


Staff Report  Zoning & Land Regulation Committee	<u>Public Hearing:</u> May 27, 2025		Conditional Use 02661
	<u>Zoning Amendment Requested:</u> TO CUP: Electric Generating Facility - 7.4-acre solar array farm		<u>Town, Section:</u> VIENNA, Section 34
	<u>Size:</u> 7.4 Acres	<u>Survey Required:</u>	<u>Applicant:</u> PAYNE & DOLAN INC
	<u>Reason for the request:</u> Electric Generating Facility - 7.4-acre solar array farm		<u>Address:</u> 5416 EASY STREET



DESCRIPTION: Payne & Dolan requests approval to construct a 7.5-acre solar array farm on a portion 153-acre property located at the Easy Street/CTH Y intersection. The solar facility would be owned and operated by Wisconsin Power and Light Company and would generate 1.45 megawatts of energy.

OBSERVATIONS/ FACTUAL INFORMATION: The property contains an active mineral extraction site and asphalt plant operated by Payne & Dolan. Adjacent land uses in two single-family residences located 500 feet away from the proposed solar installation and two large farm operations to the west. The proposed 7.5 site is screened by existing berms on both the east and west sides. The narrative note that solar arrays will be kept 100 feet away from County Highway I, however the operations map shows 53 feet. Once the solar arrays are installed, pollinator ground cover will be used to cover the land. A 7-foot tall fence will encompass the facility for security purposes. The proposed area does not contain prime farmland.

RESOURCE PROTECTION: There are no sensitive environmental features located in the area.

COMPREHENSIVE PLAN: The Town Plan is silent on Solar Production sites but the Dane County Comprehensive Plan is in favor of such projects. *“Support initiatives and industries that pursue production of renewable energy as well as associated technologies.”* For questions about the town plan, contact Senior Planner Curt Kodl at (608) 266-4183 or Kodl.Curt@danecounty.gov.

CONDITIONAL USE PERMIT DECISION MAKING: “Conditional uses” are those land uses which, because of unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review.

Prior to granting or denying a conditional use, the zoning committee shall make findings of fact based on evidence presented and determine whether the proposed conditional use, with any recommended conditions, meets all of the standards required to obtain a CUP. Below is the list of the applicable standards from Section 10.101(7)(d) of the Zoning Code, and a summary of the relevant facts including the applicant’s testimony with regards to meeting the standards.

- 1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.***

The CUP application describes that the facility location is in low visibility area to nearby residents and drivers on CTH I due to the existing terrain and existing berms. The solar facility will enhance the current space, as it will be located on an existing agriculture field and will be vegetated with low growth native species.

- 2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.***

The applicant states that the location of the facility will be set back over 100 feet (50 feet actual) from CTH I and is surrounded by three berms, providing low visibility from nearby residents and drivers on CTH I.

- 3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.***

The applicant states that the solar facility will not cause any disturbance to neighboring agricultural operations and production.

- 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.***

The applicant states that the solar facility will have a gravel access road located off the private driveway of Payne & Dolan, Inc. Any necessary improvements for site drainage are included in the scope of the project.

- 5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.***

The applicant states that all ingress/egress to the solar facility will utilize the 20-foot wide gravel access road, located on the private driveway of Payne+ Dolan, Inc. Vienna Site, 5416 Easy Street. Vehicle traffic will be contained to the private driveway and gravel access road.

- 6. That the conditional use shall conform to all applicable regulations of the district in which it is located.***

Renewable energy electricity generation is a listed conditional use in the Farmland Preservation (FP-35) Zoning District.

- 7. That the conditional use is consistent with the adopted town and county comprehensive plans.***

The Dane County Comprehensive Plan promotes the installation of renewable energy electric generating facilities. The Vienna Town Plan does not have policies regarding solar farm installations.

- 8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the findings described in s. 10.220(1).***

Renewable energy electricity generation is an approved conditional use in the General Farmland Preservation (FP-35) Zoning district. The facility will meet setback requirements, height limit, and other district requirements. Areas surrounding the site are used for commercial agricultural production, these will continue as such. The solar facility will not cause any disturbance to agricultural operations and production.

POTENTIAL NUISANCES ASSOCIATED WITH THE CONDITIONAL USE: The proposed solar installation poses very few potential nuisances that pertain to the operation. The applicant's CUP application addresses that the installation will be screened from view by existing berms and the existing driveway will be used to access the site.

TOWN ACTION: The Vienna Town Board approved the Conditional Use Permit with no conditions.

STAFF RECOMMENDATION: Staff believes that the applicant has provided sufficient evidence to address the CUP standards and mitigate the potential concerns. If the Committee requires additional information on which to base a decision, they could request specific information of the applicant or staff at the public hearing.

Pending any comments at the public hearing, Staff recommends that (1) the ZLR Committee makes a finding of fact as to whether the proposal meets the CUP standards listed above, and (2) if the ZLR Committee finds the proposal meets the 8 standards, make Staff's recommended conditions be part of the approval.

CUP 2661 Potential Conditions of Approval:

Standard Conditions for all Conditional Use Permits from 10.101(7):

1. Any conditions required for specific uses listed under s. 10.103 (see below).
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
3. 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.
4. 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.
5. 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.
6. 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.
7. All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
8. Off-street parking must be provided, consistent with s. 10.102(8).
9. 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.
10. 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.
11. 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.

12. 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.

Conditions specific to CUP # 2661:

13. At the end of the leasing agreement equipment will be decommissioned, removed and the site returned to pre-development conditions to the extent practicable.

Please contact Roger Lane at (608) 266-9078 or lane.roger@danecounty.gov if you have questions about this petition or staff report.