

Cuyahoga Falls City Council
Minutes of the Planning & Zoning Committee Meeting
February 7, 2011

Members: Vince Rubino, Chair
Jerry James
Ken Barnhart

Mr. Rubino called the meeting to order at 6:31 p.m. All members were present.

The minutes from the December 20, 2010 Committee meeting were approved as submitted.

Legislation Discussed

Temp. Ord. A-147

Discussion

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.

Mr. Guerra stated that during the public hearing, they talked about the proposed text amendment. Section 1133.04 is a small section dealing with wind turbines. This ordinance eliminates that section and creates a new Chapter 1137, which is attached to the ordinance. What it does is (1) allows wind turbine facilities only by conditional use permit in RR, NP-1, E-1 and M-1 districts; (2) requires the creation of a comprehensive site plan; (3) provides more far-reaching design standards and height standards; (4) provides safety and environmental standards (sound, wind, flicker, access); (5) sets an abandonment and a surety bond policy; (6) requires a visual impact analysis with a balloon test; and (7) creates a maintenance policy. He stated that the current height standard is 120 feet. The new Chapter would set it at 120' – 200' based on the circumstances. The balloon test is performed by floating a balloon at 140 feet to see how tall it is. It is important for the turbine to be higher than the tree canopy so it can catch the wind. Basically, the proposed amendment will make three changes to the Code: (1) it eliminates Section 1133.04; (2) adds "Wind Turbine Facilities" to 1133.03 Conditional Uses and Table 1131-1: Zoning District and Uses; and (3) creates Chapter 1137 Wind Facilities. He stated it would be possible for the City to stop someone from constructing a wind turbine by imposing restrictions that would protect the neighbors. If the entity wanting to construct the wind turbine cannot live with the restrictions, it would probably not be built. When Section 1133.04 was originally written, they thought the turbines could be built in RR and NP-1 because it is so rural, but they have not seen any requests. There has been some interest in the business community to construction wind turbines so they thought adding E-1 and M-1 would be a good opportunity.

Mr. Barnhart was concerned about wind turbines negatively affecting nearby property values. He was concerned about the noise level. Mr. Guerra stated the City is going to see more and more requests for wind turbines so it needs to be able to address them. There is not a lot of sound with these.

Mr. Guerra felt that the City needs to be forward-thinking and allow the turbines. He pointed out there are cell towers that do not reduce property values. The same with radio antennas. The turbines would not be constructed next to a house but it could be close to an R-1 or R-2 area, which is where the conditional use permits come in. He felt with this legislation, there may be only one or two built in the City, unless

things change dramatically. Mr. Barnhart could not see any benefit for the City to put these up. He thinks they will be detrimental. Mr. Guerra stated they could be beneficial for agricultural use in the park. He did not see too many industrial users using them.

Mr. Mader asked if someone submitted an application under this new legislation, would it have to go before the Planning Commission. Mr. Guerra indicated it would and that it would also come before Council. Mr. Mader stated that basically this legislation will allow the City to have more control. Mrs. Klinger applauded Mr. Guerra for putting together more comprehensive details but she was concerned about expansion into the other areas. She asked to see a map showing the E-1 and M-1 districts that this legislation is including. Mrs. Carr stated she would put something together. Mrs. Klinger thanked her and said she has reservations about allowing this in other zoning districts. Mr. Barnhart asked what would happen if a majority of people were affected by the location of a wind turbine. Mr. Guerra stated that is why the balloon test is performed, just like a cell tower. If it is going into a location with a lot of neighbors and the neighbors complain, it would be a difficult task for the requesting party to put up the tower. A business does not want to anger the residents around it. A wind turbine is not going to create that much energy that it would outweigh having angry neighbors. If there is a huge objection, they will look at alternatives. If the alternatives are doable and the residents are happy, the company can proceed. The tower will only be visible to some people. He added that as long as there are sound reasons behind a denial, the City can deny it. Mr. James agreed with Mrs. Klinger. He is not comfortable approving this without seeing a detailed map of the areas.

Mrs. Carr stated she talked with Mr. Guerra and Mrs. Truby, and they agreed there needed to be some regulations. People started asking about wind turbines about two years ago. She wanted everyone to be cautious on this. She agreed there are some aesthetic issues but there could also be some benefit if it is located in the right place. In addition, the City did receive a tall towers grant. If they match that up with the zoning map, there are only certain locations that will work. She wants to be careful that the door is not being closed totally. One of the reasons people approached Cuyahoga Falls is because we did not have a lot of rules.

Karen Nelsch, 2545 North Haven, stated that the City is trying to be a progressive city. Wind turbines are many of the up-and-coming items the City needs to be backing. This ordinance has many checks and balances, and the final turn-down is Council's. Technology is changing constantly. To turn it down or say a business cannot put one up where there is a lot of room is ludicrous.

Mr. James moved to hold A-147, second by Mr. Barnhart. Motion passed, voice vote (3-0).

Meeting adjourned at 7:10 p.m.