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Senate Bill 238 Sponsor Testimony
Senate Energy and Natural Resources Committee
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Chairman Balderson, Vice Chair Jordan, Ranking Member O'Brien, and distinguished members of the Energy and Natural Resources Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 238. This bill would set the property line setback to a distance of 1.2 times the height of the turbine and reestablishes the minimum habitable structure setback to 1,225 feet plus blade length, or approximately 1400 feet.

In 2010, Ohio law contained a minimum wind turbine setback distance to a home of 1,125 feet plus blade length, or approximately 1300 feet. The law also provided a minimum wind turbine setback distance from a neighbor's property line of 1.1 times the height of a turbine. The 1.1 times the height of a turbine standard is common practice across the county.

In 2014, during the Mid-Biennium Review bill, the Ohio General Assembly nearly tripled the property line setback. The law replaced the property line setback of 1.1 times turbine height with the much longer setback from a home, making the current property line setback approximately 1,300 feet. This setback freezes wind project development as there have been no new wind applications filed with the state siting board since the setback increase in 2014.

The 2014 wind turbine setback is among the most restrictive in the nation and has created uncertainty for businesses looking to invest in Ohio. Less restrictive minimum setbacks would benefit many Ohio businesses that manufacture wind turbine components and restore the multibillion dollar economic development projects statewide. SB 238 would correct this overly-restrictive wind setback rule and increase Ohio's competitiveness with company's site selection choices.

I would also like to address the concern of local control. Current statute explicitly states that in order to qualify for the payment in lieu of taxes, or PILOT, the law requires approval from the local board of county commissioners. A county can approve the PILOT on a project-by-project basis or declare the entire county an alternative energy zone ("AEZ") thereby qualifying all

projects in the county for the PILOT. This provision preserves the local authority to reject a PILOT prior to the filing of a siting application, thereby preventing wind development in the area if it is not in the best interest of a particular county.

This legislation finds the right balance between protecting the rights of both participating and non-participating landowners and will enable responsible wind development to move forward. Wind energy has resulted in investments of approximately \$1 billion statewide. SB238 will remedy the effects of the restrictive 2014 wind setback rule and allow Ohio to receive all of the benefits that come with wind development.

Thank you, Chairman Balderson and members of the committee, for allowing me to speak to this legislation. I would be happy to answer any questions at this time.