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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 15, 2022, a copy of the foregoing was filed with the Clerk of Court and will be served via regular U.S. mail upon the following:


Board of Zoning Appeals  
Woodville Township  
321 East Main Street  
Woodville, OH 43469

*Appellee*

And via e-mail upon the following:

Beth A. Tischler, Esq.  
Sandusky County Prosecutor's Office  
100 N. Park Ave.  
Suite 319  
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tischler\_beth@co.sandusky.oh.us

*Sandusky County Prosecutor*

  
\_\_\_\_\_  
Christopher J. Hogan (0079829)



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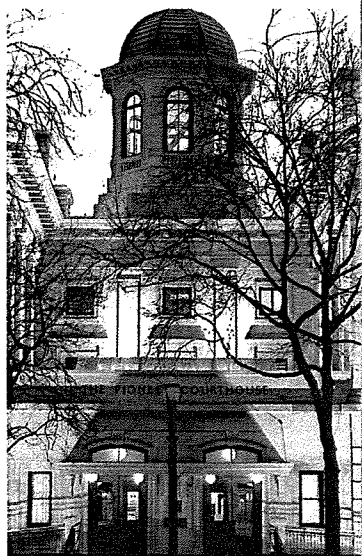
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IN RE:

WOODVILLE TOWNSHIP  
ZONING BOARD OF APPEALS

VERBATIM TRANSCRIPT OF PROCEEDINGS

HEARING

HELD ON  
WEDNESDAY, JULY 27, 2022  
7:00 P.M.

WOODVILLE TOWNSHIP FIRE DEPARTMENT  
321 EAST MAIN STREET  
WOODVILLE, OHIO 43469

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4	VERBATIM TRANSCRIPT OF PROCEEDINGS 5	4 VERBATIM TRANSCRIPT OF PROCEEDINGS
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6	EXAMINATION OF JOHN WILLEY BY MR. HOGAN 47	6 HELD ON
7		7 WEDNESDAY, JULY 27, 2022
8		8 7:00 P.M.
9		9
10		10 CHAIRMAN MILLER: We'll start the meeting
11		11 tonight with the pledge.
12		12 (Whereupon, the Pledge of Allegiance was
13		13 recited.)
14		14 CHAIRMAN MILLER: Okay. We'll start the
15		15 night with roll call. Dave Miller, I'm here. Todd
16		16 Atkin.
17		17 MR. ATKIN: Here.
18		18 CHAIRMAN MILLER: Bill Blausey?
19		19 MR. BLAUSEY: Here.
20		20 CHAIRMAN MILLER: Donna Nedelco?
21		21 MS. NEDELCO: Here.
22		22 CHAIRMAN MILLER: Dave Sandwisch?
23		23 MR. SANDWISCH: Here.
24		24 CHAIRMAN MILLER: This is an
25		25 administrative board -- this is an administrative

<p>6</p> <p>1 appeals hearing on the denied permit application 2 from One Energy Martin-Marietta for the installation 3 of wind energy systems on property owned by Martin- 4 Marietta. There will be no open comments from the 5 public during this meeting. This meeting is being 6 recorded by a professional. 7 The meeting will proceed as follow: One Energy 8 is going to come up first and talk. John Willey will 9 come up and give his explanation, along with Beth 10 Tischler. And we'll go from there. So I'll ask One 11 Energy to present their case tonight. 12 MR. KENT: Good evening, Mr. Chairman and 13 the Board. My name is Jereme Kent. That's the 14 spelling since I'm sure I made it difficult for you. 15 MR. HOGAN: Mr. Chairman, Chris Hogan. 16 I'm an attorney for One Energy. I would suggest, if 17 the prosecutor's okay with it, having the court 18 reporter swear in any non-lawyers who are planning 19 to testify tonight. She could do that at the same 20 time. 21 MR. KENT: That was the second item on the 22 checklist, so we are going down just a few of the 23 things we have to check off. So I think Mr. Willey 24 and I are the ones testifying tonight. So if we 25 want to do that now, if that's okay with you, Mr.</p>	<p>8</p> <p>1 chairman, be labeled Exhibit E. And we request that 2 the slides being presented for this meeting, so a 3 copy of what we have up here, be labeled as Exhibit 4 F. 5 And then we can either do this now or when 6 Mr. John Willey testifies, we want to just make sure 7 we have a copy of the record that's being turned in 8 from the zoning official. So we request that that 9 be labeled as Exhibit G as that's turned in. Are 10 there any materials coming in that are being 11 presented as part of the record for this or the 12 denial or anything else that's not there? 13 MS. TISCHLER: No, just testimony. 14 MR. KENT: Okay. Perfect. So there's no 15 other records for that. And then finally, we 16 request that the -- I guess the question is just to 17 make this as efficient as possible, we're asking 18 what we do agree on right now, and if we don't agree 19 on those, we can move past that. But are we 20 comfortable saying that the project was located in 21 the M-2 district? 22 MS. TISCHLER: Yes. 23 MR. KENT: Okay. We're comfortable with 24 M-2 district. We're comfortable that the project 25 sits on a parcel that consists of 333.94 acres, give</p>
<p>7</p> <p>1 Chairman? 2 CHAIRMAN MILLER: Yeah, go ahead. 3 (Whereupon, an oath was administered to 4 Jereme Kent and John Willey.) 5 MR. KENT: So the meeting is being 6 transcribed. And then we swore in all the witness 7 already. Literally going to check the boxes to make 8 sure that I don't make any mistakes running through 9 this. 10 So, first barring any objections from 11 anybody, we would just like to make sure that the 12 documents that we've provided are official and be 13 part of the record. So we have any exhibit book, 14 one for the chairman and one for the court reporter. 15 And with the chairman we request that the 16 original application be labeled as Exhibit A. Good. 17 MS. TISCHLER: No objection. 18 THE COURT: And we request that the appeal 19 package be labeled as Exhibit B. Without objection, 20 we request that the email from Ms. Beth Tischler 21 dated June 3rd, 2022 be labeled Exhibit C. We 22 request that the additional denial letter from Mr. 23 John Willey received on July 22nd be Exhibit D. We 24 request that the notice for this meeting dated July 25 14th, 2022 sent by Mr. Dave Miller, the acting</p>	<p>9</p> <p>1 or take. John, good? 2 MR. WILLEY: What's the number of parcels? 3 They're individual, have individual pins, is that 4 what you're saying? 5 MR. KENT: I believe the turbines 6 themselves sit on a single large parcel. 7 MR. WILLEY: They sit on a single parcel. 8 MR. KENT: It's a single large parcel. 9 It's right there. There are a number of smaller 10 parcels around it, but the actual parcel it sits on 11 is that 333-acre parcel. 12 MR. WILLEY: Okay. 13 MR. KENT: Okay. We can pull up the map 14 and we'll get to that. The project consists of 15 three structures and therefore the project requires 16 a zoning permit. Are we comfortable with the 17 structures or do we want to talk about that? The 18 revised letter changed that. Okay, we'll come back 19 to that one. 20 MS. TISCHLER: We can -- we can all agree 21 that the project requires a zoning permit. 22 MR. KENT: I'm not sure we can agree to 23 that unless it's a structure. So we can come back 24 to that one them. 25 So the project has a nameplate rating of</p>

<p style="text-align: right;">10</p> <p>1 4.5 megawatts, which is greater than the maximum  2 size of one megawatt permitted in the ordinance for  3 a small wind energy system. Any objection to  4 agreeing to the size is bigger than one megawatt?  5 MS. TISCHLER: Yeah, I believe that's  6 consistent with your permit, or your request.  7 MR. KENT: Okay. And then briefly for  8 introduction, it's just a document of who I am and  9 why I am speaking today. My name is Jereme Kent.  10 I'm the CEO of One Energy Enterprises, Incorporated.  11 We were founded in 13 years ago in 2009. We're  12 based in Findlay, Ohio. We are the largest  13 installer and operator of the Hyman Eder wind energy  14 in the United States. In my personal background, I  15 started my career in utility scale wind building  16 some of the largest wind projects in the world. At  17 one point I did build what was the largest single  18 project in the world at the time in west Texas.  19 Recently I've done a number of things, including  20 consulting for the Department of Energy where I was  21 a peer reviewer for the Trump Administration going  22 after and looking at national lab spending for wind  23 energy research. So I was helping the Department of  24 Energy review national lab research and reports and  25 intended paths. So that's my background and my</p>	<p style="text-align: right;">12</p> <p>1 the zoning official who made the decision.  2 Had a meeting with Mr. Willey and the  3 prosecutor on 6/3. The permit was denied on 6/14.  4 The appeal was filed. And on 7/27 we have the  5 meeting that we have today.  6 So clarifying questions, and I guess if  7 John's comfortable with these questions now, we're  8 just trying to understand some stuff happened last  9 week. So normally we don't get a second denial  10 letter a week before a meeting. So we haven't had a  11 chance to sit down and talk with Mr. Willey to get  12 some details. So if you're comfortable answering  13 these questions right now, John.  14 So the first one is, is the second letter  15 intended to replace the first letter or is the  16 second letter to supplement the first letter, or  17 should we be talking about both for the denial?  18 MR. WILLEY: I don't have a copy of the  19 letter in front of me. I would think that it would  20 be -- I guess I'd want to see a copy of the letter  21 before I answer that. I have a terrible memory.  22 I'd like to see a copy, please.  23 MS. TISCHLER: Hey, John?  24 MR. WILLEY: Yes.  25 MS. TISCHLER: Would you be able to move</p>
<p style="text-align: right;">11</p> <p>1 experience in wind. I've built something on the  2 order of 1,200 turbines throughout my career.  3 Excellent, that was the box checking  4 slide. So a little background, I know all of you  5 have the paperwork and the application. So this is  6 the second page of the deck. So this project  7 consists of three 1.5 megawatt wind turbines. Give  8 or take, they're 262 feet to the center of the hub,  9 405 feet to the tip of the top blade. They are just  10 like the turbines that you see when you're out  11 driving along I75 in Findlay next to Whirlpool. It  12 is located on Martin-Marietta's property, which is  13 zoned M-2. And then the project is intended to  14 provide power directly to the plant. So that's what  15 makes the projects we do a little bit different.  16 They are not putting power to the grid. They're  17 going directly to the plant. And so it's not a  18 typical -- a typical utility scale project.  19 Running through the timeline, just in  20 general. Originally the application, a stakeholder  21 meeting was held on 4/18. So the permit application  22 was submitted on 4/19. The zoning official recused  23 himself due to a conflict of interest on 4/21. And  24 then Mr. John Willey was named acting zoning  25 official, which is why for this particular case he's</p>	<p style="text-align: right;">13</p> <p>1 up to one of the yellow chairs.  2 MR. WILLEY: Yes.  3 MR. KENT: So we're showing John Willey  4 Exhibit D and giving him a chance to review it.  5 MS. NEDELCO: Can I see a copy of the  6 letter too?  7 MS. TISCHLER: What other letter then are  8 you referring to?  9 MR. KENT: The original email from you  10 dated --  11 MS. TISCHLER: You received two different  12 denial letters?  13 MR. KENT: Correct. We received an email  14 from you dated 6/3, which is, what exhibit is that?  15 MS. TISCHLER: So my email was updating  16 everybody but was not the official denial.  17 MR. KENT: Okay. So we're saying that --  18 the official denial is that letter?  19 MS. TISCHLER: Is D. The triggering  20 permit denial is Exhibit D.  21 MR. KENT: Okay. John, you're comfortable  22 with Exhibit D as the denial letter?  23 MS. TISCHLER: I don't have authority to  24 deny a permit.  25 MR. KENT: Okay.</p>

