

Wind Energy Citizen Advisory Committee  
Meeting Minutes  
October 11, 2007

**Call Meeting to Order:** The meeting was called to order at 6:00 p.m.

Members Present: Todd Quarne, Danny Foote, Betty Wolcott, Alice Brenengen, Dave Vind, Ken Critzman, Dan Theis, Nan Horton, Curt Skoyen, Gary Evenson, Ron Winn, Dan Wallery, John Vehrenkamp, Cristeen Custer, Kevin Lien and Andrea Artz – Trempealeau County Zoning/Planning Department.

Others Present: Kaye Henderson, Ron Reimer, Val Critzman, and Jim Naleid.

**Certification of Open Meeting Law Requirements:** Foote announced that the open meeting law requirements have been complied with.

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

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

Naleid spoke about the concern of the letter written by the previous Attorney General relative to State Statute 66.0401 and 66.0403 to a citizen in a different area going through the same process of creating an ordinance. The Attorney General's office responded by reiterating "...local restrictions are permitted only if they serve the public health or safety, do not significantly increase the cost or decrease the efficiency of the system, or allow for an alternative system of comparable cost and efficiency. Beyond those, no other restrictions are allowed. The statute is not trumped, qualified, or limited by 66.0403..." next paragraph "...Therefore, a township may not regulate solar or wind energy systems unless one of the exceptions listed in the statute applies to the specific situation..." Naleid also wanted to mention he spoke to Jeff Gosse about the letter written by Louise Clemency which is public record. Naleid mentioned the Governor is holding a Wind Energy Forum of the Midwestern Governors, the primary interest is to encourage the development of wind, solar and biomass both on a commercial and private nature.

Lien stated he spoke to Corporate Counsel to have him review the revisions thus far on the ordinance and let him know if there was anything that needed to be changed. Corporate Counsel did respond about 21.06(16)(f) commenting on the farmstead definition. Lien read the letter. Corporate Counsel's suggestion to the aforementioned section is as follows "unless owned by the Applicant, no parcel of real estate shall be subject to shadow flicker from a Wind Turbine unless mitigation has taken place and agreed by both parties involved and recorded in the Trempealeau County Register of Deeds office which described the benefited and burdened properties and which advises all subsequent owners of the burdened property that shadow flicker may exist at times on or at the burdened property." Lien stated this was Corporate Counsel's assessment of the ordinance. It is up to the committee if they would like to leave it as is or change it to reflect his letter. A motion was made by Critzman and seconded by Horton to rewrite 21.06(16)(f) to reflect Corporate Counsel's changes. Discussion took place. The committee voted 9-3; motion carried. It was asked if the farmstead definition will stay in the definition section. If we stay with Corporate Counsel's suggestion the committee can eliminate the definition.

**General Setbacks:** Lien stated we are starting where the committee left off last meeting which is 21.06 Setbacks (16) dealing with commercial wind turbines. Lien read through items (a) through (e). Lien talked about conditional use permits in (e). Other ordinances in the County have similar language that a building may be erected within the setbacks areas, but they will have to apply for a conditional use permit stating they are subject to noise, shadow flicker, and ice throw within that setback. Lien mentioned to the committee that Corporate Counsel said it would be in the Zoning Department's best interest to hold another public hearing for the Revised Wind Ordinance.

Horton mentioned maybe listing all setbacks that the committee has found and go from there. Wallery asked how the setbacks have been determined. Horton said by a number of things such as noise and ice throw. Ice throw was discussed and Vind mentioned he has information from 6 ½ times the total height for a setback to 1 ½ times the total height. Winn said the blades are changing and they are heating them and also if the blades have built up and they are unbalanced the turbine will shut down. Discussion then took place on noise setbacks. Vind stated at the hub the decibels are anywhere from 90 to 110 and the sound drops 6 decibels with the doubling of distance. Horton mentioned it may not be audible but the vibrations may still be felt. Wolcott asked who would test the decibels. An independent contractor would test the decibels. Lien mentioned. Lien asked if anyone is having a problem with where the decibel is at now. Vind briefly went over decibels from other countries anywhere from 35 to 40 and a few have 5 decibels over the ambient. Theis asked to go around the room and ask how far each person feels the setbacks should be. The majority felt one mile from a residence was a safe distance for ice throw and noise. A motion was made by Critzman to have a one mile setback to existing residences and ½ mile to the property line, seconded by Wolcott. Discussion followed. Vind amended the previous motion to add *acceptable mitigation*, seconded by Horton, 10 – 3, motion passes. Discussion took place on what National Wildlife Refuge mentioned last meeting. A motion was made by Horton to leave 16 (c) and (d) as it reads now, seconded by Vind, 10-3; motion passes. A motion was made by Horton to remove *total height* from 16(c), seconded by Brenengen, 12-1; motion passes. Horton made a motion to add an item (g) and have it read, must be located *2 mile setback from U. S. Fish and Wildlife refuges*, seconded by Vind, 12-1; motion passes. Noise was discussed. Lien asked if there are problems were they are measuring the noise from. Vind and Critzman think it should be from the property line, Horton feels it could be louder at the house than the property line. Questions were asked how the conditional use permit will help. Lien stated because of the conditional use process the standing committee could require specific conditions for unique characteristics for individual sites. A motion was made by Vind to allow a 5 decibel increase over the existing ambient noise, seconded by Horton. Discussion took place. Horton wants to see that it does not exceed 45 decibels. Vind made an amendment to read *the lesser of 5 decibels over ambient or not to exceed 45 decibels measured at any structure used as a residence, school, hospital, church, place of employment*, seconded by Horton, 8-5; motion carries.

Critzman mentioned in Manitowoc County's ordinance they have a statement of financial responsibility to remove the turbine and if not removed then place a lien on the property.

**Set Next Meeting Date:** October 25, 2007 is the next meeting date at 6:00 p.m. in the County Board Room.

**Adjourn:** Motion was made by Vind and seconded by Vehrenkamp to adjourn the meeting. Motion passed. Meeting adjourned at 8:20 p.m.