

BAZETTA TOWNSHIP TRUSTEES

PUBLIC HEARING MINUTES

Date: January 24, 2022, 6:00pm
Bazetta Township Administration Building
3372 State Route 5, N.E.
Cortland, Ohio 44410

Present:

Chairman Trustee Michael Hovis YES
Vice Chairman Trustee Bob McBride YES
Trustee Michael Morelli YES
Fiscal Officer Stacy Marling YES

Chairman Trustee Hovis: called the hearing to order at 6:01PM and opened the hearing with the Pledge of Allegiance and followed with a moment of silence.

Trustee McBride reminded the assemblage of the Public Comment Procedures and that the meeting was being video, and audio recorded for informational purposes.

Chairman Trustee Hovis: to read the following:

This public hearing is being held pursuant to Section 519.12 of the Ohio Revised Code for the Purpose of receiving public comment and testimony regarding a proposed amendment to the Zoning Map (zone change) of the Township Zoning Resolution. This Hearing will be video, and audio recorded for informational purposes.

Chairman Trustee Hovis: Secretary Urchek will now read the Legal Ad for all of the Amendments for the purposes of this hearing : See attachment

Chairman Trustee Hovis: Secretary Urchek will now read the proposed zone change MAP amendment
See attachment

Chairman Trustee Hovis: Secretary Urchek will now read the Resolution of Recommendation from the Trumbull County Planning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Letter of Transmittal from the Zoning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Recommendation by the Zoning Commission for the MAP amendment : See attached

Taking of Testimony on the Map Amendment Zone Change

Trustee Chairman Hovis: to read the following:

Ladies and Gentlemen, the Board of Trustees will now take comments and testimony from the General public regarding the proposed zoning map amendment to the Township Zoning Resolution.

In order to receive Public Comment and testimony in an orderly fashion, the following procedure Will be followed:

- Anyone wishing to offer comment or testimony to the Trustees shall raise their hand and be recognized by the Chairman. Upon being recognized you will please approach the podium, state your name, and address for the record and then present your comments or testimony
- We ask that you keep you keep your comments and testimony concise, to the point and limited to two minutes so that all persons wishing to testify are afforded given the large audience we have this evening
- We will first take comments and testimony from proponents (those wishing to speak in favor) to the zone change first, then we will move on to the opponents (those wishing to speak against) the zone change last
- The board will then go into discussion

Trustee Chairman Hovis: At this time we will accept comments and testimony from proponents to the zone change. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Comments: No one in the audience

Trustee Chairman Hovis: At this time we will accept comments and testimony from opponents to the zone change. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Comments: No one in the audience

Trustee Chairman Hovis: At this time I will entertain discussion and comments from the members of the Board of Trustees. Does anyone have any questions to ask the comments and discussion they would like to make?

Comments: No on in the audience

Trustee Chairman Hovis: At this time I will entertain a motion to ADOPT OR DENY the Recommendation from the Zoning Commission that APPROVED the Proposed Zone Change Map Amendment.

Who would like to make a motion?

023-23 Resolution to ADOPT the recommendation from the Zoning Commission that APPROVED The proposed Zone Change Map Amendment on the attached listed parcels on Wilshire Drive currently zoned Residential R-A to Residential R-1

Motion: Trustee Morelli

Second: Trustee McBride

Vote: Trustee McBride YES Trustee Hovis YES Trustee Morelli YES

Taking of Testimony on the Text Amendment for Solar Panels and distributed Energy Devices

Trustee Chairman Hovis: At this time we will move on to the proposed TEXT amendment for Solar Energy to the Zoning Resolution

Chairman Trustee Hovis: Secretary Urchek will now read the proposed Text amendment
See attachment

Chairman Trustee Hovis: Secretary Urchek will now read the Resolution of Recommendation from the Trumbull County Planning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Letter of Transmittal from the Zoning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Recommendation by the Zoning Commission for the Text amendment : See attached

Trustee Chairman Hovis: At this time we will accept comments and testimony from proponents to the Text Amendment. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Comments: No one in the audience

Trustee Chairman Hovis: At this time we will accept comments and testimony from opponents to the Text Amendment. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Comments: No one in the audience

Trustee Chairman Hovis: At this time I will entertain discussion and comments from the members of the Board of Trustees. Does anyone have any questions to ask the comments and discussion they would like to make?

Comments: Trustee Morelli asked Inspector Pizzulo if this was for Residential application and Inspector Pizzulo advised it is, and PUCO governs the Commercial applications

Trustee Chairman Hovis: At this time I will entertain a motion to ADOPT OR DENY the Recommendation from the Zoning Commission that APPROVED the Proposed Text Amendment.

Who would like to make a motion?

024-32 Resolution to ADOPT the recommendation from the Zoning Commission that APPROVED The proposed attached Text Amendment to the Zoning Resolution for Authorizing and Governing Solar Panels and Energy Production Devices.

Motion: Trustee Morelli

Second: Trustee McBride

Vote: Trustee McBride YES Trustee Hovis YES Trustee Morelli YES

Taking of Testimony on the Text Amendment for Wind Turbine and Energy Devices

Trustee Chairman Hovis: At this time we will move on to the proposed TEXT amendment for Wind Turbine Energy to the Zoning Resolution

Chairman Trustee Hovis: Secretary Urchek will now read the proposed Text amendment
See attachment

Chairman Trustee Hovis: Secretary Urchek will now read the Resolution of Recommendation from the Trumbull County Planning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Letter of Transmittal from the Zoning Commission: See attached

Chairman Trustee Hovis: Secretary Urchek will now read the Recommendation by the Zoning Commission for the Text amendment : See attached

Trustee Chairman Hovis: At this time we will accept comments and testimony from proponents to the Text Amendment. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Comments: No on in the audience

Trustee Chairman Hovis: At this time we will accept comments and testimony from opponents to the Text Amendment. Please raise your hand and you will be recognized by the chairman. Approach the podium and state your name and address

Comments: No one in the audience

Trustee Chairman Hovis: At this time I will entertain discussion and comments from the members of the Board of Trustees. Does anyone have any questions to ask the comments and discussion they would like to make?

Comments: Trustee Morelli asked Inspector Pizzulo if this would be a permitted use and Inspector Pizzulo advised it would and so would the Solar applications. Commercial applications would be governed by PUCO

Trustee Chairman Hovis: At this time I will entertain a motion to ADOPT OR DENY the Recommendation from the Zoning Commission that APPROVED the Proposed Text Amendment.

Who would like to make a motion?

025-32 Resolution to ADOPT the recommendation from the Zoning Commission that APPROVED The proposed attached Text Amendment to the Zoning Resolution for Governing and Authorizing Wind Turbine and Energy Production Devices.

