Cherry County Planning and Zoning Minutes

Cherry County Planning Commission Minutes

October 6, 2026

Cherry County Courthouse Meeting Room

APPROVED AS AMENDED

The meeting was called to order at 4:32 pm CDST by Chairman Duane Kime in the advertised location of the Cherry County Courthouse Meeting Room.

Roll Call

Roll call was taken. The following members were present: Chad Tetherow, Bill Wachob, Gordon Witte, Marla Shelbourn, Gary MacLeod, Duane Kime, Gary Swanson arrived at 4:33 pm. Absent was: Sherri Bacon and Wade Andrews. Also present were Jane Stolzenburg, Interim Zoning Administrator, and various members of the public.

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, September 9 and September 30 and Midland News Facebook page.

Approval of minutes

Marla S. made a motion to approve the September 1, 2026 meeting minutes as presented. Seconded by Gordon W. Roll call vote was taken. Bill W. – Yes, Gordon W. – Yes, Gary M. - Yes, Duane K. – Yes, Sherri B. – Absent, Gary S – Yes, Chad T. - Yes, Marla S. – Yes, Wade A. – Absent. Motion carried 7-2 absent.

Public Comment

Two members of the public commented.

Old Business

Gary M. had handed out a pamphlet at the meeting on September 1st regarding Knox County banning wind and Solar. Gary M. made a motion to allow private wind & solar development in Cherry County and not allow commercial wind and solar developments that are built to sell electricity to utility providers for the following reasons: strong voter opposition during public meetings and hearings, safety concerns including fire and water quality issues, conflict with the rural, agricultural character of Cherry County, the inability of Valentine sands to support these structures, negative impacts to physical and mental health of nearby residents and decreased property values of adjacent properties. The

motion Gary M. handed out to the board members included 24 findings of fact but did not read the entire handout. Marla S. clarified that Gary M. handed that out to be added to the zoning regulations. Gary M. affirmed that was his intent. Gordon W. seconded the motion. The finding of facts were read by the Interim Zoning Administrator as presented by Gary M and are attached to the minutes. Discussion followed, Marla S. would like to have this inserted under section 614. Marla S. amended the motion to include under section 6.14 allow private wind & solar development in Cherry County and not allow commercial wind and solar developments that are built to sell electricity to utility providers for the following reasons: strong voter opposition during public meetings and hearings, safety concerns including fire and water quality issues, conflict with the rural, agricultural character of Cherry County, the inability of Valentine sands to support these structures, negative impacts to physical and mental health of nearby residents and decreased property values of adjacent properties. Gary M. seconded the motion. Chad T. moved to amend Marla S. amendment to stop at the word providers and to remove wind as the solar regulations were the point of discussion. The Interim Zoning Administrator re-read the amended, amended motion: Move to include under 6.14 to allow private solar development in Cherry County and not allow commercial solar developments that are built to sell electricity to utility providers. Marla S. seconded the motion. Roll call vote: Sherri B. – Absent, Gary S. – No, Marla S. – Yes, Chad T. – Yes, Gary M. – Yes, Bill W. – Yes, Gordon W. – Yes, Wade A. – Absent, Duane K. – No. Motion carried 5 Yes, 2 No, 2 Absent. Roll call vote on Marla S. amendment: Duane K – No, Gordon W. – Yes, Sherri B. – Absent, Marla S. – Yes, Gary S. – No, Chad T. – Yes, Wade A. – Absent, Bill W. – Yes, Gary M. – Yes. Motion carried 5 Yes, 2 No, 2 Absent. Roll call vote on Gary M. original motion as amended: Chad T. – Y, Gary S. – No, Sherri B. – Absent, Bill W. – Abstain, Marla S. – Yes, Wade A. – Absent, Gary M. – Yes, Duane K. – No, Gordon W. – Yes. Motion carried 4 Yes, 2 No, 1 Abstain, 2 Absent.

New Business

Exempting Individual solar conversion systems (ISCS) 6.14.03 from the regulations was discussed as well as verifying the individual solar definition. It was the consensus of the Planning Commission in section 6.14.04 Neighborhood Solar Conversion Systems under number 1 - keep letters A and C and strike the remainder. Strike numbers 2, 3 and 4. Strike 6.14.05, Commercial Solar Conversion Systems, 6.14.06, Large Solar Farms.

Marla S. moved to table further work on wind regulations until the next meeting. Duane K. seconded the motion. Roll call vote: Chad T. – Yes, Gary M. – Yes, Marla S. – Yes, Gordon W. – Yes, Bill W. – Yes, Wade A. – Absent, Gary S. – Yes, Duane K. – Yes, Sherri B. – Yes. Motion carried 7 Yes, 2 Absent.

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The next meeting date is set for October 20, 2026 in the Cherry County Courthouse Meeting Room at 4:30 PM CDST.

Communications

Interim Zoning Administrator reminded the Planning Commission about a training opportunity from the NPZA and to send an email to the zoning office to be added to the attendee list.

Reports and Recommendations

Duane K. shared information from Keith Marvin regarding data centers to be considered when the regulations are discussed.

Excused Absences

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

Adjournment

The meeting was adjourned at 6:17 pm.

