

## PROPONENT TESTIMONY

HB 118

James W. Thompson III

Allen County

March 9, 2021

Chairman Hoops, Vice Chair Ray, Ranking Member Smith, and members of the Committee. My name is Jim Thompson and I reside in Allen County. I am here in support of HB 118 and would like to share my, and those I represent today, reasons why we support the passage of this bill.

As I mentioned, I am here today representing myself, 914 residents of Allen/Auglaize County, and nearly 1,200 additional individuals who have lent their support via a Change.org online petition. Collectively, we support the passage of HB 118 which will allow for a local Township referendum for planned solar and wind developments across the great State of Ohio.

Last October, residents of Allen and Auglaize counties were shocked to learn of the long-planned Birch Solar development. In the days following the planned Birch Solar development public announcement, affected landowners began learning to what extent their properties, and lives, would be impacted for generations to come. For a handful of these residents, the solar complex layout meant that their homes would be surrounded on four (4) sides by tall 10' high solar panels, fencing, access roads, and/or electrical power inverters.<sup>1</sup> Most of these residents moved into their homes within the past 5 years with the primary reasons they purchased being the rural setting. Expecting their new home would provide them, and their families, a serene rural environment for years to come containing wildlife they didn't experience at their previous residence.

Specifically, for Kyle and Allyshia Kuhnander, this meant learning that they and their home will be essentially caged in by high fencing and by solar panels. Solar panels extending 10' above the ground, and on each and every side of their property. Kyle and Allyshia purchased this home in late December, 2018. Only a year prior to the developer commencing the pursuit of the Birch Solar development.<sup>2</sup>

Kyle and Allyshia are a young married couple in their early 30's with a single 3 year old child. They purchased their property due to its proximity from neighbors and their residence being offset far from the local road, both nearly a ¼ mile. They were seeking a new home that would allow them, like others, peace and quiet in a beautiful rural setting. This property was also chosen as it got them out of the city and provided a way for them to connect with local wildlife via the wooded area that covers a portion of their property. Wildlife such as deer, fox, and wild turkey frequently roam along the perimeter and on occasion across their property. The probability of such wildlife activity continuing after construction of the solar development is considered to be significantly less.

Kyle and Allyshia's property isn't the only one that has such a significant and adverse impact. There are at least two or three additional properties that are engulfed by this development and many more that

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<sup>1</sup> Exhibit A – Property owners surrounded on four sides by development.

<sup>2</sup> Birch Solar 1, LLC (a wholly owned subsidiary of Lightsource BP) February 17<sup>th</sup> application (Executive Summary) to the Ohio Power Siting Board (Case No. 20-1605-EL-BGN) (<https://img1.wsimg.com/blobby/go/6657b286-9766-45b3-9ba4-c8e8d7f66b77/downloads/1%20Cover%20Letter%20and%20Project%20Narrative.pdf?ver=1614608002643>)

are bounded on three sides. If this level of adverse impacts to a resident's property and way of life aren't enough in of themselves to convince members of this body to pass HB 118, let me further share how those surrounding the utility-scale industrial solar complex in Shawnee Township will be affected.

A majority of the Birch Solar complex is located in Shawnee Township, Allen County, Ohio. The population density of Allen County is approximately 259.5 per square mile with Shawnee Township having a significantly more dense population of 420 per square mile. According to the Allen and Auglaize County Geographic Information System (GIS) websites, there are approximately 700 properties within 2,640 linear feet of the project. Of which 217 of these are residences within 1,500 feet.<sup>3</sup> If developments, such as Birch Solar, are allowed to proceed without providing a Township the right of referendum, I foresee such developments moving closer to if not abutting more heavily populated areas than even Shawnee Township in the near future.

Since the Birch Solar developer is not required to comply with local land uses, zoning and/or design regulations, in Shawnee Township this means they also do not have to comply with Shawnee Township's 2009 Comprehensive Plan.<sup>4</sup> This Plan specifically calls for the Township to maintain its rural, cultivated cropland, cultural and historic elements. Furthermore, the Birch Solar developer does not have to comply with language in this Plan regarding Natural Features, where it specifically states the Township's primary goal being to, "Ensure that the rural character of the Township, particularly in the southwest portion of the Township, is preserved." For reference, the Birch Solar project will engulf nearly 15% of this portion of the Township.

Townships are closest to the affected population and can best reflect the community's interests. OPSB staff whose responsibility is primarily to ensure completeness of an application and not necessarily to independently check the accuracy/validity of the layout, design, calculations, specifications and/or claims made within an application. Although I believe these staff members do perform their duties to the best of their ability, they do not possess the insights concerning historical norms or potentially conflicting development initiatives equal to that of local residents.