<p style="text-align: right;">14</p> <p>1 MR. WILLEY: I guess my understanding was 2 that the letter was just to clarify our position. I 3 guess I assumed that the email that you received was 4 sufficient to be the denial letter. I don't think 5 there's any conflict between the two of what the 6 denial, you know, the nature of the denial. Yeah, 7 as I said, I don't think that they -- 8 MS. TISCHLER: Conflict. 9 MR. WILLEY: Yeah. I don't think there's 10 any conflict between the two. So I guess I would 11 say that this one is just generating and 12 supplementing what was in the initial one, so. 13 MR. KENT: Okay. Perfect. I just need to 14 know what boxes we need to check tonight. So thank 15 you. 16 So the other question is in your Exhibit D 17 you stated that the proposed wind energy system will 18 exceed the maximum output and height of the allowed 19 systems in Woodville Township. 20 MR. WILLEY: Yes. 21 MR. KENT: So in Section 7.51 of the 22 ordinance it says, that if it was a small wind 23 energy system and it's on a lot more than five 24 acres, there is no height limit. And there is no 25 height limit in the M-2 district. So I just want to</p>	<p style="text-align: right;">16</p> <p>1 to reference in terms of, for our case, so we're 2 happy to go ahead -- 3 MS. TISCHLER: Yeah, it's not that -- go 4 ahead, Mr. Willey. 5 MR. WILLEY: Yeah. I mean, it says 6 they're allowed in -- yeah, we allow them in an 7 agricultural district, I mean, whatever the 8 requirements are about the height. And I see that 9 as saying there's a 65 to 140-foot tower in the 10 definition of small wind energy, Section 7.5. But, 11 I mean, yeah, so whatever it says there about their 12 exceeding 140 feet shall allow parcels -- yeah, 13 there seems to be some conflict there, but either 14 way they're only allowed in an agricultural 15 district. But so once they're allowed in an 16 agricultural district are limited to 140 feet. 17 MR. KENT: Okay. And we'll come back that 18 one. 19 MS. TISCHLER: If your question is does 20 the M-2 district limit the height of a structure, 21 our answer would have to be no, there's no height 22 restrictions in the M-2. 23 MR. KENT: And I guess all we were saying 24 is we also understand that any lot larger than five 25 acres where the wind ordinance does apply, there is</p>
<p style="text-align: right;">15</p> <p>1 clarify which height limit you're referring to in 2 the denial. 3 MS. TISCHLER: Well, Mr. Willey is not 4 necessarily -- I mean, Mr. Chairman, if I'm 5 overstepping my role. 6 CHAIRMAN MILLER: No. Go ahead. 7 MS. TISCHLER: I mean, you're here to 8 provide your opinion on why our denial is improper 9 under the code and not ask Mr. Willey questions. 10 You could have asked Mr. Willey questions before the 11 hearing or inquired as to -- 12 MR. HOGAN: As you noted, Ms. Prosecutor, 13 this is an adjudicatory hearing and we do have the 14 right to cross-examine -- 15 MS. TISCHLER: When it's his turn. 16 MR. HOGAN: -- the witnesses. Which is 17 fine. And I can cross-examine him. 18 MS. TISCHLER: Yeah, I mean, if you want 19 to lay out your position and Mr. Willey lay out his 20 position and then you can cross-examine at that 21 point, absolutely. Unless -- I mean I'm not seeing 22 how this will help streamline but if -- 23 MR. HOGAN: Well, it would if you could 24 answer the questions right now. 25 MR. KENT: We just don't know which height</p>	<p style="text-align: right;">17</p> <p>1 no height limits. So we aren't disputing the fact 2 that this is bigger than the one megawatt. I just 3 don't know if there's a third height that's being 4 referred to. 5 MS. TISCHLER: No. 6 MR. KENT: Okay. And then the original 7 denial letter, and I think this begins with the 8 question already if we're clarifying, said that the 9 project is in our, Mr. Willey and Ms. Tischler's 10 opinion, is -- my typo here -- is not a structure as 11 defined in the ordinance. Is the position still 12 that it's not a structure? 13 MR. WILLEY: I'd have to ask you to -- I 14 did not writing that particular email. I'm not 15 really sure what we're doing. I mean it's -- I mean 16 I would say that -- yeah, I mean, it seems to me 17 that depending on, yeah, that the definition -- I'd 18 have to look at what the definition says on 19 specifically what a structure is. 20 MR. KENT: Okay. Then I'm happy to come 21 back to that one. I wasn't sure if there was a 22 change to it or not, because we noticed that was the 23 one difference between the two letters. 24 And then finally, the original denial 25 letter from Ms. Tischler marked as Exhibit C states</p>

<p style="text-align: right;">18</p> <p>1 that the project is more properly defined as a wind 2 system. Is there a reference that we're missing to 3 where a wind system appears as a phrase in the 4 ordinance? 5 MS. TISCHLER: No, you referenced it. 6 It's in the definition. It's a small wind energy 7 system. 8 MR. KENT: So was the intent of the phrase 9 "wind system" in that email to mean small wind 10 energy system? Because wind system we can't find 11 the term anywhere in the ordinance. 12 MS. TISCHLER: 3.73, small wind energy 13 system. 14 MR. KENT: So in the email that you sent, 15 when you said "wind system," that was intending to 16 refer to small wind energy system? 17 MS. TISCHLER: Correct. 18 MR. KENT: Okay, perfect. Thank you. So 19 with that I'll introduce our counsel, Mr. Chris 20 Hogan, to run through a few legal issues here. 21 MR. HOGAN: Mr. Chairman, members of the 22 board. I just wanted to point out a few of the 23 basic legal points that govern this type of 24 proceeding and also the appeal that One Energy has 25 filed.</p>	<p style="text-align: right;">20</p> <p>1 your decision based strictly on the relevant facts 2 and the law, which in this case is the zoning 3 resolution and then the legal principles that govern 4 your consideration of the zoning resolution coupled 5 with the facts that have been admitted into 6 evidence. So, in other words, citizen concerns or 7 opinions, public opinion don't weigh in on that 8 matter. It's just what is the facts and what is the 9 law and what did the combination of those two things 10 compel in terms of a decision. 11 Now, breaking it down a little further, a 12 couple of sort key what we call construction points 13 when you're interpreting a legal document like the 14 zoning resolution. So when the BZA is deciding if 15 there's a permitted or allowed use under the 16 resolution, you have to look at the plain language 17 and apply it consistent with the ordinary and common 18 meaning of the terms that are used. But you can't 19 do it in isolation, because we know the zoning 20 ordinance, or the zoning resolution is a larger 21 document that contains a lot of different 22 provisions. And so the law directs that we consider 23 the document as a whole and not simply focus on one 24 isolated provision possibly taken out of context. 25 An interesting note about the zoning</p>
<p style="text-align: right;">19</p> <p>1 So one of the first critical points is 2 that by statute this board has what we call plenary 3 authority, which means that you don't just have to 4 either agree with or reject what the zoning 5 inspector concluded, but you can reach your own 6 decision and issue the permit. You don't have to 7 send it back to him. And that's what's in Ohio 8 Revised Code 519.14(D). So you can make any order 9 and have all the powers of the officer from whom the 10 appeal is taken. And so ultimately at the end of 11 this evening's hearing, we're going to be asking 12 that you do just that and grant the permit for One 13 Energy. 14 Now, a second, and this is a critical 15 point because zoning is in essence a limitation on a 16 property owner's use of his or her or its property. 17 And because of that, Ohio law is clear that whenever 18 there's ambiguity or doubt or question in the 19 ordinance or a statute, that has to be resolved in 20 favor of the landowner. The township doesn't get 21 the benefit of the doubt, the landowner does, and in 22 this case that's One Energy. And I think the Board 23 appreciates this based on the fact that you're not 24 taking public comment on this matter. But in an 25 adjudicatory hearing like this, you have to make</p>	<p style="text-align: right;">21</p> <p>1 ordinance in this township is that there is a list 2 of prohibited uses in Section 7.8 which does not 3 include the type of structures that would make up 4 the project in this case. However, unlike what we 5 see in some other zoning resolutions, there is not a 6 provision that says anything else is prohibited, 7 which we do see in some cases but we don't see that 8 here. 9 So where is One Energy coming from 10 tonight? The bottom line is, and I think Mr. Willey 11 has -- has effectively conceded, that the wind 12 turbines that make up this project are structures, 13 which means they are governed by the zoning 14 resolution. If they weren't structures or 15 buildings, we wouldn't be here tonight because this 16 board wouldn't even have authority over it. 17 The second point, and I appreciate that 18 this is the critical point of contention, is that 19 the project is not a small wind energy system, which 20 is a defined term in the zoning ordinance. It 21 defines a specific type of wind turbine system. 22 It's not all wind systems, it's not all wind 23 turbines. It's just one specific type that's 24 defined in the code. Are they a permitted use? 25 Well, we know they're in an M-2 heavy industrial</p>

