



# PLAN COMMISSION MEETING AGENDA

Tuesday, August 26, 2014 at 5:30 P.M.

Sister Bay-Liberty Grove Fire Station – 2258 Mill Road, Sister Bay, WI

For additional information check: [Http://www.sisterbaywi.gov](http://www.sisterbaywi.gov)

***In order for everyone to hear the discussion please, turn off your cell phone. Thank you.***

**Call Meeting to Order / Roll Call** Deviations from the agenda order shown may occur.

**Comments, correspondence and concerns from the public**

**Approval of the agenda**

**Approval of minutes as published**

**Business Items**

1. Public Hearing on amending the zoning code; amend and recreating sections 66.0505(e)(2)(h), Delivery Trucks in Residential Neighborhoods for Home Based Businesses.
2. Public Hearing on amending the zoning code; amend and recreating sections 66.0505, Wind energy towers.
3. Public Hearing on amending the zoning code; amend and recreating sections 66.0808, Noise Levels in various zoning districts.
4. Consider a motion to approve a certified survey map submitted by John Stollenwerk to Reconfiguring Parent Tax Parcels #181-23-0011& #181-23-0009 Located at 10661&10647 Little Sister Rd; recommend to the Village Board for final approval.
5. Consider a motion to recommend Resolution 298-091614, Directing ZBA to Preserve Property Owners Rights after the DOT HWY 42 Project.
6. Consider a motion to approve a sign permit for the Historical Society.
7. Review of Sec. 66.0504, Wireless Telecommunication Towers.
8. Consider a Motion to approve preliminary plans for an expansion of Open Hearth Lodge.
9. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permits.  
Permits  
-Issuance of Long Duration Special Event Permit to Chop.
10. Matters to be placed on a future agenda or referred to a Committee, Official or Employee

**Adjournment**

### Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 920-854-4118 or at [zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov).

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:		
<input type="checkbox"/> Administration Building	<input type="checkbox"/> Library	<input type="checkbox"/> Post Office
_____ / _____		
Name	Date	



1 Leon Kellum indicated that he owns a home on Northwoods Drive. Generally speaking all the  
2 residents in that area of the Village are opposed to extending Northwoods Drive as they are  
3 concerned that their property values will decrease. They are also concerned that their pets will  
4 be put in harm's way. There are already a number of different access points to the area in  
5 question, and Kellum and his neighbors believe other map amendments are possible. He also  
6 believes privacy issues will arise if the storage area at Stony Ridge is constructed. Lienau noted  
7 that the Plan Commission has already ruled that the storage units may only be utilized by Stony  
8 Ridge residents and/or property owners.

9  
10 Michele Notz, the Administrator of Scandia Village, indicated that Canterbury Lane will be  
11 extended as a part of the SCAND expansion project. The management of SCAND is fully aware  
12 that there are safety issues near Bargains Unlimited, and they will be addressed. Notz suggested  
13 that if at all possible the Plan Commission consider creating an alternate entrance for SCAND.

14  
15 Lyle Bruss of 2313 Maple Drive indicated that he owns two lots which will abut the Canterbury  
16 Lane extension. He has no objections to the extension, but does have concerns about the  
17 height of the new road as it basically will be about 4' above the existing grade, which will be  
18 problematic. Bruss suggested that the elevation of the Canterbury Lane extension be reduced. It  
19 was the consensus that this issue shall be referred to the Parks, Properties & Streets Committee.

20  
21 Gerry Knudson of 10619 Claflin Lane indicated that he is the Personal Representative of the  
22 Marston Anderson Estate. He is "totally opposed" to having a road run through the middle of  
23 Anderson's property, which is what has been proposed.

24  
25 John Redell of 10492 W. Stony Ridge Circle asked if the roads depicted on the Stony Ridge  
26 plans will remain as originally proposed. Lienau responded that any plans which have already  
27 been approved will stand.

28  
29 Father Robert Burnell of 10494 E. Stony Ridge Circle noted that it is currently quite dark in the  
30 Stony Ridge development during the evening hours. He believes that additional street lighting  
31 on the new roads would be a "plus".

32  
33 Jackson read letters which had been received from Marguerite Dalton and Lee Kellum, Keith  
34 and Vivian Nienow and Bill and Ellen Goodrich aloud. Copies of all those letters are hereby  
35 attached and incorporated by reference. He also read a letter which was received from Chris  
36 Hecht, the Fire Chief, aloud. In that letter Hecht states that he supports the proposed  
37 subdivision plat for the Stony Ridge Development which was approved by the Village Board on  
38 July 16, 2014. He also states that he believes the roadway width in and around the proposed  
39 storage units, the extension of Northwoods Drive and reconfiguring of the end of Ava Hope  
40 Trail will improve emergency vehicle access to and around the entire project.

41  
42 *At 5:55 P.M. Lienau asked if anyone else wished to comment, and when no one responded he*  
43 *declared that the public hearing was officially closed.*

44  
45 Discussion took place regarding the effect of the proposed Official Map amendments on the  
46 property owned by the Marston Anderson Estate, and it was the consensus that the officially  
47 mapped street should not run through the middle of that property. Instead it will run along the  
48 south boundary of it as had originally been planned on prior versions of the map. It was also  
49 the consensus that the proposed extension of Canterbury Lane is acceptable, but that the  
50 elevation issues mentioned by Lyle Bruss shall be referred to the Parks, Properties & Streets

1 Committee. The Commission members indicated that they can understand the concerns raised  
 2 by the owners of property abutting Northwoods Drive, but D.O.T. regulations are limiting and  
 3 they believe "the greater good" must be taken into consideration. Therefore, the dedicated road  
 4 shall be connected to the Stony Ridge development as proposed, but the safety issues the  
 5 affected property owners voiced concerns about shall be referred to the Parks, Properties &  
 6 Streets Committee.

7  
 8 *A motion was made by Baker, seconded by Bell that the Plan Commission recommends that*  
 9 *the Village Board approve the Official Map amendments which were reviewed and formulated*  
 10 *at this meeting. A map on which all the agreed upon amendments are delineated is hereby*  
 11 *attached and incorporated by reference. Motion carried – All ayes.*

12  
 13 *At 7:07 P.M. a brief recess was taken and the Commission reconvened at 7:12 P.M.*

14  
 15 **Item No. 2. Review of the section of the Zoning Code related to delivery trucks in residential**  
 16 **districts, (§66.0501(e)(2)(h)), and formulation of a recommendation to staff for action:**

17 At the present time §66.0501(e)(2)(h) of the Zoning Code states that no more than two  
 18 deliveries of product or material for home based occupations are permitted per week. At the  
 19 last Village Board Meeting Solomon indicated that he believes this provision is unreasonable  
 20 since many people shop on the internet and have no control over when deliveries will be  
 21 made, and the other Board members concurred. Hence, a referral was made to the Plan  
 22 Commission.

23  
 24 *A motion was made by Grutzmacher, seconded by Howard that a public hearing shall be*  
 25 *conducted regarding the possibility of deleting §66.0501(e)(2)(h) of the Zoning Code in its*  
 26 *entirety at the August Plan Commission Meeting. Motion carried with Lundquist opposed.*

27  
 28 **Item No. 3. Review of the section of the Zoning Code related to the use of solar and wind**  
 29 **energy, (§66.0505), and formulation of a recommendation to staff for action:**

30 Section 66.0505 of the Zoning Code prohibits wind power generation in any district in the  
 31 Village, and also prohibits wind power generation on the waters of Green Bay which are within  
 32 the jurisdiction of the Village, but 2009 Act 40, Chapter PSC 128 of the Wisconsin  
 33 Administrative Code states that the Public Service Commission shall set the standards for wind  
 34 turbine siting throughout the State. The Village is not allowed to enact ordinances which are  
 35 more restrictive than State regulations, and, therefore, it was the consensus that §66.0505  
 36 should be amended accordingly.

37  
 38 *A motion was made by Bell, seconded by Solomon that a public hearing shall be conducted*  
 39 *regarding amendment of §66.0505 of the Zoning Code at the August Plan Commission*  
 40 *Meeting. Motion carried – All ayes.*

41  
 42 **Item No. 4. Review of the sections of the Zoning Code related to unkempt lots/grass,**  
 43 **(§66.1060), and formulation of a recommendation to staff for action; Consider recommending**  
 44 **that the Parks Committee review §30.20 of the Municipal Code – Exterior Property**  
 45 **Maintenance:**

46 Section 66.1060 of the Zoning Code contains a number of regulations regarding landscaping,  
 47 and §30.20 of the Municipal Code pertains to exterior property maintenance.

48  
 49 *The Commission members jointly reviewed the provisions of the previously mentioned sections*  
 50 *and it was the consensus that the provisions of §66.1060 are acceptable but that the Parks*

1 Respectfully submitted,

2 

3

Janal Suppanz,

4

Administrative Assistant

July 21, 2014

Marguerite Dalton  
Leon Kellum  
10444 Northwoods Drive  
Sister Bay, WI 54234

Dear Sister Bay Planning Commission,

We are permanent residents of Sister Bay and own a home and an extra lot on Northwoods Drive.

We are very concerned about the proposed map amendment that includes a new right-of-way connecting Northwoods Dr. to a road going North through the condo development and to Cherrywood Lane.

This seems to be of little benefit since residents of the area between Hwy. 42 and Cherrywood Lane. would have access to Hwy. 57 via Cherrywood Lane or the other proposed road connecting the North/South road through the condo development to Fieldcrest Rd. It would provide anyone on Northwoods Dr. with a shortcut to Hwy. 42 but we do not want it.

We believe our property is more desirable with the road as it is, a cul-de-sac. We built our home and purchased the lot because it was on a closed cul-de-sac with minimal car traffic in front of our house. The proposed road would destroy our quiet peaceful subdivision. The property values have declined over the past few years but our taxes have not declined. Putting the road through will make our subdivision less desirable and make our property values decline.

The village of Sister Bay has recently purchased a number of expensive parcels of land. While we don't necessarily disagree with the purchases, we do think that the Village could save money by not putting the road through. It is our understanding that the Village has a very limited budget at present. We think it would be in the best interest of the village to keep our property values as high as possible by leaving the cul-de-sac.

To clarify, we are only objecting to the small part of the road connecting Northwoods Dr. to the North. Thank you for your service and your careful consideration of this matter.

Yours truly,

Marguerite Dalton  
Lee Kellum  
Owners of 10444 Northwoods Drive, Lot 4 and Lot 3

Keith and Vivian Nienow  
8280 N 54<sup>th</sup> St.  
Brown Deer WI 53223

July 14, 2014

Dear Sister Bay Plan Commission,

We own a lot on Northwoods Dr., and hope to build on it. We are very concerned about the proposed map amendment that includes a new right-of-way connecting Northwoods Dr. to a road going North through the condo development and to Cherrywood Ln.

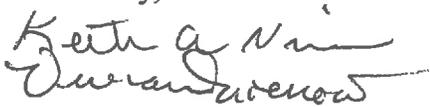
The proposal seems to be of little benefit, since residents of the area between Hwy. 42 and Cherrywood Dr. would have access to Hwy. 57 via Cherrywood Dr. or the other proposed road connecting the North/South road through the condo development to Fieldcrest Rd. It would provide anyone on Northwoods Dr. with a shortcut to Hwy. 42, but we do not want it.

We believe our property is more desirable with the road as it is; a cul-du-sac. We think it would be in the best interest of the village to keep our property values as high as possible.

To clarify, we are only objecting to the small part of the road connecting Northwoods Dr. to the North.

Thank you for your service and your careful consideration of this matter.

Yours truly,



Keith and Vivian Nienow  
Owners of Northwood Estates lot 6

enclosure: map (Draft) showing section we object to



July 15, 2014

Plan Commission of the Village of Sister Bay  
PO Box 769  
Sister Bay, WI 54234

Dear Plan Commission,  
Thank you for the opportunity for property owners in Sister Bay to express our opinions.

We have some concerns regarding the proposed amendment to the map of the Village of Sister Bay. Why is there a need to make Northwoods Drive a through street? It appears that Cherrywood Lane is to be extended to Hwy 57 on the proposed map. Cherrywood Lane would be a much more convenient connection to Hwy 57 for the residents of the Stoney Ridge subdivision and better accessibility for village and county services to the Stoney Ridge subdivision.

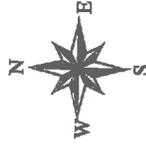
Extending Northwoods Drive will cause unnecessary traffic in our quiet subdivision on Northwoods Drive. It serves no purpose for us on Northwoods Drive or for the residents of Stoney Ridge subdivision. Cherrywood Lane is an easier access to Stoney Ridge. We would prefer that Northwoods Drive remain a dead end street with no access to the Stoney Ridge condominium complex. Thank you for your consideration of this matter.

Sincerely,

Bill & Ellen Goodrich  
10445 Northwoods Drive  
Sister Bay, WI 54234  
815-252-5860

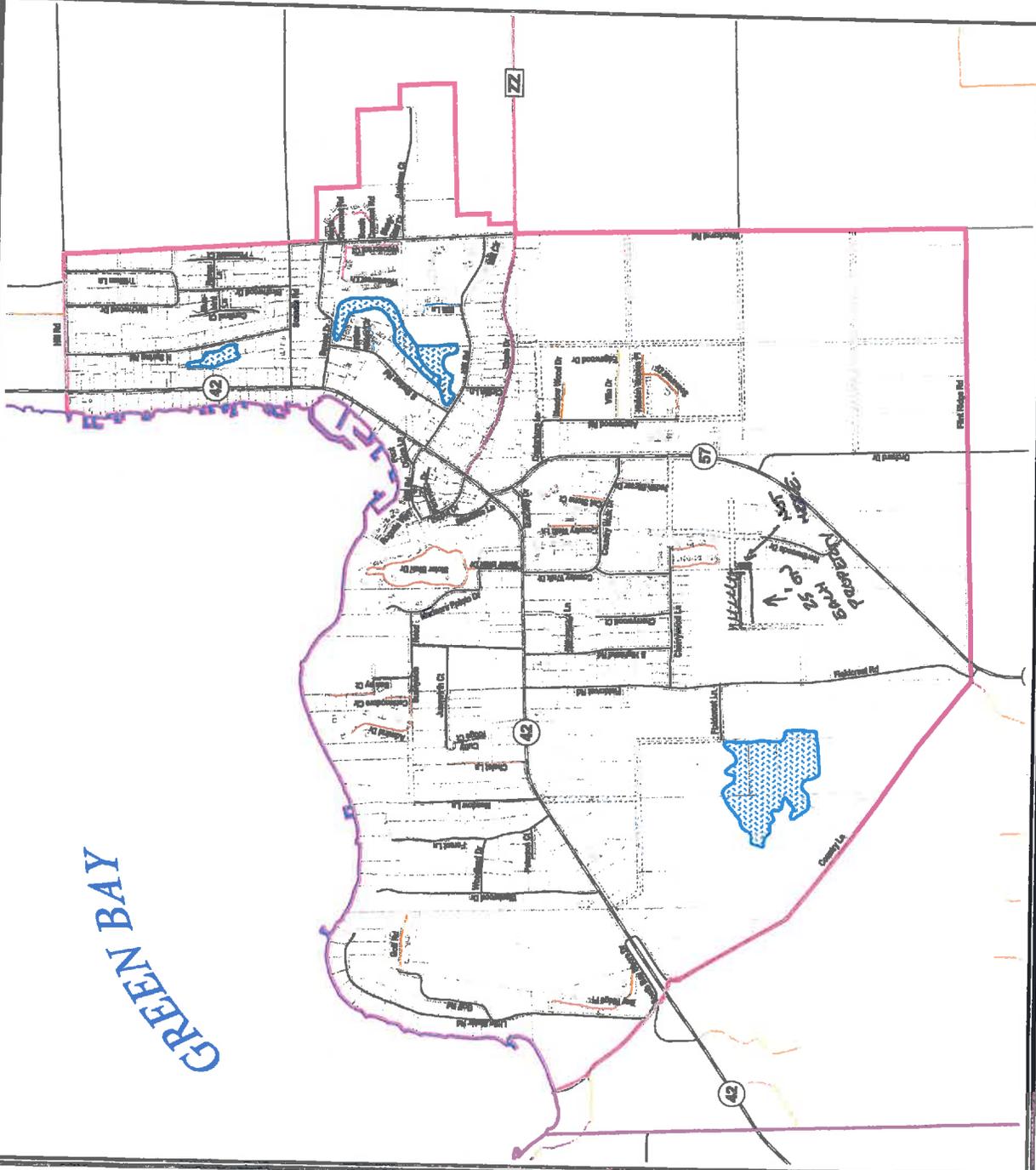
**Official Map**  
of the  
**Village of Sister Bay**  
Door County, Wisconsin  
Last Updated: May 16, 2014

- STATE HIGHWAY
- COUNTY ROAD
- TOWN ROAD
- VILLAGE STREET
- PRIVATE ROAD
- PROPOSED RIGHT-OF-WAY
- Village Boundary
- Parcel Boundaries



Map created for the Village of Sister Bay  
by Door County Planning Department:

421 Nebraska Street  
Sturgeon Bay WI 54235  
920-746-2323





## Plan Commission Public Notice

The Sister Bay Plan Commission will hold a public hearing at the Sister Bay Fire Station, 2258 Mill Rd, Door County, Wisconsin on **Tuesday, August 26, 2014 at 5:30 P.M.** or shortly thereafter, for the purpose of considering proposed text amendments to the Zoning Code. Sections of the Zoning Code to be considered include §66.0501(e)(2)(h) - Delivery Trucks in Residential Neighborhoods for Home Based Businesses; §66.0505 - Regulation of Wind Towers - bring local Code into compliance with State Statutes, and §66.0808 - Regulation of Noise.

