

BUTLER COUNTY PLANNING COMMISSION

August 19, 2026

An open meeting of the Planning Commission of Butler County, Nebraska, was held on the 19th day of August 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, and Devin Jakub. Also present: Tim Keelan and Martin Stumpf, Hanna:Keelan Associates.

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 meeting and announced that a complete copy of the Open Meetings Act is available for review in the meeting room.

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

Tim Keelan, Hanna:Keelan, acknowledged Kobza's objection to the previous meeting minutes' exclusion of Keelan's comments that the primary reason for the planning process was the proposed chicken barn expansion. Kobza stated that Keelan has, in several meetings, asked for a moratorium on the expansion of chicken barns, and questioned his impartiality as the consultant. Keelan denied making the comments and denied any bias. Keelan noted that his first conversation with the County was initiated by one the County Supervisors concerning issues with the possible expansion of the chicken barns.

Discussion was held regarding the revised draft of the Comprehensive Plan and the changes made since the Planning Commission's July 22nd meeting. Members noted that the July meeting included an extensive, section-by-section review of the draft plan, lasting approximately 3.5 hours, during which numerous changes and revisions were discussed and requested. The July meeting minutes document requested changes relating to several sections of the plan, including conservation areas, livestock confinement, energy-related language, highway corridors, economic development, soil information, and other provisions.

Members expressed concern that some of the changes discussed and requested at the July meeting were not reflected in the revised draft. In particular, discussion was held regarding the conservation district and language concerning development and expansion of livestock confinements. Members questioned the process for incorporating Planning Commission comments into the draft and expressed concern that members' previous discussions and direction had not been fully reflected.

Keelan explained that the planner's role is to guide the Planning Commission through the planning process and develop a balanced comprehensive plan using information from the Commission, the community survey, public comment, and other sources. Discussion was held regarding the distinction between the Planning Commission providing input and the planner's responsibility to develop the plan. Members asked Keelan whether he would override a vote of the Planning Commission after the public hearing if the Planning Commission voted to eliminate the conservation districts. He responded that he would wait and see what the public says. County Attorney Julie Reiter, participating by Zoom, explained

that the Planning Commission did not appear to understand the roles, duties, and responsibilities of a planning consultant. She clarified that a consultant is responsible for gathering information from a variety of sources, including surveys, the planning commission, data analysis, etc., and develop a plan in accord with all of that based on best practices, planning laws, and his/her expertise. Hotovy asked why the County has a Planning Commission if the consultant can override the Commission's decisions and votes.

Discussion became contentious regarding the respective roles of the Planning Commission and the planning consultant, with members directing substantial questioning and criticism toward Keelan regarding his role, impartiality, communication, and incorporation of Commission recommendations. Keelan responded to those concerns and defended his professional responsibilities and approach to preparing the Comprehensive Plan. Hough expressed concern regarding Keelan's comments and communication and requested that discussions remain professional.

Discussion was held regarding the community survey and how the survey results should be considered in developing the plan. Members discussed whether the survey supported particular provisions of the plan, including conservation areas and livestock-related development.

Members discussed the need for the Commission to have adequate opportunity to review and comment on the plan before it is presented for public hearing. It was noted that the comprehensive plan is intended to be a living document and may be amended in the future.

Discussion was held regarding the conservation district shown on the draft comprehensive plan and future land use map. The conservation district currently encompasses approximately one-quarter mile on each side of designated waterways. Members discussed whether the conservation district should remain in the plan and how it would ultimately be implemented through zoning regulations.

Keelan explained that the comprehensive plan establishes the planning framework, while the zoning regulations will establish the specific uses and restrictions within the various districts. Discussion was held regarding whether livestock operations could continue within the conservation district and what types of restrictions could ultimately be established through zoning. It was noted that the conservation district had been reduced to approximately 35,800 acres, or just under ten percent of the County's rural acreage.

Hough expressed concern that retaining the conservation district could allow future Planning Commissions or County Boards to make changes that the current Planning Commission may not intend. Other members discussed the importance of protecting waterways while allowing legitimate agricultural operations to continue.

Discussion was held regarding existing state and federal regulations affecting activities near waterways. Members discussed the distinction between state environmental jurisdiction and county zoning authority. Reiter explained that the State has environmental authority but does not determine where a land use may be located through county zoning. Barlean stated that the County should not rely solely on other agencies to regulate activities near waterways and that the County should have the ability to establish its own protections.

Discussion was held regarding the potential distance of restrictions from waterways. Various distances were discussed, including the possibility of a narrower conservation area. Members agreed that additional discussion should occur following the public hearing.

Hough expressed concerns regarding the current second draft and stated that the planning document needs additional work. He noted that another editing session may be necessary and expressed legal concerns regarding how the document is currently drafted. He moved to table further discussion regarding conservation districts until after the public hearing. Discussion was held regarding obtaining public input before making further changes.

Set date for public hearing regarding the comprehensive plan – September 16, 2026, at 6:00 p.m.

