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H.B. 302
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Skindell and K. Smith

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SUMMARY

- Changes one of the minimum wind farm setback requirements to a horizontal distance of 1,125 feet from the tip of the turbine's nearest blade at 90 degrees to the exterior of the nearest habitable residential structure, if any, located on an adjacent property (instead of to the property line of the nearest adjacent property).
- Applies the new minimum setback distance to amendments made to existing certificates for wind farms on and after the bill's effective date.

DETAILED ANALYSIS

Wind farm minimum setback distances

The bill changes one of the minimum setback distances for most wind farms with five or more megawatts of generating capacity.¹ Under current law, the minimum setback distance is a two-part measurement requirement equal to the following:

1. A horizontal distance from the wind turbine's base to the property line of the wind farm property, equal to 1.1 times the total height of the turbine, as measured from the base to the tip of its highest blade;
2. At least 1,125 feet in horizontal distance from the tip of the turbine's nearest blade at 90 degrees to the property line of the nearest adjacent property at the time the certification application is filed with the Power Siting Board.

¹ The setbacks do not apply to any wind farm: (1) with 5 to less than 50 megawatts (MWs) generating capacity in operation on June 24, 2008, and (2) with less than 20 MWs generating capacity and primarily dedicated to providing electricity to a single customer at a single location. See R.C. 4906.13(A), not in bill, 4906.20, and 4906.201.

The bill alters the second requirement by measuring the 1,125-foot distance from the exterior of the nearest habitable residential structure, if one exists, located on an adjacent property at the time of the certificate application.²

The bill applies the new minimum setback distance to any amendments made to existing certificates after the bill's effective date. The bill further provides that the application of the setback changes regarding existing certificates is not to be construed to limit or abridge any rights or remedies in equity or under common law.³

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 05-11-21 |

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² R.C. 4906.20(B)(2)(a) and 4906.201(B)(1).

³ R.C. 4906.20(B)(2)(b)(iii) and 4906.201(B)(3).