

<b>Case ID - Case Name:</b>	20-1288-EL-BGN - New Market Solar
<b>Company Name:</b>	Hecate Energy Highland II, LLC
<b>Case Status:</b>	Facility Online
<b>Certificate Approved Date:</b>	March 18, 2021
<b>Facility Online Date:</b>	March 30, 2022
<b>Case Type:</b>	Solar Generation
<b>Capacity, Acreage:</b>	100.0 MW (24.0 MW currently operational), 1114 acres
<b>County(s):</b>	Highland

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**Background:**

On March 18, 2021, the Ohio Power Siting Board (Board) issued a Certificate of Environmental Compatibility and Public Need (Certificate) to Hecate Energy Highland II, LLC (Hecate or Applicant or Certificate Holder) in Case No. 20-1288-EL-BGN for the construction, operation, and maintenance of a solar-powered electric generation facility of up to 100 megawatts (MW) located within an approximately 1,114-acre project area in Highland County.

Construction on the project began on July 9, 2021, and the facility became operational, for 24 of the 100 MWs, on March 30, 2022.

**Summary:**

The Board summarized the first condition of the Certificate as requiring:

The Facility shall be installed at Hecate's proposed site as presented in the application and modified by supplemental filings.<sup>1</sup>

Hecate's application for the facility describes its commitment regarding setbacks as:

In consultation with Highland County, the established setbacks from property boundaries is 100 feet.<sup>2</sup>

On December 23, 2020, in response to an Ohio Power Siting Board Staff (Staff) data request, the Applicant stated its intention relative to setback distances as:

Equipment is set back 100' from all property lines. As there are no occupied residences on site, equipment is thus setback a minimum of 100' from all residential, commercial, and public areas.

Staff then enumerated its understanding of this commitment as applicable to roadways on page 6 of the Staff Report of Investigation (Staff Report), stating:

The Applicant would ensure that solar modules are setback a minimum of 100 feet from adjacent residences and public road centerlines.

On September 12, 2022, Staff received an email from the Certificate Holder's Senior Project Manager explaining that it or its agents had constructed the facility utilizing a 45-foot setback from the public road right-of-way consistent with Highland County Conveyance Standards rather than utilizing the 100 foot setback as presented in the Certificate. The email included four pdf attachments, one of which was

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<sup>1</sup> Opinion, Order, and Certificate (March 18, 2021).

<sup>2</sup> Application, page 22.

a map highlighting in red, 39 discrepancies to the 100-foot setback at the project site (see attached Email from Senior Project Manager).

On September 30, 2022, Staff conducted a site inspection of the setback discrepancies utilizing Global Positioning System (GPS) enabled devices and a laser rangefinder to record measurements at each location of the alleged noncompliance.<sup>3</sup>

### **Findings and Recommendations**

Thirty-eight of the 39 setbacks measured by Staff during the aforementioned field inspection were not in compliance with the Certificate. The range of setbacks found to be in violation of the required 100-foot setback distance was between 71 feet 2 inches and 97 feet 2 inches. Attachment A1 contains an overview map of the measurement locations and attachments B1 – B16 contain more detailed measurement information. A table with all measurements listed has been attached to this report as well as a photo that is representative of the general point of view the investigators had while taking measurements.

R.C. 4906.98(B) states:

“No person shall construct, operate, or maintain a major utility facility or economically significant wind farm *other than in compliance with the certificate* the person has obtained.”  
(Emphasis added.)

Staff recommends the Certificate Holder bring the project back into compliance with the as-certificated setbacks as soon as possible. Additionally, Staff recommends the Applicant take steps to assure the public of its commitment to certificate compliance as well as minimizing aesthetic impacts in the future.

**Christopher Douglass**  
**Public Utilities Commission of Ohio**  
**Power Siting Department**  
**Field Compliance Supervisor**

### **Attachment(S):**

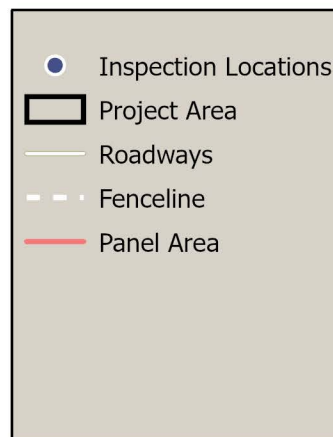
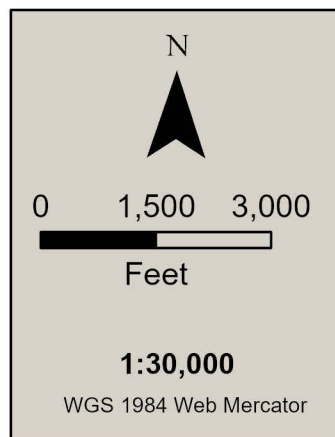
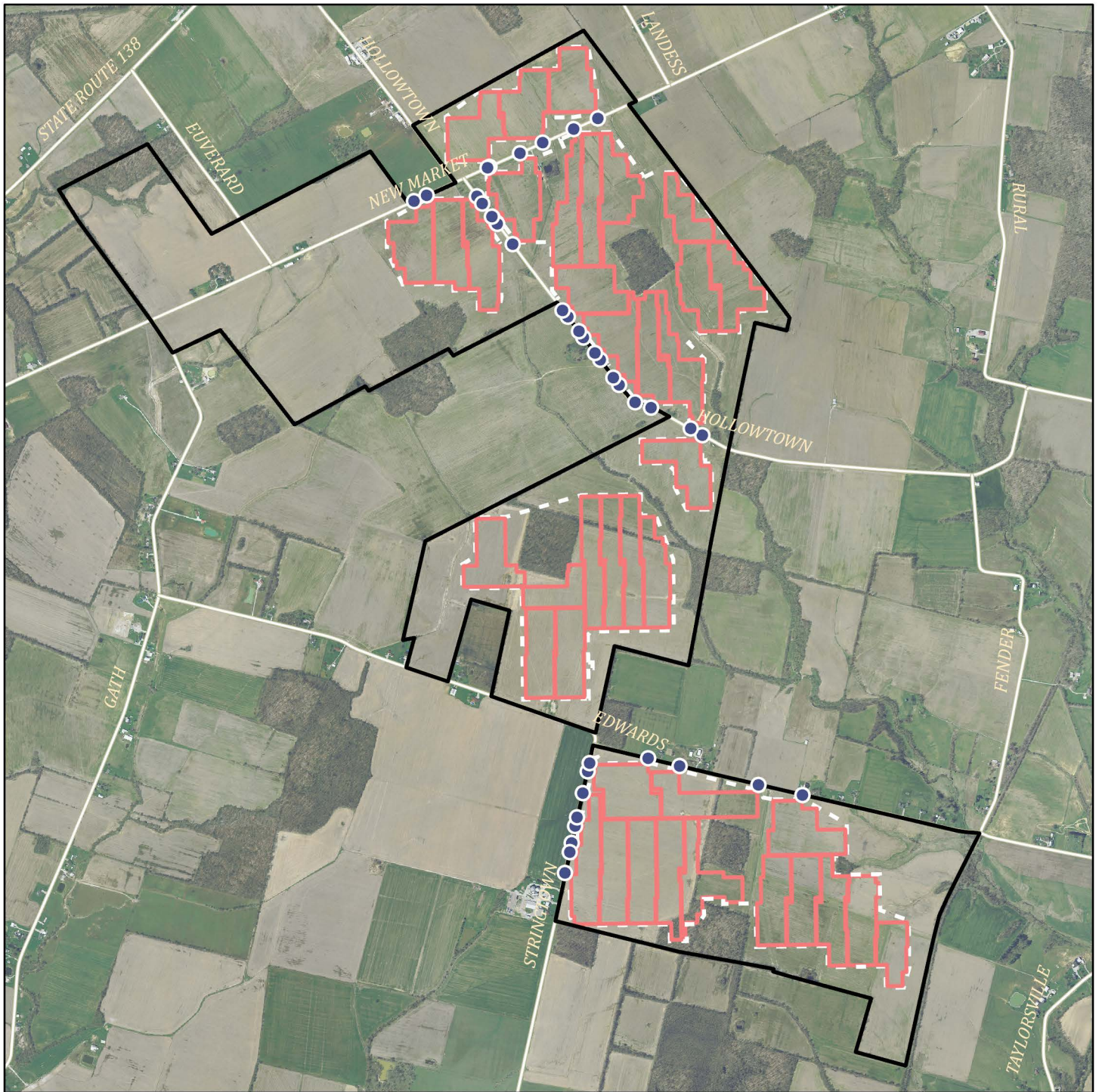
Map A1  
Map B1  
Map B2  
Map B3  
Map B4  
Map B5  
Map B6  
Map B7  
Map B8  
Map B9

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<sup>3</sup> Due to Staff safety considerations, laser measurements were taken from the edge of pavement, and centerlines of the roads were approximated by measuring the road width and adding half of that measurement to the rangefinder's result.

Map B10  
Map B11  
Map B12  
Map B13  
Map B14  
Map B15  
Map B16  
Measurement Table  
Photo – Measurement 1  
Email from Senior Project Manager

**CC:** Michael J. Settineri, Counsel for Hecate Energy Highland II, LLC



## Overview Map

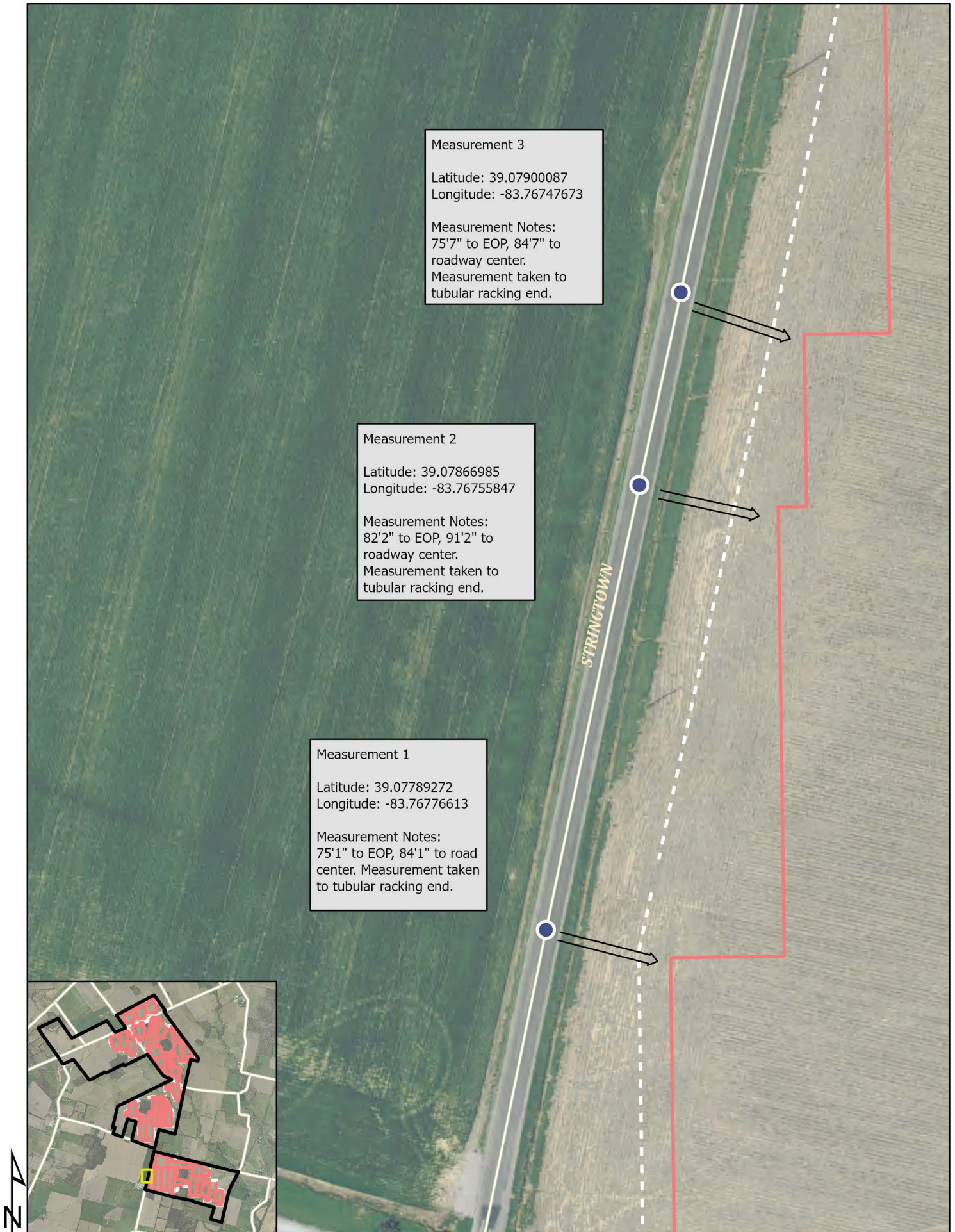
### Map - A1

### 20-1288-EL-BGN

### New Market Solar

Maps are presented solely for the purpose of providing a visual representation of field activity undertaken by staff, and are not intended to calculate distances or modify information presented in the staff report or applicant filings.

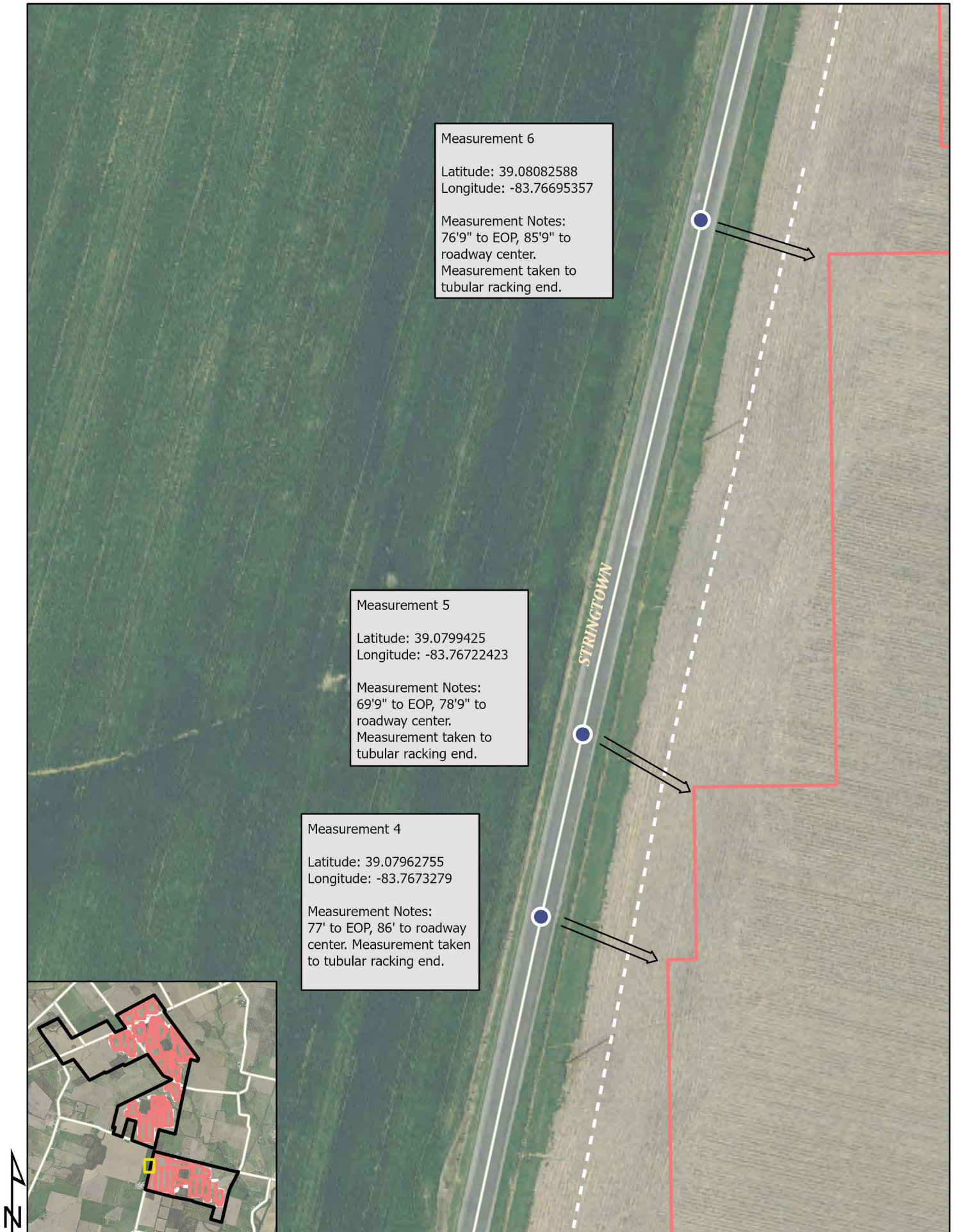




Map - B1

Not for scaled measurement. Latitude and longitude values are approximate.









