

Town of Union
MONTHLY PLAN COMMISSION MEETING
Minutes of June 30, 2011

The Town of Union Plan Commission regular meeting was called to order at 7:02 pm on Thursday, June 30, 2011 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Chairman Francis, Co-Chairman Doug Zweizig, Dave Pestor, Renee Exum, Town Engineer Greg Hofmeister, and Clerk Regina Ylvisaker.

Approve May 26, 2011 Plan Commission Minutes

Motion to approve the minutes of the May 26, 2011 Plan Commission meeting as written made by Doug Zweizig. Second by Dave Pestor. Motion carried by unanimous voice vote.

Public Comment (10 minutes max/issue)

Regina Ylvisaker stated she had spoken to Bill Thomas, who asked that the issue of developing an ordinance or similar regulation regarding accessory buildings in rural residential areas and ensuring the buildings are in keeping with the style of the other buildings on the property. The issue had apparently been discussed at some time in the past.

Tower and Antenna Ordinance Development

Zweizig stated that it has been his impression thus far in reviewing documents that the Town should first have a plan for the Town regarding towers and placement, then proceed with developing an ordinance. Is unsure how to go about developing a cell tower plan, doesn't know how many towers the Town may need which seems a basic piece of information to establish. Renee Exum thinks that height restrictions, locating towers on existing buildings, setbacks, are all issues that should be addressed in such a plan. Greg Hofmeister stated that tower companies would be out looking for locations to locate antennas, would like to locate on existing buildings rather than building a tower. He feels it is unusual to see new towers being put up now, they are often co-located. Hofmeister has more experience with radio towers, and ordinances that will require space for additional antennas to be located on the tower, which most towers would do anyway as they can rent the space out. Feels it would be difficult to place a number on what would be required in the Town for cell towers, and the future of cell service is also questionable as broadband and other technologies may emerge. Exum questioned what types of facilities would be required for broadband service; Hofmeister is unsure. Exum asked for Hofmeister's thoughts on height restrictions, and how many antennas can be co-located on a 200' tower. Cell towers are typically self supporting and not higher than several hundred feet; broadcast towers can be much higher. Tower designers know ahead of time how many additional antennas might be located on the tower and engineer it accordingly. Two to three co-locaters seem to be the norm. Broadcasters have a public service mandate and have to provide space on their towers for certain things such as emergency services. Francis noted that Towns may not prohibit reasonable service for cell towers in a community. Exum stated they could be required to build the shortest tower based on their demonstrated need; Hofmeister felt that companies would not build a tower larger than they needed. Felt the Town would be reasonable in asking the applicant to prove their need for the height of tower they are requesting. Towers under 200' do not require lighting. Exum wondered if painting the tower with a visible paint would be an option to lighting; Hofmeister stated the lighting is an FCC requirement. Exum asked about the difference between monopole and guyed wire towers, why some towers are required to have guyed wires. Hofmeister explained that it depends upon tower height. Hofmeister feels requiring that screening be appropriate to the site is a good way

to approach the screening issue. Zweizig asked if handling cell towers and broadcast towers in the same ordinance makes sense. Were handled together in the sample ordinance from Iowa County.

Zweizig asked about the feasibility of having the Plan Commission review the applicant's justification. Hofmeister believes that the Town could analyze some of the information, but some info like cell coverage would be hard for any lay person to effectively evaluate the data.

Exum asked if towers can be expanded vertically; they can per Hofmeister, as long as it is planned ahead of time in the initial construction. However, it would be an extensive process. Other towers in the area that needed to be taller were not expanded upon, instead second taller towers were built next to the original shorter tower. Regarding radio frequency interference, it is an issue that the FCC regulates.

Exum asked about setbacks, and what is reasonable and the likelihood of towers coming down. Hofmeister stated that he has seen the tower height being the setback, but has also seen that some towers might be 150% of the tower height for setbacks from residences. Has also seen requirements stating that if there is a failsafe engineered into the tower a shorter setback could be allowed. Having a 100% height setback from residences and roads is totally reasonable. Setbacks for guywires are variable, and will automatically be less than the tower setback. Regarding leasing the land, Hofmeister explained that it could be inclusive of all the acreage the tower and guywires are located on, or could be a circular measurement around the tower, the same diameter as the tower.

Exum referred back to the issue of two separate ordinances for cell and broadcast towers. Is it necessary to have two sets of guidelines? Hofmeister felt that the same requirements regarding asking for analysis of need, etc could be the same for both types of towers. Include what the alternatives are to the proposed tower, can it be located at another site. An "alternatives analysis" would be the name for the information requested. Exum suggested "needs determination." Hofmeister explained that having a lease agreement ahead of time is common for tower construction.

