



BUFFALO COUNTY ZONING & FLOODPLAIN

Buffalo County Courthouse
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Kearney, NE 68848
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ZONING AGENDA ITEM #1

MEETING DATE: July 14, 2026

SUBJECT: 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.

Discussion:

On or around February 27, 2007, The Buffalo County Board of Supervisors, now known as Buffalo County Board of Commissioners, approved a Special Use Permit by Resolution #2007-05 to operate a ready-mix concrete plant for Shane Roach.

The applicant has put forth a request to terminate the Special Use Permit, and subsequently, have requested a zoning map amendment as shown on Agenda Item #2.

At the June 18, 2026 Buffalo County Planning Commission Meeting, a motion was made by Mr. Stubblefield, and seconded by Mr. Sedlacek to recommend forwarding the proposed Termination for Special Use Permit Application to operate a ready-mix concrete plant favorably, on an 9-0 vote, with no abstentions and no absences.

Upon roll call vote, the following Board members voted "Aye": Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting "Nay": None.

Abstain: None.

Absent: None.

No opposition was received for this application.

ZONING AGENDA ITEM #2

MEETING DATE: July 14, 2026

SUBJECT: 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).

Discussion:

Per Zoning Regulations, Section 11.2, the Board of Commissioners must review any zoning map amendments, after recommendation of the Planning & Zoning Commission. The applicant is seeking to rezone approximately 1.38 Acres, more or less, from Agriculture (AG) to Industrial (I).

This property is located east of Keystone Road and north of 39th Road. The impacted Parcel ID is 660289100.

Considerations:

- A. The need and justification for the change.
- B. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property and on surrounding properties.
- C. When pertaining to a change in the district classification of property, the amount of undeveloped land in the general area and in the county having the same district classification as requested.
- D. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purpose of this Resolution and the Comprehensive Plan.

At the June 18, 2026 Buffalo County Planning Commission Meeting, a motion was made by Mr. Stubblefield, and seconded by Mr. Kreutzer to recommend forwarding the Application for Zoning Map Amendment favorably, on an 9-0 vote, with no abstentions and no absences.

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting “Nay”: None.

Abstain: None.

Absent: None.

No opposition was received for this application.

ZONING AGENDA ITEM #3

MEETING DATE: July 14, 2026

SUBJECT: 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, correct the resolution template on the notary, include three (3) inch top margin, and to correct grammatical errors.

Discussion:

Amend Buffalo County Subdivision Regulations under “Exhibit E”, The Subdivision Agreement for Road Maintenance with amendments noted in strikethrough for deletion of and underlining for added and renumbering as necessary, as follows:

On page 1 of the document, add a three (3) inch top margin and add a return address.

On page 2, Section 1(A), correct grammatical error by adding an apostrophe as shown below:

“For a period of five (5) years commencing from date of the County’s acceptance of dedication of streets and/or roads in the foregoing subdivision, the Subdivider shall grade and furnish gravel for all dedicated streets within this subdivision...”

On page 3, Section 1 (E), remove duplicate wording as shown below:

“**Waiver:** In the event that County needs to create a rural road improvement district to pay for gravel and/or grading within the subdivision as provided in this subsection, the Subdivider and lienholder, as part of the subdivision acceptance process for all lands within the accepted subdivision, waives the right to protest formulation of a rural road improvement district for the streets within a subdivision for this maintenance purpose all as allowed in current Nebraska Law Sec 39-1638...The minimum charge for county work shall be five hundred dollars (\$500.00) for mobilization fee and an hourly rate thereafter at the rate of \$150.00 per hour per hour or fraction thereof plus costs of gravel purchased and delivery fees.”

On page 5, Correct the notary template to accurately reflect a resolution number as shown below:

“Before me, a notary public, qualified in said County personally came _____, Chairperson of the Buffalo County Board of County Commissioners for the County of Buffalo, Nebraska, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was her/his voluntary act and deed pursuant to Subdivision Acceptance Resolution 20____, 20__ - and that the County’s seal was thereto affixed by proper authority.”

At the June 18, 2026 Buffalo County Planning Commission Meeting, a motion was made by Vice-Chairperson Keep, and seconded by Mr. Chaney to recommend forwarding the Application for Zoning Map Amendment favorably, on an 9-0 vote, with no abstentions and no absences to add a return address to the front page of the document for recording purposes and to correct the resolution template on the notary, along with the following recommended revisions: including addition of a three-inch margin on the front page, adding an apostrophe to “County’s” under Section 1(a), and removing duplicate wording, “per hour” under Section 1(E).

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting “Nay”: None.

Abstain: None.

Absent: None.

No opposition was received for the proposed amendments.

ZONING AGENDA ITEM #4 (a & b)

MEETING DATE: July 14, 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):

- 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;
- Definition, permissibility and requirement under miscellaneous sections for medical marijuana.

ZONING AGENDA ITEM #5

MEETING DATE: July 14, 2026

SUBJECT: NDOT proposed highway project known as “District 4 Dynamic Message Signs” and inventoried as project number “ITS-NH-STP-D4(110)”, for the installation of Dynamic Message Signs in District 4 on and along Interstate 80, including side-mount and overhead-mount Dynamic Message Board System Installations, guardrail work, grading and applicable trenching for electrical work through various sections in and around Elm Creek and Gibbon Townships.

Discussion:

On July 14, 2026, The Board of Commissioners received correspondence regarding the NDOT proposed highway project known as “District 4 Dynamic Message Signs” and inventoried as project number “ITS-NH-STP-D4(110)” for the installation of Dynamic Message Signs in District 4 on and along Interstate 80, including side-mount and overhead-mount Dynamic Message Board System Installations, guardrail work, grading and applicable trenching for electrical work through various sections in and around Elm Creek and Gibbon Townships.

NDOT is interested in receiving feedback regarding this site and any historical landmarks. After the research of State and National Registers of Historical Places, there appears to be one historical landmark, known as Kilgore Bridge, also known as Platte River Bridge, identified in the National Register of Historical Places, situated approximately 2 miles from the proposed work site, identified as “DMS #2” in the project package.

However, there do not appear to be any historical structures or sites near the proposed site, identified as “DMS #1” in the project package.

The project was submitted to the Buffalo County Historical Society for review. As part of the project, though, The Historical Society has suggested that Buffalo County Board of Commissioners recommend this project be sent to them for a full study to ensure no historic properties are missed.

A letter, regarding the correspondence, has been drafted and, providing it is deemed satisfactory by The Board, is ready for The Chairperson’s signature.

Planning & Zoning Commission Minutes

June 18, 2026

MINUTES OF PLANNING AND ZONING COMMISSION
JUNE 18, 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 June 4, 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 7:03 P.M. on June 18, 2026.

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

Quorum was met and none were absent.

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

Chairperson Brady announced The Open Meetings Act and agendas were available if anyone wished to have one.

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 one consolidated public hearing for the purpose of gathering evidence for Agenda Items 5(a) and 5(b) at 7:04 P.M., regarding a Termination for Special Use Permit Application to operate a ready-mix concrete plant, and an Application for Zoning Map Amendment, 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.

Mitch Humphrey, licensed land surveyor, of Buffalo Surveying Corporation, located at 5308 Parklane Drive, Kearney, Nebraska, and Shane Roach, of 4785 Highway 10, Gibbon, Nebraska, stepped forward to present the application. Mr. Humphrey provided a brief history on the zoning and subdivision of this particular tract and the abutting tracts. He added that Mr. Roach had originally requested a special use permit to operate a ready-mix concrete plant on his residential tract, which is now known as Roach Administrative Subdivision, Lot 1. That special use permit,

he continued, includes his existing residence. However, he added, the special use permit has hampered his ability to add to his existing residence.

Mr. Humphrey testified that Mr. Roach would like to terminate the special use permit and rezone the southern portion of the proposed tract to industrial for Mr. Roach to continue to use it for his ready-mix concrete plant, while terminating the special use permit so Mr. Roach can add to his existing residence in the near future.

Vice-Chairperson Keep asked if the tract would be split and Mr. Humphrey explained that it would not be subdivided, but the south part would be zoned to industrial. Vice-Chairperson Keep asked if it was allowable to allow two different zoning districts on the same tract and Deputy County Attorney Davis confirmed. Mr. Chaney asked for clarification if the residence would be included on the industrial tract and Mr. Humphrey stated that it would be left to agricultural zoning and not included in the industrial-zoned tract. Mr. Chaney asked if the tract would need to be split to accommodate the two different districts and Mr. Humphrey stated that they would not. Deputy County Attorney Davis explained that it was allowable based on a historical map amendment just to the north, which was included on the same tract, but rezoned to industrial.

Discussion occurred if Roach Administrative Subdivision, Lot 1 could or would be further subdivided. Vice-Chairperson Keep asked Mr. Humphrey how many acres would be included in the agricultural tract where the residence was situated and Mr. Humphrey explained that there was just over an acre. Vice-Chairperson Keep stated that if the owner ever intended to subdivide, having a tract under three acres could present an issue for the owner and Mr. Humphrey agreed.

Ms. Wolfe asked if there would be a revision of entrances or exits and Mr. Humphrey stated there were no planned revisions.

Mr. Sedlacek asked Mr. Roach if the ready-mix plant was there prior to his residence or if it was created after Mr. Roach lived there. Mr. Roach explained that the residence and plant were put there about the same time, with the residence being placed first.

Vice-Chairperson Keep asked Zoning Administrator Daniels to review the zoning districts around the proposed map amendment. Zoning Administrator Daniels explained that there were several industrial-zoned tracts on the north side of Highway 30 and there was one industrial-zoned tract to the south of the proposed rezone. She added that the Future Land Use Map shows this particular area zoned Industrial. Vice-Chairperson Keep stated that based on the information, he has been provided that the proposed map amendment would be a good fit for this area.

Chairperson Brady asked if the applicant wishes to add anything. Mr. Roach declined.

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

Chairperson Brady closed the public hearing at 7:19 p.m.

Motion was made by Mr. Stubblefield, and seconded by Mr. Sedlacek to recommend favorably the proposed 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, to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted "Aye": Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Motion was made by Mr. Stubblefield, and seconded by Mr. Kreutzer to recommend favorably the proposed 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), to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted "Aye": Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Chairperson Brady opened the public hearing for Agenda Item 5(c) at 7:22 P.M., regarding 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.

Zoning Administrator Daniels presented the proposed code amendments to The Commission. She explained that the template Road Maintenance Agreement, under the exhibits, in the Buffalo County Subdivision Regulations needed some administrative revisions. She stated that she had recently attempted to work with the exhibit and noticed some missing components, while trying to record in the Register of Deeds Office. She noticed that the return address on page 1 was missing, along with a three-inch margin inclusion. She stated that the notarial acknowledgement needed to be corrected to accurately reflect the resolution number.

Mr. Vacek asked the significance of the three-inch margin. Zoning Administrator Daniels stated that in order to record a document in the Register of Deeds Office, there needs to be a minimum of a three-inch margin to ensure satisfactory space for recording data.

Vice-Chairperson Keep inquired if Zoning Administrator Daniels would include additional grammatical corrections for the amendment. She agreed. Vice-Chairperson Keep recommended adding an apostrophe to “County’s” under Section 1(a). Zoning Administrator Daniels notated the revision request.

Vice-Chairperson Keep also inquired about removing duplicate wording, “per hour” under Section 1(E). Zoning Administrator Daniels notated the revision request.

Vice-Chairperson Keep asked how many regular subdivisions Buffalo County has received since the implementation of the Road Maintenance Agreement. Zoning Administrator Daniels stated that Eagle Hill Estates First is the second final plat for a regular subdivision. She provided the documentation via the projector to The Commission.

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

Chairperson Brady closed the public hearing at 7:33 p.m.

Motion was made by Vice-Chairperson Keep, and seconded by Mr. Chaney to recommend favorably the proposed 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, along with the following recommended revisions: including addition of a three-inch margin on the front page, adding an apostrophe to “County’s” under Section 1(a), and removing duplicate wording, “per hour” under Section 1(E) to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

Old Business

Minutes

Motion was made by Ms. Wolfe and seconded by Vice-Chairperson Keep to approve the April 16, 2026 meeting minutes, with the following revisions: remove the word “Interim” in paragraphs two and six on the first page of the document.

Upon roll call vote, the following Board members voted “Aye”: Keep, Kreutzer, Stubblefield, Vacek, Wolfe, Brady, Sedlacek, Jeffs, and Chaney.

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that Application for Zoning Map Amendment, filed by Dave Wilke, for property described as a tract of land located in the Northwest Quarter of Section Two (2), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to rezone approximately 7.28 Acres, more or less, from Agricultural - Residential 2 (AGR - 2) to Commercial (C) was approved by the Board of Commissioners on April 28, 2026.

Zoning Administrator Daniels reported that the Application for Vacation, Application for Zoning Map Amendment, and Application for Preliminary Subdivision filed by Joshua Gilbertson, licensed land surveyor, on behalf of Scott R. Phillips, Successor Co-Trustee of the Lee Nell Phillips Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Gary D. Phillips, Successor Co-Trustee of the Lee Nell Phillips Trust Revocable Trust Dated December 4, 1990 and Successor Co-Trustee of the Ercil D. Phillips Family Trust also known as The Phillips Family Trust, Douglas E. Welliver, Christine A. Welliver, and Golfside Estates Subdivision Homeowners Association, Inc., to vacate, rezone approximately 4.29 Acres, more or less, from Agriculture (AG) to Agricultural – Residential 1 (AGR - 1) and create a preliminary plat for Golfside Estates, Lots 23-24 and Lots 26-31, also known as a tract of land being part of the Southwest Quarter of Section 36, Township 11 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska were approved by the Board of Commissioners on May 26, 2026.

The Planning Commission discussed the Land Use Forum that was presented by the Nebraska Association of County Officials on June 3, 2026.

The Commission then discussed data centers and battery energy storage centers and their impact on communities. They, as a whole, stated that they wanted Zoning Administrator Daniels to relay to The Board of Commissioners that they would like to see more regulatory standards on data centers and battery energy storage centers as soon as possible. Zoning Administrator Daniels said that the Board of Commissioners share the same concerns as The Commission and she would pass the message on to see if something could be submitted to them as quickly as possible for review, study, and discussion.

Zoning Administrator Daniels reviewed two Dawson County Notices for code amendments and provided the email inquiring the subject of the amendments to The Commission.

Zoning Administrator Daniels reviewed a proposed extra-territorial jurisdictional subdivision, presented by the city of Kearney, Butler Fourth Subdivision. She reviewed the letter, prepared and sent on their behalf.

Zoning Administrator Daniels discussed three subdivisions that were annexed: 12 Kids Addition, Fountain Hills Sixteenth Addition, and Spruce Hollow Estates Ninth Addition.

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. Zoning Administrator Daniels stated that the proposed letter would be put in the mail on Monday, June 22nd, 2026, due to the holiday on Friday.

Next Meeting

The next meeting is scheduled for July 16, 2026. Zoning Administrator Daniels stated that she has not received any applications for public review, as of that evening. However, she added, she intended to have code amendments prepared for that meeting.

Adjourn

Chairperson Brady adjourned the meeting at 8:12 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Tammy Jeffs, Secretary
Buffalo County Planning Commission

Zoning Agenda

Item #1

30-9-14
Gibbon

New Buffalo County Zoning Permit No.: 2026-065

Shane M. Roach
4785 Hwy 10
Gibbon, NE 68840

May 28, 2026

Dennise Daniels
Buffalo County Zoning Administrator
PO Box 1270
Kearney, NE 68848-1270

RE: Termination of Buffalo County Special Use Permit No. 2006-122
(Pt. Gov't Lot 2, Sect. 30, T 9 N, R 14 W of the 6th P.M., Buffalo County, Nebr.)

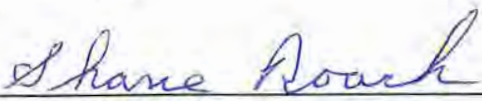
Dear Dennise:

I am formally requesting the special use permit (Buffalo County Zoning Permit No. 2006-122) as passed and approved by the Buffalo County Board of Supervisors (now known as the Buffalo County Board of Commissioners) by Resolution 2007-05, on February 27th, 2007 be terminated.

Resolution 2007-05 was recorded on April 20, 2007 as Instrument No. 2007-2797 in the office of the Register of Deeds of Buffalo County, Nebraska with the legal description shown on the document as follows:

A tract of land being part of Government Lot 2 located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Government Lot 2; thence northerly on the West line of said Government Lot a distance of 227.6 feet; thence with a deflection angle to the right of 90°00' a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East property line of a county highway; thence continuing easterly on the aforescribed course a distance of 250.0 feet; thence left 90°00' and parallel with the West line of said Government Lot 2 a distance of 241.0 feet; thence left 90°00' a distance of 4.0 feet; thence right 90°00' parallel with the West line of Government Lot 2 a distance of 270.0 feet; thence left 89°32' a distance of 246.0 feet to a point on the East line of a county highway; thence left 90°28' parallel with and 40.0 feet easterly from the West line of said Government Lot a distance of 513.00 feet to the place of beginning.

Thank You,


Shane M. Roach

E-mail address: Mitch@BuffaloSurveying.com
Phone (308) 237-3785 - Fax (308) 236-7800

Determination of Termination

P&Z: ☒ Approved _____ Denied 6/18/2026 Meeting Date

BoC: _____ Approved _____ Denied _____ Meeting Date

NUM PAGES 3
DOC TAX _____ PD _____ CHG _____ RET _____
FEES No Fee PD _____ CHG _____ RET _____
TOTAL _____
CK NUM _____ BY _____
REC'D Jan 18 BY _____
RETURN Buffalo County Clerk

TRACT INDEX I
COMPUTER I
COMPARED X

Inst. 2007 - 2797

RECORDED
BUFFALO COUNTY, NE

2007 AP 20 PM 2:55

Kellie John
REGISTER OF DEEDS

RESOLUTION 2007-05

WHEREAS, Shane Roach, filed an application for special use permit for permission to operate a ready-mix concrete plant in the Agricultural Zoning District with the Buffalo County Clerk and/or Zoning Administrator.

WHEREAS, on January 18, 2007 following public hearing on such special use permit application, the Buffalo County Planning and Zoning Commission recommended approval of such special use permit with a recommendation that minimum setback of the plant be at least 50 feet from east edge of State Highway #10 Right-of-Way all as set forth in minutes of such meeting with such minutes being a part of the record for this board's public hearing, and

WHEREAS, on February 13, 2007 and February 27, 2007 the Buffalo County Board of Supervisors held public hearings on such Special Use Permit, and

WHEREAS, no protests have been filed with the Clerk that would require a two-thirds majority of this Board to approve the special permit, and

WHEREAS, the Board after public hearing and review of the special use application finds:

1. This is an application for a special use permit filed by Shane Roach for land hereinafter described as "subject property".
2. Applicant, as noted in application filed which is incorporated herein by this reference thereto, proposes to place a ready-mix concrete plant with 14' x 20' building and loading bay. He desires to store and pile gravel for such in such plant. He also desires to maintain a residence that now exists on the subject property. He also intends to place a small pump house, similar to that in picture of existing plant in Gibbon with the plant. He also intends to elevate existing Quonset on property. The application is amended to reflect these two specific changes.
3. A ready-mix concrete plant is allowed in the Agricultural District pursuant to Section 5.14 (2).
4. A ready-mix concrete plant is also allowed in Buffalo County's Zoning Regulations in Section 5.6 (5) in the Industrial District Regulations.
5. Access to the subject property is from a hard surfaced county road located on the west side of the property. Such road is now known as "State Highway #10" or will be known as Keystone Road should the State of Nebraska cease to maintain it.
6. State regulations exist for the regulation of ready-mix concrete plants in the State of Nebraska.
7. Already situated on the subject property beyond the residence mentioned other buildings as disclosed on the application.
8. The subject property comprises 2.914 acres.

