

April 17, 2015  
Antelope County Supervisors  
Public Hearing  
Neligh, Nebraska

The public hearing regarding two (2) meteorological towers to be erected in Antelope County. The legal descriptions associated #1) SE¼ Section 33, Township 25, Range 5 and the SE¼ of Section 16, Township 26, Range 7. Supervisors answering roll call: Bolling, Brandt, Henery, Williby, Schindler, Kerkman and Schwager

Hearing opened at 9:27 AM.

Char Carpenter, Antelope County Zoning and Planning Administrator read the notice as published in the newspaper, "Notice of Public Hearing Antelope County Board of Supervisors. Notice is hereby given that the Antelope County Board of Supervisors will hold two public hearings to review conditional use permits submitted by 1) Bill Thiele/Thiele Dairy for the purpose of expanding the dairy operations located in the SE¼ 14-25-8 and 2) Invenergy Wind Development for the purpose of erecting two Meteorological Towers located in a) SE ¼ 33-25-5 & b) SE ¼ 16-26-7. The hearings will be held, Friday, April 17<sup>th</sup>, 2015 beginning at 9:00AM at the Antelope County Courthouse, Neligh, Nebraska. The permits may be examined in the offices of the Antelope County Clerk or the Zoning Administrator during normal business hours at any time prior to the public hearing. All interested parties may offer oral comments at the public hearing and/or may file written comments with the Antelope County Board of Supervisors provided such written comments are received by the Board prior to close of business Thursday, April 16, 2015. Written comments may be mailed to: Antelope County Board of Supervisors, PO Box 26, Neligh, Nebraska 68756." This was published on April 8<sup>th</sup>, 2015, in the official county papers.

Supervisor Schwager than asked for information from the presenter. Char Carpenter, said the Planning Commission voted to recommend granting the conditional use permits for Invenergy. There were no conditions.

Supervisor Schwager than asked for a presentation from the applicant: Emily Kobylarczyk with Invenergy approaches the table and states, there are two technicians here today with me as well. Do you want me to go through them separately, Char? (Char Carpenter, Zoning Administrator responds, I think that is the way we did it for the planning commission.)(Supervisor Schwager asks if they did them separately in planning. And confirms then they want to hear them separate in the public hearing.) Same permit for both, just in different locations. (Char asks Emily which one she is doing first?) Blaine Township is first, in 16-26-7.-- She shows a map—This is just a 198 feet meteorological tower to collect data in Blaine Township on Nebraska Educational School Lands and Funds. I can just walk through this. (Supervisor Schwager affirms he wants her just to walk through it.)(Supervisor Henery asked if it solely to collect data.) Emily confirms that it is solely to collect data. It is a temporary tower. So on the map you guys are looking at has all size, location, heights of all existing buildings around there. The location of any roads. This particular sight is just shy of 530 feet from the closest road. We are greater than 300 feet away from property lines under different ownership. Not applicable to any types or locations of any easements affecting the property. There will be no water supply or sewage disposal facility for this site. There are no river streams or intermittent streams within 300 feet of the proposed location. There will be no parking spaces, it will not be available to the public. There will not be a loading area except for approximately two (2) acres during assembly. There will not be any refuse, collection or storage facilities, so that is non-applicable. Resident dwellings and all non-ag uses are also on that map, with in the two mile radius of the facility. There is no confinement feeding uses with in two (w) miles, there will be no disposing of dead animals within two miles. This will not affect ground surface water drainage patterns. (Supervisor Schwager states that is the one in Blaine Township then?) Emily confirms. (Supervisor Schwager asks for the other one in the other township then.) Emily state this is the second proposed location in 33-25-6. Again, another 198 feet meteorological tower. (Supervisor Schwager overstates "This is in the other Township, so be quiet and listen to what she's got to say.) So it is the same applications, same towers, temporary test tower. 198 feet. Again, the same map you are looking at has all existing building from center lines of roads. This particular tower location is 588 feet to the closest road. We are greater than 300 feet from any property under different ownership. Again, no easements affecting this property. No water or sewer disposal facilities for the locations. No rivers, stream or intermittent streams within 300 feet. There will be no parking spaces, and for the loading area, there will only be a two acre loading area during construction and or assembly. Then there will not be any loading areas. The location of residences and non-ag planned uses within two (2) mile radius of that one as well. No confined feeding. No disposing of dead animals. This one will also not affect surface water drainage. (Supervisor Schwager asks if there are any questions from the board for Emily.) (Schwager asked if these are going to be fenced in and stuff like that.) They can be and just depends on the land owner preference is. (Schwager asks if there will be in the vicinity of cattle.) (Supervisor Henery, states they are in the middle of a pasture.) Emily confirms they are in the middle of a pasture, so yes they are in the vicinity of cattle. (Supervisor Kerkman states they have guide wires.) Emily states there are guide wires. (Char confirms there is a drawing of the guide wires/tower in the packet.) (Supervisor Schwager states that is why he asked if they were going to have fence around them, if the guide wires right there in the pasture, you don't think it will bother anything.) (Supervisor Kerkman confirms on the towers before, nothing seemed to bother anything. Question is asked, so they are temporary. Emily confirms they are temporary. (Supervisor Schwager asked for any more questions.) Supervisor Henery asked to confirm how long temporary means, there has been a tower up at Frankie Maughan's for 4, 5, 6 years.) Emily confirms it could be up to 5 years as well. Schwager asks if there is anything else. Supervisor Henery asks if there was anything else in the stipulation in the conditional use permit. Char confirms there was nothing. Supervisor Henery wants to know if there is a timeline, Supervisor Schwager asks for any other questions or comments.

