COUNTY BOARD SUMMARY REPORT

TO : County Clerk: Attn: Monet McCullen/Cori Beattie

FROM : David R. Cary, Director of Planning KRC

RE : **County Text Amendment 19007**
(Amend Articles 2, 4, 5, 6, 7, 9, 13 and 17 of the Lancaster County Zoning Regulations related to allowing large and small solar facilities, and stating that accessory solar and wind energy conversion systems are permitted in al zoning districts)

DATE : June 30, 2020

1. On June 24, 2020, the Planning Commission held a public hearing on County Text Amendment 19007.

2. Attached is the Planning staff report that includes the proposed text amendment for **County Text Amendment 19007**, to amend Articles 2, 4, 5, 6, 7, 9, 13 and 17 of the Lancaster County Zoning Regulations related to allowing Large and Small Solar Facilities, and stating that accessory solar and wind energy conversion systems are permitted in all zoning districts.

3. The staff recommendation is based upon the Analysis as set forth on pp. 3-5, concluding the Comprehensive Plan encourages alternative and renewable energy sources. This text amendment would greatly expand access to solar energy throughout the County. The special permit should minimize impacts on surrounding areas where appropriate. The staff presentation is found on pp. 6-8. In addition, staff referenced a memo to the Planning Commission dated June 22, 2020, relating to the submittal of some minor text revisions agreed upon by staff. See pp. 11-12.

4. Testimony in support is found on p. 8. There was no testimony in opposition; however, one letter of opposition was submitted prior to the hearing, which can be found on p.19.

5. Planning Commission discussion with staff is found on pp. 8-9.

6. On June 24, 2020, the Planning Commission voted 8-0 (Finnegan absent) to recommend approval of this text amendment as revised.

The public hearing before the Lancaster County Board has been scheduled for **Tuesday, July 14, 2020, at 9:00 a.m.**, in Room 112 of the County-City Building, 555 South 10th Street, Lincoln, Nebraska.

If you need any further information, please let me know (402-441-6365).

cc: County Board
Jenifer Holloway, County Attorney's Office
Tom Cajka
Ann Ames, County Commissioners
David Derbin, County Commissioners
Gary Bergstrom, Health Dept.

CITY OF LINCOLN NEBRASKA

LANCASTER COUNTY NEBRASKA

LINCOLN/LANCASTER COUNTY PLANNING COMMISSION STAFF REPORT

FROM THE LINCOLN/LANCASTER COUNTY PLANNING DEPARTMENT, 555 S. 10TH STREET, SUITE 213, LINCOLN, NE 68508

APPLICATION NUMBER Text Amendment #19007	FINAL ACTION? No
PLANNING COMMISSION HEARING DATE June 24, 2020	RELATED APPLICATIONS None

RECOMMENDATION: APPROVAL

BRIEF SUMMARY OF REQUEST

The Lincoln-Lancaster County Planning Department proposes to allow solar facilities in the County zoning jurisdiction. These facilities are not currently allowed in the County, although they are allowed in the City jurisdiction. Solar facilities would be classified as "large" or "small" based on capacity. A special permit would be required in certain zoning districts to ensure compatibility with neighboring land uses. In addition, the code would be updated to specify that accessory solar and wind systems are allowed by right.

JUSTIFICATION FOR RECOMMENDATION

The Comprehensive Plan encourages alternative and renewable energy sources. This text amendment would greatly expand access to solar energy throughout the County. The special permit should minimize impacts on surrounding areas where appropriate.

STAFF CONTACT

Rachel Jones, (402) 441-7603 or rjones@lincoln.ne.gov

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The proposed amendment meets the goals of the Comprehensive Plan to promote renewable energy as part of an overall strategy to diversify our energy sources and expansion of accessory wind and solar access to buildings and other land uses.

KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 1.4 - The importance of building sustainable communities — communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not compromised - has long been recognized. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, the climatic impacts of energy consumption, and the impacts on the physical and economic health of the community. LPlan 2040 describes a community that values natural and human resources, supports advances in technology, and encourages development that improves the health and quality of life of all citizens.

P. 1.5 - The economy provides opportunities for local food production and sales, renewable energy production, and the benefit of natural resources produced in the area and integrates them into the land use pattern.

P. 2.6 - Agriculture is still a major factor in Lancaster County's economy with about 90 percent of the land area of the county being used for agricultural production.

