

Town of Union
PLAN COMMISSION MONTHLY MEETING
Minutes of January 26, 2012

The Town of Union Plan Commission monthly meeting was called to order at 7:12 p.m. on Thursday, January 26, 2012 at the Evansville Fire Station, 425 Water St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Chairman Francis, Vice Chairman Doug Zweizig, Eric Larsen, Renee Exum, and Dave Pestor. Town Chairman Kendall Schneider, Town Supervisors George Franklin and Kim Gruebling and Attorney Matt Dregne were also in attendance. Clerk Regina Ylvisaker was absent on maternity leave.

Approve November 17, 2011 meeting minutes

Doug Zweizig requested the following changes to Page 3 of the November 17, 2011 minutes. The 5th paragraph in the middle of the page should read:

The Plan Commission additionally agreed to replace the requirement of submittal of an alternatives analysis by the applicant ~~to~~ with a Master Plan, to be compiled by multiple companies and approved by the Town for a specific period of time.

Zweizig also commented that Attorney Dregne was referred to as “I” instead of Attorney Dregne. The explanation was that Clerk Ylvisaker used notes that Attorney Dregne had submitted and that should be changed.

Motion to approve minutes of November 17, 2011 as corrected by Zweizig/Pestor. Motion carried by unanimous voice vote.

Public comment (10 minutes max. per issue)

No Public comments.

Plan Commission Review and Endorsement of “Wisconsin Citizens Safe Wind Siting Guidelines”

Doug Zweizig gave the background of how the “Wisconsin Citizens Safe Wind Siting Guidelines” document came about. The guidelines had been developed by citizens throughout the state of Wisconsin because of misinformation on the topic from the wind industry. These Wisconsin citizen groups are looking for endorsements to get the state’s attention. Zweizig stated that the guidelines are consistent with positions we’ve taken in our own ordinance. Zweizig also suggested the board use the “Town of Holland Resolution Supporting the “Wisconsin Citizens Safe Wind Siting Guidelines” as a model for the Town of Union Resolution. Dave Pestor agreed that the board should consider the endorsement for the same reasons.

Motion to recommend to the board to endorse the “Wisconsin Citizen’s Safe Wind Siting Guidelines” using the Town of Holland Resolution as the model and amending the recipients of copies to be changed to Governor Walker, Senator Lasee, Senator Erpenbach, Representative Ringhand, the Rock County Board of Supervisors and the Wisconsin Public Service Commission made by Zweizig/Exum.

Eric Larsen asked if this should be opened up for Public Comment. No public comment. Motion carried by unanimous voice vote.

Public Hearing: Review and Recommendation to the Board Action on Request made by the Pleasy R. Berg Trust, 102 E. Main St., Evansville, WI to remove the lowland conservancy overlay district (C-1) designation from parcel 6-20-280A.2, located at 6528 N. Hwy. 213, Evansville, WI in the W ½, NE ¼ of Section 34. The purpose of the request is to allow for expansion of existing A1 buildings for ag use only.

Public hearing opened at 7:21 PM.

Roger Berg stated the intent of his request. The property is located on the south edge of the city of Evansville, 24 acres with existing buildings on it that are 10 or 11 years old. There was an open area that was farmed that went into the CRP program. He is looking to board some horses there. He called Building Inspector Bob Fahey for a building permit and Fahey said he couldn't issue one because the parcel was in an overlay district, and that his option was to come to Plan Commission to ask to have the land removed from the overlay. The parcel was crop farmed until it went into CRP. Berg wants to remain as A-1 and is only interested in Agricultural use, not Commercial.

Alvin Francis pointed out that the parcel is zoned as an A-1 parcel it should be an A-2 size parcel. The Lowland Conservancy Overlay puts additional restrictions on it and that's the problem.

Berg stated that he'd have to come to the Plan Commission every time he would want to make modifications to the buildings. He stated the \$750.00 fee each time along with the building fee was a hardship and he'd rather just be able to deal with the Building Inspector to get a building permit. Berg said he had been able to obtain building permits before for the other buildings, and now he found out it's in an overlay district.

Berg said he talked to the county and they said it's up to the township to make the determination whether the C1 zoning can be changed. Francis commented that the purpose of the C1 overlay is to make people aware that there are lowland concerns.

Berg showed the commission an aerial map of the current layout of the land and shared a letter from the county that said that the overlay was to protect the ground water and it was up to the township to determine, after having been provided appropriate evidence from the land owner, that those elements that could contaminate the ground water weren't present. Berg stated that he followed recommended procedures from multiple agencies to obtain an Assured Wetland Delineation Report. Berg showed that he indicated with a line on his aerial map the findings of the report. The area north of the line was not in a wetland or flood plain. The other approx. 2 acres were in the wetlands.

Eric Larsen asked if the request was for the acres involved or the total parcel. Berg said originally he was looking for the whole parcel to be rezoned, but after talking with the county he was looking only for the acres north of the wetland line on his map. All existing buildings will stay. Berg stated that Fahey had said he should point out that he has a well and a well house on the property.

Citizen 1 wondered if Berg had a site plan. Berg stated he didn't have a site plan because he can't do anything until he gets the conservancy overlay removed.

Francis noted that the procedure at the present time was to apply for a Conditional Use Permit

because buildings in a Lowland Conservancy Overlay District are permitted uses. Under Section 17.11.3 you can apply for a Conditional Use Permit for agricultural use buildings when conforming to S.C.S. Guidelines. Approval would have to be sought from the County Soil Conservation Service and they would have to evaluate the area and decide whether the area was suitable for building.

Citizen 2 asked about the size of the building he was looking to build.

Citizen 3 wanted to know how many horses he intended to board. The Commission explained that the request today didn't address those specific issues.

Attorney Dregne pointed out that the request doesn't delineate the smaller area that's being requested and that should be changed at some point in the request. Additionally there is a zoning issue from A-1 to A-2 that should be changed.

Citizen 1 asked how they will be guaranteed the wetlands will be protected and saved with horses on there.

Larsen pointed out that the horses were a permitted use on the overlay and it wasn't the horses that were a problem on the land it was the buildings that were the issue. Alvin commented that this would have to be approved by S.C.S. Guidelines.

Citizen 1 commented that he thought our wetlands were protected, it's part of the eco-system.

Francis's concern is that the evaluation that they are looking at should be reviewed by the Rock County Planning Department or the Land Conservation Department and the Plan Commission would act on their recommendation.

Renee Exum was concerned about the maximum number of animals allowed on the full parcel. Exum was concerned with the hydric soils and shallow ground water. A few horses weren't the issue. A future owner could put a herd of cattle on the parcel with potential contamination to ground water from run-off. The Comprehensive Plan goes into detail about hydric soils and groundwater recharge in that area. Berg's report confirmed the hydric soils on the whole parcel. Exum was concerned about removing the C1 overlay forever.

Larsen said he wasn't familiar with the S.C.S. Guidelines and what they said. He would investigate this.

Citizen 2 remarked that the request asked to allow for expansion of existing Ag-1 buildings but it sounds like a new building is being built. Francis pointed out that Berg hasn't made an application for either one. The request was to change zoning to simplify the building permit process.

Doug Zweizig addressed the Chair and said he thinks there is confusion about subdivision development versus agricultural use. It's an A-1 zoned property and an owner can do whatever he wants without consulting his neighbors about building permits and so on. Is this an appropriate use of the land, that's the only issue tonight.

Citizen 1 said you have to remember he's messing with wetlands; you have to protect the water table.

Francis said the request is to remove the Lowland Conservancy designation of this land.

Public hearing closed at 7:49.

Francis would like the County Planning Department or the Soil Conservation Department to review and verify the submitted report and he would be in favor of removing the parcel from lowland conservancy if the county recommends doing it. If they disagree, he would not want to proceed any further.

Zweizig stated this was a sensible procedure. One of the questions Zweizig had with this procedure is who designated this as a conservation area? The second question would be if the Plan Commission didn't designate the overlay, do they have the power to remove it? Zweizig agrees that the county should review the report. He also had questions on how to designate the boundaries of that area.

