

**2BEFORE  
THE OHIO POWER SITING BOARD**

In the Matter of the Application of **Union Ridge**     )  
**Solar, LLC** for a Certificate of Environmental     )  
Compatibility and Public Need for a Solar Facility     ) Case No. 20-1757-EL-BGN  
Located in Licking County, Ohio.     )

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**DIRECT TESTIMONY OF**

**KELLY PACIFICO**

**on behalf of**

**Union Ridge Solar, LLC**

**September 2, 2021**

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1 **Q-1. Please state your name, title, and business address.**

2 **A-1.** My name is Kelly Pacifico. I am a Development Manager at Leeward Renewable Energy,  
3 LLC (“Leeward”). My business address is 6688 N. Central Expressway, Suite 500, Dallas,  
4 TX 75206.

5 **Q-2. What are your duties as Development Manager at Leeward?**

6 **A-2.** My duties consist of developing energy infrastructure projects in the clean energy space. I  
7 have worked in this area since May 2020. Currently, my duties and experience include  
8 identifying project opportunities in the mid-west region of the United States (PJM  
9 Interconnect) and leading work across the project development lifecycle for solar power  
10 projects. These efforts include market analysis, site selection and optimization, landowner  
11 outreach, permitting and late-stage development and coordination with construction team.  
12 While at Leeward, I have led the development of more than 600 MW of solar power  
13 projects in development, including approximately 258 MW of solar power projects  
14 expected to enter construction within the next year.

15 **Q-3. What is your education and professional background?**

16 **A-3.** I obtained a Bachelor of Science degree in Mechanical Engineering from the University of  
17 Notre Dame in 2018. During my coursework at Notre Dame, my studies included classes  
18 directly applicable to my work at Leeward and my role as developer of the Union Ridge  
19 Solar Project (“Union Ridge”), including but not limited to: Photovoltaic System Design  
20 for Engineers and Design Methodology.

21 I have worked with Leeward for the last sixteen months, first as Senior Development  
22 Associate and then, following a promotion, as Development Manager. Prior to Leeward, I was  
23 employed with a design-build construction company, ARCO/Murray, where I was a Project

1 Manager. In that role, due to the company’s function as both designer and builder of complex  
2 commercial construction projects, my work included evaluating engineering details, design  
3 components, and devising scenarios for particular issues and needs during development and  
4 construction of projects I oversaw.

5 **Q-4. On whose behalf are you offering testimony?**

6 **A-4.** I am offering testimony on behalf of the Applicant, Union Ridge Solar, LLC.

7 **Q-5. What is the purpose of your testimony?**

8 **A-5.** The purpose of my testimony is the following:

- 9 • Provide background concerning the Project and Union Ridge’s March 26, 2021  
10 Application for a Certificate of Environmental Compatibility and Public Need filed  
11 with the OPSB and its responses to three sets of data requests from the OPSB Staff  
12 (“Staff”) (collectively, the “Application”).
- 13
- 14 • Summarize major items in the Application and sponsor its admission into evidence  
15 along with exhibits and the various proofs of publication;
- 16
- 17 • Introduce the other witnesses who will present additional direct testimony for the  
18 Applicant;
- 19
- 20 • Describe Union Ridge’s outreach to the community;
- 21
- 22 • Describe the economic benefits of the Project; and
- 23
- 24 • Review the Recommended Conditions of Certificate suggested by Staff in the Staff  
25 Report of Investigation filed on August 16, 2021 and respond on behalf of the  
26 Applicant.
- 27

28 **Q-6. What is the general purpose of the Project?**

29 **A-6.** The general purpose of the Project is to produce solar-powered electricity that will deliver  
30 clean, reliable energy to the Ohio bulk power transmission system to serve the needs of  
31 electric utilities and their customers. The electricity generated by the Project will be  
32 transferred to the transmission grid operated by PJM Interconnection, LLC (“PJM”) for  
33 sale at wholesale to the grid or under a power purchase agreement.

1 **Q-7. Would you describe the proposed Project, the Project Area, and the power generation**  
2 **potential of the solar farm?**

3 **A-7.** The Project is a 107.7 MW solar-powered electric generating facility for which Union  
4 Ridge has applied for a certificate to construct in Harrison Township, Licking County,  
5 Ohio. The Project would be located on approximately 523 acres, of which the solar field  
6 would occupy approximately 439 acres, comprised of private land secured by Applicant  
7 through agreements with the landowners.

8 The Project will be located on rural, previously disturbed land that has been mostly cleared  
9 for agriculture and is generally flat. The facility will consist of arrays of photovoltaic (PV) panels  
10 (known as solar panels), which will be ground-mounted on a tracking rack system. The racking  
11 includes steel posts driven approximately seven to ten feet into the ground. Depending on the PV  
12 module selected, the facility will include approximately 250,000 panels. The solar panel arrays  
13 will be fenced with gated entrances. As proposed in the Application, the highest point of each  
14 module would not exceed 15 feet, and the fencing would not exceed 8 feet. However, as discussed  
15 more below, in response to visual impact concerns raised by some neighbors during the Local  
16 Public Hearing, the Applicant will commit to reducing the maximize module height from 15 feet  
17 to 10 feet.

18 The Project also includes access roads, electric collection lines, a collection substation and  
19 switchyard, an approximate 1,700-foot overhead transmission line, a temporary laydown area(s)  
20 for construction staging, an operation and maintenance (O&M) building, and 3 weather stations.  
21 The energy generated at the facility will deliver power to the proximate existing AEP Kirk  
22 Substation.

