

Lincoln City - Lancaster County

PLANNING COMMISSION

AGENDA

PLANNING COMMISSION

Cindy Ryman Yost: Chair
Cristy Joy: Vice Chair
Lorenzo Ball
Dick Campbell
Maribel Cruz
Brett Ebert
Gloria Eddins
Bailey Feit
Richard Rodenburg

PLANNING STAFF

David R. Cary: Director
Shelli Reid: Administrative Officer

December 18, 2024

NOTICE: The Lincoln/Lancaster County Planning Commission will hold a public hearing on Wednesday, December 18, 2024, at 1:00 p.m. in the City Council Chambers on the first floor of the County-City Building, 555 S. 10th St., Lincoln, Nebraska. For more information, call the Planning Department, (402) 441-7491.

****PLEASE NOTE:** The Planning Commission action is final action on any item with a notation of ***FINAL ACTION***. Any aggrieved person may appeal Final Action of the Planning Commission to the City Council or County Board by filing a Notice of Appeal with the City Clerk or County Clerk within 14 days following the action of the Planning Commission. The Planning Commission action on all other items is a recommendation to the City Council or County Board.

AGENDA
WEDNESDAY, December 18, 2024

Approval of minutes of the regular meeting held [December 4, 2024](#).

1. CONSENT AGENDA
(Public Hearing and Administrative Action)

COMPREHENSIVE PLAN AMENDMENT:

1.1 COMPREHENSIVE PLAN AMENDMENT 24006, to amend the Lincoln Lancaster County 2050 Comprehensive Plan, to add approximately 193 acres to the 2050 Future Service Limit, move the same area from Tier III to Tier I Priority B on the Priority Growth Areas map, and change the Future Land Use map for the area from Agriculture to Urban Residential, on property generally located at S 84th & and ½ mile south of Rokeby Road.

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Staff recommendation: Approval

Staff Planner: Andrew Thierolf, 402-441-6371, athierolf@lincoln.ne.gov

SPECIAL PERMIT:

1.2 SPECIAL PERMIT 24038, for the existing H-4 Planned Service Commercial to permit 167,000 square feet of commercial space on approximately 18 acres with an associated waiver to the LMC Design Standards for sanitary sewers on property generally located at west of South 14th Street and north of Saltillo Road.

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FINAL ACTION

Staff recommendation: Conditional Approval

Staff Planner: Ben Callahan, 402-441-6360, bcallahan@lincoln.ne.gov

2. REQUESTS FOR DEFERRAL

3. ITEMS REMOVED FROM CONSENT AGENDA
(Public Hearing and Administrative Action)

4. PUBLIC HEARING AND ADMINISTRATIVE ACTION:

TEXT AMENDMENTS:

Page 89 4.1a TEXT AMENDMENT 24012, to amend the Lancaster County Zoning Regulations (LCZR) Article 2 Definitions, Article 4.005 Permitted Conditional Uses, Article 4.007 Permitted Special Uses and Article 13 Special Permits by adding a new definition for annual attraction event, changing agricultural attraction from a conditional to special permitted use with conditions, removing amusement license and adding as a conditional use annual attraction event.

Staff recommendation: Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 96 4.1b TEXT AMENDMENT 24013, to amend the Lincoln Municipal Code (LMC) 27.02.020 (A) Definitions, 27.06.060 Agricultural Use Group, 27.06.150 Commercial Recreation and Entertainment Facilities Use Group, 27.62.030 Agricultural Use Group, 27.62.120 Commercial Recreation and Entertainment Facilities Use Group, and 27.63 Special Permits by adding a new definition for annual attraction event, changing agricultural attraction from a conditional to special permitted use with conditions, removing amusement license and adding as conditional use annual attraction event.

Staff recommendation: Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

5. ADMINISTRATIVE ACTION ONLY:

Page 109 5.1 SPECIAL PERMIT 24009, for the Landscape Supply Specialist Garden Center, on property generally located on the east side of N. 56th Street between Bluff Road and Waverly Road. ***FINAL ACTION***

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

Page 118 5.2 COUNTY SPECIAL PERMIT 24036, for the Panama Energy Center to allow for the construction of a large Solar Energy Conversion System, in compliance with Section 13.051 of the Lancaster County Zoning Regulations, on property generally located between W Princeton Road and W Gage Road and from SW 29th Street to Highway 77. ***FINAL ACTION***

Staff recommendation: Conditional Approval

Staff Planner: George Wesselhoft, 402-441-6366, gwesselhoft@lincoln.ne.gov

AT THIS TIME, ANYONE WISHING TO SPEAK ON AN ITEM

NOT ON THE AGENDA, MAY DO SO.

Adjournment

PENDING LIST: No items

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The Planning Commission meeting which is broadcast live at 1:00 p.m. every other Wednesday

will be available for viewing on LNK City TV at

<https://lnktv.lincoln.ne.gov/CablecastPublicSite/watch/3?channel=1>

The Planning Commission agenda may be accessed on the Internet at

<https://www.lincoln.ne.gov/City/Departments/Planning-Department/Boards-and-Commissions/Planning-Commission>

MEETING RECORD

Advanced public notice of the Planning Commission meeting was posted on the County-City bulletin board and the Planning Department's website. In addition, a public notice was emailed to the Lincoln Journal Star for publication on Tuesday, November 26, 2024.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 4, 2024, 1:00 p.m., Hearing Room 112, on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska.

MEMBERS AND OTHERS IN ATTENDANCE: Dick Campbell, Brett Ebert, Bailey Feit, Cristy Joy Cindy Ryman Yost, Lorenzo Ball and Rich Rodenburg; Maribel Cruz and Gloria Eddins absent. David Cary, Steve Henrichsen, Shelli Reid, Clara McCully, Ben Callahan and George Wesselhoft with the Planning Department; media and other interested citizens were present.

STATED PURPOSE OF MEETING: Regular Planning Commission Hearing

Chair Ryman Yost called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Note: This is **Final Action** on the following items: **Special Permit 17043B, Special Permit 24009, Special Permit 24035, and Special Permit 24036** unless appealed by filing a Notice of Appeal with the **City Council** or the **County Board within 14 days.**

Ryman Yost requested a motion approving the minutes for the regular meeting held November 20, 2024.

Motion for approval of the minutes made by Campbell, seconded Joy.

Minutes approved 6-0: Campbell, Feit, Joy, Rodenburg, and Ryman Yost voting "yes"; Ball abstained; Cruz and Eddins absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

December 4, 2024

Members present: Campbell, Ebert, Feit, Joy, and Ryman Yost, Ball and Rodenburg; Cruz and Eddins absent.

The Consent Agenda consisted of the following items: Annexation 24010, Change of Zone 17030F, Change of Zone 07060E, Special Permit 17043B, and Use Permit 126H.

There were no ex-parte communications disclosed.

There were no ex-parte communications disclosed relating to a site visit.

Campbell made a motion for approval of the Consent Agenda; seconded by Joy.

Motion carried 7-0: Campbell, Ebert, Feit, Joy, Ball, Rodenburg and Ryman Yost voting "yes"; Cruz and Eddins absent.

PUBLIC HEARING & ADMINISTRATIVE ACTION

SP24009

BEFORE PLANNING COMMISSION:

December 4, 2024

Members present: Campbell, Ebert, Feit, Joy, and Ryman Yost, Ball and Rodenburg; Cruz and Eddins absent.

George Wesselhoft, Planning Department, 555 South 10th Street, came forward and stated this application is for a new garden center in the 3-mile radius around Lincoln. It is zoned AG, and a garden center is allowed by Special Permit in this zoning district. They are requesting access to a future or existing arterial street. There is an existing shared driveway with the owner to the north and this property. Between 2008 and 2013 there was a permit for soil excavation, so the driveway before served this property. NDOT stated the access would need to meet State requirements. The applicant was notified they need to give additional info to NDOT since it is their jurisdiction. There is no fatal flaw or issue with sharing residential or nonresidential driveways. Highway 77 is a controlled access.

Campbell asked what the material of the present driveway is, whether it could be expanded and paved, and is it presently 30 feet.

Wesselhoft stated it is rock and would have a maximum width of 40 feet up to the property line, and he confirmed it is presently 30 feet.

Campbell stated that Garden Centers need to be on 20 acres, has that changed?

Wesselhoft stated this property would be 20 acres when measured from the center of the road.

Campbell asked if Wesselhoft talked to the applicant about plan A and plan B in the staff report.

Wesselhoft said yes and the applicant didn't seem to be opposed.

Blaine Price, 17645 S 27th Street Martell, NE, Applicant, came forward and stated they are trying to start a business in the north side of Lincoln, as there is not much business there currently.

Campbell asked Price if he'd seen the two options.

Price stated yes and NDOT said there is the possibility of a deceleration lane depending upon the traffic count.

Campbell asked if the Commission required the driveway would be wider, would that be acceptable?

Price stated he had no issue.

No one appeared in support or neutral.

Opposition

Jason Schwinck 11250 N 56th Street, came forward and stated he built his house in 2015. It has shared access with a private residence drive. There are issues with access and privacy. There is traffic along 77 and crossing it is dangerous. Mud and rock can be pulled from traffic. There will be noise from landscape equipment, dirt and dust pollution, and lights shining on their property.

He asked if there had been any studies on water runoff. He is concerned about the well water they are pulling out.

Campbell asked if the entrance was paved, two separate entrances with signage, would that make it better?

Schwinck stated his drive comes straight down from the entrance, and he wouldn't know how to do things any differently.

Lance Petrie, 10800 N 56th Street, came forward and he has resided at this address since 1991. There is not much out there for commercial. It was always zoned for farmland and single-family homes. There are two homes, one to the north and one to the south. Campbell commented that it had to be 20 acres, but there was a comment that they would lease 6 acres. Petrie would like to know the types of equipment, hours of operation, and dust levels. The properties are at one of the highest points in Lincoln, and subject to high winds and debris. He would also like to know about the noise and light pollution. He has much-unwanted traffic from Highway 77. The traffic would be increased with the driveway mistaken for the nursery. His greatest concern is for the water. He did have to dig deeper a few years ago. Have there been any studies? He lost 90-plus Ponderosa Pines to the Japanese Beetles and getting rid of them is an ongoing process. He would like assurance that bringing in wood chips and mulch won't bring in more beetles. Highway 77 is a very dangerous road. Traffic count should be done before a lease is given out or before this Special Permit is granted.

Shane Petrie, 10800 N 56th Street, came forward and stated it's 18.72 acres, not 20 acres. The biggest concern is water, regards to the well. On their property, runoff from the proposed site goes there. In spring with rain and equipment will be a ton of dirt. With the dirt mining and a bunch of mud and debris being pulled out of that site, it looked bad on the road and no one

cleaned it up. He had to redraw the well to 250 feet, and with drought, the water use would be a major tax on the area. There would be dust pollution and light pollution. Mom worked hard to have a place and the privilege of seeing stars at night and not having the light pollution from the city. He doesn't want their dog to be in danger. The neighbor is going to have a lot of traffic up their driveway. Concerns are mulch, never going to eliminate the beetle but not introduce a new species.

Staff questions

Campbell asked if Wesselhoft talked to NDOT regarding pavement and widening.

Wesselhoft stated he did not specifically speak with NDOT regarding the paving.

Joy asked if Wesselhoft could review the process for the turn lane.

Wesselhoft stated the county road driveway permit happens after the Special Permit. It would be the same case here. Could be applicant obtain the necessary permitting?

Joy asked if it was language they could add during the motion.

Wesselhoft stated it could be.

Joy asked if they have to be in place for the building process for turn lanes.

Wesselhoft stated 'yes'

Joy asked about water and well access and information from the Lincoln-Lancaster County Health Department (LLCHD).

Wesselhoft stated LLCHD staff can speak, but for the previous owner, that may have been, not a requirement for garden center, ag use.

Joy asked about the drainage plan.

John Berry, Lancaster County Engineer, came forward and stated they have had the chance to review, the drainage design that we looked at and determined no significant change in water drainage.

Rodenburg asked if there is any way the water table can be studied and if garden center usage can negatively impact neighboring wells.

Wesselhoft is not aware of any other Special Permit that is a condition or requirement.

Joy stated there were numbers 18 versus 20 acres with the 6-acre lease. Anything to tie up the acres?

Wesselhoft wasn't aware of the 6 acres, but any ag use would count.

Feit asked if there was any indication of the lights on the site plan.

Wesselhoft stated he doesn't think the application indicated lighting in the submittal.

Ball asked if screening options could be considered.

Wesselhoft stated if the Garden Center was closer to residential zoning there would have been a screening requirement. It could be a condition.

Joy asked if that would also be for light pollution.

Wesselhoft stated lighting conditions apply in 3-mile

Applicant rebuttal

Campbell asked since the residential driveway goes straight, if Blaine is willing to put up a private drive sign, pave the access entrance from the highway, and widen it.

Price stated Schwinck stated he didn't want any at the time, but he would be willing to provide those options again, and 'yes' they would widen.

Campbell asked if there are any concrete barriers.

Price stated 'yes' they would have concrete bins.

Campbell asked about the pest issue.

Price said that would not be an issue.

Ball asked if he would consider putting up screening to adjacent properties for light pollution or privacy.

Price stated 'yes'.

Feit asked what the lighting looks like.

Price stated there would be safety/security lights on the building, no yard lights.

Feit asked for water projection.

Price stated ground has a gradual slope, and he would put in a retention berm to water trees and shrubbery, and will be using a couple of water tankers initially

Ebert asked about business hours.

Price stated it would be 8 am to 5 pm Monday to Friday, 8am to noon on Saturday. This business would be for the public, not commercial. The parking lot will be rock, per state specifications, and not a problem.

Feit asked with snow removal and shared entrance with split driveway, who is in charge of clearing snow?

Henrichsen stated the State is in charge of clearing state highways, not driveways.

Feit asked how do they know who is responsible?

Henrichsen stated it is the adjacent property owners' responsibility.

Blaine stated if he wants customers to come, he would be responsible for clearing a path on his hours of operation.

Campbell stated there would not be much business in winter.

Price stated he should always have someone around, even in winter, to clear snow.

CLOSE PUBLIC HEARING

Campbell moved to close the public hearing, seconded by Joy.

Campbell stated landscape supply is a clean operation. No mud around the operations would expect this to be the same.

Ball stated he would like to see conditions around screening for adjacent properties.

Campbell stated he would like plant material, preferably evergreen, rather than deciduous.

Joy stated she would like clarifying requirements for lighting pollution and road signage.

ACTION

Campbell moved to defer for two weeks, seconded by Joy. Motion carried 7-0: Ball, Campbell, Ebert, Feit, Joy, Rodenburg and Ryman Yost voting "yes"; Cruz and Eddins absent.

SP24035

BEFORE PLANNING COMMISSION:

December 4, 2024

Members present: Campbell, Ebert, Feit, Joy, and Ryman Yost, Ball and Rodenburg; Cruz and Eddins absent.

Ben Callahan, Planning Department, 555 South 10th Street, came forward and stated this is currently zoned R-2 and surrounded by R-2. Residential healthcare facilities can have a Special Permit in residential districts, used in a residential nature. It meets density requirements. This property would allow 19, but their stated cap is 12. There are two existing residential facilities from this applicant. This is not a high-traffic impact, especially on this lot, which could have 4 units if subdivided. It would be for three staff at the largest shift and any deliveries. Parking requires two spaces for every 3 employees. The applicant can get more parking than required. They are not requesting any setback waivers. The existing tennis court would be removed to bring back to green space. This is inline with the Comprehensive Plan and Complete Neighborhoods.

Applicant

Chris Gille, 3101 N 77th Street, Omaha, NE came forward and stated this is not his first time in this process. He and his sister started this a few years ago. His sister worked a few years in senior care and wanted more options, so she had an idea for residential assisted living. They became part of national organization. There are tens of thousands of these types of facilities across the U.S. and the organization highlighted 3737 Calvert Street as a best-practice model. They are solving the gap in senior care. They focus on dementia, Alzheimer's, memory issues, in a small intimate setting. It feels like home because it is a real home. They are the first to do that here in Lincoln, and wouldn't be here if it wasn't successful. The first and second facilities were filled right away. They have happy families and clients they serve. They invest in upkeep, and have positive feedback from the healthcare community. They continue to build the waiting list. They found they are servicing a need and want to invest to provide more opportunities. They had a community meeting with invitations to 40 addresses, had 12-15 arrive, and had a positive conversation.

Feit asked what kind of parameters there are to support residents.

Gille stated they are state licensed, regulated, and inspected from the state, have access control for exterior doors, fence in back, strong ratio of caretakers to residents.

Support

Katie Hartman 7800 N 134th Street, Waverly, NE stated she is Gille's sister. This is her passion. She is the administrator and the nurse over the locations. She would have another manager administrating over the other location opening. The group home operates no different from another home where someone lives with medical needs, ADLs, support for eventually needing a wheelchair, and support to care through the end of life. They make sure the home is beautified and get comments about how good-looking the properties are. We are good neighbors.

No neutral, no Opposition

No Staff questions, Applicant rebuttal

CLOSE PUBLIC HEARING

Campbell moved to close the public hearing, seconded by Joy.

Campbell stated have had this organization before for other applications which created a lot of concern with that type of operation in the neighborhood, and had heard zero complaints. He applauds them for finding something needed in the community.

Rodenburg stated he lives close to Calvert and there were concerns about traffic and from the look, can't tell it's a group home. We need facilities like this, these folks have proved worthy and are regulated.

Ball stated he appreciates creative ways to infill and provide different environments.

Feit stated thank you for everything you do for this population.

ACTION

Campbell moved approval, seconded by Joy. Motion carried 7-0: Ball, Campbell, Ebert, Feit, Joy, Rodenburg and Ryman Yost voting "yes"; Cruz and Eddins absent.

SP24036

BEFORE PLANNING COMMISSION:

December 4, 2024

Members present: Ball, Campbell, Feit, Joy, and Ryman Yost, and Rodenburg; Cruz and Eddins absent; Ebert recused herself due to conflict of interest.

George Wesselhoft, Planning Department, 555 South 10th Street, came forward and stated the application is for a 304 megawatt energy conversion. Two phases: the south portion is phase 1 the northeast portion is phase 2. Phase 1 will be operational in 2026. Phase 2 will be operational in 2028. Power would be purchased by a Nebraska Public Power District. It covers 2,442 acres. Mainly farm ground. Nearby homes, two in the participating property area, around 36 homes in the general vicinity within ½ mile or less. Wesselhoft indicated on the map that the blue areas are homes around the site. No large subdivisions in the area. Across the county line, there are 3 or 4 homes as well. The maximum height will not exceed 15 feet. LLCHD was a review agency for the project. The 2050 Comprehensive Plan supports renewable energy sources. This is new in zoning regulations and was added in anticipation of the need for solar. This was a very complete and thorough application. The application included all required information and multiple supplemental documents.

The Regulations for solar were added in of July 2020. The application meets the criteria including photovoltaic cells to convert solar to electricity. Other criteria for noise are comments of the Health Department. They can't exceed noise standards, 50-60 db max over some time. The applicant will provide noise information and requirements for the Building Permit. An erosion control plan will be required for review by the Lower Platte South and Nemaha NRD. Screening for nonparticipating residential uses. Screen should be required if existing dwelling is within 300 feet of property. The plan is compliant with screening requirements. The life of

the project includes a decommissioning plan that was submitted with the application. The net profit of salvage is \$71 million. For comparison to setbacks, in Lincoln, H-4 zoning has a 50 ft setback. B-5 zoning has a 100-foot setback. For notifications, 8 signs were posted. There were questions about notifications. The ordinance requires a 10-day minimum mailing to properties within 1 mile. 228 letters went out and were mailed on Nov. 22. A list of notifications is on the PATS website.

Campbell asked with east Lincoln Solar, wasn't there a 250-foot setback?

Wesselhoft stated it was appealed to the County Board and the County Board required additional setback.

John Berry, Lincoln-Lancaster County Engineer's Office, 444 Cherry Creek Road, Lincoln, NE conditions stated in planning report: first is a road maintenance agreement for applicant and/or contractor. Could damage roads. A signed road agreement would talk about dust mitigation, bringing dirt, extra grading, and who will be responsible. They show access onto Hallam, which is a state highway spur. It will go to NDOT, the rest will go to county roadways. Requirements for driveways and conditions. One concern is drainage. Plans show detention ponds, subject to change based on final engineering plans. Planning has no language for detention for ponds. One comment was they don't want extra water draining on roadways and want to make sure culverts can handle the water.

Applicant

David Levy, Baird Holm Law Firm, 625 S. 14th Street, Lincoln, NE

Matthew Jones, NextEra Energy, 700 Universe Boulevard, Juno Beach, FL

Jones stated he is the project developer (Exhibit 2). They are developing several solar projects in Nebraska, including a five-megawatt solar project built in 2019 and a larger 590-megawatt solar and storage project, Pierce County Energy Center, expected to be operational by May 2027. Together, these projects represent a total investment of approximately \$1.6 billion and will generate significant economic benefits, including \$5.6 million in annual land payments, over \$40 million in new tax revenue, and 250 construction jobs. The project utilizes modern solar panels made from naturally occurring materials, such as glass, copper, and silicone, which have a lifespan of 25-30 years. These panels can be recycled at the end of their life, with companies like Solar Cycle able to reclaim over 90% of their materials. The Panama Energy Center, a separate 304-megawatt solar energy project, is strategically located near the Nebraska Public Power District's Olive Creek substation. The project will cover about 1,500 acres and is designed to comply with local zoning regulations. The development timeline began in 2013 with queue positions filed for interconnection, leading to various agreements and modifications culminating in the current project plans.

Cambell asked about any community meetings.

Jones stated most recent meeting was last night. They had been reaching out to people adjacent to project.

Rodenberg asked if any federal grants.

Jones stated every form of energy gets a grant or subsidy.

Rodenberg asked with the change of administration were any grants or funds in jeopardy.

Jones stated no.

Feit asked what the numbers are on slide five.

Jones stated they are locations for before and after screenings.

Joy asked about the process of Next Era Energy being public and a proposal to be a developer for this project.

Jones said SW power pool operates the median transition grid. Doesn't own or operate generation they are the regional operator of transmission. This means in NE only customer-owned can sell at retail, but private can own or operate generation or transmission. Retail end-use consumer level.

Joy asked about annual jobs for this development, what are the numbers.

Jones said 2-4 full-time employees in the area, construction 1st phase 250 people in 2025 to Dec 2026, then will come back in 2027.

Rodenberg asked if they are contracting with local contractors?

Jones working right now, work with EPC, trying to hire locals, and to try to procure materials in Nebraska.

Rodenberg asked where overhead powerlines are shown on the map.

Jones said 1.3 mile run to get to Olive Creek, working with land owners and OPPD.

Feit asked if there is a plan for hiring to maintain, mow, and grow under solar panels?

Jones works with Olsson on, a vegetation management plan. Typically low-growing native plants and grasses, add biodiversity.

Campbell stated comment didn't want to see a chain-link fence.

Testimony in Support, Neutral, or Opposition

Elden Kohl, 28805 SW 29th Street, he and his wife live there, across from a major parcel involved in a project. He has concerns about the company's statements, particularly regarding the lack of required surety at the project's start and the implication that salvage value is beneficial, which he disputes. Given severe weather risks like tornadoes and wildfires, he questions how the company plans to handle potential dangers. The financial impact statement suggests a contribution to Lancaster County through taxes, but he wonders if this is merely redistributing federal subsidies. Removing 2,400 acres from production threatens food supply and local businesses, and fewer farmers investing in equipment will decrease sales taxes on agricultural inputs. I believe agriculture is the best use of fertile land and urge you to consider the broader impact of this project on our community, beyond just financial benefits.

Kim Topp, 1820 West Ash Road, expressed strong concerns about two proposed solar panel installations near their properties, located at SW 2nd and West Pella Rd., and SW 14th and West Gage Rd. They highlight the lack of community engagement from Panama Energy and emphasize that the project could negatively impact property values. As a real estate broker, they believe that the presence of a solar farm will deter potential buyers, particularly those living within a nearby radius. The speaker worries about the long-term effects of living near solar panels on children's health and raises issues related to erosion and environmental risks. They question the financial implications of the project, including the distribution of lease payments and the potential for property owners who signed leases to be absentee landlords unaffected by the installation's consequences. They also doubt the realities of job creation claimed by the project and criticize the aesthetics and security features of the solar farm. She urged Commissioners to consider how they would feel if the solar farm were in their own backyards before casting their votes on the project.

Drew Topp, 25777 SW 2nd Street, stated he has concerns about the solar panels planned for his property, especially since they will be on three sides near a pond where his kids play. He has concerns about potential chemical runoff from the panels affecting well water, and doubts that a few people can maintain the panels effectively, especially with snow and dust accumulation. Increased traffic on their quiet country road for at least two to three years will disrupt the peaceful environment he sought when he moved there eight years ago. He believes property values could drop by 30 to 40%, which impacts equity for homeowners in the area. Though the applicants claim solar panels last 25 years, research he found suggests they are replaced every five to ten years, leading to more waste. Additionally, there are safety concerns with lithium battery banks potentially causing fires, particularly in dry conditions. As someone involved in hunting, he doubts claims about game fences allowing wildlife to navigate around the solar sites, as altering even one waterway can disrupt animal movement. Overall, the community does not support this project.

Rodenberg stated a lot of letters, and D. Topp, mentioned a 30 to 40 percent decrease in property values, does D. Topp have any empirical data on that?

D. Topp stated he doesn't have it with him.

Rodenberg stated no one showed any studies, he looked. He thinks there would probably be a reduction but he doesn't know how much. He's just looking for data.

Judy Daughtery, 1333 West Gage Road, expressed strong opposition to a proposed solar farm that would obstruct her countryside view from her floor-to-ceiling windows. She raised concerns about the potential property value decrease, which could range from 1.5% to 3%, (Exhibit 3, 4) and the impact of glare from the solar panels. Judy prefers natural landscaping over a game fence, fearing it would look unattractive and attract debris. There was a lack of community outreach regarding the project, stating she was not informed about related meetings.

Wayne Smith, 6345 South 35th Court, opposes any project involving tax credits, government grants, or materials from China, as it will increase energy costs in the long run. Climate change agendas aim to control people and redistribute wealth globally, leading to a one-world government. Many Americans have fallen for environmental deception. Activists like Stephen Snyder advocate for alarmist messaging while downplaying doubts. Former Congressman Timothy Wolf asserted that pursuing global warming initiatives is right for economic and environmental policy, regardless of the theory's validity. Professor Sonus from the University of Wisconsin noted that the atmospheric science community has misled people about climate predictions, which have often failed. With many scientists declining to answer questions about climate certainty, the reliability of long-term predictions is questionable. He asked the Commission to not approve this project.

Larry Oltman, 899 E Gage Road, about 33 feet from one of the properties involved in the project. He is generally okay with it since it should keep the neighborhood peaceful without a lot of traffic. He has some property that could be affected, and while he's not signed anything with his corporation, he's still considering it. His family and neighbors want to use the facilities for solar panels, which he believes is a matter of property rights. He and his sister are discussing it, and it could benefit his retirement. He appreciates everyone paying their taxes, and it's important to recognize the freedoms we have, thanks to those who served in the military. He wants his neighbors to have the freedom to use their farmland as they wish.

Tim Spellmann, 451 S 12th Road, Gage County, stated he lives just south of Highway 77 and has serious concerns about a proposed solar farm. One major issue is runoff; he's seen pictures of runoff from a similar solar farm in Alabama contaminating local waterways (exhibit). Many solar panels contain cadmium, which could leak into the ground and water system, especially if damaged by hail or tornadoes. This contamination could affect drinkability and lead to significant cleanup challenges. He has concerns about the glare from the panels along Highway 77, which could distract drivers and increase the risk of accidents at busy intersections. Inverter noise is another concern, as it's difficult to find information on its actual impact due to non-disclosure agreements. The proposed site could decrease property values and disrupt cell service, requiring residents to invest in boosters. He also learned that solar fields can raise local temperatures by up to 8°, worsening summer heat. Local oversight of panel safety is ambiguous, and there are concerns about increased wildlife, such as rats and snakes, in the area. The water usage of the solar farm might also impact his well, posing a financial burden if he needs to drill a new one. Cadmium exposure is linked to health risks like

cancer, and electromagnetic hypersensitivity could affect nearby residents. He has significant doubts about the project's safety and long-term effects.

Alvin Nielsen, 7545 Plum Creek Drive, doesn't live next to the proposed plan, and ran on to meeting by accident because 1011 news mentioned it. Many people want to attend these meetings, but the 1:00 PM timing is inconvenient for those working. There needs to be better public information early on. He sympathizes with those opposing the project due to the loss of country living and neighbors near the solar farm. Having lived 82 years in farming, he worries about land reclamation after installation. Roads damaged during construction can ruin land productivity. With foreign entities buying our land and the rise of solar farms and urban sprawl, we should consider the long-term impact on food production for future generations. While he understands the need for power near populated areas, He believes more research is required. He doesn't support the project because he wants to preserve land for food production for generations to come.

Kimberly Robinson, 767 Princeton Road stated she has been married for about 5 years and has two stepchildren, aged 12 and 9, who spend half their time with them on the farm. They are establishing a flower and lavender farm for agri-tourism, but recent developments threaten their dreams. A 100-foot setback regulation feels inadequate, as planned inverters outside the property will cause noise and potential runoff. She is frustrated with the lack of communication about community meetings regarding this project. It feels like a big corporation is moving in without regard for community concerns. She submitted written concerns, hoping they will be taken seriously. She needs more than a tree line for noise mitigation; she needs those inverters moved. Her neighbor who moved in a year ago, expressed similar frustrations after receiving a letter about the noise levels—some decibels exceed 78, which is like having four lawnmowers outside. Other areas have greater setbacks, and it raises safety concerns, especially with lithium batteries. She wants better communication and advocacy for her needs—especially regarding fire risks and the noise—she just wants someone to support her.

Isaac Robinson, 767 Princeton Road stated he moved in a year ago, and since then, he hasn't received any communications until this November, when he got a concerning letter about a substation nearby. He discovered there are going to be four inverters within 250 yards of his property, one just 100 yards from the southern property line. These inverters are massive—23 feet long, 7 feet wide, and 7.5 feet tall, weighing 30,000 lbs—and they produce noise levels over 78 decibels, similar to a running generator. With them operating year-round, the continuous noise will be disruptive. Additionally, the screening proposed—8-foot trees planted 25 feet apart—won't adequately block the view of the chain link fence topped with barbed wire that's planned. His property will be enclosed by this fencing on three sides, which could affect his home's resale value and overall enjoyment. Furthermore, the setback of 100 feet is unreasonable compared to neighboring counties. For instance, Otoe County has a proposed 1,000-foot setback, while the Salt Creek Solar plant has 450 feet. Why does this community face such lesser standards? There are also serious fire concerns with the batteries in these inverters. If there were a fire, the local fire departments may not be equipped to handle a large-scale emergency, putting the entire area at risk. A fire could easily spread through the fields and threaten homes. This project is being pushed by a Florida-based company due to stricter

regulations there, but we want to advocate for Nebraska residents who work hard and deserve better protections. Perhaps the slogan is right: Nebraska is not for everybody.

