

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

March 12, 2024

**Call to order:** The March 12, 2024, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:31 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 Neilsen, Robert Larsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen and Dean Wilken. Absent: Doug Deshazer Also present was Zoning Administrator Kelsy Jelinek, Deputy County Attorney Knox Jensen, Matt Woolery of National Grid Renewables, Cale Giese from The Center for Infrastructure and Economic Development and members of the public.

**Approve Agenda & Public Notice in the Crofton Journal, Wausa Gazette and Knox County News.** Kotrous moved, Ganz seconded to approve the agenda and public notice which was published in the Crofton Journal, Wausa Gazette and Knox County News. Roll call vote showed all present in favor Ayes: Arens, Clausen, Larsen, Ganz, Kotrous, Kuhlman, Nielsen, Wilken. Absent: Deshazer

**Approve the Minutes from the November 14, 2023, Meeting.** Kotrous moved; Kuhlman seconded to approve the minutes from November 14, 2023. Roll call vote showed all present in favor Ayes: Arens, Clausen, Larsen, Ganz, Kotrous, Kuhlman, Nielsen, Wilken. Absent: Deshazer

**Ex Parte Communications:** None

**Old Business:** None

**New Business:** Zoning Administrator Jelinek explained that Cale Giese from The Center for Infrastructure and Economic Development was present to inform the board of their insight on the Knox County solar and wind zoning regulations. Cale introduced himself and went on to explain that rural Midwest needed help navigating the renewal energy process. Pro-development minded people. Their goal is to serve as a resource and his advice comes from policy experts across the country. Funded by pro-development organizations. Cale's highlights: 1250 to 2X tower height recommendation for tower setbacks, ALDS system, noise and decommissioning. Cale also touched on adding a flicker and glint/glare study before summarizing their findings on the county's solar regulations. The solar regulation findings also included decommissioning financial assurances and proof of those.

**New Business:** Chairman Wilken read Rules for Making a Public Comment before opening the public hearing at 7:45 p.m. Zoning Administrator Jelinek explained that Matt Woolery from National Grid Renewables was present and had completed the application for the proposed zoning amendments to be made the Knox County Zoning Regulations. Matt and his colleagues were present to answer questions. Several calls had been received at the zoning office with concerns in regard to where the towers were going to be located and what this meant for setback regulations. Since the application, National Grid Renewables withdrew their proposed amendments for definition changes and solar height. They only wanted to proceed with the wetland setback reduction for WECS. Jelinek explained that her recommendation to the board was to deny the reduction of the setback based on Knox County's Comprehensive Plan in Ch. 11 to protect the natural resources of the county.

Courtney Whitworth of National Grid Renewables took time to introduce herself and describe that the 1.1 times the current height, which could mean over 700 ft. setback, then stated that they felt that 50 ft. setback would be the appropriate setback based on industry standards. The US Army Corp of Engineers protects wetlands doesn't have a specific setback for wind turbines but could on a case-by-case basis or deferred to the US Army Corp of Engineers. Courtney stated that National Grid Renewables felt that the 50 ft. setback would still be compatible with the comprehensive plan and not impact the natural resources. The 50 ft. setback would allow for more efficient land use and opportunities for the participating landowners. The current regulation would reduce the wind farm 100 megawatt, \$7 million in name plate tax to the county.

Public comments included comments from Doug Hall who commented that the Planning Commission is in charge and said that the wind tower company should be held to the same standard that a farmer would if he were to be adding tiling. Doug mentioned that Antelope County didn't realize how bad the sand would cave, and that the soil here would slide. He said the Planning Commission needs to set their boundaries how they want.

Doug Nelson from Wayne stated that the Corp. of Engineers there should be a formulative way to figure how far they should be away from wetlands. He also mentioned the shock wave that the tower can create. The regulation should be formulated above the water table.