9. No trees presently exist of a substantial nature around the boundaries of the subject property and none are perceived as necessary.
10. Lighting needs of the subject and proposed use shall be by REA type pole lights or attached to building in loading and cleaning areas.
11. Driveways for access to and upon the subject property for and to any living unit should be by graveling or higher standard of construction.
12. Sign not more than 32' square feet with name of business and street address should be placed along Highway #10 for 911 addresses purposes and public information.
13. The long term occupancy, upkeep, and existence of present residence on the subject property pose issues for this Board. Industrial property when zoned industrial does not allow residences. An existing residential structure in an Industrial Zoning District once zoned industrial becomes "nonconforming". As a nonconforming structure, it cannot be rebuilt if significant damage occurs to it. Generally only regular maintenance to the structure is allowed.
14. The Board believes that some limits on all AG District uses should be placed on the property to harmonize its use. In this case the subject property should be limited to one residence with no allowance for additional family or farm hand residences.
15. So some type of "sunset" or abandonment provision is needed for this special use permit to cause such permit to be cancelled in event of nonuse of the uses provided over an extended period of time.

WHEREAS, the issuance of this special permit is found to be in compliance with Section 6.2 of Buffalo County's Zoning Regulations now in effect, such special permit should be allowed, with the below stated conditions contained in this Resolution, because the proposed use would:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED THAT BY THE BUFFALO COUNTY BOARD OF SUPERVISORS by a vote of majority of its members, that this Board approves applicants' Special Use Permit as filed with such application for a ready-mix concrete plant with such application and attached paperwork incorporated into this Resolution by this reference together with amendments herein, subject however to the following conditions:

1. Minimum setback for piling of gravel, structures, and storage of equipment shall be 50 feet from west property line of subject property.
2. Applicant shall surface all driveways and access ways on the subject property with gravel or higher grade of construction material.

3. The general construction commencement and completion timeframes for special use permits as set forth in Buffalo County's Zoning Regulations shall apply to this special permit now granted with applicant given 120 days from today to commence construction and a two year limit to complete construction.
4. When the special use granted herein for the subject property is discontinued or abandoned, for a period of eighteen (18) consecutive months, such use shall not thereafter be reestablished or resumed, and any subsequent use or occupancy of such land shall comply with the regulations of the zoning district in which such land is located then in effect.
5. Solely one residence with no farmhand and/or relative additional residences shall be allowed on the subject property. All other AG District uses excepting this limitation are allowed.

BE IT FURTHER RESOLVED that this Board reserves the power to revoke such special permit for failure to comply with such terms, conditions and requirements, or take such other action as it may deem necessary to obtain compliance all as provided in Buffalo County Zoning Regulations.

BE IT FURTHER RESOLVED that the "subject property" shall be fully legally described as:

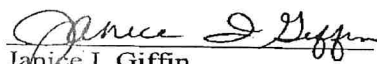
A tract of land being part Government Lot 2 located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Southwest corner of said Government Lot 2; thence northerly on the West line of said Government Lot a distance of 227.6 feet; thence with a deflection angle to the right of 90° 00' a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being on the East property line of a county highway; thence continuing easterly on the aforescribed course a distance of 250.0 feet; thence left 90° 00' and parallel with the West line of said Government Lot 2 a distance of 241.0 feet; thence left 90° 00' a distance of 4.0 feet; thence right 90° 00' parallel with the West line of said Government Lot 2 a distance of 270.0 feet; thence left 89° 32' a distance of 246.0 feet to a point on the East line of a county highway; thence left 90° 28' parallel with and 40.0 feet easterly from the West line of said Government Lot a distance of 513.00 feet to the place of beginning.

RESOLVED FURTHER that a copy of this Resolution shall be filed against the subject property.

PASSED AND APPROVED THIS 27TH DAY OF FEBRUARY, 2007

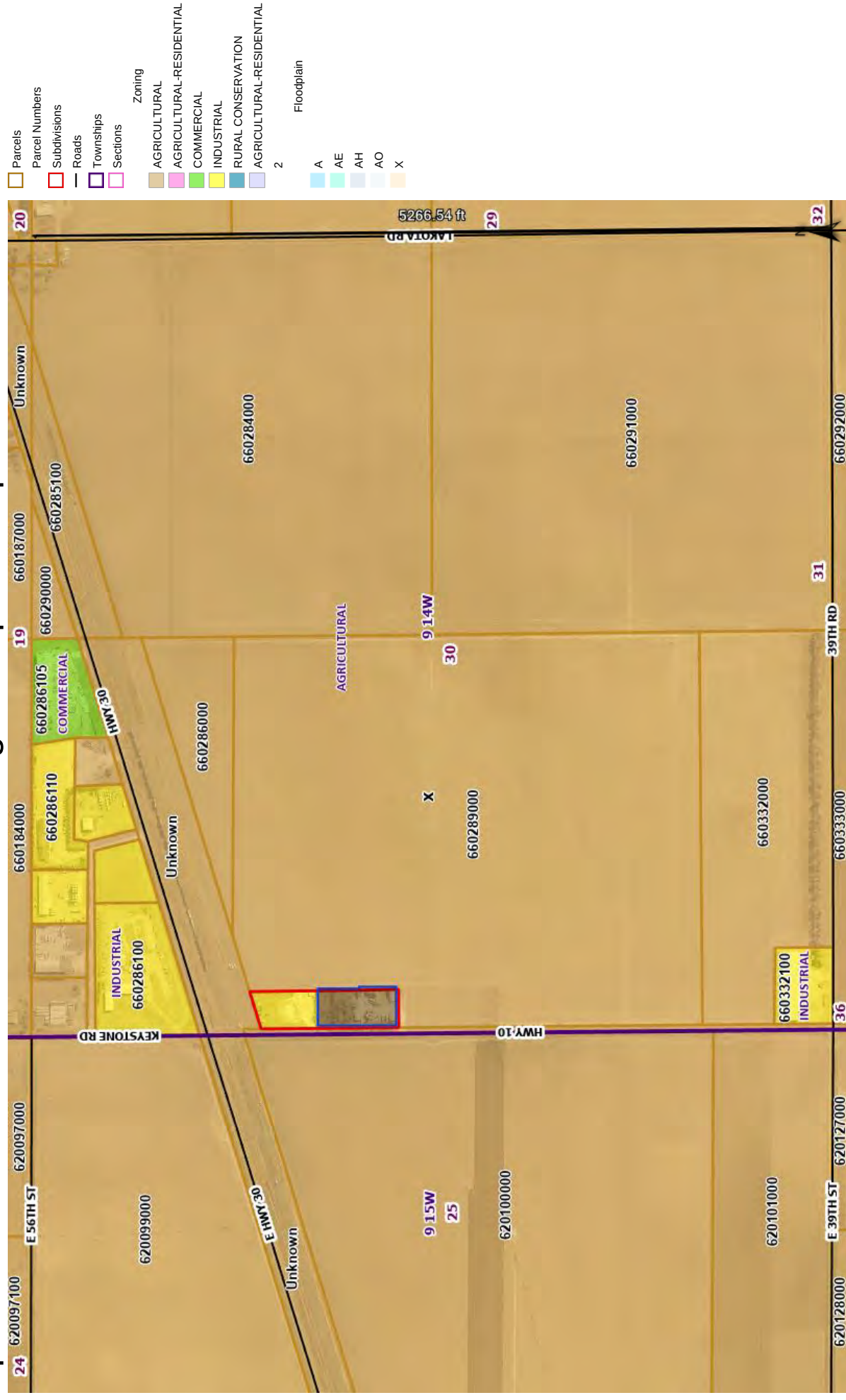

Richard Pierce, Chairman
Buffalo County Board of Supervisors




Janice I. Giffin
Buffalo County Clerk



Created by: null





Buffalo County, NE

Special Use Permit Termination Aerial/Floodplain Map

Created by: null

- Parcels
- Parcel Numbers
- Subdivisions
- Roads
- Townships
- Sections
- Floodplain
- A
- AE
- AH
- AO
- X



Zoning Agenda

Item #2

APPLICATION FOR A CHANGE OF ZONING
BUFFALO COUNTY, NEBRASKA

30-9-14
Gibbon

Filing Fee: \$330.00 plus estimated cost of publication made payable to Buffalo County.
Form must be filled out completely before acceptance of this application for processing. **Please print. All fees are non-refundable.**
Date 05-15-2026

Applicant's Name Shane M. Roach Telephone # Shane Roach: 308-627-0007

Applicant's Address 4785 Hwy 10, Gibbon, NE Zip Code 68840

Present Use of Subject Property Concrete Batch Plant Business

Desired Use of Subject Property Concrete Batch Plat Business

Present Zoning Agricultural Requested Zoning District "I" (Industrial District)

Legal Description of Property Requested to be Rezoned See Attached Sheet

Area of Subject Property, Square Feet and/or Acres 1.38 Acres

How are Adjoining Properties Used (Actual Use):

North Agricultural & Industrial South Agricultural
East Agricultural West Agricultural

If Exhibits are furnished, please describe and enumerate. Furnish plot or site plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.

Justification

You must justify your request. Questions 1 through 4 must be answered completely. Use additional sheets if needed.

1. What is the general character of the area? Describe.
See attached sheet for detailed description.
2. Can soil conditions support the kinds of development in the proposed zoning district? What is the soil classification of the area?
The site is presently being used for a concrete batch plant and the soil conditions support this use.
The present soil classification is: Hall silt loam, 0 to 1 percent slopes (8840)
3. What type of sewer and water system will be used?
The site is presently served by a private well. There is no individual septic system in use.
4. How will the proposed zoning district affect traffic in the area?
The site is an existing batch plat business with no additional change in traffic patterns expected.

The Zoning Administrator, who may be accompanied by others, is hereby authorized to enter upon the property during normal working hours for the purpose of becoming familiar with the proposed situation.

The above requested information is, to the best of my knowledge, true and accurate.

Signature of Owner Shane Roach

Signature of Agent Mitchell W. Humphrey

Printed Name Shane M. Roach

Printed Name Mitchell W. Humphrey, PLS 492
Buffalo Surveying Corp.
PO Box 905, Kearney, NE 68848

Buffalo County Zoning
1512 Central Ave.
PO Box 1270
Kearney, NE 68848
308-236-1998

Office Use Only
Permit Number 2026-057
Amount 390.00 Receipt # 975208
Floodplain Yes or No 5/15/26 dmd
Date Initial

OFFICE USE ONLY

Permit # 2026-057 Fee Received \$390.00 Receipt # 975208

Date 6/18/2026 Approved X
Disapproved _____

Scott Brady
Chair, Buffalo County Planning Commission

Date _____ Approved _____
Disapproved _____

Chair, Buffalo County Board of Commissioners

NOTICE TO APPLICANT

Section 11.2 of the Buffalo County Zoning Ordinance requires the applicant to submit the following information which must accompany this application before it can be considered by the Planning & Zoning Commission:

1. The legal description and local address of the property;
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within three hundred (300) feet of the property for which the change is requested;
5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid; and
6. A drawing showing the location, dimensions, and use of the applicant's property and all property within three hundred (300) feet thereof, including roads, railroads, and other physical features.

ATTACHMENT TO THE APPLICATION FOR CHANGE OF ZONING

LEGAL DESCRIPTION

A tract of land being a part of Lot One (1), Roach Administrative Subdivision, an administrative subdivision being a part of Government Lot Two (2) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, with that part of Lot 1, Roach Administrative Subdivision being more particularly described as follows: Referring to the Southwest Corner of Government Lot 2 located in Section 30 and assuming the West line of Government Lot 2 and Government Lot 1 located in Section 30 as bearing N 00°09'30" E and all bearings contained herein are relative thereto; thence N 00°09'30" E and on the West line of Government Lot 2 located in said Section 30 a distance of 227.6 feet; thence leaving the West line of Government Lot 2 located in said Section 30, S 89°50'30" E a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being the Southwest Corner of Lot 1, Roach Administrative Subdivision; thence on the South line of said Lot 1, Roach Administrative Subdivision and continuing S 89°50'30" E a distance of 250.0 feet to the Southeast Corner of said Lot 1, Roach Administrative Subdivision; thence on the East line of said Lot 1 Roach Administrative Subdivision N 00°09'30" E, and parallel with the West line of Government Lot 2 located in said Section 30, a distance of 241.0 feet; thence leaving the East line of said Lot 1, Roach Administrative Subdivision N 89°50'30" W, and parallel with the South line of said Roach Administrative Subdivision, a distance of 250.0 feet to a point on the West line of said Lot 1, Roach Administrative Subdivision; thence on the West line of said Lot 1, Roach Administrative Subdivision S 00°09'30" W, and parallel with the West line of said Government Lot 2 located in Section 30, a distance of 241.0 feet to the place of beginning. Containing 1.38 acres, more or less.

ATTACHMENT TO THE APPLICATION FOR CHANGE OF ZONING, Con't

GENERAL CHARACTER OF THE PROPERTY

The property is presently located approximately 1000 feet South of the intersection of U.S. Highway No. 30 and State Highway 10, south of the Union Pacific Railroad's right-of-way and on the east side of State Highway 10. The tract is located south of the existing home site owned by the applicant.

Presently the land is used for the concrete batch plant business owned and operated by the applicant with an approved special use permit on file.

Access to the site is from the paved State Highway 10.

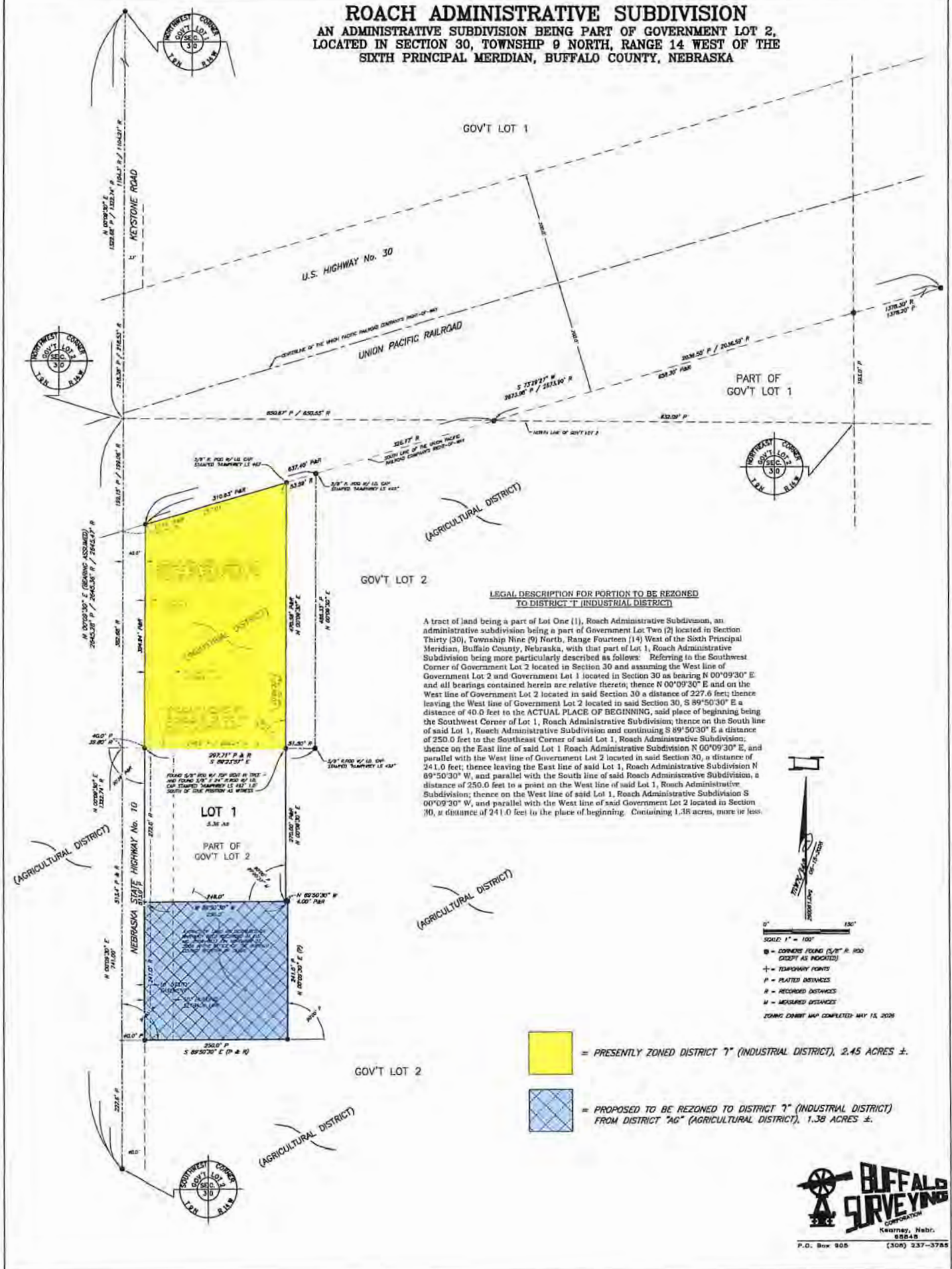
The intent is to continue using the site for the existing concrete batch plant business operations. The zoning change is requested to accommodate the actual use of the property according to current zoning regulations. This will allow for the repeal (discontinuance) of the special use permit on file for the entire property owned by the applicant.