Mike Summers, 500 W Princeton Road, stated he moved to the country 37 years ago, but works in the city. He received a letter before Thanksgiving about a solar project that will affect his property value. He contacted real estate agents who tell him his property could drop to .001% in value once the solar farm is built. He invested his life savings, and now he fears he can't sell it. The area is important for wildlife; many geese migrate here, and he has evidence of their presence on his property. His trust in the government is low. There are ongoing concerns about the construction traffic and safety, especially since his home was broken into by a worker from a previous nearby construction project. This project seems to have been rushed and poorly communicated, and he plans to sue this company. It feels like he's being used as a test site for the power needed by companies like Google.

Ben Polmajzl ,26805 SW 29th Street, today is emotional for many because it's about our homes. Six years ago, he moved to the country for a quieter lifestyle after 24 years in law enforcement. His biggest concern is the proposed battery array near his property, which would place huge batteries just 100 feet from his house. With three kids at home, that worries him, especially considering recent grass fires and the difficulty the fire department may face in handling them. NextEra, a billion-dollar company, presents polished arguments to sell its product, claiming benefits for the county while primarily seeking profit. This solar farm project is significantly larger than others in the area, and he feels it's excessive. He echoes the concerns raised and urges the Commission to vote no on this project.

Camilla Slauson, 25235 SW 29th Street, stated she lives in Hallam/Martell. The project involves several local and non-local participants, with many sightline studies indicating a lack of homes in the area, which is misleading. There are many more houses than shown in the submitted photos. She has faced similar challenges with wind turbines, and now property owners are pivoting to solar energy despite concerns about risks to the community. Regulations for wind energy are significantly lower, raising questions about why solar setups have stricter sound limits. Her home is near the Sheldon Power Station and Monolith, and proposed solar farms are expected to increase noise from these sites, creating an unacceptable environment. A map created by a neighbor illustrates that there are more homes in the area than represented. Her crop ground is adjacent to planned facilities, raising fire risks associated with solar energy storage that need serious examination (Exhibit 5). Additionally, there has been ongoing interest in purchasing and leasing our land, and community members remain opposed to the proposed transmission line routes. It's crucial for the community to be heard and for the Commission to consider the broader implications of this project.

Torri Linemann, 26969 Homestead Expressway, stated she only recently learned about the proposed solar farm near her ranch through a letter and felt it was crucial to attend this meeting to express her concerns. While her neighbors have highlighted various issues, she wants to specifically address the environmental impact of the project, particularly regarding bald and golden eagles, which are protected under the Bald and Golden Eagle Protection Act. She often observes them near her home, and she is concerned about how the solar farm could negatively affect them. The shiny surfaces of solar panels can attract birds, leading to fatal

collisions, while the concentrated sunlight from solar towers can cause severe burns or even incineration. Additionally, the construction of the solar farm could disrupt local ecosystems and alter migration routes. Although the pursuit of renewable energy is vital, the proposed solar farm's location poses significant risks to local wildlife. A thorough environmental impact assessment is essential to ensure we protect our natural habitats and ecosystems. The National Audubon Society opposes concentrated solar projects like this one for these reasons.

Daniel Oldemeyer, 24501 S 38th Street, stated he is a fifth-generation farmer from Nebraska, where his family farm has been established since 1883. He has concerns about the impact of the proposed solar farm on his heritage and the future of farming for the next generations. Losing farmland is a major issue; about 2,000 acres are lost daily in the U.S., and this solar project would take a significant portion of U.S. farmland. In Nebraska, the average farm size is 971 acres. A 2,000-acre solar farm would mean two fewer farmers in the community, affecting local businesses and the agricultural economy. It takes 27 acres of solar panels to produce the same electricity as one wind turbine, leading to more productive land lost. Why aren't solar panels placed on rooftops instead of taking away farmland. The large farming equipment requires ample road space, and construction could complicate travel on local roads. The impact of that zoning action will have on the delicious meal you have three times per day.

Kraig Shaw 28100 SW 14th Street, heard about the scale of the project last week and he moved five months ago. Think about the community, and not the profit place of a company from Florida. We don't see the profit, we just feel the impact.

Margaret Vrana, 2300 J Street, Apartment 605, stated she has a few questions: when that 25 or 30 year period is up, does it take another 600 million or so to refurbish what's there? And earlier in the presentation about the plant that installation that silicon is a major ingredient in these solar collectors, which is main element in sand, so she would need confirmation on that one way or another.

John Paul Belcher 900 South 1st Street, They're proposing to lease the land for \$60 million over 30 years, which he thinks is absurd since his land is valued at \$3 to \$4 million. It feels like they are trying to take this land at a low cost, simply to be near the transmission lines. There are 2,400 acres at stake, and he has concerns about the impact of the solar farm just five feet from his property. He has horses and chickens, and his neighbor, who just bought a \$700,000 home, is completely unaware of the solar panels going up next to him. He asked about final action.

Ryman Yost stated it is not typical to answer questions at this time but this is the final action of the Planning Commission about the zoning decision. Then it is appealed potentially to the county board, so it is not any in any way shape or form final today.

Derek Kotschwar, 2223 West Princeton Road, grew up on a farm in western Nebraska and has lived on the land near this future solar farm for eight years. He opposes the project as he hasn't had enough time to research it thoroughly, receiving the letter only the week before Thanksgiving. He believes the community deserves more notice for a project of this magnitude, especially since he saw documents were still being uploaded recently. He created a map to illustrate the area's population density, highlighting the number of homes affected—

87 houses within a mile of the solar farm (Exhibit 8). Many residents are being surrounded by it, and the information shared has raised significant concerns about property values and potential negative impacts. He asked the Commission to postpone any final decisions on this project until the community can organize their questions and get the necessary answers. He asked the Commission to consider the community's concerns before moving forward.

Doug Reef 2260 West Pella Road, the proposed deer fences will block wildlife paths, and the installation of solar panels can negatively impact farmland over time. Studies show they can leach harmful substances into the soil, which can ruin its viability for agriculture. While solar energy has its benefits, we need to consider the long-term effects. We just dug up land that is too fertile to compromise, and he's not a NIMBY person, but he can't support damaging this quality soil. Additionally, he believes planting Eastern Red Cedars, an invasive species, is a poor choice. Instead, we should opt for more suitable trees like blue spruce or elms.

Staff questions

Feit asked why the surety is not being required right away.

Wesselhoft stated the regulations state, at the expense of the permittee, a cost estimate for the decommissioning of the solar facility and any estimated resale and salvage value shall be prepared. And that's updated every five years and if it changes. Over time they would have to provide a surety, and then there's a 15-year time frame which is in the conditions of approval as well.

Rodenberg asked what happens if there is a tornado or hailstorm that renders it not worth estimating.

Henrichsen stated it would have the same impact as another property that's damaged in some kind of a natural disaster. Part of it is the calculation that was done and the applicant can address. This was on the salvage value of a panel taken to a recycling station. So presumably for 700,000 panels out here, many of them are damaged, many some of them are missing, but there would still be the salvage value. The salvage value was not necessarily refurbishing them and selling them. It was their salvage value, which currently is way above the cost it takes to remove them all from the site. It would have to get to a point: when there is such a vast amount that most of them are missing or something like that. And in which case you're probably dealing with a fairly significant natural disaster, and that is not a component that we have people in any application, whether it be a chicken farm or business, to explain and have to justify what happens to them if there's a natural disaster.

Campbell asked Wesselhoft to confirm the announcement came from the Planning Department, and not NextEra, and Planning has the right or responsibility to put it out two weeks ahead.

Wesselhoft stated that is correct. There were 228 letters mailed out on Friday, November 22.

Ball asked initially, there was a setback of 250 feet, which has since been reduced to 100 feet. When was the last time we evaluated the possibility of changing setbacks for specific projects?

Are there any conditions regarding the type of asset being placed, such as solar panels or batteries? Do we have criteria that allow for varying setbacks based on the specific asset?

Wesselhoft stated the required setbacks in the special permit criteria have not changed since the regulations were established about four years ago. In the case of the previous project, the additional setback was a condition imposed by the County Board.

Ryman Yost stated the regulations were established by Lancaster County Board of Commissioners in July of 2020.

Feit asked Wesselhoft to confirm it doesn't matter if it's a solar panel, a battery or whatever. It's the same setback.

Wesselhoft stated there is an opportunity to offer that condition as part of this project. There is a 100-foot setback for non-participating property with a dwelling, 50-foot setback for non-participating property without a dwelling, and there is no setback if they are participating.

Feit asked Chris Schroeder with Lincoln-Lancaster County Health Department, about health impacts of solar panels, and the components of the solar panels leaching into the ground.

Schroder stated intact solar panels do not present a public health risk unless they are damaged by fire or severe weather events.

Joy asked Wesselhoft about fire risk.

Wesselhoft stated not for this specific application, but previously, Lincoln Fire and Rescue looked at the general question of fires as it pertains to solar, and the conclusion was that there was not any exceptional or unusual risk to the area from fires.

Ball asked, in the event of fire, where is a responsibility held and what is the emergency plan.

Wesselhoft stated the Emergency Action Plan was one of the several documents that is not required by the county regulations that the applicant did provide, and they can maybe speak further to that there would be limits. Hallam and Cortland Fire Districts would be the rural fire districts that would be involved.

Ball asked if the Hallam and Cortland Fire Districts were engaged in this proposal.

Wesselhoft stated they were included in the review, but they did not provide comments.

Ryman Yost asked staff to speak about the health impacts about the sound levels.

Schroeder stated the only applicable noise limit is within the special permit conditions and that's for the private substations. There isn't a county wide noise ordinance or noise code.

Rodenburg stated the Health Department is likely concerned with people and not birds, but were there any study? Someone mentioned the environmental impact on eagles which are a protected species. Also, the heat that's generated from the fields could harm the birds, the wildlife and maybe the environment in general. Was there any consideration on the heat? There was also a comment about migrating birds or waterfowl could mistake them for water and fly into them.

Schroeder stated they didn't focus on the animal impacts and the urban heat island effect. He didn't see any definitive data on that. He would welcome people to submit scientific peer reviewed studies articles and research. As far the endangered species, that's out of the Health Department's expertise as far as impact on animals.

Wesselhoft stated it was noted in the staff report on the bottom of Page 3 that there was a study for information from Columbia University that was previously looked at that analyzed up to 18 months of data and that showed the solar array was completely cooled at night and there wasn't the heat island effect.

Ryman Yost asked if there was a road safety issue for glare.

Joy asked, in addition to the roads question, when discussing the collaboration with our county, what is the specific plan? It was mentioned that every five years a maintenance concept should be established. What agreements do they have with the county regarding the roads and what will happen afterward?

Berry stated the agreements typically last for three years, after which there is an option to renew them. In this particular case, if it takes them 10 years to complete the project, we will continue to renew the road agreement until the project is finished. Additionally, we conduct road and traffic counts every few years to monitor the impact of the project. If we determine that the agreement needs to be extended further, we will.

Rodenburg asked about the line of sight on the corners.

Berry stated he would direct the question to the ROW department. It's outside of his area of expertise. There are site distance requirements to consider, such as being on a hill, with trees, or other obstacles. Once we review the situation, we can discuss whether the 100-foot distance rule may apply.

Joy asked, on the discussion that was happening at the Alabama site with the sediment runoff and that issue, what do we have in place in Lancaster County to regulate sites such as this for runoff and effect of the adjacency.

Henrichsen stated there would be an erosion control plan as part of application requirements, which falls under two different Natural Resource District jurisdictions, and would be reviewed by both. The NRDs would be the enforcing agent if anything happened in the future.

Rodenberg stated that that concerns erosion, but if there's chemicals involved that goes along with the water flow, that would be a whole different matter.

Joy stated that is correct, but the Alabama issue mentioned was about sediment of soil and erosion and not meeting the environmental requirements of that area. She wanted to clarify who the governing body is that analyze the plan and watch for the future.

Applicant rebuttal

Levy stated the solar projects are insured against natural disasters, such as tornadoes and hail. For example, panels at a solar facility in Scottsbluff withstood softball-sized hail without breaking, though they were slightly less efficient afterward. Repairs were completed within six months through an insurance claim. Commissioner questions about decommissioning timelines being set for 15 years were clarified. The financial outlook for decommissioning is positive since salvage opportunities exist. There was confusion about subsidies and taxes. Nebraska law mandates that solar facilities do not affect property valuations for tax purposes, meaning landowners pay taxes as if the solar farm were not present. The developer pays taxes on the facility itself, and subsidies received in the energy sector ultimately help reduce costs for consumers rather than increasing profits for the energy companies, benefiting customers. NPPD, as a nonprofit entity, is obligated to pass these savings on to its consumers.

The discussion focused on concerns related to solar farms, specifically regarding property values, noise, glare, and fire hazards. One opponent cited a study indicating potential property value decreases of 1.5% to 3%, which some argued is minimal and subjective. A consulting firm, Cone Resnick, conducted a study for the Waverly Solar project and found no statistically measurable impact on property values or home sales in Lancaster County. Regarding the aesthetics, trees will be planted for screening before the fencing of the solar panels, which are designed to absorb light rather than reflect it, thus minimizing glare. A preliminary noise analysis concluded that the project complies with county sound regulations. Concerns about fires associated with solar technology were addressed, indicating that the type of batteries used in solar farms is different from those in electric vehicles and are designed to minimize fire risks. Regulations ensure that if a battery cell catches fire, it will not affect adjacent cells. Overall, the presenters aimed to reassure the audience about the safety and minimal impact of the solar project.

Jones stated natural disasters FPL is a regulated utility in their area. In the difficult area for solar, started in 2011 and 2013 first storage. Priority for natural disasters. Emergency action plans are contingent on how they develop projects. His company operates a regulated utility in Florida that frequently faces hurricanes and tornadoes. Florida Power and Light has about 3,500 megawatts of operational solar capacity, which shows his company's experience in managing solar and storage in challenging conditions. They have been active in solar since 2011 and began their first storage project in 2013. Emergency action plans (EAPs) play a crucial

role in their project development. They cover a wide range of potential incidents, from medical emergencies to natural disasters, ensuring that we have comprehensive response strategies in place. Prior to construction, they prepare these plans, coordinate with local first responders. The EAP they submitted for the project is detailed, consisting of 35 pages and 20 items in the table of contents, addressing emergency response, evacuation procedures, and other critical scenarios. They hope we never have to use it, but we are prepared.

Rodenberg asked about cadmium.

Levy stated there is not cadmium in these panels. Cadmium may be in older solar panels that are not installed anymore in these types of projects.

Rodenberg asked about water usage.

Levy stated there would be very little water use. Water would be used to clean the panels once or twice per year.

Campbell asked why the citizens were not contacted much earlier.

Jones stated they have been in touch. They worked on land agreements in 2019. As they progress through the process of filing interconnections and navigating the development process, including signing land agreements, there is a natural cadence to these activities. He is very open to sharing information and eager to do so. He had some conversations with a few individuals during the break earlier, and he remains committed to participating and sharing what he can. He looks forward to communication moving through the next several weeks to months in this process.

Rodenberg asked if the Commission delays this for two weeks, would they be willing to reach out and have more meetings with these folks to answer some of their concerns and questions.

Jones stated he is. He put his phone number and contact information up there and some of the people in this room he's spoken with already. He's open to having conversations with anybody that wants to reach out about any topic and make his team available to anybody that has questions and that is an important part of the problem.

Rodenberg, asked how to advertise the meeting. Some people didn't know about the most recent meeting, and it seems communication is lacking.

Jones stated the meeting was word of mouth, with a lot of landowners. It was step one, and they are open to more engagement.

Levy stated Planning sent out 228 letters and he can get that list. He assumes this item would be appealed to the County Board, so there is more to the process. They can have another meeting in the next two weeks.

Joy asked the applicants to address the migration of birds.

Levy stated in any project like this, developers consult with agencies such as the U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission to conduct surveys for raptors and various bird species. Solar farms typically coexist well with wildlife, and representatives from the Nebraska Game and Parks Commission have stated they are comfortable with this arrangement, noting that birds can differentiate between solar panels and natural bodies of water. The solar panels are spaced apart, allowing room for water runoff to soak into the ground and providing access for wildlife. Areas marked on the project map indicate waterways, wetlands, and riparian corridors where solar panels will not be placed. These natural pathways are for various wildlife in the region.

Ryman Yost asked if there was any Red Cedar trees. She stated she didn't see Red Cedar mentioned in the application materials.

Levy stated they wouldn't plant Red Cedar and they consult with landscape architects and professional biologists and people who know what to plant, what will do well in this area, what will grow and what will thrive.

Levy stated a testifier brought up in the application, there was a chain link fence with barbed wire, which is only around the substation. The game fence is around the pods.

Ryman Yost asked about the impact on cell phones and the oldest solar project.

Levy stated he is not familiar with any impact on cell phones for solar projects.

Jones stated the company's first solar project was in 2011, and the first solar storage project was in 2013.

Ryman Yost asked what is the oldest solar farm in the U.S.

Levy stated solar started to show up in Nebraska about ten years ago, and solar was discussed about 15-10 years before that. He does not know the oldest solar farm nationally.

Rodenburg asked if the panels are made in China.

Jones stated the panels consist of 76% glass, 10% plastic polymer, 5% silicone, 8% aluminum frame, about 1% copper, and less than 0.1% silver and other metals. A significant amount of these materials, like those used in cell phones, come from China, South Korea, Southeast Asia, where there are key mines. Many raw materials are sourced from these regions, assembled elsewhere, and then sent to the US. Panels and electronics follow a similar procurement pattern.

Rodenberg stated he was wondering about possible tariffs coming soon.

Jones stated they have a scale for their business that lets them get ahead and manage those things. He is not concerned at this point.

Feit asked the applicants to explain the structure of the panels.

Levy stated there are piles that are driven into the ground. There's not a concrete foundation and the depth that they're driven in depends on the wind loads in the area, so a few feet. Then there's a racking system attached to those, and the solar panels are attached to the racking system. From the racks, the solar panels run North and South and so they basically follow the sun.

Jones stated there are no foundations except for the inverters.

Feit asked if a solar panel gets damaged, potentially leaking, how long for workers to respond.

Johnson stated projects are monitored 24/7, whether it's a natural gas or nuclear plant. The facility in Florida oversees everything with sensors in place, so they quickly detect any issues. When they enter a power purchase agreement, it's crucial to deliver the promised energy to the grid; otherwise, it risks upsetting stakeholders. They ensure their projects are in good condition through constant monitoring and community involvement. Regarding solar panels, they are constructed with multiple layers—backing, frame, and encapsulated cells—making them leak-proof. They are designed to last over 30 years and can withstand extreme conditions. Even if damaged, they don't leak, similar to a properly sealed car windshield. Their \$600 million investment in solar farms aims to generate electricity for sale. If the farm is down due to a storm, they miss out on sales, so it's in the owner's interest to restore operations swiftly after any disruption.

Ryman Yost stated the issue of communication has really made this difficult.

Levy stated he wanted to acknowledge the point about communication. It's important to recognize that everyone has property rights, including those who wish to participate in this project and the company investing millions here in Lancaster County. Land use regulation is about balance, and while zoning regulations set the framework, this application meets and exceeds those requirements. The role of the Planning Commission is to adhere to these regulations. Unless the application is found to be deficient, there's no basis to deny it. He respectfully asks for approval of this application, even if the decision takes another two weeks. He understands the emotional impact this has on people's lives and homes, but it's crucial to remember that property rights and legal regulations are in place, and the applicant has met all necessary rules.

CLOSE PUBLIC HEARING

Cambell moved to close the public hearing, seconded by Joy.

Campbell stated he wants as much communication as possible. The job is to look at zoning regulations and not political elements of the decision. He wants the community to get as much information as they can that he thinks has not been provided.

Rodenberg stated he would like to see the documents that were handed over the counter. The Commission's responsibility is not to empathize or politicize but is to follow the regulations given to them. They will not have further public hearing but letters can come in.

Ryman Yost stated if a motion to defer is approved there would not be additional testimony but additional information can be taken into consideration and provided to the Planning Commission. The Commission's decision is based on land use regulations that were put into place by Lancaster County. Either party can appeal to the County Board.

Ball stated he wants to address that members have to follow regulations but every project is different and has opportunities for conditions and limits. He wants to leverage the tools they can to address the concerns of citizens. He appreciates the thorough information from the applicant. The surface area of the project is significant. The Planning Department notification is not enough. Knowing this has been worked on for years, bring people along. Resiliency is a variety of power generation. He appreciates the project in trying to accommodate that.

Joy stated it is the Commissioners' job to listen and to give guidance to the County Board on all items discussed and give recommendations to the County Board. She appreciates everyone taking time and will continue to work on this item.

Feit stated it takes bravery, time and energy to comment and speak, and you were heard.

Ryman Yost stated Commissioners are not allowed to discuss the project outside of this meeting.

ACTION

Campbell moved to defer for two weeks, seconded by Rodenburg. Motion carried 6-0: Campbell, Feit, Joy, Ball, Rodenburg and Ryman Yost voting "yes"; Cruz and Eddins absent; Ebert recused.

Campbell moved to adjourn the Planning Commission meeting of December 4, 2024; seconded by Joy.

Motion to adjourn 6-0; Campbell, Feit, Joy, Ryman Yost, Ball and Rodenburg voting "yes"; Cruz, Ebert and Eddins absent.

There being no further business the meeting was adjourned at 5:42 p.m.

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24036

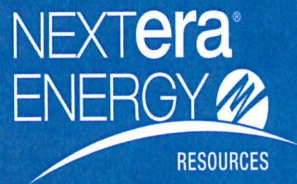
Per Article 13.051 this approval permits a Solar Energy Conversion System.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Remove Conditional Use Permit Plans and replace with Special Permit #24036 for title and change conditional use permit to special permit throughout the plan documents.
 - 1.2 Revise the text for the decommissioning plan to state that unless required by the underlying landowner, all vegetative landscaping and screening installed will not be removed.
 - 1.3 Provide professional engineer signature for the decommissioning plan as required.
 - 1.4 Correct typographic error in word "Property" and change "BESS" to Battery Storage for Site Data Table in Sheet C-200.
 - 1.5 Change W Gale Rd to W Gage Rd for the Sight Line Study.
 - 1.6 Submit grading plan for approval by the Lower Platte South Natural Resources District and by the Nemaha Natural Resources District for their respective jurisdictions.
 - 1.7 Note any publicly funded land treatment cost-share practices (i.e.. terraces, grassed waterways, farm ponds, etc.) on the improved properties that have been installed within the last ten years on the plans and notice given to the NRCS and LPSNRD and the Nemaha Natural Resources District for changes to these constructed best management practices.
2. Before receiving building permits provide the following documents meeting all the requirements to the Planning Department to the satisfaction of the Planning Director:
 - 2.1 An Erosion Control Plan approved by the Lower Platte South Natural Resources District and by the Nemaha Natural Resources District for their respective jurisdictions.
 - 2.2 The technical specifications for the battery chiller system, including the safety data sheet (SDS) for the coolant and the referenced acoustical analysis prior for Lincoln Lancaster County Health Department approval.
 - 2.3 A road maintenance agreement as required between the County and the permittee, approved by the Lancaster County Engineer and the County Attorney.
 - 2.4 A Special Trip Permit Application if required by the Lancaster County Engineer.
 - 2.5 Driveway and utility permit applications as required shall be submitted to the Lancaster County Engineer.
3. Within 15 years of approval of this special permit, upon abandonment or when the cost of decommissioning exceeds the salvage value, provide Lancaster County with a surety for Net Decommissioning Cost.

Standard Conditions:

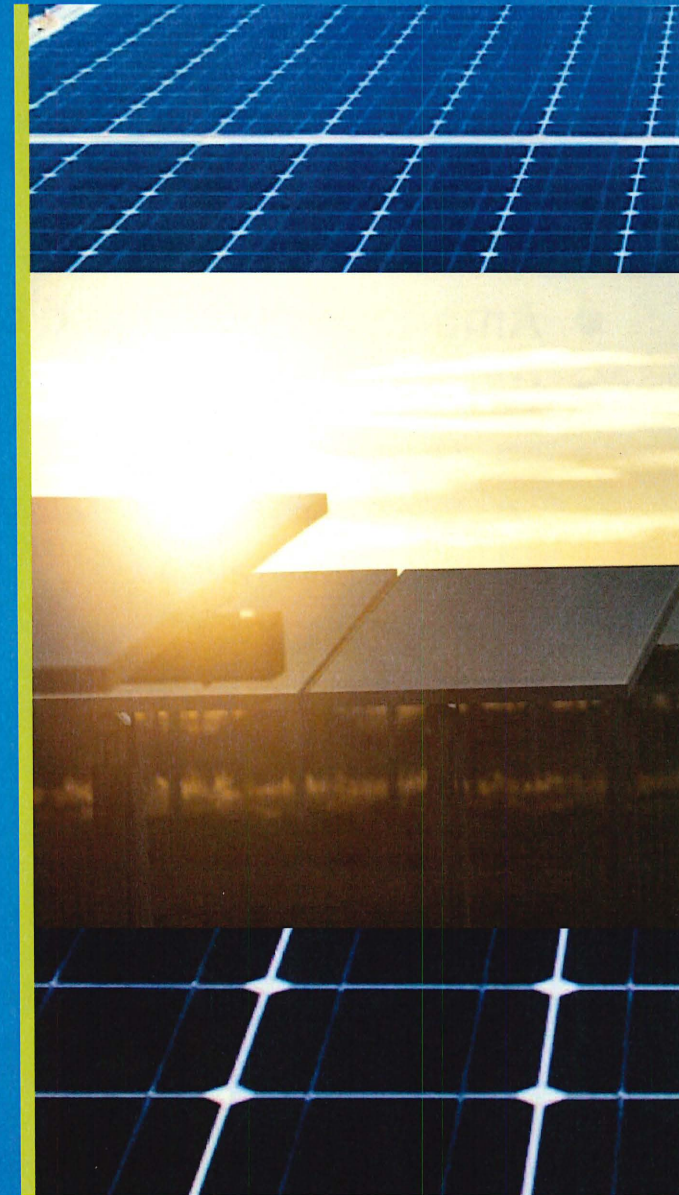
3. The following conditions are applicable to all requests:



Panama Energy Center

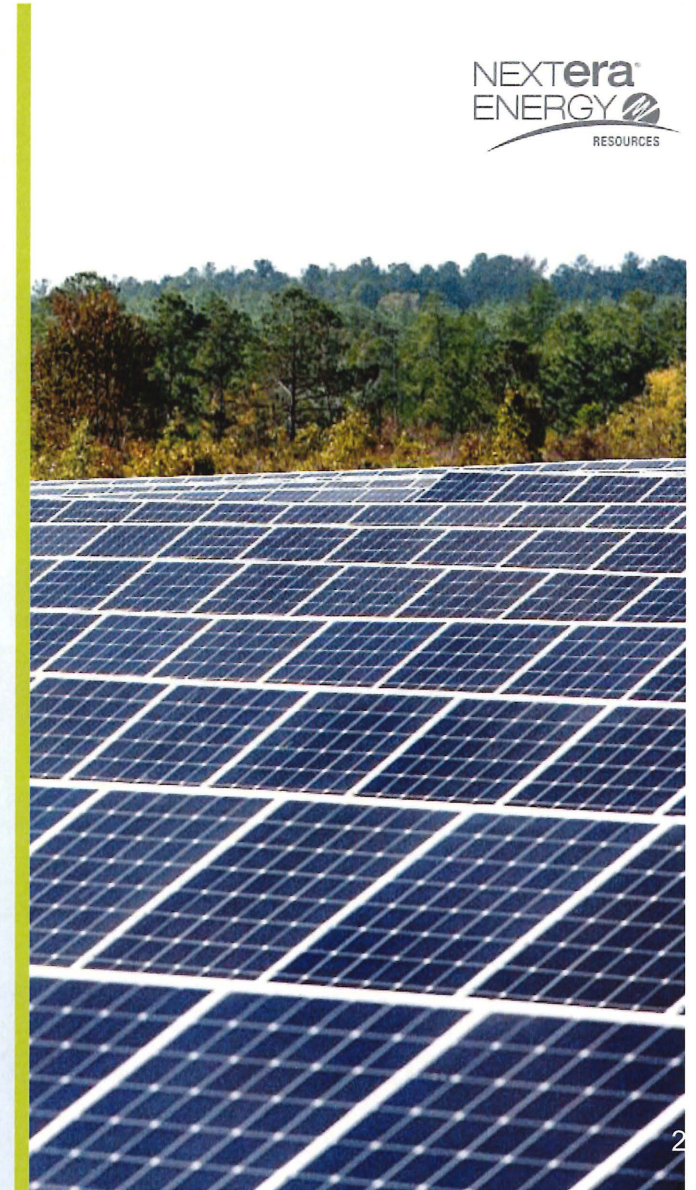
Local Investment, Revenue & Homegrown Energy.

Matthew Jones
NextEra Energy Resources



Who is NextEra Energy Resources?

