



# Fillmore County Planning and Zoning Minutes



## Fillmore County Planning Commission Minutes of Meeting April 15, 2019

The Fillmore County Planning Commission convened, as required by statute, in open and public session at 8:00 p.m. April 15, 2019 in Fillmore County East in Geneva, Nebraska. 1320 G St, Geneva NE 68361

**Members present:** Stuckey, Girmus, Noel, Most, Elznic, Harre, Hafer, Kassik in at 8:05

**Absent: None**

Also, present: Planning and Zoning Administrator- Jennifer Slezak,

Notice of the meeting was given by publication. A copy of the publication is on file in the Zoning office. All proceedings hereinafter shown were taken while the convened meeting was open to the public. Secretary Sharon Elznic was present to recorded minutes.

Chairman Harre noted that the public meeting guidelines are posted as required by law and available for public distribution if requested.

Motion to approve agenda for April 15, 2019 made by Stuckey, second by Most.

upon Roll call, vote is as follows:

Ayes: Stuckey, Hafer, Girmus, Noel, Most, Elznic, Harre

Nays: None

Chairman declared motion passed 7-0

Kassik was not present for the vote

Motion to approve minutes from Feb 28, 2019 meeting made by Harre, seconded by Most

Upon roll call, vote is as follows:

Ayes: Noel, Girmus, Hafer, Stuckey, Most, Elznic, Harre

Nays: None

Chairman declared motion passed 7-0

Kassik was not present for the vote

### **8:10 PUBLIC HEARING- Conditional Use Permit Filed by Milligan 1 Wind LLC**

Conditional Use Permit Filed by Milligan 1 Wind LLC, a Delaware Limited Liability Company C/O Todd Eagleston, EDF Renewables Development. Said Permit is to construct, operate and maintain up to 9 Utility Grade Wind Energy Systems up to 600ft in height on the following locations:

1. SE LESS TRACT & RR ROW 24-6-1
2. ABANDONED RR ROW SE 24-6-1
3. NE LESS RR ROW 25-6-1
4. SNW LESS CO ROW 25-6-1
5. E ½ SW ¼ & S ½ NW ¼ SE ¼ & SW ¼ SE ¼ 25-6-1
6. N 1/2 NE 1/4 less Co ROW 26-6-1
7. PT N ½ NW ¼ SE ¼ 25-6-1
8. S ½ SW ¼ 27-6-1
9. N ½ SW ¼ 27-6-1
10. NE ¼ 28-6-1
11. SW ¼ 28-6-1
12. SE ¼ LESS TRACTS 28-6-1
13. PT NESE & TRACT IN SWNE SESE 29-6-1



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14. Pt N  $\frac{1}{2}$  SE  $\frac{1}{4}$  & TRACT in S  $\frac{1}{2}$  W  $\frac{1}{2}$  NE  $\frac{1}{4}$  29-6-1



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Individuals present for the hearing: Rodney Krupicka, Scott Vonderfecht M.D., Becky Vonderfecht, Jim and Lana Daws, Scott DeLong, Mary Uldrich, Ron Uldrich, Deb Moravec, Glenn Stych, Gordyn Nun, Darrel Hayek, Sondra & Terry Backstrom, Alex Uldrich, Melvin Taylor, Ray Capek, Merle Noel, Larry Cerny, Ralph Graham, David Vavra

Representing Milligan 1 LLC, Todd Eagleston and Logan Winston. Accompanied by David Levy.

Public comments/concerns that were addressed include inability to spray fields via airplane in close proximity to the towers, noise, not far enough setbacks, infrasound and relations to the public health, property values, esthetics, roads, ice throw, shadow flicker, lighting, roads agreements and conflict amongst residents and families of Milligan.

A letter of concern was submitted by Jan Buzek and distributed and reviewed by the Planning Committee members.

Towers will be connected by buried (3-4ft) wire. The lines will run in participating landowners land or county ROW pending approval from the County Board of Supervisors.

Bonds for security of decommission in the event the county would be responsible for the decommission were discussed to be provided at either 10 or 15 years after construction of the towers by Milligan 1 LLC.

The proposed site plans show the closest tower being setback 1,772ft from the nearest dwelling. Fillmore Co regulation is 1,000ft. EDF stated a company standard is a 1,500ft setback.

EDF has contacted Fillmore Co Roads Superintendent regarding a road's agreement. The agreement will need to be discussed with and approved by the County Board of Supervisors.

After discussion and no further public comments a motion to close the public hearing at 10:30 p.m. was made by Matt Hafer, seconded by Most.

Upon roll call the vote is as follows:

Ayes: Stuckey, Girmus, Hafer, Noel, Kassik, Most, Elznic, Harre

Nays: None

Chairman declared motion carried.

After committee discussion, a motion to recommend the Conditional Use Permit, as applied for, to the Fillmore County Board of Supervisors was made by Hafer and seconded by Stuckey. Upon roll call vote is as follows:

Ayes: Hafer, Noel, Kassik, Stuckey, Elznic, Harre

Nays: Girmus

Abstain: Most

**Chairman Harre declared motion carried 6-1-1**

**Next meeting will be held Monday May 20, 2019 at 8:00 P.M. Meeting adjournment at 10:45 P.M.**