

Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

July 11, 2023

CHERRY COUNTY COURTHOUSE COURTROOM

The meeting was called to order at 4:30 PM CT by Chairman Duane Kime in the advertised location of the Cherry County Courthouse Courtroom.

Roll call was taken. The following members were present: Dave Rogers, Wade Andrews, Michael McLeod, Duane Kime, Sherri Bacon, Gary Swanson, and John Lee. Absent was Chris Gentry and Albert Ericksen. 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

Wade A. made a motion to approve the minutes from the June 6, 2023 meeting. Sherri B. seconded the motion. Roll call vote was taken. Dave R.-Yes, Chris G.-Absent, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, and Albert E.-Absent. Motion carried 7-0.

Public Hearing

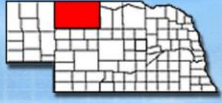
Chairman Kime opened public hearing on Marvin Miller for a welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners CUP#002/23 at 4:35 PM CT. Chairman Kime asked Marvin to speak on behalf of his application explaining the operation. Marvin stated that this is the business he had in Michigan and would like to continue operation here. Chairman Kime then opened it up to the public to comment. No public commented. Chairman Kime closed the public hearing at 4:50 pm.

Chairman Kime asked if the meeting and public hearing were properly advertised and Zoning Administrator replied yes.

Chairman Kime asked Zoning Administrator if Marvin Miller application for a welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners CUP#002/23 application is complete. Zoning administrator stated yes.

Chairman Kime asked for disclosure of any conflicts of interest on Marvin Miller for a welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners CUP#002/23 from the board. No board members disclosed any conflicts.

Chairman Kime asked for any disclosure of ex-parte communications by any member on Marvin Miller for a welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners CUP#002/23. No members had any communications.



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Discuss/Act on Marvin Miller for a welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners CUP#002/23

Chairman Kime asked Marvin to come to the microphone so the board could ask some questions. Sherri B. asked if the public could come to the shop. Marvin stated that it was open to anyone.

Wade A. made a motion to recommend approval of CUP#002/23 Marvin Miller for a welding and sharpening bandsaw blades for portable saws etc., also sharpening other tools for farmers and homeowners. John L. 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.-Absent, and Dave R.-Yes. Motion carried 7-0.

The board discussed other business until the next public hearing could start.

Public Hearing on James Yoder for manufacturing of portable log cabins and kits CUP#003/23 at 5:00 PM CT

Chairman Kime opened the public hearing on James Yoder for manufacturing of portable log cabins and kits CUP#003/23 at 5:01 PM CT. Chairman Kime asked James to come and explain his application to the board. James spoke about the intent of the Amish way of life to have a family business. His business of portable cabins and log cabin kits will be a new adventure for his family. No one spoke from the public. Chairman Kime closed the public hearing at 5:16 PM CT.

Chairman Kime asked if the meeting and public hearing were properly advertised with Zoning Administrator replying yes.

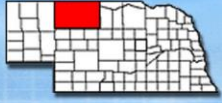
Chairman Kime asked Zoning Administrator if James Yoder application for manufacturing of portable log cabins and kits CUP#003/23 application is complete. The Zoning Administrator replied yes.

Chairman Kime asked for disclosure of any conflicts of interest James Yoder for manufacturing of portable log cabins and kits CUP#003/23 of the board. No board members disclosed any conflicts.

Chairman Kime asked for any disclosure of ex-parte communications by any member on James Yoder for manufacturing of portable log cabins and kits CUP#003/23. No board members had any communications.

Discuss/Act on James Yoder for manufacturing of portable log cabins and kits CUP#003/23

Chairman Kime asked James to come up so the board could ask questions. Sherri B. asked about how much truck traffic generation will be on the county roads. James said minimal as he's not sure yet because it's new. John L. asked about the buildings possibly being built on site. James said that it would be a possibility. Chairman Kime asked how they would be hauling and it will be by trucks. Sherri B. asked about the kits and if shipped in pieces. James said yes and that



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there will be minimal traffic generated. Wade A. made a motion to recommend approval of CUP 003/23. Dave R. seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Absent, Dave R.-Yes, and Chris G.-Absent. Motion carried 7-0.

During public comment various members of the public spoke.

New Business:

Discuss/Act Location for Dates in August for Open Houses about Comprehensive Plan and Zoning Regulations

No motion was made. The board discussed the locations for the dates of August 30 & 31 Open Houses. On August 30th locations will be Thedford and Valentine. On August 31st locations will be Hyannis and Nenzel. The Zoning Administrator is going to work on getting the locations in each of these towns to confirm at the August 1 meeting.

Set Meeting Date and Time

The board set a date of August 1 at 4:30 PM CT for the next meeting in the Valentine Public Library Meeting Room.

Old Business:

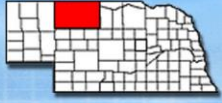
Discuss/Act on TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs
CUP#001/23

The board discussed many findings and addressed the concerns of the public. Gary S. asked the Zoning Administrator how it will affect property values. Zoning Administrator replied that there's no way to tell as it depends on many factors is what she found from other zoning offices.

Gary S. and Chairman Kime both spoke about odor after visiting sites in Broken Bow and Iowa.

Sherri B. addressed the public's concerns and the data they presented during the public hearing. She doesn't feel that the data has any relevance since it's not from a similar facility. She also addressed the idea that it will only benefit 1 family. This is a private business but will benefit the county after built by the taxes they will pay and then as they turn profit more spent locally. Sherri B. doesn't see how it can affect the Scenic River when it's over 5 miles away. She stated that it's in the Cattle Country Agricultural District and this is livestock which is ag, it meets the setbacks, and we have no control over the crops grown on the pivots to be planted.

Gary S. suggested that they table until the next meeting so those not in attendance could be there and want others on the board to go visit a similar facility. He also suggested these possible conditions: application requires NDEE approved permit prior to construction, no selling or gifting of manure, injection only of manure, and only spring injection. The board discussed these possible conditions.



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Chairman Kime addressed the concerns of the public as well including the mortality management site be required for approval, odor and that the sale barn has more animals and the manure is stored in a pile within Valentine city limits, no selling or gifting of manure, the MNNRD will have monitoring wells and that the public should get their wells tested now to get a baseline and that test wells will be put in as required by NDEE. He also stated that when you live in the country you could always potentially have a feedlot next to you, addressed others concerns of setbacks, manure stored under the building in a controlled area, the board is working to see if regulations are met, water, NDEE manages compliance, not Planning Commissions job to know who owns pigs, odor getting to river, why get county approval prior to NDEE permit, if regs met then pass it on, families living in Borman area already own animals, and should know setbacks when purchasing property.

Zoning Administrator reminded board of the biosecurity of the facilities when possibly visiting.

Wade A. addressed setbacks and that the board goes by what are in the regulations now but could look at changing them in the future.

Sherri B. stated that the odor footprint tool has been upheld in court and the setbacks meet it. She also feels that the mortality plan needs to be a condition. Sherri B. reminded that NDEE will regulate the facility for compliance and that the Planning Commissions' job is does it meet the current Zoning Regulations.

Gary S. made a motion to table the decision on CUP#001/23 TK Angus Co until the August meeting. Duane K. seconded the motion. Roll call vote was taken. Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Absent, Dave R.-Yes, Chris G.-Absent, Wade A.-Yes, and Michael M.-Yes. Motion carried 7-0.

Communications:

None

Reports and Recommendations

None

Excused Absence:

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

Chairman Kime adjourned the meeting at 6:27 PM CT.

Jessica Coyle

Zoning Administrator