

MIAMI TOWNSHIP ZONING COMMISSION
Minutes –December 19, 2023, Mtg.

The Miami Township Zoning Commission met on Tuesday, December 19, 2023, in the Miami Township Administration Office (Firehouse Training Rm.), 101 E. Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian W. Corry (Chairman), Dale Amstutz, and Fred Legge; Interim Miami Township Zoning Inspector Denise Swinger; Miami Township Trustee Marilan Moir; secretary for the meeting Charles Swaney; WYSO reporter Adriana Martinez Smiley; and Yellow Springs and Miami Township citizens Jennifer Adams, Fred Stockwell, Scott Fife, Kate LeVesconte, Eric Johnson, Robert Brecha, and Richard Zopf.

A quorum being present, Mr. Corry called the meeting to order at 7:00 p.m., and welcomed the guests in attendance. He introduced interim Miami Township Zoning Inspector Denise Swinger, and thanked Mr. Zopf for his service as Township Zoning Inspector.

The Commissioners reviewed the minutes of their November 21, 2023, meeting; upon motion and second, they approved same. Mr. Corry advised that the meeting would focus on regulation of small-scale solar installations. He reviewed the discussion at the Commission's November 21, 2023, meeting regarding where, and to what extent, small-scale solar installations should be permitted in Miami Township.

Initially, the Commissioners discussed possible set-back requirements for solar installations. Mr. Zopf advised that there currently are no setback requirements for accessory structures in agricultural districts, but that there are setback requirements for both houses and accessory structures in residential districts. The Commissioners agreed to consider setback requirements further. Secondly, the Commissioners briefly discussed the related issues of height and screening. Ms. Swinger, formerly zoning administrator for the Village of Yellow Springs, advised that the Village currently has no restrictions on residential solar installations within the Village, most or all of which are roof-mounted.

More generally, the Commissioners noted that Miami Township's Comprehensive Land Use Plan encourages/supports alternative energy generation/usage, but in the context of on-site usage as opposed to generation for commercial purposes. However, township landowners are increasingly being solicited to rent acreage for commercial solar installations. Ohio law now provides that local zoning may regulate solar installations of less than 50 megawatts (which would encompass commercial/utility-scale solar installations of less than approximately 300 acres). The Commissioners agreed that land use for utility-scale solar energy generation (as opposed to on-site usage) is not an agricultural use and would thus not currently be a permitted use in an agricultural district. Again considering the Comprehensive Land Use Plan, the Commissioners questioned whether solar installations are consistent with farmland preservation. Miami Township generally has very good soils, and farmland is a non-renewable resource. Increasingly, Ohio farmland is under development pressure for both residential and commercial uses; many would contend that Ohio farmland is being lost/converted to other uses at an alarming rate. Ms. Moir reported that she has visited some utility-scale/commercial solar installations, including Vesper Energy's Clermont County operation. The solar panels there are mounted on pile-driven steel posts (as opposed to concrete footers); supposedly, for such installations, the ground can be substantially restored/reclaimed for agricultural purposes at the end of the solar lease or the end of the useful life of the panels. Ms. Adams elaborated on post-mounted installations, suggesting that satisfactory reclamation of such sites may prove to be highly site-specific.

At 8:15 p.m. Mr. Corry opened the meeting to input from the citizens in attendance. Mr. Stockwell reported on his positive experience with both rooftop and ground-mounted solar panels generating energy for on-site use on his 100 acre farm at the northwest corner of the Village. He expressed concern for the apparent bias against solar installations in the Township, noting the need both globally and locally for clean energy/to reduce carbon emissions. He suggested that farmland is already being used for industrial purposes when corn is processed to produce ethanol rather than as food/feed for people/animals. Mr. Fife stressed the need to embrace solar energy to address climate change/global warming. Ms. Adams urged caution, suggesting that the Commissioners consider what type of land (the less productive) should be converted to commercial solar installations, again expressing some reservations regarding developers' reclamation representations. Ms. LeVesconte urged the Commissioners to maximize the opportunity for public input in this matter, and to revisit/revise the Township's Comprehensive Land Use Plan to embrace utility-scale solar installations. She noted that the Township has embraced residential development to a

limited extent although all would agree that once farmland is converted to residential use it will never be restored to agricultural production. Mr. Johnson also spoke in support of utility-grade solar installations, questioning whether the Commissioners should be dictating to farmers/landowners how best to make their holdings productive. Finally, Dr. Brecha, a University of Dayton environmental/sustainability professor who has studied renewable energy issues in depth, first expressing his support for farmland preservation, encouraged the Commissioners to consider public input and opined that if a farmer wants to lease his land for solar energy generation he should be free to do so with minimal governmental regulation. He advised the Commissioners not to try to “reinvent the wheel,” noting that best practices in this context have been established. At length, Mr. Corry thanked everyone for their input, and briefly outlined the process for amendment of the Township Zoning Resolution.

Mr. Corry advised that the Commissioners hold their annual “business meeting” for the election of officers, etc. in January, but that they will resume their deliberations on the regulation of small-scale solar installations either following the business portion of their January meeting, or at the beginning of their February meeting. The Commissioners set their first meeting of the new year for 7 p.m. on Tuesday, January 16, 2024, and adjourned.

Brian W. Corry, Chairman

Charles D. Swaney, Secretary