

# **General Policy Guidance for Front-of-Meter Solar Power Generation in Union County**

## **1.) Notice to the County and Soil and Water Conservation District preconstruction meetings:**

The Applicant shall conduct a preconstruction conference prior to the commencement of any construction activities. Staff, the Applicant, and representatives of the primary contractor and all subcontractors for the project shall attend the preconstruction conference. The conference shall include a presentation of the measures to be taken by the Applicant and contractors to ensure compliance with all proposed conditions and discussion of the procedures for on-site investigations by Staff during construction. Prior to the conference, the Applicant shall provide a proposed conference agenda for Staff review and provide notice to the County Engineer and Union Soil and Water Conservation District of the meeting location and time in the event the County Engineer or representatives of the Union Soil and Water Conservation District wish to attend for informational purposes. The Applicant may conduct separate preconstruction conferences for each stage of construction

## **2.) Setbacks and fencing regarding solar modules:**

Separate preconstruction conferences may be held for the different phases of civil construction and equipment installation. At least 30 days prior to each preconstruction conference, the Applicant shall submit to Staff, for review and acceptance, one set of detailed engineering drawings of the final project design for that phase of construction and mapping in the form of PDF, which the Applicant shall also file on the docket of this case, and geographically referenced data (such as shapefiles or KMZ files) based on final engineering drawings to confirm that the proposed design is in conformance with the guidance. The final design shall incorporate a minimum setback from the project's solar modules fencing of (i) at least 100 feet from non-participating parcel boundaries, (ii) at least 300 feet from non-participating residences existing as of the application filing date and (iii) at least 300 feet from the edge of road pavement. Prior to commencement of construction, the Applicant shall submit to OPSB Staff for approval a solar panel perimeter fence type that is both small-wildlife permeable and aesthetically fitting for a rural location and meets all applicable electrical codes. The perimeter fence shall include horizontal wood paneling. An example image of fencing that would be aesthetically fitting is provided. Mapping shall include the limits of disturbance, permanent and temporary infrastructure locations, areas of vegetation removal and vegetative restoration as applicable, and specifically denote any adjustments made from the siting detailed in the application. The detailed engineering drawings of the final project design for each phase of construction shall account for geological features and include the identity of the registered professional engineer(s), structural engineer(s), or engineering firm(s), licensed to practice engineering in the state of Ohio who reviewed and approved the designs. All applicable geotechnical study results shall be included in the submission of the final project design to Staff.

At least 30 days prior to the preconstruction conference for any construction involving pile installation, the Applicant shall provide Staff, for review and acceptance, the final geotechnical engineering report. This shall include a summary statement addressing the geologic and soil suitability.



### **3.) Landscape and Lighting Plan:**

Prior to commencement of construction, the Applicant shall prepare a landscape and lighting plan in consultation with a landscape architect licensed by the Ohio Landscape Architects Board that addresses the aesthetic and lighting impacts of the facility with an emphasis on any locations where an adjacent non-participating parcel contains a residence with a direct line of sight to the project area. The plan shall include measures such as fencing, vegetative screening or good neighbor agreements. Unless alternative mitigation is agreed upon with the owner of any such adjacent, non-participating parcel containing a residence with a direct line of sight to the fence of the facility, the plan shall provide for the planting of vegetative screening designed by the landscape architect to enhance the view from the residence and be in harmony with the existing vegetation and viewshed in the area. The Applicant's landscape plan shall incorporate planting measures to address impacts to the travelling public, nearby communities and recreationalists. The Applicant shall maintain vegetative screening for the life of the facility and the

Applicant shall replace any failed plantings so that, after five years, at least 90 percent of the vegetation has survived. The Applicant shall maintain all fencing along the perimeter of the project in good repair for the term of the project and shall promptly repair any damage as needed. Lights shall be motion-activated and designed to narrowly focus light inward toward the facility, such as being downward-facing and/or fitted with side shields. The Applicant shall provide the plan to Staff for review and confirmation that it complies with this condition.

