

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
THURSDAY, DECEMBER 6, 2018
COUNTY-CITY BUILDING
ROOM 113 - BILL LUXFORD STUDIO
8:30 A.M.**

Commissioners Present: Todd Wiltgen, Chair; Jennifer Brinkman, Vice Chair; Deb Schorr, Roma Amundson and Bill Avery

Others Present: Kerry Eagan, Chief Administrative Officer; Ann Ames, Deputy Chief Administrative Officer; Dan Nolte, County Clerk; Cori Beattie, Deputy County Clerk and Leslie Brestel, County Clerk's Office

Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska web site and provided to the media on December 5, 2018.

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:31 a.m.

AGENDA ITEM

1) APPROVAL OF STAFF MEETING MINUTES FOR NOVEMBER 29, 2018 AND TRI-COUNTY MEETING MINUTES FROM NOVEMBER 15, 2018

MOTION: Schorr moved and Avery seconded approval of the November 29, 2018 Staff Meeting minutes. Avery, Schorr and Wiltgen voted yes. Brinkman abstained and Amundson was absent. Motion carried 3-0 with 1 abstaining.

MOTION: Schorr moved and Avery seconded approval of the November 15, 2018 Tri-County meeting minutes. Avery, Brinkman and Schorr voted yes. Wiltgen abstained and Amundson was absent. Motion carried 3-0 with 1 abstaining.

2) APPOINTED, UNCLASSIFIED EMPLOYEE SALARIES - Doug McDaniel, Human Resources Director; Nicole Gross, Compensation Manager; and Amy Sadler, Compensation Technician

Doug McDaniel, Human Resources Director, and Nicole Gross, Compensation Manager, were available for discussion on appointed, unclassified employee salaries (see agenda packet).

Schorr stated she had asked McDaniel for the most recent cost-of-living increases from the Unions, which, based on those documents, she proposed a cost-of-living increase of 2.7%.

Amundson entered the meeting at 8:34 a.m.

MOTION: Schorr moved and Avery seconded for the appointed, unclassified employees to receive a 2.7% cost-of-living increase. Amundson, Avery, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

It was the consensus of the Board to continue discussions on market adjustments and merit increases for department directors and at the midyear budget review.

CHIEF ADMINISTRATIVE OFFICER REPORT

A. Chief Deputy Elected Official Salary Memo

It was the consensus of the Board for Kerry Eagan, Chief Administrative Officer, to distribute the memo (see agenda packet).

B. Claim for Review PV #632339 to Menards - Lincoln North From Lancaster County Engineer Department, In the Amount of \$243.68. This Claim is Beyond the 90 Day Time Period

There was discussion on the State statute and County Board policy regarding claim payments.

MOTION: Brinkman moved and Amundson seconded to move the claim to the next Tuesday meeting as a regular claim. Avery, Amundson, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

C. Claim for Review PV #63311 to Correctional Counseling Inc., From Community Corrections, In the Amount of \$4,481.68. This Claim is Beyond the 90 Day Time Period

MOTION: Brinkman moved and Schorr seconded to move the claim to the next Tuesday meeting as a regular claim. Amundson, Avery, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

D. Claim for Review PV #633534 to Deb Schorr from Lancaster County Board of Commissioners in the Amount of \$47.52. The County Board has Requested a Review of All Claims From Elected Officials

MOTION: Brinkman moved and Amundson seconded to move the claim to the next Tuesday meeting as a regular claim. Amundson, Avery, Brinkman and Wiltgen voted yes. Schorr abstained. Motion carried 4-0 with 1 abstaining.

CHIEF DEPUTY ADMINISTRATIVE OFFICER REPORT

A. National Association of County Officials (NACo) High Performance Leadership Academy

Ann Ames, Chief Deputy Administrator, requested permission to participate in the National Association of County Officials (NACo) High Performance Leadership Academy beginning in January. NACo is offering a \$1,000 stipend which would bring the County's cost to \$495.

MOTION: Amundson moved and Schorr seconded to approve Ames to participate in the NACo High Performance Leadership Academy.

Ames noted the program is 12 weeks long and available entirely online.

ROLL CALL: Amundson, Avery, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

B. Phones for County Board and Staff

Ames said a new commissioner has requested a County phone to conduct County business. Additionally, the Chief Administrative Officer's phone needs to be updated. She discussed the policy regarding the use of personal versus County phones and the importance of retaining business-related text messages on personal and/or County devices. Ames recommended the County utilize iPhones which have better text retention technology. Amundson also expressed the need for a County phone. The annual cost for all five commissioners and the Chief Administrative Office to have phones is \$3,000-\$4,000.

