

1 **BEFORE THE PUBLIC SERVICE COMMISSION OF WISCONSIN**

2 _____
3 Application for a Certificate of Public Convenience
4 and Necessity of Ursa Solar, LLC to Construct the
5 Langdon Mills Solar Electric Generation Facility in
6 the Towns of Courtland and Springvale, Columbia
7 County, Wisconsin
8 _____

Docket No. 9818-CE-100

9 _____
10 **DIRECT TESTIMONY OF LAUREN TONN**
11 _____
12 _____

13 **Q. Please state your name and address.**

14 A. My name is Lauren Tonn. I reside at W1951 Hollnagel Road, Randolph, Wisconsin
15 which is located in the Township of Courtland.
16

17 **Q. On whose behalf are you testifying?**

18 A. Myself and my family
19

20 **Q. How long have you lived at W1951 Hollnagel Road?**

21 A. My family and I started building the house in the winter of 2017 and moved in to the
22 house in the summer of 2018. The land was purchased by my parents in January of 2017 with
23 the intent to build a home. We have been residents of the area the Project is being proposed in
24 since the 1990's.
25

26 **Q. What is your primary interest for intervening in this process?**

27 A. The primary interest for my intervention is both my property, W1951 Hollnagel Road,
28 Randolph, Wisconsin and my community, the Township of Courtland and the surrounding

29 areas. I believe that myself and the community will suffer a significant hardship due to the
30 change in land use from the 300 MW utility-scale solar generation project (the “Project”),
31 Battery Energy Storage System (“BESS”) proposed by Ursa Solar, LLC, (the “Applicant”).

32

33 **Q. Please describe your family and who lives on the property.**

34 A. The current residents of the property are myself, my husband, our children (6 years old
35 and newborn), my parents. The property has been modified at considerable, additional expense
36 for multi-generational housing.

37

38 **Q. What topics do you wish to discuss in your direct testimony?**

39 A. I wish to discuss the following topics:

- 40 1. Negative Impact on Personal Health
- 41 2. Conflict with Orderly Land Use (Comprehensive Planning)
- 42 3. Negative Impact on Property Values
- 43 4. Negative Impact on Plants, Wildlife and Water Resources (during construction and 10
44 years after planting)

45

46 **Q. Please explain how you first learned about the Langdon Mills Solar Project.**

47 A. I first heard about the Project from my mother in 2022. Someone in the community
48 asked if she knew anything about a solar development that was going to be constructed in the
49 neighborhood. Wanting to learn more about what was going on, I spoke with some neighbors
50 who informed me that Samsung was proposing the project and that they didn’t have much
51 information available yet, as there was no one to reach out to. It later came to my attention that

52 the Project was to be called Langdon Mills and that an open house was scheduled for the
53 community. I attended that event at the Cambria Fire Station and spoke with Kathrine Park, a
54 representative of Samsung for approximately an hour. While at that event she attempted to tell
55 me more about the project but little information was available to the public. I expressed
56 concerns about my property and that I have migraines and was concerned about the potential of
57 glare, as well as concerns about wildlife movement throughout the project and the impact to the
58 aesthetics of our property. While there I heard many other individuals asking questions and
59 raising concerns for the project.

60

61 **Q. Please explain why this project will impact your quality of life.**

62 A. When this property was purchased, it was with the intent to build a home with a view of a
63 pond and rolling fields behind the house. We are proud of the view we have and showcase it as
64 much as possible with the design of our home and landscaping. We have even hosted
65 photography shoots (for my family and others) and a wedding, specifically because of the view
66 located to the South of our property. With the building of this Project, the entire view that is
67 featured throughout the south side of our home will completely change. Instead of a quiet
68 country view, we will now have an industrial landscape up the hillsides.

69

70 This also will impact the property value of our home, which has been and continues to be, as we
71 continue to make improvements, a huge investment for our family. This home was built with the
72 intent of living in the rest of our lives, we specifically made adjustments to the layout to be sure
73 that there are zero clearance entries and accessible bathrooms for when needed. What was meant

74 to be an investment in our future will become even harder to acquire equity in due to a loss in
75 property value.

76

77 Beyond the view, the Project will also potentially change my ability to use my home and the
78 outdoor space we have created and continue to work on. Due to a medical condition, any
79 excessive amount of light or noise has the potential to cause an episode. The possibility for glare
80 from 3 sides of my property are cause for concern. For at least six months out of the year, we
81 have an almost direct view of the lower portion of the hill and for twelve months of the year a
82 view of the upper portion of the hill, both of which according to the plans provided by the
83 Applicant will be covered in panels.

