

**XENIA TOWNSHIP BOARD OF ZONING APPEALS**  
**PUBLIC HEARING**

August 16, 2023

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

Nathan Anthony, Chairman, called the meeting to order at 6:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Nathan Anthony, Chair, Janis James, Darren Jones, Brian Secor, and Aidan Kolbe. Also present was Alan Stock, Xenia Township Zoning Inspector, and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Anthony went over the rules of the meeting; all cell phones must be turned off, everyone must sign in and fill out an intent to speak form, if you choose to speak. The application will be read by Alan Stock, Zoning Inspector/Clerk, because the Board of Zoning Appeals decisions are quasi-judicial, all testimony has to be sworn. Everyone must come to the podium; state their name and state they are under oath. Only facts are to be given, not opinions or emotions. Minutes are being taken electronically. Questions are to be directed to the Board only. The Board of Zoning Appeals will follow Roberts Rules of Order for procedures. The Chair reserves the right to limit public input. The Board of Zoning Appeals may approve in whole or in part, reject in whole or in part, or reschedule to another date. An applicant may also withdraw their request. The decision will become effective five days after date of decision. A decision by this Board is a final order under R.C. 2506.04. Aggrieved individuals may appeal the decision to Common Pleas Court. The audience joined the Board in the Pledge of Allegiance. Mr. Anthony administered the oath to the audience.

Mr. Anthony asked Mr. Stock if the application was lawful to be heard by the Board. Mr. Stock indicated yes, they had, and advised that the notice had been published in the newspaper and notices had been mailed to all property owners within 500' of the property. Mr. Stock stated that a sign was placed on the applicants' property. Mr. Stock explained all the exhibits for this Public Hearing. Mr. Anthony asked the Board members if they had read and considered the application—all answered yes; and he asked if they felt they should not be part of the proceeding due to some conflict of interest all answered no; and if they intend to participate in the entire procedure including voting on the questions asked—all answered yes.

Mr. Anthony asked Mr. Stock to present the proposal. Mr. Stock reviewed all the documents and Exhibits A-E.

Exhibit A: Application for Board of Zoning Appeals

Exhibit B: Proof of Public notices (Letter to Neighbors, Newspaper Notice, Sign in Yard, Website, Procedure Check List)  
Exhibit C: Staff Report  
Exhibit D: Agenda  
Exhibit E: Public Comment

**Xenia Solar LLC, Lessee, MANNARINO FAMILY PARTNERSHIP, Owner, US 42 – Conditional Use of Section 400.4.15 for Utility Scale Solar in The Agricultural District Parcel # M36000200261002100**

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that he has been with the company for 17 years and his job is to develop projects all over the United States. Mr. Jun gave a brief overview of Xenia Solar LLC's renewable energy plan. He went on to present a slideshow presentation for Utility Scale Solar in Xenia Township. He further stated that they will need to seek approval from the City of Xenia to tie into the substation located in Lexington Park. Mr. Jun stated that they will generate growth in the local economy with the jobs and taxes they will generate. Mr. Jun also stated that the location is not prime farm land. He went on to say that they care about being good neighbors and that they care about their reputation.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that he was hired two years ago to help with this project. Mr. Bonifas presented a slideshow from the prep work to the completion of the project. He went on to state that the land can be turned back into Agricultural land after decommissioning. Mr. Bonifas further stated that the final design could be different than what is presented, because the presented materials could not be available by the time construction starts.

**Mr. Anthony, BZA, Chair,** asked for questions from the board.

**Mr. Jones, BZA,** asked how wide the vegetative screening would be from the property line.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that the screening would be 45-50 feet.

**Ms. Kolbe, BZA,** asked if the cover crop they are planning to plant would reseed.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that he was not sure what type of seeds would be used. He went on to state that it would be no till temporary vegetation to help with erosion during construction. He went on to state that the grasses could not be high or they would cover the panels.

**Ms. Kolbe, BZA,** asked Mr. Jun if he had ever done grazing on a site.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they do have sheep grazing at some locations. He went on to say that they do not have any planned for this site, but could look into it.

**Mr. Anthony, BZA, Chair,** asked Mr. Bonifas to explain why the building footprint could change by construction date.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** gave an example that if they have proposed 30,000 panels at 100-watts each, you would get X Megawatts, but if at time of construction they have 200-watt panels, you would not need as many panels.

**Mr. Anthony, BZA, Chair,** asked Mr. Bonifas if they used less panels, if the panels would be more centered on the property.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that he did not see why they couldn't do that.

**Mr. Stock, Zoning Inspector,** stated that the efficiency of the panels may change, and the number of panels may change, but allowed megawattage will not change. He went on to state that they are only allowed 20 Megawatt.

**Mr. Secor, BZA,** asked what PJM stood for.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that they manage the power that goes from the transmission line to the district level. He went on to say that the initials stand for Pennsylvania, New Jersey, Maryland and that they cover 13 states.

**Mr. Secor, BZA,** asked if they are the ones setting the 20 Megawatt.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that you can apply for anything, but PJM sets the Megawatt capacity for the project.

**Mr. Jones, BZA,** asked if the capacity is set by the property size.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that it is typically five (5) acres per Megawatt.

**Mr. Stock, Zoning Inspector,** asked if the substation is capable of handling more than 20 Megawatts.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that he did not know, because they only asked for 20 Megawatt.

**Mr. Secor, BZA**, asked for clarification if the substation could handle more.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that he only knows that it can handle 20 Megawatts.

**Ms. Kolbe, BZA**, asked if there was a possibility of the energy produced to stay local to benefit the area.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that the electricity could technically go anywhere.

**Ms. Kolbe, BZA**, asked if it would cost less if used locally.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that cost is estimated by PJM.

**Mr. Jones, BZA**, asked if our cost for electricity could go down.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that the rates for electric are set by the supplier, and that has no direct connection with this project. He went on to say that this is another generated source of energy.

**Ms. Kolbe, BZA**, asked if there was any information on past farming productions from this property.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that he did not have any.

**Mr. Anthony, BZA, Chair**, asked Mr. Bonifas to come to the stand to answer Board clarifying question for the following ten (10) sections of the Utility Scale Solar application:

1. Existing Land Use Map/Overlays, 2. Conceptual Site Operations Plan, 3. Conceptual Construction Management Plan, 4. Conceptual Decommissioning Plan and Bond Conditions, 5. Approved Emergency Action Plan, 6. Approved Field Tile Management Plan, 7. Approved RUMA, 8. Approved Soil & Water Conservation Plan, 9. Approved Storm Water Management Plan, 10. Approved Wildlife and Species Management Plan.

#### **1. Existing Land Use Map/Overlays Questions:**

**Mr. Secor, BZA**, asked how far way the panels would be from Lexington Park.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that it would be about 60 feet. He went on to say that there would be a bike path, screening, a fence and a 16-foot access road between the panels and the park.

**Mr. Jones, BZA,** asked if Mr. Bonifas would point on a map to show the location of Lexington Park.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** obliged.

## **2. Conceptual Site Operations Plan Questions:**

**Mr. Secor, BZA,** asked if this had been presented.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that there is a detailed site operation plan in the narrative that was presented. He went on to state that this would be an unmanned project, and that there may be someone there occasionally for maintenance, but most of the work will be done remotely.

**Mr. Anthony, BZA, Chair,** asked for an example of what decommission would look like.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that it would be the opposite of construction. He went on to state that the construction would first be driving steel posts into the ground 8-10 feet, add racks to the posts, install the solar panels, connect the wires, connect the inverters, and then connect to substation. He then stated that decommission would be the opposite and that depending on the time of year, the field would go back to Agricultural production or to vegetation until the farmer decided what they wanted to do with it. He further stated that decommission costs are a raw estimate because of recycling prices, and are updated every 4-5 years.

**Mr. Jones, BZA,** asked why they would decommission and not just update.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that the lease could run out. He further stated that they may have an option to renew the lease longer.

**Mr. Secor, BZA,** asked what the dangers of the facility would be.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that it is an electrified facility, much like an electric substation.

**Mr. Anthony, BZA, Chair,** asked if they had on-site lighting plans.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that each gate and each inverter station would have lighting that would be directed downwards to not affect the neighboring properties.

**Mr. Anthony, BZA, Chair**, asked Mr. Bonifas to verbalize, under oath that they plan to comply with sections 6. Approved Field Tile Management Plan, 7. Approved RUMA, 8. Approved Soil & Water Conservation Plan, 9. Approved Storm Water Management Plan, 10. Approved Wildlife and Species Management Plan.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they do plan to comply with sections 6. Approved Field Tile Management Plan, 7. Approved RUMA, 8. Approved Soil & Water Conservation Plan, 9. Approved Storm Water Management Plan, 10. Approved Wildlife and Species Management Plan.

### **3. Conceptual Construction Management Plan**

**Mr. Jones, BZA**, asked if the dirt that will stay on-site would be piled up.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that the dirt would be spread adjacent to the access road, but that during construction, there would be a temporary stock pile.

### **4. Conceptual Decommissioning Plan and Bond Conditions**

**Mr. Anthony, BZA, Chair**, asked Mr. Bonifas to confirm that Xenia Township is the beneficiary of the Bond and that the City of Xenia would have a separate Bond.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that was correct.

**Mr. Jones, BZA**, asked if the Bond was looked at every five (5) years.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that decommission cost is adjusted every five (5) years and that could cause the Bond to be adjusted.

**Mr. Secor, BZA**, asked if the Board could stipulate if a Bond or Line of Credit as a condition. He went on to say that the Bond company could go under, and that a Line of Credit could be safer.

**Mr. Stock, Zoning Inspector**, stated that he would need to stipulate why he wanted a Line of Credit over a Bond, but it could be a condition.

**Mr. Secor, BZA**, stated that a bond is a set amount that is purchased, like an insurance policy, and is revised every five (5) years. He went on to state that a line of credit has more protection.

**Mr. Stock, Zoning Inspector**, stated that they will have an annual inspection and will need to prove that they have a bond in place for the next year and that they are meeting all the

conditions set. Mr. Stock went on to say that if they sold to someone else, the new owners would have to start this process completely over.

**Mr. Anthony, BZA, Chair**, stated that the bond amount does not include scrap price and what would happen if the decommission scrap amount is higher than the bond amount.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that there would be no cost to decommission.

**Mr. Anthony, BZA, Chair**, stated that he was referring to if any scrap was left on site.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they are required to remove everything. He further stated that everything will be salvaged, recycled, or taken to a licensed facility.

## **5. Approved Emergency Action Plan**

**Ms. James, BZA**, asked when the Brush Truck would be ordered.

**Mr. Secor, BZA**, asked about sign location for first responders. He further asked if once on-site, if there would be arrows pointing to inverters.

**Mr. Stock, Zoning Inspector**, stated that there is 180 acres, and if there was an event on-site, the first responders needed to know where to go.

