

RESOLUTION TO ESTABLISH DESIRED CONDITIONAL USE PERMIT GUIDELINES
FOR UTILITY SCALE SOLAR ENERGY FACILITIES

WHEREAS: The *Town of Concord Comprehensive Land Use Plan* was developed over a 3 year period with a high degree of community input and involvement. It has the following visions and goals:

1. The overall vision statement is as follows:

“It is the expressed intent of this Comprehensive Land Use Plan to maintain the agrarian and rural character of the Town of Concord. The basis of this direction is the overwhelming response by Town citizens to the following: the 1996 Household Survey for the Town of Concord administered by Jefferson County, the 2003 and 2005 surveys done by the Town of Concord Park and Plan Commission, visioning sessions held in 2006, the responses to the Citizen Questionnaire sent out in November 2008, and the majority of citizen input during the preparation of this Plan. The direction given by the majority of respondents in all of these cases indicates both a longstanding and a continued desire to maintain the rural character of the Town. Additionally, a plan with this goal will be in keeping with the policies of Jefferson County toward preservation of agricultural lands and open space.”

2. In Chapter 1.A. Vision Statements, the Plan states “ In Concord’s visioning workshops, comprehensive planning meetings, and related surveys, the community input has been consistent and clear that the rural character and quality of life of the Town are of the utmost importance to the majority of the citizens of Concord.”
3. In Chapter 1.A.1., the stated town goal is that “Town residents will continue to enjoy the quality of life associated with rural living and the Town’s agricultural base.”
4. Chapter 2.A states “1. The Town of Concord will retain a quiet, rural atmosphere.” and “2. The Town will consist mainly of agricultural lands and productive farmland.”
5. Chapter 5.A. states “5. Agricultural lands will not be compromised by establishment of land uses that are incompatible with farming.” and “7. Non-farmers will continue to benefit from the aesthetics of their rural properties and the quality of life they currently enjoy.”
6. Chapter 8.A. states “5. The rural quality of life enjoyed by Town residents will be characterized by continued low traffic volumes and limited scale of development.” and “7. New businesses will be small-scale, locally owned operations that are compatible with the Town’s rural character and agricultural land use.”
7. Chapter 10.A. states “5. The rural character of the Town and the quality of life enjoyed by the current residents of the Town will not be compromised by excessive new residential or commercial development.” and “9. All new non-residential development will be limited to the hamlet area.”

WHEREAS: The *Jefferson County Agricultural Preservation and Land Use Plan* adopted Feb. 14, 2012, has the following goals:

1. Chapter 1, pg. 7, the first stated goal is to “Preserve the “rural character” and aesthetic quality of Jefferson County.” the fourth stated goal is to “Minimize nonagricultural development on prime agricultural soils.” These goals are reiterated in Chapters 2 and 3.
2. Appendix D: Development Design Guidelines/ Rural Communication and Utility Facilities Guidelines states “4. Communication towers, utility transmission or distribution lines, and utility facilities should be located in a manner that minimizes the impact on current and potential future farming practices. All facilities and access drives should minimize the loss of tillable agricultural land.”

WHEREAS: The *Jefferson County Zoning Ordinance* last amended Aug. 8, 2017, states the purpose of the A-1 zoning district on pg. 24 “The A-1 Exclusive Agricultural district is intended to promote continued agricultural uses on the best quality agricultural land; protect and encourage long-term investments in food, fiber, and other resource-related production; be a state-certified farmland preservation zoning district ... preserve rural character and manage nonfarm development; and provide reasonable opportunities for agriculturally-related businesses and home occupations.” on pg. 25 utilities are permitted as a conditional use in A-1 zoning as follows: “ j. Transportation, communication, pipeline, electrical transmission, utility, or drainage use that qualifies under §91.46(4) of the Wisconsin Statutes.”

WHEREAS: In Chapter 91 of Wisconsin State statutes, utilities are considered conditional uses in Farmland Preservation zoning only if: 91.46(4)(c) “The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.” There is no provision in Chapter 91 or Jefferson County zoning for a private large-scale commercial/ industrial development as a permitted use in a farmland preservation zoning district.

