

- 44 2. Narrative describing constraints on operation and maintenance activities:
- 45 • Lighting. Any on-site lighting provided for the operational phase of the Solar Facility
- 46 shall be dark-sky compliant, shielded away from adjacent properties, and positioned
- 47 downward to minimize light spillage onto adjacent properties.
- 48 • Signage. Shall display signs:
- 49 ○ Identifying the owner or operator of the facility
- 50 ○ Providing a 24 -hour emergency contact phone number
- 51 ○ Stating the risks that may result from entering the project area
- 52 • Site maintenance:
- 53 ○ Native grasses shall be used to stabilize the site for the duration of the facility's
- 54 use.
- 55 • Hours of non-emergency maintenance operations
- 56 • No staging or storage of vehicles or equipment outside of the project area boundary.
- 57 • Comply with:
- 58 ○ Emergency Action Plan
- 59 ○ Field Tile Management Plan
- 60 ○ Soil and Water Conservation Plan
- 61 ○ Storm Water Management Plan
- 62 ○ Wildlife and Species Management Plan
- 63 • The Xenia Township Zoning Inspector or designated substitute shall be granted
- 64 access to permitted land for onsite inspection after twenty-four (24) hour notice has
- 65 been given to the operator.
- 66
- 67

Conceptual Construction Management Plan

- 68 1. The proposed construction management concept map shall include the appropriate
- 69 legend showing the following:
- 70 • Project Area Boundary
- 71 ○ The location and description of the project construction area boundary
- 72 ○ The proposed location of the solar panels and related facilities
- 73 ○ The location of proposed fencing, driveways, internal roads, adjacent structures
- 74 and lighting
- 75 ○ Structures and fencing for wildlife management
- 76 ○ The location of proposed setbacks
- 77 ○ The location and nature of proposed vegetative buffers, and screening in
- 78 accordance with section 515
- 79 ○ The location of points of ingress/egress
- 80 ○ Any proposed construction phases
- 81 ○ Natural features such as streams and woodlands

- 82 ○ Existing and proposed topographical contours
- 83 ○ Temporary structures
- 84 ○ Temporary outdoor storage areas
- 85 2. Narrative describing constraints on construction activities:
- 86 ● Lighting. Any on-site lighting provided for the construction phase of the Solar
- 87 Facility shall be dark-sky compliant, shielded away from adjacent properties, and
- 88 positioned downward to minimize light spillage onto adjacent properties.
- 89 ● Signage. Shall display signs:
- 90 ○ Identifying the owner or operator of the facility
- 91 ○ Providing a 24 -hour emergency contact phone number
- 92 ○ Stating the risks that may result from entering the project area
- 93 ● The effective mitigation of dust, burning operations, hours of construction activity,
- 94 and handling of general construction complaints.
- 95 ● No staging or storage of vehicles or equipment outside of the project construction
- 96 area boundary.
- 97 ● Comply with:
- 98 ○ Emergency Action Plan
- 99 ○ Field Tile Management Plan
- 100 ○ Soil and water conservation plan
- 101 ○ State or County RUMA
- 102 ○ Storm Water Management Plan
- 103 ○ Wildlife and species management plan
- 104 ● The Xenia Township Zoning Inspector or designated substitute shall be granted
- 105 access to permitted land for onsite inspection after twenty-four (24) hour notice has
- 106 been given to the operator.
- 107

Conceptual Decommissioning Plan and Bond Conditions

109 The Applicant shall submit a conceptual decommissioning plan. The purpose of the
110 decommissioning plan is to specify the procedure by which the Applicant or its successor
111 would remove the Solar Facility after the end of its useful life and to restore the property
112 for the underlying permitted district uses.

113 1. Decommissioning shall consist of:

- 114 ● Physical removal of all ground-mounted solar photovoltaic installations, structures,
- 115 equipment, security barriers and transmission lines from the site.
- 116 ● Disposal of all solid and hazardous waste in accordance with local, state, and federal
- 117 waste disposal regulations.

