

Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

February 6, 2024

CHERRY COUNTY COURTHOUSE MEETING ROOM

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

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

Marla S. made a motion to amend the minutes with addition of discussion and recommend approval from the December 5, 2023 meeting. Motion failed due to lack of a second. John L. made a motion to approve the December 5, 2023 minutes. Gary S. seconded the motion. Roll call vote was taken. Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-Absent. Motion carried 6-0.

Public Hearing

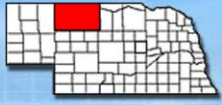
Vice Chairman Andrews opened public hearing on CUP#001/24 Monty Neiffer for Residential Subdivision at 4:34 PM CT. Vice Chairman Andrews asked Monty Neiffer to speak on behalf of the application. Monty spoke to the board about the purchase of the property and felt this was a way to address the housing issue in the community. Zoning Administrator Coyle provided the board with written testimony from Amber Daugherty and Mark Kovar, Nebraska DOT, that was provided prior to the meeting. Monty responded to the written testimony stating that there will be covenants and was in contact with another representative from the Nebraska DOT. No members of the public spoke. Vice Chairman Andrews closed the public hearing at 4:50 pm.

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

Vice Chairman Andrews asked Zoning Administrator Coyle if CUP#001/24 Monty Neiffer for Residential Subdivision application is complete. The Zoning administrator Coyle stated yes, the application was complete.

Vice Chairman Andrews asked for disclosure of any conflicts of interest on CUP#001/24 Monty Neiffer for Residential Subdivision from the board. No board members disclosed any conflicts.

Vice Chairman Andrews asked for any disclosure of ex-parte communications by any member on CUP#001/24 Monty Neiffer for Residential Subdivision. No members had any communications.



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Discuss/Act on CUP#001/24 Monty Neiffer for Residential Subdivision

Sherri B., Marla S., Gary S., and John L. all brought up concerns they had with the letter from Mark Kovar and the confusion from Mark's statement.

Marla S. made a motion to table a decision on CUP#001/24 Monty Neiffer for Residential Subdivision pending additional information from Mark Kovar, the Nebraska Department of Roads, and applicant. Sherri B. seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, and Marla S.-Yes. Motion carried 6-0.

During public comment a member of the public spoke. Carolyn Semin read and provided a written statement to attach to the minutes.

New Business:

Election of Chairman

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

Election of Vice Chairman

John L. made a motion to nominate Duane Kime for Vice Chairman. Gary S. seconded the motion.

Marla S. made a motion to nominate Albert Ericksen for Vice Chairman. Sherri B. seconded the motion.

Roll call vote was taken on motion for Duane Kime for Vice Chairman. Duane K.-Absent, Sherri B.-No, Gary S.-No, John L.-No, Albert E.-Abstain, Dave R.-Absent, Marla S.-No, Wade A.-No, Michael M.-Absent. Motion failed 5-1 with abstention.

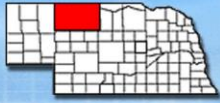
Roll call vote was taken on motion for Albert Ericksen for Vice Chairman. Gary S.-Yes, John L.-Yes, Albert E.-Abstain, Dave R.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, and Sherri B.-Yes. Motion carried 5-1 with abstention.

Election of Secretary

Gary S. made a motion to nominate Sherri Bacon for Secretary and nominations ceased. John L. seconded the motion. Roll call vote was taken. John L.-Yes, Albert E.-Yes, Dave R.-Absent, Marla S.-Yes, Wade A.-Yes, Duane K.-Absent, and Sherri B.-Abstain, and Gary S.-Yes. Motion carried 5-1 with abstention.

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

The board discussed some possible changes regarding limiting the number of excused absences. The board feels that if the Commissioners want to remove someone, they have the authority already provided in the document. Marla S. made a motion to make no changes to the Planning Commission Bylaws and Rules of Procedure. Albert E. seconded the



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

Set Meeting Date and Time

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

Old Business:

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

Zoning Administrator Coyle told the board that they should have all received via email the additional information from the applicant. Board members asked the applicant questions and had discussion as a board. Gary S. made a motion to recommend approval based on it meets the criteria of the current Zoning Regulations. John L. seconded the motion. Additional discussion was had by the board after the motion was made. Roll call vote was taken. Dave R.-Absent, Marla S.-No, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-No, Gary S.-Yes, John L.-Yes, and Albert E.-Yes. Motion carried 4-2.

Cherry County Comprehensive Plan

Zoning Administrator Coyle advised the board of her conversation with Keith Marvin on the status of the Comprehensive Plan.

Communications:

Zoning Administrator Coyle asked the board who would like to be registered for the NPZA Conference March 6-8. Sherri B. did and Marla S. was a maybe. Zoning Administrator Coyle will make the arrangements.

