

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES  
TUESDAY 10/15/19

The Hamilton County Joint Planning Commission held a public meeting on October 15, 2019 at 7:00 pm at the 4-H Building, Hamilton County Fairgrounds, Aurora, NE.

Eastman called the meeting to order at 7:00 pm, stating that the open meetings act was posted at the table with the sign in sheet, and agenda, are available for public inspection.

Members Present: Bangs, Bamesberger, Eastman, Eckert, Hutsell, Ortegren, Kinney, McDonald and Jensen  
Members Absent: Bankson

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.

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

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

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

Item #1 – Discussion/Consideration approve Replat of Subdivision of 2 parcels of land: Part of the S 1/2, SE 1/4, Section 8, Township 11N, Range 6W of the 6<sup>th</sup> P.M. in Hamilton County, Nebraska. 5.002 & 5.793 acres for Ronald Perry (8 P Farms).

Motion to approve by McDonald. Kinney seconded the motion.  
All yes by roll call vote.

Item #2 – Discussion/Consideration to approve Replat of Subdivision of 2 parcels of land: part of the West half of the NW 1/4, Section 27, Township 10N, Range 8W of the 6<sup>th</sup> P.M. in Hamilton County, Nebraska. 12.000 & 5.133 acres for Kelly Bachman.

Motion to approve by Kinney. McDonald seconded the motion.  
Some discussion about the subdivision.  
All yes by roll call vote.

Item #3 – Discussion/Consideration to approve Replat of Subdivision of 2 parcels of land: part of the West half of the SW 1/4, Section 30, Township 11N, Range 6W of the 6<sup>th</sup> P.M. in Hamilton County, Nebraska. 23.718 & 1.488 acres for Beverly Beins.

Motion to approve by Ortegren. Jensen seconded the motion.  
All yes by roll call vote.

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

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Motion made was made to open the Public hearing for the Conditional Use Permit for Hamilton County Wind LLC at 7:11 pm, by Hutsell. Seconded by Bangs

Chairperson Eastman asked for the Administrator to call the roll:

– All Yes

Motion Passed.

Matt Robinette, from Bluestem Energy explained the application for the wind project and went into detail about concerns from the public such as operation of a wind turbine, life expectancy, tax credits and pricing to Southern Power.

David Levy, Bluestem Attorney, spoke for their client in relation to the tax credits available and explained about the 3<sup>rd</sup> party engineered testing performed. Informational letter was distributed in support of the project to all planning members. Exhibit 1.

Duane Katt- Spoke in opposition of the project. Reminded the commission that 3 county board officials are being recalled partially because of this.

Angie Joyce- Mentioned about a social media page that was up early on for the project and has since been shut down. Schaffert was a SPPD board member when this was all started. Bluestem filed to start the project June 12, 2015. Another concern was about the flicker and that Pacific Ethanol and Aurora Coop are heavily invested in this project. Hamilton Co. landowners need to be involved in the placement of these machines. Gave papers to the board to look at. Exhibit 2.

Pat Anderson- Was concerned as the set back should be 1 mile from property line, and the current regs are not strict enough. Spoke about Sec. 8.08.04 in the regs under WECS. Also talked about the map in section 3 of the CUP application. Had been looking for a lease agreement online and had found very minimal information. Another concern was there many unanswered questions in the application such as nameplate, size, etc. Pat gave the board many copies of past meetings, about the windmills in Hamilton co. Exhibit 3.

Todd Joyce- Tower #1 is the far west and Tower #4 is the far east tower. All the setbacks are different from each other. Most are about 560' from the county road. Mr. Joyce has talked to numerous people in Iowa, Minnesota, Michigan and a few more, and their largest concern was ice throw. Its been documented that ice can throw 2,000'. Asked where the communication tower was to be located? These turbines are not sufficient power. Mentioned Warren Buffet is only involved because he makes money, not because their efficient.

Dan Huenefeld- Spoke highly of Schaffert as a neighbor and community person. If this is approved, your pushing this closer to the court system to be dealt with. We don't have enough money to fight Bluestem, Aurora Coop and Pacific, we just don't have the resources. Dan mentioned that Bluestem stopped and visited with a few people in the effected area, but not everyone. Asked what the definitions of Enjoyment and Sustainability are? Wondered what the density if for turbines? Showed a picture from Iowa (Exhibit 4) a wind farm that continues to grow. Went from 120 to 530 turbines in 1 year.

Ryan Epp- Pointed out that online, regs still show 2,000' setback from occupied dwelling. He has a concern about the definition of an occupied dwelling. He would like to see more property line protection for landowners. He recommended that county add some verbiage like Lancaster county. Handed out papers, Exhibit 4. He also stated that county supervisors in Iowa are being sued currently for not protecting their constituents. Decommissioning was another concern. Sen. Brewer from Nebraska proposed LB373, a bill to

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protect setbacks, sound and decommissioning the units. LB155 is a bill passed is an eminent domain protection for land owners from the power company, but not from Bluestem.

