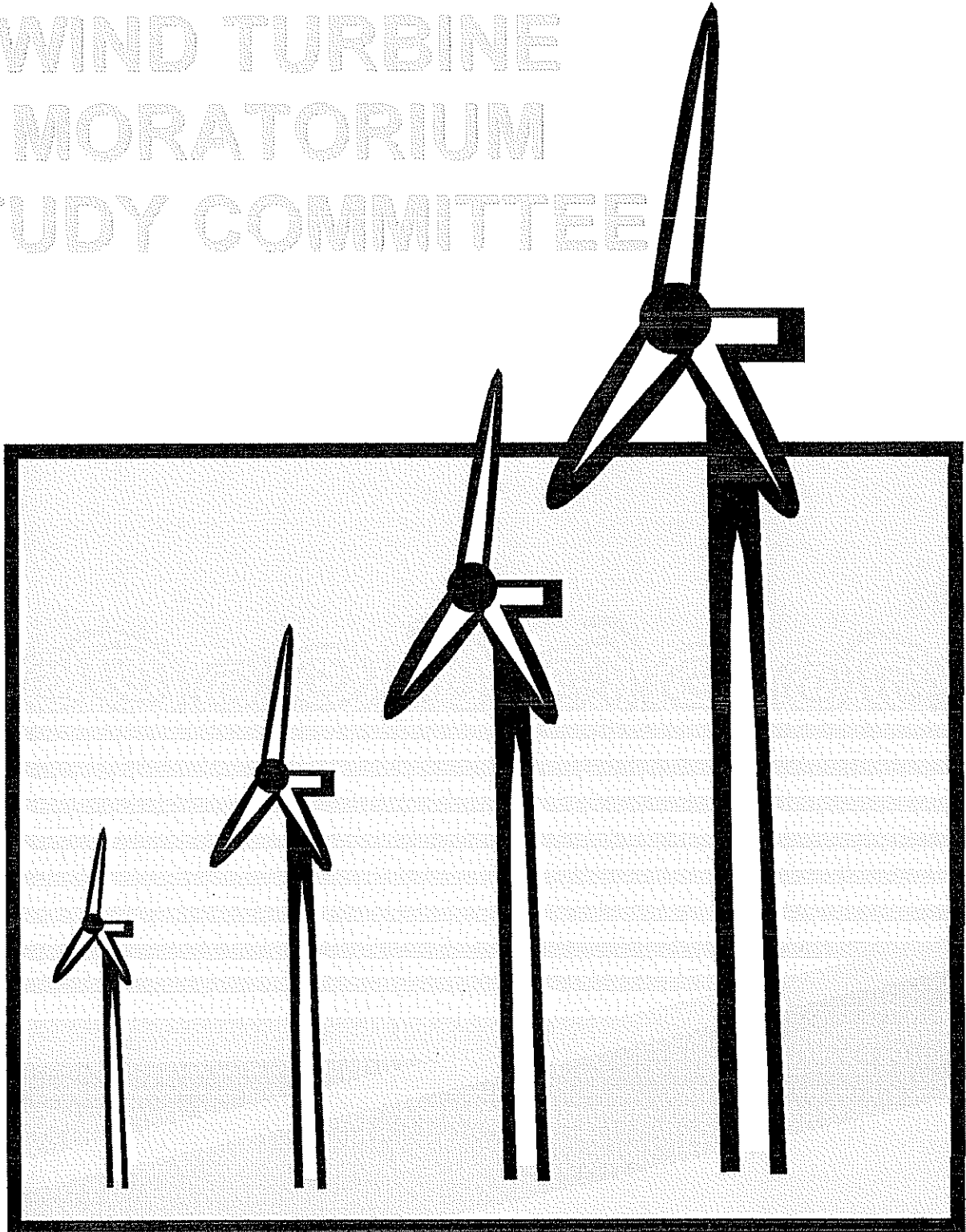


FINAL REPORT
of the
WIND TURBINE
MORATORIUM
STUDY COMMITTEE



February 11, 2000

Township of Lincoln Board of Supervisors

Arlin Monfils

Larry Kirchman

Jack Yunk

Enclosed is the Final Report of the Township of Lincoln Wind Turbine Moratorium Study Committee.

This report includes numerous suggested changes to the existing conditional use permitting permits and permitting process, the Town's zoning ordinance regarding wind turbines, and options to pursue for future permitting of commercial or utility-sized wind turbines. The report also makes recommendations for permitting home-sized and farm-sized wind generators.

Also included in the report are most of the important documents that the Wind Turbine Moratorium Study Committee considered during its two year study.

If you have any questions regarding the content of the report or the Committee's findings or conclusions, please do not hesitate to contact us for clarification.

A handwritten signature in black ink that reads "Mick Sagrillo". The signature is written in a cursive style with a large, stylized "S" for the last name.

Mick Sagrillo

for the Township of Lincoln Wind Turbine Moratorium Study Committee

Algie Fenendale

Debbie Guilette

Earl Martin

Ron Opicka

Tim Strnad

Joe Jerabek

Arlin Monfils

Wind Turbine Moratorium Study Committee Overview Of Activities

On July 6, 1999, at a regular Lincoln Township Board of Supervisors meeting, the town supervisors approved Ordinance # 4-99, the Wind Generation Turbine Construction Moratorium. A copy of the moratorium is included in this report. **(Tab #2) (Note: a list of all of the documents included in this report is in Tab #1.)** Drafted by Bay Lakes Regional Planning Commission, the purpose of the moratorium was to delay new construction of wind turbines for eighteen months, giving the township the opportunity to assess the impacts that the twenty two wind turbines installed by Wisconsin Public Service Corporation (WPSC) and Madison Gas and Electric (MG&E), which were brought on line in June, 1999. The moratorium would also allow the township to review the conditional use permitting process that it had used to permit these twenty two turbines, and adopt appropriate changes to that process. The moratorium called for the establishment of a committee which would carry out these tasks.

The Wind Turbine Moratorium Study Committee (the Committee) was appointed by the Lincoln Township Board of Supervisors on December 6, 1999. Members of the Committee are:

- Mick Sagrillo-appointed chairperson
- Ron Opicka-appointed secretary
- Algie Fenendale
- Debbie Guilette
- Earl Martin
- Lynn Kinnard-alternate
- Tim Strnad-alternate
- Joe Jerabek-advisor
- Arlin Monfils-advisor

Lynn Kinnard attended the first few meetings, but discontinued attending due to conflicts with her work schedule. She was subsequently dropped from the Committee.

The Committee met a total of 39 times between January 17, 2000, and January 30 2002. A list of meeting dates is included in this report. **(Tab #1)**

Work plan

After carefully reviewing each part of the Moratorium Ordinance, the following areas were established as the agenda of the Committee:

1. Study the impact of the turbines on the land in the Township;
2. Study the impact of the turbines on the residents of the Township;
3. Review the effectiveness of the conditions included in the conditional use permits issued to WPSC and MG&E and Lincoln Township's present zoning ordinance that were used to permit the two wind farms in Lincoln Township;

4. Develop standards and conditions for the placement of wind turbines based on the results of its study to prevent nonconforming uses for wind generators in relation to their potential siting;
5. Develop and complete the study of the wind turbine impact on the Township and implement the recommendations by amending the town zoning ordinance by 1/17/00.

During the course of its study, the Committee solicited input from dozens of experts in a variety of technical and policy areas, as well as the input from various township residents. A list of people the Committee contacted for their expertise is included in this report. **(Tab #1)** The Committee also took into consideration various sections of the Lincoln Township Zoning Ordinance.

The Committee invited several people to our meetings, including:

Marty Holden, Bay Lakes Regional Planning Commission (1/31/00 and 12/14/00);
Dan Wautlet, Town of Lincoln Zoning Committee (2/16/00, 3/1/00, 3/21/00, and 4/13/00);
Ron Yesney, University of Wisconsin Extension Service (2/6/01 and 6/26/01);
and
Professor Larry Swain, University of Wisconsin-River Falls (6/26/01)

Reviewing the conditional use permits and permitting process.

To a great extent, the Committee's work focused on the conditional use permits that were granted to WPSC and MG&E, and the permitting process.

During his presentation to the Committee on January 31, 2000, Marty Holden suggested that the Town of Lincoln would be "better off with a conditional use permitting process" to regulate the placement of wind turbine facilities rather than adopt a zoning ordinance. He also noted that "small turbines were not included" in the drafting of the moratorium. "The focus was on large wind farm facilities". (1/31/00)

Marty Holden reviewed some of the Wisconsin state statutes that govern the siting of wind turbines. The Committee repeatedly debated the applicability of these statutes with regards to a local town board's ability to regulate the placement of commercial or utility-scale wind turbine facilities. To a great extent, these state statutes were at the heart of the Committee's difficulty in reaching consensus on certain issues. A table summarizing the relevant statutes and the statutes themselves are included with this report. **(Tab #3)**

In an attempt to help clarify the authority of Lincoln Township to regulate wind turbines and their installation (5/24/01), the Committee sent a letter to Wisconsin's Attorney General, James Doyle, seeking the state's interpretation of the Above mentioned state statutes. The state's attorney general's office responded with a letter stating that the attorney general's office does not render opinions to local governmental bodies, but could do so for Kewaunee County.

In light of this, the Committee sought the assistance of Kewaunee County's Corporation Counsel, Elma Anderson. Ms. Anderson drafted a letter to the State Attorney General's office asking for the opinion that the Committee sought. Copies of the letters and documents submitted to the Attorney General's office are included with this report. **(Tab #4)** At the time of this report, February 11, 2002, the committee has not yet received a response from the Attorney General's via Kewaunee County's Corporation Counsel's office.

Based on Marty Holden's recommendations, the Committee set about reviewing the conditional use permits that were negotiated with Wisconsin Public Service Corporation and Madison Gas & Electric by the Zoning Committee and attorney Gary Dalebroux. The Committee was interested in understanding what worked, what did not work, and in what areas the Township needed stronger language or more protection in the conditional use permits and the permitting process. To that end, the Committee reviewed the conditional use permits issued to the two utilities with Zoning Committee member Dan Wautlet. A copy of a conditional use permit issued to WPSC is included in this report. **(Tab #5)**

Dan Wautlet reported that the process was new to the Township, and little precedent had been established in any other parts of the US except some limited work done in Minnesota, California, and Iowa. (2/16/00)

A copy of the comments and suggested changes to the conditional use permits that could be issues for future applications for commercial or utility-scale sizes of wind turbines is included in this report. **(Tab #6)** The Committee recommends that this document be sent to Marty Holden of Bay Lakes Regional Planning Commission for review. In addition, the Committee recommends that the document be reviewed by the Town's counsel before being adopted by the Township. (1/30/02)

The committee discussed the applicability of zoning restrictions on different sizes of wind turbines and decided to differentiate between small wind generators that would be installed by a homeowner, small to medium sized wind turbines that might be installed by a typical farming operation in Lincoln Township, and the larger commercial or utility-scale wind turbines, sited singly or in multi-turbine arrays, that are essentially used for power production for the utility grid.

The Committee developed restrictions for the first two categories of wind turbines in keeping with relevant state statutes. The Committee decided that all commercial or utility-scale turbines would be regulated under the conditional use permit process currently used by Lincoln Township for A-1 Agriculture zoned land parcels. A copy of the size breakout and restrictions is included in this report. **(Tab #7)**

Survey of Township residents

After much debate, the Committee drafted a survey on the perceived impacts of the wind turbines that was sent out to all property owners currently residing in the Township. The Committee worked with Ron Yesney, University of Wisconsin Extension Services specialist, to fine tune the survey. The Committee stuffed envelopes, and pasted stamps and mailing labels. To assure a good return, the completed surveys were mailed to the UW Extension office by respondents. Ron Yesney forwarded the returned surveys on to the Professor Larry Swain at the University of Wisconsin-River Falls Campus. Professor Swain and his students tabulated the survey results.

On June 26, 2001, Professor Swain and Ron Yesney met with the Committee to review the results of the survey. Since the results were given to the Committee in raw number form, the results were transferred into a graphic format for easier interpretation. The survey and its results were presented to the Town board of supervisors and interested residents at the July 2, 2001 regular Town board meeting. A copy of the survey and the results are included with this report. **(Tab #8)**

WPSC's buyout offer

During the course of the Committee's work, WPSC made offers to buy the houses and property to six property owners around the WPSC wind farm site. The offers were made to property owners who were vocal opponents of the wind farm, as identified by WPSC officials. WPSC publicly stated that the buyout was to establish a buffer zone around their wind farm.

WPSC's intention was to raze the houses after purchasing the property, and subsequently keep the property from being developed for rural residences. This tactic did not sit well with the Committee. In response, the Committee drafted (5/24/01) and approved (5/29/01) a resolution condemning the WPSC ploy, and requesting that WPSC meet with the Town board to develop a better solution for the Township.

Once the resolution was approved by the Committee, it was brought to the Town of Lincoln board of supervisors for their approval. The Town board adopted the resolution (6/4/01), and the resolution was then sent on to WPSC. A copy of the letter sent to WPSC and the resolution is included with this report. **(Tab #9)**

WPSC officials met with the Town board and some concern citizens at the August 6, 2001, regular board meeting, reiterated their policy to purchase property and raze the homes, and stating that they had no intention of meeting with the Town board or changing their policies at the request of the Town board.

Stray voltage

One last issue that surfaced was that of stray voltage and earth current problems that may be exacerbated by the WPSC wind farm. This issue was brought to the attention of the

Committee by Scott Srnka, who believes he has stray voltage problems on his farm. The Committee drafted and approved (5/29/01) an ordinance calling for a new moratorium to study the potential effects that the wind turbines may have on stray voltage and earth currents. This ordinance was passed on to the Town Board of supervisors, who approved the ordinance on 6/4/01, and held a hearing on the ordinance on 7/6/01, passing the ordinance at that meeting. A copy of that ordinance is included in this report. **(Tab #10)**

The Committee agreed that any study of earth currents and stray voltage issues must include an analysis of the distributions system, an analysis of the wiring from the utility's grid to the wind turbines, and an analysis of the grounding system used for the wind turbines (8/14/01). To help it understand the issues surrounding stray voltage and earth currents, the Committee held a conference call with Dennis Briley, a retired utility Electrical Engineer on October 3, 2001. Subsequently, the Committee drafted a request for proposals to identify an expert in utility distribution systems that could help the Committee understand and pin point the issues surrounding stray voltage and earth currents and the possible link with the wind turbines (10/9/01). A copy of that request for proposals is included with this report. **(Tab #10)**

Property values

The issue of property values arose as a concern by some living in proximity to the wind farms. In January, 2001, at the request of the Town of Addison chairman, zoning administrator Joe Jerabek compiled a list of properties that had been sold in the Township, and their selling prices. The list compared the properties selling price as a function of the distance to the wind farms. The conclusion reached was that the "location of the wind turbines has not had a negative impact on property values during the past eighteen months." A copy of Joe Jerabek's letter is included in this report. **(Tab #11)**

Joe Jerabek was asked by the Committee to update the information regarding property values to include the year 2001. A copy of Joe's findings and conclusion (1/30/02) is included. **(Tab #11)**

Impact on wildlife

A study on the wind turbines' impacts on birds and bats was conducted by Shawn Puzen of WPSC, Dr. Robert Howe of the University of Wisconsin-Green Bay, and Bill Evans, a wildlife consultant from New York. The results of the study indicate that the wind turbines have had minimal impact on birds and bats in Lincoln Township. A summary of the study findings is included with this report. **(Tab #12)**

Overlay district

The Committee also discussed the suggestion of the possibility of establishing an overlay specifically for commercial and utility-sized wind turbines. The issue was discussed with Marty Holden on 12/14/00, with the minutes reflecting the following:

"Marty also discussed an overlay district and handed out information regarding them. Marty said that overlay districts could require that turbines could only be located in A-1 districts, for example, and set up density restrictions, as well as establish setbacks for the tower's locations within the district. Overlay districts is a very acceptable way to control land use within a township. Overlay districts can also change over time. An overlay district requires a municipality to come up with an area where one can put the towers based on rational criteria, such as density, aesthetics, setbacks, etc."

With this in mind, the Committee reviewed a map of the township developed by Bay Lakes Regional Planning Commission that designated zoning areas within the township overlaid with the 1000' setback (from any residence, school, hospital, church, or public library) recommended for commercial and utility sized turbines. A copy of that map is included with this report. **(Tab #13)**

The Committee recommends that the Township consider an overlay district for commercial and utility sized wind turbines when it begins its land use planning process. (1/23/02)

Tab 1

List of Documents

Meeting Dates

Resources whose expertise was tapped by the Committee

Tab #1

List of documents

1. List of documents
Meeting dates
Resources whose expertise was tapped by the Committee
2. Moratorium
3. Wisconsin State Statute referencing wind turbines
4. Letters and documents sent to Attorney General James Doyle
5. Conditional use permit
6. Summary of suggested changes to the conditional use permit
7. Categories of wind electric systems
Alex DePillis' size histogram
8. Survey and cover letter
Survey results
Survey graphics
9. Resolution opposing WPSC razing of homes
10. Stray voltage ordinance
Request for Proposals for stray voltage consulting
11. Property values letter and documentation
12. Wildlife impact report
13. 1000' setback map
Overlay district map
Sound level contour maps for WPSC and MG&E windfarms
Tower density map for 40 acre parcels
14. Impact fee payments

Tab #1

**Wind Turbine Moratorium Study Committee
Meeting Dates**

2000 January 17
January 31
February 16
March 1
March 21
April 13
April 27
May 30
June 22
June 29
July 6
August 24
August 31
October 17
November 9
November 29
December 14

2001 January 24
February 6
February 21
March 6
March 21
March 28
April 4
April 24
May 1
May 10
May 24
May 29
June 7
June 26
July 18
August 14
August 27
September 13
October 3
October 9

2002 January 23
January 30

Tab #1

Resources whose expertise was tapped by the Committee

Various township residents
Rick Stadleman, Wisconsin Towns Association
Ed Dorner, Kewaunee County Administrator
Marty Holden and the Bay Lakes Regional Planning Commission
Dan Wautlet, Town of Lincoln Zoning Committee
Kevin Haggerty, Federal Aviation Administration
Dr. Robert Howe, University of Wisconsin-Green Bay
Sean Puzen, Wisconsin Public Service wildlife expert
The Energy Center of Wisconsin
Alex DePillis, Wisconsin Energy Bureau
The National Wind Coordinating Committee's Wind Turbine Siting Handbook
Ron Yesney, University of Wisconsin Extension Service
Professor Larry Swain, University of Wisconsin-River Falls
Paul Helgeson, Public Service Commission of Wisconsin
Jim Green, National Renewable Energy Laboratory
The Town of Lincoln Noise Study Committee
Gonzalo Sanchez, Sanchez Industrial Design, Inc.
Jay VanCampenhout, Ray Janssen, Jerry Tews, Tom Rice, Bill Kust, and Tom
Meinz, Wisconsin Public Service Corporation
Don Peterson, Greg Bollom, and Steve Pitts, Madison Gas & Electric
Keith Splay, Wisconsin Department of Revenue
Wisconsin's Wind Siting Collaborative
Tom Krueger, Save Our Unique Lands
Dave Blecker, Earth Energy Systems
Dennis Spitzer, Electrician
Dennis Briley, Electrical Engineer
James Doyle, Attorney General, Wisconsin
Elma Anderson, Corporation Counsel, Kewaunee County

Tab 2

Moratorium

ORDINANCE # 4-99

THE TOWN OF LINCOLN, KEWAUNEE COUNTY
Wind Generation Turbine Construction Moratorium

WHEREAS, the Town of Lincoln currently regulates wind generation turbines within Chapter 10 Town of Lincoln Code of Ordinances, entitled the TOWN OF LINCOLN ZONING ORDINANCE, KEWAUNEE COUNTY, WISCONSIN; and,

WHEREAS, within the Town of Lincoln, wind generation turbines, as a gas and electric utility use not requiring authorization under Wis Stats. 196 491(3), may be allowed as a conditional use in the A-1 Exclusive Agricultural District; and,

WHEREAS, in the past year the Town of Lincoln has issued conditional use permits for the placement of wind generation turbines to be located on agriculturally zoned property located within the Town of Lincoln; and,

WHEREAS, the conditions that were agreed upon by the parties involved and required as conditions of the permits issued by the Town of Lincoln to protect the health, safety, and general welfare of the citizens of the Town of Lincoln; and,

WHEREAS, the Town of Lincoln Town Board deems it necessary and essential toward the protection of the health, safety and general welfare of the community to study the impact of the wind generation turbines on the land and on the residents of the town; and,

WHEREAS, the Town of Lincoln Town Board also deems it necessary and essential that the Town Board of the Town of Lincoln study the effectiveness of the conditions and develop standards and conditions for the placement of wind generation turbines based on the results of the study; and,

WHEREAS, the regulatory controls for standards and conditions for the location of wind generation turbines that will be developed by the Town of Lincoln will be codified within the Town of Lincoln Zoning Ordinance either as a new section regulating the placement of wind generation turbines or by amendment to the existing Ordinance; and,

WHEREAS, the moratorium will prevent nonconforming uses after regulatory controls, standards, and conditions for the location of wind generation turbines are adopted; and,

WHEREAS, the Town of Lincoln will develop and complete the study of wind generation turbine impact and will implement the recommendations of that study by amending the Town of Lincoln Zoning Ordinance within the next ~~12~~ ¹⁸ months.

NOW THEREFORE, BE IT HEREBY ORDAINED, by the Town Board of Supervisors of the Town of Lincoln, as follows:

1. The Town of Lincoln declares a moratorium on the granting of any conditional use permits for wind generation turbines and associated equipment, facilities, and improvements, such as access drives, transformers, and accessory equipment in the Town of Lincoln for a period of 18 months from adoption of this ordinance
2. The moratorium shall not apply to permits for wind turbine generation facilities that were approved by the Town Board of Supervisors of the Town of Lincoln, within the last year.

3. Variances due to unnecessary hardships imposed by this moratorium may be granted upon action by the Town Board of Supervisors of the Town of Lincoln
4. This Ordinance shall take effect upon passage and posting as required by law

Adopted this 6th day of July, 1999

TOWN BOARD OF SUPERVISORS

Arlin Mordels
Chairperson

John Spaul
Supervisor

Harry Kirschman
Supervisor

Attest: Dale Massey
Dale Massey, Town Clerk

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Prepared by the Bay-Lake Regional Planning Commission, May, 1999.

Tab 3

Wisconsin State Statute referencing wind turbines

**WISCONSIN STATE STATUTES
REFERENCING WIND TURBINES**

99-00 Wisconsin Statutes

Citation	Authority	Says...
1.12(3)(b)	WI Statutes	Favors "all new installed capacity for electric generation in the state be based on renewable energy resources."
66.031	WI Statutes	Limits restrictions to "health and safety" considerations
66.0401	WI Statutes	Authority to restrict systems limited (renumbered 66.031)
66.0403	WI Statutes	Solar and wind access permits + definitions (renumbered 66.032)
60.61(2.i)	WI Statutes	Town general zoning authority; provide adequate access...
60.65(5)	WI Statutes	Board of adjustment; powers and duties per 59.694
59.694(7.d)	WI Statutes	County zoning, board of adjustment; powers of board; to grant special exceptions...
236.292(2)	WI Statutes	Certain restrictions void
70.111(18)	WI Statutes	Exempts wind generators, towers, and associated equipment from residential property taxes
Schedule PG-4 COGS 1(c)	PSCW	"Net metering" law

(3) The provisions of s. 66.0513 apply to this section

History: 1999 a 150 ss 81, 362, 363; Stats 1999 s 66.0313

The statutes do not permit the creation of a separate regional law enforcement agency; neither the sheriff nor the county board has power to delegate supervisory or law enforcement powers to such an agency. 63 Atty. Gen. 596.

A request for assistance may be implicit. United States v. Mattes, 687 F.2d 1039 (1982)

66.0315 Municipal cooperation; federal rivers, harbors or water resources projects. A county, town, city or village acting under its powers and in conformity with state law may enter into an agreement with an agency of the federal government to cooperate in the construction, operation or maintenance of any federally authorized rivers, harbors or water resources management or control project or to assume any potential liability appurtenant to a project and may do all things necessary to consummate the agreement. If a project will affect more than one municipality, the municipalities affected may jointly enter into an agreement under this section with an agency of the federal government carrying any terms and provisions concerning the division of costs and responsibilities that are mutually agreed upon. The affected municipalities may by agreement submit any determinations of the division of construction costs, responsibilities, or any other liabilities among them to an arbitration board. The determination of the arbitration board shall be final. This section shall not be construed as a grant or delegation of power or authority to any county, town, city, village or other local municipality to do any work in or place any structures in or on any navigable water except as it is otherwise expressly authorized by state law to do.

History: 1999 a 150 s 456; Stats 1999 s 66.0315

SUBCHAPTER IV

REGULATION

66.0401 Regulation relating to solar and wind energy systems. (1) **AUTHORITY TO RESTRICT SYSTEMS LIMITED.** No county, city, town or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) i. g., or a wind energy system, as defined in s. 66.0415 (1) (m) [s. 66.0403 (1) (m)], unless the restriction satisfies one of the following conditions:

NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.

(a) Serves to preserve or protect the public health or safety

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency

(c) Allows for an alternative system of comparable cost and efficiency.

(2) **AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION.** A county, city, village or town may provide by ordinance for the trimming of vegetation which blocks solar energy, as defined in s. 66.0415 (1) (k) [s. 66.0403 (1) (k)], from a collector surface, as defined under s. 700.41 (2) (b), or which blocks wind from a wind energy system, as defined in s. 66.0415 (1) (m) [s. 66.0403 (1) (m)]. The ordinance may include, but is not limited to, a designation of responsibility for the costs of the trimming. The ordinance may not require the trimming of vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar or wind energy system.

NOTE: The correct cross-reference is shown in brackets. Corrective legislation is pending.

History: 1981 c. 354; 1981 c. 391 s. 210; 1993 a. 414; 1999 a. 150 ss. 78, 79, 84; Stats 1999 s. 66.0401

66.0403 Solar and wind access permits. (1) **DEFINITIONS.** In this section:

(a) "Agency" means the governing body of a municipality which has provided for granting a permit or the agency which the governing body of a municipality creates or designates under sub.

(2) "Agency" includes an officer or employee of the municipality

(b) "Applicant" means an owner applying for a permit under this section

(c) "Application" means an application for a permit under section

(d) "Collector surface" means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. "Collector surface" does not include frames, supports and mounting hardware

(e) "Collector use period" means 9 a. m. to 3 p. m. standard time daily

(f) "Impermissible interference" means the blockage of wind from a wind energy system or solar energy from a collector surface or proposed collector surface for which a permit has been granted under this section during a collector use period if such blockage is by any structure or vegetation on property, an owner of which was notified under sub. (3) (b). "Impermissible interference" does not include:

1. Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector or does not substantially block wind from a wind energy system.

2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under sub. (3) (b)

3. Blockage by any vegetation planted before the date the last notice is mailed or delivered under sub. (3) (b) unless a municipality by ordinance under sub. (2) defines impermissible interference to include such vegetation

(g) "Municipality" means any county with a zoning ordinance under s. 59.69, any town with a zoning ordinance under s. 60.61, any city with a zoning ordinance under s. 62.23 (7), any 1st class city or any village with a zoning ordinance under s. 61.35

(h) "Owner" means at least one owner, as defined under s. 66.0217 (1) (c), of a property or the personal representative of at least one owner

(i) "Permit" means a solar access permit or a wind access permit issued under this section

(j) "Solar collector" means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy

(k) "Solar energy" means direct radiant energy received from the sun

(L) "Standard time" means the solar time of the ninetieth meridian west of Greenwich.

(m) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy

(2) **PERMIT PROCEDURE.** The governing body of every municipality may provide for granting a permit. A permit may not affect any land except land which, at the time the permit is granted, is within the territorial limits of the municipality or is subject to an extraterritorial zoning ordinance adopted under s. 62.23 (7a), except that a permit issued by a city or village may not affect extraterritorial land subject to a zoning ordinance adopted by a county or a town. The governing body may appoint itself as the agency to process applications or may create or designate another agency to grant permits. The governing body may provide by ordinance that a fee be charged to cover the costs of processing applications. The governing body may adopt an ordinance with any provision it deems necessary for granting a permit under this section, including but not limited to:

(a) Specifying standards for agency determinations under sub. (5) (a).

(b) Defining an impermissible interference to include vegetation planted before the date the last notice is mailed or delivered

under sub. (3) (b), provided that the permit holder shall be responsible for the cost of trimming such vegetation.

(3) PERMIT APPLICATIONS (a) In a municipality which provides for granting a permit under this section, an owner who has installed or intends to install a solar collector or wind energy system may apply to an agency for a permit

(b) An agency shall determine if an application is satisfactorily completed and shall notify the applicant of its determination. If an applicant receives notice that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand a notice to the owner of any property which the applicant proposes to be restricted by the permit under sub. (7). The applicant shall submit to the agency a copy of a signed receipt for every notice delivered under this paragraph. The agency shall supply the notice form. The information on the form may include, without limitation because of enumeration:

1. The name and address of the applicant, and the address of the land upon which the solar collector or wind energy system is or will be located

2. That an application has been filed by the applicant.

3. That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation

4. The telephone number, address and office hours of the agency.

5. That any person may request a hearing under sub. (4) within 30 days after receipt of the notice, and the address and procedure for filing the request.

(4) HEARING Within 30 days after receipt of the notice under sub. (3) (b), any person who has received a notice may file a request for a hearing on the granting of a permit or the agency may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the agency determines that a hearing is necessary, the agency shall conduct a hearing on the application within 90 days after the last notice is delivered. At least 30 days prior to the hearing date, the agency shall notify the applicant, all owners notified under sub. (3) (b) and any other person filing a request of the time and place of the hearing

(5) PERMIT GRANT (a) The agency shall grant a permit if the agency determines that:

1. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the municipality;

2. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice under sub. (3) (b), has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and

3. The benefits to the applicant and the public will exceed any burdens.

(b) An agency may grant a permit subject to any condition or exemption the agency deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the solar collector or wind energy system and requirements for the compensation of persons affected by the granting of the permit.

(6) RECORD OF PERMIT If an agency grants a permit:

(a) The agency shall specify the property restricted by the permit under sub. (7) and shall prepare notice of the granting of the permit. The notice shall include the identification required under s. 706.05 (2) (c) for the owner and the property upon which the solar collector or wind energy system is or will be located and for any owner and property restricted by the permit under sub. (7), and

shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector or wind energy system which is the subject of the permit unless the permit affecting the property is terminated under sub. (9) or unless an agreement affecting the property is filed under sub. (10).

(b) The applicant shall record with the register of deeds of the county in which the property is located the notice under par. (a) for each property specified under par. (a) and for the property upon which the solar collector or wind energy system is or will be located.

(7) REMEDIES FOR IMPERMISSIBLE INTERFERENCE (a) Any person who uses property which he or she owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is the subject of an application shall be liable to the permit holder or applicant for damages, except as provided under par. (b), for any loss due to the impermissible interference, court costs and reasonable attorney fees unless:

1. The building permit was applied for prior to receipt of a notice under sub. (3) (b) or the agency determines not to grant a permit after a hearing under sub. (4).

2. A permit affecting the property is terminated under sub. (9).

3. An agreement affecting the property is filed under sub. (10).

(b) A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined under sub. (1) (f). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees

(8) APPEALS Any person aggrieved by a determination by a municipality under this section may appeal the determination to the circuit court for a review

(9) TERMINATION OF SOLAR OR WIND ACCESS RIGHTS (a) Any right protected by a permit under this section shall terminate if the agency determines that the solar collector or wind energy system which is the subject of the permit is:

1. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.

2. Not installed and functioning within 2 years after the date of issuance of the permit

(b) The agency shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (a).

(c) If the agency terminates a permit, the agency may charge the permit holder for the cost of recording and record a notice of termination with the register of deeds, who shall record the notice with the notice recorded under sub. (6) (b) or indicate on any notice recorded under sub. (6) (b) that the permit has been terminated.

(10) WAIVER A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded under sub. (6) (b).

(11) PRESERVATION OF RIGHTS The transfer of title to any property shall not change the rights and duties under this section or under an ordinance adopted under sub. (2).

(12) CONSTRUCTION (a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 150 s. 82; Stats. 1999 s. 66.0403

The common law right to solar access discussed *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

Wisconsin recognizes the power of the sun: *Prah v. Maretti* and the solar access act 1983 WLR 1263

(c) Levy taxes on the entire town to pay for fire protection

(d) Levy taxes on property served by a particular source of fire protection, to support the source of protection

History: 1983 a. 532; 1987 a. 399

60.555 Fire safety regulations. The town board, by ordinance, may adopt regulations to prevent, detect and suppress fire and related fire hazards. The regulations may include provision for the inspection, at reasonable times, of property in the town for compliance with regulations adopted under this section.

History: 1983 a. 532.

60.557 Reimbursement for fire calls on highways.

(1) If a town incurs costs for a fire call by responding to a vehicle fire on a county trunk highway, the county maintaining that portion of the highway where the vehicle was located at the time of the fire shall reimburse the town up to \$200 for the costs if the town submits written proof that the town has made a reasonable effort to collect the cost from the person to whom the fire call was provided. If the town collects the cost from such person after the county reimburses the town, the town shall return the amount collected to the county

(2) If a town incurs costs for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by the department of transportation, the department of transportation shall reimburse the town up to \$500 for the costs, even if the fire equipment is not actually used, if the town submits written proof that the town has made a reasonable effort to collect the cost from the person to whom the fire call was provided. If the town collects the cost from such person after the department reimburses the town, the town shall return the amount collected to the department

History: 1983 a. 532, 538; 1993 a. 16; 1999 a. 131

60.56 Law enforcement. (1) GENERAL AUTHORITY (a) The town board may provide for law enforcement in the town or any portion of the town in any manner, including:

1. Establishing a town police department.
2. Joining with another town, village or city to create a joint police department. If the town board establishes a joint police department with a village under s. 61.65 (1) (a) 3, the town board shall create a joint board of police commissioners with the village under s. 61.65 (1) (b) 1. b.
3. Contracting with any person.

(am) If a town board establishes a town police department under par. (a) 1. or 2. and does not create a board of police commissioners singly or in combination with another town, village or city, the town may not suspend, reduce, suspend and reduce, or remove any police chief or other law enforcement officer who is not probationary, and for whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the town board does one of the following:

1. Establishes a committee of not less than 3 members, none of whom may be an elected or appointed official of the town or be employed by the town. The committee shall act under s. 62.13 (5) in place of a board of police and fire commissioners. The town board may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the town board
2. Appoint a person who is not an elected or appointed official of the town and who is not employed by the town. The person shall act under s. 62.13 (5) in place of a board of police and fire commissioners. The town board may provide for some payment to that person for serving under this subdivision at a rate established by the town board.

(b) The town board may provide for the equipping, staffing, housing and maintenance of law enforcement services.

(2) **FUNDING** The town board may appropriate money to fund law enforcement services

History: 1983 a. 532; 1985 a. 166 ss. 1, 8; 1987 a. 27

A town cannot "establish" a police department without official action. *Christi v. Town of Emmett*, 163 Wis. 2d 277, 471 N.W.2d 252 (Ct. App. 1991)

That a police chief served on a volunteer basis without compensation did not reinstate him a probationary officer under sub. (1) (am). "At-will" employment has no relevance to whether the procedures outlined in this section must be followed. *Town of LaGrange v. Auchinleck*, 216 Wis. 2d 84, 573 N.W.2d 232 (Ct. App. 1997).

A sheriff may not unilaterally withdraw investigative services provided to one urbanized town within the county because the town maintains its own police department. 81 Atty Gen 98

60.563 Rewards for crime information. When any heinous offense or crime has been committed against life or property within a town, the town board chairperson, with the consent of a majority of the members of the town board, may offer a reward for the apprehension of the criminal or perpetrator of such offense.

History: 1993 a. 246

60.565 Ambulance service. The town board shall contract for or operate and maintain ambulance services unless such services are provided by another person. If the town board contracts for ambulance services, it may contract with one or more providers. The town board may determine and charge a reasonable fee for ambulance service provided under this section. The town board may purchase equipment for medical and other emergency calls

History: 1983 a. 532; 1991 a. 39

60.57 Police and fire commission. (1) The town board may:

- (a) If the town has a police department, establish a board of police commissioners
- (b) If the town has a fire department, establish a board of fire commissioners.

(c) If the town has both a police and fire department, establish a board of police and fire commissioners.

(2) A board created under this section shall be organized in the same manner as boards of police and fire commissioners under s. 62.13 (1).

(3) A board created under this section is subject to the provisions of s. 62.13 (2) to (5) and (7) to (12) to the extent that the provisions apply to 2nd and 3rd class cities. In applying s. 62.13 under this section, the town board chairperson has the powers and duties specified for a mayor, the town board has the powers and duties specified for a common council and the town has the powers and duties specified for a city.

History: 1983 a. 532

SUBCHAPTER VIII

LAND USE AND PLANNING

60.61 General zoning authority. (1) PURPOSE AND CONSTRUCTION (a) Ordinances adopted under this section shall be designed to promote the public health, safety and general welfare.

(b) Authority granted under this section shall be liberally construed in favor of the town exercising the powers. This section may not be construed to limit or repeal any powers possessed by any town.

(1m) **BUILDING CODE ENFORCEMENT.** A town board may enact and enforce building code ordinances under ss. 62.17, 101.65, 101.76 and 101.86.

(2) **EXTENT OF AUTHORITY** Subject to subs. (3) and (3m), if a town is located in a county which has not enacted a county zoning ordinance under s. 59.69, the town board, by ordinance, may:

(a) Regulate, restrict and determine: the areas within which agriculture, forestry, mining and recreation may be conducted; the location of roads, schools, trades and industries; the location, height, bulk, number of stories and size of buildings and other

structures; the percentage of a lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the location of buildings designed for specified uses; the trades, industries or purposes that may be engaged in or subject to regulation; and the uses for which buildings may not be erected or altered

(b) Establish districts of such number, shape and area necessary to carry out the purposes under par. (a)

(c) Establish building setback lines

(d) Regulate, restrict and determine the areas in or along natural watercourses, channels, streams and creeks in which trades and industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted

(e) Adopt an official map showing areas, outside the limits of villages and cities, suited to carry out the purposes of this section. Any map adopted under this paragraph shall show the location of any part of an airport, as defined in s. 62.23 (6) (am) 1. a., located in the town and of any part of an airport affected area, as defined in s. 62.23 (6) (am) 1. b., located in the town.

(f) Regulate, restrict and determine the location, height, bulk, number of stories and size of buildings and other structures and objects of natural growth in any area of the town in the vicinity of an airport owned by the town or privately owned, divide the territory into several areas and impose different restrictions for each area. In exercising its power under this paragraph, the town board may, by eminent domain, remove or alter any buildings, structures or objects of natural growth which are contrary to the restrictions imposed in the area in which they are located, except railroad buildings, bridges or facilities other than telegraph, telephone and overhead signal system poles and wires

(g) Encourage the protection of groundwater resources

(h) Provide for the preservation of burial sites, as defined in s. 7.70 (1) (b)

(i) Provide adequate access to sunlight for solar collectors and to wind for wind energy systems.

(3) EXERCISE OF AUTHORITY Before exercising authority under sub. (2), the town board shall petition the county board to initiate, at any regular or special meeting, action to enact a county zoning ordinance under s. 59.69. The town board may proceed under sub. (2) if:

(a) The county board fails or refuses, at the meeting, to direct the county zoning agency to proceed under s. 59.69;

(b) The county zoning agency's report and the recommended county zoning ordinance prepared pursuant to the report are not presented to the county board within one year; or

(c) The county zoning agency report and recommended county zoning ordinance are presented to the county board within one year and the county board at its next meeting following receipt of the report fails to adopt the ordinance

(3c) ANTENNA FACILITIES The town board may not enact an ordinance or adopt a resolution on or after May 6, 1994, or continue to enforce an ordinance or resolution on or after May 6, 1994, that affects satellite antennas with a diameter of 2 feet or less unless one of the following applies:

(a) The ordinance or resolution has a reasonable and clearly defined aesthetic or public health or safety objective

(b) The ordinance or resolution does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals by a satellite antenna with a diameter of 2 feet or less

(c) The ordinance or resolution does not impose costs on a user of a satellite antenna with a diameter of 2 feet or less that exceed 10% of the purchase price and installation fee of the antenna and associated equipment.