1 **Q-8. Are the Union Ridge Solar Project, LLC Application Exhibits and responses to Staff**  
2 **Data Requests true and accurate to the best of your knowledge and belief?**

3 **A-8.** Yes, the Application and Exhibits (Company Exhibit 1) and all of Union Ridge's  
4 Responses to the Staff Data Requests (Company Exhibit 2) are true and accurate and were  
5 prepared under my direction.

6 **Q-9. Were copies of the accepted Application served on local public officials and libraries**  
7 **in accordance with OAC Rule 4906-3-07(A)?**

8 **A-9.** Yes, such service was made, and I am sponsoring Company Exhibit 3, which is proof of  
9 service of the Application.

10 **Q-10. Did Union Ridge file and serve a copy of the letter sent to property owners and tenants**  
11 **with the plan or contiguous to the plan site pursuant to OAC Rule 4906-3-03(B)?**

12 **A-10.** Yes. A letter was sent to property owners and tenants within the plan site or contiguous to  
13 the plan site on February 3, 2021 announcing that the Public Informational Meetings would  
14 be held on February 25, 2021, beginning at 6:00 p.m. and 8:00 p.m. (See Company Exhibit  
15 4.)

16 **Q-11. Did Union Ridge cause notice of the Public Informational Meetings, the Application,**  
17 **and the hearing dates to be published in the local newspaper?**

18 **A-11.** Yes. Such notices were published in the Newark Advocate at the appropriate times. Proofs  
19 of publications in this newspaper were filed on the docket on February 10, 2021 and July  
20 29, 2021. (See Company Exhibit 5.)

21 **Q-12. Please list all consultants Union Ridge retained to prepare its Application and**  
22 **Exhibits, including for each the respective areas of responsibility.**

1 **A-12.** Under my direction and supervision, Union Ridge worked with Environmental Design &  
2 Research, Landscape Architecture, Engineering & Environmental Services, D.C.P.  
3 (“EDR”) as the lead consultant on the Application. EDR assisted in coordinating the studies  
4 used in the Application and Exhibits. I directed and supervised consultants in the following  
5 areas of responsibility:

- 6 • EDR: BMP Typical Drawings (Company Exhibit 1, at Exhibit B); Vegetation  
7 Management Plan (Company Exhibit 1, at Exhibit D); Socioeconomic Report  
8 (Company Exhibit 1, at Exhibit H); Complaint Resolution Plan (Company Exhibit  
9 1, at Exhibit J); Solar Glare Analysis Report (Company Exhibit 1, at Exhibit M);  
10 Visual Resource Assessment and Mitigation Plan (Company Exhibit 1, at Exhibit  
11 S);
- 12 • Hull & Associates, LLC: Route Evaluation Study and Traffic Control Plan  
13 (Company Exhibit 1, at Exhibit K); Geology and Hydrogeology Report (Company  
14 Exhibit 1 at Exhibit O); Ecological Assessment (Company Exhibit 1, at Exhibit P);
- 15 • Kimley-Horn & Associates, Inc.: Decommissioning Plan (Company Exhibit 1,  
16 at Exhibit L);
- 17 • Kleinfelder: Geotechnical Report (Company Exhibit 1, at Exhibit C);
- 18 • Leeward Renewable Energy, LLC: Drain Tile Management Plan (Company  
19 Exhibit 1, at Exhibit E); Public Interaction Program (Company Exhibit 1, at Exhibit  
20 I);
- 21 • RSG Inc.: Noise Assessment (Company Exhibit 1, at Exhibit N); and

- Weller & Associates, Inc.: Phase 1 History Architecture Reconnaissance Survey (Company Exhibit 1, at Exhibit Q); Phase 1 Archaeological Reconnaissance (Company Exhibit 1, at Exhibit R).

**Q-13. Will Union Ridge be sponsoring witnesses to support the Application in addition to your testimony?**

**A-13.** Yes, the following witnesses will be providing additional testimony on behalf of Union Ridge on the listed topics:

<b>Witness</b>	<b>Company</b>	<b>Purpose of Testimony</b>
Mark Bonifas	Hull	Summarize Route Evaluation Study and Traffic Control
Jacob Runner	EDR	Summarize Solar Glare Analysis
Issac Old	RSG	Summarize Noise Assessment
Rob Corzatt	Hull	Summarize Geology and Hydrogeology Findings
Jordan Rofkar	Hull	Summarize Ecological Assessment
Gordon Perkins	EDR	Summarize Visual Resource Assessment; summarize modifications for berm and enhanced vegetative screening in response to landowner engagement & feedback
Andrew Lines	Cohn Reznick	Summarize Property Value Impacts

**Q-14. Do you believe the Project will have a positive impact on the local community?**

**A-14.** Yes. As also noted in the Staff Report of Investigation, including induced impacts the Project is expected to create approximately 513 construction jobs (including 279 on-site labor jobs) and 10 long term operational jobs (including 2 full time on-site employees) for the State of Ohio. Additionally, the Licking County Commissioners approved a

1 \$9,000/MW payment in lieu of taxes (“PILOT”), which will generate an estimated  
2 \$969,300 for the Licking County taxing districts annually based on the PILOT.<sup>1</sup>

3 The Project will also aid regional development by increasing local tax revenues. The  
4 Project is consistent with agricultural industry support, as the facility will provide supplemental  
5 rental income to local farmers, enable the soils within the project to ‘rest’, and be able to revert to  
6 agricultural production after decommissioning.

