

Lake Township Planning Commission
Special Meeting
Workshop
Tuesday, September 3, 2013
Approved Minutes

The meeting was opened at 6:28pm. Planning Commission members present were Rick Geilhart, Nicole Collins, Clay Kelterborn, Board Trustee, Jerry Pobanz, Chairman and Bob Siver. Maryanne Williams, Recording Secretary. There were 5 people in the audience. No correspondence was presented.

Jerry stated the purpose of the workshop was to begin work on a wind turbine development ordinance for Lake Township. He stated that there were two ways to consider, overlay or special use permit. He then asked members what they would like to see included.

There were 3 ordinances used as reference, Lake Township April 2009, Riga Township and Paris Township 2013. All were written as Special Use Permit.

Rick noted that in reviewing the Paris ordinance the sound levels were lower than the County. In referencing Dr. Malcomb Swinbanks, Clay agrees with the importance of addressing both DBA and DBC sound levels as they relate to low frequency noise. The Paris ordinance considers setback in relation to noise (35DBA – 45DBC). Members agree that a set standard for noise needs to be given to developers. Jerry read from the Paris Use Permit which states that the applicant shall have qualified, independent, professional third party to assess any potential impact on natural environment including but not limited to wetlands, Eco systems, historical or cultural sites and antiquities. Bob said this is a good stipulation to add essentially verbatim with the exception of the last sentence being that they will share the results with us, so that we can share with a third party if we choose to. The question was asked if sound testing can be required yearly with progressive monitoring to be done by the developer. Nicole stated that progressive monitoring can be part of the ordinance or required yearly inspection, instead of acting only upon complaint.

Jerry said the language regarding shadow flicker in the Paris ordinance states: Flicker study report will be submitted as part of special use permit. He feels all of the developer's reports should be submitted. Rick asked who determines if the studies are satisfactory. Clay answered the township would have to select a knowledgeable third party. Bob said any studies that the developers conduct the Planning Commission should be privy to. The question of how to analyze studies that are submitted will be discussed at a later meeting.

Clay stated the Commission should take what they like from the three ordinances that will work for Lake Township and draft a new ordinance. Bob said that we all agree they are three good ordinances that can use some fine tuning for our own purposes. In referencing the Lake Township 2009 ordinance, Bob pointed out in terms of setbacks there are macro setbacks. Clay said as a condition for special use it has setbacks from natural features like Rush Lake, the rivers and the shore line. We agree that is a condition that should stay. We should also be very specific about 3 miles from the shore line. Our original ordinance has a 1 ½ mile setback from the Pigeon and Pinnebog rivers. Should this be kept? Clay said he sees this a tier structure approach getting down to the very basics beginning with setbacks from natural features, then setbacks from lot lines/homes and finishing up with sound measurements. It

encompasses all these different things. We also need to find the overlay map of homes. Rick said that we are not trying to keep them from coming here, but we have to think about Lake Township because it is a special township. Whether it is a wild fowl area or state game area, it is a big body of water. There's fowl that go there and we know it. I don't think they should be within a mile of the river.

Bob said in terms of functional limit, shadow flicker should be strongly accented. Not just flicker on homes, but on the roads.

Jerry stated that the original Lake Township ordinance has a 175 ft. height limit that is not going to stand. Clay said that was a major criticism and we needed to start addressing some of these issues. Jerry pointed out that Paris went with 500 ft. Nicole said the taller they are, the greater the pressure which creates more, noise. Clay felt we need to go to a taller turbine, 500 ft. as far as a requirement makes sense. Jerry added, I would say no taller than that. An audience question, does it make sense to do research into different technology using turbines that are routers, basically vertical and making these 200 ft.? Nicole answered that maybe we can look into that and possibly set our height at 200 ft.

A lengthy discussion ensued between the Commission and the audience about educating the people regarding wind turbines. Jerry closed by saying, what we need, especially at the regular meetings, are more people to come. We can publish that we are having a meeting, if they don't want to come there's not a lot we can do. They will have to vote their conscience on the knowledge they have.