(3m) MIGRANT LABOR CAMPS The town board may not enact an ordinance or adopt a resolution that interferes with any repair or expansion of migrant labor camps, as defined in s. 103.90 (3), that are in existence on May 12, 1992, if the repair or expansion is required by an administrative rule promulgated by the depart-

ment of workforce development under ss. 103.90 to 103.97. An ordinance or resolution of the town that is in effect on May 12, 1992, and that interferes with any repair or expansion of existing migrant labor camps that is required by such an administrative rule is void.

(4) PROCEDURE (a) The town board shall appoint a town zoning committee consisting of 5 members

(b) Before the town board may adopt an ordinance under sub. (2), the town zoning committee shall recommend zoning district boundaries and appropriate regulations and restrictions for the districts. In carrying out its duties, the town zoning committee shall develop a preliminary report and hold a public hearing on the report before submitting a final report to the town board. If the town zoning committee makes a substantial change in its report following the public hearing, it shall hold another public hearing on the report. After the final report of the town zoning committee is submitted to the town board, the board may adopt an ordinance under sub. (2) following a public hearing held by the board on the proposed ordinance.

(c) 1. After the town board has adopted a town zoning ordinance, the board may alter, supplement or change the boundaries or regulations established in the ordinance if a public hearing is held on the revisions. The board shall give notice of any proposed revisions in the zoning ordinance and of the time and place of the public hearing on them by a class 2 notice under ch. 985. The board shall allow any interested person to testify at the hearing. If any proposed revision under this subdivision would make any change in an airport affected area, as defined in s. 62.23 (6) (am) 1. b., the board shall mail a copy of such notice to the owner or operator of the airport bordered by the airport affected area

2. A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the town board if a protest against the proposed amendment, supplement or change is presented to the town board prior to or at the public hearing under subd. 1. and:

a. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered; or

b. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

3. A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a two-thirds vote of the town board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under s. 62.23 (6) (am) 1. b. and if a protest against the proposed revision is presented to the town board prior to or at the public hearing under subd. 1. by the owner or operator of the airport bordered by the airport affected area

(d) 1. In this paragraph, "comprehensively revise" means to incorporate numerous and substantial changes in the zoning ordinance.

2. The town board may, by a single ordinance, comprehensively revise an existing town zoning ordinance. The ordinance shall be adopted under par. (b)

(5) NONCONFORMING USES (a) An ordinance adopted under this section may not prohibit the continued use of any building or premises for any trade or industry for which the building or premises is used when the ordinance takes effect. An ordinance adopted under this section may prohibit the alteration of, or addition to, any existing building or structure used to carry on an otherwise prohibited trade or industry within the district. If a use that does not conform to an ordinance adopted under this section is discontinued for a period of 12 months, any future use of the land, building or premises shall conform to the ordinance.

(b) Except as provided in par. (d), immediately after the publication of a town zoning ordinance, the town board shall provide for the compilation of a record of the present use of all buildings and premises used for purposes not in conformity with the zoning

(11) A determination made under sub. (10) shall be made after a hearing before the town board. The town shall provide at least 30 days' notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the licensed adult family home or the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The town board may call witnesses and may issue subpoenas. All witnesses shall be sworn by the town board. The town board shall take notes of the testimony and shall mark and preserve all exhibits. The town board may, and upon request of the licensed adult family home or the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the town. Within 20 days after the hearing, the town board shall deliver to the licensed adult family home or the community living arrangement its written determination stating the reasons therefor. The determination shall be a final determination.

History: 1983 a. 532; 1985 a. 281; 1987 a. 161; 1989 a. 56. 201; 1993 a. 27, 327, 446, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225, 417.

60.64 Historic preservation. The town board, in the exercise of its zoning and police powers for the purpose of promoting the health, safety and general welfare of the community and of the state, may regulate any place, structure or object with a special character, historic interest, aesthetic interest or other significant value for the purpose of preserving the place, structure or object and its significant characteristics. The town board may create a landmarks commission to designate historic landmarks and establish historic districts. The board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district.

History: 1983 a. 532.

60.65 Board of adjustment. (1) TOWN BOARD SHALL APPOINT. If a zoning ordinance has been adopted under s. 60.61, the town board shall establish and appoint a board of adjustment.

(2) MEMBERSHIP. The board of adjustment consists of 3 members. Not more than one town board supervisor may be a member of the board of adjustment. The initial terms of the members of the board of adjustment are one, 2 and 3 years, respectively, starting from the first day of the month next following the appointment. Successors shall be appointed or elected at the expiration of each term and their term of office shall be 3 years and until their successors are appointed or elected. Members of the board of adjustment shall reside within the town. The board shall choose a chairperson. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant. The town board may compensate the members of the adjustment board.

(3) POWERS AND DUTIES. The town board may authorize the board of adjustment to, in appropriate cases and subject to appropriate conditions and safeguards, permit special exceptions to the terms of the zoning ordinance under s. 60.61 consistent with the ordinance's general purpose and intent and with applicable provisions of the ordinance. This subsection does not preclude the granting of special exceptions by the town zoning committee designated under s. 60.61 (4) or the town board, in accordance with regulations and restrictions adopted under s. 60.61.

(4) PROCEDURE. The town board shall adopt regulations for the conduct of the business of the board of adjustment consistent with ordinances adopted under s. 60.61. The board of adjustment may adopt rules necessary to implement the regulations of the town board. Meetings of the board shall be held at the call of the chairperson and other times as the board may determine. The chairperson or, in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the

board and shall be a public record. In any action involving a historic property, as defined in s. 44.31 (3), the board shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the zoning committee.

(5) EXERCISE OF COUNTY BOARD OF ADJUSTMENT POWERS. Boards of adjustment under town zoning ordinances shall have powers and duties provided for boards of adjustment under s. 59.694 and shall carry out their duties in the manner provided for boards of adjustment by s. 59.694.

History: 1983 a. 532; 1985 a. 135; 1987 a. 395; 1995 a. 201.

General, rather than explicit, standards regarding the granting of special exceptions may be adopted and applied by the governing body. The applicant has the burden of formulating conditions showing that the proposed use will meet the standards. Upon approval, additional conditions may be imposed by the governing body. *Kraemer & Sons v. Sauk County Adjustment Board*, 183 Wis. 2d 1, 515 N.W.2d 256 (1994).

60.66 Town park commission. (1) ESTABLISHED BY ANNUAL TOWN MEETING. The annual town meeting may establish a town park commission consisting of 7 members.

(2) APPOINTMENT AND TERM. (a) The town board shall appoint the members of the commission within 60 days after the commission is established. Each member shall take and file the official oath.

(b) Except as provided under par. (c), members shall serve a term of 7 years, commencing July 1 of the year in which appointed. The town board shall appoint a successor during the month of June immediately preceding the expiration of the member's term.

(c) The first 7 members shall be appointed for staggered terms so that on the first day of July in each of the 7 years next following the year in which they are appointed, the term of one member expires.

(d) A member shall hold his or her office until his or her successor is appointed and qualified.

(3) ORGANIZATION. (a) Within 30 days after the appointment and qualification of the initial members of the commission, the commission shall hold a meeting to appoint officers and establish bylaws for its operation.

(b) The commission may appoint necessary assistants and employees to carry out its functions, make rules and regulations concerning their work and remove them at pleasure.

(c) The town board shall provide sufficient office space for the maps, plans, documents and records of the commission.

(4) POWERS AND DUTIES. (a) In this subsection, "park" means a public park, parkway, boulevard or pleasure drive.

(b) The commission shall have charge of and supervision over all parks located in the town and may exercise the powers of a board of park commissioners under ss. 27.08 and 27.10 (1).

(c) Within 2 years after its organization under sub. (3), the commission shall:

1. Make a thorough study of the town with reference to reserving lands for park purposes.

2. Make plans and maps of a comprehensive town park system.

3. Present the results of its study and its plans to the town meeting.

(d) The commission may:

1. Lay out, improve and maintain parks in the town.

2. Lay out, grade, construct, improve and maintain highways, roads and bridges in a park or connecting the park with any other park or with any municipality.

3. Establish regulations for the use and enjoyment of the parks by the public.

4. With town board approval, acquire, in the name of the town, by purchase, land contract, lease, condemnation or otherwise, tracts of land suitable for parks. No land acquired by the commission may be disposed of by the town without the consent

tion, if the county has or provides a county planning agency as defined in s. 236.02 (1).

(8) **APPLICABILITY TO LOCAL GOVERNMENTS AND AGENCIES** An ordinance that is enacted under this section is applicable to activities conducted by a unit of local government and an agency of that unit of government. An ordinance that is enacted under this section is not applicable to activities conducted by an agency, as defined under s. 227.01 (1) but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under s. 281.33 (2).

(9) **INTERGOVERNMENTAL COOPERATION** (a) Except as provided in par. (c), s. 66.0301 applies to this section, but for the purposes of this section an agreement under s. 66.0301 shall be effected by ordinance.

(b) If a county is served by a regional planning commission under s. 66.0309 and if the commission consents, the county may empower the commission by ordinance to administer an ordinance that is enacted under this section throughout the county, whether or not the area otherwise served by the commission includes all of that county.

(c) If the board of commissioners of the Dane County Lakes and Watershed Commission consents, Dane County may empower the commission by ordinance to administer an ordinance that is enacted under this section whether or not the area otherwise served by the commission includes all of Dane County. Section 66.0301 does not apply to this paragraph.

(10) **VALIDITY UPON ANNEXATION** An ordinance that is enacted under this section by a county that is in effect in an area immediately before the area is annexed by a city or village continues in effect in the area after annexation unless the city or village enacts, maintains and enforces a city or village ordinance which complies with minimum standards established by the department and which is at least as restrictive as the county ordinance enacted under this section. If, after providing notice and conducting a hearing on the matter, the department determines that an ordinance that is enacted by a city or village which is applicable to the annexed area does not meet these standards or is not as restrictive as the county ordinance, the department shall issue an order declaring the city or village ordinance void and reinstating the applicability of the county ordinance to the annexed area.

History: 1983 a. 416; 1983 a. 538 s. 271; 1989 a. 31. 324; 1993 a. 16, 246; 1995 a. 201 s. 478; Stats. 1995 s. 59.693; 1995 a. 227; 1997 a. 35; 1999 a. 150 s. 672

59.694 County zoning, adjustment board. (1) **APPOINTMENT. POWER.** The county board may provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted under s. 59.69 may provide that the board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained. Nothing in this subsection precludes the granting of special exceptions by the county zoning agency designated under s. 59.69 (2) (a) or the county board in accordance with regulations and restrictions adopted under s. 59.69 which were in effect on July 7, 1973, or adopted after that date.

(2) **PERSONNEL** (a) In counties with a population of less than 500,000, the board of adjustment shall consist of not more than 5 members as determined by resolution of the county board. The chairperson of the county board shall appoint the members with the approval of the county board for terms of 3 years beginning July 1. The incumbent members shall continue to serve until their terms expire. The county board resolution increasing the size of the board of adjustment shall indicate how many members shall be appointed for 1, 2 and 3 years prior to July 1 of the year in which the change takes effect in making the first appointments. If the county board, by resolution, determines to reduce the membership of the board of adjustment below 5 but not less than 3, one of the positions for which the term expires as determined by lot shall not

be filled each year until the requisite number of positions has been reached.

(b) In counties with a population of 500,000 or more, the board of adjustment shall consist of 3 members who are residents of the county, elected by the county board for terms of 1, 2 and 3 years, respectively, and until their successors are elected and qualify.

(bm) The chairperson of the county board may appoint, for staggered 3-year terms, 2 alternate members of the board of adjustment, who are subject to the approval of the county board. Annually, the chairperson of the county board shall designate one of the alternate members as the first alternate and the other as 2nd alternate. The first alternate shall act, with full power, only when a member of the board of adjustment refuses to vote because of a conflict of interest or when a member is absent. The 2nd alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board of adjustment refuses to vote because of a conflict of interest or is absent.

(c) The members of the board of adjustment, including alternate members, shall all reside within the county and outside of the limits of incorporated cities and villages; provided, however, that no 2 members shall reside in the same town. The board of adjustment shall choose its own chairperson. Office room shall be provided by the county board, and the actual and necessary expenses incurred by the board of adjustment in the performance of its duties shall be paid and allowed as in cases of other claims against the county. The county board may likewise compensate the members of the board of adjustment, including alternate members, and the assistants as may be authorized by the county board. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

(3) **RULES. MEETINGS. MINUTES** The county board shall adopt rules for the conduct of the business of the board of adjustment, in accordance with the provisions of any ordinance enacted under s. 59.69. The board of adjustment may adopt further rules as necessary to carry into effect the regulations of the county board. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment and shall be a public record.

(4) **APPEALS TO BOARD** Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the building inspector or other administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of adjustment, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.

(5) **STAYS** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board of adjustment after the notice of appeal shall have been filed with that officer that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted upon application to the board of adjustment or by petition to a court of record, with notice to the officer from whom the appeal is taken.

(6) **HEARING APPEALS** The board of adjustment shall fix a reasonable time for the hearing of the appeal and publish a class 2 notice thereof under ch. 985, as well as give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, a party may appear in person or by agent or attorney. In an action involving a historic property, as defined in s. 44.31(3), the board of adjustment shall consider any suggested alternatives or recommended decision submitted by the landmarks commission or the planning and zoning committee or commission.

(7) **POWERS OF BOARD** The board of adjustment shall have all of the following powers:

(a) To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of s. 59.69 or of any ordinance enacted pursuant thereto.

(b) To hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass under such ordinance.

(c) To authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

(d) To grant special exceptions and variances for renewable energy resource systems. If the board denies an application for a special exception or variance for such a system, the board shall provide a written statement of its reasons for denying the application. In this paragraph, "renewable energy resource system" means a solar energy system, a waste conversion energy system, a wind energy system or any other energy system which relies on a renewable energy resource.

(8) **ORDER ON APPEAL** In exercising the powers under this section, the board of adjustment may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(9) **MAJORITY RULE** A majority vote of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

(10) **CERTIORARI** A person aggrieved by any decision of the board of adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari. The court shall not stay the decision appealed from, but may, with notice to the board, grant a restraining order. The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.

(14) **COSTS** Costs shall not be allowed against the board of adjustment unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceeding under this

section shall have preference over all other civil actions and proceedings.

History: 1973 c. 60, 336; 1981 c. 289, 354; 1983 a. 192 ss. 132, 133, 303(2); 1987 a. 395; 1991 a. 316; 1993 a. 171; 1995 a. 201 s. 479; Stats. 1995 s. 59.694; 1997 a. 35.

Judicial Council Note, 1981: Subsections (11), (12) and (13) have been added as unnecessary because in large part they merely describe the remedy of certiorari, which is now available in an ordinary action. See s. 781.01, Stats., and the note thereto. Those provisions of the repealed subsections which permit departure from ordinary certiorari procedures, such as augmentation of the record by the court, have been placed in sub. (10). No substantive change in the scope or standard of review is intended. [Bill 613-A.]

"Unnecessary hardship" under s. 59.99 [now s. 59.694] (7) (c) means "practical difficulties". Grounds for variances are discussed. *Snyder v. Waukesha County Zoning Board*, 74 Wis. 2d 468, 247 N.W.2d 98.

An aggrieved person has the right to appeal to the board of adjustment from a zoning committee's decision to grant conditional use permits. *League of Women Voters v. Outagamie County*, 113 Wis. 2d 313, 334 N.W.2d 887 (1983).

Aggrieved residents had the right to appeal even though they did not appear at committee hearings. Commencement of construction, not publication of hearing notices, constituted notice to residents that a permit had been issued. The standard of review is discussed. *State ex rel. Brookside v. Jefferson County Board of Adjustment*, 131 Wis. 2d 101, 388 N.W.2d 593 (1986).

Filing of a petition for a writ of certiorari, without more, did not satisfy the requirement under s. 59.99 [now s. 59.694] (10) that an action be commenced within 30 days. *Schwochert v. Marquette County Board*, 132 Wis. 2d 196, 389 N.W.2d 841 (Ct. App. 1986).

A trial court must exercise discretion when taking additional evidence pursuant to s. 59.99 [now s. 59.694] (10); if evidence taken is substantially similar to that which the board received, review is confined to a certiorari standard. *Klinger v. Oneida County*, 149 Wis. 2d 838, 440 N.W.2d 348 (1989).

Under *Brookside*, the appeal time begins to run at the time notice is given, if the zoning ordinance has a notice provision, and where there is no notice provision, when the aggrieved parties find out about the decision. *DNR v. Walworth County Board of Adjustment*, 170 Wis. 2d 406, 489 N.W.2d 631 (Ct. App. 1992).

Determining the 30-day limitation period under s. 59.99 [now s. 59.694] (10) is discussed. *DNR v. Walworth County Board of Adjustment*, 170 Wis. 2d 406, 489 N.W.2d 631 (Ct. App. 1992).

General, rather than explicit, standards regarding the granting of special exceptions may be adopted and applied by the governing body. The applicant has the burden of formulating conditions showing that the proposed use will meet the standards. Upon approval, additional conditions may be imposed by the governing body. *Kraemer & Sons v. Sauk County Adjustment Board*, 183 Wis. 2d 1, 515 N.W.2d 256 (1994).

The 30-day period to appeal a decision under s. 59.99 [now s. 59.694] begins on the entry of the original decision in a matter and is not extended by a motion to reconsider unless the motion raises a new issue. *Bettendorf v. St. Croix County Bd. of Adjustment*, 188 Wis. 2d 311, 525 N.W.2d 89 (Ct. App. 1994).

A variance may be granted if application of the zoning ordinance results in unnecessary hardship and the condition is unique to the parcel. Concerns over the most profitable use of a parcel are not proper grounds for granting variances. *State v. Winnebago County*, 196 Wis. 2d 836, 540 N.W.2d 6 (Ct. App. 1995).

While an area variance and a use variance each require unnecessary hardship, there is an "unnecessarily burdensome" test for an area variance while the test for a use variance is "no feasible use". *State v. Kenosha County Board of Adjustment*, 212 Wis. 2d 310, 569 N.W.2d 54 (Ct. App. 1997).

The legal standard of unnecessary hardship requires that the property owner demonstrate that without a variance there is no reasonable use for the property. When the property owner has a reasonable use for the property, the statute takes precedence and the variance should be denied. *State v. Kenosha County Board of Adjustment*, 218 Wis. 2d 396, 577 N.W.2d 813 (1998).

Failure to join an indispensable party in a certiorari action under sub. (10) is not jurisdictional. Filing the certiorari action tolls the 30-day period of limitations. Failure to name the party within the 30-day statutory period does not require dismissal. *County of Rusk v. Rusk County Board of Adjustment*, 221 Wis. 2d 526, 585 N.W.2d 706 (Ct. App. 1998).

The burden is on the applicant for a variance to demonstrate through evidence that without the variance he or she is prevented from enjoying any reasonable use of the property. *State ex rel. Spinner v. Kenosha County Board of Adjustment*, 223 Wis. 2d 99, 588 N.W.2d 662 (Ct. App. 1998).

The notice of claim provisions of s. 893.80 do not apply to certiorari actions under sub. (10). *Kapischke v. County of Walworth*, 226 Wis. 2d 320, 595 N.W.2d 42 (Ct. App. 1999).

Review of a certiorari action is limited to determining: (1) whether the board kept within its jurisdiction; (2) whether the board proceeded on a correct theory of law; (3) whether the board's action was arbitrary, oppressive, or unreasonable; and (4) whether the evidence was such that the board might reasonably make its order. *Kapischke v. County of Walworth*, 226 Wis. 2d 320, 595 N.W.2d 42 (Ct. App. 1999).

The state, in administering the Fair Housing Act, may not order a zoning board to issue a variance based on characteristics unique to the landowner rather than the land. *County of Sawyer Zoning Board v. Department of Workforce Development*, 231 Wis. 2d 534, 605 N.W.2d 627 (Ct. App. 1999).

City or village residents are not eligible for service on a county zoning board of adjustment. 61 Atty. Gen. 262.

A self-created or self-imposed hardship does not constitute an unnecessary hardship for which a county zoning board of adjustment may grant a variance. *State ex rel. ...* provisions of s. 59.99 [now s. 59.694] (7) (c). 62 Atty. Gen. 111.

The extent to which this section authorizes a county board of adjustment to grant zoning variances and review decisions of a county planning and zoning committee discussed 69 Atty Gen 146

The necessity of zoning variance or amendments notice to the Wisconsin department of natural resources under the shoreland zoning and navigable waters protection acts Whipple. 57 MLR 25

59.696 Zoning; filing fees. The board may enact ordinances establishing schedules of reasonable filing fees for the filing of petitions to amend county zoning ordinances and notices of appeal to the board of adjustment from determinations of county zoning authorities and providing for the charging and collection of such filing fees; such fees to be used to partially defray the expenses of holding hearings and giving notices of hearings prescribed in ss 59.69 and 59.694.

History: 1995 a. 201 s 126.

59.697 Fees for zoning appeals. The board may establish a schedule of fees to be charged for the filing of petitions for amendment and notices of appeal under ss. 59.69 and 59.694, relating to zoning ordinances

History: 1995 a. 201 s 182

59.698 Zoning, building inspector. Except as provided under s. 59.69 (2) (bm), for the enforcement of all laws, ordinances, rules and regulations enacted under s. 59.69, the board may appoint a building inspector, define the building inspector's duties and fix the building inspector's term of office and compensation.

History: 1995 a. 201 s 125

59.70 Environmental protection and land use.

(1) **BUILDING AND SANITARY CODES** The board may enact building and sanitary codes, make necessary rules and regulations in relation thereto and provide for enforcement of the codes, rules and regulations by forfeiture or otherwise. The codes, rules and regulations do not apply within municipalities which have enacted ordinances or codes concerning the same subject matter. "Sanitary code" does not include a private sewage system ordinance enacted under sub. (5) "Building and sanitary codes" does not include well code ordinances enacted under sub. (6).

(2) **SOLID WASTE MANAGEMENT** The board of any county may establish and operate a solid waste management system or participate in such system jointly with other counties or municipalities. Except in counties having a population of 500,000 or more, the board of a county or the boards of a combination of counties establishing a solid waste management system may create a solid waste management board to operate the system and such board, in a county that does not combine with another county, shall be composed of not less than 9 nor more than 15 persons of recognized ability and demonstrated interest in the problems of solid waste management, but not more than 5 of the board members may be appointed from the county board of supervisors. In any combination of counties, the solid waste management board shall be composed of 11 members with 3 additional members for each combining county in excess of 2. Appointments shall be made by the county boards of supervisors of the combining counties in a manner acceptable to the combining counties, but each of the combining counties may appoint to the solid waste management board not more than 3 members from its county board of supervisors. The term of office of any member of the solid waste management board shall be 3 years, but of the members first appointed, at least one-third shall be appointed for one year; at least one-third for 2 years; and the remainder for 3 years. Vacancies shall be filled for the residue of the unexpired term in the manner that original appointments are made. Any solid waste management board member may be removed from office by a two-thirds vote of the appointing authority. The solid waste management board may employ a manager for the system. The manager shall be trained and experienced in solid waste management. For the purpose of operating the solid waste management system, the solid waste management board may exercise the following powers:

(a) Develop a plan for a solid waste management system.

(b) Within such county or joint county, collect, transport, dispose of, destroy or transform wastes, including, without limitation because of enumeration, garbage, ashes, or incinerator residue, municipal, domestic, agricultural, industrial and commercial rubbish, waste or refuse material, including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes

(c) Acquire lands within the county by purchase, lease, donation or eminent domain, within the county, for use in the solid waste management system.

(d) Authorize employees or agents to enter lands to conduct reasonable and necessary investigations and tests to determine the suitability of sites for solid waste management activities whenever permission is obtained from the property owner.

(e) Acquire by purchase, lease, donation or eminent domain easements or other limited interests in lands that are desired or needed to assure compatible land uses in the environs of any site that is part of the solid waste disposal system.

(f) Establish operations and methods of waste management that are considered appropriate. Waste burial operations shall be in accordance with sanitary landfill methods and the sites shall, insofar as practicable, be restored and made suitable for attractive recreational or productive use upon completion of waste disposal operations.

(g) Acquire the necessary equipment, use such equipment and facilities of the county highway agency, and construct, equip and operate incinerators or other structures to be used in the solid waste management system.

(h) Enact and enforce ordinances necessary for the conduct of the solid waste management system and provide forfeitures for violations

(i) Contract with private collectors, transporters or municipalities to receive and dispose of wastes.

(j) Engage in, sponsor or cosponsor research and demonstration projects that are intended to improve the techniques of solid waste management or to increase the extent of reuse or recycling of materials and resources included within the wastes.

(k) Accept funds that are derived from state or federal grant or assistance programs and enter into necessary contracts or agreements

(L) Appropriate funds and levy taxes to provide funds for acquisition or lease of sites, easements, necessary facilities and equipment and for all other costs required for the solid waste management system except that no municipality which operates its own solid waste management program under s. 287.09 (2) (a) or waste collection and disposal facility, or property therein, shall be subject to any tax levied hereunder to cover the capital and operating costs of these functions. Such appropriations may be treated as a revolving capital fund to be reimbursed from proceeds of the system.

(m) Make payments to any municipality in which county disposal sites or facilities are located to cover the reasonable costs of services that are rendered to such sites or facilities.

(n) Charge or assess reasonable fees, approximately commensurate with the costs of services rendered to persons using the services of the county solid waste management system. The fees may include a reasonable charge for depreciation which shall create a reserve for future capital outlays for waste disposal facilities or equipment. All assessments for liquid waste shall be assessed by volume

(o) Create service districts which provide different types of solid waste collection or disposal services. Different regulations and cost allocations may be applied to each service district. Costs allocated to such service districts may be provided by general tax upon the property of the respective districts or by allocation of charges to the municipalities whose territory is included within such districts

(p) Utilize or dispose of by sale or otherwise all products or by-products of the solid waste management system.

(5) The register of deeds may furnish certified copies or other accurate reproductions of any plat on record in his or her office to surveyors, engineers or other interested parties at cost

History: 1979 c 248 ss 19, 25 (5); 1983 a 473; 1997 a 332

236.26 Notification to approving authorities. When a final plat is recorded, the register of deeds shall notify all authorities required by s. 236.10 to approve or permitted by s. 236.12 to object to the plat by mailing to the clerk of each authority written notice thereof

History: 1981 c 314

236.27 Filing of copy of plat. The subdivider shall file a true copy of the final plat as a public record with the clerk of the municipality or town in which the subdivision is located.

236.28 Description of lots in recorded plat. When a subdivision plat has been recorded in accordance with s. 236.25, the lots in that plat shall be described by the name of the plat and the lot and block in the plat for all purposes, including those of assessment, taxation, devise, descent and conveyance as defined in s. 706.01 (4). Any conveyance containing such a description shall be construed to convey to the grantee all portions of vacated streets and alleys abutting such lots and belonging to the grantor unless the grantor by appropriate language indicates an intention to reserve or except them from the conveyance.

History: 1971 c 41 s 11; 1983 a 189 s 329 (26)

236.29 Dedications. (1) EFFECT OF RECORDING ON DEDICATIONS When any plat is certified, signed, acknowledged and recorded as prescribed in this chapter, every donation or grant to the public or any person, society or corporation marked or noted as such on said plat shall be deemed a sufficient conveyance to vest the fee simple of all parcels of land so marked or noted, and shall be considered a general warranty against such donors, their heirs and assigns to the said donees for their use for the purposes therein expressed and no other; and the land intended for the streets, alleys, ways, commons or other public uses as designated on said plat shall be held by the town, city or village in which such plat is situated in trust to and for such uses and purposes.

(2) **DEDICATIONS TO PUBLIC ACCEPTED BY APPROVAL.** When a final plat of a subdivision has been approved by the governing body of the municipality or town in which the subdivision is located and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street dedications.

(3) **MUNICIPALITY MAY LEASE TO A SUBDIVISION ASSOCIATION LAND ACCEPTED FOR PARK.** The municipality or town in which the accepted subdivision is located may lease to a subdivision association any part of the subdivision intended for park purposes where such part has never been improved nor work done thereon nor funds expended therefor by the governing body, but such lease shall not exceed 10 years and shall only be for park improvement purposes

A complaint against plat subdividers for damages allegedly sustained by a city in the relocation of an electric utility tower situated in the center of a street dedicated as part of a subdivision plat which did not show the existence, location, or easement of a power company's transmission line located in the area platted as a street set forth a cause of action with respect to costs incurred by the city in moving the tower and acquiring a right-of-way for its relocation in order to eliminate a hazard to traffic before the street could be developed. *Kenosha v Ghysels*, 46 Wis. 2d 418, 175 N.W.2d 223.

236.292 Certain restrictions void. (1) All restrictions on platted land that interfere with the development of the ice age trail under s. 23.17 are void.

(2) All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, as defined in s. 66.0403 (1) (m), are void.

History: 1991 a 39; 1993 a 414; 1999 a 150 s 672.

236.293 Restrictions for public benefit. Any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body or which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or public utility the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. The restriction may be released or waived in writing by the public body or public utility having the right of enforcement

History: 1979 c 248.

The hidden dangers of placing easements on plats. *Ishikawa* WBB Apr 1988

236.295 Correction instruments. (1) Correction instruments may be recorded in the office of the register of deeds in the county in which the plat or certified survey map is recorded and may include any of the following:

(a) Affidavits to correct distances, angles, directions, bearings, chords, block or lot numbers, street names or other details shown on a recorded plat or certified survey map.

(b) Ratifications of a recorded plat or certified survey map signed and acknowledged in accordance with s. 706.07.

(c) Certificates of owners and mortgagees of record at time of recording

(2) Each affidavit in sub (1) (a) correcting a plat shall be approved prior to recording by the governing body of the municipality or town in which the subdivision is located. The register of deeds shall note on the plat or certified survey map a reference to the page and volume in which the affidavit or instrument is recorded. The record of the affidavit or instrument, or a certified copy of the record, is prima facie evidence of the facts stated in the affidavit or instrument

History: 1971 c 41 s 11; 1979 c 248; 1999 a 85

Section 236.295 does not apply to assessors' plats. 61 Atty Gen 25

PENALTIES AND REMEDIES

236.30 Forfeiture for improper recording. Any person causing his or her final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within the time prescribed after approval, shall forfeit not less than \$100, nor more than \$1,000 to each municipality, town or county wherein such final plat should have been submitted.

History: 1979 c 248 s 25 (5)

236.31 Penalties and remedies for transfer of lots without recorded plat. (1) Any subdivider or the subdivider's agent who offers or contracts to convey, or conveys, any subdivision as defined in s. 236.02 (12) or lot or parcel which lies in a subdivision as defined in s. 236.02 (12) knowing that the final plat thereof has not been recorded may be fined not more than \$500 or imprisoned not more than 6 months or both; except where the preliminary or final plat of the subdivision has been filed for approval with the town or municipality in which the subdivision lies, an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.

(2) Any municipality, town, county or state agency with subdivision review authority may institute injunction or other appropriate action or proceeding to enjoin a violation of any provision of this chapter, ordinance or rule adopted pursuant to this chapter. Any such municipality, town or county may impose a forfeiture for violation of any such ordinance, and order an assessor's plat to be made under s. 70.27 at the expense of the subdivider or the subdivider's agent when a subdivision is created under s. 236.02 (12) (b) by successive divisions.

(3) Any conveyance or contract to convey made by the subdivider or the subdivider's agent contrary to this section or involving a plat which was not entitled to be recorded under s. 236.25 (2) shall be voidable at the option of the purchaser or person contract-

The property tax exemption for pollution control facilities provided in sub. (21) (a) applies to pollution control facilities incorporated into new plants to be constructed, in addition to those installed to abate or eliminate existing pollution sources. 60 Atty Gen 154

Standards for determining whether a nonprofit corporation qualifies for tax exempt status as a retirement home under sub. (4) are discussed. 66 Atty Gen 232

Preferential tax treatment may not be given to any organization that discriminates on the basis of race. *Pitts v. Dept. of Revenue*, 333 F. Supp. 662

The property tax exemption and nonprofit homes for the aged. 53 MLR 140
Tax exemption and religious freedom. 54 MLR 385

70.1105 Taxed in part. Property that is exempt under s. 70.11 and that is used in part in a trade or business for which the owner of the property is subject to taxation under sections 511 to 515 of the internal revenue code, as defined in s. 71.22 (4m), shall be assessed for taxation at that portion of the fair market value of the property that is attributable to the part of the property that is used in the unrelated trade or business. This section does not apply to property that is leased by an exempt organization to another person or to property that is exempt under s. 70.11 (34).

History: 1997 a 35 s. 243

Section 70.11 (intro.), and not s. 70.1105, applies where an exempt organization leases part of its property to a for-profit entity. Section 70.1105 applies where the exempt organization engages in for-profit activities. However the methodology for determining exemptions under each is the same. *Deutches Land, Inc. v. City of Glendale*, 225 Wis. 2d 70, 591 N.W. 2d 583 (1999)

70.111 Personal property exempted from taxation. The property described in this section is exempted from general property taxes:

(1) **JEWELRY, HOUSEHOLD FURNISHINGS AND APPAREL.** Personal ornaments and jewelry, family portraits, private libraries, musical instruments other than pianos, radio equipment, household furniture, equipment and furnishings, apparel, motor bicycles, bicycles, and firearms if such items are kept for personal use by the owner and pianos if they are located in a residence.

(2) **ANIMALS.** Farm poultry, farm animals, bees and bee equipment and fur-bearing animals under 4 months of age and the hides and pelts of all farm and fur-bearing animals in the hands of the grower.

(3) **BOATS.** Watercraft employed regularly in interstate traffic, watercraft laid up for repairs, all pleasure watercraft used for recreational purposes, commercial fishing boats and equipment that is used by commercial fishing boats, charter sailboats and charter boats, other than sailboats, that are used for tours.

(3m) **CHARTER SPORT FISHING BOATS.** Motorboats, and the equipment used on them, which are regularly employed in carrying persons for hire for sport fishing in and upon the outlying waters, as defined in s. 29.001 (63), and the rivers and tributaries specified in s. 29.191 (5) (a) 1. and 2. if the owner and all operators are licensed under s. 29.512 or under s. 29.514 or both and by the U.S. coast guard to operate the boat for that purpose.

(4) **CROPS.** Growing and harvested crops, and the seed, fertilizer and supplies used in their production or handling, in the hands of the grower, including nursery stock and trees growing for sale as such, medicinal plants, perennial plants that produce an annual crop and plants growing in greenhouses or under hotbeds, sash or lath. This exemption also applies to trees growing for sale as Christmas trees.

(5) **FAMILY SUPPLIES.** Provisions and fuel to sustain the owner's family; but no person paying board shall be deemed a member of a family.

(6) **FEED.** Feed and feed supplements owned by the operator or owner of a farm and used in feeding on the farm and not for sale.

(7) **HORSES, ETC.** All horses, mules, wagons, carriages, sleighs, harnesses.

(8) **TOOLS AND GARDEN MACHINES.** The tools of a mechanic if those tools are kept and used in the mechanic's trade; and garden machines and implements and farm, orchard and garden tools if those machines, implements and tools are owned and used by any person in the business of farming or in the operation of any orchard or garden. In this subsection, "machine" has the meaning given in sub. (10) (a) 2.

(10) **FARM MACHINERY AND EQUIPMENT.** (a) In this subsection:

1. "Building" means any structure that is intended to be a permanent accession to real property; that is designed or used for sheltering people, animals or plants, for storing property or for working, office, parking, sales or display space, regardless of any contribution that the structure makes to the production process in it; that in physical appearance is annexed to that real property; that is covered by a roof or encloses space; that is not readily moved or disassembled; and that is commonly known to be a building because of its appearance and because of the materials of which it is constructed.

2. "Machine" means an assemblage of parts that transmits force, motion and energy from one part to another in a predetermined manner.

(b) Tractors and machines; including accessories, attachments, fuel and repair parts for them; whether owned or leased, that are used exclusively and directly in farming; including dairy farming, agriculture, horticulture, floriculture and custom farming services; but not including personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement to real property and not including buildings or improvements to real property, regardless of any contribution that that personal property makes to the production process in them and regardless of the extent to which that personal property functions as a machine.

(c) For purposes of this subsection, the following items retain their character as tangible personal property, regardless of the extent to which they are fastened to, connected to or built into real property:

1. Auxiliary power generators
2. Bale loaders
3. Barn elevators
4. Conveyors
5. Feed elevators and augers
6. Grain dryers and grinders
7. Milk coolers
8. Milking machines; including piping, pipeline washers and compressors
9. Silo unloaders
10. Powered feeders, but not including platforms or troughs constructed from ordinary building materials.

(11) **CHEESE.** Natural cheese owned by the Wisconsin primary manufacturer or by any other person while in storage for the purpose of further aging in preparation for cutting, packaging or other processing.

(14) **MILKHOUSE EQUIPMENT.** Milkhouse equipment used by a farmer, including mechanical can coolers, bulk tanks and hot water heaters. This exemption shall apply whether such equipment is deemed personal property or is so affixed to the realty as to be classified in the category of real estate.

(17) **MERCHANTS' STOCK-IN-TRADE; MANUFACTURERS' MATERIALS AND FINISHED PRODUCTS; LIVESTOCK.** As of January 1, 1981, merchants' stock-in-trade, manufacturers' materials and finished products and livestock.

(18) **SOLAR AND WIND ENERGY SYSTEMS.** Solar energy systems and wind energy systems. In this subsection, "solar energy system" means equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy, but does not include equipment or components that would be present as part of a conventional energy system or a system that operates without mechanical means. In this subsection, "wind energy system" means equipment which converts and then transfers or stores energy from the wind into usable forms of energy, but does not include equipment or components that would be present as part of a conventional energy system.

(19) **CAMPING TRAILERS AND RECREATIONAL MOBILE HOMES.** (a) Camping trailers as defined in s. 340.01 (6m).

Tab 4

Letters and documents sent to Attorney General James Doyle

SAGRILLO POWER & LIGHT

Mick Sagrillo

E3971 Bluebird Rd. • Forestville, WI 54213

Phone/Fax: (920) 837-7523

msagrillo@itol.com

April 30, 2003

Arlin Monfils
Chairman, Township of Lincoln
E3230 Drake Lane
Casco, WI 54205

Arlin,

On June 19, 2001, I submitted a letter to Ms. Elma Anderson, Corporation Counsel for Kewaunee County, on behalf of the Town of Lincoln Wind Turbine Moratorium Study Committee. That letter asked that Ms. Anderson request, on the Town's behalf, an opinion from the State of Wisconsin Attorney General's office on Wisconsin State Statute 66.031 (now renumbered to 66.0401). Statute 66.031 restricts a municipality's authority over wind systems to only public health and/or public safety considerations. A debate in the committee arose as to whether 66.031 applied only to home-sized wind systems, or included utility-scale projects as well. The Committee sought a resolution to that question. All of the pertinent background documents and correspondence can be found in Section 4 for the Final Report of the Wind Turbine Moratorium Study Committee.

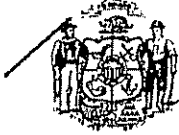
Enclosed is the response from Attorney General Peggy Lautenschlager to Ms. Elma Anderson, and forwarded to me. That letter begins with the sentence "You ask whether the prohibitions on municipal regulation found in Wis. Stat. 66.0401(1) are applicable to municipal regulation of commercial wind energy systems. It is my informed opinion that the answer is yes."

The second to last sentence of the letter reiterates "I therefore conclude that the prohibitions on municipal action found in Wis. Stat. 66.0401(1) are applicable to municipal regulation of commercial wind energy systems."

A copy of the full letter is attached to this correspondence. Please add this cover letter along w/ Attorney General Lautenschlager's letter to Section 4 of the Final Report of the Wind Turbine Moratorium Study Committee. These letters complete the only unfinished tasks of the Wind Turbine Moratorium Study Committee.

I am mailing this to you, since I will not be able to attend the May monthly Town or Lincoln board of supervisors meeting, as I will be out of town. If you have any questions, please contact me

Mick Sagrillo
Chairman
Wind Turbine Moratorium Study Committee



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE
PEGGY A. LAUTENSCHLAGER

ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

March 27, 2003

Ms. Elma Anderson
Corporation Counsel
Kewaunee County
613 Dodge Street
Kewaunee, WI 54216

Dear Ms. Anderson:

You ask whether the prohibitions on municipal regulation found in Wis. Stat. § 66.0401(1) are applicable to municipal regulation of commercial wind energy systems.

It is my informal opinion that the answer is yes.

