Town of Erin Prairie

St. Croix County, Wisconsin

RENEWABLE ENERGY ORDINANCE

Adopted 2025

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SECTION 1 SOLAR ENERGY SYSTEMS

1.01 PURPOSE. The purpose of this Section is to adopt and incorporate requirements of Section 66.0401 of the Wisconsin Statutes, and to establish Town regulations for the installation, construction, operation, and use of all Solar Energy Systems in the Town of Erin Prairie, St. Croix County, Wisconsin. This Section is also intended to preserve and protect the public health and safety, to not significantly increase the cost of the solar energy system or significantly decrease its efficiency, and to allow for an alternative system of comparable cost and efficiency.

1.02 DEFINITIONS. The following words, phrases, and terms whenever they occur in this Section shall be interpreted as herein defined.

(1) Agrivoltaics: A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

(2) Battery Energy Storage System: A system of battery devices that enable energy from renewables, like solar and wind, to be stored and then released when customers need power most.

(3) Community Solar Garden: A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to as shared solar.

(4) Grid-Intertie Solar Energy System: A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

(5) Joint Development Agreement (JDA) is a contractual framework, started early on in the process, that outlines the terms and conditions of collaboration between the Town of Erin Prairie and the developer/owner, specifying their functions, responsibilities, and obligations in the joint development of the renewable energy system and addressing specific community and environmental concerns.

(6) Microgrid(s): A self-sufficient energy system that serves individual or multiple buildings and/or a discrete geographic footprint, such as a college campus, medical center, business center or neighborhood. Microgrids must be local, independent, and intelligent. Microgrids may include the use of Battery Energy Storage Systems

(7) Passive Solar Energy System: 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.

(8) Photovoltaic System: A solar energy system that converts solar energy directly into electricity.

(9) Renewable Energy Easement, Solar Energy Easement: 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 Section 700.35 of the Wisconsin Statutes.

(10) Roof-mount: A form of building-mounted solar energy system in which solar panels are mounted on a rack that is fastened to or ballasted on a structure's roof. Roof-mount systems are accessory to the principal use.

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

(12) Solar Access: 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.

(13) Solar Carport: A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

(14) Solar Collector: 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. The collector does not include frames, supports, or mounting hardware.

(15) Solar Daylighting: Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

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

(17) Solar Energy System (SES): A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. "Solar Energy Systems" are further defined in this Section, but exclude the following which are permitted accessory uses in all districts:

a) Solar powered light fixtures that are ground or wall mounted.
b) Solar powered electric fences.

(18) Solar Energy System, Large Scale (100MW+): A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system is the principal land use for a parcel(s) generating 100MW or more and will require approval by the Wisconsin Public Service Commission. Generally, such systems are approximately 700+ acres in area.

(19) Solar Energy System, Mid-Scale (30kW to 100MW): A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale

sales of generated electricity. A mid-scale solar energy system is the principal land use for a parcel(s) generating between 30kW to 100MW and does not require approval by the Wisconsin Public Service Commission. Generally, such systems are approximately 9,000 square feet to less than 700 acres in area.

(20) Solar Energy System, Small-Scale (Less than 30kW): A privately owned solar energy system that converts sunlight into electricity for the primary purpose of providing power to structures and facilities on the same site. A small-scale solar energy system is an accessory land use for a parcel(s) generating less than 30kW and does not require approval by the Wisconsin Public Service Commission. A small-scale SES may be ground-mounted or building mounted. Generally, such systems are less than 9,000 square feet in area.

(21) Solar Energy System, Building-Integrated: 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.

(22) Solar Energy System, Building-Mounted: A form of small-scale SES considered as an accessory use which consists of the installation of equipment mounted on a building or incorporated into exterior building materials that uses sunlight to produce electricity or provide heat or water to a building: These systems require a building permit that shall be reviewed and issued by the building inspector.

(23) Solar Energy System, Ground-Mounted: A form of small-scale SES mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses depending on its scale classification.

(24) Solar Hot Air System *(also referred to as Solar Air Heat or Solar Furnace):* A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

(25) Solar Hot Water System: 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.

(26) Solar Mounting Devices: Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

(27) Solar Resource: 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 and can be measured in annual watts per square meter.