Unfortunately, as the process now exists at the OPSB, the renewable energy developer is assumed to be correct, at all times, and it becomes the burden of local residents or governments to prove otherwise. Having to prove a developer wrong, in error or having omitted critical information creates an undue and unjust financial burden most residents and/or local governments just cannot afford.

In my nearly three decades experience in the civil engineering and surveying industry, the costs for surveying, engineering and similar studies are typically around 10% of a project's construction costs (or this is a good "rule of thumb"). For the Birch Solar development, this would mean residents or local governments could anticipate similar costs to check (not review) all of a developer's plans, specifications and calculations and contest the developer with similar professional resources. Additionally, this unjust and unfair financial burden should be expected for each and every project planned within a Township. Not only is the financial burden unjust and/or unfair, the time frame in which a party who wishes to

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<sup>3</sup> List of property owners within ½ mile of Birch Solar Development. Source: Allen County GIS website & Auglaize County GIS website, list can be found here: ( <https://regulateohiosolar.com/useful-documents> )

<sup>4</sup> Shawnee Township Comprehensive Plan – October 2009 (<https://img1.wsimg.com/blobby/go/6657b286-9766-45b3-9ba4-c8e8d7f66b77/downloads/Shawnee-Township-Comprehensive-Plan.pdf?ver=1614608003556>)

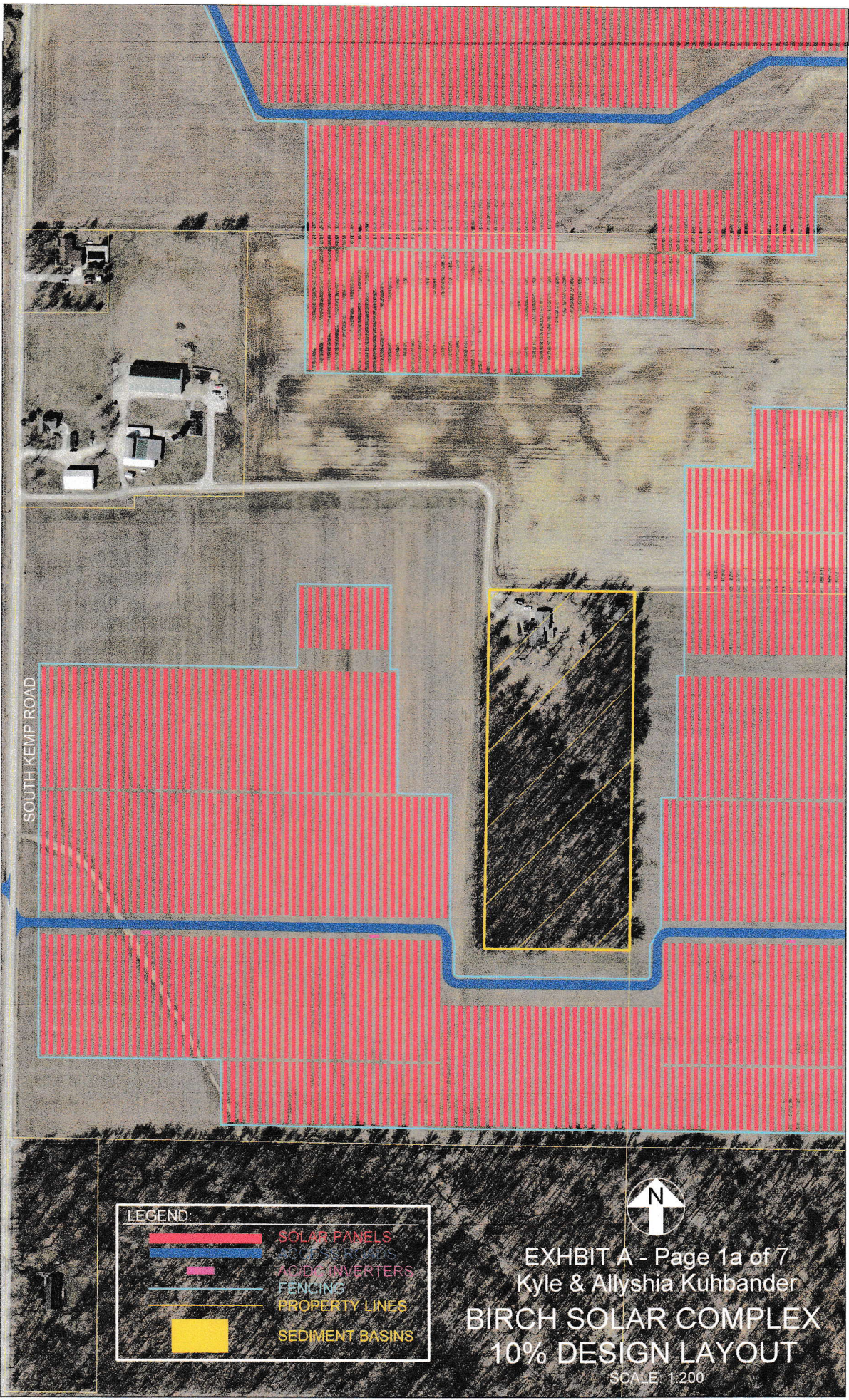
intervene and have such engineering and/or studies performed to contradict a developer is also insufficient.