NAMES AND ADDRESSES OF ADJOINING OWNERS WITHIN 300 FEET

- A. Shane M. Roach
4785 Hwy 10
Gibbon, NE 68840
- B. John G. Lowe III Trust
c/o Timothy E. Lowe, Trustee
2001 Central Avenue
Kearney, NE 68847
- C. S & J Farms, Inc.
c/o Daniel Johnson
930 Tahoe Blvd, Ste 802 PMB 506
Incline Village, NV 89451

ROACH ADMINISTRATIVE SUBDIVISION

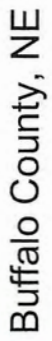
AN ADMINISTRATIVE SUBDIVISION BEING PART OF GOVERNMENT LOT 2,
LOCATED IN SECTION 30, TOWNSHIP 9 NORTH, RANGE 14 WEST OF THE
SIXTH PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA



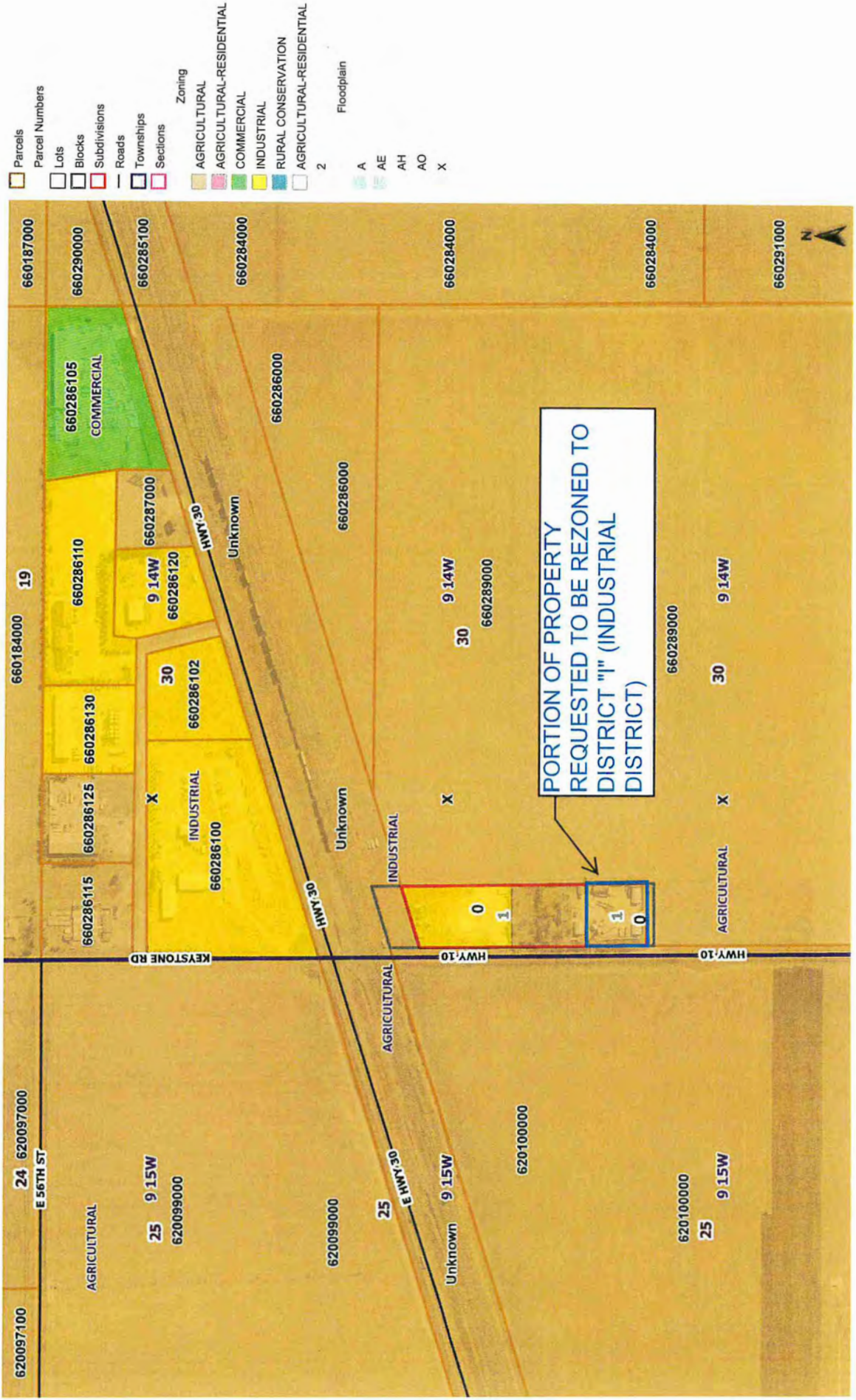
LEGAL DESCRIPTION FOR PORTION TO BE REZONED TO DISTRICT 7* (INDUSTRIAL DISTRICT)

A tract of land being a part of Lot One (1), Roach Administrative Subdivision, an administrative subdivision being a part of Government Lot Two (2) located in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska, with that part of Lot 1, Roach Administrative Subdivision being more particularly described as follows: Referring to the Southwest Corner of Government Lot 2 located in Section 30 and assuming the West line of Government Lot 2 and Government Lot 1 located in Section 30 as bearing N 00°09'30" E and all bearings contained herein are relative thereto; thence N 00°09'30" E and on the West line of Government Lot 2 located in said Section 30 a distance of 227.6 feet; thence leaving the West line of Government Lot 2 located in said Section 30, S 89°50'30" E a distance of 40.0 feet to the ACTUAL PLACE OF BEGINNING, said place of beginning being the Southwest Corner of Lot 1, Roach Administrative Subdivision; thence on the South line of said Lot 1, Roach Administrative Subdivision and continuing S 89°50'30" E a distance of 250.0 feet to the Southeast Corner of said Lot 1, Roach Administrative Subdivision; thence on the East line of said Lot 1 Roach Administrative Subdivision N 00°09'30" E, and parallel with the West line of Government Lot 2 located in said Section 30, a distance of 241.0 feet; thence leaving the East line of said Lot 1, Roach Administrative Subdivision N 89°50'30" W, and parallel with the South line of said Roach Administrative Subdivision, a distance of 250.0 feet to a point on the West line of said Lot 1, Roach Administrative Subdivision; thence on the West line of said Lot 1, Roach Administrative Subdivision S 00°09'30" W, and parallel with the West line of said Government Lot 2 located in Section 30, a distance of 241.0 feet to the place of beginning. Containing 1.38 acres, more or less.

- = PRESENTLY ZONED DISTRICT 7* (INDUSTRIAL DISTRICT), 2.45 ACRES ±.
- = PROPOSED TO BE REZONED TO DISTRICT 7* (INDUSTRIAL DISTRICT) FROM DISTRICT 76G* (AGRICULTURAL DISTRICT), 1.38 ACRES ±.



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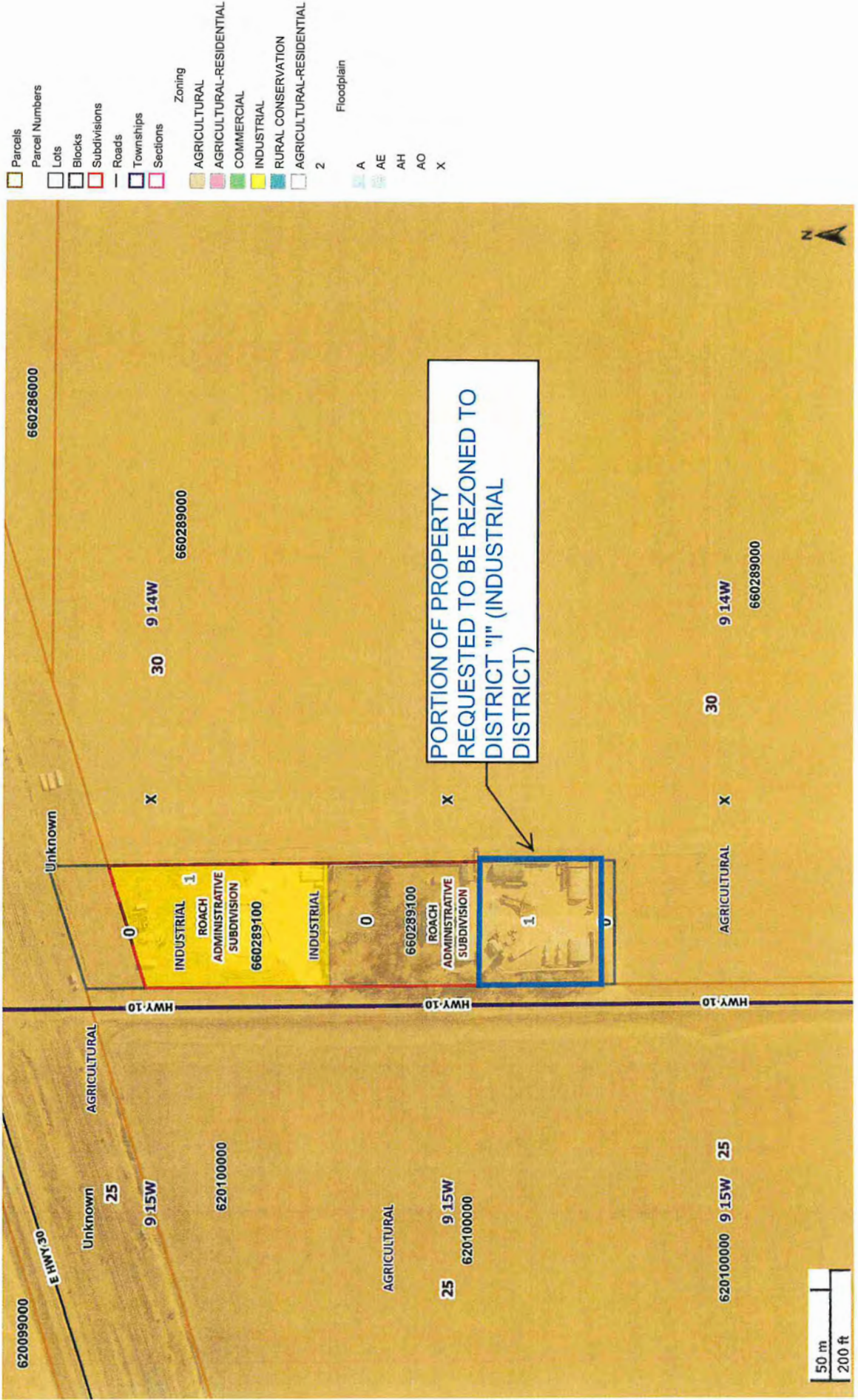




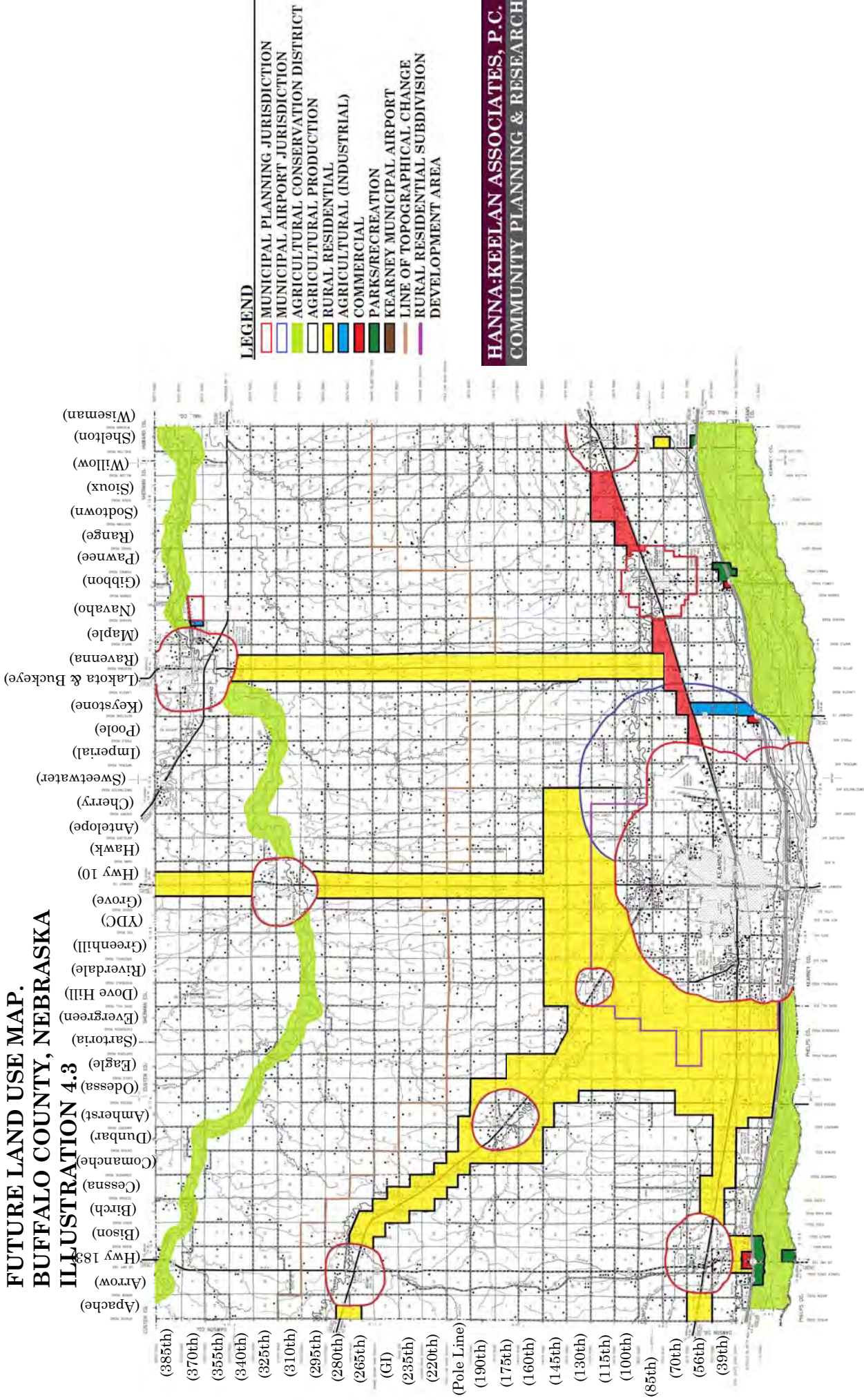
Buffalo County, NE

Pt. Gov't Lot 2, Sect. 30, T9N, R14W Assessors Map

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**FUTURE LAND USE MAP.
BUFFALO COUNTY, NEBRASKA
ILLUSTRATION 4.3**

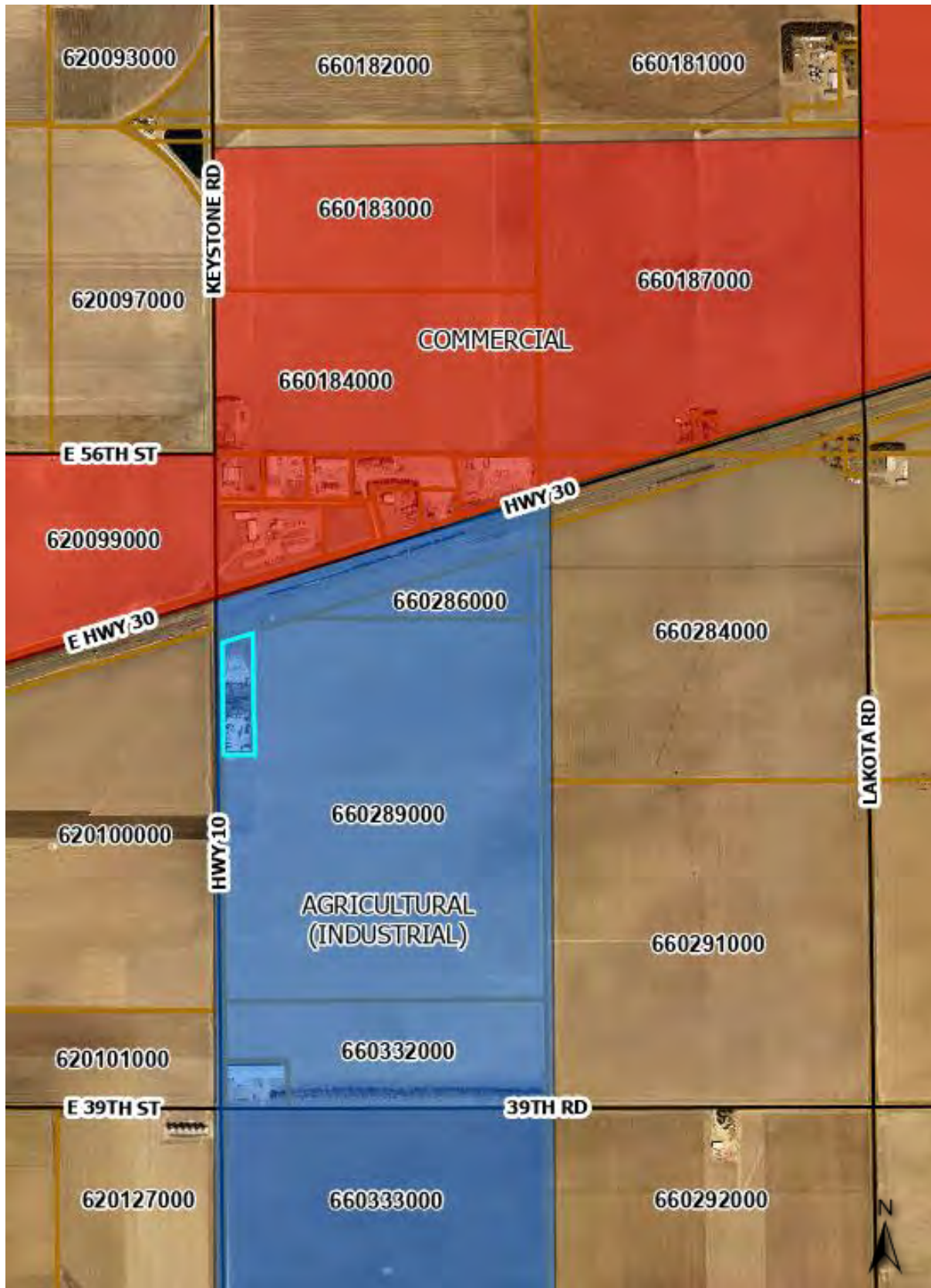




Buffalo County, NE

Roach: Future Land Use Map

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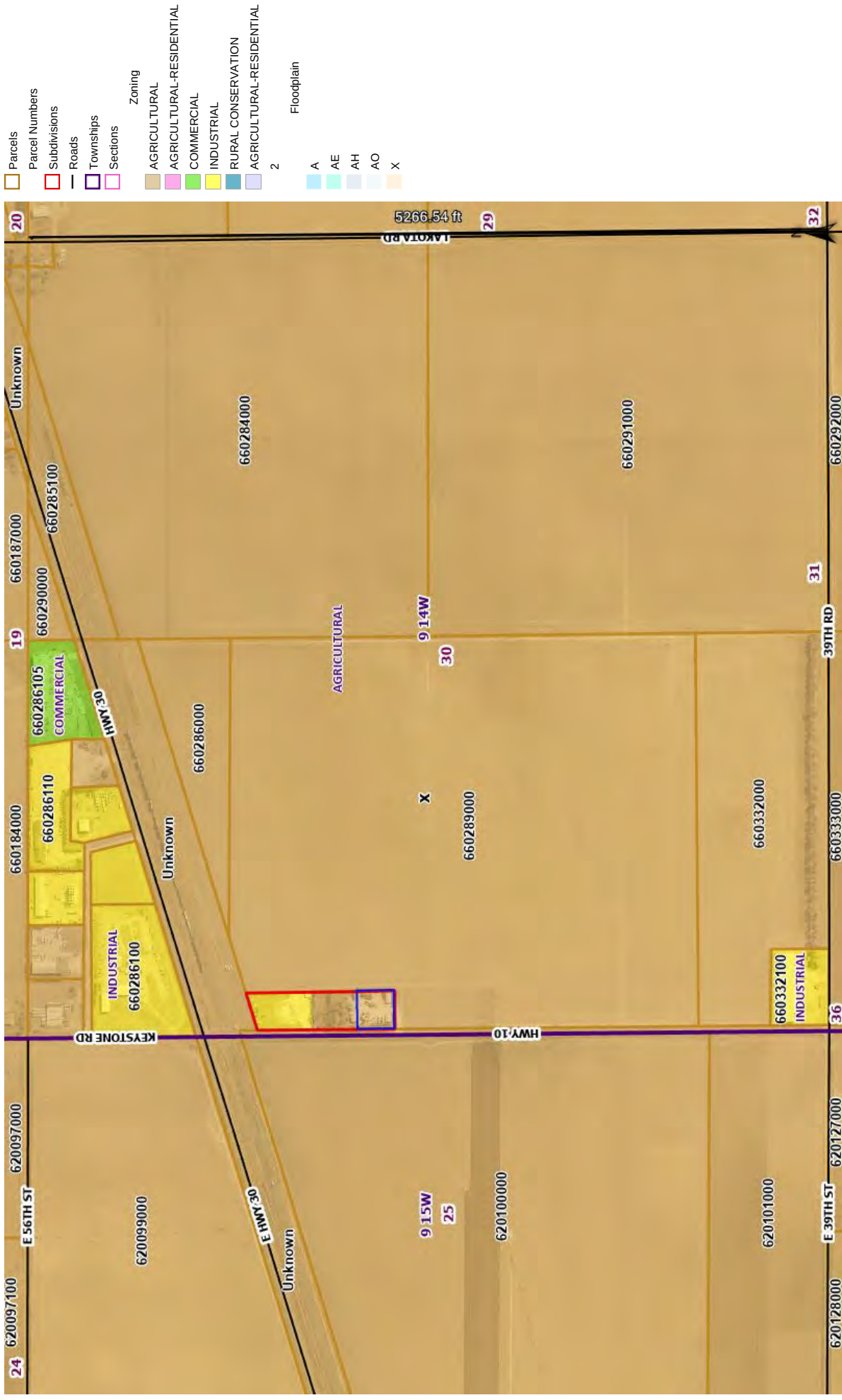
- Parcels
- Parcel Numbers
- Roads
- Future_Landuse
 - Agricultural Residential 2 District
 - AGRICULTURAL (INDUSTRIAL)
 - AGRICULTURAL
 - CONSERVATION DISTRICT
 - COMMERCIAL
 - PARKS/RECREATION
 - RURAL RESIDENTIAL