P. 3.3 - Environmental resources reside within a broad range of settings that should be considered as policy and development decisions are made.

P. 3.11- Preserve agricultural land within Tier I and Tier II areas, both to reduce conflicts in the future growth of Lincoln and to ensure available land for the production of food products that are important to the health and economic vitality of the community.

P. 5.1 - Focus primarily on retention and expansion of existing businesses; attracting new businesses should also be encouraged.

P. 5.2 - Strive for predictability for neighborhoods and developers.

P. 5.4 - Agriculture is the dominant land use in Lancaster County, accounting for roughly ¾ of all land.

P. 7.2 - Strive for predictability for neighborhoods and developers for residential development and redevelopment.

P. 7.2 - Encourage acreages to develop in appropriate areas and preserve farmland.

P. 7.12 - LPlan 2040 supports the preservation of land in the bulk of the County for agricultural and natural resource purposes. However, it recognizes that some parts of the County are in transition from predominantly agricultural uses to a mix that includes more residential uses. Balancing the demand for rural living and the practical challenge of integrating acreages with traditional land uses will continue.

P. 11.2 - Promote renewable energy sources.

P. 11.3 - Lincoln must develop a comprehensive strategy of fuel diversity and encourage conservation, alternative forms of energy and modern energy technologies.

P. 11.4 - Energy from renewable resources such as solar, geothermal, and wind technologies generally does not contribute to climate change or local air pollution and generally conserves nonrenewable natural resources.

P. 11.7 - Local government entities, including all local utilities, should strive to increase utilization of renewable energy sources such as wind power, hydropower, solar energy, biomass, and geothermal energy.

P. 11.7 - Continue to encourage and expand wind and solar access to buildings and other land uses.

P. 11.22 - Continue to include, and increase where feasible, renewable sources of energy, such as wind and solar energy, in future planning of LES facilities and partnerships.

ANALYSIS

1. This text amendment would add solar facilities as an allowed use in Lancaster County. The amendment is proposed by the Lincoln-Lancaster County Planning Department at the request of the Lancaster County Board of Commissioners. There is no specific proposal for a solar facility in the County at this time. The land use is being added in anticipation of future demand.

2. The solar facilities being allowed with this amendment are of a commercial nature, specifically those facilities that primarily provide off-site power and are the primary land use on a premises. In addition to primary use facilities, this amendment also clarifies the requirements for accessory solar and wind systems.

3. Solar facilities are not currently addressed or allowed in the County. The purpose of the amendment is to expand the potential for sustainable technologies with appropriate limitations. The 2040 Comprehensive Plan encourages alternative and renewable energy as part of an overall strategy to diversify our energy sources. This text amendment would greatly expand access to solar energy throughout the County. The proposed regulations would resemble those for the City of Lincoln and its 3-mile extraterritorial zoning jurisdiction.

4. The proposal was modeled after the zoning requirements for solar energy facilities in the City of Lincoln and previously approved Special Permit #19036 in the City jurisdiction, with some differences resulting from improvement upon previous standards and input from the County Attorney.

5. The systems would be classified as "large" or "small" depending on capacity. The threshold of large versus small systems is 100 kilowatts (kW) (ac). The 100 kW threshold is standard and matches the City Zoning Ordinance as well as the County Zoning Regulations threshold for Commercial Wind Energy Conversion Systems.

6. In commercial and industrial zoning districts, both large and small systems would be permitted by right. In other districts, a special permit would be required with conditions that ensure compatibility with surrounding land uses. The table below summarizes where solar facilities would be allowed as a primary use and whether permitted by right or special permitted. A blank box indicates that solar facilities would not be allowed.

Zoning District	Small System (proposed)	Large System (proposed)
AG - Agricultural	Permitted	Special Permit
AGR - Agricultural Residential	Special Permit	
R - Residential	Special Permit	
B - Business	Permitted	
I - Industrial	Permitted	Permitted

Large systems would be permitted by right in the I district. They would require a special permit in the AG district. Large systems would not be allowed in any other districts as they are not appropriate for a large-scale solar operation.

Small systems would be permitted by right in the following districts: AG, B and I. Small systems would be allowed by special permit in the AGR and R districts; these districts are appropriate for small systems with conditions in place.

7. The special permit conditions address the following topics. Some of the conditions distinguish between participating and non-participating properties. Participating properties are those where a property owner has a contractual arrangement or agreement regarding the solar facility.

a. Noise - Day time and night time limits would be placed on noise levels from private substations associated with the solar facility. The noise standards would not apply to public or governmental utilities or substations.

b. Erosion control - an approved erosion control plan would be required prior to receiving building permits. The Lower Platte South Natural Resources District (NRD) would be the reviewing agency.

c. Screening - Visual screening would be required for adjacent non-participating residential uses, public park uses, or schools with a 70% coverage from the ground to eight (8) feet. Standards are proposed for both vegetative and non-vegetative screening. Acceptable screening methods include fences and walls, earth mounding, vegetation, or some combination.

d. Setbacks - Setbacks to participating and non-participating properties with and without a dwelling are proposed based on the setbacks established with Special Permit #19036 recently approved in the City jurisdiction, except that the setback to a participating property with a dwelling was reduced from 50 feet to 0 feet for participating properties with a dwelling. The reason is that participating properties can negotiate their own setback with the operator.

Property Line Setbacks	
Non-Participating Property with a Dwelling	100 feet
Non-Participating Property without a Dwelling	50 feet
Participating Property with a Dwelling	0 feet
Participating Property without a Dwelling	0 feet
Public or Private Roadway	50 feet

e. Decommissioning - This condition refers to putting the site back to its prior condition after the facility is no longer operational. Equipment must be removed to a depth of 3 feet. A cost estimate must be provided for the cost of decommissioning. The cost estimate must be updated every 5 years. A surety must be provided for the decommissioning cost. The net surety amount can account for the estimated resale and salvage value of materials.

f. Height of panels (small systems only) - Panels at maximum tilt would be limited to 15 feet.

8. The main differences between the special permit conditions in the City and those proposed for the County are:

a. The condition for noise was added for the County.

b. Details were added for screening and decommissioning for the County.

c. The requirement to underground transmission lines was deleted for the County, as operators are naturally incentivized to have the lines underground to avoid damage.

d. The County sets specific setbacks based on whether a property is "participating", whereas the City conditions refer to the setbacks of the zoning district unless modified.

e. The maximum panel height for small systems was reduced from 20 feet in the City to 15 feet in the County as it is not anticipated that panels would exceed 15 feet.

9. In addition to addressing solar farms, the regulations would also state that accessory solar and wind systems are allowed by right in all zoning districts. Accessory systems are small in scale and generally intended to serve a house or building. They are allowed today by policy rather than code. Adding the language to the code protects

against future changes in interpretation. The height and lot regulations for the accessory systems are described. They would be defined as systems with a capacity of 25 kW (ac) or less in accordance with Lincoln Electric System's (LES') Customer Owned Renewable Generation Net Metering program, which allows customers to sell surplus electricity from solar, wind, and other renewable generation of 25 kW or less.

10. Other provisions such as Airport Zoning limitations and historic preservation review will continue to apply. In the event of a conflict, the more restrictive allowance would take precedence.

Prepared by

_____

Rachel Jones, Planner

Date: June 15, 2020

Applicant: Lincoln-Lancaster County Planning Department
555 S. 10th Street, Suite 213
Lincoln, NE 68508
(402) 441-7491

Staff Contact: Rachel Jones
(402) 441-7603 or rjones@lincoln.ne.gov

F:\DevReview\TX\19000\TX19007 County Solar.rkj.docx

TEXT AMENDMENT 19007

TEXT AMENDMENT 19007
TO AMEND ARTICLES 2, 4, 5, 6, 7, 9, 13 AND 17 OF THE LANCASTER COUNTY ZONING REGULATIONS RELATED TO ALLOWING LARGE AND SMALL SOLAR FACILITIES, AND STATING THAT ACCESSORY SOLAR AND WIND ENERGY CONVERSION SYSTEMS ARE PERMITTED IN ALL ZONING DISTRICTS
PUBLIC HEARING: **JUNE 24, 2020**

Members present: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Scheer, Beckius and Corr; Finnegan absent.

Staff Recommendation: Approval

There was no ex-parte communications disclosed.
There was no ex-parte communications disclosed relating to site visits.

Staff Presentation: **Rachel Jones, Planning Department,** came forward and stated this would allow solar facilities in the County zoning jurisdiction. Currently, these types of facilities are not allowed in the County jurisdiction, although they are in the City jurisdiction. A special permit would be required in certain zoning districts to ensure compatibility with neighboring land uses. In addition, the code would be updated to specify that accessory solar and wind systems are allowed by right. Jones stated that there is a minor motion to amend, which adds some clarification to the definitions section, and noise standards will apply to solar facilities with substations.