Wisconsin Stat. § 66.0401(1) provides:

(1) **AUTHORITY TO RESTRICT SYSTEMS LIMITED.** No county, city, town or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48(2)(h)1.g., or a wind energy system, as defined in [66.0403(1)(m)], unless the restriction satisfies one of the following conditions:

(a) Serves to preserve or protect the public health or safety.

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

(c) Allows for an alternative system of comparable cost and efficiency.

Wisconsin Stat. § 66.0403(1)(m) provides: “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy.”

Wisconsin Stat. § 66.0403(12)(a) provides: “This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.”

In *State ex rel. Numrich v. City of Mequon*, 2001 WI App 88, 242 Wis. 2d 677, ¶¶ 15-17, 626 N.W.2d 366, *review denied*, 2001 WI 88, 246 Wis. 2d 167, 630 N.W.2d 220, the court of appeals construed what are now Wis. Stat. §§ 66.0401 and 66.0403 in the following fashion:

We draw the following conclusions from the statutory scheme. First, the owner of an energy system does not need a permit to construct such a system. Therefore, barring any other enforceable municipal restrictions, an owner may construct such a system without prior municipal approval...

Second, unlike most land use regulations that require a permit and which are designed to protect the public and nearby property owners by placing restrictions on the permittee, WIS. STAT. § [66.0403] operates largely in the reverse. It serves to *benefit and protect* the owner of a solar or wind energy system permit....

Third, WIS. STAT. § [66.0401] represents a legislative restriction on the ability of local governments to regulate solar and wind energy systems. Local restrictions are permitted only if they serve the public health or safety, do not significantly increase the cost or decrease the efficiency of the system, or allow for an alternative system of comparable cost and efficiency. Beyond those, no other restrictions are allowed. The statute is not trumped, qualified or limited by § [66.0403] or by a municipality's zoning and conditional use powers.

(Italics in original.)

In *Numrich*, the court of appeals did not discuss the purpose of municipal zoning ordinances. The purpose of county zoning ordinances is to "promote the *public health, safety, convenience and general welfare.*" See Wis. Stat. § 59.69(1). See also Wis. Stat. § 60.61(1), which states that the purpose of town zoning ordinances is to "promote the *public health, safety and general welfare.*" Given these statutes, *Numrich* does not construe Wis. Stat. § 66.0401(1) so as to invalidate all county or town zoning regulations concerning solar or wind energy projects.

It remains to be seen how closely the courts will parse local zoning regulations in an effort to ascertain whether they are limited to public health and safety considerations. For example, general zoning regulations limiting residential uses to residential districts and commercial uses to commercial districts may well promote public health and safety. See, e.g., *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926); *Willow Creek Ranch v. Town of Shelby*, 2000 WI 56, 235 Wis. 2d 409, ¶ 44, 611 N.W. 2d 693; *State v. Quality Egg Farm, Inc.*, 104 Wis. 2d 506, 516, 311 N.W.2d 650 (1981). Cf. *Clark v. Winnebago County*, 817 F.2d 407, 409 (7th Cir. 1987).

Ms. Elma Anderson
Page 3

Your concern is whether the restrictions upon the exercise of local authority in Wis. Stat. § 66.0401(1) are applicable to commercial wind energy systems. Wisconsin Stat. § 66.0403(1)(m) defines “wind energy system” to mean “equipment that converts and then stores or transfers energy from the wind into usable forms of energy.” “If the language of the statute clearly and unambiguously sets forth the legislative intent, we apply that intent to the case at hand and do not look beyond the legislative language to ascertain its meaning.” *Lincoln Savings Bank, S.A. v. DOR*, 215 Wis. 2d 430, 441, 573 N.W.2d 522 (1998), citing *Kelley Co., Inc. v. Marquardt*, 172 Wis. 2d 234, 247, 493 N.W.2d 68 (1992). There is no exception or qualification that limits this definition to residential properties. On its face, the statute applies to commercial as well as residential properties.

Extrinsic materials may be examined to see if they support the conclusion that the language of the statute is plain. See *State v. Martin*, 162 Wis. 2d 883, 897 n.5, 470 N.W.2d 900 (1991); *State ex rel. Hill v. Zimmerman*, 196 Wis. 2d 419, 427 n.5, 538 N.W.2d 608 (Ct. App. 1995). The drafting file to chapter 351, Laws of 1981, indicates that the bill attempted to integrate Iowa House Bill 766 with Assembly Substitute Amendment 1 to 1981 Assembly Bill 62. The drafting file contains a March 4, 1982 Milwaukee Sentinel newspaper account summarizing the actions taken by the Senate following the Assembly’s passage of 1981 Assembly Bill 62. The article summarizes that bill as one which would “help homeowners *and businesses* make certain that access to the sun or wind needed in energy systems is not shut off” (emphasis supplied). Although legislation including wind energy systems was not enacted until 1993 Wisconsin Act 414, sec. 417 was passed, there is nothing in the legislative history limiting the application of chapter 351, Laws of 1981, solely to residential properties.

I therefore conclude that the prohibitions on municipal action found in Wis. Stat. § 66.0401(1) are applicable to municipal regulation of commercial wind energy systems.

I am also enclosing a copy of 77 Op. Att’y Gen. Preface (1988) for your future use and consideration in submitting opinions to this office.

Very truly yours,

Peggy A. Lautenschlager
Attorney General

PAL:FTC:cla

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010725006

Office of the
Corporation Counsel
Kewaunee County



Elma E. Anderson
613 Dodge Street
Kewaunee, Wisconsin 54216
920-388-7173
FAX 920-388-3139
email anderson.elma@mail.da.state.wi.us

July 23, 2001


Mr. Mick Sagrillo
E3971 Bluebird Road
Forestville, WI 54213

RE: Request for Opinion

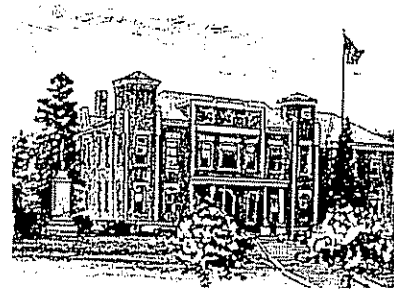
Dear Mr. Sagrillo:

Enclosed is a copy of the letter to the Attorney General. As soon as I hear anything from that office, I will let you know.

If you have any other questions, please give me a call.

Yours truly,

Elma E. Anderson
Corporation Counsel

Office of the
Corporation Counsel
Kewaunee County



Elma E. Anderson
613 Dodge Street
Kewaunee, Wisconsin 54216
920-388-7173
FAX 920-388-3139
email anderson.elma@mail.da.state.wi.us

July 9, 2001

Hon. James Doyle
Attorney General
State of Wisconsin
P O Box 7857
Madison WI 53707-7857

RE: Request for Formal Opinion Concerning the Applicability of Wis. Stats. sec. 66.0401 to Commercial Wind Energy Facilities

Dear Mr. Doyle:

I am submitting this request for an Opinion of the Attorney General on behalf of Kewaunee County officials. Is Wis. Stats. sec. 66.0401 applicable to local government review and regulation of commercial wind energy facilities?

Does the March 2001 Court of Appeals decision on *Numrich v. Mequon*, 2001 WL 220710 (Ct. App. 2001), apply to all wind generators sited in the state? *Numrich* is a case that concerned a residential-size wind generator. Does Wis. Stats. sec. 66.0401 (formerly Wis. Stats. sec. 66.031), also apply to commercial wind energy projects? The statute referenced in *Numrich* and other statutes in which wind energy is specifically mentioned, such as Wis. Stats. secs. 60.61(2)(i), 60.65(5), 59.694(7)(d), and 236.292(2), do not make a distinction.

Attached to this request are various documents assembled by the local study committee.

Yours truly,

Elma E. Anderson
Corporation Counsel

SAGRILLO POWER & LIGHT

Mick Sagrillo
E3971 Bluebird Rd. • Forestville, WI 54213
Phone/Fax: (920) 837-7523
msagrillo@itol.com

June 19, 2001

Ms. Elma Anderson
Corporation Counsel
Kewaunee County
613 Dodge St.
Kewaunee, WI 54213

Dear Ms. Anderson,

Thank you very much for taking the time to meet with me yesterday afternoon on behalf of the Lincoln Township Moratorium Study Committee. We appreciate your willingness to submit a letter to the State of Wisconsin Attorney General's office on our behalf concerning our question about what restrictions there are over a Township's authority to limit wind turbine project development.

Enclosed with this letter are the items you requested, including:

- the wind turbine construction moratorium approved by Lincoln Township in July, 1999.
- the minutes from the December 6, 1999, Lincoln Township Board of Supervisors meeting, at which time the committee members were appointed (highlighted).
- a letter signed by Arlin Monfils, Lincoln Township Chairman, indicating who the committee members are and confirming our request for an opinion from the State Attorney General's office.

If you have any questions, please feel free to contact me at the phone number on the letterhead. Arlin Monfils can be contacted at 837-2866.

Please send me a copy of the letter that you send to the State Attorney General's office so that I can share it with the Moratorium Study Committee.

Thank you for your consideration in this matter.

Sincerely,



Mick Sagrillo



Lincoln Township

June 19, 2001

Ms. Elma Anderson
Corporation Counsel
Kewaunee County
613 Dodge St.
Kewaunee, WI 54213

Dear Ms. Anderson,

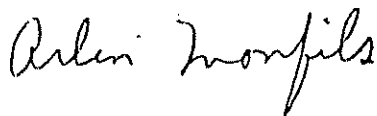
This letter is to confirm that the Moratorium Study Committee was appointed by the Lincoln Township Board of Supervisors on December 6, 1999. Their task, according to the Moratorium that was approved by the board, is to study the impacts that the wind farms have on the Township, and to make recommendations to the Board for changes to our zoning ordinances and conditional use permit process as they apply to these wind turbines.

The committee members include: Mick Sagrillo, chairman; Ron Opicka; secretary, Debbie Guilette, Algie Fenendale, and Earl Martin. Additional committee members include: Tim Strnad, alternate; and Joe Jerabek and myself as advisors.

The Moratorium Study Committee is seeking the opinion of the State of Wisconsin's Attorney General's office on the applicability of the state statutes regarding limitations to the township's authority to place restrictions on these large wind turbines. Since the township cannot get an opinion directly from the Attorney General's office, we are requesting that you, as Corporation Counsel, intercede on our behalf by submitting the letter to the State.

If you have any questions, I can be reached at 837-2866.

Sincerely,



Arlin Monfils
Chairman, Board of Supervisors
Lincoln Township



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

JoAnne F. Kloppenburg
Assistant Attorney General
kloppenburgjf@doj.state.wi.us
608/266-9227
FAX 608/266-2250

June 4, 2001

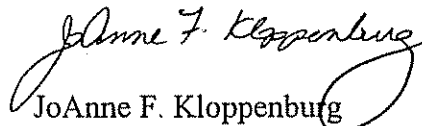
Mick Sagrillo
Chairman, Town of Lincoln Moratorium Study Committee
E3971 Bluebird Road
Forestville, WI 54213

Dear Mr. Sagrillo:

You have written asking for the Attorney General's opinion as to whether Wis. Stat. § 66.0401 applies to local government review and regulation of commercial wind energy facilities, for you would like to know whether local governments can, through their normal police powers, impose restrictions on wind power facilities which go beyond the limits prescribed in Wis. Stat. § 66.0401. The statutes limit the authority of the Attorney General to provide legal opinions. Wisconsin Stat. § 165.015(1) authorizes the Attorney General to provide legal opinions to the legislature or any head of a state agency, and Wis. Stat. § 165.25(3) and Wis. Stat. § 59.42(2)(b)4 authorize the Attorney General to provide legal opinions to district attorneys and county corporation counsel. County corporation counsel, in turn, follow certain guidelines in requesting legal opinions from the Attorney General. You might wish to consult with your county corporation counsel, who would be able to request the legal opinion that you ask for in your letter.

Thank you.

Sincerely,


JoAnne F. Kloppenburg
Assistant Attorney General

JFK:hms

Lincoln Township

25 May 2001

Attorney General James Doyle
Department of Justice
P.O. Box 7857
Madison, WI 53707-7857

Dear Attorney General Doyle:

Re: Applicability of Wis. Stats. sec. 66.0401 to Commercial Wind Energy Facilities

As the chairman of the Town of Lincoln (Kewaunee County) Moratorium Study Committee, I am writing to ask for your opinion regarding the applicability of Wis. Stats. sec. 66.0401 to local government review and regulation of commercial wind energy facilities. This committee, created by the Lincoln Town Board, is charged with the task of recommending revisions to the Town's zoning ordinance and conditional use permitting process covering the siting and operation of wind generators of all sizes. In order to proceed with our assignment, we need to know the operative statutory environment that define the parameters of review and regulation of commercial wind energy facilities at the local level.

The specific question before the Moratorium Committee is this: does the March 2001 Court of Appeals decision on Numrich v. Mequon, 2001 WL 220710 (Ct. App. 2001), apply to all wind generators sited in the state? My question stems from the fact that Numrich v. Mequon is a case that concerned a residential-size wind generator. It is not clear from our reading of the controlling statute, Wis. Stats. sec. 66.0401 (formerly Wis. Stats. sec. 66.031), whether it also applies to commercial wind energy projects. The statute referenced in Numrich v. Mequon is silent on that question, as are other statutes in which wind energy is specifically mentioned, such as Wis. Stats. secs. 60.61(2)(i), 60.65(5), 59.694(7)(d), and 236.292(2).

Two of these statutes, Wis. Stats. secs. 66.0401 and 236.292(2) make specific reference to the definition of a wind energy system in Wis. Stats. sec. 66.0403(1)(m) as "equipment that converts and then stores or transfers energy from the wind into usable forms of energy." That definition is silent on the size of the wind energy system covered by all of these statutes.

This is a vitally important question for any municipality or local governmental unit seeking to establish a legally enforceable process and standard of review for siting wind turbines. Are town or county governments limited in their ability to review and regulate commercial wind turbines, subject to Wis. Stats. sec. 66.0401, or can they, through their normal police powers, impose restrictions on wind power facilities that go beyond the limits prescribed in Wis. Stats. sec. 66.0401? An opinion from your office on this question will help us--and other local governments interested in this issue--determine what issues are appropriate for local review and regulation, and what issues are not.

Thank you in advance for your consideration of our request. I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Mick Sagrillo". The signature is fluid and cursive, with the first name "Mick" and last name "Sagrillo" clearly distinguishable.

Mick Sagrillo
Chairman,
Town of Lincoln Moratorium Study Committee

E3971 Bluebird Rd.
Forestville, WI 54213
(920) 837-7523

Schober
Schober &
Mitchell, S.C.
Attorneys at Law

T. MICHAEL SCHOBER
THOMAS G. SCHOBER
TODD J. MITCHELL
JOHN C. SCHOBER
ROBERT C. DALY
LAURIE SCHOBER CARNAHAN
ROBERT F. SULLIVAN
PATRICIA LOHMAN PRESTASH
CHRISTINA L. BASS
CHARLES J. STANSBERRY, JR.

September 5, 2001

VIA FACSIMILE
(920) 837-7523

Mick Sagrillo
Sagrillo Power & Light
E3971 Bluebird Road
Forestville, WI 54213

RE: Numrich/Kling
Circuit Court Case No 99-CV-241B3
Court of Appeals Case No. 00-1643

Dear Mr. Sagrillo:

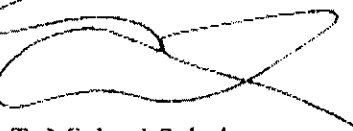
Recently, you contacted me questioning what has transpired following the Court of Appeals' decision in the above matter which reversed both the Mequon Board of Appeals and the Ozaukee Circuit Court. I respond to your inquiry below.

I understand that you have a copy of the Court of Appeals' decision which is a published decision which means that it is binding precedent on a statewide basis. Following the Court of Appeals' decision, the City of Mequon petitioned for review by the Wisconsin Supreme Court. The Wisconsin Supreme Court, after reviewing the petition, entered an order denying Supreme Court review of the Court of Appeals' decision. By that order of denial, the Supreme Court allowed the Court of Appeals' decision to stand which is now binding precedent on a statewide basis.

For your information, a copy of the order of the Supreme Court denying review of the Court of Appeals' decision is enclosed. If you have any further questions, please feel free to contact me.

Sincerely yours,

SCHOBER SCHOBER & MITCHELL, S C



T. Michael Schober

TMS:slt



Office of the Clerk
SUPREME COURT
110 E. MAIN STREET, SUITE 215
P.O. BOX 1688
MADISON, WISCONSIN 53701-1688

TELEPHONE (608) 266-1880
FACSIMILE (608) 267-0640
Web Site: www.courts.state.wi.us

To:

May 8, 2001

Hon. Joseph D. McCormack
Ozaukee County Circuit Court
1201 South Spring Street
Port Washington, WI 53074-0994

John L. DeStefanis
Fuchs Snow DeStefanis, S.C.
620 N. Mayfair Road
Milwaukee, WI 53226-4253

Jeffrey Schmidt
Ozaukee County Clerk of Courts
1201 South Spring Street
Port Washington, WI 53074-0994

T. Michael Schober
Schober Schober & Mitchell, S.C.
P.O. Box 510233
New Berlin, WI 53151-0233

You are hereby notified that the Court has entered the following order:

No. 00-1643 State ex rel. Numrich v. City of Mequon L.C.#99CV241B3

A petition for review pursuant to Wis. Stat. § 808.10 having been filed on behalf of respondent-respondent-petitioner, City of Mequon Board of Zoning Appeals, and considered by the court,

IT IS ORDERED that the petition for review is denied, without costs.

Cornelia G. Clark
Clerk of Supreme Court

Tab 5

Conditional use permit

CONDITIONAL USE PERMIT

Town of Lincoln
Kewaunee County, Wisconsin

KNOW ALL MEN BY THESE PRESENTS that on the ____ day of November, 1998, a Conditional Use Permit (the "Permit") was issued by the Town of Lincoln (the "Town") to Wisconsin Public Service Corporation, 700 North Adams Street, P.O. Box 19001, Green Bay, Wisconsin 54307-9001 ("WPS") pursuant to Section 13 of the Town of Lincoln Zoning Ordinance. The term of this Permit shall be for thirty (30) years provided WPS or its successor(s) is in compliance with the conditions herein. This Permit authorizes WPS to operate, maintain, repair, and replace (subject to the terms of this Permit) _____ wind turbines mounted on tubular steel towers not to exceed two hundred twenty (220) feet with blades of eighty (80) feet so that the total height will not exceed three hundred (300) feet. The wind turbines are being installed in connection with the development of a wind farm project using up to fourteen (14) wind turbines, generators and associated equipment, facilities, and improvements (collectively the "Project"). This Permit also authorizes an access drive, a transformer, and accessory equipment needed to operate the turbines and transmit electricity generated by the turbines. The turbines are authorized to be located on the following-described property (the "Property"):

[See Legal description attached as Exhibit A]

This Permit is subject to the following conditions:

CONDITIONS

1. **Insurance.** The Town shall be named as an additional insured, for purposes of the Project, on WPS' comprehensive general liability insurance policy. During the term of this Permit, the amount of such insurance policy shall not be less than thirty-five million (\$35,000,000). A copy of the certificate of insurance shall be sent to the Town Clerk for retention. If litigation is commenced against the Town as the result of the Town's issuance or administration of this Permit, and neither the Town's nor WPS' insurance policies provide the Town with a defense and coverage, then WPS shall indemnify, defend, and hold the Town harmless against such litigation.
2. **Hearing Fees.** WPS shall reimburse the Town of Lincoln for its legal notices, meeting fees, and attorneys' fees incurred in connection with the Project, in an amount not to exceed five thousand dollars (\$5,000.00).
3. **Blasting and Protection of Wells.** WPS will correct any well water quality or silting problems for any well within the Town caused by blasting during the construction of the Project. WPS will perform tests itself (in accord with all applicable laboratory standards and protocols), or pay for a qualified independent testing laboratory to test the private wells of all Town residents who live within one (1) mile of any blasting locations and

request such testing. The first test shall be prior to any blasting, and the second test shall be one year (or as close to that date as weather conditions and availability of qualified testing personnel reasonably permit) after the first test of the same wells. Well water will be tested for flow rate and water quality (calcium and magnesium [hardness], iron, nitrates, lead, atrazine, bacteria and total dissolved solids). Adverse changes in flow rate or adverse changes in water quality that cause any of the tested wells that were previously in compliance with the applicable Wisconsin DNR drinking water quality standards for such substances in NR 809 to come out of compliance with such standards will be considered evidence of damage caused by blasting and require corrective action by WPS. If any of such well owners contact WPS after blasting but prior to the second testing date and provide WPS with credible evidence that the integrity of their well or water quality in their well has been damaged by WPS' blasting, then WPS shall promptly investigate all such complaints. If such investigation demonstrates that the likely cause of such damage was blasting, and not another cause (including, without limitation, seasonal runoff, inadequate well installation or sealing, or inadequate manure or farm chemical storage and management) then WPS shall correct the problem by implementing reasonable corrective measures. WPS' obligation to take corrective action or implement reasonable corrective measures shall be deemed satisfied if WPS (a) provides the affected landowner with a reasonable emergency water supply immediately and (b) commences measures to implement a permanent fix of the problem with the damaged well within thirty (30) days.

4. **Notice of Blasting.** WPS shall give all landowners and tenants whose names are identifiable from the public records with a one-mile radius of each blasting site at least forty-eight (48) hours' prior notice of any Project blasting.
5. **TV Reception.** WPS will correct any problems with television reception caused by WPS' placement of towers associated with the Project. WPS will pay for a qualified independent test of television signal strength for all Town landowners within one-quarter (1/4) mile of the Property who request testing. A second test shall be performed between thirty (30) and sixty (60) days following erection of all towers associated with the Project for landowners who observe degradation of their signal. If the second test shows a significant decrease in signal strength, WPS shall be required to take corrective action within thirty (30) days of WPS' receipt of the test results confirming the significant decrease in signal strength. WPS may, at its option, take one or more of the following remedial measures to remedy the signal problem: relocate the affected antenna, install a signal amplifier, utilize a repeater station or install a central antenna, or implement such other measures as are reasonable under the circumstances, taking cost into account. However, if the remedial measures chosen by WPS fails to solve the problem, then WPS shall be required to take further corrective measures until the decrease in signal strength has been cured.

6. Noise.

- a. Audible noise due to wind turbine operations shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church, or public library existing on the date of approval of this Permit.
- b. Low frequency noise or infrasound from wind turbine operations shall not exceed the following limits when measured at any residence, school, hospital, church, or public library existing on the date of approval of this Permit.

One Third Octave Band Center Frequency (Hz)	Sound Pressure Level (dB)
2 to 1	70 (each band)
20	68
25	67
31.5	65
40	62
50	60
63	57
80	55
100	52
125	50

- c. In the event audible noise due to wind turbine operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in Subparagraph a of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
- d. In the event the audible noise due to wind turbine operations contains repetitive impulsive sounds, the standards for audible noise set forth in Subparagraph a of this subsection shall be reduced by five (5) dBA. "Repetitive impulsive sounds", as used in this Section shall refer to mechanical sounds, such as clanking, jarring, hammering, pounding or whistling.

- e. In the event the audible noise due to wind turbine operations contains both a pure tone and repetitive impulsive sounds, the standards for audible noise set forth in Subparagraph a of this subsection shall be reduced by a total of five (5) dBA.
 - f. In the event the ambient noise level (exclusive of the development in question) exceeds one (1) of the standards given above, if applicable standard shall be adjusted so as to equal the ambient noise level. For audible noise, the ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA which is exceeded for more than five (5) minutes per hour. For low frequency noise or infrasound, the ambient noise level shall be expressed in terms of the equivalent level (Leq) for the one-third (1/3) octave band in question, rounded to the nearest whole decibel. Ambient noise levels shall be at the exterior of potentially affected existing residences, schools, hospitals, churches, or public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - g. Any noise level falling between two (2) whole decibels shall be the lower of the two (2).
 - h. In the event the noise levels, resulting from the Project, exceed the criteria listed above, a waiver to said levels may be granted by the Town Zoning Administrator provided that the following has been accomplished:
 - i. Written consent from the affected property owners has been obtained stating that they are aware of the Project and the noise limitations imposed by this Permit, and that consent is granted to allow noise levels to exceed the maximum limits allowed.
 - ii. If WPS wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the Office of the Kewaunee County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Permit may exist on or at the burdened property.
7. **Cleanup.** All waste and scrap that is the product of construction, operation, restoration and maintenance of the Project shall be removed from the Property and properly disposed of upon completion of the task. Personal litter, bottles and paper deposited by Project personnel shall be removed on a daily basis. This provision shall not be construed to

prohibit WPS and its contractors from making reasonable use of the Property to store construction materials or spare parts, so long as such materials and parts are neatly stored.

8. **Site Maintenance.** WPS shall be responsible for any snow removal, rodent control measures, noxious weed control measures or dust control measures that are necessary to maintain the Property in compliance with applicable State, Kewaunee County and Town requirements.
9. **Safety During Construction and Repair.** WPS shall perform, or cause its Project contractors to perform, all construction and repair work in accordance with applicable health and safety laws. This obligation shall include the obligation to provide, any special equipment necessary to mitigate the dangers associated with high tower installation, maintenance and repair work. WPS shall also pay the following costs, if actually required, by the Project: (a) the costs of rescue services provided by emergency personnel from outside the Town; (b) the costs of emergency services (such as ambulance services) provided by the Town and which would normally be charged to its residents, which costs shall be charged to WPS on the same basis as they are charged to Town residents; and (c) the costs of special training of Town emergency personnel if WPS requests the Town provide emergency services to the Project.
10. **Impact Fee.** So long as this Permit remains in effect and the permitted use continues, WPS will provide a fixed and guaranteed annual impact fee to address any future adverse impact the Project may have upon the Town and its residents. The fixed and guaranteed annual impact fee (payable to the Town for the Project as a whole and including up to fourteen (14) wind turbines), shall be in an amount equal to Eight Thousand Dollars (\$8,000.00). WPS further agrees that if the State of Wisconsin changes the presently effective laws regarding taxation of the property of publicly regulated utilities so that the Town receives less shared revenue from the Project than during the first full year of the Project's operation, WPS will pay the Town for all actual costs exceeding \$8,000.00 per year demonstrated to have been incurred by the Town as a direct result of the Project's location and operation within the Town's jurisdiction.
11. **Tower Removal.** The wind turbine generators and all related aboveground improvements shall be removed within one hundred twenty (120) days after the earlier to occur of the following dates: (a) the date the wind turbine generators reach the end of their useful life, (b) the date the turbines have been abandoned, (c) the termination of the landowner lease under which they are allowed to remain in place, or (d) revocation of this Permit. WPS shall be required to jackhammer or otherwise remove any concrete foundation used for a wind turbine generator to the closer to ground level of: (a) four (4) feet below ground level, or (b) the level below ground level, at which the base of the concrete foundation hits bedrock and to fill the area above said foundation with dirt. WPS shall further, if requested by the owner of the Property, remove the gravel surface of any access road and replace such gravel surface with an equal depth of topsoil. The Town shall be entitled to enforce WPS' compliance with this covenant should WPS breach such covenant and the owner of the Property fails to enforce such compliance.

12. **Tourism and Signs.** Without the prior consent of the Town, WPS will not:
- a. promote the Project as a tourist destination and will not provide bus or tourist parking.
 - b. provide any media notification(s) regarding the wind turbines or erect other advertising or promotional signs, either located at the Project or elsewhere, advertising or promoting the Project as a tourist destination.

WPS shall, however, provide reasonable signage at the Property, identifying the Property as being part of the Project and providing appropriate safety notices and warnings against trespassing.

13. **Trees and Structures.** Unless WPS obtains the consent of the affected landowners, WPS will not cut or remove any trees, structures, buildings, or other personal property on any land outside an area that extends three hundred sixty (360) degrees around the base of the wind turbine generators with a radius of four hundred (400) feet. WPS will also not prevent such landowners from planting new trees or constructing new buildings or structures outside such area.
14. **Access Roads.** WPS shall install a locked gate at the end of all access roads located upon the Property at the point where such access roads meet Town or Kewaunee County roads within thirty (30) days of completion of the Project.
15. **Road Damage.** WPS shall reimburse the Town for any and all repairs to Town roads resulting directly from the construction of the Project. WPS shall provide the Town written notice of completion of construction within thirty (30) days after Project construction is complete. Any damage claims shall be identified in writing by the Town within thirty (30) days after the Town receives such written notice.
16. **Assignability.** The rights granted by this Permit are not assignable or transferable to any other person, firm, or corporation, except with prior written consent of the Town Planning and Zoning Committee, except in the following situations, for which consent is hereby given: the merger or consolidation of WPS with another public utility, the restructuring of WPS, the acquisition of WPS by another public utility, or WPS' acquisition of another public utility regulated by the Public Service Commission of Wisconsin, or its successor agency.
17. **Modification.** Except as provided in Section 20 of this permit, no provision, term, or condition of this Permit may be modified except upon written application by WPS and after public notice and hearing. Without limiting the foregoing, WPS agrees that it shall not be entitled to increase the number of wind turbine generators upon the Property without obtaining an amendment or modification to this Permit from the Town.

18. **Repair and Replacement.** WPS shall be permitted to repair and replace the wind turbine generators and associated equipment during the term of this Permit as needed to keep the Project in good repair and operating condition. However, no such repair or replacement shall entitle WPS to any extension of the term of this Permit, even if it extends the useful life of the Project. IF WPS desires to extend the term of this Permit in the future, WPS shall be required to apply for such extension or amendment of this Permit in accordance with the terms of the Town Zoning Ordinance.
19. **Future Development of Wind Turbines.** Unless WPS obtains the prior consent of the Town Planning and Zoning Committee, WPS agrees that it shall not, for a period of two (2) years from the date of approval of this Permit, apply for any additional conditional use permits in the Town for the purpose of siting wind turbine generators. The two (2) year non-application period is to give the Town the opportunity, should it wish to do so, to consider and implement a specific ordinance to address issues raised by similar projects. This provision shall not be construed to prevent WPS from seeking approvals for up to fourteen (14) wind turbines and towers within the Town for the Project.
20. **Periodic Review.** On or about every fifth anniversary date of the Town's approval of this Permit, the Town may, in its discretion, set this Permit for hearing by the Town's Planning and Zoning Committee, for the purpose of determining whether:
- a. WPS has complied with the terms and conditions of the Permit, and
 - b. With the benefit of experience, the Project has had any unforeseen material adverse impacts upon the Town, not addressed at the time of issuance of this Permit. This consideration may include, to the extent permitted by law, any matters not previously addressed that the Town may legitimately consider under the Town's zoning ordinance and Section 66.031, Stats., as these laws may hereafter be amended. Any condition modified or added pursuant to such review shall be of the same force and effect as if originally imposed. In addition to the foregoing, WPS shall further, upon the Town's written request, send a representative, not less than once in any calendar year, to appear before the Town Planning and Zoning Committee to report on the operating status of the Project and to receive questions and comments from the Town Board and Town residents relating to the Project.
- Notwithstanding the foregoing rights of review, the Town shall not have the right to increase the impact fees payable by WPS under this Permit, unless the Town can clearly demonstrate that the actual costs incurred by the Town as the result of the Project will exceed the impact fees payable to the Town.
21. **Reporting.** WPS shall submit an annual written report regarding the Project to the Town. The written report will include a summary of the relevant information regarding the operation of the Project, including energy production, maintenance activities, and any

safety issues that may have arisen. In addition to the foregoing reporting obligation, WPS shall further report to the Town as follows:

- a. *Extraordinary Events.* Within twenty-four (24) hours of any extraordinary event, WPS shall notify the Town. Extraordinary events shall include the tower collapse, turbine failure, unauthorized entry to the tower base of any wind turbine generator, thrown blade or hub, any injury to a Project worker or other person that requires emergency medical treatment, kills or threatens or endangers species, or discovery of an unexpectedly large number of dead birds or bats of any variety on site.
 - b. *Complaints.* WPS shall also report to the Town, all complaints concerning any part of the Project located in the Town in accordance with the procedures provided in Exhibit B attached to this Permit.
22. **Proprietary Information.** Certain information required to be submitted to the Town under this Permit, may constitute a trade secret information or other protected information under Wisconsin law. WPS shall be entitled to obtain confidential treatment of such information by the Town to the extent permitted by the Wisconsin Open Records Law or other applicable laws protecting proprietary information, so long as WPS complies with the provisions of such laws and reasonably informs the Town at the time of submission of such proprietary information that WPS' desires confidential treatment of the submitted information.
23. **Field Representative and Site Manager.** WPS hereby designates Mr. Raymond Janssen as its field representative who shall be the contact person for the Town during the construction phase of the Project. Upon completion of construction, WPS shall designate a site manager who shall be the contact person for the Town for the duration of the Project. WPS shall provide the Town with the name, address and phone number of the Project site manager prior to placing any turbine into operation. WPS shall be entitled, upon prior written notice to Town, to change the field representative or site manager, or make other changes in the contact information.
24. **Default and Enforcement.** Each of the following occurrences shall constitute a violation of the terms and conditions of this Permit (a "Violation") and any such Violation shall be grounds for revocation of this Permit (whatever the reason for such an event of default and whether it shall be voluntary or involuntary or be effected by operation of law or pursuant to any judgment, order, or regulation) after the expiration of the notice and cure period and revocation hearing set forth below.
- a. If WPS abandons the wind turbine generators located on the Property; or
 - b. If WPS fails to observe or perform any condition or provision of this Permit for a period of thirty (30) days after it has received written notice of such failure from the Town; or

- c. If there is a material failure by WPS to comply with any statute, regulation, rule, or permit administered by any federal, state, or county department, agency, or commission directly related to the operation of the wind turbine generator, and if WPS fails to cure the material failure to comply for a period of thirty (30) days after the date WPS receives written notice of such failure from the Town or the federal, state, or local governmental body or agency with jurisdiction.

However, the Town shall not revoke this Permit without first providing WPS a hearing and the right to respond, including the right to present evidence regarding any defenses or extenuating circumstances (such as WPS' prompt commencement of remedial measures that cannot reasonably be concluded within [thirty] 30 days) regarding the alleged events of default.

25. **Penalties.** Any violation that has not been cured within the applicable notice and cure periods set forth in the Permit shall, in addition to giving rise to the Town's right to hold a revocation hearing set forth above, further be considered a violation under Section 11.8 of the Town Zoning Ordinance, giving the Town the right to impose a per diem civil forfeiture for each day of violation in accordance with Section 11.8 of the Zoning Ordinance.
26. **Notices.** Except for notices of blasting and extraordinary events under Sections 4 and 21 of this Permit, which notice may be given telephonically, by computer e-mail transmission, by facsimile or any other method reasonably apprised to give the Town and other affected persons notice as soon as reasonably possible, all notices provided for under this Permit shall be in writing and directed to WPS and Town by certified mail or personal delivery at the address set forth below:
- a. Wisconsin Public Service Corporation, 700 North Adams Street, P.O. Box 19001, Green Bay, Wisconsin 54307-9001, Attention: Mr. Jayme VanCampenhout.
 - b. Town of Lincoln, Kewaunee County, Attention: Mr. Joe Jerabek.

Any such notices shall be deemed received three (3) days after posting, if sent by certified mail, or upon receipt, if sent by any other permitted means.

27. **Notices to Contractors.** WPS shall provide a copy of this Permit to its general contractor for the Project and shall further provide a copy of the Permit (or cause its general contractor to provide a copy) to all Project subcontractors.
28. **Miscellaneous Legal Matters.** The issuance of this Permit (a) shall not be considered as in any manner affecting the title of the Property upon which the permitted facilities are to be located; (b) does not release WPS from any liability for damage to person or property caused by or resulting from the construction, maintenance, or operation of the permitted

facilities; (c) does not release WPS from compliance with other applicable statutes and regulations of the United States, of the State of Wisconsin, or with applicable local laws, regulations, and ordinances; (d) does not take into consideration or attest to the structural stability of the turbine or any units or parts of the turbine and the mechanical equipment affiliated with the turbine; (e) in no manner implies or suggests that the Town (or its officials, agents, or employees) assumes any liability directly or indirectly for any loss due to the damage, installation, maintenance, or operation of the Project; and (f) shall not prevent the town from levying taxes and fees if authorized by law.

- 29. **Setbacks.** WPS shall comply with the applicable provisions concerning setbacks in the Town's Zoning Ordinance. Such setback requirements shall include, among other things, a requirement that WPS shall set back its wind turbine generators a distance not less than the height of the towers (including the maximum height of the blades) from the edge of any County or Town roads.

Dated this ____ day of November, 1998.

TOWN OF LINCOLN

By: _____

Title: _____

Attest: _____

Title: _____

GB1-37350-3

EXHIBIT B**TOWN OF LINCOLN
COMPLAINT REPORT PROCEDURES FOR
LARGE WIND ENERGY CONVERSION SYSTEMS**

1. **Purpose.** To establish a uniform and timely method for reporting complaints received by WPS concerning the Permit conditions for site preparation, construction, cleanup and restoration, and for resolution of such complaints.
2. **Scope.** This reporting plan encompasses complaint report procedures and frequency.
3. **Applicability.** The procedures shall be used for all complaints received by WPS.
4. **Definitions.**
 - a. **Complaint.** A statement prepared by a person expressing dissatisfaction, resentment, or discontent as a direct result of the Project. Complaints do not include requests, inquiries, questions or general comments.
 - b. **Substantial Complaint.** Any complaints submitted to WPS in writing that, if substantial, could result in Permit modification or suspension pursuant to the applicable ordinances.
 - c. **Person.** An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision municipal corporation, governmental agency, public utility district, or any other entity, public or private, however, organized.
5. **Responsibilities.** Everyone involved with any phase of the Project is not responsible to ensure timely and fair resolution of all complaints. It is therefore necessary to establish a uniform method for documenting and handling complaints related to this Project. The following procedures will satisfy this requirement:
 - a. WPS shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - i. Name of Project.
 - ii. Name, address and telephone number of complainant.
 - iii. Precise property description or tract number (where applicable).
 - iv. Nature of complaint.

- v. Response given.
 - vi. Name of person receiving complaint and date of receipt.
 - vii. Name and telephone number of person reporting complaint to the Town.
 - viii. Final disposition and date.
- b. WPS shall assign an individual to summarize the complaints for reporting to the Town.
6. **Requirements.** WPS shall report all complaints to the Town according to the following schedule:
- a. **Immediate Reports.** All substantial complaints shall be reported to the Town by telephone the same day received, or on the following working day by complaints received after working hours. Such reports are to be directed to the Town Zoning Administrator. Voice messages are acceptable.
 - b. **Monthly Reports.** By the 15th of each month, a summary of all complaints, including substantial complaints received or resolved during the preceding month, and a copy of each complaint shall be sent to the Town Zoning Administrator.
 - c. **Complaints Received by Town.** Copies of complaints received directly by the Town regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to WPS.

GBI-37350-3

Tab 6

Summary of suggested changes to the conditional use permit

Tab #6

Summary of Suggested Changes to the Conditional Use Permits for Commercial and Utility-Scale Wind Turbines

Note: All references to "approval by the Planning and Zoning Committee" should be changed to "approval by the Town of Lincoln Board of Supervisors".

1. Lot size and applicability

Commercial or utility scale wind turbines and towers are only allowed with a conditional use permit in A-1 agriculture parcels that are a minimum of 35 acres. Smaller than 35 acre adjacent parcels under the same ownership in the same 1/4 of a 1/4 section could be aggregated to equal the required 35 acre minimum. (1/23/02)

2. Period and time of construction

The construction will commence on (date) , and end by (date). Construction will not begin prior to 5 a.m. each morning and will end by 10 p.m. each evening. (5/30/00)

3. Insurance

There are no changes to this section. However, the Committee recommends that the Town board review liability insurance coverage every five years and reserve the right to raise insurance amounts based on inflation. (1/23/02)

4. Hearing fees

The total costs (attorney fees, town board and zoning committee meetings and hearings) to permit both the WPS wind farm and the MG&E wind farm was \$15,173.24 (Dale Massey, 4/25/00). Total revenues were \$11,600, including \$5000 from each utility plus \$1600 for the zoning permit fees. This left Lincoln Township with a deficit of \$3,573.24.

Since expenses exceeded revenues, the Committee recommends that all costs associated with the permitting process or commercial and utility-scale wind turbines (i.e., attorney fees, board and zoning committee meeting fees) should be paid for by the applicant (excluding single "home" unit requests). An upfront fee could be paid, with the balance due before the permit is awarded to the applicant.

