

**BOARD OF COMMISSIONERS**  
**DAKOTA COUNTY**

**RESOLUTION 25C-012**

**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 900.4.101 additional definitions to be added to the Dakota County Solar Conversion System; and

WHEREAS, it is the intent of the County Board to enact the proposed additional definitions to be added to Section 900.4.101 Dakota County Solar Conversion System,

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

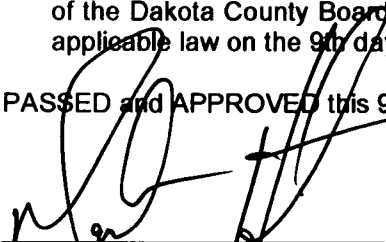

- I. A public hearing regarding the adoption of proposed additional definitions to be added to Section 900.4.101 Dakota County Solar Conversion System was held on May 20, 2025 before the Dakota County Planning Commission as required by the State of Nebraska. The Planning Commission provided its recommendation 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 900.4.101 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 900.4.101, specifically approval of the amendment as shown in Exhibit "A", and directs the Planning Department to amend the Dakota County Zoning Regulations by adding Section 900.4.101 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

## **Section 900.4 SOLAR CONVERSION SYSTEMS**

### **Intent of Regulations**

It is the intent of these regulations to address common impacts associated with solar conversion systems; however, impacts that are not listed and that are deemed significant during the course of review will be addressed with the review and conditions of each individual conditional use permit.

- 1) These regulations specify the plans, information surveys, and studies that applicant must submit as part of the Conditional Use Permit (CUP) application.
- 2) Appropriate locational criteria for siting a Commercial Solar Energy Conversion System are provided.
- 3) Standards are provided to:
  - a. Ensure the land remains viable for compatible agricultural uses during the life of the CSCS and the land remains viable for agricultural uses following decommissioning;
  - b. Minimize the impact of the system on nearby properties;
  - c. Minimize negative environmental impacts;
  - d. Ensure reclamation of the site; and iv. Provide appropriate decommissioning and disposal measures
  - e. Provide appropriate decommissioning and disposal measures.
  - f. Protect the health, safety, and welfare of Dakota County and the County's residents and tax payers.

### **Section 900.4.100 APPLICABILITY**

No solar panel, neighborhood solar or Commercial Solar shall be installed or constructed within the zoning jurisdiction of Dakota County unless a Conditional Use Permit, if applicable, and relevant permits have been issued. All solar units shall be constructed in conformance with all state and national building and fire codes. For those devices that include electrical, plumbing and/or heating constructions, the applicable permits shall also be obtained. Solar panels shall meet the requirements found in this section.

### **Section 900.4.101 GENERAL SOLAR DEFINITIONS**

1. **ACCESSORY SOLAR ENERGY SYSTEMS:** include any photovoltaic, concentrated solar thermal, or solar hot water devices that are accessory to, and incorporated into the development of an authorized use of the property, and which are designed for the purpose of reducing or meeting on-site energy needs.
2. **AGGREGATED PROJECT:** Those projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual CSCS components within a larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also included as part of the aggregated project.
3. **AGRIVOLTAIC:** A solar energy conversion system that combines agricultural use of certain land with a solar energy conversion system. The most common types of agrivoltaics facilities include the growing of crops, providing for pollinators, or grazing of animals. These agricultural activities occur underneath and surrounding the panels or Modules.

