

SB 234 PROPONENT TESTIMONY OF MICHAEL SHEPHERD
Senate Energy and Public Utilities
January 28, 2020

Chairman Wilson, Vice Chairman McColley, Ranking Member Williams and members of the Committee, my name is Michael Shepherd and I am a resident of rural Jefferson Township in Logan County. I am providing testimony in support of SB 234 that will grant myself, my neighbors, and my community a voice in deciding whether an industrial wind development should be permitted in our community.

Right now, we have no voice. My opinion, my thoughts, and my concerns – as well of those of my neighbors - have no place to be voiced and carry no weight. Sure, we may lodge our opinions with the Ohio Power Siting Board, but it is of no consequence as the State of Ohio and the Ohio Power Siting Board appear to consider all of Ohio zoned for industrial wind development. This process is between the state and the wind developer and is largely exclusive of the communities affected.

Industrial wind developments rely on intrusion into surrounding properties in one manner or another. Why else would there be limits to noise levels and shadow flicker that can be imposed on nearby homes? In order for industrial wind developments to be profitable these developments need to intrude on neighboring properties with no recourse or compensation to those disturbed. These intrusions, by and large, would almost always be prohibited under traditional and common-sense zoning regulations. Of course, there is a place for industry in our world, but that place isn't adjacent to our homes and in communities who have decided that they are not wanted.

Common sense zoning laws are in place in most of our townships, villages, and cities to help provide for the health, safety, and general welfare of its citizens. They allow for those closest and most affected to decide what is right for the community. Local officials (usually our friends and neighbors) and voters get to decide what goes where. These zoning regulations are usually kept in check with the checks and balances of appeals and referendums. We all have the right to use and enjoy our property as we see fit. But one individual's rights to use their property do not trump another's right to peacefully enjoy theirs. As I mentioned before, the State of Ohio and the Ohio Power Siting Board consider all of Ohio zoned for industrial wind developments with no checks and balances, no appeals processes, and no referendums – at least none of any real consequence that do not come at a cost which beyond the means of her citizens.

Some argue that that PILOT program currently in place is a “de facto” referendum option for counties. This is a false assumption. While building an industrial wind project would not be as financially lucrative for the developer if the PILOT was not in place, there is nothing to prevent the developer from going ahead and building anyway. Consider the Scioto Wind Project currently under development by the German energy company, Innogy – they are proceeding

with construction in Logan County even though Logan County Commissioners rejected their request for PILOT.

I would like to add that generally speaking in Ohio, tax abatement is used as an economic development tool to incentivize job creation. As most everyone knows, there are very few jobs associated with wind development. Innogy expects that Scioto Ridge might generate “up to” ten jobs.

Furthermore, a panel of three county commissioners cannot be deemed a direct representation of the residents in affected townships. PILOT is a tax structure, not the ability to approve or deny a wind project. That power rests solely with the Ohio Power Siting Board – far removed from the will of township residents.

I am a former resident of Hardin County. I was born there and spent over 40 years of my life in that county. My former home now sits in the middle of the Scioto Ridge Wind project construction mess. I moved my family far from the footprint at great expense because I bought a home to raise my children in the country, not in the middle of an industrial development. I had no voice in the matter and my only recourse was to move. How many others, like me, if not given the opportunity to vote in a referendum will choose to vote with their feet?

SB 234 will give residents a much needed voice.