

THE OHIO POWER SITING BOARD

IN THE MATTER OF THE APPLICATION
OF MADISON FIELDS SOLAR PROJECT,
LLC TO AMEND ITS CERTIFICATE OF
ENVIRONMENTAL COMPATIBILITY AND
PUBLIC NEED FOR THE MADISON FIELDS
SOLAR FARM.

CASE NO. 21-508-EL-BGA

ORDER ON CERTIFICATE

Entered in the Journal on October 21, 2021

I. SUMMARY

{¶ 1} The Ohio Power Siting Board grants the application filed by Madison Fields Solar Project, LLC to amend its certificate to add 925 acres to the 1,006-acre electric generating facility footprint, all of which is located within the certificated 1,932-acre project area, in Madison county, Ohio.

II. DISCUSSION

A. *Procedural History*

{¶ 2} On January 21, 2021, in Case No. 19-1881-EL-BGN, the Ohio Power Siting Board (Board) granted the application filed by Madison Fields Solar Project, LLC (Madison Fields or Applicant) for a certificate to construct a 180 megawatt solar-powered electric generating facility in Pike Township, Madison County, Ohio, subject to 20 conditions (Project). *In re the Application of Madison Fields Solar Project, LLC for a Certificate of Environmental Compatibility and Public Need to Construct a Solar-Powered Electric Generation Facility in Madison County, Ohio*, Case No. 19-1881-EL-BGN (*Certificate Case*), Opinion, Order, and Certificate (Jan. 21, 2021). Accordingly, Madison Fields is certificated to construct, operate, and maintain a major utility facility under R.C. 4906.10.

{¶ 3} On May 7 and May 10, 2021, in the above captioned case, Madison Fields filed an application (Amendment Application) to add 925 acres to the approximate 1,000-acre facility footprint. In its Amendment Application, Madison Fields explains that the additional 925 acres will be located within the original Project area approved in the

Certificate Case, which consisted of 1,932 acres, and that, although not all 925 acres may be utilized, this acreage will provide Madison Fields flexibility for the final design of the Project.

{¶ 4} On May 10, 2021, Madison Fields filed its proof of service of the Amendment Application, pursuant to Ohio Adm.Code 4906-3-11(B).

{¶ 5} On September 17, 2021, Staff filed its report of investigation (Staff Report) evaluating the Amendment Application and recommends that Madison Fields be required to comply with additional conditions.

B. *Applicable Law*

{¶ 6} All proceedings before the Board are conducted according to the provisions of R.C. Chapter 4906 and Ohio Adm.Code Chapters 4906-1 et seq.

{¶ 7} R.C. 4906.04 provides that the Board's authority applies to major utility facilities and requires any proposed facility to be certified by the Board before the start of construction. In accordance with R.C. Chapter 4906, the Board promulgated the rules set forth in Ohio Adm.Code Chapter 4906-3 regarding the procedural requirements for filing applications for major utility facilities and amendments to certificates.

{¶ 8} Pursuant to R.C. 4906.07, when considering an application for an amendment of a certificate, the Board "shall hold a hearing * * * if the proposed change in the facility would result in any material increase in any environmental impact of the facility or a substantial change in the location of all or a portion of such facility * * *." R.C. 4906.06(B) and (C), as well as Ohio Adm.Code 4906-3-11 and 4906-3-09, require the applicant to provide notice of its application for amendment to interested parties and potentially affected members of the public.

{¶ 9} Madison Fields is a corporation and, therefore, a person under R.C. 4906.01(A). Pursuant to the Board's Order in the *Certificate Case*, Madison Fields is

certificated to construct, operate, and maintain a major utility facility under R.C. 4906.04. As indicated above, the Applicant provided the required notices in this proceeding, its proposed first amendment to its certificate.

C. Summary of Staff Report

{¶ 10} Initially, Staff provides information about the proposed certificate modification. As indicated by the Applicant above, Staff explains that the proposed modification to the certificate is to provide flexibility to extend the facility footprint within the entire certificated Project area for siting the final design of the Project. The exact placement of the Project components remains subject to change during final engineering but would remain within the certificated Project area. Staff states that the Amendment Application retains the layout of equipment that was certificated in the *Certificate Case*. Staff notes that, in the *Certificate Case*, Madison Fields agreed to provide additional cultural resources surveys if any part of the facility would extend beyond the facility footprint in the application since the cultural resource surveys provided in the *Certificate Case* were based upon the facility footprint and not the entire Project Area. According to Staff, the Applicant provided a Phase I archaeological report and Ohio Historic Preservation Office (OHPO) concurrence for the previously unstudied area.

{¶ 11} According to the Staff Report, the proposed modification would not significantly increase impacts to existing land uses. No additional agricultural districts would be impacted. Also, as with the initial application, no residences would need to be removed or relocated for the Project.

{¶ 12} As indicated above, Madison Fields commissioned a cultural resources records review that included the additional acreage. The Applicant's architectural survey identified 24 new and 2 previously recorded resources over 50 years of age. Of the 26 surveyed resources, 2 are recommended for additional research to determine National Register of Historic Places (NRHP) eligibility, including 1 resource that was previously recorded. Review of the additional 925 acres also identified 57 new unrecorded

archaeological sites within the survey area, though none were determined eligible for NRHP. The OHPO advised that the proposed Project will have no effect on the historic properties and that additional investigations are not necessary. The OHPO also advised that no further archaeological surveys were needed, and Staff concurs with these recommendations.

