CITY OF GILLETT
HEALTH, PROTECTION, & LICENSING COMMITTEE
Council Chambers – Municipal Building
150 N McKenzie Ave – Gillett, WI 54124
THURSDAY, MARCH 4, 2021 AT 5:30 PM
MINUTES
Committee may deviate as needed

Meeting Called to Order by Alderperson Blaser at 5:30 PM.
Roll Call
Open Meeting Law has been complied with
This public meeting is in compliance with all Open Meeting Laws.
Present: Alderpersons Marie Blaser, Matt Stroik, Debbie Rudie
Clerk Treasurer Chelsea Anderson, Mayor Josh McCarthy, Alderperson Nanette Mohr, Gary Spaulding, and Sandy Hubbard, Public Works and Utility Department Head Ron Anderson, Police Chief Kevin Schneider and Fire Chief Kurt Hicks.
PUBLIC INPUT: None

1. Discussion and Possible action on minutes from February 11, 2021
   MOTION: Stroik/Rudie
   Motion to approve the minutes from February 11, 2021
   Voice Vote: All Ayes **MOTION CARRIED**

2. Discussion and Possible Action on Solar Energy Ordinance-Leave Lay

3. Set Next Meeting Date- To Be Determined

4. Adjourn at 5:45 PM.
   MOTION: Rudie/Stroik
   Motion to adjourn.
   Voice Vote: All Ayes **MOTION CARRIED**

Respectfully Submitted by
Clerk Treasurer Chelsea Anderson

3/3/2021 1:44 PM

CITY OF GILLETT
HEALTH, PROTECTION, & LICENSING COMMITTEE

Council Chambers – Municipal Building
150 N McKenzie Ave – Gillett, WI 54124

THURSDAY, MARCH 4, 2021 – AT 5:30 PM

AGENDA

Committee may deviate as needed

Meeting Called to Order
Roll Call
Open Meeting Law has been complied with
PUBLIC INPUT

1. Discussion and Possible action on minutes from February 11, 2021
2. Discussion and Possible Action on Solar Energy Ordinance
3. Set Next Meeting Date
4. Adjourn

cc: Committee members (Blaser, Stroik, Rudie) council members, Mayor McCarthy
Please remember to silence cell phones before attending meetings at City Hall. It is possible that members of and possibly a quorum of members of the City Council or other committee may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the City Clerk's office 920-855-2255 with as much advance notice as possible.

Agenda subject to change up to 24 hours prior to the meeting

CITY OF GILLETT
HEALTH, PROTECTION, & LICENSING COMMITTEE
Council Chambers – Municipal Building
150 N McKenzie Ave – Gillett, WI 54124
THURSDAY, FEBRUARY 11, 2021 AT 4:30 PM
MINUTES
Committee may deviate as needed

Meeting Called to Order by Alderperson Blaser at 4:30 PM.
Roll Call
Open Meeting Law has been complied with
This public meeting is in compliance with all Open Meeting Laws.
Present: Alderpersons Marie Blaser, Matt Stroik, Debbie Rudie, Clerk Treasurer Chelsea Anderson, Mayor Josh McCarthy, Alderperson Nanette Mohr, Gary Spaulding, and Sandy Hubbard, Police Chief Kevin Schneider Public Works and Utility Department Head Ron Anderson, Assistant Fire Chief Tim Via, and Fire Chief Kurt Hicks.

PUBLIC INPUT: Jeff Spaulding from Spaulding Construction stopped on behalf of Seneca Food Corporation to give the City an update of their plans. Seneca will be turning their migrant housing from bunkhouses to separate rooms. They will be losing approximately 48 beds and are in need of building two addition new housing units by June of 2021. Spaulding Construction will be renting site #7 in Nicolet Trail Campground from June through August.

1. Discussion and Possible action on minutes from December 3rd and 17th, 2020
   MOTION: Stroik/Rudie
   Motion to approve the minutes from December 3 and 17, 2020.
   Voice Vote: All Ayes **MOTION CARRIED**

2. Discussion and Possible Action on Burning Permit Ordinance
   MOTION: Stroik/Rudie
   Motion to updating the burning permit ordinance, to send to attorney to finalize. Adding new wording to ordinance to give Police and Fire Department authority on burning leaves, open burning, and what the definition of an above ground fire pit.
   Voice Vote: All Ayes **MOTION CARRIED**

3. Discussion and Possible Action on Tobacco Policy
   MOTION: Stroik/Rudie
   Motion to approve updating the tobacco policy to include where tobacco cannot be used; examples to be added: city equipment, vehicles or functions.
   Voice Vote: All Ayes **MOTION CARRIED**

4. Set Next Meeting Date-March 4, 2021 at 5:30

5. Adjourn at 5:30 PM.
   MOTION: Rudie/Stroik
   Motion to adjourn.
   Voice Vote: All Ayes **MOTION CARRIED**

Respectfully Submitted by
Clerk Treasurer Chelsea Anderson

Sec. 65-111. - Title.

