



Members Brief

An informational brief prepared by the LSC staff for members and staff of the Ohio General Assembly

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Wind and Solar Energy Regulations

This *Members Brief* summarizes current law regarding setback requirements for all sizes of wind farms and setbacks for large solar facilities. There is also a brief discussion of recently enacted legislation, S.B. 52 of the 134th General Assembly, that affects the siting and construction of new and existing wind and solar projects.

Contents

Wind farm setback	2
Setback diagrams	5
Measurement 1	5
Measurement 2	5
Exceptions to setback requirements	6
Solar facility setback	6
S.B. 52 changes to wind and solar development.....	6
Restricted areas.....	6
Effects on existing projects	7

Wind farm setback

Wind Farm Setback Requirements			
Type of Wind Farm	Definition	Setback Requirements	Subject to Resolution Designating a Restricted Area under S.B. 52?
Small wind farm	Wind turbines and other associated facilities that are not subject to the jurisdiction of the Power Siting Board (PSB) (less than 5 megawatts (MW) aggregate capacity).	Setback regulations will vary depending on the local legislative authority. ¹	No
Single-service customers	Wind farms that primarily service a single customer at a single location designed for, or capable of, an aggregate capacity of up to 20 MW as measured at the customer’s point of interconnection with the grid.	Setback regulations will vary depending on the local legislative authority. ²	No

¹ R.C. 303.213(A) and (B), 519.213(A) and (B), and 713.081(A) and (B).

² R.C. 4906.13(A), 303.213(A) and (B), 519.213(A) and (B), and 713.081(A) and (B).

Wind Farm Setback Requirements			
Type of Wind Farm	Definition	Setback Requirements	Subject to Resolution Designating a Restricted Area under S.B. 52?
Economically significant wind farm (ESWF)	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 5 or more MW but less than 50 MW. ³	Minimum setback consists of two measurements: <ul style="list-style-type: none"> ▪ A horizontal distance, from the turbine’s base to the wind farm’s property line, equal to 1.1 times the turbine’s height measured from the base to the tip of its highest blade (Measurement 1); ▪ At least 1,125 feet horizontally from the tip of the turbine’s nearest blade at 90° to the nearest adjacent property line at the time of the certification application (Measurement 2).⁴ 	Yes ⁵
ESWF in operation on June 24, 2008 ⁶	Same as ESWF	None ⁷	No ⁸

³ R.C. 4906.13(A).

⁴ R.C. 4906.20(B)(2)(a).

⁵ R.C. 303.58(A)(1).

⁶ No such wind farms are in operation. Go to [U.S. Wind Turbine Database](http://www.usgs.gov) and inspect Ohio. This database is available at the website of the U.S. Geological Survey, usgs.gov.

⁷ R.C. 4906.13(A). No setback restrictions existed prior to June 24, 2008, which is the effective date of H.B. 562 of the 127th General Assembly.

⁸ S.B. 52 does not apply to an ESWF that is already in operation. R.C. 303.57(A).

Wind Farm Setback Requirements			
Type of Wind Farm	Definition	Setback Requirements	Subject to Resolution Designating a Restricted Area under S.B. 52?
Existing ESWF certificates and amendments and existing ESWF certificate applications found in compliance prior to September 29, 2013	Same as ESWF	Same as ESWFs, but 750 ft. rather than 1,125 ft. regarding Measurement 2. ⁹	Yes ¹⁰
Large wind farm (LWF)	An electric generating plant that consists of wind turbines and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at an aggregate capacity of 50 MW or more. ¹¹	Same as ESWFs ¹²	Yes ¹³
Existing LWF certificates and amendments and existing LWF certificate applications found in compliance prior to September 29, 2013	Same as LWF	Same as ESWFs, but 750 ft. rather than 1,125 ft. regarding Measurement 2. ¹⁴	Yes ¹⁵

⁹ R.C. 4906.20(B)(2)(b)(i).

¹⁰ R.C. 303.58(A)(1).

¹¹ R.C. 4906.01(B)(1) and (H).

¹² R.C. 4906.20(B)(2) and 4906.201(A) and (B)(2).

