

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 14th DAY OF JULY 2026. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:33 P.M.

MEMBERS PRESENT: Brent Roggow, Judy Pederson, Lee Davies, Zak Eickhoff, Aaron Edwards, Chuck Boden, Roger Merritt

MEMBERS ABSENT: Marlene Flaming, Russ Miller, Vern Friesen, Mitch Moorhead

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. Boden moved and Edwards seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Roggow, Pederson, Edwards, Davies, Eickhoff, Boden, Merritt. "Nay": None. Absent: Flaming, Miller, Friesen, Moorhead. Motion carried.
3. Merritt moved and Boden seconded the motion to approve the minutes of the June 9, 2026 meeting. Roll call vote: "Aye": Roggow, Pederson, Edwards, Davies, Eickhoff, Boden, Merritt. "Nay": None. Absent: Flaming, Miller, Friesen, Moorhead. Motion carried.
4. File No SU26-004 Discuss and consider action on an application by Daniel and Jennifer Dyer for Dyer Subdivision located at 2766 North Park Road in a TA-1 Transitional Agricultural District described as a tract of land located in the E ½ of the E ½ of Section 25, Township 14 N, Range 34 W of the 6th P.M., Lincoln County, Nebraska.

Judy stated that the subdivision will split one parcel into two lots and will create a 30' access easement for Lot 1. Lot 2 consists of approximately 4.29 acres with an existing residential dwelling and Lot 1 consists of approximately 6.78 acres. The applicants are proposing to build a new residential dwelling on Lot 1. Planning Staff has no objection to the subdivision. The subdivision will be in conformance with the Lincoln County Comprehensive Plan, Zoning Regulations and Subdivision Regulations.

Edwards moved and Davies seconded the motion to approve File No. SU26-004 Dyer Subdivision. Roll call vote: "Aye": Roggow, Pederson, Edwards, Davies, Eickhoff, Boden, Merritt. "Nay": None. Absent: Flaming, Miller, Friesen, Moorhead. Motion carried.

5. Public Hearing File No CU26-010 Discuss and consider action on an application by James Bunyan for a conditional use permit to allow construction of a 2nd Dwelling located at 5330 North Twin Lakes Road in an R-1 Dwelling District on property described as Lot 1, Horizon Estates Replat, Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

Judy stated that the applicants are requesting the conditional use permit to allow construction of a 2nd single level home for their elderly parent. Traffic should be very minimal, just residential. Construction of an additional home will increase the value of this property and neighboring properties. Planning Staff has no objections to the proposed 2nd dwelling. The property is a larger residential parcel consisting of approximately

2.15 acres and is accessed from a county improved road. An additional residential structure in the area will not be a detriment to the surrounding property owners.

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

Eickhoff moved and Merritt seconded the motion to adopt Resolution CU26-010 "A", which recommends approval of the conditional use application by James Bunyan to allow construction of a 2nd home located at 5330 North Twin Lakes Road and all elements of the application are complied with based on the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
2. The application complies with current Lincoln County Subdivision Regulations.
3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

Roll call vote: "Aye": Roggow, Pederson, Edwards, Davies, Eickhoff, Boden, Merritt. "Nay": None. Absent: Flaming, Miller, Friesen, Moorhead. Motion carried.

6. Public Hearing File No CU26-011 Discuss and consider action on an application by Alex Brown & Sons, LLC, lessor and DLX Titan II LP, lessee for a conditional use permit to allow construction of a helium plant consisting of a 40' x 50' steel building to house helium extraction equipment located on North Birdwood Road in an A-1 Agricultural District on property described as part the E ½ E ½ W ½ of Section 14, Township 16 N, Range 33 W of the 6th P.M., Lincoln County, Nebraska.

Chair Roggow opened the public hearing.

Judy stated that the applicants state that there will be one 40' x 50' steel building constructed to house helium extraction equipment. There will be approximately two to three trucks every three days and one passenger vehicle each day driving to and from the site. The plant will be contained within the building and should have minimal effect on surrounding properties. Planning Staff has no objections to the proposed helium plant. The site is surrounded on the south, east and west, by the applicant and should not be a detriment to the surrounding property owners.

