

MINUTES OF PLANNING & ZONING COMMISSION  
FEBRUARY 21, 2019  
BUFFALO COUNTY COURTHOUSE  
7:00 P.M.

Zoning Administrator Jason Wozniak opened the meeting at 7:05 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on February 21, 2019.

Present were: Scott Brady, Marlin Heiden, Tammy Jeffs, Buss Biehl, Marc Vacek, Willie Keep, Randy Vest, and Loye Wolfe

Absent: None

Also attending were Deputy County Attorney Karie Fisk, Zoning Administrator Jason Wozniak, Highway Superintendent John Maul, and three members of the public.

Zoning Administrator Jason Wozniak called for the election of the Chairman. Motion made by Wolfe, seconded by Vacek to nominate Scott Brady for Chairperson. Voting yes: Wolfe, Vacek, Biehl, Heiden, Jeffs, Keep, and Vest. Voting no: None Abstain: Brady. Absent: None

Chairperson Brady called for the election of a Vice Chairperson. Motion was made by Wolfe, seconded by Jeffs to nominate Willie Keep for Vice Chairperson. Voting yes: Wolfe, Jeffs, Heiden, Biehl, Brady, Vacek and Vest. Voting no: none. Abstain: Keep. Absent: None.

Chairperson Brady called for the election of a Secretary. Motion was made by Vacek, seconded by Heiden to nominate Loye Wolfe for Secretary. Voting yes: Vacek, Heiden, Biehl, Brady, Jeffs, Keep and Vest. Voting no: none. Abstain: Wolfe. Absent: None.

Notice of the meeting was given in advance thereof by publication in the legal newspaper. 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 & Zoning Commission and availability of the Agenda was communicated in the advance notice. The agenda is available for anyone wanting a copy of the agenda.

Chairperson Brady 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 we do abide by the Open Meetings Act.

The public forum was opened at 7:08 P.M. Several people were present, but no one provided any comment. The public forum closed at 7:09 P.M.

Chairperson Brady opened the public hearing at 7:10 P.M. for recommendation to amend Buffalo County Zoning Regulations as previously adopted to Section 4.02 Relation to adjoining a Highway, road or street system.

Zoning Administrator Jason Wozniak gave an overview of the regulation change that newly planned subdivisions would have to be adjacent to a section line road that would be an RL-2 standard. We currently require the interior roads of subdivisions to be an RL-2 standard.

Highway Superintendent John Maul gave an overview that Buffalo County has 1,500 miles of roads. RL-3 normally has 49.5 feet of Right-of-Way with the road tops being narrower at approximately 22 feet. The RL-2 is 66 feet of Right-of-Way with approximately 28 feet of road top and a 2 to 1 or less slope off the road.

Wozniak- With this proposal this would affect where a subdivision is placed within the County. They would have to be next to an RL-2 classified road.

Biehl- We are talking about new subdivisions. Not miles of road that are already there.

Brady-We have some correspondence that roads platted inside the subdivision become public county roads.

Fisk- Roads that are platted to the public and dedicated, the County takes them.

Brady-Would you say that we do road top maintenance on all subdivisions in Buffalo County.

Maul-I would say we have over 100 subdivisions in Buffalo County and do road top maintenance on 42 to 44 of them. The others do not meet the RL-2 standards.

Fisk-Most of those subdivisions are prior to zoning regulations in Buffalo County and do not meeting the minimum standards. Now we have standards that subdivisions must meet.

Keep-Does County have to accept the roads.

Fisk-Once they are dedicated then yes. Once they petition the County to maintain, and they meet standards, the County takes road top maintenance

Keep-I would guess we are limited on funds to provide maintenance on all these subdivision roads. Is there a way to assess a road maintenance against the subdivision roads separately?

Maul-A fee for the subdivision. I am not aware of anything like that.

Fisk-Under our current structure no.

Keep-Possible to add it sometime

Fisk-Yes, I believe Lincoln County, as part of their subdivision approval process, they have a road improvement plan, and/or road improvement bonds.

