

MINUTES OF PLANNING AND ZONING COMMISSION
AUGUST 20, 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 August 6, 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 7:04 P.M. on August 20, 2026.

Chairperson Brady announced that Sonya Petersen was officially appointed to the Planning Commission on August 8, 2026. He added that although Sonya was unable to attend the meeting, the minutes will reflect her appointment as Loye Wolfe's replacement on the Commission. He continued that the Commission looks forward to formally welcoming Sonya at the next meeting she is able to attend.

Roll call was taken. In Attendance: Joshua Chaney, Willie Keep, Tim Kreutzer, Marc Vacek, Tammy Jeffs, Jeremy Sedlacek, Scott Stubblefield and Scott Brady.

Sonya Petersen was absent.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis and Zoning Administrator Dennise Daniels. There were several 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 7:05 P.M. No one spoke. The public forum closed at 7:05 P.M.

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

Public Hearing. 5(a)

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 7:06 P.M., for code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, regarding manure application and storage.

Chairperson Brady turned the meeting over to Zoning Administrator Daniels to provide a short presentation about the Buffalo County Review of Manure Disposal, including sequence of

events. The presentation is available in the Buffalo County Clerk's Office, and later entered in the records as "Exhibit D".

After the presentation, Zoning Administrator Daniels asked if The Commission had any questions. Mr. Stubblefield asked if there was an opportunity for a producer to appeal a complaint. Zoning Administrator Daniels answered, explaining procedurally what is required when the Zoning Administrator's Office receives a complaint: establishment of written complaint versus a verbal inquiry, the zoning district, ownership and/or conduct a drive-by to take photos. The Zoning Administrator is charged with establishing the viability of the complaint.

Vice-Chairperson Keep asked if there was a criterion of odor from manure. Zoning Administrator Daniels stated that there were no odor criteria with this particular code amendment. Discussion occurred regarding the protection of agricultural versus the protection of residential property owners.

Zoning Administrator Daniels turned the meeting back over to Chairperson Brady.

Chairperson Brady thanked Zoning Administrator Daniels for her presentation to provide the sequence of events leading up to the proposed amendment. Chairperson Brady went on to explain that The Commission was charged with reviewing the proposed recommendation of The Board of Commissioners, to review proposed revisions to encourage growth where necessary and to support an environment of cohesiveness for the residents of Buffalo County, whether producer or homeowner.

Cory Banzhaf, of 28430 128th Road, Kearney, Nebraska, stepped forward to testify. He asked for interpretation for the 12 months of when the 12 months begins. Deputy County Attorney Hoffmeister stated that the applying landowner gets one complaint per 12 months. He re-read the proposal and explained that if two notices are sent by the Zoning Administrator, then the applying landowner will not stockpile or spread at that location.

Deputy County Attorney Hoffmeister reviewed paunch manure regulations from other counties.

Mr. Banzhaf stated that he was still confused about the 12 months requirement. He wants to establish when the 12 months begins. He stated that the interpretation of when that clock starts is open to interpretation. Zoning Administrator Daniels stated that the intent is that the 12 months cycle does not start if, or until, a complaint is filed with the Zoning Administrator's Office. She added that if another complaint is filed, the 12 months begins on the date of the original complaint.

Mr. Chaney asked if the second complaint can come from the same individual. Zoning Administrator Daniels confirmed.

Mr. Banzhaf added that there should be a definition of stockpiling. Deputy County Attorney Hoffmeister referenced a document, later entered in the record as "Exhibit C". He reviewed the document. Small animal livestock confinement operations, large animal confinement operations and paunch manure setbacks from other counties were reviewed.

Mr. Banzhaf stated that he thinks individuals moving into the country should be aware of agricultural processes prior to moving in the county. He recommended Buffalo County consider a nuisance waiver.

Mr. Banzhaf expressed concerns about the long-term effects on agricultural processes. He continued, one complaint could end the ability of producers to advance on their livelihood.

Heath Schake, of 3285 W. 100th Street, Kearney, Nebraska, stepped forward to testify. He stated that the proposed amendment was more restrictive. He referenced AGR – 2; he offered a recommendation that spreading, injecting, and spraying and the requirement to ask permission should be removed. He agreed that the 1,320-foot setback was appropriate in AGR – 2 because of the residential density. He stated that he reviewed other counties around Buffalo County and stated that they do not regulate setbacks from manure disposal. He stated that he believed that there should not be any regulations regarding setbacks, or much smaller setbacks than 1,320 feet from manure disposal, because individuals moving into the country should be aware of agricultural processes. Mr. Schake referenced a document, presented as “Exhibit A”. He showed that he has a field that is not 1,320 feet or more from a residence in the Agricultural district. He explained that the field only has one access road and has two pivot corners. However, he stated, both pivot corners have abutting houses on both the north and south sides. He stated that if the neighbors complained, he couldn’t spread or stockpile for that field. Mr. Schake recommended a 500-foot setback so he could continue to pile at this location.

