

MINUTES OF PLANNING AND ZONING COMMISSION  
JUNE 18, 2025  
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, on June 5, 2025. 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 7:00 P.M. on June 18, 2025.

In Attendance: Marc Vacek, Loye Wolfe, Tammy Jeffs, Scott Stubblefield, Willie Keep, Jeremy Sedlacek and Scott Brady.

Absent were Joshua Chaney and Tim Kreutzer.

Quorum has been met.

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

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

The public forum was opened at 7:00 P.M. No one spoke. The public forum closed at 7:01 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 7:03 P.M. regarding an Application for Special Use Permit to operate Mineral Extraction Operation, filed by JK Land, L.L.C., on tax parcel 360023000, described as a tract of land situated in the Southwest Quarter of the Southwest Quarter of Section Thirteen (13), Township Ten (10) North, Range Fifteen (15) West of the Sixth Principal Meridian, Buffalo County, Nebraska.

Craig Bennett, of Miller & Associates Consulting Engineers, P.C., located at 1111 Central Avenue, Kearney, Nebraska, alongside the Manager and Power of Attorney of JK Land, L.L.C., Cory Banzhaf, who resides at 28430 128<sup>th</sup> Road, Kearney, Nebraska, stepped forward to present the application. Mr. Bennett stated that the proposed tract, to be used for the special use permit, is a 24-acre tract, north of 160<sup>th</sup> Road and east of Poole Road, which is situated within the southwest quarter of the southwest quarter of Section 13, Township 10 North, Range 15 West of

the 6<sup>th</sup> P.M., Buffalo County, Nebraska. He testified that the access is proposed to be on the south side of the proposed tract, onto 160<sup>th</sup> Road.

Mr. Banzhaf, then, testified. He stated that he intends to remove clay from the hill on the stated proposed tract. Deputy County Attorney Hoffmeister asked Mr. Banzhaf to clarify that the applicant is JK Land, L.L.C., which was not shown on the application to the Planning Commission. Mr. Banzhaf confirmed. Deputy County Attorney Hoffmeister explained that the Commission should take note of the date of the application, which shows June 18, 2024. Deputy County Attorney Hoffmeister inquired what the proposed tract is being used for and Mr. Banzhaf responded that it is being used for pasture.

Discussion occurred regarding the date differences on the application.

Deputy County Attorney Hoffmeister asked what roads the site abuts and Mr. Banzhaf explained that it abuts 160<sup>th</sup> Road and Poole Road. Deputy County Attorney Hoffmeister requested clarification on the truck entry for the proposed site and Mr. Banzhaf answered that the trucks will enter on the south side, off 160<sup>th</sup> Road.

Ms. Wolfe asked how much of the proposed 24 acres will have dirt extracted and Mr. Banzhaf responded that he wasn't sure. He explained that the 24 acres that was surveyed was strictly for the purpose of having a full and complete legal description for the special use permit application.

Ms. Wolfe inquired the duration of the permit and Mr. Banzhaf explained that it would be open-ended at this time.

Deputy County Attorney Hoffmeister questioned if there was a significant need for soil use in the area and Mr. Banzhaf responded that he believed there was. Discussion occurred regarding the recent increase in dirt quarries.

Deputy County Attorney Hoffmeister requested clarification that the truck entry would not be placed at the intersection of Poole Road and 160<sup>th</sup> Road. Mr. Banzhaf confirmed and testified that the proposed entry would be approximately 1/8 of a mile east from the intersection.

Deputy County Attorney Hoffmeister asked Mr. Banzhaf if there was a driveway and Mr. Banzhaf testified that one had been built.

Deputy County Attorney Hoffmeister requested clarification that the dirt would be loaded from the southwest corner of the proposed tract. Mr. Banzhaf confirmed and testified that the trucks would not be entering into the intersection.

Mr. Vacek asked if Mr. Banzhaf had an estimate on the frequency of number of trucks and Mr. Banzhaf responded that the frequency would ebb and flow with the number of site work jobs and the inventory of dirt for each job. Mr. Sedlacek asked for a more accurate estimate and Mr. Banzhaf explained that it would be capped at around 30 trucks per day at the busiest times.

Mr. Sedlacek asked if the driveway would allow for proper water runoff and Mr. Banzhaf testified that the driveway would be pitched, built to a way that is required for a standard field driveway, as well as remaining in compliance with the stormwater pollutions regulatory standards. Mr. Bennett added that common practices include sediment ponds to capture stormwater erosion and sediment and to capture stormwater to repump or augment into the dry clay.

