



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, January 2, 2025.

Packet Pages:

- 2 Agenda

- 3-4 Draft Meeting Minutes from 12/5/24

- 5-6 Financial Reports for November 2024

- 7-10 Land Use & Sanitary Reports for November 2024

- 11-12 Violation Status Reports

- 13-77 Chapter 350 Proposed Ordinance Amendment

If you have questions or need additional information,
please contact the Land Use Planning & Zoning Department at (920) 294-4156

Land Use Planning & Zoning Committee Meeting Notice

***Date: Thursday, January 2, 2025, Time: 9:00 AM
Green Lake County Government Center, County Board Room
571 County Rd A, Green Lake WI***

AGENDA

Committee Members

*Chuck Buss-chair
Bill Boutwell-vice chair
Curt Talma
Gene Thom
Sue Wendt*

Secretary: Karissa Block

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

This agenda gives notice of a meeting of the Land Use Planning and Zoning Committee. It is possible that individual members of other governing bodies of Green Lake County government may attend this meeting for informative purposes. Members of the Green Lake County Board of Supervisors or its committees may be present for informative purposes but will not take any formal action. A majority or a negative quorum of the members of the Green Lake County Board of Supervisors and/or any of its committees may be present at this meeting. See State ex rel. Badke v. Vill. Bd. of Vill. of Greendale, 173 Wis.2d 553, 578, 494 N.W. 2d 408 (1993).

1. Call to Order
2. Certification of Open Meeting Law
3. Pledge of Allegiance
4. Minutes of 12/5/2024
5. Department Activity Reports
 - a) Financial Reports
 - b) Land use & septic permits
 - c) Violation reports
6. Farmland Preservation Plan Committee Update
7. Proposed Zoning Ordinance Amendment – Including Wind Energy and Solar Energy Systems
8. County Surveyor update
9. 2025 Orthophoto update
10. Public Comment (15 minutes total/3-minute limit per person)
11. Committee Discussion
 - a) Future Meeting Dates: February 6, 2025 @ 9:00am
 - b) Future Agenda items for action & discussion
 - i. CUP complaint hearing S&L Holdings WI LLC
 - ii. Resume consideration of David Santee CUP
12. Adjourn

Microsoft Teams meeting: This meeting will be conducted through in person attendance or audio/visual communication. Remote access can be obtained through the Microsoft Teams link on the agenda posted on the County website's Events Calendar:

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 296 349 313 972

Passcode: 9VUWqS

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**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, December 5, 2024**

CALL TO ORDER

Planning & Zoning Chair Chuck Buss called the meeting of the Land Use Planning and Zoning Committee to order at 9:00AM in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met. Public access was available via remote programming as well as in person. The Pledge of Allegiance was recited.

Present: **Bill Boutwell, Curt Talma, Chuck Buss, Gene Thom, Sue Wendt**

Also Present: **Matt Kirkman**, Land Use Planning and Zoning Director; **Karissa Block**, Deputy County Clerk; **Jeff Mann**, Corporation Counsel; **Ryan Schinke**, Land Use Coordinator/Technician; **Noah Brown**, Land Use and Shoreland Specialist; **Maxwell Richards**, Land Use and POWTS Specialist; **Kenneth Stephani**, Finance Director

APPROVAL OF MINUTES

Motion/second (Boutwell/Thom) to approve the minutes of the 11/07/2024 meeting. Motion carried with no negative vote.

DEPARTMENT ACTIVITY REPORTS

- Financial Reports
- Land Use & Septic Permits
- Violation Reports

Discussion held. Mann gave an update on Violation Reports.

ADMINISTRATIVE POLICY PLSS PERPETUATION

The Committee approved the PLSS Perpetuation Policy and asked Kirkman to include PLSS Perpetuation as a County Surveyor contracted responsibility.

FARMLAND PRESERVATION PLAN COMMITTEE UPDATE

The first Farmland Preservation Plan Committee meeting will be January 27th, 2025. Kirkman stated that the meeting will be open to the public with a public comment at the start of the meeting.

PROPOSED ZONING ORDINANCE AMENDMENT – WIND ENERGY SYSTEMS

The Planning and Zoning Department would like this to be an official ordinance by February 2025. The committee agreed to move forward with this item as integrated zoning ordinance standards as opposed to a stand-alone ordinance.

APPROVE 2025 LAND USE PLANNING & ZONING COMMITTEE CALENDAR

The April meeting date needs to be moved to April 3rd. There will be no meeting in July 2025, however, if something comes up, they will host a special meeting.

PER SECTION 350-57, REVIEW COMPLAINT REGARDING S&L HOLDINGS, LLC

Kirkman explained the steps taken to review a complaint. An inspection was done at the property by the Planning and Zoning department.

Motion/second (Buss/Thom) to suspend the rules to allow the public to speak. Motion carried with no negative vote.

Lee Garro, S&L Holdings LLC – commented on item #10.

Discussion held. Garro will move the wood pile and the committee will hold a hearing to move forward.

Motion/second (Thom/Boutwell) to review the original CUP and hold a public hearing. Motion carried with no negative vote.

PUBLIC COMMENT (15 MINUTES TOTAL / 3 MINUTE LIMIT)

Phillip Anastasi, W6766 Hill St – commented on item #7.

COMMITTEE DISCUSSION

- a. Next meeting date – January 2, 2025 @ 9:00AM
- b. Future agenda items for action & discussion

ADJOURN

Chair Buss adjourned the meeting at 10:06AM.

Respectfully submitted,

Karissa Block
Deputy County Clerk

For 11/01/24 - 11/30/24

Expenditure Summary Report

FJEXS01A

Periods 11 - 11

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
10 Land Use Planning and Zoning						
53610 Code Enforcement						
24-100-10-53610-110-000 Salaries	319,530.00	.00	25,099.20	282,407.82	37,122.18	88.38
24-100-10-53610-140-000 Meeting Payments	940.00	.00	.00	938.06	1.94	99.79
24-100-10-53610-151-000 Social Security	24,446.00	.00	1,823.09	21,544.46	2,901.54	88.13
24-100-10-53610-153-000 Ret. Employer Share	22,050.00	.00	1,731.86	20,326.99	1,723.01	92.19
24-100-10-53610-154-000 Health Insurance	109,362.00	.00	6,782.88	66,207.28	43,154.72	60.54
24-100-10-53610-155-000 Life Insurance	524.00	.00	47.43	515.98	8.02	98.47
24-100-10-53610-210-002 Professional Services	9,500.00	.00	550.00	8,237.50	1,262.50	86.71
24-100-10-53610-218-000 VIOLATION NOTICE SERVICE	300.00	.00	.00	.00	300.00	.00
24-100-10-53610-225-000 Phone Service	870.00	.00	48.54	536.96	333.04	61.72
24-100-10-53610-242-000 Print Management	300.00	.00	31.93	315.37	-15.37	105.12
24-100-10-53610-307-000 Training	940.00	.00	20.00	910.90	29.10	96.90
24-100-10-53610-310-000 Office Supplies	990.00	.00	4.20	744.39	245.61	75.19
24-100-10-53610-312-000 Field Supplies	200.00	.00	38.25	59.33	140.67	29.67
24-100-10-53610-312-001 Non-Metallic Mining Expense	.00	.00	.00	1,749.00	-1,749.00	.00
24-100-10-53610-320-000 Publications-BOA Public Hearing	600.00	.00	371.00	3,408.70	-2,808.70	**
24-100-10-53610-320-001 Publications-PZ Public Hearing	3,000.00	.00	.00	2,499.00	501.00	83.30
24-100-10-53610-321-000 Seminars	930.00	.00	.00	885.00	45.00	95.16
24-100-10-53610-324-000 Member Dues	130.00	.00	.00	170.90	-40.90	131.46
24-100-10-53610-330-000 Travel	750.00	.00	.00	499.80	250.20	66.64
24-100-10-53610-352-000 Vehicle Maintenance	838.00	.00	.00	454.43	383.57	54.23
53610 Code Enforcement	496,200.00	.00	36,548.38	412,411.87	83,788.13	83.11
10 Land Use Planning and Zoning	496,200.00	.00	36,548.38	412,411.87	83,788.13	83.11

**GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED	NOVEMBER				YEAR-TO-DATE				BUDGET	
	2023		2024		2023		2024		2024	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	8	1,750	16	4,950	232	54,250	231	\$ 73,850	\$ 60,000	123%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	7	1,960	6	1,755	69	19,200	77	\$ 23,910	\$ 26,000	92%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	-	-	-	\$ -	18	15,650	7	\$ 14,005	\$ 15,200	92%
BOARD OF ADJUSTMENT										
Special Exception	-	-	-	-	-	-	-	-	-	
Variances	-	-	-	-	2	750	5	1,875	-	
Appeals	-	-	-	-	1	375	-	-	-	
Total	-	\$ -	-	\$ -	3	\$ 1,125	5	\$ 1,875	\$ 1,500	125%
PLANNING & ZONING COMMITTEE										
Zoning Change	1	375	2	750	9	3,375	10	3,750	-	
Conditional Use Permits	-	-	-	-	13	4,875	5	1,875	-	
Variance	-	-	-	-	2	900	-	-	-	
Total	1	\$ 375	2	\$ 750	24	\$ 9,150	15	\$ 5,625	\$ 8,525	66%
MISC.										
Wisconsin Fund	-	-	-	-	-	-	1	50	-	
Fines & Forfeitures	-	-	-	-	8	1,000	21	8,240	-	
Total	-	\$ -	-	\$ -	8	\$ 1,000	22	\$ 8,290	-	
SURVEYOR										
Certified Survey Maps	3	495	3	525	34	5,910	36	6,480	6,500	
Preliminary and Final Plats	-	-	-	-	-	-	-	-	-	
Applied Funds: County Surveyor	-	-	-	-	1	9,500	-	-	9,500	
Total	3	\$ 495	3	\$ 525	35	\$ 15,410	36	\$ 6,480	\$ 16,000	41%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	1	15	-	-	-	
Land Records Transfer	-	-	-	-	-	-	-	-	25,000	
Land Information Grant	-	-	-	-	-	-	-	-	10,000	
Total	-	\$ -	-	\$ -	1	\$ 15	-	\$ -	\$ 35,000	0%
GRAND TOTAL	19	4,580	27	7,980	390	115,800	393	134,035	\$ 162,225	
									Total	83%

Land Use Permits: 11/1/2024 - 11/30/2024

Town of Berlin

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description	
13833	N7664 FOREST RIDGE RD	11/07/2024	JEFFREYW MEINCKE, YOLANDA MEINCKE	30000	Accessory Structure - Stairs/Walkway	Front Walkway	Accessory Structure - Retaining Walls	Retaining Wall	

Town of Brooklyn

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13829	W3097 ORCHARD AVE	11/21/2024	ELIZABETHA STOUT TRUST	650000	Accessory Structure - Stairs/Walkway	Front Walkway	Accessory Structure - Porch	Upper Porch
13835	W3030 PHEASANT RUN	11/13/2024	THERESA ZUSKA TRUST	350000	Additions / Alterations - Addition/Alteration to Principal Structure	House Addition	Additions / Alterations - Addition/Alteration to Principal Structure	Remodel of Kitchen and master bath and adding bedroom on lower floor
13837	N5316 SHORE DR	11/12/2024	N5316 SHORE LLC	130000		Conversion of existing driveway to impermeable pavers.		
13840	W832 LAKESIDE DR	11/18/2024	ERIC MCLIMORE, SHIRLEY ROY	113000	Accessory Structure - Attached Deck/Patio	Replacement Patio	Accessory Structure - Retaining Walls	Retaining Wall

Town of Green Lake

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13824	N4241 SEARLE RD	11/05/2024	KENNETHCLARK PETERSON, RUTHELIZABETH PETERSON	11400	Other - Solar Panel(s)	Ground mounted solar panel array. Total area of 268 sq ft		
13828	W1496 SPRING GROVE RD	11/01/2024	BRIAN L & JANEEN ZIMMERMANN LIVING TRUST	20000	Land Disturbing Activity - Driveways	Driveway	Land Disturbing Activity - Grading	Filling and Grading of future house location
13832	N2954 N KEARLEY RD	11/11/2024	DANIEL M & KELLY A BECK RADDATZ TRUST	15000	Accessory Structure - Porch	Screen Porch	Accessory Structure - Shed	Wood Shed
13834	W1325 SPRING GROVE RD	11/07/2024	SOUTHSHORE TERRACE HOA INC	250000	Accessory Structure - Shed	Shed	Accessory Structure - Attached Deck/Patio	Wrap around Deck

Town of Kingston

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Mackford

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Manchester

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13830	N316 COUNTY ROAD M	11/06/2024	ERINJ HOFFMAN, RUSSELLJ HOFFMAN	30000	Accessory Structure - Agricultural Building	Hog Shed		
13839	N2322 COUNTY ROAD I	11/15/2024	MELVIN G & ELIZABETH M LEEDLE LIVING TRUST	10000	Accessory Structure - Stairs/Walkway	addition to existing sidewalk to the porch/deck	Additions / Alterations - Addition/Alteration to Principal Structure	Enclose existing porch/deck to allow for lift.

Town of Marquette

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13836	W6540 PUCKAWAY RD	11/11/2024	JAMESW BLOUNT, SARAHS BLOUNT	40000	Accessory Structure - Detached Garage	Detached Garage		

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Town of Princeton

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
13820	N4293 LAKEVIEW DR	11/20/2024	ROBERT & NANCY RIORDAN LIVING TRUST	180000	Additions / Alterations - Addition/Alteration to Principal Structure	4 Bedroom Addition		
13821	N4784 N LAKESHORE DR	11/07/2024	JAMES PETTINGER, SARA PETTINGER	14000	Accessory Structure - Attached Deck/Patio	175 sqft Patio		
13838	N5565 COUNTY ROAD T	11/14/2024	JONG URBEN, JUDYA URBEN	525000	Land Disturbing Activity - Driveways	Gravel Driveway	Accessory Structure - Porch	Sun Room
13843	N5160 LUECK LN	11/22/2024	CELESTINOG SEMBRANO, LIEZLJ SEMBRANO	10000	Accessory Structure - Attached Deck/Patio	Attached Deck/Porch	Additions / Alterations - Addition/Alteration to Accessory Structure	Roof Expansion

Town of Saint Marie

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
NONE								

Town of Seneca

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
NONE								

November 2023 Estimated Cost \$1,269,150.00

2023 YTD Estimated Cost \$43,383,387.00

November 2024 Estimated Cost: \$2,378,400.00

2024 YTD Estimated Cost: \$58,525,790.00

Sanitary Permits: 11/1/2024 - 11/30/2024

Sanitary Permit	County Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Plumber Name	Additional Permit Type	Final Insp Date	Ind Site Dsgn	Additional Explanation	WI Fnd	WI Fnd	WI Fnd
202424163		002003320000	W2342 PUCHYAN RD	JOSEPH J HOINACKI, VIRGINIAA HOINACKI	11/11/2024	Replacement System	At-Grade	Ben Kinas		01/02/1900	No	4 bedroom house	\$ 280.00	\$ 100.00	\$ 380.00
202424164		016006790100	N5917 CANAL ST	BEDNAREK FAMILY REVOCABLE LIVING TRUST	11/11/2024	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		01/02/1900	No	3 bedroom house	\$ 280.00	\$ 100.00	\$ 380.00
202424165		016008290000	N5565 COUNTY ROAD T	JONG URBEN, JUDYA URBEN	11/13/2024	New System	Conventional (Non-Pressurized In-Ground)	Jeffrey Novak		01/02/1900	No	4 bedroom house (house by river)	\$ 280.00	\$ 100.00	\$ 380.00
202424166		018005610200	N7001 COUNTY ROAD Y	ALANE MASHUDA, ASHLEYL PETIT, DEREKJ MASHUDA	11/13/2024	Replacement System	Conventional (Non-Pressurized In-Ground)	Alan Mashuda		11/27/2024	No	3 bedroom house	\$ 280.00	\$ 100.00	\$ 380.00
202424167		004003750100	N6264 N LAWSON DR	DAVIDROY SANTEE	11/13/2024	Replacement System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		01/02/1900	No	Motel and dwelling	\$ 280.00	\$ 100.00	\$ 380.00
202424168		006001270000	N4145 LAKEVIEW RD	BEUTHIN FAMILY RECREATIONAL TR	11/14/2024	Replacement System	Holding Tank	Jeffrey Novak		11/19/2024	No	1 bedroom hunting cabin	\$ 355.00	\$ 100.00	\$ 455.00

Total \$ 1,755.00 \$ 600.00 \$ 2,355.00

Total Sanitary Permits Issued 11/1/2024 - 11/30/2024

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
At-Grade	1	0	1	0
Conventional (Non-Pressurized In-Ground)	4	1	3	0
Holding Tank	1	0	1	0
Grand Total	6	1	5	0

Total Sanitary Permits Inspected 11/1/2024 - 11/30/2024

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	6	4	2	0
Holding Tank	2	1	1	0
Grand Total	8	5	3	0

Land Use Violations Report
Decemberr 2024

First Notice

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description
004018310000	W1715 North Street	William J Riebe Living Trust	13775	Zoning	Construction within the sideyard setback
014004860000	W5352 Puckaway Road	Daniel Kohn	13842	Zoning	Shipping Container without a permit
006001160102	W2498 Oakwood Avenue	Orazio Pollina	13826	Shoreland	Retaining walls within shoreland setback and no LUP for structures
006010680000	N5010 Horner Road	Richard & Patricia Ehrenberg	13849	Zoning	Building without a land use permit
002003570000	N8473 County Road A	Jennifer Krause	12588	Zoning	Construction od a second shed without a permit next to existing shed
002000910000		Tim Drover	13669	Zoning	Tires, boats, trash, potentially a dwelling?