Measurement 8

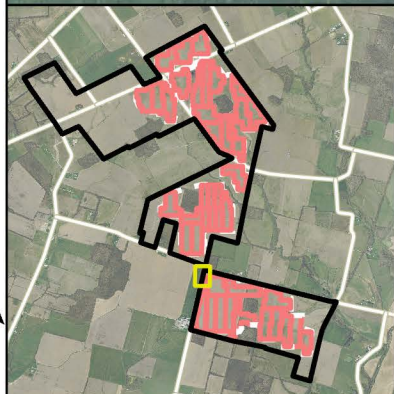
Latitude: 39.08192058  
Longitude: -83.76660333

Measurement Notes:  
66'8" to EOP, 75'8" to  
roadway center.  
Measurement taken to  
tubular racking end.

Measurement 7

Latitude: 39.08162122  
Longitude: -83.76671417

Measurement Notes:  
76'7" to EOP, 85'7" to  
roadway center.  
Measurement taken to  
tubular racking end.







Measurement 9

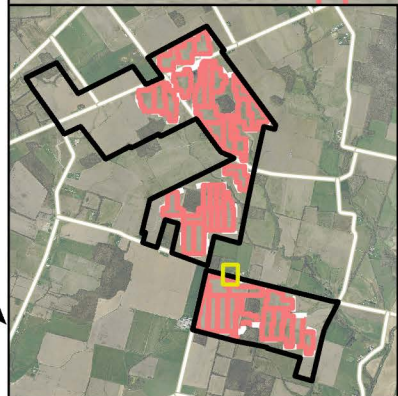
Latitude: 39.08207943  
Longitude: -83.76389477

Measurement Notes:  
66'5" to EOP, 75'5" to  
roadway center.  
Measurement taken to  
tubular racking end.

Measurement 10

Latitude: 39.08177852  
Longitude: -83.7624339

Measurement Notes:  
67' to EOP, 76' to  
roadway center.  
Measurement taken to  
tubular racking end.



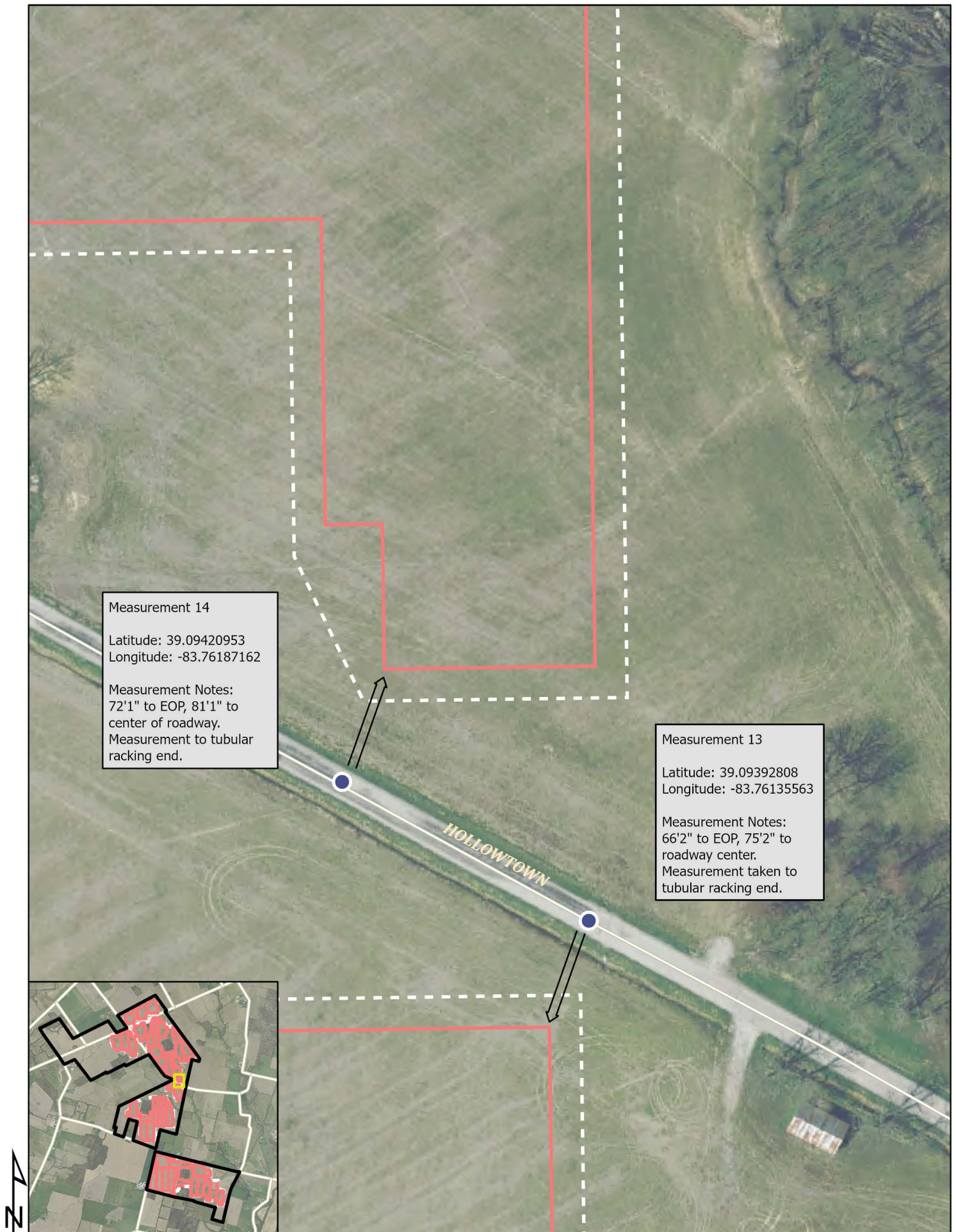








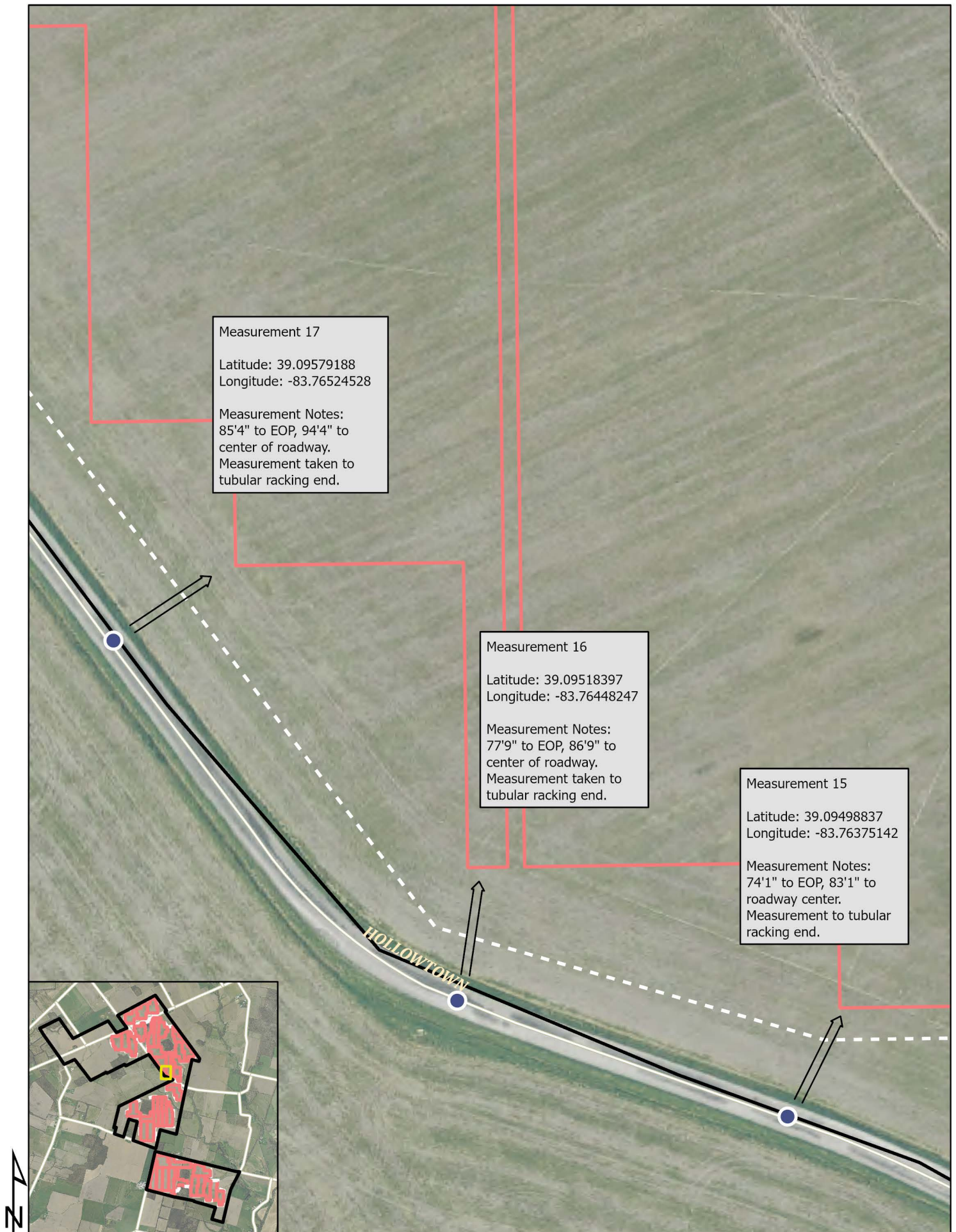




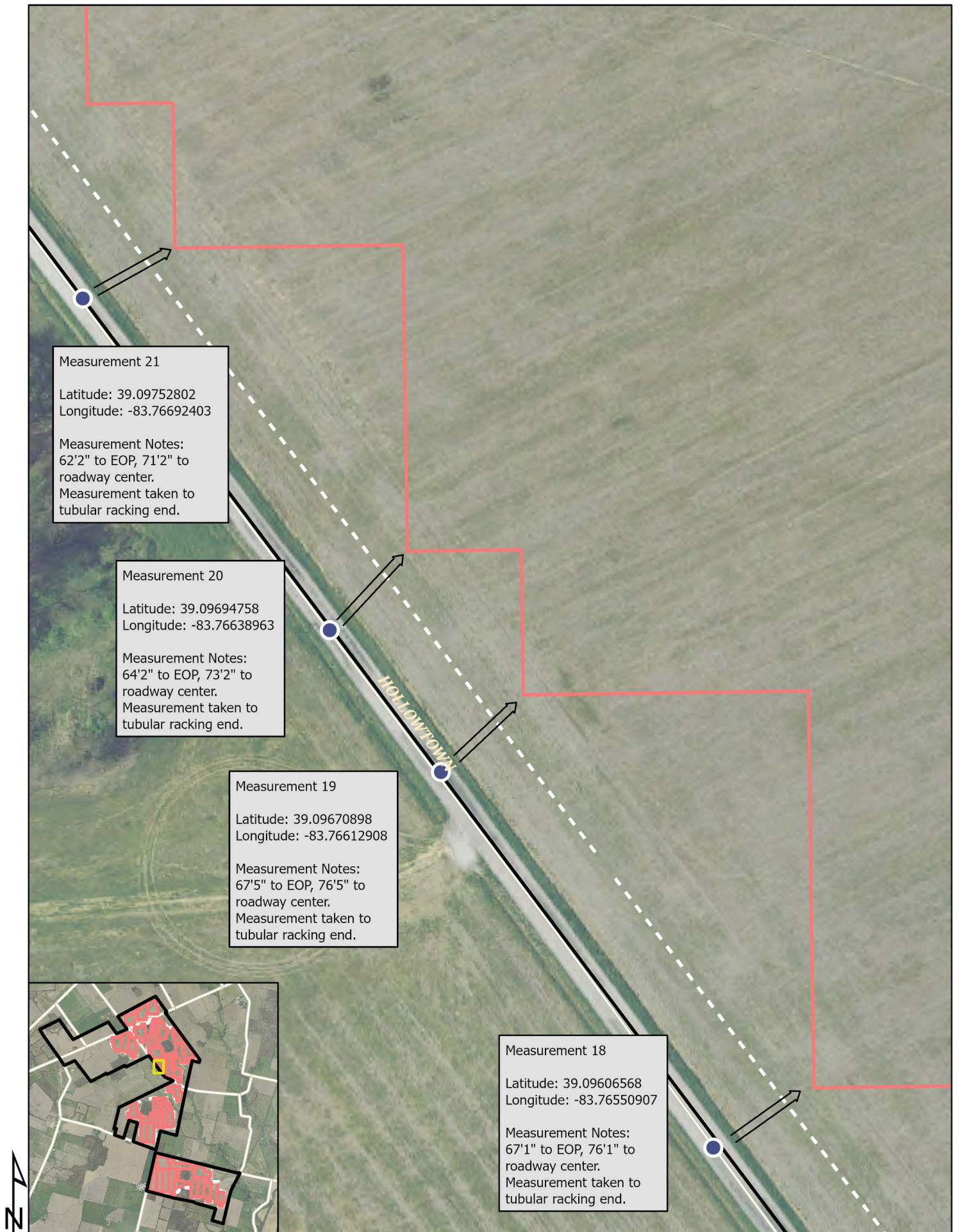
Map - B7

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Map - B9

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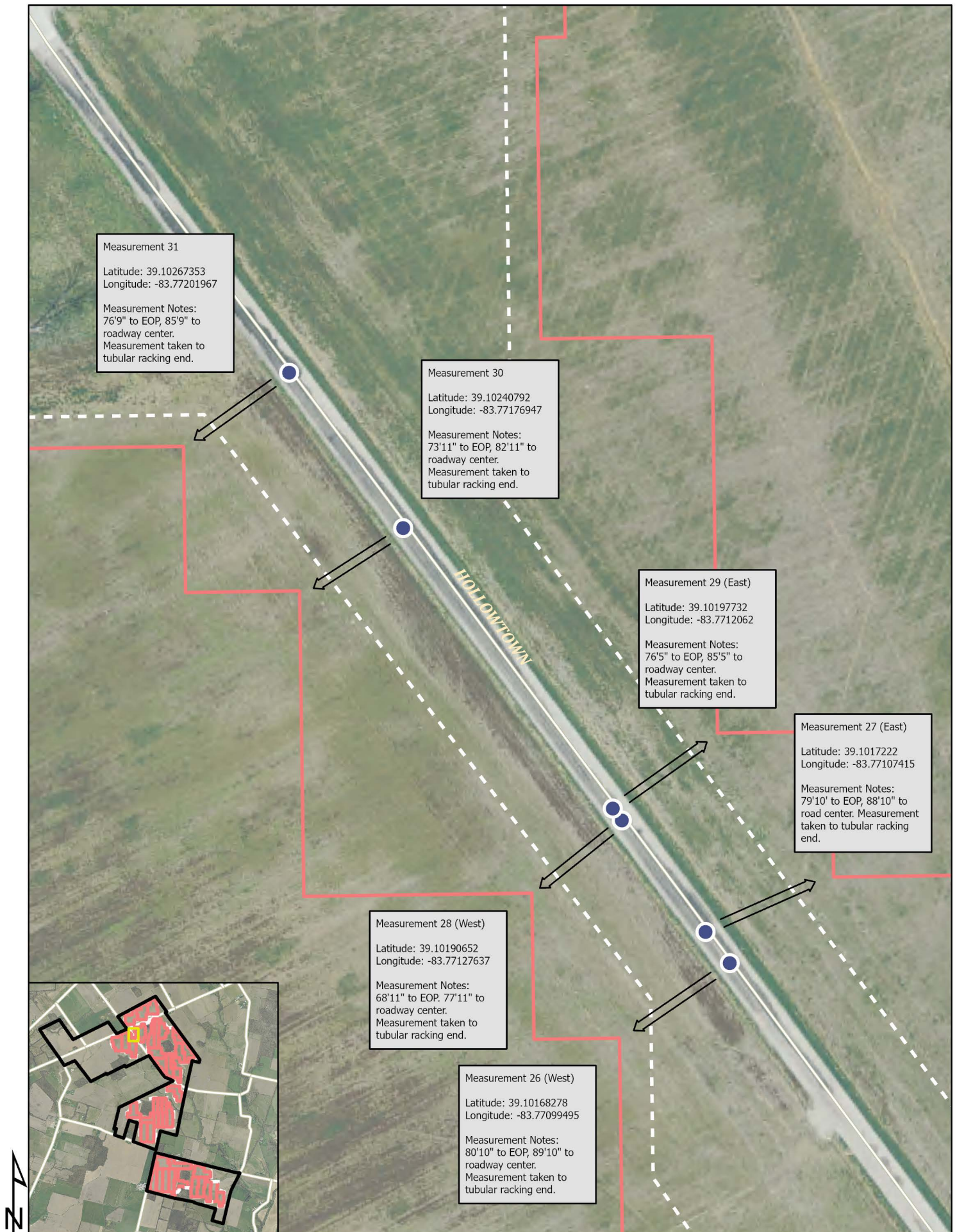




