

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING, ROOM 112
TUESDAY, NOVEMBER 16, 2021
IMMEDIATELY FOLLOWING THE BOARD OF COMMISSIONERS MEETING

COMMISSIONERS: Rick Vest, Chair; Deb Schorr, Vice Chair;
Roma Amundson, Sean Flowerday and Christa Yoakum

Advance public notice of the Board of Commissioners meeting was posted on the County-City Building bulletin board and the Lancaster County Nebraska website, emailed to the media and published in the Lincoln Journal Star print and digital editions on November 10, 2021.

Commissioners present: Rick Vest, Chair; Deb Schorr, Vice Chair, Roma Amundson, Sean Flowerday and Christa Yoakum

Others present: David Derbin, Chief Administrative Officer; Candace Berens and John Ward, Deputy County Attorneys; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk; and Leslie Brestel and Meggan Reppert-Funke, County Clerk's Office

The meeting was called to order at 9:28 a.m. and the location of the Nebraska Open Meetings Act was announced.

1) NEW BUSINESS:

- A.** Resolution in the matter of County Text Amendment No. 21009 to amend Section 13.051 of the Lancaster County Zoning Regulations related to Solar Energy Conversion Systems, after closing of the November 9, 2021, public hearing (This item will not provide for the receipt of additional testimony, comment, or evidence from the public.)

Vest stated the purpose of the meeting is to vote on the Text Amendment.

MOTION: Amundson moved approval of Text Amendment 21009 as submitted by the applicants.

Flowerday opposed the motion. He said there is no greater effect on food security than climate change and he felt there needs to be a move towards renewable energy sources. He said the concerns addressed in the text amendment could be included in a special permit, therefore, he would recommend denial of the text amendment.

Schorr stated she would be interested in increasing the setbacks from 100 feet to 500 feet for non-participating properties only.

Motion failed for lack of a second.

Schorr questioned the process for making a motion to alter the setback component of the amendment. John Ward, Deputy County Attorney, stated the County Attorney's Office could prepare an updated resolution with proposed setback changes if the Board approves the motion.

MOTION: Schorr moved to approve only an increase in setbacks from 100 feet to 500 feet.

Ward questioned if the intent of the motion is to only include the proposed setback change and to deny the rest of the component changes of the Text Amendment. Schorr stated yes.

Flowerday stated he would not support a setback that large.

Motion failed for lack of a second.

MOTION: Schorr moved and Amundson seconded to approve only an increase in setbacks from 100 feet to 300 feet and deny the rest of the Text Amendment.

Flowerday stated the Comprehensive Plan talks about suitability, reliance and the impact of changing how we live. He said the County must find a way to be welcoming to renewable energy.

Yoakum believed that a Special Permit is where specific changes for specific locations should be addressed.

Vest read a prepared statement of his thoughts. (Exhibit 1). He indicated he would not support Text Amendment 21009 or increased setbacks.

Vest restated the motion.

ROLL CALL: Schorr and Amundson voted yes. Yoakum, Flowerday and Vest voted no. Motion failed 2-3.

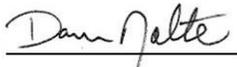
Schorr stated she will bring up 500 feet setbacks every time an application is received in the future.

Amundson said an environmental study and fire plan need to be addressed. Flowerday voiced his support on the importance of a fire protection plan.

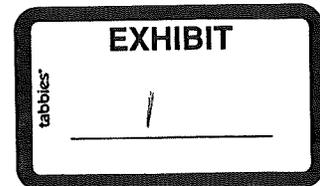
MOTION: Flowerday moved and Yoakum second to deny Text Amendment No. 21009. Yoakum, Flowerday, Schorr and Vest voted yes. Amundson voted no. Motion carried 4-1.

2) ADJOURNMENT

MOTION: Schorr moved and Amundson seconded to adjourn at 9:47 a.m. Flowerday, Schorr, Amundson, Yoakum and Vest voted yes. Motion carried 5-0.


Dan Nolte
Lancaster County Clerk





We are here this to vote on a Text Amendment relating to the placing of green energy, in this case solar panels) in our County. This amendment is a result of a conversation I had with Mick Von Busch when I went to his home and saw the setting in which he lives. Our discussion that day covered a number of issues related to the recently passed text amendment that changed the language related to the placing of solar panels on CUP properties. Mr. Von Busch asked why solar companies were allowed to do so and I shared ~~the information~~ that citizens could as well. These citizens have every right to propose Text Amendments just as solar and wind energy companies do and so we are here today to vote on this amendment.

In my short time on this Board, we have now completed my 5th (and it is perhaps 6th) Public Hearing on Text Amendments related to renewable energy. Our world is in the midst of a massive change in how we generate and use energy and our county in a part of this transition. It is my opinion that Lancaster County must play a role in this great transition. We have heard the arguments that Lancaster is too populated to participate, that other locations are better. I have watched the same arguments take place in Gage, Saunders, and Cherry County as well.

I will not vote to regulate renewable energy so tightly that it cannot operate in our county. There are too many citizens that will benefit from it that I cannot ignore their interests.

But I will proceed with care because there are citizens who will be most directly impacted by the installation of solar panels and wind turbines near their homes. I have been in these homes; they are beautiful, and the owners are rightfully protective of their investment. I hear their concerns about fire safety, environmental impact, and setbacks.

I am a strong believer in the rights of minorities to be protected and will always respect this principle, but I do not believe that minorities have the right to overwhelm the majority.

I do not believe this county wide text amendment is the right tool to provide protection for these landowners and thus will vote against it. This vote today does not mean that I regard the concerns brought before without respect. Quite the contrary, these concerns will form the foundation of my examination of any special permit that comes before this Board.

I look forward to hearing the owner or a high-ranking employee of Ranger Power stand before us to testify about the values and experience of Ranger Power in developing a project like this. On how they made the decision about the size and location of this project.

I look forward to hearing their plan on how they intent to be a good neighbor to our citizens in eastern Lancaster County by having a fire safety plan, an environmental impact study, the appropriate maintenance of this project once developed and the use of reasonable setbacks, particularly when it comes to the residences in these CUPs that have created a beautiful space for their homes and families. These questions will all need to be answered when we hear any special permits.