

MINUTES OF PLANNING & ZONING COMMISSION  
JULY 21, 2022  
BUFFALO COUNTY COURTHOUSE  
5:30 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.

Chairperson Brady opened the meeting at 5:34 p.m. with a quorum present on July 21, 2022.

In Attendance: Tammy Jeffs, Kurt Schmidt, Willie Keep, Marc Vacek, Loye Wolfe, and Scott Brady.

Randy Vest, Scott Stubblefield, and Francis "Buss" Biehl were absent.

Quorum was met.

Also attending were: Deputy County Attorney Kari Fisk, Zoning Administrator Dennise Daniels, Keith Carl, of Hanna:Keelan, Associates, P.C., and members of the public.

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

The public forum was opened at 5:35 p.m. The public forum closed at 5:35 p.m.

**Public Hearing. 5(a)**

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 5:36 p.m. regarding 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.

Keith Carl, Community Planner of Hanna:Keelan, Associates, P.C., reintroduced himself and provided background on Hanna:Keelan, Associates, P.C. for the members of the public. He highlighted several portions of The Comprehensive Plan and, quickly, thereafter, reviewed The Comprehensive Plan Agenda.

Mr. Carl began his presentation by reviewing the Scope of Work, as shown in the packet. He provided a brief overview of The Buffalo County Comprehensive Plan process and explained the project is approximately two-thirds, or halfway, done.

Mr. Carl moved to "Discussion/Input of the Buffalo County Survey Summary", as shown on the agenda. He reviewed the "Buffalo County, Nebraska County-Wide Opinion Survey Report" with the public in attendance and opened the floor for questions or comments. A member of the

public, Jason Wozniak, stated he was attending the meeting to find out more about the Land Use Matrix and had no questions or comments regarding the report. Mr. Carl explained that Buffalo County has not made it to that stage of the process yet and data was still being analyzed. He asked if anyone had any other questions or comments regarding the survey. No one spoke.

Chairperson Brady stated that he found the comments, submitted during the survey, interesting. He said he appreciated all the diverse comments and viewpoints. Discussion occurred regarding the diversity of the comments.

Secretary Wolfe articulated she believed, based on the comments, the public, consistently, requested The Commission preserve and protect agriculture. Chairperson Brady agreed, but he also said he would add housing and county roads. Ms. Jeffs agreed. Mr. Carl asked if anyone had any other questions or comments. No one spoke.

Mr. Carl reviewed “The Population Trends and Projections Table” and explained how The U.S. Census and redistricting data affects the projections. He informed The Commission that redistricting data has been certified by The State of Nebraska and the population trends for 2020 is conclusive; he went on to describe the analysis and breakdown of the population trends. He, then, asked if there were any comments or questions. Chairperson Brady asked if the projected population numbers could deviate based on future community annexations in Buffalo County and Mr. Carl remarked that it could, but those kinds of trends are hard to predict.

Deputy County Attorney Fisk asked if Hanna:Keelan, Associates, P.C. considers factors such as roads and utilities into growth. She said Buffalo County needs some direction on how to manage the development of roads and utilities, as the communities, such as Kearney, continue to grow and annex portions of rural Buffalo County. Mr. Carl explained they did, but the weight of these factors are dependent on the community, county, and stability of growth. Then, Mr. Carl displayed an Existing Land Use Map and presented annexations that have occurred since the last revision, in 2012. Unicameral districts were discussed.

Mr. Carl presented “Draft: Land Use Matrix-Preservation/Development Initiatives”, on page 5 of The Comprehensive Plan packet. He explained the data presented is preliminary in nature and subject to refinement based on additional research. He wanted to provide a numbers’ perspective on land use within the county. He explained the table and how the data was formulated, using tools such as Buffalo County’s GIS system. Discussion occurred regarding Land Conservation Easements and the taxability of those parcels. Mr. Carl continued his presentation of the table.

Chairperson Brady inquired if Buffalo County would really only see only a half section of development in the next ten years, based on the projection. Vice-Chairperson Keep also pondered the calculation and said that number seemed substantially lower than what has been, and is being, developed. Chairperson Brady expressed concern that residential development would not occur in a way that would satisfy the need for housing, which had been addressed during the survey. Vice-Chairperson Keep agreed. Mr. Carl explained they reviewed existing subdivisions in rural Buffalo County and the sizes of the lots, which helped calculate an estimate of residential development change for the next ten years.

Chairperson Brady, together with Vice Chairperson Keep, made note of the projected land reduction of General Agriculture and the increase of Land Conservation Easements. Mr. Carl explained the Land Conservation Easements primarily affect the Platte River and floodplain areas, but organizations that specialize in easements are anticipating purchasing more land in the future for preservation.

Mr. Carl finalized the presentation of “Draft: Land Use Matrix-Preservation/Development Initiatives” by explaining the data shown is preliminary, at best, and would like to have The Commission’s feedback. Chairperson Brady and Vice-Chairperson Keep discussed the changes in industrial and commercial land uses. Chairperson Brady asked Zoning Administrator Daniels to display the existing GIS site and to show where currently-zoned Industrial areas are located. Zoning Administrator Daniels displayed the GIS map with the projector. Deputy County Attorney Fisk reminded The Commission there are several properties that could be classified under industrial and/or commercial, even though they may not be in that zoning district. Chairperson Brady concurred. Mr. Carl explained, further, that Special Use Permits, such as gravel pit operations, could be classified under Industrial as the use is beyond that of Agriculture.

Secretary Wolfe asked how “Non-Industrial Zoned Districts” were defined as shown on the table. Mr. Carl clarified, generally, the land is being used as an industrial use or operation, but not in an industrial-zoned area.