#### **4.) Hours of construction:**

General construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m., or until dusk when sunset occurs after 7:00 p.m. Impact pile driving shall be limited to the hours between 9:00 a.m. and 7:00 p.m. or until dusk when sunset occurs after 7:00p.m. Impact pile driving may occur between 7:00 a.m. and 9:00 a.m. if the noise impact at non-participating receptors is not greater than daytime ambient Leq plus 10 dBA. Prior to pile driving activities, the Applicant will provide a map to Staff indicating areas where pile driving cannot occur between 7:00 a.m. and 9:00 a.m., based on the daytime ambient Leq plus 10 dBA from the sound data previously collected to support Appendix J of the Application. Hoe ram operations, if required, shall be limited to the hours between 10:00 a.m. and 4:00 p.m., Monday through Friday. HDD operations if started during general construction activities hours may continue until the completion of the HDD activity. Construction activities that do not involve noise increases above ambient levels at sensitive receptors are permitted outside of daylight hours when necessary. The Applicant shall notify property owners or affected tenants within the meaning of Ohio Adm.Code 4906-3-03(B)(2) of upcoming construction activities including potential for nighttime construction.

#### **5.) Drainage protection provisions:**

The Applicant shall avoid, where possible, or minimize to the extent practicable, any damage to functioning field tile drainage systems and compaction to soils resulting from the construction, operation, and/or maintenance of the facility in agricultural areas. For purposes of the conditions in this Stipulation, "field tile drainage systems" or "drainage system" include both mains and laterals within the facility footprint. Damaged field tile systems shall be promptly repaired, replaced, or rerouted to at least original conditions or modern equivalent at the Applicant's expense to ensure proper drainage. However, if the affected landowner agrees to not having the damaged field tile system repaired, replaced, or rerouted, they may do so only if the field tile systems of adjacent landowners within the drainage system watershed remain unaffected by the non-repair, non-replacement, or non-rerouting of the landowner's field tile system and the damaged field tile does not route directly to or from an adjacent parcel.

If a main drain tile is impacted due to the construction of the facility, the damaged field tile drainage system shall be promptly repaired and/or rerouted no later than 10 days after such damage is discovered, pending weather and contractor availability, and be returned to at least original condition or their modern equivalent. If a main drain tile is found to be impacted during the operation, and/or maintenance of the facility, the damaged field tile drainage systems shall be promptly repaired and/or rerouted no later than 45 days after such damage is discovered, pending weather and contractor availability, and be returned to at least original conditions or their modern equivalent at the Applicant's

expense. Any tile installation or repairs shall be performed in accordance with the applicable provision of Standard Practice for Subsurface Installation of Corrugated Polyethylene Pipe for Agricultural Drainage of Water Table Control, ASTM f 499-02 (2008), to the extent practicable.

The Applicant shall ensure that parcels within the drainage system watershed are protected from unwanted drainage problems due to construction and operation of the project. The Applicant shall ensure this by either 1) conducting a perimeter trench search of the Project or alternative search method if agreed upon by the Union Soil & Water Conservation District ("District"); consulting with (a) owners of all parcels adjacent to the properties making up the Project, (b) the District, and (c) Union County to request drainage system information over those parcels; consulting with the Union County Engineer to determine the location of any tile located in a county maintenance ditch; and subsequently documenting benchmark conditions of surface and subsurface drainage systems prior to construction, including the location of laterals, mains, grassed waterways, and county maintenance ditches; or 2) locating and replacing the necessary project field tile drainage systems. During the time Applicant is conducting the perimeter tile search trenching or doing construction work that could affect field tile drainage systems within the Project Area and for up to twelve months after completing construction, the Applicant will allow two inspectors, employed by or designated by the District to help determine, inspect, and, as necessary, require the Applicant's contractor to cause repairs to be made to necessary project field tile drainage systems, including the delay of construction activities in the immediate area of the damaged tile to facilitate said repair or reroute of the affected drainage system.

The Applicant shall provide the District and the County Engineer with the primary points of contact with the Applicant after construction is completed for any drain tile issues or drainage related concerns regarding the project. At their own expense, the Applicant will conduct annual inspections of operating mains throughout the facility to ensure functionality and will inspect the repair of any operating mains upon completion of such repair. The District and County Engineer will be notified in advance of any such inspections for county mains and may accompany Applicant on such inspections. The immediately upstream and downstream property owners on a private main route that are adjacent to the facility or any property owner that has filed a complaint through the complaint resolution procedure regarding a main issue will be notified in advance of any such inspections for private mains including inspections post-repair, and may accompany the Applicant on such inspections.

