

TESTIMONY OF JIM FEASEL

Seneca County

IN OPPOSITION TO Sub. H. B. 114

To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

Chairman Balderson, Vice Chairman Jordan, Ranking Member O'Brien and members of the Committee, I am here to speak against any revision of the setbacks for industrial wind turbines that would measure the distance from my home rather than my property line. I also object to any proposed reduction of the current 1,125-foot setback from property lines.

My name is Jim Feasel. I am a rural resident and landowner in Seneca County OH. A few years ago, I was asked by a wind energy developer to lease our land. With the acreage involved we had the opportunity to host up to four turbines on our property. But I decided not to lease because of the very possible negative effects on my neighbors.

I would like to hereby express my opposition to the proposed modifications to setback distances for wind turbines. Should any further proposals be brought forward to this committee on this issue I would ask that they only be considered if they remain as distances from the property line and not from nonparticipating neighboring residences.

As a further point I would suggest that since the setback distances were established when wind turbines were much shorter in height than those being built now, and since new technology is still rapidly extending turbine heights, that any newly considered setbacks from property lines should be a function of the height of the proposed turbine to be built. In no case should this be allowed to result in a setback distance shorter than the current rule of 1125 feet from the property line.

Should these distances result in an area not being conducive to a wind energy project then it is clear the area is not suited to same because of population dispersion. Wind project builders always have the right to enter into agreements with neighboring landowners to place turbines closer to them, but in no case should the nonparticipating neighbor be forced to participate against their will.

First article reference for following comments on local zoning control:

<https://www.windpowerengineering.com/business-news-projects/business-issues/legal-issues/ohios-overly-restrictive-wind-setback-law-putting-billions-new-state-investment-risk/>

Wind turbine setbacks have become an issue in Ohio for reasons expressed in the referenced article that Ohio is missing out on many Billions of dollars because of "restrictive" setback policy. A map is presented showing that neighboring states like Indiana, Illinois, Michigan, Pennsylvania have had many wind projects built while Ohio has had very few.

Second article reference for continuing comments on local zoning control:

<http://www.ncsl.org/research/energy/state-wind-energy-siting.aspx>

Referring to this second article a map is presented showing that those same states

mentioned above (which have built many wind projects) all have Local Government control over such projects. Zoning is the main method used by local governments to exercise such control. Local communities in Ohio should have the same right as their neighbors in Indiana, Pennsylvania and Michigan and 36 additional states to determine appropriate setbacks.

Objections of the wind industry lead one to question the true logic and motive behind requests to measure from homes instead of property lines without local zoning participation. Such a change in rules would allow a turbine to be placed closer to a non-participating home than current rules allow. It would seem the wind energy project builders are seeking a short cut to siting projects tighter into communities. When future problems arise, they can defend against them by saying they are in compliance with state law. I doubt whether the public in such instances can prevail in private nuisance claims.

Local zoning control is the true answer to bringing wind projects to the communities who would welcome them. If, as their developers would claim, wind farms are indeed a benign addition to a community (as opposed to an industrial power generation plant) then all the more reason to let local zoning facilitate their incorporation into the community. No one knows an area better than the local citizens. If the project is a fit for the area then it will be implemented, and with much less consternation. It will be necessary for wind energy companies to work more closely with local citizens, but as evidenced by their results in surrounding states they have been very successful in doing so. I feel that any objection to this method by wind project builders should be met with skepticism.

Thank you for the opportunity to present these comments!

James Feasel
jfeasel@woh.rr.com