



Working together for Ohio farmers to advance agriculture and strengthen our communities.

**House Public Utilities Committee
Sub. S.B. 52 Opponent Testimony
Jenna Reese, Director of State Policy
June 23, 2021**

Chair Hoops, Vice Chair Ray, Ranking Member Smith, and members of the Senate Energy and Public Utilities Committee, thank you for your work to address concerns shared by many of our members regarding the siting of utility-scale wind and solar projects. Many Ohio Farm Bureau members are angry over the lack of local input and transparency in the planning of these projects.

As you continue your work, we urge you not to throw the proverbial baby out with the bathwater in the effort to address these issues. As the state's largest landowner organization, our member-adopted policy is clear: *Ohio Farm Bureau recognizes the rights of landowners to enter into effective partnerships and agreements with developers to responsibly use land and resources to develop energy transportation, generation and distribution projects.*

Creating new government authority over land use goes many steps beyond solving the problem of more transparency and local input in favor of unconscionable restrictions of landowner rights. Restrictions such as these are a slippery slope that will have long-term consequences for Ohio's agriculture industry. Attacks against agriculture are ever increasing and we cannot stand for weakening current laws on land use.

That said, there are many issues with the current siting process our members want to address. Depending on the developer, local officials are often ignored in the Ohio Power Siting Board (OPSB) procedure. The current process allows developers to simply go through the motions of local outreach and "box-checking" knowing their project proposal is likely to be approved regardless of the thoroughness of their work. They are not actually engaging communities because there is no real consequence of local opposition. The opportunity for public comment is so far into the siting process that it is evident it has no meaningful impact in most cases. Moreover, there is no responsibility on the developer or the OPSB to respond to the comments filed in a public hearing by the local community. Local residents are not given due consideration.

There needs to be greater local involvement in the siting of these projects and it needs to happen prior to the developer filing an application. Farm Bureau has offered a solution to the real problem by fixing the flaws of the process instead of trampling on private property rights. We propose requiring two new pre-application meetings where the project is located. The first would serve as an informational meeting where developers would be required to disclose certain information about the planned scope and scale of a potential project prior to filing an application.



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Developers would be required to share their plan for communicating and notify the community about their projects and how much land the project would impact. Developers would also be required to present initial evidence as to why the project would serve the public interest, convenience, and necessity for a proposed facility.

The second pre-application meeting would be a local input conference with OPSB staff, the applicant, and local residents after which the applicant is required to respond to questions and concerns raised by the community. In addition, we propose enhancing public notices and requiring applicants to post signs with the meeting details on the affected properties. We also propose explicitly requiring the OPSB to consider public comments and resolutions of support or opposition from political subdivisions within the proposed project area as part of their determination of public interest and necessity of projects.

We appreciate that the committee has accepted our suggestion of adding decommissioning language in SB 52. In addition, we would like the language to require the OPSB to oversee the process and take over it themselves if the developer is unable or fails to complete decommissioning.

Recent proposals to modify SB 52 contain a startling reversal of the concept of landowner control in favor of government control. Traditionally in unincorporated areas, landowners must grant local government permission to establish land use restrictions by a vote of the people presented to them as a comprehensive plan. However, these proposals reverse that long established tenant in favor of new government authority over how landowners may develop their land. We oppose this type of approach as it runs counter to our organization's core beliefs in protecting landowner rights. County Commissioners do not have the authority to ban legal land uses without consent nor does state government have any authority to grant them that power.

We look forward to remaining a constructive partner in this effort moving forward, and I will answer questions at this time.