Mr. Schake stated that USDA provided federal grants for regenerative agricultural and manure disposal should be considered as such.

Deputy County Attorney Hoffmeister asked if a 500-foot odor footprint is considered acceptable. Mr. Schake agreed.

Deputy County Attorney Hoffmeister asked Mr. Schake if injecting should be permitted. Mr. Schake explained that he does not use injection methods. He said that he is not aware of anyone using injection methods other than the dairy.

Chairperson Brady asked Mr. Schake how often manure is spread on one field. Mr. Schake stated that he only spreads on one field every four to five years, at the most. Chairperson Brady asked Mr. Schake if he intended to stockpile on the same field every year. Mr. Schake stated that he would only stockpile on each field once every five years. He added, however, that he has a pile that has been located in the same location for more than one year. He stated that he was unaware the homeowner had issues with the stockpile.

Deputy County Attorney Hoffmeister asked if all stockpiling activities should be treated equally. Mr. Schake agreed.

Chairperson Brady asked Mr. Schake if it was possible to spread manure within 45 days of the date of acquisition. Mr. Schake stated that it is incredibly difficult.

Mr. Schake added that stockpiling begins in spring/summer and is spread after the conclusion of harvest.

Deputy County Attorney Hoffmeister asked Mr. Schake how long it takes to spread 200 side-dump loads. Mr. Schake stated that it takes approximately three to four days, with consideration given to weather.

Kirk Potter, of 9180 Poole Avenue, Kearney, Nebraska, stepped forward to testify. He stated that he agrees with the prior testimony. He requested clarification of which zoning district his farm would be located in. Zoning Administrator Daniels reviewed the map and Deputy County Attorney Hoffmeister stated that his farms appear to be situated within the two-mile jurisdictional boundary of the city of Kearney.

Mr. Potter stated that he is concerned that the complaints will be generated based on retaliation against producers.

Mr. Potter reinforced prior testimony; he added that agriculture is being over-regulated.

Craig Weber, of 6209 40th Avenue, Kearney, Nebraska, stepped forward to testify. Mr. Weber stated that he agreed with prior testimony. He added that, in 17 years of manure disposal, he has never received a complaint. He continued, most producers are going to be good neighbors. He also added that Buffalo County is a Livestock-Friendly County and agricultural is the driving factor behind Nebraska's economy. He also added that regulations should be in place, but should be sensible.

Chairperson Brady stated that Buffalo County just completed their Comprehensive Plan, which took three years to complete. He added that there was significant time, effort, and investment put into the document. He said that he finds it disappointing that no one participated at that time. He added that he is hopeful that The Planning Commission can continue to amend the regulations to create a cohesive environment for agriculture and residential development.

J.C. Ourada, of 3370 S 183, Elm Creek, Nebraska, stepped forward to testify. He stated that he appreciated the situation that The Planning Commission, is in regarding creating a cohesive environment between agriculture and residential development. He stated that he would like to see Buffalo County protect the agricultural community and to vote down the proposal. He agreed with prior testimony.

At 8:09, Chairperson Brady recessed for a ten-minute break.

At 8:18, Chairperson Brady reconvened the meeting back to order. All members that were present returned to the meeting.

Dave Kirschner, of 25135 310th Road, Pleasanton, Nebraska, stepped forward to testify. He stated that he would appreciate knowing who was in opposition of agricultural processes. Zoning Administrator Daniels stated that her office has not received any formal complaints, but have received inquiries over the years.

Mr. Kirschner stated that he was in agreeance with all the testimony heard.

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

Chairperson Brady closed the public hearing at 8:21 p.m.

Mr. Vacek spoke first. He stated that he is a producer and appreciates the benefits of manure. He added that he appreciates the need for regulation. He said he believes Agriculture (AG) and Agricultural – Residential (AGR – 1) should not have regulatory setbacks. He stated that Agricultural – Residential 2 (AGR – 2) District should have regulations in place for that higher-density district.

Mr. Stubblefield spoke next. He agreed with Mr. Vacek's recommendation. He stated that he doesn't believe one person should be able to stop a producer from fulfilling their livelihood.

Mr. Kreutzer spoke. He stated that manure disposal regulatory standards should be reconsidered, but stockpiling should still be setback 1,320 feet from a residence. He added that there are several fields for producers to stockpile that are not close to a residence and they should consider piling there.

Mr. Chaney stated that he believes The Commission should consider the recommendation of the producers. He added that there should be a 1,320-foot setback from any residence in AGR – 2. He added that there should be no setbacks for spreading, injecting, or spraying in any of the districts. He recommended there should be a 500-foot setback from any stockpile in the AG and AGR – 1 District. He stated that he believed this proposal was accommodating to both residential development and producers.

