

# Dane County Conditional Use Permit Application

<b>Application Date</b>	<b>C.U.P Number</b>
06/19/2020	DCPCUP-2020-02503
<b>Public Hearing Date</b>	
08/25/2020	

OWNER INFORMATION	AGENT INFORMATION
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OWNER NAME RUTH B HERMSDORF	Phone with Area Code (608) 444-1065	AGENT NAME DG CENTRAL 1, LLC	Phone with Area Code (561) 304-5746
BILLING ADDRESS (Number, Street) 3382 MEIER RD		ADDRESS (Number, Street) 700 UNIVERSE BOULEVARD (A1A/JB)	
(City, State, Zip) MADISON, WI 53718		(City, State, Zip) Juno Beach, Florida 33406	
E-MAIL ADDRESS deanhermsdorf@gmail.com		E-MAIL ADDRESS adam.siegelstein@nexteraenergy.com	

ADDRESS/LOCATION 1	ADDRESS/LOCATION 2	ADDRESS/LOCATION 3
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ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP		ADDRESS OR LOCATION OF CUP	
3382 Meier Road					
TOWNSHIP BLOOMING GROVE	SECTION 24	TOWNSHIP	SECTION	TOWNSHIP	SECTION
PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED		PARCEL NUMBERS INVOLVED	
0710-241-9000-6		---		---	

CUP DESCRIPTION
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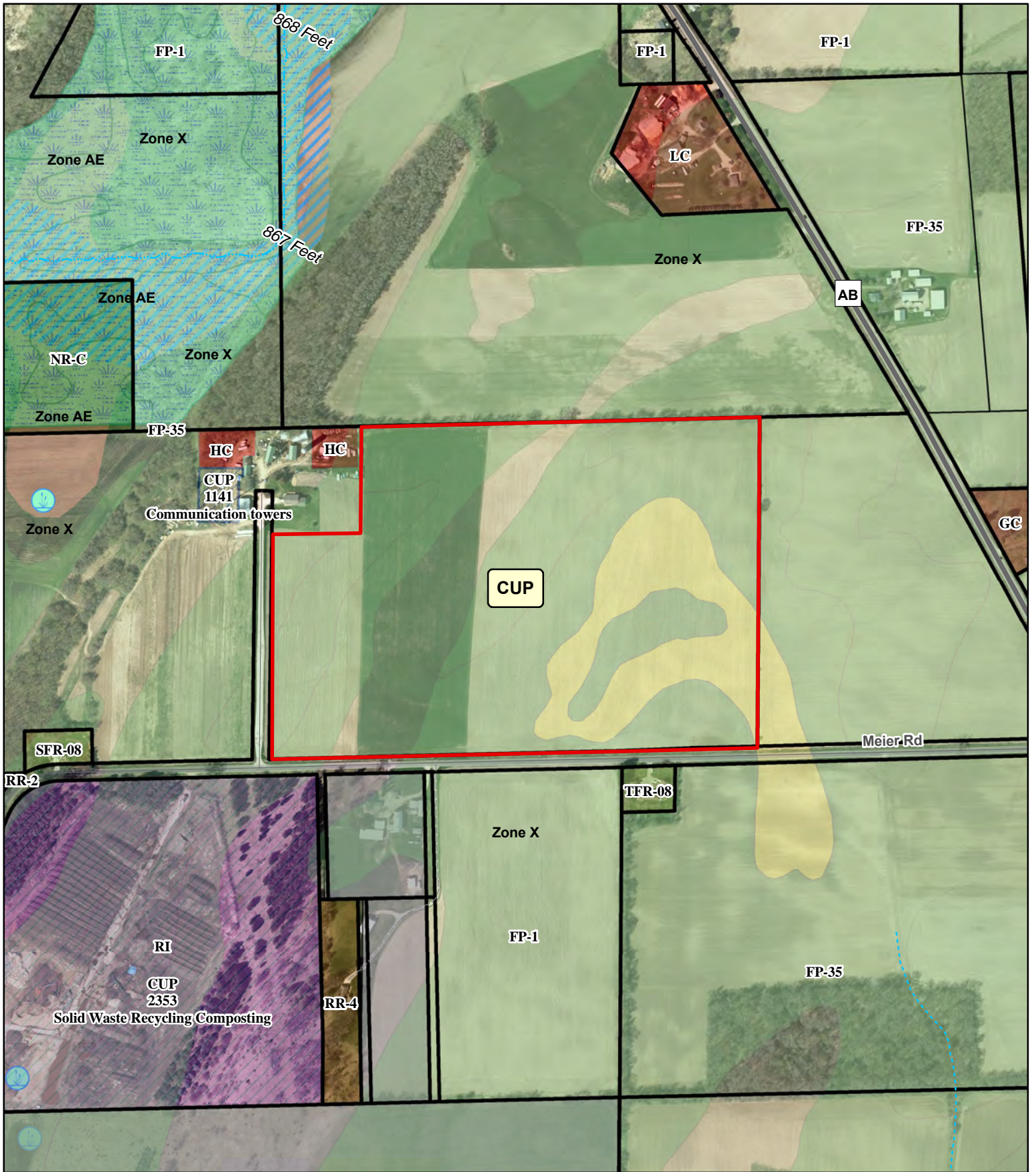
renewable energy electric generating facility - 53-acre solar farm

DANE COUNTY CODE OF ORDINANCE SECTION	ACRES
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


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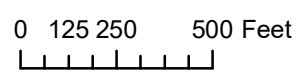
<b>DEED RESTRICTION REQUIRED?</b>  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  Applicant Initials _____	Inspectors Initials  RWL1	<b>SIGNATURE:(Owner or Agent)</b>  _____  <b>PRINT NAME:</b>  _____  <b>DATE:</b>  _____
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COMMENTS: RENEWABLE ENERGY ELECTRIC GENERATING FACILITY - 53-ACRE SOLAR FARM



**Legend**

- |   |   |
|---|---|
|  Wetland    | <b>Significant Soils</b>  |
|  Floodplain |  Class 1 |
|   |  Class 2 |



