



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

Original Post Date: 02/07/2025

Amended Post Date:

The following documents are included in the packet for the County Board meeting on February 11, 2025:

- 1) Agenda
- 2) Minutes – 01/28/2025
- 3) CLA Statement of Work (SOW)
- 4) Ordinance 01-2025 Rezone in the Town of Marquette – Owner: Corneal Troyer
- 5) Ordinance 02-2025 Rezone in the Town of Marquette – Owner: Nicholas Johnson
- 6) Ordinance 03-2025 Amending Green Lake County Chapter 350. Zoning



**Green Lake County Board of Supervisors
Meeting Notice**

The Green Lake County Board of Supervisors will meet in person and via virtual communication in Room #0902 in the City of Green Lake, Wisconsin on Tuesday, the **11th day of February, 2025 at 4:30 PM** for a special meeting of the Board. Business to be transacted includes:

AGENDA

**County Board of
Supervisors**

Dist. 1 Nancy Hoffmann
Dist. 2 Charles Buss
Dist. 3 Curtis Talma
Dist. 4 David Abendroth – Chair
Dist. 5 Mike Skivington
Dist. 6 Brian Floeter
*Dist. 7 Bob Schweder -
Vice Chair*
Dist. 8 Nancy Hiestand
Dist. 9 Bill Boutwell
Dist. 10 Sue Wendt
Dist. 11 Harley Reabe
Dist. 12 Charlie Wielgosh
Dist. 13 Don Lenz
Dist. 14 Dennis Mulder
Dist. 15 Nita Krenz
Dist. 16 Joe Gonyo
Dist. 17 Keith Hess
Dist. 18 VACANT
Dist. 19 Gene Thom

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.

**GREEN LAKE
COUNTY MISSION:**

- 1) Fiscal
Responsibility*
- 2) Quality Service*
- 3) Innovative
Leadership*
- 4) Continual
Improvement in
County
Government*

- 1. Call to Order**
- 2. Roll Call**
- 3. Reading of the Call**
- 4. Pledge of Allegiance**
- 5. Minutes of 01/28/2025 meeting**
- 6. Announcements**
- 7. Public Comment (3 min. limit)**
- 8. Appearances**
 - Scott Feldt, BugTussel – update on broadband services
- 9. Recognition of Service – Gary Podoll, Emergency Management Director**
- 10. Appointment of Interim County Administrator**
- 11. Human Resources update and discussion**
- 12. Discussion and possible action regarding CLA Statement of Work (SOW) for financial services**
- 13. Ordinances**
 - Ord. 01-2025 Rezone in the Town of Marquette – Owner: Corneal Troyer
 - Ord. 02-2025 Rezone in the Town of Marquette – Owner: Nicholas Johnson
 - Ord. 03-2025 Amending Green Lake County Chapter 350. Zoning
- 14. Closed Session**
 - Closed Session per WI Statute 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – update and possible approval of Highway Department land acquisition
- 15. Reconvene into Open Session to take action, if appropriate, on matters discussed in Closed Session**
- 16. Departments to Report on March 18, 2025**
- 17. Future Agenda Items for Action & Discussion**
- 18. Adjourn**

Given under my hand and official seal at the Government Center in the City of Green Lake, Wisconsin, this 6th day of February, 2025.

Elizabeth A. Otto, Green Lake County Clerk

This meeting will be conducted and available through in person attendance or audio/visual communication. Remote access can be obtained through the following link:

Microsoft Teams [Need help?](#)

Join the meeting now

Meeting ID: 297 164 071 834

Passcode: 6dV9zB2U

Dial in by phone

[+1 920-515-0745,,559628313#](#) United States, Appleton

[Find a local number](#)

Phone conference ID: 559 628 313#

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

Please accept at your earliest convenience. Thank you!

[Org help](#) | [Privacy and security](#)

TO BE APPROVED AT THE FEBRUARY 18, 2025 MEETING

GREEN LAKE COUNTY

BOARD PROCEEDINGS

SPECIAL MEETING

January 28, 2025

The Green Lake County Board of Supervisors met in special session, Tuesday, January 28, 2025 at 4:30 PM via remote access and in person for the special meeting of the Board.

The Board was called to order by Chair David Abendroth. Roll call taken – Present – 16, Absent – Nancy Hoffmann-District 1, Keith Hess-District 17, Richard Trochinski-18

<u>Supervisor</u>	<u>Supervisor Districts</u>
Charles Buss	2
Curt Talma	3
David Abendroth	4
Mike Skivington	5
Brian Floeter	6
Bob Schweder	7
Nancy Hiestand	8
Bill Boutwell	9
Sue Wendt	10
Harley Reabe	11
Charlie Wielgosh	12
Don Lenz	13
Dennis Mulder	14
Nita Krenz	15
Joe Gonyo	16
Gene Thom	19

READING OF THE CALL

CALL TO ORDER
ROLL CALL
READING OF THE CALL
PLEDGE OF ALLEGIANCE
MINUTES OF 12/17/2024 MEETING
ANNOUNCEMENTS
PUBLIC COMMENT (3 minute limit)
APPEARANCES

TO BE APPROVED AT THE FEBRUARY 18, 2025 MEETING

- Scott Feldt, BugTussel – update on broadband services

RESOLUTIONS

- Resolution 01-2025 Resolution Seeking Withdrawal from the Tri-County Environmental Health Consortium and Form the rural Environmental Health Alliance

DISCUSSION AND POSSIBLE ACTION REGARDING GREEN LAKE COUNTY FORM OF GOVERNMENT AND THE COUNTY ADMINISTRATOR POSITION

COMMITTEE APPOINTMENTS

DEPARTMENTS TO REPORT ON February 18, 2025

FUTURE AGENDA ITEMS FOR ACTION & DISCUSSION

ADJOURN

Given under my hand and official seal at the Government Center in the City of Green Lake, Wisconsin this 20th day of January, 2025

Elizabeth A. Otto

Green Lake County Clerk

PLEDGE OF ALLEGIANCE

1. The Pledge of Allegiance to the Flag was recited.

MINUTES OF 12/17/2024 MEETING

2. ***Motion/second (Buss/Reabe)*** to approve the minutes of the December 17, 2024 County Board meeting with no changes or corrections. Motion carried with no negative vote.