The purpose of this public hearing is to obtain comments and input from the public on the proposed text amendments.

A copy of the proposed amendments and the current Zoning Code are available for inspection. The Zoning Code and Zoning Map for the Village are also on file at the Zoning Administrator's office and may be viewed at 2383 Maple Drive weekdays between 8:00 a.m. and 4:00p.m. The drafts are available on the Village web site at [www.sisterbaywi.info](http://www.sisterbaywi.info).

Written testimony, including email, will be accepted at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, WI 54234, (FAX 920-854-9637) until 3:00 P.M. on the day of the meeting. Letters will be available for public inspection during normal business hours, until the close of business on the day of the hearing. Letters will be entered into the record; and a summary of all letters will be presented at the meeting, but individual letters may not be read. Anonymous correspondence will not be accepted.

All application materials for Regular Zoning Permits, Conditional Use Permits and zoning amendment petitions may be viewed at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, WI during normal business hours, 8:00am. -4:00p.m.

By order of the Plan Commission of the Village of Sister Bay.

Zeke Jackson  
Zoning Administrator  
[zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov)

## VILLAGE OF SISTER BAY ZONING CODE

### SEC. 66.0501 ACCESSORY USES AND STRUCTURES

### SEC. 66.0501 ACCESSORY USES AND STRUCTURES

1	shall not exceed the total footprint	57		
2	of the principal building(s) without	58		which is necessarily, cus-
3	Plan Commission permit approval.	59		tomarily, or ordinarily used
4	(4) Buildings accessory to general agri-	60		for household or leisure pur-
5	cultural uses on farms or orchards	61		poses.
6	shall not be restricted in floor area.	62	c.	No toxic, explosive, flamma-
7	Golf courses consisting of at least 9	63		ble, combustible, corrosive,
8	holes and 2,500 playable yards, the	64		etiologic, radioactive, or oth-
9	total floor area of all accessory	65		er restricted materials shall
10	buildings on the lot shall not exceed	66		be used or stored on the site
11	3,000 square feet.	67		except those, which are nec-
12	(d) <u>Height, Architectural and Site Plan Re-</u>	68		essarily, customarily, or or-
13	<u>quirements.</u> (Amended Ordinance 207-	69		dinarily used for household
14	100912)	70	d.	or leisure purposes.
15	(1) The maximum height of an accesso-	71		There shall be no outside
16	ry building shall not exceed the	72		operations, storage, or dis-
17	height of the principal building to	73		play of materials or products.
18	which it is accessory, without Plan	74	e.	The home occupation shall
19	Commission permit approval, up to	75		not occupy more than 20
20	a maximum height of 35 feet.	76		percent of the square footage
21	(2) Accessory buildings on R-2, B-1, B-	77		of the primary residence. The
22	2, B-3, I-1 and P-1 lots shall con-	78		20 percent can be utilized
23	form to the established architectural	79		inside and/or outside. The
24	appearance, which exists for the	80		space, either inside or out-
25	primary structure(s).	81		side, cannot exceed 20 per-
26	(3) Accessory buildings on R-2, B-1, B-	82		cent of the square footage of
27	2, B-3, I-1 and P-1 lots, which do	83	f.	the primary residence.
28	not appear on an approved site	84		No alteration of the residen-
29	plan, in excess of 120 square feet,	85		tial appearance of the prem-
30	require an amendment to the ap-	86		ises shall occur, including
31	proved site plan by the Plan Com-	87		the creation of a separate en-
32	mission, before a zoning permit can	88		trance for the home occupa-
33	be issued.	89	g.	tion.
34	(e) <u>Home occupations.</u>	90		No process shall be used
35	Home occupations are permitted accessory	91		which is hazardous to public
36	uses in any residential district and shall be	92		health, safety, or welfare or
37	approved by the Plan Commission. Home	93		would create a nuisance or
38	occupations and professional home offices	94		be otherwise incompatible to
39	shall be permitted when incidental to the	95		the surrounding residential
40	principal residential use, situated upon the	96		area; nor the removal of
41	same premise (inside and/or outside) and	97		sand, gravel, stone, topsoil or
42	carried on by the residential occupant,	98		peat moss for commercial
43	subject to the following conditions, pro-	99		purposes.
44	vided that:	100	h.	<del>Visitors, customers, or deliv-</del>
45	(1) The primary use of the structure	101		<del>eries shall not exceed that</del>
46	shall be a dwelling unit.	102		<del>normally and reasonably oc-</del>
47	(2) The following standards shall be	103		<del>curring for a residence in-</del>
48	complied with in full at all times:	104		<del>cluding not more than two</del>
49	a. No more than one full time	105		<del>business visitors per hour,</del>
50	equivalent person who is not	106		<del>not to exceed eight visitors</del>
51	a resident of the dwelling	107		<del>per day, and not more than</del>
52	unit shall be engaged or em-	108		<del>two deliveries of product or</del>
53	ployed in the home occupa-	109		<del>material per week.</del>
54	tion on the premises.	110	i.	The home occupation shall
55	b. No mechanical equipment	111		not displace or impede use
56	shall be utilized except that	112		of required parking spaces,

## VILLAGE OF SISTER BAY ZONING CODE

### SEC. 66.0505 WIND POWER GENERATING TOWERS

### SEC. 66.0506 OUTDOOR DISPLAYS

- 1 the original approval and unless the appli- 55  
 2 cant provides adequate evidence that con- 56  
 3 struction is able to begin within the ex- 57  
 4 tended time period sought. The Village 58  
 5 Board may, as a condition of approval of 59  
 6 a conditional use permit, establish a time 60  
 7 that such conditional use permit shall re- 61  
 8 main in effect. 62
- 9 **Sec. 66.0505 Wind Power Generating Towers** 63  
 10 Wind power generation shall ~~not~~ be permitted in 64  
 11 any district in the Village, in conformance with 65  
 12 Wisconsin 2009 Act 40, PSC 128, ~~not~~ and shall ~~not~~ 66  
 13 be permitted on the waters of Green Bay within 67  
 14 the jurisdiction of the Village. 68
- 15 **Sec. 66.0506 Outdoor Displays** 69  
 16 (a) Outdoor displays which are allowed on a 70  
 17 regular basis in the B-1 District and do not 71  
 18 require a permit. 72  
 19 No permit will be required if the owner of 73  
 20 a business in the B-1 District wishes to dis- 74  
 21 play merchandise which is for sale out- 75  
 22 doors, excluding the items included in (d). 76  
 23 The display must satisfy the following re- 77  
 24 quirements: 78  
 25 (1) The outdoor display of merchandise 79  
 26 shall not extend more than 50 per- 80  
 27 cent from the building into the re- 81  
 28 quired front setback area. 82  
 29 (2) Signs, screening, enclosures, land- 83  
 30 scaping or materials being displayed 84  
 31 shall not interfere in any manner 85  
 32 with either on-site or off-site traffic 86  
 33 visibility, including pedestrian traf- 87  
 34 fic. 88  
 35 (3) The display area shall not inhibit the 89  
 36 use of or number of required park- 90  
 37 ing stalls. 91  
 38 (4) Display areas shall be separated 92  
 39 from any vehicular parking or circu- 93  
 40 lation area and the separation shall 94  
 41 be clearly indicated. 95  
 42 (5) If goods are removed from the dis- 96  
 43 play area, all support fixtures shall 97  
 44 also be removed. 98  
 45 (b) Outdoor displays which are allowed on a 99  
 46 regular basis in the B-2 and B-3 Districts 100  
 47 and do not require a permit. 101  
 48 No permit will be required if the owner of 102  
 49 a business in the B-2 District or the B-3 103  
 50 District wishes to display a small amount 104  
 51 of merchandise which is offered for sale 105  
 52 outdoors, excluding the items included in 106  
 53 (d). The display must satisfy the following 107  
 54 requirements: 108  
 109  
 110
- (1) The appearance of the display must 55  
 be proportionate to the size of the 56  
 building in which the store is locat- 57  
 ed. 58  
 (2) The items to be displayed outdoors 59  
 must be placed at least twenty feet 60  
 from the face of the curb. If it will 61  
 be impossible for a business owner 62  
 to satisfy the twenty-foot regulation 63  
 a small display will be allowed by 64  
 the building entrance. 65
- (c) Number of sidewalk sales allowed per cal- 66  
endar year. 67  
 (1) No permit will be required for 68  
 sidewalk sales in any of the business 69  
 districts, but no more than twelve 70  
 (12) of such sales will be allowed in 71  
 a calendar year. 72  
 (2) The appearance of the merchandise 73  
 displayed during a sidewalk sale 74  
 must also be proportionate to the 75  
 size of the building in which the 76  
 store is located. 77
- (d) Outdoor displays which do require a per- 78  
mit in all business districts. 79  
 (1) If the owner of a business in any 80  
 business district within the Village 81  
 limits wishes to display larger items 82  
 such as automobiles, trucks, motor- 83  
 cycles, RV's, campers, ATV's, boats 84  
 and the like, a permit which deline- 85  
 ates the area where the large item 86  
 display will be allowed is required, 87  
 but the display must meet the fol- 88  
 lowing requirements: 89  
 (2) The display shall not extend more 90  
 than 20 percent from the building 91  
 into the front yard area, and may 92  
 not extend into the required side or 93  
 rear setbacks. 94  
 (3) Automobiles, trucks, motorcycles 95  
 and boats shall only be displayed or 96  
 placed on a surface as specified in 97  
 Section 66.0403(f)(1) of the Zoning 98  
 Code. 99  
 (4) The display area shall not inhibit the 100  
 use of or number of required park- 101  
 ing stalls. 102  
 (5) Display areas shall be separated 103  
 from any vehicular parking or circu- 104  
 lation area and the separation shall 105  
 be clearly indicated. 106  
 (6) If goods are removed from the dis- 107  
 play area, all support fixtures shall 108  
 also be removed. 109  
 110

## Chapter PSC 128

### WIND ENERGY SYSTEMS

#### Subchapter I — General

- PSC 128.01 Definitions.  
PSC 128.02 Applicability.  
PSC 128.03 Political subdivision authority.  
PSC 128.04 Enforcement.

#### Subchapter II — Owner Requirements

- PSC 128.10 Incorporating owner requirements into local ordinances.  
PSC 128.105 Development of a wind energy system; notice requirements.  
PSC 128.11 Real property provisions.  
PSC 128.12 Existing property uses.  
PSC 128.13 Siting criteria.  
PSC 128.14 Noise criteria.  
PSC 128.15 Shadow flicker.  
PSC 128.16 Signal interference.  
PSC 128.17 Stray voltage.  
PSC 128.18 Construction and operation.  
PSC 128.19 Decommissioning.

#### Subchapter III — Political Subdivision Procedure

- PSC 128.30 Application and notice requirements.

- PSC 128.31 Application completeness.  
PSC 128.32 Political subdivision review of a wind energy system.  
PSC 128.33 Political subdivision permitted provisions.  
PSC 128.34 Record of decision.  
PSC 128.35 Modifications to an approved wind energy system.  
PSC 128.36 Monitoring compliance.

#### Subchapter IV — Complaints

- PSC 128.40 Complaint process.  
PSC 128.41 Monitoring committee.  
PSC 128.42 Notice to property owners and residents.

#### Subchapter V — Commission Procedure

- PSC 128.50 Standards established by the commission.  
PSC 128.51 Commission review.

#### Subchapter VI — Small Wind Energy Systems

- PSC 128.60 Exemptions from this chapter.  
PSC 128.61 Modifications to this chapter.

### Subchapter I — General

#### PSC 128.01 Definitions. In this chapter:

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

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

(4) “Decommissioning” means removal of all of the following:

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

(b) All below ground facilities, except the following:

1. Underground collector circuit facilities.
2. Those portions of concrete structures 4 feet or more below grade.

(5) “DNR” means the Wisconsin department of natural resources.

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

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

(8) “Nonparticipating property” means real property that is not a participating property.

(9) “Nonparticipating residence” means a residence located on nonparticipating property.

(10) “Occupied community building” means a school, church or similar place of worship, daycare facility or public library.

(12) “Owner” means:

(a) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquir-

ing the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.

(b) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

(13) “Participating property” means any of the following:

(a) A turbine host property.

(b) Real property that is the subject of an agreement that does all of the following:

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

2. Specifies in writing any waiver of a requirement or right under this chapter and that the landowner’s acceptance of payment establishes the landowner’s property as a participating property.

(14) “Participating residence” means a residence located on participating property.

(15) “Personal communications” includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

(16) “Political subdivision” has the meaning given in s. 66.0401 (1e) (c), Stats.

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

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

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

(c) A permanently abandoned personal residence.

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

(20) “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.

(21) “Turbine host property” means real property on which at least one wind turbine is located.

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

(23) “Wind energy system” has the meaning given in s. 66.0403 (1) (m), Stats., and is used to convert wind energy to electrical energy.

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

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

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

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.02 Applicability. (1) POLITICAL SUBDIVISION APPLICATIONS.** (a) Except as provided in par. (b), this chapter applies to a political subdivision’s review of a proposed wind energy system or regulation of a wind energy system under s. 66.0401, Stats.

(b) This chapter does not apply to any of the following:

1. A wind energy system for which construction began before March 1, 2011.
2. A wind energy system placed in operation before March 1, 2011.
3. A wind energy system approved by a political subdivision before March 1, 2011.
4. A wind energy system proposed by an owner in an application filed with a political subdivision before the March 1, 2011.

(c) Notwithstanding par. (b) 4., if an owner withdraws an application for a proposed wind energy system that is filed with a political subdivision before March 1, 2011, this chapter applies to the wind energy system if the owner re-files the application with the political subdivision on or after March 1, 2011.

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

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.03 Political subdivision authority.** A political subdivision may not place any restriction, either directly or in effect, on the installation or use of a wind energy system except by adopting an ordinance that complies with this chapter and s. 66.0401, Stats., and is not more restrictive than this chapter.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.04 Enforcement. (1) POLITICAL SUBDIVISIONS.** A political subdivision shall be responsible for enforcing its wind energy system ordinance and permit provisions.

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

## Subchapter II — Owner Requirements

**PSC 128.10 Incorporating owner requirements into local ordinances. (1) ORDINANCES WITH ALL THE OWNER REQUIREMENTS.** A political subdivision may enact an ordinance that incorporates all the owner requirements specified in this subchapter, but may not enact an ordinance whose requirements on the installation or use of a wind energy system are more restrictive than specified in this subchapter.

(2) ORDINANCES WITH LESS RESTRICTIVE OWNER REQUIREMENTS. Except as provided in sub. (4), a political subdivision may enact an ordinance whose requirements on the installation or use of a wind energy system are less restrictive than specified in this subchapter.

(3) NO ORDINANCE. Except as provided in sub. (4), if a political subdivision does not enact an ordinance establishing requirements on the installation or use of a wind energy system, this subchapter does not apply within the political subdivision.

(4) MANDATORY REQUIREMENTS. (a) Section PSC 128.105 applies to every owner of a wind energy system, regardless of the political subdivision in which the wind energy system is located and regardless of the contents of a political subdivision’s ordinance or the lack of an ordinance.

(b) Section PSC 128.13 (2) (a) applies to every political subdivision, regardless of the contents of its ordinance or the lack of an ordinance.

(c) Section PSC 128.19 applies to every owner of a wind energy system of at least one megawatt, regardless of the political subdivision in which the wind energy system is located and regardless of the contents of a political subdivision’s ordinance or the lack of an ordinance.

(5) SMALL WIND ENERGY SYSTEMS. For a small wind energy system, this subchapter applies as provided in ss. PSC 128.60 and 128.61.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.105 Development of a wind energy system; notice requirements. (1) PRE-APPLICATION NOTICE.** At least 90 days before an owner files an application to construct a wind energy system, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:

(a) Landowners within one mile of a planned wind turbine host property.

(b) Political subdivisions within which the wind energy system may be located.

(c) Emergency first responders and air ambulance service providers serving a political subdivision within which the wind energy system may be located.

- (d) The Wisconsin department of transportation.
- (e) The commission.
- (f) The DNR.
- (g) The Wisconsin department of agriculture, trade and consumer protection.
- (h) The office of the deputy undersecretary of the U.S. department of defense.

**(1m) ADDITIONAL PRE-APPLICATION NOTICE TO COMMISSION.** At least 180 days before filing an application to construct a wind turbine with a maximum blade tip height exceeding 600 feet, or a wind energy system in those portions of Lake Michigan or Lake Superior that are within the jurisdiction of the state, the owner shall provide written notice of the planned wind energy system to the commission.

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

- (a) A complete description of the wind energy system, including the number and size of the planned wind turbines.
- (b) A map showing the planned location of all wind energy system facilities.
- (c) Contact information for the owner.
- (d) A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.
- (e) Whether the owner is requesting a joint application review process under s. PSC 128.30 (7) and the name of each political subdivision that may participate in the joint review process.

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.11 Real property provisions. (1) EASEMENT RECORDING REQUIRED.** A wind energy system easement or wind access easement shall be recorded under ch. 706, Stats. A wind energy system easement or wind access easement shall include the term of the easement and a full legal description of the property subject to the easement.

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

- (a) Any violation of federal, state or local law by the owner of the wind energy system.
- (b) Any damages or bodily injury caused by the construction, operation or decommissioning of the wind energy system.

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.12 Existing property uses. (1) LAND USE AND COMMERCIAL ENTERPRISES.** An owner shall make reasonable efforts to ascertain and accommodate any land use or commercial enterprise located on a nonparticipating property within 0.5 mile of a proposed wind turbine site if the land use or commercial enterprise exists when the owner gives notice under s. PSC 128.105 (1), or if complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date the owner gives notice under s. PSC 128.105 (1).

