

PERRYSBURG TOWNSHIP ZONING COMMISSION
26609 Lime City Road
Perrysburg, OH 43551

ZONING COMMISSION MEETING
January 11, 2010

The Perrysburg Township Zoning Commission held a meeting on January 11, 2010. Robert S. Black, Chairman, said they will now open up their regular zoning commission meeting for January 11, 2010, and asked for a roll call. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, John Benavides, and Ronald M. Hanna.

MEMBERS ABSENT: Jeffrey Normand.

APPROVAL OF AGENDA: Mr. Black asked if there was a motion to approve the agenda. Ms. Warnimont moved with a second by Mr. Hanna to approve the agenda. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Hanna, Mr. Schaller, Mr. Benavides, and Mr. Black. Motion carried 5-0-1.

Mr. Black asked if there was a motion to approve the meeting minutes from the December 14th, 2009 meeting. Mr. Benavides moved with a second by Ms. Warnimont to approve the meeting minutes. Mr. Black asked if there were any other comments on their minutes, and there were none. A roll call vote was taken. Yes votes by Mr. Benavides, Ms. Warnimont, Mr. Schaller, and Mr. Black. Mr. Benavides abstained. Motion carried 4-0-1.

Mr. Black said seeing that there is nobody in the audience who is here for anything else other than what they have on the agenda, there are no comments.

DAVE KUHN OF FELLER & FINCH WILL LEAD THE DISCUSSION OF POSSIBLE CHANGES TO THE ZONING RESOLUTION. Members of the BZA may be present to help with the discussion.

Mr. Black asked Mr. Kuhn to come up and talk about their regulations. Mr. Garn said he did have one thing, and then he said that's for later on. Mr. Black said yeah, they will do that at the end.

Dave Kuhn addressed the commission regarding the changes to the zoning resolution. He first said to Mr. Black that he wanted to congratulate him on being chairman, and Mr. Black said thank you, and he appreciated that. Mr. Kuhn said hopefully he will have an exciting year.

Mr. Kuhn said he gave them two more updates to the zoning resolution. The first one is the Site Plan Review which is Article XIII, and other one is Supplemental Land Use Regulations which is Article VII.

They will start with the small one first. They will start with the site plan review and go over what they have updated. He has gotten two cents from Mr. Garn on a lot of this stuff. The first thing is on page 1 under section B. What they did is they wanted to make sure they all understand what the 3 weeks before applications for the site plan is calendar weeks, or 21 calendar days. He guesses there has been a little problem in the past on that. Some people think it's working days, and some people think it's calendar. So he just kind of straightened that out.

The next one is under a. in section B. Before it said the required application fee, and he put down application and review fees. And he has repeated that in a couple of areas, too, so the people know when they are applying for this, they have more money than just the application fee involved. And he thinks Mr. Garn's application kind of tells that, too, so this way here they are covered in a lot of different areas so they can't come back and say they did not know.

Mr. Black said to Mr. Kuhn is the review fee, is that a function of how much time he puts in on it, or is it a variable that he really doesn't know, and Mr. Kuhn said yeah. Right. And he said usually Mr. Garn and he, they sort of know on the small site plans what the maximum amount is going to be, the medium, what the maximum amount is, and the big ones, what the maximum amount will be, so they sort of know. Mr. Black said so they have some indication of what it's going to be. Mr. Kuhn said so, you know, if they ask what it's going to be, they can say yeah, it should not be any more than this, should not be any more than that. Mr. Black said okay.

Mr. Garn said what happens is when they come in and they are really pressing to get it through, there is not enough time. And if it looks like there are going to be deficiencies, the fee doubles basically. They will say it's going to be in the 6 to \$800.00 range. But if they don't get all of their homework done ahead of time, the re-review doubles that cost, and they have had some where it keeps going up from there. So that's why they keep pressing that, the three plus weeks. Mr. Kuhn said yeah, one review is really inexpensive, but a lot of times they come in with a lot of things that they have seen that they don't have done, and that requires him to do another review. Sometimes a third review. And all of that adds up. Mr. Garn said and he is reviewing the entire document again many times. Mr. Kuhn said right. There are a lot of times that that happens.

Mr. Kuhn said the next one is under section B again under 2 a 1. This has to do with the fire department. Before it used to say proposed site plan may be reviewed by representatives of the fire department. He said now shall be, because they do make them review it all. So now he is making them review it. And then he also added in

here the review comments shall be submitted to the township zoning inspector prior to the township zoning commission meeting, because he knows a lot of times he does not think they get the comments. Mr. Black said from the fire inspector, that is correct. Mr. Kuhn said right. So it puts it right in writing now. So the fire department, they will have to let them know that once they get it, they are going to have to do it. He is sort of also, if they read how he worded it, it's also a responsibility of the applicant to make sure these people get all the plans. Not only them. Mr. Garn can always double check if they got them, but they should be doing this, too. And then he has site plans may be forwarded to the township board of trustees, City of Perrysburg, Wood County Planning Commission, Wood County Engineer, Wood County Soil and Water Conservation District, Northwestern Water and Sewer District, or other similar organizations. It depends on what the site plan is. All of these or some of these might have to review it, too. And again, he put down the comments from these organizations shall be submitted to the township zoning inspector prior to the township zoning commission meeting.

It was asked by Mr. Benavides, is it the responsibility of the applicant to make sure that happens, or is it the responsibility of like Northwest Water and Sewer District, or the fire department. Whose responsibility is it to make sure that gets in. Mr. Kuhn said that does not really say. He said why doesn't he add another sentence that says it will be the responsibility of the applicant to make sure the comments get to them. Mr. Benavides said that would be helpful, and Mr. Garn said right.

