

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
September 12, 2022**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the special meeting of the Ross Township Planning Commission to order at 6:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Chairperson Lauderdale
Michael Bekes
Mark Markillie
Steve Maslen
Michael Moore
Pam Sager
Sherri Snyder

Absent: None

Also Present: Bert Gale – Township Zoning Administrator
Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

Chairperson Lauderdale advised that the minutes of the August 18, 2022 special Planning Commission meeting and the August 22, 2022 regular Planning Commission meeting would be considered for approval at the September 26, 2022 regular Planning Commission meeting.

NEW BUSINESS

1. Public Hearing – Zoning Ordinance Amendments (Solar Energy Facilities)

The next matter to come before the Planning Commission was the public hearing on the following proposed Zoning Ordinance amendments:

- Amend Section 2.2 to add definitions for 'solar farm' and 'solar panel'
- Add Section 18.9 to provide regulations for 'solar panels'
- Amend Section 12.3 to identify 'solar farms' as a special land use in the I-R District
- Amend Article 20 to add 'solar farms' to the list of 'Standards Required of Solar Farms'
- Amend Article 20 to add Item 36 to provide special land use regulations for 'solar farms'

Chairperson Lauderdale opened the public hearing.

Richard Waters stated that energy storage batteries for solar farms are dangerous and that any adopted standards should be attentive to risks for fire/explosion.

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

Chairperson Lauderdale referenced the lengthy discussions by the Planning Commission on the draft text at the August 18 and August 22 meetings, noting that the public hearing draft text accurately reflects the conclusions of those discussions.

Sager questioned how the 'administrative review' of solar panels required by Section 18.9 G. would be implemented. Gale provided an overview of the zoning compliance review process.

Bekes questioned if the photos included in the draft text should be retained for submission to the Township Board. Planning Commission members agreed the photos should be retained.

Chair Lauderdale moved to recommend approval by the Township Board of the proposed amendments to the Zoning Ordinance regarding 'solar panels' and 'solar farms', as presented in the draft text dated September 12, 2022. Maslen seconded the motion. The motion carried unanimously.

Bekes noted that he will confirm if the recommendation will be added to the September 20, 2022 Township Board meeting for consideration.

2. Definition of 'Structure'

Chairperson Lauderdale reminded of the request by AGS to consider the definition of the term 'structure' in the Zoning Ordinance, and the application of the locational and setback requirements that should occur based on that definition. He noted that limited discussion of the matter was held at the June and August regular meetings.

Chairperson Lauderdale further referenced a memo provided by Harvey titled 'Regulation of Structures' dated August, 22, 2022, wherein an overview of the questions posed regarding the Ross Township Zoning Ordinance and the application of the setback requirements to 'structures' is provided.

He noted that the primary question raised is whether 'structures' should be subject to 'building' setback requirements and/or if there is a way to distinguish some structures for setback application.

Harvey noted that building setback and locational requirements have very clear objectives . . . but the same objectives for building location do not apply as clearly to 'structures' . . . since so many things qualify as a 'structure'. For example, the objectives for separating a building from a roadway would not apply similarly to a picnic table or flag pole . . . both of which are defined as 'structures'.

Chairperson Lauderdale suggested the use of Section 18.4 to allow setback deviations for those 'structures' deemed to not be impactful.

Maslen suggested that the distinction for the application of the setback requirements to 'structures' could be structure height.

Markillie stated that he generally supports applying setback requirements to 'structures', noting viewshed objectives.

Chairperson Lauderdale noted that the Ordinance currently applies the setback standards to both 'buildings' and 'structures'. He inquired if it is the Planning Commission's desire to recommend to the Township Board that enforcement of the setback requirements to 'structures' begin?

Moore opined that the definition of 'structure' is so broad that it would be unreasonable to limit all 'structures' by setbacks. He stated that the situation is different depending on the property . . . noting that small platted lots want different regulations.

Sager suggested that structure size may be something that could be used to identify 'structures' that are impactful . . . such as OWBs or signs . . . and thus appropriately limited by setbacks.

Chairperson Lauderdale reminded that the review of area-wide ordinances provided by Harvey indicates that not applying setback requirements to 'structures' would be consistent with many other communities in the area. He suggested removing the setback standards for 'structures' generally . . . and instead identify 'structures' that may be impactful and establish setback standards specific to those 'structures' . . . as has been done for OWBs, signs, solar panels, etc.

Bekes and Markillie expressed concern with not applying setback regulations to all 'structures'. They noted interest in using Section 18.4 to deviate where appropriate.

Moore noted that the current lack of application of the setback requirements to 'structures' has not generated complaints . . suggesting that the lack of compliance does not seem to be an issue with Township residents.

It was then agreed that direction from the Township Board on this issue is desired. Bekes stated that he will raise the following questions to the Township Board:

1 – Should the Ordinance that currently subjects 'structures' to setback requirements be enforced? . . or

2 – Should the Ordinance be modified to remove 'structures' from the general setback requirements . . with those 'structures' of concern addressed through structure-specific regulations.

UNFINISHED BUSINESS

Chairperson Lauderdale stated that Planning Commission Unfinished Business would be considered at the September 26, 2022 regular Planning Commission meeting.

REPORT FROM TOWNSHIP BOARD

Chairperson Lauderdale stated that the Township Board Report would be provided at the September 26, 2022 regular Planning Commission meeting.

REPORT FROM ZONING BOARD OF APPEALS

Chairperson Lauderdale stated that the Zoning Board of Appeals Report would be provided at the September 26, 2022 regular Planning Commission meeting.

PUBLIC COMMENT

Connie Lavender questioned how the Township defines 'structure' and how changes to the Ordinance may affect current conditions. She questioned if trees would be considered a 'structure' under the Ordinance.

No further public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
Township Planning Consultant