



## **Dane County Zoning Division**

City-County Building  
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# **DANE COUNTY CONDITIONAL USE PERMIT #2540**

THE ZONING AND LAND REGULATION COMMITTEE OF THE DANE COUNTY BOARD PURSUANT TO SECTION 10.101(7) OF THE DANE COUNTY CODE OF ORDINANCES DOES HEREBY:

GRANT Conditional Use Permit # 2540 for a renewable energy electric generating facility – solar farm conditioned upon Dane County Code of Ordinances Section 10.101(7)(d)2 and subject to the additional conditions listed below:

**EFFECTIVE DATE OF PERMIT: January 11, 2022**

THE CONDITIONAL USE SHALL BE LOCATED ON THE PROPERTY DESCRIBED AS FOLLOWS:

LOCATION: North and East of 3087 Luds Lane, Town of Cottage Grove, Dane County, Wisconsin.

Legal Description:

See Attached Exhibit A

**CONDITIONS:**

- 1) Pile driving operations (during construction) are limited to between 7:00 a.m. to 7:00 p.m. Monday through Friday.
- 2) Seven to eight foot tall arbor vitae or cedars shall be planted outside the solar facility fence on the border with Hope Lutheran Church (on Dane County property, so the solar facility will be responsible for their maintenance).
- 3) Areas adjacent to crop land that is not row-crops will be mowed 3-4 times per year to keep seed from native plantings on the solar site from dispersing onto the crop land.
- 4) The town shall be an additional insured on a bond with the County.
- 5) Any conditions required for specific uses listed under s. 10.103.
- 6) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- 7) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the applicable sections of the Wisconsin Commercial Building Code or Uniform Dwelling Code.

- 8) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- 9) Any ongoing business operation must obtain and continue to meet all legally required and applicable local, county, state and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the zoning administrator upon request.
- 10) Existing onsite wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code.
- 11) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- 12) Off-street parking must be provided, consistent with s. 10.102(8).
- 13) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- 14) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- 15) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- 16) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- 17) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.

**THE ZONING AND LAND REGULATION COMMITTEE AFTER PUBLIC HEARING AND IN THEIR CONSIDERATION OF THE CONDITIONAL USE PERMIT MADE THE FOLLOWING FINDINGS OF FACT:**

1. That the establishment, maintenance and operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, morals comfort or general welfare.
2. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted will not be substantially impaired or diminished by the establishment, maintenance, and operation of the proposed conditional use.
3. That the establishment of the proposed conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements will be made.
5. That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed conditional use does conform to all applicable regulations of the district in which it is proposed to be located.
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.
8. If located in the Farmland Preservation (FP) area, the conditional use meets the necessary findings to be located in the district as per Dane County Code of Ordinances Section 10.220 (1).

#### EXPIRATION OF PERMIT

Upon the allowed land use's cessation or abandonment for a period of one year, this conditional use permit will be deemed to have been terminated and any future use shall be in conformity with the ordinance.

## Exhibit A – Legal Description of 178 Acre CUP area

PIN #'s: 018-0711-193-9350-0, 018-0711-193-9720-2, 018-0711-302-8000-2, 018-0711-302-8500-7

A piece of land commencing at a point 20 rods East of the Northwest corner of Section 30, Township 7 North, Range 11 East, and running thence East 96 rods; thence South 80 rods; thence West 96 rods; thence North 80 rods to the place of beginning, the whole lying in and constituting a part of the Northwest  $\frac{1}{4}$  of Section 30, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin. Also, a piece of land commencing 20 rods East of the Southwest corner of Section 19, Township 7 North, Range 11 East; thence East 96 rods; thence North 40 rods; thence West 96 rods; thence South 40 rods to the place of beginning, less and except a part thereof conveyed to the Trustees of the Evangelical Lutheran St. Emanuels Church of Cottage Grove, Dane County, Wisconsin and recorded in Vol. 308 of Deeds, page 147, as #442791.