ANNOUNCEMENTS

3. The next meeting of the County Board will take place on February 18, 2025 at 4:30 PM.

PUBLIC COMMENT (3 minute limit)

4. Sheriff Mark Podoll shared that they have officially switched over to the new 911 system and started a 30 day trial. The Sheriff's Department solved a missing person case by using the Flock Safety Cameras. The Flock camera spotted the individual in Princeton, WI resulting in the missing person being reunited with his family. Podoll also commented on the discussion of the County Administrator position.

APPEARANCES

5. Scott Feldt of BugTussel was not in attendance.

RESOLUTIONS

TO BE APPROVED AT THE FEBRUARY 18, 2025 MEETING

6. Resolution 01-2025 Resolution Seeking Withdrawal from the Tri-County Environmental Health Consortium and Form the rural Environmental Health Alliance. Jason Jerome, HHS Director and Rachel Prellwitz, Health Officer, explained the reasoning behind the Resolution. ***Motion/second (Krenz/Boutwell)*** to adopt Resolution 01-2025. Roll call vote on motion to adopt Resolution 01-2025 – Ayes – 16, Nays – 0, Abstain – 0, Absent – 3 (Hoffmann-District 1, Hess-District 17. Trochinski-District 18). Resolution 01-2025 passed as adopted.

DISCUSSION AND POSSIBLE APPROVAL OF MIRON CONTRACT FOR HIGHWAY FACILITY

7. Thw process for the Highway Facility started in August of 2023. The Highway committee interviewed different architectural firms and ended up picking Excel Engineering. They then interviewed 5 different construction management teams in which Miron Construction was the one they picked. ***Motion/second (Buss/Boutwell)*** to accept the contract for Miron Construction, and that County Board Chair Dave Abendroth be allowed to fill the responsibilities of the County Administrator by correcting and signing documents regarding the Miron contract. Roll call vote on motion to accept the contract from Miron Construction – Ayes – 15, Nays – 1 (Thom), Abstain – 0, Absent – 3 (Hoffmann-District 1, Hess-District 17. Trochinski-District 18). Motion passed.

DISCUSSION AND POSSIBLE ACTION REGARDING GREEN LAKE COUNTY FORM OF GOVERNMENT AND THE COUNTY ADMINISTRATOR POSITION

8. The committee was given a description of the 3 options they have to choose from regarding the County Administrator position. These descriptions can be found in the packet. Corporation Counsel, Jeff Mann read a brief description of the difference between a County Administrator and a County Coordinator provided by UW-Extension. Board members agreed that they would like to appoint someone from within the building, the interim administrator for the time being. Chair Abendroth allowed Sheriff Mark Podoll to comment. Discussion continued. ***Motion/second (Floeter/Reabe)*** to instruct the Administrative committee to begin the process to appoint and bring forward recommendations for the county administrative interim position to the County Board for final approval. Roll call vote – Ayes – 16, Nays – 0, Abstain – 0, Absent – 3 (Hoffmann-District 1, Hess-District 17. Trochinski-District 18). Motion passed.

COMMITTEE APPOINTMENTS

10. Chair Abendroth recommended the following appointments:
- Raymond Hudzinski to the Veterans Service Commission for a term ending 12/31/2027
 - Brenda Murkley, Mike Wuest, Mark Stefan, and Joel Strahota have been appointed Fire Wardens for 2025 by the DNR

Motion/second (Boutwell/Buss) to approve the appointments as recommended. Motion carried with no negative vote.

TO BE APPROVED AT THE FEBRUARY 18, 2025 MEETING

CLOSED SESSION

11. **Motion/second (Buss/Lenz)** to move into Closed Session per WI §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility – recommendation from Finance Committee regarding SOW from auditing firm.
12. And move into Closed Session per WI §19.85(1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session – consideration of Highway Department land acquisition

Roll call vote on motion to move into Closed Session at 5:38PM – Ayes - 16, Nays - 0, Absent – 3 (Hoffmann-District 1, Hess-District 17, Trochinski-District 18), Abstain - 0. Motion carried. Remote access was terminated.

RECONVENE INTO OPEN SESSION, IF APPROPRIATE, TO ACT ON MATTERS DISCUSSED IN CLOSED SESSION

13. **Motion/second (Buss/Lenz)** to reconvene into open session at 6:32PM.

Roll call vote on motion to return to Open Session – Ayes -16, Nays - 0, Absent – 3 (Hoffmann-District 1, Hess-District 17, Trochinski-District 18), Abstain - 0. Motion carried.

Motion/second (Floeter/Buss) to send matter discussed in Closed Session to the Finance and Administrative Committee's for further discussion. Roll call vote – Ayes -16, Nays - 0, Absent – 3 (Hoffmann-District 1, Hess-District 17, Trochinski-District 18), Abstain - 0. Motion carried.

Motion/second (Buss/Boutwell) to authorize Chair of the Highway Committee, Dennis Mulder, to make an offer up to the amount discussed in Closed Session. Roll call vote - Ayes -16, Nays - 0, Absent – 3 (Hoffmann-District 1, Hess-District 17, Trochinski-District 18), Abstain - 0. Motion carried.

DEPARTMENTS TO REPORT ON February 18, 2025

14. To be determined

FUTURE AGENDA ITEMS FOR ACTION AND DISCUSSION

15. To be determined

ADJOURN

TO BE APPROVED AT THE FEBRUARY 18, 2025 MEETING

16. Chair Abendroth adjourned the meeting at 6:35PM.

Respectfully Submitted,

Karissa Block
Deputy County Clerk

DRAFT



January 16, 2025

This agreement constitutes a statement of work ("SOW") under the master service agreement ("MSA") dated May 9, 2023, or superseding MSA, made by and between CliftonLarsonAllen LLP ("CLA," "we," "us," and "our") and Green Lake County Wisconsin ("you," "your," or "the entity"). We are pleased to confirm our understanding of the terms and objectives of our engagement and the nature and limitations of the services CLA will provide for the entity as of and for the year ended December 31, 2024.

Objectives

We understand that you need : Cash and Other Balance Sheet Reconciliation Assistance. Simply stated, you have identified the following objectives for this engagement:

- a) Assisting with monthly cash reconciliations between the County Treasurer's reconciliation and the County's general ledger accounting system.
- b) Assist with other balance sheet account reconciliations and processes.

We will perform the engagement in accordance with the Statement on Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

Approach

Our approach emphasizes active involvement by management throughout the process. The consulting engagement will be performed with the following components:

Upon request of the entity, CLA shall make its resources available to provide additional consultative services to the entity.

Client information requirements

The entity agrees it is solely responsible for the accuracy, completeness, and reliability of all of the entity's data and information that it provides CLA for our engagement. The entity agrees it will provide any requested information on or before the date we commence performance of the services.