WHEREAS: In Chapter 196 of Wisconsin State Statutes, a proposed utility “will not have undue adverse impact on...ecological balance, public health and welfare... and aesthetics of land and water and recreational use.” (196.491(3)(d)(4)) “The proposed facility will not unreasonably interfere with the orderly land use and development plans for the area involved.” (196.491(3)(d)(6)) For a large electric generating facility, brownfields...are used to the extent practicable. (196.491(3)(d)(8))

WHEREAS: The development of a utility scale commercial solar farm is inconsistent with the above listed tenets of 2009 *Town of Concord Comprehensive Land Use Plan*, the *Jefferson County Agricultural Preservation and Land Use Plan* (adopted Feb. 14, 2012), the *Jefferson County Zoning Ordinance No. 11* (last amended April 17, 2018), with *Wisconsin Statutes Chapter 91 Farmland Preservation, 91.46(4)*, and with the intent of *Wisconsin State Statutes Chapter 196 Regulation of Public Utilities (196.491(3)(d)(4,6,8))*

A utility scale industrial Solar Energy Facility (SEF) is a commercial/ industrial development. Such a development has no rural character and would in fact significantly diminish the rural character of the area which in large part is created by the visual scenic impacts and quiet beauty and serenity of the natural landscape, farm animals, and wildlife. Additionally, the quality of life and health of the residents may be decreased by the audio, visual, view, light, noise, vibration, electrical, radio interference, and other effects attributable to solar facilities.* Such a development does not support the intent of Farmland Preservation zoning or of Wisconsin Statutes Ch. 91 and 196 which seek to minimize the conversion of agricultural land to utility development. Such a development would also interfere with the orderly land use and development plans for the area involved by creating scattered industrial development throughout a rural residential area.

NOTWITHSTANDING the above, the Town of Concord acknowledges that the Public Service Commission of the State of Wisconsin may issue permits allowing the development of ground mounted utility scale commercial SEFs on multiple parcels of prime farm land in the agricultural preservation zoning district within the town.

PURPOSE OF RESOLUTION: The *Town of Concord Comprehensive Land Use Plan* Ch. 8.B.6. states “The Town will discourage the establishment of any businesses that would reasonably be expected to have a negative impact on the rural character of the Town of Concord and establish conditions of approval that fully mitigate any negative impacts of business operations for which permits are granted.” In keeping with that goal, the Town of Concord wishes to establish desired guidelines for the siting of SEFs permitted by the State PSC in the A-1 zoning district (or land zoned out of A-1 to accommodate such a development). The Town of Concord desires to institute these guidelines to safeguard the rural character and ensure the aesthetic quality of the Town of

* list of effects is from Invenenergy Solar Development North America LLC, *Participation Easement Agreement* filed with the Wisconsin PSC for the Badger Hollow Solar Project.

Concord; the quality of life, health, safety, and property values of non-participating landowners; fertility of the soil; maintenance of drainage ditches; and the financial security of the taxpayers.

The Town of Concord would like to ensure to the extent possible, some degree of adherence to the intent and vision of The Town of Concord Comprehensive Plan which its citizens took such time and effort to develop under the direction of Wis. stats. 66.1001.

The Town of Concord adopts this resolution to put forth desired minimum guidelines for the siting of ground mounted solar arrays in Industrial/ commercial utility scale SEFs. These guidelines are not addressing residential solar use, or a small solar array that is on a farm or other business, exclusively for onsite energy usage.

A. FINDINGS

1. General findings

- a) While solar energy is a semi-renewable energy resource of electricity generation, and under some circumstances it may reduce the use of nonrenewable energy sources, the possible benefits must be balanced against potential negative impacts to local citizens, local economy, and local ecosystems.
- b) Regulation of the siting and installation of solar arrays is necessary for protecting the health, safety, and well-being of neighboring property owners, the general public, the local economy and local ecosystems.
- c) Installation of large-scale industrial solar energy facilities, if improperly sited and maintained, can create drainage problems through erosion and lack of sediment control of the facility and of access roads. Such installation may also harm farmlands through contamination and construction methods utilized.
- d) In certain circumstances, industrial solar energy facilities can cause electromagnetic interference with some types of communications.
- e) The Town of Concord and its citizens desire to maintain the pastoral, rural nature of this region. An industrial solar energy facility is in conflict with the culture and character of this community.

