

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 Spelmann, 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 Isaac, 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 Lineman, 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 Oltmeyer, 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, Feit and Eddins absent.

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

CONDITIONS OF APPROVAL - SPECIAL PERMIT #24036

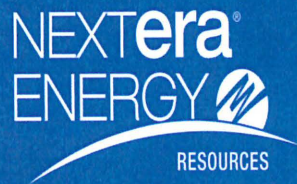
Per Article 13.051 this approval permits a Solar Energy Conversion System.

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

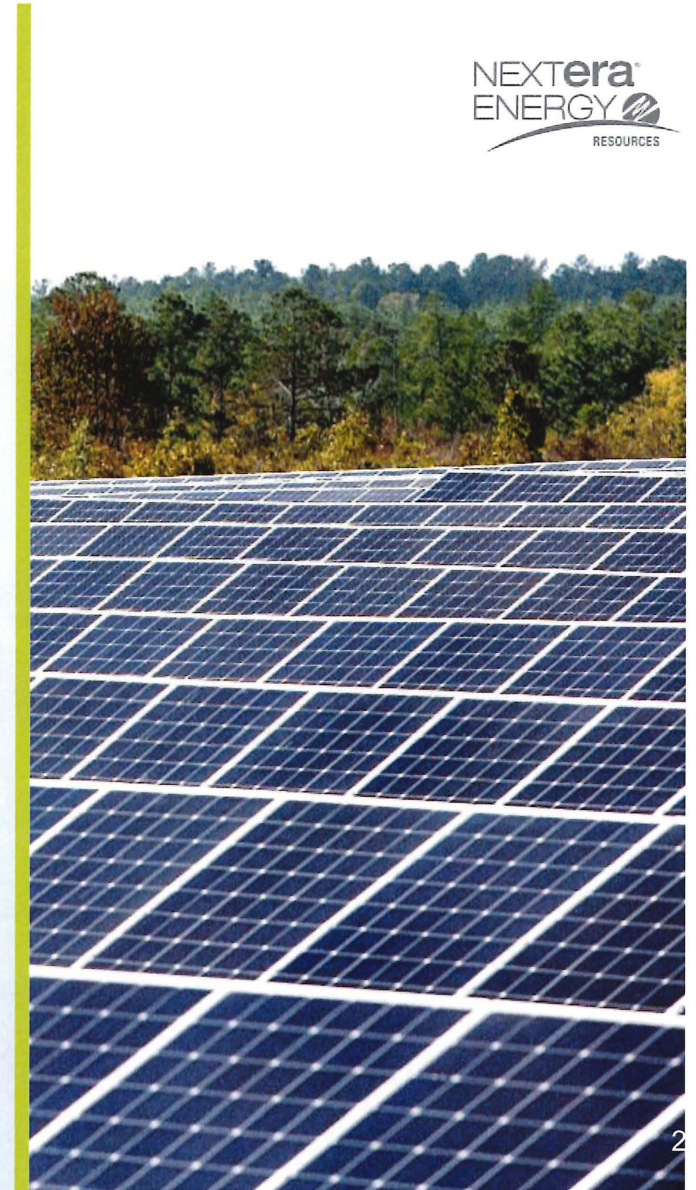
Local Investment, Revenue & Homegrown Energy.