- American-owned and operated
- What we do
 - Nuclear generation
 - Wind generation
 - Solar generation
 - Energy storage
 - Natural gas generation
 - Energy marketing
 - Retail energy
 - Pipeline
- Leading North American clean energy company
- Investments in 38 states and Canada



NextEra Energy Resources in Nebraska

\$820 MILLION*

TOTAL CAPITAL
INVESTMENT IN NEBRASKA

\$1.7 MILLION*

IN ANNUAL PROPERTY TAX
REVENUE BENEFITING LOCAL
ROADS AND SCHOOLS

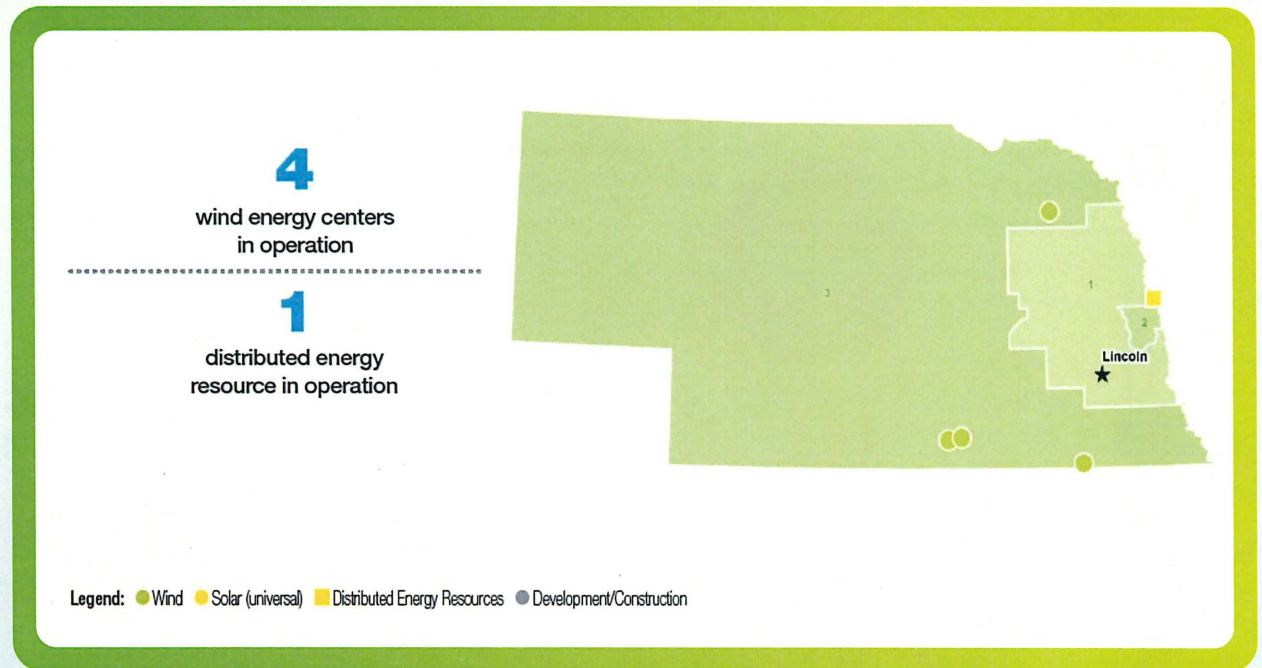
\$17.5 MILLION*

IN ANNUAL PAYROLL

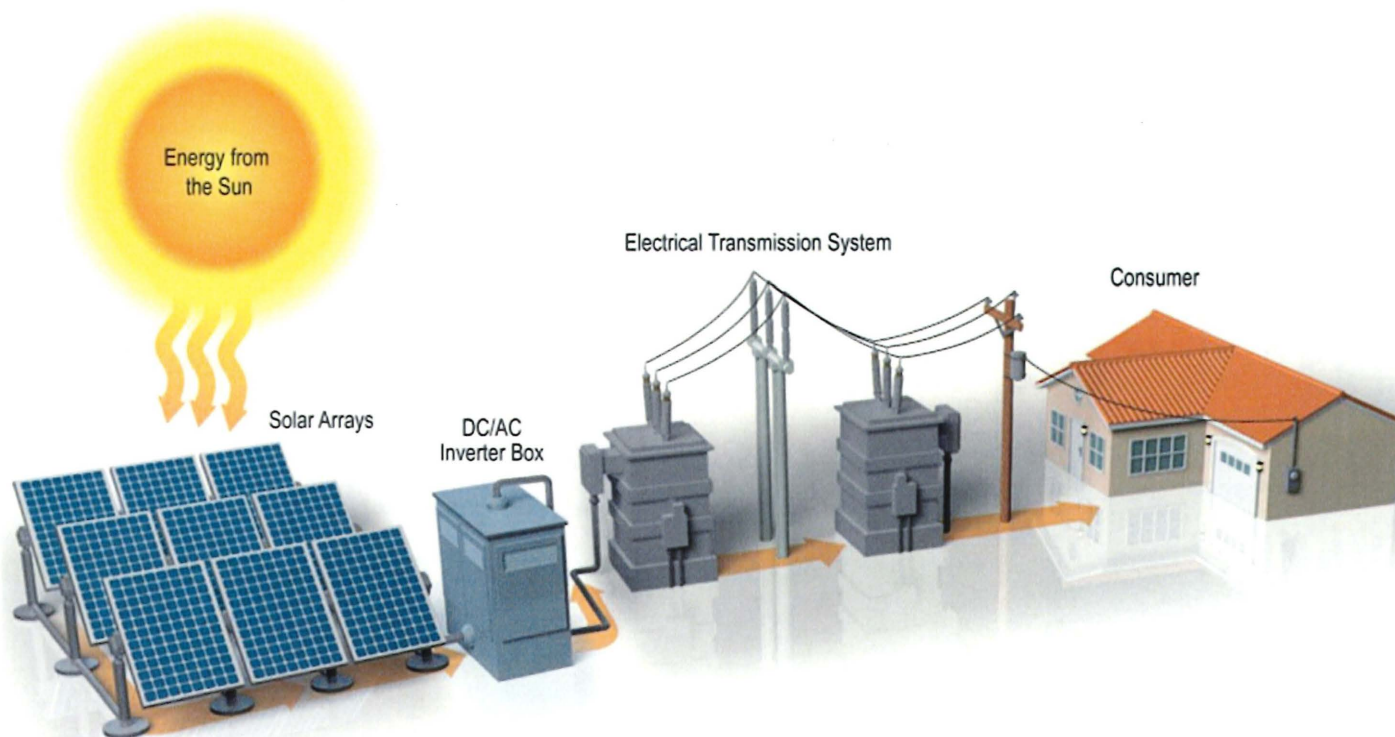
\$5.6 MILLION*

IN ANNUAL LAND PAYMENTS

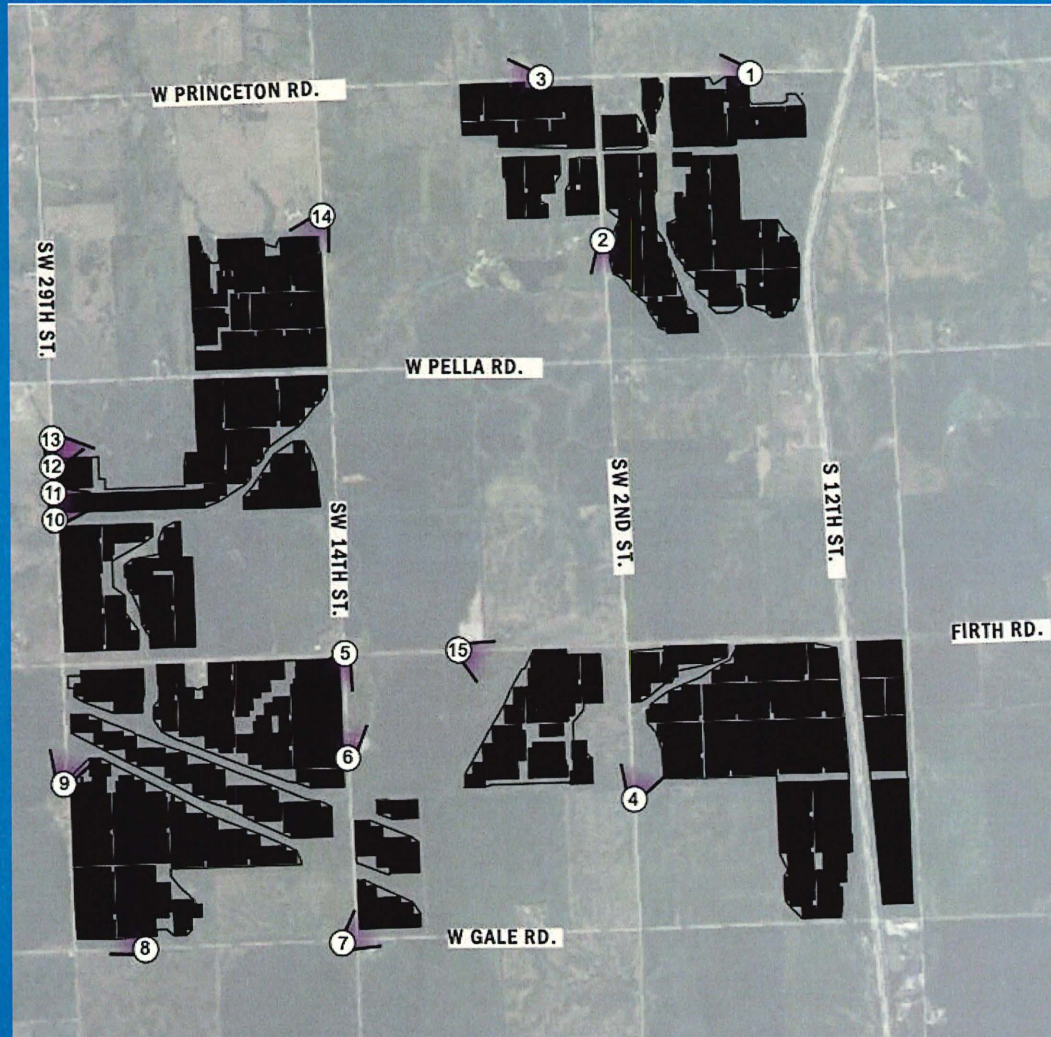
*Data as of 2023.



How a Solar Panel Converts Solar Energy to Electricity



Panama Energy Center Project Map



Panama Energy Center

\$598.6 million
project investment*

Creates up to
250 construction jobs

**304 MW of clean, solar energy with
120 MW of battery energy storage**

Provides approximately
\$42 million in new tax revenue*

Enough energy to power more than
54,200 American homes annually

*Estimated over 30-year project life cycle.



Project Summary



304 MW of solar energy with 120 MW - 4 HR battery energy storage



Project includes approximately 1,700 acres with infrastructure and 1,500 acres with panels



Approximately \$61 million in landowner payments over 30 years



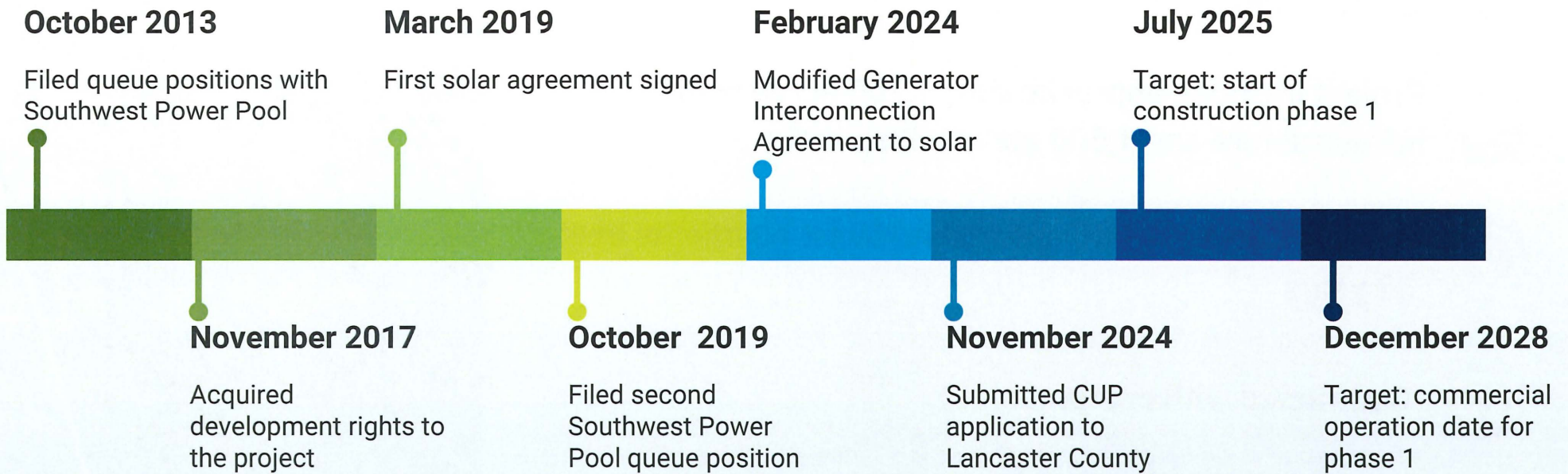
Contracted with customer




Complies with Lancaster County zoning regulations in all respects



Panama Energy Center Project Timeline



Tax Benefits

Two forms of Nebraska taxation on renewable energy generation facilities	Approximately \$4,000 per MW, per year	Total estimated new tax revenue of approximately 1,400,000 per year
<ul style="list-style-type: none"> ● Nameplate capacity tax (\$3,518 per MW, per state statute) ● Real property tax (locally assessed property tax on project improvements, roads, fences and leasehold value, subject to local valuation) 		<ul style="list-style-type: none"> ● Approximately \$224,378 annually to Lancaster County ● Approximately \$937,253 annually to local public schools ● Additional revenue to other taxing jurisdictions (ambulance / fire districts, educational service units, community colleges, natural resource districts, agricultural societies)

NextEra Energy Resources Creates Lasting Relationships in Nebraska

We invest our time and dollars into local communities and engage stakeholders to reach common goals



"Your support in fostering a positive relationship between the Murray Freedom Festival and NextEra Energy Resources has led to valuable donations for our Grand Fireworks Show. We look forward to continuing this wonderful partnership in the years to come!"

— George W. Blessing Sr.

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Learn more about the Panama Energy Center project:

www.PanamaEnergyCenter.com

Reach out:

Matthew Jones

Matthew.Jones@nee.com

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RESOURCES



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Do solar farms hurt property values? Most Americans don't have anything to worry about, study finds

**Elizabeth Weise**

USA TODAY

Published 5:13 a.m. ET March 23, 2023 | Updated 10:44 a.m. ET March 23, 2023

A common argument against utility-scale solar energy farms is that they can severely decrease property values for surrounding homes. A study released by a federal laboratory this month found the effect was relatively small – and disappeared a mile from installations.

The study by Lawrence Berkeley National Laboratory looked at residential home prices in six states that together account for over 50% of the installed capacity of large-scale solar in the United States – California, Connecticut, Massachusetts, Minnesota, North Carolina and New Jersey.

The researchers found that homes **within a quarter-mile of some utility-scale solar farms saw average property values decline 2.3%** but there were no effects on homes more than a mile away.

"Previous analyses conducted by other researchers have found larger negative effects for homes located near confined animal feeding operations, landfills, fossil fuel plants, and highways," said Ben Hoen, a scientist in the Electricity Markets and Policy Department at the Lawrence Berkeley National Laboratory and one of the paper's authors.

How big was the study?

The researchers looked at over 1.8 million property transactions that occurred within six years before and after a utility-scale solar installation was constructed in the six states.

California, Massachusetts, Minnesota, North Carolina and New Jersey were chosen because they represented the top five states in terms of the number of large-scale solar installations built in the United States through 2019. Connecticut was added because it has a relatively high population density near solar projects.

The study is the largest so far looking at how solar installations affect property values.

Where do solar installations affect property values?

The researchers found the area where a solar installation is built has an enormous impact on whether it affects nearby home prices.

Homes in rural and agricultural areas saw declines in home prices, especially where solar farms were replacing agricultural land uses, as opposed to urban or suburban installations which saw no change in home prices.

The researchers noted the data was mostly from rural and agricultural areas that were relatively near towns or cities. said Hoen.

Because the study only looked at the price of homes within four miles of solar installations, truly rural and agricultural areas tended not to be included. "They can't be so rural that there aren't any homes near them," Hoen said.

The projects also tended to be medium-sized, most fewer than 35 acres. That was because large solar installations tend not to be built near areas where there are nearby homes that sold.

Did all states see the same property value effects?

The property value effects of large-scale solar projects were not consistent across the six states in the study.

"We see (the effects) very clearly in Minnesota, North Carolina and New Jersey for homes that are within a half mile of projects," Hoen said. "We don't see reductions in sale prices within a half mile of large-scale projects in California, Connecticut and Massachusetts."

On average, there were no statistically significant effects of building solar farms in these areas:

Greenfields, meaning undeveloped land open for industrial use.

Brownfields, meaning former industrial or commercial sites

Mixed residential/commercial sites

Urban areas

How much does a new solar installation affect a home's price?

On average, only homes within a mile of a solar farm saw any change in property values.

The amount property values were affected depended on how far from the solar farm the home was:

Closer than a quarter mile, 2.3% decrease

Quarter to a half a mile, 1.5% decrease

Half a mile to one mile, 0.8% decrease

Where there ways to mitigate the effect on home prices?

The study didn't look specifically at how homeowners might be protected from possible loss of value in their homes but did note there are some tools that might be used by solar developers. That included compensation to nearby affected homeowners and landscape measures such as vegetative screening.

Hoen notes that while the study provided information about what was happening, it didn't answer the question of why it was happening. Why people who are buying and selling real estate in these communities discount some properties near solar projects is something they hope to study in the future.

[HOME](#) [RENEWABLE ENERGY](#)

Property Values of Homes Near Solar Farms Appraised in New Study

By: [Paige Bennett](#)

Published: **March 16, 2023**

Edited by [Chris McDermott](#)



A solar farm constructed near homes in the farming community of Salinas, California. JasonDoiy / iStock / Getty Images Plus

[Why you can trust us](#)

Some opponents to solar farms have argued that they will have a major, negative impact on local property values. A new study, and the largest of its kind, sought out to analyze the true impact that solar farms could have on property values. **The researchers found that homes within a 0.5-mile radius of utility-scale farms have values of about 1.5% less than properties farther away.**

Researchers from the Lawrence Berkeley National Laboratory analyzed more than 1.8 million home sales as well as more than 1,500 large-scale photovoltaic projects in six states to determine how much the proximity to the solar farms impacts home prices and how that impact compares to the home prices before the solar farm was installed.

More From EcoWatch



[What Is Community Solar?](#)



[Are Solar Panels Worth It For Your Home?](#)



[How Much Do Solar Panels Increase Home Value?](#)

The findings, published in the journal [Energy Policy](#), found that home prices decreased 1.5% on average for properties within 0.5 miles of a utility-scale solar project compared to properties located 2 to 4 miles away from the solar farm. The average decline is around 2.3% for homes closer to the solar farm, within a 0.25-mile radius.

The findings are consistent with previous research, including [a 2020 study](#) that found minor property value declines for homes within 1 mile of a solar array as well as [a 2021 study](#) that analyzed property value fluctuations for homes near small or large wind turbines and solar farms.

When reviewing whether property value declines differ based on state, urbanicity of the home, size of the solar farm, or previous land use of the site of the solar farm, the researchers found no changes for property values in California, Connecticut or Massachusetts. They did, however, find declines of 4% in Minnesota, 5.8% in North Carolina and 5.6% in New Jersey.

The only significant differences in property values were observed for homes near solar farm sites previously used for agriculture (average 3% decrease), rural locations (average 4.2% decrease) and solar farms with larger areas (average 3.1% decrease).

“I think the takeaway is that the effect of renewables on property values is small on average, but it is not zero, and we need to correct for that negative impact,” Jeffrey Jacquet, a professor at Ohio State University who was not involved in the study, [told Inside Climate News](#).

While there are slight property value decreases, the study does not take into account financial incentives of solar development. For property owners, this could mean lower utility bills or payments

from the solar farm developer; for communities, residents could benefit from reduced taxes.

The study authors highlighted that the findings require further investigation to understand at a local level why these price declines, even at low rates, are happening.

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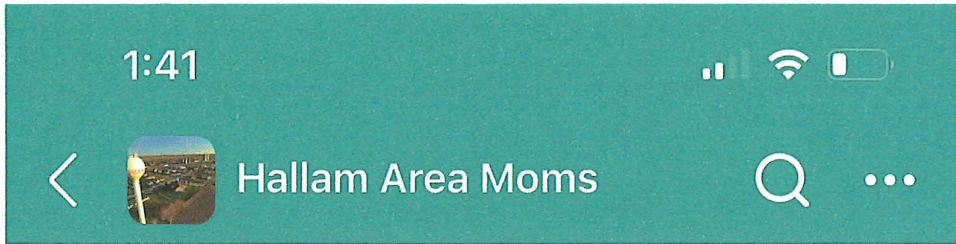
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Paige Bennett

Based in Los Angeles, Paige is a writer who is passionate about sustainability. She earned her Bachelor's degree in Journalism from Ohio University and holds a certificate in Women's, Gender and Sexuality Studies. She also specialized in sustainable agriculture while pursuing her undergraduate degree.

Read More

Exhibit 5
SP24036



2 comments

Like Comment Send



Sheila Ayres Taylor



★ Rising contributor 3h · S

Just updating you all about something I'm trying to get accomplished. I have been in contact with the NE Dept of Roads to get a turn lane at the corner of Hallam Rd and HWY 77. They responded that it is on their list of projects but not until 2028. With Monolith possibly starting Phase II, adding hundreds of workers and the possibility of this massive solar farm which will add a couple hundred more workers on Hallam Rd I feel it should be moved up the list. If anyone would like to contact them and possibly help to speed up this project, they can be reached at Brandon.Varilek@nebraska.gov Thanks for hearing me out.

You and 1 other

Love Comment Send



Char Rohl



5d · S

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When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

10:56



25235 Southwest 29th Str



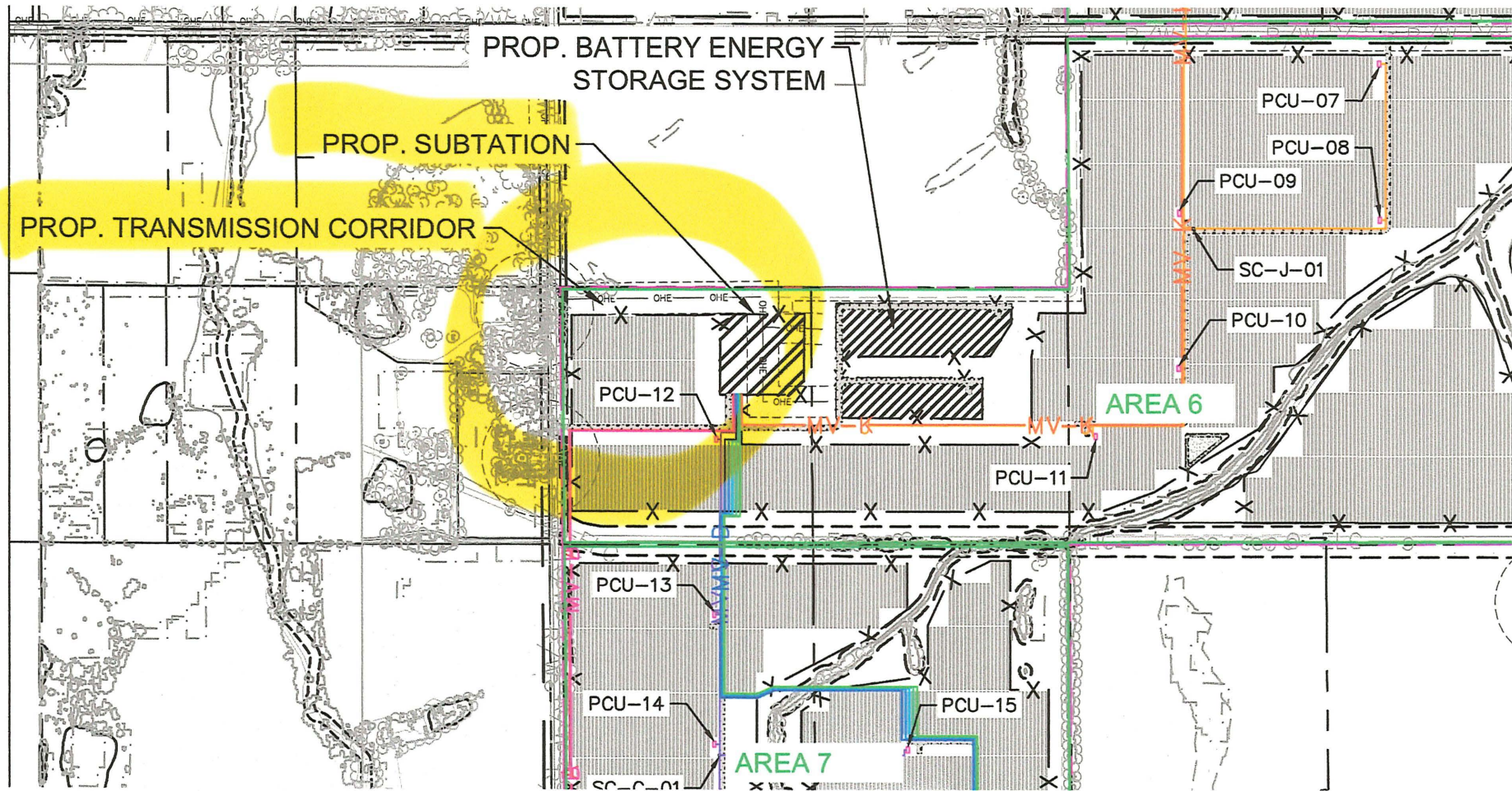
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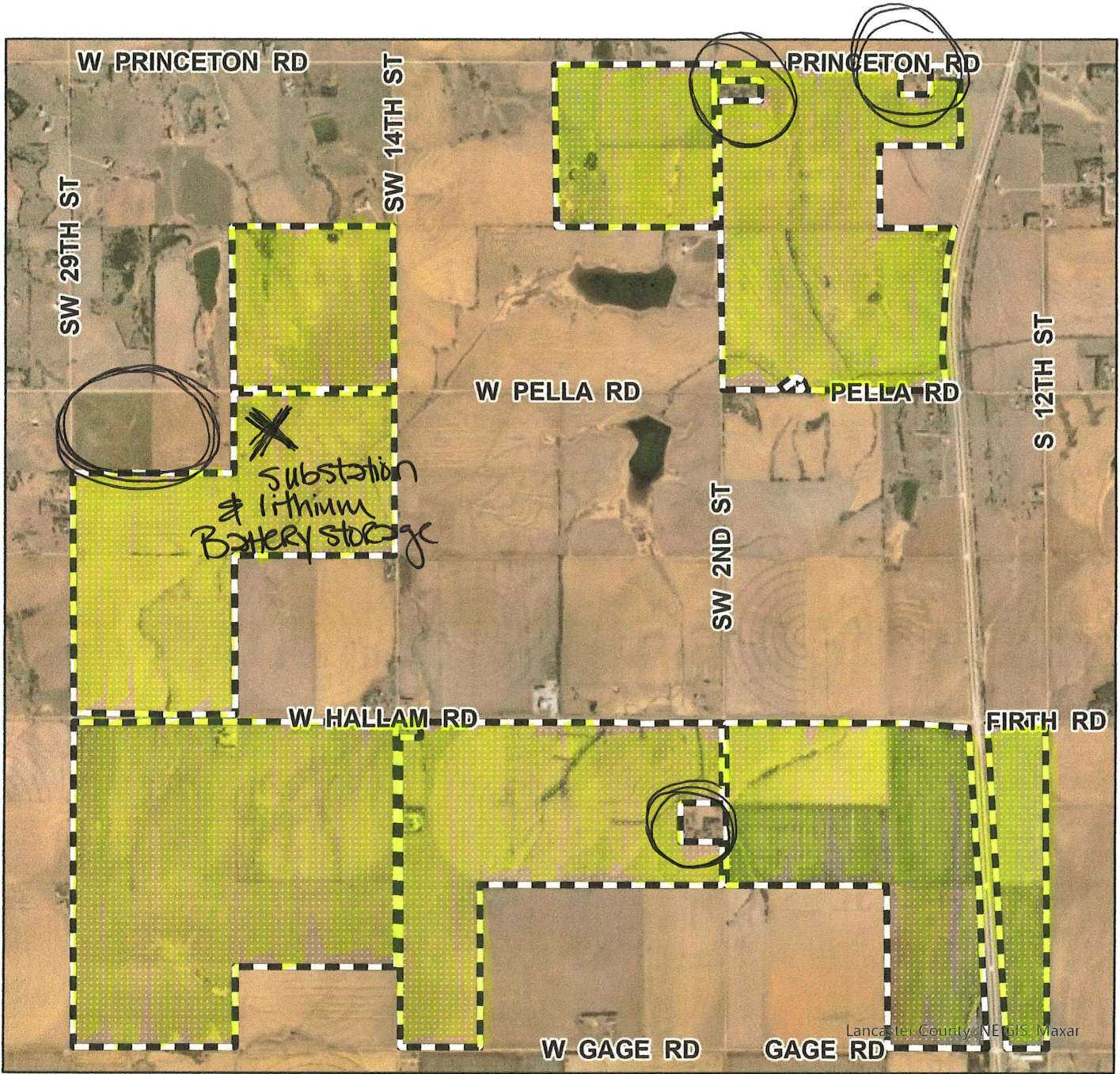
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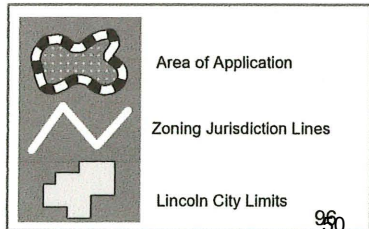
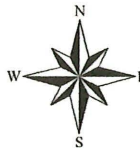


Special Permit #: SP24036
SW 14th St & W Hallam Rd

Zoning:

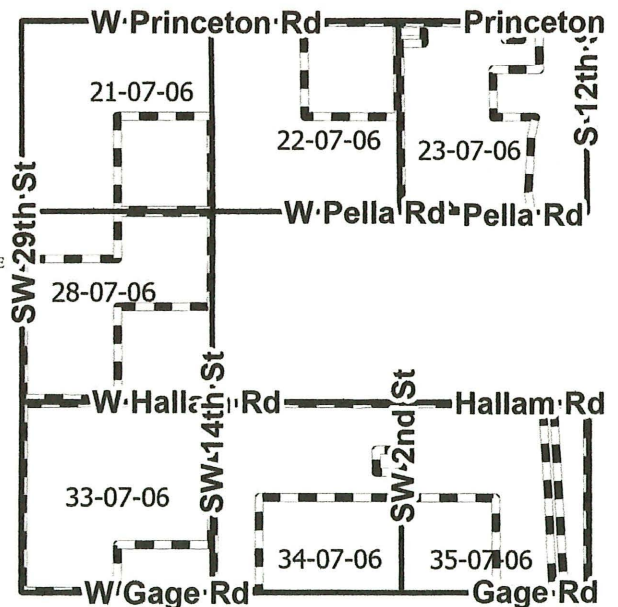
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

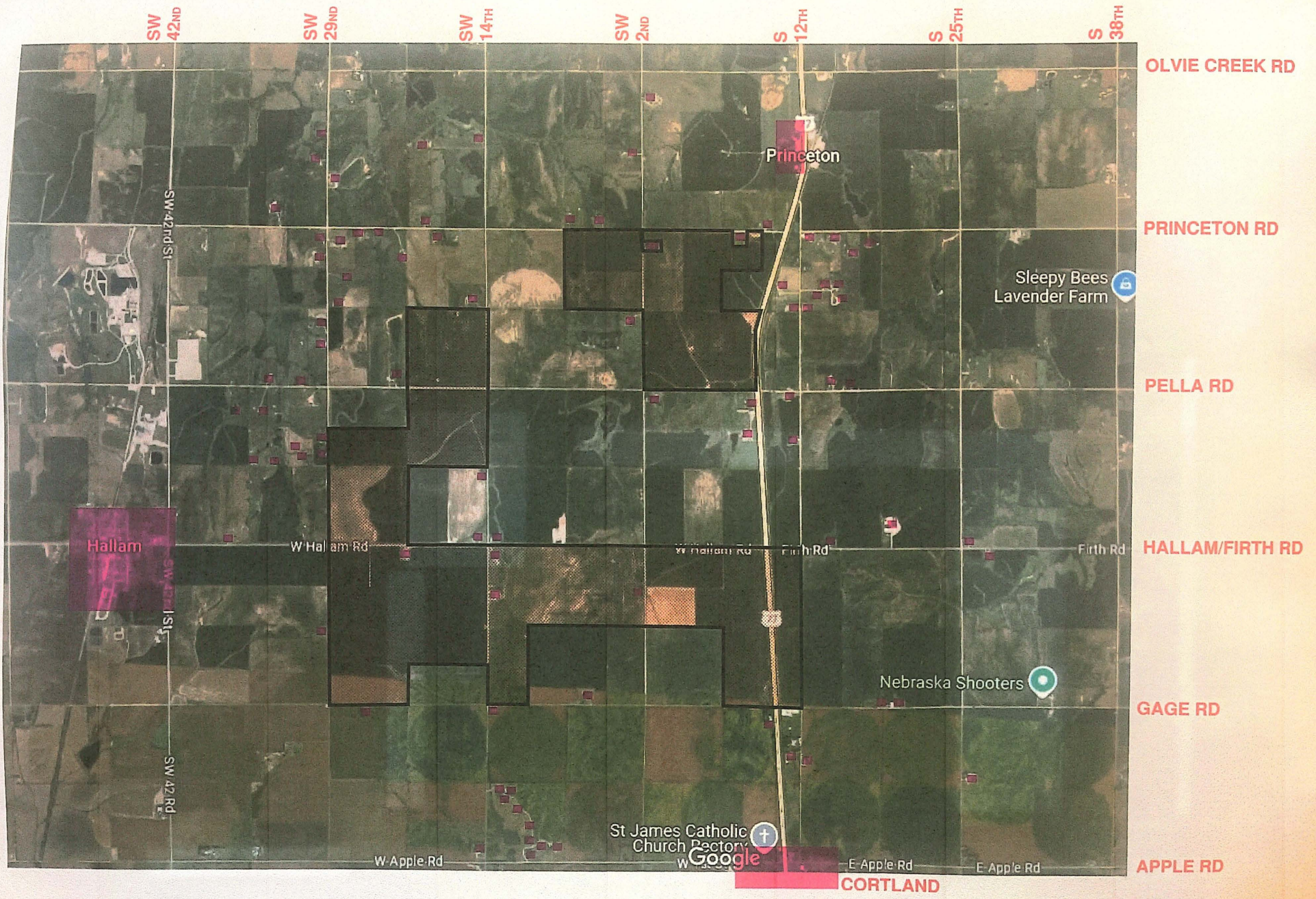
Seven Square Miles



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2024 aerial









10:56



25235 Southwest 29th Str



25235 SW 29th



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PANAMA ENERGY CENTER | LANCASTER COUNTY, NEBRASKA - SCREENING VISUALIZATION

LOCATION 8 - PROPOSED SOLAR ARRAY - SCREENING AT 10 YEARS

NOVEMBER, 2024



PREPARED BY
Kimley»Horn



ENERGY CENTER | LANCASTER COUNTY, NEBRASKA - SCREENING VISUALIZATION

DN 3 - PROPOSED SOLAR ARRAY - SCREENING AT 10 YEARS

NOVEMBER, 2024



PREPARED BY
Kimley»Horn



PANAMA ENERGY CENTER | LANCASTER COUNTY, NEBRASKA - SCREENING VISUALIZATION

LOCATION 14 - PROPOSED SOLAR ARRAY

NOVEMBER, 2024



PREPARED BY
Kimley»Horn



PANAMA ENERGY CENTER | LANCASTER COUNTY, NEBRASKA - SCREENING VISUALIZATION

LOCATION 9 - PROPOSED SOLAR ARRAY - SCREENING AT INSTALL

NOVEMBER, 2024



PREPARED BY
Kimley»Horn

Project MSP sightline photos

Exhibit 6 24036

NEXTERA - PANAMA ENERGY CENTER (SOLAR) #6490933
LANCASTER COUNTY PARTICIPATING PARCELS LIST

	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Legal Description
	TOPP FAMILY TRUST UTA	7725 AERO DR	LINCOLN	NE	68516	S21, T7, R6, 6th PM, N1/2 SE & SW SE
	TOPP FAMILY TRUST UTA	7725 AERO DR	LINCOLN	NE	68516	S21, T7, R6, 6th PM, SE SE
	KRUPICKA, ROBERT C REVOCABLE TRUST	1131 COUNTY ROAD 1900	CRETE	NE	68333	S22, T7, R6, 6th PM, NW NE
	KRUPICKA, ROBERT C REVOCABLE TRUST	1131 COUNTY ROAD 1900	CRETE	NE	68333	S22, T7, R6, 6th Principal Meridian, NE NE & S1/2 NE
	BOYER FAMILY TRUST, THE	22780 LINCOLN RD	GRETNA	NE	68028	S23, T7, R6, 6th PM, LOT 29 NW
	SCHWANINGER, DAVID PAUL	28500 SW 14TH ST	MARTELL	NE	68404	S23, T7, R6, 6th PM, E1/2 NW
	SCHWANINGER, DAVID PAUL	28500 SW 14TH ST	MARTELL	NE	68404	S23, T7, R6, 6th PM, LOT 36 NE
	SCHWANINGER, DAVID PAUL	28500 SW 14TH ST	MARTELL	NE	68404	S23, T7, R6, 6th PM, SW EX 0.99 AC IN S (EX DESC IN DEED BK 10-597 FILED 5/32/1882
	SCHWANINGER, DAVID PAUL	28500 SW 14TH ST	MARTELL	NE	68404	S23, T7, R6, 6th PM, LOT 37 SE
	JONES, PATTI JO	1021 BELGRADE CT	PLATTSMOUTH	NE	68048	S28, T7, R6, 6th PM, SW NW
	JONES, PATTI JO	1021 BELGRADE CT	PLATTSMOUTH	NE	68048	S28, T7, R6, 6th PM, SE NW
	SCHWANINGER, GREGORY LOREN	2401 W HALLAM RD	HALLAM	NE	68368	S28, T7, R6, 6th PM, NE
	JONES, ROBERT A	1021 BELGRADE CT	PLATTSMOUTH	NE	68048	S28, T7, R6, 6th PM, NW SW
	JONES, ROBERT A	1021 BELGRADE CT	PLATTSMOUTH	NE	68048	S28, T7, R6, 6th PM, LOT 4 SW
	JONES, ROBERT A	1021 BELGRADE CT	PLATTSMOUTH	NE	68048	S28, T7, R6, 6th PM, LOT 5 SW
M, NE 68368	SCHWANINGER, GREGORY L TRUSTEE	2401 W HALLAM RD	HALLAM	NE	68368	S33, T7, R6, 6th PM, LOT 9 NW
	SCHWANINGER, GREGORY L	2401 W HALLAM RD	HALLAM	NE	68368	S33, T7, R6, 6th PM, W 1/2 NE
	SCHWANINGER, GREGORY L	2401 W HALLAM RD	HALLAM	NE	68368	S33, T7, R6, 6th PM, E 1/2 NE
	LIKENS, LARRY J & KATHRYN M	540 NORTH ST	HALLAM	NE	68368	S33, T7, R6, 6th PM, LOTS 4 & 5 SW
M, NE 68368	SCHWANINGER, GREGORY LOREN	2401 W HALLAM RD	HALLAM	NE	68368	S33, T7, R6, 6th PM, N1/2 SW & LOT 12 SE
	SCHWANINGER, GREGORY LOREN	2401 W HALLAM RD	HALLAM	NE	68368	S33, T7, R6, 6th PM, LOT 7 SE & NE SE
M, NE 68404	SCHWANINGER, DAVID P	28500 SW 14 ST	MARTELL	NE	68404	S34, T7, R6, 6th PM, LOTS 5-6 & E1/2 NW & LOT 1 NE & W1/2 SW
	SCHWANINGER, DAVID PAUL	28500 SW 14TH ST	MARTELL	NE	68404	S34, T7, R6, 6th PM, LOT 7 NE
	OELLING FAMILY HALLAM LLC	Attn: KENT OELLING 400 W WITTSTRUCK RD	ROCA	NE	68430	S35, T7, R6, 6th PM, N1/2 NW
	SCHWANINGER, DAVID	28500 SW 14 ST	MARTELL	NE	68404	S35, T7, R6, 6th PM, S 1/2 NW
	SCHWANINGER, DAVID PAUL	28500 SW 14TH ST	MARTELL	NE	68404	S35, T7, R6, 6th PM, LOT 10 NE
	SCHWANINGER, DAVID P	28500 SW 14 ST	MARTELL	NE	68404	S35, T7, R6, 6th PM, LOT 24 NE
	DEBOER, LARRY G & LINDA R	608 ABRAHAM ST	FIRTH	NE	68358	S35, T7, R6, 6th Principal Meridian, LOTS 14, 17 & 26 SE
	DEBOER, LARRY G & LINDA R	608 ABRAHAM ST	FIRTH	NE	68358	S35, T7, R6, 6th Principal Meridian, LOTS 6 & 25 SE

CASS COUNTY SOLAR PROJECT
CASS COUNTY BOARD OF COMMISSIONERS

Findings of Fact and Resolution

On the 2nd day of December, 2024, the conditional use permit application of Cass County Solar Nebraska, LLC, a wholly owned subsidiary of Nextera Energy Resources, LLC, with respect to the Cass County Solar project (the "Project"), CU-2024-0003, came on for public hearing at the Cass County Fairgrounds. Approximately _____ persons were in attendance. The testimony of Mr. _____ of Cass County Solar Nebraska, LLC was heard by the Board. _____ persons spoke in favor of the Project and _____ persons spoke in opposition.

The Project would be located northwest of the Village of Murray, Nebraska. The Project consists of 1,700 acres and, if constructed, would have a nameplate capacity of 265 MW.

The County published notice of the Application and public hearing thereon in accordance with Nebraska law and Section 7.03 of Zoning Regulations of Cass County. The County mailed written notice to all adjacent property owners within one-half mile of the Project and all registered airports within ten miles of the Project site.

The Board, being duly advised in the premises, and based on substantial evidence in the record and testimony, finds the following facts:

FINDINGS OF FACT

1. ESI Energy, LLC, a wholly owned subsidiary of Nextera Energy Resources, LLC, was sentenced on April 5, 2022, in the United States District Court for the District of Wyoming, #22-CR-48-KHR, for violations of the Migratory Bird Treaty Act, 16 U.S.C. §§703, 707(a). ESI Energy, LLC, was fined \$1,861,600 and ordered to pay \$6,210,991.73 in restitution to eight states. ESI was placed on unsupervised probation for a term of sixty (60) months beginning on April 5, 2022. A copy of the Judgment and official Department of Justice press release are attached hereto. ESI plead guilty to the deaths of at least 150 bald and golden eagles after being struck by a wind turbine blade at ESI wind energy facilities. The United States Fish and Wildlife Service ("USFWS") informed ESI beginning in March 2019, of the high eagle mortality at its proposed wind energy facility at Cedar Springs in Converse County, Wyoming. ESI did, in fact, complete construction of its wind energy facility in Converse County, Wyoming despite USFWS's recommendation to not build there. Additionally, ESI did not apply for any Eagle Take Permits from USFWS. ESI and its affiliates began commercial operations at its wind energy facilities on a schedule, in part, to meet power purchase agreement commitments and qualifying deadlines for federal income tax credits for renewable energy.

Rebecca J. Kujawa was a director and chief financial officer of Nextera Energy Resources, LLC beginning in March 2019 and became president in February 1, 2022. Kujawa was either aware of, or responsible for, all the ESI activities that resulted in the federal court criminal judgment. As such, the Board lacks confidence in the character and integrity of Kujawa and Nextera Energy Resources, LLC, based on their prior criminal behavior and conviction in federal court.

2. The Project will devalue real estate in the immediate vicinity of the Project and cause economic harm and loss to the owners of the affected real estate. Approving CU-2004-003 would be detrimental to the general welfare of Cass County and its residents and contra to Section 7.05 H and I of the Cass County Zoning Regulations.
3. It is the public policy of the state of Nebraska and, Nebraska law requires, that Omaha Public Power District (“OPPD”) produce and sell only reliable electricity. Neb. Rev. Stat. §§70-1001, 70-1001.01(11), 70-1301, and 70-1501. The Board takes legislative notice that the sun sets every night and the hours of daylight are less in the Fall and Winter. Solar power is inherently unreliable due to its intermittent nature. Intermittent power is not dispatchable or reliable. Notwithstanding the fact that the OPPD Board has ignored Nebraska law, the Board intends to follow Nebraska law and bring OPPD into compliance with the law. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 K and L of the Cass County Zoning Regulations.
4. OPPD has the intent to build a 345-kwH transmission line from Cass to Sarpy County. A copy of OPPD’s Cass to Sarpy map is attached hereto. The fair inference to be drawn from this new transmission line is that OPPD intends to transmit electricity from the Project to higher population Sarpy County. It is also a fair inference that OPPD intends to site additional solar projects in Cass County with the construction of Cass to Sarpy transmission line and in furtherance of its net zero carbon goal set forth in its SD-7. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 H, I, K and L of the Cass County Zoning Regulations.
5. The placement of the Project in Cass County would change for at least 30 years the largely agricultural and residential nature of Cass County. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general

welfare of Cass County and its residents and contra to Section 7.05 H, I and K of the Cass County Zoning Regulations.

6. Solar panels are depreciable personal property. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 H, I and K of the Cass County Zoning Regulations.
7. Solar energy is inefficient both on the basis of physics and economics. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 K and L of the Cass County Zoning Regulations.
8. The highest and best use of the real estate encompassed by the Project would be to remain in the efficient production of food rather than in the inefficient production of energy. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 L of the Cass County Zoning Regulations.
9. Given the projected \$426 million cost for the Project, Cass County Solar of Nebraska, LLC, or its assignee, will likely receive between \$131 to \$170 million in federal income tax credit money. The Board has no desire or intent to see additional millions of federal income tax credits to be granted by the federal government to the developer of the Project, or its assignee, because deficit spending adds to our current federal debt of \$35 trillion. The Cass County Board intends to impose some fiscal discipline upon the federal government and secure economy in government expenditures. Section 7.05 J of the Cass County Zoning Regulations.
10. The Project would consist of solar panels that are susceptible of catching on fire and the Board has concerns whether the local volunteer fire departments could safely extinguish an electrical fire at the Project. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 C, H, and I of the Cass County Zoning Regulations.
11. OPPD testified that there is a need for additional energy generation, but the Project produces unreliable and expensive electricity and requires 1,700 acres of prime Cass County farmland. It would be rational, cost effective and prudent for OPPD to generate energy via natural gas-fired power plants which are much more energy dense, that is, OPPD can generate 265 MW in reliable power on fewer than 1,700 acres of prime Cass County farmland. OPPD is a

governmental subdivision. OPPD's participation in the Project as purchaser of electricity is contra to Section 7.05 J of the Cass County Zoning Regulations.

12. The Project consists of thousands of rows of tilted solar panels. During heavy rain, water will flow off of the solar panels onto the ground and the lower elevation farmland of adjoining landowners will, more likely than not, be adversely affected with soil erosion. Approving CU-2004-003 would be detrimental to the public health, safety, comfort or general welfare of Cass County and its residents and contra to Section 7.05 G of the Cass County Zoning Regulations.

RESOLUTION

Now, therefore, be it resolved that, after notice and public hearing as applicable law requires, based upon the foregoing Findings of Fact, and recognizing and incorporating all of the substantial evidence in the record of this proceeding, the Cass County Board of Commissioners hereby denies the application of Cass County Solar of Nebraska, LLC, CU-2024-0003, for a conditional use permit with respect to the Project.

Motion by: _____ Seconded by: _____

Vote: Aye _____ Nay: _____ Abstain: _____

Alexander DeGarmo, Chairman

Recorded this 2nd day of December, 2024.



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT
 FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
 Comprehensive Plan Amendment 24006
 84th & Rokeby Growth Tier and FLU
 Amendment

FINAL ACTION?
 No

OWNER
 84Ventures, LLC

PLANNING COMMISSION HEARING DATE
 December 18, 2024

RELATED APPLICATIONS
 None

PROPERTY ADDRESS/LOCATION
 84th & Rokeby

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request to adjust the Priority Growth Areas Map, Future Service Limit, and Future Land Use Map.

A summary of the changes is below:

- Revise the Priority Growth Areas Map to change the area from Tier III to Tier I Priority B.
- Revise the Future Service Limit boundary to include the area.
- Revise the Future Land Use Map to show Urban Residential in place of the Agriculture land use currently shown on the map.



JUSTIFICATION FOR RECOMMENDATION

The applicant has demonstrated that the area can be served by utilities, including gravity flow sewer, which makes it appropriate to include within the Future Service Limit. The site could develop within the first half of the planning period (by 2036) so the Tier I, Priority B designation is appropriate. The Future Land Use Map changes are consistent with other undeveloped areas within the Future Service Limit.

This area can accommodate additional growth without significant new capital expenditures by the city.

STAFF CONTACT

Andrew Thierolf, Planning Department
 (402) 441-6371, athierolf@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan allows for the Future Land Use and Priority Growth Area maps to be flexible and responsive to development needs and further refinements.

COMPREHENSIVE PLAN SPECIFICATIONS:

Introduction Section: Growth Framework

Land Use Plan

Figure GF.b: 2050 Future Land Use

Agricultural. Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Urban Residential. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex, and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

Future Growth Tier Map

Tier I

Tier I reflects the “Future Service Limit,” approximately 50 square miles of developing areas and beyond the existing city limits where urban services and inclusion in the city limits are anticipated within the 30-year planning period. This area should remain in its current use in order to permit future urbanization by the City.

Guidelines for Amending Priority Areas

- Infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- The community should only approve development proposals that can be adequately served by initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads, and by all urban improvements and services in the long term. Initially, roads may not be built to the full capacity; for example, rural asphalt roads may continue to be used for some period, or a two lane urban street may be built and later expanded to four lanes with turn lanes when conditions warrant. Public safety services and schools may be provided to an area by facilities that are more distant and new facilities phased in over time.
- Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.
- It is anticipated that there may be unique circumstances that may warrant consideration of development of land in Priority B prior to the full completion of improvements in Priority A. In addition it is expected that there will be proposals to change land from Priority C to B. Proposals for growth tier changes should be evaluated and considered through a review process that should consider the following items:
 - The project is contiguous to the City and proposed for immediate annexation (for Priority A), and is consistent with principles of the Comprehensive Plan.
 - The developer provides information demonstrating how the necessary infrastructure improvements to serve the area would be provided and financed. The City should contact other public agencies to obtain their report on the infrastructure necessary to serve the area, including utilities, roads, fire service, public safety, parks, trails, schools and library needs.

- The impacts that development in the area will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs are addressed, including impact of financing, utility rates and other revenue sources and to what degree the developer is willing to finance improvements. In order to maintain a fiscally constrained plan, acceleration of one project may mean other planned projects must be removed from the list of future facilities.
- There is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule.
- Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas.

Element 1: Complete Neighborhoods and Housing

A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place. A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities... Fundamental elements of a complete neighborhood include a mix of housing options, open spaces, schools and childcare, access to food, and commercial goods and services.

ANALYSIS

1. This request is to add approximately 193 acres to the Tier I Priority B growth tier and show the area as Urban Residential. All Tier I land is within the 2050 Future Service Limit. There are currently approximately 16.9 square miles (10,816 acres) of land in Tier 1 Priority B, and 52 square miles (33,280 acres) in the overall Tier I growth area.
2. Proposed changes to the Future Service Limit and growth tiers such as Tier III to Tier I are uncommon. Tier III is reserved for development beyond 50 years. Typically, the separations between growth tiers or Future Service Limit are upheld due to insurmountable circumstances such as grading for gravity flow sewer, natural features, water pressure districts, or other man-made obstacles. However, on a case-by-case basis, some areas may be able to demonstrate that a revision of growth tiers is appropriate based on adherence to city development policies, workable terrain, and potentially available services.
3. The applicant has demonstrated that the site could be served by utilities, including gravity flow sewer. Documentation was provided to show a conceptual utility layout for this area, along with the proposed future land use of residential.
4. Extending infrastructure to this area could mostly be accomplished with the existing and already-planned infrastructure projects near 84th & Rokeby, and no new major capital expenditures would be needed. Upon annexation (at a future date) the applicant/developer would reimburse the City for any water or sewer main upsizing that may be needed to serve this area. The City would partially subsidize the upsizing of water mains at ½ mile section line locations that benefit the broader water system. Note that the utility exhibits submitted as part of the application materials are conceptual and subject to change when development plans are submitted.
5. This request is consistent with the “Guidelines for Amending Priority Areas” in the Growth Framework of the Comprehensive Plan. Relevant guidelines are listed below.

The community should only approve development proposals that can be adequately served by the initial urban improvements such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term.

The applicant has demonstrated the ability to adequately serve the property with gravity flow sewer and water service per documents submitted with this application. Detailed layouts of future infrastructure will be determined when development plans are submitted.

Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B and C areas.

This application does not approve a specific development plan for the site. The site's proposed designation of Tier I, Priority B indicates that it may be developed in the first half of the planning period (by 2036), generally after Priority A areas have been developed.

Growth into most of the Priority C areas is comparatively inefficient in terms of required capital investment as compared to the Priority B areas.

The applicant has demonstrated that infrastructure can reasonably be provided to the site, which makes it appropriate for Priority B.

6. The area is currently shown as Agriculture on the Future Land Use Map, which is a reflection of its location in Tier III. Tier I areas are designated for urban development by 2050, so the Future Land Use Map should be updated to show urban uses in this area. The applicant has requested Urban Residential in this location.

Urban Residential. Residential uses in areas with varying densities ranging from more than fifteen dwelling units per acre to less than one dwelling per acre. All types of housing are appropriate here, from detached single family, duplex and missing middle, to higher density multi-family. Undeveloped areas shown as Urban Residential may also include neighborhood-scale commercial and other compatible uses that will be added to the map after approval of development plans.

This area is appropriate for urban residential, and the applicant has provided a conceptual layout that includes 7.5 acres of multi-family along with what would presumably be single family and/or attached single family homes.

Environmental Resources. Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors.

The site includes a small creek that is partially shown as Environmental Resources on the current Future Land Use map. The small Environmental Resources designation is not shown in the application materials, but it would remain on the map as part of this amendment. A more detailed evaluation of Watershed Management considerations will occur with future submittal of the development plan.

7. This application amends the Comprehensive Plan and is not an approval of any specific development plan. Future approval of annexation, change of zone, and development plan applications will be needed prior to development of the site.
8. This amendment is a significant addition to the 2050 Future Service Limit for land that is currently shown as Tier III (2070 and beyond). The 193 acres of Tier I land proposed with this application is not needed to meet Lincoln's growth projections over the next 30 years. Currently within Tier I growth areas there is enough land to accommodate nearly 50 years of growth - well beyond the 2050 target for Tier I.

The "extra" Tier I land proposed with this application is an opportunity for elevated neighborhood design in an area that otherwise wouldn't be developed for many decades. The "complete neighborhoods" section of the Comprehensive Plan provides a general overview of principles that contribute to making a great neighborhood. Utilization of these principles should be considered when assembling and reviewing the development plan applications for this site, which will be submitted at a future date.

Per Element 1 of the Comprehensive Plan: A complete neighborhood is more than housing - great neighborhoods combine all the elements of parks, education, commercial areas, environmental resources, and housing together in one place. A complete neighborhood is one where residents have safe and convenient access to goods and services needed for daily life activities... Fundamental elements of a complete neighborhood include a mix of housing options, open spaces, schools and childcare, access to food, and commercial goods

and services.

EXISTING ZONING: AG Agriculture

EXISTING LAND USES: Agriculture

PROPOSED AMENDMENT

Amend the 2050 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Figure GF.b: 2050 Future Land Use: updates as shown on the attached figure
2. Figure GF.c: 2050 Priority Growth Areas: updates as shown on the attached figure
3. Update Future Service Limit on the following maps:
 - a. Introduction Section: Gf.a
 - b. Goals Section: G5.a, G5.c, G6.a
 - c. Elements Section: E1.c, E2.d, E3.e, E4.b, E5.a, E5.f, E6.a, E6.b, E6.c, E7.a, E7.b, E8.d, E8.e, E8.g, E9.a
4. Update area listed in text for the “Priority B of Tier I” and “Tier III” sections of the Growth Framework

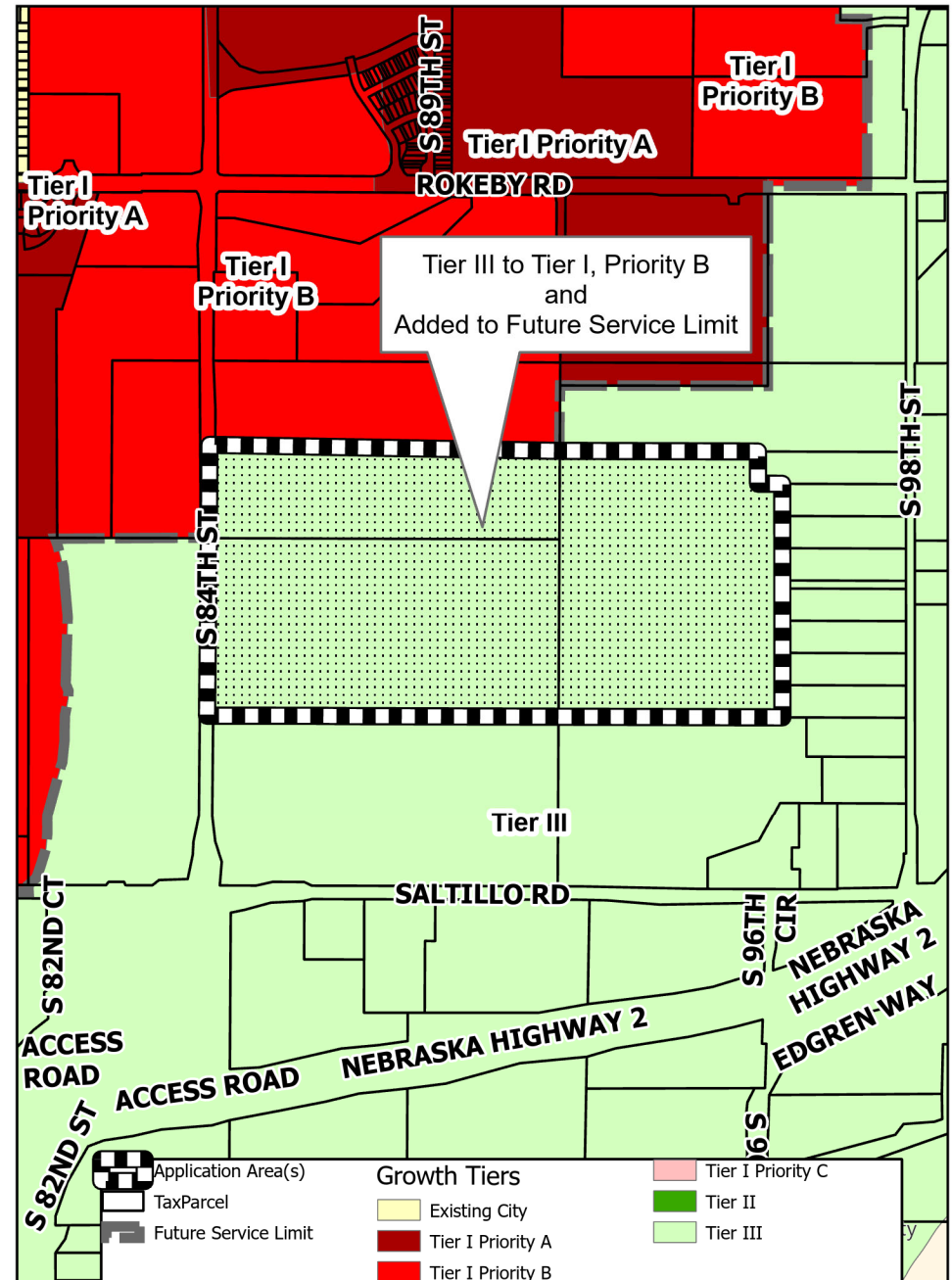
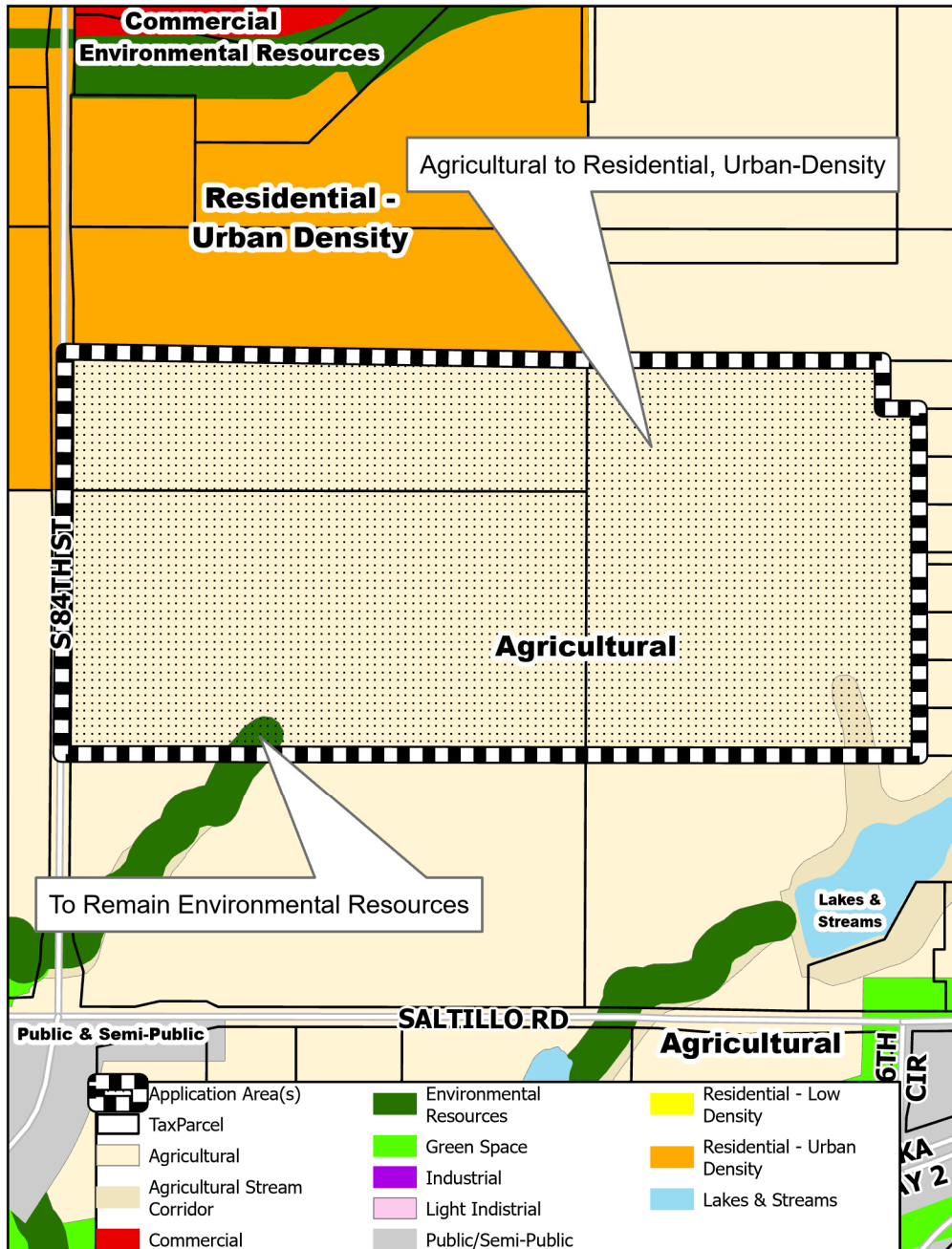
Prepared by Andrew Thierolf, AICP
(402) 441-6371 or athierolf@lincoln.ne.gov

