



January 14, 2014 – Walworth County Board Meeting

**Report of the County Clerk Regarding
Communications Received After the Agenda Mailing**

The following items were placed on Supervisors' desks and are attached to this cover sheet:

County Clerk

Kimberly S. Bushey
County Clerk

- Ord. No. 828-01/14 – Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Changes to the Maintenance Positions at Public Works – *Vote Required: Majority* (Recommended by the Human Resources Committee 5-0)
- Ord. No. 829-01/14 – Repealing and Recreating Sections of Chapter 65 of the Walworth County Code of Ordinances Relating to Renewable Energy – *Vote Required: Majority* (Recommended by the County Zoning Agency 7-0)
- Res. No. 69-01/14 – Authorizing the Proper County Officials to Purchase Parkland in the Town of Lyons, Consisting of Approximately 195 Acres – *Vote Required: Majority* (The Park Committee will consider this item at a special meeting prior to the January 14, 2014 County Board meeting)
- Notice of Claim – Allan Biesterveld – To be referred to the Executive Committee
- Notice of Claim – Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc. – Unit No. 17-02 for damages from the County of Walworth – To be referred to the Executive Committee
- Notice of Injury – Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc. – Unit No. 17-02 – To be referred to the Executive Committee
- Correspondence from County Clerk Kimberly Bushey sent to Governor Scott Walker regarding the official Notice of Vacancy for the office of Walworth County Coroner – To be placed on file
- Correspondence from Raquel Guadian-Harris with signed petitions from Walworth County residents in regard to the placement of the Nativity Scene at the Courthouse Square – To be placed on file (The signed petitions can be viewed in the County Clerk's office)
- Correspondence from the City of Whitewater regarding an amendment to the City of Whitewater Comprehensive Plan – To be placed on file (The amendment can be viewed in the County Clerk's office)
- *Walworth County Aging & Disability Resource Center News*, January 2014 – To be placed on file

These items were received after the agenda mailing before the meeting. Other items that were placed on the Supervisors' desks at the meeting are not included on this report. Please contact the County Clerk's office for information regarding those items.

ORDINANCE NO. 828 – 01/14

AMENDING SECTION 15-17 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO CHANGES TO THE MAINTENANCE POSITIONS AT PUBLIC WORKS

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Section 15-17 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions shown by underline; deletions shown by strike-through):

“Sec. 15-17. Authorized positions by department.

(o) Public Works

CLASSIFICATION TITLE	FTE
Maintenance Specialist <u>Technician</u>	2.00
Senior Maintenance Specialist <u>Technician</u>	4.00

PART II: That the rates of pay for the above-stated positions shall be as follows, which represent changes from the budgeted 2014 ranges set forth below.

	<u>Existing 2014 Range</u>	<u>Proposed 2014 Range</u>
Maintenance Specialist	\$15.83 - \$19.00	
Senior Maintenance Specialist	\$18.71 - \$22.54	
Maintenance Technician		\$18.30 - \$21.96
Senior Maintenance Technician		\$19.71 - \$23.54

PART III: This ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 14th day of January 2014.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

County Board Meeting Date: January 14, 2014

Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Ordinance No. 828-01/14
Fiscal Note and Policy Impact Statement

- I. **Title:** Amending Section 15-17 of the Walworth County Code of Ordinances Relating to Changes to the Maintenance Positions at Public Works

- II. **Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to change the position titles of the maintenance positions in Public Works to more closely align with the maintenance positions at LHCC. Completion of four different areas of training and a proficiency test will be required to become a Maintenance Technician.

- III. **Is this a budgeted item and what is its fiscal impact:** Along with the changes to the position titles, the pay range for the maintenance positions will increase as set forth in the resolution to more closely align with the LHCC maintenance positions. The four incumbent BME IIIs will become Senior Maintenance Technicians. It will mean a pay increase of \$0.04 per hour over the 2014 rate for each of the four workers. One incumbent BME I and one BME II will be placed in the Maintenance Technician positions. This will result in an increase of \$0.29 per hour and \$0.18 per hour, respectively, over the current rate. The overall wage impact of this ordinance is anticipated to be an increase of approximately \$1,315 per year. The department has sufficient funds available due to health insurance savings.

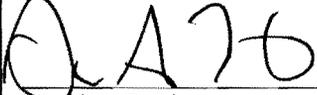
- IV. **Referred to the following standing committee(s) for consideration and date of referral:**

Committee: Human Resources Committee Date: December 18, 2013

Vote: 4 – 1

County Board Meeting Date: January 14, 2014

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

 1/10/14

Date
David A. Bretl
County Administrator/Corporation Counsel

 1/4/14

Date
Nicole Andersen
Deputy County Administrator-Finance

ORDINANCE NO. 829 – 01/14

REPEALING AND RECREATING SECTIONS OF CHAPTER 65 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO RENEWABLE ENERGY

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Articles I and II of Chapter 65 of the Walworth County Code of Ordinances are hereby repealed and recreated to read as follows:

“ARTICLE I.

WIND ENERGY SYSTEMS

DIVISION 1.

GENERAL

Sec. 65-1. Title.

This article may be referred to as the "Wind Energy System Ordinance for both Large and Small Wind Energy Systems."

Sec. 65-2. Authority.

This article is adopted pursuant to authority granted by Wis. Admin. Code PSC 128 and Wis. Stat. 66.0401, 66.0403, 59.69, 59.692, 59.694 and 87.30. Walworth County may not place any restriction, either directly or in effect, on the installation or use of a wind energy system except those that comply with and is not more restrictive than Wis. Admin. Code PSC 128 and Wis. Stat. 66.0401.

Sec. 65-3. Purpose.

The purpose of this article is to incorporate requirements of Wis. Stat. §66.0401 and Wis. Admin. Code Ch. PSC 128 and any applicable amendments thereto, as a local ordinance and to establish local regulations on the installation and use of large and small wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease wind energy system efficiency, or allow for an alternative system of comparable cost and efficiency.

Sec. 65-4. Applicability.

(1) This ordinance applies to all lands within the boundaries of the county lying outside the limits of incorporated cities and villages.

1 (2) This Article does not apply to any of the following:
2

- 3 a. A wind energy system for which construction began before March 1, 2011.
- 4
- 5 b. A wind energy system placed in operation before March 1, 2011.
- 6
- 7 c. A wind energy system approved by a Walworth County before March 1, 2011.
- 8
- 9 d. A wind energy system proposed by an owner in an application filed with a
10 Walworth County before the March 1, 2011. Notwithstanding par. 4 if an
11 owner withdraws an application for a proposed wind energy system that is
12 filed with Walworth County before March 1, 2011, this Article applies to the
13 wind energy system if the owner re-files the application with the County on
14 or after March 1, 2011.
- 15

16 (3) COMMISSION APPLICATIONS. The commission shall consider whether the
17 installation or use of a wind energy system is consistent with the standards specified in this Article
18 when reviewing an application under s. 196.491 (3) (d), Stats., filed on or after March 1, 2011.
19

20 (4) INDIVIDUAL CONSIDERATION. Nothing in this Article shall preclude the
21 commission from giving individual consideration to exceptional or unusual situations and applying
22 requirements to an individual wind energy system that may be lesser, greater, or different from those
23 provided in this Article.
24

25 **Sec. 65-5. Abrogation.**

26
27 It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any
28 existing ordinance.
29

30 **Sec. 65-6. Severability.**

31
32 The provisions of this article are severable, and the invalidity of any section, subdivision,
33 paragraph, or other part of this article shall not affect the validity or effectiveness of the remainder of
34 the article.
35

36 **Sec. 65-7. Warning and disclaimer of liability.**

37
38 This article shall not create a duty or liability on the part of or a cause of action against the
39 county, its officers or employees thereof, for any damages that may result from administration of or
40 reliance on this article.
41

42 **Sec. 65-8. Definitions.**

43
44 In this article:
45

1 (1) "Commercial communications" includes communications used by government and
2 military entities for emergency purposes, licensed amateur radio service, and non-emergency
3 communications used by agricultural, business, government, and military entities including aviation
4 radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight,
5 microwave, personal communications service, weather radar, and wireless internet service.

6
7 (2) "Commission" means the public service commission.

8
9 (3) "Decommissioning" means removal of all of the following:

10
11 a. The above ground portion of a wind energy system, including wind turbines
12 and related facilities, except for access roads if removal has been waived by
13 the property owner.

14
15 b. All below ground facilities, except the following:

16
17 1. Underground collector circuit facilities.

18
19 2. Those portions of concrete structures 4 feet or more below grade.

20
21 (4) "DNR" means the Wisconsin department of natural resources.

22
23 (5) "Maximum blade tip height" means the nominal hub height plus the nominal blade
24 length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine
25 manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the
26 actual hub height plus the blade length.

27
28 (6) "Nameplate capacity" means the nominal generating capacity of a wind energy
29 system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

30
31 (7) "Nonparticipating property" means real property that is not a participating property.

32
33 (8) "Nonparticipating residence" means a residence located on nonparticipating property.

34
35 (9) "Occupied community building" means a school, church or similar place of worship,
36 daycare facility or public library.

37
38 (10) "Owner" means:

39
40 a. A person with a direct ownership interest in a wind energy system, regardless
41 of whether the person was involved in acquiring the necessary rights, permits
42 and approvals or otherwise planning for the construction and operation of a
43 wind energy system.

44
45 b. At the time a wind energy system is being developed, a person who is acting
46 as a wind energy system developer by acquiring the necessary rights, permits

1 and approvals for or by planning for the construction and operation of a wind
2 energy system, regardless of whether the person will own or operate the wind
3 energy system.
4

5 (11) “Participating property” means any of the following:
6

7 a. A turbine host property.
8

9 b. Real property that is the subject of an agreement that does all of the following:
10

11 1. Provides for the payment of monetary compensation to the landowner
12 from an owner regardless of whether any part of a wind energy system
13 is constructed on the property.
14

15 2. Specifies in writing any waiver of a requirement or right under PSC
16 128 and that the landowner’s acceptance of payment establishes the
17 landowner’s property as a participating property.
18

19 (12) “Participating residence” means a residence located on participating property.
20

21 (13) “Personal communications” includes wireless telecommunications, personal
22 communications service, radio, television, wireless internet service, and other systems used for
23 personal use purposes.
24

25 (14) “Political subdivision” has the meaning Walworth County.
26

27 (15) “Residence” means an occupied primary or secondary personal residence including a
28 manufactured home as defined in s. 101.91 (2), Stats., a hospital, community-based residential
29 facility, residential care apartment complex or similar facility, or a nursing home. “Residence”
30 includes a temporarily unoccupied primary or secondary personal residence. “Residence” does not
31 include any of the following:
32

33 a. A recreational vehicle as defined in s. 340.01 (48r), Stats., notwithstanding the length
34 of the vehicle.
35

36 b. A camping trailer as defined in s. 340.01 (6m), Stats.
37

38 c. A permanently abandoned personal residence.
39

40 (16) “Shadow flicker” means a pattern of moving shadows cast on a residence or an
41 occupied community building caused by sunlight shining through moving wind turbine blades
42 resulting in alternating changes in light intensity.
43

44 (17) “Small wind energy system” means a wind energy system that has a total installed
45 nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an
46 installed nameplate capacity of not more than 100 kilowatts.

1
2 (18) "Turbine host property" means real property on which at least one wind turbine is
3 located.

4
5 (19) "Wind access easement" means a written document that creates a legal interest in real
6 property that restricts the use of the property to avoid interference with the wind resource on another
7 property.

8
9 (20) "Wind energy system" means equipment and associated facilities that convert and
10 then store or transfer energy from the wind into usable forms of energy s. 66.0403 (1) (m), Stats.,
11 and is used to convert wind energy to electrical energy.

12
13 (21) "Wind energy system easement" means a written document that creates a legal
14 interest in real property that permits an owner to place, construct or operate a wind turbine or other
15 wind energy system facility on the property.

16
17 (22) "Wind energy system emergency" means a condition or situation at a wind energy
18 system that presents a significant threat of physical danger to human life or a significant threat to
19 property or a natural event that causes damage to wind energy system facilities.

20
21 (23) "Wind energy system facility" means any component of a wind energy system, such
22 as a wind turbine, collector circuit, access road, electric system interconnection facility or operation
23 and maintenance facility.

24
25 (24) "Wind energy system lease" means a written agreement between a landowner and an
26 owner that establishes the terms and conditions associated with the placement, construction or
27 operation of a wind turbine or other wind energy system facility on a landowner's property.

28
29 (25) "Administrator" means the zoning administrator of Walworth County or his/her
30 designee defined pursuant to Chapter 74.

31
32 (26) "Blade canopy" means a circle around the tower which the radius is equal to the
33 length of a single blade.

34
35 (27) "Committee" means the Walworth County Zoning Agency (CZA).

36
37 (28) "Department" means the Walworth County Land Use and Resource Management
38 Department (LURM).

39
40 (29) "Met tower" means a tower, including an anchor, base, base plate, boom, cable,
41 electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane,
42 or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow
43 information, in order to monitor or characterize wind resources at a given location.

44
45 (30) "Permit" means a wind energy system permit issued by the Walworth County Land
46 Use and Resource Management Department pursuant to this Article.

1
2 (31) "Chapter 74" means the Walworth County Zoning Ordinance.
3

4 **Sec. 65-9. Enforcement.**
5

6 (1) Walworth County shall be responsible for enforcing its wind energy system ordinance
7 and permit provisions.
8

- 9 a. This article shall be administered by the county zoning administrator.
10
11 b. The administrator may enter any property for which a conditional use or zoning
12 permit has been issued under this article to conduct an inspection to determine
13 whether the conditions stated in the permit have been met.
14
15 c. The administrator may issue orders to abate any violation of this article.
16
17 d. The administrator may issue a citation for any violation of this article.
18
19 e. The administrator may refer any violation of this article to the corporation counsel for
20 enforcement.
21
22 f. Nothing in this section shall be construed to prevent the county from using any other
23 lawful means to enforce this article.
24
25 g. Any person who fails to comply with any provision of this article, a conditional use
26 permit or a zoning permit issued pursuant to this article shall be subject to citations in
27 accordance with chapter 14 of the Walworth County Code of Ordinances.
28
29 h. The failure of any employee, official, or officer of the County to perform any official
30 duty imposed by this code will not subject the employee, official, or officer to the
31 penalty imposed for violation of this code unless a penalty is specifically provided.
32

33 (2) COMMISSION. The commission shall enforce its rules and orders under this chapter
34 in the manner prescribed in s. 196.66, Stats., or by such other means as provided in the statutes or
35 administrative code.
36

37 **DIVISION 2.**
38

39 **OWNER REQUIREMENTS**
40

41 **Sec. 65-10. Permits Required.**
42

43 (1) A conditional use permit is required for a wind farm system, and for each large wind
44 system that is not included in a conditional use permit issued for a wind farm system. A conditional
45 use permit application must be on a form approved or provided by the County. The owner must

1 provide a site plan, fee, the information specified in Chapter 74 of the county zoning ordinances and
2 the following additional information:

- 3
- 4 a. Name, corporate status, address, and telephone number of the person signing the
5 application and certifying that the application is true and correct.
- 6
- 7 b. Name, corporate status, address, and telephone number of the owner.
- 8
- 9 c. Name, corporate status, address, and telephone number of the landowner.
- 10
- 11 d. Legal description of the property and a description of a benchmark on the property,
12 including its elevation expressed in feet and tenths of feet.
- 13
- 14 e. Number, description, and design specifications of each large wind system and met
15 tower, including the manufacturer, model, capacity, blade length, height, lighting, and
16 total height of any large wind system.
- 17
- 18 f. Blueprints or drawings that have been approved by the manufacturer's registered
19 professional engineer showing a cross section, elevation, and diagram for any tower
20 and tower foundation, verifying non-interference with other wind towers, and
21 assuring no signal interference.
- 22
- 23 g. Scale diagram showing proposed location of aboveground and underground electrical
24 wiring, access routes, landscaping, and fencing.
- 25
- 26 h. Statement describing any hazardous materials that will be used on the property and
27 how those materials will be stored.
- 28
- 29 i. Location of any overhead utility lines adjacent to the property within 500 feet.
- 30
- 31 j. Existing buildings and structures within one-half mile of the property, including any
32 church, hospital, public library, residence, and school.
- 33
- 34 k. Any sewer service planning area and incorporated municipal boundary within one-
35 half mile of the property.
- 36
- 37 l. Copy of a certificate of authority and environmental assessment, if applicable, from
38 the state public service commission.
- 39

1 m. Statement that each large wind system and met tower will be installed in compliance
2 with manufacturer's specifications, along with a copy of the manufacturer*s
3 specifications.
4

5 n. Statement that the owner will construct and operate the large wind system, met tower,
6 or wind farm system in compliance with all applicable local, state, and federal codes,
7 laws, orders, regulations, and rules.
8

9 (2) A zoning permit is required for the installation of a small wind energy system or a
10 met tower, and the owner must apply for a zoning permit and pay the fee (set by the county board)
11 for a permitted accessory use. The permit application will be processed following the procedures of
12 Chapter 74. A zoning permit is required for the installation of a met tower, a small wind system,
13 including each small wind system in a conditional use approved wind farm system.
14

15 (3) A zoning permit application is submitted to the administrator for a wind tower. The
16 application must be on a form approved or provided by the county and must include the name,
17 address, and telephone number of the person designated by the owner as the contact for operational
18 issues and the investigation of any complaints. The owner must provide a site plan and information
19 as detailed in Chapter 74 and provide the following additional information as part of the permit
20 application:
21

22 a. A drawing that shows the proposed height, location and distance of the tower from
23 the property lines of the parcel on which it is located;
24

25 b. Location of any overhead utility lines on or adjacent to the property;
26

27 c. Description and specifications of the components of the wind energy system, met
28 tower, or both, including the manufacturer, model, capacity, blade length, and total
29 height of any wind energy system; and
30

31 d. Blueprints or drawings which have been approved by a manufacturers registered
32 professional engineer for any tower and tower foundation.
33

34 (4) The administrator will issue a zoning permit for a tower in a wind system or a wind
35 farm system if the application materials show that the proposed tower location meets the
36 requirements of this article and of the conditional use permit issued by the county zoning agency.
37

38 (5) If the application is approved, the administrator will return one copy of the drawing
39 with an approved copy of the zoning permit and retain the other copy with the original application.
40

1 (6) If the application is denied, the administrator will notify the applicant in writing and
2 provide a written statement of the reason why the application was denied. The owner may appeal the
3 administrator's decision to the board of adjustment as provided in Chapter 74
4

5 (7) The zoning permit card must be conspicuously posted on the premises and visible to
6 the public at all times until construction or installation of the tower is complete.
7

8 (8) Expiration. A permit expires if the wind energy system or met tower is not installed
9 and functioning within two years from the date the permit is issued.
10

11 **Sec. 65-10.5. Development of a wind energy system; notice requirements.**
12

13 (1) PRE-APPLICATION NOTICE. At least 90 days before an owner files an application
14 to construct a wind energy system, an owner shall use commercially reasonable methods to provide
15 written notice of the planned wind energy system to all of the following:
16

- 17 a. Landowners within one mile of a planned wind turbine host property.
- 18
- 19 b. Political subdivisions within which the wind energy system may be located.
- 20
- 21 c. Emergency first responders and air ambulance service providers serving a political
22 subdivision within which the wind energy system may be located.
- 23
- 24 d. The Wisconsin department of transportation.
- 25
- 26 e. The commission.
- 27
- 28 f. The DNR.
- 29
- 30 g. The Wisconsin department of agriculture, trade and consumer protection.
- 31
- 32 h. The office of the deputy undersecretary of the U.S. department of defense.
- 33

34 (2) PRE-APPLICATION NOTICE REQUIREMENTS. The owner shall include all of
35 the following in a notice under sub. (1):
36

- 37 a. A complete description of the wind energy system, including the number and size of
38 the planned wind turbines.
- 39
- 40 b. A map showing the planned location of all wind energy system facilities.
- 41
- 42 c. Contact information for the owner.
- 43
- 44 d. A list of all potential permits or approvals the owner anticipates may be necessary for
45 construction of the wind energy system.