84

85 **Q. Please provide a short summary statement of your position on each topic you**
86 **identified above.**

87 A. A summary of each is listed below:

88 1. Potential Medical Complications: I have been battling chronic migraines for over a
89 decade, due to this condition any glare or bright lights can trigger an episode, which have
90 lasted up to five days in some instances. Any additional glare that may impact my
91 property will have the potential to trigger one of these episodes, even with the ratings
92 given by the Applicant.

93 2. Orderly Land Use: According to the Comprehensive Plans for Columbia County, the
94 Township of Courtland and the Township of Springvale, the primary concern for land use
95 is to keep the County and Communities agricultural based. Large scale solar plants,

96 which are industrial in nature, do not meet the definition of agricultural use according to
97 the Department of Agriculture, Trade and Consumer Protection.

98 3. Property Values: Several studies show that large-scale solar projects do negatively impact
99 property values, especially for property located within .5 miles of the project and
100 beyond.

101 4. Negative Impact on Plants, Wildlife and Water Resource: Due to the very nature of the
102 Project Area, and the timeline that Ursa has placed on the project based on mailings sent
103 to the public, there is potential for a drastic change to the natural environment
104 surrounding and within the Project Area. Several species of animal will not be able to
105 transverse freely through the Project Area, limiting habitat. Additionally, the Project
106 Area is in the migration path for many waterfowl, which have been known to mistake
107 arrays for water. By placing arrays around these waterfowl's typical landing sites, it
108 creates potential for unnecessary harm or death to fowl.

109

110 **Q. Please describe the medical condition you have been diagnosed with as well as the**
111 **effects of it.**

112 A. I have a diagnosis of chronic migraine, which is defined at 15 or more headache days per
113 month, of which at least 8 must be migraine days. While there are various triggers, the one that
114 has the potential to impact me the greatest related to this docket is excessive and/or bright lights
115 as well as sensitivity to noise during an attack. I am currently doctoring for this condition with
116 the University of Wisconsin Health Neurology clinic. As of the date of this testimony, my
117 treatments have been on hold due to my pregnancy and the interactions that the medications
118 would have on the baby. Prior to my pregnancy I had been taking special injectable medication

119 to help combat the number of migraines I have every month and was also prescribed rescue
120 medications to take during an attack. Once it is safe to do so again, I plan on returning to the
121 medication regime I was on prior to the pregnancy. My migraines usually last more than a day at
122 a time, require me to be in a dark room and take various additional medications to offer some
123 relief. Not only is this debilitating for me, it also affects my family when I am not able to
124 perform daily tasks due to the pain. I have been dealing with migraines for over a decade, as time
125 goes on, medications lose their effectiveness and require a new course of treatment.

126

127 **Q. Please describe why you are concerned that the Project will impact your medical**
128 **condition.**

129 A. As mentioned above, excessive light and/or bright lights are a trigger for my migraines. I
130 expressed this concern at the first Langdon Mills Open House when speaking with Katherine
131 Park, a representative of Samsung. She explained that the panels have “anti-glare” technology
132 that helps reduce the glare of the panels. She took down my information, including my address
133 and told me that the company would look into what the effects to my property might be. I have
134 never heard back from her. With the panels going in on the east, west and south of my property,
135 with the eastern and southern portions on a slope, my greatest concern is that the panels will
136 create glare during the day, even minimal, directed at my home. The main living areas in our
137 home face east and south. Additionally, most of our outdoor recreational space is located on the
138 southern portion of the property.

139

140 The glare study done by Ursa indicates an observation point located near my property as OP-19
141 and OP-20¹. According to the table included there are:

- 142 • OP-19²
 - 143 ○ 347 minutes of yellow glare at 3 foot height
 - 144 ○ 207 minutes of yellow glare at 16 foot height

- 145
- 146 • OP-20³
 - 147 ○ 477 minutes of yellow glare at 3 foot height
 - 148 ○ 313 minutes of yellow glare at 16 foot height

149

150 In response to this the Applicant states, “Due to physical (buildings and trees) and topographical
151 obstructions, it is unlikely that glare from the array would be observed at OP2-OP10, OP14,
152 OP16, OP19, or OP20 or along Breneman Road, County Road B, Hollnagel Road, Howell Road,
153 or Kuehn Road.”⁴ There are no trees on my property that would obstruct the view of the arrays
154 so the possibility for glare is not as unlikely as indicated. There is a very real potential for glare
155 to come from both the east and south sides and impact the enjoyment of not only the outdoor
156 recreational spaces we have, but also how I am able to maneuver and utilize the common areas
157 throughout my home.

