

## TOWN OF GRANT

### RESOLUTION NUMBER: 06-1

#### MORATORIUM ON CONSIDERATION OF CERTAIN CONDITIONAL USE PERMIT APPLICATIONS PENDING DEVELOPMENT OF STANDARDS

##### Findings of the Town Board of Grant, Portage County, Wisconsin:

1. The Town Board of Grant has adopted a Zoning Ordinance (amended July 6, 2004) to promote the health, safety and general welfare of the Town of Grant residents and the Town.
2. The Zoning Ordinance sets forth minimum requirements "to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Grant, Portage County, Wisconsin." Zoning Ordinance Section II.
3. The Town of Grant at present has no "large electric generating facilities," defined under Wisconsin law as electric generating equipment and associated facilities designed for normal operation at a capacity of 100 megawatts or more. Section 196.491(1)(e) and (g), Wis. Stats.
4. The WPS Resources Corporation has announced that its subsidiary, Wisconsin Public Service Corporation (WPSC) will pursue plans with Alliant Energy Corporation to build a five-hundred (500) megawatt base-load electric plant, the planning process of which shall include feasibility and various siting studies. (Joint release with Alliant Energy dated May 25, 2004).
5. More recently, WPSC officials have expressed to Town of Grant Board that WPSC is seriously considering the feasibility of such electric plant operation in the Town of Grant.
6. WPSC officials estimate that such electric plant operations may require the acquisition of as much as six-hundred (600) to eight-hundred (800) acres of land within the Town of Grant.
7. Upon information and belief, the Town of Grant does not have any large electric generating facilities or industries.

8. Utilities, substations, and related structures are allowed as a conditional use in many zoning districts within the Town of Grant, pursuant to the terms and conditions of the Zoning Ordinance.
9. The definition of “conditional use” in the Zoning Ordinance is as follows:

“Conditional Use – the use of property, including the use and location of buildings, the size of lots and the dimension of required yards, otherwise not allowable under the terms of this Ordinance, which is permissible by reason of special provision of this Ordinance, or for which a special permit may be issued by the Town board, under conditions specified in this Ordinance.”
10. The Zoning Ordinance does not specify any conditions, standards of review, or procedures concerning the terms and conditions that would or should be a part of a conditional use process or permit. Development of such standards or procedures would assist in maintaining health, safety and welfare of Town of Grant residents and the Town.
11. The siting and operation of a utility and large electric generating facility that is regulated in part by the Public Service Commission of Wisconsin (PSC) is qualitatively and quantitatively more expansive and more intensive in terms of land use than any other land use now present in the Town of Grant.
12. The Town of Grant is almost exclusively a rural, agricultural area with residential areas in certain parts.
13. The constituent members of the Town of Grant Board and the Plan Commission reasonably determined that the conditional use conditions, standards, and protocol may be qualitatively different for utilities that are regulated by the PSC or for industrial uses.
14. The Town of Grant Plan Commission has reviewed the Zoning Ordinance and has determined that there may be a need to establish standards and procedures for conditional use applications. It is recommended that the Town of Grant Board review and consider such needs with respect to guarding the health, safety and welfare of the Town of Grant residents. (Meeting Minutes of the Town of Grant Plan Commission dated December 7, 2005).
15. The health, safety and welfare of the Town of Grant and its residents depend on the Zoning Ordinance including a viable process for the issuance of standards and conditions in conditional use permit application processes.
16. The intensive use of land that is anticipated by a five-hundred (500) megawatt electric facility necessitates that the Town of Grant Board and the Town of Grant Plan Commission review and study state-of-the art standards and procedures for conditional use permit application processes.

**NOW THEREFORE, BE IT RESOLVED:**

- A. That the Town of Grant Board hereby declares a moratorium on the consideration of all conditional use applications that relate to a utility use including a large electric generating facility, or industrial use of land in the Town of Grant. Such moratorium shall continue only as long as necessary to establish processes, procedures, and standards for consideration of such conditional use applications. Such moratorium shall not exceed nine (9) months from the date of this resolution, unless otherwise authorized.
- B. That the Town of Grant Board and its Plan Commission engage in a concerted and effective study of standards of processes, procedures, and review with respect to such conditional use applications as described in paragraph A above, with the goal of proposing and adopting conditional use procedures, processes and standards that will assist the Plan Commission and Town Board in considering and granting conditional use permits. The Plan Commission and the Town of Grant shall engage in efforts to conduct a nation-wide study of best practices in terms of electric utility facility conditional use processes, as well as industrial uses.
- C. That a copy of this Resolution be transmitted to the Wisconsin Public Service Commission of Wisconsin and the Wisconsin Department of Natural Resources so that each may be aware of the adoption of same.
- D. That if any part of this Resolution shall be later determined by a court of competent jurisdiction to be invalid, then such determination shall not affect the validity of any other part or portion of this Resolution.

This Resolution is adopted by the Town of Grant Board on the 25<sup>th</sup> day of January, 2006, to be effective the same date.

**BY:**



(Aye)

Sharon Schwab, Chairperson  
Town of Grant Board



(Nay)

Dick Kertis, Supervisor  
Town of Grant Board

James Wendels (Aye)  
James Wendels, Supervisor  
Town of Grant Board

Attested to and entered into the minutes by Vicky Zimmerman, Grant Town Clerk,  
Portage County, Wisconsin.

Vicky Zimmerman  
Clerk, Vicky Zimmerman

Date: 2/8/06