

Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

January 10, 2023

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, John Lee, Sherri Bacon, Gary Swanson, and Albert Ericksen. Absent were Chris Gentry, Dave Rogers, Michael McLeod, and Duane Kime. 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

Albert E made a motion to approve the minutes from the December 6, 2022 meeting with corrections. Sherri B. seconded the motion. Roll call vote was taken. Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, and Albert E.-Yes. Motion carried 5-0.

Public Comment:

Various members of the public spoke. Carolyn Semin provided written comment attached to minutes kept in the Zoning Office.

New Business:

Discuss/Work on Comprehensive Plan

Chairman Andrews turned the meeting over the Gary Swanson. Discussion was had that they are progressing and getting closer to a final document.

Discuss/Act on H-1.1 Housing should be limited in the rural areas of Cherry County

There was discussion amongst the board on changing language or leaving as is right now. No action was taken.

Discuss/Act on Cattle Country Incompatible uses in Land Use Chapter 11

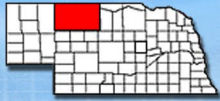
There was discussion on #1 Residential/Acreage developments not associated with a farming operation amongst the board members. The board decided they need a definition of developments and a ZOOM call with Keith Marvin, consultant at the next meeting. No action was taken.

Discuss/Act on Leaving it Niobrara Scenic River Agriculture District not Niobrara Scenic River Protection Corridor

There was board discussion and Zoning Administrator told them how it currently read in the Zoning Regulations. John L. made a motion to have the district called Niobrara Scenic River Agriculture District. Albert E. seconded. Roll call vote was taken. Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Absent, and Duane K.-Absent. Motion carried 5-0.

Discuss/Act Niobrara River Corridor Ag District Incompatible Uses in Land Use Chapter 11

The board had discussion on mobile homes in the Niobrara Scenic River Agriculture District and looked at what our current regulations said. Sherri B. made a motion the in the Niobrara Scenic River Agriculture District Incompatible Uses



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#5 read as Mobile Homes. John L. seconded the motion. Roll call was taken. Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, and Sherri B.-Yes. Motion carried 5-0.

Discuss/Act Chapter 13 of Comprehensive Plan

Discussion was had amongst the board members and decided they wanted to visit with Keith Marvin more on the reason for having Chapter 13. No action taken.

Set Meeting Date and Time

The board set a date of February 7, 2023 at 4:30 PM CT for the next meeting in the Cherry County Courthouse Meeting Room. The date may change on the availability of Keith Marvin for a ZOOM call during the meeting.

Old Business:

None

Communications:

NPZA Conference in coming up March 8-10 in Kearney

Reports and Recommendations

None

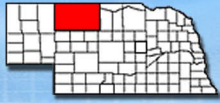
Excused Absence:

John L. made a motion to excuse Dave R., Chris G., Michael M, and Duane K. from the meeting. Sherri B. seconded the motion. Roll call vote was taken. John L.-Yes, Albert E.-Yes, Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, and Gary S.-Yes. Motion carried 5-0.

Chairman Andrews adjourned the meeting at 5.31 PM CT.

Jessica Coyle

Zoning Administrator



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CHERRY COUNTY PLANNING COMMISSION MINUTES

February 21, 2023

CHERRY COUNTY COURTHOUSE CONFERENCE ROOM

The meeting was called to order at 4:45 PM CT by Vice Chairman Duane Kime in advertised location of the Cherry County Courthouse Conference Room.

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

Sherri B. made a motion to approve the minutes from the January 10, 2023 meeting. Albert E. seconded the motion. Roll call vote was taken. Chris G.-Yes, Wade A.-Absent, Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, and Dave R.-Absent. Motion carried 5-0.

Public Comment:

None

New Business:

Election of Chairman

Gary S. made a motion to nominate Duane Kime for Chairman and nominations cease. Albert E. seconded the motion. Roll call vote was taken. Wade A.-Absent, Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, Dave R.-Absent, and Chris G.-Yes. Motion carried 5-0.

Election of Vice Chairman

Chris G. made a motion to nominate Wade Andrews for Vice Chairman and nominations cease. Sherri B. seconded the motion. Roll call vote was taken. Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, Dave R.-Absent, Chris G.-Yes, Wade A.-Absent, Michael M.-Absent, and Duane K.-Yes. Motion carried 5-0.

