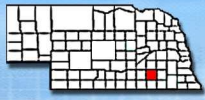


Fillmore County Planning and Zoning Minutes



January meeting was cancelled due to weather. Agenda items were moved to February meeting



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting February 28, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. February 28, 2019 in Fillmore County East in Geneva, Nebraska. 1320 G St, Geneva NE 68361

Members present: Harre, Most, Hafer, Stuckey, Kassik, Girmus

Absent: Noel, Elznic

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was absent, Zoning Admin Jennifer Slezak recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for February 28, 2019 made by Girmus, second by Kassik.

upon Roll call, vote is as follows:

Ayes: Kassik, Girmus, Hafer, Stuckey, Most, Harre

Nays: None

Chairman declared motion passed 6-0

Motion to approve minutes from December 18, 2018 meeting made by Most, seconded by Stuckey

Upon roll call, vote is as follows:

Ayes: Most, Stuckey, Harre, Kassik, Girmus, Hafer

Nays: None

Chairman declared motion passed 6-0

Replat of all of lots 3 and 4 and part of lots 2 and 5, Block 4, H.G. Smiths Addition and part of the north half of vacated Cheyenne Street Village of Exeter, Fillmore County Nebraska

Motion to approve the replat for recommendation made by Hafer, Seconded by Girmus.

Ayes: Kassik, Harre, Most, Stuckey, Hafer, Girmus

Nays: None

Chairman declared motion carried 6-0

DISCUSSION REGARDING HYDROGEN WELL WEST OF GENEVA

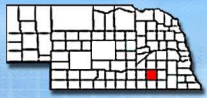
Zoning Admin reached out to JEO Consulting for guidance on regulations for Hydrogen Well. No response as of meeting

DISCUSSION ON SOLAR PANELS

Planning Committee would like to see surrounding area regulations on solar panels

UPDATE ON MILLIGAN 1 WINDFARM

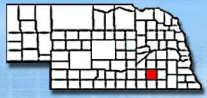
- Zoning Admin met with representatives of EDF renewable energy, who took over Aksamit wind project. The project runs in Saline and Fillmore County. 80-90 total turbines with 4-5 of those in Fillmore County.



Fillmore County Planning and Zoning Minutes



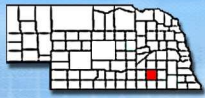
Next meeting March 18, 2019 at 8:00pm
Adjourned at 8:45pm



Fillmore County Planning and Zoning Minutes



NO MARCH MEETING



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting April 15, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. April 15, 2019 in Fillmore County East in Geneva, Nebraska. 1320 G St, Geneva NE 68361

Members present: Stuckey, Girmus, Noel, Most, Elznic, Harre, Hafer, Kassik in at 8:05

Absent: None

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for April 15, 2019 made by Stuckey, second by Most.
upon Roll call, vote is as follows:

Ayes: Stuckey, Hafer, Girmus, Noel, Most, Elznic, Harre

Nays: None

Chairman declared motion passed 7-0

Kassik was not present for the vote

Motion to approve minutes from Feb 28, 2019 meeting made by Harre, seconded by Most

Upon roll call, vote is as follows:

Ayes: Noel, Girmus, Hafer, Stuckey, Most, Elznic, Harre

Nays: None

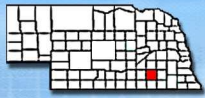
Chairman declared motion passed 7-0

Kassik was not present for the vote

8:10 PUBLIC HEARING- Conditional Use Permit Filed by Milligan 1 Wind LLC

Conditional Use Permit Filed by Milligan 1 Wind LLC, a Delaware Limited Liability Company C/O Todd Eagleston, EDF Renewables Development. Said Permit is to construct, operate and maintain up to 9 Utility Grade Wind Energy Systems up to 600ft in height on the following locations:

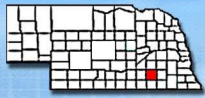
1. SE LESS TRACT & RR ROW 24-6-1
2. ABANDONED RR ROW SE 24-6-1
3. NE LESS RR ROW 25-6-1
4. SNW LESS CO ROW 25-6-1
5. E ½ SW ¼ & S ½ NW ¼ SE ¼ & SW ¼ SE ¼ 25-6-1
6. N 1/2 NE 1/4 less Co ROW 26-6-1
7. PT N ½ NW ¼ SE ¼ 25-6-1
8. S ½ SW ¼ 27-6-1
9. N ½ SW ¼ 27-6-1
10. NE ¼ 28-6-1
11. SW ¼ 28-6-1
12. SE ¼ LESS TRACTS 28-6-1
13. PT NESE & TRACT IN SWNE SESE 29-6-1