The Committee recommends amending this section to reflect the above. (4/13/00)

5. Blasting, jack hammering, drilling, earth moving, and protection of wells

Well testing needs to be required for any type of foundation construction (blasting, jack hammering, drilling, earth moving, or any other type of foundation preparation) within one mile of the proposed foundation. Copies of the test results must be submitted to the town clerk prior to construction. (5/30/00)

The Committee recommends that the above language be inserted into this section.

Note: the Committee feels that the current zoning ordinance is inadequate in the area of protecting homeowners existing wells, and as such, suggests the above testing be done for any type blasting, etc., for any type of construction. (5/30/00)

6. Notice of blasting, jack hammering, drilling, earth moving, or other type of foundation construction

Note: The committee feels that this notice needs to be given for all types of foundation construction as described in #3. In addition, this notice needs to be given to all neighbors within one mile in writing. The term "blasting" should, in all cases, be changed to "foundation construction". Finally, the 48 hour notice period should be extended to 96 hours. (5/30/00)

7. Change orders

The Committee recommends that a "Change order" process be established when the applicant or its contractor does something not originally negotiated or approved in the original conditional use permit. (For example, moving a tower site after conditional use permit was granted. Another example would be drilling foundations instead of blasting as originally proposed.) (1/23/02)

8. TV reception

The Committee feels that the language in this section should be amended to reflect the following:

Advanced testing and documentation of TV reception must be done prior to the installation of commercial or utility-scale wind turbines.

Testing should be done inside the homeowners house for all residents within a one mile radius of the tower site. (1/4 mile radius too small.) The test should include a video tape of all channels.

The homeowner must be notified of the intent to do the test at least 10 days prior to the actual testing.

A copy of the results of the testing must be sent to the town clerk prior to the installation of the wind turbine/s.

The permit applicant must repair all TV reception problems for the life of the wind turbine project for all existing homes. New home construction after the turbine installation is the primary responsibility of the new homeowner. The Committee recommends, however, that the applicant respond to concerns of any new homeowners as they arise throughout the life of the project.

There must be appropriate timeliness given to the repair of TV reception problems. Within 30 days of the complaint filing, remedial action to fix the TV reception problem must be agreed upon between the homeowner and the permit applicant. Problems must be corrected within 14 days after this agreement is reached. (6/22/00)

9. Noise

Some Committee members feel that this is a very complex section, making it quite difficult to understand. This section needs to be written in simpler language. (6/29/00)

The Committee debated a 45dB noise limit versus a 40dB noise limit. The current limit for both the WPSC's and MG&E's wind farms is 50dB. Noise was the most contentious issue that the committee dealt with (1/23/02). The views of the Committee were split, and therefore no decision on noise limits was reached by the Committee. (10/9/01) The Committee also could not agree as to whether a property owner could opt out of the noise limit for their property.

Relevant to the issue of noise are two graphics depicting lines of equal decibels around the turbine arrays for both the WPSC site and the MG&E site. Copies of these graphics are included in this report. (Tab #13)

10. Clean up

This section is adequate. However, the Committee recommends changing the last sentence from "...are neatly stored." to "...are safely and neatly stored and do not create a hazard." (6/22/00)

11. Site maintenance

This section is adequate. However, the Committee recommends inserting the phrase "of Lincoln" to the last sentence "...and Town requirements." (6/22/00)

12. Safety during construction and repair

This section is adequate. However, the Committee recommends inserting the phrase "...within 30 days of commissioning the wind turbine or project" to the second sentence (third line) which currently reads, "This obligation shall include the obligation to provide..." (6/22/00)

13. Impact fee

The Committee recommends dropping the phrase "...to address any future adverse impact the

project may have upon the Town and its residents" from the first sentence of this section.

In addition, the Committee recommends that the MG&E agreement be used as model for an impact fee for future permits, if any. The MG&E agreement will result in more money being paid out to the Township over the life of the project compared to the WPSC agreement. The MG&E agreement results in a payment of \$71,250 per turbine over the life of the project versus only \$50,357 payment per turbine for the WPS agreement.

A comparison of the payments paid by each utility over the life of the project, total payments, and per turbine payments is included. **(Tab #14)** (8/24/00)

14. Tower removal

The section is adequate.

However, the Committee recommends that an escrow account be established or bonding by the applicant be required to assure that there is money available to take the towers down should the applicant default or the project reaches the end of its life and the applicant abandons the equipment on the project site. The rationale for the escrow account or bonding is that, while the current two wind farms are owned and operated by Wisconsin utilities, future projects may be owned and operated by out of state utilities or developers, corporations that Lincoln Township or the State of Wisconsin may have little or no control over. (7/6/00)

15. Tourism and signs

This section is adequate.

However, the Committee recommends the following language be added to this section regarding educational field trips. "The permit holder will give 20 days notice to the Lincoln Town chairman (or one of the two supervisors in the chairman's absence), and receive consent from the Town of Lincoln chairman (or supervisor in the chairman's absence) for any educational field trips of groups of any size. The permit holder will also get the approval of the appropriate land owner or land owners. (8/24/00)

16. Trees and structures

This section is adequate. (8/31/00)

17. Access roads

This section is adequate. (8/31/00)

18. Road damage

The Committee feels that the language in this section is not adequate to protect the Township. As such, the Committee recommends replacing the language in this section with the following:

" The permit applicant shall reimburse the Township for any and all repairs and reconstruction to Township roads resulting directly from the construction of the wind turbine project. A qualified independent third party, agreed to by the Township and permit applicant, and paid for by the permit applicant, shall be hired to pre-inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, and rate road condition prior to construction of the wind turbine project, and again 30 days after the wind turbine project is completed. Any road damage done by the permit applicant or one or more of its contractors or subcontractors shall be repaired or reconstructed at the permit applicant's expense.

"The permit applicant shall provide the Township with written notice of completion of construction within 30 days after the wind turbine project construction is complete. Determination as to how the roads should be repaired or reconstructed, within Wisconsin Department of Transportation standards for townships, or township standards if they exist, must be completed before the wind turbine or project is commissioned.

"At the end of the wind turbine or project construction, the Township board of supervisors will negotiate the percentage of road repair or reconstruction costs that will be paid by the permit applicant based on the independent third party's evaluations. The repair or reconstruction costs will be based on the cost of the repair at the time the work is actually done. Actual work on the road repair or reconstruction will occur at the earliest possible time."

In addition, the Committee recommends the following language be added to this section to cover ongoing turbine maintenance and final decommissioning:

"Any road damage caused by the permit holder or their agents during the repair, replacement, or decommissioning of any wind turbines during the _____ year life of the project shall be paid for by the permit holder per the above language."

(8/31/00)

19. Assignability

The Committee recommends that this section be rewritten as follows:

"The rights granted by this Permit are not assignable or transferable to any other person, firm, or corporation, except with prior written consent of the Town of Lincoln board of supervisors."

(8/31/00)

20. Modification

The Committee recommends that the first sentence of this section be rewritten as follows: "No Provision, term, or condition of this permit may be modified by the applicant except upon written application by the applicant and after public notice and hearing." (1/23/02)

21. Repair and replacement of equipment

This section is adequate.

However, the Committee recommends the addition of the following at the end of this section:

"Only similar sized equipment or equipment that meets the original permit specifications is allowed under the original conditional use permit." (8/31/00)

22. Future development of wind turbines

The Committee recommends changing this section to read as follows:

"Unless the permit applicant obtains prior consent of the Township of Lincoln board of supervisors, the permit applicant agrees that it shall not, for a period of two years from the date of approval of this permit, apply for any additional conditional use permits in the Township of Lincoln for the purpose of siting wind turbines. The two year non-application period is to give the Township the opportunity to evaluate the permit applicant's project and its impact on the Township. (8/31/00)

23. Periodic review.

The Committee recommends that the review period be changed from once every five years to annually. (1/30/02)

24. Adverse health and safety impact situations

The Committee recommends adding this section so that the Township can respond immediately to any serious situation that arises due to the operation of a wind turbine.

"If a serious adverse unforeseen material impact develops due to the operation of a wind turbine or wind turbines that has a serious detrimental effect on the Township or a particular resident, the Town has a right to request the cessation of the operation of the wind turbine or wind turbines in question until the situation has been corrected. (1/30/02)

(A possible example offered by Marty Holden of a serious material impact situation would be if a resident developed epilepsy due to the strobing effect of blade shadows. Marty said that noise, which can be annoying, would likely not be a serious material impact situation.)

25. Reporting

The Committee recommends changing the requirement for the permit holder to "report to the Town" and "notify the Town" to instead "report to the Town chairperson" and "notify the Town chairperson". (8/31/00)

The Committee also recommends that the Town require to applicant to present its annual report in person at a Town meeting and not merely send a written report. (1/30/02)

26. Proprietary information

This section is adequate. (8/31/00)

27. Field representative and site manager

The Committee recommends that if a site manager is assigned to the project who is not responsive to the concerns and/or complaints of the Township or its residents, the Town reserves the right to request a different, more responsive site manager. (1/30/02)

28. Default and enforcement

The Committee recommends that the word "abandon" used in this section be given a legal definition. Otherwise, the section is ok as is. (1/30/02)

29. Penalties

The wording in this section is adequate. However, the Committee recommends that the Town board review Section 11.8 of the zoning ordinance, and consider raising the penalties. The Committee recommends that the penalty be increased from a maximum of \$500 per permit to a maximum of \$1000 per permit. (10/17/00)

30. Notices

This section is adequate. However, the Committee recommends that this section specify that notices be sent to the Township of Lincoln chairperson and the Township of Lincoln zoning administrator, rather than naming the present administrator, Joe Jerabek. (10/17/00)

31. Notices to contractors

This section is adequate. (10/17/00)

32. Miscellaneous legal matters

This section is adequate. (10/17/00 and 1/30/02)

33. Setbacks

The setbacks that are specified in this section are essentially the fall zone of the tower and extended wind turbine blade from State, County, or Town roads. The Committee recommends that the setback from any State, County, or Town road right of way (the right of way being defined as measured from the center of the road to a point in the ditch line that is under the control of the State, County, or Town) be the height of the tower plus the length of an extended blade above the tower. (9/13/01)

The Committee feels that there should also be setbacks from residences, schools, hospitals, churches, or public libraries. As such, the Committee recommends a minimum setback of any tower base to be 1000 feet from any residence, school, hospital, church, or public library. (1/30/02)

The Committee also recommends a setback from any adjacent property line equal to the tower height plus the length of an extended blade above the tower. (9/13/01)

(9/13/01)

34. Color

The Committee recommends that wind turbines and towers must be painted a neutral color so as to reduce visual obtrusiveness. (1/30/02)

35. Density

Currently, the number of wind turbines allowed per 40 acre parcel of A-1 Agriculture land is not addressed. The Committee feels that limiting density of commercial or utility-scale turbines will go along way towards mitigating their impact on the residents of the Township. Therefore, the Committee is recommending that there be a maximum allowable density of two turbines per 40 acre parcel.

In addition, the Committee feels that increasing the distance between turbines will also minimize some impacts on Township residents. Noise might be one of the impacts that is reduced. As such, the Committee is recommending that there be a minimum distance of 800 feet between all towers, regardless of the property they are located or sited on. A diagram depicting possible turbine siting on a 40 acre parcel is included with this report. **(Tab #14)**

(9/13/01)

36. Electric and utility lines

To reduce visual obtrusiveness, the Committee recommends that all electric and utility lines from wind turbine to wind turbine, and from wind turbine to the existing distribution system, must be buried or run underground. (1/30/02)

Complaint Report Procedures addendum

In paragraph #5, delete the word "not" in the first sentence.

The Committee is concerned that the complaint procedure lacks follow through and is too loose a system. One person on the town board should be appointed to obtain complaints, forward them to the permit holder, and then get a statement as to how the complaint will be followed up and hopefully resolved. The resolution of the complaint should be forwarded and communicated to the whole town board. (1/24/01)

Tab 7

Categories of wind electric systems
Alex DePillis' size histogram

Tab #7

Categories of wind electric systems

The Committee determined that there should be different categories of wind systems, based on size and the intent of the system. The current Town of Lincoln Zoning Ordinance is unclear about height restrictions and setbacks regarding wind turbines. Zoning requirements would vary depending on the category. (3/21/01)

The categories and suggested guidelines for these wind systems are:

1. Home-sized wind electric systems:

For the purposes of the zoning ordinance, home-sized wind electric systems are defined as wind systems with a name plate capacity of 20kW or under, have rotor diameters of 31' or under, and towers heights of 120' or under. (These are not meant to be restrictions, but only reflect the upper limits of what is commercially available at the time of this report.) The primary purpose of a home-sized wind electric system is to offset the amount of electricity the home owner purchases from the utility. (3/21/01)

Since attorney, zoning hearing, and town board meeting costs associated with the permitting process of a home-sized wind electric system are minimal, these costs should not be billed to the home-owner applicant. (4/13/00). However, normal building permit fees would be required to be paid by the applicant for a single wind generator unit for a home. (5/30/00)

With the relevant state statutes in mind, the Committee recommends the following restrictions be places on home-sized wind electric systems:

1. A "fall zone" setback of one foot of setback for every foot of height (including tower height to the tip of an extended blade) from the road right of way; the tower can be located no closer than the minimum setback from the centerline of the road or property lines. (3/21/01)
2. All exterior lighting, except as required by the FAA or other applicable authority, shall be prohibited. (4/10/01)
3. Advertising and signs, except for a reasonably-sized label of the manufacturer, are prohibited from being displayed on the wind generator or tower. (4/10/01)
4. Wind generators and towers are not to be painted obtrusive colors. (4/10/01)
5. The property owner must remove the wind generator from the tower if it is abandoned or not in use for more than one year. The tower, however, could remain,

but would be managed under the "Public Nuisance" language of the zoning ordinance found on page 16, paragraph 3. (3/21/01)

2. Farm-sized wind electric systems

For the purposes of the zoning ordinance, farm-sized wind electric systems are defined as a single wind generator and tower unit, with a generator name plate capacity of over 20kW and up to 100kW, and with a tower height including an extended blade of no more than 165' in height. (These are not meant to be restrictions, but only reflect the upper limits of what is commercially available at the time of this report.) (5/1/01) A copy of a graphic prepared by Alex DePillis of the Wisconsin Energy Bureau summarizing farm-sized wind electric system and tower heights is included.

Costs associated with the permitting process of a farm-sized wind electric system including attorney fees, and town board and zoning committee meeting fees should be paid for by the applicant. (4/13/00)

With the relevant state statutes in mind, the Committee recommends the following restrictions be places on farm-sized wind electric systems:

1. Farm-sized wind electric systems need to meet the setbacks of at least the total height to the top of the blade as a distance from the nearest property lines and the road right of way. (4/10/01)
2. All exterior lighting, except as required by the FAA or other applicable authority, shall be prohibited. (4/10/01)
3. Advertising and signs, except for a reasonably-sized label of the manufacturer, are prohibited from being displayed on the wind generator or tower. (4/10/01)
4. Wind generators and towers are not to be painted in obtrusive colors. (4/10/01)
5. The property owner must remove the wind generator from the tower if it is abandoned or not in use for more than one year. The tower, however, could remain, but would be managed under the "Public Nuisance" language of the zoning ordinance found on page 16, paragraph 3. (4/10/01)

3. Commercial or utility-scale wind turbines

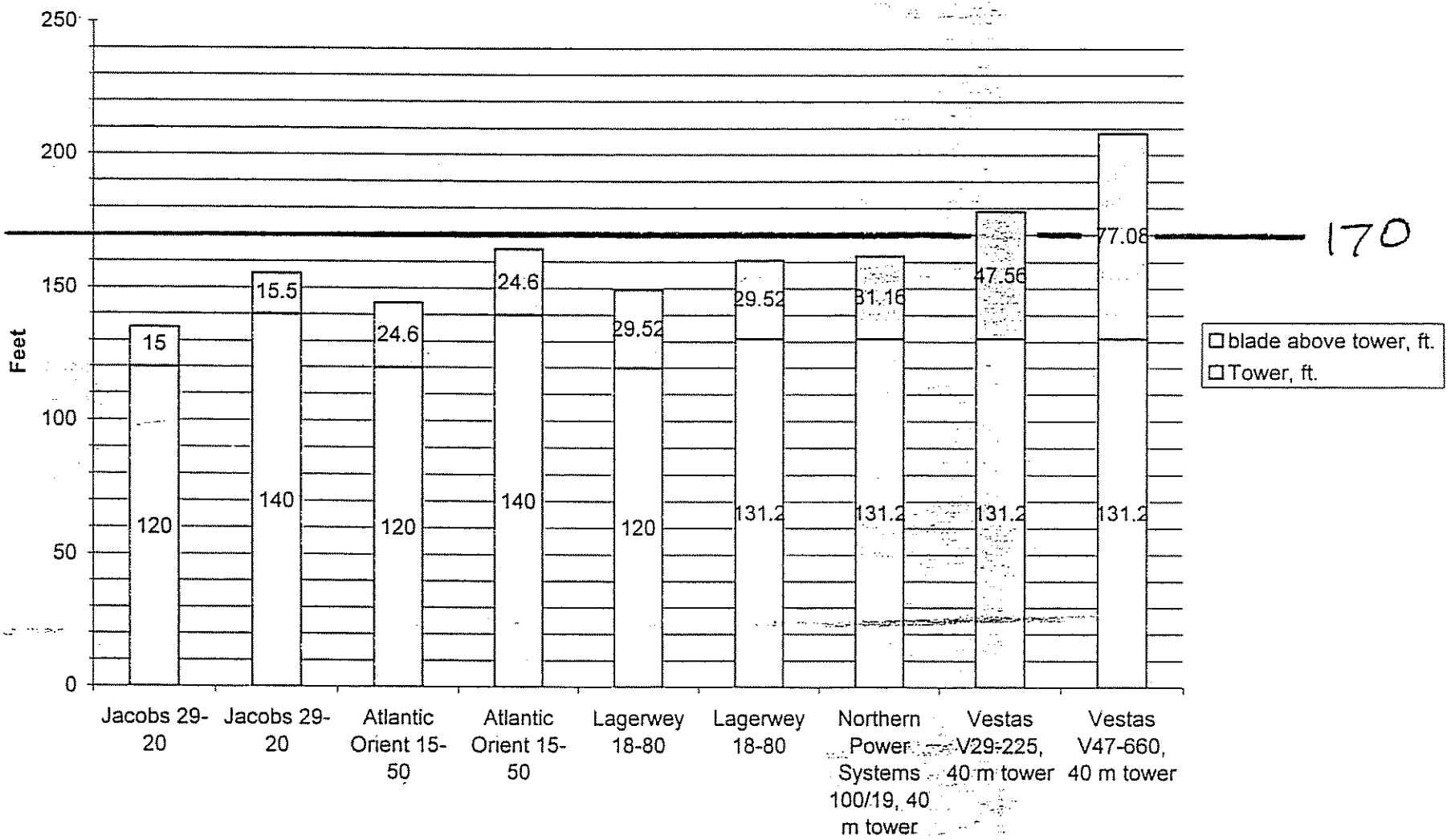
Any wind generator larger in name plate capacity then that specified in the above two categories shall be considered a commercial or utility-scale wind turbine, and shall be regulated by the conditional use permitting process drafted for these wind systems.

Costs associated with the permitting process of a commercial or utility-scale wind turbine or facility including attorney fees, and town board and zoning committee meeting fees should be paid for by the applicant. (4/13/00)

WECS total heights

170

170



WECS model

Tab 8

Survey and cover letter
Survey results
Survey graphics

March 29, 2001

Dear Lincoln Township resident,

In 1999, 31 wind turbines were installed in Lincoln and Red River Townships by Wisconsin Public Service Corporation (WPS) and Madison Gas and Electric (MG&E).

In July of 1999, the Lincoln Township Board of Supervisors passed a temporary moratorium (halt) on the construction of more turbines. The Board of Supervisors also appointed a committee to study the impact that the wind turbines are having on the township and its residents.

The enclosed survey represents the efforts of the Moratorium Study Committee to assess these impacts. The results of the survey will be forwarded to the Lincoln Township Board of Supervisors. The results will also be shared with Lincoln Township residents.

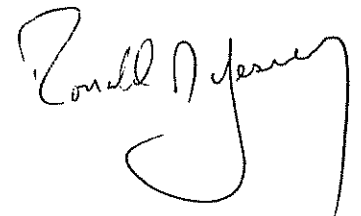

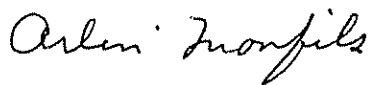
The surveys are color coded with two colors at the bottom of the page. The first color (blue or green) designates whether your household is closer to the WPS turbines or the MG&E turbines. The second color (blue, green, yellow, brown, or purple) designates the proximity of your household to the turbines.

The results of the completed surveys will be tabulated by UW-Extension. Having UW-Extension tabulate the surveys will assure that respondents will not be identified and that the results will be analyzed fairly.

It is very important that you complete and return the survey. Please complete the survey and return it in the enclosed postage paid, self-addressed envelope. The survey must be mailed no later than April 13, 2001.

Thanks you for your time and cooperation.

Sincerely,



Arlin Monfils, Chairman of Lincoln Township Board of Supervisors

Mick Sagrillo, Chairman of Lincoln Township Wind Turbine Moratorium Study
Committee

Ron Yesney, Kewaunee County UW-Extension Community Development
Educator



Lincoln Township

Lincoln Township Wind Turbine Survey

The following questions are about your impressions of the WPS and MG&E wind turbines:

1. Are any of the following wind turbine issues currently causing problems in your household?
 - a. Shadows from the blades Yes___ No___
 If yes, explain specifically _____

 - b. TV reception Yes___ No___
 If yes, explain specifically _____

 - c. Blinking lights from on top of the towers Yes___ No___
 If yes, explain specifically _____

 - d. Noise Yes___ No___
 If yes, explain specifically _____

 - e. Other problems
 Explain specifically _____

2. In the last year, have you been awakened by sound coming from the wind turbines?
 Yes___ No___
 If yes, how many times? 1-5___ 6-10___ 11-15___ 16 or more___

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?
 Positively___ Negatively___ Haven't affected me at all___
 If positively or negatively, please explain _____

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?
Positively_____ Negatively_____ Haven't affected me at all _____
If positively or negatively, please explain_____

5. How close to the wind turbines would you consider buying or building a home?
800 feet-1/4 miles _____
1/4-1/2 miles _____
1/2-1miles _____
1-2 miles _____
2 or more miles _____

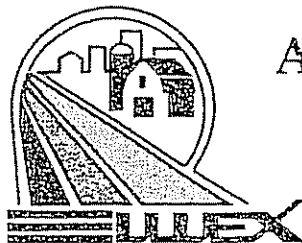
6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.
a. If you owned enough property and had the opportunity to host a wind turbine, would you?
Yes___ No___ Why or why not?_____

b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?
Yes___ No___ Why or Why not?_____

7. In the year 2000', wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?
Important _____
Not Important _____
Neutral or no opinion _____

8. In the year 2000', wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?
Important _____
Not Important _____
Neutral or no opinion _____

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?
Yes___ No___ No opinion_____
If yes or no, explain specifically_____



AGRICULTURAL RESOURCE CENTER

University of Wisconsin-River Falls, 410 S. 3rd Street, River Falls, WI 54022-5001
(715) 425-0640 • FAX (715) 425-4479

UNIVERSITY OF WISCONSIN EXTENSION • COOPERATIVE EXTENSION

LINCOLN TOWNSHIP WIND TURBINE SURVEY

This survey summary completed Thursday, May 16, 2001,
by David E. Kabes and Crystal Smith.

All the percentages are based on 233 completed surveys.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

10% yes 89% no 1% no response

b. TV reception

22% yes 74% no 4% no response

c. Blinking lights from on top of the towers

8% yes 91% no 1% no response

d. Noise

14% yes 85% no 1% no response

e. Other problems: See attached comments

2. In the last year, have you been awakened by sound coming from the wind turbines?

6% yes 92% no 2% no response

2a. If yes, how many times?

<1% 1 to 5 times

2% 6 to 10 times

<1% 11 to 15 times

3% 16 or more times

94% no response

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

5% Positively 11% Negatively 80% Haven't affected me at all 4% no response

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

5% Positively 7% Negatively 84% Haven't affected me at all 4% no response

5. How close to the wind turbines would you consider buying or building a home?

17% 800 feet to 1/4 miles

13% 1/4 to 1/2 miles

7% 1/2 to 1 miles

12% 1-2 miles

42% 2 or more miles

9% no response

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

49% yes 44% no 7% no response

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

48% yes 44% no 8% no response

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

62% important 16% not important 17% neutral or no opinion 5% no response

8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

69% important 14% not important 13% neutral or no opinion 4% no response

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

57% yes 24% no 18% no opinion 1% no response

THAT ENDS THE SURVEY SUMMARY. SEE COMMENTS ON THE FOLLOWING PAGES.

Comments for the Lincoln Township Wind Turbine Survey
Completed May 15, 2001

Question # 1a

We get a "strobe effect" throughout our house and over our entire property (40 acres).
In the spring and fall there is a strobe effect inside the house and in our yard.
In the morning through the south bay window the blades can be watched on the walls.
On sunny mornings the strobe lighting comes in the windows even with the blinds down.
On sunny days we get shadows from blades.
None that we know of yet.
Around 4:00-5:00
Too far away
Unsightly blemish in a normally beautiful part of the country.
We are not yet living in our house, so our answer to some questions is no but we are
greatly against having wind turbines near our home.
In fall I get a shadow.
Went sunshine we get in our backyard.
We installed vertical blinds but still have some problems
Big time problems
Shadows are cast over the ground and affect my balance.
Strobing effect in living room on TV.
Very hard to watch TV or do any work in the kitchen, as the shadows are distracting.
Reception on equipment in my house
When the sun is setting it shines through the blades, causing severe flashing in our
house.
They come across the lawn and one of the walls in the house.
We get it all summer long and some winter months.
Circle across living room and kitchen in afternoon.
I know people who live closer and this is a problem!
Shadows from the blades sweep over our house and yard and ruin our quality of life.
Strobe light effect coming through the windows.
Strobe light affect.

Question # 1b

Poor reception 11 and 14
Channel 14 flickers at the same rate as the turning of the turbine blade. Minimum of 50'
antenna tower proposed but no guarantee that would be high enough. Such a tower is
unacceptable.
WPS's TV consultant did not believe a 50' TV tower to be adequate for us. We now
have a dish system from WPS with basic networks from east and west coast but do not
receive Green Bay area stations.
Lately we have been having TV reception problems.
Our reception is bad since the turbines went up.
It is either high or low sound, also some stations are clear and some aren't.
Channels 38 and 26 are snowy and have static surges.
At times we get black and white TV. Two channels come in hazy!!

Only get 3 channels

Better

I don't know if it's the turbines causing the problem but it seems since they've been up my TV's cut off in the middle of a program.

Certain days depending on wind direction Morse codes lines across TV screen.

Some days the picture is foggy and snowy.

It does at times affect reception and especially when the red lights blades.

Channels hazy or can see the flipping of the blades.

Poor reception for channels 11 and 14

There is this really loud noise that runs through the TV and reception gets real static.

This will last for about 2 minutes and then clears at least once a day. Already ruined one TV. Had to buy another.

Some stations are not good.

Not proven

Put a bigger TV antenna up

We have problems occasionally with channel 11 but I am not sure if it is because of the wind turbines

Reception is poor on a majority of the channels and am not sure if it's the windmills or radio towers

Channel 2 is not as good as before

No channels come in clearly at our home even though we do have an antenna. This may or may not be caused by the windmills.

At times even using antennas

Perhaps?

Poor reception since they were erected, real bad on some days.

I feel my channels 26,32,38, and 14 are poorer.

It did for a while but not anymore.

TV use to black right out at times. Got my TV repairman to fix it at my expense.

Sometimes

At night when red light blinks, we get that in our TV etc in Rynue with light one in a way we get a gap in TV!

Unable to receive some local stations.

Not sure if poor reception on local stations can be attributed to the wind turbines or not.

Channel 14 is snowy.

At times you can see shadowing on the TV that imitates the blades moving, also poor reception.

Have interference on channel 2.

On channel five and a windy day

Who cares though!

Have shadows on 2 channels

Affect TV reception

Was fixed by public service for now!

On some days we notice "snowy" reception because of our location, we had to install antenna (several years ago) We really didn't notice the reception problem again until the windmills.

Reception not the best.

Could not get any reception however the company has installed an outside antenna for us, which has solved the problem.

Some stations don't come in well.

I don't know because I moved here after they were installed

We seem to have reception problems with some stations that other people living away from the turbines do not

Ever since they went up our reception is bad.

Don't get reception that I use to get.

Not sure, I don't see any problem

Moved here after wind turbines were up, unsure if they're the reason for TV reception problems.

Fuzzy on some days.

Unsure, reception could be better.

When the turbines are running I have a very difficult time receiving all UHF to some VHF channels.

Channel 14 is bad, we don't want a tower. Once in a while we have interference with other channels.

Some days, depending on the direction they're turned

Sometimes but not often.

Channel interference

At times my TV reception is poor but I am not sure if the turbines are the cause but before they were put up I had no trouble.

One station has been affected.

At times there is a strobing effect across the screen which coincides with the turning of the blades.

Not in-line with the TV towers or it probably would.

Don't think so.

It did, WPS put in a 50' TV tower so we could get local TV reception.

Question # 1c

Blinking red lights disrupt the night sky. They make it seem like we're living in a city or near a factory.

With winds primarily from the west, northwest, and southwest we have red flashing lights in our home

Shine in bedroom windows

At night it is very irritating because they flash in the windows.

I have a large bay window with a reliance and it is distracting.

It interrupts a beautiful starry night.

Not causing problems, just annoying. They surround us.

Looks like a circus, live in the country for peace and quiet.

Get the blink of light in TV.

Disrupts my life

A horrible affect on the serenity of the night and blink into my home.

We have to keep drapes closed at night.

No but everywhere we look we see them. It looks like an airport.

We now live in a red light zone.

No problem.
An annoyance
When we're lying in bed we see them.
They have ruined the night sky.
Yes when you lay in bed. It's not like just looking out and seeing clouds, etc. There is that wonderful red blinking light.
The blinking red lights can be seen from our bedroom window. What once was a serene night sky looks like flashing city lights
Annoying and ruining the night landscape.

Question # 1d

Sometimes so loud it makes it seem like we live in an industrial park. The noise dominates the "sound scape". It's very unsettling/disturbing especially since it had been so peaceful here. It is an ongoing source of irritation. Can be heard throughout our house even with all the windows and doors closed.
The noise generated by the turbines can be felt and heard inside as well as outside the house. Since most wind is from the west, northwest, and southwest we are usually down wind from the turbines.
When there is a strong south wind and you are sitting on the deck you can here the swish of the blades.
Wind from south, constant droning sound
They are very loud when it is calm outside.
It is the annoyance of never having a quiet evening outdoors. When the blades occasionally stop its like pressure being removed from my ears. You actually hear the quiet, which is a relief.
At night I have a hard time sleeping because I can hear them.
Depending which way the wind is we hear a slight noise.
Only when I'm outside and it's quiet. It's a big whoosh sound
Does not affect us.
We don't live close
Sounds like a gravel pit crushing rock nearby.
Sometimes depends which way the winds are blowing.
Sometimes
We can hear a mild hum in ideal conditions and if we pay attention to hear it.
Here when you go to bed and try to sleep at night or when you're outside working you hear what is like a constantly running silo and humming and swoosh sound from blades.
A loud whooshing noise.
At times we can hear them.
A faint sound
Can here them at night!
Occasional noise
Very noisy, very annoying when conditions are right.
When high winds
Very annoying if we have the windows open at night.
When the wind if from the northwest, we can hear the turbines. It sounds like a threshing machine running. It is annoying.

Loud swooshing comes through walls and bothers sleep and serenity of country living.
North winds and cold wind you can hear noise.

Can hear on some days even 2+ miles away. I'd hate to live near them.

Very noisy when wind is out of the southwest, west, south and east. At times we can hear them with the windows shut. There are very few days we don't hear them.

People that say they don't make noise. They probably say that you can't see them either. "RIGHT"

When I'm down wind from the turbines I hear a swishing noise, when directions are right.

Very audible in the spring, summer and fall when our windows are open. Sounds like the pounding of heavy machinery. Very nerve racking when subject to this.

I hear the wind towers once in a while.

Depending which way the wind blows and the time of the each wind a swooshing sound can be heard and it is very annoying. Several make the noise constant.

If outside for extended periods of time the mind registers the whooshing sound and I "hear" it even if I really don't. Windows remain closed in summer during the evenings.

The noise can make it impossible to fall asleep. It makes an uneven pitch not like the white noise of a fan. Can be heard through closed windows making it hard to fall asleep anytime of the year.

You can hear them at times as far as two miles away.

Summer, spring, and fall when windows are open the swooshing of the blades.

Question # 1e

None (times 26)

Not applicable (times 2)

No (times 5)

The sight of the towers is not particularly pristine.

The issue of stray voltage has not been addressed.

Land value has decreased. Traffic increased. Roads in very bad shape. I thought this would be fixed. Promises. Promises. Yeah right!

People driving by and stopping on the roads.

Stray voltage

I live approximately 1 ½ miles from the windmills. On a quiet night with the right wind direction, I can hear the windmill noise. People living within a ¼ mile should probably be compensated for the noise and nuisance.

None at all

Not compatible with surrounding area, eyesore, takes away the beauty of surrounding views. All future towers should be banded permanently.

I put in my big expensive bay window to enjoy the view and that's all you see.

No problems

They could be a target in an attack.

They are an eyesore when we look out the house!

Appearance

They are an eyesore. I am just glad they are not any closer.

Seems to have changes travel patterns of wildlife.

Made a lot of people very unhappy. Should put where there are no homes around.

I'm not sure about stray voltages and the problems it can cause.

A lot more traffic on the road- lot of strangers and the way things are going sometimes you just don't feel so brave.

I feel the above questions area repeat of all the same. We went through originally. Over and done!

Things that WPS didn't tell people about.

Just the overall appearance and size of the turbines is negative to our once beautiful country and farming community landscape. These turbines just plain look bad here.

The turbines are not close enough to our property to annoy us. The blinking lights are noticeable but not a problem.

None at all

Environmentally safe, put up more.

More traffic leading to the towers.

Stray voltage problems, bring lighting strikes closer to our home.

The rotating blades catch my eye when I am outside. They make me dizzy and offset my peace of mind out in the yard.

My nerves

There are enough to keep our town residential, we don't need any more.

If a farmer would have been subsidized as much as this wind project you wouldn't see farmers going out of business

Reception on radio

An esthetic problem- the windmills are a scab on the horizon.

I'm concerned about stray voltage.

We think there is stray voltage and long-term affect on our health.

Stray voltage or earth currents traveling in the earth.

Why should people make money at someone else's expense? Build them, live with them next to them like we have to.

Turbines have decreased the quality of our country living experience and are non-passive eye distraction of the scenery.

Need more

Stray voltage is a very real problem in our neighborhood. We have had our property tested and the results were frightening.

More concern over seeing more lightening than in the past- before generators were erected. Motors sometimes "grind" like a brake is being put on to slow the blades.

Eyesore when viewing the country side.

Question # 2

I don't open the window at night anymore but the fan is on.

This man is 80 years old, others in the neighborhood have been awakened by the sound.

Not awakened but found it hard to fall asleep!!!

Enough to go to the doctor because I need sleeping pills. Sometimes it absolutely drives you "nuts".

We have had to keep our windows closed. Night time is the worst.

Have had difficult time falling asleep. Windows must be closed!

Question # 3

They have disrupted the sense of peace we had by living in the country, adding to our stress. More or a psychological health effect. Who know what the long term affects of low frequency sound waves are?

The noise, flashing lights, interrupted TV reception, strobe effect and possible effect of stray voltage has created a level of stress and anxiety in our lives that was not present before the turbines installation. From the beginning there has been a lack of honesty and responsibility on the part of WPS.

Constant reminder of ugly use of wasted taxpayer money on out dated technology. Less sleep brings stress on the job and family.

Who knows the long term affects.

Stray voltage has caused problems with our cattle. Eventually it will start to cause problems with humans. It's just a matter of time

Free and clean electricity is positive for everyone's health.

Mental

Safer for production of current and better for the future production and conservation. No nuclear reactors which are known to cause health problems.

When you really don't like something I guess it does affect you!

Too early to tell about unknown long-term negative affects. Also electric prices have gone up.

Pleasing to see, relaxing to watch

Not that we're aware of. NO NEW WIND TURBINES

They have caused less CO₂ to be created because fossil fuels were not burned to generate electricity

Noise bothers me, sight of landscape with windmills depresses me.

Don't know how it could affect your health in the future.

Unable to determine that fact.

I wake up with headaches every morning because of noise causes my to have very restless sleep at night!

I feel this is a statement that is undeterminable at this time.

How will a person know when the turbines have only been running for 2 hours.

Make living in the Town less desirable and causes stress on my family and me!

They affect my peace of mind and do not belong in rural areas where there are homes.

Gotten me mad, high blood pressure, and not a good night's sleep!

Non-use of fossil fuels

Colds that last all winter and also coughs.

I live about 4 miles from them.

I think the windmills are a good thing and very positive for the town.

They have changed the life style of peaceful country living. It makes one sick. They could have been put in places where they would not have bothered people.

Haven't seen any good for us around here.

Arthritis has been worse this past fall and winter than it has ever been. Maybe stray voltage.

It's a good feeling to have a good feeling of not polluting the air!

All family members have more headaches and joint pain.

If it's causing problems in my cows, what's it doing to me?

Hard on the nerves, very sad that our neighbors did this to the neighborhood. If the Town wants more why don't they put them by the board members that wanted them. Our whole family has been affected. My husband just went to the doctor because of his stomach. He hates them. We have fights all the time about them. It's terrible. Why did you put them so close to our new home and expect us to live a normal life. If it isn't the shadows it's the damn noise. The only people that think they are so great and wonderful are those who really don't know. Great way to get energy but why should certain people get laughed at and pay the price.

Shows we're showing concern for future generations.

Haven't affected me but I believe this would be a long-term issue!

We have no way of knowing long-term affects. Growing concerns with stray voltage and its affect on health. We've had frequent headaches, which we didn't have before. Especially in the morning, after sleeping at night. We need answers!

It has taken a long time not to have a totally negative attitude toward their existence.

Now I just wish they weren't so close to my home. I doubt I will ever get "used" to them.

Lucky I'm far enough away, I can understand the problems they are creating with anyone close to them. See if Door County wants them!!

Strobe light, headaches, sick to the stomach, can't shit everything up enough to stop the strobe coming into the house

Question # 4

Not that we know of

The issue of stray voltage is unresolved and is not addressed

More traffic. I used to feel safe walking or riding bike.

People driving and stopping.

Wind is a safe form of energy.

Safer than radioactive reactors around here

Not yet

Sure hope they don't.

More traffic and have to back out of driveways (live on hill, hard to see).

Can't yet tell the negative short or long-term affect.

However I wonder about them attracting lightening during electrical storms.

By reducing the amount of coal burned less mercury is being added to the environment, particularly the lakes.

We don't know how they can affect us in the future.

Sometimes the cars stop on the road and we don't know who they are. There is a lot of traffic.

Unless they come apart, are they dangerous?

Don't get very restful sleep because it impacted on my health.

While they were being installed the destroying of the roads, noise, and extra traffic have been negative.

More traffic on the roads

Hasn't affected me as of yet. Don't know what will happen in the future.

Distracting when driving and adds stress to living here.

They catch my eye and I look at them instead of the road. They are dangerous.

Increased auto traffic!

Reduced health risk
I think the people that say they are too noisy are just full of shit.
No trouble at all
We don't know what stray voltages can cause to people and to animals
I feel safer knowing this method does not pollute
More lightning strikes and affects from stray voltage.
I don't know but something isn't right here.
People looking and stopping on the road.
They are an eye distraction when driving.
Haven't affected me but has brought more strangers in to the area, more traffic on our road
Stray voltage is the number one concern. We need honest answers. During inclement weather, especially fog, the red lights cannot be seen by air traffic over the area.
Concerns are still there, nothing actual to warrant them.
At this time I'm far enough away.

