

**Invenergy**

**EXHIBIT B  
LANDOWNER TEAM – AGREEMENTS IN PLACE BETWEEN INVENERGY  
AND THE FOLLOWING ANTELOPE COUNTY PARCELS**

*Please see the following document*

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*Invenergy - Application for a WECS Conditional Use Permit in Antelope County, Nebraska*

**EXHIBIT A  
APPLICATION FOR A CONDITIONAL USE PERMIT IN ANTELOPE COUNTY,  
NEBRASKA**

*Please see the following document*

## 3.0 CONDITIONAL USE PERMIT REQUIREMENTS AND INFORMATION

**1504.03 Requirements: Commercial/utility grade wind energy systems shall be permitted as a conditional use within any district where the use is listed and allowed. The following requirements and information shall be met and are hereby supplied:**

**1. The name(s) of project applicant.**

Submitted by Invenergy Wind Development LLC on behalf of the applicant Upstream Wind Energy LLC.

**2. The name of the project owner.**

Upstream Wind Energy LLC

**3. The legal description and address of the project.**

Project Address:  
Upstream Wind Energy LLC  
One South Wacker, Suite 1800  
Chicago, IL 60606

The address of the operations and maintenance building will be provided to the Zoning Administrator after completion of construction, if it is within the Project Area.

The Project Area and adjacent property to the Project Area in Antelope County, Nebraska are shown in Exhibit D and included within the following townships:

Blaine Township 26N 7W Sections 8-18, 20-29, 35-36 ALL  
Custer Township 26N 6W Sections 7S2, 18-36 ALL  
Neligh Township 25N 6W Sections 1-6, 10-13, 24-25 ALL  
Elm Township 25N 5W Sections 1-30 ALL, 31 N2; SE4, 32-36 ALL  
Willow Township 26N 5W Sections 16-17 ALL, 18 E2, 19-21 ALL, 22 S2, 27-36 ALL

**4. A description of the project including: number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the feeder lines.**

The Upstream Project will include up to 168 General Electric, or similar tier-1 manufacturer, Wind Turbines. The nameplate generating capacity of each wind turbine will likely be between 1.7 MW – 2.3 MW for a total of up to 350 MW of capacity in Antelope County. The typical GE tower height is 80-meters with a rotor diameter of up to 116-meters. The total height of the Wind Turbines will be approximately 138-meters (when top rotor blade is directly above and parallel to the tower), pending final turbine selection. As currently planned, the Wind Turbines will be connected through the electric

collection system (34.5 kV) to the Project collector substation. The Project collector substation will then step-the power up to 115kV voltage and a single 115 kV transmission line will connect the collector substation to the Antelope County Substation.

**5. Site layout, including the location of property lines, wind turbines, electrical grid, and all related accessory structures. This site layout shall include distances and be drawn to scale.**

A proposed Wind Turbine layout is attached in Exhibit D. On-site surveying is currently being completed and a detailed site layout (the "Site Plan") will be provided to the Zoning Administrator upon completion of final siting and design, which Site Plan will show the proposed final location for all Wind Turbines and related facilities.

**6. Certification by an Engineer competent in disciplines of WECS.**

Please see Exhibit E letter of certification for design of the WECS by Electrical Consultants, Inc., professional engineers with experience building utility-scale WECS.

**7. Documentation of land ownership or legal control of the property.**

Please see sample agreement and the current Landowner list in Exhibit B. Upon request, Upstream will provide copies to the Zoning Administrator of the memoranda filed with the Antelope County register of deeds documenting each Land Lease.

**8. The latitude and longitude of individual wind turbines. Included in the submittal will be an area or zone in close proximity and meets setbacks.**

A proposed layout of all Wind Turbine locations is included as Exhibit D and Exhibit C for latitude and longitude of individual Wind Turbines. Exhibit D indicates compliance with the setback requirements applicable to surveyed locations of houses and wetlands in the proposed Project Area. Prior to commencement of construction of each individual Wind Turbine, Upstream will provide the Zoning Administrator with the exact latitude and longitude of the selected final layout.

