

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 pm.
Wednesday, April 5, 2023

Springview Government Center
3130 East Main Street
Springfield, Ohio 45503

Louise Maurer, Chairperson, of the Clark County Planning Commission, called the meeting to order at 2:00 pm. and asked for the Roll Call.

Present For Roll Call: Mrs. Jo Anderson, Mr. Dave Stickney, Mr. Skye Schelle, Mr. Mark Scholl, Mr. Don Wallace, Commissioner Lowell McGlothlin and Commissioner Sasha Rittenhouse, Ms. Louise Maurer, Mr. Jay Kitchen

Absent For Roll Call: Ms. Keri Brammer and Commissioner Melanie Wilt

Also in Attendance: Mrs. Jennifer Tuttle from Clark County Community and Economic Development.

Approval of Excused Members

Motion by Commissioner McGlothlin, seconded by Commissioner Rittenhouse, to **Excuse** absent Board Members (Ms. Kerri Brammer and Commissioner Melanie Wilt)

VOTE: Yes: Commissioner McGlothlin, Commissioner Rittenhouse, Mr. Wallace, Mrs. Anderson, Mr. Stickney, Ms. Maurer, Mr. Schelle, Mr. Scholl and Commissioner Rittenhouse

No: none

Motion carried.

Ms. Brammer arrived at 2:03 p.m.

Approval of the November 2, 2022 Minutes

Motion by Commissioner Rittenhouse, seconded by Mr. Stickney, to **Approve** the minutes as presented

VOTE: Yes: Commissioner Rittenhouse, Mr. Stickney, Mr. Kitchen, Mr. Schelle, Mr. Wallace, Ms. Maurer, Ms. Brammer, Mr. Wallace, and Commissioner McGlothlin.

No: none

Abstain: Mr. Scholl and Mrs. Anderson

Approval of the March 1, 2023 Minutes

Motion by Commissioner Rittenhouse, seconded by Mrs. Anderson, to **Approve** the minutes as presented, then amended to correct items found on page 3 and page 8.

VOTE: Yes: Commissioner Rittenhouse, Mrs. Anderson, Mr. Stickney, Mrs. Brammer, Mr. Schelle, Mr. Scholl, Mr. Wallace and Commissioner McGlothlin

No: none

Abstain: Mr. Kitchen and Mrs. Maurer

Motion carried.

Chairperson Maurer asked for the first presentation by Michelle Burns.

Ms. Michelle Burns, Executive Director of Tecumseh Land Trust and member of the Clark County Farmland Preservation Group, explained that agriculture has been and continues to be Ohio's #1 industry. Unfortunately, many communities have experienced significant loss of this vital local, and national, resource since the 1950's. This is partly due to technology changes made in the farming industry but particularly due to the encroachment of non-agricultural development into rural areas. Farmland acreage in Clark County declined from 207,000 acres (980 farms) in 1980 to 189,000 acres (740 farms) in 1996. Many local communities have adopted various land use controls and strategies in efforts to protect their agricultural land. Here in Clark County, it started with the CROSSROADS Land Use Plan of 1999.

Ms. Burns further explained in 2022 there were 174,701 acres of farmland and 3,091 parcels within Clark County.

Mr. Burns stated that the initial Farmland Preservation Task Force, members who were identified by the County Commissioners who shared the farmland preservation mission, started meeting in the fall of 2002. They were charged with the following: 1) to oversee and coordinate county efforts to preserve farmland, and 2) serve as liaison among landowners, the farm community, and local, state and federal land preservation agencies. The initial Farmland Preservation Task Force was comprised of: The Chairperson Gordon Flax, John Baird, Max Cordle, Norm Filburn, Mike Haubner, Terry Hoppes, Betty Kitchen, John Pauley, George McConkey, Bruce Smith, George Soddors, J.C Wallace, Paul Wilson, Stuart Young and Linda Smith.

Ms. Burns explained many of the original goals and tasks assigned to the Workgroup from the CROSSROADS Land Use Plan have been accomplished, and new ones have now been identified in the CONNECT Clark County Land Use Plan. Farmland preservation practices that are utilized in Clark County have not hampered the County's growth but rather have directed growth to public utility service areas. As the current Clark County Board of Commissioners, being a completely different make-up than in 1999, we trust the history above gives you the proper perspective and necessary background of how the Workgroup began while also serving as an introduction to who we are. We have not met since the beginning of the COVID-19 pandemic but the group remains committed to the mission of preserving farmland in Clark County and is ready to get back to work.

