

**DECISION OF THE ZONING BOARD OF ADJUSTMENT
JEFFERSON COUNTY, WISCONSIN**

FINDINGS OF FACT

APPEAL OF PETITION NO.: CU2053-20

HEARING DATES: 03/23/2021; 5/27/2021

APPELLANTS: Tiffany Carey, Jessica Rupnow, Bill Rupnow, and Sandra J. Schaeffer

CONDITIONAL USE PERMIT APPLICANT: We Energies

PROPERTY OWNERS: Griebenow Dairy Farms LLC, Dale A. Griebenow, and Jeanine A. Griebenow

PARCEL (PIN #): 012-0816-1521-000, 012-0816-1522-000, 012-0816-1523-000, 012-0816-1524-000, 012-0816-1033-000, and 012-0816-1034-000

TOWNSHIP: Town of Ixonia

FACTS OR OBSERVATIONS BASED ON SITE INSPECTIONS: Site inspection conducted 3/11/21. Observed property layout & location.

FACTS PRESENTED AT PUBLIC HEARINGS: See tape, transcript, minutes & file.

NATURE OF APPEAL: Appeal of the decision of the Jefferson County Planning and Zoning Committee to grant Conditional Use Permit CU2053-20 for a liquefied natural gas (LNG) facility in the A-1 zoning district pursuant to Section 11.11(e) of the Jefferson County Zoning Ordinance.

GROUND FOR APPEAL: See Petition for Appeal.

RELIEF REQUESTED: Reverse the decision of the Jefferson County Planning and Zoning Committee and deny We Energies' application for a conditional use permit for the LNG facility.

DECISION OF THE BOARD OF ADJUSTMENT

The Jefferson County Board of Adjustment (“Board”), based on the record before the Jefferson County Planning and Zoning Committee (“PZC”), the testimony and materials presented during the public hearings before the Board held on March 23, 2021 and May 27, 2021, the Board’s site inspection conducted on March 11, 2021, and the information found in the file for this matter, hereby affirms the PZC’s grant of Conditional Use Permit CU2053-20 to We Energies.

Board Authority to Hear Appeal

Appellants Tiffany Carey, Jessica and Bill Rupnow, and Sandra J. Schaeffer timely filed a notice of appeal of the PZC’s decision to grant Conditional Use Permit CU2053-20 and satisfied all other procedural requirements for filing the appeal. See Wis. Stat. § 59.694(4); Jefferson County Zoning Ordinance 11.11(e)2 (hereinafter, “Ordinance”). The Appellants are aggrieved by the decision of the PZC and therefore have standing to bring the appeal. Wis. Stat. § 59.694(4); Ordinance 11.11(e)2.a.

The Board is authorized to hear this appeal under state law. The Board’s authority under Wis. Stat. § 59.694(4), (7)(a), and (8) is broad and includes the authority to hear appeals by persons aggrieved by the decision of a county planning and zoning committee to issue a conditional use permit. See *Osterbues v. Board of Adjustment for Washburn County*, 2005 WI 92, ¶ 25, 282 Wis. 2d 228, 698 N.W.2d 701. Section 59.69(5e)(e) of the Wisconsin Statutes, which provides for an appeal directly to the circuit court, applies only to appeals from a *denial* of a conditional use permit and does not foreclose this appeal.

The Board is authorized to hear the appeal under the Jefferson County Zoning Ordinance. The Ordinance provides for appeal to the Board of “[d]ecisions by the Planning and Zoning Committee which consist of interpretations of the terms of the Jefferson County land use ordinances and which are made in the course of determining whether a permit or approval will be issued by said committee.” Ordinance § 11.11(e)1.b. The Board must “decide the matter based upon whether the decision, determination, or interpretation being appealed was in error” and the Board has the broad authority, in line with Wis. Stat. § 59.694(8), to “reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken.” Ordinance § 11.11(e)2.e. When read in context, Ordinance § 11.11(e)1.b does not narrowly limit the Board’s jurisdiction to declaring the meaning of a single word or phrase in the Ordinance. The matters at issue in the appeal consist of the PZC’s interpretations of the Jefferson County Zoning Ordinance and the statutes and plans referenced therein, which were made in the course of determining whether Conditional Use Permit CU2053-20 should be granted. Therefore, the Board has authority under the Ordinance to hear the appeal.

In hearing the appeal, the Board thoroughly reviewed the record below, which consisted of approximately 1,100 pages of written material and audio files totaling approximately seven and a half hours. The Board also conducted a site visit that mirrored the visit conducted by the PZC; had the benefit of four rounds of briefing from the Appellants, We Energies, and the PZC; and held two public hearings totaling approximately twelve hours that included ample opportunity for public comment and argument and testimony from Appellants, We Energies, and the PZC. After a

deliberation that spanned multiple meetings, the Board voted to affirm the PZC's grant of Conditional Use Permit CU2053-20 for the reasons set out below and stated on and/or contained in the record in this matter.

Merits of the Appeal

Conditional uses in Jefferson County's A-1 Zoning District include a "pipeline" or "utility" use "that qualifies under §91.46(4) of the Wisconsin Statutes." Ordinance § 11.04(f)6.

A. Pipeline or Utility

The PZC determined that the proposed use met the definition of a pipeline and/or a utility. (JEFF533, 468-470). The Board concludes that this determination is supported by substantial evidence in the record, including the following.¹

The definitions of "utility use" and "pipeline use" in Wis. Admin. Code § ATCP 49.01(14), (19) guide the Board's interpretation of these phrases in Ordinance § 11.04(f)6, but these definitions do not contain an exhaustive list of items that qualify as utility or pipeline uses. Instead, they simply say that a utility use "*includes* facilities for the generation of electricity from sunlight, wind, coal or natural gas" and a pipeline use "*includes* oil and gas pipelines" (emphasis added). The Board also finds the definition of "utilities" in Ordinance 11.02 to be instructive, as it contains a non-exhaustive list of examples that includes public and private facilities not only for generation, but also for storage, pumping, and other ancillary purposes.

The LNG facility will be owned and operated by a public utility and will be licensed and regulated by the Wisconsin Public Service Commission. The functions of the LNG facility include storing, transporting, and supplying natural gas for ultimate use by utility customers or for the generation of electricity. These functions, the scale of the facility, the regulatory landscape, and the ownership and operation of the facility are consistent with other facilities that are specifically enumerated within the relevant definitions of "utility" or would be considered to be utilities under the common and ordinary meaning of the term. In addition, the LNG facility includes underground lines by which natural gas is conveyed to nearby laterals and can be properly characterized as a part of the pipeline itself, comparable to gate stations, pumps, or similar equipment, and performs the same functions as a pipeline, including storage and conveyance of natural gas.

B. Wis. Stat. § 91.46(4) Criteria

The PZC determined that the proposed use satisfied each of the five criteria set out in Wis. Stat. § 91.46(4), as required for it to qualify as a conditional use in the A-1 district under Ordinance § 11.04(f)6. (JEFF533) These factors are set out and discussed below.

¹ The Board understands that it had the authority to take new evidence and/or to apply a de novo standard of review to any element of the appeal, and with the input of the Appellants, We Energies, and the PZC, did elect to do so with respect to some elements. With respect to other elements, the Board chose to rely on the substantial record created by the PZC rather than taking new evidence, and applied a certiorari standard of review to those elements.

1. *The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.* Wis. Stat. § 91.46(4)(a)

The PZC determined that this factor was satisfied. The Board elected to take additional evidence on this factor rather than relying solely on the PZC record, and to examine this factor de novo. The Board concludes that the proposed project's use and location in the farmland preservation zoning district are consistent with the purposes of the district and the Ordinance as a whole.

In assessing what it means for a use to be “consistent with” the purposes of the A-1 District (and what it means to be consistent with the Agricultural Preservation and Land Use Plan, discussed below), the Board finds the definition of “consistent with” in related land use statutes and regulations to be instructive. Both Wis. Stat. § 66.1001(1)(am) and Wis. Admin. Code § ATCP 49.01(5) define “consistent with” as “furthers or does not contradict” the “objectives, goals and policies” in the relevant document.