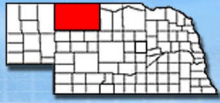
Election of Secretary

Gary S. made a motion to nominate Sherri Bacon for Secretary and nominations cease. Chris G. seconded the motion. Roll call vote was taken. Gary S.-Yes, John L.-Absent, Albert E.-Yes, Dave R.-Absent, Chris G.-Yes, Wade A.-Absent, Duane K.-Yes, and Sherri B.-Yes. Motion carried 5-0.

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

Gary S. made a motion to make no changes to the Planning Commission Bylaws and Rules of Procedure. Sherri B. seconded the motion. Roll call vote was taken. John L.-Absent, Albert E.-Yes, Dave R.-Absent, Chris G.-Yes, Wade A.-Absent, Duane K.-Yes, Sherri B.-Yes, and Gary S.-Yes. Motion carried 5-0.

Cherry County Comprehensive Plan Status Update



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Zoning Administrator, Jessica Coyle, and Gary Swanson brought all board members up to date on the Cherry County Comprehensive Plan Status Update that was drafted by them to provide the public information. This is a document that shows what the board has done in the process of updating the Comprehensive Plan. It was brought up that we need to add Margaret Byfield to the document.

Discuss/Act Cherry County Comprehensive Plan Status Update as full-page ad in Advertiser

Chris G. made a motion to not run the Comprehensive Plan Status Update as a full-page ad in the advertiser. Seconded by Sherri B. Roll call vote was taken. Dave R.-Absent, Chris G.-Yes, Wade A.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-No, John L.-Absent, and Albert E.-No. Motion carried 3-2. Other options were discussed on how to get the information to the public and will be researched. The Comprehensive State Update will go on the website.

Discuss/Act Subcommittee to review Zoning Regulations

Zoning Administrator, Jessica Coyle, suggested that the board create a subcommittee of members to review the Zoning Regulations so that we can move forward with completion of the update. This is to review the Zoning Regulations that Keith Marvin is revising for us. Gary S. made a motion to create a subcommittee of 3 or 4 members who are available to review the Zoning Regulations to present to the rest of the board. Seconded by Albert E. Roll call was taken. Wade A.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, Dave R.-Absent, and Chris G.-No. Motion carried 4-1.

Discuss Tentative Summer Meeting Schedule and Town Halls

Zoning Administrator, Jessica Coyle, presented the board with a tentative schedule for the rest of the year to give members an idea of what needs to be done to complete the Comprehensive Plan and Zoning Regulations update. Board members present discussed potential town halls for June.

Set Meeting Date and Time

The board set a date of April 4, 2023 at 4:30 PM CT for the next meeting in the Cherry County Courthouse Meeting Room.

Old Business:

Cherry County Comprehensive Plan Update

Sherri B. suggested that maybe they eliminate or put the graphics in an appendix so it's easier to update.

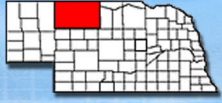
Communications:

NPZA Conference in coming up March 8-10 in Kearney. Jessica asked the board members if anyone was interested in attending.

Reports and Recommendations:

None

Excused Absence:



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Albert E. made a motion to excuse Dave R., Wade A., Michael M, and John L. from the meeting. Chris G. seconded the motion. Roll call vote was taken Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, Dave R.-Absent, Chris G.-Yes, Wade A.-Absent, Michael M.-Absent, and Duane K.-Yes. Motion carried 5-0.

Chairman Kime adjourned the meeting at 5:25 PM CT.

Jessica Coyle

Zoning Administrator

APPROVED



CHERRY COUNTY PLANNING COMMISSION MINUTES

May 4, 2023

CHERRY COUNTY COURTHOUSE CONFERENCE ROOM

The meeting was called to order at 4:30 PM CT by Chairman Duane Kime 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, and Albert Ericksen. Absent were Chris Gentry, Dave Rogers, and John Lee. 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

Albert E. made a motion to approve the minutes from the February 21, 2023, meeting as written. Sherri B. seconded the motion. Roll call vote was taken. Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, and Albert E.-Yes. Motion carried 6-0.

Public Comment:

No public spoke

New Business:

Discuss Comprehensive Plan 2023 Draft

Chairman Kime said that we finally got the draft from Keith Marvin after he'd stated in March at the NPZA that it was almost done. Zoning Administrator Jessica Coyle had Midland News print and bind copies for the board. The board is going to review and will bring changes to a later meeting. No action taken.

Set Meeting Date and Time

The board set a date of June 6, 2023, at 4:30 PM CT for the next meeting in the Cherry County Courthouse Court Room.