Ms. Burns listed the current members for the Clark County Farmland Preservation and Agricultural Development Workgroup. Members include: Mr. David Stickney-Local Farmer, Jim Timmons-Local Farmer, Andrew Armstrong-Local Farmer, Michele Burns-Tecumseh Land Trust, Bob Jurick-B-W Greenways, Chris Simpson-Clark Soil & Water Conservation, Terry Fredrich-Clark County Local Food Council and Jennifer Tuttle-Clark County Senior Planner.

Ms. Burns explained the group will continue to work with the Tecumseh Land Trust while making themselves known to the local planning boards and elected officials of Clark County and becoming more active in local land use matters with regards to agricultural use and farmland preservation. In addition to carrying out the action statements and recommendations contained in the CONNECT Clark County Land Use Plan, the group has identified some additional goals & tasks:

- Research and discuss zoning policies that support farmland preservation.
- Need to identify, update as required, the boundaries where public water and service is currently provided and where these services can be provided in Clark County, and identifying the utility providers.
- Mapping out the public service boundary areas with: 1) existing county and township zoning districts; 2) existing farmland preservation easements; 3) areas that are prime for agriculture use.

- Become active in review and commenting on land use matters coming before local planning boards and elective officials who make the final decisions on these matters.

Mr. Wallace asked, “going back to the value of farm output in the county, I picked up 1.2 million and I don’t believe that is accurate.” Ms. Burns explained that the information was from the US Census data. Mr. Wallace asked what it truly means. Ms. Burns stated it was a market value of products sold in Clark County. Commissioner McGlothin asked if that includes farm crops. Ms. Burns stated yes. Commissioner McGlothin, Mr. Stickney, Mr. Wallace and Mr. Scholl all agreed it should be more.

Mr. Wallace stated they don’t accurately calculate the value of the economic work we do in farmland in Clark County because we only look at inputs and outputs in terms of cost and profit, but there are a lot of secondary values of what we do in farming. There is a huge multiplier to the initial value so maybe 1.2 million is low by itself but beyond that I would look at the multipliers. An example of this is tourism in Clark County.

Chairperson Maurer asked if all of Clark County is considered to be prime soils. Ms. Burns explained all of Central to Western Ohio is considered prime soil. The eastern part of the state has less quality soils.

Mr. Schelle stated one thing we wasn’t clear about was when it comes to the future goals, you mentioned changing zoning. If I own a piece of prime farmland in Clark county is some of these changes going to make it harder for me to sell the land for development. Mrs. Tuttle explained the main goal is to figure out where development should happen and protect some of that farmland so it’s not as easily rezoned for other types of uses.

Mrs. Anderson explained something that comes up for development perhaps we would encourage cluster residential use. There are different ways to go about this and it is important to have the opportunity to consider what the implications are to the decisions we make. Mrs. Tuttle stated maybe we consider the coverage or part of the acreage or 50 percent of the lot and not the entire lot.

Mr. Scholl stated he has been on this Board for 6 or 7 years now and did not know this group existed. I think we could use you (the Workgroup) for a resource. I think anyone on the planning board would welcome your input on any future situation that comes before us. He stated we respect your organization and I’m glad to see a member of the Planning Board is part of the Committee (Dave Stickney)

Mr. Stickney explained we’ll start with the research and discuss zoning policies.

Mr. Schelle asked what the Committees role was with the Planning Board pre pandemic. Mrs. Tuttle stated the Board worked mainly behind the scenes and on other types of projects. She stated we could not find a record of the last time they have presented to the Planning Commission Board or to the Commissioners. Mr. Schelle stated it does seem like there is a good role there from an advisory standpoint.

Mr. Wallace asked what the total volume acreage of land that the group monitors. Ms. Burns stated the Tecumseh Land Trust monitors over 35,000 acres. Mr. Wallace asked how many are in Clark County. Ms. Burns answered about half of that and 221 easements.

Farmland Preservation Workgroup Committee Member Jim Timmons explained he wanted to keep this farmland preservation group because it’s made up of people that know agricultural. He stated we are supposed to give the County Commissioners our input and I don’t want them getting wrong

information and voting against farmland preservation because someone wants development. We just went over 8 billion people in the world and they say by 2040 that will reach 10 billion people. This is going to be a bigger issue down the road. If we don't save farmland we won't have anything to grow on.

Mrs. Tuttle explained the zoning map. She explained everything outlined in green is 10 acres with a CAUV meaning its being farmed. (Shows how many acres is being farmed in Clark County) Mrs. Tuttle explained the change in zoning classification from 2017-2022. Looking at how much gets rezoned from Agricultural. We also have land use through the auditor's office.

Chairperson Maurer asked for the next presentation.

Solar

Mrs. Tuttle explained we have discussed using other counties' drafts as a guide. The Ohio Township Association put together a draft and that's what this is based on. To note for clarity, in the packets it's listed at I-1, I-2 and I-3 that is a draft for Springfield Township but it does mirror the County only the County does not have an I-3.

Mrs. Tuttle explained the proposed definitions as to what type of solar we are talking about.

1. "Ground Mounted Solar Energy Systems Onsite Consumption": means a solar energy system that mounts a solar panel or panels and facilities on or above the ground for onsite residential or commercial consumption as accessory use for the existing residential or commercial building.
2. "Ground Mounted Solar Energy Systems Principal Use": means a solar energy system that mounts a solar panel or panels and facilities on or above the ground. Also known as Solar Farm.
3. "Integrated Solar Energy Systems": means 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.
4. "Rooftop Solar Energy Systems": means a solar energy system that is mounted to a structure or building's roof on racks.
5. "Small Solar Facility": means 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.
6. "Solar Energy": means radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
7. "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.

Mrs. Tuttle stated the location of the solar farms require flat, cleared land, close proximity to three-phase power and transmission substation.

Permitted Uses:

Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in the following zoning districts: All Districts

Rooftop Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in the following zoning districts: All Districts.

Ground Mounted Solar Energy Systems Onsite Consumption: Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts: All Districts

Ground Mounted Solar Energy Systems Principal Use. Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System Principal Use shall be a permitted use on parcels identified as former landfill or barrel fill regardless of zoning district.

Mrs. Tuttle added that there are general requirements for Integrated or Rooftop Solar Energy Systems. Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached. Coverage: An Integrated or Rooftop Solar Energy System shall cover no more than 50% of a structure's walls and/or roof, as applicable. An Integrated or Rooftop Solar Energy System shall not be located on the front façade of any structure or on any façade facing a public right-of-way. Mr. Schelle asked why 50%. Mrs. Tuttle answered; it's the general standard that I'm finding. We can discuss it further if needed, this is not set in stone.

Mrs. Tuttle added that there are general requirements for Ground Mounted Solar Energy Systems Onsite Consumption. Height: The maximum height of any Ground Mounted Solar Energy System Onsite Consumption at any point shall not exceed 15 feet. Location: Ground Mounted Solar Energy System Onsite Consumption shall be located in the side or rear yard. No solar energy system shall be located in the front yard. Setback: Ground Mounted Solar Energy System Onsite Consumption shall be a minimum of fifteen 15 feet from any property line. Coverage: Ground Mounted Solar Energy System Onsite Consumption shall not exceed 30% of the total area of the lot.

Mrs. Tuttle explained a visual buffer is not something we currently have in code. A Ground Mounted Solar Energy System Onsite Consumption shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to minimize view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way. Ground Mounted Solar Energy System Onsite Consumption located on corner lots shall comply with the applicable requirements (including, but not limited to, those for yards, buffering, and screening) for lots in the zoning district where located. Mrs. Tuttle asked the Board what their thoughts were on fencing. Commissioner McGlothin explained, if the solar panels are 15 feet high you're not going to get a fence past that. I think vegetation would be the way to go. Mrs. Tuttle added fencing seems to be an issue because of maintenance. Mr. Schelle added the downside with vegetation is there is no guarantee it will grow. Mrs. Tuttle stated that is correct and compliance is based on complaints.

Mrs. Tuttle explained that all lighting in, of, and associated with any Ground Mounted Solar Energy System Onsite Consumption must narrowly focus light inward toward the solar equipment, be down lit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare

onto adjacent buildings, properties, or roadways. All solar energy systems must have anti-reflective coating to reduce glare. Ongoing maintenance is required as an element of continued compliance with these regulations.

Mrs. Tuttle explained other general requirements and restrictions. Building Permits: Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and/or other local building jurisdiction. Maintenance: Small Solar Facilities must be maintained in good working order at all times. Airport Zoning Overlay: All Solar Energy Systems and Small Solar Facilities shall meet all regulations of the FAA when located within the Wright-Patterson or Springfield-Beckley Airport Zoning Overlay. Other Regulations: A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations. Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

Mrs. Tuttle explained the Conditional Uses.