1
2 **Sec. 65-11. Real property provisions.**
3

4 (1) EASEMENT RECORDING REQUIRED. A wind energy system easement or wind
5 access easement shall be recorded under ch. 706, Stats. A wind energy system easement or wind
6 access easement shall include the term of the easement and a full legal description of the property
7 subject to the easement.
8

9 (2) WIND LEASE AND WAIVER PROVISIONS. A wind energy system lease and any
10 waiver under Sec. 65-14 (5) or Sec. 65-15 (4) shall hold harmless and indemnify the real property
11 owner for all of the following:
12

- 13 a. Any violation of federal, state or local law by the owner of the wind energy system.
- 14
- 15 b. Any damages or bodily injury caused by the construction, operation or
16 decommissioning of the wind energy system.
17

18 **Sec. 65-12. Existing property uses.**
19

20 (1) LAND USE AND COMMERCIAL ENTERPRISES. An owner shall make
21 reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a
22 nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or
23 commercial enterprise exists when the owner gives notice under Sec. 65-10(1), or if complete
24 publicly-available plans for construction are on file with a political subdivision within 30 days of
25 the date the owner gives notice under Sec. 65-10(1).
26

27 (2) AGRICULTURAL USE. An owner shall design a wind energy system to reasonably
28 minimize the conversion of land from agricultural use.
29

30 **Sec. 65-13. Siting criteria.**
31

32 (1) SETBACK DISTANCE AND HEIGHT REQUIREMENTS.
33

- 34 a. An owner shall design and construct a wind energy system using the wind turbine
35 setback distances shown in Table 1.
36

37 **Table 1**
38

Setback Description	Setback Distance
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height

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

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- b. An owner shall measure wind turbine setback distances as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.
 - c. An owner shall work with Walworth County and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships.
 - d. The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances in Table 1 for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in Table 1 from a nonparticipating property line.
- (2) POLITICAL SUBDIVISION CRITERIA.
- a. Walworth County may not establish long-term land use planning requirements or practices that preclude the construction of a particular type, or any type, of wind turbine or wind energy system within the County’s jurisdiction, except the County may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of a comprehensive plan, under s. 66.1001 (2) (b) and (f), before June 2, 2009, or as shown in such maps after December 31, 2015, as part of a comprehensive plan that is updated as required under s. 66.1001 (2)

1 (i). This subdivision applies to a wind energy system that has a nominal capacity of at
2 least one megawatt. s. 66.0401 (4) (f) 2., Stats.

- 3
4 b. Walworth County may not set height or setback distance limitations for a wind
5 turbine near a public use airport or heliport that are more restrictive than existing
6 airport and airport approach protection provisions under ss. 114.135 and 114.136,
7 Stats. If no provisions have been established for public use airports or heliports under
8 s. 114.135 or 114.136, Stats., Walworth County may adopt wind turbine height or
9 setback distance provisions that are based on, but not more restrictive than, the
10 federal aviation administration obstruction standards in 14 CFR Part 77.
11
12 c. Walworth County may set height or setback distance limitations for wind turbines
13 near a private heliport at a medical facility used for air ambulance service that are
14 based on, but not more restrictive than, federal aviation administration obstruction
15 standards that apply to public use heliports.
16
17 d. A political subdivision may not set height or setback distance limitations for a wind
18 turbine near a private use airport or heliport except as provided in par. c.
19

20 **Sec. 65.14. Noise criteria.**

21
22 (1) DEFINITIONS. In this section, nighttime hours are the hours beginning at 10:00 p.m.
23 and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at
24 10:00 p.m. daily.

25
26 (2) PLANNING.

- 27
28 a. The noise limits in this section apply at the outside wall of a nonparticipating
29 residence or occupied community building that exists when the owner gives notice
30 under Sec. 65-10 or for which complete publicly-available plans for construction are
31 on file with a Walworth County within 30 days of the date on which the owner gives
32 notice under Sec. 65-10.
33
34 b. An owner shall design the proposed wind energy system to minimize noise at a
35 residence or occupied community building to the extent reasonably practicable.
36
37 c. An owner shall design a wind energy system to comply with the noise standards in
38 this section under planned operating conditions.
39

40 (3) NOISE LIMITS.

- 41
42 a. Except as provided in par. b., subs. (4) b. and (5), an owner shall operate the wind
43 energy system so that the noise attributable to the wind energy system does not
44 exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
45

1 b. In the event audible noise due to wind energy system operations contains a steady
2 pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take
3 corrective action to permanently eliminate the noise. This paragraph does not apply to
4 sound the wind energy system produces under normal operating conditions.
5

6 (4) COMPLIANCE.
7

8 a. If an owner uses sound level measurements to evaluate compliance with this section
9 at a nonparticipating residence or occupied community building, those measurements
10 shall be made as near as possible to the outside wall nearest to the closest wind
11 turbine, or at an alternate wall as specified by the owner of the nonparticipating
12 residence or occupied community building. The owner may take additional
13 measurements to evaluate compliance in addition to those specified by this section.
14

15 b. Upon receipt of a complaint regarding a violation of the noise standards in sub. (3) a,
16 an owner shall test for compliance with the noise limits in sub. (3) a. Walworth
17 County may not require additional testing to show compliance with sub. (3) a if the
18 owner has provided the results of an accurate test conducted within 2 years of the date
19 of the complaint showing that the wind energy system is in compliance with sub. (3) a
20 at the location relating to the complaint.
21

22 c. Methods available for the owner to comply with sub. (3) shall include operational
23 curtailment of one or more wind turbines. Upon receipt of a complaint about a noise
24 under sub. (3) b, the owner shall use operational curtailment to eliminate the noise
25 until the owner permanently corrects the problem.
26

27 d. An owner shall evaluate compliance with sub. (3) a as part of pre- and
28 post-construction noise studies. An owner shall conduct pre- and post-construction
29 noise studies under the most current version of the noise measurement protocol as
30 described in Sec 65-50 (2).
31

32 (5) WAIVER. Upon request by an owner of a wind energy system, an owner of an
33 affected nonparticipating residence or occupied community building may relieve the owner of the
34 wind energy system of the requirement to meet any of the noise limits in this section at the affected
35 residence or occupied community building by written contract with the wind energy system owner.
36 Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or
37 occupied community building, a waiver by an owner of an affected nonparticipating residence or
38 occupied community building is an encumbrance on the real property, runs with the land until the
39 wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.
40

41 (6) NOTIFICATION.
42

43 a. Before entering into a contract under sub. (5), an owner of a wind energy system shall
44 provide written notice of the requirements of this section to the owner of an affected
45 nonparticipating residence or occupied community building.

- 1 b. Before the initial operation of the wind energy system, an owner of a wind energy
2 system shall provide notice of the requirements of this section to an owner of a
3 nonparticipating residence or occupied community building within 0.5 mile of a
4 constructed wind turbine that has not entered into a contract under sub. (5).
5

6 **Sec. 65-15. Shadow flicker.**
7

8 (1) PLANNING.
9

- 10 a. The shadow flicker requirements in this section apply to a nonparticipating residence
11 or occupied community building that exists when the owner gives notice under Sec.
12 65-10 or for which complete publicly-available plans for construction are on file with
13 Walworth County within 30 days of the date on which the owner gives notice under
14 Sec. 65-10.
15
16 b. An owner shall design the proposed wind energy system to minimize shadow flicker
17 at a residence or occupied community building to the extent reasonably practicable.
18
19 c. An owner shall use shadow flicker computer modeling to estimate the amount of
20 shadow flicker anticipated to be caused by a wind energy system and shall design the
21 wind energy system so that computer modeling indicates that no nonparticipating
22 residence or occupied community building will experience more than 30 hours per
23 year of shadow flicker under planned operating conditions.
24

25 (2) SHADOW FLICKER LIMITS. An owner shall operate the wind energy system in a
26 manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating
27 residence or occupied community building. If a nonparticipating residence or occupied community
28 building experiences more than 30 hours per year of shadow flicker under the wind energy system's
29 normal operating conditions, the owner shall use operational curtailment to comply with this
30 subsection.
31

32 (3) SHADOW FLICKER MITIGATION.
33

- 34 a. An owner of a wind energy system shall work with an owner of a nonparticipating
35 residence or occupied community building to mitigate the effects of shadow flicker to
36 the extent reasonably practicable.
37
38 b. An owner shall provide reasonable shadow flicker mitigation at the owner's expense
39 for a nonparticipating residence or occupied community building experiencing 20
40 hours or more per year of shadow flicker.
41
42 c. An owner shall model shadow flicker and a nonparticipating residence or occupied
43 community building is eligible for mitigation if computer modeling shows that
44 shadow flicker at the nonparticipating residence or occupied community building will
45 be 20 hours or more per year. An owner of a nonparticipating residence or occupied
46 community building is not required to document the actual hours per year of shadow

1 flicker if modeling indicates the nonparticipating residence or occupied community
2 building is eligible for mitigation. A nonparticipating residence or occupied
3 community building that experience 20 hours or more per year of shadow flicker
4 based on records kept by the resident of a nonparticipating residence or the occupant
5 of an occupied community building shall also be eligible for mitigation.
6

- 7 d. An owner may provide shadow flicker mitigation for any residence or occupied
8 community building in addition to the mitigation required under par. b.
9
- 10 e. The requirement under par. b. to mitigate shadow flicker applies when the owner
11 receives a complaint or request for mitigation regarding shadow flicker for an eligible
12 nonparticipating residence or occupied community building. If shadow flicker
13 mitigation is required, the owner of the wind energy system shall allow the owner of
14 the nonparticipating residence or occupied community building to choose a preferred
15 reasonable mitigation technique, including installation of blinds or plantings at the
16 wind energy system owner's expense.
17

18 (4) WAIVER. Upon request by an owner of a wind energy system, an owner of an
19 affected nonparticipating residence or occupied community building may relieve the wind energy
20 system owner of a requirement under sub. (2) or (3) b. at the affected nonparticipating residence or
21 occupied community building by written contract with the wind energy system owner. Unless
22 otherwise provided in a contract signed by an owner of an affected nonparticipating residence or
23 occupied community building, a waiver by an owner of an affected nonparticipating residence or
24 occupied community building is an encumbrance on the real property and runs with the land until the
25 wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.
26

27 (5) NOTIFICATION.
28

- 29 a. Before entering into a contract under sub. (4), a wind energy system owner shall
30 provide notice of the requirements of this section to individual owners of an affected
31 nonparticipating residence or occupied community building.
32
- 33 b. Before the initial operation of the wind energy system, a wind energy system owner
34 shall provide notice of the requirements of this section to an owner of a
35 nonparticipating residence or occupied community building within 0.5 mile of a
36 constructed wind turbine that has not entered into a contract under sub. (4).
37

38 **Sec. 65-16. Signal interference.**
39

40 (1) PLANNING.
41

- 42 a. Except as provided in sub. (4), the signal interference requirements in this section
43 apply to commercial communications and personal communications in use when the
44 wind energy system begins operation.
45

- 1 b. An owner shall use reasonable efforts to avoid causing interference with commercial
2 communications and personal communications to the extent practicable.
3
4 c. An owner may not construct wind energy system facilities within existing
5 line-of-sight communication paths that are used by government or military entities to
6 provide services essential to protect public safety. Walworth County may require an
7 owner to provide information showing that wind turbines and other wind energy
8 system facilities will be in compliance with this paragraph.
9

10 (2) COMMERCIAL COMMUNICATIONS INTERFERENCE MITIGATION. An
11 owner shall use reasonable and commercially available technology to mitigate interference caused
12 by a wind energy system with commercial communications in use when a wind energy system
13 begins operation. Before implementing mitigation measures, the owner shall consult with affected
14 parties regarding the preferred mitigation solution for commercial communications interference
15 problems. Except as provided in sub. (4), an owner shall mitigate commercial communications
16 interference caused by the wind energy system by making the affected party's preferred reasonable
17 mitigation solution effective until either the wind energy system is decommissioned or the
18 communication is no longer in use, whichever is earlier.
19

20 (3) PERSONAL COMMUNICATIONS INTERFERENCE MITIGATION.

- 21
22 a. An owner shall use reasonable and commercially available technology to mitigate
23 interference with personal communications in use when a wind energy system begins
24 operation caused by a wind energy system. Walworth County may require an owner
25 to use reasonable and commercially available technology to mitigate interference with
26 personal communications that were not in use when the wind energy system began
27 commercial operation, if a wind energy system is causing the interference and the
28 interference occurs at a location at least 0.5 mile from a wind turbine.
29
30 b. Before implementing mitigation measures, the owner shall consult with affected
31 parties regarding the preferred mitigation solution for personal communications
32 interference problems. Except as provided in sub. (4), an owner shall mitigate
33 personal communications interference caused by the wind energy system by making
34 the affected party's preferred reasonable mitigation solution effective until either the
35 wind energy system is decommissioned or the communication is no longer in use,
36 whichever is earlier.
37

38 (4) MITIGATION PROTOCOL. Walworth County may, under a protocol established
39 under Sec. 65-50 (2), require an owner to implement a new mitigation solution that becomes
40 commercially available before the wind energy system is decommissioned to address interference for
41 which mitigation is required under sub. (2) or (3) and for which the original mitigation solution
42 implemented is only partially effective.
43

44 **Sec. 65-17. Stray voltage.**

45 (1) TESTING REQUIRED.
46

- 1 a. An owner shall work with the local electric distribution company to test for stray
2 voltage at all dairy and confined animal operations within 0.5 mile of a wind energy
3 system facility pursuant to the stray voltage protocol established by the commission
4 before any wind energy system construction activity that may interfere with testing
5 commences and again after construction of the wind energy system is completed,
6 except as otherwise specified by commission staff under par. b.
7
- 8 b. Before any testing under par. a. begins, an owner shall work with commission staff to
9 determine the manner in which stray voltage testing will be conducted and on which
10 properties. The electric distribution company serving a dairy or confined animal
11 operation where testing is required under par. a. shall conduct or arrange to conduct
12 all required testing at the expense of the owner.
13

14 (2) RESULTS OF TESTING. An owner and the electric distribution company shall
15 provide to commission staff the results of all stray voltage testing in writing.
16

17 (3) REQUIREMENT TO RECTIFY PROBLEMS. An owner shall work with the
18 electric distribution company and farm owner to rectify any stray voltage problems attributable to
19 the construction and operation of the wind energy system, in compliance with the commission's
20 stray voltage protocol.
21

22 **Sec. 65-18. Construction and operation.**
23

24 (1) PHYSICAL CHARACTERISTICS.
25

- 26 a. An owner may not display advertising material or signage other than warnings,
27 equipment information, or indicia of ownership on a wind turbine. An owner may not
28 attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or
29 revolving devices to a wind turbine. An owner may attach a safety feature or wind
30 monitoring device to a wind turbine.
31
- 32 b. An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
33
- 34 c. An owner shall install lighting at a wind energy system that complies with standards
35 established by the federal aviation administration. Walworth County may not
36 establish lighting requirements for a wind energy system that conflict with standards
37 established by the federal aviation administration. Walworth County may require use
38 of shielding or control systems approved by the federal aviation administration to
39 reduce visibility of lighting to individuals on the ground.
40
- 41 d. An owner shall take appropriate measures to ensure that a wind turbine is not readily
42 climbable except by authorized personnel.
43
- 44 e. An owner shall ensure that all wind turbine access doors and electrical equipment are
45 locked when authorized personnel are not present.
46

- 1 f. An owner shall place appropriate warning signage on or at the base of each wind
2 turbine.
3
- 4 g. An owner shall post and maintain up-to-date signs containing a 24-hour emergency
5 contact telephone number, information identifying the owner, and sufficient
6 information to identify the location of the sign within the wind energy system. An
7 owner shall post these signs at every intersection of a wind energy system access road
8 with a public road and at each wind turbine location.
9
- 10 h. An owner shall clearly mark guy wires and supports for a wind energy system,
11 meteorological tower or other device for measuring wind speeds so that the wires and
12 supports are visible to low flying aircraft under fair weather conditions.
13

14 (2) ELECTRICAL STANDARDS.
15

- 16 a. An owner shall construct, maintain, and operate collector circuit facilities in a manner
17 that complies with the national electrical safety code and ch. PSC 114 and shall
18 construct, maintain, and operate all wind energy system facilities in a manner that
19 complies with the national electrical code.
20
- 21 b. An owner shall construct collector circuit facilities for a wind energy system
22 underground to the extent practicable.
23
- 24 c. An owner shall establish an inspection schedule for all overhead collector circuits to
25 ensure that third-party facilities, including cable television and telecommunications
26 cables, are not attached or bonded to overhead collector circuit grounding. If
27 third-party facilities are found attached to the overhead collector facilities, the owner
28 shall ensure that the third-party facilities are promptly removed.
29

30 (3) CONSTRUCTION, OPERATION, AND MAINTENANCE STANDARDS.
31

- 32 a. An owner shall construct, operate, repair, maintain and replace wind energy system
33 facilities as needed to keep the wind energy system in good repair and operating
34 condition and in a manner that protects individuals from injury.
35
- 36 am. An owner shall minimize soil compaction, topsoil mixing and damage to drainage
37 systems on agricultural land during the construction or decommissioning of the wind
38 energy system. Walworth County may establish reasonable requirements designed to
39 minimize soil compaction, topsoil mixing and damage to drainage systems on
40 agricultural land.
41
- 42 b. Except for the area physically occupied by the wind energy system facilities, an
43 owner shall restore the topography, soils and vegetation of the project area to original
44 condition after construction is complete, unless otherwise provided in a contract
45 signed by an affected landowner, considering any modifications needed to comply
46 with DNR requirements.

