

Corrected Minutes

The Jefferson County Planning and Zoning Committee held a public hearing on Thursday February 10th 2022 at 7:00pm in the Jefferson County Courthouse District Courtroom. Members present were Dustin Fairley, Kevin Banahan, CJ Forsgren, Mike Hansmire, Randy Welsch, Andy Snyder, Bruce Weise, and Zoning Administrator John McKee.

Chairman Bruce Weise called the meeting to order at 7:03pm and noted that a copy of the Open Meetings Act was on the table, and that the meeting notice was printed in the paper. The agenda was approved as printed. The minutes from the previous meeting were approved as read.

Weise opened the meeting to the public for comment. The committee went through the proposed changes to the Commercial Wind Energy Conversion Systems, or CW ECS regulations and heard comment from the committee and public. The first item that brought about discussion was shadow flicker. Joe Casson from Fairbury answered legal questions about the wording of the proposed changes. Chris Ollson from Ontario Canada spoke about the shadow flicker models. Toni Snyder from Fairbury expressed concern for livestock effected by shadow flicker. David Levy from Omaha spoke on behalf of Next Era, and Suzanne Heideman from Jansen spoke about ways to mitigate the flicker in a house. The committee discussed adding places of employment to the regulation.

The next item of business was the proposed FAA lighting requirements, and new airplane activated lights at night. Comments were heard from the public, committee and representatives from Next Era Energy.

Weise closed the public portion of the meeting. The committee worked on finalizing the regulations for the CW ECS. Welsch Moved to approve the changes to Section 6.610 "No CW ECS shall exceed 50dBA, measured for ten (10) minutes *Leq* at any occupied primary residence, measured at an exterior wall of the primary occupied residence structure. In response to a verified complaint, the County may direct dBA testing by an independent party approved by the Jefferson County Board of Commissioners. Testing shall be paid for by the owner of the CW ECS." Seconded by Snyder. A rollcall vote was taken: Fairley-yes Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-Yes, Weise-yes. Motion passed 7-0.

Welsch moved to amend the proposed regulation of Section 6.65(A)(6)(B) by striking Three (3) times and inserting Five (5) times. Snyder Seconded the motion. After much debate a roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-no. Motion passed 6-1.

Welsch moved to amend the proposed regulation of Section 6.65(A)(6)(C) by striking Three (3) times and inserting One and one tenth (1.1) times. Seconded by Forsgren. A roll call vote was taken: Fairley-no, Banahan-no, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-no, Weise-yes. Motion passed 4-3.

Snyder moved to approve Section 6.65 (A)(6) with "CW ECS shall maintain minimum setbacks as follows: (A) One and one-tenth (1.1) times the height of the total system from any property line of non-participating property owners. (B) Five times the height of the total system from any occupied primary residence of a non-participating property owner, measured from an exterior wall of the occupied primary residence. One and one tenth times the height of the total system from any occupied primary

residence of a participating property owner, measured from an exterior wall of the occupied primary residence; and there is no setback requirement from a property line between adjoining property owners participating in the same aggregated project.” The motion was seconded by Welsch. A roll call vote was taken; Fairley-no, Banahan-no, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-yes. Motion passed 5-2

Welsch moved to approve Section 6.65 (A)(7) CWES shall maintain a minimum setback distance from any railroad, County road, State highway right-of-way line of at least one and one-tenth (1.1) times the height of the total system. Seconded by Forsgren. A roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-yes. The motion passed 7-0

Motion by Fairley to amend the proposed regulation in Section 6.65 (A)(11) to add “or occupied structures.” Seconded by Banahan. A roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-yes. Motion passed 7-0. The proposed regulation will read. Section 6.65 (A)(11): Shadow flicker limit of 30 hours per year of actual flicker at any non-participating primary occupied residence or occupied structures.

Motion by Fairley to approve changes to Section 6.65 (A)(12) All new nighttime lighting shall be activated by an Aircraft Detection Lighting System installed by the applicant that shall meet or exceed FAA Standards with proof of FAA permitting. Seconded by Welsch. A roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-yes. Motion passed 7-0.

Motion by Snyder to remove Section 6.65 (A)(15) Seconded by Banahan. A roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-yes. Motion passed 7-0.

Motion by Forsgren to remove Section 6.69 decommissioning of CWECs. Seconded by Banahan. A roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-no, Weise-yes. Motion passed 6-1

Motion by Welsch to add Section 6.611 Existing CWECs shall be subject only to the zoning regulations applicable at the time Jefferson County approved the special use permit applicable to such CWECs, and shall not be subject to any zoning regulations or amendments to the zoning regulations Jefferson County may adopt subject to approving the special use permit for subsequent CWECs. Seconded by Fairley. A roll call vote was taken: Fairley-yes, Banahan-yes, Forsgren-yes, Hansmire-yes, Welsch-yes, Snyder-yes, Weise-yes. Motion passed 7-0.

Motion by Weise to adjourn the meeting. It was seconded and passed unanimously with no roll call vote.

Respectfully Submitted, Dustin Fairley Secretary.