7 Consistent with these benefits, several local officials have publicly supported the Project,  
8 as have many others in the community. To that end, on April 21, 2021 the GROW Licking County  
9 Community Improvement Corp, through its Interim Director Stephanie Bosco, sent a letter to the  
10 OPSB (posted in the Public Comments on the OPSB docket on April 22, 2021 and denoted as  
11 Company Exhibit 6) expressing its support for the Project. Ms. Bosco stated: “On behalf of GROW  
12 Licking County CIC, I am writing in support of the Union Ridge Solar Project in Licking County,  
13 Ohio. Our community welcomes the opportunity to host a collaborative community partner like  
14 Leeward Energy. . . . Union Ridge will serve as a transformative opportunity for our community  
15 – supporting the townships, schools, and county will continue to diversify our tax base. Moreover,  
16 many of our local taxing authorities that will reap the benefits of this type of project – with minimal  
17 negative impacts to local infrastructure or institutions.”

18 Similarly, on July 12, 2021, the Licking County Chamber of Commerce, through its  
19 President and CEO Jennifer McDonald, sent a letter to the OPSB (posted in the Public Comments  
20 on the OPSB docket on July 12, 2021 and denoted as Company Exhibit 7) expressing its support  
21 for the Project. It stated “The Chamber welcomes Union Ridge Solar to our community as an  
22 exciting new energy partner and collaborative business. They have been working hard to build

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<sup>1</sup> The Ohio Department of Development certified Union Ridge as a Qualified Energy Project under R.C. 5727.75 on April 21, 2021.



1 relationships and opportunities that will further the economic well-being of Licking County. . . .  
2 The Licking County Chamber of Commerce fully supports the Union Ridge Solar project and asks  
3 for your affirmative vote to move this project forward.”

4 And at the Local Public Hearing on August 31, 2021, other members of the community  
5 similarly voiced support for the Project. For example, Kasey Perkins, the Superintendent of the  
6 Southwest Licking School District testified that, while the District is otherwise capped with its  
7 funding, the \$9,000/MW PILOT will “help with the facility improvements tremendously” and will  
8 provide the District the “opportunity to plan for improvements and to meet needs over time.”<sup>2</sup>  
9 Harrison Township Resident and President of the non-profit Beechwood Trails Park & Pool,  
10 Ashley Campbell, testified that Union Ridge had toured the facility, made a contribution for pool  
11 improvements and new mechanical equipment, and become a “fantastic partner” in the  
12 community.<sup>3</sup> And local resident and licensed realtor, Heather Minor, testified that “projects like  
13 Union Ridge contribute significantly to our schools and government services. This also helps to  
14 additionally improve the housing market and the overall quality of life. Lastly, clean energy  
15 projects contribute to clean air and reduce harmful carbon emissions.”<sup>4</sup>

16 **Q-15. Are you aware that the OPSB must make certain determinations under Ohio Revised**  
17 **Code (“R.C.”) 4906.10 before issuing the certificate for which Union Ridge has**  
18 **applied?**

19 **A-15.** Yes. I have been advised there are eight criteria considered by the OPSB in making its  
20 decision whether or not to issue a certificate.

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<sup>2</sup> Transcript of Local Public Hearing (“Tr.”) at p. 29.

<sup>3</sup> Tr. at p. 37.

<sup>4</sup> Tr. at pp. 51-52.

1 **Q-16. Does the Application meet Union Ridge’s obligation to make the required showings**  
2 **under R.C. 4906.10?**

3 **A-16.** Yes. The Application and Exhibits thereto enable the OPSB to determine Union Ridge has  
4 met each of the eight criteria under R.C. 4906.10.

5 **Q-17. Has the Project been designed to achieve minimum impacts?**

6 **A-17.** Yes. From the inception of the Project through the studies completed in connection with  
7 the Application, Union Ridge has been working with landowners, consultants, and the  
8 community to minimize or eliminate the impacts of construction and operation of the  
9 Project.

10 With respect to construction, and as set forth in the Direct Testimony of Mark Bonifas and  
11 Company Exhibit 1, at Exhibit K, activities are expected to have typical and relatively limited  
12 impacts as they are temporary, intermittent, subject to time-of-day restrictions, and Union Ridge  
13 will use best management practices. Increased traffic during construction will be managed with no  
14 expected road closures and will end when the Project is operational. Union Ridge will obtain all  
15 required permits and authorizations.

16 With respect to operations, on behalf of Union Ridge, I engaged, directed, and supervised  
17 consultants to study the potential environmental, ecological, cultural, and visual impacts of the  
18 Projects. (See Company Exhibit 1, at Exhibits C-E, H, and M-S.)

19 Among these, Union Ridge requested study of the Project Area to determine the presence  
20 of threatened or endangered species. As set forth in the Direct Testimony of Jordan Rofkar and  
21 Company Exhibit 1, at Exhibit P, the study revealed that the Project Area includes roost trees along  
22 windrows and wood lot edges, and therefore the potential for occurrence of the Indiana bat,  
23 northern long-eared bat, little brown bat, and tricolored bat. However, no individuals of any of

1 these species were observed in the study area. Union Ridge will avoid impacts to these bat species  
2 by minimizing and seasonally limiting tree-clearing activities during the proscribed months. It was  
3 also noted that the upland sandpiper and Northern harrier have the potential to forage in  
4 agricultural fields, but likewise, no individuals were noted in the study area.