**CUP 02503**  
**RUTH B HERMSDORF**



DANE COUNTY  
**PLANNING & DEVELOPMENT**

**Conditional Use Application**

Application Fee: \$495 Mineral Extraction: \$1145 Cell Tower: \$1145

Zoning Division  
Room 116, City-County Building  
210 Martin Luther King Jr. Blvd.  
Madison, Wisconsin 53703-3342  
Phone: (608) 266-4266  
Fax: (608) 267-1540

Items required to be submitted with application:

- o Written Legal Description of Conditional Use Permit boundaries
- o Scaled drawing of the property showing existing/proposed buildings, setback requirements, driveway, parking area, outside storage areas, location/type of exterior lighting, any natural features, and proposed signs.
- o Scaled map showing neighboring area land uses and zoning districts
- o Written operations plan describing the items listed below (additional items needed for mineral extraction sites)
- o Written statement on how the proposal meets the 8 standards of a Conditional Use

Owner	Ruth B. Hermsdorf	Agent	DG Central 1, LLC
Address	3382 Meier Rd	Address	700 Universe Blvd. (A1A/JB)
Phone	Madison, WI 53718	Phone	Juno Beach, FL 33408
	608-444-1065		561-304-5746
Email	deanhermsdorf@gmail.com	Email	Adam.Siegelstein@nexteraenergy.com

Parcel numbers affected: 008/0710-241-9000-6 Town: Blooming Grove Section: 24  
 Property Address: 3382 Meier Rd, Madison, WI 53718

Existing/ Proposed Zoning District : FP-35 (unchanged)

**Separate checklist for mineral extraction or cell tower uses must be completed.**

- o Type of Activity proposed: Utility Scale Solar Power Production Plant
- o Hours of Operation [See Operations Plan]
- o Number of employees [See Operations Plan]
- o Anticipated customers [See Operations Plan]
- o Outside storage [See Operations Plan]
- o Outdoor activities [See Operations Plan]
- o Outdoor lighting [See Operations Plan]
- o Outside loudspeakers [See Operations Plan]
- o Proposed signs [See Operations Plan]
- o Trash removal [See Operations Plan]
- o Eight Standards of CUP (see page 2)

The statements provided are true and provide an accurate depiction of the proposed land use. I authorize that I am the owner or have permission to act on behalf of the owner of the property.

Submitted By: Matthew G. Ufman  
Matthew G. Ufman, Vice President, DG Central 1, LLC

Date: 06/17/2020

## **Eight Standards of a Conditional Use Permit**

Provide an explanation on how the proposed land use will meet all eight standards.

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

[See Attachment A]

2. 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.

[See Attachment A]

3. 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.

[See Attachment A]

4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the conditional use.

[See Attachment A]

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

[See Attachment A]

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

[See Attachment A]

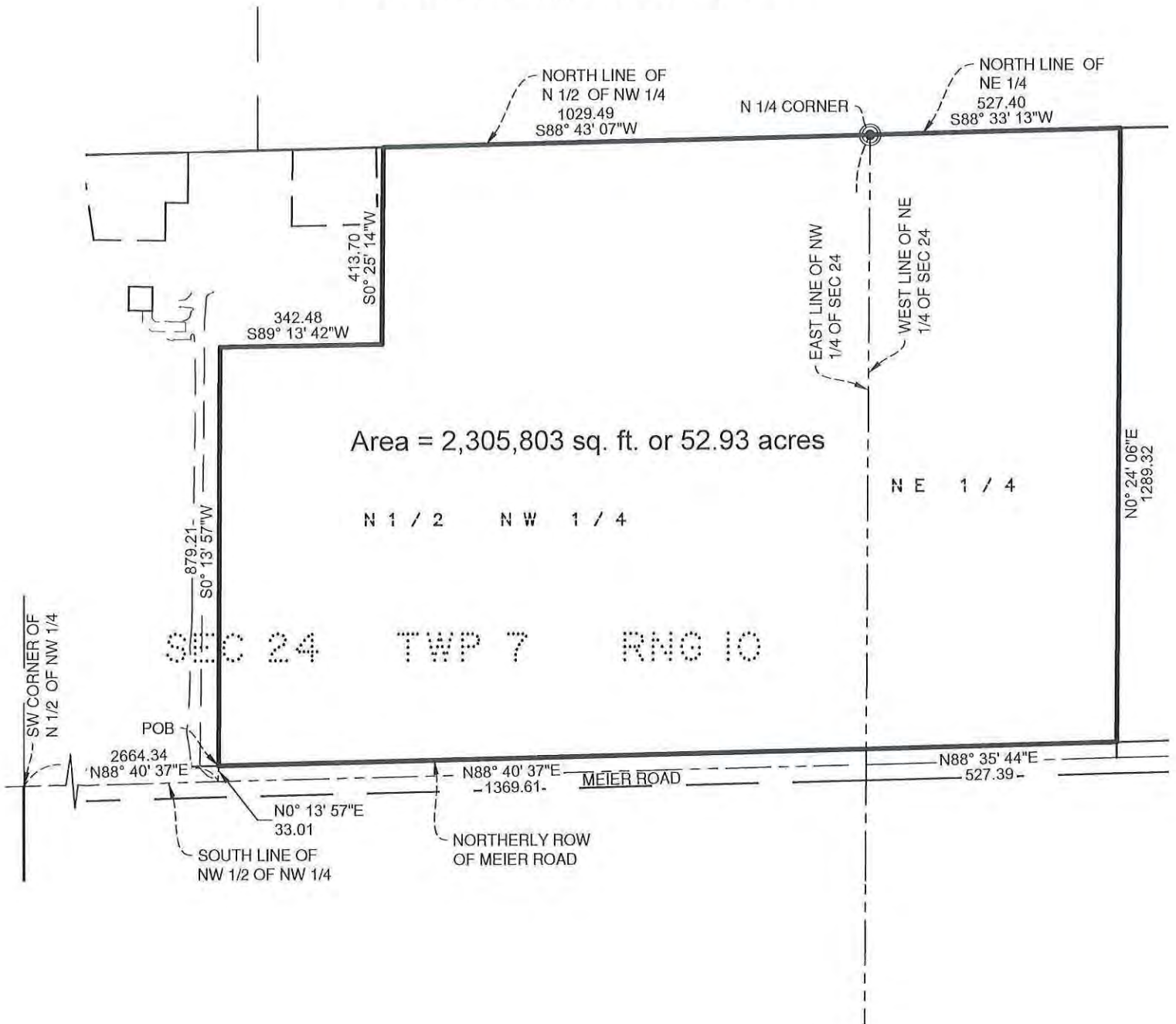
7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.

