

April 9th Wind Energy Text Amendment Working Group
Meeting Notes

Members of Working Group present:

Cindy Chapman, Bud Dasenbrock, Gary Hellerich, Marilyn McNabb, Ben Mullarkey, Lucas Nelson, Tony Oberley, Curtis Schwaninger, Greg Schwaninger, Ed Swotek, John Blas, Myron Dorn, John Hill, Paul Meints, Dennis Rosene, Lisa Wiegand. Approximately 25 members of the public were also present.

Meeting Summary

Introduction: Steve Henrichsen, Lincoln/Lancaster County Planning Department (LLCP), thanked Gage County for kindly hosting the meeting. He briefly reviewed that the purpose of these meetings is to take a fresh look at how large, commercial scale wind farms are regulated in the county. Working group members represent Lancaster and Gage Counties. They donate their time and provide comments that will assist in putting together a text amendment.

Chris Schroeder, Lincoln/Lancaster County Health Department, reported that at the April 16th meeting, Dr. Dominique Cheenne will present a "Noise 101" lecture. He will be joined by Dr. Edward Walsh and Mr. Robert O'Neal to take part in an interactive discussion on the topic of noise and turbines. Members are encouraged to come with questions.

Sara Hartzell, LLCP, introduced the topics which included view corridors, impacts to future development and adjacent property owners, public road improvements, decommissioning, and enforcement and regulation issues. She introduced Dr. Richard K. Sutton, UNL Professor from the Department of Agronomy and Horticulture, who presented "Aesthetic Impacts of Wind Turbine Development".

Important View Corridors:

Dr. Sutton thanked the working group and praised citizens for helping to create regulations that will have an impact on the way citizens live. A main area of focus in his studies is the way humans are connected with their environment.

- Noise issues can and should be considered part of the overall aesthetic value of the environment.
- An Upper Great Plain "Programmatic Environmental Impact Statement" map shows low, medium, and high potential areas for wind energy development. It also demarcates sensitive visual resource areas.
- Factors such as health; safety, including FAA night distance, blade damage, tower failure, etc.; and welfare, including installation/maintenance, decommissioning, aesthetics, etc. must be considered.
- Aesthetic character and its protection are part of the Lincoln/Lancaster County Comprehensive Plan. In the case of turbines, there are existing and future aesthetic and visual impacts which might include consideration of factors like context from a distance, color, arrangement, size, and movement.
- There are significant viewsheds and vistas in Lancaster County, especially surrounding recreation areas. Maps, photos of key observation points, and visual simulations are not sufficient for understanding the way people relate to their environments, but they should be submitted as part of the public hearing process.

Hartzell said that views and vistas were identified as key factors in planning. Key questions include:

- What are the major public ways? What should be the experience and feel of traveling along them?
- How are lighting standards treated differently in rural areas?
- To what extent do things like overhead utilities, cell towers and billboards disrupts vistas?

The Comprehensive Plan cites the Green Print Challenge, which identifies view corridors such as the Capitol View and Entryway corridors as priorities. These routes have been driven and mapped. Some view corridors are updated continually. Examples of identified views include the Capitol Building, Nine Mile Prairie, Spring Creek, Branched Oak and Pawnee lakes, and other areas with native vegetation and open rural views. Guidelines are being considered for protecting these areas. Views and vistas can be part of the review process, but are currently not specifically written into the code.

Mark Engler, Homestead National Park Service, stated the National Park Service was created as part of the Organic Act of 1916. The purpose of this act was to conserve and protect natural and historic objects and wildlife for the enjoyment of future generations. These locations are special and are tied to our identity. Renewable energy must be implemented responsibly. Homestead National Monument is within scenic a viewshed. People in rural areas value the open views and clear night skies without structures on the horizon. In addition to potential health and safety impacts, tourism, recreation and historic areas should also be considered.

The Working Group discussed the difference between views that are valued in common by the public, versus the views of individual property owners. Other places will look to Lincoln as an example for how these issues are resolved. Landowners have rights to make choices about their own property, but the rights of others must also be protected. Applications go through a long review process, a public hearing, and there is potential for appeal.

Impact on Development and Subdivisions:

Hartzell explained that at this time, regulations regarding turbines all refer to existing dwellings, not future dwellings. This doesn't mean that a property owner cannot build in the future, but they may end up within the setback area.

