

**Town of Eldorado
Plan Commission
Public Hearing Minutes**

Date: April 13, 2021

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeff White, Member		

Public Hearing – Amendment to Zoning Ordinance Regarding Solar Energy Systems

Attendance:

<p>Gary Miller (Town Board Chairman) Dave Jahns (Town Board Supervisor & Building Permit Officer) Aaron Rickert (Town Board Supervisor – effective 4/26/21) Cheryl Pionke (Town Clerk) Charlie Becker Jerry Borski Matthew Zimmerman Richard Schultz Ted Frank Mike & Lisa Pionke</p>	<p>Cindy Kumbier-Borgers Gary Borgers Jim Rozek Brad Witt Kellan Henning Glenn Henning Jordan Weed Frank Mazanka Jim Pionke Ben Smith Eric Freiburg, ET Surveying</p>
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Meeting called to order by Brenner at 7:00 p.m.
 Brenner read the legal notice published March 28, 2021 and April 4, 2021.

Presentation of amendment to zoning ordinance:

The purpose of the proposed amendment is to create Section 17.22 of the Zoning Regulations for defining and permitting solar energy systems. Borski provided information regarding solar energy systems in general, existing state law on wind and solar energy, case law on the same and reviewed the proposed language as drafted by Town Attorney Matt Parmentier.

Questions/Comments from members of the public and Eldorado Plan Commission (EPC) members:

- 17.22(2)(a) - Consider excluding from permitting any solar energy system that is accessory to the primary use of the property.
- 17.22(2)(a) - Exclude already permitted accessory uses within individual districts as defined (e.g., 17.30(3)(c))
- 17.22(4)(d) – Consider including properties up to 1,000 feet in the application site plan. Is this tied to the compensation plan? Is this the required distance for written notification?
- 17.22(4) – Add a landscape plan
- Can we include any setbacks yet?
- 17.22(4)(f) – Keep as written.
- 17.22(4) Deposit – Recommend application fee of \$50,000 with a minimum balance of \$20,000 to replenish to \$50,000.
- 17.22(4) Deposit – There is no information about what happens to incurred costs if the project is denied or the applicant pulls out of the project. Can we add language to clarify incurred expenses are non-refundable?
- 17.22(7) Revocation – What happens if we revoke a permit? No refunds on costs incurred – correct? The decommission bond is then utilized to remove the materials and restore the property – correct?

- Is a building permit necessary for each of the small buildings that are constructed as part of the solar energy system or are these buildings included in the solar energy system permit?
- 17.22(6) Restrictions – Can we add any of the following negotiation points?
 - Setbacks
 - Ground clearance
 - Height
 - Shared revenue plan
 - Property value protection plan
 - Individual property owner compensations
 - Decommission bond
 - Maintenance bond for vegetation
 - Lost tax base

Testimony in support of amendment to zoning ordinance (offered three times):

Charlie Becker	Gary Borgers	Aaron Rickert
Jerry Borski	Cindy Kumbier-Borgers	Jordan Weed
Gary Miller	Glenn Henning	Theresa Schultz
Dave Jahns	Brad Witt	

Testimony in opposition of amendment to zoning ordinance (offered three times): none

Discussion by EPC: none

Motion:

Motion made by Wenker/Brenner to recommend adoption of the proposed amendment by addition of Section 17.22 for Solar Energy Systems to the Zoning Regulations with changes discussed and subsequent recommended modifications by the Town Attorney based on the next public hearing to be held by the Town Board. Averbek, Borski, Brenner, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will hold a second public hearing on this proposed amendment on May 3, 2021 because of the way Section 17.58(1) of the Zoning Regulations is currently written. Immediately following the second public hearing, the Town Board will hold a Special Town Board Meeting to take action on the proposed amendment.

Brenner adjourned the hearing at 9:03 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission