

# Cherry County Planning and Zoning Minutes



## Cherry County Planning Commission Minutes

February 4, 2025

### Cherry County Courthouse Meeting Room

The meeting was called to order at 2:01 PM CT by Chairman Wade Andrews in the advertised location of the Cherry County Courthouse Meeting Room.

Chairman Andrews introduced the newly appointed members present; Gary MacLeod and Chad Tetherow. Bill Wachob called in to convey he could not attend today's meeting.

Roll call was taken. The following members were present: Sherri Bacon, Gary Swanson, Chad Tetherow, Gordon Witte, Marla Shelbourn, Wade Andrews, Gary MacLeod and Duane Kime. Absent was Bill Wachob. Also present were Jane Stolzenburg, Zoning Administrator, Kalli Kieborz, Niobrara Council 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 January 21, 2025 minutes as amended. Marla S. seconded the motion. Roll call vote was taken: Gary S.-Yes, Chad T.-Yes, Bill W.-Absent, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes, Gary M.-Yes, Duane K.-Yes, Sherri B.-Yes. Motion carried 8-0.

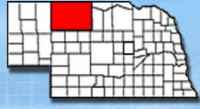
#### Old Business

None

#### New Business:

#### Election of Chairman

Marla S. made a motion to nominate Wade Andrews for Chairman and Duane K. seconded the motion. Gary S. made a motion to cease nominations. Marla S. seconded the motion. Roll call vote was taken: Chad T.-Yes, Bill W.-Absent, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes, Gary M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes. Motion carried 8-0.



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## Election of Vice Chairman

Gary S. made a motion to nominate Duane Kime for Vice Chairman. Sherri B. seconded the motion. Marla S. made a motion to cease nominations. Chad T. seconded the motion. Roll call vote was taken: Bill W.-Absent, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes, Gary M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, Chad T.-Yes. Motion carried 8-0.

## Election of Secretary

Duane K. made a motion to nominate Sherri Bacon for Secretary and Gary S. seconded the motion. Marla S. made a motion to cease nominations. Chad T. seconded the motion. Roll call vote was taken: Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes, Gary M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, Chad T.-Yes, Bill W.-Absent. Motion carried 8-0.

## Discuss/Act Annual Review of Planning Commission Bylaws and Rules of Procedure

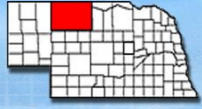
Following the Commission's review of the Planning Commission ByLaws and Rules of Procedure, Sherri B. made a motion to make no changes to the Planning Commission Bylaws and Rules of Procedure. Duane K. seconded the motion. Roll call vote was taken: Marla S.-Yes, Wade A.-Yes, Gary M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, Chad T.-Yes, Bill W.-Absent, Gordon W.-Yes. Motion carried 8-0.

Chairman Andrews reported he spoke with Keith Marvin regarding the changes to the zoning regulations. Chairman Andrews explained to the new members of the Planning Commission where they were in the process of updating the regulations.

## Public Hearing

Chairman Andrews opened public hearing on CUP#25-1 Outback Sales LLC - Poly outdoor furniture fabrication shop at 2:30 PM CT. Chairman Andrews asked the applicant to speak on behalf of the application. Harvey Kuhns explained the furniture was made of a prefabricated recycled plastic and it would be assembled at his location. The public had questions regarding the actual location and if there would be a retail outlet in Valentine. The Commission clarified the county road that would be used and if there would be any hazardous materials used in the business. The applicant stated no hazardous materials would be used. Chairman Andrews closed the public hearing at 2:39 PM CT.

Chairman Andrews asked if the public hearing was properly advertised, Zoning Administrator Stolzenburg replied yes.



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Chairman Andrews asked if the application for CUP#25-1 Outback Sales LLC - Poly outdoor furniture fabrication shop is complete. Zoning administrator Stolzenburg stated yes, the application is complete.

Chairman Andrews asked for disclosure of any conflicts of interest on CUP#25-1 Outback Sales LLC - Poly outdoor furniture fabrication shop from the board. No board members disclosed any conflicts.

Chairman Andrews asked for any disclosure of ex-parte communications by any member on CUP#25-1 Outback Sales LLC - Poly outdoor furniture fabrication shop. No members had any communications.

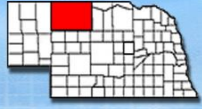
Discuss/Act on CUP#25-1 Outback Sales LLC - Poly outdoor furniture fabrication shop.

Sherri B. made a motion on CUP#25-1 Outback Sales LLC - Poly outdoor furniture fabrication shop to recommend approval based on the findings of fact the Zoning Administrator verified it was a complete application, it was properly advertised, a public hearing was held and it met the zoning regulations. Duane K. seconded the motion. Roll call vote was taken: Wade A.-Yes, Gary M.-Abstain, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, Chad T.-Yes, Bill W.-Absent, Gordon W.-Yes, Marla S.-Yes. Motion carried 7-1 abstention.

New Business continued:

Kalli Kieborz representing the Niobrara Council was included in the discussion regarding the Niobrara River Corridor Agricultural District Zoning Regulations. Kalli reported the Dark Sky designation included a lot of rules to follow and would possibly need to be an entire zone. It would require someone to monitor and enforce the regulations. She recommended making the guidelines for lighting more suggestive and not an actual regulation. Screening was also discussed, Kalli's requests for additional information from a number of individuals were not answered. She will update the Planning Commission when she does hear from them. Kalli also informed the Planning Commission that the park service view for screening is upstream and the zoning regulations state upstream and downstream.

Sherri B. presented the Planning Commission with a suggested partial re-write of section 502 NRCAG Niobrara River Corridor Agricultural District. The sign portion will be under review until the next meeting. Section 502.05, 1 the language was suggested to change from may to shall. This will have to be reviewed by Keith Marvin. 502.07 1, and 2 regarding the permitting



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process was discussed. The recommendation was to list the process in step form for clarity. It was agreed that 502.07 process for CUP would be revised to a list form to include the application would be submitted to the Zoning Administrator, the Planning Commission would have their public hearing, then send it to the Niobrara Council (when located within the Niobrara Scenic River Corridor and then be forwarded to the Commissioners for their public hearing.

The Planning Commission agreed to use the current zoning regulations for the Cattle Country Agricultural District (CCAG) and the Niobrara River Corridor Agricultural District (NRCAG) as a basis with changes to be determined during the review process.

In preparation for the next meeting, chapter 8 in proposed and chapter 6 in current regulations will be compared.

#### Public Comment:

No members of the public spoke at this time.

The board set March 3, 2025 at 2:00 PM CT for the next regular meeting.

#### Communications:

Zoning Administrator Jane S. reported the zoning administrators' e-mail group had questions and concerns regarding Bit Coin mining facilities and suggested adding it to zoning regulations due to the noise production and taxing the local power grid.

#### Reports and Recommendations:

Three more cell tower upgrade permits have been issued since the last meeting.

#### Excused Absence:

Duane K. made a motion to excuse Bill W. from the meeting. Marla S. seconded the motion. Roll call vote was taken: Gary M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, Chad T.-Yes, Bill W.-Absent, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes. Motion carried 8-0.

Chairman Andrews adjourned the meeting at 4:03 PM CT.

Jane Stolzenburg

Zoning Administrator