**Mr. Secor, BZA**, stated that the signage is not only related to first responders. He further asked if there would be signs in front of the inverters and rows.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that there will be signs in the assembly area, and the inverters will be numbered. He further stated that there are two jurisdictions involved so there will also be signs telling people what jurisdiction to call in an emergency.

**Mr. Jones, BZA**, asked if there would be a key at the gate.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that there will be a Knox Box.

**Mr. Jones, BZA**, asked if there would be a map of the site in the Knox Box.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that there will be a laminated site map.

**Mr. Secor, BZA**, asked if there will be annual training for the fire department with a site map.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that the Fire Department will be involved with the making of the map.

**Mr. Anthony, BZA, Chair,** read a letter that Chief Beegle wrote asking when the Brush Truck would be ordered, so the Fire Department could start training.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that the Brush Truck would be ordered when PJM is finalized.

**Ms. James, BZA,** stated that Chief Beegle asked for a fund to be set up for maintenance and replacement of the Brush Truck.

**Mr. Stock, Zoning Inspector,** stated that it is important for Xenia Township, who works with Xenia City, to have the truck ordered by Xenia Township sooner because it could take 18-24 months to get the truck. He further stated that waiting for PJM approval could take two (2) years and then ordering the truck could take another two (2) years to receive the truck and that the Fire Department would like to have the truck as close to start of operations as possible. He went on to say that the life cycle of the truck would be 12-15 years and funds need to be in place for a new truck at that time.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that there would be a tax benefit to Xenia Township and that money should be used for repair and replacement of the truck. He further stated that there is no chance of fire.

**Mr. Secor, BZA,** asked if he had heard about the fire in California.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that it can happen, but that it is a small chance.

**Ms. Kolbe, BZA,** stated that you cannot earmark tax funds for repair and replacements for vehicles.

**Mr. Anthony, BZA, Chair,** stated that they are offering to purchase a truck after PJM approval. He then asked how long after approval they would be up and running.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that it can 1 ½ to 2 years for operation to start after PJM approval.

**Mr. Secor, BZA,** stated that he thought they wanted Xenia Township to purchase the Brush Truck.

**Mr. Anthony, BZA, Chair,** stated that they said they would purchase the initial truck, but that Xenia Township would be responsible for repairs and replacement of the truck.



**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would provide funds for the initial Brush Truck.

**Ms. Kolbe, BZA,** asked if there would be electric on-site before actual start up.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would be installing electric and doing construction simultaneously.

**Ms. Kolbe, BZA,** stated that there could be a potential for fire during construction.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would not be hooked up to the grid during construction.

**Mr. Secor, BZA,** asked if they would be doing any welding.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would be doing welding during construction.

**Ms. James, BZA,** stated that Chief Beegle is asking for a fund to purchase a Brush Truck, and that you are willing to do that, she then asked if they would be willing to supply funds for repairs and replacement.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would be willing to pay.

**Mr. Jones, BZA,** asked if they would be willing to purchase a second vehicle.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would have to think about it.

**Ms. James, BZA,** stated that she just asked if replacement was included, and Mr. Jun answered yes.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they would consider purchasing another vehicle.

**Ms. James, BZA,** asked if that would also include maintenance.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** answered yes.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that if they purchased the truck, and paid for maintenance, that it should be used exclusively for this project, that the truck could get damaged.

**Mr. Stock, Zoning Inspector**, stated that Xenia Townships insurance is 100% replacement if a vehicle is damaged due to responding to an incident.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that he would like to clarify Mr. Jun's statement. He went on to say that they would first upgrade the substation that could take longer to do than constructing the solar facility. He went on to state that constructing the facility could take 18 months or longer.

**Mr. Anthony, BZA, Chair**, asked if the Brush Truck was not delivered at start time, if they would delay production until the truck is delivered.

**Mark Bonifas, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they probably would not wait.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that they could have a discussion with the Fire Department because they do not know how long it will take to be operational. He further stated that everyday delayed, they lose money.

**Mr. Anthony, BZA, Chair**, stated that if there was a fire and no Brush Truck, that we failed to protect the Township.

**Mr. Secor, BZA**, stated that we could not ask them to delay production after the system is in place, but that we can ask them to order the truck as soon as they get PJM approval.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that PJM provides a study to Samsung and that PJM could kill the project.

**Mr. Secor, BZA**, stated that he thought PJM gave approval to proceed with the project.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that PJM shows a study to proceed, but obtaining materials after approval could take a while.

**Mr. Anthony, BZA, Chair**, stated that PJM gives approval, Samsung says that the project is a go, you order the Brush Truck, start the grid upgrade, and then start the construction. He went on to ask if it was reasonable to say that if the study comes back favorable, and you re moving forward, that you could set money aside and order the truck then. He further stated that he wants everyone to be protected.

**Hanjoo Jun, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that would be feasible because that is when Samsung is committed to the project.

**Mr. Stock, Zoning Inspector**, stated that they have a commitment in good faith from Samsung and are looking for a date to order the truck.

**Mr. Secor, BZA**, stated that there should be a trigger event to order the truck, not a trigger date.

Mr. Anthony made a motion at 8:06 PM to continue the Public Hearing on August 23, 2023, at 6:00 PM at 8 Brush Row Road, Xenia, Ohio 45385. Mr. Secor seconded the motion.

Mr. Anthony called for a vote

Mr. Anthony	AYE
Ms. James	AYE
Mr. Jones	AYE
Ms. Kolbe	AYE
Mr. Secor	AYE

## **CONTINUED FROM AUGUST 16, 2023**

August 23, 2023

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

Nathan Anthony, Chairman, called the meeting to order at 6:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Nathan Anthony, Chair, Janis James, Darren Jones, Brian Secor, and Aidan Kolbe. Also present was Alan Stock, Xenia Township Zoning Inspector, and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Anthony administered the oath to the audience. Mr. Anthony asked anyone wanting to speak to sign in and fill out an intent to speak form, to be returned to Mr. Stock.