In Shawnee Township, there are at least two other solar developments (each 100MW) listed on the PJM website within the same vicinity of the Birch Solar development listed.<sup>5</sup> So with the potential of three planned solar projects, residents individually and the Township itself could be looking at potentially spending upwards of \$50 million to ensure their properties as well as the health and welfare of the community is adequately maintained. This amount not including any legal fees encountered for representation at the OPSB or to appeal to the Ohio Supreme Court.

In closing, there are many other reasons as to why legislation as HB 118 should be passed in a quick and efficient manner however given the time frame provided for me today to provide testimony, I chose to illustrate what I felt are some of the more compelling reasons. I am happy to answer any questions you might have or if you would like to discuss further at a later date this too would be welcomed. Thank you.

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<sup>5</sup> Exhibit B- PJM New Services Queue website: <https://pjm.com/Home/planning/services-requests/interconnection-queues>



SOUTH KEMP ROAD

**LEGEND:**






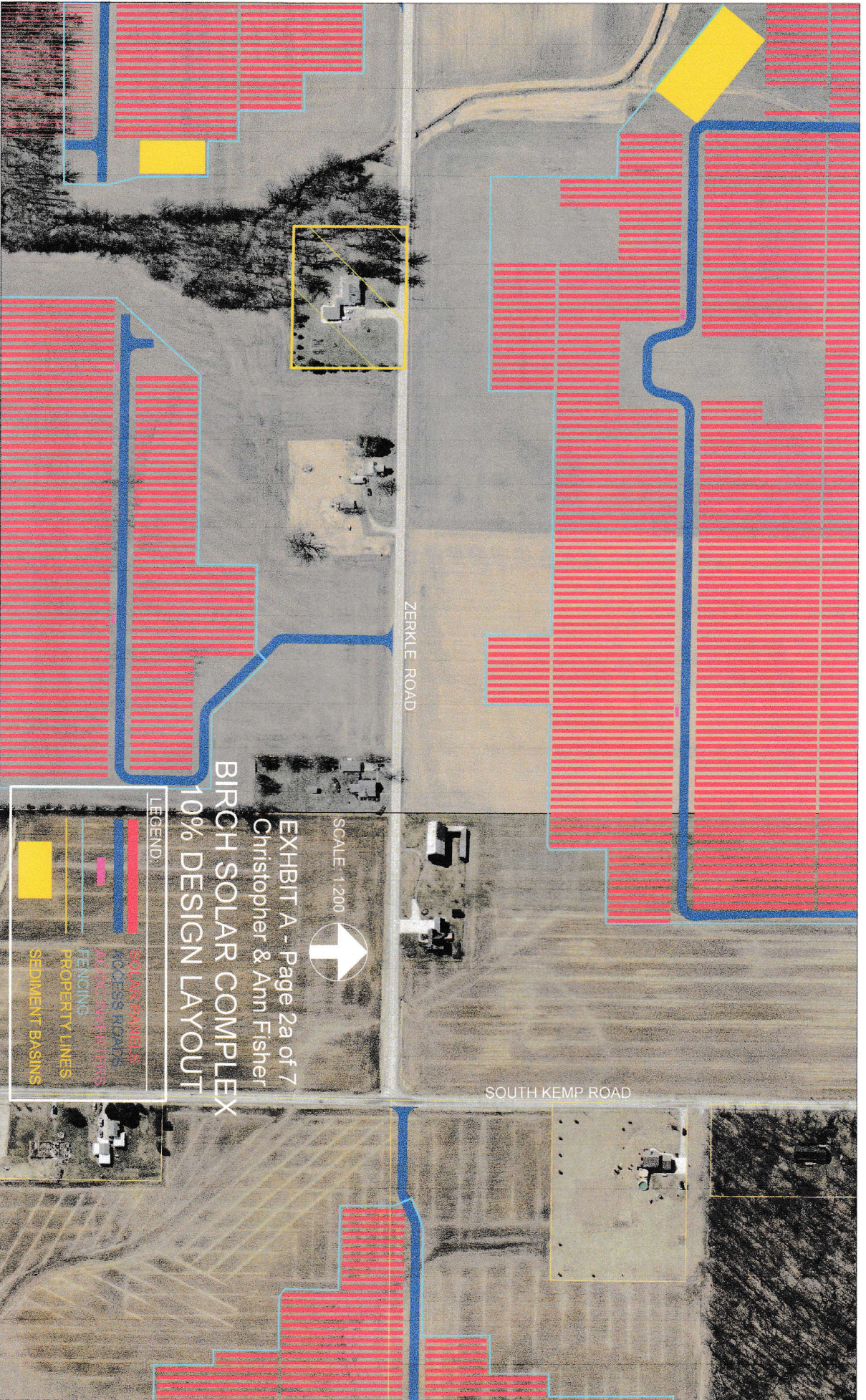
-  SOLAR PANELS
-  AC/DC INVERTERS
-  FENCING
-  PROPERTY LINES
-  SEDIMENT BASINS