5 As provided in the Direct Testimony of Issac Old and Company Exhibit 1, at Exhibit N,  
6 Union Ridge's Noise Study resulted in a finding that any noise impacts will be limited to  
7 construction. Construction noise will be temporary, intermittent, and located away from most  
8 residences. Additionally, construction noise will be minimized by practices such as limiting hours of  
9 work, locating staging away from sensitive receptors, and controlling vehicle movement to prevent  
10 backup alarms. Once operational, the Project will result in an acoustical impact of less than a five  
11 dBA increase to the pre-Project ambient noise level. As a result, the Project will have minimal  
12 adverse noise impacts on the adjacent community.

13 Through consultant EDR at my direction, and as set forth in the Direct Testimony of  
14 Gordon Perkins and Company Exhibit 1, at Exhibit S, visual impacts of the Project were studied  
15 and determined to be minimal. Visual impacts of the Project are mitigated by prevalence of rural  
16 and agricultural land, the flat terrain, low profile of the solar panels, efforts to preserve existing  
17 vegetation, and by adding robust vegetative screening, including the use of pollinator habitat and  
18 a combination of local and other recommended or approved species in landscaping. Further, the  
19 Direct Testimony of Jacob Runner and Company Exhibit 1, at Exhibit M demonstrate that none of  
20 the potentially sensitive receptors within or adjacent to the Project Site will receive solar glare  
21 from the panels.

22 Additionally, consistent with the Direct Testimony of Rob Corzatt and Company Exhibit  
23 1, at Exhibit P, Union Ridge's studies determined that there are minimal impacts to wetlands and

1 surface waters. Specifically, only one perennial stream would be impacted by the installation of a  
2 culvert for an access road, and a total of 0.0006 acres of two Category 1 wetlands would be  
3 impacted by installation of access roads. Union Ridge will adhere to ODNR guidelines to minimize  
4 these impacts and will obtain and comply with required U.S. Army Corps of Engineers and Ohio  
5 NPDES permits.

6 The Project will generate no wastewater, no air emissions, and minimal solid waste.

7 There are no expected aviation concerns as there are no air fields within five miles of the  
8 Project Area and the tallest Project structures are significantly shorter than adjacent improvements  
9 (i.e. existing 345kV electrical transmission towers).

10 To the extent there are concerns, Union Ridge has included a Complaint Resolution Plan  
11 (Company Exhibit 1, at Exhibit J) to ensure any complaints regarding construction and operation  
12 of the Project are appropriately investigated and addressed.

13 **Q-18. How did Union Ridge decide to locate the Project in Licking County?**

14 **A-18.** Union Ridge selected the Project site by considering a number of factors. These include  
15 solar resource evaluation, proximity to the bulk power transmission system, available  
16 injection capacity on the electrical grid, topography, cultural and environmental resources,  
17 and land use. Being located proximate to the existing AEP Kirk substation, which has a  
18 spare breaker position, and data center/industrial load growth makes the Union Ridge site  
19 ideally situated for an electric generator. The fact that the site has suitable acreage,  
20 topography, environmental, cultural, and land use characteristics, makes it particularly  
21 ideal for a solar facility.

22 **Q-19. Will the Project adversely impact cultural historic resources?**

1 **A-19.** Few cultural or historic resource impacts are anticipated, and those have been minimized.

2 Union Ridge enlisted and directed Weller & Associates, Inc. to gather information and  
3 complete architecture and archaeological resources review around the Project Area. The  
4 studies revealed only one site eligible for the NRHP, the Goldstein Farmstead (OHI  
5 #LIC0155120), and that any necessary mitigation could be achieved by the proposed  
6 vegetative buffering and setbacks. On May 25, 2021, the OPSB filed a completeness letter  
7 that stated concurrence would be needed from the Ohio State Historic Preservation Office  
8 (“SHPO”) of the historical survey remaining to the southwest portion of the Project Area.  
9 On May 26, 2021, SHPO sent Union Ridge’s consultant Weller & Associates a letter  
10 confirming SHPO’s concurrence that the proposed solar facility will not adversely affect  
11 historic resources, including but not limited to the Goldstein Farmstead. SHPO’s letter was  
12 filed on the docket and provided to the OPSB on June 1, 2021 and is incorporated herein  
13 as Company Exhibit 8.

14 **Q-20. How will the Project protect existing drain tile in the Project Area?**

15 **A-20.** Union Ridge has developed and included as Exhibit E to its Application a Drain Tile  
16 Maintenance Plan that will aid protection of existing drain tile in the Project Area. Union  
17 Ridge has also agreed to repair or replace drain tile mains damaged during construction  
18 with modern, functional equivalent systems and damaged laterals that cause onsite  
19 ponding, such as in low-lying spots, or that impact adjacent, non-participating neighbors  
20 will be repaired or re-routed. Union Ridge has consulted with landowners and studied  
21 records and GIS data to determine the best approximate location of drain tiles. Union  
22 Ridge is committed to locating drain tiles as accurately as possible prior to construction,  
23 avoiding tiles when practical, and repairing or replacing tiles when necessary.