Dregne commented that ultimately they would have to change the zoning map and determine what information they would need to do this if this zoning change was made.

Zweizig stated that this would be another question for the county.

Larsen and Exum wanted some clarification. If the county determined they agreed with Berg's report, did that include the whole parcel or would it mean that it wasn't appropriate for the upper part of the parcel to have the C1 overlay. Francis commented that he hoped the County Planning Department could make a determination for the town.

Francis recommended that they table this request until the county reviews the report and makes a recommendation to the commission. Dave Pestor agreed. Berg asked if he was to go to the county, Francis said the commission would go to the county. Francis would also like Berg to request a zoning change for the parcel from A-1 to A-2.

Motion to table the request made by the Pleasy R. Berg Trust, 102 E. Main St., Evansville, WI to remove the lowland conservancy overlay district (C-1) designation from parcel 6-20-280A.2, located at 6528 N. Hwy. 213, Evansville, WI in the W ½, NE ¼ of Section 34 until the next meeting and to refer the submitted report to appropriate officials at the County Planning Department for an opinion on the conclusions of the report that this upland area could be removed from the Lowland Conservancy. We would also like to ask their advice on how to designate this on the zoning map if the town were to make this change. Zweizig/Larsen.

Dregne requested a copy of the engineer's report and copies for the town. Dregne offered a suggestion that maybe taking some land out of the conservancy overlay would be more appropriate if it was zoned A-2 instead of A-1. The town could add a condition to approve the rezoning only if the zoning was changed from A-1 to A-2. That would be a separate zoning request from the applicant. Kendall Schneider said the parcel is a non-conforming A-1 property that is treated as A-2 property.

The Commission would like the land to be properly zoned as an A-2 parcel. There was a question whether Berg would have to apply for this zoning change with another fee. Dregne said the Plan Commission can direct the clerk to notice a public hearing for rezoning of this parcel at the next Plan Commission in February without an application or fee or landowners consent.

Motion to request Clerk Ylvisaker to notice a public hearing for the rezoning of parcel 6-20-280A.2, located at 6528 N. Hwy. 213, Evansville, WI in the W ½, NE ¼ of Section 34 from A-1 to A-2. Larsen/Zweizig.

Larsen wanted to be clear that the A-1 to A-2 zoning change will not be done with an application and an additional fee.

Motion carried by unanimous voice vote.

Larsen wanted to know what to expect at the next meeting. Zweizig suggested that Francis should make the contact with the county concerning Berg's report and the request. The second part of the motion was to ask their advice on delineating the line on the map. The county's recommendation is what will be addressed at the next meeting. Larsen asked that the commission gets their response at least a day or two before the next meeting.

Vote on the Zweizig/Larsen motion to table still pending:
Motion carried by a majority voice vote, 4-1.

Tower & antenna ordinance development

Renee Exum wanted to note that in October and November they hadn't really gotten through the comment boxes on the previous versions of the ordinances. Attorney Dregne passed out a current draft of the tower ordinance he had just completed to everyone in attendance. Dregne said given where they were with the draft tonight, maybe they should review what he did between the last meeting and this meeting, those past comments may be hard to find in the draft before them. Dregne said as a result of the last meeting there were 3 main adjustments that he understood the Plan Commission wanted to make to the ordinance:

- 1) Use the conditional use process for towers and for devices that are placed on the towers, and to use a licensing process for devices that are placed on alternative support structures and maybe also for alternative support structures requiring both a Conditional Use Permit and a license for each device.
- 2) As an alternative to requiring an alternatives analysis they would require a Master Plan for the build out of telecommunications infrastructure. That Master Plan would form the basis for siting determinations for both pending and future applications. He built that into this draft ordinance.
- 3) Build in a cost recovery mechanism.

As Dregne reviewed the ordinance he noticed other things from a drafting stand point might make sense to change and made those changes as well.

Clerk Ylvisaker made some revisions to the ordinance based on the discussion at the last meeting. Those were incorporated into the new ordinance. The redline draft shows the changes made since the last draft from the last meeting. The clean draft is the copy with the changes all incorporated.

