**BUTLER COUNTY PLANNING COMMISSION**
**October 14, 2026**

An open meeting of the Planning Commission of Butler County, Nebraska, was held on October 14, 2026, at the Butler County Highway 92 Building, 3190 N Road, David City, Nebraska. Present: Roger Topil, Kevin Hotovy, Will Reiter, John Kobza, Jesse Hough, Don Carley, and Devin Jakub. Absent: None.

Notice of the meeting was given in advance thereof by publication, a designated method for giving notice. 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 meeting was called to order by County Clerk Lori Aschoff. The Pledge of Allegiance was recited by all present. Aschoff announced that a copy of the Open Meetings Act was available for review.

Moved by Reiter, seconded by Carley, to approve the minutes of the previous meeting. All aye; motion carried.

**Election of Officers and Introduction of New Member**
Temporary Chairperson Election: Reiter nominated Topil as temporary chairperson, with Carley seconding the nomination. No other nominations were made. Topil was approved by acclamation.

Chair Election: Reiter nominated Topil for chairperson; Kobza nominated Hough. Votes were taken by secret ballot and tallied by the Clerk. Hough was elected Chair.

Vice Chair Election: Hough nominated Topil for vice chairperson, seconded by Kobza. No other nominations were made. Topil was approved by acclamation.

Hough asked Topil to preside over this meeting because Topil had been in the most contact with the planning consultant since the previous meeting.

Topil introduced Don Carley, the new District 3 representative replacing Steve Barlean following Barlean's resignation. Carley briefly introduced himself. At Topil's request, County Clerk Aschoff read Barlean's resignation letter aloud for inclusion in the public record. A copy of the letter is available for review at the County Clerk's office.

**Discussion and Proposed Revisions to the Comprehensive Plan**
Members identified a typographical error or duplication on page 3.1. They also discussed wording on page 6.10, third paragraph, concerning "shade trees peak electrical demands," an issue previously identified by Joe Peterson.

Section 6.6.16 — Prohibited Uses and Alternative Wording. Hough raised concerns based on information from NACO and a recent webinar about the use of "prohibit" in Section 6.6.16. He claimed that the County was very concerned about it and felt that the word "prohibit" should not be used. He questioned whether language prohibiting a use in the Comprehensive Plan would also prohibit that use in subsequent zoning regulations or limit the County's ability to consider conditional-use permits. He expressed particular concern about possible legal inconsistency between the Comprehensive Plan and zoning regulations. Hough proposed replacing "prohibit" with "regulate."

Tim Keelan, Hanna:Keelan Associates, explained that the Comprehensive Plan expresses the community's vision and incorporates public input. He said "prohibit" had been used to honor the public's expressed preferences. He distinguished uses allowed by right from uses potentially considered through a conditional-use process. Kobza questioned the value of retaining prohibitory language if it would have no bearing on zoning. Keelan advised against simply deleting the provision.

Carley suggested alternatives such as "heavily regulated," "severely regulated," or "significantly regulated," to convey strong policy direction while leaving room for zoning decisions. Carley asked for input from other members. Hotovy acknowledged the concern but suggested that the issue could be addressed in the zoning regulations. Reiter opposed removing "prohibit" and supported retaining the prohibition of the five uses currently subject to the County's moratorium: commercial wind, commercial solar, data centers, battery energy storage facilities, and landfill expansion.

Hough reiterated that his concern was the legal effect of the language, rather than an endorsement of the five uses. He noted that the Butler County Solar project had proceeded and said he wished different setbacks had been in place. Reiter stated that, had the County previously adopted zoning setbacks, Butler County Solar would not have been able to build. Carley recognized the validity of both positions and suggested that the group seek wording that both Hough and Reiter could accept. He observed that legal disputes generally arise over zoning provisions rather than the aspirational language of a comprehensive plan. Hough continued to express concern about potential conflict between the documents.

Topil asked Keelan whether a use identified as prohibited in the Comprehensive Plan could be allowed through a conditional-use permit. Keelan discussed Butler County's dispersed rural residences, concentrated livestock operations, and competing land uses. He said the County's existing development pattern presents challenges in locating new large-scale technologies without conflicts. In his professional judgment, given the community survey and the need to protect existing agricultural and cattle-feeding operations, he did not favor anything other than prohibiting the identified uses at this time. He noted that such proposals require careful site-specific planning and substantial private investment.

Hotovy asked what retaining the word "prohibit" would mean for the five uses under the moratorium when zoning regulations are drafted: whether they would be regulated, excluded, or prohibited. Keelan described the zoning process of determining which uses would be permitted by right, conditional, or special, and identifying suitable locations and separation distances. Hotovy indicated that this did not directly answer his question. Kobza agreed with Hotovy's concern and stated that he preferred "heavily regulated" to "prohibited."

Reiter questioned if members were opposed to the five uses why not simply prohibit them, reiterating that the uses were incompatible with Butler County's traditional character and that public feedback had strongly opposed them. Kobza cautioned that future court rulings could not be predicted. Hough responded that locations might exist where such uses could be considered and again emphasized legal concerns. The exchange became contentious; Hough objected to the manner of the discussion and stated that he had finished debating the point.

Jakub asked Keelan and County Attorney Julie Reiter how frequently a comprehensive plan may be amended. Keelan stated that the Commission would likely meet every one or two months and that an annual review of the plan is typical. Hough suggested that less absolute wording could avoid the need for another public hearing if the County later wanted to consider one of the uses. Carley stated that the

Commission needed to complete the Comprehensive Plan in order to proceed to zoning and that he could support alternative regulatory language if it would allow the plan to advance.

