

## NOTICE OF MEETING

### SHEBOYGAN COUNTY PLANNING, RESOURCES, AGRICULTURE AND EXTENSION COMMITTEE

**April 11, 2023**

**3:00 PM**

UW Extension Office  
UW Sheboygan Campus  
5 University Drive  
Sheboygan, WI  
Room 5024

Remote Access:

(312) 626-6799

Meeting ID: 956 6404 0989

Passcode: 856197

<https://zoom.us/j/95664040989?pwd=dGJrYlZ5Tmx2RVcvRDFsdU5Ld0lXZz09>

**\* AGENDA \***

Call Meeting to Order  
Certification of Compliance with Open Meeting Law  
Approval of March 14, 2023 Minutes  
Correspondence

Planning & Conservation-

Consideration of Referred Clark County Resolution

Consideration of Referred Columbia County Resolution

Update on the HHW Program

Other Department Project and Program Management Updates- *This report is a summary of key activities in the Department. No action will be taken resulting from the report unless it is a specific item on the agenda.*

Consideration and Approval of Attendance at Other Meetings/Functions  
Travel Report and Report of Meetings and Functions Attended by Committee Members  
Review and Approve Vouchers  
Adjournment

Next scheduled meetings - April 25, 2023 at 3:00 PM (UW-Extension Focus)  
- May 9, 2023 at 3:00 PM (Planning & Conservation Focus)

Prepared by:  
Megan Nasgovitz, Recording Secretary  
(920) 459-1370

Approved by:  
Keith Abler, Chairperson  
(920) 207-9351

NOTE: The Committee welcomes all visitors to listen & observe, but only Committee members & those invited to speak will be permitted to do so, except for the Public Hearing portion of this meeting where any interested person can speak. Person with disabilities needing assistance to attend or participate should contact the

County Planning & Conservation Department at 920/459-1370 prior to the meeting so that accommodations may be arranged.

NOTE: A majority of the members of the County Board of Supervisors or any of its committees may be present at this meeting to listen, observe and participate. If a majority of any such body is present, their presence constitutes a "meeting" under the Open Meeting Law as interpreted in *State ex rel. Badke v. Greendale Village Board*, Wis. 2d 553 (1993), even though the visiting body will take no action at this meeting.

# **SHEBOYGAN COUNTY PLANNING, RESOURCES, AGRICULTURE & EXTENSION COMMITTEE MINUTES**

Sheboygan County UW-Extension Office  
5 University Drive  
Sheboygan, WI  
Room 5024  
and  
Remote

**March 14, 2023**

**Called to Order: 3:00 PM**

**Adjourned: 4:05 PM**

MEMBERS PRESENT: Chairman Keith Abler, Supervisor John Nelson, Supervisor Rebecca Clarke (remote), Supervisor Paul Gruber, Ag Community Member Stan Lammers

MEMBERS ABSENT: Supervisor Henry Nelson

OTHERS PRESENT: Aaron Brault, Tyler Betry, Laura Grunwald, Megan Nasgovitz, Dave Derus, Brian Neimi

Chairperson Abler called the meeting to order at 3:00 PM and verified the meeting notice had been posted on March 13, 2023 at 9:00 AM and the meeting complied with the Wisconsin Open Meeting Law.

Supervisor Gruber motioned to approve the minutes from the February 14, 2023 committee meeting. Motion seconded by Mr. Lammers. Motion passed with no opposition.

Correspondence: Mr. Brault introduced a new staff member to the Committee.

Planning & Conservation-

Consideration of Boat Launch Pass Cycle. Ms. Nasgovitz and Mr. Brault presented a request to change the cycle of the annual boat launch pass to the calendar year versus April to April. Supervisor John Nelson motioned to approve the request. Motion seconded by Supervisor Gruber. Motion carried with no opposition.

Consideration of Park & Open Space Plan Update. Mr. Brault presented a resolution to amend the Parks and Open Space Plan in order to include their project to revive the Nut Hill Ski area to make the project eligible to apply for funding. Supervisor Gruber motioned to approve the resolution. Motion seconded by Mr. Lammers. Motion carried with no opposition.

Review of Annual MS4 Report. Mr. Brault presented an update on the MS4 permit.

Review of Annual Report. Mr. Brault presented the highlights of the 2022 Annual Report.

Other Department Project and Program Management Updates. Mr. Brault shared that the tree sale closed on Feb 28 with the largest number of orders ever, that the department expects the application for Duck Stamp dollars towards the Marsh project to be successful, that there will potentially be two retirements in the office in 2023, that he expects to submit a 5-Year Capital

Plan Project for sealing and tarring the older sections of the Old Plank Road Trail, and that the department may be receiving funds as part of a class action lawsuit.

Consideration and Approval of Attendance at Other Meetings/Functions. None.

Travel Report and Report of Meetings and Functions Attended. None.

Review and Approve Vouchers – Mr. Lammers made a motion to approve the vouchers. Supervisor Gruber seconded the motion. Motion carried with no opposition.

By consensus the committee allowed Mr. Neimi to speak.


