

WHEELER COUNTY PLANNING AND ZONING COMMISSION MEETING MINUTES  
APRIL 23, 2024

The Wheeler County Planning Commission met Tuesday, April 23, 2024 in the Wheeler County Courthouse, Bartlett, Nebraska. The meeting was called to order at 7:30 PM by Chairperson David Durre.

Roll Call: Present were David Durre, Chris Dierks, Judy Havel, Deb Eschliman, Dean Miller, Jean Niemeyer, Jerry Koinzan, Adam Miller, Wheeler County Attorney Joe McNally and Wheeler County Zoning Administrator Brandi Pokorny. Absent were Ellis Schrunk, Tom Asche and Curtis Lemburg.

The Pledge of Allegiance was recited.

Chairperson Durre pointed out the location of the Open Meetings Act poster on the courtroom door.

County Attorney McNally stated that the Wheeler County Zoning Regulations and Comprehensive Plan are very outdated and will need to be updated in the near future. The Wheeler County Board will consider seeking proposals at the 4/24/2024 meeting and will need the Planning Commission to start work once a consulting firm is selected.

Eschliman made a motion to open the Public Hearing at 7:50 PM to consider Loup Valleys RPPD Conditional Use Permit application to install and operate a utility scale solar facility, seconded by Dierks. On roll call voting aye: Durre, Dierks, Havel, Eschliman, Miller, Niemeyer and Koinzan. Voting nay: none. Motion carried.

Ron Sandoz with Loup Valleys RPPD provided facts and information about the proposed solar project as specified in the Conditional Use Permit application. Jeff Cook-Coyle with Premier Energy was also on hand to answer any and all questions. Questions from the Commission members and the public were asked and answered.

Dierks made a motion to close the Public Hearing at 8:45 PM, seconded by Eschliman. On roll call voting aye: Koinzan, Niemeyer, Miller, Eschliman, Havel, Dierks and Durre. Voting nay: none. Motion carried.

After discussion Koinzan made a motion to recommend approval of Loup Valleys RPPD Conditional Use Permit application to install and operate a utility scale solar facility with the included proposed conditions to the Wheeler County Commissioners and that the findings of fact support the project, seconded by Eschliman. On roll call voting aye: Miller, Durre, Niemeyer, Dierks, Havel, Koinzan, Eschliman. Voting nay: none. Motion carried.

The following conditions were proposed in addition to the specifics on the application:

- a. If the system doesn't operate for 12 consecutive months then it is deemed abandoned and shall be decommissioned according to an approved plan.
- b. 45 maximum decibels noise limit at the nearest residence.
- c. Applicant will need to reapply for modifications to the permit if changes are needed to the physical foot print or infrastructure in the future.
- d. Applicant retains sole ownership throughout the life of the project..
- e. Applicant will control erosion.
- f. Applicant will mark the site with signage.
- g. Applicant will provide regular meetings and provide training for first responders about safety at the project site.

The Planning Commission also established the following Findings of Fact:

1. The use shall in all other aspects conform to the regulations of the AG-1 Agricultural District unless specifically authorized by the County Board.
2. The use shall have adequate drainage facilities.
3. The use is in harmony with the character of the area and the most appropriate use of the land.
4. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort or general welfare of the county.
5. The Conditional Use will not be injurious to the use and enjoyment of the other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the area.
6. The establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
7. That adequate utilities, access roads and drainage facilities have been or are being provided.
8. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion on the public roads.
9. The use shall not include noise, which is objectionable due to volume, frequency or beat unless muffled or otherwise controlled.
10. The use shall not involve any pollution of air by fly-ash, dust, vapors or other substances which are harmful to health, animals, vegetation or other property or which can cause soiling, discomfort or irritation.
11. The use shall not involve any malodorous gas or matter, which is discernible on any adjoining lot or property.
12. That effort will be taken to minimize and reduce any direct or reflected glare, which is visible from any adjoining property or from any public road.
13. The use shall not involve any activity substantially increasing the movement of traffic on public roads unless procedures are instituted to limit traffic hazards and congestion.
14. The use will involve activity substantially increasing the benefit on public utilities or facilities.

With no other items on the agenda to discuss, Koinzan made a motion to adjourn at 9:30 PM, seconded by Miller. Meeting adjourned.

Wheeler County Zoning Administrator  
Brandi Pokorny