Management responsibilities

For all nonattest services we may provide to you, including these consulting services, you agree to assume all management responsibilities; oversee the services by designating individuals, who possesses suitable skill, knowledge, and/or experience to understand and oversee the services; evaluate the adequacy and results of the services; and accept responsibility for the results of the services. You have designated Stefanie Meeker and Samantha Stobbe to fulfill this role. You will be solely responsible for making all decisions

concerning the contents of our communications and reports, for the adoption of any plans, and for implementing any plans you may develop, including any that we may discuss with you. Management is responsible for the design, implementation, and maintenance of effective internal control over financial reporting and over compliance, including evaluating and monitoring ongoing activities, (1) relevant to the preparation and fair presentation of financial statements that are free from material misstatement, (2) to prevent and detect fraud, and (3) to ensure that the entity complies with applicable laws and regulations. Management is responsible for ensuring that your data and records are complete and that you have received sufficient information to oversee the services.

Timing

CLA is able to begin our services after January 22, 2025 following our receipt of this agreement with the entity's signature.

Personnel

Our firm has adopted a team approach to client service, which means that CLA will provide the entity with a team of people who have the relevant knowledge and experience to perform the work plan outlined above.

Jon Trautman will oversee the consulting engagement and is responsible for the services provided to you.

Jon Trautman will also perform roles necessary to fulfill the requirements of the engagement.

Scope of agreement

This agreement applies to all aspects of our relationship and to any other or additional services CLA may render to the entity at any time, unless they are covered by a separate written agreement that the entity and CLA both sign.

Fees

Our professional fees will be billed based on the degree of responsibility and contribution of the professionals working on the engagement at the hourly rate of \$150-\$200/hour. We will also bill for expenses (including travel, report production, word processing, postage, internal and administrative charges, etc.) plus a technology and client support fee of five percent (5%) of all professional fees billed. Our invoices, including applicable state and local taxes, will be rendered each month as work progresses and are payable on presentation.

Record retention

Our working papers, including any copies of your records that we chose to make, are our property and will be retained by us in accordance with our established records retention policy. This policy states, in general, that we will retain our working papers for a period of seven years. After this period expires, our working papers and files will be destroyed. Furthermore, physical deterioration or catastrophic events may shorten the time our records are available. The working papers and files of our firm are not a substitute for the entity's records.

Agreement

We appreciate the opportunity to provide the services described in this SOW related to the MSA. All terms and provisions of the MSA shall apply to these services. If you agree with the terms of this SOW, please sign

below to indicate your acknowledgement and understanding of, and agreement with, this SOW.

Sincerely,

CliftonLarsonAllen LLP

CLA
CLA

Jon Trautman

Jon Trautman, Principal

SIGNED 2/6/2025, 4:45:14 PM CST

Client

Green Lake County Wisconsin

SIGN:

David Abendroth, Board Chair

DATE:

ORDINANCE NO. 01-2025

**Relating to: Rezone in the Town of Marquette
Owner: Corneal Troyer**

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 11th of February 2025, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED that the Green Lake County Zoning Ordinance, Chapter 350 as amended, Article IV Zoning Districts, Section 350-26 Official Map, as relates to the Town of Marquette, shall be amended as follows:

Owner: Corneal Troyer, **Location:** N2853 Nicolet Road, **Parcel:** 014-00513-0000. **Legal Description:** Lot 1 of CSM 1473 V6, located in Section 36, T15N, R11E, Town of Marquette, ±.1.0 acres. **Request:** The owners are requesting a rezone from R2, Single-Family Mobile Home Residence District, to R4, Rural Residential District.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

Roll Call on Ordinance No. 01-2025

Submitted by Land Use Planning &
Zoning Committee:

Ayes , Nays , Absent , Abstain

/s/ Chuck Buss

Chuck Buss, Chair

Passed and Adopted/Rejected this 11th
Day of February 2025.

/s/ William Boutwell

William Boutwell, Vice Chair

County Board Chairman

Sue Wendt

ATTEST: County Clerk
Approve as to Form:

/s/ Gene Thom

Gene Thom

Jeffrey Mann , Corporation Counsel

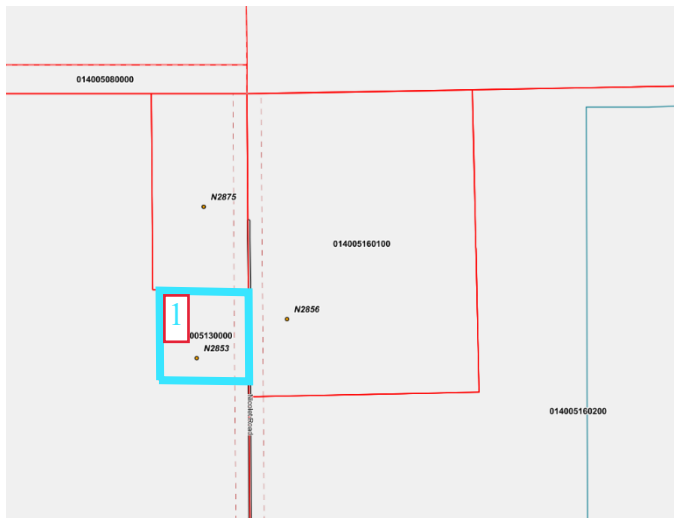
Approved via remote access

Curt Talma

**Corneal Troyer
Town of Marquette
N2853 Nicolet Road, Parcel #014-00513-0000
Lot 1 of CSM 1473 V6, Section 36, T15N, R11E**

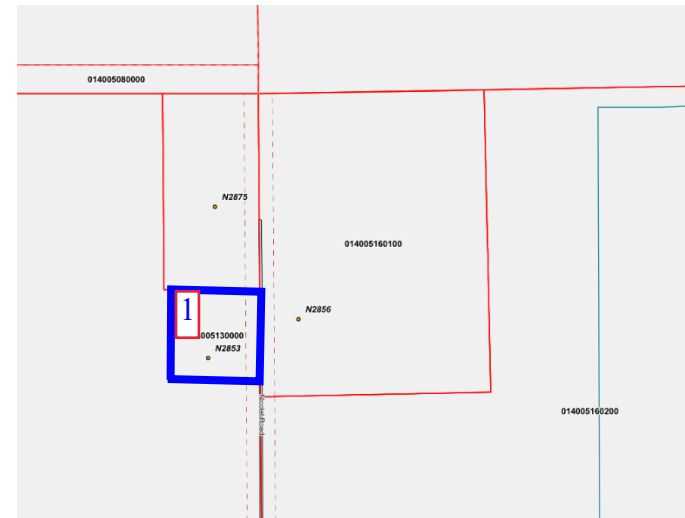
Existing Configuration

1 = 1.0-acre parcel zoned R2, Single-Family Mobile Home Residence District.