Chairperson Brady asked if the trucks would primarily traverse Poole Road and Mr. Banzhaf responded that the trucks would traverse both Poole Road and 160<sup>th</sup> Road, depending on the job site's location and the shortest routes.

Discussion occurred regarding safety on rural roads with increased traffic and crop growth.

Discussion also occurred regarding the condition of the county roads.

Mr. Vacek asked Mr. Banzhaf if there was an exit strategy in place, as far as restoration, and Mr. Banzhaf testified that he intended to mine the dirt, but plans to maintain the property in an aesthetic condition.

Chairperson Brady inquired about the soil type and Mr. Banzhaf responded that it is a lean, structural-type clay.

Mr. Sedlacek asked for clarification if JK Land, L.L.C. owned any quarter sections surrounding the proposed tract. Mr. Banzhaf responded that it owns a tract to the north of the quarter section, but not surrounding lands.

Chairperson Brady asked if there would be other projects in need of dirt mining. Mr. Banzhaf responded that the purpose of the special use permit is to mine clay to service the ever-growing need for roads.

Chairperson Brady inquired if Mr. Banzhaf intended to use the clay for resurfacing of feedlots and Mr. Banzhaf testified that if there was a need for it, then he would pursue that opportunity.

Chairperson asked if there were additional questions. No one spoke.

Mr. Bennett and Mr. Banzhaf thanked The Commission for their time and The Commission thanked them for their testimony.

Mr. Steve Pesek, of 37525 160<sup>th</sup> Road, Gibbon, Nebraska, stepped forward to speak in opposition of the proposed use. Mr. Pesek testified that he was in opposition of the proposed special use permit, due to possible future uses, such as a feedlot. Mr. Pesek stated that he was not necessarily against the clay mining, but was against a livestock confinement operation. He, also, expressed concern regarding property value reduction.

Mr. Pesek thanked The Commission for their time and The Commission thanked him for his testimony.

Mr. Dan Majer, of 16120 Poole Road, Gibbon, Nebraska, stepped forward to speak in opposition of the proposed use. Mr. Majer testified that he is approximately 990 feet to the west of the proposed special use permit. Mr. Majer stated that he is in opposition of the proposed project due to traffic increase, conservation concerns, water quality, and the construction of a possible livestock confinement operation. He added that he appreciated the testimony regarding an exit strategy.

Chairperson Brady inquired if The Commission had additional questions. No one spoke.

Mr. Majer thanked The Commission for their time and The Commission thanked him for his testimony.

Ms. Joanne Majer, of 16120 Poole Road, Gibbon, Nebraska, stepped forward to speak in opposition of the proposed use. Mrs. Majer testified that she was, also, in opposition of the proposed use due to traffic safety concerns, topography of the roads, and frequency of truck traffic.

Chairperson Brady inquired if The Commission had additional questions. No one spoke.

Ms. Majer thanked The Commission for their time and The Commission thanked her for her testimony.

Ms. Amanda Majer, of 16120 Poole Road, Gibbon, Nebraska, stepped forward to speak in opposition of the proposed use. Ms. Majer testified that she was in opposition of the proposed use due to traffic safety, conservation concerns specifically referencing native grassland, and water quality.

Mr. Rick Mueller, of 38345 175<sup>th</sup> Road, Gibbon, Nebraska, stepped forward to speak in opposition of the proposed use. Mr. Mueller testified that he is in opposition of the proposed use due to frequency of truck traffic, traffic safety concerns, and the construction of a possible livestock confinement operation.

Chairperson Brady inquired if The Commission had additional questions. No one spoke.

Mr. Bennett and Mr. Banzhaf stepped forward to reference concerns brought forth by the public. Mr. Banzhaf testified that he did not intend to construct a livestock confinement operation at the proposed location. He, also, testified that he understands the traffic safety concerns, but he cannot regulate the traffic or the safety concerns. He added that he will have a decommissioning plan in place to restore it to the original condition.

Chairperson Brady inquired if Mr. Banzhaf intended to construct a structure and Mr. Banzhaf testified that he did not.

Vice-Chairperson Keep asked how Mr. Banzhaf intended to extract the dirt and Mr. Banzhaf stated that he uses a combination of payloader and excavator.

Discussion occurred regarding speed regulators on the applicant's trucks and the speed limits on county roads.

Mr. Bennett and Mr. Banzhaf thanked The Commission for their time and The Commission thanked them for their testimony.

