

Staff Report



**Zoning and
Land Regulation
Committee**

Public Hearing: **November 23, 2021**

Zoning Amendment Requested:

TO CUP: Electric Generating Facility - 178-acre solar array farm

Size: **178 Acres**

Survey Required.

Reason for the request:

Electric Generating Facility - 178-acre solar array farm

CUP 02540

Town/Section:

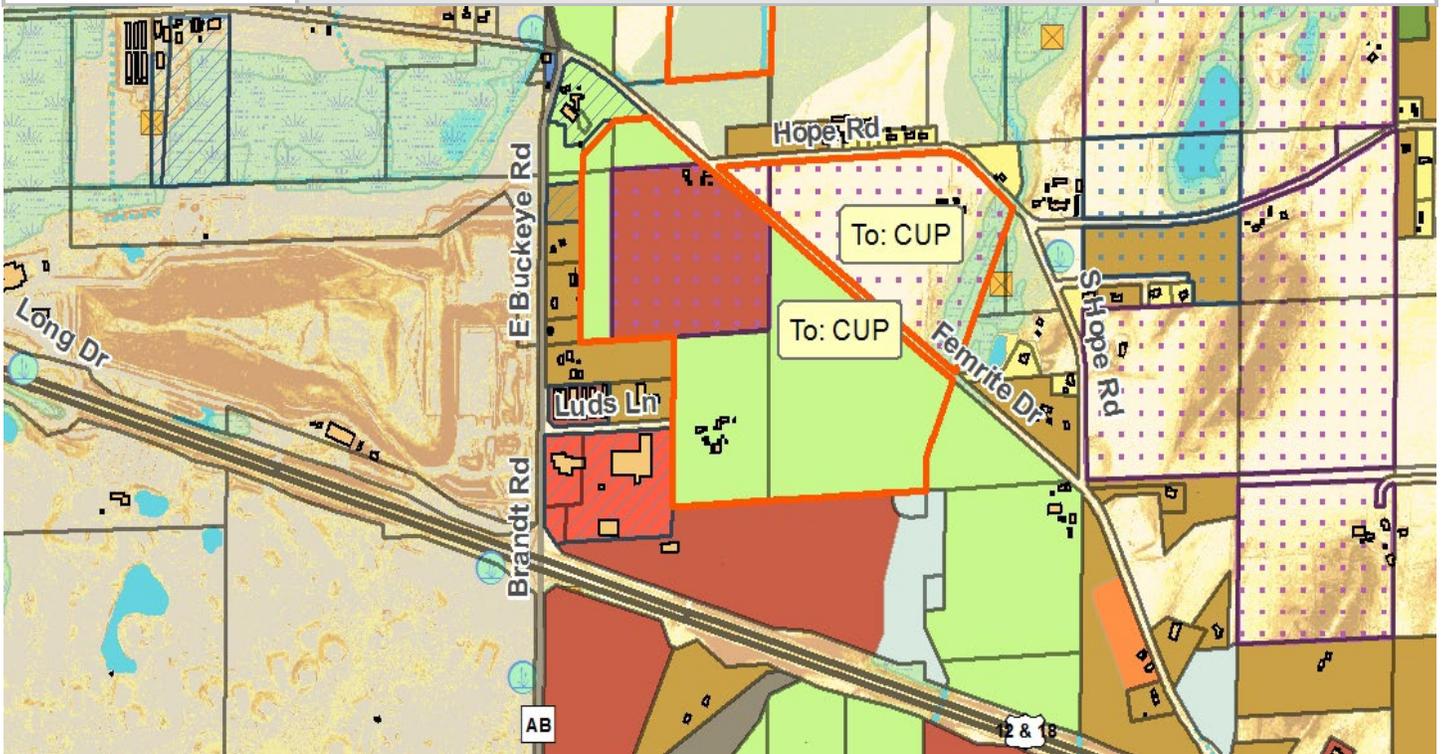
**COTTAGE GROVE,
Section 30**

Applicant

**DANE COUNTY
WASTE &
RENEWABLES**

Address:

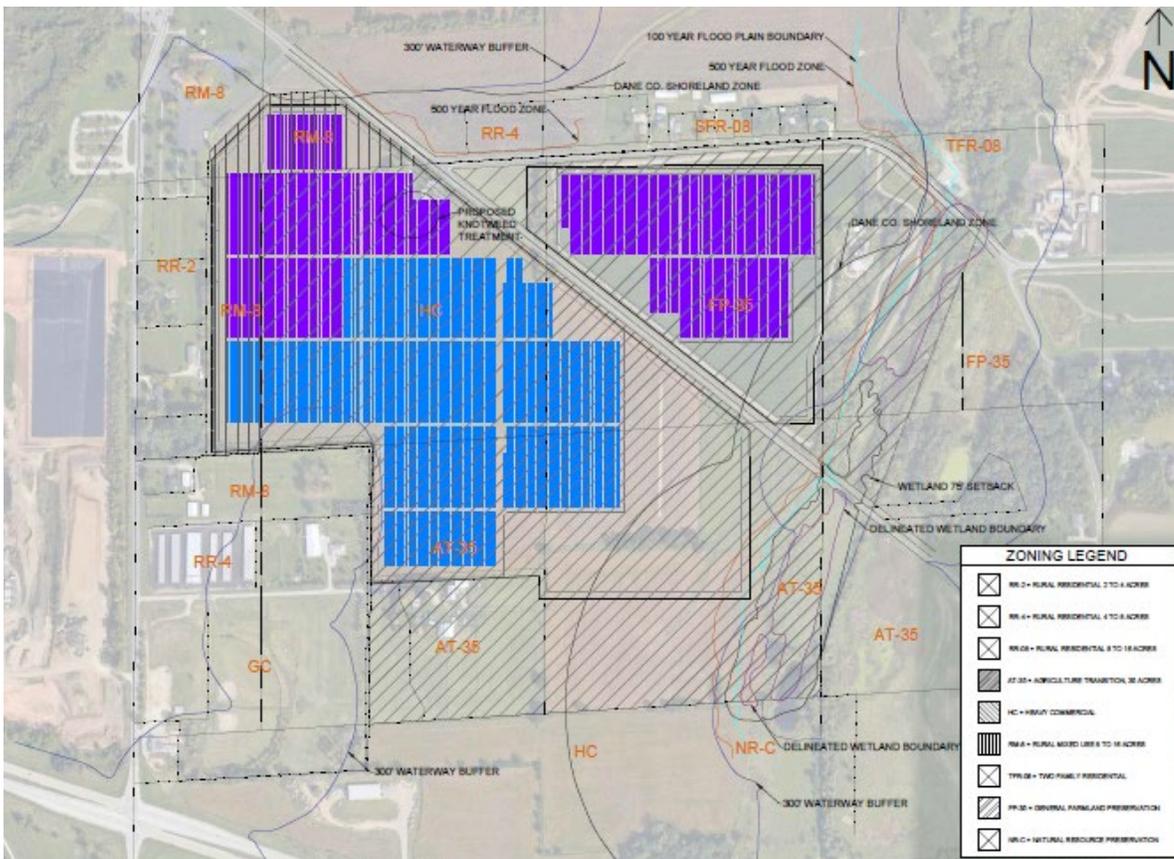
**NORTH AND EAST OF
3087 LUDS LANE**



DESCRIPTION: This proposal is to develop an approximately 17-megawatt AC solar facility on property owned by Dane County. Photovoltaic solar panels will be installed on a single axis tracking system. This system will be supported by steel beams pile driven into the ground. The panels will be facing east-west, thus the rows of panels will be oriented in a north-south direction (see illustration below), and the overall height of the system will be 8 feet tall. The site plan includes 3 access drives to reach all of the major equipment.

The array will be located in such a way that it will not impact the wetlands or low and potentially flood prone areas on the property. The entire site will be covered with diverse, pollinator-friendly native vegetation specially designed for this project. Because the vegetation will be native, it will require minimal maintenance once established, and will create habitat beneficial to insects (including bees), birds and other native species.