Buffalo County, NE

Roach Zoning Map Amendment Zoning/Floodplain Map

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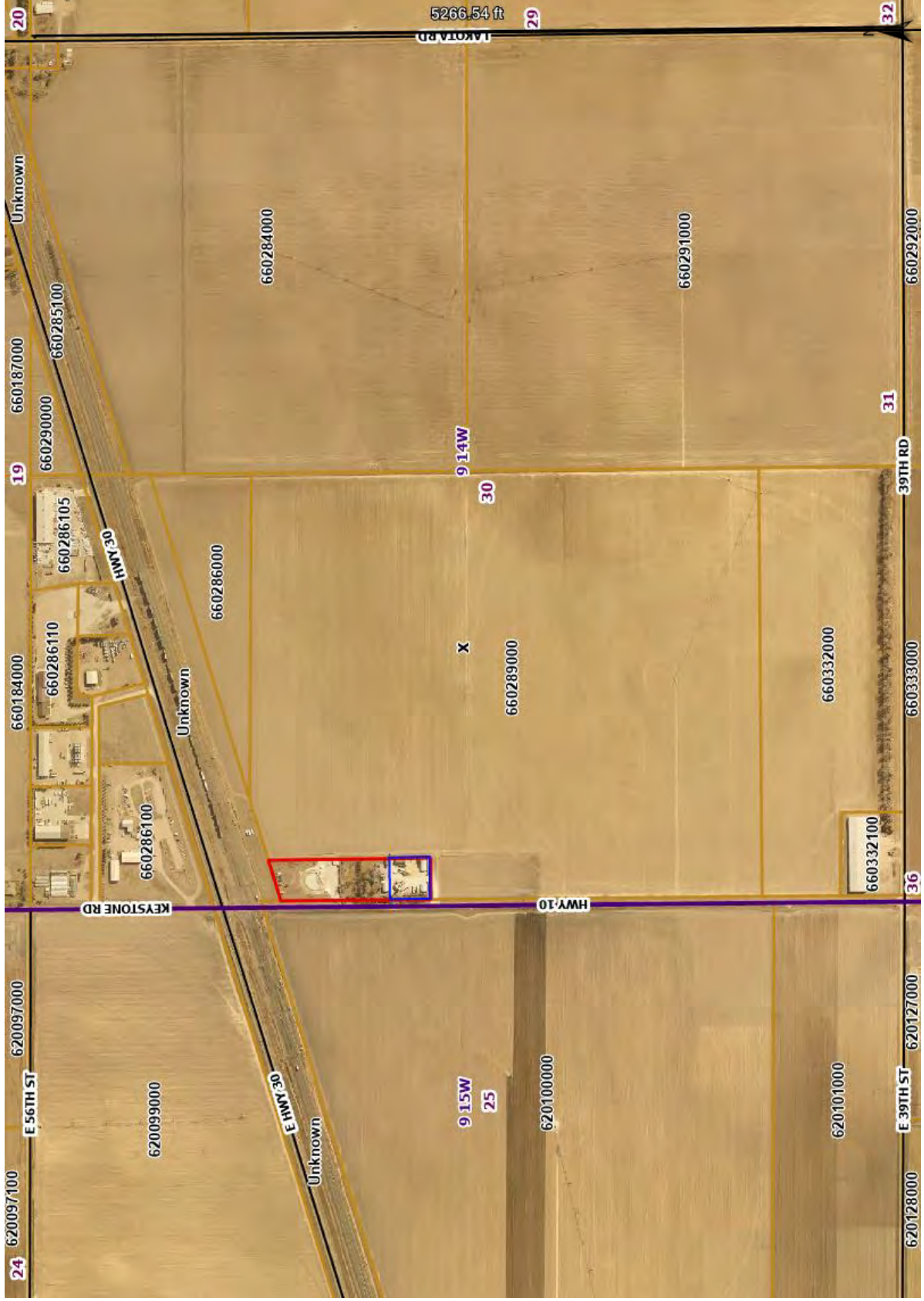
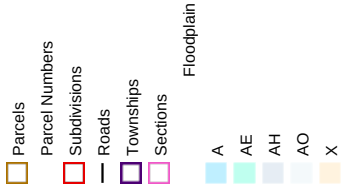




Buffalo County, NE

Roach Zoning Map Amendment Aerial/Floodplain Map

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Zoning Agenda

Item #3

(3" margin)

EXHIBIT "E"

Buffalo County Clerk
PO Box 1270
Kearney, NE 68848

SUBDIVISION AGREEMENT

(Name of subdivision)

In the County of Buffalo, Nebraska
The undersigned, _____, hereinafter referred to as "Subdivider" whether one or more, as owners of, and _____ a party having a lien upon, the following described tract of land, to-wit "subject property":

(set out full legal descript of parameters of land to be subdivided)

AND IS SUBJECT TO ANY EXISTING EASEMENTS OR RIGHT OF WAY BY RECORD.

Have presented at proposed, or recently approved, plat of the same to the Buffalo County Board of County Commissioners, i.e. "County" for acceptance as provided by law an accurate map and plat of such proposed subdivision, to be known as _____ SUBDIVISION, designating the land to be laid out and particularly describing the lots, easements, and streets belonging to such subdivision, with the lots designated by number, easements by dimensions, and streets by name, and proposes to cause the plat of such subdivision to be considered for acceptance and/or approved by the County.

In consideration of the acceptance of the plat of said (PROVIDE NAME OF THE SUBDIVISION-IN FULL), the Subdivider hereby consents and agrees with the County of Buffalo, Nebraska, as follows:

1. Surface Maintenance of Roads.

- A.** For a period of five (5) years commencing from date of the County's acceptance of dedication of streets and/or roads in the foregoing subdivision, the Subdivider shall grade and furnish gravel for all dedicated streets within this subdivision. During these five (5) years, the County shall be responsible for snow clearing of the dedicated streets as the same can be performed by the county as part of a county wide plan for snow clearing of public roads.
- B.** After this five-year period, the Subdivider shall be responsible for an additional five (5) years to keep the road graveled and supply the same on the dedicated roads and/or streets within the subdivision. For these five (5) years, the County shall be responsible for no more than once a month monthly maintenance grading of gravel as the same can be performed by the county as part of a county wide plan for grading of public roads.
- C.** That should the Subdivider not adequately gravel, grade, or adequately maintain shoulders of the subdivision street(s) while the Subdivider is responsible for such activities under the terms of this maintenance agreement, then the Buffalo County Highway Superintendent shall notify Subdivider of the inadequate graveling, grading, and/or shoulder maintenance. If the inadequacy is not remedied within ten (10) days, the Superintendent shall proceed to take procedures to obtain and place gravel, by whatever means feasible and Subdivider shall be liable for such costs incurred by Buffalo County.
- D.** The failure of Buffalo County to take full steps to remedy the situation in any one instance shall not constitute a waiver of future actions by Buffalo County.

E. Waiver: In the event that County needs to create a rural road improvement district to pay for gravel and/or grading within the subdivision as provided in this subsection, the Subdivider and lienholder, as part of the subdivision acceptance process for all lands within the accepted subdivision, waives the right to protest formulation of a rural road improvement district for the streets within a subdivision for this maintenance purpose all as allowed in current Nebraska Law Sec 39-1638. This provision does not limit creation of a rural road improvement district for any other purpose within the subdivision. The obligation to pay for graveling, gravel grading, and/or shoulder maintenance shall attach to all lots in the subdivision proportionately based upon street frontage of the dedicated street(s)/road(s), and shall run with the land. The minimum charge for county work shall be five hundred dollars (\$500.00) for mobilization fee and an hourly rate thereafter at the rate of \$150.00 **per hour** per hour or fraction thereof plus costs of gravel purchased and delivery fees.

2. After five years after date of approval of this subdivision the Subdivider shall have no responsibility concerning future surface maintenance of dedicated subdivision road(s)/street(s). Buffalo County's will assume surface maintenance of the dedicated public ways.

3. "Surface Maintenance" as defined by Buffalo County's Subdivision Resolution, at time of signing of this agreement, is defined as:

Sec. 2.36 SURFACE MAINTENANCE Buffalo County's maintenance of the surface of streets within a subdivision consisting of no more than: once monthly grading and annual application of gravel. It does not include, and is not limited to the following: placement, design, and maintenance of culverts, bridges, or other

drainage devices; design of streets; borrow or fill operations to build or repair street; and street shoulder maintenance.

- 4. Driveway Access.** Vehicular access from the lots within this subdivision shall only be permitted onto (or through a named street-vehicles are to enter through a dedicated street, not directly on an existing county road, if possible).
- 5. Warranty.** The undersigned owner, as Subdivider, warrants that it is the owner in fee simple of the land described and proposed to be known as (Name of subdivision), and that an abstract of title or other sufficient proof of ownership has been submitted to County of Buffalo.
- 6. Successors and Assigns.** This agreement as part of the subdivision process, shall be filed with the Register of Deeds of Buffalo County, Nebraska, at the cost of the subdivider. This agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their successors, assigns, heirs, devisees, and legatees. Where the term "Subdivider" is used in this agreement, the subsequent owners of any lots in the subdivision shall be responsible to perform any of the conditions of this agreement if the Subdivider has not performed such conditions.

Dated _____, 20__.

_____ Subdivider

By: _____

Lienholder

STATE OF NEBRASKA)

COUNTY OF BUFFALO) ss)

On _____, 20__, before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, known personally to me to be the identical person and such officer who signed the foregoing Subdivision Agreement and acknowledged the execution thereof to be his voluntary act and deed for the purpose therein expressed on behalf of the corporation.

WITNESS my hand and notarial seal the date above written.

Notary Public

My commission expires: _____

COUNTY OF BUFFALO, NEBRASKA

By:

Chairperson of the
Buffalo County Board of County Commissioners

Attest: _____

_____, County Clerk

STATE OF NEBRASKA)

) ss

COUNTY OF BUFFALO)

Before me, a notary public, qualified in said County personally came _____, Chairperson of the Buffalo County Board of County Commissioners for the County of Buffalo, Nebraska, known to me to be such officer and the identical person who signed the foregoing Subdivision Agreement and acknowledged that the foregoing signature was her/his voluntary act and deed pursuant to Subdivision Acceptance Resolution 20____, 20__ - and that the County's seal was thereto affixed by proper authority.

WITNESS my hand and notarial seal on

_____, 202____.

Notary Public

Zoning Agenda

Item #4a

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 electricity¹ based upon manufacturer specifications housed in any or one 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 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 #4b

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.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.

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

² Santa Barbara Co Zoning Reg Chapter 35-144U-Cannabis

"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 body³;

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

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)

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 waste⁶ 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.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

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 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)

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 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 law¹¹ 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

⁹ (Reg. 238 002.37)

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

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

medical marijuana unusable having a THC concentration greater than 0.3 percent on a dry weight basis¹⁴ 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.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 read¹⁶:

~~“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

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

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.)**

- 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

- 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.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

¹⁸ (Reg. 238 007.01 VERTICAL LICENSING).

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 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.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

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.

- 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 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.²⁰ 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.

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.

- 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.
- 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.

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 #5

From: [Turner, Katie](#)
To: [Clerk; michaela.arndt@dawsoncountyne.gov](#); [Hall County Clerk](#)
Subject: Request for Review and Comment under Section 106: 43049, ITS-NH-STP-D4(110), District 4 Dynamic Message Signs
Date: Friday, June 26, 2026 2:39:44 PM
Attachments: [43049 Section 106 Tier II PQS memo - 6.26.2026.pdf](#)
[43049 Section 106 Project Package - 6.26.2026.pdf](#)



**Request for Review and Comment
Under Section 106 of the National Historic Preservation Act**

Project Name: District 4 Dynamic Message Signs
Project No: ITS-NH-STP-D4(110)
Control No: 43049

Hello:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced above using funds from the Federal Highway Administration (FHWA). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to either 23 USC 326 and a Second Renewed Memorandum of Understanding dated September 12, 2024 executed by FHWA and NDOT or pursuant to 23 USC 327 and a Memorandum of Understanding dated February 23, 2026 and executed by FHWA and NDOT, as applicable. Under 326 and 327 NEPA assignment, NDOT is the lead federal agency.

For your review and comment, please find attached information regarding the project referenced above. NDOT invites your comment upon National Register of Historic Places (NRHP) eligibility and the project effects determination indicated below and in attachments.

In an effort to streamline our process and to make the material easier for you to review, we've moved information usually contained within a letter into a form called the "Section 106 PQS Memo". This memo is required by our statewide Section 106 programmatic agreement and contains the same information as was formerly in the letter. The second attachment is the "Section 106 Project Package", which contains the technical documents as enclosures.

Under Section 106, NDOT has made the following project effects determination:

NDOT Project Effects Determination	
X	<i>No Historic Properties Affected</i>

	No historic properties identified within the APE
	No Historic Properties Affected Historic properties identified within the APE, but they will not be affected by the proposed undertaking
	No Adverse Effect Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking
	Adverse Effect Historic properties identified within the APE will be adversely affected by the proposed undertaking

If you have any questions, please do not hesitate to contact me using the information provided below. We respectfully request that you provide any objections within 30 days of receipt of this letter.

Sincerely,

Katie Turner
Cultural Resources Manager
NEBRASKA DEPARTMENT OF TRANSPORTATION
1500 Nebraska Parkway | Lincoln, NE | 68502
(402) 479-3514 | katie.turner@nebraska.gov

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to either 23 USC 326 and a Second Renewed Memorandum of Understanding dated September 12, 2024 executed by FHWA and NDOT or pursuant to 23 USC 327 and a Memorandum of Understanding dated February 23, 2026 and executed by FHWA and NDOT, as applicable.

Please note that as a federal agency, the Federal Highway Administration (FHWA) is responsible for engaging in government-to-government consultation with tribes, and this responsibility continues under National Environmental Policy Act (NEPA) Assignment. Under NEPA Assignment, NDOT initiates and conducts tribal consultation. Tribes may request formal government-to-government consultation with FHWA via formal written or oral communication, identifying one or more state transportation projects in the request for government-to-government consultation.

District 4 Dynamic Message Signs
Project No. ITS-NH-STP-D4(110)
Control No. 43049

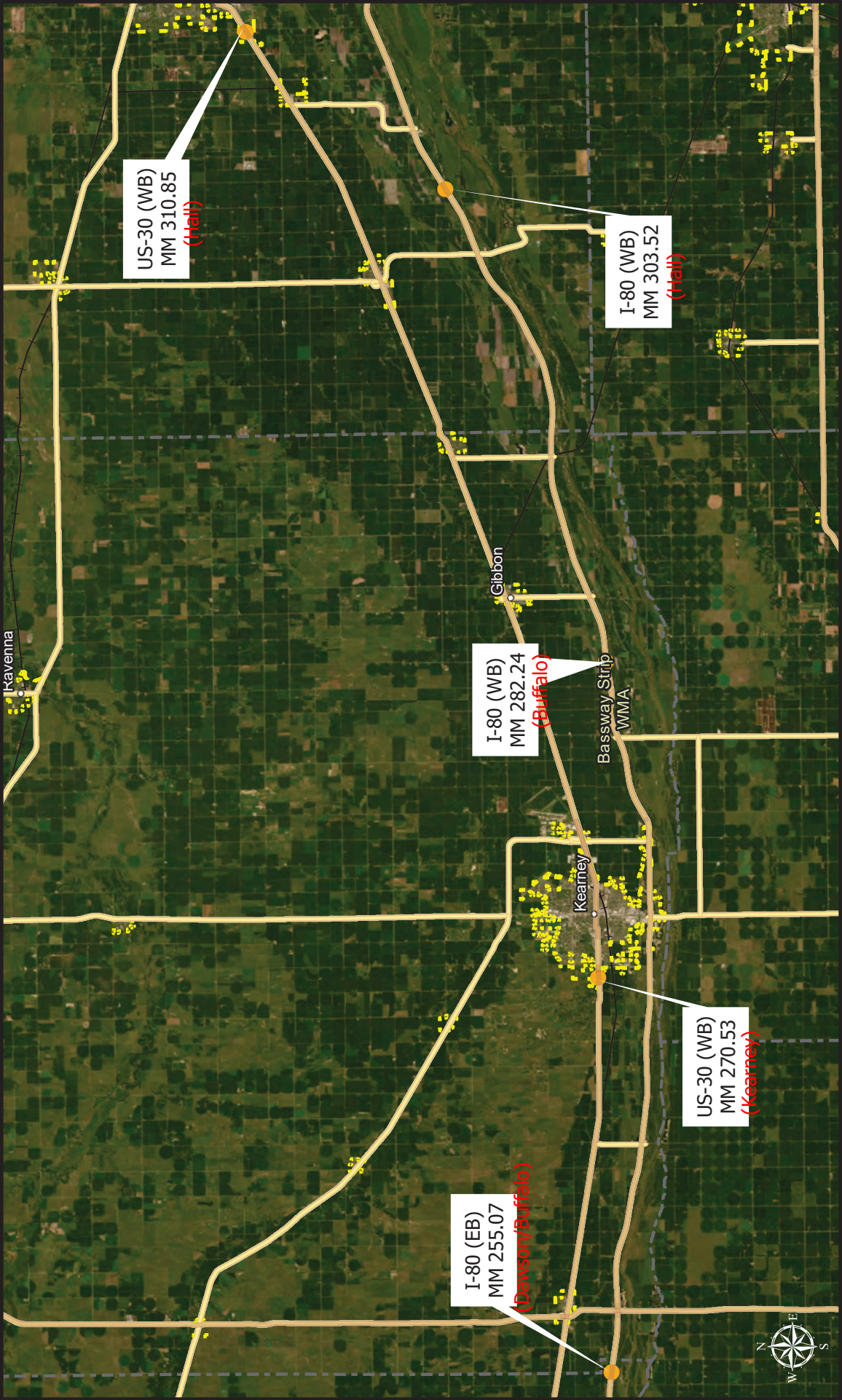
Section 106 Project Package - Enclosures



Project Location Map

Enclosure 1





NEBRASKA
DEPARTMENT OF TRANSPORTATION



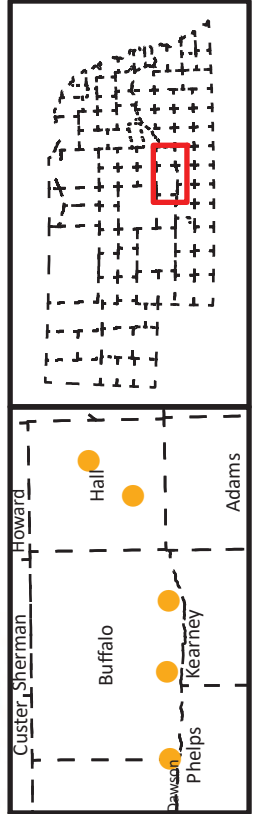
● Project Alignment.