Second Notice

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description
018002970000		Jonathan Marquart	13827	Shoreland	Development in floodplain without determination of floodway vs flood fringe and no LUP
004009170100	W2955 Hillside Road	John Francis	13736	Shoreland	Retaining wall built within shoreland setback, without a land use permit, and wall is greater than six feet not designed by a professional engineer.

Sent to Corp. Counsel

Parcel Number	Site Address	Owner Name	Permit #	Violation Type	Violation Description
004003750100	N6264 N lawson Dr	David Santee	13356	Zoning	Establishing a residence without a conditional use permit on C-2 parcel.
004003750100	N6264 N Lawson Dr	David Santee	13460	Zoning	Operating a long term rental in a zoning district that does not allow long term rentals as an allowed use.
020004510000, 020004550000	Hopp Road Right of way	Hopp	13395	Floodplain	Installed three sets of three culverts in 2008 without WDNR or County Zoning approval. Resolution is to remove all three sets of culverts to restore natural flooding conditions. Update: Joe said he would work with the Town's attorney to draft a legal letter to Mike Arrowhead of Walleyes for Tomorrow. The letter would be worded in such a way that Walleyes for Tomorrow will be responsible for removing the culvert sets on both parcels.
014001810000	N4356 PINE RD E	PAUL PETERSEN	13618	Zoning	3 Recreational Campers in A-1, Farmland Preservation District
008004680000	W6502 STATE ROAD 44	Carolee Miller	13533	Shoreland	No LUP and building within the shoreland setback. Certified Mailing -unclaimed resent through S.O.
006016860000	W1172 Spring Grove Road	Lizbeth Olsen	13745	Zoning	Fence built without LUP and is not open style or 4 feet in height when within the streetyard setback

Monthly Violations Resolved
2

YTD Violations Resolved
17

Resolved

006010630000	N4941 Horner Road	Hill Creek Acres LLC	13808	Shoreland and Zoning	Building wall without land use permit and building within shoreland setback, structure not permitted in A1 zoning
004011040201	N5493 County Road A	Bradford Jakel	13809	Shoreland	No land use permit and structures within shoreland setback.

POWTS FAILURE REPORT 10/21/2024

Open					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
1800271000	N6431 River Road	Dennis F Jensen	1624109	System likely not installed to plumbing code, will be investigated more in spring. Owner plans to replace/abandon system.	11/25/2024
006001630000	N4443 HORNER RD	4 PAR LLC	199425	CST and Plumber will be submitting a new sanitary permit soon. Have been in talks with DSPS and county staff.	10/29/2024
18005670100	N6930 State Road 73	Zrinsky Family Irrevocable Trust	201624036	Plumber reports system filled in with sand, will verify early system failure on site this winter or early in spring.	12/9/2024
Notice Sent					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
004007130100	W2291 HICKORY RD	TINSMAN REVOCABLE TRUST PETER W; VON MAUR TINSMAN REVOCABLE TRUST HEATHER	000148258	Being sold at 8 bedroom house. System is sized for only 5. Property owner has been sent an affidavit to resolve the violation.	10/28/2024
Final Notice Sent					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
016009230000	W5894 WALTER WILLIAMS RD	PROG ROD-GUN CLUB	202324057	Waterline issue to be resolved in spring.	10/21/2024
Sent To Corp Counsel					
Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
008004020000	W6712 PARK VIEW LN	; YODER DOROTHY ; YODER WILBUR ; YODER WILLIAM	00824056	Illegally installed holding tank of some kind. Has new sanitary permit 202424137 installed for new house, waiting on POWTS abandonment.	5/17/2024
016000090000	N6123 SWAMP RD	HEBBE JAMES A	01624006	Tank not Watertight tank repairs ongoing.	4/26/2022
016000900100	N5771 COUNTY ROAD D	ARNESON COURTNEY L	201724075	Drain field failure	6/24/2024
016004630000	N4487 MAPLE LN	KLEIN JUSTIN T	58848	Tank not Watertight	8/5/2022
016004790100	N4185 WICKS LNDG	CLANCY PATRICK J; CLANCY ROBERT J; CLANCY SOWLE COLLEEN	01624043	Illegal holding tank and plumbing	3/31/2020
016008320000	N5528 COUNTY ROAD T	WEIR LAVERNE J	01624079	Tank not Watertight, drywell structurally compromised	12/12/2023
016009230000	N4922 RAY SHORTER RD	PROG ROD-GUN CLUB	010024256	Tank Failure	5/29/2021
018006720200	N7506 STATE ROAD 73	CLEMENTS JR CECIL D	000148246	Drain field failure	4/30/2024
020002500400	W2635 FOX RIVER SHRS E	CONN HAROLD A; CONN LEONARD R; CONN MARY	000037515	Tank has roots growing into it. No longer watertight or structurally sound. discharging effluent to the groundwater table.	5/21/2024
154000570000	145 SHERMAN AVE	LOESL CYNTHIA MARIE; LYSY DEBORAH	15424008	Tank Failure	9/20/2024

Benefits of a Wind Energy Systems Ordinance:

1. Adopting serves to best preserve and protect the public health and safety.
2. Requires the large wind energy project owner to make reasonable effort to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 miles of a proposed large wind energy turbine site.
3. Requires the wind energy project owner to reasonable minimize the conversion of land from an agricultural use.
4. Requires increased setbacks to occupied commercial buildings, participating residences, non-participating residences, non-participating lot lines, public rights-of-way, utilities (communication).
5. Allows the County to prohibit wind turbines over 1.0 megawatt in residential and commercial zoning districts.
6. Allows County to set noise limits and requires the wind turbine owner to resolve steady pure tones, like whines, whistle, screech or hums promptly. Established a noise complaint procedure.
7. Allows County to apply shadow-flicker requirements and mitigation for nonparticipating residences and occupied community buildings.
8. Allows County to apply signal interference requirements and mitigation that apply to commercial and personal communication in use when a wind energy system begins operation.
9. Allows County to require stray voltage restrictions and rectifications at all dairy and confined animal operations within 0.5 miles of a wind energy facility
10. Allows County to apply construction and operation standards (physical, electrical, and construction operation & maintenance) and emergency procedures.
11. Allows County to apply decommissioning requirements including financial responsibility and site restoration.
12. Allows County to require a complete wind energy system application including many of the above requirements.
13. Requires the wind energy system owner to notice property owners and residents within one mile of the proposed wind energy project.
14. Provides the public with access to the wind energy system's application, including detailed plans.
15. Provides the public an opportunity to participate in a public hearing related to the wind energy system's application, including written comment period.
16. Allows the County to request additional information to better understand the application

and whether the application is complete.

17. Requires the owner of a large wind energy system to cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.
18. Provides owners of nonparticipating residences monetary compensation from the owner of the wind energy system based on their proximity to the wind energy system. Annual compensation of \$600 for one turbine within 0.5 miles. \$800 for two turbines within 0.5 miles. \$1,000 for three or more turbines within 0.5 miles.
19. Provides a farm operator within 0.5 miles of the wind energy system monetary compensation as it relates to the discontinuation of aerial spraying practices due to the wind energy system.
20. The owner of the wind energy system is required to provide an annual report documenting the operation and maintenance of the wind energy system on an annual basis.
21. Requires the County be informed of any change in ownership of the wind energy system.
22. Allows the County charge a reasonable fee for the initial application processing (or reimbursement of time and efforts) as well as a land use permit for any developments (including wind turbines) related to the wind energy system.
23. Requires the owner of the wind energy system to obtain written approval prior to making any material change in the approved design, location, or construction. In this case a new application and associated land use permit may be required.
24. Requires the owner of the wind energy system to provide the County with a monthly maintenance log for each wind turbine.
25. Allows the County to contract with a third-party construction inspector to monitor and report on the wind energy system's compliance with permit requirements during construction and operation. The costs of this inspector is to be reimbursed by the wind energy systems owner.
26. Allows the County to contractor with one of more engineers, environmental specialist, planners, or other consultants and experts to perform necessary services in connect ion with the construction of the wind energy system.
27. Allows the County's Corporation Counsel to contract with outside attorneys to perform necessary services in connection with the construction of the wind energy system.
28. Establishes a complaint and resolution process.
29. Allows the County to establish a monitoring committee to oversee the resolution of complaint regarding large wind energy systems.

Benefits of a Solar Energy Systems Ordinance:

1. Adopting serves to best preserve and protect the public health and safety.
2. Requires the large solar energy project owner to reasonable minimize the conversion of land from an agricultural use.
3. Allows the County to prohibit large solar energy systems in residential and commercial zoning districts.
4. Allows County to set noise limits and establish a noise complaint process for large solar energy systems.
5. Allows County to require stray voltage restrictions and rectifications at all dairy and confined animal operations within 0.5 miles of a large solar energy facility.

6. Allows County to apply construction and operation standards (physical, electrical, and construction operation & maintenance) and emergency procedures to large solar energy systems.
7. Allows County to apply decommissioning requirements including financial responsibility and site restoration for large solar energy systems.
8. Allows County to require a complete large solar energy system application including many of the above requirements.
9. Provides the public with access to the large solar energy system's application, including detailed plans.
10. Provides the public an opportunity to participate in a public hearing related to the large solar energy system's application, including a written comment period.
11. Allows the County to request additional information to better understand the application and whether the application is complete.
12. Requires the owner of a large solar energy system to cooperate with any study of the effects of solar energy systems that is coordinated by a state agency.
13. The owner of the large energy system is required to provide an annual report documenting the operation and maintenance of the large solar energy system on an annual basis.
14. Requires the County be informed of any change in ownership of the large solar energy system.
15. Allows the County charge a reasonable fee for the initial application processing (or reimbursement of time and efforts) as well as a land use permit for any developments related to the solar energy system.
16. Requires the owner of the large solar energy system to obtain written approval prior to making any material change in the approved design, location, or construction. In this case a new application and associated land use permit may be required.
17. Allows the County to contract with a third-party construction inspector to monitor and report on the large solar energy system's compliance with permit requirements during construction and operation. The costs of this inspector is to be reimbursed by the large solar energy systems owner.
18. Allows the County to contractor with one of more engineers, environmental specialist, planners, or other consultants and experts to perform necessary services in connect ion with the construction of the large solar energy system.
19. Allows the County's Corporation Counsel to contract with outside attorneys to perform necessary services in connection with the construction of the large solar energy system.
20. Establishes a complaint and resolution process.

350-19 Height Regulations

C. Height exceptions. Farm buildings not for human habitation; chimneys; cooling towers; roof-mounted solar panel arrays; wind turbines; elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power transmission poles and lines; and microwave radio relay structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of Green Lake County.

[Amended 8-18-2020 by Ord. No. 9-2020]

350-20 Side and rear yard regulations

A. There shall be a side yard on each side of a structure hereafter erected, moved or structurally altered.

B. Except as otherwise provided in this section, every structure hereafter erected, moved or structurally altered shall provide the minimum side and rear yards as required by the following table for the district in which such structure is or is to be located:

District	Each Side Yard (Feet)	Rear Yard (Feet)
Residential	12	25
Recreational	12	25
Agricultural	12	25
Conservancy	20	25
Commercial*	12	25
Industrial*	20	25

*Commercial and industrial structures, not designed for human occupancy, are required to provide minimum setback 1.1 times their overall height.

C. Except as otherwise provided in this section, every structure hereafter erected, moved or structurally altered, shall be set back from the adjoining highway or highways as required by Article VI, Highway Setback Lines.

D. Lots 85 feet in width and under shall have a side yard setback of 10 feet on both sides.

E. Except as otherwise provided in this chapter, no structure shall be erected or extended in a required yard, except the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.

F. Wind energy facilities may have yard setbacks waived.

350-31 NRC Natural Resource Conservancy District

B. Permitted uses

22. Wind energy systems

23. Small solar energy systems

350-32 C-1 General Commercial District

A. Permitted uses

7. Wind energy systems under 1 MW

8. Small solar energy systems

350-34 I Industrial District

A. Permitted uses.

1. Any use permitted in the C-2 Extensive Commercial District, except residential, educational or institutional uses.

2. Solar and wind energy systems

350-35 M-1 Mineral Extraction District

A. Permitted uses.

1. Solar and Wind energy systems

2. All other uses in this district are conditional uses.

350-36 M-2 Sanitary Landfill District

A. Permitted uses.

1. Solar and Wind energy systems
2. All other uses in this district are conditional uses.

350-37 RC Recreation District

B. Permitted uses. Recreational activities, such as:

5. Solar and Wind Energy Systems

350-38 R-1 Single-Family Residence District

A. Permitted uses:

8. Wind energy systems under 1 MW
9. Small solar energy systems

350-40 R-3 Multiple-Family Residence District

A. Permitted uses

18. Wind energy systems under 1MW
19. Small solar energy systems

350-41 R-4 Rural Residential District

A. Permitted uses

18. Wind energy systems under 1MW
19. Small solar energy systems

Article V Nonbuilding Structures

350-43 Signs

The sign regulations in this section intend to promote well-maintained and attractive signage within the County; to provide for adequate business identification, advertising and communication; and to protect the safety and efficiency of the County's transportation system by reducing confusion or distractions to motorists.

A. All signs hereafter located, erected, moved, reconstructed, extended, enlarged, or structurally altered shall be in conformity with the provisions of this chapter and require a land use permit, unless specifically stated in this section. Changing the existing message board of a sign with cosmetic materials, such as but not limited to paint, paper or corrugated plastic, does not require a land use permit.

B. Signs within this section are as follows:

(1) Official traffic control or traffic information or traffic directional notice signs erected by federal, state or local units of government may be placed in accordance with the highway jurisdiction. No County permit is required.

(2) Signs that are generally temporary and less than three square feet and are similar but not limited to agricultural seed plots, real estate, contractor identification, and government agency information are not regulated by this Section. No County permit is required.

(3) An on-site sign advertising a customary home occupation or professional home office shall not exceed four square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.

(4) On-site signs advertising business on premises.

(a) One on-site sign attached to a building structure advertising a business conducted or service available on the premises shall not exceed the height of the building structure it is attached to. Such sign shall not exceed 50 square feet in gross area.

(b) One on-site freestanding sign in addition to the building-mounted sign to advertise a business conducted or service available on the premises shall be allowed and shall not exceed 50 square feet in gross area and shall have a minimum setback of 10 feet from the right-of-way line.

(5) Other off-site signs not specifically referred to in this section shall not exceed 300 square feet in gross area. These signs are not allowed in R-1, R-2, R-3 and NRC Zoning Districts and shall meet the following standards:

(a) An off-site sign 50 square feet or less shall have a minimum setback of 10 feet from the right-of-way line.

(b) An off-site sign that is greater than 50 square feet and up to and including 300 square feet shall have a minimum setback from the right-of-way line as required by the zoning district in which the sign is located.

(6) A temporary sign, such as but not limited to rent-a-sign and message-type signs, indicating a special activity, placed on a temporary basis, erected on a trailer or otherwise readily movable means shall not exceed 32 square feet and shall have a minimum setback of 10 feet from the right-of-way line. Maximum length of time for sign placement is 60 days prior to the activity through 15 days after the activity.

C. A sign and all its structural components shall comply with the following setback standards:

(1) No sign allowed in this Section shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal placed by a governmental unit.

(2) The maximum setback for any sign in this Section shall be 300 feet from the right-of-way line.

