

Wind Power: A Local Regulatory Perspective

WPA Webinar
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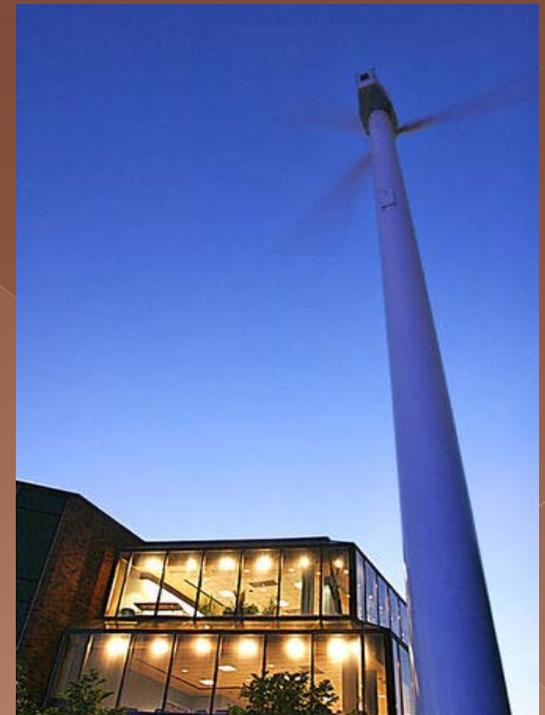
Community Strategies for Successful Wind Energy Implementation



- ◉ DoE funded project
- ◉ Project partners:
 - > American Planning Association (APA) - lead
 - > National Renewable Energy Association
 - > Erica Heller/Clarion Associates - small wind
- ◉ In progress, expected in 2011

Community Planning Strategies for Successful Wind Energy Implementation

- Audience is municipal, county, regional, state, military and other land use planners
- Report to include:
 - > Overview of wind energy
 - > Case studies
 - > Best practices
 - > Information resources
- Free to all APA members



Local Land Use Regulations

NOTICE

Private Property

**If you can read this, you are
within range**



DeltaArbiter

Land Use Regulatory Authority

- ◉ A local power granted by states, may be limited/required
- ◉ Begins with idea that a private property owner can do as he chooses
- ◉ Land use regulations are justified when they advance a legitimate public purpose

Legitimate Public Purposes

(Examples)

- Separate inherently conflicting uses (i.e., smokestacks away from homes)
- Ensure safety (structure heights, setbacks)
- Limit nuisance impacts on adjacent uses (noise, vibration)
- Preserve property values

Local Wind Regulations Balance

- ◉ Right to use private property as desired
- ◉ Others' health, safety, welfare, "quiet enjoyment"
- ◉ Community-wide values & goals
 - > Views
 - > Ag lands & lifestyle
 - > Air quality
 - > Environmental goals
 - > Energy self-sufficiency



Local Regulatory Tools

- Zoning
- Permitting
- Fees/Exactions
- Development Agreements

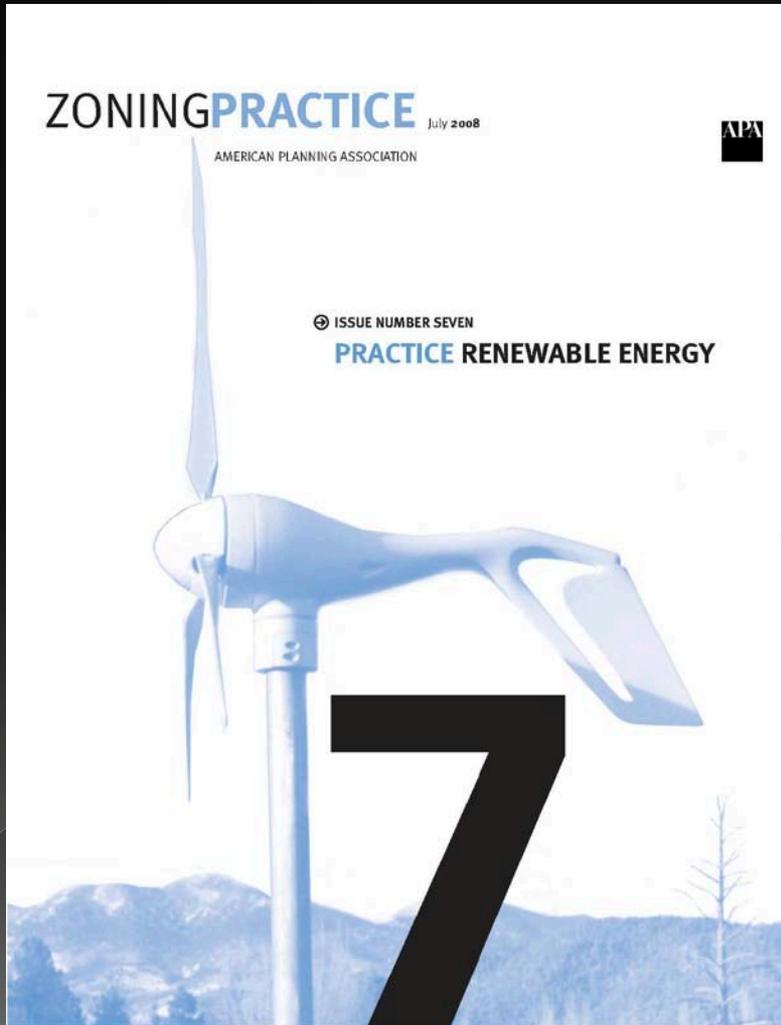


Small vs. Large Wind Regulations

- ⦿ > impacts from large turbines
- ⦿ + settings for small turbines
- ⦿ By-right vs. conditional use
- ⦿ Different model ordinances



Recommendations for Local Wind Energy Regulations



Small wind model ordinance in American Wind Energy Association's small wind siting & permitting guide at: www.awea.org

Zoning for Small Wind

- Allowed Use
 - > By-right, accessory in most zoning districts
 - > Enact protective standards
- Conditional Use
 - > Limit to special circumstances, exceptions
 - > Public hearings require city resources
 - > Slow/expensive for property owner
- Prohibited Use
 - > Where incompatible with special character (e.g., historic district, scenic corridor)



Zoning for All Wind

- ◎ Nuisance impacts can reduce property values
- ◎ Adopt protective standards
 - > Sound limits
 - > Safety measures
 - Setbacks
 - Anti-climbing (not fencing)
 - Manual override braking
 - Manufacturer's electrical drawings
 - > Vibration & flicker not significant for sm. wind



Zoning for All Wind

- ◉ Visual Impacts – non-nuisance, no evidence that reduce property value
 - > DO NOT restrict such that limits function
 - Allow on bluffs, ridgelines, shorelines, etc.
 - No screening
 - No height limit (or 120' for small)
 - > Control aesthetics to minimize impact, increase acceptance
 - Neutral (sky) colors
 - No commercial advertising
 - Require removal if abandoned



Working with Local Regulators

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Working with Local Planners

- Fear breaking the public trust, i.e.:
 - > Failure to protect citizens from harm
 - > Damage to property values
 - > Environmental/other impacts
- Need unbiased sources of information
- Want real examples and models
- Seek to retain local control
- ** Ethical planners do not overrule community desires, values, or regulations, even if they personally like wind energy **



Planners Can Be Allies

- ◉ Planners have the pulse of the community
- ◉ Planning documents (i.e., comprehensive plans) may provide rationale for wind energy
- ◉ Need proactive assistance, resources, and unbiased information for local regulations



Thank You

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