**9. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System not owned by the applicant, within 10 rotor distances of the proposed Wind Energy Conversion System.**

There are no other WECS within 10 rotor diameters of the proposed Project. Please see Exhibit D for the proposed Wind Turbine locations.

**10. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System (see table below).**

In accordance with §1504.05 of the Zoning Regulations, no Wind Turbines will be located within 600 feet of wetlands, USFW Types III, IV, or V. In reference to the Conditional Use Permit Application Item 7, no Wind Turbines will be located in a floodplain. There are no state or federally designated scenic or natural areas, including bluffs, within 1,320 feet of the proposed Wind Turbines. Wetland delineations were conducted by Olsson Associates. Olsson has mapped the location of wetlands, as depicted by the National Wetlands Inventory (NWI) and conducted field verification for the entire Project area. Updates for any Future Parcels will be provided if necessary.

Please see Exhibit F for the location of wetlands and setback requirements within the Project Area.

**11. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met.**

Please find attached in Exhibit G an acoustical analysis letter indicating that Hankard Environmental has the capability to conduct an acoustical analysis that certifies that the Project will meet the noise requirements set forth in the Zoning Regulations. A noise analysis will be provided to the Zoning Administrator certifying that the Project's final Wind Turbine layout will meet the WECS' noise regulations set forth in § 1504.06(11).

**12. FAA and FCC permit: Applicant shall submit permits from the appropriate agency prior to any power being produced.**

Prior to erection of any individual Wind Turbine, Upstream shall provide the Zoning Administrator a Determination of No Hazard issued by the Federal Aviation Administration for each final turbine location. A copy of the Federal Aviation Administration ("FAA") case numbers for Form 7460-1 Study Submittal is included in Exhibit C.

Upstream does not anticipate the Project will trigger Federal Communications Commission permitting requirements. See Item 13 below for additional communication related information.

Upon receipt of CUP approval, the Applicant shall request Certificates of no Zoning Violation from Antelope County Zoning Administrator to submit to the Nebraska Department of Aeronautics.

**13. Location of and evidence that there will be no interference with any commercial and/or public safety communication towers within two miles of the proposed Wind Energy Conversion System.**

See Comsearch and National Telecommunications and Information Administration reports attached as Exhibit H. Upstream will not materially interfere with any existing commercial and/or public safety communication towers.

**14. Decommissioning Plan as required by this regulation.**

The Land Leases contractually require provision of financial assurance securing removal obligations. The following language appears in each Land Lease in place in Antelope County:

On or by the fifteenth (15<sup>th</sup>) anniversary of the Operation Date, Grantee shall obtain and deliver to Owner a letter of credit, or similar financial assurance, in form and substance reasonably satisfactory to Owner securing performance of Grantee's obligation to remove the Windpower Facilities located on the Property (the "Removal Bond"). The Removal Bond shall be equal to the estimated amount, if any, by which the cost of removing the Windpower Facilities exceeds the salvage value Owner could reasonable obtain for such Windpower Facilities (the "Net Removal Costs"). To the extent that the Net Removal Costs are zero (or negative), a Removal Bond shall not be required on the part of the Grantee, provided, however that Grantee shall re-evaluate the need for a Removal Bond at least annually after the fifteenth (15<sup>th</sup>) anniversary of the Operations Date by a qualified engineer certified in the State of Nebraska reasonably acceptable to Owner. Grantee shall, within fourteen (14) days of Grantee preparation or receipt,

deliver to Owner the full report(s) (including any documentation that Owner may reasonably request and Grantee reasonably may be able to provide) prepared in regard to such Net Removal Costs. Grantee shall not be required to deliver such Removal Bond to Owner if Grantee (i) is in the process of repowering or otherwise redeveloping the power generating units on the Property with new power generating units (or commits in writing with notice to Owner to do so and actually does redevelop the Property within two (2) years after the fifteenth (15<sup>th</sup>) anniversary of the Operations Date), or (ii) has delivered such financial assurance to a governmental agency with jurisdiction to remove the Windpower Facilities for the sole stated purpose of removing Windpower Facilities from the Project in connection with the permitting of the Property. Once in place, Grantee shall keep such Removal Bond, or similar financial assurance, in force throughout the remainder of the Term. The Net Removal Costs shall be determined by the Grantee acting in good faith. Failure of Grantee to maintain the Removal Bond as described herein shall be deemed a Monetary Default. If Grantee is required to post the removal bond directly for the benefit of the owners in the Project, Grantee will cooperate with Owner to Owner's satisfaction to facilitate an arrangement under which the owners in the Project may negotiate, hold and enforce the Removal Bond through a single person or entity, and Grantee will pay fees reasonably necessary to create such arrangement.

Pursuant to the Zoning Regulations, Section 1504.06(10), Upstream intends to provide the Zoning Administrator with a decommissioning plan prior to commencement of Project construction.

#### **15. Description of potential impacts on nearby Wind Energy Conversion Systems and wind resources on adjacent properties not owned by the applicant.**

There are no other WECS in Antelope County which are not owned by Invenergy (i.e., affiliates of Upstream). Land Leases are in place with respect to many adjacent properties and Invenergy will continue to evaluate the viability of placing additional Wind Turbines on these properties in the future. The wind resource on properties adjacent to Wind Turbines could be impacted depending on factors relating to such adjacent properties such as elevation, topography, and location relative to Upstream. See section 9 above for information regarding existing facilities.

#### **16. Additional Information.**

The location of the operations and maintenance building has not been determined, and is the only part of the Project that will require water supply and sewage disposal facilities during operation of the Wind Turbines. Upstream staff will manage the appropriate disposal of refuse at the operations and maintenance building and across the project site. Designated parking areas will be located at the operations and maintenance building. Additional information regarding the operations and maintenance will be reflected in the final Site Plan. In addition, please see Section 4 below for additional operations and maintenance information.

An access road to reach each Wind Turbine location and a small gravel pad around each Wind Turbine location with enough space to park a pick-up truck will be constructed. Most access roads will spur off of existing County Roads and will be coordinated with the Antelope County Highway Superintendent. Any access from State Highways will be coordinated with Nebraska Department of Roads. A County Roads Agreement will be negotiated and executed with Antelope County prior to the commencement of construction of Upstream in a form similar to the County Roads Agreement dated April 9, 2013 for the **Prairie Breeze** project. Invenergy acknowledges that adjustments may be made to the form of agreement.

In addition to using an experienced engineering firm, Invenergy will engage a reputable construction contractor to build the Project and will work with it to obtain necessary construction permits to maintain proper erosion control, soil conditions, and permeability. All towers will adhere to the special safety and design standards set forth in 1504.06 of the Zoning Regulations. During construction there will be an increase in traffic across the area; however, Upstream will seek to reduce impacts as much as reasonably practical, including through dust suppression. Upon completion of construction, Upstream will reclaim temporarily disturbed ground and grade land as close as reasonably possible to original contour, in coordination with the Current Landowners and Future Landowners.

A typical Wind Turbine and its accessory facilities removes approximately one-third to one-half acre of land from production, with the remainder of the property remaining agricultural in use. This equates to minimal permanent disturbance across the project site. The proposed locations of the Wind Turbines, including alternate locations, can be found in Exhibit D. Upstream will have Land Leases in place with all landowners on whose property the Wind Turbines are located.

The Project as a whole is not expected to have any effect surface water drainage patterns after completion of construction. To the extent that, upon completion of final siting and design, Upstream expects drainage patterns to be materially affected, this will be reflected in the Site Plan and Upstream will undertake reasonable efforts to coordinate with the relevant landowners and to manage such changes.

The Project is not anticipated to materially impact levels of odor pollution, air pollution, water pollution or soil pollution and the firm engaged in connection with construction of the Project will address these matters should issues in connection therewith arise, as reasonably appropriate.

Upstream will undertake reasonable measures to address any potential explosion hazard, including coordination with local emergency services and implementation of an internal emergency response plan.

As part of finalizing development and commencing construction, other entities with easement rights on the Current Parcels and Future Parcels will be identified and contacted and any necessary measures will be taken by Upstream to work with and share the property with existing easement-holders. The types and locations of easements will be reflected in the Site Plan upon final design.

Please refer to the information provided in Exhibit F for the location of homes located within 2 miles of the Project Area and wetlands across the Project Area. The Project is not expected to have any land use impacts on non-agricultural areas within the surrounding area, including within the City of Neligh.

## 4.0 OPERATIONS AND MAINTENANCE

Invenergy Services LLC, an affiliate of Invenergy, operates all of Invenergy LLC's operating projects and also plans to operate the Upstream Project. Invenergy and its affiliates are currently managing over 4,000 MW of wind projects within North America, 98% of which employ GE 1.5 MW wind turbine technology. Invenergy will use its extensive experience with the operations and maintenance to maximize availability and optimize performance of the Project.

As proposed, the Project will be staffed with the following positions:

- Wind Turbine Technicians
- Operations Manager
- Administrative Assistant
- Wind Turbine SCADA Operators (as needed for 7x24 regional monitoring)

Subcontractors may be hired to perform specific tasks, including substation maintenance, collector system maintenance, road maintenance, landscaping, facility studies, trash removal from and upkeep and maintenance of the operations and maintenance building.

### **Wind Turbine Routine Maintenance Schedule**

The routine maintenance program is expected to consist of a 1-month, 6-month and 12-month service plan. The 1-month routine maintenance service will be performed once, 30 days after commercial operation has been achieved. Subsequent maintenance services will be performed at 6 month intervals. Various routine maintenance activities will be performed on the components identified below. The activities performed and the level of service provided will vary depending on the type of service being performed (i.e., 1-month, 6-month or 12-month service).

**Wind Turbine Routine Maintenance includes maintenance activities on the following components:**

- Foundation
- Tower-Mounted Control Cabinets
- Tower
- Nacelle
- Drive Train
- Hub
- Safety Equipment
- SCADA and WFMS software upgrades

## 5.0 COMPANY BACKGROUND

### 5.1 Invenergy Experience

Invenergy LLC, the parent company of Upstream (and Invenergy Wind Development), is a leading clean energy company focused on the development, ownership, operation and management of large-scale electricity generation assets in the North American and European markets. The Company's electric generation assets primarily include large scale wind energy and clean natural gas fueled electric generating facilities.

The senior management team has a track record of resounding success and has industry experience averaging over 25 years in diverse areas of the energy industry, including development, engineering, construction, finance, operations, asset management, and energy trading and contracting.

Invenergy LLC is headquartered in Chicago and has North American regional offices located in Denver and Toronto. European development is coordinated through an office in Warsaw, Poland.

Invenergy LLC and its affiliates currently have nearly 10,000 Megawatts (MW) of wind, thermal and solar projects under contract, in construction or operational. The wind portfolio represents over 5,000 MW of this portfolio. Invenergy has constructed projects in the following sixteen states: Nebraska, California, Colorado, Iowa, Illinois, Oklahoma, Montana, Texas, North Dakota, New York, Michigan, Washington, West Virginia, Oregon, Idaho and Wisconsin.

## 6.0 ECONOMIC & COMMUNITY BENEFITS

### 6.1 Economic Development

Invenergy currently operates the 310 MW Prairie Breeze Project located in Antelope County, consisting of 179 turbines in three phases. The Prairie Breeze Project represents an investment in excess of \$500 million to the participating counties and state of Nebraska. Prairie Breeze project includes 19 full-time employees that operate and maintain the project. The Prairie Breeze project is expected to contribute over \$82 million in economic development including tax payments, employment, landowner payments, and local spending over a 25 year period.

Upstream will result in an annual economic development comparable to that of Prairie Breeze. With a capacity of up to 350 MW, the Upstream project anticipates injecting approximately \$3 million annually into the local economy through local taxes, landowner payments, employees' wages, and other local spending. Upstream would also result in the hiring of up to twelve (12) full-time employees and the contribution of approximately \$24 million in local earnings and \$45 million in output for Antelope County during the construction phases. The proposed Project is expected to increase the current economic success of Antelope County and the State of Nebraska.

#### 6.1.1 Antelope County Tax Revenue Estimate

Under current law, a 350 MW project would pay approximately \$1,364,984 annually in taxes. Wind Turbines are exempt from personal property taxation under Nebraska law and Upstream will pay \$3,518/MW nameplate capacity tax on the Project.

#### 6.1.2 Employment

A 350 MW project is expected to create approximately 390 full and part-time jobs during construction. These jobs would occur during the approximately twelve to eighteen month construction timeframe of the Project.

Operations and maintenance of the Upstream Project will require approximately 10-to-12 full-time employees that are typically hired from the surrounding area. An operations and maintenance building would be located on-site or in the local area and is from where the employees would work.

#### 6.1.3 Indirect Economic Benefits

Numerous indirect local economic benefits are expected to be realized through the construction and operation of the Project, mainly through money being spent within the local economies.

Some of the anticipated beneficiaries in Antelope County include: restaurants, lodging, hardware and provision stores, tourism, banks, recreational activities, schools (through new students and tax revenue), gas and service stations, and many more.

## 6.1.4 Community Support

The community has shown significant support for the project and Invenergy has been pleased to work with the city of Neligh and Antelope County to bring a new driver of economic development to the region. Please find Letters of Support from community members included in Exhibit J.

## 6.2 Road Improvements

Roads will likely be improved throughout the Project Area. Minimum maintenance roads may become gravel roads and other county roads in the area are anticipated to be improved once construction is completed.

## 6.3 Complementary Agricultural Use

The development of a wind farm is very complementary to the agricultural use predominant in the Project Area. Except for the area directly impacted by the Wind Turbine foundation and related roads and other structures of which the WECS is comprised, the Upstream Project will not change the existing use of the land, and will provide significant economic benefits to the individual landowners and community as a whole.

## 6.4 Clean, renewable energy

Wind Turbines do not require water or sewer systems in order to generate electricity. Wind is a free renewable energy source that requires no feedstock or fuel and produces no emissions while generating electricity.



4. On the graph paper, provide a site plan (a sketch or drawing) which includes all of the following information (N/A if not applicable): See attached section 2 and Exhibits.

- a. The size, location, and height of all existing and proposed buildings from the centerlines of any adjoining road or property line and the distance between buildings.
- b. location of all roads adjoining this property and the distance(s) from the centerline of any road(s) to the point of the proposed building location closest to said road(s)
- c. distance to property line(s) of property under different ownership (if less than 300 feet)
- d. The types and locations of any easements affecting the property.
- e. The location and type of water supply and sewage disposal facilities proposed to serve the building/addition proposed and distance between well and septic tank, and the tile field or other sewage disposal system. Applicant shall check with a certified septic system installer concerning septic system.  
YES NO NA \_\_\_\_\_ (initials of applicant)
- f. Location of any river, stream or intermittent stream within 300 feet of proposed building addition and distance to proposed building/addition
- g. The number and location of parking spaces for customers or the public.
- h. The location of loading areas.
- i. The type and location of refuse collection and storage facilities.
- j. The location(s) of residential dwelling(s) and other non-agricultural land uses within two (2) miles of the property to be affected by the proposed conditional use.
- k. List the location and distance to any existing confined feeding use within a 2 mile radius.
- l. Location of disposal of dead animals
- m. An indication of proposed surface water drainage onto, through and off of the affected property. Include any areas of the property that are subject to flooding or considered to be wetland.
- n. The type, size, and location of all signs associated with such proposed use

5. A CERTIFIED copy of adjacent landowners from an Abstractor shall accompany this permit BEFORE a public hearing is scheduled. Information currently provided by Antelope County Assessors Office - Abstractor information to be provided by Applicant prior to Noticing Deadline, December 7th, 2016.

6. I hereby certify that I have the legal authority to file this application, that I have completed and examined this application and know the same to be true and correct. I further certify that all provisions of law and other regulations governing the type of construction and use proposed in this application will be complied with, whether or not specified in this application, including any building, electrical or plumbing codes set forth in the Architects and Engineers Act.  
\_\_\_\_\_  
(initials of applicant)

7. The Zoning Administrator/Flood Plain Administrator has checked the Flood Plain Maps to verify that this property/legal description is not in a flood plain. If said property is located in a Flood Plain then any and all construction shall be built at least one (1) foot above flood stage. Any other applicable flood plain rules shall also apply. \_\_\_\_\_ (Initials of ZA/FPA)

8. To avoid any trespassing conflicts, upon signing the application, the applicant will allow the Zoning Administrator, with or without others, the right to enter the property for the purpose of an inspection.

\_\_\_\_\_  
(Initials of applicant)

9. After approval by the County Board the Zoning Administrator will conduct a site visit prior to any footings being poured so as to assure that setbacks have been met. \_\_\_\_\_ (date of site visit/ZA initials)

Upstream Wind Energy LLC

Printed name of Applicant

Signature of Applicant

1 South Wacker Dr. Chicago, IL 60606

Street address City/Town Zip Code

12/18/2015

Date of application

303-800-9342

Telephone No.

See Attached Section 2 and Exhibits

Printed name of landowner (if different than applicant)  
applicant)

Signature of Landowner (if not

Contractor's signature \_\_\_\_\_

**Any incomplete permit will be returned to the applicant.**  
**Must be returned to zoning office and fee paid before a public hearing is scheduled**

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Exhibit A:	Conditional Use Permit Application
Exhibit B:	Current Landowner Team
Exhibit C:	FAA Determinations
Exhibit D:	Project Area and Preliminary Layout
Exhibit E:	Engineering Certification
Exhibit F:	Wetland Location Map and Home Location Map
Exhibit G:	Noise Analysis Certification
Exhibit H:	Comsearch and National Telecommunications and Information Administration Report
Exhibit I:	Economic Development Report
Exhibit J:	Letters of Support
Exhibit K:	Decommissioning Plan Letter

# CERTIFICATE OF ZONING COMPLIANCE

## ANTELOPE COUNTY, NEBRASKA

### This portion to be filled out completely by applicant.

The undersigned hereby applies for a Certificate of Zoning Compliance to occupy and use the premises as follows:

1. Legal description of the property to be affected by the activity proposed: \_\_\_\_\_.
2. Proposed use of premises: \_\_\_\_\_.
3. I hereby certify that I have the legal authority to file this application, that I have competed and examined this application and know the same to be true and correct. I further certify that all provisions of law and other regulations governing the type of construction and use proposed in this application have been complied with, whether or not specified in this application.
4. **A Certificate of Zoning Compliance, once issued, shall remain in effect so long as the use of the land, buildings and structures are used in accordance with said Certificate.**

\_\_\_\_\_  
Printed name of applicant(s)

\_\_\_\_\_  
complete mailing address of applicant(s)

\_\_\_\_\_  
Signature of applicant(s)

\_\_\_\_\_  
date of application

\_\_\_\_\_  
phone # of applicant(s)

### This section to be completed by Zoning Administrator

CERTIFICATE OF ZONING COMPLIANCE APPLICATION NO. \_\_\_\_\_

This certificate of zoning compliance is related to permit no. \_\_\_\_\_ issued to \_\_\_\_\_

1. If proposed occupancy is a change of use where no new building or additions are proposed and no zoning permit is needed, said building and use will comply with all setback distances, water/sewage disposal requirements, parking/sign regulations and other applicable zoning regulations (refer to requirements on permit) YES NO N/A
2. If proposed occupancy is a change of use where a new building or addition is proposed and a zoning permit is needed, said building and use will comply with all setback distances, water/sewage disposal requirements, parking/sign regulations and other applicable zoning regulations (refer to requirements on permit). YES NO N/A
3. Has building permit been issued, and if so, building and proposed use complies with all conditions of approval? YES NO
4. If use required a Conditional Use approval, building/use complies with all conditions of approval. YES NO N/A
5. If use required approval of a Variance by the Board of Adjustment, such use complies with all conditions of approval of the approved variance. YES NO n/a
6. Site inspected on \_\_\_\_\_ to verify compliance with all applicable conditions.
7. Inspection comments: \_\_\_\_\_

8. Certificate of Zoning Compliance issued on \_\_\_\_\_

Copy of approved Certificate of Zoning Compliance mailed to applicant on \_\_\_\_\_

**This page to be completed by Zoning Administrator**

Application No. 12-21-15

1. Building complies with setback distances from road(s) and between buildings.    Yes    No
2. Building complies with setback distances from property lines.    Yes    No
3. Building complies with height limitations.    Yes    No
4. Is building located in 100 year flood hazard area?    Yes    No  
If yes, is ground floor of the building elevated above 100 year flood elevation by at least One (1) foot?    Yes    No
5. Building/Addition/Use requires Conditional use approval    Yes\*    Yes  
\*If Yes, Conditional Use approval has been given and application complies with all conditions of approval set forth in the Conditional Use approval    Yes    No
6. If proposed building/use is for commercial or industrial or public use, minimum provisions for parking, loading areas and signs will be complied with    Yes    No    N/A
7. If proposed use requires authorization or permits from the DEQ or State of Nebraska, such permits have been approved:  
Yes    No    N/A    copy enclosed
8. Application fee in amount of \$ 10,000 has been paid by applicant.
9. Copy of this permit has been submitted to the Assessors office by the Zoning Administrator    Yes    No
10. Recommendations of the Antelope County Planning Commission  
\_\_\_\_\_ Approve  
\_\_\_\_\_ Conditionally Approve

Recommendations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Action taken by County Board of Supervisors:  
\_\_\_\_\_ Approve  
\_\_\_\_\_ Conditionally Approve

Conditions of approval: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason(s) for denial:

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12. Notice of decision of County Board of Supervisors mailed to applicant on \_\_\_\_\_  
Applicant has two (2) years to finish. If after two (2) years construction has not started,  
this permit shall be made void.

13. \_\_\_\_\_ Zoning Administrators signature

### **Check list for public hearings**

#### **Notices:**

- \_\_\_\_\_ Newspapers: make a copy of email for files
- \_\_\_\_\_ Mailed to
  - \_\_\_\_\_ adjoining landowners,
  - \_\_\_\_\_ applicant,
  - \_\_\_\_\_ village/city clerks,
  - \_\_\_\_\_ school districts
- \_\_\_\_\_ sent 10 days prior
- \_\_\_\_\_ copies place in file

#### **Copies of permit and applicable papers given to:**

- \_\_\_\_\_ Assessors office
- \_\_\_\_\_ Clerks office
- \_\_\_\_\_ Applicant

#### **Findings and Recommendation**

- \_\_\_\_\_ original part of file
- \_\_\_\_\_ copy given to Supervisors

#### **Impact easements**

- \_\_\_\_\_ signed
- \_\_\_\_\_ Notarized
- \_\_\_\_\_ part of file



PLANNING COMMISSION OF ANTELOPE COUNTY  
FINDINGS AND RECOMMENDATION

The Application for a conditional use permit has been filed by:

\_\_\_\_\_

The proposed use: \_\_\_\_\_

**FINDINGS:**

\_\_\_\_\_1. That the Zoning district in which the proposed use is to be located is zoned:  
AG-G AG-R AG-T WPO RCI (circle one).