Motion: Trustee McBride
Second: Trustee Morelli
Vote: Trustee McBride YES Trustee Hovis YES Trustee Morelli YES

026-22 Resolution to Adjourn the Hearing at 6:30PM.

Motion: Trustee McBride
Second: Trustee Morelli
Vote: Trustee McBride YES Trustee Hovis YES Trustee Morelli YES



Chairman Trustee Michael J. Hovis

2-14-2023

Date



Vice Chairman Trustee Bob McBride

02-14-2023

Date



Trustee Michael Morelli

2/14/2023

Date

LEGAL NOTICE

The Bazetta Township Trustees, of Trumbull County, Ohio gives notice a Public Hearing will be held on the 24th day of January 2023 at Six (6:00) O'clock PM at the Bazetta Township Administration Building located at, 3372 State Route 5, Cortland, Ohio 44410, on the recommendation by Resolution from the Zoning Board of Commissioners for the following Map Amendment and Text Amendments to the Bazetta Township Zoning Resolution:

Map Amendment (22-ZBC -MA04) Reclassification of ten or more parcels
on Wilshire Drive from the Current Classification of Residential R-A to Residential R-1.

Text Amendments (22-ZBC-TA02B) Solar Energy Devices and Collection Systems
(22-ZBC-TA02C) Wind Energy Devices and Collection Systems.

A copy of the Resolution and full text of the proposed Amendments are on file with the Fiscal Officer and are available for inspection and copying upon request by calling 330-637-8816 or email to: fiscalofficer@bazettatwp.org

All persons have a right to appear in person or by representation to question the owner or give testimony for or against the proposed Amendments.

BY ORDER OF THE BOARD OF TRUSTESS OF BAZETTA TOWNSHIP
by Stacy Marling, Fiscal Officer

LETTER OF TRANSMITTAL TO TRUSTEES

Wilshire
Zone Change

AMENDED TYPOGRAPHICAL ERROR

Bazetta Township Board of Trustees
3372 State Route 5, N.E.
Cortland, Ohio 44410

RE: AMENDMENT TO ZONING RESOLUTION

Dear Bazetta Township Board of Trustees:

At a meeting of the Bazetta Township Zoning Commission held on the 9th day of January, 2023, the Bazetta Township Zoning Commission passed a Resolution recommending the APPROVAL of a proposed Map Amendment to the Bazetta Township Zoning Resolution.

(22-ZBC-MA02) -Wilshire Drive =Residential R-A to R-1

MOTION: 001-23

Enclosed is our file for your action:

1. Map Amendment to the Zoning Resolution (Application, Motion, or Resolution).
2. Proposed Map Amendment to the Zoning Resolution.
3. Letter of the Recommendation of the Trumbull County Planning Commission.
4. Resolution and Recommendation of the Bazetta Township Zoning Commission to the Bazetta Township Trustees.
5. Please take action on the proposed Amendment according to law.

Sincerely,



Rich Urchek, Zoning Commission Secretary

01-13-2023

Date

LETTER OF TRANSMITTAL TO TRUSTEES

Bazetta Township Board of Trustees
3372 State Route 5, N.E.
Cortland, Ohio 44410

RE: AMENDMENT TO ZONING RESOLUTION

Dear Bazetta Township Board of Trustees:

At a meeting of the Bazetta Township Zoning Commission held on the 9th day of January, 2023, the Bazetta Township Zoning Commission passed a Resolution recommending the APPROVAL of a proposed Map Amendment to the Bazetta Township Zoning Resolution.

(22-ZBC-MA02) -Wilshire Drive =Residential R-1 to R-A
MOTION: 001-23

Enclosed is our file for your action:

1. Map Amendment to the Zoning Resolution (Application, Motion, or Resolution).
2. Proposed Map Amendment to the Zoning Resolution.
3. Letter of the Recommendation of the Trumbull County Planning Commission.
4. Resolution and Recommendation of the Bazetta Township Zoning Commission to the Bazetta Township Trustees.
5. Please take action on the proposed Amendment according to law.

Sincerely,



Rich Urchek, Zoning Commission Secretary

0-13-2023

Date

Bazetta Township Zoning Commission

3372 State Route 5, N.E. • Cortland, Ohio 44410

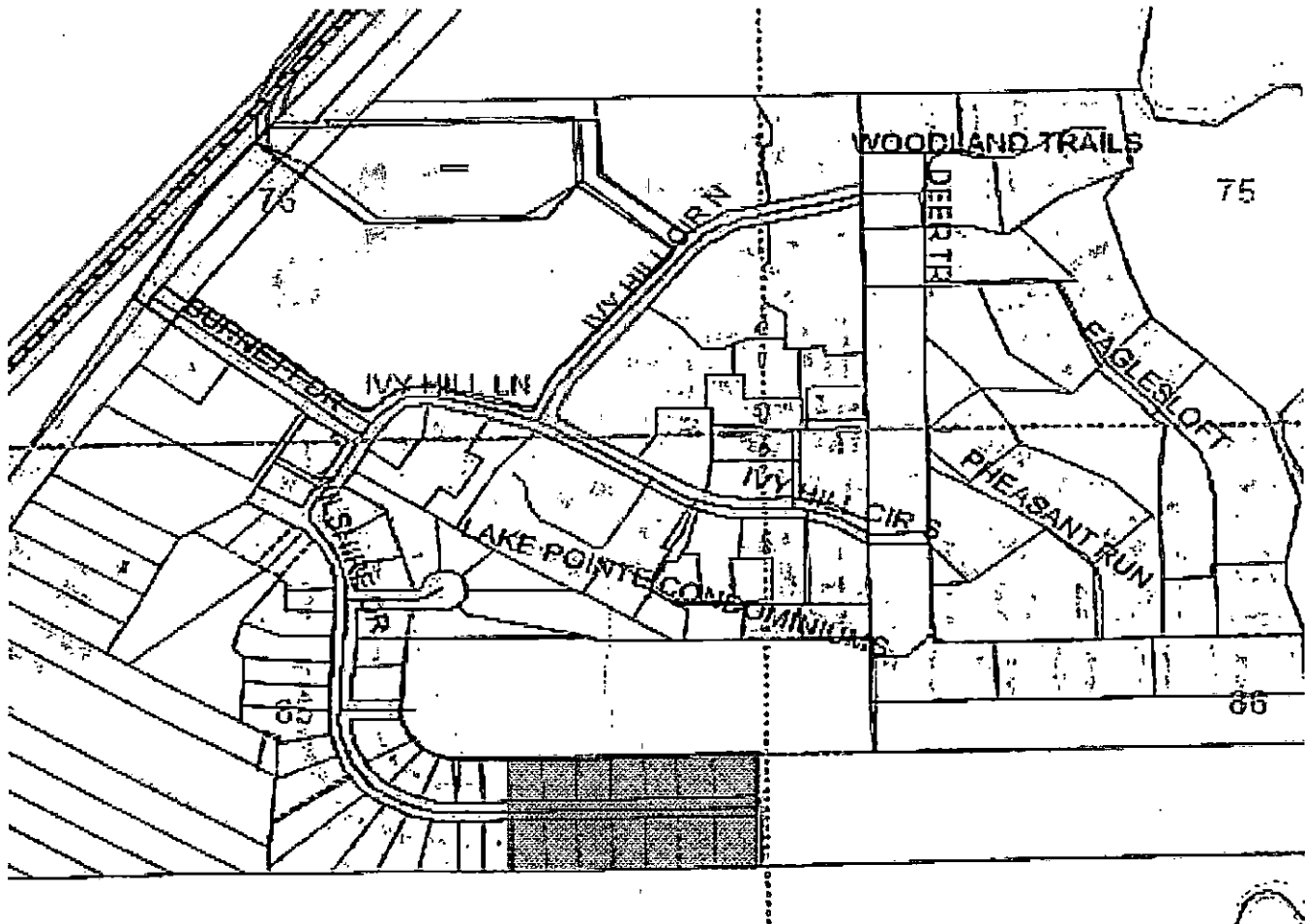
Phone (330) 637-8816 • Fax (330) 637-4388

