

## **Merrick County Joint Planning Commission Minutes**

**Thursday, September 24, 2020**

At 7:00 p.m. Planning Commission members were asked to read three articles on Commercial/Utility Grade Wind Energy Systems prior to opening the meeting.

The regular monthly meeting of the Merrick County Joint Planning Commission was called to order by Vice Chair Wiegert at 7:22 p.m. on Thursday, September 24, 2020. Wichmann moved to open the meeting. Miller seconded. Motion carried 8-0.

Upon roll call, Commissioners in attendance were: Wiegert, Wichmann, Miller, Riblett, Brandes, Gamblin, Robinson and Harrahill. Starostka was excused due to being out of town. Jan Placke was also in attendance as a member of the public.

The Pledge of Allegiance was recited by all in attendance.

Wichmann moved to approve the agenda. Gamblin seconded. With roll call, motion carried 8-0.

Gamblin moved to approve the minutes of the July 23, 2020 meeting. Miller seconded. Motion carried 8-0.

Secretary Lyons read the Notice of the Public Meeting as printed in the Central City Republican Nonpareil and Palmer Journal newspapers. The required ten-day notice was given prior to the meeting. Notice of the meeting was delivered to the Chairperson and Commissioners prior to the meeting. It was announced that the Open Meeting Act was posted outside the hearing room and on the Merrick County website.

Vice Chair Wiegert asked the Commission to introduce themselves to the new Commissioner, Rick Harrahill, now representing the Village of Palmer. Harrahill introduced himself to the Commission. The Commission welcomed Harrahill.

The Sub Committee shared their committee experience and what was learned during the review process of the Commercial/Utility Grade Wind Energy Systems Regulations.

Brandes, Miller and Robinson reported that the Sub Committee had been reviewing regulations from Nebraska counties and others from out of state. They said that the committee had reviewed vast amounts of information, but noted that there does not appear to be a lot of hard science or studies on the long-term effects of Commercial/ Utility Grade Wind Energy Systems on livestock, migratory birds, etc., They felt that this could possibly be due to the fact that wind energy development is so new. Brandes said the sub-committee kept an open mind during the review process. He reminded the Commission that the moratorium on Commercial/ Utility Grade Wind Energy Systems ends on December 23, 2020.

Robinson shared that his "ah-ha" moment was that he had never considered that Merrick County would be a possible site for wind turbines. He stated that he felt the sub-committee members worked hard drafting the proposed amendment changes, keeping in mind that the amendments needed to reflect the best interest of property owners; property values, and the public health, safety, and welfare of the citizens of Merrick County.

Brandes shared that he was very excited to be on the sub-committee and wanted to create clear and fair regulations for the people of Merrick County. He stated that development of Wind Energy Systems can be a

very emotional, and at times, controversial topic. When he was a member of Nebraska's LEAD program about 10 years ago, he had the opportunity to visit a wind turbine site. He said he has learned that as the industry has progressed, new information, new discussions, and new issues have arisen. Being a cattle producer, he felt that there isn't enough research yet on the effects, if any, of cattle grazing near wind turbines. He felt that time would establish a more accurate baseline.

Miller's "ah-ha" was that he believes most people don't understand the decommissioning process at the end of a turbine's life. He felt that technology has evolved very quickly and will continue to evolve at a fast rate. One of his biggest "ah-ha's" was that he didn't realize that Nebraska is the 4<sup>th</sup> largest state for wind in the U.S.

The sub-committee listed several big questions and possible concerns that they had following their research:

- Who sets up the decommissioning plan?
- When an LLC sells to another LLC will the decommissioning plan remain in place?
- Will the county be involved in the decommissioning? If so, what will their involvement be?
- Who will pay for decommissioning? Surety Bond? Escrow plan? How will this be set up?
- "Ethanol plants sounded like a great idea at the time, but now oil companies own them." What will the future be for wind energy systems?
- The effect that turbines have on ag land, livestock, wildlife and migratory birds is yet to be determined. More research and studies need to be done by independent, third party researchers.
- Pros and Cons of wind energy systems on the environment
- Is wind energy truly "green?" Will it still be around in 5? 10? 15? 20? Years? If it becomes outdated, what happens to the turbines? Can any of the materials be recycled? Will they remain on the landscape or be decommissioned?

Brandes shared that he has not seen evidence of "carbon neutrality" to offset the use of fossil fuels. Also, do consumers realize that fossil fuels are used to create the 900-ton towers? Has that fact been transparent to the public? Also, who decides if wind energy is truly a "green source" of energy?

Wiegert asked if Marquette had a local small energy system. No one knew for sure. Randy Reese with Polk Public Power stated in a phone conversation that Polk County has one turbine and won't have more. Polk County has a contract with NPPD for the greatest percentage of their energy. The small turbine creates just enough energy to reach their total energy capacity.

Lyons attended a Clay County Public Hearing on proposed amendment changes to their solar energy regulations. The Clay County Board voted in favor of approving the proposed amendment changes which would allow prime farm land to be used for a 3,000-acre solar farm at the request of a APEX, solar and wind energy company from Denver, CO.

After the public hearing, Lyons spoke with the APEX representative and found out he also works with wind energy development. Something interesting that he shared was that that wind towers may become *clear* in the future. Also, that current tower heights now can reach 900' tall; but within five years, new, and more efficient technology, could reduce the maximum height to 450' to 500'. He said that a new trend is that wind turbines are being combined with solar farms on pivot corners. He said the reasoning for that combination is that solar farms produce more during the day, while wind turbines produce more at night. This reduces peaks and valleys in power output and provides a more steady, consistent flow of energy.

The remainder of the meeting was spent in a work session reviewing the sub-committee's proposed amendment changes to the current wind energy regulations. The Commission reviewed maps of Merrick County that showed the current setback of 2,000' from occupied dwellings, as well as, maps showing ½ mile (2,640') and ¾ mile (3,960') setbacks from occupied dwellings. Commission members felt that "seeing" the setback distances on the maps aided them in making their final setback proposal to amend the regulations. The Commission reached a tentative proposal for amendment changes to the current regulations. However, ***no official action was taken.***

NEW BUSINESS: The Planning Commission will hold a public meeting and public hearing on Thursday, October 15, 2020, at 7:00 p.m. at the Merrick County Fairgrounds Conference Room to discuss and consider the proposed amendment changes to the current regulations. The meeting site was moved to provide more space for social distancing and in the event that public attendance was high.

OLD BUSINESS: No old business to discuss.

ADJOURNMENT: With no further business or discussion, Brandes moved to adjourn. Miller seconded. Meeting was adjourned at 10:06 p.m.

Respectfully submitted,

Kay Lyons, Zoning Administrator

NEXT MEETING AND PUBLIC HEARING: Thursday, October 15, 2020 at 7:00 p.m. at the Merrick County Fairgrounds Conference Room