

Balanced and Uniform Siting Policies

Best Practice #1

Lack of planning and zoning uniformity, both across and within states, is often cited as a major barrier to wind development. All eight Great Lakes states are considered home rule states, which gives local governments the authority to create and enforce their own ordinances and zoning codes. Home rule states are especially prone to issues with differing ordinances across jurisdictions. For instance, one wind project can be spread over multiple units of government, hence many ordinances may apply to one project. Some local policies may also be very strict and make siting wind developments effectively impossible, while many rural areas may have no regulation at all and make siting wind farms a fairly easy process, but with little protection for the environment or local residents. In order to make for a more even “playing field,” **regulators should create balanced and transparent policies that are uniform throughout a state or region to help protect communities and the environment, while enabling developers to propose wind farms that meet community approval.**

Challenges and Benefits

While state/provincial level regulations may be seen as an obstacle to some, they provide necessary protection and create more uniform policies. State- or province-wide regulations can simplify the siting process and give developers more confidence that they are satisfying all rules. Such broader regulations have the added benefit of guiding development in areas with no local ordinances. This will help minimize environmental concerns and solve issues of developer liability stemming from lack of regulation. Local units of government may also not have the capacity to enforce local regulations, thus state- and province-wide policies may be welcome in some communities. Extending these policies to regional agreements would also help to minimize problems associated with shared boundaries, particularly in the case of offshore developments over shared waters.

Broader regulations always run the risk, however, of neglecting unique local concerns, such as an area that may provide habitat for threatened species or species with unique needs in a given area. While it is necessary that regulations are rigorous and universally applicable, it is also important that regulations allow for implementation and enforcement at the local level. A balance between local management and broad, comprehensive rules can foster development while protecting communities and the environment.

Who should implement this practice?

State or provincial governments should implement this practice.

Case Example | Wisconsin Statewide Wind Siting Rules¹

Wisconsin Act 40 of 2009 directed the Public Service Commission of Wisconsin (PSCW) to promulgate administrative rules that specify the restrictions a political subdivision (a city, village, town or county) may impose on the installation or use of a wind energy system, and to help ensure consistent local procedures for local regulation of wind energy systems. Pursuant to Act 40, if a political subdivision chooses to regulate such systems, its regulations may not be more restrictive than the PSCW rules. The PSCW published final rules in December 2010 governing the siting of wind turbines in the state. These rules give local governments jurisdiction over wind projects that are under 100 MW, but



Blue Sky Green Field Wind Farm, Fond Du Lac County, Wisconsin.

Case Example | [Wisconsin Statewide Wind Siting Rules, continued](#)

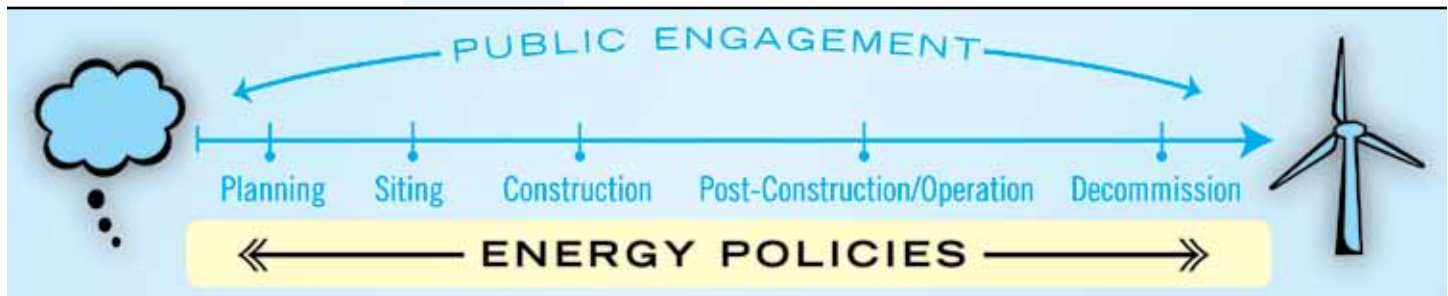
require all larger projects to be sent to the PSCW for review. Pursuant to the PSC rules, all projects larger than 100 MW must apply for a Certificate of Public Convenience and Necessity (CPCN). This entails submitting a detailed report that includes:²

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| • Technical information | • Substation and transmission information | • Environmental impact assessments |
| • Siting and supply alternatives | • Public outreach | • Wetland permits |
| • Construction processes | • Visual simulation | • Noise and shadow flicker information |

These rules attempt to impartially and responsibly promote wind power throughout Wisconsin by sending review of larger projects for a thorough review at the state level. The PSCW's rules will also function as a uniform ceiling of standards to guide the local regulation of wind siting, operation and decommissioning for projects less than 100 MW in generating capacity. In this way, Wisconsin's structure offers a balance that enables small wind projects to be fully locally controlled while establishing a standard framework at the state level for evaluating larger projects. The state level framework provides a consistent process to ensure that wind projects comply with environmental, health and safety standards. It also prevents projects from being hampered by local opposition that is not based on actual environmental, health or safety risks or impacts. Even though these rules have been suspended in Wisconsin as of March 2011, the state guidelines provide an example of a best practice that balances local control with state oversight, and ensures that large wind projects must comply with a consistent set of environmental, safety and health standards.³

When should this practice happen?

Ideally, these policies are in place before wind projects are developed and are periodically adapted and updated to reflect emerging issues and challenges.



Related Tools

The American Wind Energy Association's Wind Energy Siting Handbook | <http://www.awea.org/sitinghandbook/> | The 178-page handbook includes information about environmental siting issues relevant to land-based commercial-scale wind energy project development in the United States.

U.S. Fish and Wildlife Service Land-Based Wind Energy Guidelines and Eagle Conservation Plan Guidance | http://www.fws.gov/windenergy/docs/Wind_Energy_Guidelines_2_15_2011FINAL.pdf | On February 18, 2011, the U.S. Fish and Wildlife Service two draft guidelines were published in the Federal Register: *Land-Based Wind Energy Guidelines* and *Eagle Conservation Plan Guidance*. As of press time of this document, both sets of guidelines were open for public comment. The documents are part of the agency's ongoing efforts to improve siting and permitting of renewable energy projects. Visit the web site above for updates.

The International Energy Agency Implementing Agreement for Cooperation in the Research, Development, and Deployment of Wind Energy Systems | <http://www.socialacceptance.ch/> | The IEA Wind Implementing Agreement website provides resources for research into environmental and social issues surrounding wind development.

1 Photo source: By Royalbroil (Own work) [CC-BY-SA-3.0 (www.creativecommons.org/licenses/by-sa/3.0/)], via Wikimedia Commons

2 http://psc.wi.gov/utilityinfo/electric/construction/documents/V45_Wind_Farm.pdf

3 The Wisconsin Joint Committee for the Review of Administrative Rules voted to suspend the state's wind siting rules on March 1, 2011. As of mid-March, 2011, the fate of the PSC rules is uncertain in Wisconsin.

