

A landscape photograph showing a series of rolling hills covered in green grass. Numerous white wind turbines are scattered across the hills, some in the foreground and others in the distance. The sky is filled with soft, white clouds, and the overall lighting is bright and airy.


Wind Energy Discussion

TOWN OF WASHINGTON – PLAN COMMISSION MEETING – FEBRUARY 9, 2022

ROD ESLINGER, DIRECTOR OF PLANNING AND DEVELOPMENT

Purpose:

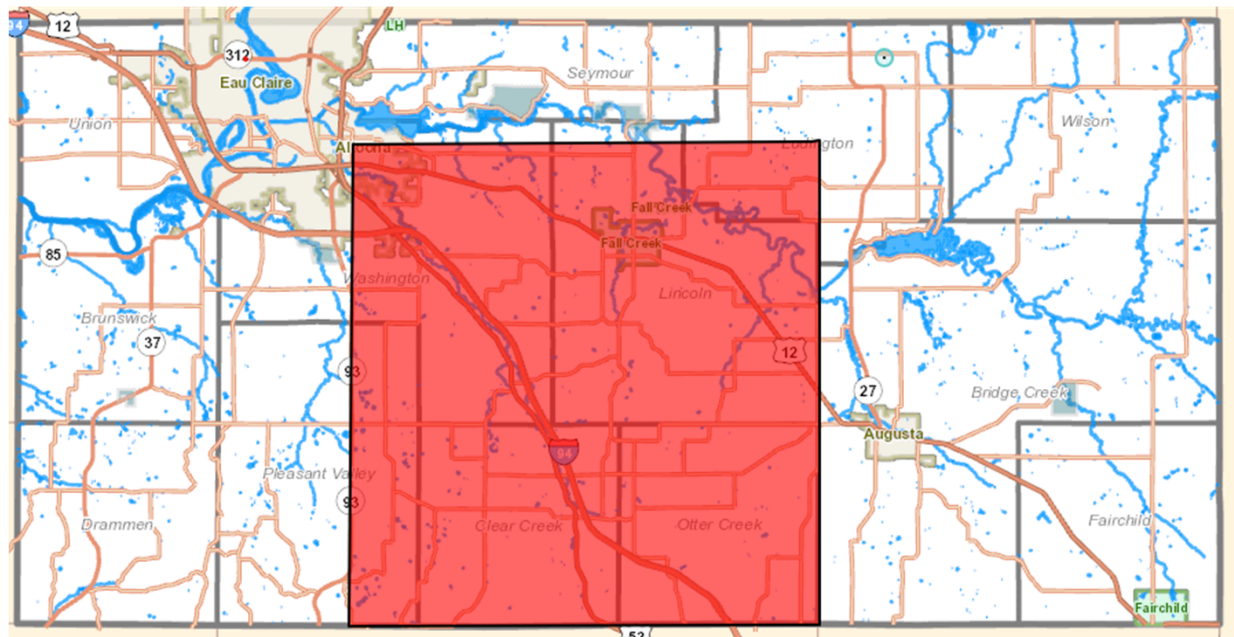
Provide general information regarding wind energy regulations to the Town of Washington residents.

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Wind Energy Focus

- ❖ Wind energy easements have been recorded on property in the towns of Bridge Creek, Clear Creek, Lincoln, Otter Creek and Washington.
- ❖ At this time, no requests for permits have been filed with the planning and development department.
- ❖ Several towns have enacted moratoriums to study the issue. Currently the department is aware that at least two towns have adopted some wind energy regulations.

Eau Claire County



Wisconsin Statutes

☐ Wis. Stats. 66.0401 Regulations relating to solar and wind energy systems

- Wis. Stats. 66.0401 (1m) AUTHORITY TO RESTRICT SYSTEMS LIMITED. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system **that is more restrictive than the rules promulgated by the commission under s. [196.378 \(4g\) \(b\)](#)**. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. [13.48 \(2\) \(h\) 1. g.](#), or a wind energy system, unless the restriction satisfies one of the following conditions:
 - (a) Serves to preserve or protect the public health or safety.
 - (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (c) Allows for an alternative system of comparable cost and efficiency.

Source: Wisconsin Statutes

Wisconsin Statutes cont.

