

**BUFFALO COUNTY BOARD OF COMMISSIONERS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, MARCH 11, 2025**

The Buffalo County Board of Commissioners and the Buffalo County Board of Equalization met on Tuesday, March 11, 2025 at 9:00 A.M. and 9:30 A.M. Chairperson Morrow called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Timothy Higgins, Ivan Klein, Myron Kouba, Ronald Loeffelholz, Daniel Lynch, Bill Maendele and Sherry Morrow. A copy of the acknowledgment and receipt of notice and agenda by the Board of Commissioners is attached to these minutes. Public notice of this meeting was published/posted in the Kearney Hub, on the Buffalo County website, and the bulletin boards located outside the County Clerk’s office and County Board Room on March 6, 2025. Chairperson Morrow announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and posted at the back of the Board Room. County Clerk Heather Christensen took all proceedings hereinafter shown; while the convened meeting was open to the public. County Attorney Shawn Eatherton and Deputy County Attorney Andrew Hoffmeister were present.

REGULAR AGENDA

Moved by Higgins and seconded by Lynch to approve the February 25, 2025 Board meeting minutes. Upon roll call vote, the following Board members voted "Aye": Higgins, Lynch, Klein, Kouba, Loeffelholz, Maendele and Morrow. Motion declared carried.

Commissioner Lynch read into the record a Resolution of Commendation to Jennifer Murrish of Buffalo County Historical Society for her 20 years of service. Moved by Higgins and seconded by Klein to approve the following Resolution 2025-12. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Loeffelholz, Lynch, Maendele and Morrow. Motion declared carried.

RESOLUTION 2025-12

Whereas, Jennifer Murrish has served with exceptional dedication as the Executive Director of the Buffalo County Historical Society for the past 20 years; and

Whereas, throughout her tenure, Jennifer has demonstrated an unwavering commitment to the preservation, collection, and sharing of the rich history of Buffalo County, ensuring that future generations will understand and appreciate the cultural heritage of this community; and

Whereas, under Jennifer's visionary leadership, the Buffalo County Historical Society has experienced significant growth, including the construction of the new Family History Center, which stands as a testament to her foresight and devotion to preserving the county’s history in an accessible and meaningful way; and

Whereas, Jennifer’s efforts have not only strengthened the Historical Society but have also fostered a deeper connection between the people of Buffalo County and their shared history, enriching the community's cultural fabric; and

Whereas, her passion, professionalism, and tireless dedication have inspired countless individuals and organizations to support the mission of the Buffalo County Historical Society, ensuring its continued success for many years to come;

Now, therefore, be it resolved by the Buffalo County Board of Commissioners that we extend our deepest gratitude and appreciation to Jennifer Murrish for her exemplary service, leadership, and dedication over the past 20 years; and

Be it further resolved, that we honor her contributions and celebrate her lasting impact on the preservation and growth of the Buffalo County Historical Society, as well as her role in enriching the lives of all those who have experienced the history of this remarkable community through her work.

Moved by Higgins and seconded by Kouba to ratify the following March 7, 2025 payroll claims processed by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Higgins, Kouba, Klein, Loeffelholz, Lynch, Maendele and Morrow. Motion declared carried.

MARCH 7, 2025 PAYROLL

GENERAL FUND			
NET PAYROLL			373,561.63
AMERICAN FAMILY LIFE	I	PREMIUMS	1,554.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	65,977.68

BUFFALO CO TREASURER	I	PREMIUMS	170,895.50
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FAMILY SUPPORT REGISTRY	E	GARNISHMENT	75.00
FIRST CONCORD	E	FLEX FUNDS	7,114.10
FIRST NATIONAL BANK	T	FEDERAL TAXES	126,195.28
KEARNEY UNITED WAY	E	DONATIONS	67.42
MADISON NATIONAL	I	PREMIUMS	1,171.61
MADISON NATIONAL	I	LT DISABILITY	309.76
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	4,256.08
NATIONWIDE RETIREMENT	R	DEFERRED COMP	2,207.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.50
STATE OF NE	T	STATE TAXES	19,716.50
VISION SERVICE PLAN	E	EMPE VSP EYE	1,242.97
ROAD FUND			
NET PAYROLL			78,115.63
AMERICAN FAMILY LIFE	I	PREMIUMS	1,068.67
RETIREMENT PLANS AMERITAS	R	EMPE RET	12,503.11
BUFFALO CO TREASURER	I	PREMIUMS	3,937.00
BUFFALO CO COURT	E	GARNISHMENT	228.50
FIRST CONCORD	E	FLEX FUNDS	821.66
FIRST NATIONAL BANK	T	FEDERAL TAXES	24,354.58
MADISON NATIONAL	I	PREMIUMS	185.46
MADISON NATIONAL	I	LT DISABILITY	112.99
METLIFE	E	DENTAL	971.12
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	3,731.03
VISION SERVICE PLAN	E	EMPE VSP EYE	309.33
WEED FUND			
NET PAYROLL			5,728.20
RETIREMENT PLANS AMERITAS	R	EMPE RET	900.84
BUFFALO CO TREASURER	I	PREMIUMS	346.00
FIRST CONCORD	E	FLEX FUNDS	33.33
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,789.53
MADISON NATIONAL	I	LT DISABILITY	3.94
METLIFE	E	DENTAL	60.36
STATE OF NE	T	STATE TAXES	264.73

Moved by Loeffelholz and seconded by Lynch to accept the Clerk of the District Court February 2025 Report. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

Moved by Maendele and seconded by Lynch to accept the Buffalo County Treasurer February 2025 Fund Balance Report. Upon roll call vote, the following Board members voted "Aye": Maendele, Lynch, Higgins, Klein, Kouba, Loeffelholz and Morrow. Motion declared carried.

Moved by Klein and seconded by Higgins to accept the January 2025 Community Action Partnership of Mid-Nebraska RYDE Report. Upon roll call vote, the following Board members voted "Aye": Klein, Higgins, Loeffelholz, Lynch, Maendele and Morrow. Abstain: Kouba. Motion declared carried.

South Central Economic Development District (SCEDD) Deputy Director LeAnn Jochum was present to give updated reports and filed the 2024 annual report with the County Clerk.

Sheriff Neil Miller and Lieutenant Robert Tubbs were present for the following agenda item. Chairperson Morrow instructed County Clerk Christensen to open and read aloud the submitted bids for the Request for Proposal (RFP) for the support and maintenance of Mitel Phone system for the Buffalo County offices and City of Kearney/ Buffalo County Law Enforcement Center bids were submitted from the following companies; HunTel Communications, a CPI Company and Kidwell. Sheriff Miller, Lieutenant Tubbs and the IT Committee will review the bids and come back with recommendations at the next meeting on Tuesday, March 25, 2025.

ROAD DEPARTMENT

Highway Superintendent John Maul was present for the following Agenda item.

The Road Committee reviewed the final tabulations for gravel bids submitted on February 25, 2025 and Highway Superintendent Maul presented them to the Board. Moved by Klein and seconded by Lynch to award gravel bids for April 1, 2025 through March 31, 2026 to Paulsen Inc. for Zones 1 through 7 and Zones 12 through 13; Ed Broadfoot & Sons Sand & Gravel Inc. for Zone 8 through 11

and Zone 14 and Zone 16; Mid Nebraska Aggregate Inc. for Zones 18 through 26 and Southwest Gravel Products for Zone 15 and Zone 17. Upon roll call vote, the following Board members voted "Aye": Klein, Lynch, Higgins, Kouba, Loeffelholz, Maendele and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Maendele to recess the regular meeting of the Board of Commissioners at 9:30 A.M. and reconvene as a Board of Equalization. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Maendele, Higgins, Klein, Kouba, Lynch and Morrow. Motion declared carried.

BOARD OF EQUALIZATION

Chairperson Morrow called the Board of Equalization to order in open session. County Treasurer Brenda Rohrich and County Assessor Roy Meusch were present.

Deputy County Attorney Hoffmeister presented the confession of TERC appeal. After discussion it was moved by Higgins and seconded by Klein that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #24C 0547 in appeal concerning HUB PUBLISHING CO., Appellant, and Buffalo County, Appellee, for property identified as tax parcel # 610065000 and that the Buffalo County Attorney’s Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2024 that this property had an assessed valuation of \$737,000. Upon roll call vote, the following Board members voted "Aye": Higgins, Klein, Kouba, Loeffelholz, Lynch, Maendele and Morrow. Motion declared carried.

Moved by Lynch and seconded by Loeffelholz to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for American Red Cross for a 1999 Trailer. Upon roll call vote, the following Board members voted "Aye": Lynch, Loeffelholz, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

The following Motor Vehicle Tax Exemption renewal application was moved from the February 25, 2025 meeting due to County Treasurer Rohrich’s absence. Moved by Klein and seconded by Kouba to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for the Catholic High School of Kearney for a 2022 Ford Expedition Max XLT 4x4. Upon roll call vote, the following Board members voted "Aye": Klein, Kouba, Higgins, Loeffelholz, Lynch, Maendele and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for First United Methodist Church of Kearney for a 2024 AMP Cooler Trailer. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Lynch to approve the Motor Vehicle Tax Exemption renewal as indicated on the application by County Treasurer Rohrich for Seneca Sunrise, LLC for a 2021 Chrysler Pacifica Van. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Lynch, Higgins, Klein, Kouba, Maendele and Morrow. Motion declared carried.

Moved by Loeffelholz and seconded by Klein to approve Tax List Corrections numbered 5077 through 5087 submitted by County Assessor Meusch. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

The following Permissive Exemption applications were heard by the Board of Equalization on February 25, 2025. County Assessor Meusch stated the applications were incorrectly submitted and requested they be presented again at today’s meeting. Meusch made the recommendations for each application to be denied. Moved by Loeffelholz and seconded by Klein to approve the denial of the following Permissive Exemption applications. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

Name of Organization	Parcel #
EDUCATIONAL	
BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA	604538000
BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA	604535000
BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA	602459000
BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA	604537000
BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA	602458000

Moved by Loeffelholz and seconded by Klein to adjourn the Board of Equalization and return to the regular meeting of the Board of Commissioners at 9:43 A.M. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Klein, Higgins, Kouba, Lynch, Maendele and Morrow. Motion declared carried.

REGULAR AGENDA

Chairperson Morrow reviewed the following correspondence. City of Kearney sent a letter regarding the Planning Commission Agenda for March 21, 2025. County Clerk added the last Planning Commission meeting minutes to the Board packets as requested by the

Board. Nebraska Department of Transportation (NDOT) sent an email with a letter attached stating that NDOT is required to give nonmetropolitan local officials the opportunity to comment on planning documents that could potentially impact the local community. A Nebraska resident sent a letter in regards to their recent visit to the Department of Motor Vehicle Licensing office and the inconvenience of the payment process. Chairperson Morrow called on each Board member present for committee reports and recommendations.

Jacob Sertich Managing Principal/Architect of Wilkins Architecture Design and Planning reviewed the current construction projects including the (Law Enforcement Center) LEC Needs Assessment Report in Buffalo County with the Board a copy of the report is on file with the County Clerk.

Moved by Loeffelholz and seconded by Higgins to enter into Executive Session at 10:18 A.M. regarding personnel. In addition to the Board members responding to roll call, County Attorney Eatherton, Sheriff Miller and Board Administrator Lynn Martin. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Moved by Loeffelholz and seconded by Higgins to move out of Executive Session at 10:36 A.M. and resume the open meeting. Upon roll call vote, the following Board members voted "Aye": Loeffelholz, Higgins, Kouba, Lynch, Maendele, Morrow and Klein. Motion declared carried.

Chairperson Morrow called for Citizen's forum no one addressed the Board.

Chairperson Morrow asked if there was anything else to come before the Board at 10:37 A.M. before she declared the meeting adjourned until the regular meeting at 9:00 A.M. on Tuesday, March 25, 2025.

ATTEST:

Sherry L. Morrow, Chairperson
Buffalo County Board of Commissioners

Heather A. Christensen
Buffalo County Clerk

(SEAL)

MARCH 21, 2025 PAYROLL

<u>GENERAL FUND</u>			
NET PAYROLL			353,775.06
AMERICAN FAMILY LIFE	I	PREMIUMS	1,554.52
RETIREMENT PLANS AMERITAS	R	EMPE RET	62,425.73
BUFFALO CO TREASURER	I	PREMIUMS	173,272.50
EMPOWER ANNUITY INS	R	DEFERRED COMP	1,075.00
FAMILY SUPPORT REGISTRY	E	GARNISHMENT	75.00
FIRST CONCORD	E	FLEX FUNDS	6,664.10
FIRST NATIONAL BANK	T	FEDERAL TAXES	117,898.03
KEARNEY UNITED WAY	E	DONATIONS	67.42
MADISON NATIONAL	I	PREMIUMS	1,196.94
MADISON NATIONAL	I	LT DISABILITY	310.07
ERIN M MCCARTNEY	E	GARNISHMENT	402.00
METLIFE	E	DENTAL	4,361.30
NATIONWIDE RETIREMENT	R	DEFERRED COMP	2,207.00
NE CHILD SUPPORT	E	CHILD SUPPORT	1,200.50
STATE OF NE	T	STATE TAXES	18,373.62
VISION SERVICE PLAN	E	EMPE VSP EYE	1,275.19
<u>ROAD FUND</u>			
NET PAYROLL			63,093.82
AMERICAN FAMILY LIFE	I	PREMIUMS	1,068.67
RETIREMENT PLANS AMERITAS	R	EMPE RET	10,117.22
BUFFALO CO TREASURER	I	PREMIUMS	3,937.00
BUFFALO CO COURT	E	GARNISHMENT	220.50
FIRST CONCORD	E	FLEX FUNDS	821.66
FIRST NATIONAL BANK	T	FEDERAL TAXES	18,495.77
MADISON NATIONAL	I	PREMIUMS	185.54
MADISON NATIONAL	I	LT DISABILITY	113.03
METLIFE	E	DENTAL	971.12
NATIONWIDE RETIREMENT	R	DEFERRED COMP	272.50
STATE OF NE	T	STATE TAXES	2,742.10
VISION SERVICE PLAN	E	EMPE VSP EYE	309.43
<u>WEED FUND</u>			
NET PAYROLL			5,728.19
RETIREMENT PLANS AMERITAS	R	EMPE RET	900.84
BUFFALO CO TREASURER	I	PREMIUMS	346.00
FIRST CONCORD	E	FLEX FUNDS	33.33
FIRST NATIONAL BANK	T	FEDERAL TAXES	1,789.53
MADISON NATIONAL	I	LT DISABILITY	3.95
METLIFE	E	DENTAL	60.36
STATE OF NE	T	STATE TAXES	264.73

BUFFALO
BOARD PREAPPROVAL REPORT
COUNTY GENERAL
FROM 03/25/2025 TO 03/28/2025

Account #	Description	Account Amt	Vendor	Invoice Description	Claim #
601-00 BOARD					
00-2-2000	PRINTING & PUBLISHING	456.75	COLUMN SOFTWARE PBC	PUBLICATION BOARD 463B216C0	02503242
00-2-2000	PRINTING & PUBLISHING	420.65	LINCOLN JOURNAL STAR	PUBLICATION BOARD 12458181	02503326

	601-00 BOARD	877.40			

602-00 CLERK					
00-3-0101	OFFICE SUPPLIES	140.92	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQN4WXV4MRJ	02503194
00-3-0101	OFFICE SUPPLIES	35.00	WELLS FARGO	FEE CLERK NEFCB04801BK80 AP	02503428

	602-00 CLERK	175.92			

603-00 TREASURER					
00-2-1801	DUES, SUBSCRIPTIONS & REGISTRAT	50.00	NACO	REGISTRATION TREASURER B. R	02503353
00-2-2000	PRINTING & PUBLISHING	176.40	LINCOLN JOURNAL STAR	PUBLICATION BOARD 12458181	02503326

	603-00 TREASURER	226.40			

605-00 ASSESSOR					
00-2-1801	DUES, SUBSCRIPT & REG	600.00	DEPARTMENT OF REVENUE	REGISTRATION ASSESSOR J. NE	02503259
00-2-1801	DUES, SUBSCRIPT & REG	503.95	MARSHALL & SWIFT/BOECKH,	SUPPLIES ASSESSOR 1132831	02503333

	605-00 ASSESSOR	1,103.95			

607-00 ELECTION COMMISSIONER					
00-2-1700	TRAVEL EXPENSE	64.40	LISA POFF	REIMBURSE MILEAGE	02503378
00-2-2201	BALLOT PRINTING	722.39	ELECTION SYSTEMS & SOFTWA	EXPENSES ELECTION CD2115253	02503274

	607-00 ELECTION COMMISSIONER	786.79			

610-00 DATA PROCESSING					
00-2-0200	TELEPHONE (CELL PHONE)	45.00	MANDI J AMY	REIBURSE CELL PHONE	02503196
00-2-0200	TELEPHONE (CELL PHONE)	45.00	NATHAN AREHART	REIMBURSE CELL PHONE	02503201
00-2-0200	TELEPHONE (CELL PHONE)	45.00	DREW BOHL	REIMBURSE CELL PHONE	02503208
00-2-0200	TELEPHONE (CELL PHONE)	45.00	NATHAN BRECHT	REIMBURSE CELL PHONE	02503212
00-2-0200	TELEPHONE (CELL PHONE)	45.00	JENNIFER CHURCH	REIMBURSE MILEAGE CELL PHON	02503234
00-2-0200	TELEPHONE (CELL PHONE)	45.00	KATHARINE COLLINS	REIMBURSE CELL PHONE	02503241
00-2-0200	TELEPHONE (CELL PHONE)	45.00	DENNISE DANIELS	REIMBURSE CELL PHONE	02503252
00-2-0200	TELEPHONE (CELL PHONE)	45.00	JOSIAH DAVIS	REIMBURSE CELL PHONE	02503257
00-2-0200	TELEPHONE (CELL PHONE)	45.00	SHAWN EATHERTON	REIMBURSE MILEAGE CELL PHON	02503272

BUFFALO
BOARD PREAPPROVAL REPORT
COUNTY GENERAL
FROM 03/25/2025 TO 03/28/2025

Account #	Description	Account Amt	Vendor	Invoice Description	Claim #
00-2-0200	TELEPHONE (CELL PHONE)	45.00	PAUL FARRELL	REIMBURSE CELL PHONE	02503280
00-2-0200	TELEPHONE (CELL PHONE)	2,809.78	FRONTIER	PHONE SVC BCSO 01571105702	02503285
00-2-0200	TELEPHONE (CELL PHONE)	45.00	ANDREW W HOFFMEISTER	REIMBURSE CELL PHONE	02503295
00-2-0200	TELEPHONE (CELL PHONE)	45.00	LISA R HUERTA	REIMBURSE CELL PHONE	02503299
00-2-0200	TELEPHONE (CELL PHONE)	45.00	ERIC INGEBRETSEN	REIMBURSE CELL PHONE	02503303
00-2-0200	TELEPHONE (CELL PHONE)	45.00	NICK KILLOUGH	REIMBURSE CELL PHONE	02503318
00-2-0200	TELEPHONE (CELL PHONE)	45.00	DOUG KRAMER	REIMBURSE CELL PHONE	02503321
00-2-0200	TELEPHONE (CELL PHONE)	45.00	JOHN MARSH	REIMBURSE CELL PHONE	02503332
00-2-0200	TELEPHONE (CELL PHONE)	45.00	LYNN MARTIN	REIMBURSE CELL PHONE	02503334
00-2-0200	TELEPHONE (CELL PHONE)	45.00	KOLTON MORSE	REIMBURSE CELL PHONE	02503352
00-2-0200	TELEPHONE (CELL PHONE)	107.75	NEBRASKA CENTRAL TELEPHON	PHONE SVC COMMUNICATIONS 11	02503355
00-2-0200	TELEPHONE (CELL PHONE)	45.00	KANE M RAMSEY	REIMBURSE CELL PHONE	02503383
00-2-0200	TELEPHONE (CELL PHONE)	45.00	REBECCA RILEY	REIMBURSE CELL PHONE	02503386
00-2-0200	TELEPHONE (CELL PHONE)	45.00	JOSE RODRIGUEZ	REIMBURSE CELL PHONE	02503387
00-2-0200	TELEPHONE (CELL PHONE)	45.00	BRENDA ROHRICH	REIMBURSE CELL PHONE	02503388
00-2-0200	TELEPHONE (CELL PHONE)	45.00	RICHARD SERR	REIMBURSE CELL PHONE	02503392
00-2-0200	TELEPHONE (CELL PHONE)	45.00	CRAIG SLEICHER	REIMBURSE CELL PHONE	02503395
00-2-0200	TELEPHONE (CELL PHONE)	45.00	MARTI SLEISTER	REIMBURSE CELL PHONE	02503396
00-2-0200	TELEPHONE (CELL PHONE)	45.00	CHERYL STABENOW	REIMBURSE CELL PHONE	02503398
00-2-0200	TELEPHONE (CELL PHONE)	715.33	VERIZON WIRELESS	SVC IT 6108163481	02503419
00-2-0200	TELEPHONE (CELL PHONE)	45.00	AARON WENTZ	REIMBURSE CELL PHONE	02503429
00-2-0200	TELEPHONE (CELL PHONE)	45.00	MELISSA L WILLIS	REIMBURSE CELL PHONE	02503432
00-2-0200	TELEPHONE (CELL PHONE)	45.00	MELANIE R YOUNG	REIMBURSE CELL PHONE	02503439
00-2-0200	TELEPHONE (CELL PHONE)	45.00	ERIC ZIKMUND	REIMBURSE CELL PHONE	02503440
00-2-1101	COMPUTER EXPENSE GENERAL (INTE	524.95	CHARTER COMMUNICATIONS	PHONE SVC COMMUNICATIONS 17	02503231
00-2-1101	COMPUTER EXPENSE GENERAL (INTE	757.50	GREAT PLAINS COMMUNICATIO	INTERNET IT 201072 COMMUNIC	02503292
00-2-1101	COMPUTER EXPENSE GENERAL (INTE	665.00	OPTK NETWORKS	INTERNET COMMUNICATIONS INV	02503366
00-2-1102	COMPUTER CONSULTANT (SUPPORT)	150.00	DAS ST ACCOUNTING	SVC IT 1470400	02503254
00-2-2544	MAINTENANCE AGREEMENTS	51,389.42	ACCURATE CONTROLS INC	SVC IT 23263	02503191
00-2-2544	MAINTENANCE AGREEMENTS	206.22	CANON SOLUTIONS AMERICA,	MAINT IT 242430	02503227
00-2-2544	MAINTENANCE AGREEMENTS	5,916.02	HOMETOWN LEASING	SVC IT 045	02503297
00-2-2544	MAINTENANCE AGREEMENTS	6,036.03	MIPS INC.	SVC IT 25020031 25030817 25	02503347
00-5-0315	DATA PROCESSING EQUIPMENT	4,820.36	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQN4WXV4MRJ	02503194
00-5-0315	DATA PROCESSING EQUIPMENT	730.00	MICROFILM IMAGING SYSTEMS	SVC IT 97592 97514 97491	02503341
00-5-0315	DATA PROCESSING EQUIPMENT	319.30	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-5-1309	DATA PROCESSING SOFTWARE	469.14	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
00-5-1309	DATA PROCESSING SOFTWARE	1,287.87	KRONOS	SOFTWARE IT 12371361	02503323
00-5-1309	DATA PROCESSING SOFTWARE	1,425.00	RESOURCE SOFTWARE INTERNA	EXPENSE IT 84756	02503385
00-5-1309	DATA PROCESSING SOFTWARE	6,321.00	SHI INTERNATIONAL CORP	EXPENSES IT B19472012	02503394
00-5-1309	DATA PROCESSING SOFTWARE	1,908.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415

610-00 DATA PROCESSING 87,908.67

619-00 ZONING

00-2-1700	TRAVEL EXPENSE	12.60	SCOTT BRADY	REIMBURSE MILEAGE	02503211
00-2-1700	TRAVEL EXPENSE	14.00	JOSHUA CHANEY	REIMBURSE MILEAGE	02503230
00-2-1700	TRAVEL EXPENSE	23.80	WILLIE KEEP	REIMBURSE MILEAGE	02503317
00-2-1700	TRAVEL EXPENSE	14.00	TIM KREUTZER	REIMBURSE MILEAGE	02503322

BUFFALO
BOARD PREAPPROVAL REPORT
COUNTY GENERAL
FROM 03/25/2025 TO 03/28/2025

Account #	Description	Account Amt	Vendor	Invoice Description	Claim #
00-2-1700	TRAVEL EXPENSE	3.50	JEREMY SEDLACEK	REIMBURSE MILEAGE	02503391
00-2-1700	TRAVEL EXPENSE	26.60	SCOTT STUBBLEFIELD	REIMBURSE MILEAGE	02503402
00-2-1700	TRAVEL EXPENSE	41.30	MARC VACEK	REIMBURSE MILEAGE	02503417
00-2-1700	TRAVEL EXPENSE	46.20	LOYE WOLFE	REIMBURSE MILEAGE	02503434
00-2-1801	DUES, SUBSCRIPTIONS, REGISTRAT	79.00	MORRIS PRESS	SUPPLIES ZONING IN024943 DI	02503351
00-2-1801	DUES, SUBSCRIPTIONS, REGISTRAT	1,645.00	NEBRASKA PLANNING & ZONIN	REGISTRATION ZONING D. DANI	02503359
00-2-1801	DUES, SUBSCRIPTIONS, REGISTRAT	124.43	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2000	PRINTING & PUBLISHING	187.06	COLUMN SOFTWARE PBC	PUBLICATION BOARD 463B216CO	02503242
00-3-0101	OFFICE SUPPLIES	37.77	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271

619-00 ZONING		2,255.26	*****		

621-00 CLERK OF DISTRICT COURT					
00-1-0327	7 MENTAL HEALTH BOARD	100.00	RICHARD BEECHNER	MH BOARD HEARING	02503206
00-1-0327	7 MENTAL HEALTH BOARD	100.00	DR MICHAEL LAWSON	MB BOARD HEARING	02503325
00-1-0327	9 MENTAL HEALTH BOARD	200.00	STEPHEN G LOWE	MH BOARD HEARING CO COURT J	02503328
00-2-0100	POSTAL SERVICE	569.20	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2300	JUROR FEES	219.79	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0101	OFFICE SUPPLIES	103.96	CLERK OF THE DISTRICT COU	FEES DIST COURT FEB 2025	02503239
00-3-0101	OFFICE SUPPLIES	33.95	DRIVERS LICENSE GUIDE CO	SUPPLIES DIST COURT 839865	02503268
00-3-0101	OFFICE SUPPLIES	63.51	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
00-3-0101	OFFICE SUPPLIES	188.00	MORRIS PRESS	SUPPLIES ZONING IN024943 DI	02503351
00-3-0101	OFFICE SUPPLIES	418.34	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0121	LEGAL SUPPLIES	637.16	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415

621-00 CLERK OF DISTRICT COURT		2,633.91	*****		

622-00 COUNTY COURT SYSTEM					
00-2-1801	DUES, SUBSCRIPTIONS & REGISTRA	891.28	THOMSON REUTERS-WEST	SUBSCRIPTION CO COURT 85156	02503408
00-2-2401	9 COURT APPOINTED COUNCIL	15,504.57	BRUNER FRANK SCHUMACHER,	LEGAL DIST COURT 120063 119	02503215
00-2-2401	9 COURT APPOINTED COUNCIL	910.00	MICHAEL D CARPER	LEGAL 18 29 18 39 18 20 18	02503228
00-2-2401	9 COURT APPOINTED COUNCIL	1,610.00	COCHRAN LAW PC, LLO	LEGAL DIST COURT 2025: 0211	02503240
00-2-2401	9 COURT APPOINTED COUNCIL	80.00	DEWALD DEEVER L'HEUREUX L	LEGAL COUNTY COURT 3228	02503261
00-2-2401	9 COURT APPOINTED COUNCIL	952.00	DIER, OSBORN & COX, P.C.,	LEGAL COUNTY COURT JV24 206	02503263
00-2-2401	9 COURT APPOINTED COUNCIL	1,700.00	BRANDON DUGAN LAW	LEGAL DIST COURT CR23 180 C	02503269
00-2-2401	9 COURT APPOINTED COUNCIL	6,520.22	FYE LAW OFFICE	LEGAL DIST COURT 11488 1149	02503286
00-2-2401	9 COURT APPOINTED COUNCIL	15,295.35	JACOBSEN ORR LAW FIRM	LEGAL DIST COURT CI24 80 CR	02503305
00-2-2401	9 COURT APPOINTED COUNCIL	19,999.00	KLEIN BREWSTER BRANDT & M	LEGAL DIST COURT 8258 8438	02503319
00-2-2401	9 COURT APPOINTED COUNCIL	603.46	JEFFREY C KNAPP	LEGAL COUNTY COURT 15 64N 1	02503320
00-2-2401	9 COURT APPOINTED COUNCIL	1,753.75	LIESKE, LIESKE & ENSZ, PC	LEGAL DIST COURT CR24 164 C	02503327
00-2-2401	9 COURT APPOINTED COUNCIL	1,500.00	STEPHEN G LOWE	MH BOARD HEARING CO COURT J	02503328
00-2-2401	9 COURT APPOINTED COUNCIL	990.00	RUDOLPH LAW LLC	LEGAL CO COURT 01502 01501	02503389
00-2-2401	9 COURT APPOINTED COUNCIL	9,841.96	STAMM ROMERO & ASSOC, P.C	LEGAL DIST COURT 4321 4341	02503399
00-2-2401	9 COURT APPOINTED COUNCIL	1,461.44	THOMAS S STEWART	LEGAL DIST COURT 6321 6295	02503401
00-2-2401	9 COURT APPOINTED COUNCIL	1,452.56	MICHAEL J SYNEK	LEGAL DIST COURT CI23 27 CI	02503405
00-2-2401	9 COURT APPOINTED COUNCIL	2,825.00	REBECCA TVRDIK ANDERSON	LEGAL CO COURT JV24 129-131	02503412

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00-2-2401	9 COURT APPOINTED COUNCIL	420.00	TYE & ROWLING, PC, LLO	LEGAL CO COURT JV19 206 JV1	02503413
00-3-0101	OFFICE SUPPLIES	1,358.32	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
622-00 COUNTY COURT SYSTEM		85,668.91			
625-00 PUBLIC DEFENDER					
00-2-1704	MILEAGE	207.42	D. BRANDON BRINEGAR	REIMBURSE MILEAGE 296.32 .7	02503213
00-2-1801	DUES, SUBSCRIPTIONS & REGISTRA	176.00	JUSTICE WORKS LLC	SUBSCRIPTION FEB 2025 22816	02503310
00-2-1801	DUES, SUBSCRIPTIONS & REGISTRA	869.96	THOMSON REUTERS - WEST	SUBSCRIPTION 1005227300 851	02503409
00-2-1801	DUES, SUBSCRIPTIONS & REGISTRA	30.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2600	7 COURT COSTS	1,750.00	THURMAN PSYCHOLOGICAL	SERVICE EVAL AUSTEN VANBURE	02503410
00-2-2600	COURT COSTS	426.60	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0101	OFFICE SUPPLIES	254.64	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQN4WXV4MRJ	02503194
625-00 PUBLIC DEFENDER		3,714.62			
641-00 BUILDING & GROUNDS					
00-2-0501	LIGHTS	5,133.50	DAWSON PUBLIC POWER DISTR	UTILITIES B&G 9428	02503258
00-2-0501	LIGHTS	13,979.08	NEBRASKA PUBLIC POWER DIS	UTILITIES B&G 311010034000	02503361
00-2-0502	WATER	3,486.43	CITY OF KEARNEY	UTILITIES B&G 151182000001 2	02503236
00-2-0502	WATER	25.00	VILLAGE OF MILLER	UTILITIES B&G FEB 2025	02503420
00-2-0503	HEATING FUELS	1,119.29	COUNTRY PARTNERS COOPERAT	FUEL A59159 A59202	02503247
00-2-0503	HEATING FUELS	10,041.73	NORTHWESTERN ENERGY	UTILITIES B&G 29350972 2660	02503370
00-2-0503	HEATING FUELS	2,557.20	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-0505	GARBAGE (LANDFILL USE)	22.25	DAN'S SANITATION, INC	SVC B&G 9394497	02503251
00-2-1300	BUILDING REPAIR (COURTHOUSE)	11.01	AMERICAN ELECTRIC COMPANY	SUPPLIES B&G 3595: 1037430	02503195
00-2-1300	BUILDING REPAIR (COURTHOUSE)	604.90	BANNER SOLUTIONS	SUPPLIES B&G 12444848 12445	02503205
00-2-1300	BUILDING REPAIR (COURTHOUSE)	106.16	CULLIGAN OF KEARNEY	SVC B&G 116251 132589 13369	02503249
00-2-1300	BUILDING REPAIR (COURTHOUSE)	187.00	DESIGNER CRAFT WOODWORKIN	SUPPLIES B&G 24902	02503260
00-2-1300	7 BUILDING REPAIR (COURTHOUSE)	35,000.00	DUNCAN THEIS CONSTRUCTION	CONSTRUCTION B&G APP NO 9	02503270
00-2-1300	BUILDING REPAIR (COURTHOUSE)	62.99	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
00-2-1300	BUILDING REPAIR (COURTHOUSE)	140.00	ENTERPRISE ELECTRIC KEARN	UTILITIES B&G 3597 1030525 3	02503277
00-2-1300	BUILDING REPAIR (COURTHOUSE)	55.80	KEARNEY WINNELSON CO	SUPPLIES B&G 48347801 48425	02503316
00-2-1300	BUILDING REPAIR (COURTHOUSE)	79.76	MASTERS TRUE VALUE	SUPPLIES 2503: 091803 09200	02503335
00-2-1300	BUILDING REPAIR (COURTHOUSE)	4,399.00	PRO-TINT	SUPPLIES B&G 3.4.25 3.5.25	02503379
00-2-1300	7 BUILDING REPAIR (COURTHOUSE)	1,212.00	SCHUMACHER FENCING, LLC	SUPPLIES B&G 2572	02503390
00-2-1300	BUILDING REPAIR (COURTHOUSE)	231.31	SHERWIN WILLIAMS	SUPPLIES B&G 64108 64892 92	02503393
00-2-1300	BUILDING REPAIR (COURTHOUSE)	89.32	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1300	BUILDING REPAIR (COURTHOUSE)	2,107.24	THE WALDINGER CORPORATION	REPAIRS B&G 14815869 744666	02503422
00-2-1300	BUILDING REPAIR (COURTHOUSE)	1,531.80	WILKINS ARCHITECTURE DESI	RENOVATION B&G 6550 6551 65	02503431
00-2-1302	BUILDING REPAIR (JAIL)	12.70	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQN4WXV4MRJ	02503194
00-2-1302	BUILDING REPAIR (JAIL)	487.50	AREA SERVICES INC	SVC B&G 15088	02503200
00-2-1302	BUILDING REPAIR (JAIL)	56.50	BOMGAARS SUPPLY INC	SUPPLIES B&G 185863 186887	02503209
00-2-1302	BUILDING REPAIR (JAIL)	289.00	CULLIGAN OF KEARNEY	SVC B&G 116251 132589 13369	02503249
00-2-1302	7 BUILDING REPAIR (JAIL)	396.00	DOUBLE J PLUMBING & CONTR	SVC B&G D BLOCK	02503265
00-2-1302	BUILDING REPAIR (JAIL)	7.28	HOLMES PLUMBING & HEATING	SUPPLIES B&G 342453	02503296

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00-2-1302	BUILDING REPAIR (JAIL)	737.52	JOHNSTONE SUPPLY	SUPPLIES B&G 6241496 623821	02503308
00-2-1302	BUILDING REPAIR (JAIL)	199.00	KEARNEY WINNELSON CO	SUPPLIES B&G 48347801 48425	02503316
00-2-1302	BUILDING REPAIR (JAIL)	157.16	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
00-2-1302	BUILDING REPAIR (JAIL)	81.96	NAPA AUTO PARTS	SUPPLIES B&G 814341 815555	02503354
00-2-1302	BUILDING REPAIR (JAIL)	3,300.00	PRO-TINT	SUPPLIES B&G 3.4.25 3.5.25	02503379
00-2-1302	BUILDING REPAIR (JAIL)	2,174.08	SHERWIN WILLIAMS	SUPPLIES B&G 64108 64892 92	02503393
00-2-1304	OTHER BUILDING REPAIR (RYDE)	5.79	BUILDERS WAREHOUSE INC	SUPPLIES B&G 1712168	02503226
00-2-1305	BUILDING REPAIR (MIDTOWN)	890.00	DAVE WAGGONER PLUMBING &	SVC B&G CHG ORDER	02503256
00-2-1305	BUILDING REPAIR (MIDTOWN)	77.87	ENTERPRISE ELECTRIC KEARN	UTILITIES B&G 3597 1030525 3	02503277
00-2-1305	BUILDING REPAIR (MIDTOWN)	51.34	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
00-2-1305	7 BUILDING REPAIR (MIDTOWN)	3,520.00	YOUNG ELECTRIC	SVC B&G 1413 1422 1428 1431	02503438
00-2-1306	BUILDING REPAIR (EXTENSION)	19.84	CENTURY LUMBER CENTER	SUPPLIES B&G 185416001 1866	02503229
00-2-1306	BUILDING REPAIR (EXTENSION)	32.90	CULLIGAN OF KEARNEY	SVC B&G 116251 132589 13369	02503249
00-2-1306	BUILDING REPAIR (EXTENSION)	8.54	MASTERS TRUE VALUE	SUPPLIES 2503: 091803 09200	02503335
00-2-1306	BUILDING REPAIR (EXTENSION)	165.02	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
00-2-1306	BUILDING REPAIR (EXTENSION)	1,326.72	MITYLITE, INC	SUPPLIES B&G 00815109	02503349
00-2-1306	BUILDING REPAIR (EXTENSION)	39.98	NAPA AUTO PARTS	SUPPLIES B&G 814341 815555	02503354
00-2-1306	BUILDING REPAIR (EXTENSION)	274.00	SHERWIN WILLIAMS	SUPPLIES B&G 64108 64892 92	02503393
00-2-1306	BUILDING REPAIR (EXTENSION)	56.06	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1306	7 BUILDING REPAIR (EXTENSION)	700.00	YOUNG ELECTRIC	SVC B&G 1413 1422 1428 1431	02503438
00-2-1308	ROAD BUILDING REPAIR	415.00	COMMERCIAL INDUSTRIAL SUP	SVC B&G 2502196	02503244
00-2-1308	ROAD BUILDING REPAIR	213.43	JOHNSTONE SUPPLY	SUPPLIES B&G 6241496 623821	02503308
00-2-1309	WEED BUILDING REPAIR	99.79	CHEROKEE BUILDING MATERIA	SUPPLIES B&G 48603000	02503233
00-2-1309	WEED BUILDING REPAIR	772.25	CULLIGAN OF KEARNEY	SVC B&G 116251 132589 13369	02503249
00-2-1309	WEED BUILDING REPAIR	200.16	JOHNSTONE SUPPLY	SUPPLIES B&G 6241496 623821	02503308
00-2-1309	WEED BUILDING REPAIR	25.64	MASTERS TRUE VALUE	SUPPLIES 2503: 091803 09200	02503335
00-2-1309	WEED BUILDING REPAIR	318.93	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
00-2-1309	7 WEED BUILDING REPAIR	4,050.00	YOUNG ELECTRIC	SVC B&G 1413 1422 1428 1431	02503438
00-2-1310	BUILDING REPAIR (OLD PROBATION)	1,644.72	BUFFALO COUNTY FACILITIES	EXPENSES B&G 2121	02503222
00-2-1310	BUILDING REPAIR (OLD PROBATION)	32.90	CULLIGAN OF KEARNEY	SVC B&G 116251 132589 13369	02503249
00-2-1310	BUILDING REPAIR (OLD PROBATION)	66,130.56	HACKEL CONSTRUCTION, INC	CONSTRUCTION B&G APP NO 6	02503293
00-2-1310	BUILDING REPAIR (OLD PROBATION)	208.00	WILKINS ARCHITECTURE DESI	RENOVATION B&G 6550 6551 65	02503431
00-2-1311	BUILDING REPAIR (MAINTENANCE B	19.25	CENTURY LUMBER CENTER	SUPPLIES B&G 185416001 1866	02503229
00-2-1311	BUILDING REPAIR (MAINTENANCE B	245.98	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
00-2-1312	BUILDING REPAIR (PW)	336.38	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQ4WXV4MRJ	02503194
00-2-1312	BUILDING REPAIR (PW)	28.11	AMERICAN ELECTRIC COMPANY	SUPPLIES B&G 3595: 1037430	02503195
00-2-1312	BUILDING REPAIR (PW)	110.00	COMFY BOWL, INC	RENTAL B&G 89838	02503243
00-2-1312	BUILDING REPAIR (PW)	33.11	FARMERS COOPERATIVE ASSOC	FUEL B&G 1078541	02503279
00-2-1312	7 BUILDING REPAIR (PW)	1,094.00	RAVENNA SANITATION LLC	SVC B&G 2361237	02503384
00-2-1312	BUILDING REPAIR (PW)	345.94	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1312	BUILDING REPAIR (PW)	23.98	WILKE'S TRUE VALUE	SUPPLIES B&G 2502112831	02503430
00-2-1600	OTHER EQUIPMENT REPAIR	35.99	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQ4WXV4MRJ	02503194
00-2-1600	OTHER EQUIPMENT REPAIR	9.02	MASTERS TRUE VALUE	SUPPLIES 2503: 091803 09200	02503335
00-2-1600	OTHER EQUIPMENT REPAIR	39.68	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2544	MAINTENANCE AGREEMENTS-ELEVATO	957.29	CHEMSEARCHFE	SVC B&G 9055459	02503232
00-2-2544	MAINTENANCE AGREEMENTS-ELEVATO	300.00	ELECTRONIC SYSTEMS, INC	FEE B&G 36064	02503275
00-2-2544	MAINTENANCE AGREEMENTS-ELEVATO	15.00	PLATTE VALLEY COMMUNICATI	FEE B&G 22425014 EQUIP COMM	02503375
00-2-2544	MAINTENANCE AGREEMENTS-ELEVATO	123.90	TK ELEVATOR CORPORATION	MAINT B&G 1000677553	02503411
00-2-2544	MAINTENANCE AGREEMENTS-ELEVATO	3,919.00	THE WALDINGER CORPORATION	REPAIRS B&G 14815869 744666	02503422
00-2-9900	MISCELLANEOUS	14.66	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271

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00-2-9900	MISCELLANEOUS	47.80	JOHNSTONE SUPPLY	SUPPLIES B&G 6241496 623821	02503308
00-2-9900	MISCELLANEOUS	33,200.00	WILKINS ARCHITECTURE DESI	RENOVATION B&G 6550 6551 65	02503431
00-3-0101	OFFICE SUPPLIES	10.70	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
00-3-0101	OFFICE SUPPLIES	39.99	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0103	JANITORIAL SUPPLIES	1,767.29	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
00-3-0103	JANITORIAL SUPPLIES	19.00	FARMERS UNION CO-OP ASSN	FUEL B&G 6303	02503278
00-3-0103	JANITORIAL SUPPLIES	231.69	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
00-5-0308	SNOW MOVING EQUIPMENT	94.47	BOMGAARS SUPPLY INC	SUPPLIES B&G 185863 186887	02503209
00-5-0308	SNOW MOVING EQUIPMENT	1,613.27	JOHN DEERE FINANCIAL	REPAIRS B&G 11857403 118571	02503306
00-5-0319	JANITORIAL EQUIPMENT	2,995.00	EGAN SUPPLY COMPANY	SUPPLIES B&G 396717	02503273
00-5-1100	OTHER EQUIPMENT	192.95	MENARDS - KEARNEY	SUPPLIES B&G 86602 86698 86	02503339
641-00 BUILDING & GROUNDS		219,224.36			
645-00 COOPERATIVE EXTENSION					
00-2-0100	POSTAL SERVICES	115.81	MIDWEST CONNECT, LLC	POSTAL SVC EXT OFFICE BC05	02503345
00-2-1704	MILEAGE	82.72	BRENT PLUGGE	REIMBURSE EXPENSES	02503377
00-2-1704	MILEAGE	63.75	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1708	BOARD MEMBERS EXPENSE	11.28	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0101	OFFICE SUPPLIES	168.13	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0124	PROGRAM SUPPLIES	87.14	APPLE MARKET	SUPPLIES EXT OFFICE 48775 4	02503198
00-3-0124	PROGRAM SUPPLIES	15.44	HEIDI DARBY	REIMBURSE EXPENSES	02503253
00-3-0124	PROGRAM SUPPLIES	19.99	KERRY ELSEN	REIMBURSE EXPENSES	02503276
00-3-0124	PROGRAM SUPPLIES	1,202.90	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0124	PROGRAM SUPPLIES	30.00	YANDA'S MUSIC	EXPENSES EXT OFFICE 741847	02503437
00-4-0200	EQUIPMENT- OFFICE	5,659.24	UNIVERSITY OF NEBRASKA-LI	EQUIP EXT OFFICE 4800083649	02503416
645-00 COOPERATIVE EXTENSION		7,456.40			
651-00 SHERIFF					
00-2-1700	TRAVEL EXPENSES	1,054.00	BUFFALO COUNTY CLERK	PER DIEM BCSO 1712 1713 171	02503219
00-2-1700	TRAVEL EXPENSES	409.17	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1700	TRAVEL EXPENSES	250.00	WELLS FARGO	EXPENSES BCSO 8950	02503424
00-2-1700	TRAVEL EXPENSES	1,015.16	WELLS FARGO	EXPENSES BCSO 2877	02503425
00-2-1801	DUES, SUBSCRIPTION & REG	200.00	MID-STATES ORGANIZED CRIM	MEMBERSHIP BCSO 0251929IN	02503342
00-2-1801	DUES, SUBSCRIPTION & REG	150.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1810	UNIFORM CLEANING/PURCHASE	139.67	GALLS, LLC	EQUIP BCSO 030395112 030611	02503287
00-2-1810	UNIFORM CLEANING/PURCHASE	40.00	GARY MICHAELS CLOTHIERS	SVC BCSO 1996	02503289
00-2-1810	UNIFORM CLEANING/PURCHASE	574.43	JACK'S UNIFORMS AND EQUIP	EQUIP BCSO 117607A 117462A	02503304
00-2-1810	UNIFORM CLEANING/PURCHASE	2,974.86	MALLORY SAFETY & SUPPLY L	EXPENSES BCSO 6099822	02503331
00-2-1810	UNIFORM CLEANING/PURCHASE	137.00	MOONLIGHT CUSTOM SCREENPR	SVC BCSO 24863 24932 25046	02503350
00-2-1810	UNIFORM CLEANING/PURCHASE	1,208.96	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1810	UNIFORM CLEANING/PURCHASE	127.60	VILLAGE UNIFORM	RENTAL BCSO 614705 615184 6	02503421
00-2-2418	SHERIFF CASE FEES	2,978.68	BUFFALO COUNTY SHERIFF	FEES STATE CASE FEE COUNTY	02503225
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	146.07	AMAZON CAPITAL SERVICES	EXPENSES CLERK 1HQN4WXV4MRJ	02503194
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	531.87	AT&T MOBILITY	SVC BCSO 287298012011	02503202

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00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	40.00	CIOX HEALTH	SVC BCSO 496616590 49648598	02503235
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	100.00	GIBBON VOLUNTEER DEPARTME	SVC BCSO 174	02503291
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	46.00	LANGUAGE LINE SERVICES	SVC BCSO 9021935006	02503324
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	1,125.00	NEBRASKA STATE PATROL	FEES BCSO 1467515	02503363
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	105.99	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	50.00	WELLS FARGO	EXPENSES BCSO 8950	02503424
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	60.00	WELLS FARGO	EXPENSES BCSO 3346	02503426
00-2-2912	SHERIFF'S TRAINING SCHOOL	150.00	BUFFALO COUNTY SHERIFF	EXPENSES CK# 1107 CK# 1108	02503224
00-2-2912	SHERIFF'S TRAINING SCHOOL	75.00	NEBRASKA LAW ENFORCEMENT	FEES BCSO 14889	02503358
00-3-0101	OFFICE SUPPLIES	303.73	QUILL CORPORATION	SUPPLIES BCSO 42839829 4299	02503382
00-3-0209	MACHINERY & EQUIPMENT FUEL	46.59	BUFFALO COUNTY SHERIFF	EXPENSES CK# 1107 CK# 1108	02503224
00-3-0209	MACHINERY & EQUIPMENT FUEL	8,298.13	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
00-3-0209	MACHINERY & EQUIPMENT FUEL	20.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0209	MACHINERY & EQUIPMENT FUEL	26.16	WELLS FARGO	EXPENSES BCSO 8950	02503424
00-3-0209	MACHINERY & EQUIPMENT FUEL	77.83	WELLS FARGO	EXPENSES BCSO 2877	02503425
00-3-0210	MACHINERY & EQUIPMENT GREASE-O	309.67	ATS	REPAIRS BCSO 2.5.25 2.13.25	02503203
00-3-0210	MACHINERY & EQUIPMENT GREASE-O	227.69	NAPA AUTO PARTS	SUPPLIES B&G 814341 815555	02503354
00-3-0212	EQUIPMENT REPAIR	82.39	MIDWAY CHRYSLER DODGE JEE	REPAIRS BCSO 19373	02503343
00-3-0212	EQUIPMENT REPAIR	697.58	MIRROR IMAGE CAR WASH	SVC BOARD 197 1074 BCSO 198	02503348
00-3-0212	EQUIPMENT REPAIR	1,153.35	NAPA AUTO PARTS	SUPPLIES B&G 814341 815555	02503354
00-3-0212	EQUIPMENT REPAIR	49.95	NEBRASKA GLASS COMPANY, L	REPAIRS BCSO 10086280	02503356
00-3-0212	EQUIPMENT REPAIR	108.63	WINZER	SUPPLIES SUPPLIES BCSO 3050	02503433
00-5-0400	ENGINEERING & TECH EQUIPMENT	3,986.00	APPLIED CONCEPTS INC.	EXPENSES BCSO 453305	02503199
00-5-0400	ENGINEERING & TECH EQUIPMENT	7,050.20	FR CUSTOMS, LLC	SUPPLIES BCSO 1051	02503284
00-5-0400	ENGINEERING & TECH EQUIPMENT	15,760.36	JONES AUTOMOTIVE	SUPPLIES BCSO 4552	02503309
00-5-0400	ENGINEERING & TECH EQUIPMENT	140.00	WELLS FARGO	EXPENSES BCSO 2877	02503425