Ms. Janet Mueller, of 38345 175<sup>th</sup> Road, Gibbon, Nebraska, stepped forward. She asked questions of the applicant regarding truck safety.

Ms. Mueller thanked The Commission for their time and The Commission thanked her for her testimony.

Ms. Amanda Majer, of 16120 Poole Road, Gibbon, Nebraska, again spoke. She voiced concerns regarding the possibility of conditions not being abided by.

Ms. Majer thanked The Commission for their time and The Commission thanked her for her testimony.

Chairperson Brady inquired what conditions could be placed on the special use permit. Deputy County Attorney Hoffmeister reviewed possible conditions, based on other, recent dirt quarries: the dirt quarry/mineral extraction operation will be approved as permanent, but subject to annual review by The Board of Commissioners, 911 address signage is required, entry access to county highway approved by the appropriate county staff, a 50-foot setback from any property line or road, and all areas must be restored to its original state after conclusion of excavation activities.

Deputy County Attorney Hoffmeister advised The Commission regarding the test to be completed by The Commission including:

1. Be compatible with and similar to the use permitted in the district, and
2. Not be a matter which should require re-zoning of the property, and
3. Not be detrimental to adjacent property, and
4. Not tend to depreciate the value of the surrounding structures or property, and
5. Be compatible with the stated intended use of the district, and
6. Not change the character of the district, and
7. Be in accordance with the Comprehensive Plan.

Deputy County Attorney Hoffmeister inquired if there were other dirt quarries within a certain parameter of the proposed site and Zoning Administrator Daniels stated she did not believe so.

Ms. Marge Behrendt, of 21700 Imperial Road, Ravenna, Nebraska, stepped forward to speak in opposition of the proposed use. Ms. Behrendt referred to other, possible dirt quarries. She, also, voiced concerns regarding other business dealings with the applicant.

Ms. Behrendt thanked The Commission for their time and The Commission thanked her for her testimony.

Ms. JoAnn Peters, of 38020 175<sup>th</sup> Road, Gibbon, Nebraska, stepped forward to speak in opposition of the proposed use. Ms. Peters testified that she is in opposition of the proposed use due to increase in dust, frequency of truck traffic, and the construction of a possible livestock confinement operation.

Ms. Peters thanked The Commission for their time and The Commission thanked her for her testimony.

Chairperson Brady asked if The Commission wished to comment. No one spoke.

Deputy County Attorney Hoffmeister re-reviewed possible conditions based on other, recent dirt quarries: the dirt quarry/mineral extraction operation will be approved as permanent, but subject to annual review by The Board of Commissioners, 911 address signage is required, entry access to county highway approved by the appropriate county staff, a 50-foot setback from any property line or road, and all areas must be restored to its original state after conclusion of excavation activities. Deputy County Attorney Hoffmeister advised The Commission that the Applicant owns the entire 160-acre tract that the designated 24.03-acre quarry is situated within. He counselled that the south side of the property, that which faced 160<sup>th</sup> Road needed to be the 50-foot setback from the north edge of 160<sup>th</sup> Road.

Vice-Chairperson Keep inquired about regulations for water runoff and Deputy County Attorney Hoffmeister advised that it be regulated by the State of Nebraska.

Chairperson Brady closed the public hearing at 8:08 P.M.

Chairperson Brady asked if The Commission wished to comment. Mr. Stubblefield stated that the conditions on Mr. Banzhaf should be the same as prior special use permits for dirt quarries. He, also, stated that he appreciated the decommissioning plan. Mr. Sedlacek agreed. Secretary Jeffs testified that she understands the concerns of the public regarding traffic safety hazards, but advised that the authority of the Planning Commission does not include enforcement of traffic violations. She added that she also appreciated the decommissioning plan. Ms. Wolfe stated that she appreciated the 50-foot setback condition.

Discussion occurred regarding the enforcement of a decommissioning plan.

Discussion occurred regarding the possible future use of a livestock confinement operation. Deputy County Attorney Hoffmeister advised that the process could require additional permitting, some of which may require a public hearing, however it is not an agenda item.

Discussion occurred regarding the 7-part test that The Commission is charged with considering.

