

**BEFORE
THE OHIO POWER SITING BOARD**

In The Matter of The Application of **Circleville**)
Solar, LLC for a Certificate of Environmental)
Compatibility and Public Need For The) Case No. 21-1090-EL-BGN
Construction of a Solar Powered Electric)
Generation Facility in Pickaway County, Ohio)

MOTION FOR WAIVER

Circleville Solar, LLC ("Circleville Solar" or "Applicant") will be filing an application to the Ohio Power Siting Board ("OPSB" or "Board") to construct and operate an up to 70 megawatt ("MW") solar facility in Pickaway County, Ohio. Through this motion, Circleville Solar seeks a waiver from Ohio Administrative Code ("O.A.C") 4906-4-08(D)(1)-(D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility. Circleville Solar submits that good cause exists for granting this waiver, as set forth in the accompanying Memorandum in Support.

WHEREFORE, Circleville Solar respectfully requests that the Board grant waivers from O.A.C 4906-4-08(D)(1)-(D)(4).

Respectfully submitted on behalf of
Circleville Solar, LLC



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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Circleville Solar is proposing to construct an up to 70 MW solar powered electric generating facility in Pickaway County, Ohio (the "Project"). In support of its application to construct the Project, Circleville Solar respectfully requests a waiver from O.A.C. 4906-4-08(D)(1)-(D)(4) to allow for a reduced study area regarding the impact on landmarks and visual impact of the facility.

As more fully explained below, good cause exists to grant the waiver. Moreover, Circleville's application will provide all information necessary for the Board and its Staff to conduct a review and make the determinations required by Ohio Revised Code Section ("R.C.") 4906.10.

II. WAIVER REQUEST

Circleville Solar requests a waiver from the ten-mile study areas required by O.A.C. 4906-4-08(D)(1)-(4). O.A.C. 4906-4-08(D)(1) requires an applicant to map any formally adopted land and water recreation areas, recreational trails, scenic rivers, routes, byways and registered landmarks of historic, religious, archaeological, or other cultural significance within 10 miles of the project area. O.A.C. 4906-4-08(D)(2) requires an applicant to provide an evaluation of the

impact of the proposed facility on the preservation and continued meaningfulness of mapped landmarks within a 10-mile radius and to describe plans to avoid or mitigate any adverse impact. O.A.C. 4906-4-08(D)(3) requires an applicant to describe and evaluate impacts to the identified recreation and scenic areas within 10 miles of the project area. Finally, O.A.C. 4906-4-08(D)(4) requires an applicant to evaluate the visual impact of the proposed facility within a 10-mile radius from the project area.

A waiver to allow a reduction in the area of analysis better aligns with the characteristics of the Project. The Project is located in a rural, low population density area within Jackson and Wayne Townships in Pickaway County, Ohio. To address requirements of O.A.C. 4906-4-08(D)(1)-(4), Circleville Solar conducted an initial viewshed overlay of the area within a 10-mile radius to define the maximum potential area of visibility. This analysis is known as a “bare earth” condition analysis. Application, p. 103. The Applicant then conducted an additional viewshed overlay illustrating the screening effect of existing mature vegetation. *Id.* Due to the facility’s low profile, intervening vegetation and structures interrupting distant views, this viewshed analysis demonstrated that potential facility visibility was limited to well within the 10-mile radius. As a result, the Visual Impact Assessment included with the Application focused on the geographic area where Facility is likely and was limited to a 3-mile radius. Because the Facility is not likely to be visible beyond this distance, the study area used to inventory and evaluate landmarks and visual impacts is focused within a 3-mile study radius.

With respect to cultural resources, the Project conducted a history/architecture survey of the Project Area and the Zone of Visual Impact (Application, Exhibit F). The survey included the project area with a 2-mile buffer and concluded that the Project would not impact historic

architectural resources within the Zone of Visual Impact. The requested waiver is consistent with this finding.

Moreover, Circleville Solar employed similar evaluation methodologies to previous solar projects in which the Board granted similar waivers. *In re Nottingham Solar LLC*, Case No. 21-0270-EL-BGN, Entry dated Oct. 15, 2021; *In re Ross County Solar, LLC*, Case No. 20-1380-EL-BGN, Entry dated Jan. 20, 2021; *In re Yellowbud Solar, LLC*, Case No. 20-0972-EL-BGN, Entry dated July 9, 2020; *see In re Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry dated October 4, 2018; *see also In re Alamo Solar I, LLC*, Case No. 18-1578-EL-BGN, Entry dated April 3, 2019.

For these reasons, good cause exists—and Circleville Solar respectfully requests—a waiver from O.A.C. 4906-4-08(D)(1)-(4), to allow for the focused 3-mile study areas rather than the ten-mile study area.

III. CONCLUSION

For good cause, Circleville Solar respectfully requests that the Board or Administrative Law Judge grant a waiver of O.A.C. 4906-4-08(D)(1)-(4) to allow for the use of a 3-mile study area rather than a 10-mile study area.

Respectfully submitted on behalf of
Circleville Solar, LLC



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Summary: Motion for Waiver and Memorandum in Support by Circleville Solar, LLC
electronically filed by Teresa Orahoad on behalf of Dylan F. Borchers