(3) No sign shall be placed within the vision clearance triangle as provided in § **350-50B**.

(4) All signs shall comply with all other setback standards of this Chapter related to side yard and rear yard based on the zoning district in which the sign is located.

(5) Setbacks shall be measured from the right-of-way line or property line to the closest part of the sign or a structural component of the sign.

D. The height of any freestanding sign not otherwise regulated in this Section shall not exceed 20 feet above the existing elevation at the site of the sign.

E. No sign shall resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices.

F. No sign shall contain, include or be illuminated by flashing lights or be composed of animated or moving parts, or be a flashing electronic type sign. A lighted sign shall be shielded to prevent glare or illumination onto other premises or roadways.

G. No combination of sign face and sign enhancement area (border and trim) shall exceed the square footage requirement of this Section. Back-to-back sign faces of the same size on the same support structure shall be considered as one area for the purpose of this standard. The supporting structure is not counted in the area calculation.

H. No vehicle, farm implement, semi-trailer, building structure or any others similar thereto shall be used as a sign or as a backdrop for conveying information, unless specifically allowed in this Section.

I. Signs regulated in this Section shall be spaced at least 1,500 feet apart, except signs identified in § 350-431B(1) through (4). There shall be no more than two tiers of signs at the required spacing interval. For the purpose of this Section, a "tier" shall mean a zone parallel to the right-of-way line. Each sign shall create a tier at its location.

J. Sign regulations and standards in this Section may not be the only applicable restrictions. Other entities of jurisdiction may regulate existing and proposed signs.

K. Progressive or accumulative message-type signs shall be prohibited.

L. An existing nonconforming sign structure shall only be allowed to be refaced with a new message using cosmetic nonstructural material. No structural or material upgrades are allowed.

M. A sign and all its structural components shall comply with the following maintenance standards:

(1) An abandoned/obsolete sign that identifies, displays information about or otherwise relates to a purpose, event or business that has not existed or operated for 180 days, or is so old, dilapidated, or has become so out of repair as to be dangerous or unsafe, whichever comes first, shall be removed immediately.

(2) All signs, supports and accessories shall be maintained in good repair. Any sign shall be removed immediately if the sign does not have a fully readable message, is in disrepair or damaged and is left without repair for a minimum of 60 days.

N. In areas of shoreland jurisdiction, a sign shall meet the seventy-five-foot setback standard from the ordinary high-water mark of navigable waters.

350-44 Fences

Fences shall comply with the following:

A. All fences, no greater than eight feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street-yard setback.

B. Open style fences (greater than 50% open space), no greater than four feet in height, may be allowed along the street right-of-way line and alongside lot lines within the street-yard setback.

C. Open style agricultural fences, no greater than eight feet in height, are allowed without a land use permit on lands zoned A-1, A-2 and R-4.

[Added 9-21-2021 by Ord. No. 30-2021]

350-45 Driveways and walkways

Driveways and walkways shall comply with the following:

A. Driveways and walkways may be allowed within the side yard and street yard setbacks within the street yard.

B. Walkways no greater than 36 inches in width may be allowed within the side and rear yard setbacks.

350-46 Mobile tower siting regulations

The purpose of this section is to regulate by land use permit the siting and construction of any new mobile service support structure and facilities, Class 1 co-locations (the substantial modification of an existing support structure and mobile service facilities), and Class 2 co-locations (co-locations that do not require the substantial modification of an existing support structure and mobile service facilities).

A. Definitions: All definitions contained in § 66.0404(1) Wis. Stats. are hereby incorporated by reference.

B. Siting and construction of any new mobile service support structure and facilities and Class 1 co-locations (substantial modifications to existing support structure and mobile support facilities)

(1) The siting and construction of any new mobile service support structure and facilities as well as for Class 1 co-locations (substantial modifications to existing support structure and mobile support facilities) are conditional uses in the areas subject to the provisions of this section (See Article VII, Conditional Use Permits). A land use permit is also required.

(2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning and Zoning Department. The application must contain the following information:

(a) The name and business address of, and the contact individual for, the applicant.

(b) The location of the proposed or affected support structure.

(c) The location of the proposed mobile service facility.

(d) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

(f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has

responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(3) The Land Use Planning and Zoning Department will provide a permit application to any applicant, upon request.

(4) If an applicant submits an application for a land use permit to engage in an activity described in this section, which contains all of the information required under this section, the Land Use Planning and Zoning Department shall consider the application complete. If the Land Use Planning and Zoning Department does not believe that the application is complete, the Land Use Planning and Zoning Department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(5) Within 90 days of its receipt of a complete application, the Land Use Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning and Zoning Department may agree in writing to an extension of the ninety-day period:

(a) Review the application to determine whether it complies with all applicable ordinance standards.

(b) Make a final decision whether to approve or disapprove the application.

(c) Notify the applicant, in writing, of its final decision.

(d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(6) The Land Use Planning and Zoning Department may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under Subsection B(2)(f).

(7) As required for all commercial structures (§ 350-20B), a setback 1.1 times the total height of the new mobile service support structure or any substantial modification (Class 1 co-location) shall be required.

(8) If an applicant provides the Land Use Planning and Zoning Department with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in this section, that Zoning Ordinance standards do not apply to such a structure unless the Land Use Planning and Zoning Department provides the applicant with substantial evidence that the engineering certification is flawed.

(9) The fee for the land use permit is \$3,000.

C. Class 2 co-locations.

(1) A land use permit is required for a Class 2 co-location. A Class 2 co-location is a permitted use in the areas subject to this chapter, but still requires the issuance of a land use permit.

(2) A land use permit application must be completed by any applicant and submitted to the Land Use Planning and Zoning Department. The application must contain the following information:

- (a) The name and business address of, and the contact individual for, the applicant.
- (b) The location of the proposed or affected support structure.
- (c) The location of the proposed mobile service facility.

(3) The Land Use Planning and Zoning Department will provide a land use permit application to any applicant upon request.

(4) A Class 2 co-location is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development is subject.

(5) If an applicant submits a land use permit application to the Land Use Planning and Zoning Department for a permit to engage in an activity described in this section, which contains all of the information required under this section, the Land Use Planning and Zoning Department shall consider the application complete. If any of the required information is not in the application, the Land Use Planning and Zoning Department shall notify the applicant in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

(6) Within 45 days of its receipt of a complete application, the Land Use Planning and Zoning Department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Land Use Planning and Zoning Department may agree in writing to an extension of the forty-five-day period:

- (a) Make a final decision whether to approve or disapprove the application.
- (b) Notify the applicant, in writing, of its final decision.
- (c) If the application is approved, issue the applicant the relevant permit.
- (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(7) The fee for the permit is \$500.

350-47 Solar and Wind energy systems

A. Wind energy systems

1.) Purpose Statement

The purpose of this ordinance is to incorporate and adopt the requirements of § 66.0401, Wis Stats, and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.

2.) Land Use Permit

- A. Wind energy systems shall require a land use permit prior to installing, constructing, or modifying the wind energy system.
 - 1. Land use permits for wind energy systems shall be valid until 90 days after the system commences operation.
 - 2. Land use permits for wind energy systems shall expire if construction of the wind energy system is not commenced within 24 months of the date of permit issuance.
- B. A land use permit may not be issued to install, construct, or modify a wind energy system in a township under county zoning unless the system is included in a department approved wind energy system application.

3.) Pre-Application

- A. A pre application notice must be filed at least 90 days before an owner files an application to construct a large wind energy system. For applications to construct a wind turbine with a maximum blade tip height exceeding 600 feet the owner shall provide written notice of the wind energy system to the Wisconsin Public Service Commission at least 180 days before the owner files the application.
 - 1. The owner shall use commercially reasonable methods to provide written notice of the planned large wind energy system to the following:
 - A. Landowners within one mile of a planned wind turbine host property.
 - B. The department and any towns, villages, or cities within which the wind energy system may be located.
 - C. Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system may be located.
 - D. The Wisconsin Department of Transportation
 - E. The Wisconsin Public Service Commission
 - F. The Wisconsin Department of Natural Resources
 - G. The Wisconsin Department of Agriculture, Trade and Consumer Protection
 - H. The Office of the Deputy Under Secretary of the U.S. Department of Defense.

2. A pre application notice shall be filed at least 60 days before an owner files an application to construct a small wind energy system and the notice shall be provided only to adjacent landowners and the department.
3. Pre application notices for wind energy systems shall include the following:
 - A. A complete description of the wind energy system including the number and size of the planned wind turbines
 - B. A map showing the planned location of all the wind energy system facilities
 - C. Contact information for the owner
 - D. A list of all potential permits or approvals the owner anticipates may be necessary for the construction of the wind energy system
 - E. Whether the owner is requesting a joint application review process and the name of each political subdivision that may participate in the joint review process.

4.) Real Property Provisions

A.) Easement recording required

1. A wind energy system easement or wind access easement shall be recorded under § 706, Wis. Stats. A wind energy system easement or wind access easement shall include the term of the easement and a full legal description of the property subject to the easement.

B.) Wind Lease and Waiver Provisions

2. A wind energy system lease and any waiver of noise or shadow flicker requirements shall hold harmless and indemnify the real property owner for all of the following:
 - a. Any violation of federal, state or local law by the owner of the wind energy system.
 - b. Any damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

5.) Existing Property uses

A.) Land Use and Commercial Enterprises

1. An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives their pre-application notice, or if complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date the owner gives their pre-application notice.
 - a. For small wind energy systems, only adjacent non-participating properties are required to be accommodated.

B.) Agricultural Use

2. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.

6.) Siting Criteria

A.) Setback distance and height requirements

1. An owner shall design and construct a large wind energy system using the wind turbine setback distances shown in Table 1.

Table 1

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

2. An owner shall design and construct a small wind energy system using the wind turbine setback distances shown in Table 2.

Table 2

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

3. An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
4. An owner shall work with the department and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
5. The owner of a nonparticipating residence or occupied community building may waive the applicable large wind energy system wind turbine setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Tables 1 from a nonparticipating property line.
6. The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable small wind energy system turbine setback distances in Table 2.

7.) Noise

A.) Planning

1. The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives their pre-application notice, or for which complete publicly available plans for construction are on file with the department within 30 days of the date on which the owner gives their pre-application notice.
2. An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
3. An owner shall design a wind energy system to comply with the noise limits of this chapter under planned operating conditions.

B.) Noise Limits

1. Except as provided in PSC 128.14(4)(b), PSC 128.14(4)(c), and PSC 128.14(5), an owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
2. In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.

C.) Compliance

1. If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this section.
2. Upon receipt of a complaint regarding a violation of the noise limits of this chapter, an owner shall test for compliance with the noise limits of this chapter. The department or a monitoring committee established by the department under this chapter may not require additional testing to show compliance with the noise limits of this chapter if the owner has provided the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with the noise limits of this chapter at the location relating to the complaint.
3. Methods available for the owner to comply shall include operational curtailment of one or more wind turbines. Upon receipt of a complaint about a noise under PSC 128.14(3)(b), the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.
4. An owner shall evaluate compliance with the noise limits of this chapter as part of pre- and post-construction noise studies. An owner shall conduct pre- and post-construction noise studies under the most current version of the noise measurement protocol as described in PSC 128.50 (2).
 - a. Small wind energy systems are exempt from the pre- and post- construction noise study requirement.

D.) Waiver

1. Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits of this chapter at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under § 706, Wis. Stats.

E.) Notification

1. Before entering into a contract to waive the noise limits of this chapter, an owner of a wind energy system shall provide written notice of the requirements of PSC 128.14 to the owner of an affected nonparticipating residence or occupied community building.
2. Before the initial operation of the wind energy system, an owner of a wind energy system shall provide notice of the requirements of PSC 128.14 to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract to waive the noise limits of this chapter.
 - a. Small wind energy systems shall only be required to provide notice to each adjacent nonparticipating residence or occupied community building.

8.) Shadow Flicker

A.) Planning

1. The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives their pre-application notice, or for which complete publicly available plans for construction are on file with the department within 30 days of the date on which the owner gives their pre-application notice.
2. An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
3. An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.
 - a. Small wind energy systems are not required to utilize any computer modeling of shadow flicker.

B.) Shadow Flicker Limits

1. An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with the shadow flicker requirements of this chapter.

C.) Shadow Flicker Mitigation

1. An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
2. An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.
3. An owner shall model shadow flicker, and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow

flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.

4. An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under PSC 128.15(3)(b).
5. The requirement under PSC 128.15(3)(b) to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.
6. Small wind energy systems are exempt from the requirements to provide shadow flicker mitigation to a non-participating residence or occupied community building.

D.) Waiver

1. Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under PSC 128.15(2) or PSC 128.15(3)(b) at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under § 706, Wis. Stats.

E.) Notification

1. Before entering into a contract to waive shadow flicker limits, a wind energy system owner shall provide notice of the requirements of PSC 128.15 to individual owners of an affected nonparticipating residence or occupied community building.
2. Before the initial operation of the wind energy system, a wind energy system owner shall provide notice of the requirements of PSC 128.15 to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract to waive shadow flicker limits.
3. Small wind energy systems are exempt from shadow flicker notification requirements.

9.) *Signal Interference*

A.) *Planning*

1. Except as provided in the mitigation protocol subsection, the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.
2. An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
3. An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. An owner must provide information showing that wind turbines and other wind energy system facilities will be in compliance with this requirement.

B.) *Commercial Communications Interference Mitigation*

1. An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. Except as provided in the mitigation protocol subsection, an owner shall mitigate commercial communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
2. Small wind energy systems are exempt from the requirement to provide commercial communication interference mitigation.

C.) *Personal Communications Interference Mitigation*

1. An owner shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system. An owner must use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.
2. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in the mitigation protocol subsection, an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
3. Small wind energy systems are exempt from the requirement to provide personal communication interference mitigation.

D.) Mitigation Protocol

1. An owner shall implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under this chapter and for which the original mitigation solution is only partially effective.
 - a. This process shall follow protocols established under PSC 128.50(2)
 - b. Small wind energy systems are exempt from this new technology requirement.

10.) Stray Voltage

A.) Testing Required

1. An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by commission staff under PSC 128.17(1)(b).
2. Before any testing under PSC 128.17(1)(a) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under PSC 128.17(1)(a) shall conduct or arrange to conduct all required testing at the expense of the owner.

B.) Results of Testing

1. An owner and the electric distribution company shall provide to commission staff the results of all stray voltage testing in writing.

C.) Requirements to rectify problems

1. An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the commission's stray voltage protocol.

11.) Construction and operation

A.) Physical characteristics

1. An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. An owner may attach a safety feature or wind monitoring device to a wind turbine.
2. An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
3. An owner shall install lighting at a wind energy system that complies with standards established by the Federal Aviation Administration. An owner must use applicable shielding or control systems approved by the Federal Aviation Administration to reduce visibility of lighting to individuals on the ground.
4. An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.

5. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
6. An owner shall place appropriate warning signage on or at the base of each wind turbine.
7. An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.
 - a. Small wind energy systems are exempt from this signage requirement
8. An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

B.) Electrical standards

1. An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and PSC 114 and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.
2. An owner shall construct collector circuit facilities for a wind energy system underground to the extent practicable.
 - a. Small wind energy systems are not required to construct collector circuit facilities underground.
3. An owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.
 - a. Small wind energy systems are exempt from the requirement to inspect for and remove third party facilities.

C.) Construction, operation, and maintenance standards

1. An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
2. An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
 - a. Small wind energy systems are exempt from this requirement.
3. An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.
 - a. Small wind energy systems are exempt from this requirement.
4. Except for the area physically occupied by the wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after

construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

- a. Small wind energy systems are exempt from this requirement.
5. An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.
 - a. Small wind energy systems are exempt from this requirement

D.) Emergency Procedure

1. An owner shall notify the department of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
2. An owner shall establish and maintain a liaison with each political subdivision within which its wind energy systems facilities are located and with fire, police, and other appropriate first responders serving the wind energy system to create emergency plans that include all of the following:
 - a. A list of the types of wind energy system emergencies that require notification to the department within 24 hours of the wind energy system emergency.
 - b. Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.
 - c. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.
 - d. Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.
 - e. An emergency evacuation plan for the area within 0.5 mile of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.
3. The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
4. The owner shall distribute current and revised copies of the emergency plan to the following:
 - a. The department
 - b. Green Lake County sheriff's office
 - c. Green Lake County Emergency Management Department
 - d. Clerk for any town, city or village within which its wind energy systems facilities are located or that are within one-half mile of any of its wind energy systems facilities.
 - e. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans.
5. An owner shall provide annual training for the county's emergency management department, sheriff's department, and any other fire, police, or other first responder identified in the owner's emergency plans. An owner shall provide at least 8 hours of training during each calendar year and is responsible for all direct training costs.

6. An owner of a wind energy system shall do all of the following:
 - a. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this section to ensure compliance with those procedures.
 - b. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
7. If an owner is required to implement its emergency plans as the result of a wind energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the county's emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall distribute the revised emergency plans.
8. Small wind energy systems are exempt from the following emergency procedure requirements:
 - a. An owner of a small wind energy system is not required to establish and maintain a liaison within political subdivisions and with fire, police, and other appropriate first responders serving the wind energy system.
 - b. The owner of a small wind energy system is not required to create emergency plans.
 - c. An owner of a small wind energy system is not required to review emergency plans.
 - d. The owner of a small wind energy system is not required to distribute copies of an emergency plan to the department, fire, police, and other first responders.
 - e. The owner of a small wind energy system is not required to provide annual training for fire, police, or first responders.
 - f. An owner of a small wind energy system is not required to create, distribute, review or train on any emergency procedures.

12.) Decommissioning

A.) Requirement to Decommission

1. An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
2. A large wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period.
3. Upon application by the owner, and except when the department finds the owner is not capable of returning the wind energy system to service with a reasonable time, the department shall grant an extension of the time period for returning the large wind energy system to service by one or more additional 180 day periods if the owner demonstrates it is likely the large wind energy system will operate again in the future and any of the following occur:
 - a. The owner submits a plan to the department that demonstrates an ongoing good faith effort to return the large wind energy system to service and outlines the steps and schedule for returning the large wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the large wind energy system facilities as necessary to generate electricity.

- b. The owner demonstrates that the large wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.
 - c. The owner demonstrates that the large wind energy system is being used for educational purposes.
4. The department may deny a request for an extension if the large wind energy system has not generated any electricity for a continuous period of 540 days or more and the department finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.
5. A large wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:
 - a. The owner does not request an extension of the time period for returning the large wind energy system to service.
 - b. The department denies a request for an extension and any appeal rights have expired.
6. A small wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.
7. When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.
8. If the owner fails to remove a wind energy system and reclaim the site, the department may remove or cause the removal of the wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

B.) Decommissioning Review

1. An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy systems facilities are located when a wind energy system approved by the department has been decommissioned and removed.
2. The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by this chapter and whether the owner has complied with its site restoration obligation in this chapter.
3. The owner shall cooperate with the department by participating in the decommissioning review process.

C.) Financial Responsibility

1. The owner of a large wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the large wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the large wind energy system and through to completion of the decommissioning activities.
 - a. An owner shall provide financial assurance for the actual and necessary cost to decommission the large wind energy system before commencing major civil

construction activities such as blasting or foundation construction at the large wind energy system site.

2. An owner may comply with financial assurance requirements by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances.
3. Financial assurance shall place the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the large wind energy system until such time as the county determines that the large wind energy system has been decommissioned or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the large wind energy system if the owner does not decommission the system when decommissioning is required.
4. An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the large wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the department. The amount of financial assurance required by the county will be the average of the 3 estimates.
5. The department may periodically request information from the owner regarding industry costs for decommissioning the large wind energy system. If the department finds that the future anticipated cost to decommission the large wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the department may correspondingly increase or decrease the amount of financial assurance required. The department may not adjust the financial assurance under more often than once in a 5-year period.
6. The department may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.
7. Small wind energy systems shall be exempt from the requirement to meet financial assurance requirements for decommissioning the system.

D.) Site Restoration

1. Except as provided in PSC128.19(4)(b), if a wind energy system was constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
 - a. Small wind energy systems are not required to restore property to preconstruction conditions.
2. If a wind energy system was constructed on a brownfield, as defined in §238.13 (1)(a), Wis. Stats., the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in §238.13 (1)(d), Wis. Stats.
 - a. Small wind energy systems are not required to restore the property to eliminate the effects caused by the small wind energy system.

E.) Decommissioning Completeness

1. An owner shall file a notice of decommissioning completion with the department and the commission when a wind energy system approved by the department has been decommissioned and removed.
2. Within 360 days of receiving a notice of decommissioning, the department shall determine whether the owner has satisfied the applicable decommissioning requirements.

13.) Application

A.) Application requirements

1. An owner shall file an application to construct a wind energy system with the department.

B.) Contents of an application

1. An owner shall complete and file an application with the department that includes all of the following:
 - a. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
 - b. Technical description of wind turbines and wind turbine sites.
 - c. Timeline and process for constructing the wind energy system.
 - d. Information regarding anticipated impact of the wind energy system on local infrastructure.
 - e. Information regarding noise anticipated to be attributable to the wind energy system.
 - f. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
 - g. Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.
 - h. Information regarding the anticipated effects of the wind energy system on airports and airspace.
 - i. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
 - j. A list of all state and federal permits required to construct and operate the wind energy system.
 - k. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
 - l. A copy of all emergency plans developed in collaboration with appropriate first responders and political subdivisions. An owner may file plans using confidential filing procedures as necessary.
 - i. Small wind energy systems are not required to provide emergency plans.
 - m. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with the decommissioning requirements of this chapter.

- i. Small wind energy systems are not required to submit a decommissioning and site restoration plan.
 - n. A representative copy of all notices issued under PSC 128.30(5) and PSC 128.105 (1) (a) and 128.42 (1).
 - o. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- 2. Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11-inches in size.

C.) Accuracy of Information

- 1. The owner shall ensure that information contained in an application is accurate.

D.) Duplicate copies

- 1. Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.
- 2. The owner shall submit 10 physical copies of the application to the department and one copy of the application to the clerk of each town in which any wind energy system facility is located.
- 3. The owner shall submit 1 digital copy of the application to the department in a format that is acceptable to the department.

E.) Notice to Property Owners and Residents

- 1. On the same day an owner files an application for a wind energy system, the owner shall, under § 66.0401(4)(a)3, Wis. Stats., use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility.
 - a. Written notice of the filing of the application shall be provided by the owner only to property owners and residents located adjacent to the small wind energy system.
- 2. The notification shall include all of the following:
 - a. A complete description of the wind energy system, including the number and size of the wind turbines.
 - b. A map showing the locations of all proposed wind energy system facilities.
 - c. The proposed timeline for construction and operation of the wind energy system.
 - d. Locations where the application is available for public review.
 - e. Owner contact information.
- 2. After the department receives an application for a wind energy system, a notice under § 66.0401(4)(a)1, Wis. Stats shall be published. The notice shall include:
 - a. A brief description of the proposed wind energy system and its proposed location
 - b. The locations where the application is available for public review.
 - c. The method and time period for the submission of public comments to the department.
 - d. The approximate schedule for review of the application by the department

F.) Public Participation

1. The department shall make an application for a wind energy system available for public review at a local library and at the Green Lake County Government Center (571 County Road A, Green Lake, WI, 54941) and may post copies at other publicly accessible locations. The department shall also provide public access to the application electronically.
2. The department shall hold a public hearing during the initial 90-day application review period for the purpose of receiving public comments and to inform the public about a proposed large solar energy system. The first meeting shall be noticed under § 985.07(2), Wis. Stats. Additional meetings may be held and shall be noticed under § 985.07(1), Wis. Stats or § 985.07(2), Wis. Stats.
3. Written comments shall be mailed, hand delivered, or emailed to the department.

G.) Joint Application Review

1. If the wind energy system is proposed to be located in more than one political subdivision with jurisdiction over the wind energy system, the political subdivisions involved may conduct a joint application review process on their own motion or upon request. If an owner requests a joint application review, the owner shall include the request in its pre application notice the department. If the owner requests a joint application review process, the political subdivisions involved shall approve or deny this request within 60 days of receipt of the owner's notice of intent to file an application.
2. Except as provided in § 66.0401(4)(a)2, Wis. Stats., if the department elects to conduct a joint application review process, the process shall be consistent with this chapter and the political subdivisions shall establish the process within 90 days of the date the political subdivisions receive the owner's notice of intent to file an application. The department may follow the review process of another political subdivision for purposes of conducting a joint application review process concurrently with the other political subdivision. If a joint application review process is adopted, the owner shall file the joint-review process application with all of the political subdivisions participating in the joint review process.

14.) Application Completeness

A.) Complete Applications

1. An application is complete if it meets the content requirements of this chapter and PSC128.50 (1).
2. The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the department in writing that all the application materials have been filed. If the department determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.
3. An owner may file a supplement to an application that the department has determined to be incomplete. There is no limit to the number of times that an owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in the notice determining the application is incomplete.

4. An additional 45-day completeness review period shall begin the day after the department receives responses to all items identified in the notice determining the application is incomplete.
 - a. If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of new applicable fees.
5. If the department does not make a completeness determination within the applicable review period, the application is considered to be complete.

B.) Requests for additional information

1. The department may request additional information necessary to understand the wind energy system after determining that an application is complete.
 - a. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

15.) Application Review

A.) Conditions for approval

1. An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any federal or state agency and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.
 - a. Small wind energy systems are not required to provide this information.
2. An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.
 - a. Small wind energy systems are not required to cooperate with studies coordinated by a state agency.
3. An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of \$600 for 1 turbine located within one-half mile of a nonparticipating residence, \$800 for two turbines located within one-half mile of a nonparticipating residence, and \$1,000 for 3 or more turbines located within one-half mile of a nonparticipating residence.
 - a. The initial annual monetary compensation under this section shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in §196.374 (5) (bm) 2, Wis. Stats.
 - b. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this ordinance or PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this ordinance or PSC 128.
 - c. Small wind energy systems are exempt from this compensation requirement to a non-participating residence.

6. An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:
 - a) Substantial evidence of a history, before the wind energy system owner gives its pre application notice, of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of the farm field located within one-half mile of a constructed wind turbine.
 - b) A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.
 - c) Small wind energy systems are exempt from this compensation requirement to a farm operator.
4. An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.
5. An owner shall, on or before January 31 of each year, file an annual report with the department documenting the operation and maintenance of the wind energy system during the previous calendar year.
 - a. Small wind energy systems are not required to submit an annual report to the department.
6. An owner shall provide proof it has met all required financial assurance requirements of this chapter.

B.) Decision by the department

1. Once the owner is notified the application is complete, the department shall have 90 days to approve or deny the application. A written decision to approve or deny the application shall be provided to the owner and the commission.
2. The review period may be extended upon written notice to the applicant for one or more of the following reasons: but the total time for all extensions may not exceed 90 days:
 - a. Up to 45 days if additional information is needed.
 - b. Up to 90 days if the owner makes a material modification to the application.
 - c. Up to 90 days for other good cause specified in writing.
3. If the department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

C.) Application Approval

1. The department shall provide the owner a duplicate original of the decision. The owner shall record the duplicate original with the Green Lake County Register of Deeds.
2. A written record of the decision shall be kept by the department until at least 7 years after the system is decommissioned.

D.) Application Denial

1. A written decision shall specify the reason(s) for denial.

2. A written record of the decision shall be kept by the department for at least 7 years after the decision to deny is issued.

E.) Records

1. The record of a department decision shall include:
 - a. The approved application and all additions or amendments to the application.
 - b. A representative copy of all notices issued under PSC 128.105(1), 128.30(5), and 128.42(1)
 - c. A record of any public meetings and any hearings related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
 - d. Copies of any correspondence or evidentiary material that the department considered in relation to the application, including copies of all written public comments.
 - e. Minutes of any Green Lake County, board, council or committee meetings held to consider or act on the application.
 - f. A copy of the written decision to grant or deny the application.
 - g. Other materials that the department prepared to document its decision-making process.
 - h. A copy of any ordinance cited in or applicable to the decision.

16.) Change in Ownership

- A. An owner shall provide the department with notice of any change in ownership of the wind energy system on or before the effective date of the change.
- B. A notice of change in ownership of the wind energy system shall include information showing that the applicable financial responsibility requirements will be met following the change in ownership.

17.) Costs and Fees

- A. An owner shall pay at least 50% of the application review fee prior to the department decision to approve or deny the application.
 1. The department shall give written notice to the owner of its intent to require 50% payment of the application review fee.
 - i. Notice shall be given within 10 days of the date the application is deemed complete.
 - ii. The notice shall contain an estimate of the fee.
- B. An owner shall not be required to pay a minimum of 50% of the application review fee if the department fails to give written notice to the owner within 10 days of the date the application is deemed complete.
- C. The small wind energy system application review fee shall be \$1000.
- D. The large wind energy system application review fee shall be \$1500.

20.) Post Construction Requirement

- A. Within 90 days of the date a wind energy system commences operation, the owner shall file with the department and the Wisconsin Public Service Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities and current information identifying the owner of the wind energy system.
- B. An owner shall in the filings under this subsection label each wind turbine location with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18 (1)(g).
- C. Small wind energy systems are exempt from the post construction filing requirement.

21.) Modifications to an Approved Wind Energy Facility

A. Material Change

- 1. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the department.
- 2. An owner shall submit an application for a material change to an approved wind energy system to the department.
 - a. An application for a material change shall contain information necessary to understand the material change.
 - b. An application for a material change is subject to PSC 128.30 (1), (3) to (5), (6) (a) and (b), and (7) and PSC 128.31 to PSC 128.34.

B. Review Limited

- 1. The department may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.
- 2. The department may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

22.) Compliance Monitoring

A.) Monitoring Procedure

- 1. An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information regarding any maintenance performed on the wind turbine:
 - a. Date and time maintenance was performed.
 - b. Nature of the maintenance performed.
 - c. Reason for the maintenance.
- 2. An owner shall, at the owner's expense, provide the department with a copy of the maintenance log for each wind turbine for each month within 5 calendar days after the end of the month.

B.) Third Party Construction Inspector

- 1. The department may contract with a third-party inspector to monitor and report to the department regarding the owner's compliance with permit requirements during construction and operation.

2. The inspector monitoring compliance shall also report to a state permitting authority upon the state permitting authority's request.
3. The inspector shall make monthly written reports to the department.
4. The owner shall reimburse the department for the actual and necessary cost of the inspector.

C.) Small wind energy system exemption

1. Small wind energy systems shall be exempt from the compliance monitoring subsection.

23.) Consultants

- A. The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this section.
- B. The corporation counsel is authorized to contract with outside attorneys to perform necessary services in connection with this section.

24.) Complaints

A.) Making a complaint

1. An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter.
2. A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
3. A complainant may petition the department for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
 - a. The petition for review must be filed with the department within 90 days of the date of the original complaint.
 - b. The petition must include the following:
 1. Name, address, and telephone number of the person filing the petition.
 2. Copy of the original complaint to the owner.
 3. Copy of the owner's initial response.
 4. Statement describing the unresolved complaint.
 5. Statement describing the desired remedy.
 6. Any other information the complainant deems relevant to the complaint.
 7. Notarized signature of the person filing the petition.
 - c. The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department's receipt of the petition.
4. The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
 - a. The department may retain such consultants or experts as it deems necessary to complete its review.
 - b. The department's decision is subject to review under §66.0401 (5), Wis. Stats.

B.) Complaint Resolution

1. An owner shall use reasonable efforts to resolve complaints regarding a wind energy system and shall investigate complaints regarding a wind energy system at the owner's expense.

2. Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in PSC 128.42(1). Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.
 - a. Small energy systems are exempt from the notice and response requirements.
 - b. The response must include the following:
 1. Name, address, and telephone number of the person filing the response.
 2. Statement describing the actions taken by the owner in response to the complaint.
 3. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
 4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 5. Any other information the owner deems relevant to the complaint.
 6. Notarized signature of the person filing the response
3. An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the department of complaints that have not been resolved within 45 days of the date the owner received the original complaint.
 - a. Small wind energy systems are exempt from the requirements to resolve complaints in 45 days or to notify the department of unresolved complaints within 45 days.
 - b. The notice must include the following:
 1. Name, address, and telephone number of the person filing the notice.
 2. Statement describing the actions taken by the owner in response to the complaint.
 3. Statement of the reasons why the complaint remains unresolved.
 4. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 5. Any other information the owner deems relevant to the complaint.
 6. Notarized signature of the person filing the answer.
4. An owner shall maintain a log of all complaints received regarding the wind energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, to the department. An owner shall make any complaint log available to the commission upon request.
 - a. Small wind energy systems are exempt from the requirement to keep a log of all complaints.
5. An owner shall develop a complaint resolution process that is consistent with PSC 128.40(2).
 - a. An owner shall, before construction of a wind energy system begins, provide the department with a written copy of the owner's complaint resolution process. An owner shall provide the department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change
 - b. Small wind energy systems are not required to develop a complaint resolution process.

