BUFFALO COUNTY ZONING & FLOODPLAIN
Buffalo County Courthouse
1512 Central Avenue
PO Box 1270
Kearney, NE 68848
Phone: (308) 236-1998
Fax: (308) 236-1870
Email: zoning@buffalocounty.ne.gov

ZONING AGENDA ITEM #1

MEETING DATE: August 11, 2026

SUBJECT: Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems.

Discussion:

Amend Buffalo County Zoning Regulations under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary, as presented within The Board's packet with the revisions as recommended by the Buffalo County Planning Commission, written in red.

At the July 16, 2026 Buffalo County Planning Commission Meeting, a motion was made by Secretary Jeffs and seconded by Mr. Kreutzer to recommend favorably the proposed code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems with the above-stated revisions.

Upon roll call vote, the following Board members voted "Aye": Keep, Kreutzer, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.
Voting "Nay": None.
Abstain: None.
Absent: Stubblefield.

No opposition was received for this application.

ZONING AGENDA ITEM #2

MEETING DATE: August 11, 2026

SUBJECT: Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence.

Discussion:

To review the unfavorable recommendation by the Buffalo County Planning Commission under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence, with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary, originally presented as shown below:

"2. No manure disposal by spraying, injecting, ~~or~~ spreading, or storage on land shall be closer than thirteen hundred and twenty (1,320) feet to an inhabited residence without written consent by the property owner of the residence. This restriction shall not apply to lands upon which the confinement or feedlot is located (Resolution 6-12-07)."

At the July 16, 2026 Buffalo County Planning Commission Meeting, a motion was made by Secretary Jeffs, and seconded by Mr. Sedlacek to recommend unfavorably the proposed code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence to the Buffalo County Board of Commissioners, with the recommendation to revisit the necessity for the entirety of the section.

Upon roll call vote, the following Board members voted "Aye": Brady, Jeffs, Wolfe, Chaney and Sedlacek.
Voting "Nay": Kreutzer, Keep, and Vacek.
Abstain: None.
Absent: Stubblefield.

No opposition was received for this application.

ZONING AGENDA ITEM #3

MEETING DATE: August 11, 2026

SUBJECT: Code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, regarding medical marijuana.

Discussion:

Amend applicable Buffalo County Zoning Regulations, regarding medical marijuana with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary, as presented within The Board's packet with the revisions as recommended by the Buffalo County Planning Commission, written in red.

Motion was made by Secretary Jeffs, and seconded by Ms. Wolfe to recommend favorably the proposed code amendments to The Buffalo County Zoning Regulations with renumbering as necessary, regarding medical marijuana to the Buffalo County Board of Commissioners, with proposed revisions.

Upon roll call vote, the following Board members voted "Aye": Brady, Jeffs, Wolfe, Chaney and Sedlacek, Kreutzer, Keep, and Vacek.
Voting "Nay": None.
Abstain: None.
Absent: Stubblefield.

No opposition was received for this application.

ZONING AGENDA ITEM #4

MEETING DATE: August 11, 2026

SUBJECT: Discussion and Decision on Code Amendment Referral to The Buffalo County Planning Commission

Discussion:

Discussion and decision to refer a zoning amendment to the Buffalo County Planning Commission for discussion, study, review, and recommendation(s):

- Proposal, with renumbering as necessary, for regulatory requirements regarding manure application and storage.

Planning
&
Zoning
Commission
Minutes

July 16, 2026

MINUTES OF PLANNING AND ZONING COMMISSION
JULY 16, 2026
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice, on July 3, 2026 and July 7, 2026. A copy of the proof of publication is on file in the Zoning Administrator's Office. Advance notice of the meeting was also given to the Planning and Zoning Commission and availability of the Agenda was communicated in the advance notice. The Agenda is available for anyone wanting a copy.

Chairperson Brady opened the meeting at 7:00 P.M. on July 16, 2026.

In Attendance: Joshua Chaney, Willie Keep, Tim Kreutzer, Marc Vacek, Loye Wolfe, Tammy Jeffs, Jeremy Sedlacek, and Scott Brady.

Scott Stubblefield was absent.

Quorum was met.

Also attending were: Deputy County Attorney Josiah Davis and Zoning Administrator Dennise Daniels. There were a several members of the public present.

Chairperson Brady announced The Open Meetings Act and agendas were available if anyone wished to have one. Chairperson Brady provided notice of the agenda being amended to include the change of venue.

The public forum was opened at 7:03 P.M. No one spoke. The public forum closed at 7:03 P.M.

Chairperson Brady announced the procedure and etiquette for the upcoming public hearings.

Public Hearing. 5(a)

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 7:03 P.M., regarding code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems.

Ben Goldberg, 1201 B Avenue, Kearney, Nebraska, stepped forward to testify. He stated that he was in opposition of data centers based on the following points: chemical release from cooling systems and in the construction of data centers being released into drinking water, excessive amount of electricity usage and the cost being rerouted to all electricity customers, and audible and inaudible sound concerns.

DRAFT

Deputy County Attorney clarified that Buffalo County already has data centers as an allowable use in their regulations.. However, he continued, it is the intent of Buffalo County to put regulations in place to further regulate them.

Rosemary Northwall, of 1511 W. 35th Street, Kearney, Nebraska, stepped forward to testify. She said that she believes that, in order to properly regulate data centers, more study needs to be conducted.

Scott Gensler, 809 W. 22nd Street, Kearney, Nebraska, stepped forward to testify. He said that he would like to have clarification on what is being proposed at the city level. Chairperson Brady explained that the hearing being held was regarding Buffalo County, not within the jurisdictional boundary of the city of Kearney. He added that the city has different regulatory standards than does the county. Mr. Gensler agreed. He asked for clarification of what is being proposed. Deputy County Attorney Hoffmeister provided clarification that the primary intent of the proposed amendment was to provide definitions of and clarify public uses, as well as add additional regulations for data centers, including, but not limited to, removing data centers from the Specially Permitted Uses in the Commercial (C) District, to remove them as a Permitted Principle Use from the Industrial (I) District and add them to Specially Permitted Use in the Industrial District. Additionally, he added, it is required that data centers must abut and have access to a paved road. He also clarified the extra-jurisdictional boundaries of the communities within Buffalo County. Mr. Gensler asked for clarification that Buffalo County is making the regulations more difficult and Deputy County Attorney Hoffmeister stated that Buffalo County is adding more requirements to data centers, such as a requirement for closed-loop systems, with consideration given to environmental conditions. Mr. Gensler asked if the requirements would require data centers to generate their own electricity and Deputy County Attorney Hoffmeister answered that they should, if possible. Mr. Gensler recommended that Buffalo County require the byproduct heat be stored and re-used to benefit the public.

Jordan Duffin Wong, 820 W 56th Street, Apartment #82, Kearney, Nebraska, stepped forward to testify. He stated that he was in support of the proposed regulation on the basis that data centers are removed as a Permitted Principle Use to a Specially Permitted Use. He added that Buffalo County should consider present and future implications of data centers including screening requirements, setback requirements, and building footprint concerns, etc.

Ben Goldberg, 1201 B Avenue, Kearney, Nebraska, again stepped forward. He provided a recommendation on batteries. He stated that, environmentally, it would be recommended that sodium ion batteries be required over lithium batteries.

Ren Snow, of 101 Grand Avenue, Ravenna, Nebraska stepped forward to testify. Mr. Snow requested clarification on the procedure for a Specially Permitted Use and whether a public hearing would be required for every data center application. Chairperson Brady confirmed a public hearing would be required.

Chairperson Brady asked if anyone wished to comment. No one stepped forward in opposition or support.

Chairperson Brady closed the public hearing at 7:21 p.m.

DRAFT

Vice-Chairperson Keep stated that he would like to have a few revisions regarding grammatical errors. He referenced the definition of "Stationary Energy Storage Systems" to read, "Stationary Energy Storage System(s), that are also known as Battery Electrical Storage System(s) (BESS). These facilities are for the use of storage of electrical energy usually comprised of batteries for storage of 20 kWh or more of electricity[1] based upon manufacturer specifications housed in any ~~or one~~ one or more structures that can be situated as stand-alone and/or in an enclosed structure(s)."

Vice-Chairperson Keep and Deputy County Attorney Hoffmeister discussed the need of replace Section 6.9 (A) to read: The key components of the system shall be submitted as part of the application, to include stamped engineering plans to include, but not be limited to footing standards and fire ~~protection~~ suppression." Deputy County Attorney Hoffmeister stated the word "protection" would be adequate.

Vice-Chairperson Keep asked if Section 6.9 (B) should require the type of fencing such as steel, versus wood. Deputy County Attorney Hoffmeister stated that fence type may go beyond what was a reasonable request.

Vice-Chairperson Keep asked if the word "temporary" should be replaced with "standby" under Section 6.9 (F), "The facility, in its' design and use, shall include air handlers, ~~temporary~~ standby power generators, material storage area(s), air to air cooling, if used, as needed to support sustained operations of the Energy Storage System's infrastructure." And Deputy County Attorney Hoffmeister stated that it was the same thing and the verbiage as presented would most likely be satisfactory. Deputy County Attorney Hoffmeister explained that Buffalo County requests that the center be self-sustainable, if possible.

Vice-Chairperson Keep asked if the definition of "Data Center/Stational Energy Storage or (BESS) Electric Substation should remove duplicate wording of "Electric Substation" as follows: read, "The center or facility is allowed to have outdoor storage facilities within the fenced area." Deputy County Attorney Hoffmeister stated that Section 6.9 (B) referenced the facility, in its' entirety, should be enclosed within the fence.

Vice-Chairperson Keep asked if Section 6.9 (G) should read, "Data Center/ Stationary Energy Storage or (BESS) Electric Substation: A high-voltage electric system facility used to switch on-site generators, equipment, and circuits or lines in and out of a public utility system, change AC voltages from one level to another, or change alternating current to direct current or direct current to alternating current. Data Center/ Stationary Energy Storage or (BESS) Electric Substation ~~Electric~~ or Substations may only be constructed in conjunction with and adjacent to a Data Center or a Stationary Energy Storage or Battery Energy Storage System (BESS) Facility." Deputy County Attorney Hoffmeister agreed.

Ms. Wolfe stated that initially she was very concerned about the data centers and their water usage, but was ecstatic to see that the proposed amendment required a closed loop system, similar to her air conditioner in her residence. She added that she would like Buffalo County to

consider the language associated with the requirement of each data center to provide their own energy, to avoid the utility increases for other paying customers. She also added that she appreciated Buffalo County taking a stance in making the regulations more stringent because moratoriums would not protect Buffalo County from data centers. She stated that having regulations in place was the best way to protect Buffalo County' resources. Deputy County Attorney Hoffmeister counselled that data centers would only be allowed in the Industrial District.

Vice-Chairperson Keep asked if Buffalo County should review the size of the data centers that could be considered. The cryptocurrency facility within the city of Kearney's jurisdiction was reviewed by The Commission. Deputy County Attorney Hoffmeister advised that The Commission could consider additional conditions when a public hearing is conducted, including setbacks and shading.

Deputy County Attorney Hoffmeister advised that the word, "public" was added throughout the proposed code amendment, as well. He stated that "public" use needed to be defined more clearly.

Deputy County Attorney Hoffmeister counselled that outdoor storage requires onsite power facilities not to exceed fifteen percent of the enclosed area of the facility.

Chairperson Brady explained that Buffalo County can, and will, revise the regulations based on present and future issues with data centers. He stated that he appreciated the proposed amendment and that it laid a good foundation of regulatory standards. Vice-Chairperson Keep agreed and stated that Permitted Principal Uses did not allow Buffalo County to control any conditions.

Mr. Chaney stated that closed-loop data centers may produce a byproduct of sludge that could create an environmental concern. He asked Deputy County Attorney Hoffmeister if that should be regulated and Deputy County Attorney Hoffmeister stated that it could be regulated with the conditions placed on a Specially Permitted Use.'

Mr. Vacek asked if The Commission should consider regulatory standards for setbacks. Deputy County Attorney Hoffmeister counselled that, as presented, the setbacks would be the industrial district standard. He recommended that the proposed amendment be passed and revisited after appropriate study for adequate setbacks.

Chairperson Brady asked if anyone else wished to speak. No one spoke.

Chairperson Brady addressed the public. He stated that the proposed amendment was laying a good foundation to protecting the resources and quality of life for the people of Buffalo County. He further stressed that the amendments could be revised, if needed, to adapt to changing conditions.

Motion was made by Secretary Jeffs and seconded by Mr. Kreutzer to recommend favorably the proposed code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems with the following revisions including rewording the definition of "Stationary Energy Storage Systems"

DRAFT

to switch the words “or” and “one” to show “Stationary Energy Storage System(s), that are also known as Battery Electrical Storage System(s) (BESS). These facilities are for the use of storage of electrical energy usually comprised of batteries for storage of 20 kWh or more of electricity based upon manufacturer specifications housed in any ~~or one~~ one or more structures that can be situated as stand-alone and/or in an enclosed structure(s).” and to revise Section 6.9 (G) to replace the word “Electric” with “or” to show “Data Center/ Stationary Energy Storage or (BESS) Electric Substation: A high-voltage electric system facility used to switch on-site generators, equipment, and circuits or lines in and out of a public utility system, change AC voltages from one level to another, or change alternating current to direct current or direct current to alternating current. Data Center/ Stationary Energy Storage or (BESS) Electric Substation ~~Electric~~ or Substations may only be constructed in conjunction with and adjacent to a Data Center or a Stationary Energy Storage or Battery Energy Storage System (BESS) Facility.” to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.
Voting “Nay”: None.
Abstain: None.
Absent: Stubblefield.

Motion carried.

Chairperson Brady thanked the staff from District Court for use and accommodations of their facilities.

Chairperson Brady opened the public hearing for Agenda Item 5(b) at 7:44 P.M., regarding code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence.

Chairperson Brady provided a brief background on the history of the regulatory change. He stated that the original regulations, prior to the amendment, were adopted by Buffalo County on or around 2007.

