

Sioux County Planning Commission

Harrison, Nebraska

Minutes of Public Hearing and Meeting of March 27, 2024

A meeting of the Sioux County Planning Commission was held March 27, 2024 at the Sioux County Courthouse Courtroom at 5:00 p.m. Board members present were Chairman David Howell, LeAnne Skavdahl, Cynthia Kaan Jim Phipps, Jim Skavdahl, Steve Johnson and Howard Willey. Also present was Sioux County Clerk and Zoning Administrator Michelle Zimmerman, County Attorney Adam Edmund and Deputy County Attorney Dan Skavdahl.

The Sioux County Planning Commission Meeting was called to order at 5:00 p.m. by Chairman David Howell.

The public hearing was called to order at 5:02 p.m. by Chairman David Howell. The hearing was held to consider Conditional Use Permit 2024-1. The purpose of the permit is to allow Sioux County Wind Farm, LLC to construct a utility-scale wind energy conversion system located in eastern unincorporated Sioux County. Austin Paxson, Project Manager for NextEra Energy and David Levy, Attorney, Baird Holm, LLP presented information regarding the application. The project will include no more than 108 wind turbines. Annual property tax revenue in the amount of \$1,500,000 is projected with approximately \$1,000,000 revenue for local public school districts and more than \$300,000 for the county itself. Other local taxing authorities would also benefit. Road Use and Maintenance Agreement, and Decommissioning Plans have been included with the permit application. Levy advised that the project shall comply with the Conditions of Approval.

Members of the board asked questions regarding the decommission bond, government subsidies and lower land values. Attorney Levy advised that a study had been done showing no effect to land values.

Attorney Skavdahl stated that one landowner has filed a termination of their contract. Project Manager Paxson stated that they will forgo the three sites in that contract.

Public comments were heard. Questions and opinions regarding removal and disposal of the blades, ice on lines, transmission lines, wildlife protection, location of the maintenance shop, bonding for the project and the effect it has on property were some of the issues voiced by those in attendance. Documentation was provided regarding three different lines with building sites planned by NPPD. Preserve the sandhills advocacy group has been created. Attorney Levy said that this is not correct or relevant, as the Sioux County Wind Farm, LLC project connects with Black Hills Energy and not NPPD, also Sioux County Wind Farm, LLC is not asking to build a transmission line as the NPPD connection does.

Slim Reece, Fire Chief voiced concern regarding construction, making sure there is equipment and training available for fire issues during the construction phase. Reece would like to get all affected districts together with NextEra to discuss a plan. Project Manager Paxson and Attorney Levy will make sure that happens.

Jake Stewart, Executive Director for SWANN inquired about disposal of blades, stating that they can't be buried. Attorney Levy replied that there are markets for using used blades. Further discussions will be held on disposal issues.

One patron voiced his opinion asking why it is a public matter, stating that it's about personal property rights, we don't have any right to tell them what to do with their land.

County Attorney Edmund stated that Sioux County Wind Farm, LLC has supplied a findings-of-fact and have addressed all elements set forth in the Sioux County Zoning Regulation.

The public hearing was closed at 6:32 p.m.

The Sioux County Planning Commission Meeting was convened back to regular session at 6:33 p.m. by Chairman David Howell. Motion made by Steve Johnson, seconded by Cindy Kaan to table the approval of the permit until April 24. On roll call vote, Willey, yes; Kaan, yes; L. Skavdahl, yes; Phipps, yes; Johnson, yes; J. Skavdahl, yes; Howell, no. Motion carried.

An Application for Recorded Exemption, submitted by Dan Skavdahl to split 13.60 acres from an existing parcel in Section 27 Township 24, Range 58, Sioux County was reviewed. Upon a motion made by Cindy Kaan, seconded by Jim Phipps, the exemption was approved. On roll call vote, J. Skavdahl, yes; Phipps, yes; Johnson, yes; Kaan, yes; Howell, yes; Willey, yes; L. Skavdahl, yes. Motion carried

There being no further business before the Board the meeting was adjourned at 6:55 p.m.

Michelle J. Zimmerman, Zoning Administrator

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Minutes of the Meeting of April 24, 2024

A meeting of the Sioux County Planning Commission was held on April 24, 2024 at the Sioux County Courthouse at 5:00 p.m. Board members present were, LeAnne Skavdahl, Jim Phipps, David Howell, Cynthia Kaan, Jim Skavdahl, Steve Johnson and Howard Willey. Also attending the meeting was Dan Skavdahl, Sioux County Deputy Attorney and Michelle Zimmerman, Zoning Administrator.

Conditional Use Permit 2024-1 was reviewed. The purpose of the permit is to allow Sioux County Wind Farm, LLC to construct a utility-scale wind energy conversion system located in eastern unincorporated Sioux County.

Dan Skavdahl explained the planning commission's mission in determining if the conditional use permit applies to the Sioux County Zoning Regulations and the Sioux County Comprehensive Plan. If the permit meets the conditions, the planning commission forwards it to the County Board of Commissioners.

Jim Skavdahl questioned the bonding and red pulsating lights. Radar lights are subject to FAA approval, using Aircraft Detection Lighting System to reduce duration of time red aircraft-warning lights. The bonding is reviewed every five years by third party engineers.

Austin Paxson, Project Manager for NextEra Energy and David Levy, Attorney, Baird Holm, LLP presented information regarding the application. A water buffalo will be used during construction, with fire risks reviewed daily during construction, the applicant also coordinates with the local fire departments to develop an emergency response plan.

Jim Skavdahl asked if a turbine goes down, how long before it is moved, or repaired? Austin Paxson advised that they are commercially obligated to repair the turbine, and are economically incentivized to get it back up as quickly as possible following an investigation as to what happened, although that is extremely rare.

Howard Willey questioned whether there is enough teeth in the permit regarding abandonment of all except one turbine, if it still is considered a system. Attorney Skavdahl will review the definition of the "wind energy conversion system".

Jim Phipps questioned where there is language in the Sioux County Comprehensive Plan from 1996 that conflicts with the project. Attorney Skavdahl replied that there is nothing that he is aware of that is a conflict.

LeAnne Skavdahl said she has been contacted by people questioning the project and if it objectively meets the comprehensive plan. Skavdahl highlighted several points in the comprehensive plan and asked Attorney Dan Skavdahl to show compliance regarding land use, stating that quality agricultural land is not proposed for conversion to an urban type use, the development is not disruptive to existing agricultural activities, and that it is demonstrated that there is a recognized need for such development. As far as environmental concerns Skavdahl highlighted discouraging

development from locating on productive ag soils and ensuring that high quality scenic and historically significant sites are aesthetically protected. The land use ensures that adequate planning and policy development efforts are undertaken to preserve and improve the unique rural character of the county. Areas zoned for specific uses will be protected from the encroachment of conflicting land uses. As much as possible, development will occur where it is least disruptive to existing agricultural activities, and where it can be demonstrated that there is a recognized need for such development. As far as commercial uses, development in rural areas shall be restricted to those businesses that provide only neighborhood and agricultural business needs and site location specific businesses. Attorney Dan Skavdahl is of the opinion that the project does meet the guidelines within the comprehensive plan.

Attorney Dan Skavdahl discussed the procedures followed when adding wind energy regulations to the Sioux County Zoning Regulations. Sioux County regulations are very stringent and comply with the laws of the State of Nebraska. Skavdahl reiterated that as long as the conditional use permit follows Sioux County Zoning Regulations the county has no choice but to approve. Howard Willey added that there was no opposition when the wind regulations were added.

Steve Johnson stated we don't want to take peoples' property rights away from them.

Austin Paxson has been personally involved with the environmental studies of the project.

Motion made by Jim Phipps, seconded by Jim Skavdahl to recommend approval of the conditional use permit incorporating the findings of fact with the condition of addition of having a fire rig on site and forward it to the Sioux County Commissioners for their approval. On roll call vote, Willey, no, Johnson, no; Kaan, yes; Howell, yes; L. Skavdahl, yes; J. Skavdahl, yes; Phipps, yes. Motion carried.

There being no further business before the Board the meeting was adjourned at 5:55 p.m.

Michelle J. Zimmerman, Zoning Administrator

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Minutes of the Meeting of May 29, 2024

A meeting of the Sioux County Planning Commission was held on May 29, 2024 at the Sioux County Courthouse at 5:00 p.m. Board members present were Steve Johnson, Cynthia Kaan, Jim Phipps, Howard Willey and LeAnne Skavdahl. Also attending the meeting was Michelle Zimmerman, Zoning Administrator.

Recorded exemption #2024-2 submitted by Adam and Sue Clapp to split 15.63 acres from an existing parcel in Sections 19 and 30, Township 24, Range 54 was reviewed. Upon a motion by Jim Phipps, seconded by Cindy Kaan, the exemption was approved. On roll call vote, Johnson, yes; Phipps, yes; Willey, yes; Kaan, yes; Skavdahl, yes. Motion carried.

There being no further business before the Board the meeting was adjourned at 5:10 p.m.

Michelle J. Zimmerman, Zoning Administrator

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Minutes of the Meeting of June 26, 2024

A meeting of the Sioux County Planning Commission was held on June 26, 2024 at the Sioux County Courthouse at 5:00 p.m. Board members present were Steve Johnson, Cynthia Kaan, Jim Phipps, Howard Willey and LeAnne Skavdahl. Also attending the meeting was Michelle Zimmerman, Zoning Administrator.

Recorded exemption #2024-3 submitted by Liz Sprock to split an existing parcel of 298.87 acres into 4 separate tracts in Section 15, Township 32, Range 53 was reviewed. Upon a motion by Howard Willey, seconded by Cindy Kaan, the exemption was approved. On roll call vote, Phipps, yes; Willey, yes; Kaan, yes; Skavdahl, yes. Motion carried.

The board regretfully accepted Howard Willey's resignation from the Sioux County Planning Board and thanked him for his service since the inception of the board.

There being no further business before the Board the meeting was adjourned at 5:15 p.m.

Michelle J. Zimmerman, Zoning Administrator

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Minutes of the Meeting of November 20, 2024

A meeting of the Sioux County Planning Commission was held on November 20, 2024 at the Sioux County Courthouse at 4:00 p.m. Board members present were, Jim Phipps, Cindy Kaan, David Howell, Jebb Ginkens and LeAnne Skavdahl. Also attending the meeting was Michelle Zimmerman, Zoning Administrator, and Adam Edmund Sioux County Attorney.

County Attorney Edmund discussed the County Commissioner's desire to put a moratorium on solar permits for a period of six months to review and possibly put in place regulations regarding solar development. Motion made by Jebb Ginkens, seconded by Cindy Kaan to put a six-month moratorium on renewable energy and use that time to work on the zoning regulations and comprehensive plan. On roll call vote, Phipps, yes; Kaan, yes; Howell, yes; Ginkens, yes; Skavdahl, yes. A resolution will be presented to the County Commissioners at the December 2 commissioner meeting.

There being no further business before the Board the meeting was adjourned at 4:35 p.m.

Michelle J. Zimmerman, Zoning Administrator