- 118 • Stabilization or re-vegetation of the site as necessary to minimize erosion. The
119 Township may allow the owner or operator to leave landscaping or designated below-
120 grade foundations in order to minimize erosion and disruption to vegetation.
- 121 • Absent a notice of a proposed date of decommissioning, the solar facility shall be
122 considered abandoned when it fails to operate for one year without the extension
123 approval by the Board of Zoning Appeals. The Township Trustees reserve the right to
124 remove abandoned structures pursuant to ORC 505.86 regarding the removal of
125 buildings.
- 126 • An estimated decommissioning schedule
- 127 2. Decommissioning Bond Conditions:
- 128 • The bond shall provide the gross estimated cost to decommission the Solar
129 Facility in accordance with the decommissioning plan and these conditions.
- 130 • The decommissioning cost estimate shall not include any estimates or offsets for the
131 resale or salvage values of the Solar Facility equipment and materials.
- 132 • The Applicant, or its successor, will update the decommissioning cost estimate every
133 5 years.
- 134 • A performance bond based on the total decommissioning cost without regard to
135 salvage value and where the company is the principal, the insurance company is the
136 surety, Xenia Township is the obligee.

137
138 **Conceptual Emergency Action Plan**
139

140 The Conceptual Emergency Action Plan shall include:

- 141 • Description of proposed liability insurance coverage and conditions.
- 142 • Identification of any specialized equipment or vehicles that the applicant or operator
143 shall provide before operations begins.
- 144 • There shall be a Knox Box with necessary keys for the site.
- 145 • Training. The applicant operator shall arrange provide a pre operational, annual, and
146 on-going training session with township fire department to familiarize personnel with
147 issues unique to a solar facility to the operations at the site before operations begin.
148

149 **Detailed Construction Management Plan**
150

151 Submit and discuss additions to the Conceptual Construction Management Plan with the
152 Township Zoning Inspector.
153

154 **Detailed Decommissioning Plan**
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156 Submit and discuss additions to the Conceptual Decommissioning Plan with the
157 Township Zoning Inspector.

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Detailed Emergency Action Plan

Submit and discuss additions to the Conceptual Emergency Action Plan with the Township Zoning Inspector.

Detailed Site Operations Plan

Submit and discuss additions to the Conceptual Sites Operations Plan with the Township Zoning Inspector.

Field Tile Management Plan

An approved Field Tile Management Plan must be submitted from the appropriate political subdivision. This shall include survey and repair of damaged field tile systems.

Road Use Maintenance Agreement (RUMA)

An approved RUMA must be submitted from the appropriate political subdivision.

Soil and Water Conservation Plan

An approved Soil and Water Conservation Plan must be submitted from the appropriate political subdivision. This shall include erosion and sediment control.

Storm Water Management Plan

An approved Storm Water Management Plan must be submitted from the appropriate political subdivision.

Wildlife and Environment Management Plan

An approved Wildlife and Environment Management Plan must be submitted from the appropriate political subdivision.

1 **SECTION 515 SCREENING**

2 Screening shall be required for non-protected land uses including for Non-
3 Residential and Non-Agricultural buildings, and structures, or land uses on a lot
4 that adjoins or faces any residential-district protected land use. This includes
5 protected land uses in Xenia Township and adjoining political subdivisions.
6 The plan for screening shall be submitted to and approved by the Zoning Inspector.
7

8 **515.1 Purpose of Screening**

9 Screening shall be provided for one or more of the following purposes:

- 10 1. A visual barrier to partially or completely obstruct the view of structures
11 or activities not compatible to the protected land uses.
12 2. As an acoustic screen to aid in absorbing or deflecting noise.
13 3. For the containment of debris and litter.
14

15 **515.2 Type of Screening**

16 Screening may be one of the following or a combination of two or more:

- 17 1. Fence
18 2. Hedge (evergreen). Deciduous and evergreen mature within five (5)
19 years
20 3. Earthen mound
21 4. Natural terrain and features
22

23 **515.3 Protected Land Uses**

- 24 1. A ~~residential~~ Residential District or building
25 2. Recreational areas, buildings operated by membership clubs or public
26 entities
27 3. Churches, parish houses, and cemeteries
28 4. Public parks, playgrounds, and community centers
29 5. Public/private recreational areas including country clubs and golf courses,
30 and bike paths
31 6. Bed and breakfasts
32 7. Private and Public Schools, PreK and K, daycare, career center, trade
33 schools, and institutions of higher learning
34 8. Convalescence homes, rehabilitation centers, and nursing homes

35 9. Scenic roadways and waterways as shown in section 414

36

37 **Section 414 Scenic Overlay District**

38 The Scenic Overlay shall be an overlay to the existing underlying district(s) as
39 shown on the Official Zoning Map, (see Section 301); and as such, the provisions
40 for the Scenic Overlay District shall serve as a supplement to the underlying
41 district provisions. This overlay is comprised of roadways and waterways that are
42 to be screened from non-protected land uses. This District is intended to preserve
43 the scenic natural beauty of Xenia Township. (Section 515.3)

44

45 **700.5 Fee**

46 When any petition or annual operating permit application is filed as provided in
47 this section, and before any action is taken, any person desiring such action shall
48 be required to pay a-the appropriate fee(s) and under no condition shall such sum
49 or part thereof be refunded. Such fee schedule is determined by Xenia Township
50 Trustee Resolution.