Jeffs-Is there a way to estimate the amount of taxes from development of subdivisions vs the cost of the roads.

Fisk-Revenue you generate will be different depending on which entity. School districts continue to generate taxes. Counties, due to lid limits, goes up a certain percent no matter how much that value goes up. Depends on the political subdivision and entity. City of Kearney and Buffalo County are different in what they generate in revenue vs tax value.

Vacek-What is the most comparable county to Buffalo County in subdivisions in the way they are developed.

Fisk-We do not have a good comparable county to Buffalo County. Our growth and zoning are different so hard to look at other counties.

Maul- I have reached out to other counties, and ask them about road top maintenance in subdivisions and they say they do not do subdivision maintenance. I believe Hall County requires subdivisions be adjacent to a hard surfaced road, and then require the developer to pave interior subdivision roads.

Keep-Then they take over maintenance after roads are built.

Maul-Probably just snow removal. When hard surface is broke up, and then it is up to a subdivision to replace or fix it. Glenwood Estates in North Kearney is that way.

Heiden-Glenwood was a SID. Can any of these new subdivisions set up a SID?

Fisk-Any developer could incorporate a SID for the development if they choose to.

Heiden-Can that be done in a regular subdivision?

Fisk-The developer creates the SID to generate the funds. The County does not do it.

Brady- I did visit with Chad Naby in Hall County about the access to hard surface roads. Subdivisions are adjacent to a hard surfaced road and the intersection entering into the subdivision will be hard surfaced. Interior roads can be gravel and they do not maintain roads.

Maul-They do not maintain them.

Brady-From what I gather they do not.

Fisk-Hall County does not seem to have the rural growth that Buffalo County has. Seems their growth is within the ETJ district of Grand Island.

Brady-Seems Hall County has not had to deal with rural subdivisions in sometime. They seem to develop around the municipalities of the County.

Brady-I looked into a document by the American farmland trust, NRCS and smart growth network, had 83 studies from 19 states excluding Nebraska from 2002 had the median cost for community services versus the revenue raised. Commercial/Industrial 0.27, Farm/Agland 0.36, Residential \$1.15

Maul- Rural Subdivisions put a lot of pressure on the gravel roads, and we have a hard time keeping up with them. I had 30 calls about snow removal with 28 being from subdivisions. If we continue to take on more roads, we will have to get more equipment, hire more people, and use more fuel and gravel.

Vacek-We do not want to increase cost nor do we want to curtail growth and I do not know if that can be done.

Wolfe-We have leaned towards and our comprehensive plan has subdivision close to a hard surface road.

Keep-Some counties have limited when you can haul. The ground needs to be frozen or dry and solid. No hauling in spring when it is wet and thaw is coming out of the ground.

Maul-I think you can only do that for a 90-day period through Board action.

Humphrey-I encourage you to study this topic. Buffalo County has its own unique growth problems and should not be compared to any other County. The Counties around us are different. The diagram I have for road standards does not say anything about Right of Way width. It has to do with slope from the roads and width of ditches. I did an unofficial study of the Road top widths of roads similar to 70<sup>th</sup> Street. The widths are from 28 feet to 30 feet wide. Unfortunately, governments are reactive to roads based on traffic conditions. We have development pressure with housing needs. I understand budgets are tight but we should not stop maintaining roads. Currently 42 subdivisions are maintained. If we plan to stop doing maintenance on future developments, this needs to be studied. I know lot sizes and roads will be looked at in the future. The Buffalo County comprehensive plan looks at keeping production ag land as being farmed and not removed into residential properties in certain areas. I have perspective developers that look at retail, manufacturing, and business enterprises. Buffalo County and City of Kearney are clean communities with well-done roads. Quality of life should be a consideration. If roads are left to the landowners than typically, the maintenance is not done or kept up. Emergency vehicles could have problems accessing these roads. The HOA's may not keep them up. I would like to see a study done on which roads are RL-3 or non-conforming. I know some arterial roads have steep grades that are in excess of the RL-3 standards. Other items need to be considered not just road width and right of way. Consider all of these before you make any decisions.

