
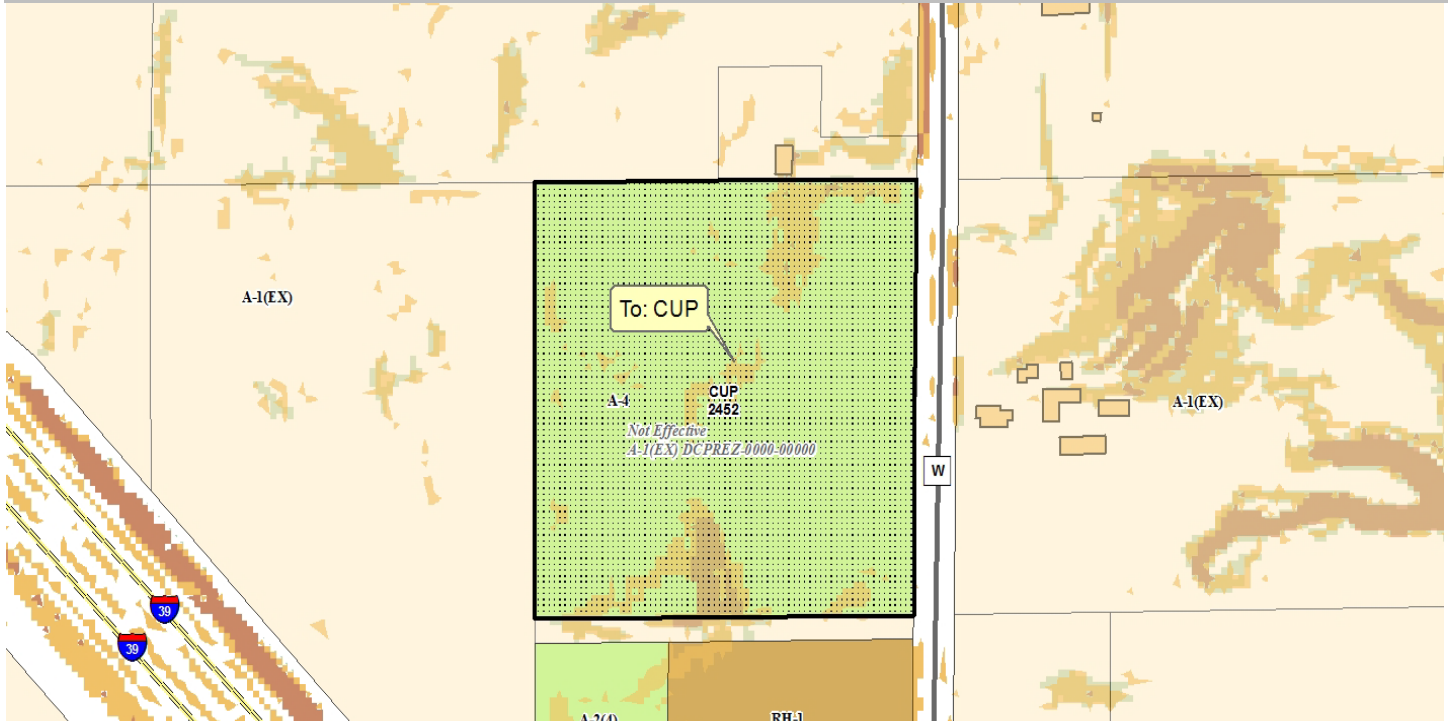


Staff Report  Zoning and Land Regulation Committee	<i>Public Hearing:</i> March 26, 2019		CUP 02452
	<i>Zoning Amendment Requested:</i> Conditional use Permit		<i>Town/Section:</i> CHRISTIANA, Section 18
	<i>Size:</i> 10 Acres	<i>Survey Required:</i> NO	<i>Applicant:</i> WISCONSIN POWER AND LIGHT COMPANY
	<i>Reason for the request:</i> ELECTRIC TRANSMISSION SUBSTATION		<i>Address:</i> SOUTH OF 2519 COUNTY HWY W



DESCRIPTION: Applicant, Wisconsin Power and Light, is requesting a Conditional Use Permit (CUP) to allow installation of an electric distribution substation on the 10 acre A-4 Agriculture zoned property south of 2519 County Highway W. The substation compound would encompass approximately 63,000 square feet on the property and be surrounded by an 8' perimeter security fence. Operations would be 24/7/365, with occasional maintenance performed by WP&L staff. A 100' monopole tower would be erected on the site to provide a communications link with the unstaffed substation.

