

## Discussion outline - A look at renewable energy options and considerations

### Plan Commissioner Network

Wed, Feb 27, 2008 @ JP Coughlin Center, 6-8pm

I. Define Renewable Energy (RE) –Energy that is created from ‘endless’ sources or that can be rapidly replaced or regenerated by natural processes. Energy is captured from existing flows of energy, on-going natural processes, biological processes and geothermal heat. Examples include solar, wind, water (hydro-power), fuel from plants, geothermal, anaerobic digestion, rain and tides.

II. The RE topic has both a **home** and a **community** level aspect:

- a. Home – important to plan commissioners when dealing with ordinances, permits or licenses that regulate what individuals can do at their own homes (e.g. free standing solar or small-scale/residential wind)
- b. Community – important to plan commissioners when it comes to zoning and/or siting of larger scale facilities (utility-scale wind, ethanol plants, etc)

III. Need – why are we talking about RE?

- Fuel price uncertainty
- Economic development
- Energy security
- Carbon economy – increase in awareness of climate change, potential for carbon credits/carbon taxes
- State and federal policies on biofuels
- In WI, need to generate electricity – WI imports all of its coal for electricity production (spent \$19.5 billion on energy in 2006 – a new record)
- Governor Doyle’s “Declaration of Energy Independence”. One goal is that 25% of state electricity will be generated from renewable resources by 2025 (Executive Order 192)
- Wind is now competitively priced with coal
- Parts of Northeast WI are suitable for utility-level wind power production

IV. Community –Level RE systems

- a. Chapter 66.0401 – prohibits counties, cities, towns and villages from placing any restrictions, directly or indirectly, on the installation of solar or wind energy systems unless the restriction satisfies one of three conditions:
  - The restriction serves to preserve or protect the public health or safety
  - The restriction does not significantly increase the cost of the system or significantly decrease its efficiency
  - Or the restriction allows for an alternative system of comparable cost and efficiency
- b. AG says that 66.0401 “...is not trumped, qualified, or limited by ...a municipality’s zoning and conditional use powers.”
- c. State ex rel Numrich v. City of Mequon – essentially says towns can’t block projects on visual or aesthetic concerns alone.
- d. Town options (see “Regulating Wind Farms: What towns can and cannot do”, Atty. John St. Peter):
  - Do nothing
  - Amend local zoning ordinance to specifically allow wind energy facility located in an agriculture district
  - Regulate as permitted or conditional use under town zoning ordinance

- Recommends a CUP regardless of Mega Watts of the project, which allows for a site specific developers agreement, formal hearing process
  - See model wind ordinance
- Consider a moratorium
- Use non-zoning ordinance
  - E.g. licensing/permit; driveway/culvert ordinance or land clearing/stormwater regulation
- Require a developers agreement with general and specific conditions
  - Conditions can include aesthetics, setbacks, noise restrictions, signage, height etc.
- e. Other considerations for towns
  - Laws prohibit and constrain your ability to say no. So, how will you say, yes? Have early discussions, learn more about it
  - Understand the range of public outcry, public concerns, NIMBY-ism and property rights issues that tend to come up
    - Issues include: stray voltage, ice throws, leprosy, shadow flicker, bird/bat kill, noise, aesthetics, property value, abandonment, attractive nuisance, interference of cell phones, radio and TV, lightning, groundwater, tourism etc.
  - Understand that people may feel threatened by change, whether that is real or perceived
  - Know that there are different sizes of turbines (small scale and utility-scale).
- f. Siting of other large facilities – e.g. digesters, ethanol plants. Does your zoning ordinance or comprehensive plan recognize these? allow them? put conditions on them? What about systems that are incorporated into a new subdivision?

#### V. Home-level RE systems\_(e.g. stand alone solar panels, backyard wind turbine, geothermal unit)

- Don't regulate at all
- Permit with building permit, requiring setbacks etc
- Regulate small scale wind within zoning ordinance



### **Winnebago County Plan Commissioner Network**

### ***Supporting Plan Commissioners***

### ***Enhancing Local Planning***

#### **Catherine Neiswender**

Winnebago County - UW Extension  
Suite 600

625 E. County Road Y  
Oshkosh, WI 54901-8131

Phone: 920-232-1972 or 920-727-8643

Fax: 920-424-1277

Email: [cneiswender@co.winnebago.wi.us](mailto:cneiswender@co.winnebago.wi.us)