

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

Amendment to Chapter 17 Zoning Regulations Regarding Solar Energy Systems

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, with quorum present and voting, and having received a recommendation of the Town of Eldorado Plan Commission and conducting a public hearing, hereby ordains the following amendments to the Town of Eldorado Zoning Ordinance:

Section 17.22 is created to read:

17.22 Solar Energy Systems.

- (1) Purpose. The purpose of this Section is to provide a regulatory scheme for the construction and operation of Solar Energy Systems, other than those excluded in 17.22(2) below, in the Town of Eldorado, Fond du Lac County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety.
- (2) Definitions.
 - (a) Solar Energy System. Equipment which directly collects, converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. "Solar Energy System" excludes solar powered light fixtures that are ground or wall mounted, solar powered electric fences and other solar energy systems that are identified as permitted accessory uses within the applicable zoning district.
- (3) Permit Required. No Solar Energy System may be installed or maintained in the Town of Eldorado without a Solar Energy System Permit granted pursuant to this ordinance.
- (4) Application. Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:

- (a) Name and address of the applicant and the name and contact information for a designated representative of the applicant.
- (b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
- (c) Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
- (d) Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.
- (e) Documentation showing that no reasonable alternative location exists for the Solar Energy System that would result in less impact on neighboring lots.
- (f) Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the Solar Energy System that would result in less impact on neighboring lots.
- (g) A landscape plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.
- (h) Such additional information as may be reasonably requested by the Town.
- (i) Any of the information required by this section may be waived by the Town at its discretion.

An applicant for a solar energy system exceeding ten (10) megawatts (MW) shall deposit an application fee of twenty-five thousand dollars (\$25,000) with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of notices, the cost of meeting per diems, the cost of services necessary to review an application that are provided by town officials, outside engineers, attorneys, planners,

environmental specialists, and other consultants or experts shall be billed against the deposit regardless of the final outcome of the application. The applicant shall maintain a minimum of ten thousand dollars (\$10,000) in the account until the review process and construction (if approved) is completed. If the balance in the account drops below ten thousand dollars (\$10,000), the applicant shall deposit additional money to bring the account balance to twenty-five thousand dollars (\$25,000) within five (5) business days of receipt of written notice from the Town. The Town will refund any remaining balance in the account within sixty (60) days after the final inspection and Town approval of the constructed solar energy system or within sixty (60) days after denial of the application. The Town reserves the right to refuse continued review of an application in the event an applicant fails to comply with this subsection.

(5) Review of Solar Energy System Permit Application. The Town will consider each Solar Energy System on a case-by-case basis following the procedures in Section 17.51 except as modified in this Section. In addition to the notice requirements set forth in Section 17.51, the applicant shall provide written notice of its application to the owners and occupants of all properties located within 1,000 feet of any parcel upon which any portion of the proposed solar energy system will be located. The Town may deny a permit for a Solar Energy System or may impose restrictions on a Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:

- (a) The denial or restriction serves to preserve or protect the public health or safety.
- (b) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) The denial or restriction allows for an alternative system of comparable cost efficiency.

(6) Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System relating to any of the following:

- (a) Location of the Solar Energy System.

- (b) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
 - (c) Wiring and electrical controls of the Solar Energy System.
 - (d) Reimbursement for emergency services required as a result of the Solar Energy System.
 - (e) Solar Energy System ground clearance.
 - (f) Solar Energy System height.
 - (g) Shared revenue, payments in lieu of taxes and other financial matters.
 - (h) Financial security, such as bonds, cash deposits, or letters of credit.
 - (i) Decommissioning.
 - (j) Compensation to affected property owners.
 - (k) Any other matters that the Town finds appropriate.
- (7) Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.

All other provisions of the Town of Eldorado Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 3rd day of May, 2021.

TOWN OF ELDORADO

By: Gary L. Miller
Gary Miller, Chairperson

Attest:

Cheryl Pionke
Cheryl Pionke, Town Clerk

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

**Amendment to Chapter 17 Zoning Regulations
Regarding Changes and Amendments**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, with quorum present and voting, and having received a recommendation of the Town of Eldorado Plan Commission and conducting a public hearing, hereby ordains the following amendment to the Town of Eldorado Zoning Ordinance:

Section 17.58(1) is amended to read:

When any amendment of the district boundaries or the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Plan Commission shall formulate a tentative draft of such amendment and make a recommendation on the same to the Town Board. The Plan Commission's recommendation shall be preceded by a public hearing with notice given as a Class 2 notice under Chapter 985 of the Wisconsin Statutes. The Town Board may direct the Plan Commission to report its recommendations at specified times of the year, but at least twice in any calendar year.

All other provisions of the Town of Eldorado Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 3rd day of May, 2021.

TOWN OF ELDORADO

By: Gary S. Miller
Gary Miller, Chairperson

Attest:

Cheryl Pionke
Cheryl Pionke, Town Clerk