158

159 Noise is also a trigger for my migraines. I am worried that the inverters placed throughout the
160 hillside will create a near constant noise which will also prevent me from enjoying my home and

¹ Ex – Ursa – Application: Appendix Q – pg 11

² Ex – Ursa – Application: Appendix Q – pg 15

³ Ex – Ursa – Application: Appendix Q – pg 15

⁴ Ex – Ursa – Application: Appendix Q – pg 17

161 outdoor spaces. The Applicant states that there will be no additional increased sound from the
162 arrays, but does not indicate in the Application the potential noise for the inverters that will be
163 placed throughout the project. After viewing videos of several solar projects throughout the
164 county, including the project at Badger Hollow, the noise that comes from the inverters is not
165 anywhere close to the quiet country landscape that I chose when building our home in its
166 location. Additionally, noise is amplified down the hillside toward my home based on the
167 geography of the area. The 5-10 minute studies provided by the Applicant do not show a true
168 picture of what the noise will be once the Project is installed.

169

170 The Applicant indicates they have never had a complaint regarding glare or noise⁵, nor had to
171 work with non-participating land owners to rectify a situation where either of these is an
172 issue. Because of this, I am unable to say what remedies the Applicant will take when these two
173 things become an issue for me at my home. The Applicant has made no effort to speak to any
174 non-participating land owners at this time about any concerns they have, which does not indicate
175 their willingness to make things right when an issue does occur.⁶

176

177 **Q. Does the Application comply with the Comprehensive Planning of the affected**
178 **municipalities?**

179 A. No. The Town of Springvale Comprehensive Plan states in section 8.5.3: Existing and
180 Potential Land Use Conflicts⁷, “A number existing or potential land use conflicts will need to be
181 considered by The Town of Springvale when planning future uses of land. The following list

⁵ Exhibit 1 - Response-Data Request-Tonn-1 – pg 7,30

⁶ Exhibit 1 - Response-Data Request-Tonn-1 – pg 19-20

⁷ Ex – Ursa – Application - Appendix L – pg 491

182 contains many of the existing or potential land use conflicts that will need to be considered:
183 Increased pressure to allow traditional (hydro power plant expansion) and alternative energy
184 systems (wind, solar, ethanol production, manure digesters, etc.) to be located within the Town.
185 These facilities will have an impact on existing and future residential developments.” The Town
186 of Courtland Zoning Ordinance restricts utility development, Section 3-3.00 Use Restrictions,
187 subsection 3-3.08 notes Public Utility Uses⁸ states “Except as otherwise provided in the
188 Ordinance, telephone and power distribution poles and lines, gas lines, and necessary
189 appurtenant equipment shall be permitted if they meet the conditions set forth by the Town
190 Board regarding utility locations.” The record shows that the Applicant has not given either
191 Town any opportunity to consider the placement or approval this project.

192

193 According to Wis. Stat § 66.1001(3) ordinances placed by the local governments that have
194 enacted a comprehensive plan must be consistent. In the same breath, Wis. Stat § 66.0401 (1m)
195 states that “No political subdivision may place any restriction, either directly or in effect, on the
196 installation or use of a solar energy”. Which is in direct contradiction of what is asked of the
197 local governments in 66.1001 (3). Local governments are pushed aside for these decisions when
198 they are not being developed by the actual utility company and instead merchant developers with
199 no ties to the community or understandings of the wants and needs of the individuals living
200 there. It’s apparent in prior PSC final decisions on solar projects that the PSC is asking
201 communities to contradict what they have been working towards since the implementation of the
202 Comprehensive Planning by approving these types of projects. Courtland and Columbia County
203 both clearly state the intentions they had in developing their land use plans through the

⁸ Exhibit A – Courtland Zoning Ordinances – pg 4

204 Comprehensive Plans and should be taken into consideration when making a decision in this
205 matter. Additionally, the Project clearly goes against Wis. Stat § 196.491 (3) (d) 6 which states,
206 “The proposed facility will not unreasonably interfere with the orderly land use and development
207 plans for the area involved.”

208

209 The Applicant did not comply with the Town of Courtland, Town of Springvale or Columbia
210 County Comprehensive Planning. According to the Comprehensive Planning documents for the
211 Township of Courtland, the Township of Springvale, and Columbia County, a large-scale solar
212 project is not in adherence with the land use goals of any local municipality.