25.) Monitoring Committee

A.) Committee

1. The department may establish a monitoring committee to oversee resolution of complaints regarding a large wind energy system. A monitoring committee shall include on the committee a member who is a local employee of an owner of a large wind energy system and, if in existence, at least one nonparticipating landowner residing in the Green Lake County within 0.5 mile of a wind turbine that is located in the Green Lake County.
 - a. A committee may not be created to monitor a small wind energy system.

B.) Duties

1. A monitoring committee may do any of the following:
 - a. Maintain a record of all complaints brought to it.
 - b. Require the owner to provide the committee with information regarding the owner's response to any complaint forwarded to the owner by the committee.
 - c. Recommend to the department a reasonable resolution to a complaint based upon the information gathered by the committee.

C.) Multiple Jurisdictions

1. If a wind energy system is located in more than one political subdivision with jurisdiction over the wind energy system and multiple political subdivisions decide to establish a monitoring committee, the political subdivisions shall jointly establish a single monitoring committee to oversee resolution of complaints regarding the wind energy system.

26.) Notice to Property Owners

A.) Notice of process for making complaints

1. Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under PSC 128.40 (1) for submitting a complaint to the owner, a petition for review to the department, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.
2. Small wind energy systems are exempt from this notification requirement.

B.) Notice to the department

1. An owner shall, before construction of a wind energy system begins, provide the department with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
2. An owner shall, before construction of a wind energy system begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the department current.
3. Small wind energy systems are exempt from this notification requirement.

B. Roof and Wall mounted solar energy systems

1. Roof-mounted and wall mounted solar energy systems are exempt from the land use permit requirements under 350-65 except for ground mounted features.
2. Roof mounted and wall mounted solar energy systems exceeding 10 feet in elevation above the existing roof elevation shall require a CUP.
3. Roof mounted and wall mounted solar energy systems extending over 10 feet beyond the existing structure walls shall require a CUP.

C. Small ground mounted solar energy systems

1. Ground-mounted solar panel arrays that exceed eight feet in adjusted height (lowest adjacent grade to maximum vertical extent) or have a collector surface area greater than 55 square feet must be authorized by a land use permit and are required to meet all the required setbacks set forth in 350-20 and 350-50
2. Ground-mounted small scale solar energy systems exceeding 25 feet in adjusted height shall require a CUP (lowest adjacent grade to maximum vertical extent).

D. Large ground mounted solar energy systems

1.) Purpose Statement

The purpose of this ordinance is to incorporate and adopt the requirements of § 66.0401, Wis Stats. as a local ordinance and to establish local regulations on the installation and use of large solar energy systems that serves to preserve or protect the public health or safety, does not significantly increase the cost of the system or significantly decrease its efficiency, or allows for an alternative system of comparable cost and efficiency.

2.) Land Use Permit

- A. Large solar energy systems shall require a land use permit prior to installing, constructing, or modifying the large solar energy system.
 - a. Land use permits for large solar energy systems shall be valid until 90 days after the system commences operation.
 - b. Land use permits for large solar energy systems shall expire if construction of the solar energy system is not commenced within 24 months of the date of permit issuance.

3.) Existing Property uses

A.) Agricultural Use

1. An owner shall design a large solar energy system to reasonably minimize the conversion of land from agricultural use.
2. To the extent feasible and practical, use existing agricultural land for both agriculture and electricity. Possible options include but are not limited to:
 - a. Planting and maintaining pollinator-friendly native plant species and reduced herbicide applications.

- b. Grazing of livestock such as cattle, sheep, goats, and or chickens.
- c. Planting of shade tolerant crops.

4.) Siting Criteria

A.) Setback distance and height requirements

1. An owner shall design and construct a large solar energy system using the setback distances listed in chapter 350-20 and 350-50.
2. An owner shall work with the department and owners of participating and nonparticipating properties to site a large solar energy system to minimize individual hardships.
3. Battery energy storage systems over 1 MWh shall not be located within 150 feet of a residence or well.

5.) Noise

A.) Planning

1. An owner shall design the proposed large solar energy system to minimize noise at a residence or occupied community building to a threshold no greater than 50 decibels during daytime hours or 45 decibels during nighttime hours.

6.) Stray Voltage

A.) Testing Required

1. An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a large solar energy system facility pursuant to the stray voltage protocol established by the commission before any solar energy system construction activity that may interfere with testing commences and again after construction of the solar energy system is completed.
2. Before any testing, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required shall conduct or arrange to conduct all required testing at the expense of the owner.

B.) Results of Testing

1. An owner and the electric distribution company shall provide to commission staff the results of all stray voltage testing in writing.

C.) Requirements to rectify problems

1. An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the large solar energy system, in compliance with the commission's stray voltage protocol.

7.) Construction and operation

A.) Physical characteristics

1. An owner shall ensure that all large solar energy system facility access doors, gates, and electrical equipment are locked when authorized personnel are not present.
2. An owner shall place appropriate warning signage on or at the entrance of each large solar energy system facility.
3. An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to

identify the location of the sign within the large solar energy system. An owner shall post these signs at every intersection of a solar energy system access road with a public road.

4. An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a large solar energy system. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a large solar energy system. An owner may attach a safety feature to a large solar energy system.
5. All lighting at a large solar energy system shall be installed in compliance with standards established by 350-23.

B.) Electrical standards

1. An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and PSC 114 and shall construct, maintain, and operate all large solar energy system facilities in a manner that complies with the national electrical code.

C.) Construction, operation, and maintenance standards

1. An owner shall construct, operate, repair, maintain and replace large solar energy system facilities as needed to keep the large solar energy system in good repair and operating condition and in a manner that protects individuals from injury.
2. An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its large solar energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
3. An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its large solar energy facilities in its application.
4. Except for the area physically occupied by the large solar energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
5. An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the large solar energy system and shall include host property owners as additional insured persons on the policy.

D.) Emergency Procedure

1. An owner shall notify the department of the occurrence and nature of a large solar energy system emergency within 24 hours of the large solar energy system emergency.
2. An owner shall establish and maintain a liaison with each political subdivision within which its large solar energy systems facilities are located and with fire, police, and other appropriate first responders serving the large solar energy system to create emergency plans that include all of the following:
 - a. A list of the types of large solar energy system emergencies that require notification to the department within 24 hours of the large solar energy system emergency.

- b. Current emergency contact information for first responders and for the large solar energy system owner, including names and phone numbers.
 - c. Procedures for handling different types of large solar energy system emergencies, including written procedures that provide for shutting down the large solar energy system or a portion of the system as appropriate.
 - d. Duties and responsibilities of the owner and of first responders in the event of a large solar energy system emergency.
 - e. An emergency evacuation plan for the area within 0.5 mile of any large solar energy system facility, including the location of alternate landing zones for emergency services aircraft.
3. The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
4. The owner shall distribute current and revised copies of the emergency plan to the following:
 - a. The department
 - b. Green Lake County Sheriff's Office
 - c. Green Lake County Emergency Management Department
 - d. Clerk for any town, city or village within which its large solar energy systems facilities are located or that are within one-half mile of any of its large solar energy systems facilities.
 - e. Any fire, police, or other first responder identified by the county's emergency management director or the clerk of any city, village, or town who has received a copy of the owner's emergency plans.
5. An owner shall provide annual training for the county's emergency management department, sheriff's department, and any other fire, police, or other first responder identified in the owner's emergency plans.
6. An owner of a large solar energy system shall do all of the following:
 - a. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this section to ensure compliance with those procedures.
 - b. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
7. If an owner is required to implement its emergency plans as the result of a large solar energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the county's emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall redistribute the revised emergency plans.

8.) Decommissioning

A.) Requirement to Decommission

1. An owner of a large solar energy system shall decommission and remove the large solar energy system when the system is at the end of its useful life.

2. A large solar energy system is presumed to be at the end of its useful life if the large solar energy system generates no electricity for a continuous 360-day period.
3. Upon application by the owner, and except when the department finds the owner is not capable of returning the large solar energy system to service with a reasonable time, the department shall grant an extension of the time period for returning the large solar energy system to service by one or more additional 180 day periods if the owner demonstrates it is likely the large solar energy system will operate again in the future and any of the following occur:
 - a. The owner submits a plan to the department that demonstrates an ongoing good faith effort to return the large solar energy system to service and outlines the steps and schedule for returning the large solar energy system to service in a reasonable period of time, including by repairing or replacing the large solar energy system facilities as necessary to generate electricity.
 - b. The owner demonstrates that the large solar energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.
 - c. The owner demonstrates that the large solar energy system is being used for educational purposes.
4. The department may deny a request for an extension if the large solar energy system has not generated any electricity for a continuous period of 540 days or more and the department finds that the owner is not capable of returning the large solar energy system to service within a reasonable period of time.
5. A large solar energy system is irrebuttably presumed to be at the end of its useful life if the large solar energy system generates no electricity for a period of 540 days and any of the following occur:
 - a. The owner does not request an extension of the time period for returning the large solar energy system to service.
 - b. The department denies a request for an extension and any appeal rights have expired.
6. When decommissioning is required, the owner shall begin decommissioning within 360 days after the large solar energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the large solar energy system within 540 days after the large solar energy system has reached the end of its useful life.
7. If the owner fails to remove a large solar energy system and reclaim the site, the department may remove or cause the removal of the large solar energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

B.) Decommissioning Review

1. An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its large solar energy systems facilities are located when a large solar energy system approved by the department has been decommissioned and removed.

2. The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the large solar energy system as required by this chapter and whether the owner has complied with its site restoration obligation in this chapter.
3. The owner shall cooperate with the department by participating in the decommissioning review process.
4. Within 360 days of receiving a notice of decommissioning, the department shall determine whether the owner has satisfied the applicable decommissioning requirements.

C.) Financial Responsibility

1. The owner of a large solar energy system shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the large solar energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the large solar energy system and through to completion of the decommissioning activities.
 - a. An owner shall provide financial assurance for the actual and necessary cost to decommission the large solar energy system before commencing major civil construction.
2. An owner may comply with financial assurance requirements by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances.
3. Financial assurance shall place the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the large solar energy system until such time as the county determines that the large solar energy system has been decommissioned or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the large solar energy system if the owner does not decommission the system when decommissioning is required.
4. An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the large solar energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the department. The amount of financial assurance required by the county will be the average of the 3 estimates.
5. The department may periodically request information from the owner regarding industry costs for decommissioning the large solar energy system. If the department finds that the future anticipated cost to decommission the large solar energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the department may correspondingly increase or decrease the amount of financial assurance required. The department may not adjust the financial assurance under more often than once in a 5-year period.
6. The department may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

D.) Site Restoration

1. If a large solar energy system was constructed on land owned by a person other than the owner of the large solar energy system, the owner of the large solar energy system shall

ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

2. If a large solar energy system was constructed on a brownfield, as defined in §238.13 (1)(a), Wis. Stats., the owner shall restore the property to eliminate effects caused by the large solar energy system, except for the effects of environmental remediation activities, as defined in §238.13 (1)(d), Wis. Stats.

9.) Application

A.) Application requirements

1. An owner shall file an application to construct a large solar energy system with the department.

B.) Contents of an application

1. An owner shall complete and file an application with the department that includes all of the following:
 - a. Large Solar energy system description and maps showing the locations of all proposed large solar energy facilities.
 - b. Technical description of large solar energy system facilities.
 - c. Timeline and process for constructing the large solar energy system.
 - d. Information regarding anticipated impact of the large solar energy system on local infrastructure.
 - e. Information regarding noise anticipated to be attributable to the large solar energy system.
 - f. Information regarding the anticipated effects of the large solar energy system on existing land uses within 0.5 mile of the large solar energy system.
 - g. A list of all state and federal permits required to construct and operate the large solar energy system.
 - h. Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the large solar energy system, including a process for assessing road damage caused by large solar energy system activities and for conducting road repairs at the owner's expense.
 - i. A copy of all emergency plans developed in collaboration with appropriate first responders and political subdivisions. An owner may file plans using confidential filing procedures as necessary.
 - j. A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with the decommissioning requirements of this chapter.
 - k. A representative copy of all notices issued
 - l. Any other information necessary to understand the construction, operation or decommissioning of the proposed large solar energy system.
2. Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11-inches in size.

C.) Accuracy of Information

1. The owner shall ensure that information contained in an application is accurate.

D.) Duplicate copies

1. Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.
2. The owner shall submit 10 physical copies of the application to the department and one copy of the application to the clerk of each town in which any large solar energy system facility is located.
3. The owner shall submit 1 digital copy of the application to the department in a format that is acceptable to the department.

F.) Public Participation

1. The department shall make an application for a large solar energy system available for public review at the Green Lake County Government Center (571 County Road A, Green Lake, WI, 54941) and may post copies at other publicly accessible locations. The department shall also provide public access to the application electronically.
2. The department shall hold a public hearing during the initial 90-day application review period for the purpose of receiving public comments and to inform the public about a proposed large solar energy system. The first meeting shall be noticed under § 985.07(2), Wis. Stats. Additional meetings may be held and shall be noticed under § 985.07(1), Wis. Stats or § 985.07(2), Wis. Stats.
3. Written comments shall be mailed, hand delivered, or emailed to the department.

G.) Joint Application Review

1. If the large solar energy system is proposed to be located in more than one political subdivision with jurisdiction over the large solar energy system, the political subdivisions involved may conduct a joint application review process on their own motion or upon request. If an owner requests a joint application review, the owner shall include the request in its application notice the department. If the owner requests a joint application review process, the political subdivisions involved shall approve or deny this request within 60 days of receipt of the owner's application.
2. Except as provided in § 66.0401(4)(a)2, Wis. Stats., if the department elects to conduct a joint application review process, the process shall be consistent with this chapter and the political subdivisions shall establish the process within 90 days of the date the political subdivisions receive the owner's application. The department may follow the review process of another political subdivision for purposes of conducting a joint application review process concurrently with the other political subdivision. If a joint application review process is adopted, the owner shall file the joint-review process application with all of the political subdivisions participating in the joint review process.

10.) Application Completeness

A.) Complete Applications

1. An application is complete if it meets the content requirements of this chapter
2. The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the

department in writing that all the application materials have been filed. If the department determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.

3. An owner may file a supplement to an application that the department has determined to be incomplete. There is no limit to the number of times that an owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in the notice determining the application is incomplete.
4. An additional 45-day completeness review period shall begin the day after the department receives responses to all items identified in the notice determining the application is incomplete.
 - a. If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of new applicable fees.
5. If the department does not make a completeness determination within the applicable review period, the application is considered to be complete.

B.) Requests for additional information

1. The department may request additional information necessary to understand the solar energy system after determining that an application is complete.
 - a. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

A.) Application completeness

1. Upon receiving an application, the department shall determine whether it is complete and, no later than 45 days after the application is filed, notify the applicant about the determination.
2. After receiving the application for approval, the department shall publish a class 1 notice, under § 985.07(1), Wis. Stats, stating that an application for approval has been filed with the department.

11.) Application Review

A.) Conditions for approval

1. An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the large solar energy system from any federal or state agency and whether the owner has incorporated the non-binding recommendation into the design of the large solar energy system.
2. An owner shall cooperate with any study of the effects of large solar energy systems that is coordinated by a state agency.
3. An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.

4. An owner shall, on or before January 31 of each year, file an annual report with the department documenting the operation and maintenance of the large solar energy system during the previous calendar year.
5. An owner shall provide proof it has met all required financial assurance requirements of this chapter.

B.) Decision by the department

1. Once the owner is notified the application is complete, the department shall have 90 days to approve or deny the application. A written decision to approve or deny the application shall be provided to the owner and the commission.
2. The review period may be extended upon written notice to the applicant for one or more of the following reasons: but the total time for all extensions may not exceed 90 days:
 - a. Up to 45 days if additional information is needed.
 - b. Up to 90 days if the owner makes a material modification to the application.
 - c. Up to 90 days for other good cause specified in writing.
3. If the department fails to act within the 90 days, or within any extended time period, the application shall be considered approved.

C.) Application Approval

1. The department shall provide the owner a duplicate original of the decision. The owner shall record the duplicate original with the Green Lake County Register of Deeds.
2. A written record of the decision shall be kept by the department until at least 7 years after the system is decommissioned.

D.) Application Denial

1. A written decision shall specify the reason(s) for denial.
2. A written record of the decision shall be kept by the department for at least 7 years after the decision to deny is issued.

