

**Minutes
Portage County Regional Planning Commission
April 12, 2023**

Portage County Regional Planning Commission dated April 12, 2023 at 4:30 p.m. The meeting was held at the Reed Memorial Library, Jenkins Room, 167 East Main Street, Ravenna.

Members Present:

Atwater Twp., Thora Green	Franklin Twp., Joe Cicozzi	Freedom, Charlene Walker
Garrettsville Vill., Rick Patrick	Hiram Twp., Steve Pancost	Nelson Twp., Mike Kortan
Palmyra Twp., Sandy Nutter	Ravenna City, Frank Seman	Ravenna Twp., Jim DiPaola
Rootstown Twp., Joe Paulus	Suffield Twp., Adam Bey	Windham Twp., Rich Gano
Shalersville Twp., Ron Kotkowski	Sugar Bush Knolls Vill., Jim Beal	Water Resources, Tia Rutledge
Soil & Water, Anthony Lerch	PARTA, Amy Proseus	
P.C. Commissioner Bennett Alternate, Matt Adelman		

Staff Present:

T. Peetz	E. Beeman	L. Reeves	G. Gifford
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Public Present:

J. Gadd	T. Weise	K. Slocum	G. Slocum
P. Long	M. Graham		

Members Absent:

Brimfield Twp., Mike Hlad	Hiram Vill., Keith Holmes	Mantua Twp., Susan Lilley
Mantua Vill., Tammy Meyer	Paris Twp., David Kemble	Randolph Twp., Sue White
Windham Vill., Nick Bellas	County Engineer, Larry Jenkins	P.C. Commissioner, Mike Tinlin
Portage Park District, Allan Orashan		
P.C. Commissioner, Anthony Badalamenti		

The Regional Planning Commission meeting was called to order by Chairman, Jim DiPaola at 4:30 p.m.

APPROVAL OF MARCH 8, 2023, MEETING MINUTES

The March 8, 2023 minutes were presented. R. Patrick made a motion to approve the minutes as presented. Motion seconded by J. Cicozzi. Motion carried with 17 Yeas.

CONFIRMATION OF THE EXECUTIVE COMMITTEE MEMBERS - Jim DiPaola

R. Kotkowski made a motion to confirm Executive Committee Members; Jim DiPaola, Chairman; Sabrina Christian-Bennett, Vice Chairman, Jim Beal, Sandy Nutter; Allan Orashan and Frank Seman. Motion seconded by J. Paulus. Motion carried with 17 Yeas.

SUBDIVISIONS

Preliminary Plan of "Hickory Creek" on Meloy Road, Lot 11 in Brimfield Township, Hickory Creek, LLC., applicant – Report presented by Todd Peetz

The applicant is requesting approval of a proposed Planned Residential Development (PRD) with 106 single-family homes.

The original preliminary plan submitted under Sugar Maple Hills was reviewed at the November 2004 meeting and again in December 2005. The previous preliminary plan expired. The project has evolved and more property and lots were added. In March 2019, the property was reviewed and a new preliminary plan with the subdivision name Sugar Maple Farms which was changed to Hickory Creek when Phase 1 was platted in May 2022. The preliminary plan covering Phase 2 expired in March 2022.

As shown, there are some potential wetlands that could be impacted however, based on the information provided, there are no impacts proposed.

Flood zone "A" is present on the project site; however, no impacts are proposed. The Township will require the floodplains to remain as permanent open space.

Developments such as this should follow recommendations in the Brimfield Township Land Use Plan. This preliminary plan site is shown as residential on the Future Land Use Map.

Staff recommends conditional approval of the Preliminary Plan. The following conditions must be met:

1. Sewer and water improvements meet the requirements of Water Resources.
2. Fees paid to Brimfield Township. Brimfield Township will not issue housing permits until this is done.
3. Add Township variance information to the Preliminary Plan for the side yard and building separation.
4. Remove language concerning the P.C. Subdivision Regulations variance which is no longer applicable.
5. Correct permitted density calculations for updated open space requirements and Critical Natural Areas.
6. Address comments from the County Engineer.
7. Any other issues identified in the report.

A motion was made by R. Patrick to follow staff recommendation. Motion seconded by J. Cicozzi. Motion carried with 17 Yeas.

Replat of Sublots 4 and 10 in the "Creeks Crossing Allotment" on Meander Way and Creeks Crossing Trail, Thomas Weise, applicant – Report presented by Gail Gifford

The applicant is requesting approval to move a lot line. Both lots have existing homes, which have septic systems.

