

RESOLUTION #2025- 04

**WHEREAS**, the duly appointed Planning Commission of Knox County, Nebraska, with the assistance of its consultant Marvin Planning Consultants, has prepared amendments to the Zoning Regulations, for Knox County, Nebraska; and

**WHEREAS**, the Planning Commission has given public notice as required by the Nebraska State Statutes, of a hearing held on the 14th day of May, 2024, at the Center Town Hall on the proposed amendments; and

**WHEREAS**, the public hearing has been held pursuant to said notice and all statements received at the hearing have been duly considered by the Planning Commission;

**AND WHEREAS** the Knox County Planning Commission has reviewed the amendments and make recommendation to the Knox County Board of Supervisors for approval;

**THEREFORE BE IT RESOLVED BY THE KNOX COUNTY BOARD OF SUPERVISORS, THAT THE FOLLOWING AMENDMENTS BE APPROVED AND ADOPTED:**

**KNOX COUNTY ZONING REGULATIONS**

**8.08.03 Definitions**

The following are defined for the specific use of this section.

**Shadow Flicker** shall mean the shadow cast by the rotating blade of a wind turbine which moves with the blades. (Amended July 24, 2024)

### 8.08.06 Setbacks

All towers shall adhere to the setbacks as measured from the hub established in the following table:

	WECS Wind Turbine - Commercial/Utility WECS	Meteorological Towers
Property Lines	Diameter plus applicable building setback; however, setback may be less when two adjoining property owners are within the aggregate project.	One times the total height
Dwelling Unit owned by non-participating landowner	1.25 miles*** (Amended July 24, 2024)	One times the total height
Road Rights-of-Way	1.1 times the total height	One times the total height
Other Rights-of-Way	1.1 times the total height	One times the total height
Public Conservation Lands including Wildlife Management Areas and State Recreation Areas	1.1 times the total height	600 ft. or a distance established by any state or Federal agency.
Wetlands (USFW Types III, IV, and V)	1.1 times the total height	600 ft. or a distance established by any state or Federal agency.
Other structures not on the appropriate site	One times the total height	One times the total height
River Bluffs of over 15 feet	One times the total height	One times the total height

\* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

\*\* The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-way is known.

\*\*\* Unless an Impact Easement has been granted by the non-participating landowner

#### **8.08.07 Special Safety and Design Standards and Additional Requirements**

Special safety and design standards for all towers and additional listed requirements are stated below, which shall be adhered to and are specifically written for this Section:

1. All WECS, Commercial Scale Wind Systems or Turbines shall use Aircraft Detection Lighting Systems. (Amended July 24, 2024)

#### **10. Discontinuation and Decommissioning (Amended July 24, 2024)**

A WECS shall be considered a discontinued use after one year without energy production unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. This period may be extended by the Zoning Administrator following a written request by an agent of the owner of the WECS.

Each WECS project under this section shall have a Decommissioning Plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party, such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for the decommissioning and removal of the WECS and accessory facilities.

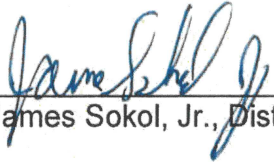
A surety bond in the amount of 100% of the decommissioning cost estimate. The decommissioning plan must be updated every five years, and the bond must be updated to account for any new decommissioning costs. All decommissioned sites, including access roads, shall be restored to conditions consistent with surrounding land unless the landowners want the road to remain. The restoration shall be maintained for 5 years after the initial restoration is complete


#### **16. Site Insurance (Amended July 24, 2024)**

Each WECS, Commercial Wind System, or Turbine must maintain liability insurance at an appropriate amount established by the Board of Supervisors per tower while it is in construction and operation. As part of the policy, Knox County shall be named an additionally insured party. Annual proof of such insurance shall be provided to the County Board of Supervisors.

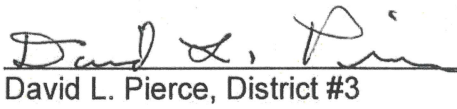
Dated this 9th day of January 2025.

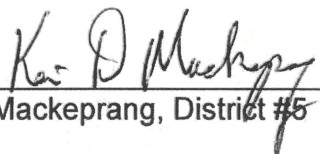
KNOX COUNTY BOARD OF SUPERVISORS

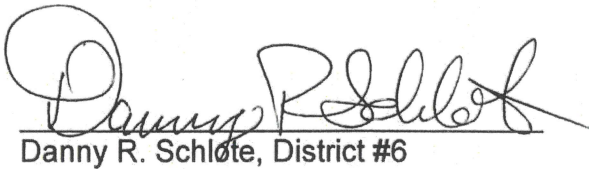
  
James Sokol, Jr., District #4, Chairman

  
Martin J. O'Connor, District #1

  
Kevin G. Mlady, District #2

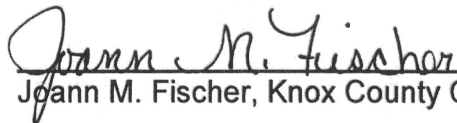
  
David L. Pierce, District #3

Abstain   
Kevin D. Mackeprang, District #5

  
Danny R. Schlote, District #6

  
James J. Borgmann, District #7

ATTEST:

  
Joann M. Fischer, Knox County Clerk