Old Business:

None

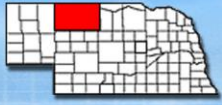
Communications:

Zoning Administrator gave the board a copy of CUP 001/23 TK Angus Swine Facility application for them to review. There will be a public hearing at the next regular meeting. Zoning Administrator will mail the application out to members not present.

Reports and Recommendations

Chairman Kime reported that he attended the NPZA Conference in Kearney and learned a lot from the sessions he attended. He shared some of this with the board.

Excused Absence:



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

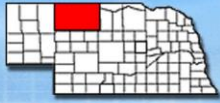
Chairman Kime adjourned the meeting at 5:01 PM CT.

Jessica Coyle

Zoning Administrator

Approved with changes

APPROVED



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

June 6, 2023

CHERRY COUNTY COURTHOUSE COURTROOM

The meeting was called to order at 4:31 PM CT by Chairman Duane Kime in 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, John Lee, and Albert Ericksen. Absent was Chris Gentry. Also present were Jessica Coyle, Zoning Administrator, and various members of the public.

The Open Meetings Act was noted on the East Wall hung by Zoning Administrator, 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 with changes from the May 4, 2023 meeting. Michael M. 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.-Yes. Motion carried 8-0.

New Business:

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

No motion was made. The board will discuss the locations for the dates of August 30 & 31 Open Houses at the July meeting.

Set Meeting Date and Time

The board set a date of July 11th at 4:30 PM CT for the next meeting in the Cherry County Courthouse Courtroom with a public hearing.

Old Business:

None

Communications:

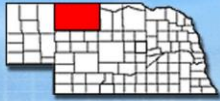
Zoning Administrator advised the board that their August 1st meeting will be in the Library Meeting Room, and they'll need to decide on a time later during library hours.

Reports and Recommendations

None

Excused Absence:

Sherri B. made a motion to excuse Chris G. from the meeting. John L. 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.-Yes, Dave R.-Yes, and Chris G.-Absent. Motion carried 8-0.



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Public Hearing:

- a. Public Hearing on TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs CUP#001/23 at 4:45 PM CT

Chairman Kime opened the Public Hearing on TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs CUP#001/23 at 4:45 PM CT. Chairman Kime advised the public wishing to speak a reminder of their 3-minute time limit and to sign in prior to speaking. Chairman Kime then invited a representative for the application to speak first.

Dean Settje spoke on behalf of the applicant as the consultant for the applicant. Dean gave a background of Settje Agri-Services and Engineering with their number one goal as a company is to protect the ground and surface water.

Tim Marlatt spoke about the family and wanting to make sure the ranch will be long term sustainable for the next generation with the addition of the swine facility.

Dean then spoke about the specifics of this project including that it is 2 buildings with deep aerobic pits underneath with 365 days of storage capacity. The manure will be applied to the fields by injection to the 3 pivots indicated in the application. Dean spoke to the economic benefits of sustainability, growth, and tax revenue. Settje will be the 3rd party overseer to make sure the project is done to specs. Dean suggested that a condition of the permit be an approved Nebraska Department of Environment and Energy (NDEE).

After Dean and Tim were finished Chairman Kime gave everyone a 5-minute break before hearing from the public.

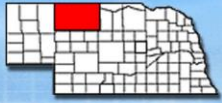
Gerald Grooms spoke as the owner of the house and property to the north of the proposed facility just outside of the ½ mile setback. Gerald was concerned about the effect on property value and ability to potentially subdivide and sell property later, water quality, and odor. He stated that he has 3 family members wanting to move to the property.

David Schultz spoke as a new resident to the county, but previously lived in the Rising City area where there was a swine facility. He spoke about the odor and no economic benefit to that area was seen as promised.

Tracy Grooms spoke about the concern of long-term property value with possible decrease. She is the daughter-in-law of Gerald Grooms. Tracy cited facts from a study in North Carolina and spoke about the effects of exposure to swine manure causing health problems such as rheumatoid arthritis.

Robert Shelbourn spoke about the concern for public health, safety and welfare with the location being close to Valentine, negative effects on health, and about the potential of manure to be gifted or sold without being regulated. Robert stated it should be denied as doesn't meet the regulations.

Jennifer Suhr spoke of the need to protect air and water along with public health, safety, and welfare. She said the odor could affect Valentine and tourism on the river. She feels the nutrient plan was not sufficient in mortality area and the application should be denied as incomplete and not meet regulations.



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Jay Simon spoke about land use not being compatible, public health, safety, and welfare, and that different conditional uses require different things in the Zoning Regulations. He stated that the application failed to show public health, safety and welfare and should be denied. Jay was concerned as to who would own the pigs.

