



TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

www.townofribmountain.org

3700 North Mountain Road
Wausau, Wisconsin 54401
(715) 842-0983
Fax(715) 848-0186

PLAN COMMISSION

OFFICIAL NOTICE & AGENDA

A meeting of the Town of Rib Mountain Plan Commission will be held on **Wednesday, August 24th, 2016; 6:30 P.M. at 3700 North Mountain Road, Town of Rib Mountain Municipal Center.** The Town Board may attend for purposes of gathering information. Subject matter for consideration and possible action follows:

- 1.) Call to Order
- 2.) Roll Call
- 3.) Minutes
 - a. **Approval of minutes from the 8-10-2016 Plan Commission meeting.**
- 4.) Public Hearings:
 - a. **Farmhouse Fitness LLC, applicant, requests conditional approval for an Indoor Commercial Entertainment Use for a fitness facility at the property addressed 2807 Rib Mountain Drive, per RMMC Section 17.056(4)(h) – Indoor Commercial Entertainment, Parcel #34.032807.015.016.00.00, #34.032807.015.020.00.00, #34.032807.015.021.00.00 Docket #2016-39.**
 - b. **Craig and Julie Kuehn, owners, request conditional use approval for construction of a private residential garage in excess of 1,000 square feet of gross floor area at the property addressed 3106 Swallow Lane, per RMMC Section 17.056(8)(d) – Detached Private Residential Garage, Carport, or Utility Shed. Parcel #34.042807.001.003.00.00. Docket #2016-40.**
- 5.) Old Business:
 - a. **Discussion on potential amendments to Rib Mountain Municipal Code Section 17.056(8)(x) -Detached Energy Systems, related to Solar Panels. Docket #2016-25.**
 - b. **Discussion on potential amendments to Rib Mountain Municipal Code Subchapter X – Signage Regulations, related to Electronic Message Signs. Docket #2016-06.**
- 6.) Correspondence/ Questions/Town Board Update:
- 7.) Public Comment
- 8.) Adjourn

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
August 10, 2016

Chairman Harlan Hebbe called the meeting to order at 6:30 pm. Other Plan Commission members present included Jim Hampton, Ryan Burnett, Jay Wittman, Laura McGucken, Christine Nykiel and Tom Steele. Also present were Community Development Director, Steve Kunst, and Building Inspector / Assistant Zoning Administrator, Paul Kufahl.

MINUTES:

Motion by Tom Steele, seconded by Jim Hampton to approve the minutes of the July 27, 2016 Plan Commission meeting. Motion carried 7-0.

PUBLIC HEARINGS:

- a. *Charles Janssen, applicant, requests an amendment to the Rib Mountain Zoning Map for the property addressed 7408 Bittersweet Road, from Estate Residential-1 to Rural Agricultural-1, Parcel #34.212807.016.000.00.00. Docket #2016-38*

Community Development Director Kunst began the discussion with an overview of the proposal, indicating that the applicant's request is consistent with the future land use map for that parcel and that the current uses of the property would conform to the zoning standards of the proposed district. Mr. Kunst also noted that if rezoned, it is the intent of the applicant to apply for a conditional use for an extraction use to allow for the sale of sand mined from the property.

Christine Nykiel, referenced minutes from a previous pre-application discussion, and questioned if the excavation for the pond and the construction of the new home would be simultaneous. Mr. Janssen, applicant, indicated that it would likely be two to three years after the start of the excavation before they would build the house.

Mr. Kunst addressed the process of an extraction use approval and indicated that hours of operation, timeframe, and reclamation plans are all items that Plan Commission would be able to consider at the time of the conditional use approval.

Chairman Hebbe asked the applicant if they had found a company that would extract and store the sand off site, to which the applicant stated they had not, due to the additional cost associated with transportation. The applicant's agent noted that the demand for sand will dictate the duration of the extraction, but they would like to have it completed in a timely manner, so that the Mr. Janssen can build their house without the distraction of the excavation.

Commissioners questioned the process of extracting and storing the sand. The applicant's agent noted that they would typically remove about 1000 yards, stockpile it on site, and wait until that was removed before moving on. He also noted that the sand has a fair amount of clay fines, which limits the amount of wind throw if stockpiled on site and eliminates the need to tarp the piles.

Jay Wittman asked the applicant if they had spoken with the neighbors in regards to the future extraction use and pond, to which Mr. Janssen indicated that they have spoken with a number of neighboring property owners and have received favorable responses from all.

Additionally, Mr. Hebbe asked if they had spoken with Marathon County about their permitting process and the applicant noted that they had and that the County was more concerned about the Town's Zoning regulations at this time.

Chairman Hebbe opened the floor to public comment. No comments were expressed.

Motion by Laura McGucken, seconded by Jim Hampton to recommend approval of the rezoning application from ER-1 to RA-1 for the property addressed 7408 Bittersweet Rd. Motion Carried 7-0.

The agenda was amended at this point to allow the pre-application discussion to precede the New Business portion of the meeting.

OLD BUSINESS:

- a. Pre-application discussion regarding potential rezoning and subdivision of Parcel #34.162807.003.000.00.00. Docket #2016-29

Bill Shnowske, Royalty Custom Homes, recapped his previous discussions with Plan Commission and Town Board and presented a revised development plan for the northern parcel of the Hall Farm Property. The new proposal split the northern parcel into 2-20 acre pieces, of which, Mr. Shnowske proposed 8 lots on the northern most half with an extension of Begonia St. Mr. Shnowske indicated that this proposal is the lowest density that would allow for economic viability based on the current market needs and valuations.

Additionally, he noted that the proposal would limit the impact of additional traffic on Bellflower and Bittersweet to an estimated 14.2% increase based on a 4-5 year development timeframe and reduced home density, and increase the town's tax base by \$7.5 Million.

Plan Commission expressed concern about the potential for making a bad traffic situation worse by increasing the amount of potential traffic on Bellflower and Bittersweet and indicated that the new proposal does not get us any closer to a road connection with South Mountain Rd. They cited increased traffic levels during school pick up and drop off and recent weather events that closed roads due to downed trees and branches. They noted that they would like to see an easement or right of way dedication to the South indicated on future proposals, as well as, being able to see a preliminary plat to better understand the scope and direction of the development. A number of commissioners also indicated that they would like confirmation from SAFER that the increased cul-de-sac length would be acceptable for emergency response.

Mr. Shnowske noted that while he understands that there is a perceived need for an additional road to South Mountain Rd, it is not possible to develop all of the land at once and needs to be developed in pieces. He noted that Town Staff had researched funding mechanisms for the road development and that it was not even feasible from the Town's perspective.

Additionally, a number of members from the Hall Family spoke noting their frustration with the process for development and that they felt their opinions were not being heard or considered during the course of multiple meetings over multiple years. The Hall Family indicated that they need to start somewhere and felt that they are being held responsible for previous poor development.

Chairman Hebbe asked commission members for some direction for the Hall Family and Mr. Shnowske, to which a majority of members indicated that they would be ok with the proposal provided they saw a preliminary plat indicating the scope of development, there was a dedicated right of way to connect/direct a road toward South Mountain Rd, and that SAFER was ok with the new cul-de-sac length. Two members indicated that they would still oppose the proposal.

NEW BUSINESS:

a. Discussion on potential amendments to Rib Mountain Municipal Code Subchapter X – Signage Regulations, related to Electronic Message Signs. Docket #2016-06

Steve Kunst opened the presentation by stating that this discussion was intended to provide staff with additional direction to determine a new method of regulating electronic message signs. Mr. Kunst provided Plan Commission with a list of potential items that could be regulated and asked for feedback on each as the discussion progressed. The following items were presented and are followed by Plan Commission's responses.

- (a) Allowed via conditional use permit and may only be installed as an integral or subordinate portion of a monument or pylon sign. – Pylon signs were ok only in the HWY 51/29 Overlay District and they would limit to either a monument or a pylon and not both for an individual parcel.
- (b) Conditional Use only in UC or UDD zoning districts, could also consider SC, SO, and SR-3 districts where they are currently located. – Plan Commission felt that there use in the SO zoning district was not needed. SC zoning had some concern related to its proximity to residential lots. SR-3 uses are currently churches, which prompt members to consider differences in uses.
- (c) Lighting Elements cannot be visible from residential zoning districts – Commissioners preferred to see a distance regulation, and asked staff to bring examples of various distances.
- (d) Static Displays only, no transitions, flashing or other movement – Plan Commission agreed
- (e) Display intervals, which are currently set at 30 seconds – Opinions varied from 15 seconds to 1 time per day.
- (f) Percentage of Total Sign area, examples of current signs were provided. – Most commissioners felt 50% of total monument sign was acceptable if designed correctly, and indicated we may want to consider design standards and/or a maximum total electronic size in conjunction with the percentage allowable.
- (g) Automatically adjust to ambient light conditions – Commission members all agreed
- (h) Display face to go dark or turn off if damaged or malfunctioning – all members agreed.

b. Discussion on potential amendments to Rib Mountain Municipal Code Section 17.056(8)(x) – Detached Energy Systems, related to Solar Panels. Docket #2016-25

This discussion item was postponed to a future meeting due to time considerations.

CORRESPONDENCE & QUESTIONS: Nothing at this time

PUBLIC COMMENT: No Comments at this time

ADJOURN:

Motion by Tom Steele, seconded by Jay Wittman to Adjourn. Motion carried 7-0. Meeting adjourned at 8:49 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator

DRAFT

REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director

DATE: August 19, 2016

SUBJECT: Conditional Use Application for Indoor Commercial Entertainment

APPLICANT: Farmhouse Fitness LLC, owner

PROPERTY ADDRESS: 2807 Rib Mountain Drive

REQUEST: Conditional use approval for a fitness facility at the property addressed 2807 Rib Mountain Drive, per Rib Mountain Municipal Code Section 17.056(4)(h) – Indoor Commercial Entertainment.

ZONING: Suburban Commercial (SC)

ADJACENT ZONING: SC (North, South, East & West); SR-3 (North)

LONG RANGE ZONING / OFFICIAL MAP: Commercial

NARRATIVE:

The applicant seeks approval for an Indoor Commercial Entertainment use for the purpose of establishing a fitness center/gym. Indoor Commercial Entertainment uses are considered as conditional uses within the Suburban Commercial zoning district. All applicable conditions for this use identified within the Zoning Ordinance are included below along with staff considerations.

- If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property. **The existing entrance/exit on the north side of the building is greater than 100 feet from the residentially zoned property to the north.**
- Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property. **The proposal requires a six (6) foot solid fence with 440 landscaping points to buffer the adjacent parcels zoned SR-3 to the north.**
- Shall comply with Section 17.225, standards and procedures applicable to Conditional Uses. **This refers to the ‘Findings of Fact.’ See below.**
- Parking Regulations: Parking for Indoor Commercial Entertainment uses requires one stall per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; whichever is greater. **The proposal exceeds the Town’s standards related to the number of lockers and total number of employees at the largest shift (32 total stalls required). The proposal calls for 40 stalls, with the opportunity to expand to the north.**

OTHER CONSIDERATIONS:

Though no site work is being proposed as part of the project, considerations should be made for limiting vehicular access to Robin Lane. Currently, vehicles have uninhibited access to the street. It’s recommended to implement either temporary or permanent curb at least 100 feet from the intersection of Rib Mountain Drive and Robin Lane. In doing so, vehicles will have a defined point of ingress/egress and result in a much safer intersection. Additional information regarding the proposal can be found below:

- Number of employees: 5-10
- Daily Customers: 50
- Hours of Operation: 4:00 AM – 11:00 PM
- Peak Hours: 9:00 AM - 6:00 PM
- Exterior Materials: Stucco, brick, and wood
- Required Parking: 32
- Provided Parking: 40

FINDINGS OF FACT:

1. How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?

The Town’s Comprehensive Plan generally discusses commercial uses as a whole in a variety of ways; including: revitalizing older industrial and commercial areas within the Town, encouraging new commercial development in appropriate locations, and proactively planning for commercial uses.

2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?

The Future Land Use map within the Town’s Comprehensive Plan identifies the project area as ‘Commercial.’ In addition, the proposal will fill a vacant building and represents a less intense use in comparison to the previously proposed gas station/convenience store. The Comprehensive Plan includes goals and objectives specifically related to redevelopment, including: identifying areas to target for redevelopment, directing more intensive future growth to areas that are contiguous to existing developed areas, directing heavy commercial uses to locations that will not degrade the Town’s natural or residential living environment, and establishing commercial areas that provide goods and services in a convenient, safe, and attractive environment.

3. Is it likely that the proposed conditional use, in its proposed location and as depicted on the required site plan (see (3)(d), above), will have an adverse impact on the use of adjacent property, the neighborhood, the physical environment, pedestrian or vehicular traffic, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the regulations or recommendations of this Chapter, the Comprehensive Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development?

The proposed use maintains the commercial character of the property. It will likely reintroduce a similar, if not lower, level of traffic than that of the former retail operations. The proposal will also provide an increased bufferyard between the subject property and the adjacent residential properties to the north.

4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

As mentioned previously, the proposed use falls within an existing commercial area and is consistent with the Town's Future Land Use Map.

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

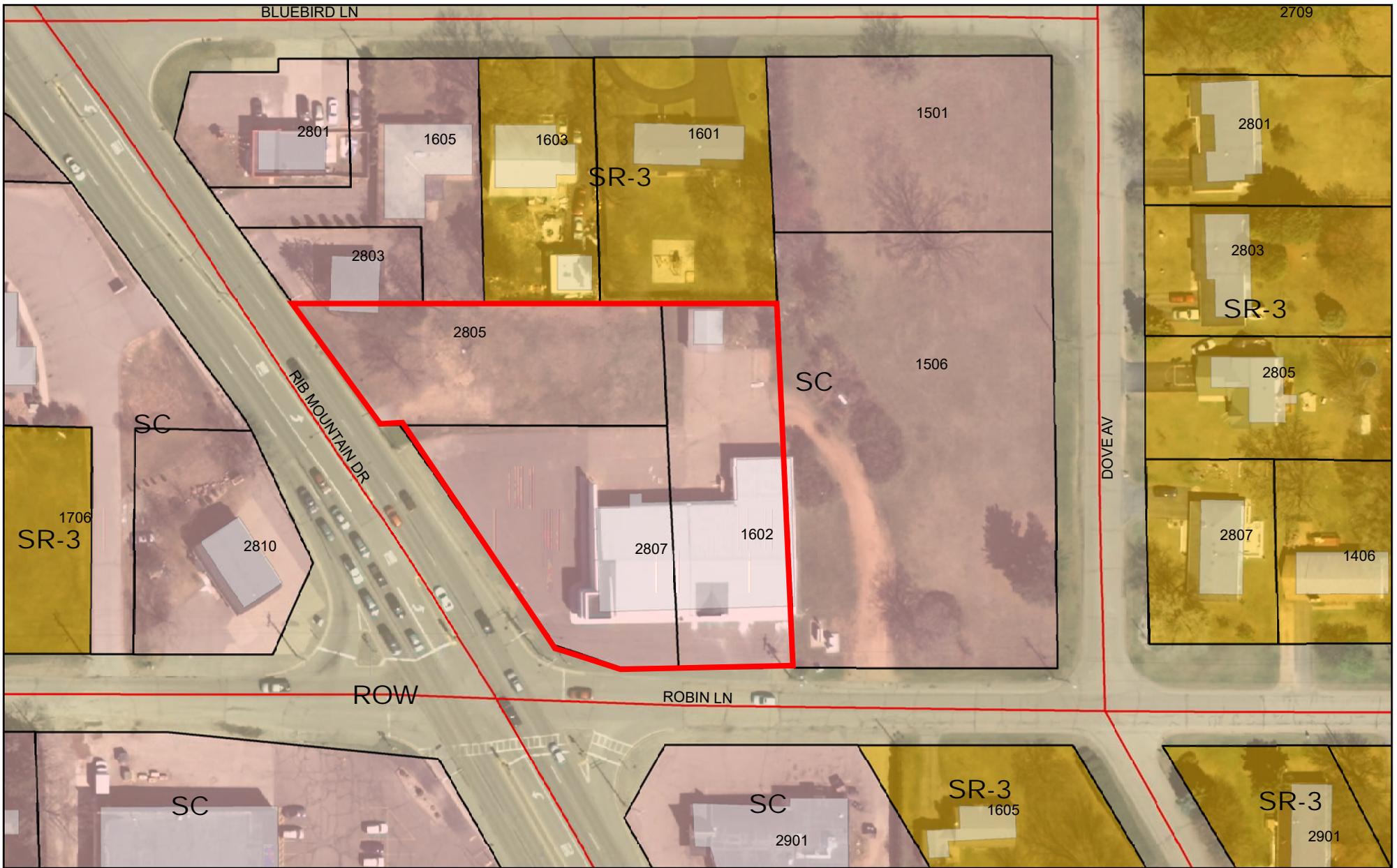
The project area is adequately served by sewer and water and is located within the Towns prominent commercial corridor. Initial access concerns can be alleviated with the proposed curb. It should be noted on-street parking on Rib Mountain Drive or Robin Lane is prohibited.

6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration any proposal by the Applicant and any requirements recommended by the Applicant to ameliorate such impacts?

The proposal would occupy an underutilized space along the Town's intense commercial corridor. Additionally, the area of the property closest to the residential neighborhood to the east is not proposed to be developed. Provided the access concerns are adequately addressed, this project will be a benefit to the area.

POSSIBLE ACTION:

1. Recommend approval of the conditional use to allow an Indoor Commercial Entertainment use for the purpose of a health and fitness center at the property addressed 2807 Rib Mountain Drive, as presented.
2. Recommend approval of the conditional use to allow an Indoor Commercial Entertainment use for the purpose of a health and fitness center at the property addressed 2807 Rib Mountain Drive, with conditions/modifications.
3. Recommend denial of the conditional use to allow an Indoor Commercial Entertainment use for the purpose of a health and fitness center at the property addressed 2807 Rib Mountain Drive.



<p>Zoning Districts (July 2014)</p> <ul style="list-style-type: none"> OR Outdoor Recreation RA-1 Rural Agricultural RA-2 Rural Agricultural RR Rural Residential CR-5ac Countryside Residential SR-2 Suburban Residential 		<ul style="list-style-type: none"> SR-3 Suburban Residential UR-8 Urban Residential ER-1 Estate Residential MR-4 Mixed Residential SC Suburban Commercial NC Neighborhood Commercial UC Urban Commercial 		<ul style="list-style-type: none"> UDD Unified Development EO Estate Office SO Suburban Office SI Suburban Industrial ROW Unzoned Parcel Outline Water Feature Building (2010) 		<p>— Road Centerline</p>	
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Rib Mountain: "Where Nature, Family, and Sport Come Together."
 Prepared by: **CWE** www.cweengineers.com
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 There is no Statement of Accuracy for any parcel data; the parcel layer is considered an Index Parcel Layer not a Cadastral Parcel Layer. For planning purposes only.