This article may be referred to as the "Solar Energy System Ordinance."

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-41. See editor's note, art. III.

Sec. 65-112. - *Authority.*

This article is adopted pursuant to authority granted by Wis. Stats. §§ 59.69, 59.694, 66.040 and 66.0403

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-42. See editor's note, art. III.

Sec. 65-113. - Purpose.

The County finds that solar energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources. Distributed solar photovoltaic systems will also enhance the reliability and power quality of the power grid, make more efficient use of electric distribution infrastructure, reduce peak power demands, and help diversify the energy supply. Solar energy systems offer additional energy choice to consumers and improves the competitiveness of the electricity supply market. The County finds building-mounted solar energy, within the standards noted below, to be an essential service.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-43. See editor's note, art. III.

Sec. 65-114. - Applicability.

This article applies to all lands within the boundaries of the County lying outside the limits of incorporated cities and villages and adopted in accordance with Wis. Stats. § 59.69.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-44. See editor's note, art. III.

Sec. 65-115. - *Abrogation.*

It is not intended by this article to repeal, abrogate, annul, impair, or interfere with any existing ordinance.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-45. See editor's note, art. III.

Sec. 65-116. - Severability.

The provisions of this article are severable, and the invalidity of any section, subdivision, paragraph, or other part of this article shall not affect the validity or effectiveness of the remainder of the article.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-46. See editor's note, art. III.

Sec. 65-117. - Warning and disclaimer of liability.

This article shall not create a duty or liability on the part of or a cause of action against the County, its officers or employees thereof, for any damages that may result from administration of or reliance on this article.

The County is not responsible for impermissible interference. The owner of the property shall release, indemnify and hold harmless the County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property resulting from installation and/or use of an active solar energy system.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-47. See editor's note, art. III.

Sec. 65-118. - *Definitions.*

In this article:

Collector use period. 9 a.m. to 3 p.m. standard time daily.

Photovoltaic system. A manmade solar energy system that converts solar energy directly into electricity.

Solar collector. A manmade device which is part of a solar energy system, providing the surface on which sunlight energy is collected.

Solar energy. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar energy system. A manmade system that transforms solar energy into another form of energy or transfers heat from a solar collector to another medium using mechanical, electrical, or chemical means.

Solar hot water system. A type of solar energy system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-48. See editor's note, art. III.

Sec. 65-119. - *Performance standards.*

A solar energy system shall be permitted in all upland zoning classifications where buildings are permitted. If the system fails to meet the following standards, a conditional use review and approval in accordance with section 65-121 and chapter 74 shall be required.

Building mounted solar systems shall be exempt from the conditional use process and zoning permit process outlined in chapter 74 provided the solar system does not extend more than 18 inches from the original exterior perimeter of the permitted building on which the system is mounted or built. Zoning permits may be obtained to extend the structure

beyond 18 inches provided all setback requirements are met. Further provided if located on a principal structure, the structure is at least five feet from all property lines and if located on an accessory structure, the structure is at least three feet from all property lines.

Ground mounted/pole mounted solar system may be exempt from the conditional use process but is required to obtain a zoning permit provided the entire system meets the total accessory structure limitations in accordance with chapter 74, does not exceed 12.5 kilowatt in rated capacity total for the parcel, and is no more than 21 feet in height.

Electrical: Electric solar system components and batteries must be in compliance with applicable electrical codes.

Glare and light: Collector surfaces shall minimize glare and reflected light.

Safety: The solar system must be anchored or secured in accordance with applicable building codes.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14; Ord. No. 1129-07/18, pt. I, 7-10-18)

Note— Former § 65-49. See editor's note, art. III.

Sec. 65-120. - Zoning permit procedure.

The application for a zoning permit for each solar energy system, including must be accompanied by a fee set by the County Board.

(1) A zoning permit is required for the installation of a solar energy system except a solar energy system that does not extend more than 18 inches from the original exterior perimeter of a permitted building on which the system is mounted or built.

(2) A person may submit a zoning permit application to the Administrator for a solar energy system. The application must be on a form approved or provided by the County and must include the name, address, and telephone number of the person designated by the owner as the contact for operational issues and the investigation of any complaints. The application must also be accompanied by two copies of a drawing that shows the proposed height, location and distance of the system from the property lines of the parcel on which it is located.