[See Attachment A]

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)

[See Attachment A]

# LEGAL DESCRIPTION OF CONDITIONAL USE PERMIT BOUNDARIES EXHIBIT



CERTIFICATION:  
I HEREBY CERTIFY THAT THIS PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.

*Scott Alwin*

SCOTT ALWIN

REGISTRATION NUMBER: 3161  
DATE: 06.12.2020



**EVS**  
ENGINEERING SURVEYING RENEWABLE ENERGY  
EVS, INC.  
10025 Valley View Road, Suite 140  
Eden Prairie, Minnesota 55344  
Phone: 952-646-0236  
Fax: 952-646-0290  
www.evs-eng.com

2019-185 Hermsdorf

# LEGAL DESCRIPTION OF CONDITIONAL USE PERMIT BOUNDARIES EXHIBIT

That part of the North Half of the Northwest Quarter and Northeast Quarter of Section 24, Township 7 North, Range 10, Dane County, Wisconsin, more particularly described as follows:

Beginning at the southwest corner of said North Half;  
thence North 88 degrees 40 minutes 37 seconds East, assumed bearing, along the south line of said North Half, a distance of 2664.34 feet;  
thence North 0 degrees 13 minutes 57 seconds East a distance of 33.01 feet to the northerly right-of-way of Meier Road and the point of beginning;  
thence North 88 degrees 40 minutes 37 seconds East, along said right-of-way, a distance of 1369.61 feet to the west line of said Northeast Quarter;  
thence North 88 degrees 35 minutes 44 seconds East, along said right-of-way, a distance of 527.39 feet;  
thence North 0 degrees 24 minutes 06 seconds East a distance of 1289.32 feet to the north line of said Northeast Quarter;  
thence South 88 degrees 33 minutes 13 seconds West, along said Northeast Quarter, a distance of 527.40 feet to the North Quarter corner of said Section 24;  
thence South 88 degrees 43 minutes 07 seconds West along the north line of said North Half, a distance of 1029.49 feet;  
thence South 0 degrees 25 minutes 14 seconds West a distance of 413.70 feet;  
thence South 89 degrees 13 minutes 42 seconds West a distance of 342.48 feet;  
thence South 0 degrees 13 minutes 57 seconds West a distance of 879.21 feet to the point of beginning.

Area = 2,305,803 sq. ft. or 52.93 acres

CERTIFICATION:  
I HEREBY CERTIFY THAT THIS PLAN OR REPORT WAS  
PREPARED BY ME OR UNDER MY DIRECT SUPERVISION  
AND THAT I AM A DULY LICENSED PROFESSIONAL  
SURVEYOR UNDER THE LAWS OF THE STATE OF  
WISCONSIN.