Michael Kumm of Wausa stated that the greatest risk would be the contamination of the wetland if an event of failure of the wind tower and the less the setback, the greater the impact. Michael referred to farmers not being able to store fertilizer near wetlands or fuel tanks due to possible contamination.

Hannes Zetsche of Baird Holm and represents National Grid Renewable wanted to clarify that they cannot override the Army Corp of Engineers. He wanted to clarify that they're asking to

unify the setback with the control of the Corp, and not impose additional restraints at the county level.

Chairman Dean Wilken closed public hearing at 8:04 p.m.

The Planning Commission members then asked questions of the National Grid Renewables representatives. Wilken made a comment about wetland issues and areas in those townships that cannot be tiled. Ganz asked how often the wind towers are placed in a low spot where wetlands would be. Matt Woolery with National Grid Renewables stated that it would come down to multiple factors and the definition of what falls under a wetland that eats up a lot of space. The structure is 600 ft. plus, so the 1.1 times the tower height makes it larger than it used to be. Hannes Zetsche asked if they could go back to the 200 ft. that they had initially proposed. National Grid Renewables representatives discussed the hydraulic and geotechnical studies that would be done further in the project.

The board asked several questions of the National Grid Renewables representatives. Keith Nielsen stated that the current towers are not set near wetlands, but that they shouldn't be disturbed, and the farmers cannot get close to them. National Grid Renewables representative, Courtney stated that they wouldn't build in them, they'd follow the appropriate local commission buffer fish and wildlife, Corp of engineers. Keith also stated his brother had a tower burn and pieces of fiberglass landed 300 ft away and there was nobody there to help clean that up, but if that gotten into the wetlands it would've been worse. Keith Nielsen asked how tall the wind towers are supposed to be and Matt Woolery responded stating that they will vary between 600 ft. – 650 ft.

Keith Marvin was included on Zoom to answer questions that the board might have.

Kotrous moved to table the proposed amendments until the next meeting to gather more information regarding the wetland setbacks. Larsen seconds. Roll call vote shows all present in favor. Ayes: Arens, Clausen, Larsen, Ganz, Kotrous, Kuhlman, Nielsen, Wilken. Absent: Deshazer

**Election of Officers:** Will be held at a later meeting.

**Public Comment on Non-Agenda Items:** None

Jo Banks of Wausa, stated that she is opposed to wind tower. She stated concerns with rain and flooding and told the board that the lives of people in the county are in their hands.

Doug Hall commented that the wind tower height has grown and might continue to grow. He stated that he's neither for nor against.

Doug Nelson of Wayne commented on wind towers and their air pressure affecting birds and the tax credits.

Karen Kleinschmit of Wausa commented on wind towers and that she thinks the setback to nonparticipating neighbors should be 2 miles.

Michael Kumm of Wausa, stated that as of right now he'd be opposed to the wind farm. He stated how commercial wind farms have changed over the last 15 years and not in the benefit of small rural communities. He also mentioned the concern of long-term impacts on the small communities and if a large out of state cattle operation would be viewed the same or if it would be seen as taking advantage of the county.

Rich Kleinschmit of Wausa stated he's opposed to the wind towers and has issues with the setbacks.

**Zoning Administrator's Report:** The November-February Permit Reports were reviewed.

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

**Adjournment:** The meeting was adjourned at 9:09 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: April 9, 2024

Placed on File with Board of Supervisors: April 17, 2024

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

April 9, 2024

**Call to order:** The April 9, 2024, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:29 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 Neilsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer and Dean Wilken. Absent: Robert Larsen Also present was Zoning Administrator Kelsy Jelinek, County Attorney John Thomas, Matt Woolery of National Grid Renewables, Vanessa Silke of Baird Holm, and members of the public.

**Approve Agenda & Public Notice in the Wausa Gazette** Kotrous moved, Kuhlman seconded to approve the agenda and public notice which was published in the Wausa Gazette. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer and Dean Wilken. Absent: Robert Larsen

**Approve the Minutes from the March 12, 2024 Meeting.** Kotrous moves, Deshazer seconded to approve the minutes from March 12, 2024. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer and Dean Wilken. Absent: Robert Larsen

**Ex Parte Communications:** Board members stated that several had been contacted regarding the topic of the wetland setback and wind towers in general.

