

TOWN BOARD ACTION REPORT – CONDITIONAL USE PERMIT

Regarding Petition # 2022-2577 Dane County ZLR Committee Public Hearing Tuesday, November 15, 2022

Whereas, the Town Board of the **Town of** Dunn having considered said conditional use permit application, be it therefore resolved that said conditional use permit is hereby (check one): **APPROVED**

DENIED (IF DENIED, PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

PLANNING COMMISSION VOTE: 0 **In Favor** 0 **Opposed**

TOWN BOARD VOTE: 2 **In Favor** 0 **Opposed**

Whereas, in support of its decision, the Town Board has made appropriate **findings of fact** that the standards listed in section 10.101(7) (d) 1, Dane County Code of Ordinances, and section 10.222 (3) (a), if applicable, are found to be (check one):

SATISFIED

NOT SATISFIED (PLEASE COMPLETE FINDINGS SECTION ON PAGE 2)

THE CONDITIONAL USE PERMIT IS SUBJECT TO THE FOLLOWING CONDITION(S):

1. According to the vegetation plan submitted on October 7, 2022, the permit holder shall plant vegetation in a manner which helps buffer, screen, break up, or soften views of the solar panels and associated buildings from the public road or adjacent residences. The applicant shall work with Dane County Zoning to ensure the vegetation plan meets the requirements of this condition.
2. Solar panels and associated structures (excluding fencing or driveways) cannot sit on more than 5 acres of prime soils.
3. Solar panels and associated structures cannot be more than 14 feet in height, except no more than one acre of the site may have solar panels up to a height of 20 feet, with view considerations as detailed under Condition #1.
4. Any external lighting shall be limited to lighting that is necessary for safety and lighting for interpretive signage. All lighting must be dark skies compliant. Lighting for interpretive signage must be downward facing, shaded, cannot spill over on neighboring property lines, dark skies compliant, and be shut off from 10 pm to 7 am.
5. Construction must occur between 7 am and 7 pm.
6. Any hazardous, toxic, or explosive materials stored or used on site must be stored, used, and disposed of in accordance with state and federal laws.
7. The area beneath the solar panels must be planted with native, pollinator-friendly vegetation or be used for agricultural activities such as crop production or grazing. The native, pollinator-friendly vegetation must be maintained to avoid other vegetation from growing under the panels.
8. All new wires associated with the CUP shall be located underground, including all wires that transfer electricity from the solar panels to another location beyond the CUP boundary, except overhead wires may be installed between existing poles when underground wiring is not feasible.
9. The only fencing allowed within the CUP area will be fencing that surrounds facilities that could be a hazard to the public. Such fencing must include locks and may be no taller than 8 feet. No barbed wire or razor wire fencing is permitted.
10. Signage is limited to safety, no trespass, interpretive, educational, and facility signage. Such signage can be no larger than 32 square feet and the aggregate square footage of all signage is limited to 160 square feet.
11. A third driveway access from Schneider Drive will not be permitted. A temporary construction driveway can be placed on Schneider Drive with Town of Dunn approval.
12. Permit holder shall abide by the terms of the decommissioning plan, which is approved by the Town of Dunn prior to the applicant ' s Dane County Zoning and Land Regulation Committee meeting.
13. Solar panels that are no longer functional must be recycled according to the best practices at the time in order to mitigate environmental contamination.
14. Periodic information and reports will be made available to the Town of Dunn or the public, which discusses the research and learning activities which have occurred at the solar array.
15. The CUP area shall not exceed 15 acres in size.
16. Holder of the CUP is required to obtain all necessary local, county, state, and federal permits and licenses related to the electric generating facility.
17. The CUP will terminate upon decommissioning of the solar project.
18. The CUP area must be located outside of the Town ' s 100 foot wetland setback.

PLEASE NOTE: The following space, and additional pages as needed, are reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

Chair Greb abstained as he is employed by the University of Wisconsin-Madison

I, Cathy Hasslinger, as Town Clerk of the Town of Dunn, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on Monday, October 10, 2022

Town Clerk Cathy Hasslinger **Date** Tuesday, October 18, 2022

FINDINGS OF FACT FOR DENIED CONDITIONAL USE PERMITS

If the Conditional Use Permit application is denied, please complete the following section. For each of the standards, indicate if the standard was found to be satisfied or not satisfied. Please note the following from sections 10.101 (7) (c) 2 f g and 10.101 (7) (c) 3 d e :

“The zoning committee or applicable town board must deny a permit if it finds that the standards for approval are not met, and must approve a permit when the zoning committee and applicable town board determine that the standards for approval are met.”

PLEASE INDICATE THE APPROPRIATE FINDING FOR EACH STANDARD (CHECK ONE / STANDARD)

- | | |
|---|---|
| 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare. | 1. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 2. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 3. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made. | 4. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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. | 5. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 6. That the conditional use shall conform to all applicable regulations of the district in which it is located. | 6. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 7. That the conditional use is consistent with the adopted town and county comprehensive plans. | 7. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |
| 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). | 8. <input checked="" type="checkbox"/> SATISFIED / <input type="checkbox"/> NOT SATISFIED |

THIS SECTION IS RESERVED FOR FURTHER EXPLANATION OF THE FINDINGS: