

# Cherry County Planning and Zoning Minutes



## CHERRY COUNTY PLANNING COMMISSION MINUTES

Special Meeting

February 26, 2019

## CHERRY COUNTY COURTHOUSE CONFERENCE ROOM

The meeting was called to order at 4:03 PM CT by Chairman Gary Swanson in advertised location of the Cherry County Courthouse Conference Room.

Roll call was taken. The following members were present: Dave Rogers, Chelsea Luthy, John Wheeler, Duane Kime, Herb Pabst and Michael McLeod. 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.

Minutes were read from the February 5th meeting. Duane K. stated that he doesn't think you approve the minutes from a regular meeting at a special meeting but at the next regular meeting. Herb P. made a motion to accept the minutes as read. Dave R. seconded the motion. Roll call vote was taken. Duane K.-Yes, Dave R.-Yes, Chelsea L.-Yes, Michael M.-Abstain, John W.-Yes, and Herb P.-Yes. Motion carried.

### Public Comment:

Various members of the public spoke during this time.

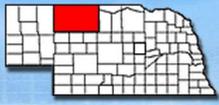
### Public Hearing on CUP 005/18 USCOC dba US Cellular

Chairman Swanson opened the Public Hearing on CUP 005/18 USCOC dba US Cellular at 4:22 PM CT. He also recognized that it was published in the Valentine Midland News and the doors of the courthouse.

Chad Skinner addressed the board as the agent for US Cellular representing the applicant and introduced Michelle Roth another agent for US Cellular. Chad provided a handout in addition to the application detailing the reason for the need of a US Cellular tower in this location. He stated that the height of the tower depends on the terrain and varies in Cherry County due to location and terrain. Chad explained that in the handout it showed the coverage area now with lack of service in the area and then what coverage will be when the new tower is active, also how this will help with the dropped calls along highway 20. The handout also had a letter from the engineering team and the FAA. Chad answered Herb P. question if they are leasing the land or own it, Chad stated they lease the ground. He stated that the towers proposed location is 1.2 miles off highway 20 using an existing road and that there would be a new driveway of 300 ft. to the 110 sq. ft. compound with a turnaround off this existing drive. Chad also stated that there's existing power provided by KBR Electric and would only have to run power a short distance to the compound. Chad also made known that there are 4 collocations available for use by others on the tower and they have no problem with Emergency Management having space but need to discuss heights and more details on this. He addressed that there will be a dual mode light on top that is an FAA Standard Requirement. Chad also addressed the fall zone where this is located close to a dwelling and that it will avoid the dwelling.

Duane K. addressed if the ground is suitable for a tower. Chad and Michelle both said that a NEPA study was done on the area and found a spot where there was no impact to the wetlands.

Jim Ducey provided the board with a document addressing some concerns he had with the CUP 005/18. He stated that Chad had already addressed many of these issues and was impressed. He feels that with every cell tower built it degrades the landscape and we lose our dark skies. Jim also felt that US Cellular was being presumptive in getting approval when there's a tower on Arabia ranch that is within the 5 miles spacing according to his measurements. He didn't feel that collocation was addressed in the application and that the fee for permits should increase to cover costs.



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He also addressed that a NEPA study needed to be done on not just wetlands but endangered species and natural resources. Michelle Roth said that their NEPA study did cover these issues as well, plus they won't build during migratory bird time and protect the burying beetle. Also, Jim would like to see these companies give back to the communities.

Carolyn Semin asked why they needed their own tower instead of collocation in the area. Chad explained that the towers currently in this location are under 200 ft and that the cost to collocate wouldn't be cost effective for US Cellular.

Chairman Swanson asked for confirmation that the engineering does cover for 3 additional carriers to locate on the tower and Chad Skinner confirmed.

Public Hearing was closed at 5:05 PM CT.

Old Business:

None

New Business:

Discuss and Act on CUP 005/18 USCOC dba US Cellular

Duane K. stated that Jim Ducey brought up some good points and that they have all been addressed by the applicant. Herb P. addressed that the US Cellular store located in Valentine does give back to the community.

Duane made a motion to approve CUP 005/18 USCOC dba US Cellular. Seconded by Dave R. Duane then amended the motion to include that there is an understanding that the tower is located less than 5 miles, but it's up to the Commissioners to act. Dave R. seconded the amendment. Roll call votes were taken on the Amendment to original motion Dave R.-Yes, Chelsea L.-Yes, Michael M.-Yes, Duane K.-Yes, Herb P.-Yes and John W.-Yes. Motion carried. Roll call vote on original motion Dave R.-Yes, Chelsea L.-Yes, Michael M.-Yes, Duane K.-Yes, Herb P.-Yes and John W.-Yes. Motion carried.

Excused Absence:

Herb P. made a motion to excuse Albert Ericksen from the meeting. Seconded by Michael M. Roll call vote was taken. Dave R.-Yes, Chelsea L.-Yes, Duane K.-Yes, Herb P.-Yes, John W.-Yes, and Michael M.-Yes. Motion carried.

Chairman Swanson made a motion to adjourn the meeting at 5:14 PM CT.

Jessica Coyle

Zoning Administrator