<p style="text-align: right;">22</p> <p>1 district, and they make energy. So they are a  2 manufacturing use that's permitted within the M-2  3 zoning district where they would be constructed.  4 And so really it's as simple as we have a structure,  5 we have a district that allows industrial uses that  6 has no height limitations, and we have wind turbines  7 as a permitted use in an industrial district as an  8 industrial tool for the generation of electricity.  9 Now, we heard -- is it Mr. Willey, am I saying it  10 right?  11 MR. WILLEY: Yes.  12 MR. HOGAN: We heard Mr. Willey mention  13 earlier that his view is that wind turbines of any  14 sort can only be constructed in an agricultural  15 district. And I would submit that that's actually  16 the opposite of what was intended and what is  17 reflected in the expressed language of the zoning  18 resolution. It's an expansion of what otherwise  19 would have been permitted in an agricultural  20 district, but it is not a limitation of what is  21 otherwise a permitted use in a heavy industrial  22 district. And why do I come to that conclusion?  23 Because when we look at Section 7.5 of the  24 resolution, we have the small wind energy systems  25 special provision references suitable for use by</p>	<p style="text-align: right;">24</p> <p>1 Chairman. So this is I would ask to be Exhibit A,  2 because it's just a property card which has the  3 333.36-acre label on there as well.  4 And so I guess since we're still talking  5 about structure maybe I'll start with structure kind  6 of a little bit. So the zoning ordinance does two  7 things: it controls the building of structures and  8 the building of buildings. And the preamble to it  9 is very clear, if it's neither a structure nor a  10 building the zoning ordinance doesn't apply. So we  11 concede it's a structure. I guess there would be  12 some questions we can ask Mr. Willey about that as  13 he states his position, but the definition of a  14 structure in the ordinance is a combination of  15 materials forming a construction that is safe and  16 stable.  17 So if we break down that definition into  18 its parts, a combination of materials. This is a  19 picture of a wind turbine. It is made up of a  20 number of things from concrete to reinforcing steel  21 to a steel tower to fiberglass. All of those are  22 materials, all of those as a combination end up  23 forming a unified structure that operates with a  24 specific intent, so it forms a construction. So the  25 materials are constructed to form a construction and</p>
<p style="text-align: right;">23</p> <p>1 rural farms and/or residences in an agricultural  2 district. That is a defined term. And if you look  3 at what the zoning allows in an agricultural  4 district, you will see a 35-foot height limit and  5 specific limitations to agricultural uses that don't  6 include wind energy systems. So what this does is  7 it allowed farmers to put up small wind turbines on  8 their farms, when if you look at Section 3 of the  9 zoning code, they wouldn't otherwise have the  10 ability to do it. So this created a new permitted  11 use in agricultural districts. It didn't limit uses  12 in other districts. And that's key, because in an  13 M-2 heavy industrial district, turbines like what  14 we're seeking to construct, would have always been  15 permitted, because they're an industrial use,  16 there's no height limitations, and they fit within  17 the permitted uses as defined by the code.  18 And so again, remembering that the Board's  19 job is to construe any doubt in favor of the  20 property owner, I would submit that Section 7.5 was  21 an expansion, not a limitation and it has no  22 application to this project in an M-2 district. And  23 at this point, I'm going to turn the proceedings  24 back over to Jereme.  25 MR. KENT: And I finally found it, Mr.</p>	<p style="text-align: right;">25</p> <p>1 then it's safe and stable.  2 So wind turbines have been operating in  3 the United States for almost 20 years. Wind  4 turbines have never had an accident that injured a  5 member of the public. Yes, ma'am.  6 MS. NEDELCO: I don't see that in my  7 package.  8 MR. KENT: It is not because I didn't  9 think we were going to have to do it. So I'll  10 provide you with a copy of this.  11 MS. NEDELCO: Okay. Thank you.  12 MR. KENT: We weren't sure if structure  13 was a question or not.  14 And then finally, it's safe and stable.  15 So these turbines are designed by professional  16 engineers. They are built by industry experts.  17 They are certified by multiple accreditation bodies.  18 They have far more certifications than any building,  19 including the one we're sitting in right now. So we  20 would submit that this is a structure because it is  21 made up of a series of materials that come together  22 to form a unified construction that is ultimately a  23 safe and stable piece of equipment. If it's not a  24 structure, we would probably revise our opinion to  25 say that it's clearly also not a building and isn't</p>



<p style="text-align: right;">26</p> <p>1 under the ordinance. And that's not our intent.  2 But we want to just understand that that would be  3 the conclusion we would draw.  4 So let's talk about this project first.  5 This is an M-2 district. The way that Woodville  6 Township wrote the M-2 district was to attract and  7 allow for major, intensive operations, right. A lot  8 of us may not want big industry to exist or may or  9 may not want to be close to big industry, but it has  10 to exist somewhere. And so Woodville Township said,  11 let's put that into a large M-2 district and let's  12 give that district broad discretion to do the big  13 things that we know by their nature are going to  14 cause problems for just the area around them. We  15 know there are going to be objectionable uses. We  16 know they're going to create smells. We know  17 they're going to produce odors. And so they created  18 that district and they give very broad definitions.  19 So they defined the term manufacturing in the  20 ordinance, in Section 3.50 as the making of anything  21 by any agency or process. That is a definition that  22 does not appear in any other ordinance in this  23 county. That's a definition that was added in  24 Woodville Township that we don't see any place in  25 Sandusky County.</p>	<p style="text-align: right;">28</p> <p>1 district they're a permitted use if they have  2 performance characteristics similar to those listed  3 in this section. So the very last thing of the  4 permitted uses says, in the M-2 district permitted  5 uses include other manufacturing plants and uses,  6 which a wind turbine is, having performance  7 characteristics similar to those listed in this  8 section.  9 Elsewhere in the ordinance when it lists  10 things that are performance characteristics, things  11 that are objectionable, it lists odors, fumes or  12 gases, dust, smoke, noise and vibrations. So we  13 want to compare a wind turbine that we're proposing  14 to what's already a permitted use in that district,  15 already the stuff that can be done on a one-page  16 application, one-page permitted use to go.  17 So odors. Right now a permitted use in  18 the M-2 district is fat rendering. Fat rendering  19 produces significant odors that can, if anybody's  20 been around a fat rendering plant, you all know what  21 the odors smell like. It also lists sauerkraut  22 manufacturing. I'm not sure how that made it into  23 the ordinance, but you can make sauerkraut as a  24 permitted use in there which produces significant  25 odor. Wind turbines in their operation produce zero</p>
<p style="text-align: right;">27</p> <p>1 So the wind turbines will make  2 electricity. If you want to break down that  3 process, they will make electricity through the  4 process of converting kinetic energy of the wind  5 into electricity by passing a rotational energy of  6 the generator through a magnetic field. Yes, ma'am.  7 MS. NEDELCO: I believe that section in  8 quotes where you have 3.50 is actually 3.49 on our  9 zoning resolution book, Page 7.  10 MR. KENT: Is that the most current  11 version with the solar update?  12 MS. NEDELCO: January 15th, 2022.  13 MS. TISCHLER: Correct.  14 MS. NEDELCO: Should be Section 3.49.  15 MR. KENT: Okay. Then we made a big  16 mistake. So thank you for correcting us.  17 MS. NEDELCO: Yes.  18 MR. KENT: So again, definitions are the  19 same though, right?  20 MS. TISCHLER: Correct.  21 MR. KENT: So we just had the wrong  22 number, I apologize. So again, wind turbines do  23 make something. So it is manufacturing. And then  24 the wind turbines are a manufacturing use because  25 they're manufacturing, and therefore in this</p>	<p style="text-align: right;">29</p> <p>1 odor. They have no odor. There's nothing that  2 creates to come off of it.  3 Performance characteristic number two,  4 fumes or gases. Turpentine manufacturing is an  5 expressly listed permitted use in this district. So  6 it produces significant toxic fumes, produces  7 significant odor in the manufacturing process.  8 Again, wind turbines produce no fumes or no odors.  9 There's nothing in there in the process and  10 operations that produces fumes or odor -- excuse me,  11 fumes or gases.  12 Dust: So cinder block manufacturing is a  13 listed permitted use. Obviously cinder block  14 manufacturing produces a significant amount of dust  15 in the process. Wind turbines produce no dust post  16 construction. And the only dust we produce is while  17 we're building the roads during the construction and  18 then there's no dust after that, beyond that because  19 they're sealed. So we produce the order of  20 magnitude less dust than cinder block manufacturing.  21 Smoke, asphalt mixing plants are a  22 permitted use. Again, a one-page application  23 permitted use for an asphalt plant. Wind turbines  24 produce no smoke. There is nothing burning. There  25 is no combustion process. There is no smoke coming</p>

