

MINUTES OF PLANNING AND ZONING COMMISSION
AUGUST 17, 2023
BUFFALO COUNTY COURTHOUSE
7:00 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 and availability of the Agenda was communicated in the advance notice. The Agenda is available for anyone wanting a copy.

Chairperson Scott Brady opened the meeting at 7:02 P.M. with a quorum present on August 17, 2023.

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

Willie Keep was absent.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, Keith Carl, of Hanna:Keelan, Associates, P.C., and Tim Keelan, of Hanna:Keelan, Associates, P.C. whom appeared via ZOOM. No members of the public were present.

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

The public forum was opened at 7:03 P.M. The public forum closed at 7:03 P.M.

Workshop Session

Chairperson Brady announced Item 5(a) at 7:03 P.M. and opened discussion for revision of the Buffalo County Zoning and Subdivision Regulations as part of 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.

Before beginning the regulation review, Zoning Administrator Daniels provide an update to The Commission that they would consider an immediate code amendment regarding roof-attached solar arrays.

Zoning Administrator Daniels stated she wished to review the revisions that were proposed at the July 27, 2023 meeting to ensure The Planning Commission found the revisions to be acceptable and to discuss other small verbiage corrections. The Commission found those variations to be acceptable.

The Commission discussed revisions to Buffalo County Subdivision Regulations, Chapter 1, Chapter 2 and Chapter 3 through Chapter 3, Section 3.12.

The Commission adjourned for a recess at 8:45 P.M.

The meeting was called to order 8:56 P.M.

The Commission continued discussion of revisions to Chapter 3, Section 3.12 through Section 3.27.

The Commission, also, considered an immediate code change to The Buffalo County Zoning Regulations, with renumbering as necessary, in Section 3.3156, creating subcategories and outlining requirements of rooftop setbacks for Roof-Attached Solar Energy Systems.

Deputy County Attorney Hoffmeister presented the code amendment, as shown below:

“3.3156 ROOF ATTACHED SOLAR ENERGY SYSTEM:

a. Residential: The Solar Energy System’s collector surface and mounting devices that attach a solar energy system(s) to the roof of a dwelling use structure. It shall have a minimum a 3-foot open space on the roof from the side edges, hip(s), and ridge(s) of the roof, and not cause a height increase of the structure to which it is attached. The system cannot be greater than twenty-four (24) inches between the roof and highest edge of the surface of the Solar Energy System (SES) measured perpendicularly from any part of the roof. (Resolution 02-11-2020

b. Non-Residential: The Solar Energy System’s collector surface and mounting devices that attach a solar energy system(s) to the roof of a structure that is not used as a dwelling.”

Chairperson Brady asked for discussion regarding the code amendment. Secretary Wolfe asked for clarification on a solar farm versus personal use solar arrays for a roof-mounted attachment. Deputy County Attorney Hoffmeister advised that the nameplate capacity cannot exceed 25kW for personal use, or it would be considered a solar farm, and solar farms are allowed only in certain district.

Chairperson Brady closed the discussion on this agenda item at 9:24 P.M.

Motion was made by Mr. Vacek, seconded by Mr. Schmidt, 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, Wolfe, Stubblefield, and Brady.

Voting “Nay”: None.

Abstain: None.

Absent: Keep.

Old Business

Minutes

Motion was made by Ms. Jeffs, seconded by Mr. Biehl, to approve the minutes of the June 15, 2023 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Keep.

Motion carried.

Motion was made by Secretary Wolfe, seconded by Mr. Vest, to approve the minutes of the June 22, 2023 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Keep.

Motion carried.

Motion was made by Ms. Jeffs, seconded by Mr. Schmidt, to approve the minutes of the July 27, 2023 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Keep.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels provided a report on previous hearings to The Commission:

On July 11, 2023, The Board of Commissioners approved the Application for Special Use Permit, filed by Jeffrey Skinner, on behalf of Verizon Wireless and Melvin Parker, property owner to erect a self-support tower, with accompanying equipment for tax parcel 440057000,

described as part of the Northeast Quarter and Strip in the North Part of the Southeast Quarter in Section Fifteen (15), Township Ten (10) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

On July 25, 2023, The Board of Commissioners approved the Application for Final Plat, “Sears Second Subdivision”, filed by Paul E. Sears and Joyce A. Sears, located in part of the Southwest Quarter of the Northwest Quarter of Section Six (6), Township Twelve (12) North, Range Thirteen (13) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Zoning Administrator Daniels, also, notified The Commission that a report was prepared and delivered to The Board of Commissioners regarding a Special Use Permit issued under Resolution 2022-49. She provided a copy of the report to The Commission. She explained that The Board voted to review the Special Use Permit by way of public hearing scheduled for September 12, 2023.

New Business, Correspondence and Other Business

Zoning Administrator Daniels reviewed the proposed subdivision “The Meadows First Addition” and the letter that was submitted to the city of Kearney.

Zoning Administrator Daniels highlighted the notices from Dawson and Adams County; they were discussed.

Zoning Administrator Daniels, also, reviewed the Arbor View Second Annexation.

Zoning Administrator Daniels thanked Secretary Wolfe, Mr. Schmidt, Mr. Vacek and Mr. Vest for accepting another three-year term with The Commission.

Next Meeting

The next meeting will be September 21, 2023, if needed.

Adjourn

Chairperson Brady adjourned the meeting at 9:35 P.M.

Scott Brady, Chairperson
Buffalo County Planning and Zoning Commission

Loye Wolfe, Secretary