EXHIBIT A - Page 1a of 7  
 Kyle & Allyshia Kuhbender  
**BIRCH SOLAR COMPLEX**  
**10% DESIGN LAYOUT**

SCALE: 1:200



ZERKE ROAD






SOUTH KEMP ROAD

**EXHIBIT A - Page 2a of 7**  
 Christopher & Ann Fisher  
**BIRCH SOLAR COMPLEX**  
**10% DESIGN LAYOUT**

SCALE: 1:200



**LEGEND:**

-  SOLAR PANELS
-  SOLAR ROADS
-  PROPERTY LINES
-  FENCING
-  SEDIMENT BASINS

# BIRCH SOLAR COMPLEX

## 10% DESIGN LAYOUT

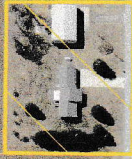
EXHIBIT A - Page 3a of 7

SCALE: 1:200



SOUTH KEMP ROAD

HUME ROAD



**LEGEND**

- SOLAR PANELS
- ACCESS ROADS
- FENCING
- PROPERTY LINES
- SEDIMENT BASINS

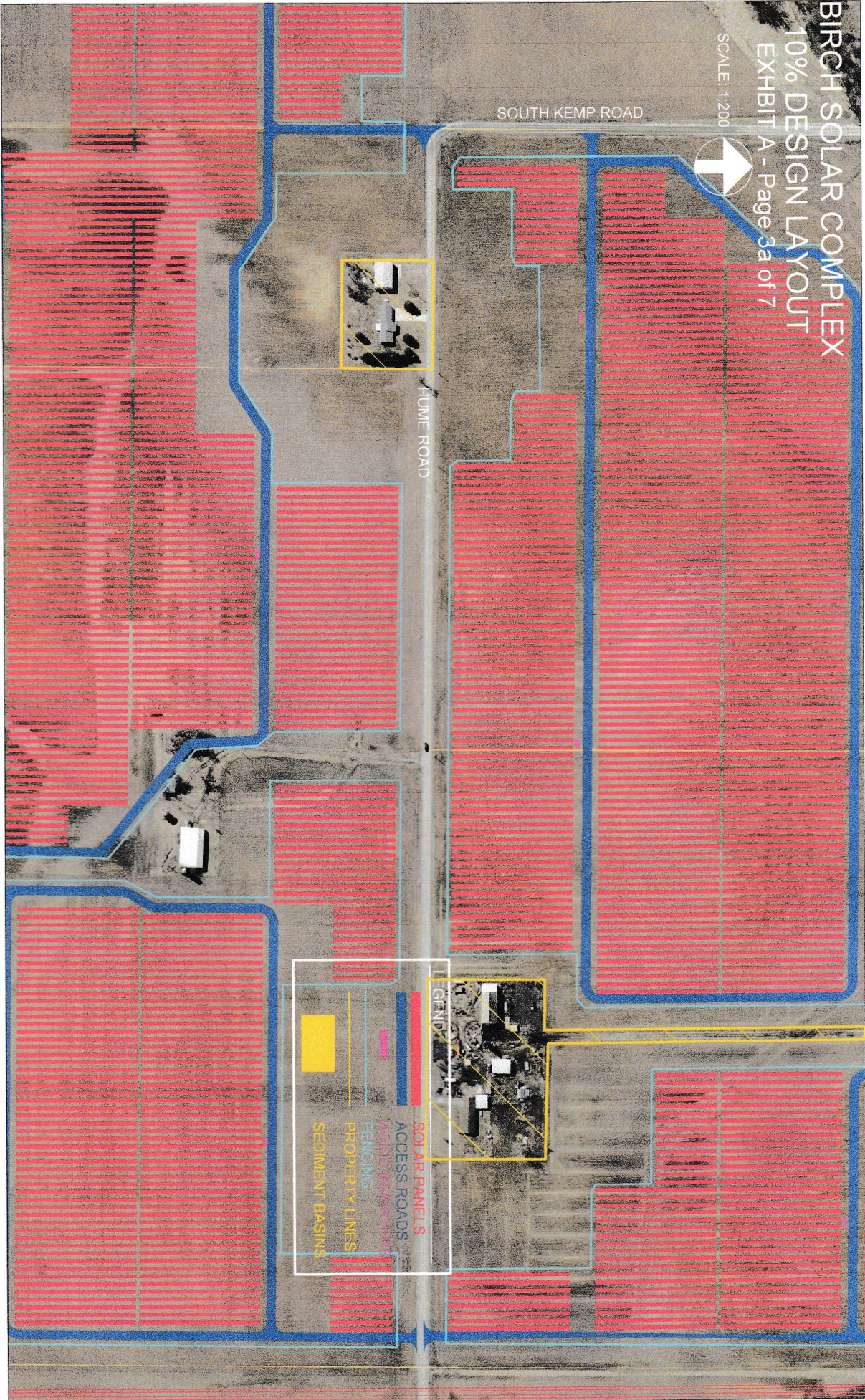








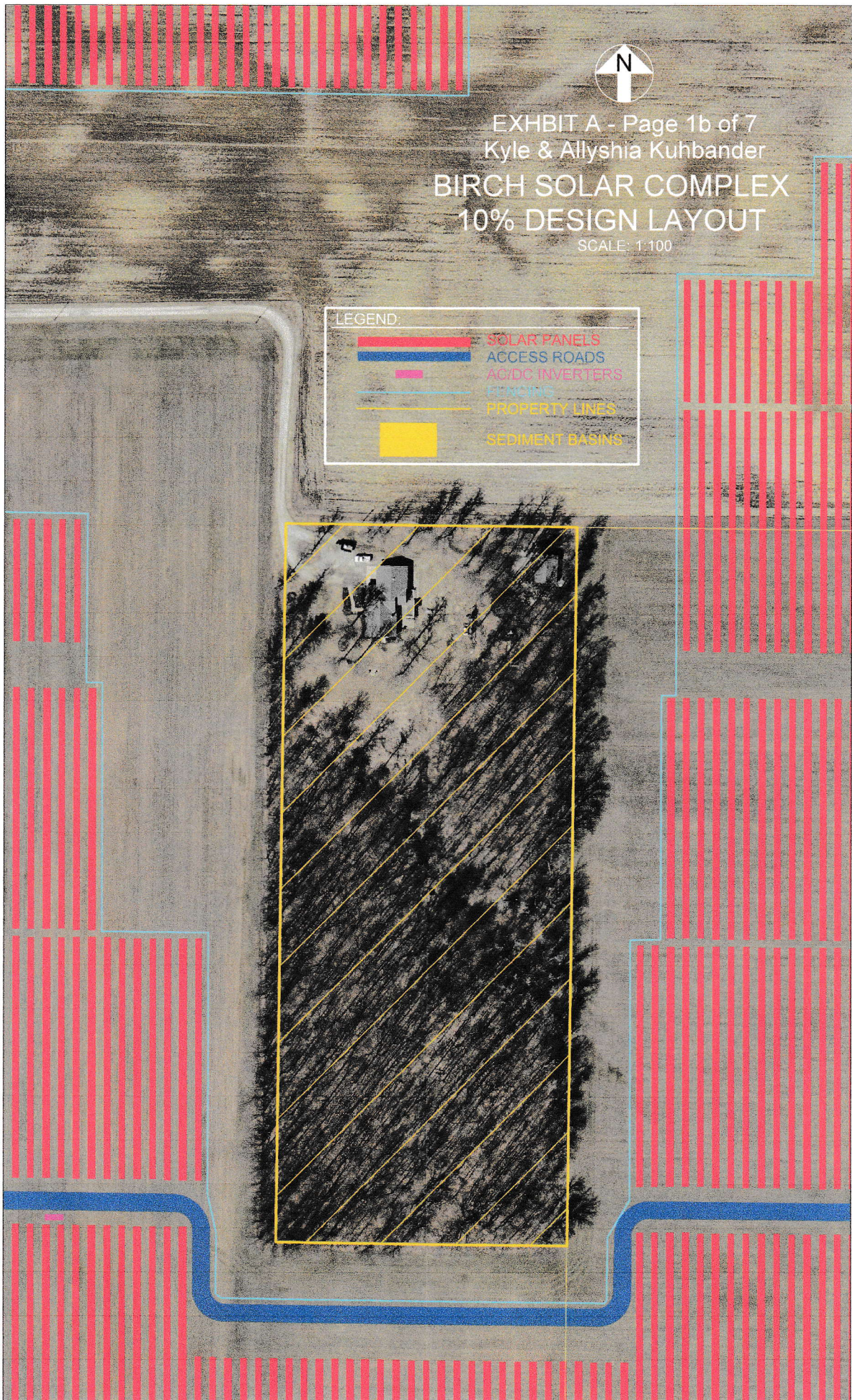


EXHIBIT A - Page 1b of 7  
