

MINUTES OF PLANNING AND ZONING COMMISSION  
FEBRUARY 16, 2023  
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 and Zoning Commission, to be known as The 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 6:33 P.M. with a quorum present on February 16, 2023.

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

Randy Vest was absent.

Quorum was met.

Additional attendees: Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Kari Fisk, Zoning Administrator Dennise Daniels, Keith Carl and Tim Keelan of Hanna:Keelan, Associates, P.C. via ZOOM, and several members of the public.

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 6:33 P.M. regarding the discussion and possible decision on The 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.

Interim Chairperson Brady introduced Keith Carl, of Hanna:Keelan, Associates, P.C., who appeared via Zoom. Mr. Carl thanked everyone for attending, provided a quick background on Hanna:Keelan, Associates, P.C., and identified the purpose and components of The Comprehensive Plan. He, then, highlighted The Comprehensive Plan "draft" and provided the sources of the data, compiled within the document. Mr. Carl turned the conversation over to Mr. Keelan.

Mr. Keelan thanked The Commission for having them on this evening. He went on to review the survey and explained how it helped them understand what the local citizenry of rural Buffalo County found most important. He educated on next steps such as approval by The Board for The

Comprehensive Plan and, then, full review of subdivision and zoning regulations. He asked if anyone had any questions. No one spoke.

Interim Chairperson Brady asked The Commission if anyone had any comments or concerns. No one spoke. Mr. Brady explained to the public and The Commission how important The Comprehensive Plan and zoning/subdivision review is.

Discussion occurred regarding Agricultural – Residential (AGR) and the Future Land Use Map. Deputy County Andrew Hoffmeister reviewed the current Future Land Use Map and the proposed current Future Land Use Map, with the public.

Mr. Carl projected the population trend table on The Comprehensive Plan “draft”, via ZOOM. Mr. Keelan reviewed the importance of the data and informed how it helps predict the changes in population. He asked if anyone had questions or concerns.

Interim Chairperson Brady asked Mr. Keelan to highlight, with the public, that flexibility within The Comprehensive Plan can occur. Mr. Keelan stated, the data within the plan could, and may need, to be adjusted as time progresses.

Interim Chairperson Brady asked Mr. Keelan to review how annexations from the communities within Buffalo County affect population growth and land uses. Mr. Keelan explained each community can, and will, annex parts of rural Buffalo County into their extra-jurisdictional boundary and it will affect Buffalo County’s populations and land uses.

Interim Chairperson Brady asked Deputy County Attorney Hoffmeister if he had any thoughts regarding the draft. Deputy County Attorney Hoffmeister shared his thoughts and said he valued the draft, as presented. He also educated the public on how important The Comprehensive Plan is in generating information for other departments within Buffalo County.

Interim Chairperson Brady asked if anyone from the public wished to comment on the proposed plan. He explained that all testifiers should identify themselves for the record. None spoke.

Interim Chairperson Brady closed the public hearing for Agenda Item 3(a) at 7:05 P.M. and asked if The Commission wished to make a motion regarding The Comprehensive Plan “draft”.

Deputy County Attorney Fisk recommended The Commission complete the reorganizational meeting prior to voting on The Comprehensive Plan “draft”.

Interim Chairperson Brady tabled the vote for Agenda Item 3(a) at 7:07 P.M. until after the completion of the reorganizational meeting.

At 7:07 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 Secretary Wolfe, seconded by Mr. Schmidt, to cease nominations.

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

Voting “Nay”: None.

Abstain: Brady.

Absent: Vest.

Motion carried: nominations were ceased.

Zoning Administrator Daniels asked if there were other nominations for Chairperson. No one spoke. A motion was made by Mr. Biehl, seconded by Mr. Vacek, to cast a unanimous ballot for Scott Brady.

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

Voting “Nay”: None.

Abstain: Brady.

Absent: Vest.

Motion carried: Scott Brady declared Chairperson.

Zoning Administrator Daniels turned the meeting over to Chairperson Brady.

Chairperson Brady called for nominations for Vice-Chairperson. A nomination was made by Mr. Biehl 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 Mr. Vacek, seconded by Mr. Schmidt, to cease nominations.

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

Voting “Nay”: None.

Abstain: Keep.

Absent: Vest.

Motion carried: nominations were ceased.

At this time, Mr. Carl and Mr. Keelan signed off and thanked The Commission for their time.

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

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

Voting “Nay”: None.

Abstain: Keep.

Absent: Vest.

Motion carried: Willie Keep declared Vice-Chairperson.

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

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

Voting “Nay”: None.

Abstain: Wolfe.

Absent: Vest.

Motion carried: nominations were ceased.

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

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

Voting “Nay”: None.

Abstain: Wolfe.

Absent: Vest.

Motion carried: Loye Wolfe declared Secretary.

At 7:13 P.M., Chairperson Brady returned to Item 3(a) on the agenda, having done the reorganizational meeting. The public hearing regarding the discussion and possible decision on The 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.

Motion was made by Ms. Jeffs, seconded by Mr. Biehl, to recommend favorably the approval of The Comprehensive Plan “draft”, 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, to the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest.

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

The public forum was opened at 7:15 P.M. The public forum closed at 7:16 P.M.

