

From: Smith, Greg
Sent: Tuesday, July 17, 2018 12:34 PM
To: Rep88@ohiohouse.gov; stthomas@seneca-county.com; mkerschner@seneca-county.com; hstacy@seneca-county.com
Cc: Aichholz, Chris; jfeasel@woh.rr.com
Subject: Seneca Wind application + setbacks
Importance: High

Dear Representative Reineke & Seneca County Commissioners,

As you know, sPower filed their official Seneca Wind application with the OPSB yesterday. We finally now have very detailed information for the proposed plans.

I want to inform you that there is a major problem with their plans that is going to explode once the anti-wind group becomes aware of itwhich I intend to do. I thought the debate of setbacks was settled once Sub HB114 stalled out in the Senate Committee but now I discover that there is a sneaky way that sPower is planning to manipulate the setback law.

On page 157 of the attached pdf (or page 177 of the entire scanned document), sPower correctly defines the setback distance at 1334' for the GE2.5 – 127 model turbine (with a 134m hub height which is 648' overall in height). I have included this section below:

(b) Distance from Blade to Property Line

In accordance with OAC 4906-4-08(C)(2)(b), the turbine will be 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 of the certification application. As shown in Table 03-2, the maximum rotor diameter for the turbine models under consideration is 417 feet; therefore, the minimum setback from the nearest adjacent property line is 1,334 feet.

However on page 94 of the pdf (page 114 of the scanned document), the document states that the "distance between the proposed turbines and the nearest non-participating property lines ranges from 735 to 2,030 feet, averaging 1,180 feet" as shown below:

Given the low risk of tower collapse and blade throw, the potential impact is not significant. The Project's setbacks from residents and property lines will adequately protect the public. The distance between proposed turbine locations and the nearest non-participating property line ranges from 735 to 2,030 feet, averaging 1,180 feet. The distance from the nearest public road is 750 feet.

The average setback distance of 85 turbines is ONLY 1180' with the shortest setback being only 735'!!!! This is much less than the 1334' dictated by the current setback laws!

I personally fall into this scenario with the location of turbine #85 per sPower's plans. In my opinion, I think the problem is that the law states that the setbacks are from the turbine to the nearest adjacent property line. In my case, another piece of property exists between my property and the property that has a turbine. This neighboring property is narrow in width (say 500') and is also a participating landowner. This means that the turbine can be located closer to the neighbor's property line which results in the turbine being located much closer to my property line. When I scale sPower's layout, the turbine is located approximately 735' from my property line! See the attached sketch to better understand my point and situation.

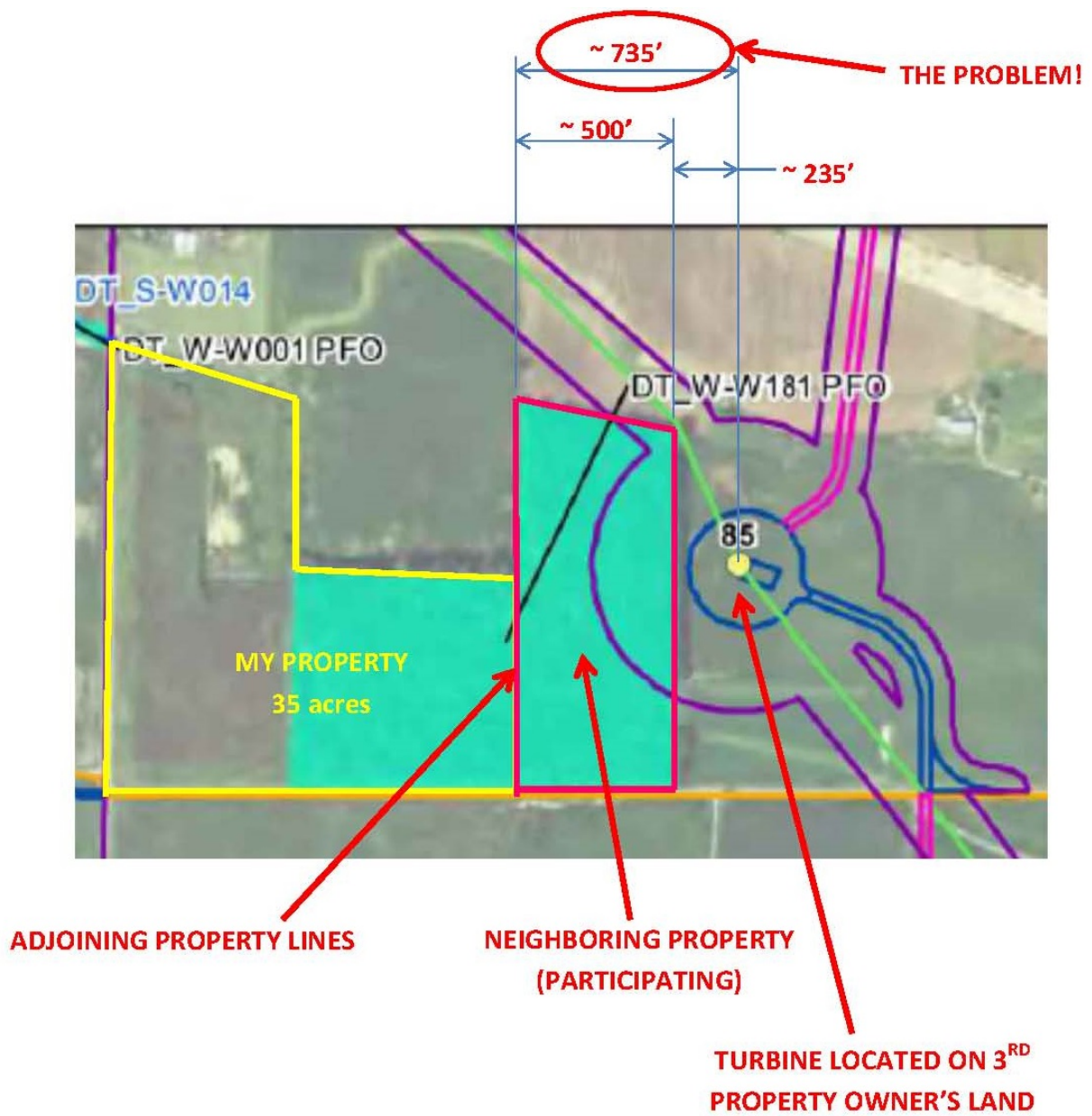
The problem is the setback law is vague in its language. It states "nearest adjacent property line" instead of stating nearest non-participating property line. This is a fundamental problem with the law and results in my loss of setback protection.

My questions to you as my elected officials are:

- 1) Are you going to stand for this?
- 2) Are you going to recognize that the setback protections of many people in the Seneca Wind footprint are compromised when you consider that sPower states that the average setback distance from the turbines to the property lines of non-participating property lines of 85 turbines is only 1180'?
- 3) Are you going to step up and take action against this in defense of your constituents property rights?
- 4) Which is it going to be?

I intend to fight this with the OPSB and take legal action if necessary but I think you should take the appropriate action as well.

Regards,
Greg Smith



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Summary: Public Comment electronically filed by Mr. Matt Butler on behalf of Mr. Greg Smith