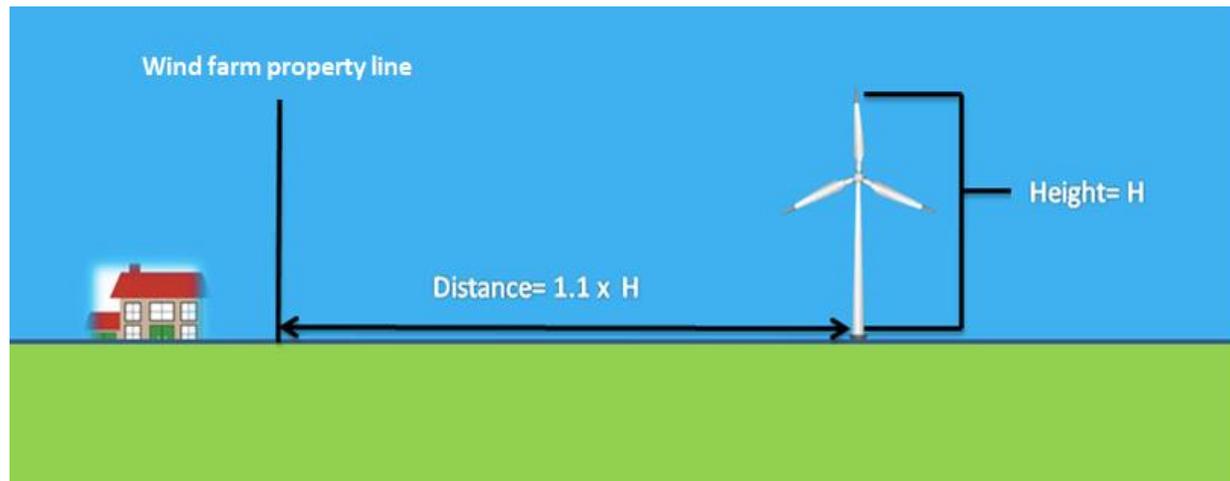
¹³ R.C. 303.58(A)(2).

¹⁴ R.C. 4906.201(B)(1).

¹⁵ R.C. 303.58(A)(2).

Setback diagrams

Measurement 1



Measurement 2



Exceptions to setback requirements

The setback requirements for ESWFs and large wind farms described in the table above can be altered by the following:

- All property owners adjacent to the wind farm property waive application of the setback.
- The PSB determines in a particular case that it is necessary for a setback greater than the minimum.¹⁶

Solar facility setback

A solar project designated as a “large solar facility” is an electric generating plant that consists of solar panels and associated facilities with a single interconnection to the electrical grid that is designed for, or capable of, operation at a capacity of at least 50 MWs. The construction of these types of facilities are regulated by the PSB and thus would need to abide by the certification requirements that apply to other electric generating facilities of that capacity. However, unlike wind farms, there are no explicit setback requirements in current law for solar facilities.¹⁷

S.B. 52 changes to wind and solar development

S.B. 52 of the 134th General Assembly, which took effect October 11, 2021, brought about changes to how certain wind and solar projects are sited. Below is a brief explanation of the relevant provisions from the act. For a more detailed explanation of the entire act, see the LSC [Final Analysis for S.B. 52 \(PDF\)](#), which is available on the General Assembly’s website: legislature.ohio.gov.

Restricted areas

A board of county commissioners may designate by resolution all or part of an unincorporated area of a county as a restricted area to prohibit the construction, or certain alterations (called “material amendments”), of a “utility facility.” This term includes: ESWFs, large wind farms, and large solar facilities. The resolution making the designation is conditioned upon the right of referendum by the county voters, and therefore could be overturned, allowing for the construction or alteration of a utility facility.¹⁸

¹⁶ R.C. 4906.20(B)(2)(c).

¹⁷ R.C. 4906.01(G).

¹⁸ R.C. 303.58(A) and 303.59.

Effects on existing projects

When a restricted zone is designated by resolution, and a referendum is unsuccessful or does not occur, no person can file an application for a certificate, or for material amendments to an existing certificate, to construct, operate, or maintain a utility facility in the zone. Additionally, the PSB cannot accept a filing for, or grant, a certificate or certain material amendments to existing certificates.¹⁹

¹⁹ R.C. 303.60 and 4906.101.