- Wis. Stats. 66.0403 Solar and Wind Access Permits
- Wis. Stats. 196.491 Strategic Energy Assessment; Electric Generating Facilities and Transmission lines: Natural Gas Lines.
 - PSC authority to regulate wind energy systems with an operational capacity of 100 megawatts (MW) or greater

Administrative Code

❑ 2009 Wisconsin Act 40

- Directed the Public Service Commission (PSC) to promulgate administrative rules (PSC 128)
 - Commission adopted the final wind siting rules on December 27, 2010
 - If a local political subdivision chooses to regulate wind energy systems – Its regulations may not be more restrictive than the PSC rules.
 - Ensure consistent local procedures for local regulation of wind energy system.
- Wis. Admin. Code ch. 128 Wind Energy Systems –
 - Effective date March 16, 2012
- PSC 128.03 Political subdivision authority – limits local authority
 - PSC 128 Wis. Admin. Code: A political subdivision may not place any restriction, either directly or in effect, on the installation or use of a wind energy system except by adopting an ordinance that complies with this chapter and Wis. Stats. 66.0401, and is not more restrictive than this chapter.
- PSC 128.13 Siting Criteria
 - A political subdivision may not establish long-term land use planning requirements or practices that preclude the construction of a particular type, or any type, of wind turbine or wind energy system within the political subdivision's jurisdiction.

Source: PSC of Wisconsin Wind Siting Rules website, 2009 Wisconsin Act 40, PSC 128 Wis. Admin. Code

Certificate of Public Convenience and Necessity (CPCN)

- ❑ Wis. Stats. 196.491 (3) CPCN - Required for Large electric generating facility – operation capacity of 100 megawatts or more.
- ❑ Statutory Review Process – Review by the PSC and approval by the Commission.
 - Application Filing Requirement Wind Energy Projects – October 2017
 - PSC/DNR Consultation Process

Source: Wis. Stats. 196.491



Wisconsin Department of Natural Resources (WDNR)

❑ WDNR and PSC – cooperative agreement – ensures both agencies share information and make timely decisions.

❑ WDNR's main responsibilities

- Wetland and waterway crossings permitting
- Construction site erosion control
- Protection of state-listed threatened species
- Bird and bat impacts

Source: WDNR Wind Power Webpage

Applicable Local Ordinances

Conditional Use Permit:

“MET tower” means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a wind energy system.

Wind Energy Systems less than 100 megawatts (MW).

County Wind Energy Systems Ordinance

EAU CLAIRE COUNTY CODE - SECTION 18.30.260

- Existing ordinance standards adopted prior to the adoption of Wis. Stats. 66.0401 and Chapter PSC 128 Wis. Admin. Code (Wind Energy Systems).
 - NOTE: Current wind energy ordinance was adopted in 2009.
- Title 18 is currently being rewritten to bring the entire code up to date.

CURRENT STANDARDS COVER THE FOLLOWING:

- Setbacks
- Spacing and density
- Shadow flicker
- Noise
- Construction standards
- Height
- Access
- Blade Clearance
- Electrical Wires
- Lighting
- Appearance, color, and finish
- Equipment
- Signs
- Land Disturbance
- Parking areas and driveways
- Code Compliance
- Signal Interference
- Abandonment

Proposed – Chapter 18.55 Wind Energy Systems

GENERAL STATEMENTS:

- The code will require compliance with the applicable provisions of Wisconsin Administrative Code PSC 128.
- Wind energy systems are a conditional use in any district. Refer to use chart in 18.32.

SECTION 18.55.040 STANDARDS.

- A. The County will apply Wis. Stat. § 66.0401 and Wisconsin Administrative Code PSC 128 when evaluating conditional use permit applications under this section.
- B. All provisions of Wisconsin Administrative Code PSC 128 are hereby adopted and by reference made part of this ordinance as if fully set forth herein. Any future amendments, revisions or modifications of Wisconsin Administrative Code PSC 128 are intended to be made part of this ordinance.
- C. The applicant shall comply with any restrictions established for public use airports or heliports under Wis. Stat. §§ 114.135 or 114.136. If no such restrictions are effective, wind turbine height and setback distances shall comply with the Federal Aviation Administration obstruction standards in 14 CFR Part 77.

Applicable Local Ordinances cont.

Other applicable local (town/county) ordinances may include the following:

- Shoreland and Floodplain
- Road limits (Road use agreements)
- Crossing and access permits (could be for utilities)
- Noise abatement ordinances (hours or times of construction)
- Building permits
- Driveway access permits and culvert approval, and
- Erosion and stormwater permitting.
- Addressing
- Farmland Preservation
- Commercial electrical service if needed (county)

Farmland Preservation Program

Farmland Preservation Program (FPP) Agreements in the Golden Triangle Ag. Enterprise Area (AEA)

- Department of Agriculture, Trade and Consumer Protection (DATCP) will require land covered under a FPP agreement to be released from the agreement should the landowner sign a wind energy easement.
- The payback penalty is three times the highest ag. use value assessment in that town.
- There are no ramifications for FPP participant who does not have a signed agreement.
- Questions may be directed to Wednesday Jordan at DATCP: 608-224-4611