1 **Q-21. How will Union Ridge address viewshed concerns?**

2 **A-21.** EDR, specifically Visualization Services Leader Gordon Perkins, at my direction and  
3 supervision performed a Visual Resource Assessment and Mitigation Plan (Company  
4 Exhibit 1, at Exhibit S). The visual impact of the Project is relatively modest, as the area is  
5 flat and the solar panels are low-profile. Union Ridge will also take additional steps to  
6 minimize visual impact. These include avoiding removing existing vegetation when  
7 possible and using best practices in designing a landscaping plan. To the extent there is a  
8 visual impact to an adjacent, non-participating parcel containing a residence with a direct  
9 line of sight, Union Ridge will use landscape management and customized vegetative  
10 buffers to mitigate effects.

11 Finally, as discussed more below, in response to visual impact concerns raised by some neighbors  
12 during the Local Public Hearing, the Applicant will commit to reducing the maximize module  
13 height from 15 feet to 10 feet. This significant reduction in module height, paired with the other  
14 visual mitigation efforts presented in the Application and in my testimony,

15 **Q-22. In addition to the Visual Resource Assessment and Mitigation Plan presented in the**  
16 **Application, how else is Union Ridge addressing the viewshed concerns of a nearby**  
17 **housing development?**

18 **A-22.** I, along with other Union Ridge representatives, personally engaged in multiple in-person  
19 communications with the Homeowners Association (“HOA”) of the York Gate Estates  
20 neighborhood adjacent to the Project Area. During those meetings, the landowners inquired  
21 about additional measures that could be taken to further shield the viewshed from certain  
22 nearby residences within the development. The HOA requested the addition of an earthen  
23 berm to further obscure Project views from those residences. Union Ridge took this

1 feedback and, as a direct result, designed and will construct the requested berm to alleviate  
2 these viewshed concerns, as set forth further in the testimony of Gordon Perkins.  
3 Additionally, Union Ridge received both neighboring landowner and HOA feedback  
4 requesting enhanced or modified vegetative screening in certain portions of the Project  
5 Area and, likewise, accommodated these requests with enhanced and/or modified  
6 vegetative screening as part of the Project design.

7 **Q-23. Will the Project comply with applicable safety and equipment standards?**

8 **A-23.** Yes.

9 **Q-24. How is the Applicant planning to decommission the Project at the end of the Project's**  
10 **useful life?**

11 **A-24.** At my direction, Union Ridge engaged consultant Kimley-Horn & Associates, Inc. to  
12 prepare a Decommissioning Plan, which was submitted with Union Ridge's Application,  
13 Company Exhibit 1, at Exhibit L. The Decommissioning Plan sets forth Union Ridge's  
14 plan for removal of above-ground and below-ground structures associated with the solar  
15 PV portion of the Project. Likewise, the Decommissioning Plan provides removal and  
16 restoration of other components such as access roads and for recycling, where possible,  
17 and appropriate disposal of Project components once removed from the Site. Once removal  
18 of all Project equipment and landscaping is complete, the land will be restored according  
19 to the Plan for future return to agricultural use.

20 **Q-25. Will there be any financial assurance requirements associated with the**  
21 **decommissioning?**

22 **A-25.** Yes. As set forth in the Decommissioning Plan, decommissioning cost estimates have been  
23 included and will be updated prior to construction, in year 10 of operations, and every 5

1 years thereafter to assess the value of the financial assurance versus the Total  
2 Decommissioning Cost. I also note that the OPSB Staff Report of Investigation  
3 recommends the following certificate condition (recommended Condition 31, p. 49, OPSB  
4 Staff Report and Recommendation):

5 At least 30 days prior to the preconstruction conference, the Applicant shall  
6 submit an updated decommissioning plan and total decommissioning cost  
7 estimate (with lineitems for all necessary steps to restore/decommission the site)  
8 without regard to salvage value on the public docket that includes: (a) a provision  
9 that the decommissioning financial assurance mechanism include a performance  
10 bond where the company is the principal, the insurance company is the surety,  
11 and the Ohio Power Siting Board is the obligee; (b) a timeline of up to one year  
12 for removal of the equipment; (c) a provision to monitor the site for at least one  
13 additional year to ensure successful revegetation and rehabilitation; (d) a  
14 provision where the performance bond is posted prior to the commencement of  
15 construction; (e) a provision that the performance bond is for the total  
16 decommissioning cost and excludes salvage value; (f) a provision to coordinate  
17 repair of public roads damaged or modified during the decommissioning and  
18 reclamation process; (g) a provision that the decommissioning plan be prepared  
19 by a professional engineer registered with the state board of registration for  
20 professional engineers and surveyors; and (h) a provision stating that the bond  
21 shall be recalculated every five years by an engineer retained by the Applicant.  
22

23 This proposed condition adopts the decommissioning standard reflected in the recently passed  
24 Ohio Senate Bill 52, which will become effective later this year. Specifically, under this standard,  
25 the performance bond amount to assure decommissioning will exclude salvage value. Union Ridge  
26 does not oppose this condition and anticipates entering into a Stipulation with the other parties to  
27 include this condition.

28 **Q-26. Will the agricultural fields within the Project Area be suitable for farming after the**  
29 **Project is decommissioned?**

30 **A-26.** Yes. As set forth in the Decommissioning Plan, Project land that has been compacted or  
31 rutted will be restored. The Project will also utilize a robust ground cover of native grasses  
32 and pollinator plants to absorb precipitation, provide species habitat, minimize the need for



1 herbicides, and filter stormwater to reduce the potential for erosion and sedimentation. This  
2 approach to vegetation within the Project Area will also help to facilitate the long-term  
3 health of the soil. After the Project is decommissioned, the land can return to productive  
4 agricultural use.