651-00 SHERIFF 52,027.72

652-00 ATTORNEY					
00-2-1700	TRAVEL EXPENSE	242.20	SHAWN EATHERTON	REIMBURSE MILEAGE CELL PHON	02503272
00-2-1801	DUES, SUBSCRIPTIONS & REG.	5,049.41	THOMSON REUTERS - WEST	SUBSCRIPTION CO ATTORNEY 85	02503407
00-2-1801	DUES, SUBSCRIPTIONS & REG.	131.88	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2600	COURT COSTS	147.12	CUSTER COUNTY SHERIFF	FEE 54471 53963 54087	02503250
00-2-2600	COURT COSTS	179.75	HALL COUNTY SHERIFF'S OFF	FEES CO ATTORNEY 152443 152	02503294
00-2-2600	COURT COSTS	20.68	JOHNSON COUNTY SHERIFF	FEES CO ATTORNEY 202500041	02503307
00-2-2600	COURT COSTS	18.75	KEARNEY COUNTY SHERIFF'S	FEES CO ATTORNEY 10576	02503313
00-2-2600	COURT COSTS	18.41	MADISON COUNTY SHERIFF	FEES CO ATTORNEY 54625	02503330
00-2-2600	COURT COSTS	663.45	JENNIFER R MCCARTER REPOR	SVC CO ATTORNEY 1272	02503336
00-2-2600	COURT COSTS	40.00	NEBRASKA SECRETARY OF STA	SUPPLIES CO ATTORNEY 2.6.25	02503362
00-2-2600	COURT COSTS	238.98	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0101	OFFICE SUPPLIES	300.08	EAKES OFFICE SOLUTIONS	SUPPLIES ZONING 90944200 90	02503271
00-3-0101	OFFICE SUPPLIES	480.35	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415

652-00 ATTORNEY 7,531.06

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653-00	COMMUNICATION CENTER				
00-2-0200	TELEPHONE SERVICE	86.43	AT&T MOBILITY	SVC BCSO 287298012011	02503202
00-2-0200	TELEPHONE SERVICE	99.98	CHARTER COMMUNICATIONS	PHONE SVC COMMUNICATIONS 17	02503231
00-2-0200	TELEPHONE SERVICE	1,087.84	FRONTIER	PHONE SVC BCSO 01571105702	02503285
00-2-0400	RADIO REPAIR	2,535.14	PLATTE VALLEY COMMUNICATI	FEE B&G 22425014 EQUIP COMM	02503375
00-2-0609	MAINTENANCE AND REPAIRS	536.11	GREAT PLAINS COMMUNICATIO	INTERNET IT 201072 COMMUNIC	02503292
00-2-0609	7 MAINTENANCE AND REPAIRS	588.24	OPTK NETWORKS	INTERNET COMMUNICATIONS INV	02503366
00-2-0609	MAINTENANCE AND REPAIRS	798.64	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1100	DATA PROCESSING COSTS	960.00	DAS STATE ACCTNG-CENTRAL	SVC COMMUNICATIONS 1468163	02503255
00-2-1801	DUES, SUBSC, REGIST, TRAINING,	99.00	WELLS FARGO	EXPENSES BCSO 3346	02503426
00-2-1810	UNIFORM CLEANING/PURCHASE	67.41	GALLS, LLC	EQUIP BCSO 030395112 030611	02503287
00-4-0206	COMMUNICATION EQUIPMENT - RENT	74.95	NEBRASKA CENTRAL TELEPHON	PHONE SVC COMMUNICATIONS 11	02503355

	653-00 COMMUNICATION CENTER	6,933.74			

671-00	COUNTY JAIL				
00-2-1100	DATA PROCESSING COSTS	274.11	AT&T MOBILITY	SVC BCSO 287298012011	02503202
00-2-1100	DATA PROCESSING COSTS	576.00	DAS STATE ACCTNG-CENTRAL	SVC COMMUNICATIONS 1468163	02503255
00-2-1810	UNIFORM CLEANING/PURCHASE	123.98	GALLS, LLC	EQUIP BCSO 030395112 030611	02503287
00-2-1810	UNIFORM CLEANING/PURCHASE	116.00	MOONLIGHT CUSTOM SCREENPR	SVC BCSO 24863 24932 25046	02503350
00-2-1900	BOARD OF PRISONERS	41,698.53	SUMMIT FOOD SERVICE, LLC	FOOD SVC BCJ INV2000234853	02503403
00-2-2901	6 LAW ENFORCEMENT COSTS - COUNTY	150.00	PSYCHOLOGICAL RESOURCES	MEDICAL BCJ 2502059	02503380
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	69.60	WELLS FARGO BANKS ACCT AN	FEES BCJ 25010002110	02503423
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	16.84	WELLS FARGO	EXPENSES BCSO 3346	02503426
00-2-2901	LAW ENFORCEMENT COSTS - COUNTY	30.00	WELLS FARGO	SUPPLIES BCJ 3465	02503427
00-2-2912	SHERIFF'S TRAINING SCHOOL	643.45	BENCHMARK GOVERNMENT SOLU	FOOD SVC BCJ 21545	02503207
00-2-3000	MED & HOSP CLIENT SERVICE	122.76	ADAMS COUNTY SHERIFF	FEES DIST COURT 54249 FEES	02503192
00-2-3000	6 MED & HOSP CLIENT SERVICE	19,520.75	ADVANCED CORRECTIONAL HEA	MEDICAL BCJ RINV004856	02503193
00-2-3000	MED & HOSP CLIENT SERVICE	4,191.16	DIAMOND DRUGS, INC	MEDICAL BCJ IN001492457	02503262
00-2-3000	6 MED & HOSP CLIENT SERVICE	256.37	FIRST CARE MEDICAL PC	MEDICAL BCJ LNDHO0006	02503282
00-2-3000	MED & HOSP CLIENT SERVICE	286.50	GARCIA CLINICAL LABORATOR	MEDICAL BCJ 71756	02503288
00-2-3000	6 MED & HOSP CLIENT SERVICE	265.33	IHS PHARMACY	MEDICAL BCJ 109452	02503301
00-2-3000	MED & HOSP CLIENT SERVICE	79.52	NEW WEST SPORTS MEDICINE	MEDICAL BCJ 10407350 104103	02503367
00-2-3000	6 MED & HOSP CLIENT SERVICE	1,250.00	PLATTE VALLEY DENTAL CLIN	MEDICAL BCJ 614657	02503376
00-2-3100	PROVISIONS & CLOTHING	478.62	MCKESSON MEDICAL SURGICAL	SUPPLIES BCJ 23313032 23313	02503337
00-2-3100	PROVISIONS & CLOTHING	295.56	WELLS FARGO	SUPPLIES BCJ 3465	02503427

	671-00 COUNTY JAIL	70,445.08			

693-00	EMERGENCY MANAGER				
00-2-0200	TELEPHONE SERVICE	175.00	AT&T MOBILITY	SVC BCSO 287298012011	02503202
00-2-0200	TELEPHONE SERVICE	332.11	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1200	OFFICE EQUIPMENT REPAIRS	150.50	PLATTE VALLEY COMMUNICATI	FEE B&G 22425014 EQUIP COMM	02503375
00-2-2912	TRAINING AND CONFERENCE	50.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-3-0209	MACHINERY & EQUIP - FUEL	128.09	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237

	693-00 EMERGENCY MANAGER	835.70			

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702-00 SURVEYOR					
00-4-0200	1 EQUIPMENT RENTAL	1,000.00	TRENTON SNOW, LLC	RENTAL SURVEYOR	02503397
702-00 SURVEYOR		1,000.00			
801-00 EMERGENCY RELIEF					
00-2-3000	6 MEDICAL & HOSPITAL CLIENT SERV	328.00	LYON FAMILY DENTISTRY	MEDICAL VICTORIA ROBERTS	02503329
00-2-3200	1 RENT & FUEL CLIENT SERVICE	200.00	KEARNEY HOUSING AGENCY	RENT SHANNE REIFENRATH	02503314
00-2-3200	1 RENT & FUEL CLIENT SERVICE	410.00	KEARNEY PLAZA TOWNHOMES L	RENT JENNIFER NICHOLSON DEP	02503315
00-2-3200	1 RENT & FUEL CLIENT SERVICE	290.00	JUDY MEADOWS LP	RENT MICHELLE FERRERA	02503338
00-2-3200	1 RENT & FUEL CLIENT SERVICE	159.05	NEBRASKA PUBLIC POWER DIS	UTILITIES A KOPEJTKA 221010	02503360
00-2-3200	1 RENT & FUEL CLIENT SERVICE	290.00	ZOUL PROPERTIES	RENT XAVIER SAXTON	02503441
00-2-3400	COUNTY BURIALS	1,500.00	APFEL FUNERAL HOME	CREMATION WILLIAM HEY R3202	02503197
00-2-3400	COUNTY BURIALS	1,500.00	HORNER, LIESKE, MCBRIDE &	CREMATION ROBIN FRY	02503298
00-2-3400	COUNTY BURIALS	1,500.00	THE NEBRASKA CREAMATION S	CREMATION ALBERT HINES AN25	02503406
801-00 EMERGENCY RELIEF		6,177.05			
803-00 VETERAN'S SERVICE OFFICE					
00-2-1701	MEALS	20.00	MATHEW STARKEY	REIMBURSE MILEAGE REGISTRAT	02503400
00-2-1704	MILEAGE	15.26	STANLEY BRODINE	REIMBURSE MILEAGE	02503214
00-2-1704	MILEAGE	90.30	KOLLIN FORNEY	REIMBURSE MILEAGE	02503283
00-2-1704	MILEAGE	60.48	MATHEW STARKEY	REIMBURSE MILEAGE REGISTRAT	02503400
00-2-1800	OTHER (COMMITTEE EXPENSE)	13.16	COLUMN SOFTWARE PBC	PUBLICATION BOARD 463B216C0	02503242
00-3-0101	OFFICE SUPPLIES	109.14	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
803-00 VETERAN'S SERVICE OFFICE		308.34			
822-00 INSTITUTIONS					
00-2-2802	BEATRICE REGIONAL CENTER	168.00	NEBRASKA HEALTH & HUMAN S	PT SVCS BOARD BEATRICE LINC	02503357
00-2-2805	LINCOLN REGIONAL CENTER	1,999.61	NEBRASKA HEALTH & HUMAN S	PT SVCS BOARD BEATRICE LINC	02503357
822-00 INSTITUTIONS		2,167.61			
970-00 MISCELLANEOUS GENERAL					
00-1-0806	TPA ADMINISTRATION FEES	1,882.32	COMPSYCH CORPORATION	EXPENSES BOARD 4/25 - 6/25	02503246
00-2-0100	POSTAL SERVICE	18,900.07	MIDWEST CONNECT, LLC	POSTAL SVC EXT OFFICE BC05	02503345
00-2-0100	POSTAL SERVICE	214.53	QUADIENT LEASING USA, INC	LEASE BOARD Q1740002	02503381
00-2-0100	POSTAL SERVICE	610.00	U S POSTMASTER	POSTAL SVC BOARD 1270	02503414
00-2-0602	AUTO PHYSICAL DAMAGE INSURANCE	1,680.00	NMC, INC.	EQUIP BOARD CUI1457897	02503368
00-2-1100	DATA PROCESSING COST (CO LOCAT	157,768.75	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
00-2-1105	GPS COSTS	866.83	VERIZON	SUBSCRIPTION BOARD 61800006	02503418

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00-2-1601	VEHICLE REPAIRS	217.33	AUTO VALUE PARTS STORE	SUPPLIES BOARD 76NV201938	02503204
00-2-1601	VEHICLE REPAIRS	68.90	MIRROR IMAGE CAR WASH	SVC BOARD 197 1074 BCSO 198	02503348
00-2-1706	7 PARKING/TOLLS (TOWING)	345.00	DONKEY TOWING & TRANSFER	SVC BCSO 2.16.25	02503264
00-2-1706	7 PARKING/TOLLS (TOWING)	162.80	DOWHY TOWING & RECOVERY	SVC BCSO 25032227324	02503266
00-2-1751	SCPET DUES	644.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1801	DUES, SUBSCRIPTIONS, REG	300.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-1856	SCPET (FISCAL AGENT)	17,145.00	MIDWEST CARD & ID SOLUTIO	SUPPLIES BOARD 32690	02503344
00-2-2010	JUVENILE DETENTION	2,897.50	NORTHEAST NEBRASKA JUVENI	JUV. SVCS BOARD 019267	02503369
00-2-2350	WITNESS FEES	20.00	RICKY HUFFMAN	FEES CO COURT TR24 1959	02503300
00-2-2414	JUVENILE JUSTICE	1,868.75	BOYS TOWN	YOUTH SVCS CO ATTORNEY CINV	02503210
00-2-2414	JUVENILE JUSTICE	711.47	BUFFALO COUNTY COMMUNITY	YOUTH SVCS CO ATTORNEY GRAN	02503217
00-2-2414	JUVENILE JUSTICE	41.30	JENNIFER CHURCH	REIMBURSE MILEAGE CELL PHON	02503234
00-2-2414	6 JUVENILE JUSTICE	2,805.00	COMPASS FAMILY SUPPORT SE	FAMILY SVCS CO ATTORNEY 25C	02503245
00-2-2414	JUVENILE JUSTICE	2,933.33	FATHER FLANAGAN'S BOYS'HO	EXPENSES CO ATTORNEY CINV00	02503281
00-2-2414	JUVENILE JUSTICE	442.00	OWENS EDUCATIONAL SERVICE	SVC CO ATTORNEY 37251 FEB 2	02503372
00-2-2414	JUVENILE JUSTICE	718.00	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2416	DRUG PROGRAM COSTS (MULTI JUR	2,106.16	AT&T MOBILITY	SVC BCSO 287298012011	02503202
00-2-2450	DRUG ENFORCEMENT (HS)	12,718.00	SUNSET LAW ENFORCEMENT	SUPPLIES BCSO 0011472IN	02503404
00-2-2500	7 CONSULTING FEE	598.00	WOODS & AITKEN LLP	SVC BOARD 98088236	02503435
00-2-2557	ADULT INMATE TRANSPORTATION CO	9.54	KANSAS TURNPIKE AUTHORITY	FEES BCSO 6002343	02503311
00-2-2557	ADULT INMATE TRANSPORTATION CO	809.90	MIDWEST SPECIAL SERVICES,	SVC BCSO 417911	02503346
00-2-2557	ADULT INMATE TRANSPORTATION CO	532.53	U.S. BANK	EXPENSES IT VETERANS EXTENS	02503415
00-2-2600	COURT COSTS	18.50	ADAMS COUNTY SHERIFF	FEES DIST COURT 54249 FEES	02503192
00-2-2600	9 COURT COSTS	3,577.90	BRUNER FRANK SCHUMACHER,	LEGAL DIST COURT 120063 119	02503215
00-2-2600	COURT COSTS	650.00	BRYCE RIESSLAND	SVC PUB DEFENDER 900 CLAAS	02503216
00-2-2600	6 COURT COSTS	500.00	BRYCE RIESSLAND	SVC PUB DEFENDER 900 CLAAS	02503216
00-2-2600	COURT COSTS	20.00	BUFFALO COUNTY ATTORNEY	SUPPLIES PUB DEFENDER CR24	02503218
00-2-2600	COURT COSTS	26.65	BUFFALO COUNTY COURT	SUPPLIES CO COURT 1801	02503220
00-2-2600	COURT COSTS	4,055.11	BUFFALO COUNTY COURT	FEES CO COURT 593 594	02503221
00-2-2600	COURT COSTS	5.00	BUFFALO COUNTY PUBLIC DEF	SUPPLIES PUB DEFENDER 2609	02503223
00-2-2600	COURT COSTS	2,183.00	CLERK OF THE DISTRICT COU	EXPENSES DIST COURT 617 618	02503238
00-2-2600	9 COURT COSTS	2,425.00	COCHRAN LAW PC, LLO	LEGAL DIST COURT 2025: 0211	02503240
00-2-2600	7 COURT COSTS	109.20	JESSICA DREIER	SVC PUB DEFENDER CR25 138	02503267
00-2-2600	9 COURT COSTS	1,120.00	BRANDON DUGAN LAW	LEGAL DIST COURT CR23 180 C	02503269
00-2-2600	9 COURT COSTS	3,868.94	FYE LAW OFFICE	LEGAL DIST COURT 11488 1149	02503286
00-2-2600	7 COURT COSTS	294.85	CYNTHIA GEMBALA HUGG	SVC DIST COURT CR24 411 IFP	02503290
00-2-2600	9 COURT COSTS	3,109.30	JACOBSEN ORR LAW FIRM	LEGAL DIST COURT CI24 80 CR	02503305
00-2-2600	6 COURT COSTS	250.00	KEARNEY COUNSELING ASSOCI	SVC PUB DEFENDER CR23 1994	02503312
00-2-2600	COURT COSTS	2,690.00	KLEIN BREWSTER BRANDT & M	LEGAL DIST COURT 8258 8438	02503319
00-2-2600	9 COURT COSTS	150.00	KLEIN BREWSTER BRANDT & M	LEGAL DIST COURT 8258 8438	02503319
00-2-2600	9 COURT COSTS	745.00	LIESKE, LIESKE & ENSZ, PC	LEGAL DIST COURT CR24 164 C	02503327
00-2-2600	COURT COSTS	86.00	NEBRASKA INTERACTIVE LLC	SUPPLIES CO ATTORNEY 887546	02503365
00-2-2600	COURT COSTS	18.50	PHELPS COUNTY SHERIFF'S O	FEES PUB DEFENDER CR24 2162	02503373
00-2-2600	6 COURT COSTS	4,184.50	PHYSICIANS LABORATORY P.C	SVC CO ATTORNEY 6461176	02503374
00-2-2600	9 COURT COSTS	1,933.40	STAMM ROMERO & ASSOC, P.C	LEGAL DIST COURT 4321 4341	02503399
00-2-2600	9 COURT COSTS	4,210.96	THOMAS S STEWART	LEGAL DIST COURT 6321 6295	02503401
00-2-2600	9 COURT COSTS	392.98	MICHAEL J SYNEK	LEGAL DIST COURT CI23 27 CI	02503405
00-2-3030	DRUG TESTING	67.00	WPCI	SVC BOARD S168151	02503436
00-2-4000	HAZMAT TEAM	80.08	AT&T MOBILITY	SVC BCSO 287298012011	02503202
00-2-4000	HAZMAT TEAM	15,551.01	INDIAN SPRINGS MANUFACTUR	SUPPLIES HAZMAT 25200169	02503302

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00-2-4411	AREA AGENCY ON AGING (&SENIOR	2,500.00	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
00-2-4429	BOOKMOBILE	24,703.25	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
00-2-4430	PARKS & RECREATION	20,752.67	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
00-2-8900	AUTOPSY COSTS	500.00	O'BRIEN STRAATMANN REDING	SVC CO ATTORNEY PARKS	02503371
00-2-9900	7 MISCELLANEOUS	3,425.00	MERIT MEDICAL EVALUATIONS	SVC BOARD 8532	02503340
00-3-0209	MACHINERY & EQUIPMENT FUEL	795.17	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
00-3-0400	MISCELLANEOUS (PRISONER MISC)	219.00	BUFFALO COUNTY SHERIFF	EXPENSES CK# 1107 CK# 1108	02503224
00-3-0400	MISCELLANEOUS (PRISONER MISC)	2,330.53	CHARTER COMMUNICATIONS	PHONE SVC COMMUNICATIONS 17	02503231
00-3-0400	MISCELLANEOUS (PRISONER MISC)	5,000.00	CROWDSOURCED GEOFENCING S	SUBSCRIPTION BCSO 1483	02503248
00-3-0400	MISCELLANEOUS (PRISONER MISC)	330.40	NEBRASKA SUPREME COURT	SUPPLIES BCJ 3.25.2025	02503364
00-4-0501	OFFICE SPACE RENT (CO-LOCATION	25,979.52	CITY OF KEARNEY	FUEL BOARD 2025 00000057 B	02503237
970-00 MISCELLANEOUS GENERAL		368,875.43			
0100 COUNTY GENERAL FUND		928,334.32			
705-00 ROAD FUND					
00-2-1300	BUILDING REPAIR	48.14	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-2-1400	7 ROAD EQUIPMENT REPAIR-PARTS	142.63	AUSSIE HYDRAULICS LLP	REPAIRS ROAD 31160	02503444
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	3,763.27	ARNOLD MOTOR SUPPLY/AUTO	REPAIRS ROAD 76NV19: 9675 9	02503445
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	693.79	FARM PLAN	REPAIRS ROAD 11860109 11857	02503451
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	17,047.31	INLAND TRUCK PARTS & SERV	REPAIRS ROAD IN1759130	02503457
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	475.08	JIM HAWK TRUCK TRAILERS I	REPAIRS ROAD 06P80067	02503459
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	68.25	KELLY SUPPLY COMPANY	REPAIRS ROAD 20250212	02503460
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	287.69	KIMBALL MIDWEST	REPAIRS ROAD 103053699 1031	02503461
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	50.50	NAPA AUTO PARTS	SUPPLIES ROAD 809994 810412	02503466
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	161.93	NEBRASKA TRUCK CENTER INC	SUPPLIES ROAD NTCIN: 467052	02503467
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	5,745.72	NMC, INC.	REPAIRS BOARD CUI: 1450087	02503468
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	5,521.10	POWERPLAN-MURPHY TRACTOR	REPAIRS ROAD 2397768 240115	02503469
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	1,864.62	SAHLING KENWORTH INC	REPAIRS ROAD 041P382696 041	02503471
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	4,079.71	TRUCK CENTER COMPANIES	REPAIRS ROAD XA1050: 685270	02503472
00-2-1500	ROAD EQUIPMENT REPAIR-LABOR	76.32	ARNOLD MOTOR SUPPLY/AUTO	REPAIRS ROAD 76NV19: 9675 9	02503445
00-2-1500	ROAD EQUIPMENT REPAIR-LABOR	6,989.12	FARM PLAN	REPAIRS ROAD 11860109 11857	02503451
00-2-1500	ROAD EQUIPMENT REPAIR-LABOR	109.95	GRAHAM TIRE CO	REPAIRS ROAD 1313358090 131	02503456
00-2-1500	ROAD EQUIPMENT REPAIR-LABOR	795.23	NEBRASKA TRUCK CENTER INC	SUPPLIES ROAD NTCIN: 467052	02503467
00-2-1500	ROAD EQUIPMENT REPAIR-LABOR	1,506.00	NMC, INC.	REPAIRS BOARD CUI: 1450087	02503468
00-2-1500	ROAD EQUIPMENT REPAIR-LABOR	560.00	TRUCK CENTER COMPANIES	REPAIRS ROAD XA1050: 685270	02503472
00-2-1600	OTHER EQUIPMENT REPAIR	60.99	ACE HARDWARE & GARDEN CEN	REPAIRS ROAD 445797D	02503442
00-2-1801	DUES, SUBSCRIPTIONS & REG	1.00	U.S. BANK	EXPENSES CC	02503473
00-2-1805	PERSONAL SAFETY EQUIPMENT	211.97	ARNOLD MOTOR SUPPLY/AUTO	REPAIRS ROAD 76NV19: 9675 9	02503445
00-2-1805	PERSONAL SAFETY EQUIPMENT	2,401.00	INTEGRATED SECURITY SOLUT	EQUIPMENT ROAD 20250119	02503458
00-2-1805	PERSONAL SAFETY EQUIPMENT	82.16	KIMBALL MIDWEST	REPAIRS ROAD 103053699 1031	02503461
00-2-2200	EXPRESS & FREIGHT	244.27	BARCO MUNICIPAL PRODUCTS	SUPPLIES ROAD 0IN251347	02503446
00-2-2200	EXPRESS & FREIGHT	5.00	CULLIGAN OF KEARNEY	SUPPLIES ROAD 800197175	02503450
00-2-2200	EXPRESS & FREIGHT	42.00	FARM PLAN	REPAIRS ROAD 11860109 11857	02503451

BUFFALO
BOARD PREAPPROVAL REPORT
COUNTY ROAD
FROM 03/25/2025 TO 03/28/2025

Account #	Description	Account Amt	Vendor	Invoice Description	Claim #
00-2-2200	EXPRESS & FREIGHT	38.17	FASTENAL COMPANY	SUPPLIES ROAD NEKEA: 210784	02503453
00-2-2200	EXPRESS & FREIGHT	20.62	LIGHT AND SIREN	SUPPLIES ROAD 17218	02503462
00-2-2200	EXPRESS & FREIGHT	146.89	NMC, INC.	REPAIRS BOARD CUI: 1450087	02503468
00-2-2200	EXPRESS & FREIGHT	40.53	U.S. BANK	EXPENSES CC	02503473
00-2-2200	EXPRESS & FREIGHT	19.85	WINZER	SUPPLIES ROAD 3050643	02503474
00-3-0106	SHOP SUPPLIES	49.78	AMAZON CAPITAL SERVICES	SUPPLIES ROAD 1YKF4FHGGLYQ	02503443
00-3-0106	SHOP SUPPLIES	1,010.72	ARNOLD MOTOR SUPPLY/AUTO	REPAIRS ROAD 76NV19: 9675 9	02503445
00-3-0106	SHOP SUPPLIES	27.00	CULLIGAN OF KEARNEY	SUPPLIES ROAD 800197175	02503450
00-3-0106	SHOP SUPPLIES	20.19	FARM PLAN	REPAIRS ROAD 11860109 11857	02503451
00-3-0106	SHOP SUPPLIES	46.44	FASTENAL COMPANY	SUPPLIES ROAD NEKEA: 210784	02503453
00-3-0106	SHOP SUPPLIES	3.32	MASTERS TRUE VALUE	SUPPLIES ROAD 2501088427	02503463
00-3-0106	SHOP SUPPLIES	16.00	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-3-0106	SHOP SUPPLIES	63.62	NEBRASKA TRUCK CENTER INC	SUPPLIES ROAD NTCIN: 467052	02503467
00-3-0106	SHOP SUPPLIES	84.00	TRUCK CENTER COMPANIES	REPAIRS ROAD XA1050: 685270	02503472
00-3-0106	SHOP SUPPLIES	929.97	WINZER	SUPPLIES ROAD 3050643	02503474
00-3-0110	SMALL TOOLS	154.34	CORNHUSKER CLEANING SUPPL	SUPPLIES ROAD 50642	02503449
00-3-0110	SMALL TOOLS	100.79	KIMBALL MIDWEST	REPAIRS ROAD 103053699 1031	02503461
00-3-0110	SMALL TOOLS	32.99	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-3-0110	SMALL TOOLS	487.69	NAPA AUTO PARTS	SUPPLIES ROAD 809994 810412	02503466
00-3-0202	GRAVEL AND BORROW	11,718.00	BROADFOOT SAND & GRAVEL C	GRAVEL ROAD 125011	02503448
00-3-0203	GRADER BLADES	2,320.00	MIDWEST SERVICE & SALES C	SUPPLIES ROAD 0036767	02503465
00-3-0203	GRADER BLADES	1,692.00	NMC, INC.	REPAIRS BOARD CUI: 1450087	02503468
00-3-0208	LUMBER	224.25	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-3-0209	MACHINERY & EQUIPMENT FUEL	1,619.10	ARNOLD MOTOR SUPPLY/AUTO	REPAIRS ROAD 76NV19: 9675 9	02503445
00-3-0209	MACHINERY & EQUIPMENT FUEL	247.73	FARM PLAN	REPAIRS ROAD 11860109 11857	02503451
00-3-0209	MACHINERY & EQUIPMENT FUEL	235.01	FARMERS CO-OP ASSOCIATION	FUEL ROAD 1067356 1079791 1	02503452
00-3-0209	MACHINERY & EQUIPMENT FUEL	808.20	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-3-0209	MACHINERY & EQUIPMENT FUEL	28.99	RIVER STOP CONVENIENCE PL	FUEL ROAD 1575802	02503470
00-3-0209	MACHINERY & EQUIPMENT FUEL	42.85	U.S. BANK	EXPENSES CC	02503473
00-3-0210	MACHINERY & EQUIPMENT GREASE O	1,468.44	BOSELMAN ENERGY INC	FUEL ROAD 5078062 5084384 5	02503447
00-3-0210	MACHINERY & EQUIPMENT GREASE O	413.61	FARM PLAN	REPAIRS ROAD 11860109 11857	02503451
00-3-0210	MACHINERY & EQUIPMENT GREASE O	507.72	FRIESEN CHEVROLET INC	FUEL ROAD 788311C	02503454
00-3-0211	MACHINERY EQUIPMENT TIRE REP	8,353.13	GARRETT TIRES & TREADS -	REPAIRS ROAD 21501585 21501	02503455
00-3-0211	MACHINERY EQUIPMENT TIRE REP	373.40	GRAHAM TIRE CO	REPAIRS ROAD 1313358090 131	02503456
00-3-0301	SIGNS	1,275.00	BARCO MUNICIPAL PRODUCTS	SUPPLIES ROAD 0IN251347	02503446
00-3-0302	SIGN POSTS	1,137.80	FASTENAL COMPANY	SUPPLIES ROAD NEKEA: 210784	02503453
00-3-0308	FLARES, FLAGS & BARRICADE	654.00	LIGHT AND SIREN	SUPPLIES ROAD 17218	02503462
00-3-0308	FLARES, FLAGS & BARRICADE	24.94	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-5-1100	OTHER EQUIPMENT	324.38	AMAZON CAPITAL SERVICES	SUPPLIES ROAD 1YKF4FHGGLYQ	02503443
00-5-1100	OTHER EQUIPMENT	699.97	MENARDS - KEARNEY	SUPPLIES ROAD 86686 86787 8	02503464
00-5-1400	MISCELLANEOUS (LAND IMPROVEMEN	216.30	U.S. BANK	EXPENSES CC	02503473

705-00 ROAD FUND 90,712.48

0200 COUNTY ROAD FUND 90,712.48

APS7040
3/18/25
16:04:37

BUFFALO
BOARD PREAPPROVAL REPORT
COUNTY ROAD
FROM 03/25/2025 TO 03/28/2025

Account #	Description	Account Amt	Vendor	Invoice Description	Claim #
879-00	COUNTY VISITORS PROMOTION				
00-1-0301	ADMINISTRATIVE EXPENSES	36,949.00	KEARNEY VISITOR'S BUREAU	EXPENSES JAN 2025	02503475
00-2-1000	GENERAL ADMINISTRATIVE EXPENSE	2,477.00	KEARNEY VISITOR'S BUREAU	EXPENSES JAN 2025	02503475
00-2-9900	MISCELLANEOUS	17,156.00	KEARNEY VISITOR'S BUREAU	EXPENSES JAN 2025	02503475
00-5-0500	EQUIPMENT	818.00	KEARNEY VISITOR'S BUREAU	EXPENSES JAN 2025	02503475
879-00 COUNTY VISITORS PROMOTION		57,400.00			
0900 VISITOR'S PROMOTION FUND		57,400.00			
879-00	COUNTY VISITORS PROMOTION				
00-2-6063	MARKETING	37,713.00	KEARNEY VISITOR'S BUREAU	EXPENSES JAN 2025	02503476
00-2-9900	MISCELLANEOUS	19,688.00	KEARNEY VISITOR'S BUREAU	EXPENSES JAN 2025	02503476
879-00 COUNTY VISITORS PROMOTION		57,401.00			
0995 VISITORS PROMOTION IMPROVEMENT FUND		57,401.00			
604-00	DEEDS PRESERVATION & MODERNIZATION				
00-2-7000	PRESERVATION	259.60	MIPS INC.	CONVERSION DEEDS 25030820	02503477
604-00 DEEDS PRESERVATION & MODERNIZATION		259.60			
1150 DEEDS PRESERVATION & MODERNIZATION FUND		259.60			
614-00	INSURANCE				
00-1-0802	HEALTH INSURANCE CLAIMS	207,685.77	BCBS HEALTH CLAIM EXPENSE	HEALTH 236 LIVES FEB 2025	02503478
00-1-0802	HEALTH INSURANCE CLAIMS	69,412.32	HM LIFE MELLON GLOBAL CAS	HEALTH 236 LIVES FEB 2025	02503479
614-00 INSURANCE		277,098.09			
1275 HEALTH INSURANCE FUND		277,098.09			

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16:04:37

BUFFALO
BOARD PREAPPROVAL REPORT
HEALTH INSURANCE
FROM 03/25/2025 TO 03/28/2025

Account #	Description	Account Amt	Vendor	Invoice Description	Claim #
783-00	DRUG LAW ENFORCEMENT - CO				
00-2-1801	DUES, SUBSCRIPTIONS, REGISTRAT	34,760.00	MAGNET FORENSICS LLC	DUES CO ATTORNEY SIN077701	02503480

	783-00 DRUG LAW ENFORCEMENT - CO	34,760.00			

	2360 DRUG FORFEITURES FUND	34,760.00			

733-00	NOXIOUS WEED CONTROL				
00-2-1400	ROAD EQUIPMENT REPAIR-PARTS	951.61	ARNOLD MOTOR SUPPLY/AUTO	SUPPLIES WEED 88729 76NV204	02503481
00-2-1801	DUES, SUBSCRIPTIONS & REG	150.00	NEBRASKA WEED CONTROL ASS	REGISTRATION SPRING TRAININ	02503485
00-2-1805	SAFETY EQUIPMENT-SUPPLIES	160.00	INTEGRATED SECURITY SOLUT	EQUIPMENT 20250120	02503483
00-3-0106	SHOP SUPPLIES	34.60	MENARDS - KEARNEY	SUPPLIES 32000320 87850 879	02503484
00-3-0211	MACHINERY EQUIPMENT TIRE REP	423.12	GRAHAM TIRE CO	EQUIP 1313358744 CUST 13001	02503482

	733-00 NOXIOUS WEED CONTROL	1,719.33			

	5400 NOXIOUS WEED DISTRICT FUND	1,719.33			

697-00	911 EMERGENCY SERVICE				
00-2-0200	911 TELEPHONE SERVICE	1,806.61	CENTURYLINK	SVC 911 724518619 INTERNET	02503487
00-2-0200	911 TELEPHONE SERVICE	255.58	FIBER PLATFORM, LLC	SVC 911 SI25008838	02503488
00-2-0200	911 TELEPHONE SERVICE	849.86	FRONTIER	PHONE SVC 911 10040927002 0	02503489
00-2-0200	911 TELEPHONE SERVICE	573.60	GREAT PLAINS COMMUNICATIO	SVC 911 SVC 201065	02503490
00-2-0200	911 TELEPHONE SERVICE	46.22	LANGUAGE LINE SERVICES	SVC 911 11544232	02503491
00-2-0200	911 TELEPHONE SERVICE	109.99	NEBRASKA CENTRAL TELEPHON	PHONE SVC 911 11025539 1102	02503492
00-2-0400	911 RADIO EQUIPMENT MAINT/REPA	1,417.67	PLATTE VALLEY COMMUNICATI	MAINT 911 022425013	02503493
00-5-0311	911 RADIO/EQUIPMENT PURCHASES	17,717.22	APCO INTERNATIONAL, INC	SOFTWARE 911 00080089	02503486

	697-00 911 EMERGENCY SERVICE	22,776.75			

	5907 911 EMERGENCY SERVICE FUND	22,776.75			

	GRAND	1,470,461.57			



Community Action Partnership of Mid-Nebraska
16 W 11th Street – P.O. Box 2288 – Kearney, NE 68848-2288

Administrative Office

PHONE: 308.865.5675

FAX: 308.865.1357

Website: www.communityactionmidne.com

March 13, 2025

Buffalo County Clerk
P.O. Box 1270
Kearney, NE 68848-1270

Dear Heather Christensen,

I have enclosed the R.Y.D.E. Report for Buffalo County for the month of February 2025.

If you have any questions, please feel free to contact me at this office. Thank you.

Sincerely,

Jakob Lahs
Finance Clerk

A handwritten signature in black ink that reads "Jakob Lahs". The signature is written in a cursive style with a large, looping initial "J".

R.Y.D.E. Billing

Buffalo County

February 2025

Expenses:

Personnel	39950.63
Office Space and Utilities	4196.33
Postage	0.00
Telephone	1322.45
Advertising	0.00
Copies and Printing	114.23
Office Supplies	66.24
Insurance	8864.66
Maintenance, repairs, tires, etc.	650.94
Gasoline	4389.07
Misc.-	39.48
Indirect	7590.62
Vehicle Cost Pool - Admin Travel	0.00
Total Expenses	67184.65
	=====
Less Program Income:	5949.00
Net Expenses:	61235.65
Federal Share (Section 18)	38436.00
State Share	11399.00
Title XX	148.00
County Share	4427.98
City Share	4166.67
Local Share	2658.00
	=====
TOTAL	58577.65
	=====

Boardings 2959.00

Miles Traveled 11638.0

BUFFALO COUNTY TREASURER PLEDGED COLLATERAL

FIRST NATIONAL BANK OF OMAHA

2/28/2025

PLEDGED SECURITY	RCPT NO	BOOK VALUE	INT RATE	MATURITY	DATE PLEDGED	DATE RELEASE	MRKT VAL
FGRM	3137F15E4	\$ 7,000,000.00	0.931	12/15/2043	4/24/2018		86,864.70
FNRM	3136ATBG8	\$ 7,550,000.00	0.86618	12/25/2027	4/27/2018		2,000,699.92
FNRM	3136ASY75	\$ 9,370,000.00	0.756	9/25/1941	5/3/2018		693,981.66
FNRM	3136ATAC8	\$ 5,000,000.00	0.59	7/25/2041	4/20/2020		591,929.62
GNMA	38381JLU9	10,000,000.00	0.4	6/1/2036	2/14/2024		8,504,249.98
FNRM	3136B3DL1	\$8,000,000.00	0.783	10/25/1945	5/5/2020		1,290,916.19
GNRM	38380MUJ8	\$4,395,040.00	0.9104	12/16/2031	5/11/2020		2,337,878.50
FGRM (2 on Bank's List)	3137BSVC4	\$14,500,000.00	0.491	1/15/2055	4/23/2021		2,137,809.40
FNMA	3136B27LO	\$5,386,394.49		8/25/2028	2/3/2025		4,894,754.37
FGRM	3137BKCB4	\$10,000,000.00	0.304	11/15/2043	6/30/2022		1,038,041.06
TOTAL		\$ 81,201,434.49					

REMIC--Real estate Mortgage Invest Conduit--Payment structure on the security

FNMA--FANNIE MAE

FHLMC--FREDDIE MAC

GNMA--GINNIE MAE

TOTAL PLEDGE COVERAGE

23,577,125.40

FDIC COVERAGE

250,000.00

TOTAL COVERAGE

23,827,125.40

CHECKING ACCOUNT

487,128.90

MV ACH ACCOUNT

153,845.32

MONEY MARKET ACCOUNT

4,955,106.29

BOND ACCOUNT

1,268,581.70

VISITORS ACCOUNT

59,764.93

RE ACH ACCOUNT

345,019.60

ENDING FUND BALANCE

7,269,446.74

OVER/UNDER COVERAGE:

16,557,678.66

3/25/2025

ADD

FNMA

3136B27LO

\$5,386,394.49

8/25/2028

2/3/2025

4,894,754.37

DELETE

RESOLUTION

WHEREAS, The Revised Statutes of Nebraska, Sec. 77-1809 and 77-1918, provides that upon the direction of the County Board of Commissioners, for the County Treasurer to issue Tax Sale Certificates in the name of the County, and

WHEREAS, the following list of legal descriptions have either delinquent taxes for the years 2020, 2021, 2022, 2023 and have been offered for sale at Public Sale, and have remained unsold for want of bidders,

NOW THEREFORE BE IT RESOLVED, that the Buffalo County Board directs the County Treasurer of Buffalo County, to place Tax Sale Certificates on all delinquent taxes and special assessments for 2020, 2021, 2022, 2023 and to maintain such Certificates in her custody, and to purchase all subsequent taxes thereon as the same may become delinquent.

DATED THIS _____ DAY OF MARCH, 2025.

Motion by _____

Seconded by _____

Passed and approved this _____ day March, 2025.

Heather Christensen, Buffalo County Clerk

3/18/2025		
Parcel	Legal	Total Due
40294000	9-12-14 O T RV LT 9 BLK 25	315.9
40619000	9-12-14 NORTH ADD RV LT 3 BLK 6	329.02
580054550	PAUL OTTO SECOND SUB LOT 1 (5.25 AC) 9-8-16 PT LT 1	105.24
600097000	CITY LDS KY 12-8-16 PT TX LT 20 W 43'OR PT GOV'T 2	226.69
600163000	O T KY S 120' OF E1/2 LT 5	631.42
600217000	O T KY N 6' OF E1/2 OF LT 60 & E 64' LT 61	440.58
640252000	COOKS ADD GIB LT 1 BLK 1	120.16
660106000	12-9-14 PT S1/2 SE1/4 [350' X 249'] [2 ACRES]	149.94
720151001	12-8-14 TR IN LOT 2 (.61 A)	19.46
680099000	O T SHEL LT 1 & S 50' LT 8 BLK 7	266.32
680105000	O T SHEL LT 1 BLK 8	13.68
680106000	O T SHEL LTS 2 & 3 BLK 8	97.74
680107000	O T SHEL LT 4 BLK 8	37.86
680115000	1ST ADD SHEL N 15' LT 3 ALL LT 4 BLK 3	488.68
680208000	3RD ADD SHEL LT 3 BLK 21	376.84
680213000	3RD ADD SHEL LT 6 BLK 22	438.58
680505000	WALSHS ADD SHEL W 15' LT 17 & ALL LTS 18& 19 & 1/2 OF ALLEY ABUTTING	316.98

BEFORE THE NEBRASKA TAX EQUALIZATION
AND REVIEW COMMISSION

GCP II KEARNEY SENIOR LIVING,
LLC.,

Appellant

24C 0242

vs.

CONFESSION OF
JUDGMENT

BUFFALO COUNTY BOARD OF
EQUALIZATION

Appellee

COMES NOW, Andrew W. Hoffmeister, Chief Deputy Buffalo County Attorney and shows that attached hereto is a copy of a Buffalo County Board of Equalization motion, contained within that Board's official minutes for Board meeting held March 25, 2025. That motion empowers this attorney to confess judgment on behalf of Buffalo County to stipulate that the 2024 taxable valuation for parcel #580073515 is in the amount of \$13,630,000.

This attorney further certifies that he has forwarded a copy of this CONFESSION to Appellant.

BUFFALO COUNTY BOARD OF EQUALIZATION,
Appellee,

by: _____
Andrew W. Hoffmeister #15687
Chief Deputy Buffalo County Attorney
Box 67
Kearney, NE 68847
(308) 233-3064
FAX 308-233-3688
ahoffmeister@buffalocounty.ne.gov

PROPOSED LANGUAGE FOR BOARD CONSIDERATION 3/25/25:

Moved by ___ 2nd by ___ that Buffalo County Board of Equalization Confesses Judgment in Tax Equalization & Review Commission Case #24C 0242in appeal concerning GCP II KEARNEY SENIOR LIVING, LLC., Appellant, and Buffalo County, Appellee, for property identified as tax parcel # 580073515 and that the Buffalo County Attorney's Office be, and hereby is, authorized to confess judgment on behalf of this Board, that for tax year 2024 that this property had an assessed valuation of \$13,630,000.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on _____, 2025, he caused a copy of the foregoing to be sent to the following person via facsimile prepaid.

GCP II Kearney Senior Living, LLC
Jason Lange, C/O MJ Senior Living
527 N Broadway Street
Wahoo, NE 68066

Shawn G Heine
14606 Branch ST, Suite 100
Omaha NE 68145

Andrew W. Hoffmeister
Attorney of Record

H:\awh\equalization\Broadwell conf 2024.doc

Original filed with:

Tax Equalization & Review Commission
Box 94732
Lincoln, NE 68509

BEFORE THE NEBRASKA TAX EQUALIZATION
AND REVIEW COMMISSION

GCP II KEARNEY SENIOR LIVING,
LLC.,

Appellant

24C- 0242

vs.

ACCEPTANCE OF
CONFESSION OF
JUDGMENT-APPELLANT

BUFFALO COUNTY BOARD OF
EQUALIZATION

Appellee

The undersigned Appellant, accepts the Appellee's Confession to this Commission and agrees that for tax year 2024 Buffalo County Tax Parcel ID #580073545 has a tax assessed valuation of \$13,630,000.

GCP II Kearney Senior Living, LLC C/O MJ Senior
Living/Jason Lange, 527 N Broadway Street,
Wahoo, NE 68066

By: 

Printed name: Jason Lange

Office held: Manager

Original (after signature) filed with:

Tax Equalization & Review Commission
Box 94732
Lincoln, NE 68509

Application for Exemption from Motor Vehicle Taxes by Qualifying Organizations

• Read instructions on reverse side.

Name of Organization <i>The Evangelical Free Church of Kearney</i>		Tax Year <i>2025</i>	Value of Motor Vehicles
Name of Owner of Property <i>The Evangelical Free Church of Kearney</i>		County Name <i>Buffalo</i>	State Where Incorporated <i>NE</i>
Street or Other Mailing Address <i>4010 7th Ave</i>		Contact Name <i>Traci Winsot</i>	Phone Number <i>308-237-5968</i>
City <i>Kearney</i>	State <i>NE</i>	Zip Code <i>68845</i>	Email Address <i>traci@kearneyefc.com</i>
Type of Ownership: <input type="checkbox"/> Agricultural and Horticultural Society <input type="checkbox"/> Educational <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Charitable <input type="checkbox"/> Cemetery <input type="checkbox"/> For-profit Nursing Facilities			
Charitable Organizations: Motor Vehicle described above is used in the following exempt category (please mark the applicable boxes): <input type="checkbox"/> Agricultural and Horticultural Society <input type="checkbox"/> Educational <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Charitable <input type="checkbox"/> Cemetery			
Charitable and For-Profit Organizations, please answer the following: Are the motor vehicles used exclusively as indicated? (see instructions) <input type="checkbox"/> YES <input type="checkbox"/> NO If No, give percentage of exempt use: _____%			
For-profit Nursing/Assisting Living Facilities, please select the applicable box: <input type="checkbox"/> Nursing Facility <input type="checkbox"/> Skilled Nursing Facility <input type="checkbox"/> Assisted-Living Facility What percentage of occupied beds have been provided to medicaid beneficiaries over the most recent three-year period? _____%			

Name	Title of Officers, Directors, or Partners	Address, City, State, Zip Code
<i>Dave Chally</i>	<i>Elder/Chairman</i>	<i>4010 7th Ave Kearney NE 68845</i>
<i>Justine Tshetter</i>	<i>Executive Director</i>	<i>4010 7th Ave Kearney NE 68845</i>

Description of the Motor Vehicles

• Attach an additional sheet, if necessary.

Motor Vehicle Make	Model Year	Body Type	Vehicle ID Number	Registration Date or Date of Acquisition, if Newly Purchased
<i>Ford</i>	<i>2018</i>	<i>Extended P Van</i>	<i>1FB2X2ZM9JK802329</i>	<i>02/27/25</i>

Give a detailed description of the use of the motor vehicle:

Under penalties of law, I declare that I have examined this exemption application and, to the best of my knowledge and belief, it is correct and complete. I also declare that I am duly authorized to sign this exemption application.

sign here

[Signature]
Authorized Signature

Financial Assistant
Title

3/17/25
Date

For County Treasurer Recommendation

- Approval
- Denial

Comments: _____

Brenda R Rohrich
Signature of County Treasurer

3-17-25
Date

For County Board of Equalization Use Only

- Approved
- Denied

If the County Board's determination is different from the County Treasurer's recommendation, an explanation is required.

I declare that to the best of my knowledge and belief, the determination made by the County Board of Equalization is correct pursuant to the laws of the State of Nebraska.

Signature of County Board Member

Date

Please retain a copy for your records.

Application for Exemption from Motor Vehicle Taxes by Qualifying Nonprofit Organizations

• Read instructions on reverse side.

Name of Organization Community Action Partnership Of Mid-Nebraska			Tax Year 2025	Value of Motor Vehicles
Name of Owner of Property Community Action Partnership Of Mid-Nebraska			County Name Buffalo	State Where Incorporated Ne
Street or Other Mailing Address PO Box 2288			Contact Name Rex	Phone Number 3088656575
City Kearney	State NE	Zip Code 68848	Email Address maintenance@mnca.net	
Type of Ownership: <input type="checkbox"/> Agricultural and Horticultural Society <input checked="" type="checkbox"/> Educational Organization <input type="checkbox"/> Religious Organization <input type="checkbox"/> Charitable Organization <input type="checkbox"/> Cemetery Organization				

Name	Title of Officers, Directors, or Partners	Address, City, State, Zip Code
Barb Roebuck	President	120 W. 11th North Platte, Ne. 69101
Myron Kouba	Vice-President	1015 13th Ave. Kearney, Ne. 68845
Coy Clark	Treasurer	322 W. 39th St. Kearney, Ne. 68848

Description of the Motor Vehicles

• Attach an additional sheet, if necessary.

Motor Vehicle Make	Model Year	Body Type	Vehicle ID Number	Registration Date or Date of Acquisition, if Newly Purchased
Kia	2019	Optima	5XXGT4L39KG325430	
Ford	2019	Fusion	3FA6P0HD8KR103611	
Chevy	2022	Equinox	2GNAXUEV0N6135397	

Motor Vehicle described above is used in the following exempt category (please mark the applicable boxes):

Agricultural and Horticultural Society
 Educational
 Religious
 Charitable
 Cemetery

Nursing Facility
 Skilled Nursing Facility
 Assisted-Living Facility

What percentage of occupied beds have been provided to medicaid beneficiaries over the most recent three-year period? _____%

Are the motor vehicles used exclusively as indicated? (see instructions)

YES NO

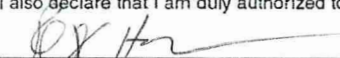
Give a detailed description of the use of the motor vehicle:

This vehicle will be used solely for the transportation of clients and staff.

If No, give percentage of exempt use: _____%

Under penalties of law, I declare that I have examined this exemption application and, to the best of my knowledge and belief, it is correct and complete. I also declare that I am duly authorized to sign this exemption application.

sign here


Authorized Signature

Vehicle Maintenance Supervisor 3/20/25
Title Date

For County Treasurer Recommendation

- Approval
- Denial

Comments: _____


Signature of County Treasurer

3-20-25
Date

For County Board of Equalization Use Only

- Approved
- Denied

If the County Board's determination is different from the County Treasurer's recommendation, an explanation is required.

I declare that to the best of my knowledge and belief, the determination made by the County Board of Equalization is correct pursuant to the laws of the State of Nebraska.

Signature of County Board Member

Date



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

ZONING AGENDA ITEM #1

MEETING DATE: March 25, 2025

AGENT: Jay Sporer, of Sporer Land Development, Inc., on behalf of Neil Hinrichsen, of Rockin' H Trucking and Cattle Inc.

SUBJECT: Application for Special Use Permit to operate a Crushed Concrete Processing/Storage Site on part of tax parcel 500099000, described as Part of Government Lot 7 and part of Government Lot 8, situated in Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Discussion:

Jay Sporer, of Sporer Land Development, Inc., on behalf of Neil Hinrichsen, of Rockin' H Trucking and Cattle Inc., has filed an Application for a Special Use Permit to operate a Crushed Concrete Processing/Storage Site on part of tax parcel 500099000, described as Part of Government Lot 7 and part of Government Lot 8, situated in Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Zoning District: (AGR) Agricultural – Residential.

Buffalo County Zoning Regulations, Section 5.34 (21), states “Temporary construction material crushing plant that uses movable equipment utilized for area road or localized construction.” may be allowable as a specially permitted use.

On February 20, 2025, The Planning Commission recommended to forward this application favorably, on a 9-0 vote, with no abstentions and no absences and the following conditions:

1. All inventory must be removed by the end of 5 years;
2. 911 address signage is required;
3. Entry access to state or county highway approved by the appropriate state engineer or county staff;
4. The applicant will need to enter into a Road Maintenance/Improvement Agreement;

5. The land will be restored to original condition, upon completion of the Special Use Permit.

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

Voting “Nay”: None.

Abstain: None.

Absent: None.

No opposition has been received regarding The Special Use Permit Application for the proposed use.

ZONING AGENDA ITEM #2

MEETING DATE: March 25, 2025

AGENT: Mitch Humphrey, licensed land surveyor, on behalf of Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst

SUBJECT: Approval of proposed final plat, “Heritage Hills Subdivision” located in part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska.

Discussion:

On October 22, 2024, The Buffalo County Zoning Administrator presented the denial of a proposed final plat, “Heritage Hills Subdivision”, due to a noncompliant preliminary plat.

On December 12, 2024, The Buffalo County Board of Adjustment approved the additional relaxations required to reapply and made the following findings:

1. This Board finds that there was an undue hardship for land that may be devalued due to a nonconforming lot, which is accessed by nonconforming accesses based on the inability of use for economic development potential, paired with the helplessness to secure lending and have access to affordable insurance.
2. This Board finds that this particular issue is not generally shared by the other properties in the same zoning district and the same vicinity.
3. This Board finds that the authorization of the variance will not be of substantial detriment to the adjacent properties and character of the district will not be changed by the granting of the variance.
4. This Board finds that the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

A motion was made by Ms. Jeffs, seconded by Mr. Hardesty to approve the Application for Variance, under Buffalo County Subdivision Regulations: Section 1.05 which requires all subdivided land abut a dedicated and maintained street/road; Section 2.35 which defines a street; Section 4.02 (E) which requires that all lots have a minimum 25 feet abutment along a street/road; Section 4.03 which requires streets/roads ending in a cul-de-sac be shorter than 600 feet; Section 4.03 which requires the minimum right-of-way widths to be 66 feet; Section 4.03 which requires cul-de-sacs have a 66-foot radius; Section 4.11 which require all streets/roads in a subdivision conform minimum standards; Section 4.12 (A) which requires access within a subdivision be accomplished by dedicated public streets/roads with minimum design standards; Section 4.12 (B) which requires all private streets to have a minimum width of 66 feet in width;

Section 5.01 which sets out requirements for the grading of roads/streets; AND Buffalo County Zoning Regulations, Section 5.32 (2) which requires all dwellings to abut an improved road for a tract of land located in the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska, along with the suggested address change to ‘East 106th Street Place’.

Voting “Aye”: Hardesty, Jeffs, White and Gangwish.

Absent: Pierce and Pemberton-Riege.

Abstain: None.

Voting “Nay”: None.

At the January 16, 2025 Buffalo County Planning Commission Meeting, a motion was made by Ms. Wolfe, and seconded by Mr. Sedlacek to favorably recommend the Application for Preliminary Subdivision, “Heritage Hills Subdivision”, with the condition that the access road be renamed to E. 106th Street Place.

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

Voting “Nay”: None.

Abstain: None.

Absent: Keep.

At the February 11, 2025 Board of Commissioners’ Meeting, The Buffalo County Board of Commissioners, by simple majority, voted to approve the preliminary plat, on a preliminary basis, for “Heritage Hills Subdivision”, via Resolution 2025-06.

Buffalo County Subdivision Regulations, Section 3.18, states: “When the final plat conforms to the approved preliminary plat and the requirements have been accomplished, the Board shall review the final plat for approval...”

ZONING AGENDA ITEM #3

MEETING DATE: March 25, 2025

AGENT: Hanna:Keelan Associates

SUBJECT: Review, discussion, and possible approval of the Buffalo County Zoning and Subdivision Regulations and Buffalo County Zoning District Map as part of the Buffalo County Comprehensive Plan, or the general plan for the improvement and development of the county outside of the jurisdiction of any city or village, as required per Neb. Rev. Stat. §23-174.06.

Discussion:

On October 17, 2024, The Buffalo County Planning Commission voted to forward the proposed final draft of the Buffalo County Zoning and Subdivision Regulations.

Motion was made by Mr. Biehl, and seconded by Mr. Schmidt, to approve the Buffalo County Zoning and Subdivision Regulations as presented at the close of that session, as part of the Buffalo County Comprehensive Plan or the general plan for the improvement and development of the county outside of the jurisdiction of any city or village, as required per Neb. Rev. Stat. §23-174.06.

Upon roll call vote, the following Board members voted “Aye”: Biehl, Keep, Schmidt, Wolfe, and Brady.

Voting “Nay”: None.

Abstain: None.

Absent: Jeffs, Vacek, and Stubblefield.

On February 25, 2025, The Buffalo County Board of Commissioners, by simple majority, made several code amendments, after review and majority approval by the Buffalo County Planning Commission on January 16, 2025, relating to The Proposed Buffalo County Zoning and Subdivision Regulations under Resolutions 2025-08 through 2025-11.

With those amendments integrated into the final draft of the Buffalo County Zoning and Subdivision Regulations, along with the Final Draft of the Buffalo County Zoning Map, The Board of Commissioners will review, discuss, and possibly approve the final draft as part of the Buffalo County Comprehensive Plan, as required per Neb. Rev. Stat. §23-174.06. The proposed items were made available for public viewing on the Buffalo County Website, as well as the Buffalo County Clerk’s Office since 3/12/2025.

Planning
&
Zoning
Commission
Minutes

February 20, 2025

MINUTES OF PLANNING AND ZONING COMMISSION
FEBRUARY 20, 2025
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 February 6, 2025. 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 Scott Brady opened the meeting at 7:04 P.M. on February 20, 2025. He announced that Tim Kreutzer was appointed to the Buffalo County Planning Commission on January 28, 2025 and Joshua Chaney was appointed to the Buffalo County Planning Commission on February 11, 2025 by the Buffalo County Board of Commissioners.

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

Quorum has been met.

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 7:06 P.M. No one spoke. The public forum closed at 7:07 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 7:07 P.M. regarding an Application for Special Use Permit to operate a Crushed Concrete Processing/Storage Site, filed by Jay Sporer, of Sporer Land Development, Inc., on behalf of Neil Hinrichsen, of Rockin' H Trucking and Cattle Inc., on part of tax parcel 500099000, described as part of Government Lot 7 and part of Government Lot 8, situated in Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Ryan Chrisman, the onsite superintendent, of Sporer Land Development, Inc., on behalf of Neil Hinrichsen, of Rockin' H Trucking and Cattle Inc., stepped forward to present the application. Mr. Chrisman approached the GIS image of parcel 500099000, shown via the projector for public viewing. He explained that the area, east of the existing house, will be used to crush and stockpile concrete from the Interstate 80 project. He stated that during the project, there will be a direct access road created from the interstate to that site, where the concrete will be crushed on

site. He testified that they will stockpile the concrete and sell it. He explained that he foresees the pile to exist for a few years.

Ms. Wolfe asked how the inventory will be exited off site and Mr. Chrisman explained that the stockpile will be exited out on Buffalo Creek Road to Highway 183.

Mr. Chaney inquired if there was an intent to enter into a road maintenance contract to repair the roads, with consideration given to the weight of the stockpile loads and the number of trucks traversing the county road. Mr. Chrisman stated that they would enter into a contract for road maintenance, if necessary. He added that the situation would be similar to the Odessa Project that they brought in front of Buffalo County and received permission for in 2024.

Mr. Chaney inquired who the homeowner was that lived next the temporary plant and Mr. Chrisman explained that it is the applicant/landowner of the tract of land they are leasing.

Mr. Sedlacek asked for clarification for how the inventory will enter and exit the tract. Mr. Chrisman testified that the inventory will enter the tract of land via an access road directly off Interstate 80 and the inventory will exit via Buffalo Creek Road.

Chairperson Brady inquired if the concrete would be crushed onsite and Mr. Chrisman confirmed.

Chairperson Brady questioned how long the company intended to crush concrete for until its completion and Mr. Chrisman stated that he estimated that all crushing will be complete by September 2025, but the stockpile will remain until it has been completely sold off. He estimated that the stockpile would be sold within three years.

Mr. Vacek asked how the stockpile at the Odessa Project was selling and Mr. Chrisman testified that it is almost gone, as a local contractor bought most of it. Mr. Sedlacek asked Mr. Chrisman if this inventory would sell just as quickly as the last and Mr. Chrisman declared that most of the inventory would go quickly, but some would be retained for the use of Sporer Land Development.

Mr. Stubblefield asked where this project would be occurring. Mr. Chrisman answered that the project will have approximately six miles of pavement along Turkey Creek to be removed. He added that another three miles of concrete will be stockpiled at the Odessa site, due to the location and traffic patterns.

Mr. Stubblefield asked if trucks would be crossing the westbound lane to access the site and Mr. Chrisman stated that the construction is all occurring on the westbound lane and no trucks will be crossing the intersection. Mr. Chrisman added that three bridges will be removed as part of the project, which affects the journey to where the concrete will be trucked to.

Discussion occurred regarding the bridge construction in and along Interstate 80.

Chairperson Brady asked Zoning Administrator Daniels if she could show on the projector the conditions that were placed for the Odessa Project. Zoning Administrator Daniels projected that resolution, which included the following conditions: all inventory must be removed by the end of 5 years, 911 address signage is required, entry access to state or county highway approved by the appropriate state engineer or county staff, the applicant will need to enter into a Road Maintenance/Improvement Agreement, and restoration of land to original condition. The Commission discussed and reviewed the prior conditions and agreed they were applicable to this project, as well.

Vice-Chairperson Keep asked Zoning Administrator Daniels if she had received any complaints regarding the Odessa Project and Zoning Administrator Daniels stated that she had not.

Mr. Chaney asked Mr. Chrisman if water is used to contain the dust from the operation and Mr. Chrisman confirmed it would.

Discussion occurred regarding other current interstate projects.

Mr. Chaney stated that he appreciated the direct access off Interstate 80, instead of bottleneaking the trucks at the interstate exits. Ms. Wolfe and Chairperson Brady agreed.

Chairperson Brady asked if anyone wished to comment. No one spoke.

Chairperson Brady closed the public hearing at 7:20 P.M.

Motion was made by Mr. Stubblefield, and seconded by Mr. Sedlacek to favorably recommend the Application for Special Use Permit to operate a Crushed Concrete Processing/Storage Site, filed by Jay Sporer, of Sporer Land Development, Inc., on behalf of Neil Hinrichsen, of Rockin' H Trucking and Cattle Inc., on part of tax parcel 500099000, described as part of Government Lot 7 and part of Government Lot 8, situated in Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to The Buffalo County Board of Commissioners, with the following conditions: all inventory must be removed by the end of 5 years, 911 address signage is required, entry access to state or county highway approved by the appropriate state engineer or county staff, the applicant will need to enter into a Road Maintenance/Improvement Agreement, and restoration of land to original condition.

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

Voting "Nay": None.

Abstain: None.

Absent: None.

Motion carried.

Old Business

Minutes

Motion was made by Mr. Vacek, and seconded by Secretary Jeffs to approve the January 16, 2025 meeting minutes, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: None.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels reported that the Buffalo County Board of Commissioners reviewed the Application for Zoning Map Amendment, filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Mark H. Meyer and C. Jayne Meyer, also known as Claudia Jayne Meyer, and Loren Bakko, Manager of Bakko Land, L.L.C to rezone approximately 30.13 Acres, more or less, from Agricultural – Residential (AGR) to Commercial (C). She added the original public hearing was heard on December 23, 2024, but was recessed to January 28, 2025. Prior to that public hearing, she testified, the applicant requested a reduction in acres from 30.13 acres to 17.56 Acres. However, she continued, on January 28, 2025, The Board of Commissioners denied the request for rezone.

Zoning Administrator Daniels reported that the Buffalo County Board of Commissioners reviewed and approved the Application for Preliminary Subdivision, “Heritage Hills Subdivision”, filed by Mitch Humphrey, licensed land surveyor on behalf of Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst, on February 11, 2025.

Zoning Administrator Daniels reported that the Buffalo County Board of Commissioners were scheduled to review the proposed code amendments to The Buffalo County Zoning Regulations in the following sections: Section 11.1, General Amendment, Section 11.2, Submission to Planning Commission for Amendments, Section 11.3, Amendment Consideration and Adoption, and Buffalo County Subdivision Regulations, Section 9.03, Amendments, regarding the binding recommendations of the planning commission AND Buffalo County Zoning Regulations, Section 6.6 Livestock Confinement Facilities regarding minimum distance setbacks for livestock confinement operations on February 25, 2025. She stated that she will report back when that public hearing is complete.

Zoning Administrator Daniels reviewed the correspondence with The Commission. She notified The Commission of the proposed plat of Spruce Hollow 3rd in the city of Kearney's extra-territorial jurisdiction and asked The Commission to review the proposed letter to the city of Kearney. She requested that they let her know if revisions needed to occur. The Commission agreed that no changes were recommended.

Extra-territorial jurisdictional boundaries were reviewed with The Commission.

Zoning Administrator Daniels also reviewed the Kearney County notices with The Commission.

Zoning Administrator Daniels notified The Commission that the Nebraska Planning and Zoning Conference would be held March 5, 2025 through March 7, 2025 and to let her know by February 26, 2025 if they planned to attend.

Zoning Administrator Daniels reported that The Nebraska Planning Conference will be held March 5, 2025 through March 7, 2025 and would provide more information as topics become available.

Next Meeting

The next meeting will be March 20, 2025, with the submission of an Application of Special Use Permit for a daycare center and two other Applications for Special Use for an agricultural establishment to the office of the Buffalo County Zoning Administrator.

Adjourn

Chairperson Brady adjourned the meeting at 7:33 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Tammy Jeffs, Secretary
Buffalo County Planning Commission

Zoning Agenda

Item #1

**APPLICATION FOR SPECIAL USE PERMIT
BUFFALO COUNTY NEBRASKA**

5-8-18
Elm Creek

~~(to be filled)~~ AGR

Fill out application completely. Please print or type. Use additional sheets if needed.
Filing Fee is \$50.00 plus estimated cost of publication made payable to Buffalo County.
Contact the Buffalo County Zoning Administrator if you have any questions.

NEIL J.S.

Date: 1/13/2025

1. Applicant's name Neil Hinrichsen / Rockin H Trucking & Cattle Inc
 2. Applicant's address PO Box 28 Elm Creek NE Zip Code 68836
 3. Telephone 3084407557 (day time) TAY SPOKER 785 672 2434
 4. Present use of property Hay /Cattle
 5. Desired use of property Crushed Concrete Crushing Site
 6. Present Zoning agriculture
 7. Address of site or legal description Section 5T8N18W PID # 5000 99000
 8. Under what provisions of the Zoning regulations are you seeking this permit: AG Section 5.14 Section 2 ~~Per Dennise Daniels~~ ~~AGR~~ J.S.
 9. Explain in detail what you propose to do. Please provide a sketch of location of buildings, setbacks etc:
See Attached 5.34 - 21
- (attach additional sheets if needed)
10. How are adjoining properties used? Indicate both zoning district and actual uses.
 North: AG South: Interstate Highway
 East: Ag West: Pasture
 11. Value of proposed structure n/A

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.

**COMMENCEMENT MUST BEGIN WITHIN 120 DAYS OF DATE ISSUED
CONSTRUCTION MUST BE COMPLETED WITHIN 2 YEARS**

Signature of Applicant Neil Hinrichsen Signature of Agent Jay Spoker
 Printed Name Neil Hinrichsen Printed Name TAY SPOKER

Date of Planning Commission meeting 2/20/2025 Approved Denied
 Date of Board of Commissioners meeting _____ Approved _____ Denied _____

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

Office Use Only

Permit Number 2025-003
 Amount 50.00 Receipt # 775747
 Floodplain Yes or No No Date 1-15-25 Initial WJ

2020-07115

KELLIE JOHN

BUFFALO COUNTY REGISTER OF DEEDS

KEARNEY, NEBRASKA

RECORDED ON: 10/13/2020 08:26:02 AM

DEED WARRANTY

REC FEE: 16.00

PAGES: 2

PD: 702.25 ESCROW:

CK: ACH SIMPLIFILE

REC'D:SIMPLIFILE

SUB:NE TITLE COMPANY

4235 BUFFALO CREEK ROAD-ELM CREEK

NEBRASKA DOCUMENTARY STAMP TAX

DOC TAX: 686.25

EXEMPTION:

RECORDED ON: 10/13/2020

AUTHORIZED BY: ARJ

PROPERTY OF BUFFALO COUNTY, NE

Please Return recorded document to:
Nebraska Title Company
208 W. 29th Street, Suite B
Kearney, NE 68845

LIMITED LIABILITY COMPANY WARRANTY DEED

Marshall Daughters, L.L.C., a Nebraska limited liability company, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from Rockin H Trucking and Cattle, Inc., a Nebraska corporation, GRANTEE, hereby conveys to GRANTEE the following described real estate (as defined in Neb. Rev. Stat. 76-201):

All that part of Lots Five (5), Six (6), Seven (7), and Eight (8) in Section Five (5), Township Eight (8) North, Range Eighteen (18) West of the 6th P.M., Buffalo County, Nebraska lying North of Interstate Highway No. 80 and West of U.S. Highway No. 183, EXCEPT a tract of land lying in Lot Eight (8) in the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of said Section Five (5), more particularly described as beginning at a ¾ inch iron pipe on the West boundary of U.S. Highway 183, this point being 341.4 feet West and 33 feet South of the Northeast corner of said Lot Eight (8), said Northeast corner of Lot Eight (8) being the East quarter corner of said Section Five (5); thence West 897.8 feet on a line which is 33 feet South of and parallel to the North line of said Lot Eight (8) to a ¾ inch iron pipe; thence South 729 feet at right angles to said North line to a ¾ inch iron pipe on the North boundary of U.S. Interstate Highway 80 Right of Way; thence Northeasterly along said highway boundary to a ½ inch iron pipe at the junction of the boundaries of Interstate 80 and U.S. 183; thence North 67 feet along said West boundary of U.S. 183 to the place of beginning.

GRANTOR covenant with GRANTEE that GRANTOR:

- (1) is lawfully seized of such real estate and that it is free from encumbrances, except encumbrances, liens, easements and restrictions of record;

NTK0005592

Deed Page 1 of 2

PROPERTY OF BUFFALO COUNTY NE

- (2) has legal power and lawful authority to convey the same; and
- (3) warrants and will defend title to the real estate against the lawful claims of all persons.

Dated Oct. 9 2020

Marshall Daughters, L.L.C., a Nebraska limited liability company

Ann Hinrichsen Member
By Ann Hinrichsen, Member

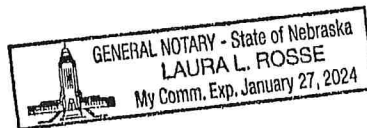
State of Nebraska

§

County of Buffalo

The foregoing instrument was acknowledged before me this 9 day of October, 2020, by **Ann Hinrichsen, Member**, of **Marshall Daughters, L.L.C., a Nebraska limited liability company**, on behalf of the limited liability company.

Laura Rosse
Notary Public



Deed Page 2 of 2



Buffalo County, NE



Items designated as 'Roads' may include both public and private roads, driveways, easements, or other means of public or private access some of which may not legally or factually exist.

Date created: 1/15/2025

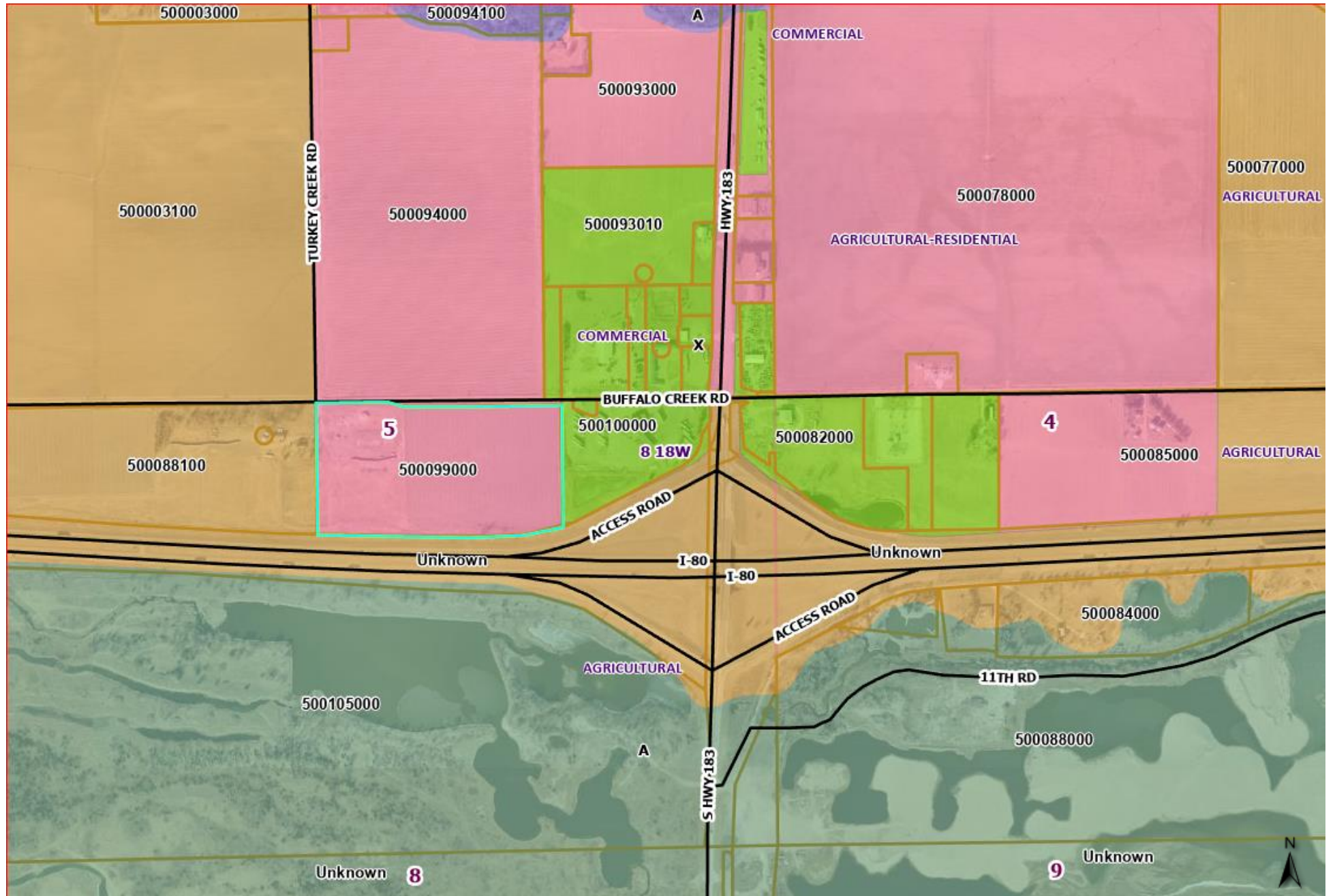
Last Data Uploaded: 1/14/2025 8:36:15 PM

Developed by



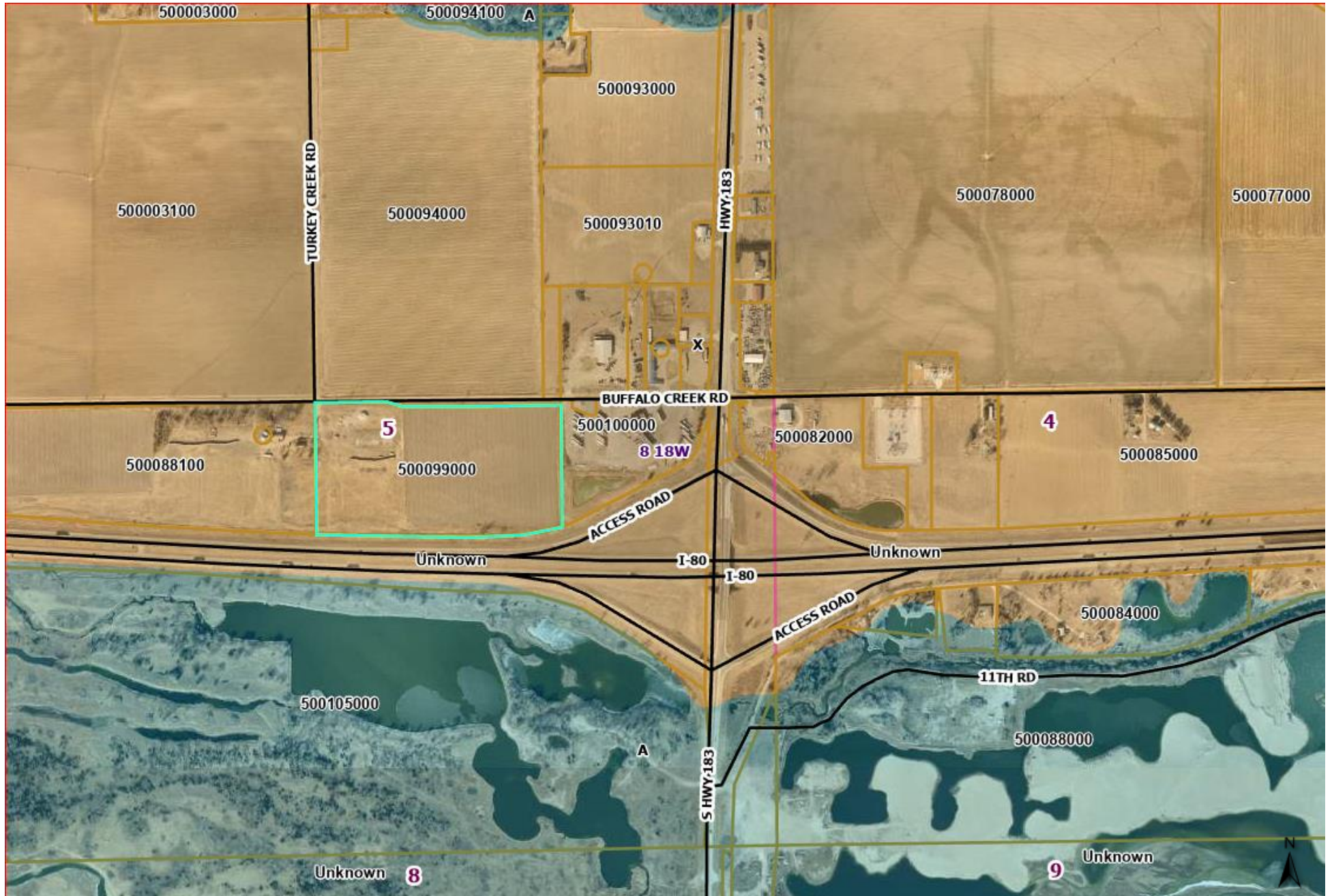
Proposed Concrete Crushing Site Zoning/Floodplain

Created by: null



Proposed Concrete Crushing Site Aerial/Floodplain

Created by: null



Zoning Agenda

Item #2

APPLICATION FOR LAND DEVELOPMENT IN ACCORDANCE WITH BUFFALO COUNTY SUBDIVISION REGULATIONS

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

1-9-16
Riverdale

Type of Plat Administrative Sub _____ Preliminary Plat _____ Final Plat XX
Vacation of Plat _____ Variance _____

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.

Subdivision name: Heritage Hills Subdivision Date 02-19-2025

Owner's name: Tyler R. and Karmen M. Wilterding, and Ryan S. and Rutheah A. Rodehorst

Owner's home address: 10635 1st Avenue Place N, Kearney, NE 68847

Telephone number(home): _____ (daytime) Tyler: 308-249-1120
Ryan: 308-627-7546

Developer's name: Same as above

Developer's address: Same as above

Engineer's name and address: Buffalo Surveying Corp., Mitchell W. Humphrey
5308 Parklane Dr., Ste 3, P.O. Box 905, Kearney, NE 68848-0905

List all people who own, have liens and other interest Pinnacle Bank

Present use of property: Residential

Desired use of property: Residential Present Zoning AGR

Legal Description of property: See attached sheet

Area of property(square feet and/or acres) 14.22 Acres +/-

Number of lots or parcels: Four (4)

School District _____ Fire District _____

Please attach exhibits (plat, easements, water courses, surveyor's certificate with legal description, copy of covenants, DEQ permits, etc if applicable)

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

Signature of Owner: Tyler Wilterding Printed Name Tyler Wilterding
Ryan Rodehorst Ryan Rodehorst

And agent: Mitchell W. Humphrey
mitchell w. Humphrey

Preliminary Plat approval date: 2/11/2025

Office Use Only			
Permit Number	<u>2025-011</u>	Receipt #	<u>975055</u>
Filing Fee	<u>320.00</u>	Zoning Classification	<u>AGR</u>
Floodplain Yes or No	<u>No</u>	Date	<u>2-21-25 DW</u>
8/09		Date	Initial

Action Taken:
P & Z Recommendation: _____ approved _____ disapproved Date: _____
County Commissioners _____ approved _____ disapproved Date: _____

Legal Desc: Heritage Hills Subdivision, Pt N1/2 SW1/4 of Sect. 1, T 9 N, R 16 W of the 6th P.M., Buffalo County, NE
Client: Tyler R. and Karmen M. Wilterding, and Ryan S. and Rutheah A. Rodehorst
Prepared By: Mitch Humphrey
Date: February 19, 2025
BSC Project No.: 220133
Attachment to the Application for Land Development, Final Plat

ATTACHMENT TO THE APPLICATION FOR LAND DEVELOPMENT
Final Plat

Owner's Address:

Tyler R. Wilterding
Karmen M. Wilterding
10635 1st Ave. Place N
Kearney, NE 68847

Ryan S. Rodehorst
Rutheah A. Rodehorst
10635 1st Ave. Place N
Kearney, NE 68847

LEGAL DESCRIPTION

A tract of land being part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1118.49 feet to the place of beginning,

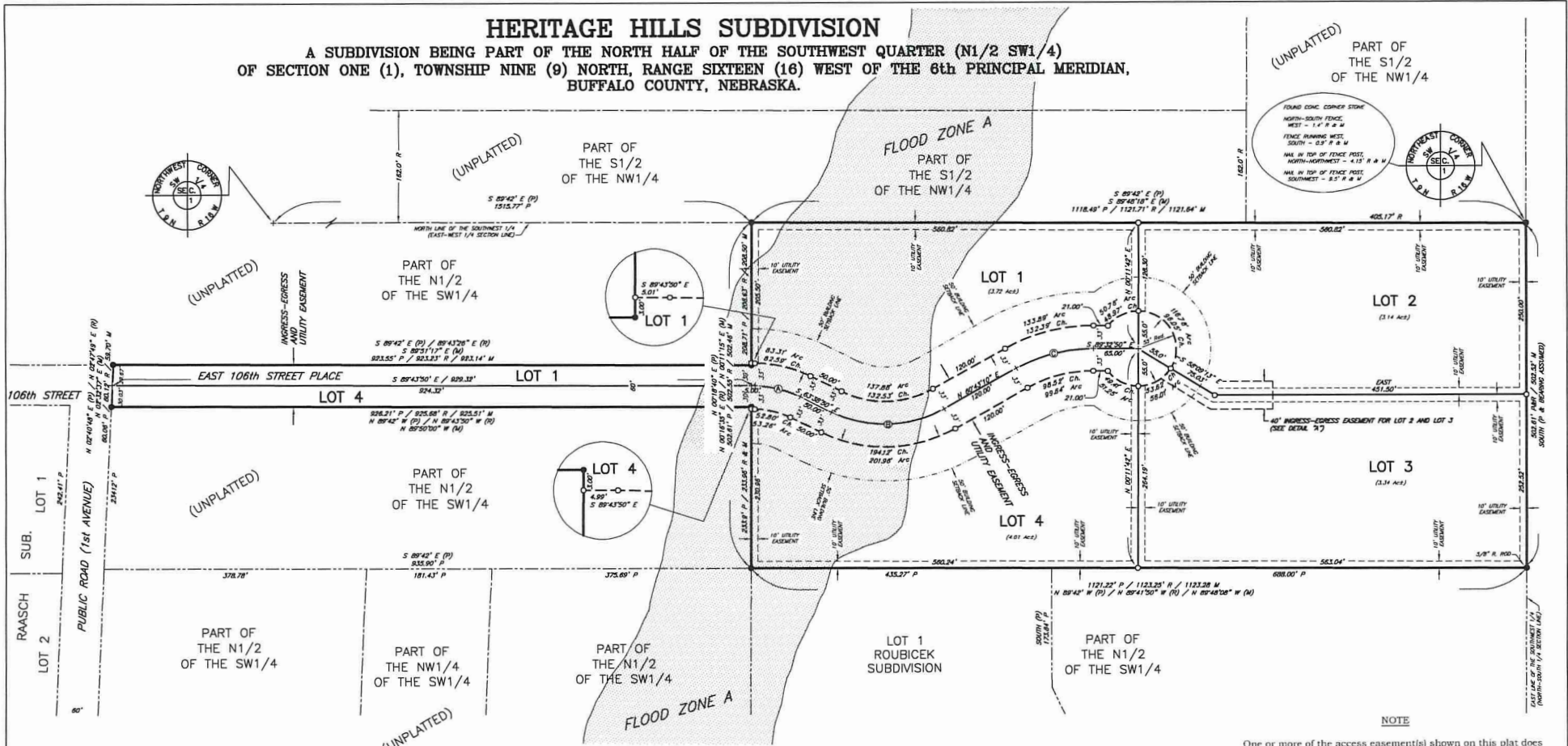
TOGETHER WITH;

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point in the East line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

Containing a total of 14.22 acres, more or less.

HERITAGE HILLS SUBDIVISION

A SUBDIVISION BEING PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE 6th PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA.



(UNPLATTED) PART OF THE S1/2 OF THE NW1/4

(UNPLATTED)

(UNPLATTED)

(UNPLATTED)

NOTE

One or more of the access easement(s) shown on this plat does not meet state and/or county standards for inclusion in the secondary road system. The access easement(s) will not be maintained by Buffalo County.

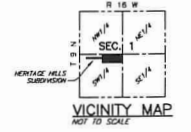
SURVEYOR'S CERTIFICATE

I, Mitchell W. Humphrey, President of Buffalo Surveying Corporation, do hereby certify that, Buffalo Surveying Corporation surveyed Heritage Hills Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, as shown on the above plat, that the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, each lot bears their own number, and this survey was made with reference to known and recorded monuments and in accordance with the Land Surveyors Regulation Act in effect at the time of this survey.

(S E A L)

BUFFALO SURVEYING CORPORATION

Mitchell W. Humphrey, President
Neb. Registered Land Surveyor No. 492



CENTERLINE CURVE DATA

①	Ch. =	1165.00'
	Ang. =	150.00'
	Ang. =	68.29'
	Ang. =	34.25'
	Ch. =	67.70'
	Ch. Brg. =	S 78°41'20" E
②	Ch. =	55.38'±0"
	Ang. =	178.01'
	Ang. =	169.99'
	Ang. =	92.53'
	Ch. =	163.53'
	Ch. Brg. =	N 88°32'10" E
③	Ch. =	29°44'30"
	Ang. =	225.0'
	Ang. =	116.76'
	Ang. =	38.46'
	Ch. =	1115.64'
	Ch. Brg. =	N 75°35'10" E

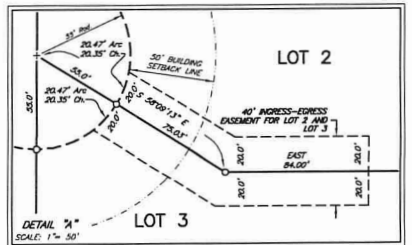
SCALE: 1" = 100'

● = CORNERS FOUND (5/8" ROD)
○ = CORNERS ESTABLISHED (5/8" 24" R. ROD W/ LD. CAP STAMPED "HUMPHREY LS 482")

+ = TEMPORARY POINTS
P = PLATTED DISTANCES
R = RECORDED DISTANCES
M = MEASURED DISTANCES

14.22 AC TOTAL

SURVEY COMPLETED:



NOTE

The Ingress-Egress and Utility Easement located across portions of each lot shown hereon designated as East 106th Place and used for access to the Public Road (1st Avenue) was reman by the Buffalo County Board of Commissioners at the time this plat was approved, accepted, ratified and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.



HERITAGE HILLS SUBDIVISION

A SUBDIVISION BEING PART OF THE NORTH HALF OF THE SOUTHWEST QUARTER (N1/2 SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) NORTH, RANGE SIXTEEN (16) WEST OF THE 6th PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA.

LEGAL DESCRIPTION

A tract of land being part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1118.49 feet to the place of beginning,

TOGETHER WITH;

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point in the East line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

Containing a total of 14.22 acres, more or less.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that Tyler R. Wilterding and Karmen M. Wilterding, husband and wife, and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, owners, and Pinnacle Bank, as beneficiary under Deed of Trust, being the sole owners and beneficiary of the land described hereon, have caused the same to be surveyed, subdivided and platted and designated as Heritage Hills Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, and said owners and beneficiary, hereby ratify and approve the disposition of their property as shown on the above plat, and hereby dedicate to the use and benefit of the public, the owners, their guests and invitees the ingress-egress and utility easement across Lot One (1), Lot Two (2), Lot Three (3) and Lot Four (4), and hereby dedicate to the benefit to the public the 10' utility easements, and hereby dedicate to the benefit of the owners of Lot Two (2) and Lot Three (3), their guests and invitees the 40' ingress and egress easement across portions Lot Two (2) and Lot Three (3), as shown on said plat, and acknowledge said addition to be made with the free consent and in accord with the desires of said owners and beneficiary.

Dated this ____ day of _____, 2025.

Tyler R. Wilterding, husband of Karmen M. Wilterding; Karmen M. Wilterding, wife of Tyler R. Wilterding

Ryan S. Rodehorst, husband of Rutheah A. Rodehorst; Rutheah A. Rodehorst, wife of Ryan S. Rodehorst

PINNACLE BANK, Beneficiary under Deed of Trust

By: Brian C. Moore, Senior Vice President

ACKNOWLEDGEMENTS

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss:
The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Tyler R. Wilterding, husband of Karmen M. Wilterding.
(S E A L)

Notary Public

My commission expires _____.

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss:
The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Karmen M. Wilterding, wife of Tyler R. Wilterding.
(S E A L)

Notary Public

My commission expires _____.

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss:
The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Ryan S. Rodehorst, husband of Rutheah A. Rodehorst.
(S E A L)

Notary Public

My commission expires _____.

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss:
The foregoing instrument was acknowledged before me this ____ day of _____, 2025, by Rutheah A. Rodehorst, wife of Ryan S. Rodehorst.
(S E A L)

Notary Public

My commission expires _____.

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss:
The foregoing Document was acknowledged before me this ____ day of _____, 2025, by Pinnacle Bank, Beneficiary under Deed of Trust, by and through its Senior Vice President, Brian C. Moore.
(S E A L)

Notary Public

My commission expires _____.

COUNTY TREASURER'S CERTIFICATE

This is to certify that I find no regular or special taxes due on the property described within the surveyor's certificate and described within this plat, as shown on the records of this office as of this ____ day of _____, 2025.

(SEAL) Brenda R. Rohrich, Treasurer for Buffalo County, Nebraska

RESOLUTION NO. _____

BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS OF BUFFALO COUNTY, NEBRASKA, in regular session with quorum present, that the plat of Heritage Hills Subdivision, a subdivision being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, duly made out, acknowledged and certified is hereby approved, accepted, ratified and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by: _____ (Print Name)

Seconded by: _____ (Print Name)

that the foregoing resolution be adopted. Said Motion carried on ____ vote(s).

STATE OF NEBRASKA)
COUNTY OF BUFFALO) ss:

I, Heather A. Christensen, County Clerk in and for Buffalo County, Nebraska, being duly qualified, do hereby certify that the above is a true and correct copy of the resolution as passed by the Buffalo County Board of Commissioners on the ____ day of _____, 2025.

(SEAL) Heather A. Christensen, County Clerk

NOTE

One or more of the access easement(s) shown on this plat does not meet state and/or county standards for inclusion in the secondary road system. The access easement(s) will not be maintained by Buffalo County.



REPORT OF TITLE

Central Nebraska Title & Escrow, LLC., authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 699, hereby certifies that the records of **Buffalo County**, Nebraska, have been carefully examined with reference to the following described property, and from such examination finds as follows:

LEGAL DESCRIPTION

TRACT A

A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1,121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1,118.49 feet to the place of beginning.

TRACT B

A tract of land being part of the North half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1,515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point on the East line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

GRANTEES IN LAST DEED OF RECORD:

Tyler R. Wilterding and Karmen M. Wilterding, husband and wife
Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife

UNRELEASED LIENS OF RECORD:

Deed of Trust executed by Tyler R. Wilterding and Karmen M. Wilterding, husband and wife and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, Trustors, and Pinnacle Bank, Trustee, and Pinnacle Bank, Beneficiary, securing \$280,000.00, dated August 10, 2022, filed August 11, 2022, at Instrument No. 2022-04804, in the Office of the Register of Deeds, Buffalo County, Nebraska.

Deed of Trust executed by Tyler R. Wilterding and Karmen M. Wilterding, husband and wife and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, Trustors, and Pinnacle Bank, Trustee, and Pinnacle Bank, Beneficiary, securing \$325,000.00, dated August 10, 2022, filed August 11, 2022, at Instrument No. 2022-04805, in the Office of the Register of Deeds, Buffalo County, Nebraska.

JUDGMENTS AND SUITS PENDING: None.

FEDERAL AND STATE TAX LINES: None.

COUNTY TAXES AND ASSESSMENTS: 2022 and all prior taxes have been paid. 2023 taxes have been assessed in the amount of \$13,693.88 and are PAID. The parcel ID Number is 0560006016.

EASEMENTS AND RESTRICTIONS OF RECORD: None.

FINANCING STATEMENTS: None.

PLEASE NOTE: A tax lien search was also made as the name of WILTERDING and RODEHORST, and none were found.

EFFECTIVE DATE: September 24, 2024 at 8:00 A.M.

Central Nebraska Title & Escrow, LLC

A handwritten signature in black ink, appearing to read 'T. Schott', written over a horizontal line.

Travis W. Schott, Certificate No. 907
State of Nebraska Registered Abstractor

CNT File 01-8349

Report of History on Proposed Development

Buffalo County Planning & Zoning

1512 Central Avenue, PO Box 1270 • Kearney, Nebraska 68848

Phone (308) 236-1998 • Fax (308) 236-1870 • Email: zoning@buffalocounty.ne.gov



Summary Report of Denial for Proposed Plat Submitted to The Buffalo County Board of Commissioners on 10/22/2024.

To: Buffalo County Board of Commissioners

From: Dennise Daniels, Zoning Administrator

Subject: Summary Report of Denial for Proposed Plat

On or around September 23, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for “Heritage Hills Subdivision”, filed by Mitch Humphrey, licensed land surveyor, for a tract of land being part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-071, in the Buffalo County Zoning Records.

While reviewing the proposed final plat, “Heritage Hills Subdivision”, and all applicable Zoning and Subdivision Regulations, to ensure compliance, the following regulations, which are including, but not limited to, the subsequent provisions, were considered:

1. Buffalo County Subdivision Regulations, Section 1.05, states, “No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution. (Resolution 7-13-2021)”;
2. Buffalo County Subdivision Regulations, Section 2.35, defines a street as, “A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street. (Resolution 7-13-2021)”;
3. Buffalo County Subdivision Regulations, Section 4.02 (E), states, “All lots shall have a minimum of 25 feet width along a street or road. (Resolution 7-13-2021)”;
4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
5. Buffalo County Subdivision Regulations, Section 4.03, states, “...Cul-de-Sacs must have a 66-foot radius...”;
6. Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”;
7. Buffalo County Subdivision Regulations, Section 4.11, states, “Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder

Buffalo County Planning & Zoning

1512 Central Avenue, PO Box 1270 • Kearney, Nebraska 68848

Phone (308) 236-1998 • Fax (308) 236-1870 • Email: zoning@buffalocounty.ne.gov



- width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”;
8. Buffalo County Subdivision Regulations, Section 4.12 (A), states, “Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.”;
 9. Buffalo County Subdivision Regulations, Section 4.12 (B), states, “Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).”;
 10. Buffalo County Subdivision Regulations, Section 5.01, states, “All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)”;
 11. Buffalo County Zoning Regulations, Section 5.32 (2), states: “Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from livestock confinement facilities (Resolution 07-13-2021).”.

With careful consideration given to various chapters and sections regarding accesses, in the Buffalo County Zoning and Subdivision Regulations, directly affecting the proposed subdivision, and a review of the proposed plat, “Heritage Hills Subdivision”, inventoried as Permit #2024-071 in the Buffalo County Zoning Records, the preliminary plat, submitted as, “Heritage Hills Subdivision” is not compliant and is, therefore, denied based on the above listed reasons 1 through 11.

The applicants and their agent have received a copy of this report. They may seek appeal of the Zoning Administrator’s decision by requesting a variance within ten (10) days from the date of decision by The Zoning Administrator, under Buffalo County Zoning Regulations, Section 9.4.

Application, Plat & Accompanying Documentation

APPLICATION FOR LAND DEVELOPMENT IN ACCORDANCE WITH BUFFALO COUNTY SUBDIVISION REGULATIONS

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

1-9-16
Riverdale

Type of Plat Administrative Sub _____ Preliminary Plat XX Final Plat _____
Vacation of Plat _____ Variance _____

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.

Subdivision name: Heritage Hills Suidivision Date 09-17-2024

Owner's name: Tyler R. and Karmen M. Wilterding, and Ryan S. and Rutheah A. Rodehorst

Owner's home address: 10635 1st Avenue Place N, Kearney, NE 68847

Telephone number(home): _____ (daytime) Ryan: 308-627-7546

Developer's name: Same as above

Developer's address: Same as above

Engineer's name and address: Buffalo Surveying Corp., Mitchell W. Humphrey
5308 Parklane Dr., Ste 3, P.O. Box 905, Kearney, NE 68848-0905

List all people who own, have liens and other interest Pinnacle Bank

Present use of property: Residential

Desired use of property: Residential Present Zoning AGR

Legal Description of property: See attached sheet

Area of property(square feet and/or acres) 14.22 Acres +/-

Number of lots or parcels: Four (4)

School District _____ Fire District _____

Please attach exhibits (plat, easements, water courses, surveyor's certificate with legal description, copy of covenants, DEQ permits, etc if applicable)

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

Signature of Owner: [Signature] Printed Name Tyler W. Wilterding Ryan Rodehorst

And agent: [Signature]
mitchell w. Humphrey

Preliminary Plat approval date: _____

Office Use Only			
Permit Number	<u>2024-071</u>	Receipt #	<u>975017</u>
Filing Fee	<u>400.00</u>	Zoning Classification	<u>AGR</u>
Floodplain (Yes or No)	<u>partially</u>	Date	<u>9-23-24</u>
8/09		Initial	<u>aw</u>

Action Taken:
P & Z Recommendation: _____ approved _____ disapproved Date: _____
County Commissioners _____ approved _____ disapproved Date: _____

Legal Desc: Heritage Hills Subdivision, Pt N1/2 SW1/4 of Sect. 1, T 9 N, R 16 W of the 6th P.M., Buffalo County, NE
Client: Tyler R. and Karmen M. Wilterding, and Ryan S. and Rutheah A. Rodehorst
Prepared By: Mitch Humphrey
Date: September 18, 2024
BSC Project No.: 220133
Attachment to the Application for Land Development

ATTACHMENT TO THE APPLICATION FOR LAND DEVELOPMENT

LEGAL DESCRIPTION

A tract of land being part of the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1118.49 feet to the place of beginning,

TOGETHER WITH;

A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest Corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point in the East line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

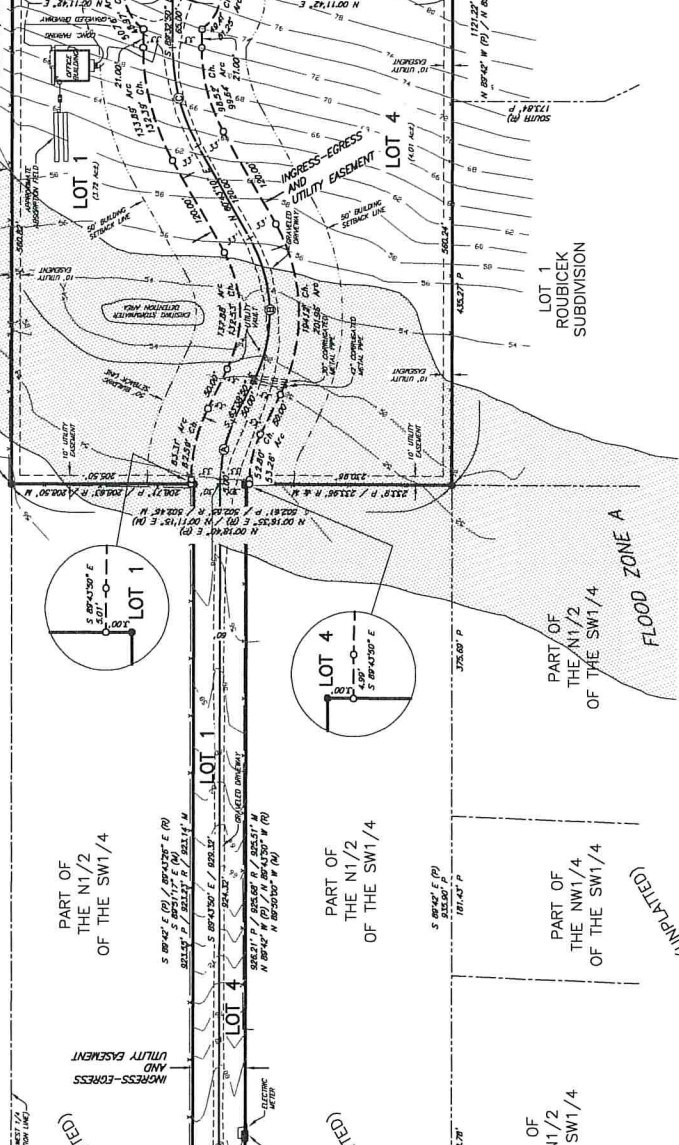
Containing a total of 14.22 acres, more or less.