Mr. Britten said that he wanted to interject here. They are kind of in the process of something. They may have to look back at this before it's done anyhow, because they may take one of the entities out of here, they are hoping. Mr. Kuhn said he bets he knows which one that is. Mr. Britten said they spoke with their attorney today, and they are subtly still working on it. Mr. Kuhn said that's fine. All they have to do is press one. Mr. Garn said these are not final hearings by any means. They are just sort of talking points right now. Mr. Kuhn said these are all drafts anyway until they are ready to assume it's final. You know, things can change on it. It was commented you could always change it afterwards.

Mr. Kuhn said okay. On number 3, they are talking about expenses, of paying the expenses to the township. He added another line right at the end, it says no zoning certificate will be issued until all applicant review fees have been paid. And he knows Mr. Garn is doing it now, but this here kind of puts it down so if they complain to them that they did not get a zoning certificate, well, you have not paid.

Mr. Black said he does have one question. He said to Mr. Britten even if that arrangement works out that he is talking about, it still would be relevant, though, west of I-75, would it not, that they would have to be forwarded. Mr. Britten said well, they just might need to change the wording. They may add the word courtesy in there; okay. Mr. Black said okay. Okay. He guesses his point is all the things they know are

going to go to the city west of 75 under zoning applications still would come to them, and Mr. Britten said right. Right. Correct. Mr. Black said okay. Mr. Britten said correct. Yeah. It was commented under courtesy review, and the response was correct. Mr. Black said because of water and sanitary, and Mr. Britten said exactly. It was commented it shouldn't be just water and sanitary, too; right. And the response was yes. It was comments that should be the only thing they should be reviewing. It was asked if he was correct. Mr. Britten said that's what they are hoping. That's their thought, correct. It was commented they just have to get there. Mr. Kuhn said he knows. It's a long process.

Okay. The next thing he updated would be a few pages back on page 5. And Mr. Garn may tell him he might be all wet on this, but under section 3 C, number 3 a, it previously said the proposed minor change is in conformity with all the administration regulations or policies for such planned unit development issued by the zoning commission. He thinks this here should be for all developments, not just planned units. So he crossed out planned unit and just kept it development, because it should be for all developments. He asked Mr. Garn if he was right on that, and Mr. Garn said uh-huh. Mr. Kuhn said because it's basically naming one kind of development, and it should be for all developments. Mr. Black said right.

Mr. Kuhn said the next one is on page 6, section D. In the site plan application there are written requirements, and it was originally set up at 10 copies of these requirements should be submitted to the zoning inspector when they submit the site plan. One thing he has been getting when he has been reviewing it is a lot of these written requirements have been shown on the site plans, so he has been just letting it go. And what he did is he made a note right at the end of all these requirements that as an option, these requirements can be included on the site plan drawing, because they have been doing it, and Mr. Garn and he have kind of been accepting it anyway. So he just wanted to change that.

The next one is graphic requirements under 2 c, he added drainage retention or detention areas to kind of tell there are two different kinds of ways of doing storm water retainage and things like that. And on d. it always said existing proposed elevations are shown with 2 foot intervals. A lot of them have been putting spot grades, and he and Mr. Garn, they really don't have a problem with that, so he put and/or spot elevations. So that will take care of that.

The next one on page 7, under section D I 3, well, 2 and 3, he made quite a bit of changes on this. This has to do with the storm water plans, and he is trying to update it with the new storm water manuals and all that. But what he did is also it only talked about commercial and industrial uses. It should also talk about residential uses, too. But here it is. The new wording will be for new construction expansion of residential, commercial, or industrial uses or changes of the uses in sites encompassing an area of one acre or greater, the applicant shall submit the storm water, he said it should say a

storm water, a storm water pollution prevention plan which has an abbreviation, SPW3, prepared by a professional engineer registered in the State of Ohio. Such plan should be designed to meet the best management principles and practices of storm water management, and retention, and detention. Okay. He has updated this because this is, he believes, all the whole area that TMACOG has adopted this manual, and he believes they have adopted this, too, because of their group in TMACOG. So per the standards of the Toledo Metropolitan Area Council of Government Management Standards Manual, latest edition, adopted by the Wood County Soil and Water Conservation District, and promulgated by the Wood County Engineer based on agricultural run-off rates as appropriate. And then the last sentence is detention and retention ponds shall be subject to the design requirements found in Article VII, Section T as to ponds, lakes, and borrow pits, which when they do the supplemental conditions, he will show that, too. He has changed some things in there.

Mr. Schaller said excuse me. So that person is out there developing a five acre lot with a pond and stuff. Well, whether he has a pond or not, just a house, would have to submit a storm water, an SPW3, and Mr. Kuhn said if he is one acre away, yes. Mr. Schaller said as he says, if he's on a five acre lot. Well, any acre lot. Mr. Kuhn said yeah, anything over one or more acres disturbing land, you have to do the NOI. EPA, NOI report. There was some discussion about that applies to what he is disturbing, not the size of the parcel, and Mr. Kuhn said right. Right. Right. It was commented but if he builds on three quarters of an acre, he does not have to do this, and Mr. Kuhn said right. Right. Mr. Benavides said it really did not say that. It just says if he's working on a one acre site that's a disturbed area. Mr. Britten said yeah, or change his uses on site. Mr. Kuhn said yeah, encompassing an area of one acre or greater. It was commented disturbing an area of one acre, and Mr. Kuhn said they can put down there disturbing an area encompassing that. Mr. Black said yeah, that might make it read better, and Mr. Kuhn said yeah. Okay. Mr. Kuhn said yeah, instead of saying encompassing an area, how about if he changes it to disturbing an area of one acre. There was some discussion. Mr. Kuhn said it does. And then he will reiterate it again, that Ohio EPA notice of intent, which is the NOI permit, they call it, is required for new construction or expansion of residential, commercial, or industrial sites disturbing an area of one acre or greater. A copy of the NOI should go to the township before construction commences. Now, this will kind of agree with number 2 because they both say disturbing. So that's what was being said before, but he thinks disturbing would make it agree with 3. Makes it plainer. He asked if somebody was going to say something.

