

## MINUTES OF PUBLIC HEARING

JANUARY 24, 2011

### Temp. Ord. A-147

**An ordinance amending Section 1131.05 of Chapter 1131, and Sections 1133.03 and 1133.04 of Chapter 1133, Title 3, Part 11 of the Codified Ordinances of the City of Cuyahoga Falls (General Development Code), enacting new Chapter 1137 of Title 3, Part 11 of the Codified Ordinances, relating to regulation of wind turbine facilities, and declaring an emergency.**

On the 24th day of January, 2011 at 2345 Fourth Street, Cuyahoga Falls, Ohio at 6:40 p.m. EST, a public hearing was called to order and conducted regarding Temp. Ord. A-147 dealing with amending specific sections of the Codified Ordinances of the City of Cuyahoga Falls, Ohio. Notice of the hearing was published twice in the *Falls News Press*, a newspaper of general circulation in the City of Cuyahoga Falls, at least fourteen days prior to the date of the hearing, to-wit December 19, 2010 and December 26, 2010. A true and accurate copy of the published Notice is attached to these Minutes.

One person spoke in support of the legislation. Fred Guerra, Planning Director of the City of Cuyahoga Falls, stated that the City has a limited section in its Code that governs wind turbines. Currently, turbines are permitted only in RR and NP-1 districts or on publicly-owned property. When the Code was initially drafted, a simple paragraph addressing wind turbines was included with the intention that the language would be amended at a later point in time and made more comprehensive. Recently, the City has been contacted by some industrial properties who have indicated an interest in putting up wind turbines, so the time has come to revise the Code section to include a more thorough set of regulations. The Planning Commission approved the requested changes on November 16, 2010. The proposed amendment will allow wind turbine facilities only by conditional use permit in RR, NP-1, E-1 and M-1 districts, which will provide for better site control and a more comprehensive review of the wind turbine. The amendments also require the creation of a detailed site plan, provides more far-reaching design and height standards and safety and environmental standards. A sets abandonment and a surety bond policy will be required, as well as a visual impact analysis with a balloon test. A maintenance policy will also be created. He identified the four changes that the amendment makes to the Code. At-Large Councilwoman, Carol Klinger, inquired as to whether there was an avenue that would allow the City to turn down a request once the request is made. Mr. Guerra stated the City would have that ability should the results of any testing or analyses fall short of the requirements, and added that if the applicant made the necessary corrections to meet the standards and be in compliance, the applicant could still build the turbine. Council President, Diana Colavecchio, pointed out that some types of wind turbines can be placed on the roof of a building and asked whether the City's Code allowed for this. Mr. Guerra stated it did but the turbine would have to be high enough to catch the wind so if there are any trees in the area, that placement would probably not work. Mrs. Colavecchio asked if the process required applicants to go before the Planning Commission. Mr. Guerra stated that applicants will be required to fill out a conditional use permit which will then go before the Planning Commission and then Council. At-Large Councilwoman, Kathy Hummel, asked whether any of the industrial users who have approached the City were currently located within the City. Mr. Guerra stated they were. Mrs. Hummel then asked how close any of these facilities were to residential areas. Mr. Guerra stated that one of the requests came from Juzo on Chart Road. Juzo is investigating placing a wind turbine at the back of its property, which is approximately 15 to 20 acres. Should this legislation pass, Juzo will most likely submit its official request sometime in 2011. He added that the area residents would be notified of the request.

No further comments, either for or against the legislation, were offered by anyone in attendance. Council President, Diana Colavecchio, declared the public hearing closed at 6:50 p.m.

Certification

The undersigned, Cathleen J. Meacham, Clerk of Cuyahoga Falls City Council, hereby certifies that the foregoing is a true and correct copy of the minutes of the public hearing held by the Council of the City of Cuyahoga Falls, Ohio at 6:40 p.m. on Monday, January 24, 2011, in the City Council meeting room located in the Cuyahoga Falls Natatorium.

Dated: January 24, 2011

/s/ Cathleen J. Meacham  
Cathleen J. Meacham, Clerk  
Cuyahoga Falls, Ohio City Council