Reports and Recommendations:

None

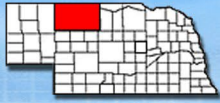
Excused Absence:

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

Chairman Andrews adjourned the meeting at 5:52 PM CT.

Jessica Coyle

Zoning Administrator



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CHERRY COUNTY PLANNING COMMISSION MINUTES

March 4, 2024

CHERRY COUNTY COURTHOUSE MEETING ROOM

The meeting was called to order at 4:30 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: Marla Shelbourn, Michael McLeod, Wade Andrews, Sherri Bacon, Gary Swanson, John Lee, and Albert Ericksen. Absent was Dave Rogers 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 February 6, 2024 minutes. John L. seconded the motion. Roll call vote was taken. Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, and Dave R.-Absent. Motion carried 7-0.

Public Hearing

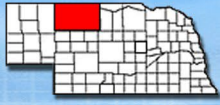
Chairman Andrews opened public hearing on CUP#002/24 Grant Moreland for a Commercial Welding shop DBA JO Welding LLC with intent to repair and manufacture agricultural equipment, parts, and metal art at 4:32 PM CT.

Chairman Andrews asked Grant Moreland to speak on behalf of the application. Grant spoke about the nature of the business and that the location is on the east side of Highway 61 just ½ mile south of Merriman. Francis Heath spoke and feels that this business is needed in the community. Ken Moreland stated that the ground has been in the family for 90 years, and Grant has made a lot of much needed improvements to accommodate a welding shop. Zoning Administrator Coyle provided the board prior to the meeting with written testimony from Mark Kovar, Nebraska DOT. Chairman Andrews closed the public hearing at 4:42 pm ct.

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

Chairman Andrews asked Zoning Administrator Coyle if CUP#002/24 Grant Moreland for a Commercial Welding shop DBA JO Welding LLC with intent to repair and manufacture agricultural equipment, parts, and metal art application is complete. The Zoning administrator Coyle stated yes, the application was complete.

Chairman Andrews asked for disclosure of any conflicts of interest on CUP#002/24 Grant Moreland for a Commercial Welding shop DBA JO Welding LLC with intent to repair and manufacture agricultural equipment, parts, and metal art from the board. No board members disclosed any conflicts.



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Chairman Andrews asked for any disclosure of ex-parte communications by any member on CUP#002/24 Grant Moreland for a Commercial Welding shop DBA JO Welding LLC with intent to repair and manufacture agricultural equipment, parts, and metal art. No members had any communications.

Discuss/Act on CUP#002/24 Grant Moreland for a Commercial Welding shop DBA JO Welding LLC with intent to repair and manufacture agricultural equipment, parts, and metal art

Marla S. appreciated the completeness of the application and commended the applicant. Sherri B. asked if he used to work for Plus One Mfg. Grant said he did until he moved home to possibly open his own business.

Marla S. made a motion on CUP#002/24 Grant Moreland for a Commercial Welding shop DBA JO Welding LLC with intent to repair and manufacture agricultural equipment, parts, and metal art to recommend approval based on the findings of fact that it was properly advertised, meets the current Zoning Regulations and Comprehensive Plan, and all public testimony received was in support; and would suggest a condition that the applicant follow Mark Kovar's recommendation in his email dated February 21, 2024. Albert E. seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Yes, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, and Marla S.-Yes. Motion carried 7-0.

During public comment a member of the public spoke. Francis Heath read and provided a written document to attach to the minutes.

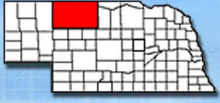
Old Business:

Discuss Cherry County Comprehensive Plan

The board was provided with some information from Keith Marvin, and he needed clarification on some issues before making changes to the Comprehensive Plan. The board made a consensus on all of Keith's suggestions to not add back in any of Maragret Byfield's comments on wind and solar and to not to add the suggested information to the Natural Resources and Environment chapter. The questions Keith had on items in the Zoning Regulations the board didn't want to discuss until they had time to review the Zoning Regulations.

Marla S. provided the board with 6 pages of suggested changes and grammatical issues she found in the proposed Cherry County Comprehensive Plan. The board went through some of them and decided that a subcommittee to review would be better. Chairman Andrews appointed a subcommittee of Gary S., Sherri B. and Marla S. with Gary S. being the chair. The subcommittee is going to meet sometime prior to the next meeting and report back to the full board then. The board spent an hour and a half on this agenda item.

New Business:



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Set Date and Time

The board set April 8, 2024 at 4:30 PM CT in the Meeting Room with a possible ZOOM with Keith Marvin.

