

## SCOTTSBLUFF CITY PLANNING COMMISSION AGENDA

Monday, September 8, 2014, 6:00 PM City Hall Council Chambers, 2525 Circle Drive

PLANNING COMMISSIONERS

BECKY ESTRADA CHAIRPERSON

ANGIE AGUALLO VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN ALTERNATE 1. WELCOME TO THE PLANNING COMMISSION MEETING: Chairman

**2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.

3. ROLL CALL:

**4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.

5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA: As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.

6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:

**A Minutes** 

Approve Minutes of 8/11/14

7. NEW BUSINESS:

**A Special Use Permit** 

SUP: Cell Tower -Ag zone Applicant: CO Cellular/Viaero Owner: DVS Properties Address: 1807 W Overland

Location: N side W Ovld between Ave R & Ave V

**B** Rezone

Rezone: Ag to R-1B Premier Estates Applicant: Paul Reed Construction Owner(s): Judson/Susan Martin

Location: N of C.R. H (56th St) & W of Hwy 71

C Preliminary Plat

Preliminary Plat: Premier Estates, Block 1, & 2

Applicant: Paul Reed Construction Owner(s): Judson/Susan Martin

Location: N of CR H (56th St) & W of Hwy 71

**D** Energy Element

Comp Plan: Energy Element

Applicant: City Owner(s): N/A Location: N/A

**E** Ordinance Text Changes

Ordinance: Height Requirements Zoning Code

Applicant: N/A Owner(s): N/A Location: N/A

 $2525\,CIRCLE\,DRIVE \bullet SCOTTSBLUFF, NEBRASKA\,69361 \bullet (308)\,630-6243 \bullet FAX\,(308)\,630-6294$ 

## 8. Unfinished Business:

## **A** Unfinished Business

Unfinished Business: Reminder workshop on October 10, 2014

## 9. ADJOURN

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

 $2525\,\text{Circle Drive} \bullet \text{Scottsbluff}, \text{Nebraska}\, 69361 \bullet (308)\, 630\text{-}6243 \bullet \text{Fax}\, (308)\, 630\text{-}6294$ 

Monday, September 8, 2014 Regular Meeting

Item Appr. Min.1

## Minutes

Approve Minutes of 8/11/14

**Staff Contact: Annie Urdiales** 

1 2	Planning Commission Minutes Regular Scheduled Meeting
3	August 11, 2014
4	Scottsbluff, Nebraska
5 6	The Planning Commission of the City of Scottsbluff, Nebraska met in a regular scheduled meeting on Monday,
7 8	August 11, 2014, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on August 8,
9 10	2014. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should
11	contact the Development Services Department, and that an agenda of the meeting kept continuously current was
12	available for public inspection at Development Services Department office; provided, the City Planning
13	Commission could modify the agenda at the meeting if the business was determined that an emergency so required.
14	A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member.
15	An agenda kept continuously current was available for public inspection at the office of the Development Services
16 17	Department at all times from publication to the time of the meeting.
18	ITEM 1: Chairman, Becky Estrada called the meeting to order. Roll call consisted of the following members:
19	Anita Chadwick, Callan Wayman, Angie Aguallo, Jim Zitterkopf, David Gompert, Henry Huber, Mark Westphal,
20	and Becky Estrada. Absent: Dana Weber. City officials present: Annie Urdiales, Planning Administrator, Annie
21 22	Folck, City Planner, and Gary Batt, Code Administrator II.
23	ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such
24	is posted on the bulletin board in the back area of the City Council Chamber, for those interested parties.
25	
26 27	ITEM 3: Acknowledgment of any changes in the agenda: None.
28 29	ITEM 4: Business not on agenda: None
30 31	ITEM 5: Citizens with items not scheduled on regular agenda: None
32	<b>ITEM 6:</b> The minutes of July 14, 2014 were reviewed and approved. A motion was made to accept the minutes by
33	Westphal, and seconded by Gompert. "YEAS": Wayman, Aguallo, Westphal, Gompert, Chadwick, Zitterkopf, and
34	Estrada. "NAYS": None. ABSTAIN: Huber. ABSENT: Weber. Motion carried.
35	
36	ITEM 7A: The Planning Commission opened a public hearing to review a request for a special permit submitted
37	by NE Colorado Cellular Inc. d/b/a Viaero Wireless. The request is for a 75' monopole type tower and supporting
38	equipment, to be located at 5014 ½ Avenue I, Scottsbluff Country Club. This is located in our two mile extra
39	territorial jurisdiction and is zoned R-1A –Residential. The Country Club is approximately 128 acres the area where
	the cell tower will be placed is approximately 1000 sq. ft., and located on the west end of the property directly north of a maintenance building. Representative, Rick Baily, from Viaero has met with the Fairway Estates Scottsbluff
41 42	Country Club Board and the Homeowners association and has received approval from both boards; Viaero has also
43	provided copy of letter from the Federal Aviation Administration approving this location. Rick Baily addressed the
44	Planning Commission in favor of the cell tower.
45	8
46	Conclusion: A motion was made by Zitterkopf and seconded by Wayman to approve the special use permit to
47	allow a Wireless Communication Facility - 75' cell tower to NE Colorado Cellular Inc. d/b/a Viaero Wireless to be
48	located at 5014 ½ Avenue I, Scottsbluff Country Club Fairway Estates. "YEAS": Wayman, Chadwick,
49	Zitterkopf, Aguallo, Westphal, Gompert, Huber, and Estrada. "NAYS": None. ABSTAIN: None. ABSENT:
50 51	Weber. Motion carried.
51 52	ITEM 7B: The Planning Commission opened a public hearing for a request from property owner(s) Tim & Virginia
53	Reganis, represented by M.C. Schaff and Associates for a final plat and dedication of part of Winter Creek Drive,
54	12th Avenue and 27th Street in the City of Scottsbluff, Scott Bluff County, Nebraska, situated in the SE ¼ of the SW
55	½ of Section 13, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska. This plat is the dedicated street right
56	of way and will extend Winter Creek Drive east from Primrose Drive to 12th Avenue then the west half of 12th

Avenue south to 27th Street. These streets will be paved as part of a paving district; these streets will serve residential homes, the college, and businesses. 59 60 Conclusion: A motion was made by Gompert and seconded by Huber to approve the final plat and dedication of part of Winter Creek Drive, 12th Avenue and 27th Street in the City of Scottsbluff, Scott Bluff County, Nebraska, situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska. 62 "YEAS": Wayman, Chadwick, Zitterkopf, Aguallo, Westphal, Gompert, Huber, and Estrada. "NAYS": None. 63 ABSTAIN: None. ABSENT: Weber. Motion carried. 64 65 ITEM 7C: The Planning Commission opened a public hearing for a request from property owner(s) Western Community College Area, a political subdivision of Nebraska, represented by M.C. Schaff and Associates for a final 67 plat and dedication of 12th Avenue, a replat of part of Block 1A, Scotts Bluff County College Tract in the City of Scottsbluff, Scott Bluff County, Nebraska, situated in the SE ¼ of the SW ¼ of Section 13, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska. This plat is dedicating the east half of right of way for 12th Avenue south from Talisman Drive to 27th Street. Twelfth Avenue will also be paved as part of a paving district; Twelfth Avenue will serve residential to the north, college to the east and the Reganis Subdivision to the west. 72 73 74 Conclusion: A motion was made by Westphal and seconded by Gompert to approve the final plat and dedication of 75 part of 12th Avenue, a replat of part of Block 1A, Scotts Bluff county College Tract in the City of Scottsbluff, Scott Bluff County, Nebraska, situated in the SE 1/4 of the SW 1/4 of Section 13, T22N, R55W of the 6th P.M., Scotts Bluff County, Nebraska. "YEAS": Wayman, Chadwick, Zitterkopf, Aguallo, Westphal, Gompert, Huber, and Estrada. 77 78 "NAYS": None. ABSTAIN: None. ABSENT: Weber. Motion carried. 79 80 ITEM 8. Unfinished Business: Annie Folck asked the Planning Commission if there were any topic they are 81 interested in, we will be having a seminar in October and would like our Planning Commission to attend. Annie F. also asked that the Planning Commission do the survey for the City's Comprehensive Development Plan update. We 82 83 will send them the survey link and more information on the planned conference. 84 There being no further business the Planning Commission with a motion to adjourn made by Chadwick and 85 seconded by Aguallo the meeting was adjourned at 6:30 p.m. "YEAS": Wayman, Aguallo, Gompert, Chadwick, 86 Weber, Zitterkopf, Westphal, and Estrada. NAYS: none. ABSENT: Huber. Motion carried. 87

92 Annie Urdiales

Attest:

Becky Estrada, Chairperson

88 89 90

91

## Monday, September 8, 2014 Regular Meeting

## **Item NewBiz1**

## **Special Use Permit**

SUP: Cell Tower -Ag zone

Applicant: CO Cellular/Viaero

Owner: DVS Properties

Address: 1807 W Overland

Location: N side W Ovld between Ave R & Ave V

**Staff Contact: Annie Urdiales** 



# SCOTTSBLUFF PLANNING COMMISSION Staff Report

Ag

**To:** Planning Commission

From: Development Services Department Zoning:

Date: September 8, 2014 Property Size: N/A

Subject: Special Permit Request – Viaero WCT # Lots/Units: 1

Location: 1807 W Overland

**Background:** The applicant(s), NE Colorado Cellular Inc. d/b/a Viaero Wireless has requested a (conditional) special use permit to allow for a 75' monopole type tower and supporting equipment. This type of tower is a permitted use in the agricultural zoning district with approval of a special use permit through the Planning Commission. Viaero has met with the property owner(s) of the land in which they are placing the cell tower and have received approval from FFA. The cell tower will be situated north of West Overland just west of Avenue R.

<u>Analysis:</u> The property is zoned Agricultural and the applicant has submitted all proper paper work for the permit. The surrounding properties to the east, and south are zoned R-1A, property directly north and west is also zoned Agricultural.

Plans will be submitted to Development Services and reviewed when the building permit is applied for.

Please note that per 25-13-9 that a building permit must be issued within one year of approval of the Conditional Use Permit or the Permit expires and per 25-13-11 that the Permit may not be transferred with change of ownership of the land.

**Lot Sizes:** The acreage for this area is approximately 87 acres. A site plan showing layout of the tower is attached.

**Staff Recommendation:** Approve a Special (Conditional Use Permit) to allow for a cell tower supporting equipment in an Ag zoning district with no additional conditions.

## RECOMMENDATION

#### Approve

Make a motion to approve the special use permit to allow for a Cell Tower and supporting equipment at 1807 West Overland in an Agricultural zoning district subject to the following condition(s):

#### Deny

Make a motion to disapprove the special use permit to allow for a Cell Tower and supporting equipment at 1807 West Overland in an Agricultural zoning district, for the following reason(s):

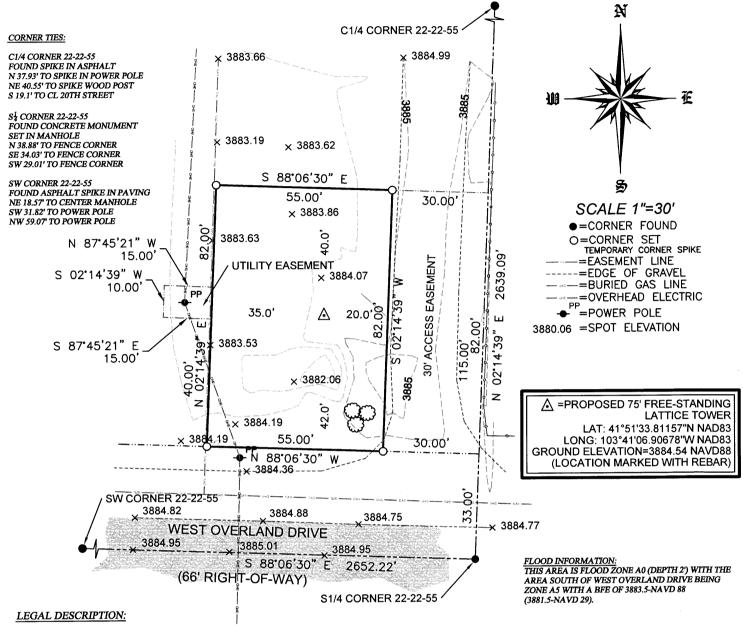
#### Table

Make a motion to TABLE the special use per for a Cell Tower and supporting equipment at 1807 West Overland in an Agricultural zoning district for the following reason(s):

Special Permit, Page 1

## VIAERO SCOTTSBLUFF SOUTHWEST SITE SURVEY

IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA.



A TRACT OF LAND SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 22 NORTH, RANGE 55 WEST OF THE 6TH PRINCIPAL MERIDIAN, SCOTTS BLUFF COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SAID SOUTHWEST QUARTER; THENCE, ON THE EAST LINE OF SAID SOUTHWEST QUARTER, NO2°14'39"E FOR A DISTANCE OF 33.00 FEET; THENCE, N88°06'30"W FOR A DISTANCE OF 30.00 FEET, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING, N88°06'30"W FOR A DISTANCE OF 55.00 FEET; THENCE, N02°14'39"E FOR A DISTANCE OF 82.00 FEET; THENCE, S88°06'30"E FOR A DISTANCE OF 55.00 FEET; THENCE, S02°14'39"W FOR A DISTANCE OF 82.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING AN AREA OF 0.10 ACRES, MORE OR LESS.

ALSO TO INCLUDE A UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
REFERRING TO THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED TRACT: THENCE. ON THE WEST LINE OF SAID TRACT. N02°14'39"E

ALSO TO INCLUDE A UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED TRACT; THENCE, ON THE WEST LINE OF SAID TRACT, N02°14'39"E

FOR A DISTANCE OF 40.00 FEET, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ON SAID WEST LINE,

N02°14'39"E FOR A DISTANCE OF 10.00 FEET; THENCE, N87°45'21"W FOR A DISTANCE OF 15.00 FEET; THENCE, S02°14'39"W FOR A DISTANCE

OF 10.00 FEET; THENCE, S87°45'21"E FOR A DISTANCE OF 15.00 FEET TO THE TRUE POINT OF BEGINNING.

ALSO TO INCLUDE AN ACCESS EASEMENT BEING THE EAST 30 FEET OF THE SOUTH 115 FEET OF SAID SOUTHWEST QUARTER.

## SURVEYOR'S CERTIFICATE:

I, SCOTT M. BOSSE', NEBRASKA REGISTERED LAND SURVEYOR NUMBER 603, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND DESCRIBED IN THE LEGAL DESCRIPTION AND SHOWN ON THE ACCOMPANYING DRAWING; THAT THE ACCOMPANYING DRAWING IS A CORRECT DELINEATION OF SAID SURVEY DRAWN TO A SCALE OF 30 FEET TO THE INCH; THAT SAID SURVEY AND DRAWING WAS CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE DISTANCES ARE GROUND DISTANCES GIVEN IN FEET AND DECIMALS OF A FOOT; THE MONUMENTS WERE FOUND OR SET AS INDICATED AND THE BOUNDARY IS DEPICTED BY A THICKENED SOLID LINE.

WITNESS MY HAND AND SEAL this 27TH day of May , 2014.

Scott M. Bosse NEBRASKA RECKTERED LAND SURVEYOR NUMBER 603



SHEET 1 OF 1

PROJECT:

VIAERO-SCOTTSBLUFF SW

MAERO WRELESS SCOTTSBLUFF, NEBRASKA

ACCUSTAR SURVEYING

30601 COUNTY ROAD 17 PHONE: (308) 623-0197

MITCHELL, NE 69357 CELL: (308) 631-0737

Date: MAY 16, 2014

REVISED: MAY 27, 2014

Dwn By SMB





Planning Commission Members Of the City of Scottsbluff 2525 Circle Drive Scottsbluff, NE 69361

## Honorable Members,

This request by NE Colorado Cellular Inc. d/b/a Viaero Wireless with an address of 1224 W. Platte Ave. Fort Morgan, CO 80701 is for the approval of a Conditional Use Permit for a 75' Self-Supporting type tower and supporting equipment. The tower would be located along the South Eastern boundary of a parcel of Ag land described as part of the SE ½ Section 22, T22N, R55W See Exhibit A, aerial photo of the area. The telecommunication facility which would consist of a seventy five- foot tall self-supporting communication tower and supporting equipment. The tower and supporting equipment will be in full operation 24 hours per day, 7 days a week. The tower and support equipment will be secured with an approximate 30' X 30' X 6' Chain link fence with three strands of barbed wire atop. Mounted on the tower initially will be six panel antennas and a microwave dish. The tower will be a critical link in Viaero's wireless telecommunications network as we continue to enhance performance in our network within areas of Scottsbluff that lack reliable service and require additional 4G capacity.

Viaero strives to offer high-quality wireless network services, including Wireless telephone service, Wireless High Speed Internet and wireless Enhanced 9-1-1 service. Viaero currently owns and operates over 600 towers located in Colorado, Nebraska, Kansas, and Eastern Wyoming and South Dakota. Viaero strives to provide seamless coverage in its service areas, as well as coverage throughout North America and beyond through dozens of national and international roaming agreements with other service providers. Like Viaero's other towers, the touchstones of its design are safety and durability. The tower will be designed by a Nebraska Licensed Engineer and built to TIA/EIA-222-4 "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" for a 95 mph fast-mile wind speed, which are greater than Federal, State, County and City minimum standards.

The unmanned site will not be utilized for retail, wholesale purposes and will not require water or sanitation. The tower will comply with all Federal Communications Commission guidelines and standards and a small four foot unlit sign will be attached to the fence to identify the owner. The tower will comply with all current City of Scottsbluff Zoning regulations.

### Need for Proposed Use in Area

Viaero's current UTMS/GSM coverage in the area is either non-existent or poor quality and inadequate for quality data transmissions in the area. Viaero utilizes microwave radios and antenna to maintain control over the reliability and performance of its network. Viaero strives to develop a robust, redundant network by linking its towers together by diverse microwave paths. This provided Viaero's

We are where you are.

1224 W Platte Ave • Fort Morgan, CO 80701 • Office 1.970.768.0000 • Fax 1.970.867.3589 • www.viaero.com

customers a reliable network that is rarely impacted by outages experienced by other telephone companies, because the network is not reliant on third-party carrier facilities. For example, a major fiber cut occurred outside the Scottsbluff Nebraska area a couple of summers ago that shut down communications to a large portion of the Nebraska Panhandle. This disruption lasted over twenty four hours and included wired phone, mobile phones (which typically rely on the public telephone network to operate), internet and most importantly 911 services. Viaero's redundant, self-contained network was not affected by the severed cable and Viaero customers maintained all services. Furthermore, Viaero was quick to serve as an emergency support system to the various emergency agencies that were affected. Often Viaero proves the value of maintaining such a network in similar situations, and vital community institutions such as regional hospitals often request service from Viaero to ensure they will not experience service outages.

## **Location of Property**

The proposed tower site would be located on an approximant 4500 square foot leased portion of land better described as a part of the SE ¼ Section 22, T22N, R55W, Scottsbluff County, Nebraska. This site was selected for a number of reasons which include being located within the targeted search area to provide optimal network coverage to this portion of the Scottsbluff area.

## Traffic, and Effect on Adjoining Properties

Traffic will be moderately increased during tower construction by foundation crews, cement trucks and tower crews. After the initial installation of the tower is complete, the site will be visited as often as needed by technicians, usually once every month, to make sure the performance of the tower is meeting company expectations.

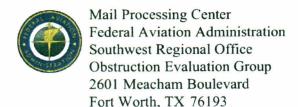
The adjoining properties should not experience any detrimental effects from the slight to moderate increase in traffic.

I hope that this further explains what we are working to do. If you have any further questions please phone me at 970-768-6464.

Thanks,

Rick Bailey
Vaiero Wireless
1224 W. Platte Ave.
Fort Morgan, CO 80701
Phone 970-768-6464

E-Mail rick.bailey@viaero.com



Issued Date: 06/09/2014

Kevin P. Delaney Industrial Tower and Wireless, LLC. 40 Lone Street Marshfield, MA 02050

## \*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\*

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:

Antenna Tower Scottsbluff SW

Location:

Scottsbluff SW, NE

Latitude:

41-51-33.80N NAD 83

Longitude:

103-41-06.90W 3884 feet site elevation (SE)

Heights:

75 feet above ground level (AGL)

3959 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

	At least 10 days prior to start of construction (7460-2, Part 1)	
X	Within 5 days after the construction reaches its greatest height (7460-2, Part	2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/ lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 12/09/2015 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual (a) Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office. (b)
- the construction is subject to the licensing authority of the Federal Communications Commission (c) (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

Page 1 of 3

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 321-7755. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2014-ACE-2343-OE.

Signature Control No: 219764283-220340450 (DNE)

Debbie Cardenas Technician

Attachment(s) Frequency Data

cc: FCC

Page 2 of 3

## Frequency Data for ASN 2014-ACE-2343-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
698	806	MHz	1000	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

Page 3 of 3

## U.S. DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY

National Flood Insurance Program

## **ELEVATION CERTIFICATE**

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008

Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION FOR INSURANCE COMPANY USE SO							
A1. Building Owner's Name DVS Properties	A1. Building Owner's Name DVS Properties LLc Policy Number;						
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.  Company NAIC Number.							
City Scottsbluff		State NE ZIP C	ode 69361				
A3. Property Description (Lot and Block Nun Part SE1/4 SW1/4, Section 22-22-55, Parcel	nbers, Tax Parcel Number, ID# 010028501	Legal Description, et	c.)				
A5. Latitude/Longitude: Lat. 41*51'33.81157 A6. Attach at least 2 photographs of the buil A7. Building Diagram Number 1 A8. For a building with a crawlspace or encle	A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Accessory</u> A5. Latitude/Longitude: Lat. 41*51'33.81157"N Long. 103*41'06.90678"W Horizontal Datum: NAD 1927 NAD 1983  A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.						
<ul> <li>a) Square footage of crawlspace or end</li> <li>b) Number of permanent flood openings or enclosure(s) within 1.0 foot above</li> <li>c) Total net area of flood openings in A</li> <li>d) Engineered flood openings?</li> </ul>	s in the crawlspace adjacent grade <u>N/A</u>	sq in	<ul> <li>a) Square footage of atta</li> <li>b) Number of permanent within 1.0 foot above a</li> <li>c) Total net area of flood</li> <li>d) Engineered flood ope</li> </ul>	t flood openings in the attached garage adjacent grade <u>N/A</u> I openings in A9.b <u>N/A</u> sq in			
SECT	ION B - FLOOD INSUR	ANCE RATE MAP	(FIRM) INFORMATIO	)N			
B1. NFIP Community Name & Community No City of Scottsbluff 310206	B2. Co Scotts	unty Name Bluff		B3. State Nebraska			
B4. Map/Panel Number B5. Suffix C	B6. FIRM Index Date June 15, 1978	B7. FIRM Pane Effective/Revised D June 15, 1978		B9. Base Flood Elevation(s) (Zone AO, use base flood depth)			
B11. Indicate elevation datum used for BFE in B12. Is the building located in a Coastal Barri Designation Date:	11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other/Source: 12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No						
SECTION	C - BUILDING ELEVA	ATION INFORMAT	ION (SURVEY REQUI				
*A new Elevation Certificate will be requir C2. Elevations – Zones A1–A30, AE, AH, A ( below according to the building diagram s Benchmark Utilized: NGS Five	*A new Elevation Certificate will be required when construction of the building is complete.  2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.						
Datum used for building elevations must	be the same as that used for	or the BFE.		k the measurement used.			
<ul><li>a) Top of bottom floor (including basements) Top of the next higher floor</li><li>c) Bottom of the lowest horizontal structured) Attached garage (top of slab)</li></ul>	ral member (V Zones only)		3886.5	☐ feet ☐ meters ☐ feet ☐ feet ☐ meters ☐ feet ☐ feet ☐ meters ☐ feet			
e) Lowest elevation of machinery or equip (Describe type of equipment and location). f) Lowest adjacent (finished) grade nexting). Highest adjacent (finished) grade nexting. h) Lowest adjacent grade at lowest elevance.	ion in Comments) to building (LAG) to building (HAG)		3887.5 3884.1 3886.2	☐ feet ☐ meters			
SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION  This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available.  I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.  Check here if comments are provided on back of form.  Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes No							
Certifier's Name Scott M. Bosse'			imber NE-LS 603	15-603			
Title Land Surveyor	Company Name Accusta			- 1			
Address 30601 County Road 17	City Mitchell	State NE	ZIP Code 69357	CO SURVE CO			
Signature	7 1 BO 7						
FEMA Form 086-0-33 (7/12)	See rev	erse side for contir	nuation.	Replaces all previous editions.			

IMPORTANT: In these spaces, co	py the corresponding information	from Section A.	FOR INSURANCE C	OMPANY USE
Building Street Address (including Apt., 1400 Avenue R	Policy Number:			
City Scottsbluff	State NE	ZIP Code 69361	Company NAIC Num	ber:
SECTION	D – SURVEYOR, ENGINEER, OR AF	RCHITECT CERTIFICATION	ON (CONTINUED)	
Copy both sides of this Elevation Certific	cate for (1) community official, (2) insurance	ce agent/company, and (3) but	uilding owner.	
Comments				
Signature		Date		
SECTION E - BUILDING ELEV	ATION INFORMATION (SURVEY N	OT REQUIRED) FOR ZO	NE AO AND ZONE A (WI	THOUT BFE)
<ul> <li>and C. For Items E1–E4, use natural green grade (HAG) and the lowest adjace a) Top of bottom floor (including be) Top of bottom floor (including be) Top of bottom floor (including be) Top of bottom floor (including be)</li> <li>For Building Diagrams 6–9 with pe (elevation C2.b in the diagrams) of C2.b in the diagrams) of C3. Attached garage (top of slab) is C4. Top of platform of machinery and C5. Zone AO only: If no flood depth mordinance?  \( \square\$ Yes \square\$ No \square\$</li> </ul>	pasement, crawlspace, or enclosure) is	t used. In Puerto Rico only, elected to show whether the elected to show whether the elected to show whether the elected to show on the show on the show of the sh	nter meters.  vation is above or below the freters  above or below heters above or below heters above or below below the HAG.  S.  above or below the below the HAG.  below the HAG.  c.	the HAG. the LAG. next higher floor
SECTION	F - PROPERTY OWNER (OR OWNE	ER'S REPRESENTATIVE	CERTIFICATION	
or Zone AO must sign here. The statem	ed representative who completes Sections ents in Sections A, B, and E are correct to	s A, B, and E for Zone A (with the best of my knowledge.	out a FEMA-issued or comm	unity-issued BFE)
Property Owner's or Owner's Authorized	d Representative's Name			
Address	Cit	у	State ZIP Code	
Signature	Da	te	Telephone	
Comments Improvements Owner: Viaero Wireless, 1224 W. Platte Avenue	e, Fort Morgan, CO 80701 (907)768-6	464	☐ Check	k here if attachmen
	SECTION G - COMMUNITY IN	FORMATION (OPTIONA	L)	
this Elevation Certificate. Complete the  The information in Section C w is authorized by law to certify e  A community official completed  The following information (Item	or ordinance to administer the community's applicable item(s) and sign below. Check the sas taken from other documentation that he elevation information. (Indicate the source disease) section E for a building located in Zone in SG4–G10) is provided for community flocated.	he measurement used in Items as been signed and sealed by and date of the elevation dat A (without a FEMA-issued or adplain management purpose	s G8–G10. In Puerto Rico only y a licensed surveyor, engine a in the Comments area belo community-issued BFE) or Zo	y, enter meters. er, or architect who ow.) one AO.
G4. Permit Number	G5. Date Permit Issued	Go. Date Certificati	e Or Compliance/Occupancy	155000
77. This permit has been issued for: 88. Elevation of as-built lowest floor (inc 99. BFE or (in Zone AO) depth of floodi 110. Community's design flood elevation	cluding basement) of the building:ing at the building site:	ntial Improvement   feet   met   feet   met   feet   met	ers Datum	
Local Official's Name		Title		
Community Name		Telephone		
Signature		Date		
Comments			☐ Chec	k here if attachme

## Monday, September 8, 2014 Regular Meeting

## **Item NewBiz2**

## Rezone

Rezone: Ag to R-1B Premier Estates

Applicant: Paul Reed Construction

Owner(s): Judson/Susan Martin

Location: N of C.R. H (56th St) & W of Hwy 71

**Staff Contact: Annie Urdiales** 

## SCOTTSBLUFF CITY PLANNING COMMISSION STAFF REPORT

**To:** Planning Commission

From: Development Services Department Zoning: Ag currently

Date: September 8, 2014 Property Size: 40.96 acres ±

Subject: Rezone parcel from Ag to R-1B # Lots/Units:

**Location:** W of Hwy 71(Ave. I) & N of C.R. H (56th St.)

## **Procedure**

1. Open Public Hearing

- 2. Overview of petition by city staff
- 3. Presentation by applicant
- 4. Solicitation of public comments
- 5. Questions from the Planning Commission
- 6. Close the Public Hearing
- 7. Render a decision (recommendation to the City Council)
- 8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property

#### **Background**

The applicant(s), Paul Reed Construction, has requested a rezone for proposed Lots1-9, Block 1, and Lots 1-3, Block 2, Premier Estates Subdivision situated in the east half of the SW<sup>1</sup>/<sub>4</sub> of Section 3, T22N, R55W of the 6<sup>th</sup> P.M., Scotts Bluff County Nebraska. The parcel is situated west of Highway 71(Avenue I) and north of 56<sup>th</sup> Street, north and west of the Scottsbluff Country Club. The applicant is requesting a change from Agricultural to R-1B Rural Residential. Surrounding property is zoned Agricultural the area to the southeast where the Country club is located is zoned R-1. A few areas to the east and west on the south side of 56<sup>th</sup> Street are zoned R-1B.

A preliminary plat for this will also be considered for this area and the proposed three acre lot sizes will meet the requirements of the Rural Residential zoning district.

City Staff and the City Consultant has reviewed and makes positive recommendation of the rezone of proposed Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates Subdivision from Ag to R-1B Rural Residential.

Findings of fact includes rural residential is a logical transition since property to the south is developed in both Rural and Single Family Residential homes.

## RECOMMENDATION

#### <u>Approve</u>

Make a POSITIVE RECOMMENDATION to the City Council to rezone Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates (40.96 acres±) from A- Agricultural to R-1B Rural Residential subject to the following condition(s): Approval of preliminary plat.

#### <u>Deny</u>

Make a NEGATIVE RECOMMENDATION to the City Council to rezone Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates (40.96 acres±) from A- Agricultural to R-1B Rural Residential for the following reason(s):

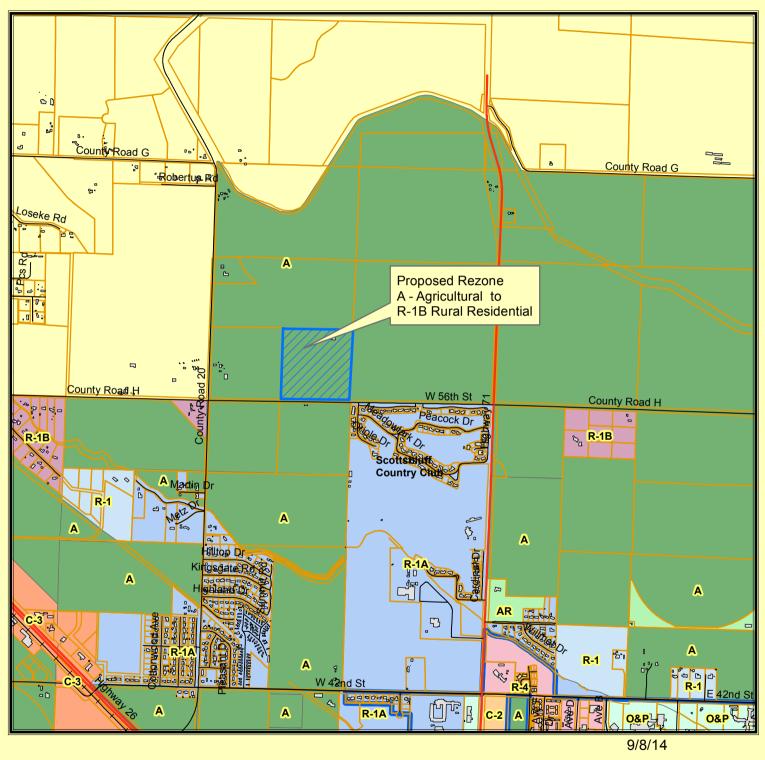
#### Table

Make the motion to TABLE the rezone request to rezone Lots 1-9, Block 1, and Lots 1-3, Block 2, Premier Estates (40.96 acres±) from A- Agricultural to R-1B Rural Residential for the following reason(s):

Rezone Request, Page 1

## **Premier Estates Proposed Preliminary**

Agricultural to Rural Residential



N

Map by A. Urdiales: City of Scottsbluff Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet Lambert Conformal Conic

The City makes no representation or warranty as to the accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries or placement or location of any map features thereon.

## Monday, September 8, 2014 Regular Meeting

## Item NewBiz3

## **Preliminary Plat**

Preliminary Plat: Premier Estates, Block 1, & 2

Applicant: Paul Reed Construction

Owner(s): Judson/Susan Martin

Location: N of CR H (56th St) & W of Hwy 71

**Staff Contact: Annie Urdiales** 

## SCOTTSBLUFF CITY PLANNING COMMISSION STAFF REPORT

**To:** Planning Commission

From: Development Services Department Zoning: Proposed R-1B

Date: September 8, 2014 Property Size: 40.96 acres

**Subject:** Preliminary Plat – Premier Estates 2014 **Location:** North of W 56<sup>th</sup> Street & West of Highway 71

#### **Procedure**

- 1. Open Public Hearing
- 2. Overview of petition by city staff
- 3. Presentation by applicant
- 4. Solicitation of public comments
- 5. Questions from the Planning Commission
- 6. Close the Public Hearing
- 7. Render a decision (recommendation to the City Council)
- 8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property

#### **Background**

The applicant(s), Paul Reed Construction, representing property owners Judson & Susan Martin, are requesting approval of a preliminary plat for Premier Estates. This area includes Blocks 1 and 2, with a total of 12 lots which are each approximately a little over three acres each. The property owners have also requested a zone change from Ag to Rural Residential. These parcels are located north west of the Scottsbluff Country Club. Access onto the parcels will be from County Road H (56<sup>th</sup> St.) with a private road serving the twelve proposed lots.

#### Analysis

Staff has reviewed the plat and asked for some changes to the preliminary plat, these changes will need to be in place before the final plat is approved and sent forward for City Council approval. The preliminary plat changes and additions include: right of way widths and easements, curves and tangents need to meet standards, a drainage report for the development. If a PUD – Planned Unit Development is planned a special use permit will need to be applied for and approved by the Planning Commission. A PUD allows waivers for some of these standards.

#### Lot Sizes

The parcel size of these lots will meet requirements for the R-1B Rural Residential, three acres and the lots will be serviced with water wells and septic systems.

## RECOMMENDATION

## Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve preliminary plat Premier Estates subject to the following condition(s):

- 1. Final Drainage Report Approval.
- 2. Right of Way and easements meet City Standards of City subdivision code.

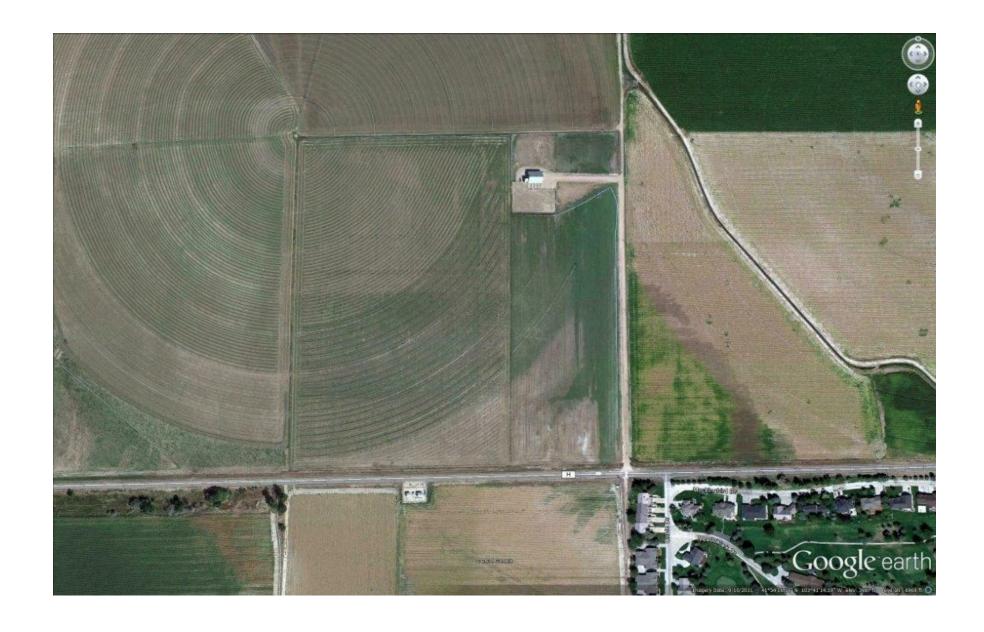
#### Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove preliminary plat Premier Estate's site approval for the following reason(s):

### Table

Make the motion to TABLE the preliminary plat Premier Estates approval for the following reason(s):

Preliminary Plat Request, Page 1



Location Not

**Premier Estates** 

Block 1, Lots 1-9 And Block 2, Lots 1-3

Premier Lane Centerline

Bearing

1° 16' 07"

N 5° 00' 00" E

N 90° 00' 00" W

N 60° 00' 00" W

S 60° 00' 00" E

S 7° 30' 00" E

S 45° 00' 00" W

S 25° 00' 00" E

N 1° 16' 07" W

404.57 N 88° 43' 53" E

S 10° 00' 00" W R

N 15° 00' 00" W L

482.00 S 88° 43' 53" W

86.53 N 24° 21' 57" E

30.00 N 50° 00' 00" E

30.00 N 40° 00' 00" W

440.00 N 10° 00' 00" E

E/W L/R Radius

153.21 N 40° 00' 00" W R 100.00 174.53 100° 00' 00"

103.53 N 75° 00' 00" W L 200.00 104.72 30° 00' 00"

41.12 S 13° 08' 03" E L 100.00 41.42 23° 43' 53

S 30° 00' 00" W R 160.00 502.65 180° 00' 00"

100.00 89.48 51° 16' 07"

100.00 157.08 90° 00' 00"

Mark

R1; S1

R3; C1

R4: S3

R5; C2

R6; S4

R7; C3

R8; S5

R9; C4

R10: S6

R11; C5

R12; S7

R13; C6

R14: S8

R15; C7

R16; S9

R17; C8

R18; S10

R19: C9

Distance N/S

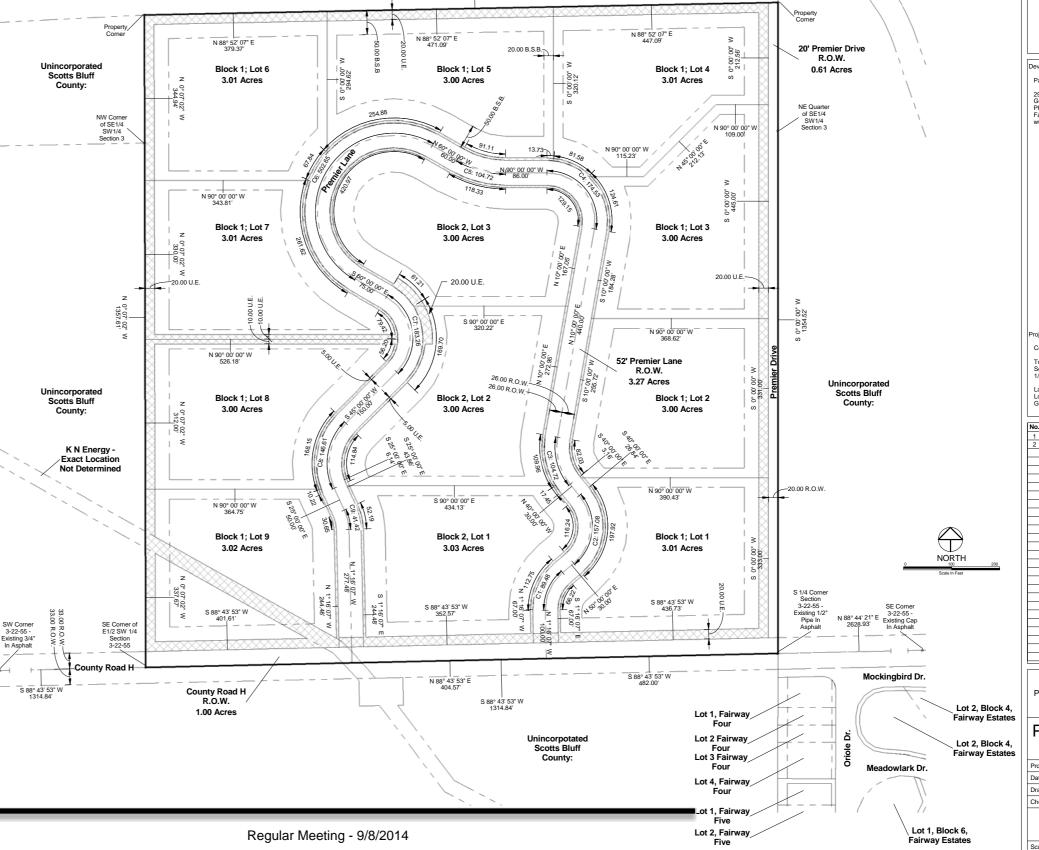
60.00

158.67

137.66

277.48

A Plat Of Unincorporated Land To A Subdivision In Scotts Bluff County, Nebraska



Unincorporated

N 88° 52' 07" E



Paul Reed Construction & Supply, I

2970 N 10th Street Gering, NE 69341 Phone: (308) 635-2213 Fax: (308) 635-0182 www.paulreedconstruction.com

roject Address:

County Of Scottsbluff

Township: 22N Range: 5
Section: 3 Quarter: S.

Latitude: 41° 54′ 16″N Longitude: 103° 41′ 16″W General Elevation: 3980 Feet

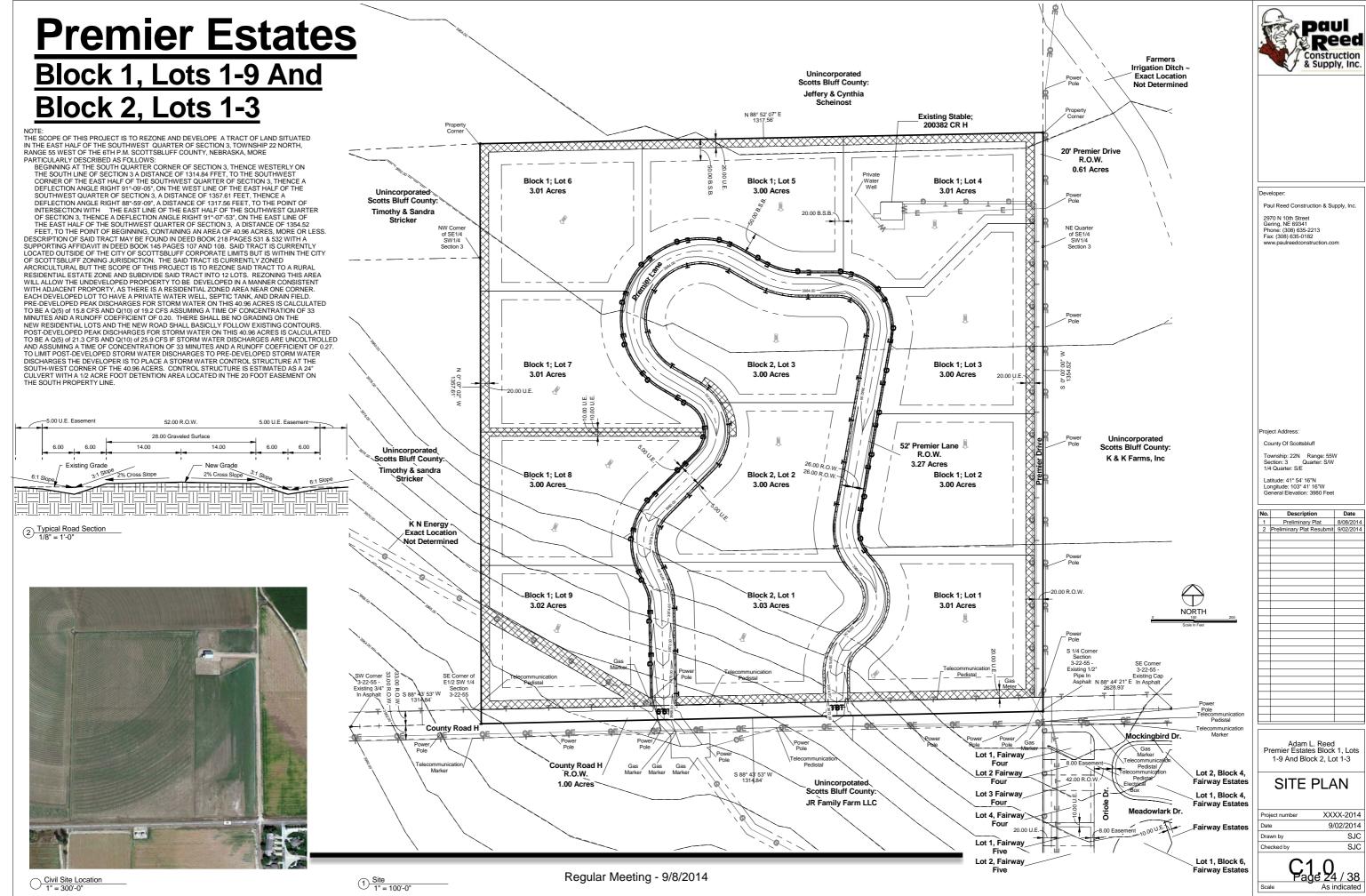
ı	1	Preliminary Plat	8/08/2014
ı	2	Preliminary Plat Resubmit	9/02/2014
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1			
1	<u> </u>		
1			
1			
1			
1			
1			
-1			

Adam L. Reed remier Estates Block 1, Lot 1-9 And Block 2, Lot 1-3

## PRELIMINARY PLAT

Project number	XXXX-2014
Date	9/02/2014
Drawn by	Author
Checked by	Checker

Page 23 / 38



## Monday, September 8, 2014 Regular Meeting

## **Item NewBiz4**

## **Energy Element**

Comp Plan: Energy Element

Applicant: City

Owner(s): N/A

Location: N/A

**Staff Contact: Annie Folck** 



# SCOTTSBLUFF PLANNING COMMISSION Staff Report

**To:** Planning Commission

From: Development Services Department

Date: September 8, 2014

**Subject:** Energy Element – Comprehensive Dev. Plan

Location: N/A

## **Background**

LB 997 was introduced in 2010 and required all municipalities, except villages to adopt an Energy Element into the Comprehensive Development Plan by January 1, 2015. Marvin Consultants were hired to create a plan for the City of Scottsbluff. With the Planning Commission's recommendation to City Council they can approve and adopt the Energy Element into the City's Comprehensive Plan, before the deadline of January 2015 and keep our Comp Plan in compliance.

The Energy Element is to be used as tool for reducing energy use, a way for communities to save money & energy, an opportunity to eliminate barriers to energy efficiency and a chance to increase energy independence. A copy of the plan is attached.

## RECOMMENDATION

## Approve

Make a motion for positive recommendation for City Council to approve and adopt the Energy Element plan into our Comprehensive Development Plan subject to the following condition(s):

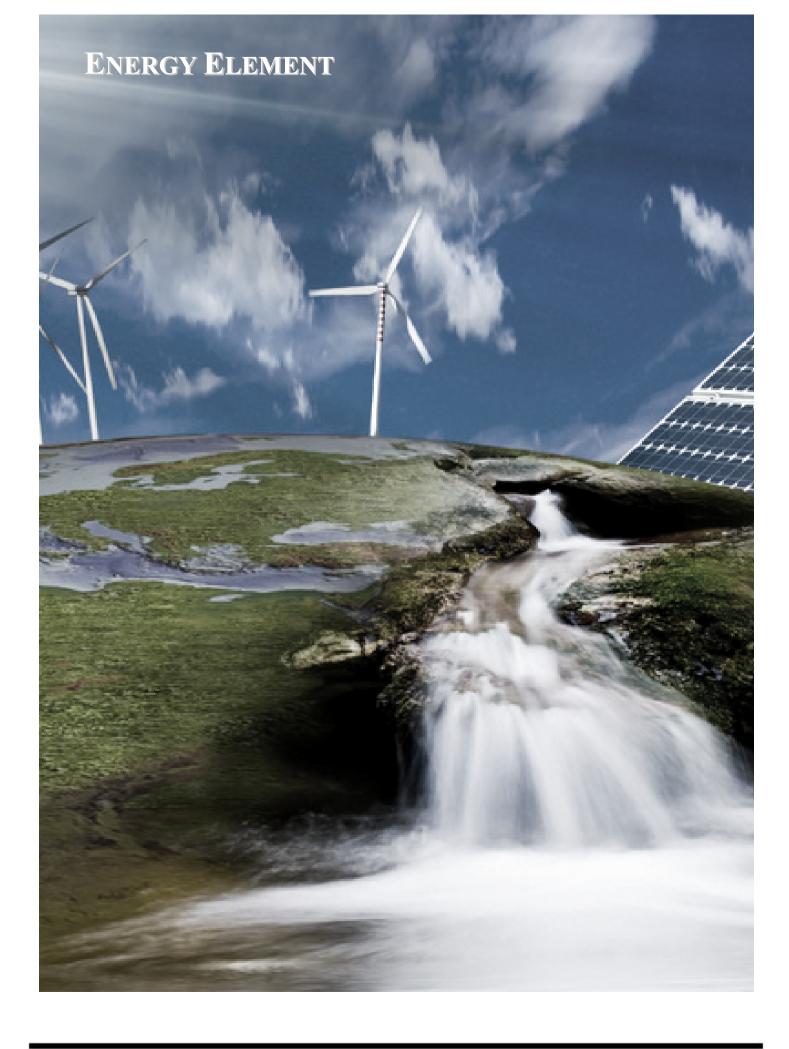
## Deny

Make a motion for negative recommendation to disapprove the Energy Element plan into our Comprehensive Development Plan for the following reason(s):

#### **Table**

Make the motion to TABLE the Energy Element plan into our Comprehensive Development Plan for the following reason(s):

Staff Report, Page 1



## **ENERGY ELEMENT**

Energy usage in the early 21<sup>st</sup> Century is becoming a critical issue throughout Nebraska as well as the entire United States. Our dependency on energy sources that are not renewable has increased significantly over the past 100 years. Energy usage comes in several forms, such as:

- Lighting our homes, businesses, and industries
- Heating our homes, businesses, and industries
- Heating our water for homes, businesses, and industries
- Food preparation
- Transportation both personal and business related
- Recreation and Entertainment vehicular, computers, music, etc.

The 21st Century ushered in an increased concern for energy usage and its impacts on the environment. With the increased concern for the environment came an increased understanding of the carbon footprint generated by any one individual as well as striving towards modifying our behavior patterns in order to lessen that footprint. In addition, the phrase and concept of sustainability has become more widely used, even in the smaller communities of Nebraska and United States.

Energy and the issues connected to the different sources are becoming more critical every year. The need for the Energy Element in the Scottsbluff Comprehensive Development Plan should be something desired as opposed to required. However, during the 2010 Legislative Session of the Nebraska Unicameral, the State Senators passed LB 997 which required this section become a part of all community and county comprehensive plans, except for Villages. The passage of LB 997 appears to be a first step toward comprehensive plans addressing the entire issue of energy conservation and/or sustainability.

#### Sustainability

Sustainability, in today's discussions, has a number of meanings. According to Webster's Third International Dictionary, the verb "sustain" is defined as "to cause to continue...to keep up especially without interruption, diminution or flagging". However, the Brundtland Commission Report in 1987, described sustainability as "...development that meets the needs of the present without compromising the ability of future generations to meet their own needs". In addition, the phrase and concept of sustainability has become more widely used, even in Nebraska.

All of us living in today's world need to begin switching gradually to cleaner and more renewable resources. By doing so it will aid future generations with their quality of life. The more renewable energy sources become the norm for our generation, the more likely these sources will be second nature and common place in the future.

Americans have grown to rely heavily on electricity. However, state and federal policies have been increasingly more insistent on curbing this reliance; especially, those sources that are produced by non-renewable fossil fuels such as oil and coal. Federal policy has set a goal of 20% of all electricity, by 2030, in the United States be from renewable sources. Renewable sources would include solar, wind, water, geothermal and any number of other sources that have not yet been discovered or brought to production levels.

#### **ENERGY INFRASTRUCTURE**

## **Electrical Power**

Electrical power in Scottsbluff is supplied by Nebraska Public Power District. The electrical system is also operated by Nebraska Public Power District.

Power is supplied via two 115 kV lines. Five main distribution substations, with a total capacity of more than 80 MVA. Two peripheral distribution substations capable of serving 3 MVA of load. All can be served from at least two different 34.5 kV sources. The heart of the Scottsbluff distribution system and the peripheral area distribution systems are served by 12.47 kV distribution lines. All substations and lines have been designed and built with future load growth in mind.

Source: http://sites.nppd.com/aedc/fastfacts.asp?city=Scottsbluff

At the time of this element, NPPD was in the process of constructing a 23-mile transmission line between a substation near Stegall and Scottsbluff. The following is NPPD's write up on the project...

NPPD plans to construct an 115,000-volt electric transmission line from the existing Scottsbluff Substation to a new substation to be built approximately five miles south of Stegall near the existing Stegall Substation owned by Basin Electric Power Cooperative. The exact location of the new substation is yet to be determined.

The approximate 23-mile transmission line will enhance transmission system reliability in the western Nebraska Panhandle region. The new line will also meet the North American Electric Reliability Corporation's Reliability Standards for the western Nebraska area. The line is expected to be in service by mid-2017. Source: http://www.nppd.com/stegall-scottsbluff/

#### **Natural Gas Service**

Natural gas service in Scottsbluff is supplied and operated by SourceGas. Natural gas is transported through a 16 inch transmission pipeline, with an operating pressure of approximately 700-1,000 lbs. per sq. inch. SourceGas supplies natural gas transportation to residential, commercial, industrial, and agricultural customers through 3 pipeline systems.

Source: http://sites.nppd.com/aedc/fastfacts.asp?city=Scottsbluff

## **ENERGY USE BY SECTOR**

This section analyzes the energy use by residential, commercial, and industrial and other users. This section will examine the different types of energy sources that are utilized by these different sectors.

Table 1 shows the overall electricity usage by all consumers in Scottsbluff. The categories are reflective of the ones established by the City. The categories are defined as:

Residential = all connections and demand by households in Scottsbluff

Commercial = all retail and office users within Scottsbluff

*Industrial* = all industrial users within Scottsbluff

Table 1: Total Electrical Usage Scottsbluff 2011 through 2013

	2011	2012	2013	% Change
Residential (kWh)	67,109,244	65,053,954	66,956,427	-0.23%
Per customer usage	10,361	10,035	10,331	-0.29%
Residential % of Total	32%	29%	29%	-11%
Commercial (kWh)	105,447,988	105,764,552	105,423,329	-0.02%
Per customer usage	68,696	69,037	68,015	-0.99%
Commercial % of total	51%	47%	45%	-10.59%
Industrial (kWh)	16,779,157	34,203,632	42,661,668	154.25%
Per customer usage	4,194,789	8,550,908	10,665,417	154.25%
Industrial % of total	8%	15%	18%	127%
Other Municipal (kWh)	19,282,931	18,987,320	18,241,951	-5.40%
Other Municipal % of total	9%	8%	8%	-15.40%
Total Usage within corporate limits	208,619,320	224,009,458	233,283,375	11.82%
	100%	100%	100%	0.00%
Customer by Class				
Residential	6,477	6,483	6,481	0.06%
Comercial	1,535	1,532	1,550	0.98%
Industrial	4	4	4	0.00%
Total	8,016	8,019	8,035	0.24%

Source: Nebraska Public Power District

Table 1 shows the usage of electricity throughout the Scottsbluff corporate limits from 2011 through 2013. The data indicate the usage by residential, commercial, industrial uses, and municipal uses (street lighting and other municipal uses) for the time period. In addition, the Table indicates the number of customers per sector. Overall, from 2011 to 2013, the total consumption increased by 11.8% while the customer base remained relatively stable with 19 new customers or a 0.2% increase.

#### **Residential Uses**

The data in Table 1 indicate the percent of total used by sector. The Table shows the overall percentage for residential customers went from 32% in 2011 to 29% in 2013; while the overall number of residential customers increased by four connections. From 2011 to 2013, the residential demand saw an overall decrease of 0.23%. Overall, the per customer usage also decreased by 0.29% for the same time frame. Electric consumption by residential customers is decreasing slightly on an annual basis.

Ascertaining where these conservation measures are occurring; are residential customers switching from electric water heaters and furnaces to natural gas systems? Is the conservation occurring in changes in thermostats? Is it due to better light sources (CFL or LED vs incandescent)?

It is likely some of all of these but what is critical is that conservation measures seem to be occurring in the community.

The decreases in light of the overall increase in customers indicates the residential users in Scottsbluff are starting to conserve electricity in their day to day lives. This may become even more critical as stiffer Federal regulations go into place regarding the generation of electricity.

#### Commercial Uses

Scottsbluff's commercial consumption from 2011 to 2013 also decreased and fell by 0.02%; while the total number of consumers increased by 15 customers. During this same time period, commercial uses went from 51.0% of total consumption in 2011 to 45% of consumption in 2013. The average consumption per customer went from 68,696 kWh in 2011 to 68,015 kWh in 2013 or a 0.99% decrease in the three years; most of this decrease came during 2013 and needs to be tracked to see if it continues in to the future.

Ascertaining where these conservation measures is very similar to residential customers. However, commercial consumers are seeing more efficient heating and cooling equipment installed and as retrofits occur more insulation is being installed and the newer fluorescent bulbs and ballasts are more efficient.

This decrease, more so than the Residential, is interesting. Per customer decrease was greater and the increase in the consumer base was larger. This indicates that even greater conservation measures may be occurring in commercial customers than in the residential base.

#### **Industrial Uses**

Scottsbluff's industrial sector was the only one that had an increase in consumption from 2011 to 2013. The overall consumption increased by 154.25%; while the total number of consumers remained the same. During this same time period, industrial use went from 8% of total consumption in 2011 to 18% of consumption in 2013. The average consumption per customer went from 4,194,789 kWh in 2011 to 42,661,668 kWh in 2013 or a 154.25% increase in three years. Increases were seen in 2012 and 2013 with the largest coming in 2012. This increase is anticipated to drop closer to the 2011 kWh in the coming years based upon discussions with NPPD.

Since there was no change in the number of customers, it can only be assumed that one or more of the four companies saw increases in production from 2011 to 2013.

#### **Municipal Use**

The municipality is singled out as a customer in this analysis. The municipal usage includes electricity used at all municipally owned facilities plus all the public and highway street lighting. This area also showed a solid decrease in consumption between 2011 and 2013, decreasing by 5.4%. All of this decline came from the different municipal facilities.

## SHORT-TERM AND LONG-TERM STRATEGIES

As the need and even regulatory requirements for energy conservation increases, residents of communities and even rural areas will need to:

- 1. Become even more conservative with energy usage
- 2. Make use of existing and future programs for retrofitting houses, businesses, and manufacturing plants
- 3. Increase their use of renewable energy sources.

## **Residential Strategies**

There are a number of different strategies that can be undertaken to improve energy efficiency and usage in residences. These strategies range from simple (less costly) to complex (costly). Unfortunately not all of the solution will have an immediate return on investment. As individual property owners, residents will need to find strategies that fit into their ability to pay for savings at the present time.



There are several ways to make a residence more energy efficient. Some of the easiest include:

- Converting all incandescent light bulbs to CFL's or LED's bulbs
- Changing air filters more regularly

- Installing additional insulation in the attic
- Keeping thermostats set a cooler levels in the winter and higher levels in the summer
- Converting standard thermostats to digital/programmable thermostats
- Changing out older less efficient Air Conditioners and Furnaces to newer high-efficiency units
- Changing out older appliances with new Energy Star appliances

Some of the more costly ways to make a residence more energy efficient include:

- New insulation in exterior walls
- Addition of solar panels for either electrical conversion and/or water heater systems in cooperation with NPPD and in compliance with the local zoning codes.
- Adding individual scale wind energy conversion systems in cooperation with NPPD and in compliance with the local zoning codes.
- Installing geothermal heating and cooling system in cooperation with NPPD and in compliance with the local zoning codes.
- Installation of energy-efficient low-e windows

## **Commercial and Industrial Strategies**

Strategies for energy efficiency within commercial and industrial facilities can be more difficult to achieve than those for residential uses. Typically, these improvements will require a greater amount of investment due to the size of most of these facilities.

There are a number of different strategies that can be undertaken to improve energy efficiency and usage in residences. Again, not all of the solutions will have an immediate return on investment. As individual property owners, property owners will need to find strategies that will fit into their ability to pay for savings at the present time.

There are several ways to make a commercial business more energy efficient. Some of the easiest include:

- Converting all incandescent light bulbs to efficient Florescent Lights, CFL's, or LED's on small fixtures
- Keeping thermostats set a cooler levels in the winter and higher levels in the summer
- Converting standard thermostats to digital/programmable thermostats
- Installing additional insulation in an attic space
- Changing out older less efficient Air Conditioners and Furnaces to newer high-efficiency units

Some of the more costly ways to make a business more energy efficient include:

- Installation of energy-efficient windows and/or storefronts
- New insulation in exterior walls, if possible
- Addition of solar panels for either electrical conversion and/or water heater systems in cooperation with NPPD and in compliance with the local zoning codes.
- Adding individual scale wind energy conversion systems in cooperation with NPPD and in compliance with the local zoning codes.
- Installing geothermal heating and cooling system in cooperation with NPPD and in compliance with the local zoning codes.

## RENEWABLE ENERGY SOURCES

Renewable energy sources are those natural resources such as the wind, sun, water, the earth (geothermal), and even methane (from natural resources or man-made situations) that can be used over and over again with minimal or no depletion. The most common sources of renewable energy resources used in Nebraska is the wind, the sun, the water and/or the earth. The following are examples of how these renewable resources can be used to reduce our dependency on fossil fuels.

#### Wind

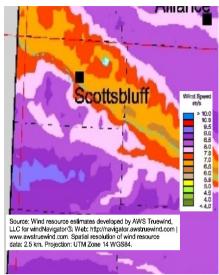
The wind is one of those resources that seem to be in abundance in Nebraska. Wind is not a new technology in Nebraska; the pioneers that settled in Nebraska used wind mills for power and to work the water wells on their farms and ranches.

Wind can be used to produce electricity through the construction of small-scale or utility/commercial grade wind conversion systems (wind turbines). However,



not all areas of the state have the ideal levels needed to produce electricity on a utility or commercial level; but the use of small-scale wind turbines on homes and businesses will work in most parts of Nebraska.

Figure 1: ANNUAL AVERAGE WIND SPEED AT 80 METERS



The wind quality in Scottsbluff and Scotts Bluff County is average to above average, especially in the Scottsbluff area and points south of the community. The darker the purple areas are the more ideal locations for wind. However, any future wind development will be determined with the use of meteorological towers used to compile wind data for approximately a one year period prior to making any future decisions.

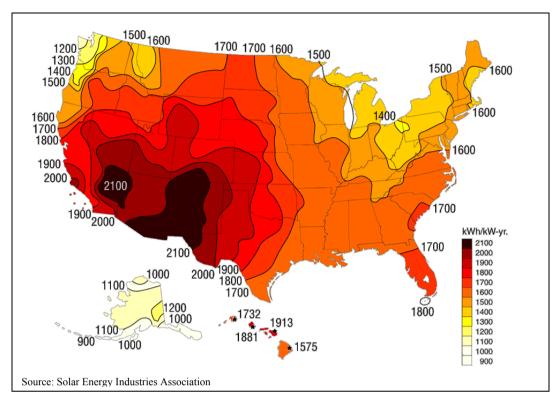
Solar energy has been around for decades and it last hit a high in popularity in the 1970's. However, today's solar energy design is much more efficient and are more aesthetically pleasing. Some of the aesthetic improvements have to do with the fact that today's systems are not as bulky as their ancestors. Today solar is being used much like wind turbines, on a smallscale level (home or business) or a much grander level (solar farms).

Solar energy includes solar water and space heating as well as taking solar photovoltaic panels to convert the sun's rays into electricity. Solar panels can typically produce between 100 and 200 watts per square meter at an installed cost of \$7 to \$9 per watt, but these costs are becoming less every year as more solar units are commissioned and new more cost effective technologies are developed.



Based upon the diagram to the right there is great solar potential in the state of Nebraska. A majority of the state lies within some of the better areas in the country for solar potential.

Figure 2: SOLAR POTENTIAL CONTOURS



### **Geothermal Energy**

Geothermal energy includes a process where a series of pipes are lowered into vertical cores called heat-sink wells. The pipes carry a highly conductive fluid that either is heated or cooled by the constant temperature of the ground. The resulting heat exchange is then transferred back into the heating and cooling system of a home or other structure. This is called a geothermal heat exchange system or ground source heat pumps. The California Energy Commission estimates the costs of a geothermal system can earn net savings immediately when financed as part of a 30-year mortgage (Source: American Planning Association, PAS Memo January/February 2009).

#### Renewable Energy in Scottsbluff and Scotts Bluff County

Renewable energy in Scottsbluff and the Scotts Bluff County area could be an extremely good means to conserve energy into the future. One key issue that will present an obstacle is the varying topography of the Panhandle area especially outside the North Platte River valley.

The flat bottomlands are likely habitat for water fowl and other birds. In addition, these areas have been subject to flooding in in the past. Finally, the soils within these areas may be an issue when attempting to construct the footings for a wind turbine.

The City has already adopted some wind regulations into their code. This should aid in the future development of commercial turbines within their jurisdiction.

Solar panels throughout Nebraska, especially the panhandle region may be difficult due to the number of hail storms that track through the area. Any future solar development will need to be capable of sustaining impacts from future hail storms.

Geothermal systems, may be a positive approach depending on the water table of the area. High water tables tend to create construction issues for this type of renewable energy.

However, the other types of renewable energy sources are possible within Scotts Bluff County, including methane and solar.

## **ENERGY PROGRAMS IN NEBRASKA**

The following provides a basic history and description of some newer programs in Nebraska; interested parties should contact the State of Nebraska Energy Office or their local public power district.

The following information is an excerpt from the Database of State Incentives for Renewables & Efficiency.

#### **C-BED Program**

In May 2007, Nebraska established an exemption from the sales and use tax imposed on the gross receipts from the sale, lease, or rental of personal property for use in a community-based energy development (C-BED) project. The Tax Commissioner is required to establish filing requirements to claim the exemption. In April 2008 L.B. 916 made several amendments to this incentive, including: (1) clarified C-BED ownership criteria to recognize ownership by partnerships, cooperatives and other pass-through entities; (2) clarified that the restriction on power purchase agreement payments should be calculated according to gross\* and not net receipts; (3) added language detailing the review authority of the Tax Commissioner and recovery of exempted taxes; and (4) defined local payments to include lease payments, easement payments, and real and personal property tax receipts from a C-BED project.

A C-BED project is defined as a new wind energy project that meets one of the following ownership conditions:

- For a C-BED project that consists of more than two turbines, the project is owned by qualified owners with no single qualified owner owning more than 15% of the project and with at least 33% of the power purchase agreement payments flowing to the qualified owner or owners or local community; or
- For a C-BED project that consists of one or two turbines, the project is owned by one or more qualified owners with at least 33% of the power purchase agreement payments flowing to a qualified owner or local community.

In addition, a resolution of support for the project must be adopted by the county board of each county in which the C-BED project is to be located or by the tribal council for a C-BED project located within the boundaries of an Indian reservation

A qualified C-BED project owner means:

- a Nebraska resident;
- a limited liability company that is organized under the Limited Liability Company Act and that is entirely made up of members who are Nebraska residents;
- a Nebraska nonprofit corporation;
- an electric supplier(s), subject to certain limitations for a single C-BED project; or
- a tribal council.

In separate legislation (<u>LB 629</u>), also enacted in May 2007, Nebraska established the Rural Community-Based Energy Development Act to authorize and encourage electric utilities to enter into power purchase agreements with C-BED project developers.

\* LB 561 of 2009 established that gross power purchase agreement payments do not include debt financing if the agreement is entered into on or before December 31, 2011, and the qualified owners have a combined total of at least 33% of the equity ownership in the C-BED project.

## **Local Government and Renewable Energy Policies**

Local governments need to take steps to encourage greater participation in wind generation. Cities and counties can do a number of items to make these projects more attractive. Some of the things that could be done are:

- Develop or amend existing zoning regulations to allow small-scale wind turbines as an accessory use in all districts
- Develop or amend existing zoning regulations to exempt small-scale turbines from maximum height requirements when attached to an existing or new structure.
- Work with the Nebraska Public Power District and/or local public power district on ways to use wind turbines on small-scale individual projects or as a source of power for the community.

#### **Net Metering in Nebraska**

<u>LB 436</u>, signed in May 2009, established statewide net metering rules for all electric utilities in Nebraska. The rules apply to electricity generating facilities which use solar, methane, wind, biomass, hydropower or geothermal energy, and have a rated capacity at or below 25 kilowatts (kW). Electricity produced by a qualified renewable energy system during a month shall be used to offset any kilowatt-hours (kWh) consumed at the premises during the month.

Any excess generation produced by the system during the month will be credited at the utility's avoided cost rate for that month and carried forward to the next billing period. Any excess remaining at the end of an annualized period will be paid out to the customer. Customers retain all renewable energy credits (RECs) associated with the electricity their system generates. Utilities are required to offer net metering until the aggregate generating capacity of all customer-generators equals one percent of the utility's average monthly peak demand for that year.

#### State Law of Solar and Wind Easements

Nebraska's solar and wind easement provisions allow property owners to create binding solar and wind easements for the purpose of protecting and maintaining proper access to sunlight and wind. Originally designed only to apply to solar, the laws were revised in March 1997 (Bill 140) to include wind. Counties and municipalities are permitted to develop zoning regulations, ordinances, or development plans protecting access to solar and wind energy resources if they choose to do so. Local governing bodies may also grant zoning variances to solar and wind energy systems that would be restricted under existing regulations, so long as the variance is not substantially detrimental to the public good.

LB 568, enacted in May 2009, made some revisions to the law and added additional provisions to govern the establishment and termination of wind agreements. Specifically, the bill provides that the initial term of a wind agreement may not exceed forty years. Additionally, a wind agreement will terminate if development has not commenced within ten years of the effective date of the wind agreement. If all parties involved agree to extend this period, however, the agreement may be extended.

## **Incentive Programs**

Programs change from time to time and are typically offered locally and/or through NPPD.

## Monday, September 8, 2014 Regular Meeting

## **Item NewBiz5**

## **Ordinance Text Changes**

Ordinance: Height Requirements Zoning Code

Applicant: N/A

Owner(s): N/A

Location: N/A

**Staff Contact: Annie Folck** 



# SCOTTSBLUFF PLANNING COMMISSION Staff Report

**To:** Planning Commission

From: Development Services Department Zoning: All Date: September 8, 2014 Property Size: Subject: Height Requirements all Zoning Districts # Lots/Units:

Location: N/A Units/Acre

### **Background**

Recently staff reviewed height requirements in all zoning districts, a variance was requested on the height limit in the C-2 Neighborhood Commercial and Retail zoning district which is set at 25°. The residential zoning districts are 35° and other commercial, office, and industrial areas vary from 35° to70°. The twenty-five foot height limit in the C-2 district was found to be confusing, since all residential and rural areas have the 35° requirement. The C-1 is 70° and C-3 Heavy Commercial is 35°. The Board of Adjustment asked that the Planning Commission review these requirements and consider changing the C-2 zoning district to 35° which seems to be the maximum in residential and commercial zones.

Staff researched height requirements in residential, commercial and industrial zoning districts in a few other cities. The 35' height limit is shown in residential zones; residential zones for multi-family - apartments and hotels are 45' to 75'; Agricultural zones are shown as 35'; Industrial areas are 55' to 75'. Commercial areas vary anywhere from 28' in the suburban office zone to 75'in Highway commercial zones.

The Planning Commission might also consider adding language under general requirements for a 45' maximum height for hotels and apartments. With these recommendations from the Planning Commission we can prepare and ordinance for text change and add these new requirements and also correct existing typos in our R-4 performance guidelines, (numbers do not line up correctly), add height requirement in the R-1B performance guidelines as only the accessory building is shown, and set at 35' to match other residential districts. Under PBC #4 Bldg. structures, height is listed as 45' we would like to add this under the performance guidelines chart.

## RECOMMENDATION

## Approve

Positive recommendation for ordinance text change corrections in R-4, R-1B and PBC, change to height requirement in C-2 from 25' to 35' to the City Council subject to the following condition(s):

#### Deny

Negative recommendation for ordinance text change corrections in R-4, R-1B and PBC, change to height requirement in C-2 from 25' to 35' to the City Council for the following reason(s):

#### **Table**

TABLE the ordinance text changes corrections in R-4, R-1B and PBC, change to height requirement in C-2 from 25' to 35' for the following reason(s):

Staff Report, Page 1

Monday, September 8, 2014 Regular Meeting

## Item Unfin. Biz1

## **Unfinished Business**

Unfinished Business: Reminder workshop on October 10, 2014

**Staff Contact: Annie Urdiales**