

BODY – LEGISTAR 32704

DRAFTER'S ANALYSIS: Pursuant to Wis. Stat. § 66.0401(4)(g), a City that chooses to regulate wind energy systems shall enact an ordinance that is no more restrictive than the applicable standards established by the Public Service Commission. This ordinance allows the City to regulate wind energy systems in accordance with state law.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 28.149 entitled “Regulation of Wind Energy Systems” of the Madison General Ordinances is created to read as follows:

“28.149 REGULATION OF WIND ENERGY SYSTEMS.

- (1) Statutory Authorization. The ordinance codified in this section is adopted pursuant to authority contained in Wis. Stat. §§ 62.23(7) & 66.0401 and Wis. Admin. Code ch. PSC 128.
- (2) Definitions. For the purposes of this section, all definitions contained within Wis. Stat. §§ 66.0401 & 66.0403, Wis. Admin. Code §§ PSC 196.378 and PSC 128.01 apply. In addition:

“Large wind energy system” means a wind energy system that has a total installed nameplate capacity of more than three hundred (300) kilowatts and that consists of individual wind turbines that have an installed nameplate capacity of more than one hundred (100) kilowatts.
- (3) Pre-application Notice.
 - (a) At least ninety (90) days before an owner files an application to construct a large wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 - 1. Landowners within one (1) mile of a planned wind turbine host property.
 - 2. Political subdivisions within which the wind energy system may be located.
 - 3. Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system may be located.
 - 4. The Wisconsin Department of Transportation.
 - 5. The Public Service Commission of Wisconsin.
 - 6. The Wisconsin Department of Natural Resources (DNR).
 - 7. The Wisconsin Department of Agriculture, Trade and Consumer Protection.
 - 8. The Office of the Deputy Undersecretary of the U.S. Department of Defense.
 - (b) At least one hundred eighty (180) days before filing an application to construct a wind turbine with a “maximum blade tip height” exceeding six hundred (600) feet, the owner shall provide written notice of the planned wind energy system to the Public Service Commission.
 - (c) For small wind energy systems, an owner shall provide written notice at least sixty (60) days prior to filing application to the City and adjacent landowners.
 - (d) Written notice shall include:
 - 1. A complete description of the wind energy system, including the number and size of the planned wind turbines.
 - 2. A map showing the planned location of all wind energy system facilities.
 - 3. Contact information for the owner.

4. A list of all potential permits or approvals the owner anticipates may be necessary for construction.
 5. Whether owner seeks joint application with another jurisdiction.
- (4) Application Notice Requirements.
- (a) Upon filing an application, an owner shall use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one (1) mile of the proposed location of any wind energy system facility. For small wind energy system, notice shall only be provided to property owners and residents located adjacent to the wind energy system. The notification shall include all of the following:
 1. A complete description of the wind energy system, including the number and size of the wind turbines.
 2. A map showing the locations of all proposed wind energy system facilities.
 3. The proposed timeline for construction and operation of the wind energy system.
 4. Locations where the application is available for public review.
 5. Owner contact information.
 - (b) Upon receipt of an application, the City shall publish a class 1 notice, under Wis. Stat. ch. 985, that includes:
 1. A brief description of the proposed wind energy system.
 2. The proposed location of the wind energy system.
 3. The locations where the application is available for public review.
 4. The method for submitting public comments on the application to the City.
 5. The approximate schedule for review of the application.
- (5) Real Property Requirements.
- (a) Easements and leases shall be recorded in accordance with Wis. Stat. § 706.
 - (b) All leases and waivers of noise and shadow flicker shall hold harmless and indemnify the real property owner for violation by the owner of any federal state or local laws and damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.
- (6) Existing Property Uses.
- (a) An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under (3)(a), or if complete publicly-available plans for construction are on file with a political subdivision within thirty (30) days of the date the owner gives notice under (3)(a). However, for small wind energy systems, this subdivision applies only to existing land uses and enterprises that are located on adjacent nonparticipating properties.
 - (b) An owner shall design a wind energy system to reasonably minimize the conversion of land from agricultural use.
- (7) Siting.
- (a) An owner shall design and construct a large wind energy system using the wind turbine setback distances shown in Table 1:

Table 1

Setback Description	Setback Distance
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Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height
Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right of Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

- (b) An owner shall design and construct a small wind energy system using the wind turbine setback distances shown in Table 2:

Table 2

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right of Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

- (c) An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
- (d) For wind energy systems within the Airport Affected Area, the maximum blade tip height shall not exceed the height limits in Sec. 78.05, Dane County Ordinances.
- (e) For wind energy systems within four thousand (4000) feet of a heliport the maximum blade tip height shall not exceed the total of five hundred (500) feet plus the height of the heliport landing area.
- (f) An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
- (g) The owner of a nonparticipating residence or occupied community building may waive the setback distances from a non-participating residence or an occupied community building to a minimum setback of

one-point-one (1.1) times the maximum blade tip height for large wind energy system or to 0 for a small wind energy system.