2. Findings Regarding Noise Impacts

The Town of Concord concludes that a maximum outside audible Sound Pressure Level (SPL) of 35 dBA or 5 dBA over ambient, whichever is lower, in the Town of Concord is necessary to protect residents from the adverse health effects associated with continuous noise from a utility scale solar plant based on the following findings:

- a) Utility scale solar plants have the potential to be a significant sources of noise from inverters, tracking motors, and transformers, which, if improperly sited, may negatively impact the health of residents, particularly in areas of low ambient noise levels.
- b) Noise is an annoyance that can negatively impact health, producing negative effects such as sleep disturbance and deprivation, stress, anxiety and fatigue. WHO defined annoyance as a feeling of displeasure associated with any agent or condition believed by an individual to adversely affect him or her. According to WHO, health should be regarded as “a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity.” Under this definition, noise has a significant impact on the quality of life and noise annoyance is an adverse health effect. (See WHO 1999, Ch. 3.8; Dr. Harry 2/2007, pg. 22)
- c) Living in a rural environment, in comparison with a suburban area, increases the risk of residents being impacted by noise from nearby commercial/ industrial developments because of the low

ambient Sound Pressure Level (SPL) in rural environments. (See Pedersen and Waye, 3/1/2007, p. 485)

- d) The International Standards Organization recommended community noise limits for rural areas be set at a SPL of 35 dBA during the day, 30 dBA during the evening and 25 dBA at night. (Alberts, Daniel J., pg. 18, Table 9, ISO 1996-1971 Recommendations for Community Noise Limits)

B. DEFINITIONS

Developer: the Solar Energy Facility (SEF) applicant, developer, facility owner, and/or operator with legal control of the project, including heirs, successors and assigns, who has filed an application for development of a Solar Energy Facility.

Farm parcel or property: a property zoned A-1 whose primary purpose is for farming

Farm residence: a residence on a farm parcel or property

Health: a state of complete physical and mental well-being, not merely the absence of disease or infirmity. This definition was adapted from the World Health Organization definition of health in "Guidelines for Community Noise", pages 19 and 20.

Noise: any unwanted sound. Not all noise needs to be excessively loud to represent an annoyance or interference.

Non-participating parcel or property: a parcel of real estate that is neither a Project Parcel nor Participating Parcel. The owner of such a parcel has not signed a lease agreement with the SEF developer nor granted easement to the developer upon, over or across his/ her property for any electromagnetic, audio, visual, view, light, noise, vibration, electrical, radio interference or other effects which may be generated by the solar facility.

Participating parcel or property: a parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and the SEF developer allowing the construction of all or part of a SEF closer to a Participating Parcel property line or structures on the Participating Parcel than would be permitted under these guidelines in the absence of such an agreement. The owner of such a parcel must enter into a written agreement with the SEF developer granting easement upon, over or across his/ her property for any electromagnetic, audio, visual, view, light, noise, vibration, electrical, radio interference or other effects which may be generated by the solar facility.

Project Parcel or property: a parcel of real estate on which all or any part of a SEF will be constructed. The owner of such a parcel has entered into a written lease agreement with the SEF developer.

Property Line: a recognized and mapped property parcel boundary line.

Residential parcel or property: a property where the predominant use is for residential purposes.

Solar Array: An active solar energy system that converts sunlight into electricity using photovoltaic modules as solar collectors. Such a system has multiple solar collectors, and might include transformers, generators, batteries, and other pertinent structures and/or facilities.

Solar Collector: A device that converts sunlight into electricity.

Solar Energy Facility (SEF): A commercial electricity-generating facility whose primary purpose is to supply electricity for off-site uses or export to the wholesale market. A SEF consists of one or more solar arrays and other accessory structures and buildings, including substations, electrical infrastructure, generators, transmission lines, and other appurtenant structures and/or facilities. An SEF is the principal land use for the parcel on which it is located.

Solar farm: A marketing term for a SEF

C. GUIDELINES

1. **Noise** - Based on the above findings regarding community noise, noise emitted by a SEF shall not exceed 35 dBA, or 5 dBA over background ambient noise levels, whichever is lower, when measured from the nearest property line of any non-participating residential property, church, or other inhabited property or when measured from within 20' of any buildings on a non-participating farm parcel.
2. **Setbacks**
 - a) The following minimum setbacks are to be measured from the exterior of the fencing and gates which are required around the perimeter of the SEF. No part of the SEF may be closer to a property line than the setbacks listed below. Landscaping to provide buffering may occur within the setback.
 - (1) 150' from the nearest property line of a non-participating residential parcel.
 - (2) 170' from the residence and any other buildings on a non-participating farm parcel.
 - (3) 50' from the property line of the tillable acreage of a non-participating farm parcel.
 - (4) 115' from the right-of-way (ROW) of a town road.
 - (5) 30' from the edge of drainage ditches to allow for movement of equipment necessary to maintain the ditches.
 - b) Setback of inverters is dependent on noise level. They must be set back a minimum of 500' from the nearest property line of a non-participating residential parcel and 520' from any buildings on a non-participating farm parcel. A larger setback may be necessary to ensure compliance with noise limits set in Section C.1.
 - c) Setback of the solar collector modules and associated tracking motors is dependent on noise level. They must be set back to a distance that ensures compliance with noise limits set in Section C.1.
3. **Buffer**
 - a) The SEF shall be **fully buffered** from residential development with **at least** the following guidelines.
 - b) A continuous evergreen vegetative buffer shall be present and maintained at all times around the perimeter of the exterior of the fencing where occupants of neighboring non-participating residential properties and non-participating farm residences can see into the SEF. The evergreen vegetative buffer shall be composed of evergreen trees or shrubs of a type which at planting shall be a minimum of 4 feet in height and which shall be maintained at maturity at a height of not less than 15 feet. The evergreen trees or shrubs shall be spaced no more than ten feet apart (from the base of tree or shrub to the base of tree or shrub). At maturity, the evergreens shall form a continuous buffer.
 - c) The evergreen vegetative buffer shall be carefully planted and shall be maintained in good condition.
 - d) The evergreen vegetative buffer requirements specified herein shall continue notwithstanding the fact that a SEF is no longer operational and/or falls into disuse unless and until such SEF is dismantled and removed from the parcel or parcels of land upon which it was constructed.
 - e) The developer shall submit some form of financial guarantee such as a bond, letter of credit, or cash deposit equal to one hundred twenty-five (125) percent of the costs to meet the buffer area standard. The financial guarantee shall remain in effect until vegetation is sufficiently established.

4. **Height** - the height of the solar collectors may not exceed 13'
5. **Lighting/ Glare**
 - a) Any lighting for the SEF shall be installed for security and safety purposes only. Except for lighting that is required by the FCC or FAA, all lighting shall be shielded so that no glare extends beyond the boundaries of the facility.
 - b) Reflection angles for solar collectors shall be oriented such that they do not project glare onto adjacent properties or roadways.
6. **Visibility**
 - a) SEF shall not be sited in such a way as to “completely surround” a non-participating parcel. SEF may only be sited on 2 adjacent sides of a non-participating parcel on participating parcels abutting the non-participating property.
 - b) SEF shall not be sited in such a way that the residents of a non-participating parcel situated above the SEF look down on a “sea” of solar modules.
 - c) SEF shall not be situated in such a way that residents of a non-participating parcel situated below the SEF look up at a hill side full of solar modules.
 - d) The goal for siting of the SEF would be on level ground that is on the same plane as abutting non-participating parcels to minimize the residents’ view of the solar arrays.
7. **Ground cover**– The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover.
 - a) Soils shall be planted and maintained for the duration of operation in perennial vegetation to prevent erosion, manage run off, and improve soil.
 - b) Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 - c) Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service.
 - d) The developer shall submit a financial guarantee in the form of a bond, letter of credit, or cash deposit equal to one hundred twenty-five (125) percent of the costs to meet the ground cover standard. The financial guarantee shall remain in effect until ground cover is sufficiently established.
8. **Tree Removal**
 - a) Large-scale removal of mature trees on the site is discouraged.
 - b) No removal of trees in the road rights-of-way is permitted unless trees are in the right-of-way of a participating property or unless permission to remove trees is obtained from the town board.
9. **Grading** - Minimal grading should be performed so that top soils shall not be removed during development of the SEF.

10. Power and communication lines - Power and communication lines running between banks of solar collectors and to nearby inverters and electric substations or interconnections with buildings shall be buried underground.

11. Electromagnetic Interference

- a) SEF shall be sited and operated so that the facility does not cause interference with emergency (fire, police/sheriff, ambulance) radio communications, television, Internet service, telephone (including cellular and digital), microwave, satellite (dish), navigational, or radio reception in neighboring areas.
- b) The developer and/or operator of the SEF shall be responsible for the full cost of any remediation necessary to correct any problems or provide equivalent alternate service, within thirty (30) days of being given notice. This includes relocation or removal of a problematic array, or any other equipment, transmission lines, transformers, and other components related to the interference.