## **6.) Stormwater management:**

The Applicant will incorporate post construction stormwater management under OHC00005 (Part III.G.2.e, pp. 19-27) as applicable and will also incorporate applicable guidance from the Ohio Environmental Protection Agency's Guidance on Postconstruction Storm Water Controls for Solar Panel Arrays

## **7.) Weed control:**

The Applicant shall take steps to prevent establishment and/or further propagation of noxious weeds identified in Ohio Adm. Code Chapter 901:5-37 during implementation of any pollinator-friendly plantings, and shall follow all applicable state laws regarding noxious weeds.

## **8.) Wildlife:**

If prior to construction the Applicant encounters any new listed threatened or endangered plant or animal species or suitable habitat of these species protected by applicable law within the construction limits of disturbance, the Applicant shall identify avoidance areas or alternatively explain appropriate mitigation measures for these species to accommodate construction activities. This information will be included with the final engineering drawings and any associated mapping per condition 4. Coordination with the Ohio Department of Natural Resources (ODNR) and/or the U.S. Fish and Wildlife Service (USFWS) may also allow a different course of action.

The Applicant shall have, hire or expend for an environmental specialist on site during construction activities that may affect sensitive areas, to be mutually agreed upon by the Applicant and Staff. Sensitive areas which would be impacted during construction shall be identified on a map provided to Staff, and may include wetlands, streams, and locations of threatened or endangered species. The environmental specialist shall be familiar with water quality protection issues and potential threatened or endangered species of plants and animals that may be encountered during project construction. The environmental specialist mutually agreed upon by Staff and the Applicant shall be authorized to report any issues simultaneously to Staff and the Applicant. To allow time for the Applicant and Staff to respond to any reported issues, the environmental specialist shall have authority to stop construction activities for up to 48 hours if the construction activities are creating unforeseen environmental impacts in the sensitive areas identified on the map.

The Applicant shall contact Staff, the ODNR, and the USFWS within 24 hours if state or federal listed species are encountered within the construction limits of disturbance during site construction activities. Construction activities that could adversely impact the identified plants or animals shall be immediately halted until an appropriate course of action has been agreed upon by the Applicant, Staff and the appropriate agencies.

## **9.) Roads, Transportation and related permits:**

Prior to commencement of construction activities that require transportation permits, the Applicant shall obtain all such permits. The Applicant shall coordinate with the appropriate authority regarding any temporary road closures, road use agreements, driveway permits, lane closures, road access restrictions, and traffic control necessary for construction and operation of the proposed facility. Coordination shall include, but not be limited to, the county engineer, the Ohio Department of Transportation, local law enforcement, and health and safety officials. The Applicant shall detail this coordination as part of a final transportation management plan, which would include any county required road use maintenance agreements, submitted to Staff prior to the preconstruction conference

for review and confirmation by Staff that it complies with this condition. Any damaged public roads, culverts and bridges would be repaired promptly to their previous or better condition by the Applicant under the guidance of the appropriate regulatory authority. Any temporary improvements would be removed unless the appropriate regulatory authority requests that they remain in place.

**10.) Decommissioning bond:**

At least 30 days prior to the preconstruction conference, the Applicant shall submit an updated decommissioning plan, and total decommissioning cost estimate without regard to salvage value, on the public docket that includes: (a) a provision that the decommissioning financial assurance mechanism include a performance bond where the company is the principal, the insurance company is the surety, and the Ohio Power Siting Board is the obligee; (b) provided that the Applicant's agreements with landowners provide for site access, a provision to monitor the site for at least one additional year to ensure successful revegetation and rehabilitation; (c) a timeline of up to one year for removal of the majority of equipment; (d) a provision where the performance bond is posted prior to the commencement of construction; and (e) a provision that the performance bond is for the total decommissioning cost and excludes salvage value.