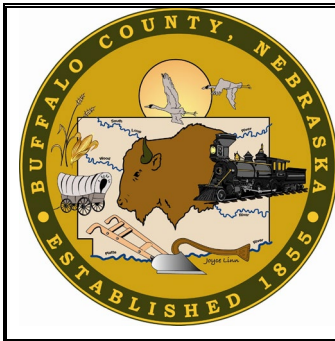




BUFFALO COUNTY ZONING & FLOODPLAIN

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

ZONING AGENDA ITEM #1

Discussion:

To review the unfavorable recommendation by the Buffalo County Planning Commission regarding manure application and storage with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary, originally presented as shown below:

“2. APPLICATION, DISPOSAL, STORAGE, AND STOCKPILING OF MANURE

a. AG & AGR – 1 District

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

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

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

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

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

If, after the written notice is sent by the Zoning Administrator, and the Zoning Administrator receives another complaint during the 12 consecutive months, the applying landowner shall not apply, store, or stockpile manure for the remainder of the 12 months from the date of the first complaint. Failure to comply shall result in the county taking

appropriate actions, including, but limited to a fine of five hundred dollars (\$500.00) per day for each day the violation continues or until compliance is achieved.

b. AGR-2 District

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

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

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

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

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

Motion was made by Mr. Sedlacek and seconded by Mr. Chaney on August 20, 2026 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.
- 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.

Buffalo County Zoning Regulations, Section 11.2:

“When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board does not agree with the recommendation of the Planning Commission, then the County Board, by no less than two-thirds majority vote may modify the Planning Commission’s recommendation and adopt the amendment as modified by the Board all done by resolution (2-25-2025).”

Upon further review of the Buffalo County Planning Commission’s recommendation, the Buffalo County Commissioner’s Zoning Subcommittee would like to put forth the following recommendation:

Proposed Manure Disposal & Storage Regulation Amendment

Amend Buffalo County Zoning Regulations under Section 6.6 (J)(2) with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary:

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

“2. APPLICATION AND DISPOSAL OF MANURE

The application of manure by spraying, injecting, and spreading shall be permitted within all zoning districts of Buffalo County with no required setbacks or written consent by adjoining resident(s).

3. STORAGE AND STOCKPILING OF MANURE

Manure disposal by storing or stockpiling shall not occur within six hundred and sixty (660) feet of inhabited residence(s) in any zoning district of Buffalo County unless the applying landowner has obtained the prior written waiver of the owner of the inhabited residence(s) and is subject to the following provisions:

- a. The requirement shall not apply to any residence for which the applying landowner has ownership.
- b. All written waivers shall be submitted to the Buffalo County Zoning Office to be filed in the Buffalo County Register of Deed’s Office.
- c. If an applying landowner stockpiles within 660 feet of inhabited residence(s), without the prior written waiver of the inhabited residence landowner(s), and the Zoning Administrator is notified of a manure stockpile or storage site situated within 660 feet of inhabited residence(s), then the Zoning Administrator shall conduct an investigation of the query, and if confirmed, the Zoning Administrator shall send a written notice to the applying landowner. The applying landowner will have 30 days from the date of the written notice to:

4. Obtain a written waiver from all affected inhabited residence land owner(s) within 660 feet; or
5. Remove any manure storage or stockpile.”

Definition of Stockpiling:

“Stockpiling: 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.”

Planning & Zoning Commission Minutes

August 20, 2026

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

Zoning Agenda

Item #1

Original Proposed Manure Disposal & Storage Regulation Amendment

Amend Buffalo County Zoning Regulations under Section 6.6 (J)(2) with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary:

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

“2. APPLICATION, DISPOSAL, STORAGE, AND STOCKPILING OF MANURE

a. AG & AGR – 1 District

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

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

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

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

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

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

b. AGR-2 District

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

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

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

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

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

Motion was made by Mr. Sedlacek and seconded by Mr. Chaney on August 20, 2026 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.
- 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.

ARTICLE 11

AMENDMENT

11.1 GENERAL

The regulations, restrictions and boundaries set forth in this Resolution may from time to time be amended, supplemented, changed or repealed, provided however that no such action may be taken until after public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ten days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county (2-25-2025).