Question # 5

2 or more miles at best
The WPS hired sound, noise consultant said that 1 ½ to 2 miles distance is required to mitigate the low frequency noise of the generators.
More miles is better.
I would not build by any of them!
No where near, further than 2 miles.
½ - 1 miles or more
Any of the last three choices
All with mental safety is a factor.
Far enough away that I wouldn't see them but I am stuck with them.
As far away as possible.
Ugly, would not buy in this area again.
Own
No where near
I personally think they are an eyesore and would not want them near my home.
No where near them what so ever.
Cars stop on road in front of me to look at the wind turbines, almost hit one vehicle.
No where in sight of them.
30 miles
Where I could no longer see them or the flashing lights
25+ miles. They can be seen from this distance.
Many
2 or more counties
2 or more miles- this is even too close.
No where near.
Will never build another house.
2 miles is too close yet.
At least 2 miles.
No where near them never ever!! Not for a million dollars.

I would build as close as is legally possible is as I chose to build in their area or to living.
As far as possible!
Would never consider it. Plan on moving if we can sell our house.

Question # 6a

A great way to produce electricity- very clean and neat.
Don't want them that close.
We would not want to inflict these problems on anyone.
The negatives outweigh any positive. I would not inflict these conditions on my neighbors.
We have enough in our general area.
Until the technology is enhanced to incorporate innovative solutions I would not submit to scarring my land or landscape to benefit a few at the cost of many.
Because of resale value of my property
Decrease value of property
I don't own enough land. If I did it would have to be on some remote property that wouldn't bother me or my nearby neighbors.
Other than seeing them, you don't even know they are there.
Neighbors of these towers have had problems with TV reception as well as other problems such as ours. I would not want that for myself or my neighbors.
I think we are lucky to have the turbines especially knowing how they positively affect us, and knowing they haven't caused any harm to anyone or anything.
It would lower taxes and help our income.
Due to certain circumstances I might not be able to.
I know what we had to put up with. It is not being very neighborly!!
They should be set where there are no homes, open land.
Don't want them close to my home. Heard too many complaints about the noise.
To help make clean electricity
Because of the health problems from stray voltage.
Energy conservation- renewable energy
Financial gain from leasing land.
Rental payment- diversifying
Dollar amount way to small for a million dollars structures, it should be 4 times higher.
It is power that we never had.
It helps create power without hurting the environment.
Turbines are good for the environment.
Nice to look at
If not by my house and neighbors were not against it.
As long as they don't cause a problem and the financial benefits were there.
Have heard they are noisy at times.
More energy for the future at a more natural, safer approach.
Extra cash
Money
Because we need to find alternate resources
Don't know
Yes because we need to be looking for alternative sources of power that don't pollute.

Yes if it was away from neighbors buildings
Heard about the noise and shadows.
Don't know, not enough information has been given out on how much they're helping
We would not want other neighbors to get mad at us because they don't want more turbines.
Don't want them that close.
Would be too close to living quarters
No way, it is unsightly and electric prices do not decrease anyway.
They are useful and if done in the manner done in the Gregorville location, they are not an eyesore. They provide use with renewable energy.
It takes away good farmland.
Complaints about stray voltage affecting dairy cattle.
Good for Lincoln and tax
I don't feel they are efficient. Much of the time 1 or more are idle. If they wouldn't have been mandated the utilities wouldn't have pursued them.
To help with energy conservation.
Ugly, annoying
If property was large enough and compensation was enough.
This is another alternative for electricity.
Renewal energy and additional income
Who benefits?
Yes, if it were far enough away from residence not to affect TV reception.
I moved here to be in the country- windmills are not country.
Have no reason to host
Alternative power sources are a must for the future! I would be happy to help.
For money I would.
I would not want shadows over my home.
They are ugly and I would not like to have them casting shadows on homes. What about property values?
Because they are an eyesore and they do not benefit my family at all.
The wind turbines bring money to the landowner.
Don't really know, property owners receive a lot of money for putting them on their land but don't know if that reason would override the problems neighbors seem to have with them.
Both for the income and because it is environmentally responsible.
Maybe- undecided
Prefer homes and agriculture, not unsightly turbines on the landscape.
What's in it for us? Later we may find they cause problems to our health.
Yes, because there is nothing bad about them.
It is a renewable source.
Undecided
With problems that may arise from wind turbines for people.
There is enough around me.
For the rental money
Help out with electricity
Because the energy is not available locally.

No because of the problems we have with them.

Reasons explained earlier. No amount of money would be worth screwing up the appearance of our township!

If we owned enough property

If they did bother me, it would be too late to do anything.

Would not like them too close.

Environmentally safer than any nuclear plant.

I do not own property.

They are not creating electricity now to their full potential, they are an eyesore, are noisy, causes TV interference, a division of neighbors, etc. etc.

I have other plans for it.

I wouldn't subject my neighbors to the negatives of the turbines.

We need to tap into all renewable resources. Less dependency on fossil fuels

Disrupt the neighborhood

We need other power sources.

To help keep taxes down and try to prevent power shortages.

To heavily populated.

They do not belong in areas where there are homes.

I put my neighbors before the value of money unlike some of my neighbors!!

They use up too much good cropland.

It interferes with the TV.

Clean energy

The Lincoln Township has done their part in promoting an alternate energy source. We don't want additional wind turbines in the Township of Lincoln.

The question of whether or not we need cleaner, safer sources of electricity shouldn't ever be an issue in this day and age. I would urge anyone who opposes additional generators to consider the nightmare of disposing of the nuclear waste from the Kewaunee plant when no one will take it. Do you want nuclear waste stored in your backyard or a new wind generator? This issue will not just disappear if ignored.

Not enough property

Yes, because it is clean energy and I would get paid for it.

Would not have enough land.

If a person can save money through electric bills, go ahead.

Get them out.

Extra income

To help better the land and air.

Money for the town and me.

I think it lowers the property value and can be an eyesore.

Too many in our area already- we are a residential town.

I think it is a very good thing. Someday that might be our only source of power.

Good income and if I don't my neighbor probably will.

They are noisy and unsightly. They are too close to residences.

Only if my electric or tax rates would be reduced.

Don't want to put up with something that is only 26% efficient.

If it was undeveloped property.

They have not disrupted our lives and we believe in the need for alternative energy.

Don't own enough property

No because I know they are good but are an eyesore

The wind turbines have not impacted my health or safety yet, why give them the chance.

I'm thinking of the people, neighbors around me, and some of the problems they are having

Takes too much of the land that I could be working.

I believe in the technology

I've never seen one melt down or give off gases.

Yes because it is better and safer than nuclear power.

Build in non-residential areas.

No because of the earth currents it created and the harm it creates to my family and animals.

Noise, glare, traffic of gawkers

I would not do that to my neighbors.

If they didn't affect no one or nothing

I don't care to live by any.

Money

Leasing

They are a clean, energy efficient, unsightly, odorless, way to provide more much needed electrical power to our country.

Do not use carbon fuels to produce electricity.

I feel that they are environmentally safe and friendly.

There are and continue to be numerous problems and do not welcome any more at all.

I have to consider my neighbors. They have a right to the same environment as when they first resided.

It's kind of an eyesore.

Despite the added income, they look nice in the distance but not next door or close. I open my windows in the summer.

Because we need power.

They are too distracting. No eye appeal. Decrease property value. It would upset my neighbors and friends. It would change our beautiful peaceful countryside.

If their homes close by, it does effect them and I know what it is like and wouldn't do it to others.

Question # 6b

I think we need more of them.

Further installation would only create greater problems.

The negatives outweigh any positive. I would not inflict these conditions on my neighbors.

We have enough in our general area.

I would not inflict this on my neighbor, nor would I wish them to inflict this on me.

I don't want to live close to a wind turbine. I like to look out my window and see trees.

Decrease property value

I don't want them any closer to my house than they already are.

Other than seeing them, you don't even know they are there.

If they want to put a wind turbine on their land that is their choice.
If a reasonable distance from our home.
Provided $\frac{1}{4}$ to $\frac{1}{2}$ mile distance
It is a no brainer! (Decreased land value, inefficient, noisy, bad TV reception)
Stray voltage
Don't want to get in the middle of neighbors fighting.
My neighbor can do what they want with their land.
Because of the health problems from stray voltage.
Energy conservation- renewable energy.
Because of problems with current turbines, could not be sure there would be no
problems here. (Noise, strobing, TV reception)
Too close
Brings down value of my property!
It is power we never had
It would be their good fortune to have it. However, there is a nuisance factor for close
neighbors, which should be compensated!
As long as they don't cause a problem and the financial benefits were there. A neighbor
should be compensated also
Certain days depending on wind direction Morse codes lines across TV screen. Not
compatible with surrounding area, eyesore, takes away the beauty of surrounding
views All future towers should be banded permanently.
Our area is mostly CRP land around and would not affect other buildings or open
enough for good wind protection.
If the money would disturb amongst those people involved.
I do not believe I would help pay for them, but I would not try and stop the building of
more.
That's all I see now and I sure don't need any closer ones.
Don't know
Not if its not at least 2 miles from buildings.
Heard about the noise and shadows.
Anyone living near them should receive a financial benefit
We have enough right now.
Too close to living quarters
No way, it is unsightly and electric prices do not decrease anyway.
They are useful and if done in the manner done in the Gregorville location they are not
an eyesore. They provide use with renewable energy.
I think it would affect property value.
Complaints about stray voltage affecting dairy cattle.
Good for Lincoln and tax
I don't want them any nearer to us.
To help with energy conservation.
Ugly, annoying
Too close, they are within 200 feet.
Because we are going to need more electricity as our population increases.
Don't want the eyesore of the towers itself, the noise, and all the other problems
evolving from those windmills.

Yes if it would have an effect on our electric bill.

Yes, if it were far enough away from residence not to affect TV reception

I moved here to be in the country- windmills are not country

Again, this kind of project is essential to our future energy needs.

I would not want shadows over my home.

They are ugly and I would not like to have them casting shadows on homes. What about property values?

We hear nothing good from people who live near them.

The wind turbines do not affect me.

Talked to neighbors of existing turbines that were dissatisfied with problems, which were created from them.

It is environmentally responsible I use electricity so should take some responsibility for its generation

If 1 or 2 miles away.

Again, I live here for the peace and landscape of the area, not for turbine farms, it goes against my wishes.

Yes, because they don't bother me at all.

It is a renewable source.

Depends on how close to me they would be.

Some people don't care about anyone else. All they want is the money for having them on their property.

There is enough around me.

Their property rights to do so.

Help out with electricity

No because of all the problems that are caused because of them!

If it were not too close to our property

I wouldn't like it, but I wouldn't fight him over it either.

Yes because they are only ½ mile away now.

For all the about reasons plus many more such as the loss of resale value on the home property!

I would rather have country property utilized by wind turbines, which can be beneficial, more so than it would making it a subdivision.

I don't believe people should be subjected to the negative impacts.

We need to tap into all renewable resources. Less dependency on fossil fuels.

They should take them all down immediately.

I haven't had any problem with the way they look or sound.

Keep taxes lower and have enough power for out lights.

If its 2 miles away.

The people who put these on their property have no feelings for the rights of the Town.

They should not be allowed. The people with them should be taxed or fined for negatively affecting our once fine area.

I put my neighbors before the value of money unlike some of my neighbors!!

With proper distance it presents no problems.

Absolutely not. We don't want any more turbines "dotting" the countryside.

If there are health risk, why chance it?

It is their choice.

If a person can save money through electric bills, go ahead.
I feel at least ¼ mile should be between turbine and residence.
He needs money also.
Yes because it's not my land to say yes or no.
I think it lowers the property value and can be an eyesore.
There are enough- everywhere we look we see them.
Don't want to be that close to them.
In a free country no one should be able to dictate what you do on your own property.
They are noisy and unsightly They are too close to residences.
Only if my electric or tax rates would be reduced.
Don't want to put up with something that is only 26% efficient.
Only if the neighbors didn't mind.
Does not matter to me.
They have not disrupted our lives and we believe in the need for alternative energy.
It's a natural why to create energy.
It depends.
Esthetics are affected, property values fall.
Some neighbors are only interested in the money they receive for having them on their property. They don't consider the safety of other people.
It would be too close.
Important for the environment.
I'm supportive of the technology regardless of where it is located.
I've never seen one melt down or give off gases.
Yes because it is better and safer than nuclear power.
No because of noise, strobing blades, and stray voltage.
No because it affects everybody in wide area.
Don't know if I would
Noise, glare, traffic of gawkers
No because we live near 8 of them and we live with them everyday.
Too much noise.
They shouldn't be anywhere near someone's home.
Bring land value down and they are ugly.
Ugly
No because I want it on my property.
They blend in well with the countryside. In any of the wind turbine areas, if you are not looking for them. You don't even notice them.
Extra tax for town could possibly keep tax base lower for everyone.
Never! The present situation is such. We regret that our neighbors have chosen to put turbines near our home.
I would do everything in my power to stop the installation. The cost per kilowatt is higher than any other source of electrical power.
No opinion
Only if it's far enough I'm guaranteed not to hear it, of course I'm not sure he would care or not.
They are too distracting. No eye appeal. Decrease property value. It would upset my neighbors and friends. It would change our beautiful peaceful country side.

The noise, strobe light affect, TV reception, the sight of them.

Question # 7

Compensation belongs to those properties adversely affected by the turbines.

Which we have not seen reflected yet!

The tax levy was lower?

BS

Lowered my land value and wrecked roads

Did notice a difference, they just go up somewhere else.

Important but did not notice any change.

This number is highly inaccurate, closer to 3930 homes.

The WPS rates have gone way up so I wonder.

Did not lower our taxes

Lowered property value

Our taxes didn't go down they went up.

We didn't see it.

Feel they should get more for the taxes than we receive

If everyone gets along

Why did our taxes go up?

The revenue was minimal, as you know!

I have not seen any applied to the individual homeowner's tax base.

Not noted on tax bill.

They screwed up our Town, my property, and my health.

We haven't seen our taxes go down.

It did not!

It is important if this really happens. My taxes went up again this year.

Important but it hasn't done any yet for us

The revenue isn't worth what we have to live with.

Money means nothing if you're unhappy. If you can't live in your own home, what do I care about lower taxes. It's nuts.

They should not be allowed only as a use for additional revenue only, but the county should suggest them entirely in general.

I don't believe I noticed this!

The amount was so very small it didn't matter. No amount of money would be acceptable.

If I could tell you if I save the percentage of the money the turbine made. How much went to our town?

Question # 8

Turbines are a good technology and it's significant they've provided power for so many homes. But location is a huge issue that wasn't duly considered. They should be located either in isolated areas or areas where a lot of noise and lights already exists. It should be 3 times that number!

If it provided power to Lincoln Township area.

BS

That is really a very small number of homes for the number of turbines it took to produce that power. Do the math.

We all had to pay for the increased cost of this energy because they had no buyers for this so called special energy.

Very important

I don't know and I don't care as long as I have electricity to power my home 24-7/

I find it hard to believe because they are not turning a lot of the time Yesterday again they never moved until evening.

Would be important if it powered our home.

Which homes

At what cost?

Wants to know exact output of the turbines.

Not ours

Has it produced a discount on our light bill? Does it provide power for our homes?

What are we benefiting?

If everyone agrees.

Does it effect the electricity used in Lincoln Town homes and farms?

It is important, but there are many other non-residential areas in the state that turbines could be erected (as your studies have proven).

We do not get any affect from this. You sell the electricity elsewhere.

Not important because the power is being sent out of the area. We don't benefit

Important but they should be powering our own local homes.

One plant would affect less people and generate more power.

It is great they provided it but they should be built in a more remote area where they don't affect neighbors.

My light bill went up not down!

Important but let them put them in other townships

I don't believe it.

This is expensive electricity that makes no economic sense. If we have to have these, the capacity should be set at the electricity demand of the Town of Lincoln.

I think 5,720 homes is an exaggeration.

To live the way I did since these turbines went up, I'd rather sit in the dark with no heat.

For the amount of money and the problems the turbines have brought to our neighborhood it is not important.

Did anyone of those 5720 homes though acknowledge us for giving up our clean country look for their power?

Why doesn't the home close to the windmills get free electric or at a much lower rate than others who don't have the windmills in their backyards??

Question # 9

I feel Lincoln town is a leader in wind énergy.

We were misled concerning the effects the turbines would have on our everyday lives.

It seems they were installed to meet mandates and for some people to generate more income at the cost of disrupting other people's environments.

Lincoln Township and its attorney were unprepared and ill equipped to deal with the economic, political and corporate pressure placed on them.

Because it powered so many homes and I'd rather see turbines than nuclear reactors
More research needs to be done to improve efficiency and protect homeowners and neighbors forced to live in such an environment.

Offers an alternative to conventional electric sources

We have "some"; other communities should have "some". We shouldn't have to host then "All" though.

In the Madison Electric project, only one of the landowners involved actually lived within 2 miles of the project and therefore were not affected by the turbines. I wouldn't mind the turbines if they weren't in my neighborhood.

We should all feel privileged to have the wind towers in our town. They are doing a lot of good by producing electricity and there is no pollution and they are not causing any harm to anyone.

They are needed for more electricity and they use natural energy.

Alternative methods of generating electricity should be explored.

I think we are a bunch of fools. Read the latest opinions on California's wind turbines. They still have blackouts. (Let's not be taken again by big companies and their corporate breaks.) They are hitting on small towns who are uneducated on these bug matters. It is amazing how people sell out of the quality of rural life for the almighty dollar. Shame on the ones who said yes. What is next!

They should be placed away from homes and people.

Yes it is a good example but now let some other township set an example.

The township is taking a step to help the earth

The companies are not informing us of all the possible problems that might occur when the wind turbines produce more electricity than expected. Can the power lines handle that much electricity?

Renewable energy sources.

It shows that we are part of the movement to lessen our dependence on fossil fuels.

It showed that big business and the state government could push a township around!

I feel that more townships should consider putting up wind turbines.

Saver on electricity

It helps create power without hurting the environment.

Sound investment in our future- renewable energy sources.

More electric power. Our town board is nuts.

Too much fighting

It makes Lincoln more identifiable.

We all have a responsibility to search for and invest in clean and renewable energy.

Towers should not be located near residents or homes. Seek greater distances.

It proves they can work and are in the long run safe, natural production of electricity.

We don't want to end up in the same situation as California!!

Hopefully other townships will follow our lead.

It has caused much disappointment and people to argue! The ones who made the big money putting them on their land are happy! But it would never be me.

It's a good way of creating electricity, but I do not like the towers that close to somebody's buildings.

If someone has enough land with no houses around- okay.

We need renewable types of energy like the wind.

Now people know where Lincoln is and if it is saving money for taxpayers, then that is good

Anything that will help with providing electricity. At least we don't live in California. Everyone is complaining about them, I think they are fine.

Bad trend

Somebody must have the balls to do something important about energy even though some people may gripe about it because of appearance, etc

Anything to save money

The "greed" factor- I fell the money that the town took in is a "bribe" to let the utilities establish the wind turbines and now they want to expand on that and take further advantage of Lincoln. If wind generation produces electricity so well, why aren't generators put up in industrial parks and near businesses and factories that use huge quantities of electricity. If they were cost effective and efficient the businesses would own their own wind generators.

All communities should do whatever possible to help energy conservation. I believe it is a political move. How much did the turbines' installation, upkeep, and cost to landowner cost? As opposed to homes powered? Which was more? No one has ever answered.

It's safe for the environment and if in good location (far enough away) shouldn't cause too much of a problem.

Producing electricity by wind energy is safe and clean for our environment. If our residents are compensated to include the landowners for the lease of their land, I am very much in favor of wind turbines.

Better than burning coal or building nuclear power plants even though wind energy is only supplemental.

Helping energy

Let other counties or communities be the guinea pigs with the long-term effects or disadvantages of having the windmills. All the landowners who put the windmills up have them on property away from their own homes but on fence lines and land near all other homeowners.

I moved here, to see cows not turbines.

Of course! I also believe all major farms should supply power through use of wind turbines! I also believe that those who have been "good citizens" by hosting wind turbines, in order to do a public service, are entitled to tax breaks or exemptions. So more! Do it now! And thank you!!

Future energy resources save on taxes.

You need to let neighboring areas know what good the wind turbines are doing for Lincoln.

However, I think we've done our share, let another township take their turn!!! NO NEW "WIND TURBINES"

A positive thing the township could do to gain additional revenue could be to pass more building permits so people could build new homes on their land and the township could benefit from land taxes.

We need to find alternative electricity, but we would not want a windmill anywhere near our home. We cannot even see Lincoln's or Red Rivers from our house.

Saving energy

We are all responsible for the use of electricity, so we need to be more responsible in the generation of it. We can't use electricity and then assume that the generation will be in somebody else's backyard.

Even if they add inconveniences, we (USA) need to generate alternative energy.

To me this is a form of progress considering the energy situation.

If someone wants to build turbine farms, find a spot not populated, or buy out at a premium, people that are near. A few people gained from the turbines but a lot more have lost, and I have not heard any good words about them.

Why not produce free power if there is the opportunity?

We need to look for more natural resources for renewable energy.

They are good because it's a natural source of energy. Winds are free and clean.

You have to get along with people. You should have to deal with your own noise and shadows. Do not let anyone else deal with it.

They should build them away from people and not group them together.

If they wouldn't get built here, they would go elsewhere.

Maybe others will follow and help out.

We need alternative energy but we don't need all available space in Lincoln town with turbines.

No because they didn't think of people and all the problems the turbines could cause for the health of people in the years to come years!

The turbines look very futuristic but I wouldn't like to see them all over the place.

Good source of electricity and safe to the environment.

Yes because they are safe.

We need to stay ahead of the demand for electricity.

More homes are being built in the Lincoln Township so more electricity will be needed.

The people in the area opposed to the wind turbines should not be burdened with them for the benefit of just a few who gain financially.

Better way of creating electricity.

It is not a life-threatening problem.

Lincoln Town is now a bad place to live!

We need to show other people that the turbines will work.

They are killing the future of our town. The people who approved them should be fined and taken out of office! I'm thinking about moving and selling out!

They got it rammed down their throats by big business and money!

Everyone is concerned with global warming and clean energy is a start and part solution.

Yes, but there needs to be limits! Restrictions on the number of turbines per township would only seem right considering the number of people opposing them. I feel some landowners' judgement may be clouded by the pursuit of the "almighty" dollar!!!

It saves energy.

Getting cheaper power.

Ecologically it is a better power generator.

It is a natural resource that is a clean form of energy.

The wind turbines do not bother me.

Common sense: provided 5720 homes with electricity.

Hell no!

Better than a coal plant or nuclear plant.

Yes because I think that more townships should get into this to try and clean up the world for their kids and grandkids

Yes but we have enough, other townships can now help out.

Don't want to be that close to them.

We need the electricity it provides.

We live on County S and we have lots of people stop in front of our house and take photos. That is very neat and it will help all the businesses all around us bring in money. I think the windmills are good.

They are causing more problems that they are worth. It is pitting neighbor against neighbor. The people getting paid or would be paid if they had them have no problem with the turbines. No one else wants them.

Yes but lets not get carried away with them.

Put them in Two Creeks, they can have all the problems.

Build more

Using a natural resource and no pollution.

Does not matter to me

The need for alternative energy will grow. I wish that there had been no problem over the existing turbines, but I feel that some of the people would have found something to complain about, no matter what

Lincoln residents are looked upon as gullible suckers.

They should build wind turbines farther from residential areas.

The Lincoln Township is showing they have concern about preserving our natural resources for future generations and what kind of environment the township is leaving behind for future generations.

This shows an interest in caring for future generations.

Although I'm sure there are some problems, I feel the good by not creating pollution or other negative byproducts outweigh the negative impact of the wind turbines.

Town of Lincoln didn't care about residents close to generators.

No because they did a poor job of checking out the health studies and stray voltage issues on the wind turbines. Wind turbines are just big power plants. Electricity. Town board.

We are being taken advantage of because we have neither the resources nor collective (political) will to fight these companies. Calumet County said "No" and they left.

They should not have them by homes and it's nice for the people who don't have to live with them everyday. they don't do the country side any good, they are not attractive.

They are not helping people who don't have them on their land.

They only listen to the people that think they are so great and wonderful and don't live near them.

I think this is a government program for the Green Lobbyists and think that for living so close to turbines, there should be a lower rate for electricity.

We are not "hosting" turbines. They are squatters in our environment. This is a stupid question.

These turbines cause no problems, health or otherwise, that can't be ironed out with a little co-operation. We need more energy and Lincoln was not afraid to take a step forward!

Have to find alternatives to coal or nuke

Yes but the continual negative aftermath is unnecessary and detrimental to the whole person and the township itself in general.

Someone has to take the lead, if proven successful more should be put up.

We need an alternative power source that is environmentally safe and friendly

No, it is an example of landowners taking money to put them on their land. The millions of tax incentives dollars the federal government paid to the utilities could have been better spent on replacing and updating utility line equipment. Research on fuel cell technology and photovoltaic panels and "energy conservation".

These turbines are an excellent idea although they should not have been built so close to people's homes. Not enough thought was put into that and now some suffer from the annoyances. No more please.

The price is high for what we're receiving in tax savings. They are decreasing the value of property in this township.

Maybe put them in the swamp where no one lives and wouldn't hear them. Thank you for the opportunity for input.

They don't bother us at all. I think they are a great source of power. The only thing that bothers me about the turbine is when they are not turning which isn't that often only about once a week that I see.

A good example to whom. They went onto it too fast. Town people should have been able to vote on it.

Additional Comments

When we were dating back in the 1970's we always said that someday we were going to build a home here. It was great and then you guys did this. Thank you. Now its move or get a divorce after 26 years. I don't think so. I guess the real test will come in a couple of years when our son is out of school. With all the money that the township is making, if we can't sell it they can buy it and enjoy the sight, sound, and shadows.

Believe me it sure made our lives here!! This should have never happened. If only you would have taken the time and study this more. Everyone was thinking about themselves and money. No one cared about anything else. Thanks Again.

They need to be kept away from homes. Perhaps we need other power supplies but not near people's homes.

It seems rather poor to send out a survey now when they are already up. We received nothing to state our opinions before the turbines went up! The survey mentions lower taxes in Lincoln township. Two years ago, homes were reassessed and everyone's taxes went up substantially. Now there is talk about assessing again. I will not pay more taxes to live near windmills! I and my family sure wouldn't want to see any more go up anywhere near this area. There is less and less country side left to enjoy with all the home building. We don't need to look at those unsightly things!



AGRICULTURAL RESOURCE CENTER

University of Wisconsin-River Falls, 410 S. 3rd Street, River Falls, WI 54022-5001
(715) 425-0640 • FAX (715) 425-4479

UNIVERSITY OF WISCONSIN EXTENSION • COOPERATIVE EXTENSION

LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **MG&E** for persons living **800 feet to ¼ mile** from turbines.

This survey summary completed Tuesday June 12, 2001.

4 surveys were sent out and 3 were received for a return rate of 75 percent.

All percentages are based on 3 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	2	67
no	1	33
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	1	33
no	2	67
not sure	0	0

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	1	33
no	2	67
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	2	67
no	1	33
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	1	33
no	2	67

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	0	0
11 to 15 times	0	0
16 or more times	1	33
no response	2	67

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	1	33
Negatively	0	0
Haven't affected me at all	2	67

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	0	0
Negatively	1	33
Haven't affected me at all	2	67

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	1	33
1/4 to 1/2 miles	0	0
1/2 to 1 miles	0	0
1-2 miles	0	0
2 or more miles	0	0
no response	2	67

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	1	33
no	1	33
no response	1	34

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	1	33
no	2	67

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	1	67 ↗
not important	2	33 ↘
neutral or no opinion	0	0

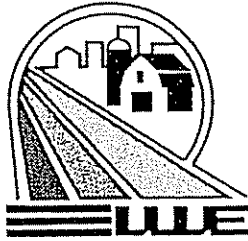
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	1	33
not important	2	67
neutral or no opinion	0	0

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	1	33
no	2	67
no opinion	0	0

THAT ENDS THE SURVEY SUMMARY.



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LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **MG&E** for persons living $\frac{1}{4}$ to $\frac{1}{2}$ mile from turbines.
This survey summary completed Tuesday June 12, 2001.

12 surveys were sent out and 8 were received for a return rate of 67 percent.
All percentages are based on 8 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	2	25
no	6	75
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	2	25
no	6	75
not sure	0	0

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	0	0
no	7	88
not sure	0	0
no response	1	12

d. Noise

	<u>RN</u>	<u>%</u>
yes	5	63
no	3	37
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2 In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	3	37
no	5	63

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	1	12
11 to 15 times	1	12
16 or more times	1	12
no response	5	64

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	1	12
Negatively	2	25
Haven't affected me at all	5	63

4 Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	1	12
Negatively	2	25
Haven't affected me at all	5	63

5 How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	2	25
1/4 to 1/2 miles	1	12
1/2 to 1 miles	0	0
1-2 miles	0	0
2 or more miles	4	50
no response	1	13

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	3	37
no	5	63

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	3	37
no	5	63

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	5	63
not important	2	25
neutral or no opinion	0	0
no response	1	12

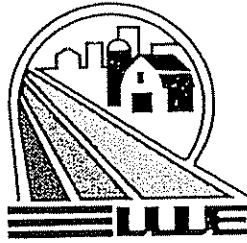
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	5	63
not important	3	37
neutral or no opinion	0	0

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	3	37
no	4	50
no opinion	1	13

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LINCOLN TOWNSHIP WIND TURBINE SURVEY Summary for **MG&E** for persons living **1/2 to 1 mile** from turbines. This survey summary completed Tuesday June 12, 2001.

28 surveys were sent out and 17 were received for a return rate of 61 percent.
All percentages are based on 17 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	4	24
no	13	76
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	4	24
no	13	76
not sure	0	0

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	0	0
no	17	100
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	4	24
no	13	76
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	1	6
no	16	94

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	0	0
11 to 15 times	0	0
16 or more times	0	0
no response	17	100

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	1	6
Negatively	1	6
Haven't affected me at all	15	88

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	1	6
Negatively	1	6
Haven't affected me at all	15	88

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	4	24
1/4 to 1/2 miles	0	0
1/2 to 1 miles	4	24
1-2 miles	2	11
2 or more miles	4	24
no response	3	17

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	11	65
no	5	29
no response	1	6

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	13	76
no	4	24

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	15	88
not important	0	0
neutral or no opinion	2	12

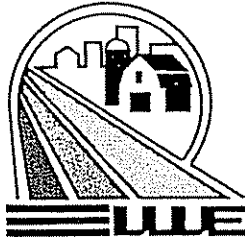
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	14	82
not important	1	6
neutral or no opinion	2	12

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	13	76
no	3	18
no opinion	1	6

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LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **MG&E** for persons living **1 to 2 miles** from turbines.
This survey summary completed Tuesday June 12, 2001

55 surveys were sent out and 44 were received for a return rate of 80 percent.
All percentages are based on 44 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	2	5
no	41	93
not sure	0	0
no response	1	2

b. TV reception

	<u>RN</u>	<u>%</u>
yes	8	18
no	32	72
not sure	0	0
no response	4	10

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	4	10
no	39	88
not sure	0	0
no response	1	2

d. Noise

	<u>RN</u>	<u>%</u>
yes	2	5
no	41	93
not sure	0	0
no response	1	2

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	0	0
no	43	98
no response	1	2

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	1	2
11 to 15 times	0	0
16 or more times	0	0
no response	43	98

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	3	7
Negatively	6	13
Haven't affected me at all	33	75
No response	2	5

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	3	6
Negatively	2	5
Haven't affected me at all	37	84
No response	2	5

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	4	9
1/4 to 1/2 miles	6	14
1/2 to 1 miles	4	9
1-2 miles	7	16
2 or more miles	18	41
no response	5	11

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	17	39
no	22	50
no response	5	11

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	15	34
no	20	45
no response	9	21

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	23	52
not important	8	18
neutral or no opinion	10	23
no response	3	7

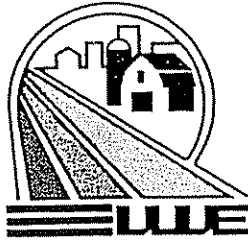
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	27	61
not important	7	16
neutral or no opinion	8	18
no response	2	5

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	23	52
no	11	25
no opinion	9	20
no response	1	3

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LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **MG&E** for persons living **2+ miles** from turbines.
This survey summary completed Tuesday June 12, 2001.

36 surveys were sent out and 19 were received for a return rate of 53 percent.
All percentages are based on 19 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	0	0
no	19	100
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	3	16
no	15	79
not sure	0	0
no response	1	5

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	4	21
no	15	79
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	1	5
no	18	95
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	0	0
no	19	100

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	0	0
11 to 15 times	0	0
16 or more times	0	0
no response	19	100

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	2	11
Negatively	0	0
Haven't affected me at all	17	89

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	1	5
Negatively	0	0
Haven't affected me at all	18	95

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	2	11
1/4 to 1/2 miles	4	21
1/2 to 1 miles	1	5
1-2 miles	3	16
2 or more miles	8	42
no response	1	5

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	10	53
no	9	47

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	10	53
no	8	42
no response	1	5

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	9	47
not important	6	32
neutral or no opinion	4	21
no response	0	0

8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	12	63
not important	2	11
neutral or no opinion	4	21
no response	1	5

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	11	58
no	4	21
no opinion	4	21

THAT ENDS THE SURVEY SUMMARY.



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LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **WPS** for persons living **800 feet to ¼ mile** from turbines.
This survey summary completed Tuesday June 12, 2001.

~~65~~ surveys were sent out and 6 were received for a return rate of 120 percent.
All percentages are based on 6 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	1	17
no	5	83
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	2	33
no	4	67
not sure	0	0

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	0	0
no	6	100
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	2	33
no	4	67
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	0	0
no	5	83
no response	1	17

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	1	17
11 to 15 times	0	0
16 or more times	0	0
no response	5	83

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	0	0
Negatively	1	17
Haven't affected me at all	3	50
No response	2	33

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	0	0
Negatively	1	17
Haven't affected me at all	5	83

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	4	67
1/4 to 1/2 miles	0	0
1/2 to 1 miles	0	0
1-2 miles	0	0
2 or more miles	1	17
no response	1	16

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	0	0
no	4	33
no response	2	67

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	4	67
no	2	33

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	4	67
not important	0	0
neutral or no opinion	1	17
no response	1	16

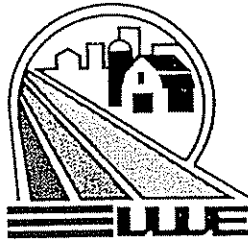
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	5	83
not important	0	0
neutral or no opinion	0	0
no response	1	17

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	4	67
no	1	17
no opinion	0	0
no response	1	16

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LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **WPS** for persons living $\frac{1}{4}$ to $\frac{1}{2}$ mile from turbines.
This survey summary completed Tuesday June 12, 2001.

20 surveys were sent out and 19 were received for a return rate of 95 percent.
All percentages are based on 19 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	9	47
no	10	53
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	8	42
no	11	58
not sure	0	0

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	4	21
no	15	79
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	9	47
no	10	53
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	6	32
no	12	63
no response	1	5

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	1	5
6 to 10 times	1	5
11 to 15 times	0	0
16 or more times	5	26
no response	12	64

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	2	11
Negatively	6	32
Haven't affected me at all	10	52
No response	1	5

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	2	10
Negatively	3	16
Haven't affected me at all	11	58
No response	3	16

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	5	26
1/4 to 1/2 miles	3	16
1/2 to 1 miles	0	0
1-2 miles	1	5
2 or more miles	9	47
no response	1	6

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	6	32
no	13	68

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	6	32
no	13	68

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	8	42
not important	7	37
neutral or no opinion	4	21

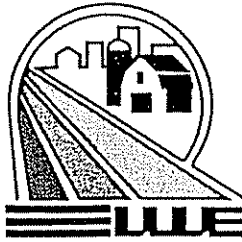
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	10	53
not important	5	26
neutral or no opinion	3	16
no response	1	5

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	7	37
no	8	42
no opinion	4	21

THAT ENDS THE SURVEY SUMMARY.



AGRICULTURAL RESOURCE CENTER

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UWEX UNIVERSITY OF WISCONSIN EXTENSION • COOPERATIVE EXTENSION

LINCOLN TOWNSHIP WIND TURBINE SURVEY

Summary for **WPS** for persons living **1/2 to 1 mile** from turbines.
This survey summary completed Tuesday June 12, 2001.

16 surveys were sent out and 11 were received for a return rate of 69 percent.
All percentages are based on 11 completed surveys

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	1	9
no	9	82
not sure	0	0
no response	1	9

b. TV reception

	<u>RN</u>	<u>%</u>
yes	6	55
no	5	45
not sure	0	0

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	3	27
no	7	64
not sure	0	0
no response	1	9

d. Noise

	<u>RN</u>	<u>%</u>
yes	5	45
no	5	45
not sure	0	0
no response	1	10

e. Other problems: See comments from the 233 completed surveys

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	1	9
no	9	82
no response	1	9

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	0	0
11 to 15 times	0	0
16 or more times	1	9
no response	10	91

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	5	45
Negatively	5	45
Haven't affected me at all	0	0
No response	1	10

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	0	0
Negatively	3	27
Haven't affected me at all	6	55
No response	2	18

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	3	27
1/4 to 1/2 miles	1	9
1/2 to 1 miles	0	0
1-2 miles	1	9
2 or more miles	5	45
no response	1	10

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	4	36
no	7	64
no response	0	0

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	4	36
no	7	64

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	5	45
not important	5	45
neutral or no opinion	0	0
no response	1	10

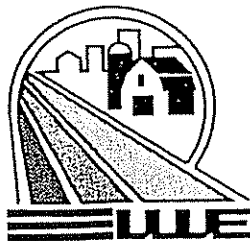
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	5	45
not important	4	36
neutral or no opinion	0	0
no response	2	19

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	4	36
no	6	55
no opinion	1	9

THAT ENDS THE SURVEY SUMMARY.



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LINCOLN TOWNSHIP WIND TURBINE SURVEY Summary for **WPS** for persons living **1 to 2 miles** from turbines. This survey summary completed Tuesday June 12, 2001.

96 surveys were sent out and 71 were received for a return rate of 74 percent.
All percentages are based on **74** completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	1	2
no	69	97
not sure	0	0
no response	1	1

b. TV reception

	<u>RN</u>	<u>%</u>
yes	14	20
no	56	79
not sure	0	0
no response	1	1

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	3	4
no	68	96
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	2	3
no	67	94
not sure	0	0
no response	2	3

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	2	3
no	68	96
no response	1	1

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	1	1
6 to 10 times	1	1
11 to 15 times	0	0
16 or more times	0	0
no response	69	98

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	0	0
Negatively	4	6
Haven't affected me at all	64	90
No response	3	4

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	2	3
Negatively	3	4
Haven't affected me at all	64	90
No response	2	3

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	10	14
1/4 to 1/2 miles	10	14
1/2 to 1 miles	5	7
1-2 miles	14	20
2 or more miles	29	41
no response	3	4

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	37	52
no	26	37
no response	8	11

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	37	52
no	29	41
no response	5	7

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	50	70
not important	4	6
neutral or no opinion	14	20
no response	3	4

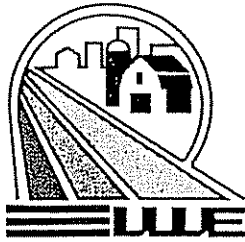
8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	53	75
not important	5	7
neutral or no opinion	11	16
no response	2	2

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	44	62
no	10	14
no opinion	16	23
no response	1	1

THAT ENDS THE SURVEY SUMMARY.



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LINCOLN TOWNSHIP WIND TURBINE SURVEY Summary for **WPS** for persons living **2+ miles** from turbines. This survey summary completed Tuesday June 12, 2001.

41 surveys were sent out and 35 were received for a return rate of 85 percent.
All percentages are based on 35 completed surveys.

There are two sets of numbers, raw numbers and percentages, for the responses to the questions. RN stands for raw number.

The following questions are about your impressions of the WPS and MG&E wind turbines.

1. Are any of the following wind turbine issues currently causing problems in your household?

a. Shadows from the blades

	<u>RN</u>	<u>%</u>
yes	1	3
no	34	97
not sure	0	0

b. TV reception

	<u>RN</u>	<u>%</u>
yes	4	11
no	28	80
not sure	0	0
no response	3	9

c. Blinking lights from on top of the towers

	<u>RN</u>	<u>%</u>
yes	0	0
no	35	100
not sure	0	0

d. Noise

	<u>RN</u>	<u>%</u>
yes	0	0
no	35	100
not sure	0	0

e. Other problems: See comments from the 233 completed surveys.

2. In the last year, have you been awakened by sound coming from the wind turbines?

	<u>RN</u>	<u>%</u>
yes	0	0
no	35	100

2a. If yes, how many times?