Larry Fox- Just learned about the meeting yesterday. Bluestem stated the turbines life is 25 to 30 years. When he googled that he found a Prof. G. Hughes & R. Mindyk, have confirmed they average 10-15 years as some actually degrade faster. 15 billion has been spent so far and its estimated another 7 billion by 2022 to rebuild existing turbines. Efficiency is not good, and there's 250 cubic yds of concrete under each one. An off shore farm was built 8 years ago and 126 machines are bad already.

Cody Huenefeld- Tower #3 on the county GIS map, shows the setback right on my house. Should not have to have a variance on my own property just because their to close.

LeAnne Gimpel- We still may or may not build our house because of the setback. Also asked about the sub station and the line from these towers. House? Shop? What happen to those being occupied dwellings.

Pat Harvey- His concerns are the property values and the setbacks. This is starting to raise red flags for people. They are taking what is yours already. This could cause the county inverse domination lawsuits, which is not needed. Discussed some studies that he brought along to the meeting. These will cost the public to maintain not the owners. Also stated the nameplates are not even accurate. Cert. surveyors have mentioned many times that homes within a mile of these lose valuation. Billions are stolen to benefit others. One of the main purposes of zoning is to safe guard existing structures and their values.

Laurel Marlett- We will have to look at these daily out our front door. Aurora Coop contacted us to come visit with their attorney. Spoke about 2 new wind farms in Iowa, 1 has many and the other has a few. Iowa Health Dept states its not safe to live closer than 1.5 miles to a wind tower. Who is going to stand up for us land owners and neighbors?

Steve Kiner- We live 1.25 miles south of the tower site. Is revenue part of zoning? Is wind reliable here? Plus we have tornados here many times. Decibels are another concern for us along with the ice launch.

Doug Anderson- I have helped build ethanol plants and they are very energy hungry facilities.

Rebuttal – David Levy- Don't delay the decision based on a recall. The name plates are real property, so that will give the county revenue, about \$55,000 per year or \$1.1 million over 20 year project.

Concern over expansion, if there would be 1 or 100 more will require another conditional use permit.

Decommissioning, The bond would start on day 1 and would last for the life of the project. Would be reviewed about every 5 years for current price adjustments, and the state law requires every 10 years.

Current zoning regulations are in place currently for this application.

This project will cost about \$20 million and the zoning enforcement is done by Hamilton County.

Bluestem has offered waivers to wave the 2,640' setback restriction for both parties if needed.

UNL economist stated in 2010, life of the average turbine is 27.5 years. Cost of maintenance – Rate pay stays the same for SPPD, so no added cost to the power customer.

Property owners and CUP applicants, both have property rights. Concern about ice throw, a machine will shut down to protect damage to itself and others in the area. Monitoring is conducted by wired and wireless systems. This has been a long 4 year process that was started in September of 2015.

Bamesberger motioned to close the public hearing at 9:08 pm. Seconded by Eckert.

Chairperson Eastman asked for the Administrator to call the roll:

– All Yes

Motion Passed.

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Hutsell motioned to table this item until the next meeting.                      Seconded by McDonald.

Some discussion among the board.

Chairperson Eastman asked for the Administrator to call the roll:

– All Yes

Motion Passed.

Commission took a break.

Meeting resumed at 9:21 pm.

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

Motion made was made to open the Public hearing to consider the adoption of an updated Comprehensive Plan, Zoning and Subdivision Regulations for Village of Hampton at 9:21 pm, by Bangs. Seconded by Kinney

Chairperson Eastman asked for the Administrator to call the roll:

– All Yes

Motion Passed.

The Comprehensive plan was presented as Exhibit A.

The changes to the zoning and subdivision regulations made by the village board were presented as Exhibit B. Karen Barnesberger addressed the planning board.

Kinney motioned to close the public hearing at 9:26 pm.                      Seconded by Jensen.

Chairperson Eastman asked for the Administrator to call the roll:

– All Yes

Motion Passed.

Motion was made by Kinney to recommend approval of the presented comprehensive plan for the village of Hampton.      Seconded by Hutsell.

Chairperson Eastman asked for the Administrator to call the roll:

– 8 Yes    Jensen Abstained

Motion Passed.

Motion was made by Barnesberger to recommend approval of the presented zoning and subdivision regulations for the village of Hampton.      Seconded by Bangs.

Chairperson Eastman asked for the Administrator to call the roll:

– 8 Yes    Jensen Abstained

Motion Passed.

Administrator Report – We should have Marquette ready by next month for board approval.

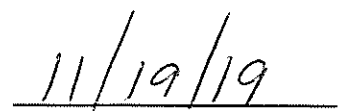
Barnesberger moved to adjourn the meeting at 9:32 pm.

Hutsell 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