

MINUTES OF THE KNOX COUNTY PLANNING COMMISSION

June 11, 2024

Call to order: The June 11, 2024, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:30 p.m. at the Knox County Courthouse Board of Supervisors meeting room.

Announcement of Open Meeting Act: Chairman Wilken announced where the Open Meetings Act is posted.

Roll Call: Members present: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer, Dean Wilken and Robert Larsen. Also present was Zoning Administrator Kelsy Jelinek, Michael Kumm of Wausa, representatives from National Grid Renewables and many members of the public.

Approve Agenda & Public Notice in the Wausa Gazette and Knox County News.

Kotrous moved, Ganz seconded to approve the agenda and public notice which was published in the Wausa Gazette, Crofton Journal and Niobrara Tribune. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer, Robert Larsen and Dean Wilken. Absent: None

Approve the Minutes from the May 14, 2024 Meeting. Kotrous moved, Larsen seconded to approve the minutes from May 14, 2024. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer, Robert Larsen and Dean Wilken Absent: None

Ex Parte Communications: Board members stated that several had been contacted regarding the topic of the proposed amendments and wind towers in general. Over 75 letters and emails have been received to the zoning office and put on file with the Planning Commission.

BlueStem Introduction to the Planning Commission: Matt Robinette with BlueStem Energy was present to introduce himself and their project in Knox County, an approximate 300-megawatt solar farm west of Verdigre. BlueStem has 8 participating landowners in Washington Township, within Knox County, with some additional being in Holt County. This would be a single axis system tracking sun east to west. This system could power approximately 75,000 homes and would create 250 jobs during construction and approximately 3 permanent jobs locally. Service of the life of it 30-35 years. The project would access a NPPD transmission line across one of the participating landowner's properties and cover approximately 2,000 total acres. BlueStem plans to own and operate long term. The Planning Commission members asked several questions to Matt including maintenance, management, service life.

Old Business:

Administrator Jelinek gave an overview of the Wausa Wind Watchers Proposed Amendment application. Michael Kumm was present to give a brief update on the group's behalf. A public hearing regarding proposed amendments was held at the May 14th meeting. The public notice was published more than 10 days prior to the meeting.

Proposed amendment 1: In Setbacks chart on page 149 of Knox County Zoning Regulations, change Dwelling Units owned by non-participating landowners from 2,000 ft.*** to 2 miles (10,560') from property line.

Discussion was had between planning commission members. With towers going to 600+ feet, that maybe 1 mile would not be enough.

Ganz moved to recommend denial the proposed amendment request #1 based on opposition. Larsen seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: None Absent: None

Kotrous makes a motion to recommend a change of setback for WECS to dwelling units owned by non-participating landowners from 2,000 ft. to 1.25 miles. DeShazer seconded. Roll call vote: Ayes: Clausen, Larsen, Kotrous, Kuhlman, DeShazer, Wilken Nays: Ganz, Nielsen, Arens Absent: None Motion passes 6-3

Proposed amendment 2: In Setbacks chart on page 149 of Knox County Zoning Regulations, change Property Lines setback from "Diameter plus applicable building setback; however, setback may be less when two adjoining property owners are within the aggregate project." to "Property lines of non-participating land of 2 miles (10,560') from property line.

Kuhlman moved to deny the proposed amendment request #2. DeShazer seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 3: In Setbacks chart on page 149 of Knox County Zoning Regulations, change Meteorological Tower setback from "600 ft. or a distance established by any state or Federal agency." To 1.1 times the total height in all categories.

After the planning commission discussed, Kotrous moved to deny the proposed amendment request #3, based on the regulations being further than the proposed amendments. Nielsen seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 4: In Section 8.08.03 Definitions of Knox County Zoning Regulations, add "Shadow/Flicker" shall mean the shadow cast by the rotating blades of a wind turbine which moved with the blades.

DeShazer moved to recommend approval of the proposed amendment request #4. Kotrous seconded recommended approval of the amendment request.

Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 5: In Section 8.08.07 of Knox Count Zoning Regulations, Special Safety and Design Standards and Additional Requirements add "Projections of the 'shadow flicker' on any existing structures located off the property on which the WECS will be constructed and shall include the extent and duration of the shadow flicker on these existing structures. Applicant shall submit a modeling report prepared by a qualified third party establishing that no occupied residence will experience more than thirty (30) hours per year or more than thirty (30) minutes per day of shadow flicker at the nearest external wall of residence based on 'real world' or 'adjusted case' assessment modeling. The owner or resident of an occupied residence may waive the shadow flicker limits, which must be on File with the Knox County Register of Deeds and included with the application."

After discussion, Kotrous moved to recommend denial the proposed amendment request #5. Kuhlman seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 6: In Section 8.08.07 of Knox County Zoning Regulations, Special Safety and Design Standards and Additional Requirements, add "All CWECS, Commercial Scale Wind Systems or Turbines shall use Aircraft Detection Lighting Systems."

