

March 26<sup>th</sup> Wind Energy Text Amendment Working Group  
Meeting Notes

Members of Working Group present:

Cindy Chapman, Bud Dasenbrock, Marilyn McNabb, Ben Mullarkey, Lucas Nelson, Tony Oberley, Tom Schuerman, Curtis Schwaninger, Greg Schwaninger, Ed Swotek, Joe Wood, John Blas, Paul Meints, Dennis Rosene, Lisa Wiegand. Approximately 19 members of the public were also present.

Meeting Summary

Introduction: Steve Henrichsen, Lincoln/Lancaster County Planning Department (LLCP) briefly reviewed the process by which this working group will aid in the development of a text amendment for wind farms. Gage County is also sitting in to share their experience and information. There will be various topics discussed at each meeting. The website is now available to keep working group members and the public informed. Information about each meeting, various handouts and links to information from the staff, the working group, and the public are available for viewing. He noted that the discussion topics for each meeting date have changed in order to accommodate speakers.

Economic Implications for Land Owners & Surrounding Community:

- The Working Group discussed the implications of wind farms to the county tax base, including how revenue gets distributed, how it affects school district funds, what happens in the case of overlapping districts, and what the future impact will be if the turbines are decommissioned. Wiegand addressed some questions, stating that the money returns to the district it in which it was collected and is then prorated out by the County Treasurer. Henrichsen added that money is allocated the same as other funds so if, for example, the Ag Society receives 2%, that percentage would remain the same.
- In some rural areas, the construction and operation of turbines could create new funding or construction positions; urban areas generally use existing contractors. There will be funds generated for land leaseholders, or for property owners where easements may need to be purchased, so some may receive funds in that way. These specifics may not be addressed by ordinance, but they are pros and cons of wind turbines.
- Neighbor agreement compensations vary. Henrichsen explained that some owners may choose to accept a one-time compensation. An ordinance might require a certain distance of setback, but there could be a group of property owners who decide officially, via the neighbor agreement, that the setbacks are allowed to be less. Questions raised by the working group included how these agreements might affect future landholders, and whether an existing agreement might impede the right to take action should there be any type of incident. Wood stated that anyone who signs a contract should fully understand its limits; those vary from agreement to agreement. Henrichsen said an ordinance would not require the type of agreement, just limitations on setbacks and other similar guidelines. The details are between the company and neighbors who are under no obligation to sign. Wiegand said in that Gage County, there are conditional agreements that stay with the lots. Henrichsen said that in Lancaster County, once a permit is on a property, it runs with that property and not with owners; the legal terms are binding on the next owners. It would be unwise to invest money in turbines if rights were lost when property changed hands. There is no power of eminent domain because these are private applications.

### Environmental Implications of Wind Turbine Projects:

- There is no local requirement for an overall environmental impact statement, but it is an important consideration. Turbines leave a small footprint, create no air emissions, and use no water. There is a need for access roads, but agricultural uses can continue. There are direct and indirect environmental implications. Turbines do not tend to disrupt long belts of trees because they are typically located on higher ground. There can be direct impacts to wildlife but the Comprehensive Plan discourages development in sensitive areas, such as saline wetlands, and many areas have been purchased by government agencies for the purpose of preservation. The working group had questions about the protection of native vegetation. Wood said that any areas identified as native prairie are avoided or mitigated.
- The number of birds killed by turbines is much smaller, in a relative sense, to other causes of bird deaths. The working group expressed concerns about the protection of migratory and endangered birds. Members asked about Whooping Cranes that could be outside of their traditional nesting areas, the thousands of snow geese that migrate through southern Lancaster County each spring, and the impact to the increased numbers of Bald Eagles in the area. Wood addressed some concerns, stating that there is discussion about a crane contingency plan. All employees are trained to identify whooping cranes and if they are reported, different strategies are used, depending on proximity. This is a protection unique to Nebraska. He has not seen evidence to indicate that migratory birds avoid wind farms. Developers are not required by law to take the extra steps to protect wildlife, but it does not make sense to ignore this aspect since the Nebraska Power Review Board must get a letter from the Game & Parks Commission stating all proper environmental precautions have been taken care of.
- The working group made various suggestions including that residents within project areas participate in environmental studies because they have a more accurate view of local wildlife than outsiders, and that an ordinance should require that developers seek out environmental studies. Henrichsen said such requirements would be unique. Applicants begin their process at the State level long before applying at the County level. Local governing bodies have traditionally relied on State agencies to regulate and sign off on these types of environmental issues.