Fillmore County Planning and Zoning Minutes



14. Pt N $\frac{1}{2}$ SE $\frac{1}{4}$ & TRACT in S $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ 29-6-1



Fillmore County Planning and Zoning Minutes



Individuals present for the hearing: Rodney Krupicka, Scott Vonderfecht M.D., Becky Vonderfecht, Jim and Lana Daws, Scott DeLong, Mary Uldrich, Ron Uldrich, Deb Moravec, Glenn Stych, Gordyn Nun, Darrel Hayek, Sondra & Terry Backstrom, Alex Uldrich, Melvin Taylor, Ray Capek, Merle Noel, Larry Cerny, Ralph Graham, David Vavra

Representing Milligan 1 LLC, Todd Eagleston and Logan Winston. Accompanied by David Levy.

Public comments/concerns that were addressed include inability to spray fields via airplane in close proximity to the towers, noise, not far enough setbacks, infrasound and relations to the public health, property values, esthetics, roads, ice throw, shadow flicker, lighting, roads agreements and conflict amongst residents and families of Milligan.

A letter of concern was submitted by Jan Buzek and distributed and reviewed by the Planning Committee members.

Towers will be connected by buried (3-4ft) wire. The lines will run in participating landowners land or county ROW pending approval from the County Board of Supervisors.

Bonds for security of decommission in the event the county would be responsible for the decommission were discussed to be provided at either 10 or 15 years after construction of the towers by Milligan 1 LLC.

The proposed site plans show the closest tower being setback 1,772ft from the nearest dwelling. Fillmore Co regulation is 1,000ft. EDF stated a company standard is a 1,500ft setback.

EDF has contacted Fillmore Co Roads Superintendent regarding a road's agreement. The agreement will need to be discussed with and approved by the County Board of Supervisors.

After discussion and no further public comments a motion to close the public hearing at 10:30 p.m. was made by Matt Hafer, seconded by Most.

Upon roll call the vote is as follows:

Ayes: Stuckey, Girmus, Hafer, Noel, Kassik, Most, Elznic, Harre

Nays: None

Chairman declared motion carried.

After committee discussion, a motion to recommend the Conditional Use Permit, as applied for, to the Fillmore County Board of Supervisors was made by Hafer and seconded by Stuckey. Upon roll call vote is as follows:

Ayes: Hafer, Noel, Kassik, Stuckey, Elznic, Harre

Nays: Girmus

Abstain: Most

Chairman Harre declared motion carried 6-1-1

Next meeting will be held Monday May 20, 2019 at 8:00 P.M. Meeting adjournment at 10:45 P.M.



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting May 20, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. May 20, 2019 in Fillmore County East in Geneva, Nebraska. 1320 G St, Geneva NE 68361

Members present: Most, R. Noel, Elznic, Harre, Kassik, Girmus, Hafer

Absent: Stuckey

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for May 20, 2019 made by Girmus, second by R. Noel.
upon Roll call, vote is as follows:

Ayes: Kassik, Girmus, Hafer, Most, R. Noel, Elznic, Harre

Nays: None

Chairman declared motion passed 7-0

Motion to approve minutes from April 15, 2019 meeting made by Most, seconded by Kassik

Upon roll call, vote is as follows:

Ayes: Girmus, Hafer, Most, Noel, Elznic, Kassik, Harre

Nays: None

Chairman declared motion passed 7-0

8:05 PUBLIC HEARING- Conditional Use Permit Filed by Scott & Jana Schelkopf (Schelkopf Farms)

Said Permit is to operate a Dog Boarding Establishment on the property described as NW ¼ of Section Three (3) Township Five (5) Range Three (3) West of the 6th P.M. Fillmore County Nebraska. Scott was present to discuss his plans. He plans to operate more as a dog daycare rather than a kenneling facility. It will be located in a building currently on his property, and will accept all size of dogs and would like to have a 10-dog capacity. Scott has been in contact with the state for licensing/permitting.

After discussion and no members of the public present for comments Motion to close the hearing at 8:30 was made by Hafer, seconded by Girmus.