(28) Solar Energy System, Existing: A solar energy system lawfully existing at the time of the adoption or amendment of this ordinance may be continued even if such a system does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Article IV Nonconformities of this ordinance shall apply.

1.03 PERMIT REQUIRED. No solar energy system shall be installed or constructed, and no existing or previously approved solar energy system may be expanded in the Town of Erin Prairie without a Solar Permit or Conditional Use Permit granted pursuant to this Section of this Ordinance, as applicable. The applicability of this Section is shown in Table 1.1 below.

Table 1.1: Summary of Permit Requirements & Recommendations

Permit Requirements (Small and Mid-Scale) / Recommendations (LARGE Scale)	Solar Energy Systems (SES					Wind Energy Syste	
	Small Scale (JOKW OR LESSI)		Mid-Scale Scale SES (< 100MW AHO >30KWI)		Large Scale SES (1100MW+) (Recommendations)	Small Scale Wind Energy System (<-300kW)	Large Scale Wind Energy System (>JOOkW)
	Ground Mounted	Building Mounted	Ground Mounted	Building Mounted	Ground Mounted		
Solar Permit	X (administrative)	X (administrative)	X	X	X	X	X
St. Croix County shoreland /floodplain zoning permit (If required)	X		X		X	X	X
Building Permit	X	X	X	X	X	X	X
Conditional Use Permit			X	X	X	X	X
Site Plan Submittal	X (administrative)	X (administrative)	X	X	X	X	X
Written Agreement with Fire Department	X	X	X	X	X	X	X
Joint Development Agreement					X	X	X

(1) LARGE-SCALE SES (100 MW+). Must be approved by the Wisconsin Public Service Commission. Local restrictions on Large-Scale Solar Energy Systems may be limited as they may be affected by State Statute provisions, project details, and necessary Wisconsin Public Service Commission project approvals. Such systems are only allowed as a conditional use in the Agricultural (AG) District. A St. Croix County shoreland/floodplain zoning permit, if applicable, may also be required.

(2) MID-SCALE SES (< 100 MW AND >30 KW). Are allowed as a conditional use in the Agricultural (AG) and Commercial Districts (CD). Such systems are subject to the conditional use permit conditions set forth in the St. Croix County Ordinance and the requirements set forth in the Town's building permit requirements, the County's shoreland/floodplain zoning requirements, and any other applicable state or federal requirements.

(3) SMALL-SCALE SES (30 KW OR LESS). Are considered to be a permitted accessory use in all districts, whether they be ground-mounted, building-integrated, or building-mounted systems. Such systems are allowed whether or not a principal structure exists on the parcel. A solar permit and building permit from the Town are required. A St. Croix County shoreland/floodplain zoning permit, if applicable, may also be required.

1.04 APPLICATION. Every application for a solar energy system shall be made in writing on forms furnished by the Town and shall include the following information:

(1) Name and address of the applicant and the name and contact information for a designated representative of the applicant.

(2) Listing of affected tax parcel ID numbers and evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.

(3) For conditional use permit applications for large-scale and mid-scale solar energy systems, all information and materials required by St. Croix County Zoning.

(4) For solar permit applications for small-scale solar energy systems, all information and materials required by St. Croix County Zoning.

(5) All permit applications for solar energy systems shall include a written agreement between the applicant and United Fire and Rescue or New Richmond Fire Department to ensure access for emergency response services.

(6) All permit applications and associated fees shall be submitted to the town clerk.

(7) Conditional use permit applications for large-scale and mid-scale solar energy systems shall be reviewed and addressed by the Town's Planning Commission and Town Board in accordance with St. Croix County Zoning.

(8) All notice shall be consistent with Section 66.0401 of the Wisconsin Statutes.

1.05 FEES.

(1) All permit applications shall be accompanied by a fee established by the Town of Erin Prairie Board in the Town Fee Schedule.

(a) The owner/applicant shall reimburse the Town for the reasonable costs associated with permit review and processing, subject to the reimbursement requirements of Wis. Stats., 66.0403(2). In the event the Town of Erin Prairie establishes a fee consistent with Wis. Stats. 66.0403(2), said fee will be charged in lieu of reimbursement.

(b) The established fee or reimbursement requirements consistent with Wis. Stats. 66.0403(2) shall include the requirement that the applicant pay all reasonable costs incurred by the Town of Erin Prairie in connection with the review and processing of the application, including: the review and

processing of the application, the cost of notices, the cost of meeting per diems; and, the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts that are actual and necessary costs of review.