Communications:

None

Reports and Recommendations:

None

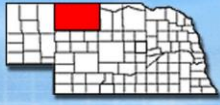
Excused Absence:

Sherri B. made a motion to excuse Dave R. and Duane K. from the meeting. Michael M. seconded the motion. Roll call vote was taken. Michael M.-Yes, Duane K.-Absent, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Yes, Dave R.-Absent, Marla S.-No, and Wade A.-Yes. Motion carried 6-1.

Chairman Andrews adjourned the meeting at 6:34 PM CT.

Jessica Coyle

Zoning Administrator



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

April 8, 2024

CHERRY COUNTY COURTHOUSE MEETING ROOM

The meeting was called to order at 4:30 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: Marla Shelbourn, Wade Andrews, Duane Kime, Sherri Bacon, Gary Swanson, and Albert Ericksen. Absent was Dave Rogers, 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

Marla S. made a motion to amend the meeting minutes from March 4, 2024 as written in her email to Zoning Administrator Coyle dated April 5, 2024. There was discussion amongst the board about her proposed change. The motion died for lack of a second. Marla S. submitted 7 pages to attach to the minutes for public record.

Sherri B. made a motion to approve March 4, 2024 minutes. Albert E. seconded the motion. Roll call vote was taken. Marla S.-No, Wade A.-Yes, Michael M.-Absent, Duane K.-Abstain, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, and Dave R.-Absent. Motion carried 4-2.

New Business:

ZOOM with Keith Marvin

Keith Marvin from Marvin Planning Associates joined the meeting via ZOOM to review the Subcommittee and Marla's suggested changes to the proposed Comprehensive Plan. The board went through multiple pages that were discussed with Keith and as a board. The ZOOM lasted almost an hour and Keith is going to get these changes made then provide the board with another copy of the proposed Comprehensive Plan prior to the next meeting.

Discuss/Act Subcommittee Review of the Comprehensive Plan and any changes/additions/corrections

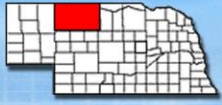
Marla made a motion to table Subcommittee Review of the Comprehensive Plan until they receive Keith's updated draft. Duane seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Yes, Dave R.-Absent, and Marla S.-Yes. Motion carried 6-0.

Set Date and Time

The board set May 6, 2024 at 4:30 PM CT in the Meeting Room.

Old Business:

Discuss Cherry County Comprehensive Plan



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There was a large discussion amongst the board regarding the Conservation Easement section of the proposed Comprehensive Plan. The board discussed different kinds of easements, whether they are allowable or not allowable by the current drafted plan, and possibly asking Commissioners their thoughts. Chairman Andrews directed the board to research other counties and bring something back to the next meeting on findings to compare.

Sherri B. brought up some questions on Residential Land Use Policies in the Land Use chapter under Growth and Development. The board went through this section and directed the Zoning Administrator to send Keith Marvin the changes they want in this section via email.

During public comment members of the public spoke. Francis Heath and Carolyn Semin read and provided a written document to attach to the minutes. Anne Warren provided a map to attach to the minutes.

Communications:

Marla S. reported on the NPZA Conference and provided her notes to the board.

Reports and Recommendations:

None

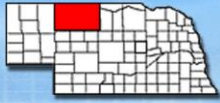
Excused Absence:

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

Chairman Andrews adjourned the meeting at 6:47 PM CT.

Jessica Coyle

Zoning Administrator



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

May 14, 2024

CHERRY COUNTY COURTHOUSE MEETING ROOM

The meeting was called to order at 4:30 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: Gordon Witte, Marla Shelbourn, Wade Andrews, Michael McLeod, Sherri Bacon, John Lee, and Albert Ericksen. Absent was Duane Kime and Gary Swanson. 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 April 8th, 2024 minutes. Sherri B. seconded the motion. Roll call vote was taken. Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Absent, Sherri B.-Yes, Gary S.-Absent, John L.-Yes, and Albert E.-Yes. Motion carried 7-0.

Public Comment

A member of the public spoke during this time.

Old Business:

Discuss Cherry County Comprehensive Plan

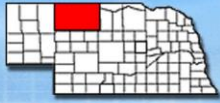
Marla S. brought to the table 5 pages of corrections and changes from her and 5 pages of corrections and changes from Carolyn Semin. Chairman Andrews stated he felt that they were only needing to review to make sure Keith had done changes that were requested at the last meeting. The board then spent time going through both documents page by page discussing the suggested changes and coming to a consensus on them. There were some that Marla S. stated she just plans to take those to the Commissioners later due to the board not agreeing with her.

Michael M. and the Zoning Administrator had to leave the meeting at 5:50 PM CT. Sherri B. continued to take minutes.

