



Village of River Hills
7650 N Pheasant Ln
River Hills, WI 53217

Village Hall: 352-8213
Public Works: 352-0080
Police: 247-2302

PLAN COMMISSION MINUTES

Wednesday, February 9, 2022 @ 4:00 pm

This meeting was a virtual meeting through Zoom – Meeting code 882-8503-8353

1. Call to Order.

The meeting was called to order at 4:02 p.m.

2. Roll Call.

The following members were present: Chairman & Village President Steve Anderson, Peter Stanford, Jeffrey Costakos, Michael Weiss, Alexander Hawley, and Don Daugherty. Village Engineer Mustafa Emir submitted his resignation yesterday. Also present: Trustee Peggy Russo, Village Attorney Bill Dineen, Village Manager Tammy LaBorde, and Village Deputy Clerk Stephanie Waala. Trustee Willard Walker (left meeting at 4:04pm). Bernard Cohen joined at 4:38pm.

3. Approval of minutes from July 7, 2021

Motion by Weiss and seconded by Stanford to approve the July 7, 2021 minutes; motion carried unanimously.

4. Discussion and Possible Action to Review and Make Recommendation to the Village Board Regarding Request to Amend Village Zoning Code Related to Solar Energy Systems following review/recommendation by Committee on the Environment

Costakos asked if there would be anyone present on the meeting to present information from the COE. Attorney Dineen stated that the draft ordinance before the Plan Commission at its meeting in April was referred by the Plan Commission to the COE. There are no minutes or report that he is aware of regarding the COE review however John Machulak on behalf of the COE provided a draft ordinance that he prepared which was submitted to Dineen. Dineen advised that he used the draft in part to prepare the ordinance in the packet. John used the same model ordinance as what was seen in April.

The key as related by Dineen to the solar issue is where will residents locate the solar array and how will it be screened from other residents and how will we enforce this. The ordinance adds a new section in the accessory use provisions of the zoning ordinance. Residents will be required to include landscaping as part of their permit application process. Dineen advised that there are a few typos in the draft ordinance which will be corrected.

Weiss asked why there is no size limitation on the array. Dineen stated that the draft does not have a size limitation, but in research he couldn't find anything that stated what energy you would be able to get from a specific size of system. The resident could landscape and screen the solar so does it make any difference as to what the size is if no one can see it. He doesn't know how to determine what size would work for everyone in the village. Daugherty also noted that there is no

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limit on the number that one could install. Dineen thought that a landscaping plan would require residents to focus the solar in one location on their property and screen it. Doesn't believe that residents would want any more on the property than what would provide the energy needed.

Anderson asked if a sentence could be added that the Building Board should consider if the size along with the location are not suitable for the Village. Dineen doesn't recommend it. Better to let them submit their plans and have the Building Board review rather than telling them what they have to do.

Dineen feels that the draft is the best compromise. Costakos thought that they tabled the ordinance because the Wisconsin statutes had language that conflicted with the draft ordinance. Dineen felt the earlier draft did address the statute and this draft is better. There are no court cases that show any challenges. Dineen stated that recommendations he has seen state that this should be a case-by-case basis before the Building Board. The Board of Appeals and Building Board had several cases that they had struggled with and were looking for more direction on this issue; this ordinance will give them that direction.

Daugherty asked if there was any concern regarding heat generation or any other condition that would affect neighbors. Dineen stated that based on his research, they do not generate heat – they absorb and capture the sunlight. It is his understanding that they don't produce any glare.

A resident can't sell excess solar to anyone else, you are required to connect with WE Energies.

Weiss asked about the size of the solar panels. Weiss noted that technology will change in the future and WE Energies' regulation will have to change over time. Weiss asked if the Village wanted the solar installations to be for more than the homeowner's personal use, would the units be sized to only serve the subject property. Dineen stated that in the definitions section of what solar energy is or the best section is under the accessory use regulations definitions – solar is permitted in any district and add “when designed and installed to provide sufficient energy for the residential property”.

Weiss would like to see a size limit tied to not being bigger than the size of what it takes for the home. Daugherty suggested adding “to generate energy that is commensurate with the subject property”. Stanford stated the same is true with the storage of energy, but the problem is how do you enforce it. Daugherty suggested that something be included in the ordinance. There was discussion related to properties other than single-family residential.

(Cohen joined the meeting at 4:38 p.m.)

Weiss asked what the definition would be of “significantly increase the cost”. Dineen stated that there is no definition but a criteria and it would depend upon the facts on a case-by-case basis. It's a term that courts have found to be clear. Weiss asked that the Village consider more than an additional 20% in cost as significant.

Weiss suggested approving the draft subject to adding language that the solar system should be sized no larger than what is needed to support the subject property. Stanford asked about adding something about not storing the energy. Weiss stated that it would be determined by the number

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of batteries needed to store energy. Cohen asked about what time period we are looking at related to storage of energy. Daugherty said that it would show that you are looking at just the person's own property. Dineen stated that the ordinance as drafted recognizes accessory uses and is subject to Building Board approval.

Motion by Weiss, seconded by Daugherty to approve Attorney Dineen's draft ordinance with the addition of the adjustment that language be added that the solar energy system should not exceed a size larger than reasonably necessary to support the subject property; motion carried unanimously.

Hawley asked if something could be added in the permitting process to look at the annual household demand and take that into consideration with the use. Dineen suggested that would require information such as having an applicant include copies of their electric bills from the prior 2 years to determine their annual energy demand. The consensus was that demand should be left to the Building Board to review and there were no further motions related to that issue.

5. Schedule Next meeting date – no action taken.

6. Adjourn

Motion by Weiss and seconded by Stanford to adjourn meeting at 4:59 p.m.; motion carried unanimously.

Submitted by Tammy LaBorde, Clerk on February 10, 2022.