

Cherry County Planning Commission Minutes

November 04, 2026

Cherry County Courthouse Meeting Room

The meeting was called to order at 2:00 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: Marla Shelbourn, Sherri Bacon, Gary MacLeod, Bill Wachob, Duane Kime, Gordon Witte, and Chad Tetherow. Absent were: Wade Andrews and Gary Swanson. Also present were Jane Stolzenburg, Interim Zoning Administrator, and 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, October 28, 2026.

Approval of minutes

Gordon W. made a motion to accept the meeting minutes with the addition of under new business we set the next meeting for November 04, 2026 at 2:00 pm at the courthouse meeting room. Seconded by Marla S. Roll call vote was taken. Sherri B. – Yes, Gary S – Absent, Marla S. – Yes, Marla S. – Yes, Gary M. -Yes, Bill W. – Yes, Gordon W. – Yes, Wade A. – Absent, and Duane K. - Yes. Motion carried 7- yes, 2 absent.

Public Comment

None

Old Business

Duane K. left the meeting at 2:07 pm for a phone call from Keith Marvin and returned at 2:09 pm.

Duane K. made a motion to rescind Gary M. motion in the October 20, 2026 meeting on wind regulation. Seconded by Gordon W. Discussion took place regarding the motion. Duane K. then withdrew the motion. Marla S. moved to rescind Gary M. motion and the vote made October 20, 2026 to retain resolution 6.04 Small Wind Energy Systems and omit 6.05 Commercial Grade Wind Energy Systems based on presented reasons, and they will

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be attached to the minutes. Gordon W. seconded the motion. Roll call vote was taken. Bill W. – Yes, Gordon W. – Yes, Gary M. – Yes, Duane K. – Yes, Sherri B. – Yes, Gary S. – Absent, Chad T. – Yes, Marla S. – Yes, Wade A. – Absent. Motion carried 7- yes, 2 absent.

Gary M. made a motion to include in Section 6.04 to allow Small Wind Energy System development in Cherry County and not allow commercial wind developments that are built to sell electricity to utility providers. Gordon W. seconded the motion. Roll call vote was taken: Duane K. – No, Gordon W. – Yes, Sherri B. – No, Marla S. – Yes, Gary S. – Absent, Chad T. – Yes, Wade A. – Absent, Bill W. – Yes, Gary M. – Yes. Motion carried 5- yes, 2 no, 2 absent.

Marla S. moved to re-insert Section 6.05 as heading for Commercial Wind Energy followed by the statement – Commercial Wind Development built to sell electricity to utility providers is not allowed in Cherry County. Seconded by Gary M. Roll call vote was taken: Chad T. – Yes, Gary S. – Absent, Sherri B. – No, Bill W. – Yes, Marla S. – Yes, Wade A. – Absent, Gary M. – Yes, Duane K. – Abstain, Gordon W. – Yes. Motion carried 5- yes, 1 no, 1 abstain, 2 absent.

Lincoln, Custer, and Cass County regulations regarding data centers were shared. Setbacks more than ¼ mile, size, closed loop, noise limits, lighting standards, provide own power, no expansion without a new CUP, easements provided prior to CUP were some of the issues discussed. Possibility of banning large hyperscale facilities greater than 20 MW. Size differences were discussed and it was the consensus of the planning commission to use the state statute LB1010. The possibility of exempting ancillary use was also discussed. It was the consensus of the Planning Commission to compare the regulations provided and come up with the best fit for Cherry County. This will be discussed at the next meeting.

3:35 pm a short break was taken. 3:38 pm meeting resumed.

New Business

Reviewed changes from the subcommittee meeting. Page 1 of Meeting notes for proposed changes to Zoning Regulations from May 12, 2026 were reviewed and it was agreed that those changes were ok to submit to Keith Marvin. Page 2 first item Conditional Use Permit: The fourth line down is two incomplete sentences. Need to change the period after commissioners, make it a comma and lower cased “s” on such so it is one complete sentence. This is on page 16. The Board of Adjustment requested a definition of

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"commenced". It was the consensus of the Planning Commission to strike the definition – Commence Work and replace with "Commence" – construction has begun and includes man made changes to alter the existing land use such as grading, excavation, or building. Strike the Development Impact Fee as Cherry County does not have one. Page 22 Farm Building, it was discussed and it is correct in the 2026 draft. Impact Easement needs to be left in on page 28. Dates need to be confirmed on bottom of all pages. The date for the adopted comprehensive plan on page iii needs to be corrected to the date the comprehensive plan is actually adopted. The wording for the resolution wording will stay the same. Start page numbering with page 1 and not page 2. Purpose and Intent #7 Fostering the state's agriculture… replace "state" with "county". Change LFO to AFO throughout the document. Section 3.01 second sentence change Floodplain Regulations to lower case. Replace #2 in 8.02 with information from the County Assessor for anything over $2500.00, the applicant will be required to fill out a form at the assessor's office. 3.24 was discussed and it has already been removed. Page 58 - 4.05 Land Use Categories Table Explanation, #6 change Planning staff to Zoning Administrator. Consensus of the Planning Commission was to omit the 4.08.04 change proposed on meeting notes sheet. 4.09.04 remove highlight on the number 35 in the table and 4.09.08 remove all the highlight. 4.09.09 was also removed from the list for changes. Airport zones map will remain as it is a depiction of the zones. Page 79 - 4.10.01 The designated public airport for which these regulations have been prepared for (add) "Valentine Municipal Airport also known as Miller **Field** in Valentine….. field will need to be spelled correctly. The airport map needs to be displayed in the County Clerk's Office. A copy will be posted in the Clerk's office. Page 82 mentions an application form for the airport district and a permit fee for that permit. An application form will need to be created, and the commissioners will have to come up with a fee schedule. Page 83 section 4.10.09 Administrative Agency; Enforcement use the City of Valentine Section 6 as follows: "The City of Valentine and the Cherry County Zoning Administrators shall enforce these regulations in their respective jurisdictions and shall be the administrative officials provided for in Neb. Rev. Stat. §3-319 revised 2007 and shall have all the powers and perform all the duties of the administrative agency as provided in the Airport Zoning Act. Chapter 4.10.11 The Cherry County Zoning Board of Adjustment or the City of Valentine Board of Adjustment shall be the board of adjustment with respect to these regulations in their respective jurisdictions. Article 7 – Board of Adjustments is ok. Article 8 – Administration and Enforcement 8.02 strike number 2 and replace with: "New Construction / Alterations: In order that improvements to real property are properly assessed for property tax purposes, no building amounting to a value of two thousand five hundred dollars or more shall hereafter be erected, or structurally altered or repaired, and

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no electrical, heating, plumbing, or other installation or connection, or other improvement to real property, amounting to a value of two thousand five hundred dollars or more, shall hereafter be made until an information statement has been filed with the county assessor in the county in which the improvement is to be made. – Nebraska Revised Statute 77-1318.01. Duane requested the items that were skipped and need to be reviewed be added to the next agenda.

The board set November 17, 2026 at 2:00 PM CT for the next regular meeting.

Communications

Duane K. reported the phone call he took was from Keith Marvin and he said all the updates have been made so far. The current revisions will be sent to him to get them updated and possibly getting a clean copy.

Reports and Recommendations

Interim Zoning Administrator showed the Planning Commission the new overlay to the Beacon site for the Niobrara River Corridor.

Excused Absences

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

Adjournment

The meeting was adjourned at 4:47 pm.

Jane Stolzenburg

Interim Zoning Administrator

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