December 10, 2024

Applicant: 84Ventures, LLC
7507 Firth Road
Firth, NE 68358

Contact: Mike Eckert, Civil Design Group
8535 Executive Woods Drive, Suite 200
(402) 434-8494, meckert@civildg.com

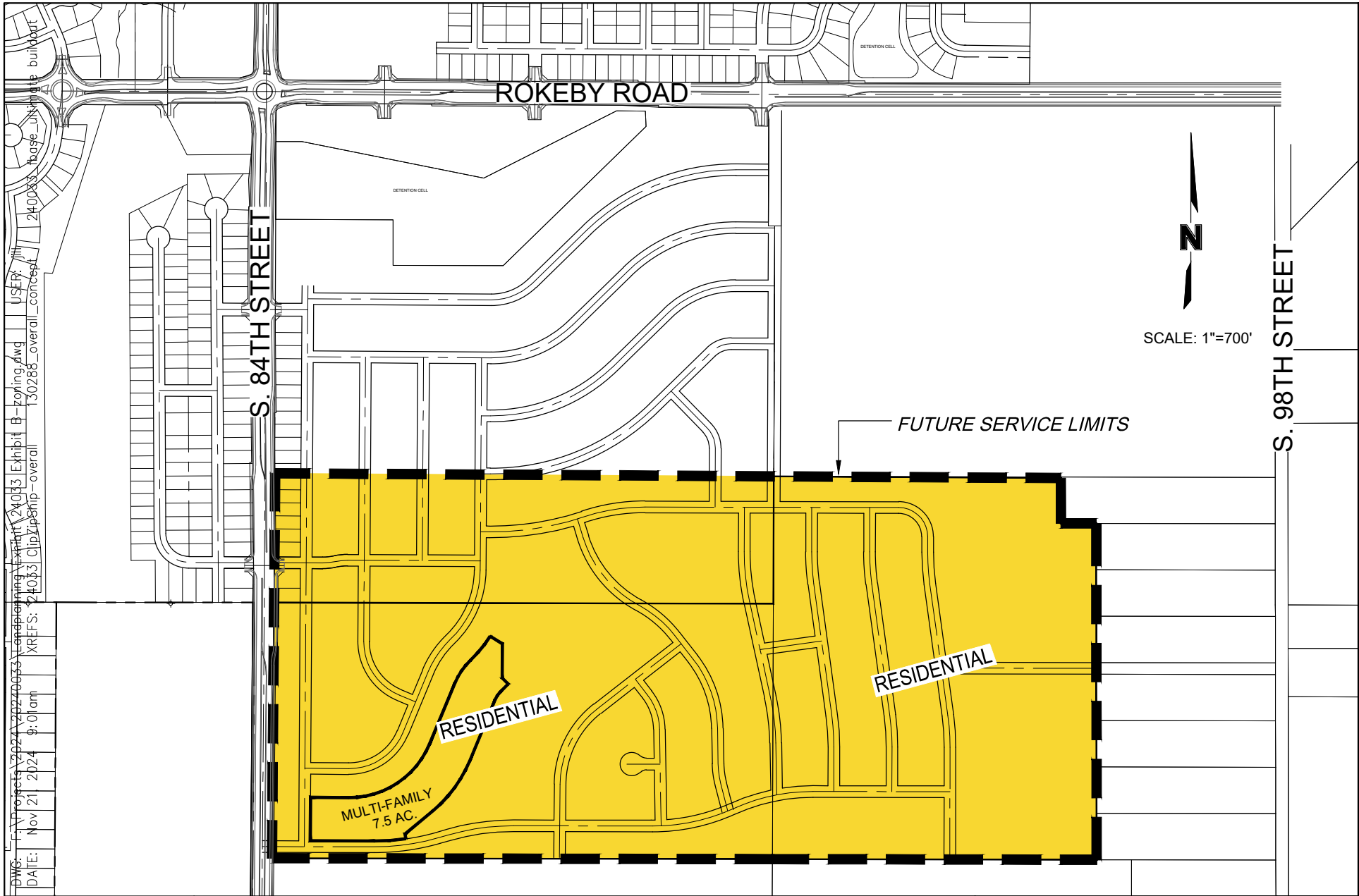
https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/CPA/24000/CPA24006_84th & Rokeby.adt.docx



CPA # 24006 - S 84th St & Rokeby Rd
Proposed Future Land Use,
Growth Tier & Future Service Limit Changes



LINCOLN - LANCASTER COUNTY
PLANNING DEPARTMENT
Information Technology Services
555 South 10th Street
Lincoln, Nebraska 68508
Ph: 402.441.7499 Fax: 402.441.6377

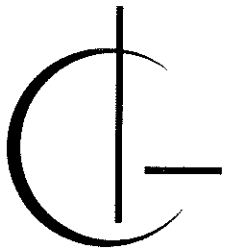


DWG: C:\projects\2024\2024-0033\Neighborhood\24033\Exhibit B - zoning.dwg
 DATE: Nov 21 2024 9:01 am
 XREFS: 24033\Clip\ship-overall
 USER: jds
 130288_overall_concept
 24033_base_landscape
 24033_buildout

FUTURE SERVICE LIMITS & LAND USE
84VENTURES, LLC
LINCOLN, NEBRASKA


Civil Design Group, Inc.
 8535 EXECUTIVE WOODS, DR., SUITE 200
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 CIVIL DESIGN • SITE DEVELOPMENT • PLANNING AND ZONING

EXHIBIT
B



Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

November 20, 2024

Mr. David Cary, Director of Planning
City of Lincoln /Lancaster County
555 South 10th Street, Room 213
Lincoln, NE 68508

Re: Comprehensive Plan Amendment for 193 acres of land generally located east of S. 84th Street between Rokeby Rd & Saltillo Rd to be added to the future service limits and converted from Tier III to Tier I, Priority B in the 2050 Comprehensive Plan. CDG Project No. 2024-0033.

Dear Mr. Cary:

On behalf of the 84Ventures, LLC we submit the above mentioned application for a Lincoln/Lancaster County 2050 Comprehensive Plan Amendment for approximately 193 acres of land to be added to the future service limits and moved from Tier III to Tier I, Priority B. The requested land use for this application is residential. Extensive analysis of the ability to provide gravity flow sanitary sewer mains to serve this land is the genesis for this application along with the planned 2025 construction of a 16" water main to serve this site.

SANITARY SEWER SERVICE & CAPACITY:

The land in this application conforms to the City of Lincoln's gravity flow sanitary sewer standards as demonstrated in the uploaded plan and profile. The routing of the applicable sanitary sewer main that will provide gravity flow to and through this land is shown on Exhibit 'A'. The area to be served by the gravity sewer is bound by the future service limits line as shown in Exhibit 'B'. An updated sanitary sewer model examining the impact of this land on the downstream sewer mains was submitted and reviewed by the LTU Wastewater Superintendent prior to this application. After review, LTU confirmed the impact of this additional land was not detrimental to the existing system.

The majority of this land was not included in the Rokeby Road Coalition Annexation Agreement. As such, it is understood that our client will be responsible, upon annexation, for reimbursing the City for their fair-share of the sanitary sewer capital costs expended by the LTU on behalf of the Rokeby Road Coalition members to upsize several downstream sewer mains. The scope of these projects are documented in the Rokeby Road Coalition Annexation Agreement.

STORMWATER STANDARDS:

As with sanitary sewer, the majority of this land was not include in the stormwater hydrology models that created two regional detention cells to be utilized by the Rokeby Road Coalition owners. As such, any land that was not modeled to drain into the regional cells will be required to provide stormwater detention and water quality elements during the subdivision process.

WATER MAIN SERVICE:

Exhibit 'A' shows the hypothetical extensions of 12" water mains through the property, tying into the to-be-constructed 16" water main in S. 84th St and looping to the existing 16" water main in Rokeby Road (on adjacent land). This distribution of these water mains will provide adequate water pressure and supply redundancy to meet the City of Lincoln and State of Nebraska development standards.

ARTERIAL STREET ACCESS:

The area of this application will take arterial street access at two locations along S. 84th St. Per the access management policy, those locations are generally shown at the ½ mile and ¾ mile intervals as you progress from Rokeby Rd to Saltillo Rd.

SUMMARY:

This parcel's proximity to previously constructed sewer mains, planned water mains and paved arterial streets presents a strong case for expansion of the future service limits. The site is extremely cost-effective for the city as the tax base will expand incrementally with little capital costs for LTU. The site is within two miles of a high school, a middle school, one existing elementary school, one future elementary school, a YMCA, a regional park, a regional shopping center and two access points to the South Beltway. The area will be served by Lincoln Fire and Rescue and LPD via the public safety station at 66th & Pine Lake Road. With this combined data, we request advancement of this land to the Tier I, Priority B designation and inclusion in the future service limits of the City of Lincoln.

With this application, we submit the following items:

Application for Comprehensive Plan Amendment and Review Fee of \$476.00
Plans & Exhibits uploaded via Project Dox

I hope that this letter in conjunction with the exhibits and plans provides you with enough information to review this application. Please feel free to call me at (402) 434-8494 so that I can address any questions you may have.

Sincerely,



Mike Eckert, AICP

cc: 84Ventures, LLC

/Volumes/Public/F/Projects/2024/20240033/Landplanning/Doc/Comp Plan Amendment submittal 11-20-24.docx



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

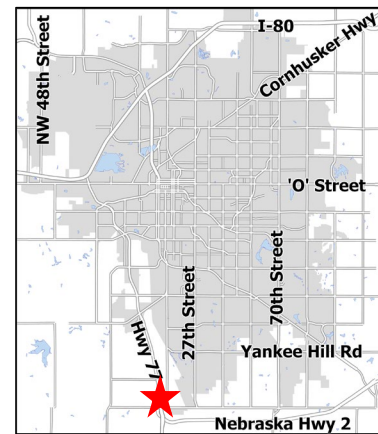
FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #24038	FINAL ACTION? No	DEVELOPER/OWNER Yharnam Ventures, LLC
PLANNING COMMISSION HEARING DATE December 18, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located west of S 14 th Street and north of Saltillo Road.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit for Planned Service Commercial for the Saltillo Express Business Park totaling approximately 18.02 acres. The property is zoned H-4 General Commercial and generally located on the west side of S. 14th Street, north of Saltillo Road. As part of the H-4 zoning designation approved in April 2024, a special permit for Planned Service Commercial is required to accompany the H-4 zoning to serve as the preliminary site layout within the permit boundary. The submitted site plan includes up to 167,000 square feet of commercial space between 16 new lots with internal private roadway connections.



JUSTIFICATION FOR RECOMMENDATION

The request for the special permit is consistent with the previously approved H-4 zoning and complying with the requirement for a special permit to show the future site layout. The proposed 16 lots and private roadways for internal connection of the site are consistent with surrounding uses and access to major roadways and highways. As part of the site and developing area improvements will be made for the connection on S. 14th Street, along with additional limitations on allowed uses and setbacks related to fire safety and lack of fire hydrants in this area currently.

APPLICATION CONTACT

Mike Eckert, Civil Design Group, Inc.,
(402) 434-8494 or meckert@civildg.com

STAFF CONTACT

Ben Callahan, (402) 441-6360 or
bcallahan@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with the 2050 Comprehensive Plan as the Future Land Use Map designates this site for future commercial. This classification offers a variety of uses from retail, office, and service which can vary widely in their intensity of use and impact. The site has been annexed and within city limits, surrounded by a variety of both existing and developing industrial and commercial uses. The location will allow for the development of multiple commercial lots, all being accessed off S. 14th Street which is classified as a minor arterial roadway.

WAIVERS

- To LMC, Design Standards to allow the sanitary sewer to flow opposite the street grades. (Recommend Approval)

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future commercial on the 2050 Future Land Use Plan.

Land Use Plan - Commercial - Areas of retail, office, service and residential mixed uses. Commercial uses may vary widely in their intensity of use and impact. Individual areas designated as commercial in the land use plan may not be appropriate for every commercial zoning district.

Fundamentals of Growth in Lancaster County

The City of Lincoln's present infrastructure investment should be maximized by planning for well-designed and appropriately-placed residential and commercial development in existing areas of the city with available capacity. This can be accomplished by redeveloping underutilized commercial centers into areas that include a mix of uses, and encouraging higher-density residential redevelopment in appropriate locations, including missing middle housing. New infrastructure investments to serve growth areas can be maximized by encouraging a higher density of both residential and commercial uses in these areas.

New commercial and industrial development should be located in Lincoln and other incorporated communities. Lincoln has ample land area and infrastructure availability for commercial and industrial development. The situation is similar in most incorporated communities in the county. Rural areas of the county do not have access to urban infrastructure, and commercial or industrial development can add significant traffic and maintenance responsibilities to county roads.

Goals Section

G3: High-Quality Workforce. Lincoln and Lancaster County will strive to remove barriers to economic stability and mobility in the community by supporting a skilled and educated workforce that is able to adapt to economic, technological, and cultural changes. A high-quality workforce benefits the entire community because it attracts quality employers and entrepreneurs, which helps to grow our population and tax base and facilitates quality of life investments across a variety of sectors, and it ensures that Lincoln and Lancaster County are well-positioned to compete in tomorrow's economy.

G4: Economic Opportunity. Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion. Quality-of-life attributes, such as diverse and accessible housing, good shopping, restaurants and entertainment, quality schools and healthcare, a sense of safety, and amenities such as parks and trails are important to ensuring that skilled individuals want to remain or relocate to our community.

Elements Section

E3: Business, Economy, and Workforce

Commercial and Industrial Development

Commercial and Industrial Centers in Lancaster County should be located:

- Within the City of Lincoln or incorporated villages.
- Outside of saline wetlands, signature habitat areas, native prairie and floodplain areas (except for areas of existing commercial and industrial zoning).
- Where urban services and infrastructure are available or planned for in the near term. In sites supported by adequate road capacity – commercial development should be linked to the implementation of the transportation plan.
- In areas compatible with existing or planned residential uses.
- In existing underdeveloped or redeveloping commercial and industrial areas in order to remove blighted conditions and to more efficiently utilize existing infrastructure.
- In areas accessible by various modes of transportation (i.e. automobile, bicycle, transit, and pedestrian).
- So that they enhance entryways or public way corridors, when developing adjacent to these corridors.

- In a manner that supports the creation and maintenance of green space as indicated in the environmental resources section of this Plan.

Policies Section

P12: Economic Growth - Promote and foster appropriate, balanced, and focused future economic growth that maintains the quality of life of the community.

Action Steps

1. Offer incentives for “primary” employers - that is, for companies where the majority of their business and sales come from outside Lancaster County.
2. Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.
3. Continue to coordinate the City’s economic development efforts with research and development functions of the University of Nebraska-Lincoln, including continued development of Innovation Campus. The success of the University’s research and development is important to the future of the city.
4. Continue to fund the Lincoln Partnership for Economic Development (LPED) and promote business retention, recruitment, and workforce development strategies and outcomes for the City of Lincoln through this public/private partnership.
5. Encourage public-private partnerships, strategic alliances, and collaborative efforts as a means to accomplish future economic objectives.
7. Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P15: Infrastructure and Economic Development - Seek to efficiently utilize investments in existing and future public infrastructure to advance economic development opportunities.

Action Steps

1. Continue to provide adequate sites with associated infrastructure to serve the community’s economic development needs.
2. Continue the County’s support for road improvements that accommodate commercial and other development within the smaller incorporated areas.
4. Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

P61: Industrial Zoning and Pipelines - Discourage residential land uses and buildings with vulnerable populations from locating near high-pressure pipelines and industrial zoning districts. Provide adequate separation between vulnerable populations and hazardous materials to protect and promote the public’s health.

Action Steps

1. Land uses with vulnerable populations should not be located within pipeline planning areas. For large high-pressure pipelines, pipeline planning areas are established based upon pipeline metrics or the United States Department of Transportation’s Emergency Response Guidebook. Most high-pressure pipelines have a planning area of approximately 150-250 feet from either side of the pipeline.
2. Land uses with vulnerable populations should not be located within 300 feet of an industrially-zoned district or heavy industrial use such as a rail line. Even if a given industrial site does not include hazardous materials at present, a hazardous use could be added in the future.
3. Do not support expansion of existing residential uses currently located within a pipeline planning area or within 300 feet of an industrial zoning district unless the pipeline is decommissioned, or downzoning is planned for the industrial area.
5. Continue strategic re-zonings of legacy industrial districts to less intensive commercial zoning districts when near residential uses.

CLIMATE ACTION PLAN SPECIFICATIONS:

- p. 11 Key Initiative - Transition to Low-Carbon Energy.
- Continue incentive-based (residential, commercial, or industrial) programs promoting the installation of renewable energy systems. Incentives may include offering rebates on purchasing equipment, attractive net metering pricing, tax incentives, height allowances, setback, and area-based incentives, expedited permitting, and others.

ANALYSIS

1. This is a request for a special permit related to the Saltillo Express Business Park for the recently approved H-4 General Commercial zoning district totaling approximately 18.02 acres along S. 14th Street, north of Saltillo Road. The prior annexation and change of zone from AG Agriculture to H-4 General Commercial was approved by City Council in April 2024. As part of the requirement for H-4, a special permit for Planned Service Commercial must be approved serving as the preliminary plat before a final plat and building permits can be approved. With this request, the applicant has submitted a grading and drainage plan and site plan showing the future lots and private roadway access, along with related notes including prohibited uses with the permit boundary.
2. The property is surrounded by an existing landscaping business to the north zoned AG Agriculture. To the east is the recently approved and developing Jamaica North Business Park zoned I-3 Industrial and existing I-1 Industrial for the Megellan Pipeline Company. To the south is a mix including Glass Edge of Lincoln and Shoemaker's South truck stop including a gas station and restaurant, zoned H-3 Highway Commercial. The property abuts Highway 77 along the west.
3. The submitted special permit includes the proposed site layout including 16 new lots for commercial development and one outlot to serve for detention. The 16 lots range from .55 acres to 1.62 acres in size and are connected by private roadways for internal access on the site. The site will be limited to a maximum of 167,000 square feet of floor area across all 16 lots. The plan details a 20-foot required setback along all four side of the permit boundary. As part of the initial review for this development the applicant worked with Planning, Building and Safety, and Lincoln Fire and Rescue (LFR) as the site is annexed and with city limits, but will be served by individual wells for water service as city water service has not yet been extended to this area. With the use of wells, the developer and LFR agreed on a larger separation of 20 feet between structures and a list of ten specific uses that will be prohibited within this permit boundary until fire hydrants would be added to the site. This list focuses on uses that are considered to be more vulnerable such as but not limited to residential dwellings, residential and nonresidential healthcare facilities, hotel and motels, early childhood care facilities, private schools, social halls and restaurants with occupancy more than 50 persons. If fire hydrants are added in the future meeting city standards, the Planning Director may add a listed use as an allowed use if the added fire hydrant for that lot is deemed adequate. Currently a portion of southwest area of the site has existing gas lines located underground, running east and west through the property. As part of the review, it will be required to note that uses F, G, H and J on the site plan such as early childhood care facilities, private schools, social halls and public assembly uses are prohibited within the Pipeline Planning Area.
4. The site will have one access point on S. 14th Street, which will be improved with the addition of a right and left turn lane in a joint effort with the Jamaica North Business Park on the east side of S. 14th Street. As both sites went through the initial request for annexation and a change of zone at the same time, both developers entered into a joint agreement related to roadway improvements and sharing one access point as both developments will utilize the intersection on S. 14th Street. Shown on the site plan, the site will dedicate an additional 10 foot of right-of-way along S. 14th Street as required by the minor arterial classification. The internal private roadways serving the lots are shown to have additional on street parking for the development, but the site will not need to meet a parking minimum as H-4 zoning does not have a minimum parking standard. The site will have three internal private roadways appearing as dead-ends, two on the north and one on the south, which will then be available for future connections to the abutting north and south properties if developed.
5. Similar to the proposal of wells to serve the lots with water service, the developer will be constructing a sanitary sewer system privately but will be constructing it to meet Design Standards in anticipation the system could be connected to a future city sanitary sewer main once constructed in this area. With this, the applicant has

requested the following waiver related to the construction of the sanitary sewer system:

- a. Waiver to the LMC Design Standards, Chapter 2, Section 3.3.6 to allow the sanitary sewer to run opposite of the street grades.

This waiver is consistent as the sanitary sewer system is being built privately, but in an effort to make it compatible for a future connection to city services once available. The current private construction and function for some time will require a lagoon to serve the sanitary sewer for all lots which will be located north of the permit boundary, north of Lot 1. This causes the need for the waiver to allow the sanitary mains in some areas of the permit to run opposite of the street grades as the lots in the northwest area of the site have sanitary lines running south before they are redirected to the north within the S. 13th Street main and lagoon.

- 6. The proposed special permit including the site plan with the associated grading and drainage plan are consistent with the existing H-4 zoning and surrounding properties. This area, near the intersection of two arterial roadways and access to Highway 77 and Highway 2 is developing with a mix of both commercial and industrial uses. The proposed access is compatible with the ongoing improvements to S. 14th Street which is being conducted in a joint effort with the Jamaica North Business Park to the east while providing internal roadway connections for abutting future development. Due to city water and sanitary sewer not being available to serve this area currently, the City has agreed to allow private water wells to serve the 16 lots with increased building setbacks and restricted uses, reducing fire risk and safety for vulnerable populations associated with the listed uses.
- 7. The proposed request is compatible with the 2050 Comprehensive Plan as the property is annexed and zoned for H-4 General Commercial and following the designated future land use shown as commercial. Access serving this commercial development is compatible as it will be located on S. 14th Street which is classified as a minor arterial roadway with additional improvements for the addition of turn lanes to serve two developing areas on the east and west side of S. 14th Street. The area is not located within the floodplain. As the zoning and site is compatible with the Comprehensive Plan, additional measures are being included as directed by policies within the plan to ensure vulnerable populations and uses are not located within the Pipeline Planning Area while encouraging nonresidential uses near the pipeline areas, which is reflected within this proposed site plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Vacant, H-4 General Commercial

SURROUNDING LAND USE & ZONING

North: Outdoor Solutions	AG, Agriculture
South: Shoemaker’s South Truck Stop	H-3, Highway Commercial
East: Magellan Pipeline Company, Jamacia North Business Park	I-1 & I-3, Industrial
West: Highway 77, Sesostris Shrine, Contractor Services	H-3, Highway Commercial

APPLICATION HISTORY

April 2024 Annexation #23003 and Change of Zone #23015 was approved by the City Council, annexing approximately 24 acres with a change from AG to H-4 General Commercial.

APPROXIMATE LAND AREA: 18.02 acres, more or less

LEGAL DESCRIPTION: Lot 37 I.T., 43 I.T. & 53 I.T., Section 35, Township 9, Range 6, Lincoln, Lancaster County, Nebraska.

Prepared by Ben Callahan, Planner
(402) 441-6360 or bcallahan@lincoln.ne.gov

Date: December 5, 2024

Applicant/
Owner

Yharnam Ventures, LLC
8501 S. 78th Street, Suite A
Lincoln, NE 68516
(402) 423-7377
cmelgoza@kruegerdevelopment.net

Contact:

Civil Design Group, Inc.
Mike Eckert
8535 Executive Woods Drive, Suite 200
Lincoln, NE 68512
(402) 434-8494
meckert@civildg.com

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24038 Saltillo Express Business Park.bmc.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24038

Per Section 27.63.470 this approval permits a special permit for Planned Service Commercial use for the Saltillo Express Business Park allowing up to 167,000 square feet of floor area with the following waiver:

1. To LMC, Design Standards Chapter 2 Section 3.3.6 to allow the sanitary sewer to run opposite of the street grades.

Site Specific Conditions:

1. Before receiving building permits or before a final plat is approved the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Add a note stating the blanket gas line easement is to be vacated prior to the initial final plat. (Sheet 1)
 - 1.2 Provide a conceptual plan for Lot 23 and 24 that are not located within this special permit boundary due to limited access for both lots on S. 14th Street. (Sheet 1)
 - 1.3 Update the S. 14th Street layout to current conditions on the south edge of the plan. (Sheet 1)
 - 1.4 Explain the purpose of the unusual shape of Block 1, Lot 1 to the satisfaction of the Planning Director or revise to provide a typical lot shape for development. (Sheet 1)
 - 1.5 Identify the private roadway outlot as OUTLOT B in several places. (Sheet 1)
 - 1.6 Revise language in Note 18 to reference a Special Permit and not a Use Permit. (Sheet 1)
 - 1.7 Change "Restricted" to "Prohibited" for list of uses. (Sheet 1)
 - 1.8 Modify the Requested Waiver language to remove the waiver to allow the sanitary sewer at a depth of 15 feet as the waiver is no longer needed.
 - 1.9 Remove building envelope as each future building(s) on each lot or abutting lots must be shown at the time of building permit to meet the 20-foot building separation requirements.
 - 1.10 Show the Pipeline Planning Area (PPA) on the site plan and add a note stating "The following uses are prohibited within the Pipeline Planning Area: Dwellings, domestic shelters, residential healthcare facilities, early childhood care facilities, private schools and social halls." As an alternative to showing the PPA, add a note stating "Due to the pipelines on site, the following uses are prohibited within the special permit: Dwellings, domestic shelters, residential healthcare facilities, early childhood care facilities, private schools and social halls." (Sheet 1)
 - 1.11 Revise Note 19 to states "...if adequate fire hydrants, as approved by Lincoln Fire and Rescue, are provided for that lot. Land uses A, B, C are prohibited and may not be added to the special permit. Land uses F, G, H and J are prohibited within the Pipeline Planning Area." (Sheet 1)
 - 1.12 Remove "asphalt" and line above it from Sheet 1 near the intersection of S. 13th Street and Decklyn Lane. (Sheet 1)
 - 1.13 Show the 20-foot front yard setback on all lots per the H-4 zoning district. (Sheet 1)
 - 1.14 Show a common access easement where lots are sharing access for entrance. (Sheet 1)
 - 1.15 Correct Lot 43 shown to the north of the permit to show it as Lot 63. (Sheet 1)
 - 1.16 Relabel S. 11th Street to S. 12th Street as S. 12th Street is not shown on the plan. (Sheet 1)

- 1.17 Lots abutting the detention cell need to have the Minimum Opening Elevation shown based on the 100 year level. (Sheet 2)
- 1.18 Submit a separate grading sheet for review.
- 1.19 Verify the Bioswale located north of this site is in place and not located within the public ROW to the satisfaction of LTU-Watershed Management.

2. Final plat(s) is/are approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. **A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.**

No final plat shall be approved until the Permittee, as subdivider, enters into an agreement with the City whereby Permittee agrees:

to complete the street paving of public turnlanes, shown on the final plat within two (2) years following the approval of the final plat.

To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.

to complete the installation of sidewalks along both sides of the streets (private roadways) and along as shown on the final plat within four (4) years following the approval of the final plat.

to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.

to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat

to complete the installation of private street lights along private roadways within this plat within two (2) years following the approval of the final plat.

to complete the planting of the street trees along streets/private roadways within this plat within six (6) years following the approval of the final plat.

to complete the installation of the street name signs within two (2) years following the approval of the final plat.

to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.

to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

to keep taxes and special assessments on the outlots from becoming delinquent.

to maintain the outlots on a permanent and continuous basis.

to maintain the private improvements in good order and condition and state of repair including the routine and reasonable preventive maintenance of the private improvements on a permanent and continuous basis.

to maintain the plants in the medians and islands, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the street trees along the private roadways and landscape screens, including replacement and replanting as reasonably necessary, on a permanent and continuous basis.

to maintain the private facilities which have common use or benefit in good order and condition and state of repair, including the routine and reasonable preventive maintenance of the private facilities, on a permanent and continuous basis.

to recognize that there may be additional maintenance issues or costs associated with the proper functioning of storm water detention/retention facilities as they were designed and construction within the development and that these additional maintenance issues or costs are the responsibility of the Permittee.

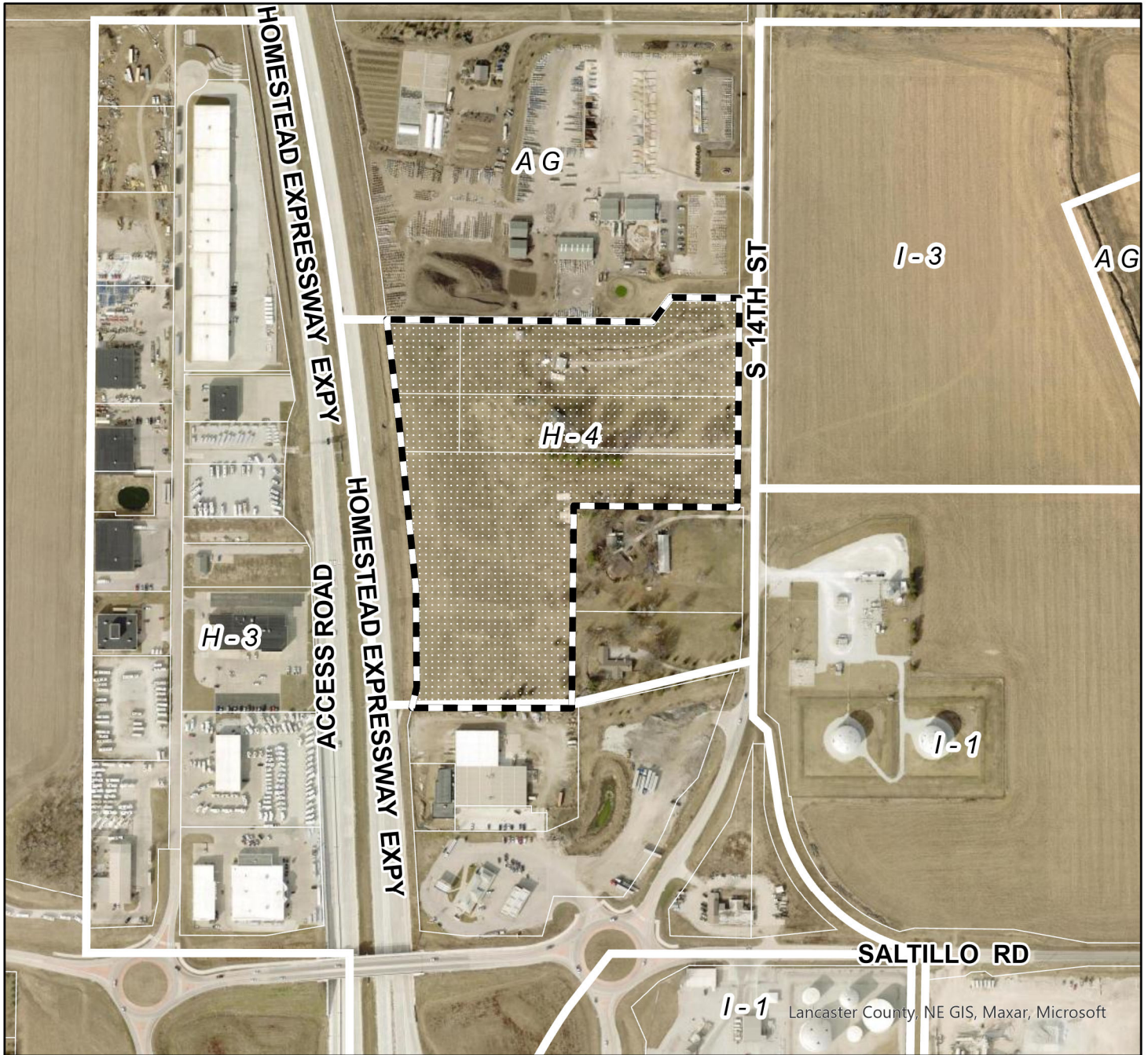
to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:

- (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
- (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds

to relinquish the right of direct vehicular access from S. 14th Street except as shown.

