

## **BUTLER COUNTY PLANNING COMMISSION**

An open meeting of the Planning Commission of Butler County, Nebraska, was held on the 22nd day of July 2026 at the Butler County Highway Building in David City, Nebraska, at 6:00 p.m. Present were the following: Roger Topil, Kevin Hotovy, Will Reiter, John Kobza, Jesse Hough, Steve Barlean. Devin Jakub joined via Zoom.

Notice of the meeting was given in advance thereof by publication, a designated method for giving notice, as shown by the Proof of Publication attached to the minutes. Notice of this meeting was given to all members of the Planning Commission. Availability of the agenda was communicated in the advance notice and in the notice to all members of the Planning Commission of this meeting. All proceedings shown hereafter were taken while the convened meeting was open to the attendance of the public. The Pledge of Allegiance was recited by all present. Chairman Roger Topil opened the public hearing and announced that a complete copy of the Open Meetings Act is posted in the meeting room.

John Kobza expressed frustration that comments made by Tim Keelan at the end of the June 17th meeting were not reflected in that meeting's minutes. Kobza recalled that Keelan stated that chicken barns are the reason he was hired by the County. Kobza said that the planner is here to promote an agenda and that he (Kobza) is disappointed that this is all about the chicken barns. Planning Commission members were unable to recall the exact verbiage used by Keelan, so the June 17th meeting minutes were not amended.

Moved by Reiter, seconded by Barlean, to approve the minutes from the last meeting. All aye; motion carried.

### **Review/Discussion – Draft Comprehensive Plan**

In attendance at the meeting were representatives from Hanna:Keelan. Chairman Topil noted that Tim Keelan, Hanna:Keelan, made an update to Section 4 of the plan. Topil thought he emailed to everyone but apologized if someone did not receive it.

Keith Carl, Hanna:Keelan, stated that the purpose of the meeting is to discuss the proposed changes and review what is and is not important. Chairman Topil noted that two packets were handed out; the larger packet contains everyone's emails with proposed changes/edits to the comprehensive plan (herein referred to as "the comp plan" or "the plan").

Section 1.2. Seward County borders Butler County to the south. The group decided that noting counties that border only a corner of Butler County is unnecessary. The description of the Planning Commission membership composition was revised to say "... one commissioner from each of the rural districts and two at-large commissioners."

Section 2.3. Jakub requested the word "marketing" be changed to "guiding" in paragraph 3. Reiter stated that more emphasis should be placed on protecting the natural environment and suggested language emphasizing agriculture as the leading industry while acknowledging that the plan will ensure that operations area consistent with protecting natural resources. Kobza disagreed because he felt that would be included in the zoning and Hotovy agreed, saying "less is more." Kobza stated that he thinks the entire comprehensive plan should be two pages – the draft has far too many words. Barlean disagreed, stating that the plan is our vision and the vision should include natural resources. It was ultimately decided to

change the word “marketing” to “guiding” and to include references to natural resources later in the plan.

Reiter suggested adding the sentence “The zoning regulations shall implement the goals, policies, and Future Land Use Plan established by this Comprehensive Plan,” to the end of the section. Kobza disagreed, saying less is more and “I have my opinion and I will express it.” Hotovy noted that the County can have a comp plan and no zoning; Kobza agreed. Planning Commission members’ opinions were split so it was left to Chairman Topil and he said he wants the sentence to be included.

Section 2.4. Add the word “quantity.”

Section 2.5. Barlean stated that paragraph 1 is too wordy. A sentence was deleted and the word “modernization” was added. In paragraph 5, Jakub added the words “or lands.”

Section 2.6. Barlean asked why Timber Point was singled out when there are multiple other recreational areas. Others agreed. Kobza liked the first sentence but asked that the rest be deleted because it is too wordy. Barlean suggested the sentence, “Park and recreation areas should be maintained and preserved, as should local recreation and wildlife areas.” Carl recommended that the survey be noted. Reiter agreed, noting that plans and zoning are more likely to be challenged if supporting information is not included. It is important to identify why we want to protect recreation. Barlean asked if there is a way to include a blanket statement that the plan was based on a survey conducted of Butler County residents. Carl suggested the sentence, “Parks, recreation, and wildlife management areas should be maintained and preserved to promote the quality of life of Butler County residents.” Kobza stated that was fine but to leave the survey part out. Hotovy agreed, noting that the survey is cited earlier in Section 2.