Cory Banzhaf, of 28430 128th Road, Kearney, Nebraska, stepped forward to testify. He stated that he appreciated Buffalo County reviewing the policy, but he believes that the regulations, as currently stated, are too restrictive. He added that any review by Buffalo County should be more friendly to the ag producers of Buffalo County. He testified that adding the word “storage” was not unreasonable, but the setback was. He continued that there are very few farmable quarters in Buffalo County that could have manure disposed outside of the 1,320 feet of an inhabited residence.

Chairperson Brady asked if Mr. Banzhaf had any recommendations. Mr. Banzhaf explained that the State of Nebraska utilizes a livestock matrix for livestock-friendly counties. He explained that, with Buffalo County being a livestock-friendly county, he would recommend Buffalo County review that particular avenue.

DRAFT

Heath Schake, of 3285 W. 100th Street, Kearney, Nebraska, stepped forward to testify. He stated that he agreed with Mr. Banzhaf's testimony. He stated that he has spread manure on his farms for 20 years and has piled during that same time period without a complaint. He added that he disagreed with the requirement to acquire a neighbor signature for a waiver. He stated that producers should be aware of their surroundings and pile the manure in a place that would not be located next to a subdivision. He testified that, after reviewing a map, a significant percentage of his farms in Buffalo County would not be permitted to have manure spread if one inhabited residential property owner refused to sign a waiver.

Mr. Schake added that he doesn't believe that he should have to request permission to spread or pile manure near a residence. He stated that producers should have the opportunity to spread and stockpile manure because that is part of his livelihood. He stated that he was concerned that the regulation of producers would continue to go beyond the ability to spread and stockpile manure to include what could be planted by producers.

Chairperson Brady asked if Mr. Schake had a recommendation to compromise for the people of Buffalo County, who do not wish to have a stockpile of manure within close proximity of their residence. Mr. Schake testified that land purchasers should be aware that they are purchasing land within agricultural territory. He stated that producers get manure in the summer and stockpile on the pivot corners during harvest and apply it to the field in the late fall and winter. He added that other agencies like the Natural Resources Conservation Service (NRCS) regulate the producers on highly erodible lands. He stated that producers like Nebraska Department of Water, Energy and Environment (DWEE), NRCS, Natural Resource Districts (NRD), and United States Environmental Protection Agency (EPA) overregulate producers as is.

Mr. Schake testified that the setback needs to be reviewed to accommodate all citizens of Buffalo County.

Deputy County Attorney Hoffmeister stated that in 2007, the word "injecting" was added to the current regulation. He said that the regulations, as present, were in place as of 2003. He also reviewed Hall County's regulation for stockpiling and that it is only allowed to be stockpiled for one year. He also reviewed Chase County, Keith County, and Kearney County.

Vice-Chairperson Keep stated that Buffalo County should consider the age of the manure. He added that the producers should be allowed to spread next to the fence line.

Tim Schulte, of 23 Sawgrass Drive, Pleasanton, Nebraska, stepped forward to testify. He stated that he agrees with the prior testimony. He added that producers are most likely to stockpile for no longer than six months and spread it in the winter. He testified that he is more concerned about the ability to spread versus the ability to stockpile. He concluded by saying that land purchasers need to be aware of the agricultural area before constructing a residence.

Steve Wolfe, of 3610 13th Avenue, Kearney, Nebraska, stepped forward to testify. He stated that he is present to speak on behalf of Buffalo County Farm Bureau. He stated that he serves on the board and is representing 3,200 members and all members are in opposition of the proposed amendment. He stated that they are in opposition of the setback and that measurement is

equivalent to four football fields. He added that the proposed regulation would be detrimental to agriculture.

Sarah Gensler, of 809 W. 22nd Street, Kearney, Nebraska, stepped forward to testify. She stated that she lives in the city. She referenced air force bases and that land purchasers are required to submit a waiver that there will be noise next to the base. She recommended utilizing a waiver that a would require land purchasers to acknowledge that they are moving into an agricultural area, which might have odor.

Vice-Chairperson Keep stated that he was part of an entity that sold land to an individual who had to acknowledge a nuisance ordinance, which would allow the spread of manure.

Deputy County Attorney Hoffmeister reviewed the enforcement of stockpiling and manure spread.

Mike Twitchell, of Sweetwater Cattle Company, but resides at 5622 E 78th Street, Kearney, Nebraska, stepped forward to testify. He stated that producers currently have practices in place to dispose of manure and he would like to see those practices remain in place.

David Spencer, of 5960 Maple Road, Gibbon, Nebraska, stepped forward to testify. He stated that he was unaware that he was unable to spread manure under the existing ordinance and has been, unknowingly, violating said ordinance. He stated that he appreciates regenerative agricultural and the existing regulation puts a hamper on his ability to utilize it. He explained that he recently purchased, along with partners, the Lewis Feedlot and he said that the pens need to be cleaned every two weeks. He added that he prefers to truck manure dry, because it is expensive to haul wet. He stated that the manure needs to be moved regularly. He added that agencies overregulate producers as is.

Mr. Chaney asked if Mr. Spencer had a recommendation. Mr. Spencer stated that land purchasers need to be aware of agricultural areas.

Cory Banzhaf, again, stepped forward to testify. He wanted to remind The Commission that all districts in Buffalo County start with "AG". He added that livestock and crops should be considered moving forward when reviewing the regulations.

Chairperson Brady stated that the demographics of the county have changed since the original adoption of the regulations. He added that development is continuing to sprawl into agricultural areas. He continued that the producers and the residential land owners need to coexist.

Ron Reese, 26650 355th Road, Pleasanton, Nebraska, stepped forward to testify. Mr. Reese said that he disagrees with the proposed amendment. He said that he cannot object to a residence being constructed, but that residence can stop him from operating his livelihood.

James Friesen, 1330 W. 102nd Street Place, Kearney, Nebraska, stepped forward to testify. He stated that he was speaking on behalf of a rural subdivision resident. He stated that he lived next to a producer and after a discussion with the producer about the stockpile, it never became an issue again. He stated that the regenerative agricultural is expected where he resides.

DRAFT

Ron Reese, again, stepped forward to testify. He stated that he was concerned that Buffalo County should not consider approving the proposed regulation that could affect his livelihood. He stated that if there were individuals who wanted to complain about the manure, they should be present. He added that there was no one there to support it. When asked about recommendations from Chairperson Brady, Mr. Reese recommended that "spreading" be removed and revise the setback to 500 feet. He said that producers should be held accountable if complaints are received, with the revision.

Jordan Duffin Wong, again, stepped forward to testify. He stated that he is not in opposition of manure disposal, but stated that he is sympathetic to the concerns of the producers. He recommended reducing the setbacks or to allow for looser regulatory standards to be more accommodating to the producers, if allowable by The Commission.

Enforcement of private nuisances were discussed. Deputy County Attorney Hoffmeister stated that he could not find a regulation, reviewing surrounding counties, that regulate the storage of manure.

Mr. Vacek asked if The Commission had the authority to make changes other than what The Board of Commissioners had submitted. Deputy County Attorney Hoffmeister explained that The Commission was only advisory.

Mr. Kreutzer testified that he was unaware of the existing regulations, either. He added that the entirety of the section should be re-reviewed.

Heath Schake, again, stepped forward. He asked if Buffalo County enforced the regulation. Deputy County Attorney Hoffmeister stated that inquiries were made in the past. Mr. Schake added that Buffalo County should strike the entire section because it wasn't being enforced.

Randy Gangwish, of 714 Phelps Street, Shelton, Nebraska, stepped forward to testify. He stated that he believes producers are being over-regulated.

Justin Taubenheim, of 220 North Sycamore, Amherst, Nebraska, stepped forward to testify. He testified that he farms and ranches with his family and he states that they were unaware of the existing regulation. He stated that he agreed with Mr. Schake about removing the section in its entirety.

Heath Schake stepped forward to testify. He stated that he believed that the proposed regulation was due to his stockpile. He stated that he is willing to work with his neighbors.

Chairperson Brady asked if anyone wished to comment. No one stepped forward.

Chairperson Brady closed the public hearing at 8:27 p.m.

Vice-Chairperson stated he would like to see the whole section struck because he wants producers to continue to operate and utilize regenerative agriculture. Mr. Kreutzer and Mr. Chaney agreed. Mr. Kreutzer added that producers should be able to work out their differences with their neighbors without involving the county. He also stated that producers should be aware of where they are disposing of manure because they may be disposing next to several residences

DRAFT

and sometimes the piles are gone in a short time period. Mr. Vacek agreed. He stated that the regulations have been in place for several years and none of the producers were aware of it. Mr. Sedlacek agreed and testified that he appreciated the livestock-friendly livelihoods in the state.

Ms. Wolfe stated that she wanted to represent the producers, as well as the property owners that live next to the manure disposal areas that may not have a voice. She said there still need to be regulations to protect those that could not be in attendance.

Deputy County Attorney Hoffmeister stated that, in his tenure, there have been manure complaints. He added, however, that since the passing of the existing regulation, the state of Nebraska now has a regulatory agency, that regulates the producers. He counselled The Commission on their authority. He counselled that The Board of Commissioners sent this amendment to The Commission for the purpose of deciding whether the word "storage" should be added. He stated that The Commission may not have the authority to expunge it from the record.

Motion was made by Secretary Jeffs, and seconded by Mr. Sedlacek to recommend unfavorably the proposed code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence to the Buffalo County Board of Commissioners, with the recommendation to revisit the necessity for the entirety of the section.

There was discussion from the audience after the closure of the public hearing, however, no one was identified.

Upon roll call vote, the following Board members voted "Aye": Brady, Jeffs, Wolfe, Chaney and Sedlacek.
Voting "Nay": Kreutzer, Keep, and Vacek.
Abstain: None.
Absent: Stubblefield.

Motion carried.

Chairperson Brady announced that The Planning Commission will recess for break for approximately 15 minutes. He announced that the meeting will reconvene at 9:00 p.m.

Chairperson Brady called to order The Planning Commission meeting at 9:00 p.m. The following members returned: Kreutzer, Keep, Vacek. Brady, Jeffs, Wolfe, Chaney and Sedlacek. Stubblefield remained absent.

Chairperson Brady opened the public hearing for Agenda Item 5(c) at 9:01 P.M., regarding code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, regarding medical marijuana.

DRAFT

Deputy County Attorney Hoffmeister provided a synopsis and reviewed the proposed amendment to medical marijuana. He also reviewed the state's regulations with The Commission.

The proposed regulation is as follows: BUFFALO COUNTY, NEBRASKA, RESOLUTION REGARDING REGULATION BY ZONING POWERS OF MEDICAL MARIJUANA:

WHEREAS, the 2025 Nebraska Legislature enacted Nebraska Medical Cannabis Regulation Act, as set out in LB 1, 2025 Legislature, effective February 26, 2025. Thereafter, the Nebraska Medical Cannabis Commission promulgated and adopted temporary regulations concerning the cultivation, processing, distribution, and sale of Medical Marijuana. In fulfillment of the obligations and duties of the County Board as a "local government" under the Nebraska Medical Marijuana laws, this Board establishes a policy whereby all persons, entities or organizations wishing to establish a Medical Marijuana Manufacturing Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility within Buffalo County must apply for and be granted a zoning special use permit for said use, and

WHEREAS, the use, cultivation, manufacturing, production, distribution, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nebraska and federal law. As such, the County Board does not have the authority to, and nothing in this Resolution is intended to, authorize, promote, condone, or aid the production, distribution, or possession of medical marijuana in violation of any applicable law, and

WHEREAS, The County Board intends to regulate the use, acquisition, cultivation, manufacturing, disposal, and transportation of medical marijuana in a manner that is consistent with the Nebraska law. The zoning regulations adopted in this Resolution are intended to apply to all medical marijuana operations in the county by any medical marijuana business as permitted under state law. This Resolution is intended to regulate land use for state-licensed Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary so that the placement of these facilities will have minimal negative impact and/or other adverse impact(s) on surrounding properties and tax valuations. The regulations are also adopted for the protection and security of the medical marijuana product; to reduce contamination of the product; and to protect the public health, safety, property values, and general welfare of the citizens of Buffalo County, and

WHEREAS, this Board perceives that there is a need to have regular localized review and inspection of Nebraska licensed medical marijuana facilities that can or will be established in this county, and to create a means of reducing the public cost of localized reviews and inspections, and that there is a need to pass some of this cost to the entities that operate and are engaged in the medical marijuana business.

THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS THAT BUFFALO COUNTY ENACTS THE FOLLOWING TO BE INCORPORATED INTO ITS' ZONING REGULATION:

I. That the following definitions are added into Buffalo County's Zoning Resolution:

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a body organized to conduct religious worship and used primarily for religious worship and related activities.

"County" means Buffalo County, Nebraska, legally known as County of Buffalo, State of Nebraska, unless specifically otherwise provided.

"Cultivation of marijuana" means the planting and growing of one or more marijuana plant(s) or any part thereof.

Dispose" or "Disposal" of Medical Marijuana waste means the disposition of medical marijuana waste by either a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.[2]

"Farm products" means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur. (Neb.Rev.Stat. 2-4402)

"Fence", for purposes of medical marijuana, means a barrier constructed of any materials or combination of materials of sufficient strength and dimension to prevent unauthorized entry constructed to a height of no less than six feet. The term "fence" does not include bushes, hedgerows, plastic sheeting, cloth material (tarpaulins), or retaining walls. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.[3]

"Medical Marijuana Greenhouse" means, for purposes of medical marijuana, a structure legally established with all required permits approved, secure from unauthorized entry and completely enclosed with one or more secure locking doors as the only means of ingress and egress, where solely medical marijuana plants are grown.

"Harvest" means, for purposes of medical marijuana, the drying, processing, or storage of marijuana.

"Marijuana" or "cannabis" is used herein interchangeably and means any part of the genus cannabis plant, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" or "cannabis" includes marijuana, hashish, and concentrate cannabis.

[2] Chapter 10, Subchapter 1, 442:10-1-4. Definitions, Oklahoma
[3] Santa Barbara Co Zoning Reg Chapter 35-144U-Cannabis

"Marijuana" or "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" or "cannabis" does not include hemp, as defined in section Sec. 2-503 Neb.Rev.Stat., nor does it include the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration. (Sec. 71-24,107, Neb.Rev.Stat.