It was the consensus of the Board to purchase phones for the incoming commissioner, the Chief Administrative Officer and Commissioner Amundson.

C. Gift Drive for Youth Services Center

Ames stated Sheli Schindler, Youth Services Center (YSC) Director, sent her a gift drive list for youth in the YSC. Brinkman recommended Schindler also contact outside resources that promote community needs.

DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

- A.** Information Services Policy Committee - Brinkman
- B.** Human Services Joint Budget Committee – Brinkman

Brinkman indicated she did not attend the meetings of the Information Services Policy Committee or the Human Services Joint Budget Committee.

C. Public Building Commission Chair Meeting with the Mayor - Brinkman

Brinkman said the Mayor expressed no concerns and the meeting was routine in nature.

D. Lincoln Metropolitan Planning Organization (LMPO) Meeting - Brinkman

Brinkman reported the LMPO adopted the same standards approved by the Nebraska Department of Transportation, had a bike plan presentation and a presentation on the 33rd and Cornhusker Highway project. The County Engineer gave presentations on the Transportation and Financing taskforce, and the South 68th Street and North 148th Street studies.

E. Emergency Medical Systems Oversight Authority (EMSOA) - Brinkman

Brinkman said the EMSOA discussed the potential purchase of new CPR manikins, approved budget funds for new AEDs for the Lincoln Police Department (LPD). The Board felt the Sheriff's Office should also be considered for AEDs.

F. Corrections Joint Public Agency (JPA) -Wiltgen/Brinkman

Wiltgen reported the Board approved the annual bond payment and is considering meeting annually instead of a biannually.

3) ELECTRONIC SIGNATURE FORMAT (DOCUSIGN) FOR MOTOR VEHICLE EXEMPTION FORM - Candace Meredith, Chief Deputy County Treasurer

Tony Kuligowski, Technology Support Technician, Cori Beattie, Deputy County Clerk, and Monét McCullen, County Clerk Records Specialist III, were also available for the discussion.

Candace Meredith, Chief Deputy County Treasurer, sought Board approval to convert the paper motor vehicle exemption form to an electronic form with an electronic signature using DocuSign. She said the change was approved by the State and the County Attorney's Office, management of the form will be by the County Treasurer's Office and the workflow will be done via email.

McCullen questioned the process if the Chair is unexpectedly absent. Kuligowski indicated that the Clerk's Office will have the ability to forward the email to another for signature. It was also mentioned that the Chair could sign the document regardless of their attendance at the meeting if authorized to do so.

When asked if a paper copy will ever be printed, Beattie said a copy of the form will be mailed to the applicant within seven days of Board action.

The Board's consensus was to proceed with the new process as outlined.

OTHER BUSINESS

Meredith stated she will be leaving Lancaster County for employment with the Nebraska Association of County Officials (NACO).

4) A. LINCOLN VITAL SIGNS - Sara Hoyle, Human Services Director

Sara Hoyle, Human Services Director, discussed the Lincoln Vital Signs program (see agenda packet) and said the County has always contributed \$1,000 to the program.

MOTION: Schorr moved and Amundson seconded to authorize Lancaster County to contribute \$1,000 to the Lincoln Vital Signs program.

Brinkman asked who else contributes and how much. Hoyle stated she can get a list of contributors and amounts.

ROLL CALL: Avery, Amundson, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

B. JUVENILE COMMUNITY AID GRANT APPLICATION FOR PREVENTION AND EARLY INTERVENTION

Hoyle discussed the grant application (see agenda packet) with the funding amount reduced from previous years due to budget cuts.

MOTION: Amundson moved and Schorr seconded approval to authorize Sara Hoyle to apply for the Juvenile Community Aid Grant, to authorize the Chair to sign the application, and to submit for CEDARS funding. Avery, Amundson, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

Wiltgen asked if all the applicants reduced their requested amounts. Hoyle answered yes.

C. ACCEPTANCE OF GRANT AWARD FOR \$30,000 FROM THE NEBRASKA PLANNING COUNCIL ON DEVELOPMENTAL DISABILITIES FOR STRATEGIES FOR YOUTH TRAINING FOR SCHOOL RESOURCE OFFICERS (ACTION REQUIRED)

Hoyle said the application was written with the Lincoln Police Department for training for the partnership of School Resource Officers (SRO) and school administrators (see agenda packet). The cost of the training is \$35,000 with matching funds available. The training will be held in June. In conjunction with this training, Hoyle's office has been requested to provide training for SROs in adolescent brain development and risk and need responsivity in response to juveniles.

