

HITCHCOCK COUNTY PLANNING COMMISSION

March 12, 2025
Trenton, Nebraska

The Hitchcock County Planning Commission met on March 12, 2025 commencing at 7:00 p.m. in the Community Room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska. Notice of the meeting was given in advance thereof by publication on February 27, 2025 in *Scoop Media News*, the designated method for giving notice. Board agendas are posted on the County's website www.hitchcockcounty.ne.gov. Notice of this meeting was given to the Chair and all members of the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Vice Chair Dustin Webb advised all in attendance, that a current copy of the Nebraska Open Meetings Act was available for review, indicated the location of such copy in the room where the meeting was being held and offered the following statement: *It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. The board conducts its business in accordance with the open meetings act.*

Vice Chair Webb called the meeting to order at 7:01 p.m. and the roll was called. Those present were Aaron Kolbet, Tom Monnahan, Dustin Webb and Wayne Merrill. Dustin Ladenburger and Austin Jensen were absent. Vice Chair declared a quorum. Also present, Zoning Administrator Mike Erickson, County Attorney D. Eugene Garner, Paul Nichols, Cody and Ewan Lashley, Charles and Coleen Wilcox and Recording Secretary Margaret Pollmann.

The minutes of the February 20th, 2025 meeting were previously reviewed by the board. Vice Chair inquired as to any additions or corrections. Member Monnahan moved to waive the reading of said minutes, and accept and approve the February 20th, 2025 meeting minutes. Member Merrill seconded the motion and the following members voted in favor of the motion: Merrill, Webb, Kolbet, and Monnahan. Ladenburger and Jensen, Absent. Motion carried.

Vice Chair Webb recessed the regular meeting at 7:04 and opened the public hearing for the purpose of receiving comments from the public in attendance and to receive evidence regarding the proposed amendment(s) to Hitchcock County Zoning Regulations. Said proposed amendment(s) address "crypto mining facilities: and "data centers within the AG-G, RCI, and I Districts and amendment(s) to zoning permit fees for non-residential farm buildings and increasing the fees set forth in the Zoning Permit Fee Schedule.

Zoning Administrator Mike Erickson advised as to the proposed zoning regulations.

Vice Chair Webb inquired if there were any comments from proponents of the proposed amendment(s) to Hitchcock County Zoning Regulations. Charles Wilcox spoke in favor of changes in zoning fees. Mr. Wilcox suggested adding to the amendment(s) something requiring companies who file zoning permits being required to divulge who they are and where they are from. Attorney Garner advised as to foreign and domestic entities doing business in the State of Nebraska along with federal law relating to the same. Discussion held on load management issues. Cody Lashely agreed with permit fee increases, stated he supports the proposed regulation and thanked the body for their diligent work on the issue.

Chair inquired if there were any comments from opponents of the proposed amendment(s). Coleen Wilcox inquired if one mile from a residence was far enough. Zoning Administrator Erickson advised as to facility shielding and his research as to decibel levels. Discussion held on the number of substations locations within the County.

Chair inquired if there were any comments from a neutral position. Paul Nichols commented that decibel levels will be hard to regulate. Discussion held on various issues relating to zoning regulations. Coleen Wilcox inquired if such facilities emit anything toxic and Zoning Administrator Erickson indicated his research indicated that it was no more than current substations. Ewan Lashley suggested concrete barriers around these types of facilities.

Vice Chair Webb inquired if there were any comments regarding specific articles and sections of the proposed amendment(s). Further discussion held on required decibel level studies.

Chair closed the public hearing at 8:03 p.m. this date and the public meeting that was previously recessed was re-opened.

Attorney Garner advised as to making findings regarding the proposed amendments.

Member Kolbet moved to make the following findings based upon comments and information provided during the public hearing:

- (1) that said proposed amendments are consistent with the Hitchcock County Comprehensive Plan as said Plan pertains to the AG-G, RCI, and I Districts within Hitchcock County, Nebraska; and
- (2) that it is necessary and in the best interests of the County to amend current regulations to clarify the process to be followed in relation to locating and maintaining “crypto mining facilities” and “data centers” within the AG-G, RCI, and I Districts in order to, among other purposes, (a) facilitate cooperation and communication by and between the operator(s) of said “crypto mining facilities” and “data mining centers” and the landowners; (b) promote orderly growth and development within the County; and (c) minimize adverse impacts upon adjoining land uses; and
- (3) that said proposed amendments properly clarify and address the permitting of “crypto mining facilities” and “data mining centers” within the AG-G, RCI, and I Districts; and
- (4) that it is necessary to remove “*but shall require a certificate of zoning compliance*” from Article 2, Section 202 (1.)
- (5) that it is necessary to clarify Article 8, Section 804 to add the word “fee” to “(1). *Non-residential farm buildings, as defined in Section 303.34 of this Resolution, shall be subject to the requirements of this Resolution, but shall be exempt from the zoning permit “fee” requirements of this Resolution.*”; and
- (6) that it is necessary and in the best interests of the County to update the Schedule of Zoning Permit Fees as follows:
 - (a) add a Zoning Permit Late Fee of \$30.00; and
 - (b) increase schedule of fees as follows:
 - (1) Application for rezoning or amendment to zoning regulation \$500.00,
 - (2) Application for conditional use \$500.00;
 - (3) Filing of appeal to decision of Zoning Administrator \$500.00;
 - (4) Application for variance \$500.00;
 - (5) Hitchcock County Comprehensive Development Plan Zoning Regulations Book \$500.00; and
 - (c) remove from the Schedule of fees ~~Check out of Hitchcock County Comprehensive Development Plan Zoning Regulations Book \$125.00 (refundable upon return of intact book)~~

Member Monnahan seconded the motion and after consideration, the following members voted in favor of the motion: Merrill, Kolbet, Webb and Monnahan. Ladenburger and Jensen, Absent. Motion carried.

Member Kolbet moved to amend the proposed Regulation 501.06 subparagraph 10. E. to specify a 6’ (six foot) chain link fence with not less than three strands of barbed wire above said chain link fence. Member Monnahan seconded the motion and after consideration, the following members voted in favor of the motion: Webb, Monnahan, Kolbet, and Merrill. Ladenburger and Jensen, Absent. Motion carried.

Member Kolbet moved to recommend to the Hitchcock County Board of Commissioners, APPROVAL of the proposed amendments to Hitchcock County Zoning Regulations as follows:

- Article 2 Section 202
- Article 3 Section 303
- Article 5 Section 501, 502, 503
- Article 8 Section 804
- Schedule of Zoning Permit Fees

as pages 1-3 inclusive and revision of Schedule of Zoning Permit Fees and marked Exhibit “A”. Member Merrill seconded the motion and after consideration, the following members voted in

favor of the motion: Webb, Merrill, Kolbet, and Monnahan. Jensen and Ladenburger, Absent. Motion carried.

Member Merrill moved to authorize and direct Vice Chair of the Hitchcock County Planning Commission to execute the Recommendation of the Hitchcock County Planning Commission for and on behalf of the full body of the commission. Member Kolbet seconded the motion and after consideration the following members voted in favor of the motion: Merrill, Webb, Monnahan and Kolbet. Jensen and Ladenburger, Absent. Motion carried.

Discussion held on the next meeting date and time.

There being no further business before the Commission, Chair Ladenburger adjourned the meeting at 8:20 p.m.

Dustin Webb, Vice Chair

Wayne Merrill, Secretary