Sherri B. and Marla S. both had some points of discussion on Conservation Easements. These were discussed at length about term limits, land value, and Marla S. brought up baseline continually. Chairman Andrews brought up a scenario for the board to discuss. The board came to a consensus to make a change part of the document to include wording from the current Zoning Regulations.

Discuss/Act on changes to Cherry County Comprehensive Plan Draft

No action was taken.



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New Business:

Discuss/Act accept Comprehensive Plan Draft

No action was taken.

Discuss/Act setting date for Public Hearing on Comprehensive Plan

No action was taken.

Set Date and Time

The board set June 4, 2024 at 9:00 AM CT in the Meeting Room to ZOOM w/Keith or if unavailable then June 11th with time to be determined.

Communications:

None

Reports and Recommendations:

None

Excused Absence:

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

Chairman Andrews adjourned the meeting at 7:35 PM CT.

Jessica Coyle

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



CHERRY COUNTY PLANNING COMMISSION MINUTES

June 11, 2024

CHERRY COUNTY COURTHOUSE MEETING ROOM

The meeting was called to order at 1:00 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: Marla Shelbourn, Wade Andrews, Michael McLeod, Duane Kime, Sherri Bacon, John Lee, and Albert Ericksen. Absent was Gordon Witte and Gary Swanson. Also present were Jane Stolzenburg, Zoning Administrator, and various members of the public. Gordon Witte arrived at 1:01 PM.

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

Approval of Minutes

John L. made a motion to approve May 14th, 2024 minutes. Michael M. 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.-Absent, John L.-Yes, and Albert E.-Yes, Gordon W.-Yes. Motion carried 8-0.

At 1:10 PM CT Keith Marvin, Marvin Planning Consultants Inc., joined the meeting via ZOOM. Changes to the Cherry County Comprehensive Plan were provided by the board and changes were made on screen by Keith. Changes to soil information were e-mailed to Keith to be included. He will print and check the document for formatting issues prior to distribution to the board. Providing the final draft from Keith Marvin contains corrections discussed at the June 11, 2024 meeting, it is the unanimous consensus of the Planning Commission that the Cherry County Comprehensive Plan will be ready for a public hearing with no further revisions.

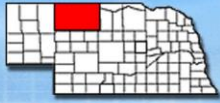
Discuss/Act Setting Date for Public Hearing on Comprehensive Plan

After discussion, it was the unanimous consensus of the commission to hold separate public hearings for the comprehensive plan update and the revised zoning regulations. The Zoning Administrator was tasked with reviewing the status of the contract with Marvin and Associates as it is the commission's understanding the contract is for Keith to attend one set of public hearings. Chairman Andrews directed the Zoning Administrator to inform the Board of Commissioners of the decision and get their direction for separate or combined document public hearings. Based on their decision, the Board of Commissioners may need to discuss a revised contract with Keith Marvin. A tentative time frame for a public hearing on the comprehensive plan update was set for an available date sometime during the last 2 weeks of July.

Public Comment – no members of the public spoke at this time

Old Business:

Discuss Cherry County Comprehensive Plan same as new business.



Cherry County Planning and Zoning Minutes



Set Date and Time

The board set July 2, 2024 at 4:30 PM CT in the Meeting Room for the next regular meeting.

Communications:

None

Reports and Recommendations:

Zoning Administrator Jane Stolzenburg reported that there were two zoning permit applications received and are being reviewed per the current zoning regulations.

Excused Absence:

John L. made a motion to excuse Gary S. from the meeting. Duane K. seconded the motion. Roll call vote was taken. Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Absent, John L.-Yes, Albert E.-Yes, and. Motion carried 8-0.

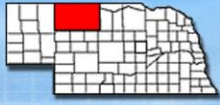
Chairman Andrews adjourned the meeting at 3:00 PM CT.

Jane Stolzenburg

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

July 2, 2024

CHERRY COUNTY COURTHOUSE MEETING ROOM

The meeting was called to order at 4:30 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: Gordon Witte, Marla Shelbourn, Wade Andrews, Sherri Bacon, and Albert Ericksen. Absent were Michael McLeod, Duane Kime, Gary Swanson, and John Lee. Also present were Jane Stolzenburg, 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 June 11th, 2024 minutes. Gordon W. seconded the motion. Roll call vote was taken. Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Absent, Sherri B.-Yes, Gary S.-Absent, John L.-Absent, Albert E.-Yes, and Gordon W.-Yes. Motion carried 5-0.

Old Business

Zoning Administrator updated the Planning Commission regarding the decision of the Commissioners for additional Public Hearings. The board agreed separate public hearings would be held for the Comprehensive Plan and the Zoning Regulations.