<p style="text-align: right;">30</p> <p>1 out of a wind turbine.</p> <p>2 Noise: Stone mills are a permitted use.</p> <p>3 So stone mills obviously large rock crushing</p> <p>4 activities, huge noise. We've all heard it from a</p> <p>5 distance. We've all heard Martin-Marietta's</p> <p>6 crushing operation, right. Wind turbines do</p> <p>7 absolutely produce noise, but it is nowhere near the</p> <p>8 order of magnitude of a stone mill. You can stand</p> <p>9 at the bottom of a wind turbine, you can have a</p> <p>10 conversation just like just this and this volume</p> <p>11 while during the highest wind you're ever going to</p> <p>12 be at. You can stand inside a turbine and have a</p> <p>13 conversation just like this. If you stand next to a</p> <p>14 stone mill you'll obviously see how much louder it</p> <p>15 is and you won't be allowed near it without ear</p> <p>16 protection. So it is nowhere near as loud as a</p> <p>17 stone mill.</p> <p>18 And finally, vibrations. Metal stamping</p> <p>19 is a permitted use in the M-2 district. Okay, have</p> <p>20 you ever stood next to a metal stamping plant? You</p> <p>21 can be 100 feet outside a door and you can feel the</p> <p>22 vibrations in the ground. You know, they design the</p> <p>23 buildings to shake a little bit better and go with</p> <p>24 it and they still tend to break windows until they</p> <p>25 dial that in. Okay. Wind turbines produce no</p>	<p style="text-align: right;">32</p> <p>1 facts.</p> <p>2 It is our opinion that it meets all other</p> <p>3 requirements necessary to receive a zoning permit.</p> <p>4 The zoning inspector did not state any other reasons</p> <p>5 for the denial. So an application was properly</p> <p>6 submitted. The wind turbines will not create</p> <p>7 objectionable conditions as they do not emit noxious</p> <p>8 odors, create nuisance levels of noise, create dust,</p> <p>9 produce hazardous materials, or for that matter, do</p> <p>10 any of the other things we talked about in</p> <p>11 performance characteristics.</p> <p>12 The project satisfies all of the</p> <p>13 applicable general requirements under Section 2.</p> <p>14 There is no height limit in the M-2 district, so</p> <p>15 these can't be too tall. The project satisfies the</p> <p>16 parking lot area and yard requirements in Section</p> <p>17 4.8. And the project satisfies the additional yard</p> <p>18 requirements in Section 7.1. And again, we did not</p> <p>19 receive any complaints to counter any of the -- or</p> <p>20 the denials we received.</p> <p>21 And with that, I'll hand that back over to</p> <p>22 Mr. Hogan to talk.</p> <p>23 MR. HOGAN: Sure. So this is -- this is</p> <p>24 sort of a summation, but what was the error here?</p> <p>25 Well, one of the potential errors because it's not</p>
<p style="text-align: right;">31</p> <p>1 perceptible vibrations. You can stand on the</p> <p>2 foundation or on the turbine during full operation</p> <p>3 and you'll feel no vibration. I would have to get a</p> <p>4 special instrument to put in the ground even just to</p> <p>5 measure it. Because they're designed to have less</p> <p>6 movement. It's designed to be more efficient by not</p> <p>7 moving, which is why they don't have vibrations.</p> <p>8 And it's certainly on its worst day, in the worst</p> <p>9 situation, in the worst spot in the US is nowhere</p> <p>10 near a metal stamping.</p> <p>11 So it is a manufacturing use because it</p> <p>12 does produce something through a process. It is a</p> <p>13 manufacturing use that has performance</p> <p>14 characteristics that are similar or, in reality, far</p> <p>15 better than other enumerated permitted uses. So in</p> <p>16 our view that then says this is a permitted use in</p> <p>17 the M-2 district.</p> <p>18 Of course, just to make sure we checked</p> <p>19 other boxes. So we have received nothing in the</p> <p>20 denials, either exhibit, was it -- the two exhibits</p> <p>21 that were the two denials, we have received nothing</p> <p>22 that lists any other alleged areas we have not</p> <p>23 addressed, but I just want to check the boxes. So</p> <p>24 since this board has the ability to issue a permit,</p> <p>25 let's make sure that you have all the rest of the</p>	<p style="text-align: right;">33</p> <p>1 entirely clear, is whether the project is a</p> <p>2 structure. And again, if it's not, then we</p> <p>3 shouldn't be here because it's not governed by the</p> <p>4 zoning ordinance. The definition is pretty clear a</p> <p>5 combination of materials forming a construction that</p> <p>6 is safe and stable. That's certainly what these</p> <p>7 wind turbines are.</p> <p>8 In the original denial email, which I</p> <p>9 forget the exhibit number letter. He'll get it for</p> <p>10 me.</p> <p>11 MS. NEDELCO: C.</p> <p>12 MR. KENT: C.</p> <p>13 MR. HOGAN: C. There was a statement that</p> <p>14 the project is more properly defined as wind system,</p> <p>15 and that it was denied because it didn't qualify</p> <p>16 under the definition of small wind system. But</p> <p>17 again, going back to what I noted earlier, small</p> <p>18 wind system is a specifically defined term relating</p> <p>19 to agricultural uses for small wind turbines.</p> <p>20 Doesn't say turbines generally. Doesn't say wind</p> <p>21 systems generally. It only applies to one specific</p> <p>22 addition to what you're allowed to do in an</p> <p>23 agricultural district. Didn't cut anything. It</p> <p>24 created in effect a blanket variance so farmers</p> <p>25 don't have to come in every time they want to put up</p>

<p style="text-align: right;">34</p> <p>1 a small wind system and ask for a variance. Nothing  2 in the zoning ordinance says that wind turbines,  3 other than specifically defined small wind energy  4 systems in agricultural districts are prohibited.  5 In fact, as Jerome noted, it's clearly a permitted  6 manufacturing or industrial use in an M-2 district.  7 The small wind system, or what they describe in  8 their original letter as just a wind system, is not  9 relevant whatsoever to this type of industrial  10 district and this type of project.  11 And with that, we would request again that  12 construing any ambiguities or doubts in favor of One  13 Energy that the permit be granted. Thank you.  14 CHAIRMAN MILLER: Any of the Board have  15 questions?  16 MR. BLAUSEY: I have one maybe simple  17 question. Do you see this as a, forget the word  18 small, wind energy system?  19 MR. KENT: I would say clearly this is a  20 wind turbine, and depending on what you define as a  21 wind energy system, it may very well be that. So,  22 you know, in some ordinances that includes other  23 parts of the system. It is clearly a wind turbine,  24 I don't think we have any disagreement with that. I  25 think our disagreement is that it's a small wind</p>	<p style="text-align: right;">36</p> <p>1 through your thought process.  2 MR. WILLEY: Well, as he said, when we  3 looked at that, they're right, there is no  4 definition of a large wind energy system in your  5 resolution. It says small wind energy system. But  6 it says small wind energy system is a wind energy  7 conversion system consisting of a wind turbine and  8 associated control or conversion electronics. My  9 thought process at that point was that the zoning  10 resolution clearly understands there are other kinds  11 of wind turbines. There are large wind turbines.  12 There are medium sized wind turbines. There are  13 whatever categories there are. But, you know, it  14 seems -- you know, I assumed that at the time this  15 was drafted that the decision was made to allow  16 specifically small wind energy systems. Didn't deny  17 that there are other classes of wind energy systems  18 out there, but just to allow the small wind energy  19 systems. So based on that, looking at their  20 application, it did not meet a number of the -- of  21 the criteria for a small wind energy system, namely  22 being, you know, as it says, the definition says,  23 among other things, mounted on a 65 to 140-foot  24 tower and suitable for use by rural farms or  25 residences in an agricultural district. So the</p>
<p style="text-align: right;">35</p> <p>1 energy system.  2 MR. BLAUSEY: Okay.  3 MR. KENT: The example I like to use is  4 it's also not a pond, it's also not any of the other  5 things that are typically listed. It's not a solar  6 energy system. Those are all defined terms. It's  7 not those, which puts us back to the broader  8 definition of manufacturing use.  9 MR. BLAUSEY: Okay. Thank you.  10 MR. KENT: Thank you.  11 CHAIRMAN MILLER: Anybody else?  12 MS. NEDELCO: No.  13 CHAIRMAN MILLER: We'll go over to John  14 here.  15 MR. WILLEY: I will introduce myself  16 because I don't know that all of you know who I am.  17 I'm John Willey. I'm the director of the Sandusky  18 County Regional Planning Commission. And so I got  19 to this point because I am not, certainly not your  20 zoning inspector, but your zoning inspector had a  21 conflict so he decided that the best approach was to  22 have me sort of act as the zoning inspector for this  23 permit. So should I go ahead and just explain why  24 we denied the permit or?  25 MS. TISCHLER: Yeah, just go ahead and go</p>	<p style="text-align: right;">37</p> <p>1 other things are really kind of not relevant to it.  2 But those two things. It is taller than -- the  3 proposed turbines are taller than the 140-foot  4 limit. And again, saying they're suitable for use  5 by rural farms or residences in an agricultural  6 district. As they have said, this is an M-2  7 district. This is a manufacturing district. It's  8 not an agricultural district. The use is not for a  9 rural farm or a residence. It is for an industrial  10 use in that, and that's -- that was what we based,  11 you know, kind of the decision, you know, in my mind  12 that was kind of the very -- very quickly we looked  13 it right there.  14 The other things about whether or not it  15 produces noise or whether or not it produces  16 vibrations, yeah, probably not, but those aren't  17 things -- you know, those are things that have to do  18 with activities that are allowed in the industrial  19 district, which this is not. To me it plainly says  20 that we allow small wind energy systems in  21 agricultural districts suitable for rural farms and  22 residences. I mean the discussion of whether it's a  23 structure or a building is, you know, I mean I guess  24 we could talk about that. But, I mean, zoning is  25 not just about -- it's not a building code. It is</p>