PRESENTING



Helping to build
better people for
a better community





BEFORE

EXISTING PROPERTY PHOTOS





2807 Rib Mountain Drive, Wausau
Renovation Proposal - LIFT Gym



RENDERING
PROPOSED EXTERIOR RENOVATIONS



CHARCOAL PAINT



ALUMINUM ACCENTS



FINISHES

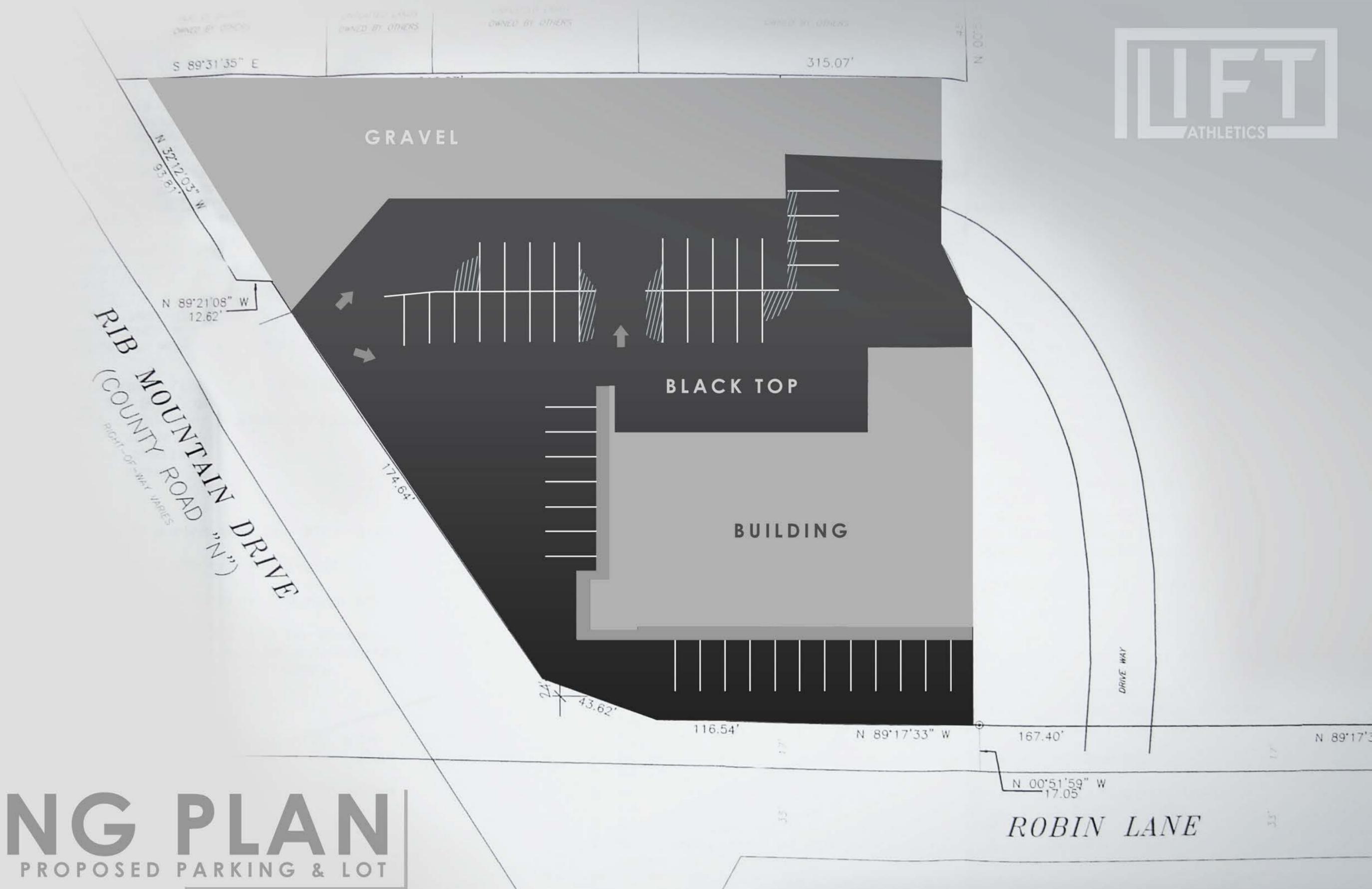
EXTERIOR UPGRADES | COLORS

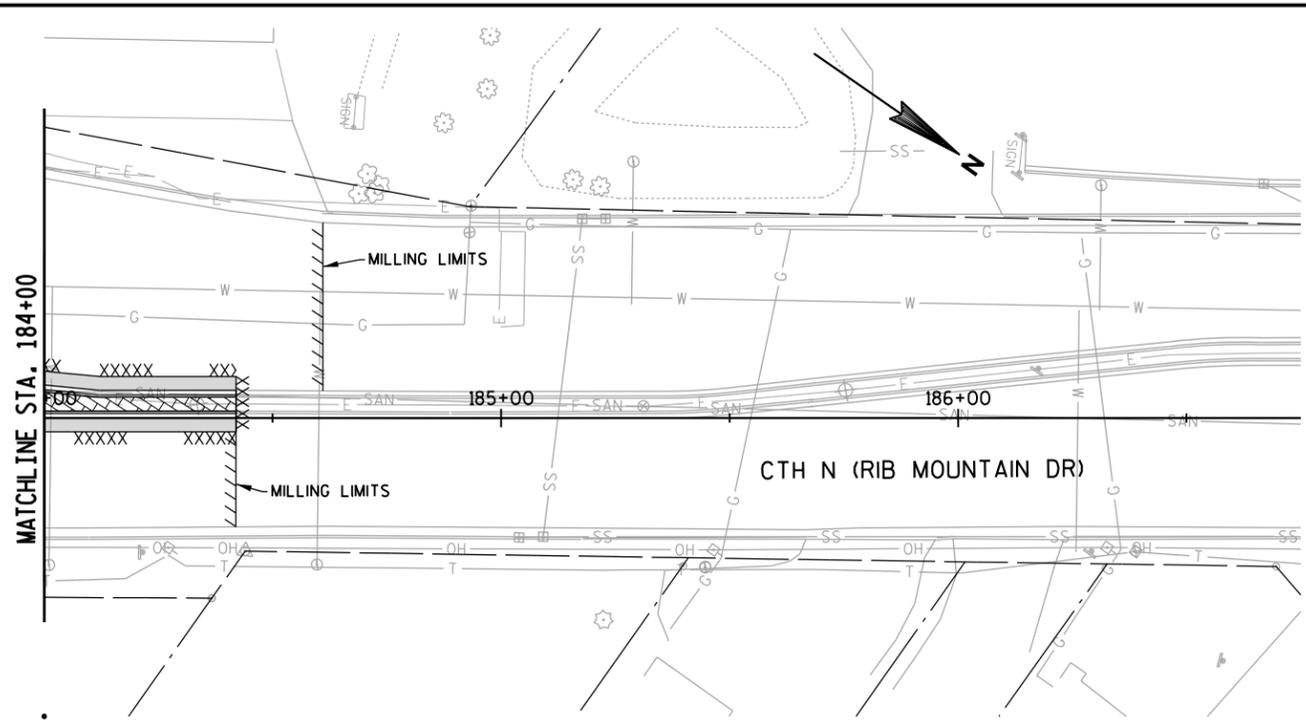
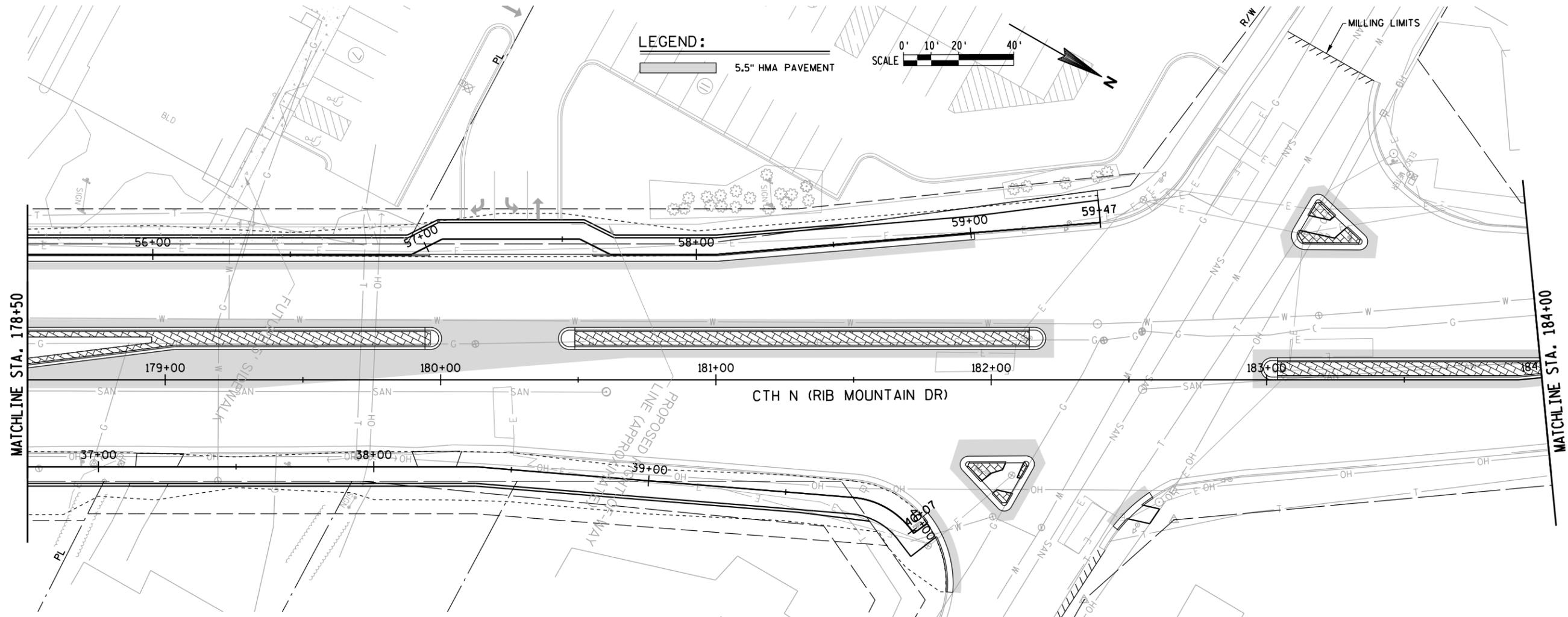




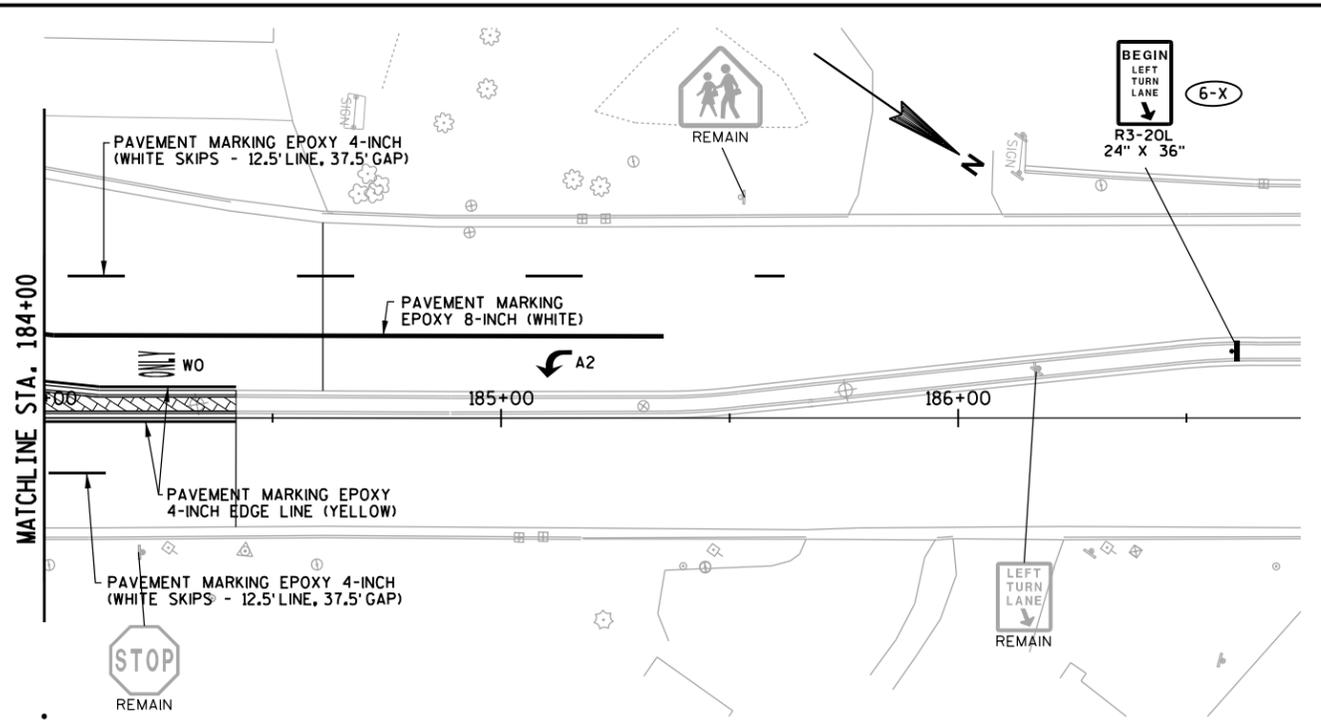
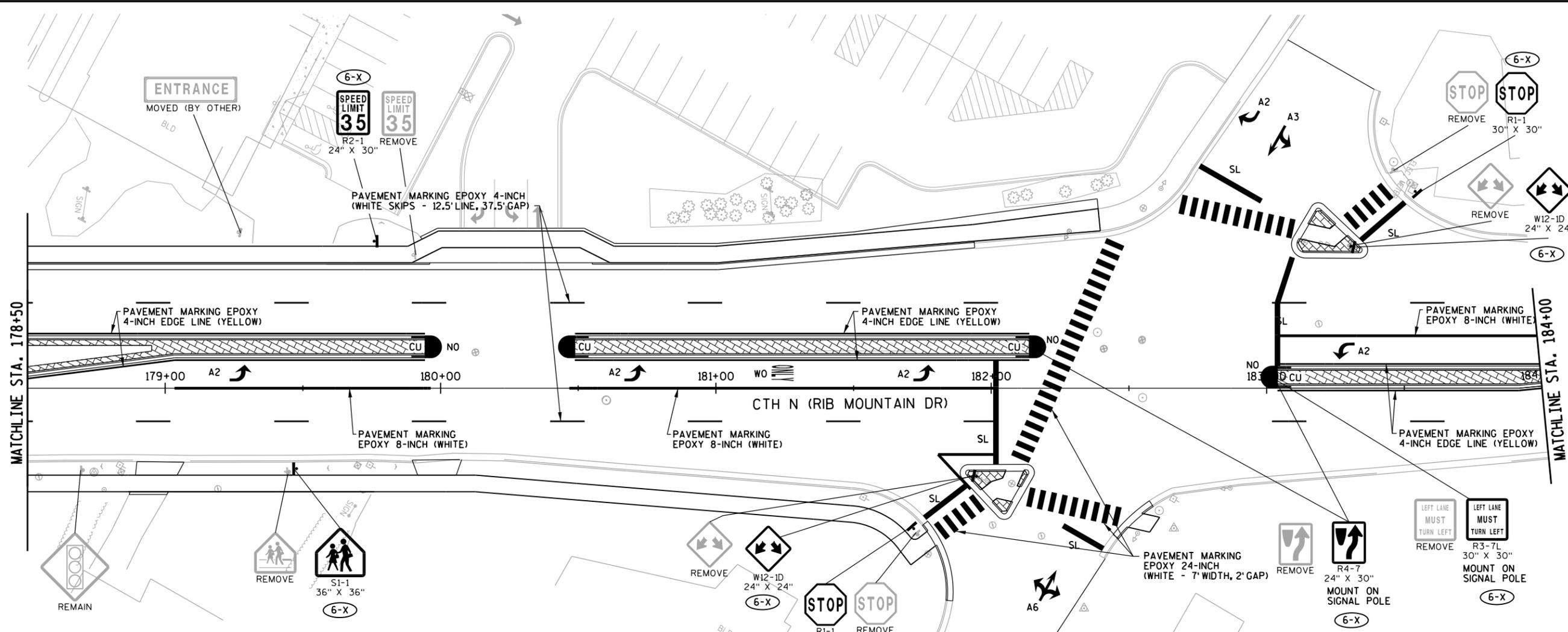
PARKING PLAN

PROPOSED PARKING & LOT





PROJECT NUMBER: 6663-02-71/6999-18-72	HWY: RIB MOUNTAIN DRIVE	COUNTY: MARATHON	LAYOUT	SHEET	E
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LEGEND - PAVEMENT MARKING

- A2 ARROWS EPOXY TYPE 2 (WHITE)
- A3 ARROWS EPOXY TYPE 3 (WHITE)
- A6 ARROWS EPOXY TYPE 6 (WHITE)
- CU CURB EPOXY 6-INCH (YELLOW)
- CW CROSSWALK EPOXY 6-INCH (WHITE)
- NO ISLAND NOSE EPOXY (YELLOW)
- SL STOP LINE EPOXY 18-INCH (WHITE)
- WO WORDS EPOXY (WHITE)

4a-11

REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director

DATE: August 18, 2016

SUBJECT: Conditional Use Request – Detached Accessory Building

APPLICANT: Craig and Julie Kuehn, owners

PROPERTY ADDRESS: 3106 Swallow Lane

REQUEST: Conditional Use approval to allow the construction of a 30 ft. by 46 ft. accessory building on the property addressed 3106 Swallow Lane., resulting in greater than 1,000 square feet (1,380), but less than 1,500 square feet of total accessory building area; per RMMC Sec. 17.056(8)(d) – Detached Private Residential Garage, Carport, or Utility Shed

ZONING: Suburban Residential - 2 (SR-2)

ADJACENT ZONING: SR-2 (South, East, and West); Town of Stettin (North)

NARRATIVE:

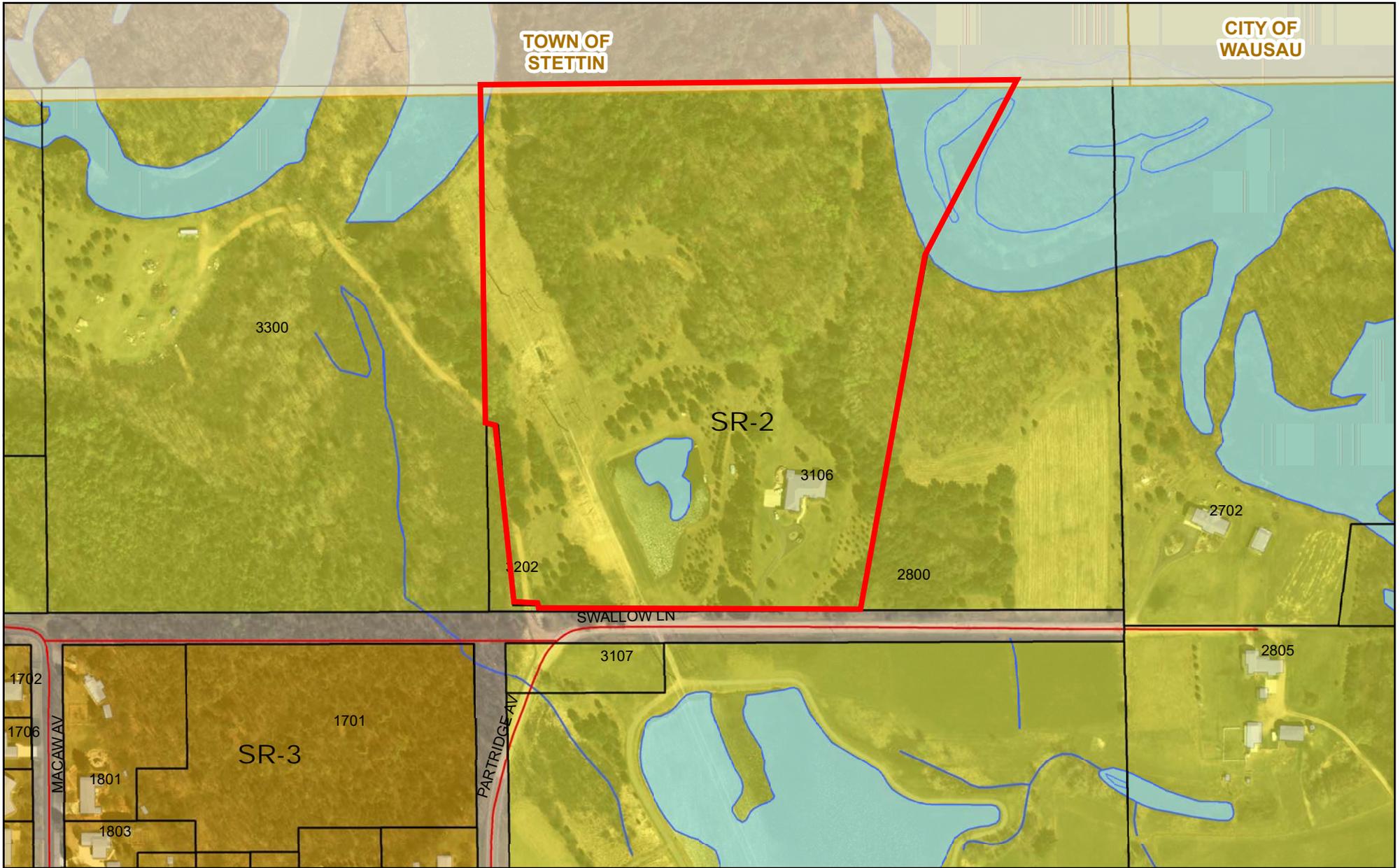
The applicant is seeking Plan Commission recommendation to allow for the construction of a 30 ft. x 46 ft. detached garage (1,380 ft²). Per RMMC Sec. 17.056 (8)(d), any one property may have greater than 1,000 square feet and up to a maximum of 1,500 square feet of accessory building area with Conditional Use Approval. The proposal calls for the exterior building materials to match the residence. The proposed location would meet the setback requirements of the Town and the applicant has received a shoreland zoning permit from Marathon County.

POSSIBLE ACTION:

1. Recommend approval of the conditional use to allow construction of a detached garage greater than 1,000 square feet in area at the property addressed 3106 Swallow Lane, as presented.
2. Recommend approval of the conditional use to allow construction of a detached garage greater than 1,000 square feet in area at the property addressed 3106 Swallow Lane, with conditions/modifications.
3. Recommend denial of the conditional use to allow construction of a detached garage greater than 1,000 square feet in area at the property addressed 3106 Swallow Lane.

TOWN OF
STETTIN

CITY OF
WAUSAU



Zoning Districts (July 2014)

- OR Outdoor Recreation
- RA-1 Rural Agricultural
- RA-2 Rural Agricultural
- RR Rural Residential
- CR-5ac Countryside Residential
- SR-2 Suburban Residential

- SR-3 Suburban Residential
- UR-8 Urban Residential
- ER-1 Estate Residential
- MR-4 Mixed Residential
- SC Suburban Commercial
- NC Neighborhood Commercial
- UC Urban Commercial

- UDD Unified Development
- EO Estate Office
- SO Suburban Office
- SI Suburban Industrial
- ROW
- Unzoned
- Parcel Outline
- Water Feature
- Building (2010)

— Road Centerline

*Rib Mountain:
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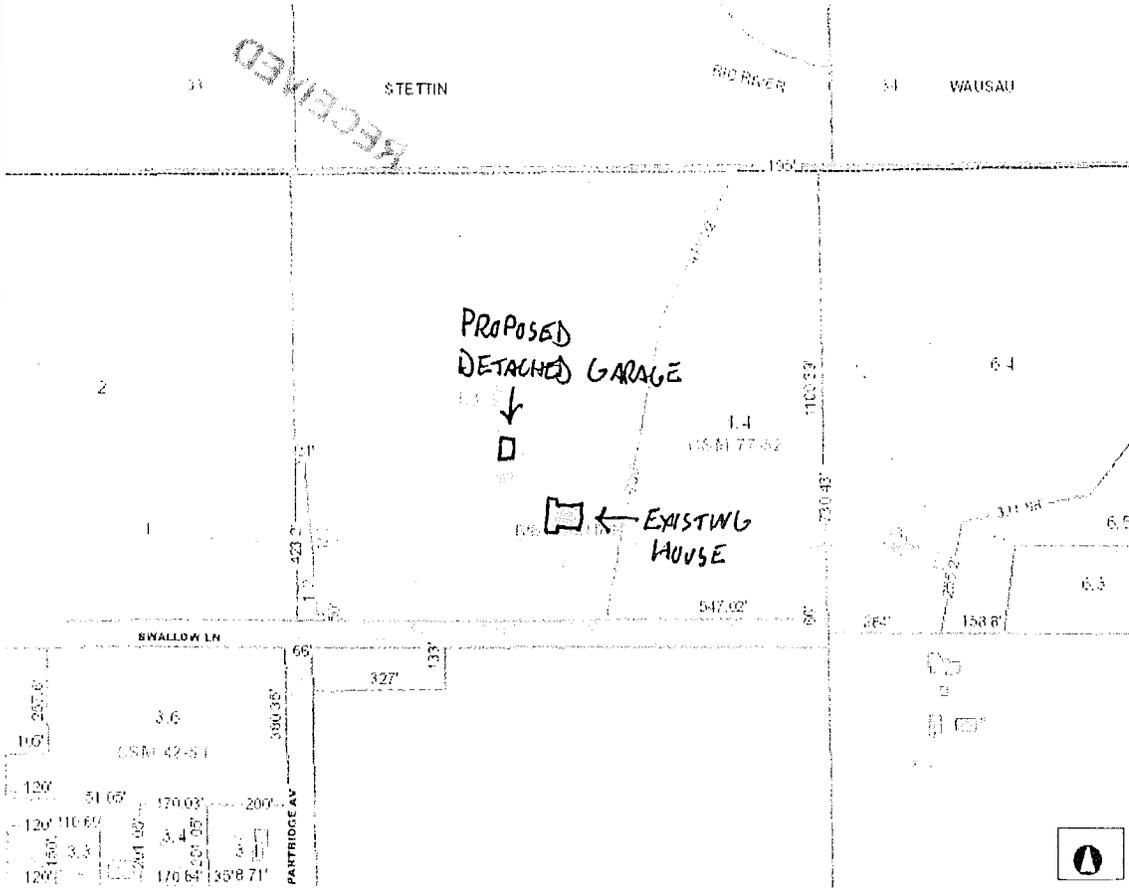


Map Printed: 8/18/2016

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4b-2

HALSEY	BERLIN	TEXAS	SHAW
BERN	MAINE	STETTIN	EASTON
HOLTEN	STETTIN	WILSON	FRANZEN
HULL	WILSON	FRANZEN	FRANZEN
BRIGHT	EMMET	BERN	FRANZEN
W. DAY	WILSON	FRANZEN	FRANZEN
SPENCER	FRANZEN	FRANZEN	FRANZEN



Legend

- Parcels
- Land Hooks
- Section Lines/Numbers
- Right Of Ways
- County-wide Buildings
- Road Names
- Named Places
- Municipalities

Notes

167.80 0 167.80 Feet

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REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director
DATE: August 4, 2016
SUBJECT: Regulation of Solar Energy Systems

APPLICANT: Town of Rib Mountain

REQUEST: Plan Commission input on the Town of Rib Mountain Zoning Ordinance related to Solar Energy Systems.

NARRATIVE:

Continuing our discussion on the regulation of solar energy systems, attached please find an initial draft of amendments to the Zoning Ordinance put together by Building Inspector, Paul Kufahl. Previous Plan Commission feedback noted “flush,” roof mounted panels could potentially be considered as a permitted use. Other standards identified by the Commission required for a system to be permitted by-right include: panels facing either the rear or side yards, consistent colors of the panels and roof materials, and a limited distance panels can project off the roof.

Staff is looking for feedback from the Commission as to how to handle applications for solar energy systems outside the parameters of what will be considered ‘permitted.’ Currently, all solar energy systems are handled through the ‘Conditional Use’ process (\$250 and a public hearing). Is it the desire of the Commission to continue this practice for applications outside of permitted standards? Or rather review by the Plan Commission under the ‘Special Use’ process (\$100 without a public hearing).

OTHER INFORMATION ATTACHED:

- Sample images of various solar energy systems
- A breakdown of general solar energy efficiency
- Sample Energy Notification Letter
- Sample local permit for installation of solar energy systems
- Wisconsin State Statute sections related to solar energy systems

POSSIBLE ACTION: No formal action to be taken. Item is for staff direction only.

Detached Energy Systems. (Am. #13-01; Am. #2014-02) Any detached energy system, such as wood or other solid fuel burners, liquid fuel burners, boilers or furnaces, windmills, or generators, associated with the production of useable heat or energy, which are not located within the primary structure. All such uses shall be considered as an accessory use, under [Section 17.225](#), conditional uses, due to the potential for undesirable impacts on nearby properties.

1. *Outdoor Wood Burning Unit (OWU) or other solid fuel burners, boilers, or furnaces:*

- a. Permitted by Right: Not applicable.
- b. Special Use Regulations: Not applicable.
- c. Conditional Use Regulations: {CR-5ac, RA-I-35ac, RA-2-35ac, OR-35ac, RR-35ac}:
 - 1. Minimum lot size shall be five acres.
- d. OWU Setbacks and Minimum Requirements:
 - 1. Minimum setbacks to side and rear yards shall be 200 feet.
 - 2. Minimum setback to an adjacent front yard or street residence shall be 200 feet.
 - 3. Minimum chimney stack height shall be 20 feet.
- e. All OWU's are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing.

2. *Windmill structures, or similar freestanding poles, towers, or structures associated with energy production:*

- a. Permitted by Right: Not applicable.
- b. Special Use Regulations: Not applicable.
- c. Conditional Use Regulations: (All Districts).
- d. Any windmill tower, pole or similar structure shall be erected at a setback distance equal or greater to the height of the tower plus 20 feet, from any property line.
- e. Wind Energy Systems are also governed by Wis. Stats. § 66.0401, and shall conform to its regulations in addition to this section.