Standard Conditions:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 3.2 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 3.3 Before occupying the structures the City/County Health Department is to approve the water and waste water systems.
 - 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.

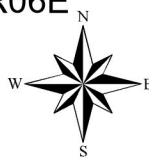


Lancaster County, NE GIS, Maxar, Microsoft

2024 aerial

Special Permit #: SP24038
S 14th St & Saltillo Rd

One Square Mile:
 Sec.35 T09N R06E



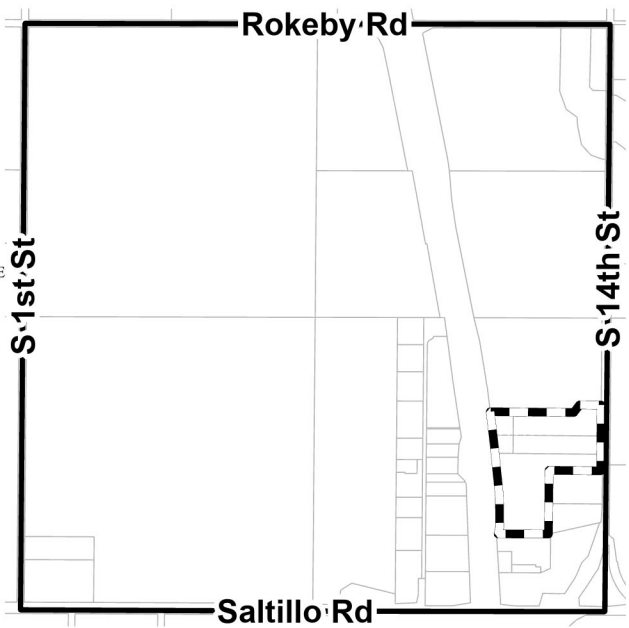
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdictional Boundary





Civil Design Group, Inc.

Consulting Engineers & Land Use Planners
Civil Design • Site Development • Planning & Zoning

November 20, 2024

Mr. David Cary, Director of Planning
City of Lincoln/Lancaster County
555 S. 10th St, Room 213
Lincoln, NE 68508

RE: Application for a Special Permit for Planned Service Commercial on H-4 zoned land generally located at 11105 S. 14th Street. CDG Project #2022-0097.

Dear Mr. Cary:

On behalf of VJK Enterprises, LLC, Saltillo Storage, LLC and Yharnam Ventures, LLC we submit the above mentioned application for a Special Permit for Planned Service Commercial to permit 167,000 sq ft of commercial space on 18 acres located at 10955, 11105 and 11111 S. 14th St.

This property was previously annexed and zoned H-4 via city applications AN23003 and CZ23015. The uploaded site plan shows the distribution of lots, roadways and setbacks to serve this land that will have a single access point onto S. 14th Street. During the annexation of this land, extensive discussions were held with city staff and Lincoln Fire & Rescue to create use limitations and setback requirements for this unique project that will not be served with Lincoln sewer and water for several years. The details of those restrictions are noted on the site plan.

We requesting one common waiver, to LMC, Design Standards Chapter 2, Section 3.3.6, to allow the sanitary sewer to flow opposite the street grades.

In conjunction with this submittal we have included the following:

City of Lincoln Special Permit Fee: \$1,142.00
Special Permit Application
Plans uploaded via Project Dox

I hope that this letter and plan sheets provide you with the enough information to review this application. Please call me at (402) 434-8494 if you have questions.

Sincerely,

Mike Eckert, AICP

cc: JVK Enterprises LLC, Saltillo Storage LLC, Yharnam Ventures LLC
/Volumes/Public/F/Projects/2022/20220097/Landplanning/Doc/S. 14th St PSC submittal 11-20-24.docx



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Text Amendment #24012

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
December 18, 2024

RELATED APPLICATIONS
TX24013 (City Version)

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The proposed application is to amend Articles 2.002(A), 4.005, 4.007 and 13 of the Lancaster County Zoning Regulations by adding a definition for Annual Attraction Event, deleting reference to the Amusement License which no longer exists, adding Annual Attraction Event as conditional, and adding Agricultural Attraction by Special Permit. These uses would be allowed in the AG Agricultural District.

The State Legislature repealed the use of an Amusement License in past legislative session. The repeal became effective July 18th, 2024. The requirement to obtain an Amusement License is currently found in both the Lancaster County Zoning Regulations the Lincoln Zoning Ordinance.

The County Board discussed options concerning this matter with the Planning Department at their July 18, 2024, work session and the direction received for the County regulations was twofold:

- 1) Keep the limit of one event per year for the uses which are not Agricultural Attractions, with registration of the event by the County Clerk for tracking purposes.
- 2) Create a Special Permit for Agricultural Attraction in the zoning regulations. This would allow for review and public input on the scale of the proposed facility.

TX24013 is the corresponding City text amendment which sets forth the same general framework for Annual Attraction Event and Agricultural Attraction Special Permit.

JUSTIFICATION FOR RECOMMENDATION

This text amendment is justified both to update for a now obsolete requirement for amusement license and to establish provisions for seasonal, agricultural attractions.

APPLICANT/STAFF CONTACT

George Wesselhoft, (402) 441-6366 or
gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is compatible with the Comprehensive Plan in that it supports associated land uses that are part of the rural economy.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

P16: Rural Economy

Support agriculture as the primary driver of the rural economy but recognize that some compatible land uses are also appropriate for these areas.

Growth Framework: The Rural Environment

Focus on agriculture- Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses. Acknowledge the fundamental "right to farm" in agriculture districts.

Goals Section:

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

ANALYSIS

1. The text amendment proposes amendments to Article 2.002 (A), Article 4.005, Article 4.007 and Article 13 of the Lancaster County Zoning Regulations. These amendments relate to one-time annual events and longer term, seasonal attractions in the AG Agricultural Zoning District. The changes are proposed as the current regulations reference the amusement license requirement which is now obsolete. Effective July 18, 2024, the State removed this requirement.
2. Amusement Licenses were processed through the County Clerk with approval by the County Board. Seven Amusement Licenses were approved by the County Board each year in 2022 and 2023. In terms of the County jurisdiction, three were approved in 2022, and three in 2023. Three were approved in the Lincoln 3 mile in 2022, and four in 2023. This is about a 50/50 split. One Amusement License was approved in 2023 in Roca 1 mile zoning jurisdiction for Roca Berry Farm.
3. A recent example of an Amusement License before it was no longer required was for Sleepy Bees Lavender Farm located at 25700 S. 38th Street in Lancaster County jurisdiction. Their attraction included walking tours and flower cutting events starting mid-June with multiple Friday evening or Saturday morning times. This included no more than 50 people per tour with 3-4 tours per day on Friday evenings and Saturdays running from mid-June to mid-August. The agricultural aspect included fresh flowers, sunflowers, herbs and self-pick lavender. The property is zoned AG and is 21 acres in size.
4. Article 2.002 (A) of the Lancaster County Zoning Regulations defines Agricultural Attraction as a premises used primarily for agriculture for the purpose of raising and harvesting crops for sale, but that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, pumpkin patch, apple orchard, or corn maze where, in addition to agricultural production, there are areas for the sale of other goods and entertainment.
5. An Agricultural Attraction may operate up to four months a year whereas under the current Zoning Regulations an Amusement License event which is not an Agricultural Attraction is allowed once per year, with exception for a place of religious assembly.
6. In general, for either the Agricultural Attraction or a Conditional Use which currently only requires an Amusement License, now no longer a license requirement, there could be quite the range in terms of the scale of use. It could range, for example, from a simple pumpkin patch where people just come to self-pick pumpkins to something as large as a Roca Berry Farm with multiple use components and large crowds during certain times of the year. There is not a maximum size in terms of acres or number of persons.
7. It should be noted that private events where the general public is not invited are not considered as uses that would fall under what is now the amusement license referenced in the Zoning Ordinance. These private events do not need approval under Zoning.
8. The proposed update is as follows:
 - a) Article 2.002 (A) Definitions: Add new definition for Annual Attraction Event. This would in essence correspond to what was allowed through Amusement License as an annual event in terms of the use, so a conditional use. An Annual Attraction Event as proposed in the definition would be an event or attraction that is open or communicated to the public but excluding Religious Assembly and private events and attractions which are not open or communicated to the public. This would be for a one-time event.

- b) Amend Article 4.005 Permitted Conditional Uses allowed in the AG zoning district by deleting Agricultural Attraction as a conditional use and deleting reference to the now defunct Amusement License. There would be a new reference to Annual Attraction Event and requirement for registration with the County Clerk. The process for the latter would be online and would be for tracking purposes only.
- c) Amend Article 4.007 Permitted Special Uses by adding Agricultural Attraction as a use permitted by Special Permit. Agricultural Attraction is already defined in the Regulations as noted above.
- d) Amend Article 13 Special Permit by adding 13.053 Agricultural Attraction as a new type of use permitted by Special Permit in the AG Zoning District. This would include a minimum lot area of 20 acres. The majority of the site would have to be in agricultural use. Site plan information would be required including access, parking, buildings, activity areas, wastewater treatment and potable water and attendance. It should be noted that the County text amendment differs from the City text amendment with regard to the traffic information. For the County version, the applicant would be required to submit Average Daily Traffic (ADT) information. Depending on this information a traffic study and/or road maintenance agreement may be required. For the City version, if the Agricultural Attraction is expected to generate traffic volumes exceeding 100 vehicle trips during the peak hour of operation, then the applicant shall provide a traffic study. The 100 vehicle trips threshold is based on the City of Lincoln Access Management Policy (AMP) with the emphasis on the highest peak hour intensity. This is the minimum threshold in the AMP. It should be noted that if access to a paved road is waived by the Planning Commission for the City version, a road maintenance agreement may still be required.

9. This proposal is consistent with the Comprehensive Plan and the intent of the AG Agricultural Zoning District.

Prepared by George Wesselhoft, County Planner
 (402) 441-6366 or gwesselhoft@lincoln.ne.gov

Date: December 5, 2024

Applicant: Lincoln-Lancaster County Planning Department
 555 S 10th Street, Suite 213
 Lincoln, NE 68508

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/24000/TX24012 Agricultural Attraction - County Staff Report.docx>

ARTICLE 2 DEFINITIONS

2.002. A.

Agricultural Attraction shall mean a premises used primarily for agriculture for the purpose of raising and harvesting crops for sale, but that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, pumpkin patch, apple orchard, or corn maze where, in addition to agricultural production, there are areas for sale of other goods and entertainment. Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles. (Resolution No. R-18-0078, November 20, 2018)

Annual Attraction Event shall mean an event or attraction that is open or communicated to the public, including carnivals, circuses, fairs, festivals and musical festivals and other events and attractions, excluding Places of Religious Assembly and private events and attractions which are not open or communicated to the public. Such event or attraction shall be limited to occur no more than once per calendar year.

1. Communication to the public shall mean any information giving notice of the event that a person makes available including by media distribution regardless if it is in print or electronic format, verbal, or other forms of communication.

4.05 Permitted Conditional Uses

~~j. Agricultural Attraction is allowed in the AG zoning district under the following conditions:-~~

- ~~1. The premises contains twenty (20) acres or more of land, and the majority of the premises is in agriculture use for the purpose of raising and harvesting crops.-~~
- ~~2. The attraction has received an Amusement License from the Lancaster County Board. (Resolution No. R-18-0078, November 20, 2018).-~~

a. k.

l. Any use that meets the definition of Annual Attraction Event, ~~the Lancaster County Board of Commissioners has approved by granting an amusement license for such use.~~ Said conditional use is permitted on a premises for no more than one event per calendar year, except for Places of Religious Assembly. Said Annual Attraction Event must register with the County Clerk. (Resolution No. R-17-0040, May 30, 2017; Resolution No. 05-0058, May 25, 2005; Resolution No. R-18-0078, November 20, 2018).

DRAFT

4.007 PERMITTED SPECIAL USES

AG. AGRICULTURAL ATTRACTION;

ARTICLE 13 SPECIAL PERMIT

13.053. Agricultural Attraction

Agricultural Attraction may be allowed by special permit in the “AG” District, by the Planning Commission, subject to the following conditions:

- a. The minimum lot size shall be 20 acres.
- b. The majority of the premises are for agricultural use.
- c. Mechanical rides shall be prohibited except for hayrack and sightseeing vehicles operated by the owner or staff of the Agricultural Attraction;
- d. Parking: One space for every 200 square feet of floor area for permanent retail and service use. In addition, an overflow parking area shall be provided with three stalls for every acre contained within the special permit.
- e. The application shall include the following information: A site plan with property boundary, existing or proposed buildings, existing on the site, proposed activity areas identified by type, parking areas, expected peak attendance levels and building capacity, anticipated time of peak activity, expected number of days in operation, and expected expansion of facilities.
- f. The applicant shall include an Average Daily Traffic estimate of all traffic generated based on the uses on site in order to address the impact on the adjacent County roads and streets. A traffic study and/or road maintenance agreement may be required as determined by the Lancaster County Engineer.
- g. Unless waived by the Planning Commission, the Agricultural Attraction site must have direct access to a paved road(s).
- h. If required access to a paved road is waived by Planning Commission, a road maintenance agreement may be required.
- i. The Planning Director may grant administrative amendments to Special Permits granted under this section to increase allowable floor and area of attraction by 15%.
- j. The applicant shall include in the request for a Special Permit information about wastewater treatment and potable water supply.
- k. Outdoor lighting of the agricultural attraction may be permitted with the following conditions:
 1. No illumination source shall exceed initial output of 4050 lumens unless it is within a cutoff or full cutoff luminaire, except for luminous tube lighting such as neon, cold cathode, and fiber optic cable.

2. All fixtures greater than 4050 lumens shall be cutoff or full cutoff and mounted level in the horizontal and vertical axis with the central part of the beam directed vertically downward.

3. The installation of any mercury vapor luminaries or use as outdoor lighting is prohibited.

4. No more than 2.0 foot-candles are allowed. Foot-candle is measured on a vertical plane located at the property line of the adjacent property.

DRAFT



LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER
Text Amendment #24013

FINAL ACTION?
No

PLANNING COMMISSION HEARING DATE
December 18, 2024

RELATED APPLICATIONS
TX24012 (County Version)

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The proposed application is to amend Chapters 27.02, 27.06, 27.62, and 27.63 of the Lincoln Zoning Ordinance by adding a definition for Annual Attraction Event, deleting reference to the Amusement License which no longer exists, adding Annual Attraction Event as conditional, and adding Agricultural Attraction by Special Permit.

The State Legislature repealed the use of an Amusement License in past legislative session. The repeal became effective July 18th, 2024. The requirement to obtain an Amusement License is currently found in both the Lancaster County Zoning Regulations the Lincoln Zoning Ordinance.

The County Board discussed options concerning this matter with the Planning Department at their July 18, 2024, work session and the direction received for the County regulations was twofold:

- 1) Keep the limit of one event per year for the uses which are not Agricultural Attractions, with registration of the event by the County Clerk for tracking purposes.
- 2) Create a Special Permit for Agricultural Attraction in the zoning regulations. This would allow for review and public input on the scale of the proposed facility.

As the City and County processes have historically been similar for the Amusement Licenses, Planning is recommending the City regulations be a similar set of text amendments. This promotes general consistency for agricultural properties regardless of whether they are in the Lincoln 3 Mile jurisdiction or just across the zoning line in Lancaster County.

TX24012 is the corresponding County text amendment which sets forth the same general framework for Annual Attraction Event and Agricultural Attraction Special Permit.

JUSTIFICATION FOR RECOMMENDATION

This text amendment is justified both to update for a now obsolete requirement for amusement license and to establish provisions for seasonal, agricultural attractions.

APPLICANT/STAFF CONTACT

George Wesselhoft, (402) 441-6366 or
gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is compatible with the Comprehensive Plan in that it supports associated land uses that are part of the rural economy.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Policies Section

P16: Rural Economy

Support agriculture as the primary driver of the rural economy but recognize that some compatible land uses are also appropriate for these areas.

Growth Framework: The Rural Environment

Focus on agriculture- Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses. Acknowledge the fundamental "right to farm" in agriculture districts.

Goals Section:

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

ANALYSIS

1. The text amendment proposes amendments to Chapters 27.02, 27.06, 27.62 and 27.63 of the Lincoln Municipal Code. These amendments to the Zoning Ordinance relate to one-time annual events and longer term, seasonal attractions in the AG Agricultural Zoning District. The changes are proposed as the current regulations reference amusement license requirement which now obsolete. Effective July 18, 2024, the State removed this requirement.
2. Amusement Licenses were processed through the County Clerk with approval by the County Board. Seven Amusement Licenses were approved by the County Board each year in 2022 and 2023. In terms of the County jurisdiction, three were approved in 2022, and three in 2023. Three were approved in the Lincoln 3 mile in 2022, and four in 2023. This is about a 50/50 split. One Amusement License was approved in 2023 in Roca 1 mile zoning jurisdiction for Roca Berry Farm.
3. A recent example of an Amusement License before it was no longer required was for Sleepy Bees Lavender Farm located at 25700 S. 38th Street in Lancaster County jurisdiction. Their attraction included walking tours and flower cutting events starting mid-June with multiple Friday evening or Saturday morning times. This included no more than 50 people per tour with 3-4 tours per day on Friday evenings and Saturdays running from mid-June to mid-August. The agricultural aspect included fresh flowers, sunflowers, herbs and self-pick lavender. The property is zoned AG and is 21 acres in size.
4. Chapter 27.02 of the Lincoln Zoning Ordinance defines Agricultural Attraction as a premises used primarily for agriculture for the purpose of raising and harvesting crops for sale, but that also includes a limited amount of area devoted to the provision of entertainment for a period of no more than four months per year. Examples of agricultural attractions include, but are not limited to, pumpkin patch, apple orchard, or corn maze where, in addition to agricultural production, there are areas for the sale of other goods and entertainment.
5. An Agricultural Attraction may operate up to four months a year whereas under the current Zoning Regulations an Amusement License event which is not an Agricultural Attraction is allowed once per year, with exception for a place of religious assembly.
6. In general, for either the Agricultural Attraction or a Conditional Use which currently only requires an Amusement License, now no longer a license requirement, there could be quite the range in terms of the scale of use. It could range, for example, from a simple pumpkin patch where people just come to self-pick pumpkins to something as large as a Roca Berry Farm with multiple use components and large crowds certain times of the year. There is not a maximum size in terms of acres or number of persons.
7. It should be noted that private events where the general public is not invited are not considered as uses that would fall under what is now the amusement license referenced in the Zoning Ordinance. These private events do not need approval under Zoning.
8. The proposed update is as follows:
 - a) Section 27.02: Add new definition for Annual Attraction Event. This would in essence correspond to what was

allowed through Amusement License as an annual event in terms of the use, so a conditional use. An Annual Attraction Event as proposed in the definition would be an event or attraction that is open or communicated to the public but excluding Religious Assembly and private events and attractions which are not open or communicated to the public. This would be for a one-time event.

- b) Amend 27.62 Permitted Conditional Uses allowed in the AG zoning district by deleting Agricultural Attraction as a conditional use and deleting reference to the now defunct Amusement License. There would be a new reference to Annual Attraction Event and requirement for registration with the County Clerk. The process for the latter would be online and would be for tracking purposes only.
- c) Amend 27.06 Use Groups by adding Agricultural Attraction as a use permitted by Special Permit. Agricultural Attraction is already defined in 27.02 (A) Definitions.
- d) Amend 27.63 Special Permit by adding Agricultural Attraction as a new type of use permitted by Special Permit in the AG Zoning District. This would include a minimum lot area of 20 acres. The majority of the site would have to be in agricultural use. Site plan information would be required including access, parking, buildings, activity areas, wastewater treatment and potable water and attendance. It should be noted that the City text amendment differs from the County text amendment with regard to the traffic information. For the City version, if the Agricultural Attraction is expected to generate traffic volumes exceeding 100 vehicle trips during the peak hour of operation, then the applicant shall provide a traffic study. The 100 vehicle trips threshold is based on the City of Lincoln Access Management Policy (AMP) with the emphasis on the highest peak hour intensity. This is the minimum threshold in the AMP. It should be noted that if access to a paved road is waived by the Planning Commission for the City version, a road maintenance agreement may still be required. For the County version, the applicant would be required to submit Average Daily Traffic (ADT) information. Depending on this information a traffic study and/or road maintenance agreement may be required.

9. This proposal is consistent with the Comprehensive Plan and the intent of the AG Agricultural Zoning District.

Prepared by George Wesselhoft, County Planner
(402) 441-6366 or gwesselhoft@lincoln.ne.gov

Date: December 5, 2024

Applicant: Lincoln-Lancaster County Planning Department
555 S 10th Street, Suite 213
Lincoln, NE 68508

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/TX/24000/TX24013 Agricultural Attraction - City Staff Report.docx>

ORDINANCE NO. _____

1 AN ORDINANCE amending Lincoln Municipal Code Section 27.02.020 A. by adding a
2 definition for “Annual Attraction Event”, Section 27.06.060 Agriculture Use Group to change
3 Agricultural Attraction from a permitted conditional use to a permitted special use, Section
4 27.06.150 Commercial Recreation and Entertainment Facilities Use Group to change Amusement
5 License to “Annual Attraction Event”, Section 27.62.030 Agriculture Use Group to delete
6 language regarding agricultural attraction permitted conditions, and Section 27.62.120
7 Commercial Recreation and Entertainment Facilities Use Group to amend the language to “Annual
8 Attraction Event” and requiring those events to register with the County Clerk; by amending
9 Chapter 27.63 Special Permits to add a new section numbered 27.63.360 entitled “Agricultural
10 Attraction” allowed by special permit in the “AG” District under certain conditions; and repealing
11 Sections 27.02.020, 27.06.060, 27.06.150, 27.62.030, and 27.62.120 as hitherto existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 27.02.020 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **27.02.020 A.**

16 **Abutting** Abutting shall mean adjacent or contiguous and shall include property separated by an alley.

17 **Academies** Academies shall mean education and instruction facilities for certain skills, including but
18 not limited to performing arts, such as dance, theater, or music and sports such as volleyball, soccer,
19 baseball, softball, tennis, gymnastics or martial arts. This may include associated public performances,
20 events, and competitions related to the academy and held in connection with such academy
21 use. Academies shall not include early childhood care facilities, public schools, private schools, or

1 vocational schools.

2 **Accessory Buildings and Uses** An accessory building is a subordinate building or a portion of the main
3 building, the use of which is incidental to that of the main building or to the main use of the premises. An
4 accessory use is one which is incidental to the main use of the premises.

5 **Accessory Dwelling** An accessory dwelling is a subordinate building or portion of the main building for use
6 as a secondary single-family dwelling which is incidental to use of the main building for a primary single-
7 family dwelling.

8 **Adult Day Service Facility** Adult day service facility shall mean a facility where care and an array of social,
9 medical, or other support services are provided for a period of less than twenty four consecutive hours to
10 four or more persons who require or request such services due to age or functional impairment outside
11 of the person's home or facility the person resides in. Adult day service does not include a group home.

12 **Agriculture** Agriculture shall mean the use of land for the purpose of raising and harvesting crops; or for
13 the raising, breeding, or management of livestock, poultry, fish, or honeybees; or for dairying, truck
14 gardening, forestry, nurseries, or orchards; for the non-commercial on-farm storage or processing of
15 agricultural products; or for any other similar agricultural, horticultural, silvacultural, or aquacultural use.

16 **Agricultural Attraction** Agricultural attraction shall mean a premises used primarily for agriculture for the
17 purpose of raising and harvesting crops for sale, but that also includes a limited amount of area devoted
18 to the provision of entertainment for a period of no more than four months per year. Examples of
19 agricultural attractions include, but are not limited to, pumpkin patch, apple orchard, or corn maze where,
20 in addition to agricultural production, there are areas for sale of other goods and entertainment.
21 Attractions shall not include mechanical rides other than hayrack and sightseeing vehicles.

22 Annual Attraction Event shall mean an event or attraction that is open or advertised to the public,
23 including carnivals, circuses, fairs, festivals, and musical festivals and other events and attractions, but

1 excluding Places of Religious Assembly and private events and attractions which are not open or
2 advertised to the public. Such event or attraction shall not occur more than once per calendar year.

- 3 1. Advertisement to the public shall mean any notice of the event made available to the public
4 including, but not limited to, by media distribution whether in print or electronic format, verbally,
5 or by any other means of communication.

6 **Alcohol Crafting** Alcohol crafting shall mean the small-scale production and distribution of alcoholic
7 beverages, which may include craft breweries that do not exceed 20,000 barrels annually; wine making
8 and the crafting or distillation of other alcoholic beverages; said uses may be associated with a restaurant
9 or bar with public seating and service; typically offer tastings; and typically provides on-site or off-site sale
10 for consumption of the products; Alcohol crafting where wine or other liquors are crafted includes a micro
11 distillery as defined by the State of Nebraska where in no case more than 100,000 or fewer gallons of
12 liquor are produced annually.

13 **Alley** Alley shall mean a public or private thoroughfare which affords only a secondary means of access
14 to property abutting thereon.

15 **Amateur Radio Antenna Installation** Amateur radio antenna installation shall mean the installation of
16 the tower, antenna, mast, rotor, and other necessary apparatus by an amateur radio operator at a
17 particular location licensed by the Federal Communications Commission as an amateur radio station for
18 amateur radio communications.

19 For the purposes of this definition:

20 **Amateur radio operator** shall mean an individual who has passed a Federal Communications Commission
21 authorized examination and holds a current F.C.C. amateur radio license.

22 **Antenna** shall mean the device which receives and/or transmits radio waves and is connected to a radio
23 by means of some type of conducting media.

24 **Antenna installation** shall mean the complete system including tower, antenna(s), mast, and rotor.

1 **Mast** shall mean a pole or pipe-like device which separates an antenna from a tower.

2 **Rotor** shall mean a machine which turns the antenna about its axis.

3 **Tower** shall mean the supporting structure which holds the antenna above the ground.

4 **Animal Hospital** See Veterinary Facility

5 **Apartment** See multiple dwelling unit.

6 **Apartment Hotel** Apartment hotel shall mean a multiple dwelling under resident supervision which
7 maintains an inner lobby through which all tenants must pass to gain access to the apartments and which
8 may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor,
9 shoeshine shop, cosmetologists shop, cigar stand, or newsstand, when such uses are located entirely
10 within the building with no entrance from the street nor visible from any public sidewalk, and having no
11 sign or display visible from the outside of the building indicating the existence of such use.

12 **Apartment House** See Dwelling, multiple.

13 **Assisted-living Facility** Assisted-living facility shall mean a facility where shelter, food, and care are
14 provided for remuneration for a period of more than twenty-four consecutive hours to four or more
15 persons residing at such facility who require or request such services due to age, illness, or physical
16 disability.

17 **Average Lot Width** Average lot width shall mean the width determined by dividing the total lot area by
18 the depth of the lot from the right-of-way line to the furthest rear lot line. If the rear lot line and right-of-
19 way line are not parallel, an average depth dimension shall be used.

20 Section 2. That Section 27.06.060 of the Lincoln Municipal Code be amended to read
21 as follows:

22 **27.06.060 Agriculture Use Group.**

1 Characteristics: The Agriculture Use Group is characterized by activities that involve the practice of
 2 cultivating soil, producing crops, farming, raising livestock; training, producing, keeping, caring for, and/or
 3 selling of plants or animals in varying degrees and the preparation and marketing of the resulting product.
 4 These activities generally require more than 3 acres of land. Such uses include but are not limited to
 5 stables, riding academies, stock yards, sale barns, confined feeding facilities roadside stands for the
 6 temporary or seasonal sale of produce, pet cemeteries, agricultural attractions, urban gardens, farms,
 7 ranches, orchards, vineyards and wineries.

8 Use Group Table:

27.06.060 Agriculture Use Group Table																										
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Agriculture	P	P													P	P	P	P	P	P	P	P	P	P	P	P
Agricultural Attraction	S E																									
Confined feeding facilities	C																									
Farm wineries	S																									
Heritage centers	S																									
Market gardens	S	S																								
Pet cemeteries (only allowed outside of City limits) (see 6.04.260)	C	C																								
Sale barn	S																								P	P
Urban garden	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
All other uses in this Use Group	P	P																						P	P	P

9 Section 3. That Section 27.06.150 of the Lincoln Municipal Code be amended to read
 10 as follows:

11 **27.06.150 Commercial Recreation and Entertainment Facilities Use Group.**

12 Characteristics: The Commercial Recreation Facilities Use Group is characterized by uses that provide as
 13 its primary function events and activities for the entertainment and/or recreation of members, guests, or
 14 customers. Events or activities may be indoors or outdoors. Such uses include but are not limited to

1 outdoor recreational facilities, campgrounds, enclosed commercial recreational facilities, miniature golf
 2 courses, sexually oriented live entertainment establishments, social halls, theaters and picture arcades.
 3 This use group does not include facilities that are primarily used for instruction and are not open to the
 4 public.
 5 Use Group Table:

27.06.150 Commercial Recreation and Entertainment Facilities Use Group Table																										
Uses	AG	AGR	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	O3	RT	B1	B2	B3	B4	B5	H1	H2	H3	H4	I1	I2	I3
Campgrounds	S	S																								
Recreational facilities, enclosed commercial															P	P	P	P	P		P	P	P	P	P	P
Recreational uses, outdoor	S	S	S	S	S	S	S	S	S	S	S		S		S	S	S	P	P		P	P	P	P	P	P
Sexually oriented live entertainment establishments																				S	S	S	S	S	S	S
Social halls	S														C	C	C	P	C		C	C	C	P	P	
Theaters (indoor)																S	S	P	S							
Theaters (outdoor)																		P			S	P	P	S		
<u>Annual Attraction Event Amusement License</u>	C																									
All other uses in this Use Group															P	P	P	P	P		P	P	P	P	P	P

6 Section 4. That Section 27.62.030 of the Lincoln Municipal Code be amended to read
 7 as follows:

8 **27.62.030 Agriculture Use Group.**

9 Upon issuance of a certificate of occupancy, a building or premises may be used for the following use
 10 types as a permitted conditional use in the designated zoning districts and in compliance with the
 11 conditions of approval applicable for that use type.

