

**XENIA TOWNSHIP ZONING COMMISSION
PUBLIC HEARING
ZONING TEXT AMENDMENT UTILITY SCALE SOLAR ENERGY
UNDER 50 MW.**

DECEMBER 14, 2022

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

The Xenia Township Zoning Commission held a public hearing on December 14, 2022 at 6:40 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH 45385.

Chairman Jeffrey Zweber called the meeting to order at 6:40 p.m.

All participated in the Pledge of Allegiance.

Roll Call: Virgil Ferguson, Alan King, Roy Colbrunn, Chris Stout, Jeffrey Zweber, and Alan Stock, Zoning Inspector.

Jeffrey Zweber, Zoning Commission, explained the rules and procedures for the Public Hearing and asked Alan Stock to go over the Ohio Revised Code (ORC) requirements for this hearing and whether these have been met.

Alan Stock, Zoning Inspector, went over the Exhibits for this hearing and discussed each of them, and after checking all exhibits he stated that he agreed that all of the ORC procedures have been met and have been verified and placed so that the Commission can hear this application in its entirety this evening.

Exhibit A: Effected Area

Exhibit B: Greene County Regional Planning and Coordinating Commission Recommendation

Exhibit C: Proof of Public notices (Newspaper Notice, Sign, Website, Procedure Check List)

Exhibit D: Agenda

Exhibit E: Public Comments

Jeffrey Zweber, Zoning Commission, explained and read the proposed changes for the Zoning Resolution. He read the definitions from proposed Section 201; Solar

Energy System, Small Solar Energy System, and Utility Scale Solar Energy System; Districts that Utility Scale Solar would be a Permitted Principal Use and where it would be a Conditional Use. Mr. Zweber then read and explained the Greene County Regional Planning and Coordinating Commissions recommendation. He then read and explained Utility Scale Solar Energy Document List Project Phases, Application for Conditional Use Variance for Utility Scale Solar Energy Systems, and Utility Scale Solar Energy System Document Checklist.

Jeffrey Zweber, Zoning Commission, called for any comments from the Zoning Commission.

Jeffrey Zweber, Zoning Commission, stated that the definition of Utility Scale Solar Energy needed to have added information. All agreed. The definition will now read as:

Utility Scale Solar Energy System: Any solar energy system that is designed and intended to supply energy primarily into a utility grid, whether or not it also supplies energy for use on the parcel of land for which it is located. Components of the energy system must comply with screening in Section 515. The solar energy system including all of its components shall be treated as a principal structure. NOTE: The ORC (Ohio Revised Code) contains additional regulations for Utility Scale Solar Energy Systems.

Jeffrey Zweber, Zoning Commission, called for any public comment.

Ron Geyer 2260 SR 235, Xenia, Ohio, asked if Cemex was in the Mining District in Xenia Township.

Jeffrey Zweber, Zoning Commission, stated that Cemex is mostly in Fairborn.

Ron Geyer 2260 SR 235, Xenia, Ohio, asked if all of Cemex property is in the Mining District.

Alan Stock, Zoning Inspector, showed the GIS mapping for Cemex properties.

Jeffrey Zweber, Zoning Commission, stated that there is also another area in Xenia Township that is zoned Mining, so Utility Scale Solar would be a permitted use there.

Ron Geyer 2260 SR 235, Xenia, Ohio, stated that a small methane burning plant was put in in Bath Township, and it became Utility Scale and ruined the value of the property. He went on to say that Bath Township supported the citizens to remove the plant, but the Public Utility Commissions overruled them. He further stated that one Utility Scale comes in, you lose all control of your land.

Alan King, Zoning Commission, asked since Utility Scale Solar Energy is a permitted use in the Mining District, would the be required to have Annual Inspections.

Alan Stock, Zoning Inspector, stated that annual inspections would not be required to a permitted use, only to a conditional use. He further stated that the Board could add to the text that all Utility Scale Solar requires annual inspections.

Alan King, Zoning Commission, stated that Utility Scale Solar should not be a permitted use in any district, so all districts would require a conditional use and an annual inspection.