The Board believes that the proposed LNG facility furthers, or at least does not contradict, the purposes of the A-1 District as articulated in Ordinance § 11.04(f)6:

The long range goal for agricultural land use within Jefferson County is to preserve the most valuable of all resources—fertile land for agricultural pursuits—and to protect the land best suited for farming from premature urbanization. The A-1 Exclusive Agricultural district is intended to promote continued agricultural uses on the best quality agricultural land; protect and encourage long-term investments in food, fiber, and other resource-related production; be a state-certified farmland preservation zoning district to maintain property owner eligibility in the State's farmland preservation tax credit program in conjunction with the Agricultural Preservation and Land Use Plan; preserve rural character and manage nonfarm development; and provide reasonable opportunities for agriculturally-related businesses and home occupations.

Although the proposed facility by necessity removes some land from agricultural production for some period of time, the design of the project and the conditions of development agreed to by We Energies ensure that the project is in line with the overall purposes of the A-1 District. The LNG facility is designed to have a compact footprint and to sit on a small portion (approximately 25 acres) of the approximately 165-acre site. We Energies has committed to leasing back the remaining farmland on the site to the current owners, who will continue to farm it, and to maintaining the remaining wetland and forested area in an undeveloped state for the life of the facility. It has also agreed to restrict the remainder of the site to prohibit residential development, all of which will prevent premature urbanization of the area and promote continued agricultural use of the remaining farmland. Moreover, the current property owner testified that the crop yield on this particular piece of land has been variable and well below the County average, but We Energies has committed to restoration work on the remaining property (including restoring drain tiles, grading the area for proper drainage, decompacting the subsoils, and reinstalling topsoil) that should increase the quality and yield potential of that farmland, protecting and encouraging long-term investments in farming on the property, which will continue in agricultural use. In addition, according to testimony and exhibits provided by We Energies to the Board, We Energies has committed to removing the LNG facility at the end of its useful life and restoring the 25 acres to its pre-construction agricultural conditions, so that land will ultimately be returned to agricultural use. These design features and conditions will preserve Jefferson County's rural character (as discussed in greater detail below) and

effectively manage and contain this non-farm development, in line with the purposes of the A-1 District.

This project will have no effect on the eligibility of other property owners within the A-1 District for farmland preservation tax credits, nor will it restrict the ability of others to operate agriculturally-related businesses and home occupations within the A-1 District. In fact, We Energies' commitment to request a waiver of its gas extension rules may allow local farmers, as well as the owners of agriculturally-related businesses and home occupations, to access natural gas for use in their businesses.

2. *The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state and federal law.* Wis. Stat. § 91.46(4)(b)

The PZC determined that the use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations. The Board concludes that this determination is supported by substantial evidence in the record, including the following.

We Energies explored alternative locations for the LNG facility, including a site on Highway P and one near the Concord Power Plant. The record contains multiple explanations to the PZC of the pros and cons of the various sites and how We Energies arrived at its conclusion that the proposed site within the A-1 District is superior to the other possibilities. (See, e.g., JEFF1076, 1044-45, 1063, 1069, 209-210, 249-50, 588, 321-323) The PZC considered the evidence in the record and reasonably concluded that a location closest to the existing Ixonia Lateral natural gas transmission line (which happens to fall within the A-1 District and cross the proposed project site) was reasonable and appropriate because, among other things, it would minimize the need to disturb other land in the A-1 district by laying the lengthy connecting pipelines that would be necessary if a more distant site were chosen. Moreover, the fact that there is a willing seller, the size of the site, and the ability to meet all state and federal safety requirements also support a finding that the use is reasonable and appropriate at the proposed location.

3. *The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.* Wis. Stat. § 91.46(4)(c)

The PZC determined that the proposed use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use. The Board concludes that this determination is supported by substantial evidence in the record, including the following.

The LNG facility is designed to have a compact footprint and to sit on a small portion (approximately 25 acres) of the approximately 165-acre site. We Energies has committed to leasing back the remaining farmland on the site to the current owners, who will continue to farm it, and to maintaining the remaining wetland and forested area on the site as an undeveloped regulatory setback (i.e., open space use) for the life of the facility. (See, e.g., JEFF1044-45, 1072, 210) The conditional use permit also contains a restriction designed to minimize conversion of land around the site from agricultural use or open space use, to which We Energies agreed—namely, that “there shall be no residential development on the remaining 144.5 acres zoned A-1.”

4. *The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.* Wis. Stat. § 91.46(4)(d)

The PZC determined that the proposed use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use. The Board concludes that this determination is supported by substantial evidence in the record, including the following.

As discussed above, the farmland on the remaining approximately 145 acres of the site will be preserved and leased back to the current property owners for agricultural use. The portion of the site to be developed is located so that it is toward the middle of the property and is distanced from surrounding parcels under agricultural use. We Energies has committed to meeting all state and local wetland, waterway, and stormwater permitting and to restore any damage that construction may cause to the surrounding agricultural land, including separation and reinstallation of top soil, the decompaction of subsurface soils, and the installation of drain tile as necessary for proper drainage. (See, e.g., JEFF1045, 251, 254, 210) The Environmental Assessment letter concluded that “no significant impacts on the human or natural environment are likely to occur as a result of the construction and operation of this project,” “[m]ost of the project impacts during construction would be temporary” and “[a]fter construction, the project would have relatively minor impacts to the surrounding environment.” (JEFF571-72) As discussed below, We Energies has committed to restoring and repairing any construction damage.

5. *Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.* Wis. Stat. § 91.46(4)(e)

The PZC determined that the construction damage to land remaining in agricultural use would be minimized and repaired, to the extent feasible. The Board concludes that this determination is supported by substantial evidence in the record, including the following.

We Energies has committed to restoring and repairing any damage to the surrounding agricultural land from construction of the facility, including separation and reinstallation of top soil after construction, the decompaction of subsurface soils and the installation of drain tile as necessary for property drainage. (See, e.g., JEFF1045, 210-11, 251) We Energies has also committed to provide the town and county the erosion control plan and stormwater management plan and, to the extent DNR does not require a permit for one or both of those, We Energies will be required to obtain a permit from the local town and county. (See, e.g., *id.*) The Environmental Assessment letter concluded that “no significant impacts on the human or natural environment are likely to occur as a result of the construction and operation of this project,” “[m]ost of the project impacts during construction would be temporary” and “[a]fter construction, the project would have relatively minor impacts to the surrounding environment.” (JEFF571-72)

C. Agricultural Preservation and Land Use Plan

Pursuant to Ordinance § 11.05(a)2, “[c]onditional uses shall be reviewed to be consistent with the Agricultural Preservation and Land Use Plan.” In granting the conditional use permit, the PZC determined that the proposed use is consistent with Jefferson County’s Agricultural Preservation and Land Use Plan (the “Plan”). (See JEFF532-34, 465, 476) The Board elected to take additional

evidence on this factor rather than relying solely on the PZC record, and to examine this factor de novo. The Board concludes that the proposed use is consistent with the Plan.

The Board examined the Plan as a whole, with a focus on the portions that set out the purpose and description of the Farmland Preservation Area and design guidelines for utilities. The Plan states that “[t]he Farmland Preservation Area is mapped *primarily* to accommodate agricultural uses or agricultural-related uses.” (JEFF758, emphasis added) The Plan and the A-1 Zoning District, which is designed to implement the Plan, expressly contemplate that there will be some non-agricultural uses within the district, including some utilities. The goal of the Plan is not to prevent all non-agricultural development, but to ensure that when development is allowed, it is done in a manner that promotes agricultural preservation in the Farmland Preservation Area as a whole.

The Plan provides some guidance about how this can be accomplished with respect to utilities, which “should be located in a manner that minimizes the impact on current and potential future farming practices” and “minimize the loss of tillable agricultural land.” (JEFF852) In addition, the Plan instructs developers to “consider co-location as a means of reducing or limiting the total number of communication and utility sites in rural Jefferson County.” (JEFF851) The project has been designed to be co-located on land that already contains the Ixonia Lateral natural gas transmission line and to minimize the need to lay additional pipeline that could interfere with agricultural uses beyond the project site. The facility has been designed to have a compact footprint and short access drive to minimize the tillable land taken out of production, to minimize the impact of the development on agricultural land elsewhere on the site and on adjacent parcels, and to require the agricultural land to be restored after the facility is removed, all as discussed above. It is also located in a manner to avoid any significant impacts on environmental corridors elsewhere on the site, in line with Plan goals. (JEFF778)

The Board examined the seven purposes of the Farmland Preservation Area set out in the Plan, each discussed in more detail below, but does not view them as a checklist of criteria that must be met for a given use to be consistent with the Plan. Rather, the Board views these purposes holistically, and in the overall context of the Plan as a broad guidance document that is intended to be implemented specifically through zoning and other land use tools. (See, e.g., JEFF733, 748, 759, 819). On the whole, the Board concludes that the proposed use furthers, or at least does not contradict, the objectives, goals, and policies of the Plan.