Proposed Configuration

1 = 1.0-acre parcel zoned R4, Rural Residential District.



ORDINANCE NO. 02-2025

Relating to: Rezone in the Town of Marquette Owner: Nicholas Johnson

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 11th of February 2025, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED that the Green Lake County Zoning Ordinance, Chapter 350 as amended, Article IV Zoning Districts, Section 350-26 Official Map, as relates to the Town of Marquette, shall be amended as follows:

Owner: Nicholas Johnson, **Location:** N2901 Cedar Road, **Parcel:** 014-00482-0100. **Legal Description:** SE ¼ of SW ¼ and SW ¼ of SE ¼, located in Section 34, T15N, R11E, Town of Marquette, ±.35.0 acres. **Request:** The owners are requesting a rezone from A1, Farmland Preservation District, to A2, General Agriculture District.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

Roll Call on Ordinance No. 02-2025

Submitted by Land Use Planning &
Zoning Committee:

Ayes , Nays , Absent , Abstain

/s/ Chuck Buss

Chuck Buss, Chair

Passed and Adopted/Rejected this 18th
Day of February 2025.

/s/ William Boutwell

William Boutwell, Vice Chair

County Board Chairman

Sue Wendt

ATTEST: County Clerk
Approve as to Form:

/s/ Gene Thom

Gene Thom

Jeffrey Mann , Corporation Counsel

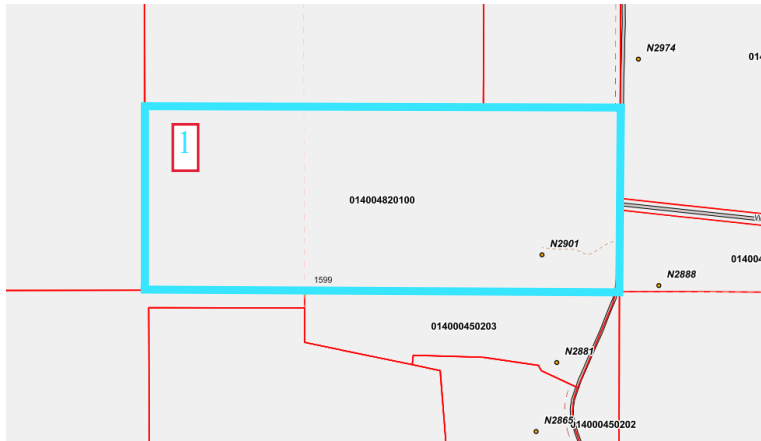
Approved via remote access

Curt Talma

**Nicholas Johnson
Town of Marquette
N2901 Cedar Road, Parcel #014-00482-0100
That Parcel Desc V762 PG80, Section 34, T15N, R11E**

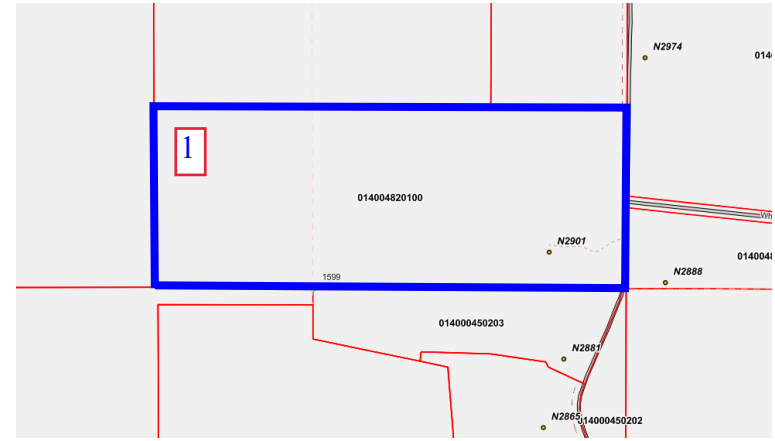
Existing Configuration

1 = 35.0-acre parcel zoned A1, Farmland Preservation District.



Proposed Configuration

1 = 35.0-acre parcel zoned A2, General Agriculture District.



Land Use Planning & Zoning Public Hearing 2/6/2025

ORDINANCE NO. 03-2025

Amending Green Lake County Chapter 350. Zoning

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 11th day of February, 2025, does ordain as follows:

1 **WHEREAS**, the Land Use Planning & Zoning Committee has deemed it advantageous
2 to the citizens of and visitors to Green Lake County to adopt zoning ordinance
3 regulations that address wind and solar energy system siting, and

4 **WHEREAS**, the Land Use Planning & Zoning Committee has proposed these zoning
5 ordinance amendments in accordance with Chapter 66.0401 Wis. Stats. and
6 Administrative Code Chapter PSC 128, that serves to preserve or protect the public
7 health or safety, does not significantly increase the cost of the system or significantly
8 decrease its efficiency, and allows for an alternative system of comparable cost and
9 efficiency, and

10 **WHEREAS**, the Land Use Planning & Zoning Committee has deemed that adoption of
11 these zoning ordinance standards will help mitigate negative impacts to neighboring
12 land owners, agricultural land capabilities, and lakes and streams. Further, the zoning
13 ordinance amendment will establish a public hearing requirement that will provide the
14 public the opportunity to be informed about the siting of these systems.

15
16 Fiscal note is not applicable.

Roll Call on Ordinance No. 03-2025

Submitted by Land Planning & Zoning
Committee:

Ayes , Nays , Absent , Abstain

/s/ Chuck Buss

Chuck Buss, Chair

Passed and Enacted/Rejected this 11th
day of February, 2025.

/s/ Gene Thom

Bill Boutwell, Vice Chair

County Board Chairman

Approved via remote access

Curt Talma

ATTEST: County Clerk
Approve as to Form:

/s/ Gene Thom

Gene Thom

Corporation Counsel

Sue Wendt

NOW, THEREFORE, BE IT ORDAINED, that the ordinance shall be amended as follows:

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

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.**

51 **350-36 M-2 Sanitary Landfill District**

52 **A. Permitted uses.**

- 53 1. Solar and wind energy systems
54 2. All other uses in this district are conditional uses.

