

**TESTIMONY OF JAMES COLE**  
Champaign County  
IN OPPOSITION TO SC3504  
Amendment to Revise Setbacks from Industrial Wind Turbines

Chairman Oelslager, Vice Chairman Manning, Ranking Member Skindell and members of the Committee, thank you for the opportunity to comment on this proposal to reduce the setback requirements for industrial wind turbine facilities. I am against any revision of the setbacks for industrial wind turbines that would measure the distance from my home rather than my property line.

This proposal would reverse the legislature's previous decision (HB 483-2014) that partially restored the rights and protections for property owners adjacent to wind turbine facilities. **The proposal now under consideration allows a wind turbine facility to measure setbacks to a neighboring "habitable structure" instead of to the neighboring property line.**

Setbacks are defined to protect neighboring properties and their property. In the case of industrial wind turbines, setbacks from non-participating property presumably protect the neighbor from collapse of the structure, fire, blades being thrown, ice-throw, shadow-flicker, etc. Setbacks should also protect against the insidious health concerns related to infra-sound radiation, vibration, and noise that have been widely documented over the last few years in numerous studies in the US, Canada, and Europe. I believe the proposed setback rationale is aimed only at the structural dangers (collapse, flying parts, etc.) since recent published studies suggest that much greater setbacks are required to avoid the more concerning health effects. For that reason, I will confine my comments to the physical damage aspect of this setback proposal.

The wind turbines being sited by the OPSB exceed 500 feet in height. This is roughly the height of the Leveque Tower in downtown Columbus. On top of a 300-foot tall tower sits a nacelle the size of a small house which rotates 360 degrees and attached to that nacelle are blades with an overall length greater than the wingspan of a 747 airliner. The tips of the blade travel at approximately 200 mph depending on wind speed. None of us think twice about walking down the streets next to our local skyscrapers -- consider the protections that would be required and implemented around these buildings if the top of the structure was in motion.

**Setbacks are safety buffer zones.** Wind turbine manufacturers recommend safety zones where people should not loiter. Wind developers attempt to reduce the safety zone (setback requirement) as much as their risk-tolerance and insurance providers will allow. This allows them to concentrate wind turbines in areas of greater residential density than would otherwise be allowed.

**Measuring the setback from a residence (instead of the property line) on a neighboring property is actually a huge reduction in the effective "setback".** This method gives the appearance that the current setback distance is being maintained, however some of the danger and risk is being forced on the non-participating neighbor due to the encroachment of part of this safety buffer zone across their property. Even if we agree for the purpose of this discussion that a setback of 1,125 feet is the correct safety setback, under the current statute, normal operating conditions (e.g. -- ice-throw) and structural failure would be contained on the property being leased for installation of the wind turbine. The proposed change would extend this safety buffer zone across the neighbor's property. **How can it be reasonable**

**to extend a safety buffer zone across another person's property simply based on the rationale that there is no "habitable structure" within the radius of this danger zone?**

This amendment would allow a wind turbines' blade tip to be within approximately 400 feet of a neighboring property (based on turbine sizes being proposed). Over 700 feet of the adjacent property could be literally under the shadow of this safety buffer zone. Whether the encroachment impacts woods, cropland, lawns, children's and pets play areas, livestock pastures, barns, garages, swimming pools, patios, etc., it is clearly encroachment and essentially condemns part of a non-participating non-willing neighbor's property. **Is it reasonable to allow ice or parts of a structure to fall on a neighbor's property as long as it doesn't actually hit their house?** What if there is no "habitable structure" on a particular parcel? In that case, the entire parcel could be subject to falling within the safety buffer zone since the second setback requirement would not apply. What will be the effect of extending this danger zone across another person's property? It seems probable that this could affect their insurance rates, their property values, and the marketability of the property.

What is going to happen when a property owner attempts to build a "habitable structure" on their property that is within the setback limits of an existing wind turbine? Will the Zoning Inspector or Building Inspector deny the application? Will they be able to purchase home-owner's insurance? Will the Wind developer attempt to prevent the construction in order to preserve their setback that extends across another person's property?

**Lastly, I am very concerned that this amendment seeks to grandfather and restore setback requirements for existing projects.** Several projects are "approved" but the design details have changed, turbine models have changed, or their construction windows have expired. Some have not moved forward because of changes in the state mandate forcing utility companies to buy this over-priced energy. In some cases, these changes to the original application would require that current setback limits be applied. This amendment would seek to preserve minimal setback limits that have since been reconsidered and determined to be inadequate.

Respectfully,

James Cole

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