Chairperson Brady requested clarification on how a Confined Livestock Operation would be classified. Mr. Carl answered it would be classified as industrial. Vice-Chairperson Keep questioned why that classification was used. Mr. Carl replied, it is a confined animal operation, which would push it as industrial. Chairperson Brady asked if, most generally, Special Use Permits would be classified as Industrial and Mr. Carl concurred. Discussion occurred about livestock confinement operations.

Deputy County Attorney Fisk asked if Mr. Carl was able to track unique IP addresses for residents that submitted the opinion survey. She wondered if there could be several submissions from the same individuals. Mr. Carl said he wasn’t sure, but could look into it further.

Discussion, further, occurred regarding irrigation wells and livestock confinement operations. Chairperson Brady explained The Commission needed to consider these types of operations when writing the new regulations.

Mr. Carl opened the floor to comments regarding the 10-year progression of Buffalo County and what development would look like. Vice-Chairperson Keep commented The Commission needs to contemplate allowing more dense housing, utilizing smaller lots with, perhaps, a community well/sewer. He said he believes more fertilizer plants will become more retail-friendly. Chairperson Brady disagreed. He said, with the current costs of farming increasing, he believed there will be a large increase of residents considering on-farm storage such as large tanks, etc. Vice-Chairperson Keep agreed and commented the use would be more industrial in nature. Chairperson Brady remarked it would make sense to buy the chemicals off-season and in bulk to save money.

Discussion occurred how to formulate a plan, allowing residential and industrial/farming to coexist, but safely grow Buffalo County. Deputy County Attorney Fisk recommended using consistent planned developments and relying on The Comprehensive Plan for any zoning requests.

Mr. Carl asked The Commission their opinion on alternative energy solutions. Chairperson Brady replied The Commission needs to prepare for diverse alternative energies. Discussion occurred regarding different alternative energy sources and how the state of Nebraska has adapted.

Secretary Wolfe recommended, to preserve agriculture, zoning an area around the city of Kearney for residential and make the lot sizes smaller. In contrast, she said, increase the acre sizes outside of a certain boundary to discourage significant residential development. Deputy County Attorney Fisk built on that recommendation and further recommended an additional residential district to allow for smaller lot sizes. Secretary Wolfe referenced several comments in the survey stating the significant residential development in rural Buffalo County has reduced the preservation and impression of agriculturally-driven areas. Discussion occurred about diverse housing on smaller lots. Deputy County Attorney Fisk reminded The Commission there are ways to divert and encourage growth in certain areas. She said The Commission could encourage smaller developments near paved roads and developing larger lot sizes in rural areas. Mr. Carl agreed that a tiered system may be beneficial for Buffalo County to preserve agricultural areas.

Discussion occurred regarding county roads, the cost to maintain/pave, and the toll increased development is taking on the roads. Deputy County Attorney Fisk explained arranging our smaller, residential lots next to city of Kearney's extra territorial jurisdiction could align, and reduce, some of the costs associated with the county roads.

Mr. Carl asked The Commission or anyone from the public if anyone had any other questions or concerns. Discussion occurred regarding livestock confinement operations and the comments submitted on the survey. Discussion, then, occurred, regarding Land Conservation Easements.

Chairperson Brady addressed The Commission and said that they need to preserve agriculture, but also encourage growth through The Comprehensive Plan and the regulations.

Chairperson Brady closed the discussion on this agenda item at 6:48 p.m.

### **Old Business**

### **Minutes**

Zoning Administrator Daniels advised The Commission a period was missing on page 7 of the May 19, 2022 Planning and Zoning Meeting Minutes, after the word, "meetings", and recommended making the motion with that correction.

Motion was made by Secretary Wolfe, seconded by Vice-Chairperson Keep, to approve the minutes of the May 19, 2022 meeting, with the correction of adding a period on page 7, after the word "meetings".

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

Voting “Nay”: None.

Abstain: Vacek.

Absent: Vest, Biehl, and Stubblefield.

Motion carried.

### **New Business**

#### **Report on Previous Hearings**

Zoning Administrator Daniels provided a report on the previous hearings from the May 19, 2022, Planning and Zoning Meeting. The Special Use Permit for Mark and Peggy Garrels for signage was approved by The Board of Commissioners on June 14, 2022.

#### **New Business, Correspondence & Other Business**

Zoning Administrator Daniels highlighted the ETJ correspondence, for the city of Kearney, for Younes Center Seventh Addition. She explained a letter was drafted for a response, to the city from The Commission and she requested The Commission review the proposed letter. Vice-Chairperson Keep asked Zoning Administrator Daniels to show where the floodplain is situated in this area. Administrator Daniels provided the request via projector and explained the different regulatory flood zones.

Zoning Administrator Daniels notified The Commission that the City of Kearney has requested to have the survey results and comments from The Buffalo County Comprehensive Plan Survey. Vice-Chairperson Keep recommended sharing, along with written correspondence, the results from the survey with The City of Kearney.

Motion was made by Vice-Chairperson Keep, seconded by Mr. Schmidt, to provide survey results and written correspondence, as requested, to The City of Kearney.

Upon roll call vote, the following Board members voted “Aye”: Keep, Wolfe, Jeffs, Schmidt, Vacek, & Brady.

Voting “Nay”: None.

Abstain: None.

Absent: Vest, Biehl, & Stubblefield.

Zoning Administrator Daniels notified The Commission of the IRS Mileage Changes as of 7/1/2022.

### **Next Meeting**

The next meeting will be conducted August 18, 2022, if needed.

**Adjourn**

Chairperson Brady adjourned the meeting at 7:03 p.m.