Kyle & Allyshia Kuhbander  
**BIRCH SOLAR COMPLEX**  
**10% DESIGN LAYOUT**

SCALE: 1:100

LEGEND:

	SOLAR PANELS
	ACCESS ROADS
	AC/DC INVERTERS
	CELENSIS
	PROPERTY LINES
	SEDIMENT BASINS



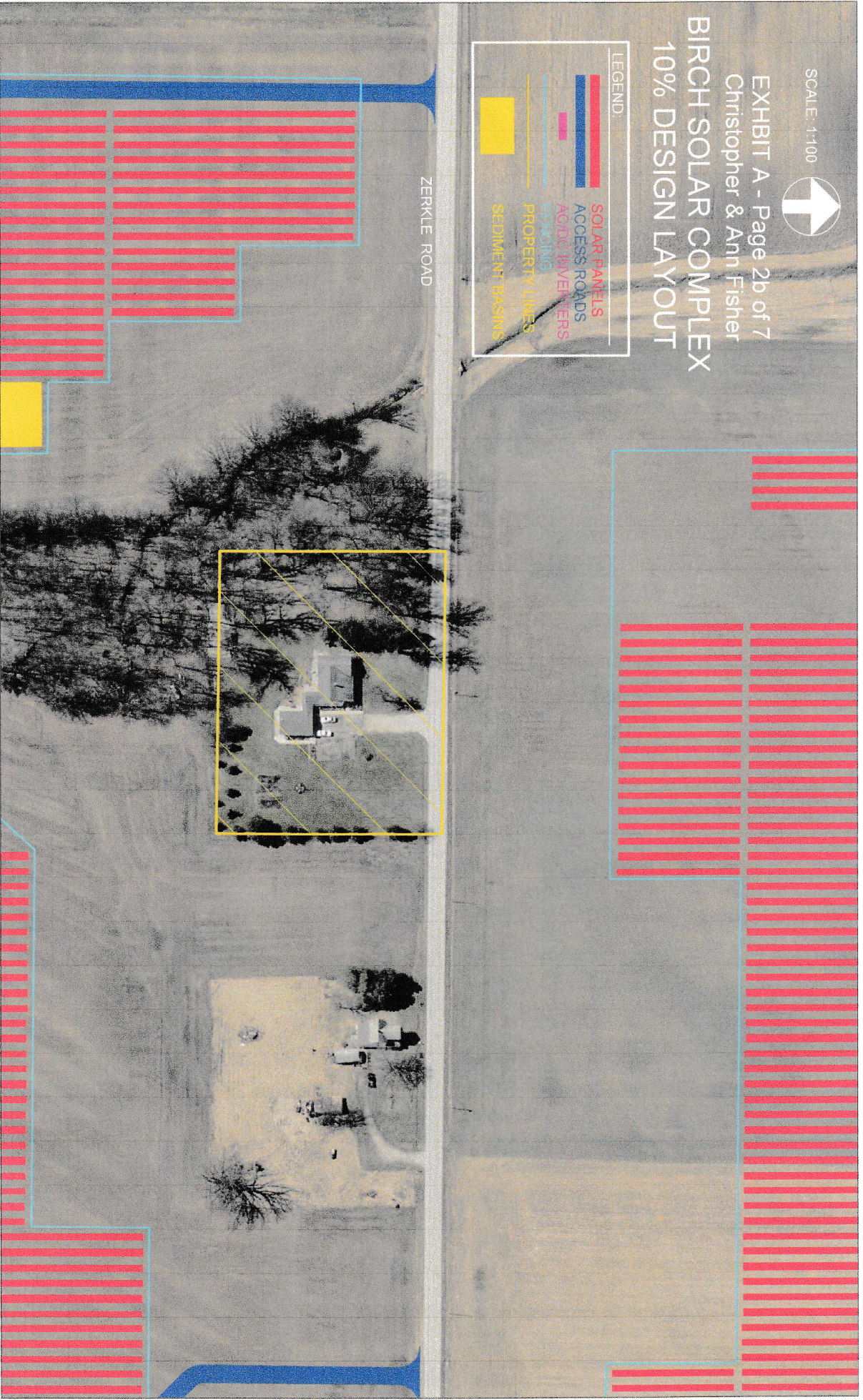
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EXHIBIT A - Page 2b of 7  
Christopher & Ann Fisher  
**BIRCH SOLAR COMPLEX**  
10% DESIGN LAYOUT