<p style="text-align: right;">38</p> <p>1 not just about the construction of buildings and  2 structures. That is one of the things that it  3 governs, but it governs the use of land. And again,  4 we have it here specifically that we allow the use  5 of these things suitable for use by rural farms or  6 residences in an agricultural district. So, you  7 know, the township has the authority to govern the  8 use of things, you know, the height or whether it  9 meets the height requirements and things like that.  10 But also important, which is at its very fundamental  11 level, it just -- we know it's not a rural farm,  12 it's not an agricultural district, and these only  13 the ones allowed even in those -- even in those  14 areas.  15 I mean I understand what they're saying.  16 They're talking about manufacturing and things like  17 that. But, I mean, I guess we could get into a  18 debate about whether you can make electricity or not  19 or anything like that, I mean, whether -- you know,  20 I don't want to get into anything, like, you know,  21 we aren't going to have an argument about  22 thermodynamics. But at this point, I mean, by that  23 thought process if we allow, you know, wind energy  24 turned into electricity and say that's a  25 manufacturing use, so is anybody who plants corn to</p>	<p style="text-align: right;">40</p> <p>1 demonstrate it was solely being used for  2 agricultural purposes. So I don't think that in  3 dealing with this that this is, you know, creating a  4 use there. I mean, a genuine agricultural use  5 wouldn't require a permit in those cases anyways.  6 I'm not sure what else. So, I mean, that  7 was -- the thought process was that looking -- since  8 we called out small wind energy systems, you know,  9 we assumed that the decision had been plainly made  10 by the people who wrote this resolution to allow the  11 small ones but not that. If you look over under  12 solar energy, the definition on the next page, 7-6,  13 it does call out smaller solar energy systems,  14 medium, large solar energy systems. There are three  15 classes of solar energy systems that are allowed in  16 the township under that resolution. So the same  17 thing. I mean, I think that they -- you know, there  18 they considered that and all three or at least  19 spelled out the details for all three sizes. Just  20 because they didn't do that for small wind doesn't  21 mean that basically the way it was drafted that that  22 wasn't considered. So that's my opinion.  23 MS. TISCHLER: So your opinion is that  24 they drafted it to include anything that exceeds the  25 defined --</p>
<p style="text-align: right;">39</p> <p>1 turn it -- take sunlight and turn it into a product  2 that they sell there. I mean, we wouldn't call that  3 a manufacturing process. Sometimes I think we  4 should, but we don't. We create agricultural  5 districts specifically for that use, which is also  6 taking a natural energy source and converting it  7 into something else. We don't call that  8 manufacturing typically. You take the corn somewhere  9 and they make a product out of that, yes. But the  10 conversion process itself, you know, we don't  11 generally call that manufacturing. And it's whether  12 or not creating a use for farmers not having to get  13 variances and things like that.  14 One of the things that I've always  15 wondered, and it hasn't come up, but what would  16 happen if a farmer came to us and he or she said I  17 want to put up a small wind energy system to power  18 some piece of electrical equipment on my farm, it's  19 solely for use for agriculture and nothing else, do  20 I need a permit? Because as a lot of you are  21 probably aware, agricultural uses, bona fide  22 agricultural uses are for the most part exempt from  23 zoning in Ohio. I don't even know that we would be  24 able to require a farmer to get a permit -- to get a  25 permit to put up a wind turbine if they could</p>	<p style="text-align: right;">41</p> <p>1 MR. WILLEY: You know, if they had wanted  2 to allow large wind energy systems, they would have  3 just said wind energy systems and have rules that  4 apply to all of them or they would also have  5 included a medium, large or whatever size wind  6 energy system in addition to the small ones.  7 MR. BLAUSEY: And doesn't Section 4 in 7-5  8 sort of support that when it says the last  9 statement, aesthetic requirement of a permitted wind  10 turbine, implying that this is the one permitted.  11 MR. HOGAN: Which section? I'm sorry.  12 MR. BLAUSEY: 7.5(4).  13 MR. HOGAN: Oh, 7.5(4).  14 MR. BLAUSEY: The fourth bullet.  15 MS. TISCHLER: Safety, noise and  16 aesthetics.  17 MR. BLAUSEY: And I realize that's a  18 definition for a specific kind, but it references  19 that section as being permitted or allowable.  20 MR. WILLEY: Yeah, I mean, I don't see it.  21 But, yeah, if you say it's talking about a permitted  22 one, then correct. I mean, it would just be talking  23 about the ones that are permitted.  24 MR. BLAUSEY: That's my point. It's not  25 just implied. It says it.</p>

<p style="text-align: right;">42</p> <p>1 MS. NEDELCO: Would you read -- would you 2 read that section again, Bill? 3 MR. BLAUSEY: So 7.5(4) says, Any wind 4 turbine of 500 watts or less does not need a zoning 5 permit. However, if installed on a tower, the tower 6 must meet all setback, height, noise, safety and 7 aesthetic requirements of a permitted wind turbine. 8 MR. WILLEY: Yes. I'm sorry, there's a 9 7.5(4) on the next page that I was looking at. 10 MR. BLAUSEY: Oh, I'm sorry. 11 MR. WILLEY: So I didn't see that. Oh, 12 yes, 7.5, correct. I mean, that's right. We're 13 talking about all these things. Yeah, they're 14 exempting again 500 watts or less they don't need 15 the zoning permit. I mean, they considered I guess 16 we'd call that an extra small wind energy system. 17 Clearly, there was some thought put into here for 18 different scales of wind energy systems, and this 19 was how they chose to allow the small ones but not 20 anything larger than that. I mean, you could argue 21 that maybe there would be a clearer way to write 22 that, and that would be a fair thing to discuss, but 23 I don't think that that was -- you know, this was -- 24 this was sufficient I think at the time. 25 MS. NEDELCO: I have a question.</p>	<p style="text-align: right;">44</p> <p>1 3.77? 2 MS. NEDELCO: Yes, for the definition. 3 But if you go to the M-2 I believe for their 4 district, they're allowed certain structures. 5 MS. TISCHLER: Well, but not all 6 structures. 7 MS. NEDELCO: Right. And would that fall 8 under -- 9 MR. WILLEY: Well, I don't think -- 10 MS. NEDELCO: Would the structure we're 11 speaking of fall within any of those? 12 MR. WILLEY: No, not any of those 13 definitions, I mean, you know. 14 MS. NEDELCO: Okay. I ask that because 15 they reference the 4.81 and other manufacturing. 16 MR. WILLEY: Again, I just don't feel that 17 it's a manufacturing use. I mean, it's a different 18 kind of use. It's just, in a sense that it's -- 19 that's -- to me, I'm not -- I'm not convinced that 20 we would call it a manufacturing use. 21 MS. TISCHLER: John, in 3.77 none of those 22 structures listed in your opinion do they perform 23 the actual manufacturing use? 24 MR. WILLEY: No. I mean, observation 25 towers, trestles, piers, wharves, I mean they're</p>
<p style="text-align: right;">43</p> <p>1 MR. WILLEY: Sure. 2 MS. NEDELCO: Was there any thought given 3 to the word structure in your decision instead of 4 wording wind turbine -- 5 MR. WILLEY: I didn't. 6 MS. NEDELCO: -- in that? 7 MR. WILLEY: -- I think there was too much 8 -- 9 MS. NEDELCO: It's on 3.77 for structure. 10 MR. WILLEY: Yeah. I guess my thought was 11 that it wasn't -- you know, again whether it's a 12 structure or whether it's a use, I mean, we're 13 talking about we're not allowing the use of wind 14 turbines. Whether it's a structure or a building or 15 a use, you know, is important. But, I mean, whether 16 we're calling it a structure or not I guess, you 17 know -- yeah, I would say -- 18 MS. NEDELCO: Which falls back to the M-2 19 where structures of certain types are -- 20 MR. WILLEY: Correct. 21 MS. NEDELCO: -- allowed? 22 MR. WILLEY: Anything that's a 23 construction that's put together I would think it as 24 a structure, but. 25 MS. TISCHLER: So you're talking about</p>	<p style="text-align: right;">45</p> <p>1 all, you know, part of maybe -- you know, they're 2 all related to those things but they're not 3 themselves, you know, solely a manufacturing use. I 4 mean, display signs, you know. 5 MS. NEDELCO: 3.77 though because it says 6 a combination of materials forming a construction 7 that is safe and stable and includes, comma, among 8 other things, comma, that "among other things" is -- 9 MR. WILLEY: Yeah. 10 MS. NEDELCO: -- is not a definite yes or 11 no for any type of structure is my concern. Is it 12 or is it not? 13 MS. TISCHLER: I apologize, I was -- 14 MS. NEDELCO: Oh, I was just going over 15 the structure definition. 16 MS. TISCHLER: Yeah, they're all -- 17 MS. NEDELCO: It says among other things 18 but it doesn't tell us what those other things are. 19 MS. TISCHLER: Well, I think what John's 20 point and what our discussions entailed is that, 21 yes. I mean, on some level if it stands up it could 22 meet your glossary definition or Merriam-Webster 23 definition, but it doesn't meet your zoning code 24 definition. Your zoning code are all things that 25 are stationary. They're not -- they are not</p>