4. **BUILDING-INTERGRATED SOLAR ENERGY SYSTEMS:** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
5. **CHURCH:** A building that houses a religious organization or congregation that meets in a specific location with constitutions and by-laws and is a qualified 501 (c)(3) organization
6. **COMMUNITY-SCALE SOLAR ENERGY SYSTEMS:** A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off-site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically cover less than 20 acres.
7. **COMMUNITY SOLAR GARDEN:** A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off-site from the location of the solar energy system. Also referred to as shared solar.
8. **CONCENTRATED SOLAR POWER:** A solar conversion system (SCS) that generates power by using mirrors or lenses to concentrate a large area of sunlight, or solar thermal energy, onto a small area. These include but are not limited to the following technologies: Parabolic trough, Solar power tower, enclosed trough, Fresnel reflectors and Dish Stirling.
9. **DEVELOPMENT:** Any plat, subdivision, or planned unit development created under the Dakota County subdivision and zoning regulations.
10. **ELECTRIC UTILITY:** The public electric utility providing retail service to a given area.
11. **EXTRAORDINARY EVENTS:** Any of the following would be considered an 'extraordinary event': large-scale or facility-wide damage to Solar Arrays/panels and facilities due to wind, storm, hail, fire, flood, earthquake, or other natural disasters; explosion, grievous injury to any citizen or employee; or similar event.
12. **FEEDER LINE:** Any power line that carries electrical power from one or more solar collectors or individual transformers associated with individual solar energy collection to the point of interconnection with the electric power grid, in the case of interconnection with the high voltage transmission systems serving the CSCS.
13. **Grading:** The act of excavation or filling or a combination of both or any leveling to a smooth horizontal or sloping surface on a property but not including normal cultivation associated with an agricultural operation.
14. **Ground Mounted Panels:** Freestanding solar panels mounted to the ground by use of racking, piling, piers, stabilizers, or similar apparatus.
15. **Grid-Tied Solar System:** A photovoltaic solar system that is connected to an electric circuit served by an electrical company.
16. **HEIGHT, TOTAL SYSTEM:** The height above the grade of the system including the unit and the measured highest vertical extension of any portion of the SCS
17. **METEOROLOGICAL TOWER/MEASURING DEVICES:** For the purpose of collecting data used to monitor solar energy or other data relevant to locating a SCS.

18. **NET EXCESS GENERATION:** On an ISCS, net excess generation means the net amount of energy, if any, by which the output of a qualified facility exceeds a customer-generator's total electricity requirements during a billing period;
19. **NET METERING:** a system in which solar panels or other renewable energy generators are connected to a public-utility power grid and surplus power is transferred onto the grid, allowing customers to offset the cost of power drawn from the utility.
20. **NON-PARTICIPATING RESIDENCE:** Any property that is not the subject of an agreement with the Solar Energy Conversion System Owner or Operator.
21. **OFF-GRID SOLAR SYSTEM:** A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits served by an electric utility company.
22. **OPERATOR:** The party or entity responsible for the construction, operation, maintenance, and decommissioning of the Solar Energy Conversion System.
23. **PARTICIPATING PROPERTY:** Any property that is under lease or other property agreement with the Operator of a Solar Energy Conversion System.
24. **PERMEABLE FENCING:** Fencing that allows wildlife to pass through. Examples include typical barb-wire fencing or wire fencing with larger holes than a traditional chain link fence, made with woven wire, containing wildlife corridors for larger wildlife.
25. **PHOTOVOLTAIC SOLAR PANELS:** Solar panels that convert sunlight into electricity through the photovoltaic effect and do not contain liquids.
26. **POLLINATOR-FRIENDLY SOLAR ENERGY:** A community or large-scale solar energy system that meets the requirement of a pollinator-friendly checklist designed for Midwestern eco-systems, soils, and habitat.
27. **ROOF PITCH:** The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
28. **ROOFTOP OR BUILDING MOUNTED SOLAR ENERGY SYSTEM:** A solar energy system that is a mounted to the roof of or side of a building using brackets, stands, or other apparatus.
29. **SOLAR ACCESS:** the ability to receive sunlight across real property for any solar energy device.
30. **SOLAR ACCESS EASEMENT:** A right, expressed as an easement, covenant, condition, restriction or other property interest in any deed, will or other instrument executed by or on behalf of any landowner or in any order of taking, appropriate to protect the solar skyspace of a solar collector at a particularly described location to forbid or limit any or all of the following where detrimental to access to solar energy: structures on or above ground; vegetation on or above ground; or other activities. Such right shall specifically describe a solar skyspace in three-dimensional terms in which the activity, structures or vegetation are forbidden or limited or in which such an easement shall set performance criteria for adequate collections of solar energy at a particular location.
31. **SOLAR CARPORT:** A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.
32. **SOLAR COLLECTOR(ACCOSSORY):** A device, structure or a part of a device or structure that the principal purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.
33. **SOLAR CONVERSION SYSTEM (SCS):** An assembly, structure, or design, including passive elements, used for gathering, concentrating or absorbing direct or indirect solar energy, specifically designed for

holding a substantial amount of useful energy and to transfer that energy to a gas, solid or liquid or to use that energy directly; this may include, but is not limited to, a mechanism or process used for gathering solar energy through thermal gradients, or a component used to transfer energy to a gas, solid or liquid or to convert into electricity.