Motion was made by Secretary Jeffs, and seconded by Ms. Wolfe to favorably recommend the Application for Special Use Permit to operate Mineral Extraction Operation, filed by JK Land, L.L.C., on tax parcel 360023000, described as a tract of land situated in the Southwest Quarter of the Southwest Quarter of Section Thirteen (13), Township Ten (10) North, Range Fifteen (15)

West of the Sixth Principal Meridian, Buffalo County, Nebraska, with the following conditions: the dirt quarry/mineral extraction operation will be approved as permanent, but subject to annual review by The Board of Commissioners, 911 address signage is required, entry access to county highway approved by the appropriate county staff, a 50-foot setback from any property line or road for all dirt piling, inventory, and excavation equipment, and all areas must be restored to its original state after conclusion of excavation activities.

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

Voting “Nay”: Sedlacek and Brady.

Abstain: None.

Absent: Kreutzer and Chaney.

Motion carried.

### ***Public Hearing. 5(b)***

Chairperson Brady opened the public hearing for Agenda Items 5(b) (2 and 3) at 8:30 P.M. regarding Code amendments to The Buffalo County Zoning Regulations, Section 10.4 Notices for Zoning, Failure to Fully Fulfill, Effect, outlining if certain notices are not satisfied, and Buffalo Subdivision Regulations, Section 3.27, Notice, outlining if certain notices are not satisfied. The public hearings regarding these two agenda items were opened and closed concurrently.

Deputy County Attorney Hoffmeister presented the proposed code amendment generally shown by underlining as additions and strikethrough as deletion with renumbering and reformatting as necessary, as reflected below, in the zoning regulations:

### **“10.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS**

10.31 A verbal decision by the Zoning Administrator except in the cases of building, occupancy shall be the primary instrument for administering compliance with this resolution.

### **10.4 NOTICES FOR ZONING, FAILURE TO FULLY FULFILL, EFFECT.**

A. Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by Buffalo County Zoning and Planning Commission and/or the Buffalo County Board of County Commissioners to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the County or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with notices required in this Zoning Resolution was or were made and all state required notices have been fulfilled. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the County Commissioners.

B. Except for a willful or deliberate failure to cause notice to be given, Buffalo County and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the Board of County Commissioners.

~~10.4~~ 10.5 SCHEDULE OF FEES 10.41 The schedule of fees shall be established for this Zoning Resolution to cover costs of administration by the County BOARD . . .”

*AND*

“SUBDIVISION NOTICE AMENDMENT, ERROR IN PROVIDING NOTICE:

**Sec. 3.27 NOTICE:** The prescribed method of giving notice, unless otherwise specifically changed by the action being taken shall be as follows:

A. **Adjoining landowners:** Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road, sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.

B. **Publication:** Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County in a local newspaper of any county which has territory within three (3) miles of the property affected by such action.

C. **Property shall be described:** For notices to adjoining landowners and by publication, the notice(s) for shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and County Board of Supervisors at which the consideration and adoption of the resolution will be voted upon.

D. **Posting on the property:** Notice of such hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property to seeking action in the public hearing.

E. **Notices to other governmental planning bodies:** Notice of the time and place of such hearing shall also be given in writing to the chairman of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a municipal Planning Commission, such notice shall be given 19 to



the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

F. Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by Buffalo County Zoning and Planning Commission and/or the Buffalo County Board of County Commissioners to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the County or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with notices required in this Zoning Resolution was or were made and all state required notices have been fulfilled. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the County Commissioners.

G. Except for a willful or deliberate failure to cause notice to be given, Buffalo County and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the Board of County Commissioners.”

Chairperson Brady asked if anyone wished to comment. No one spoke.

Chairperson Brady closed the public hearing at 8:39 P.M.

Motion was made by Ms. Wolfe, and seconded by Secretary Jeffs to favorably recommend that the proposed revision to The Buffalo County Zoning Regulations, Section 10.4 Notices for Zoning, Failure to Fully Fulfill, Effect, outlining if certain notices are not satisfied, which generally is shown by underlining as additions and strikethrough as deletion with renumbering and reformatting as necessary, as reflected below, be forwarded and adopted by the Buffalo County Board of Commissioners.

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

Voting “Nay”: None.

Abstain: None.

Absent: Kreutzer and Chaney.

Motion carried.

Chairperson Brady opened the public hearing for Agenda Item 5(b)(1) at 8:41 P.M regarding Code amendments to The Buffalo County Zoning Regulations, Section 3.3107, Agricultural Farm or Operation, to redefine an agricultural farm/operation.