Ground Mounted Solar Energy Systems Principal Use. Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of a Ground Mounted Solar Energy System as the principal use and all other Small Solar Facilities shall be a conditional use in the following zoning districts: I-1, I-2

All Other Small Solar Facilities: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting of small Solar Facilities, other than Integrated, Rooftop, and Ground Mounted Solar Energy Systems ("All Other Small Solar Facilities"), shall be a conditional use in the following zoning districts: I-1, I-2

Mrs. Tuttle explained the criteria for conditional uses. Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution. Where identified as a conditional use, any Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities shall comply with the following specific requirements: Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facility is located. An Emergency Operations Plan must be given to the local fire department and local fire official. Advertising: Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising. Emergency contact signage shall be provided at all site access points. Location: All Other Small Solar Facilities (except components located entirely underground) shall be located entirely in the rear yard. All Other Small Solar Facilities shall be located behind a principal building or structure. In the case of corner lots, no Solar Facility shall be located between a principal building or structure and a public right-of-way. Height: the maximum height of Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities shall not exceed 15 feet. Buffers and Setbacks: Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities located on property adjacent to or in close proximity to property zoned for residential use (as determined by the Zoning Inspector), no part of the Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities (other than components located entirely underground) shall be located within 100 feet of an existing residential dwelling. Ground Mounted Solar Energy Systems

Principal Use and All Other Small Solar Facilities (other than components located entirely underground) shall not be located within 100 feet of another property line. Ground Mounted Solar Energy Systems as the principal use and All Other Small Solar Facilities (other than components located entirely underground) shall not be located within 100 feet of a public right-of-way or shared-use driveway. Visual Buffer: Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing designed to and that does all of the following: Fencing: Any fencing and/or screening installed in connection with the Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be no more than 8 feet in height maintained in good repair and in an aesthetic manner at all times.

- Enhances the view from any existing residential dwelling and from any public right-of-way;
- Is in harmony with the existing vegetation and view shed in the area; and
- Provides reasonable visual screening to minimize view of and noise from the Solar Facility to adjacent lots and from any public right-of-way.

Mr. Tuttle explained, when it comes to maintaining the 100 foot buffer, were talking about very large parcels. Mr. Schelle added 100 feet doesn't seem very far to me. He stated people don't want it next to their property so you would think a bigger buffer would make these things easier. Mrs. Tuttle added some are requiring more, but they can't maximize their site. I think that will be the biggest complaint about a bigger buffer. Mrs. Tuttle explained we can talk about it more, as well as the fencing.

Mrs. Tuttle explained the glare. The Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways. Mrs. Schelle asked, is there a standard on how to reduce glare. Mrs. Tuttle states, there is a certain covering that's supposed to be on them, so if that peels off or gets damaged it could cause more glare. Or if it's tilted in the wrong way it could cause additional glare. Mr. Schelle added for the issue of the glare is it worth putting in to text what that angle should be and to ensure the coverings are being used. Mrs. Tuttle explained a lot of the ground mounted solar panels tilt and move based on the sun. It just can't tilt higher than what's permitted, I don't know that we can get by with that angle all the time or you wouldn't be able to maximize what you need out of it.

Mrs. Anderson stated if we talk about this in terms of the results, the glare prevention material, then you're covered. It doesn't matter what angle it is, if there is a glare then you have to fix it. Just looking at it in terms what the results are should be enough to define what the boundaries are. I know when the aircrafts would fly above the fields the glare used to be a bigger problem before the materials were developed. But if there is a glare and it's causing a problem it should be fixed. That may involve changing the angles but it also could contribute to the glare. Mrs. Anderson added I'm in favor of language like this for this application and then somewhere there are mechanical and technical specs on how to do it. Mrs. Tuttle explained Clinton County adopted a document that gives those specs. It's not in their zoning it's a separate document they adopted. We can look into that for us.

Mr. Schelle stated I would be worried about the cars on the roadway. Mrs. Tuttle added we listed a 100 foot buffer from the road right of way, and asked it that should be increased. Mr. Schelle stated I am never comfortable with vague terms. He asked who determines if something is unreasonable. Mrs. Tuttle explained it would be the zoning inspector. She stated talking with legal counsel sometimes it's too vague and sometimes it's too restrictive. We have to find a happy medium.

Mr. Kitchen stated, I don't think you could have a certain angle because your assuming everything is perfectly flat. If it's down in the field and the road is up higher it's going to skew that, that's why I feel like you would have to have it vague.

Mr. Stickney asked if the zoning inspector have any teeth to enforce that. Mrs. Tuttle explained if we get a violation then we have to send a violation to the property owner. On these smaller facilities it may not be local people. They would get a violation letter with these items listed and if it's not corrected it would then go to the County Prosecutor.