OBSERVATIONS: Surrounding land uses include agriculture / open space, scattered rural residences and the I-39/90 corridor. The property consists of approximately 50% class II soils. No sensitive environmental features observed. Existing 138kV and 345kV ATC electric transmission lines run across the northern 175' of the property. Existing tree lines provide a degree of natural screening between the property and the adjoining residential lands to the north and south.

DANE COUNTY HIGHWAY: County Highway W is not a controlled access highway. Any new points of access or changes in land use require a highway access permit from the Dane County Highway Department. Joint access will be required where possible.

TOWN PLAN: The property is located in the town's agricultural preservation area.

RESOURCE PROTECTION: No areas of resource protection corridor located on the property.

STAFF: According to the applicant, the proposed substation is intended to provide "additional electric capacity and a contingency option for the surrounding areas." Neighboring residences to the north and south of the proposed facility

are approximately 800'-1000' away and a third existing residence is located about 600' to the east across County Highway W. The proposed location of the substation along the existing transmission line corridor and setback from the road and property lines is reasonable and should serve to mitigate any aesthetic impacts. In addition, existing trees along the property boundaries of the residential parcels appear to provide a significant amount of screening. Following development of the substation, the remaining land will continue to be rented for agricultural purposes to one of the neighboring landowners.

The applicant states that no audible noise is generated from operation of the substation facility. The operations plan indicates a total of 8 outdoor lights – 1 dusk to dawn building mounted light with motion detection control, 1 pole mounted area security light with shielding to limit light pollution, and 6 pedestal mounted floodlights for nighttime emergency maintenance. Signage will be limited to ID and warning signs on the perimeter fencing.

Pending any concerns expressed by neighbors, staff believes the proposed conditional use is reasonably consistent with adopted plan policies and has recommended conditions of approval, below, to ensure the use complies with the applicable standards for approval of a Conditional Use Permit.

In order for an applicant to obtain a Conditional Use Permit, the Zoning and Land Regulation Committee must find that all of the following standards are met for the proposed land use:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
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.
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.
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; and
5. That adequate measures have been or will be being taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.

The Committee must also find that the following additional standards are met for proposed conditional uses in the county's state certified farmland preservation zoning categories (A-1EX, A-4, A-B):

- a) The use and its location in the A-4 small lot agriculture zoning district are consistent with the purposes of the district.
- b) The use and its location in the A-4 small lot agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- 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.
- 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.
- e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

Staff has prepared a list of conditions that may be used in order to meet the standards as listed above to allow the conditional use on the property. Conditions 2-12, below, are minimum requirements for *all* CUPs in the new county zoning ordinance which is likely to take effect in the town of Christiana within the next several months. Please note that the conditions may need to be changed or additional conditions added to address potential nuisances that may come to light during the public hearing.

1. Applicant shall obtain a highway access permit from the Dane County Highway Department.
2. The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and, if applicable, 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 born by the landowner. Costs born 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 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.
12. 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.
13. 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.

March 26th ZLR Committee meeting: The application was postponed due to no town action. The Town of Christiana expressed concerns regarding storm water management for the area.

TOWN: The Town Board approved the conditional use permit with no conditions on July 11, 2019.

STAFF UPDATE: Wisconsin Power and Light has obtained a Stormwater Management Permit from the Wisconsin DNR which addresses the Town's concern. Since the public hearing, The Town of Christiana adopted the new county zoning ordinance. Most of the suggested conditions stated above are part of this new ordinance. Staff is suggesting that 3 conditions be part of the conditional use permit, if approved.

1. The applicant/landowner shall comply with all the conditions set forth in Dane County Code of Ordinances Section 10.101(7)2.a. *Standard Conditions*.
2. The applicant/landowner shall obtain a highway access permit from the Dane County Highway Department.
3. The applicant/landowner shall be permitted to construct (1) one 100' monopole tower in order to provide a communications link for the unstaffed station.