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BEFORE
THE OHIO POWER SITING BOARD

In the Matter of the Application of)
of Angelina Solar I, LLC, for a)
Certificate of Environmental) Case No. 18-1579-EL-BGN
Compatibility and Public Need)

**DIRECT TESTIMONY OF RACHAEL VONDERHAAR ON BEHALF OF THE
CONCERNED CITIZENS OF PREBLE COUNTY, LLC, ROBERT BLACK, MARJA
BRANDLY, CAMPBELL BRANDLY FARMS, LLC, MICHAEL IRWIN, KEVIN AND TINA
JACKSON, VONDERHAAR FAMILY ARC, LLC, AND VONDERHAAR FARMS INC.**

Q.1. Please state your name and home address.

A.1. Rachael Vonderhaar, 4636 St. Rt. 725 W, Camden, OH 45311-9610.

Q.2. What is your occupational background?

A.2. My husband, Alan Vonderhaar, and I farm about 2100 acres of land in Israel Township, Preble County, Ohio under the name of Vonderhaar Farms Inc, which is a corporation that we own jointly. . We farm about 735 tillable acres adjacent to the Angelina project. Vonderhaar Family ARC LLC (I am sole member) owns approximately 400 acres adjacent to Angelina, 398 of which is tillable. The balance of the tillable acres we farm adjacent to Angelina is owned by Campbell Brandly Farms LLC.

Q.3. On whose behalf are you offering testimony in this case?

A.3. I am offering testimony on behalf of the Concerned Citizens of Preble County, LLC (“CCPC”), Robert Black, Marja Brandly, Campbell Brandly Farms, LLC, Michael Irwin, Kevin and Tina Jackson, Vonderhaar Family ARC, LLC, and Vonderhaar Farms Inc. Throughout my testimony, I will refer to these intervenors collectively as the “Concerned Citizens.”

1 **Q.4. Are you a member of the Concerned Citizens?**

2 A.4. Yes. In my testimony, I will refer to this organization as the “Concerned Citizens.”

3 **Q.5. Do you hold any leadership position in this organization?**

4 A.5. Yes, I am one of the six trustees of the organization, who provide the leadership for the
5 group. I also serve as the Treasurer.

6 **Q.6. Why was this organization formed?**

7 A.6. The organization was formed to give the citizens living near the proposed Angelina
8 Solar project and the Alamo Solar project a voice in dealing with these projects. By the time
9 these projects were announced, it was apparent that the company (Open Road Renewables)
10 initiating these projects had consulted with local officials secretly, but that they had not
11 consulted with the general public about the plans for these projects.

12 **Q.7. How many people and companies are members of the Concerned Citizens?**

13 A.7. 67 members.

14 **Q.8. Is the land farmed by Vonderhaar Farms Inc. located in Israel Township?**

15 A.8. Yes, 2100 acres of it.

16 **Q.9. Are you familiar with the location that has been proposed for the Angelina Solar I
17 project?**

18 A.9. Yes. I have become familiar with the proposed project area by reviewing maps of the
19 project area in the application filed with the Ohio Power Siting Board. In my testimony, I
20 will refer to the Angelina Solar I project as the “Project” and the land parcels proposed for
21 the site of the Project as the “Project Area.”

22 **Q.10. Do you understand that part of the Project Area is in Israel Township?**

23 A.10. Yes, most of it is.

1 Q.11. Which members of the Concerned Citizens own, farm, and/or live on properties that abut
2 the Project Area?

3 A.11. Campbell Brandly Farms, LLC, Kevin and Tina Jackson, Shara Ridenour, Earl and
4 Sharon Stang, Vonderhaar Family ARC, LLC, and Steven Wyatt and Stephanie Longworth
5 own land abutting the project area. Marja Brandly and Michael Irwin, Shara Ridenour, Earl
6 and Sharon Stang, and Steven Wyatt and Stephanie Longworth live in houses on parcels
7 adjacent to the Project Area. My son Adam Vonderhaar lives in a house owned by
8 Vonderhaar Family ARC, LLC that is on a parcel abutting the Project Area. Vonderhaar
9 Farms Inc. rents and farms land from Vonderhaar Family ARC, LLC and Campbell Brandly
10 Farms, LLC abutting the project area.