5 **Q-27. Will construction of the Project result in intrusive amounts of traffic, noise, or dust?**

6 **A-27.** As discussed further in the Testimony of Mark Bonifas, the Application includes a Route  
7 Evaluation Study to evaluate the anticipated impact of the Project on roads and bridges, as  
8 well as the potential impact on local traffic. This analysis concludes that we do not expect  
9 the construction or operation of the Project to have a negative effect on the traveling public.  
10 As discussed more fully in the Application, construction of the Facility may lead to short  
11 durations of these sound levels from construction equipment at nearby adjacent property  
12 boundaries. However, these activities will be short in duration, and most construction will  
13 be set back significantly from property boundaries. The Project has also incorporated  
14 setbacks of 100 feet from panels to nonparticipating sensitive receptors to further reduce  
15 noise impacts to areas where people are more likely to be present. With respect to dust,  
16 best management practices will be implemented to minimize dust generated during  
17 construction activities, as further detailed in the Application.

18 **Q-28. Is there potential risk of hazardous or toxic substances into the environment because**  
19 **of the construction and operation of the Project?**

20 **A-28.** No. Union Ridge intends to install only panels that are considered safe and have passed the  
21 U.S. Environmental Protection Agency's Toxicity Characteristic Leaching Procedure  
22 ("TCLP") test. Union Ridge has also been in active communication with the Utility  
23 Director of the City of Pataskala to ensure that the Utility Director understand how the

1 Project may affect the Source Water Protection Areas (“SWPAs”) and the Southwest  
2 Community Water and Sewer District. Union Ridge will continue to be responsive to any  
3 inquiries from the Utility Director. Moreover, I note Recommended Condition 11, which  
4 requires Union Ridge to keep the City of Pataskala (city administrator or water department)  
5 and the Southwest Licking Community Water and Sewer District informed of the status of  
6 any spills, significant panel damage, and repair/clean-up/decommission schedule, and  
7 Condition 29, which requires the Project to relocate the solar equipment at least 50 feet  
8 from a water well or demonstrate that the well is for non-potable use and relocate solar  
9 equipment at least 10 feet from the well, or seal and abandon the water well. Union Ridge  
10 is agreeable to these conditions and intends to enter into a stipulation that includes these  
11 conditions.

12 **Q-29. Did you attend the Local Public Hearing in this proceeding?**

13 **A-29.** Yes, I attended the Local Public Hearing in this proceed held on August 31, 2021.

14 **Q-30. What concerns were raised at the Local Public Hearing and how is Union Ridge**  
15 **addressing these concerns?**

16 **A-30.** Twenty individuals offered sworn testimony at the Local Public Hearing. A number of  
17 witnesses expressed a variety of questions and concerns about the Project. These questions  
18 and concerns can generally be categorized as the following: visual and aesthetic impacts  
19 to neighbors<sup>5</sup>; Project decommissioning<sup>6</sup>; concerns about toxic leaching from panels<sup>7</sup>;  
20 compatibility with local zoning and the rural character of the surrounding area<sup>8</sup>; and

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<sup>5</sup> See, e.g. Tr. at pp. 23, 27, 65-66.

<sup>6</sup> See, e.g., Tr. at pp. 33-36.

<sup>7</sup> See, e.g. Tr. at pp. 42, 45.

<sup>8</sup> Tr. at pp. 47-48.

1 impacts to property values.<sup>9</sup> I will address each of these concerns. Initially, I would like to  
2 note the Applicant's commitment to having a continuing conversation with landowners and  
3 neighbors in and around the Project Area.

4 With regards to the visual and aesthetic impacts to neighbors, as discussed earlier in my  
5 testimony, the Applicant Union Ridge will use landscape management and customized vegetative  
6 buffers to mitigate effects. As also discussed earlier in my testimony, as a result of additional  
7 interaction with the neighboring HOA, the Project has developed the option of a installing a berm  
8 to further mitigate the visual impacts to the residences with the York Gate Estates. Below, I  
9 recommend a proposed change to Condition 14 to reflect this additional mitigation option. Finally,  
10 in light of the viewshed concerns raised in the Local Public Hearing, the Applicant will commit to  
11 reducing the maximum module height from 15 feet to 10 feet. Below, I recommend a proposed  
12 change to Condition 4 to include this commitment. Combined with the robust Visual Mitigation  
13 Plan, these additional commitments will lead to significant minimization of potential visual  
14 impacts to nearby neighbors.

15 In response to the concerns about whether or not the Project will be decommissioned and  
16 whether there will be adequate financial assurance, as discussed earlier in my testimony, the  
17 Project has proposed a Decommissioning Plan and is agreeable to the enhanced surety obligations  
18 recommended in Condition 31.

19 With respect to concerns about the potential toxicity or hazardous substances associated  
20 with the panels, as discussed above, the Project has committed that any panel will have passed the  
21 TCLP test, and the Project will continue to coordinate with local jurisdictions with respect to any  
22 SWPAs.

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<sup>9</sup> See, e.g. Tr. at pp. 22, 24, 43.