213

214 **Q. Please describe how the Project does not comply with the Orderly Land Use in the**
215 **Town of Courtland.**

216 A. The Township of Courtland’s Comprehensive Plan states in many areas the intent to keep
217 the community agriculture based. Please note the following:

218 • Chapter 3, Section 2, Introduction states: “at the heart of this plan lies the Town’s desire
219 to protect prime agricultural lands and preserve farming as a viable way of life for
220 Courtland’s residence.”⁹

221 • Chapter 3, Section 6, Goal 3 states: “protect the Town's Agricultural Base”, and lists an
222 objective of “work to maintain Agriculture will be the dominant land use in the Town of
223 Courtland.”¹⁰

224 • Chapter 3, Section 7, Introduction states: “The plan committee has not expressed an
225 interest in attracting large industry and commercial development to the Town, It’s focus

⁹ Ex – Ursa – Application -Appendix L – pg 531

¹⁰Ex – Ursa – Application -Appendix L – pg 547

226 should be on rural and farm related industry. It is the opinion of the plan committee that
227 most large-scale developments would be most appropriate near municipalities that can
228 supply necessary services.”¹¹

- 229 • Chapter 3, Section 8, Subsection B states: “preserve and maintain the area’s rural
230 character while allowing for planned and controlled development opportunities.”, further
231 elaborating to “restrict all developments on these areas not physically suited for the
232 particular development by recommending strict agricultural or environmental zoning.”¹²
- 233 • Chapter 3, Section 8, Subsection E states: “ This area represents the Town of Courland’s
234 best and most productive farmland. Uses are to include all agricultural uses as allowed
235 under current Columbia County zoning.”¹³

236

237 As noted, throughout the Comprehensive Plan, the intent of the Township of Courtland was and
238 has been to keep the community an agricultural based community, that includes actual farming
239 operations and the aesthetic of agricultural land. Something a large scale solar development does
240 not and can not conform to. To imply in any way that a large industrial facility would conform to
241 any of the goals within the Township of Courtland’s Comprehensive Plan would be false,
242 especially when it is something being developed by a merchant developer and not something a
243 utility company is proposing for change to the community. The Town Board of Courtland has
244 recently reapproved this Comprehensive Plan as their intent for the community.

245

¹¹ Ex – Ursa – Application -Appendix L – pg 550

¹² Ex – Ursa – Application -Appendix L – pg 554

¹³ Ex – Ursa – Application -Appendix L – pg 557

246 In addition to the comprehensive plans, the Zoning Ordinance for the Town of Courtland lists it's
247 intent as the following, to "regulate building development and the layout and use of land; insure
248 maximum preservation of agricultural land for agricultural and rural purposes; secure safety from
249 fire, preserve and protect the natural and man-made aesthetic characteristics of the Town and
250 implement those municipal, county, watershed and regional comprehensive plans adopted by the
251 Town." To note further, under Section 3-3.00 Use Restrictions, subsection 3-3.08 notes Public
252 Utility Uses¹⁴ states "Except as otherwise provided in the Ordinance, telephone and power
253 distribution poles and lines, gas lines, and necessary appurtenant equipment shall be permitted if
254 they meet the conditions set forth by the Town Board regarding utility locations." Section 4-4.07
255 also lists Review Criteria For All Conditional Uses states "Its compatibility with the future land
256 use map and Comprehensive Plan and its relationship to the public interest, the purpose and
257 intent of this Ordinance and substantial justice to all parties." By the very application process
258 the Public Service Commission is requiring, specifically 196.491 (3) (d) 6, "The proposed
259 facility will not unreasonably interfere with the orderly land use and development plans for the
260 area involved." The township and county both are showing land use intentions that this Project
261 will most definitely interfere with the land use for all local governments involved.

262

263 Furthermore, the Town of Courtland Zoning Ordinance in Section 5 - Zoning Districts for A-1
264 Agricultural & Farmland Preservation District that the "the intent of this district is to maintain
265 highly productive agricultural lands in food and fiber production by effectively limiting
266 encroachment of non-agricultural development and minimizing land use conflicts among
267 incompatible uses."¹⁵ According to the Department of Agriculture, Trade and Consumer

¹⁴ Exhibit 2 – Courtland Zoning Ordinances – pg 4

¹⁵ Exhibit 2 – Courtland Zoning Ordinances – pg 16

268 Protection, solar developments, such as the Project proposed are not a compatible Agricultural
269 use of land.¹⁶ The Township of Courtland has it's own zoning ordinances and is not governed by
270 Columbia County, making the intent of the Township primary to the County in all building
271 matters. Cortland Township has had it's own zoning long before the Project was proposed with
272 the intent to be able to control these types of developments and bring more of a community voice
273 to these decisions.

274

275 **Q. Please describe how the Project does not comply with the Orderly Land Use in the**
276 **Town of Springvale.**

277 A. The Springvale Comprehensive Plan, states in several locations the desire to keep the
278 community agricultural based. Below is a list of these statements:

- 279 • 1.3.2: Overall Goals and Objectives¹⁷
- 280 ○ Element #1, Goal 2: : Limit development that threatens rural character or
281 environment.
 - 282 ○ Element #5, Goal 1: Preserve and protect productive agricultural areas of
283 Springvale.
 - 284 ○ Element #5, Goal 2: Preserve and maintain and enhance Springvale's
285 natural resources and unique natural features.
 - 286 ■ Objective 7: Before new development begins determine if it has
287 negative impact on habitat of rare, threatened or endangered
288 species/communities near the proposed development.