(3) The Administrator should issue a permit or deny the application within 30 days of the date on which the application is complete.

(4) The Administrator will issue a zoning permit for a solar energy system if the application materials show that the proposed system location meets the requirements of this article and of the conditional use permit issued by the County Zoning Agency.

(5) If the application is approved, the Administrator will return one copy of the drawing with an approved copy of the zoning permit and retain the other copy with the original application.

(6) If the application is denied, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was denied. The owner may appeal the Administrator's decision to the Board of Adjustment as provided in chapter 74.

(7) The zoning permit card must be conspicuously posted on the premises and visible to the public at all times until construction or installation of the system is complete.

(8) Expiration. A permit expires if the solar energy system is not installed and functioning within two years from the date the permit is issued.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Sec. 65-122. - Removal.

A schedule with details for decommission and removal of a solar energy system may be established during the conditional use process. Upon termination of solar rights or in the absence of an approved schedule, after a solar system is no longer in operation, the owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts:

(1) Shall remove all solar energy system and outdoor storage;

(2) Shall remove all hazardous material from the property and dispose of the hazardous material in accordance with Federal and State law.

(3) If the owner fails to remove a solar energy system and reclaim the site, the County may remove or cause the removal of the solar system and the reclamation of the site. The County may recover the cost of removal and reclamation from any financial assurance provided by the owner. Any removal or reclamation cost incurred by the County that is not recovered from the owner will become a lien on the property where the removal or reclamation takes place and may be collected from the landowner in the same manner as property taxes.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14; Ord. No. 1131-07/18, pt. I, 7-10-18)

Note— Former § 65-52. See editor's note, art. III.

Sec. 65-123. - Fees.

All applications shall include a fee in accordance with the County Board approved schedule of fees.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14)

Note— Former § 65-53. See editor's note, art. III.

Note— Former § 65-50. See editor's note, art. III.

Sec. 65-121. - Conditional use procedure.

(a) A person may submit an application to the Administrator for a conditional use permit for a solar energy system. The procedures shall be in accordance with chapter 74 of the Walworth County Code of Ordinances. The Administrator will review the application materials for completeness and may request that the applicant provide additional information. When the Administrator determines that the application is complete, the Administrator will forward it to the Committee.

(b) Setbacks. Solar energy systems that require conditional use approval shall be located at least 50 feet from all property lines and 75 feet from the ordinary high water mark. The Committee may modify the 50 foot setback from side and rear property lines shared by parcels supporting the same solar energy system.

(c) The Committee will conduct a hearing on the application after a class 2 hearing notice is published in the official newspaper of the County and shoreland notice is provided to DNR at least ten days prior to the hearing. The hearing will be held within 60 days after the Committee receives the completed application.

(d) The Committee will grant a conditional use permit if it determines that the requirements of this article are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the County. The Committee may include conditions in the permit if those conditions preserve or protect the public health and safety; do not significantly increase the cost of the system or significantly decrease its efficiency; or allow for an alternative system of comparable cost and efficiency. The Committee may consider the following when setting conditions:

(1) Proposed ingress and egress.

(2) Proximity to transmission lines to link the system to the electric power grid.

(3) Number and their location.

(4) Nature of land use on adjacent and nearby properties.

(5) Location systems in the surrounding area.

(6) Surrounding topography.

(7) Proximity to residential structures, residential zoning districts, or areas identified for future residential use.

(8) Possible adverse effects on migratory birds, raptors, and other animals and wildlife.

(9) Impact on the orderly development.

(10) Proximity to public and private roads.

(11) Recommendation of the Town Board for each town in which a solar energy system is located.

(12) Any other factors that are relevant to the proposed system.

(e) The Committee decision, the reason for its decision, and any conditions will be recorded in the minutes. The Committee may authorize the County Zoning Administrator to issue a conditional use permit or inform the applicant in writing the conditional use permit has been denied.

(f) The Committee decision may be appealed to the Circuit Court via certiorari. Appeals must be commenced seeking the remedy available by certiorari within 30 days after the filing date of the decision by the Committee.

(Ord. No. 551-05/09, pt. I, 5-12-09; Ord. No. 829-01/14, pt. II, 1-14-14; Ord. No. 1129-07/18, pt. II, 7-10-18)

Note— Former § 65-51. See editor's note, art. III.

ORDINANCE NO.: 5117

AN ORDINANCE to create Division 6 of Ch. 115, Art. VII of the Code of Ordinances of the City of La Crosse regarding Solar Energy Systems.

THE COMMON COUNCIL of the City of La Crosse does ordain as follows:

SECTION I: Division 6 of Article VII of Chapter 115 of the Code of Ordinances is hereby created to read as follows:

DIVISION 6. – SOLAR ENERGY SYSTEMS.

