

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE IN THE CITY HALL COUNCIL CHAMBERS ON THE 11th DAY OF APRIL 2023. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: Brent Roggow, Judy Pederson, Aaron Edwards, Zak Eickhoff, Rod Rayburn, Linda Hansen, Marlene Flaming

MEMBERS ABSENT: Mitch Moorhead, Lee Davies, Chuck Boden, Roger Merritt (arrived at 5:57 p.m.)

STAFF MEMBERS PRESENT: Judy Clark, County Planner; Michelle Bain, Recording Secretary; Tyler Volkmer, Deputy County Attorney

Notice of the meeting was given in advance thereof, by posting on in at least three places in the City as follows: North Platte Public Library, Lincoln County Courthouse, and City Hall offices.

Notice of the meeting was given to the Chairman and all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to the Chairman and members of the Commission. All proceedings thereafter shown were taken while the convened meeting was open to the attendance of the public.

1. Roll Call.

Chair Roggow stated that a current copy of the open meetings act of Nebraska is posted at the back of the room.

2. Pederson moved and Rayburn seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Hansen, Flaming, Roggow, Rayburn, Eickhoff, Pederson, Edwards. "Nay": None. Absent: Moorhead, Davies, Merritt, Boden. Motion carried.
3. Rayburn moved and Pederson seconded the motion to approve the minutes of the March 14, 2023 meeting. Roll call vote: "Aye": Hansen, Flaming, Roggow, Rayburn, Eickhoff, Pederson, Edwards. "Nay": None. Absent: Moorhead, Davies, Merritt, Boden. Motion carried.
4. Discussion of Data Centers and Crypto Mining Zoning Regulations.

Judy stated that Planning Commission is tasked with looking into the possibility of creating Data Center and Crypto Mining regulations. She got a group together along with city staff members because the city doesn't have regulations either. They are loud and they suck a lot of energy. They did some research on what they are and, in the discussion, they decided crypto mining and data centers are different. Planning Commission needs to discuss if they should be in the regulations and should they be conditional use permits or permitted uses etc. They need to be in an area close to a power source and away from residential. They could probably be permitted as conditional uses in certain areas.

There was much discussion regarding crypto mining facilities and some of the main discussion included environmental concerns, there is a lot of electricity and noise generated. They are basically racks of computers and may be used for crypto mining initially but could be different in the future. Companies may be prepared to switch them to financial or health care platforms. It could be a good deal for power companies because of taxable value and they can be shut down when needed. Would be best to locate them in industrial or ag areas. They should decide what kind of setback to use (for example one mile) and if anyone wants to be closer, they would have to get an impact easement. This could be an opportunity to bring in business. General consensus seemed to be to only allow these as a conditional use permit in industrial and ag districts. Job creation would be minimal. The job of the Planning Commission is to protect health, safety and welfare of its community.

Gary Person, President, North Platte Chamber and Development Corporation, was present and stated several years ago prior to Kearney mining there was someone scouting the area. It was hard to understand because it was new. They targeted the Business Park along Walmart DC etc. They wanted to buy it and pay top dollar for it. They would have had ugly containers there. Knowing other benefits like tax benefits etc. and as a former city manager he had to wheel and deal on buying power all the time, and that concerned him more than ugly

containers. They reached out to NPPD who were adamantly opposed to it. Seemed to be a lot more negatives than positives.

Merritt arrived at 5:57 p.m.

Judy pointed out the difference between crypto mining and data center is a data center can be part of a building and no one would ever know. Depends on how big it is.

Chris Bruns was present and stated speaking personally it is important to point out there is probably a beneficial aspect to some of this. Economic impact such as employees is an important aspect that needs to be considered. There is differentiation for sizes of these things. Smaller vs. larger scale mega sites like Kearney is dealing with. Taking care of natural resources is part of Planning Commission's wheelhouse to be considering. He isn't sure large ones would be beneficial enough and feels conditional use permits is the route to go. As far as beneficial from tax aspect, a container on a plot of land won't add a lot of value but a permanent structure possibly could. That could be addressed in the conditional use permit.

Chair Roggow stated he did some research on the east coast and up north. He didn't hear anything positive from people who had them around. Even a mile away they were having issues and in New York State they had issues with noise.

Edwards mentioned listening to trains.

Chair Roggow stated he wants to look at both sides and would like to know the tax dollar picture.

Edwards suggested requiring them to be a permanent structure.

Chair Roggow would like some guidance and suggested starting with what Dawson has and add some things on there.

Judy suggested she and the attorney try to come up with a good definition of data centers vs. crypto mining.

Edwards suggested calling it blockchain.

Judy stated she and the attorney will try to come up with a couple of good definitions, take Dawson's regulations and see what else they can come up with, put some legalese in it, lay out zones they may be allowed in but only as conditional use permit which can always have additional conditions put on them, try to find out if one mile is sufficient.

5. Discussion of Wind Generation and Solar Generation Regulations.

Judy stated that about a month ago the Board of Commissioners put a moratorium on wind generation in Lincoln County. She suggested County Commissioner Chris Bruns can maybe give a little direction on what they want. There are some decent regulations from 2012 that were changed in 2018. She heard maybe a thought was that setbacks weren't enough. She received a phone call from a lady that said the setbacks weren't far enough. The County Attorney in 2018 he looked at the decommissioning redid that at that time. There is a bond or something and there was a struggle at that time. This lady from Dawson County thinks they need an escrow account. She is going to lean on the County Attorney to look into that. She needs direction from County Board. I think other portions are pretty decent. But that's just me.

There was discussion about the decommissioning being discussed at that time even as it got more expensive including the concrete underground. Setbacks and light flicker were addressed at that time as well, as were restoring county roads. Sound was discussed and they want to be consistent with other sound restrictions.

Jason Schultz, Lincoln Co. Hwy. Superintendent, was present and stated that someone from Minnesota came to speak that had major issues with roads where these are going in. There is not much infrastructure on the roads and with all the traffic even with maintenance and initial construction there were problems. He hasn't read the current regulations. There may need to be regulations as far as updating or improving existing roads leading into these sites just for future use.

Judy suggested he read it and give a recommendation.

Pederson stated that Colorado has well maintained and clean roads and suggested looking at their regulations.

Judy suggested looking at noise, setbacks, decommissioning.

It was suggested to look at bond or escrow, including escalating costs for decommissioning, make sure that bond has the ability to grow. It was pointed out that it reads as 125% of the cost. Another suggestion was that it should maybe be 150%.

Chris Bruns stated his personal opinion is there are two issues: wind generation and solar. Buffalo County passed some good wind and solar regulations and suggested that Planning Commission look at those regulations.

Judy stated she didn't add solar regulations in the materials so they will discuss it at the next meeting.

There was discussion about recycling wind turbines. Apparently, years ago they couldn't recycle, now they can.

Merritt made some comments on permitting conditional uses and asked about controlling the time frame.

Deputy County Attorney Volkmer pointed out there are no commercial grade solar regulations.

Judy stated they will check out other county's regulations.

Mr. Bruns stated they lumped solar into the moratorium because there are projects with purchase orders in place for mega solar sites and there are no solar regulations now.

6. Old Business. There was no old business to be discussed.
7. New Business. There was no new business to be discussed.
8. Adjourn. Chair Roggow adjourned the meeting at 6:40 p.m.

Submitted by,

Michelle Bain
Recording Secretary