Mr. Garn said what if somebody disturbed three-fourths of an acre, and then shortly thereafter after that's all done, then decides to put in a pond and disturb another three-fourths of an acre separately from that first disturbance. Do they ever keep track of combining, or how does that work. There are some crafty people. Mr. Kuhn said he does not, and there will be some crafty people. You know, if they would do something and disturb three-quarters or nine-tenths of an acre, and the project is all done, all the

grass is grown, everything is all done, then he starts doing it again, EPA looks at it as two separate projects. Mr. Garn asked if he was surprised. Mr. Kuhn said but if the first one is not completely done, and they start the next one, then they look at it as one project. Mr. Garn said right. Yeah.

Ms. Warnimont asked Mr. Kuhn if they have to have that other language that he has got in that first one under number 2 where changes of use on site, and number 3 also. He's got new construction or expansion of residential, commercial, and industrial uses, or changes of uses on site. So that word, or changes of uses on site, need to be in 3 or not. Mr. Kuhn said not really, because he talked about disturbing, and it's disturbing the soil, and that's the key thing if you are disturbing an area of one or greater. Ms. Warnimont said okay. Mr. Kuhn said that triggers it. You know, the reason why they are disturbing it, they don't care. But if they are disturbing it, that would trigger it. So this here kind of puts it in line with what all the area around here is doing, and what EPA is making everybody monitor now.

The next page. Mr. Black asked if he could ask a quick question. If you were digging a trench that essentially was more than an acre because it extended for, you know, a mile or whatever. He asked if he sees where he is coming from. Mr. Britten said well, technically, you need a permit. Mr. Black said okay. Mr. Britten said but unless somebody calls. He then deferred to Mr. Kuhn. He said to let him ask, what if a farmer tiles his 40 acre field, puts them in every 35 feet. Technically he has to get a permit. Mr. Black said so there are no agricultural exemptions, and the response was no. It was commented that they never thought of that. But, you know, technically, yeah. I mean you can measure the length and, you know, maybe a foot or foot and a half wide of disturbed. Interesting.

Mr. Kuhn went on, on page 8 under section D, item q, it just had commercial and industrial uses required the site plan approval. He put residential, too. So anything that, you know, is in need of a site plan in a residential should also be required to do this, and that's mentioned in other parts of the code.

Under S they talk about the lighting of the site. Never in here is anything said about a photometric plan, and Mr. Garn and he has been making them do it anyway, so he put it in here. So they now need to do it.

And then the last one, x, he always questioned Mr. Garn about this. Is a complete set of building drawings and plans as approved by the state building department may be required, and he put down by the township zoning commission. He asked if they have ever had anybody submit any, and Mr. Garn said no. Mr. Black said not to his knowledge. Mr. Kuhn asked them if they want that still in there. Mr. Black said well, it's permissive, so they know. Mr. Kuhn said okay. Mr. Black said he thinks it's a good idea, because you never know when you need it. And it's permissive. You never have to ask for it, but you might want it that one time. Mr. Kuhn said okay. Okay. He just

figured as long as he has been reviewing here, and he talked to Mr. Garn about it, he asked if he had ever seen that, and Mr. Garn said no. Mr. Kuhn said he just was wondering if that was something they needed or not. Mr. Garn said yeah, that would be very expensive. Mr. Kuhn said oh, yeah. It pulls out architectural plans.

And the last thing for this section is on page 9, 1 and 2, they talk about access management control. The official word of it, or official way it's called out now is that ODOT Highway Access Management Manual, and he changed that in both of them. So if you look at the web site, that's exactly what it says. So that matches up the language.

So that's site plans. He asked if they had any questions or anything they want to add in here, or they can look it over and let Mr. Garn know, you know, if there is anything else. Mr. Black asked if anyone had any comments.

Mr. Garn said they do have access management that the county wanted to implement. Mr. Black said right. Mr. Garn said or the trustees wanted to for the entire township. Mr. Black said right. Mr. Kuhn said but the manual they use here is that ODOT highway access management manual. That's what everybody abides by, because that's sort of like the gospel for highway access, so everybody follows that. Mr. Garn said but theirs. Mr. Kuhn said even the county follows that. Mr. Garn said okay. Mr. Kuhn said now, the county might make things more stricter sometimes if they decide. Mr. Garn said okay. Because with the overlay district is the only area that they have that really has access management requirements. Mr. Kuhn said right. Right. Mr. Garn said and not anywhere else in the township. Mr. Kuhn said and that kind of is somewhat a little bit more restrictive than that. So this is the minimum they would have to do, and then if it's in that overlay district, they are going to have to follow with what the overlay district says. Well, you know, over there. Well, right down here. Mr. Garn said yeah, if they went out 795, they would not have to. In the unzoned area they don't have to do any access management, or would they with the ODOT. Mr. Kuhn said well, they would if one of those three requirements triggers it. They would have to follow ODOT. Mr. Garn said okay. Okay. Mr. Kuhn said and then anyways if you are up against a state highway, ODOT is going to look at it and review it anyway, so they are stuck doing it anyway. Mr. Garn said right. Right. Mr. Kuhn said now, if it's on a county road, or if it's on a township road, then this here kind of gives them a guide what to do. Mr. Garn said right. But that access management code, that other one, would require them to do it on a county road or a township road. Mr. Kuhn said oh, if one of those. If the county wants it done, like your one or two thing will trigger. Or if there are so many cars, you know, with the hundred vehicles per hour, it will generate, then that would trigger, and they would have to follow that highway access management. Mr. Garn said oh. Mr. Kuhn said and they are not telling them they have to follow the old one. Because ODOT is always updating it all the time. Mr. Garn said because they are going to have the large school facility, and Mr. Kuhn said and they are probably going to generate over a hundred cars per hour at a peak time. Mr. Garn said it was on Lime

City Road, he thinks, the Rossford school district. Mr. Kuhn said Lime City is county; right. Mr. Garn said right. Mr. Kuhn said oh, this says a hundred new directional, additional directional trips during the peak hours. Like on the morning rush, the afternoon rush, if they generate more than a hundred more trips, then that triggers that study. Mr. Garn said right. Mr. Kuhn said and then they have to follow the highway access management.