Jerry stated that the Paris ordinance addresses decommissioning. It says that when a turbine is no longer in use concrete must be taken down 4 ft. Bob said it is not up to us to get into the contract agreement between the farmer and the developer. We can make stipulations that the developer has to satisfy as far as the township in general. Rick feels that Paris has a good ordinance. Nicole stated that there are some things that may need to be plugged in. Rick agreed and that some things can be taken out. Jerry feels the Paris ordinance is clear to read and understand.

A question from the audience, is there any mention in the Paris or Riga ordinance that speaks to property values or a property protection plan? Also, about requiring a visual impact statement from developers. When they submit a site plan, they actually have to give you a picture of what this is going to look like when it's done. Jerry said a few words in an ordinance wouldn't hurt. A conceptual drawing to be submitted with the special use permit application.

Nicole thought it would be more productive to take what we have and plug it into the Paris ordinance or vice versa and getting the verbiage more reader friendly. We could keep stipulations on noise. Clay liked the Paris noise criteria. Bob agreed that we should work with the Paris language on noise. Nicole said that is a start.

Clay said we should work with the Paris ordinance to begin creating our own draft. We need discussion on property line and road set back. Riga used 4 times the turbine height which is 2000 ft. from the property line, given a 500 ft. turbine. Paris has 1320 ft. from a leased property, 2000 ft. from a non-lease. Distance between turbine and public right of way approach is 2 times the height of the turbine measured from the top of the blade in vertical position to the center line of the base. Bob asked about the distances the manufacturer recommends for safety purposes. Clay answered 1640 ft. Bob felt that should be our starting point. Nicole mentioned that GE and Vestas should have product data sheets. Clay said the Paris ordinance differentiates between leased and non-leased which shows good faith in working with both sides of the issue. Bob mentioned that the property or house could be sold which could create an issue, so we should have a bare minimum distance. Jerry questioned Paris'

ordinance regarding 1320 ft. distance for leased properties from inhabited structures, residence, schools, hospitals, churches, libraries but 2000 ft. from the same buildings under non-lease. He asked is it safer if it's leased? If it is a school, hospital or church it shouldn't be any closer if it's leased or non-leased. If you are looking at safety of the people, make it 2000 ft. Rick asked why we want a different minimum between participating and non-participating. Clay pointed out that most parcels are at maximum plotted out a ½ mile deep, 2640 ft. is a ½ mile. Rick said that is why the county went with 1320 ft. Clay added that they went with 1320 ft. which is ½ the width of an 80 acre plot. Bob felt what was good about the 1640 ft. is that it's a manufacturer's recommendation. We could use it as a set back from a property line and a road. Nicole said if the manufacturer is recommending it for safety reasons there is a reason why. Clay suggested trying the 2000 ft. and analyzing it to see if it will work from an application stand point. Jerry said that Paris is talking about 1000 ft. between a wind turbine and a public road. Clay said you have a give and take on set back from the property line but also from the road. Nicole thought it might be good to find out what O.S.H.A. has to say about safety.

Rick said he finds it interesting that Paris talks about electromagnetic interference. They must have known something about this, or someone must have known a little about it for them to put it in the ordinance. Bob asked if we all agree that Paris Township gives us a pretty good super structure. All members said yes. What if we start at line one and read thru line by line, see what we like and don't like? Clay asked what is our goal for the next meeting. Bob said we should all take the Paris ordinance home and highlight what we like. Nicole added we should plug in what we would like to see. Clay said he will try to get Bob McLean in for the next meeting.

Future agenda topics:

1. To consider adopting Paris Township noise resolution.
2. Drafting a Zoning Ordinance or Special Use Permit.
3. Setbacks.
4. Check into noise levels from property line vs. dwelling.
5. Speak with a third party who has written the language for setbacks.

Motion by Clay to adjourn, seconded by Rick. Meeting adjourned at 8:26 pm.

Planning Commission Minutes

Prepared by: Maryanne Williams,
Deputy Clerk