

Thomas County Planning Commission
Meeting Minutes
May 11, 2017

The Thomas County Planning Commission convened in open and public session at 4:02 p.m., May 11, 2017 in the courtroom of the Thomas County Courthouse, Thedford NE. Members present were Mark Nutter, Bob Childers, Judy Rath, Carolyn Warren, Jim Purdum, Larry Haake arrived at 4:04 p.m., Lemoyne Dailey arrived at 4:05 p.m. and Alan Atkins arrived at 4:08 p.m. Absent was board member Miles Maseberg. Also present were Zoning Administrator Lorissa Hartman, County Attorney Kurt Arganbright, Sheriff Gary Eng, Lisa Eng, Ann Warren, Merrial Rhoades, Dennis Hoffman, Jason Hoffman, Dixie Hollenbeck, Tyler Rath, Chase Rath, and Lyle Rath.

Chairman Nutter declared a quorum present.

Chairman Nutter stated public meeting guidelines are posted as required by law and copies are available, if requested. Notice of meeting was given by publication in the Thomas County Herald on April 27, 2017.

Motion made by Purdum and second by Childers to adopt the May 11, 2017 agenda. Roll call vote: Ayes – Purdum, Haake, Warren, Rath, Childers, Nutter. Absent: Maseberg, Atkins, Dailey. Motion carried.

Motion made by Childers and second by Purdum to approve the December 12, 2016 meeting minutes as published in the Thomas County Herald on December 22, 2016. Roll call vote: Ayes – Childers, Warren, Dailey, Purdum, Nutter, Rath, Haake. Absent - Maseberg, Atkins. Motion carried.

Chairman Nutter recessed the regular meeting and opened the public hearing at 4:06 p.m.

Dennis and Jason Hoffman addressed the Planning Commission about their proposed grow yard in Section 12 Township 24 Range 28. The proposed grow yard will hold approximately 800 head from the fall to the sale in February. Dennis presented a map of the proposed area. Waivers from Tim Maseberg and Joe Nutter were presented. The question about the 2 mile setback was addressed and the location of the grow yard was discussed. Questions from the public and the board were addressed by Dennis & Jason Hoffman.

Chairman Nutter closed the public hearing at 4:30 p.m.

Motion made by Haake and second by Childers to recommend approval of the Special Use Permit for Hoffman Ranch LLC to the Thomas County Board of Commissioners pending DEQ approval. Roll call vote: Ayes – Rath, Atkins, Warren, Haake, Purdum, Nutter, Dailey, Childers. Absent – Maseberg. Motion carried.

Discussion on Wind Energy and Solar Energy was held. Suggested changes will be presented to the County Attorney and reviewed again on the June 5th meeting. No action taken.

Motion made by Warren and second by Purdum to elect the following officers: Mark Nutter as Chairman, Carolyn Warren as Vice Chairman, Lemoyne Dailey and Judy Rath as Secretary. Roll call vote: Ayes – Atkins, Dailey, Haake, Childers, Warren, Rath, Purdum. Nays – Nutter. Absent – Maseberg.

Questions were asked on the Comprehensive Plan. Questions will be directed to the County Attorney.

Suggested changes to the Zoning Regulations will be reviewed again at the June 5th meeting.

No public comment.

Chairman Nutter adjourned the meeting at 6:19 p.m.

Thomas County Zoning Administrator
Lorissa Hartman

Thomas County Planning Commission
Meeting Minutes
June 5, 2017

The Thomas County Planning Commission convened in open and public session at 7:01 p.m., June 5, 2017 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Larry Haake, Alan Atkins, Carolyn Warren, Judy Rath, Lemoyne Dailey. Member Miles Maseberg arrived at 7:03 p.m. Absent were board members Jim Purdum, Bob Childers and Mark Nutter. Also present were Zoning Administrator Lorissa Hartman, Attorney Kurt Arganbright, Merrial Rhoades, Tyler Rath, Sheriff Gary Eng, and Carol Neiman Lewis.

Vice Chairman Warren stated public meeting guidelines are posted as required by law and copies are available, if requested.

Notice of meeting was given by publication in the Thomas County Herald on May 25, 2017.

Motion made by Dailey and second by Warren to adopt the June 5, 2017 agenda. Roll call vote: Ayes – Dailey, Haake, Rath, Atkins, Warren, Maseberg. Nays – none. Absent – Purdum, Nutter, Childers. Motion carried.

Motion made by Atkins and second by Maseberg to approve the May 11, 2017 meeting minutes as published in the Thomas County Herald on May 25, 2017. Roll call vote: Ayes – Rath, Warren, Dailey, Atkins, Haake, Maseberg. Nays – none. Absent – Childers, Nutter, Purdum. Motion carried.

Vice Chairman Warren recessed the regular meeting and opened the public hearing at 7:04 p.m.

Jim Swisher was not present to discuss his special use permit for the fish pond. The board reviewed the application and how far back from the road he will have the pond. No public comment on the permit.

Vice Chairman Warren closed the public hearing at 7:19 p.m. and reconvened the regular meeting.

Motion made by Dailey and second by Haake to recommend approval of the Swisher special use permit for the fish pond to the Thomas County Board of Commissioners. Roll call vote: Ayes – Atkins, Warren, Haake, Rath, Maseberg, Dailey. Nays – none. Absent – Purdum, Childers, Nutter. Motion carried.

No changes to the Comprehensive Plan at this time.

Discussion and review was held on the latest changes to the Wind/Solar Energy regulations. Discussion was also held on penalties for individuals not obtaining either a building permit or special use permit prior to building. The board asked the Administrator and Attorney to find out how other counties handle this type of issue.

Motion made by Haake and second by Dailey to proceed with a public hearing on the suggested changes for the Zoning regulations. Roll call vote: Haake, Rath, Atkins, Dailey, Warren, Maseberg. Nays – none. Absent – Purdum, Childers, Nutter. Motion carried.

A time will be set by the Zoning Administrator and Attorney for the public hearing. The board asked that it begin at 2 p.m. and be held at the Thomas County Fairgrounds. The regulations will be available in the Clerk's office or emailed by request.

Public comment included concerns about what the solar panels are made of.

Vice Chairman Warren adjourned the meeting at 8:11 p.m.

Thomas County Zoning Administrator
Lorissa Hartman

Thomas County Planning Commission
Meeting Minutes
August 10, 2017

The Thomas County Planning Commission convened in open and public session at 2:00 p.m., August 10, 2017 at the Thomas County Fairgrounds building, 83861 Hwy 2 Thedford, NE. Members present were Bob Childers, Lemoyne Dailey, Judy Rath, Carolyn Warren, Alan Atkins, Larry Haake, and Jim Purdum. Member Miles Maseberg arrived at 2:08 p.m. Absent – Mark Nutter. Also present were Thomas County Zoning Administrator Lorissa Hartman, County Attorney Kurt Arganbright, Sheriff Gary Eng, Hooker County Sheriff Wynn Wiems, Grant County Sheriff Department Mike Rath and Marva Hoover. Guests in attendance speaking were Merrial Rhoades, Twyla Witt, Melanie Coffman, Barbara Welch, Dan Welch, Wanda Simonson, Lezley Koubek, Ann Warren, Janet Steffen, Tom Witt, Tyler Rath and Chase Rath. Vice Chairman Carolyn Warren stated public meeting guidelines are posted as required by law and copies are available, if requested.

Notice of meeting was given by publication in the Thomas County Herald on July 20, 2017, July 27, 2017, August 3, 2017 and August 10, 2017. Email notification was given on August 7, 2017 to Hooker County Clerk, Blaine County Clerk, Logan County Clerk, Cherry County Clerk, Cherry County Zoning Administrator, Custer County Clerk and Custer County Zoning Administrator.

Motion made by Dailey and second by Atkins to adopt the August 10, 2017 meeting agenda. Roll call vote: Ayes – Purdum, Haake, Atkins, Warren, Rath, Dailey, Childers. Nays – none. Absent – Maseberg, Nutter. Motion carried. Motion made by Childers and second by Rath to approve the June 5, 2017 Planning Commission minutes as published in the Thomas County Herald on June 16, 2017. Roll call vote: Ayes – Childers, Purdum, Dailey, Haake, Rath, Atkins, Warren. Nays – none. Absent – Maseberg, Nutter.

Vice Chairman Warren recessed the regular meeting at 2:04 p.m. to open the public hearing on the proposed zoning regulations.

County Attorney Kurt Arganbright addressed the public and board on how the hearing would proceed. Each person wishing to speak would need to sign in and would be given three minutes to speak initially and then after everyone wishing to speak had spoken the board would determine if more time would be allotted to speak.

Merrial Rhoades addressed the board with concerns about the NPPD transmission lines, wind turbine facilities causing erosion, property rights, rainfall effects caused by wind farms, fire hazards, hunting, and health concerns.

Twyla Witt spoke on the proposed zoning regulations, concerns that the wind energy conditional use permit needed more clarification, that the zoning administrator shouldn't be the one to determine if the regulations had been met for the wind energy and felt the planning commission board be the ones responsible, and would also like the board to review page 63 item 11 on the fire issues.

Melanie Coffman asked that the board take more time to look over the regulations before passing. She also asked that the setbacks for wind and solar energy be the same, and she would like the setbacks to be 5 miles.

Barbara Welch read portions of a letter from Senator Mike Groene dated from July 23, 2017. She also requested that the board consider putting in water mining regulations into the Thomas County Zoning Regulations. She also had concerns on NPPD digging into the ground for the towers and the concerns on the static water level.

Dan Welch requested the board vote no on wind energy projects. He stated concerns about the US Fish and Wildlife, presented a maps of the Southwest Power Plan and the study area for the R-project. He also talked on the easements that NPPD are asking him to sign and his concerns on eminent domain. He also provided documents to the planning board members on the environmental impact study.

Wanda Simonson spoke on concerns to the damage on the county roads and who would be liable. She also asked the board to talk with Tim Simonson about his views on living by a power line.

Lezley Koubek talked about her concerns with working with NPPD.

Ann Warren asked the board to take more time on the regulations. Some of her suggestions included changing the setbacks to be considered from fence lines rather than dwellings, concerns on bonds and if they follow through to the next investor, also a suggestion that an escrow account be set up at a local bank to cover decommissioning rather than a bonding company out of fear that the bonding company would cease to exist, she was also concerned on page 66 of the zoning regulations that who would cover the cost of the testing, she also requested that the regulations protect non-investor rights.

Janet Steffen talked on her experience with oil production and wind energy in Oklahoma. She also stated that she wanted to keep Thomas County beautiful.

Tom Witt asked for more time on the regulations. He asked that the board consider low frequency issues, have regulations for small solar facilities and solar panels on roofs of homes.

Merial Rhoades presented the board with information and concerns. She also asked for help in fighting the transmission lines and voiced concerns about law enforcement not being present at the NPPD meetings with them.

Twyla Witt addressed concerns on page 56 item 3B on the definition of a short term event, page 57 item 54 small wind turbines requirements ,also the need to address when the reports are due and that all approvals must come through the planning commission and she would like to see a definition of bluffs in the regulations.

Melanie Coffman advised the board that the Governor and Senators have told them that all help needed to come from the local county government level. She also stated that Cherry County is looking into the sales of land near a wind energy facility.

Dan Welch voiced concerns over cumulative impact and would like to see Thomas County be the leader in setting regulations.

Ann Warren asked that land valuations be considered.

Twyla Witt stated that she will make copies of her notes for all planning members. Other pages of concern were page 67 bonds and the liability needs more clarification and feels that 10% isn't enough. On page 60 item 10 the names need to be the correct names such as Sandhills Scenic Byway Highway 2. On page 59 item 16 and 17 she would like to remove the word annual monetary payment.

Merial Rhoades asked that when we post the information on the website that we date the material.

Melanie Coffman just asked the board to say no to wind and solar.