Sec. 115-611. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building-integrated Solar Energy System means a solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Grid-intertie Solar Energy System means a photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Ground-mount means a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

Off-grid Solar Energy System means a photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Passive Solar Energy System means a solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System means a solar energy system that converts solar energy directly into electricity.

Renewable Energy Easement, Solar Energy Easement means an easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis. Stats. 700.35.

Renewable Energy System means a solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

Roof-mount means a solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use.

Roof Pitch means the final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

Solar Access means unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

Solar Farm means a commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the primary purpose of wholesale sales of generated electricity. A solar farm is the principal land use for the parcel on which it is located.

Solar Garden means a commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple households or businesses residing or located offsite from the location of the solar energy system. A community solar system may be either an accessory or a principal use.

Solar Resource means a view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 AM and 3:00 PM Standard time on all days of the year.

Solar Collector means a device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface means any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

Solar Daylighting means a device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System means a device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Heat Exchanger means a component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System (also referred to as *Solar Air Heat* or *Solar Furnace*) means a solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance typically uses a vertically mounted collector on a south-facing wall.

Solar Hot Water System (also referred to as *Solar Thermal*) means a system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

Solar Mounting Devices means racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

Solar Storage Unit means a component of a solar energy device that is used to store solar generated electricity or heat for later use.

Sec. 115-612. - Scope.

This article applies to all solar energy installations in the City of La Crosse.

Sec. 115-613. - Purpose.

The City of La Crosse has adopted this regulation for the following purposes:

(a) *Comprehensive Plan Goals.* To meet the goals of the Comprehensive Plan and preserve the health, safety, and welfare of the Community's citizens by promoting the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy. The following solar energy standards implement the following objectives from the Comprehensive Plan:
   (1) *Objective*. Safeguard and improve environmental features as a means of promoting sustainable urban development, revitalization, and quality of life.
   (2) *Objective*. Improve building and site design in residential, commercial, and industrial buildings to serve current and future generations.
   (3) *Objective*. Use "Smart Growth" strategies to maintain the City's leadership role in regional economic development.
   (4) *Objective*. Invest in system improvements strategically to ensure they are cost-effective.
   (5) *Objective*. Establish and maintain an open, fair planning and regulatory process that is consistent with other jurisdictions.

(b) *Greenhouse Gas Emission Goals.* The City of La Crosse has committed to reducing carbon and other greenhouse gas emissions. Solar energy is an abundant, renewable, and nonpolluting energy resource and that its conversion to electricity or heat will reduce our dependence on nonrenewable energy resources and decrease the air and water pollution that results from the use of conventional energy sources.

(c) *Wisconsin Smart Planning.* Wisconsin Smart Planning principles must be considered when local governments make planning, zoning, development, and resource management decisions. The City of La Crosse has adopted Principle 3 – Clean, Renewable, and Efficient Energy – to encourage the promotion of clean energy use through increased access to renewable energy resources.

(d) *Infrastructure.* Distributed solar photovoltaic systems will enhance the reliability and power quality of the power grid and make more efficient use of The City of La Crosse's electric distribution infrastructure.

(e) *Local Resource.* Solar energy is an under used local energy resource and encouraging the use of solar energy will diversify the community's energy supply portfolio and exposure to fiscal risks associated with fossil fuels.

(f) *Improve Competitive Markets.* Solar energy systems offer additional energy choice to consumers and will improve competition in the electricity and natural gas supply market.

Sec. 115-614. - Permitted Accessory Use.

Solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below.

(a) *Height.* Solar energy systems must meet the following height requirements:

(1) Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment per Sec. 115-390(1)b.

(2) Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.

(b) *Set-back.* Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.

(1) *Roof- or Building-mounted Solar Energy Systems.* In addition to the building setback and National Fire Protection Association (NFPA) roof access requirements, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

(2) *Ground-mounted Solar Energy Systems.* Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt and must meet the clearance requirements of the NFPA.

(c) *Visibility.* Solar energy systems shall be designed to blend into the architecture of the building as described in subsection (c)(1)-(3), to the extent such provisions do not diminish solar production or increase costs, consistent with WI State Statute §66.0401.

(1) *Building Integrated Photovoltaic Systems.* Building integrated photovoltaic solar energy systems shall be allowed, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.

(2) *Roof Mounted Solar Energy Systems.* Solar energy systems that are flush-mounted on pitched roofs are blended with the building architecture. Non-flush mounted pitched roof systems on the front ROW shall not be higher than the roof peak, and the collector shall face the same direction as the roof on which it is mounted, to minimize wind loading and structural risks to the roof.