Zoning Reclassification Under Consideration

On December 12, 2022 at 7:00PM, the Bazetta Township Zoning Commission held a special meeting at the Bazetta Township Administration Building, and voted to consider a zoning reclassification to change the parcels listed below from RA to R-1 to match their current use without application by the property owner.

This proposed zone change is being identified as 22-ZBC-MA04 for the township's record-keeping purposes.

The following map shows an approximation of the area affected by this consideration in green. This map is provided for reference purposes only, and may not be drawn to scale, and cannot be guaranteed for accuracy.



Chairman: Vacant • Vice Chairwoman: Deanna Boggess

Commissioners: Brenda Farone • Dean Noble • Howard Wetzel • Brenda Farone

Alternate: Vacant • Secretary: Rich Urchek • Zoning Inspector: Pete Pizzulo

Bazetta Township Zoning Commission

3372 State Route 5, N.E. • Cortland, Ohio 44410

Phone (330) 637-8816 • Fax (330) 637-4388

List of Impacted Addresses:

- 31-902138 – 2300 Wilshire – Richards L Eaton J/S Audrey M Eaton
- 31-902139 – Wilshire Drive – Qualified Builders LLC
- 31-902140 – Wilshire Drive – Qualified Builders LLC
- 31-902141 – Wilshire Drive – Qualified Builders LLC
- 31-902142 – Wilshire Drive – Qualified Builders LLC
- 31-902143 – Wilshire Drive – Qualified Builders LLC
- 31-902144 – 2346 Wilshire Drive – Anthony M Sember J/S Makenzie L Grayson
- 31-902145 – Wilshire Drive – Qualified Builders LLC
- 31-902146 – 2331 Wilshire Drive – William Cunningham J/S Denise Cunningham
- 31-902147 – 2325 Wilshire Drive – Matthew T Halula
- 31-902148 – Wilshire Drive – Qualified Builders LLC
- 31-902149 – 2315 Wilshire Drive – Cynthia J Calvey J/S Patrick M Calvey
- 31-902151 – Wilshire Drive – Qualified Builders LLC

Chairman: Vacant • Vice Chairwoman: Deanna Boggess
Commissioners: Brenda Farone • Dean Noble • Howard Wetzel • Brenda Farone
Alternate: Vacant • Secretary: Rich Urchek • Zoning Inspector: Pete Pizzulo

Adopted by the Trumbull County
Planning Commission 12/13/2022

RESOLUTION NO. 12-2022-79

ZONING

WHEREAS: The Plats and Zoning Committee of the Trumbull County Planning Commission met on December 6, 2022, and reviewed with the Commission staff all pertinent documentation, research and data relative to case number Z-2022-20 entitled Residential RA to Residential Single-Family Residential R-1 – Bazetta Township; and

WHEREAS: The minutes of this meeting are on file; and

WHEREAS: The proposed zone change is in conformity with the Bazetta and Trumbull County Comprehensive Plans; and

WHEREAS: The Plats and Zoning Committee of the Trumbull County Planning Commission has determined that the proposed zone change is in the best interest of Bazetta Township;

NOW, THEREFORE,
BE IT RESOLVED: That the Trumbull County Planning Commission recommends approval (denial or modification) of the proposed zone change;

NOW, THEREFORE,
BE IT RESOLVED: That the Trumbull County Planning Commission approves the forwarding of the proposed correspondence to the Township of Bazetta.

**RESOLUTION TO CONSIDER ZONING MAP AMENDMENTS
TO THE BAZETTA TOWNSHIP ZONING RESOLUTION
(§519.12(2) ORC)**

RESOLUTION # 22-ZBC-MA02

Moved by: Commissioner Tennant, Seconded by: Commissioner Farone

WHEREAS: The Bazetta Township Board of Zoning Commissioners has determined that it is in the interest of the Public Health and Safety of the Township to Amend the Bazetta Township Zoning Resolution;

THEREFORE, BE IT RESOLVED: that the following Map Amendment(s) to the Bazetta Township Zoning Map be considered for recommendation of **APPROVAL** or **DENIAL** to the Bazetta Township Board of Trustees:

(List each proposed Map Amendment separately)

Owner of Record: See Attached
Property Address: More than 10 Parcels on Wilshire Drive
Ivy Hill Development
Cortland, Ohio
44410

Auditor's Parcel Tax I.D. #: See Attached

Lot Size / Acreage: See Attached

Current Zoning Use Classification: Residential R-A

Amend to the Following Use Classification: Residential R-1

BE IT FURTHER RESOLVED, that a Public Hearing on the Proposed Amendments was held on January 9th, 2023, at 6:00 PM at the Bazetta Township Administration Building and Legal Notice thereof be given according to **Section 519.12 ORC**.

BAZETTA TOWNSHIP ZONING COMMISSION MEETING

MOTION ROLL CALL VOTE: 01-09-2023

**MOTION FROM A BOARD MEMBER FOR APPROVAL OR DENIAL OF THE
WILSHIRE DRIVE MAP AMENDMENT 22-ZBC-MA04 REGARDING ZONE
CHANGE FROM RESIDENTIAL R-A TO RESIDENTIAL R-1:**

MOTION: At this time the Vice-Chairman accepted a Motion for the *Approval* of the proposed Wilshire Drive Map Amendment 22-ZBC-MA04 Zone Change from Residential R-A to Residential R-1 and it to be sent to the Bazetta Township Trustees for their Action.

001-23

Motion: Commissioner Tennant **APPROVAL**

Second: Commissioner Farone

Secretary Urchek conducted a Roll Call Vote:

Vote:	Chairman	<u>(vacant)</u>	Vice Chairman Boggess	<u>YES</u>
	Commissioner Farone	<u>YES</u>	Commissioner Noble	<u>YES</u>
	Commissioner Tennant	<u>YES</u>	Commissioner Wetzel	<u>YES</u>

WHEREAS: The Bazetta Township Zoning Commission has determined that it is in the interest of the Public Health and Safety of the Township to amend the Map Amendment of the Bazetta Township Zoning Resolution.

THEREFORE BE IT RESOLVED: This Map Amendment to the Bazetta Township Zoning Resolution will be considered for Recommendation of **APPROVAL** to the Bazetta Township Board of Trustees

Solar

LETTER OF TRANSMITTAL TO TRUSTEES

Bazetta Township Board of Trustees
3372 State Route 5, N.E.
Cortland, Ohio 44410

RE: AMENDMENT TO ZONING RESOLUTION

Dear Bazetta Township Board of Trustees:

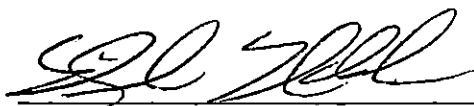
At a meeting of the Bazetta Township Zoning Commission held on the 9th day of January, 2023, the Bazetta Township Zoning Commission passed a Resolution recommending the APPROVAL of a proposed Text Amendment to the Bazetta Township Zoning Resolution.

(22-ZBC-TA03-B) -Solar Panels and Energy Devices MOTION: 002-23

Enclosed is our file for your action:

1. Text Amendment to the Zoning Resolution (Application, Motion, or Resolution).
2. Proposed Text Amendment to the Zoning Resolution.
3. Letter of the Recommendation of the Trumbull County Planning Commission.
4. Resolution and Recommendation of the Bazetta Township Zoning Commission to the Bazetta Township Trustees.
5. Please take action on the proposed Amendment according to law

Sincerely,



Rich Urchek, Zoning Commission Secretary

01-13-2023

Date

TOWNSHIP OF BAZETTA, OHIO

Resolution #22-ZBC-TA02-B

A RESOLUTION AUTHORIZING AND GOVERNING SOLAR PANELS AND DISTRIBUTED ENERGY PRODUCTION DEVICES

"Interpretive Statement"

This resolution shall set forth guidelines for the construction, installation, and operation of Solar Panels within the Township of Bazetta, Ohio.

WHEREAS, Solar Panels have become a substantive facet of the residents of Bazetta Township now own and operate such, and manufacturing facilities begin to produce such within Trumbull County; and

WHEREAS, citizens have inquired within Bazetta Township regarding the installation of Solar Panels and Distributed Energy Production Devices; and

WHEREAS, Solar Panels and Distributed Energy Production Devices contribute to Bazetta Township's commitment to sustainability and are in the interest of public welfare; and

WHEREAS, the Township seeks to amend the *Zoning Resolution of Bazetta Township Trumbull County, Ohio* (Resolution# 115-06) to set forth guidelines and regulations surrounding Solar Panels and Distributed Energy Production Devices; and

WHEREAS, Ohio Revised Code, Section 519.12 provides that Amendments to the Zoning Resolution may be initiated by Motion of the Bazetta Township Zoning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Bazetta Township, Trumbull County, Ohio by authority of Chapter 505 of the Ohio Revised Code, as follows:

Adopted by the Trumbull County
Planning Commission 12/14/2021

RESOLUTION NO. 12-2021-71

ZONING

WHEREAS: The Plats and Zoning Committee of the Trumbull County Planning Commission met on December 7, 2021, and reviewed with the Commission staff all pertinent documentation, research and data relative to case number Z-2021-12 entitled Zoning Amendments – Bazetta Township; and

WHEREAS: The minutes of this meeting are on file; and

WHEREAS: The proposed zoning amendments are in conformity with the Trumbull County Comprehensive Plans; and

WHEREAS: The Plats and Zoning Committee of the Trumbull County Planning Commission has determined that the proposed zoning amendments are in the best interest of Bazetta;

NOW, THEREFORE,
BE IT RESOLVED: That the Trumbull County Planning Commission recommends approval (denial or modification) of the proposed zoning amendments;

NOW, THEREFORE,
BE IT RESOLVED: That the Trumbull County Planning Commission approves the forwarding of the proposed correspondence to the Township of Bazetta.

RESOLUTION TO CONSIDER ZONING TEXT AMENDMENTS
TO THE BAZETTA TOWNSHIP ZONING RESOLUTION
(§519.12(2) ORC)

RESOLUTION # 22-ZBC-TA03-B

Moved by: Commissioner Tennant, Seconded by: Commissioner Wetzel

WHEREAS: The Bazetta Township Board of Zoning Commissioners has determined that it is in the interest of the Public Health and Safety of the Township to Amend the Bazetta Township Zoning Resolution;

THEREFORE BE IT RESOLVED: that the following Text Amendment(s) to the Bazetta Township Zoning Map be considered for recommendation of APPROVAL to the Bazetta Township Board of Trustees:

Add Section _____ Paragraph _____

BE IT FURTHER RESOLVED, that a Public Hearing on the Proposed Text Amendment was held on January 9th, 2023 at 6:00 PM, at the Bazetta Township Administration Building and Legal Notice thereof be given according to **Section 519.12 ORC**.

MOTION ROLL CALL VOTE: 01-09-2023

MOTION FROM A BOARD MEMBER FOR APPROVAL OR DENIAL OF THE TEXT AMENDMENT 22-ZBC-TA02-B REGARDING SOLAR ENERGY DEVICES:

MOTION: At this time the Vice-Chairman accepted a Motion for the *Approval* of the proposed Text Amendment 22-ZBC-TA02-B regarding Solar Energy Devices.

002-23 **Motion:** Commissioner Tennant APPROVAL

Second: Commissioner Wetzel

Secretary Urchek conducted a Roll Call Vote:

Vote:	Chairman	<u>(vacant)</u>	Vice Chairman Boggess	<u>YES</u>
	Commissioner Farone	<u>YES</u>	Commissioner Noble	<u>YES</u>
	Commissioner Tennant	<u>YES</u>	Commissioner Wetzel	<u>YES</u>

WHEREAS: The Bazetta Township Zoning Commission has determined that it is in the interest of the Public Health and Safety of the Township to amend the Text Amendment of the Bazetta Township Zoning Resolution.