Map - B11

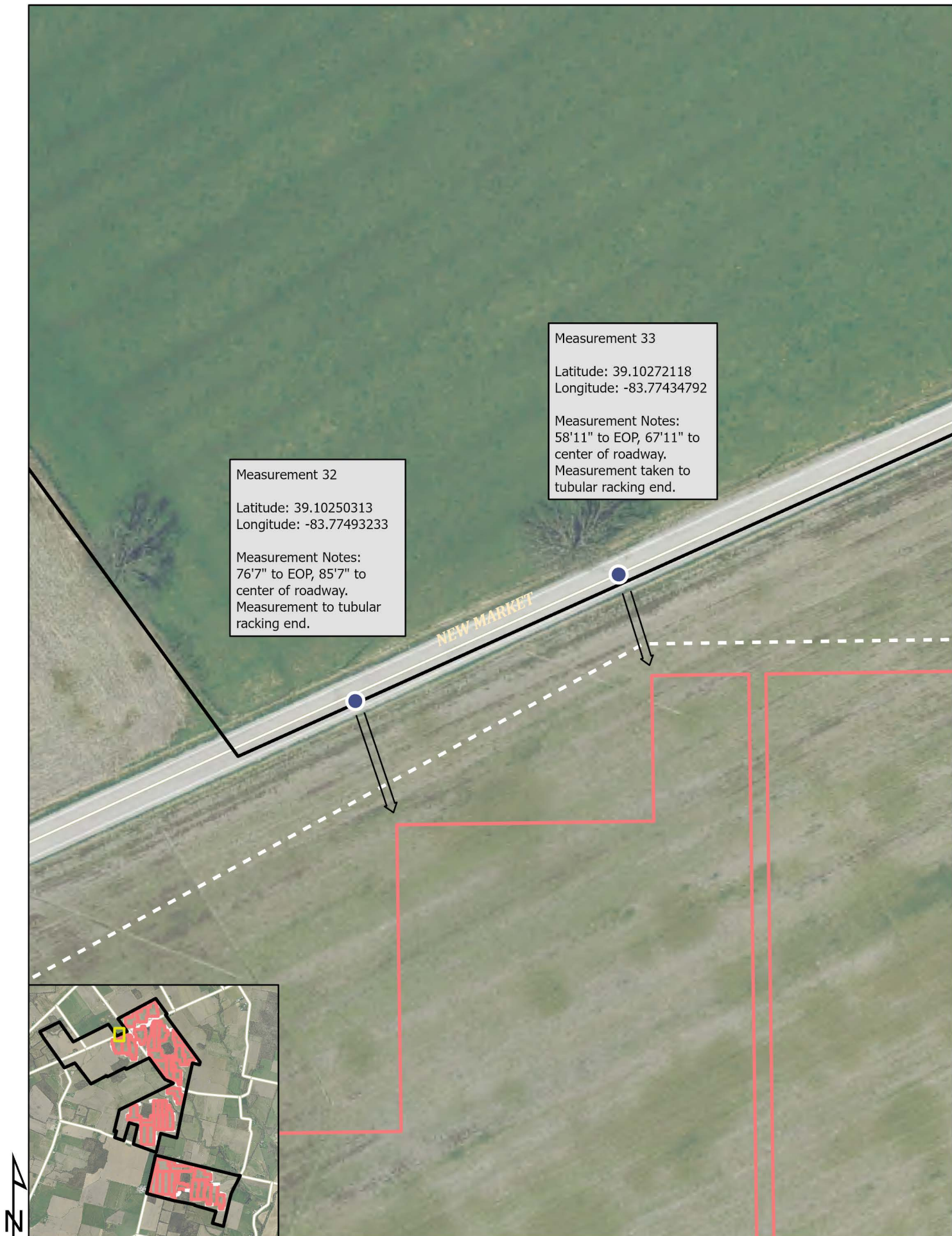
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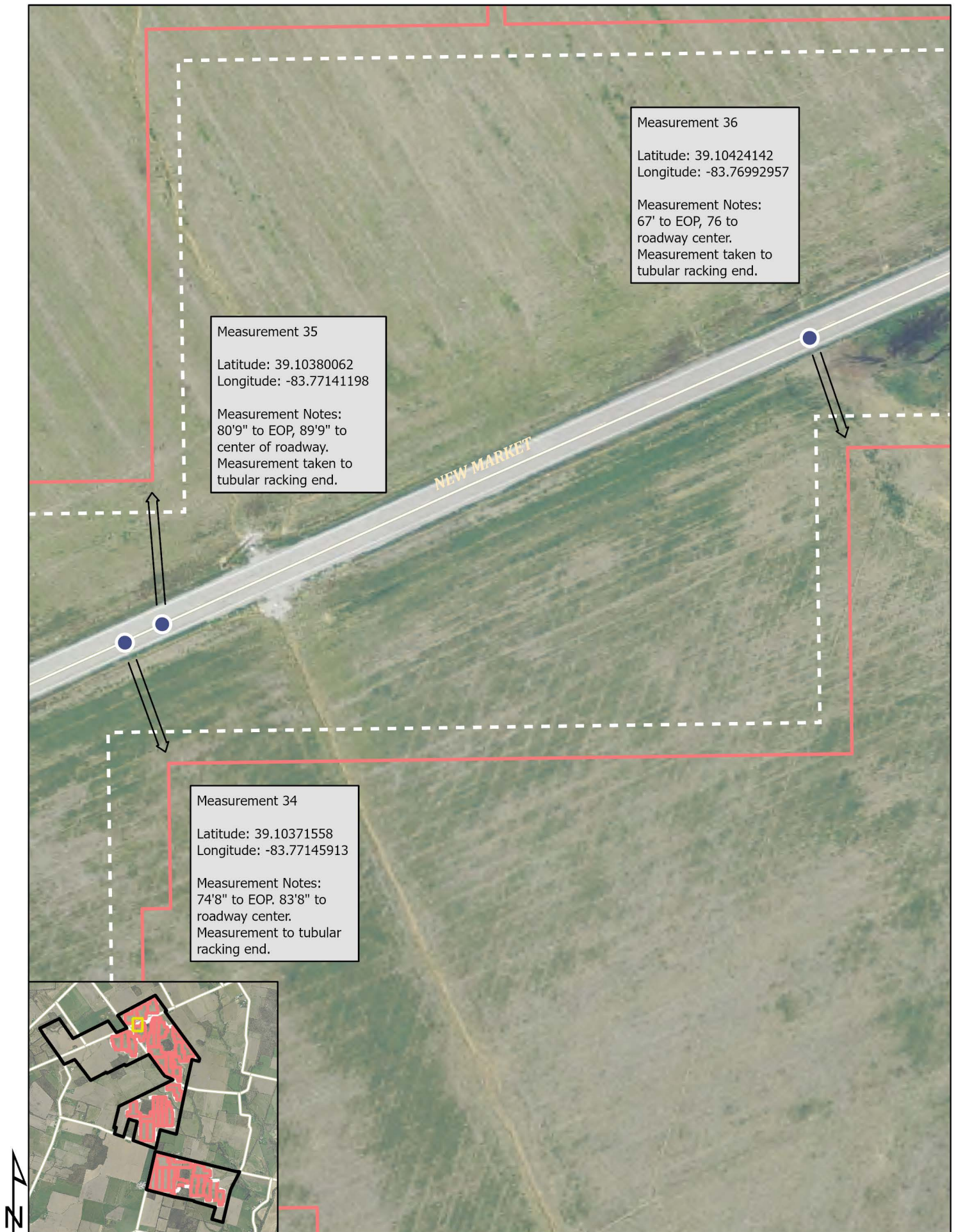


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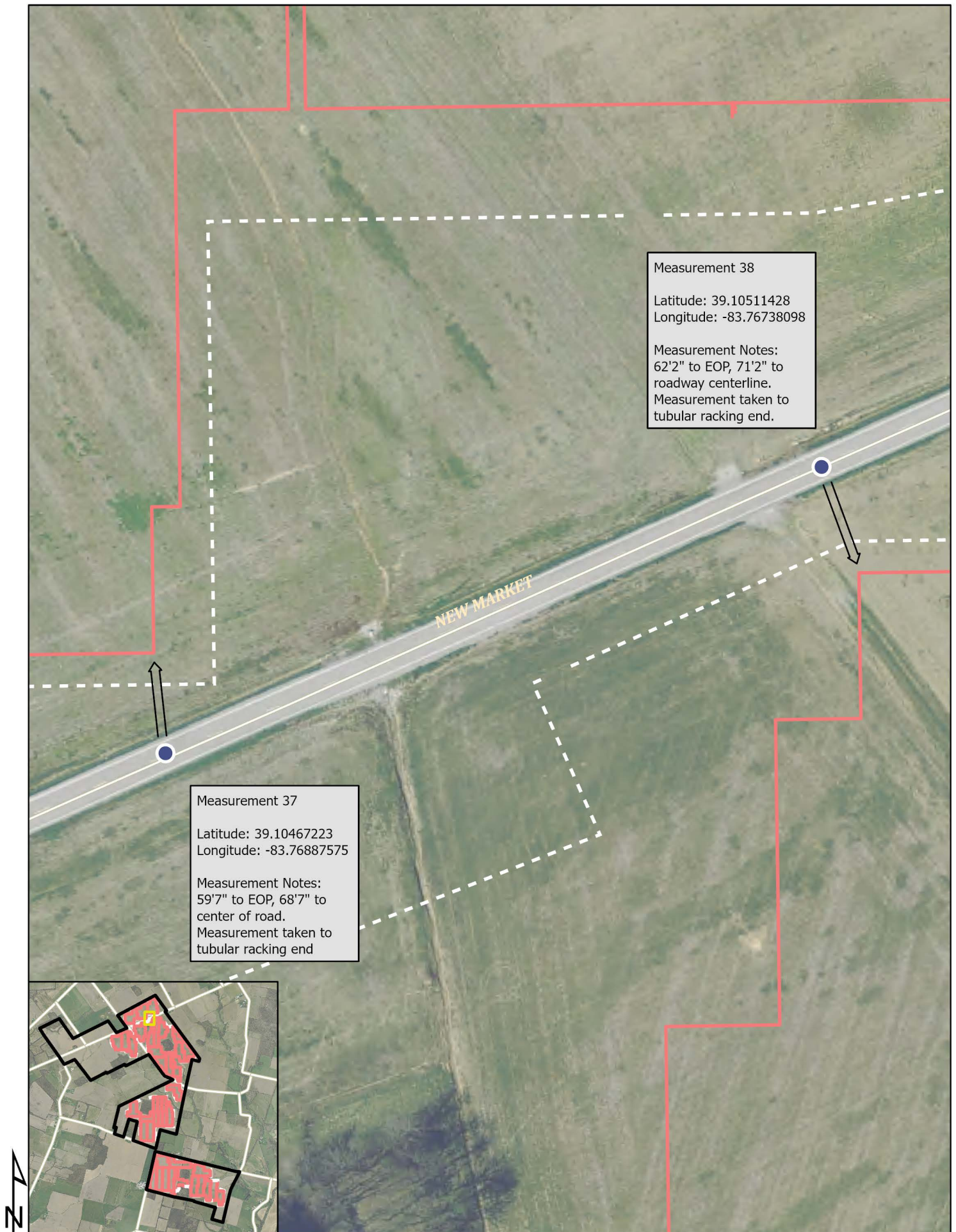




Map - B14

Not for scaled measurement. Latitude and longitude values are approximate.











Measurement	Feet from Road Center Line
Measurement 1	84'1"
Measurement 2	91'2"
Measurement 3	84'7"
Measurement 4	86'
Measurement 5	78'9"
Measurement 6	85'9"
Measurement 7	85'7"
Measurement 8	75'8"
Measurement 9	75'5"
Measurement 10	76'
Measurement 11	97'2"
Measurement 12	77'8"
Measurement 13	75'2"
Measurement 14	81'1"
Measurement 15	83'1"
Measurement 16	86'9"
Measurement 17	94'4"
Measurement 18	76'1"
Measurement 19	76'5"
Measurement 20	73'2"
Measurement 21	71'2"
Measurement 22	82'10"
Measurement 23	85'
Measurement 24	96'5"
Measurement 25	82' 3"
Measurement 26	89'10"
Measurement 27	88'10"
Measurement 28	77'11"
Measurement 29	85'5"
Measurement 30	82'11"
Measurement 31	85'9"
Measurement 32	85'7"
Measurement 33	67'11"
Measurement 34	83'8"
Measurement 35	89'9"
Measurement 36	76
Measurement 37	68'7"
Measurement 38	71'2"
Measurement 39	100'1"



## Measurement 1





**From:** [Yuri Otarov](#)  
**To:** [Holderbaum, Ashton](#)  
**Cc:** [Riley Griffin](#); [Settineri, Michael J.](#)  
**Subject:** New Market Solar - Project Status  
**Date:** Monday, September 12, 2022 11:47:55 AM  
**Attachments:** [2022.08.12 100" Setback NMS - Setback Areas.pdf](#)  
[2022.06.21 100" Setback NMS - Setback Line.pdf](#)  
[Highland County Conveyance Standards-Adopted-2-26-2015.pdf](#)  
[2021.02.05 New Market Solar Civil Plans - OPSB Review.pdf](#)

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Hi Ashton,

Thank you for your time this Thursday to discuss the status of the New Market Solar Project.

During the call we mentioned that the project team noticed a discrepancy between the final engineering drawings submitted to the OPSB and the language in the Application. The submitted construction plans prepared by the Contractor (McCarthy) utilized a 45' setback from the public ROW consistent with Highland County Conveyance Standards, however these plans vary from the 100' setback as seen in the OPSB Application and Figure 5: constraints map . Given the advanced stage of project construction (i.e Racking/Piles/Cabling installed), we are planning to address this through as-builts. This issue is unique in that all the drawings that were submitted publicly to the OPSB utilized setbacks per the highland County Conveyance Standards and the drawings specifically reference a 45ft setback from the ROW. As such, any as-builts submitted would not show any deviation.

It is important to note that the fenceline of the project remains exactly as proposed in the application. The project is designed to NEC code and has no life safety concerns, and road Intersection setbacks exceed 250' and do not impede sight distances for the public. All equipment is entirely within the fence line and no deviations have been observed relative to the approved fencing setbacks.

I am also summarizing the answers to the questions you had asked during our call.

- Are the panels all on participating property (NMS Response: Yes)
- What is the magnitude of the issue? (NMS Response: Approximately 1.2MW of panels utilize the Highland County Conveyance Standard Setback from the public ROW and property boundary.
- Which roads? (NMS Response: S. Hollowtown Road, Edwards, Stringtown and New Market Road)
- What is the cost to relocate the panels? NMS Response: Contractor estimates \$5-10M and that this would be problematic given the advanced stage of project construction
- Would NMS be open to removing the panels? NMS has performance obligations under the Offtake Agreements for the project. NMS will need to provide both offtakers with the full capacity.

Lastly, you will find attached a site plan highlighting the ROW and Property Line areas where the Highland County Setback was utilized.