(3) *Reflectors.* All solar energy systems using a reflector to enhance solar production shall minimize reflected light from the reflector affecting adjacent or nearby properties. Measures to minimize reflected light include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit reflected light. "Screening" means a natural or manmade object that minimizes reflected light's effect on adjacent or nearby properties. "Other remedies" means remedies other than those listed above that would minimize reflected light's effect on adjacent or nearby properties.

(d) *Coverage.* Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount

systems shall not exceed half the building footprint of the principal structure, and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious and will be included in coverage limitations in order to protect water quality. Residential zoning districts must comply with area regulations of Sec. 115-390(2)c. if more restrictive than the requirements of this paragraph.

(e) *Historic Buildings.* Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.

(f) *Permit Required.* All solar energy systems shall require a permit approved by the zoning administrator.

(1) *Plan Applications.* Plan applications for solar energy systems shall be accompanied by to scale horizontal (site plan) and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.

a. *Pitched Roof Mounted Solar Energy Systems.* For all roof-mounted systems other than a flat roof the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.

b. *Flat Roof Mounted Solar Energy Systems.* For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.

(2) *Plan Approvals.* Applications that meet the design requirements of this ordinance shall be granted a permit approved by the zoning administrator and shall not require Planning Commission review. Permit approval does not indicate compliance with Plumbing Code, Fire Code, or Electric Code.

(g) *Approved Solar Components.* Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.

(h) *Compliance with Building Code.* All solar energy systems shall meet approval of local building code officials, consistent with the State of Wisconsin Building Code or the Building Code adopted by the local jurisdiction, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

(i) *Compliance with State Electric Code.* All photovoltaic systems shall comply with the Wisconsin State Electric Code.

(j) *Compliance with NFPA.* All photovoltaic systems shall comply with the NFPA.

(k) *Compliance with Plumbing Code.* Solar thermal systems shall comply with requirements of Chapter 103, Article V. of the City of La Crosse Code of Ordinances.

(l) *Utility Notification.* All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

Sec. 115-615. - Principal Uses.

The City of La Crosse encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground-mounted solar energy systems that are the principal use on the development lot or lots are conditional uses in selected districts.

(a) *Solar gardens.* La Crosse permits the development of community solar gardens, subject to the following standards and requirements:

(1) *Rooftop gardens permitted.* Rooftop community systems are permitted in all districts where buildings are permitted.

(2) *Ground-mount gardens conditional.* Ground-mount community solar energy systems must be less than six (6) acres in total size, and are a conditional use in all districts. Ground-mount solar developments covering more than six (6) acres shall be considered solar farms.

(3) *Interconnection.* An interconnection agreement must be completed with the electric utility in whose service territory the system is located.

(4) *Dimensional standards.* All structures must comply with setback, height, and coverage limitations for the district in which the system is located.

(5) *Ground cover and buffer areas.* Ground-mount solar gardens must comply with solar farm ground cover and buffer area standards, as described in subsection (b)(3).

(6) *Other standards.* Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

(b) *Solar farms.* Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market, are permitted under the following standards:

(1) *Conditional use permit.* Solar farms are conditional uses in Light Industrial, Heavy Industrial, and Agricultural districts.

(2) *Stormwater and erosion control.* Solar farms are subject to all City of La Crosse's stormwater management and erosion control provisions requirements.

(3) *Ground cover and buffer areas.* In addition to the provisions of the NFPA, t~~T~~he following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by Multi-family Residential and Commercial Design Standards.

a. Large-scale removal of mature trees on the site is discouraged.
b. Top soils shall not be removed during development, unless part of a remediation effort.
c. Soils shall be planted and maintained for the duration of operation in perennial vegetation to prevent erosion, manage run off, and improve soil.
d. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
e. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service.
f. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
g. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the City of La Crosse equal to one hundred twenty-five (125) percent of the costs to meet the

ground cover and buffer area standard. The financial guarantee shall remain in effect until vegetation is sufficiently established.

(4) *Foundations.* A qualified engineer shall certify that the foundation and design of the solar panels racking and support is within accepted professional standards, given local soil and climate conditions.

(5) *Other standards and codes.* All solar farms shall be in compliance with all applicable Local, State and Federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended; and the NFPA and National Electric Code, as amended.

(6) *Power and communication lines.* Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible, at the discretion of the zoning administrator.

(7) *Site Plan Required.* A detailed site plan for both existing and proposed conditions must be submitted, showing location of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the zoning administrator. The site plan should also show all zoning districts, and overlay districts.

(8) *Aviation Protection.* For solar farms located within 1,000 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.