\_\_\_\_\_2. That the applicant has filed an application for a Conditional Use with the Zoning Administrator.

\_\_\_\_\_3. That on \_\_\_\_\_, a Public Hearing was held before this Planning Commission.

\_\_\_\_\_4. That Notice of hearing was published at least 10 days prior to the hearing, said date of publication being \_\_\_\_\_ and was published in the Neligh News and Leader, Clearwater Record, Elgin Review and Orchard News.

\_\_\_\_\_5. The Exhibits and comments were introduced at the Public Hearing. That opportunity for additional evidence, comments and arguments were made. Exhibits marked and are included in the file and are part of the record for the public hearing.

\_\_\_\_\_6. That the proposed use that is the subject of this application is not a Permitted use in such Zoning district because it is less than \_\_\_\_\_ north/south, \_\_\_\_\_ mile east/west from a residential dwelling or because \_\_\_\_\_

\_\_\_\_\_7. That the proposed use is an expansion of an existing non-conforming use and will not **decrease** the distance between the closest dwelling and the expanded use.

\_\_\_\_\_8. That the use contemplates raising or feeding of fewer than 1000 animal units at one time.

\_\_\_\_\_9. That utilizing a 25 year storm as a basis, **surface water runoff or other drainage** from the facilities of such use shall not flow directly or indirectly into any river, stream or other drainage way which would allow any untreated waste to contaminate surface waters. Further, the facility will not be located in areas subject to a 100-year flood.

\_\_\_\_\_10. That the design of manure collection, digestion and handling facilities and the methods of disposal of manure, dead animals and related waste and the methods of dust control are such that the use shall not generate odor or dust which will impact abutting or neighboring property more than occasionally.

\_\_\_\_11. That the applicant(s) have obtained any permits required to be issued by the Nebraska Department of Environmental Quality (NDEQ) and any other applicable state or federal agency.

\_\_\_\_12. That this Board has considered all the aspects required to be considered in Section 1008 of the Zoning Regulations, including the property, size and location of the requested improvement, the use of the improvement, location of access to public roadways, adequate access to water and sewage supply, parking considerations, nearby residences and other non-agricultural uses within one mile of the property in question, water surface drainage and any issues regarding wet land and the set back requirements.

\_\_\_\_13. That we find that said conditional use permit \_\_\_\_is \_\_\_\_is not compatible based on the following: The Antelope County Comprehensive plan as found on page \_\_\_\_\_ and the Antelope County Zoning Regulations as found on page \_\_\_\_\_ and the Antelope County Land Use Map \_\_\_\_\_.

(explain)

In a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, it was recommended that the above application for a conditional use be **GRANTED / DENIED** subject to the following conditions and findings of facts as set forth by the Antelope County Planning Commission. *Conditions if granted, findings of facts for denial, being as follows:*

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

**Findings made, motion made & seconded and voted on as follows by the Antelope County Planning Commission:**

Klabenes \_\_\_\_\_

Miller \_\_\_\_\_

Perdew \_\_\_\_\_

Rakow \_\_\_\_\_

final vote \_\_\_\_\_

Rice \_\_\_\_\_

Smith \_\_\_\_\_

Krutz \_\_\_\_\_

Wortman \_\_\_\_\_

Zwingman \_\_\_\_\_

These findings and recommendations are to be transmitted to the Antelope County Board of Supervisors. The Secretary is directed to send a copy to the Applicant.

\_\_\_\_\_  
Chairman- Planning Commission

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and accurate copy of the foregoing Findings and Recommendation was mailed to the Applicant by depositing in the United States Mail, postage prepaid on \_\_\_\_\_ and mailed to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Recording Secretary, Antelope Co. Planning Commission