REQUESTED / POSSIBLE DEVIATIONS FROM THE REGULATIONS

1. Buffalo County Zoning Regulations, Section 5.32 (2), requiring residences abut an improved road.
2. Buffalo County Subdivision Regulations, Section 1.05, requiring all subdivided lots abut a dedicated and maintained public street, public road, or private street, Section 2.35, defining a street.
3. Buffalo County Subdivision Regulations, Section 4.02 (E), requiring all lots have a minimum width of twenty-five feet along a street or road.
4. Buffalo County Subdivision Regulations, Section 4.03, requiring all roads ending in cul-de-sacs be less than 600 feet in length.
5. Buffalo County Subdivision Regulations, Section 4.11, regarding minimum requirements for road design.
6. Buffalo County Subdivision Regulations, Section 4.12 (A), requiring all subdivisions have access via dedicated public streets or roads,
7. Buffalo County Subdivision Regulations, Section 4.12 (B), which require a minimum street width of sixty-six feet.
8. Buffalo County Subdivision Regulations, Section 5.01, which require all subdivisions be graded to the standards in Chapter 4.

HERITAGE HILLS SUBDIVISION
 A SUBDIVISION BEING PART OF THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION ONE (1), TOWNSHIP NINE (9) WEST OF THE 6th PRINCIPAL MERIDIAN, BUFFALO COUNTY, NEBRASKA.

PART OF THE S1/2 OF THE NW1/4 (UNPLATTED)
 PART OF THE S1/2 OF THE NW1/4 (UNPLATTED)
 PART OF THE N1/2 OF THE SW1/4 (UNPLATTED)
 PART OF THE N1/2 OF THE SW1/4 (UNPLATTED)
 PART OF THE N1/2 OF THE SW1/4 (UNPLATTED)
 PART OF THE N1/2 OF THE SW1/4 (UNPLATTED)



LEGAL DESCRIPTION
 A tract of land being part of the Northwest Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1,211.22 feet; thence N 00°18'40" W a distance of 600.00 feet; thence S 89°42' E and on the Northwest Quarter of said Section 1 a distance of 1,118.49 feet to the place of beginning. TOGETHER WITH:
 A tract of land being part of the North Half of the Southwest Quarter (N1/2 SW1/4) of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1,515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 600.00 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to the place of beginning; thence S 89°42' E and on the East line of said Southwest Quarter a distance of 600.00 feet; thence N 00°18'40" W a distance of 600.00 feet; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning. Containing a total of 14.22 acres, more or less.

NOTE
 Prepared by Buffalo Surveying Corporation, on this 18th Day of September 2024 at the request of Tyler R. Willterding and Karmen M. Willterding, husband and wife, and Ryan S. Routhorst and Rutheah A. Routhorst, husband and wife, the being the owners, to reflect the Preliminary Plat as shown.

Zoning: The subject property is presently zoned Agricultural Residential and is to remain the same.
Acres: 14.22 Acres +/-
Storm Water Management: The storm water sheet flows from the site to the existing drainage ways (with no significant additional drainage control required).
Road Profile and Grading: The proposed lots will be accessed via the existing driveway/road located within a proposed ingress-egress easement as shown. No road profiles and grading plan is required.
Floodplain: A portion of the subject property is located within a designated floodplain (Flood Zone A). However the floodplain is not located in the area of the existing houses or habitable areas.

NOTE
 The proposed ingress-egress easement shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by the county. The property owners and successors thereto agree not to request road maintenance from Buffalo County until such time as the ingress-egress easement is approved and dedicated to the public as a private street under the authority of the Buffalo County Public Street Improvement Requirement standards.

OWNER ADDRESSES:
 Tyler R. Willterding
 Karmen M. Willterding
 10635 1st Avenue N
 Kearney, NE 68847

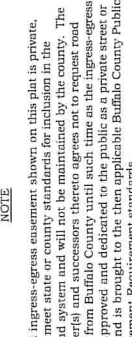
Ryan S. Routhorst
 Rutheah A. Routhorst
 10635 1st Avenue N
 Kearney, NE 68847

DETAIL #1
 SCALE: 1" = 50'

DETAIL #2
 SCALE: 1" = 50'

LEGEND:
 S = CONCRETE ROAD (8" x 12" x 18" EXCEPT AS INDICATED)
 O = CONCRETE DRIVEWAY (8" x 12" x 18" EXCEPT AS INDICATED)
 P = PAVED DISTANCES
 R = RECORD DISTANCES
 M = MEASURED DISTANCES

VICINITY MAP
 14.22 ACRES TOTAL
 SURVEY COMPLETED: 08/28/24



REPORT OF TITLE

Central Nebraska Title & Escrow, LLC., authorized to engage in the business of abstracting in the State of Nebraska under Certificate of Authority No. 699, hereby certifies that the records of **Buffalo County**, Nebraska, have been carefully examined with reference to the following described property, and from such examination finds as follows:

LEGAL DESCRIPTION

TRACT A

A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1,121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1,118.49 feet to the place of beginning.

TRACT B

A tract of land being part of the North half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1,515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point on the East line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

GRANTEES IN LAST DEED OF RECORD:

Tyler R. Wilterding and Karmen M. Wilterding, husband and wife
Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife

UNRELEASED LIENS OF RECORD:

Deed of Trust executed by Tyler R. Wilterding and Karmen M. Wilterding, husband and wife and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, Trustors, and Pinnacle Bank, Trustee, and Pinnacle Bank, Beneficiary, securing \$280,000.00, dated August 10, 2022, filed August 11, 2022, at Instrument No. 2022-04804, in the Office of the Register of Deeds, Buffalo County, Nebraska.

Deed of Trust executed by Tyler R. Wilterding and Karmen M. Wilterding, husband and wife and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, Trustors, and Pinnacle Bank, Trustee, and Pinnacle Bank, Beneficiary, securing \$325,000.00, dated August 10, 2022, filed August 11, 2022, at Instrument No. 2022-04805, in the Office of the Register of Deeds, Buffalo County, Nebraska.

JUDGMENTS AND SUITS PENDING: **None.**

FEDERAL AND STATE TAX LINES: **None.**

COUNTY TAXES AND ASSESSMENTS: 2022 and all prior taxes have been paid. 2023 taxes have been assessed in the amount of \$13,693.88 and are PAID. The parcel ID Number is 0560006016.

EASEMENTS AND RESTRICTIONS OF RECORD: None.

FINANCING STATEMENTS: None.

PLEASE NOTE: A tax lien search was also made as the name of WILTERDING and RODEHORST, and none were found.

EFFECTIVE DATE: September 24, 2024 at 8:00 A.M.

Central Nebraska Title & Escrow, LLC

A handwritten signature in black ink, appearing to read 'T. Schott', written over a horizontal line.

Travis W. Schott, Certificate No. 907
State of Nebraska Registered Abstracter

CNT File 01-8349

Last Deed of Record

2022-04803

KELLIE JOHN
BUFFALO COUNTY REGISTER OF DEEDS
KEARNEY, NEBRASKA
RECORDED ON: 08/11/2022 03:08:13 PM
DEED CORP WARRANTY

REC FEE: 16.00
PAGES: 2

PD: 1,939.75 ESCROW:
CK: ACH SIMPLIFILE

REC'D:SIMPLIFILE SUB:CENTRAL NE TITLE
10635 1ST AVENUE PLACE NORTH-KEARNEY
10655 1ST AVENUE PLACE NORTH-KEARNEY
NEBRASKA DOCUMENTARY STAMP TAX
DOC TAX: 1,923.75
EXEMPTION:
RECORDED ON: 08/11/2022
AUTHORIZED BY: AMS

PROPERTY OF BUFFALO COUNTY, NEBRASKA

Central Nebraska Title & Escrow, L.L.C.
4503 2nd Avenue, Suite 101
Kearney, NE 68847

CORPORATION WARRANTY DEED

Christian Heritage Children's Home, a Nebraska Corporation, GRANTOR, in consideration of One Dollar and other good and valuable consideration received from Tyler R. Wilterding and Karmen M. Wilterding, husband and wife and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, GRANTEEES, hereby conveys to GRANTEEES, as joint tenants and not as tenants in common, the following described real estate (as defined in Neb. Rev. Stat. §76-201):

TRACT A

A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1,121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1,118.49 feet to the place of beginning.

TRACT B

A tract of land being part of the North half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1,515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W a distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point on the East line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

GRANTOR covenants (jointly and severally, if more than one) with GRANTEE that GRANTOR:

- 1) is lawfully seized of such real estate and that it is free from encumbrance; except easements, reservations, covenants and restrictions visible and of record;
- 2) has legal power and lawful authority to convey the same; and
- 3) warrants and will defend title to the real estate against the lawful claims of all persons.

01-6847

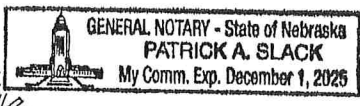
PROPERTY OF BUFFALO COUNTY

Executed this 5 day of August, 2022.

Roy Baldwin
Roy Baldwin, CEO of Christian Heritage
Children's Home, a Nebraska Corporation

STATE OF NEBRASKA

COUNTY OF Buffalo



The foregoing instrument was acknowledged before me on August 5, 2022 by Roy Baldwin, CEO of Christian Heritage Children's Home, a Nebraska Corporation.

Patrick A. Slack
Notary Public

My commission expires 12/1/2025

Remainderment

Dennise Daniels

From: Mitch Humphrey - Buffalo Surveying Corp. <Mitch@BuffaloSurveying.com>
Sent: Wednesday, October 2, 2024 11:20 AM
To: Dennise Daniels
Subject: Heritage Hills Subdivision (Wilterding / Rodehorst) Pt. of Sect. 1, T 9 N, R 16 W, Buffalo County, NE

Importance: High

Dennise:

The proposed subdivision project for Mr. and Mrs. Wilterding and Mr. and Mrs. Rodehorst titled "Heritage Hills Subdivision" encompasses the entirety of their property as described on the Deed of record, the Preliminary Plat and the Limited Title Report all provided to your office.

Please contact me should you have any questions or require additional information.

Mitch Humphrey



Mitchell W. Humphrey, President
Nebr. Registered Land Surveyor No. 492
BUFFALO SURVEYING CORP.

5308 Parklane Dr. Suite 3
P.O. Box 905
Kearney, Nebraska 68848-0905
Office: 308-237-3785
Cell: 308-440-5768
www.BuffaloSurveying.com
Mitch@BuffaloSurveying.com

Confidentiality Statement:

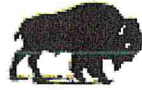
"The information contained in this message is confidential information intended only for the use of the individual or entity identified above. If the receiver of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this message in error, please immediately notify the sender by replying to his/her e-mail address noted above and delete the message."

Applicant & Agent Denial Letters

Buffalo County Planning & Zoning

1512 Central Avenue, PO Box 1270 • Kearney, Nebraska 68848

Phone (308) 236-1998 • Fax (308) 236-1870 • Email: zoning@buffalocounty.ne.gov



October 9, 2024

Buffalo Surveying Corporation
c/o Mitch Humphrey
5308 Parklane Drive, Ste. 3
PO Box 905
Kearney, NE 68848-0905

Mr. Humphrey,

On or around September 23, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for “Heritage Hills Subdivision”, filed by Mitch Humphrey, licensed land surveyor, for a tract of land being part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-071, in the Buffalo County Zoning Records.

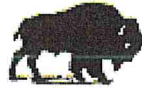
While reviewing the proposed final plat, “Heritage Hills Subdivision”, and all applicable Zoning and Subdivision Regulations, to ensure compliance, the following regulations, which are including, but not limited to, the subsequent provisions, were considered:

1. Buffalo County Subdivision Regulations, Section 1.05, states, “No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution. (Resolution 7-13-2021)”;
2. Buffalo County Subdivision Regulations, Section 2.35, defines a street as, “A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street. (Resolution 7-13-2021)”;
3. Buffalo County Subdivision Regulations, Section 4.02 (E), states, “All lots shall have a minimum of 25 feet width along a street or road. (Resolution 7-13-2021)”;
4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
5. Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”;
6. Buffalo County Subdivision Regulations, Section 4.03, states, “...Cul-de-Sacs must have a 66-foot radius...”;

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7. Buffalo County Subdivision Regulations, Section 4.11, states, “Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”;
8. Buffalo County Subdivision Regulations, Section 4.12 (A), states, “Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.”;
9. Buffalo County Subdivision Regulations, Section 4.12 (B), states, “Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).”;
10. Buffalo County Subdivision Regulations, Section 5.01, states, “All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)”;
11. Buffalo County Zoning Regulations, Section 5.32 (2), states: “Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from livestock confinement facilities (Resolution 07-13-2021).”.

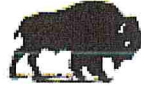
With careful consideration given to various chapters and sections regarding accesses, in the Buffalo County Zoning and Subdivision Regulations, directly affecting the proposed subdivision, and a review of the proposed plat, “Heritage Hills Subdivision”, inventoried as Permit #2024-071 in the Buffalo County Zoning Records, the preliminary plat, submitted as, “Heritage Hills Subdivision” is not compliant and is, therefore, denied based on the above listed reasons 1 through 11.

The applicants and their agent have received a copy of this report. They may seek appeal of the Zoning Administrator’s decision by requesting a variance within ten (10) days from the date of decision by The Zoning Administrator, under Buffalo County Zoning Regulations, Section 9.4.

Buffalo County Planning & Zoning

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Sincerely,

A handwritten signature in blue ink that reads "Dennise Daniels". The signature is fluid and cursive, with the first name being more prominent.

Dennise Daniels
Buffalo County Zoning & Floodplain Administrator
PO Box 1270
1512 Central Ave
Kearney, NE 68847
Office: (308) 236-1998
ddaniels@buffalocounty.ne.gov

PC: Tyler R. & Karmen M. Wilterding
Ryan S. & Rutheah A. Rodehorst

Buffalo County Planning & Zoning

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October 9, 2024

Ryan S. & Rutheah A. Rodehorst
10635 1st Avenue Place N
Kearney, NE 68847

Mr. Rodehorst and Ms. Rodehorst,

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While reviewing the proposed final plat, “Heritage Hills Subdivision”, and all applicable Zoning and Subdivision Regulations, to ensure compliance, the following regulations, which are including, but not limited to, the subsequent provisions, were considered:

1. Buffalo County Subdivision Regulations, Section 1.05, states, “No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution. (Resolution 7-13-2021)”;
2. Buffalo County Subdivision Regulations, Section 2.35, defines a street as, “A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street. (Resolution 7-13-2021)”;
3. Buffalo County Subdivision Regulations, Section 4.02 (E), states, “All lots shall have a minimum of 25 feet width along a street or road. (Resolution 7-13-2021)”;
4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
5. Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”;
6. Buffalo County Subdivision Regulations, Section 4.03, states, “...Cul-de-Sacs must have a 66-foot radius...”;
7. Buffalo County Subdivision Regulations, Section 4.11, states, “Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally

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- conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”;
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 9. Buffalo County Subdivision Regulations, Section 4.12 (B), states, “Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).”;
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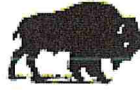
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The applicants and their agent have received a copy of this report. They may seek appeal of the Zoning Administrator’s decision by requesting a variance within ten (10) days from the date of decision by The Zoning Administrator, under Buffalo County Zoning Regulations, Section 9.4.

Buffalo County Planning & Zoning

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Sincerely,

A handwritten signature in blue ink that reads "Dennise Daniels". The signature is fluid and cursive, with a large loop at the end of the last name.

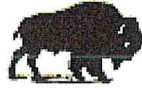
Dennise Daniels
Buffalo County Zoning & Floodplain Administrator
PO Box 1270
1512 Central Ave
Kearney, NE 68847
Office: (308) 236-1998
ddaniels@buffalocounty.ne.gov

PC: Tyler R. & Karmen M. Wilterding
Mitch Humphrey, Buffalo Surveying Corporation

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October 9, 2024

Tyler R. & Karmen M. Wilterding
10635 1st Avenue Place N
Kearney, NE 68847

Mr. Wilterding and Ms. Wilterding,

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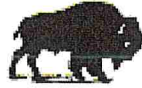
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4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
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1512 Central Avenue, PO Box 1270 • Kearney, Nebraska 68848

Phone (308) 236-1998 • Fax (308) 236-1870 • Email: zoning@buffalocounty.ne.gov



- conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”;
8. Buffalo County Subdivision Regulations, Section 4.12 (A), states, “Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.”;
 9. Buffalo County Subdivision Regulations, Section 4.12 (B), states, “Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).”;
 10. Buffalo County Subdivision Regulations, Section 5.01, states, “All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)”;
 11. Buffalo County Zoning Regulations, Section 5.32 (2), states: “Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from livestock confinement facilities (Resolution 07-13-2021).”.

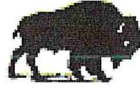
With careful consideration given to various chapters and sections regarding accesses, in the Buffalo County Zoning and Subdivision Regulations, directly affecting the proposed subdivision, and a review of the proposed plat, “Heritage Hills Subdivision”, inventoried as Permit #2024-071 in the Buffalo County Zoning Records, the preliminary plat, submitted as, “Heritage Hills Subdivision” is not compliant and is, therefore, denied based on the above listed reasons 1 through 11.

The applicants and their agent have received a copy of this report. They may seek appeal of the Zoning Administrator’s decision by requesting a variance within ten (10) days from the date of decision by The Zoning Administrator, under Buffalo County Zoning Regulations, Section 9.4.

Buffalo County Planning & Zoning

1512 Central Avenue, PO Box 1270 • Kearney, Nebraska 68848

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Sincerely,

A handwritten signature in blue ink that reads "Dennise Daniels". The signature is fluid and cursive, with the first name being more prominent.

Dennise Daniels
Buffalo County Zoning & Floodplain Administrator
PO Box 1270
1512 Central Ave
Kearney, NE 68847
Office: (308) 236-1998
ddaniels@buffalocounty.ne.gov

PC: Ryan S. & Rutheah A. Rodehorst
Mitch Humphrey, Buffalo Surveying Corporation

**Certification
of Board of
Adjustment
Meeting
Minutes**

December 12, 2024



**Return to: Buffalo County Zoning
PO Box 1270
Kearney, NE 68848**

Board of Adjustment Minutes

CERTIFICATE

STATE OF NEBRASKA COUNTY OF BUFFALO COUNTY

I, Dennise Daniels, Zoning Administrator of Buffalo County, Nebraska, hereby certify that the variance listed below is a true and correct portion of the minutes of the Board of Adjustment for Buffalo County for the meeting held on the 12th day of December, 2024. This should be indexed against the following properties, acquired by the corresponding property owners:

Two tracts of land, owned by Tyler R. Wilterding and Karmen M. Wilterding, husband and wife, and Ryan S. Rodehorst and Rutheah A. Rodehorst, husband and wife, found in Document # 2022-04803;

Vice-Chairperson Rodney Gangwish opened the public hearing at 4:03 P.M. for an Application for Zoning Variance, received from Mitch Humphrey, licensed land surveyor, on behalf of Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst, under Buffalo County Subdivision Regulations: Section 1.05 which requires all subdivided land abut a dedicated and maintained street/road; Section 2.35 which defines a street; Section 4.02 (E) which requires that all lots have a minimum 25 feet abutment along a street/road; Section 4.03 which requires streets/roads ending in a cul-de-sac be shorter than 600 feet; Section 4.03 which requires the minimum right-of-way widths to be 66 feet; Section 4.03 which requires cul-de-sacs have a 66-foot radius; Section 4.11 which require all streets/roads in a subdivision conform minimum standards; Section 4.12 (A) which requires access within a subdivision be accomplished by dedicated public streets/roads with minimum design standards; Section 4.12 (B) which requires all private streets to have a minimum width of 66 feet; Section 5.01 which sets out requirements for the grading of roads/streets; AND Buffalo County Zoning Regulations, Section 5.32 (2) which requires all dwellings to abut an improved road to be indexed against the following tracts of land as described below:

Tract A

A tract of land being part of the Northeast Quarter of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Beginning at the Northeast Corner of the Southwest Quarter of said Section 1, and assuming the East line of said Southwest Quarter as bearing SOUTH and all bearings contained herein are relative thereto; thence SOUTH on the East line of said Southwest Quarter a distance of 502.61 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 1,121.22 feet; thence N 00°18'40" E a distance of 502.61 feet to a point on the North line of the Southwest Quarter of said Section; thence S 89°42' E and on the aforesaid North line a distance of 1,118.49 feet to the place of beginning.

Tract B

A tract of land being part of the North half of the Southwest Quarter of Section 1, Township 9 North, Range 16 West of the 6th P.M., Buffalo County, Nebraska, more particularly described as follows: Referring to the Northwest corner of the Southwest Quarter of said Section 1 and assuming the North line of said Southwest Quarter as bearing S 89°42' E and all bearings contained herein are relative thereto; thence S 89°42' E and on the North line of said Southwest Quarter a distance of 1,515.77 feet; thence S 00°18'40" W a distance of 208.71 feet to the

ACTUAL PLACE OF BEGINNING; thence continuing S 00°18'40" W distance of 60.0 feet; thence N 89°42' W and parallel with the North line of said Southwest Quarter a distance of 926.21 feet to a point on the east line of a public road in Raasch's Subdivision, a subdivision to Buffalo County, Nebraska; thence N 02°47'49" E and on the aforesaid East line of said public road a distance of 60.06 feet; thence S 89°42' E parallel with the North line of said Southwest Quarter a distance of 923.55 feet to the place of beginning.

Mitch Humphrey, licensed land surveyor, with Buffalo Surveying Corporation, of 5308 Parklane Drive, Kearney, Nebraska, stepped to the table, on behalf of Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst. Mr. Humphrey provided a brief history on the proposed subdivided lands, adding that easements were a common means of access when this particular tract of land was originally subdivided. Further, he added, the access easement is not built to conformity with current regulations and will never be maintained by Buffalo County.

Mitch Humphrey, licensed land surveyor, with Buffalo Surveying Corporation, of 5308 Parklane Drive, Kearney, Nebraska, stepped to the table, on behalf of Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst. Mr. Humphrey provided a brief history on the proposed subdivided lands, adding that easements were a common means of access when this particular tract of land was originally subdivided. Further, he added, the access easement is not built to conformity with current regulations and will never be maintained by Buffalo County.

Mr. Humphrey explained that after the tract was originally subdivided by Mr. Lyle Raasch, Faith Christian Homes, a tax-exempt organization, took possession of the property, constructing two residences to house and rehabilitate troubled youth. Recently, he continued, the organization has sold the property to Tyler R. Wilterding and Karmen M. Wilterding and Ryan S. Rodehorst and Rutheah A. Rodehorst. The applicants, he advised, wish to subdivide the tract into four smaller lots and avoid sharing one tract of land between the two families. In order to advance the application and ensure economic stability for this tract of land, he stated, the applicants have requested several variances to bring the subdivision into conformity. He reviewed the variances set forth as: Buffalo County Subdivision Regulations: Section 1.05 which requires all subdivided land abut a dedicated and maintained street/road; Section 2.35 which defines a street; Section 4.02 (E) which requires that all lots have a minimum 25 feet abutment along a street/road; Section 4.03 which requires streets/roads ending in a cul-de-sac be shorter than 600 feet; Section 4.03 which requires the minimum right-of-way widths to be 66 feet; Section 4.03 which requires cul-de-sacs have a 66-foot radius; Section 4.11 which require all streets/roads in a subdivision conform minimum standards; Section 4.12 (A) which requires access within a subdivision be accomplished by dedicated public streets/roads with minimum design standards; Section 4.12 (B) which requires all private streets to have a minimum width of 66 feet; Section 5.01 which sets out requirements for the grading of roads/streets; AND Buffalo County Zoning Regulations, Section 5.32 (2).

Mr. Humphrey stated that there is a hardship involved with widening the road because the applicants would need to acquire additional lands to bring the easement/access road into conformity. Furthermore, he continued, the access road, ending in a cul-de-sac is too long, under Buffalo County Subdivision Regulations.

Mr. Humphrey continued further; he stated that all the proposed lots do not have frontage along a dedicated road. He stated that two lots will have frontage, but the other two will not.

Mr. Humphrey added that the proposed subdivision has a 55-foot radius cul-de-sac, but Buffalo County Subdivision Regulations, Section 4.03 requires cul-de-sacs have a 66-foot radius. He added that the situation of requiring a 66-foot radius cul-de-sac would create an additional hardship and an additional nonconformity for the 50-foot setback requirement under Buffalo County Zoning Regulations.

Mr. Humphrey explained the preliminary plat is in conformance in its entirety, with the exception of the inventoried list of variances.

Mr. Humphrey reviewed two other nonconforming subdivisions in this geographic region that had, recently, been reviewed and approved.

Deputy County Attorney Hoffmeister advised that a hardship will be impending for the applicants for financing, as well as disrepair on the existing structures, if the variances are not approved.

Deputy County Attorney Hoffmeister counselled the intent of the Agricultural – Residential (AGR) District, Buffalo County Zoning Regulations, Section 5.31, “INTENT: This district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Buffalo County, or in rural areas with reasonable access to major rural roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.”

Ms. Jeffs inquired about the discrepancy regarding the address. Zoning Administrator Daniels explained that upon review of the proposed plat, “Heritage Hills Subdivision”, the ingress/egress easement, which provides access to the proposed lots, is named 1st Avenue Place North and the post office addresses for the existing structures are, also, listed as such. However, she continued, upon discussion and review with the Buffalo County Sheriff’s Department, that particular access is shown in the 911 software as East 106th Road. She added, to further complicate the situation, there is a subdivision directly to the south of the proposed subdivision, which has an entirely different access, also known as North 1st Avenue Place. Buffalo County Subdivision Regulations, Section 4.08 (B) states, “Duplication or similar naming discouraged Proposed Street names shall not duplicate or approximate phonetically the name of any existing street in Buffalo County and the City of Kearney.” Ms. Jeffs stated that she would like to have the address issue resolved to ensure timely emergency responses. Zoning Administrator Daniels explained there were emails from The Buffalo County Highway Department and the Buffalo County Sheriff’s Office, regarding how the address situation should be resolved.

Mr. Hardesty asked if the applicants were present. Mr. Humphrey answered, yes. Mr. Hardesty asked one, or both, of the applicants to step to the table. Mr. Tyler Wilterding, of 10665 1st Avenue Place, Kearney, Nebraska, stepped forward. He stated that he currently resides in the northernmost residence and added that, as things are, the applicants are having a difficult time getting homeowners insurance with multiple structures/residences on the same parcel. Mr. Humphrey added, due to the uniqueness of the property, the property sat unsold and vacant for a long period of time.

Deputy County Attorney Hoffmeister advised that, if either of the residences burn down, then a residence cannot be reconstructed with its existing nonconformities, due to our current regulations.

Mr. Hardesty inquired when the proposed tract of land was originally subdivided. Mr. Humphrey testified, he wasn’t sure, but thought it was around 1990.

Vice-Chairperson Gangwish requested confirmation of the entirety of the variances. Mr. Humphrey reviewed the variances.

Mr. Humphrey added that the plat, as presented, should not significantly increase traffic counts on a regular basis.

Vice-Chairperson Gangwish asked if anyone from the public wished to speak.

Mr. Sawyer Scherr, of 10475 North 1st Avenue Place, Kearney, Nebraska, who is later identified, inquired how many more hearings, regarding the proposed subdivision there were and Deputy

County Attorney Hoffmeister explained there would be two, assuming The Board of Adjustment approved the variances.

Deputy County Attorney Hoffmeister counselled The Board on what interpretations and requirements they are charged with.

Mr. Humphrey reviewed the floodplain area, as well as the existing structures, in the proposed subdivision.

Mr. Hardesty inquired the purpose of subdividing. Mr. Wilterding explained that it was the applicants' intent to secure lending, as well as seek insurance.

Mr. Rich asked how long the applicants have owned the tract of land. Mr. Wilterding responded they have owned it for approximately two years.

Vice-Chairperson Gangwish asked if anyone from the public wished to speak.

Mr. Sawyer Scherr stepped forward to provide testimony. He stated that he owns property to the south of the proposed subdivision. He testified that he has no issue with the subdivision of the lands, but he's concerned about road maintenance. He explained that he lives along an access easement that is currently being maintained by a property owner that will be moving. He stated he believed Buffalo County should provide maintenance and he should not be burdened with the cost of road maintenance. Deputy County Attorney Hoffmeister explained Buffalo County will not accept responsibility and reviewed the requirements of Buffalo County accepting the maintenance. Mr. Scherr thanked The Board for their time.

The road maintenance responsibility was discussed.

Vice-Chairperson Gangwish asked Zoning Administrator Daniels if she had anything to add. She declined. He, then, asked Deputy County Attorney Hoffmeister if he wished to add anything and Deputy County Attorney Hoffmeister reiterated that The Board is charged with making a nonconforming area, conforming to ensure no economic disrepair and to remain in conformance with the spirit of the Agricultural – Residential (AGR) District.

The address concern was discussed. Zoning Administrator Daniels stated that The Buffalo County Sheriff's Office and The Buffalo County Highway Department recommended renaming the street East 106th Street Place. Mr. Hardesty and Vice-Chairperson Gangwish agreed.

Vice-Chairperson Gangwish inquired if anyone wished to speak. No one spoke.

Vice-Chairperson Gangwish closed the public hearing at 4:51 P.M.

Vice-Chairperson Gangwish if there was further discussion. Ms. Jeffs stated that she appreciated the road name change. Mr. Rich advised that the project should be approved, due to the named hardships. Mr. Hardesty agreed.

A motion was made by Ms. Jeffs, seconded by Mr. Hardesty to approve the Application for Variance, under Buffalo County Subdivision Regulations: Section 1.05 which requires all subdivided land about a dedicated and maintained street/road; Section 2.35 which defines a street; Section 4.02 (E) which requires that all lots have a minimum 25 feet abutment along a street/road; Section 4.03 which requires streets/roads ending in a cul-de-sac be shorter than 600 feet; Section 4.03 which requires the minimum right-of-way widths to be 66 feet; Section 4.03 which requires cul-de-sacs have a 66-foot radius; Section 4.11 which require all streets/roads in a subdivision conform minimum standards; Section 4.12 (A) which requires access within a subdivision be accomplished by dedicated public streets/roads with minimum design standards; Section 4.12 (B) which requires all private streets to have a minimum width of 66 feet in width; Section 5.01 which sets out requirements for the grading of roads/streets; AND Buffalo County

Zoning Regulations, Section 5.32 (2) which requires all dwellings to abut an improved road for a tract of land located in the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th p.m., Buffalo County, Nebraska, along with the suggested address change to 'East 106th Street Place'.

This Board finds that there was an undue hardship for land that may be devalued due to a nonconforming lot, which is accessed by nonconforming accesses based on the inability of use for economic development potential, paired with the helplessness to secure lending and have access to affordable insurance.

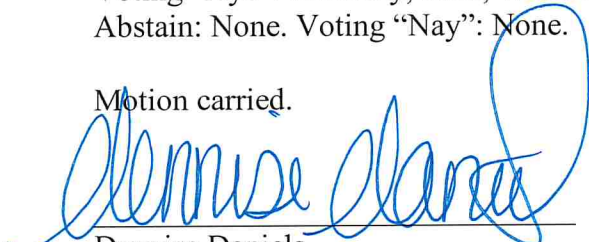
This Board finds that this particular issue is not generally shared by the other properties in the same zoning district and the same vicinity.

This Board finds that the authorization of the variance will not be of substantial detriment to the adjacent properties and character of the district will not be changed by the granting of the variance.

This Board finds that the granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

Voting "Aye": Hardesty, Jeffs, White and Gangwish. Absent: Pierce and Pemberton-Riege.
Abstain: None. Voting "Nay": None.

Motion carried.


Dennise Daniels
Buffalo County Zoning Administrator

ATTEST


Heather A. Christensen
Buffalo County Clerk

Date: 12/31/2024



Preliminary

Plat

Resolution

2025-06

RESOLUTION 2025-06

WHEREAS, on or around September 23, 2024, The Buffalo County Zoning Office received an Application for Preliminary Plat for “Heritage Hills Subdivision”, filed by Mitch Humphrey, licensed land surveyor, for a tract of land being part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the 6th P.M., Buffalo County, Nebraska, inventoried as Permit #2024-071, in the Buffalo County Zoning Records.

WHEREAS, on, or around October 22, 2024, during the regular meeting of the Buffalo County Board of Commissioners, The Buffalo County Zoning Administrator, denied the Application for Preliminary Plat, known as “Heritage Hills Subdivision” because the subdivision, as proposed, was noncompliant under zoning and subdivisions, then, in effect. Thereafter the Board, by simple majority, voted in favor of The Buffalo County Zoning Administrator’s recommendation of denial, and

WHEREAS, on December 12, 2024, at the request of the applicant for subdivision, the Buffalo County Board of Adjustment, considered, and approved, the following requests for relaxation:

1. Buffalo County Subdivision Regulations, Section 1.05, states, “No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution. (Resolution 7-13-2021)”;
2. Buffalo County Subdivision Regulations, Section 2.35, defines a street as, “A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street. (Resolution 7-13-2021)”;
3. Buffalo County Subdivision Regulations, Section 4.02 (E), states, “All lots shall have a minimum of 25 feet width along a street or road. (Resolution 7-13-2021)”;
4. Buffalo County Subdivision Regulations, Section 4.03, states, “...In all cases of permanent dead-end streets and roads, cul-de-sac rights of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet...”;
5. Buffalo County Subdivision Regulations, Section 4.03, states, “...Cul-de-Sacs must have a 66-foot radius...”;
6. Buffalo County Subdivision Regulations, Section 4.03, requires the minimum right-of-way widths to be “66 feet”;
7. Buffalo County Subdivision Regulations, Section 4.11, states, “Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Classification Local Road RL-2 as to design, grade, maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the dedicated road right of way.”;

8. Buffalo County Subdivision Regulations, Section 4.12 (A), states, "Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.";
9. Buffalo County Subdivision Regulations, Section 4.12 (B), states, "Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution, shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13- 2021).";
10. Buffalo County Subdivision Regulations, Section 5.01, states, "All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)";
11. Buffalo County Zoning Regulations, Section 5.32 (2), states: "Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located minimum distances from livestock confinement facilities (Resolution 07-13-2021).".

WHEREAS, on January 16, 2025, the Buffalo County Planning & Zoning Commission, after public hearing, gave a favorable recommendation, together with the condition that the access road be renamed to E. 106th Street Place, to the proposed subdivision of land, together with various suggestions and recommendations, all as stated in the minutes of that meeting of the Commission that have been forwarded to this Board, and reviewed by this Board, and


NOW THEREFORE, BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF COMMISSIONERS, in regular session with a quorum present, that Buffalo County, on a preliminary basis, approves the proposed "Heritage Hills Subdivision", a subdivision located in part of the North Half of the Southwest Quarter of Section One (1), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

FURTHER RESOLVED that this resolution is not an approval of a Final Plat and a copy is not to be filed against the foregoing real estate until the Final Plat is approved.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY, 2025.

ATTEST:

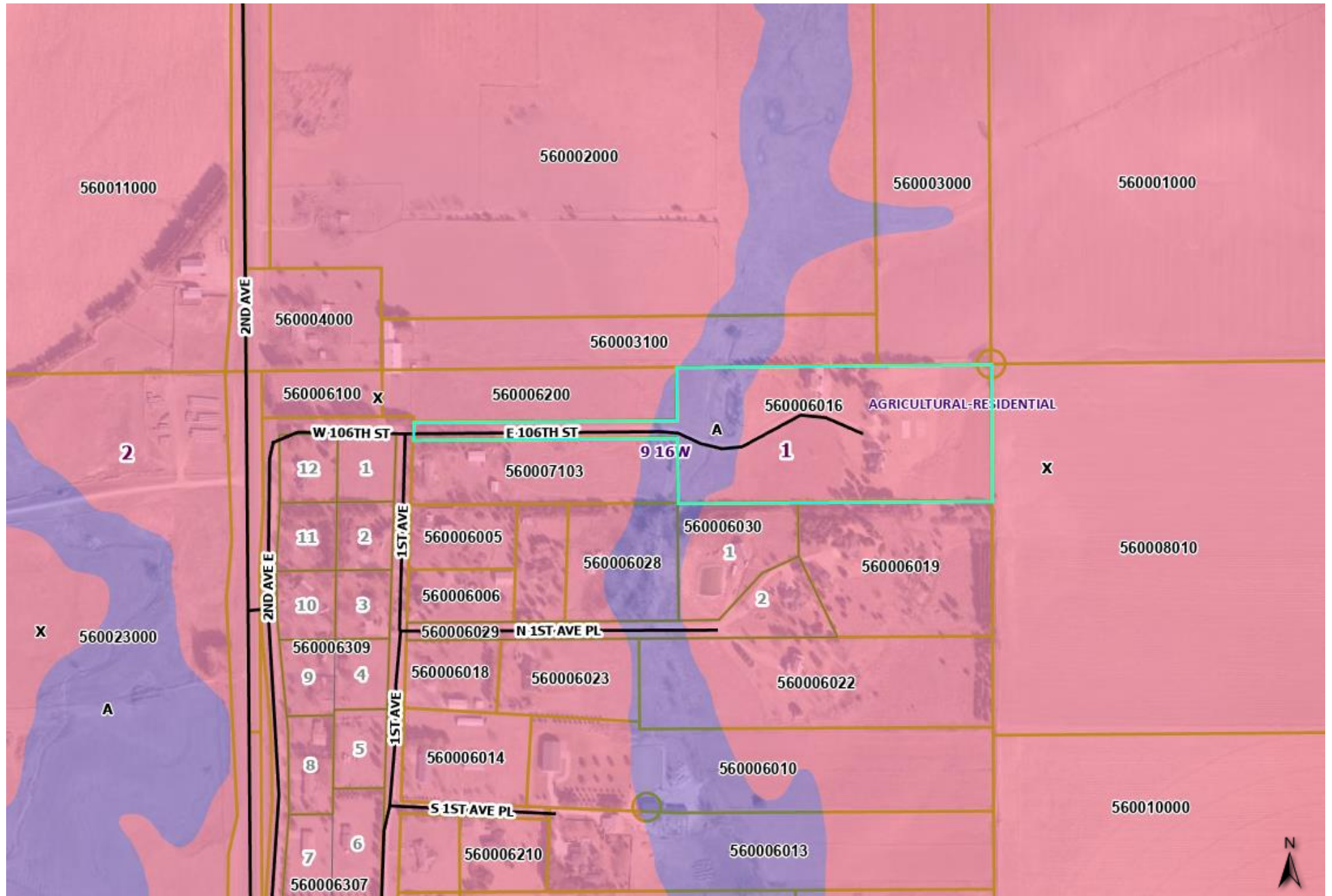

 Sherry L. Morrow, Chairperson
 Buffalo County Board of Commissioners


 Heather A. Christensen
 Buffalo County Clerk



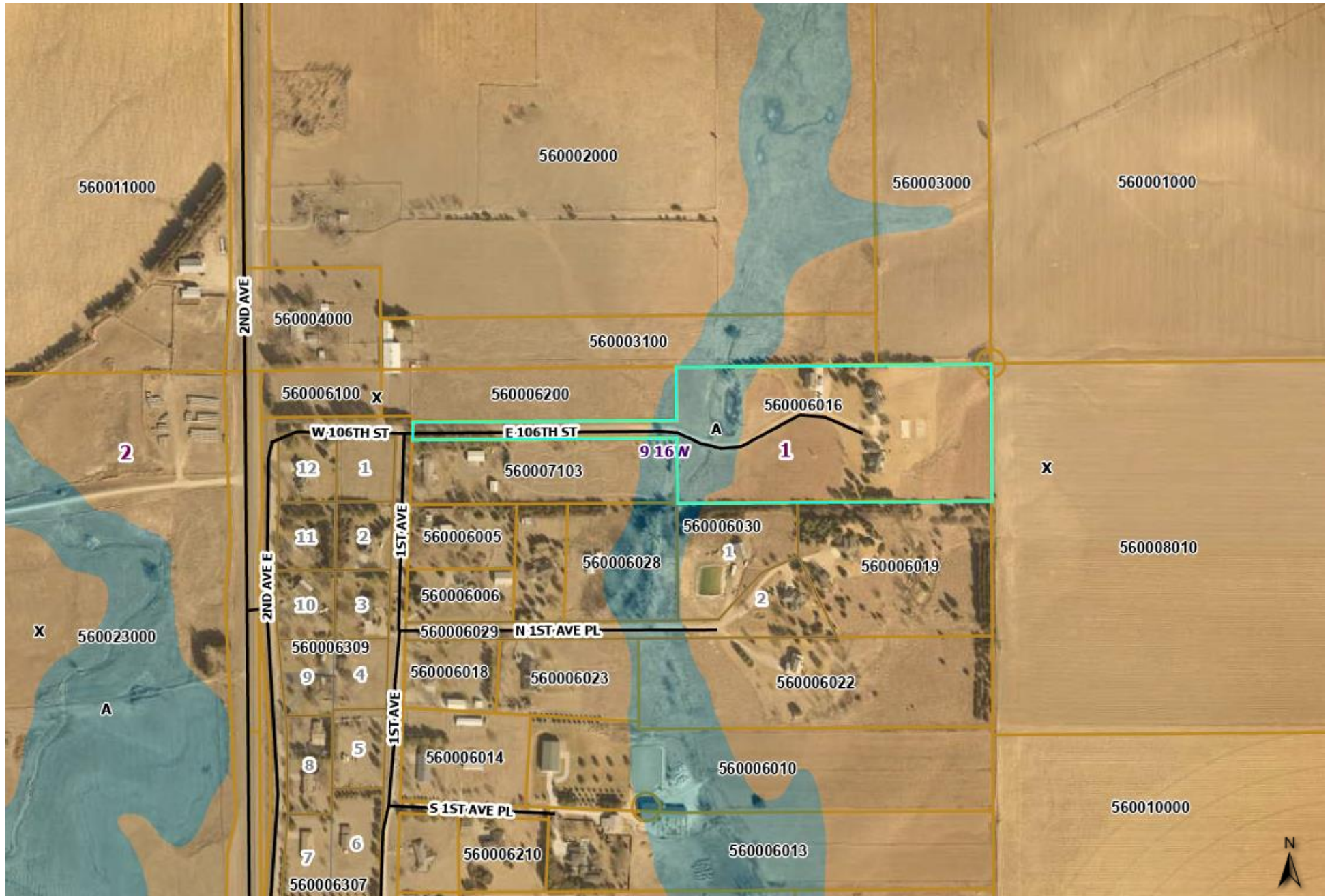
Heritage Hills Zoning/Floodplain Map

Created by: null



Heritage Hills Aerial/Floodplain Map

Created by: null



Zoning Agenda

Item #3

Proposed
Zoning
Regulations

Legend	
	Already approved and updated.
	Reviewed/Discussed at April 2023 Meeting.
	Revised at June Meeting.
	Revised at July Meeting.
	Reviewed/Revised at August Meeting.
	Reviewed/Revised at October Meeting.
	Reviewed/Revised at November Meeting.
	Reviewed/Revised at February 2024 Meeting.
	Reviewed/Revised at April 2024 Meeting.
	BoC Recommended Re-Review.
	Reviewed/Revised at September Meeting.
	Reviewed/Revised at October Meeting.
	Recommended for inclusion by BoC on 2/25/2025.

ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

This Resolution shall be known, referred to, and cited as the Zoning Resolution of Buffalo County in the State of Nebraska.

1.2 JURISDICTION

The provisions of this Resolution shall apply within the planning jurisdiction of Buffalo County as established on the map entitled "The Official Zoning Map of Buffalo County, Nebraska." The jurisdiction includes the rural and unincorporated areas of Buffalo County.

1.3 PURPOSE

In pursuance of the authority conferred by Sections 23-114.03 to 114.05 and 23-164 to 174.10 of Nebraska Revised Statutes as amended, and other applicable laws, this resolution is enacted for the purpose of promoting the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Buffalo County and for implementing the Comprehensive Plan of the County.

ARTICLE 2

APPLICATION OF REGULATIONS

2.1 GENERAL

The zoning regulations set forth by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

2.2 ZONING AFFECTS EVERY BUILDING AND USE

Excepting non-conforming lot sizes, structures, and usages, as set forth in Sec. 2.5, 2.51, 2.52, and 2.53 of these regulations, after effective date of this Regulation or any amendments thereto, no building, construction, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved or structurally altered except in conformity with all of the zoning regulations herein specified for the district in which it is located.

2.3 YARD AND LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this resolution shall be reduced by private action in dimension or area below the minimum requirements set herein. Yards or lots created after the effective date of this resolution shall meet the minimum requirements established by this resolution.

2.4 MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this resolution shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Where applicable, Municipal, State or Federal standards, which are more restrictive than those contained herein, shall apply.

2.41 FLOODPLAIN STRUCTURAL REQUIREMENTS

All changes in use allowed by zoning permits shall be in compliance with floodplain regulations adopted by Buffalo County. Floodplain administration is the duty of the Buffalo County Floodplain Administrator and not the duty of the zoning administrator. The zoning permit form shall include a provision for review of such permit by the floodplain administrator. (Resolution 11-08-05)

2.5 NONCONFORMITIES

Nonconformities; Intent: Nonconformities are of three types: nonconforming lots of record, nonconforming structures, and nonconforming uses.

2.51 NONCONFORMING LOTS OF RECORD: The Zoning Administrator may issue a Zoning Permit for any nonconforming lot of record provided that:

Said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land, at a time when the creation of a lot of such size and width at such location would not have been prohibited, and

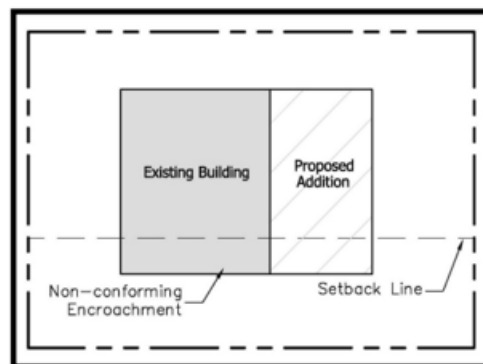
Said lot has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the zoning regulation, and

Said lot can meet all yard regulations for the district in which it is located.

2.52 NONCONFORMING STRUCTURES

Authority to Continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the use regulations and/or the applicable yard and height regulations may be continued, so long as it remains otherwise lawful.

Enlargement, Repair, Alterations: Any nonconforming structure may be enlarged, maintained, repaired, or remodeled or rebuilt; provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure. See illustration below where proposed addition would not be allowed to the extent which it encroached in setback.



*In this illustration, the proposed expansion of the existing building that encroaches a setback line on one side of the parcel would not be allowable because the expansion of use increases the degree of non-conforming use of the structure in regards to required minimum yard space.

Damage ~~of or~~ Destruction: In the event any nonconforming nonresidential structure is damaged or destroyed, by any means, to the extent of more than 60 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained within six months, and restoration is actually begun one year after the date of such partial destruction and is diligently pursued to completion.

Moving: No nonconforming structure shall be moved in whole or in part of any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

2.53 NONCONFORMING USES

Authority to Continue: Any lawfully existing nonconforming use of part or all of a structure or any lawfully existing nonconforming use of land, not involving a structure or only involving a structure which is accessory to such use or land, may be continued, so long as otherwise lawful.

Ordinary Repair and Maintenance:

1. Normal maintenance and incidental repair, or replacement, installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, water and/or waste disposal systems, may be performed on any structure or system that is devoted in whole or in part to a nonconforming use.
2. Nothing in these regulations shall be deemed to prevent the strengthening or restoring to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety who declares such structure to be unsafe and orders its restorations to a safe condition.

Extension: A nonconforming use shall not be extended, enlarged, or increased in intensity. Any nonconforming use may be extended throughout any parts of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of these Regulations, but no use shall be extended to occupy any land outside such building.

Enlargement: No structure that is devoted in whole or in part to a nonconforming use shall be enlarged or added to in any manner unless such structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

Damage or Destruction: In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged to the extent of more than sixty (60) percent of its reasonable replacement value, the property shall conform to the zone in which it is located.

Moving: No structure that is devoted in whole or in part to a nonconforming use and nonconforming use of land shall be moved in whole or in part for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof or the use of land shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

Change in use: If no external structural alterations are made which will expand the area or change the dimensions of the existing structure, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the governing body after receiving a recommendation from the Planning Commission, by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. More appropriate shall mean creating less traffic, noise, glare, odor or other characteristics of the proposed use. In permitting such change, the governing body may require appropriate conditions and safeguards to protect surrounding areas and properties. Once such use has changed, it may no longer be returned to the original use or any other less appropriate use.

Abandonment or Discontinuance: When a nonconforming use is discontinued or abandoned, for a period of twelve (12) 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.

Nonconforming Accessory Uses: No use which is accessory to a principal nonconforming use shall continue after such principal use shall cease or terminate.

ARTICLE 3

GENERAL DEFINITIONS

3.1 GENERAL PROVISIONS

The following rules of construction shall apply unless inconsistent with the plain meaning of the context of this resolution.

3.11 TENSE: Words used in the present tense include the future tense.

3.12 NUMBER: Words used in the singular include the plural, and words used in the plural include the singular.

3.13 SHALL AND MAY: The word “shall” is mandatory; the word “may” is permissive.

3.14 HEADINGS: In the event that there is any conflict or inconsistency between the heading of an article, section or paragraph of this Resolution and the context thereof, the said heading shall not be deemed to affect the scope, meaning or intent of such context.

3.2 GENERAL TERMINOLOGY

The word “County” shall mean the County of Buffalo, Nebraska. The words “County Board” shall mean the Buffalo County ~~Board of Supervisors~~ Board of Commissioners. The words “Planning Commission” shall mean the Buffalo County Zoning and Planning Commission duly appointed by the governing body of Buffalo County.