Upon roll call, vote is as follows:

Ayes: Kassik, Girmus, Hafer, Most, Noel, Elznic, Harre

Nays: None

Chairman declared motion carried 7-0

Motion to recommend the approval of the Conditional Use permit filed by Scott & Jana Schelkopf operate a Dog Boarding Establishment on the property described as NW ¼ of Section Three (3) Township Five (5) Range Three (3) West of the 6th P.M. Fillmore County Nebraska was made by Hafer, seconded by Noel.

Upon roll call, vote is as follows:



Fillmore County Planning and Zoning Minutes



Ayes: Kassik, Girmus, Hafer, Most, Noel, Elznic, Harre

Nays: None

Chairman declared motion carried 7-0

DISCUSSION REGARDING FILLMORE CO WIND TURBINE SETBACKS AND REGULATIONS

The Committee discussed increasing the current 1,000ft from dwelling setback regulation. After discussion the committee decided not to pursue amendments.

BLUESTEM TURBINE UPDATE

Zoning Admin Jennifer Slezak informed the committee that the 3 turbines located west of Fairmont will have the blades replaced due to manufactures recommendation. Blades will be the same length. Work will start as soon as roads permits are issued.

Next meeting will be June 17, 2019 at 8:00 p.m., meeting adjourned at 9:00 p.m.



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting July 15, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. July 15, 2019 in Fillmore County East 1320 G St, Geneva NE 68361

Members present: Kassik, Girmus, Harre, Elznic, Most, Hafer, Noel

Absent: Stuckey

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for July 15, 2019 made by Girmus, second by Kassik.
upon Roll call, vote is as follows:

Ayes: Hafer, Noel, Girmus, Kassik, Elznic, Most, Harre

Nays: None

Chairman declared motion passed 7-0

Motion to approve minutes from June 17, 2019 meeting made by Most, seconded by Hafer

Upon roll call, vote is as follows:

Ayes: Kassik, Girmus, Noel, Hafer, Most, Elznic, Harre

Nays: None

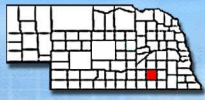
Chairman declared motion passed 7-0

Discussion with County Board members/set date for Joint Meeting

County Board of Supervisors Wade Sluka and Merle Noel were present to request a joint meeting between the Fillmore Co planning and Zoning Committee and the County Board of Supervisors to discuss wind turbine regulations in joint open public meeting. Monday July 29, 2019 at 7:00 in the County Courthouse Court room was agreed upon.

Also present: Becky & Scott Vonderfecht, Terry Backstrom, Darrel Hayek, Mary Uldrich, Lynn & Verlene Yates.

MEETING ADJOURNED AT 8:30 PM



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting July 29, 2019

The Fillmore County Planning Commission convened in open and public session at 7:00 p.m. July 29, 2019 at the Fillmore County Courthouse, Court Room.

Members present: Elznic, Most, Harre, Hafer, Stuckey, Girmus, R. Noel

Absent: Kassik

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

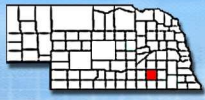
Discussion with County Board Regarding Industrial Wind Turbine Regulations

Board Supervisors: Noel, Sluka, Graham, Harre, Neiman, Lightwine and County Clerk Amy Nelson present for discussion.

Others Present: County Attorney, Jill Cunningham; County Sheriff, William Burgess; Randy Capek; Duane Thomas; Becky Vonderfecht; Rhonda Korbelik; J.D. Korbelik; Scott Vonderfecht; Phil Hardenburger; Alex Uldrich; Gaylene Gaston; Charles McKay; Gary Veprovsky; Mary L. Uldrich; Verlene Yates; Lynn Yates; Rex Mussman; Alan Brunkow; Deb Brunkow; Gorlyn Nun; Roger Schropfer; Barb Whitley; Jeff Whitley; Michael Nadherny; Terry B. Backstrom; Tom Pribyl; Ron Schropfer; Leroy Rohr; Galen Niederklein; Larry Nun; Darrel Hayek; Gerald Stengel; Joe Birky; Nick Mussman; Sandra L. Backstrom; Jeff Gaertig; Christine Schropfer; Robert Schropfer; Sherri Pospisil; Steve Ewalt; James-Michael Knight; Melissa Knight; Amanda Barney; Georgia Schropfer; Laura Weaver; and Tyler Williams were present for the discussion.

