

MINUTES OF THE MEETING OF THE LINCOLN COUNTY PLANNING COMMISSION HELD IN THE CITY HALL COUNCIL CHAMBERS ON THE 11th DAY OF AUGUST 2026. CHAIR ROGGOW CALLED THE MEETING TO ORDER AT 5:35 P.M.

MEMBERS PRESENT: Brent Roggow, Lee Davies, Russ Miller, Zak Eickhoff, Aaron Edwards, Roger Merritt

MEMBERS ABSENT: Marlene Flaming, Judy Pederson, Vern Friesen, Chuck Boden, 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 available at the back of the room.

2. Merritt moved and Edwards seconded the motion to approve the order of the agenda. Roll call vote: "Aye": Roggow, Edwards, Miller, Davies, Eickhoff, Merritt. "Nay": None. Absent: Flaming, Pederson, Friesen, Boden, Moorhead. Motion carried.
3. Edwards moved and Merritt seconded the motion to approve the minutes of the July 14, 2026 meeting. Roll call vote: "Aye": Roggow, Edwards, Miller, Davies, Eickhoff, Merritt. "Nay": None. Absent: Flaming, Pederson, Friesen, Boden, Moorhead. Motion carried.
4. Public Hearing. File No AM26-004 Discuss and consider action on an amendment to the Lincoln County Zoning Regulations Section 8.22 Data Centers regarding data center regulations.

Chair Roggow opened the public hearing.

Judy stated 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 has directed the Lincoln County Planning Commission to review the current regulations. On Tuesday, June 9, 2026 Planning Commission held an open discussion regarding possible data center regulations. At that meeting Planning Staff invited representatives from NPPD and NRD as a resource for information regarding electrical and water usage. A subcommittee consisting of three Planning Commission Officers, two Board of Commissioner members, and planning staff was formed to create a set of draft regulations for further discussion at the July meeting. After a number of subcommittee meetings and extensive research, the subcommittee brought a set of first draft regulations to the full Planning Commission for review on Tuesday, July 14, 2026. At that meeting, Planning Commission discussed the entirety of the regulations with open discussion from community members in attendance. Since the July 14th meeting, minor changes have been made and a public hearing was scheduled regarding adoption of the proposed regulations. At this meeting, Planning Commission will hold a public hearing to receive comments from community members. Planning Commission Members may make amendments to the proposed regulations prior to considering adopting a recommendation. These are data center regulations; there is not a data center application to discuss. These are just regulations to be recommended to the Board of Commissioners.

Kim Backer, 1510 N. County Rd., Sutherland, was present and stated although she is on the village of Sutherland's board, this is her personal comment. She commended the Planning Commission on their review of the regulations. The plans being put into place have quite a bit of teeth. They establish that the applicant must

go through the NRD and have a pre-application meeting. Then they would go through a public hearing where the board can put conditions on the application.

Several people spoke at the public hearing regarding a 36 page document that a group of citizens put together to amend the 9 page proposed document being discussed. The documents presented at the meeting are on file in the Lincoln County Planning office.

The people who spoke on this included:

Mitch Josten, 608 ½ E. 2nd, Apt #3, North Platte

Gregg Mooney, 1102 W. 4th St, North Platte

Linda Colburn, 1401 2nd St., Sutherland

Theresa Rotert, 1240 Locust, Sutherland

Nancy Nelson, 1613 S. Beveridge Rd., Sutherland

Mary Studley, 2618 N. Studley Rd., North Platte

Diane Huebner, 554 S. Hershey Dickens Rd., Hershey

Michelle Boggs, 6441 W. State Farm Rd., North Platte

Paul Orr, 8047 W. Platte Valley Rd., North Platte

Mike Mooney, 1014 E. 15th, North Platte

Carroll Carsten, 14685 W. Platte Valley Rd.