Medical Marijuana: means cannabis, cannabis products, and cannabis accessories intended for use by qualified patients pursuant to any law enacted contemporaneously with the adoption of the Nebraska Medical Cannabis Regulation Act, generally Sec. 71-24,107, Neb.Rev.Stat., or at any time thereafter.

Medical Marijuana accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body[4];

Medical Marijuana Business (MMB)" means a registered and/or licensed Medical Marijuana Manufacturing Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility.[5]

Medical Marijuana Dispensary: Medical Marijuana Dispensary means a registered establishment licensed to possess, sell or transfer medical cannabis to qualified patients or caregivers.[6] All Dispensaries shall be located in a structure affixed to a permanent foundation with all sales or transfers occurring within this structure.

Medical Marijuana Cultivation Facility: A Medical Marijuana Cultivation Facility means a registered establishment licensed to cultivate cannabis plants for production of Medical Marijuana that is purposed to be sold through a Medical Marijuana dispensary for human consumption or sold as nursery stock to another Medical Marijuana Cultivation Facility. The facility shall be comprised of a wholly enclosed structure, usually described as a greenhouse. The sole purpose of a Medical Marijuana Cultivation Facility shall be to grow and harvest Medical Marijuana. The cultivation facility is allowed to dispose of

[4] Sec. 71-24,107. Neb.Rev.Stat.
[5] 63 O.S. § 427.2 (OSCN 2026), Oklahoma Medical Marijuana and Patient Protection Act, MMB wording is in part cited from Definitions located in "Narcotic Drugs, Chapter 15 O.S.
[6] (Regulation 238. 002.14)

medical marijuana waste[7] created or derived from plants within the Cultivation Facility. Prior to transport medical marijuana waste from the Facility, the plant material waste shall be rendered unusable and unrecognizable. The Cultivation Facility and waste where the plants are grown and waste processed shall be secured in the area from unauthorized entry and enclosed with one or more secure locking doors as the only means of ingress and egress.

Medical Marijuana Manufacturing Facility: Medical Marijuana Product Manufacturing Facility means an establishment licensed to process cannabis, conduct extractions, and manufacture cannabis products for sale or transfer to dispensaries, but cannot sell or transfer cannabis plants or cannabis products to qualified patients or caregivers.[8] The manufacturing process includes the packaging or repackaging of cannabis products; the labeling or relabeling of cannabis products; and the remediation of failed harvest batches or cannabis product batches.[9]

A Medical Marijuana Manufacturing facility and its functions may also be combined with a Medical Marijuana Waste Disposal Facility.

Medical Marijuana Qualifying Patient: A person who has been diagnosed with a debilitating medical condition by a physician licensed to practice medicine in the State of Nebraska and who has in that person's possession a current, valid photo identification issued by the State of Nebraska or the United States of America and a current, valid document issued by the Nebraska Department of Health to that person and authorizing that person to possess and use Medical Marijuana.

Medical Marijuana Registered Designated Caregiver: An individual who is registered with the Nebraska Department of Health who agrees to manage the well-being of a Medical Marijuana Qualifying Patient with respect to the Medical Marijuana Qualifying Patient's medical use of Marijuana.

Medical Marijuana Transporter. Transporter means a registered establishment licensed to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees, provide logistical services for medical cannabis

[7] 014.11 DISPOSAL OF MEDICAL CANNABIS AND PLANT MATERIAL. A cultivator must maintain a written record of all medical cannabis waste disposed of in accordance with this chapter. 014.12 DISPOSAL REQUIREMENTS. A cultivator shall store, secure, manage, and record medical cannabis waste and plant material waste in accordance with all applicable federal, state, and local regulations. Before transport of plant material waste, the cultivator shall render the plant material waste unusable and unrecognizable. 014.13 DISPOSAL REQUIREMENT EXCEPTIONS. The following materials are not considered medical cannabis waste and do not require treatment to render the materials unusable and unrecognizable, provided that the cannabis does not contain any cannabis flower or leaves with any visible trichomes: (A) root balls, soil, or growing media; and

[8] (Reg. 238, 0002.28)

[9] (4 CA ADC § 15000 California)

licensees, or store for transportation purposes medical cannabis in a medical marijuana facility described in this Resolution.[10] A Transporter may only possess cannabis for transport to or from: a licensed dispensary, a licensed product manufacturer, a licensed cultivator, medical marijuana waste disposal facility, or another licensed transporter.[11]

Medical Marijuana Transporter Facility means an enclosed structure used by Medical Marijuana Transporter to store vehicles used to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees or medical marijuana waste facilities; provide logistical services for medical cannabis licensees; or store, for transportation purposes, medical cannabis in a medical marijuana facility described in this Resolution. All storage of medical cannabis for transportation shall take place at the premise identified in the transporter license. Transporter facilities and the equipment involved in transport shall not possess Medical Marijuana for more 72-hours duration at any one time. Also, Transporter facilities and equipment involved in transport, must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the Transporter or otherwise authorized by law[12] to access Transporter facilities.

MEDICAL MARIJUANA WASTE. Medical Marijuana waste means:

A. Medical Marijuana is that is unused, unwanted, damaged, defective, expired, or contaminated.[13]
B. Unused, surplus, returned, or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts, except the term shall not include seeds, roots, stems, stalks and fan leaves,
C. All product that is deemed to fail laboratory testing and cannot be remediated or decontaminated, or
D. All products and inventory from medical marijuana licensees that:
(i) have gone out of business, and/or
(ii) are unable to lawfully transfer or sell the product and inventory to another medical marijuana licensee.[14]

Medical Marijuana Waste Disposal Facility means an enclosed building that has as its' purpose the disposal of medical marijuana waste by either incinerating or composing of the waste. For all methods of disposal, a Medical Marijuana Waste Disposal Facility shall not render the

[10] (Reg. 238 002.37)
[11] (Reg. 238 017.02), see also Neb. Rev. Stat. § 71-24,107.
[12] (Note temporary storage of cannabis, cannabis products, and cannabis accessories. (238 NE ADC Ch. 1, § 017)
[13] (Neb. Reg. 238, 002.23)
[14] 442:10-1-4. Definitions, OK ADC 442:10-1-4

medical marijuana unusable having a THC concentration greater than 0.3 percent on a dry weight basis[15] and as an unrecognizable product.

A. If incineration is used, the disposal facility shall be equipped with air scrubber.
B. If composting is used, the composting process shall render cannabis waste unusable and the composting process must involve grinding the waste and mixing it with other ground materials so that the resulting mixture is not comprised of more than 50 percent cannabis waste by volume. Acceptable materials for mixing with cannabis waste include, but are not limited to, the following:

(i) Compostable mixed waste, such as food waste, yard waste, vegetable greases or oils, or other compostable materials;
(ii) Materials that are not compostable mixed with cannabis waste, with materials being comprised of paper waste, plastic waste, cardboard waste, or other not compostable materials.[16]

When submitted by application for the special use permit, a Medical Marijuana Waste Disposal facility and its functions may also be combined with a Medical Marijuana Manufacturing Facility.

II. That the definition for "Farm or Farm Operation" be amended to read[17]:

"~~Agricultural~~ "Farm or farm operation" means any tract of land over ten acres in area used for or devoted to the commercial production of farm products; (Neb.Rev.Stat. 2-4402)[18]

III. To amend Sec. 5.14 to allow medical marijuana cultivation as a use by special permit in the Agricultural Zoning District.

[15] 246-70-030. Definitions., WA ADC 246-70-030

[16] 314-55-097. Cannabis waste disposal and sales--Liquids and solids., WA ADC 314-55-097

[17] SUGGEST STRIKING "AGRICULTURAL" to synchronized Nebraska Law, particularly the Right to Farm Laws. This is the exact same language of that law.

[18] In order for the land to qualify for special valuation, the land shall be agricultural or horticultural land and (a) the land shall consist of five contiguous acres or more or (b) if the land consists of less than five contiguous acres, the owner or lessee of the land shall provide an Internal Revenue Service Schedule F or other suitable tax document reporting a profit or loss from farming for two out of the last three years for such land. Sec. 77-1344. Agricultural or horticultural land; special valuation; when applicable. **(We're not going with this definition- only do simple change to "farm" definition.)**

Medical Marijuana Cultivation Facility

IV. To amend Sec. 5.54 regarding uses by special permit in the Commercial Zoning District.

Sec. 5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C Commercial District if a special use permit for such use has been obtained in accordance with Article 6 of these regulations. (add these uses):

Medical Marijuana Cultivation Facility, when abutting and having access to a paved public road.

Medical Marijuana Manufacturing Facility, when abutting and having access to a paved public road.

Medical Marijuana Transport facility, when abutting and having access to a paved public road.

Medical Marijuana Waste Disposal facility, when abutting and having access to a paved public road.

Medical Marijuana Dispensary Medical Marijuana Dispensary, when abutting and having access to a paved public road.

V. TO ADD AS A SUBCHAPTER "MEDICAL MARIJUANA PROVISIONS"

A. An application for a Special Use Permit for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Medical Marijuana Dispensary, or Medical Marijuana Distribution Facility(s), i.e., MMB facilities, in addition to the requirements applicable to all Special Use Permit applications, shall include the following:
   1. Proof of Insurance/Bond: Medical Marijuana Insurance and Bond Requirements. Any bond(s) required by the State for licensing shall add as additional bonded/insured: Buffalo County.
   2. Copy of State issued license for Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.
   3. A security plan depicting the location and configuration of security cameras and surveillance equipment.
   4. A complete description of the products and services to be produced or sold by the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary. (MMB).
   5. A notarized statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nebraska, and the laws and regulations of the county

applicable thereto concerning the operation of an MMB. The written statement shall also acknowledge that any violation of any laws or regulations of the State of Nebraska or of the county, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to the MMB by federal authorities, may render the license subject to immediate suspension or revocation.

6. A notarized statement that the applicant will hold harmless, indemnify, and defend the county against all claims and litigation arising from the issuance of license and/or a special use permit including any claims and litigation arising from the MMB.
7. A notarized acknowledgement that the applicant is seeking a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit and that the applicant understands and acknowledges that the burden of proving qualifications to receive such a Special Use Permit is at all times on the applicant; that the granting of a Special Use Permit for a MMB is at the discretion of the Buffalo County Board of Commissioners; and that the applicant agrees to abide by the decision of the county Board of Commissioners.

B. A Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit shall be reviewed annually by the County Zoning Administrator for renewal. The fee for this review/inspection shall be set by the County Board.
C. Ownership. Vertical ownership of the various medical marijuana facilities and uses is not permitted other than the waste disposal provisions. An applicant may not possess more than one special use permit-type authorized by this Zoning Resolution that concerns Medical Marijuana other than the waste disposal provisions.[19]
D. Once a special use permit is obtained for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary any change in operation of the facility or in ownership shall require prior approval of the Board of County Commissioners without need of referral and review by the Buffalo County Planning Commission.
E. Any building modifications or alterations, after issuance of the Special Use Permit for MMB facilities must be approved by review of the issued Special Use Permit by the Buffalo County Planning Commission and thereafter, with approval of the Buffalo County Board.
F. Minimum Distancing and Design Standards. Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Dispensary Facilities, and Medical Marijuana Waste Disposal Facility Minimum Design Standards. All of the foregoing MMB facilities shall meet the following minimum design and distancing requirements:

[19] (Reg. 238 007.01 VERTICAL LICENSING).

DRAFT

Minimum Design Standards:

1. All MMB's, excepting cultivars allowed in the AG District, shall have access to and abut a paved public road.
2. Each MMB shall ensure that there is no emission of dust, fumes, vapors, or odors into the environment. An odor abatement plan, is more specifically set out in subsection "Odor Abatement".
3. All MMB's shall store all medical marijuana waste in a secure waste receptacle that is locked with commercial-grade locks prior to disposal or transfer to a medical marijuana waste disposal facility. The receptacle shall be kept in a safe and secure location with limited access.
4. Windows for any MMB shall remain unobstructed, allowing visibility into the facility. Window tint, decals, or window signage of any kind shall be strictly prohibited.
5. Each MMB, unless specifically allowed to be combined in function in these zoning provisions, shall be located in a separate, permanent, stand-alone structure and have a minimum six (6) foot high perimeter fence encompassing the MMB facility.
6. All MMB's except the Dispensary facilities, shall have the perimeter surrounding the MMB facility fenced.
7. For MMB facility located in the C Zoning District, the entire perimeter of a MMB structure must be well lit with a minimum 2 candle foot measured at fifteen feet around each structure that is a part of the MMB. Every entrance to any MMB shall have a minimum of eight candle foot lighting measured at the entrance with additional exterior lighting at the same cover in a twenty-foot square lighting area that is centered on one side at the entrance. The parking area of the MMB shall have every parking space illuminated with no less than 2 candle foot of lighting.[20]
8. All MMB's shall have 24-hour surveillance cameras depicting the entire exterior of the MMB facility. Any Medical Marijuana Dispensary shall additionally have a camera or cameras at the entrance(s) into the Dispensary's structure and exterior surveillance camera depicting vehicles and license plates of each vehicle entering the parking lot or other parking areas.
9. No outdoor storage of Medical Marijuana shall be permitted.
10. No MMB shall have facilities that have or provide drive-through, drive-up, or walk-up windows or similar openings to MMB facilities.

G. PARKING AREAS, unless a more burdensome minimum parking standard is set out in Buffalo County's general zoning resolution, MMB's shall provide:
   1. Each Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary shall have at least 1 parking space per 250 square feet of structure.

[20] Source: https://echelonlightingsolutions.com/articles/your-guide-to-the-recommended-footcandles-and-layouts derived from the Illuminating Engineering Society (IES) published April 2026. It was noted that OSHA's minimum requirements were generally lower in IES recommendations.

DRAFT

2. Each Medical Marijuana Cultivation, shall have at least 1 parking space for every 1000 square feet of plant cultivation area and 1 parking space for every 250 square feet of all other areas of the structure.

H. DISTANCING PROVISIONS:
   1. All MMB's shall be no closer than a minimum of 1,320 feet from a public or private preschool, kindergarten, elementary, secondary or high school, public park, public community center, dependent care facility, homeless shelter, youth center, or place of worship.[21] The 1,320 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.
   2. A MMB shall be no closer than 300 feet from another MMB, unless the MMB is specifically allowed to be combined for purposes of Medical Marijuana waste disposal, as allowed in these zoning provisions. The 300 feet shall be measured in a straight line from the nearest property line of the licensed location to the nearest property of the licensed premises.
   3. Any MMB shall be no closer than a minimum of 500 feet from any Agricultural Rural Residential-1 (AGR-1) or Rural Residential-2 (AGR-2) zoning district, and/or municipal corporate limit. The 500 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.
   4. Any parcel having a MMB use shall have no other activity and/or use on the same parcel.

