

ORDINANCE NO. 18-027

*motion: Bauer  
Second: Steak*

AN ORDINANCE PURSUANT TO CHAPTER 1250,  
CODIFIED ORDINANCES OF THE VILLAGE OF GRAFTON, OHIO  
GRANTING A CONDITIONAL USE PERMIT TO EITRI FOUNDRY LLC,  
FOR THE CONSTRUCTION OF A SOLAR POWER PLANT LOCATED ON EAST  
CAPEL ROAD IN GRAFTON, OHIO

WHEREAS, the Eitri Foundry LLC is desirous of constructing a Solar Power Plant located on East Capel Road in Grafton, Ohio; and

WHEREAS, copies of plans and specifications have been submitted to the Chief Building Official and Planning Commission for review and approval; and

WHEREAS, the Zoning Administrator and Planning Commission have determined, based on information presented, that the conditional use conforms to the intent of Chapter 1250 and meets the conditions and safeguards as provided therein; and

WHEREAS the Planning and Zoning Commission has approved the request for a conditional use for the Solar Power Plant located on East Capel Road.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GRAFTON, OHIO, COUNTY OF LORAIN, STATE OF OHIO:

Section 1. That, pursuant to the provisions of Chapter 1250, Codified Ordinances of the Village of Grafton, Ohio, Eitri Foundry, LLC is hereby granted a conditional use for a Solar Power Plant located on East Capel Road.

Section 2. That, the granting of the conditional use for a Solar Power Plant located on East Capel Road shall include all accessory uses subordinate to such principal use which serve purposes naturally and normally incidental to such principal use at the property described above, and as provided for herein is subject to and conditioned upon the following:

- A. All of the terms and conditions of Chapter 1250, Conditional Uses, Chapter 1274, LI-Light Industrial District and Chapter 1297 – Solar Power Plants, of the Codified Ordinances of the Village of Grafton, Ohio;
- B. All terms and conditions, stipulations and requirements of the Power Purchase Agreement and Easement Agreement between the Village of Grafton and Eitri Foundry LLC.
- C. All of the terms and conditions of the Grafton Planning Commission and Village Council particularly; and
  1. Approval to allow a 30 ft front yard setback as approved by the Board of Zoning Appeals on December 18, 2019.
  2. Submittal of approvals for the Wetlands review and Phase I Environmental Review

3. Installation of a culvert pipe and hard surface apron at the access road to the Solar Power Plant.
4. Submittal of Performance Guarantee for the Decommission process for the Solar Power Plant, contingent upon agreement by both parties to follow procedures as defined in the original Project Request for Proposal, and or the Lease and or included in the Power Purchase Agreement, which would make all parties whole.
5. Approval of the final site plan is subject to, or contingent upon, review and approval of outstanding items by the Village Administrator, Building Official, Village Engineer and Law Director prior to the start of construction which includes the submittal and review of final construction plans.

D. The Solar Power Plant located on East Capel Road shall be used according to the plans and specifications submitted to the Village of Grafton Planning Commission and shall not be changed, altered, or modified without the written consent of the Village of Grafton Planning Commission and the Council of the Village of Grafton.

Section 3. The Mayor of the Village and/or Village Administrator are hereby authorized to execute any and all documents on behalf of the Village.

Section 4. That, it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall be in full force and effect from and upon the earliest date permitted by law.

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 PRESIDENT OF COUNCIL

1/15/2019  
 \_\_\_\_\_  
 DATE PASSED

\_\_\_\_\_  
 MAYOR

1-15-2019  
 \_\_\_\_\_  
 DATE APPROVED

\_\_\_\_\_  
 CLERK-TREASURER

1-15-2019  
 \_\_\_\_\_  
 DATE ATTESTED

APPROVED AS TO FORM BY:

\_\_\_\_\_  
 GRETCHEN A. HOLDERMAN, DIRECTOR OF LAW

1<sup>st</sup> Reading: December 18, 2018  
 2<sup>nd</sup> Reading: January 2, 2019  
 3<sup>rd</sup> Reading: January 15, 2019