3. *Permanently placed generators, or similar energy producing devices: (This section includes all solar-electric devices which are ground mounted)*

- a. Permitted by Right: Not applicable.
- b. Special Use Regulations: Not applicable.

c. Conditional Use Regulations: (All Districts).

d. Exemptions:

1. Conditional use exemptions are granted for any demonstrated medical need for emergency power as determined by the Zoning Administrator.
2. The Town may not prohibit the placement of emergency power systems for Mobile Service Towers per Wisconsin State Statute § 66.0404 - Mobile Tower Siting Regulations. Also see Rib Mountain Municipal Code [Section 17.056\(7\)\(c\)4.a.](#)

e. All generators shall meet nuisance noise regulations, and be screened from visibility of adjacent property through the use of fences and/or landscaping.

f. Weekly test run periods may only occur between the hours of 8:00 a.m. to 8:00 p.m., Monday through Friday.

g. Solar Energy Systems are also governed by Wis. Stats. § 66.0401, and shall conform to its regulations in addition to this section.

4. Roof Mounted or Building Integrated Solar Energy Systems

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

a. Permitted by Right in All Districts provided the following are met:

1. The collector face is primarily facing the side or rear yard of your property
2. Roofing material color must be similar to that of the solar energy system
3. Building structure must be designed to support the additional imposed loads
4. Panels may not extend beyond the edges of the building or roof upon which it is mounted.
5. Solar Collector mounting angle cannot project more than 24" above the structural surface of the roof or above the ridgeline of the roof.
6. Neighboring Property owners must be notified if you intended to exercise your solar access rights and the limitations it imposes on their property.

b. Special Use Regulations:

c. Conditional Use Regulations:

In reviewing any conditional use application, the Plan Committee shall consider:

1. Locations: No detached energy system shall be located in a front or street yard location.
2. Impacts: No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance.

Items of consideration

- a. Location (installed or facing)
- b. Projection above the roof or building surface (see examples)
- c. Color variation in roofing/building material and collector
- d. Special Use or Conditional Use when outside of established parameters

Items handled through permit and inspections

- a. Anchoring Requirements
- b. Structural Support
- c. Grounding & Bonding
- d. Off-Grid or Grid Tie-In

Regulation Limitations

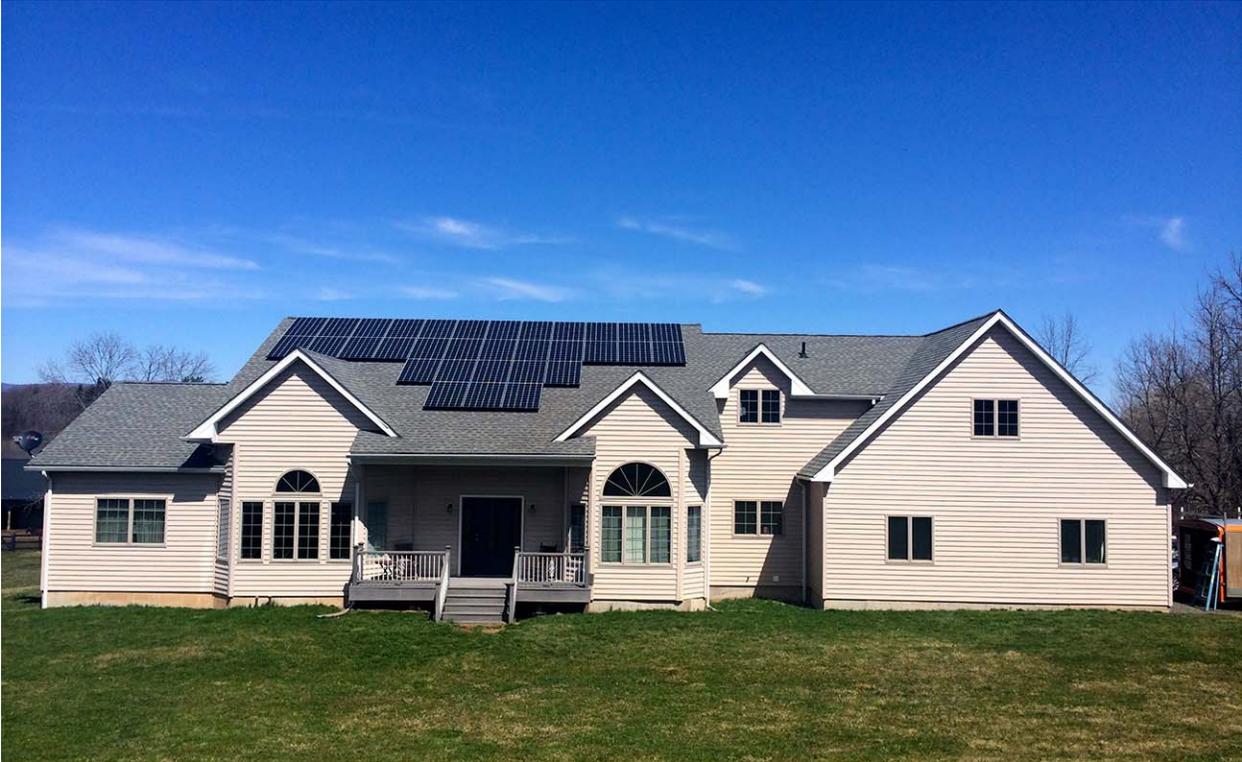
- a. Preservation and Protection of Public Health and Safety
- b. Does not significantly increase the cost or decrease the efficiency of the system
- c. Allows for alternate systems of comparable cost and efficiency

















How efficient are solar panels?

Most domestic solar panels are around 10 to 20% efficient. More efficient solar panels are available, although these tend to be beyond the requirement and budget of most residential installs.

However, when deciding on what solar panels will be best for your circumstances, you will want to look at which solar panel will give the best return on investment rather than just simply the most efficient solar panel.

Higher efficiency solar panels tend to cost more, so a less efficient but cheaper solar panel is likely to deliver a higher return on your investment. Less efficient solar panels will need a larger space on your roof to produce the same amount of electricity as a more efficient panel. You might still want to consider a higher efficiency panel if you have a particularly small roof or your roof only has a small area out of permanent shading.

You can enter your postcode in the form at the top of this page to compare prices from installers operating in your area. These installers will be able to advise you further on the best solution for your particular requirements.

Which are the most efficient solar panels?

As we explained in the section above, you shouldn't just choose the most powerful solar panel. However, to give you an idea of the most efficient solar panels offered by leading brands, we have compiled the table below:

Brand	Product name	Module efficiency	Type of panel
Suntech	STP320S - 24/Vem	16.7%	Monocrystalline silicon
Trina	TSM-280 DC05A.08	17.7%	Monocrystalline silicon
Canadian Solar	CS6K-275M	16.80%	Monocrystalline
Yingli	YL280C-30b	17.2%	Monocrystalline silicon
Jinko	JKM215M-72	16.84%	Monocrystalline
Ja	JAM6(L)-60-295/PR	18.04%	Monocrystalline
Sharp	NU-RD285	17.3%	Monocrystalline silicon
Renesola	JC260M-24/Bb	16.0%	Polycrystalline
First	FS-4105-2 FS-4105A-2	16.2%	Thin Film
Hanwha	HSL 60S-270W	16.2%	Polycrystalline
Sungen	SGM-200D	15.7%	Monocrystalline
REC Product List	REC 280TP	17.0%	Multi crystalline
Gintech	GIN M6-60	17.2%	Monocrystalline

Brand	Product name	Module efficiency	Type of panel
Motech Solar	XS156-196	19.60%	Monocrystalline
Silevo	Triex-U310	18.5%	Monocrystalline silicon

The table below shows the efficiency of popular, but less efficient solar panels which, provided you have suitable roof space, often deliver a higher return on investment than the most efficient solar panels on the market:

Manufacturer	Product name	Module efficiency	Type of panel
Suntech	STP255 - 20/Wem	15.7%	Polycrystalline silicon
Trina Solar	TSM-205 DC/DA80.08	16.0%	Monocrystalline silicon
Canadian Solar	CS6X- 315P-FG	16.14%	Polycrystalline
Yingli Solar	YL215C-24b	16.3%	Monocrystalline silicon
Yingli Solar	YL200P-23b	15.4%	Multicrystalline silicon
Jinko Solar	JKM265P-60	16.19%	Polycrystalline
Ja Solar	JAM6(L)-60-275/PR	6.82%	Monocrystalline
Sharp Solar	ND-R250A5	15.2%	Polycrystalline
Sunpower	KD325GX-LFB	15.4%	Multicrystalline
Sungen	SGM-255D	15.6%	Monocrystalline
Silevo	Triex-R22	17.2%	Monocrystalline

What factors impact efficiency?

There are a number of factors to consider which can affect the efficiency of your solar panel system:

Direction and angle of your roof

Your roof will usually need to be South, East or West facing and angled between 10 and 60 degrees to work at its peak efficiency.

Shade

The less shade the better. Your solar panels will have a lower efficiency if they are in the shade for significant periods during the day.

Temperature

Solar panel systems need to be installed a few inches above the roof in order to allow enough airflow to cool them down. But this is less important in the US climate, so it works to our advantage.

Time of year

Solar panels work well all year round but will produce more energy during summer months when the sun is out for longer.

Size of system

Typical residential solar panel systems range from 2kW to 4kW. The bigger the system the more power you will be able to produce.

Types of panels and their efficiencies

The two main panel types are monocrystalline and polycrystalline silicon. Monocrystalline costs more to make but efficiency is higher, typically 13-17%. So you can in theory get more power out per unit of surface area. This might be a consideration where roof space is limited and could mean buying fewer panels to meet your needs.

Polycrystalline units are cheaper to make, but have lower efficiency, usually 11-15%. A third system combines one of these two panel types with a thin-film PV system, again more expensive, but capable of efficiencies exceeding 17%.

What is the typical output of a solar panel?

All solar panel systems are different, so to give you an understanding of typical solar panel output, let's look at the average for residential solar panel systems:

Residential solar systems tend to range in size from 2kW to 5kW

- Typically, the bigger the system size, the bigger the output
- An average 2kW system has an output of around 1,700kW units
- A typical 5kW system will have an output of around 4,500kW units

The table below shows the average output for typical sizes of residential solar panels:

System Size	Typical Annual Output
1kW	850 kWh
2kW	1,750 kWh
3kW	2,550 kWh
4kW	3,400 kWh
5kW	4,500 kWh

How much energy is this?

Typically, a 3 to 4 kW solar panel system will produce enough energy for a family sized home, while a 2 to 3 kW will typically be the right size for a smaller household.

An average 4 kW solar panel system will generate around 3,400kWh of free electricity a year. That's enough electricity to individually power:

- **4,857 hours** of the washing machine
- **97,143 hours** of the fridge
- **1,880 hours** of boiling the kettle
- **1,417 hours** of the oven

How do I improve the output of my solar panels?

There are 4 key factors that will determine just how much electricity you can create with solar panels for your property:

- The **size of the system** is the most important factor of all. The typical domestic installation is a 3.5kW system, which is normally around 12 panels. A smaller 1kW domestic system is likely to be only 2 panels.
- The **direction** that your roof faces and the **angle of the roof** comes next. For optimum performance, your panels will need to be on a 35-degree angle, facing south.
- Having a roof that is **not in the shade** will increase the amount of electricity you are able to produce. Take a look at the handy table above, which shows you what output volume can be expected from a domestic solar installation.
- The **time of year** will also have an impact. During longer daylight hours in the summer you will be able to produce proportionally more power. That said, it's important to remember solar panels work from light not heat so will still produce energy all year round.

- ### How much do solar panels cost?