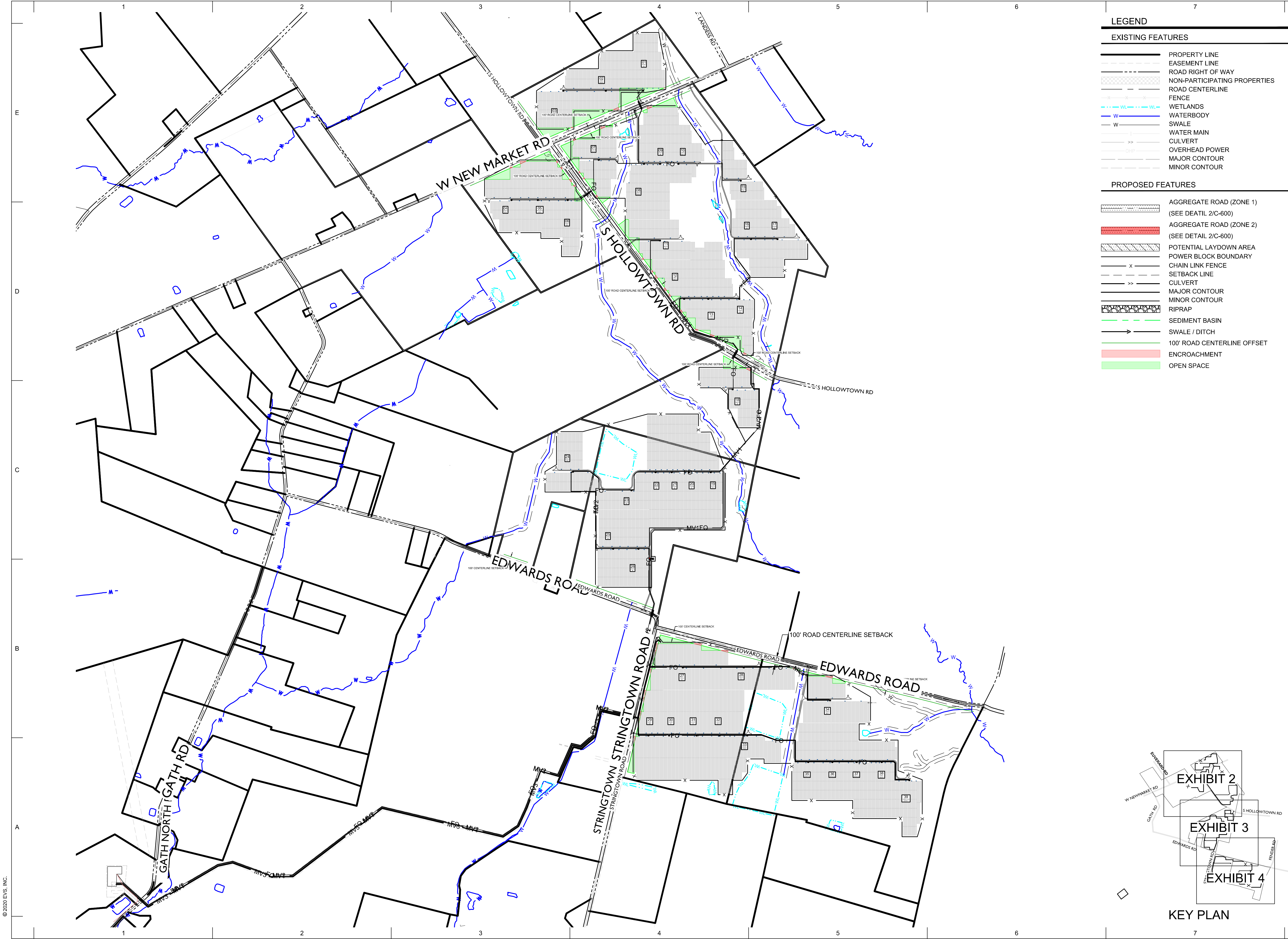
We are available anytime on Wednesday with the exception of 4pm EST. Please advise what time works best, and we will send out an invite.

Thank you,

**Yuri Otarov**, M.Eng, P.Eng | **Liberty Power** | Senior Project Manager  
P: 905-465-4531 | C: 416-270-1334 | E: [Yuri.Otarov@algonquinpower.com](mailto:Yuri.Otarov@algonquinpower.com)  
354 Davis Road, Suite 100, Oakville, ON L6J 2X1

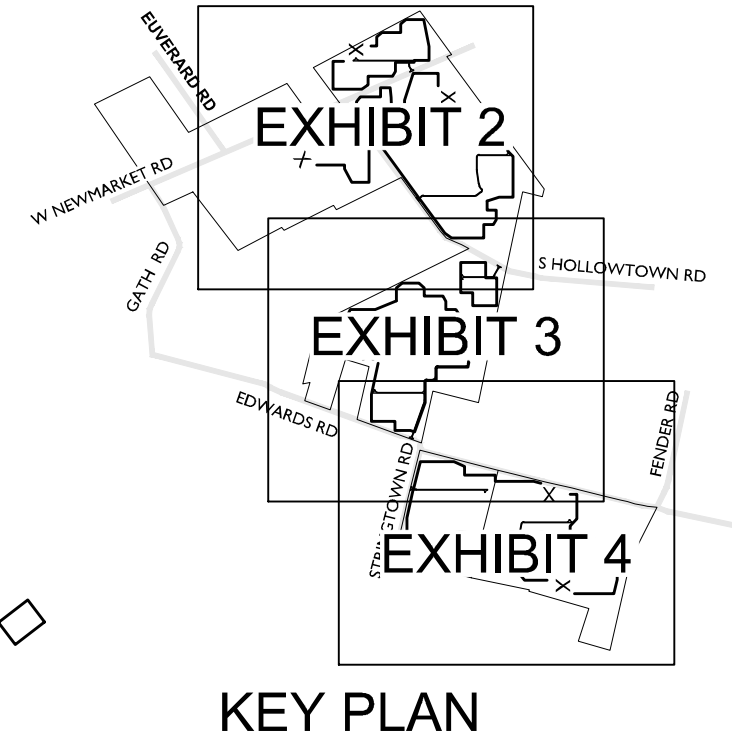
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LEGEND	
EXISTING FEATURES	
	PROPERTY LINE
	EASEMENT LINE
	ROAD RIGHT OF WAY
	NON-PARTICIPATING PROPERTIES
	ROAD CENTERLINE
	FENCE
	WETLANDS
	WATERBODY
	SWALE
	WATER MAIN
	CULVERT
	OVERHEAD POWER
	MAJOR CONTOUR
	MINOR CONTOUR

PROPOSED FEATURES	
	AGGREGATE ROAD (ZONE 1) (SEE DETAIL 2/C-600)
	AGGREGATE ROAD (ZONE 2) (SEE DETAIL 2/C-600)
	POTENTIAL LAYDOWN AREA
	POWER BLOCK BOUNDARY
	CHAIN LINK FENCE
	SETBACK LINE
	CULVERT
	MAJOR CONTOUR
	MINOR CONTOUR
	RIPRAP
	SEDIMENT BASIN
	SWALE / DITCH
	100' ROAD CENTERLINE OFFSET
	ENCROACHMENT
	OPEN SPACE



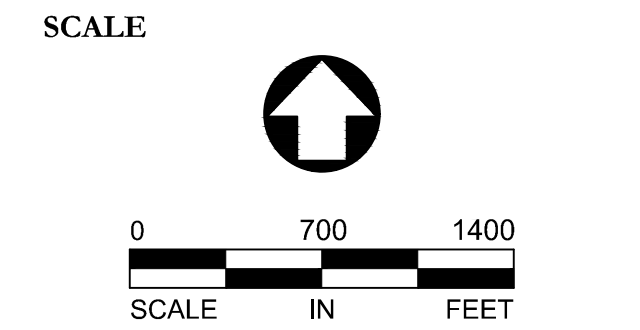
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LOCATION  
**HIGHLAND  
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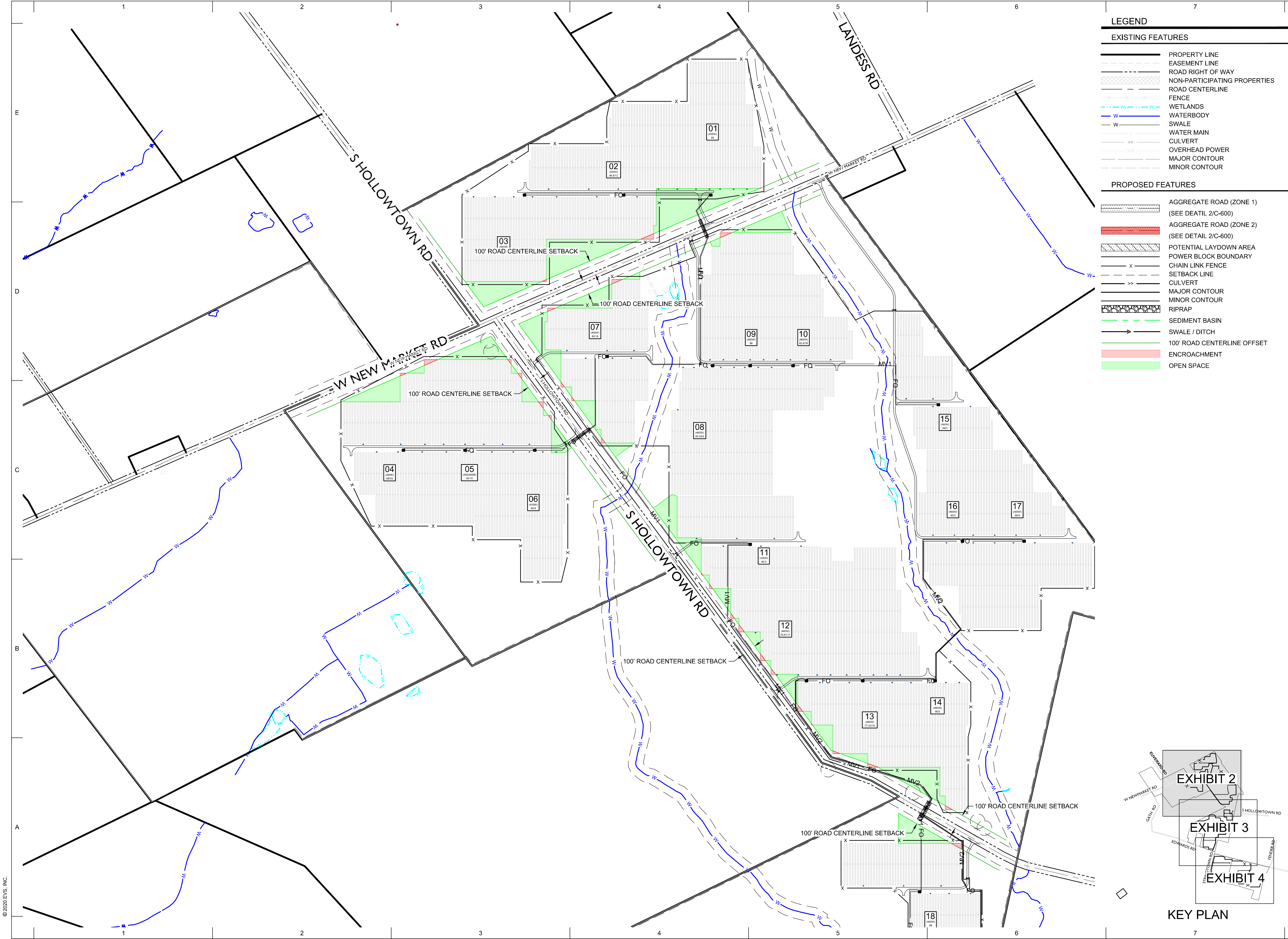
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**LEGEND**

**EXISTING FEATURES**

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EASEMENT LINE

ROAD RIGHT OF WAY

NON-PARTICIPATING PROPERTIES

ROAD CENTERLINE

FENCE

WETLANDS

WATERBODY

SWALE

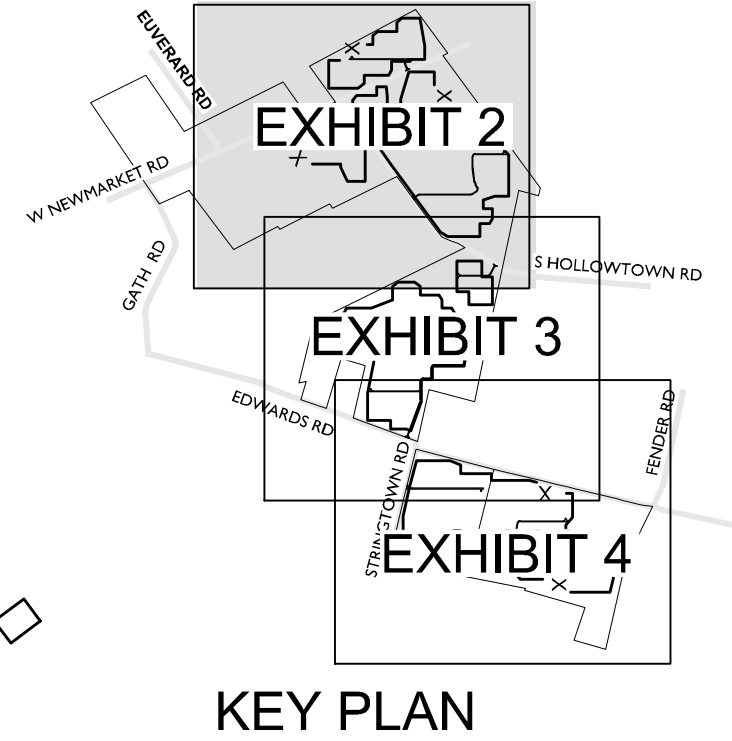
WATER MAIN

CULVERT

OVERHEAD POWER

MAJOR CONTOUR

MINOR CONTOUR

**PROPOSED FEATURES**AGGREGATE ROAD (ZONE 1)  
(SEE DETAIL 2/C-600)AGGREGATE ROAD (ZONE 2)  
(SEE DETAIL 2/C-600)POTENTIAL LAYDOWN AREAPOWER BLOCK BOUNDARYCHAIN LINK FENCESETBACK LINECULVERTMAJOR CONTOURMINOR CONTOURRIPRAPSEDIMENT BASINSWALE / DITCH100' ROAD CENTERLINE OFFSETENCROACHMENTOPEN SPACE

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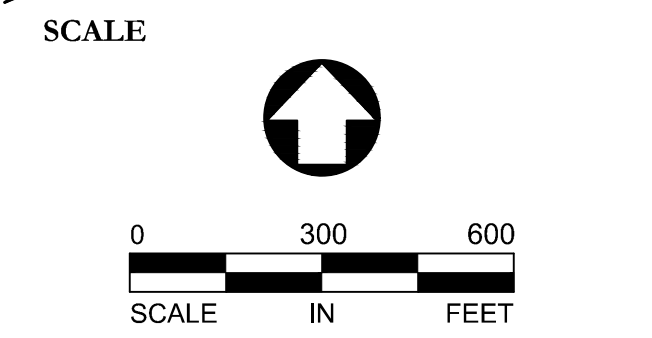
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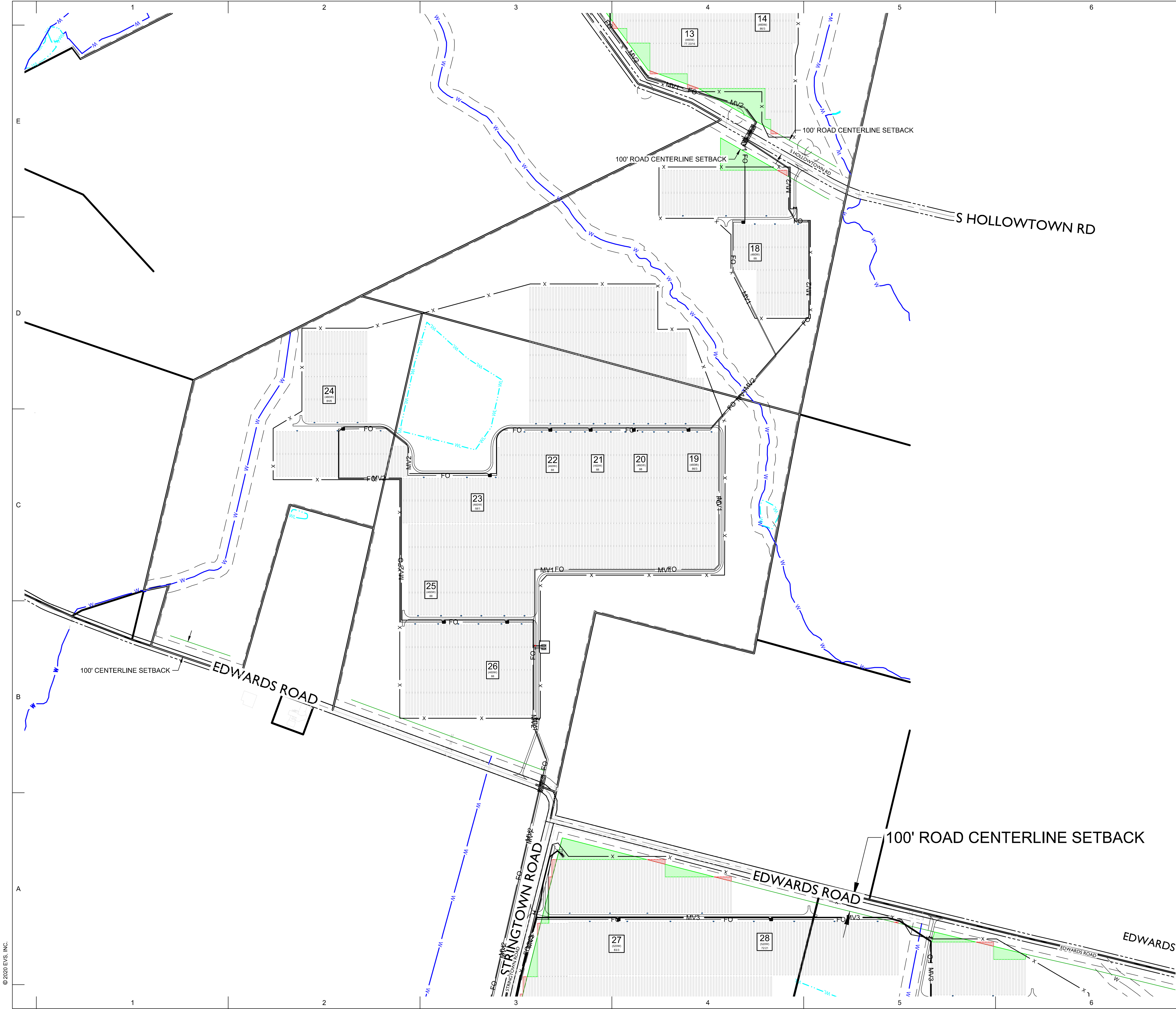
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LEGEND