55 **350-37 RC Recreation District**

- 56
57 **B. Permitted uses.** ~~Recreational activities, such as:~~
58 5. Solar and wind energy systems

59 **350-38 R-1 Single-Family Residence District**

60 **A. Permitted uses:**

- 61 8. Wind energy systems under 1 MW
62 9. Small solar energy systems

63 **350-40 R-3 Multiple-Family Residence District**

64 **A. Permitted uses**

- 65 18. Wind energy systems under 1MW
66 19. Small solar energy systems

67 **350-41 R-4 Rural Residential District**

68 **A. Permitted uses**

- 69 18. Wind energy systems under 1MW
70 19. Small solar energy systems

71 **350-44 Fences**

72
73 ~~**§ 350-43.2 Solar panels. [1]**~~

74 ~~[Added 8-18-2020 by Ord. No. 9-2020]~~

75 ~~Solar panel arrays shall comply with the following:~~

76 ~~A.~~

77 ~~Ground-mounted solar panel arrays that can exceed eight feet in adjusted height~~
78 ~~(lowest adjacent grade to maximum vertical extent) or have a solar panel surface area~~

~~greater than 32 square feet must be authorized by a land use permit and are required to meet all the required setback set forth in this chapter.~~

~~B.~~

~~Ground-mounted solar panel arrays shall not exceed 25 feet in height (lowest adjacent grade to maximum vertical extent).~~

~~C.~~

~~Roof-mounted solar panel arrays are not subject to §§ 350-19 and 350-20 of this chapter and are exempt from the land use permit requirement under § 350-65.~~

~~[4]~~

~~Editor's Note: Former § 350-43.2, Wind energy facilities, added 12-16-2008 by Ord. No. 942-08, was repealed 12-15-2009 by Ord. No. 969-2009~~

350-45 Driveways and walkways

350-46 Mobile tower siting regulations

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.

- 111 B. A land use permit may not be issued to install, construct, or modify a wind energy
112 system in a township under county zoning unless the system is included in a
113 department approved wind energy system application.

114 **3.) Pre-Application**

- 115 A. A pre application notice must be filed at least 90 days before an owner files an
116 application to construct a large wind energy system. For applications to construct
117 a wind turbine with a maximum blade tip height exceeding 600 feet the owner
118 shall provide written notice of the wind energy system to the Wisconsin Public
119 Service Commission at least 180 days before the owner files the application.
- 120 1. The owner shall use commercially reasonable methods to provide written
121 notice of the planned large wind energy system to the following:
 - 122 A. Landowners within one mile of a planned wind turbine host
123 property.
 - 124 B. The department and any towns, villages, or cities within which the
125 wind energy system may be located.
 - 126 C. Emergency first responders and air ambulance service providers
127 serving a political subdivision within which the wind energy
128 system may be located.
 - 129 D. The Wisconsin Department of Transportation
 - 130 E. The Wisconsin Public Service Commission
 - 131 F. The Wisconsin Department of Natural Resources
 - 132 G. The Wisconsin Department of Agriculture, Trade and Consumer
133 Protection
 - 134 H. The Office of the Deputy Under Secretary of the U.S. Department
135 of Defense.
 - 136 2. A pre application notice shall be filed at least 60 days before an owner
137 files an application to construct a small wind energy system and the notice
138 shall be provided only to adjacent landowners and the department.
 - 139 3. Pre application notices for wind energy systems shall include the
140 following:
 - 141 A. A complete description of the wind energy system including the
142 number and size of the planned wind turbines
 - 143 B. A map showing the planned location of all the wind energy system
144 facilities
 - 145 C. Contact information for the owner
 - 146 D. A list of all potential permits or approvals the owner anticipates
147 may be necessary for the construction of the wind energy system
 - 148 E. Whether the owner is requesting a joint application review
149 process and the name of each political subdivision that may
150 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

228 additional measurements to evaluate compliance in addition to those specified by
229 this section.

- 230 2. Upon receipt of a complaint regarding a violation of the noise limits of this
231 chapter, an owner shall test for compliance with the noise limits of this chapter.
232 The department or a monitoring committee established by the department under
233 this chapter may not require additional testing to show compliance with the noise
234 limits of this chapter if the owner has provided the results of an accurate test
235 conducted within 2 years of the date of the complaint showing that the wind
236 energy system is in compliance with the noise limits of this chapter at the location
237 relating to the complaint.
- 238 3. Methods available for the owner to comply shall include operational curtailment
239 of one or more wind turbines. Upon receipt of a complaint about a noise under
240 PSC 128.14(3)(b), the owner shall use operational curtailment to eliminate the
241 noise until the owner permanently corrects the problem.
- 242 4. An owner shall evaluate compliance with the noise limits of this chapter as part of
243 pre- and post-construction noise studies. An owner shall conduct pre- and
244 post-construction noise studies under the most current version of the noise
245 measurement protocol as described in PSC 128.50 (2).
 - 246 a. Small wind energy systems are exempt from the pre- and post-
247 construction noise study requirement.

248 D.) Waiver

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

259 E.) Notification

- 260 1. Before entering into a contract to waive the noise limits of this chapter, an owner
261 of a wind energy system shall provide written notice of the requirements of PSC
262 128.14 to the owner of an affected nonparticipating residence or occupied
263 community building.
- 264 2. Before the initial operation of the wind energy system, an owner of a wind energy
265 system shall provide notice of the requirements of PSC 128.14 to an owner of a
266 nonparticipating residence or occupied community building within 0.5 mile of a
267 constructed wind turbine that has not entered into a contract to waive the noise
268 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

349 A.) Planning

- 350 1. Except as provided in 350-47(A)(9)(D), the signal interference requirements in
351 this section apply to commercial communications and personal communications
352 in use when the wind energy system begins operation.
- 353 2. An owner shall use reasonable efforts to avoid causing interference with
354 commercial communications and personal communications to the extent
355 practicable.
- 356 3. An owner may not construct wind energy system facilities within existing
357 line-of-sight communication paths that are used by government or military
358 entities to provide services essential to protect public safety. An owner must
359 provide information showing that wind turbines and other wind energy system
360 facilities will be in compliance with this requirement.

361 B.) Commercial Communications Interference Mitigation

- 362 1. An owner shall use reasonable and commercially available technology to mitigate
363 interference caused by a wind energy system with commercial communications
364 in use when a wind energy system begins operation. Before implementing
365 mitigation measures, the owner shall consult with affected parties regarding the
366 preferred mitigation solution for commercial communications interference
367 problems. Except as provided in 350-47(A)(9)(D), an owner shall mitigate
368 commercial communications interference caused by the wind energy system by
369 making the affected party's preferred reasonable mitigation solution effective until
370 either the wind energy system is decommissioned or the communication is no
371 longer in use, whichever is earlier.
- 372 2. Small wind energy systems are exempt from the requirement to provide
373 commercial communication interference mitigation.