**Old Business:** Administrator Jelinek presented National Grid Renewals previous application requesting an amendment to the Knox County zoning regulations decreasing the wetland setback for WECS from current regulation of 1.1 times the total height to their request of 200 ft. Baird Holm representative, Vanessa Silke, presented findings since the last meeting by stating several permits that must be acquired by the wind tower company regardless of the zoning regulations. Jelinek's recommendation remains to deny the application for the WECS wetland setback amendment to the zoning regulations based on Knox County's Comprehensive Plan Chapter 11 – Natural Resources and Environmental Goals and Policies. This recommendation also comes with input from Nebraska Game and Parks Fish and Wildlife buffer recommendations for wind energy projects, Nebraska Department of Natural Resources, and Nebraska Department of Environment and Energy. A survey of other counties across the state was also presented to the planning commission.

Kotrous moves to deny the amendment request of 200 ft. based on our current regulations as they stand. Deshazer seconds denial of the amendment request. Roll call vote: Jim Kotrous, Keith Neilsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer and Dean Wilken. Absent: Robert Larsen

**New Business:** Doug Nelson of Wayne was present to discuss some findings on wind tower projects and his opinion on how tax credits work.

**Election of Officers:** Greg Kuhlman makes a motion to nominate Dean Wilken as Chairman, Rob Ganz seconds the motion. Roll call vote: Jim Kotrous, Keith Neilsen, David Arens, Robert Ganz, Greg Kuhlman, Neil Clausen, Doug DeShazer Abstain: Dean Wilken. Absent: Robert Larsen

Jim Kotrous makes a motion to nominate Rob Ganz as vice-president and Keith Nielsen as Secretary. Dave Arens seconds the motion. Roll call vote: Jim Kotrous, David Arens, Greg Kuhlman, Neil Clausen, Doug DeShazer and Dean Wilken. Abstain: Kieth Nielsen and Rob Ganz. Absent: Robert Larsen

**Public Comments:**

Karen K- Commented on things to consider before you sign a lease which included: decommissioning, shadow/flicker mitigation, road repairs, non-leaseholder properties. Recommends setbacks change from non-participating landowner setbacks to 2 miles.

Cale Giese – Center for Infrastructure and Economic Development – Mayor of Wayne – Commented that he did not agree with Doug Nelson’s presentation.

Alex Wiebelhaus – Wausa – Acreage owner asks for zoning regs to continue being looked at. Cedar and Holt Counties increased non-participating neighboring dwellings setbacks to 1 mile. Asked the board to look at cattle and crop production near the wind turbines. In most cases the farmer doesn’t own the land, and yield declines. This family would move if the towers went up.

Adam Mertens – Wausa – Asks that board consider the people’s opinions that live here and consider an increase to non-participating neighboring dwelling setbacks. He’d suggest 5 miles. His family including 4 kids would leave the school and would be moving if the towers would be approved.

David Cunningham – Wausa – Asks that setbacks be looked at, separate wind towers and livestock to keep rural Nebraska rural.

Rich Kleinschmit – Wausa – Has concerns about turbines catching on fire with the high winds and the effects.

**Zoning Administrator’s Report:** The March Permit Reports were reviewed.

**Next Meeting:** The next meeting is scheduled for Tuesday, May 14th at 7:30 p.m.

**Adjournment:** The meeting was adjourned at 8:41 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: May 14, 2024

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

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

May 14, 2024

**Call to order:** The May 14, 2024, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:34 p.m. at the Center Town Hall.

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

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

**Approve Agenda & Public Notice in the Wausa Gazette, Crofton Journal and Niobrara Tribune** Kotrous moved, Deshazer 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 Neilsen, David Arens, Greg Kuhlman, Neil Clausen, Doug DeShazer and Dean Wilken. Absent: Robert Ganz

**Approve the Minutes from the April 9, 2024 Meeting.** Kotrous moved, Kuhlman seconded to approve the minutes from April 9, 2024. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Greg Kuhlman, Neil Clausen, Doug DeShazer, Robert Larsen and Dean Wilken Absent: Robert Ganz

**Ex Parte Communications:** Board members stated that several had been contacted regarding the topics of the proposed amendments and wind towers in general.

**Old Business:** None

**New Business:**

Zoning Administrator Jelinek gave a brief explanation of Resolution #2021-45 that was approved in November 2021, which contradicts a few zoning regulations that were approved in the updated regulations passed in November of 2023 that need to be corrected by Keith Marvin the Planning Consultant. The Resolution states the tract to be used as an RV park or campground shall not be less than two acres, whereas the new regulations state three acres in area. The minimum dimensions of a recreational vehicle, trailer or camp site shall be 25 feet wide by 40 feet long, whereas the new regulations state 30 feet wide by 60 feet long. Also, in the new zoning regulations state in 10-F that "No porches, lean-tos, or additions shall be



constructed onto any of these recreational dwellings. However, Resolution #2021-45 approved external amenities with conditions. Administrator Jelinek asked if the board would consider adding to this section "All items will be considered by design for approval." Public hearing correcting Knox County Zoning Regulation Section 8.04 Recreational Vehicle Parks to agree with Resolution #2021-45. Nobody from the public was in attendance to make comments on this. Public hearing was opened at 7:38 p.m. and closed at 7:39 p.m.

A motion was made by Kotrous and seconded by Kuhlman to recommend to the Board of Supervisors that the tract to be used as an RV park or campground shall not be less than two acres, the minimum dimensions of the recreational vehicle, trailer or camp site shall be 30 feet wide, however the length could be up to the RV campground owner. Changes will also be made to correct the external amenities with conditions to match Resolution #2021-45 adding "All items will be considered by design for approval." This motion is made based on our Comprehensive Plan and Resolution #2021-45 to correct the Knox County Zoning Regulations. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Greg Kuhlman, Neil Clausen, Doug DeShazer, Robert Larsen and Dean Wilken Absent: Robert Ganz

Administrator Jelinek gave an overview of the Wausa Wind Watchers Proposed Amendment application reading each of the 12 proposed amendments individually for the public.

Michael Kumm spoke on behalf of the Wausa Wind Watchers group by reading part of the Knox County Comprehensive Plan. He mentioned the long term goals of Knox County to maintain the families that currently live here and continue to grow by attracting people from outside of Knox County. Michael stated that recreational and tourism are a large draw in Knox County, which would both be affected by a large development such as this wind project. People that currently live here should still feel that they are being protected by a reasonable standard of living. Michael stated that the quality of life of people that live within the current wind projects in the county have been affected. 600 megawatts dwarfs any project that was currently presented in Knox County. Michael stated that as a stakeholder in the county, he has concerns about pollution on wetlands and other water sources for his livestock. There is no profit incentive in a wetland, but there is in a decreased setback to add more towers. The federal subsidies and credits make wind towers a very lucrative endeavor. Michael Kumm spoke on the nameplate tax which strongly decreased the amount that the county and Bloomfield school was expected to receive. Removal of wind generation from normal taxation was more than significant. Outside entities don't have the vested in the growth of Knox County. Michael stated that as a county, our vested interest needs to be in our people.

Opened public hearing at 8:00 p.m. closed public hearing at 9:43 p.m. Public hearing regarding proposed amendments to 8.08.06, Commercial/Utility Grade Wind Energy Systems including setbacks to property lines, setbacks to dwelling units owned by non-participating landowners,

setbacks to wetlands, USFW Types III, IV and V, setbacks to Meteorological Towers, shadow flicker, ADLS, Discontinuation and Decommissioning plan including cost and restoration, noise, clustering, site insurance and height. Thirty-nine attendees made public comments to the Planning Commission board regarding the proposed amendments. A list is kept on record in the Zoning office.