EXISTING FEATURES

PROPERTY LINE

EASEMENT LINE

ROAD RIGHT OF WAY

NON-PARTICIPATING PROPERTIES

ROAD CENTERLINE

FENCE

WETLANDS

WATERBODY

SWALE

WATER MAIN

CULVERT

OVERHEAD POWER

MAJOR CONTOUR

MINOR CONTOUR

PROPOSED FEATURES

AGGREGATE ROAD (ZONE 1)  
(SEE DEATIL 2/C-600)

AGGREGATE ROAD (ZONE 2)  
(SEE DETAIL 2/C-600)

POTENTIAL LAYDOWN AREA

POWER BLOCK BOUNDARY

CHAIN LINK FENCE

SETBACK LINE

CULVERT

MAJOR CONTOUR

MINOR CONTOUR

RIPRAP

SEDIMENT BASIN

SWALE / DITCH

100' ROAD CENTERLINE OFFSET

ENCROACHMENT

OPEN SPACE

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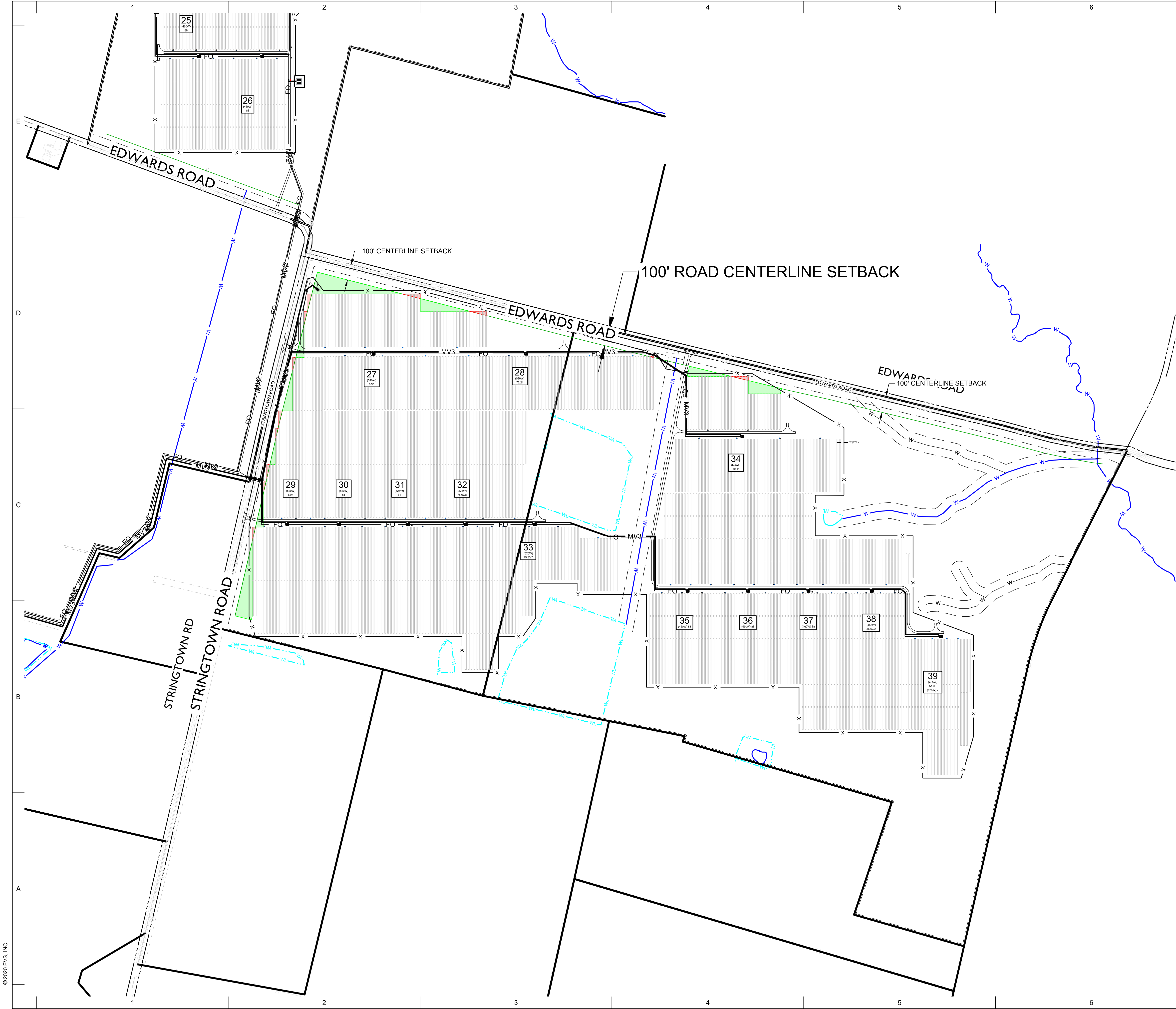
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100' SETBACK EXHIBIT

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EXHIBIT 3





**LEGEND**

**EXISTING FEATURES**

- PROPERTY LINE
- EASEMENT LINE
- ROAD RIGHT OF WAY
- NON-PARTICIPATING PROPERTIES
- ROAD CENTERLINE
- FENCE
- WETLANDS
- WATERBODY
- SWALE
- WATER MAIN
- CULVERT
- OVERHEAD POWER
- MAJOR CONTOUR
- MINOR CONTOUR

**PROPOSED FEATURES**

- AGGREGATE ROAD (ZONE 1) (SEE DETAIL 2/C-600)
- AGGREGATE ROAD (ZONE 2) (SEE DETAIL 2/C-600)
- POTENTIAL LAYDOWN AREA
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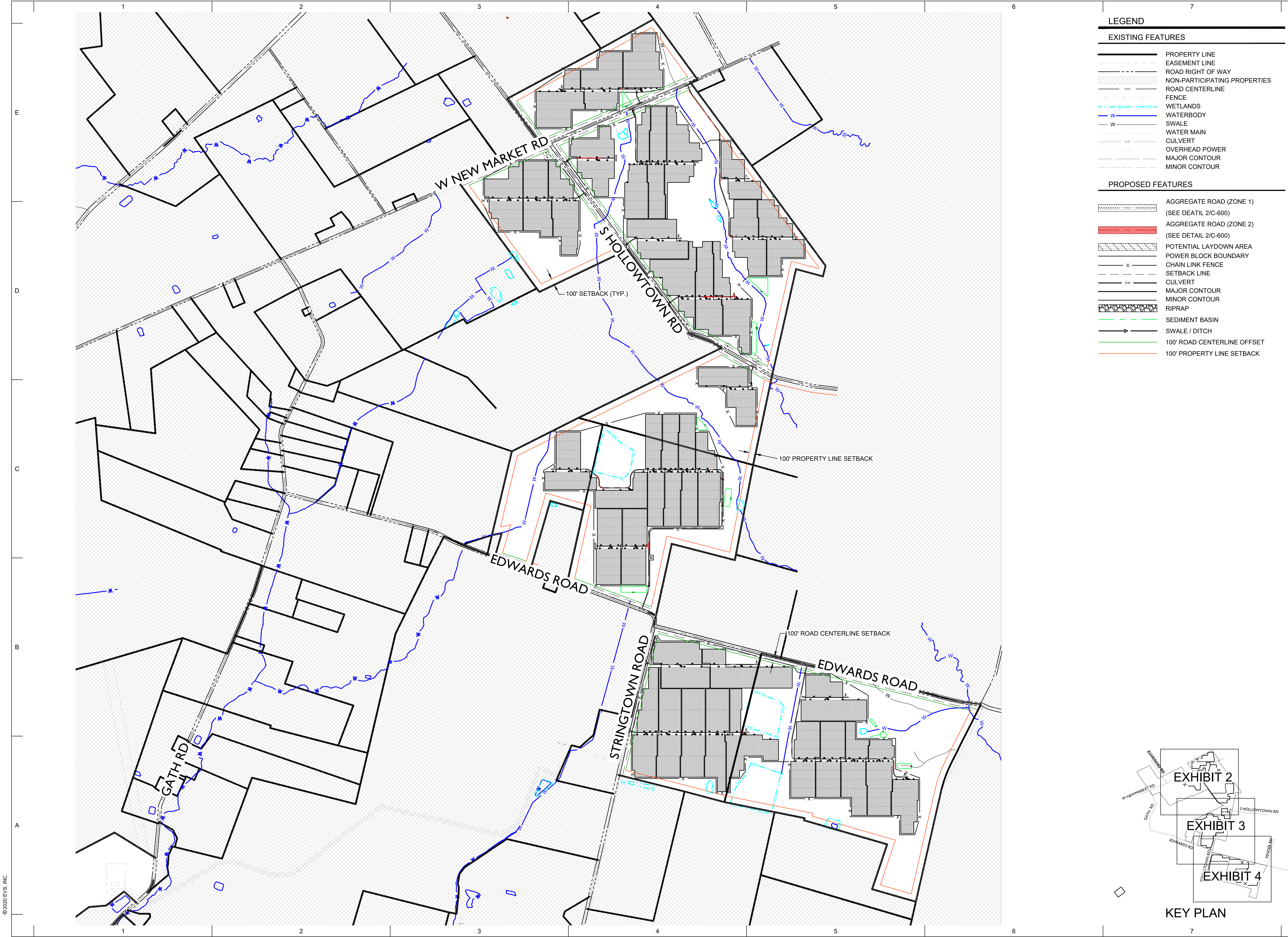
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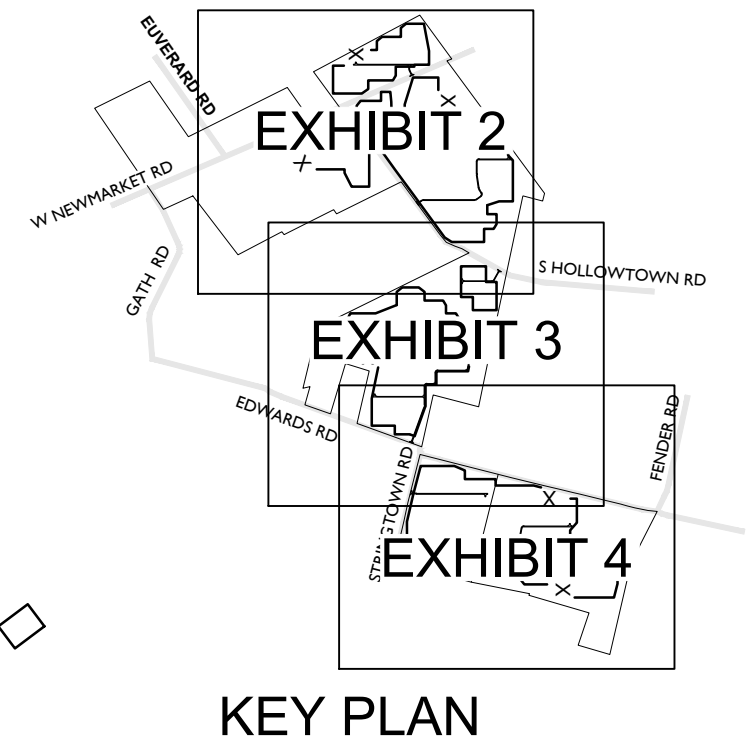
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LEGEND	
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	EASEMENT LINE
	ROAD RIGHT OF WAY
	NON-PARTICIPATING PROPERTIES
	ROAD CENTERLINE
	FENCE
	WETLANDS
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	100' ROAD CENTERLINE OFFSET
	100' PROPERTY LINE SETBACK



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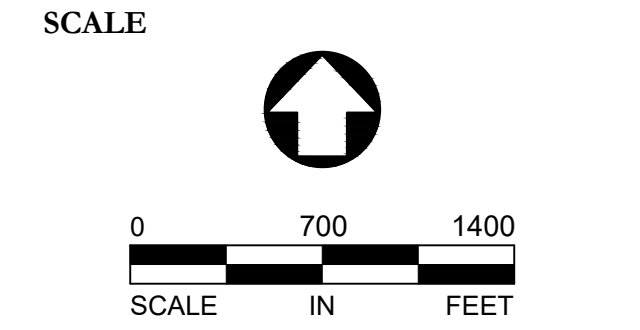
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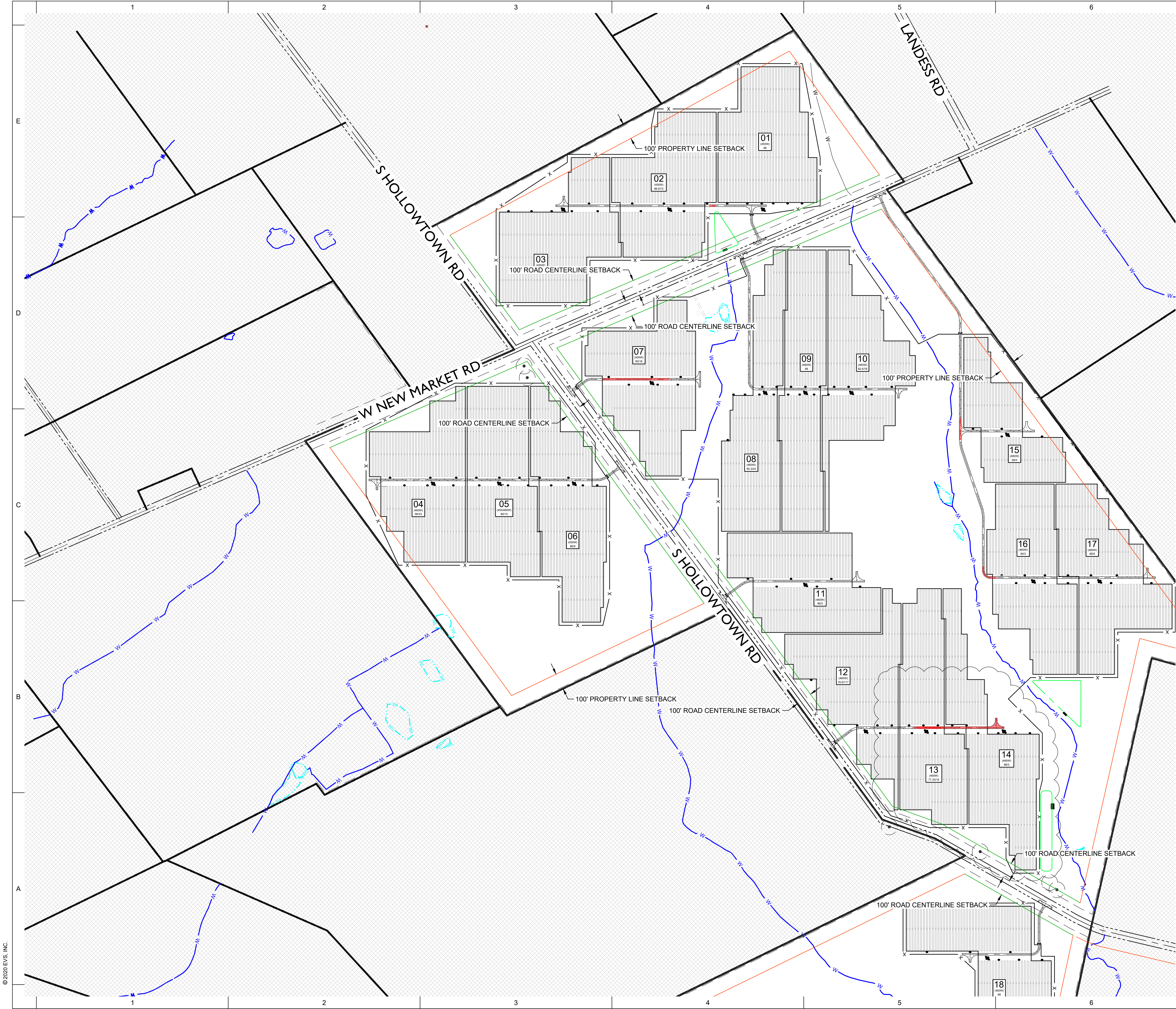
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LEGEND

EXISTING FEATURES

PROPERTY LINE

EASEMENT LINE

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NON-PARTICIPATING PROPERTIES