City Boundary

Project Name: District 4 Dynamic Message Signs

Control No.: 43049

Project No.: ITS-NH-STP-D4(110)



Project Description

Enclosure 2



Nebraska Department of Transportation

Project Description

Project Name:	District 4 Dynamic Message Signs
Project Number:	ITS-NH-STP-D4(110)
Control Number:	43049

Created: 1/7/2026

Last Updated: 6/23/2026

Date	Update/Review By (name)	Items Updated	Plan Level (PIH, etc.)
1/7/2026	Welchans, Robin	Updating Project Description to NEDS format	Initial Upload
6/23/2026	Fischer, Katharine	add Dawson County	PCM 35
6/23/2026	Fischer, Katharine	add Dawson County	PCM 35

Location

This project will install Dynamic Message Signs in District 4 along I-80 and US-30 within Buffalo, Dawson, and Hall Counties. Construction may begin and/or end approximately 0.25 mile ahead of or beyond the actual project limits to accommodate trenching of electrical conduit to nearby power sources.

Improvements

The improvements on this project consist of side-mount and overhead-mount Dynamic Message Board system installation and guardrail work.

Grading will be required at spot locations.

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices during the day. Short duration detours will be needed when signs are hung over the interstate. This work will be performed at night.

Additional property rights will not be required to build this project.

Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.

Archeological Project Survey Summary Report

Enclosure 3



Project Number: ITS-NH-STP-D4(110)

Project Name: District 4 Dynamic Message Signs

County: Dawson

Nearest Water: Platte River

Legal Description:

DMS #1: S1/2 N1/2 Section 1, T8N, R19W.

The short-term detour routes require in support of this project will not require the completion of any construction activities and/or improvements. Therefore, the short-term detour routes are not included in the APE (KMT 6/24/2026).

APE Description (Add Maps):

The APE for archeological resources extends from existing ROW to ROW for the entire length of the undertaking at each DMS location. The vertical depth of the APE may extend up to approximately 15 feet below the existing ground surface at each location. The APE also extends 0.25 miles (1,320 feet) up the roadway in both directions beyond project limits at each DMS location.

As a result of continued design development, the DMS structure located west of the Elm Creek interchange along I-80 was shifted east by a half mile. The APE for archeological resources was expanded to accommodate this shift in project location. See Appendix A for additional information (KMT 6/24/2026).

Maps Used: USGS 7.5' Elm Creek West quadrangle; ESRI and Google aerial imagery

Project Character (Attach Project Description):

Side-mount and overhead-mount Dynamic Message Board system installation and guardrail work.

Project Description dated September 11, 2024.

Project Length/Area: ~0.25 mi from each DMS location

Survey Length/Area: N/A

Date(s) of Archeological Survey: Apr 8, 2026

Detour? ☐ No ☒ Yes, without Constr. Activities ☐ Yes, w/ Constr. ActivitiesName(s) of Survey
Personnel: Brian Goodrich

The project description was updated on June 23, 2026 to include Dawson County. NDOT PQS Katie Turner has verified that the changes made to the project description are within the APE originally evaluated by Goodrich (6/24/2026).

Person-Hours
of Fieldwork: N/A

Ground Cover (%-Visibility)

N/A

Survey Interval/Provisions:

Vehicular reconnaissance was completed. No pedestrian survey was deemed necessary at DMS #1 due to previous disturbance from interstate construction and low potential for intact archeological strata in the former stream channel.

Rationale for Non-surveyed Areas:

Unsurveyed portions of the APE are limited to areas that have been previously surveyed (06-0045, 18-0415, & 22-0111), previously disturbed, or are in settings with low potential to hold intact, significant archeological materials.

Results of Survey:

☒ No Archeological Resources Discovered☐ Site(s) Discovered Site Numbers: _____☐ Other (explain) _____

Project Effect Determination for Archeology

☒ No Historic Properties Affected: ☒ None Present ☐ Present but Not Affected☐ No Adverse Effect☐ Adverse EffectAre Further Archeological Investigations Warranted? ☐ Yes ☒ No

TBD by NDOT PQS

Is THPO Consultation Recommended by Sponsor Agency? ☒ Yes ☐ No

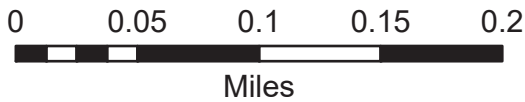
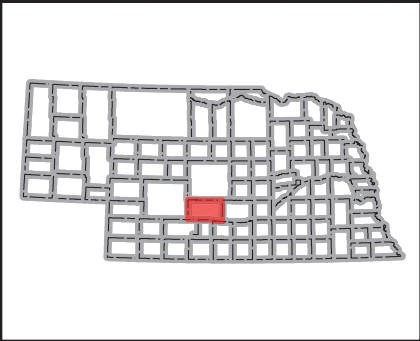
List Tribes: _____

Prepared by: Brian Goodrich

Date: May 12, 2026

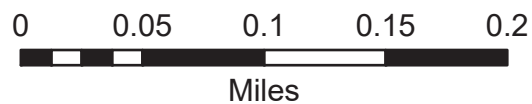
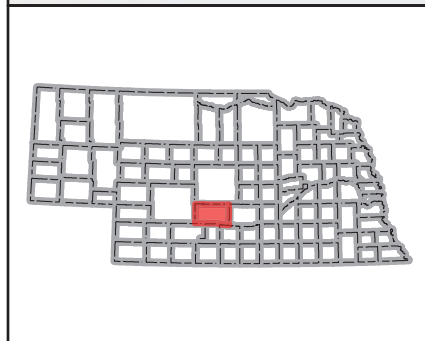
NDOT Standard Specification 107.10 - Archaeological and Paleontological Discoveries (2017)

Should the contractor encounter any fossils, meteorites, Native American relics, or other articles of historical or geological interest, such articles shall become the property of the State. The Engineer shall be promptly notified when any such articles are uncovered, and the Contractor shall suspend operations in the area involved until such time that arrangements are made for their removal and preservation.



Legend

-  Auger Test
-  DMS Locations
-  Archeological APE
-  Archeological Survey Area
-  Previous Archeological Survey



Legend

- Auger Test
- DMS Locations
- Archeological APE
- Archeological Survey Area
- Previous Archeological Survey

Project Number: ITS-NH-STP-D4(110)

Project Name: District 4 Dynamic Message Signs

County: Buffalo

Nearest Water: Platte River, Cottonmill Lake

Legal Description:

DMS #2 : N1/2 N1/2 N1/2 SW1/4 and S1/2 S1/2 S1/2 NW1/4 Sec 4, T8N, R14W; DMS #5: S 1/2 SW 1/4 SE 1/4 Sec 33, T9N, R16W

APE Description (Add Maps):

The APE for archeological resources extends from existing ROW to ROW for the entire length of the undertaking at each DMS location. The vertical depth of the APE may extend up to approximately 15 feet below the existing ground surface at each location. The APE also extends 0.25 miles (1,320 feet) up the roadway in both directions beyond project limits at each DMS location.

The short-term detour routes require in support of this project will not require the completion of any construction activities and/or improvements. Therefore, the short-term detour routes are not included in the APE (KMT 6/24/2026).

Maps Used:

USGS 7.5' Alfalfa Center and Newark quadrangles; ESRI and Google aerial imagery

Project Character (Attach Project Description):

Side-mount and overhead-mount Dynamic Message Board system installation and guardrail work.

Project Description dated September 11, 2024.

Project Length/Area: ~0.25 mi from each DMS location

Survey Length/Area: 0.76 acres

Detour? ☐ No ☒ Yes, without Constr. Activities ☐ Yes, w/ Constr. Activities

Date(s) of Archeological Survey: Apr 8, 2026

Name(s) of Survey
Personnel:

Brian Goodrich

The project description was updated on June 23, 2026 to include Dawson County. NDOT PQS Katie Turner has verified that the changes made to the project description are within the APE originally evaluated by Goodrich (6/24/2026).

Person-Hours
of Fieldwork: 0.6 hours

Ground Cover (%-Visibility)

Mowed grass and pavement (10-20%).

Survey Interval/Provisions:

5 meter linear transects.

Rationale for Non-surveyed Areas:

Unsurveyed portions of the APE are limited to areas that have been previously surveyed (06-0045, 18-0415, & 22-0111), previously disturbed, or are in settings with low potential to hold intact, significant archeological materials.

Results of Survey:

☒ No Archeological Resources Discovered☐ Site(s) Discovered Site Numbers: _____☐ Other (explain) _____

Project Effect Determination for Archeology

☒ No Historic Properties Affected: ☒ None Present ☐ Present but Not Affected☐ No Adverse Effect☐ Adverse EffectAre Further Archeological Investigations Warranted? ☐ Yes ☒ No

TBD by NDOT PQS

Is THPO Consultation Recommended by Sponsor Agency? ☒ Yes ☐ No

List Tribes: _____

Prepared by: Brian Goodrich

Date: May 12, 2026

NDOT Standard Specification 107.10 - Archaeological and Paleontological Discoveries (2017)

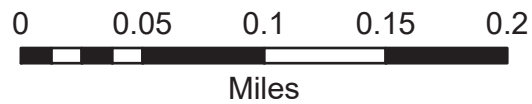
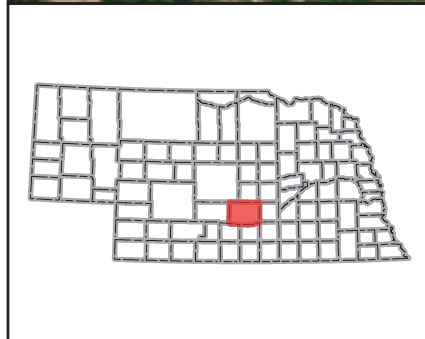
Should the contractor encounter any fossils, meteorites, Native American relics, or other articles of historical or geological interest, such articles shall become the property of the State. The Engineer shall be promptly notified when any such articles are uncovered, and the Contractor shall suspend operations in the area involved until such time that arrangements are made for their removal and preservation.

Control Number: 43049**Project Number:** ITS-NH-STP-D4(110)**Comments:**

Previous Archeology Surveys:

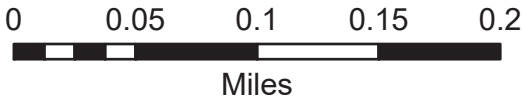
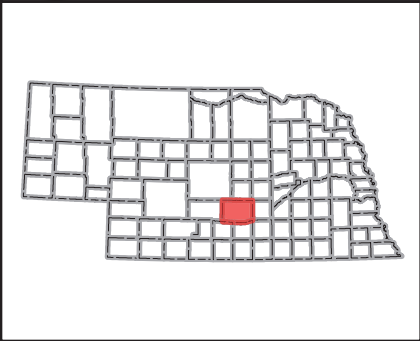
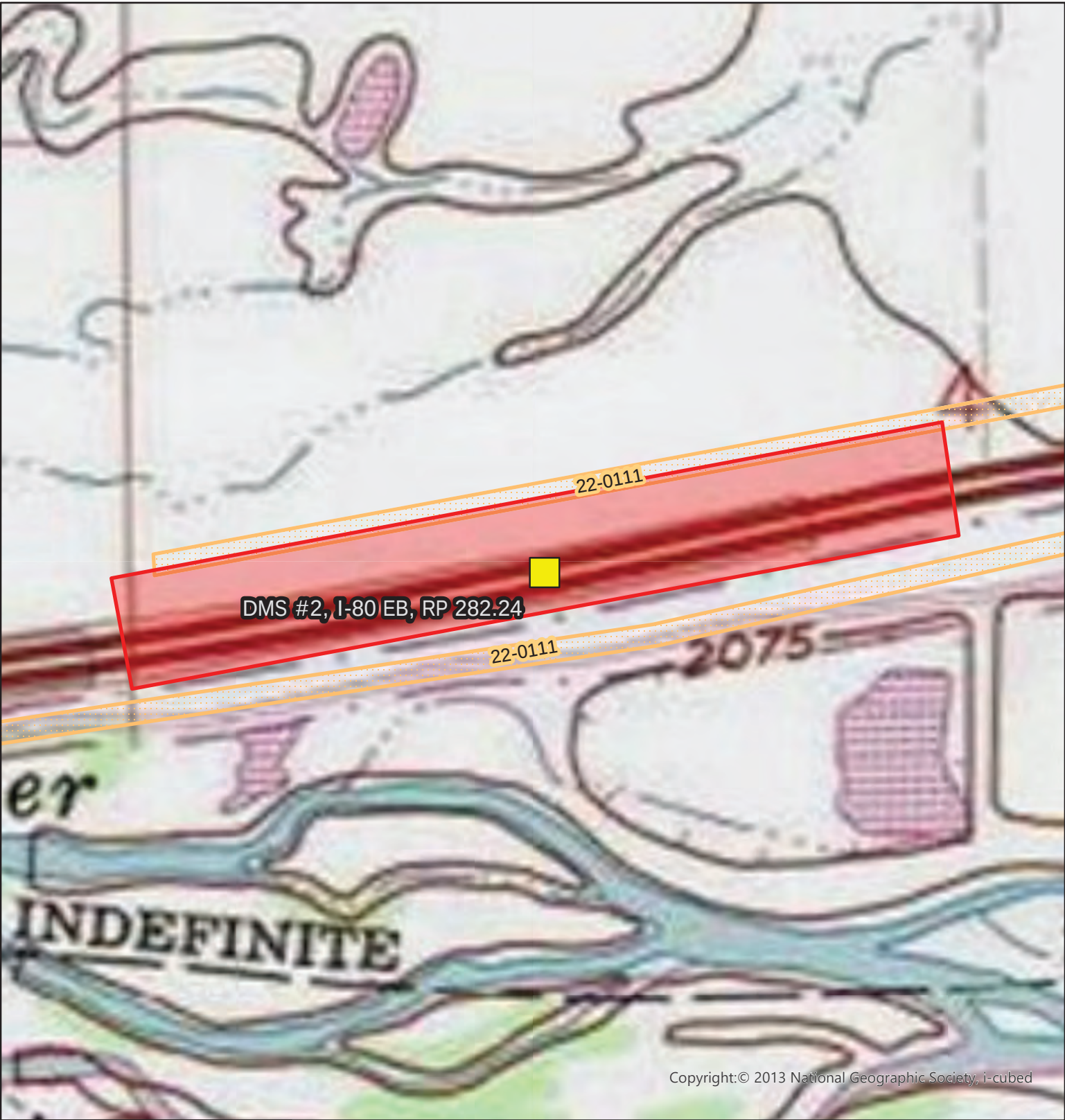
- Goodrich, Brian 2022 SAO-PSS NH-80-6(116) CN42854 Minden - Gibbon, Buffalo County, Nebraska. NeSHPO Survey# 22-0111.
- Nelson, Trisha 2005 NHAP-PSS STPD-30-4(147), Kearney West. NeSHPO Survey# 06-0045.

The Nebraska Buried Sites GIS indicates that there is moderate-high potential for buried soils, which may contain archaeological sites, at the DMS #5 location. A single auger test (AT-2) was excavated with a 4 inch diameter manual bucket auger at the location indicated on NDOT project plans dated 2/14/2025 where the DMS will be installed. The auger test reached a depth of 235cm below the ground surface and no buried soils were identified.



