

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application)	
of Chipmunk Solar LLC for a)	Case No. 21-960-EL-BGN
Certificate of Environmental)	
Compatibility and Public Need)	

MOTION FOR WAIVER

Pursuant to Ohio Adm.Code 4906-3-01(B), Chipmunk Solar LLC (“Chipmunk Solar”) moves the Ohio Power Siting Board (the “Board”) to grant a waiver in part from Chapter 4906-4 of the Ohio Administrative Code. Chipmunk Solar is concurrently filing an application to construct the Chipmunk Solar electric generation facility (the “Project”), a new solar-powered generation facility to be located in Deer Creek, Jackson, and Monroe Townships in Pickaway County, Ohio. Although the application is being filed in accordance with Chapter 4906-4 of the Ohio Administrative Code, Chipmunk Solar seeks a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for a reduced study area regarding the Project’s impact on landmarks and recreation and scenic areas, as well as the visual impact of the Project. A memorandum in support of the requested waiver is attached hereto.

WHEREFORE, Chipmunk Solar respectfully requests that the Board grant a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4).

Respectfully submitted,

/s/ Anna Sanyal
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MEMORANDUM IN SUPPORT

I. INTRODUCTION

Chipmunk Solar (“Chipmunk Solar”) is proposing to construct an up to 400 megawatt solar-powered electric generation facility in Deer Creek, Jackson, and Monroe Townships and the Village of Williamsport in Pickaway County (the “Project”). In support of its application to construct the Project, Chipmunk Solar is seeking a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) with respect to the evaluation of the impacts to landmarks (Ohio Adm.Code 4906-4-08(D)(2)), identification of and evaluation of the impacts to recreation and scenic areas (Ohio Adm.Code 4906-4-08(D)(3)), and evaluation of visual impacts (Ohio Adm.Code 4906-4-08(D)(4)) within a ten-mile radius of the Project. As more fully explained below, good cause exists to grant the waiver given the nature of the facility (solar). Importantly, Chipmunk Solar’s application will provide all information necessary for the Ohio Power Siting Board (the “Board”) and its Staff to conduct a review and make the determinations required by R.C. 4906.10.

II. REQUESTED WAIVER

Ohio Adm.Code 4906-4-08(D)(2)-(4) (Study Area Regarding the Facility’s Impact on Landmarks and Recreation and Scenic Areas and Visual Impact of the Facility)

Three sections of Ohio Adm.Code 4906-4-08(D) require an applicant for any type of generation facility to provide certain evaluations of the impact of the proposed facility within ten miles of the project area. First, Ohio Adm.Code 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 mapped landmarks (within a ten-mile radius) and describe plans to avoid or mitigate any adverse impact. Second, Ohio Adm.Code 4906-4-08(D)(3) requires the applicant to describe and provide an evaluation of the impact of the proposed facility on recreation and scenic

areas within a ten-mile radius of the project area, as well as describe plans to mitigate any adverse impact. Third, Ohio Adm.Code 4906-4-08(D)(4) requires the applicant to evaluate the visual impact of the proposed facility within a ten-mile radius from the Project area.

Chipmunk Solar submits that good cause exists for granting a waiver from those rules to allow for the focused study area of two miles for cultural resources and review of landmarks and effects in that area, five miles for review of recreation and scenic areas and effects in that area, and five miles for the effects on general visual impacts. Given the nature of the technology (solar panels), impacts are not anticipated to landmarks and recreation and scenic areas both within and beyond the study area, or to visual resources generally. Specifically because of the Project's low profile, as well as screening afforded by vegetation and existing structures, visibility of the planned components is anticipated to be limited to the immediate vicinity of the Project and well under the five-mile visual impact study area. Moreover, as reflected in the Phase I History Architecture Reconnaissance Survey, which is being filed with the Application as Exhibit R, the proposed Area of Potential Effect for the Project, within which a field architectural survey was conducted, is only a 0.5 to 1.5-mile radius around the Project area due to the low height of proposed infrastructure and moderately hilly topography. This methodology was approved by the Ohio State Historical Preservation Office.

Accordingly, based on the foregoing, Chipmunk Solar submits that good cause exists for a waiver from Rule 4906-4-08(D)(2)-(4) to allow for the focused study area rather than a ten-mile study area. Notably, the Board has granted similar waivers to other solar projects in the past. *In re Dodson Creek Solar, LLC*, Case No. 20-1814-EL-BGN, Entry (Sept. 14, 2021); *In re Ross County Solar, LLC*, Case No. 20-1380-EL-BGN, Entry (Jan. 20, 2021); *In re Yellowbud Solar, LLC*, Case No. 20-972-EL-BGN, Entry (July 9, 2020); *In re Angelina Solar I, LLC*, Case No. 18-

1579-EL-BGN, Entry (Jan. 17, 2019); and *In re Willowbrook Solar I, LLC*, Case No. 18-1024-EL-BGN, Entry (Oct. 4, 2018).

III. CONCLUSION

As good cause exists for granting the waiver, Chipmunk Solar respectfully requests that the Board grant a waiver from Ohio Adm.Code 4906-4-08(D)(2)-(4) to allow for the use of a more focused study area rather than a ten-mile study area.

Respectfully submitted,

/s/ Anna Sanyal

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Summary: Motion Motion for Waiver and Memorandum in Support electronically
filed by Ms. Anna Sanyal on behalf of Chipmunk Solar LLC