Karen DeNaeyer spoke about that the application doesn't meet the requirements of conditional use, public health, safety, and welfare, and challenged the letter from Middle Niobrara Natural Resources District. She also stated that the nitrates in ground water could get to other wells.

Susan Cook, with the Niobrara National Scenic River part of the National Park Service, spoke about the Scenic River and the economic impact the river has on the County. She stated that this could negatively impact the water quality and visitor experience.

Marla Shelbourn spoke about that the application is incomplete, should wait for NDEE approval to approve, lacks best management practice, and should ensure its complete before sending the application to County Commissioners. She stated the best management practice is injection.

Lawrence Turner, former County Commissioner, stated we wouldn't need zoning if not for pigs and chickens. He stated he grew up on a hog farm and the odor was horrible and believes there is a correlation between arthritis and hogs. He feels it should be denied.

Katrina Haase spoke about the Cowboy Trail and those enjoying it affected by odor and the water coming out of the hills. She would recommend voting no on the facility.

Ann Warren said she has committed to purchasing a property on Borman Bridge Road. She would like answers to questions about water testing, is this like the Purdum facility, setbacks efficient enough, and how property values are going to be affected.

LeRoy Semin spoke about hearing that if all regulations are met then the board must approve the CUP. He stated that it didn't matter that the Valentine Feeders application didn't meet the regulations and it was still approved.

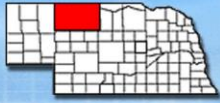
Frank Patterson said that he agrees with the progressive attitude and is all for progress. He has lots of questions that should be answered before proceeding such as odor and traffic generation. Frank was neither in favor of nor against it.

Tim Larson said that there are 27 families besides his that live in the area that could be affected by the odor and thinks that the applicant should change the location to be farther away from civilization.

Chairman Kime then gave another 5-minute break and when resumed asked if any other public would like to speak.

Ed Brown spoke that he's used Settje Engineering for his facilities, there was no data to back to support their points, and that the current facility being built is costing the county because of the road.

Dean Settje then was asked to address any of the comments and concerns heard by Chairman Kime. Dean spoke that he appreciates the concerns and addressed the water testing, size of operation a 10th of Valentine Feeders in size, regulations are designed to be a guideline to follow and can't guarantee that there won't be an occurrence of odor outside the setback at times. He asked the board to visit a site like this facility to see for themselves. Dean stated that this is in the ideal location in reference to Valentine and the nutrient management



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plan was not written for this site but a generic. Dean stated that all the manure will be used on the crop land and not sold as it's an almost perfect balance between animals and land.

Michael M. asked where the nearest site is in Nebraska. Dean stated Broken Bow and Madison are the nearest locations.

Duane K. asked if all the manure will be injected under the ground. Dean said yes. Duane K. also asked what the life expectancy of a building like this proposed it. Dean said that a new building like these will last 50-70 years. Duane K. asked if both buildings were being built as 1 project as the drawing showed future on the one. Dean said that was an oversight and both buildings are in this same project.

Albert E. asked if there was any chance if there were to be a break could it get to the Niobrara River. Tim Marlatt stated it would have to travel uphill to reach the Niobrara and would flow east if there was a break.

Duane K. asked Tim Marlatt why that location was chosen for the facility. Tim stated that it was chosen due to the proximity to the pivots where the slurry will be applied.

Chairman Kime closed the Public Hearing at 6:30 PM CT.

Written testimony was submitted by National Parks Service Susan Cook, Karen DeNaeyer, Jennifer Suhr, Marla Shelbourn, Robert Shelbourn, Darin Benning, Gerald and Jane Grooms, and Frank and Dana Miller. The written testimony received prior to the meeting was sent to the Planning Commission via email. The written testimony received during the meeting along with testimony prior was hand delivered by Zoning Administrator to board members at the meeting.

B. Chairperson shall ask for proof of Publication

Chairman Kime asked Zoning Administrator for proof of proper advertisement. Zoning Administrator stated that the ad ran in the May 24th and 31st editions of the Midland News and the printed copy was in the application packet provided.

C. Chairperson shall ask Zoning Administrator TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs CUP#001/23 application is complete

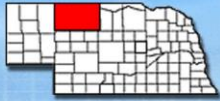
Chairman Kime asked Zoning Administrator if the application was complete, and Administrator responded that it was.