12. Public Roads

- a) SEF developer shall, prior to the initiation of construction, provide a description and map of all town roads to be used in connection with the construction of the SEF. Developer shall consult with the Town Board for load paths and restrictions on their respective roads or bridges. The Town shall document, by means of videotape and PASER rating, the condition of all roads to be used in the Town in construction of the SEF prior to beginning and after completion of the construction of the SEF.
- b) At the developer's expense, the developer shall contract with qualified contractors to repair any damage to roads due to transportation of equipment and facility components. In the event a hazardous road condition exists that is not promptly corrected by the developer, the Town Board may order emergency road repairs be performed by qualified contractors, and the developer shall promptly reimburse the Town for reasonable emergency road repair costs.
- c) The SEF developer shall submit a financial guarantee in the form of a bond, letter of credit, or cash deposit to the town for repair of roads in an amount determined by the Town. Weather permitting, the final Road Repair Obligations shall be completed to the reasonable satisfaction of the Town Board within six (6) months after completion of construction of the SEF, or as soon thereafter as weather conditions permit.

13. Testing of soil and groundwater

- a) The Developer is responsible to provide a current written list of all chemicals used for maintenance, etc. of the SEF (e.g. pesticides, herbicides, cleaners). This list shall include quantity and frequency of application of each of these chemicals.
- b) The Developer will permit and fund post-construction environmental studies deemed appropriate. Studies will include periodic monitoring of soil and of wells and drinking water supplies for any and all chemical residue from the SEF.
- c) At a minimum, random soil and water testing will be performed on a yearly basis.
- d) The developer shall submit a financial guarantee in the form of a bond, letter of credit, or cash deposit to cover the costs of soil and water testing and any remediation necessary should contamination of soil or ground water occur.

14. Fire Prevention and Emergency Response Plan and Requirements.

An application for a SEF shall include a fire prevention and emergency response plan. The plan shall describe the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders. The plan shall designate the specific agencies that would respond to a potential fire or other emergencies, shall describe all emergency response training and equipment needed to respond to a fire or other emergency, shall include an assessment of the training and equipment available to the designated agencies, shall provide for any special training or emergency response equipment that the designated agencies need to use in responding to a potential fire or other emergency, shall provide information on how the SEF or section of SEF will be shut down if necessary to handle an emergency, and shall provide information on how the emergency personnel will gain access to the SEF to address the emergency in a timely manner. All necessary special equipment and special training of personnel shall be at the developer's cost.

15. Decommissioning - A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.

- a) The plan shall include provisions for removal/ recycling of all structures, power lines, cables, and foundations **in their entirety** including recycling of all solar PV modules and restoration of soil and vegetation
- b) Decommissioning plans shall outline the anticipated means and cost of removing the system at the end of its serviceable life or upon its becoming a discontinued use. The cost estimates shall be made by a competent party, such as professional engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the system.
- c) Decommissioning of the system must be completed within one year from either of the following: A. The end of the system's serviceable life; or B. The system becomes a discontinued use.
- d) A system shall be considered a discontinued use after one year without energy production.
- e) The Developer shall submit an acceptable letter-of-credit, bond, or other form of security that is sufficient to cover the cost of removal at the end of each SEF array's useful life as detailed in the decommissioning plan. Such surety shall be at least \$10,000 for each acre of a solar array and not less than 125% of the cost estimate for decommissioning. This calculation will not take into account any estimated salvage values.
- f) This surety will assure the faithful performance of the decommissioning terms. The Developer will be responsible for assuring that any subsequent Assigns of the SEF, will provide acceptable surety to prior to any transfer of ownership.
- g) The projected Decommissioning costs will be reviewed a minimum of every five (5) years. The SEF owner will adjust their security to any changes from the original calculation.
- h) The full amount of the bond or security shall remain in full force and effect until all necessary site restoration is completed to return the site to a condition comparable to what it was prior to the construction of the SEF.

16. Property Value Guarantees

The SEF Developer shall assure that there will be no loss in real property value for any property within 1000 feet of the SEF. To legally support this claim, the Developer shall consent in writing to a Real Property Value Protection Agreement as a condition of approval for the SEF. (see **17.** below for example

of agreement which could be put in place) This Agreement shall provide assurance to non-participating property owners (i.e. those with no solar facilities on their property) near the SEF, that they have some protection from SEF-related real property values losses.