**Public Hearing. 8(a)**

Chairperson Brady opened the public hearing for Agenda Item 8(a) at 7:16 P.M. regarding an Application for Special Use Permit, filed by Vonl Mattson of Mayhew Signs, Inc., on behalf of Woody Giddings, Jr., of Bigdog, L.L.C., for tax parcel 660286105, described as a tract of land in the North Half of the Northwest Quarter, lying North of the railroad, situated in Section Thirty (30), Township Nine (9) North, Range Fourteen (14) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Mr. Ray Mayhew, owner of Mayhew signs, stepped forward to present the application. Chairperson Brady thanked Mr. Mayhew for his attendance. Deputy County Attorney Hoffmeister asked Mr. Mayhew, in his experience, how much work he has done for sign permitting in other counties. Mr. Mayhew answered, he has been in the sign business for 60 years and has done signage all over the country. Deputy County Attorney Hoffmeister, further inquired about the signage permitting processes with other counties he's worked in. Mr. Mayhew testified, specifically, he's worked with Hall County, who has a very simple sign code. He explained, he submits an application and it is handled through the administrator's office instead of a public hearing format.

Deputy County Attorney Hoffmeister and Deputy County Attorney Fisk provided a brief overview of the newly proposed signage code amendments to be heard later this evening. Chairperson Brady said industrial and commercial do have a need for signage, and the newly-proposed amendments would be beneficial.

Chairperson Brady asked if The Commission had any questions or concerns regarding the application. Secretary Wolfe stated she appreciated the letter, Cory Jensen, Buffalo County Assistant Superintendent, sent regarding the signage.

Mr. Biehl commented he appreciated the proposed signage design and Chairperson Brady agreed.

Chairperson Brady asked if any other amendments needed to be added to the application, and Deputy County Attorney Hoffmeister recommended to leave it as presented, as it appears to be compliant.

Chairperson Brady asked if anyone would like to speak from the public. No one spoke. Chairperson Brady closed the discussion on this agenda item at 7:25 P.M.

Motion was made by Vice-Chairperson Keep, seconded by Mr. Schmidt, to recommend favorably the Special Use Permit, as presented, to the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest.

**Public Hearing. 8(b)(1)**

Chairperson Brady opened the public hearing for Agenda Item 8(b)(1) at 7:27 P.M. regarding Code Amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, in the following sections: Section 5.14, Permitted Special Uses of the Agriculture (AG) District regarding provisions of wind farms and (Renumbered) Section 6.6, Location and Distance Requirements of Wind Farms.

Deputy County Attorney Hoffmeister stepped forward to exhibit the proposed code amendments, He introduced himself and Deputy County Attorney Fisk to the public.

Deputy County Attorney Hoffmeister presented Exhibit 1, the code amendment as originally drafted, followed by Exhibit 2, the discussion document for the public hearing, and Exhibit 3, which is the December 1, 2022 memo to The County Board. He went on to present Exhibit 4, an article called “Wind Turbines Can’t be Recycled, So They’re Piling up in Landfills.”

Deputy County Attorney Hoffmeister went on to review the proposed amendments as shown below, relaying that any words, underlined, indicate an addition to the amendments. Utilizing the Future Land Use Map and the Buffalo County GIS Map, he provided an overview of the amendments.

“Amend Sec. 5.14 (22) as follows:

22. Wind Farms. (Resolution 4-13-10) Wind farms are allowed subject to a 1-mile setback from any residential use measured from the exterior wall of the residence. This setback may be waived by the owner of the property owner of the residence.

Or (for drafting purposes)

22. Wind farms (Resolution 4-13-10) [THIS HAS NO WORD CHANGES]

Thereafter insert provisions in Special use provisions after Adult Entertainment, probably 6.6 insert, with renumbering:

“1. LOCATION AND DISTANCE REQUIREMENTS-WIND FARMS:

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

i. Shall not be located or expanded within:

a. two-miles of Agricultural Residential (AGR) zoned property.

- b. one mile of any residence This can be waived, with an agreement in writing filed with the Register of Deeds, executed and filed prior to submittal of the application.
- c. one-mile of any church, synagogue or temple, hospital, public school or public park, or any day care center or day care home.
- d. three-miles of any incorporated village or city.
- e. 1,000 feet of a private or public burial site.”

A member of the public, Mark Clabaugh, of Shelton, Nebraska, asked a question. He said he believed Buffalo County should clarify which villages were referenced in this amendment. He said he had spoken to someone at the village of Shelton about the cemeteries and he was told the villages were dissolved. He asked if townships or villages had been dissolved. Deputy County Attorney Hoffmeister clarified that our townships had been dissolved, not the villages.

Deputy County Attorney Hoffmeister proceeded reviewing the proposed amendments, using the GIS Map:

“f. The south river bank of the Platte River to one and one-half miles from the north right of way for Interstate 80

- g. One and one-half miles from the thread of the stream of the South Loup River.
- h. One and one-half miles from any Federal or State wildlife preservation or management area.

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:

- 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 portion of the building or structure used as a part of a Wind Farm; and
- iii. The nearest property line of the premises of a church, synagogue, temple, hospital, public school, public park, day care center, and day care home, and
- iv. The nearest grave marker at a burial site.
- v. The nearest property line of a Federal or State wildlife preservation or management area.
- vi. 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.”