Mrs. Tuttle explained Lighting: All lighting in, of, and associated with any Solar Facility or Solar System must narrowly focus light inward toward the solar equipment, be down lit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways. All solar energy systems must have anti-reflective coating to reduce glare. Ongoing maintenance is required as an element of continued compliance with these regulations. Maintenance: Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities must be maintained in good working order at all times. The owner of the property and owner of the Small Solar Facilities shall, within thirty (30) days of permanently ceasing operation of a Small Solar Facility, provide written notice of abandonment to the Zoning Inspector. An unused Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Small Solar Facility and associated equipment shall be borne by the property owner. A Ground Mounted Solar Energy Systems Principal Use and All Other Small Solar Facilities are considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation. Access: Vehicular paths within the site shall be designed to minimize the extent of impervious materials and soil compaction. Emergency Access paths shall be provided and maintained a safe lane being no less than 18-feet in width to accommodate fire and emergency medical apparatuses. Mr. Schelle asked if they can catch on fire. Mrs. Tuttle answered, it's possible. Also battery storage would typically be what catches fire. And that's why the emergency management guide needs to be at the local fire department so they know where everything is located and have a good access plan.

Mrs. Tuttle explained Storm Water: An erosion and sediment control and storm water management plan prepared to Ohio Environmental Protection Agency standards must be submitted. Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit. The conditional use permit shall remain in effect with an ownership change provided that the successor owner or operator assumes in writing all of the obligations of the conditional use permit, site plan approval, and decommissioning plan.

Mrs. Tuttle stated that A Zoning Certificate shall be required before any construction is commenced on a Ground Mounted Solar Energy System, Integrated Solar Energy System, Rooftop Solar Energy System or All Other Small Solar Facilities. Applicant shall provide the Zoning Inspector with the following items and/or information when applying for a zoning certificate: An engineering report that shows:

- A site drawing showing the location of the Integrated Solar Energy System, Rooftop Solar Energy System, Ground Mounted Solar Energy System and All Other Small Solar Facilities including all equipment and components thereof in relation to (and measurements of distances

- from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
- Evidence of compliance with applicable setbacks and all other applicable zoning restrictions.
 - The total size and height of the proposed Solar Energy System or Small Solar Facility.
 - Data specifying the megawatt size and generating capacity in megawatts of the particular Solar Energy System or Small Solar Facility.
 - Hazardous materials containment and disposal plan.
 - A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System or Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
 - Any other information or materials reasonably requested by the Zoning Inspector.

Commissioner McGlothlin asked if a drawing will be required. Mrs. Tuttle answered yes. They will be required to show us the height, location and setbacks. Commissioner McGlothlin asked about roof mounted solar panels. Mrs. Tuttle explained we only check that they don't go over the height for that zoning district.

Mr. Schelle asked if there were requirements about proper vegetation for under the solar panels. Mrs. Tuttle stated we did not define. We don't know that we could pick the right things that would be acceptable without more research. Mr. Schelle stated I thought at minimum we could say it needs to be vegetated and not bare soil.

Farmland Preservation Workgroup Committee Member Jim Timmons asked if on the ground mounted solar panels keep CAUV or does the tax break change. Mrs. Tuttle stated it does change but I do not have the information with me. Mrs. Tuttle explained I will get back with you with that information. I also have a farmers guide on solar.

Mr. Wallace explained there are new studies now that when you properly install solar panels on farmland, as much as 90 percent of the productivity can be retained and that should be factored in also. That information came straight from Ohio State. Mrs. Tuttle asked for that information.

Mrs. Tuttle explained what the current regulations state: Current Definition in Chapter 10: Solar Collector: Any device or combination of devices or other elements which relies upon direct solar radiation and that is employed in the collection of solar radiation for one (1) or more of the following purposes: a) Heating and/or cooling of a building or structure; b) Heating of water; c) Use in industrial, commercial, or agricultural processes; or d) The generation of electricity.

Mrs. Tuttle explained what the current text states in Chapter 8. Section 808.09 Solar Equipment: Use of solar energy equipment as defined in this Subsection is encouraged in Clark County. The placement of the solar energy equipment on roofs of principal buildings is also encouraged. Zoning Certificates for solar energy equipment are subject to the following regulations: [eff. 12-17-2009; rev. 11-4-2020] 808.09.01 Any solar panel attached or located on the roof or wall of a building that lies flat on or no more than twenty (20) degrees from that surface is exempt from obtaining a Zoning Certificate. [rev. 11-4-2020] 808.09.02 The maximum height of solar panels on a flat roof, a wall or ground mounted is fifteen (15) feet. For all other roof types, solar panels shall not extend above the peak of the roof. [rev. 11-4-2020] 808.09.03 Solar Panels not located on the roof or wall of a structure shall be located in the side or rear yard and shall not occupy more than thirty (30) percent of the required area where they are located. [rev. 11-4-2020] 808.09.04 Solar Panels shall meet all regulations of the FAA. [rev. 11-4-2020] 808.09.05 No solar panel shall be located in the front yard.