Several suggestions from this group included adding a definition of environmental model, monitoring things that trigger mitigation, including specific parameters for lighting, water use, noise pollution, consolidate reporting requirements, pollution from diesel generators, coolant and battery storage, preserving conservation sites, habitat disruption, light pollution, landscaping which needs time to grow, noise and dust during construction, how many jobs after construction, natural gas generators use, consider schools that may need upgraded, revised definition of the community benefits agreement to include all stakeholders involved, ag land protection, protect residential public service power during power surges, continuous water monitoring, require larger setbacks and more acreage, better emergency response plan and hazard disclosure to responders, hospital worker training, safety testing, unrestricted emergency access

Charles Fleecs, 33470 W. Hwy. 30, Sutherland, asked to require them to have their own electrical generation. He challenged the Attorney to make the verbiage better.

Attorney Volkmer responded there needs to be right amount of regulations.

Jeff Lebsock, 10427 W. Walker Rd, stated they are 4th generation Nebraska farmers and are going to stand firm that they don't want the data center or water taken away.

Sheila Jorgensen, 901 Cherokee Rd., asked for some way to back up promises of jobs such as a bond.

David Huebner, 1640 N. Airport Rd., asked Planning Commission to slow down and get things right. He would like to see the words "must" or "shall" be included in the regulations.

Marvin Nesiba, 136 W. N. River Rd., wants to make it difficult for them to come here. He voiced concerns about setbacks, water consumption, wastewater, noise, and battery disposal.

Bryan Walz stated he feels data centers will add massive load to the area. They should load up what they have now instead of building more. The frequency at the one in Kearney is loud.

Faith Colburn, 803 W. 8th, asked if Lincoln County has anyone to enforce these regulations.

Attorney Volkmer stated a county building inspector has been discussed by this board and the commissioners several times. That's the person who would enforce it. The regulations have provisions to hire a third party engineer at the applicant's cost to inspect and check for violations. If they don't correct the violations, the next step is injunction. He doesn't feel fines would stop them because they have the money to pay them.

Mary Studley stated International Building Codes have regulations related to data centers which means they must comply with strict safety.

Shaylee Scranton, Thedford, spoke on section 8.22.02 Community Benefits Agreement. She believes the text that mentions what will be received needs struck because if someone is opposed to it, they should not be ashamed to voice their opinion.

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

Judy stated from a zoning regulation perspective, there have been many good ideas submitted. However, if a regulation is written stating it has to hit all these things and they hit all those things, that ties the county's hands as a board for the ability to say no.

Attorney Volkmer cautioned them to write rational regulations that will hold up in court. For instance, if a large setback goes to court and gets thrown out, they may be allowed to have no setback.

Planning Commission discussion included adding some of the suggestions presented to the board at this meeting. How water and electricity requirements would be addressed. If/when there is an application for a data center, it would come before this board as a public hearing and conditions could be added to protect the citizens. The county has to have regulations in place for protection against being sued. Setbacks should be able to be mitigated with the noise requirements.

The three changes to the regulations that were suggested by Planning Commission are available in the documentation on file in the Planning Administrator's office.

Edwards moved and Eickhoff seconded the motion to adopt Resolution AM26-004 "A", which recommends approval of the amendment to the Lincoln County Zoning Regulations Section 8.22 Data Centers as amended.

Attorney Volkmer stated, after public input, he may not be done recommending amendments. If he finds more, he'll take them to the County Board.

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

5. Public Hearing File No AM26-005 Discuss and consider action on an amendment to the Lincoln County Zoning Regulations Section 4.07 Land Use Categories/Matrix amending data center to include different types of data centers.

Chair Roggow opened the public hearing.

Judy stated that in Lincoln County's proposed data center regulations, ancillary data centers should be allowed as permitted in these zoning districts as part of a commercial or business operation. The C-1 and I-1 Zoning Districts allow for commercial development and the A-1, TA-1, AGV and LCR Zoning Districts allow for some types of commercial or industrial development through approval of a conditional use permit. Therefore, allowing ancillary data centers as part of the approved by right or approved by conditional use commercial development should not cause additional detriment to the area. Planning Staff recommends amending the land use category for ancillary data centers as permitted uses in these zoning districts.