Words or terms not herein defined shall have their ordinary meaning in relation to the context.

3.3 DEFINITION

For the purpose of this resolution certain words and terms used herein are defined as follows:

3.3100 ACCESSORY USE OF BUILDING: A subordinate building or use which customarily is incidental to that of the main or principal building or use of the premises. Customary accessory uses include, but are not limited to, tennis courts, swimming pools, detached garages, garden houses, antenna/satellite dishes, and residential, agricultural and recreation storage sheds. Garages or other accessory uses attached to the principal structure shall be considered a part thereof and meet the requirements of the principal structure.

3.3101 ADULT ENTERTAINMENT ESTABLISHMENT ~~is~~: A commercial establishment or use open to the public which:

- A. Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents or leases a substantial or significant portion, as herein defined, of its stock in trade, any material defined by the Neb. Rev. Stat. Sec. 28-808 or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined; or
 - 1. Utilizes a substantial or significant portion, as herein defined, of its display areas, including but not limited to, floor, shelf, rack, table, stand or case display areas, boxes, cabinet drawers, cartons, or any other storage area or apparatus, for any material defined by the Neb.Rev.Stat. Sec. 28-807, et. seq., or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined; or
 - 2. Exhibits for a substantial or significant portion, as herein defined, of the total presentation time any material defined by Neb.Rev.Stat. Sec. 28-808, et seq., or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined.
- B. A commercial establishment or use open to the general public which involves employees or customers who engage in conduct which is distinguished or characterized by "specified sexual activities" or "specified anatomical areas", as herein defined.
- C. Adult Entertainment Establishments shall include, but are not necessarily limited to:
 - 1. Adult arcades;
 - 2. Adult bookstores;
 - 3. Adult cabarets;
 - 4. Adult motion picture theaters;
 - 5. Adult theaters;
 - 6. Escort agencies;
 - 7. Massage parlors;
 - 8. Nude modeling studios;
 - 9. Sexual encounter centers (Resolution 03-11-14)

3.3102 ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified anatomical areas" or "specified sexual activities," as herein defined. (Resolution 03-11-14)

3.3103 ADULT BOOKSTORE: A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental or any form of consideration, of any one or more of the following:

A. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

B. Instruments, devices, or paraphernalia which depict "specified anatomical areas" or are designed for use in connection with "specified sexual activities". (Resolution 03-11-14)

3.3104 ADULT CABARET: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

A. Person or persons who appear by the exposure of his, her, and/or their "specified anatomical areas", or

B. Live performances which are characterized by the exposure of "specified areas", or by "specified sexual activities", including topless or bottomless dancers, exotic dancers, or strippers; or

C. Films, motion pictures, video cassettes or tapes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". (Resolution 03-11-14)

3.3105 ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". (Resolution 03-11-14)

3.3106 ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of exposure of "specified anatomical areas", or live performances that are characterized by the depiction or description of "specified sexual activities" or the exposure of "specified anatomical areas". (Resolution 03-11-14)

3.3107 AGRICULTURAL FARM OR OPERATION: Farm or farm operation shall mean any tract of land over 20 acres in area used for or devoted to the commercial production of farm products.

3.3108 ANIMAL HOSPITAL: A place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. (Resolution 10-11-11)

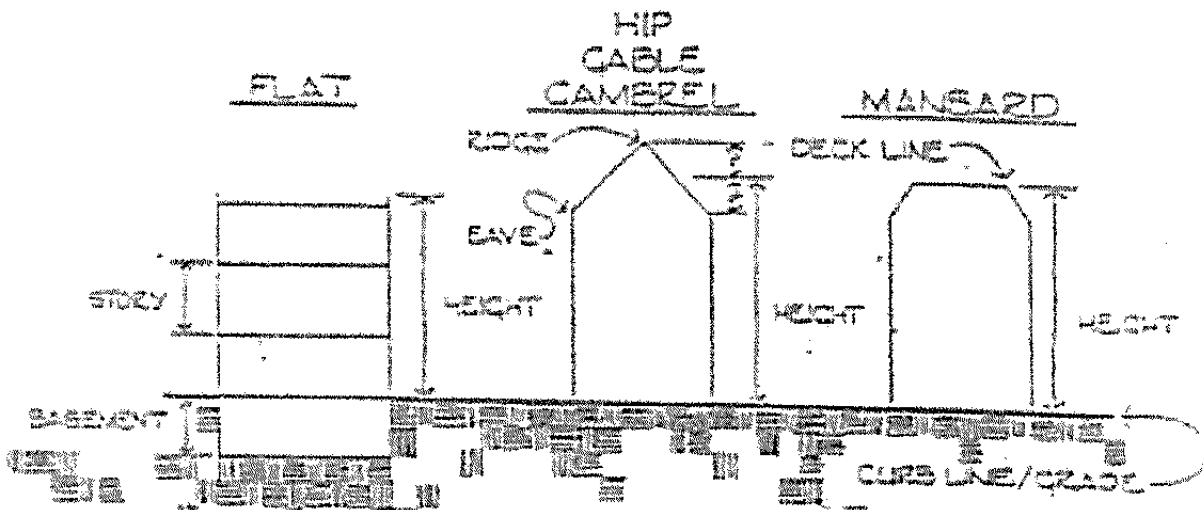
3.3109 ARBORIST: An arborist is a person who works for hire or other valuable consideration, to trim and cut or prune limbs or branches of trees; to perform tree surgery; to cut into and excavate cavities or to remove rotten, dead or diseased wood from any tree or to remove any tree and store the trees removed for resale or recycling.

A. An first-class arborist's certificate, that has been licensed through the state of Nebraska, shall entitle the holder thereof to work for hire or other valuable consideration, to trim and cut or prune limbs or branches of trees; to perform tree surgery; to cut into and excavate cavities or to remove rotten, dead or diseased wood from any tree or to remove any tree; to fill or treat in any manner any cavity in a tree; to repair any broken or injured tree; to spray or otherwise treat for pests or diseases any tree, or to treat in any other manner any tree.

3.3110 BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

3.3111 BUILDING: An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of or persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that two buildings connected by a breezeway shall be deemed one building. "Building" includes "structure."

3.3112 BUILDING HEIGHT: The vertical distance to the highest point of the roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the curb level if the building is not more than 10 feet from the front line or from grade in all other cases: (see illustration below)*



Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

*The height limitations contained in the permissible heights for the various District Regulations shall not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy and agricultural structures.

3.3113 BUTCHERING FACILITY: A Butchering Facility is any land, building, place, and/or establishment in which animals are slaughtered, eviscerated, and/or animal flesh is prepared for consumption of the owner of the animal and/or the sale to the public of butchering produce with sales conducted at the Butchering Facility. A Butchering Facility shall be served by an on-site sewage treatment system. The disposal of waste from the facility shall include a plan that shall include, but is not necessarily limited to, the disposal of all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, and bones. A Butchering Facility does not include land, a building, and/or a place that slaughters animal(s) or processes meat for the owner of the animal(s) on the premises of the owner of the animal(s) when the meat derived from the process is returned to the owner of the animal(s). (Resolution 4-13-2022).

3.3114 CAMP GROUNDS: For commercial purposes; Any premises where two (2) or more camping units are parked/placed for camping purposes, or any premises or set apart for supplying to the public, camping space for two (2) or more camping units for camping purposes, which include any buildings, structures, vehicles or enclosures used or intended for use or intended wholly or in part for the accommodation of transient campers.

3.3115 CARPORT: A permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

3.3116 COMMERCIAL USE: An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

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 generators), and equipment used for the transformation, 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.

3.3118 DAY CARE CENTER: All classifications of day care facilities regulated by the State of Nebraska that operate providing care for more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities. (Resolution 3-11-08)

3.3119 DAY CARE HOMES: All classifications of day care facilities regulated by the State of Nebraska that operate providing care for not more than six (6) persons. This term includes nursery schools, preschools, day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities. (Resolution 3-11-08)

3.3120 DWELLING: Any building or portion thereof which is designed and used exclusively for residential purposes including mobile homes, manufactured homes, and modular homes.

3.3121 DWELLING, MULTIFAMILY: A building or portion thereof used for occupancy by two or more families living independently of each other and containing two or more dwelling units, **which may include townhouses.**

3.3122 DWELLING, SINGLE-FAMILY: A dwelling having accommodations for an occupied by one family.

3.3123 EASEMENT: A grant by the property owner to the public, a corporation or persons for the use of a tract of land for a specific purpose or purposes.

3.3124 ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person. (Resolution 03-11-14)

3.3125 ESCORT AGENCY: A person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration. (Resolution 03-11-14)

3.3126 FARM RESIDENCE: Residential dwellings located on a farm including mobile homes appurtenant to agricultural operations including the living quarters for persons employed on the premises.

3.3127 FLOOD PLAIN: Those lands within the zoning jurisdiction of Buffalo County which are subject to a one percent (1%) or greater chance of flooding in any given year. The regulatory flood plain for this Resolution shall be based on the official Flood Hazard Boundary Map or Flood Insurance administration, U.S. Department of Housing and Urban Development and any revision thereto. **Copies of said map shall be on file in the Office of the County Assessor or other County Official.**

3.3128 GENERATOR HOUSING: The mechanical housing, usually enclosed from the weather, that is minimally comprised of an armature shaft, magnets, and

electrical wiring that generates direct or alternating electrical current by rotation of the armature within a magnetic field. (Resolution 4-13-10)

3.3129 GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is a ground-mounted structure, and no closer than the allowed side, front, and rear yard setback from the property line for a structure within the zoning district in which it is situated, consisting of Solar Related Equipment that does not exceed sixteen (16) feet in height, from the highest panel edge to the ground. The area used for this system is considered coverage for lot coverage limitations in the various zoning districts. (Resolution 02-11-2020) (Resolution 07-28-2020)

3.3130 HOBBY FARM: Operation or facility containing less than 15 animal units in a confined area.

3.3131 HOME OCCUPATION: An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

3.3132 LANDFILL: A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material overall exposed waste at the end of each operating day.

3.3133 LIVESTOCK, CONFINEMENT FACILITIES/ OPERATIONS: Shall mean any building(s), lot(s), pen(s), pool(s) or pond(s) or other confined spaces, which normally are not used for raising crops or grazing animals, which are designed and/or used for on-going confined raising, feeding or management of animals **for more than 180 consecutive days.** Size classification of such facilities/operations shall be determined in Sec. **6.4-6.6.**

3.3134 LIVESTOCK PROCESSING WASTE: Byproducts of the animal slaughter processing consisting of but not limited to: blood, animal parts, and floor wash but not consisting of Paunch or Paunch Manure. (Resolution 6-12-07)

3.31345 LOT: A parcel of land occupied or intended for occupation by a use permitted in this resolution and abutting a legally accessible street or road. (Resolution 7-13-2021)

3.3136 LOT, CORNER: A lot abutting two or more streets or roads at their intersection.

3.3137 LOT DEPTH: The average horizontal distance between the front and rear lot lines.

3.3138 LOT FRONTAGE: The front of a lot shall be construed to be the portion abutting street(s) or road(s). (Resolution 7-13-2021)

3.3139 LOT OF RECORD: A lot of which is part of a sub-division recorded in the Office of the Register of Deeds, or a lot or parcel described by metes and bounds the description of which has been recorded.

3.3140 LOT WIDTH: The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth at the established building setback line.

3.3141 MANUFACTURED HOME: A factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built to compliance with National Manufactured Home Construction and Safety Standards, 24 C.F.R. 3280 et seq., promulgated by the United States Department of Housing and Urban Development, or a modular housing unit as defined in Section 71-1557 of the Nebraska Revised Statutes bearing the seal of the Department of Health and Human Service System.

3.3142 MANURE: any liquid or solid animal excreta or any bedding, litter, or water run-off contaminated with animal excreta. Exempted from this definition is packaged or bagged manure sold at retail. (Resolution 6-12-07)

3.3143 MANURING: the spreading of manure upon land. (Resolution 6-12-07)

3.3144 MASSAGE PARLOR: Any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any "specified sexual activity", or where any person providing such treatment, manipulation or service related thereto exposes any "specified anatomical area."

This term shall not apply to a place wherein registered physical therapists or a certified massage therapist treats only patients recommended by a licensed physician and operate only under such physician's direction.

This term shall not apply to Massage Therapy. (Resolution 03-11-14)

3.3145 MASSAGE THERAPY: As defined by the North American Industry Classification System (NAICS), 2007 edition, with the additional description that any establishment and/or person providing massage therapy services shall be appropriately licensed by the Nebraska Department of Health and Human Services. This term shall not apply to a Massage Parlor. (Resolution 03-11-14)

3.3146 MOBILE HOME: A year-round, transportable structures which is a single-family dwelling unit suitable for permanent, more ~~that than~~ thirty (30) days of living quarters, more than eight (8) feet wide and forty (40) feet in length and built to

be towed on its own chassis with or without a permanent foundation when connected to the required utilities. This portable dwelling may consist of one (1) or more units that can be telescoped when towed and expanded later for additional capacity, or two (2) or more units, separately towable but designed to be joined as one (1) integral unit. Nothing in this definition shall be construed so as to include prefabricated, modular, precut dwelling units or those manufactured in sections or parts away from the site and transported thereto for assembly.

3.3147 **MOBILE HOME PARK:** Any area of land which one (1) or more mobile homes are parked, connected to utilities and used by one (1) or more persons for living or sleeping purposes. A mobile home parked in this area can either be placed on permanent foundation or supported only by its wheels, jacks, blocks, or skirtings or a combination of these devices. A mobile home park includes any premises set apart for supplying to the public parking space, either free of charge or for revenue purposes for one (1) or more mobile homes, connected to utilities and used by one (1) or more persons living, or sleeping purposes and shall include any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

3.3148 **MODULAR HOME:** Any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling units, which units are movable or portable until placed on a permanent foundation and connected to utilities. All modular homes shall bear a label certifying that it was built to compliance with the Nebraska Department of Health and Human Services System as established in Section 71-1557 of the Nebraska Revised Statutes.

3.3149 **NONCONFORMING LOT OF RECORD:** A lot which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to, and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located.

3.3150 **NONCONFORMING STRUCTURE:** An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

3.3151 **NONCONFORMING USE:** An existing use of a structure or of land which does not comply with the use regulation applicable to new uses in the zoning district in which it is located.

3.3152 **NUDE MODELING STUDIO:** Any place where a person who displays any "specified anatomical area" that is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This shall not include uses where instruction is given for human lactation, breastfeeding support groups and human breastfeeding education groups. (Resolution 03-11-14)

3.3153 PARCEL: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

3.3154 PARKING SPACE, OFF-STREET: An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or road and permitting ingress and egress of an automobile.

3.3155 PAUNCH OR PAUNCH MANURE: the undigested food contained in slaughtered animal stomach(s). It does not include floor wash, animal blood, and other by-products or waste generated from the slaughter and processing of meat products. (Resolution 6-12-07)

3.3156 PAVED HARD SURFACED ROAD/STREET: A road or street that uses a minimum thickness of seven (7) inches of poured Portland Concrete with all materials used in this type surfacing shall be of class "47B" and shall conform to the requirements of the 1985 Nebraska Department of Roads Specifications as revised for highway construction or a road or street that uses asphalt using a minimum thickness of ten (10) inches, or nine (9) inches with a six (6) inch subbase. The terms paved and hard surfaced are interchangeable. (Resolution 3-14-2023)

3.3157 PERSONAL SOLAR ENERGY SYSTEM (PSES): A Solar Energy System (SES) that is intended primarily for onsite consumption of electrical power. It consists of roof attached and/or free-standing Solar Energy Systems. A Personal SES cannot exceed 25kW rated nameplate capacity. Any SES, or combination of SES on one lot, that is, or in total combination are, rated less than .8 kW rated nameplate capacity is considered an incidental use to the main use of the lot. No zoning permit is needed for .8 kW rated nameplate capacity solar energy systems. (Resolution 02-11-2020)

3.3158 RATED NAMEPLATE CAPACITY: The maximum rated wattage output of electric power production of the Solar Energy System or Wind Powered Generator rated in Direct Current (DC) at Standard Test Conditions or Alternating Current (AC) at Performance Test Conditions. (Resolution 02-11-2020)

3.3159 RECYCLING CENTER: A facility which accepts salvage material limited to paper, aluminum foil, containers made of glass, plastic, metal, aluminum and paper, and similar household wastes; no hazardous material as defined by State and Federal law is accepted; there is not wrecking or dismantling of salvage material and no salvage material is held outside a building.

3.3160 RECYCLING COLLECTION POINT: A collection point for small refuse items, such as bottles, cans and newspapers, located either in a container or small structure.

3.3161 ROOF ATTACHED SOLAR ENERGY SYSTEM:

A. Residential: The Solar Energy System's collector surface and mounting devices that attach a solar energy system(s) to the roof of a dwelling use structure. It shall have a minimum of a 3-foot open space on the roof from the side edges, hip(s), and ridge(s) of the roof, and not cause a height increase of the structure to which it is attached. The system cannot be greater than twenty-four (24) inches between the roof and highest edge of the surface of the Solar Energy System (SES) measured perpendicularly from any part of the roof. (Resolution 02-11-2020)

B. Non-Residential: The Solar Energy System's collector surface and mounting devices that attach a solar energy system(s) to the roof of a structure that is not used as a dwelling. (Resolution 02-11-2020) (Resolution 09-12-2023)

3.3162 SALVAGE OR JUNK YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, abandoned or inoperable motor vehicles or parts thereof, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment; but not including pawn shops and establishments for the sale, purchase or storage of of used cars or trucks presently in operable condition, boats or trailers presently in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

3.3163 SCHOOL, PRIVATE: shall mean an institution conducting regular academic instruction at kindergarten, elementary, junior high, or secondary levels operated by a non-governmental organization in conformance with the Section 79-1701 through 79-1707, Nebraska R. R. S., 1943. (Resolution 3-11-08)

3.3164 SCHOOL, PUBLIC: shall mean public institutions that have the power to condemn and are conducting regular academic instruction at kindergarten, elementary, junior high, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the State Board of Education. (Resolution 3-11-08)

3.3165 SCHOOLS OF SPECIAL INSTRUCTION: A school giving instruction in business, cultural or dramatic subjects. (Resolution 3-11-08)

3.3166 SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration, activities between male and female persons and/or persons of the same sex when one or more of the persons displays or exposes "specified anatomical areas" and/or engages in "specified sexual activity or activities". (Resolution 03-11-14)

3.3167 SIGN or SIGNS shall mean, and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest. A Sign does not include a flag, pennant, or insignia of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event. (Resolution 07-13-2021)

3.3168 SOLAR ENERGY: Radiant energy (direct, diffuse and/or reflective) received from the sun. (Resolution 02-11-2020)

3.3169 SOLAR ENERGY SYSTEM (SES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power. Principal solar energy systems consist of one (1) or more free-standing ground, movable, and/or roof mounted solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers. (Resolution 02-11-2020)

3.3170 SOLAR FARM: A commercial large-scale solar energy system facility for the primary purpose of wholesale sales of generated electricity. A solar farm can be the principal or secondary use of the land for the parcel on which it is located. It is designed for providing energy to off-site users or export to the wholesale market. It is comprised of one or more Solar Energy System(s) (SES) that create and transmit power principally for connection to publicly used power grid. Solar Farm(s) shall include, but shall not necessarily be limited to the following structures and uses: Solar Energy Systems, operations and/or maintenance buildings, meteorological towers, electrical wiring, collector grids, roads and substations. Any Solar Energy System (SES) with rated nameplate capacity over 25kw singly and/or wholly, is a Solar Farm. It can include, but is not necessarily limited to, substations, electrical infrastructure, transmission lines and other appurtenant structures used to collect and distribute power from the Solar Farm. (Resolution 02-11-2020)

3.3171 SOLAR PANEL: That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or for electricity. (Resolution 02-11-2020)

3.3172 SOLAR RELATED EQUIPMENT: Items including a solar photovoltaic cell, module, panel, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used for or intended to be used for collection of solar energy. This equipment can consist of:

A. SOLAR ARRAY: A grouping of multiple solar modules with purpose of harvesting solar energy.

B. SOLAR CELL: The smallest basic solar electric device which generates electricity when exposed to light.

C. SOLAR MODULE: A grouping of solar cells with the purpose of harvesting solar energy. (Resolution 02-11-2020)

3.3173 SPECIAL USE PERMIT: A written permit issued with authorization of the County Board. The special permit provides permission under specific conditions to make certain special uses of land in certain zoning districts as stipulated under permitted special uses in each of the district zoning regulations.

3.3174 SPECIFIED ANATOMICAL AREA: or AREAS is defined as:

A. Less than opaquely covered human genitals, pubic region or pubic hair; or

B. Less than opaquely covered perineum, buttock, or anus; or

C. Less than opaquely covered female breast below a point immediately above the top of the areola; or

D. Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered (Resolution 03-11-14)

3.3175 SPECIFIED SEXUAL ACTIVITY or ACTIVITIES is defined as:

A. Human genitals in a discernable state of sexual stimulation or arousal; or

B. Acts or representations of human masturbation, sexual intercourse, sodomy, excretory functions, sadism, masochism, lewd exhibition of genitals; or

C. Fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast. (Resolution 03-11-14)

3.3176 STREET OR ROAD: A highway, street, avenue, road, or boulevard, not necessarily formally dedicated or acquired by the public, which affords principal means of access to or by abutting property. The terms street or road are interchangeable. (Resolution 7-13-2021)

3.3177 STREET, CENTER LINE: A line midway between street lines.

3.3178 STREET LINE: A dividing line between a lot, tract, or parcel of line and the contiguous street. The right-of-way line of a street.

3.3179 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground; attachment to something having a permanent location on the ground; semi-permanent attachment to the ground; or is permanently or semi permanently connected to any one of the following services, regardless of whether the service described is self-provided, created on the premises, or publicly provided:

A. water service provided with a plumbing connection of more permanency than that of a garden hose,

B. electrical connection to a public utility or alternative energy source of more than 1,000 watts that has permanency than that of an unburied electrical drop or extension cord.

C. sewer or sewers, for waste deposited and/or created within any structure that releases any sewage effluvia outside of the structure.

This does not include fences or public items such as utility poles, street light fixtures and street signs. (Resolution 05-11-2021)

3.3180 **STRUCTURAL ALTERATIONS:** Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders or any structural change in the roof.

3.3181 **SUBSTANTIAL, SIGNIFICANT OR PRIMARY,** regardless of whether these words are used singly or in combination means a use of over fifty (50) percent of stock in trade, display area, or presentation time, whichever may be applicable to the nature of the establishment. Stock in trade and material shall be measured in terms of titles or objects. Items with the same title or name shall be considered as separate titles or objects. (Resolution 03-11-14)

3.3182 **TOWNHOUSE:** One of a group or row of not less than three (3) nor more than twelve (12) attached, single family dwellings designed and built as a single structure facing upon a street in which the individual townhouse may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the row or group of townhouses shall be considered as one building occupying a single lot.

3.3183 **TRUCK WASH SERVICES:** A facility to wash and clean interior and exterior of semi-truck tractors, large trucks and small vehicles, together with trailers. (Resolution 2-12-08)

3.3184 **VARIANCE:** A variance is a relaxation of the terms of the zoning resolution where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the resolution would result in unnecessary and undue hardship.

3.3185 **WIND FARM:** One or more wind powered generators that create and transmit power principally for connection to publicly used power grid. Wind farms shall include, but shall not necessarily be limited to the following structures and uses: wind powered generators, operations and/or maintenance buildings, meteorological towers, electrical wiring, collector grids, roads and substations. Any wind powered generator or generators that create over 25 kW, singly and/or wholly, is a wind farm. (Resolution 4-13-10)

3.3186 **PERSONAL USE WIND POWERED GENERATOR (WPG):** A turbine or rotary type generator designed to extract kinetic energy from the wind and convert this energy to electrical energy. It is comprised of a base where it attaches to the ground, supporting member of the generator housing usually referred to as a tower, wiring at or within the tower, generator housing, and a means to propel the armature shaft in the generator housing by use of the power of the wind accomplished through use of airfoils or similar devices connected to the armature

shaft. A Personal WPG cannot exceed 25kW rated nameplate capacity.
(Resolution 4-13-10)

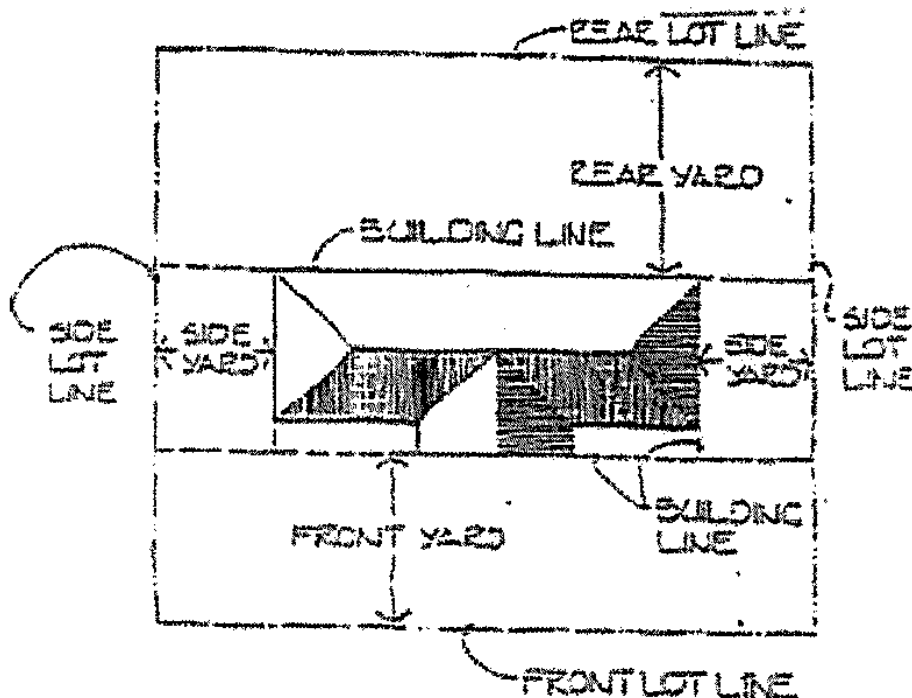
3.3187 YARD: A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure, provided, however, that fences, walls, poles, posts, and other customary yards accessories, ornaments, and furniture may be permitted in any yard subject to the district regulations.

3.3188 YARD, FRONT: A yard extending from an adjoining public or private street(s) to the closest edge of the building as determined and measured from the street to the building. A lot that abuts two or more streets or roads shall be considered to have 2 or more front yards for any yard that adjoins a public street.
(Resolution 7-13-2021)

3.3189 YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot to the nearest point of the main building.

3.3190 YARD, REQUIRED: The required minimum open space between the property line and the building line. The required yard shall contain no building or structure other than the projection of the usual steps, or open porches, or as otherwise provided in this resolution.

3.3191 YARD, SIDE: A yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building. *



Source: A Survey of Zoning Definitions, (American Planning Association, 1989).

A. The ordinary projections of chimneys and flues, buttresses, eaves, overhangs, open-unenclosed steps or stoops up to 5' in height may extend into required yards for a distance of not more than two (2) feet in the required side yard and not more than five (5) feet in the required front yard

B. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.

3.3192 ZONING ADMINISTRATOR: The person duly designated by the County governing body to enforce these regulations.

3.3193 ZONING DISTRICT: The term "zoning map" means a map or maps officially enacted by the County Board, as part of this chapter showing the boundaries of a zoning district or districts, a copy or copies of which, certified to have been enacted as provided by law, is filed in the office of the County Clerk, as an official record of the County.

ARTICLE 4

ESTABLISHMENT AND DESIGNATION OF DISTRICTS

4.1 ZONING AND PLANNING COMMISSION RECOMMENDATIONS

It shall be a purpose of the Zoning and Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Zoning and Planning Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the County Board shall not hold its public hearings or take action until it has received the final report of the Zoning and Planning Commission.

4.2 DISTRICTS CREATED

For the purpose of this resolution, there are hereby created zoning districts for Buffalo County, as named and described in Article 5 of this Resolution.

- A. AG – Agriculture District
- B. RC – Rural Conservation District
- C. AGR 1 – Agricultural – Residential District 1
- D. AGR 2 – Agricultural – Residential District 2
- E. C – Commercial District
- F. I – Industrial District

4.3 OFFICIAL ZONING MAP

1. The boundaries of the district are shown upon maps, which is made a part hereof by reference, which map(s) are designated as the Buffalo County Zoning Map, dated September 10, 2002 and signed by the Chairperson of the County Board and attested by the County Clerk and hereinafter referred to as the “Official Zoning Map.”
2. The signed copy of the Zoning Map(s) containing the zoning districts designated at the time of adoption of this resolution shall be maintained in the offices of the County Clerk for the use and benefit of the public.
3. If in accordance with the provisions of this resolution, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map(s), such changes shall be entered on the appropriate part of the Official Zoning Map(s) promptly after the amendment has been approved by the governing body with an entry on the Official Zoning Map(s) as follows:

“On (date), by official action of the County, the following change was made in the Official Zoning Map(s) (brief description of the nature of the change), “which entry shall be signed by the Chairperson of the County and attested by the County Clerk.”

No amendment to this resolution which involves matter portrayed on the Official Zoning Map(s) shall become effective until after such change and entry have been made on said map(s).

4. No changes of any nature shall be made in the Official Zoning Map(s) or matter shown thereon except in conformity with the procedures set forth in this resolution.
5. In the event that the Official Zoning Map(s) become damaged, destroyed, lost or difficult to interpret, the County may, by resolution, adopt a new Official Zoning Map(s) which shall supersede the prior Official Zoning Map(s).

The new Official Zoning Map(s) may correct drafting or other errors or omissions in the prior Official Zoning Map(s), but no such correction shall have the effect of amending the original Official Zoning Map(s) or any subsequent amendment thereof.

4.4 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following village limits shall be construed as following such village limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the railroad right-of-way;
5. Boundaries indicated as parallel to or extension of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map(s) shall be determined by the scale of the map.
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map(s), or in other circumstances not covered by subsection 1 through 5 above, the Board of Zoning Adjustment shall interpret the district boundaries.
7. Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution the Board of Zoning Adjustment may permit, as an exception, the extension of the regulations for either portion of the lot not to exceed one hundred and fifty (150) feet beyond the district line into the remaining portion of the lot.

ARTICLE 5

ZONING DISTRICTS

5.1 AG AGRICULTURE DISTRICT

5.11 INTENT: This district is designated for general agriculture use and is intended to preserve and protect agriculture production from encroachment by incompatible uses. The AG District is also intended to conserve and protect the value of open space, wooded areas, streams, inventoried wetlands, mineral deposits and other natural resources and to protect these uses from incompatible land uses.

5.12 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Bulk grain and produce storage, excluding commercial warehouses;
2. Daycare Home;
3. General farming and ranching activities, excluding any expansion of existing or development of Class IV III or larger livestock confinement facilities/operations as defined in Article 3 and classified in Sec. 6-4 6.6 (Resolution 4-13-10) (Resolution 7-10-12);
4. Irrigation, flood, erosion and sediment control projects;
5. Personal Use Solar Energy Systems. (Resolution 02-11-2020);
6. Public Uses: Including fire stations, public schools, public utilities and utility distribution systems (Resolution 3-11-08);
7. Signs, As allowed in Sec. 8.31 (Resolution 07-13-2021);
8. Single family, ranch, and farm dwellings on a parcel abutting an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers, in addition single family dwellings must be located one and one-half times the minimum distances from a livestock confinement facility/operation in conformance with Section 6-4 6.6 not of the same property. The applicant requesting a residence in this distance area shall additionally execute a nuisance waiver as to the livestock confinement facility/operation and present a signed waiver of this distancing requirement executed by the owner of the livestock confinement facility/operation. A form waiver, attached as Exhibit A, to this resolution, is a suggested waiver form. (Resolution 7-13-2021);
9. Greenhouses and garden centers;
10. Bed and breakfast;
11. Animal hospitals (Resolution 10-11-11)
12. Churches and places of worship

5.13 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8; and
3. Roadside stands for the temporary sale of produce.

5.14 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the "AG" Agriculture District if a special permit for such use has been obtained in accordance with Article 6 of these regulations: (Resolution 12-4-07 & Resolution 10-11-11)

1. Agriculture service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis; agricultural grain product milling and processing; commercial grain warehouses, establishments engaged in performing services such as crop dusting, fruit picking, grain cleaning, harvesting and plowing; farm equipment services and repair;
2. Airports and heliports including crop dusting strips;
3. Animal hospitals (Resolution 10-11-11);
4. Bed and Breakfast;
5. Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section 6.4.6.6. (Resolution 04-12-2022);
6. Cemeteries;
7. Churches and places of worship, exceeding an exterior size of 5,000 square feet shall and abutting or and having access to an existing paved road;
8. Class III, but excluding any larger livestock confinement facilities/operations as defined in Article 3 and classified in Section 6.4.6.6. (Resolution 4-13-10) (Resolution 7-10-12);
9. Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower. (Resolution 5-8-18);
10. Private Day Care Centers (Resolution 3-11-08);
11. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agricultural chemicals;
12. Greenhouses and Garden Centers;
13. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery and/or earth moving surface equipment. (Resolution 3-24-09);
14. Personal Wind powered generation of electrical power. (Resolution 4-13-10);
15. Private schools (Resolution 3-11-08);

16. Private recreational uses, when abutting or and having access to an existing paved road;
17. Public recreational uses, including parks and playgrounds, when abutting or and having access to an existing paved road;
18. Sewage treatment plants for primary and secondary treatment; public and private sanitary landfills; gravel plants and asphalt or concrete batch plants;
19. Solar Farm (Resolution 02-11-2020);
20. Signs, As Allowed in Sec. 8.32 (Resolution 07-13-2021);
21. Temporary Concrete and/or Asphalt Plant Associated with Federal, State, and/or County Road Improvement Projects: includes facilities that crush, recycle, and process concrete and/or asphalt for reuse for other construction purposes for five (5) years; does not prohibit reapplication for a special use permit that will be subject to public hearings and review by The Planning Commission and Board of Commissioners.
22. Wind Farms. (Resolution 4-13-10).
23. Auction/sale barns and yards;
24. Salvage or junk yards in accordance with Section 6.3;
25. Dog breeding establishments, kennels, and domesticated animal training facilities provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence; (Resolution 10-10-17) (Resolution 3-14-2023)
26. Commercial and/or Industrial operations, excepting therefrom Adult Entertainment Establishments when abutting and have access to paved roads; (Resolution 3-11-14)
27. Hospitals, penal institutions and sanitariums;
28. Nursing and care homes;
29. Recreational motel lodging.

5.15 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or nor permissible as special uses shall be prohibited from the AG Agriculture District.

5.16 MINIMUM LOT REQUIREMENTS

1. The minimum lot area for AG uses shall be ~~three (3) five (5)~~ acres. By special permit, this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. (Resolution 8-10-04) All improved uses, other than general farming, ranging, pasturing, etc., shall be on a parcel abutting an improved county road (above minimum maintenance road) (Resolution 7-13-2021).
2. Single Family Dwelling, Lot Size:
 - A. ~~Three 3 Five (5)~~ acres, with the placement of a maximum of four single family dwellings per U.S. Government surveyed quarter section, on a parcel abutting an improved road (above minimum maintenance road) ~~at~~

~~a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and four single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance (Resolution 7-13-2021).~~

- B. Existing farmsteads ~~of 3 acres or more~~ not previously subdivided as of the date of adoption of the zoning ordinance as defined in the zoning regulations can be subdivided into two parcels, the minimum size of each of said parcels shall not be less than ~~three 3 Five (5)~~ acres.
- C. Legally existing parcels which are less than ~~three 3 Five (5)~~ acres, as of the effective date of the zoning regulations (January 1, 2003) without a residence may have a single-family dwelling constructed, but must obtain a zoning permit.

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road. (Resolution 7-13-2021).

5.17 MINIMUM YARD REQUIREMENTS- **AG AGRICULTURE DISTRICT**

Front Yard: There shall be a minimum front yard of not less than ~~the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.~~

Rear Yard: There shall be a minimum rear yard of ~~ten (10) fifteen (15)~~ feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be ~~the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.~~

Side Yard: There shall be a minimum side yard ~~shall be of~~ ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be ~~the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.~~ (Resolution 7-9-19)

5.18 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.19 PARKING REQUIREMENTS: See Article 7.

5.2 RC RURAL CONSERVATION DISTRICT (RESOLUTION 7-10-12)

5.21 INTENT: This district is intended for those areas which, because of limiting environmental characteristics such as scenic status, excessive slope, soils conditions, high water table, or other factors, require the regulation of development in keeping with the conditions imposed by the natural environment.

5.22 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. General farming and ranching activities, excluding any expansion of existing or development of intensive livestock confinement facilities/operations; ~~as defined in Section 3.50 and~~
2. Single family, ranch, and farm dwellings on a parcel abutting ~~on~~ an improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; and one additional on farm/ranch single/two family dwellings for the purpose of housing relatives or permanent agriculture workers. ~~in addition single family dwellings must be located minimum distances from a livestock confinement facility/operation in conformance with Section 6.4-6.6 not of the same property (Resolution 7-13-2021).~~

5.23 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses;
2. Home occupations in accordance with Article 8;
3. Personal Use Solar Energy Systems. (Resolution 02-11-2020);
4. Roadside stands for temporary sale of produce;
5. Signs, As allowed in Section 8.31 (Resolution 07-13-2021)

5.24 PERMITTED SPECIAL USES: a building or premises may be used for the following purposes in the "RC" Rural Conservation District if a special permit for such use has been obtained in accordance with Article 6 of these regulations.

1. Day care homes;
2. Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower. (Resolution 5-8-18)
3. Community buildings and/or facilities owned and/or occupied by public agencies;
4. Flood, erosion and sediment control projects;

5. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery and/or earth moving surface equipment. (Resolution 3-24-09);
6. Parks and recreational areas owned and/or occupied by private agencies;
7. Parks and recreational areas owned and/or occupied by public agencies;
8. Public schools;
9. Sewage disposal and water systems;
10. Signs, As Allowed in Sec. 8.32 (Resolution 07-13-2021);
- ~~11. Wind Farms.~~
- ~~12. Bed and breakfast establishments;~~
- ~~13. Commercial and/or Industrial operations;~~
- ~~14. Wind powered generation of electrical power;~~

5.25 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specially permitted or not permissible as special uses shall be prohibited from the RC Rural Conservation District.

5.26 SPECIAL REGULATION: Provisions must be made for disposal of wastes in accordance with local and state regulations.

5.27 MINIMUM AREA REQUIREMENTS:

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 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).

2. Single Family Dwelling, Lot Size:

~~A. Single Family Dwelling, Lot Size: (A) 3 acres, with the placement of a maximum of One (1) single family dwellings per U.S. Government surveyed quarter section, on a parcel abutting an improved road (above minimum maintenance road), at a minimum distance of 1,000 feet between dwellings located in same quarter section. Such 1,000 feet between dwelling requirement and one single family dwelling per quarter section limitation may be relaxed by zoning administrator when such proposed single family dwelling meets all other zoning requirements, and said lot is shown by a recorded plat or deed recorded with the Buffalo County Register of Deeds to have been owned separately and individually from adjoining tracts of land prior to date of adoption of this ordinance (Resolution 07-13-2021).~~

- A. Existing farmsteads of 3 acres or more not previously subdivided as of the date of adoption of the zoning ordinance as defined in the zoning regulations can be subdivided into two parcels, the minimum size of each of said parcels shall not be less than ~~three (3) five (5)~~ acres.
 - B. Legally existing parcels which are less than ~~three (3) five (5)~~ acres, as of the effective date of the zoning regulations (January 1, 2003) without a residence may have a single-family dwelling constructed, but must obtain a zoning permit.
3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road. (Resolution 7-13-2021).

5.28 MINIMUM YARD REQUIREMENTS: RC RURAL CONSERVATION DISTRICT

Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less ~~the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.~~

Rear Yard: There shall be a minimum rear yard of ~~ten (10) fifteen (15)~~ feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be ~~the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.~~

Side Yard: There shall be a minimum side yard ~~shall be of~~ ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be ~~the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.~~

5.29 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.30 PARKING REQUIREMENTS: See Article 7.

5.3 AGR 1 AGRICULTURAL – RESIDENTIAL DISTRICT 1

5.31 INTENT: This district is intended to provide for low-density, acreage residential development in selected areas in close proximity to the communities of Buffalo County, or in rural areas with reasonable access to major rural roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

5.32 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Bed and Breakfast;
2. Community buildings and/or facilities owned and/or occupied by public agencies;
3. Day care homes (Resolution 3-11-08);
4. General farming, including hobby farming or Class I as defined in Article 3 and classified in Section 6.4 6.6. (Resolution 4-13-10);
5. Irrigation and flood control projects;
6. Parks and recreational areas owned and/or occupied by public agencies (Resolution 10-10-03);
7. Personal Use Solar Energy System, when the system is situated on a lot comprised of 10.00 acres or greater (Resolution 07-28-2020);
8. Public schools (Resolution 3-11-08);
9. Signs, As allowed in Section 8.31 (Resolution 07-13-2021);
10. Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; (Resolution 8-10-04) in addition single family dwellings must be located one and one-half times the minimum distances from livestock confinement facilities. The applicant requesting a residence in this distance area shall additionally execute a nuisance waiver as to the livestock confinement facility/operation and present a signed waiver of this distancing requirement executed by the owner of the livestock confinement facility/operation. A form waiver, attached as Exhibit A, to this resolution, is a suggested waiver form. (Resolution 07-13-2021);
11. Churches, places of worship, and cemeteries; and

5.33 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and shall not occupy more than thirty percent of the area of the side, front, and rear yards;
2. Home occupations in conformance with Article 8.2;
3. Personal Use Solar Energy Systems when situated in or on a residential lot's roofs, rear or side yards. (Resolution 02-11-2020) (Resolution 07-28-2020);
4. Roadside stands for sale of agricultural produce. (Resolution 10-10-03)

5.34 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the **AGR – 1, Agricultural – Residential District 1** if a special permit for such use has been obtained in accordance with Article 6 of these regulations: (Resolution 12-4-07)

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services;
2. Animal hospitals (Resolution 10-11-11);
3. Airports (Resolution 10-10-03);
4. Campgrounds, **when abutting or and having access to an existing paved road;**
5. Cemeteries, **crematories**, mausoleums and columbarium;
6. **Churches and places of worship, exceeding an exterior size of 5,000 square feet shall and abutting or and having access to an existing paved road;**
7. **Class # 1, but excluding any larger livestock confinement facilities/operations as defined in Article 3 and classified in Section 6-4 6.6. (Resolution 4-13-10);**
8. Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower. (Resolution 5-8-18);
9. Concrete batch and/or asphalt plant(s) that uses movable equipment utilized for area road or localized construction. (Resolution 3-24-09);
10. Day care center (Resolution 3-11-08);
11. Greenhouses and nurseries;
12. **Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery and/or earth moving surface equipment. (Resolution 3-24-09);**
13. Mobile home parks, **when abutting or and having access to an existing paved road;**
14. Parks and recreational areas owned and/or occupied by private agencies **when abutting or and having access to an existing paved road.** (Resolution 10-10-03);
15. Personal Use Solar Energy Systems (12-8-2020);
16. **Personal** Wind Powered Generation of electrical power (Resolution 4-13-10);
17. Private schools. (Resolution 3-11-08);
18. Private schools for instruction and training of the physically, mentally, and/or functionally impaired. (Resolution 3-11-08);
19. Public utilities and utility distribution systems (Resolution 8-10-04);
20. Schools of special instruction in business, cultural, or dramatic subjects or schools of special instruction. (Resolution 3-11-08);
21. Signs, As Allowed in Sec. 8.32 (Resolution 07-13-2021);
22. Temporary construction material crushing plant that uses movable equipment utilized for area road or localized construction. (Resolution 3-

24-09 & 5-12-09);

~~23. Dog breeding establishments, kennels, and domesticated animal training facilities; (Resolution 10-10-17).~~

5.35 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from AGR – 1, Agricultural – Residential District 1.

5.36 MINIMUM AREA AND YARD REQUIREMENTS:

1. The minimum lot area for AGR – 1 uses shall be 3 acres*. 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)

*When a proposed subdivision utilizes a shared or “community” drinking water and sewage system the minimum lot area may be reduced to one (1) acre subject to review and compliance by The State of Nebraska Department of Environment and Energy.

3 acres minimum in a proposed and approved subdivision may be reduced to 70,000 square feet subject to review and compliance by The State of Nebraska Department of Environment and Energy and approval of County Board.

~~By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems. (Resolution 8-10-04)~~

2. Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.

Rear Yard: There shall be a minimum rear yard of ten (10) fifteen (15) feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall be the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.

Side Yard: There shall be a minimum side yard ~~shall be of~~ ten (10) feet or unless abutting an improved county road, state or federal highway, then the minimum side yard shall be the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road. (Resolution 7-13-2021).

5.37 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.38 PARKING REGULATIONS: Parking shall be in conformance with the provisions of Article 7 of these regulations.

DRAFT

5.4 AGR 2 AGRICULTURAL – RESIDENTIAL DISTRICT 2

5.41 INTENT: This district is intended to provide for a land use density equal to or higher than AGR – 1 in areas in close proximity to the communities of Buffalo County, or in rural areas with reasonable access to major rural roads. Generally, these districts are located near urban and built-up areas within reasonable reach of fire protection and hard surfaced roads.

If expansion occurs, AGR – 2 should only be abutting or contiguous to other AGR – 2 zoned areas.

5.42 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Bed and Breakfast;
2. Community buildings and/or facilities owned and/or occupied by public agencies;
3. Day care homes;
4. General farming, including hobby farming, not to exceed 50 15 animal units, as designated in Section 6.4.6.6
5. Irrigation and flood control projects;
6. Parks and recreational areas owned and/or occupied by public agencies;
7. Public schools;
8. Single family, ranch, and farm dwellings on a parcel abutting improved road, meaning a road above county minimum maintenance road classification or public street within approved subdivision, including ranch and farm dwellings; in addition, single family dwellings must be located minimum distances from livestock confinement facilities;
9. Signs, As allowed in Section 8.31;
10. Personal Use Solar Energy System, when the system is situated on a lot comprised of 10.00 acres or greater;

5.43 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted:

1. Accessory uses and structures normally appurtenant to the permitted uses and structures and shall not occupy more than thirty percent of the area of the side, front, and rear yards;
2. Home occupations in conformance with Article 8.2;
3. Personal Use Solar Energy Systems when situated in or on a residential lot's roofs, rear or side yards;
4. Roadside stands for sale of agricultural produce.

5.44 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the AGR – 2, Agricultural – Residential District 2 if a special permit for such use has been obtained in accordance with Article 6 of these regulations:

1. Accessory Dwelling Unit;

2. Churches and places of worship, exceeding an exterior size of 5,000 square feet, shall abut and have access to an existing paved road;
3. Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower;
4. Day care center;
5. Mobile home parks, when abutting and having access to an existing paved road;
6. Multi-Family Dwelling, when abutting and having access to an existing paved road;
7. ~~Personal Use Solar Energy Systems;~~ Personal Use Solar Energy Systems when situated in or on a residential lot's roofs, rear or side yards;
8. Public utilities and utility distribution systems;
9. Signs, As Allowed in Sec. 8.32;

5.45 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as exceptions shall be prohibited from AGR – 2, Agricultural – Residential District 2.

5.46 MINIMUM AREA AND YARD REQUIREMENTS:

1. The minimum lot area for AGR – 2 uses shall be 3 acres*. All improved uses, other than general farming, ranching, pasturing, etc., shall be on a parcel abutting an improved county road (above minimum maintenance road)

*When a proposed subdivision utilizes a shared or "community" drinking water and sewage system the minimum lot area may be reduced to one (1) acre subject to review and compliance by The State of Nebraska Department of Environment and Energy

3 acre minimum in a proposed and approved subdivision may be reduced to 70,000 square feet subject to review and compliance by The State of Nebraska Department of Environment and Energy and approval of County Board.

By special permit this lot size may be reduced for Public Uses: Including fire stations, public elementary and high schools, public utilities and utility distribution systems.

2. Yard requirements are as follows:

Front Yard: There shall be a minimum front yard of not less than the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.

Rear Yard: There shall be a minimum rear yard of ten (10) ~~fifteen (15)~~ feet or unless abutting an improved county road, state or federal highway, then the minimum rear yard shall

be the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.

Side Yard: There shall be a minimum side yard of ten (10) feet or unless abutting an improved county road, state or federal highway, then the greater of a depth of fifty (50) feet from the right-of-way of street or eighty-three (83) feet from the center of right-of-way.

3. Lots shall have a minimum of twenty-five (25) feet lot width abutting any street or road.

5.47 MAXIMUM HEIGHT: No limitation, unless regulated by state or federal authorities.

5.48 PARKING REGULATIONS: Parking shall be in conformance with the provisions of Article 7 of these regulations.

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5.5 C COMMERCIAL DISTRICT

5.51 INTENT: The C Commercial District is intended for the purpose of providing limited **sale or resale of** commercial **goods or** services. Off-street parking is required in order to reduce adverse effects on adjacent properties.

5.52 PERMITTED PRINCIPLE USES AND STRUCTURES: The following shall be permitted as uses by right:

1. Auction houses (Resolution 6-9-20);
2. Automobile sales & services (Resolution 6-9-20);
3. Animal Hospitals (Resolution 10-11-11);
4. Bed and breakfast operations; **and**
5. Campgrounds, when abutting and having access to an existing paved road;
6. Churches and other religious institutions exceeding an exterior size of 5,000 square feet, shall abut and have access to an existing paved road;
7. Construction sales and services;
8. Convenience store or filling station;
9. Detached banking facilities (ATM);
10. Electric and telephone substations;
11. Farm machinery, equipment, and implement sales and services (Resolution 6-9-20);
12. Garden centers and nurseries;
13. Irrigation equipment sales and services;
14. Medical clinics;
15. Motels, including accessory service uses, such as swimming pools, liquor stores and restaurants;
16. Personal Use Solar Energy Systems (Resolution 02-11-2020);
17. Private clubs and lodges;
18. Private recreational uses, when abutting or and having access to an existing paved road;
19. Public recreational uses, including parks and playgrounds, when abutting or and having access to an existing paved road;
20. Restaurants and cafes;
21. Service stations;
22. Signs, As allowed in Section 8.31 and Section 8.32 (Resolution 07-13-2021) (Resolution 3-14-2023);
23. Mini Storage facilities; Storage facilities having no more than the following special limitations per each unit of storage: a maximum area of no more than 640 square foot per each storage unit area; an entry access or accesses to each storage unit that has no greater dimensional area than that of 224 total square feet; and a maximum exterior height of no greater than twenty feet. (Resolution 6-13-2023);
24. Stores or shops for sale of goods or services at retail;
25. Transportation warehousing;
26. Trucks and freight terminals;
27. Truck Sales and service (Resolution 6-9-20);
28. Utilities, including shops and offices;

~~29. Automobile wash facilities;~~

~~5.53 PERMITTED ACCESSORY USES AND STRUCTURES: The following accessory uses and structures shall be permitted: Accessory uses and structures normally appurtenant to the permitted uses and structures and to uses and structures permitted as special uses.~~

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.