808.09.06 Solar energy equipment not located on the roof of a structure shall be a minimum of fifteen (15) feet from any property line. [rev. 11-4-2020]

Mrs. Tuttle explained the different zoning districts that make the most sense for these solar facilities. The A-1 Agricultural District is intended to preserve areas where soils, topographic conditions, and physical features are best suited for the pursuit of agricultural use. Also, it is to protect the agricultural uses from encroachment of incompatible non-agricultural land uses and to preserve open areas from the encroachment of scattered urban type uses or until such time that the area is ready for more intensive development and can be provided with appropriate infrastructure and services. This district is intended to ensure that land areas which are within the unincorporated areas which are well suited for agriculture production are retained for such production, unimpeded by the establishment of incompatible uses which would hinder agricultural uses and inevitably deplete agricultural lands and uses. This district is also established to prevent the conversion of prime agricultural land to scattered non-farm development which, when unregulated, unnecessarily increases the cost of public services and infrastructure to all citizens and results in the premature disinvestment in agriculture. [rev. 12-13-2013]

B-4 Heavy Business District. The intent of the B-4 Heavy Business District is to provide for heavy businesses which are incompatible with local and community business districts. [eff. 3-29-1990]

I-1 Light Industrial District. The purpose of the I-1 Light Industrial District is to provide for low intensity industrial developments involving manufacturing, production, warehouse/distribution, wholesaling and related uses whose operations are conducted within a building. I-1 District uses are those whose external and physical impacts are restricted to the area of the I-1 District and do not affect the surrounding districts in a detrimental way. Access to the I-1 District should be directly from Primary and Secondary Arterials, as classified by the Thoroughfare Plan, and from state routes.

I-2 Heavy Industrial District. The purpose of the I-2 Heavy Industrial District is to accommodate a broad range of intensity of industrial developments and related uses that have a greater external and physical impact on the immediate area than those developments listed in the I-1 District. Access to the I-2 District should be directly from Primary and Secondary Arterials, as classified by the Thoroughfare Plan, and from state routes.

Principal Permitted: A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

Conditioned Uses: A use permitted within a district other than a conditionally permitted use, requiring compliance to requirements as specified in Chapter 7. [eff. 3-29-90]

Conditional Uses: A use permitted within a district other than a principally permitted use, requiring application for a Conditional Use and approval by the Board of Zoning Appeals and subject to the limitations and conditions specified therein. Such limitations and conditions may be imposed to ensure that the particular use at the particular site on which such use is proposed to be located is compatible with other existing or permitted uses surrounding the site. [rev. 12-13-2013]

Mrs. Tuttle explained the zoning acreage by district and township. She added that the I-2 District is not listed because it is a brand new district and nothing is zoned I-2 yet. Mrs. Tuttle states that there are 3,471.73 acres in the I-1 District and 124,854.74 acres in the A-1 District. She explained that these numbers are to review and analyze. Mrs. Tuttle explained a map that shows the Townships under County Zoning. The dark blue areas outlined are the I-1 industrial areas in each of the townships.

The 50 Megawatt Solar Farm is identified on the Map and the Small Solar Farm in Bethel Township that's in the que. Mr. Wallace stated he would like more information on the Small Solar farm in the que. Mrs. Tuttle explained, the one I know of is on Quick Road, they are already in contract but it's still in the que. There are others in North Hampton and one labeled Medway but I am not certain about them. Commissioner McGlothin asked if the one on quick road is a 50 Megawatt solar farm. Mrs. Tuttle answered no it's a small one. They made it through before our regulations so we wouldn't be able to do anything about it. Mr. Wallace clarified we can't do anything about solar (project) in Bethel Township. Mrs. Tuttle states, only the one that has made it this far without the regulations in place. Once we have them in place then we can enforce the regulations. Any that are already in the que we cannot regulate. Mr. Wallace asked who can identify these specifics of what's in the que in Bethel Township. Mrs. Tuttle states I can give you more information. Mr. Wallace asked if the Township trustees have been notified. Mrs. Tuttle answered probably not at this point because they are still doing their feasibility study. Mr. Wallace asked about the Solar Farm in Harmony Township. Mrs. Tuttle stated they have been to the township trustees at least once, but I don't think they are into their public hearings yet. She stated that one is a 50 megawatt farm, it's a different process.

