



Richland County Zoning & Land Information

Richland County Courthouse
181 W Seminary St
Richland Center, WI 53581

Michael Bindl
Zoning Administrator/Sanitarian

Lynn Newkirk
GIS Specialist/Zoning Technician

Cheryl Dull
Office System Technician

Minutes of the Richland County Zoning & Land Information Committee Wednesday, April 10th, 2019

Item #1 CALL TO ORDER The Zoning & Land Information Committee meeting was called to order at 3:00 pm by Chairman Gary Peters. Those that were present or signed up to speak were Marc Couey, Jayme Walsh, Steve Williamson, Jim Huffman, Ben Southwick, JoEllen Rott, Drew Gibbons, Tom Gartner, Mike Bindl with Cheryl Dull taking minutes.

Others signed up where John Heinen, Robert Simpson, Paul O'Neal, Chirstina O'Neal, John Rosenberg, Marina Rosenberg, Mark Gill, Mike Breininger, Ron Trechtenberg, Connie Champnoise, Dan McGuinn, Bob Ewers and Joe Hartung.

Item #2 APPROVE AGENDA AND PUBLICATION Moved Gary by to approve the agenda as posted, Motion carried.

Item #3 FINAL ACTION ON THE CONDITIONS OF THE CONDITIONAL USE PERMIT FOR A SOLAR ENERGY FACILITY BY GREENHECK FARMS LLC, TERRY AND DAWN SPRECHER, HARTUNG FARMS I, LLC AND CHRISTINA YAGJIAN FROM RICHLAND COUNTY SOLAR PROJECT, LLC IN SECTION 36 TOWN OF BUENA VISTA (9) AND SECTIONS 1, 2 & 3 IN TOWN OF BUENA VISTA (8)

Gary read the petition request as posted. He stated on November 19, 2018 a Conditional Use permit was approve with a request to Corporation Council to review to conditions. He stated Corporation Council reviewed the conditions and recommended the some items be removed with nothing added.

EXHIBIT B – CONDITIONS OF APPROVAL

1. The Project Company shall supplement the vegetative barrier between the Project site and residences that are both immediately adjacent to Project lots and within one thousand feet (1000') of the Project fence and as of the date of the CUP approval are either (a) existing or (b) platted but not yet built in the Pine Forest Subdivision in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, Township 8 North, Range 2 East in the Township of Buena Vista, as necessary to enhance screening of the Project. Alternatively, the Project Company shall coordinate with individual property owners of the residential property identified above on specific solutions to enhance screening of the Project from their residences.

2. The Project Company shall install reasonable screening on portions of Project lots abutting State Route 130 on which the center of State Route 130 is within one thousand feet (1000') of the Project fence. Screening design shall be provided to the County at the time of application for a Zoning Permit for the Project and shall utilize landscaping, fencing, or a combination, to be installed and paid for by the Project Company.

3. Prior to the County's issuance of a Zoning Permit or equivalent approval for the construction of the Project, Project Company shall:



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- a. Provide to the County a detailed site plan with the final locations and height of components of the solar energy system including actual lot dimensions verified through a survey of the Project site.
- b. Submit to the Richland County documentation of any and all required access or driveway permits for access to the Project.
4. The Project shall be decommissioned according to the timing and procedures outlined in the Decommissioning Plan attached as EXHIBIT C including removal of all Project components and providing financial security for decommissioning to the County in an amount to be determined by an independent engineer net of salvage costs within sixty (60) days of the beginning of commercial operation of the Project.

EXHIBIT C – DECOMMISSIONING PLAN

Richland County Solar expects the solar energy system to produce renewable energy on the identified property for approximately thirty-five (35) years. Within twelve (12) months after termination of use of the solar energy system, Richland County Solar shall:

- Remove all portions of its solar energy system;
- Restore the property to a reasonably similar condition as prior to construction, including efforts to
 - o De-compact any substantially compacted soil and
 - o Reseed disturbed soil with seed consistent with grass types in the vicinity, if applicable.