Schorr suggested including the rural school SROs in the trainings.

MOTION: Schorr moved and Amundson seconded to authorize the Chair to sign for acceptance of the grant award contingent upon approval from the County Attorney's Office. Avery, Amundson, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

OTHER BUSINESS

Hoyle stated the contract for the Restored Caseworker on the upcoming Tuesday meeting agenda will look different as it is an application submitted by the County with Justice Assistance Grant (JAG) funding that had been held up in the Supreme Court. Funds were released to United States Council of Mayors (USCM) members, and since Mayor Beutler is a member of the USCM, Beutler signed the grant application and is contracting with the County.

Brinkman exited the meeting at 9:27 a.m.

DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

G. Lancaster County Board Chair/Vice-Chair Meeting with Planning - Wiltgen/Brinkman

Wiltgen said the following topics were discussed: wind energy, accessory dwelling units, the timely appointment of individuals to the feedlot working group and a possible special use permit for expansion of an existing feedlot.

Brinkman returned to the meeting at 9:29 a.m.

5) A. TEXT AMENDMENT 18011, COMMERCIAL WIND ENERGY NOISE LIMITS FOR WIND ENERGY PARTICIPANTS - Tom Cajka, Planner; David Cary, Planning Director; Steve Henricksen, Development Review Manager

Chris Schroeder, Lincoln Health Department Environmental Health Supervisor, was also available for the discussion.

Tom Cajka, Lincoln-Lancaster County Planning Department, Planner II, reviewed Text Amendment 18011 (see Exhibit A) stating the amendment is only for Section I pertaining to adding noise limits for participating properties of 50 Decibels (dbA) yet keeping the current 37 dbA limit for non-participating properties. Because this change is the only item the applicant originally requested, only amendments pertaining to Section I may be discussed at the hearing. Any other proposed amendments would need a new hearing.

Schroeder reviewed his PowerPoint on proposed Text Amendment 18011 (see Exhibit B).

Wiltgen asked for clarification if property participation is a determining factor on annoyance. Schroeder stated while that is one factor, and while there was some evidence that participating individuals should experience less annoyance than non-participating individuals, the same noise limit for health protections should be afforded to both.

Regarding testimony in the Planning Commission meetings, Amundson asked how far away the turbines would need to be to meet the 37 dbA and 40 dbA level for non-participants. Schroeder answered at least one mile from the dwelling based on the applicant's noise-modeling data. He distinguished there are setbacks in the code and then there are the noise limits. Cajka stated if different wind turbines were used, the turbine could be closer than one mile.

Amundson asked if turbines get louder as the wind increases. Schroeder answered yes, but regardless of the wind speed, the turbines cannot exceed the set maximum dbA; however, it is important to remember as the wind speed increases, so does the background noise.

Brinkman asked Schroeder if low frequency sound studies have been reviewed or taken into consideration. Schroeder stated the most current information on low frequency noise and infrasound was reviewed and current science shows no direct link to negative health outcomes.

Schorr asked if studies had been conducted with both the new decibel levels and the mile area and if so are there places that qualify for a wind turbine location. Schroeder said studies were not done, and that the applicant had testified 80-90% participation within the project area would be needed to make the study work. He also said the County Board may request a post-construction noise study. Cajka stated in the code at Section M is where a post construction noise study could happen.

Brinkman inquired about the process if the noise limits are adjusted by the Board and the applicant wants to continue with the project. Cajka explained this would follow the Special Permit process.

A public hearing on Text Amendment 18011 is scheduled for Tuesday, December 18, 2018.

B. TEXT AMENDMENT 18008, ACCESSORY DWELLING UNITS

Cajka reviewed Text Amendment 18008 for accessory dwelling units (see Exhibit C). He confirmed that the Planning Commission has the right to adjust the conditions and this action can be appealed to the County Board.

A public hearing on Text Amendment 18008 is scheduled for Tuesday, December 18, 2018.

6) BREAK

The meeting was recessed at 10:03 a.m. and reconvened at 10:16 a.m.

7) CLAIMS FOR REVIEW - Karen Wobig, Lancaster County Extension Unit Leader

- A. Claim for Review PV #633355 to Tracy Anderson, From Lancaster County Extension, In the Amount of \$106.22. This Claim is for Mileage Between the Travelers Residence and Travelers Place of Employment. Resolution No R-18-0074 States That This Cost is Not Reimbursable**

- B. Claim for Review PV #633356 to Kristin Geisert from Lancaster County Extension in the Amount of \$55.81. This Claim is for Mileage Between the Travelers Residence and Travelers Place of Employment. Resolution No R-18-0074 States That This Cost is Not Reimbursable**

Karen Wobig, Lancaster County Extension Unit Leader, provided an overview of the claims. Discussion followed on the County's policy on mileage reimbursement from home.