17. SEF Property Value Protection Agreement (sample agreement)

The Developer guarantees that there will be no loss in real property value within 1000 feet of the SEF, due to the SEF. Any non-participating property owner(s) included in that area who believe that their property may have been devalued due to the SEF, may elect to exercise the following option:

- a)** All appraiser costs are paid by the SEF Developer, from an Escrow Account established for that purpose. The developer or current owner of the SEF and the property owner shall each select a licensed appraiser. Each appraiser shall provide a detailed written explanation of the reduction, if any, in value to the real property ("Diminution Value"), caused by the proximity to the SEF. This shall be determined by calculating the difference between the current Fair Market Value (FMV) of the real property and what the FMV would have been at the time of exercising this option, assuming no SEF was proposed or constructed.
- (1) If the higher of the Diminution Valuations submitted is equal to or less than 25% more than the other, the two values shall be averaged ("Average Diminution Value": ADV). If the higher of the Diminution Valuations submitted is more than 25% higher than the other, then the two appraisers will select a third licensed appraiser, who shall present to SEF developer and property owner a written appraisal report as to the Diminution Value for the real property. The parties agree that the resulting average of the two highest Diminution Valuations shall constitute the ADV.
 - (2) In either case, the property owner may elect to receive payment in the amount of the ADV from Developer. Developer is required to make this payment within 60 days of receiving said written election from property owner.
- b)** Other Agreement Conditions:
- (1) If a property owner wants to exercise this option, they must do so within 10 years of the SEF receiving final approval for construction.
 - (2) A property owner may elect to exercise this option only once.
 - (3) The Developer and the property owner may accept mutually agreeable modifications of this Agreement, although the developer is not allowed to put other conditions on a financial settlement (e.g. confidentiality). If the property owner accepts some payment for property value loss based on an alternative method, then that acceptance and payment shall be considered an exercise of this option.
 - (4) This Agreement applies to the property owner of record as of the date of the SEF approval, and is not transferrable to subsequent owners.
 - (5) The property owner of record as of the date of the SEF approval must reasonably maintain the property from that time, until they choose to elect this option.
 - (6) The property owner must permit full access to the property by the appraisers, as needed to perform the appraisals.

- (7) The property owner must inform the appraisers of all known defects of the property as may be required by law, as well as all consequential modifications or changes to the property subsequent to the date of the SEF application.
- (8) This Agreement will be guaranteed by the Developer (and all its successors and assigns), for 10 years following the SEF receiving final approval, by funding of an escrow account established for that purpose. This account will ensure execution of all aspects of this Agreement.
- (9) Payment by the Applicant not made within sixty (60) days will accrue an interest penalty. This will be twelve percent (12%) annually, from the date of the written election from property owner.
- (10) For any litigation regarding this Agreement, all reasonable legal fees and court costs will be paid by the Developer.

D. REFERENCES

Droz, John. "NC Model Solar Law", available at: <http://wiseenergy.org/nc-solar-energy-info/>

--. California County Planning Directors Association. "Model Solar Energy Facility Permit Streamlining Ordinance". Feb. 3, 2012. available at: <http://www.ccpda.org/en/model-sef-ordinance/145-ccpda-solar-energy-facility-permit-guidelines-approved-2012-02-03>

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Town of Concord, Jefferson County, WI
RESOLUTION TO ESTABLISH DESIRED CONDITIONAL USE PERMIT GUIDELINES
FOR UTILITY SCALE SOLAR ENERGY FACILITIES

Be it resolved that the Town of Concord Town Board adopts this document as its expressed opinion in the matter of ground mounted utility scale Solar Energy Facilities on farmland in the Town of Concord. Further, the Town of Concord submits the guidelines contained herein to be the minimum desired guidelines followed in the siting of such a development should the State Public Service Commission give approval for such a project.

The Town Board directs the Town Clerk to send a copy of this resolution to the Jefferson County Planning and Zoning Committee. In the event that an application for a ground mounted utility scale Solar Energy Facility is submitted to the State Public Service Commission, the Clerk is directed to submit a copy of this resolution and desired guidelines to the PSC for the docket in question.

This resolution is hereby adopted at the regular Town Board meeting of the Town of Concord on the _____ day of _____, 2018.

Brian Neumann, Town Clerk

Bill Ingersoll, Town Chairman

Lloyd Zastrow, Town supervisor

Ted Mueller, Town supervisor