ROAD CENTERLINE

FENCE

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POWER BLOCK BOUNDARY

CHAIN LINK FENCE

SETBACK LINE

CULVERT

MAJOR CONTOUR

MINOR CONTOUR

RIPRAP

SEDIMENT BASIN

SWALE / DITCH

100' ROAD CENTERLINE OFFSET

100' PROPERTY LINE SETBACK

KEY PLAN

EXHIBIT 2

EXHIBIT 3

EXHIBIT 4

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SCALE

0 300 600

SCALE IN FEET

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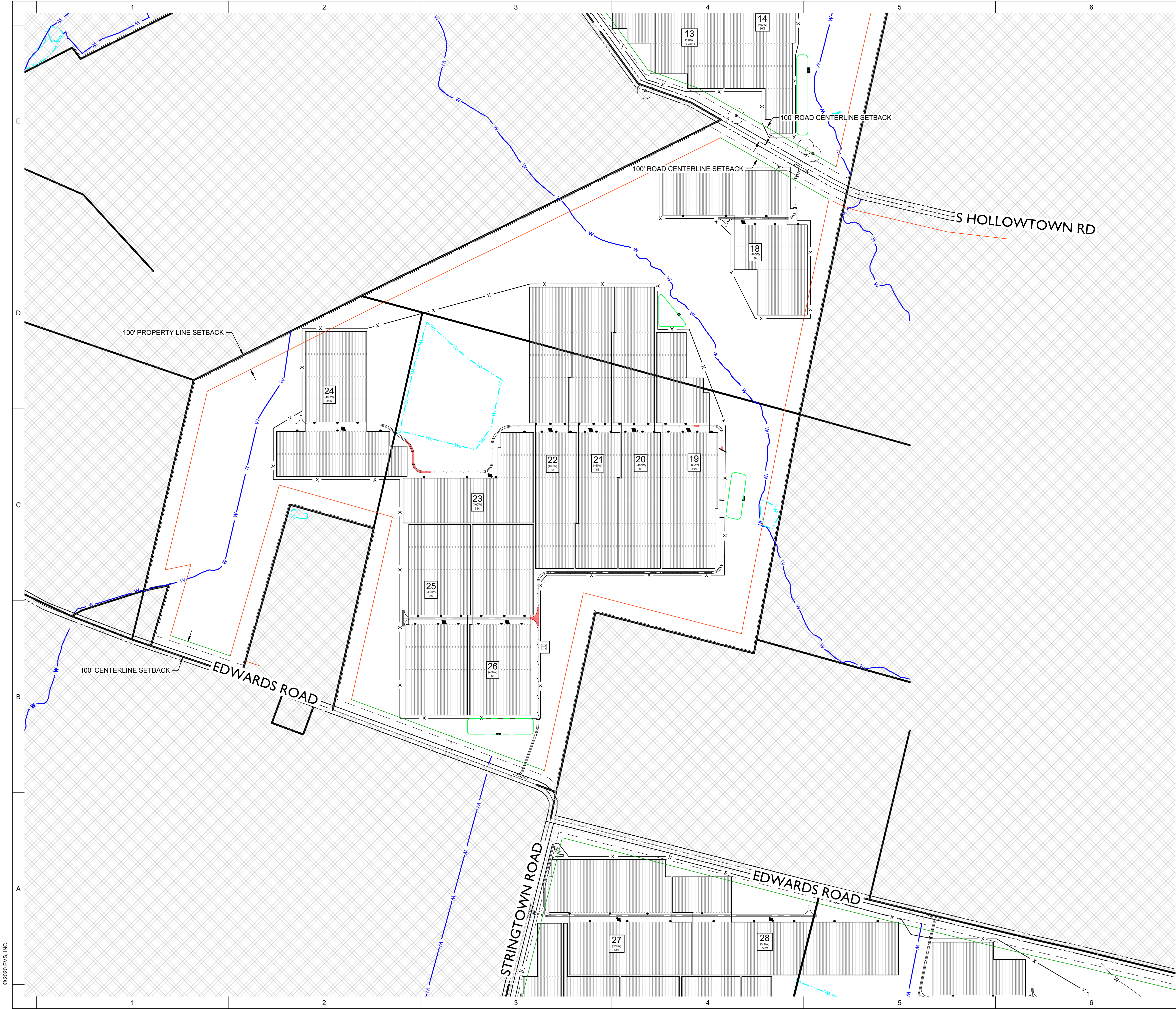
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SETBACK LINE

CULVERT

MAJOR CONTOUR

MINOR CONTOUR

RIPRAP

SEDIMENT BASIN

SWALE / DITCH

100' ROAD CENTERLINE OFFSET

100' PROPERTY LINE SETBACK

KEY PLAN

EVS, INC.  
10025 Valley View Road, Suite 140  
Eden Prairie, Minnesota 55344  
Phone: 952-646-0236  
www.evs-eng.com

CLIENT

PROJECT

NEW MARKET

LOCATION

HIGHLAND COUNTY, OH

SUBMITTAL

EXHIBIT

SCALE

0

300

600

SCALE IN FEET

#	DATE	DESCRIPTION

DRAWN BY  
NO

CHECKED BY  
DB

DATE  
06.21.2022

PROJECT #  
2020-189.1

SHEET NAME

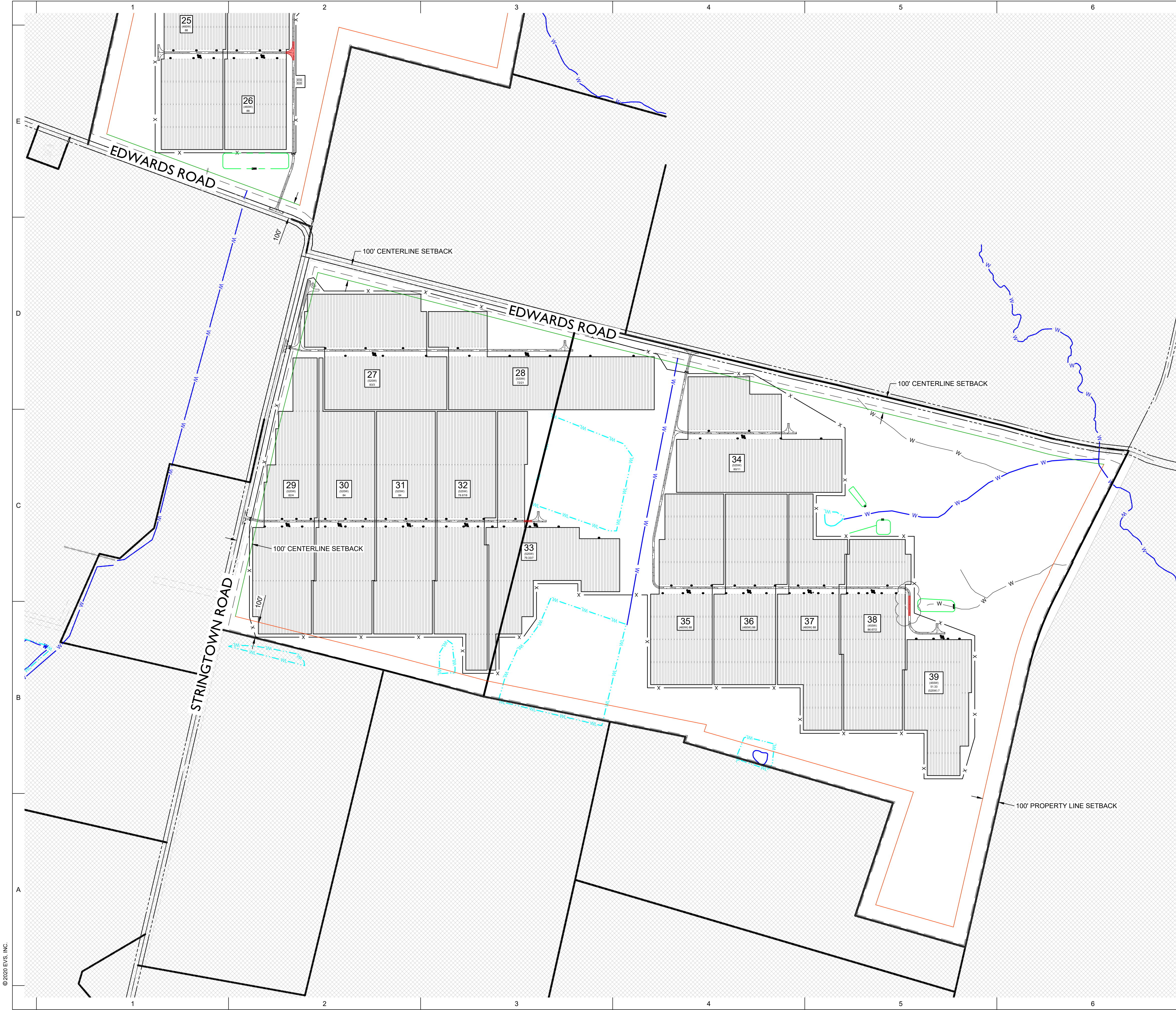
100' SETBACK EXHIBIT

SHEET NUMBER

EXHIBIT 3

© 2020 EVS, INC.





LEGEND

EXISTING FEATURES

PROPERTY LINE

EASEMENT LINE

ROAD RIGHT OF WAY

ROAD CENTERLINE

FENCE

WETLANDS

WATERBODY

SWALE

WATER MAIN

CULVERT

OVERHEAD POWER

MAJOR CONTOUR

MINOR CONTOUR

PROPOSED FEATURES

AGGREGATE ROAD (ZONE 1)  
(SEE DEATIL 2/C-600)

AGGREGATE ROAD (ZONE 2)  
(SEE DETAIL 2/C-600)

POTENTIAL LAYDOWN AREA

POWER BLOCK BOUNDARY

CHAIN LINK FENCE

SETBACK LINE

CULVERT

MAJOR CONTOUR

MINOR CONTOUR

RIPRAP

SEDIMENT BASIN

SWALE / DITCH

100' ROAD CENTERLINE OFFSET

100' PROPERTY LINE SETBACK

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LOCATION

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SUBMITTAL

EXHIBIT

SCALE

0 300 600

SCALE IN FEET

#	DATE	DESCRIPTION

DRAWN BY  
NO

CHECKED BY  
DB

DATE  
06.21.2022

PROJECT #  
2020-189.1

SHEET NAME

OPSB SETBACK EXHIBIT

SHEET NUMBER

EXHIBIT 4



# *Conveyance Standards & Boundary Survey Requirements Highland County, Ohio*



Effective Date – April 6, 2015



Dean Otworth, P.E., P.S.  
138 Bowers Avenue  
Hillsboro, OH 45133  
PHONE: 937-393-3496  
FAX: 937-393-3498



Bill Fawley  
119 Governor Foraker Place  
Hillsboro, OH 45133  
PHONE: 937-393-1915  
FAX: 937-393-3854

Print Date 3-12-15



***STANDARDS GOVERNING MINIMUM REQUIREMENTS  
FOR ALL FORMS OF CONVEYANCE  
IN HIGHLAND COUNTY, OHIO***

Pursuant to Section 319.203 of the Ohio Revised Code, Bill Fawley, the Highland County Auditor, and Dean Otworth, P.E., P.S., the Highland County Engineer, hereby agree to the following standards governing the conveyances of real property in Highland County, Ohio, and hereby adopt the same as the official standards governing all conveyances of real property in said County.

The official standards so agreed to and adopted are attached hereto and made a part thereof. This Agreement is adopted in duplicate and each of the parties hereto shall keep and maintain in his office an original copy of the Agreement.

In accordance with Section 319.203 of the Ohio Revised Code, public hearings were held on the adoption of such standards February 12, 2015 and February 26, 2015 and public testimony and written comments were solicited and received at such public hearing.

The official standards agreed to, adopted and amended, and attached hereto, shall be effective for all conveyances presented to the Highland County Auditor and Highland County Engineer on and after April 6, 2015.

AGREED TO:



Bill Fawley  
Highland County Auditor

Date: 2/26/15



P. Dean Otworth, P.E., P.S.  
Highland County Engineer

Date: 2/26/15



**PROCEDURES AND MINIMUM REQUIREMENTS FOR THE CONVEYANCE OF REAL  
PROPERTY IN HIGHLAND COUNTY  
(HIGHLAND COUNTY MINIMUM STANDARDS)  
Effective April 6, 2015**

This document was created to implement standards governing the conveyance of real property, established by Highland County. These standards are to comply with the Ohio Revised Code (O.R.C.) **319.203 Land conveyance standards.**

All of this document will be made available on the Highland County Websites

<http://highlandcountyeng.org/>

<http://highlandcountyauditor.org/>

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## MINIMUM REQUIREMENTS FOR ALL INSTRUMENTS OF CONVEYANCE IN HIGHLAND COUNTY

This document is the result of a law effective May 9, 1996. Ohio Revised Code Section 319.203 states that the County Auditor and the County Engineer, by written agreement, **must** adopt standards governing the conveyances of real property **319.203 Land conveyance standards**.

The following Requirements are now adopted and established in cooperation between the Highland County Engineer and the Highland County Auditor.

### INSTRUMENTS TO BE SUBMITTED TO THE HIGHLAND COUNTY'S MAP/GIS OFFICE BEFORE CONVEYANCE AND/OR RECORDING ARE AS FOLLOWS:

Existing descriptions of record, all street, alley, road, and subdivision vacations, new surveys, subdivisions, condominiums, and road establishments, annexation descriptions and land contracts.

#### A. GENERAL REQUIREMENTS:

1. It is understood that all situations not addressed by these requirements will be handled as special cases by the Highland County GIS/Map Office.
2. Time requirements for review by the GIS/Map Office; All descriptions will be checked as promptly as possible and in the order they were received.
3. Instruments conveying a new survey description cannot be processed until reviewed and approved by the Map Office and checked by the Highland County Engineer's Office.
4. Description(s) that do not meet current requirements may transfer with a *red stamp* stating, "WARNING: THIS DESCRIPTION DOES NOT MEET HIGHLAND COUNTY STANDARDS AND WILL REQUIRE A SURVEY FOR THE NEXT TRANSFER" as shown below:

**WARNING:** This Description does not meet Highland County Standards and will require a survey for the next transfer.

By: \_\_\_\_\_ Date: \_\_\_\_\_

5. All new descriptions and surveys submitted to the GIS/Map Office shall be originals with the original signature, date, and stamp.
6. For existing descriptions being transferred, original documents are required. Faxed copies are unacceptable.
7. All corrective deeds must state exactly what is being corrected.
8. No land-locked parcel shall be transferred that has no right-of-way, either by easement or adjacent parcel of same ownership. If access is by adjacent parcel of same ownership, the transferring instrument must state that they can only be transferred together. If access is by easement and the easement is not detailed in the instrument, reference must be made to the volume and page of the document detailing the easement. Easements for common driveways are permitted for up to five parcels. If a common driveway is to provide access for more than two parcels, then each parcel must have the minimum road frontage required



by Section 405, Table 1 of the Highland County Planning Commission Regulations (Exhibit B). Easements for common driveways shall be a minimum of thirty (30) feet and a maximum of fifty (50) feet in width and have a maintenance agreement specifying the individuals' maintenance requirements. See Exhibit B.

9. Land contract descriptions must be checked and must follow these same guidelines for deed descriptions. (O.R.C. Section 5313.02) Descriptions used to transfer parcels by land contract shall be the same description by which the grantor took title. Land contracts shall show book and page where recorded along with prior book and page where Grantor took title. A copy of the land contract must be filed in the Auditor's Office.
10. Descriptions/ plats submitted shall conform to the requirements as set forth in the Requirements and Provisions of Chapter 711 in the O.R.C. and Sections 315.251 and 319.203. New surveys shall also conform to the Minimum Standards for boundary surveying in the State of Ohio, Administrative Code Chapter 4733-37 and the Requirements for New Metes and Bounds Descriptions and Plats of Survey set forth by the Highland County Engineer's Office (see Exhibit A).

## **B. REQUIREMENTS FOR TRANSFERRING EXISTING DEED DESCRIPTIONS**

1. All existing lots and out-lots, platted and un-platted.
  - a) Lots in recorded subdivisions and additions which are shown on plats in the office of the County Recorder shall be described by lot number, officially recorded name of addition or subdivision and with reference to a plat book and page number or envelope number.
  - b) Lots and out-lots in unrecorded subdivisions and additions shall be described by metes and bounds and adequately tied by metes and bounds (as noted in these standards). Such lots referred to by number will not be accepted for transfer.
  - c) When a split is involved see Requirements for New Metes and Bounds Descriptions and Plats of Survey (see Exhibit A).
2. All existing metes and bounds descriptions.
  - a) The mathematical error in closure of all boundaries shall be within 0.02 feet in latitude and 0.02 feet in departure.
  - b) Legal descriptions referring to acreage in un-platted areas shall be by metes and bounds and adequately tied in by metes and bounds and shall reference to a point identifiable on a map of the area as follows:
    - i. Descriptions must use nearby recorded subdivision corner or corner of a specified lot in a recorded subdivision, or road intersections with established monuments depicting the corner of an existing tract, as the "tie".
    - ii. Vague terms are not acceptable, nor are references to points of beginning such as "in a northerly direction", "with the meandering of a stream", etc. Deeds containing these terms and others, if transferred in the past, may be transferred as outlined in Section A.1.
    - iii. The description of a tract of land lying in part within and in part outside a municipal corporation, or in two or more taxing districts, and a tract that includes portions of a recorded subdivision shall state the acreage lying in each part.
    - iv. The description of a tract containing an exception(s) shall be fully described by lot number or metes and bounds and referenced by a prior recorded description that meets the current transfer requirements. After the exceptions to a tract or parcel are fully described, a net or remainder acreage must accompany the conveyance of intention. No more than three (3) exceptions are permitted per individual parcel. Each exception shall



require a new deed to be filed and recorded listing all exceptions of the parent tract. Government takes (including eminent domain) will not be counted in this three (3) exception limitation.