Avery exited the meeting at 10:39 a.m.

There was no formal action taken on Items 7A or 7B.

There was consensus to schedule training on reimbursable expenses at a future Management Team meeting.

NOTE: The claims were scheduled for further review at the December 11th Board of Commissioners meeting.

8) WEBSITE VENDOR - Bob Walla, Purchasing Agent

Bob Walla, Purchasing Agent, gave an update on the website and logo redesign process and requested approval to move forward with negotiations with CivicPlus. Ames stated the qualifications of the company. The company will meet with each department to determine needs, provide training, and offer continued customer support.

Ames and Walla stated the cost falls within this year's budget, but the County would need to allocate future funds (\$51,185 a year for the first three years and \$19,168 for the fourth year). Walla stated negotiations for a lower price are possible.

Avery returned to the meeting at 10:47 a.m.

MOTION: Brinkman moved and Amundson seconded to authorize the Purchase Agent to proceed with contract negotiations with CivicPlus.

There was general discussion on the logo branding of the County.

ROLL CALL: Avery, Amundson, Brinkman, Schorr and Wiltgen voted yes. Motion carried 5-0.

9) OPENGOV - Dennis Meyer, Budget and Fiscal Officer; and Nate Olson, OpenGov

Nate Olson, Account Executive; Charlie Francis, Retired Finance Director at City of Sausalito, California; and Monica Bandy, Business Consultant at OpenGov, were available via conference call.

Meyer and Olson discussed moving the budget process to the OpenGov platform to be streamlined and user friendly (see agenda packet).

Schorr asked if March 1, 2019 is a reasonable timeline and what challenges were encountered with the City of Lincoln's implementation. Olson said it is a reasonable timeline and though the challenge is the new way of compiling the budget, the system is intuitive. Bandy stated the initial challenges the City of Lincoln had were there was no workforce module planning in the system and the integration with JD Edwards took longer than expected.

Schorr inquired about system use training for employees. Bandy explained OpenGov administrators are trained first with department-wide training and one-on-one training available. OpenGov has Customer Success Managers available for questions, extended training and resources.

It was the consensus of the Board for Meyer to continue discussions with OpenGov.

10) ANNUAL REPORT FROM DENNIS MEYER, BUDGET AND FISCAL OFFICER

Meyer reviewed his presentation (Exhibit D). Meyer said a cure notice has been sent to Denovo Ventures LLC, the contracted Oracle implementation team, to cut ties unless a design document is received by December 13. If ties are cut, there will need to be a new Request for Proposal (RFP) for a new Oracle implementation specialist.

Schorr asked for a list of the departments struggling with the Purchase Card (P-Card) and Brinkman asked for the reasoning for P-Card resistance.

Wiltgen exited the meeting at 11:48 a.m.

11) CHIEF ADMINISTRATIVE OFFICER REPORT

- A.** Chief Deputy Elected Official Salary Memo
- B.** Claim for Review PV #632339 to Menards - Lincoln North From Lancaster County Engineer Department, In the Amount of \$243.68. This Claim is Beyond the 90 Day Time Period

- C. Claim for Review PV #63311 to Correctional Counseling Inc., From Community Corrections, In the Amount of \$4,481.68. This Claim is Beyond the 90 Day Time Period
- D. Claim for Review PV #633534 to Deb Schorr from Lancaster County Board of Commissioners in the Amount of \$47.52. The County Board has Requested a Review of All Claims from Elected Officials

Items A-D were moved forward on the agenda.

12) CHIEF DEPUTY ADMINISTRATIVE OFFICER REPORT

- A. National Association of County Officials (NACo) High Performance Leadership Academy
- B. Phones for County Board and Staff
- C. Gift Drive for Youth Services Center

Items A-C were moved forward on the agenda.

13) DISCUSSION OF BOARD MEMBER MEETINGS ATTENDED

- A. Information Services Policy Committee - Brinkman
- B. Human Services Joint Budget committee - Brinkman
- C. Public Building Commission Chair Meeting with the Mayor - Brinkman
- D. Lincoln Metropolitan Planning Organization Meeting - Brinkman
- E. Emergency Medical Systems Oversight Authority - Brinkman
- F. Corrections Joint Public Agency (JPA) -Wiltgen/Brinkman
- G. Lancaster County Board Chair/Vice-Chair Meeting with Planning - Wiltgen/Brinkman

Items A-G were moved forward on the agenda.

