

Minutes

Clark County Planning Commission

Regular Meeting ~ 2:00 p.m.
Wednesday, April 6, 2022

Springview Government Center
3130 East Main Street
Springfield, Ohio 45505

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: Commissioner Rick Lohnes, Mr. Dave Stickney, Mr. Jay Kitchen, Mrs. Kerri Brammer, Mr. Mark Scholl, Mr. Don Wallace, Ms. Louise Maurer, and Mrs. Jo Anderson. Commissioner Wilt was in attendance via. Zoom as currently permitted under Ohio law.

Absent For Roll Call: Commissioner Lowell McGlothin.

Also in Attendance: Mr. Allan Neimayer, Mrs. Jennifer Tuttle, and Mrs. Rachel Ricketts from Clark County Community and Economic Development.

Approval of the September 1, 2021 Minutes

Motion by Mr. Scholl, seconded by Mrs. Anderson, to **Approve** the minutes as presented

VOTE: Yes: Mr. Scholl, Mrs. Anderson, Commissioner Lohnes, Mr. Stickney, Ms. Maurer and Commissioner Wilt.

No: None.

Abstain: Mr. Kitchen and Mr. Wallace.

Motion carried.

Approval of the March 2, 2022 Minutes

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

VOTE: Yes: Mr. Stickney, Mr. Wallace, Commissioner Lohnes, Mr. Kitchen, Mrs. Brammer, Mr. Scholl and Mrs. Anderson.

No: None.

Abstain: Commissioner Wilt and Ms. Maurer.

Motion carried.

Board Education:

Mr. Allan Neimayer, Senior Planner, introduced the education topic: SB 52, Changes to Wind & Solar Facility Development process. SB 52 was passed on October 11, 2021 and became effective on October 11, 2021. This bill is specific to wind and solar developments only and allows local governments, working with county commissioners, to identify areas where these developments are prohibited. If no local action as described in SB 52 is taken, then the review and approval authority for these developments remains with the Ohio Power Siting Board. Commissioners Wilt and Lohnes attended the County Commissioners Association of Ohio December 2021 meeting where one of the sessions was on SB 52. Mr. Neimayer introduced invited guests: Commissioner David Daniels of Highland County, OH and Michele Burns, Executive Director of the Tecumseh Land Trust.

Commissioner Daniels stated large scale solar development projects in and around Highland County will produce 1,200 megawatts on 12,000 acres of land. SB 52 gave local authority and a minority position on the Ohio Power Siting Board to bring in local concerns on industrial scale facilities. He explained when Highland County saw SB 52 being developed and what it was going to put in our lap, we needed to figure out as a Board of Commissioners how we were going to exercise the authority we were given. Commissioner Daniels reviewed Highland County Commissioner's Resolution #21-218 in response to SB 52. A unit of local government (township, village, school district), by Resolution, could ask the County Commissioners to consider establishing a restricted zone under SB 52. The local government would notify all of the surrounding property owners asking them do they support or oppose the restricted zone. If the majority of land owners (land mass) agree, the County Commissioners would consider granting the restricted zone. The County Commissioners would also require the local government to go to any entity that would get tax money from the property in question and get them to sign off on supporting the restrictive zone.

Commissioner Daniels explained that one thing not included in Resolution #21-218 and in hindsight should have been included, is including existing agricultural easements and agricultural security zones. The Commissioners will also include those areas in a restrictive zone. They will probably make an amendment to the Resolution to include these two items.

Commissioner Daniels explained just about anyone can be an intervener in the Ohio Power Siting Board's review process. He continued by reviewing Highland County's guidelines in becoming an intervener on behalf of the non-participating public:

- Project setbacks are less than 300 feet to dwellings on non-participating properties
- Project's perimeter fencing is less than 250 feet to a non-participating property.
- Project borders on more than two sides of a non-participating property.
- Project draws upon the local aquifer for its water supply.

Commissioner Daniels discuss local concern of when enough is enough. Most townships in Highland County are about 18,000 acres. Using five acres per megawatt, that would allow a 300 megawatt project into any given township and that's it. Highland County Commissioner's policy on geographic size limitations (per ORC 303.62): restrict the size of large solar projects coming into the county to 8% of the total acreage of the township.

SB 52 provides for the County to sit on the Ohio Power Siting Board. In Highland County in cases where a proposed project crosses county line, the county with the largest land mass affected will get the seat.

Projects under 50 megawatts are not subject to the Ohio Power Siting Board process. Highland County's concern was having companies come in and build a series of 49.9 megawatt projects and connecting them together. Included in Resolution #21-218, Highland County Commissioners will oppose development of solar-powered electric generation facilities of less than 50 megawatts except for "behind the meter" generation (usage on-site).