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

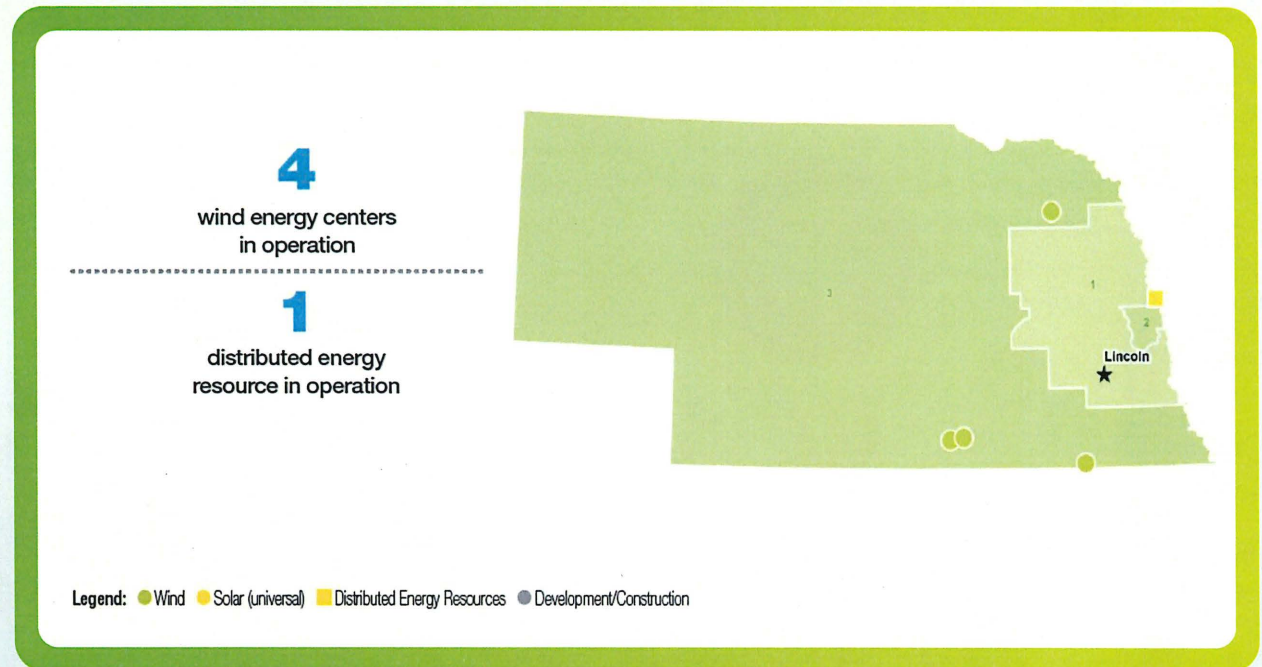
\$17.5 MILLION*

IN ANNUAL PAYROLL