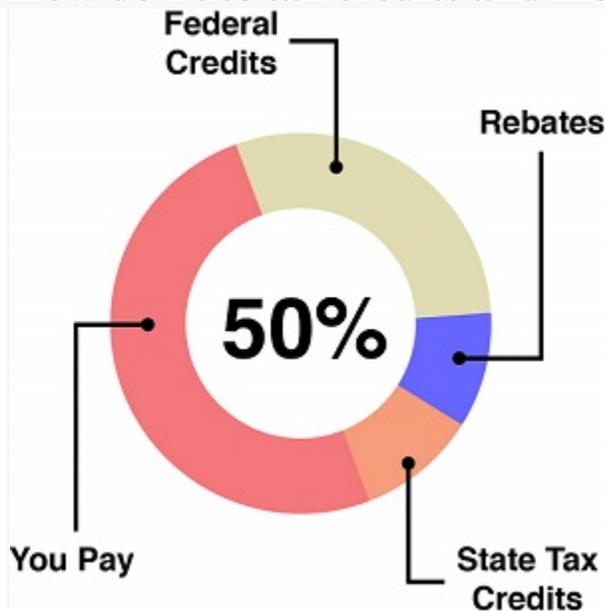
- The good news for homeowners is solar panel costs have fallen considerably in recent years.
- Most homeowners who buy solar panels typically see a return on their investment in less than 10 years.
- To give you an idea of how much solar panels and installation costs, we analyzed data of installations in California last year.
- The table below shows the average price paid for popular residential solar system sizes. The table also shows the cheapest price paid and the most expensive, highlighting the vast difference in the prices installers charge.
-

Solar panel system size	Cheapest price	Average cost	Most expensive price
1kW	\$7,200	\$7,955	\$8,572

Solar panel system size	Cheapest price	Average cost	Most expensive price
2kW	\$7,460	\$10,415	\$12,800
3kW	\$8,100	\$14,039	\$20,610
4kW	\$7,930	\$18,962	\$29,936
5kW	\$9,180	\$21,948	\$34,535
6kW	\$16,536	\$26,555	\$46,030
7kW	\$16,340	\$29,684	\$44,452
8kW	\$17,439	\$34,516	\$48,675

- The costs include solar panels, inverters, permits and labor to install the system.
- However the figures do not account for federal tax credits, rebates and state tax credits. Federal tax credits may cover up to 30% of the cost of your solar system so the real cost for your system is likely to be much lower.

• How do I use tax credits and incentives to reduce the cost?



- If you buy and have your solar panel system installed before the end of 2019 you can claim 30% of the cost as tax credit.
- This amount is taken directly off your tax payment which essentially means your solar panels cost 30% less than the price you paid as you are able to claim this money back.
- For example, if your solar system cost \$10,000 then you can claim \$3,000 off your tax payment. Essentially that means it actually only cost you \$7,000 to go solar.
- You can also reduce the cost further with rebates, state tax credits and incentives.
- All together this can reduce the cost of your solar panels by 50%.



Month, Day, Year

Solar Energy Access Permit Notification

Dear Neighbor,

I, _____, of _____
have filed a permit application with the Town of Rib Mountain for the placement of a Solar Energy System at the property addressed (_____), Wausau, WI 54401. Per the State of Wisconsin Statute 66.0403 Solar and Wind Access Permits, the placement of such systems on the noted property may affect the rights of the notified property owners to develop his or her property and to plant vegetation. The permit, if granted, would restrict notified property owners from creating "Impermissible Interferences" on or after the date of notification.

66.0403(1)(f) "Impermissible Interference" is defined as the blockage of solar energy from a collector surface or proposed collector surface for which a permit has been granted, if such blockage is created by any structure or vegetation on property whose owner was notified as per sub. (3)(b) of the applicable State Statute. Impermissible Interference does not include:

- 1. Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with the absorption of solar energy by a solar collector.*
- 2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date of the last mailed or delivered notification.*
- 3. Blockage by any vegetation planted before the date of the last mailed or delivered notification.*

Within 30 days after receipt of the notice, any person who has received a notification may file a request for a hearing on the granting of a permit. If you wish to request a hearing, please contact the Town of Rib Mountain, Building and Zoning Department at 715-842-0983 or stop in the Municipal Center at 3700 North Mountain Rd between the hours of 8am and 4:30pm Monday through Friday for more information.

Sincerely,

_____ (signature)

_____ (printed name)

_____ (date)



TOWN OF RIB MOUNTAIN
Where Nature, Family & Sport Come Together

Permit #: _____ Exp. Date: _____

Parcel #: _____

For Inspections Call: 715-842-0983

RESIDENTIAL ACCESSORY LAND USES - SOLAR ENERGY SYSTEMS

Project Description: _____

Building Address: _____ **Project Contact Person (email / phone):** _____

Owner's Name	Address	Telephone
		Email

Installer	Cert #	Address	Telephone
			Email

System Size	kw	System Installation	Grid-Tie In or Off-Grid	Coverage Area	sqft
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****Please Provide the Following System Information or a Copy of the Product Manual/Instructions****

No. of Panels	Weight/Panel	lbs.	Wind Rating	mph	Inverter Type
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****Please Provide a Site Plan and/or Elevations indicating the location of the proposed solar energy system****

Solar Energy Systems are permitted by right in all zoning districts provided the following are met:

1. The collector face is primarily facing the side or rear yard of your property.
2. Roofing material color must be similar to that of the solar energy system.
3. Building structure must be designed to support the additional imposed loads.
4. Panels may not extend beyond the edges of the building or roof upon which it is mounted.
5. Solar Collector mounting angle cannot project more than 24" above the structural surface of the roof or above the ridgeline of the roof.
6. Neighboring Property owners must be notified if you intended to exercise your solar access rights and the limitations it imposes on their property.

If you proposed project falls outside of the parameters set above, conditional use approval is required for the installation of your solar energy system

**** The applicant hereby agrees to comply with all Federal, State, County and Municipal regulations; with the conditions of this permit; and understands that the issuance of this permit creates no legal liability, expressed or implied on the Town of Rib Mountain. The applicant certifies that all of the information contained herein is true and correct. The applicant is hereby advised that the findings of inspection are intended to report conditions of apparent non-compliance with code standards that are readily apparent at the time of inspection. The inspection of property does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building and/or premises. No guarantee or warranty of the premises, operation, use of the durability of equipment or materials not specifically cited herein is expressed or implied.**

***** Note that it is ultimately the owners/applicants responsibility to secure the required inspections and to have said inspections recorded. Failure to do so may result in forfeiture of the occupancy bond and denial of an occupancy permit. Occupancy prior to final inspection and approval is automatic cause for forfeiture of the occupancy bond. Bond shall also be forfeited for incompleteness of project in a timely manner.**

APPLICANT SIGNATURE _____ **DATE SIGNED** _____

**** FOR OFFICE USE ONLY ****

Zoning District	NRP Overlay Districts	<input type="checkbox"/> Flood Plain	<input type="checkbox"/> Shoreland*	<input type="checkbox"/> Steep Slope	<input type="checkbox"/> Woodland
		<input type="checkbox"/> Wetland	<input type="checkbox"/> Lakeshore	<input type="checkbox"/> Recharge	<input type="checkbox"/> Drainageway

Setbacks: Front/Street Yard _____ Left Side _____ Right Side _____ Rear Yard _____

Wisconsin Public Service - Wausau Office
Ph: 715-848-7433
Fax: 866-430-6021
Email: newserviceinstallation@wisconsinpublicservice.com

Town of Rib Mountain Building Inspector
Paul Kufahl
Ph: 715-842-0983
Email: pkufahl@townofribmountain.org

Permit Status

ISSUED ISSUED W/ CONDITIONS DENIED

Name _____

Date _____ Phone _____

Certification No. _____

66.0401 Regulation relating to solar and wind energy systems.

(1e) DEFINITIONS. In this section:

- (a) "Application for approval" means an application for approval of a wind energy system under rules promulgated by the commission under s. 196.378 (4g) (c) 1.
- (b) "Commission" means the public service commission.
- (c) "Political subdivision" means a city, village, town, or county.
- (d) "Wind energy system" has the meaning given in s. 66.0403 (1) (m).

(1m) AUTHORITY TO RESTRICT SYSTEMS LIMITED. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy system that is more restrictive than the rules promulgated by the commission under s. 196.378 (4g) (b). **No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, unless the restriction satisfies one of the following conditions:**

- (a) Serves to preserve or protect the public health or safety.**
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.**
- (c) Allows for an alternative system of comparable cost and efficiency.**

(2) AUTHORITY TO REQUIRE TRIMMING OF BLOCKING VEGETATION. Subject to sub. (6) (a), a political subdivision may enact an ordinance relating to the trimming of vegetation that blocks solar energy, as defined in s. 66.0403 (1) (k), from a collector surface, as defined under s. 700.41 (2) (b), or that blocks wind from a wind energy system. The ordinance may include a designation of responsibility for the costs of the trimming. The ordinance may not require the trimming of vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar or wind energy system.

(3) TESTING ACTIVITIES. A political subdivision may not prohibit or restrict any person from conducting testing activities to determine the suitability of a site for the placement of a wind energy system. A political subdivision objecting to such testing may petition the commission to impose reasonable restrictions on the testing activity.

(4) LOCAL PROCEDURE.

- (a)
 1. Subject to subd. 2., a political subdivision that receives an application for approval shall determine whether it is complete and, no later than 45 days after the application is filed, notify the applicant about the determination. As soon as possible after receiving the application for approval, the political subdivision shall publish a class 1 notice, under ch. 985, stating that an application for approval has been filed with the political subdivision. If the political subdivision determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that the political subdivision has determined to be incomplete. There is no limit on the number of times that an applicant may refile an application for approval. If the political subdivision fails to determine whether an application for approval is complete within 45 days after the application is filed, the application shall be considered to be complete.
 2. If a political subdivision that receives an application for approval under subd. 1. does not have in effect an ordinance described under par. (g), the 45-day time period for determining whether an application is complete, as described in subd. 1., does not begin until the first day of the 4th month beginning after the political subdivision receives the application. A political subdivision may notify an applicant at any time, after receipt of the application and before the first day of the 4th month after its receipt, that it does not intend to enact an ordinance described under par. (g).
 3. On the same day that an applicant makes an application for approval under subd. 1. for a wind energy system, the applicant shall mail or deliver written notice of the application to the owners of land adjoining the site of the wind energy system.
 4. A political subdivision may not consider an applicant's minor modification to the application to constitute a new application for the purposes of this subsection.
- (b) A political subdivision shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval. The political subdivision's record shall conform to the commission's rules promulgated under s. 196.378 (4g) (c) 2.
- (c) A political subdivision shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record under par. (b). A political subdivision's procedure for reviewing the

application for approval shall conform to the commission's rules promulgated under s.196.378 (4g) (c) 3.

- (d) Except as provided in par. (e), a political subdivision shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. If a political subdivision fails to act within the 90 days, or within any extended time period established under par. (e), the application is considered approved.
- (e) A political subdivision may extend the time period in par. (d) if, within that 90-day period, the political subdivision authorizes the extension in writing. Any combination of the following extensions may be granted, except that the total amount of time for all extensions granted under this paragraph may not exceed 90 days:
 - 1. An extension of up to 45 days if the political subdivision needs additional information to determine whether to approve or deny the application for approval.
 - 2. An extension of up to 90 days if the applicant makes a material modification to the application for approval.
 - 3. An extension of up to 90 days for other good cause specified in writing by the political subdivision.
- (f)
 - 1. Except as provided in subd. 2., a political subdivision may not deny or impose a restriction on an application for approval unless the political subdivision enacts an ordinance that is no more restrictive than the rules the commission promulgates under s. 196.378 (4g) (b).
 - 2. A political subdivision may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of a comprehensive plan, under s. 66.1001 (2) (b) and (f), before June 2, 2009, or as shown in such maps after December 31, 2015, as part of a comprehensive plan that is updated as required under s. 66.1001 (2) (i). This subdivision applies to a wind energy system that has a nominal capacity of at least one megawatt.
- (g) A political subdivision that chooses to regulate wind energy systems shall enact an ordinance, subject to sub. (6) (b), that is no more restrictive than the applicable standards established by the commission in rules promulgated under s. 196.378 (4g).

(5) PUBLIC SERVICE COMMISSION REVIEW.

- (a) A decision of a political subdivision to determine that an application is incomplete under sub. (4) (a) 1., or to approve, disapprove, or impose a restriction upon a wind energy system, or an action of a political subdivision to enforce a restriction on a wind energy system, may be appealed only as provided in this subsection.
- (b)
 - 1. Any aggrieved person seeking to appeal a decision or enforcement action specified in par. (a) may begin the political subdivision's administrative review process. If the person is still aggrieved after the administrative review is completed, the person may file an appeal with the commission. No appeal to the commission under this subdivision may be filed later than 30 days after the political subdivision has completed its administrative review process. For purposes of this subdivision, if a political subdivision fails to complete its administrative review process within 90 days after an aggrieved person begins the review process, the political subdivision is considered to have completed the process on the 90th day after the person began the process.
 - 2. Rather than beginning an administrative review under subd. 1., an aggrieved person seeking to appeal a decision or enforcement action of a political subdivision specified in par. (a) may file an appeal directly with the commission. No appeal to the commission under this subdivision may be filed later than 30 days after the decision or initiation of the enforcement action.
 - 3. An applicant whose application for approval is denied under sub. (4) (f) 2. may appeal the denial to the commission. The commission may grant the appeal notwithstanding the inconsistency of the application for approval with the political subdivision's planned residential or commercial development if the commission determines that granting the appeal is consistent with the public interest.
- (c) Upon receiving an appeal under par. (b), the commission shall notify the political subdivision. The political subdivision shall provide a certified copy of the record upon which it based its decision or enforcement action within 30 days after receiving notice. The commission may request of the political subdivision any other relevant governmental records and, if requested, the political subdivision shall provide such records within 30 days after receiving the request.
- (d) The commission may confine its review to the records it receives from the political subdivision or, if it finds that additional information would be relevant to its decision, expand the records it reviews. The commission shall issue a decision within 90 days after the date on which it receives all of the records it requests under par. (c), unless for good cause the commission extends this time period in writing. If the commission determines that the political subdivision's decision or enforcement action does not comply with the rules it promulgates under s. 196.378 (4g) or

is otherwise unreasonable, the political subdivision's decision shall be superseded by the commission's decision and the commission may order an appropriate remedy.