Jane Stolzenburg

Interim Zoning Administrator

See attached Findings of Fact as presented by Gary M. as part of original motion.

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Findings of facts as presented by Gary M.

1. Strong voter opposition during public meetings and hearings are overwhelmingly against commercial wind and solar installations.
2. Commercial WECS (Wind Energy Conversion System) and CSCS (Collection System for Concentrated Solar), would significantly decrease property values near any wind towers and solar installations, causing economic harm and direct financial loss to the owners of the affected real estate.
3. When operating, commercial WECS developments emit constant noise and shadow flicker, which disturbs nearby residents causing them mental and physical harm.
4. Commercial WECS and CSCS energy developments cause significant view-scape pollution and are not consistent with the rural character of Cherry County.
5. A commercial WECS development presents a substantial health and safety issue to crop dusting planes and reduces the area that can be safely dusted.
6. A commercial WECS development presents substantial safety issues for private planes in Cherry County.
7. Approximately 90% of Cherry County's real estate consist of the Sandhills. Cherry County is predominantly Valentine soils which are environmentally unsuited to support these large structures.
8. The Nebraska Sandhills are a unique geographic feature and delicate ecosystem of North America and form the largest stabilized sand dune system in the Western Hemisphere. They comprise on of the most untouched, pristine grassland ecoregions in North America. Covering nearly 20,000 square miles across north-central Nebraska, this massive landscape is a rare combination of desert-like sand dunes completely blanketed and anchored by mixed-grass prairie.
9. Cherry County sits directly over the Ogallala Aquifer. As such, Cherry County has many sub-irrigated meadows and shallow lakes. The combination of a high water table and delicate permeable sand soils makes Cherry County particularly unsuited for commercial construction and especially the wind turbines and large solar facilities for commercial WECS and CSCS development.
10. The Samuel McKelvie National Forest is located in Cherry County and it consists of 115,703 acres. The United States Fish and Wildlife Services manages 90,622 acres in Cherry County. This real estate is a tourist attraction which would be harmed by the construction of WECS and CSCS in Cherry County.

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11. Merritt Reservoir State Recreation Area in Cherry County is designated as an international Dark Sky Park. It is a leading Nebraska astrotourism site backed by solid conservation and community engagement. Commercial WECS would interfere with the dark sky and disturb the stargazing experiences.
12. The Comprehensive Plan states that Cherry County will work to ensure that changes in the use of local land have no adverse impact on the present and future viability of agricultural operations on neighboring lands.
13. Approximately 90% of Cherry County's real estate is devoted to farming and ranching.
14. Commercial WECS and CSCS would decrease the existing revenue for tourism businesses in Cherry County and would discourage growth in hunting, fishing, water sports and golf. Tourism is an important part of the Cherry County economy and it creates a non-agricultural revenue stream, thus, diversifying the economy.
15. Cherry County is home to two world class golf courses. People from all over the world come to golf here. These golfers often comment about the seclusion, quiet and distance from industrial development as their reasons for traveling to Cherry County.
16. Commercial WECS and CSCS have a history of killing birds; including federally protected birds.
17. The Niobrara River is located in Cherry County. It is a major tourist destination which generates substantial tax revenue for Cherry County and revenue for Cherry County businesses. Congress has designated a 76-mile stretch of the Niobrara River as the Niobrara National Scenic River. One of the goals of the Cherry County Comprehensive Plan is to protect the Niobrara River Corridor view-scape and light pollutions as well as construction close to the river. Commercial WECS and CSCS could adversely affect revenue from tourism.
18. Commercial WECS and CSCS are industrial uses that manufacture electricity which is inconsistent with the agricultural character of the county.
19. Commercial WECS and CSCS in non compatible with the agricultural nature of Cherry County.
20. Currently there are no pre-existing high-capacity electrical lines to transmit significant quantities of electricity from Cherry County to more populated areas. Furthermore, Nebraska Public Power District (NPPD) has not acquired all of the easements necessary to build high-capacity transmission lines in Cherry County. The capital expense incurred by NPPD for the construction of new high-capacity

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lines will be padded on the NPPD's customer-owners in the form of electricity rate increases.

21. The highest and best use of real estate in Cherry County is for the efficient production of food rather than the inefficient production of electricity.
22. Commercial WECS and CSCS developments and battery energy storage systems are susceptible to catching on fire and the local volunteer fire departments do not have the proper equipment to contain or extinguish electrical fires of this nature. There are also concerns regarding toxic chemicals that might be released into the air and onto the land in the event of fire, thus, affecting the health of Cherry County residents as well as pollution of the land from the materials that will be left in the ground.
23. With the expiration of federal tax credits for wind and solar energy producers, the market has already moved up the kWh prices that Nebraska Public Power District would have to pay to wind and solar energy deve3lopers for new power purchase agreements. Open-source data indicates kWh rates will be 40% to 120% higher for wind and solar energy projects after 2026.
24. The State of Nebraska has designated Highway 12 from Sioux City to Valentine as the Outlaw Trail Scenic Byway and Highway 20 from Wyoming to Valentine as Bridges to Buttes Scenic Highway. Preservation of the scenery of those routes should be protected. Additionally, since 1984, the Nebraska Sandhills has been designated a National Natural Landmark.

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