1. Adult Entertainment Establishments; ~~specifically allowed only in the Commercial District; and not as a special use in Agricultural District.~~
2. Airports and Heliports;
3. Arborist Services;
4. ~~Automobile~~/Truck wash services (Resolution 2-12-08);
5. Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section ~~6-4-6.6~~. (Resolution 04-12-2022);
6. Communications towers in excess of 100 feet, ~~radio studios, transmitters, and antennas~~, which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower (Resolution 3-13-18);
7. ~~Data Center;~~
8. ~~Dog breeding establishments, kennels, and domesticated animal training facilities provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence (Resolution 3-14-2023);~~
9. ~~Educational and scientific research services;~~
10. Facilities for the commercial storage or sale of fertilizer or toxic or flammable agriculture chemicals;
11. ~~Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery and/or earth moving surface equipment. (Resolution 3-24-09);~~
12. Personal wind powered generation of electrical power (Resolution 7-10-12)
13. Recreational facilities or entertainment facilities and/or areas not owned or operated by public agencies, ~~when abutting or and having access to an existing paved road (Resolution 10-10-03);~~
14. ~~Short Term Rentals, including AirBnB;~~
15. Single Family Homes;
16. Solar farm (Resolution 02-11-2020);
17. ~~Wind Farms (Resolution 7-10-12) (Resolution 3-11-14).~~
18. ~~Private clubs and lodges;~~
19. ~~Recycling centers;~~

20. ~~Radio studios, transmitters and antenna;~~

21. ~~Signs, As Allowed in Sec. 8.32 (Resolution 07-13-2021);~~

5.55 SCREENING REQUIREMENTS: Open storage of materials attendant to a permitted use or special permit use shall be permitted only within an area surrounded or screened by a solid wall or fence.

5.56 PROHIBITED USES: All other uses and structures which are not specifically permitted or permissible as special uses shall be prohibited from the C Commercial District.

5.57 HEIGHT AND AREAS REGULATIONS: The maximum height, maximum lot coverage and minimum area regulations shall be as follows: (Resolution 7-11-06 & Resolution 10-11-11)

1. General Requirements (Resolution 7-13-2021):

	Lot Area*** (Sq.' Ft.)	Lot Width*	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	40,000	100'	Greater of 50'* or 93 93'***	15'	15'	None

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by the Department of Environmental Quality or other agencies with 3 acres being exempt at the time of adoption of these regulations (Resolution 10-10-03)

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environmental Quality or other agencies with 3 acres being exempt at time of adoption of these regulations (Resolution 10-10-03)

2. MAXIMUM LOT COVERAGE: In no event shall the area of a lot covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features exceed 55% of the lot area. (Resolution 10-10-03, Sec 5.59 & 7-11-06)

3. PUBLIC USE EXCEPTION: By special use permit this lot size may be reduced for Public Uses including, but not limited to; fire stations, elementary and high schools, utilities, whether publicly or privately owned, and utility distribution systems. (Resolution 7-11-06)

5.58 PARKING AND LOADING REGULATIONS: Parking and loading within the C Commercial District shall be in conformance with the provisions of Article 7 of these regulations. (Resolution 10-10-03).

5.6 I INDUSTRIAL DISTRICT

5.61 INTENT: This district is designed to provide for a wide range of industrial and related uses **and the creation and/or processing of goods or services.**

5.62 PERMITTED PRINCIPLE USES AND STRUCTURES: (Resolution 10-11-11)

1. Animal hospitals;
2. **Arborist Services;**
3. Auction houses (Resolution 6-9-20);
4. Automobile sales and services;
5. Automotive/**Truck** wash facilities;
6. Building material sales and ready-mix concrete plants;
7. ~~Butchering facility handling less than 2,500 Animal Equivalent Units per year as defined in Section **6.4.6.6.** (Resolution 04-12-2022);~~
8. **Data Center;**
9. Educational and scientific research services;
10. Equipment rental and leasing services;
11. Farm machinery, implements and equipment – retail, sales and service (Resolution 6-9-20);
12. Farm supplies - retail;
13. Feeds, grains and hay - retail;
14. Garden centers and nurseries;
15. Gas utility maintenance yard;
16. Landscape sales and services;
17. **Manufacturing, processing, fabrication, warehousing or cleaning activity that is completely confined within a closed facility and does not normally emit noise, smoke, or odor outside of the fenced facility;**
18. Personal Use Solar Energy Systems. (Resolution 02-11-2020);
19. Public utility and public service uses;
20. **Recycling centers;**
21. Service stations;
22. **Mini Storage facilities; Storage facilities having no more than the following special limitations per each unit of storage: a maximum area of no more than 640 square foot per each storage unit area; an entry access or accesses to each storage unit that has no greater dimensional area than that of 224 total square feet; and a maximum exterior height of no greater than twenty feet. (Resolution 6-13-2023);**
23. Stores or shops for the sale of industry goods at retail;
24. Signs, As allowed in Section 8.31 and Section 8.32 (Resolution 07-13-2021) **(Resolution 3-14-2023);**
25. Telephone services;
26. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature; **and**
27. ~~Bottling works;~~
28. ~~Carpenter, cabinet, plumbing or sheet metal shops;~~
29. ~~Carpet and rug cleaning and repair services;~~

- ~~30. Disinfecting and exterminating services;~~
- ~~31. Dry cleaning, laundering and dyeing services;~~
- ~~32. Dyeing and finishing of textiles;~~
- ~~33. Electrical sales and services;~~
- ~~34. Food lockers and storage services;~~
- ~~35. Freight forwarding services;~~
- ~~36. Furniture repair and reupholster services;~~
- ~~37. Fur trading services;~~
- ~~38. Mini-warehouse~~
- ~~39. Mobile and modular home sales and manufacturing;~~
- ~~40. Newspaper publishing plants and commercial printing;~~
- ~~41. Photoengraving;~~
- ~~42. Photo finishing services;~~
- ~~43. Radios, televisions, phonographs, recorders, tape players and other similar devices repair services;~~
- ~~44. Transportation warehousing;~~
- ~~45. Truck wash services;~~
- ~~46. Warehousing and storage except for products of a highly explosive, combustibile or volatile nature;~~

~~5.63 PERMITTED ACCESSORY USES: Accessory uses and structures normally appurtenant to permitted uses and structures.~~

5.64 PERMITTED SPECIAL USES: A building or premises may be used for the following purposes in the I Industrial District if a special permit for such use has been obtained in accordance with Article 6 of this Resolution.

1. Airport & heliport;
2. Butchering facility handling 2,500 or more Animal Equivalent Units per year as defined in Section ~~5.4.6.6~~ (Resolution 04-12-2022);
3. Communications towers in excess of 100 feet which serve communication needs including radio, telephone, television, or emergency communication purposes so long as they comply with all applicable Federal Aviation Administrative rules and regulations. Additionally, any special use permit application under this section shall include engineering certifications regarding the collapse zone of any proposed tower. (Resolution 5-8-18);
4. Dog breeding establishments, kennels, and domesticated animal training facilities provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence. (Resolution 3-14-2023);
5. Manufacturing, processing, fabrication or warehousing activity that is not completely confined within a closed facility and does emit noise, smoke, or odor outside of the fenced facility;
6. Mineral extraction, which shall include the following: oil wells, sand, dirt and/or gravel extraction and quarries accomplished through the use of water and aggregate pumping machinery and/or earth moving surface equipment. (Resolution 3-24-09); and
6. Personal Wind powered generation of electrical power (Resolution 4-10-12);

- 7. Salvage or junk yard in accordance with Section 6.3;
- 8. Solar farm (Resolution 02-11-2020);
- 9. Warehousing and storage except for products of a highly explosive, combustible or volatile nature.
- 10. Wind Farms (Resolution 4-10-12)
- 11. Signs, As Allowed in Sec. 8.32 (Resolution 07-13-2021);
- 12. Recycling center;

5.65 PROHIBITED USES AND STRUCTURES: All other uses and structures which are not specifically permitted or not permissible as special uses shall be prohibited from the I Industrial District.

5.66 HEIGHT AND AREA REGULATIONS: The maximum height and minimum area regulations shall be as follows: (Resolution 10-11-11)

- 1. General Requirements (Resolution 7-13-2021):

	Lot Area*** (Sq.' Ft.)	Lot Width*	Required Front Yard	Required Side Yard	Required Rear Yard	Height
Permitted Uses	None	100'	Greater of 50'* or 83-93**	15'	15'	None

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by the Department of Environmental Quality or other agencies with 3 acres being exempt at the time of adoption of these regulations (Resolution 10-10-03)

* Measured from the abutting road or street right-of-way line.

** Measured from center line of abutting road or street right-of-way.

*** Unless more regulated by state or federal authorities. Such minimum lot size is subject to restrictions imposed by Department of Environmental Quality or other agencies with 3 acres being exempt at time of adoption of these regulations (Resolution 10-10-03)

5.67 PARKING REGULATIONS: Parking within the I Industrial District shall be in conformance with the provisions of Article 7 of this Resolution.

ARTICLE 6

SPECIAL USE PERMIT

6.1 GENERAL

The County may authorize by special permit after public hearing, any of the buildings or uses designated in this resolution as permitted special uses.

6.2 PROCEDURES

Such application shall be in writing, filed in the ~~County Clerk~~ Office of the Zoning Administrator, state the proposed location and use of the property, and such other relevant matters as may be requested by the County. Upon receipt of such application, the Zoning Administrator shall forward the application to the Planning Commission for its recommendation. Upon hearing, the Planning Commission shall forward its recommendation to the County Board, ~~within thirty (30) days~~. Upon hearing, the County Board may allow or deny the application in whole or in part, or prescribe conditions for such use of the property. In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required protecting adjoining property. Unless otherwise specifically stated, construction requested on such special permit shall commence within 120 days after authorization and shall be substantially completed two years after commencement. No special use permit shall become effective until after separate public hearings are held by both the Planning Commission and the County Board in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the purpose, time, and place of such hearing shall be given by publication thereof in a paper of general circulation in the County ~~and in the local newspaper of any county/village/city which has territory within three miles of the property affected by such action of the County Board~~, one time at least ten days prior to such hearing.

In addition to the publication of the notice herein prescribed, a notice, in sign form, of the hearing shall be posted in a conspicuous place on or near the property on which such action is pending. The sign shall be placed at least ten (10) days prior to date of each hearing. The sign shall state in conspicuous writing visible from the traveled surface of the nearest public road: the purpose, time, and place of hearing. A notice of the purpose, time, and place of the hearing shall be given in writing to the Chairperson of the County Board, or Planning Commission which has jurisdiction over land within three miles of the property affected by such action. In the absence of a Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three miles of the property affected by such action. A written notice of such hearing shall be distributed to record title owners of property located within three hundred (300) feet of the property line of the property requesting the special use permit.

Except as otherwise provided herein, no special use permit shall be granted by the County Board, without an affirmative vote of a majority of all members of the County Board and providing the proposed use is found to comply with the following guidelines:

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.

In case of protest against such special use permit, filed with County Clerk within seven (7) days following Planning Commission's public hearing considering such special use permit signed 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 on the side and in the rear thereof extending one hundred (100) feet, therefrom, and of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such special use permit shall not become effective except by the favorable vote of two-thirds of all members of the County Board. (Resolution 10-10-03)

6.3 APPEALS SPECIAL USE PERMIT

An appeal of a decision by the ~~County Board of Supervisors~~ **County Board of Commissioners** regarding a special use shall be made to the District Court. (Resolution 11-8-05)

6.4 REVIEW AND CANCELLATION OF SPECIAL USE PERMIT

Reviews and cancellations of special use permits shall be instigated by one of two methods:

1. If the Zoning Administrator finds at any time that the terms, conditions and requirements of a special permit have not been complied with, or that any phase thereof has not been completed within the time required under said special permit or any amendment thereto, the Zoning Administrator shall report this fact to the County Board.
2. County Board may take the matter up by any two members of the Board desiring hearing. Thereafter, a public hearing shall be held with notice to permittee and/or entity using such property and owners of properties subject to notice of the

original permit. Following such public hearing, the County Board may take such action(s) as it deems necessary to obtain compliance, including, but not limited to, revocation of such special permit for failure to comply with such terms, conditions and requirements. (Resolution 5-9-06)

6.5 SALVAGE OR JUNK YARD

Salvage or junkyard operations and related facilities shall only be allowed by special permit in the **AG and I** Zoning Districts under the following conditions: (Resolution 3-9-04)

1. A remediation fund or bond shall be posted for cleanup of facility in the event of abandonment.
2. The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be so maintained by the proprietor as to **insure ensure** maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.
3. No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence or wall, or within the public right-of-way.
4. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.
5. Special use permits granted under this section shall be subject to annual review by the County Board with written notice of hearing of such review given to permit holder at last given address.
6. In making any decision granting a special use permit, the County Board shall impose such restrictions, terms, time limitations, landscaping, improvement of off-street parking lots, and other appropriate safeguards as required to protect adjoining property. (Resolution 3-9-04)

6.6 LIVESTOCK CONFINEMENT FACILITIES/OPERATIONS

1. All livestock confinement facilities/operations, **excepting facilities/operations containing less than fifteen animal equivalent units as hereinafter described,** are allowed under the following conditions: (Resolution 4-13-10) (Resolution 7-10-12)

A. Expansion of an existing livestock confinement facility/operation is defined as such when capacity of the facility is increased to the point where the total **animal units is defined as a larger class. See minimum distance requirements under Section 6.6 (C) in the following table.**

B. Distance requirements:

1. Any new or expanding livestock confinement facilities/operations greater than Class I, shall either be: (1) a minimum distance from any dwelling, commercial or industrial facility, or church, school or any other facility operated and/or utilized by the general public other than the dwelling of the confinement facilities/operations owner and/or operator unless owner(s) of each dwelling, commercial or industrial facility, or church, school or other facility operated and/or utilized by the general public has executed a waiver of nuisance in form similar to form attached to this resolution, or the applicant obtains have signed waiver(s) of nuisance in form similar to Exhibit A, Nuisance Form, attached to this resolution letters of agreement from ~~surface landowner(s)~~ within below stated radius of the designated perimeter supporting the proposed expansion or development of new livestock confinement facilities/operations. (Resolution 7-10-12)

2. Any new or expanding livestock confinement facility/operation Greater than Class I, shall also be:

a. No closer than one (1) mile from any property zoned AGR-1 or AGR-2.

b. No closer than two (2) miles from the corporate limits of any village or city.

C. MINIMUM DISTANCE REQUIREMENTS (Resolution 7-10-12)

	General Farming/Ranching Classification	Class I	Class II	Class III	Class IV
Total Animal Units Allowed	1-299	300-1,000	1,001-2,500	2,501-5,000	5,001 and above
Minimum Distance Required	No Minimum Requirement	1/2 mile 1/4 mile	3/4 mile 1/2 mile	1 mile 3/4 mile	1 mile, 3/4 mile plus 1 foot per every 2 animal units in excess of 5,000 (Maximum Amount: 2 Miles)

	Class I	Class II	Class III
Total Animal Units Allowed Section 6.6 (H)	300 to 2,500	2,501 to 5,000	5,001 and above
Minimum Distance Required	1/2 Mile	1 Mile	1 Mile, plus 1 Foot Per Every Two Animal Units Maximum Amount: 2 Miles

MINIMUM DISTANCE REQUIREMENTS				
	Class I	Class II	Class III	Class IV
Total Animal Units Allowed Section 6.4(6)	1 to 300	301 to 2,500	2,501 to 10,000	10,001 & above
Minimum Distance Required	No Minimum Requirement	1 / 2 Mile	1 Mile	

D. Facility with liquid waste management system lagoon shall have the closest edge of such lagoon no closer than distance stated in above paragraph for total animal units such lagoon system serves from any residence or commercial or industrial facility, or church or school, or any other facility operated and/or utilized by the general public other than the residence of the confinement facilities/operations owner and/or operator. ~~However, the minimum distance may be increased or decreased as determined by the County Board.~~

E. A management plan for the facility, acceptable to the Nebraska Department of Environmental Quality and the County Board, which provides for the proper disposal of animal waste and dead animals in a manner as not to contaminate ground water or any stream, creek or river and minimizes odor.

F. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.

G. Special use permits granted under this section shall be subject to review by the County Board if not in compliance with ~~Department of Environmental Control, State of Nebraska Department of Environment and Energy.~~

H. For purposes of determining size of such livestock confinement facility/operation, the number of animals of all species situated in such facility/operation **at any one time,** shall be calculated in Animal Units

Equivalents based upon the following table:

Animal Units Equivalents		
1.	(1.0 x _____ number of head)	Slaughter and Feeder Cattle
2.	(1.2 x _____ number of head)	Cow/Calf Pairs
3.	(1.4 x _____ number of head)	Mature Dairy Cattle
4.	(0.40 x _____ number of head)	Swine, 55lbs. and over
5.	(0.04 x _____ number of head)	Weaned Pigs, less than 55lbs.
6.	(0.1 x _____ number of head)	Sheep
7.	(2.0 x _____ number of head)	Horses
8.	(0.01 x _____ number of head)	Chickens
9.	(0.02 x _____ number of head)	Turkeys
10.	(0.02 x _____ number of head)	Ducks
11.	For Immature Dairy Cattle, or those species not listed, number of animal units shall be calculated as the average weight of animals divided by 1,000 lbs., multiplied by the number of animals.	
	(Resolution 9-19-19)	

Animal Units Equivalents

1. (1.0 x _____ number of head) Slaughter and Feeder Cattle
 2. (1.2 x _____ number of head) Cow/Calf Pairs
 3. (1.4 x _____ number of head) Mature Dairy Cattle
 4. (0.40 x _____ number of head) Swine, 55lbs. and over
 5. (0.04 x _____ number of head) Weaned Pigs, less than 55lbs.
 6. (0.1 x _____ number of head) Sheep
 7. (2.0 x _____ number of head) Horses
 8. (0.01 x _____ number of head) Chickens
 9. (0.02 x _____ number of head) Turkeys
 10. (0.02 x _____ number of head) Ducks
 11. For Immature Dairy Cattle, or those species not listed, number of animal units shall be calculated as the average weight of animals divided by 1,000 lbs., multiplied by the number of animals. _____
- (Resolution 9-19-19)

I. PROCEDURAL REQUIREMENTS:

- 1. Any application for a Special Use Permit by a Livestock Confinement Facilities/Operation shall be submitted to the Planning Commission for a Public Hearing.**

a. All exhibits must be entered into the record during the Public Hearing. These exhibits may be identified by the title and exhibit number.

b. The County Comprehensive Plan shall always be submitted as Exhibit Number 1.

c. The County Zoning and Subdivisions Regulations shall be submitted as Exhibit Number 2.

d. The County Zoning Map shall always be submitted as Exhibit Number 3.

e. The Conditional Use Permit Application and documentation shall be submitted as Exhibit Number 4.

f. Letters, written comments and material presented during the public hearing shall be given an Exhibit Number, as they are presented.

2. After closing the Public Hearing, the Planning Commission shall not vote on the application until the next meeting, unless the Planning and Zoning Commission passes by unanimous vote that the Commission suspend the one-meeting delay rule, and thereafter proceeds to vote on the application in the same meeting in which the Public Hearing is held.

3. At the meeting in which the vote on the application is taken, the Zoning Administrator will present a "Statement of Finding of Facts" drawn from the Public Hearing and exhibits. The Planning Commission shall then make a recommendation, or defer a recommendation to the next meeting, to the County Board of Commissioners to approve or deny the application based on the Public Hearing.

4. The County Board of Commissioners shall schedule a Public Hearing and make proper notice of this meeting.

5. The Zoning Administrator shall prepare a resolution containing the "Statement of Finding of Facts" and any conditions to be placed on the Applicant if the application is approved.

6. If during the Public Hearing held by the Board of Commissioners, no new facts, in the opinion of the County Board

are entered at the hearing, a vote on the application may be taken after the hearing is closed.

7. If new facts are entered at the public hearing of the Board, the decision shall be postponed until the next meeting or until the "Statement of Finding of Facts" in the resolution can be revised.

8. Following approval of the application by the Board of Commissioners, the applicant shall be notified in writing of the decision, including conditions imposed and a finding of fact as to support the Board's decision, if any.

9. In the case of denial of the application by the Board, the applicant shall be notified in writing of opportunity to amend the application and resubmit the application, with no additional fee, to the Planning Commission for a Public Hearing with submissions that address the specific reasons for denial or to seek judicial review of the proceedings.

J. SPECIAL REGULATIONS CONCERNING DISPOSAL OF CONFINEMENT FACILITY, FEEDLOT WASTE, LIVESTOCK PROCESSING WASTE, AND/OR OTHER WASTE. (Resolution 6-12-07)

1. Disposal and storage of any confinement facility or feedlot manure on land within Buffalo County other than on the property upon which the confinement facility or feedlot is located shall be subject to the license requirements and manure disposal requirements and recommendations of the State of Nebraska (Resolution 6-12-07).

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).

3. Disposal of paunch manure shall be allowed only in AG District with the same being subject to any applicable license and/or permit requirements of the State of Nebraska and/or Buffalo County (Resolution 6-12-07).

4. In no event shall there be storage of and/or disposal of livestock manure from a confinement or feedlot facility on, upon, or within 100 feet of land designated by the United States Department of Agriculture, or entity thereof, as delineated inventoried wetlands (Resolution 6-12-07).

5. Livestock processing waste shall not be allowed upon the lands of Buffalo County (Resolution 8-14-07).

6. Exemption smaller facilities/operations: Operations or facilities comprises of less than 15 Animal Equivalent Units, as herein described, are exempted from the foregoing provisions.

6.57 SPECIAL PROVISIONS REGARDING ADULT ENTERTAINMENT ESTABLISHMENTS

1. Adult Entertainment Establishment, as previously defined, shall not be allowed in the Agricultural District (AG), and shall only be allowed as a special permit in the Commercial (C) District, under the following conditions:

A. LOCATION AND DISTANCE REQUIREMENTS:

1. An Adult Entertainment Establishment, as herein defined:

a. Shall not be located or expanded within one thousand (1,000) feet of either Agricultural – Residential District 1 (AGR 1) or Agricultural – Residential District 2 (AGR 2) zoned property;

b. Shall not be located or expanded within one thousand (1,000) feet of any other Adult Entertainment Establishment;

c. Shall not be located or expanded within one thousand (1,000) feet of any church, synagogue or temple, hospital, public school or public park, or any day care center or day care home.

B. Measurements pursuant to the foregoing section shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of an Adult Entertainment Establishment to:

1. The nearest property line of any real estate situated in either Agricultural – Residential District 1 (AGR 1) or Agricultural – Residential District 2 (AGR 2), ~~use district~~ by the Zoning Map of Buffalo County; and

2. The nearest portion of the building or structure used as a part of the premises of any other Adult Entertainment Establishment; and

3. The nearest property line of the premises of a church, synagogue, temple, hospital, public school, public park, day care center, and day care home.

C. Distance certifications: An application for an Adult Entertainment Establishment shall be accompanied by a current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing Adult Entertainment Establishments within 1000 feet of the property to be certified; the property lines of any church, synagogue or temple, hospital, public school or public park, or any day care center or day care home within 1000 feet of the property to be certified; and the property lines of any property **either in the Agricultural – Residential District 1 (AGR 1) or Agricultural – Residential District 2 (AGR 2)** by the Zoning Map of Buffalo County, within 1000 feet of the property to be certified. For purposes of this sub-section, a use shall be considered existing if it is in existence at the time an application is submitted.

2. SPECIAL REQUIREMENTS:

- A. An Adult Entertainment Establishment shall be located in a freestanding building, one lot, containing no other uses or Adult Entertainment Establishments.
- B. All Adult Entertainment Establishment businesses, its owners, managers, entertainers, and any other employee thereof shall permit any governmental official acting in their official capacity to inspect the premises and activities on the premises as necessary to **insure ensure** the business is complying with all applicable regulations (Resolution 03-11-14) (Resolution 2-22-2022)

6.68 Wind Farms Location and Distancing Requirements

1. LOCATION AND DISTANCE REQUIREMENTS-WIND FARMS:

A. A Wind Farm, as herein defined within the Buffalo County Zoning Regulations:

1. Shall not be located or expanded within:

a. Three miles from the thread of the stream of the South Loup River.

b. Five miles from any Federal or State wildlife preservation or management area.

c. One-quarter mile from any and all inventoried Wetlands, as set out in the U.S. Fish and Wildlife's mapping and inventory of Wetlands, namely the mapping contained at: (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>). (Resolution 6-13-2023).

~~i. Three miles of Agricultural Residential (AGR) zoned property.~~

- ii. ~~Three miles of any owned in whole or in part by a non-applicant of the wind farm, unless the applicant secures consent of all property owners of parcels within three miles of the parcel boundaries containing the proposed wind farm. This can be waived, with an agreement in writing filed with the Register of Deeds, executed and filed prior to submittal of the application.~~
- iii. ~~Three miles of any church, synagogue or temple, hospital, public school or public park, or any licensed day care center or day care home.~~
- iv. ~~Five miles of any incorporated village or city.~~
- v. ~~Two Miles of a private or public burial site.~~
- vi. ~~The south river bank of the Platte River to three miles from the north right of way for Highway 30 and three miles from the centerline of Highway 2.~~

B. Measurements pursuant to the foregoing section shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises of a Wind Farm to the following distances, whichever applies:

a. The nearest portion of the building or structure used as a part of a Wind Farm; and

b. The nearest property line of a Federal or State wildlife preservation or management area.

c. The nearest edge of inventoried Wetlands as set out in the U.S. Fish and Wildlife's mapping and inventory of Wetlands, namely the mapping contained at: (<https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>). (Resolution 6-13-2023).

~~i. The nearest property line of any real estate situated in the Agricultural Residential (AGR) use district by the Zoning Map of Buffalo County; and~~

~~ii. The nearest property line of the premises of a windfarm non-applicant property line, church, synagogue, temple, hospital, public school, public park, licensed day care center, and day care home, and~~

~~iii. The nearest grave marker at a burial site.~~

~~iv. The nearest municipal corporate limit line, exclusive of areas annexed for economic development.~~

C. Distance certifications: An application for a Wind Farm shall be accompanied by a current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures within two miles of the property to be certified; that shall minimally include the property lines of any church, synagogue or temple, hospital, public school or public park, or

any day care center or day care home within two-miles of the property to be certified; and the property lines of any property zoned Agricultural Residential (AGR) by the Zoning Map of Buffalo County within two miles of the property to be certified.

D. For purposes of this sub-section, a use shall be considered existing if it is in existence at the time an application is submitted. (Resolution 3-14-2023)

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ARTICLE 7

PARKING REGULATIONS

7.1 GENERAL PROVISIONS

1. All buildings and structures erected and all uses of land in all districts established after the effective date of this Ordinance shall provide accessory parking and loading facilities as required under this section.
2. All off-street parking spaces required by this Ordinance shall be located on the same lots as the use it serves.
3. Owners of two or more uses or parcels of land may agree to jointly utilize the same parking spaces provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such a joint area of use.
4. All yard area including driveways, except the required front yard for residential uses may be used for off-street parking. Garages and driveways may be considered as off-street parking spaces.
5. A plan, drawn to scale, indicated how the off-street parking and loading requirements are to be met, shall accompany an application for a zoning permit. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.

7.2 OFF-STREET PARKING REQUIREMENTS

At the time of construction, alteration or enlargement of a structure or building or change in the use of land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

<u>Use</u>	<u>Minimum Number of Parking Spaces</u>
1. Residential Single family, two-family dwelling	1 per dwelling unit
2. Mobile Home Trailer Park	1 per trailer unit
3. Hotel and Motel	1 per rental unit plus 1 for every 4 employees
4. Hospitals, nursing homes, rest homes, Or similar uses	1 for every 2 ½ patient beds and 1 for each staff and employee on the largest shift

- 5. Places of public assembly such as auditoriums, theaters, stadiums, community halls, churches, etc. 1 per every four persons-1 per 200 square feet of floor area as determined by interior wall dimensions
- 6. Bowling Alley 2 for each alley
- 7. Retails sales department stores, restaurants, taverns, grocery stores, etc. 1 per 200 square feet of floor area as determined by exterior wall dimensions
- 8. Professional office establishments 1 per 500 square feet of floor area as determined by exterior wall dimensions
- 9. Manufacturing, wholesale warehouse and similar uses 1 for every 2 employees on the largest working shift

7.3 OFF-STREET LOADING REQUIREMENTS

At the time of construction, alteration or enlargement of any structure or building except residences and farms having an aggregate gross floor area of 500 square feet or more, off-street loading areas shall be provided and maintained for all uses as follows:

	<u>Number</u>	<u>Loading Area</u>	<u>Gross Floor Area</u>
1.	One	500 square feet	For every 5,000 to 20,000 square feet
2.	One	500 square feet	For every 20,000 square feet or fraction thereof

ARTICLE 8

ACCESSORY USES

8.1 ACCESSORY BUILDING

Buildings and structures may be erected and land may be used for purposes, which are clearly incidental to, and customarily and commonly associated with the main permitted use of the premises. Such accessory buildings, structures and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, heat or glare which is injurious, damaging, unhealthful or disturbing to adjacent property, or the users thereof, and shall be on the premises of the main use.

Accessory buildings and structures shall not occupy more than thirty percent of the area of the side, front, and rear yards. Any accessory building and/or structure and/or use comprised of two hundred (200) square feet or less is exempted from the need to obtain a zoning permit, but shall have a minimum yard setback as required within the zoning district. Attached garages, attached to the principal structure, shall be are considered part of principal building. (Resolution 02-11-2020) (Resolution 02-09-2021)

8.2 HOME OCCUPATIONS

An occupation or activity carried on within the dwelling or accessory building by a member of the family residing on the premises, which occupation or activity is incidental and secondary to the residential occupancy and does not change the residential character nor infringe upon the right of neighboring residents to enjoy a peaceful occupancy of their homes.

The following conditions and restrictions shall apply to such customary home occupations:

1. The primary use of the building or structure in which the occupation is situated shall clearly be the dwelling used by the person as his private residence.
2. No equipment or machinery shall be used in such activities that are perceptible off the premises by reason of noise, smoke, odor, dust, radiation, electrical interference, or vibration. Parking shall be handled in such a manner as to not impede or hinder traffic on any public right of way.

8.3 SIGNS.

All signs, regardless of the need to obtain a zoning permit, shall not impair visibility along any street or road. The approval of the County Highway Superintendent is needed before placing a sign within fifty feet of public road street right-of-way to ensure no issues exist, as to visibility. A sign permit that is issuable by a permit by right can be included in a zoning permit for a structure to which the zoning permit pertains. In this situation, there shall be

no additional payment of zoning fees for the sign that accompanies the structure.
(Resolution 3-14-2023)

8.31. Signs Allowed as a Use by Right partially exempted. The following signs are allowed as a use by right by submittal of zoning application and without need of payment of permit fee, but subject to approval by the County Highway Superintendent if located within fifty feet of a public road street right-of-way, in the various zoning districts if listed in the particular applicable zoning district (Resolution 3-14-2023):

1. Signs erected by, or required by a public entity that has power to condemn,
2. Permanent sign(s) with an signage area of nine (9) square feet or less,
3. Permanent sign(s) for church(s) or cemeteries with a signage area of twenty (20) square feet or less, or
4. Temporary sign, whether affixed to the ground or on a trailer, with a signage area of thirty-three (33) square feet or less,
5. These signs are subject to any regulation State regulation when located within sight of a State or Federal Highway.

8.32 Signs Allowed by Right and/or Special Permit. Signs not meeting the criteria set out in Sec. 8.31 shall be allowed only by special permit as allowed as provided in the various zoning districts. Minimally these shall be required to (Resolution 3-14-2023):

1. Maintain as a minimum setback from all property lines a distance equal in feet to the square root of the area of the sign, plus the height, both measured in feet, rounded up, which said distance shall be measured from the nearest edge of the sign to any property line.
2. Comply with any state and/or federal regulations relating to signage. Buffalo County in granting any permit for signage makes no assurance as to compliance with state and/or federal regulations relating to signage. (Resolution 3-14-2023)
3. Have permission from the Nebraska Department of Transportation, if located along, or in, a Federal or State Maintained highway, or Buffalo County Highway Superintendent, or both, if placed on land that abuts a parcel abutting both state and locally controlled or maintained highways, streets, and/or roads. These agencies shall have the sole judgment as to whether the sign, either as erected or maintained, may obscure or otherwise physically interfere, or cause confusion with any official traffic sign, signal, or device, or obstruct or physically interfere with a driver's view of approaching, merging, or intersecting traffic.
3. Meet the following, location, setback, and size limitations, unless a more limiting size is set out for the particularized use relating to the sign:

Specific size requirement for each zoning district are is given in this table:

Zoning District	Agriculture (AG)		Agricultural - Residential (AGR)		Rural Conservation (RC)		Commercial (C)		Industrial (I)	
	I	II	I	II	I	II	I	II	I	II
Sign Class										
Maximum Size (square feet)*:	50	300	25	75	25	25	No Limit		No Limit	
Maximum Height: (feet)	10	35	10	20	10	10	35	50	35	50
Space, Minimum Linear Distance Between Signs (feet):	No Limit	1000	1 Per Lot		1 Per Lot		No Limit	250	No Limit	250
Illumination Allowed:	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Minimum Distance from Intersection (feet):	50	150	50	50	50	50	50	150	50	150
Maximum Length (feet):	10	30	10	15	10	10	30	30	30	30
Minimum Distance from Public Property Use Land: Other than 8.32 (1) & Other than Streets	None	50	None	50	None	50	None	150	50	150
Minimum Distance from Any Property Line:	The square root of the area of the sign, plus the height of the sign, both measured in feet, with each number rounded up prior to addition of the two.									

***All measurements are in feet.**

For purposes of Sign classification as either “I” or “II” in this chart, the following definitions apply:

CLASS I SIGNS: Sign(s) that only advertise activities conducted on the property on which the sign(s) are located.

CLASS II SIGNS: All other outdoor advertising signage, which includes including bill boards, which are not Class I signs, that are not excluded from other requirements of these zoning regulations or issued special use permits.

1. “All zoning permits issued by Buffalo County are subject to any rule or regulation of the Nebraska Department of Transportation relating to placement of advertising signage. That Department’s regulations relating to sign(s) are adopted by reference as a part of these regulations. The state regulations shall apply with the area of their jurisdiction except where local zoning rules impose a

stricter standard. In areas subject to state jurisdiction, the applicant shall be required to obtain a state permit prior to issuance of a county zoning permit.”

8.4 YARD REGULATIONS: (Resolution 3-11-08)

8.41 FRONT YARDS: The front yards heretofore established shall be adjusted in the following cases: (Resolution 3-11-08)

Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed and the buildings on this side of a block have observed a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings provided that no building shall be required to have a front yard setback of more than fifty (50) feet.

Where forty percent (40%) or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have a front yard less than the required, new buildings shall not be erected closer to the street than the nearest building on the block.

ARTICLE 9

COUNTY BOARD OF ZONING ADJUSTMENT

9.1 CREATION, MEMBERSHIP

The County Board of Zoning Adjustment is hereby created and shall be known as the County Board of Zoning Adjustment. The members of said board shall be appointed by the County Board.

One (1) member only of said board shall be appointed from membership of the Planning Commission and the loss of membership on the Planning Commission by such member shall also result in the immediate loss of membership on the County Board of Zoning Adjustment.

Said board shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three (3) years and removable for cause by the County Board upon written charges and after public hearings. Vacancies shall be filled for the unexpired terms of any member whose terms becomes vacant. (Ref. 23-168.01 RS. Neb)

9.2 MEETINGS

Meetings of the Board of Zoning Adjustment shall be held at the call of the chairperson and at such times as the Board may determine. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the county clerk and shall be a public record.

9.3 INTERPRETATIONS AND VARIANCES

9.31 The Board of Adjustment shall, subject to appropriate conditions and safeguards as specified in these regulations, have the following powers (Ref. 23-168.03 R.S. Neb.):

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or Planning Commission based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of any regulation, requests for interpretation of any maps, or for decisions upon other special questions upon which the Board is authorized by any such regulation to pass; and

3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of the Zoning Resolution, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of such property, to authorize, upon appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardships, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of these zoning regulations, but no such variance shall be authorized unless the Board finds that:
 - A. The strict application of the regulation would produce undue hardship;
 - B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - C. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - D. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

9.32 No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonable practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

9.33 In exercising the above-mentioned powers such Board may, in conformity with the provisions of said sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such orders, determine time limitations for commencement and substantial completion of work, unless otherwise specifically stated, construction requested on such variance shall commence within 120 days after authorization and shall be substantially completed two years after commencement, requirements, decisions or determinations as shall be proper, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to **effect affect** any variation in such regulation. (Resolution 10-10-03)

9.4 PROCEDURES FOR REQUESTING A VARIANCE

The procedures to be followed by the Board of Zoning Adjustment shall be as follows.

9.41 Appeals to the Board may be taken by any person aggrieved or by any officer, department, governmental agency affected by any decision of the zoning administrator. Such appeal shall be made within ten (10) days from the date of decision by any county officer or department. The appeal filed in writing shall define the appeal being requested and the grounds therefore. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Adjustment all the paper constituting the record upon which the action appealed from was taken.

9.42 The Chairperson of the Board shall set a hearing within thirty (30) days of receipt of the appeal. The time, date, place of the hearing, and description of the request shall be published in a local newspaper of general circulation ten (10) days prior to the actual hearing. NOTICE The Board shall also notify provide notice to the interested parties ten (10) days prior to the hearing date, in the case of which includes the hearing date, time and place of the hearing. The prescribed method of giving notice, unless otherwise specifically changed by the action being taken, shall be as follows:

A. Adjoining landowners: Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road, sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.

B. Publication Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County.

C. Property shall be described For notices to adjoining landowners and by publication, the notice(s) for shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and The Board of Commissioners at which the consideration and adoption of the resolution will be voted upon.

D. Posting on the property: Notice of such 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 in sign form to seeking action in the public hearing.

9.5 APPEALS FROM THE BOARD OF ZONING ADJUSTMENT

Any person or persons, jointly or separately, aggrieved by any decision of the Board of Zoning Adjustment, or any officer, departments, board or bureau of the County, may seek review of such decision by the district court for the County in the manner provided by the laws of the State and particularly by Section 23-168.04.

ARTICLE 10

ADMINISTRATIVE PROVISIONS, ENFORCEMENT AND FEES

10.1 ENFORCEMENT

10.11 ZONING ADMINISTRATOR. This resolution shall be enforced and administered by a zoning administrator who shall be appointed by the County Board and who may be provided with the assistance of such other persons as the County Board may direct in order to carry out the following duties and responsibilities:

1. Approve and issue all zoning permits, zoning permits ~~and occupancy certificates~~ when compliance is made with this resolution.
2. Conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this resolution.
3. Receive, file and forward to the County Board of Zoning Adjustment the records in all appeals for variances.
4. Maintain permanent and current records of the Zoning Resolution including but not limited to, all zoning maps, amendments, special use permits, variances, appeals and applications thereof and records of hearings thereon.
5. Prepare and have available in book, pamphlet or map for each year.
 - A. The compiled text of the Zoning Resolution and amendments thereto, including all amendments adopted through the preceding twelve months; and
 - B. A zoning map or maps, showing the zoning districts, divisions and classifications in effect on the preceding twelve months.
6. Whenever the Zoning Administrator shall find that any of the provisions of this resolution have been or are being violated, he/she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He/she may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings, structures or additions or alterations thereto; discontinuance of any illegal work being done; or take any other appropriate action authorized by this resolution to ~~insure~~ ensure compliance with, or to prevent violation of, its provisions.

10.2 ZONING PERMITS

10.21 GENERAL. No zoning or other structure shall be erected, moved, added to, **demolished**, or structurally altered, without a zoning permit first having been issued by the Zoning Administrator. No zoning permit shall be issued unless the proposed construction or use is in conformance with all of the provisions of this resolution and with all other applicable codes, regulations and laws of Buffalo County and with all orders, and variances lawfully issued by the Board of Adjustment.

10.22 APPLICATION FOR ZONING PERMIT. All applications for a zoning permit shall be accompanied by a plot plan showing the location, ground area, height and bulk of all present and proposed structures, additions, parking areas and site improvements; the actual dimensions and shape of the lot lines; the uses to be built upon; the building lines in proposed structures or additions; and any other reasonable and pertinent information as may be required by the Zoning Administrator or the proper enforcement of this resolution.

1. **NEED OF PROFESSIONAL DESIGN AND SUPERVISION TO OBTAIN ZONING PERMIT FOR PUBLIC STRUCTURES, BUILDINGS, GATHERING PLACES AND EMERGENCY INTERCONNECTIVITY COMPLIANCE.** All building construction and development for the structures and uses described in Section 10.22 (2) shall be in conformity with these regulations with the following additional regulations.

2. A licensed Engineer and/or Architect shall sign a letter of approval of plans, for a structure, or change in use of a structure, to accompany any zoning permit for structures and uses described in this section. This professional statement shall also include a certification by the Engineer and/or Architect that the structure(s) described in on the zoning permit, after finished construction, is compliant with 2012 IFC (International Fire Code) SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE interconnectivity needs of emergency personnel and services together with any needed professional review as required by the Nebraska Engineers and Architects Regulation Act. (Neb.Rev.Stat. 81-3401 as of 10/19/23 or as subsequently amended)

A. This provision applies to zoning permits issued for:

1. The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of comprised of greater than five thousand square feet of above-grade finished space. Any detached or attached sheds, storage buildings, and/or garages incidental to the dwelling are not included in the tabulation of finished space.

2. The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure comprised of:

a. An area greater than five ten thousand square feet of above grade finished space,

b. A height that exceeds thirty feet, or

c. After completion of the erection of the permitted structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons.

d. Exempted from this requirement are:

1. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure, the area of which are not included in the tabulation of finished space.

2. The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons."

3. After finished construction, and/or change of use, if an existing structure, the structure shall be tested as being is-compliant with 2012 IFC SECTION 510 EMERGENCY RESPONDER RADIO COVERAGE interconnectivity needs of emergency personnel and services for this County. This interconnectivity needs test shall be conducted by the Buffalo County Sheriff's Office, or an approved testing entity previously approved in writing by the Buffalo County Sheriff's Office. The Sheriff's Office is authorized to change a fee for this service, with the fee being published as an additional cost fee, for zoning permits, paid to the Sheriff's Office. A report of interconnectivity compliance or noncompliance will be filed with the zoning permit application.

10.23 APPROVAL OR DISAPPROVAL OF PERMIT. The Zoning Administrator shall examine all applications for zoning permits, including plans, specifications and documents filed therewith and shall either approve or disapprove such application within thirty (30) days of receipt of same with review of Floodplain Administrator to occur with same timeframe. Upon approval and receipt of required fees, the Zoning Administrator shall promptly

issue the zoning permit and shall affix his/her signature to the permit and the plans and mark the plans "Approved." Upon disapproval of the application, the Zoning Administrator shall refuse to issue the permit and shall state in writing on the plans the reasons for disapproval, affix his/her signature and mark the plans "Disapproved."

10.24 EXPIRATION OF ZONING OR OTHER GRANTED PERMIT: If the work described in any zoning permit, when issued by use of right has not commenced within 120 days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the County Zoning Administrator with written notice thereof give to the person affected. Resolution 10-10-03)

If the work described in any zoning permit, when issued by use of right, has not been completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the County Zoning Administrator, and written notice thereof shall be given to the persons affected together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained. (Resolution 10-10-03)

10.25 APPEAL FROM APPROVAL OR DISAPPROVAL. An appeal from approval or disapproval of any Application shall be made to the Board of Adjustment in writing within ten (10) days after the determination of the Zoning Administrator has been filed.

10.26 NOT REQUIRED. Zoning permits are not required for buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year. For computation of twenty acres the land used as a farmstead need not be a contiguous singular parcel of real estate when such twenty-acre farmstead is located in AG. (R.S. Neb. 23-114.03)

10.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS

10.31 A verbal decision by the Zoning Administrator except in the cases of building, occupancy shall be the primary instrument for administering compliance with this resolution.

10.4 SCHEDULE OF FEES

10.41 The schedule of fees shall be established for this Zoning Resolution to cover costs of administration by the County Board.

The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the County Board. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 11

AMENDMENT

11.1 GENERAL

The County Board may from time to time supplement, change or generally revise the boundaries or regulations contained in this resolution amendment. A proposal for such amendment may be initiated by the County Board, Planning Commission or upon application of the owner of the property affected. A filing fee established by the County Board is required for each application to be considered by the Planning Commission.

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.

11.2 SUBMISSION TO PLANNING COMMISSION

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix affix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

If such 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 and 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.

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.

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:

- 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.

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)

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.

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.

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.

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.

11.3 **AMENDMENT CONSIDERATION AND ADOPTION NOTICE**

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (½) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes 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)

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the County Board, if it approves such recommendation, may either adopt such recommendation by resolution or take no further action thereof as appropriate. In the event the Planning Commission submits a failure to recommend, the County Board may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the County Board disapproves, the said governing body shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval, and such recommendation shall be considered in like manner as that required for the original recommendation returned to the Planning Commission. If such 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.

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.

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)

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ARTICLE 12

COMPLAINTS, PENALTIES, REMEDIES

12.1 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this resolution.

12.2 PENALTIES

The owner or agent of a building or premises in or upon which a violation of any provisions of this resolution has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which such violation shall exist, shall be guilty of a Class III misdemeanor. Each and every day that such violation continues after notification shall constitute a separate offense. (Resolution 11-8-05)

Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

12.3 REMEDIES

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this resolution the appropriate authorities of the County may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 13

LEGAL STATUS PROVISIONS

13.1 SEPARABILITY

Should any article, section or provisions of this resolution be declared by the courts to be unconstitutional or invalid, such decisions shall not affect the validity of this resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

13.2 PURPOSE OF CATCH HEADS

The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this resolution.

13.3 PURPOSE OF LEGAL AUTHORITY CITED (Resolution 8-14-07)

The reference to a legal authority or annotation stated under any of the foregoing sections, if so stated, is inserted simply for convenience and to serve the purpose of referring to suggested statutory authority or other legal authority. In no event shall such reference or annotation be indicative of sole authority of such section or regulation.

13.4 REPEAL OF CONFLICTING RESOLUTIONS

All other resolutions and regulations in conflict with this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

13.5 EFFECT DATE

This resolution shall take effect at 12:01 o'clock a.m. January 1, 2003 and be in force from and after its passage on September 10, 2002 and publication according to law.

Appendix

“Exhibit A” Nuisance Form

(3” Margin)

BUFFALO COUNTY, NEBRASKA

**CONSENT FOR WAIVER FROM DISTANCE
For Concentrated Animal Feeding Operation**

NOTICE: This document, as a form, has been prepared by the Buffalo County Planning and Zoning Office.

This document can be filed against any real estate described in this document. It will run with the land. Legal descriptions and providing names of property owners and all parties of ownership interest of record of this property is the responsibility of the applicant.

Zoning Officials take no responsibility for any omissions or errors.

Date: _____

Owner: _____

Address: _____

Legal Description: _____

(Exact legal description of livestock feeding operation site)

Consenting Property Owner (Residence and/or Non-residential property owner):

Name: _____

Address: _____

I (We) owners(s) of the following legally described property hereby give consent to _____

_____ to locate/expand a Livestock Feeding Operation and/or expand size of lagoon, if used, on the above legally described property at/to a level of _____ (State Class II, III, IV, _____) or dimensions of lagoon described as: _____. This consent is required by Buffalo County CAFO Regulations.