{¶ 13} As to aesthetics, Staff reports that traffic volume on roads surrounding the Project area is typically light and the Project area is primarily surrounded by agricultural land, thus reducing the potential number of viewers. Additionally, the highest elevation of the solar panels would be 15 feet above ground level. According to the Applicant's original visual resources report, the panels are not likely to be visible from locations outside a two-mile distance from the Project's perimeter. The certificate requires that Madison Fields incorporate a landscape and lighting plan to reduce impacts in areas where an adjacent non-participating parcel contains a residence with a direct line of sight to the Project area and recommends that aesthetic impact mitigation measures include native vegetative plantings, alternate fencing, good neighbor agreements, and other methods in consultation with affected landowners and subject to Staff review.

{¶ 14} In addition to the above viewshed mitigation measures, Staff states that it is concerned with the Applicant's proposed seven-foot chain-link fence design for the perimeter of the Project, noting that chain-link fences are more aesthetically intrusive and out-of-character in rural settings. Staff also notes that this fence design has elicited negative public comments and concerns from adjacent residents living near proposed solar facilities. With the proposed footprint expansion and potential for increased equipment relocation, Staff believes that increased aesthetic impacts related to fencing choices would be mitigated by the selection of appropriate agricultural wildlife-friendly fence designs, such as deer fences or wooden-woven wire fences. Staff recommends that Madison Fields install agricultural perimeter fencing that is both small-wildlife permeable and aesthetically fitting for a rural location. Staff asserts that, with implementation of Staff's aesthetic/lighting and fencing conditions, the overall expected aesthetic impact would be minimal.

{¶ 15} Upon its review, which included consideration of all statutory requirements, Staff states that the Amendment Application meets the necessary criteria for granting an amended certificate. Accordingly, Staff recommends that the Board approve the proposed amendment to the certificate, provided that the following three conditions are satisfied:

- (1) The Applicant shall continue to adhere to all conditions as certificated in Case No. 19-1881-EL-BGN.
- (2) Prior to the commencement of construction, the Applicant shall submit to Staff for approval a solar panel perimeter fence type that is both small-wildlife permeable and aesthetically fitting for a rural location. This condition shall not apply to substation fencing.
- (3) At least 30 days prior to the preconstruction conference, the Applicant shall demonstrate that its solar and substation equipment is outside the protection zone(s) for the Rosedale Bible Institute.

D. Board's Conclusion

{¶ 16} After considering the Amendment Application and the Staff Report, the Board finds that the proposed change to the Project presented in the Amendment Application does not result in any material increase in any environmental impact or a substantial change in the location of all or a portion of the facility. Although the Applicant requests that approximately 925 acres be added to the facility footprint, such acreage falls within the certificated Project area, all of which has been studied for environmental, engineering, visual, and cultural resource impacts. Notably, the Applicant is not proposing to increase the generation capacity of the facility, change the generation equipment of the facility, or alter other information provided in the *Certificate Case*. The Applicant seeks to amend the certificate only to enable flexibility with the potential placement of the facility

and its components within the certificated Project area. Also, as the Applicant and Staff point out, per Condition 8 of the certificate, the exact placement of facility components had yet to be finalized; it remains subject to the final engineering and design of the Project. *Certificate Case*, Opinion, Order, and Certificate (Jan. 21, 2021) at ¶ 77. Therefore, pursuant to R.C. 4906.07, the Board finds that a hearing on the application is not necessary under the circumstances presented in this case. Furthermore, the Board concludes that Madison Fields' certificate should be amended as described in the Amendment Application, subject to the three conditions set out in Paragraph 15 of this Order on Certificate.

E. Findings of Fact and Conclusions of Law

{¶ 17} Madison Fields is a corporation and a person under R.C. 4906.01(A).

{¶ 18} On May 7 and 10, 2021, Madison Fields filed an application seeking an amendment to the certificate issued in the *Certificate Case*.

{¶ 19} On September 17, 2021, Staff filed the Staff Report containing its evaluation of the amendment application.

{¶ 20} The proposed amendment to the certificated facility does not result in a substantial change in the location of the facility or any material increase in any environmental impact; therefore, in accordance with R.C. 4906.07, an evidentiary hearing is not necessary.

{¶ 21} Based on the record, and in accordance with R.C. Chapter 4906, the Amendment Application should be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional conditions Staff recommended in this case.

III. ORDER

{¶ 22} It is, therefore,

{¶ 23} ORDERED, That, in accordance with the above findings, Madison Fields' Amendment Application be approved, subject to the conditions set forth in the Opinion, Order, and Certificate in the *Certificate Case*, as well as the additional conditions recommended by Staff in this case. It is, further,

{¶ 24} ORDERED, That a copy of this Order on Certificate be served upon all parties and interested persons of record.

BOARD MEMBERS:

Approving:

Jenifer French, Chair
Public Utilities Commission of Ohio

Jack Christopher, Designee for Lydia Mihalik, Director
Ohio Department of Development

Brittney Colvin, Designee for Mary Mertz, Director
Ohio Department of Natural Resources

W. Gene Phillips, Designee for Bruce T. Vanderhoff, M.D., Director
Ohio Department of Health

Drew Bergman, Designee for Laurie Stevenson, Director
Ohio Environmental Protection Agency

Sarah Huffman, Designee for Dorothy Pelanda, Director
Ohio Department of Agriculture

MJS/kck

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Case No(s). 21-0508-EL-BGA

Summary: Opinion & Order on Certificate granting the application filed by Madison Fields Solar Project, LLC to amend its certificate to add 925 acres to the 1,006-acre electric generating facility footprint, all of which is located within the certificated 1,932-acre project area, in Madison county, Ohio. electronically filed by Ms. Mary E. Fischer on behalf of Ohio Power Siting Board