

MINUTES OF PLANNING & ZONING COMMISSION
JANUARY 20, 2022
BUFFALO COUNTY COURTHOUSE
6:30 P.M.

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.

Zoning Administrator Daniels opened the meeting at 6:34 p.m. with a quorum present on January 20, 2022.

Zoning Administrator Daniels notified The Commission, at the November 23, 2021, Board of Commissioner's Meeting, The Board appointed Scott Stubblefield to The Planning and Zoning Commission.

In Attendance: Scott Brady, Kurt Schmidt, Francis "Buss" Biehl, Scott Brady, Tammy Jeffs, Randy Vest, Marc Vacek, and Scott Stubblefield. Those absent were: Willie Keep and Loye Wolfe.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, Keith Carl of Hanna:Keelan Associates, and also at 6:41 p.m. via ZOOM, Tim Keelan.

Zoning Administrator Daniels announced The Open Meetings Act and agendas were available if anyone wished to have one.

Public Hearing. 3(a)

Zoning Administrator Daniels opened the public hearing for Agenda Item 3(a) at 6:35 p.m. regarding 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.

Hanna:Keelan, Associates' Planner, Keith Carl, stepped forward re-introduce himself to The Commission and to provide a background on the purpose of the comprehensive plan for the new member. He explained he wished to have The Commission review and finalize the Buffalo County Survey today: put it online, publish notice, and advertise. He also explained that he would cover the existing land uses, development trends, and land preservation in Buffalo County.

Mr. Carl, then, turned The Commission's attention to the updated County-Wide Opinion Survey. He explained the purpose of the survey was to receive feedback from the residents of Buffalo

County about important issues as it relates to future of land development or land preservation of Buffalo County. He reviewed the newly-revised survey form and previously recommended changes. Tim Keelan, of Hanna:Keelan, Associates, joined the meeting via ZOOM.

Mr. Carl asked The Commission if they had questions or comments regarding the survey. Mr. Vacek asked how important it was having the distance between cities because Buffalo County is such a large county. He expressed concern about question #4, regarding important land uses, needed to be reworked as it appears unclear if a person wishes to support or wishes to oppose it. Mr. Carl detailed he believed it would be beneficial to educate the public on the purpose of the question and that would help.

Mr. Carl asked Deputy County Attorney Hoffmeister his thoughts on the proposal. Deputy County Attorney Hoffmeister stated, perhaps a numbering system would be more appropriate, but could add complexity to the document. He also recommended rewording question #2 to “what is the closest community”, to eliminate any confusion. Mr. Schmidt agreed. Deputy County Attorney Hoffmeister reminded The Commission the comprehensive plan primarily affects those outside of community planning jurisdictions and those are the opinions we seek. Mr. Stubblefield recommended using addresses to identify the jurisdiction. Mr. Schmidt stated he thought it was a good idea, but to, then, remove “if yes” from the question. Deputy County Attorney Hoffmeister agreed. Mr. Carl confirmed with The Commission that question #1 would remain, just rephrasing question #2. Deputy County Attorney Hoffmeister confirmed.

Mr. Carl asked The Commission if they had any other questions or comments regarding the survey. Mr. Keelan asked Mr. Carl to review recommendations. Mr. Keelan stated that another word should be used in place of “important”. Deputy County Attorney Hoffmeister recommended “allowed”. Discussion occurred regarding which word would be best. Mr. Keelan recommended using the word “support”. Deputy County Attorney Hoffmeister substantiated.

Chairperson Brady recommended reordering questions #5 and #6, before the land use table. Deputy County Attorney Hoffmeister agreed. Discussion occurred the proposed reordering may be more effective.

Mr. Keelan recommended rewording question #4 to say, “Which of the following land use items do you support for the future of Rural Buffalo County?” Chairperson Brady asked if it was necessary to have five different options for the answers on question #4. Mr. Keelan suggested no, but should leave “no opinion/not sure” as an option.

Mr. Stubblefield voiced concern that #4 may not be fully understandable and perhaps, not all items would be answered. Mr. Keelan explained the importance of leaving “not sure”. Discussion occurred about how to handle this particular question and if any changes needed to occur. Mr. Keelan recommended using the word “support” in place of “important”. Mr. Vacek preferred the word “support”. Deputy County Attorney Hoffmeister agreed.

Chairperson Brady indicated he believed if anyone were willing to complete the survey, they would fill it out completely.

Chairperson Brady wished to have “not sure” removed and replace it with “no opinion”. Mr. Keelan agreed, and also recommended changing the headline of each column to “Extremely Support”, “Somewhat Support”, and “Do Not support”. Mr. Keelan recapped The Commission’s recommendations.

Mr. Keelan stated question #8 should have the word “information” removed and reworded to “comments/suggestions”. Deputy County Attorney Hoffmeister agreed.

Chairperson Brady recommended adding extra lines to question #8, to allow for extra comments. Mr. Keelan also suggested moving “thank you for your participation” to the top of the document.

Mr. Keelan mentioned adding “Planned Rural Subdivisions”. Discussion occurred planned rural subdivisions and the need to get residents’ opinions.