Chairperson Maurer stated in the beginning you had mentioned the decommissioning process. Is that when it becomes official and they have to come to the zoning inspector for approval. Mrs. Tuttle explained the decommission process is when it's coming out once it's done. If they need a conditional use they would need to go through the Board of Zoning Appeals first, then come back to us for a zoning certificate. Then you have to provide all the information required before a zoning certificate is issued for that use. Chairperson Maurer stated it's still in the works as to which zoning is going to be allowed. Mrs. Tuttle explained that's what needs to be discussed. She stated looking at where we have acreage under our different zoning districts and where does it make sense to allow these. She stated looking at the map, all the green is Agricultural. Chairperson Maurer and all of it is prime soil. Mrs. Tuttle stated yes and it's been difficult to find a good definition of prime farmland. She stated how do we justify development if all of Clark County is prime farmland. She stated maybe the answer is digging into the soils and maybe finding a different way to identify it.

Mr. Stickney stated there is criteria that Michele Burns uses to identify prime farmland.

Mr. Schelle stated he would like to consider opening up some of the A-1 for this use. These solar farms are going to play a critical role in climate change. These have to get built somewhere. Maybe the Commission wants to set aside half of one percent for A-1, and we revisit it once that gets eaten up. Do we stop there or open up another half of one percent.

Mrs. Tuttle stated, I think some of the concern is that one particular owner coming in and doing a bunch of small ones instead of going through the Ohio Power Siting Board for the 50 Megawatt Farms. So it's hard to regulate. Mr. Wallace stated I think 60 acres is really relevant. There should be full disclosure to township officials. Mrs. Tuttle stated once we get them into the regulations we will get those phone calls. The smaller ones we would have to track and they have different LLC's they could put them in.

Commissioner Rittenhouse explained Highland County is not doing them for that reason. Mrs. Tuttle stated that is the biggest concern. She asked do you allow them in the Industrial areas. Mr. Schelle stated why the LLC buying these lots for small farms is an issue. Mrs. Tuttle explained they are bypassing the regulations that the Ohio Sighting Board has for the 50 megawatt farms. They have more rules and regulations than we do as local zoning. If they abandon a 50 megawatts farm the Ohio Sighting Board will take care of it. She stated if you have all these small farms owned by generally the same LLC then that falls on local zoning to clean up. Mr. Schelle asked could the smaller ones be

required to put up a bond. Mrs. Tuttle answered, I don't know I will check on that. I have not seen that being done.

Mr. Wallace stated there is a concept called behind the meter. You see people doing behind the meter stuff and connects them all into the power grids. I think there should be careful review of this matter.

Mrs. Tuttle explained, I don't think we are ready to take this to the Rural Zoning Board to initiate text amendments yet but we can all continue our research.

Mr. Schelle stated the onsite consumption rules, I can't wrap my head around the fact that a private land owner wants to cover more than 50 percent of their roof with 30 percent of their backyard who are we to tell them they cannot do that. Mr. Wallace stated typically people that are trying to get small development are using 30 acres. Mrs. Tuttle stated zoning in general restricts how much coverage for accessory structures (this is similar).

Self-Storage

Mrs. Tuttle stated that there are 35 Self Storage facilities in Clark County. She stated the numbers were pulled using land use codes and searching names. B-4, I-1 and I-2 are permitted uses. It could also be in the mixed use districts we created. And then you have your uses for those districts; Principal Use, Conditioned Use and Conditional Use. And as discussed they are all permitted uses with several conditions they have to meet. The conditions are listed in the zoning regulations. If they meet those conditions they are permitted to have one.

Mrs. Tuttle explained that in Miami County they allow Self Storage as a Conditional Use in a B-1, Highway Business District and a Permitted use in an I-1 or I-2. In the B-1 they specially state commercial self-storage of household items. And in the I-1 and I-2 they list a definition. (H. Storage yards for material and equipment including indoor storage for building supplies and equipment, food, fabrics, hardware, and similar goods when located entirely within a building, provided such buildings shall not be used for wrecking or dismantling of motor vehicles.

Mrs. Tuttle stated that the City of Springfield allows Mini-Warehouse or self-storage facilities as a Conditional Use in a CC-2 Community Commercial District. They allow storage buildings and storage for commercial vehicles and equipment as a permitted use in a CH-1 Highway Commercial District and a CI-1 Intensive Commercial District.