374 C.) Personal Communications Interference Mitigation

- 375 1. An owner shall use reasonable and commercially available technology to mitigate
376 interference with personal communications in use when a wind energy system
377 begins operation caused by a wind energy system. An owner must use
378 reasonable and commercially available technology to mitigate interference with
379 personal communications that were not in use when the wind energy system
380 began commercial operation, if a wind energy system is causing the interference
381 and the interference occurs at a location at least 0.5 mile from a wind turbine.
- 382 2. Before implementing mitigation measures, the owner shall consult with affected
383 parties regarding the preferred mitigation solution for personal communications
384 interference problems. Except as provided in 350-47(A)(9)(D), an owner shall
385 mitigate personal communications interference caused by the wind energy
386 system by making the affected party's preferred reasonable mitigation solution
387 effective until either the wind energy system is decommissioned or the
388 communication is no longer in use, whichever is earlier.
- 389 3. Small wind energy systems are exempt from the requirement to provide personal
390 communication interference mitigation.

391 **D.) Mitigation Protocol**

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

399 **10.) Stray Voltage**

400 **A.) Testing Required**

- 401 1. An owner shall work with the local electric distribution company to test for stray
402 voltage at all dairy and confined animal operations within 0.5 mile of a wind
403 energy system facility pursuant to the stray voltage protocol established by the
404 commission before any wind energy system construction activity that may
405 interfere with testing commences and again after construction of the wind energy
406 system is completed, except as otherwise specified by commission staff under
407 PSC 128.17(1)(b).
408 2. Before any testing under PSC 128.17(1)(a) begins, an owner shall work with
409 commission staff to determine the manner in which stray voltage testing will be
410 conducted and on which properties. The electric distribution company serving a
411 dairy or confined animal operation where testing is required under PSC
412 128.17(1)(a) shall conduct or arrange to conduct all required testing at the
413 expense of the owner.

414 **B.) Results of Testing**

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

417 **C.) Requirements to rectify problems**

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

422 **11.) Construction and operation**

423 **A.) Physical characteristics**

- 424 1. An owner may not display advertising material or signage other than warnings,
425 equipment information, or indicia of ownership on a wind turbine. An owner may
426 not attach any flag, decorative sign, streamers, pennants, ribbons, spinners,
427 fluttering, or revolving devices to a wind turbine. An owner may attach a safety
428 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.
- 3. 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

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

926 **17.) Costs and Fees**

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

939 **20.) Post Construction Requirement**

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

952 **21.) Modifications to an Approved Wind Energy Facility**

- 953 A. Material Change
954 1. An owner may not make a material change in the approved design, location or
955 construction of a wind energy system without the prior written approval of the
956 department.
957 2. An owner shall submit an application for a material change to an approved wind
958 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 350-47(A)(22)-

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 350-47(A)(26). 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

1081 **A.) Committee**

- 1082 1. The department may establish a monitoring committee to oversee resolution of
1083 complaints regarding a large wind energy system. A monitoring committee shall
1084 include on the committee a member who is a local employee of an owner of a
1085 large wind energy system and, if in existence, at least one nonparticipating
1086 landowner residing in the Green Lake County within 0.5 mile of a wind turbine
1087 that is located in the Green Lake County.
1088 a. A committee may not be created to monitor a small wind energy system.

1089 **B.) Duties**

- 1090 1. A monitoring committee may do any of the following:
1091 a. Maintain a record of all complaints brought to it.
1092 b. Require the owner to provide the committee with information regarding the
1093 owner's response to any complaint forwarded to the owner by the
1094 committee.
1095 c. Recommend to the department a reasonable resolution to a complaint
1096 based upon the information gathered by the committee.

1097 **C.) Multiple Jurisdictions**

- 1098 1. If a wind energy system is located in more than one political subdivision with
1099 jurisdiction over the wind energy system and multiple political subdivisions decide
1100 to establish a monitoring committee, the political subdivisions shall jointly
1101 establish a single monitoring committee to oversee resolution of complaints
1102 regarding the wind energy system.

1103 **26.) Notice to Property Owners**

1104 **A.) Notice of process for making complaints**

- 1105 1. Before construction of a wind energy system begins, an owner shall provide
1106 written notice of the process for making complaints and obtaining mitigation
1107 measures to all residents and landowners within 0.5 mile of any wind energy
1108 system facility. An owner shall include in the notice the requirements for
1109 submitting a complaint to the owner, a petition for review to the department, and
1110 an appeal to the commission, and shall include a contact person and telephone
1111 number for the owner for receipt of complaints or concerns during construction,
1112 operation, maintenance and decommissioning.
1113 2. Small wind energy systems are exempt from this notification requirement.

1114 **B.) Notice to the department**

- 1115 1. An owner shall, before construction of a wind energy system begins, provide the
1116 department with a copy of the notice issued to property owners, along with a list
1117 showing the name and address of each person to whom the notice was sent and
1118 a list showing the name and address of each political subdivision to which the
1119 notice was sent.

- 1120 2. An owner shall, before construction of a wind energy system begins, file with the
1121 department the name and telephone number of the owner's contact person for
1122 receipt of complaints or concerns during construction, operation, maintenance,
1123 and decommissioning. The owner shall keep the name and telephone number of
1124 the contact person on file with the department current.
1125 3. Small wind energy systems are exempt from this notification requirement.

1126
1127 B. Roof and Wall mounted solar energy systems

- 1128 1. Roof-mounted and wall mounted solar energy systems are exempt from the land use
1129 permit requirements under 350-65 except for ground mounted features.
1130 2. Roof mounted and wall mounted solar energy systems exceeding 10 feet in elevation
1131 above the existing roof elevation shall require a CUP.
1132 3. Roof mounted and wall mounted solar energy systems extending over 10 feet beyond
1133 the existing structure walls shall require a CUP.

1134 C. Small ground mounted solar energy systems

- 1135 1. Ground-mounted solar panel arrays that exceed eight feet in adjusted height (lowest
1136 adjacent grade to maximum vertical extent) or have a collector surface area greater
1137 than 55 square feet must be authorized by a land use permit and are required to meet
1138 all the required setbacks set forth in 350-20 and 350-50
1139 2. Ground-mounted small scale solar energy systems exceeding 25 feet in adjusted
1140 height shall require a CUP (lowest adjacent grade to maximum vertical extent).