Commissioner Daniels talked of the Ohio Power Sighting Board and the criteria a project has to meet that includes an environmental review, a historical review, and compliance with air and water pollution laws. He is not a fan of SB 52 in that the Bill did not change the Ohio Power Siting Board's Rules for review to take into account the unique nature of large solar and wind projects.

Commissioner Rick Lohnes asked, your (Highland County) power lies in the pre-emptive planning. If you have townships with restricted areas and in some other area of the county a company secures leases and take their plan to the Ohio Power Siting Board, are you out of the loop? Commissioner Daniels responded not necessarily. The County Commissioners can turn down the project. Commissioner Daniels discussed the unresolved legal issue of a lawful contract between land owner the company if the project gets denied.

Commissioner Lohnes asks about pre-emptive planning through zoning and adding requirements for solar projects into the County Zoning Regulations. Mr. Neimayer stated those large scape project will fall back to the state. Commissioner Daniels stated the Ohio Power Siting Board does not have to recognize local zoning regulations. However, SB 52 allows County Commissioners to establish restrictive zones that in turn follow local zoning regulations that restrict the location and size of these projects.

Commissioner Lohnes asked if Highland County has designated any restricted areas yet. Commissioner Daniels responded we have not yet. Commissioner Lohnes then asked about the process to restrict areas. Commissioner Daniels explained we would do it by Resolution. There is no criteria that states you have to give a reason to restrict that area. Commissioner Lohnes asked about other counties designating restricted areas. Commissioner Daniels responded Allen County has restricted the entire county. He spoke to Commissioner Hambley in Medina County and believes they are also going to a full county restricted area.

Michele Burns, Executive Director of Tecumseh Land Trust, stated the Tecumseh Land Trust (TLT) has not taken a pro- or anti-position on these industrial solar arrays. The TLT is in the business of protecting prime soils so we are concerned about any conversion of prime soils to other uses. Solar arrays certainly fall within that concern. The TLT holds agricultural easements on over 34,000 acres in Greene and Clark counties with the majority being in Clark County. We work with state and federal programs to purchase these easements as well as taking donated easements. We work with county land use plans and so are in favor of SB 52 to allow local government to weigh in on the planning of where these projects are most appropriate or not appropriate. Under existing easements, these large scale projects would not be allowed. A small scale solar array for on-site use would be permitted.

Mrs. Burns referenced a possible project site located in Madison and Harmony townships in Clark County where TLT has several easements but no one has approached TLT to get that information. She is concerned that companies are not doing enough research on what land is available. In TLT experience with the Kingwood proposal in Greene County, the company did come to TLT first and asked where TLT easements are located. That was encouraging. There are land owners who have told her they received letters from three different companies so there are companies out looking for available land.

Commissioner Lohnes asked if there are any projects in Clark County that are grandfathered under SB 52. Mrs. Burns is not aware of any such project.

Prime soils are a finite resource. Prime soils are the very best most productive soils to grow food. There are four places in the world that has them: China, the Ukraine, Brazil and the US corn belt that includes Ohio – the western half of Ohio. The siting of these large scale solar arrays is happening primarily in the western half of Ohio. Let's protect the prime soils and direct development to marginal soils. It is not just solar arrays that agriculture is competing with, but it is all development: residential, commercial and industrial. From 2001 thru 2016 Ohio lost 312,000 acres to all those types of development. Think of prime soil like you would with water or habitat. It is a finite resource to Ohio's

number one industry. I would support Clark County in developing protective areas under SB 52. Please consider TLT as a resource in that process. We would like to see it done thoughtfully

Mrs. Burns spoke on the Ohio Power Siting Board. The TLT was an intervener in the Kingwood solar proposal in Greene County. We did participate in the whole process. The Ohio Power Siting Board are political appointees. The Board is only as good as the members who show up. From what I understand, the Director of Ohio Agriculture Department has not shown up to the Board for the Kingwood case, so there is no voice for agriculture. SB 52 is the only way you can have a local voice in addition to being an intervener.

Don Wallace stated he gave development rights to his property to the Ohio Agricultural Department and TLT monitors that agreement. He asked could the state yield to a company for solar farm project. Mrs. Burns responded there is an active case in Union County on this very issue. It could be up to the Director of Agriculture on whether they would defend that easement.

Chairperson Maurer thanked Commissioner Daniels and Michele Burns for attending the CPC meeting and sharing their thoughts and their input regarding SB 52.

Staff Comments

Mr. Neimayer stated the next scheduled meeting is May 4 and June 1, 2022

Adjournment

Motion by Mrs. Anderson, seconded by Mr. Scholl, to **Adjourn**.

VOTE: Motion carried unanimously.

The meeting was adjourned at 3:17 pm.

Ms. Louise Maurer, Chairperson