



## **Cherry County Planning Commission Minutes**

**September 2, 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.

Roll call was taken. The following members were present: Sherri Bacon, Gary Swanson, Marla Shelbourn, Chad Tetherow, Gary MacLeod, Bill Wachob, Gordon Witte, Wade Andrews, and Duane Kime. Also, present were Jane Stolzenburg, Zoning Administrator, and various members of the public.

#### **Approval of Agenda**

Duane K. made a motion to approve the September 2, 2025 agenda. Gordon W. seconded the motion. Roll call vote was taken. Gary S.-Yes, Chad T.-Yes, Gary M.-Yes, Sherri B.-Yes, Marla S.-Yes, Bill W.-Yes, Gordon W.-Yes, Wade A.-Yes, Duane K.-Yes. Motion carried 9 Yes, 0 No.

The Open Meetings Act was noted as was the public notice posted pertaining to this meeting.

#### **Approval of Minutes**

Duane K. made a motion to approve the July 9, 2025 minutes. Chad T. seconded the motion. Roll call vote was taken. Duane K.-Yes, Gordon W.-Yes, Sherri B.-Yes, Marla S.-Yes, Gary S.-Yes, Chad T.-Yes, Wade A.-Yes, Bill W.-Abstain, Gary M.-Yes. Motion carried 8 Yes, 1 Abstain.

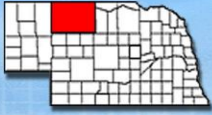
#### **Old Business:**

Verify 8.05 from the proposed regulations is included in conditional use permit. This is included in 501.05 number 13 and can be stricken from 8.05 proposed.

#### **New Business:**

8.09 in proposed regulations must be kept due to being a state statute. Will need to add the state statute number.

Chairman Andrews advanced to item C on the agenda. Jessica Coyle reported on the possibility of livestreaming meetings. A Meeting Owl would need to be purchased or.



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borrowed from the Board of Commissioners to stream the meetings. The cost of the Meeting Owl is approximately \$1100.00 and there is no cost to stream or store meetings. The set up time is approximately twenty minutes. There is currently no funding in the budget to cover the cost of the Meeting Owl. Chairman Andrews asked Zoning Administrator Stolzenburg to inquire regarding the possibility of borrowing one from the Commissioners. This included the expectations if there was any breakage as to who would cover the cost.

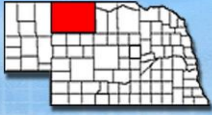
Returning to zoning regulation 8.10 this section will need to be bypassed until the Comprehensive Plan and Conservation Easement section is revised.

8.11 per unanimous consent strike from the proposed list under Conditional Use Permit.

8.12 is a state statute. Statute number to be added. Replace number 4 with – Parking shall be managed in such a manner not to impede or hinder traffic on any public right-of-way.

8.13 replace with: Salvage or junk yard operations and related facilities shall only be allowed by conditional use permit in the Cattle Country Agricultural District under the following conditions:

1. Located on a tract of land at least one (1) mile from a residential or agricultural residence.
2. A remediation fund or bond shall be posted for clean-up of facilities in the event of abandonment.
3. The operation shall be conducted wholly within a non-combustible building or within an area completely surrounded on all sides by a visual obscuring fence, wall, or hedge. The fence, wall or hedge shall be of uniform height (at least eight (8) feet high) and uniform texture and color shall be maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard and no scrap, junk or other material shall protrude above the fence.
4. No junk shall be loaded, unloaded, or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge fence, or wall, or within the public right-of-way.
5. Any other requirement deemed appropriate and necessary by the County Board for the protection of the general health and welfare.



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6. Conditional use permits granted under this section may be subject to annual review by the County Board with written notice of hearing of such review given to the permit holder at last known address.

7. All motor vehicles shall have all fluids drained prior to placement within the facility.

8.14 strike entirely.

8.15 remove number 3, 4, 5, 8 and 9. Revise number 7 deleting “a total of 35 percent of all yards shall be landscaped” and adding “to meet current setbacks”.

Review of the zoning regulations was paused to move on to discuss public participation for wind and solar regulations. It was discussed that Thomas County allowed comment in the room at the time of discussion, however, control of the meeting was kept by the chairman. Allowing participation is like self-appointing members to the board allowing them to speak. Suggestions can be submitted in writing to any of the board and Zoning Administrator and shared and public comments are the avenue for such comments. When voting on items if your vote is in the minority you can approach the Chairperson to have it added to the next agenda and have it brought up again. If your vote is in the majority you are not able to bring it up again.

A moratorium was discussed on all confined feeding operations until the new regulations are in place. Discussion included whether it was legal or can be challenged in court and whether it could affect tourism, could have an economic impact and initiating a pause rather than facing further litigation. If a moratorium would be placed it would have to include a time limit for it to be enforceable. Gary S. made a motion for a roll call vote for a moratorium on all confined animal feeding operations. Duane K. seconded the motion. Roll call vote: Chad – No, Gary M. – Yes, Marla – Yes, Duane K. – No, Wade A. – No, Gary S. – No, Bill W. – No, Gordon W. – Yes, Sherri B. – No. Motion failed 3 Yes, 6 No.

It was also discussed that the Board of Commissioners does not need a recommendation from Planning and Zoning Commission to place a moratorium.

Gary M. reported Knox County resolution to ban wind and solar regarding the setbacks changed prior to ban. Knox County was sued prior to the application for a Conditional Use Permit. A Federal Judge advised they can ban them.

Sherri B. in a report from the Attorney General you cannot ban a legal business. Can limit with height restrictions and setbacks.



Duane K. has a conflict regarding the wind discussion. He left the meeting at 4:25 PM CT.

The board set October 7, 2025 at 2:00 PM CT for the next regular meeting.

Public Comment:

Two members of the public spoke at this time.

Communications:

Zoning Administrator Stolzenburg reported receiving an email regarding the possibility of the ramifications of a nuclear facility including data processing centers using the electricity and close to 300,000 gallons of water use. This will need to be addressed in the regulations.

Recommendations:

Wade A. recommended to the board to read the state statutes on Adult Entertainment and read the Thomas County zoning regulations. Next meeting will resume at 8.16 in proposed regulations.

Excused Absence:

No excused absences as all members were present.

Chairman Andrews adjourned the meeting at 4:35 PM CT.

Jane Stolzenburg

Zoning Administrator