

## **Sioux County Planning Commission**

Harrison, Nebraska

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.

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Michelle J. Zimmerman, Zoning Administrator