LEGEND:

- SOLAR PANELS
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- ADJUT INVERTERS
- PIPING
- PROPERTY LINES
- SEDIMENT BASINS





# BIRCH SOLAR COMPLEX 10% DESIGN LAYOUT

Robert Steinke  
EXHIBIT A - Page 3b of 7

SCALE: 1:100



KEMP ROAD

HUME ROAD

### LEGEND

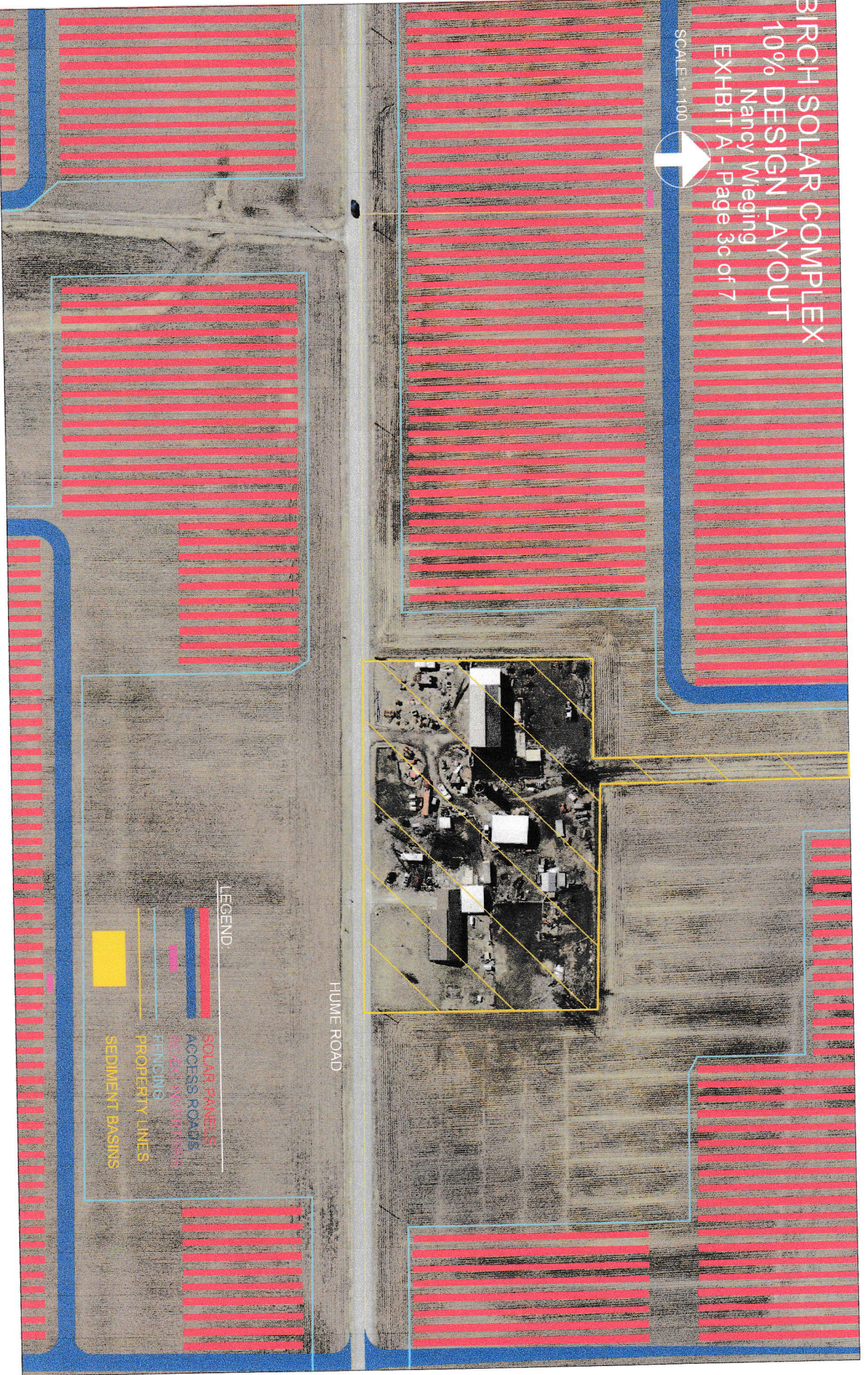
- SOLAR PANELS
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# BIRCH SOLAR COMPLEX 10% DESIGN LAYOUT

