



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON APRIL 25, 2023

**CASE NO.** B-03-23

**REPORT DATE:** 2023-04-20

**APPLICANT:**

Batavia Township Zoning Commission  
1535 Clough Pike  
Batavia, Ohio 45103

**REQUEST:**

The proposed text amendment to the Batavia Township Zoning Resolution would add definitions for wind and solar energy uses, modify Sec. 7.17, 7.29, 7.30, 9.05, 40.10 and add changes to Article 36 Planned Development.

**CONTENTS OF REPORT:**

Attachment A: Application for Zoning Amendment  
Attachment B: Resolution 04-01-2023  
Attachment C: Summary of Changes  
Attachment D: Batavia Township Zoning Resolution: Text Revisions March 30, 2023

**PROPOSAL BACKGROUND:**

On April 4, 2023, the Batavia Township Board of Trustees passed Resolution 04-01-2023, intending to amend the Batavia Township Zoning Resolution. It directed Batavia Township Zoning Text Amendment Case B-03-23Z to the Clermont County Planning Commission for recommendation as required by ORC Section 519.12. The proposed changes to the Batavia Township Zoning Resolution aim to modify the resolution by adding definitions for wind and solar energy uses, modifying Sec. 7.17, 7.29, 7.30, 9.05, 40.10, and adding changes to Article 36 Planned Development.

The amendment addresses the continued interest in wind and solar facility development within Batavia Township. The recent effective date of April 6, 2023, of *House Bill 501 - 134th General Assembly*, per Section 303.213 of the Ohio Revised Code, gives the Township zoning powers over small wind farms and small solar facilities.

***ORC Section 303.213 Small wind farms zoning regulations***

*(A) As used in this section:*

*(1) "Small wind farm" means wind turbines and associated facilities that are not subject to the jurisdiction of the power siting board under sections 4906.20 and 4906.201 of the Revised Code.*

(2) "Small solar facility" means solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty megawatts.

(B) Notwithstanding division (A) of section 303.211 of the Revised Code, sections 303.01 to 303.25 of the Revised Code confer power on a board of county commissioners or board of zoning appeals to adopt zoning regulations governing the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm or small solar facility, whether publicly or privately owned, or the use of land for that purpose. With regard to a small wind farm, the regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm or a small solar facility as a public utility for purposes of sections 303.01 to 303.25 of the Revised Code shall not affect the classification of a small wind farm or a small solar facility for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation.

### **STAFF ANALYSIS:**

Based on staff review, Batavia Township has decided to include small-scale alternative energy and utility uses, such as wind and solar energy generation, as principal uses under Article 36 Planned Development. The planning staff supports the addition of Section 36.12, which outlines controls for energy system development, as it aligns with the township's requirements for alternative energy projects. However, the draft still requires clarification on the maximum percentage of total square footage that Small Solar Facilities can occupy on a lot or tract, as indicated in Article 36.12(B)2.

#### **Article 36.12(B)2:**

Coverage: Small Solar Facilities shall not exceed in the aggregate   % of the total square footage of the lot or tract.

The planning staff has conducted research on other jurisdictions that have extensively analyzed solar energy regulations. One notable example is Johnson County, Kansas, located southwest of Kansas City. In their Planning Commission recommendations for changes to their Rural Comprehensive Plan and Johnson County Zoning and Subdivision Regulations, they reference a maximum coverage area of up to 70% of a solar project that can be covered by solar panels. This provision is designed to enable effective management of stormwater, vegetative retention, open space, and wildlife corridors within the solar facility project.

Batavia Township shall continue to conduct research into their own coverage requirement.

### **STAFF RECOMMENDATION:**

Based on the staff analysis in the following report, the following motion is recommended, APPROVAL of Batavia Township Case B-03-23Z as initiated by the Batavia Township Board of Trustees.