Deputy County Attorney Hoffmeister presented the proposed code amendment to amend the “farm/agricultural” definition with renumbering and reformatting as necessary, as reflected below, in the zoning regulations and later revised upon discussion to remove “...comprised of no less than 20 acres in area...”:

“NOW:

3.3107 AGRICULTURAL FARM OR OPERATION: Farm or farm operation shall mean any tract of land over 20 acres in area used for or devoted to the commercial production of farm products.

PROPOSED:

3.3107 AGRICULTURAL FARM OR OPERATION: A use of land, ~~comprised of no less than 20 acres in area~~, by an entity engaged in producing products of the soil by tillage and/or cultivation of the soil, grazing of livestock of products grown from the soil without tillage and/or cultivation of the soil, and the haying of products grown from the soil done with or without tillage or cultivation of the soils, all done on a commercial basis. This includes the production of poultry, fish, and livestock, and/or products derived from poultry or livestock such as eggs and dairy products.”

Discussion occurred different scenarios and uses that may or may not be classified under the proposed definition.

Chairperson Brady closed the public hearing at 8:51 P.M.

Chairperson Brady asked if anyone wished to comment. No one spoke.

Mr. Stubblefield explained that he preferred the simpler definition. Vice-Chairperson Keep agreed.

The Commission unanimously wished to take no action because the proposed revision was not favorably recommended for adoption by the Buffalo County Board of Commissioners.

Regarding the Buffalo Subdivision Regulations, Section 3.27, Notice, outlining if certain notices are not satisfied, Vice-Chairperson Keep recommended the following revisions, as highlighted in red:

“SUBDIVISION NOTICE AMENDMENT, ERROR IN PROVIDING NOTICE:

**Sec. 3.27 NOTICE:** The prescribed method of giving notice, unless otherwise specifically changed by the action being taken shall be as follows:

A. **Adjoining landowners:** Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road,

sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.

**B. Publication:** Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County in a local newspaper of any county which has territory within three (3) miles of the property affected by such action.

**C. Property shall be described:** For notices to adjoining landowners and by publication, the notice(s) ~~for~~ shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and County Board of Supervisors at which the consideration and adoption of the resolution will be voted upon.

**D. Posting on the property:** Notice of such hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property ~~to~~ seeking action in the public hearing.

**E. Notices to other governmental planning bodies:** Notice of the time and place of such hearing shall also be given in writing to the chairman of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a municipal Planning Commission, such notice shall be given ~~to~~ to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

F. Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by Buffalo County Zoning and Planning Commission and/or the Buffalo County Board of County Commissioners to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the County or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with notices required in this Zoning Resolution was or were made and all state required notices have been fulfilled. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the County Commissioners.

G. Except for a willful or deliberate failure to cause notice to be given, Buffalo County and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the Board of County Commissioners."

Motion was made by Vice-Chairperson Keep, and seconded by Mr. Vacek to favorably recommend that the proposed revision to Buffalo Subdivision Regulations, Section 3.27, Notice,

outlining if certain notices are not satisfied, which generally is shown by underlining as additions and strikethrough as deletion with renumbering and reformatting as necessary, as reflected below, in the subdivision regulations, with the following corrections as noted by The Commission, written in red, be forwarded and adopted by the Buffalo County Board of Commissioners:

“SUBDIVISION NOTICE AMENDMENT, ERROR IN PROVIDING NOTICE:

**Sec. 3.27 NOTICE:** The prescribed method of giving notice, unless otherwise specifically changed by the action being taken shall be as follows:

**A. Adjoining landowners:** Notice(s) for any public hearing shall be sent to owners of record who have property three hundred (300) or less feet from outside borders of tract(s) and/or if streets or roads abut the property that is the subject of the action extending three hundred (300) feet from the street frontage of such opposite lots measured from the opposite side of the road, sought to be vacated at least ten (10) days before the Commission and County Board public hearing(s). Receipt of such notice is not mandatory or required as a condition precedent to any such public hearing.

**B. Publication:** Notice of the public hearings shall also be given by publication of notice of said hearing one time at least ten (10) days prior to such hearing in a daily newspaper having a general circulation in the City of Kearney and Buffalo County in a local newspaper of any county which has territory within three (3) miles of the property affected by such action.

**C. Property shall be described:** For notices to adjoining landowners and by publication, the notice(s) ~~for~~ shall clearly describe the plat or portion thereof to be considered at the public hearing and state the time and place of the meetings of the Commission and County Board of Supervisors at which the consideration and adoption of the resolution will be voted upon.

**D. Posting on the property:** Notice of such hearing shall also be posted ten (10) days in advance of the public hearing(s) concerning the property in a conspicuous place on or near the property ~~to~~ seeking action in the public hearing.