11 **Q.12. Have you prepared any exhibit to show the locations of the members' residences**
12 **and land that are adjacent to the Project Area?**

13 A.12. I have prepared Exhibit A to show the locations of these members' residences and land,
14 along with the location of the Project Area. To prepare the exhibit, I marked the locations of
15 these members' homes and land on an aerial photograph taken from the Angelina Solar I
16 application. I have personal knowledge of the locations of these members' houses and land
17 due to my familiarity with the area and I personally have seen and/or visited these properties.
18 The Project Area is shown in yellow. Each parcel of land owned by a Concerned Citizen is
19 bordered by a colored line other than yellow, with the name of the owner printed on the
20 parcel. The location of each home owned by a Concerned Citizen is bordered by a white
21 line, with the name(s) of the occupant(s) connected with an arrow, or by a white star. The
22 occupants of these homes are the owners, except for my son Adam Vonderhaar who is living
23 in a house owned by Vonderhaar Family ARC LLC.

1 **Q.13. What are the Concerned Citizens' and your concerns about the Project?**

2 A.13. We are concerned about a number of issues, including the following:

3 a. Seeing hundreds of acres of solar panels near our properties and on
4 nearby public roads will spoil the visual and aesthetic enjoyment of
5 living and working there.

6 b. The application fails to identify the specific locations for the solar panels
7 and other project components, so we cannot gauge their visual impacts
8 on our properties or other problems that their locations could cause.

9 c. The application does not contain a plan for protecting our views, but
10 only promises to submit a plan after issuance of the certificate.

11 d. The application does not provide adequate precautions to prevent
12 invasive weed species from populating the Project Area inside and
13 outside of the fences.

14 e. The application does not require the applicant to do any maintenance of
15 the plants to be used for screening the Project, such as removing
16 competing weeds and watering the plants where necessary to keep them
17 alive.

18 f. Noise will bother adjoining landowners during construction, including
19 the noise from pounding the posts for the solar panels into the ground if
20 that method is used for construction.

21 g. The Project's construction equipment, while traveling the area's roads,
22 may interfere with the movement of large farm machinery on the roads.

- 1 h. The Project will displace deer and other wildlife from the Project Area
2 to the injury of surrounding properties.
- 3 i. We expect the presence of the solar panels to decrease our properties'
4 values.
- 5 j. The application fails to identify the specific locations for the Project's
6 night lights, so we have no assurance that the night lights will not be an
7 annoyance.
- 8 k. The application does not sufficiently provide for the protection and
9 repair of drainage tiles that are damaged by the Project's construction.
- 10 l. The application does not protect the existing storm water drainage
11 patterns that protect our land from flooding by runoff from the Project
12 Area.
- 13 m. The application fails to adequately evaluate and protect against adverse
14 effects of electromagnetic fields from the solar equipment on technology
15 signals such as cell phones, internet signals, radio signals, and real-time
16 kinematic signals that are used in the area for installing field drainage
17 tiles, running GPS equipment for agriculture, and other purposes. .
- 18 n. The setbacks proposed between our properties and the project's fences
19 and components are too short to protect the neighboring properties.
- 20 o. The application fails to identify measures to protect the solar panels
21 from high wind, hail, lightening, fire, and other natural disasters, as well
22 as to protect us from flying debris and toxic materials that could be
23 released by these disasters.