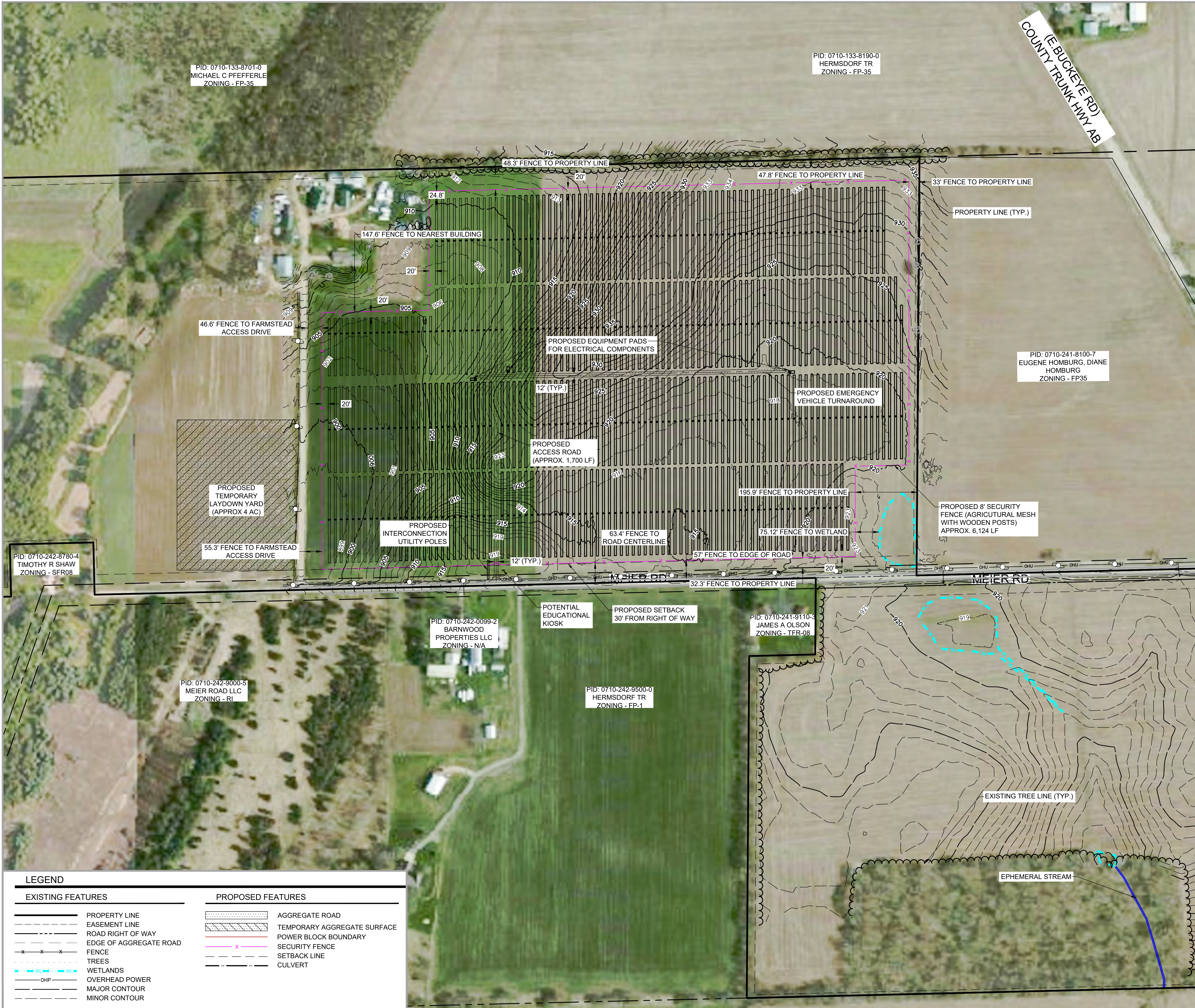


SCOTT ALWIN

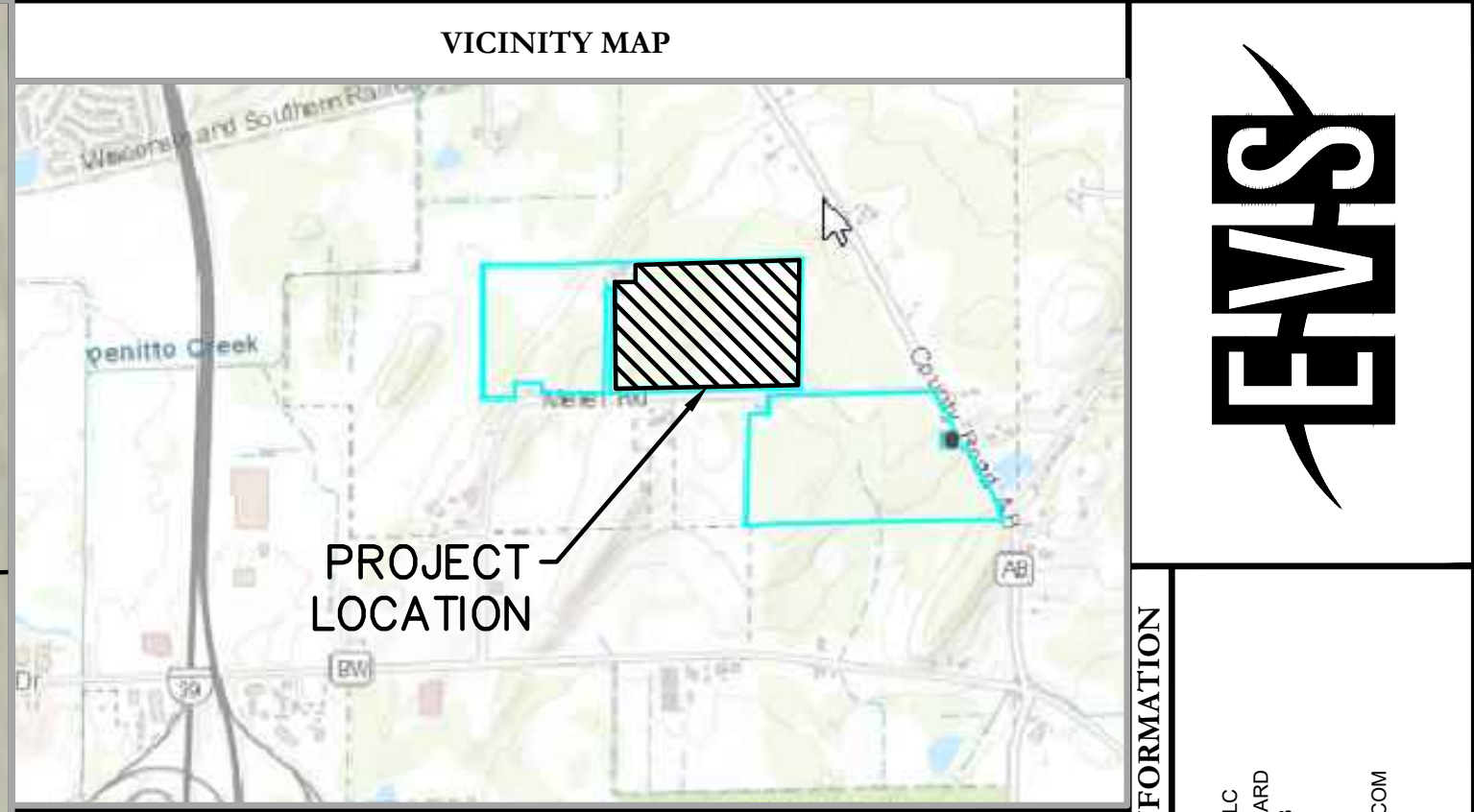
REGISTRATION NUMBER: 3161  
DATE: 02.12.2020



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Phone: 952-646-0236  
Fax: 952-646-0290  
www.evs-eng.com  
2019-185 Hermsdorf



LEGEND	
EXISTING FEATURES	PROPOSED FEATURES
—	PROPERTY LINE
- - -	EASEMENT LINE
—+—	ROAD RIGHT OF WAY
—+—+—	EDGE OF AGGREGATE ROAD
x x x	FENCE
•••••	TREES
W/L	WETLANDS
—OHP—	OVERHEAD POWER
—	MAJOR CONTOUR
—	MINOR CONTOUR
—+—+—+—	AGGREGATE ROAD
—+—+—+—	TEMPORARY AGGREGATE SURFACE
—+—+—+—	POWER BLOCK BOUNDARY
—x—x—x—	SECURITY FENCE
—+—+—+—	SETBACK LINE
—+—+—+—	CULVERT



