

**MINUTES**  
**CASS COUNTY PLAN COMMISSION**  
**Tuesday, March 5, 2019**

Stacy Odom, President, called the regular meeting of the Cass County Plan Commission to order at 8:30 AM in the Commissioners Hearing Room on the 2<sup>nd</sup> floor of the Cass County Government Building.

**ROLL CALL:**

Members present: Josh LeDonne, Jim Sailors, Fred Seehase, Brian Reed, Mike Kinsey, Krista Pullen, Jim Donato, Jon Guy and Stacy Odom

Member absent: None

Staff present: Arin Shaver, Eric Servin, Jeff Stanton, legal counsel and Peggy Dillon, recording secretary

Public in attendance: See sign in sheet

**ACTION ON MINUTES:**

Minutes of February 5, 2019 were presented. Mr. Seehase motioned to approve as presented. Mr. LeDonne seconded the motion and all were in favor.

**PUBLIC HEARING:**

Resolution #19-01 Wind Ordinance Amendments:

Mr. Odom stated the procedures for this meeting:

- Staff will present the proposed amendments based on the research and recommendations from the Cass County Ordinance Review Committee
- These amendments were placed on the Cass County Website for public review
- Everyone will have the opportunity to speak
- Comments will be limited to 5 minutes per person
- Presenters are to state their name and address

Mrs. Shaver presented the proposed wind ordinance amendments:

- 600 ft. height limit
- Minimum setback requirements for **commercial WECS towers** including these examples:
  - From property line and residence to be 2.5 times the height of tower; no less than 1500 ft.
  - Setback from public right-of-way to be 1.5 times the height of tower
  - Incorporated limits to be one-half mile
- Minimum setback requirements for **noncommercial and micro WECS towers** including:
  - 1.5 times the height of tower to property lines, dwellings, right-of-ways, railroads, easements, electrical lines
- Minimum setback requirements for meteorological towers to be 1.5 times the height of towers
- Safety designs and installation standards for:
  - Electrical components
  - Anti-icing technology
  - Top soil preservation plan
- Other standards:
  - Noise and vibration
  - Flicker
- Decommissioning Plan:

- Financial Assurance
- Drainage agreement
- Road conditions
- Pre-construction requirements:
  - Financial assurance
  - Road closures

Mr. Odom asked for questions from the board, there were none.

Mr. Odom asked for comments and questions from the public.

Paige Woodhouse, 4477 W. SR 16, spoke against wind towers but thanked the board for the changes and gave the following points:

- Feels that all of Cass County wind regulations should be the same; no exceptions for the northern part of the county
- No waivers for land owners for the setback standards
- Understands that the setback for all turbines is 1500 ft., regardless of the height
- Questioned setback to right-of-way
- Setback to the Wabash and Eel rivers is ½ mile; shouldn't we protect our homes as much as we protect rivers
- Concern of GPS interference

Jim Beecher, 6526 W. CR 550 N., spoke for the development of wind towers and stated he appreciates the work of the board and explained:

- He agrees with the adjoining land owners waivers
- He is concerned with the noise standards are too low and spoke to the fact that farming equipment (ex: grain systems) makes noise and would not meet the standards; this is a concern that the farm equipment will be in violation

Lora Redweik, 5524 N. CR 600 E., spoke against wind towers and stated the following:

- Concern of noise and vibration
- Who and how will the noise level be determined?
- No information as to how we proceed
- Shutter flicker is an issue

Ruth Baker, 1808 W. CR 500 N., spoke against the wind tower development and stated her concerns of:

- Documents reviewed by the wind committee were ordinances that allow wind turbines in their counties
- Minimum setback distance regulations from commercial towers needs some clarification about public road right-of-ways measurements

Leslie Murray, 8288 E. CR 450 N., spoke against wind tower development and stated the following:

- Height limit is good
- Sound regulations are not restrictive enough
- Flicker on residences effects health
- Setbacks should be 2640 ft.

Joyce Pasel, 3296 N. CR 400 E., spoke against wind tower development and stated concern of:

- By what means does a wind company control the decibel level
- Who will marshal the noise level

Mr. Odom stated that the County Commissioners will be responsible for enforcing the noise level.

Dave Redweik, 5524 N. CR 600 E. expressed concern that the noise level would be regulated on the average level of the turbine.

Mr. Donato explained that the level is a standard to be held to, not an average. A wind turbine can be shut down if not meeting the standards.

Phil Rodgers, 650 N. CR 1361 E., is concerned with the potential de-valuing of property.

Sara Craig, 5684 N. CR 600 E., is concerned with:

- Effects of flicker lights and vibrations on autistic children; would there be a special exception for this situation.
- Property values; would there be a property value guarantee

Billy Cooper, 4786 W. CR 900 N., spoke in favor of wind energy is concerned of the setback of 2640 ft. and feels this would eliminate any alternative energy development and hopes this in not the standard.

Brenda Rusk, 4127 N. R.C. Pike, spoke concern of the workers safety.

Adam Speicher, 4794 W. CR 625 N., concerned that he is paying taxes on property that is acceptable for wind development and others in the county are not.

Cassy Davenport, 4128 N. CR 50 E., concerned with:

- RES developers told her that they would build the towers and then sell them
- Will the new owners' standards be different
- She feels they should be banded

James DeWitt, 3137 W. CR 800 N., asked if the committee had looked into ordinances of the counties that have banned wind turbines.

Mr. Odom stated that they did look into their ordinances.

Margaret Hubenthal, 2841 E. SR 16, asked who is responsible for the turbines when they are no longer in use.

Mr. Odom asked for further comments or questions, there were none.

Mr. Odom asked for written correspondence.

Mrs. Pullen read a letter in favor from Benton County Economic Development stating:

- Tremendous impact on county
- The money coming in has helped road systems; police and fire vehicles; schools and hospitals
- Has brought new jobs
- He has not received any complaints on noise or flicker

Mr. Odom stated the public comments section is now closed.

Mr. Seehase motioned to approve the wind ordinance amendments with corrections of any possible typing errors. Mr. LeDonne seconded the motion.

Mr. Donato asked that there be guidelines to issue a complaint and ask for a timely process. Mrs.

Shaver stated that the ordinance states that this would be handled through the Commissioners office.

Roll call vote was unanimous to approve the amendments as presented.

Mrs. Shaver explained the next steps will be the Commissioner's will take this favorable recommendation from the Plan Commission under consideration and they will approve, deny or send them back to the Plan Commission for further changes.

#### REPORTS:

None

#### OLD BUSINESS:

None

NEW BUSINESS:

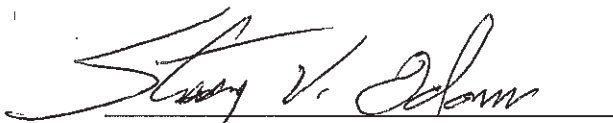
None

FLOOR IS OPEN TO THE PUBLIC:

No one spoke

ADJOURNMENT:

There were no further questions and the meeting was adjourned at 9:33AM March 5, 2019.

  
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CCPC Officer

  
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CCPC Officer

  
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Peggy Dillon, Recording Secretary