Board reviewed changes to Comprehensive Plan. A list of changes that had not been completed was made and the Chairman directed the Zoning Administrator to e-mail the corrections to Keith Marvin. Discussion was held concerning a lack of goals and policies in Chapter 8, Communications, Utilities, and Energy. Despite assurances from Keith, they are not required and more than one consensus agreement of the commission not to include any, member Shelbourn stated she will visit with the commissioners about it because she has personal feelings there needs to be something there.

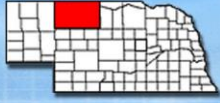
New Business

After discussion regarding the public hearing the date of July 25th was acceptable with Keith Marvin. The time was set for 4:30 PM CT.

The planning commission directed the Zoning Administrator to have at least 3 full copies of the Comprehensive Plan available to the public. Two will be available at the Library and one copy at the Zoning office. The Comprehensive Plan is also available on the website.

New Zoning Regulations were discussed, and Wade A. suggested to all the members of the Planning Commission to read the new plan and highlight or cross out what may not apply. It was suggested that each member make the changes and present them at the next meeting.

Public Comment – two members of the public spoke at this time.



Cherry County Planning and Zoning Minutes



Set Date and Time

The board set August 6, 2024 at 4:30 PM CT in the Meeting Room for the next regular meeting.

Communications:

Marla S. suggested that information for the Comprehensive Plan be made available to the public on the comment program on the radio. It was also agreed that the list of changes submitted to Keith Marvin be included in the copies that are made available to the public.

Reports and Recommendations:

Zoning Administrator Jane Stolzenburg reported that there was one zoning permit application received and accepted and one Conditional Use Permit submitted. This will be scheduled for a Public Hearing at the next meeting on August 6th.

Excused Absence:

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

Chairman Andrews adjourned the meeting at 6:23 PM CT.

Jane Stolzenburg

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



Cherry County Planning Commission Minutes

August 6, 2024

Cherry County Courthouse Meeting Room

The meeting was called to order at 4:30 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: Gordon Witte, Marla Shelbourn, Wade Andrews, Michael McLeod, Duane Kime, Sherri Bacon, Gary Swanson, and John Lee. Absent was Albert Ericksen. Also present were Jane Stolzenburg, 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. made a motion to approve the July 2, 2024 minutes with changes. Gordon W. 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.-Absent, and Gordon W.-Yes. Motion carried 8-0.

Public Hearing

Chairman Andrews opened public hearing on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking at 4:45 PM CT. Chairman Andrews asked the applicant to speak on behalf of the application. James Yoder spoke on behalf of Leon Mast about the nature of the business. No members from the public spoke. Chairman Andrews closed the public hearing at 4:56 PM CT.

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

Chairman Andrews asked if the application for CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking is complete. Zoning administrator Stolzenburg stated yes, the application is complete.

Chairman Andrews asked for disclosure of any conflicts of interest on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking from the board. No board members disclosed any conflicts.



Chairman Andrews asked for any disclosure of ex-parte communications by any member on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking. No members had any communications.

Discuss/Act on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking

Duane K. made a motion on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking to recommend approval based on the findings of fact it was properly advertised, met the criteria and zoning regulations and no members of the public spoke against the application. Gordon W. 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, Gordon W.-Yes, Marla S.-Yes. Motion carried 8-0.

Old Business

Discussed Zoning Regulations regarding the inclusion of the airport in the proposed regulations. Chairman Andrews directed Zoning Administrator Stolzenburg to send an e-mail to Keith Marvin to advise the requirements of the extent of including the new information or if the current regulation we have is sufficient.

Discussions continued and it was the consensus of the Planning Commission to compare and review up through 501.04 of the current zoning regulations and prepare to discuss what may need to be updated in those sections.

The Planning Commission discussed the Comprehensive Plan briefly regarding maps. The consensus was the Planning Commission is satisfied with the Comprehensive Plan and is ready to move forward with the public hearing.

New Business:

Discuss/Act setting date for the public hearing for the Comprehensive Plan. The board set Thursday, August 29, 2024 at 4:30 PM CT as this was agreeable with Keith Marvin via e-mailed dates he was available.

The board set September 10, 2024 at 4:30 PM CT for the next regular meeting.

Public Comment:

No members of the public spoke at this time.



Communications:

Sherri B. and Marla S. spoke on the radio comment program regarding the Comprehensive Plan informing the public of what the Comprehensive Plan is and the work that has been done in preparation for the public hearing. They stressed the importance of public input to guide the growth and development of Cherry County.

Chairman Andrews directed Zoning Administrator Stolzenburg to prepare a news release for the public hearing.

