

HAMILTON COUNTY JOINT PLANNING COMMISSION MINUTES

TUESDAY // 11/19/19

The Hamilton County Joint Planning Commission held a public meeting on November 19, 2019 at 8:00 pm at the 4-H Building, Hamilton County Fairgrounds, Aurora, NE.

Eastman called the meeting to order at 8:01 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, Bamesberger, Eastman, Hutsell, Hongsermeier, Kinney, McDonald and Ortegren

Members Absent: Eckert and Jensen

Also present were: Zoning Administrator, County Attorney, County Admin. Manager, and 86 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. Bamesberger seconded the motion.  
All yes by voice vote. Motion passed.

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

**Item #1** - Public Hearing to consider the adoption of an updated Comprehensive Plan, Zoning and Subdivision Regulations for the Village of Marquette.

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

Motion by Bankson to open the public hearing. McDonald seconded the motion.  
All in Passed. Public Hearing opened at 8:04 pm

The administrator went over some minor changes compared to previous villages that have been approved. There is a slight difference in height restrictions for accessory structures in commercial and industrial districts. Also, the use of cargo containers are allowed. Setbacks and regulations apply.

Motion by Ortegren to close the public hearing. Kinney seconded the motion.  
All in Passed. Public Hearing closed at 8:12 pm

Eastman asked for a motion to consider adoption of the Comprehensive plan for Marquette, Ne.

Kinney moved to approve the Comprehensive Plan for the Village of Marquette.

Bamesberger seconded the motion.

Eastman asked for the administrator to call the roll:

-All Yes Motion Passed.

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Eastman asked for a motion to consider adoption of the Zoning & Subdivision Regulations for Marquette, Ne.

Kinney moved to approve the Zoning & Subdivision Regulations for the Village of Marquette.

Bangs seconded the motion.

Eastman asked for the administrator to call the roll:

-All Yes              Motion Passed.

**Item #4** – Submission of Petition to the Planning Commission by Dwayne Juzyk.

Mr. Juzyk came forward and spoke to the planners about the petition. There were 664 signatures with a couple being from outside the county accidentally. The purpose of the petition was to encourage the county board to not allow commercial wind turbine permits until setback is increased. Secondly, that the setback from commercial wind turbines be increased to two miles from adjacent property lines.

Chairperson Eastman thanked him for the submission.

**Item #5** – Discussion/Consideration for a Conditional Use Permit for wind turbine power generation facility to be located in Section 19, T10N, R6W; Section 20, T10N, R6W; & Sec.24, T10N, R7W in Hamilton County, NE.

Dave Hutsell started the discussion by stating that review item #1 in respect to the CUP will not be detrimental to or endanger the public health. These projects have been shown to cause many health issues. Bangs, spoke that he has spent many hours researching online and all reports show bad news. Bamesberger mentioned that he did not think he would be able to support this due to what he has been told by his constituents.

Dan Kinney spoke up and said that this board needs to step back and look at each point to see if this application met those requirements such as Sec. 5.10 #1.

There was discussion about the setback from an occupied dwelling such as the Huenefeld's garage. County Attorney Powell was asked about the definition of an occupied dwelling. Further discussion ensued about setbacks should not affect neighboring property owners.

Multiple planners talked about the points of injurious issues from these turbines and their effect on property values.

McDonald mentioned that much of this has been in the fore front, but no one has said anything about the wildlife migration through this area. The application talks about wetlands, but no migration information. Eastman talked about an article that she read out of Adams County that was shared on facebook. This particular article was about the complications for property values. Shadow flicker is going to be another big concern on values.

Kinney discussed many points on the advantages of having these turbines in Hamilton County, since we are an AG county. There is a major difference between a wind farm and these turbines. A wind farm is investors putting up a 100+ towers to make money, as this project is 4 towers that will benefit the ethanol plant and the community. This would be another factor to help keep the ethanol plant afloat and protect it from possible bankruptcy. The belief is that these turbines would produce another \$1.5 million in revenue for Pacific Ethanol per their CEO.

These turbines could also limit the production on some farms that would allow them to be erected there and the adverse effect on property value. McDonald added, "If PAL wants them, have them put them on their ground!"

This will affect us all if the ethanol plant gets shut down, fuel, feed, jobs...This could cause a bankruptcy, but we need to hang our hats on protection of property values, health and the air space around the turbines.

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Hutsell made a motion to deny the Conditional Use Permit based on injurious facts. Bangs seconded the motion. (Find of Fact attached to these minutes)

Eastman asked for the administrator to call the roll:

-All Yes                      Motion Passed.

asked for the Administrator to call the roll:

- All Yes

Motion Passed.

Administrator Report –                      We have 3 villages left to complete their Comprehensive plans and their Zoning/Subdivision regulations. Will continue to work with them.

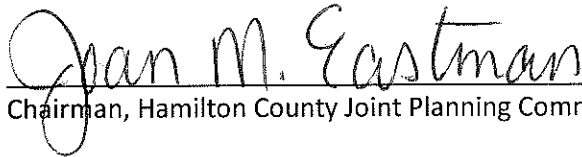
Many statements have been submitted to the county clerk and the zoning office for the Authority to Initiate changes or modifications to the current CUP submitted by Hamilton Co. Wind LLC. Will continue to collect these for the record.

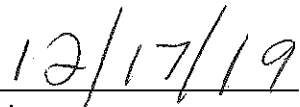
Application to Amend the text of the zoning regulations for Wind Energy has been submitted. The application is for setbacks, safety and design standards, decommissioning and noise. Planning Commission will hold a public hearing in December for this application

Barnesberger moved to adjourn the meeting at 8:48 pm.                      McDonald 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