Deputy County Attorney Hoffmeister reviewed some Nebraska counties’ regulations regarding wind farm setbacks and concerns of enforcement. He reminded The Commission it is important

to make decisions based on objective decisions, instead of subjective. He, also, reminded the public that any information presented to The Commission, would need to be marked as an exhibit and any members of the public, who wished to speak, would need to identify themselves, and that information would be added to the record.

Deputy County Attorney Fisk asked Deputy County Attorney Hoffmeister to explain to The Commission and the public, the two different proposals regarding wind farms. Deputy County Attorney Hoffmeister stated there are two options for the wind farms, Option 1: “Amend Sec. 5.14 (22) as follows: 22. Wind Farms. (Resolution 4-13-10) Wind farms are allowed subject to a 1-mile setback from any residential use measured from the exterior wall of the residence. This setback may be waived by the owner of the property owner of the residence.” **Or** Option 2: “Section 5.14, 22. Wind farms (Resolution 4-13-10) [THIS HAS NO WORD CHANGES]

Thereafter insert provisions in Special use provisions after Adult Entertainment, probably 6.6 insert, with renumbering:

“1. LOCATION AND DISTANCE REQUIREMENTS-WIND FARMS:

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

i. Shall not be located or expanded within:

- a. two-miles of Agricultural Residential (AGR) zoned property.
- b. one mile of any residence This can be waived, with an agreement in writing filed with the Register of Deeds, executed and filed prior to submittal of the application.
- c. one-mile of any church, synagogue or temple, hospital, public school or public park, or any day care center or day care home.
- d. three-miles of any incorporated village or city.
- e. 1,000 feet of a private or public burial site.”

A member of the public, Mark Clabaugh, of Shelton, Nebraska, asked a question. He said he believed Buffalo County should clarify which villages were referenced in this amendment. He said he had spoken to someone at the village of Shelton about the cemeteries and he was told the villages had been dissolved. He asked if townships or villages had been dissolved. Deputy County Attorney Hoffmeister clarified that our townships had been dissolved, not villages.

Deputy County Attorney Hoffmeister proceeded reviewing the proposed amendments, using the GIS Map:

- “f. The south river bank of the Platte River to one and one-half miles from the north right of way for Interstate 80
- g. One and one-half miles from the thread of the stream of the South Loup River.
- h. One and one-half miles from any Federal or State wildlife preservation or management area.

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:

- 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 portion of the building or structure used as a part of a Wind Farm; and
- iii. The nearest property line of the premises of a church, synagogue, temple, hospital, public school, public park, day care center, and day care home, and
- iv. The nearest grave marker at a burial site.
- v. The nearest property line of a Federal or State wildlife preservation or management area.
- vi. 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.”

Deputy County Attorney Fisk clarified “Option One” of the proposed amendments is less regulated than “Option Two”.

Dr. Brent Steffen, a retired surgeon, from Kearney, Nebraska, stepped forward. He testified he has lived in Kearney since 1989, and he believes The Commission needs to consider heavily-regulating industrial wind farms in agricultural areas. He stated the following are concerns and, additionally, the reasons for heavy regulation: wind farms are inefficient, unreliable, intermittent, and they are expensive. Further, he testified, wind farms are only built due to production tax credits, and those extra costs for production are passed to the tax payers of Nebraska. He went on to testify they are environmentally-unfriendly, require several transmission lines, and kill numerous migratory and non-migratory birds. He also expressed concerns about property rights. He testified, The Commission has been charged with protecting the health and well-being of individuals.

Dr. Steffen went on to explain that he appreciates the regulations, as presented, except for the proposal of a 1-mile setback from any residence. He believes it should be 1-mile setback from any non-participant property line. He, further, testified, there are going to be two owner types: participating and non-participating. The non-participating land-owner should have the same rights, as does the participating land owner.

Dr. Steffen concluded his testimony by testifying there are several documented cases of negative health issues from the wind energy, including sound and infrared sound.

Deputy County Attorney Hoffmeister thanked Dr. Steffen for his testimony. He clarified that Dr. Steffen is in favor of “Option Two” of the proposed regulations, and Dr. Steffen agreed. Deputy County Attorney Hoffmeister clarified that Dr. Steffen has recommended making the setback change from 1 mile from a residence to 1 mile from a non-participant property line. Dr. Steffen agreed.

Chairperson Brady stated, Dr. Steffen had presented the negative effects, but inquired whether Dr. Steffen had any documentation to substantiate his claim. Dr. Steffen said he didn’t have any documentation with him, but recommended The Commission review European literature to substantiate his claims. He stated, Europe has been working with wind energy longer than the United States and the data collected is well-substantiated.

Chairperson Brady opened the podium up to the next member of the public who would like to testify. Another member of the public, Trace Turecek, of Dawson County, stepped forward. He explained he has attended several meetings in Dawson County regarding wind farms. He referenced Exhibit 4, which was the article from Bloomberg News, referencing how wind turbines can’t be recycled. He asked if The Commission has considered a decommissioning plan. Deputy County Attorney Hoffmeister replied, it would need to be researched further.

Mr. Turecek asked The Commission how many square miles are located in Buffalo County, and Zoning Administrator Daniels replied, approximately 975 square miles. He testified, The Commission is in a position of protecting both the applicant and the nonapplicant. As far as decommissioning, he explained, it is beneficial to review how the wind turbines get into and out of the county. He further testified, it is expensive and a hassle to have them removed.

Mr. Turecek went on to say, The Commission needs to review what the blades are comprised of. When the blades are cut down, he went on, the dust from the blades’ components are made of a lethal combination of chemicals and pose as an inhalation hazard, and can cause death. He recommended The Commission consider a rigid decommissioning plan, which requires a disposal site outside of Buffalo County, and the amount of concrete that may require removal.

Furthermore, he explained, when the wind turbines are brought into the county, they are bulky, cause traffic issues, require extra roads, and wider turnouts.

Mr. Turecek concluded his testimony, agreeing with Dr. Steffens’ testimony, and recommending The Commission research the after-effects of wind turbines recently examined in the European countries.

Chairperson Brady opened the podium up to the next member of the public, who wished to speak. Dr. Steffen stepped forward. He reiterated Mr. Turecek’s testimony regarding decommissioning of the wind turbines. He, further, testified, ownership of the turbines change frequently, and the decommissioning plan needs to include who will be responsible for the huge removal expense. He said, the blades are cut into three pieces and nested together in landfills, but the cost, he went on, is extremely large and should be passed to the developer. The life of wind turbines is said to last up to 30 years, however, he went on, they have been found to last approximately only 10 years.

Chairperson Brady asked Dr. Steffen if he expected technology could evolve into more environmentally-friendly options. Dr. Steffen testified that it may, but it's not there yet. He explained, they are, overall, not being recycled. However, small amounts have been ground down to be used as substrate for concrete. Chairperson Brady asked Dr. Steffen if the design, components, and life span will be created in a way that will be an improvement. Dr. Steffen, explained wind turbines have been around several years, as of late, and no improvements have been made. Chairperson Brady asked Dr. Steffen if he believes the wind turbines are better than prior years, and Dr. Steffen replied, they are much bigger, around 600 feet tall.

Chairperson Brady opened the podium to other members of the public who wished to speak. Stan Pape, of Dawson County, stepped forward. Mr. Pape inquired why The Commission would want wind turbines in their county. He testified he believed they clutter up the counties and the state and are not efficient. He recommended enlarging the setbacks from the current proposals. The Commission, he explained, was there to protect the citizens of Buffalo County from outsiders. He testified the outsiders, or wind farm companies, use the energy generated in Nebraska and sell it to other states. It is not kept in Nebraska, he went on.

Discussion occurred regarding wind farms and their status in Dawson County, Nebraska.

Deputy County Attorney Hoffmeister asked Mr. Pape if he was in favor of more restrictive regulations for wind farms. Mr. Pape replied, that he was in favor of keeping them out of Nebraska.

Discussion occurred regarding wind farms around Blue Hill, Nebraska.

Mr. Pape provided a recent experience, with a landowner, who has a wind turbine and the landowner had told him when it's windy, the turbines output a significant amount of sound, even within a mile.

Discussion occurred regarding wind farms in Franklin County, Nebraska.

Mr. Pape reminded The Commission the wind turbines are fatal to migratory and non-migratory birds. The Commission thanked Mr. Pape for his testimony.

Mr. Turecek stepped to the podium, again. Mr. Turecek reviewed the number of acres that could be taken up by wind turbines, based on the proposed setbacks. Mr. Turecek asked if Buffalo County was reviewing wind turbines or wind farms, and Deputy County Attorney Hoffmeister replied, wind turbines. Mr. Turecek asked if Buffalo County has reviewed their solar panel regulations. Deputy County Attorney Hoffmeister answered, Buffalo County has solar energy regulations in place.

Mr. Turecek reviewed the number of sections, in neighboring states, consumed by wind turbines. On average, he testified, there are about 6.6 wind turbines per section. He stated, if The Commission was interested, he would provide the information he has presented in document form, if need be.

Deputy County Attorney Hoffmeister referenced Dr. Steffen's recommendation using non-participating land owner's property lines as a point of measurement for setbacks and recommended adding it to the regulations.

Dr. Steffen, once again, stepped forward. He testified wind farms need significant amounts of transmission lines to transfer energy from the turbines. He explained, as a non-participant land owner, parts of his property could be condemned for the purpose of transmission lines. He recommended requiring a transmission line easement prior to issuing a conditional use permit. Discussion occurred regarding leases for transmission lines. Deputy County Attorney Hoffmeister counselled The Commission, they do not have the authority to stop condemnation or easements of transmission lines.

Chairperson Brady inquired whether anyone else from the public wished to step forward.

Mr. Matt McTygue, of Dawson County, stepped forward. He thanked The Commission for their time. Mr. McTygue presented Exhibit 6, which is a document from an existing/registered land lease registered in Dawson, County, Nebraska, regarding effects-easements for sound, noise, light, etc. Mr. McTygue inquired why the wind energy companies would need an easement if there are no health effects.

Mr. McTygue presented Exhibit 7, which is a memo from Richard Hollman, Registered Angus Seedstock Producer to The Gage County Commissioners referencing infertility in cattle and humans, living near high-frequency transmission lines. He, also, presented Exhibit 9, which is an author manuscript regarding infertility due to exposure from high-frequency magnetic fields and Exhibit 10, which is a document showing Exposure to Electromagnetic Fields of High Voltage and Female Infertility.

Chairperson Brady asked Mr. McTygue how many registered land leases are in Dawson County, and Mr. McTygue answered, 15. Deputy County Attorney Hoffmeister asked where they are located and Mr. McTygue answered, they are situated along the Dawson County and Buffalo County lines, running 18 miles, between the Wood River Valley and Platte River Valley.