Mr. Anthony asked Mr. Stock to present any new documents.

Mr. Stock presented new Exhibits:  
Exhibit G: Agenda  
Exhibit I: Memo of maintenance for brush truck from Fire Department

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** came to the podium.

**Mr. Anthony, BZA, Chair,** asked for discussion to continue for **5. Approved Emergency Action Plan**

**Mr. Jones, BZA,** asked if the Brush Truck needs replaced, if Xenia Solar was going to replace it.

**Mr. Anthony, BZA, Chair,** stated that they were not. He went on to say that they had talked through it and they agreed to purchase the initial truck, the timing of the purchase, and a maintenance package on an annual basis.

**Mr. Jones, BZA,** asked if they had talked about tax revenue purchasing a replacement truck.

**Mr. Anthony, BZA, Chair,** stated that they had spoken about it, but not in detail.

**Ms. James, BZA,** stated that she was concerned that the delivery of the truck would be after start of productions. She went on to say that they could not ask them to delay productions until the truck was delivered.

**Mr. Anthony, BZA, Chair,** asked if Xenia Solar was willing to commit to the timing to order the truck.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they understand the concern of having the Brush Truck at start of production. He went on to state that final commitment would be made after NTP, interconnection construction, approval. He went on to say that NTP means that the project is secure and they would order the truck at the same time. He further stated that PJM is expected around the end of 2024, and that they could commit to ordering the truck 18 months prior to production, but could not give exact dates.

**Mr. Anthony, BZA, Chair,** stated that conditions of timing should hinge on interconnection construction. He further stated that NTP equals date of start.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that this was not only Samsung investment, but they would also borrow from banks.

**Mr. Secor, BZA,** asked what interconnection means.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that was connection to the substation, about 18 months prior to production.

**Ms. Kolbe, BZA**, asked how they would know the dates.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that they would share all dates and results with Xenia Township.

**Mr. Secor, BZA**, asked if interconnect is approval from PJM to connect.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, answered, yes.

**Mr. Stock, Zoning Inspector**, stated that they would need to obtain permits from Xenia Township and Greene County Building Regulations, so we would know the dates.

**Mr. Jones, BZA**, stated that if it takes 18 months to construct the facility, and 24 months to get the truck, what would need to be done in that gap because we can't ask them to delay production.

**Mr. Anthony, BZA, Chair**, stated that there may not be a solution to that issue and it may be a reasonable risk.

**Mr. Secor, BZA**, asked if the Fire Department had a Brush Truck now.

**Mr. Stock, Zoning Inspector**, stated that they did, but it did not have the specialized equipment required.

**Mr. Secor, BZA**, asked if the fire department would start collecting bids now, if this is approved so they would be ready to order when funds become available.

**Mr. Anthony, BZA, Chair**, stated that parties involved will be in constant communications, and that this issue will be in good faith.

**Mr. Anthony, BZA, Chair**, asked if it would be acceptable to include a fixed cost maintenance on the truck starting year two (2).

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that in the 15 other states he has done this in, this is the first time they have bought a truck for the Fire Department. He went on to say that he would expect the tax payment to be used for maintenance. He further state that they are willing to buy the Brush Truck, but it was hard to pay for maintenance on top of paying taxes.

**Mr. Secor, BZA**, stated that if they pay approximately \$180,000 a year, Xenia Township receives approximately \$32,000 a year, and are required to purchase a second truck on top of maintenance costs, the \$32,000 is not a lot of money.

**Mr. Anthony, BZA, Chair,** stated that we have to set reasonable requests, and that these are extreme conditions because of the unknown. He went on to say that they already agreed to purchase a truck that is approximately 10 years of taxes up front.

**Mr. Secor, BZA,** stated that if they do not want to pay for maintenance, that we would have to do it.

**Mr. Anthony, BZA, Chair,** stated that he did not feel like that was unreasonable.

**Mr. Secor, BZA,** stated that they want us to use tax money for maintenance.

**Mr. Anthony, BZA, Chair,** stated that was an alternative offered by them.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath,** stated that they are voluntarily willing to purchase a Brush Truck, even though this is a small project compared to others. Mr. Aehn stated that since they voluntarily are purchasing the truck, the maintenance cost needs to be covered by Xenia Township.

**Mr. Jones, BZA,** asked why Xenia Township is responsible for maintenance costs when we pair with Xenia City.

**Mr. Stock, Zoning Inspector,** stated that districts do not charge other districts to provide mutual aid. He went on to state that the Brush Truck will not be used exclusively for this project.

**Ms. Kolbe, BZA,** asked what the cost estimate would be for the maintenance.

**Mr. Stock, Zoning Inspector,** referred to Exhibit I and stated that there is not a dollar amount, just typical truck maintenance examples.

**Mr. Secor, BZA,** asked if the Road Department would be doing the maintenance themselves.

**Mr. Stock, Zoning Inspector,** stated that 90% of maintenance is done in house.

**Mr. Anthony, BZA, Chair,** stated that it was not an option to provide maintenance or replacement. He went on to say that they made a good faith offer to purchase it up front, and that the maintenance cost on us, is not unreasonable.