- (e) In conducting a review under par. (d), the commission may treat a political subdivision's determination that an application under sub. (4) (a) 1. is incomplete as a decision to disapprove the application if the commission determines that a political subdivision has unreasonably withheld its determination that an application is complete.
- (f) Judicial review is not available until the commission issues its decision or order under par. (d). Judicial review shall be of the commission's decision or order, not of the political subdivision's decision or enforcement action. The commission's decision or order is subject to judicial review under ch. 227. Injunctive relief is available only as provided in s. 196.43.

(6) APPLICABILITY OF A POLITICAL SUBDIVISION OR COUNTY ORDINANCE.

- (a)
 - 1. A county ordinance enacted under sub. (2) applies only to the towns in the county that have not enacted an ordinance under sub. (2).
 - 2. If a town enacts an ordinance under sub. (2) after a county has enacted an ordinance under sub. (2), the county ordinance does not apply, and may not be enforced, in the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.
- (b)
 - 1. Subject to subd. 2., a county ordinance enacted under sub. (4) applies only in the unincorporated parts of the county.
 - 2. If a town enacts an ordinance under sub. (4), either before or after a county enacts an ordinance under sub. (4), the more restrictive terms of the 2 ordinances apply to the town, except that if the town later repeals its ordinance, the county ordinance applies in that town.
- (c) If a political subdivision enacts an ordinance under sub. (4) (g) after the commission's rules promulgated under s. 196.378 (4g) take effect, the political subdivision may not apply that ordinance to, or require approvals under that ordinance for, a wind energy system approved by the political subdivision under a previous ordinance or under a development agreement.

History: 1981 c. 354; 1981 c. 391 s. 210; 1993 a. 414; 1999 a. 150 ss. 78, 79, 84; Stats. 1999 s. 66.0401; 2001 a. 30; 2009 a. 40.

This section is a legislative restriction on the ability of municipalities to regulate solar and wind energy systems. The statute is not superseded by s. 66.0403 or municipal zoning or conditional use powers. A municipality's consideration of an application for a conditional use permit for a system under this section must be in light of the restrictions placed on local regulation by this section. State ex rel. Numrich v. City of Mequon Board of Zoning Appeals, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00-1643.

Sub. (1) [now sub. (1m)] requires a case-by-case approach, such as a conditional use permit procedure, and does not allow political subdivisions to find legislative facts or make policy. The local governing arm must hear the specifics of the particular system and then decide whether a restriction is warranted. It may not promulgate an ordinance in which it arbitrarily sets a "one size fits all" scheme of requirements for any system. The conditions listed in sub. (1) (a) to (c) are the standards circumscribing the power of political subdivisions, not openings for them to make policy that is contrary to the state's expressed policy. Ecker Brothers v. Calumet County, 2009 WI App 112, 321 Wis. 2d 51, 772 N.W.2d 240, 07-2109.

66.0403 Solar and wind access permits.

(1) DEFINITIONS. In this section:

- (a) "Agency" means the governing body of a municipality which has provided for granting a permit or the agency which the governing body of a municipality creates or designates under sub. (2). "Agency" includes an officer or employee of the municipality.
- (b) "Applicant" means an owner applying for a permit under this section.
- (c) "Application" means an application for a permit under this section.
- (d) "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.
- (e) "Collector use period" means 9 a.m. to 3 p.m. standard time daily.
- (f) "Impermissible interference" means the blockage of wind from a wind energy system or solar energy from a collector surface or proposed collector surface for which a permit has been granted under this section during a collector use period if such blockage is by any structure or vegetation on property, an owner of which was notified under sub. (3)
 - (b). "Impermissible interference" does not include:
 - 1. Blockage by a narrow protrusion, including but not limited to a pole or wire, which does not substantially interfere with absorption of solar energy by a solar collector or does not substantially block wind from a wind energy system.

2. Blockage by any structure constructed, under construction or for which a building permit has been applied for before the date the last notice is mailed or delivered under sub. (3) (b).
3. Blockage by any vegetation planted before the date the last notice is mailed or delivered under sub. (3) (b) unless a municipality by ordinance undersub. (2) defines impermissible interference to include such vegetation.
- (g) "Municipality" means any county with a zoning ordinance under s. 59.69, any town with a zoning ordinance under s. 60.61, any city with a zoning ordinance under s. 62.23 (7), any 1st class city or any village with a zoning ordinance under s. 61.35.
- (h) "Owner" means at least one owner, as defined under s. 66.0217 (1) (d), of a property or the personal representative of at least one owner.
- (i) "Permit" means a solar access permit or a wind access permit issued under this section.
- (j) "Solar collector" means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.
- (k) "Solar energy" means direct radiant energy received from the sun.
- (L) "Standard time" means the solar time of the ninetieth meridian west of Greenwich.
- (m) "Wind energy system" means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.
- (2) PERMIT PROCEDURE.** The governing body of every municipality may provide for granting a permit. A permit may not affect any land except land which, at the time the permit is granted, is within the territorial limits of the municipality or is subject to an extraterritorial zoning ordinance adopted under s. 62.23 (7a), except that a permit issued by a city or village may not affect extraterritorial land subject to a zoning ordinance adopted by a county or a town. The governing body may appoint itself as the agency to process applications or may create or designate another agency to grant permits. The governing body may provide by ordinance that a fee be charged to cover the costs of processing applications. The governing body may adopt an ordinance with any provision it deems necessary for granting a permit under this section, including but not limited to:
- (a) Specifying standards for agency determinations under sub. (5) (a).
- (b) Defining an impermissible interference to include vegetation planted before the date the last notice is mailed or delivered under sub. (3) (b), provided that the permit holder shall be responsible for the cost of trimming such vegetation.
- (3) PERMIT APPLICATIONS.**
- (a) In a municipality which provides for granting a permit under this section, an owner who has installed or intends to install a solar collector or wind energy system may apply to an agency for a permit.
- (b) An agency shall determine if an application is satisfactorily completed and shall notify the applicant of its determination. If an applicant receives notice that an application has been satisfactorily completed, the applicant shall deliver by certified mail or by hand a notice to the owner of any property which the applicant proposes to be restricted by the permit under sub. (7). The applicant shall submit to the agency a copy of a signed receipt for every notice delivered under this paragraph. The agency shall supply the notice form. The information on the form may include, without limitation because of enumeration:
1. The name and address of the applicant, and the address of the land upon which the solar collector or wind energy system is or will be located.
 2. That an application has been filed by the applicant.
 3. That the permit, if granted, may affect the rights of the notified owner to develop his or her property and to plant vegetation.
 4. The telephone number, address and office hours of the agency.
 5. That any person may request a hearing under sub. (4) within 30 days after receipt of the notice, and the address and procedure for filing the request.
- (4) HEARING.** Within 30 days after receipt of the notice under sub. (3) (b), any person who has received a notice may file a request for a hearing on the granting of a permit or the agency may determine that a hearing is necessary even if no such request is filed. If a request is filed or if the agency determines that a hearing is necessary, the agency shall conduct a hearing on the application within 90 days after the last notice is delivered. At least 30 days prior to the hearing date, the agency shall notify the applicant, all owners notified under sub. (3) (b) and any other person filing a request of the time and place of the hearing.
- (5) PERMIT GRANT.**

- (a) The agency shall grant a permit if the agency determines that:
1. The granting of a permit will not unreasonably interfere with the orderly land use and development plans of the municipality;
 2. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference by showing that she or he has applied for a building permit prior to receipt of a notice undersub. (3) (b), has expended at least \$500 on planning or designing such a structure or by submitting any other credible evidence that she or he has made substantial progress toward planning or constructing a structure that would create an impermissible interference; and
 3. The benefits to the applicant and the public will exceed any burdens.
- (b) An agency may grant a permit subject to any condition or exemption the agency deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden on any person affected by granting the permit. Such conditions or exemptions may include but are not limited to restrictions on the location of the solar collector or wind energy system and requirements for the compensation of persons affected by the granting of the permit.
- (6) RECORD OF PERMIT. If an agency grants a permit:
- (a) The agency shall specify the property restricted by the permit under sub. (7) and shall prepare notice of the granting of the permit. The notice shall include the identification required under s. 706.05 (2) (c) for the owner and the property upon which the solar collector or wind energy system is or will be located and for any owner and property restricted by the permit under sub. (7), and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible interference with the solar collector or wind energy system which is the subject of the permit unless the permit affecting the property is terminated under sub. (9) or unless an agreement affecting the property is filed under sub. (10).
 - (b) The applicant shall record with the register of deeds of the county in which the property is located the notice under par. (a) for each property specified under par. (a) and for the property upon which the solar collector or wind energy system is or will be located.
- (7) REMEDIES FOR IMPERMISSIBLE INTERFERENCE.
- (a) Any person who uses property which he or she owns or permits any other person to use the property in a way which creates an impermissible interference under a permit which has been granted or which is the subject of an application shall be liable to the permit holder or applicant for damages, except as provided under par. (b), for any loss due to the impermissible interference, court costs and reasonable attorney fees unless:
 1. The building permit was applied for prior to receipt of a notice under sub. (3) (b) or the agency determines not to grant a permit after a hearing under sub.(4).
 2. A permit affecting the property is terminated under sub. (9).
 3. An agreement affecting the property is filed under sub. (10).
 - (b) A permit holder is entitled to an injunction to require the trimming of any vegetation which creates or would create an impermissible interference as defined under sub. (1) (f). If the court finds on behalf of the permit holder, the permit holder shall be entitled to a permanent injunction, damages, court costs and reasonable attorney fees.
- (8) APPEALS. Any person aggrieved by a determination by a municipality under this section may appeal the determination to the circuit court for a review.
- (9) TERMINATION OF SOLAR OR WIND ACCESS RIGHTS.
- (a) Any right protected by a permit under this section shall terminate if the agency determines that the solar collector or wind energy system which is the subject of the permit is:
 1. Permanently removed or is not used for 2 consecutive years, excluding time spent on repairs or improvements.
 2. Not installed and functioning within 2 years after the date of issuance of the permit.
 - (b) The agency shall give the permit holder written notice and an opportunity for a hearing on a proposed termination under par. (a).
 - (c) If the agency terminates a permit, the agency may charge the permit holder for the cost of recording and record a notice of termination with the register of deeds, who shall record the notice with the notice recorded under sub. (6) (b) or indicate on any notice recorded under sub. (6) (b) that the permit has been terminated.
- (10) WAIVER. A permit holder by written agreement may waive all or part of any right protected by a permit. A copy of such agreement shall be recorded with the register of deeds, who shall record such copy with the notice recorded undersub. (6) (b).

(11) PRESERVATION OF RIGHTS. The transfer of title to any property shall not change the rights and duties under this section or under an ordinance adopted under sub. (2).

(12) CONSTRUCTION.

(a) This section may not be construed to require that an owner obtain a permit prior to installing a solar collector or wind energy system.

(b) This section may not be construed to mean that acquisition of a renewable energy resource easement under s. 700.35 is in any way contingent upon the granting of a permit under this section.

History: 1981 c. 354; 1983 a. 189 s. 329 (14); 1983 a. 532 s. 36; 1993 a. 414; 1995 a. 201; 1999 a. 150 s. 82; Stats. 1999 s. 66.0403; 2007 a. 97; 2009 a. 40.

The common law right to solar access is discussed. *Prah v. Maretti*, 108 Wis. 2d 223, 321 N.W.2d 182 (1982).

The owner of an energy system does not need a permit under this section. Barring enforceable municipal restrictions, an owner may construct a system without prior municipal approval. This section benefits and protects the owner of the system by restricting the use of nearby property to prevent an interference with the system. *State ex rel. Numrich v. City of Mequon Board of Zoning Appeals*, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, 00-1643.