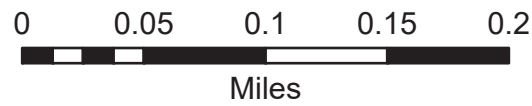
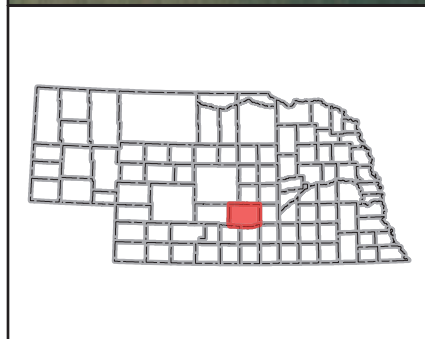
Legend

-  Auger Test
-  DMS Locations
-  Archeological APE
-  Archeological Survey Area
-  Previous Archeological Survey



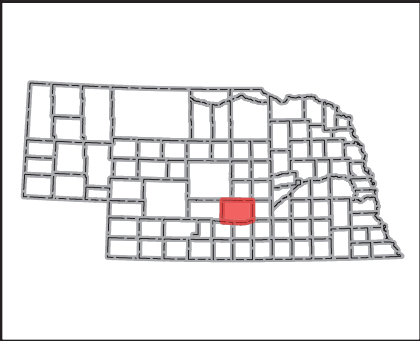
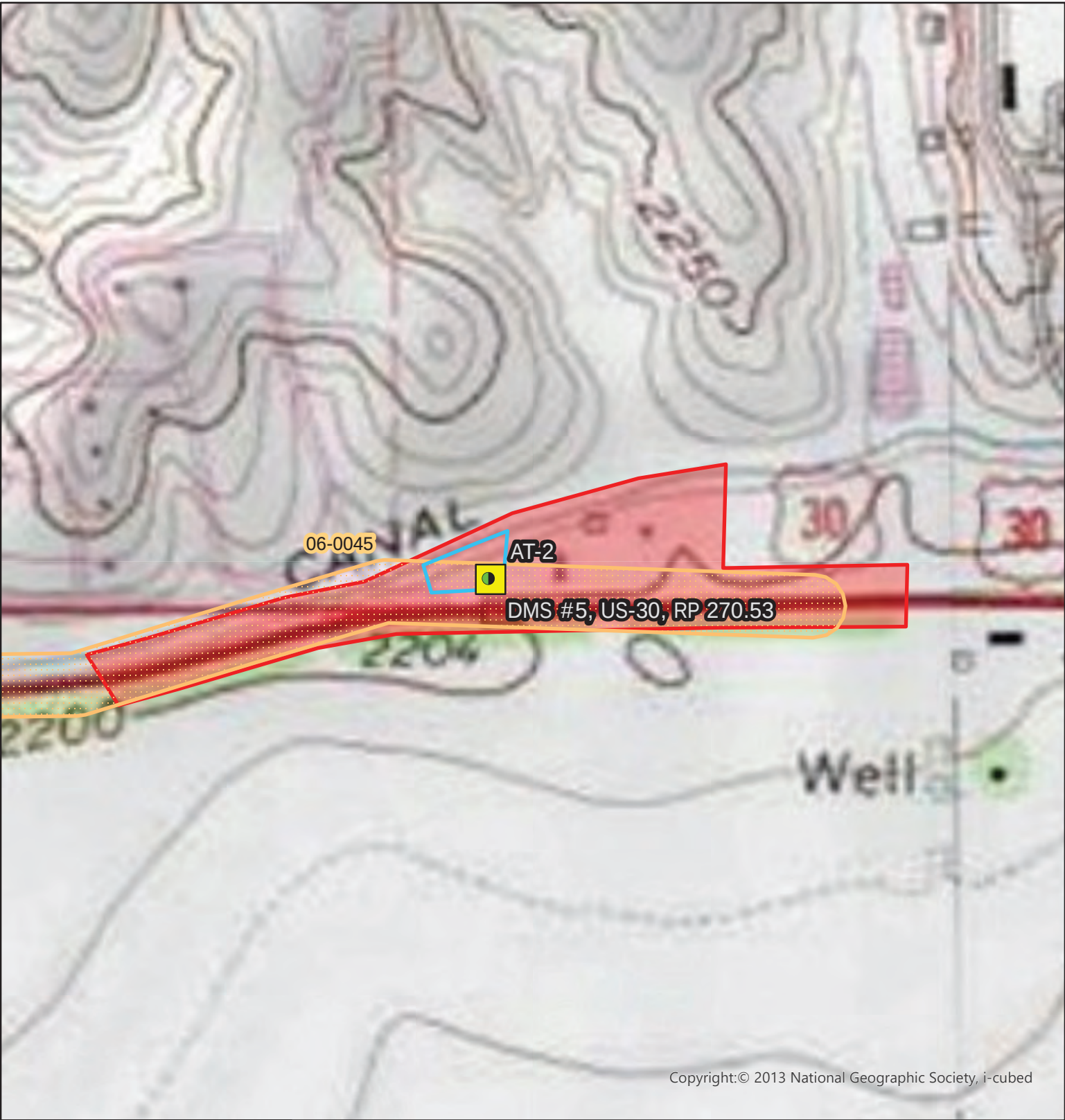
Legend

- Auger Test
- DMS Locations
- Archeological APE
- Archeological Survey Area
- Previous Archeological Survey



Legend

- Auger Test
- DMS Locations
- Archeological APE
- Archeological Survey Area
- Previous Archeological Survey



00.050.10.150.2

Miles

Auger Test

DMS Locations

Archeological APE

Archeological Survey Area

Previous Archeological Survey

N

Nebraska State
Historical Society
ARCHEOLOGY

Project Number: ITS-NH-STP-D4(110)

Project Name: District 4 Dynamic Message Signs

County: Hall

Nearest Water: Platte River

Legal Description:

DMS #3: NW1/4 NW1/4 Sec. 2 and S1/2 NE1/4 NE1/4 and N1/2 SE1/4 NE1/4 Sec. 3, T9N, R11W; DMS #4: N1/2 S1/2 NE1/4 Sec. 27, T11N, R10W.

APE Description (Add Maps):

The APE for archeological resources extends from existing ROW to ROW for the entire length of the undertaking at each DMS location. The vertical depth of the APE may extend up to approximately 15 feet below the existing ground surface at each location. The APE also extends 0.25 miles (1,320 feet) up the roadway in both directions beyond project limits at each DMS location.

The short-term detour routes require in support of this project will not require the completion of any construction activities and/or improvements. Therefore, the short-term detour routes are not included in the APE (KMT 6/24/2026).

Maps Used: USGS 7.5' Wood River and Abbott quadrangles; ESRI and Google aerial imagery

Project Character (Attach Project Description):

Side-mount and overhead-mount Dynamic Message Board system installation and guardrail work.

Project Description dated September 11, 2024.

Project Length/Area: ~0.25 mi from each DMS location

Survey Length/Area: 2.84 acres

Date(s) of Archeological Survey: Apr 8, 2026

Detour? ☐ No ☒ Yes, without Constr. Activities ☐ Yes, w/ Constr. ActivitiesName(s) of Survey
Personnel: Brian Goodrich

The project description was updated on June 23, 2026 to include Dawson County. NDOT PQS Katie Turner has verified that the changes made to the project description are within the APE originally evaluated by Goodrich (6/24/2026).

Person-Hours
of Fieldwork: 1 hour

Ground Cover (%-Visibility)

Mixed ROW vegetation and/or mowed grass at both surveyed locations (10-20%).

Survey Interval/Provisions:

5-10 meter linear transects at each survey location.

Rationale for Non-surveyed Areas:

Unsurveyed portions of the APE are limited to areas that have been previously surveyed (06-0045, 18-0415, & 22-0111), previously disturbed, or are in settings with low potential to hold intact, significant archeological materials.

Results of Survey:

☒ No Archeological Resources Discovered☐ Site(s) Discovered Site Numbers: _____☐ Other (explain) _____

Project Effect Determination for Archeology

☒ No Historic Properties Affected: ☒ None Present ☐ Present but Not Affected☐ No Adverse Effect☐ Adverse EffectAre Further Archeological Investigations Warranted? ☐ Yes ☒ No

TBD by NDOT PQS

Is THPO Consultation Recommended by Sponsor Agency? ☒ Yes ☐ No

List Tribes: _____

Prepared by: Brian Goodrich

Date: May 12, 2026

NDOT Standard Specification 107.10 - Archaeological and Paleontological Discoveries (2017)

Should the contractor encounter any fossils, meteorites, Native American relics, or other articles of historical or geological interest, such articles shall become the property of the State. The Engineer shall be promptly notified when any such articles are uncovered, and the Contractor shall suspend operations in the area involved until such time that arrangements are made for their removal and preservation.

Control Number: 43049**Project Number:** ITS-NH-STP-D4(110)**Comments:**

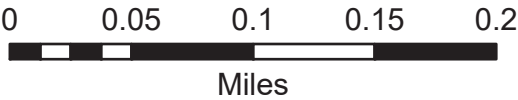
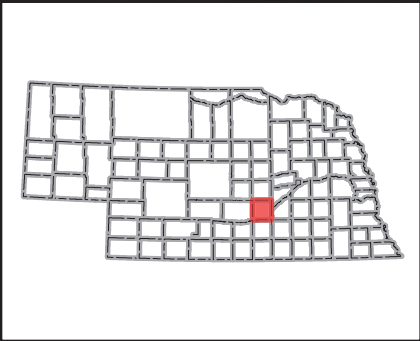
Previous Archeology Survey:

-Ziska, Courtney 2018 NHAP-PSS S-30-4(1046) CN 42704 Jct. US-281 West, Grand Island, Hall County, Nebraska. NeSHPO Survey 18-0415.

The Nebraska Buried Sites GIS indicates that there is moderate-high potential for buried soils, which may contain archaeological sites, at the DMS #3 location. A single auger test (AT-1) was excavated with a 4 inch diameter manual bucket auger at the location indicated on NDOT project plans dated 2/14/2025 where the DMS will be installed. The auger test reached a depth of 185cm below the ground surface, at which point water began to fill the hole. The soil profile consisted of a sandy loam topsoil overlaying sand, with increasing gravels deeper in lower portions of the auger test. No buried soils were present.

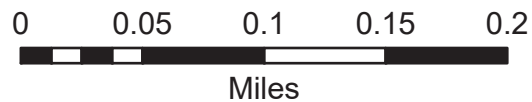
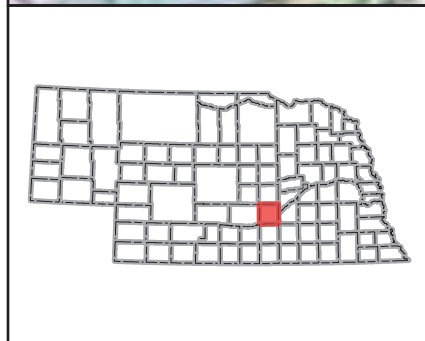


Microsoft, Vantor



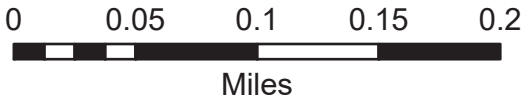
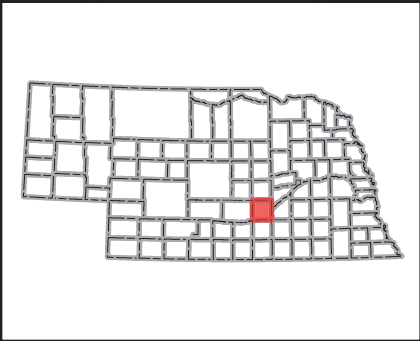
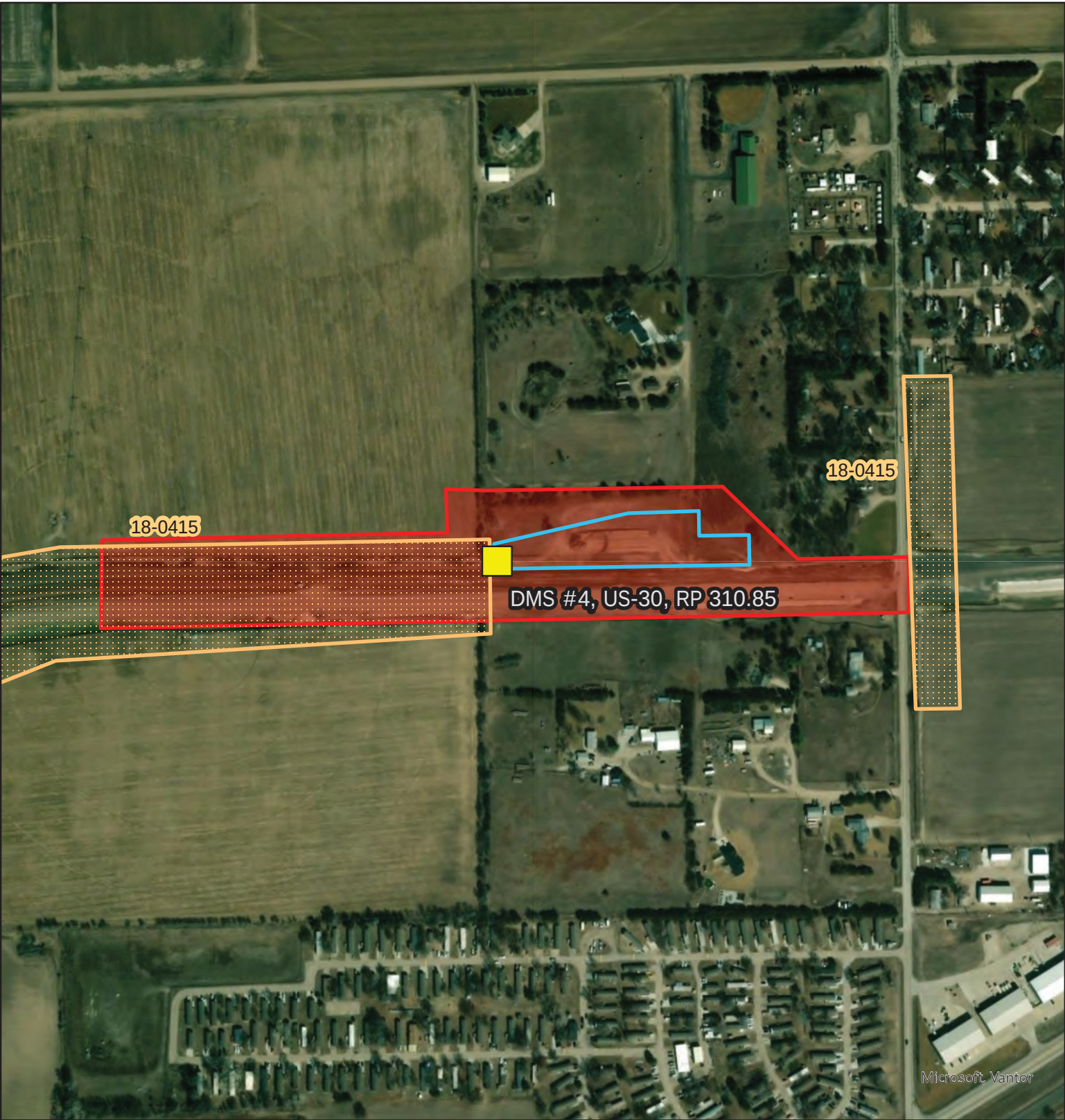
Legend

- Auger Test
- DMS Locations
- Archeological APE
- Archeological Survey Area
- Previous Archeological Survey



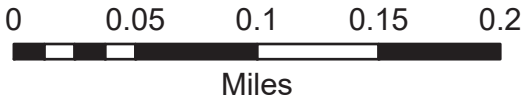
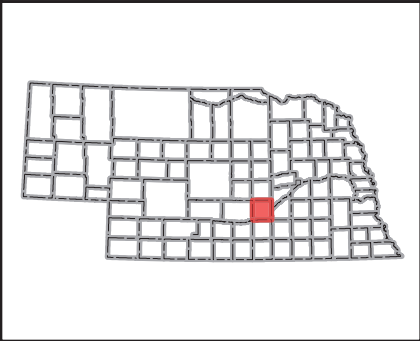
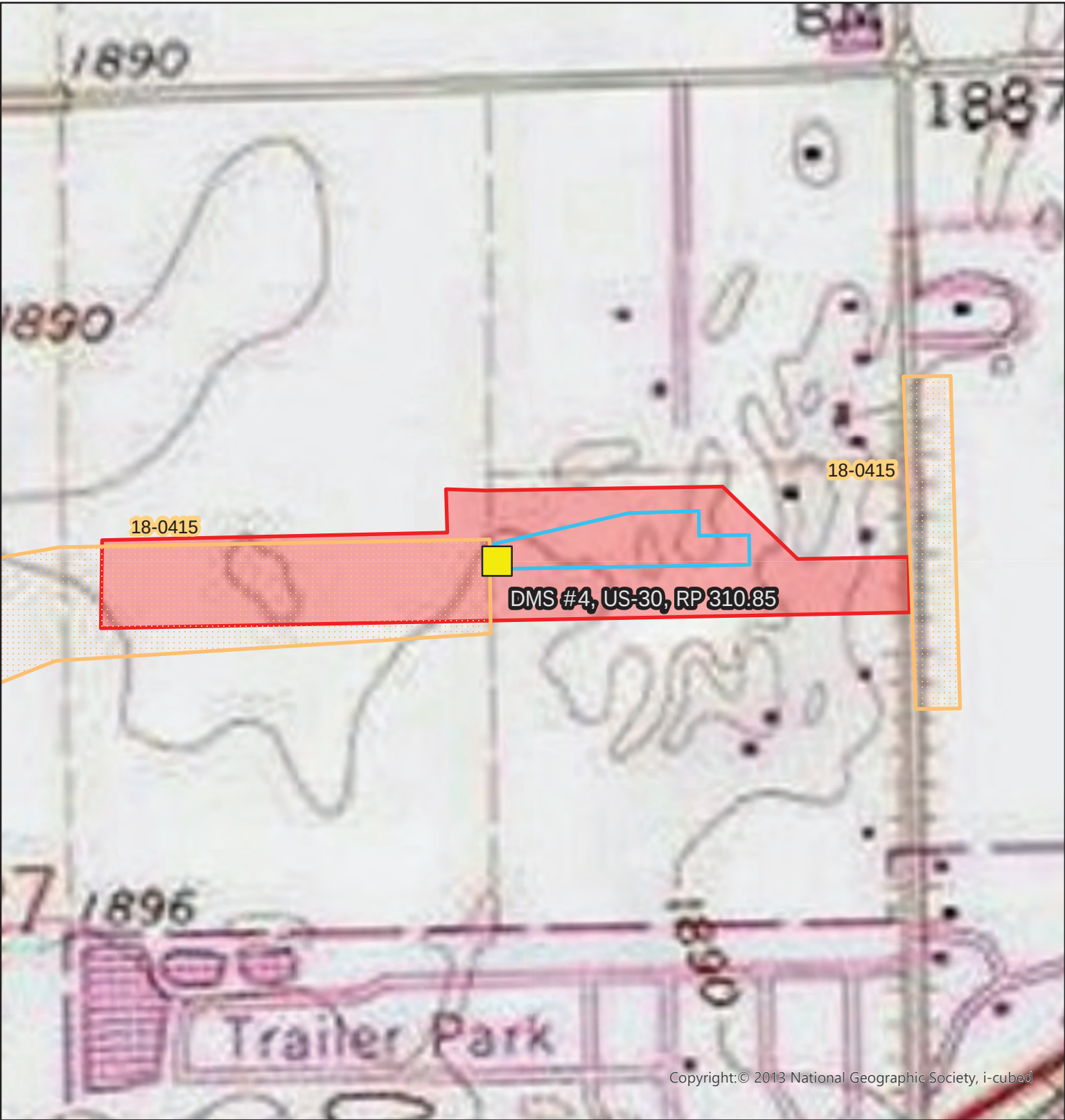
Legend

-  Auger Test
-  DMS Locations
-  Archeological APE
-  Archeological Survey Area
-  Previous Archeological Survey



Legend

- Auger Test
- DMS Locations
- Archeological APE
- Archeological Survey Area
- Previous Archeological Survey



Legend

- Auger Test
- DMS Locations
- Archeological APE
- Archeological Survey Area
- Previous Archeological Survey

Supplemental Archeological Evaluation

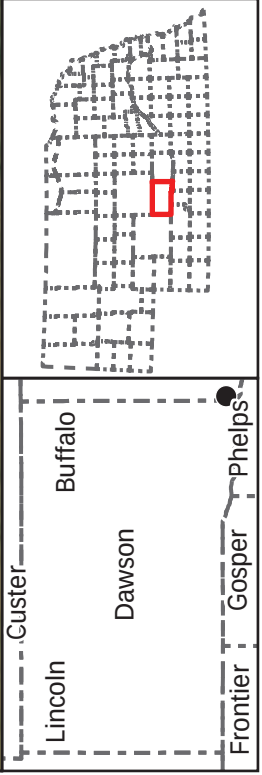
Appendix A





Project Name: District 4 Dynamic Message Signs
Control No.: 43049
Project No.: ITS-NH-STP-D4(110)

- Original DMS Location
- Updated DMS Location
- Original APE
- Expanded APE
- County Boundary



43049, ITS-NH-STPD-D4(110), District 4 Dynamic Message Signs: Supplemental Archeological Evaluation

Expanded APE

As a result of continued design development, the DMS structure located west of the Elm Creek interchange along I-80 was shifted east by a half mile. Therefore, the APE for archeological resources was expanded in a single location to accommodate this shift in project location. The expanded APE extends from the existing ROW to the existing ROW. The expanded APE also extends a quarter mile beyond the adjusted DMS location. The vertical depth of the expanded APE may extend to an approximate depth of 15 feet below the existing ground surface.