In addition, Richland County Solar shall provide financial assurance to perform these duties. Such financial assurance would be posted to the County in a form mutually agreeable to the parties to include an irrevocable letter of credit beginning within sixty (60) days of the start of commercial operation of the solar energy system, in accordance with industry standards, in an amount:

- To be determined by a mutually agreed upon engineer;
- Net of salvage value;
- Updated approximately every five (5) years.

Richland County Solar shall ensure proper dismantling of the solar energy system at the end of the project's life.

Drew Gibbons – Ben asked Drew to explain his matters of support concerning the conditions and approval. Drew stated his supporting comments have all been provided to the County so he will not go into detail of the supporting documents. Drew stated there is recent news concerning Trade Wind. On March 28th Enel Green Power acquired Tradewind Energy. Drew stated the applicant has not changed, everyone is same, just company name changed.

He stated after the November 19th hearing, Tradewinds worked with Corporation Council and the County on the conditions. It took 2 months to set up a time to meet with Ben. With several emails sent



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to Corp Council getting no response. Also, many emails were sent without cc'ing everyone in so not everyone was getting the same information. On February 3rd Corp Council approved conditions. On April 3rd Corp Council edited a condition by email, which Drew did not receive that until 2 days ago due to an email address error.

Gary asked the committee members if anyone had questions for Drew.

Steve stated he is abstaining today.

Marc did not have any questions at this time.

Jim did not have any questions at this time.

Jayne did not have any questions at this time.

Gary asked for public comments

Mike Breininger – Is here representing Economic Development. He is speaking in favor of the conditions and asked it be moved forward. He has concerns that it took 5 months for this to come back to the committee. He would like County Board to also look at these circumstances to why this took so long.

Connie Champnoise – She is a resident of Akan Township. She supports our county having clean energy.

Richard Brander – He is a Lone Rock Village board Trustee. He is in support of this project and would like it to move forward

Mark Gill – He is proponent to the project. He has concerns with the tax revenue but wants clean energy.

Dan McGuire – He is a member of the Lone Rock Village Board and River Valley School Board. He supports the project. There would be tax benefits for the County and River Valley School District.

John Rosenberg – He found out about this project a week before November 5th. He stopped into the Zoning Office and talked to Cheryl who stated per 66.0401 there is nothing that can be done. He also talked to several other people around town who stated the same thing. He did not agree that there was nothing that could be done so he did research.

In Savion's application packet, they stated there is no glare which is "not true". He contacted the Company who did the research and found some things were not disclosed. There is 50% line of sight restriction. If you look past 50% there is glare.

Gary ask how this pertains to the conditions.

John stated, the conditions do not address glare. He stated he also found there nothing addressing the hazardous materials created from the project. There will be 1000's of galvanized steel peers, which is high in lead. If you dig down 9', you hit water as there is high ground water. There will be lead that will leach into the ground from the peers.

He informed the committee of his knowledge by reviewing his job history of hydraulic jacks and the laws were changed after years of them contaminating the ground. There is nothing in the conditions that addresses corrosion and leaching of lead.

He stated the application says there is no noise. Inverters make a noise so it is not silent and noise is not addressed in the conditions.



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Concerning the revenue they have in their application, John called the Department of Revenue. The Department of Revenue stated all solar products would be exempt from tax revenue and he received an email from them stating so. The study they provided was done from a Colorado study.

Savion stated there is no lake affect. Lake affects is not addressed in the condition.

Public Service Commission (PSC) would be involved if it was over 50 MW. Savion purposefully made it under 50 MW so that the PSC wouldn't be involved.

He feels as soon as this project is done, it will be sold.

He stated Buena Vista Town board voted it down and he asked that that this committee turn it down as well.

Heather Allen – She is from Renew Wisconsin. She wants to address the comment and concerns that a 50 MW project would be over seen by PSC. She stated it is actually 100 MW that they oversee.

Ron Trechtenberg – He is John Rosenbergs attorney. He disagrees with Chairman Peters and the conditions he put on this meeting today.

If this is approved they will appeal to BOA and if needed to the Circuit Court. The committee did not address Statutes 91.46 (1-5) or (4) (a-e) 66.0401 (1m) nor 66.0403 (5) (a).

The CUP does not address the March binder, hazardous materials and disposal, glare, noise, lake effect and heat island affects.