There will be no on-site storage of materials, no internal lighting, and warning signs will be placed on the fence every 200'. The facility will be surrounded by 8' tall agricultural fence with a locked gate and all electrical equipment will be individually locked. The site will be monitored off-site with a security system and wireless phone connection. The site will be visited on an as-needed basis for maintenance. This will be limited to a crew of 1 to 2 electrical personnel.



Updated site plan

OBSERVATIONS: The subject property is surrounded by a combination of farmland, commercial uses, and small amount of rural residential uses. The land is owned by Dane County as well as some of the land surrounding the CUP area. Mapped wetlands exist along the eastern edges of the CUP area.

COUNTY ZONING ORDINANCE: 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. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.
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.
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.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.
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.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the conditional use is consistent with the adopted town and county comprehensive plans.
8. If the conditional use is located in a Farmland Preservation Zoning district, the town board and zoning committee must also make the finding described in Section 10.220(1).

As referenced above, the conditional use standards in *Farmland Preservation* zoning districts are as follows:

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

2. 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.
3. 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.
4. 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.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

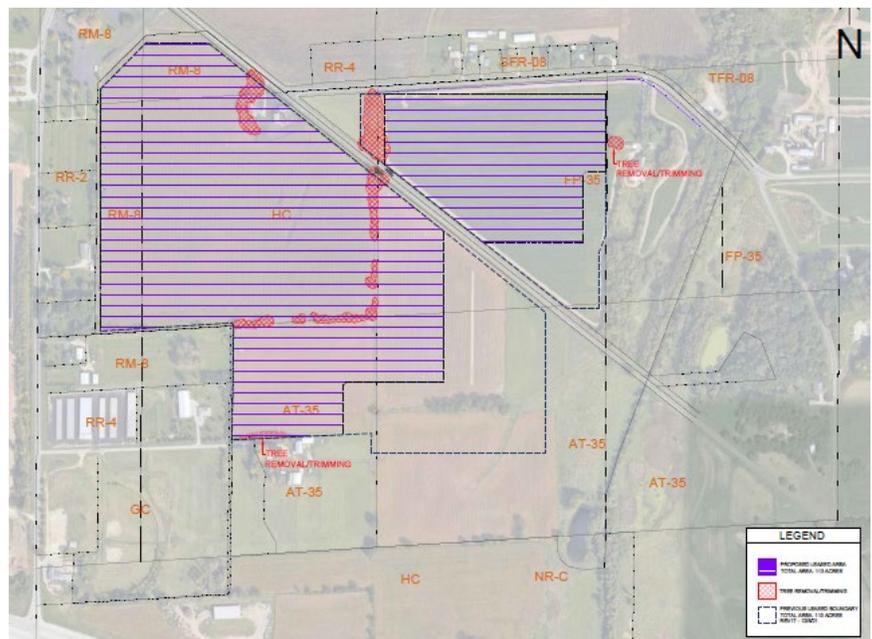
The applicant's responses to these standards are provided in the application materials.

TOWN PLAN: A portion of the subject property (north of Femrite Drive) is in the Agricultural Preservation planned land use area, and the portion south of Femrite is in the Commercial Development land use area.

STAFF UPDATE 1/3/22: The petition was postponed at the ZLR Public Hearing on 11/23/21 to provide time for the applicant to review proposed changes to the site plan which would have expanded the solar panel area from 108.7 acres to 113 acres. The applicant has since met with the town plan commission on two occasions and made additional revisions to the proposal to address town concerns over the amount of the site covered by panels. The revised proposal will now encompass just 90 acres within the previous 108.7 acre area the town approved. The town has indicated its support for the changes and confirmed its previous conditional approval.

Staff recommends approval of the petition with the town conditions as well as the standard conditions of approval required under section 10.101(7) of the county zoning code. See below for complete list of conditions.

Any questions about this petition or staff report please contact Majid Allan at (608) 720-0167 or allan@countyofdane.com



RECOMMENDED CONDITIONS OF APPROVAL:
Note that these include the town-required 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.

TOWN: The town unanimously approved with the following conditions (note that these are incorporated above).

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