I. All applicable state standards and requirements shall apply in the design and operations of any Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.

J. Hours of operation: Medical Marijuana Dispensary, or Dispensaries shall have operating hours of no earlier than 8:00 AM or later than 7:00 PM.

K. Each permitted applicant shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office, prior to the annual renewal of the Special Use Permit.

L. INITIAL AND ANNUAL REVIEW/INSPECTION:
   1. Each permitted MMB facility applicant prior to commencement of MMB use, shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office.
   2. At least annually thereafter, a MMB use facility is subject to inspections from the Buffalo County Zoning Administrator, accompanied by the Buffalo County Sheriff's office.

[21] State regulations provide distances from "Covered locations. 002.10 COVERED LOCATION. Covered location means any school, business operating under a license issued pursuant to the Nebraska Child Care Licensing Act Neb. Rev. Stat. § 71-1908 to § 71-1923.03, church, hospital, or mental health substance use treatment center as defined by Neb. Rev. Stat. § 71-423. 1,000 for dispensary (004.08); 1,000' for cultivator (005.08; One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

DRAFT

M. The foregoing inspections shall occur during normal county operation of business hours with five (5) business days written notice provided to MMB user.

N. SPECIAL FEES FOR MMB facilities: An Annual Zoning Review/Inspection Permit Fee as authorized to be set, and subsequently reviewed, by the Buffalo County Commissioners. Thereafter, the Buffalo County Zoning Administrator shall establish an annual permit fee to offset costs associated with policing, site inspections, monitoring, storage of media, and/or regulating medical marijuana facilities involved in the cultivation, propagation, manufacturing, processing, refining, distribution, delivery, supply, sale, disposal, or handling of Medical Marijuana of medical marijuana.

O. Severability, Exclusions, and Exceptions:

1. The provisions of this chapter do not waive or modify any other provision of this ordinance with which Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary is required to comply. Nothing in this section is intended to authorize, legalize, or permit the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary operation or maintenance of any facility, building, or use which violates any County ordinance or statute of the State of Nebraska regarding public nuisances, Medical Marijuana, or any federal regulations or statutes relating to the use of controlled substances.
2. This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that Nebraska Medical Cannabis Regulation Act as authorized by Nebraska Revised Statute (Neb. Rev. Stat.) § 71-24,111, or as subsequently amended, is invalid, or shall be null and void to the extent any portion of such section is held invalid.
3. Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.

DRAFT

VI. SPECIAL PROVISIONS REGARDING ODOR ABATEMENT:

Odor Abatement Plan. All applications for MMB use shall (1) prepare and submit to the Special Use Permit Application for review and approval, and (2) implement, an Odor Abatement Plan. The Odor Abatement Plan must prevent odors from emitting beyond the property lines of the MMB. The Odor Abatement Plan shall be implemented prior to the issuance of the special use permit and/or throughout operation of the facility, as applicable. The Odor Abatement Plan must include the following:

1. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.

2. A description of the specific odor-emitting activity(ies) that will occur.

3. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).

4. A description of all equipment and methods to be used for reducing odors. A Nebraska-licensed Professional Engineer must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.

5. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:

a. Multi-Technology Carbon Filtration. For purposes of this Section, Multi-Technology Carbon Filtration means air filtration technology that utilizes activated carbon, which may include carbon filters, photocatalytic oxidation (PCO) units and/or other equivalent technologies that utilize carbon filtration.

b. Other odor controls systems that provide equivalent or greater odor control effectiveness than Multi-Technology Carbon Filtration.

c. Vapor phase systems shall not be allowed.

6. Designation of an individual (local contact) who is responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.

7. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Zoning Administrator as part of any Zoning Administrator inspections of the cannabis activity, and upon the Zoning Administrator's request. The operator shall maintain the complaint tracking records for a minimum of five years.

8. The Odor Abatement Plan shall be certified by a Nebraska licensed Professional Engineer, indicating that the proposed Odor Abatement Plan will mitigate nuisance odors to below to a minimal odor amount at the operator property boundary.

Brett Mayo, 35215 280th Road, Pleasanton, Nebraska, stepped forward to testify. Mr. Mayo stated that the state regulatory requirements of medical marijuana are moving, but incredibly slowly. He explained that he is currently operating under Sweetwater Hemp. He educated that the process for medical marijuana will be similar to that of hemp. He stated that Sweetwater intends to submit a license for medical marijuana.

Deputy County Attorney Hoffmeister asked if Sweetwater Hemp intended to use the same equipment for medical marijuana as what is being used for the hemp. Mr. Mayo confirmed. He stated that hemp and marijuana are handled the same way. He stated that they are a turnkey facility and are vertically integrated.

Deputy County Attorney Hoffmeister asked if Mr. Mayo viewed marijuana as an agricultural use. Mr. Mayo confirmed. Mr. Mayo stated that in one greenhouse, which is 1,900 square feet, they can grow around 1,200 plants, if they are grown indoor. He added that blackout conditions need to be controlled to get the yield.

Rory Cruise, 27915 Sweetwater Road, Pleasanton, Nebraska, also stepped forward to testify. He identified himself as the CEO of Sweetwater Hemp Company.

Mr. Mayo said that only growing four licenses have been issued and none have been issued in Buffalo County. He said the cannabis commission has not opened up a manufacturing license; but he is hopeful that Sweetwater will receive one.

Deputy County Attorney Hoffmeister asked if Sweetwater has fencing and security and Mr. Mayo and Mr. Cruise confirmed. Mr. Mayo also stated that their facility is entirely enclosed.

Deputy County Attorney Hoffmeister asked if the transporter was fully secured and Mr. Mayo stated that Sweetwater was looking to remove the transporter license. Mr. Mayo also provided an educational background on what is required for his hemp operation from transportation to growing.

Mr. Mayo recommended that the regulations be temporarily shelved until the Cannabis Commission is still writing the regulatory requirements. He stated that he doesn't believe anything should be considered until the law at the state level is completed. Mr. Mayo added that the state of Nebraska will only allow the following in cannabis: tinctures, suppositories, capsules, patches and nebulizers.

Mr. Mayo expanded on his testimony and stated that them, as hemp growers, are regulated by regulations written in 2014 because nothing has been updated.

Alcohol regulations versus medical marijuana regulations were discussed.

DRAFT

Secretary Jeffs stated that Buffalo County has to have regulations in place for medical marijuana to protect the citizens of Buffalo County. Mr. Mayo disagreed.

Mr. Chaney asked if the requirement that a facility abuts and have access to a public road would hamper Sweetwater's ability to move forward. Deputy County Attorney Hoffmeister stated that it would.

Deputy County Attorney Hoffmeister asked if Mr. Cruise maintains 280th Road and Mr. Cruise testified that they do not.

Discussion ensued regarding the road maintenance that leads to the facility.

Discussion occurred where a cannabis operation should be located and how pickup will be regulated by the prescribing doctor.

Traffic patterns were discussed. Mr. Mayo and Mr. Cruise, both reiterated that traffic patterns would not increase on the county road from what is being done presently.

Ron Reece, again, stepped forward to testify. Mr. Reece testified that he is frustrated with the permissibility of other commercial operations and the number of residences cropping up across the county. He added that Sweetwater should be allowed to facilitate their operations, free of encumbrances.

Ren Snow, again, stepped forward to testify. He testified that he is an employee of The Sprout house. He explained that 280th Road is the best-maintained and most accessible road. He said that he believes Sweetwater is a good employer and the facility is much-needed to create more jobs. He also added that safekeeping of the facility is very secure.

James Friesen, again, stepped forward to testify. He stated that he supports Sweetwater and their visions to expand their operation into cannabis. He referenced the complicated conditions to grow the crop. He also highlighted the profitability of the industry. He asked The Commission to make regulations to protect the small operations.

Chairperson Brady asked if anyone wished to comment. No one stepped forward.

Chairperson Brady closed the public hearing at 10:05 p.m.

Mr. Chaney stated the he believed the county needs more education on the industry.

Vice-Chairperson Keep added that Buffalo County needs to get regulations in place. Mr. Kreutzer agreed.

Ms. Jeffs recommended removing "shall have access to and abut a paved public road" for all MMBs except cultivators allowed in the AG District.

Chairperson Brady asked if anyone was in strict opposition of the document itself, and not the requirement to have facilities abut and have access to a paved road. No one spoke.

DRAFT

Deputy County Attorney Hoffmeister stated that the distancing options under 5.54 (H)(1) be reduced from 1,320 feet to 1,000 to be more similar with the regulatory standards of the state.

Mr. Cruise again stepped forward and requested that the 500-foot setback from a residence be reduced. Deputy County Attorney Hoffmeister explained the 500-foot setback is required from the agricultural residential districts.

Deputy County Attorney Hoffmeister asked The Commission if they would like to adjust the hours of operation. After discussion, Secretary Jeffs requested the hours of operation be adjusted from 7:00 p.m. to 11:00 p.m.

After discussion, Secretary Jeffs recommended that Cultivation Facilities and Manufacturing Facilities be added to the Agriculture District and not require that they abut and have access to a paved road. Deputy County Hoffmeister recommended that Cultivation, Manufacturing, Transport, and Waste Disposal Facilities be moved from Commercial to the Agriculture District as a Special Use Permit and not require that they abut a paved road. She added that all other Medical Marijuana Businesses should have access and abut a public road.

Motion was made by Secretary Jeffs, and seconded by Ms. Wolfe to recommend favorably the proposed code amendments to The Buffalo County Zoning Regulations with renumbering as necessary, regarding medical marijuana to the Buffalo County Board of Commissioners, with the following revisions highlighted in red:

"BUFFALO COUNTY, NEBRASKA, RESOLUTION REGARDING REGULATION BY ZONING POWERS OF MEDICAL MARIJUANA:

WHEREAS, the 2025 Nebraska Legislature enacted Nebraska Medical Cannabis Regulation Act, as set out in LB 1, 2025 Legislature, effective February 26, 2025. Thereafter, the Nebraska Medical Cannabis Commission promulgated and adopted temporary regulations concerning the cultivation, processing, distribution, and sale of Medical Marijuana. In fulfillment of the obligations and duties of the County Board as a "local government" under the Nebraska Medical Marijuana laws, this Board establishes a policy whereby all persons, entities or organizations wishing to establish a Medical Marijuana Manufacturing Facility Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility within Buffalo County must apply for and be granted a zoning special use permit for said use, and

WHEREAS, the use, cultivation, manufacturing, production, distribution, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nebraska and federal law. As such, the County Board does not have the authority to, and nothing in this Resolution is intended to, authorize, promote, condone, or aid the production, distribution, or possession of medical marijuana in violation of any applicable law, and

WHEREAS, The County Board intends to regulate the use, acquisition, cultivation, manufacturing, disposal, and transportation of medical marijuana in a manner that is consistent

with the Nebraska law. The zoning regulations adopted in this Resolution are intended to apply to all medical marijuana operations in the county by any medical marijuana business as permitted under state law. This Resolution is intended to regulate land use for state-licensed Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary so that the placement of these facilities will have minimal negative impact and/or other adverse impact(s) on surrounding properties and tax valuations. The regulations are also adopted for the protection and security of the medical marijuana product; to reduce contamination of the product; and to protect the public health, safety, property values, and general welfare of the citizens of Buffalo County, and

WHEREAS, this Board perceives that there is a need to have regular localized review and inspection of Nebraska licensed medical marijuana facilities that can or will be established in this county, and to create a means of reducing the public cost of localized reviews and inspections, and that there is a need to pass some of this cost to the entities that operate and are engaged in the medical marijuana business.

THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS THAT BUFFALO COUNTY ENACTS THE FOLLOWING TO BE INCORPORATED INTO ITS' ZONING REGULATION:

VII. That the following definitions are added into Buffalo County's Zoning Resolution:

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a body organized to conduct religious worship and used primarily for religious worship and related activities.

"County" means Buffalo County, Nebraska, legally known as County of Buffalo, State of Nebraska, unless specifically otherwise provided.

"Cultivation of marijuana" means the planting and growing of one or more marijuana plant(s) or any part thereof.

Dispose" or "Disposal" of Medical Marijuana waste means the disposition of medical marijuana waste by either a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.[22]

"Farm products" means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur. (Neb.Rev.Stat. 2-4402)

[22] Chapter 10, Subchapter 1, 442:10-1-4. Definitions, Oklahoma

"Fence", for purposes of medical marijuana, means a barrier constructed of any materials or combination of materials of sufficient strength and dimension to prevent unauthorized entry constructed to a height of no less than six feet. The term "fence" does not include bushes, hedgerows, plastic sheeting, cloth material (tarpaulins), or retaining walls. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.[23]

"Medical Marijuana Greenhouse" means, for purposes of medical marijuana, a structure legally established with all required permits approved, secure from unauthorized entry and completely enclosed with one or more secure locking doors as the only means of ingress and egress, where solely medical marijuana plants are grown.

"Harvest" means, for purposes of medical marijuana, the drying, processing, or storage of marijuana.

"Marijuana" or "cannabis" is used herein interchangeably and means any part of the genus cannabis plant, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” or “cannabis” includes marijuana, hashish, and concentrate cannabis. "Marijuana" or "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" or "cannabis" does not include hemp, as defined in section Sec. 2-503 Neb.Rev.Stat., nor does it include the sterilized seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration. (Sec. 71-24,107, Neb.Rev.Stat.

Medical Marijuana: means cannabis, cannabis products, and cannabis accessories intended for use by qualified patients pursuant to any law enacted contemporaneously with the adoption of the Nebraska Medical Cannabis Regulation Act, generally Sec. 71-24,107, Neb.Rev.Stat., or at any time thereafter.

Medical Marijuana accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body[24];

[23] Santa Barbara Co Zoning Reg Chapter 35-144U-Cannabis
[24] Sec. 71-24,107. Neb.Rev.Stat.

