

ORDINANCE NO. 2024-41

ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE CREATING SECTION 20-1801 OF THE RACINE COUNTY CODE OF ORDINANCES ESTABLISHING A MORATORIUM ON THE CONSIDERATION AND/OR ISSUANCE OF ZONING PERMITS, CONDITONAL USE AND/OR SITE PLAN REVIEW ZONING APPROVALS FOR SOLAR ENERGY SYSTEMS (SES)

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors does hereby ordain as follows:

Sec. 20-1801 Moratorium.

(a) Findings to establish a Moratorium. A public hearing was held on July 15, 2024 and based upon that hearing, the Racine County Board of Supervisors does find as follows:

- (1) Racine County currently has no ordinance providing guidance and regulation on the siting, development, and construction of Solar Energy Systems; and concerns were discussed at the public hearing regarding the protection of health and safety of residents and the natural environment of Racine County; and
- (2) There is interest in establishing regulation of Solar Energy Systems in Racine County; and
- (3) There exist potential health, safety, and environmental issues related to the construction of solar energy systems including, but not limited to electrical connections, electric and magnetic fields, structure failure, decommissioning, loss or damage to agricultural lands, and chemical exposure; and
- (4) A moratorium on the consideration and/or issuance of zoning permits, conditional use and/or site plan review zoning approvals for Solar Energy Systems is necessary to allow the Public Works and Development Services Department and the Racine County Economic Development and Land Use Planning Committee to study how the zoning ordinance should be changed to address developments in the law while still protecting the public health, safety and general welfare of Racine County residents, visitors and the natural environment.

5 (b) **Declaration of Moratorium and Exclusions.** Based upon the findings of sec. 20-
6 1801(a), a moratorium is hereby declared with respect to the acceptance of
7 applications for and the issuance of any zoning permits, conditional use and/or site
8 plan review zoning approvals as described in the Racine County Code of
9 Ordinances, Chapter 20 and Wis. Stat. §§ 66.0401 and 66.0403.

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11 (c) **Duration of Moratorium.** This moratorium shall be in effect for nine (9) months
12 following the effective date of this ordinance or until such time as a Solar Energy
13 Systems ordinance is adopted and takes effect, whichever is earlier.

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15 (d) **Direction to Develop Revised Ordinance.** During the period of this moratorium,
16 the Public Works and Development Services Department is directed to draft an
17 ordinance providing comprehensive regulation of Solar Energy Systems to protect
18 the health, safety and general welfare of the public and natural environment and
19 that aligns with current legal requirements as part of the County's comprehensive
20 plan. The ordinance shall be presented to the Racine County Board of Supervisors
21 on the earliest possible date. It is the intention of the Board of Supervisors to adopt
22 an ordinance prior to the expiration of this moratorium.

23
24 (e) **Subjects for Consideration.** In preparing a revised ordinance, the Public Works
25 and Development Services Department and the Economic Development and Land
26 Use Planning Committee shall review Chapter 20, Zoning, of the Racine County
27 Code of Ordinances, Wis. Stat. §§ 66.0401 and 66.0403, consider available
28 studies and information concerning the potential health, safety and environmental
29 issues related to the construction of Solar Energy Systems in Racine County,
30 consult with legal counsel, solicit input from appropriate county staff, and interested
31 members of the general public, and review any other information the Economic
32 Development and Land Use Planning Committee deems appropriate.

33
34 (f) **Severability.** If a section, subsection, paragraph, sentence, clause or phrase of
35 this ordinance is declared unconstitutional or invalid for any reason by any court of
36 competent jurisdiction, such decision shall not affect the validity of the remaining
37 portions of this ordinance.

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39 (g) **Construction.** If the provisions of this ordinance are found to be inconsistent with
40 other provisions of the Racine County Code of Ordinances, this ordinance is
41 deemed to control.

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43 **The Racine County Clerk is directed to transmit duplicate copies of this ordinance**
44 **to all Racine County municipalities within seven (7) days after this ordinance is**
45 **adopted.**

46
47 Respectfully submitted,

48
49 1st Reading _____

**ECONOMIC DEVELOPMENT & LAND USE
PLANNING COMMITTEE**

50
51 2nd Reading _____

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5 BOARD ACTION

Jason Eckman, Chairman

6 Adopted _____

7 For _____

8 Against _____

Greg Horeth, Vice-Chairman

9 Absent _____

10

11 VOTE REQUIRED: Majority M.E.

Taylor Wishau, Secretary

12

13 Prepared by:

14 Corporation Counsel

Tom Rutkowski

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16

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Tom Preusker

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Tony Veranth

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Gary Kolb

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26 **The foregoing legislation adopted by the County Board of Supervisors of Racine County,**
27 **Wisconsin, is hereby:**

28

29 **Approved:** _____

30 **Vetoed:** _____

31

32 **Date:** _____,

33

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35 _____
County Executive