

Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

August 1, 2017

Cherry County Court House Court Room

The meeting was called to order at 4:04 pm CT, by Jim Buer, Chairman. The meeting was moved to the Cherry County Court House Court Room due to number of guests present. Roll call was taken. The following members were in attendance: Jim Buer, Herb Pabst, Albert Ericksen, Todd Mathis, Rob Lee, Gary Swanson, Coby Billings and John Wheeler. Not present: Lynell Stillwell.

Also present were Cherry County Zoning Administrator, Joel Mundorf, Ann Krueger, recorder, and several guests.

The Open Meetings Act brought into the court room was noted. Copies of the Open Meeting Act were also made available to the public. Public notice for the meeting was published in the Valentine Midland News on July 26, 2017 and posted on the Cherry County Courthouse door. Minutes from the June 21, 2017 meeting were read. Albert Ericksen made a motion to approve minutes as read and Rob Lee seconded. Guest Jim Ducey wanted to clarify that he has no intent to sue the planning commission but wanted it noted that a civil lawsuit could be filed due to violations of the Open Meetings Act. The chair noted his comments but stated no correction to the minutes was necessary. Albert Ericksen again made a motion to approve the minutes as read and Rob Lee seconded. A roll call vote was taken and the motion carried unanimously.

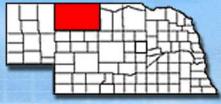
Public Comment: Chairman Buer asked the guests for a show of hands if they were intending to speak in order to allocate time properly. Two guests raised their hands. Carolyn Semin had a question concerning regulations. Voluntary easement from neighboring properties is required for WECS (Wind Energy Conversion Systems). If there is no voluntary easement for the R-Line, would the WECS be able to still submit a conditional use permit? Gary Swanson said, as far as he knows, the R-Line has nothing to do with county zoning. Therefore, the conditional use permit requiring voluntary easement is for private enterprise, and the R-Line is a public enterprise. The R-Line is considered a public service for the State of Nebraska, which circumvents private zoning regulations.

Carolyn Semin had sent an email asking about the regulations shown to guest Randy Peterson when he asked about roads. In that meeting, Gary Swanson had shown a large bundle of paper and she wanted clarification on what that was. Gary had the packet on hand, which is the Holt County Transportation Impact Analysis. There will be a post-construction survey conducted in cooperation with the proper jurisdictions to make sure the roads have been restored to pre-construction conditions. The regulations will generate paperwork similar to what the Holt County survey shows, which Gary used to demonstrate the size of supplemental documentation generated from zoning regulations. Knox County is similar, which Gary also had on hand and he showed that documentation to Carolyn. The clarification was made that the large packet that was shown in the June 6th meeting was the Holt County regulations and the documentation generated from those regulations, and were shown as an example of what the Cherry County regulations and supplemental documentation will look like.

Ann Warren wanted to know if there was assurance in the regulations that when the wind turbine facility is sold to the next buyer that the decommissioning is addressed at all times. Chairman Buer said the regulations are in place no matter the owner.

A guest asked what would happen about paying for the decommissioning and if there is enough money to cover it. The planning commission said that decommissioning is defined in the regulations. Joel Mundorf said there is a five-year review held and if the review determines the cost is anticipated to rise then the bond would have to be increased.

Another guest stated that the rules and regulations say, "financial assurance", not "bond" and asked if that is the same thing? Joel said that the two are intended to mean the same thing so that would be further clarified in the definition of financial assurance.



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Guest Craig Miles said he appreciated the planning commission letting public speak. He wanted to address the board to say if we are to err on putting turbines in the Sandhills, that we should err on the side of caution. They will be here for a long time, even though there is a decommissioning process. It breaks his heart to seeing Cherry County change from what we are now to what we could become and he reiterated his challenge the board to err on the side of caution.

Public comment was closed at 4:32 pm CT.

Communications: No communications were presented.

Old Business: The planning commission did not yet have the property valuation report but will get it soon.

Gary Swanson wanted to give the public the opportunity to sign up to receive the Property Valuation report as soon as it became available. A sign-up sheet was sent around so that those interested would be mailed a copy of the report.

John Wheeler talked to Craig O'kief, the Fire Chief at Wood Lake, who did not have any additions to the fire procedures. Todd Rothleutner was also in agreement with the procedures as written and wanted to add that he would like to have periodic training with facility personnel in emergency situations. John did not talk to the Cody Fire Chief but will still attempt to do so. Gary Swanson mentioned adding that the following procedures will be implemented by the Valentine Fire Department, Wood Lake, and Kilgore. John also noted potentially Cody would be added to that list.

Chairman Buer asked the committee if the report was received, should there be a meeting set sooner? The committee agreed that the more time to review would be better, and to set the next date for the regular time.

New Business: The next regular meeting was set for September 5, 2017 at 4 pm CT at the Cherry County Commissioners Meeting Room

Reports and Recommendations: The commission is still waiting for the property valuation report.

A motion to excuse the absence of Lynell Stillwell was made by Herb Pabst and seconded by Coby Billings. The motion carried with a unanimous roll call vote.

The meeting was adjourned by Chairman Jim Buer at 4:40 pm CT.

Ann Krueger, Recorder

Guests included: Marion Rhoades, Ann Warren, Jim Ducey, Merrial Rhoades, Charlene Reiser-McCormick, Jerry Adamson, Bill DeNaeyer, Lyn Messersmith, Sam Miles, John Mundorf, Bob Stetter, Joe Mundorf, Peggy Marsh, Bob Marsh, A.J. Abbot, Dave Hamilton, Mike Burge, Carolyn Semin, Twyla Witt, Lana Peterson, Craig Miles.