Carley asked Keelan whether other comprehensive plans prepared by his firm used the word “prohibit,” and whether those jurisdictions nevertheless regulated the identified uses through zoning. He said specific examples would help resolve the disagreement. Keith Carl, Hanna:Keelan Associates, responded, emphasizing that a comprehensive plan is a guiding vision, while zoning governs enforceable day-to-day land-use decisions. He said a plan may identify uses as prohibited to reflect community preferences. Chase County was discussed as an example of a county that prohibited data centers and solar uses in its comprehensive plan and did not provide for those uses in its zoning regulations.

Carley moved to retain “prohibit” in the Comprehensive Plan; Reiter seconded. Carley subsequently withdrew his motion. Kobza then moved to substitute “heavily regulate” for the prohibitory language, seconded by Hough. During discussion, Keelan questioned the meaning of “heavily” in a regulatory context. Kobza modified his motion to use “regulate” instead. Upon roll call vote the following voted Aye: Kobza, Hough, Hotovy. Nay: Carley, Jakub, Reiter, Topil. Motion failed 3–4. Accordingly, the word “prohibit” shall remain in the Comprehensive Plan.

**Conservation District and Future Land Use Map — Pages 4.35–4.36**
Hough noted that the map on page 4.35 continued to depict a conservation district even though the Planning Commission had previously voted to reduce the district’s acreage to zero. Keelan explained that the previous Comprehensive Plan, which had been approved by the Planning Commission but not adopted by the Board of Supervisors, identified environmentally sensitive areas without creating a corresponding zoning overlay. He said conservation districts are common in Nebraska, including in livestock-oriented counties, and referred to community survey support for the concept. He characterized the designation as a means of recognizing sensitive areas and promoting awareness, rather than necessarily imposing immediate restrictions.

The Commission discussed the table on page 4.36, where conservation district acreage was shown as “TBD.” Keelan suggested removing “TBD.” Hough asked whether the entry could instead say zero acres, consistent with the Commission’s prior vote. Jakub proposed using a dash in place of “TBD.” Keelan and Carl agreed to that change.

**Section 6.9 — Vocational Education Language**
Jakub stated for the record that he had requested three times that bullet point 7, the paragraph promoting development of vocational education, be deleted from page 6.9. Members concurred that the paragraph should be struck, and Keelan agreed to remove it.

Kobza asked about language concerning the County’s promotion of economic development. The provision could not be located during the meeting and members believed it may already have been removed. No additional changes were requested.

**Public Hearing on the Comprehensive Plan**
Moved by Hough, seconded by Hotovy, to schedule a public hearing on the Comprehensive Plan for Thursday, November 5, 2026, at 6:00 p.m., at the Butler County Highway Building. Hough requested that the final draft be provided to Commission members by October 26, 2026; Keelan agreed. All aye; motion carried.

**Additional Discussion and Public Comment**
Topil shared information regarding conditional-use permits. Hough also referred to the NPZA webinar and registration for that training. Hotovy asked whether the County could invest in a microphone system for the meeting table. County Clerk Aschoff stated that she had contacted Applied Connective regarding equipment.

Will Harper, Omaha, representing Sandhills Energy/Butler County Solar, encouraged the Commission to remain mindful that opinions and technologies may change and to consider revisiting the word "prohibit." He said the company preferred the use of conditional-use permits and setbacks and that they hoped to continue being good partners with Butler County.

Joe Peterson, Bellwood, suggested suspending a microphone from the ceiling rather than placing one on the table. He also identified a possible inconsistency between page 2.9, which prohibits commercial wind and solar development, and Section 6, which promotes personal wind and solar use. Peterson asked that the plan clearly define and distinguish "commercial" from "personal" systems.

**Adjournment**
There being no further business, the meeting adjourned at 7:26 p.m.

Lori L. Aschoff, County Clerk
Roger Topil, Vice Chairman

Steve Barlean David City, NE.

Sept. 23. 2026

Roger Topil, Chairperson

Butler County Ne. Planning Commission

Dear Mr. Topil,

Please accept this letter as formal notification of my resignation from my position as a member of the Butler County Planning Commission, effective immediately.

Last September, I applied for a position on this planning commission because I felt that, as a lifelong farmer, businessman, volunteer, and citizen of this county, I could be a valuable asset to this commission. I was grateful to be chosen by the Butler County Board of Supervisors to represent District 3 on this commission. At the time, I was unaware that conflicting interests would thwart efforts to develop zoning regulations that protect all residents of Rural Butler County.

Currently, I believe an ongoing misinformation campaign is increasing negative public sentiment about certain issues the commission is dealing with for the personal benefit of a few. I expect that to likely increase as this process moves forward. It has now become a public argument that I have no desire to take part in. I value my family's good name and reputation and am not willing to get in the mud for a volunteer position that has likely made local people I've lived around all my life hostile toward me for their perception of my personal opinions. I also believe the Butler County Board of Supervisors needs to provide more guidance and oversight to help address this commission's struggles.

I hope this zoning process can succeed in protecting the citizens of Butler County from unchecked growth, while not being a burden on traditional agriculture and the way of life in rural Butler County. I continue to believe no person or entity should be allowed to negatively affect other rural residents' lives or damage our county's natural resources for personal financial gain. However, I fear that if the current course is continued the resulting regulations may end in protection only for the aggressive few over the majority of citizens.

Steve Barlean

