

Am. Sub. H.B. 562
As Passed by the House
SC-0546-2

_____ moved to amend as follows:

In line 121, after "4752.13," insert "4906.13, 4906.98," 1

In line 140, after "135.106," insert "303.213," 2

In line 141, after "353.063," insert "519.213, 713.081," 3

In line 144, after "4905.84," insert "4906.20," 4

Between lines 3200 and 3201, insert: 5

"Sec. 303.213. (A) As used in this section, "small wind farm" 6
means wind turbines and associated facilities with a single 7
interconnection to the electrical grid and designed for, or 8
capable of, operation at an aggregate capacity of less than five 9
megawatts. 10

(B) Notwithstanding division (A) of section 303.211 of the 11
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 12
power on a board of county commissioners or board of zoning 13
appeals with respect to the location, erection, construction, 14
reconstruction, change, alteration, maintenance, removal, use, or 15
enlargement of any small wind farm, whether publicly or privately 16
owned, or the use of land for that purpose, which regulations may 17
be more strict than the regulations prescribed in rules adopted 18
under division (B)(2) of section 4906.20 of the Revised Code. 19

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 303.01 to 303.25 of the Revised Code shall not affect the classification of a small wind farm for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 303.211 of the Revised Code or any other public utility for purposes of state and local taxation."

Between lines 4449 and 4450, insert:

"Sec. 519.213. (A) As used in this section, "small wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

(B) Notwithstanding division (A) of section 519.211 of the Revised Code, sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 519.02 to 519.25 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be

construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 519.211 of the Revised Code or any other public utility for purposes of state and local taxation.

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Sec. 713.081. (A) As used in this section, "small wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

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(B) Sections 713.06 to 713.15 of the Revised Code confer power on the legislative authority of a municipal corporation with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm as a public utility, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

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(C) The designation under this section of a small wind farm as a public utility for purposes of sections 713.06 to 713.15 of the Revised Code shall not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation."

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Between lines 15216 and 15217, insert:

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"Sec. 4906.13. (A) As used in this section and sections 4906.20 and 4906.98 of the Revised Code, "economically significant wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of five or more

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megawatts but less than fifty megawatts. The term excludes any 79
such wind farm in operation on the effective date of this section. 80

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(B) No public agency or political subdivision of this state 82
may require any approval, consent, permit, certificate, or other 83
condition for the construction or initial operation of a major 84
utility facility or economically significant wind farm authorized 85
by a certificate issued pursuant to Chapter 4906. of the Revised 86
Code. Nothing herein shall prevent the application of state laws 87
for the protection of employees engaged in the construction of 88
such facility or wind farm nor of municipal regulations that do 89
not pertain to the location or design of, or pollution control and 90
abatement standards for, a major utility facility or economically 91
significant wind farm for which a certificate has been granted 92
under this chapter. 93

Sec. 4906.20. (A) No person shall commence to construct an 94
economically significant wind farm in this state without first 95
having obtained a certificate from the power siting board. An 96
economically significant wind farm with respect to which such a 97
certificate is required shall be constructed, operated, and 98
maintained in conformity with that certificate and any terms, 99
conditions, and modifications it contains. A certificate shall be 100
issued only pursuant to this section. The certificate may be 101
transferred, subject to the approval of the board, to a person 102
that agrees to comply with those terms, conditions, and 103
modifications. 104

(B) The board shall adopt rules governing the certificating 105
of economically significant wind farms under this section. Initial 106
rules shall be adopted within one hundred twenty days after this 107
section's effective date. 108

(1) The rules shall provide for an application process for 109

certificating economically significant wind farms that is 110
identical to the extent practicable to the process applicable to 111
certificating major utility facilities under sections 4906.06, 112
4906.07, 4906.08, 4906.09, 4906.11, and 4906.12 of the Revised 113
Code and shall prescribe a reasonable schedule of application 114
filing fees structured in the manner of the schedule of filing 115
fees required for major utility facilities. 116

(2) Additionally, the rules shall prescribe reasonable 117
regulations regarding any wind turbines and associated facilities 118
of an economically significant wind farm, including, but not 119
limited to, their location, erection, construction, 120
reconstruction, change, alteration, maintenance, removal, use, or 121
enlargement and including erosion control, aesthetics, 122
recreational land use, wildlife protection, interconnection with 123
power lines and with regional transmission organizations, 124
independent transmission system operators, or similar 125
organizations, ice throw, sound and noise levels, blade shear, 126
shadow flicker, decommissioning, and necessary cooperation for 127
site visits and enforcement investigations. The rules also shall 128
prescribe a minimum setback for a wind turbine of an economically 129
significant wind farm. That minimum shall be equal to a horizontal 130
distance, from the turbine's base to the property line of the wind 131
farm property, equal to one and one-tenth times the total height 132
of the turbine structure as measured from its base to the tip of 133
its highest blade and be at least seven hundred fifty feet in 134
horizontal distance from the tip of the turbine's nearest blade at 135
ninety degrees to the exterior of the nearest, habitable, 136
residential structure, if any, located on adjacent property at the 137
time of the certification application. The setback shall apply in 138
all cases except those in which all owners of property adjacent to 139
the wind farm property waive application of the setback to that 140
property pursuant to a procedure the board shall establish by rule 141

and except in which, in a particular case, the board determines 142
that a setback greater than the minimum is necessary. 143
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(C) The board shall approve, or may modify and approve, an 145
application for economically significant wind farm certification 146
if it finds that the construction, operation, and maintenance of 147
the economically significant wind farm will comply with the rules 148
adopted under division (B) of this section. The certificate shall 149
be conditioned upon the economically significant wind farm 150
complying with rules adopted under section 4561.32 of the Revised 151
Code. 152

Sec. 4906.98. (A) No person shall construct a major utility 153
 facility or economically significant wind farm without first 154
 obtaining a certificate. 155

(B) No person shall construct, operate, or maintain a major 156
 utility facility or economically significant wind farm other than 157
 in compliance with the certificate the person has obtained. 158

(C) No person or economically significant wind farm shall 159
 fail to comply with any order issued pursuant to this chapter or 160
 with a suspension otherwise required under division (B) of section 161
 4906.97 of the Revised Code." 162

In line 24282, after "4752.13," insert "4906.13, 4906.98," 163

In line 30602, after "149.30," insert "303.213," 164

In line 30604, after "353.063," insert "519.213, 713.081," 165

In line 30607, after "3702.95," insert "4906.13, 4906.20,
 4906.98," 166
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In line 31 of the title, after "4752.13," insert "4906.13,
 4906.98," 168
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In line 56 of the title, after "135.106," insert "303.213," 170

In line 58 of the title, after "353.063," insert "519.213,
713.081," 171
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In line 62 of the title, after "4905.84," insert "4906.20," 173

The motion was _____ agreed to.

SYNOPSIS

Wind Farm Siting and Other Regulation 174

R.C. 303.213, 519.213, 713.081, 4906.13, 4906.20, and 4906.98 175

Effective on the date of the bill's enactment, provides for 176
the certification and regulation by the Power Siting Board of any 177
wind farm with aggregate capacity of five or more but less than 178
fifty megawatts and generally preempts local regulation of such a 179
wind farm, and authorizes local zoning of any wind farm with 180
aggregate capacity of less than five megawatts. 181