Several individuals spoke regarding the changes they would like to see in the current regulations regarding wind farms and commercial grade wind turbines. After discussion, both the Board of Supervisors and the Planning Commission agreed they would appoint three (3) individuals for each board to start the process of getting the regulations changed. Once they have new regulations each Board would have to adopt them. That appointed Board will work with Attorney, John Snow and the County Attorney, Jill Cunningham.

As there were no other items to discuss MEETING ADJOURNED at 8:30 PM



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting August 19, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. August 19, 2019 in Fillmore County East 1320 G St, Geneva NE 68361

Members present: Elznic, Girmus, Harre, Kassik, Most, Noel, Hafer, Stuckey at 8:10

Absent:

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for August 19, 2019 made by Girmus, second by Kassik.
upon Roll call, vote is as follows:

Ayes: Girmus, R. Noel, Hafer, Most, Kassik, Harre

Nays: None

Chairman declared motion passed 6-0

Motion to approve minutes from July 15, 2019 meeting made by Most, seconded by Hafer

Upon roll call, vote is as follows:

Ayes: Hafer, Most, Kassik, Elznic, Girmus, R. Noel, Harre

Nays: None

Chairman declared motion passed 6-0

8:05 Public hearing Conditional Use Permit

Robert and Laura Kroll filed a Conditional Use Permit to construct a 36ft x 54ft accessory use building as primary nature on residential lot 19 Block 19 Placeks 3rd addition, also known as 505 P St Milligan NE.

Robert and Laura were present to answer questions. No other members of the public present to comment.

As there were no public comments, motion to close the public hearing made by Hafer, closed by R. Noel.

Upon roll call, vote is as follows:

Ayes: Girmus, R. Noel, Hafer, Most, Kassik, Elznic, Harre

Nays: None

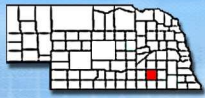
Motion carried 6-0

Motion for recommendation of approve of the Conditional Use permit filed by Robert and Laura Kroll to Construct a 36x54 accessory use building as primary nature on residential lot 19 block 19 Placeks 3rd Addition, also known as 505 P St Milligan NE to the Village Board of Milligan was made by Kassik, seconded by Girmus. Upon roll call vote is as follows:

Ayes: Girmus, R. Noel Hafer, Most, Kassik, Elznic

Nays: None

Motion carried 6-0



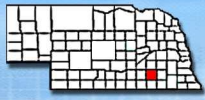
Fillmore County Planning and Zoning Minutes



Chairman Harre appointed Matt Hafer, Sharon Elznic, and Allen Stuckey to join 3 of the County Board Supervisors in discussion on wind regulations.

MEETING ADJOURNED AT 8:35 PM

Next meeting September 16, 2019



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting October 21, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. October 21, 2019 in Fillmore County East 1320 G St, Geneva NE 68361

Members present: Harre, Elznic, Hafer, R. Noel, Stuckey, Kassik in at 8:05

Absent: Girmus, Most

Also, present: Planning and Zoning Administrator- Jennifer Slezak, Larry Cerny, Ralph Graham, Kenneth Marks, Scott & Becky Vonderfecht, Sondra Backstrom, Robert Schropfer, Norman Marks.

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for October 21, 2019 made by Hafer, second by Stuckey.

Upon roll call, vote is as follows:

Ayes: Noel, Stuckey, Harre, Hafer, Elznic

Nays: None

Chairman declared motion passed 5-0

Motion to approve minutes from August 19, 2019 meeting made by Noel, seconded by Elznic. Upon roll call, vote is as follows:

Ayes: Hafer, Stuckey, R. Noel, Elznic, Harre

Nays: None

Chairman declared motion passed 5-0

8:05 Public Hearing – Proposed Zoning Regulation Amendment 9.16 Commercial/Utility Grade Wind Energy Systems

Amendment to the Fillmore County Zoning Regulations amending Section 9.16 Commercial/Utility Grade Wind Energy Systems

Discussion regarding WECS proposed amendments to setbacks from Dwellings, property lines, participating, non-participating landowners, Roads agreement, Decommission plan, Shadow flicker, noise. Discussion on property taxes, property evaluations, bankruptcy/Change of ownership liability, and required upfront bonds. Comments from the public were made by Scott & Becky Vonderfecht, Robert Schropfer and Sondra Backstrom. Proposed updates were presented from the 6-member committee formed by the P&Z Committee and Board of Supervisors. The Board met twice and the proposed updates were reviewed by John Snow, renewable energy attorney. Snow provided feedback and the proposed regulations were updated accordingly. A letter submitted by Terry Backstrom was distributed to the Committee for review. Fillmore Co Zoning administrator Jennifer Slezak informed the committee the letter was discussed with John Snow as well and his feedback was given. Comments from the public were made by Scott & Becky Vonderfecht, Robert Schropfer and Sondra Backstrom.

