

# Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

June 28, 2022

CHERRY COUNTY COURTHOUSE CONFERENCE ROOM

The meeting was called to order at 4:30 PM CT by Chairman Wade Andrews in advertised location of the Cherry County Courthouse Conference Room.

Roll call was taken. The following members were present: Wade Andrews, Michael McLeod, Duane Kime, Sherri Bacon, Gary Swanson, John Lee, and Albert Ericksen. Absent were Dave Rogers and Chris Gentry. Also present were Jessica Coyle, Zoning Administrator, and various members of the public.

The Open Meetings Act was noted, as was the public notice in the Valentine Midland News pertaining to this meeting.

## Approval of Minutes

Duane K. made a motion to approve the minutes from the May 3, 2022 meeting. Albert E. seconded the motion. Roll call vote was taken. Chris G.-Absent, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-Absent. Motion carried 7-0.

## Public Comment:

Various members of the public spoke.

## Public Hearing:

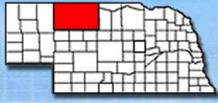
- A. Public Hearing on Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision at 4:35 PM CT

Chairman Andrews opened the Public Hearing on Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision at 4:35PM CT. Jason Kaup testified that they live adjoining and wanted those buying the new lots aware of the septic issues with the water table being lower. Dutch Van Denburg said he is the biggest neighbor with seventy acres and his concern was the well system and impact on the Minnechaduza. Matt Springer with the US Fish and Wildlife Service read a letter that they previously provided to Cherry County stating the restrictive clause on the 121 acres staying a golf course. Matt also provided written testimony of letters from his department on the restrictive clause prior to the meeting. The board was given copies of these letters. Cleve Trimble addressed the concerns on the sewer stating that the lots were going to be no less than 3 acres and could go bigger with low density. He also addressed the restrictive clause stating that there was a Resolution filed resolving the clause. Cleve also recited parts of his letter he provided with his application on why he did not complete his prior approval. Zoning Administrator gave the board Jim Ducey's written testimony provide prior to the meeting. Public Hearing closed at 5:00 PM CT.

- B. Chairperson shall ask for proof of Publication

Chairman Andrews asked Zoning Administrator for proof of proper advertisement. Zoning Administrator stated that the ad ran in the June 15th and 22<sup>nd</sup> editions of the Midland News and the printed copy was in the application packet provided.

- C. Chairperson shall ask Zoning Administrator if Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision application is complete



# Cherry County Planning and Zoning Minutes



Chairman Andrews asked Zoning Administrator if the application was complete, and Administrator responded that it was. Administrator also provided the board with a copy of the original deed that showed the restrictive clause and the deed to Deer Park Golf.

- D. Chairperson shall ask for disclosure of any conflicts of interest on Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision

Chairman Andrews asked for any conflicts of interest and there was none.

- E. Chairperson shall ask for any disclosure of ex-parte communications by any member Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision

Chairman Andrews asked the board if there were any ex-parte communications and there was none.

- F. Discuss/Act on Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision

Duane K. stated that he cannot make a decision until it has been proven to be resolved between US Fish and Wildlife service and Cleve. Albert E. agreed with Duane. Gary S. stated that the issue between Cleve and the US Fish and Wildlife is not of their concern. Sherri B. stated she had a problem with there was no definite plan as to what the subdivision will look like. John L. asked for clarification on the approval date of original application and that it expired. John L. asked Cleve why he never acted on the original approval. Cleve stated his reasons were in the letter he provided with the application. Gary S. made a motion to table Minnechaduza LLC Cleve Trimble CUP#002/22 for residential single family housing subdivision until 2 officers have a chance to meet with the County Attorney. Duane K. seconded the motion. No other discussion. Roll call vote was taken. Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, Chris G.-Absent, and Wade A.-Yes. Motion carried 7-0.

## New Business:

### Discuss/Work on Comprehensive Plan

Gary S. updated the board on what was discussed at their May 19<sup>th</sup> work session. Zoning Administrator told the board that Keith Marvin was not completely done with the changes from May 19<sup>th</sup>. She will let the board know when the document arrives.

### Set Meeting Date and Time

The board set a date of August 2, 2022, at 8:00 AM CT for the next meeting in the Cherry County Courthouse Meeting Room.

## Old Business:

None

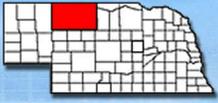
## Communications:

None

## Reports and Recommendations

None

## Excused Absence:



# Cherry County Planning and Zoning Minutes



Duane K. made a motion to excuse Dave R. and Chris G. from the meeting. Sherri B. seconded the motion. Roll call vote was taken. Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, and Michael M.-Yes. Motion carried 7-0.

Chairman Andrews adjourned the meeting at 5:24 PM CT.

Jessica Coyle

Zoning Administrator

With corrections approved on August 2, 2022

APPROVED