- H. Railroad Transportation Safety District - Schorr/Wiltgen/Amundson

Schorr reported Liz Thanel's retirement was acknowledged, meeting dates for next year were approved, and updates were given on the construction projects on Pine Lake Road between 56th and 70th streets, 33rd Street and Cornhusker Highway, and the North 48th Street underpass project.

- I. Lincoln Chamber of Commerce Coffee - Wiltgen

Schorr reported Wiltgen was recognized for his service.

14) SCHEDULE OF BOARD MEMBER MEETINGS

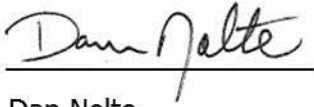
For informational purposes only.

16) EMERGENCY ITEMS

There were no emergency items.

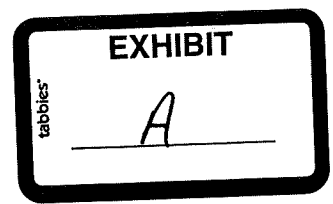
17) ADJOURNMENT

MOTION: Avery moved and Schorr seconded to adjourn at 11:53 a.m. Amundson, Avery, Brinkman and Schorr voted yes. Wiltgen was absent. Motion carried 4-0.



Dan Nolte
Lancaster County Clerk





COUNTY ZONING REGULATIONS

ARTICLE 13 SPECIAL PERMIT

13.048. Commercial Wind Energy Conversion System (CWECS)

A Commercial Wind Energy Conversion System (CWECS) may be allowed in the AG District by special permit under the conditions listed below:

- a. In cases where CWECS wind turbines are part of a unified plan, parcels which are separated from one another only by the presence of public right-of-way may be combined into one special permit application. When a special permit covers multiple premises, the lease or easement holder may sign the application rather than the lot owner.
- b. Turbines shall meet all FAA requirements, including but not limited to lighting and radar interference issues. Strobe lighting shall be avoided if alternative lighting is allowed. Color and finish shall be white, gray or another non-obtrusive, non-reflective finish. There shall be no advertising, logo, or other symbols painted on the turbine other than those required by the FAA or other governing body. Each turbine shall have onsite a name plate which is clearly legible from the public right-of-way and contains contact information of the operator of the wind facility.
- c. Each application shall have a decommissioning plan outlining the means, procedures and cost of removing the turbine(s) and all related supporting infrastructure and a bond or equivalent enforceable resource to guarantee removal and restoration upon discontinuance, decommissioning or abandonment. Each tower shall be removed within one year of decommissioning or revocation of the special permit. Upon removal of the tower, there shall be four feet of soil between the ground level and former tower's cement base.
- d. Any proposed turbine which is within half mile of any non-participating dwelling shall provide shadow flicker modeling data showing the expected effect of shadow flicker on non-participating properties. Shadow flicker shall not fall upon any non-participating dwelling, or other building which is occupied by humans, for more than a total of 30 hours per any calendar year. If shadow flicker exceeds these limits, measures shall be taken to reduce the effects of shadow flicker on buildings, which may include shutting the turbine down during periods of shadow flicker. If a turbine violates this standard on a non-participating dwelling unit, constructed after the turbine is approved, then the turbine becomes a non-conforming use.
- e. Construction and operation shall not adversely impact identified State or Federal threatened or endangered species such as saline wetlands, or rare natural resources such as native prairie and grasslands.
- f. No turbine shall obstruct or impair an identified view corridor or scenic vista of public value, as mapped on the Capitol View Corridors map in the Lincoln/ Lancaster County Comprehensive Plan. The views from prominent environmental areas, such as Nine Mile Prairie and Spring Creek Prairie, shall also be protected from adverse visual or noise impacts. Any application which, upon initial review, poses a possible impact to these views will be required to be relocated or provide view shed mapping, and visual simulations from key observation points for review.
- g. Setbacks to the turbine base:
 1. For the purposes of this section, "turbine height" shall be equal to hub height plus the rotor radius.
 2. For a non-participating lot, the setback shall be 2 times the turbine height measured to the property line, or 3 ½ times the turbine height, measured to the closest exterior wall of the dwelling unit, whichever is greater, but at a minimum 1,000 feet to the property line.
 3. For participating dwelling units, the setback shall be 2 times the turbine height measured to the closest exterior wall of the dwelling.
 4. The setback to any public right-of-way or private roadway shall be no less than the turbine height.