12 ~~Agricultural Attraction is allowed in the AG zoning district under the following conditions:~~

13 ~~The premises are located outside the city limits, contains twenty acres or more of land, and the~~

1 ~~majority of the premises is in agriculture use for the purpose of raising and harvesting crops.~~

2 ~~The attraction has received an Amusement License from the Lancaster County Board.~~

3 ~~b.a.~~ Confined feeding facilities for livestock or poultry is allowed in the AG zoning district provided the
4 confined feeding facility does not exceed a maximum area of 15,000 square feet. (NOTE: Facilities that
5 exceed 15,000 square feet may be allowed upon approval of a special permit for said use pursuant to
6 Chapter 27.63).

7 ~~e.b.~~ Pet cemeteries are allowed in the AG and AGR zoning districts provided that the use has a
8 minimum lot area of five acres;

9 ~~d.c.~~ Urban Gardens are permitted in all zoning districts except the AG zoning district under the
10 following conditions:

- 11 1. There is no commodity sold upon the premises;
- 12 2. Approval has been granted by the Lincoln Lancaster County Health Department;
- 13 3. Plants and accessory items for cultivation including trellises, fences, and utilities, but not
14 structures, are allowed in the front yard.

15 Section 5. That Section 27.62.120 of the Lincoln Municipal Code be amended to read
16 as follows:

17 **27.62.120 Commercial Recreation and Entertainment Facilities Use Group.**

18 A building or premises may be used for the following use types as a permitted conditional use in the
19 designated zoning districts and in compliance with the conditions of approval applicable for that use type.

20 a. Social halls are allowed in the B-1, B-2, B-3, B-5, H-2, H-3, and H-4 under the following conditions:

- 21 1. There shall be no amplified sound or noise source of any kind outside of the social hall;
- 22 2. Except as provided in (ii) and (iii) below, any exterior door opening must meet the following
23 conditions:

24 For purposes of this section, "exterior door opening" shall mean (a) that portion of the exterior wall

1 face of the building containing the social hall that contains a break to accommodate the exterior
2 building door, door frame, door vestibule, or door entryway area; and (b) provides access to the
3 social hall. "Exterior door opening" shall not apply to openings for emergency exit doors required
4 by building or safety codes or loading doors or unloading doors that are not available for access in
5 the ordinary course of business.

6 i. Either be located at least 100 feet (as measured by the shortest, most direct distance)
7 from a day care facility, place of religious assembly, state mental health institution, park, and
8 residential district (excluding golf courses and hiker/biker trails); provided that, if there is an
9 intervening exterior wall of the building containing the social hall between the exterior door
10 opening and such day care facility, place of religious assembly, state mental health institution,
11 park, and residential district (excluding golf courses and hiker/biker trails), then the 100 feet shall
12 be measured from the exterior door opening, along the exterior base of the building wall(s) to
13 the point where there is no intervening exterior building wall, and from that point the shortest,
14 most direct distance to the day care facility, place of religious assembly, state mental health
15 institution, park, and residential district (excluding golf courses and hiker/biker trails).

16 ii. If the exterior door opening is less than 100 feet from a residential district (excluding golf
17 courses and hiker/biker trails), it must face the opposite direction from that district.

18 iii. If the exterior door opening faces a residential district (excluding golf courses and
19 hiker/biker trails), then such opening shall be at least 150 feet from the residential district as
20 measured by the shortest, most direct perpendicular distance. The exterior door shall not be kept
21 or propped open during the hours of operation.

22 b. Any ~~Annual Attraction Event. use which has received an Amusement License from the Lancaster~~
23 ~~County Board.~~ Said conditional use is permitted on a premises for no more than one event per calendar
24 year, except for a place of religious assembly. Annual Attraction Events must be registered with the

1 County Clerk.

2 Section 6. That Chapter 27.63 of the Lincoln Municipal Code be amended to add a
3 new section numbered 27.63.360 to read as follows:

4 **27.63.360 Agricultural Attraction.**

5 Agricultural Attraction may be allowed by special permit in the “AG” District, by the Planning
6 Commission, subject to the following conditions:

7 a. The minimum lot size shall be 20 acres.

8 b. The majority of the premises is in agricultural use.

9 c. Mechanical rides shall be prohibited except for hayrack and sightseeing vehicles operated by
10 the owner or staff of the Agricultural Attraction.

11 d. Parking: One space for every 200 square feet of floor area for permanent retail and service use.
12 In addition, an overflow parking area shall be provided with three stalls for every acre
13 contained within the special permit.

14 e. The application shall include the following information: A site plan with property boundary,
15 existing or proposed buildings, existing uses on the site, proposed activity areas identified by
16 type, parking areas, expected peak attendance levels and building capacity, anticipated time of
17 peak activity, expected number of vehicles during the peak hour of operation, expected
18 number of days in operation, a description of wastewater treatment facilities on the site, a
19 description of the potable water supply serving the site, and expected expansion of facilities.

20 f. If the Agricultural Attraction is expected to generate traffic volumes exceeding 100 vehicle trips
21 during the peak hour of operation, the applicant shall provide a traffic study.

22 g. Unless waived by the Planning Commission, the Agricultural Use site must have direct access
23 to a paved road(s).

24 h. If required access to a paved road is waived by Planning Commission, a road maintenance

1 agreement may be required.

2 i. The Planning Director may grant administrative amendments to Special Permits granted under
3 this section to increase total building floor area and total area of attraction by 15%.

4 Section 7. That Sections 27.02.020, 27.06.060, 27.06.150, 27.62.030, and 27.62.120
5 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

6 Section 8. This ordinance shall be published, within fifteen days after the passage
7 hereof, in one issue of a daily or weekly newspaper of general circulation in the City, or posted on
8 the official bulletin board of the City, located on the wall across from the City Clerk’s office at
9 555 S. 10th Street, in lieu and in place of the foregoing newspaper publication with notice of
10 passage and such posting to be given by publication one time in the official newspaper by the City
11 Clerk. This ordinance shall take effect and be in force from and after its passage and publication
12 or after its posting and notice of such posting given by publication as herein and in the City Charter
13 provided.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2024:

Mayor

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #24009	FINAL ACTION? Yes	DEVELOPER/OWNER Landscape Supply Specialist, LLC
PLANNING COMMISSION HEARING DATE December 4, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION East side of N. 56 th Street between Bluff Rd. and Waverly Rd.

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for new Garden Center per LMC 27.63.110 on approximately 18.72 acres located on the east side of N. 56th (Highway 77) between Bluff Road and Waverly Road. This property is located outside the City limits in the Lincoln 3 Mile jurisdiction and is zoned AG Agriculture.



JUSTIFICATION FOR RECOMMENDATION

This proposal is justified as it is an appropriate use in AG Agriculture Zoning subject to meeting the conditions of approval. There will not be a significant impact to the adjacent residential property and the surrounding area.

APPLICATION CONTACT

Blaine Price, (402) 525-1212 or landscapesuppliespecialist@gmail.com

STAFF CONTACT

George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

This proposed Garden Center is compatible with the 2050 Comprehensive Plan as the proposed use is allowed in AG by Special Permit, and compatible with the surrounding agricultural land uses. The 2050 Future Land Use Map shows this property as future Agriculture.

WAIVERS

No waivers are requested.

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

Figure GF.b: 2050 - This site is shown as future Agriculture on the 2050 Future Land Use Plan.

Land Use Plan - Agricultural- Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Growth Framework: The Rural Environment

Focus on agriculture- Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses. Acknowledge the fundamental "right to farm" in agriculture districts.

Goals Section:

G4: Economic Opportunity - Lincoln and Lancaster County will have high-quality jobs in an economic environment that supports business creation, innovation, and expansion.

ANALYSIS

1. This is a request for a Special Permit under LMC 27.63.110 for a new Garden Center. The property is 18.72 acres and is generally located on the east side of N. 56th Street between Bluff Road and Waverly Road. This is located outside of the existing city limits, but within the 3-mile City zoning jurisdiction area. The site would use an existing entrance of N. 56th Street/Highway 77.
2. The property is zoned AG Agriculture. Garden centers may be allowed by Special Permit in the AG, AGR, R-2 and R-3 Zoning Districts. Therefore, the use is one that is considered appropriate for the zoning district subject to meeting the criteria and through Special Permit approval.
3. There would be an office and a retail shop for customers in the northwest part of the site with trees, landscape and bulk materials on the west half of the property. The east half of the property would remain agricultural in use.
4. The Lincoln Zoning Ordinance allows Garden centers in the AG, AGR, R-2 and R-3 zoning districts under the following conditions:
 - a. In the R-2 and R-3 zoning districts, the land shall be adjacent to the boundary of one of the following districts: B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3;

The property is zoned AG Agriculture District.

- b. In the AG and AGR zoning districts, buildings and parking shall be set back at least 100 feet from all exterior lot lines, except for the front yard setback which shall be 50 feet;

The proposal complies with the exterior lot line and front yard setbacks.

- c. In the R-2 and R-3 zoning districts, buildings, parking stalls, and driving aisles shall be set back at least 30 feet from abutting residential lot lines;

The property is zoned AG Agriculture District so this condition does not apply.

- d. Height regulations shall be the same as the zoning district in which it is located;

The buildings as part of the building permit will have to comply with the AG Zoning District height limit which is 35’.

- e. If a building or parking lot is located on the garden center site adjacent to any residential district, the yards adjacent to said residential district shall be landscaped and screened as required in Section 7.5 titled “Adjacent Land Uses and Zoning Districts of Substantially Different Character; B-1, B-2, B-3, H-1, H-2, H-3, H-4, B-5, O-2, I-1, I-2, I-3 Abutting Residential Districts” in Chapter 3.50 of the approved Design Standards for Zoning;

The property is not adjacent to any residential zoning district. The adjacent zoning is all AG.

- f. Access to the garden center shall be from a street that is designated as an existing or future arterial in the Comprehensive Plan.

North 56th Street/Highway 77 is shown as a principal arterial. This application was routed to the Nebraska Department of Transportation (NDOT), and they had no comment. In checking further with NDOT (Cierra Catlin, District Highway Permit Officer) on the existing driveway access off Highway 77 which is shared with the residential property owner to the north, it was noted that the driveway would need to meet commercial standards of which the maximum width is 40’ at the property line. A northbound deceleration lane may be a requirement to use the existing drive for commercial use. NDOT indicates that a second access is not possible in this area due to Highway 77 being a controlled access expressway.

- g. The City Council may increase the number of free standing signs per frontage permitted in the AG district under the following conditions:
 - i) The owner’s main use of the premises for a Garden Center is, or will be operated by two or more tenants/lessees of the owner who have or will have separate and distinct access entrances to the premises along the same frontage; and
 - ii) No more than one free standing sign shall be located at any such tenant’s/lessee’s entrance to the premises.

No waiver or request for additional signage is proposed.

- h. A dwelling for the owner or employee of the garden center may be on the same premises as the garden center.

No dwelling is proposed on the garden center site.

- 5. The 2050 Comprehensive Plan continues to designate this area for Agriculture on the 2050 Future Land Use Map. The proposed use as a garden center is considered to be a compatible use within Agriculture zoning and with the surrounding land uses in this area. The property is located on a principal arterial roadway of N. 56th Street/Highway 77. The property is consistent with the use of a garden center in AG zoning located outside the City limits.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: Agriculture AG Agriculture

SURROUNDING LAND USE & ZONING

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24009

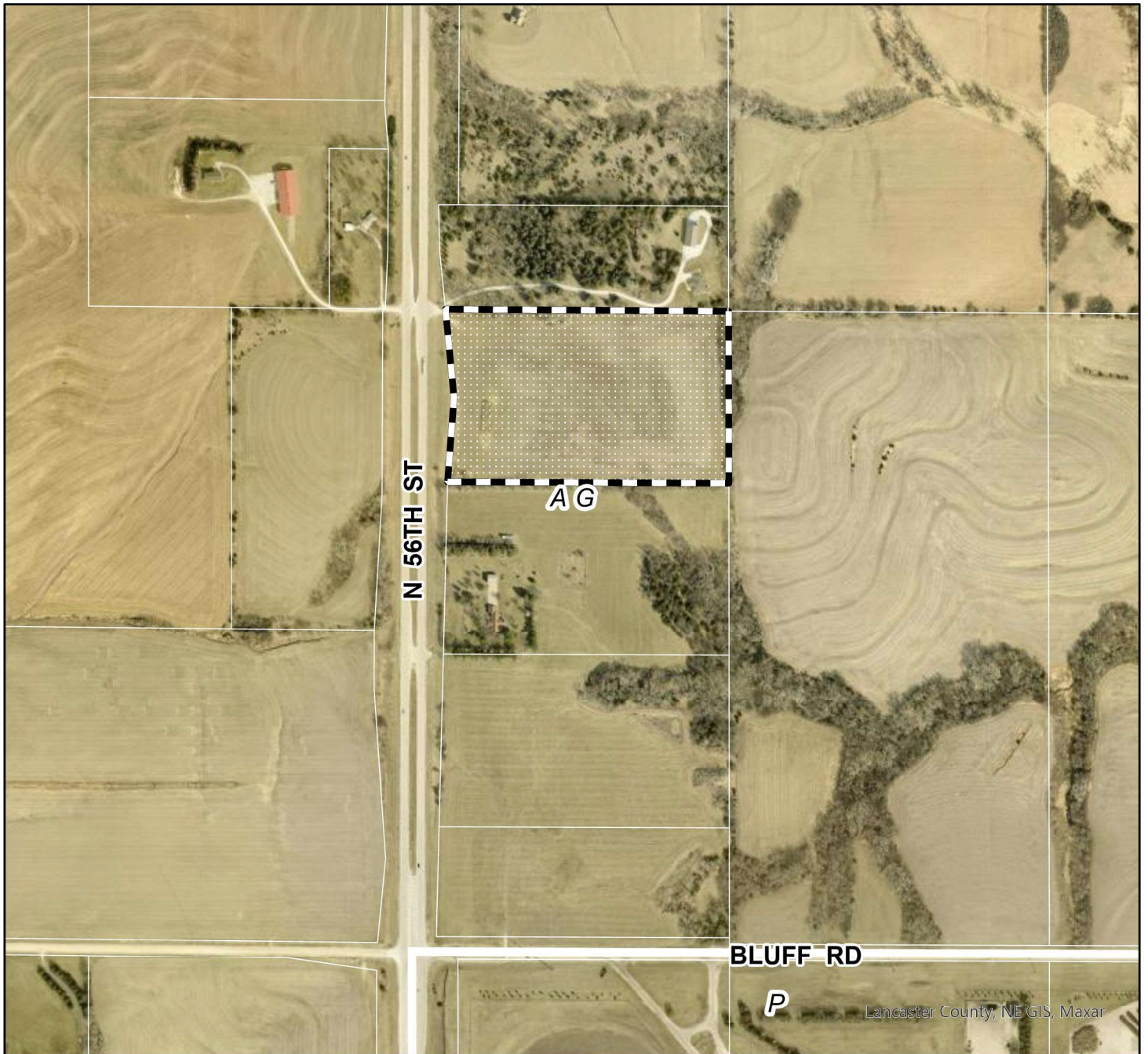
Per Section 27.63.110 this approval permits a garden center on approximately 18.72 acres.

Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 2 copies with all required revisions and documents as listed below:
 - 1.1 Add the title SP24009 for the Special Permit number and delete the text "Plot Plan For:".
 - 1.2 Add the word "Retail" in front of "Shop/Supplies".
 - 1.3 Provide east-west distance for the Agricultural use.
 - 1.4 Add label "100 Foot Setback" to all sides where this setback is shown.
 - 1.5 Move the label "Limits of Special Permit" to the outer boundary line of the Special Permit area.

Standard Conditions:

2. The following conditions are applicable to all requests:
 - 2.1 Before occupying buildings or starting the operation all development and construction shall substantially comply with the approved plans.
 - 2.2 All privately-owned improvements, including landscaping, shall be permanently maintained by the owner.
 - 2.3 The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
 - 2.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
 - 2.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
 - 2.6 The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all prior resolutions approving this permit remain in full force and effect as specifically amended by this resolution.



Lancaster County, NE GIS, Maxar

2024 aerial

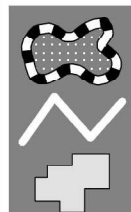
Special Permit #: SP24009
N 56th St & Waverly Rd

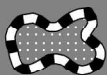


Zoning:

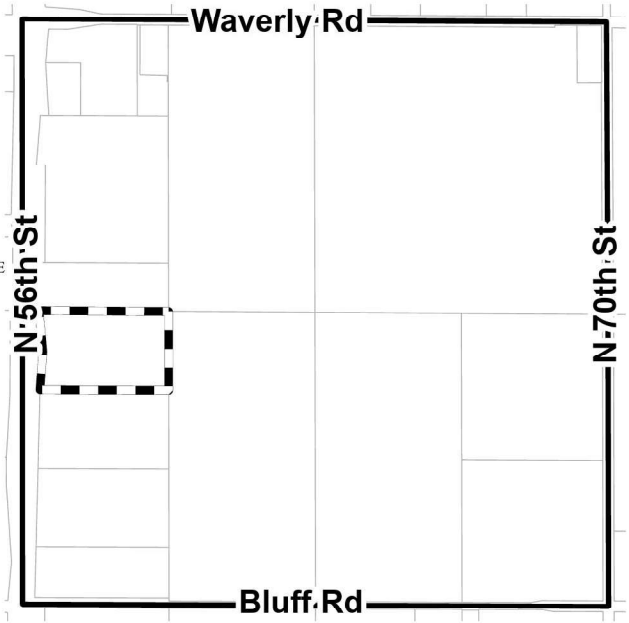
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile:
 Sec.16 T11N R07E

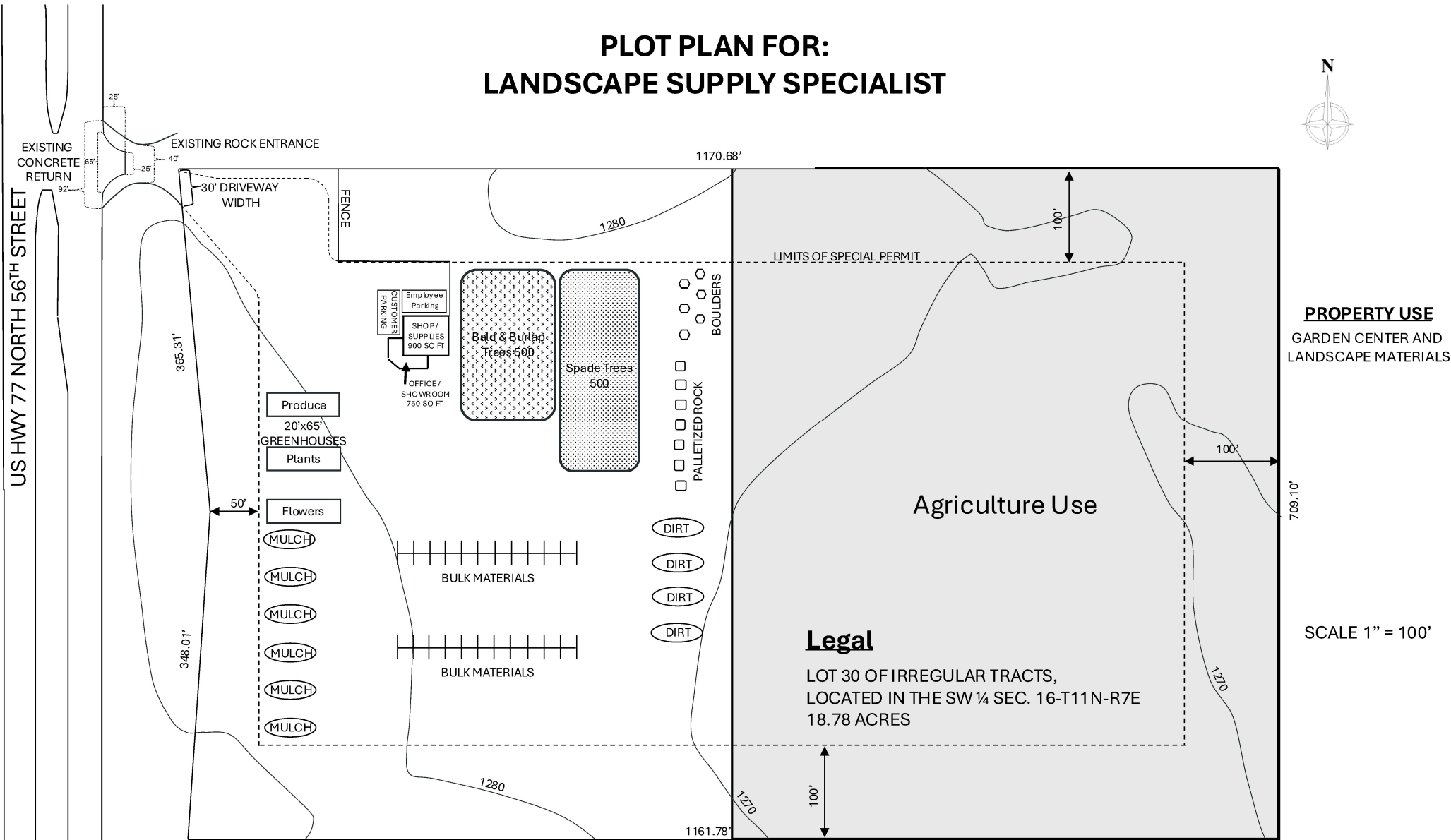




-  Area of Application
-  Zoning Jurisdiction Lines
-  Lancaster County Jurisdictional Boundary



PLOT PLAN FOR: LANDSCAPE SUPPLY SPECIALIST



PROPERTY USE
GARDEN CENTER AND
LANDSCAPE MATERIALS

Agriculture Use

Legal
LOT 30 OF IRREGULAR TRACTS,
LOCATED IN THE SW 1/4 SEC. 16-T11N-R7E
18.78 ACRES

SCALE 1" = 100'

Peter C. Wegman
Timothy F. Clare
Timothy L. Moll
Jane F. Langan Mach
Mark A. Fahleson
Troy S. Kirk
Ramzi J. Hynek
Andrew S. Pollock
Tara Tesmer Paulson
Mark R. Richardson
Sheila A. Bentzen ±
Ann K. Post
Anthony M. Aerts
Sami D. Segelke
Elizabeth A. Leise
Julie A. Schumacher
Adam J. Kost ±
Sam D. Colwell
Benjamin J. Swanson
Abbie L. DeWitte
Jasmine L. Beringer

OF COUNSEL
Alan D. Slattery
Robert L. Nefsky
Donald L. Dunn
Benjamin E. Moore
Kurth A. Brashear ♦
Mark A. Hunzeker
Adam J. Prochaska
Daniel E. Klaus *
Timothy R. Engler
Ryan M. Swaroff

* also admitted in Colorado
± also admitted in Iowa
♦ also admitted in South Dakota

March 13, 2024

VIA HAND DELIVERY AND EMAIL

City of Lincoln Planning Department
Attn: Emma Martin
555 S. 10th Street, Ste 213.
Lincoln, NE 68508
plan@lincoln.ne.gov

**RE: Garden Center Special Permit –
 Landscape Supply Specialist**

Ms. Martin:

Rembolt Ludtke LLP represents Landscape Supply Specialist, LLC regarding the enclosed application for a special permit.

The applicant has secured a lease of the property identified as Parcel ID 1816300006000 and generally located on N. 56th Street between Bluff Rd and Waverly Rd in the Lincoln 3-mile jurisdiction for the purpose of building and operating a garden center. The applicant is requesting a special permit under LMC 27.63.110 to operate the garden center within the AG zoning district.

In addition to the general requirements in the AG zoning district, the garden center will comply with the applicable requirements in LMC 27.63.110. As shown in the enclosed Plot Plan, all buildings and parking will be set back 100 feet from the side and back lot lines and 50 feet from the front. Access to the garden center is from N 56th Street (Hwy 77), which is designated as an existing or future arterial in the 2050 Comprehensive Plan. The property is not located adjacent to any residential district, and therefore is not subject to the additional landscaping and screening requirements.

Please find enclosed:

- City of Lincoln Application Form.
- Plot Plan.
- Application fee of \$1,109.00.

Thank you for your consideration of this application. Please contact me with any additional questions or for any additional information.

Sincerely,



Benjamin J. Swanson

bswanson@remboltlawfirm.com

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Special Permit #24036	FINAL ACTION? Yes	DEVELOPER/OWNER Panama Energy Center, LLC/See Attached Owner List
PLANNING COMMISSION HEARING DATE December 4, 2024	RELATED APPLICATIONS None	PROPERTY ADDRESS/LOCATION Generally located from W Princeton Rd to W Gage Rd from SW 29 th Street to Hwy 77

RECOMMENDATION: CONDITIONAL APPROVAL

BRIEF SUMMARY OF REQUEST

This is a request for a Special Permit per Article 13.051 of the Lancaster County Zoning Regulations for a Large Solar Energy Conversion System (SECS) for up to 304 megawatts on approximately 2,442 acres in total. This includes 29 lots located in southern Lancaster County east of the Village of Hallam, generally between W Princeton Rd and W Gage Rd from SW 29th Street to Highway 77. The project is proposed in two phases with the first phase consisting of 1,889 acres with the second phase consisting of 553 acres.



JUSTIFICATION FOR RECOMMENDATION

The proposed Large Solar Energy Conversion System provides for alternative, renewable source of energy, which is supported and promoted by the 2050 Comprehensive Plan. The project meets all criteria of the special permit. The proposed vegetative buffer and setback from the property line to the solar panels will help mitigate any impact to non-participating properties.

APPLICATION CONTACT

Matthew Jones, 561-685-9043
matthew.jones@nexteraenergy.com

STAFF CONTACT

George Wesselhoft, (402) 441-6366 or
gwesselhoft@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed project meets the goals of the Comprehensive Plan to promote renewable energy sources. The project meets all requirements of Article 13.051.

WAIVERS:

None

KEY QUOTES FROM THE 2050 COMPREHENSIVE PLAN

Introduction Section: Growth Framework

FUNDAMENTALS OF GROWTH IN LANCASTER COUNTY

The Rural Environment

Focus on Agriculture. Rural areas should be preserved for agriculture, a limited supply of low density residential, and other compatible land uses.

Natural RESOURCE PRESERVATION. Ensure that acreage and rural developments preserve and protect environmentally sensitive areas, and maximize the preservation of out nonrenewable resources.

Figure GF.b:2050- This site is shown as future Agriculture on the 2050 Future Land Use Plan.

Land Use Plan - Agricultural. Land principally in use for agricultural production and compatible industries like solar and wind energy production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Some land in the Agricultural category may be enrolled in voluntary preservation programs such as the USDA Conservation Reserve Program (CRP).

Goals Section

G11: Rural Environment

An important relationship exists between the urban, rural, and natural landscapes. Urban and rural development must maximize the use of land in order to preserve agriculture and other compatible industries, natural resources, and the overall rural environment.

The rural areas in Lancaster County are also appropriate locations for emerging energy production facilities such as wind turbines and solar farms. These industries are compatible with agricultural uses, support the community's sustainability initiatives, and have the potential to be major contributors to the local economy. Both the City and County zoning ordinances have been recently updated to address these uses and ensure that their implementation is compatible with the surrounding areas.

Policies Section

P12: Economic Growth

Locate all new commercial and industrial development within Lincoln or within the smaller incorporated communities in Lancaster County. Certain commercial uses that are compatible with agriculture and the rural environment, such as commercial wind and solar energy facilities, are allowed in rural areas of the county.

P16: Rural Economy

Action Steps:

#5: Support solar and wind energy conversion systems in agricultural areas of the county.

P48: Renewable Energy

Action Steps:

#3. Support the development of commercial wind and solar energy facilities throughout the county.

#4 Continue to implement the actions needed to maintain SOLSMART "gold status", which indicates that City/County policy and processes are solar friendly.

ANALYSIS

1. This application is for a Large Solar Energy Conversion System with a capacity of up to 304 megawatts (MW). This use is allowed by Special Permit under Lancaster County Zoning Regulations, Article 13.051. The project will consist of two phases with the first phase including 230 MW with the second phase consisting of 74 MW.
2. Applicant estimates it would commence construction on Phase 1 in 2025. Applicant estimates Phase 1 would then be operational in 2026. Applicant estimates it would commence construction on Phase 2 in 2027 and be operational by 2028.
3. The project will also include 120 MW of four-hour discharge battery energy storage facilities, along with a substation and possible operation and maintenance facility. The battery storage will be located generally south of W Pella Road to the east of SW 29th Street approximately 150 feet east of the substation. The project would interconnect to the Nebraska Public Power District transmission system at the Olive Creek substation. A Nebraska

Public Power District is contracting to purchase the output from the facility per the applicant.

4. The Special Permit area covers approximately 2,442 acres generally located in southern Lancaster County east of the Village of Hallam between W Princeton Rd and W Gage Rd from SW 29th Street to Highway 77. The parcels included in the Special Permit are all zoned AG-Agricultural. Project improvements will occupy approximately 1,677 acres of the special permit area including land that is currently in agricultural use.
5. The project area mainly contains farm ground, which is also the main land use east of the Village of Hallam to Highway 77. In terms of nearby homes, there are 2 homes in the participating property area and 15 homes which are not in the participating property area but that are immediately adjacent or across the road and in Lancaster County. In addition, there are around 36 homes in the general vicinity which are approximately ½ mile or less distance away. The various homes are generally scattered homesites. There are no residential Community Unit Plans or large residential subdivisions in the area.
6. The proposed project will consist of solar panels mounted on horizontal mounted tracker systems and will likely include connections via existing transmission lines, underground collection lines, utility perimeter fencing, access roads, and associated infrastructure.
7. The maximum heights of any solar panel will not exceed 15 feet per the General Notes of the Site plan. Per the Lancaster County Zoning Regulations, Article 13.051 the height of the solar panel or solar collectors and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt. By comparison the general AG Agriculture height limit is 35 feet for buildings.
8. An increased risk of fire around the solar array has been a concern with prior permits. The City of Lincoln Fire and Rescue (LFR) was asked previously to look at the risk of fire to a solar facility. While they will not be the primary responder to fires in this area, they have knowledge of handling a variety of fires and different materials. LFR found that the risk of fire is very low. A review found that most fires associated with solar panels are from roof mounted units.

A paper, [“Health and Safety Impacts of Solar Photovoltaics”](#), by North Carolina State University Clean Energy Technology Center May 2017 (Paper) (to access full report ctrl + click on link and then enter SP19036A in application number box) addressed many concerns of Photovoltaic (PV) solar systems, including fire. The paper identified that only a small portion of materials in the panels are flammable and those components cannot self-support a significant fire. Flammable components include the thin layers of polymer encapsulates surrounding the PV cells, plastic junction boxes and insulation on wiring. The rest of the panel is composed of non-flammable components, mainly the protective glass.

