

MINUTES OF PLANNING & ZONING COMMISSION
SEPTEMBER 19, 2019
BUFFALO COUNTY COURTHOUSE
7:00 P.M.

Chairperson Scott Brady opened the meeting at 7:05 P.M. at the Buffalo County Courthouse in Kearney, NE with a quorum present on September 19, 2019.

Present were: Scott Brady, Tammy Jeffs, Willie Keep, Marc Vacek, Buss Biehl, John Keeney and Loye Wolfe

Absent: Marlin Heiden, Randy Vest

Also attending were Deputy County Attorney Andy Hoffmeister, Zoning Administrator Jason Wozniak.

Notice of the meeting was given in advance thereof by publication in the Kearney Hub, the designated method for giving notice. 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 7:05 P.M. The public forum closed at 7:05 P.M.

Chairperson Brady opened the public hearing at 7:06 P.M. for a partial vacation submitted by Trenton Snow on behalf of Barbara A Herter, Wayne & Kristine Keller on the following legal description: Part of Lot 1, Linger's Subdivision and Part of Gov't Lots 4 & 5, in Section 31, Township 9 North, Range 13 West, of the 6th Principal Meridian, Buffalo County Nebraska.

Trent Snow-Property currently has a house on one tract and a building on the other tract. Plan to make this a two Lot Subdivision. Building was a church and school at one time. When church closed, property reverted to original owners.

Andy Hoffmeister-Where is the property located

Snow-South of Gibbon, North of Interstate 80 on 39th Street. Barbara owns the ground surrounding the two tracts. Daughter (Kristine Keller) owner of house would like to add ground to their property. The Subdivision will be a two Lot Administrative Subdivision.

Hoffmeister-Is there going to be a house built on tract with building?

Snow-I think a farmer plans to buy it. In 1917 there was a subdivision made of about five different sections called Linger's Subdivision. Lots range from 80 acres to 160 acres. Since this is a full Subdivision and not an administrative subdivision, we need to come before the Planning & Zoning Commission to vacate. We are asking to vacate a portion of Lot 1, Linger's Subdivision. This will then become Herter Acres, An Administrative Subdivision.

Brady-Just part of Lot 1

Snow-Will except out only this portion of Lot 1. Rest of Lot 1 Linger's Subdivision will remain.

Wozniak-Lot 1 was platted having 149 Acres

Hoffmeister-By platting this it made legal something other than Gov't Lots.

Brady-Is that your tract just above the creek

Snow-Yes

Hoffmeister-We will pick up Road Right-of-Way as well.

Snow-Yes

Brady-Is the intent of people is to sell off Lot 1 with the building and the daughter to acquire the land between the properties?

Snow-Correct

Hoffmeister-This board's function is to give a recommendation which in not binding. You may want to connect the vacation with the proposed plan of development. Zoning and use cannot change just boundary lines.

Keep-Is this AGR

Hoffmeister-AG-Agriculture

Keep-How did the flood affect this property and the area?

Snow-The field south of it had water

Brady-Since no neighbors are here does not appear to be any opposition.

Motion was made by Wolfe, seconded by Biehl to approve the partial vacation on the following legal description:

Part of Lot 1, Linger's Subdivision being part of Government Lots 4 and 5 in Section 31, Township 9 North Range 13 West of the 6th Principal Meridian, Buffalo County Nebraska.

Voting yes: were Biehl, Jeffs, Brady, Vacek. Keep, Keeney, Wolfe,

Voting no: none.

Absent: Vest, Heiden

Motion carried.

Chairperson Brady opened the public hearing at 7:08 P.M. for recommendation to amend the Buffalo County Zoning Regulations as previously adopted for Livestock Confinement Facilities/Operations (Animal Units Equivalents.) Section 6.4#6.

Wozniak- We have a typo in this section. Code reads 2.0 for swine, 55lbs. and over and looking into this it should be less. .40 is the recommendation.

