

The document is an ordinance from the Town of Brighton, Wisconsin, regulating the licensing and siting of wind energy systems to protect public health, safety, and community character.

Findings on Wind Energy Systems

The Town of Brighton recognizes the importance of regulating Wind Energy Systems (WES) due to potential adverse impacts on public health, safety, and community character. The findings highlight various concerns, including environmental, aesthetic, and economic issues associated with industrial wind energy.

- WES can adversely affect public health and safety, necessitating regulation.
- The 2007 NRC Report identifies critical health and safety issues related to wind energy.
- Industrial WES can disrupt community aesthetics and character, particularly in rural areas.
- Concerns include noise, vibration, and potential wildlife impacts, including bird and bat mortality.
- The community's geology and wetlands may be incompatible with industrial development.
- WES can create drainage issues and traffic problems during construction.
- The Precautionary Principle suggests a conservative approach to WES regulation.

Purpose of the Ordinance

The ordinance aims to ensure that any proposed WES in the Town of Brighton obtains a license before construction to safeguard public health and minimize adverse impacts. This regulation promotes the general welfare of the community.

- A WES license is required before construction activities can commence.
- The ordinance seeks to protect public health and safety.
- It aims to minimize potential off-site impacts from WES operations.
- The regulation is intended to promote community welfare.

Authority for Regulation

The Town of Brighton adopts this ordinance under specific Wisconsin statutes, granting it the authority to regulate wind energy systems. Any changes to these statutes will automatically be incorporated into the ordinance.

- The ordinance is based on powers granted by Wis. Stat. §§ 60.10, 60.22(3), and 61.34.
- It incorporates authority under § 66.0401 and § 66.0403.

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- Future amendments to related statutes will be included automatically.

Application Process for Local Approval

The ordinance emphasizes a case-by-case evaluation for WES applications, requiring detailed information about each proposed system. This approach prevents arbitrary regulations and ensures tailored assessments.

- Each WES application will be evaluated individually.
- The Town will require specific information about the proposed WES.
- Arbitrary one-size-fits-all regulations are prohibited.

Definitions Related to Wind Energy Systems

The ordinance provides clear definitions for various terms related to wind energy systems, ensuring clarity in the regulation process. This includes definitions for WES, LWES, SWES, and other relevant terms.

- Definitions include terms like "Wind Energy System," "Large Wind Energy System," and "Small Wind Energy System."
- Clarity in definitions helps in the effective implementation of the ordinance.
- Key terms related to noise, maintenance, and environmental impact are defined.

License Requirements and Terms

A WES license is mandatory for construction and operation, with specific terms for initial and renewal licenses. The ordinance outlines the process for license amendments and transfers.

- Construction of a WES requires a license from the Town Board.
- Initial licenses can last up to 15 years, with renewals for up to 10 years.
- License amendments can be requested during the license term.

Pre-Application Consultation and Notification

Applicants must consult with the Town before submitting their applications, ensuring all requirements are understood. A notification process is established to inform nearby landowners and relevant agencies about proposed WES projects.

- Pre-application consultations are encouraged for clarity on requirements.
- Applicants must notify landowners within one mile of the proposed site 90 days prior to application.
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- Notifications must include project details, maps, and contact information.

Review and Decision-Making Process

Exhibit G-2

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The Town Board will conduct a thorough review of applications, including public hearings to gather community input. Decisions will be based on various factors, including safety, economic impact, and environmental concerns.

- A 45-day completeness review period follows application submission.
- Public hearings will be held to gather community feedback.
- Decisions will consider safety, economic viability, and environmental impact.

Application Requirements for Wind Energy Systems

The ordinance specifies comprehensive application requirements for WES licenses, ensuring all necessary information is provided for review. This includes documentation related to environmental impact, safety, and community concerns.

- Applications must follow a specific format and include detailed information.
- Required documentation includes environmental assessments and safety plans.
- Changes to application information must be promptly communicated to the Town.

Project Ownership and Description Requirements

The applicant must provide detailed information about the project owners and a comprehensive description of the proposed wind energy project. This includes ownership percentages, project features, and necessary facilities for operation and maintenance.

- Identify project owners with names, addresses, and ownership percentages.
- Describe project features including size, location, turbine capacities, and lifespan.
- Include details about operation and maintenance buildings and connection facilities to the transmission system.

Application Maps and Environmental Data

The applicant is required to submit clear and detailed maps that illustrate the project area and relevant environmental data. These maps should utilize the most recent data and include various features and land uses.

- Provide maps showing project area, turbine sites, and construction footprints.
- Include environmental data such as waterways, wetlands, soils, and topography.
- Show land use, utility data, and existing infrastructure in the project area.

Wind Turbine Technical Specifications

Exhibit G-3

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A technical description of the proposed wind turbine models must be provided, detailing their specifications and operational characteristics. This includes dimensions, capacities, and safety features.

- Include dimensions such as total height, hub height, and rotor swept area.
- Specify turbine capacities, cut-in and cut-out speeds, and rated wind speed.
- Describe turbine foundation types and transformer specifications.

Overhead Collector Circuits and Substation Information

If overhead collector circuits are included, the applicant must justify their use and provide an inspection schedule. Additionally, details about substations and interconnection facilities must be outlined.

- Explain reasons for overhead collector circuits instead of underground.
- Provide inspection schedules for completed overhead circuits.
- Detail substation locations, access roads, and potential noise or lighting impacts.

Safety, Security, and Insurance Requirements

The applicant must outline safety measures for the wind energy system and provide proof of insurance before construction begins. This includes safety signage and emergency contact information.

- Identify safety measures to prevent unauthorized access to turbines.
- Provide samples of warning signs at turbine bases and access road intersections.
- Submit proof of general liability insurance covering construction and operation.

Community Impact and Noise Management

The applicant must assess the potential impacts of the wind energy system on the community, including noise and shadow flicker. Strategies for minimizing these impacts should be discussed.

- Describe existing land uses within 0.5 miles of turbine sites and potential changes.
- Discuss noise management strategies to comply with standards (50 dBA daytime, 45 dBA nighttime).
- Provide shadow flicker modeling results and mitigation options for affected residences.

Decommissioning and Financial Assurance

Exhibit G-4

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The applicant must provide a decommissioning plan and proof of financial assurance for the wind energy system. This includes estimates for decommissioning costs and site restoration.

- Submit decommissioning estimates and a detailed site restoration plan.
- Provide proof of financial ability to cover decommissioning costs for systems over one megawatt.
- Outline the process for assessing and repairing road damage caused by construction activities.

Compliance Monitoring and Enforcement Procedures

The Town Board has the authority to monitor compliance with the ordinance and enforce penalties for violations. This includes inspection rights and procedures for addressing complaints.

- The Town may inspect wind energy systems to ensure compliance with regulations.
- Violations can result in fines ranging from \$500 to \$5,000 per incident.
- A complaint resolution process must be established for aggrieved persons.

Effective Date and Applicability of the Ordinance

The ordinance will take effect following its passage and publication, applying to all wind energy systems proposed or constructed thereafter.

- The ordinance becomes effective the day after publication.
- It applies to all wind energy systems initiated after the effective date.

Exhibit G-5