<p style="text-align: right;">46</p> <p>1 necessarily the structure itself. Part of the  2 process, which is why, you know, a wind turbine, if  3 it looks like a wind energy system where it's going  4 to create and generate the energy for the  5 manufacturing process, but that is not the  6 structure. That is a wind energy system. You know,  7 calling the turbine a structure would be  8 disingenuous to the intent of your code.  9 MS. NEDELCO: Okay.  10 MR. WILLEY: I guess, I mean, just throw  11 this out there, on the state level as well, the  12 state understands that these are something  13 different. I mean, if you have -- depending on, you  14 know, if you have a large enough set of wind  15 turbines, at that point the state steps in, takes  16 away the township's authority to regulate it. I  17 mean, they have specific rules. You know, they're  18 not -- they don't do that for a manufacturing  19 facility. You know, they do that for electrical  20 generation. They do it as, not as a manufacturing  21 process, so.  22 CHAIRMAN MILLER: Any other questions for  23 John?  24 MR. KENT: Mr. Chairman, how do you want  25 to handle questions from us? Can we do those now</p>	<p style="text-align: right;">48</p> <p>1 didn't think too much about whether or not it was a  2 structure when I denied the permit. I mean, as I  3 said, it was a -- whatever it is, it was a thing  4 that was taller than was allowed in that district --  5 well, that was allowed for a small wind energy  6 system, whether it was allowed in that district or  7 not, which they're only allowed in a agricultural  8 district anyways. So I guess whether it's a  9 definition of a structure or not, I -- I didn't give  10 too much thought to that.  11 Q And it sounds like, sitting here today as  12 the person who made the decision to deny the permit,  13 you're unclear from looking at Section 3.77 as to  14 whether it's a structure or not, right?  15 A I mean, I guess a combination of materials  16 forming a construction that is safe and stable and  17 includes, among other things, those other -- those  18 other devices. I can certainly see how you would  19 call that a structure. As I said, I didn't -- you  20 know, I'd have to give it some time thinking about  21 it because I didn't really think that the definition  22 of whether it is or is not a structure was relevant  23 to this. So I would have to spend some time  24 thinking about it because it wasn't really something  25 that weighed too much into my thought process about</p>
<p style="text-align: right;">47</p> <p>1 for Mr. Willey, or?  2 MR. HOGAN: Yes. May I cross-examine, Mr.  3 Chairman?  4 CHAIRMAN MILLER: Yes.  5 MR. HOGAN: And may I stay seated so I can  6 look in the book?  7 CHAIRMAN MILLER: Yes.  8 EXAMINATION OF JOHN WILLEY  9 BY MR. HOGAN:  10 Q Mr. Willey, do you have a copy of the  11 zoning resolution in front of you?  12 A I do.  13 Q So just to be clear, is it your testimony  14 that the proposed turbines are not structures as  15 defined in the zoning code?  16 A I'm not sure how -- I'm not really sure  17 what -- you know, what the -- whatever the use of  18 the structures that are relevant. I mean --  19 Q So you're --  20 A We have the same -- yeah. I mean, we have  21 something in here that says buildings and  22 structures, building includes the word structure,  23 dwelling includes the word residence in here and so  24 on. And I guess by some definitions, yes, you would  25 call it a structure. I mean, I guess I really</p>	<p style="text-align: right;">49</p> <p>1 whether or not this was a permitted use of the land,  2 so...  3 Q And did you think about whether it is a  4 building, the turbines are a building as defined in  5 Section 3.13?  6 MS. NEDELCO: What section was that?  7 MR. HOGAN: 3.13.  8 MS. NEDELCO: I don't see 3.13 in my  9 definitions. Oh, here we go.  10 MS. TISCHLER: I looked at it the first  11 time looking for point 13.  12 MS. NEDELCO: Yeah, I have it, Page 4.  13 A Section 3.1 of the definitions also,  14 though they say that building includes the word  15 structure. So, I mean, if there's a building would  16 also, I guess I would take that to mean be a  17 structure. I would have to think about that. I  18 mean, to be honest, as I said, I mean, a structure  19 -- you know, a structure, whether it was a structure  20 or not or what the definition of a structure was, it  21 really wasn't something that weighed into my  22 decision, so.  23 Q So is it fair to say your decision weighed  24 -- your decision was premised solely on a  25 determination that Section 7.5 relating to the</p>

<p style="text-align: right;">50</p> <p>1 defined terms small wind energy system precluded 2 this project? 3 A I'm sorry. That it included? 4 Q Precluded a permit for this project. 5 A A small wind energy system is an allowable 6 use in some areas of the township. This does not 7 qualify as a small wind energy system. 8 Q And if you're not -- if you didn't 9 consider whether it's a building or a structure, if 10 you look at Sections 2.1 through 2.3 of the zoning 11 code, what was your basis for concluding that the 12 township even had jurisdiction to consider issuing a 13 zoning permit in the first place? 14 A No building or structure shall be erected, 15 converted, blah, blah, blah, nor shall any building 16 or land be used, except for a purpose permitted in 17 the district in which the building or land is 18 located. Again, zoning is not strictly a building 19 code. It also governs the use of land. So, I mean, 20 if this is -- I mean, if part of your argument is 21 that this is -- you're trying to claim this as a 22 manufacturing use, I mean, your -- you know, that's 23 a separate thing entirely. I mean, that's part of 24 what you're saying is that it's irrelevant whether 25 it's a structure or not, that it's an allowable</p>	<p style="text-align: right;">52</p> <p>1 anything like that. So it does affect the use of 2 land is also one of the things. I mean, as we were 3 talking about using this -- you know, whether it's a 4 structure that is too tall, you know, as I said, we 5 only allow them in the agricultural district and it 6 has to meet those criteria. So it's a balance of 7 both things, the structure built, you know, whatever 8 it is, building or structure, but it's also the use 9 of the land. 10 Q Let's look at Section 7.5 if you would. 11 Because you just used a term that I don't see 12 anywhere in the actual resolution, which is that it 13 is only allowed in the agricultural district. So 14 what's your basis for saying that? 15 A 7.5-2, suitable for use by rural farms 16 and/or residences in an agricultural district. 17 Small wind energy system has rotors 23 inches to 21 18 feet in diameter on a 65 to 140-foot tower, and 19 suitable for use by rural farms and/or residences in 20 an agricultural district. 21 Q And again that's referring to a 22 specifically defined wind energy conversion system? 23 A A small wind conversion system. 24 Q Right. 25 A Which are the only kinds of wind energy</p>
<p style="text-align: right;">51</p> <p>1 manufacturing use. We're saying it's a use and it's 2 specifically allowed in agricultural districts if 3 they are 65 to 140 feet tall. 4 Q But you would agree with me looking at 5 Sections 2.1 through 2.3, that -- well, let me break 6 it down. There's really two steps, right, for -- or 7 multiple steps for the township to have jurisdiction 8 and to consider a zoning permit. First is it has to 9 be a building or structure, correct? 10 A This says, Nor shall any building or land 11 to be used. 12 Q Which section are you looking at? 13 A 2.1, General Regulations. No building or 14 structure shall be erected, converted, enlarged, 15 reconstructed, moved or structurally altered, nor 16 shall any building or land be used except for a 17 purpose permitted in the district in which the 18 building or land is located. I mean, it's a common 19 thing that we have issue with township -- you know, 20 township zoning resolutions that people think of it 21 as a building code, and it's not. It's the use of 22 the land. One of those uses is the construction and 23 use of buildings. But we -- you know, I mean, there 24 are lots of uses that we don't allow that are not 25 necessarily the construction of a building or</p>	<p style="text-align: right;">53</p> <p>1 conversion systems that the township allows, so... 2 Q What's your basis for saying that? Where 3 is the "only" that you referred to in your testimony 4 a minute ago? 5 A Well, as I said, you know, the fact that 6 we're talking about wind energy conversion systems 7 and it specifically points out small wind energy 8 conversion systems, to me I think it's clear that it 9 says that there was a consideration given to the 10 whole range of wind energy systems and the writers 11 of this zoning resolution chose to allow small wind 12 energy systems and not others. 13 Q And in an agricultural district, correct? 14 Doesn't say only in an agricultural district, does 15 it? 16 A Well, but it says one of the criteria is 17 that they have to be suitable for use by rural farms 18 or residences in an agricultural district. 19 Q So let's look then at Section 4.1, if you 20 will, which is the agricultural district permitted 21 uses. 22 A Yes. 23 Q And you'll note one of the height limits 24 is that no building except those for agricultural 25 purposes shall be erected or enlarged to exceed 35</p>