He has 5 conditions listed on the last page of what he handed out in his packet that were not addressed. Financial security and amount required, decommission plan does not address environment remediation and who is responsible for decommissioning. Also they must agree on an engineer and nor an arbitrator.

The decommissioning plan states Richland County Solar is responsible for clean-up, which is being sold.

He reviewed his experience for the board.

He stated the notice was not proper and they have not addressed all the conditions as they should, 6 environment issues have not been addressed.

Don Hartung – He stated he and his brothers are some on the land owners for this project. They are in favor of it. He added he feels Tradewinds has when out of their way to get the information out, meet required conditions and educate the public.

Bob Simpson – He is a local business owner. He believes we will need power from somewhere other than where we are getting in the future. We should go for this.

John Rosenberg asked to speak again. There is no revenue, for all these who think this is wonderful, there is no revenue.

Drew Gibbons stated he will address any questions the public has.

Dan McQuire – He asked Drew if he could counter Rosenberg's comment concerning revenue

Drew Gibbons and Tom Gartner both addressed the committee. Tom stated, anyone who claims to know how this project will be taxed is not correct and is only an assumption. No project of this size has been built in Wisconsin. 2 MW has been the largest built in Wisconsin to date.



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Drew provide the companies view on how it should be taxed. A tax agreement was in the conditions, but Corporation Council stated it had to be removed. His company provided a letter to County which lists the economic benefits and they plan to honor those benefits regardless

Ben – The Statutes state the County cannot require benefits in the agreement. Although the company can give the county a donation if they so choose.

Tom – He reviewed that Milwaukee County did enter into a contract to accept payment. Also Iowa County recently approved a contract for Solar Farm which addressed a number of issues including a payment in lieu of property taxes. Their Corporation Council approved it but that may have been that their Corporation Council was present at the meetings. Their conditions were proposed by the applicant not a requirement imposed by the County.

Ben – Advised the Committee not to consider the payment proposed from the application when making their decision.

Ron Trechtenberg – The County agreeing to work out finances later and ignoring Corp Councils advice is a poison he didn't think they would like to take. Because the conditions have been made by the applicant, they should be suspect.

Rich McCollough – He stated this farm will be around his house. He questioned how noisy will it be?

Drew stated this has not been a question at any previous meeting and thanked him for addressing this. The motors make a noise similar to that of a refrigerator, so by the noise gets through the barriers and to his house they will dissipate and be minimal.

Richard Brander – Stated there is land along Hwy 14 that the Village would like to develop as Commercial. They addressed this with Tradewinds. Tradewinds stated they would keep panels back so there could be Commercial development in the future. He added this would move the panels back further than originally planned from McCollough property.

Drew Gibbons– He added, the tactic of spreading fear he takes issue with. The conditions they have proposed were developed around meeting with people at public meeting and the Village of Lone Rock board. The county asked about tax revenue which is where the numbers came from that Rosenberg is presenting.

Ron Trechtenberg – The Company does not have to honor the Counties Land and Development agreement. It should be put in the conditions otherwise the County may not get what they thought you agreed upon. He recommends that this should be reviewed and brought back to the committee after it is investigated.

Drew Gibbons– The sources of Rosenbergs documents are funded through the nuclear and coal industry. Our sources are Department of Energy, the NC State University and other independent sources.

Ron Trechtenberg – He thinks the committee should hire an independent consultant to review this project.



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Ben Southwick– During the course of these proceeding Corporation Council did advise the Committee they could hire an independent consultant.

Chairman Peters asked anyone on the committee have questions for anyone here.

Ben Southwick – Respectfully recommend that the Committee us the language from the Statutes that “Proposed conditions serve to preserve or protect the public health or safety”.

Moved by Marc to approve the conditions to the effect of what Ben said, 2nd by Jim.

Moved by Marc to approve the final conditions for the granting of the Conditional Use Permit, 2nd by Jayme. Chairman Gary Peters asked for a roll call, Ben stated it had to be a vote by Ayes and Nays.

Aye: Marc, Jim, Jayme and Gary. Nay: none. Motion Carried.

Item #4 ADJOURN Moved by Jayme to adjourn at 4:04 pm, 2nd by Jim. Motion carried.

Minutes respectfully submitted by Cheryl Dull