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MAR 25 2011

LANCASTER COUNTY  
CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

|                                     |   |                                 |
|-------------------------------------|---|---------------------------------|
| COUNTY CHANGE OF ZONE NO. 10026:    | ) |                                 |
| TEXT AMENDMENT TO THE LANCASTER     | ) |                                 |
| COUNTY ZONING RESOLUTION,           | ) | RESOLUTION NO. <u>R-11-0022</u> |
| RELATING TO COMMERCIAL WIND         | ) |                                 |
| ENERGY CONVERSION SYSTEMS/TURBINES, | ) |                                 |
| AS PROVIDED IN ATTACHMENT A         | ) |                                 |

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 (Reissue 2007), the Lancaster County Board of Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission ("Planning Commission"); and

WHEREAS, the Director of Planning has requested a text amendment to Article 2, Section 2.030 Definitions, Article 4, Section 4.007 Agriculture, and Article 13 Special Permits, of the Lancaster County Zoning Resolution, relating to Commercial Wind Energy Conversion Systems/Trubines, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the adoption of this text amendment will provide reasonable review and protection fro the installation of large commercial wind turbines in Lancaster County; and

WHEREAS, on February 23, 2011, after public hearing, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation and voted 8 to 0 to recommend approval of said text amendments; and

WHEREAS, on March 29, 2011, the Board of Commissioners of Lancaster County

conducted a public hearing regarding said text amendment and voted to approve said amendments.

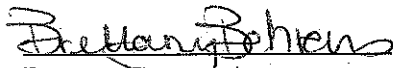
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Article 2, Section 2.030 Definitions, Article 4, Section 4.007 Agriculture, and Article 13 Special Permits, of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.

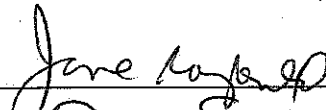

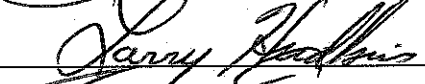
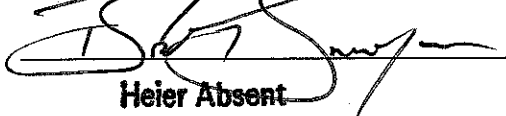
BE, IT FURTHER RESOLVED, that any other references in said Resolution which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendments.

DATED this 29 day of March, 2011, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this 29 day of  
March, 2011.

  
Deputy County Attorney  
for JOE KELLY  
Lancaster County Attorney

  
  
  
  
Heier Absent

## ATTACHMENT A

Definitions, 2.030 Commercial Wind Energy Conversion Systems/Turbines (CWECS) are defined as: a commercial grade wind energy conversion system (WECS) of over 100 Kilowatt (KW) plate rated capacity and intended to be used primarily to provide off-site power.

Article 4, AG Agriculture

4.007 Permitted Special Permit

dd) Commercial Wind Energy Conversion Systems/Turbines

Article 13, Special Permits:

A Commercial Wind Energy Conversion System(s) (CWECS) may be allowed in the AG District by Special Permit under the conditions listed below:

1. Each CWECS machine shall be no less than 1,000 feet from any property line of a dwelling unit not associated with the project.
2. The distance from all external boundary lot lines and/or right-of-way lines of the special permit to any tower support base of the CWECS shall be equal to the height of the tower plus the rotor radius.
3. Each CWECS machine, including all equipment, shall have a sound emission rating of no more than 35 dBA. Noise levels caused from the CWECS machine(s) shall not exceed 35 dBA at the property line of any dwellings within a one mile radius of a CWECS machine. A noise study, incorporating both A and C weighted noise impacts on property within one mile may be required. Noise rating shall conform to International Electrotechnical Commission (IEC) standards unless otherwise directed by a government agency.
4. Machines shall meet all FAA requirements, including but not limited to lighting and radar interference issues. Strobe lighting shall be avoided if alternative lighting is allowed. Color and finish shall be white, gray or another non-obtrusive, non reflective finish.
5. All applicable electrical, building, utility tie-in codes and other government regulations shall apply.
6. The distance from any tower base of a CWECS to any tower support base of another CWECS under other ownership shall be spaced a minimum of five (5) rotor diameters distance figured by the size of the largest rotor.
7. Each CWECS shall have a decommissioning plan outlining the means, procedures and cost of removing the machine(s) and all related supporting infrastructure and a bond or equivalent enforceable resource to guarantee removal and restoration upon discontinuance, decommissioning or abandonment.

8. Said CWECS shall meet all Federal, State and local rules and regulations.

The Planning Commission may amend, modify or adjust any condition of this special permit or impose additional conditions as appropriate to preserve or promote the public health, safety and general welfare.