D. Chairperson shall ask for disclosure of any conflicts of interest on TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs CUP#001/23

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

E. Chairperson shall ask for any disclosure of ex-parte communications by any member TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs CUP#001/23

Chairman Kime asked the board if there were any ex-parte communications. Chairman Kime disclosed that he was called by Tim Marlatt and Tim wanted to tell him about the application. He stopped Tim and told him he couldn't discuss it with him.



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- F. 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

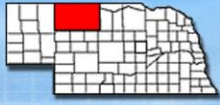
Gary S. stated that the board needs to come up with some conditions. The board discussed that they needed time to review the written testimony and consider all the verbal testimony heard before deciding. Albert E. made a motion to table the decision on TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs CUP#001/23 until the next meeting. Dave R. 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.-Yes, Chris G.-Absent, and Wade A.-Yes. Motion carried 8-0.

Chairman Kime adjourned the meeting at 6:35 PM CT.

Jessica Coyle

Zoning Administrator

APPROVED



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.

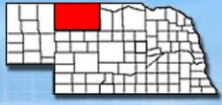
Chairman Kime asked if the meeting and public hearing were properly advertised and Zoning Administrator replied yes.

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.

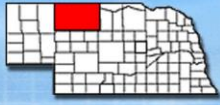
Chairman Kime asked Zoning Administrator if James Yoder application for manufacturing of portable log cabins and kits CUP#003/23 application is complete. The Zoning Administrator replied yes.

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:

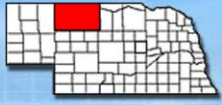
Discuss/Act on TK Angus Co. for a Confined Animal Feeding Operation of a swine finisher housing 4,999 head over 55lbs
CUP#001/23

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 MNDRD 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

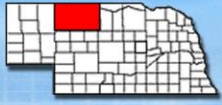
Excused Absence:

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



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

August 15, 2023

CHERRY COUNTY COURTHOUSE MEETING ROOM

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

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

Michael M. made a motion to approve the minutes from the July 11, 2023 meeting. Wade A. seconded the motion. Roll call vote was taken. Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, and Albert E.-Absent. Motion carried 5-0.

Public Comment

Various members spoke during public comment.

New Business:

Discuss/Act Cherry County Zoning Regulations

No motion was made. The board discussed the different things they've realized in the Zoning Regulations and how different they are set up as to current regulations.

Communications

The board discussed who was going to go to each of the Open Houses and the requirements of those locations. The board would like some extra copies of the Comprehensive Plan to have for viewing during these open houses. Zoning Administrator advised that the ads were going to run in various newspapers and radio stations alerting the public to dates and times, plus on the website.

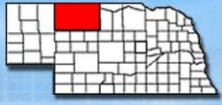
Set Meeting Date and Time

The board set a date of September 12, 2023 at 4:30 PM CT for the next meeting in the Cherry County Courthouse 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

Chairman Kime asked Travis, with Settje representing TK Angus Co., about the updated Nutrient Management Plan that was submitted. Travis stated that all that really changed was it states it's all deep pit and all manure will be injected.



Cherry County Planning and Zoning Minutes

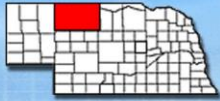


This is a potential plan that would be submitted to NDEE. Travis did state that most of the time with a swine facility there's no transfer of manure, and as long as the land is in the plan it can be applied.

Sherri B. visited with the County Attorney about the selling or transferring of manure and if the board can restrict this. The County Attorney advised that it's a commodity and we can't restrict the selling of commodities. Also, the County Attorney stated that there was a sale of land recently where manure had been applied to fields and it had a higher value. The County Attorney also advised to be cautious when regulating livestock as the state considers all livestock the same no matter the species. Sherri also stated she went to view the proposed facility site.

Sherri B. made a motion to approve the TK Angus CUP #001/23 based on the following findings of fact. Findings of fact must be sufficient to support the decision in terms of statute, ordinance, or regulation. Inferences, speculation, and conjecture are not finding of fact.