After 1.5 hours of discussion there were no public comments, motion to close the public hearing made by Noel, Seconded by Stuckey. Upon roll call, vote is as follows:

Ayes: Hafer, Kassik, Noel, Stuckey, Elznic, Harre



Fillmore County Planning and Zoning Minutes



Nays: None

Motion carried 6-0

After continued discussion by the Committee a motion for recommendation to approve the proposed changes to 9.16 COMMERCIAL/UTILITY GRADE WIND ENERGY SYSTEMS (entire section with proposed updates attached) as presented with the exception to 9.16.05 Setbacks from Neighboring Dwellings shall read *"2,640ft, however, may be reduced to a minimum of 1.5 x total tower height for participating landowners within the AGGREGATED PROJECT."* by Kassik and seconded by Hafer. Upon roll call vote is as follows:

Ayes: Noel, Kassik, Hafer, Stuckey, Elznic, Harre

Nays: none

Chairman declared passed 6-0

Following, another motion was made by Noel to amend the previous approved motion to include a change to section 9.16.06 *item* 11. B. Following the current verbiage it shall read *"Approved Decommission Plan is required"*. The motion was seconded by Stuckey. Upon Roll call, vote is as follows:

Ayes: Kassik, Noel, Stuckey, Hafer, Elznic, Harre

Nays: None

Chairman Harre declared motion carried 6-0

Fillmore County Board of Supervisors will hold a public hearing for the recommended changes Tuesday October 22, 2019 at 11:15 in the Fillmore County Courthouse, Courtroom.

MEETING ADJOURNED AT 9:40 PM

Next meeting November 18, 2019



Fillmore County Planning and Zoning Minutes



9.16 COMMERCIAL/UTILITY GRADE WIND ENERGY SYSTEMS

9.16.01 **PURPOSE:** It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within Fillmore County.

9.16.02 **DEFINITIONS:** The following are defined for the specific use of this section.

AGGREGATE PROJECT shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

COMMERCIAL WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

HUB HEIGHT shall mean the distance from ground level as measured to the centerline of the rotor.

FALL ZONE shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

FEEDER LINE shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

METEOROLOGICAL TOWER shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System. Meteorological towers do not include towers and equipment used by airports, the Nebraska Department of Roads, or other applications to monitor weather conditions.

PROPERTY LINE shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

PUBLIC CONSERVATION LANDS shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

ROTOR DIAMETER shall mean the diameter of the circle described by the moving rotor blades.

SMALL WIND ENERGY SYSTEM shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

SUBSTATIONS shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

TOTAL HEIGHT shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.

TOWER shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

TOWER HEIGHT shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.



Fillmore County Planning and Zoning Minutes



TRANSMISSION LINE shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

WIND ENERGY CONVERSION SYSTEM (WECS) shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

WIND TURBINES shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

9.16.03 **REQUIREMENTS:** Commercial/Utility Grade Wind Energy Systems may be permitted as a Conditional Use within any district where the use is listed and allowed. The following minimum requirements and information shall be met and supplied:

1. The name(s) of project applicant.
2. The name of the project owner.
3. The legal description and address of the project.
4. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
5. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
6. Certification by an Engineer competent in disciplines of WEC's.
7. Documentation of land ownership or legal control of the property.
8. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met
12. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
13. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.

9.16.04 **AGGREGATED PROJECTS:**

1. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
2. Permits may be issued and recorded separately.
3. Joint projects will be assessed fees as one project.