¹⁶ Exhibit 3 – Renewable Energy Frequently Asked Questions, State of Wisconsin, Department of Agriculture, Trade and Consumer Protection, received March 16, 2023

¹⁷ Ex – Ursa – Application -Appendix L – pg 319-326

- 289 ○ Element #6, Goal 1: Support the town’s agricultural economy by ensuring
- 290 current as well as prime agricultural farmland is retained for agricultural
- 291 uses.
- 292 ○ Element #6, Goal 3: Protect and enhance Springvale Township’s scenic
- 293 and environmental character as an economic asset to Springvale
- 294 ▪ Objective 2: Ensure that all development does not create “eye
- 295 sores” that disturb scenic views of residents and visitors.
- 296 ○ Element #8, Introduction: “The Town of Springvale is committed to
- 297 protection and conservation of agricultural land, natural resources and
- 298 rural character of the township, while recognizing private property rights.”
- 299 ○ Element #8, Goal 3: Appropriate land use within Springvale Township
- 300 will enhance and sustain economic stability of Springvale Township.
- 301 ▪ Objective 3: Deny and direct any proposed commercial
- 302 development to industrial parks in Rio, Cambria or Pardeeville.
- 303 • 4.1 UTILITIES AND COMMUNITY FACILITIES VISION¹⁸
- 304 ○ Vision: “Adequate utilities and facilities for Springvale Township
- 305 residents while maintaining slow growth and rural character of the
- 306 township.”
- 307 • 4.4.8 Electrical Service, Power Generating Plants, and Transmission Lines
- 308 ○ “the Town should carefully review all proposed projects to ensure that
- 309 they are in the best interest of the Town and that they do not negatively
- 310 impact the Town’s natural or cultural resources.”

¹⁸ Ex – Ursa – Application -Appendix L – pg 384, 394

- 311 • 5.2 AGRICULTURAL, NATURAL, AND CULTURAL RESOURCE GOALS
312 AND OBJECTIVES¹⁹
- 313 ○ Goal #1: Preserve and protect productive agricultural areas of Springvale.
314 ▪ Objective 2: Restrict non-farm development on productive soils.
315 ○ Goal #2: Preserve and maintain and enhance Springvale’s natural
316 resources and unique natural features.
- 317 • 5.4.4 Productive Agricultural Areas²⁰:
- 318 ○ “Protection of the best remaining farmland for agricultural purposes was
319 shown to be of high importance to County residents in the Public Opinion
320 Survey. However, the development of non-farm uses on agricultural lands
321 continues to threaten the supply of the best agricultural soils in the County
322 and the Town. “
- 323 ○ Efforts should be made to examine the issues facing agriculture as a
324 comprehensive package that looks at the future viability of farming in the
325 Town including the preservation of the best and most productive soils.
- 326 • 6.2 ECONOMIC DEVELOPMENT GOALS AND OBJECTIVES²¹
- 327 ○ Goal #1: Support the town’s agricultural economy by ensuring current as
328 well as prime agricultural farmland is retained for agricultural uses.
329 ○ Goal #3: Protect and enhance Springvale Township’s scenic and
330 environmental character as an economic asset to Springvale.
- 331 • 8.2 LAND USE GOALS AND OBJECTIVES²²

¹⁹ Ex – Ursa – Application -Appendix L – pg 408

²⁰ Ex – Ursa – Application -Appendix L – pg 418

²¹ Ex – Ursa – Application -Appendix L – pg 442-443

²² Ex – Ursa – Application -Appendix L – pg 474-475

- 332 ○ Goal #1: Development in Springvale Township will be planned to reduce
333 conflict between agricultural and residential land use while protecting
334 natural resources and the environment.
- 335 ▪ Objective #1: Designate areas of Springvale that are and should
336 remain agricultural. Limited residential development within this
337 area may occur on marginal agricultural land with deed restrictions
338 for agriculture on the remaining land.
- 339 ○ Goal #3: Appropriate land use within Springvale Township will enhance
340 and sustain economic stability of Springvale Township.
- 341 ▪ Objective #3: Deny and direct any proposed commercial
342 development to industrial parks in Rio, Cambria or Pardeeville.
- 343 • 8.4.1: Agriculture or Other Open Space²³
- 344 ○ “The majority of the lands in the Agriculture or Other Open Space land
345 use category are productive farmlands, pastures, and woodlands that
346 provide the Town of Springvale with its rural character and agricultural
347 heritage. These lands are also the most susceptible to development
348 pressures.”
- 349 • 8.5.3: Existing and Potential Land Use Conflicts²⁴
- 350 ○ “A number existing or potential land use conflicts will need to be
351 considered by The Town of Springvale when planning future uses of land.
352 The following list contains many of the existing or potential land use
353 conflicts that will need to be considered: Increased pressure to allow

²³ Ex – Ursa – Application -Appendix L – pg 481

²⁴ Ex – Ursa – Application -Appendix L – pg 491

354 traditional (hydro power plant expansion) and alternative energy systems
355 (wind, solar, ethanol production, manure digesters, etc.) to be located
356 within the Town. These facilities will have an impact on existing and
357 future residential developments.”