Discussion was held regarding scheduling the public hearing on the Comprehensive Plan. Members discussed whether the hearing should be held separately from the Planning Commission's subsequent meeting in order to allow sufficient time to consider public comments and determine whether additional changes are necessary.

County Attorney Julie Reiter noted that substantial changes to the Comprehensive Plan following a public hearing could require an additional public hearing, while minor changes would not necessarily require another hearing. Moved by Hotovy, seconded by Reiter, to hold a public hearing on September 9, 2026, at 6:00 p.m., with the possibility of meeting immediately following the hearing, and to establish September 16, 2026, as an additional meeting/public hearing date if necessary. All aye; motion carried.

Proposed Butler County Zoning Regulation Districts and Zoning Map

Martin Stumpf, Hanna:Keelan, presented the proposed zoning districts and zoning map. The draft included four proposed zoning districts, definitions, permitted uses, special permitted uses, and conditional uses. The districts were developed using the future land use maps and examples from other county comprehensive plans. Martin noted that the document is a draft and he requested comments from the Planning Commission.

Keelan reviewed the proposed eight-point process for conditional use permits and stated that the information would be provided to Planning Commission members for review.

Discussion was held regarding the proposed zoning districts and permitted uses. Reiter stated that industrial wind generation should be prohibited. Discussion was held regarding personal wind and solar generation, and Hotovy suggested that personal wind turbines be included under personal uses. Discussion was also held regarding wind generation systems and metering limitations.

Discussion was held regarding the proposed technology corridor and non-farm residential uses in the agricultural district. Jakub stated that non-farm residential uses should be a special or conditional use in an agricultural district and that minimum lot sizes would need to be established. Brian Foral, County Surveyor, noted that Seward County has reduced minimum acreage requirements for some residential development. Jakub stated that the proposed zoning regulations were a good starting point, although there is still considerable work to be completed.

Discussion was held regarding permitted special uses under the AG-1 district, including public and private sanitary landfills. Clarification was requested regarding the definition of sanitary landfill and whether the provision referred to residential lagoons.

Members discussed the fact that the Comprehensive Plan currently prohibits landfills. Hough expressed concern about completely prohibiting uses that the County may need in the future. He suggested establishing specific criteria and restrictions that would have to be met rather than imposing an outright prohibition. Discussion was held regarding the possibility that the existing landfill could close, and the County could eventually need a location for disposal of its own solid waste. Members discussed the possibility of establishing stringent requirements that would allow the County to deny a proposal that did not meet the established criteria.

Discussion was also held regarding data centers. Members expressed differing opinions regarding whether data centers should be prohibited or regulated through specific requirements. Hough expressed concern regarding outright prohibitions and discussed whether future technological advancements, including advancements involving solar energy and data centers, could warrant allowing such uses subject to stringent standards. Hough also raised concerns regarding the legal defensibility of outright prohibitions. Reiter stated that he continued to support prohibiting industrial wind, utility-scale solar, battery energy storage facilities, data centers, and landfill expansion. Reiter stated that community input demonstrated that these uses were incompatible with the County's rural land-use objectives and noted that the scattered and relatively close spacing of rural residences made it difficult to adequately separate such large-scale uses from residential properties. Reiter also referenced the recent federal court ruling concerning Knox County's prohibition on commercial wind development in response to concerns regarding the legal defensibility of such prohibitions. Keelan noted that Governor Pillemer has established a committee to study data centers and that he would like to see a statewide site analysis.

Members requested more distinct definitions for the proposed zoning uses. Keelan stated that definitions were being developed and would be provided to Planning Commission members.

Discussion was held regarding the proposed zoning districts and the amount of regulation necessary. Keelan stated that there are relatively few proposed districts and that the zoning regulations do not need to be unnecessarily complicated. Chairman Topil noted that zoning would be a work in progress and could be amended as the County gains experience. Keelan agreed and stated that the regulations could become more restrictive in the future if necessary.

Public Comment

Brian Foral, County Surveyor, asked about the terminology being used regarding conservation districts and conservation easements. He requested that the Planning Commission clearly differentiate between the two when addressing the public because they have different meanings.

Joe Peterson, Bellwood, asked about publication requirements for the public hearing. He also asked how often the Comprehensive Plan can be revised. Keelan stated that changes may be recommended at any time but recommended that the Comprehensive Plan be reviewed annually.

Peterson suggested that representatives from the townships be invited to attend the public hearing because several townships have their own regulations. Discussion was held regarding township regulations and their relationship to County regulations.

Peterson stated that he supports outright banning of wind, solar, data centers, battery storage facilities, and landfill expansion. He also stated that the County needs to protect its waterways rather than rely solely on state agencies to do so. Peterson asked about a waterway shown on the map and whether chicken barns would be located near waterways and areas where migratory birds land. Discussion followed regarding existing chicken barns located near waterways.

Adjourn

There being no further business to come before the Planning Commission, Chairman Topil adjourned the meeting at 7:47 p.m. Upcoming meetings include public hearings and meetings on September 9, 2026, and September 16, 2026, both at 6:00 p.m. at the Butler County Highway 92 Building.

Lori Aschoff, County Clerk

Roger Topil, Planning Commission Chairman