Medical Marijuana Business (MMB)" means a registered and/or licensed Medical Marijuana Manufacturing Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility.[25]

Medical Marijuana Dispensary: Medical Marijuana Dispensary means a registered establishment licensed to possess, sell or transfer medical cannabis to qualified patients or caregivers.[26] All Dispensaries shall be located in a structure affixed to a permanent foundation with all sales or transfers occurring within this structure.

Medical Marijuana Cultivation Facility: A Medical Marijuana Cultivation Facility means a registered establishment licensed to cultivate cannabis plants for production of Medical Marijuana that is purposed to be sold through a Medical Marijuana dispensary for human consumption or sold as nursery stock to another Medical Marijuana Cultivation Facility. The facility shall be comprised of a wholly enclosed structure, usually described as a greenhouse. The sole purpose of a Medical Marijuana Cultivation Facility shall be to grow and harvest Medical Marijuana. The cultivation facility is allowed to dispose of medical marijuana waste[27] created or derived from plants within the Cultivation Facility. Prior to transport medical marijuana waste from the Facility, the plant material waste shall be rendered unusable and unrecognizable. The Cultivation Facility and waste where the plants are grown and waste processed shall be secured in the area from unauthorized entry and enclosed with one or more secure locking doors as the only means of ingress and egress.

Medical Marijuana Manufacturing Facility: Medical Marijuana Product Manufacturing Facility means an establishment licensed to process cannabis, conduct extractions, and manufacture cannabis products for sale or transfer to dispensaries, but cannot sell or transfer cannabis plants or cannabis products to qualified patients or caregivers.[28] The manufacturing process includes the packaging or repackaging of cannabis products; the

[25] 63 O.S. § 427.2 (OSCN 2026), Oklahoma Medical Marijuana and Patient Protection Act, MMB wording is in part cited from Definitions located in "Narcotic Drugs, Chapter 15 O.S.
[26] (Regulation 238. 002.14)
[27] 014.11 DISPOSAL OF MEDICAL CANNABIS AND PLANT MATERIAL. A cultivator must maintain a written record of all medical cannabis waste disposed of in accordance with this chapter. 014.12 DISPOSAL REQUIREMENTS. A cultivator shall store, secure, manage, and record medical cannabis waste and plant material waste in accordance with all applicable federal, state, and local regulations. Before transport of plant material waste, the cultivator shall render the plant material waste unusable and unrecognizable. 014.13 DISPOSAL REQUIREMENT EXCEPTIONS. The following materials are not considered medical cannabis waste and do not require treatment to render the materials unusable and unrecognizable, provided that the cannabis does not contain any cannabis flower or leaves with any visible trichomes: (A) root balls, soil, or growing media; and
[28] (Reg. 238, 0002.28)

labeling or relabeling of cannabis products; and the remediation of failed harvest batches or cannabis product batches.[29]

A Medical Marijuana Manufacturing facility and its functions may also be combined with a Medical Marijuana Waste Disposal Facility.

Medical Marijuana Qualifying Patient: A person who has been diagnosed with a debilitating medical condition by a physician licensed to practice medicine in the State of Nebraska and who has in that person's possession a current, valid photo identification issued by the State of Nebraska or the United States of America and a current, valid document issued by the Nebraska Department of Health to that person and authorizing that person to possess and use Medical Marijuana.

Medical Marijuana Registered Designated Caregiver: An individual who is registered with the Nebraska Department of Health who agrees to manage the well-being of a Medical Marijuana Qualifying Patient with respect to the Medical Marijuana Qualifying Patient's medical use of Marijuana.

Medical Marijuana Transporter. Transporter means a registered establishment licensed to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees, provide logistical services for medical cannabis licensees, or store for transportation purposes medical cannabis in a medical marijuana facility described in this Resolution.[30] A Transporter may only possess cannabis for transport to or from: a licensed dispensary, a licensed product manufacturer, a licensed cultivator, medical marijuana waste disposal facility, or another licensed transporter.[31]

Medical Marijuana Transporter Facility means an enclosed structure used by Medical Marijuana Transporter to store vehicles used to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees or medical marijuana waste facilities; provide logistical services for medical cannabis licensees; or store, for transportation purposes, medical cannabis in a medical marijuana facility described in this Resolution. All storage of medical cannabis for transportation shall take place at the premise identified in the transporter license. Transporter facilities and the equipment involved in transport shall not possess Medical Marijuana for more 72-hours duration at any one time. Also, Transporter facilities and equipment involved in transport, must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the Transporter or otherwise authorized by law[32] to access Transporter facilities.

[29] (4 CA ADC § 15000 California)

[30] (Reg. 238 002.37)

[31] (Reg. 238 017.02), see also Neb. Rev. Stat. § 71-24,107.

[32] (Note temporary storage of cannabis, cannabis products, and cannabis accessories. (238 NE ADC Ch. 1, § 017)

MEDICAL MARIJUANA WASTE. Medical Marijuana waste means:

E. Medical Marijuana ~~is~~ that is unused, unwanted, damaged, defective, expired, or contaminated.[33]
F. Unused, surplus, returned, or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts, except the term shall not include seeds, roots, stems, stalks and fan leaves,
G. All product that is deemed to fail laboratory testing and cannot be remediated or decontaminated, or
H. All products and inventory from medical marijuana licensees that:
(iii) have gone out of business, and/or
(iv) are unable to lawfully transfer or sell the product and inventory to another medical marijuana licensee.[34]

Medical Marijuana Waste Disposal Facility means an enclosed building that has as its' purpose the disposal of medical marijuana waste by either incinerating or composing of the waste. For all methods of disposal, a Medical Marijuana Waste Disposal Facility shall not render the medical marijuana unusable having a THC concentration greater than 0.3 percent on a dry weight basis[35] and as an unrecognizable product.

A. If incineration is used, the disposal facility shall be equipped with air scrubber.
B. If composting is used, the composting process shall render cannabis waste unusable and the composting process must involve grinding the waste and mixing it with other ground materials so that the resulting mixture is not comprised of more than 50 percent cannabis waste by volume. Acceptable materials for mixing with cannabis waste include, but are not limited to, the following:
(iii) Compostable mixed waste, such as food waste, yard waste, vegetable greases or oils, or other compostable materials;
(iv) Materials that are not compostable mixed with cannabis waste, with materials being comprised of paper waste, plastic waste, cardboard waste, or other not compostable materials.[36]

When submitted by application for the special use permit, a Medical Marijuana Waste Disposal facility and its functions may also be combined with a Medical Marijuana Manufacturing Facility.

[33] (Neb. Reg. 238, 002.23)
[34] 442:10-1-4. Definitions, OK ADC 442:10-1-4

[35] 246-70-030. Definitions., WA ADC 246-70-030

[36] 314-55-097. Cannabis waste disposal and sales--Liquids and solids., WA ADC 314-55-097

VIII. That the definition for "Farm or Farm Operation" be amended to read[37]:

"~~Agricultural~~ "Farm or farm operation" means any tract of land over ten acres in area used for or devoted to the commercial production of farm products; (Neb.Rev.Stat. 2-4402)[38]

IX. To amend Sec. 5.14 to allow medical marijuana cultivation as a use by special permit in the Agricultural Zoning District.

Medical Marijuana Cultivation Facility

Medical Marijuana Manufacturing Facility, ~~when abutting and having access to a paved public road.~~

Medical Marijuana Transport facility, ~~when abutting and having access to a paved public road.~~

Medical Marijuana Waste Disposal facility, ~~when abutting and having access to a paved public road.~~

X. To amend Sec. 5.54 regarding uses by special permit in the Commercial Zoning District.

Sec. 5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C Commercial District if a special use permit for such use has been obtained in ~~accordance with Article 6 of these regulations.~~ ~~(add these uses):~~

~~Medical Marijuana Cultivation Facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Manufacturing Facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Transport facility, when abutting and having access to a paved public road.~~

[37] SUGGEST STRIKING "AGRICULTURAL" to synchronized Nebraska Law, particularly the Right to Farm Laws. This is the exact same language of that law.

[38] In order for the land to qualify for special valuation, the land shall be agricultural or horticultural land and (a) the land shall consist of five contiguous acres or more or (b) if the land consists of less than five contiguous acres, the owner or lessee of the land shall provide an Internal Revenue Service Schedule F or other suitable tax document reporting a profit or loss from farming for two out of the last three years for such land. Sec. 77-1344. Agricultural or horticultural land; special valuation; when applicable. **(We're not going with this definition- only do simple change to "farm" definition.)**

~~Medical Marijuana Waste Disposal facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Dispensary~~ Medical Marijuana Dispensary, ~~when~~ shall abut~~ting~~ and ~~having~~ have access to a ~~paved~~ public road.

XI. TO ADD AS A SUBCHAPTER "MEDICAL MARIJUANA PROVISIONS"

P. An application for a Special Use Permit for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or ~~Medical Marijuana Dispensary~~ Medical Marijuana Dispensary, or Medical Marijuana Distribution Facility(s), i.e., MMB facilities, in addition to the requirements applicable to all Special Use Permit applications, shall include the following:

1. Proof of Insurance/Bond: Medical Marijuana Insurance and Bond Requirements. Any bond(s) required by the State for licensing shall add as additional bonded/insured: Buffalo County.
2. Copy of State issued license for Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.
3. A security plan depicting the location and configuration of security cameras and surveillance equipment.
4. A complete description of the products and services to be produced or sold by the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary. (MMB).
5. A notarized statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nebraska, and the laws and regulations of the county applicable thereto concerning the operation of an MMB. The written statement shall also acknowledge that any violation of any laws or regulations of the State of Nebraska or of the county, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to the MMB by federal authorities, may render the license subject to immediate suspension or revocation.
6. A notarized statement that the applicant will hold harmless, indemnify, and defend the county against all claims and litigation arising from the issuance of license and/or a special use permit including any claims and litigation arising from the MMB.
7. A notarized acknowledgement that the applicant is seeking a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit and that the applicant understands and acknowledges that the burden of proving qualifications to receive such a Special Use Permit is at all times on the applicant; that the granting of a Special Use Permit

DRAFT

for a MMB is at the discretion of the Buffalo County Board of Commissioners; and that the applicant agrees to abide by the decision of the county Board of Commissioners.

Q. A Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit shall be reviewed annually by the County Zoning Administrator for renewal. The fee for this review/inspection shall be set by the County Board.

R. Ownership. Vertical ownership of the various medical marijuana facilities and uses is not permitted other than the waste disposal provisions. An applicant may not possess more than one special use permit-type authorized by this Zoning Resolution that concerns Medical Marijuana other than the waste disposal provisions.[39]

S. Once a special use permit is obtained for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary any change in operation of the facility or in ownership shall require prior approval of the Board of County Commissioners without need of referral and review by the Buffalo County Planning Commission.

T. Any building modifications or alterations, after issuance of the Special Use Permit for MMB facilities must be approved by review of the issued Special Use Permit by the Buffalo County Planning Commission and thereafter, with approval of the Buffalo County Board.

U. Minimum Distancing and Design Standards. Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Dispensary Facilities, and Medical Marijuana Waste Disposal Facility Minimum Design Standards. All of the foregoing MMB facilities shall meet the following minimum design and distancing requirements:
Minimum Design Standards:

11. All MMB's, excepting ~~cultivars~~ MMBs allowed in the AG District, shall abut~~ting~~ and ~~having~~ have access to a ~~paved~~ public road.

12. Each MMB shall ensure that there is no emission of dust, fumes, vapors, or odors into the environment. An odor abatement plan, is more specifically set out in subsection "Odor Abatement".
13. All MMB's shall store all medical marijuana waste in a secure waste receptacle that is locked with commercial-grade locks prior to disposal or transfer to a medical marijuana waste disposal facility. The receptacle shall be kept in a safe and secure location with limited access.
14. Windows for any MMB shall remain unobstructed, allowing visibility into the facility. Window tint, decals, or window signage of any kind shall be strictly prohibited.

[39] (Reg. 238 007.01 VERTICAL LICENSING).

15. Each MMB, unless specifically allowed to be combined in function in these zoning provisions, shall be located in a separate, permanent, stand-alone structure and have a minimum six (6) foot high perimeter fence encompassing the MMB facility.
16. All MMB's except the Dispensary facilities, shall have the perimeter surrounding the MMB facility fenced.
17. For MMB facility located in the C Zoning District, the entire perimeter of a MMB structure must be well lit with a minimum 2 candle foot measured at fifteen feet around each structure that is a part of the MMB. Every entrance to any MMB shall have a minimum of eight candle foot lighting measured at the entrance with additional exterior lighting at the same cover in a twenty-foot square lighting area that is centered on one side at the entrance. The parking area of the MMB shall have every parking space illuminated with no less than 2 candle foot of lighting.[40]
18. All MMB's shall have 24-hour surveillance cameras depicting the entire exterior of the MMB facility. Any Medical Marijuana Dispensary shall additionally have a camera or cameras at the entrance(s) into the Dispensary's structure and exterior surveillance camera depicting vehicles and license plates of each vehicle entering the parking lot or other parking areas.
19. No outdoor storage of Medical Marijuana shall be permitted.
20. No MMB shall have facilities that have or provide drive-through, drive-up, or walk-up windows or similar openings to MMB facilities.

V. PARKING AREAS, unless a more burdensome minimum parking standard is set out in Buffalo County's general zoning resolution, MMB's shall provide:
3. Each Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary shall have at least 1 parking space per 250 square feet of structure.
4. Each Medical Marijuana Cultivation, shall have at least 1 parking space for every 1000 square feet of plant cultivation area and 1 parking space for every 250 square feet of all other areas of the structure.

W. DISTANCING PROVISIONS:
5. All MMB's shall be no closer than a minimum of ~~1,320~~ 1,000 feet from a public or private preschool, kindergarten, elementary, secondary or high school, public park, public community center, dependent care facility, homeless shelter, youth center, or place of worship.[41] The ~~1,320~~ 1,000 feet shall be measured in a straight line from the

[40] Source: https://echelonlightingsolutions.com/articles/your-guide-to-the-recommended-footcandles-and-layouts derived from the Illuminating Engineering Society (IES) published April 2026. It was noted that OSHA's minimum requirements were generally lower in IES recommendations.

