

Town of Union PLAN COMMISSION MEETING Minutes of July 9, 2008

The Town of Union Plan Commission meeting was called to order at 6:06 pm on Wednesday, July 9, 2008 at the Eager Free Public Library, 39 W. Main St., Evansville, WI by Co-Chairman Doug Zweizig. Members present included Plan Commission members Doug Zweizig, Eric Larsen, Doug Lee, Kim Gruebling, Dave Pestor, and Renee Exum. Attorney Matt Dregne and Clerk Regina Ylvisaker were also in attendance.

Jim Bembinster sat in for Tom Alisankus to represent the Citizens Committee.

The Plan Commission agreed that there were two specific issues to address at the meeting: whether to recommend to the Town Board the removal of MET towers from the Large Wind Energy moratorium, and addressing the tabled motion from the June 17, 2008 meeting regarding setbacks.

Kim Gruebling felt the setback issue should be tabled until the next meeting, as the information provided by Tom Alisankus on this issue was just received by Zweizig tonight and hasn't been reviewed by the Plan Commission, or the Town's attorney. Gruebling would like specific information referenced in the ordinance, and he hasn't received the actual information yet, only references to it. Clarification is vital on this issue, as the setback limits are being based on German standards. Gruebling, Bembinster and Doug Lee believe that the German standard should be removed as a reference/base point in the ordinance. Zweizig agrees, but feels the issue will have to wait until the July 28 meeting as the information from Alisankus will need attorney review and distribution to the Plan Commission prior to the decision being made.

Motion to table the setbacks and foundation for setbacks issue until the next meeting made by Kim Gruebling. Second by Eric Larsen. Motion carried by unanimous voice vote.

PAGE BY PAGE REVIEW OF ORDINANCE:

PAGE 4, II. Purpose and Intent

No changes.

PAGE 5, "Definitions"

No changes.

PAGE 6

Page 6, item 9. "Non-Participating Residence or Business." The ½ mile setback within this definition may be changed, dependent upon the Plan Commission decision on the issue.

The Commission agreed unanimously to add a "Participating Residence or Business" definition. This would be a resident who has entered into a contract with a wind energy developer.

Gruebling feels a definition of "measurements" needs to be included at this point. Motion by Kim Gruebling that horizontal measurements be taken from exterior of the base of the tower, and vertical measurements be taken from the ground to the top of the blade with the blade at its highest point. Second by Doug Lee. Motion carried by unanimous voice vote.

Larsen questioned the reason for including distance in the "Non-Participating Residence or Business" definition? Feels it is unnecessary. Following discussion, it was agreed to remove the statement "...located within ½ of a mile measured from the foundation of the residence or business to the center of the nearest WESF turbine that..." from the definition.

“Landowners” vs. “parcels” in this definition and throughout needs to be readdressed/reexamined. “Non-Participating Property Line” definition will need to be reviewed as well.

Page 6, item 15. To avoid duplication of statements and information, and due to the fact that they will be covered in the Small Scale Wind Energy ordinance, the statement “Small scale wind systems of less than 170 feet in height and less than 100 kilowatts are exempt from this ordinance” will be removed from the “Wind Energy Systems” definition.

PAGE 7

An applicability clause will be added at page 7.

Dregne clarified that the ordinance has been set up as a licensing ordinance vs. a zoning ordinance, and feels it is the correct approach to take in this instance.

PAGE 8

Page 8, Sec. VI (B) Application form. Chairman Kendall Schneider may be working on developing a form; this will be revisited to determine if a formal application is desired. Clerk Ylvisaker would like to see an application used, due to the amount of information and detail required. Attorney Dregne suggested a checklist of items required to be attached to the application.

PAGE 9

Page 9, (D) 1. Regarding specifics required of the site plan: how should it be laid out, should an engineer/surveyor prepare the plan and should that requirement be specified? Attorney Dregne suggested adding a “to scale” statement to the requirement, or have the town engineer recommend what he would like to see. Gruebling suggested having Town Engineer Greg Hofmeister review the statement and provide a recommendation. Following discussion, the Commission agreed to request Hofmeister review and provide recommendations on this statement prior to the July 28, 2008 meeting.

Attorney Dregne asked if there was an established zoning approval process in place at this time for these requests? He recommended deciding what zoning districts turbines would be allowed in. The zoning code will need to be reviewed and modified accordingly.