Supplemental Archeological Evaluation

Relying on Goodrich's 2026 report, NDOT PQS Katie Turner evaluated the expanded APE in June 2026 through a desktop assessment (Appendix A). Goodrich's report indicates that an archeological survey of the immediately adjacent landform was negative for archeological resources. As the landform within the expanded APE is the same as the landform archeologically surveyed in support of the current undertaking in April 2026 with negative results, it is extremely unlikely that the expanded APE would contain archeological resources. The adjacent landform also has low potential to contain buried soils; therefore, it is unlikely that the expanded APE will have any greater potential to contain buried soils. Further, a review of Google Earth Street View imagery demonstrates that the expanded APE has been previously disturbed by the construction of and subsequent maintenance of the existing I-80 roadway. NDOT PQS Katie Turner determined that no additional archeological fieldwork is required for the expanded APE.

There are no archeological historic properties present within the expanded APE.

Architectural Project Survey Summary Report
Enclosure 4





Architectural / Structural Investigations – Project Summary

Control No:	43049	Project No:	ITS-NH-STP-D4(110)	Project Name:	District 4 Dynamic Message Signs
Date of Project Description:			9/11/2024	Project Location:	Buffalo, Dawson, and Hall Counties
Investigator:			Austin G. Magura	Survey Date:	6/22/2026 (Desktop Review)

The project description was updated on June 23, 2026 to include Dawson County. NDOT PQS Katie Turner has verified that the changes made to the project description are within the APE originally evaluated by Magura (6/24/2026).

Architectural / Structural Area of Potential Effects (APE)

The APE for archeological and architectural/structural resources was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking. ~~Three 'R' (Resurfacing, Restoration, and Rehabilitation) projects such as this one focus primarily on the preservation and extension of the service life of existing transportation facilities and on safety enhancements. Anticipated Three 'R' project activities can include resurfacing pavement, structural and joint repair, minor lane or shoulder widening, bridge repair, removal or protection of roadside obstacles, culvert repair and extension, installation of ADA compliant curb ramps, and minor alterations to vertical grades that do not require substantial ground disturbance. Project activities occur within existing Right of Way (ROW) or within minimal new ROW.~~ The short-term detour routes require in support of this project will not require the completion of any construction activities and/or improvements. Therefore, the short-term detour routes are not included in the APE (KMT 6/24/2026).

The APE for considering direct physical effects and indirect visual or atmospheric (auditory / vibratory) effects to architectural and structural resources includes construction areas mentioned in the project description and is set at existing ROW to ROW. The APE extends an additional quarter mile, 1,320 feet, ahead of and beyond all five project limit locations.

The APE for architectural/structural resources will include all property parcels that intersect with those boundaries and are at least 45 years old.

Are architectural/structural resources present in the APE?	☐	No	☒	Yes
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Background Resources Consulted: Place check mark in front of those consulted

☒ NHRSI/NRHP files	☒ Post-1945 Exceptional Bridges	☐ Historic Maps
☒ Historic Bridge Inventory	☐ Local/State Historical Society	☒ Other

List 'Other,' Maps, etc.: Buffalo County Assessor <https://beacon.schneidercorp.com/Application.aspx?App=BuffaloCountyNE&PageType=Map>, NHBS for Buffalo County (1993), Dawson County Assessor <https://dawson.gworks.com/>, NHBS for Dawson County (2011), Hall County Assessor <https://gis.grand-island.com/maps/parcel/>, and NHBS for Hall County (1995)

File Search: List NRHP listed or previously recommended NRHP eligible properties

NHRSI #	NHRSI #	NHRSI #	NHRSI #

List applicable historic context(s):

Context	Context	Context	Context
Religion	Government	Education	Diversion
Agriculture	Commerce	Transportation	Services
Settlement Systems	Association	Processing Industries	

Methodology

This project was investigated by Nebraska State Historical Society Preservation Associate Austin Magura in June 2026. He completed a file search and desktop review of the area of potential effects (APE) using the Nebraska State Historic Preservation Office (SHPO) inventory and site files, *Reconnaissance Survey Final Report of Buffalo County, Nebraska*, Buffalo County Assessor site, *Historic Resources Survey of Dawson County, Nebraska*, Dawson County Assessor site, *Reconnaissance Survey Final Report of Hall County, Nebraska*, Hall County Assessor site, *State-Owned Buildings Survey Report*, historic maps, historic ariels, and other primary and secondary sources. This information was used to develop and consider pertinent historic contexts and to familiarize themselves with the APE.

The scope of identification efforts was determined in consultation the Nebraska Department of Transportation (NDOT) and a reasonable and good faith effort has been made to carry out identification efforts taking into consideration the magnitude and nature of the undertaking, the degree of Federal involvement, as well as the extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects (36 CFR Part 800.4(b)(1)).

Magura evaluated all properties located within the APE according to guidelines presented in the National Park Service's National Register bulletins, with particular focus on the bulletin entitled "How to Apply the National Register Criteria for Evaluation", often referred to as "Bulletin 15". This included establishing relevant historic contexts, consideration of National Register Criteria A, B, C and D, an evaluation of physical integrity and whether some or all aspects of physical integrity are present. Then he carefully considered whether the remaining aspects of physical integrity convey National Register of Historic Places (NRHP) significance under Criteria A, B, C, or D at the local, state or national level of significance.

Summary of Architectural / Structural Investigations

Magura performed a desktop review of the APE on June 4, 2026, noting those properties that are 45 years old or older and that appear to be in their original location. Intensive survey was then completed of the entire APE.

Architectural Properties

During the architectural survey, Magura identified 1 architectural property that is 45 years old or older within the APE (Tables 1 – 3), which had not been previously evaluated. This property did not retain a level of integrity equal to that expected of a contributing property in a historic district (per NeSHPO Survey and Inventory Manual, 2010), is recorded only by address, and is not recommended NRHP eligible.

Given archival research, this property is not recommended eligible under Criterion D as it does not have, or has not had, information to contribute to our understanding of human history or prehistory nor would this information be considered important or have a significant bearing if included in a research design.

Bridge Structures Located in the APE

The ACHP's program comment for Common Post-1945 Concrete and Steel Bridges does not apply to these bridges located within the APE:

n/a

The ACHP's program comment for Common Post-1945 Concrete and Steel Bridges applies to these bridges located within the APE:

The Advisory Council on Historic Preservation (ACHP) program comment (2012) for common post-1945 concrete and steel bridges and culverts applies to the bridges listed below. None of these bridges are listed in the National Register of Historic Places (NHRP) or were determined eligible for listing in the NRHP prior to the Program Comment (Consideration A); they do not meet Consideration B; nor are they included in Nebraska's list of exceptional bridges developed by the FHWA Division (Consideration C, https://www.environment.fhwa.dot.gov/env_topics/historic_pres/bridges_list.aspx). Per the Program Comment, other than this documentation, no additional review or consideration of effects on these bridges is required.

S080 25451L: Built in 1963 and reconstructed in 1981, prestressed concrete stringer multi-beam or girder bridge built to standard design.

S080 25451R: Built in 1963 and reconstructed in 1981, prestressed concrete stringer multi-beam or girder bridge built to standard design.

S080 25461: A 1963 prestressed concrete stringer multi-beam or girder bridge built to standard design.

The properties within the APE that met minimum NeSHPO survey criteria were evaluated using the guidelines set forth in the 1991 National Park Service Bulletin 15: *How to Apply the National Register Criteria for Evaluation*.

The Nebraska inventories of bridges before 1947 or of those from 1947 to 1965 were a joint effort between the Nebraska Department of Roads and NESHPO and evaluated the National Register eligibility of all bridges in the state. The November 2012 Advisory Council on Historic Preservation Program Comment was issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges.

Project Effects Recommendation

No Historic Properties Affected.

Basis for Effects Recommendation

No eligible or listed properties were found within the APE of this project. Therefore, it is recommended that the District 4 Dynamic Message Signs project will have no effect to architectural historic or structural properties as proposed.

Attachments: Architectural Resources APE Map; Architectural Resources Tables*

*Resource tables include photos of properties identified and evaluated; Photos are not required of those bridges for which the ACHP program comment regarding post-1945 bridges applies

Consultant

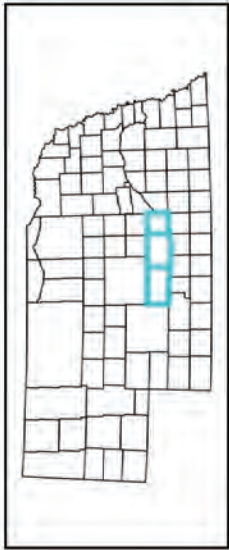
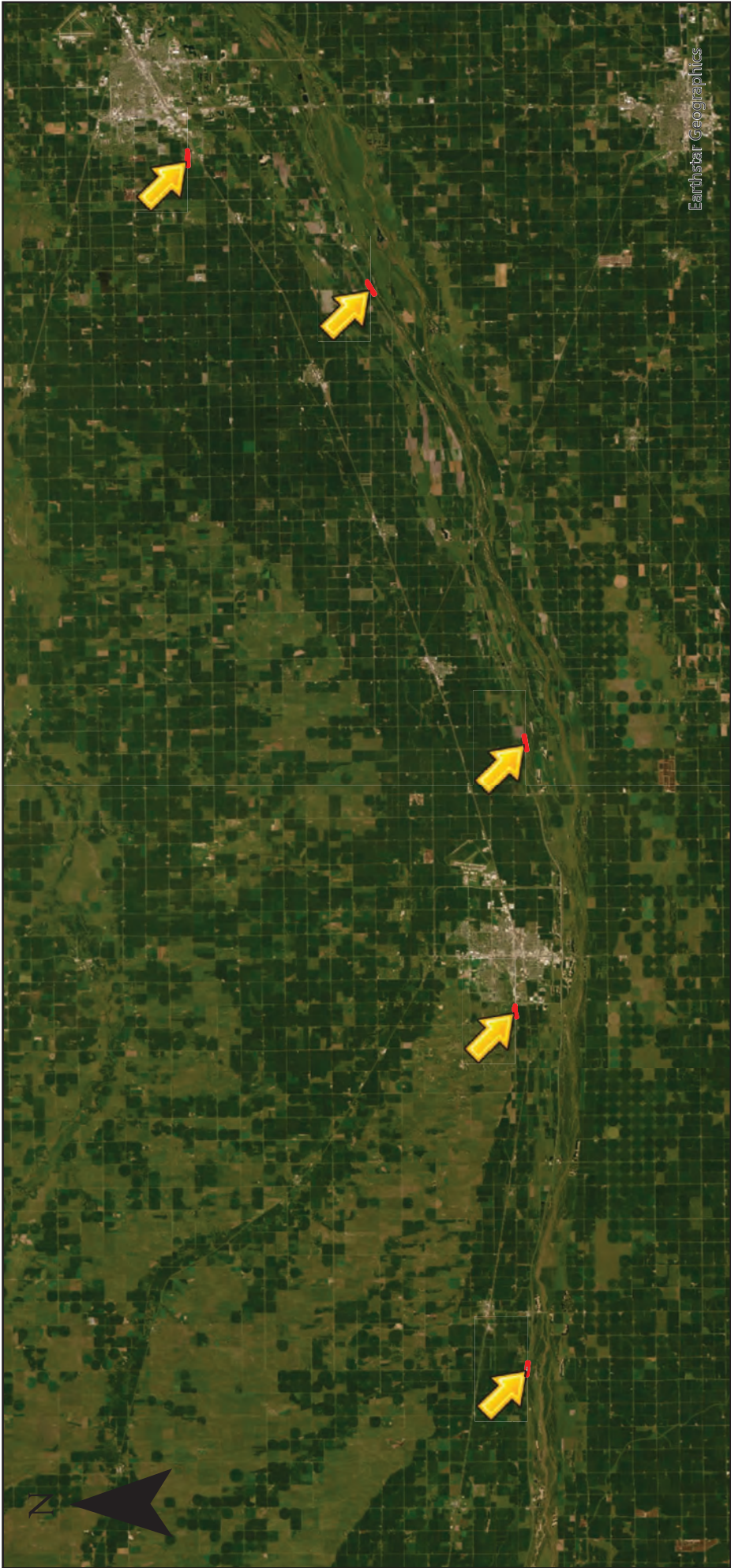
Austin Magura

Signature

June 22, 2026

Date

ARCHITECTURAL RESOURCES SECTION 106 COMPLIANCE REPORT - APE Maps
Austin Magura, Preservation Associate
Nebraska Highway Cultural Resources Program
June 2026 (Desktop Review)



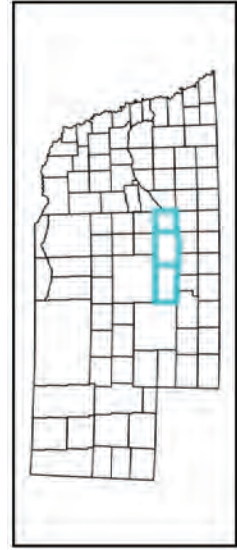
District 4 Dynamic Message Signs

Project No.: ITS-NH-STP-D4(110)
Control No.: 43049
Buffalo, Dawson, and Hall Counties, Nebraska



ARCHITECTURAL RESOURCES SECTION 106 COMPLIANCE REPORT - APE Maps

Austin Magura, Preservation Associate
Nebraska Highway Cultural Resources Program
June 2026 (Desktop Review)



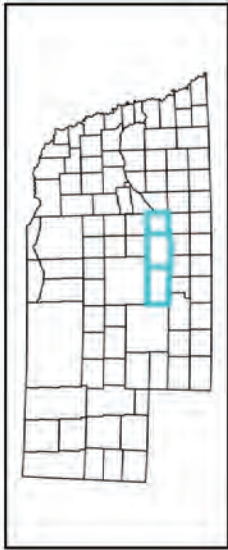
District 4 Dynamic Message Signs

Project No.: ITS-NH-STP-D4(110)
Control No.: 43049
Buffalo, Dawson, and Hall Counties, Nebraska

ARCHITECTURAL RESOURCES

- Architectural APE
- Project Location
- Bridges

ARCHITECTURAL RESOURCES SECTION 106 COMPLIANCE REPORT - APE Maps
Austin Magura, Preservation Associate
Nebraska Highway Cultural Resources Program
June 2026 (Desktop Review)



District 4 Dynamic Message Signs

Project No.: ITS-NH-STP-D4(110)
Control No.: 43049
Buffalo, Dawson, and Hall Counties, Nebraska

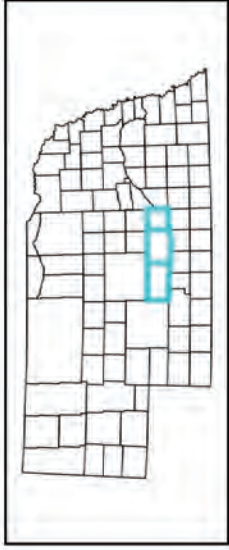


ARCHITECTURAL RESOURCES SECTION 106 COMPLIANCE REPORT - APE Maps
Austin Magura, Preservation Associate
Nebraska Highway Cultural Resources Program
June 2026 (Desktop Review)



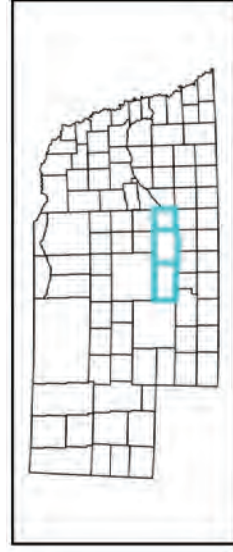
District 4 Dynamic Message Signs

Project No.: ITS-NH-STP-D4(110)
Control No.: 43049
Buffalo, Dawson, and Hall Counties, Nebraska



ARCHITECTURAL RESOURCES SECTION 106 COMPLIANCE REPORT - APE Maps

Austin Magura, Preservation Associate
Nebraska Highway Cultural Resources Program
June 2026 (Desktop Review)



District 4 Dynamic Message Signs

Project No.: ITS-NH-STP-D4(110)

Control No.: 43049

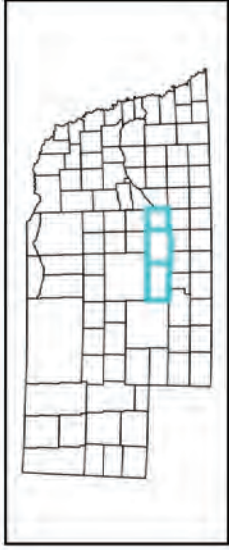
Buffalo, Dawson, and Hall Counties, Nebraska

ARCHITECTURAL RESOURCES
Architectural APE



Project Location

ARCHITECTURAL RESOURCES SECTION 106 COMPLIANCE REPORT - APE Maps
Austin Magura, Preservation Associate
Nebraska Highway Cultural Resources Program
June 2026 (Desktop Review)



District 4 Dynamic Message Signs

Project No.: ITS-NH-STP-D4(110)
Control No.: 43049
Buffalo, Dawson, and Hall Counties, Nebraska

ARCHITECTURAL RESOURCES

 Architectural APE

 Project Location

Architectural Resources Table 1 (Resources located within the APE surveyed and recommended NRHP eligible):

ELIGIBLE PROPERTIES (SURVEYED)							
Map ID No.	NeHSI No.	Address	Year Built*	NRHP Eligible	NRHP Criteria	Comments	Photo
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
*Construction dates taken from Buffalo, Dawson, and Hall County Assessors.							

Architectural Resources Table 2 (Resources located within the APE surveyed but not recommended NRHP eligible):

NON-ELIGIBLE PROPERTIES (SURVEYED)							
Map ID No.	NeHSI No.	Address	Year Built*	NRHP Eligible	NRHP Criteria	Comments	Photo
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
*Construction dates taken from Buffalo, Dawson, and Hall County Assessors.							

Architectural Resources Table 3 (Resources located within the APE which do not retain sufficient integrity to be considered a contributing property in a historic district and not recommended NRHP eligible individually):

NON-ELIGIBLE PROPERTIES (EVALUATED BUT NOT SURVEYED)			
Address	Year Built*	Comments	
33-9-16 TRACT IN S1/2 SE1/4 DR95-5847 Kearney	1957	Not eligible under A, B, C, or D, and is lacking integrity of materials and design.	
*Construction dates taken from Buffalo, Dawson, and Hall County Assessors.			

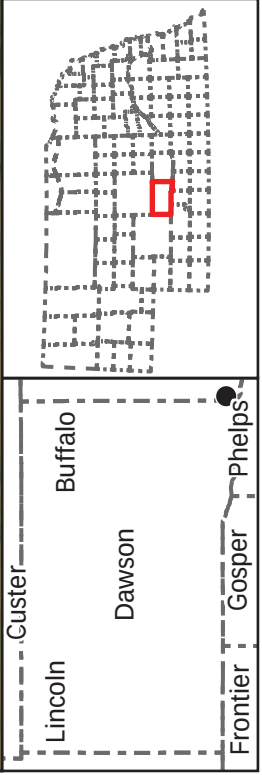
Supplemental Architectural/Structural Evaluation
Appendix B





Project Name: District 4 Dynamic Message Signs
Control No.: 43049
Project No.: ITS-NH-STP-D4(110)

- Original DMS Location
- Updated DMS Location
- Original APE
- Expanded APE
- County Boundary



43049, ITS-NH-STPD-D4(110), District 4 Dynamic Message Signs: Supplemental Architectural/Structural Evaluation

Expanded APE

As a result of continued design development, the DMS structure located west of the Elm Creek interchange along I-80 was shifted east by a half mile. Therefore, the APE for architectural/structural resources was expanded in a single location to accommodate this shift in project location. The expanded APE extends from the existing ROW to the existing ROW. The expanded APE also extends a quarter mile beyond the adjusted DMS location.