1. *Preserve productive agricultural lands in the long term*

The overall impact of the project is to preserve productive agricultural lands in the long-term. As discussed at some length above, even though 25 acres will be taken out of production for some time, the remainder of the productive agricultural lands on the site will be leased back to the current property owners for agricultural use, will be improved in quality by the restoration work We Energies has committed to perform, and will be restricted against residential development. Moreover, We Energies has committed to removing the LNG facility at the end of its useful life and restoring the 25-acre site to its pre-construction agricultural conditions, which will preserve those 25 acres in the long term.

2. *Preserve the rural character and aesthetic quality of Jefferson County*

The proposed LNG storage tank will be approximately 150 feet tall and will be adjacent to a number of smaller accessory buildings and parking lots. Large and visually imposing facilities, whether used for utility or other purposes, are not necessarily inconsistent with Jefferson County's rural character and aesthetic quality, as rural landscapes consist of large silos, grain bins, mining operations, cell towers, and utility facilities as well as woodlands and farm fields. There are other structures within rural parts of Jefferson County that are similar or larger in scale and have a comparable visual impact to the proposed LNG facility. With careful landscaping and measures taken to mitigate visual impacts, such facilities can be established in the Farmland Preservation Area without impairing its rural character and aesthetic quality. Here, We Energies has agreed to extensive measures to mitigate the visual impact of the LNG facility, including installing fifteen- to twenty-foot-tall berms around the entire facility, planting over 300 trees on top of the berms that will grow to a height of up to forty feet, and minimizing and shielding lighting. In addition, because it would be impossible to completely shield a 150-foot tank from view, We Energies has also committed to pay for nearby landowners to install landscaping on their properties to provide a more effective visual screen than could be achieved at the base of the tank. On the whole, the facility will not detract from the rural character and aesthetic quality of Jefferson County.

3. *Provide equity and fairness to owners of land with comparable resource and location characteristics*

The proposed use is listed as a conditional use in the A-1 District and was approved according to the same process and by applying the same standards as would be applied to a similar project on other land with comparable resource and location characteristics. The Board received evidence that other projects have been approved by the County on land with comparable resource and location characteristics that have similar or greater physical and visual impacts than the proposed use. The existence of the LNG facility would not prevent owners of land with comparable resource and location characteristics from developing their property consistent with Jefferson County's zoning and land use regulations or continuing to use their property in the existing manner. The fact that many impacts of the project—e.g., the laying of additional pipeline—are confined to the We Energies site, which will continue to be farmed by the former landowner who profited from the sale, reduces the potential unfairness that could come from impacting the land of unrelated and unwilling property owners by laying long stretches of pipeline to connect a more distant project site to the Ixonia Lateral.

4. *Minimize non-agricultural development on prime farmland*

As discussed above, the facility is designed to have a compact footprint and the remainder of the farmland on the site will be leased back to the current property owners for agricultural use. The duration of non-agricultural development will also be limited, as We Energies has committed to removing the LNG facility at the end of its useful life and restoring the 25-acre site to its pre-construction agricultural conditions. Thus, the non-agricultural development will be minimized in both in both scale and duration.

5. *Maintain the integrity of agricultural districts allowing for accepted agricultural practices*

As discussed above, the proposed use would preserve agricultural use on the immediately adjacent land and We Energies' restoration work may actually improve the quality of that land. We Energies

has agreed to restrict that adjacent land to prohibit residential development, which can often be in conflict with accepted agricultural practices such as manure spreading and which removes land from agricultural use permanently. By contrast, the LNG facility is consistent with and will not interfere with accepted agricultural practices on nearby land and the project site will ultimately be returned to agricultural use at the end of the facility's useful life.

6. *Protect existing farm operations from encroachment by incompatible uses*

As discussed above, the immediately adjacent agricultural land will be restored and leased back to the current property owner to continue farming, and impacts on the adjacent property will be minimal and will not interfere with existing farm operations. We Energies will maintain the remainder of the property in its current use, which is compatible with farm operations, and will restrict it to prohibit residential development, thereby preventing the encroachment of incompatible uses.

7. *Maintain farmer eligibility for farmland preservation incentive programs*

As discussed above, the LNG facility would not have any effect on the eligibility of other landowners within Jefferson County nor the remainder of the land for farmland preservation tax credits or other incentive programs.

D. Compliance with Other Provisions

Pursuant to Ordinance § 11.05(a)6, “[c]ompliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.” The PZC inspected the site and reviewed the application and supporting materials and determined that this requirement was met. (JEFF534). The Board concludes that this determination is supported by substantial evidence in the record, including the following.

We Energies submitted a complete application that was reviewed by the planning department for compliance with the Ordinance requirements. (See, e.g., JEFF483-85, 487, 185, 534, 1072-76, 477-478). The application, supporting materials, and public hearing testimony provided detailed information about the relevant aspects of the proposed development including lot size and configuration, height, parking, loading, traffic, highway access, and performance standards. (See, e.g., JEFF1-181, 253-54, 477-478, 162-67, 5-6, 1045, 215-217, 1070, 1075, 75, 176-77, 1045, 573, 581, 265-66, 599-600) We Energies testified at the public hearing that the proposed LNG facility would meet applicable requirements in the Ordinance, and offered to speak to any of them or answer any questions about compliance (JEFF1054-55, 253), has committed to meeting all state and local wetland, waterway, and stormwater permitting (JEFF210, 254), and to meeting or exceeding all local land use requirements (JEFF251, 211). In its decision, the PZC noted that a small portion of the property would be subject to compliance with the County's Shoreland Ordinance and required that We Energies obtain a floodplain permit as a condition of approval to ensure that all relevant requirements would be met. (JEFF534-535) The PZC then reasonably concluded, based on its review of substantial evidence in the record and on the advice of the Planning and Zoning Director, that the proposed use complies with all other provisions of the County Zoning Ordinance and Floodplain Ordinance and therefore satisfies Ordinance § 11.05(a)6. (JEFF534-535, 476-78)

E. Substantial Evidence and Irrelevant Factors


To the extent that the PZC record contains references to tax revenues, construction jobs, or other matters that are not relevant to the grant or denial of a conditional use permit under the terms of the Ordinance, the Board's review of the entire PZC record has convinced the Board that that these matters did not form the basis for the PZC's decision. Rather, the Board concludes that the grant of the conditional use permit is supported by substantial evidence in the record considered by the Board and by a proper application of the legal standards contained in the Ordinance and state law. The PZC's grant of the conditional use permit was within its jurisdiction under Ordinance § 11.05(a) and was not arbitrary, oppressive, or unreasonable. The record below and, where new evidence was taken, the record created in this appeal, contain substantial evidence that We Energies met or agreed to meet all of the requirements and conditions specified in the Ordinance and imposed by the PZC and that the application and all requirements and conditions established by Jefferson County relating to the conditional use permit are or shall be satisfied. Wis. Stat. § 59.69(5e)(b); Ordinance § 11.05(a)3.a-b. The Board notes that tax revenue, construction jobs, and other matters not relevant to the grant or denial of a conditional use permit under the Ordinance played no role in this Board's decision to affirm the issuance of Conditional Use Permit CU2053-20.

ORDER OF THE BOARD OF ADJUSTMENT

The Jefferson County Board of Adjustment affirms the Planning and Zoning Committee's grant of Conditional Use Permit CU2053-20 to We Energies.

MOTION: Weiss **SECOND:** Sayre Hoeft **VOTE:** 2 in favor; 1 abstention

SIGNED:  **DATE:** 6-23-21
SECRETARY

SIGNED:  **DATE:** 6-23-21
CHAIRPERSON

BOARD DECISIONS MAY BE APPEALED TO CIRCUIT COURT. AUDIO RECORD OF THESE PROCEEDINGS IS AVAILABLE UPON REQUEST.