Deputy County Attorney Hoffmeister and Chairperson Brady advocated combining Zoning Ordinances/Regulations and Subdivision Ordinances/Regulations into “Zoning/Subdivision Regulations”. Mr. Keelan agreed.

Mr. Vacek asked if this survey would be available online. Mr. Carl stated they use a website called Constant Contact, to make it available.

Mr. Keelan asked what the minimum acres are in Buffalo County and Zoning Administrator Daniels answered the minimum acreage was 3 acres. Mr. Keelan stated they would rework the survey and resubmit it to The Commission.

Mr. Carl asked if there were other thoughts on this survey. No one answered, he, then, moved on to the documentation in the packet. Referencing Table 1, he reviewed the growing population trends and projections. He also explained the Economic Development Boost and the projections associated with that, as well.

Mr. Keelan explained how the numbers are calculated and what The Commission can expect for population growth. He expects about 60 new housing units in the next 10 years. Chairperson Brady confirmed the projected units was for rural Buffalo County. Mr. Keelan confirmed. Chairperson Brady inquired if that number was low. Mr. Keelan stated he did not think it was, because development patterns could change and slow down. Chairperson Brady asked Zoning Administrator Daniels how many residences she permitted last year. Zoning Administrator Daniels stated she believed she permitted around 40 residences last year. Mr. Keelan asked how many persons per household and Zoning Administrator Daniels stated she does not inquire about persons per household. Mr. Keelan explained the population growth may need to be revisited.

Mr. Keelan asked how many of residences are being constructed on the 3-acre lots. Zoning Administrator Daniels stated about 2/3 of the residences were placed on the 3-acre lot size. Deputy County Attorney Hoffmeister added that most residences were being placed on planned subdivisions.

Deputy County Attorney Hoffmeister agreed with Mr. Keelan and explained he believed rural development would slow down based on the higher interest rates. Discussion occurred regarding the cost of residential houses in Buffalo County.

Mr. Keelan stated that he would re-review the population numbers and would report back.

Mr. Carl presented the 2013 land use map, a preliminary 2022 land use map, identifying the annexations and changes to the extra-territorial jurisdictions since 2013.

Mr. Carl reviewed the boundary for the city of Gibbon. He asked The Commission if they could confirm whether it is rounded or are square. Mr. Keelan provided confirmation it was square. Mr. Carl went on to explain he had done field reviews around Rusco, Riverdale, and Gibbon Townships. He also reviewed subdivisions between the Riverdale and the city of Kearney planning jurisdictions.

Mr. Carl asked The Commission to review the swath of AGR in the Odessa Township, where no development is occurring. Discussion occurred how far the planning jurisdictions would expand in the next 10 years and how, and if, development occurs in the Odessa Township, whose responsibility it would be to maintain it. Discussion also occurred how utilities, subdivisions, and school districts will be handled for future development.

Mr. Keelan asked Deputy County Attorney Hoffmeister if Buffalo County has taken a stance on Land Conservation, proposed by the Federal Government. Deputy County Attorney Hoffmeister stated that Buffalo County disagrees with the proposed land conservation easements, primarily due to loss of revenue. Discussion occurred regarding Land Conservation Easements and their impact on the comprehensive plan.

Mr. Keelan recommended adding "Land Conservation Easements" to the land uses on the survey. Discussion occurred about prior land conservation easements in Buffalo County.

Mr. Carl asked if The Commission had other questions or concerns. Mr. Keelan explained he wished to have The Commission fill out the survey after it is finalized. Chairperson Brady asked when the revised survey would be available and Mr. Carl explained it would be revised and sent out within a week.

Chairperson Brady affirmed The Commission should be involved with each community and its councils to advocate for the survey and comprehensive plan.

Mr. Carl and Mr. Keelan thanked The Commission for their time.

Zoning Administrator Daniels closed the public hearing for Agenda Item 3(a) at 8:07 p.m.

Zoning Administrator Daniels called the regular meeting of the Buffalo County Planning and Zoning Commission to order.

Zoning Administrator Daniels began with the Re-Organizational Meeting of Officers. Zoning Administrator Daniels called for nominations for a Chairperson. Mr. Vacek nominated Scott Brady. Zoning Administrator Daniels called for further nominations three times. No additional nominations were made. A motion was made by Mr. Vacek, seconded by Ms. Jeffs, to cease nominations and cast a unanimous ballot for Scott Brady.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vest, Stubblefield, Biehl, & Vacek.

Voting “Nay”: None.

Abstain: Brady.

Absent: Keep & Wolfe.

Motion carried.

Zoning Administrator Daniels turned the meeting over to Chairperson Brady.

Chairperson Brady called for nominations for Vice-Chairperson. A nomination was made by Ms. Jeffs to nominate Willie Keep for Vice-Chairperson. Chairperson Brady called for further nominations three times. No additional nominations were made. A motion was made by Ms. Jeffs, seconded by Mr. Vest, to cease nominations.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vest, Stubblefield, Biehl, & Vacek.

Voting “Nay”: None.

Abstain: None.

Absent: Keep & Wolfe.

Motion carried.

Nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Willie Keep as Vice-Chairperson, motion made by Mr. Vacek, seconded by Mr. Schmidt.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vest, Stubblefield, Biehl, & Vacek.

Voting “Nay”: None.

Abstain: None.

Absent: Keep & Wolfe.

Motion carried.

Chairperson Brady called for nominations for Secretary. A nomination was made by Mr. Vest, to nominate Loye Wolfe for secretary. No additional nominations were made. A motion was made by Mr. Vest, seconded by Mr. Biehl, to cease nominations.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vest, Biehl, Vacek & Stubblefield.

Voting “Nay”: None.

Abstain: None.

Absent: Keep & Wolfe.

Motion carried.

Nominations were ceased.

Chairperson Brady requested a motion to cast a unanimous ballot for Loye Wolfe as Secretary. A motion made by Mr. Vacek, seconded by Mr. Jeffs.

Upon roll call vote, the following Board members voted “Aye”: Schmidt, Vest, Stubblefield, Biehl, & Vacek.

Voting “Nay”: None.

Abstain: None.

Absent: Keep & Wolfe.

Motion carried.

Chairperson Brady re-announced The Open Meetings Act and agendas were available if anyone wished to have one.

The public forum was opened at 8:13 p.m. The public forum closed at 8:13 p.m.

Public Hearing. 8(d)

Chairperson Brady opened the public hearing for Agenda Item 8(d) at 8:13 p.m. regarding a Code Amendment to correct Section Formatting in Section “14.5”, Buffalo Zoning Regulations, regarding adult entertainment.

Deputy County Attorney Hoffmeister presented the code amendment to The Commission. In the existing regulation, provisions regarding adult entertainment starts at “Section 14.5”. To ensure correct numerical order of sections, the code amendment is proposing to change the section number to “Section 6.5” and any other sequential formatting.

Chairperson Brady asked if any other discussion needed to occur.

Chairperson Brady closed the discussion on this agenda item at 8:18 p.m.

Motion was made by Mr. Vacek, seconded by Mr. Biehl, to recommend favorably the Code Amendment, as presented, to the Buffalo County Board of Commissioners.

Upon roll call vote, the following Board members voted “Aye”: Biehl, Jeffs, Schmidt, Vacek, Vest, & Stubblefield.

Voting “Nay”: None.

Abstain: None.

Absent: Keep & Wolfe.

Old Business

Minutes

Motion was made by Mr. Schmidt, seconded by Mr. Vest, to approve the minutes of the November 18, 2021 meeting, as presented.

Upon roll call vote, the following Board members voted “Aye”: Jeffs, Schmidt, Vacek, Vest, Stubblefield, & Biehl.

Voting “Nay”: None.

Abstain: None.

Absent: Keep & Wolfe.

Motion carried.

New Business

Report on Previous Hearings

Chairperson Brady addressed The Commission, stating that he changed the meeting time to 6:30 p.m. to accommodate everyone and allow for less down time. He wanted The Commission to address him if they wished to see a different meeting time. Deputy County Attorney Hoffmeister reminded The Commission that the by-laws of The Commission say they need to meet at 7:00 p.m.

Zoning Administrator Daniels provided a report on the previous hearings from the October 21, 2021, Planning and Zoning Meeting. The UDDUP, L.L.C. Special Use Permit, Albert B. and Janice M. Loeffelholz Rezone, and code amendments under Sections 8.3, 5.16, & 5.27 were all heard and approved by the Board of Commissioners on November 23, 2021.

Zoning Administrator Daniels provided a report from the November 18, 2021 Planning and Zoning Commission Hearing: The Jeffrey R Albers’ Rezone, Simplot AB Retail Sub, Inc. Rezone, and the two McMarshall Investments. L.L.C. Special Use Permits, were all approved as presented on December 14, 2021. She also notified The Commission that The Board recommended adding an address on the signs or on the building for 911.

New Business, Correspondence & Other Business

Zoning Administrator Daniels highlighted the ETJ correspondences, with the city of Kearney, regarding Buffalo Island Subdivision and code amendments, thereof.

Zoning Administrator Daniels notified The Commission about the new IRS standard mileage rates for 2022.

Zoning Administrator Daniels provided a proposed letter to the Village of Elm Creek regarding proposed "Simmerman Acres". She requested The Commission review the proposed letter and let her know if changes need to occur. Chairperson Brady stated he believed there would not be any misunderstanding and it was appropriate.

Discussion occurred regarding previously submitted planning jurisdiction proposed developments.

Zoning Administrator Daniels presented the annexation of Northeast Public Service Addition.

Zoning Administrator Daniels asked Deputy County Attorney Hoffmeister to review the upcoming January 25, 2022 hearing regarding the Woitaszewski Brothers for a Special Use Permit, a Class V Dairy Farm, for property located in the North Half of Section 13, Township 12 North, Range 14 West of the 6th p.m., Buffalo County, Nebraska.

Other animal confinement operations were discussed.

Next Meeting

The next meeting will be conducted February 17, 2022.

Adjourn

Chairperson Brady adjourned the meeting at 8:41 p.m.