Edgerton inquired what the threshold would be between a small and large size system in kilowatts. Jones stated that it would be 100-kilowatts between the two.

Joy inquired about the height change in the panels from 20-feet to 15-feet for the small systems. Jones stated it was reduced because they do not expect that the panels will exceed the 15-foot height. Joy asked if that is the standard size seen in the industry. Jones said yes. Joy inquired if a waiver could be requested to use larger panels. Jones said yes, the Planning Commission and the County Board could modify, waive and/or add any conditions for a special permit.

Ryman Yost inquired about the property setbacks and the difference between participating and non-participating agreements. Jones stated that the setbacks are to protect those that are not involved in the project, which means that they are non-participating. If the property owner is participating, they should be able to negotiate their own conditions with the operator, because they would have a contract with the operator.

Beckius inquired about the decommissioning process and the requirement to remove to a depth of three feet. Jones stated the site needs to be put back to its prior condition, and she further stated that the industry standard for depth of this type of equipment is normally no more than the three feet, which would make the land tillable for future agriculture. Beckius inquired about other decommissioning uses currently in the zoning code. Jones stated that there is decommissioning for wind energy in the county, which has similar wording except for the 3-foot depth, because of the difference in the equipment used.

Edgerton stated that they have received a letter of complaint about the noise from a privately owned substation, and she asked if it was found in violation of the standard then it becomes a nonconforming use. Jones said correct. Edgerton asked what that means and what would happen next. Jones stated that the Health Department would address and enforce those types of complaints; steps would be taken to remediate the noise and contact the operator. Edgerton asked how close the substations would be to the farms. Jones explained that there are setbacks built-in on the sides of the solar farm and setbacks to any adjacent house or if there is another use, and she further explained that the county does have larger setbacks, and it could be 100- to 200-feet away. Edgerton stated that it would be relatively close to the actual facility. Jones stated that they could be depending on the circumstances.

Corr inquired if a facility was violating the noise limits and is then becomes nonconforming, would they be required to shut down. **Gary Bergstrom, Air Quality Supervisor with the Lincoln/Lancaster Health Department,** came forward and stated that with the enforcement for noise complaints, the Health Department starts with a compliance-oriented track. First, they identify the problem, and then give them a chance to find a way to get back into compliance, before they move into more of an enforcement approach.

Edgerton inquired if the numbers in the regulation took into consideration the industry and the amount of noise that comes from what is installed, as well as what is in the surrounding properties. Bergstrom stated that the noise levels for this came from what currently exists in the Lincoln Municipal Code (LMC), for the AGR Zoning. He shared that the standards for AG-zoned properties are 50 decibels at night and 75 decibels during that day, and that would be for receiving properties. The increase from 50 decibels to 75 decibels is substantial and would be for more of an industrial area and that is why they went with 50 decibels at night and 60 decibels during the day, which would represent more of an AGR District.

Corr asked if it would be accurate to say that in time as components age they tend to get louder. Bergstrom said that could be the case, because parts can fail or malfunction. Corr asked if any research had been done on how much sound these facilities normally create. Bergstrom stated not a lot of research was done, although there was some discussion with local representatives to try to get a sense of what they should expect for noise levels from a facility that would be around the 100-kilowatt threshold. Corr inquired if it was common to have a private substation. Jones said yes, and most of the larger facilities have a private substation as part of their operation to process the energy created and put into a usable form.

Beckius asked if there are large tracts of land currently zoned industrial. Jones said no.

Proponents:

Davey Levy, Baird Holm LLP, 625 S. 14th Street, came forward in support, and thanked all of the staff for their work on this text amendment. He stated they have come up with a very reasonable set of regulations that the developers will appreciate and be able to understand, which will create opportunity for developers. He then suggested a revision to the language for the setbacks, which would be to clarify that the screening is done, as necessary, to protect the sensitive receptor. In the current proposal, it has screening of the entire property line and this could be an unintended burden on a developer, especially if the surrounding fields are just croplands.

Campbell asked Mr. Levy if the entire area should be screened to ensure the panels would not be visible from a distance. Levy stated that they may be able to see them, but they would be off in the distance, and he further stated that it would affect them more right out their window.

Opponents:

No one came forward.