(2) The Town of Erin Prairie is authorized to contract with one or more engineers, environmental specialists, planners, outside legal counsel and other consultants and experts to perform necessary services in connection with this Ordinance.

(a) The Town of Erin Prairie shall make the applicant aware of any such reasonable and necessary costs prior to incurring such costs and, if the applicant decides not to pay the reasonable and necessary costs, the application shall be denied.

(b) The Town of Erin Prairie may require the owner of a Solar Energy System to submit up to 50 percent of the total estimated amount of the fee or reimbursement for the Solar Energy System application before issuing a written decision, if the Town gives written notice to the owner of its intent to do so within ten (10) days of the date the application is deemed complete, and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.

(c) The Town shall invoice the applicant for the reasonable costs incurred pursuant to this section. The applicant will be provided 30 days from the date of the invoice to reimburse the Town regardless of the final outcome of the application.

1.06 SITE PLAN APPROVAL REQUIRED. All solar energy systems requiring a permit from the Town shall provide a site plan for review.

(1) SITE PLAN SUBMITTAL REQUIREMENTS:

(a) Site layout maps and drawings which show the location of the system on the building or on the property for a ground-mount system, including: surrounding land uses, property lines, existing structures, the SES, as well as the total extent of system components, and the interconnection points with the electrical grid. For Mid-Scale and Large-Scale SESs, a map indicating neighboring lots within 1,000 feet of the perimeter of the subject site shall be provided.

(b) To-scale horizontal and vertical (elevation) drawings illustrating the SES's dimensions, its height above ground level, orientation, and slope from horizontal.

(c) For Mid-Scale and Large-Scale SESs, a landscape plan and/or agrivoltaics plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.

(d) Solar energy system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan, means of interconnecting with the electrical grid, and any agreements with public utilities

with regard to connecting to their systems.

(e) Installers' qualifications and signatures certifying that the SES will be installed in compliance with all Town ordinances and any other applicable codes.

(f) Calculations showing the percentage of land (lot) coverage by the SES when panels are in the position that has the largest horizontal area.

(g) For Mid and Large-Scale Systems only, a decommissioning plan as established in Section 1.09.

1.07 SMALL-SCALE SOLAR USE & DESIGN STANDARDS. Permitted accessory use Small-Scale SESs are subject to the requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building.

(1) HEIGHT. Solar energy systems must meet the following height requirements:

(a) Building or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of 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.

(b) Ground or pool-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.

(c) Solar carports in non-residential districts shall not exceed 20 feet in height.

(2) SETBACKS. Solar energy systems must meet the accessory structure setbacks for the zoning district on the lot which the system is located, except as allowed below:

(a) Roof or Building-Mounted Solar Energy Systems. The following setback requirements apply:

1) 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.

2) 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.

3) The panels of a system that are mounted on a flat roof may be either

fixed or movable and may be placed at an angle to optimize efficiency of the system.

4) A solar energy system may be mounted on the facade of a commercial building provided the installation does not project more than four feet from the face of a wall.

(b) 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, except as otherwise allowed for by building mechanical systems.

(3) VISIBILITY. Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right- of-way, as described this section to the extent that doing so does not affect the cost or efficacy of the system, consistent with WI Statute §66.0401.

(a) Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right- of-way, 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.

(b) Aesthetic restrictions. Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards:

1) Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.

2) Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.

(c) Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties and roadways.

(4) LOT COVERAGE. Ground-mount systems' total collector area shall not exceed half the building footprint of the principal structure.

(a) Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted.

(b) Ground-mounted systems shall not count toward accessory structure limitations.

(c) Solar carports in non-residential districts are exempt from lot coverage limitations.

(5) 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 Town Board.

(6) APPROVED SOLAR COMPONENTS. All panels shall be certified by one of the following (or their equivalent as determined by the Town): Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation (SRCC). Solar hot water systems must have an SRCC rating.

(7) 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.

(8) COMPLIANCE WITH STATE ELECTRIC CODE. All photovoltaic systems shall comply with the Wisconsin State Electric Code.

(9) COMPLIANCE WITH STATE PLUMBING CODE. Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.