	<u>RN</u>	<u>%</u>
1 to 5 times	0	0
6 to 10 times	0	0
11 to 15 times	0	0
16 or more times	0	0
no response	35	100

3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?

	<u>RN</u>	<u>%</u>
Positively	1	3
Negatively	1	3
Haven't affected me at all	33	94

4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?

	<u>RN</u>	<u>%</u>
Positively	1	3
Negatively	1	3
Haven't affected me at all	31	89
No response	2	5

5. How close to the wind turbines would you consider buying or building a home?

	<u>RN</u>	<u>%</u>
800 feet to 1/4 miles	4	11
1/4 to 1/2 miles	5	14
1/2 to 1 miles	3	9
1-2 miles	1	3
2 or more miles	19	54
no response	3	9

6. Please answer the following questions assuming that a utility wanted to build more wind turbines in Lincoln Township.

6a. If you owned enough property and had the opportunity to host a wind turbine, would you?

	<u>RN</u>	<u>%</u>
yes	22	63
no	12	34
no response	1	3

6b. Would you support the installation of a wind turbine or turbines on your neighbor or neighbors properties?

	<u>RN</u>	<u>%</u>
yes	18	51
no	13	37
no response	4	12

7. In the year 2000, wind turbines in Lincoln Township generated additional revenue which helped lower Lincoln Township's tax levy. How important is this fact to you?

	<u>RN</u>	<u>%</u>
important	25	71
not important	4	12
neutral or no opinion	4	11
no response	2	6

8. In the year 2000, wind turbines in Lincoln Township provided enough electricity to power approximately 5720 homes. How important is this fact to you?

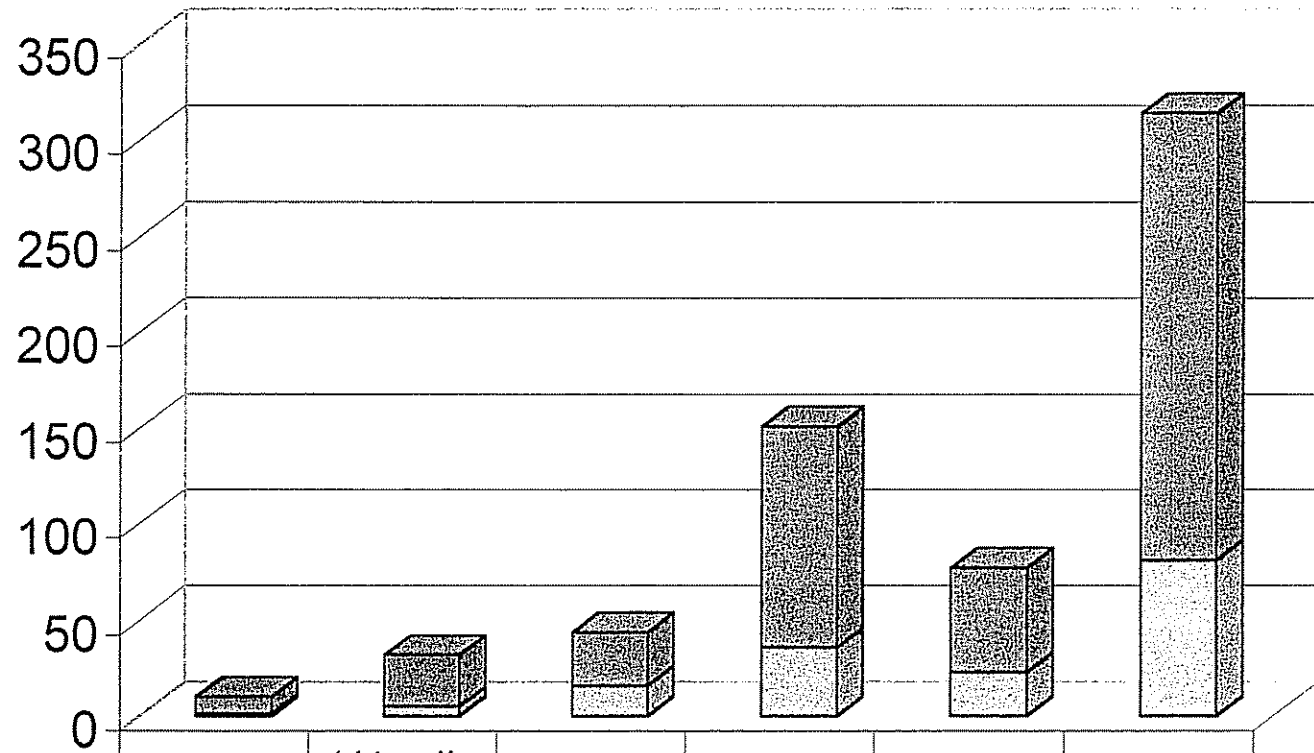
	<u>RN</u>	<u>%</u>
important	28	80
not important	3	9
neutral or no opinion	2	6
no response	2	6

9. Do you believe that Lincoln Township is "setting a good example" in hosting the wind turbines?

	<u>RN</u>	<u>%</u>
yes	22	63
no	6	17
no opinion	6	17
no response	1	3

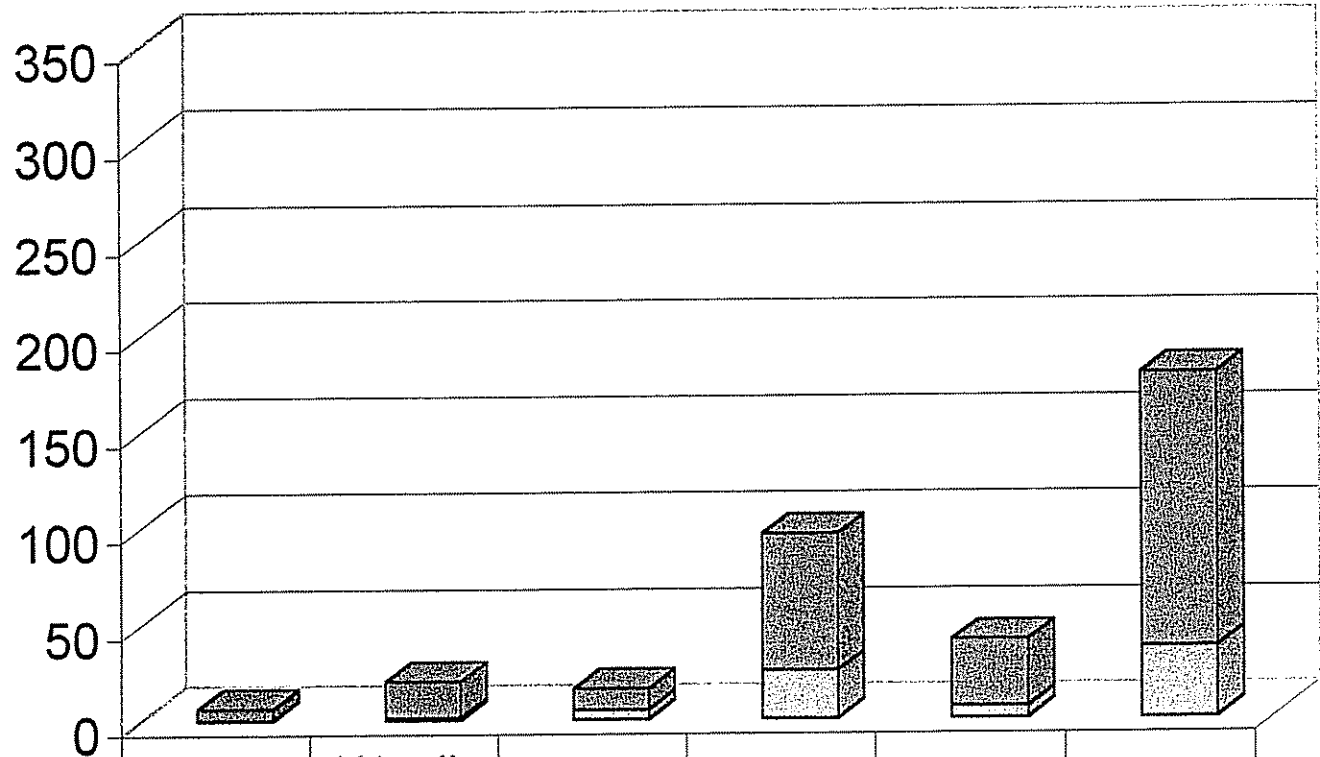
THAT ENDS THE SURVEY SUMMARY.

All Surveys



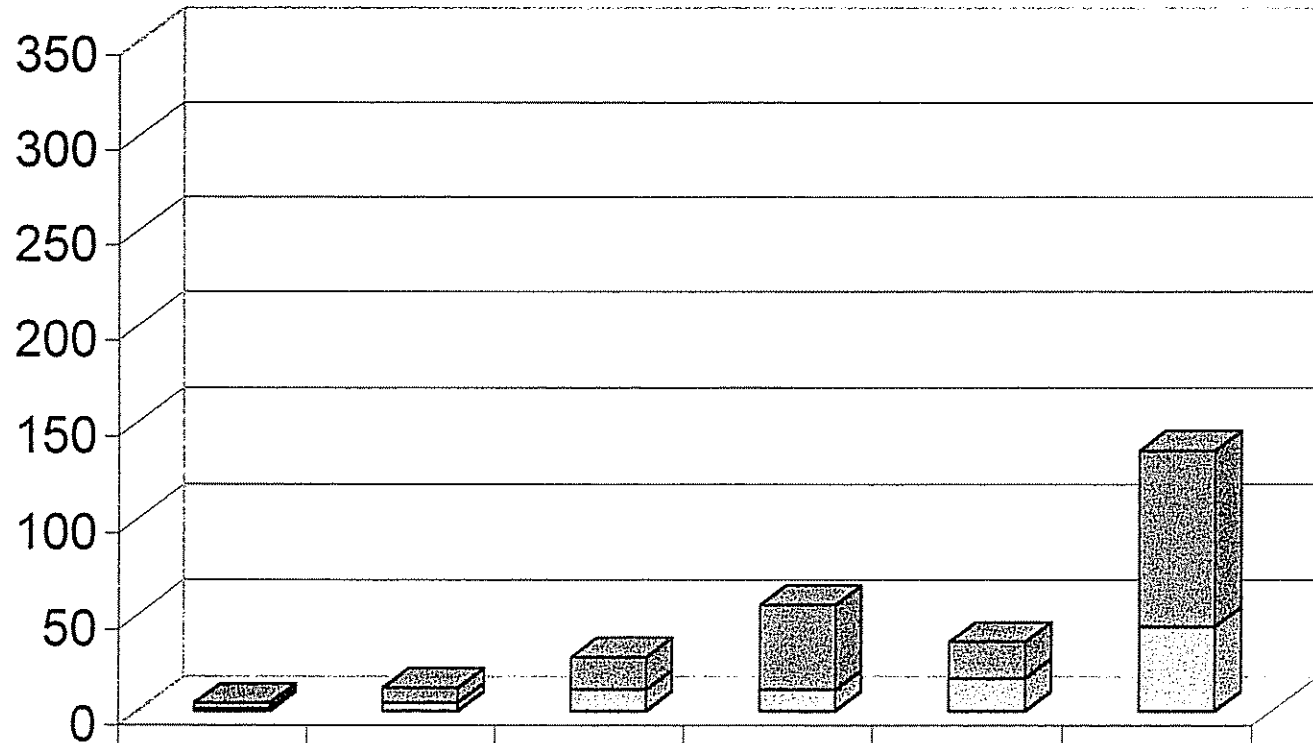
	800 ft. to 1/4 mile	1/4 mile to 1/2 mile	1/2 mile to 1 mile	1 mile to 2 miles	over 2 miles	Total
Responses	9	27	28	115	54	233
Non-responses	1	5	16	36	23	81

WPS



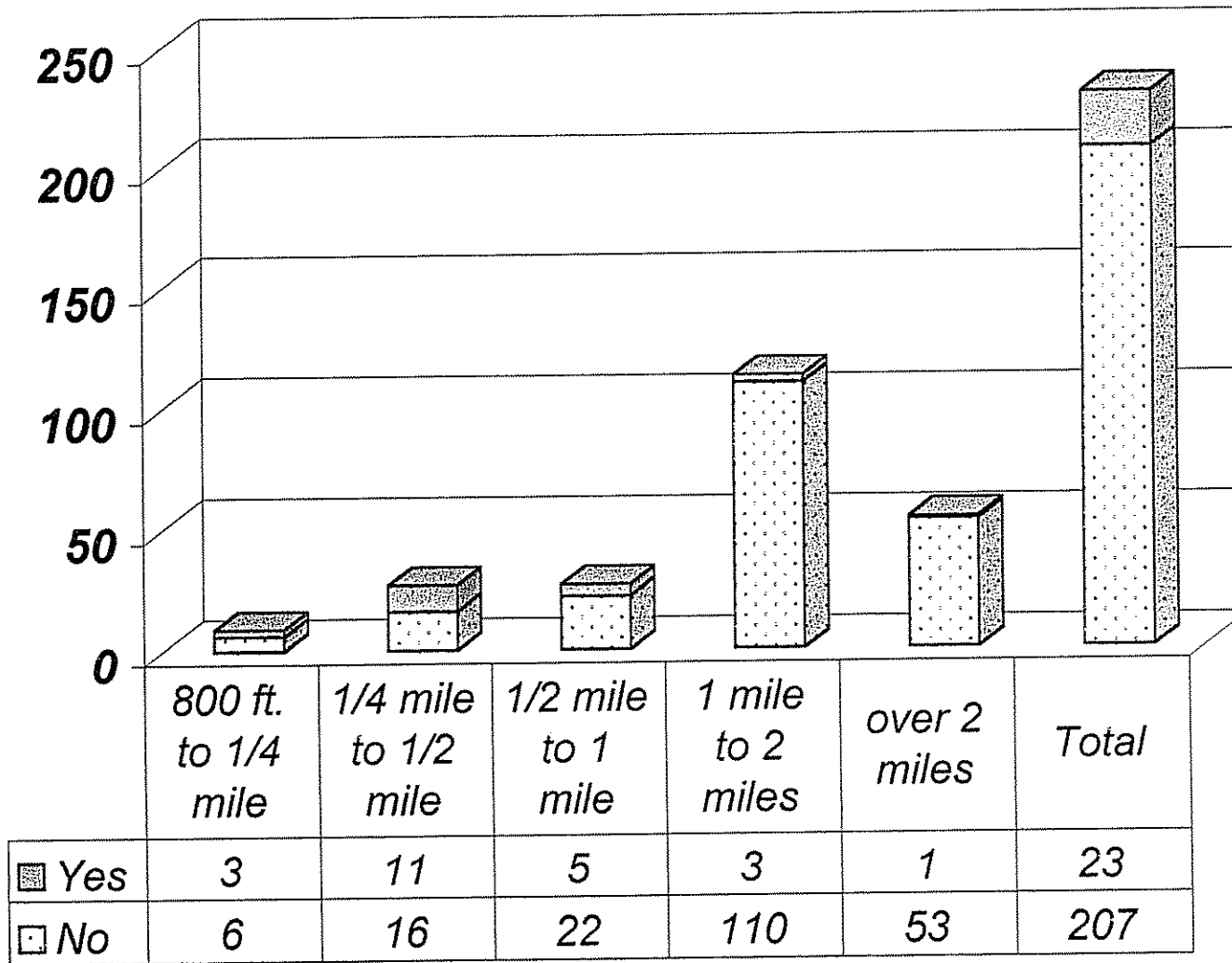
	800 ft. to 1/4 mile	1/4 mile to 1/2 mile	1/2 mile to 1 mile	1 mile to 2 miles	over 2 miles	Total
Responses	6	19	11	71	35	142
Non-responses	0	1	5	25	6	37

MG&E

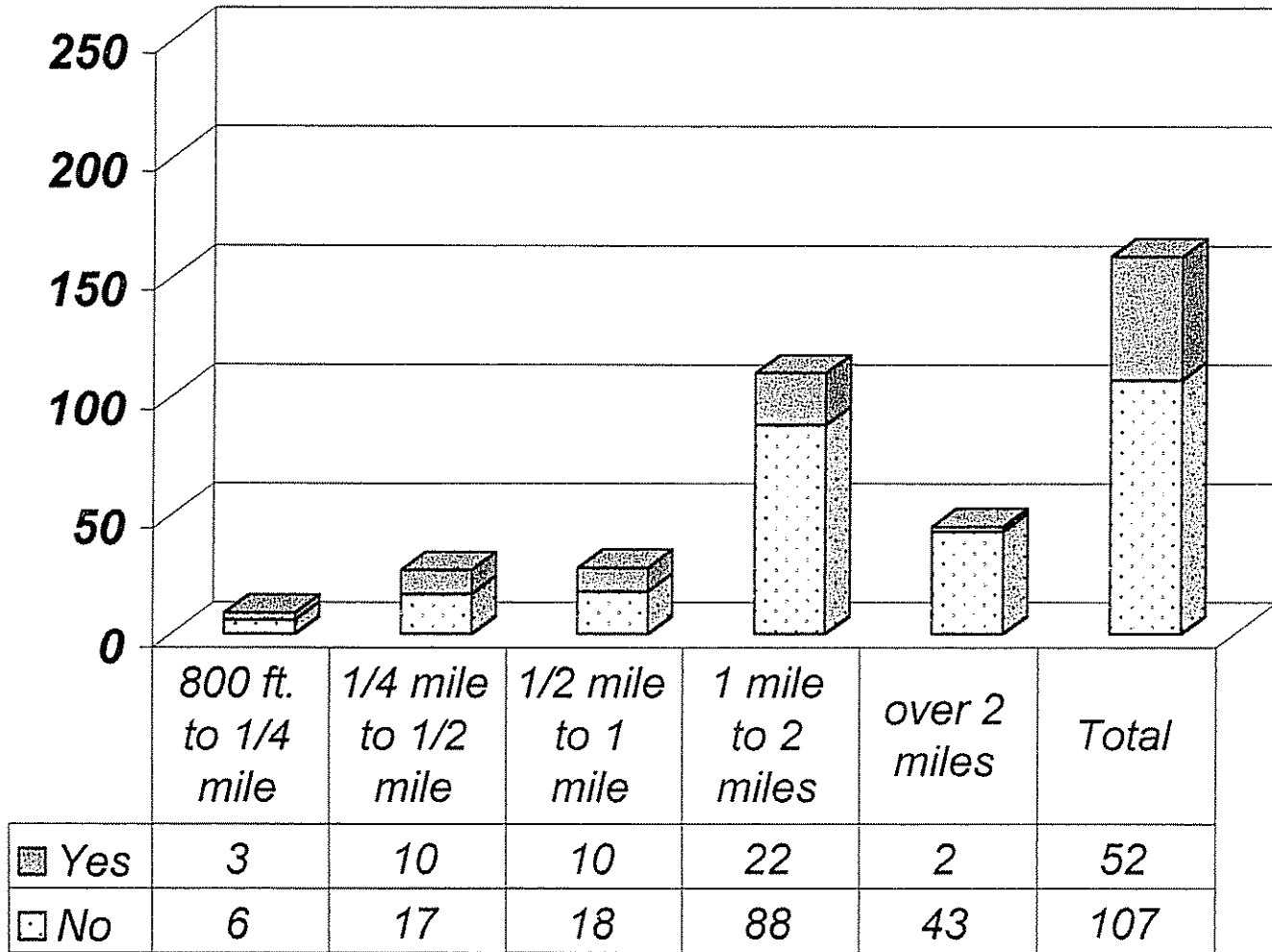


	800 ft. to 1/4 mile	1/4 mile to 1/2 mile	1/2 mile to 1 mile	1 mile to 2 miles	over 2 miles	Total
Responses	3	8	17	44	19	91
Non-responses	1	4	11	11	17	44

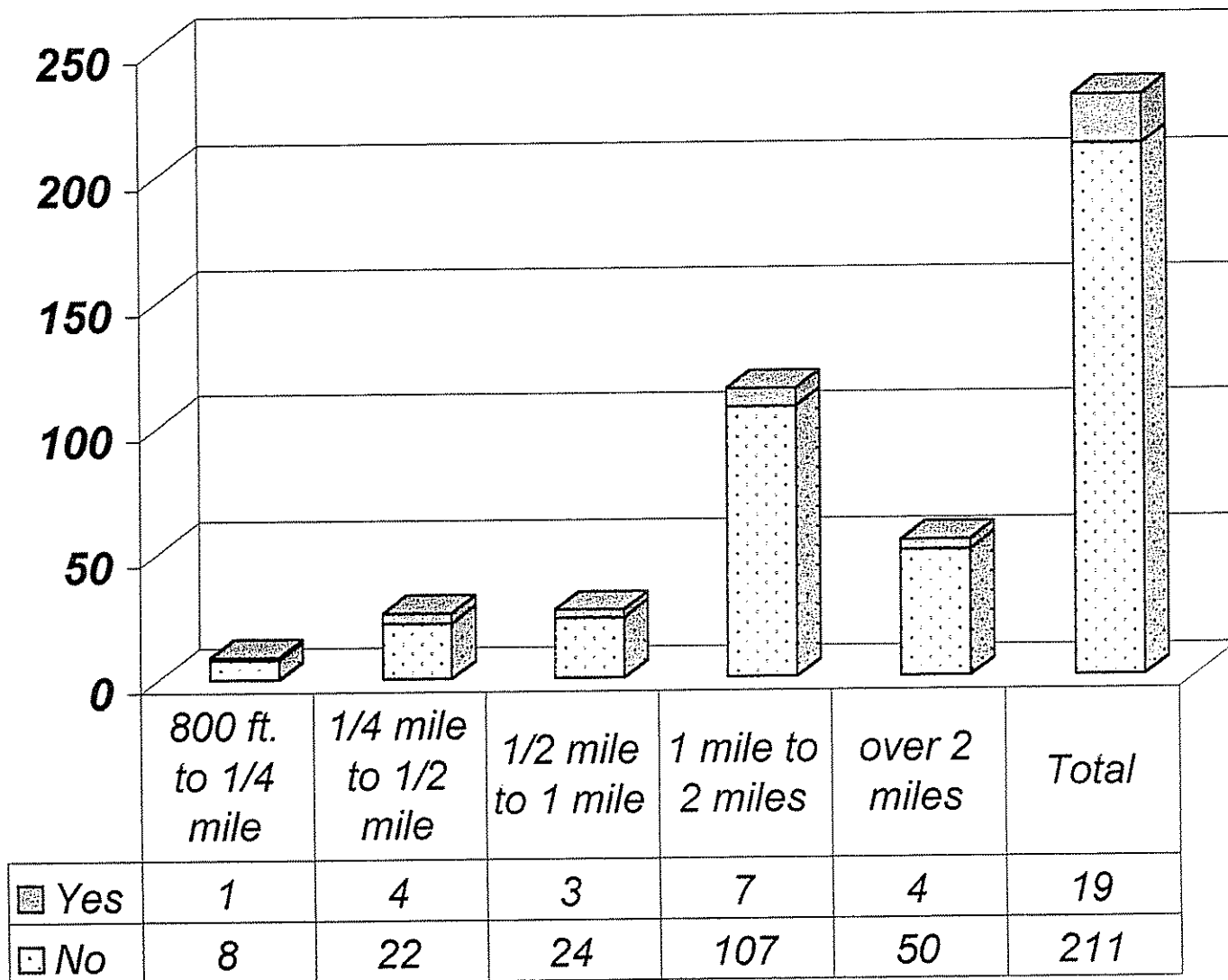
1a: Are the wind turbines causing a problem with shadows from the blades?



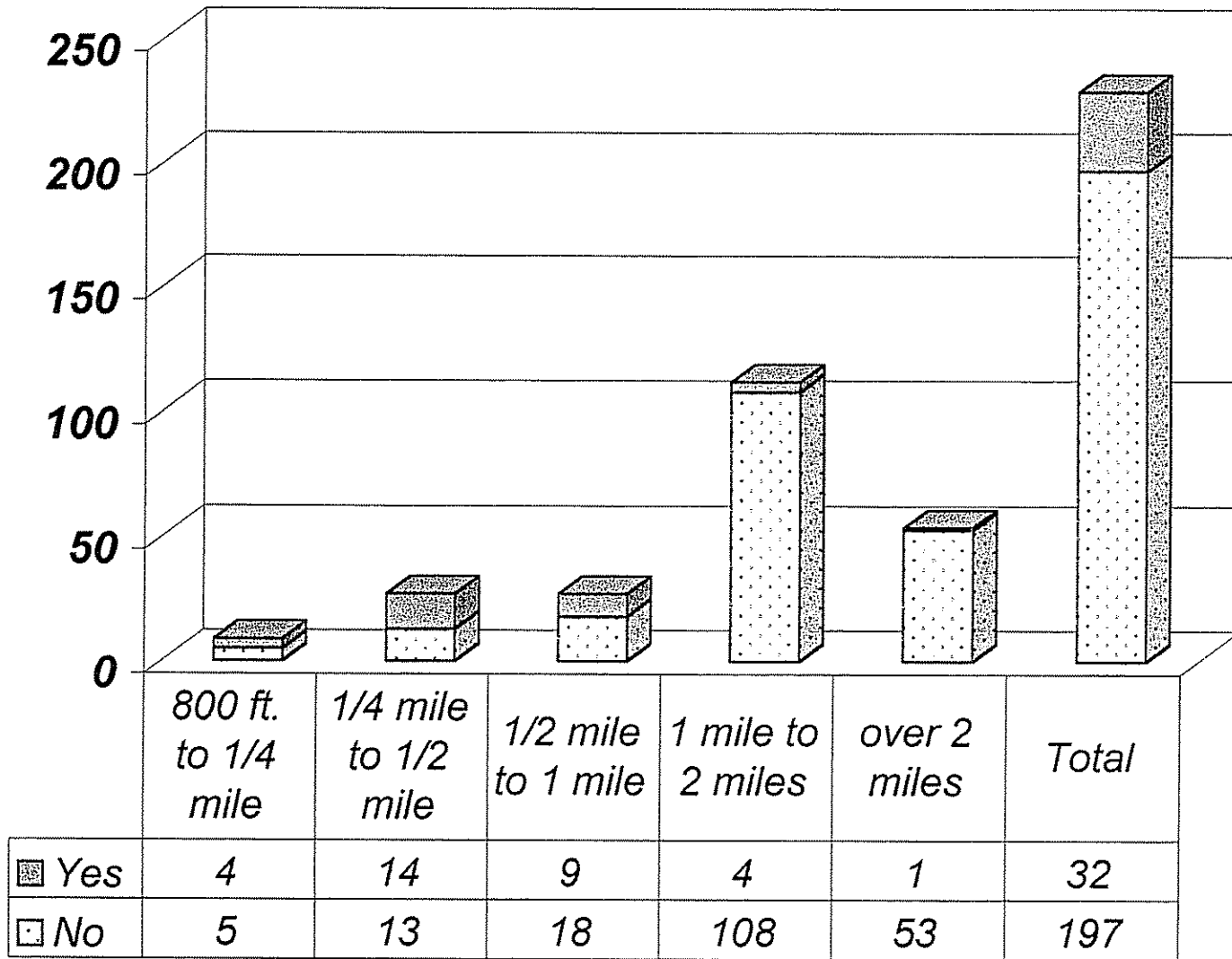
1b: Are the wind turbines causing a problem with TV reception?



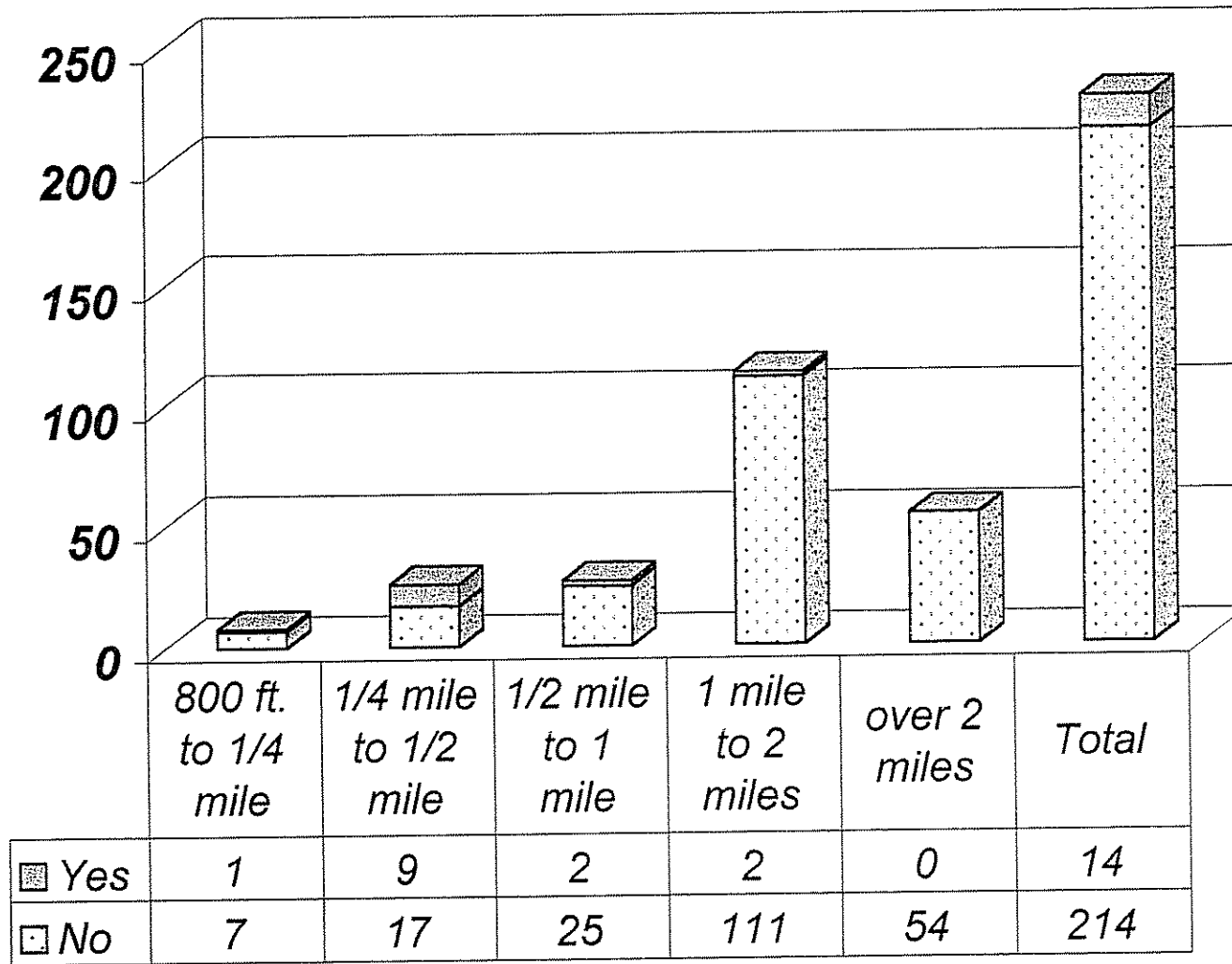
1c: Are the wind turbines causing a problem with blinking lights?



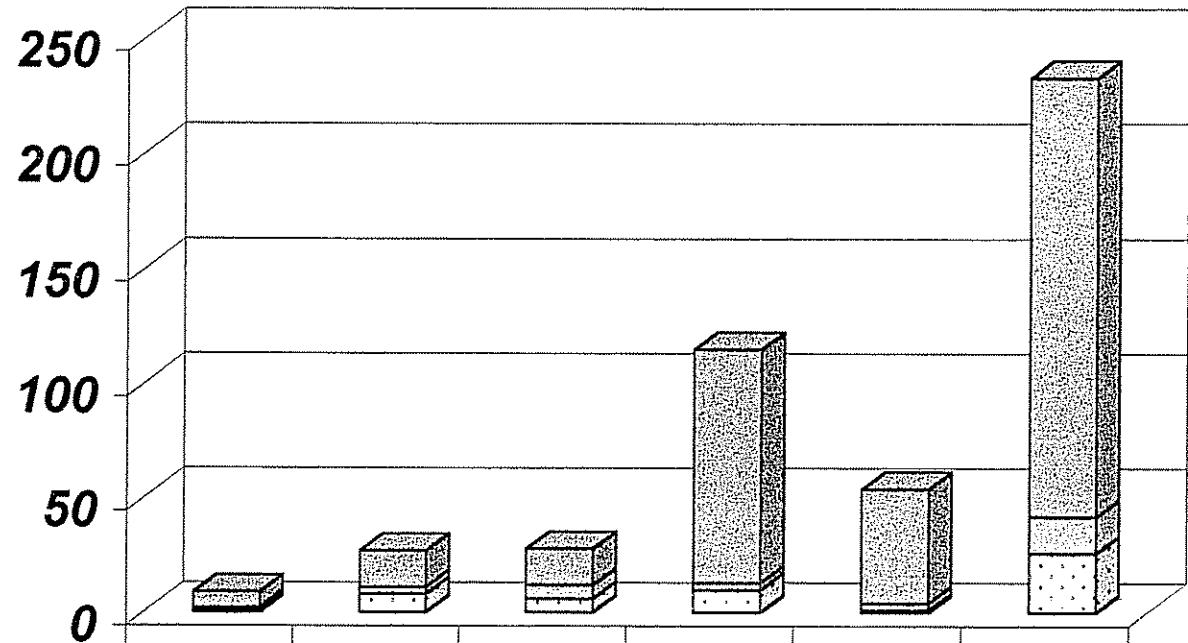
1d: Are the wind turbines causing a problem with noise?



2: In the past year, have you been awakened by noise from the wind turbines?

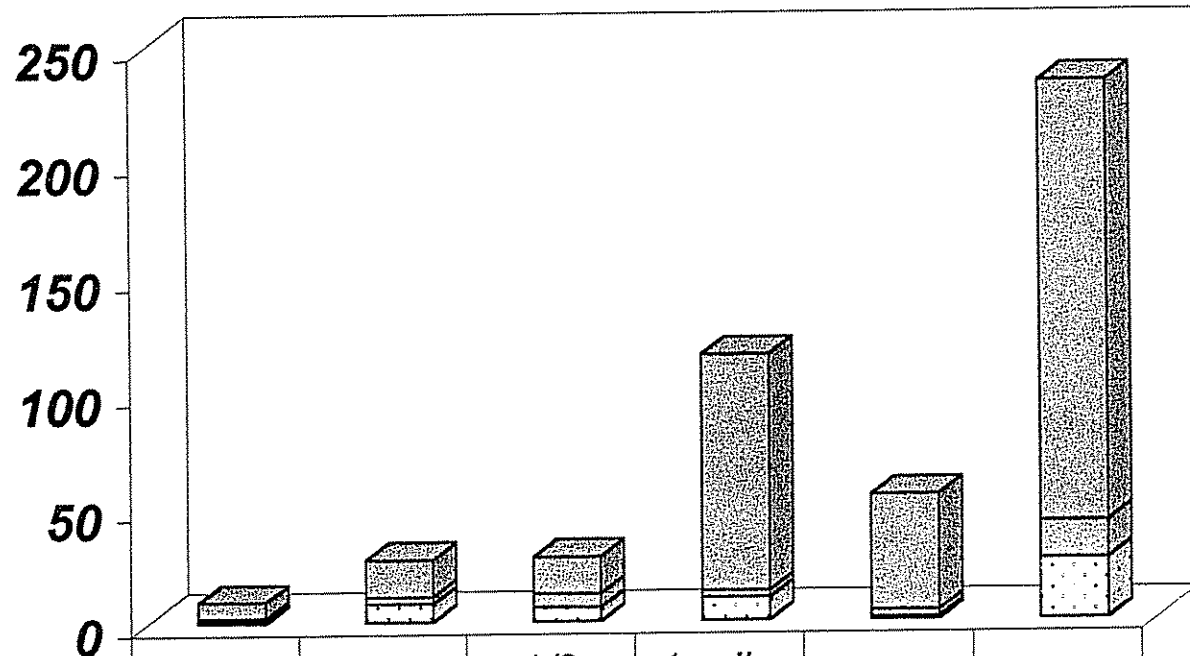


3: Have the wind turbines positively or negatively affected your health?



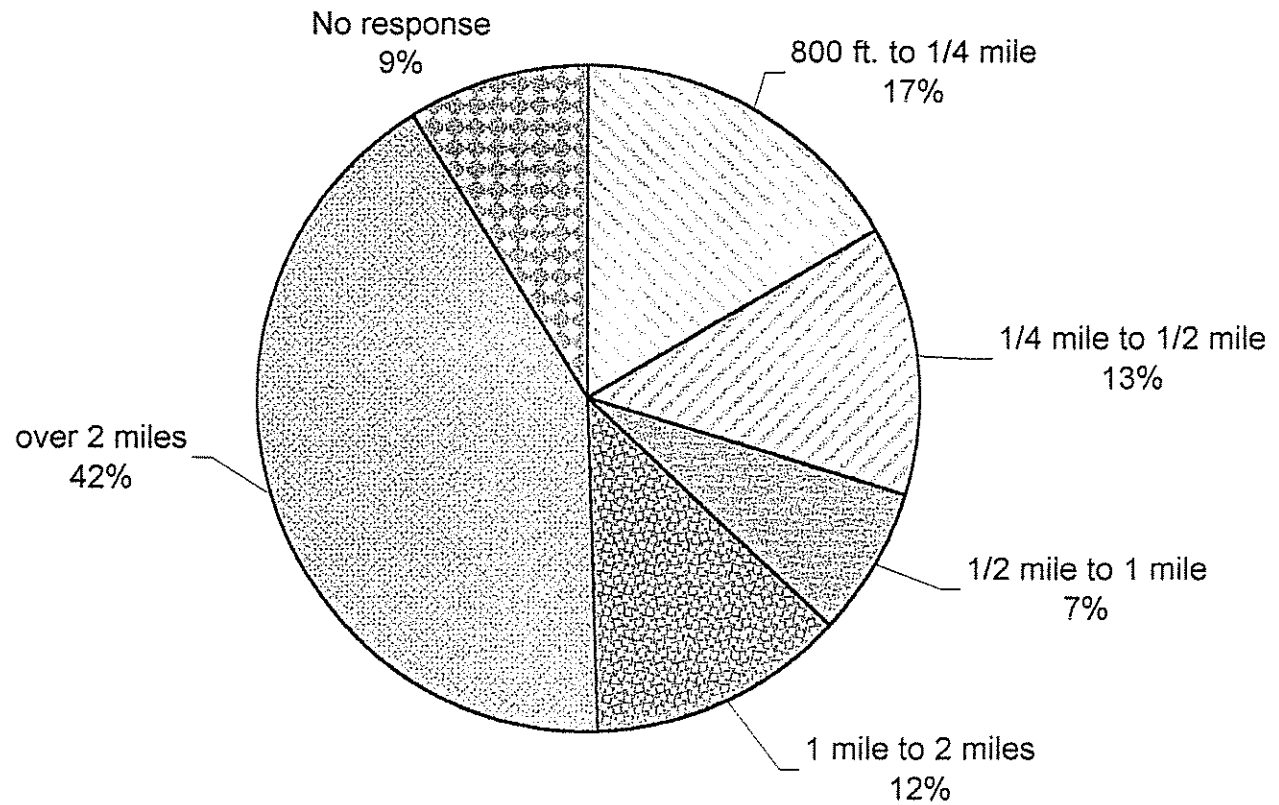
	800 ft. to 1/4 mile	1/4 mile to 1/2 mile	1/2 mile to 1 mile	1 mile to 2 miles	over 2 miles	Total
Not at all/no response	7	16	16	102	50	191
Positive	1	3	6	3	3	16
Negative	1	8	6	10	1	26

4: Have the wind turbines positively or negatively affected your safety?