Staff Questions:

Corr asked if Jones had any thoughts about the screening changes just discussed. Jones stated with the way this is written, it would be along the entire property line of that use, and she further stated that they would not want to base it on existing conditions, because it is possible for those conditions to change. She shared that Mr. Levy has made a good point, because there is a lot of variety in the lots, but the special permit process could look at those conditions and grant a waiver if appropriate.

Beckius stated large scale industrial projects is a permitted use in the industrial zoning, but other zoning districts needing to go through a special permit process, and this would not allow for many without a special permit. He shared that they want the community to know this facility type is encouraged, and he asked Jones how they found that balance of why this should be a special permit use. Jones stated that they followed what the city had in place, and she further stated that if you live near an industrial area, there is an expectation that it could be any kind of industrial use. The AG District does not have an expectation that it could be something like a solar farm by right, because the commercial activities in an AG District are limited to agriculture and not anything else.

Corr inquired if the City's regulations need to be looked at for this type of use now that the County's have been done. Jones said that it has been discussed and they would look at that in the future.

Campbell moved to close the public hearing on this item, seconded by Edgerton and carried 8-0: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Finnegan absent.

TEXT AMENDMENT 19007
ACTION BY PLANNING COMMISSION: **JUNE 24, 2020**

Campbell moved approval, as amended by staff with the minor revisions to definitions, seconded by Beckius.

Campbell stated that there would be a lot of variation with the screening and should be done on a case-by-case basis. He stated that there should be some sort of parameters in the amendment now, which could be waived.

Beckius stated that he generally supports this proposal as written, and he further stated that he would be open to hear from the other commissioners on their thoughts about screening and if there is an alternative idea. Beckius stated to a certain degree, he views AG zoning and agricultural use as a commercial enterprise, especially when discussing row farming. Beckius wondered if not enough is done to invite more development to occur by large systems, with the limiting of it to the Industrial Zoning District in the County. He stated that they need to invite more development to occur from the large systems, and if it should be a permitted use and allowed in the AG zoning, especially given the setbacks and requirements set forth by staff. This needs to be something that is encouraged and that there are the rules to play by and this would not need to go through a special permit every time. Beckius stated that he would be in support of looking at potentially changing this restriction from a special permit to a permitted use.

Joy stated that she agrees with Commissioner Beckius on the concept of AG being a commercial use and that this could be an allowed use or permitted use, and she further stated that this should be looked at, so there are not as many hoops to jump through. She shared with the screening, she sees a lot of reduction in trees for the maximum production of acreages, so it would depend on screening if land is farmed or if it was a neighboring house. Joy stated she, too, would be open for more discussion.

Scheer stated that he appreciates the comments and likes where this is now, and how it was put together by staff, because it has a more rigorous review process for this type of development. Scheer shared that he continues to think that one of the primary issues with the long range planning is the ongoing interpretation of rural agricultural use, development, living in the area, and what that all means. When discussing the process, it is still good to let the public have their say and have their points known on this type of development. He stated that he would not be in favor of letting solar installation be a permitted use in AG District, because it takes away that process, and he further stated the screening is a protection of the use, rather than screening the new development.

Edgerton stated that she echoes Commissioner Scheer comments on both the screening and permitting process. She stated what the staff has put together for this is thoughtful and is an appropriate balance for the property owners and those in the area, and she further stated that the special permit process enables them to move forward. This is such a change from what is there starting and a special permit for large systems in the AG District does make a lot of sense to her.

Corr thanked the County Commissioners for having this drafted and being proactive, instead of waiting until there was an application, and she further shared it is easier to set regulations before the applications come in. Corr stated that she agrees with all of her fellow commissioners and sees both viewpoints. This is a good start and it can always be reviewed later to make adjustments; this is a good starting point.

Motion carried 8-0: Al-Badry, Campbell, Edgerton, Joy, Ryman Yost, Scheer, Beckius and Corr voting 'yes'; Finnegan absent.

MEMORANDUM

TO: **Lincoln-Lancaster County Planning Commission**

FROM: **Rachel Jones, Planner**

SUBJECT: TX19007, County Solar Facilities

DATE: June 22, 2020

CC: Jenifer Holloway

Several changes to the draft proposed text are submitted.

The changes were the result of further discussion between the Health Department, County Attorney's Office, and Planning Department. The first change adds examples to demonstrate what is meant by the term "renewable energy generation facility".

The second change clarifies that the noise standards described under the special permit apply only to solar facilities and not to other land uses with electrical substations or similar facilities.