According to the National Wetland Inventory there are potential extensive wetlands areas on site associated with a small ditch which flows into Potter's Creek.

The FEMA Flood Insurance Rate Map shows Flood Zone "A" on the southeast corner of Lot 4-R and the back half of Lot 10-R. Although there appears to be extensive wetlands and flood hazard areas on the site, there are existing buildings on the properties. Any additional construction on the property should avoid the wetland and flood hazard areas.

The Replat has been reviewed by the Suffield Township Zoning Inspector. Although the lots do not meet the minimum frontage and lot width at the building line required by the R-1 zoning district, they are consistent with the original plat.

Staff recommends approval of the Replat. A motion was made by J. Paulus to follow staff recommendation. Motion seconded by R. Gano. Motion carried with 17 Yeas.

Replat of Sublot 32 in the "Strong Allotment" on Albert Drive, Lot 2 in Deerfield Township, Stephanie Barringer, applicant

The applicant is requesting approval to combine lots to build an attached garage. The Replat is south of Berlin Lake west of Hartzell Road off Albert Drive.

The replat is in Deerfield Township which has no zoning. There is an existing home and garage on the site and has a septic system.

According to the National Wetlands Inventory there appear to be no wetlands on or adjacent to the site.

The FEMA Flood Insurance Rate Map shows minimal chance of flooding on the site.

Although this Replat is close to Berlin Lake, the replat is outside the easement areas associated with the lake.

The replat complies with the P.C. Subdivision Regulations. Staff recommends approval of the Replat as submitted.

A motion was made by J. Paulus to follow staff recommendation. Motion seconded by J. Cicozzi. Motion carried with 17 Yeas.

Replat of Sublot 7 in the "Hilltop Allotment Subdivision No. 3" on Marks Avenue, Lot 28 in Rootstown Township, AMS Title on behalf of Gary & Karen Slocum -- Report presented by Gail Gifford

The applicant is requesting approval to combine three sublots into one lot.

There is an existing home on the site. Public water is available to the site; however, there is no sewer available due to bedrock in the area. The existing house on the site has a septic system and since the lot is getting bigger, it has not undergone review by the Health Department.

There are no wetlands or floodplains on the site.

Although the R-1 Zoning District has a 50-foot front setback, the original setback on the Plat is 25 feet.

The Replat complies with the P.C. Subdivision Regulations. Staff recommend approval of the Replat as submitted.

A motion was made by J. Paulus to follow staff recommendation. Motion seconded by R. Gano. Motion carried with 17 Yeas.

Replat of Sublots 4, 5, 6 and Block 6A in the “Glass Allotment Subdivision No. 1” on Tallmadge Road, Lot 35 in Brimfield Township, Jarrett Fleet Services, applicant

A motion was made by J. Paulus to approve an extension of time until May 10, 2023. Motion seconded by R. Patrick. Motion carried with 17 Yeas.

Replat of Sublots 405, 406 and 407 in the “Twin Lakes Park Allotment” on Myrna Avenue, Lot 68 in Franklin Township, John Akamatsu, applicant

A motion was made by J. Paulus to approve an extension of time until May 10, 2023. Motion seconded by J. Cicozzi. Motion carried with 17 Yeas.

Replat of Part of Block “A” in the “Hickory Grove Allotment” on State Route 14, Lot 14 in Deerfield Township, Joseph Sanor, applicant

A motion was made by J. Paulus to approve an extension of time until May 10, 2023. Motion seconded by R. Kotkowski. Motion carried with 17 Yeas.

Replat of Lots 26 and 27 in the “Reserves of Breakneck Creek” on Creekview Drive, Lot 2 in Ravenna Township, Anthony and Kelly Hudson, applicant

A motion was made by J. Paulus to approve an extension of time until May 10, 2023. Motion seconded by R. Kotkowski. Motion carried with 17 Yeas.

ZONING

Franklin Township Text Amendment – Report presented by Todd Peetz

Franklin Township is proposing the following: “Applications should be certified at least 15-days prior to any regularly scheduled monthly meeting of the Zoning Commission. Any application that does not meet this 15-day window shall be granted an “extension of time” and the Zoning Commission shall meet for the public hearing at it’s following regularly scheduled monthly meeting.”