Roy Colbrunn, Zoning Commission, stated that if the permitted use was utilized, that the township would lose all control. He further stated that if an annual inspection was required, the township would have some control. Mr. Colbrunn went on to say that the thought of allowing Utility Scale Solar in the Mining District as a permitted use was because the land was already ruined and it couldn't hurt the land anymore.

Jeffrey Zweber, Zoning Commission, stated that houses are permitted uses, and that you have to get permits to add on to the home, same as Utility Scale Solar, they would need to get a permit to add onto it.

Alan Stock, Zoning Inspector, stated that annual inspections would be beneficial because if a business sold to someone and that person decided to turn the business into a home, the fire fighters would not expect someone to be living in a business. He further stated that homeowners are supposed to get permits for additions, but they don't always do so. Mr. Stock stated that the board could add language to the zoning text stating that all Utility Scale Solar will require annual inspections, or make it a Conditional Use in all districts.

Terry Fife, 2330 Clark Run Road, Xenia, Ohio, asked if Conditional Use Permits transfer to a new owner.

Jeffrey Zweber, Zoning Commission, stated that Conditional Uses Permits are only for that person, and do not transfer from owner to owner.

Ron Geyer 2260 SR 235, Xenia, Ohio, asked if Cemex has a bond to repair the land.

Alan Stock, Zoning Inspector, stated that the bond is controlled by ODNR, and that they hold the bond for reclamation. He went on to state that Xenia Township has the most stringent regulations in the area.

Jeffrey Zweber, Zoning Commission, suggested that Utility Scale Solar should not be a permitted use in any district, that all districts should require a Conditional Use Permit. All agreed to amend the proposed text to change Utility Scale Solar to a Conditional Use in M-3.

Jeffrey Zweber, Zoning Commission, called for any other public comments.

Jeffrey Zweber, Zoning Commission, closed the meeting for comments.

Jeffrey Zweber, Zoning Commission, called for Zoning Commission comments.

Alan King, Zoning Commission, stated that the goal in zoning is to make landowners be good neighbors while allowing the landowner to use their land as they see fit. He further stated that a lot of work went into making sure that if a farmer wants to have Utility Scale Solar on their land, they may do so, with regulations.

Roy Colbrunn, Zoning Commission, stated that a lot of hours has went into this. He stated that the board took examples from other areas, and adapted them to our area. He further stated that the board also listened to suggestions from spokes people for Utility Scale Solar and they also had a site visit of a plant.

Virgil Ferguson, Zoning Commission, stated that this was not thrown together over night and that it took a lot of time and effort.

Jeffrey Zweber, Zoning Commission, stated that prohibiting Utility Scale Solar would have been easier, but that was not the right answer. He went on to state that Xenia Township is a diverse township and that they had to find the appropriate places, under the appropriate conditions to allow Utility Scale Solar.

Chris Stout, Zoning Commission, stated that the board looked at this as how they would feel if Utility Scale Solar was in their backyards. He went on to state that the main goal is to protect land owners in Xenia Township.

Alan King, Zoning Commission, stated that the goal with Cemex was to regulate, make them good neighbors, and protect the citizens of Xenia Township and Cemex decided to annex into Fairborn.

Jeffrey Zweber, Zoning Commission, called for a motion.

Motion to approve the Zoning Text Amendment Utility Scale Solar Energy Under 50 MW was called by Virgil Ferguson and seconded by Roy Colbrunn.

Jeffrey Zweber, Zoning Commission, called for a vote.

Roy Colbrunn	- AYE
Virgil Ferguson	- AYE
Alan King	- AYE
Chris Stout	- AYE
Jeffrey Zweber	- AYE

MOTION PASSED

Jeffrey Zweber, Zoning Commission, called for a motion to adjourn.

Jeffrey Zweber moved to adjourn the public hearing; Alan King seconded the motion. All voted AYE. Hearing adjourned 7:40 p.m.

ATTEST:

Alan D. Stock, Zoning Inspector