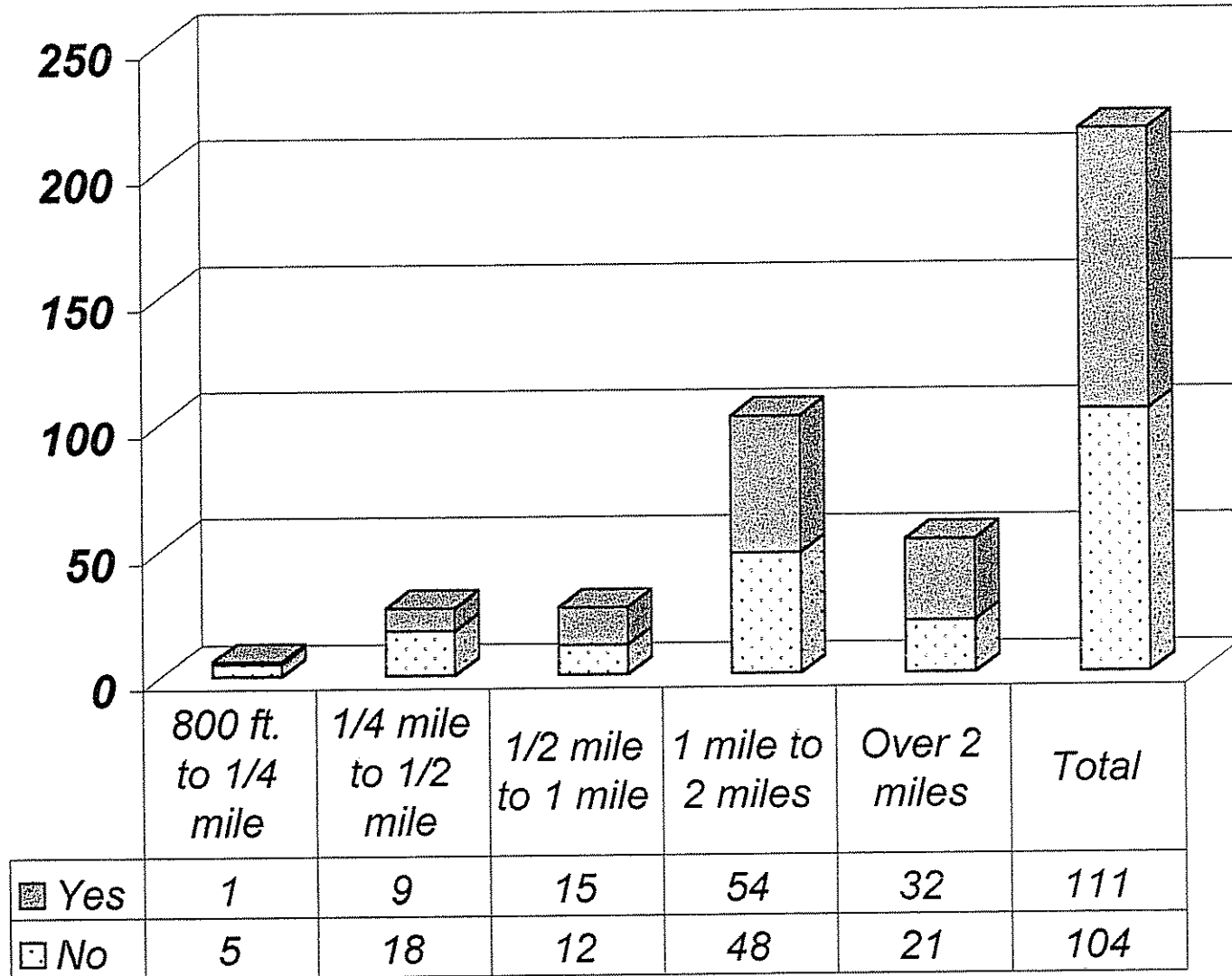


	800 ft. to 1/4 mile	1/4 mile to 1/2 mile	1/2 mile to 1 mile	1 mile to 2 miles	over 2 miles	Total
■ Not at all/no response	7	16	16	102	50	191
▨ Positive	1	3	6	3	3	16
▤ Negative	1	8	6	10	1	26

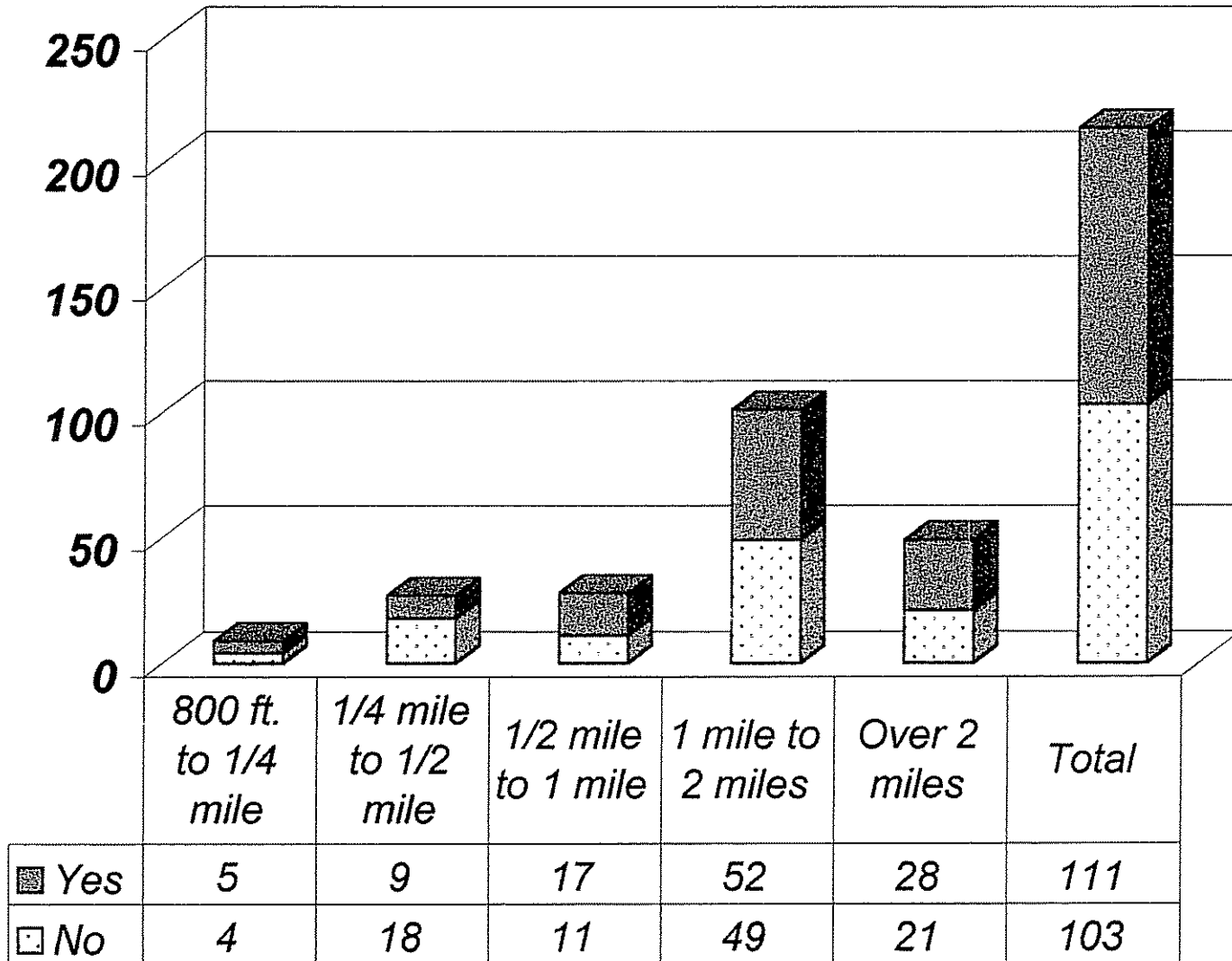
5: How close to the wind turbines would you consider buying or building a home?



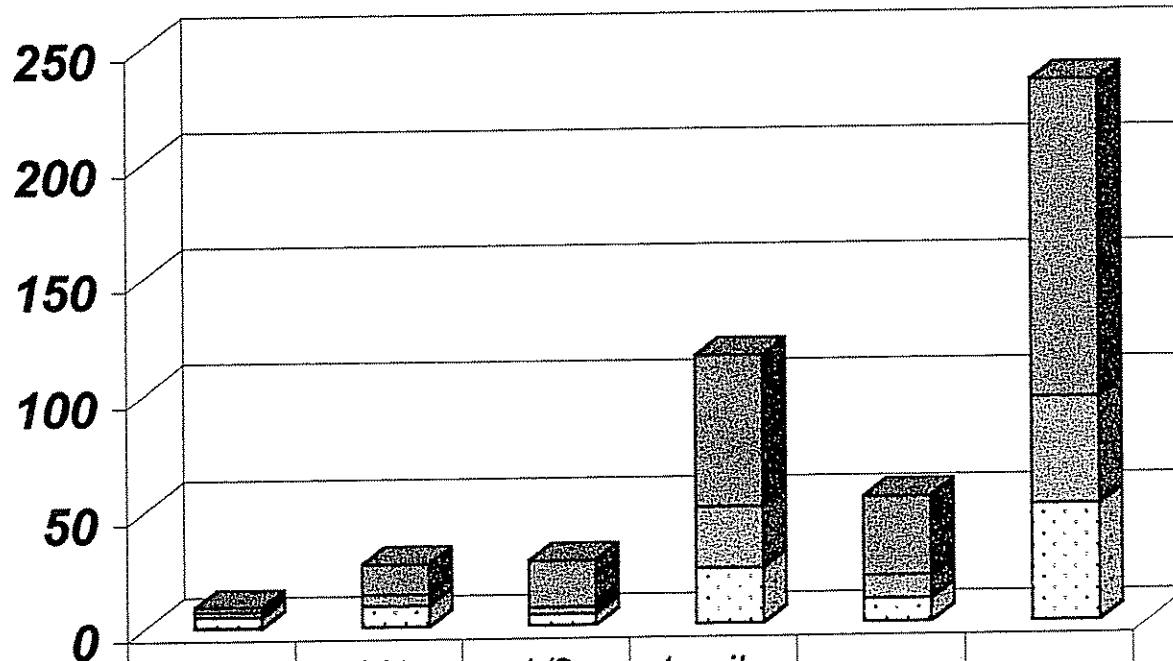
6a: Would you host a wind turbine?



6b: Would you support a neighbor's hosting a wind turbine?

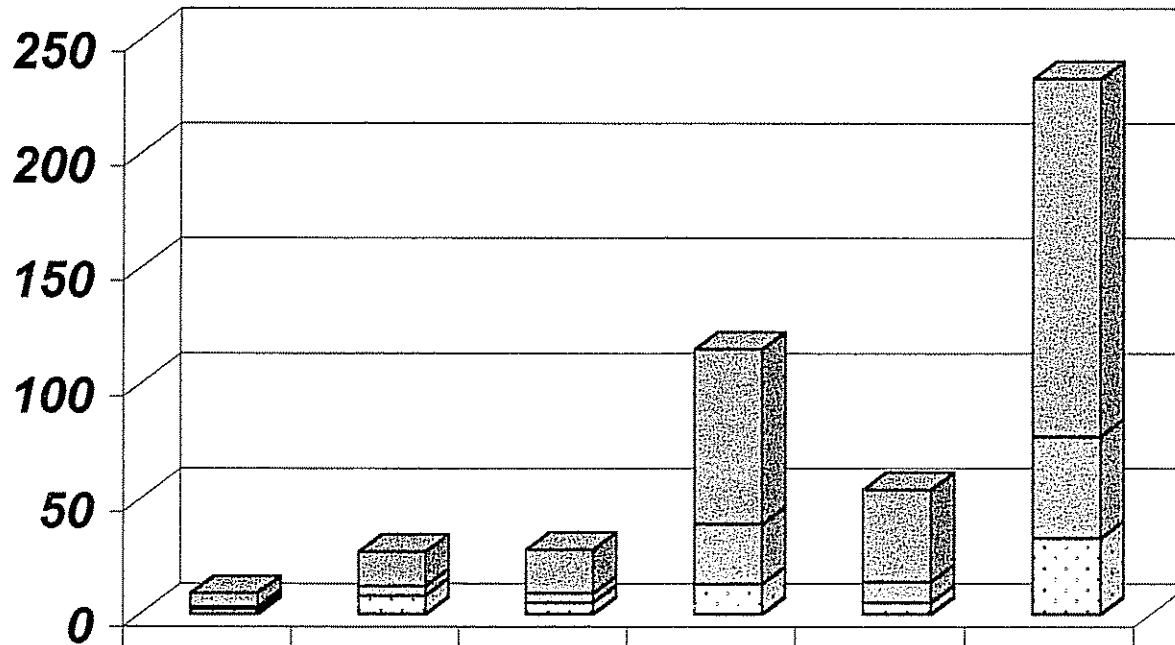


7: How important is it that the wind turbines generated additional revenues?



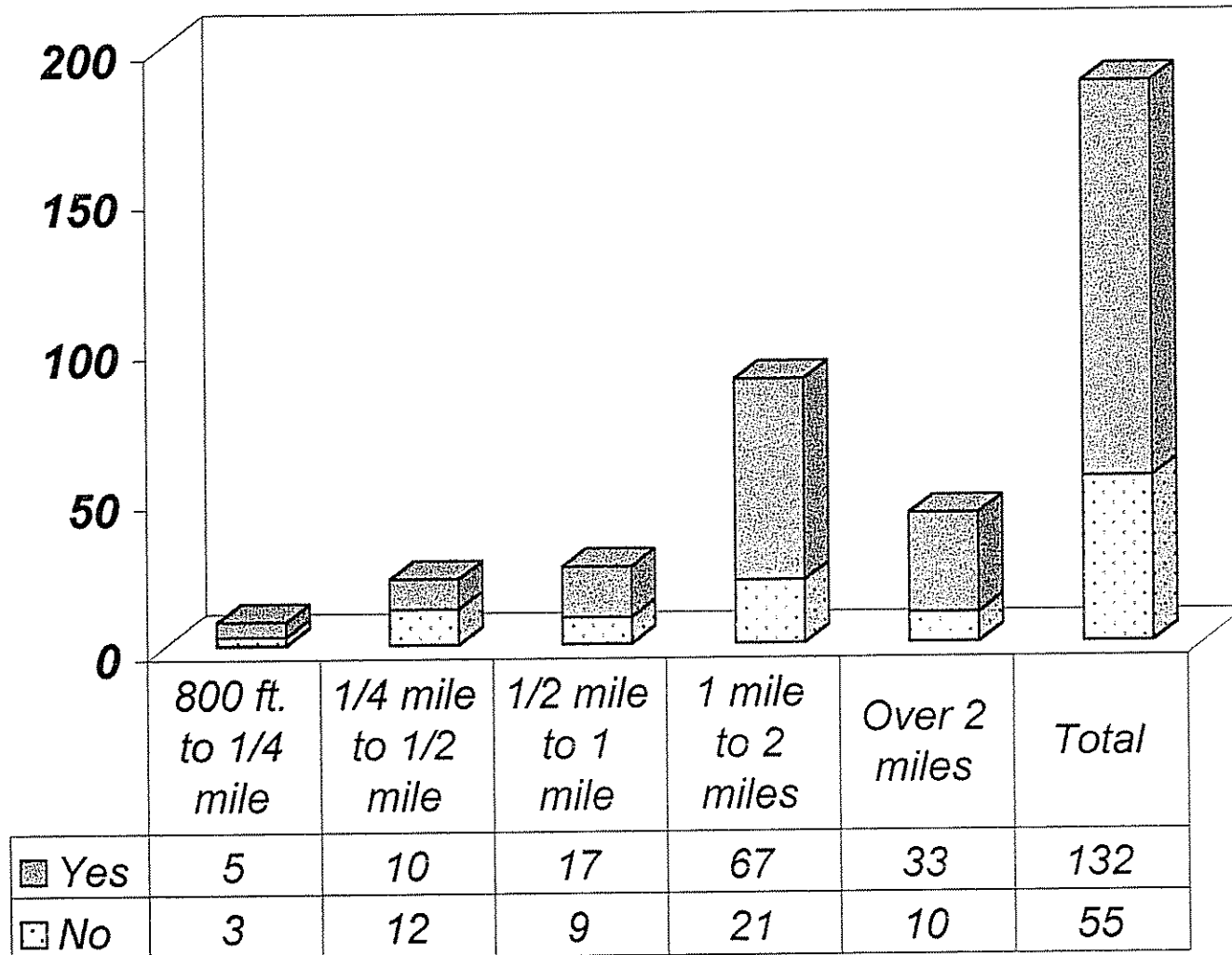
	800 ft. to 1/4 mile	1/4 mile to 1/2 mile	1/2 mile to 1 mile	1 mile to 2 miles	Over 2 miles	Total
■ Important	2	13	20	65	34	137
▨ No opinion	2	5	3	26	10	46
▤ Not important	5	9	5	24	10	50

8: How important is it that the wind generators provided electricity for approximately 5,720 homes?



	800 ft. to 1/4 mile	1/4 mile to 1/2	1/2 mile to 1 mile	1 mile to 2 miles	Over 2 miles	Total
■ Important	6	15	19	76	40	156
▣ No opinion	1	4	4	26	9	44
▤ Not important	2	8	5	13	5	33

9: Do you believe Lincoln Township is setting a good example in hosting wind turbines?



Question 1: Are any of the following wind turbine issues currently causing problems in your household?

		800 ft. to 1/4 mile			1/4 to 1/2 mile			1/2 to 1 mile			1 to 2 miles			Over 2 miles			Total			Grand Total
		Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	
a. Shadows from the blades																				
MG&E		2	1	0	2	6	0	4	13	0	2	41	1	0	19	0	10	80	1	91
		66.7%	33.3%	0.0%	25.0%	75.0%	0.0%	23.5%	76.5%	0.0%	4.5%	93.2%	2.3%	0.0%	100.0%	0.0%	11.0%	87.9%	1.1%	
WPS		1	5	0	9	10	0	1	9	1	1	69	1	1	34	0	13	127	2	142
		16.7%	83.3%	0.0%	47.4%	52.6%	0.0%	9.1%	81.8%	9.1%	1.4%	97.2%	1.4%	2.9%	97.1%	0.0%	9.2%	89.4%	1.4%	
Total		3	6	0	11	16	0	5	22	1	3	110	2	1	53	0	23	207	3	233
		33.3%	66.7%	0.0%	40.7%	59.3%	0.0%	17.9%	78.6%	3.6%	2.6%	95.7%	1.7%	1.9%	98.1%	0.0%	9.9%	88.8%	1.3%	
b. TV reception																				
MG&E		1	2	0	2	6	0	4	13	0	8	32	4	3	15	1	18	68	5	91
		33.3%	66.7%	0.0%	25.0%	75.0%	0.0%	23.5%	76.5%	0.0%	18.2%	72.7%	9.1%	15.8%	78.9%	5.3%	19.8%	74.7%	5.5%	
WPS		2	4	0	8	11	0	6	5	0	14	56	1	4	28	3	34	104	4	142
		33.3%	66.7%	0.0%	42.1%	57.9%	0.0%	54.5%	45.5%	0.0%	19.7%	78.9%	1.4%	11.4%	80.0%	8.6%	23.9%	73.2%	2.8%	
Total		3	6	0	10	17	0	10	18	0	22	88	5	7	43	4	52	172	9	233
		33.3%	66.7%	0.0%	37.0%	63.0%	0.0%	35.7%	64.3%	0.0%	19.1%	76.5%	4.3%	13.0%	79.6%	7.4%	22.3%	73.8%	3.9%	
c. Blinking lights from on top of the towers																				
		800 ft. to 1/4 mile			1/4 to 1/2 mile			1/2 to 1 mile			1 to 2 miles			Over 2 miles			Total			Grand Total
		Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	
MG&E		1	2	0	0	7	1	0	17	0	4	39	1	4	15	0	9	80	2	91
		33.3%	66.7%	0.0%	0.0%	87.5%	12.5%	0.0%	100.0%	0.0%	9.1%	88.6%	2.3%	21.1%	78.9%	0.0%	9.9%	87.9%	2.2%	
WPS		0	6	0	4	15	0	3	7	1	3	68	0	0	35	0	10	131	1	142
		0.0%	100.0%	0.0%	21.1%	78.9%	0.0%	27.3%	63.6%	9.1%	4.2%	95.8%	0.0%	0.0%	100.0%	0.0%	7.0%	92.3%	0.7%	
Total		1	8	0	4	22	1	3	24	1	7	107	1	4	50	0	19	211	3	233
		11.1%	88.9%	0.0%	14.8%	81.5%	3.7%	10.7%	85.7%	3.6%	6.1%	93.0%	0.9%	7.4%	92.6%	0.0%	8.2%	90.6%	1.3%	
d. Noise																				
MG&E		2	1	0	5	3	0	4	13	0	2	41	1	1	18	0	14	76	1	91
		66.7%	33.3%	0.0%	62.5%	37.5%	0.0%	23.5%	76.5%	0.0%	4.5%	93.2%	2.3%	5.3%	94.7%	0.0%	15.4%	83.5%	1.1%	
WPS		2	4	0	9	10	0	5	5	1	2	67	2	0	35	0	18	121	3	142
		33.3%	66.7%	0.0%	47.4%	52.6%	0.0%	45.5%	45.5%	9.1%	2.8%	94.4%	2.8%	0.0%	100.0%	0.0%	12.7%	85.2%	2.1%	
Total		4	5	0	14	13	0	9	18	1	4	108	3	1	53	0	32	197	4	233
		44.4%	55.6%	0.0%	51.9%	48.1%	0.0%	32.1%	64.3%	3.6%	3.5%	93.9%	2.6%	1.9%	98.1%	0.0%	13.7%	84.5%	1.7%	

	800 ft. to 1/4 mile			1/4 to 1/2 mile			1/2 to 1 mile			1 to 2 miles			Over 2 miles			Total			Grand Total
	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	
	2. In the last year, have you been awakened by sound coming from the wind turbines?																		
MG&E	1	2	0	3	5	0	1	16	0	0	43	1	0	19	0	5	85	1	91
	33.3%	66.7%	0.0%	37.5%	62.5%	0.0%	5.9%	94.1%	0.0%	0.0%	97.7%	2.3%	0.0%	100.0%	0.0%	5.5%	93.4%	1.1%	
	*1, 16 or more times			*1, 6-10 times; 1, 11-15 times; 1, 16 or more times			*1, 16 or more times			*1, 6-10 times									
WPS	0	5	1	6	12	1	1	9	1	2	68	1	0	35	0	9	129	4	142
	0.0%	83.3%	16.7%	31.6%	63.2%	5.3%	9.1%	81.8%	9.1%	2.8%	95.8%	1.4%	0.0%	100.0%	0.0%	6.3%	90.8%	2.8%	
	*1, 6-10 times			*1, 1-5 times; 1, 6-10 times; 1, 16 or more times			*1, 16 or more times			*1, 1-5 times 1, 6-10 times									
Total	1	7	1	9	17	1	2	25	1	2	111	2	0	54	0	14	214	5	233
	11.1%	77.8%	11.1%	33.3%	63.0%	3.7%	7.1%	89.3%	3.6%	1.7%	96.5%	1.7%	0.0%	100.0%	0.0%	6.0%	91.8%	2.1%	

	Positive			Negative			Not at all			Positive			Negative			Not at all			Grand Total
	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	
	3. Have the wind turbines in Lincoln Township positively or negatively impacted your health?																		
MG&E	1	0	2	1	2	5	1	1	15	3	6	35	2	0	17	8	9	74	91
	33.3%	0.0%	66.7%	12.5%	25.0%	62.5%	5.9%	5.9%	88.2%	6.8%	13.6%	79.5%	10.5%	0.0%	89.5%	8.8%	9.9%	81.3%	
										2 no response									
WPS	0	1	5	2	6	11	5	5	1	0	4	67	1	1	33	8	17	117	142
	0.0%	16.7%	83.3%	10.5%	31.6%	57.9%	45.5%	45.5%	9.1%	0.0%	5.6%	94.4%	2.9%	2.9%	94.3%	5.6%	12.0%	82.4%	
	2 no response			1 no response			No response			3 no response									
Total	1	1	7	3	8	16	6	6	16	3	10	102	3	1	50	16	26	191	233
	11.1%	11.1%	77.8%	11.1%	29.6%	59.3%	21.4%	21.4%	57.1%	2.6%	8.7%	88.7%	5.6%	1.9%	92.6%	6.9%	11.2%	82.0%	

	Positive			Negative			Not at all			Positive			Negative			Not at all			Grand Total
	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	Positive	Negative	Not at all	
	4. Have the wind turbines in Lincoln Township positively or negatively impacted your safety?																		
MG&E	0	1	2	1	2	5	1	1	15	3	2	39	1	0	18	6	6	79	91
	0.0%	33.3%	66.7%	12.5%	25.0%	62.5%	5.9%	5.9%	88.2%	6.8%	4.5%	88.6%	5.3%	0.0%	94.7%	6.6%	6.6%	86.8%	
										2 no response									
WPS	0	1	5	2	3	14	0	3	8	2	3	66	1	1	33	5	11	126	142
	0.0%	16.7%	83.3%	10.5%	15.8%	73.7%	0.0%	27.3%	72.7%	2.8%	4.2%	93.0%	2.9%	2.9%	94.3%	3.5%	7.7%	88.7%	
				3 no response			2 no response			2 no response			2 no response						
Total	0	2	7	3	5	19	1	4	23	5	5	105	2	1	51	11	17	205	233
	0.0%	22.2%	77.8%	11.1%	18.5%	70.4%	3.6%	14.3%	82.1%	4.3%	4.3%	91.3%	3.7%	1.9%	94.4%	4.7%	7.3%	88.0%	

5. How close to the wind turbines would you consider buying or building a home?

MG&E						
	800 ft. to 1/4 mile	1/4 to 1/2 mile	1/2 to 1 mile	1 to 2 miles	Over 2 miles	Total
800 ft-1/4 mile	1 7.7%	2 15.4%	4 30.8%	4 30.8%	2 15.4%	13 100.0%
1/4 - 1/2 mile	0 0.0%	1 9.1%	0 0.0%	6 54.5%	4 36.4%	11 100.0%
1/2 - 1 mile	0 0.0%	0 0.0%	4 44.4%	4 44.4%	1 11.1%	9 100.0%
1 - 2 miles	0 0.0%	0 0.0%	2 16.7%	7 58.3%	3 25.0%	12 100.0%
> 2 miles	0 0.0%	4 11.8%	4 11.8%	18 52.9%	8 23.5%	34 100.0%
No response	2 16.7%	1 8.3%	3 25.0%	5 41.7%	1 8.3%	12 100.0%
Total	3 3.3%	8 8.8%	17 18.7%	44 48.4%	19 20.9%	91 100.0%

WPS						
	800 ft. to 1/4 mile	1/4 to 1/2 mile	1/2 to 1 mile	1 to 2 miles	Over 2 miles	Total
800 ft-1/4 mile	4 15.4%	5 19.2%	3 11.5%	10 38.5%	4 15.4%	26 100.0%
1/4 - 1/2 mile	0 0.0%	3 15.8%	1 5.3%	10 52.6%	5 26.3%	19 100.0%
1/2 - 1 mile	0 0.0%	0 0.0%	0 0.0%	5 62.5%	3 37.5%	8 100.0%
1 - 2 miles	0 0.0%	1 5.9%	1 5.9%	14 82.4%	1 5.9%	17 100.0%
> 2 miles	1 1.6%	9 14.3%	5 7.9%	29 46.0%	19 30.2%	63 100.0%
No response	1 11.1%	1 11.1%	1 11.1%	3 33.3%	3 33.3%	9 100.0%
Total	6 4.2%	19 13.4%	11 7.7%	71 50.0%	35 24.6%	142 100.0%

Total						
	800 ft. to 1/4 mile	1/4 to 1/2 mile	1/2 to 1 mile	1 to 2 miles	Over 2 miles	Total
800 ft-1/4 mile	5 12.8%	7 17.9%	7 17.9%	14 35.9%	6 15.4%	39 100.0%
1/4 - 1/2 mile	0 0.0%	4 13.3%	1 3.3%	16 53.3%	9 30.0%	30 100.0%
1/2 - 1 mile	0 0.0%	0 0.0%	4 23.5%	9 52.9%	4 23.5%	17 100.0%
1 - 2 miles	0 0.0%	1 3.4%	3 10.3%	21 72.4%	4 13.8%	29 100.0%
> 2 miles	1 1.0%	13 13.4%	9 9.3%	47 48.5%	27 27.8%	97 100.0%
No response	3 14.3%	2 9.5%	4 19.0%	8 38.1%	4 19.0%	21 100.0%
Total	9 3.9%	27 11.6%	28 12.0%	115 49.4%	54 23.2%	233 100.0%

Question 6a: If you owned enough property and had the opportunity to host a wind turbine, would you?

	800 ft. to 1/4 mile			1/4 to 1/2 mile			1/2 to 1 mile			1 to 2 miles			Over 2 miles			Total			Grand Total
	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	
MG&E	1 33.3%	1 33.3%	1 33.3%	3 37.5%	5 62.5%	0 0.0%	11 64.7%	5 28.4%	1 5.9%	17 38.6%	22 50.0%	5 11.4%	10 52.6%	9 47.4%	0 0.0%	42 46.2%	42 46.2%	7 7.7%	91
WPS	0 0.0%	4 66.7%	2 33.3%	6 31.6%	13 68.4%	0 0.0%	4 36.4%	7 63.6%	0 0.0%	37 52.1%	26 36.6%	8 11.3%	22 62.9%	12 34.3%	1 2.9%	69 48.6%	62 43.7%	11 7.7%	142
Total	1 11.1%	5 55.6%	3 33.3%	9 33.3%	18 66.7%	0 0.0%	15 53.6%	12 42.9%	1 3.6%	54 47.0%	48 41.7%	13 11.3%	32 59.3%	21 38.9%	1 1.9%	111 47.6%	104 44.6%	18 7.7%	233

Question 6b: Would you support the installation of a wind turbine or turbines on your neighbor or neighbors property?

MG&E	1 33.3%	2 66.7%	0 0.0%	3 37.5%	5 62.5%	0 0.0%	13 76.5%	4 23.5%	0 0.0%	15 34.1%	20 45.5%	9 20.5%	10 52.6%	8 42.1%	1 5.3%	42 46.2%	39 42.9%	10 11.0%	91
WPS	4 66.7%	2 33.3%	0 0.0%	6 31.6%	13 68.4%	0 0.0%	4 36.4%	7 63.6%	0 0.0%	37 52.1%	29 40.8%	5 7.0%	18 51.4%	13 37.1%	4 11.4%	69 48.6%	64 45.1%	9 6.3%	142
Total	5 55.6%	4 44.4%	0 0.0%	9 33.3%	18 66.7%	0 0.0%	17 60.7%	11 39.3%	0 0.0%	52 45.2%	49 42.6%	14 12.2%	28 51.9%	21 38.9%	5 9.3%	111 47.6%	103 44.2%	19 8.2%	233

Question 7: How important is the fact that wind turbines generated additional revenue which helped lower Lincoln Township's tax levy?

	Important			Not Important			Not Important			Not Important			Not Important			Not Important			Grand Total
	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	
MG&E	1 33.3%	2 66.7%	0 0.0%	5 62.5%	2 25.0%	1 12.5%	15 88.2%	0 0.0%	2 11.8%	23 52.3%	8 18.2%	13 29.5%	9 47.4%	6 31.6%	4 21.1%	53 58.2%	18 19.8%	20 22.0%	91
WPS	4 66.7%	0 0.0%	2 33.3%	8 42.1%	7 36.8%	4 21.1%	5 45.5%	5 45.5%	1 9.1%	50 70.4%	4 5.6%	17 23.9%	25 71.4%	4 11.4%	6 17.1%	92 64.8%	20 14.1%	30 21.1%	142
Total	5 55.6%	2 22.2%	2 22.2%	13 48.1%	9 33.3%	5 18.5%	20 71.4%	5 17.9%	3 10.7%	73 63.5%	12 10.4%	30 26.1%	34 63.0%	10 18.5%	10 18.5%	145 62.2%	38 16.3%	50 21.5%	233

Question 8: How important is the fact that wind turbines in Lincoln Township provided enough electricity to power approximately 5,720 homes?

Grand
Total

	800 ft. to 1/4 mile			1/4 to 1/2 mile			1/2 to 1 mile			1 to 2 miles			Over 2 miles			Total			Grand Total
	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	Important	Not Important	No Response	
MG&E	1 33.3%	2 66.7%	0 0.0%	5 62.5%	3 37.5%	0 0.0%	14 82.4%	1 5.9%	2 11.8%	23 52.3%	8 18.2%	13 29.5%	12 63.2%	2 10.5%	5 26.3%	55 60.4%	16 17.6%	20 22.0%	91
WPS	5 83.3%	0 0.0%	1 16.7%	10 52.6%	5 26.3%	4 21.1%	5 45.5%	4 36.4%	2 18.2%	53 74.6%	5 7.0%	13 18.3%	28 80.0%	3 8.6%	4 11.4%	101 71.1%	17 12.0%	24 16.9%	142
Total	6 66.7%	2 22.2%	1 11.1%	15 55.6%	8 29.6%	4 14.8%	19 67.9%	5 17.9%	4 14.3%	76 66.1%	13 11.3%	26 22.6%	40 74.1%	5 9.3%	9 16.7%	156 67.0%	33 14.2%	44 18.9%	233

Question 9: Do you believe that Lincoln Township is "setting a good example" in hosting wind turbines?

	Yes			No			No Response			Yes			No			No Response			Grand Total
	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	Yes	No	No Response	
MG&E	1 33.3%	2 66.7%	0 0.0%	3 37.5%	4 50.0%	1 12.5%	13 76.5%	3 17.6%	1 5.9%	23 52.3%	11 25.0%	10 22.7%	11 57.9%	4 21.1%	4 21.1%	51 56.0%	24 26.4%	16 17.6%	91
WPS	4 66.7%	1 16.7%	1 16.7%	7 36.8%	8 42.1%	4 21.1%	4 36.4%	6 54.5%	1 9.1%	44 62.0%	10 14.1%	17 23.9%	22 62.9%	6 17.1%	7 20.0%	81 57.0%	31 21.8%	30 21.1%	142
Total	5 55.6%	3 33.3%	1 11.1%	10 37.0%	12 44.4%	5 18.5%	17 60.7%	9 32.1%	2 7.1%	67 58.3%	21 18.3%	27 23.5%	33 61.1%	10 18.5%	11 20.4%	132 56.7%	55 23.6%	46 19.7%	233

Tab 9

Resolution opposing WPSC razing of homes

Lincoln Township

June 5, 2001

Mr. Tom Meinz
Wisconsin Public Service Corporation
700 N. Adams St.
Green Bay, WI 54307-9002

Dear Mr. Meinz,

On Monday, June 4, 2001, the Board of Supervisors of Lincoln Township passed a resolution in response to Wisconsin Public Service Corporation's offer to purchase six properties near the WPSC wind farm. That original signed resolution is enclosed with this letter.

Please contact Arlin Monfils, Chairman of the Board of Supervisors, with your response. Arlin's address is E3230 Drake Lane, Casco, WI 54205; phone (920) 837-2866.

Sincerely,



Mick Sagrillo
Chairman, Moratorium Study Committee
E3971 Bluebird Rd.
Forestville, WI 54213
(920) 837-7523

cc: Jerry Tews
Wisconsin Public Service Corporation
700 N. Adams St.
Green Bay, WI 54307-9002

Bill Kust
Wisconsin Public Service Corporation
Pulliam Plant
1530 N. Bylsby Ave.
Green Bay, WI 54303

Lincoln Township

Resolution

Whereas, the Wisconsin Public Service Corporation (WPSC) has made offers to six residents near the WPSC wind farm in Lincoln Township to purchase their property as a final resolution to these residents' complaints about the wind turbines; and,

Whereas, WPSC has determined that these six parties have 30 days during which to accept this offer to purchase; and,

Whereas, after the 30 days has passed, any resident who does not accept the WPSC offer is deemed by WPSC to have rejected their offer; and

Whereas, WPSC plans to raze the houses of any residents who accept the offer; and,

Whereas, WPSC will offer the property upon which the house has been razed to adjacent landowners with the stipulation that a house may never be built on that property for the life of the wind farm project; and

Whereas, any property which WPSC cannot sell to an adjacent landowner will be kept by WPSC, whose intention is to not build houses on said property; and,

Whereas, these properties already have existing residences, each with a well and septic system; and,

Whereas, WPSC has deemed that their corporation will only deal with the six property owners concerning WPSC's plans for these properties; and

Now, therefore, be it hereby resolved by the Township Board of Supervisors of Lincoln Township that:

1. The Township of Lincoln has determined that WPSC needs to devise a better solution for the complainants who are not interested in selling their properties to WPSC, or other complainants who were not included in the original offer; and,
2. The Township of Lincoln has determined that it is not in the best interests of the Township for the homes that WPSC purchases from complainants to be razed; and,
3. WPSC needs to devise a better solution for the properties that it purchases other than razing the houses and essentially removing the land from further development for the life of the wind farm project by not keeping the existing homes on those properties or not allowing the building of new homes on those properties; and,

4. The Township of Lincoln fully expects that WPSC will arrange a meeting with the Township of Lincoln Board of Supervisors to begin discussions directed at resolving this dilemma within 30 (thirty) days of the passage of this resolution.

Adopted this 4th day of June, 2001

Township Board of Supervisors

Arden Tronfeld
Chairperson

Harry Kuchman
Supervisor

John Spink
Supervisor

Township of Lincoln, Kewaunee County, WI

Attest Dale Massey
Dale Massey, Township Clerk

Tab 10

Stray voltage ordinance
Request for Proposals for stray voltage consulting

Ordinance 1-01
The Town of Lincoln, Kewaunee County
Wind Generation Turbine Construction Moratorium

WHEREAS, the Town of Lincoln currently regulates wind generation turbines within Chapter 10 Town of Lincoln Code of Ordinances, entitled the TOWN OF LINCOLN ZONING ORDINANCE, KEWAUNEE COUNTY, WISCONSIN; and

WHEREAS, within the Town of Lincoln, wind generation turbines as a gas and electric utility uses not requiring authorization under Wis. Statutes. 196.491 (3), may be allowed as a conditional use in the A-1 Exclusive Agricultural District; and

WHEREAS, there are eight conditional use permits for the 22 wind generation turbines located on agriculturally zoned property located within the Town of Lincoln; and

WHEREAS, there has been a moratorium on wind generation turbine construction issued to study the effects of the turbines on the township and issued on July 6, 1999, which was extended on January 6, 2001 for 6 months and will expire on July 6, 2001; and

WHEREAS, the Town of Lincoln Town Board deems it necessary and essential that the Town Board of the Town of Lincoln study the effectiveness of the conditions and develop standards and condition for the placement of wind generation turbines based on the results of the study; and

WHEREAS, the regulatory controls for standards and conditions for the location of wind generation turbines are being developed by the Town of Lincoln and will be codified within the Town of Lincoln Zoning Ordinance either as a new section regulating the placement of wind generation turbines or by amendment to the existing Ordinance; and

WHEREAS, the moratorium will prevent nonconforming uses after regulatory controls, standards, and conditions for the location of wind generation turbines are adopted; and

WHEREAS, the Town of Lincoln Wind Turbine Study Committee has met on a regular basis over the past 18 months for the purposes of studying the effects of

wind turbines and developing recommendations for the Town Board and has conducted an opinion survey of town residents concerning the impacts of existing turbines; and

WHEREAS, the Town of Lincoln has recently become aware through a statement and request from a resident near the turbines, for additional time to study the potential effects that the placement of wind generator turbines may have on the enhancement of stray voltage or ground currents on the adjoining properties; and

WHEREAS, the Town of Lincoln will develop and complete the study of wind generation turbine impacts as they apply to stray voltage and earth current and will implement the recommendations of that study by amending the Town of Lincoln Zoning Ordinance within the next 12 months.

NOW THEREFORE, BE IT HEREBY ORDAINED, by the Town Board of Supervisors of the Town of Lincoln as follows;

1. The Town of Lincoln declares a moratorium on the granting of any conditional use permits for wind generation turbines (other than single home sized (under 21 kW. and 150 ft. Total height) and single farm sized (20 kW. To 100 kW. and under 165 ft. Total height) units) and associated equipment, facilities, and improvements, such as access drives, transformers, and accessory equipment in the Town of Lincoln for a period of 12 months from adoption of this ordinance.
2. This moratorium shall not apply to the existing 20 wind turbines that were approved by zoning committee of the Town of Lincoln in November of 1998 or the 2 wind turbines that were approved by the Town Board of Supervisors of the Town of Lincoln in December 1998.
3. This Ordinance shall take effect upon passage and posting as required by law.

Adopted this 6th day of July 2001

Town Board of Supervisors

Chairperson

Supervisor

Town of Lincoln, Kewaunee County, WI

Attest _____
Dale Massey, Town Clerk

Supervisor

Lincoln Township Moratorium Study Committee

Request for Proposal

This request for proposal is to help the Lincoln Township Moratorium Study Committee (the Committee) understand how the Wisconsin Public Service (WPS) wind farm is connected to the WPS electrical distribution system, and if either the wind farm or distribution system are causing or contributing to possible earth current and stray voltage problems in the area around the wind farm.