Reports and Recommendations:

Zoning Administrator Stolzenburg reported that copies of the Comprehensive Plan were made available at the library and the Clerk's Office. CUP and Zoning Permit Application forms were edited to contain check boxes to make it more user friendly to the public to include all required information the remainder of the form was unchanged.

Excused Absence:

Duane K. made a motion to excuse Albert E. from the meeting. John L. seconded the motion. Roll call vote was taken. Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Absent, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes. Motion carried 8-0.

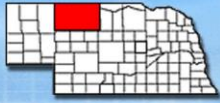
Chairman Andrews adjourned the meeting at 6:17 PM CT.

Jane Stolzenburg

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



Cherry County Planning and Zoning Minutes



Cherry County Fairgrounds

120 N Green Street, Valentine, NE

August 29, 2024

The meeting was called to order and the public hearing was opened at 4:30 PM CT by Chairman Wade Andrews in the advertised location of the Cherry County Fairgrounds, 120 N Green Street, Valentine, NE.

Roll call was taken. The following members were present: Gordon Witte, Marla Shelbourn, Wade Andrews, Duane Kime, Sherri Bacon, and Gary Swanson. Absent were Michael McLeod, John Lee and Albert Ericksen. Also present were Jane Stolzenburg, Zoning Administrator, Keith Marvin, Marvin Planning Consultants, 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 public hearing.

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

Chairman Andrews reviewed the Rules and Procedures for Presenting During the Public Hearing advising the public of a no more than 5-minute time limit to speak. The public was asked to sign the sign in sheet if they wanted to speak.

Comments were received from nine members of the public. Ten people signed the sign-up sheet, and one person declined to speak. One letter from the public was received and Chairman Andrews read the testimony. Keith Marvin expressed that the Comprehensive Plan is a guideline, and the Zoning Regulations will follow with more detail.

Duane Kime made a motion to table the Consideration and Recommendation to the Cherry County Board of Commissioners until the next regular scheduled meeting on September 10th. Marla Shelbourn seconded the motion.

Roll Call Vote was taken: Michael M. - Absent, Duane K. - yes, Sherri B. - yes, Gary S. – yes, John L. – Absent, Albert E. – Absent, Gordon W. – yes, Marla S. – yes, Wade A. – yes. Motion carried 6 – 0.

Chairman Andrews closed the public hearing at 5:14 P.M. CT.

Sherri Bacon made a motion to excuse Michael M., John L. and Albert E. from the public hearing. Duane Kime seconded the motion.

Roll Call Vote was taken: Duane K. - yes, Sherri B. - yes, Gary S. – yes, John L. – Absent, Albert E. – Absent, Gordon W. – yes, Marla S. – yes, Wade A. – yes, Michael M. - Absent. Motion carried 6 – 0.

Chairman Andrews adjourned the meeting at 5:18 P.M. CT.

Jane Stolzenburg

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



Cherry County Planning Commission Minutes

September 10, 2024

Cherry County Courthouse Meeting Room

The meeting was called to order at 4:30 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: Marla Shelbourn, Wade Andrews, Duane Kime, Sherri Bacon, Gary Swanson, John Lee, and Gordon Witte. Absent was Michael McLeod, and Albert Ericksen. Also present were Jane Stolzenburg, 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

Duane K. made a motion to approve both the August 6, 2024 and August 29, 2024 public hearing minutes with no changes. Gordon W. seconded the motion. Roll call vote was taken. Wade A.-Yes, Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Absent, and Gordon W.-Yes, Marla S.-Yes. Motion carried 7-0.

Communications: None

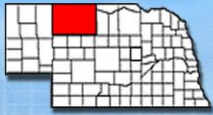
Reports and Recommendations:

Zoning Administrator, Jane S. reported that there were two co-locate zoning permits issued for cell towers. She also informed the board that she received a group e-mail from other counties regarding Wind CUP fees. Administrator Jane S. reported that the information was shared with the Board of Commissioners regarding the possibility of revising the fee schedule. The Board of Commissioners suggested the Planning Commission review it and it could be discussed at a later date after the completion of the revised zoning regulations.

Administrator Jane S. also advised that she would be attending the Robert's Rules of Order 101 class at Mid-Plains Community College on Thursday.

Public Hearing

Chairman Andrews opened public hearing on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking at 4:40 PM CT. Chairman Andrews asked the applicant to speak on behalf of the application. Leon Mast spoke about the nature of the business. No members of the public spoke. Chairman Andrews closed the public hearing at 4:43 PM CT.



Cherry County Planning and Zoning Minutes



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

Chairman Andrews asked if the application for CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking is complete. Zoning administrator Stolzenburg stated yes, the application is complete.