Joe Wahlgren, representing Twin Platte NRD, was present and asked about the risk of mining or establishing a well that would mine helium near the headwaters of Birdwood which feeds aquifer downstream and asked if there is any sort of fracking activity.

Dave Lehman, founder and one of the owners of DLX Titan II LP, was present and stated they work strictly within the regulations of the Nebraska oil and gas conservation commission. Helium is found in the earth along with other gases and drill for it similar to other natural gas. They protect Ogallala aquifer; this is not a fracking operation. Wells are stimulated with high pressure nitrogen which is a non-contaminant. Helium is non-flammable. Nitrogen is non-flammable and cannot contaminate anything. When released into the atmosphere it has no environmentally dangerous impact.

Eugenia Kennedy, Sutherland, was present and asked how close they are to the creek.

Mr. Lehman stated the shed will be on the east side of Birdwood Road, so not too close to the creek.

Kirk Olson, North Platte, was present and asked if there other wells like this in the area.

Mr. Lehman responded to his knowledge there are no other wells like this in western Nebraska, there might be a few in eastern Nebraska. There are many in Kansas. Helium is becoming a very sought after product, it is used for space travel, medical equipment, coolant in MRI machines, party balloons. They plan to have 7 wells for the initial project; several are already drilled.

Nancy Nelson, Sutherland, was present and asked what kind of regulations are on helium wells and asked if neighbors have to be notified.

Judy stated law requires the county to publish a notice of public hearing in the Telegraph 10 days prior to the meeting and send notification to property owners within 300' of the location. Regulation of the actual wells are through the Nebraska Oil and Gas Commission.

Beth DeFreece, Hidden Lakes Subdivision, North Platte, was present and asked if helium has been used as a coolant in AI data centers.

Mr. Lehman stated he is not familiar with AI data centers and how they are cooled.

Felicia Patrick was present and asked if Planning Commission has any regulations about what wells can be drilled.

Mr. Lehman explained the drilling of the wells is regulated by the Nebraska Oil and Gas Conservation Commission and they have permits from them and have followed all their regulations.

Judy explained the Conditional Use Permit is to extract and transport the helium.

Edwards asked what transportation looks like.

Mr. Lehman explained they plan to see how the plant produces. If it produces well, there may be expansion, but there are no plans for an expansion.

Judy explained that a large expansion would have to come back to Planning Commission and the Commissioners.

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

Merritt moved and Edwards seconded the motion to adopt Resolution CU26-011 "A", which recommends approval of the conditional use application by Alex Brown & Sons, LLC, lessor and DLX Titan II LP, lessee to allow construction of a helium plant consisting of a 40' x 50' steel building to house helium extraction equipment located on North Birdwood Road and all elements of the application are complied with based on the following factual findings, to wit:

1. The application complies with current Lincoln County Zoning Regulations.
2. The application complies with current Lincoln County Subdivision Regulations.
3. The application is in conformance with the current Lincoln County Comprehensive Plan and Lincoln County Zoning Map.

Roll call vote: "Aye": Roggow, Pederson, Edwards, Davies, Eickhoff, Boden, Merritt. "Nay": None. Absent: Flaming, Miller, Friesen, Moorhead. Motion carried.

7. Public Hearing File No AM26-003 Discuss and consider action on an amendment to the Lincoln County Zoning Regulations Section 4.07 Land Use Categories/Matrix amending data center from a permitted use to a conditional use.

Chair Roggow opened the public hearing.

Judy stated in Lincoln County's current zoning regulations regarding data centers, the land use categories indicate that data centers are a use permitted by right in an I-1 Industrial District. By right means it would only take a permit to approve. Since adoption of the regulations, things have changed, and the best course of action

to take is to change this use from permitted to conditional, that way if an application were to be submitted prior to the county adopting updated data center regulations, the county would be able to hear that application as a conditional use, allowing conditions to be added to the application at the time of the public hearing. Planning Staff strongly recommends amending the land use category for data centers requiring conditional use applications for any data center application while the county is updating the regulations.

