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Wind Siting Frequently Asked Questions

1. What authority does the county have to regulate wind turbine projects?

The county cannot regulate wind projects using zoning authority, but can adopt a siting ordinance consistent with PSC 128 Wis. Admin. Code, §66.0401 Wis. Stats. and §196.491 Wis. Stats.

2. Can the county deny a wind project that is 100 megawatts (MW) or larger?

No. For wind projects of 100 megawatts or larger, the county does not have authority to approve or deny the project. This authority lies with the Public Service Commission. [§196.491 Wis. Stats]

3. Can the county deny a wind project that is under 100 megawatts (MW)?

For wind projects under 100 megawatts, the county can approve or deny a project based on consistency with an adopted siting ordinance that enacts the standards of PSC 128. The county cannot be more restrictive than PSC 128.

4. What are the required setbacks for wind projects?

The maximum setbacks are established in PSC 128 and the county cannot impose a greater setback. The current county siting ordinance includes these setbacks.

5. What role does the county have in a proposed wind project of 100 megawatts or larger?

The county can participate in the Public Service Commission review of the project and provide comments and information like other interested parties. If the Public Service Commission approves the project, and the county disagrees with the approval, the county can challenge the decision through the judicial review under Wis. Stat. Chapter 227.

6. What role does the public have in a proposed wind project 100 megawatts (MW) or larger?

For projects of 100 megawatts or larger, the public may provide comments to the Public Service Commission through its website as well as during the required public hearing(s) held by the Commission.

7. What role does the public have in a proposed wind project under 100 megawatts (MW)?

For projects under 100 megawatts, there is a public hearing process at the county as required by the county's siting ordinance. The county can only respond to concerns that it has jurisdiction of under its ordinance.

8. What impact will revising the county's siting ordinance to include all of the PSC 128 standards have on a proposed wind project of less than 100 MW?

The current ordinance does not include the PSC 128 siting standards relating to:

- Noise – cannot exceed 50 dBA during daytime or 45 dBA during nighttime
- Shadow flicker – cannot cause more than 30 hours per year of shadow flicker at nonparticipating residences or occupied community building; such buildings are eligible for mitigation if modeling shows experiencing 20 hours or more per year of shadow flicker
- Stray voltage – owner must work with local power company to test all dairy and confined animal operations within 0.5 mile and rectify any issues caused by the wind project
- Signal interference – must use reasonable and commercially available technology to mitigate interference caused by the wind system to commercial and personal communication signals

If these are incorporated into the county's ordinance, a project under 100 MW will need to be planned to comply with the minimum standards as outlined in PSC 128.

9. Is the county going to amend the wind siting ordinance to include all of the standards that are available under PSC 128?

After consideration at three consecutive meetings, the Iowa County Planning & Zoning Committee took action at its January 26, 2021 meeting to not make any revisions to the county's wind siting ordinance at that time. The county is continuing to gather and research information to potentially consider whether the current ordinance should be updated in the future, what PSC standards should be included, and how the changes would be implemented.

10. What additional costs could the county incur if it were to revise its siting ordinance to include all the PSC 128 standards?

Most of the additional application review costs can be passed onto the applicant. Most of the ongoing monitoring costs can be passed onto the wind system owner. However, the costs associated with investigating complaints will be borne solely by the county.

These costs may include:

- Staff time: take in complaint, start record documentation, request relevant information from owner, investigate, analyze information, determine if a violation exists, propose potential resolution(s)
- Third party experts: depending upon the nature of the complaint, the county may need to hire one or more experts to perform studies, analyze data, etc.

- Monitoring Committee: the county may choose to create a Monitoring Committee as authorized under PSC 128. It would maintain a record of all complaints and recommend a reasonable complaint resolution to the county. These individuals presumably will be paid a per diem, mileage, etc.
- County Board: Ultimately, the board will need to accept the suggested complaint resolution, which will likely entail one or more meetings of a committee and/or the full board. As with any administration of an ordinance, the county may be subject to litigation by anyone who feels it either was not followed or there was an excess of authority exercised.

It is difficult to put a number to the potential additional costs as it will be dependent upon the nature, frequency and number of complaints.

11. Can complaints be made after a wind project is in operation?

Yes. Regardless if there is a county siting ordinance, complaints must first be made to the wind system owner. The owner has 45 days to resolve the complaint. If unresolved after 45 days, the complainant may either petition the county for review if the project is under 100 MW, or the Public Service Commission if the project is 100 MW or larger.

If the county has established a Monitoring Committee, said committee will investigate the complaint and propose a reasonable resolution. Absent such a committee, this responsibility will fall to the office and/or staff designated by the County Board.