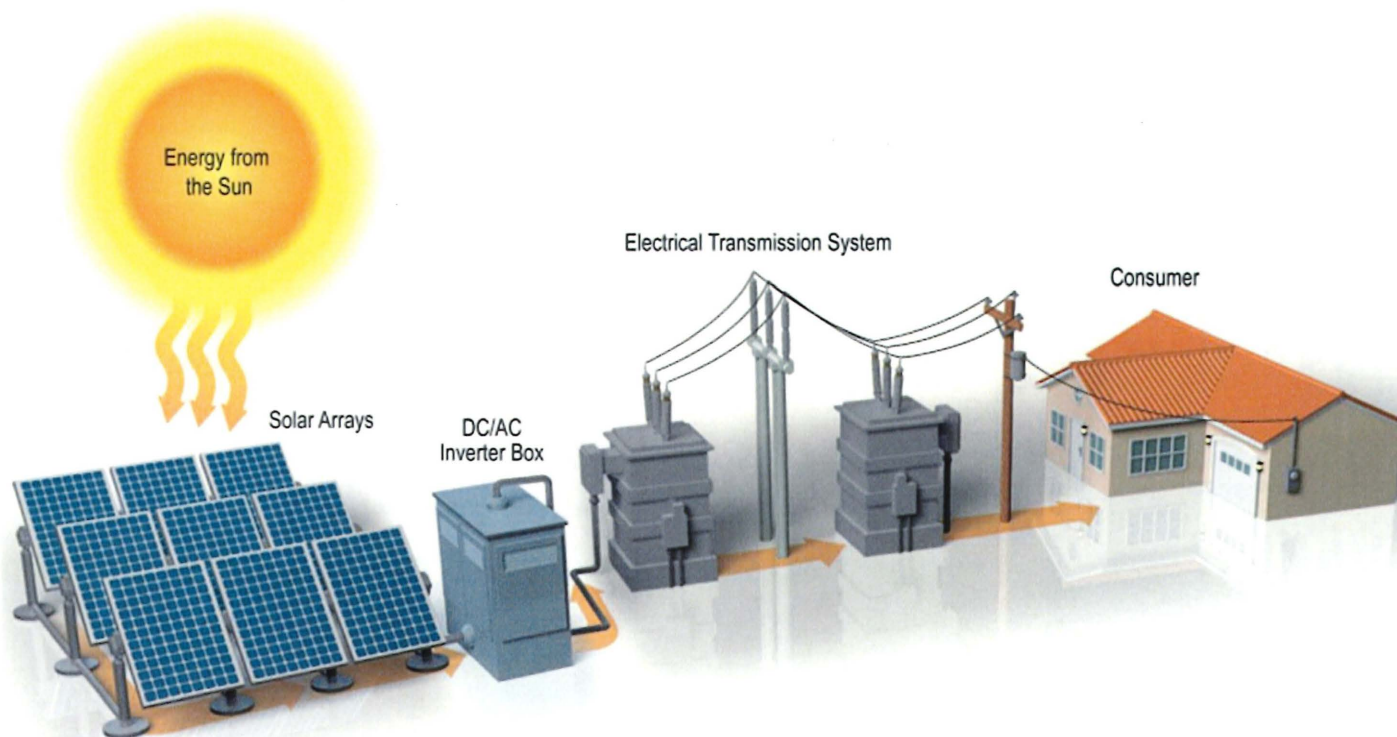
\$5.6 MILLION*

IN ANNUAL LAND PAYMENTS

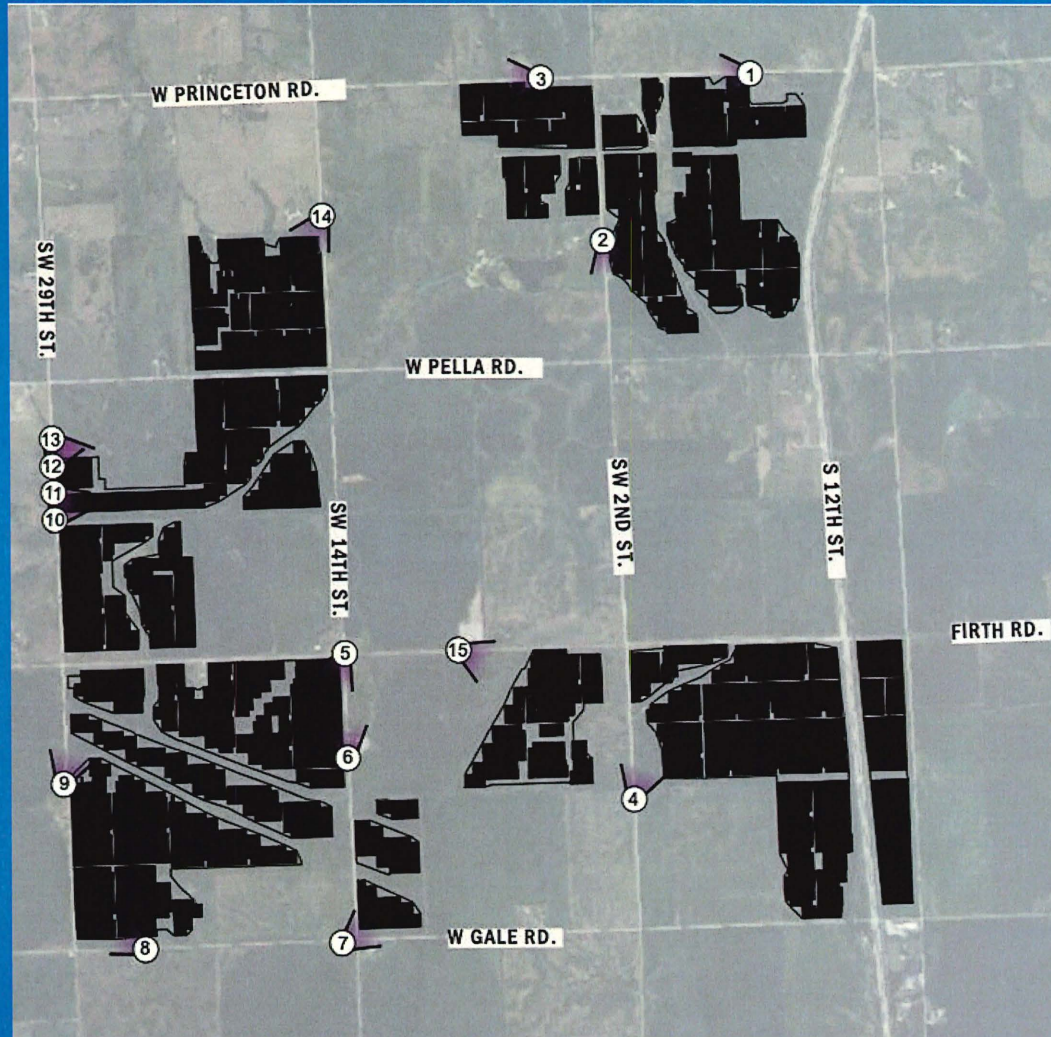
*Data as of 2023.