- 1 p. The application does not account for or provide for adequate emergency
2 services to address emergencies at the solar project.
- 3 q. The valuable, recyclable components in the solar panels will draw
4 criminals to the area to steal these components and endanger the area's
5 residents.
- 6 r. The application does not evaluate and protect against increased
7 temperatures resulting from the Project's solar panels.
- 8 s. The solar panels and/or fences may obstruct motorists' views of the
9 roads at intersections in and adjacent to the Project Area.
- 10 t. While the application pretends to provide the local governments with
11 additional tax funding by its potential participation in the Payments in
12 Lieu of Taxes ("PILOT"), these payments are made only to the county
13 commissioners' general fund instead of to the townships or schools at
14 and near the Project Area.
- 15 u. The application does not adequately provide for decommissioning upon
16 the closure of the project, including financial assurance such as bonding
17 and the disposal of solar panels and other equipment or structures.

18 **Q.14. Please describe the extent to which the Concerned Citizens will be exposed to views**
19 **of the Project's solar panels and fences.**

20 A.14. The map marked as Exhibit A shows that 12 Concerned Citizens own and/or live on
21 properties abutting the Project Area where the solar panels would be located. Exhibits B
22 and C are true and accurate copies of photographs that I took on May 9, 2019, which
23 illustrates how close the Project Area is to some of the Concerned Citizens' properties. In

1 Exhibit B, Shara Ridenour's house is depicted on the left side of the road, and a field in the
2 Project Area is shown on the right side of the road. In Exhibit C, the house of Earl and
3 Sharon Stang is shown on the left side of the road, and a field in the Project Area is shown
4 on the right side of the road. Steven Wyatt and Stephanie Longworth, whose home is
5 located on a 3.2 acre lot, would be surrounded on three sides by solar panels as shown in
6 Exhibit A. Even if the Project's fences are screened with plants, some of the Concerned
7 Citizens will have unobstructed views of the solar panels from the second floor of our
8 houses, including the house in which Adam Vonderhaar resides.

9 **Q.15. Why are you concerned about invasive plant species in the Project Area?**

10 A.15. Crop farmers continually have to fight against weeds that damage our crops by
11 competing with the crops for water, nutrients, and space. Invasive plant species, if allowed
12 to grow on the Project Area, will spread to our land, damage our crops, and increase our
13 work to eliminate these weeds. We already experience these problems with noxious plant
14 species: thistle, johnson grass, honeysuckle and especially pig weed. The Project should be
15 required to use only native seeds and plants that are certified to be free of noxious and
16 invasive plant species and should be required to promptly eliminate any noxious and or
17 invasive plants that appear in the Project Area so that they do not spread to nearby farm
18 land.

19 **Q.16. Do you have any other concerns about the plants that the Project will use?**

20 A.16. The applicant should not plant any species whose roots can clog drainage tiles.

21 **Q.17. Why are you concerned about electromagnetic fields?**

22 A.17. Cell phone reception and other signals are already weak in this area, so we are
23 concerned that any interference from electromagnetic fields could exacerbate this

1 problem. Adequate signals for installing field tiles and running farming equipment
2 are vital to farming, so maintaining the strength of these signals is important to us.

3 **Q.18. Why are you concerned about the Project’s potential effects on wildlife?**

4 A.18. Deer, coyotes, and other wildlife frequent the farm fields in and near the Project
5 Area. I often see deer and other animals in these fields, including the fields in the
6 Project Area. The Project will be surrounded by fences that keep deer, coyotes,
7 and other animals out of the Project Area. This will reduce the area available for
8 these animals to roam and forage, which will force them to roam on surrounding
9 lands where they will eat our crops, and on public roads, where they will collide
10 with vehicles.

11 **Q.19. Do you have any personal experience with the damage that coyotes cause in this**
12 **area?**

13 A.19. Yes. Vonderhaar Farms Inc. has a small cattle operation that breeds and grows calves on
14 property located about three miles from the Project Area. During the winter of 1993-1994,
15 coyotes killed eight of our 12 calves on my family’s farm where my parents live. That was
16 my first experience with coyotes. We often see coyotes close to the Project Area. In the near
17 future, we will be moving this cattle operation on the property of Vonderhaar Family ARC
18 LLC near the house in which Adam Vonderhaar lives, where the cows and calves will be
19 located within about 1000 feet from the Project Area. We were waiting for Adam to
20 graduate from The Ohio State University and move back before moving cattle over. Adam
21 graduated in December 2018.

