1. State law protects "installation ***and* use**" of a solar energy system, with only limited exceptions. Wis. stat. Sec. 66.0401(1m)(emphasis added). The retroactive aspect of the COA is is irrelevant.

2. Burden of proof is flipped, compared to typical zoning type rule; (instead of homeowner having to demonstrate compliance with a restriction, municipality must show its rules, as applied, do not violate the statutory protections for solar). The local municipality ***may*** regulate solar energy systems to a limited extent, but cannot impose restrictions that "significantly decrease" efficiency or "significantly increase" cost.

3. Neither DNS nor HPC has any written standards on "cost" or "efficiency" elements. (*Responses to Open Records request available upon request).*

4. The burden of proof is on the municipality to demonstrate its regulations, as applied in the particular case, do not "significantly" affect cost or efficiency.

    - Staff report hints at alternative, to duct ST to the back roof. However, the installer testified on 11/4/19 that trying to duct out to the back, even if feasible given the extreme length of the run (30 ft or more), would decrease ***efficiency*** by "**at least 30%**" and increase ***cost*** by "**triple or quadruple**".

    - The installer's "significant impairment" to "efficiency" testimony on 11/4/19 is uncontested (and incontestable).

    - Likewise, the installer's testimony about the "cost" of ducting (even though not feasible) resulting in "triple or quadruple" of cost, meets any reasonable definition of "significant" and exceeds the City's own definition of "significant" cost, as testified to by HPC staff on this exact metric:

        - HPC staff member Tim Askin testified on 11/4/19 as to another solar project that a possible alternative arrangement to the array proposed by the homeowner was a "non-starter" because it would "double or triple" original cost. See, video re COA # 191004 (Agenda item 10).

5. The HPC's own cited resources, national guidelines on point, allow solar to be "visible" from the side—or even the front—if the solar energy system has "minimal impact" and is not "conspicuous". *(See*, the National Park Service, national standards, cited by Tim Askin earlier this year for residential solar project: CCF #181443. See especially, the links for "low sloped roofs" side roofs (like mine) and "cross gable roof" (front facing) at https://www.nps.gov/tps/sustainability/new- technology/solar-on-historic.html; I provided screenshots at 11/4/19 hearing).

6. This new COA proposes an **alternative solution**. The manufacturer has produced a flat frame that can replace the collector dome and above-the-roof protrusion. The flat frame consists of a transparent cover set within a dark frame, about 2 inches thick, 18 inches square, that lies flush with the roof line. The dark frame is designed to blend in with most roofs. *See attached materials*.

- Given the extremely low slope of my roof and how far back the ST are set, and the narrow angle of view to the roof because the the adjoining condo, such panel would, even if visible, have "minimal impact" on the roof and would not be at all "conspicuous," —**especially when compared to the variety, size & volume of the significant roof protrusions in the immediate neighborhood**: (1) giant **front facing, corner-lot skylights:** (a) *across the street* at 2604 N. Terrace; (b) *around the corner* at 2604 N. Lake; and (c) *down the block* at 2457 N Terrace, plastic-bubble-capped & about 3x4 ft square); (2) **large front-facing whole-house Air Conditioning appliances** (*down the street at* 2506 & 2370 N Terrace); and (3) **"escape hatches"** (*two doors down* 2569 N. Terrace, *HPC staff terminology*), as well as compared to ubiquitous pan vents, stack pipes, onion dome vents, and the like visible on virtually every nearby roof.