If this is consent from a residence:

The legal description of the residential _____

(Exact legal description of residence site) _____

(street address of residence) _____

If consent is from non-residential property owner then state:

(Exact legal description of nonresidential property) _____

Consenting Property/Residence Owner(s) Signature _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____

Notary Public _____

My Commission expires: _____

AMENDMENTS TO SEPTEMBER 10, 2002 ZONING RESOLUTION:

<u>Resolution Number</u>	<u>Resolution Date</u>	<u>Section Affected</u>
2003-16	5-27-03	5.34
Regular Motion	10-10-03	5.32
		5.33
		5.34
		5.54
		5.57
		5.58
		5.59
		6.2
		9.33
		10.24
		11.4
2004-06	3-9-04	6.3
2004-30	8-10-04	5.16
		5.34
		5.36
2004-31	8-10-04	5.32
2004-33	9-14-04	11.3
2005-37	11-8-05	12.2
2005-38	11-8-05	6.5
2005-39	11-8-05	2.41
2006-14	5-9-06	6.6
		3.66
		3.74
2006-29	7-11-06	5.57
		5.59
2007-20	6-12-07	3.47
		3.55
		3.56
		3.65
		6.4 #7
		6.4 #7A
		6.4 #7B
		6.4 #7C
		6.4 #7D
2007-32	8-14-07	6.4 #7E
2007-33	8-14-07	13.3
2007-54	12-4-07	5.14 #17
		5.34 #8
2008-09	2-12-08	5.54 #8
		3.76
2008-011	3-11-08	3.38
		3.39
		3.71
		3.72

		3.73
		5.12 #2
		5.14 #10
		5.14 #11
		5.32 #4
		5.32 #7
Resolution Number	Resolution Date	Section Affected
		5.34 #3
		5.34 #11
		5.34 #15
		5.34 #16
		5.34 #17
		8.4
		8.41
2009-19	3-24-09	5.34 #18
		5.34 #19
2009-20	3-24-09	5.34 #20
2009-34	5-12-09	5.34 #20
2010-23	4-13-10	5.12 #1
		5.14 #12
		5.32 #1
		6.4
2010-24	4-13-10	3.46
		3.84
2010-24	4-13-10	3.85
		5.14 #4
		5.14 #19
		5.14 #20
		5.34 #6
2011-58	10-11-11	5.57
		5.66
2011-59	10-11-11	3.32
		5.12 #1
		5.14 #13
		5.34 #9
		5.52 #21
		5.62 #36
2012-10	4-10-12	5.64 #5
		5.64 #6
2012-29	7-10-12	6.4
2012-30	7-10-12	5.12 #2
		5.14 #12
2012-31	7-10-12	5.2 – 5.291
2012-32	7-10-12	5.54 #9 & #10
2014-13	3-11-14	Added definitions
2014-13	3-11-14	5.14 #14
2014-13	3-11-14	5.54 #11

2014-13	3-11-14	6.5
2017-53	10-10-17	5.14 #13
		5.34 #7
2018-03	3-13-18	5.54 #12
2018-13	5-8-18	5.14 #4
		5.24 #13
		5.34 #4
		5.64 #7
2019-19	7-9-19	5.17
		5.28
2019-44	9-19-19	6.4#6
2020-03	2-11-20	Solar Energy-Added definitions, allowable & accessory use
2020-04	2-11-20	Accessory Bldg Amendment – 8.1
2020-21	6-9-20	5.52 #1,#2, #9, #19 & 5.62 #2, #15
2020-31	7-28-2020	Amend 3.3125, 5.32 #7 & 5.33 #4.
2020-58	12-8-2020	Remove 5.34 (11) – Mini Storage facilities with all items enclosed within the building or buildings (Resolution 3-11-08) & Add 5.34 (13) – Personal Use Solar Energy Systems
2021-08	2/9/2021	Amend Section 8.1 to add “side & front” & to exempt 200 sq’ structures from zoning permits
2021-33	5/11/2021	Amend Section 3.3172: definition of “Structure”.
2021-41	7/13/2021	Amend Section 10.22 ensuring compliance with applicable rural structures and the 2012 IFC Section 510 Emergency Responder Radio Coverage interconnectivity needs.
2021-42	7/13/2021	Add/Amend Sections 3.3161, 8.3, 5.12, 5.14, 5.22, 5.24, 5.32, 5.34, 5.52, 5.54, 5.62, 5.64 regarding signage.
2021-43	7/13/2021	Add/Amend Sections 3.3130, 3.3133, 3.3169,

		3.3181, 5.12 (6), 5.16, 5.22 5.27, 5.32 (2), 5.36, 5.57, 5.66
2021-76	11/23/2021	Amend Section 8.3 (1) and 8.3 (3)
2021-77	11/23/2021	Amend Sections 5.16 (2B) and 5.27 (2B)
2022-02	2/22/2022	Reformat/Renumber Section "14.5", Adult Entertainment to Section "6.5", Ensure Numerical Order.
2022-12	04/12/2022	Add definition of Butchering Facilities (Section 3.3112), Add Butchering Facilities to Sections 5.62, 5.54, 5.14 & 5.64.
2023-09	3/14/2023	Add/Renumber Section 6.6 to Include Location and Distance Requirements for Wind Farms
2023-10	3/14/2023	Dog Breeding Establishments, Kennels and Domesticated Animal Training Facilities: Remove Section 5.34 (7); Add to Section 5.54, Section 5.64 and Amend Section 5.14 (4) Dog breeding establishments, kennels, and domesticated animal training facilities provided that all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.
2023-11	3/14/2023	Add/Renumber Section 3.3152 to Define "Paved Hard Surfaced Road/Street"
2023-12	3/14/2023	Amend Section 5.52 (16), Section 5.62 (36), Section 8.3; Remove Section 5.54 (10) & 5.64 (7) regarding signage.
2023-33	6/13/2023	Amend Section 5.52(12) to define "Mini-Storage Facilities".
2023-34	6/13/2023	Amend Section 6.6

		regarding Wind Farms' Location and Distancing Requirements
2023-46	9/12/2023	Amend Section 3.3156 to create subcategories and outlining requirements of rooftop solar unit setbacks.
		Regulation Revision & Review as part of The Comprehensive Plan.

DRAFT

Proposed Subdivision Regulations

Legend	
	Already approved and updated.
	Reviewed/Discussed at April Meeting.
	Reviewed/Revised at August Meeting.
	Reviewed/Revised at October Meeting.
	Reviewed/Revised at November Meeting.
	Reviewed/Revised at February Meeting.
	Reviewed/Revised at October Meeting.
	Recommended for inclusion by BoC on 2/25/2025.

CHAPTER 1

TITLE AND PURPOSE

Sec. 1.01 NAME AND CITATION OF RESOLUTION This resolution shall be known, referred to and cited as "The Buffalo County Land Subdivision Resolution" of County of Buffalo, State of Nebraska.

Sec. 1.02 AUTHORITY These regulations are adopted and enacted under authority of R.R.S., Nebr. 1943, Chapter 23, and amendments thereto, and comprise minimum requirements, standards and specifications with respect to provisions for the proper location and width of streets, building lines, open spaces, safety, recreation; and, for the manner in which streets will be graded and improved; and, the extent to which water, sewer and other utility services shall be provided; and, to provide for the recommendation for and approval of preliminary plats and final plats and endorsement thereof by the Buffalo County Planning and Zoning Commission and by ~~the County Board of Supervisors. The Buffalo County Board of Commissioners.~~ No plat of a subdivision shall be approved and accepted by the County or be filed with any title recording agency unless it conforms to the provisions of these regulations.

Sec. 1.03 JURISDICTION The provisions of this County Resolution shall apply within the area of planning and zoning jurisdiction as defined on the Official Zoning Map of Buffalo County as may be amended from time to time.

Sec. 1.04 APPLICABILITY Any plat, hereafter made, for each subdivision or part thereof lying within the jurisdiction of this County Resolution, shall be prepared for approval and recorded as herein prescribed. All lots approved in any subdivision shall conform to the requirements of the Zoning Regulations of Buffalo County for the zoning district where located. The regulations contained herein shall apply to the subdivision of a lot, tract, parcel of land into two or more lots, tracts, or other division of land for the purpose of sale or development, whether immediate or future, including the re-subdivision or re-platting of land or lots. Further, the regulations set forth by this County Resolution shall be

minimum regulations which shall apply uniformly throughout the jurisdiction of this County Resolution except as hereafter provided.

- A. **Plat Approval Required** No subdivision of land shall be permitted within the jurisdiction of this County Resolution unless a plat is approved in accordance with the provisions of this County Resolution.
- B. **Sales of Unsubdivided Land Prohibited** No lot in a subdivision may be sold, transferred, no permit to erect, alter, or repair any building upon land in a subdivision may be issued, and no building may be erected in a subdivision unless a final plat has been approved by the County Board and recorded with the Buffalo County Register of Deeds.

Sec. 1.05 MINIMUM ACCESS REQUIREMENTS No subdivision of land, regardless of acreage involved, shall be permitted within the jurisdiction of Buffalo County unless the property subdivided and all portions therein abuts and have access to, before and after subdividing, a dedicated and maintained public street(s) and/or road(s), or private streets as private streets are allowed to be created in this Resolution (Resolution 7-13-2021).

Sec. 1.06 EXEMPTED INSTANCES These regulations shall not apply to the following:

More than Ten Acres These regulations shall not apply to the following:

- A. **More than Ten Acres** To a subdivision of land whereby the smallest parcel created or remaining is more than ten (10) acres, net of any private and/or public road reservation, dedication, right-of-way, or occupation and such land abuts dedicated and maintained public road or street or private streets as private streets are allowed to be created as provided with this resolution (Resolution 7-13-2021).
- B. **Burial Lots** The subdivision of burial lots in cemeteries.
- C. **Two Lots with Same Use** The combination of two or more lots for one principle use.
- D. **Boundary Changes.** A change in the boundary between adjoining lands where the lot sizes after boundary change comply with all applicable subdivision and zoning regulations.
- E. **Previously Existing Subdivisions** A subdivision of land, filed of record with the Register of Deeds of Buffalo County prior to the effective date of this resolution.
- F. **Judicial Actions** Judicially ordered land splits, land divisions, and/or boundary changes.
- G. **Street, Public Utility, Railroad Adjustments** Land used for adjusting street or railroad right-of-way, a drainage easement or other public utilities subject to local, state or federal regulations, where no new street or easement of access is involved.

H. **Government and Public Utility Acquisitions** Any subdivision of land caused by the acquisition of land by the Federal Government, State of Nebraska, any natural resource district, any county, city, village or public utility having power to condemn.

Sec. 1.07 PURPOSE This resolution is to provide for the harmonious development of Buffalo County, except those areas under the jurisdiction of any city or village; for the coordination of streets, roads or highways within subdivisions with other existing or planned streets, roads or highways for adequate open spaces, for traffic, recreation, light and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity. It is also the purpose of this resolution to provide known access to all parcels of real estate.

Sec. 1.08 NON-EXCLUSIONARY INTENT It is not the intent of this resolution to exclude any economic, racial, religious, or ethnic groups from enjoyment of residence, land ownership, or tenancy within this County; nor is it the intent of this resolution to use public powers in any way to promote the separation within this County of economic, racial, religious, or ethnic groups,

CHAPTER 2

DEFINITIONS

Sec. 2.01 DEFINITIONS -- GENERALLY For the purpose of this resolution, certain words, phrases and terms shall be construed as set out in this paragraph.

Sec. 2.02 ALLEY Alley shall mean a public way not designed for general travel or to allow through vehicular traffic, used as a secondary access to the rear or side of lots, which shall in no way be a street.

Sec. 2.03 BOARD Board shall mean ~~the County Board of Supervisors.~~ County Board of Commissioners of the County of Buffalo, Nebraska.

Sec. 2.04 BOARD OF ADJUSTMENT shall mean the Buffalo County Board of Adjustment as established and defined generally in Article 9, of Buffalo County Zoning Regulations.

Sec. 2.05 COMMISSION Commission shall mean the Buffalo County Planning and Zoning Commission.

Sec. 2.06 COMMON AREA Any area or space designed for joint use of residents of subdivided land.

Sec. 2.07 COMPREHENSIVE PLAN Comprehensive Plan shall be the general plan for the improvement and development of the County outside the jurisdiction

of any city or village as provided by Chapter 23, Reissue Revised Statutes of Nebraska 1943 and as provided by Resolutions of ~~the County Board of Supervisors~~ The Board of Commissioners of the County of Buffalo, Nebraska.

Sec. 2.08 CORNER LOT Corner lot means a lot that has frontage on two (2) or more intersecting streets or roads.

Sec. 2.09 COUNTY County shall mean the County of Buffalo a subdivision of the State of Nebraska.

Sec. 2.10 COUNTY CLERK County Clerk shall mean the County Clerk of the County of Buffalo.

~~**Sec. 2.11 COUNTY ENGINEER** County Engineer shall mean the County Engineer of the county of Buffalo. In absence of a designated County Engineer, the Buffalo County Planning and Zoning Administrator shall take such County Engineer's position and duties and employ reviewing engineer with permission of Board.~~

Sec. 2.12 CUL-DE-SAC A street with only one outlet and having an appropriate turn-around for a safe and convenient reverse traffic movement.

Sec. 2.13 DOUBLE FRONTAGE LOT Double frontage lot means a lot that abuts 2 or more streets or roads (Resolution 7-13-2021)

Sec. 2.14 EASEMENT A grant by a property owner of the use of land for specific purposes.

Sec. 2.15 FLOOD INSURANCE STUDY Flood Insurance study (FIS) shall mean the Flood Insurance Study for Buffalo County, Nebraska and Incorporated Areas published by FEMA in conjunction with the FIRM and containing background data such as base flood discharges and water surface elevations used to prepare the FIRM.

Sec. 2.16 FLOODPLAIN Floodplain shall mean those lands within the zoning jurisdiction of the County of Buffalo shown on the official Flood Insurance Rate Map or Flood Boundary and Floodway Map issued by the Federal Emergency Management Agency, Federal Insurance Administration and any revision thereto. Copies of the said maps shall be on file in the office of the County Clerk and/or Buffalo County Floodplain Administrator.

Sec. 2.17 FRONTAGE The boundary of a lot or tract of land which abuts the street and through which the lot has its primary vehicular and/or pedestrian access. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

Sec. 2.18 HARD SURFACED ROAD/STREET: A road or street that uses a minimum thickness of seven (7) inches of poured Portland Concrete with all materials used in this type surfacing shall be of class “47B” and shall conform to the requirements of the 1985 Nebraska Department of Roads Specifications as revised for highway construction or a road or street that uses asphalt using a minimum thickness of ten (10) inches, or nine (9) inches with a six (6) inch sub-base.(Resolution 2-25-2020)

Sec 2.19 HEALTH DEPARTMENT Health department shall mean the “Two Rivers Health Partners”, the Buffalo County designated health department at adoption of this Regulation and any lawful successor thereto however designated by ~~the County Board of Supervisors.~~ The Buffalo County Board of Commissioners.

Sec. 2.20 HIGHWAY A publicly accessed thoroughfare, street, avenue, road, or boulevard, acquired by and used by the public, which affords principal means of access to or by abutting property (Resolution 2-25-2020)

Sec. 2.21 HIGHWAY SUPERINTENDENT shall mean the Highway Superintendent of the county of Buffalo. The county highway superintendent shall manage and supervise of all the public roads and bridges in the county under the general supervision and control of The County Board.

Sec. 2.21 IMPROVEMENTS Improvements shall mean street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, crosswalks, water mains and lines, water motors, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations. It is also street grading or crowning that is comprised of more than surface maintenance (Resolution 2-25-2020)

Sec 2.22 INDIVIDUAL WASTEWATER SYSTEM Individual wastewater system means a wastewater system, other than a public or community system, which receives either human excreta or liquid waste, or both, from no more than one lot. Included within the scope of this definition are wastewater stabilization ponds, septic tank soil-absorption systems, chemical-type systems, and such other types of systems as may be similar to those specified herein.

Sec. 2.23 LOT Lot means:

(a) A portion of real property containing at least the area required at the time it was created by the zoning district in which it is or was located for use, coverage, and yard space, exclusive of existing, laid out, proposed, or reserved streets, public ways, or roads, abutting and have access to at least one public street, road, or private street as a private street is allowed to be created in this resolution or

(b) a parcel of real property with a separate and distinct number or other designation shown on a final plat approved by the Buffalo County Board recorded in the office of the Register of Deeds for Buffalo County, Nebraska (Resolution 7-13-2021).

Sec. 2.24 LOT DEPTH The mean horizontal distance between the front and rear lot lines.

Sec. 2.25 LOT WIDTH The mean horizontal distance between the side lot lines.

Sec. 2.26 OUTLOT A parcel of real property having the same definition as a "lot" as defined hereinbefore, but not presently designated for building or occupancy, reserved for future building or occupancy after platting and subdivision, which present and proposed future use must be designated by the subdivider at the time of filing of the initial plat.

Sec. 2.27 PARCEL The word "parcel" shall be construed to be synonymous with "lot".

Sec. 2.28 PAVED ROAD/STREET: A road or street that uses concrete and/or asphalt for its traveled surface." (Resolution 2-25-2020)

Sec. 2.29 PLANNING and ZONING ADMINISTRATOR Planning and Zoning Administrator shall mean "Buffalo County Planning and Zoning Administrator". It shall mean the administrative head of the Buffalo County Planning and Zoning Department as provided by Chapter 23 Reissue Revised Statutes of Nebraska 1943 and as provided by Resolutions of ~~the County Board of Supervisors. The Board of Commissioners~~ of the County of Buffalo, Nebraska.

Sec. 2.30 PLAT Includes the terms: Map, plan, plot, replat or replot; a map or plan of a tract or parcel of land which is to be, or which has been, subdivided. When used as a verb, "plat" is synonymous with "subdivide".

Sec. PRIVATE ROADWAY, WAY, OR STREET: Non-publicly accessed path, driveway, acquired and used for private purposes, which affords a means of access through nonpublic property to another parcel or parcels of property (Resolution 7-13-2021).

Sec. 2.32 PROPERTY Any tract, lot, parcel or several of the same collected together for the purposes of subdividing.

Sec. 2.33 RIGHT-OF-WAY The dedicated land upon which a street is located, including both the improved travel surface and the land adjacent to the improved surface within which utility lines and other public facilities may be installed.

Sec. 2.34 ROAD A highway, road, avenue, or boulevard, not necessarily formally dedicated or acquired by the public, but accessed by the public, which affords principal means of access to or by abutting property (Resolution 7-13-2021).

Sec. 2.35 STREET A highway, road, avenue, or boulevard, dedicated to and accessed by the public which affords principal means of access to or abutting property. A private street is not a publicly accessed street. A private street may limit public access by gates, signage, or other means, limits or restricts access on and to the private street (Resolution 7-13-2021).

Sec. 2.36 STREET WIDTH The total width of the strip of land dedicated or reserved for public travel, including but not limited to traveled roadway, shoulders, borrow areas, curbs, gutters, sidewalks and planting strips.

Sec. 2.37 SUBDIVIDER An individual, corporation, registered partnership, and/or any other legally recognized entity owning any tract, lot or parcel of land to be subdivided, or a group of two (2) or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or another individual to act on their behalf in planning, negotiating, for, in representing, filing documents, or executing the legal requirements of the subdivision.

Sec. 2.38 SUBDIVISION The division of a lot, tract, or parcel of land into two (2) or more lots, sites, tracts, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or of building development. The term “subdivision” includes “resubdivision” and, when appropriate, shall relate to the process of subdividing or to land being subdivided.

Sec. 2.39 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.

Sec. 2.40 TEMPORARY DEAD-END STREET OR ROAD Temporary dead-end street or road shall mean a street which is terminated at the boundary line of the subdivision, but which will be required to be extended at a later date to provide access to abutting land.

Sec. 2.41 TEMPORARY TURNAROUND Temporary turnaround shall mean a surfaced area for the turning of vehicles at the end of a temporary dead-end street or road.

Sec. 2.42 VACATE Render an approved subdivision of property, or part thereof, null and void.

CHAPTER 3

PROCEDURE TO SUBDIVIDE LAND

Sec. 3.01 SUBDIVISION, WHEN REQUIRED It shall be unlawful for the owner, agent or person having control of any land within the subdivision, jurisdiction of the County of Buffalo, to subdivide or re-subdivide land, except in accordance with Section 23-372 to 377 Reissue Revised Statutes of Nebraska 1943, and the provisions of this resolution.

Sec. 3.02 ADMINISTRATIVE SUBDIVISION The Planning and Zoning Administrator or his/her authorized representative is hereby authorized to approve subdivisions as preliminary subdivision and submit the same to the Board as a final plat, under the following conditions:

- A. **No additional Access Requirements. Public road/street access:** The property to be administratively subdivided, prior to being subdivided, shall abut a public highway, road or street and no public highway, road or street is needed to be constructed to access the property or needs to be accepted, within the area of the new lot(s), other than right-of-way additions to the previously abutting and existing highway(s), road(s), or street(s). Private road or street access is allowed if done in compliance with Chapters 4 and 5. (Resolution 4-25-17)
- B. **Limit on Number of Lots Created** No more than three (3) additional lots shall be created from any lot, tract or parcel of land. If the remainder of any one parcel of land is ten (10) acres or less net of all street and road easements, reservations, and/or occupations, it shall be considered one of the additional three (3) lots. (Resolution 4-25-17)
- C. **Limitations on use of Administrative Subdivision process to develop land:** The administrative subdivision provision is not intended to allow for incremental division of larger tracts. The administrative subdivision process will not be allowed where the total area under single ownership would result in more than four (4) parcels, including any remainder of the original parcel or any previous divisions that existed as one parcel anytime within the last five years as of date of the application for the administrative subdivision. (Resolution 4-25-17)
- D. **Information Required** The subdivider shall submit such information as set forth in this resolution when specified by the Planning and Zoning Administrator.
- E. **Design Standards** The subdivision, and remainder parcel from which it is subdivided if applicable, shall comply with the Design Standards, Chapter 4, Minimum Improvements, Chapter 5, Subdivision with Flood Plain, Chapter 6, and Form of Final Plat, Chapter 8, in this resolution.

F. Format of Plat

- a. There shall be a 3" x 3" blank space in the top left-hand corner for recording purposes.
- b. Any stamps, required on the plat, shall not cover or interfere with any part of the document.
- c. All font shall be legible and require a minimum of 12-point font.
- d. **Lot information** The lot area in square feet for each lot and outlot, the number of acres, total number of lots and outlots within the subdivision.

G. Dedications, Proof of Title In the event of any proposed dedication for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished. Such proof of title shall be in a form acceptable to the County Attorney. ~~Exhibit "A" is appended hereto as a form acceptable to such office,~~ as illustrated on Exhibit "A". Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be noted and given in writing. The County shall assume no responsibility for any title problem with said proposed subdivision or any part there, and approval of said subdivision shall not be construed as approval of the title of the proposed subdivision or any part thereof.

H. Survey Required The subdivider shall submit an accurately drawn plan showing the proposed lots including the length of each lot line and its angle of deflection. Attached to the plan shall be a certificate signed by a registered land surveyor certifying that each proposed lot has been accurately surveyed in the proposed subdivision and that each lot corner has been well and accurately staked and marked. The survey shall mathematically close with an error of not more than one (1) in twenty-five thousands (25,000). Monumentation establishment, material, and design shall be as set forth in Attachment "D", incorporated herein by this reference.

I. Name of Administrative Subdivision Name(s) of administrative subdivision(s) shall be in accordance with requirements for final plat and shall include the words "subdivision" or "addition".

J. Necessary Signatures and Acknowledgements Such plat shall be signed and acknowledged by the owner, owners, lienholder(s), and/or any party having an interest of record of the land subdivided in the same manner and form as the acknowledgment of a deed conveying real estate, before some officer authorized to take the acknowledgments of deeds.

- a. All signatures shall be made in black or blue ink.

K. Distribution of Copies ~~Copies~~ A minimum of copies two original copies and two electronically-stored copies in a medium, acceptable to the Planning and Zoning Administrator, ~~of the application~~ shall be distributed to other county departments and governmental agencies who are directly concerned with the proposed subdivision for their review and comments.

- L. **Fees** Shall be paid by subdivider as established by ~~the County Board of Supervisors.~~ The Buffalo County Board of Commissioners.
- M. **Notices** A notice given as prescribed in Sec. ~~3.26~~ 3.27 for the Board's public hearing.
- N. **Where approved Administrative Subdivision is filed, filing fees, how filed, and who files it** The subdivider shall file and pay for such filing of the approved subdivision plat in the office of the Register of Deeds of Buffalo County, Nebraska. Such plat shall be presented by subdivider to the Register of Deeds. When filed it shall consist of one original Mylar copy and ~~one original, signed copy~~ five copies plus whatever other information or documents the Register shall require. Cost for this filing is not included in subdivision fees and shall be paid by subdivider.
- O. **Failure to Timely File Administrative Subdivision** Failure of subdivider to file the approved subdivision within six (6) months of date of issuance shall cause such subdivision request to become null and void and of no effect.

Sec. 3.03 FILING OF NON-ADMINISTRATIVE PRELIMINARY PLAT Except as provided in Section 3.02 of this chapter, a plat shall be required under this Resolution. A subdivider shall file with the Planning and Zoning Administrator, a minimum of ~~copies~~ two original copies and two electronically-stored copies in a medium, acceptable to the Planning and Zoning Administrator, of the preliminary plat prepared in accordance with the specifications of Chapter 7 herein. ~~The Planning and Zoning Administrator shall determine the number of copies to be filed with a minimum of ten (10) being required.~~

Sec. 3.04 DEPARTMENT REPORTS ON PRELIMINARY PLAT The Planning and Zoning Administrator shall distribute copies of the preliminary plat and accompanying data to County Highway Department and school district in which the property is situated.

Sec. 3.05 PRELIMINARY PLAT FEES Shall be paid by subdivider as established by ~~the County Board of Supervisors.~~ The Buffalo County Board of Commissioners.

Sec. 3.06 HEARING BY COMMISSION Hearing on a preliminary plat shall be before the Commission at its first regular meeting following filing, provided:

- A. that notice of the consideration of such plat and the time and place of hearing shall be given to all interested persons as hereinafter provided, and
- B. the Commission has received a report from the County Planning and Zoning Administrator,
- C. regardless of whether the plat is recommended for approval or disapproval, the Preliminary plat shall be referred on to the County Board within 60 days from date of the ~~of~~ first public hearing unless a longer time

is agreed upon with the subdivider. If not so referred, the County Board may take it up for hearing after the 60 days has elapsed ~~of~~ from the date of the first public meeting.

Sec. 3.07 NOTICE OF HEARINGS Notice shall be given as hereinafter set forth.

Sec. 3.08 COMMISSION REFERRAL OF PRELIMINARY PLAT TO BOARD

Following public hearing(s) regarding the Preliminary Plat, the Planning Commission shall recommend approval, disapproval, or approval with changes and the recommendation shall be transmitted to the Board within seven (7) days following decision meeting. One copy of the recommendation(s) shall be sent to the subdivider.

Sec. 3.09 APPROVAL OF PRELIMINARY PLAT AND APPEAL PROCESS IF DISAPPROVED The Board after notice and public hearing shall:

- A. Approve the proposed preliminary plat if the Board finds that as presented it satisfies the requirements of this resolution.
- B. Disapprove the proposed preliminary plat if the Board finds that the proposed plat does not satisfies the requirements of this resolution. When the Board finds that the proposed plat does not satisfy the requirements of this resolution, it shall specify in writing in the minutes of the hearing its objections to the plat and conclusions as to why the preliminary plat should be rejected.
- C. Approve the proposed preliminary plat if the Board finds that changes can be made to the preliminary plat the will cause such plat to satisfy the requirements of this resolution or approve the plat conditioned upon specific changes in the proposed plat that comply with this resolution.
- D. Appeals are allowed and conducted in accordance with Sec. 3.27.
- E. In the event an appeal is filed from The Buffalo Board of Commissioners of Supervisor's decision; approval of preliminary plat is stayed pending hearing before the Board of Adjustment. Notices to the public shall be as set forth in Sec. ~~3.26~~ 3.27.

Sec. 3.10 PRELIMINARY PLAT APPROVAL LIMITED The approval of the preliminary plat shall only be effective for a period of ~~ten~~ five (5) years from the date of the approval, and shall be of no force or effect thereafter. A new preliminary plat may be required if the Subdivision Resolution, the Design Standards, or the required improvements have been amended by the Board; and as a result, the preliminary plat as originally approved does not comply with the amended rules and regulations.

Sec. 3.11 INDIVIDUAL SALES OF LOTS AT PRELIMINARY APPROVAL PROHIBITED Approval of a preliminary plat shall not constitute authority to sell lots, record the plat, or authority to construct permanent buildings in reliance upon the preliminary plat layout.

Sec. 3.12 AMENDMENT TO PRELIMINARY PLAT AFTER BOARD AND PLANNING COMMISSION APPROVAL

A. Approval of the preliminary plat by the County Board, and without a change in the proposed exterior boundaries dimensions of the area that was the subject of the previously approved preliminary plat, the subdivider may request an amendment to a previously approved preliminary plat for any part thereof that has not advanced to final plat approval. The approval of an amendment to a County Board's previously approved preliminary plat shall be instigated by the developer by filing with the Zoning Administrator's Office a request for amendment of the previously approved preliminary plat with the subdivider also paying the necessary fee for this amendment processing as set by the County Board. A subdivider shall file with the Planning and Zoning Administrator copies of the amended preliminary plat prepared in accordance with the specifications of Chapter 7 herein. The Planning and Zoning Administrator shall determine the number of copies to be filed with a minimum of one copy and one (1) electronically-stored copy in a medium, acceptable to the Planning and Zoning Administrator, ten (10) being required. Thereafter, the amended plat request shall proceed for further review by the County Board of County Commissioners. Prior to any scheduling of a public hearing before the County Board, the request for reports, with a 10-day response request, and reports as received as specified by Sec. 3.04 shall be filed with the amendment request. Thereafter, notice of the proposed plat amendment shall be provided and public hearing thereon shall occur before the County Board pursuant to the notice requirement(s) in effect at time of filing the amendment request, in a manner similar to the County Board's consideration of a preliminary plat after it was referred to the County Board.

Sec. 3.13 AUTHORITY TO PROCEED WITH FINAL PLANS AND INSTALLATION OF IMPROVEMENTS

Receipt by the subdivider of the copy of the approved preliminary plat as approved by the Board, or Board of Adjustment, if appealed, shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements, if any are required, and preparation of the final plat. Prior to the construction of any of the required improvements, the subdivider shall submit such final plans and specifications to the appropriate agency pursuant to Chapter 5 - Minimum Improvements for examination. If, upon examination, the appropriate agency shall find such plans and specifications to be in accordance with applicable policies and standards, construction shall be authorized. The County Planning and Zoning Administrator shall be notified at the beginning and end of each phase of construction. Certificates shall be issued by the inspector, if required in these regulations, for all phases of construction showing compliance or non-compliance with the standards herein and submitted to the County Planning and

~~Zoning Administrator.~~ All costs of inspections and surveying shall be the responsibility of the subdivider.

The subdivider shall (a) post a surety ~~bond or cash deposit~~ in the amount of ~~5~~ 100% of the estimated construction costs for any improvement that is not comprised of the streets and roads, (b) ~~post bond or deposit in the amount to pay professional fees of 5% for inspections done by persons retained by Administrator not to exceed one (1) five (5) percent of costs of improvements,~~ and (c) ~~post cash, surety or bond to pay for~~ the cost to repair any and all failures of the streets and roads. These terms shall remain in effect for ~~two~~ five years from the date of final plat approval, unless otherwise agreed to in writing.

Sec. 3.14 INSTALLATION OF IMPROVEMENTS The subdivider may prepare and secure approval of a preliminary plat of an entire area and may install the required improvements only in a portion of such area. All improvements in any portion of the area for which a final plat is approved shall be have the required improvement(s) completed prior to the final plat approval and recording.

Sec. 3.15 FILING FINAL PLAT

- A. **Delivery of finalized plat** If the preliminary plat is still in effect as set out in Section 3.10, a final plat in accordance with the approved preliminary plat may be filed. The final plat shall be drawn in accordance with an accurate survey of the subdivision, the approved preliminary plat, and the design standards set out in Chapter 4 herein. The subdivider shall file with the Planning and Zoning Office the final plat and in addition thereto the number of copies required by the Zoning Administrator, which shall include as a minimum number: ~~one (1) original Mylar, five one (1) copies~~ copy of Blueline or Blackline copies, and one (1) electronically-stored copy in a medium, acceptable to the Planning and Zoning Administrator.
- B. **Proof of payment of taxes and assessments** When final plat is delivered, the subdivider shall provide a statement attached or affixed to final plat from the County Treasurer's Office showing that, according to the Treasurer's records as of date of statement, there are no liens of taxes due against said land within the proposed subdivision or any part thereof. The County shall assume no responsibility for any tax or special assessment liability on the property to be subdivided, and approval of said final plat shall not be construed as either approval of or act as a waiver of the enforcement of all applicable statutes and resolutions with regard to the collection of taxes and special assessments on the proposed subdivided property or any part thereof. Language of suggested statement or certification is appended hereto as "Exhibit B". (Resolution 3-25-14)
- C. **Proof of ownership and property rights when land is dedicated to public** If land is dedicated for public use, a certificate of title or a title opinion issued to or for the benefit and protection of the County showing

all parties whose consent is necessary to pass clear title for the land being subdivided and dedicated, together with the nature of their interests therein, shall be furnished with the final plat. Such proof of title shall be in a form acceptable to the County Attorney, as illustrated on Exhibit "A". Any subsequent change affecting ownership of the proposed subdivision or any part thereof shall be made only upon the prompt notification and certification to the Planning and Zoning Administrator. The County shall assume no responsibility for any title problem with said proposed subdivision or any part thereof, and approval of said final plat shall not be construed as approval of the title of the proposed subdivision or any part thereof.

Sec. 3.16 DEPARTMENT REPORTS ON FINAL PLAT The Planning and Zoning Administrator shall distribute copies of the final plat and other accompanying data to other county departments and governmental agencies who are directly concerned with the proposed subdivision.

Sec. 3.17 REQUISITES FOR FINAL PLAT APPROVAL No final plat shall be approved by the Board unless or until all the required minimum improvements as set out in the approval of the preliminary plat have been installed and constructed and such has been approved by the appropriate agency, except individual water well systems and individual wastewater systems. In those subdivisions where an community water well system and community wastewater system is allowed the subdivider shall agree to install and construct such systems on each lot prior to or at the time improvements are erected on the lot.

Sec. 3.18 FINAL PLAT FEES AND NOTIFICATION Fees for final plat submittal and method of notice shall be as follows:

- A. **Fees:** Shall be paid by subdivider as established by ~~the County Board of Supervisors.~~ The Buffalo County Board of Commissioners. They shall be paid to the County when a final plat or portion thereof for staged development is filed with the Planning and Zoning Administrator.
- B. **Notice:** A general notice is the same as provided in Sec. ~~3-26~~ 3.27
- C. **Inspection Costs:** As determined in the sole discretion of the County Planning and Zoning Administrator, the Administrator may, with notification to the subdivider giving name of inspector, appoint a person or professional entity to inspect construction of streets, roads and public ways within the subdivision. Costs of such person or entry can be assessed as a cost for final approval of final plat.

Sec. 3.19 FINAL PLAT APPROVAL When the final plat conforms to the approved preliminary plat and the requirements have been accomplished, the Board shall review the final plat for approval. The Board shall approve said final plat if the same conforms to the requirements of this resolution applicable at the time of the approval of the preliminary plat except as provided in Section 3.09 of

this chapter. At the time of approval, the Board may set forth conditions and shall also expressly accept or reject any or all offers of dedication.

Sec. 3.20 FINAL PLAT FILED WITH REGISTER OF DEEDS, CONDITIONS PRECEDENT No plat shall be filed for record or recorded in the Office of the Register of Deeds of Buffalo County, and no lot shall be sold from such plat unless and until:

- A. Such final plat has been approved by the Board and such approval is endorsed by the County Clerk and evidenced by resolution accepting such final plat (suggested language is appended as Exhibit “B”)
- B. Provision for and/or the installation and construction of all required minimum improvements have been fulfilled;
- C. The subdivider has paid to the Planning and Zoning Administrator fees required under this resolution. Thereafter, the approved final plat and a copy of the accepting resolution certified by the County Clerk, along with all required agreements shall be filed and recorded in the Office of the Register of Deeds of Buffalo County, Nebraska. Thereupon, such final plat shall be equivalent to and operate as a deed in fee simple to Buffalo County or other applicable utility or governmental entity from the owner of all streets, alleys, public ways and grounds, and of such portions of land as herein set apart for public and county use.
- D. Subdivider has paid costs for filing final plat with Buffalo County Register of Deeds together costs of filings for other documents or items required by the Register of Deeds.

3.21 MINOR SUBDIVISION CHANGES Minor Subdivision changes may be used after approval of Final Plat or division of Final Plat for dividing one (1) lot into two (2) parts, combining two (2) or more lots (or parts of lots) into one (1) parcel, or a combination thereof; or moving lot line between two abutting lots or several lots that have a common lot line. This definition shall apply only once to any subdividing transaction or conveyance involving any specific lot or combination of lots. Transaction or conveyances classified, as minor subdivision changes are hereby deemed not to constitute a “subdivision” for purposes of this regulation.

- A. **Conditions** The following conditions shall be fulfilled to allow such change(s):
 1. **Improvements** All required improvements shall have been installed and be available to the resulting parcel(s).
 1. **No changes in Dedications to Public** There can be no dedication and/or change of public rights-of-way. Any easement occupied by a utility cannot be changed. (Resolution 12-10-13) (Resolution 3-25-14)
 2. **Remaining Parcels Must Comply with Zoning Laws** All resulting parcel(s) of land shall comply with all other applicable zoning and

subdivision regulations in effect at time of submittal of such application.

3. **Utility companies notified** Party requesting change must provide written proof of all utilities that ~~no~~ all utilities of public record have been notified in writing for that no public utility occupies the easements to be moved.

B. Minimum Requirements and Procedures for Minor Subdivision

Change(s) At a minimum the application shall contain the following:

1. **Legal Description with Survey** Legal description of the property to be subdivided prior to and after minor change(s). A survey shall be attached to the application showing:
 - a. Existing subdivided land upon which the change is sought, and
 - b. Proposed lots and abutting lots; and all existing structures, fences, and building setbacks on lots that are desired to be in effect after the minor change(s).
 - c. The lot area in square feet for each and any lot (s) created or modified. (Resolution 5-14-13)
2. **Fee** Shall be paid by subdivider as established by ~~the County Board of Supervisors~~ The Buffalo County Board of Commissioners.
3. **Where Filed** All minor subdivision requests shall be submitted by written application to the Planning and Zoning Administrator, signed by all parties having any right, title, or interest in the real estate described, on form provided by such office.

C. Review and Appeal The Planning and Zoning Administrator shall forward the minor subdivision change request to the Buffalo County Board for consideration by the Board to be heard as an ordinary agenda zoning item, without need of Notices as provided in Sec. ~~3.26~~ 3.27. (Resolution 3-25-14)

1. **Approval** In the event that the County Board approves the application or the required changes after review are fulfilled by subdivider, the proposed subdivision shall be approved by Resolution. (Resolution 3-25-14)
2. **Disapproval Process and Appeal** In the event that the County Board disapproves the application or requires changes that subdivider will not fulfill, written notice of such disapproval or the required changes shall be mailed to address given on application. Thereafter appeals shall be allowed and conducted as set forth in Sec. 3.27. (Resolution 3-25-14)

D. Post Approval Procedures Following approval of the minor subdivision change request, subdivider proposing the minor subdivision change(s) shall have the responsibility for transmitting to, filing with, and paying any filing fees of such documents with the Office of the Register of Deeds. Minimally the following documents shall be filed with the Office of Register of Deeds:

1. The approved plat reflecting the minor subdivision;

2. ~~A certified copy of~~ The resolution or the certified copy of the minutes of meeting accepting said final plat of the Board of Adjustment or ~~the County Board of Supervisors. County Board of Commissioners~~ that approved it, and (Resolution 3-25-14)
 3. Any other data, documents, and/or items required by the Register of Deeds.
- E. **Failure to Timely File Approved Minor Subdivision** Failure of the subdivider to file the approved application with necessary documents within six (6) months of date of approval by or ~~the County Board of Supervisors. The Buffalo County Board of Commissioners~~ and/or Board of Adjustment shall cause such subdivision request to become null and void and of no effect. (Resolution 3-25-14)

Sec. 3.22 VACATION OF PLAT (VOIDING)

A. **How commenced:**

1. **Property Owner or Party of Interest** By the owner(s) and lienholder(s) of any subdivision or plat may file a request to vacate all or a portion of such subdivision or plat submitted to Buffalo County Clerk. County Planning and Zoning Administrator or
2. **Board** By ~~the County Board of Supervisors. The Buffalo County Board of Commissioners~~ on motion of one of its members and majority vote of the Board.

B. **Filing fees:** When initiated by County Board, no fees. When initiated by owner(s), subdivider, and lienholder(s) by payment of fees as established by Buffalo County or ~~the County Board of Supervisors. The Board of Commissioners.~~

C. **How adopted, effect thereof, and notices required:**

1. **Notice:** The vacation resolution shall not be adopted until after notice has been given as prescribed in Sec. ~~3.26~~ 3.27.
2. **Adoption and effect thereof.** Any person may appear at said meeting for the purpose of objecting to the adoption of the resolution. If the vacation concerns vacation or any plat, other than an administrative type plat allowed in Sec. 3.02 proceedings shall commence before the Planning and Zoning Commission for that Commission's suggestion to the Board to recommend or not recommend vacation together with any conditions thought necessary. Thereafter the Commission shall forward the same to the County Board for final action. The County Board is not bound by recommendation(s) of the Commission and may proceed to act on the question of vacation in its sole discretion. If the vacation concerns solely vacation of an administrative type plat as authorized in Sec. 3.02 or similar type plat creation where no public street was needed to be constructed to access the property or was accepted in plat dedication, within the area of the vacated lot (s) the proposed vacation shall proceed directly to the Board. Board after

public meeting may then set forth conditions it deems appropriate and approve or disapprove the vacation and/or any portion thereof. Such conditions may include, but are not necessarily limited to a statement declaring whether any public highways, streets, alleys, or other public grounds are to be retained by the County. Absent specific language to not retain public highways, streets, alleys, and other public grounds such items shall continue to be retained by the County. Any public utility company that has occupied or made use of easement(s) prior to vacation shall be unaffected by any vacation action of the Board. (Resolution 5-14-13)

3. **Post Board approval procedures:** If no appeal from the adoption of the resolution is filed within the time provided or if the resolution is upheld on appeal, Applicant(s) and/or Subdivider shall file a certified copy of the resolution of vacation shall be recorded by the County Clerk in the office of the Buffalo County Register of Deeds. The Register of Deeds shall then note such vacation on the plat or portion thereof by writing in plain legible letters. Such notation shall also contain a reference to the volume and page such vacation resolution is recorded. Thereupon, the previous subdivision, plat, or portion thereof shall be voided.
4. **Appeals.** Appeals shall be allowed and conducted as set forth in Sec. ~~3-27~~ 3.26.

F. Failure to file vacation Failure of the subdivider to file the approved application with necessary documents within one (1) year of date of approval by or The Buffalo County Board of Commissioners and/or Board of Adjustment shall cause such subdivision request to become null and void and of no effect.

Sec. 3.23 RE-PLATTING or RE-SUBDIVIDING PREVIOUSLY SUBDIVIDED LAND An existing plat or portion of an existing plat must be vacated by resolution prior to replatting.

Sec. 3.24 POSTPONEMENT FEE Shall be paid by subdivider as established by Buffalo County or ~~the County Board of Supervisors. The Buffalo County Board of Commissioners.~~ In addition, subdivider shall pay in advance, unless waived or partially waived by Commission and/or ~~the County Board of Supervisors. The Board of Commissioners,~~ estimated costs of re-publication of an item that was postponed at the request of the applicant or subdivider.

Sec. 3.25 LARGE DEVELOPMENT STAGING PROCEDURE In order to discourage premature subdivision and uneconomic improvements, the following procedure is provided for large development schemes:

- A. When a subdivider or group of subdividers has in their control an area of land that they wish to plat, but of so large a size they wish to develop the land by divisions, they shall cause to be prepared a preliminary plat for the entire area.

- B. On such preliminary plats successive development divisions may be designed.
- C. Upon approval of the preliminary plat the subdivider may cause a final plat to be prepared for one or more development divisions, provided the order of development allow for logical provisions of streets and utilities.
- D. Each development division shall be considered as a final plat and provisions of these regulations shall apply individually to each development division presented as a separate filing for record.

Sec. 3.26 VARIANCE PROCEDURES

- A. **Conditions for Variances** The Board may approve a Plat subject to the subdivider obtaining a variance. The subdivider, while a preliminary plat is being considered, may apply for a variance. A variance is granted from the Board of Adjustment where the subdivider can demonstrate to the satisfaction of the Board of Adjustment that all of the following conditions are accurate and applicable:
 - 1. An unusual situation or where strict adherence to the general regulations would result in substantial injustice or hardship;
 - 2. The authorization of the variance will not be of substantial detriment to adjacent or nearby property;
 - 3. The authorization of the variance will not be detrimental to the public safety, health, or welfare;
 - 4. The situation is not of so general or recurring a nature as to make reasonably practicable the formulation of general regulations to be adopted as amendment(s) to this resolution;
 - 5. The hardship is created by the physical character of the property or of the property immediately adjacent thereto. Personal or self-inflicted hardship shall not be considered grounds for the authorization of a variance; and
 - 6. The variance will not in any manner vary the provisions of the Subdivision Regulation, Zoning Resolution, Comprehensive Plan, or Zoning Map.

Any recommendation and final authorization shall be stated in writing in the minutes of the Board of Adjustment, with the reasoning on which the departure was justified.

In approving variances, the Board of Adjustment may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this resolution.

- B. **Variance Procedure** shall generally follow procedures set forth in Article 9 of Buffalo County Zoning Regulations, except that:
 - 1. **Filings** A petition for any such variance shall be submitted in writing by the subdivider after the preliminary plat is filed and prior to approval of the final plat and any amendments needed for its approval. The petition shall state fully the grounds for the

application and all of the facts relied upon by the subdivider as appropriate fees. Further drawings of proposed development shall accompany the petition for variance that reflect the particular hardship(s) or difficulty that is present and how the applicant intends to develop the property if the variance is allowed.

2. **Fees** Shall be paid by subdivider as established by Buffalo County ~~Board of Supervisors.~~ The Board of Commissioners.
3. **Notice** Variance review by the Commission, and/or County Board, shall require the same notification of adjacent property owners as required by Notice provisions of Sec. ~~3-26~~ 3.27.

Sec. 3.27 NOTICE: The prescribed method of giving notice, unless otherwise specifically changed by the action being taken shall be as follows:

- A. **Adjoining landowners:** Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road, sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.
- B. **Publication** Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County in a local newspaper of any county which has territory within three (3) miles of the property affected by such action
- C. **Property shall be described** For notices to adjoining landowners and by publication, the notice(s) for shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and ~~Board of Supervisors.~~ The Board of Commissioners at which the consideration and adoption of the resolution will be voted upon.
- D. **Posting on the property:** Notice of such 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.
- E. **Notices to other governmental planning bodies** Notice of the time and place of such hearing shall also be given in writing to the chairman of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a municipal Planning Commission, such notice shall be given to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

Sec. 3.28 APPEALS The Buffalo County Board of Adjustment as established by the Buffalo County Zoning Regulation shall conduct and hear all appeals. Unless more specifically set forth herein, all appeals concerning subdivision matters shall be filed, noticed, and heard in the manner and procedures as set forth Article 9 of the Buffalo County Zoning Regulations regarding the Buffalo County Board of Adjustment. Fees for this process shall be set by the Buffalo County ~~Board of Supervisors.~~ The Board of Commissioners.

CHAPTER 4

DESIGN STANDARDS

Sec. 4.01 CONFORMITY TO THE COMPREHENSIVE PLAN All subdivisions hereinafter created shall be in harmony with the Comprehensive Plan.

Sec. 4.02 RELATION TO ADJOINING HIGHWAY, ROAD OR STREET SYSTEM

A. Arrangement of Streets The arrangement of streets and roads in a new subdivision shall make provision for the continuation of the existing highways, roads, or streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The street, road, and alley arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

B. Offsetting Streets to be avoided Offset streets and roads should be avoided.

C. Angle(s) of Intersections The angle of intersection between streets should not vary more than 10 degrees (40) from a right angle.

D. Stopping sight distance considerations Proposed street intersections shall be located on existing streets and roads to provide stopping sight distance for 50 mph traffic on the existing street or road. Stopping sight distance shall be as described in the current AASHTO Standards at the time the subdivision is being proposed.

E. All lots shall have a minimum of twenty-five (25) feet width along a street or road (Resolution 7-13-2021).

Sec. 4.03 STREET, ROAD AND OTHER RIGHT-OF-WAY The location of highways, streets, roads and other rights-of-way shall conform to the locations designated in the Comprehensive Plan. Unless designated a higher use in the Comprehensive Plan, all proposed or existing roads, whether previously vacated or unopened, located upon section lines shall minimally be considered rural local. (12-10-13)

The minimum right-of-way widths shall be as follows:

Type	Right-of-Way Width
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Expressways (12-10-13)	80 feet (6-11-13)
Rural Major and Other Arterials (12-10-13)	80 feet (6-11-13)
Rural collectors (12-10-13)	80 feet
Rural local (12-10-13)	80 feet
Collector	80 feet
Local and Remote	
Local	80 feet
Minimum Maintenance	80 feet
Interior streets of land	
Sought to be subdivided	66 feet
Cul-de-Sacs	66 foot radius
Alleys	20 feet

When streets and roads adjoin unsubdivided property, a half right-of-way of at least forty (40) feet in width shall be dedicated. Whenever subdivided property adjoins a half right-of-way, the remainder of the street shall be dedicated. Half rights-of-way should be avoided.

In all cases of permanent dead-end streets and roads, cul-de-sac rights-of-way shall be dedicated. Streets and roads ending in a cul-de-sac shall not be longer than six-hundred (600) feet. This may be extended when topographical rise and fall of cul-de-sac street does not exceed six (6) feet from highest elevation to lowest elevation of road measured from center of street at intersection of entry to cul-de-sac road to furthest point of cul-de-sac from intersection.

Alleys shall not be provided in a residential subdivision except under very unusual conditions. Alleys may be required in the rear of commercial and industrial lots.

Sec. 4.04 EASEMENTS Easements of at least ten (10) feet in width shall be provided and dedicated on each side of rear lot lines and side lot lines, and ten (10) feet shall be provided and dedicated along front lot lines from the front lot line, for poles, wires, conduits, utility boxes, storm drains, wastewater collectors, water, or other mains. Easements of greater width may be required along or across lots where necessary for the extension of mains, sewers, or other utilities. (Resolution 3-25-14)

Sec. 4.05 EASEMENTS ALONG STREAMS Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or for drainage or parkway.

Sec. 4.06 BLOCKS No block shall be longer than thirteen hundred twenty (1,320) feet between cross streets except where a major street(s), other man made barrier(s), lake, or natural barrier forms a boundary, or boundaries, of a block. This distance may be extended when topographical rise and fall of street

does not exceed six (6) feet from highest elevation to lowest elevation of block measured from center of intersections of intersecting streets at opposite ends of the block. (Resolution 12-8-2020).

Sec. 4.07 LOTS

- A. **Arrangement of lots** The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.
- B. **Lots sidelines at right angles** All sidelines of lots shall be at right angles to a straight street line on a radial line where curved streets exist, except where a variation of this rule will provide a better street and lot layout.
- C. **Minimum Lot Area** No lot shall have an area or width less than that required by any zoning resolution.
- D. **Double or Multiple Facing Lots** The residential lot arrangement of a subdivision shall be accomplished in such a manner that there will be no lots with frontage facing two nonintersecting public streets and roads. However, in circumstances where the subdivision abuts a highway, street, or road, double frontage lots shall be required when no frontage road exists adjacent to or abutting on the highway, street, or road, and access from the lot is only to an interior street. Where double or multiple frontage lots are allowed, the subdivider, the subdivider's successors and assigns shall relinquish the right of access from the lot to the highway, street, or road, and place covenants and restrictions upon the land to run with the land relinquishing said access.
- E. **All lots to have access to roads or streets** Every lot shall front upon and have access to a public street or road, except lots may front upon and take access to a private roadway that accesses a public street or road.
- F. **Access to highways, streets, and roads channeled through interior lots** Residential lot arrangement shall be, whenever feasible and possible, such that no lot directly accesses a highway, street, or road, and shall access an interior subdivision road that combines access to highways, streets, and roads through interior subdivision roads. Excepted to this access limitation is a lot for a single family dwelling that has existed for five (5) years as a primary residence associated with a farm, which meets the minimum housing and health codes, and has a previously approved access to the highway, street, or road.