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

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.13 Siting criteria. (1) SETBACK DISTANCE AND HEIGHT REQUIREMENTS.** (a) An owner shall design and construct a wind energy system using the wind turbine setback distances shown in Table 1.

**Table 1**

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

(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 a political subdivision 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) A political subdivision 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 political subdivision's jurisdiction, except as provided in s. 66.0401 (4) (f) 2., Stats.

(b) A political subdivision may not set height or setback distance limitations for a wind turbine near a public use airport or heliport that are more restrictive than existing airport and airport approach protection provisions under ss. 114.135 and 114.136, Stats. If no provisions have been established for public use airports or heliports under s. 114.135 or 114.136, Stats., the political subdivision may adopt wind turbine height or setback distance provisions that are based on, but not more restrictive than, the federal aviation administration obstruction standards in 14 CFR Part 77.

(c) A political subdivision may set height or setback distance limitations for wind turbines near a private heliport at a medical facility used for air ambulance service that are based on, but not more restrictive than, federal aviation administration obstruction standards that apply to public use heliports.

(d) A political subdivision may not set height or setback distance limitations for a wind turbine near a private use airport or heliport except as provided in par. (c).

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.14 Noise criteria. (1) DEFINITIONS.** In this section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

(2) **PLANNING.** (a) The noise limits in this section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).

(b) An owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.

(c) An owner shall design a wind energy system to comply with the noise standards in this section under planned operating conditions.

(3) **NOISE LIMITS.** (a) Except as provided in par. (b), subs. (4) (c) and (5), an owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.

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

(4) **COMPLIANCE.** (a) If an owner uses sound level measurements to evaluate compliance with this section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this section.

(b) Upon receipt of a complaint regarding a violation of the noise standards in sub. (3) (a), an owner shall test for compliance with the noise limits in sub. (3) (a). A political subdivision or monitoring committee established under s. PSC 128.41 may not require additional testing to show compliance with sub. (3) (a) if the owner has provided the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with sub. (3) (a) at the location relating to the complaint.

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

(d) An owner shall evaluate compliance with sub. (3) (a) as part of pre- and post-construction noise studies. An owner shall conduct pre- and post-construction noise studies under the most current version of the noise measurement protocol as described in s. PSC 128.50 (2).

(5) **WAIVER.** Upon request by an owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating res-

idence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under ch. 706, Stats.

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

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.15 Shadow flicker. (1) PLANNING.** (a) The shadow flicker requirements in this section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under s. PSC 128.105 (1) or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under s. PSC 128.105 (1).

(b) An owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.

(c) An owner shall use shadow flicker computer modeling to estimate the amount of shadow flicker anticipated to be caused by a wind energy system and shall design the wind energy system so that computer modeling indicates that no nonparticipating residence or occupied community building will experience more than 30 hours per year of shadow flicker under planned operating conditions.

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

(3) **SHADOW FLICKER MITIGATION.** (a) An owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.

(b) An owner shall provide reasonable shadow flicker mitigation at the owner's expense for a nonparticipating residence or occupied community building experiencing 20 hours or more per year of shadow flicker.

(c) An owner shall model shadow flicker and a nonparticipating residence or occupied community building is eligible for mitigation if computer modeling shows that shadow flicker at the nonparticipating residence or occupied community building will be 20 hours or more per year. An owner of a nonparticipating residence or occupied community building is not required to document the actual hours per year of shadow flicker if modeling indicates the nonparticipating residence or occupied community building is eligible for mitigation. A nonparticipating residence or occupied community building that experiences 20 hours or more per year of shadow flicker based on records kept by the resident of a nonparticipating residence or the occupant of an occupied community building shall also be eligible for mitigation.

(d) An owner may provide shadow flicker mitigation for any residence or occupied community building in addition to the mitigation required under par. (b).

(e) The requirement under par. (b) to mitigate shadow flicker applies when the owner receives a complaint or request for mitigation regarding shadow flicker for an eligible nonparticipating residence or occupied community building. If shadow flicker mitiga-

tion is required, the owner of the wind energy system shall allow the owner of the nonparticipating residence or occupied community building to choose a preferred reasonable mitigation technique, including installation of blinds or plantings at the wind energy system owner's expense.

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

**(5) NOTIFICATION.** (a) Before entering into a contract under sub. (4), a wind energy system owner shall provide notice of the requirements of this section to individual owners of an affected nonparticipating residence or occupied community building.

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.16 Signal interference. (1) PLANNING.** (a) Except as provided in sub. (4), the signal interference requirements in this section apply to commercial communications and personal communications in use when the wind energy system begins operation.

(b) A owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.

(c) An owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. A political subdivision may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.

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

**(3) PERSONAL COMMUNICATIONS INTERFERENCE MITIGATION.** (a) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications in use when a wind energy system begins operation caused by a wind energy system. A political subdivision may require an owner to use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operation, if a wind energy system is causing the interference and the interference occurs at a location at least 0.5 mile from a wind turbine.

(b) Before implementing mitigation measures, the owner shall consult with affected parties regarding the preferred mitigation solution for personal communications interference problems. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.

**(4) MITIGATION PROTOCOL.** A political subdivision may, under a protocol established under s. PSC 128.50 (2), require an owner to implement a new mitigation solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under sub. (2) or (3) and for which the original mitigation solution implemented is only partially effective.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11; correction in (1) (a) made under s. 13.92 (4) (b) 7., Stats., Register February 2011 No. 662.

**PSC 128.17 Stray voltage. (1) TESTING REQUIRED.** (a) An owner shall work with the local electric distribution company to test for stray voltage at all dairy and confined animal operations within 0.5 mile of a wind energy system facility pursuant to the stray voltage protocol established by the commission before any wind energy system construction activity that may interfere with testing commences and again after construction of the wind energy system is completed, except as otherwise specified by commission staff under par. (b).

(b) Before any testing under par. (a) begins, an owner shall work with commission staff to determine the manner in which stray voltage testing will be conducted and on which properties. The electric distribution company serving a dairy or confined animal operation where testing is required under par. (a) shall conduct or arrange to conduct all required testing at the expense of the owner.

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

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.18 Construction and operation. (1) PHYSICAL CHARACTERISTICS.** (a) An owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. An owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. An owner may attach a safety feature or wind monitoring device to a wind turbine.

(b) An owner shall ensure that a wind turbine has a conventional or unobtrusive finish.

(c) An owner shall install lighting at a wind energy system that complies with standards established by the federal aviation administration. A political subdivision may not establish lighting requirements for a wind energy system that conflict with standards established by the federal aviation administration. A political subdivision may require use of shielding or control systems approved by the federal aviation administration to reduce visibility of lighting to individuals on the ground.

(d) An owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.

(e) An owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.

(f) An owner shall place appropriate warning signage on or at the base of each wind turbine.

(g) An owner shall post and maintain up-to-date signs containing a 24-hour emergency contact telephone number, information identifying the owner, and sufficient information to identify the location of the sign within the wind energy system. An owner shall post these signs at every intersection of a wind energy system access road with a public road and at each wind turbine location.

(h) An owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.

**(2) ELECTRICAL STANDARDS.** (a) An owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and ch. PSC 114 and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.

(b) An owner shall construct collector circuit facilities for a wind energy system underground to the extent practicable.

(c) An owner shall establish an inspection schedule for all overhead collector circuits to ensure that third-party facilities, including cable television and telecommunications cables, are not attached or bonded to overhead collector circuit grounding. If third-party facilities are found attached to the overhead collector facilities, the owner shall ensure that the third-party facilities are promptly removed.

**(3) CONSTRUCTION, OPERATION, AND MAINTENANCE STANDARDS.** (a) An owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.

(am) An owner shall minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land during the construction or decommissioning of the wind energy system. A political subdivision may establish reasonable requirements designed to minimize soil compaction, topsoil mixing and damage to drainage systems on agricultural land.

(b) Except for the area physically occupied by the wind energy system facilities, an owner shall restore the topography, soils and vegetation of the project area to original condition after construction is complete, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

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

**(4) EMERGENCY PROCEDURES.** (a) An owner shall notify a political subdivision of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

(b) An owner shall establish and maintain liaison with a political subdivision and with fire, police, and other appropriate first responders serving the wind energy system to create effective emergency plans that include all of the following:

1. A list of the types of wind energy system emergencies that require notification under par. (a).

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

3. Procedures for handling different types of wind energy system emergencies, including written procedures that provide for

shutting down the wind energy system or a portion of the system as appropriate.

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

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

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

(d) The owner shall distribute current copies of the emergency plan to the political subdivision and fire, police and other appropriate first responders as identified by the political subdivision.

(e) A political subdivision may require the owner to provide annual training for fire, police and other appropriate first responders regarding responding to a wind energy system emergency until the wind energy system has been decommissioned.

(f) An owner of a wind energy system shall do all of the following:

1. Furnish its operator, supervisors and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.

2. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.

3. As soon as possible after the end of a wind energy system emergency, review employee activities to determine whether the procedures were effectively followed.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.19 Decommissioning.** **(1) REQUIREMENT TO DECOMMISSION.** (a) An owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.

(b) A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 360-day period. This presumption may be rebutted under par. (c).

(c) Upon application by the owner, and except as provided in par. (d), a political subdivision shall grant an extension of the time period for returning the wind energy system to service by one or more additional 180 day periods if the owner demonstrates it is likely the wind energy system will operate again in the future and any of the following occur:

1. The owner submits a plan to the political subdivision that demonstrates an ongoing good faith effort to return the wind energy system to service and outlines the steps and schedule for returning the wind energy system to service in a reasonable period of time, including by repairing, replacing or repowering the wind energy system facilities as necessary to generate electricity.

2. The owner demonstrates that the wind energy system is part of a prototype or other demonstration project being used for ongoing research or development purposes.

3. The owner demonstrates that the wind energy system is being used for educational purposes.

(d) A political subdivision may deny a request for an extension under par. (c) if the wind energy system has not generated any electricity for a continuous period of 540 days or more and the political subdivision finds that the owner is not capable of returning the wind energy system to service within a reasonable period of time.

(e) A wind energy system is irrebuttably presumed to be at the end of its useful life if the wind energy system generates no electricity for a period of 540 days and any of the following occur:

1. The owner does not request an extension of the time period for returning the wind energy system to service under par. (c).

2. The political subdivision denies a request for an extension under par. (d) and any appeal rights have expired.

(f) When decommissioning is required, the owner shall begin decommissioning within 360 days after the wind energy system has reached the end of its useful life. The owner shall complete decommissioning and removal of the wind energy system within 540 days after the wind energy system has reached the end of its useful life.

**(2) DECOMMISSIONING REVIEW.** A political subdivision may establish a decommissioning review process to determine when a wind energy system has reached the end of its useful life.

**(3) FINANCIAL RESPONSIBILITY.** (a) The owner of a wind energy system with a nameplate capacity of one megawatt or larger shall maintain proof of the owner's ability to fund the actual and necessary cost to decommission the wind energy system and shall ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

(b) A political subdivision may require an owner of a wind energy system with a nameplate capacity of one megawatt or larger to provide financial assurance of the owner's ability to pay for the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site. An owner may comply with this paragraph by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities.

(c) A political subdivision may require an owner to provide the financial assurance under par. (b) in an amount up to the estimated actual and necessary cost to decommission the wind energy system. If a political subdivision requires an owner to provide financial assurance under par. (b), the political subdivision may do any of the following:

1. Require the owner to provide the political subdivision with up to 3 cost estimates of the actual and necessary cost to decommission the wind energy system that are prepared by third parties agreeable to the owner and the political subdivision.

3. Require an owner to establish financial assurance that places the political subdivision in a secured position, and that any secured funds may only be used for decommissioning the wind energy system until either the political subdivision determines that the wind energy system has been decommissioned under sub. (5) (b), or until the political subdivision has otherwise approved the release of the secured funds, whichever is earlier.

4. Require an owner to establish financial assurance that allows the political subdivision to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is required.

(d) If a political subdivision requires an owner to provide cost estimates under par. (c) 1., a political subdivision may not require the amount of the financial assurance to exceed the average of the cost estimates provided.

(e) A political subdivision may condition its approval of a wind energy system on the owner's compliance with pars. (b) and (c).

(f) During the useful life of a wind energy system, the political subdivision may periodically request information from the owner regarding the industry costs for decommissioning the wind energy system. If a political subdivision finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance previously provided under par. (b), the political subdivision may correspondingly increase or decrease the amount of financial assurance

required for the wind energy system. A political subdivision may not adjust the financial assurance under this paragraph more often than once in a 5-year period.

(g) A political subdivision may require an owner to submit to the political subdivision a substitute financial assurance of the owner's choosing under par. (b) if an event occurs that raises material concerns regarding the viability of the existing financial assurance.

**(4) SITE RESTORATION.** (a) Except as provided in par. (b), if a wind energy system was constructed on land owned by a person other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.

(b) If a wind energy system was constructed on a brownfield, as defined in s. 238.13 (1) (a), Stats., the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in s. 238.13 (1) (d), Stats.

**(5) DECOMMISSIONING COMPLETION.** (a) An owner shall file a notice of decommissioning completion with the political subdivision and the commission when a wind energy system approved by the political subdivision has been decommissioned and removed.

(b) Within 360 days of receiving a notice of decommissioning, a political subdivision shall determine whether the owner has satisfied the requirements of subs. (1) (a) and (4).

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11; correction in (4) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2012 No. 684.

### Subchapter III — Political Subdivision Procedure

#### PSC 128.30 Application and notice requirements.

**(1) APPLICATION REQUIRED.** An owner shall file an application to construct a wind energy system with all political subdivisions with jurisdiction over the wind energy system.

**(2) CONTENTS OF AN APPLICATION.** An owner shall complete and file with the political subdivision 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 land uses within 0.5 mile of the wind energy system.

(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 the political subdivision 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 copy of all emergency plans developed in collaboration with appropriate first responders under s. PSC 128.18 (4) (b). An owner may file plans using confidential filing procedures as necessary.

(m) A decommissioning and site restoration plan providing reasonable assurances that the owner will be able to comply with s. PSC 128.19.

(n) A representative copy of all notices issued under sub. (5) and ss. PSC 128.105 (1) (a) and 128.42 (1).

(p) 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.** A political subdivision may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. A political subdivision may permit an owner to file an application electronically.

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

1. A complete description of the wind energy system, including the number and size of the wind turbines.
2. A map showing the locations of all proposed wind energy system facilities.
3. The proposed timeline for construction and operation of the wind energy system.
4. Locations where the application is available for public review.
5. Owner contact information.

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

**(6) PUBLIC PARTICIPATION.** (a) A political subdivision shall make an application for a wind energy system available for public review at a local library and at the political subdivision's business office or some other publicly-accessible location. A political subdivision may also provide public access to the application electronically.

(b) A political subdivision shall establish a process for accepting and considering written public comments on an application for a wind energy system.

(c) A political subdivision shall hold at least one public meeting to obtain comments on and to inform the public about a proposed wind energy system.

**(7) JOINT APPLICATION REVIEW PROCESS.** (a) If the wind energy system is proposed to be located in more than one political subdivision with jurisdiction over the wind energy system, the political subdivisions involved may conduct a joint application review process on their own motion or upon request. If an owner requests a joint application review, the owner shall include the request in its notice of intent to file an application with the political subdivision under s. PSC 128.105 (1). If the owner requests a joint application review process, the political subdivisions involved shall approve or deny this request within 60 days of receipt of the owner's notice of intent to file an application.

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.31 Application completeness.** **(1) COMPLETE APPLICATIONS.** (a) An application is complete if it meets the filing requirements under ss. PSC 128.30 (2) and 128.50 (1).

(b) The political subdivision shall determine the completeness of an application, and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the political subdivision in writing that all the application materials have been filed. If a political subdivision determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.

(c) An owner may file a supplement to an application that the political subdivision has determined to be incomplete. There is no limit to the number of times that an owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in the notice under par. (b).

(d) An additional 45-day completeness review period shall begin the day after the political subdivision receives responses to all items identified in the notice under par. (b).

(e) If a political subdivision does not make a completeness determination within the applicable review period, the application is considered to be complete.

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.32 Political subdivision review of a wind energy system.** **(1) APPROVAL BY POLITICAL SUBDIVISION.** Except as provided in s. PSC 128.02 (1), a political subdivision may require an owner to obtain approval from the political subdivision before constructing any of the following:

- (a) A wind energy system.
- (b) An expansion of an existing or previously-approved wind energy system.

**(2) STANDARD FOR APPROVAL.** (a) A political subdivision may not unreasonably deny an application for a wind energy system or impose unreasonable conditions.

(b) For a political subdivision that does not have in effect an ordinance as described in s. PSC 128.03 and s. 66.0401 (4) (g), Stats., an application submitted under s. PSC 128.30 (1) shall be considered automatically approved if any of the following occur:

1. The political subdivision does not enact an ordinance before the first day of the 4th month after the political subdivision receives the application.

2. The political subdivision notifies the applicant in writing that it does not intend to enact an ordinance, as described in s. 66.0401 (4) (a) 2., Stats.

**(3) WRITTEN DECISION.** (a) A political subdivision shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact sup-

ported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial. A political subdivision may make its approval subject to the conditions in s. PSC 128.33.

(b) 1. A political subdivision shall provide its written decision to the owner and to the commission. If a political subdivision approves an application for a wind energy system, the political subdivision shall provide the owner with a duplicate original of the decision.

2. The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.

(4) EFFECT OF OWNERSHIP CHANGE ON APPROVAL. Approval by a political subdivision of a wind energy system remains in effect if there is a change in the owner of the wind energy system. A political subdivision may require an owner to provide timely notice of any change in the owner of the wind energy system.