Brady-Appears to me that if these subdivisions would happen within City Limits, the County would get just as much taxes from these properties. Maybe they need to be annexed into the City since they have control of approving them. If we get private maintenance of subdivision roads, then these neighborhoods will need be keep them up. Another thing is quality of life issue. The Ag producers that are in these areas would say their quality of life has went down because of traffic and trash. Do we sell out for economic development? How does the cost of the 3 acre house vs rural quarter, how do they compare. Some of the urban-rural divide.

Keep- Struggle I have is it seems like we are being asked to look at zoning and what we allow in a different way then we have in the past. We want like developments next to like developments. How it is taxed is above our duties.

Humphrey- As a County this will have economic impacts and will affect are schools, NRD's and other taxing bodies.

Biehl- There is a limit on what they can tax. There are lids on increase in taxes for the County.

Fisk-Each stakeholder has different benefits. Each county has different lid limits. Buffalo County is unique.

Maul- I do not want to stop growth in Buffalo County. I believe with property taxes, 74% goes to schools, 16% to counties with 8% of the 16% going for roads. Most of the road money comes from fuel tax, motor vehicle registration, and sales tax on equipment.

Humphrey-I encourage you to take your time on this decision. I see the road department gets money from business type taxing such as vehicles and business equipment.

Vacek-Is there a way to assess a value to a subdivision on type or size of road.

Brady-We probably have some subdivisions that have more housing than the small communities do.

Wolfe-How many miles of roads does the county maintain in the ETJ district?

Brady- I have a tough time adding more pressure to the County Highway Department

Humphrey-If I understand this right, a lot of stress comes from maintaining roads is coming from areas that have a road with not a lot of finished housing on them. This is not cost effective. Maybe a proposal to modify would be too not maintain the road until a certain percentage of housing is completed.

Fisk- All legal obligations are on the road, not the development. It is the same if there is 1 house or 1,000 homes.

Humphrey- This should be considered as some kind of tool.

Keep-So subdivision maintenance done by the developer until a certain percentage of the development is sold or built upon.

Humphrey-Pick some percentage 50% or 60%.

Maul- There is a lot of pressure for paving west of the Kearney landfill along 56<sup>th</sup> Street, and Dove Hill Road from 56<sup>th</sup> Street south to Highway 30. There is a lot of residential development in that area. I have had engineers run some numbers, and it is about 1 million dollars per mile to pave. A year ago, traffic count on 56<sup>th</sup> Street was 576 vehicles a day. We maintain twice a week and that do not keep up with the traffic.

Dixon-With the RL-2 standard we also have administrative subdivisions. We are dedicating right of way with these subdivisions. Currently we are doing more Administrative Subdivisions surveys. Will this add burden to these projects? When the County improves roads, will they be required to update them to the RL-2 standard? One rule change will have many ramifications.

Motion to table to a later date for further discussion: Moved by Heiden, seconded by Keep

Voting yes: Heiden, Keep, Brady, Biehl, Jeffs, Vacek, and Vest

Voting no: Wolfe

Abstain: None

Absent: None

Motion carried.

Arbor Hills Subdivision- Comments forwarded to City of Kearney include adding more traffic to 70<sup>th</sup> Street and adding more miles of new roads is a concern for the County.

Dwayne Subdivision-Comments forwarded to City of Kearney include adding more traffic to 49<sup>th</sup> Street and adding more miles of new roads is a concern for the County.

Old Business: Moved by Vacek, seconded by Keep to approve the minutes of the September 20, 2018 as corrected.

Voting yes: Brady, Biehl, Heiden, Jeffs, Keep, Vacek, Vest, and Wolfe

Voting no: none.

Abstain: Vest.

Absent: None. Motion carried.

Other items discussed.

Wozniak also reported on past hearings and The NPZA conference on March 6 to March 9, 2019.

The next meeting of the Planning & Zoning Commission will be March 21, 2019 at 7:00 P.M. Chairperson Brady adjourned the meeting at 9:35 P.M.