Mr. Dave Petersen, residing in the northwest part of Buffalo County, stepped forward. He stated he agreed with all the testimonies presented. He asked if a moratorium would be acceptable. Deputy County Attorney Hoffmeister explained, it is most beneficial for the sake of litigation, for Buffalo County to have amendments in place and amend later, if need be. Discussion occurred regarding objectively making decisions, protecting areas that need be, and effectively putting in place regulations for enforcement.

Discussion occurred regarding what happens to the energy after it is generated.

Chairperson Brady inquired if anyone else wished to comment.

Chairperson Brady requested if anyone wished to testify in opposition of the regulations. No one spoke.

Discussion occurred on classifications of wind energy, solar power, and rated capacity.

Ms. Jeffs inquired whether The Commission had the authority to make the setbacks more restrictive and change it later, if need be. Deputy County Attorney Hoffmeister confirmed. However, Deputy County Attorney Fisk counselled, the restrictions The Commission makes must be reasonably related to a public health interest that is sought to be protected. Ms. Jeffs expressed concern regarding the high voltage and female infertility being a public health interest or defined harm.

Chairperson Brady expressed concern over development and wildlife protection. Deputy County Attorney Fisk counselled, those decisions must be reasonably related. Ms. Jeffs stated, The Commission's position was, also, to protect agriculture. Electromagnetic fields, she explained, do not appear to be beneficial for crops, cattle, or humans, based on the exhibits provided.

Discussion occurred regarding the extent that setbacks may be restricted.

Secretary Wolfe stated she would like to see the setback increased to two miles in the Agricultural (AG) District, similar to the Agricultural – Residential (AGR) District. Deputy County Attorney Hoffmeister advised it was created to account for higher density areas. He inquired what The Commission found acceptable. Vice-Chairperson Keep recommended two miles from any non-participating land owner's property line. Discussion occurred regarding potentially using parcels for a measuring point.

Chairperson Brady stated he believes The Commission needs to consider setbacks with consideration, given the communities and their extra territorial jurisdictions. Deputy County Attorney Hoffmeister agreed, but counselled The Commission's decisions must be reasonable.

Secretary Wolfe asked about the restriction within three miles of any incorporated village or town and wondered which communities were unincorporated. Zoning Administrator Daniels answered, all were incorporated, except Odessa and Poole. Vice-Chairperson Keep asked if it could be increased to five miles.

Ms. Jeffs asked Zoning Administrator Daniels if she could create a map to show the current restrictions. Zoning Administrator Daniels agreed. Ms. Jeffs inquired whether The Commission could require a decommissioning plan prior to application. Deputy County Attorney Hoffmeister recommended including it with the issuance of the conditional use permit, because it can vary per applicant. Deputy County Attorney Fisk agreed and advised the plan may vary per applicant.

Chairperson Brady recommended using a 5-mile radius from any incorporated village or city municipal limits. Discussion occurred regarding wind farms and wetlands.

Mr. Stubblefield inquired if the radius extends beyond the Buffalo County line, are the adjacent counties required to adhere to Buffalo County's regulations. Deputy County Attorney Fisk explained, we can only regulate the boundaries within Buffalo County's border and outside of the extra-territorial jurisdictional boundaries.

Discussion occurred regarding wind turbine development occurring in Dawson County, Nebraska and Custer County, Nebraska.

Discussion occurred regarding existing, if any, wind turbines in Buffalo County.

Chairperson Brady asked if anyone wished to step forward. Sonya Petersen, of Buffalo County, introduced herself. She stated she provided exhibits regarding the three to five-mile setbacks to the county, but was unsure if had been passed to The Commission. Deputy County Attorney Hoffmeister asked Zoning Administrator Daniels if she had the documentation, and she responded, she didn't think so. Deputy County Attorney Hoffmeister asked if Ms. Petersen would provide those exhibits to The Commission. Ms. Petersen explained she was approached about potentially allowing a wind farm. Deputy County Attorney Hoffmeister asked Ms. Petersen where the intent was to place to the wind farms. Ms. Peterson stated it was intended to be placed on land just west of Miller, Nebraska, between Miller and Dawson County, Nebraska.

Ms. Jeffs asked Ms. Petersen if she agreed with the recommended setback of five miles from any incorporated municipal boundary. Ms. Petersen responded she found larger setbacks were acceptable.

Chairperson Brady asked if anyone else wished to provide testimony. Glenda Smedra, of Buffalo County, stepped forward. She recommended tabling the conversation or a moratorium, if need be, to fully research the health effects of the wind turbines. Deputy County Attorney Hoffmeister advised the proposed amendments had been prepared since December, 2022, and the amendments need to be reviewed and approved. Ms. Smedra said she was in opposition of the wind turbines due to night distortion and flashing lights along the roads at night.

Chairperson Brady asked if anyone else would like to present a testimony. No one spoke.

Deputy County Attorney Hoffmeister stated he and Deputy County Attorney Fisk prepared a newly written proposal.

Chairperson Brady closed the discussion on this agenda item at 9:09 P.M.

Deputy County Attorney Fisk reviewed Dr. Steffen's recommendations, showing under 1 (A)(i)(b), regarding non-applicant parcels and setbacks from such.

“Three miles from any parcel 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.”

Vice-Chairperson Keep recommended a 5-mile radius from any river. Discussion occurred regarding where the point of beginning for these setbacks would be situated. Deputy County Attorney Fisk stated modelling would need to occur to ensure the setbacks don't become too

restrictive. She emphasized the setbacks should be reasonable. Modelling discussion and implications of over-restriction occurred.

Ms. Jeffs and Vice-Chairperson Keep both agreed that all 1-mile radiuses needed to be increased to three-mile radiuses. Vice-Chairperson Keep recommended increasing the municipal limits to five miles, instead of three.

Deputy County Attorney Hoffmeister asked what The Commission's thoughts were on setbacks from burial plots. Vice Chairperson Keep recommended three miles. Deputy County Attorney Fisk stated that setback may be excessive.

Deputy County Attorney Fisk recommended changing 1 (A)(i)(c) to "licensed day care centers or day care homes".

Deputy County Attorney Hoffmeister reviewed (A)(i)(f) and recommended changing it to, "The south river bank of the Platte River to three miles from the north right of way for Highway 30." The Commission agreed.

Mr. Vacek recommended adding a setback from scenic Highway 2. Section (A)(i)(f) has been changed to state, "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."

The proposed amendments by The Commission are shown as Exhibit 11.

Ms. Jeffs requested Zoning Administrator Daniels to prepare a map for the setbacks, as presented. Zoning Administrator Daniels agreed.

Discussion occurred regarding notices of public hearings.

Motion was made by Mr. Stubblefield, seconded by Mr. Biehl, to recommend favorably "Option Two" of the proposed code amendment, with variations recommended by The Planning Commission, as shown below:

1. "1. LOCATION AND DISTANCE REQUIREMENTS-WIND FARMS:
  - A. Wind Farm, as herein defined within the Buffalo County Zoning Regulations:
    - i. Shall not be located or expanded within:
      - a. Three miles of Agricultural Residential (AGR) zoned property.
      - b. Three miles from any parcel 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.
      - c. Three miles of any church, synagogue or temple, hospital, public school or public park, or any licensed day care center or day care home.

- d. Five miles of any incorporated village or city.
- e. Two miles of a private or public burial site.
- f. 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.
- g. Three miles from the thread of the stream of the South Loup River.
- h. Five miles from any Federal or State wildlife preservation or management area.

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:

- 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 portion of the building or structure used as a part of a Wind Farm; and
- iii. The nearest property line of the premises of a wind farm non-applicant, church, synagogue, temple, hospital, public school, public park, licensed day care center, and day care home, and
- iv. The nearest grave marker at a burial site.
- v. The nearest property line of a Federal or State wildlife preservation or management area.
- vi. 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.”

to the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest.

Members of the public addressed The Commission and thanked them for their time and action. Mr. Stubblefield thanked the members of the public for their attendance and input; the Commission agreed.

At 9:33 P.M., The Buffalo County Planning Commission went into recess.

At 9:48 P.M., The Buffalo County Planning Commission was called to order.

**Public Hearing. 8(b)(2)**

Chairperson Brady opened the public hearing for Agenda Item 8(b)(2) at 9:48 P.M. regarding code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, in Section 6.4, Livestock Confinement Facilities/Operations to include site requirements for livestock confinement facilities/operations.

Chairperson Brady closed the discussion on this agenda item at 10:36 P.M.

Deputy County Attorney Hoffmeister reviewed the proposed code amendments regarding Livestock Confinement Operations. He added, the proposals are for discussion, only, as opposed to an amendment. He referenced an article in the Imperial Newspaper regarding a feedlot and the extensive cost to maintain the road. He explained The Board of Commissioners has initiated the discussion about roads and the huge cost to repair. He reviewed the discussion item and the accompanying materials from other Nebraska counties.

Deputy County Attorney Hoffmeister, specifically, referenced Exhibit Two, Keith County has provisions where a feedlot is allowed, as to location, if the residential density is not greater than a certain amount within the areas surrounding a proposed feedlot.

Deputy County Attorney Hoffmeister, again, referencing Exhibit Two, explained some counties use a 1-foot per animal unit for setback.

Deputy County Attorney Hoffmeister referenced the newly proposed amendment, to the Zoning Resolution and recommended adding the following definition:

“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.” He stated, during his research, it was discovered hard surfaced roads and paved roads are used interchangeably throughout the regulations and are not defined. He recommended it be favorably recommended to The Board of Commissioners.

Deputy County Attorney Hoffmeister reviewed the proposed discussion item, potential options for The Commission to handle the heavy use of the roads along animal confinement operations,

and how other counties in Nebraska are handling them. He advised, perhaps, the livestock confinement operations, overall, may need to be reviewed due to the increasing costs of road maintenance.

Discussion occurred regarding confined animal feeding operations such as: manure and environmental impacts and how the feedlot industry is evolving.

Secretary Wolfe recommended having a discussion regarding livestock confinement operations and their revisions at a later date.

Ms. Jeffs inquired if Deputy County Attorney Hoffmeister is requesting a motion to pass the addition of “paved hard-surfaced road/street.” to the Buffalo County Zoning Regulations. Deputy County Attorney Hoffmeister confirmed, and agreed with having a discussion about animal confinement operations at a later date, with more study.