(9) *Agricultural Protection.* Solar farms must comply with site assessment or soil identification standards that are intended to protect agricultural soils.

(10) *Decommissioning.* A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for 12 consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of Chapter 36. - Solid Waste. The zoning administrator may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

Sec. 115-616. - Restrictions on Solar Energy Systems Limited.

Homeowners' agreements, covenant, common interest community standards, or other contract between multiple property owners within a subdivision of La Crosse shall not restrict or limit solar energy systems.

Sec. 115-617. - Renewable Energy Condition for Certain Permits.

(a) *Condition for Planned Unit Development (PUD) Approval.* The Planning and Development Department may require on-site renewable energy systems or zero-net-energy (ZNE) or zero-net-carbon (ZNC) building designs as a condition for approval of a PUD permit to mitigate for:

(1) Risk to the performance of the local electric distribution system,

(2) Increased emissions of greenhouse gases,
(3) Other risks or effects inconsistent with the Comprehensive Plan.

(b) *Condition for Rezoning or Conditional Use Permit.* The Planning and Development Department may require on-site renewable energy systems or zero net energy construction as a condition for a rezoning or a conditional use permit.
(1) The renewable energy or zero net energy condition may only be exercised for new construction or redevelopment projects.
(2) The renewable energy condition may only be exercised for sites that have sufficient on-site or district energy access to a local energy source. Local energy sources include, but are not limited to, solar energy resources, wind energy resources, biomass energy resources, and waste heat sources that can reasonably meet all performance standards and building code requirements

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

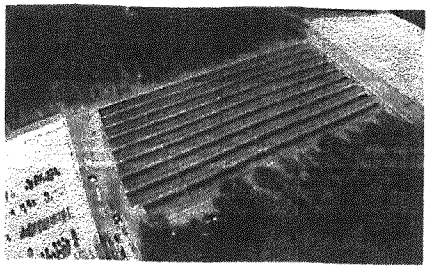
SECTION III: This ordinance shall take effect and be in force from and after its passage and publication.

__/s/_____
Timothy Kabat, Mayor

_/s/_____
Teri Lehrke, City Clerk

Passed: 11/14/19
Approved: 11/14/19
Summary Published: 11/23/19

Eau Claire Energy Cooperative offers a similar community solar program called Member Solar for members within their service territory. For more information see: www.eceec.com/energy-efficiency/renewable-energy/membersolar



Eau Claire Energy Cooperative's
872 kW Community Solar Array

Practical Considerations

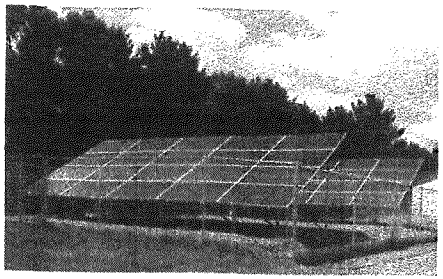
- Be a good neighbor by notifying in advance.
- Recognize adjacent land uses and vegetation when planning and designing solar projects.
- Reflect on future site improvements before proceeding with a solar installation. If you hope to expand your home or business in the future, consider how this could affect your solar project.
- Carefully evaluate energy use behavior and potential solar options to decide on the best choice.
- Consider the type of financing and installation size that is right for your budget.
- Options like utility community solar exist as an alternative for those without good solar access.

City of Eau Claire
203 S. Farwell Street
Eau Claire, WI 54701
Tel: 715.839.4914
Fax: 715.839.4939
Web: www.eauclairewi.gov

Current of 11/8/16

City of Eau Claire

Solar Access Regulations And Best Practices



Development Services Division
Department of Community Development
Eau Claire, Wisconsin

Tel: 715.839.4914

Solar Access Regulations

Purpose

- Permit reasonable uses of solar for energy production on property while protecting the general safety, public health and welfare of property owners.
- Promote best practices and set forth site specific solar planning standards.
- Preserve neighborhood aesthetics while encouraging sustainable design.
- Increase use of solar energy, a free form of clean energy.
- Reduce environmental degradation caused by carbon emissions from the mining and burning of non-renewable energy sources.
- Add electric grid resiliency during peak demand and other stresses to the system.
- To keep in mind that energy conservation and energy efficiency strategies should be in place beforehand or in concert with solar.

Solar by Zoning District

Solar arrays are considered accessory uses in all zoning districts, and solar farms are considered conditional uses in all zoning districts. In some instances, a solar array may be considered a conditional use.