- 358 • 8.6.1: Agricultural and Other Open Space²⁵
 - 359 ○ Likewise, other facilities such as **minor** (emphasis added) utility
360 infrastructure (e.g. electrical and natural gas substations), private aircraft
361 landing strips, and wireless communication towers can be sited in
362 Agricultural or Other Open Space designated areas subject to County
363 ordinances.

364
365 These statements show a clear desire of the Town of Springvale to keep the community
366 agriculture based and limit construction of development such as the project proposed by the
367 Applicant.

368

369 **Q. Please describe how the Project does not comply with the Orderly Land Use in**
370 **Columbia County.**

371 A. The Columbia County Comprehensive plan also states in several areas their intent to keep
372 the county an agricultural based community. Instead of focusing on all of those points as well, I
373 would like to direct your attention to efforts made by the Columbia County Board of Supervisors
374 (“the Board”) on Docket #9814-CE-100. The Board submitted a comment to the PSC regarding
375 issues it sees with large scale solar developments. The resolution states: “WHEREAS, Wis. Stat.

²⁵ Ex – Ursa – Application -Appendix L – pg 493-494

376 § 196.491(3)(d)(6) states that the facility shall not unreasonably interfere with the orderly land
377 use and development plans for the area involved; but Columbia County’s Farmland Preservation
378 Plan and Comprehensive plan do not align with removing several thousand acres from farmland
379 for the purpose of a solar project. Doing so would, in fact, cause the County to be in violation of
380 Wis. Stat. § 66.1001(3) and its legal obligation to institute zoning laws consistent with the
381 Comprehensive Plan.”²⁶ In addition to this statement, the Board also lists Public Safety
382 concerns, concerns regarding the neighboring land owners and concerns for the environment. It
383 is imperative that the PSC take these issues into account when making a determination for not
384 only the Docket the statement was posted to, but to all dockets that affect Columbia County.

385

386 **Q. Please describe how the Project does not comply with the State of Wisconsin’s**
387 **Climate Change plans.**

388 A. The State of Wisconsin’s GOVERNOR’S TASK FORCE ON CLIMATE CHANGE
389 REPORT states, “Extensive research and data have catalogued the impacts of land conversion
390 from agriculture, forestry, and grasslands to developed uses. Wisconsin needs its agricultural
391 land more than ever to provide food, fiber, and fuel. Protecting the most productive farmland
392 should be of the utmost importance for Wisconsin’s economy that is so extensively supported by
393 our working lands.”²⁷ Not only does this Project contradict the local government’s land use
394 recommendations, the State of Wisconsin also recommends preserving agricultural land. The
395 PSC should take into account all of these Land Use documents when making a decision on this
396 Project, as it does not, in any way, conform to the wants and needs of the local community.

397

²⁶ Exhibit 4 – Regarding High Noon Solar Project – dated March 15, 2023, PSC REF# 461974, lines 155-160

²⁷ Exhibit 5 - GOVERNOR’S TASK FORCE ON CLIMATE CHANGE REPORT

398 **Q: Has the Applicant shown that they will not be erecting arrays on slopes of 10**
399 **degrees or greater?**

400 A: No. According to the Applicant, they will not be placing arrays on a slope of 10 degrees
401 or greater, however, per the document provided by the Applicant showing the hillsides around
402 my property, there are several places where posts are proposed that have a slope of 10 degrees or
403 greater.²⁸ The Applicant states that there will be minimal grading of the fields used for this
404 Project, however to decrease the slope, grading will have to be done throughout the
405 hillside. Below this hillside is a wetland area which all water from this hillside runs down
406 toward.²⁹ Filling a hillside with an impervious surface, such as arrays, will only increase the
407 amount of water that will run down into the wetland area and cause changes to the wetland and
408 pond. The arrays and all equipment should be moved from these hillsides and placed in a better
409 location if the Project is to be approved. This alteration to the original siting plan for Project
410 arrays should either be submitted during the proceeding as a modification to the Project or
411 should be clearly outlined and addressed in the Final Decision if the Commission were to
412 approve the Project.