### Shadow Flicker and Ice Throw:

- Shadow length and location can vary depending on time of year, time of day, season, wind direction and topography. There was an assumption that with a 1,000 foot setback to a property line, there would be no "shadow flicker" impact to the adjacent properties. The concern is not the shadow itself, but the constant movement; it is a matter of being a nuisance rather than a cause of damage. There is mapping that predicts its affects and factors in topography and wind direction. The working group discussed the amount of time a shadow must be present to create a nuisance and whether or not it should be allowed at all on a non-participating property. The current ordinance does not specifically address shadows. The setback in Gage County is ¼ mile.
- Ice throw is less of a concern than it was twenty years ago. Sensors stop blades if ice buildup is high. The maximum distance ice can be thrown is approximately 500 feet and setbacks protect roads. Concerns were raised about access to turbine manufacturer recommendations and the reliability of sensors.

#### Examples of Regulations from Other Communities:

- Smaller scale turbines are currently allowed in Lancaster County; this text amendment is for larger, commercial wind farms. There is currently a 1,000 foot setback in Lancaster County. Internal property lines are not included within an area where all owners have agreed to be a part of a project. They are required to meet all FAA standards. Unrelated towers (from two different companies) must be separated by five rotor diameters. There is a separate building code, so Lancaster County does not deal specifically with that in the zoning ordinance. Questions were raised about the differences between setback distance from a property line or dwelling unit.
- Under the Special Permit process for wind farms, multiple towers are allowed in a single permit area. Planning Commission action is final, but there is an appeals process that goes to the elected officials at the County Board. The applicant, or adjacent property owners, could file for an appeal of the approval, but anyone impacted who can show a strong standing for an appeal is allowed that right. There is a whole series of permits and agencies that must be worked through. There are other ordinances in place that cover different aspects, public hearing or building codes for example. If any major changes are made to a site, it must go through the process again and public hearing is part of that process.

#### Examples of Wind Associations of Property Owners (Saline County Example):

- Property owners can join together on their own to say they would approve of using their land for wind energy use. Companies could find that very desirable. A handout from the Saline County Wind Power group was provided.

Review of Upcoming Topics and Potential Tour: Henrichsen gave an overview of upcoming topics. The next meeting will be held in Cortland. He asked for a show of interest in arranging a tour of the Steel Flats turbines.

#### Comments and Questions from Audience Member on Matters Discussed This Evening:

- Ice detection is not highly reliable and sensors fail. The turbines build up smooth ice and grime that is undetectable. New solutions, such as heating, have to be manually switched on. There is no viable solution to this potential hazard yet. Henrichsen stated there could be a single maintenance person for many turbines, but they can be remotely controlled.
- There are a significant number of geese in the area, but bird studies may be skewed depending on when and where those conducting the study are looking.
- Shadow flicker and inconsistency of direction and strength of wind are major concerns.
- Are members of the public allowed to make presentations? Henrichsen requested that requests for presentations or information be sent directly to staff.
- Wind farms are an important aspect in addressing climate change in the long-term.
- What about the future growth of Lincoln? Henrichsen stated that the Planning Department has jurisdiction over the City of Lincoln including three miles outside of city limits and the unincorporated areas of the County. Other communities have jurisdiction within their town and one mile outside of limits. Lincoln has mapped growth areas from twenty to sixty years into the future. Those areas are planned in such a way as to allow for future urban development.

The meeting concluded at approximately 8:10 p.m.