Sec. 4.08 STREET AND ROAD NAMES Streets as nearly as practicable shall be named as follows:

- A. **Continuations of existing streets** Where they are continuations of existing streets, the existing street names shall be used.
- B. **Duplication or similar naming discouraged** Proposed street names shall not duplicate or approximate phonetically the name of any existing street in Buffalo County and the City of Kearney.

- C. **North-South Street naming** Streets running predominantly straight north and south shall, as much as practicable, be numbered consecutively in sequence with adjacent streets.
- D. **East-West Street naming** All streets running east-west shall be numbered wherever practical and generally designated as “streets: if west, or “avenues” if east, of Central Avenue Kearney extended north and south from corporate limits of Kearney and consistent with pre-existing naming and numbering schemes used by Buffalo County.
- E. **Diagonal and Curved Streets** Diagonal or curvilinear streets shall be named.
- F. **Cul-de-Sacs** The names or designation of cul-de-sacs shall be given the suffix "Circle", "Court" or "Place".
- G. **Public safety review** All naming and numbering of streets prior to adoption of the same by the Board shall be reviewed by Buffalo County Sheriff's Office, Communications Center.

Sec. 4.09 MAINTENANCE RESPONSIBILITY OF PRIVATE COMMON FACILITIES

Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, street trees, streets, private streets, private ways, private, roads, or other physical facilities necessary or desirable for the welfare of the area and which the County does not desire to maintain, provision shall be made for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision. All such maintenance agreements shall be incorporated in covenants and restrictions governing the subdivided property and shall be recorded with the Register of Deeds. Mowing and trimming of the seeded portion of the interior roads shall be the responsibility of the adjacent property owner.

Sec. 4.10 DRAINAGE The area to be subdivided shall be designed and laid out so as to provide proper and sufficient drainage with evaluation of location, size, and need of storm drain pipes, water conveyances, culverts, ditch liners, and other drainage facilities being submitted in writing by professional engineer in form of statement or letter accompanying preliminary plat.

Sec. 4.11 STREET AND ROAD DESIGN Rural Local Classification Standard 2 Conformance

Streets and roads, whether private as allowed in Chapter 4 or public, within a subdivision shall minimally conform to the Nebraska State Board of Public Roads Design for Classification & Standards Local Road RL-2 Typical Cross-Section for Major arterial Rural Roadway under 400 average daily traffic as set out in Nebraska Department of Transportation Roadway Design Manual, Chapter Six: The Typical Roadway Cross-Section as published May 2022 as to design, grade, back slope grade, as published by the Nebraska Department of Roads, Board of Public Roads Classifications & Standards, 2008 edition <https://govdocs.nebraska.gov/epubs/R6000/R010-2008> maximum grade, tangent sight, traveled width of the road, shoulder width, and other particulars addressed in State Board of Public Road regulations regarding street layout with the

dedicated road right of way, unless otherwise specifically excepted to in this Resolution . (See attachment # for reference) As an exception of RL-2 Standards, no street within a subdivision as concerns the traveled portion of the road, shall exceed six (6) percent change in elevation in any portion of the street. Also, street layout and design shall consider snow control and minimization of the adverse effects of drifting snow, on the streets to be dedicated. Abatements of snow drifting and snow control as proposed by the developer are subject to review and decision of the Highway Superintendent. That review and/or inspection by the Highway Superintendent may include, but or not limited to: a need for decreased angle or widening of backslope for cuts and fills within and outside of the dedicated street(s) of the subdivision to abate snow drifting hazards.

Section 4.12 ACCESS REQUIREMENTS Access to and within a subdivision can be accomplished by use of private and public streets and/or roads. Public streets are permitted in any type of subdivision and are strongly encouraged.

A. Public Street Access. Access to and within a subdivision shall be accomplished by dedicated public streets or roads laid out as directed in minimum design standards.

B. Private Street Minimum Width and Operative as Grant of Utility Access and Occupation Private Streets, when created under this Resolution , shall have a minimum street width of sixty-six (66) feet in width and grant access within the private street to entry, occupation, and use by public (Resolution 7-13-2021).

C. Private Street Disclosure Any plat containing private streets shall disclose the following on its plat: “One or more of the access easements shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by Buffalo County. The property owner and successor thereto **agrees agree** to not request road maintenance from Buffalo County until such time as the private streets are brought to the then applicable Buffalo County’s Subdivision Public Street Minimum Improvement Requirement standards.

D. Private streets grant access to public safety. Private streets shall not be blocked to ingress and egress of government, emergency, or public service company vehicles.

E. Private Street Maintenance Private street maintenance shall be the sole responsibility of adjacent property owners and not the responsibility of Buffalo County.

Sec. 4.13 POSTAL FACILITIES DESIGN AND LOCATION: The proposed subdivision shall place all U.S. Postal Service delivery and collection facilities that serve the proposed subdivision within 100 feet of the entry point into the proposal subdivision within dedicated street, in a U.S. Postal Service approved Cluster Block Unit facility with one delivery box of the clustered unit(s) for every lot within the proposed subdivision. Every Cluster Block Unit mail delivery/collection facility within a subdivision shall have at least a five (5) feet

pull over area to the side of the traveled surface of a dedicated street for temporary parking to deliver and collect mail and other parcel delivery services. Other than within this entry location, no mailboxes are allowed within or along the publicly dedicated streets within a proposed subdivision. If multiple entries will serve the proposed subdivision and one or more entrances to the proposed subdivision enter and/or exit a hard surfaced existing public road or street, then the delivery facilities shall be placed only on dedicated street(s) that enter and/or exit on a hard surfaced road or street.” (Resolution 2-25-2020)

MINIMUM IMPROVEMENTS, FUTURE IMPROVEMENTS, & MAINTENANCE (Resolution 2-25-2020)

Sec. 5.01 STREET AND ROAD IMPROVEMENTS All streets, roads and public ways whether designated public or private within the subdivision shall be graded to the standards described in Chapter 4 of these regulations. Absent a hard surfacing requirement, all streets, roads, and ways whether designated public or private within the subdivision shall be minimally surfaced with three (3) inches of crushed rock embedded into the subgrade during construction and one (1) inch of gravel or higher grade of road surfacing. (Resolution 2-25-2020)

Where a dedicated road enters onto a paved highway and/or county road the first ~~one hundred twenty five (125)~~ **one hundred-fifty (150)** feet of the newly dedicated and entering street, measured from the edge of the paved surface of the existing highway or county road shall be hard surfaced at a minimum radius of 30 feet where the subdivision street(s) intersect with the surface of the paved highway and/or county road and minimum width of no less than 25 feet. (see appendix illustration for example) Additional hard surfaced turning lanes into the proposed subdivision may be required to accommodate anticipated traffic. Added to this minimum width within the subdivision shall be any required pull over area for temporary parking for use of U.S. Postal Service facilities. All construction of this entryway aproning shall submit to inspection and approval by the County Highway Superintendent or his designated engineer.(Resolution 2-25-2020)

Sec. 5.02 WATER AND WASTEWATER: All individual and community water and wastewater systems shall comply with any state health regulations.

Sec. 5.03 DRAINAGE Storm drain pipes, water conveyances, culverts, ditch liners and other drainage facilities shall be installed as recommended by written professional engineer drain study and as additionally required by Planning and Zoning Commission and Board.

Sec. 5.04 TEMPORARY TURNAROUND AND BARRICADES A thirty-three (33) foot radius surfaced temporary turnaround shall be constructed at the end of all temporary dead-end streets and roads which extend more than one hundred

fifty (150) feet beyond the nearest intersection with another street, road, or private roadway. The temporary turnaround and barricade shall be removed when the temporary dead-end street or road is extended therefrom.

Sec. 5.05 STREET NAME AND TRAFFIC CONTROL SIGNS The design, location and installation of all street signs designating the name of streets, roads, private roadways, and traffic control signs shall be approved by the Buffalo County Highway Department.

Sec. 5.06 PLACEMENT OF STREET SIGNS All streets, roads, and public ways within a subdivision shall have street signs and posts put in place by developer at all intersections of streets within the subdivision. All streets, roads, and ways, whether public or private shall have street signs and posts put in place where such streets, roads, and ways intersect with existing roads.

Sec. 5.07 MAINTENANCE OF STREET SIGNS AND TRAFFIC CONTROL DEVICES

- A. **Streets dedicated to public** After subdivider placement of streets signs and traffic control devices on publicly dedicated and accepted roads, responsibility for maintenance for such signs and devices is a county maintenance item.
- B. **Private Streets and Roads** Responsibility for signs and traffic control devices on private roads shall be a private responsibility maintained by entities using such road(s). If a private road is not properly maintaining and posting the road with signs, the Buffalo County Board may, after notice of intent to place sign and assess costs of the improvement upon entities using the road, construct and place sign(s).

Sec 5.08 MAINTENANCE OF STREETS/ROADS

A. Public Streets (Resolution 2-25-2020)

1. Hard Surfaced Streets: Buffalo County, on behalf of the public, assumes ownership and surface maintenance of, but not improvements upon or to, all hard surfaced roads and streets, dedicated to and accepted by the public under the provisions of this subdivision regulation. After acceptance of dedication, the County shall be responsible for snow clearing of the dedicated hard surfaced streets and/or roads as the same can be performed by the county as part of a county wide plan for snow clearing of public roads. (Resolution 2-25-2020)

2. Non-hard surfaced Streets: Buffalo County, on behalf of the public, assumes ownership, upon and to, but not improvements upon or to, all non-hard surfaced roads and streets, dedicated to and accepted by the public by resolution of Buffalo County under the following terms. After

acceptance of dedication, the County shall be responsible for snow clearing of the dedicated streets and/or roads as the same can be performed by the county as part of a county wide plan for snow clearing of public roads. The Subdivider as part of the subdivision process shall enter into a road improvement/maintenance agreement with the County signed by the subdivider and any entity having a lien on the subdivided real estate. (Attached is form agreement) This improvement/maintenance agreement shall run with the land sought to be subdivided and shall minimally provide that the Subdivider shall:

a. For ~~two (2)~~ Five (5) years after date of county approval of the final plat of the subdivision, be responsible to keep the dedicated streets supplied with gravel, be responsible for all grading of the gravel, and to maintain shoulders of the dedicated streets and/or roads

b. After this ~~two-five-year period~~, that the Subdivider shall be responsible for an additional ~~three (3)~~ five (5) years to keep the road graveled. For these ~~three (3)~~ following five (5) years, the County shall be responsible for no more than once a month monthly maintenance grading ~~and snow plowing as the same can be performed by the county~~ as part of a county wide plan ~~for snow clearing and~~ grading of public roads. Shoulder maintenance, as provided by Buffalo County's Subdivision Resolution, is not an item of surface maintenance. ~~It~~ Shoulder maintenance is a road/street improvement item should future shoulder work be necessary.

c. That should the Subdivider not adequately gravel, grade, or adequately maintain the subdivision street(s) while the Subdivider is responsible for such activities under the terms of the maintenance agreement then the Buffalo County Highway Superintendent shall notify Subdivider of the inadequate graveling, gravel grading, and/or lack of shoulder maintenance. If the inadequacy is not remedied within ten (10) days, the Superintendent shall proceed to take procedures to obtain and place gravel, and/or maintain shoulders by whatever means feasible and the 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 any

lienholder of or to the subdivided property 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. (Resolution 2-25-2020)

B. Private Streets

a. Paved: Buffalo County does not assume maintenance nor ownership of paved or otherwise hard-surfaced private streets.

b. Non-paved: Buffalo County does not assume maintenance nor ownership of unpaved private streets.

c. Any dedication to the public for a private road, street, or way is solely for reservation of potential public street use and granting of easements. (Resolution 2-25-2020)

C. Subdivisions created prior to effective date of this subdivision resolution, or created after effective date and approved by a municipal zoning jurisdiction that desire county surface maintenance.

a. For subdivisions authorized by this Board on or prior February 18, 2009, and not having a surface maintenance agreement in effect with Buffalo County as of February 25, 2020, Buffalo County shall not assume surface maintenance of roads and streets and/or parts thereof dedicated for public use until the streets in the subdivision or portion thereof comply with regulations as to Chapters 4 (design standards), 5 (minimum improvements and maintenance), and 6 (subdivisions within flood plain). If county surface maintenance is sought within these subdivision(s), a written request for county surface maintenance shall be made upon application comprised of the lesser of: (a) party or parties owning twenty (20) percentage of street frontage or (b) three owners of land in the subdivision delivered to Buffalo County Clerk. Thereafter, the Board will consider the application for surface maintenance and after review and report by County Highway Superintendent to this Board and public hearing. Applicants shall bear any and all costs of engineer statements as to need of and placement of water conveyances, determining road grades and angles, and any other matter needing study and review to

determine whether the request meets this subdivision resolution's standards and requirements. (Resolution 2- 25-2020)

b. For subdivisions created and approved by municipalities that are situated outside of municipal limits that do not have surface maintenance agreement in effect with Buffalo County as of ~~February 25, 2020,~~ **(date of approval by County Board)** Buffalo County shall not assume surface maintenance of roads and streets and/or parts thereof dedicated for public use until the streets in the subdivision or portion thereof comply with regulations as to Chapters 4 (design standards), 5 (minimum improvements and maintenance, with a road maintenance contract (Sec. 5.08 or as renumbered), see attached example, is executed), and 6 (subdivisions within flood plain) and see attached suggested contract) between the County and owner(s) and any lienholder(s) of all lands within the municipally created subdivision seeking county maintenance. Parts of a subdivision or parts of the dedicated streets are not allowed. Proof of ownership, reporting all lienholder(s), and other parties of interest of all lots shall to be provided with the maintenance request. Furthermore, if there is more than one owner, one owner shall be designated as the owner on the application, with that designated owner to be notified all notifications required under this provision. After acceptance of the county maintenance application, the County shall be responsible for snow clearing of the dedicated streets and/or roads as the same can be performed by the county as part of a county wide plan for snow clearing of public roads. This improvement/maintenance agreement shall run with the land sought to be subdivided and shall minimally provide that the owner(s) shall:

i. For ~~two (2)~~ **five (5)** years after date of approval of the county maintenance applications, be responsible to keep the dedicated streets supplied with gravel, be responsible for all grading of the gravel, and to maintain shoulders of the dedicated streets and/or roads.

ii. After ~~this two-five-year period,~~ that the owner(s) shall be responsible for an additional ~~three (3)~~ **five (5)** years to keep the road graveled. For ~~these three (3)~~ **following five (5)** years, the County shall be responsible for no more than once a month monthly maintenance grading ~~and snow plowing~~ as the same can be performed by the county as part of a county wide plan for ~~snow clearing and~~ grading of public roads. Shoulder maintenance, as provided by Buffalo County's Subdivision Resolution, is not an item of surface

maintenance. It is a road/street improvement item should future shoulder work be necessary.

iii. That should the owner(s) not adequately gravel, grade, or adequately maintain the subdivision street(s) while the owner(s) is responsible for such activities under the terms of the maintenance agreement then the Buffalo County Highway Superintendent shall notify owner(s) of the inadequate graveling, gravel grading, and/or lack of shoulder maintenance. If the inadequacy is not remedied within ten (10) days, the Superintendent shall proceed to take procedures to obtain and place gravel, and/or maintain shoulders by whatever means feasible and owner(s) shall be liable for such costs incurred by Buffalo County.

iv. 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.

v. 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 owner(s) and any lienholder of or to the subdivided property 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. (Resolution 2-25-2020)".

c. The following specific sections in Chapters 4, 5, and 6 shall not prohibit county acceptance:

1. Sec. 4.04 relating Minimum easement reservation, front, side, and rear.
2. Sec. 4.06 relating to block length.
3. Sec. 4.09 regarding maintenance of common facilities. (Resolution 2-25-2020)

Sec. 5.09 POSTAL FACILITIES: The area for Cluster Block Unit U.S. Postal Service delivery and collection facilities shall be graded and surfaced to standards required for dedicated streets entering existing public streets and/or roads. The subdivider shall place United States Postal Service approved Cluster Box Unit mail delivery/collection facility(ies) within the subdivision. Each Cluster Box Unit mail delivery/collection facility(ies) shall have at least a five (5) feet pull

over area to the side of the traveled surface of a dedicated street surfaced to the same surface as the public street abutting the Cluster Block Unit(s). All U.S. Postal Service delivery and collection facilities shall be constructed within 100 feet of the entry point into a subdivision. Other than entry location(s), no mailboxes or other U.S. Postal Service delivery and collection facilities are allowed to be constructed within or along the publicly dedicated streets within a proposed subdivision.” (Resolution 2-25-2020)

CHAPTER 6

SUBDIVISION WITHIN FLOODPLAIN

Sec. 6.01 SUBDIVISION OF LAND WITHIN FLOODPLAIN In addition to all other requirements set forth in this subdivision regulations, all platting or subdivision of land shall comply with all existing federal, state, and Buffalo County Flood Plain Regulations. There shall be no platting or subdivision of land allowed by the Board within the area defined as a floodplain unless the following conditions are met:

- A. **Grade and Elevations** The proposed centerline grade of streets, roads, or private roadways located within the floodplain that are necessary to serve the proposed development shall not be placed at an elevation higher than one (1) foot below the 10-year frequency flood elevation. Subdivider shall furnish professional engineer or surveyor written comment certifying this elevation criterion.
- B. **Roads, culverts, and water holding/carrying devices** Any subdivision having any proposed and/or placement of roads, water conveyance system, culvert, water drops, and/or similar water carrying/holding devices in flood plains shall have appropriate written hydrological study submitted by licensed professional engineer with subdivision plans concluding that the construction, structures, and/or devices proposed when considering preliminary plat and installed in place when considering a final plat can fulfill 25-year frequency flood demands.
- C. **Borrow and Fill Areas** The subdivider shall obtain the approval of the County Floodplain Administrator for the location or design of the borrow area or areas within the flood plain all as provided in Buffalo County Floodplain Regulations. If fill material is to be brought into the flood plain area from outside the flood plain, the amount of fill and location of where fill is to be placed shall be indicated.

CHAPTER 7

FORM OF PRELIMINARY PLAT

Sec. 7.01 INFORMATION ON A PRELIMINARY PLAT The preliminary plat shall be accurately and legibly drawn to a scale that clearly shows all pertinent

information required in this chapter. The proposed layout and design of all the features of the subdivision shall conform to this resolution and to the rules and regulations adopted by the Board. The following required information, **provided in no less than 12-point font**, shall be identified and shown on the preliminary plat:

- A. **Name of the subdivision** The name of the subdivision shall not duplicate or approximate the name of an existing or previously vacated subdivision within Buffalo County except as hereafter provided. A subdivision name may duplicate or approximate the name of an existing adjacent subdivision if such subdivision is an expansion thereof and shall be made by adding the suffix "First Addition" to the first duplication of the name, and then continuing in sequence. A subdivision name may duplicate or approximate a previously vacated subdivision and shall be made by adding wording such as "First Addition" or appropriate numerical sequence that distinguishes the name of the submitted plat from a prior vacated subdivision.
- B. **North arrow and scale, map details** North arrow, scale of drawing, date prepared, the sheet number and total number of sheets included within each set of the preliminary plat submittal.
- C. **Contour** Contour lines, not to exceed five (5) feet, to duplicate adequately the existing and proposed topography and land form within and adjacent to the subdivision. The scaled distance between contour lines shall not exceed two hundred (200) feet.
- D. **Existing Streets Shown** Existing and proposed streets and private roadways within and adjacent thereto. This shall include the right-of-way and driving surface width, tangent length, the centerline radius of each curve and its interior angle, the angle of intersection with all other streets and private roadways, and the name or number of each. Where the preliminary plat submitted covers only a portion of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part of the tract shall be furnished; and the street system of the part being platted shall be considered in connection with the proper projection of streets into the portion of the tract not being presently platted.
- E. **Existing Boundaries Shown** The locations of the present property lines, monuments, section or quarter-section lines, the lines of incorporated areas, and subdivision jurisdiction lines utilizing no less than two (2) such established survey items.
- F. **Lot Dimensions** All lot lines and their dimensions. The dimensions along curvilinear lines shall be noted as being chord and arc length.
- G. **Lot and Block Numbering and Sequence, Outlots** Lot and block numbers and outlot letters with the total number of each. All lots shall be numbered in sequence beginning with the number one (1) and continuing consecutively through each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing through

the alphabet. Areas, except streets, to be dedicated or reserved for public or private parks or other public areas shall be outlots.

- H. **Public Use Areas** Areas for schools, parks, playgrounds, fire stations, and other common areas for public use, along with any requested consideration for such area.
- I. **Easement Information** The location, width, and purpose of all existing and proposed easements within or adjacent to the subdivision and all flowage easements.
- J. **Boundary Lines of Subdivision** A certified accurate boundary survey showing sufficient linear, angular and curve data to determine the bearing and length of all boundary lines of the subdivision, a legal description thereof, and the number of acres therein. (This survey shall be field measured and shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). This survey shall also locate and identify all section corners and section lines. Where the subdivision abuts on an existing plat or other surveyed tracts, the distances, angles, and bearing of any common lines shall be shown; and any differences along common lines of the original survey and the survey of this subdivision shall be noted.
- K. **Certification from Planning and Zoning Administrator** A certificate for the signature of the Chairman of the Commission in a form approved by the Planning and Zoning Administrator.

Sec. 7.02 INFORMATION ON OR ACCOMPANYING A PRELIMINARY PLAT

The following required information shall be identified and shown on the preliminary plat or on accompanying sheets:

- A. **Grade and Elevation Profiles** Centerline profiles of all existing and proposed streets and private roadways within and adjacent to the subdivision. The profile shall show points of intersection with all other streets and private roadways, stationing, the existing ground surface elevations, the proposed street grades, the length of vertical curves between changes in grade, and the profiles and horizontal alignment of temporary dead-end streets extending three hundred (300) feet beyond the limits of the subdivision.
- B. **Drainage Study** The drainage study shall include the following:
 - 1. A topographic map showing the drainage area and resulting runoff from all land lying outside the limits of the preliminary plat which discharges storm water runoff into or through the plat.
 - 2. A topographic map showing proposed contour lines and all subdrainage areas and resulting runoff within the limits of the preliminary plat.
- C. **Surrounding Areas** A vicinity sketch showing the general location of the preliminary plat in relation to existing streets and section lines.
- D. **Waivers** These provisions may be waived by zoning administrator, planning and zoning commission, and/or Buffalo County Board when

satisfactory pre-existing studies, infrastructure, and/or accessible data from other sources exists.

Sec. 7.03 ADDITIONAL REQUIRED INFORMATION Accompanying the preliminary plat submittal, the following information shall be submitted in a statement from the subdivider:

- A. **Interest of Subdivider in surrounding lands** Any interest the subdivider has in the land surrounding the preliminary plat and the nature of such interest.
- B. **Disclosure of Need for Special Provisions** All requests to be submitted to the Board for special use permits, changes of zone, vacations, and variances (variances submitted to Board of Adjustment) which are required to complete the development.
- C. **Information concerning Subdivider** The name, telephone number, and mailing address of the subdivider, any other person the subdivider may want informed of the preliminary plat process, and any person authorized to act on the subdivider's behalf.
- D. **Needed Deviations from Adopted Rules and Regulations** All deviations from this resolution and the adopted rules and regulations shall be set forth, reasons given for each deviation, reasons given on how the proposal meets the intent, and why the proposal should be accepted.

Sec. 7.04 DEVELOPMENT WITHIN FLOODPLAIN Areas within Zone "A" of adopted or amended flood plain maps of Buffalo County shall be shaded on the preliminary plat, administrative plat, or on any subdivision of land authorized under this resolution.

CHAPTER 8

FORM OF FINAL PLAT

Sec. 8.01 FINAL PLAT REQUIREMENTS The final plat shall comply with the subdivision design standards set out in Chapter 4 hereof, shall comply with the approved preliminary plat, and shall consist of an accurate map or plat designating specifically the land so laid out and particularly describing the lots, blocks, streets, roads, alleys, public ways or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto.

Sec. 8.02 FORM OF THE FINAL PLAT The plat in its final form submitted for approval shall be as follows:

- A. **Size** The size of each sheet of said final plat shall be eighteen by twenty-four (18 X 24) inches. All lots and, wherever practicable, blocks in their entirety, shall be shown on one sheet.

- B. **Mylar** Said final plat shall be accurately, clearly, and legibly drawn in black waterproof India ink or photographed upon clear mylar which is a minimum of three thousandths (.003) of an inch thick or its equivalent. Affidavits, certificates, legal descriptions, and acknowledgements shall be legibly lettered or printed upon the final plat with opaque ink. Signatures shall be in black opaque ink.
1. All font shall be legible and require a minimum of 12-point font.
- C. **Margins** A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of at least one-half inch.
1. There shall be a 3" x 3" blank space in the top left-hand corner for recording purposes.
- D. **Scale** The final plat shall be drawn to one of the following scales only: 1 inch equals 100 feet.
- E. **Sheet Numbering and Index** If more than one sheet is used, the particular number of the sheet and the total number of sheets comprising the final plat shall be stated on each of the sheets; and the relationship to each adjoining sheet shall be clearly shown. If more than two sheets are used, an index sheet the same size as required above shall be included showing, at whatever scale is necessary, the entire subdivision with an indication by the use of dotted lines of the component areas which are shown on the other sheets.
- F. **Boundaries** The boundary of the subdivision shall be clearly identified on the final plat. All lines shown on the final plat which do not constitute a part of the subdivision itself shall be clearly distinguishable from those lines which are a part of the subdivision, and any area enclosed by such lines shall be labeled "not a part of this subdivision."

Sec. 8.03 CERTIFICATES AND ACKNOWLEDGEMENTS ON FINAL PLAT

The final plat shall show the following:

- A. **Property Owner Acknowledgment and Dedication** Owner's and lienholder's acknowledgement and offer of dedication, if any. Such plat shall be signed and acknowledged by the owner or owners of the land subdivided in the same manner and form as the acknowledgment of a deed conveying real estate, before some officer authorized to take the acknowledgments of deeds;
- B. **Surveyor's Certificate** Certificate of the surveyor; (Illustrated Exhibit C)
- C. **Planning Commission Approval** Certificate of approval by the Planning and Zoning Commission;
- D. **County Board Approval** Certificate of the County Clerk showing approval by the Board and acceptance of the offer of dedication evidenced by signature of County Board Chairperson and attested to by the County Clerk (illustrated Exhibit B);
- E. **Treasurer's Statement Signature Concerning Taxes.** Statement Signature by County Treasurer. (Illustrated Exhibit B);

- F. **Other Declarations** All affidavits, certificates, acknowledgments, endorsements, dedications, and notarial seals as are required by law and the provisions of this resolution shall be as approved by the County Attorney. (Illustrated Exhibit B)

1. Any stamps, required on the plat, shall not cover or interfere with any part of the document.

- G. **Names of Signers Typed Under Signature Line** All signatures shall have typed/clearly printed names of signers below or next to signatures.

1. All signatures shall be made in black or blue ink.

Sec. 8.04 DATA REQUIRED ON A FINAL PLAT Various data is required to be disclosed on the final plat. The particulars are as follows:

- A. The final plat shall be accurately and legibly drawn and shall show the following:
1. **Survey Information and data** All survey and mathematical information with sufficient linear, angular, and curve data necessary to locate all existing and placed monuments and stakes, and to locate and retrace all lots, blocks, and parcels within the subdivision, and the boundary of the subdivision. Where the land being subdivided abuts on an existing plat, the distances, angles, and bearing of all common lines and the street centerline points shall be shown and any differences in measurements so noted.
 2. **Scale** All dimensions on the final plat shall be stated to the nearest one-hundredth (.01) of a foot.
 3. **Lot and Block Line data** Lot, outlot, and block lines. All such lines shall be shown and dimensioned.
 - a. Where such lines are curved at street intersections, the length of tangents shall be shown.
 - b. Where such lines abut curvilinear streets, chord or arc distances shall be shown and noted.
 - c. All angles of deflection or bearings of such lines other than those which are at right angles to the centerline of a street or on a radial line of a curved street.
 4. **Lot and Block Numbering** Lot, outlot, and block identity. Within each block all lots shall be numbered in sequence, beginning with the number one (1) and continuing consecutively throughout each block with no omission or duplication. All blocks shall be numbered in the same manner. Outlots shall be assigned an alphabetical letter beginning with the letter "A" and continuing consecutively through the alphabet.
 5. **Dedications and Reservation data** Areas to be dedicated or reserved for public use. For streets, private roadways, and other public ways within and adjacent to the subdivision, the location, name, centerline, centerline radius, length, and interior angle of

horizontal curves, tangent length, and width. All areas shall be located and identified which are to be dedicated or reserved for public use, including park land and other public areas. All such parcels shall be outlots except streets dedicated to the public. A clear distinction shall be made as to which parcels are to be dedicated to the public from those parcels to be privately owned by or reserved for public use.

6. **Legal Descriptions prior to and after Subdivision process**
Location of the subdivision, including legal description of the property, prior to subdivision including location of boundary lines in relation to section, township, range, county and state.
7. **Government Survey Corners and Monument Locations** The location and identification of all quarter-section corners, section corners, section lines, monuments and stakes found and placed. The boundary lines shall be located in reference to existing official monuments. Describe the stakes, monuments, or other evidence used to determine the boundaries of the subdivision.
8. **Square Feet of Lots and Outlots** The lot area in square feet for each lot and outlot, the number of acres, total number of lots and outlots within the subdivision.
9. **Disclosure of Areas Not Subdivided** All areas not a part of the plat due to other ownership(s) shall be clearly shown as "NOT A PART".

B. The following data shall be shown on each sheet of the final plat:

1. The name shall include the words "subdivision" or "addition"; and
2. The name shall, the sequentially, use of first (1st), second (2nd), third (3rd), etc. for additions or subdivisions shall be made in sequence, but only if the final plat is located adjacent to a plat with the same name.
3. Scale.
4. North arrow.
5. Sheet number and the total number of sheets comprising the final plat.
6. The name and date of approval of the Preliminary Plat upon which the Final Plat is based.
7. Date of the subdivision.
8. This information shall appear directly beneath the name of the Final Plat.

Sec. 8.05 ADDITIONAL INFORMATION REQUIRED Accompanying the final plat submittal, the following items and information shall be submitted by subdivider:

- A. **Surrounding Land Interest Disclosure** Any interest the subdivider has in the land surrounding the final plat and the nature of such interest.

- B. **Special Requests** All requests to be submitted to the Board for special use permits, changes of zone, vacations, and variances (variances submitted to Board of Adjustment) which are required to complete the development.
- C. **Subdivider Information** The name, telephone number, mailing address of the subdivider, record owner, and any other person the subdivider may want informed of the final plat process, and any person who has the authorization to act on behalf of the subdivider.
- D. **Street Profile Information** Street profiles that show existing ground surface elevations based on a current field survey, the grades, and the lengths of all vertical curves of the streets within the final plat which are to be dedicated to the public. The grades shall be in accordance with the minimum standards of the Board.
- E. **Flood Plain Zone Information** At least one copy of final plat submitted shall shade areas that lie within Zone "A" of adopted or amended county flood plain maps.

Sec. 8.06 SURVEY REQUIREMENTS Plats and the surveys that accompany them shall disclose the following information:

- A. **Survey Data** A land survey is required to support data furnished on the final plat, and this survey shall conform to all requirements set forth in this paragraph. All angles and dimensions shown on the plat shall be field measured. The survey of the centerline of all streets within the plat and the periphery of the plat shall mathematically close with an error of not more than one in twenty-five thousand (1/25,000). The final plat shall include a certificate signed by a registered land surveyor certifying that he has accurately surveyed the subdivision and attesting to the accuracy of the survey, the correct location of all permanent survey monuments shown, and that the lots, blocks, streets, alleys, public ways, and grounds are staked and marked as herein required. The surveyor's certificate shall include a metes and bounds traverse description of the land being subdivided and the number of acres included. The surveyor's names, land surveying registration number, address, and if applicable, firm name shall appear below his signature.
- B. **Monumentation** The land surveyor who performs the survey and certifies the final plat shall be obligated to place all of monuments and stakes in the subdivision and show the same as described in Appendix D.

Sec. 8.07 Dedication Acceptance of dedicated land shall be recorded in the minutes of the County Board.

Sec. 8.08 Filing Original and copies of the Final Plat The owner or other person proposing to subdivide shall have the responsibility for transmitting to, filing with, and paying any filing fees of such documents with the Office of the Register of Deeds. Minimally the following documents shall be filed with the

Office of Register of Deeds: the approved final plat; a certified copy of the resolution accepting said final plat, and any other data that must be recorded. When presented for filing, it shall consist of the original Mylar plat and five copies thereof.

CHAPTER 9

GENERAL PROVISIONS

Sec. 9.01 SEVERABILITY Each section and each subdivision of this resolution is hereby declared to be independent of every other section or subdivision of a section so far as inducement for passage of this resolution is concerned; and the invalidity of any section or subdivision of a section of this resolution shall not invalidate any other section or subdivision of a section hereof.

Sec. 9.02 PENALTY Any violation of this resolution or of any regulation made by the County Board under the provisions of this resolution shall be a misdemeanor. Any person, partnership, association, club, or corporation violating the provisions of this resolution or of any regulation of the County Board, shall be guilty of a Class III misdemeanor. Each day such violation continues after notice of violation has been given to the offender may be considered a separate offense.

Sec. 9.03 AMENDMENTS TO SUBDIVISION RESOLUTION Amendments to substantive issues in this Resolution and fees are amended as follows: The procedure for the consideration and adoption of any such proposed amendments, excepting changes for fees, shall be in like manner as that required for the consideration and adoption of the resolution except herein before or herein after modified.

- A. **Subdivision Resolution Amendments for matters other than fees:** Suggested amendments to this subdivision resolution shall 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 written application, filed in the Office of the County Clerk or Office of the Zoning Administrator. Upon receipt of such application, the Zoning Administrator shall forward the application to amend to the Planning Commission for its recommendation. Upon public hearing with notice as prescribed in this Resolution, the Planning Commission shall forward its recommendation to the County Board, within thirty (30) sixty (60) days. Upon public hearing, the County Board may allow, deny, or allow with modifications, the proposed amendment all done in resolution form.
- B. **Fee Amendment** Fees referred to this Resolution can be reviewed and amended by County Board at public hearing without need of submission of the same to the Planning Commission.

Sec. 9.04 CONFLICTING RESOLUTIONS REPEALED All regulations, resolutions, and/or parts thereof in conflict of this regulation are hereby repealed except any regulations that impose more restrictive regulations than are imposed herein.

Sec. 9.05 PURPOSE OF CATCH HEADS The catch heads appearing in connection with the foregoing sections are inserted simply for convenience, to serve the purpose of any index and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this resolution.

Sec. 9.06 REFERENCE TO LEGAL AUTHORITY, EFFECT The reference to a legal authority or annotation stated under any of the foregoing sections, if so stated, is inserted simply for convenience and to serve the purpose of referring to suggested statutory authority or other legal authority. In no event shall such reference or annotation be indicative of sole authority of such section or regulation.

Sec. 9.07 EFFECTIVE DATE. This resolution shall take effect at 12:01 o'clock a.m. February 18, 2009 and be published according to law.

APPENDIX APPENDIXES:

EXHIBIT "A"

LIMITED TITLE REPORT (can be used for administrative or formalized subdivisions)

PREPARED FOR: Buffalo County Attorney's Office

Dated of Search:

_____, undersigned, a duly licensed abstractor hereby certifies that they have examined the records in the Office of Buffalo County, Nebraska Register of Deeds, as the same relates to the following matters only and to the following described real estate, to-wit:

OWNER'S NAME FOR ACKNOWLEDGEMENT:

LIENHOLDERS:

EASEMENTS:

Registered Abstractor

Certificate of Authority: _____

EXHIBIT "B" (can be used for administrative or formalized subdivisions)

Suggested language for Dedication:

KNOW ALL MEN BY THESE PRESENTS: that (owner(s), lienholders, etc.,) being all owners and other parties of interest (lienholders, etc.) of the land described hereon, have caused the same to be surveyed, subdivided and platted and designated as " (name of subdivision), a subdivision being in the " " quarter of Section " ", Township " ", north, Township " ", West of the 6th P.M., Buffalo County, Nebraska (state complete legal description) and said owners and other parties of interest hereby ratify and approve the disposition of their property as shown on the above plat, and do hereby dedicate (roads, etc.) to the use and benefit and enjoyment of (describe the public, particular lots, etc.,) and further dedicate the utility easements (if any) to the various utility companies as shown upon said plat, and acknowledge said addition to be made with the free consent and in accord with the desires of said owners and other parties of interest.

Dated this _____ day of _____, 2_____.

(Signatures of all parties: _____, (typed name or
(or typed name)

Suggested language of Resolution/Clerk's Certification:

BE IT RESOLVED BY THE BUFFALO COUNTY **BOARD OF SUPERVISORS**
COUNTY BOARD OF COMMISSIONERS OF BUFFALO COUNTY, NEBRASKA, in regular session with quorum present, that the plat of "(name of subdivision)", a subdivision being in the " " quarter of Section " ", Township " ", north, Township " ", West of the 6th P.M., Buffalo County, Nebraska_ duly made out, acknowledged and certified is hereby approved, accepted, ratified, and authorized to be filed and recorded in the Office of the Register of Deeds, Buffalo County, Nebraska.

Moved by: _____, and Seconded by _____
(typed name) (typed name)

that the foregoing resolution be adopted. Said Motion carried on _____ vote.

STATE OF NEBRASKA)
) SS
COUNTY OF BUFFALO)

I (name of county clerk) , County Clerk in and for Buffalo County, Nebraska, being duly qualified, do hereby certify that the above is a true and correct copy of the resolution as passed by the Buffalo County **Board of Supervisors Board of Commissioners** on the _____ day of _____, 2_____.

(seal)

(typed name), County Clerk

Suggested language for Treasurer’s **Statement Signature**:

COUNTY TREASURER’S CERTIFICATE

This is to certify that I find no regular or special taxes due on the property described within the surveyor’s certificate and described within this plat, as shown on the records of this office as of this _____ day of _____, 20_____.

(seal)

Typed Name: Treasurer
For Buffalo County, Nebraska

Suggested language for Planning and Zoning Commission’s statement:

The undersigned, (name of person), Chairperson of Vice-Chairperson of the Buffalo County Planning and Zoning Commission do hereby certify that the foregoing plat of (name subdivision), a subdivision being in the “ ” quarter of Section “ ”, Township “ ”, North, Township “ ”, West of the 6th P.M., Buffalo County, Nebraska, was submitted to Buffalo County Planning and Zoning Commission for public meeting and review and that the recommendation by the Buffalo County Planning and Zoning Commission was made to the **Buffalo County Board of Supervisors Board of Commissioners** on the _____ day of _____, 2_____.

(typed name) Chairperson

REQUIRED **LANGUAGE LANGUAGE** IF PRIVATE STREETS AND/OR WAYS IN SUBDIVISION:

“One or more of the access easements shown on this plat is private, and does not meet state or county standards for inclusion in the secondary road system and will not be maintained by Buffalo County. The property owner and successor thereto agrees to not request road maintenance from Buffalo County until such time as the private streets are brought to **the then** applicable Buffalo County’s Subdivision Street Requirement standards”.

DRAFT

EXHIBIT "C" (can be used for administrative or formalized subdivisions)

Suggested Surveyor's Certificate:

I, (name of surveyor), do hereby certify that (he/she/surveying company) surveyed (name of subdivision) an addition to Buffalo County, Nebraska, as shown on the above plat, (crew chief, surveyor in training, etc.), that the lots are well and accurately staked off and marked, the dimensions of the lots are as shown on the above plat, the lots bear their own number, outlots are identified where present and/or noted, and that survey was made with reference to know and recorded monuments.

(seal)

(Name of Surveyor)
Neb. Reg. L.S. No. _____

EXHIBIT "D"

MONUMENTATION

The surveyor shall establish, reestablish or confirm the prior establishment of permanent monuments at each exterior boundary point including angle points, points of curvature, or change in directions on the exterior boundary of the subdivision. The surveyor shall establish permanent monuments at each block corner, lot corner, or lot other otherwise created and permanent monuments shall be established at all angle points, points of curvature, or change in directions around the boundary of each new lot created by the subdivision. All permanent monuments shall be established, reestablished, or confirmed prior to recording of the plat presented for filing.

The monuments set shall be constructed of material capable of being detected by commonly used magnetic locators. These monuments shall consist of a 5/8" x 24" reinforcing rod, constructed of material capable of being detected by commonly used magnetic locators. A durable cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument shall be affixed securely to the top of each monument. The surveyor shall follow additional State of Nebraska regulations and statutes, and the minimum standards as adopted by the Professional Surveyors Association of Nebraska when extenuating circumstances dictate the required monument cannot be established with the minimum monument ingredient required herein.

* This Space Reserved for Register of Deeds *

EXHIBIT "E"

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 two (2) 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 two (2) 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 two-year period, the Subdivider shall be responsible for an additional three (3) years to keep the road graveled and supply the same on the dedicated roads and/or streets within the subdivision. For these three (3) years, the County shall be responsible for no more than once a month monthly maintenance grading of gravel, and seasonal snow plowing, as the same can be performed by the county as part of a county wide plan for snow clearing and 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.

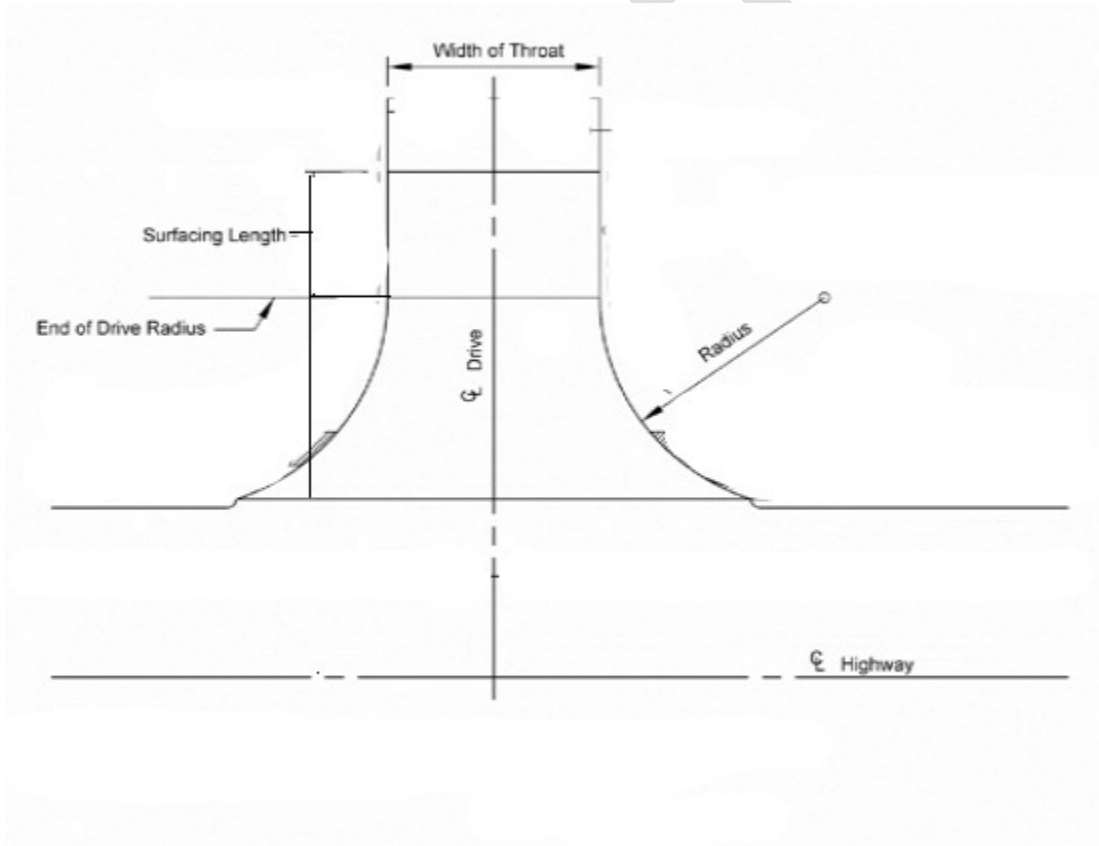
3. "Surface Maintenance" as defined by Buffalo County's Subdivision Resolution, at time of signing of this agreement, is defined as:

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

Added 2-25-2020

EXHIBIT "G"



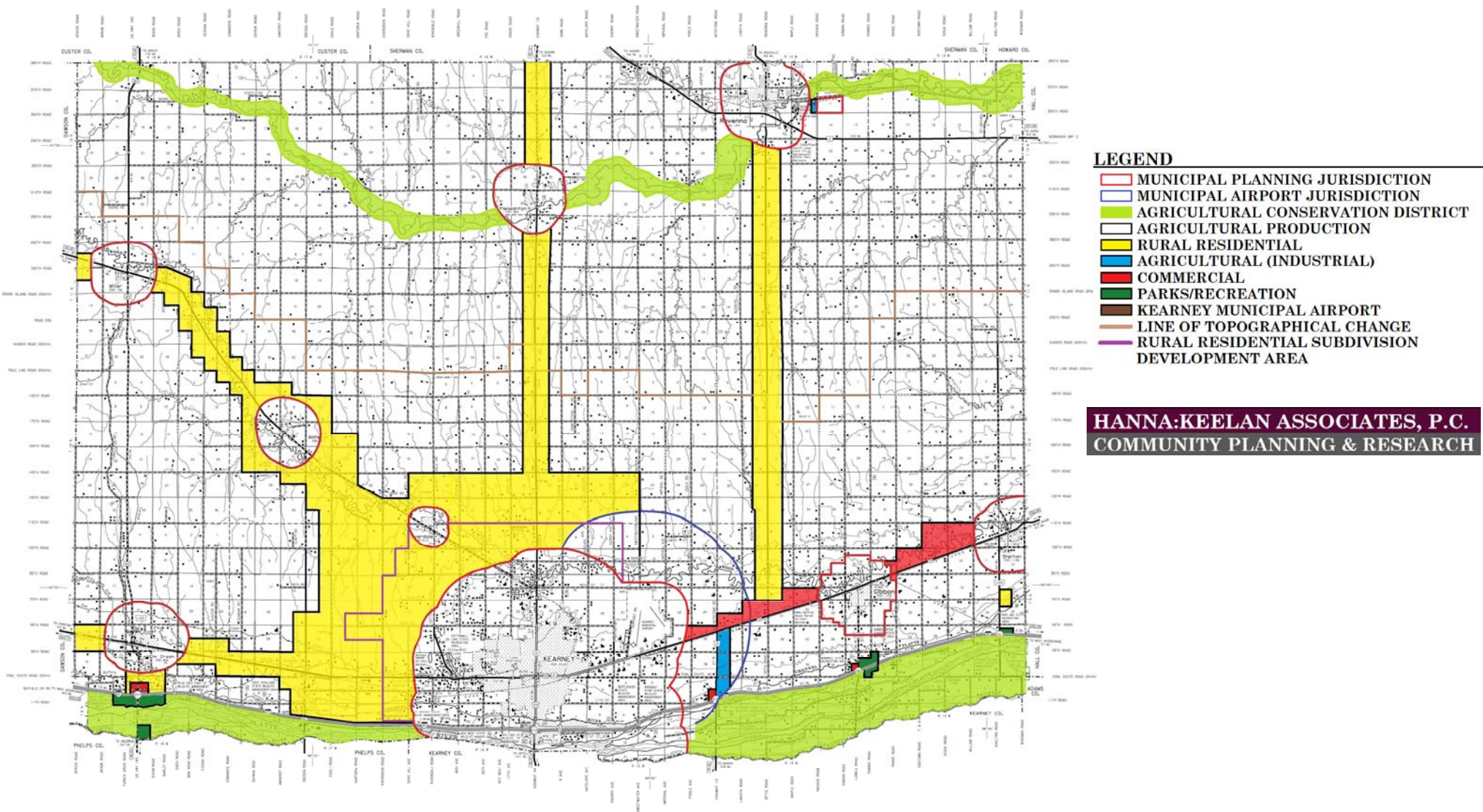
Added 2-25-2020

AMENDMENTS TO FEBRUARY 17, 2009 SUBDIVISION REGULATIONS

<u>Resolution Number</u>	<u>Resolution Date</u>	<u>Section Affected</u>
2009-009	2-17-09	Original Regs adopted
2009-010	2-24-09	Fees established
2013-22	5-14-13	3.20
2013-23	5-14-13	3.21
2013-30	6-11-13	4.03
Motion	6-11-13	Ratify fee
2013-59	12-10-13	3.20 (A) (2)
2013-60	12-10-13	4.03
2014-15	3-25-14	4.04
2014-16	3-25-14	3.14
2014-17	3-25-14	3.20
2017-21	4-25-17	3.02
2020-08	2-25-20	Subdivision Rd Amend. & Exhibits E, F, & G
2020-58	12-08-20	4.06
2021-43	7-13-2021	Amend/Add Sections 2.13, 2.23, 2.31, 2.34, 2.35, 4.02, 1.05, 1.06, & 4.12
		Regulation Revision & Review as part of The Comprehensive Plan.

Proposed Zoning Map

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



The proposed area to be rezoned from AGR to the AGR-1 Zoning District and AGR-2 Zoning District, as suggested in the Comprehensive Plan Map (Page 4.19) is as follows:

Area to designated to be within the newly formed AGR-2 Zoning District shall be as follows:

Commencing where the Zoning jurisdiction of the City of Kearney on its' west side intersection the north boundary of Interstate-80 on its' north side, thence west to the centerline of Evergreen Street, then north extending to one-half mile south of 56th Street, thence west one and one-half miles, thence north one mile, thence east to the centerline of Evergreen Street, thence north to where Evergreen Street intersects with 85th Street, thence east one-half mile, thence north one mile to the centerline of 100th Street, thence east one-half mile, thence north to the centerline of 115th Street, thence east on 115th Street to one-half mile east of Cherry Avenue, thence south to the zoning jurisdiction of the City of Kearney.

Area to be designated to be within the newly formed AGR-1 Zoning District shall be all now zoned AGR Zoning District lands that are not within the above description of the AGR-2 Zoning District.