1. Tk Angus filed an application for a CUP to construct a swine finishing facility for 4999 head over 55 lbs. on their property as legally described as SW1/4 SE1/4 Section 13, Township 33N, Range 27W Cherry County Nebraska.
2. All adjoining landowners within a set distance of the project were properly notified.
3. The Cherry County Planning Commission held a public hearing on the CUP on June 6, 2023 which was properly advertised as required.
4. Testimony was received from the applicant and witnesses in support of the CUP.
5. Testimony was received from witnesses in opposition to the CUP.
6. The property is not located in a wetland, subject to flooding or a location in the Niobrara River Corridor.
7. The property is located within the Cattle Country Agricultural District whose intent is to "implement the policies and objectives of the Cherry County Nebraska Comprehensive Plan by maintaining agricultural crop and livestock production which is compatible with the natural environment and promote other and new forms of agricultural production which is compatible with existing ranch and farm uses and the environment."
8. Compatibility issues of traffic generation, noise, odor, dust, water or soil pollution, radiation, or explosion hazards were outlined in the accompanied management plan prepared for TK Angus by Settje Agri-Services & Engineering, Inc.
9. Testimony, information, and studies received by the Commission from the public contained no verifiable facts to support the belief CUP doesn't meet the Zoning Regulations of Cherry County, Nebraska as adopted December 30, 2008 and will result in harm to the county.



Cherry County Planning and Zoning Minutes



10. It is the function and responsibility of the Nebraska Department of Environment and Energy and other agencies to oversee and protect the health of our environment. The proposed facility cannot and will not be built without a successful application to and permit from NDEE.

Further discussion was had amongst the board members. Michael M. thought they should wait until there was more members present to vote. Gary S. stated that they can't delay a decision until more members attend as it was tabled once previously.

Gary S. seconded the motion. Roll call vote was taken. Michael M.-No, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Absent, Dave R.-Absent, Chris G.-Absent, and Wade A.-Yes. Motion carried 4-1.

Reports and Recommendations

Chairman Kime wished more members would have gone to tour the facility like John L. did.

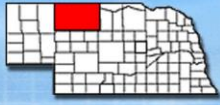
Excused Absence:

Gary S. made a motion to excuse Dave R., John L., and Albert E. from the meeting. Wade A. seconded the motion. Roll call vote was taken. Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Absent, Dave R.-Absent, Chris G.-Absent, Wade A.-Yes, Michael M.-Yes. Motion carried 5-0.

Chairman Kime adjourned the meeting at 5:22 PM CT.

Jessica Coyle

Zoning Administrator



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

October 3, 2023

CHERRY COUNTY COURTHOUSE MEETING ROOM

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

Roll call was taken. The following members were present: Dave Rogers, Marla Shelbourn, Wade Andrews, Michael McLeod, Duane Kime, Sherri Bacon, Gary Swanson, John Lee, and Albert Ericksen. Absent was none. 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

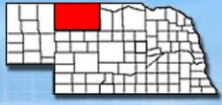
Sherri B. made a motion to approve the minutes from the August 15, 2023 meeting. Wade A. seconded the motion. Roll call vote was taken. Dave R.-Yes, Marla S.-Abstain, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, and Albert E.-Yes. Motion carried 8-1 with abstention.

Communications:

Zoning Administrator Coyle asked if any members would like to attend the NPZA Fall ZOOM Conference. Sherri B. and Marla S. both wanted to be registered.

Public Hearing

Chairman Kime opened public hearing on CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch at 4:37 PM CT. Chairman Kime asked Preston Smith of Wildwood to speak on behalf of the application explaining the reasoning for the easement. Preston stated that the reason for the easement is to help the Nebraska Department of Transportation (NDOT) with projects where there's the American Burying Beetle. Chairman Kime then opened it up to the public to comment. Mark Kovar spoke as a representative of NDOT and stated that if there's no conservation bank then they would have to take land to complete projects, plus turned in written testimony. Carolyn Semin spoke with questions about perpetuity, NE Land Trust Agreement, consequences of property selling, and grantee must be on the insurance. Tanya Storer spoke on the conflict it has with Cherry County Land Use Plan, conservation purpose takes precedence over other uses, it would create a single use, and can reduce assessed values affecting the economic base in Cherry County. Preston Smith was then asked to address the concerns of the public. Duane K. asked the applicant what the difference in this application to previous and why the fact of it helping NDOT is not in the application. Gary S. asked who can purchase the credits created by the easement with Preston stating anyone can purchase. Albert E. asked who the purchasers are and NDOT is the only one as of now. Sherri B. asked why the Conservation Bank Agreement wasn't included with the application and applicant is going to provide to Zoning Administrator. Sherri B. asked why the goals in the documents conflict and what takes



Cherry County Planning and Zoning Minutes



precedence. Marla S. stated she'd like to see the Conservation Bank Agreement as well and that she thinks the land as managed now is the benchmark. Wade A. asked who the primary holder was and it's Nebraska Land Trust. There was further discussion amongst the board about the American Burying Beetle, projects involved, and IRS deductions, and if applicant was willing to participate. Chairman Kime closed the public hearing at 4:25 pm.