Ordinance References

Chapter 18.02 Definitions

- Solar Array. An accessory system or device that is roof-mounted or ground-mounted with poles or racks used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.
- Solar Collector. A device, structure, or part of device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.
- Solar Farm. An array of multiple solar collectors on ground-mounted racks or poles that transmit solar energy and is the primary land use for the parcel on which it is located.

Chapter 18.30 Accessory Uses
18.30.040 Specific Standards. The following specific standards shall apply to the specific accessory use as listed.

Solar Arrays. That are accessory and incidental and designed primarily for serving on-site needs or a use that is related to the principal use of the property.

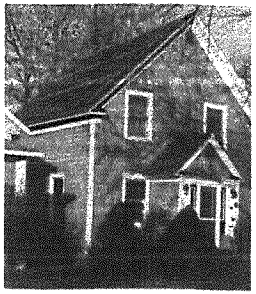
1. A solar array shall follow building setback and height requirements for accessory structures within the zoning district it is proposed.
2. Accessory solar arrays have no size limits except that in residential zones for buildings with 4 dwelling units or less, the maximum size is 1,000 square feet. Larger arrays in these districts may be allowed by conditional use permit.
3. In all zoning districts accessory solar arrays exceeding height standards may be allowed by conditional use permit under provisions listed in Chapter 18.35.

Chapter 18.35 Conditional Uses
18.35.050 Specific Provisions. The following specific provisions, applicable to specific conditional uses as listed, shall be considered by the Commission, in addition to provisions included under section 18.35.040:

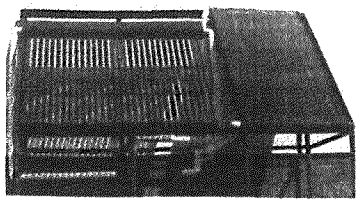
1. Solar farms are designed primarily for serving off-site power needs and are principal uses of the property requiring a conditional use permit. A solar farm shall follow building setback and height requirements for principal structures within the zoning district it is proposed.
2. An accessory solar array may be allowed in size over 1,000 square feet in residential zones for buildings with 4 dwelling units or less.

Solar Site Options

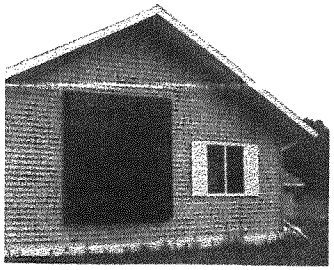
Rooftop Photovoltaic



Ground Mounted Hot Water



Solar Air Heat Collector



Ordinance continued...

18.35.050 Specific Provisions

3. Height standards in all districts may be exceeded for both solar arrays and solar farms so long as the standards of this chapter are met.

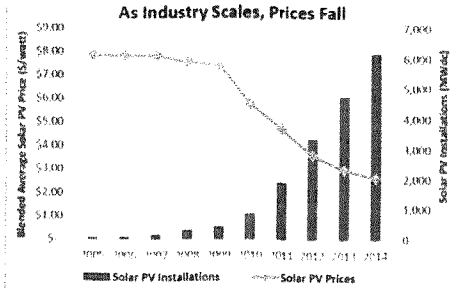
4. Ground mounted solar arrays or solar farms considered by the Zoning Administrator to create impervious surface above lot restrictions for improved surfaces, shall only be conditionally approved if appropriate mitigation measures for stormwater runoff can be demonstrated.

State Statute

Solar installations must be in compliance with State Statutes, including §66.0401 and following sections. Refer to the statute for protection of solar rights.

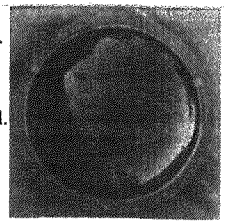
Solar Efficiency Development

Solar has become exponentially more affordable in recent years because of increases in demand and technological developments associated with the production of solar panels. The solar industry now includes over 175,000 laborers, making it a larger employer than either the steel or coal industry in the United States. *(Bloomberg, New Energy Finance) (Greentech Media) (SEIA).*



Site Evaluation

To determine if your property has a workable solar energy site, hire a qualified solar contractor to perform a site assessment. A Solar Pathfinder (pictured) is the standard device used to measure the coverage of the sun throughout the year and shows both the quantity and value of a site's energy potential.



Permitting

Contact the City's Inspection Services Division at 715-839-4947 in order to understand which type of permits and fees may be required for a project. The type of permit and number of inspections depends on the type of installation. The following are generally required:

- Electrical permits are required for all solar electric projects and solar hot water.
- Plumbing permits are required for all solar hot water projects and may be for solar air collectors.
- Building permits are required when structural and wind loads are a concern and when needing extensive racking and or footings.
- Note: Building-integrated solar energy systems such as solar shingles, windows, skylights, awnings, etc. are a building product. However, relevant permitting, zoning and building codes may be required depending on the type of application and location.