THEREFORE BE IT RESOLVED: This Text Amendment to the Bazetta Township Zoning Resolution will be considered for Recommendation of *APPROVAL* to the Bazetta Township Board of Trustees

TOWNSHIP OF BAZETTA, OHIO

Resolution #22-ZBC-TA02-B

A RESOLUTION AUTHORIZING AND GOVERNING SOLAR PANELS AND DISTRIBUTED ENERGY PRODUCTION DEVICES

“Interpretive Statement”

This resolution shall set forth guidelines for the construction, installation, and operation of Solar Panels within the Township of Bazetta, Ohio.

WHEREAS, Solar Panels have become a substantiative facet of the residents of Bazetta Township now own and operate such, and manufacturing facilities begin to produce such within in Trumbull County; and

WHEREAS, citizens have inquired within Bazetta Township regarding the installation of Solar Panels and Distributed Energy Production Devices; and

WHEREAS, Solar Panels and Distributed Energy Production Devices contribute to Bazetta Township’s commitment to sustainability and are in the interest of public welfare; and

WHEREAS, the Township seeks to amend the *Zoning Resolution of Bazetta Township Trumbull County, Ohio* (Resolution# 115-06) to set forth guidelines and regulations surrounding Solar Panels and Distributed Energy Production Devices; and

WHEREAS, Ohio Revised Code, Section 519.12 provides that Amendments to the Zoning Resolution may be initiated by Motion of the Bazetta Township Zoning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Bazetta Township, Trumbull County, Ohio by authority of Chapter 505 of the Ohio Revised Code, as follows:

SOLAR PANELS AND SOLAR COLLECTION SYSTEMS

A. Purpose

The purpose of this section is to provide a regulatory framework for the construction of distributed energy production devices, while also preserving public health, safety, and welfare, and also maintaining the character of Bazetta, Ohio. Bazetta Township recognizes the importance of clean, sustainable, and renewal energy resources, and hopes to support distributed energy production. Bazetta Township also recognizes the need to protect the safety, health and welfare of adjacent properties from unnecessary and unreasonable visual interference, light glare and heat that the incorrect placement of solar panels or solar collection systems may create such that they may have a negative effect on surrounding property values.

B. Definitions

1. Distributed Energy Production Devices: Any such device which, as its primary purpose, provides an on-going source of energy, even if intermittent or variable, for use in a residential or commercial capacity. Such devices may be connected to the electrical grid, or may be used "off-the-grid" for independent and self-contained installations. This shall include Solar Panels, Wind Turbines, Hydroelectric Generators, and similar devices. Backup power generators (powered by gasoline, natural gas, or similar fuel) shall not be encompassed in this definition.

2. Solar Collection System: Any such device or system which, as its primary purpose, is used for the collection of solar energy for use in a residential or commercial capacity. This includes photovoltaic systems which may generate electric energy, photothermal systems which may generate thermal energy, and similar devices.

C. Location

Solar Collection Systems are permitted to be installed throughout the Township in accordance with applicable resolutions and regulations. The following regulations are dependent on the district in which the installation is proposed:

1. Installation Types

Solar Collection Systems can be installed in a variety of manners, including free-standing, and attached to existing structures.

No solar panel or Solar Collection System governed by this section shall be constructed, erected, installed or located within the Township limits until proper approval has been obtained pursuant to this Zoning Resolution as follows:

- A. Solar Collection Systems mounted approximately flush on the roof of a building shall be permitted as an accessory use, as governed in this Section, in all zoning districts.
- B. Solar Collection Systems which are freestanding, mounted on poles or other structures excluding the roof of a building, shall be conditionally permitted pursuant to Article 4, Conditional Uses, in all zoning districts.

2. Production Capacity

When installed in residential districts, Solar Collection Systems shall be designed to produce not more than 120% of the total expected energy consumption of the structures on the property as determined by a contractor licensed to install Solar Collection Systems.

D. General Regulations

1. If roof mounted, a Solar Collection System shall:

- A. Be flush mounted on the roof unless good cause is shown by the applicant during application review that the solar panel(s) is (are) not at an appropriate angle to obtain maximum sun exposure if mounted flush to the roof.
- B. Be located in the most inconspicuous location on the roof so as not to be seen from the street, if at all possible, and still be able to function as designed.
- C. Not extend higher than the peak of a sloped roof or higher than 5 feet from the top of a flat roof.

2. If freestanding, a Solar Collection System shall:

- A. Not extend more than 10 feet above the existing grade in residential districts. In all other districts, the maximum height of a solar or photovoltaic system will be determined on a case by case basis upon plan review under Section 4-2 A, *Conditional Uses*.
- B. Not be located in the front yard.
- C. Not be located in any required side or rear yard setback areas for accessory uses.
- D. Not be positioned so as to reflect sunlight onto neighboring property, public streets or sidewalks, including on any neighboring structures.
- E. Be landscaped at the base and the back of the panel structure if structure is visible from neighboring property.

3. All signs, both temporary and permanent, are prohibited on distributed energy production devices and systems, except:

- A. Manufacturer's or installer's identification information on the system

which shall be limited to two square feet in size.

B. Appropriate warning signs and placards.

4. Distributed energy collection devices and systems shall comply with all applicable sections of the Ohio Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.

5. All electrical wires and connections on freestanding distributed energy collection devices and systems shall be located underground.

6. All distributed energy collection devices and systems proposed to be connected to the local utility power grid through net metering shall adhere to Ohio Revised Code Section 4928.67 or any future corresponding statutory provision and the current ANSI Standard.

7. Upon installation of a solar panel or Solar Collection System, the property owner, and all subsequent property owners, bear the responsibility to keep such device(s) or system in good working order, or remove it/them at such time that they cannot or will no longer do so.

E. Procedure for Review.

The review and approval of solar panels or a solar collection system shall comply with the following requirements:

1. A plan shall be submitted for review for freestanding solar panel or solar collection systems. The following items shall be the minimum requirements to be considered a complete application and shall include the following:

a. Property lines and physical dimensions of the applicant's property.

b. Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.

c. Location of the proposed solar panel or solar collection system, and associated equipment.

d. System specifications, including manufacturer, model, kilowatt size.

e. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.

f. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

g. Compliance with all development standards as outlined in this Section.

2. The planned installation must be found consistent with the Youngstown Air Reserve Station's Joint Land-Use Study in regards to relevant concerns (light, glare, etc) which may impact operations.
3. A Zoning Certificate of Compliance must be obtained in accordance with this Zoning Resolution.
4. A Building Permit must be obtained from the Township, as directed by the Zoning Inspector.

SEVERABILITY

If any section, paragraph, clause, or provision of this resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the resolution shall be deemed valid and effective.

REPEAL OF PRIOR RESOLUTIONS

All resolutions or parts of resolutions inconsistent with or in conflict with this resolution are hereby repealed to the extent of such inconsistency.