22 **Q.20. Do you have any other concerns about the Project’s potential effects on wildlife?**

1 A.20. The reduction of space for deer to occupy will pack them closer together, making the
2 spread of disease easier among them. Lepto and Tuberculosis are two diseases common in
3 deer that also infects cattle, such as the cattle my farm raises.

4 **Q.21. Do you have any particular concerns about potential obstructions by solar
5 equipment or fences of motorists' views at road intersections?**

6 A.21. This would be a problem at any intersection at which solar panels or fences are so close
7 to the intersections that they obstruct motorists' views. It could be a particular problem at
8 two intersections at which visibility already is challenging. These locations are the
9 intersection of State Route 725 and Fairhaven College Corner Road, and at the intersection of
10 State Route 177 and Tony Lynbrook Road. The latter intersection is especially dangerous for
11 motorists, because State Route 177 has a 55 mile per hour speed limit.

12 **Q.22. If the solar panels increase the temperatures in nearby areas, what harm would that
13 cause?**

14 A.22. Higher temperatures would damage our crops, which are already stressed during
15 hot, dry conditions often experienced during the pollination portion of the growing
16 season.

17 **Q.23. Why do you want to make sure that the Project protects existing storm
18 water drainage patterns?**

19 A.23. Oversaturated soil in the spring can delay planting of crop fields, which
20 decreases crop yields. After planting, flooding can kill or damage growing crops.
21 Surface water flow can also damage downgradient fields with erosion. Much of the
22 land in the Project Area slopes to the southeast, and this causes surface water to
23 drain from the Project Area onto farm fields owned by Concerned Citizens

1 including Vonderhaar Family ARC, LLC and Campbell Brandly Farms, LLC
2 before reaching Four Mile Creek. Other Project Area land slopes to the west and
3 drains onto farm fields owned/farmed by Kevin and Tina Jackson, then flows into
4 the Little Four Mile Creek. If the Project causes more surface water to flow off-site
5 or increases the rate of flow, this will erode the Concerned Citizens' fields, make
6 them wetter, and damage their crops.

7 **Q.24. Has surface water drainage caused problems in this area in the past?**

8 A.24. Yes. The surface water flow that travels from the Project Area and through
9 intervening land into Four Mile Creek is so great that storm water retention ponds
10 were built by the Soil and Water Conservation District to intercept sediment-laden
11 water to reduce the sediment filling Acton Lake in Hueston Woods State Park.

12 **Q.25. Why are you concerned that drainage tiles in the Project Area be kept free of**
13 **damage?**

14 A.25. I am well-versed in the installation, maintenance, and repair of field drainage tiles,
15 because Vonderhaar Farms Inc. performs these activities on its own fields. Well-functioning
16 tiles are critical for crop farming, because otherwise the fields will flood and will stay wet
17 longer after precipitation. Because much of the land in the Project Area slopes to the
18 southeast, the tiles in this area drain to the southeast so that the water can flow downgradient
19 to Four Mile Creek. Some tiles in the Project Area flow southeast into tiles on land owned
20 by the Concerned Citizens. This includes two main trunk tiles that flow into tiles on land
21 owned by Vonderhaar Family ARC, LLC and Campbell Brandly Farms, LLC (which land is
22 farmed by Vonderhaar Farms, Inc). Some of the Project Area slopes to the west and its tiles
23 flow to the southwest and west into tiles on land owned by Kevin and Tina Jackson. Their

1 land drains to the Little Four Mile Creek that also flows to Acton Lake in Hueston Woods
2 State Park. The tiles' function is to quickly move water from the surface and upper soil of
3 the fields, in order to prevent flooding and soil oversaturation. Without properly functioning
4 tiles in the Project Area, the surface water flow from the Project Area onto the Concerned
5 Citizens' downgradient fields would increase and flood and erode the Concerned Citizens'
6 fields.