Tasks the Committee seeks help with, all of which include possible committee member and/or town board member participation:

Step #1

1. Complete of a thorough visual analysis of the distribution system that feeds the WPS wind turbine site in the Town of Lincoln. This will involve examining various distribution system components and their functions.
2. Meet with the Moratorium Study Committee to provide general information about the WPS power distribution system based on the above review. This will include the functions of various components of the distribution system located on and around the utility poles.
3. Review with the Committee all relevant information that may be obtained during a visit to WPS, during which time the Committee and Briley will examine WPS distribution system documents and question WPS engineers.

Step #2

4. Review all relevant WPS documents and question WPS engineers during a possible day long meeting to gather data, and help answer questions and concerns.
5. Focus on areas of possible concern regarding earth currents and their potential contribution to stray voltage problems, including:
 - a. the distribution system neutral, ground rods, and ground wiring;
 - b. wind turbine neutral wires, grounding rods and grounding system;

- c. the type and description of the wires and conduit buried in the subsoil in and around the wind turbine towers, and connecting them to the distribution system;
- d. transformer and/or turbine connections to the tower foundation;
- e. the equipment on the utility poles added to the area in and around the turbines;
- f. the amount of excess current 'shunted' in the immediate area surrounding the wind turbines (about ¼ mile around the wind turbine site);
- g. the balance or imbalance of the wind turbine's 3-phase electrical system;
- h. how the wind turbines might affect neutral-to-earth voltage as a potential source of earth currents or stray voltage from the distribution system;
- i. any other questions or concerns that develop during the meeting with WPS.

Step #3

6. Meet with the Committee (and perhaps, at the same time, the town board) to present the findings in the above steps and answer questions.
7. Advise the committee on whether the existing equipment, wiring, and distribution system adequately protect the town and its residents from existing or potential earth current and stray voltage problems from the wind turbines, or whether improvements can be made to the system.
8. If the equipment, wiring, and distribution system are inadequate to protect the town and its residents, suggest possible equipment and wiring upgrades and other possible areas of improvement
9. Give an opinion on whether the existing wind turbines are contributing to any potential earth current and/or stray voltage problems.
10. Give an opinion on whether the siting of the turbines is too close to residents' homes and farms in regards to potential earth current and stray voltage problems.
11. Recommend possible future research and analysis projects regarding the turbines and their effect on earth currents and stray voltage.

Submit a "not to exceed" cost quote for the above three steps.

In addition, after the above steps have been completed and if the Committee and/or Town Board request it, submit a "not to exceed" cost quote for a written report on findings and suggestions.

Tab 11

Property values letter and documentation

To The Town of Lincoln Moratorium Committee and
The Lincoln Town Board:

Subject: Property values respective to wind turbine locations.

I compiled data from real estate transfers for the years 1998 through 2001. The sales were grouped as follows:

- 1998 and 1999 sales 1 mile or less from turbine sites
- 1998 and 1999 sales 1 mile or more from turbine sites
- 2000 and 2001 sales 1 mile or less from turbine sites
- 2000 and 2001 sales 1 mile or more from turbine sites

The first column shows the parcel numbers for the sales used.

The second column shows the purchase price from the Real Estate Transfer Returns.

The third column represents assessments taken from the 2001 revaluation.

The fourth column shows ratios calculated by dividing the assessed value by the purchase price.

My conclusions are as follows,

Sales within 1 mile of the windmills prior to their construction were 104 percent of the assessed values, and properties selling the same area after construction were at 78 percent, a decrease of 26 points.

Sales more than 1 mile away prior to construction were 105 percent of the assessed values, and sales of properties 1 mile or more after the construction of the turbines declined to 87 percent of the assessed value, a 18 point decline.

In summary, based on the available information compiled in this report, I would conclude that the siting of the windmills has not had any significant negative impact on property values near them.

The figures used in this study came from real estate transfer returns and the year 2001 assessment roll. Most information is public, but some info on the real estate returns is confidential. The figures used are public record.

Respectfully submitted this 29th day of January 2002;

Joseph A. Jerabek

	Purchase Price	2001 Asmt.	Ratio
1998 sales 1 mile or less			
22.121	59900	64700	1.08
1999 sales 1 mile or less			
36.021	<u>23500</u>	<u>22200</u>	0.94
Combined Totals	83400	86900	1.04
1998 sales more than 1 mile			
11.063	24000	16000	0.67
1999 sales more than 1 mile			
1.14	22000	24000	1.09
3.051	32000	34400	1.08
29.011	80000	86400	1.08
32.111	120400	132900	1.10
36.131	<u>35000</u>	<u>36300</u>	1.04
Total	289400	314000	1.09
Combined Totals	313400	330000	1.05
2000 sales 1 mile or less			
23.111	94000	76300	0.81
35.156	<u>68000</u>	<u>69200</u>	1.02
Total	162000	145500	0.90
2001 Sales 1 mile or less			
18.122	73100	58000	0.79
28.154	<u>118000</u>	<u>73300</u>	0.62
Total	191100	131300	0.69
Combined Totals	353100	276800	0.78
2000 sales more than 1 mile			
10.012	139900	95400	0.68
14.153	49000	51000	1.04
17.162	63600	66100	1.04
29.012	75000	77500	1.03
30.012	49000	51300	1.05
32.022	33000	46200	1.40
34.114	<u>45000</u>	<u>47900</u>	1.06
Total	454500	435400	0.96
2001 Sales more than 1 mile			
3.062	100200	60800	0.61
4.133	74500	73100	0.98
14.112	33000	30500	0.92
10.165	10900	10500	0.96
23.02	98000	81600	0.83
29.062	<u>139000</u>	<u>99500</u>	0.72
Total	455600	356000	0.78
Combined Totals	910100	791400	0.87

Joe Jerabek
Town of Lincoln Assessor
E2661 Pheasant Rd
Casco, WI 54205
January 30, 2001

Robert Bingen
Town of Addison Chairman
P.O. Box 481
Allenton, WI 53002

Dear Sir,

I recently appeared at a zoning committee meeting for your town. I was invited to attend by FPL. First, I would like to apologize for not being adequately prepared to provide answers to the committee. I will admit that I was nervous standing in front of the crowd. Hence, the purpose of this letter. I will try to address the issue of property values and their relationship to the Town of Lincoln's wind turbine projects. The following is a list of sales from the previous eighteen months with an approximate fair market value based on the town's ratio (now at about 66%) compared to the state's equalized value.

Names	Assessed Value	F M Value	Purchase Price
#1 Morse to Toebe ½ mile north	\$41500	\$62300	\$ 94000
#2 Massart to Paul 1 mile SW	\$25300	\$38000	\$ 45000
#3 Baeb to Maedke 3 miles WSW	\$64900	\$97400	\$120400
#4 Deprey to Miller 1 ½ miles NNE	\$27800	\$41700	\$ 49000
#5 Shaw to LaFave 2 ½ miles WNW	\$31100	\$46700	\$ 63600
#6 Postotnik to Salmon 3 ¼ miles north	\$58400	\$87600	\$139900
#7 Bezecny to Laurent 1 mile south	\$25300	\$38000	\$ 68000

The four homes within 1 ½ miles of the WPS wind farm sold for approximately 1.41 % of their fair market value.

The three homes within 2 ½ to 3 ¼ miles from the WPS wind farm sold for 1.40% of their fair market value.

We have no useable sales info for home sales near MG&E's project near Rosiere. Based on this available data, I would have to once again conclude that the location of the wind turbines has not had a negative impact on property values during the past eighteen months.

I am aware of only one property for sale near the wind farm. The five acre parcel with a new house is in the process of being completed, hopefully by spring. The previous owners divorced during the early stages of construction and the house sat

unfinished for over 1 ½ years.

During the year 2000, eight building permits were issued for new homes. Four of the new homes are located one mile or less from turbine sites.

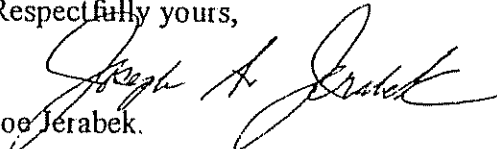
During 1999, eight building permits were issued for new homes. Six of the homes are located 1 ¼ miles or closer to turbine sites.

I would like to volunteer one bit of information regarding a positive impact which has occurred because of the wind mills. The town portion of my property tax for this year decreased by 29.7%. The only other decrease on the tax bill unfortunately, was the Lottery and Gaming Credit. The State tax increased by 7.7%, County tax up by 6.6%, Tech College up by 11.3 %, and Luxemburg-Casco School District taxes increased by 8.4% .

If I can be of further assistance, please don't hesitate to call me at (920) 837-2960.

If no one answers , please leave a message and I'll get back to you.

Respectfully yours,


Joe Jerabek.

Tab 12

Wildlife impact report

Wildlife Impact Statistics for the WPS and MG&E Windfarms

Compiled by Mick Sagrillo, proof read by Shawn Puzen, 2/10/01, and 2/11/02

The wildlife reports have come from Shawn Puzen, of WPS. Shawn is doing the bird study with Dr. Robert Howe of UWGB and Bill Evans of New York, and the bat study with a modification of Bill Evans technology.

The following is the content of an e-mail message sent to Mick Sagrillo by Shawn Puzen of WPS on March 23, 2000.

The totals for the 1999 monitoring season which began July 1 are as follows:

- 12 Hoary Bats
- 22 Eastern Red Bats
- 6 Silver-Haired Bats
- 6 Little Brown Bats
- 1 Big Brown Bat

The Hoary and Red Bats are migratory tree bats that are usually not visible to the novice bat observers in this area, but can be quite common in or near forested areas. The Silver-Hairs and Big and Little Brown Bats are resident bats that often occur in attics, sheds, and under loose tree bark like the Hoary and Red Bat species. They also do migrate, but are the fluttery bats you often see at dusk. Approximately the same amount of bats were found at both companies wind sites

Four birds have been found to be killed by the turbines to date:

- 1 gold finch
- 1 magnolia warbler
- 1 eastern kingbird
- 1 upland sandpiper

The following notes were taken by Mick Sagrillo in a telephone conversation with Shawn Puzen on November 29, 2000.

Fewer birds were killed in 2000 than were killed than last year. The totals for the 2000 monitoring season (all year) are as follows:

- 1 Upland Sandpiper
- 1 Grasshopper Sparrow
- 1 Gull? (Feathers Only)
- 1 Gray Partridge (Feathers Only)

All were recorded in the fall. The bird canvass was done by Dr. Bob Howe and his students, who went out to the wind farm sites daily this year, as opposed to weekly last year. The above numbers are for all three turbine sites

There are a lot of birds moving and migrating through the area. However, they are at higher altitudes and out of the influence of the turbine area.

There has been no raptor mortality to date at any of the three sites.

The bird study will run through June 1, 2001. The above represent kills in the turbine area but not necessarily by the wind turbines.

There is quite a bit of bat activity in the turbine area. However, fewer bats were found killed than last year. It is possible that they were not echo locating at a rapid enough rate to detect the turbine blades last year, but have learned this year that something new (the wind turbines) is in the area. This is only speculation however.

1 Silver-Haired Bat (in spring)
4 Silver-Haired bats
6 Red Bats
11 Hoary Bats
0 Big Brown Bat

All of the numbers except the spring Silver Haired bat were recorded in the fall. The numbers represent kills at all three turbine sites but not necessarily by the wind turbines.

Tape recordings were made by Shawn for eight hours every evening at night of the area's bat activity. In addition, an infra red camera made videotapes of bat activity at night. The tapes were collected every morning by Bob Howe's students. Those tapes are still in the process of being analyzed. He has not documented bats being attracted to the turbines.

The bat study runs through June 1, 2001, and has been funded by a grant from Bat Conservation International. Help is being provided on the bat study by Bill Evans, an independent contractor from New York, and one of only a few people in the country with the qualifications to conduct acoustical bird population studies.

The following figures represent the final numbers of possible bird and bat casualties in the area of the wind turbines. All dead birds and bats in the area around the three wind turbine sites in Lincoln and Red River Townships are included. While all carcasses found were tabulated, the conclusion that all of these carcasses represent kills by the wind turbines cannot be drawn, as there are numerous causes of bird and bat deaths. The following final tabulations represent all bat carcasses collected between July 1, 1999 and July 28, 2000.

12 Silver-haired bats

28 Red bats
25 Hoary bats
6 Little brown bats
1 Big brown bat
1 unidentified bat

In addition, a total of 25 bird carcasses of various species were collected during the same period of time.

At the time of this report (2/11/02), a final report of the Wildlife Impact Statistics for the WPS and MG&E wind farms has not yet been completed and released.

By comparison, according to the State of Wisconsin publication *Cats and Wildlife*, "The most reasonable estimates indicate that 39 million birds are killed (by cats) each year."

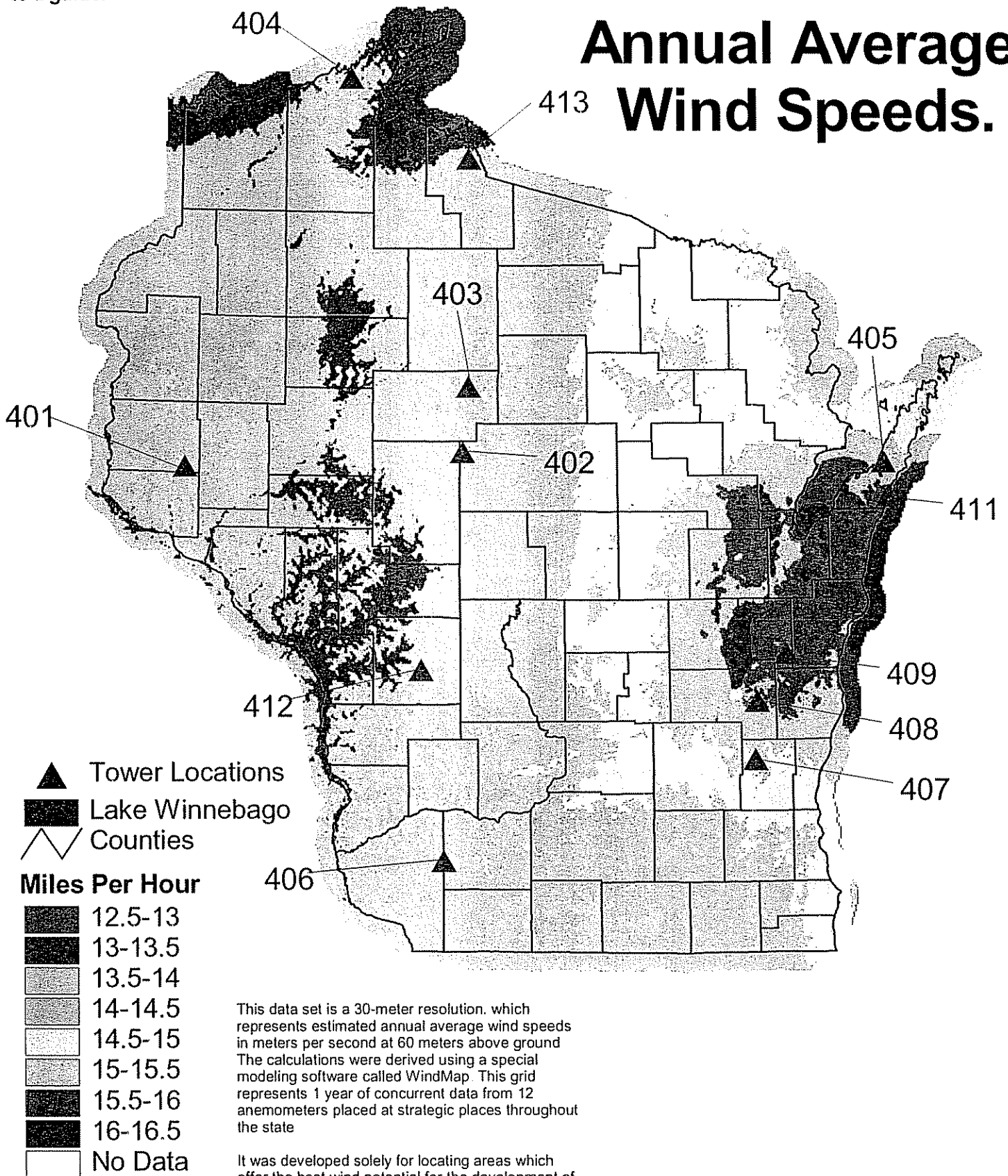
(a. moratorium/wildlife)

Tab 13

1000' setback map
Overlay district map
Sound level contour maps for WPSC and MG&E windfarms
Tower density map for 40 acre parcels

Warning! Field observations are still necessary to help determine if a particular site is suitable for the development of wind farms. This is to be used only as a guide.

Annual Average Wind Speeds.

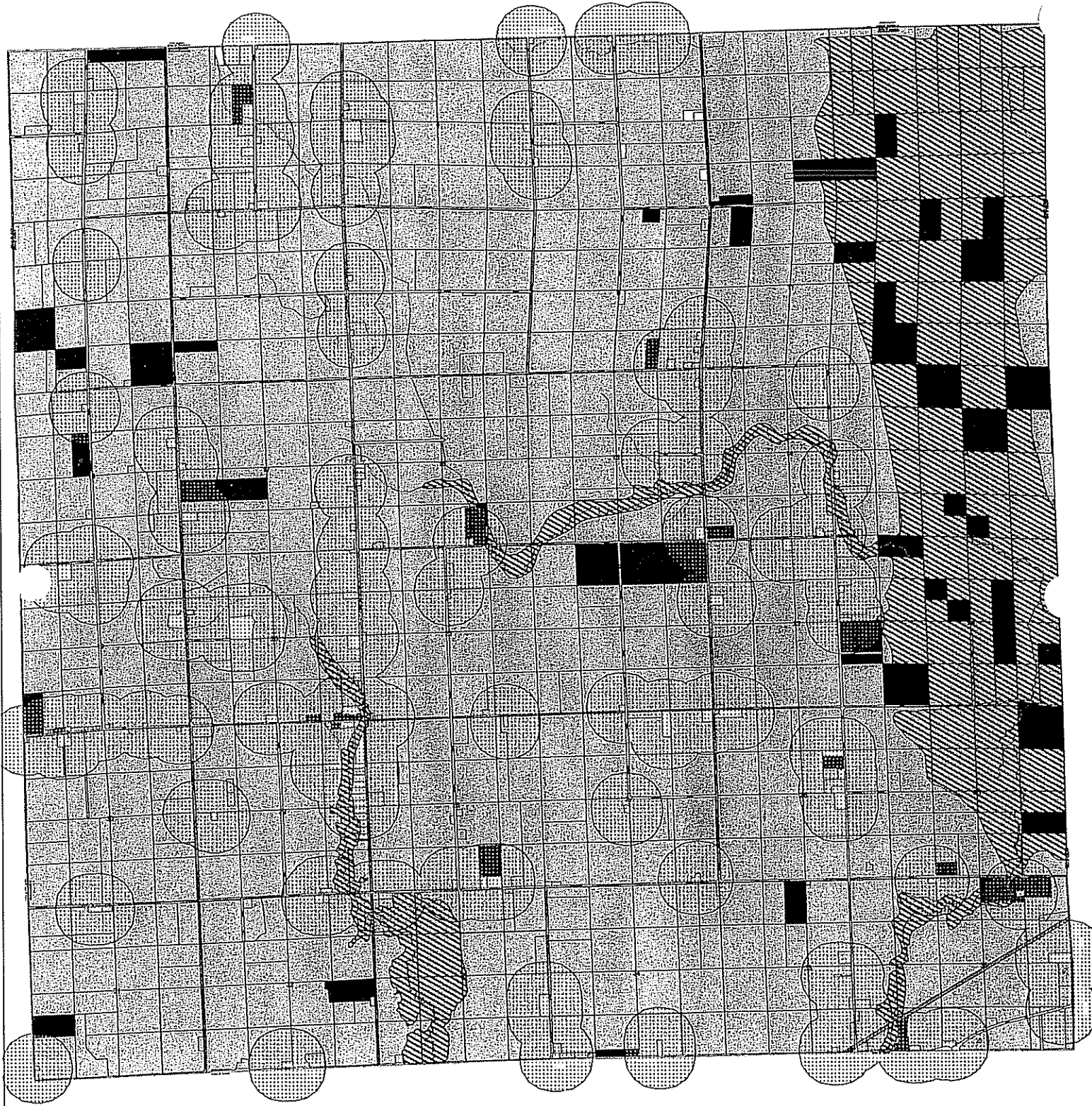


This data set is a 30-meter resolution, which represents estimated annual average wind speeds in meters per second at 60 meters above ground. The calculations were derived using a special modeling software called WindMap. This grid represents 1 year of concurrent data from 12 anemometers placed at strategic places throughout the state.

It was developed solely for locating areas which offer the best wind potential for the development of wind farms. The decision to use 60 meters above ground was because most wind turbines measure 60 meters from the base to the hub of the fan.

Map produced by:
 Wisconsin Department of Administration
 Wisconsin Energy Division

Town of Lincoln



 1000 Foot Buffer of Rural Residential

2000 0 2000 4000 Feet



EMD

Vestas/DWT
Smed Hansensvej 27
6940 Lem
Tlf. 97 34 11 88

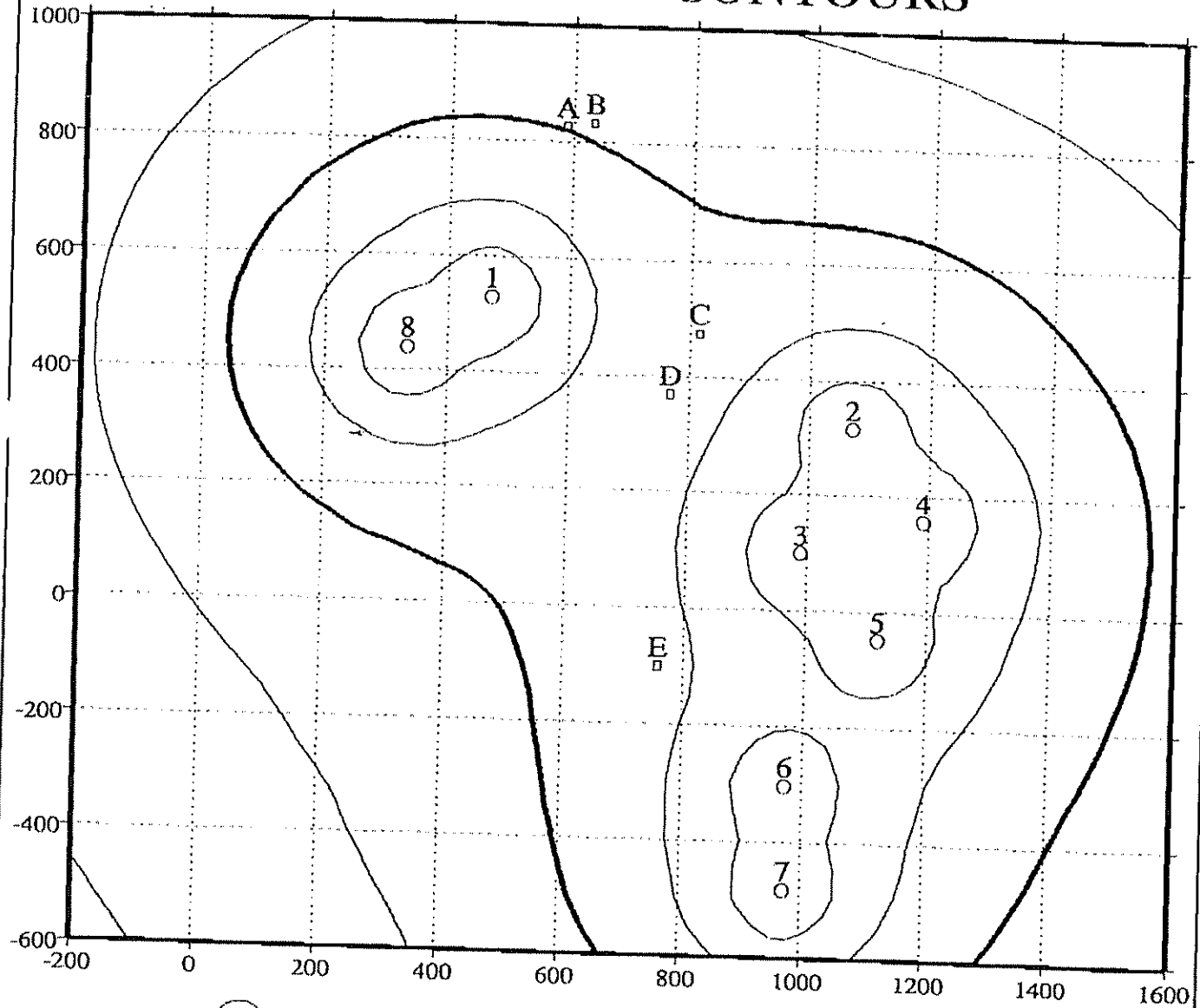
Date : 23/11/98
Time : 8:40
Page : 2
Ref. : AGO

CLIENT: VESTAS AWT

V47-660 kW

SITE : LINCOLN

SOUND LEVEL CONTOURS



○ Turbine sitings

□ Neighbours

55 dB

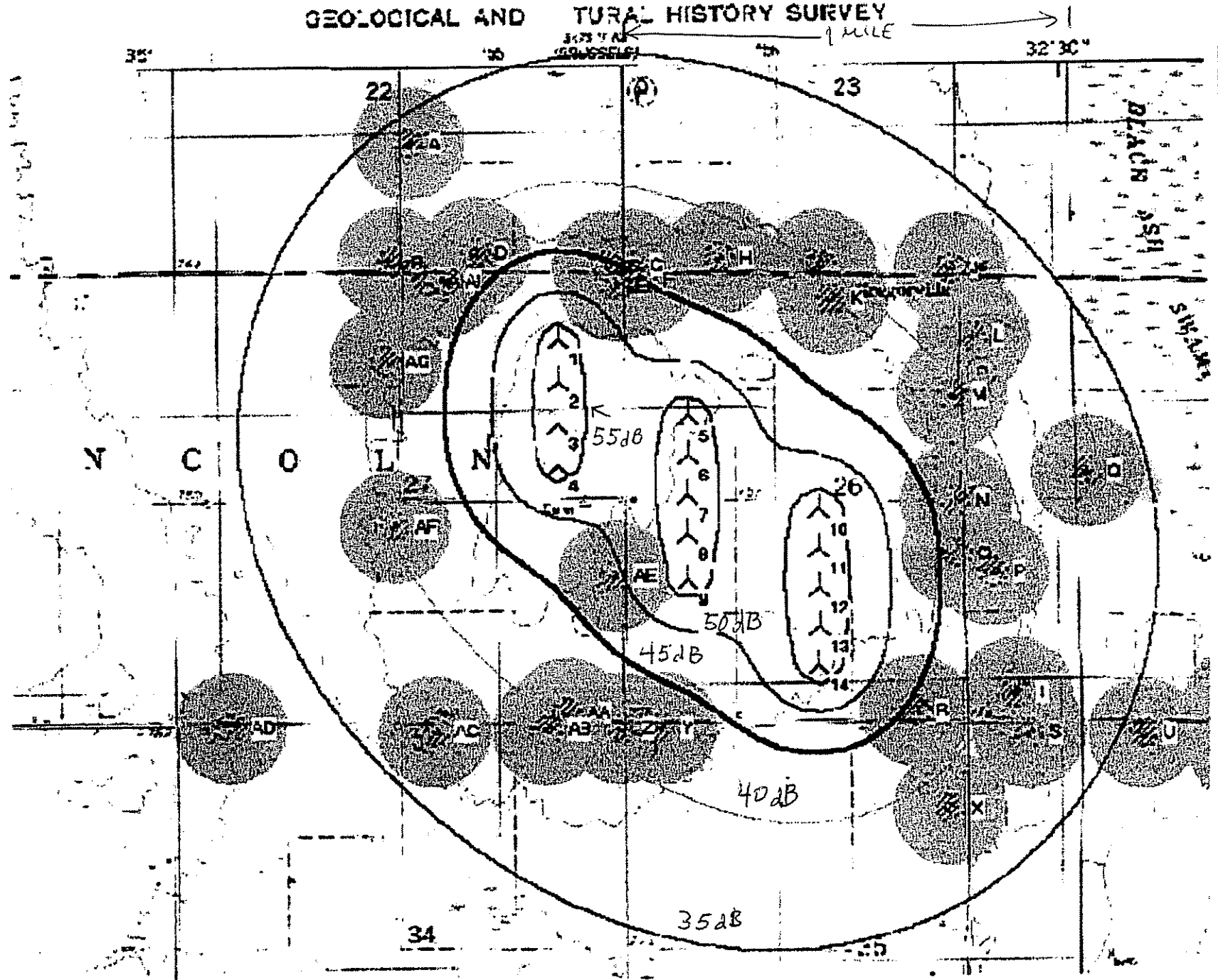
50 dB

45 dB

40 dB

35 dB

GEOLOGICAL AND TURAL HISTORY SURVEY



Map: Lincoln1, Print scale 1:25,000, Map center UTM 18 East: 455,211 North: 4,040,484

▲ New WTG

● Noise sensitive area

Height above level: 230.0 m






— 35 dB — 40 dB — 45 dB — 50 dB — 55 dB

Building Setbacks with Zoning

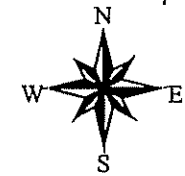
Town of Lincoln

Kewaunee County, Wisconsin

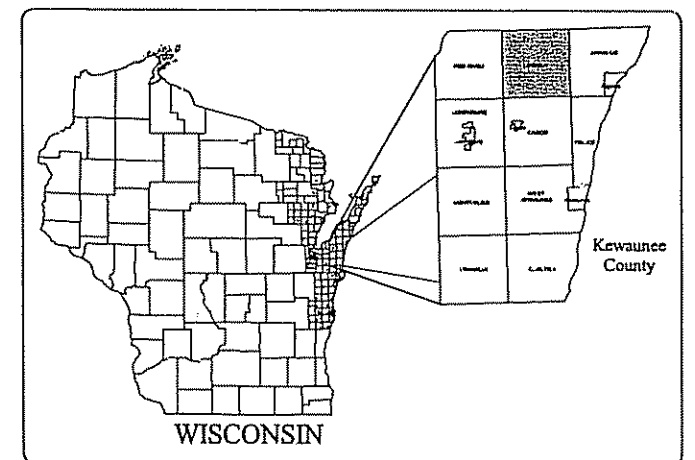
THESE SET BACKS ARE FROM ALL
BUILDINGS INCLUDING FARM
BUILDINGS & BARN

-  1000 - Foot Building Setback
-  800 - Foot Building Setback
-  WDNR Wetlands
-  Lowland Conservancy District
-  Prime Agricultural (A-1)

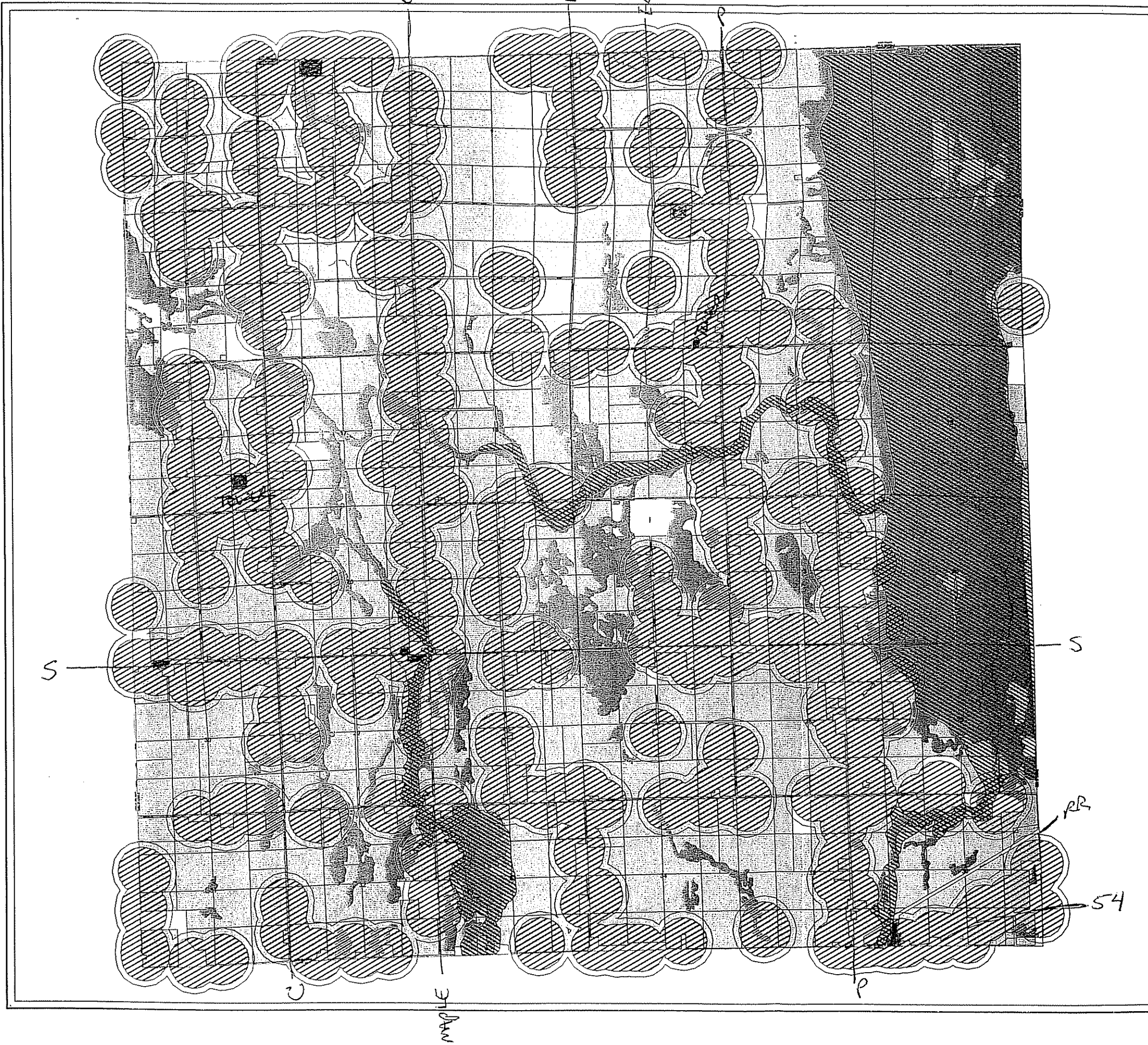
WHITE = A-2, RURAL RES, &
BUSINESS



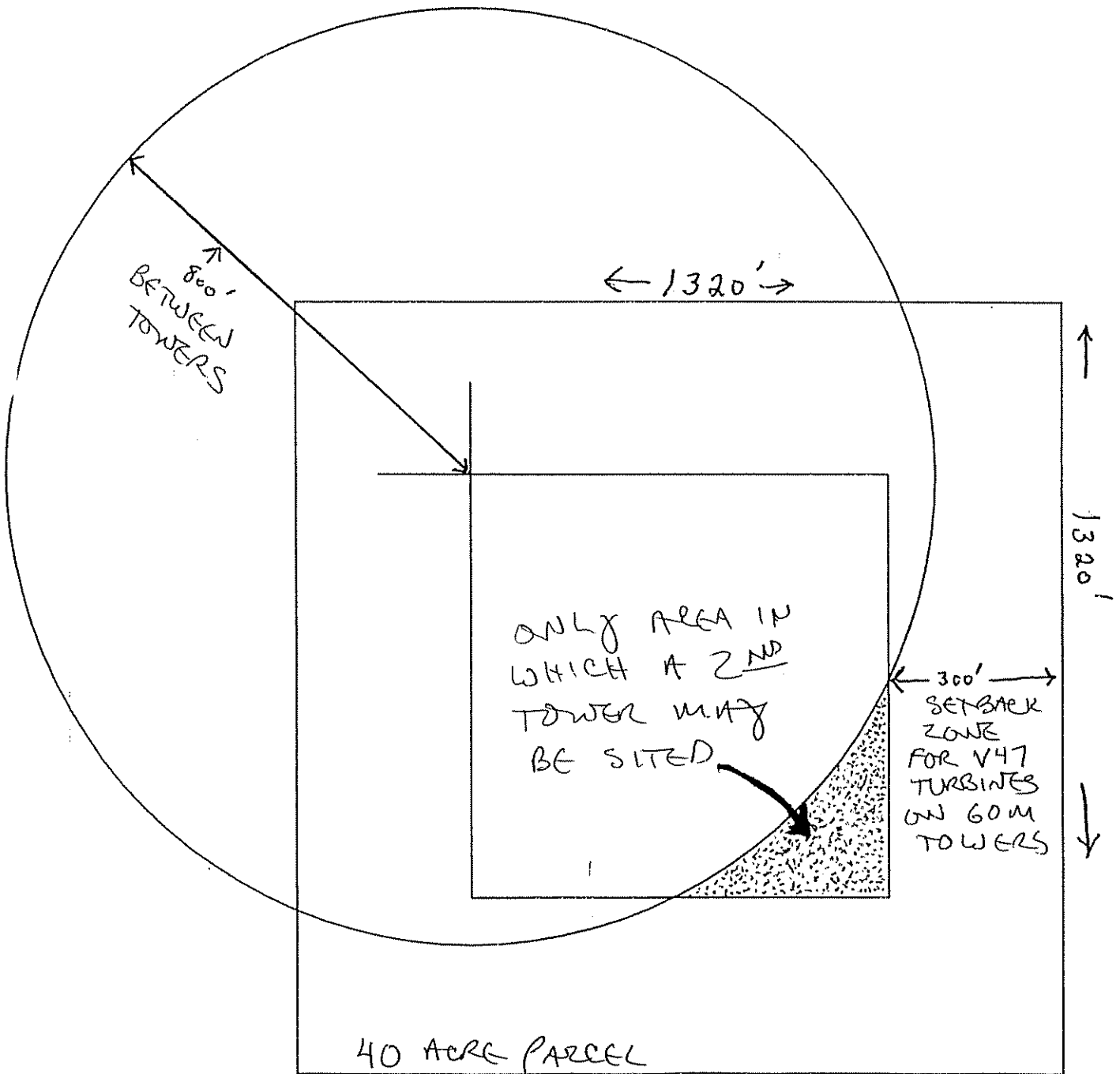
0.5 0 0.5 1 Miles



This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only. Bay-Lake RPC is not responsible for any inaccuracies herein contained.
Source: Kewaunee County; Bay-Lake Regional Planning Commission, 2001



TOWER DENSITY MAP 40 ACRE PARCELS



Tab 14

Impact fee payments

WPSC vs MG&E WIND GENERATOR IMPACT FEE					
YEAR		MG&E (1)		WPSC (1) DEPRECIATED	TOTAL WPSC
1		19,000		8,000	30,000
2		19,000		8,000	29,000
3		19,000		8,000	28,000
4		19,000		8,000	27,000
5		19,000		8,000	26,000
6		19,000		8,000	25,000
7		19,000		8,000	24,000
8		19,000		8,000	23,000
9		19,000		8,000	22,000
10		19,000		8,000	21,000
11		19,000		8,000	20,000
12		19,000		8,000	19,000
13		19,000		8,000	18,000
14		19,000		8,000	17,000
15		19,000		8,000	16,000
16		19,000		8,000	15,000
17		19,000		8,000	14,000
18		19,000		8,000	13,000
19		19,000		8,000	12,000
20		19,000		8,000	11,000
21		19,000		8,000	10,000
22		19,000		8,000	9,000
23		19,000		8,000	8,000
24		19,000		8,000	7,000
25		19,000		8,000	6,000
26		19,000		8,000	5,000
27		19,000		8,000	4,000
28		19,000		8,000	3,000
29		19,000		8,000	2,000
30		19,000		8,000	1,000
TOTAL		\$570,000		\$240,000	+ \$465,000 = \$705,000
(1) Utility tax based on \$0.003/\$1000					
MG&E AMOUNT PER TOWER		TOWER OVER 30 YEARS			\$71,250
WPSC AMOUNT PER TOWER OVER 30 YEARS					\$50,357
IF WPSC USED MG&E FORMULA OVER 30 YEARS					\$997,500
MG&E pays us a flat \$19,000 per year. As the utility tax diminishes, their impact fee increases. WPSC pays us a flat \$8,000 per year impact fee plus the utility tax that depreciates annually for the 30 year life of the project.					