel size: Twenty (20) acres with limit of one (1) turbine per parcel.

Tower Height: For properties with an area of twenty (20) acres and more, tower heights shall be limited to eighty (80) feet, including the highest point of the turbine blades, except as additional requirements may be imposed by the FAA regulations.

Clearance of Blades: No portion of the wind energy system blade sweep shall extend within twenty (20) feet of the ground. No blade sweep may extend over parking areas, driveways, property lines, or any structure.

Set-Backs: Setbacks for the system tower shall be no closer to the property line, right of ways, and any structure, than two (2) times the height of the tower including the turbine blades. Guide wire anchor point shall be a minimum of thirty (30) feet from property lines. Building mounted systems are prohibited.

Approved Wind Turbines: Wind turbines must be approved by the Small Wind Certification Council (<https://smallwindcertification.org/certified-small-turbines/>)

Compliance with FAA Regulations: Wind Energy Systems must comply with applicable FAA Regulations.

Compliance with Other Standards: All power lines running from wind turbines shall be buried

underground to the structure's interconnection. Exemptions may be granted by the Wayne Township Board of Zoning Appeals in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.

Decommissioning: Decommissioning of Wind Energy Systems must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, and restoration of soil and vegetation. Disposal of structures and/or foundations shall meet the provisions of the Clermont County Building Department and the requirements of the Ohio Environmental Protection Agency for solid waste disposal. A valid demolition permit from the Clermont County Building Department shall also be required before removal of any towers, debris, electric cabling, or structures. Decommissioning cost will be the responsibility of the current land owner.

Expenses: All reasonable expenses incurred by the Wayne Township Zoning Commission, Wayne Township Trustees, Wayne Township Zoning Administrator/Inspector, and Wayne Township Fire Department to review and certify or approve the proposed plans, shall be paid by the applicant.

Section 16.3 Regulation of Utility Grid Wind Energy Systems

A Utility Grid Wind Energy System (UGWES) is prohibited in all Zoning Districts.

Section 16.4 Regulations of Solar Energy Under 50MW

Solar Panels, either integrated, free-standing or roof mounted, shall be permitted in all districts under the following zoning requirements related to reducing adverse visual impacts and appropriate safeguards.

Site Approval Application: In all districts, the applicant shall submit to the Wayne Township Zoning Administrator, along with a zoning permit application, the following information:

- 1) Maps, plans and/or detailed drawings showing the proposed location of the solar panels.
- 2) Measurements from property lines and public-right-of-way.
- 3) Distance from all structures on proposed and neighboring parcel.

Compliance with Other Standards: All power lines running from solar panels shall be buried underground to the structure's interconnection. Exemptions may be granted by the Wayne Township Board of Zoning Appeals in instances where shallow bedrock, water courses, or other elements of natural landscape interfere with the ability to bury lines.

Decommissioning: Decommissioning of Solar Energy Systems must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures and foundations, and restoration of soil and vegetation. Disposal of structures and/or foundations shall meet the provisions of the Clermont County Building Department and the requirements of the Ohio Environmental Protection Agency for solid waste disposal. A valid demolition permit from the Clermont County Building Department shall also be required before

removal of any towers, debris, electric cabling, or structures. Decommissioning cost will be the responsibility of the current land owner.

Expenses: All reasonable expenses incurred by the Wayne Township Zoning Commission, Wayne Township Trustees, Wayne Township Zoning Administrator/Inspector, and Wayne Township Fire Department to review and certify or approve the proposed plans, shall be paid by the applicant.

A) Integrated Solar Energy Systems shall:

- 1) Not exceed the maximum building height or the minimum setbacks of the zoning district in which the system is located.
- 2) Solar panels shall be placed or arranged so as not to reflect glare onto adjacent buildings, properties or roadways.

B) Ground Mounted Solar Panels shall:

- 1) Shall be considered an accessory use.
- 2) Shall be located in the side or rear yards only and adhere to accessory use setback requirements. See Article 18, Sections 18.23 and 18.24.
- 3) Solar panels shall be placed or arranged in a manner so as not to reflect glare onto adjacent buildings, properties or roadways.
- 4) Zoning approval for ground mounted solar energy equipment which does not meet established setback requirements for accessory use structures, may only be approved by the Wayne Township Board of Zoning Appeals as a variance.

C) Roof mounted solar panels shall:

- 1) 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, or project more than five (5) feet above a flat roof installation.
- 2) In Residential and Business Districts, roof mounted solar panels shall be located on a rear or side facing roof, as viewed from any adjacent street, unless such installation is deemed to be ineffective or impossible. The removal of potential obstructions, such as interceding vegetation shall not be sufficient cause for permitting a front facing installation.
- 3) Roof mounted solar panels shall be installed so not to exceed the maximum building height in accordance with the Wayne Township Zoning Resolution.
- 4) Solar panels shall be placed or arranged in a manner so as not to reflect glare onto adjacent buildings, properties or roadways.

Section 16.5 Regulations for Utility Grid Solar Energy System

Any Utility Grid Solar Energy System is prohibited in all zoning districts.

Section 16.6 Definitions

Adverse Visual Impact: An unwelcome visual intrusion that diminishes the visual quality of an existing landscape.

Ground Mounted Solar Energy Systems: A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

Integrated Solar Energy Systems: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

Megawatt: A unit used to measure power, equal to one (1) million watts.

Rooftop Solar Energy System: a solar energy system that is mounted to a structure or building's roof on racks.

Small Solar Facility: A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

Solar Energy: radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Solar Energy System: Means a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

Utility Grid Solar Energy System: An energy generation facility or area of land principally used to convert solar energy to electricity for resale for profit.

Utility Grid Wind Energy System: an energy generation facility primarily consisting of Wind Turbines principally used to convert wind energy to electricity for resale at a profit.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through use of a wind turbine generator and includes such elements as wind turbine generator hub, blade or rotor, tower and transformer.

Exhibit B



5/10/2024

Clermont County Economics and Planning,

Case # WTZC-2024-001
Wayne Township Zoning Commission
794 Wright St.
Newtownsville, Ohio 45158

On 5/8/2024 the regular meeting of the Wayne Township Zoning Commission, made a motion to move the following text amendment for Alternative Energy Resolution forward to the Clermont County Economics and Planning Commission for review. See attachment.

On 5/8/2024 the following motion was made by Mr. Mike Parcell and seconded by Mr. John Pringle. Roll call vote was all ayes.

The proposed change to the Wayne Township Zoning Resolution include:

- Add a new Article 16 “Alternative Energy Resolution”
 - Sections 16.1 thru 16.7

Submitted by;

A handwritten signature in black ink, appearing to read "Allen R. Carrier".

Allen R. Carrier
Wayne Township Zoning Administrator/Inspector
Mailing address: Wayne Township Zoning Administrator
6320 SR133
Goshen, Ohio 45122