- (h) The owner of a nonparticipating residence or occupied community building may waive the setback distances from a non-participating property line or an occupied community building property line.

(8) Noise.

- (a) The noise attributable to a wind energy system shall not exceed 50dBA between the hours of 6:00 a.m. and 10:00 p.m., and shall not exceed 45dBA at all other times.
- (b) For large wind energy systems, the owner shall evaluate compliance with the above noise limits pre- and post-construction as specified in PSC 128.50.
- (c) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under (3)(a) or for which complete publicly-available plans for construction are on file with a political subdivision within thirty (30) days of the date on which the owner gives notice.
- (d) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
- (e) If the noise from a wind energy system contains noise other than that from normal operating conditions such as a whine, whistle, screech, or hum, the owner shall promptly act to permanently eliminate such noise. Until such time as the noise is permanently eliminated, the owner shall use operational curtailment to eliminate the noise.
- (f) Upon receipt of a noise complaint, the owner shall test for compliance with the noise limits above, except that testing is not required if the owner provides results of an accurate noise test completed within two (2) years of the date of the complaint showing compliance with the above noise limits at the location of the complaint.
- (g) An owner of an affected nonparticipating residence or occupied community building may waive compliance with the above noise limits by written contract with the owner of the wind energy system. Such written contract shall be recorded and shall be an encumbrance on the real property and run with the land per Wis. Stat. § 706 until the wind energy system is decommissioned.
- (h) Before entering into a contract under (g), an owner of a wind energy system shall provide written notice of the requirements of this section to the owner of an affected nonparticipating residence or occupied community building.
- (i) Prior to the initial operation of a wind energy system, the owner of a wind energy system shall provide notice of the requirements of this section to any owner of a nonparticipating residence or occupied community building within one-half (0.5) miles of the constructed wind turbine that has not entered into a contract under (g). For a small wind energy system, this requirement applies to adjacent nonparticipating residences or occupied community buildings.

(9) Shadow Flicker.

- (a) Shadow flicker requirements apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under (3)(a) or for which complete publicly-available plans for construction are on file with the City within thirty (30) days of the date on which the owner gives notice under (3)(a).

- (b) An owner of a wind energy system shall work with an owner of a residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
 - (c) No wind energy system shall cause more than thirty (30) hours per year of shadow flicker at a nonparticipating residence or occupied community building. If this limit is exceeded, the owner of wind energy system shall use operational curtailment to bring the wind energy system into compliance.
 - (d) An owner of a large wind energy system shall provide shadow flicker computer modeling indicating that no nonparticipating residence or occupied community building will experience more than thirty (30) hours per year of shadow flicker under planned operating conditions.
 - (e) An owner of a large wind energy system shall provide reasonable shadow flicker mitigation, at the owner's expense, for a nonparticipating residence or occupied community building experiencing twenty (20) hours or more per year of shadow flicker. The amount of shadow flicker shall be determined by the shadow flicker computer model or by records kept by the resident of a nonparticipating residence or the occupant of an occupied community building. Mitigation is required only when the owner of the wind energy system receives a complaint or request for mitigation from a nonparticipating residence or occupied community building that receives twenty (20) hours or more per year of shadow flicker. If mitigation is required, the owner of a large wind energy system shall allow the owner of the non-participating residence or the occupied community building to choose a preferred reasonable mitigation technique, including the installation of blinds or plantings at the wind energy system owner's expense.
 - (f) The owner of an affected nonparticipating residence or occupied community building may waive the shadow flicker limit or shadow flicker mitigation requirements by written contract with the owner of the wind energy system. Unless otherwise provided for in the contract, the waiver shall be an encumbrance on the real property, run with the land, and shall be recorded per Wis. Stat. § 706.
 - (g) Before entering into a contract under (f) above, an owner of a large wind energy system shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building.
 - (h) Before beginning operation of a large wind energy system, the owner shall provide notice of the requirements of this section to an owner of a nonparticipating residence or occupied community building within one-half (0.5) miles of a constructed wind turbine that has not entered into a contract under (f) above.
- (10) Signal Interference.
- (a) An owner of a wind energy system shall use reasonable efforts to avoid causing interference with commercial communications and personal communications in use when the wind energy system begins operation.
 - (b) No wind energy system shall be located within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. An owner shall provide documentation showing compliance.
 - (c) If interference with commercial or personal communications occurs, the owner of a large wind energy system shall use reasonable and commercially available technology to mitigate interference. Following consultation with the affected parties, the owner shall implement the

