

ORDINANCE NO. _____

**SYNOPSIS: AMEND CHAPTER 12 SUBCHAPTER 100 – COLUMBIA COUNTY ZONING
ORDINANCE OF THE COLUMBIA COUNTY CODE OF ORDINANCES
SUBMITTED BY: PLANNING & ZONING COMMITTEE**

The Columbia County Board of Supervisors do ordain as follows:

That Chapter 12 – Subchapter 100 – Columbia County Zoning Ordinance of the Columbia County Code of Ordinances, is hereby amended as follows:

Chapter 12 Subchapter 100 – Columbia County Zoning Ordinance

SEC. 12.125.32 LARGE SOLAR ENERGY GENERATING FACILITY.

- (1) **Purpose and Scope.** The purpose of this section is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 as a local ordinance and to establish local regulations on the installation and use of Large Solar Energy Generating Facilities that are authorized by and compliant with Wisconsin Statutes and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost or efficiency. The provisions listed under this section are not intended to be a duplication of any federal or state requirement or to exceed that authority granted to Wisconsin counties.
- (2) **Statutes, Regulations and Rules**
 - (a) This section is subject to the provisions of Wisconsin law.
 - (b) Wis. Stat. § 66.0401 is adopted and incorporated by reference.
- (3) **Definitions**
 - (a) “Conditional Use Permit” means a discretionary permit for a listed conditional use, granted by the Columbia County Planning and Zoning Committee, under the notice and hearing procedures of Section 12.150.07 of the chapter, upon application by an owner, and to which various conditions of use shall be attached and adhered to by the applicant.
 - (b) “County” means Columbia County.
 - (c) “Department” means the Columbia County Planning and Zoning Department.
 - (d) “Department Director” or “Director” means the Director of the Columbia County Planning and Zoning Department or the Department Director’s designee.
 - (e) “Kilowatt” means a unit of power equal to one thousand watts.
 - (f) “Megawatt” means a unit of power equal to one million watts, especially as a measure of the output of a power station.
 - (g) “Permit” means a ~~zoning~~ permit issued by the Columbia County Planning and Zoning Department pursuant to this code.
 - (h) “Shared Revenue Utility Payment” means payments made to counties and municipalities to off-set tax exempt utility property; payments are based on state calculations

(i) “Large Solar Energy Generating Facility” means, but is not limited to, connected arrays of photovoltaic panels, their supporting structures and/or mounting systems, the network of necessary electrical wires and conduit (above and below ground), power poles, inverters, transformers, and supporting substations, or a concentrated mirror thermal energy generating facility and its respective components. These facilities are designed for nominal operation at a nameplate capacity of 100 megawatts or more. A Certificate of Public Convenience and Necessity (CPCN) issued by the Wisconsin Public Service Commission (PSC) is typically associated with these facilities. This includes facilities which directly convert and transfer or store solar energy into thermal or electrical energy.

~~(j) “Zoning Permit” means written approval by the Planning and Zoning Department staff that is required before commencing any development as defined in this chapter or before establishing, extending, or changing any use on any parcel.~~

~~(k)(j)~~ “Cultural Resource” see 12.160: Definitions.

~~(k)~~ “Environmental Analysis” means a detailed localized review of relevant environmental conditions (e.g., wetland delineations, threatened and endangered species reviews, floodplain studies, navigability determination, or areas identified as environmental corridors within the County Comprehensive Plan).

(4) **Zoning Permit Requirements CPCN Acknowledgement Documentation**

~~(a) **Permit Requirement.** The owner must apply for and receive a Zoning Permit from the Department before installing, constructing, or expanding any Large Solar Energy Generating Facility.~~

~~(b) **Application Process.** The application for a Zoning Permit shall be processed in accordance with the procedures set forth in Section 12.150.08.~~

~~(c) **Permit Fee.** The owner shall pay an application fee at the time the application for a Large Solar Energy Generating Facility is filed with the Department. Fees shall be based on cost of construction.~~

~~(d) **Permit Expiration.** A zoning permit issued by the Department expires if construction of the Large Solar Energy Generating Facility is not commenced within 24 months from the date of the permit, or if the Large Solar Energy Generating Facility is not installed and fully functioning within 12 months from the date construction begins. A 24-month extension may be granted under 12.150.08(6).~~

~~(e) **Standards for Review.** The standards for review of a permit application for a Large Solar Energy Generating Facility are consistent with Wis. Stat. 66.0401 as well as Wis. Stat. 59.69 and are not more restrictive than the PSC approved site plan as part of the Certificate of Public Convenience and Necessity.~~

~~(f) **Application Requirement.** The application for a Zoning Permit shall include the following items, as may be applicable:~~

~~(a) **Submission Requirement.** Prior to commencement of the Large Solar Energy Generating Facility, the following materials shall be submitted to the Planning & Zoning Department:~~

1. A copy of the PSC authorization, in the form of a Certificate of Public Convenience and Necessity, and a copy of the final application packet and documentation submitted to the PSC for approval;
2. A narrative of the proposed project, including a description of the subject property by metes and bounds, address(es), parcel numbers, and any unique circumstances

within the project area, as may have been identified during the PSC review;

3. A site plan, which shall include a scalable drawing showing the location of all drives, entrances, easement labels and locations, trails, and signs; panels, inverters, energy storage systems, and any other planned infrastructure; vision clearance triangles; floodplain(s); wetland(s); and shoreland zone boundaries;
4. Documentation evidencing cultural, archeological, and environmental analyses done by third parties and associated permit authorizations as required by law;
5. A copy of the issued Wisconsin Department of Natural Resources (DNR) construction site storm water permit, including a copy of the application materials and final site plan and affected parcel numbers;
- ~~5. 6.~~ A complete list of neighboring parcels that have been notified of the project. Within two miles of project boundary is preferred;
- ~~6. 7.~~ Shared Revenue Utility Payment tax projections; and estimated property tax reductions to the County, town(s), and school/special district(s);
- ~~7. 8.~~ Any updates submitted to the PSC as applicable to these requirements. The equipment should have capability to withstand extreme weather events, with a preference that components be listed by the Underwriters Laboratory.

- (5) **Additional Permitting Requirements.** Additional permits and processes may be required under Chapter 12 or otherwise under the Columbia County Code of Ordinances.
- (6) **Operator Ownership Change.** Notice shall be provided to the County for any change in ownership of the Large Solar Energy Generating Facility 30 days prior to the effective date of the change and contact information of the new owner shall be included with the notice.
- (7) **Other Approvals.** A copy of all necessary state and federal permits and approvals shall be submitted to the Department within 90 days of receiving said authorizations.
- (8) **Postconstruction Filing Requirement.** Within 90 days of the date a Large Solar Energy Generating Facility commences operation, the owner shall file with the Department an as-built description of the facility, an accurate map of the facility showing the location of all infrastructure, geographic information system information showing the location of said infrastructure, and current information identifying the owner(s) and operator(s), including designated contact(s), of the Large Solar Energy Generating Facility.

All remaining provisions of the Columbia County Code of Ordinances are unaffected by this amendment and remain in full force and effect.

Fiscal Note: None.

Fiscal Impact: None.

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Darren Schroeder, Chair
COLUMBIA COUNTY BOARD OF SUPERVISORS

Susan M. Moll
COLUMBIA COUNTY CLERK

DATE PASSED:
DATE PUBLISHED:

DRAFT