[41] State regulations provide distances from "Covered locations. 002.10 COVERED LOCATION. Covered location means any school, business operating under a license issued pursuant to the Nebraska Child Care Licensing Act Neb. Rev. Stat. § 71-1908 to § 71-1923.03, church, hospital, or mental health substance use treatment center as defined by Neb. Rev. Stat. § 71-423. 1,000 for dispensary (004.08); 1,000' for cultivator (005.08; One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

6. A MMB shall be no closer than 300 feet from another MMB, unless the MMB is specifically allowed to be combined for purposes of Medical Marijuana waste disposal, as allowed in these zoning provisions. The 300 feet shall be measured in a straight line from the nearest property line of the licensed location to the nearest property of the licensed premises.
7. Any MMB shall be no closer than a minimum of 500 feet from any Agricultural Rural Residential-1 (AGR-1) or Rural Residential-2 (AGR-2) zoning district, and/or municipal corporate limit. The 500 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.
8. Any parcel having a MMB use shall have no other activity and/or use on the same parcel.

X. All applicable state standards and requirements shall apply in the design and operations of any Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.

Y. Hours of operation: Medical Marijuana Dispensary, or Dispensaries shall have operating hours of no earlier than 8:00 AM or later than ~~7:00~~ 11:00 PM.

Z. Each permitted applicant shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office, prior to the annual renewal of the Special Use Permit.

AA. INITIAL AND ANNUAL REVIEW/INSPECTION:

3. Each permitted MMB facility applicant prior to commencement of MMB use, shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office.
4. At least annually thereafter, a MMB use facility is subject to inspections from the Buffalo County Zoning Administrator, accompanied by the Buffalo County Sheriff's office.

BB. The foregoing inspections shall occur during normal county operation of business hours with five (5) business days written notice provided to MMB user.

CC. SPECIAL FEES FOR MMB facilities: An Annual Zoning Review/Inspection Permit Fee as authorized to be set, and subsequently reviewed, by the Buffalo County Commissioners. Thereafter, the Buffalo County Zoning Administrator shall establish an annual permit fee to offset costs associated with policing, site inspections, monitoring, storage of media, and/or regulating medical marijuana facilities involved in the cultivation, propagation, manufacturing, processing, refining, distribution, delivery, supply, sale, disposal, or handling of Medical Marijuana of medical marijuana.

DD. Severability, Exclusions, and Exceptions:

4. The provisions of this chapter do not waive or modify any other provision of this ordinance with which Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary is required to comply. Nothing in this section is intended to authorize, legalize, or permit the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical

Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary operation or maintenance of any facility, building, or use which violates any County ordinance or statute of the State of Nebraska regarding public nuisances, Medical Marijuana, or any federal regulations or statutes relating to the use of controlled substances.

5. This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that Nebraska Medical Cannabis Regulation Act as authorized by Nebraska Revised Statute (Neb. Rev. Stat.) § 71-24,111, or as subsequently amended, is invalid, or shall be null and void to the extent any portion of such section is held invalid.
6. Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.

DRAFT

XII. SPECIAL PROVISIONS REGARDING ODOR ABATEMENT:

Odor Abatement Plan. All applications for MMB use shall (1) prepare and submit to the Special Use Permit Application for review and approval, and (2) implement, an Odor Abatement Plan. The Odor Abatement Plan must prevent odors from emitting beyond the property lines of the MMB. The Odor Abatement Plan shall be implemented prior to the issuance of the special use permit and/or throughout operation of the facility, as applicable. The Odor Abatement Plan must include the following:

1. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.

2. A description of the specific odor-emitting activity(ies) that will occur.

3. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).

4. A description of all equipment and methods to be used for reducing odors. A Nebraska-licensed Professional Engineer must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.

5. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:

a. Multi-Technology Carbon Filtration. For purposes of this Section, Multi-Technology Carbon Filtration means air filtration technology that utilizes activated carbon, which may include carbon filters, photocatalytic oxidation (PCO) units and/or other equivalent technologies that utilize carbon filtration.

b. Other odor controls systems that provide equivalent or greater odor control effectiveness than Multi-Technology Carbon Filtration.

c. Vapor phase systems shall not be allowed.

6. Designation of an individual (local contact) who is responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.

7. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Zoning Administrator as part of any Zoning Administrator inspections of the cannabis activity, and upon the Zoning Administrator's request. The operator shall maintain the complaint tracking records for a minimum of five years.

8. The Odor Abatement Plan shall be certified by a Nebraska licensed Professional Engineer, indicating that the proposed Odor Abatement Plan will mitigate nuisance odors to below to a minimal odor amount at the operator property boundary."

Upon roll call vote, the following Board members voted "Aye": Brady, Jeffs, Wolfe, Chaney and Sedlacek, Kreutzer, Keep, and Vacek.
Voting "Nay": None.
Abstain: None.
Absent: Stubblefield.

Motion carried.

Deputy County Attorney Davis notated that the change of venue included the following postings: a sign on every entrance of every exterior door of the campus, amended agenda, and a tent sign at the entrance of the Buffalo County Justice Center. Secretary Jeffs also noted that the change of venue was notated on the official Buffalo County, Nebraska Facebook Page.

Old Business

Minutes

Motion was made by Vice-Chairperson Keep and seconded by Mr. Kreutzer to approve the June 18, 2026 meeting minutes, with the following revisions: remove the word "the" from paragraph four, line two, last word of that line, of the last page of the document. It should read, "…Zoning Administrator Daniels highlighted a proposed extra-territorial jurisdictional subdivision, Arbor View Fifth and the proposed response. The Commission reviewed the letter and found ~~"the"~~ it to be satisfactory…"

Upon roll call vote, the following Board members voted "Aye": Brady, Jeffs, Wolfe, Chaney and Sedlacek, Kreutzer, Keep, and Vacek.
Voting "Nay": None.
Abstain: None.
Absent: Stubblefield.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that the Termination for Special Use Permit Application to operate a ready-mix concrete plant, filed by Shane Roach located at 4785 Keystone Road, on part of tax parcel 660289100, described as a tract of land situated in part of Government Lot Two (2), now known as part of Lot One (1) Roach Administrative Subdivision, located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska was approved by the Board of Commissioners on July 14, 2026.

DRAFT

Zoning Administrator Daniels also reported that the Application for Zoning Map Amendment, filed by Shane Roach, for property described as a tract being part of Lot One (1), Roach Administrative Subdivision, a subdivision located in part of Government Lot Two (2) of Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 1.38 Acres, more or less, from Agriculture (AG) to Industrial (I) was approved by the Board of Commissioners on July 14, 2026.

Zoning Administrator Daniels reported that the code amendments to The Buffalo County Subdivision Regulations, with renumbering as necessary, under "Exhibit E", The Subdivision Agreement for Road Maintenance, to add a return address to the front page of the document for recording purposes and to correct the resolution template on the notary was approved by The Board of Commissioners on July 14, 2026.

Zoning Administrator Daniels reviewed two Kearney County Notices for an application for mineral extraction.

Chairperson Brady announced commendation and certificate for Loye Wolfe, who has been a member of the Buffalo County Planning Commission for 27 years. Chairperson Brady thanked Ms. Wolfe for her significant contributions and always being present.

Next Meeting

The next meeting is scheduled for August 20, 2026. Zoning Administrator Daniels stated that she has not received any applications for public review, as of that evening.

Adjourn

Chairperson Brady adjourned the meeting at 10:29 P.M.

_____ _____

Scott Brady, Chairperson
Buffalo County Planning Commission

Tammy Jeffs, Secretary
Buffalo County Planning Commission

DRAFT

Zoning Agenda

Item #1

Proposed Data Center/Energy Storage Suggested Amendments

Amend the proposed Buffalo County Zoning Regulations, with amendments noted in strikethrough for deletion of, and underlining for added and renumbering as necessary, as shown below:

Amend to add in definitions:

Stationary Energy Storage System(s), that are also known as Battery Electrical Storage System(s) (BESS). These facilities are for the use of storage of electrical energy usually comprised of batteries for storage of 20 kWh or more of electricity[1] based upon manufacturer specifications housed in any ~~or~~ one or more structures that can be situated as stand-alone and/or in an enclosed structure(s).

Add the following verbiage, under Article 6 (potentially Section 6.9):

6.9 Stationary Energy Storage Systems Special Requirements

A. The key components of the system shall be submitted as part of the application, to include stamped engineering plans to include, but not be limited to footing standards and fire protection.
B. BESS facilities shall minimally be enclosed by a perimeter secure fence that consists of a minimum eight-foot-high fence with a locking gate.
C. A clearly visible warning sign shall be placed on the fence informing individuals of potential voltage hazards.
D. The facility may also include customary accessory uses such as an office use.
E. For cooling functions the Stationary Energy Storage System, if the System uses water as a cooling source, shall utilize closed loop water cooling apparatus.
F. The facility, in its' design and use, shall include air handlers, temporary power generators, material storage area(s), air to air cooling, if used, as needed to support sustained operations of the Energy Storage System's infrastructure.
G. The center or facility is allowed to have outdoor storage facilities.
H. All Stationary Energy Storage Systems shall also be minimally situated in well lighted, secured, areas, with signage indicating the facilities street address and emergency telephone numbers.

Amend definition of Data Center to read as follows:

"3.3117 DATA CENTER: A data center(s) or other facility(ies) used to house computer systems and associated components, such as telecommunications and storage systems, coding systems, power supplies and systems for managing property performance (including standby power generators used for emergency power situations), and equipment used for the transformation,

[1] Sec. 855, National Fire Protection Association. Note that a Tesla car, by that manufacturer's website can furnished with a 50 to 100 kWh battery. Tesla sells at home energy storage units, usually located on exterior wall that are in the 13.5-15 kWh range. Amazon has 10 kWh units for sale. My guess is that a larger energy storage banks can be available.

transmission, distribution or management of electricity (including substations), internet-related equipment and services, data communications connections, environmental controls and security devices, structures and site features and related uses. This shall also include the operation of specialized computer equipment for the purpose of mining one or more blockchain-based cryptocurrencies, such as Bitcoin. Typical physical characteristics of cryptocurrency mining include specialized computer hardware for mining operations as well as equipment to cool the hardware and operating space. For the purposes of the associated regulations, cryptocurrency mining does not include the exchange of cryptocurrency or any other type of virtual currency nor does it encompass the use, creation, or maintenance of all types of peer-to-peer distributed ledgers." A Data Storage System use may be combined with a Stationary Energy Storage System(s), that are also known as Battery Electrical Storage System(s) (BESS) use on the same or abutting parcel.

Add the following verbiage, under Article 6 (potentially Section 6.10):

6.9 Data Center Special Requirements

A. The facility may ~~also~~ include customary accessory uses such as an office use.
B. For cooling functions of the Data Center, if the Center uses water as a cooling source, it shall utilize closed loop water cooling apparatus.
C. The facility, in its' design and use, shall include air handlers, temporary power generators, material storage area(s), air to air cooling, if used, as needed to support sustained operations of the digital infrastructure.
D. The center or facility is allowed to have outdoor, on-site power and data storage facilities with total outdoor storage area(s) not exceeding an area that exceeds fifteen (15) percent of the enclosed area of the center or facility~~, and associated utility infrastructure~~.
E. All Data Storage Systems shall minimally be situated in fenced, well lighted, secured, areas with signage indicating emergency telephone numbers.

Add into definitions Sec. 70-670(5) amendments effective 7/18/2026. This in essence, to will allow private generation of electricity on-site for consumer usage.

Data Center/ Stationary Energy Storage or (BESS) Electric Substation: A high-voltage electric system facility used to switch on-site generators, equipment, and circuits or lines in and out of a public utility system, change AC voltages from one level to another, or change alternating current to direct current or direct current to alternating current. Data Center/ Stationary Energy Storage or (BESS) ~~Electric~~ or Substation Electric Substations may only be constructed in conjunction with and adjacent to a Data Center or a Stationary Energy Storage or Battery Energy Storage System (BESS) Facility.

Amend definitions to include definition of word “public”

“PUBLIC’ means:

1. As to ownership and/or operation of a use, “public”, means that the owner and/or operator of the use is an entity whose governance is determined by ballots for public elections on Buffalo County ballots.
2. As to access upon the property by people, the word “public”, means open to the use by the general public for nominal charge and/or without charge.

Amend existing language:

AG

To amend Sec. 5.12(6) adding the word “public” to uses by right in the AG District, to read as follows:

5.12 (6) “Public Uses: Including fire stations, public schools, public utilities and public utility distribution systems.

RC

To amend Sec. 5.27(1) adding the word “public” to uses by right in the AG District, to read as follows:

5.27 (1) “The minimum lot area for RC uses shall be eighty (80) acres. By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and public utility distribution systems. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting an improved county road (above minimum maintenance road) (Resolution 07-13-2021).

AGR - 1

To amend Sec. 5.34 to add word “public” to use by special use permit in AGR-1 District:
5.34 (19) Public utilities and public utility distribution systems (Resolution 8-10-04);

AGR – 2

To amend Sec. 5.44 to add word “public” for use by special use permit in AGR-2 District:
5.44(8) Public utilities and public utility distribution systems

Commercial

To amend Sec. 5.52(28) to add word "public" for uses by right in Commercial District
28. Public utilities, including shops and offices.

Amend Sec. 5.54 to delete Data Center as a use by Special Permission in Commercial District:
~~Data Center;~~

Industrial

Amend Sec. 5.62 to delete Data Center as a use by right in Industrial District:

3. Animal hospitals;
4. Arborist Services;
5. Auction houses (Resolution 6-9-20);
6. Automobile sales and services;
7. Automotive/Truck wash facilities;
8. Building material sales and ready-mix concrete plants;
9. Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section 6.6. (Resolution 04-12-2022);

~~10. Data Center;~~

Amend Sec. 5.63 to add as use(s) by Special Permission in the Industrial District:

Data Center, if abutting and having access to paved public road.

Stationary Energy Storage System, commonly referred to as Battery Energy Storage System (BESS), if abutting and having access to paved public road.

Discussion on setbacks from AGR – 1, AGR – 2, inhabited residences.

Zoning Agenda

Item #2

Proposed Amendment

Amend the proposed Buffalo County Zoning Regulations, Section 6.6 (J) (2), with amendments noted in strikethrough for deletion of, and underlining for added and renumbering as necessary, as shown below:

"2. No manure disposal by spraying, injecting, ~~or~~ spreading, or storage on land shall be closer than thirteen hundred and twenty (1,320) feet to an inhabited residence without written consent by the property owner of the residence. This restriction shall not apply to lands upon which the confinement or feedlot is located (Resolution 6-12-07)."

Zoning Agenda

Item #3

“BUFFALO COUNTY, NEBRASKA, RESOLUTION REGARDING REGULATION BY ZONING POWERS OF MEDICAL MARIJUANA:

WHEREAS, the 2025 Nebraska Legislature enacted Nebraska Medical Cannabis Regulation Act, as set out in LB 1, 2025 Legislature, effective February 26, 2025. Thereafter, the Nebraska Medical Cannabis Commission promulgated and adopted temporary regulations concerning the cultivation, processing, distribution, and sale of Medical Marijuana. In fulfillment of the obligations and duties of the County Board as a “local government” under the Nebraska Medical Marijuana laws, this Board establishes a policy whereby all persons, entities or organizations wishing to establish a Medical Marijuana Manufacturing Facility Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility within Buffalo County must apply for and be granted a zoning special use permit for said use, and

WHEREAS, the use, cultivation, manufacturing, production, distribution, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by both Nebraska and federal law. As such, the County Board does not have the authority to, and nothing in this Resolution is intended to, authorize, promote, condone, or aid the production, distribution, or possession of medical marijuana in violation of any applicable law, and

WHEREAS, The County Board intends to regulate the use, acquisition, cultivation, manufacturing, disposal, and transportation of medical marijuana in a manner that is consistent with the Nebraska law. The zoning regulations adopted in this Resolution are intended to apply to all medical marijuana operations in the county by any medical marijuana business as permitted under state law. This Resolution is intended to regulate land use for state-licensed Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary so that the placement of these facilities will have minimal negative impact and/or other adverse impact(s) on surrounding properties and tax valuations. The regulations are also adopted for the protection and security of the medical marijuana product; to reduce contamination of the product; and to protect the public health, safety, property values, and general welfare of the citizens of Buffalo County, and

WHEREAS, this Board perceives that there is a need to have regular localized review and inspection of Nebraska licensed medical marijuana facilities that can or will be established in this county, and to create a means of reducing the public cost of localized reviews and inspections, and that there is a need to pass some of this cost to the entities that operate and are engaged in the medical marijuana business.

THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS THAT BUFFALO COUNTY ENACTS THE FOLLOWING TO BE INCORPORATED INTO ITS’ ZONING REGULATION:

I. That the following definitions are added into Buffalo County’s Zoning Resolution:

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a body organized to conduct religious worship and used primarily for religious worship and related activities.

“County” means Buffalo County, Nebraska, legally known as County of Buffalo, State of Nebraska, unless specifically otherwise provided.

"Cultivation of marijuana" means the planting and growing of one or more marijuana plant(s) or any part thereof.

Dispose" or "Disposal" of Medical Marijuana waste means the disposition of medical marijuana waste by either a process which renders the waste unusable and unrecognizable through physical destruction or a recycling process.[1]

“Farm products” means those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur. (Neb.Rev.Stat. 2-4402)

"Fence", for purposes of medical marijuana, means a barrier constructed of any materials or combination of materials of sufficient strength and dimension to prevent unauthorized entry constructed to a height of no less than six feet. The term "fence" does not include bushes, hedgerows, plastic sheeting, cloth material (tarpaulins), or retaining walls. Prohibited security fencing materials include razor wire, tarps, dust guard fencing, privacy netting, or woven or non-woven polyethylene plastic.[2]

"Medical Marijuana Greenhouse" means, for purposes of medical marijuana, a structure legally established with all required permits approved, secure from unauthorized entry and completely enclosed with one or more secure locking doors as the only means of ingress and egress, where solely medical marijuana plants are grown.

"Harvest" means, for purposes of medical marijuana, the drying, processing, or storage of marijuana.

"Marijuana" or "cannabis" is used herein interchangeably and means any part of the genus cannabis plant, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Marijuana” or “cannabis” includes marijuana, hashish, and concentrate cannabis. "Marijuana" or "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Marijuana" or "cannabis" does not include hemp, as defined in section Sec. 2-503 Neb.Rev.Stat., nor does it include the sterilized

[1] Chapter 10, Subchapter 1, 442:10-1-4. Definitions, Oklahoma
[2] Santa Barbara Co Zoning Reg Chapter 35-144U-Cannabis

seed of the plant which is incapable of germination, or cannabidiol contained in a drug product approved by the federal Food and Drug Administration. (Sec. 71-24,107, Neb.Rev.Stat.

Medical Marijuana: means cannabis, cannabis products, and cannabis accessories intended for use by qualified patients pursuant to any law enacted contemporaneously with the adoption of the Nebraska Medical Cannabis Regulation Act, generally Sec. 71-24,107, Neb.Rev.Stat., or at any time thereafter.

Medical Marijuana accessories means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body[3];

Medical Marijuana Business (MMB)" means a registered and/or licensed Medical Marijuana Manufacturing Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Waste Disposal facility, Medical Marijuana Dispensary, and/or Medical Marijuana Distribution Facility.[4]

Medical Marijuana Dispensary: Medical Marijuana Dispensary means a registered establishment licensed to possess, sell or transfer medical cannabis to qualified patients or caregivers.[5] All Dispensaries shall be located in a structure affixed to a permanent foundation with all sales or transfers occurring within this structure.

Medical Marijuana Cultivation Facility: A Medical Marijuana Cultivation Facility means a registered establishment licensed to cultivate cannabis plants for production of Medical Marijuana that is purposed to be sold through a Medical Marijuana dispensary for human consumption or sold as nursery stock to another Medical Marijuana Cultivation Facility. The facility shall be comprised of a wholly enclosed structure, usually described as a greenhouse. The sole purpose of a Medical Marijuana Cultivation Facility shall be to grow and harvest Medical Marijuana. The cultivation facility is allowed to dispose of medical marijuana waste[6] created or derived from plants within the Cultivation Facility.

---

[3] Sec. 71-24,107. Neb.Rev.Stat.

[4] 63 O.S. § 427.2 (OSCN 2026), Oklahoma Medical Marijuana and Patient Protection Act, MMB wording is in part cited from Definitions located in "Narcotic Drugs, Chapter 15 O.S.

[5] (Regulation 238. 002.14)

[6] 014.11 DISPOSAL OF MEDICAL CANNABIS AND PLANT MATERIAL. A cultivator must maintain a written record of all medical cannabis waste disposed of in accordance with this chapter. 014.12 DISPOSAL REQUIREMENTS. A cultivator shall store, secure, manage, and record medical cannabis waste and plant material waste in accordance with all applicable federal, state, and local regulations. Before transport of plant material waste, the cultivator shall render the plant material waste unusable and unrecognizable. 014.13 DISPOSAL REQUIREMENT EXCEPTIONS. The following materials are not considered medical cannabis waste and do not

Prior to transport medical marijuana waste from the Facility, the plant material waste shall be rendered unusable and unrecognizable. The Cultivation Facility and waste where the plants are grown and waste processed shall be secured in the area from unauthorized entry and enclosed with one or more secure locking doors as the only means of ingress and egress.

Medical Marijuana Manufacturing Facility: Medical Marijuana Product Manufacturing Facility means an establishment licensed to process cannabis, conduct extractions, and manufacture cannabis products for sale or transfer to dispensaries, but cannot sell or transfer cannabis plants or cannabis products to qualified patients or caregivers.[7] The manufacturing process includes the packaging or repackaging of cannabis products; the labeling or relabeling of cannabis products; and the remediation of failed harvest batches or cannabis product batches.[8]
A Medical Marijuana Manufacturing facility and its functions may also be combined with a Medical Marijuana Waste Disposal Facility.

Medical Marijuana Qualifying Patient: A person who has been diagnosed with a debilitating medical condition by a physician licensed to practice medicine in the State of Nebraska and who has in that person's possession a current, valid photo identification issued by the State of Nebraska or the United States of America and a current, valid document issued by the Nebraska Department of Health to that person and authorizing that person to possess and use Medical Marijuana.

Medical Marijuana Registered Designated Caregiver: An individual who is registered with the Nebraska Department of Health who agrees to manage the well-being of a Medical Marijuana Qualifying Patient with respect to the Medical Marijuana Qualifying Patient's medical use of Marijuana.

Medical Marijuana Transporter. Transporter means a registered establishment licensed to transport medical cannabis, medical cannabis products, and medical cannabis accessories between medical cannabis licensees, provide logistical services for medical cannabis licensees, or store for transportation purposes medical cannabis in a medical marijuana facility described in this Resolution.[9] A Transporter may only possess cannabis for transport to or from: a licensed dispensary, a licensed product manufacturer, a licensed cultivator, medical marijuana waste disposal facility, or another licensed transporter.[10]

Medical Marijuana Transporter Facility means an enclosed structure used by Medical Marijuana Transporter to store vehicles used to transport medical cannabis, medical

---

require treatment to render the materials unusable and unrecognizable, provided that the cannabis does not contain any cannabis flower or leaves with any visible trichomes: (A) root balls, soil, or growing media; and

[7] (Reg. 238, 0002.28)

[8] (4 CA ADC § 15000 California)

[9] (Reg. 238 002.37)

[10] (Reg. 238 017.02), see also Neb. Rev. Stat. § 71-24,107.

cannabis products, and medical cannabis accessories between medical cannabis licensees or medical marijuana waste facilities; provide logistical services for medical cannabis licensees; or store, for transportation purposes, medical cannabis in a medical marijuana facility described in this Resolution. All storage of medical cannabis for transportation shall take place at the premise identified in the transporter license. Transporter facilities and the equipment involved in transport shall not possess Medical Marijuana for more 72-hours duration at any one time. Also, Transporter facilities and equipment involved in transport, must be secured to reasonably prevent access to any cannabis plants or products by animals, or individuals who are not authorized agents of the Transporter or otherwise authorized by law[11] to access Transporter facilities.

MEDICAL MARIJUANA WASTE. Medical Marijuana waste means:

A. Medical Marijuana ~~is~~ that is unused, unwanted, damaged, defective, expired, or contaminated.[12]
B. Unused, surplus, returned, or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts, except the term shall not include seeds, roots, stems, stalks and fan leaves,
C. All product that is deemed to fail laboratory testing and cannot be remediated or decontaminated, or
D. All products and inventory from medical marijuana licensees that:
(i) have gone out of business, and/or
(ii) are unable to lawfully transfer or sell the product and inventory to another medical marijuana licensee.[13]

Medical Marijuana Waste Disposal Facility means an enclosed building that has as its' purpose the disposal of medical marijuana waste by either incinerating or composing of the waste. For all methods of disposal, a Medical Marijuana Waste Disposal Facility shall not render the medical marijuana unusable having a THC concentration greater than 0.3 percent on a dry weight basis[14] and as an unrecognizable product.

A. If incineration is used, the disposal facility shall be equipped with air scrubber.
B. If composting is used, the composting process shall render cannabis waste unusable and the composting process must involve grinding the waste and mixing it with other ground materials so that the resulting mixture is not comprised of more than 50 percent cannabis waste by volume. Acceptable materials for mixing with cannabis waste include, but are not limited to, the following:

---

[11] (Note temporary storage of cannabis, cannabis products, and cannabis accessories. (238 NE ADC Ch. 1, § 017)
[12] (Neb. Reg. 238, 002.23)
[13] 442:10-1-4. Definitions, OK ADC 442:10-1-4

[14] 246-70-030. Definitions., WA ADC 246-70-030

(i) Compostable mixed waste, such as food waste, yard waste, vegetable greases or oils, or other compostable materials;
(ii) Materials that are not compostable mixed with cannabis waste, with materials being comprised of paper waste, plastic waste, cardboard waste, or other not compostable materials.[15]

When submitted by application for the special use permit, a Medical Marijuana Waste Disposal facility and its functions may also be combined with a Medical Marijuana Manufacturing Facility.

II. That the definition for "Farm or Farm Operation" be amended to read[16]:

"~~Agricultural~~ "Farm or farm operation" means any tract of land over ten acres in area used for or devoted to the commercial production of farm products; (Neb.Rev.Stat. 2-4402)[17]

III. To amend Sec. 5.14 to allow medical marijuana cultivation as a use by special permit in the Agricultural Zoning District.

Medical Marijuana Cultivation Facility

Medical Marijuana Manufacturing Facility, ~~when abutting and having access to a paved public road.~~

Medical Marijuana Transport facility, ~~when abutting and having access to a paved public road.~~

Medical Marijuana Waste Disposal facility, ~~when abutting and having access to a paved public road.~~

IV. To amend Sec. 5.54 regarding uses by special permit in the Commercial Zoning District.

---

[15] 314-55-097. Cannabis waste disposal and sales--Liquids and solids., WA ADC 314-55-097

[16] SUGGEST STRIKING "AGRICULTURAL" to synchronized Nebraska Law, particularly the Right to Farm Laws. This is the exact same language of that law.

[17] In order for the land to qualify for special valuation, the land shall be agricultural or horticultural land and (a) the land shall consist of five contiguous acres or more or (b) if the land consists of less than five contiguous acres, the owner or lessee of the land shall provide an Internal Revenue Service Schedule F or other suitable tax document reporting a profit or loss from farming for two out of the last three years for such land. Sec. 77-1344. Agricultural or horticultural land; special valuation; when applicable. **(We're not going with this definition- only do simple change to "farm" definition.)**

Sec. 5.54 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the C Commercial District if a special use permit for such use has been obtained in ~~accordance with Article 6 of these regulations. (add these uses):~~

~~Medical Marijuana Cultivation Facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Manufacturing Facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Transport facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Waste Disposal facility, when abutting and having access to a paved public road.~~

~~Medical Marijuana Dispensary~~ Medical Marijuana Dispensary, ~~when~~ shall abut~~ting~~ and ~~having~~ have access to a ~~paved~~ public road.