ALSO described as follows: The fractional North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 30, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, EXCEPT the West 330 feet thereof, and part of the fractional South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, described as follows: Beginning at a point on the South line of said Section 19, 336.5 feet East of the Southwest corner thereof; thence North 224.25 feet parallel to the West line of said Section 19; thence North  $80^{\circ} 19'$  East, to a point which is 256.5 feet North of said South line and 529.5 feet East of said West line; thence North  $32^{\circ} 33'$  West to a point 330 feet East of said West line, the last course extended would pass through a point 660 feet North of said South line and 267 feet East of the Southwest corner of said Section 19; thence North parallel to said West line to a point 660 feet North of the South line of said Section 19; thence East parallel to said South line to a point 16.5 feet West of the East line of said fractional South  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$ ; thence South 660 feet parallel to said East line to the South line of said Section; thence West along said South line to the point of beginning.

EXCEPTING therefrom all that part of the fractional Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  and Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, lying North of Hope Road and Northeasterly of Femrite Drive and the South centerline of the drainage ditch.

ALSO EXCEPTING therefrom a parcel of land located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the Southwest corner of said Section 19; thence North  $86^{\circ} 10' 33''$  East, 336.78 feet (recorded as North  $85^{\circ} 27' 08''$  East, 336.5 feet); thence North  $0^{\circ} 19' 38''$  East, 123.44 feet to the point of beginning; thence continue North  $0^{\circ} 19' 38''$  East, 85.01 feet; thence North  $44^{\circ} 48' 16''$  East, 264.70 feet (recorded as North  $45^{\circ} 17' 04''$  East, 262.91 feet); thence North  $85^{\circ} 24' 41''$  East, 83.75 feet; thence South  $44^{\circ} 03' 38''$  West, 388.97 feet to the point of beginning.

AND ALSO EXCEPTING therefrom a parcel of land located in the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 19, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, more particularly described as follows: Commencing at the Southwest corner of said Section 19; thence North  $86^{\circ} 07'$  East along the South line of said Section 19, 336.58 feet to the Easterly line of the Second Addition to the Hope Cottage Grove Cemetery Plat; thence North  $0^{\circ} 19'$  East along said East line and the East line extended, 224.50 feet; thence North  $80^{\circ} 19'$  East, 190.51 feet; thence North  $32^{\circ} 33'$  West, 139.62 feet to the point of beginning of this description; thence continuing North  $32^{\circ} 33'$  West, 333.93 feet; thence North  $86^{\circ} 07'$  East parallel to the South line of said Section 19, 360.70 feet to the centerline of Old U.S. Highway 12 and 18; thence South  $52^{\circ} 28'$  East along said centerline, 442.73 feet; thence South  $86^{\circ} 07'$  West parallel to the South line of said Section 19, 532.78 feet to the point of beginning of

this description.

PIN #'s: 018/0711-302-9501-0, 018/0711-301-9040-3, 018/0711-304-8501-0

**Parcel A:**

The Fractional South 1 /2 of the Northwest 1 /4 and the North 10 acres of the Fractional North 1 /2 of the Southwest 1/4, all in Section 30, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, EXCEPTING therefrom: Beginning at the Northwest corner of said Fractional South 1/2 of the Northwest 1/4; thence North 86° 34' 01" East, 1108.65 feet; thence South 0° 4 7' West 1539.54 feet; thence South 86° 47' 27" West to the West line of said Fractional North 1 /2 of the Southwest 1 /4; thence North along said West line and West line of said Fractional South 1/2 of the Northwest 1/4 to the point of beginning. Also EXCEPTING therefrom: Lands contained in Warranty Deed dated June 30, 2005, and recorded July 5, 2005, as Document No. 4075428.

**PARCEL B:**

The North 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 30, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, EXCEPTING therefrom lands contained in Warranty Deed dated June 30, 2005, and recorded July 5, 2005, as Document No. 4075428.