## **6. Approved Field Tile Management Plan**

**Mr. Stock, Zoning Inspector,** asked for board clarification, the difference between main field tiles and lateral tiles and what they did to come up with the study results.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath,** stated that main tiles are generally off the property and the other tiles feed into them while lateral tiles branch off into the field. He went on to say that landowners, soil and water and county engineers help to locate the tiles.

**Mr. Stock, Zoning Inspector**, asked about the complaint process they have in place.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they have a two (2) day response time for complaints to be investigated and that they will repair any tiles that need replaced/repaired.

**Mr. Stock, Zoning Inspector**, asked what happens if someone appeals.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that appeals with issues will be directed to Xenia Township.

## **7. Approved RUMA**

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they would be working with State and County because it is their roads.

## **8. Approved Soil and Water Conservation Plan**

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they would be doing minimal grading, and that would be mostly for the access road. He went on to state that there would be a cover crop planted before construction to help stabilize the soil. He then stated that the hydrology report determined that the site was suitable for construction.

**Mr. Anthony, BZA, Chair**, asked if the piles of dirt would be flattened out.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that there would not be piles of dirt.

## **9. Approved Storm Water Management Plan**

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that the site would be improved with the cover crop to eliminate excess water run off during construction.

## **10. Approved Wildlife and Species Management Plan**

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that they would be avoiding wetlands except one (1) stream, and that could change so not to impact it.

**Mr. Jones, BZA**, asked if the fence would be seven (7) feet.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that it would be.

**Mr. Anthony, BZA, Chair**, asked if it would be an agricultural fence.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that it would be, and further stated that it would not be a chain link fence.

**Ms. Kolbe, BZA**, asked if it was for non-wetland animals also.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that this type of fence generally keeps animals out, so it's not a concern.

**Ms. Kolbe, BZA**, asked how big the holes in the fence would be.

**Rory Kaip, Verdantas LLC, 6397 Emerald Parkway, Ste 200, Dublin, OH, Under Oath**, stated that he did not know.

**Joon Aehn, Xenia Solar LLC, 17785 Center Court Drive, Ste 200, Cerritos, CA, Lessee, Under Oath**, stated that he did not know the dimension, but the holes are only big enough so small animals won't get trapped.

**Mr. Anthony, BZA, Chair**, Opened Public Comments

**Mr. Anthony, BZA, Chair**, asked for comments in favor of.

**Alan King, 1075 Jasper Road, Xenia, Ohio, Under Oath**, stated that he is in favor of this, he went on to state that he lives a mile or so from the site and he likes the modern use for energy productions. He further stated that he is a member of the Zoning Commission and that they spent 18 plus months generating the guidelines for Utility Scale Solar.

**Todd Ervin, 635 US 42, Xenia, Ohio, Under Oath**, stated that he is blessed with a tree buffer. He went on to ask what parts of the facility catches on fire.

**Mr. Anthony, BZA, Chair**, stated that the connection points, inverters and transformers catch on fire. He went onto state that the Brush Truck would be used to gain access on the property.

**Mr. Secor, BZA**, stated that in California, the grass caught on fire and spread.

**Todd Ervin, 635 US 42, Xenia, Ohio, Under Oath**, stated that he was not overly excited about this.

**Terry Fife, 2330 Clark Run Road, Xenia, Ohio, Under Oath**, stated that she was not for or against, but was there to learn more. She went on to say that PJM is on-line, is a public document, and that you could see the status of the project there. She stated that Samsung does not use the word "Farm" and she appreciates that because this is not a farm. She then stated that the County



is in charge of the RUMA because it's on county roads used for the project, but asked what happens when the drivers do not follow the route and use Township roads. How do we know that the trucks will not be on Township roads. She went on to ask the BZA to look into other solar projects this size, in the country to see how long they have been operational.

**Mr. Anthony, BZA, Chair,** Closed Public Comments August 23, 2023 at 6:55 PM

**Mr. Anthony, BZA, Chair,** Opened Board Discussion

**Mr. Anthony, BZA, Chair,** stated that the role is administrative and that he is confident that the rules set by the Zoning Commission have been followed.

**Ms. James, BZA,** stated that the conditions set by the Zoning Commission were responded to thoroughly, with great detail. She went on to say that they followed the guidelines set by the Zoning Commission.

**Mr. Jones, BZA,** asked if anything differently should be added to the conditions.

**Ms. James, BZA,** stated that only the Brush Truck.

**Mr. Stock, Zoning Inspector,** stated that there had been questions about 4. Conceptual Decommissioning Plan and Bond Conditions and 5. Approved Emergency Action Plan that need to be more specifically addressed and included in the motion.

**Ms. James, BZA,** stated that 4. Conceptual Decommissioning Plan and Bond Conditions is to be adjusted every 4-5 years and the bond will be adjusted accordingly.

**Mr. Stock, Zoning Inspector,** asked if a line of credit or a bond is more appropriate. He also asked if the salvage value would be Xenia Townships or Samsungs, if they walked away.

**Ms. James, BZA,** stated that she did not think they were allowed to walk away.

**Ms. Kolbe, BZA,** stated that they are human and could go bankrupt.

**Mr. Secor, BZA,** stated that he did not recall any conditions in the plan if they walked away early. He went on to say that they invested the money into this facility, and that they should be intitled to salvage value as long as they have a stable bond. He then stated that they need t have a bond and not a line of credit. That will be adjusted every five (5) years.

**Mr. Anthony, BZA, Chair,** stated that he is not opposed to a bond, but he was not sure the salvage value was a closed issue.

**Ms. Kolbe, BZA,** stated that it was their stuff and that they bought it. She then stated that she was not sure they have a right to do that.