1141 D. Large ground mounted solar energy systems

1142 1.) *Purpose Statement*

1143 The purpose of this ordinance is to incorporate and adopt the requirements of §
1144 66.0401, Wis Stats. as a local ordinance and to establish local regulations on the
1145 installation and use of large solar energy systems that serves to preserve or protect the
1146 public health or safety, does not significantly increase the cost of the system or
1147 significantly decrease its efficiency, or allows for an alternative system of comparable
1148 cost and efficiency.

1149 2.) *Land Use Permit*

- 1150 A. Large solar energy systems shall require a land use permit prior to installing,
1151 constructing, or modifying the large solar energy system.

- 1152 a. Land use permits for large solar energy systems shall be valid until 90
1153 days after the system commences operation.
1154 b. Land use permits for large solar energy systems shall expire if
1155 construction of the solar energy system is not commenced within 24
1156 months of the date of permit issuance.

1157 3.) *Existing Property uses*

1158 A.) *Agricultural Use*

- 1159 1. An owner shall design a large solar energy system to reasonably minimize the
1160 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 nonparticipating-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:

- 1286 a. Furnish its operator, supervisors and employees who are responsible for
1287 emergency action a copy of the current edition of the emergency
1288 procedures established under this section to ensure compliance with
1289 those procedures.
- 1290 b. Train the appropriate operating personnel to ensure they have knowledge
1291 of the emergency procedures and verify that the training is effective.
- 1292 7. If an owner is required to implement its emergency plans as the result of a large
1293 solar energy system emergency, it shall conduct a review of employee activities
1294 to determine whether the procedures were effectively followed. The owner shall
1295 provide the county's emergency management director with a copy of its review. If
1296 the review results in any changes to its emergency plans, the owner shall
1297 redistribute the revised emergency plans.
- 1298 *8.) Decommissioning*
- 1299 *A.) Requirement to Decommission*
- 1300 1. An owner of a large solar energy system shall decommission and remove the
1301 large solar energy system when the system is at the end of its useful life.
- 1302 2. A large solar energy system is presumed to be at the end of its useful life if the
1303 large solar energy system generates no electricity for a continuous 360-day
1304 period.
- 1305 3. Upon application by the owner, and except when the department finds the owner
1306 is not capable of returning the large solar energy system to service with a
1307 reasonable time, the department shall grant an extension of the time period for
1308 returning the large solar energy system to service by one or more additional 180
1309 day periods if the owner demonstrates it is likely the large solar energy system
1310 will operate again in the future and any of the following occur:
- 1311 a. The owner submits a plan to the department that demonstrates an
1312 ongoing good faith effort to return the large solar energy system to service
1313 and outlines the steps and schedule for returning the large solar energy
1314 system to service in a reasonable period of time, including by repairing or
1315 replacing the large solar energy system facilities as necessary to generate
1316 electricity.
- 1317 b. The owner demonstrates that the large solar energy system is part of a
1318 prototype or other demonstration project being used for ongoing research
1319 or development purposes.
- 1320 c. The owner demonstrates that the large solar energy system is being used
1321 for educational purposes.
- 1322 4. The department may deny a request for an extension if the large solar energy
1323 system has not generated any electricity for a continuous period of 540 days or
1324 more and the department finds that the owner is not capable of returning the
1325 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.

1452 F.) Public Participation

- 1453 1. The department shall make an application for a large solar energy system
1454 available for public review at the Green Lake County Government Center (571
1455 County Road A, Green Lake, WI, 54941) and may post copies at other publicly
1456 accessible locations. The department shall also provide public access to the
1457 application electronically.
- 1458 2. The department shall hold a public hearing during the initial 90-day application
1459 review period for the purpose of receiving public comments and to inform the
1460 public about a proposed large solar energy system. The first meeting shall be
1461 noticed under § 985.07(2), Wis. Stats. Additional meetings may be held and shall
1462 be noticed under § 985.07(1), Wis. Stats or § 985.07(2), Wis. Stats.
- 1463 3. Written comments shall be mailed, hand delivered, or emailed to the department.

1464 G.) Joint Application Review

- 1465 1. If the large solar energy system is proposed to be located in more than one
1466 political subdivision with jurisdiction over the large solar energy system, the
1467 political subdivisions involved may conduct a joint application review process on
1468 their own motion or upon request. If an owner requests a joint application review,
1469 the owner shall include the request in its application notice the department. If the
1470 owner requests a joint application review process, the political subdivisions
1471 involved shall approve or deny this request within 60 days of receipt of the
1472 owner's application.
- 1473 2. Except as provided in § 66.0401(4)(a)2, Wis. Stats., if the department elects to
1474 conduct a joint application review process, the process shall be consistent with
1475 this chapter and the political subdivisions shall establish the process within 90
1476 days of the date the political subdivisions receive the owner's application. The
1477 department may follow the review process of another political subdivision for
1478 purposes of conducting a joint application review process concurrently with the
1479 other political subdivision. If a joint application review process is adopted, the
1480 owner shall file the joint-review process application with all of the political
1481 subdivisions participating in the joint review process.

1482 10.) Application Completeness

1483 A.) Complete Applications

- 1484 1. An application is complete if it meets the content requirements of this chapter
- 1485 2. The department shall determine the completeness of an application and shall
1486 notify the owner in writing of the completeness determination, no later than 45
1487 days after the day the application is filed. An application is considered filed the
1488 day the owner notifies the department in writing that all the application materials
1489 have been filed. If the department determines that the application is incomplete,
1490 the notice provided to the owner shall state the reasons for the determination.
- 1491 3. An owner may file a supplement to an application that the department has
1492 determined to be incomplete. There is no limit to the number of times that an
1493 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.

- 1533 5. An owner shall provide proof it has met all required financial assurance
1534 requirements of this chapter.

1535 B.) Decision by the department

- 1536 1. Once the owner is notified the application is complete, the department shall have
1537 90 days to approve or deny the application. A written decision to approve or deny
1538 the application shall be provided to the owner and the commission.
1539 2. The review period may be extended upon written notice to the applicant for one
1540 or more of the following reasons: but the total time for all extensions may not
1541 exceed 90 days:
1542 a. Up to 45 days if additional information is needed.
1543 b. Up to 90 days if the owner makes a material modification to the
1544 application.
1545 c. Up to 90 days for other good cause specified in writing.
1546 3. If the department fails to act within the 90 days, or within any extended time
1547 period, the application shall be considered approved.