Mr. Lammers motioned to adjourn the meeting. Supervisor John Nelson seconded the motion. Motion carried with no opposition. Meeting adjourned at 4:05 PM.

Next meeting (Extension Focus) is scheduled for March 28, 2023 at 3:00 PM.

Next meeting (Planning & Conservation Focus) is scheduled for April 11, 2023 at 3:00 PM.

Megan Nasgovitz  
Recording Secretary

John Nelson  
Committee Secretary

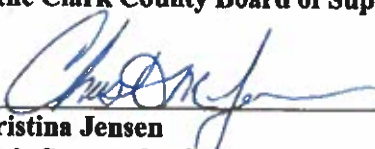
 <p>Clark County, WI</p> <p>Founded in 1853</p>	Type/Number	Resolution 3-1-23			
	Title	Recommending Revision to State Wind Energy Regulations			
	Overview/Synopsis	Clark County opposes the current Wind Energy regulations promulgated by the Wisconsin Public Service Commission ("PSC") and recommend revision and consideration of the impacts of regulation on Wisconsin Counties.			
	Submitted By	Planning, Zoning & Land Information Committee			
	Fiscal Impact	None			
	Review (Initial & Date)	Legal	RN 2/6/23	Finance	tjd 2/7/2023

- 1 WHEREAS, the Wisconsin Legislature has limited how counties can regulate solar and wind energy  
2 Systems. See Wis. Stat. § 66.0401.  
3  
4 WHEREAS, The Wisconsin Public Service Commission ("PSC") has promulgated rules that limit how  
5 counties can regulate wind energy systems. See PSC 128 of the Wisconsin Administrative Code.  
6  
7 WHEREAS, Planning and Zoning is a fundamental regulatory function and authority of Wisconsin  
8 counties.  
9  
10 WHEREAS, Clark County residents have expressed concerns about contractual provisions proposed by  
11 both solar and wind renewable energy companies in renewable energy easement agreements.  
12  
13 WHEREAS, the Clark County Planning, Zoning and Land Information Committee and the Clark County  
14 Board of Supervisors have concerns about the regulatory limitations placed on the counties by PSC 128  
15 and Chapter 66, Wisconsin Statutes.  
16  
17 NOW, THEREFORE, BE IT RESOLVED, that Clark County recommends and requests the Wisconsin  
18 Public Service Commission and the Wisconsin State Legislature to revise PSC 128 and/or Chapter 66 of  
19 the Wisconsin Statutes to address the following concerns:  
20  
21 a. Some renewable energy contracts under the current regulations appear to bind owners and their  
22 property to decades worth of encumbrances while allowing renewable energy companies to  
23 terminate the contracts at any time for any or no reason.  
24  
25 b. The law does not prohibit energy companies from shifting liability created by the renewable  
26 energy company to the landowners. This includes liability for stray voltage, diminished  
27 property values, neurological problems, cancer, and death that the renewable energy  
28 companies cause.  
29  
30 c. State Law prohibits the regulation of the density and footprint of renewable energy systems by  
31 Municipalities, and prohibits Clark County from requiring bonding certain to ensure proper  
32 decommissioning of renewable energy systems.  
33  
34 d. Clark County has concerns about the use of renewable energy systems and their impact on  
35 agricultural land and production, at a time when war abroad disrupts food chains and causes  
36 food shortages, and as domestically we are experiencing uncontrolled inflation.

<b>Committee/Board/Supervisor Action</b>	
Committee/Board/Supervisor Name:	Planning, Zoning & Land Information Committee
Result/Date:	Approved 12/28/2022
Mover:	Tom Wilcox
Seconder:	William Neville
Ayes:	Wilcox, Hoover, and Neville
Abstained:	Ken Gerhardt
Absent:	Dean Zank

<b>Clark County Board of Supervisors Action</b>	
Vote Required:	Majority
Result/Date:	Adopted 01/19/2023
Type of Vote:	Roll Call: 26 Yes, 2 No, 1 Absent
Mover:	Zank
Seconder:	Wilcox
Ayes:	Brodhagen, Molitor, Schindler, Wilcox, Klabon, Waichulis, Zank, Thielman, Kolzow, Jalling, Bower, Ashbeck, Hendrickson, C. Rueth, W. Rueth, Bobrofsky, Krause Jr., Rollins, Smagacz, Boon, Trunkel, Gerhardt, Bakker, Garbisch, Neville, Sebesta
Nayes:	Kodl & Tyznik
Absent:	Krempasky

I, Christina M. Jensen, Clerk for Clark County, hereby certify that Resolution 3-1-23 was adopted by the Clark County Board of Supervisors at the meeting held on January 19, 2023.

  
Christina Jensen  
Clark County Clerk  
Neillsville, Wisconsin 54456

SEAL

1  
2 **RESOLUTION NO. 14-23**

3 **SYNOPSIS: Request State to Revise Solar Energy System Law**  
4 **INTRODUCED BY: Planning and Zoning Committee**  
5

6 **To the Honorable Board of Supervisors of Columbia County:**  
7

8 WHEREAS, Wisconsin counties possess limited authority to regulate solar energy  
9 systems in their communities as a result of Wisconsin State law; and,  
10

11 WHEREAS, the regulation of solar energy systems is generally dependent on size, with  
12 smaller solar energy systems being subject to within Wis. Stat. § 66.0401(1m), and those above  
13 one hundred (100) megawatts the Wisconsin Public Service Commission (PSC);  
14

15 WHEREAS, while Wis. Stat. § 66.0401(1m) provides a mechanism for counties to  
16 consider areas of local concern, it provides little ability for counties to restrict or even deny a  
17 project based on local concerns from residents, environmental impact, or economic impact.  
18 Within Wis. Stat. § 66.0401(1m), terms like “public health” or “safety” are undefined, a clear  
19 evidentiary threshold was never included; and, while found with Wis. Stat. § 59.69, the term  
20 “welfare” was not included with the reason for its omission uncertain; and,  
21

22 WHEREAS, there are currently 14 solar and battery energy storage systems being  
23 proposed in the Midcontinent Independent System Operator, Inc. queue as of February 23, 2023  
24 to be constructed within Columbia County, totaling 1220 MW of solar energy generation  
25 potential and 1000 MW of battery storage potential; and with many of these developers stating  
26 that there will be a phase 2 for their projects, an untold number of acres of prime farmland,  
27 wildlife habitat, threatened and endangered species of plants and animals that have been  
28 documented within project areas, scenic country views, lives, and livelihoods could be destroyed  
29 with little to no opportunity for the County to intervene; and,  
30

31 WHEREAS, public utilities and private developers are using a loophole in Wis. Stat. §  
32 196.491(3)(d)2 and 3 that exempts wholesale merchant plants from meeting the same standards  
33 as public utility companies in order to receive their Certificate of Public Convenience and  
34 Necessity (CPCN) and then immediately turn around and sell the project to a public utility  
35 company.  
36

37 WHEREAS, the State has given planning and zoning authority to the County through  
38 Wis. Stat. § 59.69, specifically in order to “promote the public health, safety, convenience and  
39 general welfare; to encourage planned and orderly land use development; to protect property  
40 values and the property tax base” and to “preserve wetlands; to conserve soil, water and forest  
41 resources; to protect the beauty and amenities of landscape and man-made developments; to  
42 provide healthy surroundings for family life.” However, when it comes to utility-scale solar, the  
43 County process and authority is completely circumvented.  
44

45 NOW, THEREFORE, BE IT RESOLVED, that the Columbia County Board of  
46 Supervisors hereby requests that the Wisconsin State Legislature revise Wis. Stat. § 66.0401(1m)  
47 and Wis. Stat. § 196.491 as follows in order to grant Wisconsin counties the authority to  
48 responsibly site utility-scale solar installations in order to maintain orderly planning and comply  
49 with the statutory requirement laid out in Wis. Stat. § 66.1001(3) to adhere to the objectives,  
50 goals, and policies contained in the County’s comprehensive plan:  
51

52 ~~66.0401(1m) Authority to restrict systems limited. No political subdivision may place~~  
53 ~~any restriction, either directly or in effect, on the installation or use of a wind energy~~  
54 ~~system that is more restrictive than the rules promulgated by the commission under~~

~~s. 196.378 (4g) (b). No political subdivision may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in s. 13.48 (2) (h) 1. g., or a wind energy system, unless the restriction satisfies one of the following conditions:~~

~~(a) Serves to preserve or protect the public health or safety.~~

~~(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.~~

~~66.0401(1m)(c)~~

~~(c) Allows for an alternative system of comparable cost and efficiency.~~

196.491(3)(d)2 Except as provided under par. (e), the commission shall approve an application filed under par. (a) 1. for a certificate of public convenience and necessity only if the commission determines all of the following:

196.491(3)(d)2.

2. The proposed facility satisfies the reasonable needs of the public for an adequate supply of electric energy. ~~This subdivision does not apply to a wholesale merchant plant.~~

3. The design and location or route is in the public interest considering alternative sources of supply, alternative locations or routes, individual hardships, engineering, economic, safety, reliability and environmental factors, ~~except that the commission may not consider alternative sources of supply or engineering or economic factors if the application is for a wholesale merchant plant.~~ In its consideration of environmental factors, the commission may not determine that the design and location or route is not in the public interest because of the impact of air pollution if the proposed facility will meet the requirements of ch. 285.

BE IT FURTHER RESOLVED, that the County Clerk will send a copy of this Resolution to Governor Tony Evers, all members of the State Legislature representing Columbia County, the Wisconsin Counties Association and an electronic copy to all Wisconsin county board supervisors and the full State Legislature.

Fiscal Note: None.

Fiscal Impact: None.

STATE OF WISCONSIN  
COUNTY OF COLUMBIA  
CERTIFIED COPY

I certify that this is a true and exact copy of the original of which I am legal custodian for the County Clerk of Columbia County.

Signed by

County Clerk or Deputy County Clerk

Date

Andrew Kolberg

Harlan Baumgartner

Adam Hahn, Secretary

Douglas Richmond, Vice Chair

Denise Brusveen, Chair

PLANNING & ZONING COMMITTEE