SITE DATA	
PROPERTY OWNER:	RUTH B HERMSDORF
PROJECT:	BLOOMING GROVE SOLAR
SITE ADDRESS:	3365 MEIER RD, MADISON, WI 53718
PARCEL ID:	PIN # 0710-241-9000-6
PARCEL SIZE:	157.80 ACRES
PARCEL LINE SETBACK:	ROAD - 30 FT, SIDE - 10 FT, REAR - 25 FT
PRELIM. DISTURBED AREA:	46.9 ACRES
PRELIM. SOLAR AREA:	46.9 ACRES
ZONING:	CURRENT: FP-35, HC-0.6ACRES HC-0.72ACRES PROPOSED: CONDITIONAL USE PERMIT
ZONING AHJ:	DANE COUNTY
PROPOSED USE:	SOLAR ENERGY SYSTEM

- GENERAL NOTES**
- PRELIMINARY LAYOUT, NOT FOR CONSTRUCTION
  - ASSUMED NO MODULE SHADING DURING PEAK SUN-HOURS OF 10AM-2PM
  - THE PURPOSE OF THIS PLAN IS FOR ZONING APPROVAL FOR REVIEW AND APPROVAL BY DANE COUNTY TO CONSTRUCT A SOLAR ENERGY FARM.
  - THIS PLAN WAS PRODUCED UTILIZING GIS RESOURCES AND INFORMATION FROM MULTIPLE SOURCES INCLUDING DANE COUNTY AND GOOGLE EARTH PRO.
  - THE SUBJECT PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON THE NATIONAL FLOOD INSURANCE RATE MAP.
  - THE LOCATIONS OF PROPOSED IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO: FENCING, SOLAR ARRAY RACKING, INVERTER/TRANSFORMER PADS, OVERHEAD POLES AND LINES, ETC., SHOWN ARE APPROXIMATE AND ARE SUBJECT TO MODIFICATION DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS, EQUIPMENT SPECIFICATIONS, AND/OR OTHER CONSTRAINTS.
  - PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS TO THE BEST EXTENT POSSIBLE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH GRAVEL. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
  - ALL DIMENSIONS SHOWN ARE AT 90 DEGREES UNLESS OTHERWISE NOTED.
  - ALL ELECTRICAL CABLE RUNS TO BE BURIED WHERE POSSIBLE.
  - WETLAND DELINEATION COMPLETED BY ECT, INC. AS PART OF THE WETLAND DELINEATION AND STREAM ASSESSMENT REPORT DATED MAY 2020.

PROJECT INFORMATION			
SYSTEM SIZE DC STC KW	11246.04	SYSTEM SIZE AC KW	8000.00
PROJECT LATITUDE	43.0596°	MIN. AMBIENT TEMP	-26° C
PROJECT LONGITUDE	-89.2609°	MAX. AMBIENT TEMP	32° C
WIND EXP CATEGORY	ASCE 7-10	WIND SPEED	100 MPH
RISK CATEGORY	CAT 1	NORTH DIRECTION	0.0°
UTILITY VOLTAGE	13.8 KV	AHJ	DANE COUNTY

Area Tabulations	
Fenced Area (AC)	46.8
Conditional Use Permit Area (AC)	52.93
*Current Impervious (AC)	0.00
*Proposed Impervious (AC)	0.49
**Proposed % Impervious	1.05%

\*Calculations based on fenced area only  
\*\* Proposed Impervious / Fenced Area

REV	DESCRIPTION	DATE	DRAWN BY	CHECKED BY
0	SITE PLAN	2020.05.28	KK	NW
1	SITE PLAN	2020.06.15	KK	NW
2	SITE PLAN	2020.06.16	KK	NW
3	SITE PLAN	2020.06.18	KK	NW

DRAWING SCALE	ORIENTATION
0 150 300 SCALE IN FEET	NORTH

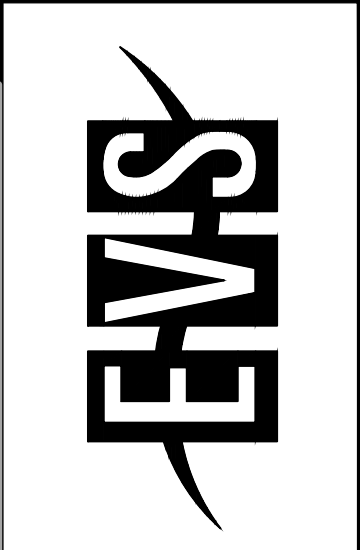
**CLIENT CONTACT INFORMATION**

NAME: DC CENTAL 1 SOLAR, LLC  
ADDRESS: 700 UNIVERSE BOULEVARD JUNO BEACH, FL 33408  
NAME: ADAM SIEGELSTEIN  
PHONE: 951-304-9746  
E-MAIL: Admin.Siegelstein@WEE.COM

**SHEET NAME**  
SITE PLAN & GENERAL NOTES

**SHEET NUMBER**  
EXHIBIT 1

**PROJECT NUMBER**  
2020-038.1



# **Hermsdorf Farm Solar Project Solar Generating Facility Operations Plan**

## **Type of Activity Proposed**

DG Central 1, LLC ("Applicant"), on behalf of Madison Gas and Electric Company (MGE) is proposing to build, operate, and maintain a utility-scale solar power production plant (the "Facility") consisting of up to 53 acres of solar modules and associated equipment that will generate and deliver solar electric power to the electric grid. The Facility will have a maximum capacity of approximately 8 MW-AC, subject to potential future capacity increases supported by changing technology. The Facility will be conveyed to and owned by MGE prior to commercial operation.

The Facility will provide solar electricity to serve the needs of MGE customers in Dane County, including the City of Madison and the Madison Metropolitan School District, through MGE's Renewable Energy Rider program. MGE will own and operate the Facility and will lease the land upon which it is located from Ruth Hermsdorf ("Owner"). Applicant is seeking approval of its conditional use for the full duration of the Facility's expected useful life of up to forty (40) years. The lease with Owner will be structured to have an initial term, not to exceed ten (10) years, with the ability of the tenant to renew the lease for additional terms not to exceed ten (10) years each. The Facility will have direct access to Meier Road.