Mr. Kuhn said okay. Now the big one. The simple little planned use regulations. Page 2, under section B, and small b number 3, Mr. Garn and he have talked about this before, and he put it in here. No such restructure shall be permitted in a private or public easement or right-of-way, because he guesses that has caused a problem in the past, and now it's written down here. And in case somebody does do something like that, Mr. Garn, you can tell them to move it now. Mr. Garn said then they will have to talk about like fences in those areas or not, things like that. Mr. Kuhn said right. Mr. Garn said versus sheds and other things. Mr. Kuhn said yeah, sheds are the big problem. Mr. Garn said right. Mr. Kuhn said the drawings right now he did not change because they are not really changing setbacks. This agricultural land use is not exempt. They had a discussion before about the Ohio Revised Code, and he read the Ohio Revised Code, and they are mainly talking about the building department, how some of them are exempt for, you know, some regulations and stuff like that. And he did not see anywhere where their code kind of conflicted with what they state on there, so he just decided that he might just leave it like it is.

The next one he is going to get into is under section E on page 8. It has to do with the cluster residential development. This has to talk about what they talked about in comprehensive plans and unit development, giving them a density bonus. He sees they already have here a density bonus, but no where in here do they talk about the public or private natural preserve, cultivated farm land, or anything like that. He does not think they want to have a farm around one of these cluster ones that has animals in it, but maybe if they would do wheat, or corn, or whatever like that, that might be permissible to keep these cluster homes, and still keep cultivated farm land. So that's why he did cultivated farm land on that one.

And then on page 9, under section E under 9 d he added cultivated farming. Before it just said farming. So that could be open to pig farm, cattle farm, whatever. And he does not think that people would want that next to a subdivision. And that should be about all on cluster that he changed.

Okay. The next thing he changed is section F on page 13. Again, this has to do a little bit with ponds and things like that, but he added residential on here. They talked about that. And then he reiterated it again about the disturbed area, one acre or greater, and an NOI permit must be obtained, and a copy of the permit submitted to the Perrysburg Township. So he changed that because he knows they had that conversation before. Mr. Garn said when he says residential, they have quite a few residential areas that are

zoned agricultural. Mr. Kuhn said well, add in agricultural, too. Mr. Garn said he was just wondering about that for this grading, because they have had some that have a vast amount of dirt. Mr. Kuhn said yep. He can add agriculture. Mr. Garn said it's zoned agricultural. Mr. Kuhn said in your non zoned area you can't do much about right now, but the areas that are zoned agricultural. Mr. Garn said it's just a question about that. Mr. Kuhn said no, he can add that in.

Mr. Britten said that would probably fall into what he just asked, when a farmer tiles his fields. Mr. Garn said yeah, the question he had. Mr. Britten said they talk about it in this comprehensive plan what John has said about the soil they have around here, and it works for farming. Mr. Garn said yeah, it's an interesting thing, because he can remember he was next door to John Hrosko where they moved how many loads or whatever of soil down when they were digging on Simmons Road, and they took, he thinks, 150 loads and put it, and it's zoned where John is, agricultural. Mr. Kuhn said to Mr. Garn this is how it's worded, residential, commercial, and industrial uses. Mr. Garn said okay. Mr. Kuhn said so it does not say district, it says uses. Mr. Garn said okay. Mr. Kuhn said so if you have a residential house in an agricultural district, because it's a residential use, it's being a residential use, that should apply. Mr. Garn said yeah. It's an interesting area. But he can see others. Because he would get complaints where people would call up on the five acre parcels, and all of a sudden they are having the trucks come in, and just dump and dump and dump there. Mr. Kuhn said how that's worded, he thinks all they have to do is, you know, if that use is residential, then they have to comply. If that use is commercial, they have to comply. If that use is industrial, they have to comply. If it's agricultural, they don't have to comply. Now, it does not say district, it says uses. Mr. Garn said uses. Oh, yeah. Mr. Kuhn said somebody could argue about it. That's true. But it says uses, it does not say district. Mr. Garn said yeah. And there when the soil was dumped, it was like when are they going to spread it out. What are they going to do. There just were piles and piles all over the place. Mr. Kuhn said well, with this here, they would have to do the fencing and all that stuff, and they would have to, you know, not let it sit for a long period of time. They would have to seed it, just like what EPA makes you do. Mr. Garn said yeah.

Mr. Black said well, the trouble you have with that is when that does happen, and it rains, you get that mud all over the road. Mr. Kuhn said it goes in the road, goes into the township ditches, the county ditches, you know, things like that. It just makes a mess. Mr. Garn said they ran into that problem, too, on Westward Road a few years ago, and he forgets what the construction project was, but boy, because they had the people out there watering down the road, sweeping it off, and trying to take care of that, because that, when it got wet, it's like ice. It does not matter what time of the year, it's like driving on ice. Mr. Kuhn said just like it is outside right now. Mr. Garn said, and so there were problems with that.