affected party's preferred reasonable mitigation solution effective until the large wind energy system is decommissioned or the communication is no longer in use.

(11) Stray Voltage. An owner of a wind energy system shall provide the City with results of pre-and post-construction testing for stray voltage if such testing is required pursuant to Wis. Admin. Code § PSC 128.17.

(12) Construction and Operation.

(a) Physical Characteristics.

1. An owner shall not allow display of advertising or signage other than warnings, equipment information, or indicia of ownership on a wind turbine.
2. Except for a safety feature or wind monitoring device, an owner shall not allow any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to be located on a wind turbine.
3. An owner shall ensure that a wind turbine has an unobtrusive finish.
4. An owner shall install and maintain lighting that meets FAA standards.
5. An owner shall ensure that a wind energy system is not readily climbable except by authorized personnel.
6. An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
7. An owner shall place appropriate warning signage on or at the base of each wind turbine.
8. An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that they are visible to low flying aircraft under fair weather conditions.
9. For large wind energy systems, an owner shall post and maintain signs containing a twenty-four (24) hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. Signs shall be posted at every intersection of a wind energy system access road with a public road and at each wind turbine location.

(c) Electrical Standards.

1. An owner shall construct, maintain and operate wind energy systems in a manner that complies with the national electrical safety code.
2. An owner shall construct, maintain and operate collector circuit facilities in compliance with both the national electrical safety code and Wis. Admin. ch. PSC 114.
3. For large wind energy systems, an owner shall ensure that collector circuit facilities are located underground to the extent practicable. If collector circuit facilities are located overhead, owner shall not allow third-party facilities to be attached or bonded to the collector circuit grounding. The owner of the wind energy system shall establish a regular inspection schedule for all overhead facilities and shall ensure that any attached third-party facilities are promptly removed.

(d) Construction, Operation and Maintenance.

1. An owner shall ensure that all wind energy systems are constructed, operated, repaired, maintained, and replaced as

needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.

2. An owner of a large wind energy system shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction and decommissioning of the wind energy system.
3. An owner shall ensure that topography, soils, and vegetation are restored to their original condition following construction of a large wind energy system, unless otherwise provided in a contract signed by an affected landowner, considering modifications needed to comply with DNR requirements.
4. An owner of a large wind energy system shall provide the City documentation of general liability insurance covering claims for property damage or bodily injury arising from the construction, operation, or decommissioning of the wind energy system and shall include turbine host property owners as additional insured persons on the policy.

(e) Emergency Procedures.

1. An owner of a wind energy system shall notify the City of the occurrence and nature of a wind energy system emergency within twenty-four (24) hours of the wind energy system emergency.
2. An owner of a large wind energy system shall establish and maintain a liaison with the City Fire Department, City Police Department and other appropriate first responders to create emergency plans that include the following:
 - a. A list of the types of wind energy system emergencies that require notification of the City within twenty-four (24) hours.
 - b. Current emergency contact information for first responders and for the wind energy system owner, including names and phone numbers.
 - c. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for shutting down the wind energy system or a portion of the system as appropriate.
 - d. Duties and responsibilities of the owner and of first responders in the event of a wind energy system emergency.
 - e. An emergency evacuation plan for the area within one-half (0.5) miles of any wind energy system facility, including the location of alternate landing zones for emergency services aircraft.
3. An owner of a large wind energy system shall review the emergency plan at least annually in collaboration with fire, police and other appropriate first responders to update and improve the emergency plan as needed.
4. An owner of a large wind energy system shall distribute current copies of the emergency plan to the City, Madison Police Department, Madison Fire Department and other appropriate first responders identified by the City.
5. An owner of a large wind energy system shall provide the wind energy system's operator, supervisors, and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established in (e)2. above, train the

appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective. As soon as possible after a wind energy system emergency, the owner shall review employee activities to determine whether the procedures were effectively followed.