(5) FEES. (a) A political subdivision may charge an owner a reasonable application fee or require an owner to reimburse the political subdivision for reasonable expenses relating to the review and processing of an application for a wind energy system.

(b) A political subdivision's fee or reimbursement requirement under par. (a) shall be based on the actual and necessary cost of the review of the wind energy system application, and may include the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts. The political subdivision may by ordinance set standardized application fees based on the size and complexity of a proposed wind energy system.

(c) A political subdivision may require an owner of a wind energy system to submit up to 50 percent of the total estimated amount of the fee or reimbursement for the wind energy system application under par. (a) before issuing a written decision under sub. (3) (a), if the political subdivision gives written notice to the owner of its intent to do so within 10 days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.

(d) A political subdivision may not charge an owner an annual fee or other recurring fees to operate or maintain a wind energy system.

**Note:** See also s. 66.0628 (2), Stats., which requires any fee imposed by a political subdivision to bear a reasonable relationship to the service for which the fee is imposed.

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.33 Political subdivision permitted provisions.** A political subdivision may do any of the following in an ordinance or establish any of the following as a condition for approval of an application to construct a wind energy system:

(1) INFORMATION. Require information about whether an owner has consulted with and received any non-binding recommendations for constructing, operating or decommissioning the wind energy system from a state or federal agency, and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system.

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

(3) MONETARY COMPENSATION. Require an owner of a wind energy system to offer an agreement that includes annual monetary compensation to the owner of a nonparticipating residence, if the residence is located within 0.5 mile of a constructed wind turbine. For one turbine located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$600. For two turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$800. For three or more turbines located within 0.5 mile of a nonparticipating residence, the initial annual monetary compensation may not exceed \$1,000. The ini-

tial annual monetary compensation under this subsection shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in s. 196.374 (5) (bm) 2. b., Stats., from the previous year. An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this chapter and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this chapter.

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

(a) Substantial evidence of a history, before the wind energy system owner gives notice under s. PSC 128.105 (1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans or sweet corn on all or part of a farm field located within 0.5 mile of a constructed wind turbine.

(b) A material reduction in potato, pea, snap bean or sweet corn production or a material increase in application costs on all or part of a farm field located within 0.5 mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

(4) PERMITS. Require the owner to submit to the political subdivision copies of all necessary state and federal permits and approvals.

(5) ANNUAL REPORTS. Require the owner to file an annual report with the political subdivision documenting the operation and maintenance of the wind energy system during the previous calendar year.

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.34 Record of decision. (1) RECORDKEEPING.** (a) A political subdivision shall keep a complete written record of its decision-making relating to an application for a wind energy system.

(b) If a political subdivision denies an application, the political subdivision shall keep the record for at least 7 years following the year in which it issues the decision.

(c) If a political subdivision approves an application, the political subdivision shall keep the record for at least 7 years after the year in which the wind energy system is decommissioned.

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

(a) The approved application and all additions or amendments to the application.

(b) A representative copy of all notices issued under ss. PSC 128.105 (1) (a), 128.30 (5), and 128.42 (1).

(c) A copy of any notice or correspondence that the political subdivision issues related to the application.

(d) A record of any public meeting under s. PSC 128.30 (6) (c) and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.

(e) Copies of any correspondence or evidentiary material that the political subdivision considered in relation to the application, including copies of all written public comments filed under s. PSC 128.30 (6) (b).

(f) Minutes of any political subdivision, board, council or committee meetings held to consider or act on the application.

(g) A copy of the written decision under s. [PSC 128.32 \(3\) \(a\)](#).

(h) Other materials that the political subdivision prepared to document its decision-making process.

(i) A copy of any political subdivision ordinance cited in or applicable to the decision.

**(3) POST-CONSTRUCTION FILING REQUIREMENT.** Within 90 days of the date a wind energy system commences operation, the owner shall file with the political subdivision and the commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities and current information identifying the owner of the wind energy system. An owner shall in the filings under this subsection label each wind turbine location with a unique identifier consistent with the information posted at the wind turbine location under s. [PSC 128.18 \(1\) \(g\)](#).

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.35 Modifications to an approved wind energy system. (1) MATERIAL CHANGE.** (a) An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the political subdivision that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in s. [PSC 128.32 \(2\) \(b\) 1.](#) or 2.

(b) An owner shall submit an application for a material change to an approved wind energy system to the political subdivision that authorized the wind energy system.

**(2) REVIEW LIMITED.** (a) A political subdivision that receives an application for a material change to a wind energy system under sub. (1) (b) may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.

(b) An application for a material change is subject to ss. [PSC 128.30 \(1\), \(3\) to \(5\), \(6\) \(a\) and \(b\), and \(7\) and 128.31 to 128.34.](#)

(c) An application for a material change shall contain information necessary to understand the material change.

(d) A political subdivision may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.36 Monitoring compliance. (1) MONITORING PROCEDURE.** A political subdivision may establish a procedure to monitor compliance by the owner with any condition on an approved wind energy system or to assess when wind energy system facilities are not maintained in good repair and operating condition. The procedure may include timelines, provide for payment of reasonable fees for conducting an assessment, and provide for notification to the public.

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

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

## Subchapter IV — Complaints

**PSC 128.40 Complaint process. (1) MAKING A COMPLAINT.** (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this chapter or an ordinance adopted under this chapter.

(b) A complaint under par. (a) shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.

(c) A complainant may petition the political subdivision for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.

(d) A political subdivision's decision under par. (c) is subject to review under s. [66.0401 \(5\), Stats.](#)

**(2) COMPLAINT RESOLUTION.** (a) An owner shall use reasonable efforts to resolve complaints regarding a wind energy system and shall investigate complaints regarding a wind energy system at the owner's expense.

(b) Upon receipt of a complaint, an owner shall provide the complainant with a copy of the notice described in s. [PSC 128.42 \(1\)](#). Within 30 days of receiving a complaint, an owner shall provide an initial response to the complainant.

(c) An owner shall make a good faith effort to resolve complaints within 45 days of receiving a complaint. An owner shall notify a political subdivision of complaints that have not been resolved within 45 days of the date the owner received the original complaint.

(d) An owner shall maintain a log of all complaints received regarding the wind energy system. The owner shall include in the log the name and address of each complainant, the nature of each complaint, and the steps taken to resolve each complaint. An owner shall provide a copy of a complaint log monthly, at no cost, either to a monitoring committee established under s. [PSC 128.41](#) or, if a monitoring committee has not been established, to the political subdivision. An owner shall make any complaint log available to the commission upon request.

(e) An owner shall develop a complaint resolution process that is consistent with this subsection.

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.41 Monitoring committee. (1) COMMITTEE.** Except as provided in sub. (3), a political subdivision may establish a monitoring committee to oversee resolution of complaints regarding a wind energy system. A monitoring committee shall include on the committee a member who is a local employee of an owner of a wind energy system and, if in existence, at least one nonparticipating landowner residing in the political subdivision within 0.5 mile of a wind turbine that is located in the political subdivision.

**(2) DUTIES.** A monitoring committee established under sub. (1) may do any of the following:

(a) Maintain a record of all complaints brought to it.

(b) Require the owner to provide the committee with information regarding the owner's response to any complaint forwarded to the owner by the committee.

(c) Recommend to the political subdivision a reasonable resolution to a complaint based upon the information gathered by the committee.

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

**History:** CR 10-057; cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.42 Notice to property owners and residents. (1) NOTICE OF PROCESS FOR MAKING COMPLAINTS.** Before construction of a wind energy system begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 mile of any wind energy system facility. An owner shall

include in the notice the requirements under s. PSC 128.40 (1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

(2) NOTICE TO POLITICAL SUBDIVISION. An owner shall provide a copy of the notice under sub. (1) to any political subdivision with jurisdiction over the wind energy system, and the owner shall keep the contact person and telephone number current and on file with the political subdivision.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

### Subchapter V — Commission Procedure

**PSC 128.50 Standards established by the commission.** (1) DETAILED APPLICATION FILING REQUIREMENTS. The commission shall establish detailed application filing requirements for applications filed for political subdivision review of a wind energy system, which shall contain a detailed description of the information required to satisfy the filing requirements for applications under s. PSC 128.30 (2). The commission may revise these requirements as necessary. The commission shall make the filing requirements available to the public on the commission's website.

(2) COMMISSION PROTOCOLS. (a) The commission may periodically create and revise measurement, compliance, and testing protocols as needed to provide standards for evaluating compliance with this chapter. These protocols may be created and revised to reflect current industry practice, changes in the state of the art, and implementation of new technologies. The commission may make protocols under this subsection available to the public on the commission's website.

(b) The commission may establish protocols in any of the following areas:

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

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

**PSC 128.51 Commission review.** (1) APPEALS TO THE COMMISSION. An appeal under s. 66.0401 (5) (b), Stats., shall be treated as a petition to open a docket under s. PSC 2.07, except the time provisions of that section do not apply.

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

- (a) The petitioner's name, address, and telephone number.
- (b) The name, address, and telephone number of the political subdivision that is the subject of the petition.
- (c) A description of the wind energy system that is the subject of the petition.
- (d) A description of the petitioner's relationship to the wind energy system.
- (e) The information specified in s. PSC 2.07 (2).

(3) POLITICAL SUBDIVISION FILING REQUIREMENTS. (a) A political subdivision shall file a certified copy of the information required under s. 66.0401 (5) (c), Stats., using the commission's electronic regulatory filing system.

(b) The commission may require the political subdivision to file up to 5 paper copies of the record upon which it based its decision.

(c) The commission may require the political subdivision to file additional information.

(4) SERVICE AND NOTICE. (a) An owner submitting a petition under sub. (2) (intro.) shall serve a copy of the petition on the political subdivision and on any other person specified in s. PSC 2.07 (3).

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

(c) A political subdivision that is subject to a petition under sub. (2) shall make a copy of the petition available for public inspection and, in the manner in which it is required to publish notice of a public meeting, publish notice of that petition.

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

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

(7) REMAND TO POLITICAL SUBDIVISION. (a) Except as provided in par. (b), if the commission remands any issue to the political subdivision, the political subdivision's review on remand shall be completed in a time frame established by the commission in its remand order.

(b) If the commission determines that a political subdivision has not yet reviewed an application that is complete, and the commission remands the application to the political subdivision for review, the political subdivision's review shall be completed within the time frame provided for reviewing a complete application under this chapter and s. 66.0401 (4) (d) and (e), Stats., beginning with the day after the day on which the commission issues its remand order.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

### Subchapter VI — Small Wind Energy Systems

**PSC 128.60 Exemptions from this chapter.** All of the provisions in this chapter apply to a small wind energy system except ss. PSC 128.14 (4) (d), 128.15 (1) (c), (3) (b) to (e), and (5), 128.16 (2) to (4), 128.18 (1) (g), (2) (b) and (c), (3) (am), (b) and (c), and (4) (b) to (f), 128.19 (1) (c) to (e), (3), and (4), 128.30 (2) (L) and (m), 128.33 (1) to (3m) and (5), 128.34 (3), 128.36, 128.40 (2) (b) to (e), 128.41, and 128.42.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11; correction made under s. 13.92 (4) (b) 7., Stats., Register February 2011 No. 662.

**PSC 128.61 Modifications to this chapter.** The following provisions in this chapter are modified to apply to a small wind energy system as follows:

(1) NOTICE. Under s. PSC 128.105 (1), the notice shall be filed at least 60 days before an owner files an application to construct a small wind energy system and the notice shall be provided only to adjacent landowners and the political subdivisions with jurisdiction over the small wind energy system.

(2) LAND USE. Section PSC 128.12 (1) applies only to existing land uses and enterprises that are located on adjacent nonparticipating properties.

(3) SETBACK DISTANCES. In s. PSC 128.13 (1):

(a) Table 1 is replaced with Table 2.

(b) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable turbine setback distances in Table 2.

Table 2

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

**(4) NOISE.** Under s. [PSC 128.14 \(6\) \(b\)](#), an owner shall provide notice of the requirements of s. [PSC 128.14](#) only to each adjacent nonparticipating residence or occupied community building before the initial operation of the small wind energy system.

**(5) USEFUL LIFE.** Under s. [PSC 128.19 \(1\)](#), a small wind energy system is presumed to be at the end of its useful life if it generates no electricity for a continuous 540-day period.

**(6) EFFECTS ON LAND USES.** Under s. [PSC 128.30 \(2\) \(g\)](#), the information regarding the anticipated effects of the small wind energy system on existing land uses shall only be for parcels adjacent to the wind energy system.

**(7) APPLICATION NOTICE.** Under s. [PSC 128.30 \(5\) \(a\)](#), written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system.

**(8) MEETINGS.** Under s. [PSC 128.30 \(6\) \(c\)](#), a political subdivision may hold at least one public meeting to obtain comments on and to inform the public about a proposed small wind energy system.

**History:** CR 10-057: cr. Register February 2011 No. 662, eff. 3-1-11.

## VILLAGE OF SISTER BAY ZONING CODE

### SEC. 66.0807 VIBRATION

### SEC. 66.0809 OUTDOOR LIGHTING

- |    |  |     |  |
|----|--|-----|--|
| 1  | <b>Sec. 66.0807 Vibration</b>                          | 56  |  |
| 2  | No activity in any district shall emit vibrations,     | 57  |  |
| 3  | which are discernible by the Zoning Administrator      | 58  |  |
| 4  | without instruments outside its premises. Any          | 59  |  |
| 5  | construction or utility installation activity that re- | 60  |  |
| 6  | quires blasting of rock shall require a notification   | 61  |  |
| 7  | plan for neighboring properties and the issuance       | 62  |  |
| 8  | of a permit by the Zoning Administrator.               | 63  |  |
| 9  | <b>Sec. 66.0808 Noise</b>                              | 64  |  |
| 10 | Any activity or operation of any use producing         | 65  |  |
| 11 | noise, other than ordinary vehicular noise, shall      | 66  |  |
| 12 | be conducted so that no noise from the activity or     | 67  |  |
| 13 | operation shall exceed the following limits at a       | 68  |  |
| 14 | point of 25 feet from the boundaries of the lot on     | 69  |  |
| 15 | which the noise is emanating; residential dis-         | 70  |  |
| 16 | tricts—65 decibels and business districts—70 dec-      | 71  |  |
| 17 | ibels.   | 72  |  |
| 18 | <b>Sec. 66.0809 Outdoor Lighting</b>                   | 73  |  |
| 19 | (a) <u>Purpose, Purpose and intent:</u>                | 74  |  |
| 20 | This section regulates all outdoor lighting            | 75  |  |
| 21 | installed on residential, business and insti-          | 76  |  |
| 22 | tutional sites, both publicly and privately            | 77  |  |
| 23 | owned within the Village, with the excep-              | 78  |  |
| 24 | tion of outdoor lighting on public streets,            | 79  |  |
| 25 | public bikeways and public walkways. The               | 80  |  |
| 26 | purpose of this section is to create stand-            | 81  |  |
| 27 | ards for outdoor lighting that do not inter-           | 82  |  |
| 28 | fere with the reasonable use of residential,           | 83  |  |
| 29 | business and institutional sites, that prevent         | 84  |  |
| 30 | light trespass and conserve energy yet                 | 85  |  |
| 31 | maintain night time safety. If outdoor light-          | 86  |  |
| 32 | ing is installed, it shall be in conformance           | 87  |  |
| 33 | with the provisions of this section of the             | 88  |  |
| 34 | Municipal Code, the building code and all              | 89  |  |
| 35 | other codes and regulations as applicable              | 90  |  |
| 36 | and under appropriate permit and inspec-               | 91  |  |
| 37 | tion.  | 92  |  |
| 38 | (b) <u>General requirements:</u>                       | 93  |  |
| 39 | (1) All outdoor lighting fixtures installed            | 94  |  |
| 40 | November 13, 2004 and thereafter                       | 95  |  |
| 41 | maintained upon private or public                      | 96  |  |
| 42 | residential, business, and institu-                    | 97  |  |
| 43 | tional property shall comply with                      | 98  |  |
| 44 | the following:   | 99  |  |
| 45 | a. The maximum allowable                               | 100 |  |
| 46 | light trespass shall be 0.5                            | 101 |  |
| 47 | horizontal foot-candles four                           | 102 |  |
| 48 | feet above ground. The point                           | 103 |  |
| 49 | of measurement of this of-                             | 104 |  |
| 50 | fending light shall be at the                          | 105 |  |
| 51 | property line for residential,                         | 106 |  |
| 52 | commercial, institutional or                           | 107 |  |
| 53 | public use. The measurement                            | 108 |  |
| 54 | shall not include any ambi-                            | 109 |  |
| 55 | ent natural light.                                     | 110 |  |
|    |  | 111 |  |
|    |  | 121 |  |

- b. Light sources shall be shielded or installed so that there is not a direct line of sight between the light source and its reflection and at a point five feet or higher above the ground of adjacent property and public streets. The light source shall not be of such intensity to cause discomfort or annoyance.
- c. Any outdoor lighting fixture installed on a parking lot shall use metal halide lamps.
- d. The lighting system shall be extinguished or reduced to fifty percent no later than thirty minutes after the close of business for the day. The fifty percent reduction shall be applied to the entire lot or structure.
- e. All lamp types utilized for search lighting shall not be allowed. Outdoor lighting fixtures used to illuminate sports fields and tennis courts shall be reduced by 50% past 10:00 PM.
- f. Flashing, flickering, and other distracting lighting, which may distract motorists is prohibited.
- g. Light fixtures shall not be permitted within required buffer yards.
- (2) All outdoor fixtures installed prior to November 13, 2004 shall be exempt from this section except as follows:
- a. If any modifications, construction or changes to an existing outdoor lighting fixture system is proposed to affect fifty percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this section.
- b. All outdoor lighting fixtures installed on R-2 residential projects or sites shall conform to subsection (c)(3) herein.
- (3) All outdoor lighting fixtures shall be maintained according to materials

## **Sister Bay Noise Report**

<b><u>Location</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Reading</u></b>
On Deck (music and cars)	8/13/2014	1:15PM	54.4-82.3db
Piggly Wiggly (Parking Lot)	8/13/2014	2:22PM	58.3-70.1db
Birdho's	8/13/2014	2:30PM	56.8-83.6db
Husby's (Indoor Music, Door Open v. Clo	8/15/2014	12:15AM	53.2-76.4db
Sports Complex	8/14/2014	10:30AM	42.1-51.3db
Gateway Park	8/14/2014	11:45AM	58.4-82.1db
Maple Dr.	8/13/2014	12:30AM	40.2-48.6db

Ambient should be considered lower number in range, with momentary background noise at upper end of range.