Hough said that he is in favor of protecting natural resources and identifying those corridors before we get into zoning, but the wording is too harsh. Kobza agreed, stating that the green overlays on the map depicting conservation areas near waterways need to go away. Kobza stated he wants zero green acres noted on the map; Hotovy agreed. Reiter disagreed, noting that it is unlawful/prohibited to rely sole on state agencies when implementing zoning, and we are not regulating with the state is regulating. Kobza argued that the state agencies regulate and are watching more than we know. Hough agreed with Kobza, stating that simple is better. Hotovy suggested it be left out for now and obtain more public opinion. Kobza stated that the conservation areas are too broad – if you have a stream that gets contaminated, you start at that point. Hough agreed, saying that the point is to not do any harm to what has already been developed.

Barlean asked about the Plate River. Reiter stated that you cannot have a different set of rules if you do not overlay that district (identify it separately). You can do a blanket setback, but if you want to view land near waterways with a different lens, then you need to have an overlay district in the plan. You can get rid of the conservation districts without doing away with the overlay. He suggested that proximity to waterways be included in a livestock matrix. Kobza expressed to Chairman Topil that the green areas need to be removed. Reiter disagreed, noting that we are attempting to preserve the waterways as best we can. Zoning will reflect that we want to preserve waterways. Barlean asked if we can have a plan and zoning and preserve waterways without the green overlay. Carl explained that the intent is not to limit existing agriculture, but to stop major industry from locating along and polluting a waterway. Hotovy suggested a short statement saying we want to protect our waterways. Carl made note of it and will see what he can come up with.

Section 2.8. Discussion was held regarding the difference between traditional and intensive agriculture. Hough agreed with the written suggestions by Jakub and said the words special/conditional permit need to be removed as they pertain to livestock operations. He suggested removing the word “intensive” and replace with “operations of a certain size.” Reiter stated that we are aiming to require special/conditional permits for operations that can encroach on another’s property, so there needs to be a stated threshold. Carl suggested leaving the word “intensive” and coming up with a definition for the word. Reiter suggested replacing “intensive” with “intrusive”; Barlean suggested “large scale, to determined by zoning. Hough suggested using the first paragraph and skipping the second paragraph. Hotovy suggested using the term “of a certain size” and leave the size to be determined by zoning. “The development of new and expansion of existing agricultural operations including livestock confinement facilities of a certain size, to be determined by zoning regulations, will only be allowed by special/conditional permits.” Strike the remainder of the paragraph as the survey was already mentioned at the beginning of the section.

Hough noted that there is no language in the plan protecting a livestock operation from residential development. There should be some notation by the County, either Livestock Friendly status or otherwise, stating that we are a livestock county. Kobza noted that AI has changed so much and is the new buzz word. There will be changes to make it (data centers) less invasive. Hotovy noted that they are invasive now. Both Reiter and Chairman Topil noted that the plan can be updated if/as needed.

Carl explained the plan and zoning back each other up. The zoning is going to dictate the law of the land. The plan is more reader friendly and not legalese. Reiter further explained that the zoning is what we are doing, the comp plan is why we are doing it. Hotovy said it is not a bold statement to say that wind energy, solar energy, data centers, battery storage facilities, and landfill expansion are the primary issues people are concerned about. Reiter stated those five land uses should be acknowledged in the plan as they justify the zoning. Hough stated he prefers the term “strongly discourage” in place of “prohibit.” Reiter prefers the word “prohibit.” Consensus was to add safety and eliminate “strongly discourage” and replace with “prohibit,” and delete the next paragraph.

Section 2.9. Hotovy suggested striking it to save room. Recommendation 3: Reiter noted that we need more reasoning than “we have a survey.” We are trying to protect natural resources, etc. Land development needs to consider surrounding development, not just their own operation; not doing so is dangerous. He reiterated the need for a livestock zoning matrix, which would demonstrate that we are looking at cumulative impact. The language of the plan should support zoning. Hotovy noted that it is covered in the initiatives and that Reiter was just adding words. Consensus was to remove Recommendations 6 and 7. Brief discussion was held regarding County Assessor Vickie Donoghue’s question about encouraging/requiring new residential development to be located near a city/village or a highway. Hotovy asked that Jakub’s comment about protecting existing agricultural operations be included/added. Barlean requested that the paragraph regarding economic development be eliminated as the Planning Commission is not charged with economic development.

Section 2.10. Reiter explained new Nebraska statute LB663 regarding zoning processes, which updates and impacts existing county zoning frameworks (Statute 23-114); discussion was held. Hough asked that the plan state that people need to follow international building codes. Reiter asked Carl for examples of other counties’ plans. Section 4: Eliminate the verbiage regarding goat confinements.

Section 5.34 Remove Cross County Schools as they do not serve Butler County students.

Section 5.9. Add the two NRDs that are missing from the list.