Wisconsin recognizes the power of the sun: *Prah v. Maretti* and the solar access act. 1983 WLR 1263.

REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director
DATE: August 19, 2016
SUBJECT: RMMC Subchapter X – Signage Regulations

APPLICANT: Town of Rib Mountain

REQUEST: Zoning Text amendments related to Electronic Message Signs

NARRATIVE:

Included in the meeting packet are revised amendments to the sign code related to electronic message signs, based on the Plan Commission discussion from last meeting. Some items still in need of clarification include: the distance from residentially zoned properties they may be placed, zoning districts allowing electronic signs, the display interval, and percentage of signage permitted to be electronic.

ATTACHED MATERIALS:

- Draft amendments to the ‘General Signage Regulations’ section of the Zoning Ordinance
- Breakdowns of setbacks from existing electronic message signs to residentially zoned properties.

POSSIBLE ACTION: No formal action to be taken. Item is for general direction at this point.

(3) *Electronic Message Sign Requirements*

(a) Electronic message signs are only permitted through issuance of a conditional use permit per Section 17.225 and may only be installed as an integral and subordinate portion of a monument or pylon sign configurations (and not a wall, projecting, window or any other sign configuration).

- Some discussion took place on the potential of allowing standalone electronic message signs, but at a smaller size. Staff is seeking final input on this idea.

(b) Electronic message signs may be permitted as a conditional use per Section 17.225 within the UC zoning district or part of an approved UDD project.

- The Commission decided not to allow them in the SO district, but was not entirely decided on the SC and SR-3 districts.

(c) No electronic message signs shall be permitted within {BLANK} feet of ~~unless the illumination of the sign is so designed that the lighting element is not visible from any property within a residential zoning district (per Section 17.032).~~

- A couple examples were included in meeting packets to provide some background as to existing setbacks from residential properties.
- The required setback could also be contingent upon the size of the proposed electronic message sign. For example, the required setback could be two (2) times the overall square footage of sign. In that instance, a 50 square foot electronic sign would need to be 100 feet from a residentially zoning property.

(d) Electronic message signs shall only display static messages. Messages shall not contain animation, effects simulating animation, or video. Messages shall not contain text or images that dissolve, fade, scroll, travel, flash, spin, revolve, shake, or include any other form of movement or motion during the message interval.

(e) The message interval, or the minimum amount of time a message is required to be displayed, shall not be less than {BLANK}.

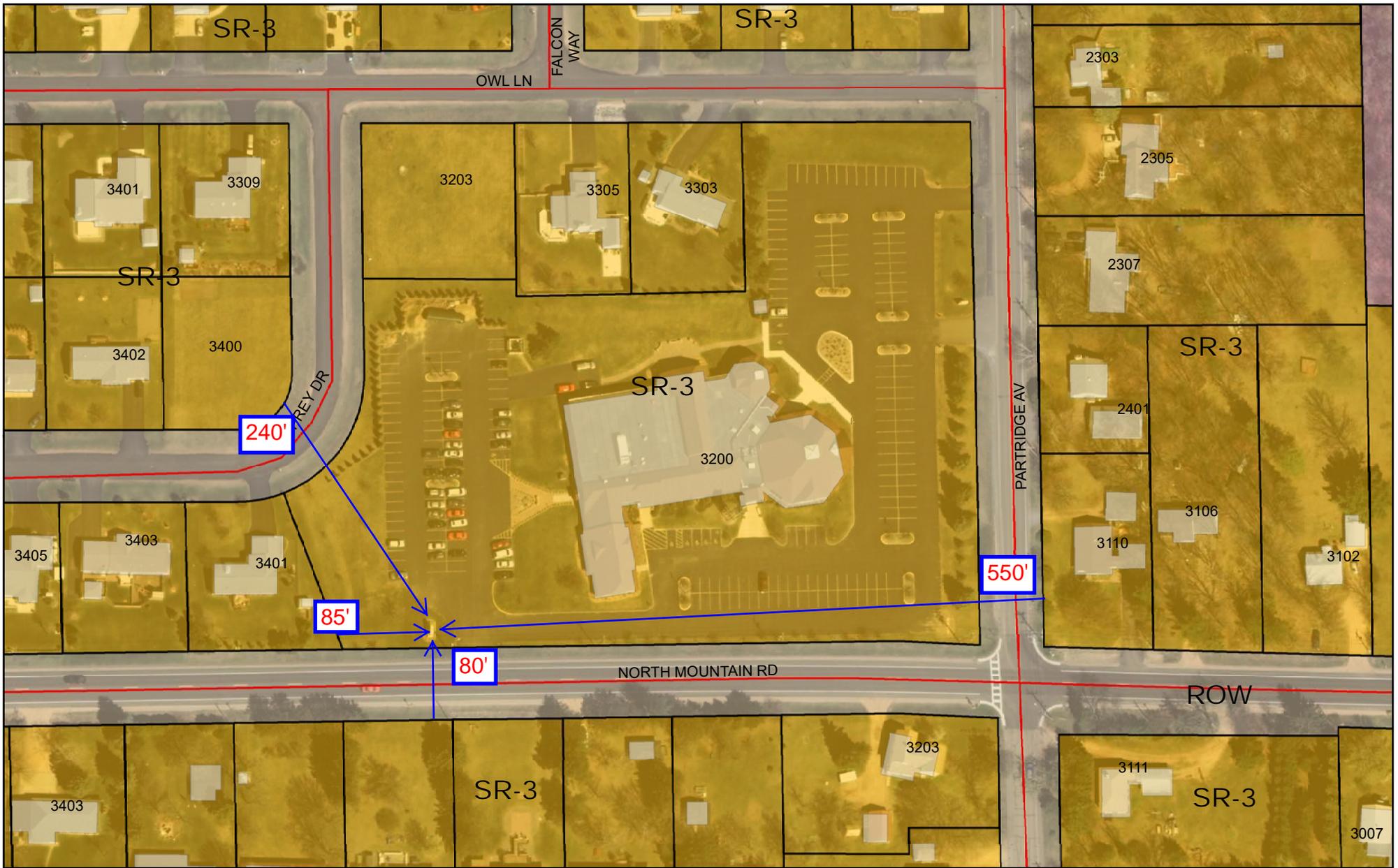
- Commissioners noted the desire to view existing signs around the community before determining a preferred change interval.

(f) The electronic message sign area or display face shall be included in the calculation of sign measurement and shall not exceed {BLANK} percentage of total sign area.

- The generally acceptable number from initial discussions was around 50%; however, as noted above, some debate still exists about the possibility of standalone signs.

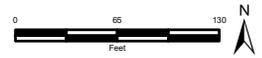
(g) Electronic message signs shall be equipped with a sensor or other device programmed to automatically determine the ambient light level and adjust or dim the message board light level to not exceed a maximum brightness level of 0.3 foot-candles above ambient light conditions during both daylight hours (i.e. sunrise to sunset) and night time hours (i.e. sunset to sunrise).

(h) The electronic message sign shall be programmed or set in such a manner that the display face will turn dark and emit no light in case of a malfunction.



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|--------------------------------|----------------------------|-------------------------|-----------------|
| Zoning Districts (July 2014) | SR-3 Suburban Residential | UDD Unified Development | Road Centerline |
| OR Outdoor Recreation | UR-8 Urban Residential | EO Estate Office | |
| RA-1 Rural Agricultural | ER-1 Estate Residential | SO Suburban Office | |
| RA-2 Rural Agricultural | MR-4 Mixed Residential | SI Suburban Industrial | |
| RR Rural Residential | SC Suburban Commercial | ROW | |
| CR-5ac Countryside Residential | Unzoned | Parcel Outline | |
| SR-2 Suburban Residential | NC Neighborhood Commercial | Water Feature | |
| | UC Urban Commercial | Building (2010) | |

St. Andrew's Electronic Sign Distances from Residential Properties

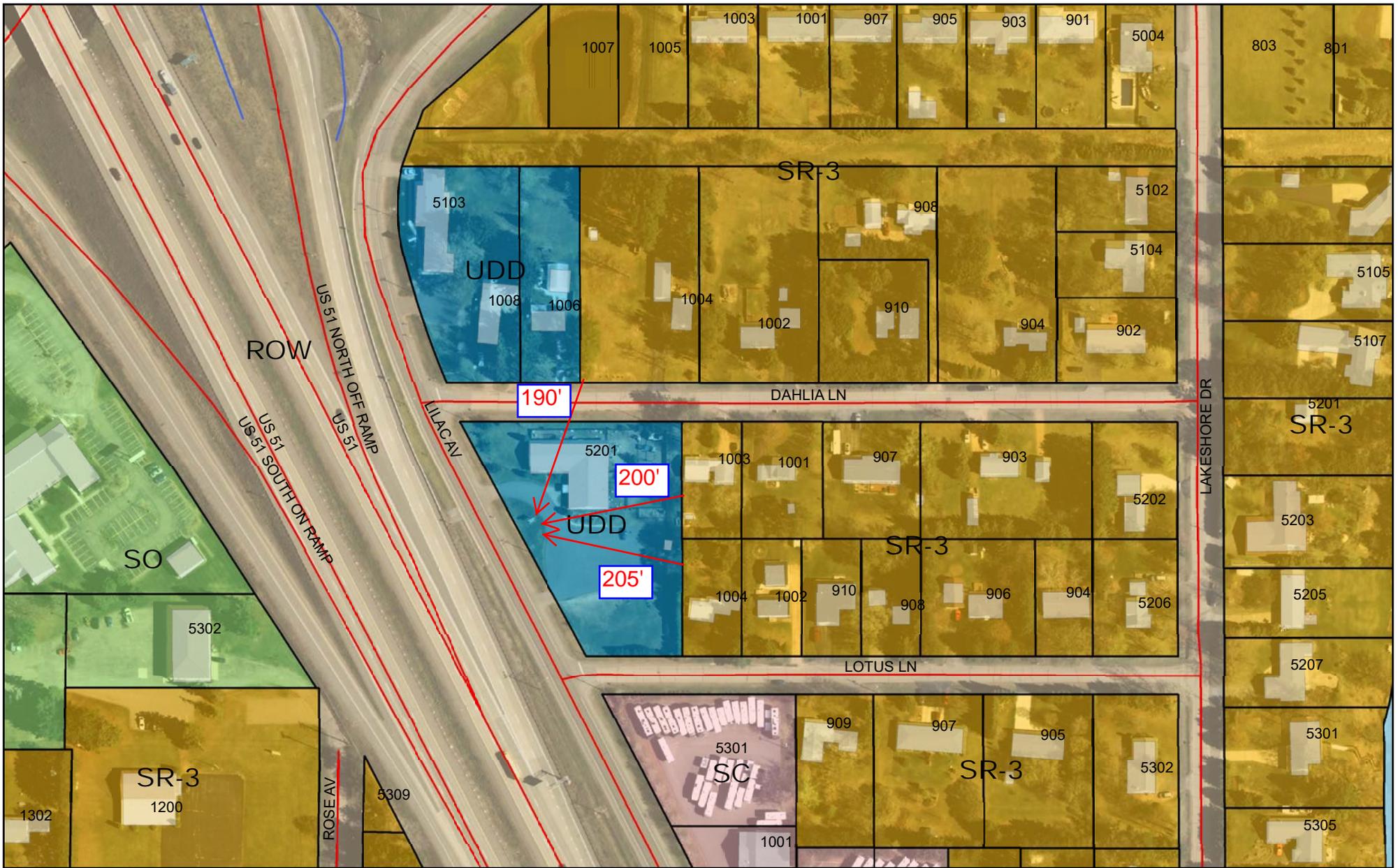


Map Printed: 8/19/2016

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Rib Mountain:
"Where Nature,
Family, and
Sport Come
Together"

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Zoning Districts (July 2014) OR Outdoor Recreation RA-1 Rural Agricultural RA-2 Rural Agricultural RR Rural Residential CR-5ac Countryside Residential SR-2 Suburban Residential SR-3 Suburban Residential UR-8 Urban Residential ER-1 Estate Residential MR-4 Mixed Residential SC Suburban Commercial NC Neighborhood Commercial UC Urban Commercial EO Estate Office SO Suburban Office SI Suburban Industrial ROW Unzoned Parcel Outline Water Feature Building (2010)		UDD Unified Development Road Centerline
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Rib Mountain: "Where Nature, Family, and Sport Come Together"
 Prepared by: **CWE** cweengineers.com
 Map Printed: 8/19/2016
 0 90 180 Feet
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