<p style="text-align: right;">54</p> <p>1 feet in height. Do you see that?</p> <p>2 A I do.</p> <p>3 Q Would you agree that a small wind energy</p> <p>4 system as defined in Section 7.5 would not be</p> <p>5 permitted in an agricultural district in the absence</p> <p>6 of Section 7.5? In other words, a 65 to 140-foot</p> <p>7 tower?</p> <p>8 A Well, it says suitable -- it says suitable</p> <p>9 for use by rural farms or residences in an</p> <p>10 agricultural district. And I'll read through it</p> <p>11 here again. No building except for those for</p> <p>12 agricultural purposes shall be erected or enlarged</p> <p>13 to exceed 35 feet in height. If we're going to --</p> <p>14 like I said, if we were going to argue that it's a</p> <p>15 building, I mean, we can look at that. But I'm not</p> <p>16 sure that we even consider that.</p> <p>17 MS. TISCHLER: I was going to say, I</p> <p>18 didn't think he conceded that a wind turbine is a</p> <p>19 building.</p> <p>20 MR. HOGAN: But it's either a building or</p> <p>21 a structure?</p> <p>22 MS. TISCHLER: Or a use.</p> <p>23 Q So but whether you look at it as a</p> <p>24 building, a structure or a use, but for Section 7.5,</p> <p>25 in your view would a small wind energy system as</p>	<p style="text-align: right;">56</p> <p>1 A We would have to consider whether or not</p> <p>2 there were any other definitions. And like I said,</p> <p>3 if it were being used for agricultural uses only, it</p> <p>4 would be -- you know it would be -- it would be</p> <p>5 fine. If we didn't have anything else in there</p> <p>6 about wind energy systems, I don't know. We have</p> <p>7 the -- I had not -- you know, as I said, I've not</p> <p>8 considered, not really thought too much about that</p> <p>9 because it wasn't something that we were</p> <p>10 considering. We were looking at just the specific</p> <p>11 one that was proposed. No building except for</p> <p>12 agricultural purposes shall be erected or enlarged</p> <p>13 to exceed 35 feet in height. That would be a</p> <p>14 question I'd want to -- I'd want to think about it</p> <p>15 perhaps and do some research on it, because it</p> <p>16 wasn't something that I considered as part of this.</p> <p>17 Q But what you do know is because of Section</p> <p>18 7.5 a farmer who wants to put in a small wind energy</p> <p>19 system can do it in this township if they satisfy</p> <p>20 the criteria in an agricultural district?</p> <p>21 A Yeah, I would believe so.</p> <p>22 Q And looking -- you pointed out the solar</p> <p>23 energy Section --</p> <p>24 A Yes.</p> <p>25 Q -- 7.6. Could you turn back to that?</p>
<p style="text-align: right;">55</p> <p>1 defined in the code be permitted under Section 4?</p> <p>2 A Under Section 4. Well, if it were being</p> <p>3 used solely for agricultural purposes then it would</p> <p>4 be exempt. It would be a use permitted agriculture</p> <p>5 it would be largely exempt from zoning anyway. If</p> <p>6 we had no mention whatsoever of wind energy systems</p> <p>7 anywhere else in here, I would have to give that</p> <p>8 some consideration. But as I said, the writers of</p> <p>9 this zoning resolution certainly considered wind</p> <p>10 energy conversion systems and chose to allow small</p> <p>11 ones in agricultural districts. I guess if we</p> <p>12 deleted all other references to small wind energy</p> <p>13 systems elsewhere in the resolution, I don't know.</p> <p>14 We'd have -- we'd have to consider that, whether</p> <p>15 something that wasn't spelled out anywhere in the</p> <p>16 resolution, whether or not, you know, what we would</p> <p>17 do. But since we do have small wind energy systems</p> <p>18 specifically in here, they're intended to allow the</p> <p>19 smalls ones, not the large ones.</p> <p>20 Q So what you're saying is looking at</p> <p>21 Section 4 standing alone, you can't tell me for sure</p> <p>22 whether a small wind energy system as defined in the</p> <p>23 code would be permitted in an agricultural district.</p> <p>24 There are other things that would have to be</p> <p>25 considered, right?</p>	<p style="text-align: right;">57</p> <p>1 A Yes.</p> <p>2 Q Is there anything in Section 7.6 similar</p> <p>3 to 7.5 that specifies a particular district in which</p> <p>4 this type of system would be permitted?</p> <p>5 A No, but I think I'd have to consider --</p> <p>6 I'd have to read through the rest of it. I don't</p> <p>7 believe that there is. I mean we're not talking --</p> <p>8 I mean, I said I offered that as an example of a</p> <p>9 similar process where they did intentionally call</p> <p>10 out the small, medium and large ones. I don't think</p> <p>11 that it specifically states district in there. I</p> <p>12 think that's something that I would like to talk to</p> <p>13 the zoning commission about -- about that. But</p> <p>14 again, it's not -- it's not the same thing. I mean,</p> <p>15 we're talking, you know, again there are -- you</p> <p>16 know, we have definitions. Certainly they</p> <p>17 considered wind energy systems and they considered</p> <p>18 solar energy. I'm only referring to the solar</p> <p>19 energy, I wanted to show that at the time the same</p> <p>20 process produced language for small, medium and</p> <p>21 large systems.</p> <p>22 Q But I think what I heard you say is</p> <p>23 they're really not analogous in terms of 7.5 and 7.6</p> <p>24 in terms of what they provide?</p> <p>25 A No, you're right. They are -- they are</p>



<p>58</p> <p>1 different things. I offered that up as an example  2 that, you know, during the writing of this they  3 considered the whole range of, you know -- in my  4 opinion they considered the whole range of solar  5 energy systems and spelled out rules for small,  6 medium and large, you know. I believe they did for  7 small wind energy systems as well and only chose to  8 allow small wind energy systems and considered the  9 whole range of small, medium and large or whatever  10 we want to do.  11 Q So you were making assumptions as to what  12 was intended based on the inclusion of a different  13 provision that didn't specifically mention a  14 district?  15 A I was offering it as an example of, you  16 know, how these things -- how these things are  17 written, yeah. Right, it's not exactly -- yeah,  18 that's all.  19 Q Could you look at Section 4.8 for me which  20 refers to an M-2 heavy industrial district.  21 A Okay.  22 Q And if we assume -- let's pretend that  23 Section 7.5 doesn't exist for the moment, okay. Do  24 you have a view or opinion as to whether the  25 industrial type turbines that are proposed in this</p>	<p>60</p> <p>1 A It converts water into steam.  2 Q And that's then used as energy, correct?  3 A But I assume a boiler works is a plant  4 that manufacturers the boilers, not operate the  5 boilers and converts water to steam.  6 Q The reason you're assuming that is because  7 that term itself is not defined in the code, is it?  8 You can look at Section 3.  9 A I'd have to check. I've not -- I've not  10 looked to see if there's a boiler works definition  11 on there.  12 Q And if we assume -- let's assume for the  13 moment that again 7.5 doesn't exist and the turbine  14 -- the turbines are another manufacturing use that  15 in some way has similar characteristics to any of  16 the other permitted uses --  17 A I'm sorry. Back up. You said is a  18 manufacturer -- turbine is a manufacturing use?  19 Q The turbine is another manufacturing use  20 that has performance characteristics similar to  21 those listed in this section.  22 A I'm not sure that -- I still don't believe  23 that it's a manufacturing use. I mean, we could --  24 you know, we could write a definition that says  25 that, but it's not a manufacturing use.</p>
<p>59</p> <p>1 project would qualify as structures that are  2 permitted uses within an M-2 heavy industrial  3 district?  4 A I still wouldn't. At that point -- I  5 don't know how to phrase this. I still wouldn't  6 believe that it's a manufacturing use. I mean, the  7 uses that are listed in the heavy industrial  8 district are manufacturing uses. You know, I don't  9 believe that the wind -- you know, that a wind  10 energy system is itself a manufacturing use.  11 Q What if -- you look at 4.8-1(N), as in  12 Nancy, you'll see that there's sort of catch-all  13 other manufacturing plants and uses having  14 performance characteristics similar to those listed  15 in this section. Do you see that?  16 A Uh-hum.  17 Q And do you know what -- if you look at C,  18 do you know what a boiler works is?  19 A I would assume that is a manufacturer of  20 boilers.  21 Q You would assume. You don't know?  22 A Well, I've not considered that. I haven't  23 looked to see even if we have a definition for  24 boiler works.  25 Q Do you know what a boiler does?</p>	<p>61</p> <p>1 Q Can you tell me sitting here today that it  2 is not another manufacturing use that has similar  3 performance characteristics to those listed in  4 Section 4.1?  5 A We have a definition and it doesn't refer  6 to it as a manufacturing use. I mean, it's not a  7 manufacturing use.  8 Q So the definition you're referring to is  9 the definition of small wind turbine system?  10 A Let me look at it. Right, a wind energy  11 conversion system -- yeah, small wind energy system  12 and they have a solar --  13 MS. TISCHLER: May I --  14 A -- energy system, so a mechanical or  15 electronic system that converts solar energy to heat  16 or electrical energy.  17 Q So again, it all comes back to the fact  18 that you view the only wind system permitted in this  19 township to be the defined term, small wind energy  20 system?  21 A Correct.  22 Q And if you look at Section 4 --  23 A Well, except for, again, I don't know what  24 we would do if a farmer came to us with one that was  25 solely for an agricultural use. It hasn't come up</p>