Section 6.9. Jakub suggested that the verbiage regarding energy conservation policies be deleted. Carl noted that the programs listed are just suggested programs; in other areas, schools include the programs in their curriculums because they are included in their county's comp plan. Jakub felt that it implies that we are promoting alternative energy. Carl noted that it is intended to mean personal scale, rather than utility scale, but the section can be deleted. Hough and Hotovy both expressed that the verbiage should be eliminated to make the document shorter. Carl noted that the energy element piece needs to remain, but the policies can be deleted.

Discussion was held about deleting highway corridors. Hotovy and Kobza wanted to remove the overlay and not require commercial businesses to develop on the highway. It is difficult to develop businesses along the highway; Kobza gave examples of Buresh Meats, AGP, and Casey's, and said those intersections are becoming dangerous. Carl noted that the purpose of the highway corridors is to provide a spot for commercial development that does not encroach on agricultural land. The idea is to encourage commercial development in certain areas in an attempt to contain it rather than have it anywhere and everywhere. If you do not have any kind of concentration (favorable area for commercial/industrial operations) you will have spot zoning, which is dangerous. Hotovy felt the verbiage is pointless filler that could be deleted. Reiter reiterated that zoning needs to be supported by the comp plan. Hough suggested verbiage regarding how commercial/industrial development impacts transportation. Carl will work on a statement regarding the highway corridor and send it to the group for review/comment.

Hotovy asked why there are so many pages regarding soil types. Carl explained that the section is merely a summary; there are many other soil types as well. Hough suggested it be moved out of the comp plan and included as an appendix or attachment.

Carl will make the requested changes/edits to the comp plan and will get another draft to Planning Commission members to review. Chairman Topil asked that it be sent out well before the August 19th meeting to give everyone time to review and provide feedback. A map of the NRD areas and ground water quantity management areas will be included in the plan. Discussion was held about the different stages and triggers. Barlean noted it is important to reference this information in the plan.

### **Introductory Zoning**

Carl provided a brief explanation of the purpose of zoning districts. No discussion held.

Chairman Topil noted that the next meeting will be August 19th. Carl expressed his hope that the Planning Commission would approve the comp plan at that time and set a date for a public hearing.

### **Public Comment**

Paul Maxwell, Florida, said his family owns 300 acres of land east of Rising City. He said he is not here to oppose the plan, but he opposes the sentence in Section 2.8 prohibiting wind energy, solar energy, data center, battery storage facilities, and landfill expansion. He stated he does not feel the survey supports prohibition of data centers and disputed the answers on Q9 of the community survey regarding data centers. He asked that the phrase "prohibited uses" be eliminated in favor of the term "special/conditional uses."

Larry Nygren, Brainard, stated that businesses should be required to put up a bond to decommission a property in the event that the business closes or goes away. Companies should be required to clean up and not just abandon the property when they leave.

Joe Peterson, Bellwood, suggested the Planning Commission have more frequent, shorter meetings to sort through everything. He agreed with Kobza that a shorter plan is better than a long one. He is in favor of less government, only applied where necessary. Regarding restricted waterways, he asked the Planning Commission to be proactive and not reactive, and to not wait until nitrate levels spike before acting. He noted that Wilson Creek feeds into the Platte River; however, Wilson Creek is not notated in green on the map, and the chicken barns located nearby feed into that waterway. He expressed appreciation for the community survey and that the Planning Commission weighed rural residents' opinions more heavily than urban respondents and non-residents. They are the ones who actually have to live with everything.

Dan Schmid, Dwight, stated that he is a self-proclaimed anti-wind guy and that Butler County would be the second county in Nebraska to prohibit wind energy. He distributed a handout to Planning Commission members to consider in the zoning regulations.

Elijah Frasser, Surprise, expressed concern that there are a lot of chicken barns in the northwest part of the county. They use a great deal of water and water has been running in the ditch. He is concerned due to the drought conditions.. He also stated that he feels like sometimes the sentiment of boards like the Planning Commission is to not deal with something now in favor of worrying about it later. He asked that controversial topics not be avoided because it will just make it harder down the road.

Joe Peterson, Bellwood, noted that he is in favor of keeping the green overlay areas on the map (conservation areas near waterways).

Larry Nygren, Brainard, agreed that the waterway restrictions proposed in the draft plan should stand. We cannot simply rely on the state or NRDs, because what if they change or are eliminated altogether?

Tim Frassher, Surprise, stated that he frequently deals with state regulators. We cannot rely on them to come save us; we need to take care of ourselves. He said the state very seldom shows up, and they do not ask questions. He noted that as much as Planning Commission members want to reduce the size of the plan, he would like more detail to understand how they got where they are.

The next meeting will be August 19, 2026, at 6:00 p.m., at the Butler County Highway Building in David City.

There being no further business or public comment, Chairman Topil adjourned the meeting at 9:36 p.m.

Lori Aschoff, County Clerk

Roger Topil, Planning Commission Chairman