Chairperson Brady inquired the objective of the animal confinement operations revision and Deputy County Attorney Hoffmeister advised, with the animal confinement operations evolving, it may be necessary to review setbacks, sizes, and come to an agreement on the increasing costs of county road maintenance.

Deputy County Attorney Hoffmeister counselled it may be better to review animal confinement operations at a later date with more study and discussion. He advised it would be beneficial to add the administrative definition of paved and hard surfaced roads/streets to provide clarification in the zoning regulations.

Discussion occurred regarding locations where animal confinement operations could be located in Buffalo County and how potential revisions could affect high-density residential areas.

Deputy County Attorney Hoffmeister advised it would be acceptable to have a discussion regarding animal confinement operations at a later date, but it would be recommended to add the definition of paved, hard surfaced roads, to the zoning regulations.

Chairperson Brady opened the podium up to anyone from the public. Mr. Cory Banzhof, of Buffalo County, addressed The Commission. First, Mr. Banzhof asked what the purpose of the proposed regulations. Deputy County Attorney Hoffmeister clarified the intent of the proposed regulation was to state animal confinement operations, larger than 10,000 head, would need immediate access to a paved road and to define paved, hard surfaced code in our zoning regulations. Both hard surfaced and paved roads are referenced through our regulations, he continued, but are not defined.

Mr. Banzhof advised that he owns a cattle transportation service and a feed yard. He stated he believed it was counterintuitive to the Future Land Use Map to allow residential growth to occur along a paved road. Deputy County Attorney Hoffmeister inquired if Mr. Banzhof believed the proposed regulation was too restrictive, and Mr. Banzhof agreed.

Mr. Banzhof recommended The Commission revisit their class sizes and setbacks. He believes it is too restrictive to expand. He also referenced the zoning regulations regarding waivers from surface land owners, and he believes they hamper agricultural-type growth.

Deputy County Attorney Hoffmeister asked Mr. Banzhof if he believes Buffalo County should revisit the surface land owner requirements and veto requirements. Mr. Banzhof agreed and explained, a proposed class size increase in an agricultural-zoned area, should be allowed with acceptable setbacks. Although, Mr. Banzhof continued, he is unsure what is considered an acceptable setback.

Mr. Banzhof added, he believed although, the weight being moved on the roads is impactful, a 10,000-head feedlot, is not the same as a 100,000-head feedlot. Mr. Banzhof referenced the previous agenda item regarding setbacks for wind farms and transmission lines for wind turbines running through his property in Dawson County. He believes that industrial wind farms should not be treated the same as an agriculturally-driven business.

Deputy County Attorney Hoffmeister asked Mr. Banzhof what number of head he found acceptable, and Mr. Banzhof responded with 10,000 head. He added, he has been approved by 2,500 head.

Deputy County Attorney Hoffmeister requested Mr. Banzhof's thoughts on the veto power associated with animal confinement operations expansions. Mr. Banzhof stated he does not believe it is acceptable that one surface owner holds veto power.

Mr. Banzhof stated he had worked in the Buffalo County Highway Department as Assistant Road Superintendent for a year and drainage issues affected the road conditions, as well, not just the truck traffic from the animal confinement operations. He referenced other roads throughout the county that could not withstand heavy loads such as grain carts, corn trucks, etc. Vice-Chairperson Keep reminded Mr. Banzhof the roads were originally built around 1940, and Mr. Banzhof agreed.

Mr. Banzhof testified he believes the proposed regulation, requiring confined animal operations to abut a paved road, could outright ban them.

Deputy County Attorney Hoffmeister advised there needed to be more discussion and study to be considered regarding regulation of animal confinement operations as a whole.

Chairperson Brady also recommended reviewing animal confinement operations, not just for cattle, but pigs and chickens, as well.

Chairperson Brady inquired the instigation of this amendment. Deputy County Attorney Hoffmeister stated some of the commissioners recommended The Planning Commission review animal confinement operations and their road usage, due to the increasing costs of road maintenance.

Deputy County Attorney Hoffmeister revisited other Nebraska counties' regulations regarding animal confinement operations.

At this point, no additional members of the public spoke.

Chairperson Brady closed the public hearing at 10:36 P.M. advising the animal confinement operation discussion would be reviewed at a later date, with more research and study.

Motion was made by Mr. Vacek, seconded by Mr. Biehl, to recommend favorably the Buffalo County Zoning Regulations code amendment, adding of the following definition, "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." to the Buffalo County Board of Commissioners.

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

Voting "Nay": None.

Abstain: None.

Absent: Vest.

### **Public Hearing. 8(b)(3)**

Chairperson Brady opened the public hearing for Agenda Item 8(b)(3) at 10:38 P.M. regarding code amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, in the following sections: Section 5.34, Permitted Special Uses of the Agricultural – Residential (AGR) District, and all other zoning districts, to consider the permissibility of dog-breeding establishments, kennels, and domesticated animal training facilities.

Deputy County Attorney Hoffmeister presented the code amendment regarding dog-breeding establishments, kennels, and domesticated animal training facilities. He recommended deleting it from Agricultural – Residential (AGR) and add to Commercial and/or Industrial. He also provided the option to remove or keep in AG (Agricultural). He reviewed another option, to require all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.

Vice-Chairperson Keep asked the purpose for removal and Deputy County Attorney Hoffmeister responded the Commissioners wished to have The Planning Commission review the removal because noise and traffic were of concern to residential development.