The proposed language was reviewed by the Portage County Prosecutor’s Office, and they do not believe its reasonable because it unilaterally extends the process beyond the statutory limitations. The Prosecutor’s Office noted that any change in the timeline would have to come from the State Legislature.

Staff recommends disapproval of the proposed amendment. A motion was made by J. Paulus to follow staff recommendation. Motion seconded by J. Cicozzi. Motion carried with 17 Yeas.

Brimfield Township Rezoning From G-C to I-C Along State Route 43 – Report presented by Todd Peetz

Brimfield Township is proposing to rezone 81 parcels along State Route 43 from G-C (General Commercial) to I-C (Integrated Commercial).

The proposed amendment would allow for development of both residential and commercial/office uses along State Route 43 in the north part of the Township. The existing properties were primarily vacant with some residential and non-residential development.

There are a few areas with potential moderate to high quality wetlands located in the proposed rezoning area. Most of these locations are along the western edge of the rezoning and are associated with the Kent Bog. There are several large swaths of hydric soil which cut through the rezoning area. However, there are no floodplains present on the site.

The proposed zoning change could further impact the surrounding character of the area has already begun to transition to commercial development with commercial uses present on both the north and south end of the area.

If approved, other issues that should be considered at the time of site plan review:

1. A traffic study, depending on the proposed density, should be performed to ensure public safety.
2. Appropriate coordination with water and sewer providers.
3. Hydric soils may impact foundation suitability of structures.
4. Work with the Township for emergency service provision.

In addition, based on comments received about stormwater and environmental protection the Township should also consider:

1. Reducing the amount of impervious surface to no more than 75%.
2. Create performance zoning standards to address both environmental and compatibility issues.
3. Establish a 75' riparian setback from all waterbodies (streams, rivers and lakes) including delineated wetlands.

Staff recommends approval of the proposed amendment from G-C (General Commercial) to I-C (Integrated Commercial). In addition, we would recommend at the time of site planning the comments in the report be considered as part of the site plan review.

A motion was made by J. Paulus to follow staff recommendation. Motion seconded by R. Gano. Motion carried with 18 Yeas.

Rootstown Township Text Amendment – Report presented by Todd Peetz

Rootstown Township is proposing to add regulations to regulate the number of hours that a temporary vendor operates. Rootstown Township is proposing the following change to Section 230.08.A:

“A person who opens a temporary place of business for the sale of goods or services shall be permitted FOR A PERIOD not to exceed 4 consecutive days OR 96 HOURS PER CALENDAR YEAR.”

Rootstown Township has been having issues with vendors with temporary vendor permits staying much longer than was intended and has been difficult to enforce.

By changing the consecutive days versus calendar days may add to the number of times a vendor can ask. If the intent was to allow more opportunities per calendar year then Rootstown Township can leave the language as proposed.

Staff recommends approval of the proposed amendment. A motion was made by J. Paulus to follow staff recommendation. Motion seconded by R. Gano. Motion carried with 18 Yeas.

Nelson Township Text Amendment – Report presented by Todd Peetz

Amendment No. 1

Nelson Township is proposing to add the following to Article IV, Section 400.D (Non-Conformities):

- D. “Additions or rebuilds to non-conforming properties, as listed in item C, where the current/previous structure did/does not meet the current minimum front yard depth for the property’s zoning district will be exempt from the requirement to obtain a zoning variance. This exemption only applies so long as the side and rear yard requirements for the properties zoning district are met. However, a zoning variance will be required if the addition/re-build will extend past the front line of the existing structure or foundation.”

Staff recommended the following changes:

- D. “Additions or rebuilds to non-conforming properties, as listed in item C, where the current/previous structure did/does not meet the current minimum front yard depth for the property’s zoning district will be exempt from the requirement to obtain a zoning variance AS LONG AS THE RE-BUILD IS ON THE EXISTING FOUNDATION. ~~This exemption only applies so long as the side and rear yard requirements for the properties zoning district are met.~~ However, a zoning variance will be required if the addition/re-build will extend past the front line of the existing structure or foundation AND DOES NOT MEET SETBACK REQUIREMENTS.”

The proposed change is to provide additional guidance to subsection 400.C that allows up to a 50% increase if it does not further violate zoning setback requirements. Non-conforming structures may have also been violating side and rear zoning setbacks. It may be easier for the Township to focus on allowing the re-build on the pre-existing foundation while any expansions or additions need to meet zoning setbacks or not further encroach, which would require a variance.