E.) Records

1. The record of a department decision shall include:
 - a. The approved application and all additions or amendments to the application.
 - b. A representative copy of all notices
 - c. A record of any public meetings and any hearings related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
 - d. Copies of any correspondence or evidentiary material that the department considered in relation to the application, including copies of all written public comments.
 - e. Minutes of any Green Lake County, board, council or committee meetings held to consider or act on the application.
 - f. A copy of the written decision to grant or deny the application.
 - g. Other materials that the department prepared to document its decision-making process.
 - h. A copy of any ordinance cited in or applicable to the decision.

12.) Change in Ownership

- A. An owner shall provide the department with notice of any change in ownership of the large solar energy system on or before the effective date of the change.
- B. A notice of change in ownership of the large solar energy system shall include information showing that the applicable financial responsibility requirements will be met following the change in ownership.

13.) Costs and Fees

- A. An owner shall pay a large solar energy system application review fee of \$1000 prior to the department decision to approve or deny the application.

14.) Post Construction Requirement

- A. Within 90 days of the date a large solar energy system commences operation, the owner shall file with the department and the Wisconsin Public Service Commission an as-built description of the large solar energy system, an accurate map of the large solar energy system showing the location of all large solar energy system facilities, geographic information system information showing the location of all large solar energy system facilities and current information identifying the owner of the large solar energy system.

15.) Modifications to an Approved Solar Energy Facility

A. Material Change

1. An owner may not make a material change in the approved design, location or construction of a large solar energy system without the prior written approval of the department.
2. An owner shall submit an application for a material change to an approved large solar energy system to the department.
 - a. An application for a material change shall contain information necessary to understand the material change.

B. Review Limited

1. The department may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.
2. The department may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved large solar energy system.

16.) Compliance Monitoring

A.) Monitoring Procedure

1. An owner shall maintain a maintenance log for the large solar energy system. The log must be submitted to the department annually. The log must contain the following information regarding any maintenance performed on the large solar energy system:
 - a. Date and time maintenance was performed.
 - b. Nature of the maintenance performed.
 - c. Reason for the maintenance.

B.) Third Party Construction Inspector

1. The department may contract with a third-party inspector to monitor and report to the department regarding the owner's compliance with permit requirements during construction and operation.
2. The inspector monitoring compliance shall also report to a state permitting authority upon the state permitting authority's request.

3. The inspector shall make monthly written reports to the department.
4. The owner shall reimburse the department for the actual and necessary cost of the inspector.

17.) Consultants

- A. The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this section.
- B. The corporation counsel is authorized to contract with outside attorneys to perform necessary services in connection with this section.
- C. The owner shall reimburse the department for the actual and necessary cost of the consultants.

18.) Complaints

A.) Making a complaint

1. An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter.
2. A complaint shall be made first to the owner of the large solar energy system pursuant to a complaint resolution process developed by the owner.
3. A complainant may petition the department for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
 - a. The petition for review must be filed with the department within 90 days of the date of the original complaint.
 - b. The petition must include the following:
 8. Name, address, and telephone number of the person filing the petition.
 9. Copy of the original complaint to the owner.
 10. Copy of the owner's initial response.
 11. Statement describing the unresolved complaint.
 12. Statement describing the desired remedy.
 13. Any other information the complainant deems relevant to the complaint.
 14. Notarized signature of the person filing the petition.
 - c. The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department's receipt of the petition.
4. The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
 - a. The department may retain such consultants or experts as it deems necessary to complete its review.
 - b. The department's decision is subject to review under §66.0401 (5), Wis. Stats.

B.) Complaint Resolution

2. An owner shall use reasonable efforts to resolve complaints regarding a large solar energy system and shall investigate complaints regarding a large solar energy system at the owner's expense.
3. Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.
 - a. The response must include the following:
 - i. Name, address, and telephone number of the person filing the response.

- ii. Statement describing the actions taken by the owner in response to the complaint.
 - iii. Statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
 - iv. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - v. Any other information the owner deems relevant to the complaint.
 - vi. Notarized signature of the person filing the response
- 4. An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify the department of complaints that have not been resolved within 45 days of the date the owner received the original complaint.
 - a. The notice must include the following:
 - i. Name, address, and telephone number of the person filing the notice.
 - ii. Statement describing the actions taken by the owner in response to the complaint.
 - iii. Statement of the reasons why the complaint remains unresolved.
 - iv. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - v. Any other information the owner deems relevant to the complaint.
 - vi. Notarized signature of the person filing the answer.
- 5. An owner shall maintain a log of all complaints received regarding the large solar energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, to the department. An owner shall make any complaint log available to the commission upon request.
- 6. An owner shall develop a complaint resolution process
 - a. An owner shall, before construction of a large solar energy system begins, provide the department with a written copy of the owner's complaint resolution process. An owner shall provide the department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change

19.) Notice to Property Owners

A.) Notice of process for making complaints

- 1. Before construction of a large solar energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any large solar energy system facility. An owner shall include in the notice the requirements for submitting a complaint to the owner, a petition for review to the department, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

B.) Notice to the department

- 1. An owner shall, before construction of a large solar energy system begins, provide the department with a copy of the notice issued along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.

2. An owner shall, before construction of a large solar energy system begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the department current.

E. Definitions

Battery energy storage system (BESS)- An electrochemical device that charges, or collects, energy from the electric grid or a generation facility, stores that energy, and then discharges that energy at a later time to provide electricity or other electric grid services.

Commercial communications- includes communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

Commission- means the Wisconsin Public Service Commission

Collector surface- means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware.

Daytime hours- the hours beginning at 6:00 a.m. standard time and ending at 10:00 p.m. standard time daily.

Decommissioning- means removal of all of the following:

1. The above ground portion of a wind or solar energy system, including wind turbines, solar collectors, and related facilities, except for access roads if removal has been waived by the property owner.
2. All below ground facilities, except the following
 - a. Underground collector circuit facilities
 - b. Those portions of concrete structures 4 feet or more below grade.

Department - means the Green Lake County Land Use Planning and Zoning Department

Director - means the director of the Green Lake County Land Use Planning and Zoning Department.

DNR- means the Wisconsin Department of Natural Resources

Impermissible interference- means the blockage of wind from a wind energy system or solar energy from a collector surface or proposed collector surface for which a permit has been granted under this section if such blockage is by any structure or vegetation on property, an owner of which was notified under §66.0403(3)(b), Wis. Stats. "Impermissible interference" does not include:

1. Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector or does not substantially block wind from a wind energy system.

2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under §66.0403(3)(b), Wis. Stats.
3. Blockage by any vegetation planted before the date the last notice is mailed or delivered under §66.0403(3)(b)

Large solar system- means a solar energy system with a combined collector surface area over 2500 square feet and an energy capacity of under 100 MW.

Large wind energy system- has a capacity of less than 100 megawatts but more than a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Maximum blade tip height- means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, “maximum blade tip height” means the actual hub height plus the blade length.

Nameplate capacity- means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

Nighttime hours- The hours beginning at 10:00 p.m. standard time and ending at 6:00 a.m. standard time daily.

Nonparticipating property- means real property that is not a participating property.

Nonparticipating residence- means a residence located on nonparticipating property.

Occupied community building- means a school, church, or similar place of worship, daycare facility, or public library.

Owner- means

1. person with a direct ownership interest in a wind or solar energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind or solar energy system.
2. At the time a wind or solar energy system is being developed, a person who is acting as a wind or solar energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind or solar energy system, regardless of whether the person will own or operate the wind or solar energy system.

Participating property- means any of the following

1. A turbine or solar energy system host property.
2. Real property that is the subject of an agreement that does all of the following.
 - a. Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind or solar energy system is constructed on the property.

- b. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

Participating residence – means a residence located on participating property

Personal communications- includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

Political subdivision- has the meaning given in § 66.0401(1e)(c), Wis. Stats.

Residence- means an occupied primary or secondary personal residence including a manufactured home as defined in § 101.91(2), Wis. Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. "Residence" includes a temporarily unoccupied primary or secondary personal residence. "Residence" does not include any of the following:

1. A recreational vehicle as defined in § 340.01(48r), Wis. Stats., notwithstanding the length of the vehicle.
2. A camping trailer as defined in § 340.01(6m), Wis. Stats.
3. A permanently abandoned personal residence.

PSC 128- means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.

Shadow Flicker- means a pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

Small solar energy system- means a solar energy system with a combined collector surface area under 2500 square feet.

Small wind energy system- means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

Solar access easement- means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the solar resource on another property.

Solar collector- means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

Solar energy- means direct radiant energy received from the sun.

Solar energy system- means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. This system includes battery energy storage systems.

Solar energy system easement- means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a solar energy system facility on the property.

Solar energy system emergency- means a condition or situation at a solar energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to solar energy system facilities

solar energy system lease- means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a solar energy system facility on a landowner's property.

Solar energy system facility- means any component of a solar energy system, such as a solar collector, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

Standard time- means the solar time of the ninetieth meridian west of Greenwich.

Turbine Host Property- means real property on which at least one wind turbine is located.

Wind access easement- means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

Wind energy system- has the meaning given in § 66.0403(1)(m), Wis. Stats., and is used to convert wind energy to electrical energy.

Wind energy system easement- means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a wind turbine or other wind energy system facility on the property.

Wind energy system emergency- means a condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

Wind energy system facility- means any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

Wind energy system lease- means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.

Chapter PSC 128

WIND ENERGY SYSTEMS

Subchapter I — General

- PSC 128.01 Definitions.
PSC 128.02 Applicability.
PSC 128.03 Political subdivision authority.
PSC 128.04 Enforcement.

Subchapter II — Owner Requirements

- PSC 128.10 Incorporating owner requirements into local ordinances.
PSC 128.105 Development of a wind energy system; notice requirements.
PSC 128.11 Real property provisions.
PSC 128.12 Existing property uses.
PSC 128.13 Siting criteria.
PSC 128.14 Noise criteria.
PSC 128.15 Shadow flicker.
PSC 128.16 Signal interference.
PSC 128.17 Stray voltage.
PSC 128.18 Construction and operation.
PSC 128.19 Decommissioning.

Subchapter III — Political Subdivision Procedure

- PSC 128.30 Application and notice requirements.
PSC 128.31 Application completeness.
PSC 128.32 Political subdivision review of a wind energy system.
PSC 128.33 Political subdivision permitted provisions.
PSC 128.34 Record of decision.
PSC 128.35 Modifications to an approved wind energy system.
PSC 128.36 Monitoring compliance.

Subchapter IV — Complaints

- PSC 128.40 Complaint process.
PSC 128.41 Monitoring committee.
PSC 128.42 Notice to property owners and residents.

Subchapter V — Commission Procedure

- PSC 128.50 Standards established by the commission.
PSC 128.51 Commission review.

Subchapter VI — Small Wind Energy Systems

- PSC 128.60 Exemptions from this chapter.
PSC 128.61 Modifications to this chapter.

Subchapter I — General**PSC 128.01 Definitions.** In this chapter:

(1) “Commercial communications” includes communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

(2) “Commission” means the public service commission.

(4) “Decommissioning” means removal of all of the following:

(a) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.

(b) All below ground facilities, except the following:

1. Underground collector circuit facilities.
2. Those portions of concrete structures 4 feet or more below grade.

(5) “DNR” means the Wisconsin department of natural resources.

(6) “Maximum blade tip height” means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, “maximum blade tip height” means the actual hub height plus the blade length.

(7) “Nameplate capacity” means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

(8) “Nonparticipating property” means real property that is not a participating property.

(9) “Nonparticipating residence” means a residence located on nonparticipating property.

(10) “Occupied community building” means a school, church or similar place of worship, daycare facility or public library.

(12) “Owner” means:

(a) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.

(b) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

(13) “Participating property” means any of the following:

(a) A turbine host property.
(b) Real property that is the subject of an agreement that does all of the following:

1. Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind energy system is constructed on the property.

2. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner’s acceptance of payment establishes the landowner’s property as a participating property.

(14) “Participating residence” means a residence located on participating property.

(15) “Personal communications” includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

(16) “Political subdivision” has the meaning given in s. 66.0401 (1e) (c), Stats.

(17) “Residence” means an occupied primary or secondary personal residence including a manufactured home as defined in s. 101.91 (2), Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. “Residence” includes a temporarily unoccupied

primary or secondary personal residence. “Residence” does not include any of the following:

(a) A recreational vehicle as defined in s. 340.01 (48r), Stats., notwithstanding the length of the vehicle.

(b) A camping trailer as defined in s. 340.01 (6m), Stats.

(c) A permanently abandoned personal residence.

(19) “Shadow flicker” means a pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

(20) “Small wind energy system” means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

(21) “Turbine host property” means real property on which at least one wind turbine is located.

(22) “Wind access easement” means a written document that creates a legal interest in real property that restricts the use of the property to avoid interference with the wind resource on another property.

(23) “Wind energy system” has the meaning given in s. 66.0403 (1) (m), Stats., and is used to convert wind energy to electrical energy.

(24) “Wind energy system easement” means a written document that creates a legal interest in real property that permits an owner to place, construct or operate a wind turbine or other wind energy system facility on the property.

(25) “Wind energy system emergency” means a condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.

(26) “Wind energy system facility” means any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

(27) “Wind energy system lease” means a written agreement between a landowner and an owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner’s property.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.02 Applicability. (1) **POLITICAL SUBDIVISION APPLICATIONS.** (a) Except as provided in par. (b), this chapter applies to a political subdivision’s review of a proposed wind energy system or regulation of a wind energy system under s. 66.0401, Stats.

(b) This chapter does not apply to any of the following:

1. A wind energy system for which construction began before March 1, 2011.

2. A wind energy system placed in operation before March 1, 2011.

3. A wind energy system approved by a political subdivision before March 1, 2011.

4. A wind energy system proposed by an owner in an application filed with a political subdivision before the March 1, 2011.

(c) Notwithstanding par. (b) 4., if an owner withdraws an application for a proposed wind energy system that is filed with a political subdivision before March 1, 2011, this chapter applies to the wind energy system if the owner re-files the application with the political subdivision on or after March 1, 2011.

(3) **COMMISSION APPLICATIONS.** The commission shall consider whether the installation or use of a wind energy system is consistent with the standards specified in this chapter when reviewing an application under s. 196.491 (3) (d), Stats., filed on or after March 1, 2011.

(4) **INDIVIDUAL CONSIDERATION.** Nothing in this chapter shall preclude the commission from giving individual consideration to exceptional or unusual situations and applying requirements to an individual wind energy system that may be lesser, greater, or different from those provided in this chapter.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.03 Political subdivision authority. 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 s. 66.0401, Stats., and is not more restrictive than this chapter.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.04 Enforcement. (1) **POLITICAL SUBDIVISIONS.** A political subdivision shall be responsible for enforcing its wind energy system ordinance and permit provisions.

(2) **COMMISSION.** The commission shall enforce its rules and orders under this chapter in the manner prescribed in s. 196.66, Stats., or by such other means as provided in the statutes or administrative code.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

Subchapter II — Owner Requirements

PSC 128.10 Incorporating owner requirements into local ordinances. (1) **ORDINANCES WITH ALL THE OWNER REQUIREMENTS.** A political subdivision may enact an ordinance that incorporates all the owner requirements specified in this subchapter, but may not enact an ordinance whose requirements on the installation or use of a wind energy system are more restrictive than specified in this subchapter.

(2) **ORDINANCES WITH LESS RESTRICTIVE OWNER REQUIREMENTS.** Except as provided in sub. (4), a political subdivision may enact an ordinance whose requirements on the installation or use of a wind energy system are less restrictive than specified in this subchapter.

(3) **NO ORDINANCE.** Except as provided in sub. (4), if a political subdivision does not enact an ordinance establishing requirements on the installation or use of a wind energy system, this subchapter does not apply within the political subdivision.

(4) **MANDATORY REQUIREMENTS.** (a) Section PSC 128.105 applies to every owner of a wind energy system, regardless of the political subdivision in which the wind energy system is located and regardless of the contents of a political subdivision’s ordinance or the lack of an ordinance.

(b) Section PSC 128.13 (2) (a) applies to every political subdivision, regardless of the contents of its ordinance or the lack of an ordinance.

(c) Section PSC 128.19 applies to every owner of a wind energy system of at least one megawatt, regardless of the political subdivision in which the wind energy system is located and regardless of the contents of a political subdivision’s ordinance or the lack of an ordinance.