August 4, 2014

James Larson

Husby's has been observed to be in violation of conditions of their Liquor License. On Friday, August 1 at approximately 10:45 I entered the premise and engaged Mr. Mike Termini and Mr. James Larson regarding a complaint of noise as a product of live music being performed after the permitted time of 10:30PM. Mr. Larson and Mr. Termini indicated they thought the live music was permitted until 11PM. I indicated that 10:30PM was the cutoff time listed as a condition on the liquor license. Licensees have been issued copies of these restrictions with their license, which is to be displayed prominently in public at all times, and restrictions were discussed at a properly noticed meeting of the Village Board prior to issuance.

Husby's was again observed to be in violation of conditions of their Liquor License on Saturday, August 2, 2014. I received calls from private property owners regarding the violation. I called Husby's at approximately 10:45 and asked the employee that answered the call "Al" to discontinue the outside live performance. The performance did not discontinue until approximately 11:00, at which time the amplified music appeared to be turned down. It continued to play until approximately 11:10. Customers were observed at 11:20 in the outdoor seating area. Outdoor seating areas are required to be vacated by 11:00 as a condition of the permit.

Alcoholic beverages must cease being served at 10:00 as a condition of the license. No observation was made of sales after this time, however, customers were observed with beverages in hand at 11:20.

This letter and accompanying warning citation is to hereby serve as official notice that you are in violation of the conditions of the liquor license issued to you, as well as Chapters 30 and 66 of the Sister Bay Code of Ordinances.

This letter shall constitute notice of violation. Past Violations will be considered by the Village Board when deliberating revocation of the Licenses in question.

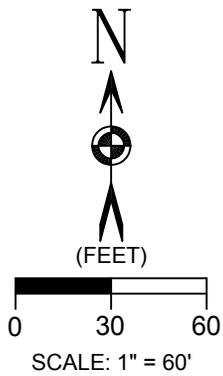
If you have any questions, please feel free to stop by or call.

Sincerely,

Zeke Jackson  
Village Administrator  
[zeke.jackson@sisterbaywi.gov](mailto:zeke.jackson@sisterbaywi.gov)

# CERTIFIED SURVEY MAP

LOCATED IN:  
 LOTS 9,10,11 & 12, LITTLE SISTER PLAT,  
 GOV'T LOT 4, SECTION 6, T. 31 N., R. 28 E.,  
 VILLAGE OF SISTER BAY, DOOR COUNTY, WISCONSIN



## LEGEND

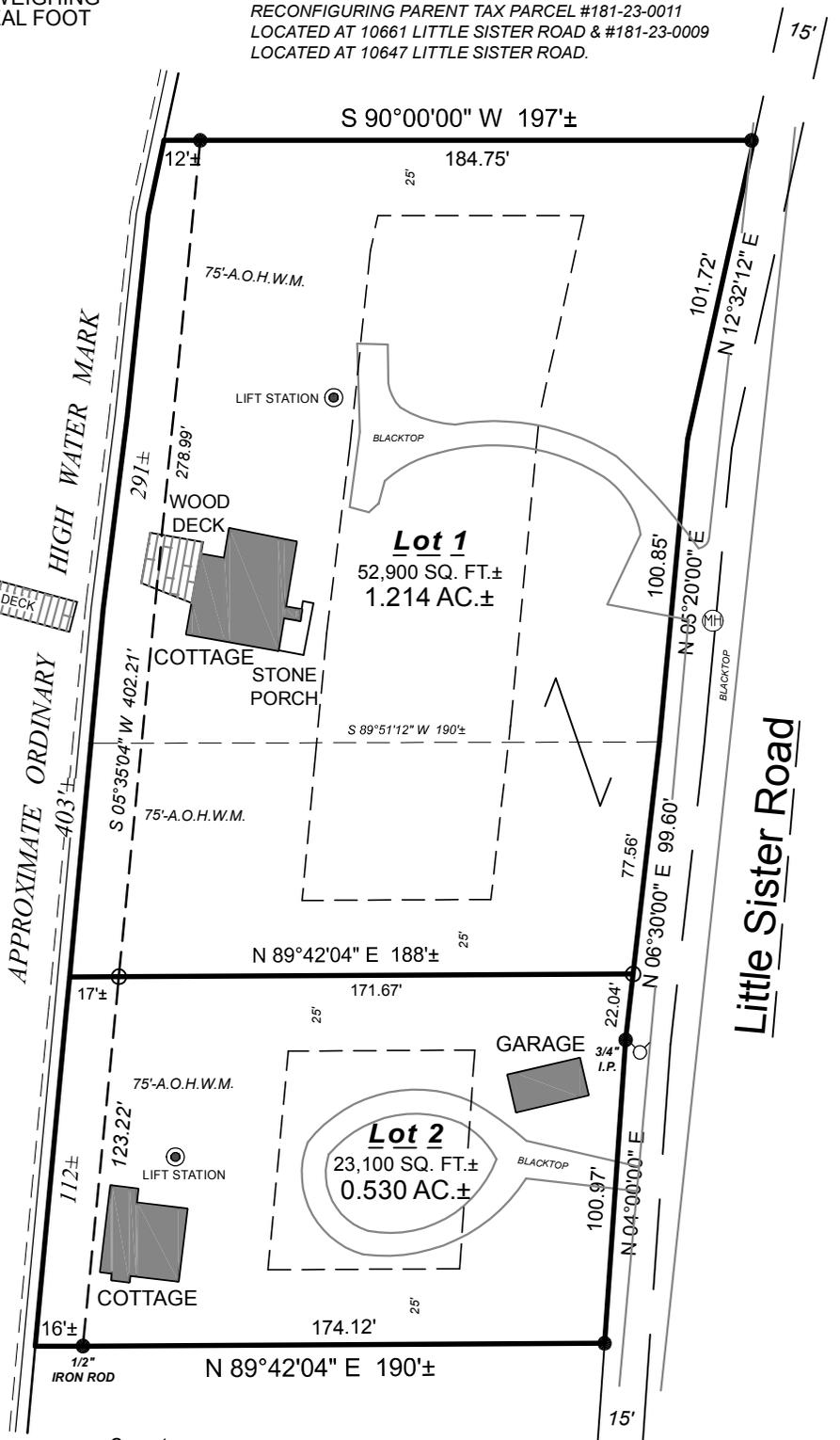
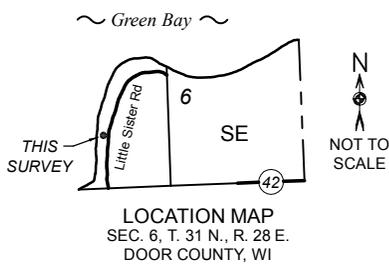
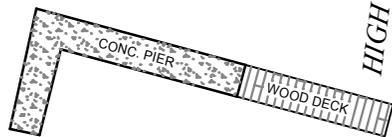
- = EXISTING 1" IRON PIPE (UNLESS NOTED)
- = SET 1" IRON PIPE WEIGHING 1.13 LBS. PER LINEAL FOOT
- ⊕ = FIRE HYDRANT

## SURVEYOR'S NOTES:

BEARINGS REFERENCED TO THE SOUTH LINE OF LOT 9 OF LITTLE SISTER PLAT BEARING N 89°42'04" E BASED FROM PREVIOUS SURVEYS.

RECONFIGURING PARENT TAX PARCEL #181-23-0011 LOCATED AT 10661 LITTLE SISTER ROAD & #181-23-0009 LOCATED AT 10647 LITTLE SISTER ROAD.

Little Sister Bay



BUILDING ZONE = [ ]

- 75' PLATTED CENTERLINE SETBACK
- 40' REAR-YARD SETBACK
- 25' SIDE-YARD SETBACK

## Caveat:

Building zones depicted are based on zoning setbacks in effect at the time this map was produced and should not be relied upon without first obtaining written verification thereof from the Village of Sister Bay and/or any other local zoning authorities.

7-28-14  
 D-071814-CSM.dwg  
 Drawn By: D.F.H. II  
 JOB#: D-071814  
 SHEET 1 OF 2

**CERTIFIED SURVEY MAP**

LOCATED IN:

LOTS 9, 10, 11 & 12, LITTLE SISTER PLAT,  
GOV'T LOT 4, SECTION 6, T. 31 N., R. 28 E.,  
VILLAGE OF SISTER BAY, DOOR COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, Brian D. Frisque, Registered Land Surveyor for Brian Frisque Surveys Inc., do hereby certify that under the direction of Stollenwerk Door County LLC, owner, I have surveyed the following described parcel.

A tract of land being Lots 9, 10, 11 and 12 of Little Sister Plat located in Government Lot Four (4) of Section 6, Township 31 North, Range 28 East, Village of Sister Bay, Door County, Wisconsin and more particularly described as follows:

Commencing at the Southeast corner of said Lot 9, thence N 04°00'00" E 100.97 feet, thence N 06°30'00" E 99.60 feet, thence N 05°20'00" E 100.85 feet, thence N 12°32'12" E 101.72 feet to the Northeast corner of said Lot 12, thence S 90°00'00" W along the northerly line of said Lot 12 184.75 feet to the intersection with a meander line of Little Sister Bay, thence S 05°35'04" W along said meander line 402.21 feet to the intersection with the south line of said Lot 9, thence N 89°42'04" E along said Lot 9 174.12 feet to the point of commencement. Including all lands lying between the above described meander line and the approximate ordinary high water mark of Little Sister Bay as shown on the adjacent map, bounded on the north by the above described property line extended S 90°00'00" W to said approximate ordinary high water mark and bounded on the south by the above described property line extended S 89°42'04" W to said approximate ordinary high water mark.

Said tract contains 1.744 acres (76,000 square feet) of land more or less.

I further certify that the adjacent map is a true representation to the best of my knowledge and belief of said property and correctly shows the size and location of the property, its exterior boundaries and correct measurements thereof, the location of all visible structures, boundary fences, apparent easements, roadways and visible encroachments, if any. Also, that I have fully complied with the requirements of Chapter 236.34 of the Wisconsin Statutes.

This survey is made for the use of the present owners of the property and also those who purchase, mortgage or guarantee title thereto.

Dated \_\_\_\_\_

\_\_\_\_\_  
Brian D. Frisque  
R.L.S. S-2429

CERTIFICATE OF THE VILLAGE OF SISTER BAY:

This Certified Survey Map has been submitted to and approved by the Village of Sister Bay.

Dated \_\_\_\_\_

\_\_\_\_\_  
President

DOOR COUNTY REGISTER OF DEEDS:

ACCEPTED FOR RECORDING AND FILING IN THE OFFICE OF REGISTER OF DEEDS IN

DOOR COUNTY, WISCONSIN AT \_\_\_\_\_ M ON \_\_\_\_\_, 2014

AS DOCUMENT # \_\_\_\_\_ AND FILED IN \_\_\_\_\_

SIGNATURE OF REGISTER OF DEEDS \_\_\_\_\_

7-28-14  
D-071814-CSM.dwg  
Drawn By: D.F.H. II  
JOB#: D-071814  
SHEET 2 OF 2

**RESOLUTION № 298-092314**

**INTENT TO FACILITATE DEVELOPMENT IN THE AREA AFFECTED BY THE  
2015 DOT HIGHWAY 42 PROJECT ON BAY SHORE DR.**

**WHEREAS**, The Village adopted a Downtown Redevelopment Plan which will serve as a guiding document for future development in the Village in the Downtown area; and

**WHEREAS**, The Village's Economic Development Committee, Plan Commission, and Board of Trustees have discussed and enacted policies that favor development in the Downtown; and

**WHEREAS**, The Zoning Board of Appeals has Statutory Authority to grant Area Variances to interested parties in order to facilitate orderly development in the Village; and

**WHEREAS**, The Zoning Board of Appeals must consider 5 factors when considering a Variance, and one of these is "Preservation of Property Rights" defined as "necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and same vicinity"; and

**WHEREAS**, The DOT HWY 42 Resurfacing Project of 2015 will substantially change the centerline of HWY 42, and require the acquisition of rights of way throughout the project which will change lot size and existing setbacks,

**NOW, THEREFORE, BE IT RESOLVED** that the Village Board of the Village of Sister Bay does hereby declare that properties adjoining HWY 42, and were impacted by the 2015 DOT HWY 42 Project by right of way acquisition, should be considered by the Zoning Board of Appeals for an area variance based on developable area, lot size, and setback requirements of the Sister Bay Zoning Code.

**BE IT FURTHER RESOLVED THAT**, variances should only be considered in as much as development would have been permissible for lot size, setbacks, and developable area based on a survey dated on or before September 23, 2014; development should not be allowed over any rights of way or easements.

**INTRODUCED** at a regular meeting of the Board of Trustees of the Village of Sister Bay conducted on the 23<sup>rd</sup> day of September, 2014.

Passed and adopted this \_\_\_ day of \_\_\_\_\_, 2014.

---

David W. Lienau, President

**ATTEST:**

\_\_\_\_\_  
Christy Sully, Village Clerk WCPC/MMC

VOTE: Ayes \_\_\_\_\_ Noes \_\_\_\_\_

File name: h:\my documents\active\agendas\board\2014\2014\_08\reso 293-081914 establishing a payment in lieu of taxes to be imposed upon the Village of Sister Bay Water Utility ratepayers.doc  
Created: 7/29/2014 10:07 AM Date Printed: 8/22/2014 10:50:00 AM



Village of Sister Bay  
 2383 MAPLE DRIVE • SISTER BAY, WI 54234  
 PHONE: (920) 854-4118 • FAX: (920) 854-9637  
 E-MAIL: INFORMATION@SISTERBAY.COM

THIS AREA FOR OFFICE USE ONLY	
Account No.	Permit Issued Date
Fee Amount Paid:	Receipt #:

## Sign Permit Application

NAMES & MAILING ADDRESSES		PROPERTY DESCRIPTION
Applicant (if different from property owner) <b>DONALD HOWARD</b>		Parcel Identification Number (PIN) <b>181-</b>
Street Address <b>2536 FIELDCREST LN</b>		Subdivision or CSM (Volume/Page/Lot)
City • State • Zip Code • Phone Number <b>SISTER BAY WI 54234</b>		Address Of Property (DO NOT include City/State/ZipCode) <b>10310 FIELDCREST RD</b>
Property Owner (if different from applicant)	Signature of Owner	<b>CORNER OF THE PAST MUSEUM</b>
Street Address		<b>Width (In feet) of the front of the building facing the street:</b>
City • State • Zip Code		
Sign Contractor (Agent) <b>HARTMANN SIGNS</b>		CURRENT PROPERTY USE
Street Address		<input type="checkbox"/> Non-commercial <input type="checkbox"/> Multi-occupant commercial <input type="checkbox"/> Single occupant commercial <input type="checkbox"/> Other commercial <input type="checkbox"/> Other _____
City • State • Zip Code • Phone Number		

### PROPOSED SIGN

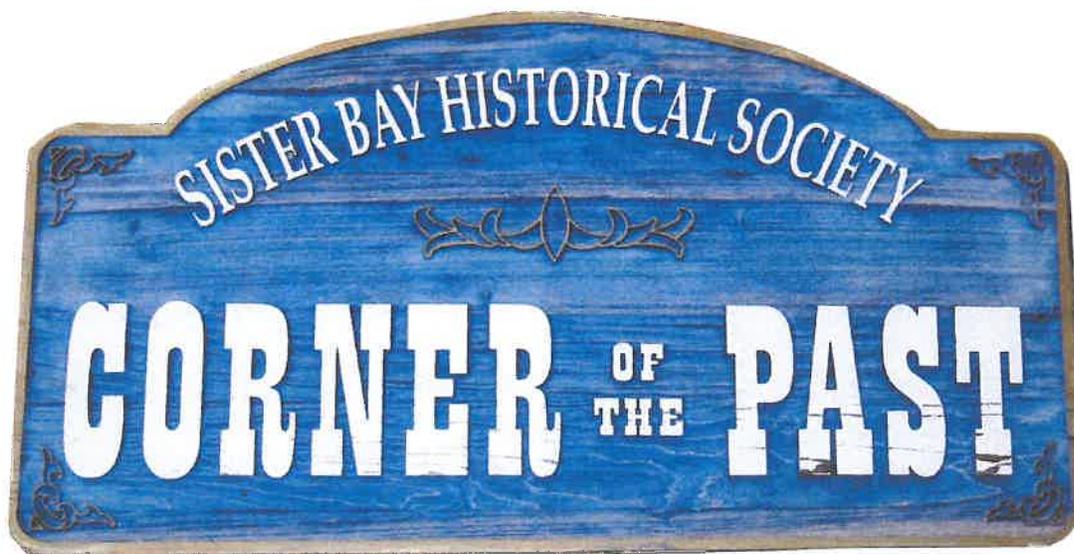
Type of Sign Construction	Sign Details
(Please check/complete ALL that apply below) <input type="checkbox"/> Ground <input checked="" type="checkbox"/> Wall <input type="checkbox"/> Directory <input type="checkbox"/> Window <input type="checkbox"/> Projecting <input type="checkbox"/> Temporary _____ <input type="checkbox"/> Other _____	Sign Size: <u>3'</u> by <u>6'</u> Total Square Feet <u>18</u> Number of Sides <u>1</u> Height (Sign Peak) _____ Height to bottom of sign _____ Distance from building _____ Distance from front lot line/ROW _____ Distance from side lot line _____ Illumination: <u>NO</u>
Size of window (square feet) _____ Total square footage of all signs on property _____ Building height where sign is to be placed _____	

Please complete the sign design on the attached sheet.  
 I agree to mark or stake out the location of the proposed sign on the site.

