

MINUTES OF PLANNING AND ZONING COMMISSION
JUNE 20, 2024
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. on June 20, 2024.

In Attendance: Randy Vest, Scott Stubblefield, Francis "Buss" Biehl, Willie Keep, Marc Vacek, Loye Wolfe, and Scott Brady.

Absent were the following members: Kurt Schmidt and Tammy Jeffs.

Quorum has been met.

Also attending were: Deputy County Attorney Andrew Hoffmeister, Deputy County Attorney Josiah Davis, and Zoning Administrator Dennise Daniels. There were some members of the public present.

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

Chairperson Brady declared that the agenda for the Buffalo County Planning Commission has been amended to include the removal of an Application for a Preliminary Plat, due to an omitted drainage study and the hearing will be rescheduled.

The public forum was opened at 7:02 P.M. No one spoke. The public forum closed at 7:03 P.M.

Chairperson Brady announced the procedure and etiquette for the upcoming public hearings.

Public Hearing. 5(a)

Chairperson Brady opened the public hearing for Agenda Item 5(a) at 7:04 P.M. regarding an Application for Special Use Permit to operate a dirt extraction operation, filed by Brent Carmody, CEO of Carmody Farms, L.L.C., on part of tax parcel 520177000, described as Part of the South Half and the South Half of the Northwest Quarter and Part of the South Half of the Northeast Quarter, situated in Section Twenty-Seven (27), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Brent Carmody, CEO of Carmody Farms, L.L.C. who resides at 3070 Odessa Road, Kearney, Nebraska, stepped forward to present the application. Mr. Carmody explained that he has

submitted the Application for Special Use to The Commission because he would like to move and sell dirt off the presented tract of land. He added that he has, also, submitted an Application for Preliminary Plat, "Eagle Hill Estates", that was scheduled to be heard, but the drainage study was omitted and was rescheduled. He testified that he would like to use the dirt that he would extract to begin construction on the lots and roads within the proposed subdivision.

Deputy County Attorney Hoffmeister inquired if Mr. Carmody intended to sell dirt and Mr. Carmody answered he did.

Deputy County Attorney Hoffmeister asked how large the proposed extraction site was and Mr. Carmody responded that he intended to use the entire area shown on the application, which has, also, been proposed for a platted subdivision, "Eagle Hill Estates". He stated that he will commence extraction next to Eagle Road and he added that the county has used dirt from this area in the past.

Deputy County Attorney Hoffmeister questioned if Mr. Carmody's entryway would be situated off Eagle Road and Mr. Carmody confirmed, but added that he would be willing to make any necessary adjustments if The Commission found it feasible to implement, ensuring the safety of the public.

Vice-Chairperson Keep asked Mr. Carmody what he did for a living and Mr. Carmody explained he was a farmer and rancher.

Mr. Biehl inquired if Mr. Carmody intended use the dirt from the project to build roads in the subdivision and Mr. Carmody confirmed.

Deputy County Attorney Hoffmeister inquired if Mr. Carmody had a timeline of use in place and Mr. Carmody stated he did not.

Discussion occurred regarding existing dirt extraction projects.

Secretary Wolfe asked if Mr. Carmody had an expiration date on the project and Mr. Carmody responded that he does not, but wondered if he should have one.

Chairperson Brady asked Mr. Carmody which tracts he purchased and Mr. Carmody explained that he purchased a large tract, as shown in the last deed of record, in The Planning Commission's packet. He added that he and his father had just split some farm ground off of the original piece that was purchased.

Chairperson Brady asked Mr. Carmody where the county had extracted dirt and Mr. Carmody explained the county had extracted dirt along Eagle Road. Mr. Carmody added that he does not intend to extract dirt along Odessa Road, as Buffalo County has approved an administrative subdivision, "Eagle Hill Acres", which includes three lots. When questions arose to where the administrative subdivision sat, Zoning Administrator Daniels advised she had drawn in the administrative subdivision in The Commission's packet.

Chairperson Brady inquired if Mr. Carmody intended to remove dirt from the entire tract of land and Mr. Carmody responded that he does.

Deputy County Attorney Hoffmeister asked how many acres were included in the proposed tract and Mr. Carmody answered 380 acres.

Mr. Carmody testified that he discovered that there were other Special Use Permits for dirt extraction within a short distance of his proposed operation and he thought that it would be an ideal location.

Mr. Vacek inquired if Mr. Carmody would remove the topsoil and replace it and Mr. Carmody answered that he has spoken with professionals, regarding the removal, and they stated that they would cut the hills down to road level and replace the top soil.

Chairperson Brady asked if Mr. Carmody has a business lined up to do the extraction and Mr. Carmody explained that he had, but they have rescinded.

Chairperson Brady inquired if Mr. Carmody had seen any rattlesnakes and Mr. Carmody stated he had only seen one.

Deputy County Attorney Hoffmeister asked Zoning Administrator Daniels how far the proposed site would be from the other Special Use Permits and Zoning Administrator Daniels stated that there are a few along Daykin and Amherst Roads.

Discussion occurred regarding last deed of record and current ownership.

Chairperson Brady asked if anyone had questions.

Chairperson Brady asked Deputy County Attorney Hoffmeister if a deadline for use should be set and Vice-Chairperson Keep agreed, stating that if his preliminary plat is approved, then the dirt extraction project could cause issues for the development.

Chairperson Brady asked Deputy County Attorney Hoffmeister if conditions should be established and Deputy County Attorney Hoffmeister counselled that the following conditions should be considered, based on prior applications: operational hours to be conducted from dusk to dawn and entryway onto county road must have prior approval by the Buffalo County Highway Superintendent. Mr. Carmody added that he has spoken with John Maul, Buffalo County Highway Superintendent and he had no issues with the entrances into the subdivision that Mr. Carmody had laid out in the preliminary plat.

