In the northwest part of Ohio that he represents, state Sen. Cliff Hite says, “wind is our shale,” an energy resource that has the potential to boost revenue on agricultural land and improve the region’s entire economy.

And the comparisons don’t stop there.

Just as the hydraulic fracturing boom has raised questions about siting and government regulations, so too has wind power. Three years ago, responding to concerns about the impact of wind-turbine installations on adjacent landowners, the Ohio Legislature tripled the state’s setback requirements for turbines, a move that Hite and others say halted the development of wind energy.

Under the 2014 law, for any operation with generating capacity of 5 MW or more, Ohio now requires a 1,125-foot minimum setback from the base of the wind turbine (plus the length of its blade) to the edge of the property line. That marked a big change from the state’s previous standards — first, a requirement that the setback from the property line be 1.1 times the height of the turbine, which amounts to about 550 feet; second, that there be a 1,125-foot setback from the turbine to the nearest home (the 2014 law changed the requirement from home to property line).

As a result of this statutory change, wind-energy proponents say, Ohio now has the most stringent siting rules in the country. In states such as Illinois and South Dakota, for example, a turbine must be set back at a distance from the property line that is 1.1 times its height. Under the Ohio law, it is approximately 2.3 times the height of the average turbine.

Hite says SB 188, which he introduced in September, is an attempt at a “compromise, protecting the property rights of those who disapprove of turbines but allowing those who want them to install them.”

Under his proposal, wind farms with generating capacity of 5 megawatts or more would have to meet two setback standards: 1) The distance to the property line must be equal to 1.2 times the turbine’s height; and 2) a 1,225-foot setback to the nearest home (rather than the property line).

In addition to these standards, the Ohio Power Siting Board would retain the authority to require more-stringent setbacks on a case-by-case basis.

For many of Hite’s constituents and those in other rural communities, wind power is seen as a way to diversify — to create another revenue stream that allows the next generation to continue on the same land resources.

But wind turbines also can impact nearby property and its owners, hence the need for siting laws that protect neighbors from nuisance or safety issues such as shadow flicker, ice throw and noise. Another concern is the effect on surrounding property values.

Who determines what the setback should be?

The answer varies from state to state. In Ohio, minimum standards are set by the Legislature. The Wisconsin Legislature, on the other hand, delegated that responsibility to the Public Service Commission. That commission’s siting regulations were subsequently challenged in court because they did not consider the effects on adjacent property values. But in a 2015 ruling, the Wisconsin Supreme Court upheld the rules and the process used for setting them.

Unlike the state-level rules in place in Ohio and Wisconsin, siting authority is left to local governments in states such as Indiana, Kansas, Michigan and Nebraska.
In Iowa, Minnesota and South Dakota, siting authority depends on the size of the project, with larger wind farms regulated by the states and smaller operations by local governments.