PUBLIC PARTICIPATION in the discussion and passage of this resolution was possible throughout the process. The Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Wind

LETTER OF TRANSMITTAL TO TRUSTEES

Bazetta Township Board of Trustees
3372 State Route 5, N.E.
Cortland, Ohio 44410

RE: AMENDMENT TO ZONING RESOLUTION

Dear Bazetta Township Board of Trustees:

At a meeting of the Bazetta Township Zoning Commission held on the 9th day of January, 2023, the Bazetta Township Zoning Commission passed a resolution recommending the APPROVAL of a proposed Text Amendment to the Bazetta Township Zoning Resolution.

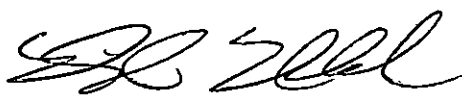
(22-ZBC-TA03) -Wind Turbines and Energy Devices

MOTION: 003-23

Enclosed is our file for your action:

1. Text Amendment to the Zoning Resolution (Application, Motion, or Resolution).
2. Proposed Text Amendment to the Zoning Resolution.
3. Letter of the Recommendation of the Trumbull County Planning Commission.
4. Resolution and Recommendation of the Bazetta Township Zoning Commission to the Bazetta Township Trustees
5. Please take action on the proposed Amendment according to law

Sincerely,



Rich Urchek, Zoning Commission Secretary

01-23-2023

Date

TOWNSHIP OF BAZETTA, OHIO

Resolution #22-ZBC-TA02-C

A RESOLUTION AUTHORIZING AND GOVERNING WIND TURBINE AND DISTRIBUTED ENERGY PRODUCTION DEVICES

"Interpretive Statement"

This resolution shall set forth guidelines for the construction, installation, and operation of Wind Turbines within the Township of Bazetta, Ohio.

WHEREAS, Wind Turbines have become a substantiative facet of residents of Bazetta Township now own and operate such, and manufacturing facilities begin to produce such within in Trumbull County; and

WHEREAS, citizens have inquired with the Bazetta Township regarding the installation of Solar Panels and Distributed energy Production Devices; and

WHEREAS, Wind Turbine and Distributed Energy Production Devices contribute to Bazetta Township's commitment to sustainability and are in the interest of public welfare; and

WHEREAS, the Bazetta Township seeks to amend the *Zoning Resolution of Bazetta Township Trumbull County, Ohio* (Resolution# 115-06) to set forth guidelines and regulations surrounding Wind Turbine and Distributed Energy Production Devices; and

WHEREAS, Ohio Revised Code, Section 519.12 provides that Amendments to the Zoning Resolution may be initiated by Motion of the Township Zoning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Bazetta Township, Trumbull County, Ohio by authority of Chapter 505 of the Ohio Revised Code, as follows:

Adopted by the Trumbull County
Planning Commission 12/14/2021

RESOLUTION NO. 12-2021-71

ZONING

WHEREAS: The Plats and Zoning Committee of the Trumbull County Planning Commission met on December 7, 2021, and reviewed with the Commission staff all pertinent documentation, research and data relative to case number Z-2021-12 entitled Zoning Amendments – Bazetta Township; and

WHEREAS: The minutes of this meeting are on file; and

WHEREAS: The proposed zoning amendments are in conformity with the Trumbull County Comprehensive Plans; and

WHEREAS: The Plats and Zoning Committee of the Trumbull County Planning Commission has determined that the proposed zoning amendments are in the best interest of Bazetta;

NOW, THEREFORE,
BE IT RESOLVED: That the Trumbull County Planning Commission recommends approval (denial or modification) of the proposed zoning amendments;

NOW, THEREFORE,
BE IT RESOLVED: That the Trumbull County Planning Commission approves the forwarding of the proposed correspondence to the Township of Bazetta.

**RESOLUTION TO CONSIDER ZONING TEXT AMENDMENTS
TO THE BAZETTA TOWNSHIP ZONING RESOLUTION
(§519.12(2) ORC)**

RESOLUTION # 22-ZBC-TA03-C

Moved by: Commissioner Tennant, Seconded by: Commissioner Noble

WHEREAS: The Bazetta Township Board of Zoning Commissioners has determined that it is in the interest of the Public Health and Safety of the Township to Amend the Bazetta Township Zoning Resolution;

THEREFORE BE IT RESOLVED: that the following Text Amendment(s) to the Bazetta Township Zoning Map be considered for recommendation of **APPROVAL** to the Bazetta Township Board of Trustees:

Add Section _____ Paragraph _____

BE IT FURTHER RESOLVED, that a Public Hearing on the Proposed Text Amendment was held on January 9th, 2023 at 6:00 PM, at the Bazetta Township Administration Building and Legal Notice thereof be given according to **Section 519.12 ORC**.

MOTION ROLL CALL VOTE: 01-09-2023

MOTION FROM A BOARD MEMBER FOR APPROVAL OR DENIAL OF THE TEXT AMENDMENT 22-ZBC-TA02-B REGARDING SOLAR ENERGY DEVICES:

MOTION: At this time the Vice-Chairman accepted a Motion for the *Approval* of the proposed Text Amendment 22-ZBC-TA02-B regarding Solar Energy Devices.

003-23

Motion: Commissioner Tennant **APPROVAL**

Second: Commissioner Noble

Secretary Urchek conducted a Roll Call Vote:

Vote:	Chairman	<u>(vacant)</u>	Vice Chairman Boggess	<u>YES</u>
	Commissioner Farone	<u>YES</u>	Commissioner Noble	<u>YES</u>
	Commissioner Tennant	<u>YES</u>	Commissioner Wetzel	<u>YES</u>

WHEREAS: The Bazetta Township Zoning Commission has determined that it is in the interest of the Public Health and Safety of the Township to amend the Text Amendment of the Bazetta Township Zoning Resolution.

THEREFORE BE IT RESOLVED: This Text Amendment to the Bazetta Township Zoning Resolution will be considered for Recommendation of **APPROVAL** to the Bazetta Township Board of Trustees

TOWNSHIP OF BAZETTA, OHIO

Resolution #22-ZBC-TA02-C

A RESOLUTION AUTHORIZING AND GOVERNING WIND TURBINE AND DISTRIBUTED ENERGY PRODUCTION DEVICES

“Interpretive Statement”

This resolution shall set forth guidelines for the construction, installation, and operation of Wind Turbines within the Township of Bazetta, Ohio.