(10) 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.

1.08 MID-SCALE & LARGE-SCALE USE & DESIGN STANDARDS. Mid-Scale and Large-Scale SESs, whether a principal or accessory use shall be subject to the following requirements or recommendations:

(1) SETBACKS. SESs must meet the following setbacks:

(a) Property line setback of 500 feet from the property boundary.

(b) Roadway setback of 500 feet from the right-of-way centerline of any road way.

(c) Housing unit setback of 150 feet from any existing dwelling unit.

(d) Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.

(2) SCREENING. SESs shall be screened from existing residential dwellings.

(a) A screening plan shall be submitted that identifies the type and extent of screening.

(b) Screening shall be consistent with standards typically applied for other land uses requiring screening.

(c) Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential use.

(d) The Town may require screening where it determines there is a clear community interest in maintaining a viewshed.

(3) GROUND COVER AND BUFFER AREAS. The following provisions shall apply to preservation of existing vegetation and establishment of vegetated ground cover. Vegetated ground cover standards shall not apply if an agrivoltaics plan is approved as part of Section 1.06 (1) (c). Additional site-specific conditions may apply as required by the Town.

(a) Large-scale removal or clear-cutting of mature trees on the site is highly discouraged. The Town may set additional restrictions on tree clearing or require mitigation for cleared trees.

(b) The applicant shall submit a vegetative management plan prepared by a qualified/certified professional or reviewed and approved by a natural resource agency or authority, such as the Wisconsin Department of Natural Resources, St. Croix County Soil and Water Conservation District, St. Croix County Land and Water Conservation Department or Natural Resource Conservation Service. The plan shall identify:

1. The natural resource professionals consulted or responsible for the plan.

2. The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground-water quality.

3. The intended mix of vegetation upon establishment.

4. The management methods following the USDA organic farming standards and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years. Use of herbicides are prohibited unless approved by the Town Board.

(c) Soils shall be planted and maintained in perennial vegetation for the full operational life of the project, to prevent erosion, manage run off and build soil.

(d) Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably 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. Perennial vegetation (grasses and forbs) is preferably native to Wisconsin, but where appropriate to the vegetative management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e., clovers).

(e) Plant material must not have been treated with systemic insecticides, particularly neonicotinoids or herbicides.

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

(5) POWER AND COMMUNICATION LINES. Running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. All above ground, exposed powerlines shall be placed in conduit. Exemptions may be granted by the Town 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 town board.

(6) FENCING. Perimeter fencing for the site shall not include barbed wire or woven wire designs and shall use wildlife-friendly fencing standards that include clearance at the bottom. Alternative fencing can be used if the site is incorporating agrivoltaics. Fencing must allow for wild life corridors and habitat.

(7) STORMWATER MANAGEMENT AND EROSION CONTROL. Mid-scale and large- scale SESs are subject to State and County stormwater management and erosion control requirements and permitting, as applicable.

(8) OTHER STANDARDS AND CODES. All SESs shall follow all applicable local, state, and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended; and the National Electric Code, as amended.

(9) AGRICULTURAL PROTECTION. The Town may require mitigation for use of prime agricultural soils/land for solar array placement, including but not limited to the following:

(a) Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.

(b) Requiring the site to be returned to regenerative agriculture at the end of life of the solar installation.

(10) DECOMMISSIONING. A decommissioning plan shall be required as described in Section 1.09 to ensure that facilities are properly removed after their useful life.

1.09 DECOMMISSIONING. A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

(1) Decommissioning of the system must occur in the event the project reaches the end of its usable life or is inoperable for a continuous period of twelve months. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months the Town shall order the removal of the inoperable panels at owner/developer's expense.

(2) Decommissioning shall consist of removal of the SES structures and subsurface foundations and equipment, disposal of all solid and hazardous waste in accordance with all applicable waste disposal regulations, and stabilization of soils and/or revegetation of the site as necessary to minimize erosion. Any sink holes that may have formed at the site or due to developer's activities will be mitigated to standards fit for future agricultural use.

(3) The decommissioning methods shall be established, and cost estimates shall be made by a competent party such as a professional engineer experienced in such matters, a contractor capable of decommissioning, or a party found by the Town to have suitable expertise or experience with decommissioning.

