

## LaBudde Solar Energy System

1. Retroactivity is OFF the table. The statute at issue protects “installation ***and use***” of a solar energy system. Wis. stat. Sec. 66.0401(1m).
2. I have confirmed through Public Records requests that neither the HPC nor the DNS has any written, objective standards, metrics, or other guidelines whatsoever relating to “cost” or “effectiveness” for purposes of interpreting Wis. Stat. 66.0401(1m).
  - A. HPC has made bare assertions about “effectiveness” in prior COAs on solar, but unsupported by any objective criteria.
  - B. HPC has not construed “cost” prong.
  - C. Uncharted territory
3. However, the HPC recently did consult a national resource relating to solar energy in a historic district, citing the National Park Service (NPS) national standards “for the appropriate locations of solar panels on historic properties”, in evaluating another residential solar project this year.

Tim Askin cited these earlier this year for another residential solar project:  
CCF #181443 Grant Palmer on 2843 N Grant Blvd.

NPS promulgated by the National Parks Service, under the Dept. of Interior. (cf. <https://www.nps.gov/tps/sustainability/new-technology/solar-on-historic.html>).

However, NPS guidelines do not absolutely prohibit solar energy systems but actually allow them if they have “**minimal impact**” and are not “conspicuous”; it sites several examples on its website:

See, e.g., section of NPS website for “**low sloped**” roofs—as is the subject property: “Though visible, **these few panels have relatively little impact** on the historic character of the property.” Esp. true if the roof is not a “prominent feature” of this property. Determination: allow.

Similarly, NPS gives an example of front facing solar on a “**cross gable roof**” and permits: “Thus, the solar collectors are **visible but not conspicuous**, and this installation meets the Standards in the context of the overall project. Determination: allow.

**The NPS website explicitly also defers to the homeowner’s determination of how many solar panels to install**, noting the cost effectiveness of larger installations. See: <https://www.nps.gov/tps/sustainability/new-technology/solar/cross-gable.htm>

Previous filings have pointed out how minimal my 2 side ST are by every possible measure:

- **Proportion** of roof slope. 1-2%
- **Height**—7 inches. Compared to vent pipes, onion dome vents

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- **Volume:** 1 cubic ft, a fraction of the large roof AC units on the front roof slope
- **Opinion of Jarosz:** “Seems pretty minor to me. I don’t have a problem with it and I don’t think you will have a problem with the board. ... I’d be very surprised if it wouldn’t” be “accepted.” (Email 8/31/18).
- **Compare with other jarring and historically discordant rooftop appliances:** It is hypocritical to let people install giant roof-top AC units in plain view on their front roof slopes and to disallow the 2 extremely modest ST on an obscured side roof slope here. (*Two nearby examples: 2506 N Terrace & 2370 N. Terrace.*). *Granted COAs*; only justification, per Tim Askin, “people need air conditioning”). Compared to the approximately 1 cubic ft volume of a ST, these AC units are about 8 and 9 cubic ft. In volume, respectively.

Thus: by City’s own references/ resources, my SES are acceptable and pass muster.

4. The HPC is taking an absurd and illegal position in its suggestion that it can dictate the number of SES a homeowner may have. This is absurd and illegal usurpation of homeowner’s rights and discretion. This contravenes the NPS standards referred to above. It also violates 66.0401.

**Absurd:** to require the complete elimination of a SES is to render it not just “significantly” ineffective but utterly “ineffective” and thus violates the statute and the only case law on point. Such a bizarre interpretation renders 66.0401 a nullity.

**Illegal:** The only Wisconsin case construing 66.0401 (*Numrich v. City of Mequon*, 242 Wis. 2d 677) points out that this statute does at least 2 things:

**First:** it trumps any local regulation that is conflicting. The Wisconsin legislature has deemed renewable energy as more important than local subjective considerations of taste.

**Second:** it turns the typical balancing of interests of zoning type regulations on their head and shifts the burden of proof to the City. Instead of rules that permit a municipality to restrict one homeowner, here, the Court notes, the statute protects the homeowner from restriction by not just the municipality but from other interference by other adjacent property owners. Renewable energy is deemed so important the law gives protection from local regulation but also recourse against other nearby property owners who block solar access, e.g., by planting trees or other obstructions. *Numrich* at p. 687.

5. The existing location of the SES are the most efficient and cost effective. By the very nature of their design, the ST is both most efficient and most cost effective when placed

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directly over the room it serves. The 2 at issue are on a side roof slope, one over the living room and one over the dining room.

Any other installation—or any other relocation—adds prohibitively and illegally to the cost and thus their current location is protected under 66.0401.

While it is theoretically technically possible to extend the ducting all the way to the back of the property so that the collector is located on the rear roof slope, doing so decreases the efficiency of the system; it would also add thousands of dollars to the overall cost. As a result, it would triple or quadruple the installation cost—an amount that by any measure is a “significant” increase in cost, and thus barred by 66.0401. This violates both the letter and spirit of 66.0401.

### 6. Global Warming/ Climate Change.

Are we already past the tipping point? (in US/Midwest: fires, floods, hurricanes, crop loss, property damage, billions in damages).

Time mag. Examples of drawings, asking children to picture the Earth in just 30 years: burning red. These are your grandchildren. This is their future. Do you really want to tell them you are contributing to worsening their future bc of your extreme—and illegal, and even perhaps absurd—opposition to 2 minor, modest, unobtrusive ST?