Brent Steffen asked if there could be a vote at the county level on whether to allow wind energy in the county.

Tyler Rath reported on statistics on wind turbines in Nebraska. He also asked the board for a twenty foot groundwater setback.

Chase Rath voiced his concerns about the wind energy facility being 3 miles from his home and his concerns with his diabetic equipment failing due to the wind turbines and transmission lines.

Vice Chairman Warren closed the public hearing and reconvened the regular meeting at 3:16 p.m.

Discussion from the board was held on how to proceed with the regulations.

Motion made by Haake and second by Rath to reject the proposed zoning regulations and continue working on them.

Roll call vote: Ayes – Dailey, Warren, Atkins, Childers, Rath, Purdum, Haake, Maseberg. Nays – none. Absent – Nutter.

Motion carried.

The board asked that the public present their information to the Zoning Administrator by September 10, 2017.

No other public comment at this time.

Motion made by Dailey and second by Purdum to adjourn the meeting. Roll call vote: Ayes – Purdum, Maseberg, Haake, Atkins, Warren, Rath, Dailey, Childers. Nays – none. Absent – Nutter. Motion carried.

Meeting adjourned at 3:33 p.m.

Thomas County Zoning Administrator

Lorissa Hartman

Thomas County Planning Commission
Meeting Minutes
November 21, 2017

The Thomas County Planning Commission convened in open and public session at 2:01 p.m., November 21, 2017 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Mark Nutter, Bob Childers, Lemoyne Dailey, Judy Rath, Carolyn Warren, and Miles Maseberg. Board member Al Atkins arrived at 2:05 p.m. Absent board members were Jim Purdum and Larry Haake. Also present were Thomas County Zoning Administrator Lorissa Hartman, County Attorney Kurt Arganbright. Guests in attendance were Twyla Witt, Tyler Rath, Chase Rath, Melissa Licking, Jacob Alishouse-Nebraska Land Trust, Merrial Rhoades, Ann Warren, Dusty Paxton, and Melanie Coffman. Chairman Nutter stated open meeting guidelines are posted as required by law and copies are available, if requested. Notice of meeting was given by publication in the Thomas County Herald on November 9, 2017.

Motion made by Warren and second by Childers to adopt the November 21, 2017 meeting agenda. Roll call vote: Ayes – Dailey, Maseberg, Childers, Nutter, Atkins, Warren, Rath. Nays – none. Absent- Purdum, Haake. Motion carried.

Motion made by Childers and second by Dailey to approve the August 10, 2017 planning commission minutes as published in the Thomas County Herald on August 17, 2017. Roll call vote: Ayes – Maseberg, Childers, Rath, Dailey, Warren, Atkins. Nays – none. Abstain – Nutter. Absent – Purdum, Haake. Motion carried.

Discussion was held on the proposed acquisition by Nebraska Land Trust regarding a conservation easement on property owned by Riley & Melissa Licking, and Jacob Licking. The board asked questions for both Melissa Licking and Jacob Alishouse. The comprehensive plan was reviewed to determine if the conservation easement met with the district in which it is located, which is the AG District. Motion made by Warren and second by Maseberg to make a recommendation to the Thomas County Board of Commissioners to approve the conservation easement with Lickings and Nebraska Land Trust. Roll call vote: Ayes – Atkins, Rath, Maseberg, Warren, Dailey, Childers, Nutter. Nays – none. Absent – Haake, Purdum. Motion carried.

The board then reviewed each page of the suggested changes to the Zoning regulations that had been received from the public. Once the changes have been updated the Planning board will hold another meeting to review the changes to the regulations. No action taken at this time.

No discussion was held on the comprehensive plan changes at this time.

Motion made by Atkins and second by Warren to recommend the reappointment to the Thomas County Commissioners for board members, Mark Nutter, Bob Childers and Lemoyne Dailey. Roll call vote: Ayes – Warren, Childers, Dailey, Maseberg, Nutter, Rath, Atkins. Nays – none. Absent – Haake, Purdum. Motion carried.