11.2 SUBMISSION TO PLANNING COMMISSION

An amendment may be initiated by the County Board of Commissioners by a motion of the County Board, by the Planning Commission by motion of a member of the Planning and Zoning Commission, or by written petition of any property owner addressed to the County Board of Commissioners. The County Board of Commissioners shall act on any petition prior to 120 days of date of receipt. Having once considered a petition, the County Board of Commissioners will not consider substantially the same petition or proposal for one year from date of rejection. If the amendment request is not acted upon by the County Board after 120 days of receipt, the proposal shall be deemed to be denied by the County Board (2-25-2025).

All proposed amendments, except those initiated by the Planning Commission, shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study the proposals to determine (2-25-2025):

- 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.

Within 60 days from the date that any proposed amendment is referred to it (unless a longer period shall have been established by mutual agreement between the County Board of Commissioners and the Planning Commission in the particular case), the Planning Commission shall submit its report and recommendation to the County Board of Commissioners (2-25-2025).

A vote either for or against an amendment by a majority of all the Planning Commission members present shall constitute a recommendation of the Commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend. When amending zoning district boundaries, the Planning Commission and County Board where applicable and authorized may place conditions upon property sought to be re-zoned (Resolution 9-14-04) (2-25-2025).

When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board agrees with the recommendation of the Planning Commission, then the County Board, may by simple majority vote, adopt the recommendation of approval or denial of the proposed all done by resolution (2-25-2025).

When the Planning Commission submits a recommendation of approval or disapproval of the proposed amendment, and the County Board does not agree with the recommendation of the Planning Commission, then the County Board, by no less than two-thirds majority vote may modify the Planning Commission's recommendation and adopt the amendment as modified by the Board all done by resolution (2-25-2025).

When the Planning Commission submits a failure to recommend then the County Board may take such action as it deems appropriate with the final decision of the County Board done by resolution (2-25-2025).

If the amendment shall affect the boundaries of any district, the resolution shall define the change or the boundary as amended, shall order the Official Zoning Map(s) to be changed to reflect such amendment, and shall amend the section of the resolution incorporating the same and reincorporate such Map as amended (2-25-2025).

11.3 NOTICE

Notice of hearing for an amendment for hearing at the Planning Commission and/or Board of County Commissioners shall fix the time and place for the amendment hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district. If the proposed amendment is not a general revision of an existing provision of this resolution, and will affect specific property, it shall be designated by legal description and general street location. In addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered and an opportunity granted to interested parties to be heard. Also, in addition to the proposed notices, notice of the hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property to seeking action in the public hearing (2-25-2025).

11.4 PROTEST

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the County Clerk within seven (7) days after the date of the conclusion of the Planning Commission's public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of two-thirds (2/3) majority of the County Board. (Resolution 10-10-03)

Zoning Sub-Committee Proposed Modification of Manure Disposal & Storage Regulation Amendment

Amend Buffalo County Zoning Regulations under Section 6.6 (J)(2) with amendments noted in strikethrough for deletion, underlining for additions, and renumbering as necessary:

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

2. APPLICATION AND DISPOSAL OF MANURE

The application of manure by spraying, injecting, and spreading shall be permitted within all zoning districts of Buffalo County with no required setbacks or written consent by adjoining resident(s).

3. STORAGE AND STOCKPILING OF MANURE

Manure disposal by storing or stockpiling shall not occur within six hundred and sixty (660) feet of inhabited residence(s) in any zoning district of Buffalo County unless the applying landowner has obtained the prior written waiver of the owner of the inhabited residence(s) and is subject to the following provisions:

- a. The requirement shall not apply to any residence for which the applying landowner has ownership.
- b. All written waivers shall be submitted to the Buffalo County Zoning Office to be filed in the Buffalo County Register of Deed's Office.
- c. If an applying landowner stockpiles within 660 feet of inhabited residence(s), without the prior written waiver of the inhabited residence landowner(s), and the Zoning Administrator is notified of a manure stockpile or storage site situated within 660 feet of inhabited residence(s), then the Zoning Administrator shall conduct an investigation of the query, and if confirmed, the Zoning Administrator shall send a written notice to the applying landowner. The applying landowner will have 30 days from the date of the written notice to:
 1. Obtain a written waiver from all affected inhabited residence land owner(s) within 660 feet; or
 2. Remove any manure storage or stockpile.

Definition of Stockpiling:

Stockpiling: 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.