

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

COUNTY TEXT AMENDMENT NO. 18011:            )  
TEXT AMENDMENT TO THE LANCASTER        )  
COUNTY ZONING RESOLUTION, SECTION        )  
13.048, TO ALLOW HIGHER NOISE LEVELS        )        RESOLUTION NO. R-18-0095  
FOR PARTICIPATING PROPERTIES, AS         )  
PROVIDED IN ATTACHMENT A                    )

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114, the Lancaster County Board of Commissioners (“Board”) is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County’s Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission (“Planning Commission”);

WHEREAS, Blue Prairie Wind, LLC (“Applicant”) has requested a text amendment to the Lancaster County Zoning Resolution, Section 13.048 Commercial Wind Energy Conversion Systems, to add a condition to allow participating properties to have a higher noise level than non-participating properties, as provided in Attachment “A,” attached hereto and incorporated by this reference;

WHEREAS, the Lincoln-Lancaster County Planning Department (“Department”) has recommended approval of this amendment concluding that the requested amendment would permit commercial wind turbines in Lancaster County and help meet a goal of the Comprehensive Plan for renewable energy sources, while protecting the public health. The key justification for this recommendation lies with the Lincoln-Lancaster County Health Department (“LLCHD”) recognizing the scientific peer-reviewed evidence relative to wind turbine noise and reported annoyance for participating properties. The scientific research and papers reviewed by the LLCHD indicate that participating property owners report much less annoyance, the primary

health concern, relative to non-participating property owners that are exposed to wind turbine noise;

WHEREAS, on November 28, 2018, after public hearing, the Planning Commission voted 8-1 to recommend approval of said text amendment;

WHEREAS, on December 18, 2018, the Board conducted a public hearing regarding said text amendment;

WHEREAS, on December 18, 2018, the Board during a public meeting voted to \_\_\_\_\_ the proposed text amendment;

NOW, THEREFORE, BE IT RESOLVED, by the Board, that the amendments to the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby \_\_\_\_\_.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2018, in the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY  
COMMISSIONERS OF  
LANCASTER COUNTY, NEBRASKA

APPROVED AS TO FORM  
this \_\_\_\_ day of  
\_\_\_\_\_, 2018.

\_\_\_\_\_  
Deputy County Attorney  
for PAT CONDON  
County Attorney

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**Proposed text amendment to Lancaster County Zoning Regulations:**

**13.048(A)(i).** Noise: No CWECS or combination of CWECS turbine(s) shall be located as to cause an exceedance of the following as measured at the closest exterior wall of any dwelling located on the property. If a turbine violates a noise standard on a dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use. For ~~both participating and~~ nonparticipating properties:

1. From the hours of 7 am to 10 pm:
  - i. Forty (40) dBA maximum 10 minute Leq or;
  - ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 15 hour period.
  
2. From the hours of 10 pm to 7 am:
  - i. Thirty-seven (37) dBA maximum 10 minute Leq or;
  - ii. Three (3) dBA maximum 10 minute Leq above background level as determined by a pre-construction noise study. The background level shall be a Leq measured over a representative 9 hour period.

**For participating properties:**

- 1. Fifty (50) dBA maximum 10 minute Leq for all hours of the day and night.**