(13) Decommissioning.

- (a) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life, which is presumed to be when a large wind energy system generates no electricity for a continuous three hundred sixty (360) day period or a small wind energy system generates no electricity for a continuous five hundred forty (540) day period.
- (b) For large wind energy systems, the City shall grant one or more additional one hundred eighty day (180) extension periods if it is likely that the wind energy system will operate again in the future and if any of the following occur:
 - 1. The owner submits a plan to the City that demonstrates an ongoing good-faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.
 - 2. The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.
 - 3. The owner demonstrates that the wind energy system is being used for educational purposes.
- (c) The City may deny a request for an extension under (b) above if the wind energy system has not generated any electricity for a continuous period of five hundred forty (540) days or more and the City finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.
- (d) A large wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of five hundred forty (540) days and the owner has not requested an extension or the City has denied an extension under (c) above and any appeal rights have expired.
- (e) When decommissioning is required, the owner shall begin decommissioning within three hundred sixty (360) days after the wind energy system has reached the end of its useful life and shall complete the process, including the removal of the wind energy system, within five hundred forty (540) days after the wind energy system has reached the end of its useful life.
- (f) An owner of a wind energy system shall file a notice of decommissioning completion with the City and the Public Service Commission when a wind energy system that has been approved by the City has been decommissioned and removed. Within three hundred sixty (360) days of receiving such notice, the City shall determine whether the owner has satisfied the requirements of (a) above and any applicable site restoration requirements.

(14) Financial Responsibility.

- (a) Prior to construction of a large wind energy system with a nameplate capacity of one (1) or more megawatts, an owner shall provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination

of these financial assurances to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of such financial assurances and funds throughout the expected life of the wind energy system and the decommissioning period. Such assurance must provide that the secured funds may be used only for decommissioning the wind energy system and are accessible only to the City.

- (b) Throughout the lifetime of a large wind energy system, the City may require, no more than once every five (5) years, an updated estimate of the actual and necessary costs to decommission the wind energy system and if such estimate is at least ten percent (10%) higher than the amount of financial assurance provided, the City may require a corresponding increase in the financial assurance.

(15) Site Restoration.

- (a) Except as provided in (b) below, if a large wind energy system is constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modification needed to comply with DNR requirements.
- (b) If a wind energy system was constructed on a brownfield, as defined in Wis. Stat. § 238.13(1)(a), the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in Wis. Stat. § 238.13(1)(d).

(16) Application.

- (a) All applicants for a wind energy system permit shall submit an application that includes the following:
 1. A description of the wind energy system and maps showing the locations of all proposed wind energy facilities.
 2. A technical description of the wind turbines and wind turbine sites.
 3. The proposed timeline for construction of the wind energy system.
 4. Information regarding the anticipated impact of the wind energy system on local infrastructure.
 5. Information regarding the noise anticipated to be attributable to the wind energy system.
 6. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
 7. Information regarding the anticipated effects of the wind energy system on existing land uses within one-half (0.5) miles of the wind energy system.
 8. Information regarding the anticipated effects of the wind energy system on airports and airspace.
 9. Information regarding the anticipated effects of the wind energy system on line-of-sight communication.
 10. A list of all state and federal permits required to construct and operate the wind energy system.
 11. Information regarding the planned use and modification of roads within the City during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy activities and for conducting road repairs at the wind energy system owner's expense.
 12. A copy of all notices required under subsections (3) and (4)

13. A copy of all emergency plans developed in collaboration with appropriate first responders under (12)(e) above.
14. For large wind energy systems, a decommissioning and site restoration plan and any required financial assurance.
15. Any additional information necessary to understand the construction, operation, or decommissioning of the proposed wind energy system.
16. The City shall notify the applicant in writing no later than forty-five (45) days after the application is filed whether the application is complete. The application is considered filed on the date the owner notifies the City in writing that all application materials have been filed. If the City determines that the application is incomplete, it shall provide notice to the owner of the reasons for such determination. The owner may file a supplement to an application based on the stated reasons for the determination that the application was incomplete and another forty-five (45) day completeness review period begins. If the City fails to make a determination of completeness and notify the owner within the required forty-five (45) days, the application is deemed complete.

