

Thomas County Planning Commission
Meeting Minutes
August 10, 2017

The Thomas County Planning Commission convened in open and public session at 2:00 p.m., August 10, 2017 at the Thomas County Fairgrounds building, 83861 Hwy 2 Thedford, NE. Members present were Bob Childers, Lemoyne Dailey, Judy Rath, Carolyn Warren, Alan Atkins, Larry Haake, and Jim Purdum. Member Miles Maseberg arrived at 2:08 p.m. Absent – Mark Nutter. Also present were Thomas County Zoning Administrator Lorissa Hartman, County Attorney Kurt Arganbright, Sheriff Gary Eng, Hooker County Sheriff Wynn Wiems, Grant County Sheriff Department Mike Rath and Marva Hoover. Guests in attendance speaking were Merrial Rhoades, Twyla Witt, Melanie Coffman, Barbara Welch, Dan Welch, Wanda Simonson, Lezley Koubek, Ann Warren, Janet Steffen, Tom Witt, Tyler Rath and Chase Rath. Vice Chairman Carolyn Warren stated public meeting guidelines are posted as required by law and copies are available, if requested.

Notice of meeting was given by publication in the Thomas County Herald on July 20, 2017, July 27, 2017, August 3, 2017 and August 10, 2017. Email notification was given on August 7, 2017 to Hooker County Clerk, Blaine County Clerk, Logan County Clerk, Cherry County Clerk, Cherry County Zoning Administrator, Custer County Clerk and Custer County Zoning Administrator.

Motion made by Dailey and second by Atkins to adopt the August 10, 2017 meeting agenda. Roll call vote: Ayes – Purdum, Haake, Atkins, Warren, Rath, Dailey, Childers. Nays – none. Absent – Maseberg, Nutter. Motion carried. Motion made by Childers and second by Rath to approve the June 5, 2017 Planning Commission minutes as published in the Thomas County Herald on June 16, 2017. Roll call vote: Ayes – Childers, Purdum, Dailey, Haake, Rath, Atkins, Warren. Nays – none. Absent – Maseberg, Nutter.

Vice Chairman Warren recessed the regular meeting at 2:04 p.m. to open the public hearing on the proposed zoning regulations.

County Attorney Kurt Arganbright addressed the public and board on how the hearing would proceed. Each person wishing to speak would need to sign in and would be given three minutes to speak initially and then after everyone wishing to speak had spoken the board would determine if more time would be allotted to speak.

Merrial Rhoades addressed the board with concerns about the NPPD transmission lines, wind turbine facilities causing erosion, property rights, rainfall effects caused by wind farms, fire hazards, hunting, and health concerns.

Twyla Witt spoke on the proposed zoning regulations, concerns that the wind energy conditional use permit needed more clarification, that the zoning administrator shouldn't be the one to determine if the regulations had been met for the wind energy and felt the planning commission board be the ones responsible, and would also like the board to review page 63 item 11 on the fire issues.

Melanie Coffman asked that the board take more time to look over the regulations before passing. She also asked that the setbacks for wind and solar energy be the same, and she would like the setbacks to be 5 miles.

Barbara Welch read portions of a letter from Senator Mike Groene dated from July 23, 2017. She also requested that the board consider putting in water mining regulations into the Thomas County Zoning Regulations. She also had concerns on NPPD digging into the ground for the towers and the concerns on the static water level.

Dan Welch requested the board vote no on wind energy projects. He stated concerns about the US Fish and Wildlife, presented a maps of the Southwest Power Plan and the study area for the R-project. He also talked on the easements that NPPD are asking him to sign and his concerns on eminent domain. He also provided documents to the planning board members on the environmental impact study.

Wanda Simonson spoke on concerns to the damage on the county roads and who would be liable. She also asked the board to talk with Tim Simonson about his views on living by a power line.

Lezley Koubek talked about her concerns with working with NPPD.

Ann Warren asked the board to take more time on the regulations. Some of her suggestions included changing the setbacks to be considered from fence lines rather than dwellings, concerns on bonds and if they follow through to the next investor, also a suggestion that an escrow account be set up at a local bank to cover decommissioning rather than a bonding company out of fear that the bonding company would cease to exist, she was also concerned on page 66 of the zoning regulations that who would cover the cost of the testing, she also requested that the regulations protect non-investor rights.

Janet Steffen talked on her experience with oil production and wind energy in Oklahoma. She also stated that she wanted to keep Thomas County beautiful.

Tom Witt asked for more time on the regulations. He asked that the board consider low frequency issues, have regulations for small solar facilities and solar panels on roofs of homes.

Merial Rhoades presented the board with information and concerns. She also asked for help in fighting the transmission lines and voiced concerns about law enforcement not being present at the NPPD meetings with them.

Twyla Witt addressed concerns on page 56 item 3B on the definition of a short term event, page 57 item 54 small wind turbines requirements ,also the need to address when the reports are due and that all approvals must come through the planning commission and she would like to see a definition of bluffs in the regulations.

Melanie Coffman advised the board that the Governor and Senators have told them that all help needed to come from the local county government level. She also stated that Cherry County is looking into the sales of land near a wind energy facility.

Dan Welch voiced concerns over cumulative impact and would like to see Thomas County be the leader in setting regulations.

Ann Warren asked that land valuations be considered.

Twyla Witt stated that she will make copies of her notes for all planning members. Other pages of concern were page 67 bonds and the liability needs more clarification and feels that 10% isn't enough. On page 60 item 10 the names need to be the correct names such as Sandhills Scenic Byway Highway 2. On page 59 item 16 and 17 she would like to remove the word annual monetary payment.

Merial Rhoades asked that when we post the information on the website that we date the material.

Melanie Coffman just asked the board to say no to wind and solar.

Brent Steffen asked if there could be a vote at the county level on whether to allow wind energy in the county.

Tyler Rath reported on statistics on wind turbines in Nebraska. He also asked the board for a twenty foot groundwater setback.

Chase Rath voiced his concerns about the wind energy facility being 3 miles from his home and his concerns with his diabetic equipment failing due to the wind turbines and transmission lines.

Vice Chairman Warren closed the public hearing and reconvened the regular meeting at 3:16 p.m.

Discussion from the board was held on how to proceed with the regulations.

Motion made by Haake and second by Rath to reject the proposed zoning regulations and continue working on them.

Roll call vote: Ayes – Dailey, Warren, Atkins, Childers, Rath, Purdum, Haake, Maseberg. Nays – none. Absent – Nutter.

Motion carried.

The board asked that the public present their information to the Zoning Administrator by September 10, 2017.

No other public comment at this time.

Motion made by Dailey and second by Purdum to adjourn the meeting. Roll call vote: Ayes – Purdum, Maseberg, Haake, Atkins, Warren, Rath, Dailey, Childers. Nays – none. Absent – Nutter. Motion carried.

Meeting adjourned at 3:33 p.m.

Thomas County Zoning Administrator

Lorissa Hartman