34. **SOLAR CONVERSION SYSTEM, COMMERCIAL:** A commercial solar conversion system (CSCS) is a series of solar panels and equipment connected together in order to commercially supply the converted energy to a community and/or power grid.
35. **SOLAR CONVERSION SYSTEM, GROUND-MOUNTED:** Any SCS which is directly supported and attached to the ground.
36. **SOLAR CONVERSION SYSTEM, INDIVIDUAL:** An individual solar conversion system (ISCS) shall be for the specific use of an individual residential, commercial, public or industrial use.
37. **SOLAR CONVERSION SYSTEM, NEIGHBORHOOD:** A neighborhood solar conversion system (NSCS) is a series of solar panels and equipment connected together in order to supply converted energy to a specific neighborhood and its uses.
38. **SOLAR CONVERSION SYSTEM, STRUCTURE-MOUNTED:** Any SCS which is directly connected to and supported by a building.
39. **SOLAR DAYLIGHTING:** Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.
40. **SOLAR ENERGY:** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
41. **SOLAR GLARE:** The glare effect that occurs when the sun reflects on the conversion system and that can affect people or near-by properties.
42. **SOLAR HOT AIR SYSTEM:** (also referred to as Solar Air Heat or Solar Furnace) – A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating supplement building space heating, typically using a vertically mounted collector on a south-facing wall.
43. **SOLAR HOT WATER SYSTEM:** A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.
44. **SOLAR MOUNTING DEVICES:** Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or on the ground.
45. **SOLAR-READY DESIGN:** The design and construction of a building that facilitates and makes feasible the installation of rooftop solar.
46. **SOLAR SKYSPACE:** The maximum three-dimensional space extending from a solar collector to all positions of the sun necessary for efficient use of the collector.

a. Where a solar energy system is used for heating purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar energy collector to all positions of the sun between nine o'clock (9:00) A.M. and three o'clock (3:00) P.M. local apparent time from September 22 through March 22 of each year.

b. Where a solar energy system is used for cooling purposes only, solar skyspace shall mean the maximum three-dimensional space extending from a solar collector to all positions of the sun



between eight o'clock (8:00) A.M. and four o'clock (4:00) P.M. local apparent time from March 23 through September 21 of each year.

- 47. **SOLAR ORIENTED SUBDIVISION:** A subdivision in which a minimum of 65 percent of the lots are solar-oriented lots.
- 48. **SOUTH OR SOUTH-FACING:** True south, or 20 degrees east of magnetic south.
- 49. **SUBSTATION:** Any electrical facility utilized to convert electricity produced by a SCS for inter-connection with transmission lines.
- 50. **TRANSMISSION LINE:** The electrical power lines that are medium and/or high voltage transmission lines carrying electricity over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.
- 51. **WILDLIFE CORRIDORS:** A vegetated route or other connection which allows movement of wildlife between areas of habitat. A wildlife corridor may be naturally occurring areas such as stream corridors, or constructed breaks in the contiguously fenced areas other than for roads. A wildlife corridor allows animals to travel through an area that may be fragmented with solar energy conversion systems, or other features, rather than using the nearby roadways.
- 52. **YARD FRONT:** A yard extending from the front lot line of the SCS and adjoining a public street or road to the front of the SCS between side lot lines.
- 53. **YARD, REAR:** A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the SCS.
- 54. **YARD, SIDE:** A yard between the SCS and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point required minimum open space between the property line and the SCS.