413

414 **Q: Please describe what concerns you have about property values as they pertain to**
415 **this project.**

416 A: As we have made a significant investment in this property, I am concerned for the lasting
417 value and equity of our home. We have made a substantial investment in this property and have
418 plans to continue to do so. My property was purchased specifically for the view and the
419 understanding that the land surrounding the property would not change. At no time during the

²⁸ Ex – Ursa – Application: Response-Data Request- Tonn-1 – pg 13

²⁹ Ex – Ursa – Application: Response-Data Request- Tonn-1 – Documents B1– pg 6

420 purchase, our build or after moving in were we informed by the neighboring landowner of the
421 Project or the potential change to the landscape. This Project will eliminate the reasoning for
422 why we purchased the property and built a home in this location. While looking at information
423 concerning other projects, there is cause to understand that our property will no longer be
424 desirable if we decide to sell after this Project has been erected. Not only will the value of our
425 property decrease, there is a strong likelihood that there will be no interest in purchasing a
426 property within view of the Project. According to a study done by the University of Rhode
427 Island, values will decrease by 5-7%.³⁰ Another study just done by the Berkeley Lab has some
428 data that is closer to Wisconsin. They studied large-scale photovoltaic projects in Minnesota, as
429 well as other states, but noted a reduction in home values of 4% in Minnesota near these
430 developments.³¹ The study also looks at what the prior land use was before the development and
431 those that were placed on previously agriculture land, in rural areas with a low population
432 density, suffered the greatest adverse home sale prices impacts.³² The size of the developments
433 were approximately 12 acres, nowhere near the amount of acreage that is being proposed for this
434 Project. There have been no studies done on the impacts of current projects such as Badger
435 Hollow to truly determine the extent of what could be done to surrounding land owners. The
436 Applicant makes claims that there will be no impact on property values with no data to back up
437 such claims. Any testimony given to this effect thus far is financed by the Applicant and based
438 on modeling, not real-life data, which can easily be skewed to benefit the Applicant.

439

³⁰ Exhibit 6 - *PROPERTY VALUE IMPACTS OF COMMERCIAL-SCALE SOLAR ENERGY IN MASSACHUSETTS AND RHODE ISLAND*

³¹ Exhibit 7 - Shedding light on large-scale solar impacts: An analysis of property values and proximity to photovoltaics across six U.S. states

³² Exhibit 7 - Shedding light on large-scale solar impacts: An analysis of property values and proximity to photovoltaics across six U.S. states

440 **Q: Please explain why the project is likely to lower the value of your home.**

441 A: In addition to the loss of property value, we will also be losing our right to enjoyment of
442 our property. As mentioned previously, this property was purchased with the location and view
443 at a priority. As stated in *Just v. Marinette County* (1972, pg 6, paragraph 1), “An owner of land
444 has no absolute and unlimited right to change the essential nature of character of this land so as
445 to use it for a purpose for which it was unsuited in its natural state and which injures the rights of
446 others.”³³ I have a right to peaceful enjoyment of my property, which will be compromised
447 every time I look into my back and side yards and see industrial panels covering the hillside. As
448 stated earlier, the land use for a majority of this project is agriculture, which is not something
449 solar generation is classified as according to the DATCP. This installation gives greater priority
450 to the participating landowners than it does the surrounding and non-participating landowners,
451 which are significantly greater in number. According to Wis. Stat. § 196.491 (3)(d)(3), “The
452 design and location or route is in the public interest considering alternative sources of supply,
453 alternative locations or routes, **individual hardships**, engineering, economic, safety, reliability
454 and environmental factors, except that the commission may not consider alternative sources of
455 supply or engineering or economic factors if the application is for a wholesale merchant plant. In
456 its consideration of environmental factors, the commission may not determine that the design and
457 location or route is not in the public interest because of the impact of air pollution if the proposed
458 facility will meet the requirements of ch. 285. (Emphasis added.)”. The Applicant has failed to
459 consider the individual hardships forced upon all non-participating landowners, including
460 myself. No consideration has been made for how the Project will impact the future financial

³³ Exhibit 8 - *Just v. Marinette County*. Decided October 31, 1972, ¶12, Justia Law. (n.d.). Retrieved March 20, 2023, from <https://law.justia.com/cases/wisconsin/supreme-court/1972/56-wis-2d-7-6.html>, pg. 6 paragraph 1.

461 situations or ability to utilize residential property when developing the engineering plan and
462 placing arrays and invertors.