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

 Provides approximately
**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



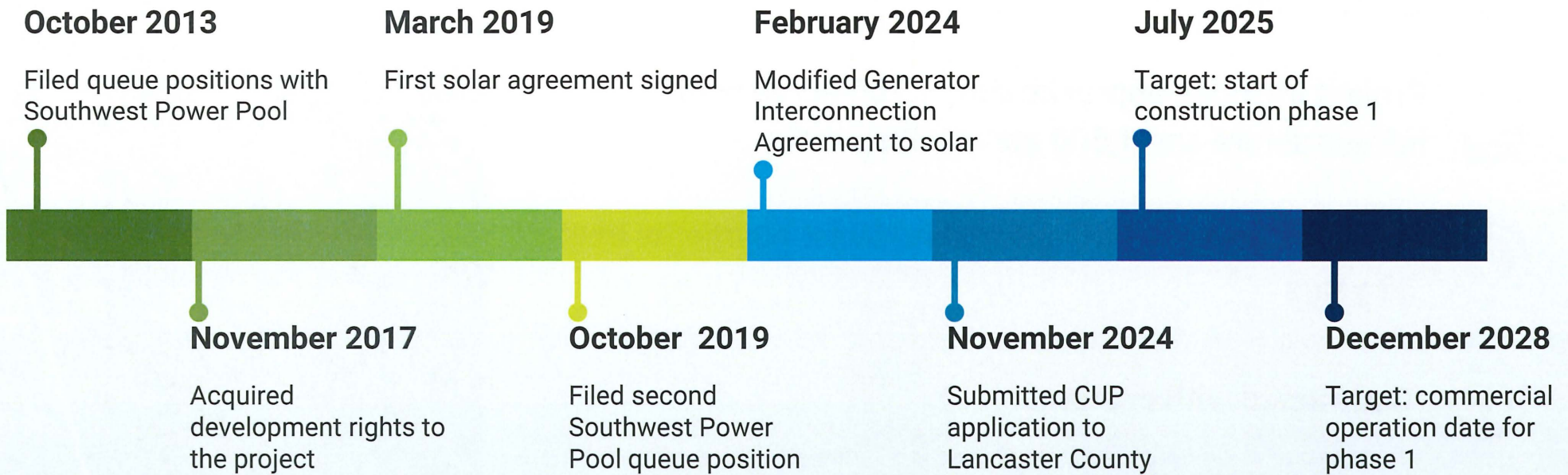
Contracted with customer




Complies with Lancaster County zoning regulations in all respects



Panama Energy Center Project Timeline



Tax Benefits

<p>Two forms of Nebraska taxation on renewable energy generation facilities</p>	<p>Approximately \$4,000 per MW, per year</p>	<p>Total estimated new tax revenue of approximately 1,400,000 per year</p>
<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:

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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

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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.