**E. Notices to other governmental planning bodies:** Notice of the time and place of such hearing shall also be given in writing to the chairman of the municipal, county or joint planning commission, which has jurisdiction over land within three (3) miles of the property affected by such action. In the absence of a municipal Planning Commission, such notice shall be given ~~to~~ to the clerks of units of local government having jurisdiction over land within three (3) miles of the property affected by such action.

**F. Except for a willful or deliberate failure to cause notice to be given, no zoning decision made by Buffalo County Zoning and Planning Commission and/or the Buffalo County Board of County Commissioners to accept or reject a proposed zoning change with regard to a subject property shall be void, invalidated, or affected in any way because of any irregularity, defect, error, or failure on the part of the County or its employees to cause notice to be given as required by this section if a reasonable attempt to comply with notices required in this Zoning**

Resolution was or were made and all state required notices have been fulfilled. No action to challenge the validity of the acceptance or rejection of a proposed zoning change on the basis of this section shall be filed more than one year following the date of the formal acceptance or rejection of the zoning change by the County Commissioners.

G. Except for a willful or deliberate failure to cause notice to be given, Buffalo County and its employees shall not be liable for any damage to any person resulting from any failure to cause notice to be given as required by this section when a reasonable attempt was made to provide such notice. No action for damages resulting from the failure to cause notice to be provided as required by this section shall be filed more than one year following the date of the formal acceptance or rejection of the proposed zoning change by the Board of County Commissioners.”

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

Voting “Nay”: None.

Abstain: None.

Absent: Kreutzer and Chaney.

Motion carried.

### ***Old Business***

#### ***Minutes***

Motion was made by Secretary Jeffs, and seconded by Vice-Chairperson Keep to approve the March 20, 2025 meeting minutes, as presented.

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

Voting “Nay”: None.

Abstain: Sedlacek.

Absent: Kreutzer and Chaney.

Motion carried.

### ***New Business***

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

Zoning Administrator Daniels reported that the Application for Special Use Permit to operate a Private Daycare Center, filed by Kelley and Hannah Mast, located at 29050 145th Road, Kearney, Nebraska, on tax parcel 380076000, described as a tract of land situated in the Southwest Quarter of the Southwest Quarter of Section Twenty-Four (24), Township Ten (10) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, was approved by Board of Commissioners on April 22, 2025.

Zoning Administrator Daniels also reported that Application for Special Use Permit to operate an Agricultural Service Establishment, filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Mark H. Meyer and C. Jayne Meyer, also known as Claudia Jayne Meyer, and Loren Bakko, Manager of Bakko Land, L.L.C., for property described as part of the Southwest Quarter of the Northwest Quarter of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, was denied by Board of Commissioners on April 22, 2025 for the same reasons as set forth by this board: commercial uses within a half mile of Riverdale, too densely populated, and siting concerns on Cottonmill.

Zoning Administrator Daniels also stated that Application for Special Use Permit to operate an Agricultural Service Establishment, filed by Craig Bennett, of Miller & Associates Consulting Engineers, P.C., on behalf of Mark H. Meyer and C. Jayne Meyer, also known as Claudia Jayne Meyer, and Loren Bakko, Manager of Bakko Land, L.L.C., for property described as the Northwest Quarter of the Northwest Quarter of Section Eight (8), Township Nine (9) North, Range Sixteen (16) West of the Sixth Principal Meridian, Buffalo County, Nebraska, was approved by Board of Commissioners on April 22, 2025, along with the following conditions: remove 100 feet of trees from the edge of right-of-way and to provide a water/drainage study done by an engineer and/or hydrologist to ascertain the need, based upon an assumed 10-year flood frequency.

Zoning Administrator Daniels highlighted an extra-territorial jurisdictional subdivision for the city of Kearney known as McCaslin Subdivision. She also reviewed and requested approval for the letters associated with BHT Subdivision and Western Nebraska Property Development Fourth Addition for the city of Kearney. The Commission found the letters satisfactory.

### ***Next Meeting***

The next meeting was scheduled for July 17, 2025. However, Zoning Administrator Daniels stated that she has not received any application or public hearing. Therefore, The Commission will not meet in July.

### ***Adjourn***

Chairperson Brady adjourned the meeting at 9:09 P.M.

---

Scott Brady, Chairperson  
Buffalo County Planning Commission

---

Tammy Jeffs, Secretary  
Buffalo County Planning Commission