

Amendment to Washington Township Zoning Resolution - 7/21/2009

The Washington Township, Wood County, Ohio Zoning Resolution is hereby amended to add a new article, which shall read in it's entirety as follows:

ARTICLE XXII – PURPOSE

The purpose of this amendment is to establish general guidelines for the location of wind turbine generators (sometimes referred to herein as “WTG”) and anemometer towers in Washington Township, Wood County, Ohio (The “Township”). This amendment is consistent with the stated purpose of the Washington Township Zoning Resolution: “Protecting the public health, safety, comfort, and general welfare of Washington Township residents. The Township recognizes on some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of wind turbine generators in certain areas of the Township. The Township also recognizes the need to protect the scenic beauty of the Township from unnecessary and unreasonable visual interference, noise radiation, and that wind turbine generators may have negative health, safety, welfare, and aesthetic impacts upon adjoining and neighboring uses. As such, this amendment seeks to:

- A. Protect residential and agricultural areas from potential adverse impact of wind turbine generators.
- B. Permit wind turbine generators in selected areas by on-site residential, commercial, or industrial users, subject to the terms, conditions, and provision hereof.
- C. Ensure the public health, welfare, and safety of the Township’s residents in connection with wind turbine generators.
- D. Avoid potential damage to real and personal property from the wind turbine generators or anemometer towers or the failure of such structures and related operations.

ARTICLE XXIII – PROCEDURE

Any proposed construction, erection, or site placement of a wind turbine generator or anemometer shall be permitted only by issuance of a Condition Use Permit in accordance with ARTICLE XVII of this Resolution, as amended hereof.

A. DEFINITIONS

The following definitions are supplied for purposes of the regulation of residential, commercial, and industrial wind turbine generators.

1. Accessory Structures – Structures such as shed, storage sheds, pool houses, unattached garages, and barns.
2. Anemometer – An instrument that measures the force and direction of the wind.
3. Clear Fall Zone – An area surrounding the wind turbine unit into which the turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing turbine failure that shall remain unobstructed and confined within the property lines of the primary parcel where the turbine is located, the purpose being that if the turbine should fall or otherwise become damaged, the falling structures will be confined to the primary parcel and will not fall into dwellings, any inhabited buildings, and will not intrude onto a neighboring property.
4. Cowling – A streamlined removable metal housing that covers the turbine's nacelle.
5. Decibel – A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
6. Nacelle – A separate streamlined metal enclosure that covers the essential mechanical components of the turbine.
7. Primary Structure – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, commercial buildings, hospitals, and day care facilities. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and barns.
8. Professional Engineer – A qualified individual who is licensed as a Professional Engineer in the State of Ohio.
9. Wind Power Turbine Owner – The person or persons who own the wind turbine structure.
10. Wind Power Turbine Tower – The support structure to which the turbine and rotor are attached.
11. Wind Power Turbine Tower Height - The distance from the rotor blade at its highest point to the top surface of the wind power generating facility foundation.

B. WIND TURBINES

Washington Township recognizes the importance of clean, sustainable, and renewable energy sources. To that end, Washington Township permits the use of residential wind turbines under the following regulation to ensure the safety and welfare of all township residents is met.

1. Wind turbines shall be a permitted use in all districts under the following conditions:

- a. The maximum height of any turbine shall be 100 ft. For the purposes of this particular zoning item, maximum height shall be considered the total height of the turbine system including the tower, and the maximum vertical height of the turbine's blades. Maximum height therefore shall be calculated by measuring the length of a prop at maximum vertical rotation to the base of the tower.
- b. Setbacks – Any turbine erected on a parcel of land will need to establish a “clear fall zone” from all property lines, structures, as well as any inhabited structures on the parcel intended for the turbine. A turbine will need to be erected and placed in such a manner that if it were to fall, whatever direction the fall occurs would be contained solely on the property where the turbine is located at, and would not strike any structures including the primary dwelling, and any inhabited structures.
- c. Wind turbines must be maintained in good working order. Turbines that become inoperable for more than 24 months must be removed by the owner within thirty (30) days of issuance of a zoning violation. Removal includes removal of all apparatuses, supports, and other hardware associated with the existing turbine.
- d. All units shall operate within a decibel range of 50 to 70 decibels. This information shall be included in the engineering report described below in Section 2 of this document. This information shall be obtained from the manufacturer of the turbine, and all decibel readings, if necessary, shall be taken from the nearest neighboring property.
- e. All wiring and electrical apparatuses associated with the operation of a wind turbine shall be located underground.

2. Permits

- a. A permit shall be required before construction can commence on an individual wind turbine system.
- b. As part of the permit process, the applicant shall inquire with the Wood County Planning Commission as to whether or not additional height restrictions are applicable due to the units proposed location.
- c. Applicant shall provide the Township Zoning Inspector with the following items and/or information when applying for a permit:
 1. Location of all public and private airports in relation to the proposed location of the turbine.

2. An engineering report, signed and sealed by a professional engineer, that shows the total size and height of the unit; the total size and depth of the unit's concrete mounting pad, as well as soil and bedrock data; a list and/or depiction of all safety measures that will be on the unit including anti-climbing devices, grounding devices, and lightning protection; data specifying the kilowatt size and generating capacity of the particular unit; the maximum decibel level of the particular unit. This information must be obtained from the manufacturer of the turbine unit.
3. A site drawing showing the location of the unit in relation to existing structures on the property, roads and other public right of ways, and neighboring properties.
4. Evidence of a "Clear Fall Zone" with manufacturer's recommendations, must be attached to the engineering report.
5. A maintenance schedule as well as a dismantling plan that outlines how the unit will be dismantled.