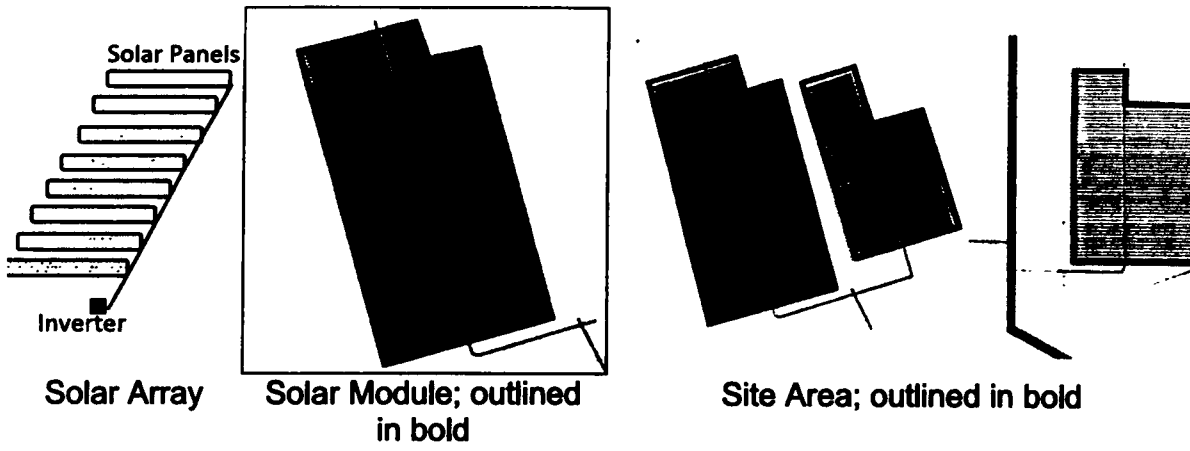
#### **Section 900.4.101.5 AREA DEFINITIONS:**

**SOLAR ARRAY:** A collection of multiple solar panels that generate electricity as a system, most typically this is a group of solar panels connected to the same inverter.

**SOLAR MODULE:** A grouping of Solar Arrays. The Operator shall measure the area of a Solar Module is measured with the panels as horizontal as possible. An Operator may separate a Module from other Modules with fencing, wildlife corridors, natural areas, roads, etc. Appurtenant structures such as sub-stations, battery storage, and other storage buildings, are not included in this definition.

**SITE AREA:** The footprint of the solar facility including the various Solar Modules, whether on property that is commonly owned/controlled or is under separate ownership. The Site Area is the cumulative total of the Solar Modules within the facility. The Operator shall measure the Site Area with the panels as horizontal as possible. This term does not include the wildlife corridors or other features of the solar energy conversion system that are not considered part of the Solar Module.

**PROJECT AREA:** The total impacted area including the Site Area along with the accessory or appurtenant structures and equipment, wildlife corridors, and other components of the solar energy conversion system



**Dakota County Planning Commission  
Dakota County, Nebraska  
Section 900.4 Agriculture  
Addition of Definitions**

The Dakota County Planning Commission held a public hearing to amend the Dakota County Planning & Zoning regulations to add definitions to Section 900.4 Solar Conversion Systems.

Moved by Harald M. seconded by Tim D., 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>Ron Gill</u>	<u>Dick McLabe</u>
<u>Ron Collins</u>	<u>Gordon Hegge</u>	<u>Herald Mores</u>
<u>Tim Decker</u>	<u>Steven Lieber</u>	<u>Marty Rohde</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 900.4 Agriculture**  
**Addition of Definitions**

The Dakota County Board of Commissioners held a public hearing to amend the Dakota County Planning & Zoning regulations to add definitions to Section 900.4 Solar Conversion Systems.

Moved by Van Berkum, second by Bousquet, that the above zoning change be  
ACCEPTED/DENIED. Resolution 25C-012

**Board of Commissioners voting Yea:**

Reed

Hohenstein

Rodriguez

Van Berkum

Bousquet

**Board of Commissioners Voting Nay:**

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**Board of Commissioners Absent:**

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Passed this 9<sup>th</sup> day of June 2025

Cherie Conley  
Cherie Conley  
Dakota County Clerk

Martin Hohenstein  
Martin Hohenstein, Chairman  
Dakota County Board of Commissioners

