

Original Questions:

1. How far from an adjacent property does the turbine have to be without infringing on neighbor's rights? **See response below.**
2. What is the role/weight of individual property rights in decision making? **Beyond scope of this project.**
3. Who will protect homeowners from wind turbines' excessive noise, daytime flicker, night time flashing lights, massive tower heights, and huge loss of property values if local townships do not have a wind ordinance established? **Value judgment. Comment not question.**
4. As a resident of the southernmost part of Gilmore Township, apparently only yards from the presumed locations of a cluster of the turbines, I'm concerned about my "rights" and "protections" from the impacts -- whatever they may be -- of the turbines in Blaine Township. If zoning and permitting are done on a strictly township by township basis, what provision is there for providing protections to an adjacent or nearby residence in a different township? It appears that I could be impacted far more than most of the people in the two townships identified by Duke Energy as its target area, yet I have not seen anything in the media about Gilmore Township participation in the zoning and planning discussions. **Moved from section BB "Property Rights" to section D "Township Governance".**
5. Will the concerns of other property owners be considered, if they are not interested in having a turbine in their backyard? How good of a neighbor will Duke really be? **Project Specific.**
6. If these turbines adversely affect the leaseholder's crops (ex: no bees for pollination) are the growers still eligible for subsidies? **Beyond scope of project.**
7. Do farmers and landowners in general have the right to use their land to generate income from wind, oil and gas, farming or forestry? **See response below.**

Questions and Responses

These questions may have been recategorized and reorganized. Some may have been sent to another "theme" area (this will have been explained in red under the "Original Questions" section). In other cases two or more questions will be answered with one response.

BB1: How far from an adjacent property does the turbine have to be without infringing on neighbor's rights?

Response: There is no black and white answer to this question. Under the law of nuisance, a landowner's use of their property cannot unreasonably interfere with their neighbor's private use and enjoyment of their own property, or significantly interfere with the public's health, safety, peace, comfort, or convenience. But the determination of when a wind turbine might rise to one of these levels would be a fact-specific inquiry dependant on location-specific factors, such as the type of neighboring land use and the type of wind turbine.

However, a township does have the authority to adopt a zoning ordinance that sets a specific, required setback, subject to the general limitations on the township's zoning authority discussed in question D1. For example, the model wind energy zoning ordinance discussed in question D4 suggests requiring a setback that is at least as high as the size of the tower.

BB7: Do farmers and landowners in general have the right to use their land to generate income from wind, oil and gas, farming or forestry?

Response: In general, yes, but farmers and landowners still must comply with applicable laws. All of those uses are subject to restrictions found in local zoning and, in some cases, state and federal law.