

Town of Union

PLAN COMMISSION MEETING

Minutes of July 28, 2008

The Town of Union Plan Commission special meeting was called to order on Monday, July 28, 2008 at the Eager Free Public Library, 39 W. Main St., Evansville, WI at 6:00 p.m. by Doug Zweizig, Co-Chairman. Members present included Doug Zweizig, Kim Gruebling, Eric Larsen, Dave Pestor, Renee Exum, and Doug Lee. Also in attendance: Town Chairman Kendall Schneider, Town Supervisor Don Krajeck, Town Engineer Greg Hofmeister, Town Attorney Matt Dregne, and Clerk Regina Ylvisaker.

Approve June 17, June 26, and July 9 2008 Plan Commission Minutes.

The Commission decided to withhold approval of the June 26, 2008 minutes until the regular monthly meeting on July 31, 2008.

Motion to approve June 17, 2008 meeting minutes made by Eric Larsen, second by Renee Exum. Motion carried by unanimous voice vote.

Motion to approve July 9, 2008 meeting minutes made by Doug Lee, second by Renee Exum. Motion carried by unanimous voice vote.

Review, discussion and possible modification of the Draft Large Wind Turbine Siting Ordinance. During the current moratorium the Large Wind Turbine Citizens Committee has developed a recommended ordinance to protect the public health and safety of residents.

Larsen brought up a concern regarding email communications from Citizens' Committee members, specifically an email sent by Scott McElroy to all Plan Commission members asking questions about a motion made at the last meeting. Larsen felt the email was opening up a discussion, which he did not feel was appropriate. He would like ground rules established for how these situations are dealt with in the future. Kendall Schneider confirmed that it was appropriate for Plan Commission members not to respond to the email, it should have gone to Clerk Ylvisaker for processing to members. Additionally, Schneider added that the minutes in question had not been officially approved by the Plan Commission at that time. All correspondence like this should go to Clerk Ylvisaker, who can contact Schneider with any questions regarding distribution and responses.

FINDINGS OF FACT

Attorney Matt Dregne stated that he felt the Plan Commission was getting closer to what is needed to layout a factual basis for the ordinance with the current draft Findings of Fact. Attorney Dregne raised the following organizational points with regard to the Findings:

Page 1: Under the heading "Findings of Fact", and before the "Whereas" statements, insert heading of "Recitals". Insert heading of "Findings" after the recitals.

Reference to "Exhibit A": As a general rule it is good to insert source material information; however Attorney Dregne would prefer that they be included in the recitals instead of as an exhibit. Doug Zweizig requested that any other sitings that the Citizens Committee members or Plan Commission members think are important be sent to Exum for inclusion in the list.

Page 2, (A) 1: Attorney Dregne felt the entire paragraph should be removed as it is more of a "philosophy" than a fact. Zweizig felt that in the past, power companies have made statements implying that the Town is unaware of the adverse effects of coal powered power plants, the benefits of wind power, etc. Therefore, he would prefer that some statement be left in to demonstrate the Town's recognition of the need for renewable energy. It was agreed to change the paragraph to include the statement "...however, wind energy facilities must be sited in such a way that they protect the health and safety needs of the residents..." or something similar.

Page 2, (A) 4: Attorney Dregne felt that the paragraph suggests that the Town does not have an evidentiary basis for the standards it is adopting. Zweizig feels that it is better to be conservative when dealing with points of uncertainty. Following discussion, it was agreed that paragraph 4 would be removed.

Page 2, (A) 7, 8: Both paragraphs need to be revisited, once it is determined whether or not the issues they address will remain in the ordinance or not.

Page 3, (B) 3, 4: The use of the word "noise" should be tied to wind turbine noise specifically. Paragraphs 3 & 4 should be combined to create one paragraph.

Page 3, (B) 5: The statement "...the risk for annoyance..." should be changed to "...the risk for adverse health effects..." per Attorney Dregne.

Pages 3-4, (B) 6: The statement "...different type of annoyance..." should be replaced with "...different type of health effects..." Cathy Bembinster asked if a definition of "annoyance" could be included within the "Definitions" section of the ordinance, as the word is used throughout studies to describe the effects of wind turbine noise. Larsen would prefer that the word be replaced with better language if possible, as there is a common definition for the word "annoyance" that people will unconsciously refer to instead of the definition used in the ordinance. Attorney Dregne felt that all places the word "annoyance" is used, it should be replaced with "adverse health effects." Exum and members of the Citizens Committee will research whether this is a good overall replacement, and confirm that is what is meant when "annoyance" is used in the studies referenced.

Page 4, (B) 7: Per Attorney Dregne, change "...risk of residents being annoyed by noise..." to "...health risks due to noise..."

Page 4, (B) 9: Following discussion, remove entire paragraph.

Page 3, (B): Add "...or 5dBa above ambient..." to maximum outside audible SPL statement.

Page 4, (B) 11: Specify that the SPL is higher than 45 dBa at the eyewitness location referenced.

Per Attorney Dregne, personal observations of Plan Commission and Citizens' Committee members can be included as a finding of fact. Specific details, such as date, time, location, sound levels should be included in the statements if at all possible. Any Commission or Committee members who have observations should email them to Exum for inclusion in the findings. If Exum has any questions regarding the statements, she will do the best she can and bring a draft back to the next meeting for group discussion. Jim Bembinster offered sound and distance measuring devices that can be used by individuals, contact him.

Pages 4-5, (C): Regarding how to deal with wind turbines which exceed the sound level requirements after they are erected: how will this be enforced? Attorney Dregne felt it is important to do the siting/sound requirements correctly up front to avoid ever having to deal with this situation.

Extensive discussion regarding setback and sound level requirements ensued, with no resolution to the issue.

Application requirements still need to be addressed, which Greg Hofmeister and Bob Fahey submitted comments on.

Subsequent meeting dates for working meetings will be scheduled at the July 31, 2008 Plan Commission meeting.

Motion to adjourn made by Doug Lee. Second by Kim Gruebling. Meeting adjourned at 9:02 pm.

Respectfully submitted by:

Regina Ylvisaker, Clerk

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