The draft text attached to the staff report is hereby amended as follows:

Article 2 - Definitions

Section 2.017. P

Private electric supplier shall mean an electric supplier producing electricity from a privately developed renewable energy generation facility (e.g., solar facility, biogas, geothermal) that is not a public power district, a public power and irrigation district, a municipality, a registered group of municipalities, an electric cooperative, an electric membership association, any other governmental entity, or any combination thereof.

Article 13, Special Permit

Section 13.051.a.

a. A Large Solar Facility may be allowed in the AG District by special permit under the following conditions:

   i. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.

   ii. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, shall be located as to cause an exceedance of the following noise level standards.

      1. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute LAeq
      2. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute Laeq

      For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

Proposed Draft Text Amendment #19007 to the Lancaster County Zoning Regulations:
Solar Energy Facilities

ARTICLE 2 DEFINITIONS

2.006. E.

Electrical substation shall mean a facility with equipment that switches, changes, or regulates electric voltage.

2.013. L.

Large Solar Facility shall mean multiple SECSs and any related supporting infrastructure that primarily provide off-site power, have a rated capacity of one hundred (100) kilowatts (kW) (ac) or more, and is the primary use on a premises.

Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this title, and generally fronting upon a street. A lot may front upon a private roadway, or have other frontage requirements if specifically provided in this title.

2.015. N.

Nonparticipating Property shall mean any premises where a property owner does not have a contractual arrangement regarding a proposed or existing special permitted use.

2.017. P.

Participating Property shall mean any premises where a property owner has a contractual arrangement regarding a proposed or existing special permitted use.

Private electric supplier shall mean an electric supplier producing electricity from a privately developed renewable energy generation facility (e.g., solar facility, biogas, geothermal) that is not a public power district, a public power and irrigation district, a municipality, a registered group of municipalities, an electric cooperative, an electric membership association, any other governmental entity, or any combination thereof.

Public electric supplier shall mean a legal entity supplying, producing, or distributing electricity within the County for sale at wholesale or retail that is a public power district, a public power and irrigation district, a municipality, a registered group of municipalities, an electric cooperative, an electric membership association, any other governmental entity, or any combination thereof.

2.020. S.

Solar Energy Conversion System ("SECS") shall mean any device, including, but not limited to, a solar panel or solar collector, which collects and converts solar energy to a form of usable energy.

Small Solar Facility shall mean multiple SECSs and any related supporting infrastructure that primarily provide off-site power, have a rated capacity of less than one hundred (100) kilowatts (kW) (ac), and is the primary use on a premises.

ARTICLE 4 "AG" AGRICULTURAL DISTRICT

4.03 Permitted Uses.

j. Small Solar Facility;

4.007 Permitted Special Uses

ai. Large Solar Facility.

ARTICLE 5 "AGR" AGRICULTURAL RESIDENTIAL DISTRICT

5.007. Permitted Special Uses

u. Small Solar Facility.

ARTICLE 6 "R" RESIDENTIAL DISTRICT

6.005. Permitted Special Uses

r. Small Solar Facility.

ARTICLE 7 "B" BUSINESS DISTRICT

7.003. Use Regulations

ad. Small Solar Facility.

ARTICLE 9 "I" INDUSTRIAL DISTRICT

9.003. Use Regulations

f. Unclassified Industries and Uses:

5. Small Solar Facility;

6. Large Solar Facility.

ARTICLE 13 SPECIAL PERMIT

13.001. Special Permit

In addition to uses allowed under other districts, the Planning Commission, and if appealed, the County Board, may by special permit after a public hearing, authorize any of the uses designated in this Article as permitted special uses. Such permitted special uses shall be restricted to the particular district or districts listed. The Planning Commission, and if appealed, the County Board, may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution, and may modify or waive or add conditions of approval to the listed conditions in this Article as deemed appropriate to maintain the health, safety and general welfare of the surrounding properties. The Planning Commission may also grant special permits for variances from the provisions of ARTICLE 11 of this resolution.

13.051 Solar Energy Conversion System (SECS)

a. A Large Solar Facility may be allowed in the AG District by special permit under the following conditions:

   i. The Large Solar Facility shall use photovoltaic cells to convert solar energy into electricity.

   ii. No electrical substation owned or operated by a private electric supplier, or any other facility owned or operated by a private electric supplier to support the generation, transmission or distribution of electricity for a Large Solar Facility, shall be located as to cause an exceedance of the following noise level standards.

