



Cherry County Planning Commission Minutes

July 21, 2026

Cherry County Courthouse Meeting Room

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

Roll Call

Duane K present; Gordon W present; Sherri B present; Gary S present; Wade A present; Marla S present; Bill W present; Chad T present; Gary M present

The Open Meetings Act was noted as well as verification of proper advertisement for the meeting. The meeting was advertised in the Valentine Midland News, July 15, 2026.

Approval of minutes

Gary S made a motion to approve the June 17, 2026 meeting minutes, seconded by Wade A. Roll call vote was not taken due to corrections requested by Marla S. Marla S didn't feel the minutes as presented contained enough documentation for the record so offered a document with her suggestions.

Sherri B, after citing the Open Meeting Act regulations for proper minutes requiring "Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed." moved to make one correction, committee to commission, seconded by Gary S. Marla continued her discussion of her corrections alleging an erroneous record if minutes as presented are not corrected. Roll call vote Gordon W - no, Sherri B - yes, Gary S - no, Wade A - no, Bill W - no, Chad T - no, Gary M - no, Duane K - no, Marla S - no. Motion failed 8 -1.

Marla S moved to amend the minutes as presented by a document she presented, seconded by Gordon W. Marla continued to discuss what makes good minutes as per NPZA. Roll call vote Sherri - no, Gary S - no, Wade A - yes, Marla S - yes, Bill W - yes, Chad T - yes, Gary M - yes, Duane K - yes, Gordon W - yes. Motion carried 7 -2.

Gary S moved to approve the June 17 minutes as amended by the corrections as presented by Marla S, seconded by Wade A. Roll call vote Gary S - yes, Wade A - yes, Marla S - yes, Bill



W - yes, Chad T - yes, Gary M - yes, Duane K - yes, Sherri B - no, Gordon W - yes. Motion carried 8 - 1.

Public Comment

Public comment was heard by 2 members of the public.

Old Business

Sherri B distributed a copy of the latest updated Excel spreadsheet that is recording changes being made to the proposed zoning regulations. After discussion, the consensus was to approve only changes on page "5/12/2-026 Sherri's noted additional corrections at 5/12/2026 Sub Committee meeting that Marla agrees need changed ..." (page 8). The remaining 2 pages will be reviewed at another time. Duane K reported Keith M has agreed to a zoom meeting to make corrections in real time after we have completed discussion on the final two pages on the distributed document.

Sherri B presented copies she personally paid for of pages 68 - 71, Section 40.08.06, pages 99 - 102 Section 6.06 and pages 25 - 34 current livestock zoning regulations to facilitate a discussion of AFO regulations without the need to juggle between sections. Sherri B suggested removing livestock regulations on pages 68 - 70 and blending with the livestock regulations on pages 99 - 102 so all conditional use regulations are in Article 6, Supplemental Regulations. Marla handed out a document comparing setbacks for Cherry, Thomas, Lincoln, Brown counties. Discussion moved from regulation organization to setbacks.

Marla stated people don't want 300 AUs right across the fence so would like all AFOs to require a CUP. Marla stated the draft regulations currently don't have any setbacks for 100 - 300 AUs. Discussion continued to decide whether setbacks are from habitable dwellings or property lines. Gordon W feels property lines from a residence need to be greater than from a property line due to scarce population and large land mass. Marla S stated all setbacks in the draft regulations are from property lines so need to add AFOs to those setbacks. Gordon W stated adjacent property owner's property rights should be protected even though they don't live there and they should be protected for future uses. Gary S and Sherri B countered that possible future use of owner B is preventing current use of owner A. After lengthy discussion of other property line setbacks and specific wording, Marla S moved to establish AFO setbacks based on distance from the exterior boundary of the proposed AFO to the nearest point of the neighboring property line, second by Gordon



W. Roll call Gary S - no, Wade A - abstain, Marla - yes, Bill W - yes, Chad T - yes, Gary M - yes, Duane K - no, Gordon W - yes, Sherri B - no. Motion carried 5 - 4 (abstain = no)

Chad T raised the question of whether a definition for property, boundary line is needed. Consensus agreement was none needed. Marla S would like to have a setback for 100 - 300 AUs. Sherri recognized the need to change the definition of AFO on page 8 to add a class of 100 - 300 AUs but Marla disagreed. The setbacks listed in the table in 4.08.06 on page 68 will be struck while keeping the setbacks in the table on page 100. After discussion, Sherri B requested a motion and roll call vote for the public record. Gordon W made a motion to add 1/4 mile setback for an AFO 100 - 300 AU provided such a setback does not require a CUP and adopt setbacks in table 6.06.1, AFO Spacing and Distance page 100 draft regulations, seconded by Gary M. Roll call Wade A - yes, Marla S - yes, Bill W - yes, Chad T - no, Gary M - yes. Duane K - no, Gordon W - yes, Sherri B - no, Gary S - no. Motion carried 5 - 4.

After discussion of some of the narrative of the livestock regulations in Section 6.06, it was decided to study and further discuss the proposed regulations on pages 68 - 70 and pages 99 - 102 in the August meeting.

Duane K presented a copy of a new livestock siting matrix as designed by Keith Marvin and Steve Martin, CEO AFAN, for informational purposes. During the conversation with Sherri B, Steve offered to be a guest to discuss livestock feeding operations and possibly data center questions. Duane K will talk with him about a possible date after Steve returns to the country Sept 25. Marla S suggested a special meeting to allow for more time for discussion.

New Business

The next meeting date is set for August 11, 2026 in the Cherry County Courthouse Meeting Room at 4:30 PM CDST if available.

After setting meeting time and date, Wade A brought up the question of Jane Z, interim ZA attending meetings and taking over secretary duties of the minutes with discussion even though the item was not a discuss/act item on the agenda. Sherri B stated she is fine with continuing, however some members feel differently. Duane K will talk to the commissioners regarding the interim ZA accepted proposal as it will cost taxpayers \$50/hour for Jane Z to attend meetings and take minutes.

Communications



Sherri B advised the commission it appears the mileage reimbursement being used was 2025 as that was the form in the file and not the current 2026 form. Sherri B will work with Sam and Billie in the Clerk's office to correct any issues as necessary.

Reports and Recommendations None

Excused Absences None

Adjournment

The meeting was adjourned at 6:35 pm.

Sherri Bacon , Planning Commission Secretary

APPROVED