1 c. An owner shall carry general liability insurance relating to claims for property
2 damage or bodily injury arising from the construction, operation or decommissioning
3 of the wind energy system and shall include turbine host property owners as
4 additional insured persons on the policy.
5

6 (4) EMERGENCY PROCEDURES.
7

8 a. An owner shall notify Walworth County of the occurrence and nature of a wind
9 energy system emergency within 24 hours of the wind energy system emergency.
10

11 b. An owner shall establish and maintain liaison with Walworth County and with fire,
12 police, and other appropriate first responders serving the wind energy system to
13 create effective emergency plans that include all of the following:
14

15 1. A list of the types of wind energy system emergencies that require notification
16 under par. a.
17

18 2. Current emergency contact information for first responders and for the wind
19 energy system owner, including names and phone numbers.
20

21 3. Procedures for handling different types of wind energy system emergencies,
22 including written procedures that provide for shutting down the wind energy
23 system or a portion of the system as appropriate.
24

25 4. Duties and responsibilities of the owner and of first responders in the event of
26 a wind energy system emergency.
27

28 5. An emergency evacuation plan for the area within 0.5 mile of any wind
29 energy system facility, including the location of alternate landing zones for
30 emergency services aircraft.
31

32 c. The owner shall review the emergency plan at least annually in collaboration with
33 fire, police and other appropriate first responders to update and improve the
34 emergency plan as needed.
35

36 d. The owner shall distribute current copies of the emergency plan to Walworth County
37 and fire, police and other appropriate first responders as identified by Walworth
38 County.
39

40 e. Walworth County may require the owner to provide annual training for fire, police
41 and other appropriate first responders regarding responding to a wind energy system
42 emergency until the wind energy system has been decommissioned.
43

44 f. An owner of a wind energy system shall do all of the following:
45

- 1 1. Furnish its operator, supervisors and employees who are responsible for
2 emergency action a copy of the current edition of the emergency procedures
3 established under this subsection to ensure compliance with those procedures.
4
- 5 2. Train the appropriate operating personnel to ensure they have knowledge of
6 the emergency procedures and verify that the training is effective.
7
- 8 3. As soon as possible after the end of a wind energy system emergency, review
9 employee activities to determine whether the procedures were effectively
10 followed.
11

12 **Sec. 65-19. Decommissioning.**

13
14 (1) REQUIREMENT TO DECOMMISSION.

- 15 a. An owner of a wind energy system shall decommission and remove the wind energy
16 system when the system is at the end of its useful life.
17
- 18 b. A wind energy system is presumed to be at the end of its useful life if the wind energy
19 system generates no electricity for a continuous 360-day period. This presumption
20 may be rebutted under par. c.
21
- 22 c. Upon application by the owner, and except as provided in par. d., Walworth County
23 shall grant an extension of the time period for returning the wind energy system to
24 service by one or more additional 180 day periods if the owner demonstrates it is
25 likely the wind energy system will operate again in the future and any of the
26 following occur:
27
28
 - 29 1. The owner submits a plan to Walworth County that demonstrates an ongoing
30 good faith effort to return the wind energy system to service and outlines the
31 steps and schedule for returning the wind energy system to service in a
32 reasonable period of time, including by repairing, replacing or repowering the
33 wind energy system facilities as necessary to generate electricity.
34
 - 35 2. The owner demonstrates that the wind energy system is part of a prototype or
36 other demonstration project being used for ongoing research or development
37 purposes.
38
 - 39 3. The owner demonstrates that the wind energy system is being used for
40 educational purposes.
41
- 42 d. Walworth County may deny a request for an extension under par. c. if the wind
43 energy system has not generated any electricity for a continuous period of 540 days or
44 more and the political subdivision finds that the owner is not capable of returning the
45 wind energy system to service within a reasonable period of time.
46

- 1 e. A wind energy system is irrefutably presumed to be at the end of its useful life if the
2 wind energy system generates no electricity for a period of 540 days and any of the
3 following occur:
4
5 1. The owner does not request an extension of the time period for returning the
6 wind energy system to service under par. c.
7
8 2. The Walworth County denies a request for an extension under par. d. and any
9 appeal rights have expired.
10
11 f. When decommissioning is required, the owner shall begin decommissioning within
12 360 days after the wind energy system has reached the end of its useful life. The
13 owner shall complete decommissioning and removal of the wind energy system
14 within 540 days after the wind energy system has reached the end of its useful life.
15

16 (2) DECOMMISSIONING REVIEW. Walworth County may establish a
17 decommissioning review process to determine when a wind energy system has reached the end of its
18 useful life.
19

20 (3) FINANCIAL RESPONSIBILITY.
21

- 22 a. The owner of a wind energy system with a nameplate capacity of one megawatt or
23 larger shall maintain proof of the owner's ability to fund the actual and necessary cost
24 to decommission the wind energy system and shall ensure the availability of funds
25 necessary for decommissioning throughout the expected life of the wind energy
26 system and through to completion of the decommissioning activities.
27
28 b. Walworth County may require an owner of a wind energy system with a nameplate
29 capacity of one megawatt or larger to provide financial assurance of the owner's
30 ability to pay for the actual and necessary cost to decommission the wind energy
31 system before commencing major civil construction activities such as blasting or
32 foundation construction at the wind energy system site. An owner may comply with
33 this paragraph by choosing to provide a bond, deposit, escrow account, irrevocable
34 letter of credit, or some combination of these financial assurances, that will ensure the
35 availability of funds necessary for decommissioning throughout the expected life of
36 the wind energy system and through to completion of the decommissioning activities.
37
38 c. A political subdivision may require an owner to provide the financial assurance under
39 par. b. in an amount up to the estimated actual and necessary cost to decommission
40 the wind energy system. If a Walworth County requires an owner to provide financial
41 assurance under par. b, Walworth County may do any of the following:
42
43 1. Require the owner to provide Walworth County with up to 3 cost estimates of
44 the actual and necessary cost to decommission the wind energy system that
45 are prepared by third parties agreeable to the owner and the County.
46

- 1 2. Require an owner to establish financial assurance that places Walworth
2 County in a secured position, and that any secured funds may only be used for
3 decommissioning the wind energy system until either the County determines
4 that the wind energy system has been decommissioned under sub. (5) b., or
5 until the County has otherwise approved the release of the secured funds,
6 whichever is earlier.
7
8 3. Require an owner to establish financial assurance that allows Walworth
9 County to access funds for the purpose of decommissioning the wind energy
10 system if the owner does not decommission the wind energy system when
11 decommissioning is required.
12
13 d. If Walworth County requires an owner to provide cost estimates under par. c. 1, the
14 County may not require the amount of the financial assurance to exceed the average
15 of the cost estimates provided.
16
17 e. Walworth County may condition its approval of a wind energy system on the owner's
18 compliance with pars. b and c.
19
20 f. During the useful life of a wind energy system, Walworth County may periodically
21 request information from the owner regarding the industry costs for decommissioning
22 the wind energy system. If a the County finds that the future anticipated cost to
23 decommission the wind energy system is at least 10 percent more or less than the
24 amount of financial assurance previously provided under par. b., the County may
25 correspondingly increase or decrease the amount of financial assurance required for
26 the wind energy system. Walworth County may not adjust the financial assurance
27 under this paragraph more often than once in a 5-year period.
28
29 g. Walworth County may require an owner to submit a substitute financial assurance of
30 the owner's choosing under par. b. if an event occurs that raises material concerns
31 regarding the viability of the existing financial assurance.
32
33 (4) SITE RESTORATION.
34
35 a. Except as provided in par. b., if a wind energy system was constructed on land owned
36 by a person other than the owner of the wind energy system, the owner of the wind
37 energy system shall ensure that the property is restored to preconstruction condition,
38 unless otherwise provided in a contract signed by an affected landowner, considering
39 any modifications needed to comply with DNR requirements.
40
41 b. If a wind energy system was constructed on a brownfield, as defined in s. 238.13 (1)
42 (a), Stats., the owner shall restore the property to eliminate effects caused by the wind
43 energy system, except for the effects of environmental remediation activities, as
44 defined in s. 238.13 (1) (d), Stats.
45
46 (5) DECOMMISSIONING COMPLETION.

- 1 a. An owner shall file a notice of decommissioning completion with Walworth County
2 and the commission when a wind energy system approved by the County has been
3 decommissioned and removed.
- 4
- 5 b. Within 360 days of receiving a notice of decommissioning, Walworth County shall
6 determine whether the owner has satisfied the requirements of subs. (1) a. and (4).
7

8 **DIVISION 3.**

9

10 **POLITICAL SUBDIVISION PROCEDURE**

11

12 **Sec. 65-30. Application and notice requirements.**

13

14 (1) APPLICATION REQUIRED. An owner shall file a conditional use application to
15 construct a wind energy system with the Walworth County Land Use and Resource Management
16 Department (LURM), Zoning Administrator as specified in Sec 65-10.

17

18 (2) CONTENTS OF AN APPLICATION. An owner shall complete and file with LURM
19 an application that includes all of the following:

- 20
- 21 a. Wind energy system description and maps showing the locations of all proposed wind
22 energy facilities.
- 23
- 24 b. Technical description of wind turbines and wind turbine sites.
- 25
- 26 c. Timeline and process for constructing the wind energy system.
- 27
- 28 d. Information regarding anticipated impact of the wind energy system on local
29 infrastructure.
- 30
- 31 e. Information regarding noise anticipated to be attributable to the wind energy system.
- 32
- 33 f. Information regarding shadow flicker anticipated to be attributable to the wind energy
34 system.
- 35
- 36 g. Information regarding the anticipated effects of the wind energy system on existing
37 land uses within 0.5 mile of the wind energy system.
- 38
- 39 h. Information regarding the anticipated effects of the wind energy system on airports
40 and airspace.
- 41
- 42 i. Information regarding the anticipated effects of the wind energy system on
43 line-of-sight communications.
- 44
- 45 j. A list of all state and federal permits required to construct and operate the wind
46 energy system.

- 1
- 2 k. Information regarding the planned use and modification of roads within Walworth
- 3 County during the construction, operation, and decommissioning of the wind energy
- 4 system, including a process for assessing road damage caused by wind energy system
- 5 activities and for conducting road repairs at the owner's expense.
- 6
- 7 l. A copy of all emergency plans developed in collaboration with appropriate first
- 8 responders under Sec. 65-18 (4) b. An owner may file plans using confidential filing
- 9 procedures as necessary.
- 10
- 11 m. A decommissioning and site restoration plan providing reasonable assurances that the
- 12 owner will be able to comply with Sec. 65-19.
- 13
- 14 n. A representative copy of all notices issued under sub. (5) and Sec. 65-10 (1) a and
- 15 128.42 (1).
- 16
- 17 o. Any other information necessary to understand the construction, operation or
- 18 decommissioning of the proposed wind energy system.
- 19

20 (3) ACCURACY OF INFORMATION. The owner shall ensure that information
21 contained in an application is accurate.
22

23 (4) DUPLICATE COPIES. Walworth County may specify a reasonable number of copies
24 to be filed. Each copy shall include all worksheets, maps, and other attachments included in the
25 application. Walworth County may permit an owner to file an application electronically.
26

27 (5) NOTICE TO PROPERTY OWNERS AND RESIDENTS.

28

29 a. On the same day an owner files an application for a wind energy system, the owner
30 shall, under s. 66.0401 (4) (a) 3., Stats., use commercially reasonable methods to
31 provide written notice of the filing of the application to property owners and residents
32 located within one mile of the proposed location of any wind energy system facility.
33 The notification shall include all of the following:

- 34
- 35 1. A complete description of the wind energy system, including the number and
- 36 size of the wind turbines.
- 37
- 38 2. A map showing the locations of all proposed wind energy system facilities.
- 39
- 40 3. The proposed timeline for construction and operation of the wind energy
- 41 system.
- 42
- 43 4. Locations where the application is available for public review.
- 44
- 45 5. Owner contact information.
- 46

1 b. After a political subdivision receives an application for a wind energy system, the
2 notice required to be published by Walworth County under s. 66.0401 (4) (a) 1.,
3 Stats., shall include a brief description of the proposed wind energy system and its
4 proposed location, the locations where the application is available for public review,
5 the method and time period for the submission of public comments to the political
6 subdivision, and the approximate schedule for review of the application by Walworth
7 County.

8
9 (6) PUBLIC PARTICIPATION.

10
11 a. Walworth County shall make an application for a wind energy system available for
12 public review at a local library and at the Land Use and Resource Management
13 Department (LURM) business office or some other publicly-accessible location. The
14 County may also provide public access to the application electronically.

15
16 b. Walworth County shall establish a process for accepting and considering written
17 public comments on an application for a wind energy system.

18
19 c. Walworth County shall hold at least one public meeting to obtain comments on and to
20 inform the public about a proposed wind energy system.

21
22 (7) JOINT APPLICATION REVIEW PROCESS.

23
24 a. If the wind energy system is proposed to be located in more than one political
25 subdivision with jurisdiction over the wind energy system, the County and other
26 political subdivisions involved may conduct a joint application review process on
27 their own motion or upon request. If an owner requests a joint application review, the
28 owner shall include the request in its notice of intent to file an application with
29 Walworth County under Sec 65-10 (1). If the owner requests a joint application
30 review process, Walworth County shall approve or deny this request within 60 days
31 of receipt of the owner's notice of intent to file an application.

32
33 b. Except as provided in s. 66.0401 (4) (a) 2., Stats., if Walworth County and political
34 subdivisions elect to conduct a joint application review process, the process shall be
35 consistent with this chapter and the political subdivisions shall establish the process
36 within 90 days of the date the political subdivisions receive the owner's notice of
37 intent to file an application. A political subdivision may follow the review process of
38 another political subdivision for purposes of conducting a joint application review
39 process concurrently with the other political subdivision. If a joint application review
40 process is adopted, the owner shall file the joint-review process application with all
41 of the political subdivisions participating in the joint review process.

42
43 **Sec. 65-31. Application completeness.**

44
45 (1) COMPLETE APPLICATIONS.

- 1 a. An application is complete if it meets the filing requirements under Sec. 65-30 (2)
2 and 65-50 (1).
3
4 b. Walworth County shall determine the completeness of an application, and shall notify
5 the owner in writing of the completeness determination, no later than 45 days after
6 the day the application is filed. An application is considered filed the day the owner
7 notifies Walworth County in writing that all the application materials have been filed.
8 If Walworth County determines that the application is incomplete, the notice provided
9 to the owner shall state the reasons for the determination.
10
11 c. An owner may file a supplement to an application that Walworth County has
12 determined to be incomplete. There is no limit to the number of times that an owner
13 may re-file an application. For incomplete applications, the owner shall provide
14 additional information as specified in the notice under par. b.
15
16 d. An additional 45-day completeness review period shall begin the day after Walworth
17 County receives responses to all items identified in the notice under par. b.
18
19 e. If Walworth County does not make a completeness determination within the
20 applicable review period, the application is considered to be complete.
21

22 (2) REQUESTS FOR ADDITIONAL INFORMATION. Walworth County may request
23 additional information necessary to understand the wind energy system after determining that an
24 application is complete. An owner shall provide additional information in response to all reasonable
25 requests. An owner shall respond to all inquiries made subsequent to a determination of
26 completeness in a timely, complete, and accurate manner.
27

28 **Sec. 65-32. Political subdivision review of a wind energy system.**
29

30 (1) APPROVAL BY POLITICAL SUBDIVISION. Except as provided in Sec. 65-2 (1),
31 Walworth County may require an owner to obtain approval from the County before constructing any
32 of the following:
33

- 34 a. A wind energy system.
35
36 b. An expansion of an existing or previously-approved wind energy system.
37

38 (2) STANDARD FOR APPROVAL.
39

- 40 a. Walworth County may not unreasonably deny an application for a wind energy
41 system or impose unreasonable conditions.
42

43 (3) WRITTEN DECISION.
44

- 45 a. Walworth County shall issue a written decision to grant or deny an application for a
46 wind energy system. The written decision shall include findings of fact supported by

1 evidence in the record. If an application is denied, the decision shall specify the
2 reason for the denial. Walworth County may make its approval subject to the
3 conditions in Sec. 65-33.
4

- 5 b. Walworth County shall provide its written decision to the owner and to the
6 commission. If Walworth County approves an application for a wind energy system,
7 Walworth County shall provide the owner with a duplicate original of the decision.
8
- 9 c. The owner shall record the duplicate original of a decision approving an application
10 with the Walworth County register of deeds.
11

12 (4) EFFECT OF OWNERSHIP CHANGE ON APPROVAL. Approval of a wind energy
13 system by Walworth County shall remain in effect if there is a change in the owner of the wind
14 energy system. Walworth County shall require an owner to provide timely notice of any change in
15 the owner of the wind energy system.
16

17 (5) FEES.