9:35 Supervisor Schwager opens the public comments section of the hearing. Supervisor Schwager thanks Emily. Supervisor Schwager asks for people in favor to testify, no comments. Asks for people opposed to testify, no comments. Asks for people who are neutral to testify, no comments. He asks for any other testimony. Bob Snodgrass, replies, he thinks we ought to establish some longevity. Supervisor Schwager clarifies with Bob "How long they are going to be there." Bob confirms yes. Supervisor Schwager asks for clarification on the issue from the applicant. Emily steps forward. "In terms of longevity, 5 – 6 years that is typically what we will use." (Supervisor Schwager asks if that is in the permit.) Char repeats there is no clarification in the permit as to how long.) (Supervisor Schwager notes if the Supervisors make a motion to accept it, they can do that I guess, it is up to them.) (Char asks then "Do you guys take them back down?") Emily confirms yes they will come back out and clean up the site and take them out. (Char states she did not think they had ever established or discussed during Planning and Zoning public hearing. Supervisor Schwager states they had some out at his place, and they come out and cleaned it all up and you did not even know they were there. If they want to put that in their motion, they can do that too. He then asks for any questions. Jerry thanks Emily again, and then closes the public hearing at 9:38 AM.

Kerkman makes motion to accept the recommendations of the Planning and Zoning Commission, seconded by Henery. Schwager asks for any discussion, than reads the findings.

## FINDINGS:

YES 1. That the Zoning district in which the proposed use is to be located is Zoned AG-G (General Agricultural District).

YES 2. That the proposed use that is the subject of this application is not a permitted use in

such zoning district.

April 17, 2015 (Continued)  
Antelope County Supervisors  
Public Hearing  
Neligh, Nebraska

- YES 3. That the applicant has filed an application for conditional use.
- YES 4. That said application has been reviewed by the Antelope County Planning Commission.
- YES 5. That the Antelope County Planning Commission has held a public hearing as required by the Zoning Regulations.
- YES 6. That the Antelope County Planning Commission has recommended that the conditional use permit be granted. (If applicable-subject to certain conditions set forth in the recommendation).
- YES 7. That on April 17, 2015, a public hearing was held before this Board.
- YES 8. That Notice of hearing was published at least 10 (ten) days prior to the hearing, said date of publication being April 8, 2015. Said publication was in the Elgin Review, Neligh News & Leader, Orchard News and the Clearwater Record.
- YES 9. That the exhibits and comments introduced at the Planning Commission public hearing(s) are hereby incorporated into this record. That opportunity for additional evidence, comments and arguments was made.
- YES 10. That the proposed use is a conditional use, reasonably compatible with surrounding land uses with regards to traffic generation, noise, odors, dust, vibrations, and potential air, soil or water pollution or explosion or other hazards.
- YES 11. That this Board has considered 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 with in one (1) mile of the property in question, water surface drainage and any issues regarding wetlands, as required by Zoning Regulation section 1002.
- YES 12. That said conditional use permit is compatible with the Antelope County Comprehensive Plan.

Roll call. Voting aye Kerkman, Williby, Henery, Bolling, Brandt, Schindler, and Schwager. No nays. Motion passed.

Motion by Brandt, seconded by Williby to adjourn the public hearing. Voting aye: Kerkman, Williby, Henery, Schindler, Brandt, Bolling and Schwager. Nays none. Motion passed.

Public Hearing adjourned at 9:41 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman of the Board, Jerald Schwager

Attest: \_\_\_\_\_  
County Clerk, Lisa Payne