Chair Roggow explained this would give Planning Commission and Commissioners more control of an application because they would have to come before both boards to get approval.

Richard Bowker, North Platte, was present and stated it sounds like they are making this a conditional use.

Judy explained that it is currently in the regulations as permitted. What it means is if an application comes prior to these regulations being approved, there is a safeguard in place that it comes before Planning Commission.

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

Davies moved and Edwards seconded the motion to adopt Resolution AM26-003 “A”, which recommends approval of the amendment to the Lincoln County Zoning Regulations Section 4.07 Land Use Categories/Matrix amending data center from a permitted use to a conditional use in the I-1 Industrial District.

Roll call vote: “Aye”: Roggow, Pederson, Edwards, Davies, Eickhoff, Boden, Merritt. “Nay”: None. Absent: Flaming, Miller, Friesen, Moorhead. Motion carried.

Chair Roggow stated that Item No. 9, the public comment period, will be held before Item No. 8 because Planning Commission wants to hear from the people first.

9. Public Comment Period.

Richard Bowker, North Platte, shared concerns about water and drought issues, noise, no live births, whether the power grid has enough power, bacteria, compromised immune systems, chemical output and contamination.

Nancy Nelson, Sutherland, was present and shared concerns about data centers such as water and types of cooling, where the water goes when they drain a loop system, livestock not getting pregnant, losing wildlife, too much electricity consumption, ground vibration effects on animals and crops, setbacks, landscaping, their own electricity should be permanent, she is not a fan of solar farms, she would like to see the land back restored to the way they found it and water rights should go with the land.

Becky Cudzilo, 3411 S. Bare, was present and stated she has a background with data centers and they should add EMF, heat requirements. They tend to push heat into the ground which heats up the ground and causes other issues. Emergency generators run 24/7 typically. She is against a data center in Lincoln County.

There was some discussion about heat going into the ground and potentially heating the aquifer.

Mr. Wahlgren (NRD) stated they will create heat but can't dump it into the aquifer.

Faith Colburn was present and stated there has to be transparency and not have non-disclosure agreements signed.

Judy stated she does not sign non-disclosure agreements as a county employee. Public record is public record.

Mike Halverson, North Buffalo, was present and questioned what good a data center would do for Lincoln County; they use a tremendous amount of water and electricity. There are a lot of employees initially but after it's built there are very few employees. He's concerned about the environment.

Emil Bunger, 4701 Heritage Drive, was present and asked data centers be owned by American based companies. He is against data centers.

Felicia Patrick, Sutherland, stated she is on the village Board. She mentioned Commissioner Brunns assured them the Comprehensive Plan is sufficient to not issue a moratorium. He stated numerous have looked, but no one has acted and assured them there are regulations in place to prevent using valuable resources. They should have to generate 100% of their own electrical needs.

Judy explained there is a Comprehensive Plan and Overlay Districts; almost all of Lincoln County is in one of the overlay districts and they address a lot of environmental issues. There is no data center application on the table. The County is trying to get regulations in case an application does come forward. If they come forward without these updated regulations, they would be conditional uses in the soil overlay districts and it is doubtful it would locate anywhere other than one of them. They would have to come before this board and they could put conditions on it, such as water requirements. etc. There are protections now, but we are trying to make them better.

Ed Rieker, 916 N. Emory Ave., was present and basically stated the unknown can be frightening and gave a few examples. He is not in favor of using ground water or closed loop system to cool these systems. They can use hybrid system with a radiator or refrigeration system. Regulations should be made that are common sense. He is not in favor, not opposed, but they can be regulated to protect environment and citizens and take advantage of this technology.

Pederson asked about regulations in the city.

Judy explained the city is updating their Comprehensive Plan and zoning regulations. They will be meeting to complete some edits and will be adding data center regulations to that. Right now, a data center in North Platte would be treated as a Conditional Use Permit in an industrial district.