Solar technology and best practices are evolving rapidly and MGE will need to have the ability to undertake all activities necessary or desirable for MGE to operate and maintain the Facility as an effective and efficient solar generation facility in light of such evolving technology and best practices. MGE intends to perform all of the following activities over the life of the Facility:

- Inspecting, operating, maintaining, repairing, replacing, and upgrading installed equipment and components of such equipment, including when MGE believes evolving technology merits replacement of installed equipment or components thereof.
- Modifying, replacing, changing, or adding installed equipment and accessory structures, such as equipment pads, to maintain an installation that is contemporaneous with evolving solar generation and associated technology, including energy storage technology.



- Inspecting, maintaining, repairing, replacing, upgrading, changing, or adding appropriate groundcover within and around the Facility according to evolving best practices.
- Inspecting, maintaining, repairing, replacing, upgrading, changing, or adding appropriate security systems and fencing within and around the installation according to evolving best practices.
- Inspecting, maintaining, repairing, and replacing accessory structures and appurtenances as originally approved, including but not limited to all structures, utilities, equipment pads and other surfaces, landscaping, fencing, lighting, signage, grading and drainage, and stormwater management facilities and systems.
- MGE may choose to add energy storage capability to the Facility to add extra value and flexibility to the Facility's solar generation capabilities.

### **Project Description**

The on-site equipment at the Facility will consist primarily of solar modules mounted on single-axis trackers to generate direct current (DC) electricity. Inverters that are integrated into the Facility will convert the DC electricity to alternating current (AC) electricity to allow it to be delivered to the electric grid. The Facility will also include electrical switchgear cabinets, transformers that step up the voltage to 13.8-kV grid voltage, equipment pads for the aforementioned equipment, and additional related ancillary solar equipment.

Electrical lines, connecting the DC collection system to the inverters, will run underground or hang below the panels. AC collection lines may be buried underground or mounted on supporting structures several feet above the ground. Electrical lines from the equipment pads will run underground to the approximate locations of the point of interconnection to the distribution grid. The Applicant has developed and submitted with its Conditional Use Permit application a preliminary site plan for approval, defining the Project boundaries, location of the access drives, and layout for the panels. The final selection of equipment and final layout within the proposed fenced area will be made after all permitting is complete and Applicant selects equipment manufacturers. Final design will substantially conform with the Site Plan.

The Facility will be an unmanned plant that will operate through local and remote control/monitoring. Local control will occur through autonomous controllers. The PV system will be monitored remotely through the MGE energy management system and by the operations and maintenance contractor's Supervisory Control and Data Acquisition (SCADA) system located off-site. The Facility and its production will be monitored and visible to MGE 24/7. After construction is complete, there will be limited access to the site for periodic inspections (monthly), troubleshooting, and maintenance. The Facility does not include any

buildings. Water and sanitary sewer service are not required to construct, operate, or maintain the Facility.

By siting the Facility on the property north of Meier Road, Applicant will avoid impacts to wetlands, streams, a natural wooded area that may provide suitable habitat for the northern long-eared bat, which is classified as "threatened" under the Endangered Species Act, and minimize tree clearing for the entire site. The overall Project configuration was designed to avoid impacts to environmental resources and to minimize any visual intrusiveness on the surrounding land uses. The siting of the Facility on the Site took several factors into account:

- **Minimizing Environmental Impacts:** The Project is designed to reduce and limit impacts on natural resources, including:
  - The Site is clear, and no additional clearing is proposed.
  - The Site was selected because of its topography to accommodate single-axis trackers. As a result, grading is expected to be minimal and primarily to install the access drives and equipment pads at grade.
  - Access to the Project will occur via a proposed driveway off Meier Road as noted on the included Site Plan.
  - Wetlands and associated buffers are entirely avoided. Wetlands delineations were performed in October 2019 and April 2020. One wetland was identified on the property north of Meier Road but is entirely avoided with no impact and an expected 75' buffer.
- **Optimal Solar Feasibility:** The Facility is optimally sited on the Site to capture solar energy efficiently without undue shading. The single-axis trackers sited in the open field will create ideal conditions for solar energy production, including optimal row spacing.
- **Setbacks:** All setbacks conform to all applicable minimum standards from public roads highways and bordering property boundaries.
- **Stormwater:** An Erosion Control and Stormwater Management Permit will be applied for and obtained from the County.
- **Site Restoration:** When the Project is ultimately decommissioned, the infrastructure will be removed and the Site restored to predevelopment conditions.
- **Internal access.** The Project will provide approximately 16' wide gravel access to the equipment pads.

- **Revegetation and Seeding:** The Site, including solar array areas, will be revegetated from row crops to perennial vegetation. The Project will use low-growth seed mixes that incorporate pollinator-friendly species mix.
- **Fence:** The Project will use a fixed-knot or welded wire-type agricultural fence with wood posts so as to maintain the agricultural aesthetics of the area and blend well into the landscape. The fence will be consistent with National Electric Safety Code standards.
- **Educational Kiosk:** An educational kiosk, providing information about the Facility to the public, may be located outside the Project fence, adjacent to Meier Road.

### **Project Timetable and Location**

Applicant intends to advance project engineering based on equipment procurement decisions and additional on-site layout engineering and construction planning through fall 2020 with construction of the Facility by spring 2021 or earlier, pending receipt of all required permits and approvals. MGE intends seek approval of the Public Service Commission of Wisconsin (PSCW) for a Certificate of Authority to construct the Facility. The PSCW approval process will add approximately three to five months to the Project schedule. To meet customer needs, MGE and Applicant intend the Facility to be commercially operational by fall 2021. In order to meet this date, it is important for the Applicant to commence activities on-site, including site layout and engineering, and obtain necessary permitting and approvals no later than fall 2020. This schedule makes it critical for Applicant and MGE to apply for the CUP and pursue development with the County even though the property will eventually attach to the City. Because of this unique situation, the Facility design and siting have addressed not only Dane County requirements but also anticipated additional requirements of the City of Madison. This issue is discussed further in Attachment A, Eight Standards of a Conditional Use Permit, submitted with the CUP Application.