Nancy Wieging  
EXHIBIT A - Page 3c of 7

SCALE: 1:100

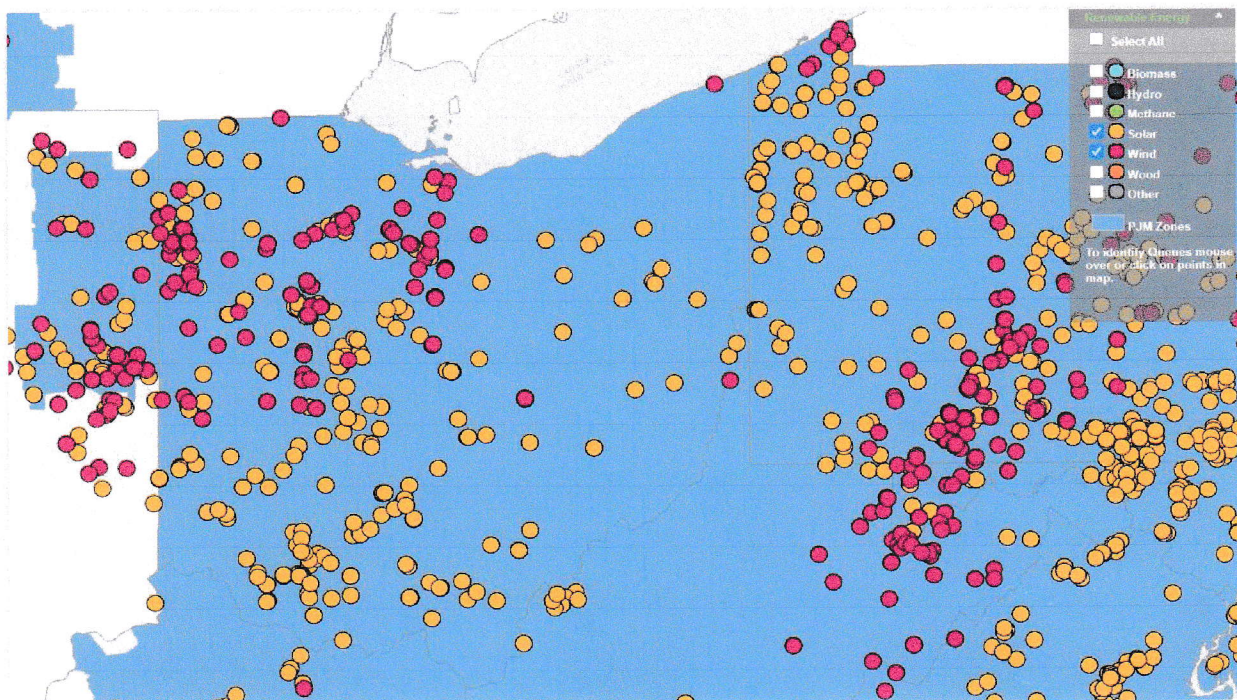


HUME ROAD

### LEGEND

- SOLAR PANELS
- ACCESS ROADS
- FENCING
- PROPERTY LINES
- SEDIMENT BASINS

## EXHIBIT B – PJM NEW SERVICES QUEUE (ALLEN COUNTY, OHIO)



Queue/QASIS ID	Name	State	Status	Transmission Owner	MPO	MW Energy	MW Capacity	MW In Service	Project Type	Fuel
X1-009	Sterling 66kV	OH	Withdrawn	AFP	20	20	7.6			GI
AC1-023	Southwest Lima East Lima 145kV	OH	Withdrawn	AFP	120	120	84			GI
AF1-076	Southwest Lima 138 kV	OH	Active	AFP	100	100	61.6			GI
AF1-077	Southwest Lima 138 kV	OH	Active	AFP	200	100	61.6			GI
AF1-164	Southwest Lima 345 kV	OH	Active	AFP	300	300	195			GI

Showing results 1-5 of 5

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Generation Interconnection  
System Impact Study Report  
for  
Queue Project AF1-164  
SOUTHWEST LIMA 345 KV  
195 MW Capacity / 300 MW Energy

August, 2020



# Generation Interconnection System Impact Study Report

for

## Queue Project AF1-076

### SOUTHWEST LIMA 138 KV

### 61.6 MW Capacity / 100 MW Energy



# Generation Interconnection System Impact Study Report

for

Queue Projects AF1-077

SOUTHWEST LIMA 138 KV

61.6 MW Capacity / 100 MW Energy