Public comment:

Twyla Witt advised the board about various counties in Nebraska and how they are handling wind energy regulations. She also addressed her concerns about placing the Zoning Administrator in charge of decisions solely. She also expressed her concerns about how the fire response will be handled for wind towers. Information from a lawsuit on wind energy in another state was handed out to the board members. Another topic discussed was Blue Stem and easements. Twyla also complimented Mark Nutter on how he as the chairman of the board ran the meeting.

Mel Coffman asked that the board consider putting into the regulations of taking video of the site and surrounding area, including roads, be done before construction begins. She also asked the board to consider adding an inflation rate to the cost of the liability bond. Also requested that each tower have a test well rather than every 10 towers.

Merrial Rhoades asked the board if they would like to hear real life stories from people living next to wind towers.

Ann Warren told the board about a family in Colorado and the issues they are dealing with living next to wind turbines. She also requested that the board “Just say NO to wind turbines”.

Twyla Witt also commented that Senator Tom Brewer is still working on LB504 and is also looking into the possibility of changing the language to include the whole state rather than just the Sandhills.

Correspondence from Barb Welch was passed out to the board.

No other public comment at this time.

Chairman Nutter adjourned the meeting at 6:47 p.m.

Thomas County Zoning Administrator
Lorissa Hartman

Thomas County Board of Adjustment

December 5, 2017

The Thomas County Board of Adjustment convened in open and public session at 2:06 p.m., December 5, 2017 in the courtroom of the Thomas County Courthouse, Thedford, NE. Members present were Jay Jones, Terri Licking, Charles Daly and Mark Nutter. Absent – Dennis Hoffman and Bethany Johnston. Also present were Thomas County Zoning Administrator Lorissa Hartman, County Attorney Kurt Arganbright, Carolyn Warren, Dixie Hoffman, Twyla Witt, Tom Witt, Allen Ewoldt, Sandy Booth, Andrea Thomas, and Richard Jameson.

Chairman Jones declared quorum.

Chairman Jones stated public meeting guidelines are posted as required by law and copies are available, if requested. Notice of meeting was given by publication in the Thomas County Herald on November 23, 2017. Email notification was given to Co-Applicant Doak Raulston of Vaquero Ventures on November 14, 2017. Co-Applicant Opheim Booth Repair and landowners (list of landowners on file in County Clerk office) within a one mile radius of the proposed site were notified by mail on November 14, 2017.

Motion made by Daly and second by Nutter to adopt the December 5, 2017 agenda. Roll call vote: Ayes – Licking, Daly, Nutter, Jones. Nays – none. Absent – Hoffman, Johnston. Motion carried.

Chairman Jones opened the public hearing at 2:08 p.m.

Board member Daly asked that the Chairman state what authority the board was making the decision on. The parking variance would be the only comments to be heard at this hearing. The County Attorney then read the statutes for approving a variance.

Sandy Booth stated that there is not enough room for the required 46 parking stalls and feels that 30 stalls would be adequate. She also stated the benefits of adding another business to the county, more jobs and added value to the tax roll.

Richard Jameson spoke on concerns if there was not adequate parking for semis or pickups with horse trailers, would the overflow reach out onto the highway or county roads. The safety with the increased traffic on both highway 83 and highway 2 were a concern.

Tom Witt urged that the board not allow the variance.

Terri Licking voiced her concern that no representative was present at the meeting.

Dixie Hoffman asked for clarification on the location of the driveway and was also concerned with the speed of traffic on the highway and intersection.

No other comments to the board.

Chairman Jones closed the public hearing at 2:21 p.m.

Motion made by Nutter and second by Daly to deny the variance request from Opheim Booth Repair and Vaquero Ventures on Zoning Regulation 7.2(7) off street parking. Roll call vote: Ayes – Daly, Nutter, Jones, Licking. Nays – none. Absent – Hoffman, Johnston. Motion carried.

Chairman Jones adjourned the meeting at 2:24 p.m.

Respectively submitted by:

Lorissa Hartman

Thomas County Zoning Administrator