1 Other witnesses raised concerns about the Project’s compatibility with local zoning and the  
2 rural character of the surrounding area. One witness cited Article 10.17 of Harrison Township  
3 Zoning Code with respect to vegetative screening. Although the Project is not subject to local  
4 zoning provisions, as described more in the Direct Testimony of Gordon Perkins, the Project is  
5 familiar with this zoning provision and sought to incorporate elements of it into the Visual  
6 Mitigation Plan. Relatedly, some witnesses expressed concerns that the Project would detract from  
7 the rural character of the area. In addition to the multiple approaches to visual mitigation that I  
8 have already discussed, Union Ridge incorporated features into the Project design that will  
9 integrate well with the surrounding landscape and uses. The Project will not be visible from much  
10 of the surrounding area and will incorporate a robust landscaping plan for further screening, will  
11 be quiet, and will not generate odors, emissions, or waste. And the significant annual revenue  
12 generated to local taxing entities by the Project will help to consistently fund excellent local  
13 schools and services, which in turn support a strong, thriving community. The Project will also  
14 utilize a robust ground cover of native grasses and pollinator plants to absorb precipitation, provide  
15 species habitat, minimize the need for herbicides, and filter stormwater to reduce the potential for  
16 erosion and sedimentation. This approach to vegetation within the Project Area will also help to  
17 facilitate the long-term health of the soil. After the Project is decommissioned, the land can return  
18 to productive agricultural use. In these ways, the Project is compatible with the rural character of  
19 the area, especially when compared to other uses. This is consistent with the OPSB Staff’s findings  
20 on the issue:

21 The project would reside within Harrison Township. Harrison Township’s  
22 primary goals in its 1993 Comprehensive Plan include “preserving the land and  
23 the rural character of the community” (p. 5). The proposed solar facility is  
24 compatible with these goals as it would take land out of agricultural production  
25 for the duration of the project, preventing urban sprawl and permanent  
26 development. The land would be suitable for agricultural use after the lifespan

1 of the project, thereby preserving agricultural land. The project area is a half mile  
2 southeast of the City of Pataskala. The City’s 2019 Comprehensive Plan  
3 emphasizes renewable energy and agricultural land preservation, both of which  
4 the project aligns with. The remaining nearby plans emphasize preserving rural  
5 character, agricultural land, renewable energy, combating urban sprawl, and  
6 promoting economic opportunities, all of which the project would either support  
7 or not conflict with.<sup>10</sup>  
8

9 The August 31, 2021 Public Comment filed to the OPSB Docket by Susan Vivyan—a resident  
10 whose property is quite near the Project Area—illustrates this point. In part, Ms. Vivyan expresses  
11 support for the Project as a better fit with fewer environmental impacts than a new housing  
12 development, which will mean more traffic, strain on local services, and more noise.

13 Some witnesses also shared a belief that their property values would be substantially harmed by  
14 the proximity of the Project. As further discussed in the Direct Testimony of Andrew Lines, based  
15 upon examination, research, and analyses of existing solar energy uses, the surrounding areas, and  
16 an extensive market database, there is not a consistent and measurable negative impact had  
17 occurred to adjacent property that could be attributed to proximity to the adjacent, commercial-  
18 scale, solar energy use, with regard to unit sale prices or other influential market indicators such  
19 as marketing time. Moreover, another witness at the Local Public Hearing, a licensed relator,  
20 testified in support of the Project because it will contribute to economic growth and fund schools  
21 and government services, all of which “helps to additionally improve the housing market and  
22 overall quality of life.”<sup>11</sup>

23 **Q-31. Have you reviewed the Staff Report issued on August 16, 2021 and does Union Ridge**  
24 **have any concerns with or proposed revisions to any of the Conditions recommended**  
25 **by the Staff in the Staff Report?**

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<sup>10</sup> OPSB Staff Report of Investigation, Page 10.

<sup>11</sup> Local Public Hearing Transcript, Page 51-52

1 **A-31.** Yes, I have reviewed the Staff Report. Union Ridge is generally satisfied with and  
2 amenable to the Recommended Conditions but proposes several minor modifications. I  
3 believe the proposed modifications to the Recommended Conditions are reasonable and  
4 will result in the same level of oversight by the Board’s Staff as well as methods to ensure  
5 the Project has minimal impacts on nearby residences. Union Ridge recommends the  
6 following revisions to Conditions:

7 Condition 4

8 Union Ridge proposes additional language to Condition 4 to reflect the Applicant’s  
9 additional commitment to reduce the visual impact of the project by reducing the maximum  
10 module height:

11 Separate preconstruction conferences may be held for the different phases of  
12 civil construction and equipment installation. At least 30 days prior to each  
13 preconstruction conference, the Applicant shall submit to Staff, for review and  
14 acceptance, one set of detailed engineering drawings of the final project design  
15 for that phase of construction and mapping in the form of PDF, which the  
16 Applicant shall also file on the docket of this case, and geographically referenced  
17 data (such as shapefiles or KMZ files) based on final engineering drawings to  
18 confirm that the final design is in conformance with the certificate. The final  
19 engineering drawings shall reflect a facility design with a maximum module  
20 height of no greater than 10 feet. Mapping shall include the limits of disturbance,  
21 permanent and temporary infrastructure locations, areas of vegetation removal  
22 and vegetative restoration as applicable, and specifically denote any adjustments  
23 made from the siting detailed in the application. The detailed engineering  
24 drawings of the final project design for each phase of construction shall account  
25 for geological features and include the identity of the registered professional  
26 engineer(s), structural engineer(s), or engineering firm(s), licensed to practice  
27 engineering in the state of Ohio who reviewed and approved 44 the designs. All  
28 applicable geotechnical study results shall be included in the submission of the  
29 final project design to Staff.