7 **Q.26. Do you have any concerns about the procedures outlined by the applicant**
8 **for finding and repairing field tiles broken during the Project's construction?**

9 A.26. Yes. The applicant states that it will repair tiles broken during solar panel
10 construction. However, if the posts for the panels are driven into the ground, the
11 construction crew will not be able to tell that a tile has been broken. Clay or plastic
12 tiles offer little resistance to heavy pressure. For example, I have seen people crush
13 plastic tiles with their feet. The construction workers will not be able to hear the
14 tiles break over the noise resulting from pounding the metal posts into the ground.
15 In addition, the applicant's promise to repair the tiles is doubtful.

16 In addition, broken tiles must be replaced; they cannot be repaired by patching
17 them. Replacing tiles requires a considerable amount of effort using heavy tile
18 installation equipment that takes considerable space. Vonderhaar Farms Inc. owns
19 a tiling plow pulled by a tractor that is about 24 feet long and 12 wide. Because
20 dragging the tiling plow requires considerable horsepower, a smaller tractor would
21 not be able to pull it.

22 **Q.27. Why are you concerned about emergency services for the Project?**

1 A.27. Emergency services in Israel Township are already stretched thin. The sheriff's
2 office has only two deputies to patrol the entire county, and their responses to
3 potential thefts or break-ins at the Project could detract from the deputies' needed
4 presence in other areas of the township and county. Israel Township does not have
5 the financial resources to fund its own fire department, so it contracts with the
6 Village of College Corner and the Village of Camden for fire fighting services. The
7 application does not provide for any funding of emergency services to compensate
8 for the Project's potential demands.

9 **Q.28. Why are you concerned about the Project's potential participation in a PILOT**
10 **program?**

11 A.29. PILOT payment ex the property taxes otherwise paid by the Project Area's landowners.
12 This means that Israel Township, Dixon Township, and the local schools will be deprived of
13 value from the Project. The rest of the townships' residents will face higher property taxes
14 to compensate for this lost tax revenue as the current language of the Ohio Revised Code is
15 written related to PILOT. The PILOT funds will go directly to the Preble County
16 Commissioners' general fund. The townships will need the property tax revenue to pay for
17 emergency services, such as fire fighting, and other functions related to the burden of the
18 Project locating in Israel and Dixon Township.

19 **Q.29. Does this conclude your direct testimony?**

20 A.29. Yes.

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CERTIFICATE OF SERVICE

The Ohio Power Siting Board’s e-filing system will electronically serve notice of the filing of this document on the parties referenced in the service list of the docket card who have electronically subscribed to this case. In addition, I hereby certify that, on May 10, 2019, a copy of the foregoing document also is being served by electronic mail on the following: Michael Settineri at mjsettineri@vorys.com, MacDonald Taylor at mwtaylor@vorys.com, Kathryn West at kwest@prebco.org, Dylan Borchers at dborchers@bricker.com, and Chad Endsley at cendsley@ofbf.org.

/s/ Jack A. Van Kley
Jack A. Van Kley

EXHIBIT A

Angelina Adjacent Neighbors Impacted

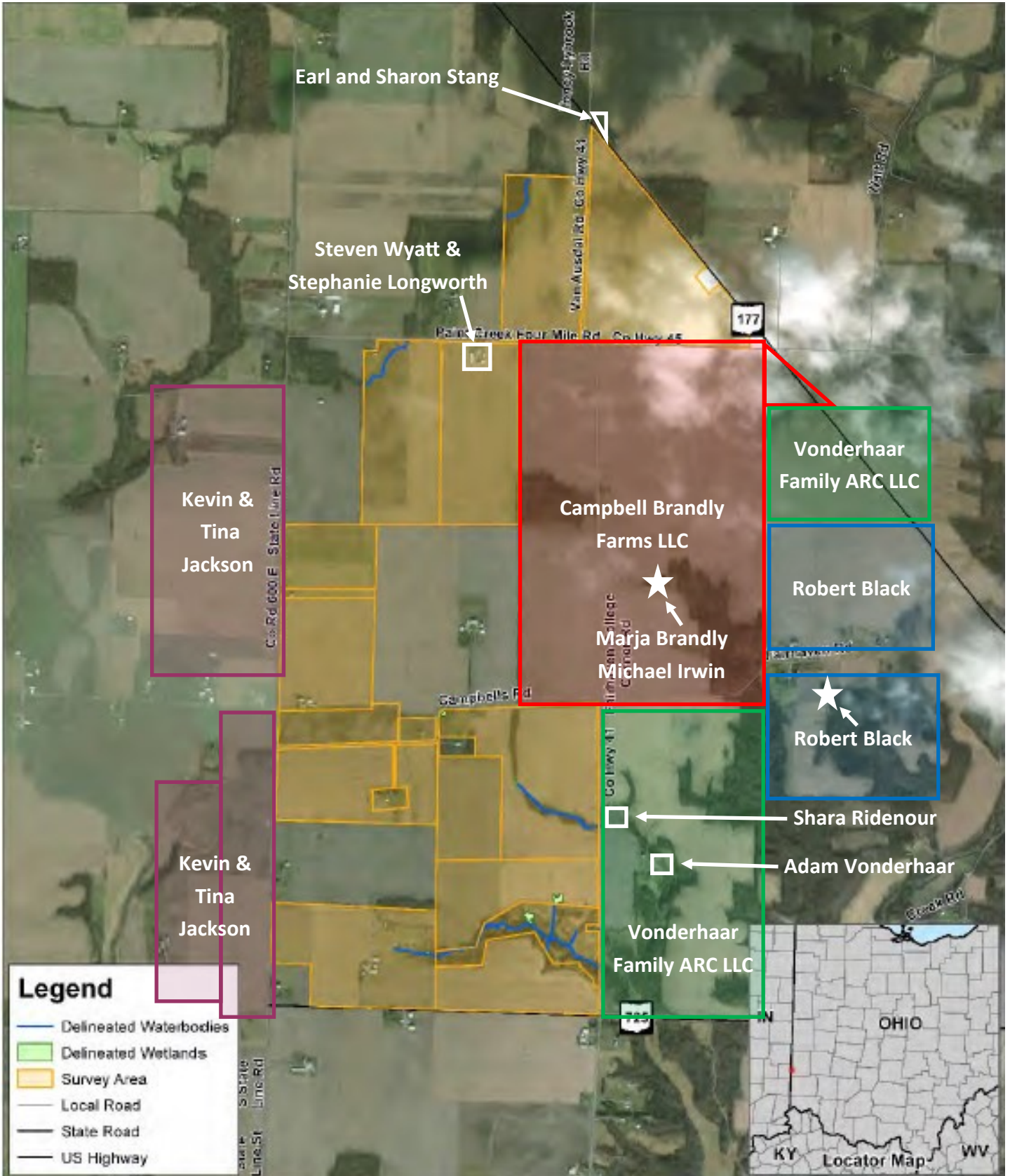


EXHIBIT B



EXHIBIT C

Toney -
Lybrook Rd

177

Toney -
Lybrook Rd



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in

Case No(s). 18-1579-EL-BGN

Summary: Testimony of Rachael Vonderhaar electronically filed by Mr. Jack A Van Kley on behalf of Concerned Citizens of Preble County, LLC and Brandly, Marja Ms. and Black, Robert Mr. and Irwin, Michael Mr. and Campbell Brandly Farms, LLC and Jackson, Kevin Mr. and Jackson, Tina Ms. and Vonderhaar Family ARC, LLC and Vonderhaar Farms Inc.