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2 **RESOLUTION NO. 14-23**

3 **SYNOPSIS: Request State to Revise Solar Energy System Law**

4 **INTRODUCED BY: Planning and Zoning Committee**

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

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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)(e)

(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.

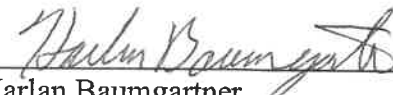
Signed by

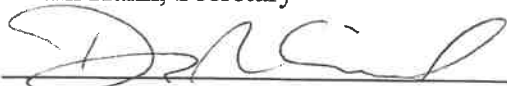
County Clerk or Deputy County Clerk

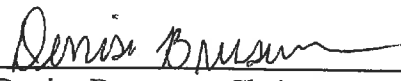
Date

3-15-2023

  
Andrew Kolberg

  
Harlan Baumgartner

~~Adam Hahn, Secretary~~  
  
Douglas Richmond, Vice Chair

  
Denise Brusveen, Chair

PLANNING & ZONING COMMITTEE