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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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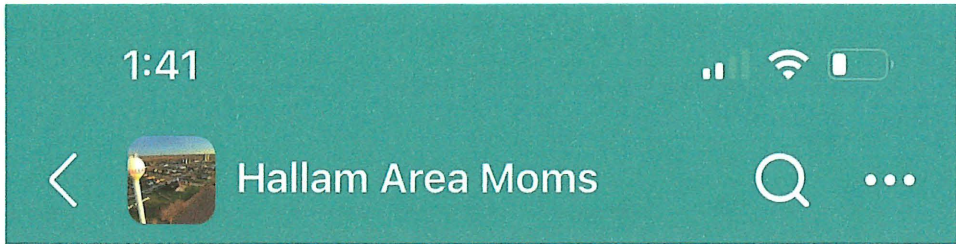
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Paige Bennett

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



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10:56



25235 Southwest 29th Str

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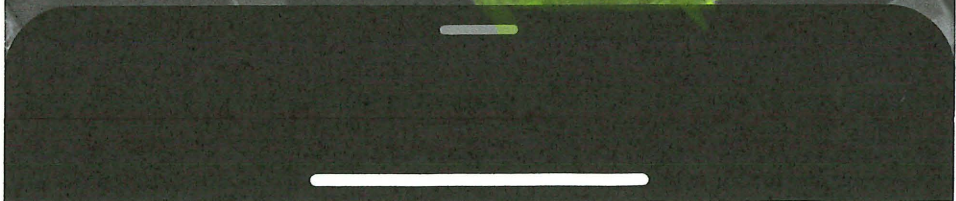
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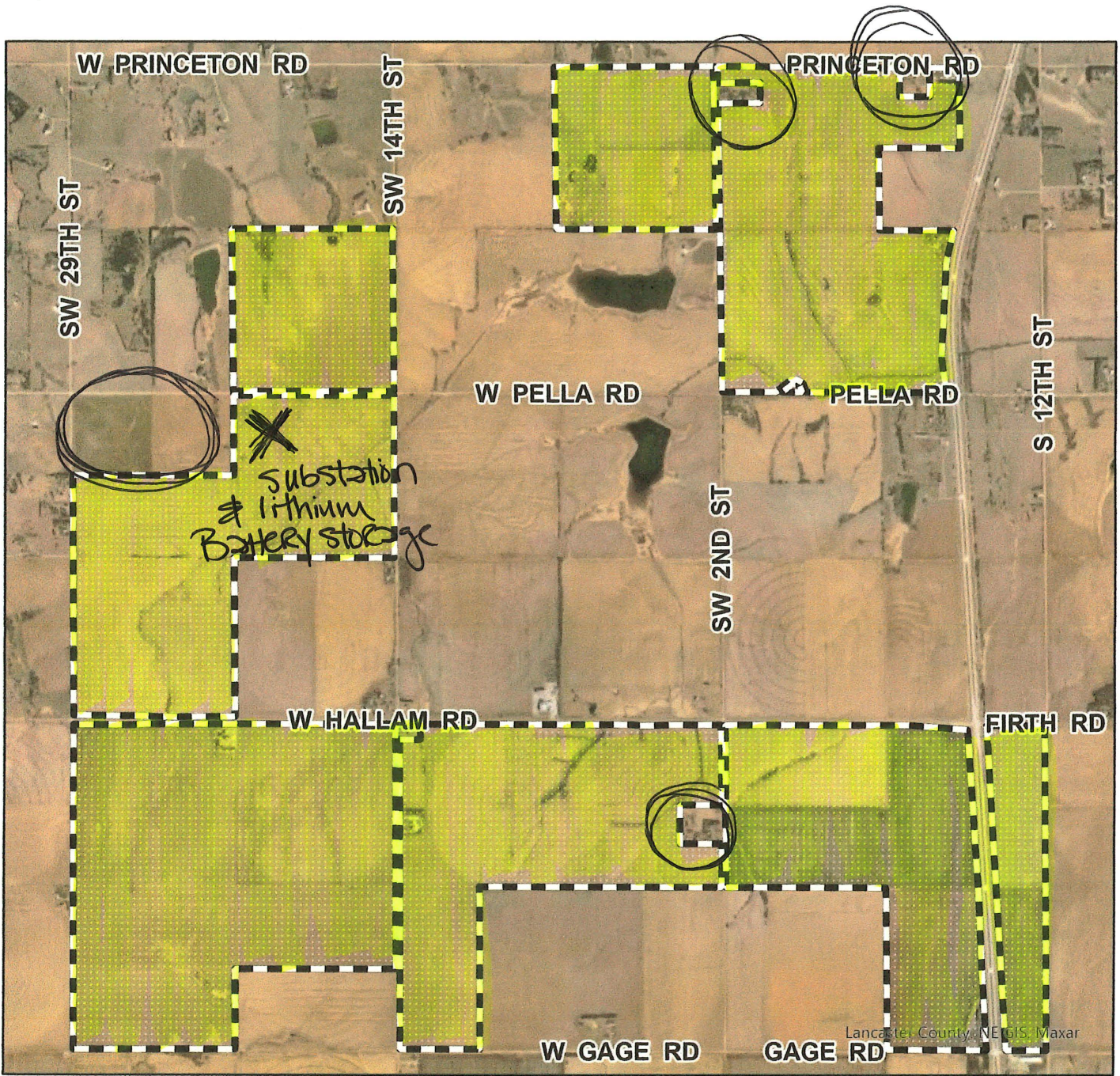
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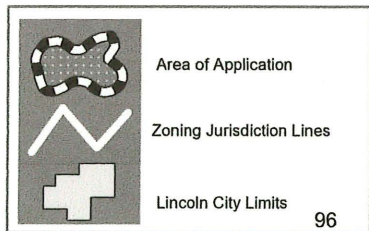
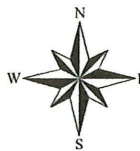