- v. Multiple tracts being conveyed on one deed shall state the prior deed reference and if applicable the parcel number at the conclusion of each tract.
- vi. New Surveys are required for all splits and/or re-surveys as outlined in “Requirements for New Surveys, Splits/Minor Subdivisions.” - Section C (Also see Exhibit A)
- vii. Description(s) that differ in context from the prior recorded description, will not be accepted for transfer.
- viii. Correcting scrivener errors - changes from the previous description that correct scrivener errors, omissions or other obvious mistakes are permitted in order for the description to be acceptable for transfer.
- ix. Acreage within a vacated subdivision must have a new survey before transferring, unless it meets current transfer requirements.
- x. An affidavit involving real estate that is presented to the Auditor’s Office shall have a copy of the property description attached.
- xi. The Preamble of all descriptions shall state the following: State, County, Virginia Military Survey, Township, Subdivision, and Corporation/Municipality or Village.
- xii. Instrument preparation, the name and address of the person or Government agency which prepared the instrument must appear at the conclusion of the instrument. The name must be legible.
- xiii. Any description which has been incorporated into a municipality or other political subdivision, since the previous conveyance, by means of annexation or de-annexation must be changed to reflect its new corporate location. Official road name changes should also be noted. (Prior road names, when known, should be so indicated.)

### **C. REQUIREMENTS FOR NEW SURVEYS, SPLITS/ MINOR SUBDIVISIONS**

- 1. The survey and plat shall satisfy the requirements as set forth in The Minimum Standards for Boundary Surveying in the State of Ohio, Administrative Code chapter 4733-37 and promulgated by The Board of Registration for Professional Engineers and Surveyors of the State of Ohio pursuant to chapter 4733.
- 2. Must meet Requirements for New Metes and Bounds Descriptions and Plats of Survey set forth by the Highland County Engineers Office (see Exhibit A). Government takes (including eminent domain) will not be counted in the three (3) exception limitation.
- 3. It is recommended that prior to completion of any survey, all applicable review agencies should be consulted to verify all requirements of the survey. Additional requirements are as follows:
  - a.) Boundary surveys are required under the following circumstances:
    - i. When the legal description of the land to be conveyed is different from the legal description in the most recent conveyance.
    - ii. When existing legal description of a parcel being conveyed has more than three (3) exceptions.
    - iii. When the current description is stamped with a *red stamp* (see section A number 4)
    - iv. A parcel of land is being split from a parent tract that does not meet current guidelines.
- 4. Digital submission of boundary surveys will be accepted from those surveyors who utilize computer aided drafting (CAD) in the preparation of plats. As Highland County builds and maintains the present GIS system, it is imperative to utilize available resources and minimize costs



to the public, while being able to provide a quality system for viewing public information. For review purposes, the plat and legal description should be submitted either by e-mail, diskette or CD-ROM in the following formats:

- i. Plat of survey: AutoCAD .dwg, format or .dxf format, and .pdf format.
  - ii. Legal descriptions: Microsoft Word or .pdf format.
5. Requirements for Ties to County GPS Monuments – Highland County currently has 32 pairs of first order horizontal control monuments registered with the National Geodetic Survey. Utilization of this control is highly encouraged to perpetuate permanent reference to plats of survey and further assist in the implementation of the county's GIS system. Accordingly, new plats are expected to be referenced as follows:
- a) Subdivisions must tie into one or two accepted monuments, according to the following conditions. A tie must be made to one monument, if a monument is within a 3000 feet radius of the proposed subdivision. A tie must be made to a second monument, if a second monument is inter-visible and within a 3000 feet radius of the first monument.
  - b) Plats of Survey must tie into one or two accepted monuments, according to the following conditions. A tie must be made to one monument, if a monument is within a 3000 feet radius of the surveyed property. A tie must be made to a second monument, if a second monument is inter-visible and within a 3000 feet radius of the first monument.
  - c) Basis of Bearing statements on all plats and deed descriptions to be made of record within Highland County must be stated:  
With reference to a deed of record, an official record, plat of record, centerline survey plat along with the bearing specified. The State Plane Coordinate System, Ohio South Zone, North American Datum 1983, also known as NAD 83 (with adjustment year) may also be used as a basis of bearing, only if the control monuments used and bearing between them are denoted in the statement. Continuously Operating Reference Stations (CORS) may be used as a National Geodetic Survey Monument. An assumed bearing may only be used when it is determined there are no other records available.



#### **D. ANNEXATION \ VACATION MINIMUM REQUIREMENTS**

The description of the property proposed for annexation\vacation and the plat furnished must comply with the requirements specified in the Ohio Revised Code. In addition, the following requirements for proposed annexation\vacation of property within Highland County shall apply:

1. All properties proposed for annexation\vacation will have metes and bounds descriptions for each property proposed for annexation\vacation.
2. When the territory proposed for annexation\vacation falls within more than one township, the description should summarize the total acreage lying within each involved Township in addition to stating the total acreage proposed for annexation\vacation.
3. Annexation plats should be provided in permanent ink on a reproducible Mylar, drafting film or other material subject to approval of the County Engineer.
4. Annexation\Vacation plats must be submitted with a graphical scale clearly shown with the original drawing no smaller than 18 inches by 24 inches and no larger than 24 inches by 36 inches. Reduced size copies may be submitted for review purposes as long as all lettering and detailing is clearly legible.
5. All roadway names should be clearly indicated with existing right-of-way widths labeled.
6. All established monuments that exist should clearly indicate what type of monument. Wherever roadway rights-of-way are met or crossed by a proposed annexation\vacation boundary that is proposed to be the outer boundary for the annexation\vacation the following additional requirements apply:
  - a) An existing iron pin, concrete monument, or railroad spike (on centerline) must clearly be labeled to show the change in road maintenance responsibility in the field.
  - b) When no established monuments exists, iron pins as described in ORC 4733-37-03 shall be added at the right-of-way limits in order to clearly indicate these points in the field. These shall be added within 30 days of annexation approval and must meet the requirements listed in Highland County Planning Commission Regulations section 520.
  - c) Any other established monuments along a proposed annexation\vacation will be subject to approval of the Highland County Engineer.

#### **E. MAJOR SUBDIVISIONS**

1. See the governing planning authority over the area for major subdivision regulations.
2. A legal description is required and must be included with the plat in order to be approved and accepted.
3. To be recorded plat must be on a Mylar no smaller than 18 inches by 24 inches and no larger than 24 inches by 36 inches.
4. Signatures are required to be legible and in permanent ink. All signatures shall have the name and title in print beneath.

#### **F. CONDOMINIUMS**

1. See the governing authority or planning authority over the area.
2. A legal description is required and must be included with the plat in order to be approved and accepted.
3. To be recorded plat must be a Mylar no smaller than 18 inches by 24 inches and no larger than 24 inches by 36 inches.
4. Signatures are required to be legible and in permanent ink. All signatures shall have the name and title in print beneath.



***LIST OF EXHIBITS***

***Exhibit A: Requirements for New Metes and Bounds Descriptions and Plats of Survey***

***Exhibit B: Minimum Lot Areas and Width Requirements***



# ***Exhibit A***

## ***Requirements for New Metes and Bounds Descriptions and Plats of Survey***

---



HIGHLAND COUNTY ENGINEER  
138 Bowers Ave.  
Hillsboro, OH 45133  
PHONE: 937-393-3496  
FAX: 937-393-3498



### **Requirements For New Metes And Bounds Descriptions And Plats Of Survey.**

All new surveys, metes and bounds descriptions, and plats of survey not previously recorded, must be prepared by a registered Professional Surveyor and must be in compliance with the Ohio Administrative Code, Chapter 4733-37 and the following requirements.

#### **LEGAL DESCRIPTION**

- ☐ 1. The situate must denote the State, County, Virginia Military Survey, Township Name or Municipality as applicable. The situate shall also contain the recorded deed / official record including the acreage of the original tract(s) and state if the description contains all or part of the original tract(s).
- ☐ 2. Point of beginning must be referenced from one of the following:  
Property corner of record or Lot Corner shown on a recorded and platted major subdivision with a found or set monument. Centerline intersections of streets or roads with monumentation provided and approved by the County Engineer. (see the approved intersection monuments list on our web page). Virginia Military District corners or lines. National Geodetic Survey or Highland County Geodetic Control monument.
- ☐ 3. Each course of a metes and bounds description shall be a separate paragraph and all courses must be stated in a clockwise direction from the point of beginning to the point of termination.
- ☐ 4. Each course or line must be described with a bearing expressed in degrees, minutes and seconds and a distance expressed in U.S. feet to the nearest hundredths. (Will not accept North, South, East or West without showing degrees, minutes and seconds.) Where the State Plane Coordinate System, Ohio South Zone is utilized, distances, bearings, and acreages shall be shown on the ground. Additionally, the survey shall indicate the horizontal datum, scale factor, and scale point location.
- ☐ 5. The area of tracts being described shall be denoted in acres to the nearest thousandths.
- ☐ 6. The description of a tract lying in more than one Virginia Military Survey, Political Subdivision. Municipal Corporation or Platted and Recorded major subdivision shall state the acreage in each part to the nearest thousandths.
- ☐ 7. Any course of a description which is a curve shall contain the radius, central angle, curve length, chord bearing, chord length and direction of the curve (right or left).
- ☐ 8. Descriptions of new tracts that encompass more than one existing tract must state the acreage from each existing tract to the nearest thousandths, the total acreage of the new tract to the nearest thousandths and state in the situate if the new tract contains all or part of the original tracts.
- ☐ 9. The legal description shall state the size and material of all monuments and whether they were found, set or previously set.
- ☐ 10. The legal description must have an official seal, be signed and dated by a surveyor registered in the State of Ohio. No copies of signatures or dates will be accepted.
- ☐ 11. Basis of Bearing must be stated.
- ☐ 12. The mathematical error in closure of all boundaries shall be within 0.02 feet in latitude and 0.02 feet in departure.
- ☐ 13. Statement of surveyor i.e.: This description is based on an actual field survey performed by or under the direct supervision of (surveyor name), Registered Surveyor (#) in (date i.e.: August 2002).
- ☐ 14. All of above requirements must match the plat of survey.
- ☐ 15. Adjoining parcels must identify which parcel they are adjoined to by all of the following: parcel number, volume and page number, and acreage.



## PLAT OF SURVEY

- ☐ 1. Must denote the State, County, Virginia Military Survey., and Township Name or Municipality as applicable.
- ☐ 2. Must denote land owner names and deed references / official record of all tracts, including all adjoiners (including across the road), along with their area of record in acres and any Recorded Subdivisions along with their Plat Book and page numbers.
- ☐ 3. Point of beginning must be referenced from one of the following:  
Property corner of record or Lot Corner shown on a recorded and platted major subdivision with a found or set monument. Centerline intersections of streets or roads with monumentation provided and approved by the County Engineer. (see the approved intersection monuments list on our web page). Virginia Military District corners or lines. National Geodetic Survey or Highland County Geodetic Control monument.
- ☐ 4. If the property being surveyed is within a 3,000 foot radius of any National Geodetic Survey or Highland County Geodetic Control monument, the survey must be tied to the National Geodetic Survey.
- ☐ 5. Each course or line must be described with a bearing expressed in degrees, minutes and seconds and a distance expressed in U.S. feet to the nearest hundredths. (Will not accept North, South, East or West without showing degrees, minutes and seconds.) Where the State Plane Coordinate System, Ohio South Zone is utilized, distances, bearings, and acreages shall be shown on the ground. Additionally, the survey shall indicate the horizontal datum, scale factor, and scale point location.
- ☐ 6. Must denote the centerline of roads, section lines or quarter section lines and any other common line of reference along with their bearings and distances as applicable. All rivers or streams shall also be mentioned.
- ☐ 7. All references to roads, rivers, streams, railroads, etc. must use current names of record. Old or original names should also be shown when available.
- ☐ 8. All political boundary lines and Virginia Military Survey lines shall appear on the plat including municipal, township, and county lines.
- ☐ 9. The area of any new tracts shall be stated in acres to the nearest thousandths.
- ☐ 10. The area in Right-Of-Way shall be denoted in acres to the nearest thousandths.
- ☐ 11. All retracement surveys, new tracts and remainders of original tracts lying in more than one Political Subdivision, Municipal Corporation or Platted and Recorded major subdivision shall state the acreage to the nearest thousandths in each part.
- ☐ 12. The Auditor's parcel number of the original tract(s) shall also be shown.
- ☐ 13. All buildings which fall within the boundaries of the parcel surveyed shall be graphically represented.
- ☐ 14. Plats of new tracts that encompass more than one existing tract must state the acreage to the nearest thousandths from each existing tract, the total acreage of the new tract to the nearest thousandths and state if the new tract contains all or part of the original existing tracts.
- ☐ 15. Any course which is a curve shall contain the radius, central angle, curve length, chord bearing, and chord length.
- ☐ 16. The size and material of all monuments and whether they were found, set or previously set must be shown.
- ☐ 17. The plat must have an official seal, be signed and dated by a surveyor registered in the State of Ohio. No copies of signatures or dates will be accepted.
- ☐ 18. Basis of Bearing must be stated.
- ☐ 19. The mathematical error in closure of all boundaries shall be within 0.02 feet in latitude and 0.02 feet in departure.
- ☐ 20. Citation of pertinent documents and sources of data used e.g.: subject and adjoining deeds, recorded plats, surrounding surveys, county tax maps, etc.
- ☐ 21. Have a North arrow and scale bar shown.
- ☐ 22. A block 1" high by 4" long shall be reserved in the top right hand corner of the survey for GIS/Map Office use.
- ☐ 23. Be at one of the following scales: 1" - 10', 20', 30', 40', 50', 60', 80', 100', 120', 200', 300', 400', or 500' and have a minimum letter size of 0.06".
- ☐ 24. A legend is required or all lines and symbols must be identified.
- ☐ 25. Acceptable sheet sizes: Minimum - 18"x24" Maximum - 24"x36".



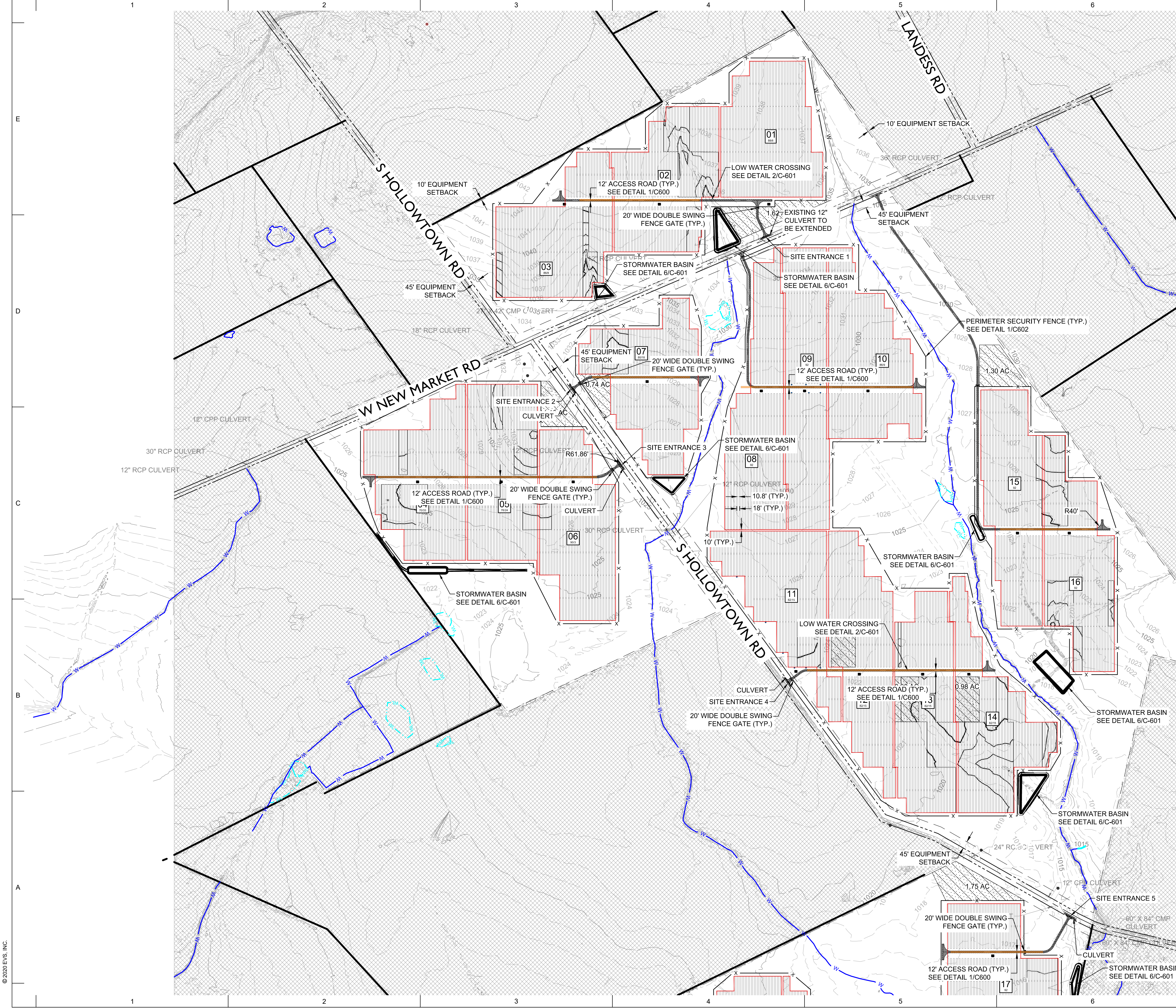
## Exhibit B

### Minimum Lot Areas and Width Requirements

From Highland County Planning Commission Regulations Article 4, Table 1

Article 4, Table 1: Minimum Lot Areas and Width Requirements								
Development Type	Public Water Available	Central Sewage Treatment Available	Minimum Lot Width (feet)	Minimum Lot Area (per family or business)	Minimum Front Setback Requirements (feet)			
					Arterial Street	Collector Street	Local and Cul-de Sac	Side and Rear Yard
Single, Two, or Three Families	Yes	No	90	1 Acre	40	40	40	10
	No	Yes	80	20,000 sf	40	40	40	10
	Yes	Yes	70	10,000 sf	40	40	40	10
	No	No	100	1 Acre	40	40	40	10
Multi-Family Four or More	Yes	No	Prohibited					
	No	Yes	90	2,700 sf	40	40	40	10
	Yes	Yes	90	2,500 sf	40	40	40	10
	No	No	Prohibited					
Commercial	Yes	No	150	1 Acre	50	45	40	10
	No	Yes	90	4,500 sf	50	45	40	10
	Yes	Yes	90	4,500 sf	50	45	40	10
	No	No	150	1 Acre	50	45	40	10
Industrial	Yes	No	Prohibited					
	No	Yes	100		50	45	40	10
	Yes	Yes	100		50	45	40	10
	No	No	Prohibited					
NOTE: Lot area does not include road right-of-way. Lot areas may be increased by recommendation of the County Health Department. For slope areas where the average topographic slope is 15% or greater, refer to hillside regulations.								