- 18 a. Walworth County shall charge an owner a reasonable application fee or require an
19 owner to reimburse the County for reasonable expenses relating to the review and
20 processing of an application for a wind energy system.
21
- 22 b. The Walworth County's fee or reimbursement requirement under par. a. shall be
23 based on the actual and necessary cost of the review of the wind energy system
24 application, and may include the cost of services necessary to review an application
25 that are provided by outside engineers, attorneys, planners, environmental specialists,
26 and other consultants or experts. Walworth County may by ordinance set standardized
27 application fees based on the size and complexity of a proposed wind energy system.
28
- 29 c. Walworth County may require an owner of a wind energy system to submit up to 50
30 percent of the total estimated amount of the fee or reimbursement for the wind energy
31 system application under par. a before issuing a written decision under sub. (3) a., if
32 the political subdivision gives written notice to the owner of its intent to do so within
33 10 days of the date the application is deemed complete and the notice contains an
34 estimate of the amount of the fee and the relevant reimbursement requirements.
35
- 36 d. Walworth County shall not charge an owner an annual fee or other recurring fees to
37 operate or maintain a wind energy system.
38
39

40 **Sec. 65-33. Political subdivision permitted provisions.**
41

42 Walworth County establishes the following as a condition for approval of an application to
43 construct a wind energy system:
44

- 45 (1) INFORMATION. Require information about whether an owner has consulted with
46 and received any non-binding recommendations for constructing, operating or decommissioning the

1 wind energy system from a state or federal agency, and whether the owner has incorporated such
2 non-binding recommendations into the design of the wind energy system.

3
4 (2) STUDIES. Require an owner to cooperate with any study of the effects of wind
5 energy systems coordinated by a state agency.

6
7 (3) MONETARY COMPENSATION. Require an owner of a wind energy system to
8 offer an agreement that includes annual monetary compensation to the owner of a nonparticipating
9 residence, if the residence is located within 0.5 mile of a constructed wind turbine. For one turbine
10 located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation
11 may not exceed \$600. For two turbines located within 0.5 mile of a nonparticipating residence, the
12 initial annual monetary compensation may not exceed \$800. For three or more turbines located
13 within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not
14 exceed \$1,000. The initial annual amounts shall increase each year by the greater of two percent or
15 the increase in the Consumer Price Index, as described in s. 196.374 (5) (bm) 2. b., Stats., from the
16 previous year. An agreement offered under this subsection shall specify in writing any waiver of a
17 requirement or right under this chapter and whether the landowner's acceptance of payment
18 establishes the landowner's property as a participating property under this Article.

19
20 (3m) AERIAL SPRAYING. Require an owner of a wind energy system to offer an
21 agreement that includes monetary compensation to a farm operator farming on a nonparticipating
22 property located within 0.5 mile of a constructed wind turbine if the farm operator demonstrates all
23 of the following:

- 24
25 a. Substantial evidence of a history, before the wind energy system owner gives notice
26 under Sec. 65-10(1), of using aerial spraying for pest control or disease prevention for
27 growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located
28 within 0.5 mile of a constructed wind turbine.
- 29
30 b. A material reduction in potato, pea, snap bean or sweet corn production or a material
31 increase in application costs on all or part of a farm field located within 0.5 mile of a
32 constructed wind turbine as a result of the wind energy system's effect on aerial
33 spraying practices.

34
35 (4) PERMITS. Require the owner to submit copies of all necessary state and federal
36 permits and approvals to Walworth County.

37
38 (5) ANNUAL REPORTS. The owner shall file an annual report with Walworth County
39 documenting the operation and maintenance of the wind energy system during the previous calendar
40 year.

41
42 **Sec. 65-34. Record of decision.**

- 43
44 (1) RECORDKEEPING.

- 1 a. Walworth County shall keep a complete written record of its decision-making
2 relating to an application for a wind energy system.
3
- 4 b. If a Walworth County denies an application, the County shall keep the record for at
5 least 7 years following the year in which it issues the decision.
6
- 7 c. If Walworth County approves an application, the County shall keep the record for at
8 least 7 years after the year in which the wind energy system is decommissioned.
9
- 10 (2) RECORD CONTENTS. The record of a decision shall include all of the following:
11
- 12 a. The approved application and all additions or amendments to the application.
13
- 14 b. A representative copy of all notices issued under Sec. 65-10 (1) a., 65-30 (5), and 65-
15 42 (1).
16
- 17 c. A copy of any notice or correspondence that Walworth County issues related to the
18 application.
19
- 20 d. A record of any public meeting under Sec. 65-30 (6) c. and any hearing related to the
21 application. The record may be an electronic recording, a transcript prepared from an
22 electronic recording, or a transcript prepared by a court reporter or stenographer. The
23 record shall include any documents or evidence submitted by meeting or hearing
24 participants.
25
- 26 e. Copies of any correspondence or evidentiary material that Walworth County
27 considered in relation to the application, including copies of all written public
28 comments filed under Sec. 65-30 (6) b.
29
- 30 f. Minutes of Walworth County committee hearing and decision meetings held to
31 consider or act on the application.
32
- 33 g. A copy of the written decision under Sec. 65-32 (3) a.
34
- 35 h. Other materials that Walworth County prepared to document its decision-making
36 process.
37
- 38 i. A copy of any ordinance cited in or applicable to the decision.
39
- 40 (3) POST-CONSTRUCTION FILING REQUIREMENT. Within 90 days of the date a
41 wind energy system commences operation, the owner shall file with Walworth County and the
42 commission an as-built description of the wind energy system, an accurate map of the wind energy
43 system showing the location of all wind energy system facilities, geographic information system
44 information showing the location of all wind energy system facilities and current information
45 identifying the owner of the wind energy system. An owner shall in the filings under this subsection

1 label each wind turbine location with a unique identifier consistent with the information posted at the
2 wind turbine location under Sec. 65-18 (1) g.

3
4 **Sec. 65-35. Modifications to an approved wind energy system.**

5
6 (1) MATERIAL CHANGE.

7
8 a. An owner may not make a material change in the approved design, location or
9 construction of a wind energy system without the prior written approval of Walworth
10 County that authorized the wind energy system, unless the County automatically
11 approves the material change by taking either of the steps specified in Sec. 65-32 (2)
12 b. 1. or 2.

13
14 b. An owner shall submit an application for a material change to an approved wind
15 energy system to Walworth County that authorized the wind energy system.

16
17 (2) REVIEW LIMITED.

18
19 a. Application for a material change to a wind energy system under sub. (1) b. may not
20 reopen the merits of the earlier approval but shall consider only those issues relevant
21 to the proposed change.

22
23 b. An application for a material change is subject to Sec. 65-30 (1), (3) to (5), (6) a. and
24 b., and (7) and 65-31 to 65-34.

25
26 c. An application for a material change shall contain information necessary to
27 understand the material change.

28
29 d. Walworth County may hold at least one public meeting to obtain comments on and to
30 inform the public about a proposed material change to an approved wind energy
31 system.

32
33 **Sec. 65-36. Monitoring compliance.**

34
35 (1) MONITORING PROCEDURE. Walworth County may establish a procedure to
36 monitor compliance by the owner with any condition on an approved wind energy system or to
37 assess when wind energy system facilities are not maintained in good repair and operating condition.
38 The procedure may include timelines, provide for payment of reasonable fees for conducting an
39 assessment, and provide for notification to the public.

40
41 (2) THIRD-PARTY INSPECTOR DURING CONSTRUCTION. Walworth County
42 may require an owner to pay a reasonable fee for a third-party inspector to monitor and report to the
43 County regarding the owner's compliance with permit requirements during construction. An
44 inspector monitoring compliance under this subsection shall also report to a state permitting
45 authority upon the state permitting authority's request.

1 **DIVISION 4.**

2
3 **COMPLAINTS**

4
5 **Sec. 65-40. Complaint process.**

6
7 (1) **MAKING A COMPLAINT.**

- 8
9 a. An aggrieved person may make a complaint regarding failure by an owner to comply
10 with an obligation under this Article.
11
12 b. A complaint under par. a. shall be made first to the owner of the wind energy system
13 pursuant to a complaint resolution process developed by the owner.
14
15 c. A complainant may petition Walworth County for review of a complaint that is not
16 resolved within 45 days of the day the owner receives the original complaint.
17
18 d. Walworth County's decision under par. c. is subject to review under s. 66.0401 (5),
19 Stats.

20
21 (2) **COMPLAINT RESOLUTION.**

- 22
23 a. An owner shall use reasonable efforts to resolve complaints regarding a wind energy
24 system and shall investigate complaints regarding a wind energy system at the
25 owner's expense.
26
27 b. Upon receipt of a complaint, an owner shall provide the complainant with a copy of
28 the notice described in s. Sec. 65-42 (1). Within 30 days of receiving a complaint, an
29 owner shall provide an initial response to the complainant.
30
31 c. An owner shall make a good faith effort to resolve complaints within 45 days of
32 receiving a complaint. An owner shall notify Walworth County of complaints that
33 have not been resolved within 45 days of the date the owner received the original
34 complaint.
35
36 d. An owner shall maintain a log of all complaints received regarding the wind energy
37 system. The owner shall include in the log the name and address of each complainant,
38 the nature of each complaint, and the steps taken to resolve each complaint. An owner
39 shall provide a copy of a complaint log monthly, at no cost, to Walworth County. An
40 owner shall make any complaint log available to the commission upon request.
41
42 e. An owner shall develop a complaint resolution process that is consistent with this
43 subsection.
44

45 **Sec. 65-41. Monitoring committee.**

1 (1) MULTIPLE JURISDICTIONS. If a wind energy system is located in more than one
2 political subdivision with jurisdiction over the wind energy system and Walworth County and the
3 other political subdivisions decide to establish a monitoring committee, the political subdivisions
4 shall jointly establish a single monitoring committee to oversee resolution of complaints regarding
5 the wind energy system.

6
7 **Sec. 65-42. Notice to property owners and residents.**

8
9 (1) NOTICE OF PROCESS FOR MAKING COMPLAINTS. Before construction of a
10 wind energy system begins, an owner shall provide written notice of the process for making
11 complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any
12 wind energy system facility. An owner shall include in the notice the requirements under 65-40 (1)
13 for submitting a complaint to the owner, a petition for review to Walworth County, and an appeal to
14 the commission, and shall include a contact person and telephone number for the owner for receipt
15 of complaints or concerns during construction, operation, maintenance and decommissioning.

16
17 (2) NOTICE TO POLITICAL SUBDIVISION. An owner shall provide a copy of the
18 notice under sub. (1) to Walworth County and the owner shall keep the contact person and telephone
19 number current and on file with the County.

20
21 **DIVISION 5.**

22
23 **COMMISSION PROCEDURE**

24
25 **Sec. 65-50. Standards established by the commission.**

26
27 (1) DETAILED APPLICATION FILING REQUIREMENTS. The commission shall
28 establish detailed application filing requirements for applications filed for political subdivision
29 review of a wind energy system, which shall contain a detailed description of the information
30 required to satisfy the filing requirements for applications under Sec 65-30 (2). The commission may
31 revise these requirements as necessary. The commission shall make the filing requirements available
32 to the public on the commission's website.

33
34 (2) COMMISSION PROTOCOLS.

35
36 a. The commission may periodically create and revise measurement, compliance, and
37 testing protocols as needed to provide standards for evaluating compliance with this
38 Article. These protocols may be created and revised to reflect current industry
39 practice, changes in the state of the art, and implementation of new technologies. The
40 commission may make protocols under this subsection available to the public on the
41 commission's website.

42
43 b. The commission may establish protocols in any of the following areas:

44
45 1. Noise measurement, compliance and mitigation.

- 1 2. Stray voltage testing and remediation.
- 2
- 3 3. Shadow flicker compliance and mitigation.
- 4
- 5 4. Communications interference testing and mitigation.
- 6
- 7 5. Other areas where protocols are appropriate.
- 8

9 **Sec. 65-51. Commission review.**

10

11 (1) **APPEALS TO THE COMMISSION.** An appeal under s. 66.0401 (5) (b), Stats., shall
12 be treated as a petition to open a docket under s. PSC 2.07, except the time provisions of that section
13 do not apply.

14

15 (2) **PETITIONER FILING REQUIREMENTS.** An aggrieved person under s. 66.0401
16 (5) (a), Stats., may file a petition with the commission. The petition shall be submitted to the
17 commission in writing or filed using the commission’s electronic filing system and shall contain all
18 of the following:

- 19
- 20 a. The petitioner’s name, address, and telephone number.
- 21
- 22 b. The name, address, and telephone number of the political subdivision that is the
23 subject of the petition.
- 24
- 25 c. A description of the wind energy system that is the subject of the petition.
- 26
- 27 d. A description of the petitioner’s relationship to the wind energy system.
- 28
- 29 e. The information specified in s. PSC 2.07 (2).
- 30

31 (3) **POLITICAL SUBDIVISION FILING REQUIREMENTS.**

- 32
- 33 a. Walworth County shall file a certified copy of the information required under s.
34 66.0401 (5) c, Stats., using the commission’s electronic regulatory filing system.
- 35
- 36 b. The commission may require the Walworth County to file up to 5 paper copies of the
37 record upon which it based its decision.
- 38
- 39 c. The commission may require the Walworth County to file additional information.
- 40

41 (4) **SERVICE AND NOTICE.**

- 42
- 43 a. An owner submitting a petition under sub. (2) (intro.) shall serve a copy of the
44 petition on Walworth County and on any other person specified in s. PSC 2.07(3).

1 b. Any person other than an owner submitting a petition under sub. (2) (intro.) shall
2 serve a copy of the petition on the owner, Walworth County, and any other person
3 specified in s. PSC 2.07 (3).
4

5 c. If Walworth County is subject to a petition under sub. (2) the County shall make a
6 copy of the petition available for public inspection and, in the manner in which it is
7 required to publish notice of a public meeting, publish notice of that petition.
8

9 (5) COMMISSION HEARING DISCRETIONARY. The commission may review a
10 petition under this section with or without a hearing.
11

12 (6) ENVIRONMENTAL ANALYSIS. A docket opened to review a petition under this
13 section is a Type III action under s. PSC 4.10(3).
14

15 (7) REMAND TO POLITICAL SUBDIVISION.
16

17 a. Except as provided in par. b., if the commission remands any issue to Walworth
18 County, the County's review on remand shall be completed in a time frame
19 established by the commission in its remand order.
20

21 b. If the commission determines that a Walworth County has not yet reviewed an
22 application that is complete, and the commission remands the application to
23 Walworth County for review, the County's review shall be completed within the time
24 frame provided for reviewing a complete application under this Article and s. 66.0401
25 (4) (d) and (e), Stats., beginning with the day after the day on which the commission
26 issues its remand order.
27

28 ARTICLE II.

29 SMALL WIND ENERGY SYSTEMS

30 Sec. 65-61. SE Title.

31
32 This article may be referred to as the "Wind Energy System Ordinance for both Large and
33 Small Wind Energy Systems."
34

35 Sec. 65-62. SE Authority.

36
37 This article is adopted pursuant to authority granted by Wis. Admin. Code PSC 128 and Wis.
38 Stat. 66.0401, 66.0403, 59.69, 59.692, 59.694 and 87.30. Walworth County may not place any
39 restriction, either directly or in effect, on the installation or use of a wind energy system except those
40 that comply with and is not more restrictive than Wis. Admin. Code PSC 128 and Wis. Stat.
41 66.0401.
42
43

44 Sec. 65-63. SE Purpose.

1 The purpose of this article is to incorporate requirements of Wis. Stats. §66.0401 and Wis.
2 Admin. Code Ch. PSC 128 and any applicable amendments thereto, as a local ordinance and to
3 establish local regulations on the installation and use of large and small wind energy systems that are
4 authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin
5 Public Service Commission and that serve to preserve or protect the public health or safety, do not
6 significantly increase the cost of the system or significantly decrease wind energy system efficiency,
7 or allow for an alternative system of comparable cost and efficiency.
8

9 **Sec. 65-64. SE Applicability.**

10
11 (1) This ordinance applies to all lands within the boundaries of the county lying outside
12 the limits of incorporated cities and villages.

13
14 (2) This Article does not apply to any of the following:

- 15 a. A wind energy system for which construction began before March 1, 2011.
- 16 b. A wind energy system placed in operation before March 1, 2011.
- 17 c. A wind energy system approved by a Walworth County before March 1, 2011.
- 18 d. A wind energy system proposed by an owner in an application filed with a
19 Walworth County before the March 1, 2011. Notwithstanding par. 4 if an
20 owner withdraws an application for a proposed wind energy system that is
21 filed with Walworth County before March 1, 2011, this Article applies to the
22 wind energy system if the owner re-files the application with the County on
23 or after March 1, 2011.

24
25 (3) COMMISSION APPLICATIONS. The commission shall consider whether the
26 installation or use of a wind energy system is consistent with the standards specified in this Article
27 when reviewing an application under s. 196.491 (3) (d), Stats., filed on or after March 1, 2011.
28

29
30 (4) INDIVIDUAL CONSIDERATION. Nothing in this Article shall preclude the
31 commission from giving individual consideration to exceptional or unusual situations and applying
32 requirements to an individual wind energy system that may be lesser, greater, or different from those
33 provided in this Article.
34

35
36 **Sec. 65-65. SE Abrogation.**

37
38 It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any
39 existing ordinance.
40

41
42 **Sec. 65-66. SE Severability.**
43
44

1 The provisions of this article are severable, and the invalidity of any section, subdivision,
2 paragraph, or other part of this article shall not affect the validity or effectiveness of the remainder of
3 the article.
4

5 **Sec. 65-67. SE Warning and disclaimer of liability.**
6

7 This article shall not create a duty or liability on the part of or a cause of action against the
8 county, its officers or employees thereof, for any damages that may result from administration of or
9 reliance on this article.
10

11 **Sec. 65-68. SE Definitions.**
12

13 In this article:
14

15 (1) “Commercial communications” includes communications used by government and
16 military entities for emergency purposes, licensed amateur radio service, and non-emergency
17 communications used by agricultural, business, government, and military entities including aviation
18 radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight,
19 microwave, personal communications service, weather radar, and wireless internet service.
20

21 (2) “Commission” means the public service commission.
22

23 (3) “Decommissioning” means removal of all of the following:
24

25 a. The above ground portion of a wind energy system, including wind turbines
26 and related facilities, except for access roads if removal has been waived by
27 the property owner.
28

29 b. All below ground facilities, except the following:
30

31 1. Underground collector circuit facilities.
32

33 2. Those portions of concrete structures 4 feet or more below grade.
34

35 (4) “DNR” means the Wisconsin department of natural resources.
36

37 (5) “Maximum blade tip height” means the nominal hub height plus the nominal blade
38 length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine
39 manufacturer. If not listed in the wind turbine specifications, “maximum blade tip height” means the
40 actual hub height plus the blade length.
41

42 (6) “Nameplate capacity” means the nominal generating capacity of a wind energy
43 system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.
44

45 (7) “Nonparticipating property” means real property that is not a participating property.
46

- 1 (8) "Nonparticipating residence" means a residence located on nonparticipating property.
2
- 3 (9) "Occupied community building" means a school, church or similar place of worship,
4 daycare facility or public library.
5
- 6 (10) "Owner" means:
7
- 8 a. A person with a direct ownership interest in a wind energy system, regardless
9 of whether the person was involved in acquiring the necessary rights, permits
10 and approvals or otherwise planning for the construction and operation of a
11 wind energy system.
12
- 13 b. At the time a wind energy system is being developed, a person who is acting
14 as a wind energy system developer by acquiring the necessary rights, permits
15 and approvals for or by planning for the construction and operation of a wind
16 energy system, regardless of whether the person will own or operate the wind
17 energy system.
18
- 19 (11) "Participating property" means any of the following:
20
- 21 a. A turbine host property.
22
- 23 b. Real property that is the subject of an agreement that does all of the following:
24
- 25 1. Provides for the payment of monetary compensation to the landowner
26 from an owner regardless of whether any part of a wind energy system
27 is constructed on the property.
28
- 29 2. Specifies in writing any waiver of a requirement or right under PSC
30 128 and that the landowner's acceptance of payment establishes the
31 landowner's property as a participating property.
32
- 33 (12) "Participating residence" means a residence located on participating property.
34
- 35 (13) "Personal communications" includes wireless telecommunications, personal
36 communications service, radio, television, wireless internet service, and other systems used for
37 personal use purposes.
38
- 39 (14) "Political subdivision" has the meaning Walworth County.
40
- 41 (15) "Residence" means an occupied primary or secondary personal residence including a
42 manufactured home as defined in s. 101.91 (2), Stats., a hospital, community-based residential
43 facility, residential care apartment complex or similar facility, or a nursing home. "Residence"
44 includes a temporarily unoccupied primary or secondary personal residence. "Residence" does not
45 include any of the following:
46

1 b. A recreational vehicle as defined in s. 340.01 (48r), Stats., notwithstanding the length
2 of the vehicle.