WHEREAS, Wind Turbines have become a substantiative facet of residents of Bazetta Township now own and operate such, and manufacturing facilities begin to produce such within in Trumbull County; and

WHEREAS, citizens have inquired with the Bazetta Township regarding the installation of Solar Panels and Distributed energy Production Devices; and

WHEREAS, Wind Turbine and Distributed Energy Production Devices contribute to Bazetta Township’s commitment to sustainability and are in the interest of public welfare; and

WHEREAS, the Bazetta Township seeks to amend the *Zoning Resolution of Bazetta Township Trumbull County, Ohio* (Resolution# 115-06) to set forth guidelines and regulations surrounding Wind Turbine and Distributed Energy Production Devices; and

WHEREAS, Ohio Revised Code, Section 519.12 provides that Amendments to the Zoning Resolution may be initiated by Motion of the Township Zoning Commission; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Bazetta Township, Trumbull County, Ohio by authority of Chapter 505 of the Ohio Revised Code, as follows:

WIND TURBINES AND WIND ENERGY SYSTEMS

A. Purpose

The purpose of this section is to provide a regulatory framework for the construction of Wind turbines and Wind collection systems, while also preserving public health, safety, and welfare, and also maintaining the character of Bazetta, Ohio. Bazetta Township recognizes the importance of clean, sustainable, and renewal energy resources, and hopes to support distributed energy production. Bazetta Township also recognizes the need to protect the safety, health and welfare of adjacent properties from unnecessary and unreasonable visual interference, and to avoid potential damage to real and personal property from the failure of such wind energy systems.

B. Definitions

1. Anemometer: A temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind turbine or wind energy system at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
2. Fall zone: The potential fall area for a tower-mounted wind turbine or wind energy system as measured as the radius around the center point of the base of the tower.
3. Net metering: The process by which surplus energy generated by a customer, as measured by the difference between the electricity supplied by an electric service provider and the electricity generated by a customer in an applicable billing period, is fed back to the electric service provider with customer compensation.
4. Power grid: The transmission system created to balance the supply and demand of electricity for consumers in Ohio.
5. Professional engineer: A qualified individual who is licensed as a professional engineer in the State of Ohio.
6. Shadow flicker: Shadow flicker occurs when the blades of the turbine rotor cast shadows that move across the ground and nearby structures.
7. Structure-mounted wind turbine or wind energy system: A wind turbine or wind energy system mounted on a structure roof, walls, or other elevated surface that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

8. Total height: The vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind turbine or wind energy system.

9. Tower: The monopole or guyed monopole constructed to support a wind turbine or wind energy system.

10. Tower height: The height above grade of the fixed portion of the tower, excluding the wind turbine or wind energy system.

11. Tower-mounted wind turbine or wind energy system: A wind turbine or wind energy system mounted on a tower that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

12. Wind Turbine or Wind Energy System: A device or system that converts the kinetic energy of the wind into energy available for use in a residential or commercial capacity.

13. Small Wind Project: Any wind energy collection project, installation, or system with a maximum production capacity greater than one (1) kilowatt and less than five (5) megawatts.

C. Applicability.

No wind turbine or wind energy system governed by this section shall be constructed, erected, installed or located within township limits until proper siting approval has been obtained pursuant to this Zoning Resolution as follows:

a. Wind turbine or wind energy systems shall be conditionally permitted pursuant to Section 4-2 A, *Conditional Uses*, in all zoning districts.

b. No wind turbine or wind energy system shall be erected, constructed, installed or modified, except as permitted in Section 14, *Maintenance*, below, without first receiving a conditional use permit pursuant to Section 1252.07.

c. No wind turbine or wind energy system shall be erected, constructed, installed or modified without first receiving a building permit from the appropriate approving agency.

d. Only one wind turbine or wind energy system shall be permitted per property.

D. Development Standards.

Wind turbine or wind energy systems shall be evaluated for compliance to the following standards:

1. Fall zone.

a. A tower-mounted wind turbine or wind energy system shall have a fall zone at least 150% of the total height from:

- Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
- Any future road right-of-way pursuant to the Bazetta Township Comprehensive Plan or thoroughfare plan of adjacent jurisdictions, where appropriate.
- All overhead utility lines.
- All property lines, unless the affected land owner provides written permission through a recorded easement allowing the wind turbine or wind energy system's fall zone to overlap with the abutting property.
- Any principal structure.

b. Guy wires used to support the tower of a tower mounted wind turbine or wind energy system are exempt from the wind turbine or wind energy system fall zone requirements.

c. A building-mounted wind turbine or wind energy system shall have a fall zone of at least 150% of the total height of the system supporting the wind turbine or wind energy system, excluding the building itself.

2. Tower-mounted.

a. A tower-mounted wind turbine or wind energy system shall not exceed 100 feet in height as measured from construction grade. The construction grade shall not be increased above that of the surrounding property so as to artificially add height to the tower unless good cause can be shown by the applicant that the increase in grade is essential for the operation of the wind turbine or wind energy system.

b. The applicant shall provide evidence that the proposed tower height of a tower-mounted wind turbine or wind energy system does not exceed the height recommended by the manufacturer of the wind turbine or wind energy system.

c. All electrical connections shall be located underground.

3. Building-mounted.

A wind turbine or wind energy system that is erected on a building or structure other than a tower shall project no more than 15 feet above the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

4. Sound level.

Operation of wind turbine or wind energy systems shall not exceed 55 decibels, except during short-term events such as severe wind storms and utility outages. This information shall be obtained from the manufacturer of the wind turbine or wind energy system, and all readings, if necessary, shall be taken from the nearest neighboring property line.

5. Shadow flicker.

Wind turbine or wind energy systems shall be sited in a manner that does not result in shadow flicker impacts on adjacent property. The applicant has the burden of proving that their wind energy system does not have an impact on neighboring or adjacent uses either through siting or mitigation.

6. Signs.

Advertising of any type shall not be permitted on the wind turbine or wind energy system. All signs, both temporary and permanent, are prohibited on wind turbine or wind energy systems, except as follows:

- a. Manufacturer's or installer's contact identification information on the wind turbine or wind energy system which shall be affixed to the base of the tower limited to two square feet in size.
- b. Appropriate warning signs and placards.

7. Code compliance.

Wind turbine or wind energy systems shall comply with all applicable sections of the Ohio Building Code and applicable industry standards such as the American National Standards Institute (ANSI), Underwriters Laboratories (UL) or an equivalent third party.

8. Aviation.

Wind turbine or wind energy systems shall be built to comply with all applicable Federal Aviation Administration regulations. Evidence of compliance or non-applicability shall be submitted with the conditional use application.

9. Visual impacts.

It is inherent that wind turbine and wind energy systems may pose some visual impacts due to the total height needed to access the wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to wind resources.

a. The applicant shall demonstrate through project site planning and proposed mitigation that a wind turbine or wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind turbine or wind energy system design or appearance, buffering, and screening of ground-mounted electrical and control equipment.

b. The color of wind turbine or wind energy systems shall be painted with a non-reflective, unobtrusive color that blends in with the surrounding environment.

c. Wind turbine or wind energy systems shall not be artificially lit unless such lighting is required by the Federal Aviation Administration. If lighting is required, the applicant shall provide a copy of the Federal Aviation Administration determination to establish the required markings and/or lights for the wind turbine or wind energy system.

