

Holt County Planning and Zoning Commission

Public Hearing/Regular Meeting Minutes

October 12th, 2023 - 7:00 PM

Held at the Holt County Annex meeting room

128 North 6th Street

O'Neill, NE 68763

The Public Hearing on Solar regulations for Holt County Comprehensive Zoning Plan was called to order at 7:00 P.M. by Chairman Keith May.

Motion to open hearing by Grace Coleman, Seconded by Dan Grass.

Keith read a statement on FAA policy on solar policy for control-tower type airports. Via that statement, no airports in Holt county would be subject to these requirements.

No other comments.

Motion to close the Public Hearing by Mary Kaczor and seconded by Grace Coleman. Voice vote on Motion was In Favor of closing the hearing. Aye 6, Nay 0. MCU

The regular Meeting was called to order at 7:03 by Chairman May. The statement of advertisement and open meetings law posting was noted.

Members Present: Keith May, Grace Coleman, Dan Grass, Rod Heiss, Mary Kaczor, John Krysl. Admin. Marv Fritz

Invited Guest: Keith Marvin

Members Absent: Kevin DeKay, Frank Heying

Marv Fritz stated that the Supervisors would take up the appointment of Dean Sidek at their regular meeting, to replace Marv's previous position on the board.

Adoption of the Agenda: There was a motion to approve agenda by Rod Heiss, Seconded by John Krysl. All in favor, none opposed, by voice vote. MCU

Motion to approve the Minutes for the September 7, 2023 meeting by Grace Coleman, Seconded by Mary Kaczor. Voice vote: Aye. All, opposed, none, MCU

Public Comment:

Brent Niese of Carbon Solutions spoke about the Antelope County P & Z board approving by a vote of 6-1, a conditional use permit for the proposed CO2 pipeline. This will go to the Supervisors for their action. He also stated that North Dakota's approval process will have two additional public hearings and final decision is slated for the first quarter of 2024.

Old Business:

The Randall and Tara North Conservation easement application was discussed and after input from County Attorney Bent Kelly and Keith Marvin (Comprehensive Planning Contractor) it was decided that a public hearing was not necessary; only a recommendation from the planning commission to the Supervisors, to approve or deny the application. State Statute 76-112 was the basis for the decision to move forward. The motion to send our Denial of the Application (Exhibit #1) to the Supervisors is based upon the Supervisors Resolution # 2121-32, a copy of the same is entered as (Exhibit #2), was made by Mary Kaczor, Seconded by, Grace Colman.

Voice count: Aye: Grace Coleman, Mary Kaczor, Keith May, Dan Grass, John Krysl. Nay: Rod Heiss

Marv will deliver this resolution to the Supervisors at their regular Monday meeting.

Action on Solar Plan:

Keith Marvin went through his language with updates for the plan, including more definitions, and updates, especially on decommissioning. Bonding was explained. His language on setbacks was discussed, cleaning up the 500 ft from a dwelling language. Also, he stated that glare is not considered an issue on the newer systems, as well as our noise level in the room would be more than any from the solar farm. Minor humming at the collection point would be the only noise, and it is generally withing the farm, rather than at the edges. Hazard waste is included in the decommissioning language. Marv suggested that the height of panels be enough to allow grazing under them as many are allowing for that today. Keith discussed that probably one year is not enough time for declaring a farm abandoned, and gave the issue of parts availability on a western Nebraska farm as an example.

Mary asked that Keith make the language changes before we vote to bring it to a public hearing. Keith said that he would get the updated language to Marv by Monday. Marv will get it out to the board and try to schedule a work meeting on the 19th to approve the resolution language, and set a date for a public hearing on the adoption of the Solar regulations.

Grace Coleman Items:

Grace related to the board that she had visited with Attorney Kelly and found out that her Eminent Domain issue was probably preempted by the legal term, Preemption, and explained how that worked.

Grace next presented information on the perpetual lease issues. No action was requested or taken.

Status of the overlay district legal issues: This item moved forward on the agenda.

Mary Kaczor requested that Keith update the overlay project that he had referred to in the prior meeting. He explained the things that he felt would be the next steps at such time we receive an application from Carbon Summit.

New Business:

Keith passed out draft copies of the first half of the comprehensive plan and a draft set of zoning regulations. He would like to have a working meeting on November 16th to go over, page by page, these documents. He would like the board to review the documents presented prior to the meeting. We have the capability to put this document in a form where we can all work together on it on a screen and make changes as we go. He would expect to have an approximately 5 to 6 hour workshop with the board during which those documents would be adjusted, toward the goal of bringing those parts to a form ready for a public hearing.

NPNZ Conference Updates and Comments:

Marv reported that he had signed up and sent links for the web conference the next day. All programs were going to be recorded and be available on the NPNZ.org website sometime after the conference. There will expanded versions of these programs at the March Conference in Kearney. Keith will be doing one of the programs.

Filling Board of Adjustments:

We needed to appoint one member to the Board of Adjustments. Mary Kaczor nominated Grace Coleman. She declined the position. Grace Coleman nominated Mary Kaczor, and Dan Grass seconded the motion to appoint Mary Kaczor as the commission member of the Board of Adjustment, Voice Vote. All ayes. MCU

Keith and Marv will set up town halls for 4 towns in Holt on January 3rd and 4th, 2024. Snow dates will be two weeks later. We will have Stuart, Atkinson, O'Neill and possibly a location in SE Holt between Chambers and Ewing, or possibly a 5th meeting, one in each location.

Next regular meeting will be set after the solar language is completed. Probably the 9th of November would be the earliest date. To be announced.

With no other items on the Agenda, a motion to adjourn was made by John Krysl, and seconded by Rod Heiss at 9:04 P.M Voice vote taken. Aye. All, Nay, none MCU

Chairman

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Keith May

Zoning Administrator

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Marv Fritz