3
4 b. A camping trailer as defined in s. 340.01 (6m), Stats.

5
6 c. A permanently abandoned personal residence.

7
8 (16) “Shadow flicker” means a pattern of moving shadows cast on a residence or an
9 occupied community building caused by sunlight shining through moving wind turbine blades
10 resulting in alternating changes in light intensity.

11
12 (17) “Small wind energy system” means a wind energy system that has a total installed
13 nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an
14 installed nameplate capacity of not more than 100 kilowatts.

15
16 (18) “Turbine host property” means real property on which at least one wind turbine is
17 located.

18
19 (19) “Wind access easement” means a written document that creates a legal interest in real
20 property that restricts the use of the property to avoid interference with the wind resource on another
21 property.

22
23 (20) “Wind energy system” means equipment and associated facilities that convert and
24 then store or transfer energy from the wind into usable forms of energy s.66.0403 (1) (m), Stats., and
25 is used to convert wind energy to electrical energy.

26
27 (21) “Wind energy system easement” means a written document that creates a legal
28 interest in real property that permits an owner to place, construct or operate a wind turbine or other
29 wind energy system facility on the property.

30
31 (22) “Wind energy system emergency” means a condition or situation at a wind energy
32 system that presents a significant threat of physical danger to human life or a significant threat to
33 property or a natural event that causes damage to wind energy system facilities.

34
35 (23) “Wind energy system facility” means any component of a wind energy system, such
36 as a wind turbine, collector circuit, access road, electric system interconnection facility or operation
37 and maintenance facility.

38
39 (24) “Wind energy system lease” means a written agreement between a landowner and an
40 owner that establishes the terms and conditions associated with the placement, construction or
41 operation of a wind turbine or other wind energy system facility on a landowner’s property.

42
43 (25) “Administrator” means the zoning administrator of Walworth County or his/her
44 designee defined pursuant to Chapter 74.

1 (26) "Blade canopy" means a circle around the tower which the radius is equal to the
2 length of a single blade.

3
4 (27) "Committee" means the Walworth County Zoning Agency (CZA).

5
6 (28) "Department" means the Walworth County Land Use and Resource Management
7 Department (LURM).

8
9 (29) "Met tower" means a tower, including an anchor, base, base plate, boom, cable,
10 electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane,
11 or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow
12 information, in order to monitor or characterize wind resources at a given location.

13
14 (30) "Permit" means a wind energy system permit issued by the Walworth County Land
15 Use and Resource Management Department pursuant to this Article.

16
17 (31) "Chapter 74" means the Walworth County Zoning Ordinance.

18
19 **Sec. 65-69. SE Enforcement.**

20
21 (1) Walworth County shall be responsible for enforcing its wind energy system ordinance
22 and permit provisions.

23
24 a. This article shall be administered by the county zoning administrator.

25
26 b. The administrator may enter any property for which a conditional use or zoning
27 permit has been issued under this article to conduct an inspection to determine
28 whether the conditions stated in the permit have been met.

29
30 c. The administrator may issue orders to abate any violation of this article.

31
32 d. The administrator may issue a citation for any violation of this article.

33
34 e. The administrator may refer any violation of this article to the corporation counsel for
35 enforcement.

36
37 f. Nothing in this section shall be construed to prevent the county from using any other
38 lawful means to enforce this article.

39
40 g. Any person who fails to comply with any provision of this article, a conditional use
41 permit or a zoning permit issued pursuant to this article shall be subject to citations in
42 accordance with chapter 14 of the Walworth County Code of Ordinances.

43
44 h. The failure of any employee, official, or officer of the County to perform any official
45 duty imposed by this code will not subject the employee, official, or officer to the
46 penalty imposed for violation of this code unless a penalty is specifically provided.

1
2 (2) COMMISSION. The commission shall enforce its rules and orders under this chapter
3 in the manner prescribed in s. 196.66, Stats., or by such other means as provided in the statutes or
4 administrative code.

5
6 **Sec. 65-70. SE Permits Required.**
7

8 (1) A zoning permit is required for the installation of a small wind energy system or a
9 met tower, and the owner must apply for a zoning permit and pay the fee (set by the county board)
10 for a permitted accessory use. The permit application will be processed following the procedures of
11 Chapter 74. A zoning permit is required for the installation of a met tower, a small wind system,
12 including each small wind system in a conditional use approved wind farm system.
13

14 (2) A zoning permit application is submitted to the administrator for a wind tower. The
15 application must be on a form approved or provided by the county and must include the name,
16 address, and telephone number of the person designated by the owner as the contact for operational
17 issues and the investigation of any complaints. The owner must provide a site plan and information
18 as detailed in Chapter 74 and provide the following additional information as part of the permit
19 application:
20

- 21 a. A drawing that shows the proposed height, location and distance of the tower from
22 the property lines of the parcel on which it is located;
- 23
- 24 b. Location of any overhead utility lines on or adjacent to the property;
- 25
- 26 c. Description and specifications of the components of the wind energy system, met
27 tower, or both, including the manufacturer, model, capacity, blade length, and total
28 height of any wind energy system; and
- 29
- 30 d. Blueprints or drawings which have been approved by a manufacturers registered
31 professional engineer for any tower and tower foundation.
32

33 (3) The administrator will issue a zoning permit for a tower in a wind system or a wind
34 farm system if the application materials show that the proposed tower location meets the
35 requirements of this article and of the conditional use permit issued by the county zoning agency.
36

37 (4) If the application is approved, the administrator will return one copy of the drawing
38 with an approved copy of the zoning permit and retain the other copy with the original application.
39

40 (5) If the application is denied, the administrator will notify the applicant in writing and
41 provide a written statement of the reason why the application was denied. The owner may appeal the
42 administrator's decision to the board of adjustment as provided in Chapter 74

1
2 (6) The zoning permit card must be conspicuously posted on the premises and visible to
3 the public at all times until construction or installation of the tower is complete.
4

5 (7) Expiration. A permit expires if the wind energy system or met tower is not installed
6 and functioning within two years from the date the permit is issued.
7

8 **Sec. 65-70.5. SE Development of a wind energy system; notice requirements.**
9

10 (1) PRE-APPLICATION NOTICE. At least 60 days before an owner files an application
11 to construct a wind energy system, an owner shall use commercially reasonable methods to provide
12 written notice of the planned wind energy system to all of the following:
13

- 14 a. Adjacent landowners.
- 15
- 16 b. Walworth County.
- 17

18 (2) PRE-APPLICATION NOTICE REQUIREMENTS. The owner shall include all of
19 the following in a notice under sub. (1):
20

- 21 a. A complete description of the wind energy system, including the number and size of
22 the planned wind turbines.
- 23
- 24 b. A map showing the planned location of all wind energy system facilities.
- 25
- 26 c. Contact information for the owner.
- 27
- 28 d. A list of all potential permits or approvals the owner anticipates may be necessary for
29 construction of the wind energy system.
30

31 **Sec. 65-71. SE Real property provisions.**
32

33 (1) EASEMENT RECORDING REQUIRED. A wind energy system easement or wind
34 access easement shall be recorded under ch. 706, Stats. A wind energy system easement or wind
35 access easement shall include the term of the easement and a full legal description of the property
36 subject to the easement.
37

38 (2) WIND LEASE AND WAIVER PROVISIONS. A wind energy system lease and any
39 waiver under s. PSC 128.14 (5) or 128.15 (4) shall hold harmless and indemnify the real property
40 owner for all of the following:
41

- 42 a. Any violation of federal, state or local law by the owner of the wind energy system.
- 43
- 44 b. Any damages or bodily injury caused by the construction, operation or
45 decommissioning of the wind energy system.
46

1 **Sec. 65-72. SE Existing property uses.**

2
3 (1) LAND USE AND COMMERCIAL ENTERPRISES. An owner shall make
4 reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on
5 adjacent nonparticipating properties if the land use or commercial enterprise exists when the owner
6 gives notice under Sec. 65-10(1)

7
8 (2) AGRICULTURAL USE. An owner shall design a wind energy system to reasonably
9 minimize the conversion of land from agricultural use.

10
11 **Sec. 65-73. SE Siting criteria.**

12 (1) SETBACK DISTANCE AND HEIGHT REQUIREMENTS.

13
14 a. An owner shall design and construct a wind energy system using the wind turbine
15 setback distances shown in Table 2.
16

17
18 **Table 2**

19

Setback Description	Setback Distance
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines — Not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines — Lines to individual houses or outbuildings	None

- 1
2 b. An owner shall measure wind turbine setback distances as a straight line from the
3 vertical centerline of the wind turbine tower to the nearest point on the permanent
4 foundation of a building or residence or to the nearest point on the property line or
5 feature, as applicable.
6
7 c. An owner shall work with Walworth County and owners of participating and
8 nonparticipating properties to site wind turbines to minimize individual hardships.
9
10 d. The owner of adjacent nonparticipating residence or occupied community building
11 may waive the applicable wind turbine setback distances in Table 2.
12

13 (2) POLITICAL SUBDIVISION CRITERIA.
14

- 15 a. Walworth County may not establish long-term land use planning requirements or
16 practices that preclude the construction of a particular type, or any type, of wind
17 turbine or wind energy system within the County's jurisdiction, except the County
18 may deny an application for approval if the proposed site of the wind energy system
19 is in an area primarily designated for future residential or commercial development,
20 as shown in a map that is adopted, as part of a comprehensive plan, under s. 66.1001
21 (2) (b) and (f), before June 2, 2009, or as shown in such maps after December 31,
22 2015, as part of a comprehensive plan that is updated as required under s. 66.1001 (2)
23 (i). This subdivision applies to a wind energy system that has a nominal capacity of at
24 least one megawatt. s. 66.0401 (4) (f) 2., Stats.
25
26 b. Walworth County may not set height or setback distance limitations for a wind
27 turbine near a public use airport or heliport that are more restrictive than existing
28 airport and airport approach protection provisions under ss. 114.135 and 114.136,
29 Stats. If no provisions have been established for public use airports or heliports under
30 s. 114.135 or 114.136, Stats., Walworth County may adopt wind turbine height or
31 setback distance provisions that are based on, but not more restrictive than, the
32 federal aviation administration obstruction standards in 14 CFR Part 77.
33
34 c. Walworth County may set height or setback distance limitations for wind turbines
35 near a private heliport at a medical facility used for air ambulance service that are
36 based on, but not more restrictive than, federal aviation administration obstruction
37 standards that apply to public use heliports.
38
39 d. A political subdivision may not set height or setback distance limitations for a wind
40 turbine near a private use airport or heliport except as provided in par. c.
41

42 **Sec. 65.74. SE Noise criteria.**
43

44 (1) DEFINITIONS. In this section, nighttime hours are the hours beginning at 10:00 p.m.
45 and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at
46 10:00 p.m. daily.

1
2 (2) PLANNING.
3

- 4 a. The noise limits in this section apply at the outside wall of a nonparticipating
5 residence or occupied community building that exists when the owner gives notice
6 under Sec. 65-10 or for which complete publicly-available plans for construction are
7 on file with a Walworth County within 30 days of the date on which the owner gives
8 notice under Sec. 65-10.
9
- 10 b. An owner shall design the proposed wind energy system to minimize noise at a
11 residence or occupied community building to the extent reasonably practicable.
12
- 13 c. An owner shall design a wind energy system to comply with the noise standards in
14 this section under planned operating conditions.
15

16 (3) NOISE LIMITS.
17

- 18 a. Except as provided in par. b., subs. (4) c. and (5), an owner shall operate the wind
19 energy system so that the noise attributable to the wind energy system does not
20 exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
21 b. In the event audible noise due to wind energy system operations contains a steady
22 pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take
23 corrective action to permanently eliminate the noise. This paragraph does not apply to
24 sound the wind energy system produces under normal operating conditions.
25

26 (4) COMPLIANCE.
27

- 28 a. If an owner uses sound level measurements to evaluate compliance with this section
29 at a nonparticipating residence or occupied community building, those measurements
30 shall be made as near as possible to the outside wall nearest to the closest wind
31 turbine, or at an alternate wall as specified by the owner of the nonparticipating
32 residence or occupied community building. The owner may take additional
33 measurements to evaluate compliance in addition to those specified by this section.
34
- 35 b. Upon receipt of a complaint regarding a violation of the noise standards in sub. (3) a.,
36 an owner shall test for compliance with the noise limits in sub. (3) a. Walworth
37 County may not require additional testing to show compliance with sub. (3) a. if the
38 owner has provided the results of an accurate test conducted within 2 years of the date
39 of the complaint showing that the wind energy system is in compliance with sub. (3)
40 a. at the location relating to the complaint.
41
- 42 c. Methods available for the owner to comply with sub. (3) shall include operational
43 curtailment of one or more wind turbines. Upon receipt of a complaint about a noise
44 under sub. (3) b., the owner shall use operational curtailment to eliminate the noise
45 until the owner permanently corrects the problem.
46

1 (5) WAIVER. Upon request by an owner of a wind energy system, an owner of an
2 affected nonparticipating residence or occupied community building may relieve the owner of the
3 wind energy system of the requirement to meet any of the noise limits in this section at the affected
4 residence or occupied community building by written contract with the wind energy system owner.
5 Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence
6 or occupied community building, a waiver by an owner of an affected nonparticipating residence or
7 occupied community building is an encumbrance on the real property, runs with the land until the
8 wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.

9
10 (6) NOTIFICATION.

- 11
12 a. Before entering into a contract under sub. (5), an owner of a wind energy system shall
13 provide written notice of the requirements of this section to the owner of an affected
14 nonparticipating residence or occupied community building.
15
16 b. Before the initial operation of the wind energy system, an owner of a wind energy
17 system shall provide notice of the requirements of this section to an owner of adjacent
18 nonparticipating residence or occupied community building.
19

20 **Sec. 65-75. SE Shadow flicker.**

21
22 (1) PLANNING.

- 23
24 a. The shadow flicker requirements in this section apply to a nonparticipating residence
25 or occupied community building that exists when the owner gives notice under Sec.
26 65-10 or for which complete publicly-available plans for construction are on file with
27 a political subdivision within 30 days of the date on which the owner gives notice
28 under Sec. 65-10.
29
30 b. An owner shall design the proposed wind energy system to minimize shadow flicker
31 at a residence or occupied community building to the extent reasonably practicable.
32

33 (2) SHADOW FLICKER LIMITS. An owner shall operate the wind energy system in a
34 manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating
35 residence or occupied community building. If a nonparticipating residence or occupied community
36 building experiences more than 30 hours per year of shadow flicker under the wind energy system's
37 normal operating conditions, the owner shall use operational curtailment to comply with this
38 subsection.
39

40 (3) SHADOW FLICKER MITIGATION.

- 41
42 a. An owner of a wind energy system shall work with an owner of a nonparticipating
43 residence or occupied community building to mitigate the effects of shadow flicker to
44 the extent reasonably practicable.
45

1 (4) WAIVER. Upon request by an owner of a wind energy system, an owner of an
2 affected nonparticipating residence or occupied community building may relieve the wind energy
3 system owner of a requirement under sub. (2) at the affected nonparticipating residence or occupied
4 community building by written contract with the wind energy system owner. Unless otherwise
5 provided in a contract signed by an owner of an affected nonparticipating residence or occupied
6 community building, a waiver by an owner of an affected nonparticipating residence or occupied
7 community building is an encumbrance on the real property and runs with the land until the wind
8 energy system is decommissioned, and shall be recorded under ch. 706, Stats.

9
10 **Sec. 65-76. SE Signal interference.**

11
12 (1) PLANNING.

- 13
14 a. Except as provided in sub. (4), the signal interference requirements in this section
15 apply to commercial communications and personal communications in use when the
16 wind energy system begins operation.
17
18 b. An owner shall use reasonable efforts to avoid causing interference with commercial
19 communications and personal communications to the extent practicable.
20
21 c. An owner may not construct wind energy system facilities within existing
22 line-of-sight communication paths that are used by government or military entities to
23 provide services essential to protect public safety. Walworth County may require an
24 owner to provide information showing that wind turbines and other wind energy
25 system facilities will be in compliance with this paragraph.
26

27 **Sec. 65-77. SE Stray voltage.**

28
29 (1) TESTING REQUIRED.

