

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

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

MEMBERS ABSENT: Marlene Flaming, Roger Merritt, Lee Davies, Mitch Moorhead, Chuck Boden (arrived at 5:34 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 Edwards seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt, Boden. Motion carried.

Boden arrived at 5:34 p.m.

3. Pederson moved and Boden seconded the motion to approve the minutes of the June 13, 2023 meeting. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen, Boden. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.
4. Public Hearing File No. AM23-002 Discuss and consider action on a resolution for an amendment to the Lincoln County Nebraska Zoning Regulations Article 2 Section 2.03 Definitions and Article 8 Sections 8.07-8.08.06 Small Wind Energy Systems and Commercial/Utility Grade Wind Energy Systems.

Chair Roggow opened the public hearing.

County Planner Clark presented the amendments to the Planning Commission. She explained that the basic changes were to definitions and setbacks and noise level.

Carleigh Houghtling, wind project and solar developer with Invenergy, Denver, a US based inventor for wind and solar projects across the United States was present and stated she did a project and saw firsthand what benefits wind energy brings to communities so she decided to spend her career bringing those benefits to other communities. They have several projects across the State of Nebraska. They are concerned with the setbacks being proposed. These setbacks are particularly large and would make Lincoln County one of the most restrictive counties in Nebraska. Setbacks are dependent on turbine height. This would grant landowners rights over neighboring properties they do not own. The landowner would not be able to develop on their property. Wind power is complementary to agriculture, it provides stability, preserves family farms. They want to provide jobs and investments in local economy and these setbacks would prevent developers from investing money into the county. A 400 megawatt project would bring about \$1.4 million in tax revenue to the county from one project so it would bring benefits to the local landowner and the county.

Pederson asked if they were currently looking at doing a project in Lincoln county.

Ms. Houghtling stated they are interested in developing in Lincoln County. The exact size of the project is to be determined.

Eickhoff asked what a minimum project size would be. For example, how many turbines would they have.

Ms. Houghtling stated the size of the turbine and number of turbines are dependent on what they are able to site. It's based on megawatts.

Alex Chandler, Invenergy, Denver, was present and stated they do 30 as a minimum. He mentioned some people don't like wind and the lights can be obnoxious. There are things to remedy that, like a radar system that will detect if there is an airplane in the sky and turn the lights on.

Eickhoff explained the concern with disposal of the turbines etc.

Mr. Chandler mentioned the bond in the regulations. When it's gone, there needs to be money to take them out.

Mr. Chandler mentioned their first projects were built about 20 years ago so they haven't seen decommissioning. They are supposed to last about 30 years. They change fluids, keep blades in shape. They could redevelop and put modern turbines in. Most of a wind turbine is steel and is recyclable. There is some fiberglass that is tough to recycle. We do have a place to grind them up. It isn't a hazardous material.

Attorney Volkmer asked how much land it would take if Lincoln County did a 100 megawatt project.

Mr. Chandler stated it depends on size. They could do it with about 10,000 acres. They wouldn't build the turbines "on top of" each other. There may be one within a ½ mile of another depending on the wind, depending on section lines, roads, and the way the wind lines up.

Mr. Chandler explained what makes a project happen is having a contract to buy or sell the projects to power districts. The local coops can make use of a recent bill that was passed and that money can come back via economic development.

Hansen spoke from a rancher's point of view. If a wind project needs at least 10,000 acres and she is currently running cattle on that land, what impact will it have on the cattle?

Mr. Chandler stated a project he is working on now is 50,000 acres of land (300 megawatt project). The temporary disturbance is 1500 acres of land. The roads etc. are 300 acres. Will be minimal disturbance once the lines are buried. They make wide roads for the cranes to go down and it gets all cleaned up and made down to 16' wide roads. The turbines themselves have a ¼ acre of a circle around it and it can be farmed up to a few hundred feet of it. During construction there will be a difference with cattle grazing. If they take down a fence, they make a difference fence, let them graze it, then do their work. Then a couple months later, they can graze again. As far as vibrations from wind turbines, there is no credible animal husbandry saying these animals are tortured. Calving he is not aware of. Cows will come right up to the base of the turbines.