(5) **SMALL WIND ENERGY SYSTEMS.** For a small wind energy system, this subchapter applies as provided in ss. PSC 128.60 and 128.61.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.105 Development of a wind energy system; notice requirements. (1) PRE-APPLICATION NOTICE. At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

(a) Landowners within one mile of a planned wind turbine host property.

(b) Political subdivisions within which the wind energy system may be located.

(c) Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system may be located.

(d) The Wisconsin department of transportation.

(e) The commission.

(f) The DNR.

(g) The Wisconsin department of agriculture, trade and consumer protection.

(h) The office of the deputy undersecretary of the U.S. department of defense.

(1m) ADDITIONAL PRE-APPLICATION NOTICE TO COMMISSION. At least 180 days before filing an application to construct a wind turbine with a maximum blade tip height exceeding 600 feet, or a wind energy system in those portions of Lake Michigan or Lake Superior that are within the jurisdiction of the state, the owner shall provide written notice of the planned wind energy system to the commission.

(2) PRE-APPLICATION NOTICE REQUIREMENTS. The owner shall include all of the following in a notice under sub. (1) or (1m):

(a) A complete description of the wind energy system, including the number and size of the planned wind turbines.

(b) A map showing the planned location of all wind energy system facilities.

(c) Contact information for the owner.

(d) A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.

(e) Whether the owner is requesting a joint application review process under s. PSC 128.30 (7) and the name of each political subdivision that may participate in the joint review process.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.11 Real property provisions. (1) EASEMENT RECORDING REQUIRED. A wind energy system easement or wind access easement shall be recorded under ch. 706, Stats. A wind energy system easement or wind access easement shall include the term of the easement and a full legal description of the property subject to the easement.

(2) WIND LEASE AND WAIVER PROVISIONS. A wind energy system lease and any waiver under s. PSC 128.14 (5) or 128.15 (4) shall hold harmless and indemnify the real property owner for all of the following:

(a) Any violation of federal, state or local law by the owner of the wind energy system.

(b) Any damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.12 Existing property uses. (1) LAND USE AND COMMERCIAL ENTERPRISES. An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within

0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under s. PSC 128.105 (1), or if complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date the owner gives notice under s. PSC 128.105 (1).

(2) AGRICULTURAL USE. An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.13 Siting criteria. (1) SETBACK DISTANCE AND HEIGHT REQUIREMENTS. (a) An owner shall design and construct a wind energy system using the wind turbine setback distances shown in Table 1.

Table 1

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

(b) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

(c) An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.

(d) The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Table 1 from a nonparticipating property line.

(2) POLITICAL SUBDIVISION CRITERIA. (a) 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, except as provided in s. 66.0401 (4) (f) 2., Stats.

(b) A political subdivision may not set height or setback distance limitations for a wind turbine near a public use airport or heliport that are more restrictive than existing airport and airport approach protection provisions under ss. 114.135 and 114.136,

Stats. If no provisions have been established for public use airports or heliports under s. 114.135 or 114.136, Stats., the political subdivision may adopt wind turbine height or setback distance provisions that are based on, but not more restrictive than, the federal aviation administration obstruction standards in 14 CFR Part 77.

(c) A political subdivision may set height or setback distance limitations for wind turbines near a private heliport at a medical facility used for air ambulance service that are based on, but not more restrictive than, federal aviation administration obstruction standards that apply to public use heliports.

(d) A political subdivision may not set height or setback distance limitations for a wind turbine near a private use airport or heliport except as provided in par. (c).

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.14 Noise criteria. (1) **DEFINITIONS.** In this section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

(2) **PLANNING.** (a) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).

(b) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.

(c) An owner shall design a wind energy system to comply with the noise standards in this section under planned operating conditions.

(3) **NOISE LIMITS.** (a) Except as provided in par. (b), subs. (4) (c) and (5), an owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.

(b) In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.

(4) **COMPLIANCE.** (a) If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this section.

(b) Upon receipt of a complaint regarding a violation of the noise standards in sub. (3) (a), an owner shall test for compliance with the noise limits in sub. (3) (a). A political subdivision or monitoring committee established under s. PSC 128.41 may not require additional testing to show compliance with sub. (3) (a) if the owner has provided the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with sub. (3) (a) at the location relating to the complaint.

(c) Methods available for the owner to comply with sub. (3) shall include operational curtailment of one or more wind tur-

bines. Upon receipt of a complaint about a noise under sub. (3) (b), the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.

(d) An owner shall evaluate compliance with sub. (3) (a) as part of pre- and post-construction noise studies. An owner shall conduct pre- and post-construction noise studies under the most current version of the noise measurement protocol as described in s. PSC 128.50 (2).

(5) **WAIVER.** Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.

(6) **NOTIFICATION.** (a) Before entering into a contract under sub. (5), an owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.

(b) Before the initial operation of the wind energy system, an owner of a wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under sub. (5).

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.15 Shadow flicker. (1) **PLANNING.** (a) The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).

(b) An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.

(c) An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.

(2) **SHADOW FLICKER LIMITS.** An owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.

(3) **SHADOW FLICKER MITIGATION.** (a) An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.

(b) An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or oc-

cupied community building experiencing 20 hours or more per year of shadow flicker.

(c) An owner shall model shadow flicker and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.

(d) An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under par. (b).

(e) The requirement under par. (b) to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitigation is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.

(4) WAIVER. Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under sub. (2) or (3) (b) at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.

(5) NOTIFICATION. (a) Before entering into a contract under sub. (4), a wind energy system owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or occupied community building.

(b) Before the initial operation of the wind energy system, a wind energy system owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within 0.5 mile of a constructed wind turbine that has not entered into a contract under sub. (4).

History: CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.16 Signal interference. **(1) PLANNING.** (a) Except as provided in sub. (4), the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.

(b) An owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.

(c) An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. A political subdivision may require an owner to provide information showing that wind turbines and

other wind energy system facilities will be in compliance with this paragraph.

(2) COMMERCIAL COMMUNICATIONS INTERFERENCE MITIGATION. An owner shall use reasonable and commercially available technology to mitigate interference caused by a wind energy system with commercial communications in use when a wind energy system begins operation. Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for commercial communications interference problems. Except as provided in sub. (4), an owner shall mitigate commercial communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

(3) PERSONAL COMMUNICATIONS INTERFERENCE MITIGATION. (a) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system. A political subdivision may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.

(b) Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

(4) MITIGATION PROTOCOL. A political subdivision may, under a protocol established under s. PSC 128.50 (2), require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under sub. (2) or (3) and for which the original mitigation solution implemented is only partially effective.

History: CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register February 2011 No. 662.

PSC 128.17 Stray voltage. **(1) TESTING REQUIRED.** (a) An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by commission staff under par. (b).

(b) Before any testing under par. (a) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under par. (a) shall conduct or arrange to conduct all required testing at the expense of the owner.

(2) RESULTS OF TESTING. An owner and the electric distribution company shall provide to commission staff the results of all stray voltage testing in writing.

(3) **REQUIREMENT TO RECTIFY PROBLEMS.** An owner shall work with the electric distribution company and farm owner to rectify any stray voltage problems attributable to the construction and operation of the wind energy system, in compliance with the commission's stray voltage protocol.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.18 Construction and operation. (1) PHYSICAL CHARACTERISTICS. (a) An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. An owner may attach a safety feature or wind monitoring device to a wind turbine.

(b) An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.

(c) An owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration. A political subdivision may not establish lighting requirements for a wind energy system that conflict with standards established by the federal aviation administration. A political subdivision may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.

(d) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.

(e) An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.

(f) An owner shall place appropriate warning signage on or at the base of each wind turbine.

(g) An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.

(h) An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

(2) **ELECTRICAL STANDARDS.** (a) An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and ch. PSC 114 and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.

(b) An owner shall construct collector circuit facilities for a wind energy system underground to the extent practicable.

(c) An owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.

(3) **CONSTRUCTION, OPERATION, AND MAINTENANCE STANDARDS.** (a) An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.

(am) An owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the wind energy system. A political subdivision may establish reasonable requirements designed to minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land.

(b) Except for the area physically occupied by the wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

(c) An owner shall carry general liability insurance relating to claims for property damage or bodily injury arising from the construction, operation or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.

(4) **EMERGENCY PROCEDURES.** (a) An owner shall notify a political subdivision of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

(b) An owner shall establish and maintain liaison with a political subdivision and with fire, police, and other appropriate first responders serving the wind energy system to create effective emergency plans that include all of the following:

1. A list of the types of wind energy system emergencies that require notification under par. (a).

2. Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.

3. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.

4. Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.

5. An emergency evacuation plan for the area within 0.5 mile of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.

(c) The owner shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.

(d) The owner shall distribute current copies of the emergency plan to the political subdivision and fire, police and other appropriate first responders as identified by the political subdivision.

(e) A political subdivision may require the owner to provide annual training for fire, police and other appropriate first responders regarding responding to a wind energy system emergency until the wind energy system has been decommissioned.

(f) An owner of a wind energy system shall do all of the following:

1. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.

2. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.

3. As soon as possible after the end of a wind energy system emergency, review employee activities to determine whether the procedures were effectively followed.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.19 Decommissioning. (1) **REQUIREMENT TO DECOMMISSION.** (a) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.

(b) A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period. This presumption may be rebutted under par. (c).

(c) Upon application by the owner, and except as provided in par. (d), a political subdivision shall grant an extension of the time period for returning the wind energy system to service by one or more additional 180 day periods if the owner demonstrates it is likely the wind energy system will operate again in the future and any of the following occur:

1. The owner submits a plan to the political subdivision that demonstrates an ongoing good faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.

2. The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.

3. The owner demonstrates that the wind energy system is being used for educational purposes.

(d) A political subdivision may deny a request for an extension under par. (c) if the wind energy system has not generated any electricity for a continuous period of 540 days or more and the political subdivision finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.

(e) A wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:

1. The owner does not request an extension of the time period for returning the wind energy system to service under par. (c).

2. The political subdivision denies a request for an extension under par. (d) and any appeal rights have expired.

(f) When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.

(2) DECOMMISSIONING REVIEW. A political subdivision may establish a decommissioning review process to determine when a wind energy system has reached the end of its useful life.

(3) FINANCIAL RESPONSIBILITY. (a) The owner of a wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

(b) A political subdivision may require an owner of a wind energy system with a nameplate capacity of one megawatt or larger to provide financial assurance of the owner's ability to pay for the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site. An owner may comply with this paragraph by choosing to provide a bond, deposit, escrow account, irrevocable

letter of credit, or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

(c) A political subdivision may require an owner to provide the financial assurance under par. (b) in an amount up to the estimated actual and necessary cost to decommission the wind energy system. If a political subdivision requires an owner to provide financial assurance under par. (b), the political subdivision may do any of the following:

1. Require the owner to provide the political subdivision with up to 3 cost estimates of the actual and necessary cost to decommission the wind energy system that are prepared by third parties agreeable to the owner and the political subdivision.

3. Require an owner to establish financial assurance that places the political subdivision in a secured position, and that any secured funds may only be used for decommissioning the wind energy system until either the political subdivision determines that the wind energy system has been decommissioned under sub. (5) (b), or until the political subdivision has otherwise approved the release of the secured funds, whichever is earlier.

4. Require an owner to establish financial assurance that allows the political subdivision to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is required.

(d) If a political subdivision requires an owner to provide cost estimates under par. (c) 1., a political subdivision may not require the amount of the financial assurance to exceed the average of the cost estimates provided.

(e) A political subdivision may condition its approval of a wind energy system on the owner's compliance with pars. (b) and (c).

(f) During the useful life of a wind energy system, the political subdivision may periodically request information from the owner regarding the industry costs for decommissioning the wind energy system. If a political subdivision finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance previously provided under par. (b), the political subdivision may correspondingly increase or decrease the amount of financial assurance required for the wind energy system. A political subdivision may not adjust the financial assurance under this paragraph more often than once in a 5-year period.

(g) A political subdivision may require an owner to submit to the political subdivision a substitute financial assurance of the owner's choosing under par. (b) if an event occurs that raises material concerns regarding the viability of the existing financial assurance.

(4) SITE RESTORATION. (a) Except as provided in par. (b), if a wind energy system was constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

(b) If a wind energy system was constructed on a brownfield, as defined in s. 238.13 (1) (a), Stats., the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in s. 238.13 (1) (d), Stats.

(5) DECOMMISSIONING COMPLETION. (a) An owner shall file a notice of decommissioning completion with the political subdivi-

vision and the commission when a wind energy system approved by the political subdivision has been decommissioned and removed.

(b) Within 360 days of receiving a notice of decommissioning, a political subdivision shall determine whether the owner has satisfied the requirements of subs. (1) (a) and (4).

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11; correction in (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2012 No. 684.

Subchapter III — Political Subdivision Procedure

PSC 128.30 Application and notice requirements.

(1) **APPLICATION REQUIRED.** An owner shall file an application to construct a wind energy system with all political subdivisions with jurisdiction over the wind energy system.

(2) **CONTENTS OF AN APPLICATION.** An owner shall complete and file with the political subdivision an application that includes all of the following:

(a) Wind energy system description and maps showing the locations of all proposed wind energy facilities.

(b) Technical description of wind turbines and wind turbine sites.

(c) Timeline and process for constructing the wind energy system.

(d) Information regarding anticipated impact of the wind energy system on local infrastructure.

(e) Information regarding noise anticipated to be attributable to the wind energy system.

(f) Information regarding shadow flicker anticipated to be attributable to the wind energy system.

(g) Information regarding the anticipated effects of the wind energy system on existing land uses within 0.5 mile of the wind energy system.

(h) Information regarding the anticipated effects of the wind energy system on airports and airspace.

(i) Information regarding the anticipated effects of the wind energy system on line-of-sight communications.

(j) A list of all state and federal permits required to construct and operate the wind energy system.

(k) Information regarding the planned use and modification of roads within the political subdivision during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.

(L) A copy of all emergency plans developed in collaboration with appropriate first responders under s. PSC 128.18 (4) (b). An owner may file plans using confidential filing procedures as necessary.

(m) A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with s. PSC 128.19.

(n) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105 (1) (a) and 128.42 (1).

(p) Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.

(3) **ACCURACY OF INFORMATION.** The owner shall ensure that information contained in an application is accurate.

(4) **DUPLICATE COPIES.** A political subdivision may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the ap-

plication. A political subdivision may permit an owner to file an application electronically.

(5) **NOTICE TO PROPERTY OWNERS AND RESIDENTS.** (a) On the same day an owner files an application for a wind energy system, the owner shall, under s. 66.0401 (4) (a) 3., Stats., use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notification shall include all of the following:

1. A complete description of the wind energy system, including the number and size of the wind turbines.

2. A map showing the locations of all proposed wind energy system facilities.

3. The proposed timeline for construction and operation of the wind energy system.

4. Locations where the application is available for public review.

5. Owner contact information.

(b) After a political subdivision receives an application for a wind energy system, the notice required to be published by the political subdivision under s. 66.0401 (4) (a) 1., Stats., shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the political subdivision, and the approximate schedule for review of the application by the political subdivision.

(6) **PUBLIC PARTICIPATION.** (a) A political subdivision shall make an application for a wind energy system available for public review at a local library and at the political subdivision's business office or some other publicly-accessible location. A political subdivision may also provide public access to the application electronically.

(b) A political subdivision shall establish a process for accepting and considering written public comments on an application for a wind energy system.

(c) A political subdivision shall hold at least one public meeting to obtain comments on and to inform the public about a proposed wind energy system.

(7) **JOINT APPLICATION REVIEW PROCESS.** (a) If the wind energy system is proposed to be located in more than one political subdivision with jurisdiction over the wind energy system, the political subdivisions involved may conduct a joint application review process on their own motion or upon request. If an owner requests a joint application review, the owner shall include the request in its notice of intent to file an application with the political subdivision under s. PSC 128.105 (1). If the owner requests a joint application review process, the political subdivisions involved shall approve or deny this request within 60 days of receipt of the owner's notice of intent to file an application.

(b) Except as provided in s. 66.0401 (4) (a) 2., Stats., if political subdivisions elect to conduct a joint application review process, the process shall be consistent with this chapter and the political subdivisions shall establish the process within 90 days of the date the political subdivisions receive the owner's notice of intent to file an application. A political subdivision may follow the review process of another political subdivision for purposes of conducting a joint application review process concurrently with the other political subdivision. If a joint application review process is adopted, the owner shall file the joint-review process application with all of the political subdivisions participating in the joint review process.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.31 Application completeness. (1) COMPLETE APPLICATIONS. (a) An application is complete if it meets the filing requirements under ss. PSC 128.30 (2) and 128.50 (1).