5. Setbacks to the external boundary of the special permit area shall be no less than as stated above, except that the owner of the adjacent property may sign an agreement allowing that setback to be reduced to the rotor radius plus the setback of the zoning district.
- h. The turbine(s) shall not impact a non-participating lot, (vacant or occupied; of any size), to the extent that, because of the location of turbine(s), the lot owner is left with less than 3 acres of land outside of the CW ECS setbacks and the noise impact area in Section (i) below, unless they are part of an agreement with the CW ECS owner/operator.
- i. Noise: No CW ECS or combination of CW ECS 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.
- j. A professional pre-construction noise study shall be conducted which includes all property within one mile of a tower support base. The protocol and methodology for such studies shall be submitted to the Lincoln-Lancaster County Health Department for review and approval. Such studies shall include noise modeling for all four seasons and include typical and worst case scenarios for noise propagation. The complete results and full study report shall be submitted to the Lincoln-Lancaster County Health Department for review.
- k. Prior to the commencement of construction of any turbine, pre-construction noise monitoring may be conducted to determine ambient sound levels in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department.
- l. Prior to the commencement of construction of any turbine, the applicant shall enter into an agreement with the County Engineer regarding use of County roads during construction.
- m. At the discretion of the County Board, post-construction noise level measurements may be required to be performed in accordance with procedures acceptable to the Lincoln-Lancaster County Health Department.
- n. All noise complaints regarding the operation of any CW ECS shall be referred to the County Board. The County Board shall determine if noise monitoring shall be required to determine whether a violation has occurred. (Resolution No. R-15-0061, November 24, 2015; Resolution No. R-11-0022, March 29, 2011)

Text Amendment #18011

Briefing

Lancaster County Board of Commissioners

Chris Schroeder, MCRP
Environmental Health Supervisor

December 6, 2018



Noise Definitions

- Noise Level: the “strength” of a sound. It is measured in Decibels (dB). (how loud) - amplitude
- dB(A): measurement that focuses on frequencies heard by the human ear.
- Leq: average noise level over a specified period of time.

Noise Metrics

Decibels

- Measure sound pressure level (SPL)/ Logarithmic scale
- The human ear responds not linearly but logarithmically to sound pressure
- Two (2) times sound energy - increase of 3 dB
- Ten (10) times sound energy – increase of 10 dB

Perception of dBs

Change in Sound Level (dB)	Change in Perceived Loudness
3	Just perceptible
5	Noticeable difference
10	Twice (or 1/2) as loud
15	Large change
20	Four times (or 1/4) as loud

Noise Metrics

Frequency weighting

- A weighted – dB(A) – most common used in noise measurement – audible frequencies – human hearing
- C weighted – dB(C) - can be used for low frequency noise measurements
- G weighted – dB(G) – can be used for infrasound measurements

Noise Metrics

Noise Measurements

- L_{eq} - Equivalent continuous sound pressure level. A measure of the average sound pressure level during a period of time in dB
- L_{den} – level day, evening, night – 24 hr. measurement adds dB penalties to evening and night measurements

Existing County Zoning Regulations

13.048. Commercial Wind Energy Conversion System (CWECS)

For both *participating* and *nonparticipating* properties:

- From the hours of 7 am to 10 pm:
 - Forty (40) dBA maximum 10 minute Leq or;
 - 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.
- From the hours of 10 pm to 7 am:
 - Thirty-seven (37) dBA maximum 10 minute Leq or;
 - 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.

Existing County Zoning Regulations

- Extensive work in circa 2015 to set current public-health science-based noise limits
- Peer-reviewed science-based literature
- Examined wind turbine noise (WTN) exposure and negative health outcomes

Existing County Zoning Regulations

- Annoyance - key negative health outcome identified
- Annoyance → Stress → Sleep disturbance → Health outcomes
- Used peer-reviewed scientific literature to establish WTN levels that minimize % of people annoyed or highly annoyed

WTN > Annoyance > Health

ANNOYANCE:

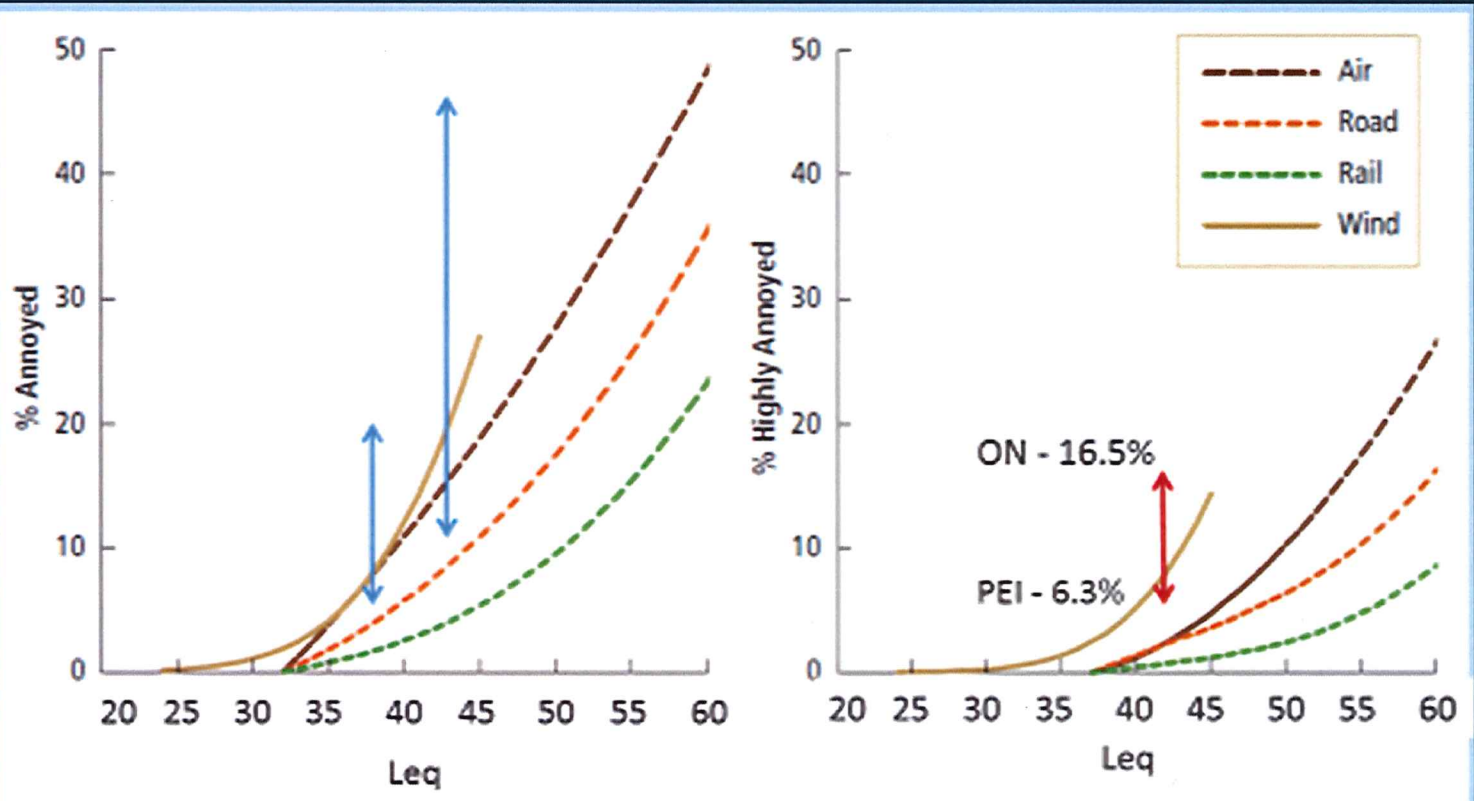
Noise annoyance can be defined as “any feeling of resentment, displeasure, discomfort and irritation occurring when a noise intrudes into someone’s thoughts and moods or interferes with activity” (Passchier-Vermeer & Passchier, 2006).

WTN > Annoyance > Health

- Almost all community noise codes are built around:
 - potential for hearing loss
 - projected level of annoyance (enjoyment of property)
- Annoyance is subjective, but can be measured objectively
 - Percent of people are annoyed
 - Physiological, neurological, biochemical responses

In 2015, Health reviewed Four Key Studies on Wind Turbine Noise and Health

- 2012 - Massachusetts DEP/DH Expert Panel Review Study
- 2014 - Schmidt & Klokke; Health Effects Related to Wind Turbine Noise Exposure: A Systematic Review
- 2015 – Canadian Health Academies Expert Panel Review Study
- 2015 – Health Canada – Wind Turbine Noise and Health Epidemiological Study



LLCHD estimates of Annoyance with Leq in dB(A) based on Canadian Academies study Figure 6.1 using a 5dB conversion factor for Lden to Leq

- Range estimates \diamond from Pedersen (2011)
- Range estimate \blacklozenge from Health Canada (2015) of very or extremely annoyed

2015 LLCHD Conclusions

- The percent of annoyed people
 - Varies by site
 - Increases with louder dB(A)
 - Is associated with wind turbines being present
- Annoyance is a health issue – sleep disturbance and measurable stress responses (cortisol and blood pressure)
- 35 to 40 dB(A) Leq appears to be acceptable for >80% of people near wind turbines

Proposed Text Change

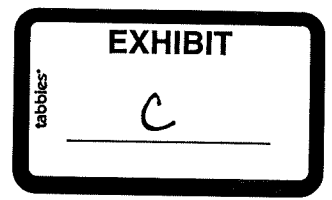
- For participating properties:
 - Fifty (50) dBA maximum 10 minute Leq for all hours of the day and night.
- Important distinction – participating property owners – agreeable to the wind turbine project
- Nonparticipating – afforded same public-health protection – existing noise limits and setbacks

Proposed Text Change

- Wind turbine annoyance – key negative health outcome
- Two main questions...
 1. Does the peer-reviewed science-based literature support much less reported annoyance for participating properties?
 2. Is the proposed WTN level for participating properties supported by scientific WTN noise data?

Questions...





SUBSTITUTE RESOLUTION

DECEMBER 3, 2018

13.049 50 Accessory Dwelling Unit (ADU)

An One accessory dwelling unit per lot may be allowed by special permit in the AG zoning district under the following conditions:

1. The lot area shall be 20 acres or larger. For purposes of determining minimum lot area, abutting County section line and one-half section line road right-of-way is included in the total area.
2. The total square footage of the ADU shall not exceed the lesser of ~~800~~ 1,000 square feet or 40% of the square footage of the principal dwelling, excluding garages, ~~and~~ carports, and space used for mechanical equipment, such as heating, utilities and water heater or pumps. Any other unfinished space in a basement is included in the square footage to allow it to be finished in the future. The calculation for the principal dwelling shall be based on the floor area ~~prior to the construction of the ADU.~~ as of the date the special permit is filed.
3. No more than two (2) bedrooms are allowed in the ADU. Bedroom shall mean any room or space used or intended to be used for sleeping purposes.
4. The owner is required to live on the property in either the principal dwelling or the ADU.
The owner shall file a deed restriction against the property stating that the accessory dwelling cannot be sold separately from the main house. The deed restriction must be to the satisfaction of the County Attorney. This deed restriction shall be filed prior to any building permit for the ADU.
5. The ADU must share the same access point to the public or private street as the principal dwelling.
6. The ADU must meet the same setbacks as the principal dwelling. The height of the ADU must meet the height limit of the district for a dwelling, but be no higher than the principal dwelling.
7. A detached ADU shall be located a distance no greater than 200 feet from the principal dwelling and must not be closer to the street right-of-way than the principal dwelling.

8. Must share utilities with principal dwelling unless owner can demonstrate a practical problem with sharing due to topography or other unique site considerations.

The ~~County Board~~ Planning Commission may adjust the conditions, with the exception of Conditions 4 and 5. **Conditions 4 and 5 may not be adjusted by the County Board.**

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Budget & Fiscal Officer

Dennis Meyer

Budget & Fiscal Office

- Lancaster County Budget
 - Filed 2018-19 Adopted Budget by September 20
 - Service Based Budget is located online (2nd year)
 - Interlocal Agreement Report filed by September 20

Budget & Fiscal Office

- Lancaster County Audits
 - 2017 Audits filed within statutory requirements
 - 2018 Crisis Center audit completed and filed with Region V

Budget & Fiscal Office

- Correctional Facility JPA
 - 2018-19 Budget was filed by September 20th with State Auditor and County Clerk
 - 2017 Audit was filed with State Auditor by December 31
 - 2018 Audit – almost in draft form
 - First bond payment since refunding – savings of \$391,000

Budget & Fiscal Office (Billable Hours)

- Public Building Commission
 - 2017 Audit was filed with State Auditor by December 31
 - 2018 Audit – almost in draft form
 - Accounting Functions
- Railroad Transportation Safety District
 - Accounting Functions

Budget & Fiscal Office

- Continuing Disclosure (Bondholders)
 - Financial Information and Operating Data (JPAs)
- Abbott Motocross
 - Financial Statement by April 30

Budget & Fiscal Office

- Grant Activity
 - SEFA
- Cost Allocation Plan
 - Indirect Cost Rates

Goals / Challenges

- Meet all filing deadlines for audits, budgets and reports
- HR/Payroll System
- Accountant Position
- Audit RFP
- P Cards
- OpenGov (Budget Tool)