

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

TUESDAY 12/17/19

The Hamilton County Joint Planning Commission held a public meeting on December 17, 2019 at 7:00 pm at the 4-H Building, Hamilton County Fairgrounds, Aurora, NE.

Eastman called the meeting to order at 7:02 pm, stating that the open meetings act was posted at the table with the sign in sheet, and is available for public inspection.

Members Present:

Bangs, Bankson, Barnesberger, Eastman, Hutsell, Hongsermeier, Jensen, Kinney, and McDonald.

Members Absent: Bankson, Eckert and Ortengren

Also present were: Zoning Administrator, County Attorney, and other members of the public.

The public notice of the meeting was read into the record by the Zoning Administrator.

Chairperson Eastman asked if there was any conflict of interest on the agenda.

Bangs moved to approve the agenda. Kinney seconded the motion.  
All yes by voice vote. Motion passed.

Jensen moved to approve the minutes of the last meeting. Barnesberger seconded the motion.  
All yes by voice vote. Motion passed.

**Item #1** - Public Hearing for Text Amendment Application, to amend Sections 8.08.04 (Requirements) #3, Section 8.08.06 (Setbacks) #1-5, and Section 8.08.07 (Special Safety & Design Standards) #2, 6, 8, 10, & 11 of the Hamilton County Zoning Regulations for (WECS) Commercial Wind Energy to protect property rights and quality of life for nonparticipating landowners.

The public notice of the hearing was read into the record by the Zoning Administrator.

Motion by Hutsell to open the public hearing. Eastman seconded the motion.  
All in Passed. Public Hearing opened at 7:05 pm

The zoning administrator read the application that was files with changes from the applicants.

Pat Anderson spoke about the text amendment and that her and Pat Harvey filed this to further protect the residents of Hamilton County in the future.

Their intent was not to delay the Conditional Use Permit from Bluestem, but to make safer changes to the rules.

-8.08.04: This was a concern that no certified surveyed location was required. Should be surveyed, so energy companies can not move the location for any reason from where it was originally sited after approval.

-8.08.06: Looking at the chart on page 128, Strike out #1 all together.

#2- Remove the words Occupied Dwelling and use property lines for the 2 mile setback. Bluestem employees stated once that a 2 mile setback would kill their projects. This is not so. The energy companies would have to work with local landowners and convince them to be a participating landowner.

#3-4- Change these portions to (2 times the height). These are to protect the general public on our roadways from these tall turbines.

-8.08.07:

#2- No labels, logos or advertising should be allowed.

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#6- Black blades should not be allowed. This is for deicing and couple pose other safety effects. Bangs questioned about the color.

#8- Feeder lines should be included as essential service. This is so they must be removed during the decommissioning period.

#10- Decommissioning will include removing all concrete, not just 4 feet. Deposit an escrow when project begins and adjusted annually for inflation.

#11- The noise portion is being changed to once again protect the Hamilton County citizens again.

There were some questions of the planning board about noise. McDonald raised the concern about an irrigation engine running near a turbines location. How will you tell the difference of what is the noise issue? Bluestem was placing these turbines near the interstate due to elevated traffic noise in that area already. Hongsermeier questioned about who would monitor these noise level readings as should not be a county issue? Pat Anderson explained that it should be done by a 3<sup>rd</sup> party tester that is hired and paid for by the applicant of the turbines.

Angie Joyce – Was concerned about Bluestem statements that Hamilton County is protected by the applicants testing.

Roger Nunnenkamp- Spoke that he voted against the CUP- He recommends that the planners take a hard look at infrasound decibels and that it should be a setback of ½ mile from an occupied dwelling. This should also apply to all new construction going forward due to its effects.

Duane Katt- Agrees that a 2 mile from Occupied Dwelling as well as 2,640' setback from property lines. Any company in the future that comes in should have to purchase an easement from the property owners.

LeAnne Gimpel – The landowners are the ones that are having to document the dangers and effects from these turbines. That's not fair that we have to build a case of why they are hurtful. Thanked the planners for their work in these meetings about wind energy.

Dan Huenefeld- I want you to think about this in the future...Who hires who? This got us in trouble this last time as we were not bought in as a community. A company and a few board members agreed on a project and the people were not for it.

He agrees with the 2 mile setback. The applicant and landowners should have to do the extra leg work if they want it bad enough. This will make the developer more responsible and take the burden off of the county planners and the county board. If we decide we need to have local renewable energy, then the community will have to force landowners to cooperate. These proposed setbacks alone will solve the majority of these issues. It will cause a landowner to look at possible damages to property values, and health of our family. We were told once we have to sign it to see what's in it!

Some conversation about coal plants and the future and about Southern Power had sent out a post card a year or so ago about renewable energy. McDonald stated he likes the 2 mile setback.

Motion by Bangs to close the public hearing. McDonald seconded the motion.

All in Passed. Public Hearing closed at 7:51 pm

The Zoning Administrator reminded the board that their duty this evening is to recommend approval or denial of this amendment. Your not able to modify. Any modifications can be made to the county commissioners at their public hearing.

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Eastman asked for a motion to consider the text amendment that was presented.

Kinney moved to table until January 7<sup>th</sup>, 2020.

Bamesberger seconded the motion.

Eastman asked for the administrator to call the roll:

-All Yes

Motion Passed.

Administrator Report – We should have Hordville ready for this board in January. That will leave 2 villages left to complete their Comprehensive plans and their Zoning/Subdivision regulations. Will continue to work with them.

Bangs moved to adjourn the meeting at 8:04 pm.

Bamesberger seconded the motion.

All yes by voice vote.

Motion passed.

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Chairman, Hamilton County Joint Planning Commission

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Date