Discussion occurred regarding previously approved dog-breeding establishments, kennels, and domesticated animal training facilities.

Deputy County Attorney Hoffmeister inquired whether The Commission believed they should be removed from Agriculture (AG) too, and Vice-Chairperson Keep stated he believed it should remain in Agriculture (AG).

Discussion occurred regarding zoning regulations differing between veterinarians and dog-breeding establishments, kennels, and domesticated animal training facilities.

Discussion occurred regarding previously-reviewed or approved dog-breeding establishments, kennels, and domesticated animal training facilities.

Deputy County Attorney Hoffmeister queried The Commission: remove from Agricultural – Residential (AGR), add as Special Use Permit in Commercial and Industrial, keep it as a Special Use in the Agriculture (AG), but add the following provision to each allowable district: all buildings and facilities be at least 100 feet from the property line and 300 feet from any neighboring residence.

At this point, no members of the public spoke.

Chairperson Brady closed the discussion on this agenda item at 10:49 P.M.

Motion was made by Secretary Wolfe, seconded by Ms. Jeffs, to recommend favorably the code amendments, with variations as proposed by The Commission, shown below:

“TO: DELETE IN AGR DISTRICT:

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

~~7. Dog breeding establishments, kennels, and domesticated animal training facilities; (Resolution 10-10-17)~~

TO ADD IN COMMERCIAL, SECTION 5.54, AS A PERMITTED SPECIAL USE, AND IN THE INDUSTRIAL DISTRICT, SECTION 5.64, AS A PERMITTED SPECIAL USE, WITH RENUMBERING AS NECESSARY:

. 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.

TO ADD THE FOLLOWING PROVISION IN THE AG DISTRICT UNDER SECTION 5.14 (14), PERMITTED SPECIAL USES:

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.”

to the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest.

### **Public Hearing. 8(b)(4)**

Chairperson Brady opened the public hearing for Agenda Item 8(b)(4) at 10:52 P.M. regarding Code Amendments to The Buffalo County Zoning Regulations, with renumbering as necessary, in the following sections: Section 5.52, Permitted Principle Uses and Structures, Section 5.54, Permitted Special Uses, both under the Commercial (C) District, Section 5.62, Permitted Principal Uses and Structures, Section 5.64, Permitted Special Uses, both under the Industrial (I) District, and Section 8.3, regarding regulation of signage.

Vice-Chairperson Keep inquired why the signage regulations were being re-reviewed, and Deputy County Attorney Hoffmeister responded that several situations indicated signage may have been over-regulated and needed to have some relaxation of regulation.

Deputy County Attorney Hoffmeister reviewed the proposed regulations.

Chairperson Brady closed the discussion on this agenda item at 10:54 P.M.

Motion was made by Mr. Biehl, seconded by Mr. Vacek, to recommend favorably the Code Amendment, as presented, regarding The Buffalo County Zoning Regulations, with renumbering as necessary, in the following sections: Section 5.52, Permitted Principle Uses and Structures, Section 5.54, Permitted Special Uses, both under the Commercial (C) District, Section 5.62, Permitted Principal Uses and Structures, Section 5.64, Permitted Special Uses, both under the Industrial (I) District, and Section 8.3, regarding regulation of signage to the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Vest.

### **Old Business**

### **Minutes**

Motion was made by Secretary Wolfe, seconded by Ms. Jeffs, to approve the minutes of the November 17, 2022, meeting, as presented.

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

Voting “Nay”: None.  
Abstain: None.  
Absent: Vest.

Motion carried.

### **New Business**

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

Zoning Administrator reviewed the 2022 Annual Zoning and Floodplain Report with The Commission, and it was accepted.

Zoning Administrator Daniels provided a report from the November 17, 2022 Planning and Zoning Commission Hearing. The Special Use Permit Application for Mark Morten was approved by The Board of Commissioners on December 13, 2022. She explained some changes were made by The Board as no public appeared to testify in opposition.

#### **New Business, Correspondence and Other Business**

Zoning Administrator Daniels highlighted the extra-territorial correspondences, regarding Spruce Hollow West. She explained correspondence was already submitted for this proposed subdivision.

Zoning Administrator Daniels also reviewed Arbor View Second and explained the letter sent in the prior packet was incorrect. After further research and discussion with Buffalo County Sheriff's Emergency Services, it would be the recommendation to rename 63<sup>rd</sup> Street to avoid potential delays in emergency services. She requested The Commission review the revised letter and provide feedback. The Commission found it acceptable.

The annexation of Part of Younes Center 9<sup>th</sup> Addition was reviewed.

Zoning Administrator Daniels presented Dawson County Notices.

Zoning Administrator Daniels notified The Commission the Nebraska Planning Conference has been scheduled for March 8-10, 2023, and to let her know by February 24, 2023, if anyone planned to attend.

Zoning Administrator Daniels thanked Vice-Chairperson Keep for renewing his term with The Planning Commission and Randy Vest for his term renewal on The Board of Adjustment, acting as the liaison between The Planning Commission and The Board of Adjustment.

#### **Next Meeting**

The next meeting will be conducted March 16, 2023.

#### **Adjourn**

Chairperson Brady adjourned the meeting at 11:03 P.M.

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Scott Brady, Chairperson  
Buffalo County Planning and Zoning Commission

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Loye Wolfe, Secretary

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