Hanna Knox Jensen, Deputy County Attorney, made comments on recommendations from Keith Marvin Planning Commission stating that he has some concerns with some of the proposed amendments with how stringent they are. Keith wants the Planning Commission to be cognoscente of the amendments which are changing measurements or numbers asking for justification of change (health, safety, or environmental). Marvin is okay with ADLS. He would not recommend an escrow account, but instead would recommend a letter of credit or surety bond.

Hanna stated that our Comprehensive Plan and goals of the Comprehensive plan is generally pro-renewable energy. A lot of the proposed amendments affect private landowners' private interests in entering a private contract with another private party. These changes would set precedence for the board if adopted, especially if taken as a whole. The board should be determining what is the goal and affect by changing the amendments. If the goal is safety, health and environment, then they should recommend approval. However, if the board based on the testimony, determines the proposed amendments might be an attempt to eliminate a project, then it should recommend denial. Landowners have entered into these agreements based on our regulations as they are set. If the commission determines that the purpose is to frustrate the plans of active development, then they should submit a recommendation of denial to the Board of Supervisors.

Jimmy Kotrous made a motion to table all proposed amendments. Keith Nielsen seconds the motion. All present in favor. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Greg Kuhlman, Neil Clausen, Doug DeShazer, Robert Larsen and Dean Wilken Absent: Robert Ganz

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.

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.

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.

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 moves with the blades.

Proposed amendment 5: In Section 8.08.07 of Knox County 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."

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

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."

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.

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. Knox County Zoning Regulations WECS noise standards are 50 dBA, the applicant is asking to change that to 40 dBA

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."

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."

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."

Administrator Jelinek gave a brief overview of Michael Kumm's application. Mr. Kumm then presented his application. Public hearing regarding a proposed amendment change to request a change of Commercial/Utility Grade Wind Energy Systems from zoning districts AGT and AGP to Industrial.

Open public hearing at 9:57 p.m. Closed public hearing at 10:09 p.m.

Jimmy Kotrous makes motion to table, Kuhlman seconds. All present in favor. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Greg Kuhlman, Neil Clausen, Doug DeShazer, Robert Larsen and Dean Wilken Absent: Robert Ganz

National Grid Renewables presentation. Sean Lawler spoke briefly to the Planning Commission board asking them to take all comments seriously and thanks them for their time.

Discuss, consider & take all necessary action on Knox County Zoning Regulation Commercial/Utility Grade Wind Energy Systems setbacks, regulations, or moratoriums.

**Public Comments:** None

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

**Next Meeting:** The next meeting is scheduled for Tuesday, June 11th at 7:30 p.m.

**Adjournment:** The meeting was adjourned at 10:14 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: June 11, 2024

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

## **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 14<sup>th</sup> 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 discussion, 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, Nielsen, Arens, Ganz, Kuhlman, Clausen, Larsen, DeShazer and Wilken. Nays: Absent: None

Neil Clausen 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, Nielsen, 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 14<sup>th</sup> 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

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

July 9, 2024

**Call to order:** The July 9, 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 Neilsen, David Arens, Robert Ganz, Kuhlman, Neil Clausen, Dean Wilken and Robert Larsen. Also present was Zoning Administrator Kelsy Jelinek, Steve Barney representing the Bloomfield Airport Authority Absent: Doug DeShazer, Greg Kuhlman

**Approve Agenda & Public Notice in the Verdigre Eagle and Knox County News.**

Ganz moved, Kotrous seconded to approve the agenda and public notice which was published in the Verdigre Eagle and Knox County News. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen and Dean Wilken. Absent: Doug DeShazer, Greg Kuhlman

**Approve the Minutes from the June 11, 2024 Meeting.** Nielsen moved, Clausen seconded to approve the minutes from June 11, 2024 meeting. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Neilsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen and Dean Wilken Absent: Doug DeShazer, Greg Kuhlman

**Ex Parte Communications:** Board members stated that several had been contacted regarding the topic of the proposed amendments and wind towers in general.