(b) The political subdivision shall determine the completeness of an application, and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the political subdivision in writing that all the application materials have been filed. If a political subdivision determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.

(c) An owner may file a supplement to an application that the political subdivision has determined to be incomplete. There is no limit to the number of times that an owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in the notice under par. (b).

(d) An additional 45-day completeness review period shall begin the day after the political subdivision receives responses to all items identified in the notice under par. (b).

(e) If a political subdivision does not make a completeness determination within the applicable review period, the application is considered to be complete.

(2) REQUESTS FOR ADDITIONAL INFORMATION. A political subdivision may request additional information necessary to understand the wind energy system after determining that an application is complete. An owner shall provide additional information in response to all reasonable requests. An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.32 Political subdivision review of a wind energy system. (1) APPROVAL BY POLITICAL SUBDIVISION. Except as provided in s. PSC 128.02 (1), a political subdivision may require an owner to obtain approval from the political subdivision before constructing any of the following:

- (a) A wind energy system.
- (b) An expansion of an existing or previously-approved wind energy system.

(2) STANDARD FOR APPROVAL. (a) A political subdivision may not unreasonably deny an application for a wind energy system or impose unreasonable conditions.

(b) For a political subdivision that does not have in effect an ordinance as described in s. PSC 128.03 and s. 66.0401 (4) (g), Stats., an application submitted under s. PSC 128.30 (1) shall be considered automatically approved if any of the following occur:

1. The political subdivision does not enact an ordinance before the first day of the 4th month after the political subdivision receives the application.

2. The political subdivision notifies the applicant in writing that it does not intend to enact an ordinance, as described in s. 66.0401 (4) (a) 2., Stats.

(3) WRITTEN DECISION. (a) A political subdivision shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial. A political subdivision may make its approval subject to the conditions in s. PSC 128.33.

(b) 1. A political subdivision shall provide its written decision to the owner and to the commission. If a political subdivision approves an application for a wind energy system, the political subdivision shall provide the owner with a duplicate original of the decision.

2. The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.

(4) EFFECT OF OWNERSHIP CHANGE ON APPROVAL. Approval by a political subdivision of a wind energy system remains in effect if there is a change in the owner of the wind energy system. A political subdivision may require an owner to provide timely notice of any change in the owner of the wind energy system.

(5) FEES. (a) A political subdivision may charge an owner a reasonable application fee or require an owner to reimburse the political subdivision for reasonable expenses relating to the review and processing of an application for a wind energy system.

(b) A political subdivision's fee or reimbursement requirement under par. (a) shall be based on the actual and necessary cost of the review of the wind energy system application, and may include the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts. The political subdivision may by ordinance set standardized application fees based on the size and complexity of a proposed wind energy system.

(c) A political subdivision may require an owner of a wind energy system to submit up to 50 percent of the total estimated amount of the fee or reimbursement for the wind energy system application under par. (a) before issuing a written decision under sub. (3) (a), if the political subdivision gives written notice to the owner of its intent to do so within 10 days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.

(d) A political subdivision may not charge an owner an annual fee or other recurring fees to operate or maintain a wind energy system.

Note: See also s. 66.0628 (2), Stats., which requires any fee imposed by a political subdivision to bear a reasonable relationship to the service for which the fee is imposed.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.33 Political subdivision permitted provisions. A political subdivision may do any of the following in an ordinance or establish any of the following as a condition for approval of an application to construct a wind energy system:

(1) INFORMATION. Require information about whether an owner has consulted with and received any non-binding recommendations for constructing, operating or decommissioning the wind energy system from a state or federal agency, and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system.

(2) STUDIES. Require an owner to cooperate with any study of the effects of wind energy systems coordinated by a state agency.

(3) MONETARY COMPENSATION. Require an owner of a wind energy system to offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence, if the residence is located within 0.5 mile of a constructed wind turbine. For one turbine located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$600. For two turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$800. For three or more turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$1,000. The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase

each year by the greater of two percent or the increase in the Consumer Price Index, as described in s. 196.374 (5) (bm) 2. b., Stats., from the previous year. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this chapter and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this chapter.

(3m) AERIAL SPRAYING. Require an owner of a wind energy system to offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within 0.5 mile of a constructed wind turbine if the farm operator demonstrates all of the following:

(a) Substantial evidence of a history, before the wind energy system owner gives notice under s. PSC 128.105 (1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within 0.5 mile of a constructed wind turbine.

(b) A material reduction in potato, pea, snap bean or sweet corn production or a material increase in application costs on all or part of a farm field located within 0.5 mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

(4) PERMITS. Require the owner to submit to the political subdivision copies of all necessary state and federal permits and approvals.

(5) ANNUAL REPORTS. Require the owner to file an annual report with the political subdivision documenting the operation and maintenance of the wind energy system during the previous calendar year.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.34 Record of decision. (1) RECORDKEEPING. (a) A political subdivision shall keep a complete written record of its decision-making relating to an application for a wind energy system.

(b) If a political subdivision denies an application, the political subdivision shall keep the record for at least 7 years following the year in which it issues the decision.

(c) If a political subdivision approves an application, the political subdivision shall keep the record for at least 7 years after the year in which the wind energy system is decommissioned.

(2) RECORD CONTENTS. The record of a decision shall include all of the following:

(a) The approved application and all additions or amendments to the application.

(b) A representative copy of all notices issued under ss. PSC 128.105 (1) (a), 128.30 (5), and 128.42 (1).

(c) A copy of any notice or correspondence that the political subdivision issues related to the application.

(d) A record of any public meeting under s. PSC 128.30 (6) (c) and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.

(e) Copies of any correspondence or evidentiary material that the political subdivision considered in relation to the application, including copies of all written public comments filed under s. PSC 128.30 (6) (b).

(f) Minutes of any political subdivision, board, council or committee meetings held to consider or act on the application.

(g) A copy of the written decision under s. PSC 128.32 (3) (a).

(h) Other materials that the political subdivision prepared to document its decision-making process.

(i) A copy of any political subdivision ordinance cited in or applicable to the decision.

(3) POST-CONSTRUCTION FILING REQUIREMENT. Within 90 days of the date a wind energy system commences operation, the owner shall file with the political subdivision and the commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities and current information identifying the owner of the wind energy system. An owner shall in the filings under this subsection label each wind turbine location with a unique identifier consistent with the information posted at the wind turbine location under s. PSC 128.18 (1) (g).

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.35 Modifications to an approved wind energy system. (1) MATERIAL CHANGE. (a) An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the political subdivision that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in s. PSC 128.32 (2) (b) 1. or 2.

(b) An owner shall submit an application for a material change to an approved wind energy system to the political subdivision that authorized the wind energy system.

(2) REVIEW LIMITED. (a) A political subdivision that receives an application for a material change to a wind energy system under sub. (1) (b) may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.

(b) An application for a material change is subject to ss. PSC 128.30 (1), (3) to (5), (6) (a) and (b), and (7) and 128.31 to 128.34.

(c) An application for a material change shall contain information necessary to understand the material change.

(d) A political subdivision may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.36 Monitoring compliance. (1) MONITORING PROCEDURE. A political subdivision may establish a procedure to monitor compliance by the owner with any condition on an approved wind energy system or to assess when wind energy system facilities are not maintained in good repair and operating condition. The procedure may include timelines, provide for payment of reasonable fees for conducting an assessment, and provide for notification to the public.

(2) THIRD-PARTY INSPECTOR DURING CONSTRUCTION. A political subdivision may require an owner to pay a reasonable fee for a third-party inspector to monitor and report to the political subdivision regarding the owner's compliance with permit requirements during construction. An inspector monitoring compliance under this subsection shall also report to a state permitting authority upon the state permitting authority's request.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

Subchapter IV — Complaints

PSC 128.40 Complaint process. (1) MAKING A COMPLAINT. (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter or an ordinance adopted under this chapter.

(b) A complaint under par. (a) shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.

(c) A complainant may petition the political subdivision for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.

(d) A political subdivision's decision under par. (c) is subject to review under s. 66.0401 (5), Stats.

(2) COMPLAINT RESOLUTION. (a) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system and shall investigate complaints regarding a wind energy system at the owner's expense.

(b) Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in s. PSC 128.42 (1). Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.

(c) An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify a political subdivision of complaints that have not been resolved within 45 days of the date the owner received the original complaint.

(d) An owner shall maintain a log of all complaints received regarding the wind energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, either to a monitoring committee established under s. PSC 128.41 or, if a monitoring committee has not been established, to the political subdivision. An owner shall make any complaint log available to the commission upon request.

(e) An owner shall develop a complaint resolution process that is consistent with this subsection.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.41 Monitoring committee. (1) COMMITTEE. Except as provided in sub. (3), a political subdivision may establish a monitoring committee to oversee resolution of complaints regarding a wind energy system. A monitoring committee shall include on the committee a member who is a local employee of an owner of a wind energy system and, if in existence, at least one nonparticipating landowner residing in the political subdivision within 0.5 mile of a wind turbine that is located in the political subdivision.

(2) DUTIES. A monitoring committee established under sub. (1) may do any of the following:

- (a) Maintain a record of all complaints brought to it.
- (b) Require the owner to provide the committee with information regarding the owner's response to any complaint forwarded to the owner by the committee.
- (c) Recommend to the political subdivision a reasonable resolution to a complaint based upon the information gathered by the committee.

(3) MULTIPLE JURISDICTIONS. If a wind energy system is located in more than one political subdivision with jurisdiction over the wind energy system and multiple political subdivisions decide to establish a monitoring committee, the political subdivisions shall jointly establish a single monitoring committee to

oversee resolution of complaints regarding the wind energy system.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.42 Notice to property owners and residents. (1) NOTICE OF PROCESS FOR MAKING COMPLAINTS. Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall include in the notice the requirements under s. PSC 128.40 (1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

(2) NOTICE TO POLITICAL SUBDIVISION. An owner shall provide a copy of the notice under sub. (1) to any political subdivision with jurisdiction over the wind energy system, and the owner shall keep the contact person and telephone number current and on file with the political subdivision.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

Subchapter V — Commission Procedure

PSC 128.50 Standards established by the commission. (1) DETAILED APPLICATION FILING REQUIREMENTS. The commission shall establish detailed application filing requirements for applications filed for political subdivision review of a wind energy system, which shall contain a detailed description of the information required to satisfy the filing requirements for applications under s. PSC 128.30 (2). The commission may revise these requirements as necessary. The commission shall make the filing requirements available to the public on the commission's website.

(2) COMMISSION PROTOCOLS. (a) The commission may periodically create and revise measurement, compliance, and testing protocols as needed to provide standards for evaluating compliance with this chapter. These protocols may be created and revised to reflect current industry practice, changes in the state of the art, and implementation of new technologies. The commission may make protocols under this subsection available to the public on the commission's website.

(b) The commission may establish protocols in any of the following areas:

1. Noise measurement, compliance and mitigation.
2. Stray voltage testing and remediation.
3. Shadow flicker compliance and mitigation.
4. Communications interference testing and mitigation.
5. Other areas where protocols are appropriate.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

PSC 128.51 Commission review. (1) APPEALS TO THE COMMISSION. An appeal under s. 66.0401 (5) (b), Stats., shall be treated as a petition to open a docket under s. PSC 2.07, except the time provisions of that section do not apply.

(2) PETITIONER FILING REQUIREMENTS. An aggrieved person under s. 66.0401 (5) (a), Stats., may file a petition with the commission. The petition shall be submitted to the commission in writing or filed using the commission's electronic filing system and shall contain all of the following:

- (a) The petitioner's name, address, and telephone number.
- (b) The name, address, and telephone number of the political subdivision that is the subject of the petition.

(c) A description of the wind energy system that is the subject of the petition.

(d) A description of the petitioner's relationship to the wind energy system.

(e) The information specified in s. [PSC 2.07 \(2\)](#).

(3) POLITICAL SUBDIVISION FILING REQUIREMENTS. (a) A political subdivision shall file a certified copy of the information required under s. [66.0401 \(5\) \(c\)](#), Stats., using the commission's electronic regulatory filing system.

(b) The commission may require the political subdivision to file up to 5 paper copies of the record upon which it based its decision.

(c) The commission may require the political subdivision to file additional information.

(4) SERVICE AND NOTICE. (a) An owner submitting a petition under sub. [\(2\) \(intro.\)](#) shall serve a copy of the petition on the political subdivision and on any other person specified in s. [PSC 2.07 \(3\)](#).

(b) Any person other than an owner submitting a petition under sub. [\(2\) \(intro.\)](#) shall serve a copy of the petition on the owner, the political subdivision, and any other person specified in s. [PSC 2.07 \(3\)](#).

(c) A political subdivision that is subject to a petition under sub. [\(2\)](#) shall make a copy of the petition available for public inspection and, in the manner in which it is required to publish notice of a public meeting, publish notice of that petition.

(5) COMMISSION HEARING DISCRETIONARY. The commission may review a petition under this section with or without a hearing.

(6) ENVIRONMENTAL ANALYSIS. A docket opened to review a petition under this section is a Type III action under s. [PSC 4.10 \(3\)](#).

(7) REMAND TO POLITICAL SUBDIVISION. (a) Except as provided in par. [\(b\)](#), if the commission remands any issue to the political subdivision, the political subdivision's review on remand shall be completed in a time frame established by the commission in its remand order.

(b) If the commission determines that a political subdivision has not yet reviewed an application that is complete, and the commission remands the application to the political subdivision for review, the political subdivision's review shall be completed within the time frame provided for reviewing a complete application under this chapter and s. [66.0401 \(4\) \(d\)](#) and [\(e\)](#), Stats., beginning with the day after the day on which the commission issues its remand order.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

Subchapter VI — Small Wind Energy Systems

PSC 128.60 Exemptions from this chapter. All of the provisions in this chapter apply to a small wind energy system except ss. [PSC 128.14 \(4\) \(d\)](#), [128.15 \(1\) \(c\)](#), [\(3\) \(b\)](#) to [\(e\)](#), and [\(5\)](#), [128.16 \(2\)](#) to [\(4\)](#), [128.18 \(1\) \(g\)](#), [\(2\) \(b\)](#) and [\(c\)](#), [\(3\) \(am\)](#), [\(b\)](#) and [\(c\)](#), and [\(4\) \(b\)](#) to [\(f\)](#), [128.19 \(1\) \(c\)](#) to [\(e\)](#), [\(3\)](#), and [\(4\)](#), [128.30 \(2\) \(L\)](#) and [\(m\)](#), [128.33 \(1\)](#) to [\(3m\)](#) and [\(5\)](#), [128.34 \(3\)](#), [128.36](#), [128.40 \(2\) \(b\)](#) to [\(e\)](#), [128.41](#), and [128.42](#).

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11; correction made under s. [13.92 \(4\) \(b\) 7.](#), Stats., Register February 2011 No. 662.

PSC 128.61 Modifications to this chapter. The following provisions in this chapter are modified to apply to a small wind energy system as follows:

(1) NOTICE. Under s. [PSC 128.105 \(1\)](#), the notice shall be filed at least 60 days before an owner files an application to construct a small wind energy system and the notice shall be provided only to adjacent landowners and the political subdivisions with jurisdiction over the small wind energy system.

(2) LAND USE. Section [PSC 128.12 \(1\)](#) applies only to existing land uses and enterprises that are located on adjacent nonparticipating properties.

(3) SETBACK DISTANCES. In s. [PSC 128.13 \(1\)](#):

(a) Table 1 is replaced with Table 2.

(b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable turbine setback distances in Table 2.

Table 2

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

(4) NOISE. Under s. [PSC 128.14 \(6\) \(b\)](#), an owner shall provide notice of the requirements of s. [PSC 128.14](#) only to each adjacent nonparticipating residence or occupied community building before the initial operation of the small wind energy system.

(5) USEFUL LIFE. Under s. [PSC 128.19 \(1\)](#), a small wind energy system is presumed to be at the end of its useful life if it generates no electricity for a continuous 540-day period.

(6) EFFECTS ON LAND USES. Under s. [PSC 128.30 \(2\) \(g\)](#), the information regarding the anticipated effects of the small wind energy system on existing land uses shall only be for parcels adjacent to the wind energy system.

(7) APPLICATION NOTICE. Under s. [PSC 128.30 \(5\) \(a\)](#), written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system.

(8) MEETINGS. Under s. [PSC 128.30 \(6\) \(c\)](#), a political subdivision may hold at least one public meeting to obtain comments on and to inform the public about a proposed small wind energy system.

History: CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.