Attorney Volkmer stated as long as the ancillary center is incidental to the main business, it shouldn't be a Conditional Use Permit.

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

Edwards moved and Davies seconded the motion to adopt Resolution AM26-005 “A”, which recommends approval of the amendment to the Lincoln County Zoning Regulations Section 4.07 Land Use Categories/Matrix adding ancillary data centers as permitted uses in the C-1, A-1, TA-1, AGV and LCR Zoning Districts. Roll call vote: “Aye”: Roggow, Edwards, Miller, Davies, Eickhoff, Merritt. “Nay”: None. Absent: Flaming, Pederson, Friesen, Boden, Moorhead. Motion carried.

6. Public Hearing File No AM26-006 Discuss and consider action on an Amendment to the Lincoln County Zoning Regulations Article 5 Conditional Uses regarding state legislative updates to conditional use permit procedures.

Chair Roggow opened the public hearing.

Judy stated that in 2026, the Nebraska State Legislature passed LB663 setting standards and processes that local governments are required to follow regarding conditional use permitting. These standards require planning commissions and board of commissioners to hear and act on applications under strict timelines, sometimes referred to as the “shot clock”, limiting a county’s ability to postpone decisions or in some cases require certain conditions. To adhere to legislative mandates and still be able to have some local control, Planning Staff is recommending the proposed amendments to Article 5 Conditional Uses. Planning Staff recommends amending Article 5 Conditional Uses.

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

Attorney Volkmer explained he feels that this legislative bill will be revisited by the state in the future because the intent was for it only to pertain to confined animal feeding operations.

Davies moved and Merritt seconded the motion to adopt Resolution AM26-006 “A”, which recommends approval of the amendment to the Lincoln County Zoning Regulations Article 5 Conditional Uses. Roll call vote: “Aye”: Roggow, Miller, Davies, Eickhoff, Merritt. “Nay”: Edwards. Absent: Flaming, Pederson, Friesen, Boden, Moorhead. Motion carried.

7. Election of Officers.

Chair Roggow opened nominations for office of chairman.

Edwards nominated Roggow for Chair. Roggow closed nominations.

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

Chair Roggow opened nominations for Vice-Chair.

Merritt nominated Edwards. Roggow closed nominations.

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

Chair Roggow opened nominations for Vice-Chair/Secretary.

Edwards nominated Pederson. Roggow closed nominations.

Roll Call vote for Pederson for Vice-Chair/Secretary. “Aye”: Edwards, Miller, Davies, Eickhoff, Merritt.
“Nay”: None. “Abstain”: Roggow. Absent: Flaming, Pederson, Friesen, Boden, Moorhead. Motion carried.

Officers remain:

Chair – Roggow
Vice-Chair – Edwards
Vice-Chair/Secretary – Pederson

8. Public Comment Period.

Jay Rezek, retired Professional Engineer, was present and asked AI (“Hey Google”) some questions about data centers. He played responses to questions such as how many data collection centers as of today, why are so many data collection centers needed, what kind of data do these data centers store from each individual, why do data centers store an individual’s information. And finally, what’s the difference between wisdom and knowledge.

Bryan Walz spoke about data centers currently located in small villages and the troubles they have had with vandalism. He also spoke about the state of Nebraska passing regulations regarding tax breaks for data centers.

9. Old Business. There was no old business.

10. New Business.

There was discussion about possible power plant regulations for anything not associated with the data center. They also wonder who has authority over private power generation.

Brian Vaz, Economic Development, NPPD, stated it isn’t a clear answer. In the State of Nebraska, there is a review board instead of governing board. His guess is jurisdiction probably would be theirs and permitting through the state.

Attorney Volkmer stated he is not sure what can be controlled regarding power plants, but the county will do what they can.

11. Adjourn. Chair Roggow adjourned the meeting at 7:36 p.m.

Submitted by,

Michelle Bain
Recording Secretary