463

464 **Q: Please describe your concerns for wildlife throughout the project area.**

465 A: One of the biggest concerns I have about wildlife throughout this Project is the fact that
466 we are taking thousands of acres out of migration paths as well as feeding and breeding
467 areas. Because of the proximity to Paradise March, not only for this Project but for a potential
468 Phase 2 that the Applicant has indicated in letters to residents, there is a real risk of harm to
469 migrating birds.³⁴ The pond behind our home is full of geese, ducks and other waterfowl during
470 migration and throughout the summer. With arrays located so close to this designated landing
471 area there is the potential for mass confusion as to what is an array and what is the pond for
472 landing. The fields surrounding the pond are also used regularly for landing and feeding areas
473 for these birds. Please see Exhibit 9 for pictures of the fields and wetland area with migratory
474 birds. Something not mentioned in the application by the Applicant.

475 According to the Application, deer will not be impacted as they tend to stay in the forested areas
476 or fields directly next to those areas. Unfortunately, that is not accurate. Deer can and have been
477 seen in every area proposed as fenced by the Applicant. How will these animals move
478 throughout their environment freely if land is being taken away from them? This does not
479 include the other types of mammals that use the fields, such as coyotes, bobcats, rabbits,
480 foxes. These animals all use fields for hunting, travel and breeding. This area has had an
481 increase of animal activity, including Bald Eagles, bobcat and bear sightings, and flocks of
482 cranes. At one time, these were things residents had to travel to see, which are now finding

³⁴ Ex – Ursa – Application: Appendix S - pg 18-19

483 homes throughout the Project area and are a delight to most residents. In fact, according to a map
484 from the Wisconsin Department of Resources, a Bald Eagle nest is located close to the BESS
485 location proposed by the Applicant.³⁵

486 There have yet to be any studies to determine the true impact of these projects. Environmental
487 Assessments are completed, however those are done based on databases and completed behind a
488 desk. There has not been any complete study, in the environments affected, that requires boots
489 on the ground and data specific to the individual areas. The PSC, and the communities affected,
490 would be better off having Environmental Impact Studies done prior to installation of the
491 Project. This would give a true picture as to what the consequences may be to wildlife and
492 habitats, as compared to looking at data on a computer screen. Wisconsin is one of the leaders in
493 conservation efforts with a long history of preserving wildlife and land, but that seems to be lost
494 when looking at how this Project and others like it will impact the environment.

495 The Applicant fails to comply with Wis. Stat. § 196.491 (3)(d) (4), “The proposed facility will
496 not have undue adverse impact on other environmental values such as, but not limited to,
497 ecological balance”. Simply by stating that there will not be any impacts does not prove that this
498 Project will not have adverse effects on the wildlife in the Project Area. The Applicant cannot
499 prove with any amount of certainty that the ecological balance within the Project Area will or
500 will not have an undue adverse impact based on a report done in an office and not with any real
501 data collection in the areas that could be impacted.

502

503 **Q: What recommendations do you have regarding this Project?**

³⁵ Exhibit 10 – Bald Eagle Nests – Columbia County map, Wisconsin Department of Natural Resources

504 A: Based on the Application I recommend that the PSC deny this Application for several
505 reasons. As discussed in length previously, the Applicant has failed to adhere or even consult the
506 local municipalities to conform to land use, comprehensive planning and zoning ordinances,
507 failing to meet Wis. Stat § 196.491 (3) (d) (6) and Wis. Stat § 66.1001(3). Additionally, the
508 Project, specifically the fields surrounding my residence will cause an increase in frequency to a
509 medical condition I have been trying to manage for over a decade. It will decrease the ability for
510 me to use my property to the fullest with the constant threat of a medical episode when outside
511 and throughout my home, not to mention the change of scenery from an idyllic agricultural area
512 to an industrial wasteland. This Project will create a constant nuisance for me and my family at
513 just about every location on our property creating individual hardship which should cause the
514 Project to be denied according to Wis. Stat. § 196.491 (3)(d)(3). This hardship also extends to
515 all of the other non-participating landowners in the project due to the loss of property value they,
516 and myself, will experience once the project is constructed. Lastly, the impact to the ecological
517 balance throughout the Project Area is unknown. According to Wis. Stat. § 196.491 (3)(d) (4), a
518 project such as being proposed should not have any undue adverse impacts which the Applicant
519 is unable to guarantee with the data that has been provided. Based on these statutes the
520 Commission should deny the Project because the Project does not meet the statutory
521 requirements for a CPCN. At the very least, the PSC should require the Applicant to move the
522 arrays and inverters from the surrounding hillsides near my home to alternate locations,
523 especially since there are several areas in the hillsides where there is a slope of more than 10
524 degrees which the Applicant has stated they will not build on, yet show arrays being placed and
525 will directly affects wildlife and a wetland area as well as a hardship for me and my family.
526

527 **Q. Does this conclude your direct testimony?**

528 A. Yes

529

530

Respectfully Submitted on March 24, 2023

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534

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