51

52 **Conditional Use Permit:**

53 A permit granted by the Board of Zoning Appeals to allow certain specific uses
54 that would not otherwise be allowed in that particular zoning district where the
55 land is located. These permits are issued only after the applicant has followed the
56 procedures as stated in this Resolution. Conditional use differs from a zoning
57 change in that it is much more specific. The applicant submits plans and, if
58 approved, he must follow those plans exactly or reapply for a permit before
59 deviating from that plan. Conditional Use is held by the property owner and is
60 void when the property ownership changes or the conditional use ceases for a
61 period of two years. An annual operating permit must be obtained for all approved
62 conditional uses.

63

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66 **Conditional Use Annual Operating Permit:**

67 The owner or Operator shall obtain annually an operating permit which certifies
68 conformance to all requirements specified in Board of Zoning Appeals approved
69 plan. There is a fee associated with this annual compliance permit

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Utility Scale Solar Energy Document List Project Phases

Document Name	Project Introduction with Zoning Inspector	Submit Application to BZA	Conditional Use Approval	Zoning Certificate Application	Annual Inspection	Decommissioning
Application Cover Sheet	Draft	Final				
Existing Land Use Map	Draft	Final				
Conceptual Site Operations Plan	Draft	Proposed	BZA Conditions			
Conceptual Construction Management Plan	Draft	Proposed	BZA Conditions			
Conceptual Decommissioning Plan and Bond Conditions	Draft	Proposed	BZA Conditions			
Approved Emergency Action Plan	Draft	Proposed	BZA Conditions	Approved by Township Fire Department		
Approved Field Tile Management Plan	Draft	Proposed	BZA Conditions	Approved by County Soil and Water District		
Approved RUMA	Draft	Proposed	BZA Conditions	Approved by County Engineer and Township Road Department		Approved by County Engineer and Township Road Department
Approved Soil & Water Conservation Plan	Draft	Proposed	BZA Conditions	Approved by County Soil and Water District		
Approved Storm Water Management Plan	Draft	Proposed	BZA Conditions	Approved by County Soil and Water District and County Engineer		
Approved Wildlife and Species Management Plan	Draft	Proposed	BZA Conditions	Approved by Federal and State Agencies, as needed		
Detailed Site Operations Plan				Final	Updated as Needed	
Detailed Construction Management Plan				Final		
Detailed Decommissioning Plan				Final	Updated as Needed	Updated as Needed
Decommissioning Bond				Initial Bond Issued At least 60 days prior to start of construction	Updated at least every five years	Released after Decommissioning is Complete

2022.09.27



**XENIA TOWNSHIP
GREENE COUNTY, OHIO
XENIA TOWNSHIP BOARD OF ZONING APPEAL
NOTICE OF APPEAL FOR CONDITIONAL USE VARIANCE
FOR UTILITY SCALE SOLAR ENERGY SYSTEMS**

Only the property owner, or their legal, authorized agent, can make an appeal to the Board of Zoning Appeals, therefore, I hereby appeal to the Board of Zoning Appeals the refusal of a Zoning Certificate (attached hereto) by the Xenia Township Zoning Inspector for the following property:

Name of Property Owner: _____ Phone: _____
Name of Agent, if any _____ Agent Phone _____
Address of Agent, if any _____ City _____ Zip _____
E-mail of Agent, if any _____
Address of Property: _____ City: _____ Zip: _____
Acreage of Property: _____ Parcel Number: _____
Owner Address: _____ City: _____ State: _____ Zip: _____
Owner E-mail _____

With this application the applicant shall attach, in duplicate, the documents listed the Utility Scale Solar Energy System checklist as well as provide PDF's of the documents on a non-returnable thumb drive.

The initial fee is \$600.00 plus any review fees deemed necessary by other County or State entities.

The Annual Operating Permit for an approved BZA Resolution will be \$200.00 and has a separate, annual application

THIS APPLICATION IS ACCOMPANIED BY A FEE IN THE AMOUNT OF SIX HUNDRED DOLLARS (\$600.00) FOR THE PURPOSE OF DEFRAYING EXPENSES OF PUBLISHING NOTICES IN THE NEWSPAPER AND MAILING COSTS AND RECORDING FEES.