

BOARD OF COMMISSIONERS
DAKOTA COUNTY

RESOLUTION 25C-011

RESOLUTION ADOPTING ADDITIONTO DAKOTA COUNTY ZONING REGULATIONS

WHEREAS, the County Board of Commissioners has the authority to amend zoning resolutions which shall have the force and effect of law pursuant to Section 508 of the Zoning Ordinances of Dakota County, Nebraska; and

WHEREAS, the County Board of Commissioners established the Dakota County Planning Commission pursuant to Regulation as set for by Neb. Rev. Stat. §23-114 to 23-114.05, 23-168.04, 23-172 to 23-174, 23-174.02, 23-373 and 23-376; and

WHEREAS, the Commission has determined it reasonable and necessary to add ordinance Section 600.3.18 in the Agricultural Zoning District; and

WHEREAS, it is the intent of the County Board to enact the proposed addition of Solar Conversion Systems to Conditional Use Permits under Section 600.3.18 in the Agricultural Zoning District,

NOW, THEREFORE, BE IT RESOLVED BY THE DAKOTA COUNTY BOARD OF COMMISSIONERS that this Board makes the following findings of fact:

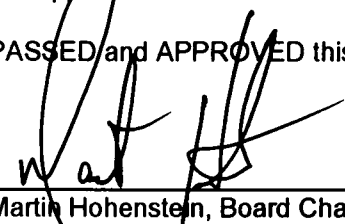
- I. A public hearing regarding the adoption of proposed addition Solar Conversion Systems to Conditional Use Permits under Section 600.3.18 in the Agricultural Zoning District was held on May 20, 2025 before the Dakota County Planning Commission as required by the State of Nebraska. The Planning Commission provided its recommendation of approval as noted in the Planning Department Report Exhibit "A".
- II. A public hearing regarding the adoption of the proposed amendment and revisions to the Dakota County Zoning Regulations, was held by this Board as required by §23-114.01(2).
- III. Notice of each of the Public Hearings described above was published at least ten (10) days prior to each respective public hearing and the proof of publication has been filed in the Office of the Dakota County Clerk.
- IV. Notice of the time and place of each hearing was also given in writing to the clerks of the local governments which have jurisdiction over land within three (3) miles of the property affected by such action as required by Neb. Rev. Stat. §23-164.
- V. The proposed amendment and revisions to be approved by this Resolution are within Section 600.3.18 of the Dakota County Zoning Regulations. Further the Planning Department report is attached hereto as Exhibit "A".
- VI. The proposed amendment and revisions to the Dakota County Zoning Regulations are consistent with the Dakota County Comprehensive Development Plan and are designed to promote the health, safety and welfare of the present and future inhabitants of Dakota County.

FURTHER, BE IT RESOLVED THAT this Board, in light of the above, after due deliberation and consideration, upon the recommendation of the Planning Commission, adopts the proposed addition to the Dakota County Zoning Regulations Section 600.3.18, specifically approval of the amendment as shown in Exhibit "A", and directs the Planning Department to amend the Dakota County Zoning Regulations by adding Solar Conversion Systems to Conditional Use Permits under Section 600.3.18 in the Agricultural Zoning District and that the same have full force and effect of law, the effective date of the aforementioned Zoning Regulations shall be June 9, 2025.

BE IT ALSO RESOLVED THAT, pursuant to Neb. Rev. Stat. §23-114.03, the County Clerk is directed and instructed to, within fifteen (15) days of the date of this Resolution, publish these Regulations in book or pamphlet form or once in a legal newspaper published in and of general circulation in the county, and the County Clerk is further directed to spread these regulations in the minutes of the proceedings of the county board.

FINALLY, BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Zoning Regulations, and all previous Resolutions or parts of Resolutions of the Dakota County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed. The above Resolution was approved by a vote of the Dakota County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 9th day of June, 2025.


PASSED and APPROVED this 9th day of June, 2025.


Martin Hohenstein, Board Chair


Brian Van Berkum, Commissioner



Rick Bousquet, Commissioner


Jeff Reed, Commissioner

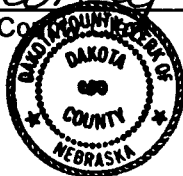

Rogelio Rodriguez, Commissioner

ATTEST:

Approved as to form:


Cherie Conley, County Clerk


Kim Watson, County Attorney



The regular meeting of the Dakota County Planning Commission was called to order at 7:00 P.M. by Chairman Martin Rohde and the Pledge of Allegiance was said by all.

Roll Call: Present were: Scott Bousquet, Ron Collins, Tim Decker, Ron Gill, Gordon Hegge, Steven Lieber, Dick McCabe, Harold Moes and Martin Rohde. Absent: None. Also, present: Planning and Zoning Administrator Joe O'Neill and Dakota County Commissioner Rick Bousquet. Public present: Ethan Frazier with Mission Energy

Notice was made regarding the Open Meeting Act posted on the wall.

First item on the agenda is the re-organization of the board. Nomination made by Ron Collins, second by Ron Gill to keep all offices the same. Roll Call Vote. Unanimous. Motion carried. Marty Rohde will remain Chairman, Harold Moes vice-Chair, and Dick McCabe secretary.

Moved by Steven Lieber, second by Scott Bousquet, to approve the minutes of the March 18, 2025 meeting minutes. Consent unanimous. Motion carried.

Planning Commission had final reviewed of solar definitions to be added to zoning regulations along with recommendations from Mission Energy. After discussion on the definitions, a motion was made by Ron Gill, second by Tim Decker to accept the changes to the solar definitions. Roll Call Vote. Unanimous. Motion Carried.

Planning Commission had final review for the addition of the Commercial 25Kw+ Solar regulations and along with recommendations from Mission Energy. Mr. Frazier pointed out a discrepancy on 3(f) under general requirements and with the Solar Overlay District regarding fence height with one requiring a 6' foot fence and the other an 8' fence. The Commission agreed to change it to 6' in the Commercial 25Kw+ for consistency.

Planning Commission had final review of changes to Section 600.3 to include Solar Energy Conversion Systems under Conditional Uses in the AG zoning district. Joe explained in order to issue a conditional use permit for solar, it needed to be added to the conditional uses in AG Section 600.3. Motion made by Tim Decker, second by Ron Gill to approve adding Solar Energy Conversion Systems under Conditional Uses in the AG zoning district. Roll Call Vote. Unanimous. Motion Carried.

The Planning Commission reviewed the Conditional Use Permits up for annual renewal. Joe commented that there have not been any complaints on any of them. Motion made by Gordon Hegge, second by Scott Bousquet to renew the Conditional Use Permits for Curtis Arndt's towing service, Kevin Pedersen for Ellenay Country Events, Lynch Properties RV Park and for Rob Nelson for a truck/trailer/equipment sales business. Roll Call Vote. Unanimous. Motion Carried.

At 7:25 Martin Rohde opened a Public Hearing for discussion on changes to the zoning regulations for the purpose of giving citizens the opportunity to offer support, opposition, or make neutral comments regarding the addition of Solar Conversion Systems to Conditional Use under 600.3 in the Agricultural Zoning District of the Dakota County zoning regulations. No public.

At 7:27 the hearing was open regarding the added definitions to the Solar Regulations. No Public was present.

At 7:28 the hearing was open regarding the addition of Commercial 25Kw+ Solar regulations. No Public was present.

Public hearing was closed at 7:30

Motion made by Tim Decker, second by Scott Bousquet to approve the addition of Solar Conversion Systems to Conditional Use Permits under 600.3 in the Agricultural Zoning District of the Dakota County zoning regulations, and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Steven Lieber, second by Harold Moes to approve adding the additional definitions to the Dakota County Solar Energy Regulations, and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Motion made by Harold Moes, second by Tim Decker to approve the addition of Commercial 25kw+ Solar regulations to the Dakota County zoning regulations, and give their recommendation to the Dakota County Board of Commissioners for their final approval. Roll Call Vote. Unanimous. Motion Carried.

Miscellaneous and old business. Tabled item regarding the 66 Conditional Use Permits from Summit Carbon Solutions will remain tabled. Permits: None.

Marty opened up the floor to public comment. No public

Joe mentioned to the commission that the paperwork regarding future changes encompasses all the solar regulations

Moved by Tim Decker, second by Harold Moes to adjourn. Consent unanimous. Motion carried

Meeting was duly adjourned at 7:38 P.M.

Respectfully submitted,

Jolene Gubbels

Provided, however, no residence or Livestock Feeding Operation (LFO) is permitted within 200 yards of any public hunting area in the AG District. Also, no residence, LFO, or water well is permitted within 1,000 feet of any existing public supply well.

Section 600.2. ACCESSORY USES

The following uses are permitted as accessory uses to the principle permitted uses in the AG, Agricultural District:

1. Facilities common to farm activities, including private swimming pools.
2. Single family residences including mobile homes for relatives of consanguinity and marriage provided that only one such dwelling is allowed per five (5) acres. Mobile homes placed in this manner are subject to the provisions of Section 800.2 of this regulation, are to be considered temporary only, and must be removed upon the death or departure of the relative.
3. Home occupations.
4. Roadside stands for the sale of products grown on the premises.
5. Signs identifying the property or the activity engaged in on the property, but not including billboards.
6. Mobile homes to be used as temporary residences for families waiting to move into a permanent dwelling on the same parcel of property, while the permanent dwelling is under construction or reconstruction. The mobile home and permanent dwelling may not be occupied at the same time. Mobile homes placed in this manner are subject to additional restrictions 2 and 3 of Section 800.2 of this regulation.

Accessory Uses 2 and 6 require the use of an annual consanguinity permit.

Section 600.3. CONDITIONAL USES

The following uses are permitted in the AG, Agricultural District after a finding by the County Planning Commission that their mode of conduct and location will not hinder the enjoyment and use of nearby properties and will not disrupt the appropriate use of land and resources of the County:

1. Livestock Feeding Operations (LFOs), subject to the license requirements, waste disposal requirements and recommendations of the State of Nebraska and the Land Use specifications in the Dakota County Comprehensive Plan. LFOs must comply with the standards established in Section 600.6 of these regulations.
2. Quarters for transient labor.
3. Cemeteries, crematories, mausoleums.
4. Commercial mines, quarries, and sand and gravel pits.
5. Automotive racetracks, driving tracks and motorcycle racetracks.
6. Manufacturing plants for the processing of crops, but not including meat packing, slaughtering, meat by-products manufacturing, rendering, or hide storage.
7. Riding academies, rodeos, dude ranches and other farm and ranch type recreational enterprises, including hunting preserves, sporting clays courses, trap shooting ranges and other hunting enterprises.

8. Recreational camps owned or operated by government, private individuals, or by charitable or religious organizations.
9. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis. These services include corn shelling, hay bailing, thrashing, milling, processing, plant nurseries, landscaping, crop dusting, grain cleaning, land leveling, harvesting, plowing, farm equipment service and repair, veterinary services (animal hospitals or clinics), and commercial auctions. Other services include bulk storage of petroleum products, fertilizer and insecticide for distribution or direct sales to agricultural consumers, boarding and training of horses, and wood chip factories.
10. Radio, television, and transmission towers and commercial signs.
11. Bike or pedestrian pathways.
12. Bed and Breakfast inns and homes.
13. Campgrounds pursuant Section 640.5
14. Schools, including private, elementary, junior high, high, day, nursery and preschools.
15. Community facilities and institutions including monasteries, convents and other religious institutions, hospitals, sanitariums, group homes, assisted living facilities and nursing or convalescent homes.
16. Recycling Centers.
17. Towing & Wrecker Service (see attachment) added 7-16-2009, Amended 11-15-2021
18. Solar Energy Conversion Systems

Section 600.4. SPACE LIMITS

The following space limitations shall apply to structures and buildings associated with each principal permitted use and each accessory use, except fences and signs:

1. Minimum lot requirements: The minimum lot size for a principal permitted use is five (5) acres. Each lot must have legal access to an existing full-service County gravel road, as defined in the authorized Dakota County 1989 Road and Bridge Inventory. Driveways or access points to gravel or hard surfaced roads will be allowed at no more than ten (10) driveways or access points in a mile with driveways or access point being at least four hundred (400) feet apart. **Zoning** permits will not be issued for lots with driveways or access points to State or Federal roads until proper permits have been issued by the applicable regulating agency (Nebraska Department of Roads). Copies of permits must be filed with the County Zoning Administrator.
2. Minimum setback and front yard: Ninety (90) feet measured from the center line of each and every road or fifty (50) feet from the property line, whichever is greater.
3. Minimum setback and yard space, other yards: Ninety (90) feet measured from the center line of each and every road or fifty (50) feet from the property line, whichever is greater.

#8

**Dakota County Planning Commission
Dakota County, Nebraska
Section 600.3 Agriculture
Addition of Solar Conversion Systems to Conditional Uses # 18.**

The Dakota County Planning Commission held a public hearing to amend the Dakota County Planning & Zoning regulations to include Solar Conversion Systems under Section 600.3 Conditional Use Agricultural (AG) Zoning District.

Moved by Tim D. seconded by Scott B., that the above request be APPROVED / DISAPPROVED by the Planning and Zoning Commission and request the Dakota County Board of Commissioners accept their recommendation.

Planning and Zoning Board Members voting Yea:

<u>Scott Bousquet</u>	<u>Gordon Hegge</u>	<u>Harald Moes</u>
<u>Ron Collins</u>	<u>Steven Lieber</u>	<u>Marty Rohde</u>
<u>Tim Decker</u>	<u>Dick McCabe</u>	<u>Ron Gill</u>

Planning & Zoning Board Members voting Nay:

_____	_____	_____
_____	_____	_____
_____	_____	_____

Planning & Zoning Board Members absent:

_____	_____
_____	_____

Passed this 20th day of May 2025

Joe O'Neill
Joe O'Neill
Dakota County P&Z Administrator

Martin Rohde
Martin Rohde, Chairman
Dakota County Planning Commission

**Dakota County Board of Commissioners
Dakota County, Nebraska
Section 600.3 Agriculture
Addition of Solar Conversion Systems to Conditional Uses # 18.**

The Dakota County Board of Commissioners held a public hearing to amend the Dakota County Planning & Zoning regulations to include Solar Conversion Systems under Section 600.3 Conditional Use Agricultural (AG) Zoning District.

Moved by Reed, second by VanBerkum, that the above zoning change be
ACCEPTED/DENIED. Resolution 25C-011

Board of Commissioners voting Yea:

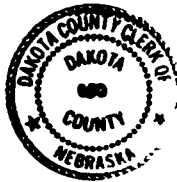
Bousquet	Hohenstein	Van Berkum
Reed	Rodriguez	


Board of Commissioners Voting Nay:

Board of Commissioners Absent:

Passed this 9th day of June 2025

Cherie Conley
Cherie Conley
Dakota County Clerk





Martin Hoehenstein, Chairman
Dakota County Board of Commissioners