1548 C.) Application Approval

- 1549 1. The department shall provide the owner a duplicate original of the decision. The
1550 owner shall record the duplicate original with the Green Lake County Register of
1551 Deeds.
1552 2. A written record of the decision shall be kept by the department until at least 7
1553 years after the system is decommissioned.

1554 D.) Application Denial

- 1555 1. A written decision shall specify the reason(s) for denial.
1556 2. A written record of the decision shall be kept by the department for at least 7
1557 years after the decision to deny is issued.

1558 E.) Records

- 1559 1. The record of a department decision shall include:
1560 a. The approved application and all additions or amendments to the
1561 application.
1562 b. A representative copy of all notices
1563 c. A record of any public meetings and any hearings related to the
1564 application. The record may be an electronic recording, a transcript
1565 prepared from an electronic recording, or a transcript prepared by a court
1566 reporter or stenographer. The record shall include any documents or
1567 evidence submitted by meeting or hearing participants.
1568 d. Copies of any correspondence or evidentiary material that the department
1569 considered in relation to the application, including copies of all written
1570 public comments.
1571 e. Minutes of any Green Lake County, board, council or committee meetings
1572 held to consider or act on the application.
1573 f. A copy of the written decision to grant or deny the application.
1574 g. Other materials that the department prepared to document its
1575 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.

1618 B.) Third Party Construction Inspector

- 1619 1. The department may contract with a third-party inspector to monitor and report to
- 1620 the department regarding the owner's compliance with permit requirements
- 1621 during construction and operation.
- 1622 2. The inspector monitoring compliance shall also report to a state permitting
- 1623 authority upon the state permitting authority's request.
- 1624 3. The inspector shall make monthly written reports to the department.
- 1625 4. The owner shall reimburse the department for the actual and necessary cost of
- 1626 the inspector.

1627 17.) Consultants

- 1628 A. The department is authorized to contract with one or more engineers,
- 1629 environmental specialists, planners, and other consultants and experts to
- 1630 perform necessary services in connection with this section.
- 1631 B. The corporation counsel is authorized to contract with outside attorneys to
- 1632 perform necessary services in connection with this section.
- 1633 C. The owner shall reimburse the department for the actual and necessary cost of
- 1634 the consultants.

1635 18.) Complaints

1636 A.) Making a complaint

- 1637 1. An aggrieved person may make a complaint regarding failure by an owner to
- 1638 comply with an obligation under this chapter.
- 1639 2. A complaint shall be made first to the owner of the large solar energy system
- 1640 pursuant to a complaint resolution process developed by the owner.
- 1641 3. A complainant may petition the department for review of a complaint that is not
- 1642 resolved within 45 days of the day the owner receives the original complaint.
 - 1643 a. The petition for review must be filed with the department within 90 days of
 - 1644 the date of the original complaint.
 - 1645 b. The petition must include the following:
 - 1646 i. Name, address, and telephone number of the person filing the
 - 1647 petition.
 - 1648 ii. Copy of the original complaint to the owner.
 - 1649 iii. Copy of the owner's initial response.
 - 1650 iv. Statement describing the unresolved complaint.
 - 1651 v. Statement describing the desired remedy.
 - 1652 vi. Any other information the complainant deems relevant to the
 - 1653 complaint.
 - 1654 vii. Notarized signature of the person filing the petition.
 - 1655 c. The department shall forward a copy of the petition to the owner by
 - 1656 certified mail within 10 days of the department's receipt of the petition.
- 1657 4. The department shall issue a written decision and may take such enforcement
- 1658 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 large solar energy system and shall investigate complaints regarding a large solar energy system at the owner's expense.
 - i. 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
 - j. 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.
 - k. 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.
 - l. 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.

1831 **Solar access easement-** means a written document that creates a legal interest in real
1832 property that restricts the use of the property to avoid interference with the solar
1833 resource on another property.

1834 **Solar collector-** means a device, structure or a part of a device or structure a
1835 substantial purpose of which is to transform solar energy into thermal, mechanical,
1836 chemical or electrical energy.

1837 **Solar energy-** means direct radiant energy received from the sun.

1838 **Solar energy system-** means equipment which directly converts and then transfers or
1839 stores solar energy into usable forms of thermal or electrical energy. This system
1840 includes battery energy storage systems.

1841 **Solar energy system easement-** means a written document that creates a legal
1842 interest in real property that permits an owner to place, construct or operate a solar
1843 energy system facility on the property.

1844 **Solar energy system emergency-** means a condition or situation at a solar energy
1845 system that presents a significant threat of physical danger to human life or a significant
1846 threat to property or a natural event that causes damage to solar energy system
1847 facilities

1848 **solar energy system lease-** means a written agreement between a landowner and an
1849 owner that establishes the terms and conditions associated with the placement,
1850 construction or operation of a solar energy system facility on a landowner's property.

1851 **Solar energy system facility-** means any component of a solar energy system, such
1852 as a solar collector, collector circuit, access road, electric system interconnection facility
1853 or operation and maintenance facility.

1854 **Standard time-** means the solar time of the ninetieth meridian west of Greenwich.

1855 **Turbine host property-** means real property on which at least one wind turbine is
1856 located.

1857 **Wind access easement-** means a written document that creates a legal interest in real
1858 property that restricts the use of the property to avoid interference with the wind
1859 resource on another property.

1860 **Wind energy system-** has the meaning given in § 66.0403(1)(m), Wis. Stats., and is
1861 used to convert wind energy to electrical energy.

1862 **Wind energy system easement-** means a written document that creates a legal
1863 interest in real property that permits an owner to place, construct or operate a wind
1864 turbine or other wind energy system facility on the property.

1865 **Wind energy system emergency-** means a condition or situation at a wind energy
1866 system that presents a significant threat of physical danger to human life or a significant
1867 threat to property or a natural event that causes damage to wind energy system
1868 facilities.

1869 **Wind energy system facility-** means any component of a wind energy system, such as
1870 a wind turbine, collector circuit, access road, electric system interconnection facility or
1871 operation and maintenance facility.

1872 **Wind energy system lease-** means a written agreement between a landowner and an
1873 owner that establishes the terms and conditions associated with the placement,
1874 construction or operation of a wind turbine or other wind energy system facility on a
1875 landowner's property.

1876

1877 **BE IT FURTHER ORDAINED**, that this ordinance shall become effective upon passage
1878 and publication.