**Mr. Anthony, BZA, Chair**, stated that it could be a condition if they left materials behind.

**Ms. Kolbe, BZA**, stated that if they leave material, and do not decommission, then we should have salvage value.

**Mr. Anthony, BZA, Chair**, made a motion to go into executive session, **Ms. Kolbe, BZA**, seconded the motion.

Mr. Stock called the roll:

Mr. Anthony AYE

Ms. James AYE

Mr. Jones AYE

Ms. Kolbe AYE

Mr. Secor AYE

Entered executive session 7:05 PM to 8:00 PM

Mr. Secor made a motion at 8:01 PM to continue the Public Hearing on August 30, 2023, at 6:00 PM at 8 Brush Row Road, Xenia, Ohio 45385. Ms. Kolbe seconded the motion.

Mr. Anthony called for a vote

Mr. Anthony AYE

Ms. James AYE

Mr. Jones AYE

Ms. Kolbe AYE

Mr. Secor AYE

**CONTINUED FROM AUGUST 23, 2023**

August 30, 2023

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

Nathan Anthony, Chairman, called the meeting to order at 6:00 p.m. and welcomed the people in attendance. He asked for roll call for attendance of the members.

Board of Zoning Appeals members present: Nathan Anthony, Chair, Janis James, Darren Jones, Brian Secor, and Aidan Kolbe. Also present was Alan Stock, Xenia Township Zoning Inspector, and Ashley Caldwell Greene County Prosecutor's Office, legal counsel for the Township.

Mr. Anthony welcomed the people in attendance. Mr. Anthony stated that this is a continuation from August 23, and reminded the people in attendance that the public comment section had been closed on August 23.

Mr. Anthony asked Mr. Stock to present any new documents.

Mr. Stock presented new Exhibits:

Exhibit H: Agenda

Exhibit J: California Fire Code

**Mr. Anthony, BZA, Chair**, stated again that Public Comment section was closed.

**Mr. Secor, BZA**, stated that he would like to make a motion to reopen Public Comment based on the facts that the hearing was advertised as a three (3) part hearing.

**Mr. Anthony, BZA, Chair**, stated that he would like to read the legal notice.

**Mr. Secor, BZA**, stated that on the Xenia Township website, it stated that there is a public hearing tonight.

**Mr. Anthony, BZA, Chair**, read the legal notice: Because of the expansive nature of this conditional use request, the following dates have been reserved for a continued public hearing. If continued, the contents of the previous meetings will not be reviewed. The hearing will be held at the Xenia Township Trustees' Office, 8 Brush Row Road, Xenia, OH 45385, on August 16, 23 and 30, 2023 at 6:00 p.m. Mr. Anthony went on to state that he read that to mean, if continued, the previous meetings will not be discussed, and once public comment is closed, as normally by Roberts Rules, it stays closed.

**Mr. Secor, BZA**, stated that by Roberts Rules, the Board can appeal to the Chair to reopen public comment.

**Mr. Anthony, BZA, Chair**, asked for a second.

**Ms. Kolbe, BZA,** seconded the motion. She then stated that they should hear the people.

Mr. Anthony called for a vote:

Mr. Anthony	NAY
Ms. James	AYE
Mr. Jones	AYE
Ms. Kolbe	AYE
Mr. Secor	AYE

**Mr. Anthony, BZA, Chair,** administered the Oath to anyone intending to speak.

**Mr. Anthony, BZA, Chair,** for comments in favor

There was none.

**Mr. Anthony, BZA, Chair,** called for comments in opposition.

**Gary Bull, 1040 Old US 35, Xenia, Ohio, Under Oath,** stated that he had not heard about this until recently. He stated that he lives 100 feet away from the property inside Xenia City limits and had not been notified about this situation, because the City does not send notifications. He went on to state that he did not want to live 100 feet from this facility. He then said he has no issues with solar, just doesn't want to live next to it. He then said that they will have weeds, bugs and that the fence will restrict wildlife from roaming freely. Mr. Bull then said that he is sure a lot of people do not know about this situation, and that he wants to get the word out to stop it. He then asked what guarantee they had that the weeds would stay mowed, and asked what would happen if Xenia Solar sold the facility and he knew owners did not follow the rules.

**Ms. James, BZA,** stated that any new owner would have to reapply with the BZA and complete the same process as Xenia Solar did.

**Gary Bull, 1040 Old US 35, Xenia, Ohio, Under Oath,** asked what would happen if they did not follow the rules, and then asked how the rules would be enforced.

**Ms. James, BZA**, stated that they needed facts as to why the facility shouldn't be there, not opinions as to why they didn't want it there. She went on to state that Xenia Solar has provided massive facts, and to opposed it, you would need fact comments rather than opinions. Ms. James stated that she would not want it in her yard, but that was an opinion, not a fact.

**Gary Bull, 1040 Old US 35, Xenia, Ohio, Under Oath**, stated that he had only found out about this issue six (6) days prior. He went on to state that he has contacted an attorney.

**Dianne Cardosi, 1018 Old US 35, Xenia, Ohio, Under Oath**, stated that since she first found out about this, she has been doing research. She went on to state that her ancestors were one of the first to settle in Greene County. She went on to say that she was born in Xenia Township and has come back here to retire and is not happy that she will have solar panels 50 feet from her home. She then stated that she has facts that she would like to state. Solar Farms do cause noise pollution, and that she wants to hear birds, not humming sounds, homes should be 1,500 feet away from panels, and her home is less than that. She then asked what this would do to her well water because she likes to drink her well water. She then stated that clearing large areas for solar can adversely affect native vegetation and wildlife. She then asked how timely issues would be addressed, because she has issues with a neighbor that has never been resolved. She then stated that solar facilities emit enough radiation to be harmful to people and wildlife, and that they produce more toxic waste than nuclear energy. Ms. Cardosi then asked why Xenia Township was consider in this when just up the road, it was rejected. She went on to state that property values will decrease. She then asked where the energy produced will go to. She stated that the actual owners of the property live out of state and asked what type of interest they have.