- 30
31 a. An owner shall work with the local electric distribution company to test for stray
32 voltage at all dairy and confined animal operations within 0.5 mile of a wind energy
33 system facility pursuant to the stray voltage protocol established by the commission
34 before any wind energy system construction activity that may interfere with testing
35 commences and again after construction of the wind energy system is completed,
36 except as otherwise specified by commission staff under par. b.
37
38 b. Before any testing under par. a. begins, an owner shall work with commission staff to
39 determine the manner in which stray voltage testing will be conducted and on which
40 properties. The electric distribution company serving a dairy or confined animal
41 operation where testing is required under par. a. shall conduct or arrange to conduct
42 all required testing at the expense of the owner.
43

44 (2) RESULTS OF TESTING. An owner and the electric distribution company shall
45 provide to commission staff the results of all stray voltage testing in writing.
46

1 (3) REQUIREMENT TO RECTIFY PROBLEMS. An owner shall work with the
2 electric distribution company and farm owner to rectify any stray voltage problems attributable to
3 the construction and operation of the wind energy system, in compliance with the commission's
4 stray voltage protocol.

5
6 **Sec. 65-78. SE Construction and operation.**

7
8 (1) PHYSICAL CHARACTERISTICS.

- 9
10 a. An owner may not display advertising material or signage other than warnings,
11 equipment information, or indicia of ownership on a wind turbine. An owner may not
12 attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or
13 revolving devices to a wind turbine. An owner may attach a safety feature or wind
14 monitoring device to a wind turbine.
- 15
16 b. An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
- 17
18 c. An owner shall install lighting at a wind energy system that complies with standards
19 established by the federal aviation administration. Walworth County may not
20 establish lighting requirements for a wind energy system that conflict with standards
21 established by the federal aviation administration. Walworth County may require use
22 of shielding or control systems approved by the federal aviation administration to
23 reduce visibility of lighting to individuals on the ground.
- 24
25 d. An owner shall take appropriate measures to ensure that a wind turbine is not readily
26 climbable except by authorized personnel.
- 27
28 e. An owner shall ensure that all wind turbine access doors and electrical equipment are
29 locked when authorized personnel are not present.
- 30
31 f. An owner shall place appropriate warning signage on or at the base of each wind
32 turbine.
- 33
34 g. An owner shall clearly mark guy wires and supports for a wind energy system,
35 meteorological tower or other device for measuring wind speeds so that the wires and
36 supports are visible to low flying aircraft under fair weather conditions.

37
38 (2) ELECTRICAL STANDARDS.

- 39
40 a. An owner shall construct, maintain, and operate collector circuit facilities in a manner
41 that complies with the national electrical safety code and ch. PSC 114 and shall
42 construct, maintain, and operate all wind energy system facilities in a manner that
43 complies with the national electrical code.

44
45 (3) CONSTRUCTION, OPERATION, AND MAINTENANCE STANDARDS.

- 1 a. An owner shall construct, operate, repair, maintain and replace wind energy system
2 facilities as needed to keep the wind energy system in good repair and operating
3 condition and in a manner that protects individuals from injury.
4

5 (4) EMERGENCY PROCEDURES.
6

- 7 a. An owner shall notify Walworth County of the occurrence and nature of a wind
8 energy system emergency within 24 hours of the wind energy system emergency.
9

10 **Sec. 65-79. SE Decommissioning.**
11

12 (1) REQUIREMENT TO DECOMMISSION.
13

- 14 a. An owner of a wind energy system shall decommission and remove the wind energy
15 system when the system is at the end of its useful life.
16
17 b. A wind energy system is presumed to be at the end of its useful life if the wind energy
18 system generates no electricity for a continuous 540-day period. This presumption
19 may be rebutted under par. c.
20
21 c. When decommissioning is required, the owner shall begin decommissioning within
22 360 days after the wind energy system has reached the end of its useful life. The
23 owner shall complete decommissioning and removal of the wind energy system
24 within 540 days after the wind energy system has reached the end of its useful life.
25

26 (2) DECOMMISSIONING REVIEW. Walworth County may establish a
27 decommissioning review process to determine when a wind energy system has reached the end of its
28 useful life.
29

30 (3) DECOMMISSIONING COMPLETION.
31

- 32 a. An owner shall file a notice of decommissioning completion with Walworth County
33 and the commission when a wind energy system approved by the political subdivision
34 has been decommissioned and removed.
35
36 b. Within 360 days of receiving a notice of decommissioning, Walworth County shall
37 determine whether the owner has satisfied the requirements of subs. (1) a. and (4).
38

39 **Sec. 65-80. SE Application and notice requirements.**
40

41 (1) APPLICATION REQUIRED. An owner shall file a zoning permit application to
42 construct a wind energy system with The Walworth County Land Use and Resource Management
43 Department (LURM), Zoning Administrator.
44

45 (2) CONTENTS OF AN APPLICATION. An owner shall complete and file with LURM
46 an application that includes all of the following:

- a. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
- b. Technical description of wind turbines and wind turbine sites.
- c. Timeline and process for constructing the wind energy system.
- d. Information regarding anticipated impact of the wind energy system on local infrastructure.
- e. Information regarding noise anticipated to be attributable to the wind energy system.
- f. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
- g. Information regarding the anticipated effects of the wind energy system on existing adjacent land uses.
- h. Information regarding the anticipated effects of the wind energy system on airports and airspace.
- i. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
- j. A list of all state and federal permits required to construct and operate the wind energy system.
- k. Information regarding the planned use and modification of roads within Walworth County during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
- l. A representative copy of all notices issued under sub. (5) and Sec. 65-10 (1) a. and 128.42 (1).
- m. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.

(3) ACCURACY OF INFORMATION. The owner shall ensure that information contained in an application is accurate.

(4) DUPLICATE COPIES. Walworth County may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. Walworth County may permit an owner to file an application electronically.

1 (5) NOTICE TO PROPERTY OWNERS AND RESIDENTS.
2

- 3 a. On the same day an owner files an application for a wind energy system, the owner
4 shall, under s. 66.0401 (4) (a) 3., Stats., use commercially reasonable methods to
5 provide written notice of the filing of the application to adjacent property owners and
6 residents. The notification shall include all of the following:
7
- 8 1. A complete description of the wind energy system, including the number and
9 size of the wind turbines.
 - 10 2. A map showing the locations of all proposed wind energy system facilities.
 - 11 3. The proposed timeline for construction and operation of the wind energy
12 system.
 - 13 4. Locations where the application is available for public review.
 - 14 5. Owner contact information.
- 15
16
17
18
19
20 b. After Walworth County receives an application for a wind energy system, the notice
21 required to be published by Walworth County under s. 66.0401 (4) (a) 1., Stats., shall
22 include a brief description of the proposed wind energy system and its proposed
23 location, the locations where the application is available for public review, the
24 method and time period for the submission of public comments to the County, and the
25 approximate schedule for review of the application by Walworth County.
26

27 (6) PUBLIC PARTICIPATION.
28

- 29 a. Walworth County shall make an application for a wind energy system available for
30 public review at a local library and at the political subdivision's business office or
31 some other publicly-accessible location. The County may also provide public access
32 to the application electronically.
33
- 34 b. Walworth County shall establish a process for accepting and considering written
35 public comments on an application for a wind energy system.
36
- 37 c. A Walworth County may hold at least one public meeting to obtain comments on and
38 to inform the public about a proposed small wind energy system.
39

40 (7) JOINT APPLICATION REVIEW PROCESS.
41

- 42 a. If the wind energy system is proposed to be located in more than one political
43 subdivision with jurisdiction over the wind energy system, the political subdivisions
44 involved may conduct a joint application review process on their own motion or upon
45 request. If an owner requests a joint application review, the owner shall include the
46 request in its notice of intent to file an application with Walworth County under Sec

1 65-10 (1). If the owner requests a joint application review process, Walworth County
2 shall approve or deny this request within 60 days of receipt of the owner's notice of
3 intent to file an application.
4

- 5 b. Except as provided in s. 66.0401 (4) (a) 2., Stats., if political subdivisions elect to
6 conduct a joint application review process, the process shall be consistent with this
7 chapter and the political subdivisions shall establish the process within 90 days of the
8 date the political subdivisions receive the owner's notice of intent to file an
9 application. A political subdivision may follow the review process of another political
10 subdivision for purposes of conducting a joint application review process
11 concurrently with the other political subdivision. If a joint application review process
12 is adopted, the owner shall file the joint-review process application with all of the
13 political subdivisions participating in the joint review process.
14

15 **Sec. 65-81. SE Application completeness.**

16
17 (1) COMPLETE APPLICATIONS.

- 18
19 a. An application is complete if it meets the filing requirements under Sec. 65-30 (2)
20 and 65-50 (1).
21
22 b. Walworth County shall determine the completeness of an application, and shall notify
23 the owner in writing of the completeness determination, no later than 45 days after
24 the day the application is filed. An application is considered filed the day the owner
25 notifies Walworth County in writing that all the application materials have been filed.
26 If Walworth County determines that the application is incomplete, the notice provided
27 to the owner shall state the reasons for the determination.
28
29 c. An owner may file a supplement to an application that Walworth County has
30 determined to be incomplete. There is no limit to the number of times that an owner
31 may re-file an application. For incomplete applications, the owner shall provide
32 additional information as specified in the notice under par. b.
33
34 d. An additional 45-day completeness review period shall begin the day after Walworth
35 County receives responses to all items identified in the notice under par. b.
36
37 e. If Walworth County does not make a completeness determination within the
38 applicable review period, the application is considered to be complete.
39

40 (2) REQUESTS FOR ADDITIONAL INFORMATION. Walworth County may request
41 additional information necessary to understand the wind energy system after determining that an
42 application is complete. An owner shall provide additional information in response to all reasonable
43 requests. An owner shall respond to all inquiries made subsequent to a determination of
44 completeness in a timely, complete, and accurate manner.
45

46 **Sec. 65-82. SE Political subdivision review of a wind energy system.**

1
2 (1) APPROVAL BY POLITICAL SUBDIVISION. Except as provided in Sec. 65-2 (1),
3 Walworth County may require an owner to obtain approval from the political subdivision before
4 constructing any of the following:

- 5
6 a. A wind energy system.
7
8 b. An expansion of an existing or previously-approved wind energy system.
9

10 (2) STANDARD FOR APPROVAL.

- 11
12 a. Walworth County may not unreasonably deny an application for a wind energy
13 system or impose unreasonable conditions.
14

15 (3) WRITTEN DECISION.

- 16
17 a. Walworth County shall issue a written decision to grant or deny an application for a
18 wind energy system. The written decision shall include findings of fact supported by
19 evidence in the record. If an application is denied, the decision shall specify the
20 reason for the denial. Walworth County may make its approval subject to the
21 conditions in Sec. 65-33
22
23 b. Walworth County shall provide its written decision to the owner and to the
24 commission. If Walworth County approves an application for a wind energy system,
25 Walworth County shall provide the owner with a duplicate original of the decision.
26
27 c. The owner shall record the duplicate original of a decision approving an application
28 with the Walworth County register of deeds.
29

30 (4) EFFECT OF OWNERSHIP CHANGE ON APPROVAL. Approval of a wind energy
31 system by Walworth County shall remain in effect if there is a change in the owner of the wind
32 energy system. Walworth County shall require an owner to provide timely notice of any change in
33 the owner of the wind energy system.
34

35 (5) FEES.

- 36
37 a. Walworth County shall charge an owner a reasonable application fee or require an
38 owner to reimburse the County for reasonable expenses relating to the review and
39 processing of an application for a wind energy system.
40
41 b. The Walworth County's fee or reimbursement requirement under par. a. shall be
42 based on the actual and necessary cost of the review of the wind energy system
43 application, and may include the cost of services necessary to review an application
44 that are provided by outside engineers, attorneys, planners, environmental specialists,
45 and other consultants or experts. Walworth County may by ordinance set standardized
46 application fees based on the size and complexity of a proposed wind energy system.

- 1
2 c. Walworth County may require an owner of a wind energy system to submit up to 50
3 percent of the total estimated amount of the fee or reimbursement for the wind energy
4 system application under par. a. before issuing a written decision under sub. (3) a., if
5 the political subdivision gives written notice to the owner of its intent to do so within
6 10 days of the date the application is deemed complete and the notice contains an
7 estimate of the amount of the fee and the relevant reimbursement requirements.
8
9 d. Walworth County shall not charge an owner an annual fee or other recurring fees to
10 operate or maintain a wind energy system.

11
12 **Sec. 65-83. SE Political subdivision permitted provisions.**

13
14 Walworth County establishes the following as a condition for approval of an application to
15 construct a wind energy system:

16
17 (1) PERMITS. Require the owner to submit copies of all necessary state and federal
18 permits and approvals to Walworth County.
19

20 **Sec. 65-84. SE Record of decision.**

21
22 (1) RECORDKEEPING.

23
24 a. Walworth County shall keep a complete written record of its decision-making
25 relating to an application for a wind energy system.

26
27 b. If a Walworth County denies an application, the County shall keep the record for at
28 least 7 years following the year in which it issues the decision.

29
30 c. If Walworth County approves an application, the County shall keep the record for at
31 least 7 years after the year in which the wind energy system is decommissioned.

32
33 (2) RECORD CONTENTS. The record of a decision shall include all of the following:

34
35 a. The approved application and all additions or amendments to the application.

36
37 b. A representative copy of all notices issued under Sec. 65-10 (1) a., 65-30 (5), and 65-
38 42 (1).

39
40 c. A copy of any notice or correspondence that Walworth County issues related to the
41 application.

42
43 d. A record of any public meeting under Sec. 65-30 (6) (c) and any hearing related to the
44 application. The record may be an electronic recording, a transcript prepared from an
45 electronic recording, or a transcript prepared by a court reporter or stenographer. The

1 record shall include any documents or evidence submitted by meeting or hearing
2 participants.

- 3
- 4 e. Copies of any correspondence or evidentiary material that Walworth County
5 considered in relation to the application, including copies of all written public
6 comments filed under Sec. 65-30 (6) b.
- 7
- 8 f. Minutes of Walworth County committee hearing and decision meetings held to
9 consider or act on the application.
- 10
- 11 g. A copy of the written decision under Sec. 65-32 (3) a.
- 12
- 13 h. Other materials that Walworth County prepared to document its decision-making
14 process.
- 15
- 16 i. A copy of any ordinance cited in or applicable to the decision.
- 17

18 **Sec. 65-85. SE Modifications to an approved wind energy system.**

19

20 (1) MATERIAL CHANGE.

- 21
- 22 a. An owner may not make a material change in the approved design, location or
23 construction of a wind energy system without the prior written approval of Walworth
24 County that authorized the wind energy system, unless the County automatically
25 approves the material change by taking either of the steps specified in Sec. 65-32 (2)
26 b. 1. or 2.
- 27
- 28 b. An owner shall submit an application for a material change to an approved wind
29 energy system to Walworth County that authorized the wind energy system.
- 30

31 (2) REVIEW LIMITED.

- 32
- 33 a. Application for a material change to a wind energy system under sub. (1) b. may not
34 reopen the merits of the earlier approval but shall consider only those issues relevant
35 to the proposed change.
- 36
- 37 b. An application for a material change is subject to Sec. 65-30 (1), (3) to (5), (6) a. and
38 b., and (7) and 65-31 to 65-34.
- 39
- 40 c. An application for a material change shall contain information necessary to
41 understand the material change.
- 42
- 43 d. Walworth County may hold at least one public meeting to obtain comments on and to
44 inform the public about a proposed material change to an approved wind energy
45 system.
- 46

1 **Secs. 65-86—65-89. Reserved.**

2
3 **Sec. 65-90. SE Complaint process.**

4
5 (1) MAKING A COMPLAINT.

- 6
7 a. An aggrieved person may make a complaint regarding failure by an owner to comply
8 with an obligation under this Article.
9
10 b. A complaint under par. a. shall be made first to the owner of the wind energy system
11 pursuant to a complaint resolution process developed by the owner.
12
13 c. A complainant may petition Walworth County for review of a complaint that is not
14 resolved within 45 days of the day the owner receives the original complaint.
15
16 d. Walworth County's decision under par. c. is subject to review under s. 66.0401 (5),
17 Stats.
18

19 (2) COMPLAINT RESOLUTION.

- 20
21 a. An owner shall use reasonable efforts to resolve complaints regarding a wind energy
22 system and shall investigate complaints regarding a wind energy system at the
23 owner's expense.
24

25 **Secs. 65-91—65-99. Reserved.**

26
27 **Sec. 65-100. SE Standards established by the commission.**

28
29 (1) DETAILED APPLICATION FILING REQUIREMENTS. The commission shall
30 establish detailed application filing requirements for applications filed for political subdivision
31 review of a wind energy system, which shall contain a detailed description of the information
32 required to satisfy the filing requirements for applications under Sec 65-30 (2). The commission may
33 revise these requirements as necessary. The commission shall make the filing requirements available
34 to the public on the commission's website.
35

36 (2) COMMISSION PROTOCOLS.

- 37
38 a. The commission may periodically create and revise measurement, compliance, and
39 testing protocols as needed to provide standards for evaluating compliance with this
40 Article. These protocols may be created and revised to reflect current industry
41 practice, changes in the state of the art, and implementation of new technologies. The
42 commission may make protocols under this subsection available to the public on the
43 commission's website.
44
45 b. The commission may establish protocols in any of the following areas:
46

- 1 1. Noise measurement, compliance and mitigation.
- 2
- 3 2. Stray voltage testing and remediation.
- 4
- 5 3. Shadow flicker compliance and mitigation.
- 6
- 7 4. Communications interference testing and mitigation.
- 8
- 9 5. Other areas where protocols are appropriate.
- 10

11 **Sec. 65-101. SE Commission review.**

12
13 (1) **APPEALS TO THE COMMISSION.** An appeal under s. 66.0401 (5) (b), Stats., shall
14 be treated as a petition to open a docket under s. PSC 2.07, except the time provisions of that section
15 do not apply.