Kotrous moved to recommend approval the proposed amendment request #6 based on state standards. DeShazer seconded approval of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 7: In Section 8.08.07.10 of Knox County Regulations, Special Safety and Design Standards and Additional Requirements – Discontinuation and Decommissioning, include: "Cash Escrow account deposited in a Knox County fund. The amount deposited shall be 120% of the decommissioning cost estimate. The Decommissioning plan must be updated every five years, and the financial resources must be updated to account for any new decommissioning cost. 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 initial restoration is complete.”

After discussion, Nielsen moved to recommend denial the proposed amendment request #7. Larsen seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

DeShazer makes a motion to recommend a surety bond to cover 100% decommissioning cost, which would be updated every 5 years based on the decommissioning cost. Kotrous seconded the motion. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 8: In Section 8.08.07.10 of Knox County Regulations, Special Safety and Design Standards and Additional Requirements – Discontinuation and Decommissioning, include: “All WECS and accessory facilities shall be removed to six feet below original grade withing 180 days of the discontinuation of use. When decommissioned all elements of the WECS must be removed from the site and disposed of in an approved landfill or recycling location. This is required before the permit is approved to guarantee removal and restoration upon discontinuation, decommissioning or abandonment.

After questions and discusslon, Ganz moved to recommend denial of the proposed amendment request #8. Kuhlman seconded denial of the amendment request. Roll call vote: Ayes: Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer Nays: Kotrous, Wilken Absent: None

Proposed amendment 9: In Section 8.08.07.10 of Knox County Regulations, Special Safety and Design Standards and Additional Requirements – Noise, change: No Commercial/Utility Grade Wind Energy Conversion Systems (WECS) shall exceed 50 dBA to 40 dBA at the nearest structure occupied by humans. Exception: A Commercial/Utility Grade Wind Energy Conversion System may exceed 40 dBA during period of severe weather as defined by the US Weather Service.

Clausen moved to recommend denial of the proposed amendment request #9. Kuhlman seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 10: In Section 8.08.07.10 of Knox County Regulations, Special Safety and Design Standards and Additional Requirements: Add “Clustering – Each CWES, Commercial Scale Wind System or Turbine shall be separated from any other Commercial Scale Wind System or Turbine by 2640 feet.”

Kuhlman moved to recommend denial the proposed amendment request #10. Nielsen seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen and DeShazer Nays: Wilken Absent: None

Proposed amendment 11: In Section 8.08.07.10 of Knox County Regulations, Special Safety and Design Standards and Additional Requirements: Add "Site Insurance: Each WECS, Commercial Wind System or Turbine must maintain liability insurance of \$5,000,000 per tower while it is construction and operation. Annual proof of such insurance shall be provided to the County Board of Commissioners."

Kotrous moved to recommend denial the proposed amendment request #11. Arens seconded denial of the amendment request. Roll call vote: Ayes: Kotrous, Neilsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Neil Claussen makes a motion to recommend adding a requirement for a Conditional Use Permit of liability insurance in an appropriate amount at the Board's discretion. Kuhlman seconded the motion. Roll call vote: Ayes: Kotrous, Neilsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Proposed amendment 12: In Section 8.08.07.10 of Knox County Regulations, Special Safety and Design Standards and Additional Requirements: Height "The maximum total height of any Wind Turbine/WECS shall be 600 feet from original grade."

Ganz moved to deny the proposed amendment request #12. Larsen seconded denial of the amendment request. Roll call vote: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Robert Larsen, Doug DeShazer and Dean Wilken. Ayes: All Nays: Absent:

No action was taken on the proposed amendment to increase the setback for "Wetlands, USFW, Types III, IV, and V."

Administrator Jellnek gave a brief overview of Michael Kumm's application. Mr. Kumm was present to give a brief update on his application. Public hearing regarding the proposed amendment request to change Commercial/Utility Grade Wind Energy Systems from zoning districts AGT and AGP to Industrial was held at the May 14th meeting, with public notice being published more than 10 days prior.

After discussion, Ganz made a motion to recommend denial on the proposed amendment request to change Commercial/Utility Grade Wind Energy Systems from zoning districts AGT and AGP to Industrial. DeShazer seconded the denial of the amendment request. Roll call vote: Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Ayes: Nays: Kotrous Absent:

New Business:

Discuss, consider & take all necessary action on Knox County Zoning Regulation Commercial/Utility Grade Wind Energy Systems setbacks, regulations, or moratoriums. No action was taken, no discussion was had.

Public Comments: The public was given time to make comments. 11 members of the public made comments to the Planning Commission. A list is available in the zoning office.

Zoning Administrator's Report: The May Permit Reports were reviewed.

Next Meeting: The next meeting is scheduled for Tuesday, July 9th at 7:30 p.m.

Adjournment: The meeting was adjourned at 9:31 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: July 9, 2024

Placed on File with Board of Supervisors: August 21, 2024