

TESTIMONY - HB 118
Dr. Mark Wellman
Allen County
House Public Utilities Committee
March 3, 2021

Chairman Hoops, Vice Chair Ray, Ranking Member Smith and members of the Committee. I am Mark Wellman and I reside in Allen County. I am here in support of HB 118.

The information that I am sharing with you today is based on watching the hearing where the legislation was introduced. Based on my observations I believe there were some questions regarding why solar is included in the bill and concerns about the business implications with a perception that business is strongly opposed.

As background, in March of 2020, the Solar Developers through the United Scale Solar Energy Coalition of Ohio responded to the Ohio Power Siting Board Stakeholder Process by stating the following: "We believe that the sequencing of expanded community engagement comes AFTER the project is comfortable that the initial steps of project development can be achieved." The implication of this statement is that community input is started after the location has been identified. This statement accurately describes how solar developers are approaching the planning process.

This is a major problem. Community engagement must start from the beginning of the planning process when locations are being identified. Solar developers in Ohio have earned the reputation for questionable business practices and this practice of informing the community after the developer is comfortable that the initial steps have been achieved is unacceptable.

Identifying the locations and then informing the community that their township has been selected is a major problem; particularly when the townships have been selected have a high population density and/or a large number of homes neighboring the proposed utility scale solar facility.

While solar energy aligns with sustainability goals held by many townships, solar must bring an overall value to the township beyond the clean energy label. Townships must be able to consider the other elements of sustainability and make deliberate decisions regarding impacts and benefits to the social fabric, natural environment, and local economy. How should a township properly evaluate the overall impacts of a large-scale clean energy land use on the township is a central question that must be addressed, according to the American Planning Association.

At the moment the approval process in Ohio does not allow townships to address this most central question. In most states, the locality and county have specific state requirements required for approval of utility scale solar facilities. Ohio does not allow counties and townships to participate in this approval process. Furthermore, within the Ohio revised code there are no regulations for utility scale solar. Hence, Ohio is getting a flood of applications as they do not need to deal with the community concerns or any state regulations. The one requirement is to satisfy the voting members of the Ohio Power Siting Board.

The referendum gives voice to the community.

However, if you are still questioning why does the community need to be involved let me explain in more detail. With the approach being used in Ohio by the developers, utility-scale solar energy facilities involve large thousands of acres. On these large tracts, the solar panels often cover more than half of the land area. The solar facility use is often pitched as "temporary" by developers, but it has a significant

duration—typically projected by applicants as up to 30-35 years. Research shows that the land after use will not easily be returned to agriculture. Essentially in 30-35 years Ohio is going to have thousands of acres of marginalized land. The policy implications of using thousands of acres of prime farmland are being carefully considered in many states, but in Ohio solar developers are finding no serious discussion or regulations to protect prime farmland thus making Ohio a prime target. As a result, Ohio has a record number of solar farm applications.

Why does business resist this legislation? Accountability! This legislation starts to provide a voice to the community that the solar developers have been able to successfully ignore.

What are the business implications? Solar developers will need to start to be held accountable for their proposals. The developers in Ohio are violating some of the most basic guidelines outlined by the American Association.

"The location of utility-scale solar facilities is the single most important factor in evaluating an application," according to the American Planning Association (*Planning for Utility Solar Energy Facilities*, 2019). In particular, a number of the developers are starting to violate one of the guidelines of locating in an area "difficult to detect" and "away from existing homes." The proposals that are generating the most controversy are those that are locating within 1,500 feet to hundreds of homes.

Along with considering the location, size and scale is another factor that solar developers will need to more carefully consider. The proposed solar locations in Ohio that are generating controversy are those that violate the American Planning Association guideline of controlling for the size and scale which is the key to ensuring that utility-scale solar facilities can help meet broader sustainability goals without compromising a community's vision and land-use future.

Furthermore, developers will need to make sure that the project's adverse impacts are properly mitigated so that the impact to the community is positive. Mitigating adverse impacts is another factor that needs to be addressed according to the American Planning Association. A major challenge for solar developers in Ohio is that a number of them are attempting to locate in townships with a high population density and/or around a large number of homes. No case studies showing a positive community impact with successful mitigation of risks (ecological, environment, health & safety, property value, etc.) from equivalent operational solar projects (MW, acres, population density, number of impacted homeowners) have been provided.

In summary, the legislation will have minimal business implications for developers that are involving the community from the very beginning of the process and following the utility scale solar planning guidelines. The referendum will provide a voice to township citizens where they see the approval process as flawed, and the facility being built in a fashion that fails to protect their health, safety and well-being.