Mr. Black said to Mr. Kuhn under section F, number 1, the second line from the bottom, greater, one acre or greater. It was commented it's probably just spelled wrong. Mr. Kuhn said no, it's greater. Yeah, it's greater. It was commented that he guessed he did not use a spell check. Ms. Warnimont said well, that was probably a word. It's a word. It was commented just not the right one.

Mr. Kuhn said okay. The next page. Fences and hedges on page 14, section J. We had a pretty long discussion on it last zoning meeting about fences going up to the back of the house, so he changed all these. The fences that are 6 feet high go to the back of the house and along the side lot lines. And number 2, this is his attempt. Fences may not exceed 4 feet in height in the required side yard adjacent to the main building projecting to the required front yard. Fences not exceeding 6 feet in height may be permitted in the required side yard to the back of the main building, and located he said within a residential district, not the R-4A. He does not know, the R-4A is the small lot, and he thinks they talked about all residential districts. Mr. Garn said no. Mr. Kuhn said don't you want to do that. Mr. Garn said that's a special. That's a real unique area. Mr. Black said that's the heights, the R-4A. Mr. Garn said that's the heights. So they have allowed over in the other part, too, that they could do it in their side yard. Mr. Kuhn said do you want to keep the R-4A like it is, and Mr. Garn said uh-huh. Mr. Kuhn said okay. Mr. Garn said that's been that way, because it's just unique. Mr. Kuhn said and you want to keep the rest of it like it is now, and Mr. Garn said uh-huh. Mr. Kuhn said okay. Because they talked about it, and he thought he got the impression that they wanted it all. Mr. Garn said right. Mr. Kuhn said okay. Mr. Garn said his problem was is that years ago they allowed privacy fencing on the side yards, and then they changed it and took it away in the side yards. The subdivision like Oakmont, the old fencing still has privacy in the side yards. Mr. Kuhn said okay.

And number 6 he added a little bit to the end here. If the fence has a good side, and the good side must face away from the property of the owner of the fence. It's kind of maybe a little redundant, but to him it just made it a little more plain. He added that on there.

On number J on page 15, he added on the chain link fence on that table. He kept it all the permitted, the conditional use the same as it would a wire mesh fence would be. On the wooden and vinyl fence or structural screen, and he thinks that was intended to be a privacy fence, and he just kind of put privacy fence in parentheses to kind of understand what it was. And he also added vinyl fence on there, too, because there are vinyl fences out there.

And then the last thing with the double asterisk on there, he is going to have to change that back to R-4A, residential. Mr. Garn said yeah. He is just saying that is something that has worked out out there. Mr. Kuhn said okay. Mr. Garn said but it does not have to. Mr. Kuhn said okay. That's fine. Whatever they want. So he will just put the R-4A back in there again.

Mr. Schaller said under district abbreviations, his R residential looks like a trademark R. Mr. Kuhn said that's the way that it's in the code now. Mr. Schaller said is it, and Mr. Kuhn said yeah. Mr. Schaller said but it's not—if he looks up here in his zoning districts, he has R's and C's, and it's not consistent with that. Mr. Garn said yeah, he has the R with the circle around it instead of the R in parentheses. Mr. Kuhn said oh, yeah. Yeah. He caught that before, too, and he meant to change that. He is right. Yeah. He knows. Right down there. Yeah.

Mr. Kuhn continued saying group homes, he read through it. Ms. Warnimont asked are they doing anything with the side corner lots. Is there something. Mr. Garn said they are going to have to work on that one. Ms. Warnimont said oh, okay. Mr. Kuhn said yeah, he thinks that's something he and Mr. Garn are going to have to sit down and kind of go over, and they get in agreement on how it should be done. And then they will present to them, and then see what they like. Ms. Warnimont said okay. Mr. Kuhn said they might give them a couple of options, and they can pick and choose. Mr. Garn said yeah, corner lots are difficult. Mr. Kuhn said corner lots are always a pain all the time. Mr. Garn said yes.

Mr. Kuhn said group homes, he does not think he changed anything on there. Manufactured home, he checked those codes, and those are up to date. So he did not see any reason why to change those. Motels and hotels, that was fine, so he did not change that.

Mr. Kuhn said he had a question. He did not change it, but he had a question for them. It says motor vehicle service stations. There are not too many of those anymore. It's more or less like a convenient gas station. And he asked if they wanted those types to apply to these requirements also. Mr. Black asked did he mean the convenience store stations. Mr. Kuhn said because they talk about canopies and things like that, or do they want him to create a new section with just convenient stores. Because these motor vehicle service stations, not only are they a gas station, but they fix the cars there, and you hardly see that anymore. Now it's either they fix cars at a repair shop, or there is the convenient gas station. Mr. Black asked him what does he see in other codes. Mr. Kuhn said really on the other codes, usually they don't even have supplemental condition for these other than they might have something for the canopy. They will just talk about the canopy, where they want to put the canopy. But other than that, there must have been a reason why they wanted to do this in the past, whatever it was. Mr. Black asked but do other codes show just a convenience store, and Mr. Kuhn said yeah. Sure. Yeah, they call it a convenient store with gas pumps. Mr. Black said he sees no reason why they can't keep this in here and just add to it. Mr. Kuhn said add a convenient store. Okay. Mr. Black said yeah. Mr. Kuhn said he will do that. And what applies to like the gas station part of it he will kind of copy off of this and put it in on that. Mr. Black said anything he might find in another code. Mr. Kuhn said yeah, there are a couple of things about canopies and stuff like that he might add on.

Okay. Motor vehicle salvage yards and junk yards, that looked all good on all the Ohio Revised Codes. They are still the same, so he was not going to change that. Motor vehicle washing facility, that looked good, so he did not change that.

