Ohio landowners have a constitutionally protected right to the quiet enjoyment of their property. Last year the General Assembly and Governor Kasich righted a wrong to protect that right. In 2009, the Strickland Administration adopted rules for siting industrial wind turbines by establishing minimum setbacks from inhabited structures on adjacent non-participating properties. These minimum distances enabled wind developers to measure setbacks from *homes* situated on adjoining properties irrespective of the blight and intrusions imposed on the neighbor’s land surrounding his house. The adverse effects could include noise, low-frequency emissions, moving shadows as well as exposure to harm from blade failure or ice throw. Recommended wind turbine manufacturer setbacks exceeded Ohio’s 2009 setbacks. In effect, the wind industry was using neighboring property as part of a safety zone without obtaining the permission of the landowner or compensating them for what, in effect, was a noise and safety easement.

In June, 2014, your property rights as a potential wind energy facility neighbor were restored by the Ohio General Assembly with the support of Governor Kasich. The Governor defended the revisions to the minimum setback measurement saying, “Property rights are important. People choose to live somewhere. You don’t just go in there and disrupt their lives.”

Today, Representative Tony Burkley (R-Paulding County) and Representative Tim Brown (R- Bowling Green) have introduced legislation to undermine these restored property protections. House Bill 190 would give County Commissioners the power to override and reduce current state mandated wind energy setback requirements. This legislation does not authorize County Commissioners to lengthen setbacks. Rep. Burkley and Rep. Brown seek to dismantle the rules intended to protect your health and safety and the value of your property.

Your local elected officials, including County Commissioners, state Reps. and Senators need to hear from you if you disagree.

It is important to understand that the wind industry in Ohio requires a number of things to be viable:

1.) a government mandate to guarantee a market for an otherwise unreliable and inefficient source of power generation;

2.) federal subsidies to underwrite the uncompetitive cost of wind electricity;

3.) local tax abatement to enhance the developer’s investment returns; and

**4.) *the free use of neighboring non-participating property owner’s land through setbacks measured from homes not property lines.***

The citizens of Ohio – who pay federal, state and local taxes and who are also ratepayers currently paying higher electricity rates for renewables – should not be required to also donate the peaceful enjoyment of their land to an intrusive industrial use so that wind developers can meet manufacturers’ recommended setbacks without having to pay it. County Commissioners should not be asked to bargain away the health, safety and rights of their constituents in exchange for enhancing the profits of the developer and pocketing a little extra for their own general fund.