Supplemental Architectural/Structural Evaluation

NDOT PQS Kaite Turner evaluated the expanded APE through a desktop assessment in June 2026. Turner utilized the same methodology to evaluate the expanded APE as Magura did in support of his June 2026 architectural/structural report which was completed in support of the current undertaking. Turner's desktop evaluation of the expanded APE resulted in the determination that there are no architectural or structural resources present within the APE. Therefore, Turner determined that no additional architectural or structural survey work is required for the expanded APE.

There are no architectural or structural historic properties present within the expanded APE.

NDOT Section 106 Project Managers*	Telephone	email
Anne Bauer, Districts 5, 6, 7, 8	402-479-4464	anne.bauer@nebraska.gov
Stacy Stupka, Districts 2, 3	402-479-3879	stacy.stupka@nebraska.gov
Katie Turner, Districts 1, 4	402-479-3514	katie.turner@nebraska.gov
Section 106 (team email)		ndot.section106@nebraska.gov

*District assignment equals the first number in the NDOT CN field below

NDOT Section 106 PQS Memo

Project Name: District 4 Dynamic Message Signs
 Project No: ITS-NH-STP-D4 (110)
 NDOT CN: 43049
 Project Location: Buffalo, Dawson, and Hall Counties

NDOT Project Effects Determination

NDOT Tier II Project	X	No Historic Properties Affected No historic properties identified within the APE
NDOT Tier II Project		No Historic Properties Affected Historic properties identified within the APE, but they will not be affected by the proposed undertaking
NDOT Tier III Project*		No Adverse Effect Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking
NDOT Tier III Project*		Adverse Effect Historic properties identified within the APE will be adversely affected by the proposed undertaking

NDOT PQS Signature:
(NDOT use only)

Katie M. Turner

Date:

(add date upon completion of consultation)

SHPO Concurrence Date:

(*per the statewide Section 106 PA, requests for SHPO concurrence applies to Tier III projects)

Cultural Resources Evaluation

Introduction

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced above using funds from the Federal Highway Administration (FHWA). This project is located in Buffalo, Dawson, and Hall Counties within Nebraska along Interstate 80 (I-80) and United States Highway 30 (US-30) (Enclosure 1). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed undertakings on historic properties.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to either 23 USC 326 and a Second Renewed Memorandum of Understanding dated September 12, 2024 executed by FHWA and NDOT or pursuant to 23 USC 327 and a Memorandum of Understanding dated February 23, 2026 and executed by FHWA and NDOT, as applicable. Under 326 and 327 NEPA assignment, NDOT is the lead federal agency.

For your review and comment, please find attached information regarding the referenced project above. No historic properties were identified within the APE and NDOT has made a project effects determination of *no historic properties affected*.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to either 23 USC 326 and a Second Renewed Memorandum of Understanding dated September 12, 2024 executed by FHWA and NDOT or pursuant to 23 USC 327 and a Memorandum of Understanding dated February 23, 2026 and executed by FHWA and NDOT, as applicable.

This undertaking has been reviewed under the programmatic agreement entitled Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Transportation to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska (February 2023, as amended).

Project Description Summary

Project Description Date: 6/23/2026

This project will install Dynamic Message Signs in District 4 along I-80 and US-30 within Buffalo, Dawson, and Hall Counties. Construction may begin and/or end approximately 0.25 miles ahead of or beyond the actual project limits to accommodate trenching of electrical conduit to nearby power sources. The improvements to be completed as part of this project include the installation of side-mount and overhead Dynamic Message Board system (DMS) and guardrail work. Additional property rights will not be required to construct this project. Short duration detours will be required when signs are installed over the interstate; however, these short term detour routes will not require the completion of any construction activities and/or improvements. Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements. A project description is included as Enclosure 2.

Consultation Under Section 106

An evaluation of the potential for cultural resources, both archeology and architectural/structural, is included below and in the enclosed [Section 106 Project Package](#) (technical documents). Please review these materials for the project mentioned above as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. 36 CFR Part 800.2(c)(2) specifically addresses consultation between tribes and federal agencies.

Please note that as a federal agency, the Federal Highway Administration (FHWA) is responsible for engaging in government-to-government consultation with tribes, and this responsibility continues under National Environmental Policy Act (NEPA) Assignment. Under NEPA Assignment, NDOT initiates and conducts tribal consultation. Tribes may request formal government-to-government consultation with FHWA via formal written or oral communication, identifying one or more state transportation projects in the request for government-to-government consultation.

NDOT provides this documentation for your review and invites your comment on these National Register of Historic Places (NRHP) eligibility recommendations and the project effects determination indicated above.

If you have any questions, please do not hesitate to contact us using the information provided above. We respectfully request that you provide any objections within 30 days of receipt of this letter.

Thank you.

Project Specific Consultation Under Section 106

Consultation Supported by Section 106 Project Package:

On June 16, 2026 consultation packages were sent to the Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, MT, Oglala Sioux Tribe, Otoe-Missouria Tribe of Indians, OK, Pawnee Nation of OK, Rosebud Sioux Tribe of the Rosebud Indian Reservation, SD, Three Affiliated Tribes of the Fort Berthold Reservation, ND, Yankton Sioux Tribe of SD, and Buffalo, Dawson, and Hall Counties.

Area of Potential Effects (APE)

The APE for archeological and architectural/structural resources (Enclosures 3 and 4) was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking.

The APE for archeological and architectural/structural resources extends from the existing right of way (ROW) to existing ROW for the entire length of the undertaking at each DMS location. The APE also extends a quarter mile (1,320 feet) beyond each DMS location. The vertical depth of the archeological APE may extend to an approximate depth of 15 feet below the existing ground surface at each location.

Expanded APE

As a result of continued design development, the DMS structure located west of the Elm Creek interchange along I-80 was shifted east by a half mile. Therefore, the APE for archeological and architectural/structural resources was expanded in a single location to accommodate this shift in project location. The expanded APE extends from the existing ROW to the existing ROW. The expanded APE also extends a quarter mile beyond the adjusted DMS location. The vertical depth of the expanded APE may extend to an approximate depth of 15 feet below the existing ground surface.

Definition of a broader APE for secondary or cumulative impacts is not required in this instance. As the short-term detour routes will not require the completion of any construction activities and/or improvements, the detour routes are not included in the APE.

APE considered is consistent with 36 CFR 800.16(d) – (Y/N): Y

02/26/2026

Summary of Archeological Investigations

Highway Archeologist Brian Goodrich conducted an archeological evaluation in Spring 2026. A review of the Nebraska Cultural Resources Geographic Information System (NRCGIS) archeological resources database and historic maps indicated that there are no previously recorded archeological sites within the APE.

Goodrich completed archeological fieldwork in April 2026. After completing a reconnaissance survey at each location, two areas were selected for intensive pedestrian survey. These areas were investigated using survey transects spaced five to 10 meters apart. Surveyed parcels within the APE were located in the existing mowed NDOT ROW with overall ground surface visibility ranging from 10-20%. The Nebraska Buried Sites GIS tool indicated that DMS locations 3 and 5 are within areas with moderate to high potential to contain buried soils, which may contain cultural deposits. Auger tests were excavated at each of these locations (AT-1 and AT-2) and no buried soils or cultural materials were identified. No archeological sites were identified as a result of survey or testing within the APE for this undertaking.

Supplemental Archeological Evaluation

Relying on Goodrich's 2026 report, NDOT PQS Katie Turner evaluated the expanded APE in June 2026 through a desktop assessment (Appendix A). Goodrich's report indicates that an archeological survey of the immediately adjacent landform was negative for archeological resources. As the landform within the expanded APE is the same as the landform archeologically surveyed in support of the current undertaking in April 2026 with negative results, it is extremely unlikely that the expanded APE would contain archeological resources. The adjacent landform also has low potential to contain buried soils; therefore, it is unlikely that the expanded APE will have any greater potential to contain buried soils. Further, a review of Google Earth Street View imagery demonstrates that the expanded APE has been previously disturbed by the construction of and subsequent maintenance of the existing I-80 roadway. NDOT PQS Katie Turner determined that no additional archeological fieldwork is required for the expanded APE.

There are no archeological historic properties present within the APE (Enclosure 3).

Summary of Architectural / Structural Investigations

Preservation Associate Austin Magura conducted an architectural/structural evaluation in summer 2026. Magura completed a file search and a desktop review of the APE using the Nebraska State Historic Preservation Office (NeSHPO) inventory and site files, the *Buffalo County Nebraska Historic Buildings Survey* (1993), the *Dawson County Nebraska Historic Buildings Survey* (2011), the *Hall County Nebraska Historic Buildings Survey* (1995), the Buffalo, Dawson, and Hall County tax assessor records, historic maps, and other primary and secondary sources. Background research indicated there are no previously recorded architectural historic properties within the APE. This information was used to develop and consider pertinent historic contexts and to familiarize Magura with the APE.

The scope of identification efforts was determined in consultation the Nebraska Department of Transportation (NDOT) and a reasonable and good faith effort has been made to carry out identification efforts taking into consideration the magnitude and nature of the undertaking, the degree of Federal involvement, as well as the extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects (36 CFR Part 800.4(b)(1)).

Magura evaluated all properties located within the APE according to guidelines presented in the National Park Service's National Register bulletins, with particular focus on the bulletin entitled "How to Apply the National Register Criteria for Evaluation", often referred to as "Bulletin 15". This included establishing relevant historic contexts, consideration of National Register Criteria A, B, C and D, an evaluation of physical integrity and whether some or all aspects of physical integrity are present. Then he carefully considered whether the remaining aspects of physical convey National Register of Historic Places (NRHP) significance under Criteria A, B, C, or D at the local, state or national level of significance.

Magura performed a desktop assessment of the APE in June 2026, noting those properties that are 45 years old or older and that appear to be in their original location. The investigation resulted in the identification and National Register evaluation of a total of one property within the APE, which had not been previously evaluated. This property is recommended as not eligible for inclusion on the NRHP due to a lack of NRHP significance under Criteria A, B, C or D and/or a lack of physical integrity of materials and design.

Bridge Structures Located in the APE

The ACHP's program comment for Common Post-1945 Concrete and Steel Bridges does not apply to these bridges located within the APE (n/a if not applicable): N/A

The ACHP's program comment for Common Post-1945 Concrete and Steel Bridges applies to these bridges located within the APE (n/a if not applicable):

The Advisory Council on Historic Preservation (ACHP) program comment (2012) for common post-1945 concrete and steel bridges and culverts applies to the bridges listed below. None of these bridges are listed in the National Register of Historic Places (NRHP) or were determined eligible for listing in the NRHP prior to the Program Comment (Consideration A); they do not meet Consideration

B; nor are they included in Nebraska's list of exceptional bridges developed by the FHWA Division (Consideration C, https://www.environment.fhwa.dot.gov/env_topics/historic_pres/bridges_list.aspx). Per the Program Comment, other than this documentation, no additional review or consideration of effects on these bridges is required.

S080 25351L: Constructed in 1963 and reconstructed in 1981, this structure is a prestressed concrete stringer multi-beam or girder bridge that was constructed based on a standard design.

S080 25451R: Constructed in 1963 and reconstructed in 1981, this structure is a prestressed concrete stringer multi-beam or girder bridge that was constructed based on a standard design.

S080 25461: Constructed in 1963, this structure is a concrete stringer multi-beam or girder bridge that was constructed based on a standard design.

Supplemental Architectural/Structural Evaluation

NDOT PQS Kaite Turner evaluated the expanded APE through a desktop assessment in June 2026 (Appendix B). Turner utilized the same methodology to evaluate the expanded APE as Magura did in support of his June 2026 architectural/structural report which was completed in support of the current undertaking. Turner's desktop evaluation of the expanded APE resulted in the determination that there are no architectural or structural resources present within the APE. Therefore, Turner determined that no additional architectural or structural survey work is required for the expanded APE.

There are no architectural or structural historic properties present within the APE (Enclosure 4).

Assessing Project Effects

Historic Property Identified Within APE (leave column blank if none identified):	Describe Project Effects to Historic Property (alteration to the characteristics that make the historic property qualify for NRHP listing)
N/A	N/A

Narrative to Support Finding of Effect

No historic properties were identified within the APE. NDOT has determined that no historic properties will be affected by the proposed project and has made a project effects determination of *no historic properties affected*.

Sensitive Areas* to avoid during construction?
(describe below)

Yes X No

Sensitive Area (name or description i.e., school, house, former bank)	Address (if applicable)	Construction Stationing (STA)	Mile Marker Range (MM)
N/A	N/A	N/A	N/A

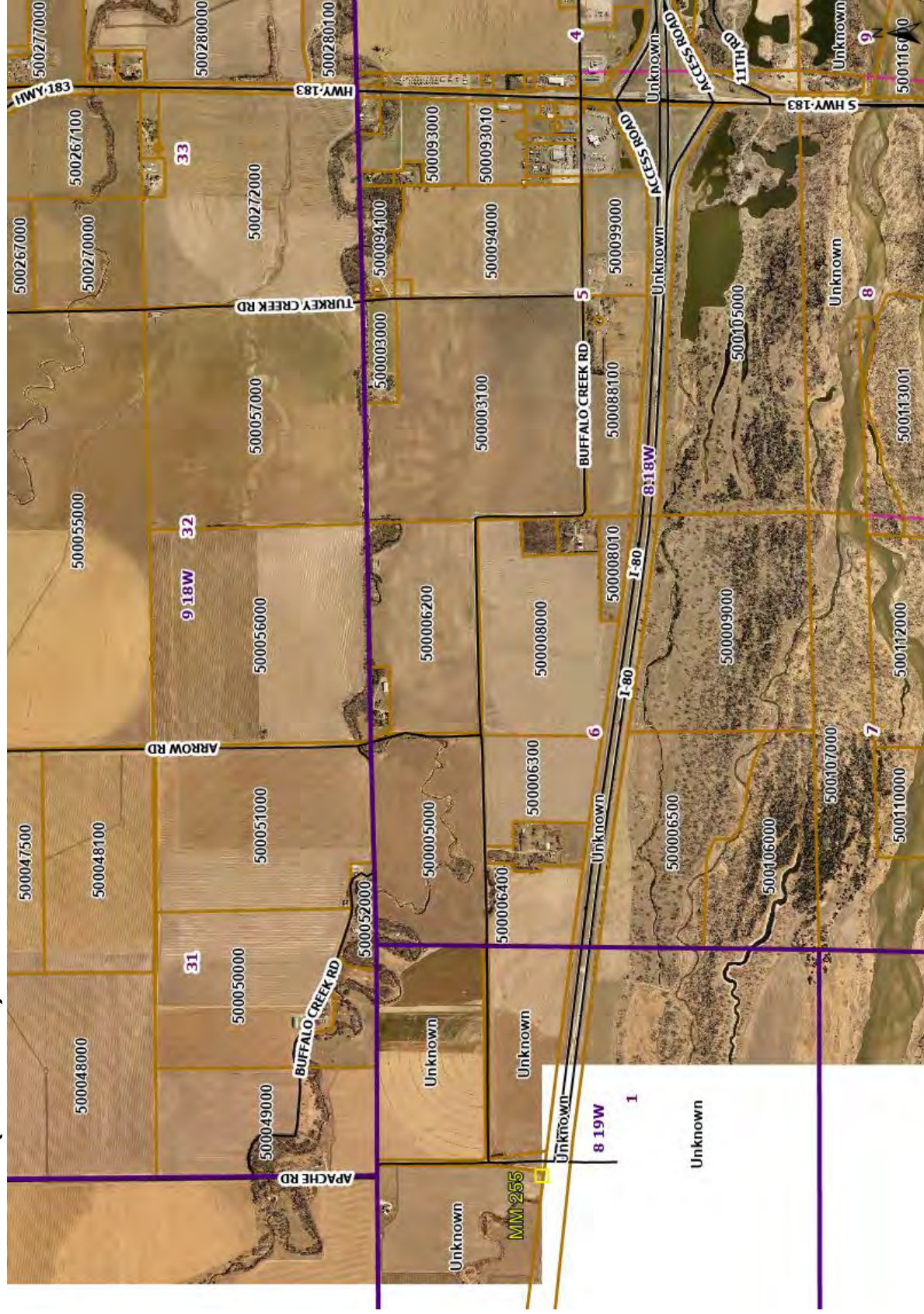
*Sensitive Areas help inform workers that an area is to be avoided. This can apply to historic properties as well as unevaluated archeological sites. These areas are then translated as construction commitments, see below.

Construction Commitments

N/A



Created by: null





Buffalo County, NE

MM 282 (Buffalo) DMS #2

Created by: null





Created by: null





Buffalo County Board of Commissioners

Chair - Sherry Morrow (District 5) | *Vice-Chair* – Bill Maendele (District 6) | Ivan Klein (District 1) Ron Loeffelholz (District 2) | Timothy Higgins (District 3) | Dan Lynch (District 4) | Myron Kouba (District 7)

July 14, 2026

Nebraska Department of Transportation
c/o Katie Turner
PO Box 94759
Lincoln, NE 68509-4759

Submitted via email: katie.turner@nebraska.gov

RE: NDOT Project: 43049, ITS-NH-STP-D4(110), District 4 Dynamic Message Signs

Subject: Comments Regarding Proposed Project Summary, NDOT Project: 43049, ITS-NH-STP-D4(110), District 4 Dynamic Message Signs, located in the Elm Creek & Gibbon Townships, Buffalo County, Nebraska.

To Whom it May Concern:

The Buffalo County Board of Commissioners reviewed the proposed highway project, “District 4 Dynamic Message Signs” and inventoried as project number “ITS-NH-STP-D4(110)” on July 14, 2026, for the installation of Dynamic Message Signs in District 4 on and along Interstate 80, including side-mount and overhead-mount Dynamic Message Board System Installations, guardrail work, grading and applicable trenching for electrical work through various sections in and around Elm Creek and Gibbon Townships. It should be noted that the area, identified as “DMS #5”, in the project package, is within the extra-territorial jurisdictional boundary of the city of Kearney. Therefore, any historical properties should be submitted to the city for comment.

The Buffalo County Board of Commissioners are aware of a historical landmark, known as Kilgore Bridge, also known as Platte River Bridge, identified in the National Register of Historical Places, situated approximately 2 miles from the proposed work site, identified as “DMS #2” in the project package.

However, The Buffalo County Board of Commissioners are not aware of the proposed site, identified as “DMS #1” in the project package as being contained in, on or within the viewshed of a building, site, district, structure or object, significant in American history, architecture,



archaeology, engineering or culture, that is listed, or eligible for listing on the State or National Registers of Historic Places, or located in or on an Indian Religious Site.

The Buffalo County Board of Commissioners wishes for the record to show that this project be submitted to the Buffalo County Historical Society for a full study to ensure no historic properties are missed.

The Board of Commissioners would also advise NDOT that any proposed projects, presented within Buffalo County's jurisdictional boundary, must adhere to any applicable codes, regulations, and laws of Buffalo County, if the proposed project advances.

Sincerely,

Sherry Morrow
Chairperson, Buffalo County Board of Commissioners