### CERTIFICATE

I, the undersigned, hereby apply for a Sign Permit and certify that all the information both above and attached is true and correct to the best of my knowledge. I affirm that all work performed will be done in accordance with the Sister Bay Zoning Code and with all other applicable laws and regulations. I hereby authorize the Zoning Administrator to enter the above-described property for purposes of obtaining information pertinent to my application request and to conduct zoning code inspections.

Signature Donald L Howard (for Sister Bay Historical Soc Date \_\_\_\_\_  
 Daytime Contact Number ( 920 ) 854 - 5487 Email address \_\_\_\_\_



3' x 6'



1' x 2'

SIGN TO BE PLACED ON END OF MACHINE SHED AT MUSEUM ON FIELDCREST RD.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

1 tions and applicable Village building and  
 2 electrical codes.  
 3 (b) Not more than one terrestrial and one earth  
 4 station dish antenna per dwelling unit shall  
 5 be permitted on a lot or parcel in a resi-  
 6 dential zoning district.  
 7 (c) Earth station dish antennas shall be located  
 8 and designed to reduce their visual impact  
 9 on surrounding properties.  
 10 (d) No form of advertising or identification  
 11 may be displayed on the dish or framework  
 12 of an earth station dish other than the cus-  
 13 tomary manufacturer's identification plates.  
 14 (e) Portable or trailer-mounted antennas are  
 15 not permitted; with the exception of tem-  
 16 porary installation for on-site testing and  
 17 demonstration purposes for a period not to  
 18 exceed two days at any one location.  
 19 (f) Communication structures, such as radio  
 20 and television transmission and relay tow-  
 21 ers, aerials, and radio and television re-  
 22 ceiving and transmitting antennas, not in-  
 23 cluding ground and building-mounted  
 24 earth station dish antennas, shall not ex-  
 25 ceed a height of three times their distance  
 26 from the nearest lot line. Ground-mounted  
 27 earth station dish antennas shall not ex-  
 28 ceed a height of 15 feet. Building-mounted  
 29 earth station dish antennas shall not ex-  
 30 ceed the maximum height regulation of the  
 31 district in which they are located.

32 **Sec. 66.0504 Wireless Telecommunication**  
33 **Sites**

34 The intent of this regulation is to provide for the  
35 establishment and or expansion of wireless tele-  
36 communication services within the Village while  
37 protecting neighborhoods and minimizing the ad-  
38 verse visual and operational effects of wireless  
39 telecommunications facilities through careful de-  
40 sign, sitting and screening. More specifically this  
41 regulation has been developed in order to:

- 42 • Maximize use of existing and approved  
43 towers and other structures to accommo-  
44 date new antennas and transmitters in or-  
45 der to reduce the number of communica-  
46 tion towers needed to serve the communi-  
47 ty.
- 48 • Encourage providers to co-locate their fa-  
49 cilities on a single tower.
- 50 • Minimize the location of facilities in visual-  
51 ly sensitive areas.
- 52 • Encourage creative design measures to  
53 camouflage facilities.
- 54 • Protect residential areas from potential ad-  
55 verse impacts of communication towers.

- 56 • Avoid potential damage to adjacent prop-  
57 erties from tower failure through engineer-  
58 ing and careful sitting of tower structures.
- 59 (a) Location preferences.  
60 The locations for sitting the equipment in-  
61 volved in receiving or transmitting elec-  
62 tromagnetic waves associated with wireless  
63 telecommunication services are listed in  
64 the following order of preference.  
65 (1) On existing, towers that otherwise  
66 meet local, State and Federal regu-  
67 lations.  
68 (2) On existing structures such as build-  
69 ings, water towers and utility poles.  
70 (3) On new towers less than 100 feet in  
71 height located in institutional zones.  
72 (4) On new towers 100 feet or greater  
73 in height located in institutional  
74 zones.  
75 (5) On new towers less than 100 feet in  
76 height located in a business zone.  
77 (6) On new towers 100 feet or greater  
78 in height located in business zones.  
79 (7) On new towers less than 100 feet in  
80 height located in residential zones.  
81 (8) On new towers 100 feet or greater  
82 in height located in residential  
83 zones.

84 (b) Permitted uses.  
85 The following uses which, generally pose  
86 minimum adverse visual effect, shall be  
87 permitted without review by the Plan  
88 Commission. Such permitted uses must ob-  
89 tain a zoning and building permit, and are  
90 subject to the submittal requirements es-  
91 tablished in sections 66.1530 and  
92 66.0504(e) of the Municipal Code.

- 93 (1) Wireless telecommunications sites  
94 where the antenna is mounted to  
95 existing buildings, towers, utility  
96 poles, water towers, light standards  
97 or other structures provided the fol-  
98 lowing standards are met:  
99 a. No changes are made to the  
100 height of such structure.  
101 b. No panel antenna shall ex-  
102 ceed 72 inches in height and  
103 24 inches in width.  
104 c. No dish antenna shall ex-  
105 ceed three feet in diameter.

106 (c) Uses allowed only by conditional use per-  
107 mit.  
108 Wireless telecommunications sites not oth-  
109 erwise permitted in subsection (c) shall be  
110 considered conditional uses in all zoning  
111 districts. All accompanying equipment

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

1 buildings or boxes shall be screened and 56  
 2 fenced as approved by the Village as part 57  
 3 of the site plan review. In addition to spe- 58  
 4 cific requirements listed in subsections (f) 59  
 5 and (g), the standards provided in section 60  
 6 66.1535 [See page 159] shall also apply to 61  
 7 applications submitted under this section. 62  
 8 (d) Site Plan Requirements. 63  
 9 All proposals to develop a wireless tele- 64  
 10 communication site shall be subject to the 65  
 11 site plan requirements listed in section 66  
 12 66.1050 of these regulations. In addition, 67  
 13 the following information shall be submit- 68  
 14 ted: 69  
 15 (1) Permitted Use: 70  
 16 a. A plan showing where and 71  
 17 how the proposed antenna 72  
 18 will be affixed to a building 73  
 19 or structure. 74  
 20 b. Details of all proposed an- 75  
 21 tenna and mounting equip- 76  
 22 ment including size and col- 77  
 23 or. 78  
 24 c. An elevation of all proposed 79  
 25 equipment buildings or box- 80  
 26 es and details of all proposed 81  
 27 fencing and screening. 82  
 28 d. A design drawing including 83  
 29 cross section and elevation 84  
 30 of all proposed towers. A de- 85  
 31 scription of the tower's ca- 86  
 32 pacity including the number 87  
 33 and type of antennas it can 88  
 34 accommodate as well as the 89  
 35 proposed location of all 90  
 36 mounting positions for co- 91  
 37 located antennas and the 92  
 38 minimum separation dis- 93  
 39 tances between antennas. 94  
 40 Where a monopole is pro- 95  
 41 posed, the design shall illus- 96  
 42 trate how the tower will col- 97  
 43 lapse upon itself without en- 98  
 44 croaching upon any adjoin- 99  
 45 ing property line. 100  
 46 e. A report from a licensed en- 101  
 47 gineer indicating that the 102  
 48 proposed wireless telecom- 103  
 49 munication site will comply 104  
 50 with the emission standards 105  
 51 found in this regulation. Such 106  
 52 report shall also certify that 107  
 53 the installation of such site 108  
 54 will not interfere with public 109  
 55 safety communications. 110  
 111

f. An analysis of the fall zone 111  
 for the proposed tower pre-  
 pared by a licensed engineer.  
 g. Proof that either the appli-  
 cant or co-applicant holds a  
 bona fide license from the  
 Federal Communications  
 Commission (FCC) to provide  
 the telecommunications ser-  
 vices that the proposed tower  
 is designed to support.  
 h. A report or letter from the  
 Federal Aviation Administra-  
 tion (FAA) that the proposed  
 tower complies with all air-  
 port safety requirements of  
 and for Ephraim-Gibraltar  
 Airport.  
 i. A map depicting the extent  
 of the provider has planned  
 coverage within the Village  
 of Sister Bay and the service  
 area of the proposed wireless  
 telecommunications site.  
 j. A map indicating the search  
 radius for the proposed wire-  
 less telecommunication site.  
 (2) Conditional Use Permit.  
 a. All of the plans and infor-  
 mation required for Permit-  
 ted Uses in the previous sub-  
 section.  
 b. Upon request of the Plan  
 Commission, the applicant  
 shall provide a simulation of  
 the proposed wireless tele-  
 communication site in order  
 to help the Plan Commission  
 ascertain the visual impacts  
 associated with such propo-  
 sal.  
 c. For towers located in a resi-  
 dential zoning district or  
 within 1,000 feet of a resi-  
 dential zoning district, the  
 applicant shall provide a  
 view shed analysis showing  
 all areas from which the  
 tower would be visible.

(e) Height and setback requirements.

(1) Height.  
 a. The maximum height of a  
 tower proposed under sec-  
 tion 66.0504 shall be 200  
 feet including the antenna  
 and all other appurtenances.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

1 The height of a tower 57  
 2 mounted on a building shall 58  
 3 be measured from the aver- 59  
 4 age level of the ground along 60  
 5 all walls of the building to 61  
 6 the tallest point on the tower 62  
 7 including the antenna and all 63  
 8 other appurtenances. 64  
 9 b. The maximum height of any 65  
 10 rooftop mounted equipment 66  
 11 building or box shall be 15 67  
 12 feet above the roof surface. 68  
 13 (2) Setbacks. 69  
 14 a. All freestanding monopole 70  
 15 towers shall comply with the 71  
 16 following minimum property 72  
 17 line setbacks: 73  
 18 1. Front yard or street 74  
 19 yard – A distance 75  
 20 equal to  $\frac{3}{4}$  of the 76  
 21 height of the tower or 77  
 22 the setback required 78  
 23 for the underlying 79  
 24 zone, whichever is 80  
 25 greater. 81  
 26 2. Side or rear yards in 82  
 27 residential zones, 50 83  
 28 feet for towers less 84  
 29 than 60 feet in height 85  
 30 and 100 feet for tow- 86  
 31 ers equal to or greater 87  
 32 than 60 feet. 88  
 33 3. Side or rear yards in 89  
 34 nonresidential zones, 90  
 35 25 feet for towers less 91  
 36 than 60 feet in height 92  
 37 and 50 feet for towers 93  
 38 equal to or greater 94  
 39 than 60 feet. Where a 95  
 40 side or rear lot line is 96  
 41 contiguous to a resi- 97  
 42 dential zone, the set- 98  
 43 back for that particu- 99  
 44 lar yard shall be as re- 100  
 45 quired for such a tow- 101  
 46 er in a residential 102  
 47 zone. 103  
 48 b. All other towers in residential 104  
 49 zones shall provide a setback 105  
 50 from any property line that is 106  
 51 equal to 125 percent of the 107  
 52 proposed tower height or 108  
 53 200 feet, whichever is great- 109  
 54 er. 110  
 55 c. All other towers in nonresi- 111  
 56 dential zones shall provide a 112

setback from any property  
 line equal to the height of the  
 tower.  
 d. All equipment build-  
 ings/boxes or equipment are-  
 as, which are each 50 square  
 feet or greater in area, shall  
 comply with the minimum  
 property line setbacks for a  
 principal building in the un-  
 derlying zone.  
 e. All equipment build-  
 ings/boxes or equipment are-  
 as which are each less than  
 50 square feet in area shall  
 comply with the following  
 minimum property line set-  
 backs:  
 1. Front yard or street  
 yard – Same as for a  
 principal building in  
 the underlying zone.  
 2. Rear and side yards –  
 five feet.  
 (f) General requirements.  
 (1) No wireless telecommunication site  
 shall be located within 200 feet of  
 an existing or proposed residence.  
 (2) No lights shall be mounted on pro-  
 posed towers unless otherwise re-  
 quired by the FAA. All strobe light-  
 ing, except for municipal purposes,  
 shall be avoided if possible.  
 (3) Towers not requiring special FAA  
 painting or markings shall be paint-  
 ed a non-contrasting blue or gray.  
 (4) Towers may not be used to exhibit  
 any signage or other advertising.  
 (5) Any proposed tower shall be de-  
 signed in all respects to accommo-  
 date both the applicant’s antennas  
 and comparable antennas for at  
 least two additional users if the  
 tower is over 100 feet in height or  
 for at least one additional compara-  
 ble antenna if the tower is between  
 50 and 100 feet in height. The Plan  
 Commission may require the tower  
 to be of such design as to allow for  
 future rearrangement of antennas  
 upon the tower and to accommo-  
 date antennas mounted at varying  
 heights.  
 (6) Antennas or equipment build-  
 ings/boxes mounted to or on build-  
 ings or structures shall, to the great-

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

SEC. 66.0504 WIRELESS TELECOMMUNICATION SITES

1 est degree possible, blend with the 57  
2 color and design of such building or 58  
3 structure. 59  
4 (7) No proposed wireless telecommu- 60  
5 nication site shall be designed, lo- 61  
6 cated or operated as to interfere 62  
7 with existing or proposed public 63  
8 safety communications. 64  
9 (8) The design of all wireless telecom- 65  
10 munication sites shall comply with 66  
11 the standards promulgated by the 67  
12 FCC for emissions. 68  
13 (9) All utilities proposed to serve new 69  
14 wireless telecommunication sites 70  
15 shall be installed underground un- 71  
16 less otherwise approved by the Plan 72  
17 Commission. 73  
18 (10) All generators installed in conjunc- 74  
19 tion with any wireless telecommu- 75  
20 nication site shall comply with all 76  
21 Village noise regulations. 77  
22 (g) Factors upon which conditional use permit 78  
23 decisions of the Plan Commission shall be 79  
24 based. 80  
25 In considering applications for wireless tel- 81  
26 ecommunication sites, the Plan Commis- 82  
27 sion shall also find: 83  
28 (1) In the case where an application for 84  
29 the proposed location of a wireless 85  
30 telecommunication facility is not a 86  
31 preferred site as identified in section 87  
32 66.0504(b)(1) through (8), that the 88  
33 applicant has adequately described 89  
34 the efforts and measures taken to 90  
35 pursue those preferences and why a 91  
36 higher preference location was not 92  
37 technologically, legally or econom- 93  
38 ically feasible. The supplied docu- 94  
39 mentation should evaluate the fol- 95  
40 lowing factors: 96  
41 a. The planned equipment 97  
42 would cause unacceptable 98  
43 interference with the opera- 99  
44 tion of other existing or 100  
45 planned equipment on an 101  
46 existing or approved tower as 102  
47 documented by a qualified 103  
48 licensed engineer and that 104  
49 the interference cannot be 105  
50 prevented or eliminated at a 106  
51 reasonable cost as deter- 107  
52 mined by the Plan Commis- 108  
53 sion. 109  
54 b. The planned equipment can- 110  
55 not be accommodated on ex- 111  
56 isting or approved towers 112

due to structural deficiencies  
as documented by a quali-  
fied licensed engineer and  
that such deficiencies cannot  
be eliminated at a reasonable  
cost as determined by the  
Plan Commission.  
c. The existing or planned  
equipment on an existing or  
approved tower would cause  
unacceptable interference  
with the equipment proposed  
by the applicant as docu-  
mented by a qualified li-  
censed engineer and that the  
interference cannot be pre-  
vented or eliminated at a  
reasonable cost as deter-  
mined by the Plan Commis-  
sion.  
d. Any restriction or limitation  
imposed by the FCC.  
(h) Abandonment.  
A wireless telecommunication site not in  
use for 12 consecutive months shall be re-  
moved by the service facility owner. This  
removal shall occur within 90 days of the  
end of such 12-month period. Upon re-  
moval, the site shall be restored to its pre-  
vious appearance and, where appropriate,  
re-vegetated to blend with the surrounding  
area. If the service facility owner fails to  
remove their facilities within this period,  
after receiving prior written notice from the  
Village, the Village shall remove said facili-  
ties and shall charge the cost of such re-  
moval to the property involved, pursuant to  
Wisconsin Statutes Section 66.0413.  
(i) Expiration of permit.  
The approval of an application for condi-  
tional use permit shall be void and of no  
effect unless construction of the project  
commences within one year and is com-  
pleted within two years from the date of  
the approval granted by the Village Board.  
For purposes of this regulation, start of  
construction shall be defined as the instal-  
lation of a permanent building foundation  
or slab. The Village Board may grant up to  
two six-month extensions of the time to  
start construction upon written request by  
the applicant. The Village Board shall not  
approve an extension unless the develop-  
ment plan is brought into conformance  
with any relevant zoning regulations,  
which have been amended subsequent to

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.0505 WIND POWER GENERATING TOWERS

SEC. 66.0506 OUTDOOR DISPLAYS

1 the original approval and unless the appli- 56  
 2 cant provides adequate evidence that 57  
 3 construction is able to begin within the ex- 58  
 4 tended time period sought. The Village 59  
 5 Board may, as a condition of approval of a 60  
 6 conditional use permit, establish a time 61  
 7 that such conditional use permit shall re- 62  
 8 main in effect. 63

9 **Sec. 66.0505 Wind Power Generating Towers**

10 Wind power generation shall not be permitted in 64  
 11 any district in the Village nor shall it be permitted 65  
 12 on the waters of Green Bay within the jurisdiction 66  
 13 of the Village. 67

14 **Sec. 66.0506 Outdoor Displays**

15 (a) Outdoor displays which are allowed on a 68  
 16 regular basis in the B-1 District and do not 69  
 17 require a permit. 70

18 No permit will be required if the owner of 71  
 19 a business in the B-1 District wishes to dis- 72  
 20 play merchandise which is for sale out- 73  
 21 doors, excluding the items included in (d). 74  
 22 The display must satisfy the following re- 75  
 23 quirements: 76

- 24 (1) The outdoor display of merchandise 77  
 25 shall not extend more than 50 per- 78  
 26 cent from the building into the re- 79  
 27 quired front setback area. 80
- 28 (2) Signs, screening, enclosures, land- 81  
 29 scaping or materials being displayed 82  
 30 shall not interfere in any manner 83  
 31 with either on-site or off-site traffic 84  
 32 visibility, including pedestrian traf- 85  
 33 fic. 86
- 34 (3) The display area shall not inhibit the 87  
 35 use of or number of required park- 88  
 36 ing stalls. 89
- 37 (4) Display areas shall be separated 90  
 38 from any vehicular parking or circu- 91  
 39 lation area and the separation shall 92  
 40 be clearly indicated. 93
- 41 (5) If goods are removed from the dis- 94  
 42 play area, all support fixtures shall 95  
 43 also be removed. 96

44 (b) Outdoor displays which are allowed on a 97  
 45 regular basis in the B-2 and B-3 Districts 98  
 46 and do not require a permit. 99

47 No permit will be required if the owner of 100  
 48 a business in the B-2 District or the B-3 101  
 49 District wishes to display a small amount 102  
 50 of merchandise which is offered for sale 103  
 51 outdoors, excluding the items included in 104  
 52 (d). The display must satisfy the following 105  
 53 requirements: 106

- 54 (1) The appearance of the display must 107  
 55 be proportionate to the size of the 108

building in which the store is locat-  
 ed.