10. Utility connection.

Wind turbine or wind energy systems proposed to be connected to the local utility power grid through net metering shall adhere to Ohio R.C. 4928.67 and the current ANSI standard.

11. Access.

a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

b. The tower of a tower-mounted wind turbine or wind energy system shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of ten feet above the ground.

12. Clearing.

Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of wind turbines or wind energy systems and as otherwise prescribed by applicable laws, regulations and resolutions.

13. Wiring and electrical apparatuses.

All wires and electrical apparatuses associated with the operation of a tower-mounted wind turbine or wind energy system, except guy wires, shall be located underground.

14. Maintenance.

a. Upon installation of a distributed energy collection device or system, the property owner, and all subsequent property owners, bear the responsibility to keep such device(s) or system in good working order, or remove it/them at such time that they cannot or will no longer do so.

b. Any physical modification to the wind turbine or wind energy system that alters the mechanical load, mechanical load path, or major electrical components shall require re-application for conditional use under this section. Like kind replacements shall not require re-application.

15. Historic sites.

a. No wind turbine or wind energy system shall be located within 1,000 feet of any registered historic site or historic district.

b. Written proof of compliance with this requirement must be provided by the Ohio Historic Preservation Office and be submitted with the conditional use application.

16. Controls and brakes.

a. All wind turbine and wind energy systems shall be equipped with a redundant braking system which must include:

- Aerodynamic over-speed controls which include variable pitch, tip and other similar systems; and
- Mechanical brakes which must be operated in fail-safe mode.

b. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

E. Procedure for Review.

1. Wind Projects of 5MW or more shall be required to submit an application with the Ohio Power Siting Board at the Public Utilities Commission of Ohio and are required to meet OPSB regulations.

2. In accordance with Section 4-2 A, *Conditional Uses*, a wind turbine or wind energy system shall be subject to receiving a conditional use permit prior to installation or modification thereof.

The issuance of a conditional use permit shall comply with the following requirements:

a. Site plan review. A site plan shall be submitted for review. The following items shall be the minimum requirements to be considered a complete application. The site plan shall include the following:

- Property lines and physical dimensions of the applicant's property.
- Location, dimensions and types of existing structures on the subject property and on properties directly contiguous to the subject property.
- Location of the proposed wind turbine or wind energy system, foundations, guy wires and associated equipment.
- Fall zone depicted as a radius around the center of the tower for a tower-mounted wind turbine or wind energy system.
- The right-of-way or future right-of-way according to the Bazetta Township Comprehensive Plan of any public road that is contiguous with the property.
- Two-foot contours of the applicant's property and properties contiguous to the subject property.
- All overhead utility lines.
- The site plan must be prepared and stamped by a professional engineer or surveyor licensed to practice in the State of Ohio.

b. System specifications, including manufacturer, model, kilowatt size and generating power, rotor diameter in addition to tower height and tower type, if tower-mounted, for wind turbine or wind energy systems.

c. Documentation shall be provided regarding the notification of the intent with the utility regarding the applicant's installation if the system will be connected to the power grid.

d. Tower foundation blueprints or drawings for tower-mounted systems, including the color of the unit.

e. Tower blueprints or drawings for tower-mounted systems, including all safety measures, including anti-climb devices and lightning protection.

f. Sound level analysis prepared by the manufacturer or qualified engineer.

g. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code (typically provided by the manufacturer).

h. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

i. A maintenance schedule and dismantling plan.

j. Compliance with all development standards as outlined in Section D,

Development Standards, above.

3. Zoning compliance.

A Zoning Certificate must be obtained in accordance with the township Zoning Resolution.

4. Building permit.

A building/construction permit must be obtained from the appropriate approving agency.

5. Study Compliance

2. The planned installation must be found consistent with the Youngstown Air Reserve Station's Joint Land-Use Study in regard to relevant concerns (maximum height) which may impact operations.

F. Decommissioning Plan.

Prior to receiving site and conditional use approval under Section E, *Procedure for Review*, of these regulations, the applicant, owner and/or operator must formulate a decommissioning plan to ensure that the wind turbine or wind energy system is properly decommissioned. The decommissioning plan shall include the following process/provisions:

1. A provision in the conditional use approval shall be included that the approved decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns or heirs.

2. At such time that a wind turbine or wind energy system is scheduled to be decommissioned or discontinued, the applicant will notify the Zoning Administrative Officer by certified U.S. mail of the proposed date of discontinuation of operations.

3. Upon decommission or discontinuation of use, the owner shall physically remove the system within 90 days from the date of decommission or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Zoning Inspector. "Physically remove" shall include, but not be limited to:

a. Removal of the wind turbine or wind energy system.

b. Removal of any tower and other related above-ground structure.

c. Restoration of the location of the wind turbine or wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-conditions.

4. In the event that an applicant fails to give such notice, the system shall be considered decommissioned or discontinued if the system is out of service for a continuous two-year period. After two years of inoperability, the Zoning Inspector may issue a "Notice of Decommission" to the owner of the wind turbine or wind energy system. The owner shall have the right to respond to the "Notice of Decommission" within 30 days from the date of receipt. The Zoning Inspector shall withdraw the "Notice of Decommission" and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind turbine or wind energy system has not been decommissioned.

5. If the owner fails to respond to the "Notice of Decommission" or if after review by the Zoning Inspector it is determined that the wind turbine or wind energy system has been decommissioned or discontinued, the owner of the wind turbine or wind energy system shall remove the wind turbine or wind energy system, tower and other related above-ground structures at the owner's sole expense within three months of receipt of the "Notice of Decommission."

G. **Anemometer.**

The construction of an anemometer tower for the purpose of collecting data to develop a wind turbine or wind energy system shall conform to the following requirements:

1. Anemometer towers shall adhere to the wind turbine or wind energy system standards as described as listed above under "Applicability".
2. Anemometer towers shall be installed on a temporary basis not to exceed 18 months.
3. Anemometers must meet all applicable requirements listed above under "Development Standards".

H. **Insurance.** The owner or operator of each wind turbine or wind energy system shall maintain a current general liability policy covering bodily injury and property damage with limits of at least one million dollars (\$1,000,000) per occurrence.

SEVERABILITY

If any section, paragraph, clause, or provision of this resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged and the remainder of the resolution shall be deemed valid and effective.

REPEAL OF PRIOR RESOLUTIONS

All resolutions or parts of resolutions inconsistent with or in conflict with this resolution are hereby repealed to the extent of such inconsistency.

PUBLIC PARTICIPATION in the discussion and passage of this resolution was possible throughout the process. The Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

