

**Wind Energy Citizen Advisory Committee**

Meeting Minutes  
November 15, 2007

**DRAFT**

**Call Meeting to Order:** Chairman Foote called to order at 5:02 PM.

Members Present: Danny Foote, Sage Kramer, Betty Wolcott, Cristeen Custer, Ken Critzman, Todd Quarne, Gary Evenson, Dan Wallery, Nancy Horton, John Vehrenkamp, Ron Winn, Greg LeGare, David Vind, Dan Theis and Kevin Lien, Andrea Sveen, Virginette Gamroth, and Greg Leonard – Trempealeau County Department of Land Management.

Others Present: Ed Dauer, Doug Winters, Deloras Vind, Tom Kramer, Tom Dorwart, Val Critzman, Terry Thompson, Pauline Haug, Penny Stroening, Jon Borreson, Sheree Nelson, Wade Britzius, Mary Lee Hegnauer

**Certification of Open Meeting Law Requirements:** Foote announced that the Open Meeting Law requirements have been complied with through notification and posting.

**Adoption of Agenda:** A motion was made by Quarne and seconded by Horton to adopt the agenda, all in favor; motion carried.

**Adoption of Minutes:** Wolcott wanted to remove the DNR from the minutes as she had never spoken to them. Horton made a motion to approve the 11-8-07 minutes with the correction, Vind seconded, motion carried.

Lien stated that the previous meeting ended with the group talking about noise. Wallery had presented information on noise and decibel levels on behalf of Vind who was unable to attend. It was getting late in that meeting and the Committee needed time to review this information presented so the meeting was adjourned and tonight's meeting was scheduled. Lien reminded everyone that there were copies of the handouts as well as copies of the proposed ordinance changes on the table.

Vind apologized for not being able to attend the November 8<sup>th</sup> meeting to explain the handouts on noise and decibel levels. Vind stated that both of the handouts were written by an acoustical engineer for the City of Chilton, it was reviewed by another sound engineer and a lawyer from Wisconsin Dells. Vind added that the biggest complaint today is noise. By adding this information to the current Ordinance this will protect against nuisance complaints. Vind made a motion to add the noise handout as Chapter 21-Appendix A. Custer seconded Vind's motion to add the noise handout to the ordinance. Quarne questioned if a noise level test done would need to be done would someone have to be hired to come in and do it? Vind responded "yes". Quarne stated he was reading the Chilton report and the last paragraph states that wind turbine ordinance is the same noise ordinance equally applicable to all industrial land use. All required noise level data and noise level limits would remain the same. Quarne asked why we want to add something that's going to be more confusing when in the paragraph before it was stated that the 45 decibels in the daytime and the 35 dBA in the nighttime and that would differentiate by 10 decibels inside and outside? Quarne added that in referring to the federal EPA study it states the EPA recommends a maximum outdoor daily noise level of 55 LDN. Vind added that LDN is an average of day and night. Quarne continued that the report states an average residential exterior noise of 55 dBA and 45 dBA during the nighttime. Our Ordinance already has 45 dBA in it which is the low level that the EPA recommends? Vind stated that that figure is for industrial noise and that the State of Illinois also has a recommendation of 40 dBA. Vind added there is great disparity between various organizations. Vind said he's trying to avoid too much vagueness in our ordinance. Kramer thought adding these sections to the ordinance would take care of some of the problems of being in the coulees as we don't know what the noise levels or background sounds are going to be. Kramer added that these reports are done by unbiased people and are especially important because of our terrain. Vind responded there are two different companies that do computer modeling and the modeling hasn't kept up with terrain. LeGare questioned how pre-construction testing is done and what are they

testing? Vind explained it is done over the course of a year, they test in each season. Testing is done of background noise to see what it is really like there. LeGare clarified they are testing prior to construction to know what the base noise level is and then will know what noise the turbine will produce. Vind replied “yes”. LeGare asked “What if the computer modeling is wrong?” Vind replied that the model seems to error on the unsafe side. Wallery added that the developer can get a waiver from the person affected by it. Lien stated there is language in the ordinance now that the County would use a noise measuring contractor of which the applicant would be responsible for payment. Quarne questioned if the developer was responsible for testing for all complaints? Horton added with two or more complaints Trempealeau County can hire a consultant. Wallery added that in having pre-construction testing done the County would have some data to defend against frivolous complaints. LeGare inquired whether testing had to be done for each tower? Vind replied that generally it’s done for every tower, but it’s not a complete study. LeGare stated it would take at least a year to get a pre-construction study done. Lien added that right now there is at least a 12-24 month waiting time to get a turbine. Winn added that its probably closer to 36-48 months wait time for a turbine. Wallery added if the developer was going to get a Certificate of Public Necessity, the Public Service Commission would want this study done anyway. Wolcott added she felt this study was really complete and safe and most of the other study’s out there are vastly lacking. LeGare asked how long has this been done in Chilton? Vind replied that Chilton is going through the same process that Trempealeau County is, but this has been done at every major facility including those in Michigan, Kewaunee and Illinois. LeGare inquired as to what type of results are being found. Vind replied that most studies are coming out worse than what computer models are showing. LeGare asked what is happening with the projects? Vind responded that he was unsure. Lien added he felt this would be a really good tool for the developer because once the pre-construction sound area is studied a developer could move and expand the site into a direction where it isn’t impacting as much or as many people. Kramer stated it might save the developer some time in mitigation since they would know what direction they would need to pursue. LeGare asked if there was some type of deed restriction or protection for successor land owners or heirs? Lien responded that it is in the Ordinance that any mitigation be recorded at the Register of Deeds on any affected properties other than the landowner. Wallery then informed the Committee that there is a typographical error on the draft under Section 19F, fourth line down. Instead of saying 20 dB it should be 20 dBA. Chairman Foote called for any further discussion. Chairman Foote stated he had a motion and a second to add #19 and Appendix A to the ordinance. Motion carried with Ron Winn voting in opposition. Lien informed the Committee that Zoning Chairman George Brandt had some questions regarding the Ordinance such as Page 226, Section 21.06 General Requirements. Brandt had mentioned to Lien that he thought #17 probably should have been 21.07. Lien stated Brandt would be attending the 6:00 PM meeting to address these issues. Quarne mentioned that everything we did was about wind but all the statutes that he’s read include wind and solar. By omitting solar at this time are we opening ourselves up for drafting another whole ordinance? Lien stated most solar issues have been permitted as conditional use because they were attached to a single family dwelling and there hasn’t been much regulation because it really doesn’t cause any noise or nuisance that he’s aware of. Lien added that with the way technology is changing the Committee would probably be back within two years to make changes to the Ordinance.

**Adjourn:** Motion was made by Vehrenkamp and seconded by Wolcott to adjourn the meeting. Motion carried. Meeting adjourned at 5:40 PM