Vice-Chairperson Keep stated that he believed that a nuisance waiver should be implemented.

Mr. Sedlacek stated that he appreciates the Board's recommendation, but also appreciated the producers testifying. He said that he is concerned that no one has shown up to oppose the producer's ability to dispose of manure. He explained that producers would spread quickly and won't stockpile for long periods of time. He stated that he appreciated Mr. Chaney's recommendation. He stated that he would make an additional recommendation. He recommended that the complaint number be adjusted to "three" and it needed to be "three different complainants/residents/dwellings". He also added that the 12 months should be viewed as January 1 to December 31 of every year.

Vice-Chairperson Keep stated that the complainants needed to reside within the 1,320 feet setback of the stockpile for the AGR – 2 District. Anyone that does not reside within that setback cannot provide a complaint, added Vice-Chairperson Keep.

Deputy County Attorney Hoffmeister requested clarification on the number of complaints in the AG and AGR – 1 District. Mr. Sedlacek said that there is no regulation regarding spreading, spraying, or injecting in any of the districts. There would also be no complaints for the AG and AGR – 1 District. Vice-Chairperson Keep agreed.

Ms. Jeffs agreed with Mr. Sedlacek's recommendation. She added that there should be three "written" complaints, not verbal complaints.

Vice-Chairperson Keep referenced Buffalo County Zoning Regulations, regarding livestock confinement operation setbacks. He recommended removing the complaints language.

Mr. Sedlacek said that written complaints need to be included in the language.

Vice-Chairperson Keep stated that Buffalo County needs to protect the producers. Secretary Jeffs reinforced that complaints needed to be included.

Discussion occurred regarding testimony at the last meeting.

Discussion occurred regarding nonconforming uses.

More specialized recommendations were discussed, however, The Commission discussed moving forward with Mr. Sedlacek's recommendation.

Motion was made by Mr. Sedlacek and seconded by Mr. Chaney to recommend unfavorably the proposed regulation, and recommended the following revisions: AG and AGR – 1 will have no setbacks for stockpiling, spreading, spraying, or injecting. However, AGR – 2 will have a 1,320 feet setback from any residence/dwelling, with a minimum of 3 written complaints to be filed to the Buffalo County Zoning Administrator, from three different property complainants/owners/dwelling owners, who reside within the setback. The complainants/owners/dwelling owners need to reside within the 1,320 feet setback. It is added that the 12-month cycle be from January 1 through December 31. A definition of stockpiling was included in the recommendation which states: "The accumulation of manure, not situated on or within the production area of a confinement facility or feedlot derived from Class I or larger livestock confinement facility or feedlot, in mounds, piles, or other exposed and non-engineered site locations for the storage or holding for a period of not more than one year."

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

Voting "Nay": Brady.

Abstain: None.

Absent: Petersen.

Motion carried.

Old Business

Minutes

Motion was made by Secretary Jeffs and seconded by Mr. Vacek to approve the July 16, 2026 meeting minutes, with the revisions provided by The Zoning Administrator, including any spelling and grammatical errors.

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

Voting “Nay”: None.

Abstain: None.

Absent: Petersen.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that the code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 3.3 (definitions), Section 5.5 (Commercial District), Section 5.6 (Industrial District), and Article 6 (Special Use Permit Requirements), regarding the definition, permissibility and requirements of data centers and battery energy storage systems was approved by The Board of Commissioners on August 11, 2026 with a revision, under proposed Section 6.9 (D), including removing the words, “...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.”

Zoning Administrator Daniels reported that the code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, under Section 6.6 (J)(2), regarding the storage of manure within 1,320 feet of an inhabited residence without written consent by the property owners of the residence was not adopted by the Board of Commissioners as recommended by The Planning Commission on August 11, 2026.

Zoning Administrator Daniels also reported that the code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, regarding medical marijuana was approved by The Board of Commissioners on August 11, 2026.

Zoning Administrator Daniels stated that Golfside #5 Subdivision was approved the Board of Commissioners on July 28, 2026.

Correspondence and Other Business

Zoning Administrator Daniels highlighted the annexation of Arbor View Fifth into the city of Kearney’s jurisdiction.

Zoning Administrator Daniels also reviewed notices from Dawson County regarding proposed code amendments and from Kearney County regarding a Gravel Extraction project.

Zoning Administrator Daniels provided Tech One Fifth Subdivision, a subdivision within the extra-territorial jurisdictional boundary of the city of Kearney and reviewed the proposed letter.

Zoning Administrator Daniels provided an updated contact sheet for The Planning Commission members to date.

Next Meeting

The next meeting is scheduled for September 17, 2026. Zoning Administrator Daniels stated that she has not received any applications for public review.

Adjourn

Chairperson Brady adjourned the meeting at 9:10 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Tammy Jeffs, Secretary
Buffalo County Planning Commission