**Mr. Anthony, BZA, Chair**, stated to Ms. Cardosi that her time was up and she could state one last comment.

**Dianne Cardosi, 1018 Old US 35, Xenia, Ohio, Under Oath**, stated that she would finish what she had to say. She then asked when the panels become outdated, will there be trash left? She also asked how the panels would survive tornadoes that Xenia is notorious for. She then stated that 206 acres in California burnt from a grass fire generated from solar panels. Her last statement was that she did not want this in her back yard.

**Gary Bull, 1040 Old US 35, Xenia, Ohio, Under Oath**, asked where the electric was going to.

**Mr. Anthony, BZA, Chair**, stated that they would hook up to the grid in Lexington Park.

**Mr. Anthony, BZA, Chair**, called for comments not for or against.

**Curtis Marshall, 1260 Old US 35, Xenia, Ohio, Under Oath**, stated that he did not know enough to be for or against. He went on to say that he is in favor of renewable energy. He then stated that he had just found out about this and wished he would have had time to look at the project

information beforehand. He went on to state that he would have to trust the BZA to make the right decision.

**Mr. Anthony, BZA, Chair,** Closed Public Comments for the Second Time on August 30, 2023 at 6:24 pm

**Mr. Anthony, BZA, Chair, Opened Board Discussion**

**Mr. Anthony, BZA, Chair,** stated that he would like to answer some of the questions presented. He stated that the property is both in Xenia Township and Xenia City, and that Xenia Township gave notice as required by law, but he did not know what Xenia City's guidelines were. He then stated that power is being supplied to the grid at Lexington Park. Mr. Anthony stated that Xenia Solar filed an application that had to have a plan for all of the requirement that the Zoning Commission set forth and the BZA has to make sure that they presented a sufficient plan for each requirement. He went on to say that the BZA could set conditions if they felt the requirements had not been met. He then stated that all of the information is on the website for public viewing.

**Mr. Secor, BZA,** stated that all the information is on the Xenia Township home page of the website.

**Ms. Kolbe, BZA,** stated that she owns a farm, and encourages everyone to look at the plans because she had the same thoughts and questions. She went on to ask Mr. Stock what the process would be if the grass was too tall.

**Mr. Stock, Zoning Inspector,** stated that he would call them and that within 24 hours, they would set up a time to discuss the issue. He went on to state that he would think it would be taken care of quickly because they would not want grass over the panels. Mr. Stock then stated that if conditions of a Conditional Use are not kept up with, the Conditional Use becomes null and void.

**Mr. Secor, BZA,** asked if Xenia Township has height restrictions on grass.

**Mr. Stock, Zoning Inspector,** stated that the height restrictions are 12 inches in Non-Agricultural Districts, but that they would be held to the standards set by the BZA.

**Mr. Anthony, BZA, Chair,** stated that he would like to read through and discuss the motion Mr. Secor wrote up.

**Mr. Secor, BZA,** stated that he also included Appendix A-K that Xenia Solar Brought in.

**Mr. Stock, Zoning Inspector,** stated that Xenia Solar could do less, but they could not do more.

**Mr. Secor, BZA,** presented his prepared motion for discussion and changes.

I move the approval of a variance to allow the construction of a utility-scale solar energy system on Parcel Number M36000200261002100, 122.2 Acres, located at 548 N. Columbus St., Xenia, Ohio.

Included in this motion is the Conditional Use Application Notebook provided as supporting material by Samsung C & T for the application for variation to wit:

Appendix A Conceptual Site Plan Package and Typical Solar Component Cut Sheets

Appendix B Drain Tile Assessment and Mitigation Plan

Appendix C Landscape Module and Visual Simulations

Appendix D Vegetation Management Plan

Appendix E Conceptual Emergency Action Plan

Appendix F Preliminary Stormwater Assessment

Appendix G Conceptual Decommissioning Plan

Appendix H Geology and Hydrogeology Report

Appendix I Traffic Control Plan

Appendix J Surface Water Delineation Report

Appendix K Wildlife Agency Coordination

Provisions for construction, planning process and necessary conditions to satisfy permitting for the project as found in this Application Notebook are hereby adopted as the operating parameters for this motion and shall be under the oversight of the Xenia Township Zoning Inspector. Any proposed deviation from this plan shall be communicated to the Xenia Township Zoning Inspector by Samsung C & T and/or Xenia Solar for determination as to its approval by him and/or the Xenia Township Board of Zoning Appeals as he deems necessary.

The following conditions are attached to this approval and are a part of granting of the variance. Oversight to ensure implementation shall be the responsibility of the Xenia Township Zoning Inspector.

#### **Appendix E Conceptual Emergency Action Plan**

1. Samsung Solar C & T shall provide a brush truck to be ordered when PJM approval for the project is received and a decision has been made to move ahead with the project. This truck shall be the property of the Xenia Fire Department which shall be responsible for maintenance of said truck.
2. Samsung Solar C & T shall place distinct and unique identification signs for each row and each inverter station in a visible manner at the access roads and at the inverter sites for use by emergency personnel in order to handle any emergency situations.
3. A map of showing the naming of said rows and inverter sites shall be provided to the

Xenia Township Zoning Inspector, the Xenia Township Fire Department and placed in the Knox Box at the entry to the property.