Fire from solar panels is extremely rare. Installed properly, PV solar panels do not cause fires. Where fire has started from a solar panel it was in most cases electrical arcing due to improper installation, faulty wiring, or insufficient insulation. (nachi.org/solar-panel-fire-electrical-hazards.htm)

9. Environmental impacts from solar facilities are often a topic of concern to neighbors. The [North Carolina State paper](#) also addressed environmental impacts. A PV solar system has small amounts of toxic materials. Solar PV panels consist of glass, polymer, aluminum, copper and semiconductor materials. Some panels contain a small amount of lead. The lead is being phased out. Lead was a component of solder. Testing to simulate the potential for leaching from broken panels did not find a potential toxicity threat from these trace elements.
10. Lincoln Lancaster County Health Department (LLCHD) did not find any unusual risk to air quality or soil/groundwater contamination of solar panels compared to any other type of man-made structure. As an example, solar panels provide no more risk to air quality of a fire or soil contamination after a storm than a large agricultural building filled with vehicles, agricultural farm products and chemicals. As a condition of approval, however, the LLCHD will require technical specifications for the battery chiller system and acoustical analysis information referenced in the application letter prior to building permit.
11. No other use within the Lancaster County Zoning Regulations requires an Environmental Impact Study. These uses include, but not limited to, manufacturing and processing of chemicals and petroleum products, metal products, salvage yards, commercial feedlot, and commercial wind energy conversion system.
12. A study, “Analysis of the Potential for a Heat Island Effect in Large Solar Farms” conducted by the Center for Life Cycle Analysis, Department of Earth and Environmental Engineering, Columbia University found that an analysis of 18 months of detailed data showed that in most days, the solar array was completely cooled at night, and thus, it

is unlikely that a heat island effect could occur.

13. The 2050 Comprehensive Plan supports renewable energy sources and alternative fuels. Renewable energy generally does not contribute to climate change or local air pollution and generally conserves nonrenewable natural resources. Solar has the potential to reduce energy consumption and greenhouse gas emissions by reducing the amount of fuel required to produce a unit of energy output.
14. Application documents submitted with this application can be found at PATS (Planning Application Tracking Service) at <https://app.lincoln.ne.gov/asp/city/pats/>. Type in SP24036 for the application number and look at Related Documents for the information. Due to the size of the file, the site plan sheets could not be attached to the staff report, so please see all the information in PATS for the project.
15. It should be noted that the applicant submitted multiple supplemental documents which were not required for the Special Permit including a sight line study, environmental compliance, emergency action plan and economic impact study.

-The sight line study included screening visualization pictures for the different locations at time of install and at 10 years for the proposed screening for the solar project.

-The environmental compliance included various surveys including a vegetative management plan, a biological habitat assessment, raptor nest surveys, prairie orchard surveys, cultural resources survey, wetland desktop assessment and wetlands and waters of the United States delineation.

-The emergency action plan provides provisions for various scenarios including fire, security, severe weather and other scenarios and associated procedures.

-The economic impact study found that there would be an economic impact of \$196.5 million on the regional economy during the construction period. The annual economic impact during the multi-decade operation would be \$7.0 million in business activity each year, including \$439,000 in labor income earned in 9 jobs.

16. Solar Energy Conversion System was added to the Lancaster County Zoning Regulations by Special Permit in July 2020. The Lancaster County Board approved the change unanimously. The special permit requires the following conditions be met.

- a. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.

The application states that the Project is a proposed utility-scale solar farm. One of the application exhibits includes equipment specifications for the solar photovoltaic modules which convert the solar energy into electricity.

- b. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, shall be located as to cause an exceedance of the following noise level standards.
 1. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute Laeq
 2. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute Laeq

For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

The applicant will provide a noise study to verify that the substation will comply with the requirement prior to building permit.

- c. Obtain an approved erosion control plan from the Lower Platte South Natural Resource District or Nemaha Natural Resources District, depending on the location of the Large Solar Facility, before receiving building permits.

The erosion control plan will be submitted prior to building permit.

- d. The Large Solar Facility shall provide visual screening for adjacent non-participating residential uses, public park uses, and school uses, through setbacks as otherwise required in the Lancaster County Zoning Regulations and/or other techniques to address the site-related impacts of the Large Solar Facility on adjacent non-participating properties.
 1. The applicant shall use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing, walls or berming may be used to supplement other screening methods, but shall not account for over fifty percent (50%) of the screening. Existing natural features, topography and vegetation may be used to achieve visual screening if provided in accordance to the visual screening requirements provided herein.
 - a. If the visual screening is for adjacent non-participating residential uses, it shall be provided as follows:
 - i. The screen shall only be required if the closest exterior wall of the dwelling is within three hundred (300) feet of the property line adjacent to the Large Solar Facility.
 - ii. If the screen is required, the screen shall cover one hundred percent (100%) of the surface area of a vertical plane extending along the property line adjacent to the Large Solar Facility at an amount equal to or greater than the surface area of the dwelling to be visually screened, plus seventy five (75) feet in both directions or until it reaches a public road right-of-way, whichever comes first, and from the ground to a height of at least eight (8) feet above the adjacent ground.
 - b. If the visual screening is for adjacent non-participating public park or school uses, it shall be provided as follows:
 - i. The screen shall cover at least seventy percent (70%) of a vertical plane extending along the entire property line adjacent to the Large Solar Facility, from the ground to a height of at least eight (8) feet above the adjacent ground.
 2. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:
 - a. Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the Planning Director.
 3. If the visual screening is achieved through berming, it shall be provided along the property line as follows:
 - a. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.
 - b. The mounded ground surface shall be protected to prevent erosion through the use of turf lawn or other alternative groundcovers.
 4. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows:
 - a. At a rate of at least four (4) trees every one hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous

shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.

- b. At least two-thirds (2/3), but no more than three-quarters (3/4) of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.
- c. Each tree shall have a minimum mature height of fifteen (15) feet.

5. Visual screening is not required along the property line adjacent to a Participating Property.

There are no parks or schools in the project area. Landscape screen will consist of an overstory of tree species that will provide screening. This includes both deciduous trees and evergreen trees. The Planning Department reviewed the proposed screening plan and found it met the standards. There are no entryway corridors or Capitol View corridors in this area of Lancaster County.

- e. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the Planning Department prior to beginning operations. The decommissioning plan shall provide the following:
 1. A plan outlining the means, procedure, and costs of removing the Large Solar Facility, including, but not limited to, the solar panels and collectors, electrical wiring/cablings, fencing, and any related supporting infrastructure to a minimum depth of three (3) feet.
 2. At the expense of the permittee, a cost estimate for the decommissioning of the Large Solar Facility and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the Planning Department a revised and updated decommissioning cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.
 3. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.
 4. For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the Large Solar Facility has produced no energy for twelve (12) consecutive months. The owner or operator shall have twelve (12) months to complete decommissioning of the Large Solar Facility. If the owner or operator of the Large Solar Facility fails to remove the installation in accordance with the requirements of this permit or within twelve (12) months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation.

A decommissioning plan was submitted with the application. Project components that are subject to decommissioning include the solar photovoltaic (PV) equipment, internal power collection system, battery energy storage system equipment, earthwork, roads, and fencing.

Per the decommissioning plan the above-ground and below-ground structures will be removed. Grading is anticipated during construction but limited or no grading will be required following decommissioning. During decommissioning project components will be removed from the site and recycled or disposed of at an appropriately licensed disposal facility.

The salvage value is approximately \$80 million. The cost to obtain the material and remove everything as required is about \$9 million. So the net profit of the salvage operation is currently \$71 million. Due to the high value, a surety is not required at this time.

f. The Large Solar Facility shall meet the following setback requirements:

Non-Participating Property with a Dwelling	100 feet
Non-Participating Property without a Dwelling	50 feet
Participating Property with a Dwelling	0 feet
Participating Property without a Dwelling	0 feet
Public or Private Roadway	50 feet

The project will meet the setback requirements for non-participating properties with dwelling, non-participating properties without a dwelling and public roadway.

- 17. The proposed special permit request is supported by the Comprehensive Plan and meets the conditions of the special permit. The applicant is not requesting any waivers.
- 18. The County Engineer comments included that a road maintenance agreement may be necessary for hauling equipment on County Roads. Also, utility permits for any boring under the roads and driveway permits for new driveways. These are conditions of approval before receiving building permit for the project.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG-Agriculture Farm ground and multiple acreage lots

GENERAL SURROUNDING LAND USE & ZONING

North: AG-Agriculture Farm ground and acreages
 South: AG-Agriculture Farm ground and acreages
 East: AG-Agriculture Farm ground and acreages
 West: AG-Agriculture Farm ground and acreages

APPLICATION HISTORY

September 2015: Special Permits 14041, and 14042 for the Hallam Wind Project expired. These were near SW 2nd Street and W Hallam Road and SW 2nd Street and W Pella Road, respectively.

March 2013: Special Permit 13007 for a meteorological tower over the height of the district was approved near SW 29th Street and W Gage Road.

APPROXIMATE LAND AREA: 2,442 acres

LEGAL DESCRIPTION:

N 1/2 of the SE 1/4 along with the SW 1/4 of the SE 1/4 along with the SE 1/4 of the SE 1/4 of Section 21-7-6
NW 1/4 of the NE 1/4 along with NE 1/4 of the NE 1/4 and the S 1/2 of the NE 1/4 of Section 22-7-6

Lot 29 in the NW 1/4, E 1/2 of the NW 1/4, Lot 36 in the NE 1/4, the remaining portion of the SW 1/4 along with Lot 37
in the SE 1/4 of Section 23-7-6

SW 1/4 of the NW 1/4, SE 1/4 of the NW 1/4, NE 1/4, NW 1/4 of the SW 1/4 along with Lots 4 and 5 in the SW 1/4 of
Section 28-7-6

Lot 9 in the NW 1/4, the W 1/2 of the NE 1/4, the E 1/2 of the NE 1/2, Lots 4 and 5 in the SW 1/4, N 1/2 of the SW 1/4
and Lot 12 in the SE 1/4 along with Lot 7 in the SE 1/4 and NE 1/4 of the SE 1/4 of Section 33-7-6

Lots 5-6, E 1/2 of the NW 1/4, Lot 1 of the NE 1/4, W 1/2 of the SW 1/4 along with Lot 7 in the NE 1/4 of Section 34-7-
6

N 1/2 of the NW 1/4, S 1/2 of the NW 1/4, Lots 10 and 24 in the NE 1/4 along with Lots 6, 14, 17, 25 and 26 in the SE
1/4 of Section 35-7-6

Lancaster County, Nebraska.

Prepared by
George Wesselhoft, Planner

Date: November 21, 2024

Contact: Panama Energy Center, LLC
c/o Matthew Jones
700 Universe Boulevard
Juno Beach, FL 33408
(561) 685-9043
matthew.jones@nexteraenergy.com

Owners: Topp Family Trust UTA, 7725 Aero Drive, Lincoln, NE 68516
Robert C Krupicka Revocable Trust, 1131 County Road 1900, Crete, NE 68333
The Boyer Family Trust, 22780 Lincoln Rd, Gretna, NE 68028
David Paul Schwaninger, 28500 SW 14th Street, Martell, NE 68404
Patti Jo Jones, 1021 Belgrade Court, Plattsmouth, NE 68048
Gregory Loren Schwaninger, 2401 W Hallam Rd, Hallam, NE 68368
Robert A Jones, 1021 Belgrade Court, Plattsmouth, NE 68048
Larry J & Kathryn M Likens, 540 North St, Hallam, NE 68368
Oelling Family Hallam LLC, Attn: Kent Oelling, 400 W Wittstruck Rd, Roca, NE 68430
Larry G & Linda R DeBoer, 608 Abraham St, Firth, NE 68358

<https://linclanc.sharepoint.com/sites/PlanningDept-DevReview/Shared Documents/DevReview/SP/24000/SP24036 Panama Energy Center.gjw.docx>

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24036

Per Article 13.051 this approval permits a Solar Energy Conversion System.

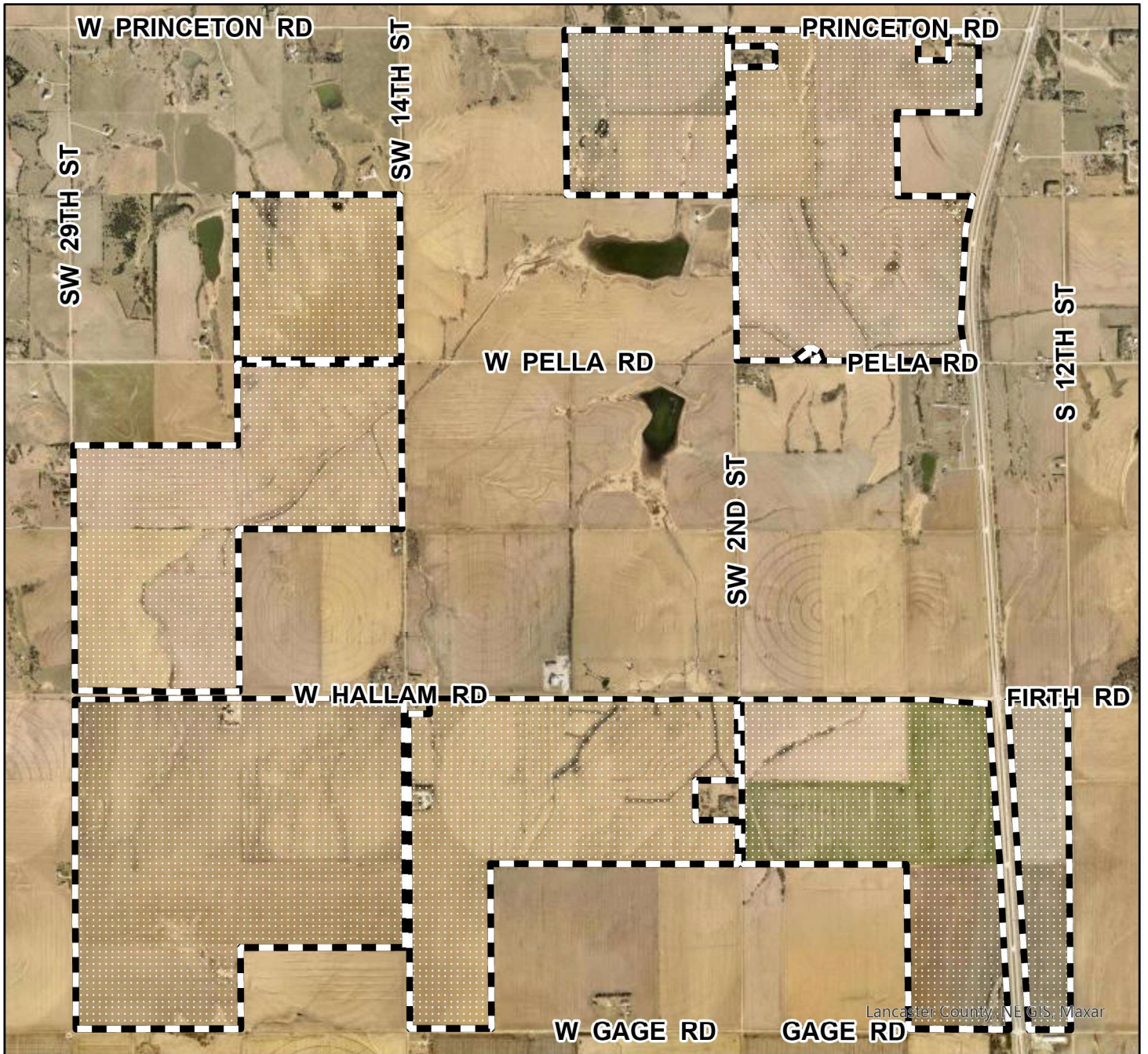
Site Specific Conditions:

1. Before receiving building permits the permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 3 copies with all required revisions and documents as listed below:
 - 1.1 Remove Conditional Use Permit Plans and replace with Special Permit #24036 for title and change conditional use permit to special permit throughout the plan documents.
 - 1.2 Revise the text for the decommissioning plan to state that unless required by the underlying landowner, all vegetative landscaping and screening installed will not be removed.
 - 1.3 Provide professional engineer signature for the decommissioning plan as required.
 - 1.4 Correct typographic error in word "Property" and change "BESS" to Battery Storage for Site Data Table in Sheet C-200.
 - 1.5 Change W Gale Rd to W Gage Rd for the Sight Line Study.
 - 1.6 Submit grading plan for approval by the Lower Platte South Natural Resources District and by the Nemaha Natural Resources District for their respective jurisdictions.
 - 1.7 Note any publicly funded land treatment cost-share practices (i.e.. terraces, grassed waterways, farm ponds, etc.) on the improved properties that have been installed within the last ten years on the plans and notice given to the NRCS and LPSNRD and the Nemaha Natural Resources District for changes to these constructed best management practices.
2. Before receiving building permits provide the following documents meeting all the requirements to the Planning Department to the satisfaction of the Planning Director:
 - 2.1 An Erosion Control Plan approved by the Lower Platte South Natural Resources District and by the Nemaha Natural Resources District for their respective jurisdictions.
 - 2.2 The technical specifications for the battery chiller system, including the safety data sheet (SDS) for the coolant and the referenced acoustical analysis prior for Lincoln Lancaster County Health Department approval.
 - 2.3 A road maintenance agreement as required between the County and the permittee, approved by the Lancaster County Engineer and the County Attorney.
 - 2.4 A Special Trip Permit Application if required by the Lancaster County Engineer.
 - 2.5 Driveway and utility permit applications as required shall be submitted to the Lancaster County Engineer.
3. Within 15 years of approval of this special permit, upon abandonment or when the cost of decommissioning exceeds the salvage value, provide Lancaster County with a surety for Net Decommissioning Cost.

Standard Conditions:

3. The following conditions are applicable to all requests:

- 3.1 Before starting the operation, all development and construction shall substantially comply with the approved plans.
- 3.2 All privately-owned improvements, including landscaping , shall be permanently maintained by the Permittee.
- 3.3 The physical location of all setbacks and yards, buildings, and circulation elements, and similar matters be in substantial compliance with the location of said items as shown on the approved site plan.
- 3.4 The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.
- 3.5 The applicant shall sign and return the letter of acceptance to the County Clerk. This step should be completed within 60 days following the approval of the special permit. The Permittee shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds. Building permits will not be issued unless the letter of acceptance has been filed.



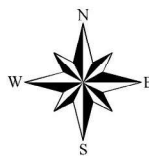
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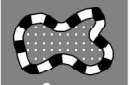


Special Permit #: SP24036
SW 14th St & W Hallam Rd

Seven Square Miles

Zoning:

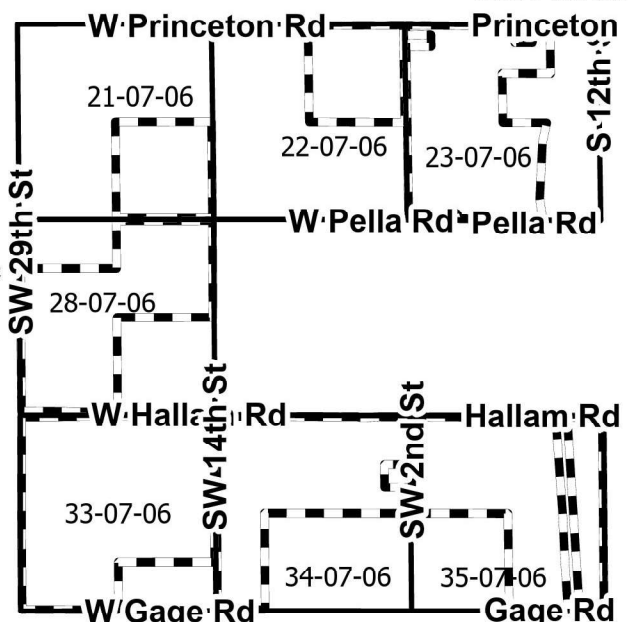
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



	Area of Application
	Zoning Jurisdiction Lines
	Lincoln City Limits

128

2024 aerial



November 6, 2024

VIA HAND DELIVERY

Lincoln-Lancaster County Planning Department
Attn: Mr. David R. Cary, Director
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508
plan@lincoln.ne.gov

Re: Special Permit Application for Panama Energy Center

Dear Mr. Cary:

On behalf of Panama Energy Center, LLC ("Applicant"), we respectfully submit this Special Permit application for the Panama Energy Center (the "Project"). Applicant is a wholly-owned subsidiary of NextEra Energy Resources, LLC. The Project is a proposed utility-scale solar farm in southern Lancaster County, east of the Village of Hallam.

Applicant would construct, operate and maintain the Project in accordance with the 1979 Zoning Resolution of Lancaster County, as amended (the "Regulations"), and all other applicable laws.¹ The Project would be in the Agricultural ("AG") zoning district and qualify as a "Large Solar Facility" under the Regulations. Section 13.051 authorizes Large Solar Facilities in the AG zoning district by Special Permit.

Applicant would construct the Project solely on the land of voluntarily participating landowners. The overall Project Site (defined below) would encompass approximately 2,442 total signed acres, with approximately 1,677 acres containing Project improvements. Project improvements would have a ground coverage ratio of approximately 38 percent. Project improvements would meet all applicable setbacks.

Applicant would construct the Project in two phases. As the Site Plan (defined below) depicts, "Phase 1" would encompass approximately 1,889 acres, with approximately 1,327 acres containing Project improvements. "Phase 2" would encompass approximately 553 acres, with approximately 350 acres containing Project improvements.

¹ All section references are to the 1979 Zoning Resolution of Lancaster County, as amended, unless otherwise stated.

The Project would generate clean, reliable electricity. Specifically, the Project would have a total nameplate capacity of approximately 304 megawatts (“MW”). Phase 1 would have a nameplate capacity of approximately 230 MW. Phase 2 would have a nameplate capacity of approximately 74 MW.

The Project would also include 120 MW of four-hour discharge battery energy storage facilities, along with a substation and possible operation and maintenance facility. The Project would interconnect to the Nebraska Public Power District transmission system at the Olive Creek substation.

Applicant estimates it would commence construction on Phase 1 in 2025. Applicant estimates Phase 1 would begin commercial operation in 2026. Applicant estimates it would commence construction on Phase 2 in 2027. Applicant estimates Phase 2 would begin commercial operation in 2028.

The Project would be compatible with existing agricultural land uses. During operation, the Project would use no water and produce no emissions. The Project would meet all site and design standards in the Regulations. No waivers are requested.

To mitigate aesthetic impacts, Applicant would use the natural topography of the area and plant vegetative screening in accordance with the Regulations. At the end of the Project’s operational life, the underlying landowners may return the land to its prior use.

Applicant has performed extensive environmental evaluation of the Project Site. Applicant has consulted with the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service, Nebraska Field Office. Those agencies expressed no environmental concerns regarding the Project Site. Applicant will continue to engage in environmental monitoring. Applicant has also certified the Project with the Nebraska Power Review Board.

The Project would inject a capital investment into Lancaster County of approximately \$600,000,000. That investment would generate spinoff economic activity that supports the local economy and schools.

To construct the Project, Applicant would purchase local and regional goods and services as available and feasible. Applicant estimates the Project would provide approximately 250 to 300 construction jobs and up to five full-time operation and maintenance jobs. These workers would also contribute to Lancaster County’s economy.

The Bureau of Business Research at the University of Nebraska-Lincoln estimates the Project would generate new tax revenue of approximately \$1,400,000 annually, or approximately \$42,000,000 over a 30-year operational life. Approximately two-thirds of this new tax revenue would go to local public schools, subject to local levy. Other local taxing authorities would also benefit, including the County itself, local fire districts, agricultural societies, natural resource districts, libraries, community colleges and educational service units.

According to the Bureau of Business Research, the Project would drive a regional economic benefit of approximately \$200,000,000 during development and construction and over \$7,000,000 annually during operations. The Bureau estimates over a 30-year operational life, the Project would provide a total regional economic benefit of approximately \$410,000,000. For the full Economic Impact Analysis of the Project, please see **Exhibit N**.

Applicant respectfully requests the Lincoln-Lancaster County Planning Commission (the "**Planning Commission**") approve the Project as proposed. Applicant anticipates the Planning Commission may impose conditions of approval. Applicant looks forward to working collaboratively with the Planning Commission to develop conditions of approval as necessary.

The list below shows Applicant's satisfaction of the application requirements under the Regulations. Should you have any questions, please let us know.

Application Requirements

1. Contacts.

Primary Contact:

David C. Levy
Baird Holm LLP
1700 Farnam Street, Suite 1500
Omaha, Nebraska 68102
(402) 636-8310
dlevy@bairdholm.com

Secondary Contact:

Matthew Jones
NextEra Energy Resources, LLC
700 Universe Boulevard
Juno Beach, Florida 33408
(561) 685-9043
matthew.jones@nexteraenergy.com

2. Application Form and Fee. § 13.002. Exhibit A is a copy of the County's completed Planning Department Application Request Form (the "**Application Form**"), including a copy of the check evidencing payment of the \$1,142 Special Permit application fee. As the Application Form requires, Applicant shall submit the Site Plan (defined below) and all other exhibits via electronic delivery.

3. Cover Letter. The foregoing Project description states the purpose for the application and includes all relevant information concerning the reason for the request. There are no other associated applications or projects pending at this time.

4. Participating Parcels; Legal Descriptions. Exhibit B contains the names of the participating landowners and the legal descriptions of the participating parcels within the Project Site.

5. Landowner Authorization. Applicant has acquired the property rights necessary to permit, construct and operate the Project on the Project Site (defined below). **Exhibit C** is evidence of landowner authorization in the form of memoranda of leases and option agreements and designation of agent forms for the participating parcels within the Project Site. Each document bears the underlying landowner's signature authorizes Applicant to pursue a Special Permit on said landowner's behalf.

6. Notice Requirements. § 22.005. Exhibit D is a list of all landowners within one mile of the Project site and a list of all local governments and municipal, county and joint planning commissions that have jurisdiction over land within three miles of the Project site. Applicant agrees to coordinate with the County to publish and provide written notice as the Regulations require prior to public hearing on the application.

7. Site Plan; Electrical Site Plan. § 13.002(A). Exhibit E is a copy of the Conditional Use Permit Site Plan for the proposed location of the Project (the "Project Site"). **Exhibit F** is a copy of the Electrical Site Plan for the Project Site (the Conditional Use Permit Site Plan and Electrical Site Plan are collectively, the "Site Plan").

The Site Plan depicts Phase 1 and Phase 2 of the Project. The Site Plan is to scale and shows all pertinent information regarding the Project, including participating parcels, estimated improvement locations, regulatory constraints and site acreages. The Project meets all site and development standards under the Regulations, including, without limitation, setbacks and visual screening.

8. Single Line Diagrams. Exhibit G contains single line electrical diagrams for Project components including photovoltaic solar energy components and battery energy storage components for both Phase 1 and Phase 2 of the Project.

9. Equipment Specifications. Exhibit H contains equipment specifications for various components Applicant anticipates installing as part of the Project. Applicant provides these equipment specifications for demonstrative purposes. Equipment procurement would occur later in the Project development cycle, after Applicant has obtained a Special Permit. Accordingly, Applicant reserves the right to procure and utilize comparable equipment prior to Project construction, subject to compliance with all applicable building and electrical codes.

10. Vegetation Management and Landscape Screening Plan. § 13.051(a)(iv). Exhibit I contains Vegetation Management and Landscape Screening Plans for both Phase 1 and Phase 2 of the Project (collectively, the "Vegetation Management and Landscape Screening Plan") for the Project Site. It provides for establishment and maintenance of perennial ground cover and visual screening between the Project and adjacent non-participating residential uses as the Regulations require.

11. Erosion Control Plan. § 13.051(a)(iii). Before commencing construction, Applicant agrees to provide an erosion control plan and obtain approval from the Lower Platte South Natural Resources District and Nemaha County Natural Resources District, as applicable.

12. Environmental Compliance. Neb. Rev. Stat. § 70-1014.02(2)(a)(v). The Project complies with commonly accepted management practices for avian, wildlife and environmental protection. **Exhibit J** is evidence of environmental compliance from Olsson Associates.

13. Decommissioning Plan. § 13.051(a)(v). Exhibit K contains a Decommissioning Plan that outlines the means, procedures and costs to remove the Project, including all equipment, improvements and foundations to a minimum depth of three feet and restore the underlying soil and vegetation. It contains a net decommissioning cost estimate

from a professional engineer in compliance with Section 13.051(a)(v)(2). Applicant will update the net decommissioning cost estimate every five years from date of approval.

As the Zoning Regulations require, no later than the end of the 15th year of Project operation, Applicant will provide the County with a surety bond, letter of credit, or other equivalent security instrument acceptable to the County to secure the net decommissioning cost (the "Decommissioning Security"). Applicant will update the Decommissioning Security every five years thereafter to match each updated net decommissioning cost estimate.

14. Decommissioning Agreement. Before commencing construction, Applicant will negotiate a Decommissioning Agreement with the County governing issuance, maintenance and release of the Decommissioning Security.

15. Road Use and Maintenance Agreement. Before commencing construction, Applicant will provide a traffic access study of the Project Site and negotiate a Road Use and Maintenance Agreement with the County governing Applicant's use and maintenance of County roads.

16. Emergency Action Plan. Exhibit L is a template Emergency Action Plan. Before commencing operation, Applicant will provide the County a complete Emergency Action Plan in similar form that outlines safety guidelines and procedures for potential emergency incidents during Project operation and decommissioning. Applicant will comply with and incorporate any specific emergency management requirements the County or local fire districts may direct.

17. Sight-Line Study. Exhibit M contains a Sight-Line Study showing simulations of how the Project will look from key vantage points around the Project site. Applicant voluntarily offers this to help ease any concerns about the visual appearance of the Project.

18. Glare Analysis. In addition to the required application materials, Applicant has commissioned a glare analysis for the Project Site and surrounding area from aviation consultant Capitol Airspace Group. Applicant will submit the full analysis when complete.

19. Acoustical Analysis. § 13.051(a)(ii). In addition to the required application materials, Applicant has commissioned an acoustical analysis for the Project Site and surrounding area from acoustics consultant Epsilon Associates to evidence compliance with the sound limit in Section 13.051(a)(ii). Applicant will submit the full acoustical analysis when complete.

20. Economic Impact Analysis. Exhibit N is an Economic Impact Analysis of the Project from the University of Nebraska-Lincoln, Bureau of Business Research. The Economic Impact Analysis substantiates the economic projections in this application.

Mr. David R. Cary
November 6, 2024
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* * *

Thank you for receiving this application. Please confirm it satisfies the County's requirements and schedule it for hearing before the Planning Commission as soon as possible. Should you have questions or need anything else, please let me know.

Sincerely,



David C. Levy

Enclosures

cc: Panama Energy Center, LLC