<p style="text-align: right;">62</p> <p>1 yet. It hasn't happened yet. You know, we could  2 have one that again if they could demonstrate that  3 it's purely an agricultural use, we might have one  4 to have other characteristics here that is allowed  5 or just we don't have authority over --  6 MS. TISCHLER: So you're saying a larger  7 wind energy system in an agricultural district could  8 make an argument that they don't need a permit if  9 it's a purely for agricultural because --  10 A Nobody's done that. We've had people try  11 to argue that a wind energy system is a farm, which  12 call it a farm. That itself is not an agricultural  13 activity, but using the energy from that to dry corn  14 might be an exempt agricultural use.  15 Q Who's the "we" you're referring to?  16 A Me, I guess is.  17 Q As township -- as acting township zoning  18 inspector or in a different capacity?  19 A Well, I mean as the regional planning  20 director I read a lot of zoning resolutions. But I  21 mean in this matter, yeah, I'm acting as the -- you  22 know, I guess in that case I would say that it's  23 beyond Woodville Township. We've not had any other  24 township that I'm aware of ask about whether or not  25 a wind turbine would be exempt if it's solely for an</p>	<p style="text-align: right;">64</p> <p>1 generate electricity. You know, again manufacturing  2 and making of anything by any agency or process. It  3 wasn't something I thought about because, as I said,  4 again it didn't meet the criteria for what we do  5 allow anyways, so...  6 Q So you didn't think about that definition  7 one way or the other?  8 A I didn't consider it in making the  9 decision necessarily other than to say that what  10 this is going on is not a manufacturing -- you know,  11 this is a manufacturing use. Making of anything by  12 any agency or process, you know, again, we have  13 other definitions here that govern -- you know, that  14 talk about what that is. I mean the solar energy  15 definition says conversion. It doesn't say making  16 electricity. Solar energy system that converts  17 solar energy to heat or electrical energy. I guess  18 if we want to get down to, you know, the semantics  19 there, it doesn't say make. You know, it's saying  20 conversion.  21 Q You mentioned, and we've looked at Exhibit  22 C earlier which was the initial email that you  23 considered to be part of the entire denial process.  24 Do you remember that?  25 A Yes.</p>
<p style="text-align: right;">63</p> <p>1 agricultural use.  2 Q So that's really speculation at this  3 point?  4 A Yeah.  5 Q If the wind energy was used to help cook  6 lyme as part of the Martin-Marietta manufacturing  7 process, would that change your opinion at all,  8 again assuming that there is no Section 7.5?  9 MS. TISCHLER: But there is a Section 7.5.  10 A Yeah. Yeah, I also would say that that's  11 not an exempt agricultural process. I mean, there's  12 -- there's a wide ranging definition of that, but  13 there is nothing in there about, that I think would  14 cover that process.  15 Q Okay. Well, look at Section 3.49.  16 A Okay.  17 Q And you can see there's a definition of  18 manufacturing there.  19 A Uh-hum.  20 Q The making of anything by any agency or  21 process. Do you see that?  22 A I do.  23 Q Would you view electricity to be anything?  24 A Whether we call that the definition of  25 making electricity, I don't know. I mean, we</p>	<p style="text-align: right;">65</p> <p>1 Q I take it from your testimony that you  2 didn't have any role in drafting that email?  3 A Well, that was -- that email was -- no, I  4 didn't type the email. That was based on a  5 discussion I had with the county prosecutor. And it  6 was our opinion, I mean, we reached that opinion and  7 discussed that and then she wrote the email. So, I  8 mean, in that sense, no, I did not type the email.  9 Q But to be clear, the county prosecutor was  10 involved in making the decision that it's on appeal  11 here today?  12 A She advised us about what -- about it, you  13 know, I believe as the legal advisor to the  14 township. She advised us of what -- you know,  15 mostly she agreed with what we -- you know, with my  16 finding, but...  17 Q And she wrote part of what you deemed to  18 be the overall denial of the permit, right?  19 MS. TISCHLER: May I jump in. I responded  20 to an email that asked if we were going to render an  21 opinion and indicated essentially that Mr. Willey  22 would be drafting such a denial.  23 Q And my answer to this question, it was  24 directed to you?  25 A Repeat the question.</p>

<p style="text-align: right;">66</p> <p>1 MR. HOGAN: Can you read it back?</p> <p>2 (Previous question read back.)</p> <p>3 A Right. I mean, she typed it, but again,</p> <p>4 it was our opinion that we reached.</p> <p>5 Q Together?</p> <p>6 A Yeah. But it was my opinion, you know, as</p> <p>7 I said mostly just kind of wanted to run it by her</p> <p>8 and make sure that -- that my -- that she agreed</p> <p>9 with my thinking of that. It was just an opinion.</p> <p>10 And that was -- yeah, that was the case, so that's</p> <p>11 it.</p> <p>12 CHAIRMAN MILLER: Any other questions?</p> <p>13 MR. HOGAN: I have nothing further. Thank</p> <p>14 you, sir.</p> <p>15 MS. NEDELCO: I just have one question</p> <p>16 for, I'm sorry, I don't remember your name.</p> <p>17 MR. HOGAN. Hogan.</p> <p>18 MS. NEDELCO: Hogan. So, in other words,</p> <p>19 you just asked John in regards to 4.8(N), 4.8-1, the</p> <p>20 (N), other manufacturing plants goes along with 3.49</p> <p>21 manufacturing, meaning the making of anything,</p> <p>22 correct?</p> <p>23 MR. HOGAN: Yes, ma'am.</p> <p>24 MS. NEDELCO: Okay.</p> <p>25 CHAIRMAN MILLER: Does the board feel like</p>	<p style="text-align: right;">68</p> <p>1 (Whereupon, the Board recessed for</p> <p>2 executive session.)</p> <p>3 CHAIRMAN MILLER: Okay. We'll call the</p> <p>4 meeting back to order. And I'll call for a motion.</p> <p>5 MR. SANDWISCH: This is Dave. I'll make a</p> <p>6 motion to vote on the findings in support of or in</p> <p>7 denial of the zoning inspector.</p> <p>8 CHAIRMAN MILLER: Do I have a second?</p> <p>9 MR. ATKIN: Second.</p> <p>10 THE COURT: Seconded by Todd. All right,</p> <p>11 we'll call for a vote. Donna?</p> <p>12 MS. NEDELCO: No.</p> <p>13 CHAIRMAN MILLER: Todd?</p> <p>14 MR. ATKIN: Yes.</p> <p>15 CHAIRMAN MILLER: Dave?</p> <p>16 MR. SANDWISCH: No.</p> <p>17 CHAIRMAN MILLER: Bill?</p> <p>18 MR. BLAUSEY: Yes.</p> <p>19 MS. NEDELCO: Can I make a comment on my</p> <p>20 no?</p> <p>21 CHAIRMAN MILLER: Yes.</p> <p>22 MS. NEDELCO: Yes. The reason I'm saying</p> <p>23 no, I wanted to explain why, is because of the</p> <p>24 zoning resolution to the M-2 heavy industrial number</p> <p>25 N being other manufacturing plants, and then going</p>
<p style="text-align: right;">67</p> <p>1 they can make a decision on this or do we want to</p> <p>2 deliberate, dismiss this and go into executive</p> <p>3 session to discuss this?</p> <p>4 MR. BLAUSEY: I think we ought to talk</p> <p>5 about it.</p> <p>6 MS. NEDELCO: Executive session.</p> <p>7 MR. HOGAN: Mr. Chairman, if I may be</p> <p>8 heard. I would object to the county prosecutor</p> <p>9 participating in executive session in an appeal</p> <p>10 where she was part of the decision-making process</p> <p>11 that is on appeal. It's essentially like having the</p> <p>12 trial judge advise the appellate panel on their</p> <p>13 decision. And so I would strongly object that</p> <p>14 there's a conflict issue there. And I don't know if</p> <p>15 that's even happening, but I just want to make that</p> <p>16 objection for the record.</p> <p>17 MS. TISCHLER: I can stay out if you guys</p> <p>18 want to deliberate without me, that's fine.</p> <p>19 CHAIRMAN MILLER: How's the rest of the</p> <p>20 board feel?</p> <p>21 MS. NEDELCO: I'm good with that.</p> <p>22 CHAIRMAN MILLER: So we're going to</p> <p>23 adjourn at this time and go into executive session.</p> <p>24 MS. NEDELCO: Are you okay with it?</p> <p>25 MR. ATKIN: Yes.</p>	<p style="text-align: right;">69</p> <p>1 to the definition of manufacturing is the making of</p> <p>2 anything. And then also by the zoning, the acting</p> <p>3 zoning inspector not taking into consideration the</p> <p>4 structure definition 3.77. Thank you.</p> <p>5 CHAIRMAN MILLER: And my vote's going to</p> <p>6 be a yes.</p> <p>7 MS. TISCHLER: Just to make sure for the</p> <p>8 record, so the permit denial is upheld, correct?</p> <p>9 CHAIRMAN MILLER: Correct.</p> <p>10 MR. BLAUSEY: Correct.</p> <p>11 CHAIRMAN MILLER: At this time we're going</p> <p>12 to adjourn this meeting and take a short break for</p> <p>13 the public, if anyone needs to use the restrooms,</p> <p>14 and we'll move on into our variance request.</p> <p>15 (Hearing concluded at 9:00 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p style="text-align: right;">70</p> <p>1 STATE OF OHIO )  2 ) SS.  3 COUNTY OF HURON )  4 CERTIFICATE OF NOTARY PUBLIC  5 I do hereby certify the witnesses, whose attached  6 testimony was taken in the above matter, was first duly  7 sworn to tell the truth. The testimony contained herein  8 was reduced to writing in the presence of the witnesses,  9 by means of stenography; afterwards transcribed; and is a  10 true and complete transcript of the testimony given. I  11 further certify that I am not connected by blood or  12 marriage with any of the parties, their attorneys or  13 agents, and that I am not interested directly, indirectly  14 or financially in the matter of controversy.  15 In witness whereof, I have hereunto set my hand this  16 day, August 5, 2022, at Willard, Ohio, County of Huron,  17 State of Ohio.  18  19  20 _____  21 /S/ Susan J. Martin  22 Registered Professional Reporter  23 Notary Public  24 State of Ohio  25 My commission expires: 3-14-2027</p>	<p style="text-align: right;">72</p> <p>1 DECLARATION  2 Transcript of: Hearing Date: 07/27/22  3 Regarding: Woodville Township Zoning Board of Appeals  4 Reporter: Martin  5 _____  6  7 I declare under penalty of perjury the following to  8 be true:  9  10 I have read my deposition and the same is true and  11 accurate save and except for any corrections as made  12 by me on the Correction Page herein.  13  14 Signed at _____,  15 on the _____ day of _____, 2022.  16  17  18  19  20  21  22  23  24 Print Name _____  25 Signature _____</p>
<p style="text-align: right;">71</p> <p>1 CORRECTION SHEET  2 Transcript of: Hearing Date: 07/27/22  3 Regarding: Woodville Township Zoning Board of Appeals  4 Reporter: Martin  5 _____  6 Please make all corrections, changes or clarifications  7 to your testimony on this sheet, showing page and line  8 number. If there are no changes, write "none" across  9 the page. Sign this sheet on the line provided.  10 Page Line Reason for Change  11 _____  12 _____  13 _____  14 _____  15 _____  16 _____  17 _____  18 _____  19 _____  20 _____  21 _____  22 _____  23 _____  24 Print Name _____  25 Signature _____</p>	

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