Theirs is the first code he has ever seen this in here. Mr. Black said what page, and Mr. Kuhn said on page 23 under section F, performance requirements. Their code is one of the few codes he has seen anything on about performance requirements with the site. But he does not see any reason why to change it. Mr. Black said okay. Mr. Kuhn said but it was just interesting.

Okay. Here we go. Section T, ponds, lakes, borrow pits. He is looking to just kind of give them background. He is looking at like a retention pond is like a regular pond. That's how he changed it on here. A dry pond that normally does not have any water in it, he looks at it completely different, that they don't have to follow this. So retention pond has to follow this, but a detention pond won't have to follow this. That's how he looked at it. So if they don't like it, he can always change it. On 24, section T, number 2 he added retention pond. This is a private lake. Private pond, lake, retention pond, or borrow pit should follow these requirements. Ms. Warnimont asked does he need to put that in the heading then, section T, ponds, lakes. Mr. Kuhn said he could, but it's a pond. He was debating that. Ms. Warnimont said all right. Mr. Kuhn said well, it's a pond. Retention pond is a pond. So he could. Mr. Benavides said a pond is a pond. Mr. Kuhn said a pond is a pond. That's what he was thinking. It has water in it. A pond is a pond. Ms. Warnimont said okay. Mr. Kuhn said one is used to look pretty, and the other one is used for storm water. But it's a pond. So he can always put it on if they really want it. But under 2 is 25 feet from any side or rear property line, or the top of the drainage ditch bank or building foundation. He says see pond construction conditions which is a couple of sheets back. That demonstrates where the edge of the pond is. And Mr. Garn and he, they always have more trouble defining what that is. Well, this drawing will show it, and so they will follow the drawing on that. So that's why he put that in parentheses to kind of highlight.

The next page on 25, again, he added retention ponds, and you always talk about you want to have these bottom diffusers or aeration systems. He put down bottom diffuser or fountain spray aerations because he knows they have approved it in the past to put those fountain aerations in. So they could go either/or on that.

Under number e he added on here 3 to 1 slope line, but then he added with a flat 10 foot wide safety ledge with a maximum water depth of 2 feet. So you will go 3 to 1 until you get in 2 feet. Then it's 10 feet safety ledge, and then it goes back to 3 to 1. So in case somebody slips on the edge, they won't go completely into the pond. There is that safety ledge. So he added that in there, because he thinks they talked about that a little the last time.

On number g, this was always a confusing one for him, too. It says the natural grade of land shall remain undisturbed within 15 feet of the property line, and then it says fill dirt may be hauled away. He does not think they want to say fill dirt. He thinks they want to say excavated material, because that's what it is. It's not fill dirt, so he changed that to excavated material.

The next page on 26 is the drawing. They were having trouble revising this drawing, so he's got to create the drawing to show the safety ledge on here. So this is still the old drawing, but it's going to get revised to show the safety ledge on it. And under 3, under section T is pond used for detention or retention of storm water, he clearly specified this out, the regulations in subsection 2 above shall not apply to a dry detention pond as defined herein. However, a wet retention pond, the regulations in subsection 2 will apply. So he spelled that right out.

Mr. Schaller said to Mr. Kuhn that he guesses he is curious. That 10 foot wide, 2 foot deep, or safety band or whatever it is, is that good practice. Wouldn't that grow cat tails or something in that shallow area. Mr. Kuhn said it will if it's not maintained. There is some discussion going on in the background that is inaudible. Mr. Schaller said it's all in the idea, he guesses, of public safety, but what is the responsibility of the homeowner or whatever, you know. There is still some inaudible discussion going on in the background. Mr. Kuhn said that 2 foot is like an average water bed. Mr. Benavides asked how do you determine that average water bed. Mr. Kuhn said you really don't. Mr. Schaller said well, he figured that to a certain extent, but his point is that you would have something in there that he thinks is going to be difficult to evaluate. Mr. Kuhn said he means when you design a pond, you design the pond usually with an average water height, and everybody knows what the function of it is, especially around here. There are comments being made in the background that are inaudible. Mr. Kuhn said what he has read is if they don't want to do the safety ledge, then they should go at least to a 6 to 1 side slopes, and that would really widen out your pond for safety. He does not know how much it has been a problem with people drowning in ponds, but usually it's the property owner, they have to have insurance for it anyways. You can always leave it out. Mr. Black asked if the commission members have any feeling one way or the other. Mr. Kuhn said some places love it, and other places don't want it.

Mr. Garn said this is something for the BZA, because this is something that's submitted to them. Because of the different changes, fencing, and other things whether it's a requirement. Mr. Kuhn said to Mr. Britten, has there been any drowning in ponds in Perrysburg Township, and Mr. Britten said not that he knows of. Mr. Kuhn said it's a safety thing. That's what it is. That's all it is is a safety thing. Mr. Garn said yeah. There was some discussion in the background that is inaudible. Mr. Garn said the problem with ponds are because it's the same slick clay. If you get in there, and the slope is too deep, you can never get out because you will never get any footing. You will just keep slipping down until you drown. So that's the problem with a pond. Mr. Schaller said do you take the gravel—he does not want to design a pond here, but you

have the gravel or riff raff, whatever you want to call it, around the perimeter. I mean if that's an issue, then you go into the water deeper with that or something, so you do have some of that traction. Mr. Garn said yeah. Well, they will have to do more research. Mr. Kuhn said that's a thought. Mr. Garn said yeah. Mr. Kuhn said well, he can do more research on that is what he will do. He will do more research on that. Mr. Schaller said probably nothing wrong with that. Mr. Kuhn said okay.

Your satellite dish, antennas, pretty comprehensive. It looks like they have had trouble with them in the past. He understands the change down there.

