



Power Siting Board

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December 29, 2020

The Honorable Nicholas Walstra
The Honorable David Hicks
Ohio Power Siting Board
180 East Broad Street, 12th Floor
Columbus, OH 43215-3793

Re: Motion for Waiver, *In the Matter of the Application of Clearview Solar I, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar- Powered Electric Generation Facility in Champaign County, Ohio.*
Case No. 20-1362-EL-BGN

Dear Judges Walstra and Hicks:

On December 18, 2020, Clearview Solar I, LLC (Applicant), filed a motion for waiver of Ohio Administrative Code (Ohio Adm.Code) O.A.C. Rules 4906-4-08(D)(2) through (4), in which it requested that the Ohio Power Siting Board (OPSB) authorize the Applicant to use a reduced study area regarding the impact on landmarks and visual impact of the facility. Specifically, Ohio Adm. Code Rule 4906-4-08(D)(2) requires the Applicant to provide an evaluation of the impact of the proposed facility on the preservation and continued meaningfulness of the mapped cultural resources and landmarks within the 10-mile radius and to describe plans to avoid or mitigate any adverse impact. Ohio Adm. Code Rule 4906-4-08(D)(3) and (4) require the Applicant to evaluate the recreational areas and visual impact of the proposed facility within a 10-mile radius from the project area. Applicant has proposed a focused study area of 2 miles for cultural resources and landmarks, and 5 miles for recreation and scenic areas and visual impacts. In its motion, Applicant averred that its request is for good cause given the facility's low profile, as well as screening afforded by vegetation and existing structures. In addition, visibility of the planned components is anticipated to be limited to the immediate vicinity of the project, which is well under the 5-mile visual impact study area.

Staff of the Ohio Power Siting Board (Staff) concurs that the rules should be waived in this case for the above-stated reasons averred by the Applicant. Further, Staff notes, as the Applicant observed,¹ that the Board has granted similar waivers to other solar projects in the

¹ See page 3 of Applicant's December 18, 2020 Motion, where it is noted that the OPSB has granted similar waiver requests in the following proceedings: *In re Application of Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry

past. This being the case, Staff does not object to the requested waivers. However, Staff reserves the right to require the results from the Applicant in the area covered by the requested waiver if Staff determines such information to be necessary during the course of its investigation.

Sincerely,

Kyle L. Kern

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**On behalf of the Staff of the
Ohio Power Siting Board**

cc: Parties of Record

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Attorneys for Clearview Solar I, LLC

(Oct. 4, 2018); *In re Application of Angelina Solar I, LLC*, Case No. 18-1579-EL-BGN, Entry (Jan. 17, 2019); *In re Application of Arche energy Project, LLC*, Case No. 20-979-EL-BGN, Entry (Sept. 23, 2020); *In re Application of Fox Squirrel Solar, LLC*, Case No. 20-931-EL-BGN, Entry (Nov. 23, 2020).

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Summary: Correspondence in Regards to the Motion for Waiver electronically filed by Mrs. Kimberly M Naeder on behalf of OPSB