(17) Decision.

- (a) Within ninety (90) days of determining that the application is complete, the Plan Commission shall issue a written decision with findings of fact based on evidence in the record. If an application is denied, the reason for denial shall be specified. The written decision, including the findings of fact, shall be provided to the owner and the Public Service Commission.
- (b) Upon written extension, the Plan Commission may extend the ninety (90) day period in (a) above by no more than an additional ninety (90) days if the Plan Commission needs additional information in order to review the application, if the applicant makes a material modification to the application or for other good cause specified by the Plan Commission. Any extension requires written authorization by the plan commission.
- (c) The owner shall record a duplicate original of the decision with the Dane County register of deeds.
- (d) Within ninety (90) days of the date a large wind energy system begins operating, the owner shall file, with the City and the Public Service Commission, an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system. Each wind turbine location shall have a unique identifier consistent with the information posted pursuant to (12)(a).

(18) Modification To Wind Energy System.

- (a) An owner of a wind energy system may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Plan Commission.

(19) Complaints.

- (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this ordinance.
- (b) A complaint shall be made first to the owner of the wind energy system.
- (c) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system at the owner's expense.
- (d) A complainant may petition the Plan Commission, pursuant to its continuing jurisdiction over a conditional use, for review of a complaint

that is not resolved within forty-five (45) days of the day the owner receives the original complaint.

- (e) The Plan Commission's decision on a complaint is subject to appeal under Wis. Stat. § 66.0401(5).
 - (f) Before construction of a large wind energy system, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within one-half (0.5) miles of any wind energy facility. The notice shall contain the requirements for submitting a complaint, a petition for review by the Plan Commission, and appeal to the Public Service Commission. The notice also shall contain the name and phone number of a contact person for the owner for the receipt of complaints. The owner also shall provide the Plan Commission with a copy of such notice.
 - (g) For large wind energy systems, when an owner receives a complaint, he/she shall provide the complainant with a copy of the notice required in (f) and within thirty (30) days of receiving the complaint, the owner shall provide an initial response to the complainant.
 - (h) An owner of a large wind energy system shall make a good faith effort to resolve complaints within forty-five (45) days of receiving a complaint and shall notify the Plan Commission of any complaints that have not been resolved.
 - (i) An owner of a large wind energy system shall maintain a log of all complaints received regarding the wind energy system. The log shall include the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of the complaint log to the Plan Commission on a monthly basis.
- (20) Appeals.
- (a) Any person aggrieved by the decision of the Plan Commission to approve, deny, or modify a wind energy system may appeal the decision to the Common Council pursuant to Sec 28.183(5)(b). If a person remains aggrieved following appeal to the Common Council, he/she may appeal to the Public Service Commission within thirty (30) days of the Common Council decision. Alternatively, an aggrieved person may appeal directly to the Public Service Commission within 30 days of the Plan Commission decision to approve, deny, or modify a wind energy system. An owner who petitions for review by the Public Service Commission shall serve a copy of the petition on the City and on any other person specified in Wis. Admin. Code § PSC 2.07(3). Any person other than an owner who files a petition for review by the Public Service Commission shall serve a copy of the petition on the owner, the City, and any other person specified in Wis. Admin. Code § PSC 2.07(3). The City shall make a copy of any such petition it receives available for public inspection and shall publish notice of such petition."

2. Subsection entitled "Wind Energy Systems" of Section 28.151 entitled "Applicability" of the Madison General Ordinances is amended by amending herein the following:

"Wind Energy Systems.

- (a) ~~A Placement Plan shall be submitted at the time of application. The Plan shall show the proposed location of the solar or wind energy system on the lot, the design of the solar or wind energy system, the location of improvements on adjoining lots, as well as landscaping on the lot and adjoining lots that impacts the location of the solar or wind energy system. Additional materials may be required.~~
- (b) ~~The Placement Plan shall be approved as part of the conditional use process. Any conditions or restrictions placed on the energy system shall be limited to those that serve~~

~~to preserve or protect the public health and safety, or do not significantly increase the cost, or decrease the efficiency of the system. Conditions or restrictions that allow for an alternative system of comparable cost and efficiency also may be imposed. Some development that includes wind energy systems may require additional approval, such as development in urban design districts, historic districts, development involving demolitions, and planned development districts~~ Wind energy systems shall comply with Sec. 28.149, MGO."