

**MINUTES SILVER CREEK TOWNSHIP
PUBLIC HEARING AND REGULAR PLANNING COMMISSION MEETING HELD
ON JUNE 27, 2018**

The Public Hearing was called to order by Vice Chairman Tim Feirick at 7:02 p.m. on Wednesday, June 27, 2018. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Debbie Brown, Jerry Donley, Tim Feirick, Dave Grabemeyer, Bill Zuhl

MEMBERS ABSENT: Terry Harris, Jon Tidey (Jon Tidey arrived at 7:10 p.m.)

OTHERS PRESENT: Recording Secretary Lindsay Krohne, Building/Zoning Administrator Todd Herter, three members from the public

MOTION TO APPROVE PUBLIC HEARING AGENDA

Dave Grabemeyer motioned to approve the Agenda for June 28, 2018 Public Hearing. Jerry Donley seconded. Motion passed by voice vote.

PUBLIC HEARING

Vice Chairman Tim Feirick explained the reason for the Public Hearing, being: Amending the definition of "Building Height" and "Height" in Section 155.006, and the wording in Section 155.254(B) from "shall be the video recording" to "written record" in the Zoning Ordinance.

PUBLIC COMMENT

None.

Tim Feirick closed Public Comment at 7:06 p.m.

WRITTEN COMMENTS

None.

COMMISSION DISCUSSION

None.

Tim Feirick closed the Public Hearing at 7:07 p.m.

REGULAR PLANNING COMMISSION MEETING

Vice Chairman Tim Feirick called the Regular Planning Commission Meeting to order at 7:07 p.m.

APPROVAL OF AGENDA

Bill Zuhl motioned to approve the June 28, 2018 Agenda with the addition of "Discussion of Solar Energy Ordinance" under Unfinished Business. Debbie Brown seconded. Motion passed by voice vote.

APPROVAL OF MAY 23, 2018 MINUTES

Dave Grabemeyer motioned to approve the May 23, 2018 Planning Commission minutes. Bill Zuhl seconded. Jerry abstained. Motion passed by voice vote.

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

TOWNSHIP ATTORNEY'S REPORT

None.

BUILDING/ZONING ADMINISTRATOR'S REPORT

Building/Zoning Administrator Todd Herter stated that he has provided the Planning Commission members with a print on solar energy panels being installed for Randy Schlipp, which may help them with putting together an ordinance. Jerry Donley asked Todd if he was issuing him a permit, and Todd answered yes, and because there is no ordinance, he is treating it as a structure, which must follow setback and height requirements in the Zoning Ordinance. Todd stated that the property is zoned Ag, so there is a 50' setback from the rear line, 30' setback for the side lines, and must comply with lot coverage. Todd stated that would not be an issue since he's got quite a bit of acreage. Debbie Brown stated that it looks like he meets the requirements.

NEW BUSINESS

None.

UNFINISHED BUSINESS

DISCUSSION REGARDING DEVELOPMENT OF TOWNSHIP RENTAL ORDINANCE

A member of the public questioned what the Township's stand is on a Rental Ordinance. Tim Feirick answered that they are waiting to see what the state does. Bill Zuhl stated that they just barely got started on it, and Jon Tidey added that they are waiting for the state to adopt something. A member from the public questioned what the state thinks on the matter. Bill Zuhl

answered that the state is pro-homeowner and provided him with information he found online regarding their stand.

Jon Tidey stated that there were some complaints about a lake rental with a lot of people in the house and yard, and being disruptive with the neighbors, which is what brought on the discussion about a rental ordinance.

Bill Zuhl stated that the state has the issue parked in a committee right now, taking it out of the local's hands. He added that they couldn't deny it locally if it goes through.

Debbie Brown stated that since there is not a Rental Ordinance in the township, their first step was to discuss it. Debbie added that they have not decided whether or not they want to have a Rental Ordinance.

SOLAR ENERGY ORDINANCE DISCUSSION

Bill Zuhl stated that the County Planning Commission received an ordinance for Solar Energy from Jefferson Township earlier in the day, and recommended it as written, and provided the commission with copies of the ordinance. Bill stated that Land Plan wrote it up for them, and added that it is a very nice ordinance. He suggested they take a look at it.

Jerry Donley asked Bill Zuhl how many solar ordinances they had seen come through the County, and Bill answered that this was the first one. Bill added that people are coming into the area trying to lease land, and everyone is interested in getting something in the books to have some parameters.