And sexual oriented businesses, it looks like they just changed it 4 years ago, and nothing has really changed on them, so he was not going to touch that. It looks like a lawyer must have done this. It was commented probably yes. Someone in the background said it looks like Perrysburg is in the process of trying to ban them. They are trying, he guesses. It was in the paper the other day. Novelties are down to 20 percent. Mr. Garn said that's what theirs is, he thinks. It was commented theirs is 20 percent. Mr. Garn said uh-huh. You have to go at some other sections to get it to theirs. It's back in the definitions. Mr. Kuhn said yeah, it's not in here. It must be in the definitions. It was commented yeah, he did see that somewhere. Yeah. Mr. Kuhn said so what is a sexually oriented business.

Shooting ranges, this is the first time he ever saw a supplemental regulation for this, which he was surprised that if they do have a shooting range, that the owners and the employees have to undergo blood testing. He has never seen that before, so that was interesting. But he did not see any reason why to change it. This is not enforceable. He does not know. Ms. Warnimont said the police don't go down to the stone quarry and shoot there. Do they consider that a shooting range. It was asked who owns it. It was commented does the noise rate. Ms. Warnimont said don't worry. Somebody said what about the noise reaching adjacent properties. Mr. Garn said one of the other townships was having a problem with some type of shooting range. Mr. Kuhn said he was assuming there must have been a problem somewhere along the line that this came about. Mr. Garn said yeah, this is all before. Mr. Kuhn said okay. Mr. Schaller said this says to be located in buildings. If it's outside, that does not apply if it's out. Yeah. Mr. Kuhn said yeah. It says the owners of it. Yeah, he is assuming that's what it's for is inside buildings, but this is the first time he ever saw that, so it's interesting. Mr. Schaller said he is presuming it could not be in a building without ventilation, and that could be a problem, it sounds like. Mr. Garn said we had some informal review for someone years ago for assessment in their building. He wanted to put in a shooting range, and there were some discussions at least with him, and it fell apart. Mr. Benavides said doesn't it say it's a requirement if you have a shooting range, the requirement is it has to be located in a building. Isn't that what it says. It does not say outside. Shooting range, item 1, to be located in a building. Mr. Kuhn said be equipped to follow state and federal. Mr. Benavides said be designed to prevent noise from reaching adjacent property. Mr. Kuhn said right. Mr. Benavides said be subject to

limited hours. It says if you have a shooting range, it has those three requirements. Mr. Kuhn said that's what it says. Mr. Schaller said well, to be located in a building. Mr. Benavides said it does not say anything about doing it outside. Mr. Schaller said but to be located in a building, Owens has a shooting range, and isn't that considered a shooting range, and it's outside. Mr. Kuhn said yeah. Mr. Schaller said so they are in violation; right. Mr. Benavides said they don't allow shooting ranges outside. Mr. Kuhn said this was the first time he ever saw that. So, if they want him to change it. Mr. Benavides said write guidelines if they are outside. Mr. Kuhn said you could take out probably be located in the building, they just have to follow the state and federal guidelines. No matter where it's at, it has to prevent noise from reaching adjacent properties that violate the township noise performance standards. So even if it's outside, it has to do that. So you do have a shooting range outside, and part of that should be reworded so that it shouldn't say just in the building inside.

Section Y has to do with manufactured homes, and reading it over, he does not see any reason why that has to change.

State Route 20/23 overlay district, he did make a few changes here. And it has to do with access and photometric plans, and it's on page 33 under section Z under e, it says exterior lighting, he added a sentence on the end. It says a photometric plan shall be submitted to the township for review. And then under paragraph 3 b, access drives and roads, access drives should be publicly dedicated right-of-way, constructed at the owner's expense, built to Wood County and/or ODOT standards.

The next thing he changed would be on page 34, under swimming pools for private use, since they now have temporary pools, on that first sentence he added a private swimming pool shall be any pool, temporary pool, or open tank. So Mr. Garn, if somebody says well, you don't have temporary pool down here, you have got it now. He thinks Mr. Garn gets permits for those anyway. Now it's actually down.

Temporary buildings. He read that, and the only thing he had a question about, and he directed it to Mr. Garn, how does he regulate PODS. Mr. Garn said they don't. Mr. Kuhn said they don't regulate PODS. Mr. Garn said well, they don't have regulations yet. Mr. Kuhn said he needs to do something on that then, because those PODS, those temporary storage, or sometimes, you know, people during the wintertime, put those tents for their cars and stuff like that. He did not see anything in there for that, too. Mr. Garn said right, they don't have anything for that either. Mr. Kuhn said okay. So under temporary buildings, there is going to be some more added on that.

Underground fuel tanks and pumps, he did not see any change on that. Wireless telecommunication towers, that's the Ohio Revised Code. That's still up to date.

And the last page, last time he gave them the wind turbine one, and he does not know if they read it yet. He thinks on the wind turbine one, setbacks are based on fall area.

That's basically what it is. He thinks the thing, what he was not sure what they wanted to do, was the height of them. Because that was the Northwood one. They set the height at 30 feet. They could not go over 30 feet. But if you are out in more of the rural area, it could go higher. He thinks Wood County has it at 100 feet. Mr. Garn said he was sure. Mr. Kuhn said yeah, maximum height is 100 feet. So he did not know what they wanted. Because, you know, with the fall area as basically the setback, if you have it in a subdivision, you could not have a hundred foot one anyway, because if it falls down, it will be on your neighbor's property. So that would be constrained.