Fillmore County Planning and Zoning Minutes



9.16.05 SETBACKS:

All towers shall adhere to the setbacks (measured from the edge of the tower) established in the following table:

	Wind Turbine – Commercial/Utility WECS	Meteorological Towers
Property Lines	150 feet 1.5x TOTAL HEIGHT from PROPERTY LINE; however, the setback may be reduced to 150 feet when two adjoining property owners are within the AGGREGATED PROJECT.	One times the tower height.
Neighboring Dwelling Units*	1,000 feet 2,640ft, however, may be reduced to a minimum of 1.5 x total tower height for participating landowners within the AGGREGATED PROJECT.	One times the tower height.
Road Rights-of-Way**	One times the tower height. 1.5x TOTAL HEIGHT	One times the tower height.
Other Rights-of-Way	One times the tower height. 1.5x TOTAL HEIGHT	One times the tower height.
Wildlife Management Areas and State Recreational Areas	600 feet*** 1.5x TOTAL HEIGHT***	600 feet***
Wetlands, USFW Types III, IV, and V	600 feet*** 1.5x TOTAL HEIGHT***	600 feet***
Other structures and cemeteries adjacent to the applicant's sites	One times the tower height. 1.5x TOTAL HEIGHT	One times the tower height.
Other existing WECS not owned by the applicant.	6,000 lineal feet	NA
River Bluffs	1,320 feet	NA

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.

** The setback shall be measured from any future Rights-of-Way if a planned change or expanded Right-of-Way is known. Such rights-of-way shall be verified with the Nebraska Department of Roads and County Roads Department.

*** Setback may be reduced to a distance of no less than 100 feet based on review of proposed distance and approval by Nebraska Game & Parks Commission, U.S. Fish and Wildlife, and Army Corps of Engineers. Such reduction shall not be less than 100 feet and be based on certified engineer reports showing no effects on the identified areas. Applicant shall submit report and approval or evidence that the study has been performed and the request for approval has been submitted to the appropriate agency prior to the issuance of a zoning permit. Such permit would be conditional and contingent upon such approval.

9.16.06 SPECIAL SAFETY AND DESIGN STANDARDS: All towers shall adhere to the following safety and design standards:

1. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
2. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
3. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.
4. Height: The total height shall be determined by the fall zone requirement. FAA approval is required.
5. Consideration shall be given to painted aviation warnings on all towers more than 200 feet.
6. Color and finish: All wind turbines and towers that are part of a commercial/utility WECS shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing. Finishes shall be matte or non-reflective.
7. Lighting: Lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by the FAA permits and regulations. Red strobe lights shall be used

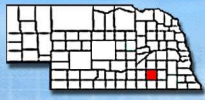


Fillmore County Planning and Zoning Minutes



during nighttime illumination to reduce impacts on neighboring uses and migratory birds. Red pulsating incandescent lights should be avoided.

8. Other signage: All other signage shall comply with the sign regulations found in these regulations.
9. Feeder Lines: All communications and feeder lines associated with the project distribution system installed as part of a WECS shall be buried, where physically feasible. Where obstacles to the buried lines create a need to go above ground, these lines may be placed above ground only to miss the obstacle. All distribution and/or transmission lines outside of the project distribution system may be above ground.
10. Waste Disposal: Solid and Hazardous wastes, including but not limited to crates, packaging materials, damaged or worn parts, as well as used oils and lubricants, shall be removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
11. Discontinuation and Decommissioning:
 - a. A WECS shall be considered a discontinued use after one year without energy production, unless a plan is developed and submitted to the Zoning Administrator outlining the steps and schedule for returning the WECS to service. All WECS and accessory facilities shall be removed to four feet below ground level within 180 days of the discontinuation of use. The 180 days may be extended if proof of weather delays is provided.
 - b. Each Commercial/Utility WECS shall have a Decommissioning plan outlining the anticipated means and cost of removing WECS at the end of their serviceable life or upon being discontinued use. The cost estimates shall be made by a competent party; such as a Professional Engineer, a contractor capable of decommissioning or a person with suitable expertise or experience with decommissioning. The plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the WECS and accessory facilities.
Approved Decommission plan is required.
12. Noise: No Commercial/Utility WECS shall exceed 50 dBA at the nearest structure or use occupied by humans. Such structures or uses include dwelling units, churches, daycares, and the like, but do not include barns, sheds, or agricultural, commercial or industrial uses.
13. Interference: The applicant shall minimize or mitigate interference with any commercial or public safety electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. The applicant shall notify all communication tower operators within five miles of the proposed WECS location upon application to the county for permits.
14. Roads: Applicants shall:
 - a. Identify all county, municipal or township roads to be used for the purpose of transporting WECS, substation parts, cement, and/or equipment for construction, operation or maintenance of the WECS and obtain applicable weight and size permits from the impacted jurisdictions prior to construction.
 - b. Conduct a pre-construction survey, in coordination with the appropriate jurisdictions to determine existing road conditions. The survey shall include photographs and a written agreement to document the condition of the public road.
 - c. Be responsible for restoring the road(s) and bridges to preconstruction conditions.
 - d. *ROADS AGREEMENT MUST BE APPROVED BEFORE ANY CONSTRUCTION CAN BEGIN*
15. Drainage System: The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.
16. *Shadow Flicker: Applicant will represent that the flicker impact on any occupied resident or community building will not exceed 30 hours per year and will provide a mitigation plan in the case this tolerance is exceeded. Shadow flicker impact analysis will be provided by a 3rd party, at the applicant's expense.*