Chairman Andrews asked for disclosure of any conflicts of interest on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking from the board. No board members disclosed any conflicts.

Chairman Andrews asked for any disclosure of ex-parte communications by any member on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking. No members had any communications.

Discuss/Act on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking

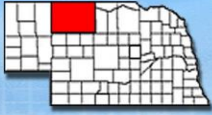
Sherri B. made a motion on CUP#003/24 Leon Mast Custom Kitchen Cabinet and Woodworking to recommend approval based on the findings of fact it was properly advertised, met the criteria and zoning regulations and no members of the public spoke against the application. This hearing was done due to improper notification and the proper notification was provided. Duane K. seconded the motion. Roll call vote was taken. Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Absent, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes. Motion passed 7-0.

Old Business:

Chairman Andrews opened the discussion regarding the Comprehensive Plan for Consideration and possible recommendation to the Cherry County Board of Commissioners. Duane K. made a motion to approve recommending the Comprehensive Plan as written and if amendments need to be made it could be done down the line. Gary S. seconded the motion. After a brief discussion a roll call vote was taken: Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Yes, Albert E.-Absent, Gordon W. -Yes, Marla S.-No, Wade A.-Yes, Michael M.-Absent. Motion passed 6-1.

The board began reviewing the definitions in the Zoning Regulations. A list of proposed changes is being prepared for Keith Marvin. Several questions regarding definitions will be sent to Keith Marvin for clarification and state statute requirements.

John L. left the meeting at 6:00 PM CT.



Cherry County Planning and Zoning Minutes



New Business:

The board set October 1, 2024 at 4:30 PM CT for the next regular meeting.

Public Comment:

No members of the public spoke at this time.

Excused Absence:

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

Chairman Andrews adjourned the meeting at 6:30 PM CT.

Jane Stolzenburg

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



Cherry County Planning Commission Minutes

October 1, 2024

Cherry County Courthouse Meeting Room

The meeting was called to order at 4:30 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: Albert Ericksen, Gordon Witte, Marla Shelbourn, Wade Andrews, Duane Kime, and Sherri Bacon. Absent were Gary Swanson and John Lee. Also present were Jane Stolzenburg, 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

Duane K. made a motion to approve the September 10, 2024 minutes with no changes. Marla S. seconded the motion. Roll call vote was taken. John L.-Absent, Albert E.-Yes, Gordon W.-Yes, Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Absent. Motion carried 7-0.

Old Business:

The board continued reviewing the definitions in the Zoning Regulations. A list of proposed changes is being prepared for Keith Marvin. Several questions regarding definitions will be sent to Keith Marvin for clarification and state statute requirements.

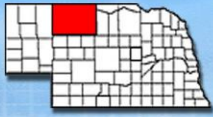
New Business:

It was agreed that the next meeting would start the review of Article 3 in the proposed zoning regulations.

The board set November 12, 2024 at 4:30 PM CT for the next regular meeting.

Public Comment:

Two members of the public spoke at this time.



Cherry County Planning and Zoning Minutes



Communications:

Zoning Administrator Jane S. asked for confirmation of how many board members would be attending the NPZA virtual training on October 11 as registration would need to be completed. Four members confirmed they would like to be registered.

Reports and Recommendations:

Zoning Administrator, Jane S. attended the Robert's Rules of Order 101 class at Mid-Plains Community College. A copy of the power point was e-mailed and will be shared with the planning commission.

The City of Valentine has annexed the airport and is now in City Limits. The airport authority board has been dissolved.

Excused Absence:

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

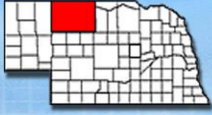
Chairman Andrews adjourned the meeting at 6:35 PM CT.

Jane Stolzenburg

Zoning Administrator and

Sherri Bacon

Planning Commission Secretary



Cherry County Planning and Zoning Minutes



Cherry County Planning Commission Minutes

November 12, 2024

Cherry County Courthouse Meeting Room

The meeting was called to order at 4:30 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: Albert Ericksen, Marla Shelbourn, Wade Andrews, Michael McLeod, Duane Kime, and Sherri Bacon. Absent were Gary Swanson, Gordon Witte, and John Lee. Also present were Jane Stolzenburg, 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 October 1, 2024 minutes as amended after discussion. Duane K. seconded the motion. Roll call vote was taken to amend the minutes. John L.-Absent, Albert E.-Yes, Gordon W.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Absent. Motion carried 6-0. Roll call vote was taken to approve the minutes. John L.-Absent, Albert E.-Yes, Gordon W.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Sherri B.-Yes, Gary S.-Absent. Motion carried 6-0.