If the resolution is not satisfactory to either the complainant or system owner, the county's decision may be appealed to the Public Service Commission.

When a complaint involves a wind system that crosses more than one political jurisdiction, there needs to be collaboration between the jurisdictions.

12. Why does the county have more authority over other development, such as building a house, than it does over wind projects?

In Wisconsin, counties only have authority granted by State statutes. The statutes authorizing county zoning are different than the statutes that authorize wind siting. The wind siting statutes preempt county zoning authority.

13. Is there anything that the public and/or county can do to express concerns or opposition to the State wind siting law?

Ultimately, it is the State Legislature that has the ability to change the statutes relating to wind siting. Petitions can be made to the Legislature to revise or update the siting standards to better reflect the current wind technology. The current PSC 128 standards are largely unchanged since enacted in 2012.

14. What is the wind siting application review timeline?

See the attached flow chart created by the Public Service Commission. It can also be found at: [localGovtApprovalTimeline.pdf \(wi.gov\)](#)

15. What impact will a large wind system have on property values?

This is a question that is difficult to definitively answer. Where most land is currently planned and zoned for agricultural use, the development of a wind project may have minimal impact as that land use is largely able to continue. An argument can also be made that the income generation potential of a wind project on agricultural land increases its overall value, which encourages its continued agricultural use.

However, where land is anticipated to be converted from an agricultural use to a residential or other use, a wind project may have a negative impact on the property value. Such a project can be denied if proposed in an area planned for primarily residential or commercial development in an adopted comprehensive plan.

16. What are the possible negative health impacts of large wind projects?

To date, there are many anecdotal accounts and studies that wind projects cause negative health effects. However, there are few if any peer-reviewed scientific studies that draw a conclusive cause/effect.

The Wisconsin Wind Siting Council filed a 2014 report to the State Legislature summarizing health effects associated with the operation of wind systems. The report can be found at: [windSitingReport2014.pdf](#)

Another source is a joint statement of the Environmental Health Sciences Research Center at the University of Iowa College of Public Health, Iowa Policy Project, and the Iowa Environmental Council, which summarizes the results of the best research available. It concludes there is little scientific evidence that sound from wind turbines represents a risk to human health among neighboring residents. The statement can be found at:

[IEC19001 Wind Health Paper v4.indd \(iowapolicyproject.org\)](#)

17. Why is there so little information available to the public about large wind projects of 100 MW or larger?

Because a wind developer does not have to seek local approval of a project of 100 megawatts or larger, it will usually not provide detailed information until required to provide a pre-application notice to the county. The pre-application notice is required by State law to be filed with several parties, to include landowners within one mile of a planned wind turbine host property as well as the political subdivisions within which the wind energy system may be located, at least 90 days prior to submitting an application to construct a wind energy system with the Public Service Commission. If the turbines are to be 600 feet or taller, an additional pre-application notice must be filed with the PSC at least 180 days before the application for construction of the system is submitted to the PSC.

Until a preapplication notice is submitted to the county, the county has no definitive information on any proposed project.

18. Can the county negotiate for local benefits from wind projects, such as access to energy, local jobs, etc.?

The county may propose a developer's agreement, but has no authority to require one.

19. What impact might a county renewable energy plan have on future wind projects?

It is possible that such a plan may be taken into consideration by the Public Service Commission when considering an application, but that would be solely the Commission's discretion. However, such a plan would not change the statutory authority provided to the county as pertaining to renewable energy projects on land not owned by the county.

20. How likely is it that an application for a wind project will "catch the county off guard"?

Any wind project under 100 MW must file a pre-application notice with the county and all landowners within one mile of the planned project area at least 90 days before submitting an application for county review under its ordinance. Any wind project 100 MW or larger must file a pre-application with the county and all landowners within one mile of the planned project area at least 90 days before submitting an application for Public Service Commission review. Any project proposing turbines in excess of 600 feet must file a pre-application notice with the Public Service Commission at least 180 days before submitting an application.

WIND SITING – POLITICAL SUBDIVISION APPLICATION REVIEW TIMELINE*

08/16/12

***CAUTION: THIS CHART DOES NOT IDENTIFY ALL STEPS THAT MAY BE NECESSARY TO OBTAIN APPROVAL FROM A POLITICAL SUBDIVISION FOR A WIND ENERGY SYSTEM IN WISCONSIN.**

This flow chart is provided for informational purposes only, and may contain errors. It does not constitute legal advice.

For more information, please see Wis. Admin. Code PSC Ch. 128, and Wis. Stat. § 66.0401 or consult an attorney.