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting November 18, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 7:00 p.m. November 18, 2019 in Fillmore County East 1320 G St, Geneva NE 68361

Members present: Harre, Elznic, Most, Noel, Kassik

Absent: Stuckey, Girmus, Hafer

Also, present: Planning and Zoning Administrator- Jennifer Slezak, Scott Vonderfecht, Sondra Backstrom.

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for November 18, 2019 made by Noel, seconded by Hafer upon Roll call, vote is as follows:

Ayes: Noel, Kassik, Most, Elznic, Harre

Nays: None

Chairman declared motion passed 5-0

Motion to approve minutes from October 21, 2019 meeting made by Elznic, seconded by Most.

Upon roll call, vote is as follows:

Ayes: Kassik, Noel, Most, Elznic, Harre

Nays: None

Chairman declared motion passed 5-0

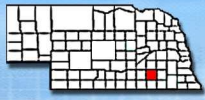
Discussion on Solar Regulations

Zoning Administrator Jennifer Slezak informed the Fillmore does not currently have any Solar regulations. She reached out to the NPZA group for copies of other counties regulations. Received responses from 6 counties. Committee Member Sharon Elznic has received correspondence on a possible Solar from by NPPD. Jennifer and committee will do more research on regulations and possibly contact someone to speak to the Committee about Solar regulations.

Update Committee on Wind Energy Regulations

Zoning Administrator Jennifer Slezak updated the Committee on the regulations adopted by resolution at the Nov 12 County Board meeting. Sondra Backstrom and Scott Vonderfecht were present for discussion. Zoning Admin passed out packets of information to the committee, provided by Scott Vonderfecht.

Next meeting is scheduled for Dec 16, 2019 at 7:00PM
MEETING ADJOURNED AT 7:45PM



Fillmore County Planning and Zoning Minutes



Fillmore County Planning Commission Minutes of Meeting December 16, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 7:00 p.m. December 16, 2019 in Fillmore County East 1320 G St, Geneva NE 68361

Members present: Harre, Stuckey, Elznic, Most, Girmus, R. Noel, Hafer, Kassik (late arrival)

Absent:

Also, present: Planning and Zoning Administrator- Jennifer Slezak, Scott Vonderfecht.

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for December 16, 2019 made by Girmus, seconded by Stuckey.
upon Roll call, vote is as follows:

Ayes: R. Noel, Stuckey, Girmus, Hafer, Most, Elznic, Harre

Nays: None

Chairman declared motion passed 7-0

Motion to approve minutes from November 18, 2019 meeting made by Stuckey, seconded by Elznic.

Upon roll call, vote is as follows:

Ayes: Hafer, Most, R. Noel, Girmus, Stuckey, Elznic, Harre

Nays: None

Chairman declared motion passed 7-0

Discussion on Solar Energy Regulations

Planning and Zoning administrator Jennifer Slezak informed the Board she has contacted JEO on having someone speak to the group on Solar regulations, however will need approval for fees associated from County Board. Committee again reviewed and discussed Solar Regs provided by other counties and showed interest in Hamilton Co. Regulations. They will review further. Slezak will discuss with the County Board at the 12/23 meeting.

NEDROW SUBDIVISION

Slezak presented the Nedrow Subdivision located NW ¼ of NE ¼ of 7-6-2. The Subdivision is within the jurisdiction of the City of Geneva however Kelly Stroh, City of Geneva Clerk-Treasurer contacted Slezak and stated their regulations require subdivisions within the 1 mile jurisdiction to be reviewed by the Fillmore County Planning Commission. The Planning Commission has no issues with the Nedrow Subdivision. Slezak prepared a letter of support and it was signed by Matt Harre, Chairman and Jennifer Slezak, Zoning administrator.

MEETING ADJOURNED AT 8:45PM until TUESDAY (Due to holiday) January 21, 2020 at 8:00PM