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

Chairman Kime asked Zoning Administrator if CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch application is complete. The Zoning administrator stated yes, the application was complete but there's no regulations for Administrator to review against.

Chairman Kime asked for disclosure of any conflicts of interest on CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch from the board. No board members disclosed any conflicts.

Chairman Kime asked for any disclosure of ex-parte communications by any member on CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch. No members had any communications.

Discuss/Act on CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch

Marla said she'd like to see the Conservation Bank Agreement before deciding.

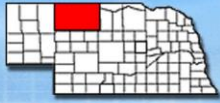
Albert E. made a motion to table a decision of CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch. Marla S. seconded the motion. Roll call vote was taken. Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-No. Motion carried 8-1.

During public comment various members of the public spoke and items from Carolyn Semin and Anne Warren were turned in.

New Business:

Discuss Open Houses and Comprehensive Plan Update

Duane K. stated he attended 3 of the open houses and felt they were good with the biggest concern in wind energy. Sherri B. attended 3 as well. Discussion amongst the board members with the concerns brought up during the open houses.



Cherry County Planning and Zoning Minutes



Set Meeting Date and Time

The board set a date of November 7 at 4:30 PM CT for the next meeting in the Cherry County Courthouse Meeting Room.

Old Business:

None

Reports and Recommendations

None

Excused Absence:

None

Chairman Kime adjourned the meeting at 6:02 PM CT.

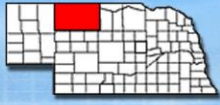
Jessica Coyle

Zoning Administrator

Amended to add a written statement provided by Marla S. approved on November 7, 2023 with an 8-0 vote.

Addition to October 3, 2023 Planning Commission Meeting Minutes

Marla S. reviewed the documents the zoning administrator attached to the Bow and Arrow Ranch LLC CUP application #004/23, which included the April 13, 2021 Cherry County Commissioners minutes, the 30X30 Resolution #04-13-2021-01 dated April 13, 2021, and the Cherry County Natural Resource and Management Plan for Federal and State Managed Lands-2004. Marla felt the majority of the findings of fact recorded in the attached April 13, 2021 Cherry County Commissioners meeting minutes were not valid and gave specific reasons for each of her concerns. She also outlined why she felt the CUP application met the requirements of the 30X30 Resolution, and explained why the Cherry County Natural Resource and Management Plan for Federal and State Managed Lands does not apply to privately owned land.



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

November 7, 2023

CHERRY COUNTY COURTHOUSE MEETING ROOM

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

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

Marla S. presented a written statement to amend the October 3, 2023 minutes. Marla S. made a motion to approve the minutes as amended from the October 3, 2023 meeting. Michael M. seconded the motion. Roll call vote was taken. Dave R.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, and Albert E.-Yes. Motion carried 8-0.

During public comment various members of the public spoke.

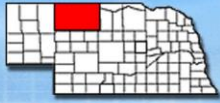
Old Business:

Discuss/Act on CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch

Jackie Moreland, Cherry County Assessor, brought information to the board about the effects of a Conservation Easement on the property, the statutes concerning Conservation Easements, and the application that would need to be completed. Jackie is going to email the documents to the Zoning Administrator.

There was discussion amongst the board, and they asked the applicant to clarify some concerns they found. Preston Smith spoke on behalf of the applicant. Marla S. referenced the emails sent from the Zoning Administrator and said these were trying to create bias amongst the board.

John L. made a motion to accept CUP#004/23 Bow & Arrow Ranch LLC to establish a Conservation Easement to preserve the natural and agricultural values of the ranch based on a proper hearing, discussion, followed the rules of Comprehensive Plan and Zoning Regulations and no neighbors objected. Gary S. seconded the motion. Additional discussion was had about additional workers and whether it's good for the county tax base. Roll call vote was taken. Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-No, Sherri B.-No, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-Absent. Motion carried 6-2.



Cherry County Planning and Zoning Minutes



New Business:

Discuss Comprehensive Plan Update

Zoning Administrator updated the board about the Keith Marvin contract and said that he feels the Comprehensive Plan is complete. He's working on a few changes to the Fire Departments data in the Plan. Board discussed.

Discuss/Work on Zoning Regulations

Keith is working on updating the Solar and Wind Regulations based off the open houses. He will get a new copy of the Zoning Regulations to the board.

