

XENIA TOWNSHIP BOARD OF TRUSTEES
PUBLIC HEARING FOR TEXT AMENDMENT TO THE XENIA
TOWNSHIP
ZONING RESOLUTION
DEFINITIONS OF UTILITY SCALE SOLAR ENERGY UNDER 50 MW

January 19, 2023

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE HEARING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

The Xenia Township Board of Trustees scheduled a public hearing on January 13, 2023 at 6:30 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Steve Combs, Trustee, Chair, Scott Miller, Trustee, Jeremy VanDyne, Trustee, Jacqueline Robinson, Fiscal Officer, and Alan Stock, Zoning Inspector.

Mr. Combs called the meeting to order at 6:30 P.M.

Mr. Stock advised of the exhibits:

Exhibit 1: Letter of Conveyance, Resolution and Minutes from the Zoning Commission Public Hearing

Exhibit 2: Solar Text

Exhibit 3: Greene County Regional Planning and Coordinating Recommendation

Exhibit 4: Check List

Exhibit 5: Agenda

Exhibit 6: Verification; Sign, Website, Newspaper Notifications

Exhibit 7: Appendix

Mr. Stock advised that the requirements for the Ohio Revised Code had been met, so the Trustees can proceed with the Public Hearing.

Mr. Zweber, Zoning Commission, stated that the Zoning Commission looked at other jurisdictions regulations in Utility Scale Solar Energy Systems, and that they came to realize that the best way to address the complicated development, is to make it a Conditional Uses in the A, IG, B-3, M-1, M-2 and M-3 Districts and have the Board of Zoning Appeals look at each case by case. He went on to state that the Zoning Commission felt that opposed to writing a general set of rules, or completely denying Utility Scale Solar Energy Systems, it would be more appropriate for the Board of

Zoning Appeals to apply restrictions to each request as they see fit. Mr. Zweber then stated that the Zoning Commission is asking to add three (3) definitions to the Zoning Resolution; Solar Energy Systems, Small Solar Energy Systems, and Utility Scale Solar Energy Systems, and to place them as Conditional Uses in the A, IG, B-3, M-1, M-2 and M-3 Districts. Mr. Zweber then discussed the administration side of Utility Scale Solar Energy Systems and the Project Phase, Checklist and Application required for obtaining a Board of Zoning Appeals Hearing.

Mr. Combs, Trustee, Chair, asked what would happen if someone asked for a different type of alternative energy system, wind for example.

Mr. Zweber, Zoning Commission, stated that the Zoning Commission touched on other energy systems, but felt that they should bring the request forward without expanding to other alternative options so as to expediate the process.

Mr. VanDyne, Trustee, asked if this request was passed, if the Trustees would have any say into the decisions made by the Board of Zoning Appeals for this matter. He further asked if the Board of Zoning Appeals took into account public comments from past Public Hearings.

Mr. Zweber, Zoning Commission, stated that we have to implore a trust in the Board of Zoning Appeals to do the right thing.

Mr. Combs, Trustee, Chair, stated that the Board of Zoning Appeals makes the final decision in every Conditional Use, not only for solar.

Mr. Zweber, Zoning Commission, stated that the only time the Trustees would be involved in a Conditional Use, would be if the petitioner wanted to rezone the property first.

Leslie Jackson 1186 Wilberforce-Clifton Road, Wilberforce, Ohio, asked how residents would find out if someone has asked for a Conditional Use for Utility Scale Solar Energy Systems.

Mr. Miller, Trustee, stated that State legislation set up so that jurisdictions can govern 50 MW or lower, and the State governs 50 MW and over. He went on to state that Kingwood was proposing 1,5000 MW as a perspective.

Mr. VanDyne, Trustee, asked Mr. Stock to answer Mr. Jacksons question.

Mr. Stock, Zoning Inspector, stated that if someone asks for any Conditional Use, the public is notified by newspaper, a notice on the Xenia Township website, a sign placed on the property, and letters mailed to all property owners within 500 feet of the property.

Mr. VanDyne, Trustee, asked if there was more than one (1) parcel involved, would the petitioner need to have a separate Board of Zoning Appeals for each parcel.

Mr. Stock, Zoning Inspector, stated that every parcel would need their own separate hearing.

Mr. Miller, Trustee, stated that the Decommissioning Bond should cover from the first shovel of ground breaking to the last pole being pulled from the land.

Mr. Zweber, Zoning Commission, stated that was the intent. He further stated that the Decommissioning Bond was administrative, so tweaking it would not require coming back to the Trustees.

Mr. Combs, Trustee, Chair, asked if there was Public Comments in Favor.

Alan King, Zoning Commission, stated that the Board of Zoning Appeals will hold a Public Hearing and they will listen to public comments. He went on to say that the way the application for Utility Scale Solar Energy Systems is set up, wind power could be added without coming back to the Trustees.

Terry Fife, Zoning Commission, stated that she is newly appointed to the Zoning Commission, and was not a part of the proposed text amendment. She went on to say that she has actively opposed the Kingwood project, and she feels that the Zoning Commission has done a great job protecting the township against Utility Scale Solar Energy Systems. Ms. Fife then stated that it takes 5-10 acres just to generate 1 MW of solar energy.

Mr. Combs, Trustee, Chair, asked if there was Public Comments Against.

There was none.

Mr. Combs, Trustee, Chair, closed the Public Comments.

Mr. Miller, Trustee, stated that a good part of the proposal is administrative. He asked who adjusts the administrative portion.

Mr. Stock, Zoning Inspector, stated that the Zoning Commission and/or office staff would be able to adjust the administrative aspects. He went on to state that the administrative parts would need to be changed as best practices change and not take three (3) months to change. Mr. Stock went on to state that applications are administrative and not held by the ORC to get approval for changes.

Mr. Miller, Trustee, stated that the Trustees need to be advised of administrative changes.

Mr. Combs, Trustee, Chair, stated that would be dependent on the type of change. He went on to say that changing a word or letter is an insignificant change, and that if bigger items were changed, that the Trustees should be informed.

Mr. Stock, Zoning Inspector, stated that he would inform the Trustees of any big changes.

Mr. Combs, Trustee, Chair, stated that the Zoning Resolution changes are in the best interest of Xenia Township. He went on to say that not saying No to every project, but to examine each project case by case was the best practice.

Mr. Miller, Trustee, stated that Solar Power is beneficial in the right setting.

Mr. VanDyne, Trustee, stated that the text amendment was well done.

Motion to approve the Text Amendment to the Xenia Township Zoning Resolution Definitions of Utility Scale Solar Energy Under 50 MW was made by Trustee Combs and seconded by Trustee VanDyne.

Mr. Combs, Trustee, Chair, called for a vote.

Trustee Miller AYE

Trustee VanDyne AYE

Trustee Combs AYE

Mr. Combs, Trustee, Chair, closed the Public Hearing at 7:40 PM.

ATTEST:

Alan D. Stock, Zoning Inspector