

**Miami Township Zoning Commission**  
Minutes for July 16, 2024 Public Hearing and Meeting

The Miami Township Zoning Commission held a Public Hearing and regular meeting on Tuesday, July 16, 2024, at the Miami Township Administration Office, 101 East Herman Street, Yellow Springs, Ohio. Present were Commissioners Brian Corry (Chair), Greg Shrader (Vice-chair), Joe Fulton, Dale Amstutz, Fred Legge, and alternate Mark Willis.

A quorum being present, Mr. Corry called the meeting to order at 7 p.m., with the first order of business being a **Public Hearing on the proposed small solar (self-generation) zoning code**. Mr. Corry explained the process required: after the Commission agrees on text for a proposed zoning change, said text is referred to the Regional Planning and Coordinating Commission of Greene County (RPCC) for review. The RPC is made up of representatives from each city and township in Greene County.

The Commissions' text was referred to the **RPCC for review during their April 23, 2024, meeting**. Mr. Corry read into the record the RPCC response dated April 26, 2024:

“The Regional Planning and Coordinating Commission of Greene County convened on April 23rd, 2024 at 6:30 PM to review and vote on resolution #24-04-23-2C, the zoning text amendment regarding solar power for self-generation for Miami Township.

“The Full Commission voted to recommend approval of the resolution.

“Please update RPCC staff on the final result of this zoning text amendment application.”

After noting **Zoning Inspector Carrie Smith's absence** due to a family matter, Mr. Corry then read into the record the text of the proposed code:

**2.2811 Small Solar (self-generation)**

Small solar (self-generation) is defined as solar panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operations at an **aggregate capacity of less than 50 megawatts**, and that produces electricity exclusively for consumption on the property on which it is generated. Solar panels are permitted without a zoning permit provided they are attached to the roof of a building, do not exceed 120% of the average yearly personal or property use, and do not exceed the maximum height permitted in the applicable zoning district.

Solar panels that are ground-mounted are permitted with a zoning permit provided they do not exceed the total square footage of roof area existing on permitted buildings on the parcel and/or do not exceed 120% of the average yearly personal or property use. Ground-mounted solar panels must be in the side or rear yards subject to all setback and height requirements in the applicable zoning district.

5 A-1 Agricultural District  
5.2 Principal Permitted Uses  
**5.205 Solar (self-generation)**

6 R-1A Single Family Residence District  
6.2 Principal Permitted Uses  
**6.207 Solar (self-generation)**

7 R-1B Single Family Residence District  
7.2 Principal Permitted Uses  
**7.23 Solar (self-generation)**

10 B-1 Business District  
10.2 Principal Permitted Uses  
**10.212 Solar (self-generation)**

11 Industrial District  
11.2 Principal Permitted Uses  
**11.227 Solar (self-generation)**

Updated 6/18/2024

Mr. Corry noted that “small solar (self-generation)” is, by Ohio Revised Code definition, under 50 megawatts. The electricity is not for sale, and is limited to generation of no more than 120% of the average yearly personal or property use because of grid agreements with the utility companies.

In response to audience questions, he said that roof-mounted panels are allowed without a permit, while ground-mounted panels would require a zoning permit.

Mr. Corry then asked for **audience comment on the proposed code**, first from **those in favor**:

Fred Stockwell said he appreciated the Zoning Commission efforts and supports their decision. In response to his question on “Principal Permitted Uses,” Mr. Corry shared the definition: “the primary purpose or function that a parcel serves or is intended to serve, and/or a use by right which is permitted anywhere within the particular zone district in which it is identified.” Principal Permitted Uses are listed in each of the districts listed in the text: 5 A-1, 6 R-1A, 7 R-1B, 10 B-1, and 11.

Susan Fischer (sp) asked if all under-50 megawatt construction fell under the proposed code, i.e., fences, etc. Mr. Corry said the code would apply to any grid-connected, residential solar project. Fences and generators are generally not connected to the power grid.

Lisa Abel, on behalf of the Yellow Springs Development Committee, noted the YSDC work on “community solar,” which currently has no regulations spelled out, although hearings and discussions are underway in other jurisdictions. She also referenced HB 197.

Jen Adams expressed her thanks and support for the proposed code.

No one spoke **against the proposed code.**

After noting the extensive work the Zoning Commission put into the proposed zoning code, Mr. Corry asked for a **motion to advance the text on small solar (self-generation) to the Miami Township Trustees for consideration.** Mr. Amstutz so **moved**, and Mr. Shrader **seconded.** The **motion carried unanimously on a voice vote.**

Mr. Amstutz then **moved to close the public hearing** portion of the meeting, and Mr. Fulton **seconded.** The **motion carried unanimously.**

Mr. Corry directed the Commission to emails in their packet from Ms. Smith. He then asked for a motion to **approve the minutes of their June 18, 2024,** meeting. Mr. Fulton so **moved**, and Mr. Amstutz **seconded.** The **motion carried unanimously.** Recorder Pro tem Cyndi Pauwels will sign the minutes in Mr. Swaney’s absence and forward them to the Township Trustees.

The next item on the agenda was the continuing discussion on **commercial solar under 50 megawatts.**

Mr. Corry suggested listing pros and cons on the issue, noting conflicting claims the Zoning Commission may be unable to sort out, in order to reach a consensus on text to forward to the Township Trustees.

Mr. Amstutz said he attended a public meeting at Young’s Dairy by Vesper Energy on their proposed “Aviation” solar project. He spoke with a contractor who explained potential issues with topsoil removal/replacement. In light of conflicting reports, Mr. Amstutz asked if that may be site/project specific.

Mr. Shrader expressed concerns about solar companies going out of business, leaving decommissioning plans unenforceable.

Referencing the presentation by Vesper at the Trustees’ last meeting, resident Fred Stockwell said decommissioning is bonded by a neutral third-party and would therefore not be affected.

Resident Jen Adams added that any decommissioning arrangements need to be included in contracts and verified by an independent estimator at frequent intervals.

Mr. Legge said the discussion was “way ahead of” where the Commission needs to be at this time. He feels the Miami Township Comprehensive Use Plan (CLUP) directs that 90% of Township land remain agricultural, that solar is industrial, and therefore is not compatible.

Mr. Corry asked how current climate change concerns can mesh with property value issues, and whether that was even quantifiable. In addition, he questioned how those concerns fit in the CLUP, or does it need to be changed, noting utility-scale solar is a whole other “beast.”

Mr. Legge said the ZC needed to determine the facts for Miami Township and vote yes or no.

A wide-ranging discussion ensued about the previous Township solar moratorium and the possibility of a citizen referendum. Trustee Moir directed the Commission to Xenia’s solar ruling as well. Mr. Corry said legal advice would be needed on those issues.

Mr. Corry noted the Commission had received template language from Ms. Smith, and that they would need to weigh the concerns expressed against the CLUP with the goal of presenting to the Trustees a “clear, concise recommendation.”

**The discussion will continue at the August 20, 2024, meeting.**

Mr. Corry reported **Zoning Inspector Carrie Smith has submitted her resignation** to take a full-time position in Clinton County. Trustees are interviewing a replacement candidate. Ms. Smith will remain available via email to answer questions from everyone including the public during the transition.

There being no further business, Mr. Fulton **moved to adjourn** and Mr. Shrader **seconded**. The meeting was adjourned at 8:17 p.m.

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Brian Corry, Chairman

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Cyndi Pauwels, Recorder Pro tem