

Cherry County Planning and Zoning Minutes



Cherry County Planning Commission Minutes

October 7, 2025

Cherry County Courthouse Meeting Room

The meeting was called to order at 2:06 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: Duane Kime, Gordon Witte, Sherri Bacon, Marla Shelbourn, Chad Tetherow, Wade Andrews, Bill Wachob and Gary MacLeod. Also, present were Jane Stolzenburg, Zoning Administrator, and various members of the public.

Approval of Agenda

Duane K. made a motion to approve the October 7, 2025 agenda. Marla S. seconded the motion. Roll call vote was taken. Gary S.-Absent, 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 8 Yes, 1 Absent.

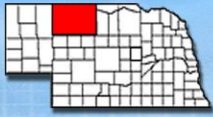
The Open Meetings Act was noted as was the public notice posted in the Valentine Midland News pertaining to this meeting.

Approval of Minutes

Duane K. made a motion to approve the September 2, 2025 minutes. Bill W. seconded the motion. Roll call vote was taken. Gary S.-Absent, Chad T.-Yes, Sherri B.-Yes, Bill W.-Yes, Marla S.-Yes, Wade A.-Yes, Gary M.-Yes, Duane K.-Yes, Gordon W.-Yes,. Motion carried 8 Yes, 1 Absent.

Old Business:

The requirement of the adult entertainment section in the regulations was discussed. The Zoning Administrator sent an email to Keith Marvin, and he did confirm that it is a requirement and advised that the county could be sued for non-compliance with the US Constitution. Section 8.09.04 was discussed and it was the consensus of the Planning Commission to change 1. To read: "The CCAG, provided the establishments are confined to within ¼ mile of any Federal Highway within Cherry County." This will be clarified with Keith Marvin to ensure compliance with state statutes regarding adult entertainment.



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Section 8.09.03 no changes.

Section 8.09.04 Performance Standards were discussed, and the consensus of the Planning Commission was to change the setbacks in 8.09.04 (1) A, B, and C to 1 mile. 8.09.04 (1) C. add “daycare center, daycare home, or abutting property. 8.09.04 (2) change the time from 6:00 a.m. to 10:00 a.m. 8.09.04 (9) F. should read “8.09.04 (9)(E)(1) **through** 8.09.04 (9)(E)(5) above.”

Sherri B. made a motion to table the review of Keith Marvin’s proposed changes to the next meeting. Duane K seconded the motion. Discussion regarding the need to review in a timely manner since updates had just been received. The option of scheduling another meeting in October was discussed. Marla S. made a motion to amend Sherri B. motion to table the review of the changes from Keith Marvin and have a special meeting prior to November to review. Roll call vote: Chad T. – Yes, Gary M. – Yes, Marla S. – Yes, Duane K. – No, Wade A. – No, Gary S. – Absent, Bill W. – Yes, Gordon W. – Yes, Sherri B. – No. Motion carried 5 Yes 3 No.

Roll call vote on original motion to table the review: Gary M. – Yes, Chad T. – Yes, Sherri – Yes, Gary S. – Absent, Gordon W. – Yes, Bill W. – Yes, Wade A. – Yes, Duane – Yes, Marla S. – Yes. Motion carried 8 Yes 1 Absent.

Special meeting date was set for October 23, 2025 at 2:00 p.m. CT in the Cherry County Courthouse Meeting Room.

New business:

Proposed Zoning Regulations 8.16 to the end of the chapter with the exception of section 8.18 were discussed and the following changes will be sent to Keith Marvin:

Section 8.17.02 definitions include Department – this needs to be changed to Nebraska Department of Water, Energy, and Environment.

Section 8.17.03 remove first sentence “It shall be unlawful...”

Section 8.17.04 in the first sentence place a period after the word others and strike the remainder of the sentence “and provided, however, that the placement of concrete...”

Section 8.17.06 in the second sentence change the word “These” to read Nebraska Department of Water, Energy, and Environment regulations.....

Section 8.17.06 (9) move to 8.17.05 creating number 4. Strike 8.17.06 (1) through (18) and (20) move (19) to 8.17.05 creating number 5.



Section 8.18 was skipped at this time.

Section 8.19 strike all

Section 8.20 strike all

Section 8.21 it was the consensus to keep this section with no changes.

Duane K. left the meeting at 4:37 PM CT.

Chad T. made a motion to table sections 9, 10, 11 and 12 to the November meeting. Marla S. seconded the motion. Roll call vote: Duane K. – Absent, Gordon W. – Yes, Sherri B. – Yes, Marla S. – Yes, Gary S. – Absent, Chad T. – Yes, Wade A. – Yes, Bill W. – Yes, Gary M. – Yes. Motion carried 7 Yes 2 Absent.

The board set November 4, 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 the NPZA Fall Virtual Workshop was updated today. The date is October 24, 2025 and the registration deadline is October 22. The cost is covered by the county. Marla S. and Sherri B. would like to be registered. The Cherry County Assessor would like to see if zoning permits could be required for all buildings (including Agricultural) to track changes to property records. There have been emails from other Counties' Zoning Administrators regarding rendering facilities and marijuana regulations. It was the consensus that they would wait and see what the state does to regulate that prior to adding to their regulations.

Reports & Recommendations:

Zoning Administrator Stolzenburg reported the Board of Adjustment requested changing the permit extension form to include the decision made by the commissioners and either have them sign the form or place a reference date for the minutes of the meeting the decision was made. The Board of Adjustment also requested the Planning Commission include in the revised Zoning Regulations a more clear-cut definition of Commence. River setbacks will need to be more clear in the new Zoning Regulations because the reference refers to the



Scenic River and not the rest of the river. The river setback will be added to the November 4, 2025 agenda.

Gary M. would like to discuss placing a moratorium on animal feeding operations, wind & solar at the next meeting. This will be added to the agenda for the November 4, 2025 meeting.

Sherri B. requested the Planning Commission read state statute 23-114.03 which is the zoning regulations; purpose; districts.

Excused Absence:

Marla S. made a motion to excuse Gary S. from the meeting. Chad T. seconded the motion. Roll call vote was taken: Sherri B.-Yes, Gary S.-Absent, Marla S. – Yes, Chad T.-Yes, Gary M. – Yes, Bill W.-Yes, Gordon W-Yes, Wade A.-Yes, Duane K. - Absent. Motion carried 7 Yes – 2 Absent.

Chairman Andrews adjourned the meeting at 5:12 PM CT.

Jane Stolzenburg

Zoning Administrator