Using the redline copy, Dregne began going through the draft ordinance pointing out significant changes while explaining his decision to make those changes.

On page 9, section 4, **Conditional Use Approval Required for Telecommunication Towers,**

the change to this concept was that it used to require a Conditional Use Permit for towers and support structures now it's just towers.

In Section 5, on page 9 the ordinance describes a process for a **Master Telecommunications Facilities Plan for Wireless Carriers**. The Master Plan is limited to towers to be used only by wireless carriers. The alternative analysis was left it, but the alternative analysis only applies for other types of towers, for example radio and television. Whoever applies for the Conditional Use Permit first, would be required to get approval of a Master Plan. The ordinance describes what the content of the Master Plan would need to be. The scope of the Master Plan would be to include all carriers not just what one individual carrier needs.

Page 9, Section 5(2)(b), **The location, height, service area, and capacity for collocation, of all alternative support structures in the town that are or may be used for telecommunication infrastructure**, the Master Plan doesn't list every type of support structure that can be used, only those that would potentially be used in developing the infrastructure by someone.

Page 9, Section 5(2)(c), The names of the owners of all sites for Towers and alternative support structures, and a description of which sites are available for use by virtue of ownership or lease by one or more Carriers.

Exum questioned if the first person is the one who comes up with the Master Plan. Dregne says someone has to be the first one; the town doesn't have the expertise to do this. It makes more sense to have someone from the industry do this since they want to put up a tower, and they have probably studied the issue carefully already and it's their business. Any subsequent applicants have to follow the plan, or get an approval for an amendment to the plan.

Dregne had other concerns about landowners who lease the land to the industry. He noted that the owners of the land were in a unique position in terms of charging more for their land than what would otherwise be the case. One of the potential consequences of a plan like this is that it may have an effect on the market value of the land that would otherwise not be there. He didn't know if that would be a significant reason for the commission to decide to just go with the alternatives analysis.

Page 9, Section (5)(d) **A description of the Carriers that participated in developing the Master Plan, including statements from such Carriers regarding the appropriateness of the Master Plan to meet their needs**. From the last meeting, there was recognition that the more that buy into the plan the better.

Page 9, Section (5)(e) **An alternatives analysis that describes why the Master Plan is the most reasonable plan for the development of Telecommunications Facilities**, was added to the ordinance.

Page 9, Section (5)(f) Describes the reasonableness of the Master Plan and how it will be evaluated. Dregne recognized as he was working on the plan that his paragraph should be moved down to paragraph 3 on page 10, **Process and Standards for Approving or Amending the Master Plan**. In developing that paragraph, Dregne borrowed from the concepts of what the commission already had in the ordinance relating to the alternatives analysis. He also plugged in some language for evaluating reasonableness, a plan that provides for towers less than 199 feet to be more reasonable than a plan that shows towers taller than 199 feet and all of the factors and tradeoffs that go with that. In addition the availability of land should be a factor of reasonableness. The plan does not require that all of the lands that are identified as

future sites be actually acquired and secured at that point. This simply shows that this is where we think the best locations are. That could create a problem in the future if a landowner doesn't want to lease their land, then they would be back to the alternatives analysis with an amendment to the plan.

Doug Zweizig thought using town land should be in the reasonableness of the Master Plan section. It would be a favorable attribute of the Master Plan.

Eric Larsen questioned the time frame of the plan, is that up to the person that is submitting the plan or should that be included in the ordinance. Dregne said that was an oversight. A planning horizon could be put into Section 5(2) **Contents of Plan** or it may be feasible in the reasonableness of the Master Plan area. They will look for some industry input for the planning period. At the last meeting the AT&T representatives said 3 years.

Dregne reviewed the process for approving or amending the Master Plan. It would need to be done before action on a Conditional Use permit. However, the applicant could get their plan approved and the Conditional Use permit approved at the same meeting. This process doesn't have to slow the process down.

