

# Cherry County Planning and Zoning Minutes



## CHERRY COUNTY PLANNING COMMISSION MINUTES

January 2, 2018

Cherry County Court House Meeting Room

The meeting was called to order at 4:03 pm CT, by Herb Pabst, Vice-Chairman. Roll call was taken. The following members were in attendance: Gary Swanson, Rob Lee, Albert Ericksen, John Wheeler, Herb Pabst and recorder, Ann Krueger. Also present were Merrial Rhoades, Bob Stetter, Carolyn Semin and Jim Ducey.

The Open Meetings Act was noted. Public notice for the meeting was published in the December 20, 2017 of Valentine Midland News. Minutes from the December 5, 2017 meeting were read.

Rob moved to approve the minutes as read. Albert seconded. Roll call vote was taken with all present members voting in favor, and the motion carried unanimously.

### Public Comment:

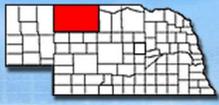
Jim Ducey asked to take out the word guest in front of the commenters' names. They are citizens, not invited there, as the term "guest" is defined, and came there on their own volition. He said the recorder should not add things to the minutes.

Communications: Meeting with the Cherry County Commissioners. Herb asked how the meeting went. Albert said that Commissioner Storer asked quite a few questions to Albert and Jim during their meeting and was the most vocal. The communication between the planning commission and the commissioners needs work, however, as the commissioners didn't have the planning commission's report or the proposed changes to regulations. Albert wasn't sure if the lack of a zoning administrator was part of the trouble. The planning commission was wondering why the commissioners hadn't looked on the website for the report in advance. Officially, the zoning administrator has provided that information in the past, so that could have been an oversight. The commissioners did not give further instruction to the planning commission at this time.

### Old Business:

- a. Gary handed out several pictures of a 53-acre solar facility outside of Kearney that Jim Buer had taken pictures of. There is a fence around it. There is most likely cement around the pedestals. Buffalo County doesn't currently have any solar panel regulations and this facility is believed to be within city limits. Gary felt as though it looked pretty benign. Jim said he had a hard time finding it. Gary thought the setbacks for a solar farm such as the one pictured may be similar to a house or something else of industrial usage. The planning commission might want to start outlining the trespass of power lines and those sorts of issues, and potentially a height limit if some sort of tower mechanism is used.

Albert mentioned that in Knox County, they had garden solar systems, which were smaller systems. Albert wondered if solar wells used in pastures would be regulated, but it was generally agreed that they would not. In Thomas County, the restrictions are pretty specific. Knox County has regulations for setbacks next to highways, local streets, and so on. Illinois mentions setbacks of 500 feet from a residence. Gary has not located many Nebraska regulations from different counties, but feels the regulations may not need to be as extensive as the regulations that Thomas County has set. Gary asked that, if a planning commission member travels to Kearney, they should try to find out more information on the regulations. He thinks there is a similar farm in Arnold, NE. Albert believed the name was Pandorf. About a mile or so south of the airport there is talk of a wind farm, which would be just outside of city limits, but that is something that needs to be checked. At this time, if it were



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approved, it would be done so as a conditional use permit, by which conditions could be put as the commissioners see fit. There are no regulations that specifically state solar farm at this time.

Herb asked about fees that are being charged to apply for a permit. Gary mentioned the commissioners usually set that. Herb had some additional information about an email discussing a proposed solar farm, which would be 1.8 miles southeast of Miller Field and encompass 320 acres. The planning commission didn't know off hand if that is outside of city limits. There is already a highline on the property to take the power out.

Jim Ducey asked if the commission should propose a draft of zoning regulations for solar farms since there is interest in building a solar farm, along with definitions. Herb mentioned that Knox County has many definitions they could start with. Ducey also asked if it is the role of the zoning administrator to attend the planning commission meetings, then they could start conducting research and proposing drafts of regulations. It would help to shorten the discussion period, and it would be valuable for a zoning administrator to do that.

## New Business:

- a. Continue discussion of Solar Energy Section for Zoning Code – the planning commission continued to review regulations from other counties. They looked at noise programs. Decommissioning could be the same as wind turbine regulations. Rob liked how they had the Department of Natural Resources in Illinois complete a consultation with potential solar farms. Herb questioned if there would be noise coming from the solar farm. He didn't believe there would be so there might not need to be as great of setbacks as turbines. Jim Ducey interjected to say that he thought there could be reflectivity issues. He mentioned a row of cedar trees would help address that issue. Herb thought the dark panels would help with the reflection. Discussion continued about different aspects of a wind farm, such as grass or weeds growing under the panels. Herb asked the planning commission what parts of the Knox County regulations they'd like to look into. The definitions could be used for Cherry County. Albert mentioned finding a different term than "farm", which would be more industrial, such as industrial solar facility or complex. Gary mentioned for continuity purposes, they should start with Solar Energy Conversion Facility and go from there. They could define non-commercial and commercial. Small solar energy systems and setbacks from roads should probably be a certain distance. Knox County requires an 8-foot safety fence around the perimeter and a non-reflective light. Rob thought that might be state mandated. Gary would like to check into the fencing more, and whether you need to fence something in or fence it out. Erosion was also discussed and whether power lines would be buried. Herb said they could make a general draft and start with the wind turbine regulations and build from there. Gary thought talking to someone from Kearney who dealt with the solar regulations might be the best way to start. Gary asked Albert if he'd like to research more into the reflectivity issues. The planning commission will continue to research other counties regulations.

b. The next regular meeting was set for February 6, 2018 at 4:00 pm CT at the Cherry County Commissioners Meeting Room. Elections will be held at that time.

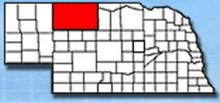
Public Hearings: No public hearings.

Reports and Recommendations: Continuing review of solar regulations.

Excused Absences: A motion to excuse Lynell Stillwell, Todd Mathis, Jim Buer and Coby Billings was made by Gary. Albert seconded. A roll call vote was taken with all members voting in favor. Motion carried unanimously.

The meeting was adjourned by Vice-Chairman Pabst at 5:15 pm CT.

Ann Krueger, Recorder



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APPROVED