Discussion followed.

Tim Feirick recommended reading the ordinances at home, and then going over questions when they meet next. Tim asked if it would be a special land use, and if it had to be zoned Ag or Commercial.

Bill Zuhl answered that they could do anything they wanted with it. He added that he liked the way Land Plan broke out small, medium, and large solar energy, with large being permitted in A-1 by special use, and smaller for residential.

Debbie Brown stated that if someone wanted to put up a small solar panel to heat up their pool, they wouldn't need a permit, and Land Plan breaks it down. Bill Zuhl added that for a single use electric fence, it's permitted without a zoning permit subject to restrictions in that section.

Debbie Brown referred to the Solar Generated Power ordinance draft definition "Photovoltaic Panels" and suggested "and so on" be deleted from the sentence.

Jerry Donley referred to Section 155.340 F in the Solar Generated Power draft, and asked if it is a plant or a farm, because both wordings are used. Debbie Brown stated that it would be better to be consistent and use one or the other.

Discussion followed.

Debbie Brown referred to "Solar Farm" definition in the ordinance draft, where the definition of "Solar Farm" reads that they can cover anything between 20 acres and 300 acres. Debbie suggested that the size is the difference between a Solar Energy System and a Solar Farm.

Todd Herter questioned if they were thinking about only allowing it in certain districts. Discussion followed.

Todd Herter stated that there is a house on Karl St or West Lakeshore Drive with solar panels mounted on the roof. He added that if you allow 2,000 square foot of panels, and you can't see them, it is not creating any problems. Todd added that a lot of the houses are not built out to the setback, so what if someone wanted to put up 2,000 square feet of solar panels within the 30' setback?

Bill Zuhl asked if that would be a part of the lot coverage. Todd Herter answered that he doesn't understand how it could be. He added that you could consider it in lot coverage, but they are pointed at an angle, so it isn't keeping any water from penetrating into the ground because the water is going to hit the panels and run straight off into the ground. Todd added that he does not see where this would be any problem in a Ag-Residential zoning district, but he's already seeing it in Water Front District. Todd stated that's the first place he wanted to know what he is supposed to do.

Dave Grabemeyer asked Todd if he has a problem with it, if they have room out front in the setback. Todd answered that as long as it meets the setbacks in the ordinance, he doesn't care.

Bruce Nevins commented that he hopes they do not add aesthetics into it, and referred to complaints about satellite dishes in the past.

Bill Zuhl referenced Page 2, Section 4.39 in Jefferson Township's Solar Energy Ordinance, laying out the setbacks and height.

Tim Feirick suggested they look at the ordinance and see what they like or dislike, and Debbie Brown added that they can incorporate what they like from both of them. Jon commented Land Plan's ordinance is well written.

COMMISSION MEMBER DISCUSSION

Jerry Donley stated that they had received a Zoning Board of Appeals Hearing request for a tiny home. He suggested putting tiny homes on the agenda to discuss. Todd Herter stated that the minimum square footage for a home is 850, and the request is for 633 square feet.

Todd Herter stated that what you see on TV is tiny homes on trailers, and we have areas zoned for trailer parks. He stated that he has been approached on two occasions on School Street/Brush Lake Road from property owners who bought and sold property because they could not build a

tiny home on it. Todd stated that the ZBA request is for a one bedroom tiny home built on a foundation.

PUBLIC COMMENT

None.

PLANNING COMMISSION MEETING DATE

Tim Feirick verified the next meeting date would be Wednesday, July 25, 2018.

MOTION TO APPROVE “BUILDING HEIGHT” AND “HEIGHT” DEFINITION AND SECTION 155.254 B WORDING

Jerry Donley motioned to approve Section 155.006, amending the definition of “Building Height” and “Height” as presented and also approving the change in wording in Section 155.254 B from “shall be the video recording” to “shall be the written record.” Dave Grabemeyer seconded. Motion passed by voice vote.

ADJOURNMENT

Dave Grabemeyer motioned to adjourn the meeting. Jerry Donley seconded. Motion passed by voice vote. The meeting was adjourned at 7:55 p.m. by Vice Chairman Tim Feirick.

Respectfully submitted,

Lindsay Krohne
Planning Commission Secretary

Jon Tidey, Secretary

To be approved at the July 25, 2018 Planning Commission meeting