Brady-Should it be 4 pigs to 1 cow/calf pair

Keep-If you are looking at weight should it be .25, what does the State have?

Wozniak-I never looked at State

Keeney-Also, the ducks at .20 seems high.

Keep-Shouldn't ducks be .02

Brady-You are not going to see anyone build a facility having less than 2,000 hogs in a building.

Chairperson Brady closed the public hearing at 7:30 P.M.

A motion was made by Wolfe, seconded by Biehl to amend the Buffalo County Zoning Regulations as previously adopted as follows and forward to the County Commissioners with recommendation of approval.

Chairperson Brady opened the public hearing at 7:30 P.M. for recommendation to adopt Buffalo County Zoning Regulations relating to Solar Energy.

Hoffmeister-This came about by an individual inquiring to install solar panels in an AGR district. Currently we do not allow it. We looked at surrounding counties to come up with something to integrate into our code. Looked at language on dwellings. Looked at Keith County's definition of solar farm. I also contacted Assistant Engineer from Dawson Public Power. The largest alternate power producer in Dawson Public Power territory is Pleasanton School.

I looked at what could bother a neighbor. Looked at some different watt figures as cut off points. Smaller are used for irrigation. 130-watt power station can water 90 head of cattle. Need to replace batteries every 2-3 years. 25killowatts is what the Nebraska Net meter law. If you are

over 25kw than you are a solar farm. What you need to decide is where we going to allow someone to put up these panels with or without a permit.

Setbacks 100 feet from front yard or road and 50 feet from other property lines. This gives room to plant trees to hide panels if desired. I would make roof top panels no higher than 24 inches above the roof. An exemption level could be 500 watts. 1,000 watts is probably too large. Would be a 10 foot by 10-foot cell. We do not want to have to regulate everything. The smaller cells used to charge batteries and so on.

Brady-It will take many panels to keep your house powered.

Biehl-Not our job to decide if they are practical or not.

Hoffmeister-We just need a regulation to follow. We addressed wind energy during the last comprehensive plan. Most wind energy generation is AC power to begin with.

Brady-Once this is adopted it can be modified.

Hoffmeister-Yes good to get some definitions into our regulations.

Keep-You see many of these on rooftops

Hoffmeister-If you as a board want to recommend every one of these be reviewed then that can be a recommendation.

Keep-Is glare the biggest concern

Hoffmeister-Glare is a concern. Need a regulation even if we look at every project over 500 watts.

Jeffs-Can we just say special use permit for everything but AG-Agriculture district.

Hoffmeister- Yes you may. I think everything in Ground Mounted Solar Energy needs a special use permit. What I have is use by right in the AG district.

Personal Solar Energy System with Non Dwelling Roof Attached Solar Energy System-AG use by right and C-Commercial, I-Industrial, AGR-AG Residential Special use permit.

Ground mounted solar energy systems-All areas (Commercial, Industrial, Agriculture and, Agriculture Residential) need special use permit

Chairperson Brady closed the public hearing at 8:01 P.M.

A motion was made by Jeffs, seconded by Wolf to amend the Buffalo County Zoning Regulations to include the Solar Energy and forward to the County Commissioners with recommendation of approval.

Old Business: Moved by Vacek, seconded by Biehl to approve the minutes of the July 18, 2019 as mailed.

Voting yes: Biehl, Jeffs, Vacek, Keep, Keeney and Wolfe

Voting no: none.

Abstain: Brady

Absent: .Vest, Heiden

Motion carried.

Other items discussed.

Comments on the Hawthorne Heights Subdivision and Pollat Acres Subdivision will be held by the City of Kearney September 20, 2019 by City of Kearney Planning and Zoning. This subdivisions fall within the 2-mile jurisdiction for the City of Kearney zoning.

The next meeting of the Planning & Zoning Commission will be as needed. If items come in may be on October 17, 2019 at 7:00 P.M.

Chairperson Scott Brady adjourned the meeting at 8:09 P.M.