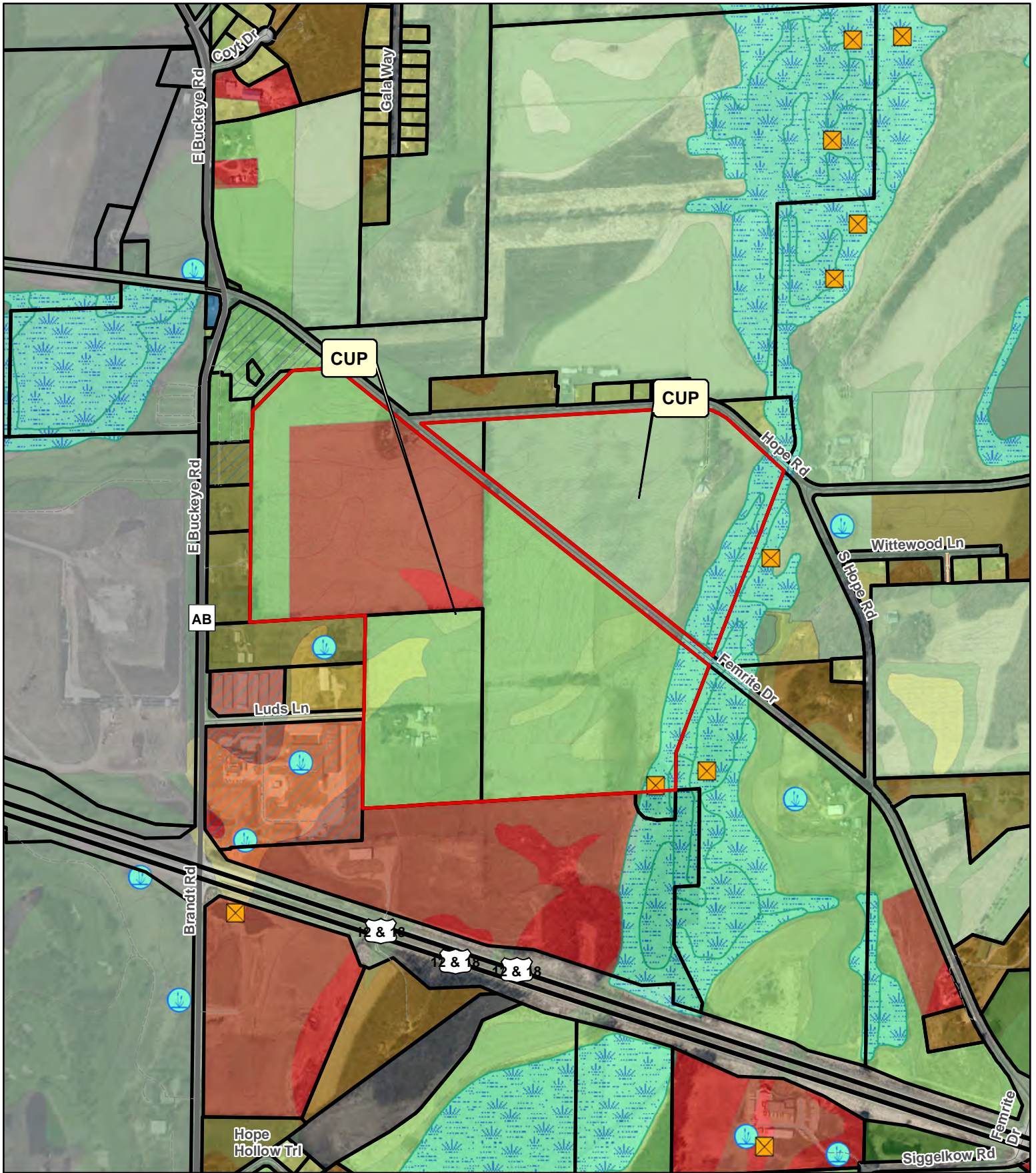
**PARCEL C:**

That part of the West 1/2 of the Northeast 1/4 of Section 30, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, lying South and West of the centerline of old U.S. Highway 12 and 18, now known as Femrite Road, and a parcel of land in the Southeast 1/4 of the Northeast 1/4 of Section 30, Township 7 North, Range 11 East, in the Town of Cottage Grove, Dane County, Wisconsin, described as: Commencing at a point on the West line of said 40 acre tract last mentioned, 50 rods North of the Southwest corner thereof; thence North along the West line of said 40 acre tract last mentioned to the center of old U.S. Highway 12 and 18, now known as Femrite Road; thence Southeasterly along the centerline of said highway to its intersection with the centerline of Door Creek; thence Southwesterly along the centerline of Door Creek until its intersection with the West line of the 40 acre tract last mentioned; thence North along the West line of said 40 acre tract last mentioned to the point of beginning.

PIN #: 018-0711-301-8565-0

Lot 1, Certified Survey Map 12140 recorded in Vol. 75 of the Certified Survey Maps, page 28, as #4305611, in the Town of Cottage Grove, Dane County, Wisconsin.





CUP 02540  
DANE COUNTY SOLAR