      1. From the hours of 7 am to 10 pm: Sixty (60) dBA maximum 10-minute LAeq

      2. From the hours of 10 pm to 7 am: Fifty (50) dBA maximum 10-minute Laeq

   For the purposes of determining compliance with these standards, noise levels shall be measured at the closest exterior wall of any dwelling unit located on the property that submitted the noise complaint. If an electrical substation(s) owned or operated by a private electric supplier violates a noise standard at a dwelling unit constructed after the electrical substation(s) is approved, then the electrical substation becomes a non-conforming use. Electrical substations owned by public electric suppliers shall not be subject to the noise level standards herein.

   iii. Obtain an approved erosion control plan from the Lower Platte South Natural Resources District or Nemaha Natural Resources District, depending on the location of the Large Solar Facility, before receiving building permits.

iv. The Large Solar Facility shall provide visual screening for adjacent non-participating residential uses, public park uses, or school uses, through setbacks as otherwise required in the Lancaster County Zoning Regulations and/or other techniques to address the site-related impacts of the Large Solar Facility on adjacent non-participating properties. The applicant may use fences, walls, berming, vegetation, or some combination thereof to provide visual screening. Fencing or berming may be used to supplement other screening methods, but shall not account for over fifty percent (50%) of the screening. The screen shall cover at least seventy percent (70%) of the surface area of a vertical plane extending along the property line from the ground to a height of at least eight (8) feet above the adjacent ground, provided, however, that existing natural features, topography and vegetation shall count toward this requirement.

1. If the visual screening is achieved through a fence or wall, it shall be provided along the property line as follows:

    a. Acceptable fence and wall materials for visual screening include masonry, stone, and wood, but exclude chain link fences (with or without slats). Alternative fence materials being used for screening must be approved by the Planning Director.

2. If the visual screening is achieved through berming, it shall be provided along the property line as follows:

    a. The side slopes shall not exceed three to one (3 to 1), horizontal to vertical.

    b. The mounded ground surface shall be protected to prevent erosion though the use of turf lawn or other alternative groundcovers.

3. If the visual screening is achieved through vegetation, it shall be provided along the property line as follows:

    a. At a rate of at least four (4) trees every one hundred (100) linear feet. Of the four (4) trees every one hundred (100) linear feet, at least one (1) shall be a deciduous shade tree and three (3) shall be evergreen or ornamental trees. The trees shall be evenly distributed within each one hundred (100) linear feet section.

    b. At least two-thirds (2/3), but no more than three-quarters (3/4) of the total ornamental/evergreen trees along the property line shall be made up of evergreen trees.

    c. Each tree shall have a minimum mature height of fifteen (15) feet.

4. Visual screening is not required along the property line adjacent to a Participating Property.

v. Each application shall have a decommissioning plan (removal of equipment/improvements and restoration of lands) that is reviewed and approved by the Planning Department prior to beginning operations. The decommissioning plan shall provide the following:

1. A plan outlining the means, procedure, and costs of removing the Large Solar Facility, including, but not limited to, the solar panels and collectors, electrical wiring/cabling, fencing, and any related supporting infrastructure to a minimum depth of three (3) feet.

2. At the expense of the permittee, a cost estimate for the decommissioning of the Large Solar Facility and any estimated resale and salvage value shall be prepared by a professional engineer. The permittee shall provide to the Planning Department a revised and updated decommissioning cost estimate every five (5) years from the date of approval to cover the cost of meeting this obligation. The decommissioning cost estimate shall explicitly detail the

cost, any estimated resale and salvage values, shall account for inflation, cost and value changes, and advances in decommissioning technologies and approaches.

3. The estimated decommissioning cost, less any resale and salvage value, shall be guaranteed in one of the following forms: (i) surety bond, (ii) cash to be held in escrow by the County Treasurer at a Bank, or (iii) a letter of credit from a financial institution reasonably acceptable to the County which shall be irrevocable unless replaced with cash or other form of security reasonably acceptable to County. The owner of the Large Solar Facility shall provide the decommissioning cost guaranty no later than the end of the fifteenth (15th) year of operation, and shall maintain the financial security thereafter for as long as the Large Solar Facility is in existence or upon discontinuance, decommissioning, or abandonment of the Large Solar Facility. Such financial security shall be updated every five (5) years to cover the costs associated with the updated decommissioning cost estimates.

4. For purposes of this Section, discontinuance, decommissioning, or abandonment shall mean the Large Solar Facility has produced no energy for twelve (12) consecutive months. The owner or operator shall have twelve (12) months to complete decommissioning of the Large Solar Facility. If the owner or operator of the Large Solar Facility fails to remove the installation in accordance with the requirements of this permit or within twelve (12) months following discontinuance, decommissioning, or abandonment, the County may collect the bond or other financial security and the County or a hired third party may enter the property to physically remove the installation.

vi. The Large Solar Facility shall meet the following setback requirements:

Property Line Setbacks	
Non-Participating Property with a Dwelling	100 feet
Non-Participating Property without a Dwelling	50 feet
Participating Property with a Dwelling	0 feet
Participating Property without a Dwelling	0 feet
Public or Private Roadway	50 feet

b. A Small Solar Facility may be allowed in the AGR and R Districts by special permit under the following conditions:

i. The Small Solar Facility shall be in conformance with subsections 13.051(a)(i)-(vi) above.

ii. The height of the solar panel or solar collector and any mounts shall not exceed fifteen (15) feet when oriented at maximum tilt.

ARTICLE 17 ADDITIONAL HEIGHT AND AREA REGULATIONS

17.003

Barns, chimneys, place of religious assembly steeples, cooling towers, elevator bulkheads, fire towers, grain elevators, and storage structures, monuments, ornamental towers, silos, spires, stacks, stage towers of scenery lofts, tanks, water towers, WECS over the district height authorized by conditional use or special permit, wireless towers, or necessary mechanical appurtenances are exempt from the height regulations as contained herein.

SECS and WECS are permitted accessory uses associated with a primary use on the premises in all zoning districts provided they are in conformance with the provisions of Article 17 and any other applicable regulations of this Resolution and have a rated capacity of twenty-five (25) kilowatts (kW) (ac) or less.

a. SECS and WECS that are part of the main structure shall comply with the applicable district's height, front, side, and rear yard requirements of the main structure.
b. SECS and WECS that are not part of the main structure shall comply with the height, front, side, and rear yard requirements applicable to accessory buildings as described in Section 17.005 of this Resolution.
c. Accessory SECS and WECS located on top of a building are exempt from the height regulations as contained herein.

PLANNING

From: WebForm <none@lincoln.ne.gov>
Sent: Thursday, September 26, 2019 9:49 AM
To: Geri K. Rorabaugh
Cc: Brenda J. Thomas
Subject: InterLinc - Comment on PC Agenda Item

Planning Dept. - Comment on PC Agenda Item

Date : 9/26/2019 9:48:56 AM

Name Kent Dodson

Email kent2thdr@neb.twcbc.com

Home Address 14920 Plumridge Rd

Application Number or Name Text Amendment #19007

Location 134th to 148th St, Adams to O St

Submittor's Position In Opposition

Comments It seems ridiculous to place this Solar Farm in the area that is being planned, where it will negatively impact the views, and look of the countryside. It will have a negative impact on the values of properties in this location. Ranger Power has a Study (they paid for) that states no impact has been seen on Property Values around Solar Farms. I take that with a grain of salt,since it was a study THEY paid for, and none of the Solar Farms in the study was as large as this one.
I do not understand why this cannot be placed over north of the interstate,in the general location of the City Landfill. There is approximately 1000 acres of land in this area owned by the City of Lincoln that would be perfect, and another 600 or so owned by LES. It is also close to the LES Windmills so there is more than likely a power station nearby that they state is the reason they want it out east of Lincoln. The landed owned by the City of Lincoln probably generates zero Property Tax income for the County or City. If the City would lease this to Ranger Solar for the 20 or so years they want it could generate lots of money for the County and City. I have been told Ranger is renting the farm ground for up to $1000/acre/year. (not sure # is correct, just what I have been told). Why doesn't the City lease them the ground north of Lincoln for 1/2 the price they are paying the farmers and it is a win for both sides. If they are willing to pay $1000 per acre, they City could lease them the ground for $500/acre, hence generating over $500,000/year for the City/County. Ranger power would probably have to place fewer trees, so it would be a double win for them.
I hope you look at this letter seriously and look at the logic behind it.

IP: 74.87.186.190
Form: https://lincoln.ne.gov/city/plan/boards/pc/PubCommentForm.htm
User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/75.0.3770.142 Safari/537.36