The property on which the Facility will be located ("the Property") is currently located in the Town of Blooming Grove and is subject to the "Town of Blooming Grove and City of Madison Cooperative Plan under Section 66.0307, Wisconsin Statutes" (the "Plan"). Pursuant to the Plan, it is anticipated the Property will attach to the City of Madison in December 2020.

### **Specific Details of Facility Operation Requested in Conditional Use Application**

After the Facility achieves commercial operations, it will operate as follows:

1. **Hours of Operation:** This Facility will not be manned and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel (one or two people) will access the site a couple times per month for inspection or minor maintenance.
2. **Number of Employees:** There will be no employees stationed at the Facility. As noted in Item 1 above, one or two people may visit the site a few times each month for inspection and minor maintenance, as needed.
3. **Anticipated Customers:** No customers will be served at the Facility, thus there will be no traffic associated with such customers. The renewable electricity generated from the Facility will be used to serve the electricity needs of the City of Madison and the Madison Metropolitan School District, each of which is an electric service customer of MGE.
4. **Storage of Materials at the Facility:** None. Facility maintenance will be performed with personnel and equipment brought to the Site for such maintenance, thus eliminating the need for any indoor or outdoor storage of materials or maintenance equipment.
5. **Outdoor Activities:** Inspection of the solar electric system and periodic maintenance as described above.
6. **Outdoor Lighting:** No outdoor lighting.
7. **Outside Loudspeakers:** None.
8. **Proposed Signs:** Signs will be placed on the security fences to identify that MGE is the owner of the Facility, that there are high-voltage facilities inside the fence, and that the Facility site should not be entered by unauthorized personnel.
9. **Trash Removal:** There should not be trash generated at this site. Any minor trash, such as note paper or written instructions, will be removed immediately.

## Attachment A

### Eight Standards of a Conditional Use Permit

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

The use for the Facility will not be detrimental to, and in fact will positively impact, the public health, safety, comfort, and general welfare by providing MGE customers in Dane County, including the City of Madison and the Madison Metropolitan School District, renewable energy. The City of Madison and the Madison Metropolitan School District, like Dane County Government, are committed to meeting 100% of their electricity needs through renewable sources. Dane County has made a commitment to significantly increase the amount of the County government's electric load serviced by renewable sources to meet the goal of a carbon-free energy supply. This will benefit the public health and general welfare in the County by reducing the greenhouse gas emissions in Dane County.

In addition, the Facility will generate a shared revenue utility payment for the County and for the City of Madison upon eventual attachment of the Blooming Grove land on which the Facility will be located to the City. The Facility will comply with all applicable legal requirements, including requirements of the FP-35 Zoning District and other applicable legal requirements.

The Applicant has completed all environmental studies and surveys required to construct the Facility, including: wetlands and watercourse delineation, habitat assessment for threatened and endangered species, Wisconsin Department of Natural Resources (WDNR) Endangered Resources (ER) Review, and preliminary stormwater review. Additionally, the Applicant has conducted informal consultation with the U.S. Fish and Wildlife Service (USFWS). As the Site Plan submitted with the Conditional Use Application indicates, the Facility has been located, and includes legally required setbacks, so as to avoid damage to existing wetlands. The Site on which the Facility will be located is owned by Ruth Hermsdorf. The Facility was relocated to land north of Meier Road from land south of Meier Road to avoid adverse impacts to wetlands and adverse impacts to the existing hardwood woodlot. This woodlot may provide habitat for the northern long-eared bat (threatened under the federal Endangered Species Act). The Facility will not emit light or noticeable noise.

- 2. 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 Facility will not impair or diminish current surrounding land uses. The existing zoning classifications are (a) Farmland Preservation to the north; (b) Meier Road to the south as well as Farmland Preservation; Processing, Manufacturing, and Industrial; and a Special Use; (c) Farmland Preservation land to east; and (d) Farmland Preservation and Rural Mixed Use and Transitional Land to the west. The existing uses of neighboring lands are farmsteads and agricultural fields to the north, east, south, and west, with a duplex also located south of Meier Road. The Project developer has conducted a number of environmental and other studies, including wetlands and watercourse delineation studies, on the Site to demonstrate that the Facility will not pose an environmental hazard or hazard to wetlands on the Site. Wetlands were also delineated on the land south of Meier Road and demonstrate the Facility location chosen by Applicant is less-environmentally impactful than if the Facility were sited south of Meier Road.

As demonstrated in the Operations Plan, there will only be very limited vehicle traffic to and from the completed Facility project. The use of Meier Road, which is adjacent to the Facility, will not be substantially impaired, nor will there be adverse impacts to the intersection of Buckeye Road/CTH AB well to the east or to the intersection of Femrite Drive well to the south.

- 3. 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 Facility will have no adverse impact on the normal and orderly development and improvements of the surrounding properties for their permitted uses. The current surrounding land uses are primarily agricultural fields and their farmsteads, with adjacent and nearby zoning classifications being Farmland Preservation; Processing, Manufacturing, and Industrial; as well as limited Commercial, Rural Residential, and Special Use lands. As noted above in the response to Standard 2, the Facility will be developed in a manner that does not substantially impair or diminish the use of any surrounding property. Of note, Dane County has extended the life of the Dane County Landfill located south of the Facility which may have slowed development pressure of the surrounding property for the foreseeable future. That, coupled with the expected 40-year useful life of the Facility, means the Facility is a good interim use of the Site. At the end of the Facility's usefulness, the Facility will be removed, and the Site may be developed for other uses or returned to agricultural use.

**4. Adequate utilities, access roads, drainage, and other necessary site improvements have been or are being made to accommodate the conditional use.**

The conditional use requested, use of the Site for the Facility, i.e., a utility-scale solar power production plant, does not require sewer, water, or other municipal services. Therefore, such services do not need to be extended for the Facility and the urban service area would not need to be expanded for the Facility. Employees will not be at the Facility and will only visit it occasionally; therefore, the Facility will not generate additional traffic. Parking, internal circulation, bicycle, pedestrian, and other transit improvements are not necessary.