Special Permit #: SP24036
SW 14th St & W Hallam Rd

Zoning:

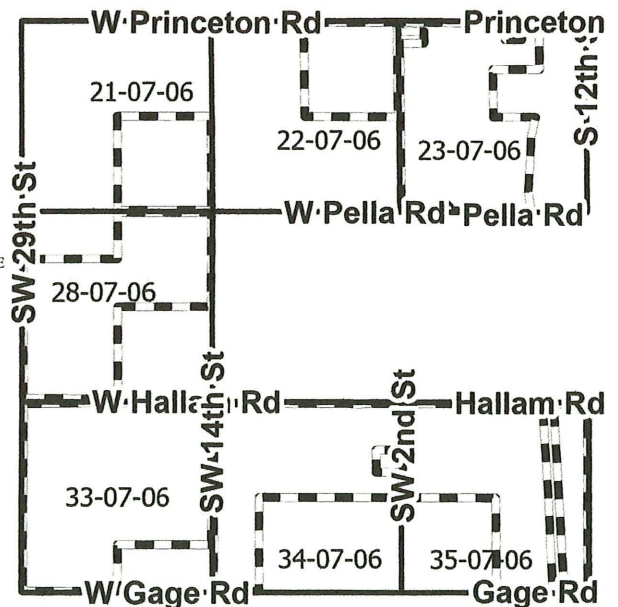
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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