Set Meeting Date and Time

The board set a date of December 5, 2023, at 4:30 PM CT for the next meeting in the Cherry County Courthouse Meeting Room with a public hearing.

Communications:

Zoning Administrator presented the board with CUP#005/23 Billie Brockley/Mike Wescott for an RV/Tent Camping Park that will be on the December meeting agenda to have a Public Hearing.

Reports and Recommendations

Marla S. reported on the NPZA Fall Conference.

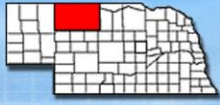
Excused Absence:

Michael M. made a motion to excuse Dave R. from the meeting. Albert E. 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.-Yes, Dave R.-Absent, and Marla S.-Yes. Motion carried 8-0.

Chairman Kime adjourned the meeting at 5:34 PM CT.

Jessica Coyle

Zoning Administrator



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

December 5, 2023

CHERRY COUNTY COURTHOUSE MEETING ROOM

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

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

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

Public Hearing

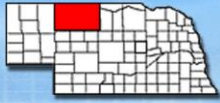
Chairman Kime opened public hearing on CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park at 4:31 PM CT. Chairman Kime asked Billie Brockley to speak on behalf of the application. Billie stated that her family is looking to purchase the property and reopen the old KOA/Riverside campground that's been closed since 2020. She stated they don't have an idea the state of current buildings, electrical, plumbing, and there's not a habitable on-site living quarter. Roscoe Haase, Katrina Haase, Shane Allison, and Brenda Allison's testimony (read by Shane Allison) all had concerns about the application and the management of the property. Jane Stolzenburg spoke in favor of the campsite. Zoning Administrator Coyle provided the board with the written testimony from Mark Kovar of the Nebraska Department of Transportation. There was no other testimony from the public, so the applicant had an opportunity to address the concerns and questions of the public. Chairman Kime closed the public hearing at 4:47 pm.

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

Chairman Kime asked Zoning Administrator if CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park application is complete. The Zoning administrator stated yes, the application was complete.

Chairman Kime asked for disclosure of any conflicts of interest on CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park from the board. No board members disclosed any conflicts.

Chairman Kime asked for any disclosure of ex-parte communications by any member on CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park. No members had any communications.



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Discuss/Act on CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park

Sherri B., Marla S., Gary S., Duane K., and John L. all brought up concerns they had with use of property, septic, lack of plan, and the need of an adequate map site to be a complete application.

Albert E. made a motion to table a decision of CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park until further information is provided by applicant. Gary S. seconded the motion. Roll call vote was taken. Marla S.-Yes, Wade A.-Absent, Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-Absent. Motion carried 6-0.

During public comment a member of the public spoke. Carolyn Semin requested that the County Attorney be consulted concerning the Open Meetings Act when creating a subcommittee to review policy. Carolyn Semin provided a written document.

New Business:

Discuss/Work on Zoning Regulations

The board had a discussion on the Zoning Regulations, Comprehensive Plan and whether to have a ZOOM Meeting with Keith Marvin at the next meeting. The most current copy of both draft documents is online for the Public to access. Zoning Administrator Coyle also gave copies of other county regulations concerning wind and solar for the board to review. It was a consensus of the board to not schedule a ZOOM meeting until they get the updated Comprehensive Plan from Keith.

Discuss/Act on Subcommittee to work on the Zoning Regulations

There was discussion amongst the board regarding the Zoning Regulations and no committee was created until Zoning Administrator hears from the County Attorney. No action was taken.

Set Meeting Date and Time

The board set a date of February 6 at 4:30 PM CT for the next meeting in the Cherry County Courthouse Meeting Room.

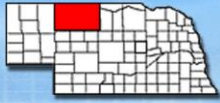
Old Business:

None

Communications:

Zoning Administrator Coyle supplied the board with a copy of the District Court decision on the Ed Brown v. Cherry County Commissioners and Danielski Harvesting. She also reported after a phone call, that the County Attorney said that it wouldn't be in violation of the Open Meetings Act to have a subcommittee review the Zoning Regulations and report back to the rest of the board.

Reports and Recommendations:



Cherry County Planning and Zoning Minutes



Chairman Kime suggested that the board think about putting a moratorium on no more Conditional Use Permits until the update of the Comprehensive Plan and Zoning Regulations are complete. The board discussed and this will potentially be an agenda item for the next meeting.

Excused Absence:

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

Chairman Kime adjourned the meeting at 5:49 PM CT.

Jessica Coyle

Zoning Administrator

APPROVED