(4) The Town may require the posting of a bond or the establishment of an escrow account to ensure proper decommissioning. If required, the amount required will be reviewed and updated every three years to address cost changes.

(5) The Town Plan Commission shall review the decommissioning plan and request changes that may be needed to comply with the special exception permit or to protect the safety and welfare of the community and town properties.

(6) The plan shall provide that decommissioning will begin within 180 days from the end of the SES useful life or if the SES is not in use for 6 consecutive months. Decommissioning shall be completed within 9 months from the start of decommissioning activities.

1.10 REVIEW OF PERMIT APPLICATION. Except as modified in this Section, the Town will consider each permit application for an SES on a case-by-case basis following the procedures for Permits, for small-scale solar energy systems, and Conditional Use Permits for large-scale and mid-scale solar energy systems under Section 66.0401 of the Wisconsin Statutes.

(1) MID-SCALE (PRINCIPAL USE) AND LARGE-SCALE SOLAR ENERGY SYSTEMS.

(a) In addition to the notice requirements set forth for Conditional Use Permits, the Town shall give due notice of the public hearing to the property owners and

occupants of all lands located within one-half mile of any parcel upon which any portion of the proposed Mid-Scale or Large-Scale SES will be located.

(b) Any Mid-Scale or Large-Scale Solar Energy System Permit must be approved by the Town Board. The Town Board may deny a permit for a Mid-Scale or Large-Scale Solar Energy System or may impose restrictions on a Mid-Scale or Large-Scale Solar Energy System only if the Town finds that the denial or restrictions satisfy one of the following conditions:

1) The denial or restriction serves to preserve or protect the public health or safety.

2) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.

3) The denial or restriction allows for an alternative system of comparable cost efficiency.

1.11 SOLAR ENERGY SYSTEM RESTRICTIONS. The Town may impose restrictions on a Solar Energy System, unless prohibited by law, relating to any of the following:

(1) Location of the Solar Energy System if potentially impacting existing wetlands or other natural features of concern.

(2) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.

(3) Wiring and electrical controls of the Solar Energy System.

(4) Reimbursement for emergency services required as a result of the Solar Energy System.

(5) Solar Energy System ground clearance.

(6) Solar Energy System height.

(7) Shared revenue, payments in lieu of taxes and other financial matters. All financial matters shall be approved as part of a Joint Development Agreement (IDA).

(8) Financial security, such as bonds, cash deposits, or letters of credit.

(9) Decommissioning.

(10) Compensation to affected property owners.

(11) Any other matters that are measurable and based on substantial evidence the Town finds appropriate.

1.12 JOINT DEVELOPMENT AGREEMENT. The Town may negotiate a joint development agreement with the solar developer to address Town issues and concerns. A joint development agreement between the Town and solar developer shall be required or recommended for all large-scale solar energy systems and mid-scale solar energy systems generating 50MW or more. The Town may require a joint development agreement for mid- scale solar energy systems generating less than 50MW. A joint development agreement may address items of Town concern, including but not limited to:

(1) Setbacks.

(2) Screening.

(3) Noise, dust, glare, etc.

(4) Town road use, maintenance, and repair obligation, including proposed equipment haul routes.

(5) Hours of operation.

(6) Engineering plans to address karst.

(7) Storm water runoff.

(8) Watershed protection.

(9) Wetlands protections.

(10) Drainage repair obligations.

(11) Storm damage repair (hail, wind, tornado, etc).

(12) Sink hole damage.

(13) Allocation of utility shared revenue proceeds.

(14) Emergency/first-responder access (written agreement per 1.04(5)).

(15) Decommissioning and restoration obligations, including financial surety or bond.

(16) Liability insurance obligations.

(17) Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.

(18) Requiring a site to be returned to agriculture at the end of life of the solar installation.

1.13 REVOCATION. Any Solar Energy System Permit granted for the installation or maintenance of a Solar Energy System may be revoked, according to Wisconsin law, 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.

This ordinance shall be effective upon posting by the town clerk as required pursuant to s.60.80, Wis. Stat.

Adopted this 30th day of October 2025.

Town of Erin Prairie, St. Croix County, Wisconsin.

Voted For: 2

Voted Against: _____

Supervisor Mitchell recused himself for this meeting and vote.

_____ Chairman
John Van Dyk

_____ Clerk

Attested by: Krista Johnson