

MINUTES OF PLANNING AND ZONING COMMISSION  
NOVEMBER 16, 2023  
BUFFALO COUNTY COURTHOUSE  
5:00 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 5:14 P.M. on November 16, 2023.

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

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, Keith Carl, of Hanna:Keelan, Associates, P.C. whom appeared via ZOOM. No members of the public were present during the opening portion of this special agenda item.

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

**Workshop Session**

Chairperson Brady announced Item 3(a) at 5:15 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.

Zoning Administrator Daniels stated that she wished to review the revisions that were proposed at the October 19, 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 Planning Commission reviewed several proposals by the Buffalo County Attorney's Office to the Buffalo County Subdivision Regulations, including adding Section 3.11 and renumbering, "Amendment to Preliminary Plat After Board and Planning Commission Approval", Section 3.15, "Filing Final Plat", to include "Exhibit A" for proof of ownership, Section 7.04, "Development in Floodplain", added verbiage to Section 8.03, "Certificates and Acknowledgements on Final Plat", to revise the treasurer's statement, Section 8.04, "Data Required on Final Plat", adding additional criteria for the final plat, Section 9.07, "Effective Date", removing the signature lines, and updated appendixes to reflect proposed language changes.

Deputy County Attorney Hoffmeister discussed several other regulations including redefining Section 3.3132, "Livestock Confinement Facilities/Operations" defining a livestock confinement

facility, revision of Section 6.2, “Special Use Permit Procedures”, including revisions of notice requirements, Section 6.4, “Livestock Confinement Facilities/Operations, which concerned several procedural requirements.

Chairperson Brady closed the discussion on this agenda item at 6:49 P.M.

The Commission adjourned for a recess at 6:49 P.M.

Chairperson Scott Brady called the meeting to order, after a recess, at 7:13 P.M.

Chairperson Brady re-called attendance. In Attendance: Tammy Jeffs, Kurt Schmidt, Randy Vest, Scott Stubblefield, Francis “Buss” Biehl, Marc Vacek, Loye Wolfe, and Scott Brady.

Quorum was met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Zoning Administrator Dennise Daniels, and a member of the public was present.

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

The public forum was opened at 7:14 P.M. The public forum closed at 7:14 P.M.

**Public Hearing. 7(a)**

Chairperson Brady opened the public hearing for Agenda Item 7(a) at 7:14 P.M. regarding the Application for Special Use Permit, filed by Andrew Dewhirst, on behalf of Larry D. Wells, Sole Member of Foothill Farms, L.L.C., to erect 385-foot guyed tower, with accompanying equipment, described as Part of the Southeast Quarter, situated in Section Seventeen (17), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Chairperson Brady asked any representatives step forward to present the application and Mr. Curt Walter, of Powder River Development, representing Tillman Infrastructure, stepped forward to present the application. He thanked The Commission for their time and stated Tillman Infrastructure is constructing several Verizon telecommunications towers nationwide.

Chairman Brady asked Zoning Administrator Daniels to provide a location of the proposed tower, in relation to the county. Zoning Administrator Daniels confirmed the location to be just north of Elm Creek, along Turkey Creek Road.

Deputy County Attorney Hoffmeister inquired if there would be backup generator and Mr. Walter confirmed that Verizon, itself, would have a backup generator, but Tillman Infrastructure would not.

Chairperson Brady asked who would own the tower and Mr. Walter answered it would be Tillman Infrastructure that would own the tower and Verizon would lease the tower.

Mr. Schmidt inquired if Tillman Infrastructure had other towers in the area and Mr. Walter stated Tillman Infrastructure, on behalf of Verizon, was relatively new to the area, in the last several months and research for future locations is, currently, underway.

Zoning Administrator Daniels inquired if an actual structure would be constructed and Mr. Walter answered, no housing structure would be constructed, but there would be 6-foot-by-6-foot cabinet on a steel platform.

Chairperson Brady inquired the size of the lease area and Mr. Walter described the area, as shown on the proposed map, as just over a quarter acre of land.

Chairperson Brady questioned if The Buffalo County Highway Department had concerns regarding the project and Deputy County Attorney Hoffmeister asked Zoning Administrator Daniels if they had received the proposal and Zoning Administrator Daniels stated she had discussed it with them. Mr. Walter added the access would be using an existing field drive into the pasture.

Chairperson Brady queried if the tower would be situated in a pasture and Mr. Walter confirmed. Mr. Biehl inquired the size of the coverage area for a 385-foot tower and Mr. Walter stated that it would be dependent on the topography of the surrounding lands and locations of other towers. Chairperson Brady inquired if anyone was in opposition or in favor of the tower and no one spoke.

Chairperson Brady closed the public hearing at 7:21 P.M.

Motion was made by Mr. Biehl, seconded by Mr. Schmidt, to recommend favorably the Application for Special Use Permit, filed by Andrew Dewhirst, on behalf of Larry D. Wells, Sole Member of Foothill Farms, L.L.C., to erect 385-foot guyed tower, with accompanying equipment, described as Part of the Southeast Quarter, situated in Section Seventeen (17), Township Nine (9) North, Range Eighteen (18) West of the Sixth Principal Meridian, Buffalo County, Nebraska, to The Buffalo County Board of Commissioners.

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

Voting "Nay": None.

Abstain: None.

Absent: Keep.

Motion carried.

**Workshop Session, continued.**

Chairperson Brady re-announced Item 8(a) at 7:23 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.

The Planning Commission discussed and reviewed the remainder of the Buffalo County Zoning Regulations from Section 6.5 through Section 13.5 and revised Section 7.2, Off-Street Parking Requirements, to adjust parking requirements for places of assembly, along with Article 10, Administrative Provisions, Enforcement and Fees, to include additional requirements for Public Structures, Gathering Places, and Emergency Interconnectivity Compliance.

Chairperson Brady closed the discussion on this agenda item at 8:14 P.M.

### **Old Business**

#### **Minutes**

Motion was made by Ms. Jeffs, seconded by Mr. Schmidt, to approve the minutes of the October 19, 2023 meeting, as presented.

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

Voting “Nay”: None.

Abstain: Vest.

Absent: Keep.

Motion carried.

### **New Business**

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

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

Mark Morten, who filed an Application for Special Use Permit to operate a commercial dog business performing training, breeding, and limited small scale boarding services on tax parcel 380081010, located at 29235 145th Road, Kearney, Nebraska, was originally heard by Board of Commissioners on November 14, 2023, but voted to postpone to November 28, 2023. The terms of the Special Use Permit was to be, further, discussed with the owner/applicant, who was unable to attend that meeting.

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

Zoning Administrator Daniels reviewed the proposed subdivisions “Arbor View Third” and “Prairie View Business Park Third” and corresponding letters to the city of Kearney. The Commission had no concerns regarding the letters.

**Next Meeting**

The next meeting will be January 18, 2023.

**Adjourn**

Chairperson Brady adjourned the meeting at 8:25 P.M.

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Scott Brady, Chairperson  
Buffalo County Planning Commission

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Loye Wolfe, Secretary  
Buffalo County Planning Commission

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