Page 10 Section 6, **Conditional Use Application**. The key change here is that it's just limited to all towers. The only thing that was removed was alternative support structures. So this would include radio towers, TV towers, any towers.

Under Section 6, **Submittal Information**, Dregne deleted the reference to Chapter 236 because the timelines refer to the plat review process.

Page 12 paragraph (j), added **A description of the consistency of the Application with the approved Master Telecommunications Facility Plan**. Dregne noted he should say if applicable.

Page 12 paragraph (k), Dregne indicated that it was needed for other types of towers. Additionally if the town for whatever reason wasn't able to require an applicant to get approval for a Master Plan for a wireless tower, the applicant would be required to do the alternatives analysis.

Page 12 (k) (3) Dregne added the reasonableness discussion; in addition the town land should be noted there.

Page 13 (s) Dregne built into the conditional use something they had in the licensing about the radio frequency emissions. This is for the initial application and the devices that they know will be included in the initial application, not for devices added to the tower later. Last sentence in (s) needs to be adjusted.

There are just editorial changes up to page 15. In (5) **Standards for Granting Conditional Use Permits Additions** beside the additions of (a) and (b) adding in the Master Plan references, Dregne wants to add to (c) "individually and collectively" after "and all devices".

The last paragraph in Section 6 was added in by Clerk Ylvisaker after the last meeting.

Page 15, Section 7, **Other Approvals Required for Telecommunications Towers**, is not a new section. It was listed earlier in the last ordinance, it has now been moved to Section 7.

Page 16, Section 8(3), **Adding a Device to an Approved Tower**. This is where Dregne addressed adding a device to a tower that already has a Conditional Use Permit. This would be an amendment to the Conditional Use Permit. This would be the same process you would do to get a license, but instead you're amending the CUP.

There's nothing in Section 8 required in the annual review to address radio frequency emissions or in the licensing. Larsen pointed out that it was in Section 8(2). Larsen was unclear of who would measure the radio frequency emissions and where the burden of that cost would be to have this done annually. He has asked for the cost at previous meetings and still hasn't gotten that information. The cost would be a factor if the annual measurement would be necessary. It's now set up that at the time of application or when new devices are added that the evidence would be presented to show that the devices were in compliance. This will be a question they'll ask the AT&T representatives after they finish reviewing the ordinance.

Section 9, **Removal/Security for Removal** requires a bond so the town can remove the tower if the tower isn't removed by someone at the end of its service. Dregne pointed out that the tower would be on private property. The town would have to have an agreement with the land owner to do this at the time the CUP is applied for. The town can't just do something on private property. Larsen asked who would provide the bond. It would be the applicant for the CUP, which could be the operator not the landowner. Larsen was concerned about abandoned towers. One way to approach this is to collect the bond and offer the money from the bond to the landowner to take the abandoned tower down. A decision has to be made if the town cares that the abandoned tower is on someone's land, or if the landowner is actually going to care.

Page 17, Section 10 **Increasing Height and Relocating Telecommunication Towers** was modified to reflect the commission's intent.

Page 20, (2), **Height**, added the Master Plan reference.

Page 21,(8) modified the language of **Certificate of Compliance**. This certificate would be issued to the facilities after they would be constructed. Dregne was not sure if the within 10 working days was reasonable for the Building Inspector to issue the Certificate of Compliance.

Page 22, 13(1) there were some formatting issues and the question asked was what does "camouflaged" mean? Larsen said it was in the definitions at the beginning of the document. After a discussion with the commission, 13(1)(b), to be rewritten as, "An alternative site cannot be located more than the applicable minimum separation requirement".

Page 23,14, **License for Telecommunications Devices**. This would only be required for alternative support structures. Larsen brought up Litewire as an example. Dregne asked if it was a telecommunications device. Currently they just put them on silos or whatever structure without any approval. Under this ordinance they would have to apply for a license. Dregne asked if this licensing would apply to existing alternative support structures. It should be specified what the intent is.

Supervisor Kim Gruebling commented that there has been no charge from the town board for licensing. This was discussed at the Town Board meetings. The town wanted a tower ordinance because currently they have a tower that is too close to a property line. They were also interested in an encouragement to place them on town property.