V. TO ADD AS A SUBCHAPTER "MEDICAL MARIJUANA PROVISIONS"

A. An application for a Special Use Permit for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or ~~Medical Marijuana Dispensary~~ Medical Marijuana Dispensary, or Medical Marijuana Distribution Facility(s), i.e., MMB facilities, in addition to the requirements applicable to all Special Use Permit applications, shall include the following:
   1. Proof of Insurance/Bond: Medical Marijuana Insurance and Bond Requirements. Any bond(s) required by the State for licensing shall add as additional bonded/insured: Buffalo County.
   2. Copy of State issued license for Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.
   3. A security plan depicting the location and configuration of security cameras and surveillance equipment.
   4. A complete description of the products and services to be produced or sold by the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary. (MMB).
   5. A notarized statement acknowledging that the applicant understands applicable federal laws, any guidance or directives issued by the U.S. Department of Justice, the laws of the State of Nebraska, and the laws and regulations of the county applicable thereto concerning the operation of an MMB. The written statement shall also acknowledge that any violation of any laws or regulations of the State of Nebraska or of the county, or any activity in violation of any guidance or directives issued by the U.S. Department of Justice, in such place of business, or in connection therewith, or the commencement of any legal proceeding relating to the MMB by

federal authorities, may render the license subject to immediate suspension or revocation.

6. A notarized statement that the applicant will hold harmless, indemnify, and defend the county against all claims and litigation arising from the issuance of license and/or a special use permit including any claims and litigation arising from the MMB.
7. A notarized acknowledgement that the applicant is seeking a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit and that the applicant understands and acknowledges that the burden of proving qualifications to receive such a Special Use Permit is at all times on the applicant; that the granting of a Special Use Permit for a MMB is at the discretion of the Buffalo County Board of Commissioners; and that the applicant agrees to abide by the decision of the county Board of Commissioners.

B. A Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary Special Use Permit shall be reviewed annually by the County Zoning Administrator for renewal. The fee for this review/inspection shall be set by the County Board.
C. Ownership. Vertical ownership of the various medical marijuana facilities and uses is not permitted other than the waste disposal provisions. An applicant may not possess more than one special use permit-type authorized by this Zoning Resolution that concerns Medical Marijuana other than the waste disposal provisions.[18]
D. Once a special use permit is obtained for a Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary any change in operation of the facility or in ownership shall require prior approval of the Board of County Commissioners without need of referral and review by the Buffalo County Planning Commission.
E. Any building modifications or alterations, after issuance of the Special Use Permit for MMB facilities must be approved by review of the issued Special Use Permit by the Buffalo County Planning Commission and thereafter, with approval of the Buffalo County Board.
F. Minimum Distancing and Design Standards. Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Dispensary Facilities, and Medical Marijuana Waste Disposal Facility Minimum Design Standards. All of the foregoing MMB facilities shall meet the following minimum design and distancing requirements:
Minimum Design Standards:

1. All MMB's, excepting ~~cultivars~~ MMBs allowed in the AG District, shall abut~~ting~~ and ~~having~~ have access to a ~~paved~~ public road.

[18] (Reg. 238 007.01 VERTICAL LICENSING).

2. Each MMB shall ensure that there is no emission of dust, fumes, vapors, or odors into the environment. An odor abatement plan, is more specifically set out in subsection "Odor Abatement".
3. All MMB's shall store all medical marijuana waste in a secure waste receptacle that is locked with commercial-grade locks prior to disposal or transfer to a medical marijuana waste disposal facility. The receptacle shall be kept in a safe and secure location with limited access.
4. Windows for any MMB shall remain unobstructed, allowing visibility into the facility. Window tint, decals, or window signage of any kind shall be strictly prohibited.
5. Each MMB, unless specifically allowed to be combined in function in these zoning provisions, shall be located in a separate, permanent, stand-alone structure and have a minimum six (6) foot high perimeter fence encompassing the MMB facility.
6. All MMB's except the Dispensary facilities, shall have the perimeter surrounding the MMB facility fenced.
7. For MMB facility located in the C Zoning District, the entire perimeter of a MMB structure must be well lit with a minimum 2 candle foot measured at fifteen feet around each structure that is a part of the MMB. Every entrance to any MMB shall have a minimum of eight candle foot lighting measured at the entrance with additional exterior lighting at the same cover in a twenty-foot square lighting area that is centered on one side at the entrance. The parking area of the MMB shall have every parking space illuminated with no less than 2 candle foot of lighting.[19]
8. All MMB's shall have 24-hour surveillance cameras depicting the entire exterior of the MMB facility. Any Medical Marijuana Dispensary shall additionally have a camera or cameras at the entrance(s) into the Dispensary's structure and exterior surveillance camera depicting vehicles and license plates of each vehicle entering the parking lot or other parking areas.
9. No outdoor storage of Medical Marijuana shall be permitted.
10. No MMB shall have facilities that have or provide drive-through, drive-up, or walk-up windows or similar openings to MMB facilities.

G. PARKING AREAS, unless a more burdensome minimum parking standard is set out in Buffalo County's general zoning resolution, MMB's shall provide:
1. Each Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary shall have at least 1 parking space per 250 square feet of structure.
2. Each Medical Marijuana Cultivation, shall have at least 1 parking space for every 1000 square feet of plant cultivation area and 1 parking space for every 250 square feet of all other areas of the structure.

H. DISTANCING PROVISIONS:
1. All MMB's shall be no closer than a minimum of ~~1,320~~ 1,000 feet from a public or private preschool, kindergarten, elementary, secondary or high school, public park,

[19] Source: https://echelonlightingsolutions.com/articles/your-guide-to-the-recommended-footcandles-and-layouts derived from the Illuminating Engineering Society (IES) published April 2026. It was noted that OSHA's minimum requirements were generally lower in IES recommendations.

public community center, dependent care facility, homeless shelter, youth center, or place of worship.[20] The ~~1,320~~ 1,000 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

2. A MMB shall be no closer than 300 feet from another MMB, unless the MMB is specifically allowed to be combined for purposes of Medical Marijuana waste disposal, as allowed in these zoning provisions. The 300 feet shall be measured in a straight line from the nearest property line of the licensed location to the nearest property of the licensed premises.
3. Any MMB shall be no closer than a minimum of 500 feet from any Agricultural Rural Residential-1 (AGR-1) or Rural Residential-2 (AGR-2) zoning district, and/or municipal corporate limit. The 500 feet shall be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.
4. Any parcel having a MMB use shall have no other activity and/or use on the same parcel.

I. All applicable state standards and requirements shall apply in the design and operations of any Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary.

J. Hours of operation: Medical Marijuana Dispensary, or Dispensaries shall have operating hours of no earlier than 8:00 AM or later than ~~7:00~~ 11:00 PM.

K. Each permitted applicant shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office, prior to the annual renewal of the Special Use Permit.

L. INITIAL AND ANNUAL REVIEW/INSPECTION:

1. Each permitted MMB facility applicant prior to commencement of MMB use, shall obtain an inspection of the property from the Buffalo County Zoning Administrator, accompanied by Buffalo County Sheriff's Office.
2. At least annually thereafter, a MMB use facility is subject to inspections from the Buffalo County Zoning Administrator, accompanied by the Buffalo County Sheriff's office.

M. The foregoing inspections shall occur during normal county operation of business hours with five (5) business days written notice provided to MMB user.

N. SPECIAL FEES FOR MMB facilities: An Annual Zoning Review/Inspection Permit Fee as authorized to be set, and subsequently reviewed, by the Buffalo County Commissioners. Thereafter, the Buffalo County Zoning Administrator shall establish an annual permit fee to offset costs associated with policing, site inspections, monitoring,

---

[20] State regulations provide distances from "Covered locations. 002.10 COVERED LOCATION. Covered location means any school, business operating under a license issued pursuant to the Nebraska Child Care Licensing Act Neb. Rev. Stat. § 71-1908 to § 71-1923.03, church, hospital, or mental health substance use treatment center as defined by Neb. Rev. Stat. § 71-423. 1,000 for dispensary (004.08); 1,000' for cultivator (005.08; One thousand feet will be measured in a straight line from the nearest property line of the covered location to the nearest perimeter wall of the licensed premises.

storage of media, and/or regulating medical marijuana facilities involved in the cultivation, propagation, manufacturing, processing, refining, distribution, delivery, supply, sale, disposal, or handling of Medical Marijuana of medical marijuana.

O. Severability, Exclusions, and Exceptions:

1. The provisions of this chapter do not waive or modify any other provision of this ordinance with which Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary is required to comply. Nothing in this section is intended to authorize, legalize, or permit the Medical Marijuana Cultivation Facility, Medical Marijuana Manufacturing Facility, Medical Marijuana Transporter, Medical Marijuana Waste Disposal facility, and/or Medical Marijuana Dispensary operation or maintenance of any facility, building, or use which violates any County ordinance or statute of the State of Nebraska regarding public nuisances, Medical Marijuana, or any federal regulations or statutes relating to the use of controlled substances.
2. This chapter shall be null and void if any determination is made, after the adoption of the ordinance enacting this chapter, by any court of competent jurisdiction, that Nebraska Medical Cannabis Regulation Act as authorized by Nebraska Revised Statute (Neb. Rev. Stat.) § 71-24,111, or as subsequently amended, is invalid, or shall be null and void to the extent any portion of such section is held invalid.
3. Should any section, subsection, clause or provision of this chapter for any reason be held to be invalid or factually unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being hereby expressly declared that this chapter, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this chapter be declared invalid or unconstitutional.

VI. SPECIAL PROVISIONS REGARDING ODOR ABATEMENT:

Odor Abatement Plan. All applications for MMB use shall (1) prepare and submit to the Special Use Permit Application for review and approval, and (2) implement, an Odor Abatement Plan. The Odor Abatement Plan must prevent odors from emitting beyond the property lines of the MMB. The Odor Abatement Plan shall be implemented prior to the issuance of the special use permit and/or throughout operation of the facility, as applicable. The Odor Abatement Plan must include the following:

1. A floor plan, specifying locations of odor-emitting activity(ies) and emissions.

2. A description of the specific odor-emitting activity(ies) that will occur.

3. A description of the phases (e.g., frequency and length of each phase) of odor-emitting activity(ies).

4. A description of all equipment and methods to be used for reducing odors. A Nebraska-licensed Professional Engineer must review and certify that the equipment and methods to be used for reducing odors are consistent with accepted and available industry-specific best control technologies and methods designed to mitigate odor.

5. Approved odor control systems, subject to certification as required in Subsection d above, may include, but are not limited to:

a. Multi-Technology Carbon Filtration. For purposes of this Section, Multi-Technology Carbon Filtration means air filtration technology that utilizes activated carbon, which may include carbon filters, photocatalytic oxidation (PCO) units and/or other equivalent technologies that utilize carbon filtration.

b. Other odor controls systems that provide equivalent or greater odor control effectiveness than Multi-Technology Carbon Filtration.

c. Vapor phase systems shall not be allowed.

6. Designation of an individual (local contact) who is responsible for responding to odor complaints. The local contact shall be available by telephone on a 24-hour basis to respond to calls regarding any odor complaints.

7. The operator shall implement a complaint tracking system for all complaints that the operator receives, which includes a method for recording the following information: contact information of the complainant, as well as a description of the location from which the complainant detected the odors; time that the operator received the complaint; description of the complaint; description of the activities occurring on site when the complainant detected the odors; and actions the operator implemented in order to address the odor complaint. The operator shall provide the complaint tracking system records to the Zoning Administrator as part of any Zoning Administrator inspections of the cannabis activity, and upon the Zoning Administrator's request. The operator shall maintain the complaint tracking records for a minimum of five years.

8. The Odor Abatement Plan shall be certified by a Nebraska licensed Professional Engineer, indicating that the proposed Odor Abatement Plan will mitigate nuisance odors to below to a minimal odor amount at the operator property boundary."

Zoning Agenda

Item #4

AG & AGR – 1 District

The application, disposal, storage, and stockpiling of manure by spraying, injecting, spreading, storing, or stockpiling shall be permitted within the Agriculture (AG) District and Agricultural – Residential 1 (AGR – 1) District, subject to the provisions of this section.

If the Buffalo County Zoning Administrator receives one (1) complaint at one location within 1,320 feet of an inhabited residence property owner, concerning manure application, disposal, storage, or stockpiling about the same applying landowner within any twelve (12) consecutive month period, the Zoning Administrator shall provide written notice to the applying landowner.

Within thirty (30) calendar days following the date of the written notice, the applying landowner shall do at least one (1) of the following, as it applies to the complaint:

1. Cease the application activity; or
2. Remove or spread any manure storage or stockpile associated with the complaints.

Failure to comply within the thirty (30) calendar-day period shall result in the county taking appropriate actions, including, but limited to a fine of five hundred dollars ($500.00) per day for each day the violation continues or until compliance is achieved.

If, after the written notice is sent by the Zoning Administrator, and the Zoning Administrator receives another complaint during the 12 consecutive months, the applying landowner shall not apply, store, or stockpile manure for the remainder of the 12 months from the date of the first complaint. Failure to comply shall result in the county taking appropriate actions, including, but limited to a fine of five hundred dollars ($500.00) per day for each day the violation continues or until compliance is achieved.

AGR-2 District

Manure Application, Storage, and Stockpiling

No manure disposal by spraying, injecting, spreading, storing, or stockpiling may occur in the Agricultural – Residential 2 (AGR- 2) District but not within one thousand three hundred twenty (1,320) feet of an inhabited residence unless the applying landowner has obtained the prior written consent of the owner of the residence. This setback requirement shall not apply to any residence for which the applying landowner has ownership.

If manure is sprayed, injected, spread, stored, or stockpiled within one thousand three hundred twenty (1,320) feet of an inhabited residence owned by a non-applying landowner in the AGR – 2 District without required written consent, and the Buffalo County Zoning Administrator receives a complaint, the Zoning Administrator shall provide written notice to the applying landowner.

Within thirty (30) calendar days following the date of the written notice, the applying landowner shall do at least one (1) of the following:

1. Obtain a written waiver from all affected non-applying landowner(s) within 1,320 feet;
2. Cease the application activity, if applicable; or
3. Remove any manure storage or stockpile associated with the complaints, if applicable.

Failure to comply within the thirty (30) calendar-day period shall result in the county taking appropriate actions, including, but not limited to a fine of five hundred dollars ($500.00) per day for each day the violation continues or until compliance is achieved.