Page 9, (D) 4. Attorney Dregne asked for additional information regarding the FAA requirements. Jim Bembinster explained that a ‘Non-Hazard Determination’ must be provided by the FAA for each turbine; this is routine and is provided by the FAA for all turbines. The process can be done online, the developer submits the GPS coordinates of the turbine site, local pilots review it, and if approved a permit is issued. Bembinster stated that the sites proposed in Union are in proximity of the flight paths for the Dane County Regional Airport in Madison, he has spoken to the FAA about this and they stated that they will be looking at it closely due to this proximity.

Page 9, (D) 6. Gruebling asked for clarification about what is included in this statement. Bembinster stated that electromagnetic interference means interference with cell phones, 911 system, TV signals, AM/FM radio signals. Attorney Dregne asked if there is an agency that would certify that there is no interference; Bembinster does not believe there is. In which case, Dregne questioned what exactly is being requested in this item. Bembinster felt that what would be required would be a statement from the developer that the turbine will not block any signals. Gruebling feels the statement as it reads now does not have any detail in it, this is needed. Eric Kostecki, WPPI, stated that the microwave paths are picked out and ensured that there is no interference. He further explained that a map with “Microwave Beam Path Study” of the signals is created as part of this process. Following discussion, the Commission agreed to change the statement to “Provide Microwave Beam Study and electromagnetic interference mitigation plan”.

Page 9, (D) 5. Blasting: State and federal blasting requirements exist; per Dregne the Town can adopt more stringent requirements. Is there any other kind of constriction within the Town that would require blasting? If so, the issue should be addressed in an ordinance that would address blasting in general. Gruebling stated that when asked, the Town Board wanted it left in the ordinance. He believes it is not a big issue and it should be left in.

PAGE 16

Page 16, (C) Blasting: The Commission agreed to change the statement “...kept on site at the WESF office...” to “...kept by the applicant...”

PAGE 9

Page 9, (D) 7. Add cross reference "...with requirements as set forth in..." to statement.

Page 9, (D) 8. Add statement requiring submittal of a stormwater management and erosion control plan that meets the requirements of the Rock County Stormwater Management Ordinance.

The Commission agreed that the Town Engineer and Building Inspector should be asked if there are best practices, etc. available that could be referenced regarding foundation excavation? Additionally, the Town Engineer should be consulted to see if there is an appropriate way to get assurances with regard to groundwater quality. It would be requested that this information be provided prior to the July 28, 2008 meeting.

"Zoning Administrator": who is it? Attorney Dregne stated that someone will need to be put in charge of reviewing the application, this is a decision that has yet to be made.

Attorney Dregne suggested adding insurance requirements to Page 9.

PAGE 10

Noise standards/requirements must be decided prior to making further determinations regarding what is required for submission with the application.

PAGE 21

Page 21, (N). How much foundation is reasonable to remove upon decommissioning? Gruebling feels that the Town should not regulate this, it is a decision that should be left up to the landowner and power company. "Exhibit A" referenced within Section N is to be determined by the Town; it doesn't need to be a separate exhibit and can be included in the paragraph.

Attorney Dregne stressed the importance of the Town obtaining a form of financial assurance from the developer regarding decommissioning, i.e. letter of credit. Zweizig stated that Supervisor Don Krajeck suggested having the purchasing utility be a partner in the decommissioning costs.

Removal of MET Towers from moratorium

Per Kostecki, MET towers are 197 feet tall.

Motion by Kim Gruebling to recommend to the Town Board allowing an amendment to the Large Wind Energy moratorium so that a MET Tower can be put up. Second by Eric Larsen.

Attorney Dregne asked Kostecki if he would provide specifics regarding the MET towers so the Plan Commission can review it and exclude it specifically. He also recommended having the language ready to recommend to the Board. Are MET towers up for a limited amount of time? Per Kostecki, they remain in place for at least one year.

Motion carried by unanimous voice vote; Renee Exum abstained.

Process for producing the next draft of the ordinance

The options for drafting the ordinance are the Citizens Committee, Town Attorney.

Motion to recommend to the Town Board that the Town Attorney make the revisions to the ordinance made by Eric Larsen. Second by Dave Pestor.

Motion carried by unanimous voice vote.

Motion to adjourn made by Doug Zweizig, second by Kim Gruebling. Meeting adjourned at 9:00 p.m.

Respectfully submitted by:

Regina Ylvisaker, Clerk

Note: Minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting