

The Jefferson County Planning and Zoning Committee held a public hearing on Thursday January 6th 2022 at 7:00pm in the Jefferson County Courthouse District Courtroom. Members present were Dustin Fairley, Kevin Banahan, Ethan Thorp, Bruce Livingston, CJ Forsgren, Andy Snyder, Bruce Weise, James Hahn, Randy Welsch and zoning administrator John McKee

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 a printed. The minutes from the previous meeting were approved as read.

The meeting opened with the election of officers. The 2022 officers will be as follows; Chairman Bruce Weise, Vice Chairman Randy Welsch, Secretary Dustin Fairley, and Board of Adjustments Kevin Banahan.

Chairman Weise continued with the meeting and opened discussion on revising the Commercial Wind Energy Conversion System (CWECS) regulations.

First topic of discussion was noise levels Section 6.610, decreasing the decibel level from 60dba to 50dba. After much discussion Snyder moved to lay this item of business on the table until next meeting so members could do more research. Thorp seconded it, and the motion passed.

Setbacks. There was much discussion about setbacks pertaining to noise, field operations, sight, and safety.

Snyder moved to strike the current language in 6.65(A)(6) and replace with "CWECS shall maintain minimum setbacks as follows: One and one-tenth (1.1) times the height of the total system from any property line of non-participating property owners. Three 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. Three 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". Motion was seconded by Hahn. Motion passed.

Welsch moved to strike the current regulation Section 6.65(A)(7) and replace it with "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". The motion was seconded by Livingston. The motion passed.

Next discussion was about visual effect of the CWECS. Topics of discussion were about shadow flicker, and the tower lighting after dark.

Section 6.65 (A)(11) deals with shadow flicker. The committee discussed putting a time limit on how long shadow flicker could affect a dwelling. Snyder moved to table this item of business until next meeting. Seconded by Fairley. Motion passed.

Welsch moved to strike the current regulation on marking lights in Section 6.65(A)(12) and replace it with "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". Motion was seconded by Thorp. Motion passed.

Welsch moved to strike all of Section 6.65(A)(15) because it is covered in 6.65(A)(6). Seconded by Banahan. Motion passed.

The last discussion topic dealt with decommissioning and retroactivity. Welsch moved to table business pertaining to Section 6.69 until next meeting. This would give the committee time to read about the decommissioning by the Nebraska Power Review Board by Nebraska Statute 70-1014.02. The motion was seconded by Fairley. Motion passed.

Welsch moved to add No Retroactivity to Section 4 of the CWECs. The regulation will read. "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 Hahn. Motion passed.

All votes taken were by voice, and all passed by a definite majority.

Respectfully submitted, Dustin Fairley Secretary.