The Working Group brought up several points for discussion. If the text amendment language assumed there was potential for a dwelling on all properties, there could be more buildable area; it seems practical to treat every non-participating property the same to protect them equally.

Working Group member asked if there should be a way to address when some property owners are able to exert undue influence over others. It is important to have the regulation state exactly which views are important so it is up front and can be measured against something generic like "all views". The public review process provides an opportunity for individual landowners to speak up. If any significant changes are made to towers, they must go through the entire review process again. Part of that process is to make sure that everything is in order and that the applicant has met all conditions.

Hartzell concluded this portion of the discussion by acknowledging that there is a desire to have language to address lots that do not currently have houses, but may someday.

Impact on Property Value of Adjacent Land:

Hartzell presented studies on potential changes to property values adjacent to wind farms. In the peer reviewed studies of actual sales, home to home, before and after the announcement of wind energy farms nearby, there is no statistical evidence that values were affected. There is an impact when views are part of the value of the property. There are many complicated factors that influence home values. People with a strong connection to their property tend to have more objections.

Working group members offered alternative information. There were concerns about the validity of some of the studies, which lacked participation by licensed appraisers. Some members told of personal experiences in other counties or states about the decline in acreage sales and the reluctance to develop near wind farms. There is considerable development potential in southern Lancaster, so a much larger setback to non-participants should be considered.

In other areas, including in Gage County, there has been new development near wind farms. The setbacks are reasonable, and once the turbines are installed and buyers can see what is actually in place, it may not be such a threat. This appears to be confirmed by data.

Public Road Improvements Needed for Construction:

Hartzell stated that there are requirements for permits when it comes to roads such as clearing obstructions, and reporting on weight bridges and culverts. The County Engineer is very active when it comes to mud on dirt roads. It can be difficult to determine the specific causes of impacts to roads.

Working Group members noted that when Steele Flats built in Gage County, they had predetermined approved routes. If they need to use a different road, they had to get the ok from county engineers first. They improved some roads, added culverts, brought in rock in some areas. They also filmed every road before and after to make sure that everything was in the same or better condition after they left.

Decommissioning of Wind Towers:

Information was presented by the Working Group about decommissioning plans in other areas. They are bonded on a per acre basis and the land typically must be returned to the way it was before the installation of the turbine. These plans are usually proposed by the wind company and reviewed by legal staff and engineers. Aspects of this are also included in agreements with leasing landholders; for example, in Gage County, the concrete base is allowed to remain in the case of decommissioning, and that becomes the responsibility of the landowner. There needs to be language guaranteeing that towers are taken down, even if an individual landowner doesn't mind keeping it. Decommissioning language should also apply to towers that are inoperable or unproductive beyond a certain length of time.

Enforcement and Regulation Issues:

Hartzell explained that whenever significant changes are made, they must go back through the process of review and approval. Lancaster County does not have a separate noise resolution, though there is a nuisance resolution, and both of those fall under the jurisdiction of the Health Department. There is language that states permits can be revoked or brought into compliance. It is also a possibility to include stronger language to reinforce a complaint process. Complaints would typically come from public interaction, but there are a few things that are inspected annually.

Review of Upcoming Topics and Potential Tour: Henrichsen stated the next meeting in Roca will be a presentation and panel discussion about noise and health impacts.

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

- It is difficult to imagine that a 500 foot wind tower would not affect property values. Why was this less of an issue with the LES towers? Henrichsen replied that those are on publically zoned land, much of the land was City owned, and to the west of the location is a landfill. For these reasons, and since it was for public use, on public land, it did not require the same long review process.
- Lincoln has grown 40% since the 1990s. It is important to consider this level of future growth and how to protect every citizen's rights. The amount of land owned should not mean more rights.
- With regard to the roads, there should be a bond required so contractors working on them are guaranteed payment, the same as work on any county road project.
- Clarification was requested about the tower heights proposed in southern Lancaster County at this time. Hartzell replied that applications have been submitted, but are on hold; they could change through the review process. These discussions are about tower height in general, and not related to any specific applications.

- Highway 77 is an entryway corridor that lies between the Capitol and Homestead Monument. The turbines should not be in such a highly visible area. Many people moved out to the country to avoid encroachment from urban areas.
- Wind turbines do not have the same obstructing, visual impact to vistas as many other structures, and some people even consider them pleasing. The visual impacts should not be as important as taking steps to help climate change.

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