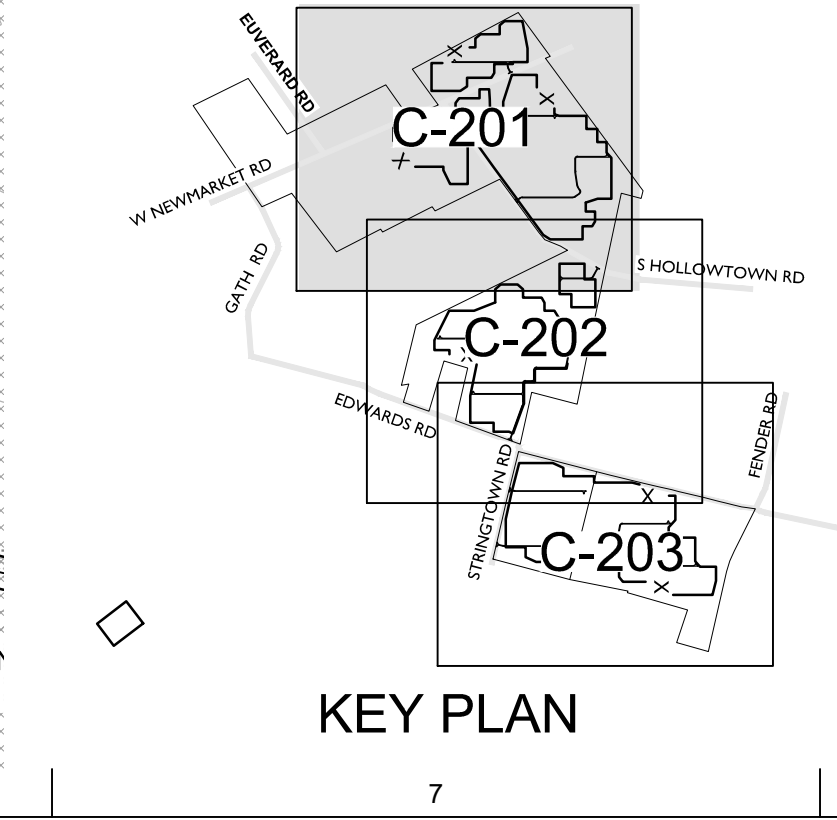
**LEGEND**

**EXISTING FEATURES**

- PROPERTY LINE
- EASEMENT LINE
- ROAD RIGHT OF WAY
- NON-PARTICIPATING PROPERTIES
- ROAD CENTERLINE
- FENCE
- WETLANDS
- WATERBODY
- SWALE
- WATER MAIN
- CULVERT
- OVERHEAD POWER
- MAJOR CONTOUR
- MINOR CONTOUR

**PROPOSED FEATURES**

- AGGREGATE ROAD
- POTENTIAL LAYDOWN AREA
- POWER BLOCK BOUNDARY
- CHAIN LINK FENCE
- SETBACK LINE
- CULVERT
- GRADING EDGE
- MAJOR CONTOUR
- MINOR CONTOUR
- RIPRAP
- SEDIMENT BASIN
- SWALE / DITCH
- DIRT ROAD EXTENTS



**EVS**

EVS, INC.  
10025 Valley View Road, Suite 140  
Eden Prairie, Minnesota 55344  
Phone: 952-646-0236  
www.evs-eng.com

**CLIENT**

**McCarthy**

**PROJECT**

**NEW MARKET**

**LOCATION**

**HIGHLAND COUNTY, OH**

**SUBMITTAL**

**OHIO POWER SITTING BOARD REVIEW**

**SCALE**

0 300 600  
SCALE IN FEET

#	DATE	DESCRIPTION

**PROFESSIONAL CERTIFICATION**

PRELIMINARY NOT FOR CONSTRUCTION OR PROCUREMENT

**DRAWN BY**  
**NO**

**CHECKED BY**  
**DB**

**DATE**  
**2021.02.05**

**PROJECT #**  
**2020-189.1**

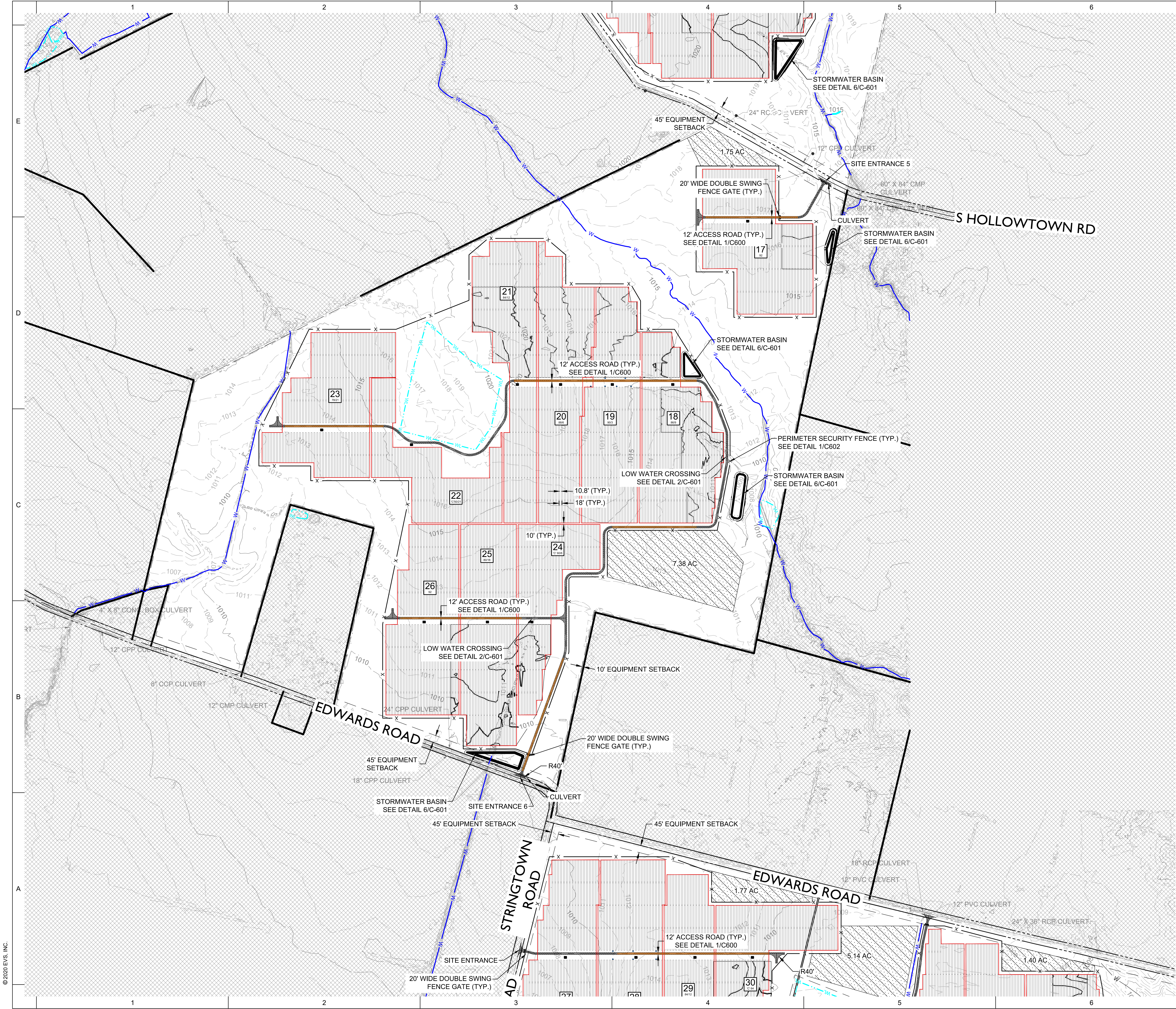
**SHEET NAME**

**SITE AND GRADING PLAN**

**SHEET NUMBER**

**C-201**





**LEGEND**

**EXISTING FEATURES**

- PROPERTY LINE
- EASEMENT LINE
- ROAD RIGHT OF WAY
- ROAD CENTERLINE
- FENCE
- WETLANDS
- WATERBODY
- SWALE
- WATER MAIN
- CULVERT
- OVERHEAD POWER
- MAJOR CONTOUR
- MINOR CONTOUR

**PROPOSED FEATURES**

- AGGREGATE ROAD
- POTENTIAL LAYDOWN AREA
- POWER BLOCK BOUNDARY
- CHAIN LINK FENCE
- SETBACK LINE
- CULVERT
- GRADING EDGE
- MAJOR CONTOUR
- MINOR CONTOUR
- RIPRAP
- SEDIMENT BASIN
- SWALE / DITCH
- DIRT ROAD EXTENTS

EVS, INC.  
10025 Valley View Road, Suite 140  
Eden Prairie, Minnesota 55344  
Phone: 952-646-0236  
www.evs-eng.com

CLIENT

PROJECT  
**NEW MARKET**

LOCATION  
**HIGHLAND COUNTY, OH**

SUBMITTAL  
**OHIO POWER SITTING BOARD REVIEW**

SCALE

#	DATE	DESCRIPTION

PROFESSIONAL CERTIFICATION

PRELIMINARY NOT FOR CONSTRUCTION OR PROCUREMENT

DRAWN BY  
**NO**

CHECKED BY  
**DB**

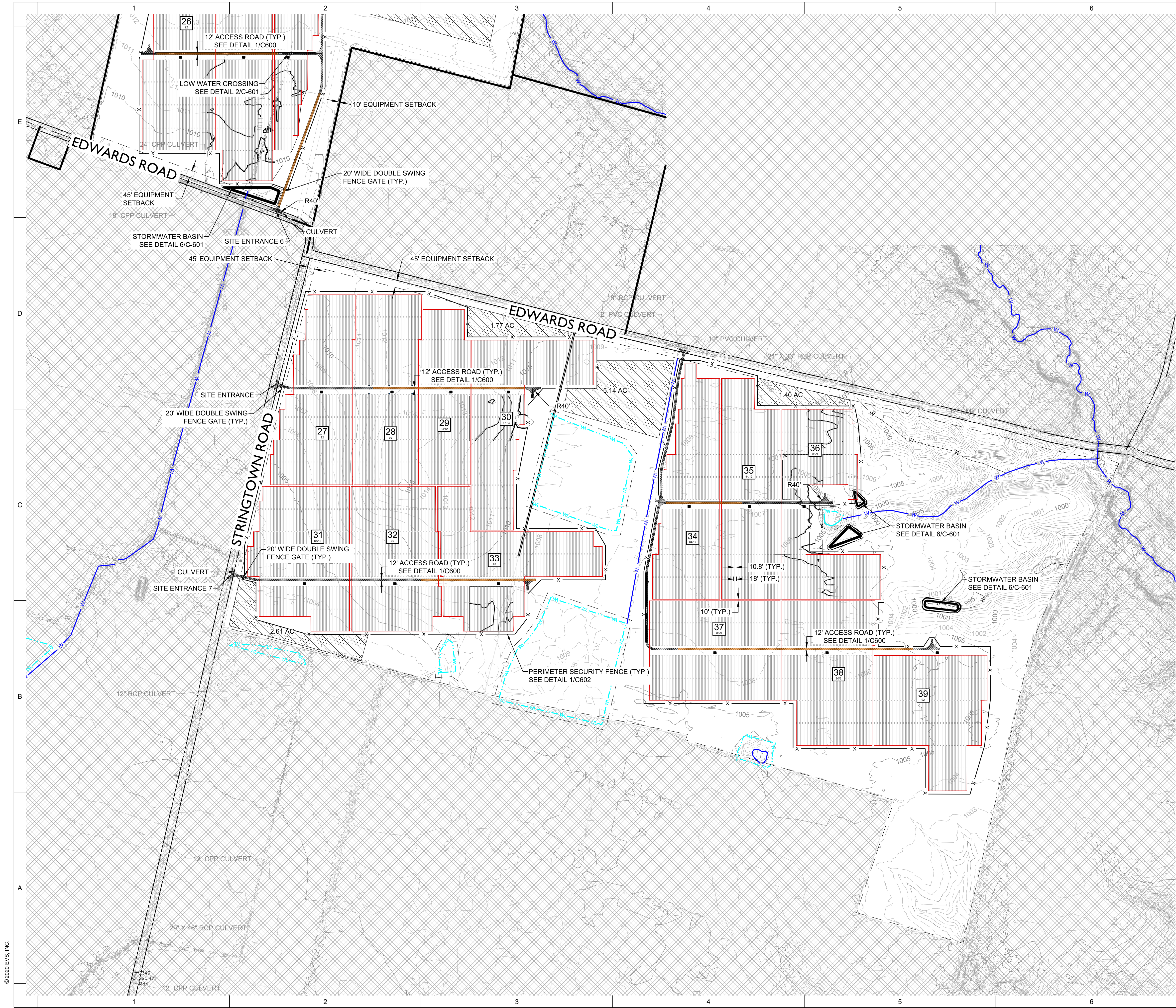
DATE  
**2021.02.05**

PROJECT #  
**2020-189.1**

SHEET NAME  
**SITE AND GRADING PLAN**

SHEET NUMBER  
**C-202**





**LEGEND**

**EXISTING FEATURES**

- PROPERTY LINE
- EASEMENT LINE
- ROAD RIGHT OF WAY
- ROAD CENTERLINE
- FENCE
- WETLANDS
- WATERBODY
- SWALE
- WATER MAIN
- CULVERT
- OVERHEAD POWER
- MAJOR CONTOUR
- MINOR CONTOUR

**PROPOSED FEATURES**

- AGGREGATE ROAD
- POTENTIAL LAYDOWN AREA
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- GRADING EDGE
- MAJOR CONTOUR
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- RIPRAP
- SEDIMENT BASIN
- SWALE / DITCH
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**KEY PLAN**

EVS, INC.  
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CLIENT

PROJECT  
**NEW MARKET**

LOCATION  
**HIGHLAND COUNTY, OH**

SUBMITTAL  
**OHIO POWER SITTING BOARD REVIEW**

SCALE

0 300 600  
SCALE IN FEET

#	DATE	DESCRIPTION

PROFESSIONAL CERTIFICATION

PRELIMINARY NOT FOR CONSTRUCTION OR PROCUREMENT

DRAWN BY  
**NO**

DATE  
**2021.02.05**

CHECKED BY  
**DB**

PROJECT #  
**2020-189.1**

SHEET NAME  
**SITE AND GRADING PLAN**

SHEET NUMBER  
**C-203**



**This foregoing document was electronically filed with the Public Utilities  
Commission of Ohio Docketing Information System on**

**10/18/2022 4:49:51 PM**

**in**

**Case No(s). 20-1288-EL-BGN**

Summary: Report Compliance Inquiry Report electronically filed by Mr. Randall S  
Schumacher on behalf of Staff of the OPSB