Old Business:

None

New Business:

The board reviewed the definitions clarified in Keith Marvin's e-mail response for the Zoning Regulations. The Planning Commission decided to have a clean copy of the definitions from Keith Marvin and send to the County Attorney for an opinion to leave all the definitions or to strike any that may potentially create a problem. It was also decided to take out the pictures in the definitions area to conserve space. It was decided to send one section at a time of the proposed regulations to the County Attorney for review. It was agreed that the next meeting would start the review of Article 4 in the proposed zoning regulations.

Duane K. left the meeting at 6:15 PM CT.



The board set December 3, 2024 at 2:00 PM CT for the next regular meeting.

The board also discussed having two meetings in January and February on the 1st and 3rd Tuesdays at 2:00 PM CT. The actual meeting time and date will be decided on at each of the meetings.

Public Comment:

No members of the public spoke at this time.

Communications:

Sherri B. reported it appears the Nebraska Supreme Court has chosen to hear the Amorak Inc (Ed Brown) v Cherry County Board of Commissioners appeal during its January 7, 8, 9, 2025 call. It is possible to go to the website and watch the proceedings.

Wade A. mentioned the Commissioner Public Hearing for the Comprehensive Plan is on the 19th of November and the Planning Commission is allowed to go if they do not sit together and discuss any findings.

Zoning Administrator Jane S. shared an e-mail received regarding the 20% of prime farmland for large solar farms. Jane will respond to the e-mail stating the information that was quoted in the e-mail is the draft copy and there is currently a moratorium in place for solar energy conditional use permits.

Reports and Recommendations:

Zoning Administrator, Jane S. reported that there have been two permits for replacement of existing homes and 6 cell tower equipment upgrades received today.

Marla S. informed the board that NPZA conference has been set in March 2025 and would like to attend.

Excused Absence:

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

Chairman Andrews adjourned the meeting at 7:08 PM CT.

Jane Stolzenburg, Zoning Administrator

and

Sherri Bacon, Planning Commission Secretary



Cherry County Planning Commission Minutes

December 3, 2024

Cherry County Courthouse Meeting Room

The meeting was called to order at 2:00 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: Marla Shelbourn, Wade Andrews, Duane Kime, Sherri Bacon, and Gary Swanson. Absent were Albert Ericksen, Gordon Witte, Michael McLeod, and John Lee. Also present were Jane Stolzenburg, 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

Duane K. made a motion to approve the November 12, 2024 minutes. Marla S. seconded the motion. Roll call vote was taken to approve the minutes. Gordon W.-Absent, Marla S.-Yes, Wade A.-Yes, Michael M.-Absent, Duane K.-Yes, Sherri B.-Yes, Gary S.-Yes, John L.-Absent, Albert E.-Absent. Motion carried 5-0.

Old Business:

None

New Business:

The Planning Commission started reviewing Article 4, Cattle Country Ag District section in the proposed zoning regulations. It was the consensus of the commission to add the current regulations to the proposed zoning regulations in several areas. Gary S. requested clarification from Keith Marvin regarding platted/non-platted roads. The commission also agreed to ask Kalli Kieborz, Executive Director of the Niobrara Council, for input on the section regarding the Niobrara River Corridor Agricultural District. Zoning Administrator Jane S. was directed to send the current and proposed regulations as well as an invitation to attend the next meeting to provide the Council's input. Zoning Administrator Jane S. informed the commission if the Valentine paper closes per state statute posting for meetings would have to be done in three public areas to meet statute.

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

Public Comment:

No members of the public spoke at this time.



Communications:

Zoning Administrator Jane S. received an e-mail regarding Wellhead Protection Overlay District regarding how other counties covered this in either the Comprehensive Plan or Zoning Regulations. Only one county provided a sample document. It was reported that Rock County is also in the process of reviewing their Zoning Regulations. Administrator Jane S. has not received a response from Keith Marvin regarding the proposed changes to the definitions and will follow up.

Reports and Recommendations:

Zoning Administrator, Jane S. reported that there has been one permit for replacement of an existing home and four cell tower equipment upgrades received since the last meeting. She also informed the commission of an upcoming CUP and public hearing to be scheduled for the next meeting. Zoning Administrator Jane S. also advised the commission of four openings in January. The following members term is expiring on January 11, 2025: Gordon Witte, Albert Ericksen and Wade Andrews. Wade A. expressed his interest in remaining on the commission. John Lee advised Zoning Administrator Jane S. he had spoken to Commissioner DeNaeyer regarding his resignation.

Excused Absence:

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

Chairman Andrews adjourned the meeting at 4:19 PM CT.

Jane Stolzenburg, Zoning Administrator

and

Sherri Bacon, Planning Commission Secretary