

July 13, 2023

Town of Johnson
Attn: Clerk – Marilyn Bhend
113445 County Road A
Athens WI 54411

SENT VIA EMAIL ONLY

Re: WEF Ordinance

Dear Marilyn –

I enjoyed speaking with you on July 12, 2023. As we discussed, because the wind energy ordinance that the Town Board previously adopted is not the most up-to-date version of the ordinance, I suggest the Town Board consider repealing that ordinance and replacing it with a most recent version.

We previously sent you a draft of that ordinance. We are sending it again, with one change to the publication provision (as a result of the Town's use of a code of ordinances). However, I would note that in this case, it may make sense to publish a summary, even though the town has a code of ordinances.

Finally, as we discussed, I have been advising Towns that they should expect that, at some point, the validity of the ordinance may be tested in court. Everyone is aware of the legal challenges ordinances of these type face due to the state law. However, many Towns have made the policy decision that this it is incredibly important to do whatever is possible to protect Town residents. But, challenges may come and towns should be prepared to be flexible and nimble in responding to those challenges (including possibly amending the ordinance to comply with future court decisions). Let us know if you have any questions.

Sincerely,

JARCHOW LAW, LLC


Adam M. Jarchow

Enclosure