



# Fond du Lac County

PLANNING/PARKS DEPARTMENT  
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February 8, 2011

Representative Jim Ott  
Co-Chair  
Joint Committee for Review of Admin. Rules  
Room 317 North  
State Capitol  
P.O. Box 8953  
Madison, WI 53707-8953

Senator Leah Vukmir  
Co-Chair  
Joint Committee for Review of Admin. Rules  
Room 131 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-8953

Honorable Representative Ott and Senator Vukmir:

I am writing to express my support of PSC Rule 128. The rule will create a level playing field for Wisconsin's growing wind energy industry and provide reasonable regulation of wind turbine siting everywhere in Wisconsin where wind is a viable resource. I encourage your Committee, the Legislature and Governor Walker to allow the new PSC 128 rule on wind turbine siting to take effect to assure Wisconsin's place as a renewable energy leader. PSC 128 is in many ways similar to the siting rules developed by six town boards and plan commissions in Fond du Lac County. If encouraged, renewable wind energy will continue to produce family wage jobs for state residents and payments to our farmers that by their own choice participate in Wisconsin's renewable energy program.

Fond du Lac County is home to three major utility-scale wind farms comprised of 168 turbines and 268 MW of electricity generation capacity. Wind farms in Fond du Lac County involve six town boards and town plan commissions representing 8,831 town residents. All six towns administer their own, unique zoning ordinances. In all six towns, town boards that approved permitting for wind farms are still in office by their own choosing and with support of their constituents. Local regulation of wind turbines has not been without controversy, but town government has been stable over time, from pre to post wind farm operation.

Town government takes the lead on utility-scale wind farm regulation in Fond du Lac County. The typical wind turbine setback in all six of our towns is 3 times the maximum height of the wind turbine. A typical wind turbine is 430 feet in height in our county. This equates to a setback of about 1,290 feet. Typically, setbacks for wind turbines detailed in local developer agreements written by towns in Fond du Lac County are as follows:

1. Setback from municipal/civil structures is 3 times the maximum height of a turbine.
2. Setback from participating residences is 600 feet. 1.1 times the turbine height is allowable with written permission of participating resident. This equates to a 473-foot setback.
3. Setback for non-participating residences is 3 times the maximum height of a turbine. 1.1 times the turbine height is allowable with written permission of non-participating resident.
4. Setback from a property line is 1.1 times the maximum height of a turbine.
5. Setbacks from communications and utility lines are 1.1 times the maximum height of a turbine.

Our town plan commissions and town boards held all the public hearings, heard all the pros and cons, imposed conditions on siting turbines and executed developer agreements that nailed down the specifics

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of locally grown regulations. One of the most respected private attorneys in our part of the state was legal counsel for all six towns in our county that host wind farms. Developer agreements are comprehensive. Town boards and their legal counsel anticipated the issues to arise out of a utility-scale wind farm throughout the life of such projects. Town boards and wind energy developers hammered out the developer agreement details including the five details listed above during many hours of open town planning commission and town board meetings.

Utility scale wind farms in Wisconsin have meant a lot to local businesses. Farmers that want to continue working their farmland have additional income to support their operations. Land rental payments for turbine sites bring farmers \$5,000 each year for each turbine site. Farmers invest these dollars, \$829,900 in 2010, into growing crops or their dairy herds. One of our local contractors, Michels Corporation of Brownsville, Wisconsin, has been the prime contractor in several utility scale wind farms. Michels was the prime contractor and paid living wages to just over 200 employees in the Fond du Lac/Dodge County area during the construction of the Forward Energy Center and the Blue Sky/Green Field wind farm. Michels was also part of the construction team for both Butler Ridge and Glacial Ridge projects elsewhere in Wisconsin. Michels has been in discussions with 4 other wind developers each with 100 MW projects around Wisconsin.

Before tightening up the regulation of wind turbines in Wisconsin, give the new PSC 128 rules a chance to work. The rules are similar to wind turbine rules developed and used successfully in Fond du Lac County. A committee with representation across the entire spectrum of the utility-scale wind farm issue developed PSC 128.

Best regards,



Sam Tobias  
Director of Planning & Parks

cc: Allen J. Buechel, County Executive  
Senator Randy Hopper, 18<sup>th</sup> Senate District  
Senator Joseph Leibham, 9<sup>th</sup> Senate District  
Senator Luther S. Olsen, 14<sup>th</sup> Senate District  
Senator Glenn Grothman, 20<sup>th</sup> Senate District  
Representative Steve Kestell, 27<sup>th</sup> Assembly District  
Representative Joan Ballweg, 41<sup>st</sup> Assembly District  
Representative Jeremy Thiesfeldt, 52<sup>nd</sup> Assembly District  
Representative Richard Spanbauer, 53<sup>rd</sup> Assembly District  
Representative Daniel R. LeMahieu, 59<sup>th</sup> Assembly District