**Old Business:** None

**New Business:**

1. Bloomfield Airport Authority Runway Extension approach project introduction by Steve Barney

Steve Barney explained that \$1.5 million grant runway expansion will happen in September 2024. The Airport has plans of precision approaches, but if a wind tower is put up in the way, that would not allow their expansion. The application for the increased Airport Hazard zoning to 10 miles came as a recommendation from the Nebraska Department of Aeronautics. The expansion will not hinder anyone from putting up a bin or leg. The Bloomfield Airport does not get any federal funding. The

Planning Commission members asked questions to Steve. The runway is currently 2700 ft.

**Public Comments:**

**Zoning Administrator's Report:** The June Permit Report was reviewed.

**Next Meeting:** The next meeting is scheduled for Tuesday, August 13th at 7:30 p.m.

**Adjournment:** The meeting was adjourned at 7:58 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: August 13, 2024

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

## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

August 13, 2024

**Call to order:** The August 13, 2024, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:00 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, Neil Clausen, Dean Wilken, Robert Larsen, Doug DeShazer, Greg Kuhlman Also present was Zoning Administrator Kelsy Jelinek, Steve Barney representing the Bloomfield Airport Authority, Matt Robinette, Kyle Alpers from Bluestem, David Levy and Hannes Zetzsche from Baird Holm and several members of the public.

### **Approve Agenda & Public Notice in the Verdigre Eagle and Bloomfield Monitor**

Kotrous moved, Larsen seconded to approve the agenda and public notice which was published in the Verdigre Eagle and Bloomfield Monitor. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Doug DeShazer, Greg Kuhlman

**Approve the Minutes from the July 9, 2024 Meeting.** Kotrous moved, Ganz seconded to approve the minutes from July 9, 2024 meeting. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Doug DeShazer, Greg Kuhlman

**Ex Parte Communications:** Jimmy Kotrous stated he's had a few calls regarding the solar project.

**Old Business:** None

### **New Business:**

1. Bloomfield Airport Authority Runway Extension approach project introduction by Steve Barney. The Bloomfield Airport Authority was granted \$1.5 million to expand their runway. 50:1 slope from 3-mile area to the 10 miles. At 10 miles it's about 1.5 miles wide and tapers back to the airport. Steve said this request is 100% a safety issue.

Public hearing was opened at 7:13 p.m. No Comments from the public. Public hearing was closed at 7:14 p.m.

Keith Nielsen moved, Jim Kotrous seconded to approve the application for rezoning by extending the airport hazard zoning from 3 miles to 10 miles based on the safety of pilots at the airport. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Doug DeShazer, Greg Kuhlman

2. Conditional Use Permit Application public hearing for Bluestem Verdigre Solar Project. Matt Robinette and Kyle Alpers presented the application for Bluestem's VRDG LLC solar project in western Knox County. Bluestem is based out of Omaha, NE. Two letters of support had been submitted to the zoning office and put on file with the planning commission. The solar project is estimated to power 80,000 homes. The planning commission asked questions of Matt regarding nameplate capacity taxes, noise, chemicals, longevity, coverage of acres, decommissioning funding and hail. Panels would take up approximately 15% of the acres leased. Fenceline is generally 12-15 ft. from the nearest row. Generally, 6 acres are estimated per megawatt. The VRDG LLC solar project would be the largest project Bluestem has been involved in to date, though they have other projects in operation in Nebraska and other states. There are no concrete foundations, only steel posts dug into the ground.

Public hearing was opened at 8:00 p.m. Public comments were made by Carl Dobias, Wendell Rohrer, Mike Miller, Katrina Burkhardt and Krista Podany. Public hearing was closed at 8:11 p.m.