Beth DeFreece, 3006 S. Hidden Lakes Road, stated there should be specific consequences for non-compliance.

Diane Huebner, 554 S. Hershey Dickens Rd, Hershey, was present and stated if this is a good deal today, it will be a good deal later. She supports responsible economic development but believes protecting resources and people of Lincoln County is important. The developer should be subject to maximum water regulation by experts and the project should be paid for entirely by the developer. There should be enforceable limits, lighting, landscaping, etc. to protect public safety, training, etc. Approval should apply only to the project being proposed and any future expansion should require a new public review and approval process.

Jan Knight, 2619 W. Philip, was present and stated she is against data centers and agrees with everything that has been said.

Martin Mora, 2302 W. 6th, was present and stated he appreciates the new language in the newly drafted regulations. His goal, using AI, was to try to look at it from both directions, primarily looking as an aggressive developer and from county's perspective. He emailed it to County staff and Planning members whose addresses he had. The red team works from facts; the blue team works from concerns. He has spent a lot of time in conversation with Judy and Commissioners and there is a redrafted version of 8.22 with the changes (in brackets). On June 8th he published upstreatmof.me. It has received 60 visits and some were not people at all. It is getting visits from other countries. His hope is that Lincoln County will be able to lead the charge and this will be a blueprint other communities can adopt.

Charles Fleecs, 33470 W. Hwy. 30, Sutherland, was present to support Judy and what she has to come up with. He urged the Planning Commission to aim high. This is the next level of slowing this thing down.

8. Discussion of possible future amendments to the Lincoln County Zoning Regulations Section 8.22 Data Centers.

Judy stated that this agenda item is for discussion only; no formal action will be taken at this meeting. The committee did a lot of research, etc. This was one of the most difficult regulations – typically she has a starting point from other counties. She reached out to counties across the state and no one had anything. She even went nationwide and looked at regulations; lots of cities put in regulations after the fact.

Judy further explained that on Monday, June 1, 2026, the Lincoln County Board of Commissioners met and discussed data center regulations. As a result of that discussion, the board directed the Lincoln County Planning Commission to review the current regulations. On Tuesday, June 9, 2026 Planning Commission met at their regularly scheduled meeting to discuss data center regulations and voice any concerns or thoughts about data center regulations. At that meeting Planning Commission heard from representatives of NPPD and NRD to provide information regarding electricity and water, which are top concerns with data center development. Since that time, a committee consisting of Planning Staff, 3 Planning Commission Members, 2 Board of Commission Members and the Deputy County Attorney have been meeting and researching possible new data center regulations. Information was gathered from multiple sources including, but not limited to, sitting commission members, community members, other communities both nationwide and local, the State of Nebraska, NACO, NPZA, public power districts and NRD's and drafted data center regulations for Lincoln County. The intent of the proposed regulations are to regulate the location and site design, with consideration for construction methods as well as some operational procedures of data centers within the jurisdiction, in order to promote efficient and responsible development. This is being done to ensure compatibility with surrounding land uses, protect the environment, and safeguard public health, safety, and welfare.

Judy explained she had other departments review the regulations and make suggested edits to the proposed regulations.

Planning Commission, staff and members of the audience discussed the entire proposed regulations and discussed several of them in depth specifically use of water and electricity, hiring an outside engineering firm to monitor projects, minimum site requirements, setbacks, noise, enforcement, and decommissioning.

Attorney Volkmer suggested putting a limitation on water instead of stating a certain system must be used.

Mr. Wahlgren (NRD) stated there is only one place for water to come from, that's irrigated agriculture. Lincoln County is currently over-appropriated so there can be no new uses – if someone says they have a large use, NRD works with them to find places to dry up.

Judy will make changes and come back to Planning Commission for public hearing in August.

10. Old Business.

Judy mentioned putting Article 5, Conditional Uses to meet the LB 663 standards as a public hearing in August.

11. New Business. There was no new business.

12. Adjourn. Chair Roggow adjourned the meeting at 8:53 p.m.

Submitted by,

Michelle Bain
Recording Secretary