16
17 (2) **PETITIONER FILING REQUIREMENTS.** An aggrieved person under s. 66.0401
18 (5) (a), Stats., may file a petition with the commission. The petition shall be submitted to the
19 commission in writing or filed using the commission’s electronic filing system and shall contain all
20 of the following:

- 21
- 22 a. The petitioner’s name, address, and telephone number.
- 23
- 24 b. The name, address, and telephone number of the political subdivision that is the
25 subject of the petition.
- 26
- 27 c. A description of the wind energy system that is the subject of the petition.
- 28
- 29 d. A description of the petitioner’s relationship to the wind energy system.
- 30
- 31 e. The information specified in s. PSC 2.07 (2).
- 32

33 (3) **POLITICAL SUBDIVISION FILING REQUIREMENTS.**

- 34
- 35 a. Walworth County shall file a certified copy of the information required under s.
36 66.0401 (5) (c), Stats., using the commission’s electronic regulatory filing system.
- 37
- 38 b. The commission may require the Walworth County to file up to 5 paper copies of the
39 record upon which it based its decision.
- 40
- 41 c. The commission may require the Walworth County to file additional information.
- 42

43 (4) **SERVICE AND NOTICE.**

- 44
- 45 a. An owner submitting a petition under sub. (2) (intro.) shall serve a copy of the
46 petition on Walworth County and on any other person specified in s. PSC 2.07(3).

1
2 b. Any person other than an owner submitting a petition under sub. (2) (intro.) shall
3 serve a copy of the petition on the owner, Walworth County, and any other person
4 specified in s. PSC 2.07 (3).
5

6 c. If Walworth County is subject to a petition under sub. (2) the County shall make a
7 copy of the petition available for public inspection and, in the manner in which it is
8 required to publish notice of a public meeting, publish notice of that petition.
9

10 (5) COMMISSION HEARING DISCRETIONARY. The commission may review a
11 petition under this section with or without a hearing.
12

13 (6) ENVIRONMENTAL ANALYSIS. A docket opened to review a petition under this
14 section is a Type III action under s. PSC 4.10(3).
15

16 (7) REMAND TO POLITICAL SUBDIVISION.
17

18 a. Except as provided in par. b., if the commission remands any issue to Walworth
19 County, the County's review on remand shall be completed in a time frame
20 established by the commission in its remand order.
21

22 b. If the commission determines that a Walworth County has not yet reviewed an
23 application that is complete, and the commission remands the application to
24 Walworth County for review, the County's review shall be completed within the time
25 frame provided for reviewing a complete application under this Article and s. 66.0401
26 (4) (d) and (e), Stats., beginning with the day after the day on which the commission
27 issues its remand order.
28

29 **Secs. 65-102—65-110. Reserved.”**
30

31 **PART II: That Article III of the Walworth County Code of Ordinances is hereby renumbered**
32 **as follows:**
33

34 **“Sec. 65-111. Title.**

35 **Sec. 65-112. Authority.**

36 **Sec. 65-113. Purpose.**

37 **Sec. 65-114. Applicability.**

38 **Sec. 65-115. Abrogation.**

39 **Sec. 65-116. Severability.**

40 **Sec. 65-117. Warning and disclaimer of liability.**

41 **Sec. 65-118. Definitions.**

42 **Sec. 65-119. Performance standards.**

43 **Sec. 65-120. Zoning permit procedure.**

44 **Sec. 65-121. Conditional use procedure.**

45 **Sec. 65-122. Removal.**

46 **Sec. 65-123. Fees.**

1 **Sec. 65-124. Expiration.**
2 **Sec. 65-125. Violations.**
3 **Sec. 65-126. Administration and enforcement.**
4 **Sec. 65-127. Penalties.”**
5

6 **PART III: This ordinance shall become effective upon passage and publication.**
7

8 **PASSED and ADOPTED** by the Walworth County Board of Supervisors this 14th day of January
9 2014.

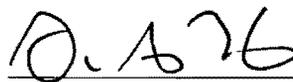
10
11
12
13 _____
14 Nancy Russell
15 County Board Chair

13 _____
14 Kimberly S. Bushey
15 Attest: County Clerk

16
17 County Board Meeting Date: January 14, 2014

18 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 1/14/14

David A. Bretl Date
County Administrator/Corporation Counsel

 1/14/14

Nicole Andersen Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

Ordinance No. 829 - 01/14
Fiscal Note and Policy Impact Statement

I. Title: Repealing and Recreating Sections of Chapter 65 of the Walworth County Code of Ordinances Relating to Renewable Energy

II. Purpose and Policy Impact Statement: The original Wind Energy Ordinance was adopted by the Walworth County Board in 2008. With the adoption of the new PSC 128 rules by the Public Service Commission, Walworth County's regulations for Large and Small Wind Energy systems cannot be more restrictive than the PSC 128 rules. The wind site rules do not establish statewide wind siting requirements but instead establishes a level of regulation which the county may not be more restrictive than.

A small wind energy system means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts. A large wind energy system is defined as a system that has a total installed nameplate capacity greater than 300 kW or consists of individual wind turbines of more than 100 kilowatts. Examples of sizes are; less than 10kW are used in homes, farms and remote applications. Wind turbines of 10-250 kW are useful for village power, hybrid systems and distributed power. The largest wind turbines of 660kW – 2+ MW are used in central station wind farms, distributed power and community wind.

A conditional use hearing is required for large wind energy systems.

The new large wind energy regulations requires the applicant to notify landowners within one mile of a planned of a wind turbine host property, notify political subdivisions within which the wind energy system will be located, and emergency responder and air ambulance service providers within the wind energy system location, at least 90 days before application to construct the wind energy system.

Walworth County may not unreasonably deny a conditional use application for a wind energy system or impose unreasonable conditions. PSC 128 limits the conditions to:

- Information submitted
- Require an owner to cooperate with studies coordinated by a state agency
- Require an owner to offer an agreement that includes monetary compensation to the owner of a nonparticipating residence.
- Require an owner to offer an agreement that includes monetary compensation to a farm operator on a nonparticipating property that uses aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans or sweet corn.
- Require an owner to submit copies of all state and federal permits and approvals to Walworth County.
- Require annual reports documenting the operation and maintenance.

The recreated ordinance incorporates the setback and height restrictions that are established by PSC 128 and incorporates the specific levels for noise, shadow flicker, signal interference, stray voltage, and emergency procedures. The ordinance also incorporates the procedures for decommissioning wind energy systems when the system is at the end of its useful life and financial assurances for a wind energy system with a nameplate capacity of one megawatt or larger.

The recreated county wind ordinance also establishes a permit procedure for small and large wind energy.

III. Is this a budgeted item and what is its fiscal impact: Passage of this ordinance will have no fiscal impact on the county budget.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: County Zoning Agency

Date: December 19, 2013

Vote: 7 - 0

County Board Meeting Date: January 14, 2014

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

 1/14/14

David A. Bretl
County Administrator/Corporation Counsel

 1/14/14

Nicole Andersen
Deputy County Administrator - Finance

Resolution No. 69-01/14
Authorizing the Proper County Officials to Purchase Parkland in the Town of Lyons, Consisting of Approximately 195 Acres

1 Moved/Sponsored by: Park Committee

2
3 **WHEREAS**, on February 6, 2013 the County entered into an Option to Purchase property in the
4 Town of Lyons for the purpose of creating a park; and,

5
6 **WHEREAS**, the property consists of approximately 195 acres at a purchase price of
7 \$1,910,000.00; and,

8
9 **WHEREAS**, one-half of the purchase price is subject to reimbursement by the State of
10 Wisconsin Department of Natural Resources under its Stewardship Grant Program; and,

11
12 **WHEREAS**, the County Board extended the Option to Purchase pursuant to Resolution number
13 44-07/13 on July 8, 2013.

14
15 **NOW, THEREFORE, BE IT RESOLVED** that the appropriate county staff be and the same
16 are hereby authorized and directed to exercise the above-stated Option to Purchase and acquire
17 title to the subject property pursuant to the terms of the Option to Purchase.

18
19 **BE IT FURTHER RESOLVED** that the purchase be contingent upon receipt by the County of
20 written approval of the Stewardship Grant from the State of Wisconsin.

21
22
23
24 _____
25 Nancy Russell
26 County Board Chair

Kimberly S. Bushey
County Clerk

27
28
29 County Board Meeting Date: January 14, 2014

30
31 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

 D A Bretl 1/14/14
Date
County Administrator/Corporation Counsel

 Nicole Andersen 1/14/14
Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.

To: Walworth County
Attorney General, J.B. Van Hollen
From: Allan Biesterveld
Date: 1-1-14
Re: Notice of Claim

RECEIVED

JAN 03 2014

Clerk of Courts-Walworth Co.
By: Elizabeth Cheverie

Dear Interested Parties:

Please note that I am providing you with a notice of claim regarding an incident that involves me. Should you require any additional information, please feel free to contact me at the address below. Please forward this to the appropriate person. Also, please note that this notice is in addition to the complaint filed on October 21, 2013. Thank you for your time in this matter.

Signed,


Allan Biesterveld 462853
RGCI
P.O. Box 925
Redgranite, WI 54970

CERTIFICATE OF MAILING

I state that I placed in the institution mailbox, a copy of the above material on 1-1-14. The letter was addressed with the attached addresses and affixed with first class postage.

Signed,


Allan Biesterveld

CC: File

RECEIVED
WALWORTH COUNTY CLERK
2014 JAN - 8 PM 2: 05

WALWORTH COUNTY
STATE OF WISCONSIN
NOTICE OF CLAIM

Pursuant to Wis. Stat § 893.80

To: Walworth County Corporation Counsel
Clerk of Court
1800 County Rd NN
P.O. Box 1001
Elkhorn, WI 53121

State of Wisconsin
Attorney General J.B. Van Hollen
P.O. Box 7857
Madison, WI 53737-7857

FILED
JAN 03 2014

Walworth Co. Clerk of Courts
Kristi Schiller

STATE OF WISCONSIN
COUNTY OF WAUSHARA

I, Allan W. Biesterveld, state the following:

1. The name of the individuals giving rise to this claim are:

Sheila Reiff
John Doe, Unknown Individual(s)

2. Sheila Reiff is a public official and is employed as the Walworth County Clerk of Clerk and John Doe is an unknown person who may have caused harm.

3. The date of the injury is unknown and involves Shelia Reiff failing to perform the duties listed in Wis. Stat. § 809.30.

BACKGROUND: The following information gives rise to this claim.

4. The claim involves Walworth County Case No. 03-CF-481 and an appeal filed in 2008.

5. A Notice of Appeal was filed in this case on March 10, 2008 and was acknowledged by Karen DiBenedetto, who is also a subject of this notice (see section 1 and 2), whose title is Deputy/Appeals Clerk.

6. Karen Dibenedetto filed a copy of the Notice of Appeal (also called Notice of Intent to Pursue Post Conviction Relief) on March 10, 2008 with Attorney Craig Powell.

7. Wis. Stat. § 809.30 outlines the duties of the Clerk of Court as it pertains to filing a notice of appeal.

8. The Clerk of Court failed in her duties. This is either directly through her own duties, or indirectly as a supervisor. However, should the Clerk of Court not be the negligent party, it appears that the Deputy/Appeals Clerk is then the negligent party.
9. The responsible party failed to file the Notice of Appeal with the State Public Defender's Office, which resulted in an attorney not being appointed.
10. I did not realize that I did not have an appeal pending for over five years. In 2013, I was notified by another person that I did not have an appeal pending.
11. On June 25, 2013 I sent a letter to the Walworth County Clerk of Court and she responded with a reply that she could not offer legal advice on July 9, 2013.
12. On June 25, 2013 I sent a letter to the State Public Defenders Office requesting information on a possible error. I received a reply on July 16, 2013 that indicated that the Clerk of Court had failed to file a copy of the Notice of Appeal with the State Public Defender's Office.
13. On August 14, 2013 I filed a motion to extend the timelines with the Wisconsin Court of Appeals for cause. After the state didn't object, the Wisconsin Court of Appeals granted my motion.
14. The Wisconsin Court of Appeals ordered the Clerk of Court to file the required paperwork with the State Public Defender's Office. As is, it is anticipated that this is the date that the state created impediment was removed (September 17, 2013).
15. Counsel was appointed for me on October 30, 2013 and as of the filing of this claim, I have not spoken to my attorney and she was still waiting for my files.

CLAIMS:

16. 14th Amendment Violation, Due Process: I had a right to an appeal and for the appointment of counsel. For the last five years that right was unknowingly forfeit. The court could have ruled in my favor which may have resulted in my sentence being longer than it needed to be.
17. Misconduct: The Clerk of Court or court representative had a duty to adhere to the responsibilities as specified in the Wisconsin State Statutes. By failing to provide the Notice of Appeal to the appropriate entities, I was harmed. Not only is this negligence but also constitutes misconduct.

18. This is not a complete set of claims with merit. Other claims may result from the operating facts of this claim.

RELIEF: Please take notice that I am seeking as a result of the above event, but I am not limiting myself to:

19. \$100.00 a month for the last 60 months. In addition, I am seeking \$100.00 in costs associated with correcting this mistake. This amounts to \$6100.00.

20. I am also seeking \$2500.00 dollars in unknown costs as a result of fixing additional mistakes. This includes correcting prison records to reflect the new sentencing. In addition to provide notice, no person provided my institution with the new information with the redacted portions of the new sentencing. This has resulted in my records being infected with information that was not included in the second sentencing.

Therefore I state that the previous was true and correct. Please note that a notary was not available to sign this document because of the holidays. A notarized copy will be provided at a later date.

Submitted,



Allan W. Biesterveld 462853

RGCI

P.O. Box 925

Redgranite, WI 54970

**NOTICE OF CLAIM PURSUANT TO
TO WIS. STAT. § 893.80(1)(b)**

RECEIVED
WALWORTH COUNTY CLERK
2014 JAN -9 PM 3: 00

TO: County of Walworth
c/o Kimberly S. Bushey, Clerk
100 W. Walworth Street
Elkhorn, WI 53121

PLEASE TAKE NOTICE:

Pursuant to Wis. Stat. § 893.80(1)(b), Geneva National Community Association, Inc. and Geneva National Condominium Master Association, Inc., N3410 County Road H, Lake Geneva, Wisconsin 53147 ("Claimants"), hereby claim damages from the County of Walworth ("County") for losses sustained as a result of the County's failure to pay condominium assessments for condominium unit 17-02, owned by the County, as more particularly described in Claimants' January 6, 2014, Notice of Injury. Claimants present the following itemized statement of damages.

<u>Description</u>	<u>Amount</u>
Invoice 3018-81271	\$ 163.60
Invoice 3018-79587	\$ 288.79
Invoice 3018-80736	\$ 288.79
08/31/2013 Finance Charge	\$ 6.91
09/01/2013 Assessment	\$ 288.79
09/30/2013 Finance Charge	\$ 6.69
10/01/2013 Assessment	\$ 288.79
10/31/2013 Finance Charge	\$ 11.32
11/01/2013 Assessment	\$ 288.79
11/27/2013 Legal Fees	\$ 200.00
11/30/2013 Finance Charge	\$ 15.23
12/01/2013 Assessment	\$ 288.79
12/31/2013 Finance Charge	<u>\$ 20.14</u>

TOTAL: \$ 2,156.63

Copies of the invoices and statements referenced above are attached hereto and incorporated by reference herein.

Dated this 8th day of January, 2014.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.

Attorneys for Claimants, Geneva National Community
Association, Inc. and Geneva National Condominium Master
Association, Inc.

By: Mara C. Spring
Kim A. Howarth (1008873)
Mara C. Spring (1025553)

Mara C. Spring
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S. C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091
email: mspring@godfreylaw.com

GENEVA NATIONAL PROPERTY
ASSOCIATION
201 Geneva National Ave So.

Invoice

Date	Invoice #
7/1/2013	3018-81271

Bill To

Walworth County
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Property Address

17-02/1502 Geneva National Ave S

Terms	Due Date	Account #
NET 30 DAYS	7/31/2013	17-02

Item	Description	Qty	Rate	Amount
Misc	Pro Rated Assessments from 6/13/2013 till 6/30/2013	1	163.60	163.60

Total	\$163.60
Payments/Credits	\$0.00
Balance Due	\$163.60

GENEVA NATIONAL PROPERTY
ASSOCIATION
201 Geneva National Ave So.

Invoice

Date	Invoice #
7/1/2013	3018-79587

Bill To

Walworth County
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Property Address

17-02/1502 Geneva National Ave S

Terms	Due Date	Account #
NET 30 DAYS	7/31/2013	17-02

Item	Description	Qty	Rate	Amount
17M	MASTER ASSESSMENT	1	23.70	23.70
17C	COMMUNITY ASSESSMENT	1	265.09	265.09

Total	\$288.79
Payments/Credits	\$0.00
Balance Due	\$288.79

GENEVA NATIONAL PROPERTY
ASSOCIATION
201 Geneva National Ave So.