The commission had a discussion that they didn't know that they were limited to the physical structures of towers, CUP's and not devices. They had responded to citizen concerns. Zweizig

said that they should do what they think is important to do and that the board can make their own decision. If the town board had no concern about electronic emissions, they should have at least let the commission know this in May.

Page 26, top of page Section 18, **Appeal Procedures** was deleted. This should typically go to the circuit courts.

Page 24, Section 15, **Telecommunications Device Reports**, Larsen points out that the language is already under licensing process. It is decided the first paragraph is redundant and it is removed, but leave in the second paragraph.

Page 26, **Cost reimbursement**, this is new. It's borrowed heavily from what is in the wind ordinance. Those fees would be paid for by the applicants for Conditional Use Permits. This makes sense because that's where the bulk of the time was spent on the ordinance. Also added in a paragraph for **Preliminary Cost Reimbursement Agreement**, it's in the wind ordinance and also used commonly for other Conditional Use Permits and other applications.

Exum referred to her notes from November and going back to page 14, under **Collocation** she questioned the number of carriers by tower height. It was decided to leave it in as drafted.

Going back to the earlier tagged items:

- Page 9 specifying a planning period.
- Page 13 language under (s) needs to be adjusted. Borrowed from the language at the bottom of page 24. The sentence should be revised to read "**the evidence shall include the particular FCC Measured Permitted Emission (MPE) limit and the tested or designed limit for the proposed facility**".
- Whether to include RF emission standards compliance check in the annual review for the Conditional Use Permits and licenses. Requiring evidence of compliance with each individual carrier and collectively.
- Whether or not you're concerned about removing towers that are abandoned.
- Whether you want to license devices and whether that applies to existing devices.

Shane Begley, representative from AT&T questioned what the commission really wants to accomplish out of this ordinance. He said he talked to US Cellular and a person from Verizon and they are satisfied with the coverage they have in the area, so this ordinance is basically being drafted to keep the tower that AT&T is proposing in checks and balances. The Town of Union is a very small township. He doesn't see that the town will be inundated with towers. He feels that there is a lot of stuff in the ordinance the town doesn't need to concern themselves with. He said he can give them a Master Plan, but it will be 1 tower for the next 3 years. His recommendation is to go with an alternatives analysis from a 3rd party. This way the town knows that the applicant is telling the truth.

Larsen stated that today, maybe 1 tower will suffice. As the town and technology changes, how would the tower plan change in the future. Doesn't think it's realistic to just be thinking about 1 tower today.

Begley said he thought that originally the ordinance came about because of a 1000 ft. tower. He feels the setback of 1320 feet is unreasonable. Begley went on to say that the standard anywhere in the United State is the height of the tower plus 20 feet. He said with this setback the Town is trying to zone them out to make them not allowable at all.

Exum disagreed that they were trying to zone them out or not make them allowable. The intent

was to provide incentive for towers under 199 feet that was the route the commission decided they wanted to go. This complies with the Smart Growth Plan and protecting the view shed. They know that there will be applications for larger towers. In addition, the ordinance allows for adjacent landowners to sign a waiver to allow a tower to be placed closer to their property line.

Begley stated that he could move his proposed tower across the road. But it will be in the middle of field, it will be more intrusive. He continued to say that a tower is intrusive no matter how you look at it.

Zweizig pointed out that they aren't writing an ordinance to fit a particular project. These issues should be discussed during the application process for a Conditional Use Permit.

Francis asked about the town land, and whether Begley's AT&T project would work there. Begley brought up a number of environmental reports that he said he turns in with all applications for a Conditional Use Permit as "a good neighbor" whether they're required or not. He also brought up a preliminary site map to show the commission.