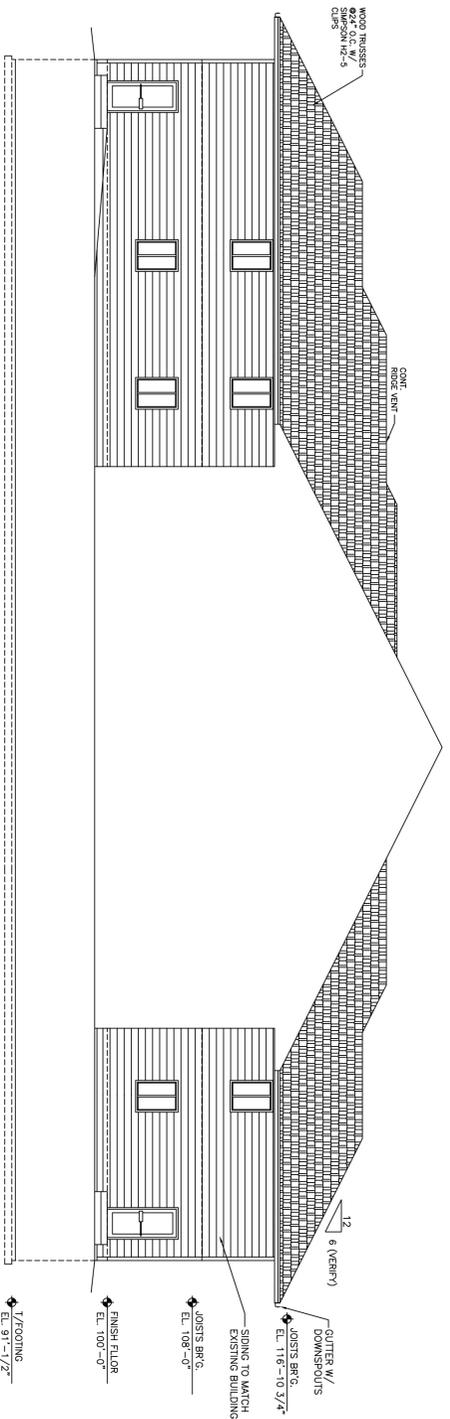
- (2) The items to be displayed outdoors must be placed at least twenty feet from the face of the curb. If it will be impossible for a business owner to satisfy the twenty-foot regulation a small display will be allowed by the building entrance.

(c) Number of sidewalk sales allowed per calendar year.

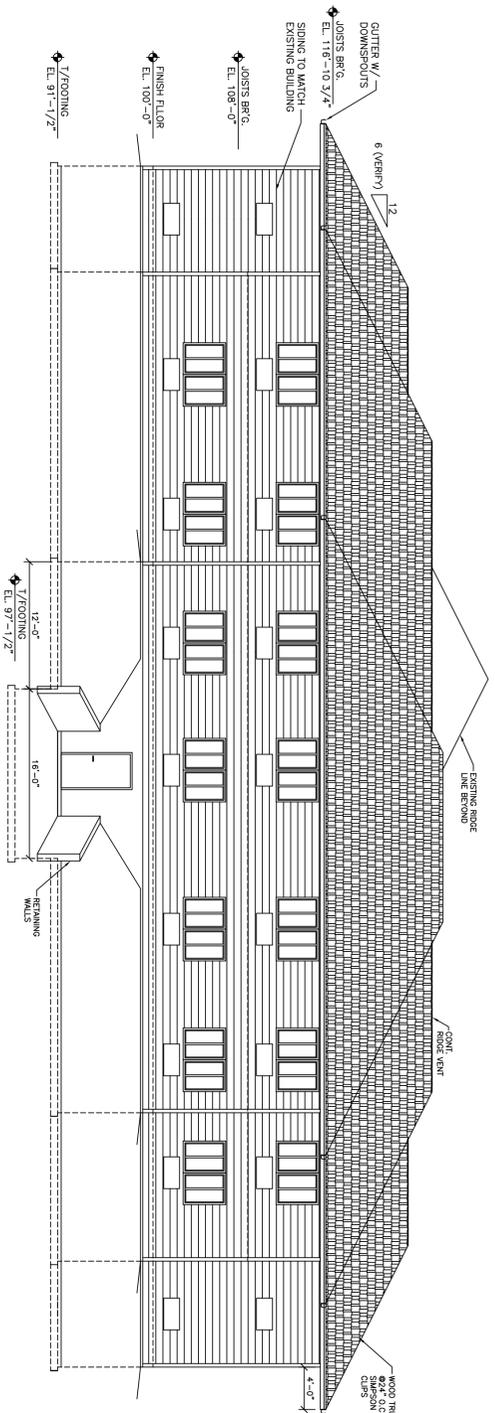
- (1) No permit will be required for sidewalk sales in any of the business districts, but no more than twelve (12) of such sales will be allowed in a calendar year.
- (2) The appearance of the merchandise displayed during a sidewalk sale must also be proportionate to the size of the building in which the store is located.

(d) Outdoor displays which do require a permit in all business districts.

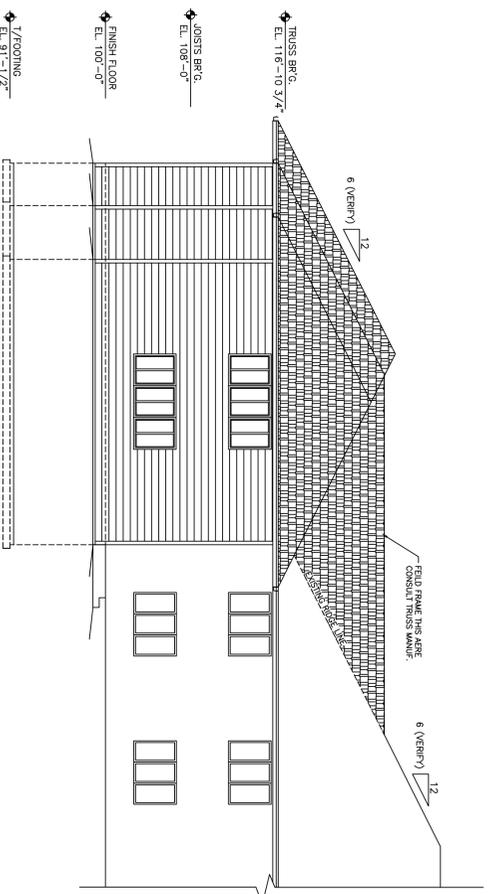
- (1) If the owner of a business in any business district within the Village limits wishes to display larger items such as automobiles, trucks, motorcycles, RV's, campers, ATV's, boats and the like, a permit which delineates the area where the large item display will be allowed is required, but the display must meet the following requirements:
- (2) The display shall not extend more than 20 percent from the building into the front yard area, and may not extend into the required side or rear setbacks.
- (3) Automobiles, trucks, motorcycles and boats shall only be displayed or placed on a surface as specified in Section 66.0403(f)(1) of the Zoning Code.
- (4) The display area shall not inhibit the use of or number of required parking stalls.
- (5) Display areas shall be separated from any vehicular parking or circulation area and the separation shall be clearly indicated.
- (6) If goods are removed from the display area, all support fixtures shall also be removed.



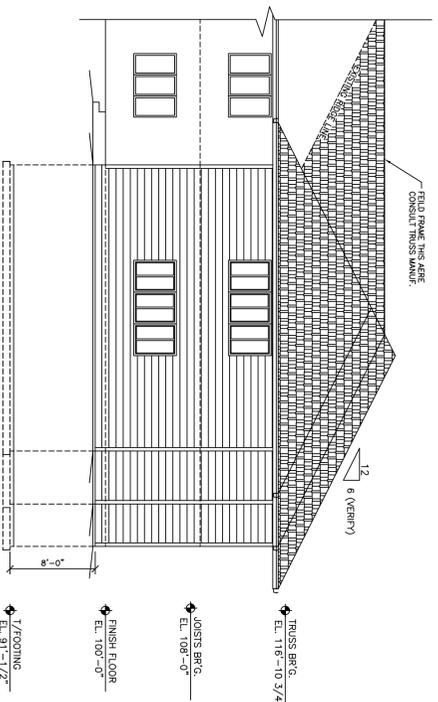
NORTH ELEVATION  
SCALE: 1/8"=1'-0"



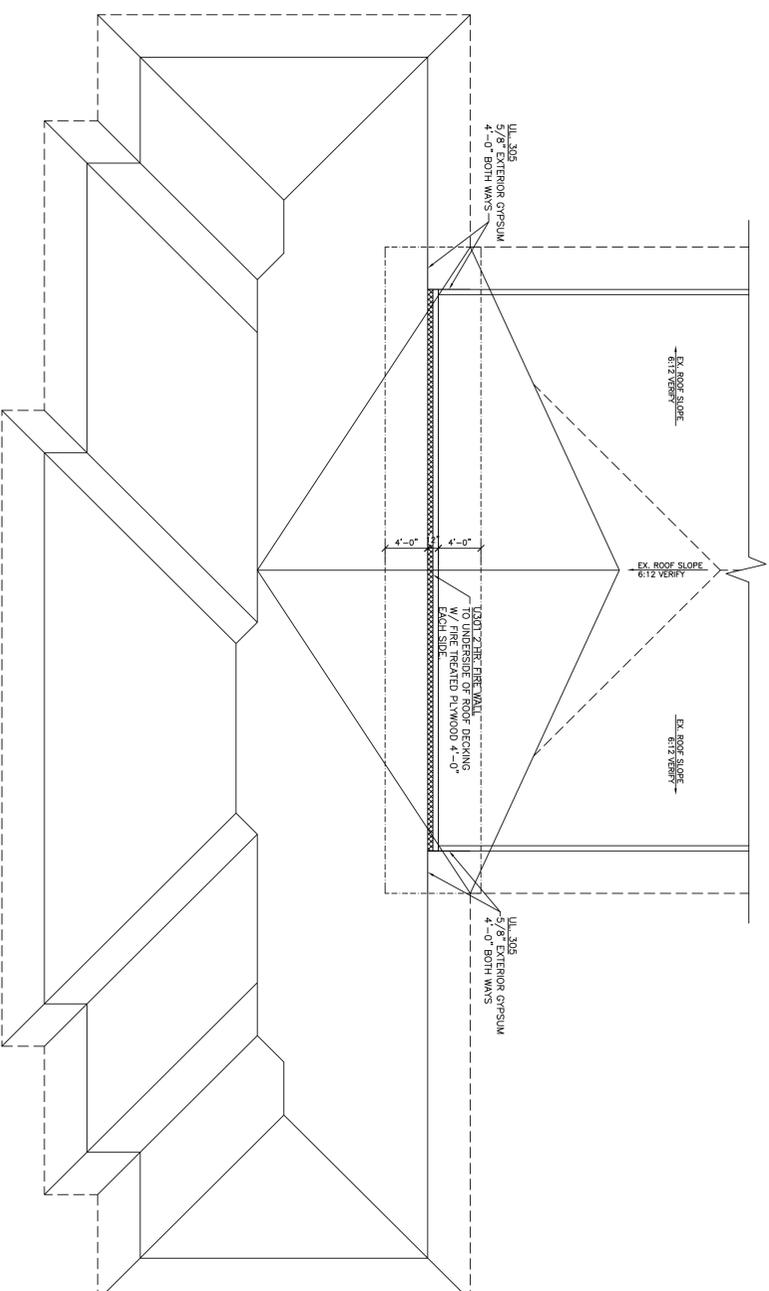
SOUTH ELEVATION  
SCALE: 1/8"=1'-0"



EAST ELEVATION  
SCALE: 1/8"=1'-0"



WEST ELEVATION  
SCALE: 1/8"=1'-0"



ROOF LINE PLAN  
SCALE: 1/8"=1'-0"



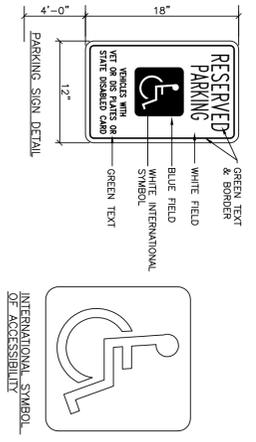
NOTE:  
ALTHOUGH EVERY  
EFFORT HAS BEEN  
MADE TO PREPARE  
THESE PLANS AND CHECKING  
THEM FOR ACCURACY,  
THE CONTRACTOR MUST  
CHECK ALL DETAILS &  
DIMENSIONS AND BE  
RESPONSIBLE FOR THE  
SAME.

OPEN HEARTH LODGE ADDITION  
2669 S. SHORE DRIVE  
SISTER BAY, WI 54234

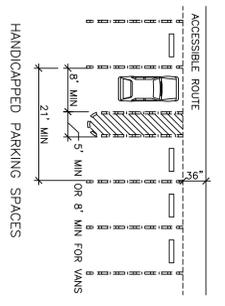
BAY ARCHITECTS, LLC. DVLGAD@TDS.NET  
3019 HOLGREEN WAY  
GREEN BAY, WI 54304

PHONE: 920-337-9400  
FAX: 920-337-9416

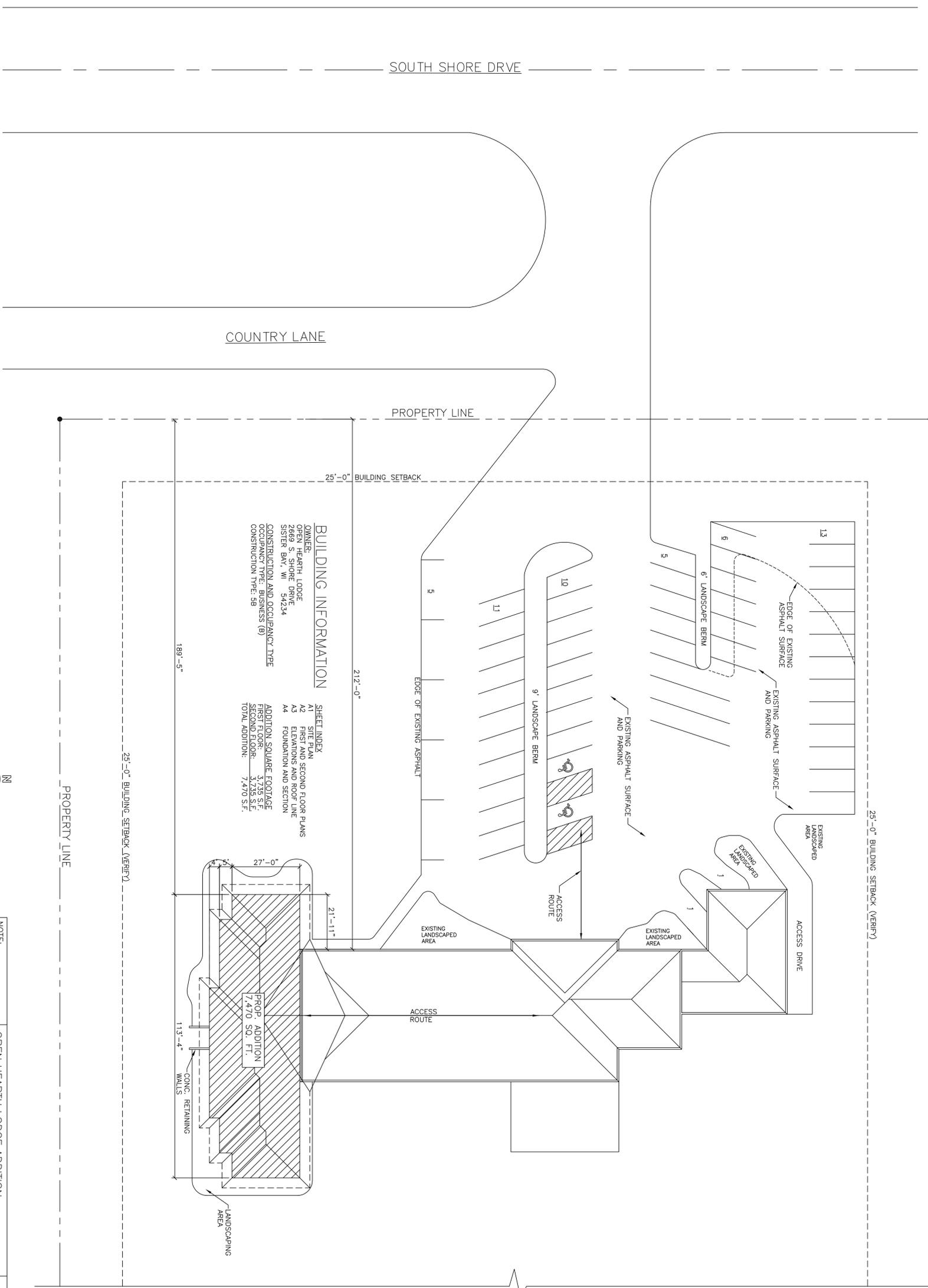
DATE: 08-18-14  
FILE:  
JOB NO:  
A3



**HANDICAP PARKING SIGN DETAILS**  
 NOT TO SCALE  
 IT SHALL BE THE RESPONSIBILITY OF THE OWNER TO INSTALL (WHERE SHOWN HEREON) BARRIER FREE PARKING SPACES IN ACCORDANCE WITH WISCONSIN ADMINISTRATIVE CODE TRANS #200.07



**NOTE:**  
 CONTRACTORS SHALL LOCATE ALL UTILITIES BEFORE CONSTRUCTION AND NOTIFY ARCHITECT AND OWNER OF ANY INTERFERENCES.  
 CONTRACTORS SHALL PROVIDE ALL BARRIERS, BARRICADES, FENCES AND SAFETY EQUIPMENT AND PRECAUTIONS REQUIRED BY ALL CODES AND SAFE CONSTRUCTION PRACTICES.  
 ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH ALL CODES OR AGENCIES HAVING JURISDICTION OVER THE PROJECT.  
 ALL MATERIALS SHALL BE INSTALLED PER MANUFACTURERS REQUIREMENTS AND RECOMMENDATIONS.  
 CONSTRUCTION OF THIS BUILDING SHALL MEET OR EXCEED ALL APPLICABLE ORDINANCES, CODES AND STANDARDS. IN THE CASE OF CONFLICT, THE MOST STRINGENT SHALL APPLY. IN THE CASE OF CONFLICT, THE MOST STRINGENT COMMERCIAL BUILDING CODE OF WISCONSIN ENROLLED COMMERCIAL BUILDING CODE.



**BUILDING INFORMATION**  
 OWNER: OPEN HEARTH LODGE  
 2669 S. SHORE DRIVE  
 SISTER BAY, WI 54234  
 CONSTRUCTION TYPE: BUSINESS (B)  
 OCCUPANCY TYPE: BUSINESS (B)  
 CONSTRUCTION TYPE: SB

**SHEET INDEX**  
 A1 SITE PLAN  
 A2 FIRST AND SECOND FLOOR PLANS  
 A3 ELEVATIONS AND ROOF LINE  
 A4 FOUNDATION AND SECTION

**ADDITION SQUARE FOOTAGE**  
 FIRST FLOOR: 3,735 S.F.  
 SECOND FLOOR: 3,735 S.F.  
 TOTAL ADDITION: 7,470 S.F.

**SITE PLAN**  
 SCALE: 1"=20'-0"



**NOTE:**  
 ALTHOUGH EVERY EFFORT HAS BEEN MADE TO MAKE THESE PLANS AND SPECIFICATIONS ACCURATE, THE CONTRACTOR MUST CHECK ALL DETAILS & RESPONSIBILITY FOR THE SAME.

OPEN HEARTH LODGE ADDITION  
 2669 S. SHORE DRIVE  
 SISTER BAY, WI 54234

**BAY ARCHITECTS, LLC.** DWG:CAD@DLS.NET  
 3019 HOLLOWAY WAY  
 GREEN BAY, WI 54304  
 PHONE: 920-337-9400  
 FAX: 920-337-9416

DATE: 08-18-14  
 FILE:  
 JOB NO. -

**A1**



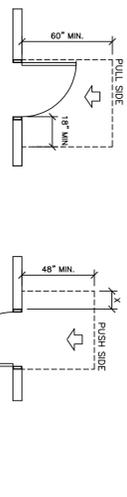
IBC 2902.1 DRINKING FACILITIES ARE REQUIRED BASED ON THE TYPE OF OCCUPANCY AND IN THE MINIMUM NUMBER SHOWN IN TABLE 2902.1. DRINKING FOUNTAINS MAY BE OMITTED WHERE OTHER ACCEPTABLE ARRANGEMENTS ARE MADE TO PROVIDE DRINKING WATER. WHERE FOUNTAINS ARE PROVIDED, THEY SHALL BE PROVIDED WITH A CONTAINER, SUCH AS A SINK WITH CUPS IN BREAK ROOMS, OR PROVIDING FREE DRINKING WATER SERVICE AT RESTAURANTS. IT IS NOT ACCEPTABLE TO PROVIDE DRINKING WATER INSIDE RESTROOMS OR SERVICE CLOSETS.

NOTE:  
IBC 1209.1 PROVIDE TOILET AND BATHING ROOM FLOORS WITH A SMOOTH, HARD, NONABSORBENT SURFACE EXTENDING A MINIMUM OF 6 INCHES ALONG THE WALL.  
IBC 1209.2 PROVIDE TOILET AND BATH ROOM WALLS WITHIN 2 FT OF A URINAL OR TOILET WITH A SMOOTH, HARD, NONABSORBENT SURFACE THAT EXTENDS TO A HEIGHT OF AT LEAST 4 FT.

GRESS AND EXIT ACCESS. DOORS SHALL BE MARKED BY AN APPROVED EXIT SIGN REQUIRING THE SIGN TO BE ILLUMINATED AT ALL TIMES. THE SIGN SHALL BE PLACED AT THE MEANS OF EGRESS TO DENOTE AN EXIT SIGN LOCATION IS THAT OF A CIRCLE CONTAINING AN "X". THE MEANS OF EGRESS, INCLUDING THE EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES. THE MEANS OF EGRESS SHALL BE ILLUMINATED AT ALL TIMES. STAIRWAYS SHALL HAVE HANDRAILS ON EACH SIDE. HANDRAIL HEIGHT, MEASURED ABOVE STAIR TREAD NOSING, SHALL BE UNIFORM, NOT LESS THAN 34" AND NOT MORE THAN 38".

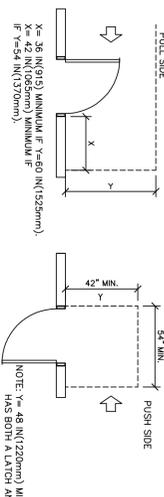
FIRE EXTINGUISHERS PORTABLE FIRE EXTINGUISHERS SHALL BE SELECTED, INSTALLED, AND MAINTAINED IN ACCORDANCE WITH THE REQUIREMENTS OF NFPA 10. FIRE EXTINGUISHERS SHALL BE MAINTAINED AT ALL TIMES. DISTANCE TO FIRE EXTINGUISHERS IS 5'.  
RESTROOMS SHALL HAVE A SMOOTH, HARD NONABSORBENT SURFACE THAT EXTENDS UPWARD ONTO THE WALLS AT LEAST 6" U.N.O.

NONABSORBENT SURFACE TO A HEIGHT OF 2' ABOVE THE FLOOR OR DISPENSER IN EACH ACCESSIBLE TOILET ROOM AND BATHING FACILITY SHALL BE ACCESSIBLE.  
4. DOORS TO UNisex TOILET ROOM SHALL HAVE A PRIVACY LOCK.



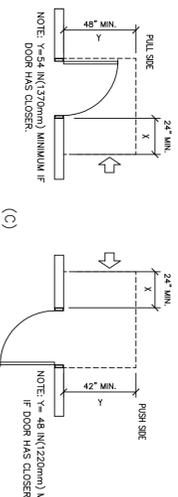
FRONT APPROACHES - SWINGING DOORS

NOTE: Y=12 (N120mm) IF DOOR HAS BOTH CLOSER AND LATCH



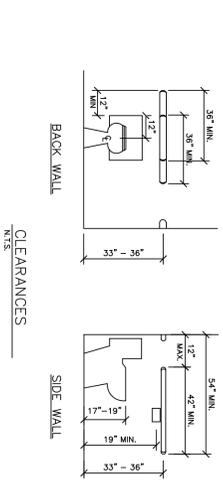
HINGE SIDE APPROACHES - SWINGING DOORS

NOTE: Y=48 (N1220mm) MINIMUM IF DOOR HAS BOTH A LATCH AND CLOSER

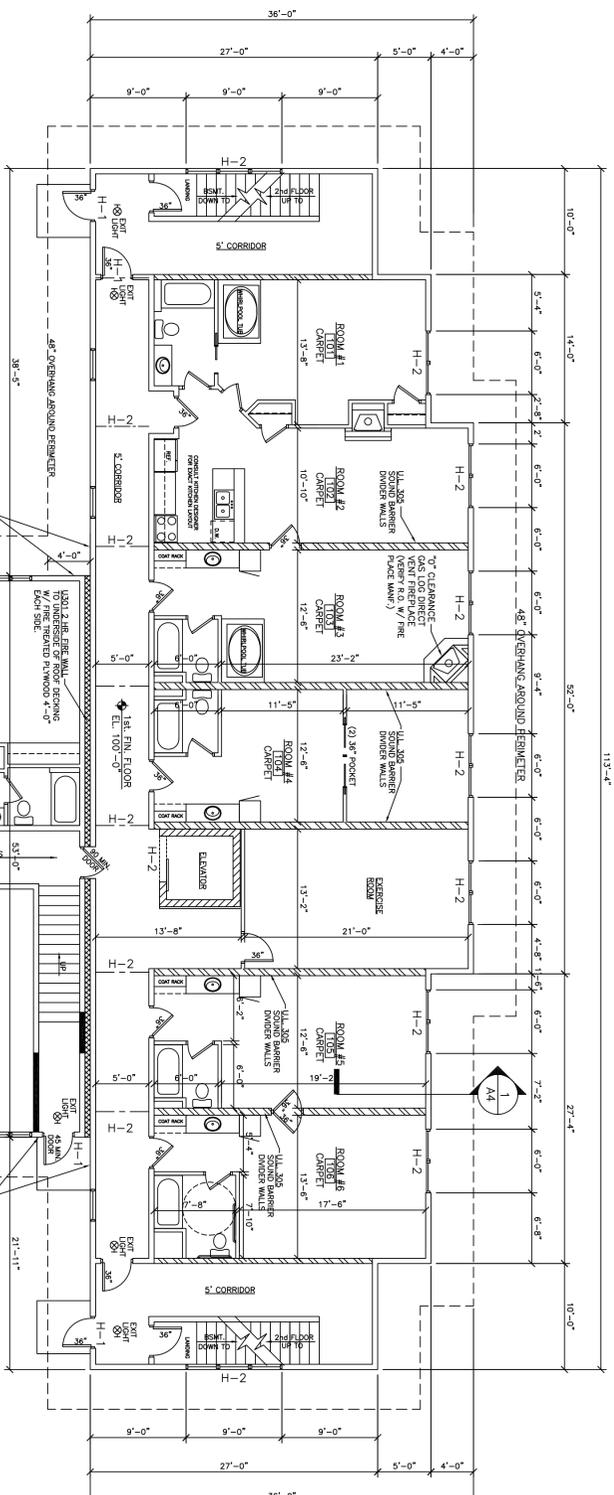
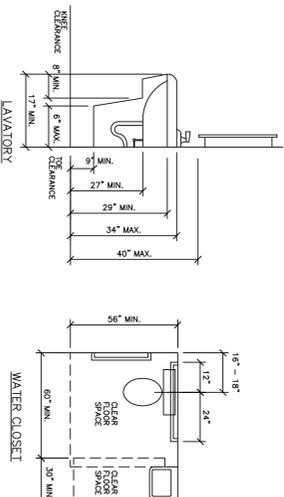


LATCH SIDE APPROACHES - SWINGING DOORS

NOTE: ALL DOORS IN ABOVE SHALL COMPLY WITH THE CLEARANCES FOR FRONT APPROACHES, MANEUVERING CLEARANCES AT DOORS  
NOTE: ALL DOOR HANDLES SHALL BE LEVER OR LOOP TYPE



CLEARANCES



FIRST FLOOR PLAN



PLAN NORTH

MATERIAL SCHEDULE AND SYMBOLS

- DIVIDER WALLS U.L. DESIGN 305
- 12" C.M.U. 4 HR. FIREWALL
- 2x6 STUD WALL 16" O.C.
- FIRE EXTINGUISHER
- EXIT LIGHT
- FLOOR DRAIN

JOB SITE LOCATION  
OPEN HEARTH LODGE  
SISTER BAY, WISCONSIN 54234  
PROJECT ARCHITECT  
BAY ARCHITECTS, LLC  
901 PARKVIEW RD.  
GREEN BAY, WI 54304  
(920) 337-9400

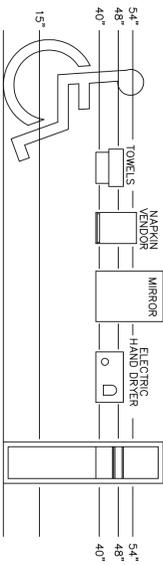
INTERIOR WALL CONSTRUCTION  
2x4 STUD WALL @ 16" O/C WITH SOUND BAIT INSULATION AND MIN. 1/2" GYP. BOARD EACH SIDE. UNLESS OTHERWISE NOTED.

NOTE:  
ALL TOILET ROOM FINISHES SHALL BE IMPERVIOUS TO WATER. ALL HEATING EQUIPMENT SHALL BE SEALED COMBUSTION, DIRECT VENT OR ELECTRIC.

ADDITION SQUARE FOOTAGE  
FIRST FLOOR: 3,735 S.F.  
SECOND FLOOR: 3,735 S.F.  
TOTAL ADDITION: 7,470 S.F.

QUICK REFERENCE GUIDELINES

(SEE SPEC TO REFERENCE WITH ADA CODE)



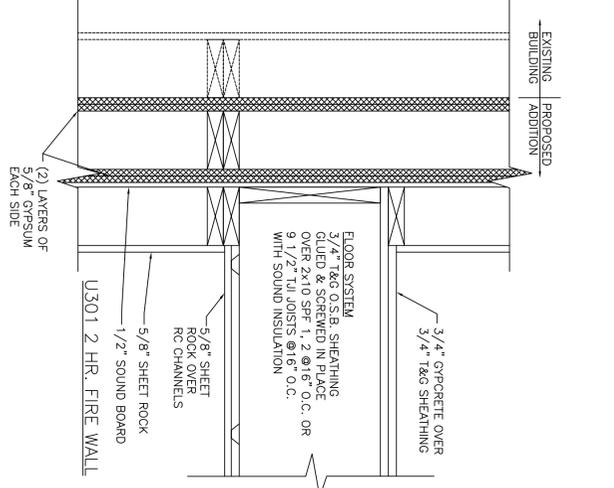
THE DIAGRAM BELOW SHOWS RECOMMENDED MOUNTING HEIGHTS FOR MANY WASHROOM ACCESSORIES. A MINIMUM 30" X 48" CLEAR SPACE IS REQUIRED FOR THE WHEELCHAIR AND ACCESSIBLE FIXTURES AND ACCESSORIES.

HEADER SCHEDULE			
MARK	MEMBER	SHOULDER STUDS	KING STUDS
H-1	2-PLY 2x8 SPF 1.2	1 PLY 2x6	1 PLY 2x6
H-2	2-PLY 2x10 SPF 1.2	1 PLY 2x6	1 PLY 2x6
			3 ROWS 16d @ 6" O.C. PER PLY

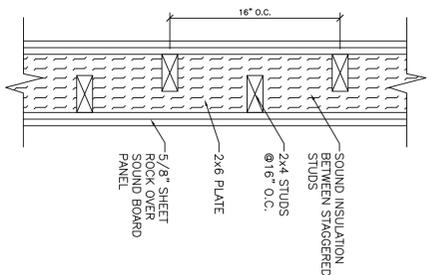
SECOND FLOOR PLAN



PLAN NORTH



TYPICAL UNIT DIVIDER WALLS



NOTE:  
LEAVE EVERY FOOTPRINT HAS BEEN PLANNED AND CHECKING THE CONTRACTOR MUST CHECK ALL DETAILS & DIMENSIONS AND BE RESPONSIBLE FOR THE SAME.

OPEN HEARTH LODGE ADDITION  
2669 S. SHORE DRIVE  
SISTER BAY, WI 54234

BAY ARCHITECTS, LLC. [DLVCA@TDS.NET](mailto:DLVCA@TDS.NET)  
3019 HOLGREEN WAY  
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PHONE: 920-337-9400  
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DATE: 08-18-14  
FILE:  
JOB NO:  
**A2**