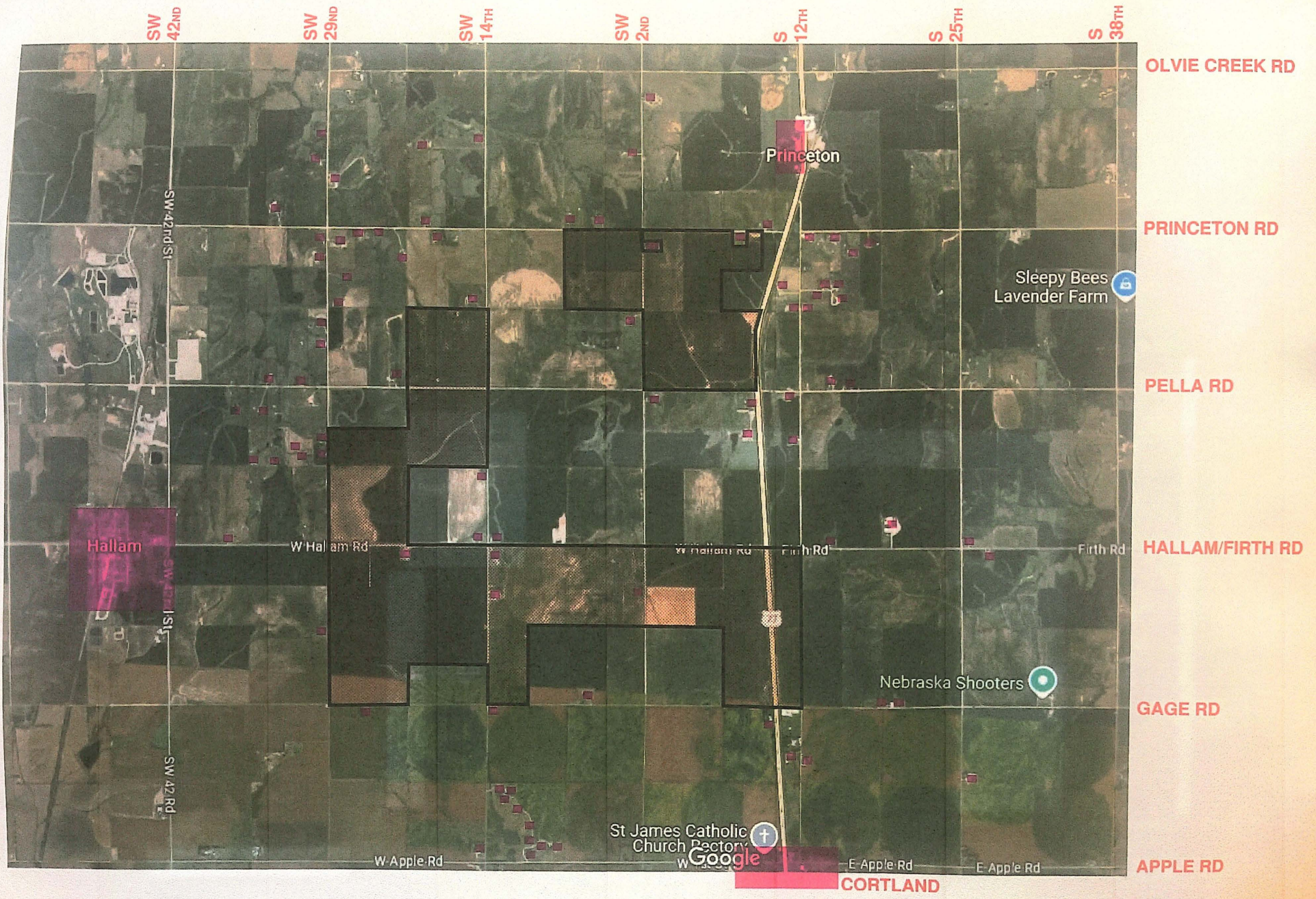
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2024 aerial









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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



AN 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.

SW
29ND

SW
2ND

S
25TH

S
38TH

OLVIE CREEK RD

PRINCETON RD

PELLA RD

HALLAM/FIRTH RD

GAGE RD