Invoice

Date	Invoice #
8/1/2013	3018-80736

Bill To

Walworth County
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Property Address

17-02/1502 Geneva National Ave S

Terms	Due Date	Account #
NET 30 DAYS	8/31/2013	17-02

Item	Description	Qty	Rate	Amount
17M	MASTER ASSESSMENT	1	23.70	23.70
17C	COMMUNITY ASSESSMENT	1	265.09	265.09

Total	\$288.79
Payments/Credits	\$0.00
Balance Due	\$288.79

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

9/30/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Date	Description	Account #	Amount Due
		17-02	\$1,043.57
Date	Description	Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
08/31/2013	INV #FC 6891. Orig. Amount \$6.91. Finance Charge	6.91	748.09
09/01/2013	INV #3018-81876. Orig. Amount \$288.79.	288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
295.48	295.70	0.00	452.39	0.00	\$1,043.57

Phone # 262-245-9759

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

10/31/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

		Account #	Amount Due
		17-02	\$1,343.68
Date	Description	Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
08/31/2013	INV #FC 6891. Orig. Amount \$6.91. Finance Charge	6.91	748.09
09/01/2013	INV #3018-81876. Orig. Amount \$288.79.	288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57
10/01/2013	INV #3018-82993. Orig. Amount \$288.79.	288.79	1,332.36
10/31/2013	INV #FC 7011. Orig. Amount \$11.32. Finance Charge	11.32	1,343.68

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
300.11	288.79	6.69	295.70	452.39	\$1,343.68

Phone # 262-245-9759

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

11/30/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Date	Description	Account #	Amount Due
		17-02	\$1,832.47
		Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
08/31/2013	INV #FC 6891. Orig. Amount \$6.91. Finance Charge	6.91	748.09
09/01/2013	INV #3018-81876. Orig. Amount \$288.79.	288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57
10/01/2013	INV #3018-82993. Orig. Amount \$288.79.	288.79	1,332.36
10/31/2013	INV #FC 7011. Orig. Amount \$11.32. Finance Charge	11.32	1,343.68
11/01/2013	INV #3018-84145. Orig. Amount \$288.79.	288.79	1,632.47
11/27/2013	INV #3018-85784. Orig. Amount \$200.00. Matter 1912-46112D	200.00	1,832.47

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
488.79	300.11	288.79	6.69	748.09	\$1,832.47

Phone # 262-245-9759

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

12/31/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Account # **Amount Due**
17-02 **\$2,156.63**

Date	Description	Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
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09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57
10/01/2013	INV #3018-82993. Orig. Amount \$288.79.	288.79	1,332.36
10/31/2013	INV #FC 7011. Orig. Amount \$11.32. Finance Charge	11.32	1,343.68
11/01/2013	INV #3018-84145. Orig. Amount \$288.79.	288.79	1,632.47
11/27/2013	INV #3018-85784. Orig. Amount \$200.00. Matter 1912-46112D	200.00	1,832.47
11/30/2013	INV #FC 7051. Orig. Amount \$15.23. Finance Charge	15.23	1,847.70
12/01/2013	INV #3018-85270. Orig. Amount \$288.79.	288.79	2,136.49
12/31/2013	INV #FC 7090. Orig. Amount \$20.14. Finance Charge	20.14	2,156.63

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
308.93	488.79	15.23	300.11	1,043.57	\$2,156.63

Phone # 262-245-9759

**NOTICE OF INJURY PURSUANT TO
TO WIS. STAT. § 893.80(1)(a)**

2014 JAN -9 PM 3: 15

TO: County of Walworth
c/o Kimberly S. Bushey, Clerk
100 W. Walworth Street
Elkhorn, WI 53121

Pursuant to Wis. Stat. § 893.80(1)(a),

PLEASE TAKE NOTICE:

1. Claimant, Geneva National Community Association, Inc. ("Community Association"), is a Corporation licensed to do business in the State of Wisconsin with its principal place of business located at N3410 County Road H, Lake Geneva, Wisconsin 53147.

2. Claimant, Geneva National Condominium Master Association, Inc. ("Condominium Association"), is a Corporation licensed to do business in the State of Wisconsin with its principal place of business located at N3410 County Road H, Lake Geneva, Wisconsin, 53147. (The Community Association and the Condominium Association are collectively referred to herein as "Geneva National.")

3. The County of Walworth ("County") is the deeded owner of real property in the Geneva National Community known as Condominium No. 17-02.

4. Pursuant to Wis. Stat. § 703.165(3) the Declaration of Covenants, Conditions, Restrictions, and Easements for the Geneva National Community ("Declaration"), and the Declaration of Condominium Ownership and Easements, Restrictions, Conditions, and Covenants for Geneva National Condominium No. 17, the County, as the owner of Unit 17-02 is liable for its proportionate share of the common expenses of Geneva National ("Assessments").

5. Continuing notices of assessments and statements evidencing the indebtedness for assessments and other common charges were sent by Geneva National to the County on a monthly basis. True and accurate copies of Invoice No. 3018-81271, 3018-79587, and 3018-80736 and the monthly statements sent to the County thereafter are attached hereto and incorporated herein by reference.

6. The County has been informed of the indebtedness to Geneva National and has failed to pay in full the invoices sent by Geneva National.

7. There is now justly due and owing to Geneva National by the County past due common expenses for Unit 17-02, plus interest at the rate of 18% *per annum*, plus attorney fees, in the sum of \$2,156.63 as of December 31, 2013.

8. Pursuant to the Declaration, interest at the rate of 18% *per annum* is due and owing to Geneva National by the County for past due assessments.

9. On September 18, 2013, Valerie Etzel, County Treasurer, sent a memorandum to Geneva National indicating that Walworth County is not responsible for special assessments or special charges arising between taking title to a parcel and selling the parcel to a new owner pursuant to Wis. Stat. § 75.36(2)(a), and therefore refused to pay the charges in Invoice No. 3018-81271, 3018-80736, and 3018-79587.

10. On October 3, 2013, Geneva National, through counsel, responded to Etzel in a letter stating that Wis. Stat. § 75.36(2)(a) does not apply.

11. Subsequent to the October 3, 2013, correspondence from Geneva National's counsel, the invoices in question were not paid, nor were the statements that were sent subsequent to Ms. Etzel's September memo.

12. Wis. Stat. § 75.36(2)(a) relates to "special assessments" and "special charges." Wis. Stat. § 75.36(1) defines "special assessments" as "unpaid installments of special assessments which were levied on real property prior to the date the County acquired the real property."

13. "Special assessment" is defined under Wis. Stat. § 74.01(3) as "an amount entered in the tax roll as an assessment against real property to compensate for all or part of the costs of public work or improvements which benefit the property." That section also states that "special assessment" includes "any interest and penalties assessed for nonpayment of the special assessment before it is placed in the tax roll."

14. Wis. Stat. § 74.01(4) defines "special charge" as "an amount entered in the tax roll as a charge against real property to compensate for all or part of the costs to a public body of providing services to the property." That statutory section also states that "special charge" includes "any interest and penalties assessed for nonpayment of the special charge before it is placed in the tax roll . . . [and] . . . penalties under s. 70.995(12)."

15. The amounts assessed by Geneva National do not meet the statutory definition of either "special assessment" or "special charge."

16. Wis. Stat. § 75.36(2)(a) does not apply to invoices sent by Geneva National to the County.

17. Walworth County is responsible, as an owner of property within Geneva National, for payment of charges assessed under the Declaration, just like any other owner of property within the Association.

This is a Notice of Injury filed and served pursuant to Wis. Stat. § 893.80(1)(a). This is not a notice of claim under Wis. Stat. § 893.80(1)(b). A separate Notice of Claim shall be filed and served in compliance with applicable law.

Dated this 29 day of January, 2014.

GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
Attorneys for Claimants, Geneva National
Community Association, Inc. and Geneva National
Condominium Master Association, Inc.

By: Mara C. Spring
Kim A. Howarth (1008873)
Mara C. Spring (1025553)

Mara C. Spring
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S. C.
354 Seymour Court
Elkhorn, Wisconsin 53121
Telephone: (262) 723-3220
Facsimile: (262) 723-5091
email: mspring@godfreylaw.com

GENEVA NATIONAL PROPERTY
ASSOCIATION
201 Geneva National Ave So.

Invoice

Date	Invoice #
7/1/2013	3018-81271

Bill To

Property Address

Walworth County
c/o David Brett
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

17-02/1502 Geneva National Ave S

Terms	Due Date	Account #
NET 30 DAYS	7/31/2013	17-02

Item	Description	Qty	Rate	Amount
Misc	Pro Rated Assessments from 6/13/2013 till 6/30/2013	1	163.60	163.60

Total	\$163.60
Payments/Credits	\$0.00
Balance Due	\$163.60

GENEVA NATIONAL PROPERTY
ASSOCIATION
201 Geneva National Ave So.

Invoice

Date	Invoice #
7/1/2013	3018-79587

Bill To

Walworth County
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Property Address

17-02/1502 Geneva National Ave S

Terms	Due Date	Account #
NET 30 DAYS	7/31/2013	17-02

Item	Description	Qty	Rate	Amount
17M	MASTER ASSESSMENT	1	23.70	23.70
17C	COMMUNITY ASSESSMENT	1	265.09	265.09

Total	\$288.79
Payments/Credits	\$0.00
Balance Due	\$288.79

GENEVA NATIONAL PROPERTY
ASSOCIATION
201 Geneva National Ave So.

Invoice

Date	Invoice #
8/1/2013	3018-80736

Bill To

Walworth County
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Property Address

17-02/1502 Geneva National Ave S

Terms	Due Date	Account #
NET 30 DAYS	8/31/2013	17-02

Item	Description	Qty	Rate	Amount
17M	MASTER ASSESSMENT	1	23.70	23.70
17C	COMMUNITY ASSESSMENT	1	265.09	265.09

Total	\$288.79
Payments/Credits	\$0.00
Balance Due	\$288.79

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

9/30/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Date	Description	Account #	Amount Due	Amount	Balance
		17-02	\$1,043.57		
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.			288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013			163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.			288.79	741.18
08/31/2013	INV #FC 6891. Orig. Amount \$6.91. Finance Charge			6.91	748.09
09/01/2013	INV #3018-81876. Orig. Amount \$288.79.			288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge			6.69	1,043.57

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
295.48	295.70	0.00	452.39	0.00	\$1,043.57

Phone # 262-245-9759

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

10/31/2013

To: **Walworth County**
c/o David Brett
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

		Account #	Amount Due
		17-02	\$1,343.68
Date	Description	Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
08/31/2013	INV #FC 6891. Orig. Amount \$6.91. Finance Charge	6.91	748.09
09/01/2013	INV #3018-81876. Orig. Amount \$288.79.	288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57
10/01/2013	INV #3018-82993. Orig. Amount \$288.79.	288.79	1,332.36
10/31/2013	INV #FC 7011. Orig. Amount \$11.32. Finance Charge	11.32	1,343.68

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
300.11	288.79	6.69	295.70	452.39	\$1,343.68

Phone # 262-245-9759

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

11/30/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Account #	Amount Due
17-02	\$1,832.47

Date	Description	Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
08/31/2013	INV #FC 6891. Orig. Amount \$6.91. Finance Charge	6.91	748.09
09/01/2013	INV #3018-81876. Orig. Amount \$288.79.	288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57
10/01/2013	INV #3018-82993. Orig. Amount \$288.79.	288.79	1,332.36
10/31/2013	INV #FC 7011. Orig. Amount \$11.32. Finance Charge	11.32	1,343.68
11/01/2013	INV #3018-84145. Orig. Amount \$288.79.	288.79	1,632.47
11/27/2013	INV #3018-85784. Orig. Amount \$200.00. Matter 1912-46112D	200.00	1,832.47

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
488.79	300.11	288.79	6.69	748.09	\$1,832.47

Phone # 262-245-9759

**GENEVA NATIONAL PROPERTY
ASSOCIATION**
201 Geneva National Ave So.

Statement

12/31/2013

To: **Walworth County**
c/o David Bretl
Walworth Co Administrator
PO Box 1001
Elkhorn, WI 53121

Account # **Amount Due**
17-02 **\$2,156.63**

Date	Description	Amount	Balance
07/01/2013	INV #3018-79587. Orig. Amount \$288.79.	288.79	288.79
07/01/2013	INV #3018-81271. Orig. Amount \$163.60. Pro Rated Assessments from 6/13/2013 till 6/30/2013	163.60	452.39
08/01/2013	INV #3018-80736. Orig. Amount \$288.79.	288.79	741.18
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09/01/2013	INV #3018-81876. Orig. Amount \$288.79.	288.79	1,036.88
09/30/2013	INV #FC 6931. Orig. Amount \$6.69. Finance Charge	6.69	1,043.57
10/01/2013	INV #3018-82993. Orig. Amount \$288.79.	288.79	1,332.36
10/31/2013	INV #FC 7011. Orig. Amount \$11.32. Finance Charge	11.32	1,343.68
11/01/2013	INV #3018-84145. Orig. Amount \$288.79.	288.79	1,632.47
11/27/2013	INV #3018-85784. Orig. Amount \$200.00. Matter 1912-46112D	200.00	1,832.47
11/30/2013	INV #FC 7051. Orig. Amount \$15.23. Finance Charge	15.23	1,847.70
12/01/2013	INV #3018-85270. Orig. Amount \$288.79.	288.79	2,136.49
12/31/2013	INV #FC 7090. Orig. Amount \$20.14. Finance Charge	20.14	2,156.63

Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
308.93	488.79	15.23	300.11	1,043.57	\$2,156.63

Phone # 262-245-9759



December 23, 2013

County Clerk

Kimberly S. Bushey
County Clerk

Governor Scott Walker
Office of the Governor
115 East, State Capitol
P.O. Box 7863
Madison, WI 53707-7863

Dear Governor Walker:

It is with great sadness that I write to inform you that the Walworth County Coroner John T. Griebel passed away the evening of Friday, December 20th. John was first elected to the office of Walworth County Coroner in 1960 and took office in 1961. He will be greatly missed.

Pursuant to Wisconsin Statute 17.17(5), please consider this my official Notice of Vacancy for the office of Walworth County Coroner.

If you have any questions regarding this matter feel free to me at 262-741-4241.

Sincerely,

A handwritten signature in black ink, which appears to read "Kimberly S. Bushey", is written over a horizontal line.

Kimberly S. Bushey
Walworth County Clerk

Pc: County Administrator David Bretl
Walworth County Board of Supervisors



MEMORANDUM

County Clerk

Kimberly S. Bushey
County Clerk

Date: January 7, 2014

To: Walworth County Board of Supervisors

Cc: David Bretl, County Administrator

From: Kimberly S. Bushey, Walworth County Clerk *ASB*

Re: Placement of Nativity Scene at the Courthouse Square

The attached correspondence regarding the placement of the Nativity Scene at the Courthouse Square was received in the Administration Office. The correspondence included 27 pages of petitions signed by Walworth County residents in support of moving the Nativity Scene back to its original location.

The signed petitions can be viewed in the County Clerk's office.

Attachment

RECEIVED
WALWORTH COUNTY CLERK

2014 JAN -7 PM 4: 45

RECEIVED

JAN 7 2014

January 2, 2014

Walworth County Board
City of Elkhorn Board:

WALWORTH COUNTY ADMINISTRATION

This letter is in response to the Nativity scene that was moved on the courthouse grounds in the City of Elkhorn.

As citizens of Walworth County, especially the City of Elkhorn, we would like to express our concern with what is happening. We understand the complaint that was received from The Freedom from Religion Foundation, and also understand the rules and mandates that the city and county have to follow. It is hard to accept that one complaint, after the YEARS the Nativity has been present on the square, can make so much change. I, and others, are very disheartened to see this change, and would like the city and county to be aware. If one can listen to the voice from The Freedom from Religion Foundation, the Christian voice must be heard also.

The City of Elkhorn has always been a city to find a strong sense of religion, community and traditions. These subtle changes can lead to other changes that can eventually change the dynamic of the city.

Please accept the enclosed signatures, which have been collected from local churches, as a show of disappointment and also a request to see what can be done to put the Nativity back in its original location.

Regards,



Raquel Guadian-Harris

710 Katie Lane

Elkhorn, WI 53121

262-723-6202



Office of City Clerk
312 W. Whitewater Street
P.O. Box 178
Whitewater, Wisconsin 53190

www.whitewater-wi.gov
Telephone: (262)473-0500 Ext. 202
Fax: (262)473-0509

January 9, 2014

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 E. Wilson Street
Madison, WI 53703

SEWRPC
W239 N1812 Rockwood Drive
Waukesha, WI 53186

Walworth County
P.O. Box 1001
Elkhorn, WI 53121

Jefferson County
311 S. Center Avenue
Jefferson, WI 53549

Rock County
Rock County Courthouse
51 S. Main Street
Janesville, WI 53545

Town of Whitewater
W8590 Willis Ray Rd.
Whitewater, WI 53190

Town of Lima
Lima Town Hall
11053 Willow Drive
Whitewater, WI 53190

Town of Cold Spring
Lisa Griep, Clerk
W3497 Vannoy Drive
Whitewater, WI 53190

Town of Koshkonong
Kim Cheney, Clerk
N1718 S. Main Street
Fort Atkinson, WI 53538

Irvin L. Young Memorial Library
431 W. Center St.
Whitewater, WI 53190

Whitewater Unified School District
419 Elizabeth Street
Whitewater, WI 53190

RECEIVED
WALWORTH COUNTY CLERK
2014 JAN 13 AM 9:49

Re: Public Hearing Draft, City of Whitewater Comprehensive Plan Amendment

Enclosed please find a signed Plan and Architectural Review commission resolution indicating the Commission's recommendation to adopt an amendment to the City of Whitewater Comprehensive Plan by adopting the City of Whitewater Bicycle and Pedestrian Plan as a component of the City of Whitewater Comprehensive Plan. Also enclosed is a copy of the plan. The City Council will hold a Public Hearing on the amendment on February 4, 2014 at 6:30 p.m. If you wish to comment on the Comprehensive Plan amendment, please do so in advance of the public hearing so your feedback may be considered by the City before the amendment is adopted.

If you should have any questions, please feel free to contact the City.

Sincerely,

Michele R. Smith, Clerk

**PLAN AND ARCHTECTORAL REVIEW COMMISSION RESOLUTION
RECOMMENDING AN AMENDMENT TO THE COMPREHENSIVE PLAN OF
THE CITY OF WHITEWATER BY ADDING
THE CITY OF WHITEWATER BICYCLE AND PEDESTRIAN PLAN**

WHEREAS, on February 2, 2010, the City Council of Whitewater adopted the City of Whitewater Comprehensive Plan (hereinafter "Plan") as the City's comprehensive plan under Section 66.1001(4), Wisconsin Statutes, with said Plan including procedures for regular consideration of amendments to it; and

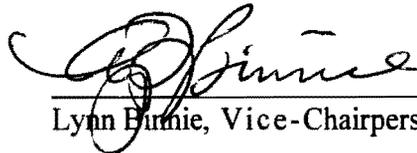
WHEREAS, Section 66.1001(4), Wisconsin Statutes, establishes the required procedure for a local government to amend a comprehensive plan once it has been initially adopted; and

WHEREAS, the City of Whitewater Plan and Architectural Review Commission has the authority to recommend amendments to the Plan to the City Council, under Section 66.1001(4)(b); and

WHEREAS, to better reflect the City's desired future land use pattern, the Plan and Architectural Review Commission has identified the need to amend the Comprehensive Plan by adopting the City of Whitewater Bicycle and Pedestrian Plan (An Addendum to the 2008-2013 City of Whitewater Park and Open Space Plan), as a component of the City of Whitewater Comprehensive Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Plan and Architectural Review Commission of the City of Whitewater hereby recommends that, following a public hearing, the City Council adopt an ordinance to constitute official City approval of an amendment to the City of Whitewater Comprehensive Plan, specifically by amending the Comprehensive Plan by adopting the City of Whitewater Bicycle and Pedestrian Plan (An Addendum to the 2008-2013 City of Whitewater Park and Open Space Plan), as a component of the City of Whitewater Comprehensive Plan.

Resolution Adopted: December 9, 2013



Lynn Burnie, Vice-Chairperson