Staff recommends approval of the proposed amendment with the suggested changes. A motion was made by R. Kortan to follow staff recommendation. Motion seconded by J. Cicozzi. Motion carried with 18 Yeas.

Amendment No. 2

Nelson Township is proposing to add the following to Section 502.4 (Prohibited Uses):

I. Animal husbandry on properties of one (1) acre or less.

Local zoning can regulate agricultural uses under one acre. Less than an acre of land may not be beneficial for larger animal husbandry; however, animal husbandry also constitutes small animals such as chickens and breeding of dogs. This may sometimes be done on land less than one acre. It is up to the Township to determine what is best for their residents, however, staff noted that there may be people not in favor of this change.

Staff recommends approval and suggested the Township add a definition of animal husbandry to the zoning resolution or a reference to the definition in the Ohio Revised Code 519.01.

Mike Graham from Nelson Township noted that the Township would like to withdraw the proposed amendment.

Amendment No. 3

Nelson Township is proposing to amend Article X, Section 1001.1 – 1001.5 (Small Solar and Wind Energy Systems) to include changes to the Purpose, add a section on solar panels and to add height restrictions for wind towers and location restrictions. Nelson Township felt the current Article as written did little to quantify the size of the solar and wind system a person could have.

The intention of updating the article is two-fold. First it addresses the quantity question by limiting the use of solar and wind on-site consumption. Second it would prohibit solar and wind projects/farms whose purpose is to generate energy for addition to the electric grid. Residential application of solar and wind would be listed as permitted in all zoning districts. Wind and solar in support of a property owner's business would be listed as a conditionally permitted use. Making the commercial application conditionally permitted would allow the Board of Zoning Appeals oversight to ensure the size of the project is intended for on-site consumption only and provide for public input since these types of projects are larger in scale than that of a residential application and have a greater impact on the surrounding area.

Staff believes the intent behind the ordinance is to better identify and to only allow small energy systems, ensure the renewable energy is primarily for the residence occupying the location of the energy system and to conditionally allow businesses to have onsite renewable energy sources to power their day-to-day operations.

Staff has several items of concerns the Township may wish to consider:

1. The average requires 5 – 15 kilowatts to power their home. The high end of this range is only required during spikes in consumption. Residential installations of solar and wind range from 1kW to 10 kW depending on energy needs. During low times of consumption, energy is either stored in battery backups or sold to the electrical distribution system. The purpose statement should better clarify that residential installations are allowed but sites designed to commercially sell energy are not.
2. What is being defined as small? It might be better to define small based on energy output as land and/or facing roof requirements are entirely unique to the location's topography. Is the intention to ban community solar providing energy to several homes at once? Sometimes these are located

on the ground, but sometimes these are located on several roofs or one large roof. These are large producing systems; however, each household owns a share, or a percentage of the energy produced. House Bill 450 is currently in committee and if it passes will provide some regulations on community solar.

3. Large scale solar can only be prohibited within the Township by the County Commissioners as requested by the Township or via referendum (Senate Bill 52; ORC 303.57 to 303.62).
4. How will the zoning inspector know that the solar panels are not functioning and be able to enforce removal after 60 days, especially if the panels cannot be seen from the road or are located on the roof?

Staff is concerned that this stemming in part the stories from a Pennsylvania landowner whose property contained a large-scale solar installation being stuck with the removal and disposal of the solar panels because there was no bond or reclamation plan in place. As passed by Senate Bill 52, the applicant of the large-scale installation must submit a decommissioning plan to the Ohio Power Siting Board and put up a Performance Bond to cover it's financing. The bond would include the funding for removal and disposal of panels as well as reclamation of the land back to its original state.

Staff does not recommend approval due to issues the Township may have enforcing this ordinance. Considering some of the above list and clearly defining what is a small system will help make this enforceable.

After further discussion, a motion was made by R. Kotkowski to table this amendment until the July 2023 RPC Full Board Meeting. Motion seconded by M. Kortan.

EXECUTIVE COMMITTEE

FINANCE

March 2023 Financial Statements

J. DiPaola stated that the Executive Committee reviewed the March 2023 financial statements and recommends acceptance.

R. Patrick made a motion to approve the March 2023 financial statements as presented. Motion seconded by J. Paulus. Motion carried with 18 Yeas.