Chairperson Brady asked if Mr. Carmody intended to extract any dirt from the northwest area of the proposed tract off Odessa Road and Mr. Carmody stated that was not his intent, but it could change.

Chairperson Keep commented, if the dirt is sold off this tract for upcoming interstate projects, then the trucks would, most likely, use Odessa Road and Mr. Carmody agreed. He added, if the

preliminary plat is approved, then he can commence the sales of the lots. Mr. Carmody, then, reviewed the proposed entrances off the preliminary plat, with The Commission. He added that the proposed entrances on the plat are acceptable, by way of the county road superintendent, with high visibility.

Deputy County Attorney Hoffmeister added another condition to be considered by The Commission: subject to annual inspection by Buffalo County Zoning Administrator.

Deputy County Attorney Hoffmeister inquired if Mr. Carmody intended to erect any structures, lighting, or signage and Mr. Carmody responded that he did not.

Chairperson Brady asked what the size ranges for the lots are for the proposed subdivision and Mr. Carmody responded that the lots range from 3.02 acres to approximately, 19 acres, depending on the land layout.

Secretary Wolfe inquired if Zoning Administrator Daniels has received any letters or calls of opposition and Zoning Administrator Daniels responded that she has received some calls of inquiry, but nothing in opposition.

Mr. Vest inquired if Zoning Administrator Daniels erected a sign for notice on Eagle Road and Zoning Administrator Daniels responded that she had placed it on Odessa Road, with consideration given to it being a well-traversed road. She reminded The Commission that everyone within 300 feet of the tract of land would, also, receive a letter.

Deputy County Attorney Hoffmeister reviewed other conditions set forth for previous dirt extraction facilities.

Deputy County Attorney Hoffmeister reviewed the following conditions that would be recommended: operational hours are to be conducted from dusk to dawn, entryway onto county road must have prior approval by the Buffalo County Highway Superintendent, subject to annual inspection by Buffalo County Zoning Administrator.

Chairperson Brady inquired if the applicant should supply a sign and a 911 address and Deputy County Attorney Hoffmeister explained that this particular situation would, probably, would not require it.

Secretary Wolfe asked how many trucks, with Mr. Carmody's best guesstimate, would be accessing this area and Mr. Carmody answered he was not sure and didn't want to provide inaccurate estimation.

Chairperson Brady inquired if Mr. Carmody would be extracting the dirt himself and Mr. Carmody responded it was his intent to have a reputable company take over the operation.

Deputy County Attorney Hoffmeister counselled that The Commission should consider adding that the operation must be compliant with all state and federal regulations, including Stormwater Discharge Act and The Clean Water Act.

Chairperson Brady asked if Mr. Carmody intended to use multiple contractors and Mr. Carmody responded it was not his intent, but was unsure at this time.

Vice-Chairperson Keep asked if Mr. Carmody owned the farmland to the south and Mr. Carmody confirmed.

Mr. Vest inquired if Mr. Carmody intended to run cattle on the pasture and Mr. Carmody answered that his hired man, currently, runs cattle on this pasture, and if he continued to do so, then the area where they would be confined, would be by a fence.

Chairperson Brady asked if anyone had questions or concerns. No one spoke.

Chairperson Brady closed the public hearing at 7:39 P.M.

Motion was made by Mr. Vacek, seconded Mr. Biehl, to favorably recommend the Special Use Permit to operate a dirt extraction operation, filed by Brent Carmody, CEO of Carmody Farms, L.L.C., on part of tax parcel 520177000, described as Part of the South Half and the South Half of the Northwest Quarter and Part of the South Half of the Northeast Quarter, situated in Section Twenty-Seven (27), Township Nine (9) North, Range Seventeen (17) West of the Sixth Principal Meridian, Buffalo County, Nebraska with the following conditions: operational hours are to be conducted from dusk to dawn, entryway onto county road must have prior approval by the Buffalo County Highway Superintendent, subject to annual inspection by Buffalo County Zoning Administrator and the operation must be compliant with all state and federal regulations, including Stormwater Discharge Act and The Clean Water Act, to the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Jeffs and Schmidt.

Deputy County Attorney Hoffmeister reviewed the necessity of drainage studies in development situations.

Emerging developments were, also, discussed.

Old Business

Minutes

Motion was made by Secretary Wolfe, seconded by Mr. Vest, to approve the proposed amended minutes of the March 21, 2024 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Jeffs and Schmidt.

Motion was made by Mr. Biehl, seconded by Vice-Chairperson Keep to approve the minutes of the April 18, 2024 meeting, as presented.

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

Voting “Nay”: None.

Abstain: None.

Absent: Jeffs and Schmidt.

Motion carried.

New Business

Report on Previous Hearings

Zoning Administrator Daniels stated she has no Reports on Previous Hearings.

Chairperson Brady reviewed some current event topics involving counties and planning commissions.

Zoning Administrator Daniels reviewed the proposed subdivision “Saadi First”, along with the letter that was sent to the city of Kearney. The Commission had no concerns regarding the letter.

Zoning Administrator Daniels discussed the Annexation of Saadi First, as well.

Next Meeting

The next meeting will be July 18, 2024. Zoning Administrator Daniels stated that she will, most likely, have two preliminary plats on the agenda.

Adjourn

Chairperson Brady adjourned the meeting at 8:29 P.M.

Scott Brady, Chairperson
Buffalo County Planning Commission

Loye Wolfe, Secretary
Buffalo County Planning Commission