

April 27, 2021

Ms. Tanowa Troupe, Secretary
Ohio Power Siting Board
Docketing Division
180 East Broad Street, 11th Floor
Columbus, Ohio 43215-3797

Re: Case No. 21-36-EL-BGN - In the Matter of the Application of Marion County Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Marion County, Ohio.

Response to Second Data Request from Staff of the Ohio Power Siting Board

Dear Ms. Troupe:

Attached please find Marion County Solar Project, LLC's ("Applicant") Response to the Second Data Request from the staff of the Ohio Power Siting Board ("OPSB Staff"). The Applicant provided this response to OPSB Staff on April 27, 2021.

We are available, at your convenience, to answer any questions you may have.

Respectfully submitted,

/s/ Christine M.T. Pirik

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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 these cases. In addition, the undersigned certifies that a copy of the foregoing document is also being served upon the persons below this 27th day of April, 2021.

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4838-1946-7494 v3 [88534-4]

**BEFORE
THE OHIO POWER SITING BOARD**

In the Matter of the Application of Marion County)
Solar Project, LLC for a Certificate of)
Environmental Compatibility and Public Need to) Case No: 21-36-EL-BGN
Construct a Solar-Powered Electric Generation)
Facility in Marion County, Ohio.)

**MARION COUNTY SOLAR PROJECT, LLC 'S
RESPONSE TO THE SECOND DATA REQUEST
FROM THE STAFF OF THE OHIO POWER SITING BOARD**

On March 5, 2021, as amended on March 31, 2021, Marion County Solar Project, LLC (“Applicant”), filed an application (“Application”) with the Ohio Power Siting Board (“OPSB”) proposing to construct a solar-powered electric generation facility in Marion County, Ohio.

On April 16, 2021, the Staff of the OPSB (“OPSB Staff”) provided the Applicant with OPSB Staff’s Second Data Request. Now comes the Applicant providing the following response to the Second Data Request from the OPSB Staff.

- 1. As provided in Ohio Adm. Code 4906-4-08(C)(1)(c) and (C)(4)(c)-(d) and based upon current land use trends, and any applicable land use plans, whether published or prepared by a consultant, is the project expected to inhibit or enhance future development of planned shopping centers, commercial/industrial development, and proposed residential subdivisions? Provide any supporting analysis and sources that were considered.**

Response: In preparation for development of the Project, Savion consulted the Marion County 2011 Land Use Plan (“Land Use Plan”), and reviewed the long-term development goals of Marion County, Marion Township, and Marion City. These development goals demonstrate the desire of the County, Township, and City to maintain its agricultural character, which is a goal that will be furthered by construction and operation of the Project. The development of the Project will not inhibit development of planned shopping centers, commercial/industrial development, and proposed residential subdivisions in the vicinity of the Project.

According to the Land Use Plan, attempts at countywide zoning in the past have not materialized due to fears of centralized control from local citizens in various townships. However, a map of Generalized Zoning shows the Project Area is zoned as agricultural/low-density residential. According to the Marion County Auditor geographic information system (“GIS”) search, the land use of parcels that comprise the Project Area are categorized as “other agricultural use,” “agricultural vacant land,” and “general farm with dwellings.” Per the Land Use Plan, the dominant land use pattern in Marion Township and Marion County is cropland, with other prevalent land uses including residential, industrial, woods, and commercial. In Marion County, the top land uses in the county by size include cropland, woods, residential, brush/pasture, wetlands, industrial, commercial, and parks/recreation.

Policies and objectives of the Land Use Plan for agriculture include:

Agricultural – Short Term

- a. Promote the establishment of zoned agricultural districts to lessen the legal burden of farmers to show they are not nuisances to new residential development, in carrying out everyday agricultural operations.
- b. Promote the use of current agricultural use value (“CAUV”) and establishment of any future agricultural districts for taxing purposes, to save farmers unfair development taxes, at such time as the state of Ohio adopts enabling legislation.
- c. Limit strip development to a minimum number of lots in agricultural areas.

Agricultural – Long Term

- a. Encourage state enabling legislation to allow counties to preserve prime and unique farmland.
- b. Encourage the state and federal governments to make policy changes with regard to the wetlands compensation programs to limit the conversion of prime farmland into wetlands.
- c. Encourage the use of soil survey information in Marion County.
- d. Support the establishment of Agricultural Security Areas (“ASA”).

- e. Support the Ohio Agricultural Easement Purchase Program (“AEPP”) and the Ohio Agricultural Easement Donation Program (“AEDP”).
- f. Work with the townships to create a voluntary overlay agricultural protection zoning district.