Mr. Benavides asked does it depend on the type of turbine, whether it's vertical or horizontal, screw tight or other. Mr. Kuhn said the fall area. So if it's one of those vertical ones, your are 50 feet high, it falls down, you're in your property, put it up. He thinks this wind turbine basically came from the horizontal, the monopole. That's where it came from. But those vertical ones, you can put them right out in your back yard right behind your house. And on his sample code he gave them there, the vertical ones can be put just about anywhere. Because like he said, it's the fall. And also what he does with the turbines, too, is the foundation of them has to be stamped by an engineer, structural engineer, because he really has a problem, even with the vertical ones, because if they don't build them, don't give them the correct foundation, they could fly apart and go flying on a house.

Mr. Schaller said is that a major problem for those things. There was some inaudible discussion. Mr. Kuhn said no, it won't fall over. There was some further inaudible discussion. Mr. Kuhn said normally they don't fall like this. If something happens to them, they will break down, like break and just kind of collapse on themselves. There was some further inaudible discussion.

Mr. Black said to Mr. Kuhn that he does not see any reason why they can't use his proposed language. Mr. Kuhn said he did not know what they wanted to do with the height, if they wanted to follow Wood County's standard on the height, or if they wanted to use what he has on there, which is 30 feet. Mr. Black said well, they have the fall zone, use the Wood County. Mr. Kuhn said okay.

Mr. Garn said yeah, because that 30, 35 feet has killed a lot of people from even thinking of putting them up. Mr. Kuhn said right, especially in the rural areas, because you have to get them usually high enough because there are trees. There was further inaudible discussion. Mr. Kuhn said he thinks those vertical ones, they can go anywhere. Mr. Garn said they can go anywhere. Mr. Kuhn said you can't put them right next to a tree, but you can put them out in the open space, and they will stick.

Ms. Warnimont said so there is no chance of those verticals being attached to a house in some way. They would not work. It was commented put it on your roof. Ms. Warnimont said yeah. Look at satellite dishes. They used to be huge, and now they are hooked on to a house. Is there any chance for a small vertical, or some type of vertical

one to be attached to a house in any way. She knows it has to be up high, but say to their antenna. A member said it's like your old antennas used to be attached to the house, and went up against the house. Mr. Kuhn said right. They could be braced to the house, but you couldn't actually install one on top of your house, because you would have to fortify the roof or else it would just tear out of the roof. Mr. Black said why don't you go with your language for Wood County for now. Mr. Kuhn said yeah. Okay. And go with a hundred foot max height. Mr. Black asked if that covered his section, and Mr. Kuhn said yeah.

A member said what about solar panels. Can he put them all over his back yard, property line to property line. The response was no. Mr. Kuhn said that's one thing he wanted to also ask them about is there is some stuff from out in the California way where there is some requirements about solar stuff like that, and he can get some of that together, and maybe put that a supplemental. You know, if you put it on your roof, he does not think it's that big of a deal. But if you put the panels out in your back yard, you don't want to see somebody's whole back yard all solar paneled. And the neighbors don't want to see it.

Mr. Garn said that was the big case in California was they put the solar panel out, and it was whether their neighbors had to cut down their trees for shade. Mr. Kuhn said and that's another problem. Mr. Garn said and they were good trees. Mr. Kuhn said they need to write for solar panels that somebody can put it up maybe in a confined area, but you are not going to be bothering people's trees either. You can't be telling your neighbor to cut down their trees. Mr. Black asked him why don't you give them some suggestions. Mr. Kuhn said yeah, he will get some samples. Mr. Garn just so they know, the only group that can force you to cut down your trees are billboard manufacturers. Mr. Kuhn said no, and Toledo Edison. Mr. Black said they only have to notify you. They don't need your permission. They are required to notify you. Mr. Kuhn said yeah, next week we are going to be cutting down your tree.

Mr. Black asked if that takes care of everything, and Mr. Kuhn said that takes care of him for today. Mr. Black said okay. He asked if there were any other questions anyone has. Mr. Black said to Mr. Garn that he had one item under other item.

Mr. Garn said the other item, and he has not heard back, but they are planning at some point of having a joint meeting with Lake and Middleton Townships and so on on storm water, and Kirby Date would be giving a presentation, and is also going to be giving a presentation at TMACOG on Thursday, February 18th. And he talked to Jason Sysco today, and he said his Wednesdays and Thursdays were pretty free, and so he was going to get in touch with her, waiting for her to come back and say if that was going to be a good time for her to come meet with them. Planning on meeting here at the new fire station, and then writing letters, Jason and he to the trustees, and all three townships, and all the zoning commissions and BZA's and see if they would like to come. And probably do the same thing, if they have it towards dinner time, offer pizza

or something like that. Mr. Black said okay. That's fine. He is not sure he will be here. He may be out of town on those dates, but that would be a good idea. A member said does he mean in the evening, 5:00. Mr. Garn said probably, or six or something. Just sort of thinking about it right now, and see how that works out. And he did not know how it would even work out with her. Mr. Black said okay. Mr. Garn said and the other thing Jason wanted from her was some hard zoning that had been done in some other communities in relation to some of these storm water management ideas they have. Mr. Black told him to go ahead and make those arrangements. Mr. Garn said okay. He will see what he can do.

Mr. Black asked if there were any other comments that any commission members would like to share. There was some other inaudible discussion. Mr. Garn said oh, for this next year they are going to be paid a little more. So it will be \$50.00 a meeting for the regular members, and \$60.00 for the chairman. He had to wait till later. There was some overlapping discussion. It was commented it's not much, but they really do appreciate all the time they put in. Mr. Black said thank you. Other members said thank you, and that they appreciate that. Mr. Black asked if Mr. Schaller had a comment, and he said no.

Mr. Black asked if there was a motion to adjourn. Mr. Benavides moved with a second by Mr. Hanna to adjourn. All members were in favor, and none were opposed. The motion carried. They then went into their comprehensive plan meeting. The meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Grant W. Garn,
Recording Secretary