Adequate services, including utilities, access, and drainage have all been accounted for in the proposed use. A single driveway will provide access to the site from Meier Road. A 16' wide access road will be built within the CUP property inside the security fence to allow access to the Facility. A security fence will be built around the perimeter of the Facility.

Stormwater runoff will be managed via establishment of perennial vegetative cover throughout the Site, which was previously row crop. Perennial vegetation will allow greater infiltration than the current cropland. The Facility will include an interconnection to transition from the PV underground collection system to the existing overhead lines of the local electric grid.

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

During operations, the Facility will have no on-site employees and therefore will require very infrequent vehicle access, so there should be no associated traffic generation or congestion in the public streets. Because no appreciable traffic will be generated, traffic measures, such as transportation demand management or participation in a transportation management association, is not needed.

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

The use meets all applicable regulations of the FP-35 Zoning District set forth in Section 10.222 of Chapter 10 (Zoning) of the Dane County Code of Ordinances. This includes minimum lot size requirements, setbacks, building height, and other building restrictions. Upon attachment to the City of Madison, it is anticipated the Facility will comply with all applicable regulations.

**7. The proposed conditional use is consistent with adopted Town and County Comprehensive Plans.**

The Facility will conform to applicable County, Town, and City of Madison comprehensive, land use, neighborhood, neighborhood development, and special area 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).**

Section 10.220(1)(a) provides that in addition to the requirements and standards for conditional use permits in Section 10.101(7)(d), the zoning committee must find that the following standards are met before approving any conditional use permit in any Farmland Preservation Zoning District.

**A. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.**

The use of the Site for solar generation is consistent with uses allowed by the Farmland Preservation Statute, Wis. Stat. §91.46(1)(f). The term "Utility Use" has been further defined by the Department of Agriculture, Trade and Consumer Protection with respect to farmland preservation and "includes facilities for the generation of electricity from sunlight..." See *Wis. Admin. Code Department of Agriculture, Trade and Consumer Protection §ATCP 49.01(19)*. In addition to the promulgated rules by the Department of Agriculture, Trade and Consumer Protection described above that allow solar generation as a conditional use, the Project is consistent with the purpose of the FP-35 Farmland Preservation Zoning District for the following reasons:

- The Project will consider different low-growth seed mixes, including those that may be pollinator friendly for final site stabilization when the Project is complete. The final seed mix chosen will be consistent with best practices for similar solar projects.
- The Project will continue to support agricultural use through the introduction of the pollinator mix and remaining lands will continue to be available for other agricultural uses.
- The Project will not negatively affect and more likely will positively affect neighboring agricultural uses as a result of established pollinator-friendly plantings necessary for healthy crop production.
- The Project will be consistent with the future land use plan in maintaining the urban growth plans for the area and preserving these agricultural lands.



- B. The use and its location in the Farmland Preservation Zoning District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.**

The proposed use and its location in the FP-35 District is reasonable and appropriate, considering alternative locations, as MGE requires a large undeveloped level area within its service territory and the proposed location is one of a limited number of sites in MGE's electric service territory that offers such characteristics. Solar, or Utility Use, is an approved Conditional Use in the FP-35. The Site's proximity to existing electrical distribution make it a cost-effective location for siting solar generation.

- C. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.**

Solar projects generally do not spawn additional growth around them and will not contribute to the conversion of land around them. Instead, the Facility will enable preservation of the area and its continued and future use for agriculture.

- D. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**

The Facility will not limit or impact adjacent uses, including agricultural uses. In fact, the remaining Hermsdorf property to the south of Meier Road and adjacent agricultural land may continue to be farmed right up to the fence line in places if the landowner chooses. Facilities of this size and nature tend to be sited on agricultural sites and/or adjacent to a variety of zoning districts, and solar lends itself to a compatible use in a variety of scenarios with no effect on adjoining uses.

- E. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.**

The Facility is designed to minimize any disturbance to the agricultural land. The Facility uses a driven post solution which, when decommissioned, is easily removed from the site. In addition, all topsoil will remain on-site; minimal grading is required. At the end of the Facility's useful life, all components are removed, and the land returned to substantially the same condition as it was previously.

## Proposed Conditions

- a. The Project shall obtain and maintain all applicable federal, state, and local approvals and permits necessary to install, maintain, and operate the Project including:
  - i. Submission of, and compliance with, an Erosion Control and Stormwater Management Permit as may be approved by County staff.
- b. Construction, operation, and maintenance of the proposed Project shall substantially conform with this Application and Attachments A through H including:
  - i. Setbacks: The Project shall comply with all setbacks for the FP-35 Agricultural District and include a setback of 30' from the Meier Road of right-of-way.
  - ii. Seeding: The Project shall consider different low-growth seed mixes, including those that may be pollinator friendly for final site stabilization when the Project is complete. The final seed mix chosen will be consistent with best practices for similar solar projects.
  - iii. Fence: The Project shall utilize an 8' high agricultural-type fence which will comply with applicable National Electric Safety Code standards.
- c. No parking shall be allowed on public roadways, and permit holder shall provide temporary parking for construction within the Project areas or staging areas.
- d. During the Project construction period, the permit holder shall pick up and dispose of all mud, dirt, and debris generated by Project construction on public roads and rights-of-way on a daily basis.
- e. Upon request of the County, the permit holder shall arrange for appropriate on-site training for entities providing emergency services to the Site.
- f. At the time the Facility permanently ceases to operate, the Facility owner shall restore the Site to substantially the same condition as it existed prior to construction.
- g. Upon reasonable advance notice, County Planning and Zoning staff may enter the premises of operation in order to inspect those premises and to ascertain compliance with these conditions. Zoning staff conducting inspections shall be accompanied by the staff or employees of permit holder and will comply with any applicable workplace safety rules or standards for the Facility.
- h. In accordance with Sec. 59.69(5e)(d), Wis. Stats., the County agrees that Applicant may transfer this Conditional Use Permit to any successor in interest as owner of the Facility.