In summary, farmland is an important resource for Marion County. The committee who developed the Land Use Plan recognizes the importance of agricultural land as a resource to not only help feed the nation and world but also as a potential mechanism to help combat global warming (Ohio Farmland Preservation Summit, Adapting to Climate Change through Sustainable Soil Management, 11/5/2009). The long-term leases associated with the Project will maintain the agricultural nature of the area for 30-40 years. Portions of the Project Area outside of the fence line can still be farmed and the area between the trackers will be planted with vegetation to control erosion and revegetate the site. By taking the land out of agricultural production during operation of the Project, the soil will be allowed to rest and regenerate and following decommissioning, agricultural operations can resume.

The majority of the land use surrounding the Project Area is also agricultural/low-density residential. However, parcels directly west and south of the Project Area are zoned as industrial. The large industrial parcel to the west is owned and operated by POET Biorefining – Marion and the large industrial parcel to the south is owned by Keshe LTD. The parcel owned by Keshe LTD is currently agricultural vacant land but was identified in the Land Use Plan as developable industrial land based on proximity to a sanitary sewer service area and was zoned as industrial on the Land Use Plan’s Generalized Zoning map. A smaller industrial parcel directly east of the Keshe LTD parcel is owned by US Yachiyo Inc., a supplier producing parts for the automotive industry. US Yachiyo Inc.’s Marion facility makes plastic fuel tanks and injection molded parts.

Construction and operation of the of the Project aligns with the County, City and Township’s desire to encourage responsible development that results in economic benefits for the community, while still maintaining its predominantly agricultural character. Economic development entities for both the state of Ohio and Marion, Ohio recognize that the introduction of renewable energy resources increases competitiveness in the industrial

sector and stimulates economic growth in the area. The presence of the Project will not inhibit future development of planned shopping centers, commercial/industrial development, and proposed residential subdivisions as there are no limitations to development in areas adjacent to a solar energy facility.

- 2. Has the Applicant studied for any potential impacts as they are related to adjacent population centers with higher population densities (i.e. greater than the state average of 282 persons per square mile)? For example, expected increases or decreases in traffic volume and congestion, aesthetic impacts, or public safety concerns?**

Response: The only populated place within five miles of the Project Area is the City of Marion; however, impacts to adjacent population centers will be the same regardless of the density of population. Per the *Economic Impact and Land Use Analysis* provided in Application Exhibit G, Marion County has a relatively low population density of 164 persons per square mile, as compared to 282 for the state of Ohio. The Project Area is located in a rural agricultural setting. Approximately 100 direct new local jobs will be created in Marion County during construction, and approximately 147 in the state of Ohio. Construction activities will boost economic activity within the area and increase traffic. However, construction is limited to approximately 12-18 months and will be spaced out over that timeframe. As included in Exhibit J of the Application, the Construction Route Study, traffic will likely be concentrated along State Route 4 and County Route 162, which are already main roadways in the area. They accommodate annual average daily traffic of between 3,480 and 4,837 vehicles which would minimally increase from the onsite labor. The Applicant will work closely with Marion County to develop a Road Use Maintenance Agreement to ensure that any potential issues with applicable thresholds and procedures for implementing appropriate work zone measures for the safety of the commuting public and members of the construction team. While construction is temporary, the benefits of this Project remain for 30-40 years, and during operations, there will only be a minimal increase in traffic as the Project will only require approximately two onsite employees. Approximately 2.4 new local long-term jobs will be created in Marion County and approximately 2.4 in the state of Ohio as well.

The presence of the Project will be visually unique within the Project Area but will be viewed within a rural agricultural area that already contains mechanized structures through the broader landscape. The maximum height of solar modules will be 15 feet. The layout of the Project was optimized to utilize available land and still provide environmental and visual setbacks to achieve a minimal impact to adjacent residents' viewshed. The Project has provided a setback of 225 feet from the adjacent residents. Upon final design, all residences will be a minimum of 300 feet from the nearest panel. The solar modules have also been set back a minimum of 50 feet from public road centerlines and 50 feet from the existing transmission line that bisects the Project Area. Where necessary, the Applicant will work with adjacent landowners to analyze the impact to their viewshed and determine the best mitigation options.

Solar modules are a safe, clean, cost-effective, renewable energy generation source that will not have an impact on the safety of the surrounding community. Measures to prevent unauthorized site entry and unsafe practices will be implemented during Project construction and operation and the Applicant will coordinate with the appropriate parties to ensure all local emergency responders will be trained to address Project specific emergencies, should they arise. The Project will not generate hazardous waste or wastewater. Aquatic discharges to streams or wetlands are not anticipated to occur during construction of the Project and a Stormwater Pollution Prevention Plan ("SWPPP") will be implemented to limit erosion from stormwater within the Project Area and minimize sedimentation of nearby streams and wetlands. While onsite storage of hazardous materials during construction will be limited to diesel fuel, as required by the U.S. Environmental Protection Agency ("USEPA"), a Spill Prevention, Control, and Countermeasure ("SPCC") Plan will be developed to manage hazardous material storage on site to prevent accidental releases and will address the proper methods to contain and mitigate a spill, and the agencies to notify, in the rare event that a spill occurs. The Project will be constructed and operated in compliance with all federal, state, and local regulations for air and water pollution, solid and hazardous wastes, and aviation.

