

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

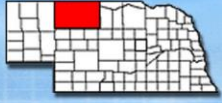
Chairman Kime opened public hearing on CUP#005/23 Billie Brockley/Mike Wescott for a RV/Tent Camping Park at 4:31 PM CT. Chairman Kime asked Billie Brockley to speak on behalf of the application. Billie stated that her family is looking to purchase the property and reopen the old KOA/Riverside campground 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.

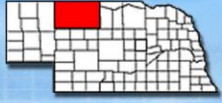
Old Business:

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:



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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