Inspection & Enforcement

Requirements contained herein are enforced before permit issuance and at times of inspection. Violations and penalties are subject to the applicable code.

Interconnection with Utility

An interconnect agreement and or permit application is required depending on the service provider. For properties within the city, most will fall within Xcel Energy's territory. Check property billing statement if unsure.

- **Xcel Energy**

Call Xcel's Business Solutions Center 1-800-481-4700 or visit: https://www.xcelenergy.com/working_with_us/how_to_interconnect

- **Eau Claire Energy Cooperative**

Call 715-832-1603 or visit: https://www.ecec.com/energy-efficiency/renewable-energy/distributed_generation

Financing of Solar

Typically solar is paid for through loans or cash with incentives that are available. As of the date of this brochure, the following options were available:

Federal Tax Credit: Primary and seasonal residences can receive a tax credit of 30% of the total cost of installation from the IRS. No upper limit exists on this tax credit but it cannot be used on rental units or non-residential properties. Credit applied to cost after rebates.

WI Focus on Energy Incentives: Up to $2,400 in incentives exist for both residential and non-residential properties. Check requirements at: https://focusonenergy.com/residential/renewable/solar-electric-systems

Property Tax & Sale Tax Exemption: Added property value from the installation of solar arrays is exempt from property tax as long as the proper form is approved by City Assessing. Solar arrays are also exempt from sales tax in the state of Wisconsin.

Property Assessed Clean Energy: By obtaining a loan and placing it as a special charge on the tax rolls, repayment can be deferred over a longer term. Projects over $250,000 should have a cost-to-savings ratio of 1:1. Contact the City at 715-839-4914 for more information.

Solar Group Buy: The benefit of group buy programs is leveraging the strength in number of buyers to obtain competitive solar prices from contractors. For more information contact Chippewa Valley Affordable Solar Group at: www.solarpowerwisconsin.com

Community Solar: Xcel Energy's Solar* Connect Community program offers customers an option to subscribe to a portion of the output from an Eau Claire solar garden to offset usage. Learn more at: www.xcelenergy.com/programs_and_rebates

#2 Pl.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 660-167 **Solar energy systems (SES).**

A. Purpose. The purpose of this section is to support the use of solar energy systems and to ensure that such systems are constructed and installed in a manner that protects public and property owner safety.

B. Permits.

(1) Zoning permit. A zoning permit shall not be required for the installation or construction of a SES.

(2) Building permit. A building permit issued by the Zoning Enforcement Officer shall be obtained prior to construction of a SES to ensure compliance with the International Building Code or with Chapters 20 to 25 of the Unified Dwelling Code.

(3) Plumbing permit. A plumbing permit issued by the Zoning Enforcement Officer shall be obtained prior to construction of a SES to ensure compliance with Chs. 381 to 387of the Wisconsin Administrative Code.

(4) Electrical permit. An electrical permit issued by the Zoning Enforcement Officer shall be obtained prior to construction of a SES to ensure compliance with Ch. SPS 316 of the Wisconsin Administrative Code and the National Electrical Code.

C. Application requirements. A petition to construct or install a solar energy system shall include the following:

(1) Location of all underground utility lines on the property where a SES site is proposed.

(2) Dimensional representation of the structural components of the supports or tower construction, including the base and footings.

(3) Schematic of electrical systems associated with the SES including all existing and proposed electrical connections.

(4) Manufacturer's specifications and installation and operation instructions or specific photovoltaic design information, including model and installation instructions.

(5) Certification by a registered professional engineer or structural engineer that the SES design is sufficient to withstand wind load requirements for structure as defined in all applicable Wisconsin building codes.

D. General performance standards. All SESs shall be subject to the following requirements to ensure public safety:

(1) Support or tower construction. Guyed or lattice towers or supports are expressly prohibited. All towers and supports shall be structurally designed to withstand 100 mph winds and handle loads imparted.

(2) Access. All ground-mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

(3) Electrical wires. All electrical wires associated with a SES, other than wires necessary to connect the photovoltaic to the support or tower wiring, the support or tower wiring to a disconnect junction box, and the grounding wires shall be located underground. All wires and connections shall be wholly located on the subjects property.

(4) Utility notification and interconnection. SESs that connect to the electric utility shall comply with the Wisconsin Distributed Generation Interconnection Standard.

(5) Required safety features.

(a) All SESs shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system.

(b) All SESs shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the SES from supplying power to a de-energized electrical distribution system.

(c) Any SES thereof declared to be unsafe by the Zoning Enforcement Officer by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Municipal Code.