Exum has reviewed an ordinance from Door County which she likes, as it has different requirements for towers under 200' and over 200'. The process for towers under 200' is much easier and a simpler application. More information and details are required for towers over 200'. Zweizig feels that the Iowa County ordinance may be a good starting point. Hofmeister feels that having two tiers for applications is a good idea, but should establish what the starting point for measurement is, i.e. "existing ground."

Whether or not the Town would be able to prohibit towers over a certain height is unclear. Hofmeister feels it is unlikely that the Town can simply prohibit towers over a certain height as it would prohibit public access to communications. Zweizig feels that the Plan Commission does not know what the residents of the Town want with regard to towers, which makes developing any kind of plan for towers difficult. Hofmeister noted that requiring lower towers will result in additional towers being located throughout the Town – more will be required for coverage. Per Hofmeister, having an abandonment clause in the ordinance helps limit the proliferation of towers. Francis noted that addressing construction and road damage may be required. Hofmeister stated the issue does not apply just to towers, and should be included in a road ordinance which the Town does not have as of yet.

Exum returned to the issue of having a plan, and believes that the Town needs to decide where the towers should be allowed. They should obviously not be allowed in subdivisions; but what are other acceptable locations. Currently our C-2 zoning district allows for such towers so we do have a measure of zoning control at this time.

Zweizig suggested requiring applicants to provide a map of locations of all cell towers throughout the Town as part of the application process. It seems reasonable to assume that the applicants would know where other towers are located and it speaks to the issue of demonstrating need for coverage by illustrating existing coverage. Exum noted that improving telecommunications services is in the Town's Comp Plan.

Francis noted that the guide provided by the Town's Association suggests that the tower builders should be required to locate towers on Town land if possible. It is a good option and should be included in the alternatives analysis.

Ylvisaker will contact Iowa County to get Word format copy of their ordinance and notify the Plan Commission members of the outcome. Exum will take text from the Door County ordinance for inclusion in the Iowa County ordinance. It was agreed that using the two-tiered application process was a good starting point. The group also agreed to using a 150% of tower height setback for residences, 110% of tower height from property lines, which could be reduced if the tower is engineered with a failsafe in case of collapse.

The Commission agreed upon a July 21 deadline for getting info to Ylvisaker for incorporation into the Iowa County ordinance; she will incorporate text and send out the draft prior to the next Plan Commission meeting on July 28.

Motion to ask the Board to provide the Town Engineer to review the draft document and attend the next Plan Commission meeting to further review the tower and antenna ordinance made by Doug Zweizig. Second by Renee Exum.

Exum noted that she found Hofmeister's attendance to be extremely helpful; the Commission agreed. Zweizig feels the Plan Commission will be requesting his attendance at additional meetings as well.

Motion carried by unanimous voice vote.

Discussion/Action: Evansville Comp Plan Amendments

Turnout of Union residents for the Evansville City Council meeting at which they adopted their comp plan amendments was low, which the Council used as a sign that the concerns of the residents about the amendment must no longer exist.

Discussion: Zoning Ordinance Definitions – "Buildings"

Concern seems to be restricting the number of buildings on A3 zoned property. Francis noted that the restrictions on RR zoned parcels are the same as A3 zoned parcels; it would seem that the restrictions for A3 in this regard would be more lenient. Additionally, conditional use separations to A3 zoning currently have not been required to reduce the number of buildings to come into compliance with these zoning requirements.

Francis suggested allowing one building per animal unit/acre. However, up to ten buildings could be allowed in that situation. It was suggested that buildings be defined as those which require a building permit for construction.

Motion to recommend to the Town Board a change in the language of Town of Union Code of Ordinances – Chapter 17 Zoning Ordinance Section 17.08 (2) (j) to strike “There shall be no more than two (2) accessory buildings per lot” and replace with “there shall be no more buildings on the parcel than there are acres in the parcel” made by Doug Zweizig. Second by Renee Exum.

Motion carried by unanimous voice vote.

Motion made by Doug Zweizig to recommend to the Town Board changing the language in the Town of Union Code of Ordinances – Chapter 17 Zoning Ordinance section (2) “**Words and Terms Defined**”

- **Accessory Building** Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.
- To**
- **Accessory Building** Any building except the principal building on a lot and, in the case of a house and detached garage on a lot, the detached garage is a principal building.

Second by Renee Exum.

Kim Gruebling thinks the issue is not a good one to get into, it opens up the possibility of allowing detached garages on RR lots. Also creates the need to further define “garage.” Motion withdrawn.

The Plan Commission would like the issue discussed at the Town Board meeting in July, with some history on intent and feedback on the issue of number of buildings per parcel as a whole. It would also like the first motion on the agenda for the August Board meeting as a public hearing.

Discussion: Plan Commission Policies and Implementation Strategies

Motion to adjourn made by Doug Zweizig. Second by Alvin Francis. Meeting adjourned at 9:25 p.m.

Respectfully submitted by Clerk Regina Ylvisaker.

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