3. Does Applicant have any experience in an area with similar or greater population density than now exists in this project area? Please provide examples, if any, along with corresponding regulatory dockets, if available.

Response: The Applicant, Marion County Solar Project, LLC, is a wholly owned subsidiary of Savion, LLC (“Savion”). Founded in 2019, the Savion team is comprised of utility-scale solar and energy storage experts responsible for developing over 12 gigawatts (“GW”) of renewable energy projects across 28 states, including 2 GW of projects that are currently in operation, under construction or contracted. Utility-scale solar projects are typically sited in rural areas that have large open tracts of land near existing transmission infrastructure. Many of Savion’s projects are located in rural areas like Marion County; however, some are located closer to population centers, in areas with higher population densities. Savion’s approach to development is irrespective of population density and it includes engaging host communities early and often to educate them about a proposed project; to keep them informed of project updates; and most importantly, to listen to the community’s concerns and work together towards practical solutions.

Marion County Solar Project is located just outside of the city of Marion in Marion Township, Marion County, Ohio within a census tract with a population density of 55.2 people per square mile, per information provided by the U.S. Census Bureau. Many of the projects in Savion’s portfolio are located in areas with a similar or greater population density to the Marion County Solar Project, including TWE Myrtle Solar Project and Wood County Solar Project located in Virginia and Wisconsin, respectively.

TWE Myrtle Solar Project is located in the City of Suffolk in Suffolk County, Virginia. The project is located within a census tract with a population density of 70.9 people per square mile. TWE Myrtle Solar Project is a 15 megawatt (“MW”) project that has been in operation since 2020. The project is currently owned and operated by Dominion Generation, Inc., a wholly owned subsidiary of Dominion Energy, Inc. The TWE Myrtle Solar Project required a conditional use permit from the City of Suffolk (C02-17) and a Permit by Rule from the Virginia Department of Environmental Quality (2018-S03). Savion held several community meetings and worked closely with the key stakeholders to

address concerns. The overwhelming concern voiced by the community was traffic safety. The roadway adjacent to the project was well-traveled and had several associated recorded accidents. The community was concerned that increased traffic during construction would amount to increased risk and potentially more accidents. To address this concern, permanent traffic safety improvements including expanding the existing roadway adjacent to the project to include right and left turn lanes near the site entrance and installing a traffic-actuated flashing beacon at the site entrance were installed prior project construction. These improvements will increase safety along the adjacent roadway for years to come.

Wood County Solar Project is located in the Town of Saratoga in Wood County, Wisconsin. The project is located within a census tract with a population density of 100.2 people per square mile. The Wood County Solar Project is 150 MW and the Wisconsin Public Service Commission issued a Certificate of Public Convenience and Necessity for the project in January 2021 (9803-CE-100 & 9803-CE-101). Projected construction is scheduled to begin in July 2021 with a November 2022 commercial operation date. During project development, Savion held several community meetings; attended local community group meetings and coordinated with stakeholders to discuss the project and identify community concerns. Savion opened a local office and staffed it with a local representative to serve as a project liaison to the community. Savion worked closely with the Town of Saratoga and Wood County to execute Developer Agreements. The Developer Agreements include over 20 commitments to address community concerns. The project site is a pine plantation and one of the primary concerns is visual impacts to adjacent properties once the trees are removed. To address this concern, Savion committed to leave a 50-foot buffer of existing trees in place around the project. In addition, for any existing residences that are located within 500-feet of the project fence line, Savion committed to working with landowners to further mitigate view-shed impact, if necessary.

TWE Myrtle Solar Project and Wood County Solar Project are just two examples of Savion projects located in areas with population densities similar to or greater than the Marion County Solar Project. These projects were all developed in a similar fashion, with input

from the host community. Through early and often engagement, Savion was able to identify community concerns and work together towards practical solutions. The Applicant has applied the same approach to Marion County Solar.

Respectfully submitted,

/s/ Christine M.T. Pirik

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Case No(s). 21-0036-EL-BGN

Summary: Response to Second Data Request from Staff of the Ohio Power Siting Board electronically filed by Christine M.T. Pirik on behalf of Marion County Solar Project, LLC