#### **Appendix G Conceptual Decommissioning Plan**

1. A performance bond payable to Xenia Township shall be procured by Samsung C & T in the initial amount of \$1.4 million and conveyed to the Xenia Township Zoning Inspector. This bond shall be reviewed every four years and adjusted accordingly based upon projected costs for the next four years for decommissioning as determined by Samsung C & T. At the time of renegotiating this instrument, if it is deemed a better financial instrument is available in place of said bond, the Xenia Township Zoning Inspector is authorized to allow such change in instrument.
2. In the event Samsung C & T abandons this project prior to the end of its assumed useful life and does not perform removal of project components and restoration of the land to its original farmland condition, Xenia Township shall use said bond for such removal and restoration of the site and shall receive any residual value from the recycling of any components needing removal from the site.

This variance shall expire \_\_\_\_\_ if said project does not proceed per the outlined plan.

**Ms. James, BZA**, stated that she was sorry that the City of Xenia did not notify the citizens about this issue.

**Gary Bull, 1040 Old US 35, Xenia, Ohio, Under Oath**, asked if he could ask another question.

**Mr. Anthony, BZA, Chair**, stated that Public Comment was closed, and this was only Board Deliberation.

**Ms. Kolbe, BZA**, asked if the owners changed, if the new owners would need to apply for another BZA.

**Mr. Anthony, BZA, Chair**, answered yes.

The Board discussed back and forth chances to be made for the motion prepared by Mr. Secor.

**Mr. Anthony, BZA, Chair**, asked if the Board was ready to make a motion.

**Mr. Secor, BZA**, made a motion:

I move the approval of a variance to allow the construction of a utility-scale solar energy system on Parcel Number M36000200261002100, 122.2 Acres, Xenia, Ohio.

Included in this motion is the Conditional Use Application Notebook provided as supporting material by Xenia Solar LLC. for the application for variation to wit:

Appendix A Conceptual Site Plan Package and Typical Solar Component Cut Sheets

Appendix B Drain Tile Assessment and Mitigation Plan

Appendix C Landscape Module and Visual Simulations

Appendix D Vegetation Management Plan



Appendix E Conceptual Emergency Action Plan  
Appendix F Preliminary Stormwater Assessment  
Appendix G Conceptual Decommissioning Plan  
Appendix H Geology and Hydrogeology Report  
Appendix I Traffic Control Plan  
Appendix J Surface Water Delineation Report  
Appendix K Wildlife Agency Coordination

Provisions for construction, planning process and necessary conditions to satisfy permitting for the project as found in this Application Notebook are hereby adopted as the operating parameters for this motion and shall be under the oversight of the Xenia Township Zoning Inspector.

The above-mentioned notebook with its contents and the following conditions are attached to this approval and are a part of granting of the variance. Oversight to ensure implementation shall be the responsibility of the Xenia Township Zoning Inspector.

#### **Appendix E Conceptual Emergency Action Plan**

1. Xenia Solar LLC. shall provide a brush truck to be ordered as soon as PJM approval for the project is received and a decision has been made to move ahead with the project. A good faith effort will be made for the truck to be in place at the beginning of on-line operation. This truck shall be the property of the Xenia Township Fire Department which shall be responsible for maintenance of said truck. At the end of fifteen (15) years, a study will be done to determine the continuing use of the truck. If deemed necessary to replace the truck, residual value shall be deducted from the purchase price of any new truck. The new truck shall be purchased by Xenia Solar LLC.
2. Xenia Solar LLC. with guidance from the Xenia Township Fire Department shall place distinct and unique identification signs for each row and each inverter station in a visible manner at the access roads and at the inverter sites for use by emergency personnel in order to handle any emergency situations.
3. A map showing the naming of said rows and inverter sites shall be provided to the Xenia Township Zoning Inspector, the Xenia Township Fire Department and placed in the Knox Box at the entry to the property.

#### **Appendix G Conceptual Decommissioning Plan**

1. A bond payable to Xenia Township shall be procured by Xenia Solar LLC. This bond shall be conveyed to the Xenia Township Zoning Inspector. The township will consult with a bond company and assess the appropriate coverage with the bond to be in place sixty (60) days prior to the start of construction. This bond shall be reviewed every five (5) years and adjusted accordingly based upon projected costs for the next five (5) years for decommissioning as determined by Xenia Solar LLC. At the time of renegotiating this instrument, if it is deemed a better financial instrument is available in place of said bond, the Xenia Township Board of Trustees is authorized to allow such change in instrument.

2. In the event Xenia Solar LLC. ceases operation of this project prior and does not perform removal of project components and restoration of the land to its original farmland condition, Xenia Township shall use said bond for such removal and restoration of the site and shall receive any residual value from the recycling of any components needing removal from the site.

Xenia Solar, LLC. shall communicate progress on this project within three hundred and fifty (350) days from five days after the date of approval of this variance to the Xenia Township Inspection Officer.

Seconded by Ms. James

**Mr. Anthony, BZA, Chair**, called for a vote.

Ms. James	AYE
Mr. Jones	AYE
Ms. Kolbe	AYE
Mr. Secor	NAY
Mr. Anthony	AYE

Conditional Use for Utility Scale Solar in the Agricultural District is **GRANTED** with the above stated conditions.

**Mr. Anthony, BZA, Chair**, announced, that there being no further business, the Board adjourned.

Meeting Adjourned 7:59 PM

ATTEST:

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Alan D. Stock, Zoning Inspector