Kenosha County

Legislation Committee
Agenda
Kenosha County Administration Building
2nd Floor Committee Room
May 16, 2023, Tuesday, 6:00 p.m.

NOTE: UNDER THE KENOSHA COUNTY BOARD RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS. NOTICE OF SUCH MOTIONS TO RECONSIDER OR RESCIND AT FUTURE MEETINGS SHALL BE GIVEN IN ACCORDANCE WITH SECTION 2.C OF THE COUNTY BOARD RULES. FURTHERMORE, ANY MATTER DEEMED BY A MAJORITY OF THE BOARD TO BE GERMANE TO AN AGENDA ITEM MAY BE DISCUSSED AND ACTED UPON DURING THE COURSE OF THIS MEETING AND ANY NEW MATTER NOT GERMANE TO AN AGENDA ITEM MAY BE REFERRED TO THE PROPER COMMITTEE. ANY PERSON WHO DESIRES THE PRIVILEGE OF THE FLOOR PRIOR TO AN AGENDA ITEM BEING DISCUSSED SHOULD REQUEST A COUNTY BOARD SUPERVISOR TO CALL SUCH REQUEST TO THE ATTENTION OF THE BOARD CHAIRMAN

1. Call To Order
2. Citizen Comments
3. Reports From Chairperson
4. Reports From Committee Members
5. Communications
6. Approval Of Minutes
7. Ordinance Amending MCKC Chapter 2.05 (4) – Standing Committees

   Documents:

   23-4-28 ORDINANCE MCKC 2.05(4) BASHAW FRANCO PROPOSAL.PDF

8. A Resolution To Request The State Of Wisconsin Revise Solar Energy System Law

   Documents:

   23-3-30 SOLARFARMRESOLUTION03_22_2023.PDF

9. A Resolution On A Renewable Future For Kenosha County - Encouraging The Strategic Development Of Renewable Energy Resources In Kenosha County And Requesting The State Legislature To Identify Sustainable Strategies For Such Development That Maintains The Natural Character And Environment Of The State Of Wisconsin

   Documents:

   23-4-5 BASHAW RENEWABLE ENERGY RESOLUTION.PDF

10. Other Matters As May Be Appropriately Brought Before The Committee
11. Adjourn

There may be a quorum of other Committees of the County Board.

KENOSHA COUNTY

BOARD OF SUPERVISORS

ORDINANCE NO.

Subject: Amendment of MCKC Chapter 2.05 (4) – Standing Committees	
Original ☐ Corrected ☐ 2nd Correction ☐ Resubmitted ☐	
Date Submitted: 5/2/23	Date Resubmitted:
Submitted By: Supervisors Bashaw and Franco	
Fiscal Note Attached ☐	Legal Note Attached ☐
Prepared By: Supervisors Bashaw and Franco	Signature:

THE KENOSHA COUNTY BOARD OF SUPERVISORS DOES HEREBY ORDAIN that Municipal Code of Kenosha County Chapter 2.05 (4)(b), the County Board Rules of Procedure, is hereby amended as follows:

2.05 Standing Committees

(4) Committee Operations.

(b) The committee chair shall set the time and place for all meetings of the committee, shall check and list committee meeting dates with the County Clerk to avoid conflicts with other committee meetings, and shall report committee attendance to the County Clerk who shall maintain a record thereof. Standing Committees of the Kenosha County Board shall convene no earlier than 6:00 PM if a vote or legal action is to be taken. Standing Committee meetings may occasionally require alternate meeting times. In these rare situations, the committee chair will gain Board chair approval prior to noticing a meeting occurrence. Further, this shall not be interpreted to hinder the duly noticed working session of the Planning, Development and Education Extension Committee.

Respectfully submitted,

_____	_____
Brian Bashaw	John Franco

Approved by:

LEGISLATIVE COMMITTEE:	Aye	Nay	Abstain	Excused
Brian Thomas, Chair	☐	☐	☐	☐
John Poole, Vice Chair	☐	☐	☐	☐
Amanda Nedweski	☐	☐	☐	☐
Zach Stock	☐	☐	☐	☐
Andy Berg	☐	☐	☐	☐
Daniel Gaschke	☐	☐	☐	☐
Monica Yuhas	☐	☐	☐	☐

KENOSHA COUNTY
BOARD OF SUPERVISORS

Resolution No. _____

Subject: **A Resolution to Request the State of Wisconsin Revise Solar Energy System Law**			
Original [x]	Revised [ ]	2nd Correction [ ]	Resubmitted [ ]
Date Submitted: 3/22/2023		Date Resubmitted:	
Submitted by: Vice Chair Decker			
Fiscal Note Attached [ ]		Legal Note Attached [ ] Agreement	
Prepared by: Vice Chair Decker		Signature:	

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

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

WHEREAS, while Wis. Stat. § 66.0401(1m) provides a mechanism for counties to consider areas of local concern, it provides little ability for counties to restrict or even deny a project based on local concerns from residents, environmental impact, or economic impact; and

WHEREAS, within Wis. Stat. § 66.0401(1m), terms like "public health" or "safety" are undefined, a clear evidentiary threshold was never included; and, while found with Wis. Stat. § 59.69, the term "welfare" was not included with the reason for its omission uncertain; and

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

WHEREAS, the State of Wisconsin has given planning and zoning authority to the County through Wis. Stat. § 59.69, specifically in order to "promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base" and to "preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of

landscape and man-made developments; to provide healthy surroundings for family life." However, when it comes to utility-scale solar, the County process and authority is completely circumvented;

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

> **66.0401(1m)** ~~Authority to restrict systems limited. No political subdivision may place any restriction, either directly or in effect, on the installation or use of a wind energy 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.~~
> ~~(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:
> 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.; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to Kenosha County’s legislative delegation, Governor Evers, all other Wisconsin counties, and the Wisconsin Counties Association.

_____

Erin Decker

KENOSHA COUNTY
BOARD OF SUPERVISORS

Resolution No. _____

Subject: A Resolution on a Renewable Future for Kenosha County - Encouraging the Strategic Development of Renewable Energy Resources in Kenosha County and Requesting the State Legislature to Identify Sustainable Strategies for Such Development that Maintains the Natural Character and Environment of the State of Wisconsin	
Original [x] Corrected [ ] 2nd Correction [ ] Resubmitted [ ]	
Date Submitted: 4/18/2023	Date Resubmitted:
Submitted by: Supervisor Bashaw	
Fiscal Note Attached [ ]	Legal Note Attached [ ] Agreement
Prepared by: Supervisor Brian Bashaw	Signature:

WHEREAS, Renewable energy resources are being developed at a rapid pace within Kenosha County, and;

WHEREAS, Renewable energy arrays to capture solar energy, as currently designed, require significant land resources and space to be a viable resource to augment the energy needs of our citizens, and;

WHEREAS, It is unreasonable to expect that when/if solar farmlands are remediated in 50 years, that the land will return to sustainable agricultural use, and;

WHEREAS, Removing large tracts of agricultural land from the inventory of airable lands may result in the further erosion of agricultural activities in Kenosha County as the broader infrastructure necessary to support agriculture may not be sustainable, and;

WHEREAS, Agricultural lands utilized for Renewable Energy Production, perpetually remove productive agricultural use accelerate decline of active agricultural production through loss of aptitude; equipment; support structures such as grain elevators, access to herbicide and fertilizer and equipment support; etcetera, negatively and perpetually impacting the future of agriculture in Kenosha County and the State of Wisconsin, and;

WHEREAS, The Town of Paris WI is 36 square miles or 23,040 total Acres, where the Paris Solar project encompasses 5,350 acres, and an area of 1,500 acres developed with installed equipment dedicates 6.5% of the township (1,500 ac / 23,040=6.5%) or 8.3% of

18,000 acres of agricultural land available for agricultural applications within the Town of Paris to renewable energy, and;

WHEREAS, Paris Solar is expected to produce approximately 200 MW, enough power for more than 38,000 homes, and;

WHEREAS, It is beneficial to produce and utilize power as close as possible to the intended end user, ie manufacturing or warehouse facilities or residential centers, and;

WHEREAS, Active development zones for arrays are disruptive to the rural environment as construction and maintenance of an array farm direct construction traffic and development into rural areas which may not have infrastructure to support the activities, and;

WHEREAS, Business Development in Kenosha County is robust, with millions of square feet (acres) of lands converted to under roof spaces, which represent a significant opportunity for dual use as solar farmed rooftops, and;

WHEREAS, There are currently ~235 buildings in the county over 50,000 sq ft. The total area of those buildings is 47,839,935 sq ft (1,098 acres) under roof, equal to 73% of the land use requirement for the Paris Solar project, and;

WHEREAS, Development of rooftop solar farming may provide direct and indirect benefit to those structures which incorporate solar fields, and;

WHEREAS, Installation of roof top arrays reduces the substantial visual impact and altered land use impact of ground installations of arrays, and;

WHEREAS, Development of rooftop solar farming should be seen as a best practice use of large flat geographic spaces to support beneficial collection of solar energy rather than being neglected space acting as energy deserts within the county, and;

WHEREAS, Installation of rooftop arrays may reduce or minimize the impact of ground heat gain under arrays, and;

WHEREAS, Responsible citizenship requires considerate use of land resources within the county, which can include mixed purpose use of properties such as those with large areas of lands under roof combined with solar energy gathering, green-scapes or other strategies which are pro-environment and pro Kenosha County, and;

WHEREAS, Kenosha County wishes to encourage responsible development and use of renewable energy, leveraging available and practical technologies where feasible, and;

WHEREAS, Development of renewable energy in Kenosha County must be encouraged in a manner which is not deleterious, or which needlessly erodes the history, culture and environment of Kenosha County and the State of Wisconsin.

NOW THEREFORE BE IT RESOLVED, In the pursuit of responsible and rational development of renewable resources, Kenosha County will intentionally identify and employ renewable energy strategies as they relate to our strategic development objectives, and;

BE IT FURTHER RESOLVED, Through strategic development initiatives, Kenosha County will encourage and promote the incorporation of renewable energy infrastructure within private and public related development projects, and;

BE IT FURTHER RESOLVED, Kenosha County advocates for the utilization of rooftop solar farming in association with but not limited to all large span rooftops including distribution, manufacturing and warehouse related projects, and;

BE IT FURTHER RESOLVED, Kenosha County will collaborate with developers to identify and seek out opportunities for incorporation of and application of responsible renewable energy strategies, and;

BE IT FURTHER RESOLVED, Kenosha County is requesting the state legislature to incorporate language into the requirements for TIF or Special Development Zone projects to include strategies for inclusion of Renewable Energy as a project plan, and;

BE IT FURTHER RESOLVED, Kenosha County encourages and promotes the incorporation of roof top, passive or alternate renewable energy development, into all current and future development projects within the county to promote multi-purpose land and facility use, and;

BE IT FURTHER RESOLVED, Kenosha County encourages all communities to adopt land use language and strategies associated with TIF or other development projects to incorporate guidelines and opportunities for public-private partnerships for incorporation of renewable resources and strategies to incorporate renewable energy, and;

BE IT FURTHER RESOLVED, Kenosha County requests that the Legislature of the State of Wisconsin draft clear legislation related to the development and use of commercial real estate including rooftop infrastructure to incorporate renewable energy resources as a fundamental element of design, promoting conservation of land resources through multi use development in the State of Wisconsin, and;

BE IT FURTHER RESOLVED, That the State of Wisconsin through the Department of Natural Resources protect the natural beauty of Wisconsin by defining renewable resource strategies that minimize the loss of traditional land use, perpetually degrading the historic and natural beauty of the State of Wisconsin.

BE IT FURTHER RESOLVED, The Kenosha County Board directs the County Clerk to provide this resolution to all Counties in Wisconsin, all State and Federal Elected Officials who represent Kenosha County and to the WEC for consideration.

Respectfully submitted this 18th day of April, 2023.

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Brian Bashaw