2023 Appropriation Increase for the Operation of the Portage County Regional Planning Commission (Resolution No. 23-04)

Todd presented Resolution No. 23-04. The Portage County Budget Commission has certified and made available for appropriations \$529,745.

The Portage County Regional Planning Commission finds it necessary to amend the appropriations by \$2,100 for the Portage County Regional Planning Commission expenses as follows:

\$ 420.00 (Repairs)

\$1,680.00 (Contract Services)

\$2,100.00

The additional \$420.00 in appropriations is needed in repairs due to a hot water heater that had to be replaced as well as filling the holes where some birds were making their way into one of the units.

The additional \$1,680 in appropriations is needed to cover the cost of room rental and food for the open house for the Portage County Comprehensive Plan that is scheduled for April 20, 2023 at the NEW Center at NEOMED at 6:00 p.m.

A motion was made by J. Paulus to approve the appropriation adjustment as presented. Motion seconded by R. Gano. Motion carried with 18 Yeas.

DIRECTOR'S REPORT

Presentation of the 2023 Annual Report - Todd presented the 2022 Annual Report. The annual report will also be posted on the Regional Planning Commission's website.

Planner Position – Todd said he has interviews set up for a couple of interns as well as someone for the planner position.

Discussion on Solar/Wind – Gail Gifford

Solar Energy: Large Scale – According to the Ohio Revised Code (Chapter 4906) a large-scale facility is one that produces 50 MW or more. They are typically ground mounted. They can be located on large footprint commercial and industrial buildings.

Solar Energy: Community Solar - Community Solar are typically 250 kw to 5 MV, depending on state regulations. Community Solar ties into the electrical distribution network and people purchase shares or a percentage the power output. Community Solar makes renewable energy available to more people i.e., distressed communities/populations, renters, and people without a viable location for renewable energy due to a combination of factors. They can be located on roofs or on the ground.

How Ohio Regulates Solar – Senate Bill 52 passed in 2022 and it allows the County Commissioners to ban large scale solar by referendum or as requested by Townships. It also requires a decommissioning plan.

House Bill 450 is in committee, and it is designed to encourage and regulate community solar. It will set a cap on how much can be built in the entire State. It specifies the number of shares or percentage of energy that can be purchased. It will also give an incentive to locate community solar on a distressed site.

Other regulations that have passed to regulate solar are as follows: SB 61 – Limits restrictions HOA's can place on solar; PUCO – Limits residential solar to 120% of a customer's energy use; ORC 519.213 – Township small wind farm zoning regulations (includes solar).

There are a lot of factors that are driving this.

- The rising cost of energy and decreasing solar cost.
- It reduces utility bill costs.
- It can be a way to supplement income (especially for farmers close to retirement with no heirs to take over the farm).
- It increases community resilience.
- Right now, there is a Federal Tax Credit of 30% extended through 2032.
- It's a more global focus on green and net zero initiatives.

There are 3 common myths, and they are:

1. Will my residents be stuck removing solar panels from their lands? No, a decommissioning plan must be filed by the applicant with the Ohio Power Siting Board, and it includes a Performance Bond.
2. Do solar modules contaminate the environment? No emissions are produced. Some solar cells contain cadmium but the cells, not just the panel, would need to be broken to release chemicals into the ground or water.
3. Do solar panels break during thunderstorms? Not typically. Panels have gone through extensive testing and durability improvements.

OTHER BUSINESS


Next Meeting

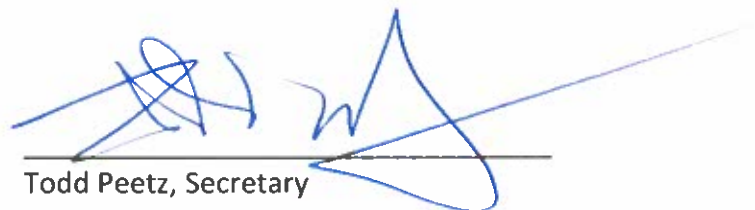
T. Peetz announced the next Regional Planning Commission meeting will be held on May 10, 2023 at 4:30 p.m. located at the Reed Memorial Library, Jenkins Room, 167 East Main Street, Ravenna.

ADJOURNMENT

A motion was made by R. Patrick to adjourn the meeting at 5:45 p.m. Motion seconded by J. Cicozzi. Motion carried with 18 Yeas.

Minutes approved at the May 10, 2023, Meeting.



Jim DiPaola, Chairman

Todd Peetz, Secretary