Ms. Houghtling stated she thinks there are agencies that have done studies to prove the effect of the motion etc. on cattle or other animals.

Mr. Chandler said a 2½ miles setback would take up 2 or 3 sections of land. That's 1,000 acres out of it.

Attorney Volkmer stated there is a 2 section halo around the area. If they build within the structure and they sign off on it, like CAFOs, that would work.

Ms. Houghtling stated that still grants that neighbor control over someone else's property. If the neighbor wants to develop their property for wind but their neighbor says they can't, they have control over their neighbor's land.

Max Lovitt, Logan County Planning Commission, was present and stated he has done research on this and agrees neighbors shouldn't be able to impact another neighbor, but he also heard research that there are some health risks with wind turbines that would impact a neighbor. He asked if there has been research for health risks.

Mr. Chandler stated there has been some research. He could reach out to some MD's and they can speak to it. The main health issues he hears is not wanting to hear them and not wanting to see the shadow from them.

Ms. Houghtling stated agencies have studied them being impactful to people. There is no evidence of a health risk from turbines as far as she knows.

John Hill, Logan County Planning Commission, was present and asked if the regulations have an effect on Logan County.

Pederson Moved and Edwards seconded the motion to close the public hearing. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen, Boden. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.

There was additional discussion among the Planning Commission regarding property owners' rights, restrictions recently approved in Dawson County, recycling and reusing wind turbines.

Edwards moved and Rayburn seconded the motion to adopt Resolution AM23-002, which recommends approval of the amendment to the Lincoln County Nebraska Zoning Regulations Article 2 Section 2.03 Definitions and Article 8 Sections 8.07-8.08.06 Small Wind Energy Systems and Commercial/Utility Grade Wind Energy Systems. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Edwards, Hansen. "Nay": Pederson, Boden. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.

5. Public Hearing File No. AM23-003 Discuss and consider action on a resolution for an amendment to the Lincoln County Nebraska Zoning Regulations Article 8 Section 8.12-8.12.06 Solar Energy.

Chair Roggow opened the public hearing.

County Planner Clark presented the amendments to the Planning Commission. We didn't really have any solar regulations that addressed solar farms. This basically places the commercial solar energy regulations. Didn't do much with setbacks, they are the same as if it was a structure. It has a decommissioning plan in there.

Pederson moved and Eickhoff seconded the motion to close the public hearing. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen, Boden. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.

Eickhoff moved and Boden seconded the motion to adopt Resolution AM23-003, which recommends approval of the amendment to the Lincoln County Nebraska Zoning Regulations Article 8 Section 8.12-8.12.06 Solar Energy. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen, Boden. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.

6. Public Hearing File No. AM23-004 Discuss and consider action on a resolution for an amendment to Lincoln County Nebraska Zoning Regulations Article 5 Section 5.01-5.06 Conditional Uses.

Chair Roggow opened the public hearing.

County Planner Clark presented the amendments to the Planning Commission. She stated that the Commissioner's wanted to be the final authority a while back. The regulations need to reflect that change.

Pederson Moved and Edwards seconded the motion to close the public hearing. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen, Boden. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.

Pederson moved and Eickhoff seconded the motion to adopt Resolution AM23-004, which recommends approval of the amendment to the Lincoln County Nebraska Zoning Regulations Article 5 Section 5.01-5.06 Conditional Uses. Roll call vote: "Aye": Roggow, Rayburn, Eickhoff, Pederson, Edwards, Hansen, Boden. "Nay": None. Absent: Flaming, Moorhead, Davies, Merritt. Motion carried.

7. Old Business. Judy stated that crypto mining will be on the August meeting.
8. New Business. There was no new business to be discussed.
9. Adjourn. Chair Roggow adjourned the meeting at 6:33 p.m.

Submitted by,

Michelle Bain  
Recording Secretary