Further discussion was had among the planning commission with questions being answered regarding health hazards, first come first serve basis on interconnection, roads agreements with the county and townships and possible bridge replacement if necessary.

Keith Nielsen moved, Robert Larsen seconded to recommend approval of the Conditional Use Permit application for VRDG LLC solar project based on the findings presented with conditions as presented with the alteration of the 24 months starting after the approval of the SPP. Roll call vote showed all present in favor Ayes: Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Doug DeShazer, Greg Kuhlman. Nays: Jimmy Kotrous, Dean Wilken

**Public Comments:**

**Zoning Administrator's Report:** The July Permit Report was reviewed.

**Next Meeting:** The next meeting is scheduled for Tuesday, September 10th at 7:30 p.m.

**Adjournment:** The meeting was adjourned at 8:38 by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: 11/12/24

Placed on File with Board of Supervisors: 11/27/24



## **MINUTES OF THE KNOX COUNTY PLANNING COMMISSION**

November 12, 2024

**Call to order:** The November 12, 2024, meeting of the Knox County Planning Commission was called to order by Chairman Dean Wilken at 7:00 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, Neil Clausen, Dean Wilken, Robert Larsen, Greg Kuhlman Also present was Zoning Administrator Kelsy Jelinek and one member of the public. Another member of the public joined the meeting late. Absent: Doug DeShazer

### **Approve Agenda & Public Notice in the Knox County News**

Jim Kotrous moved, Neil Clausen seconded to approve the agenda and public notice which was published in the Knox County News. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Greg Kuhlman Absent: Doug DeShazer

**Approve the Minutes from the August 13, 2024 Meeting.** Jim Kotrous moved, Robert Larsen seconded to approve the minutes from August 13th, 2024 meeting. Roll call vote showed all present in favor Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Greg Kuhlman Absent: Doug DeShazer

**Ex Parte Communications:** None

**Old Business:** None

### **New Business:**

1. Conditional Use Permit Application public hearing for Brenna Pahl's daycare application to change from Family Child Care Home I to Family Child Care Home II. Administrator Jelinek explained that Brenna Pahl is currently licensed for an in-home daycare and can legally care for two additional school-age children during non-school hours. With the county's approval and by following the requirements of the State of Nebraska, Brenna would be able to care for twelve or fewer children at any one time. Public hearing was opened by Chairman Wilken at 7:04 p.m. No comments were made by the public. No letters or calls were received to the zoning office in opposition. Chairman Wilken closed public hearing at 7:07 p.m.

Jim Kotrous made a motion to approve the Conditional Use Permit #CU2402, Rob Ganz seconded the motion. Roll call vote showed all present in favor. Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Greg Kuhlman Absent: Doug DeShazer

2. Discussion was had amongst the board about changing the date and time of regular meetings. Rob Ganz made a motion to change the by-laws to state in Article V. under "Meetings" to "1. Meeting will be held on the second Tuesday of the month at 7:30 p.m. unless otherwise advertised..." The motion is seconded by Jim Kotrous. Roll call vote showed all present in favor. Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Greg Kuhlman Absent: Doug DeShazer

Rob Ganz made a motion to make gender neutral pronouns throughout the By-Laws. Robert Larsen seconded the motion. Roll call vote showed all present in favor. Ayes: Jim Kotrous, Keith Nielsen, David Arens, Robert Ganz, Neil Clausen, Robert Larsen, Dean Wilken, Greg Kuhlman Absent: Doug DeShazer

**Zoning Administrator's Report:** The August, September and October Permit Reports were reviewed.

**Next Meeting:** The next meeting is scheduled for Tuesday, December 10th at 7:00 p.m.

**Adjournment:** The meeting was adjourned at 7:36 p.m. by Chairman Wilken.

Kelsy Jelinek, Zoning Administrator

Approved by Planning Commission: Tuesday, February 11<sup>th</sup>, 2025

Placed on File with Board of Supervisors: Wednesday, February 19<sup>th</sup>, 2025