30  
31 Condition 9

32 Union Ridge proposes the addition of the underlined language below to Condition 9. The  
33 proposed addition is consistent with language to which Staff and other solar projects have

1 previously stipulated and clarifies Staff’s intent with this condition. See, e.g., Yellowbud Solar  
2 Joint Stipulation, Case No. 20-972-EL-BGN; Big Plain Solar Joint Stipulation, Case No. 19-  
3 18323-EL-BGN; Hecate Energy Highland Joint Stipulation, Case No. 20-1288-EL-BGN.

4 To the extent permitted by R.C. 4906.13(B), [t]he certificate authority provided  
5 in this case shall not exempt the facility from any other applicable and lawful  
6 local, state, or federal rules or regulations nor be used to affect the exercise of  
7 discretion of any other local, state, or federal permitting or licensing authority  
8 with regard to areas subject to their supervision or control.

9  
10 Condition 14

11 Union Ridge proposes the addition of the underlined language to Condition 14:

12 Prior to commencement of construction, the Applicant shall prepare a landscape  
13 and lighting plan in consultation with a landscape architect licensed by the Ohio  
14 Landscape Architects Board that addresses the aesthetic and lighting impacts of  
15 the facility with an emphasis on any locations where an adjacent non-  
16 participating parcel contains a residence with a direct line of sight to the project  
17 area and also include a plan describing the methods to be used for fence repair.  
18 The plan shall include measures such as fencing, vegetative screening or good  
19 neighbor agreements. Unless alternative mitigation is agreed upon with the  
20 owner of any such adjacent, non-participating parcel containing a residence with  
21 a direct line of sight to the fence of the facility, the plan shall provide for the  
22 planting of vegetative screening designed by the landscape architect to enhance  
23 the view from the residence and be in harmony with the existing vegetation and  
24 viewshed in the area. The plan shall also present an option to utilize an earthen  
25 berm for additional visual screening along the southeast Project boundary along  
26 the northern portion of the York Gate Estates development. The Applicant shall  
27 adjust its landscape and lighting plan to incorporate additional planting design  
28 features or measures to address aesthetic impacts to the traveling public, nearby  
29 communities, and recreationalists. The Applicant shall maintain vegetative  
30 screening for the life of the facility and the Applicant shall replace any failed  
31 plantings so that, after five years, at least 90 percent of the vegetation has  
32 survived. The Applicant shall maintain all fencing along the perimeter of the  
33 project in good repair for the term of the project and shall promptly repair any  
34 damage as needed. Lights shall be motion-activated and designed to narrowly  
35 focus light inward toward the facility, such as being downward-facing and/or  
36 fitted with side shields. The Applicant shall provide 46 the plan to Staff for  
37 review and confirmation that it complies with this condition and shall also file it  
38 on the public docket.

39  
40 Condition 17

1 Condition 17 at p. 46 of the Staff Report states:

2 The Applicant shall avoid, where possible, or minimize to the extent practicable,  
3 any damage to functioning field tile drainage systems and soils resulting from  
4 the construction, operation, and/or maintenance of the facility in agricultural  
5 areas. Damaged field tile systems shall be promptly repaired to at least original  
6 conditions or modern [sic] equivalent at the Applicant's expense. However, if  
7 the affected landowner agrees to not having the field tile system repaired, they  
8 may do so only if the field tile systems of adjacent landowners are unaffected by  
9 the non-repair of the landowner's field tile system.

10  
11 Union Ridge proposes the word modern was intended to be "modern." Assuming so, Union  
12 Ridge proposes to modify the word "modern" with the inclusion of the word "functional." The  
13 revision would achieve the same outcome—which is to avoid impacts to neighboring  
14 landowners—while enabling the Project and affected landowner to identify the appropriate  
15 solution.

16 For each of these proposed changes to Recommended Conditions, the Project is currently  
17 in constructive talks with Staff and Intervenors, and the Project hopes to enter into a Stipulation  
18 with all parties to this proceeding. Union Ridge reserves the right to modify its testimony in light  
19 of a Stipulation, when and if one is achieved.

20 **Q-32. Do you have any additional clarifications to the Staff Report?**

21 **A-32.** Yes. Page 5 of the Staff Report states that "[t]he project would use crystalline silicon  
22 panels." However, the Application states, at Page 6, that: "Generation equipment is  
23 anticipated to include approximately 250,000 monocrystalline bifacial PV panels, mounted  
24 on single-axis trackers and installed in linear arrays. Polycrystalline or thin film panels may  
25 be used depending on final procurement of equipment and equipment availability prior to  
26 construction." To the extent that the Staff Report inadvertently dropped the reference thin  
27 film panels as a potential option, my testimony is to clarify that it remains the Project's



1 intention to preserve the use of either type of panel, depending on final procurement of  
2 equipment and availability prior to construction.

3 **Q-33. Does this conclude your direct testimony?**

4 **A-33.** Yes, it does. However, I reserve the right to offer testimony in support of any stipulation  
5 or additional accommodations reached in this case to address concerns raised in the Local  
6 Public Hearing or subsequent public comments, or in rebuttal, if necessary.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Testimony was served upon the parties of record listed below this 2<sup>nd</sup> day of September 2021.



\_\_\_\_\_  
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