Mrs. Tuttle explained land-use and zoning regulations restrict the rights of owners to use their property and at times they are at times controversial. The scope and limits of governments' ability to regulate land use is hard to define with specificity. Courts have held that a zoning regulation is permissible if it is reasonable and not arbitrary; if it bears a reasonable and substantial relation to the public health, safety, comfort, morals, and general welfare; and if the means employed are reasonably necessary for the accomplishment of its purpose.

Mrs. Tuttle stated maybe the best way to go about it is to add more conditions rather than restricting them altogether. She stated take a look at what those zoning districts are beside and determine, is B-4 the right place for them. The B-4 rezoning's that have come through are specific use to the Self-Storage facilities. Mrs. Tuttle asked should it be in the B-4 or just the I-1. She stated do we put more safe guards in place. She asked do we add maximum property coverage, number of buildings, gravel vs pavement, do we want to say no outside storage, increase buffers and additional landscaping. She

asked should it be a permitted use or a conditional use. She then asked if this use is any different than a warehouse or other uses listed in zoning.

Chairperson Maurer asked if there have been any issues with the existing Self Storage facilities. Mrs. Tuttle answered no. Chairperson Maurer asked so you're approaching this discussion for moving forward. Mrs. Tuttle answered yes. She stated there are no problems we are aware of its just some have expressed concerns there are too many of them. Mr. Schelle asked if the public has been calling with concerns. Mrs. Tuttle replied no it's more internally to open up discussion about the proper district for them and to look at if it's a concern. Mr. Schelle asked is there a concern that there is too many or property value. Mrs. Tuttle stated a little bit of everything.

Chairperson Maurer asked for clarification on the use- principal, permitted and conditioned or conditional uses. Mrs. Tuttle explained principal permitted means you can do it with no restrictions it's permitted in that District. The conditioned use means they have to meet all of those conditions before it's approved.

Mr. Schelle stated my only suggestion would be to increase the landscaping except in the I-1 or I-2 districts.

Commissioner McGlothin asked you said there are 34 self-storage facilities. Mrs. Tuttle answered, there are 35. She stated give or take, based on the County GIS.

Mr. Alex Dietz from Clark County stated, looking at the map I would say there are 35 to 40 we have identified. He stated from an Economic Development perspective I can tell you self-storage facilities do not give our community a good first impression. When you drive through you see Dollar Generals, Dollar Trees and Self-Storage. It's not a good look. There are a lot in the City and Enon. Enon is a rapidly growing residential area with close proximity to Wright Patt Air Force Base which is one of the largest employers in the State. There are aspects of that from a land use perspective it's not good long term. I also represent the Clark County Land Bank and the concern is that these go vacant and become derelict and people are not taking care of them. Zoning can only do so much so we don't want to create another burden on our department when people stop paying taxes on them. Mr. Dietz stated that in Tech Review over the last several months we have had about 10 that have come through that are not on this map. One is about 35 acres on the corner of 235 zoned Industrial. That land could be used for job creation and generate sales tax. These are not a good land use long term and they create drainage issues for the area. Mr. Dietz stated that I believe a conditional use is a good method because it adds another level of review.

Mrs. Tuttle stated the only thing about a conditional use is that if they meet all those conditions they cannot deny unless there is a safety issue that could be detrimental. Mr. Dietz asked if a moratorium would be an option. Mrs. Tuttle stated the only thing a moratorium would do would stop it for a short period of time until we redid our regulations. Mr. Dietz asked if there is a way to separate out self-storage into its own District. He added it is different from warehousing. Mrs. Tuttle explained we have to prove why and how it's different. She asked if this is different from any warehouse, dollar general or mall that's left empty. We have to prove that or someone will come in and sue us and say their use doesn't fit in any district in our zoning. And we have to identify it or someone could come in and Zoning would have to pick the next closest use and I don't want to do that. Mr. Dietz stated my thought on that last question is different. These are generally income tax producing, property tax producing and creating employment.

Mrs. Tuttle added these are all things to think about and evaluate. She stated I put some of those cautions on there because we can't make it too restrictive but we have to come up with something that makes sense. We have to determine if it is different than those other uses and if so what does that look like.

Chairperson Maurer stated I think we all agree we don't like them but we can't totally restrict them.

Mr. Schelle asked if staff come up with what they feel is the best solution and come back in a month or so to discuss. Mrs. Tuttle stated yes.

Mr. Wallace stated that he appreciated Staff bringing these types of changes to their attention for their involvement in the process.

Staff Comments

Next scheduled meeting: May 3, 2023

Adjournment

Motion by Commissioner McGlothlin, seconded by Mr. Kitchen, to ***Adjourn***.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:25 pm.

Louise Maurer, Chairperson