

**Wind Siting Council Meeting Minutes**  
**Thursday, April 22, 2010**

**Members Present:**

Tom Green  
 Bill Rakocy  
 Doug Zweizig  
 Lloyd Lueschow  
 Dan Ebert  
 Andy Hesselbach  
 Michael Vickerman  
 George Krause Jr.  
 Tom Meyer  
 Larry Wunsch  
 Dwight Sattler  
 David Gilles  
 Jennifer Heinzen

**Members Absent:**

Ryan Schryver  
 Jevon McFadden

**Non-Voting Alternates Present:**

Peter Taglia (for Ryan Schryver)  
 Mark Werner (for Jevon McFadden)

**Commission Wind Siting Staff Present:**

Deborah Erwin  
 Daniel Sage  
 John Lorence  
 Joyce Dingman

**Proceedings**

- 1) Welcome/Review of today's agenda
- 2) Review and adoption of meeting minutes of April 16, 2010
  - Council members reviewed the draft minutes and adopted the minutes with no changes.
- 3) Discuss draft of wind siting rules provided by Commission staff
  - Council members continued discussing their individual comments on the draft. Commission staff has received additional comments from Council members. Commission staff provided a *Supplement to Summary of Council Member Comments on Draft Rules* that summarizes the additional Council member comments.
  - Council members discussed the following categories of topics listed in the *Summary of Wind Siting Council Member Comments on Draft Rules* and *Supplement to Summary of Council Member Comments on Draft Rules* provided by Commission staff.
    - Wind leases/easements
    - Signal Interference
    - Shadow Flicker
    - Siting/Setbacks
  - Discussion Summary:
    - *Wind leases/easements*: Suggestions to provide assistance to land owners in negotiating leases – establish standard disclosures/provisions, eliminate confidentiality restrictions to enhance public discussion, include a right of rescission, include time for attorney review, disclose any tax implications, require licensing of developer staff handling leases. Suggestion to develop a checklist that would give guidance to a property

owner regarding topics that should be considered and included when entering into a lease agreement. Concern for a need for confidentiality in negotiating, rules shouldn't interfere with property owner's ability to use land as sees fit. Suggestion that real estate licensing of developer staff not necessary, comparison to real estate transactions that can be entered into without licensed participants. Suggestion that development of wind facilities changes the use of the land, concern that other property owners in area want to know about changes in use of land. Question of notice and how and when it is given. Question regarding how the rules and requirements will be enforced. Questions regarding how wind is treated under current zoning and whether treated as a permitted use. Comment that leases can be enforced through contract law.

➤ *Signal Interference*: Suggestion that mitigation should be an on-going responsibility of the developer for the life of the project. Discussion of whether television interference standard should require full restoration of signal vs. reasonable or feasible restoration. Suggestion that rules on signal interference be technology specific because of different standards for different technologies, for example no existing legal right to microwave transmission over land. Reasonable efforts at avoidance for microwave and other existing line-of-sight technologies may be appropriate. Should emergency communication systems have a higher standard of restoration or deference in designing to avoid impacts? Existing modeling allows reasonable estimates of anticipated impact to television interference, but still situation-specific impacts can vary. Suggestion to approach signal interference from perspective of what is reasonable in light of fact that resident had something once that is now lost. What is reasonable may include mitigation, compensation, combination of the two.

➤ *Shadow Flicker*: Suggestion to require the use of shadow flicker impact modeling software. Suggestion that non-participating properties should have a higher standard of reduced or avoided impacts than participating properties. Suggestion to recognize impact of shadows on property, not just house or occupied buildings. Whether a location will experience shadow flicker impacts is not just based on distance but also relation between sun, turbine and structure. If mitigation is not allowed and setbacks require distances that achieve zero shadow flicker exposure for non-participating properties, the ability to site developments at all is called into question. Suggestion to look at analysis of setbacks of varying distances on ability to build, taking into account population densities. Discussion of societal costs of various types of energy production, how accounted for, how distributed, who experiences impacts.

➤ *Siting/Setbacks*: Suggestion that setback from property line should be same as from a non-participating residence. Suggestion that rules should give landowner ability to negotiate setbacks that are less than provided for in rules, idea to use setback to establish a different footing for the property owner in negotiating with the developer. Setback distances should be an outgrowth of our discussions, not an end in and of themselves. How measure: from property lines or from residences. Would like to see

greater distances but with the ability of landowner to waive to some extent, though maintain minimum setbacks for safety. Suggestion that good neighbor payments can be used to obtain setback waivers. What is the history of setbacks and how are they used? Suggestion to consult regarding experiences of wind projects in Kewaunee County. Suggestion to consult county health officers as a source of information regarding health complaints regarding existing wind farms.

4) Next steps/Discussion of next meeting's time, place and agenda

- Next Council meeting will be Thursday April 29, 1:30 p.m., held at the Public Service Commission. Discussion will continue with the remaining items from the original and supplemental *Summary of Council Member Comments on Draft Rules*. These topics include: Noise, Mitigation/Complaint Resolution, Compensation for Nonparticipants, Decommissioning, Application Requirements, Property values, Construction and operation standards and Commission review.
- Chair Ebert asked Council members to review the previously provided *Summary of Provisions with Only Minor or No Council Member Comment* and to provide any modifications to Deb Erwin prior to the next meeting.
- Commission staff plans to report back to the Council regarding several questions raised during the Council's discussions about the draft rules.
- The Council plans to tour the Blue Sky Green Field wind project and visit Council member Larry Wunsch's home the morning of May 4, 2010. The tour is planned to begin at 9:00 a.m. at the Blue Sky Green Field wind project. Council members will make their own travel arrangements. This event will be noticed as a public meeting to comply with open meetings requirements. The tour will not be an actual meeting or have an agenda for discussion.

5) Adjourn

*These draft meeting minutes were prepared by Commission staff and submitted to Dan Ebert, Wind Siting Council Chair and Secretary. Additional notes provided to Commission staff by Elizabeth Hanigan.*