Begley showed the commission a Propagation Map. The town land wouldn't work because at that location the towers wouldn't be propagating correctly, you run into interference issues and hand off issues because they're over mapping each other. It's like a honeycomb fitting together which he had mentioned before. With a tower at 250 feet high, you've propagated the whole town. As soon as you drop the height down to 190 feet, you lose the east side again unless you move into Evansville. Evansville didn't allow the tower because it was in their historical district. The tradeoff is 1 tall tower or several small towers. He further stated that the commission should add a requirement for a propagation study in the ordinance. He also recommends they require a visual assessment, or a photo simulation of what the site will look like once it's constructed, along with a plan sealed and stamped by a Wisconsin Certified Engineer.

Begley stated he discourages a little bit on the height of the towers, he knows that they don't want to see the lights on the tower. The setback of 1320 feet to him is a big issue.

Larsen said the commission did look at other ordinances that were more restrictive.

There was a discussion about the Master Plan versus an alternatives analysis approach including Attorney Dregne, Mr. Begley and the commission. There was also a question on some of the terms, for example service area means the same thing as an RF Propagation Study. The conclusion was not to change the Master Plan requirement in the ordinance. An alternatives analysis is just for the applicant. The Master Plan is for all carriers for the town. Dregne and the commission understand that there may some difficulty in getting information from other carriers for the Master Plan. The applicant just has to do the best that they can getting the information from other carriers. The Master Plan is looking at the needs of the whole town.

Begley pointed out that Section 704 of the Telecom Act prohibits local government from taking RF Emissions into consideration if denying an application. Larsen stated that they just want to know if the applicant is complying with the FCC regulations on RF Emissions. Larsen clarified that all they ever talked about was RF Emissions compliance with FCC regulations.

Larsen asked how much an RF Emissions test costs. Begley explained that each carrier has to submit a RF Emissions report annually or biannually to the FCC. It's done by all carriers. So asking them to do this is not an extra burden.

Dregne asked Begley what kind of planning horizon would you expect for a Master Plan. Begley

said typically the industry plans out to 3 years. The plan would expire after 3 years.

Begley asked what the caveat was to collocate. The ordinance says approval by the town board. An over the counter permit makes collocating attractive. The commission agreed to change approval by the Town Board for a license for a device to approval by the Building Inspector in the ordinance, (Page 23, Section14).

The Plan Commission decided to leave the ordinance as written with the licensing portions intact.

The commission agreed that licensing requirements would be for all devices installed after the effective date of the ordinance. Larsen will contact Litewire to let them know they will have to follow the ordinance. Francis questioned whether Litewire will have to meet RF emission requirements.

Dregne said he hasn't much work left except for the few adjustments that were made tonight. A Public Hearing can be scheduled for the next meeting. Setbacks are the only issue in question.

The 1320 foot setback was to encourage under 199 foot high structures. The opportunity for an applicant to prove to the commission that a taller tower is better is covered in the application process. The commission then decides to agree or disagree. Francis indicated that the flashing lights were the main concern. Larsen said that theoretically you could build a 2000 foot tower and the setback would be less than the height of the tower. Exum asked if they don't want the lights, can they just say they only want towers that are less than 199 feet? Zweizig stated if the rationale for the setback was to discourage towers over 199 feet, there are other ways of discouraging towers over 199 feet.

Motion to change Setbacks, on Page 22, Section 13(2)(a)2 to read, "Towers greater than one hundred ninety nine (199) feet in height shall not be located within six hundred sixty (660) feet or one hundred twenty five (125) percent of the tower height, whichever is greater from any property line. Larsen/Pestor

Daria O'Connor asked why now after months of meetings and coming up with a setback, are they reconsidering it. She thought the rationale was the intrusive lights, if that hasn't changed, then why are they making it less. Larsen says we have other mechanisms to encourage towers under 199 feet. This change gives the township more flexibility to choose the right tower(s) based on the plan. Exum stated we have a provision in the ordinance for adjacent landowners to waive the setbacks.

Roll call Vote:

Exum-no, Larsen-yes, Francis-yes, Pestor-yes, Zweizig-yes

Motion carried by majority roll call vote.

Motion to adjourn. Larsen/Pestor

Motion carried by unanimous vote. Meeting adjourned at 11:11 PM.

Respectfully submitted by Deputy Clerk Cathy Bembinster.

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