

Cherry County Planning and Zoning Minutes



CHERRY COUNTY PLANNING COMMISSION MINUTES

May 7, 2019

CHERRY COUNTY COURTHOUSE CONFERENCE ROOM

The meeting was called to order at 4:00 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, Wade Andrews, Michael McLeod, Duane Kime, Gary Swanson, John Wheeler, and Albert Ericksen. 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 March 5 meeting. Duane K. made a motion to accept the minutes as read. Chelsea L. seconded the motion. Roll call vote was taken. Dave R.-Abstain, Chelsea L.-Yes, Wade A.-Abstain, Michael M.-Abstain, Duane K.-Yes, Gary S.-Yes, John W.-Yes, and Albert E.-Yes. Motion carried 5-3.

Minutes were read from the April 2 meeting. Duane K. made a motion to approve with changes to read The Emergency Meeting called. Albert E. seconded the motion. Roll call vote was taken. Dave R.-Abstain, Chelsea L.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Gary S.-Yes, John W.-Abstain, Albert E.-Yes. Motion carried 6-2.

Zoning Administration Report and Communications:

Zoning Administrator, Jessica Coyle, gave the board a copy of Orval Stahr review of BSH Kilgore Application on CUP 003/18, John Schuele Golf Course CUP 004/19 and reported on inspection of Schuele Golf Course Project, NPZA training that she attended and report from Commissioners Public Hearing on the Eatinger and Weller Amendments.

Public Comment:

Various members of the public spoke during this time before and after scheduled Public Hearing of CUP 001/19 Mercure Cattle Co. LLC.

Public Hearing on CUP 001/19 Mercure Cattle Co. LLC for Proposed 30'x30' pavilion, 28'x40' shower/restroom and 12'x16' cabin

Chairman Swanson opened the Public Hearing at 4:30 PM CT as advertised. Jessica Coyle, Zoning Administrator, reported on the additional information that the applicant supplied to her stating how that are going to adhere to the regulations in the NRCAG district.

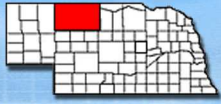
Rich Mercure addressed the board and stated that they plan to use the existing campground with some improvements of additional rv hookups. Michael M. asked if they had started any construction yet and Rich stated no. Wade A. addressed Rich about the colors of the buildings. Rich stated that they haven't chosen a color at this time but will adhere to the regulations.

Chairman Swanson closed the Public Hearing on CUP 001/19 Mercure Cattle Co. LLC at 4:50 PM CT.

Discuss and Act on CUP 001/19 Mercure Cattle Co. LLC

Duane K. asked the Zoning Administrator if the CUP is in order. Zoning Administrator stated yes.

Duane K. made a motion to accept and recommend approval of CUP 001/19 Mercure Cattle Co. LLC. Dave R. seconded the motion. Roll call vote was taken. Dave R.-Yes, Chelsea L.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Gary S.-Yes, John W.-Yes, Albert E.-Yes. Motion carried 8-0.



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Old Business:

Discuss and Act on Planning Commission Bylaws and Rules of Procedure

Zoning Administrator advised the board that they can either accept as presented or make changes as they see fit. Duane K. would like an answer from the County Attorney before acting on these and if there needs to be a public hearing to adopt. Zoning Administrator read the current Bylaws that state they can make changes to the Bylaws at any regular meeting.

Duane K. made a motion to table the Planning Commission Bylaws and Rules of Procedure until the regular meeting in July to get a response from the County Attorney. Michael seconded the motion. Roll call vote was taken. Dave R.-Yes, Chelsea L.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Gary S.-Yes, John W.-Yes, Albert E.-Yes. Motion carried 8-0.

Public Hearing on CUP 003/19 Mountain Tower and Land for a new 330' tower, multiple ground support structures, pad mounted generator and buried propane tank

Chairman Swanson opened the Public Hearing at 5:02 PM CT as advertised for 5:00 PM CT. Jessica Coyle, Zoning Administrator advised the board that this was a reapply after applicant had let permit lapse.

Rick Bailey with Mountain Tower and Land added that they have multiple carriers that will collocate on this tower due to its location being very rural. He also stated that they are ready to build as soon as they get approval without any delays. Also, the tower will be utilized for FirstNet and will enhance the existing 911 per Gary Weaver.

Jim Ducey provided the board with a handout stating how this isn't a complete application due to the fact you can't legibly make out the Applicant's name on the Cattle Country easement.

Albert E. asked the distance to the nearest tower and Rick stated that none of their towers are within the 5 mile distance between towers.

Chairman Swanson closed the Public Hearing on CUP 003/19 Mountain Tower and Land at 5:15 PM CT.

Discuss and Act on CUP 003/19 Mountain Tower and Land

Chairman Swanson asked Gary Weaver if there's any other carrier towers located within the 5 miles of this location. Gary Weaver said no.

Chelsea L. asked Rick Bailey, applicant, if any new research had been done since previous application. Rick stated that they had surveyor re-establish boundaries, paid electrical to put in line and checked on the FAA regulations.

Chairman Swanson asked if any of the members had any issues with the Cattle Country Easement interpretation.

Dave R. made a motion to accept the CUP 003/19 Mountain Tower and Land as presented. Duane K. seconded the motion. Roll call vote was taken. Dave R.-Yes, Chelsea L.-No, Wade A.-Yes, Michael M.-No, Duane K.-No, Gary S.-Yes, John W.-Yes, Albert E.-No. Motion failed 4-4.

Albert E. made a motion to approve and recommend CUP 003/19 Mountain Tower and Land with the condition that the Cattle Country Easement be clarified and legible. Michael M. seconded the motion. Roll call vote was taken. Dave R.-Yes, Chelsea L.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Gary S.-Yes, John W.-No, Albert E.-Yes. Motion carried 7-1.

New Business:

Set Date and Time for Public Hearing on CUP 003/18 for BSH Kilgore



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Chairman Swanson asked if there was any review of application from the County Attorney. Zoning Administrator stated no.

Michael M. made a motion to table setting a Date and Time for Public Hearing on CUP 003/18 for BSH Kilgore until next regular meeting. Michael M. retracted previous motion and made a motion to set the Date and Time for the Public Hearing on BSH Kilgore to June 4, 2019 at 2:00 PM CT to be held at Valentine Community Schools Auditorium with a review from County Attorney on CUP 003/18 BSH Kilgore. Duane K. seconded the motion. Roll call vote was taken. Dave R.-Yes, Chelsea L.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Gary S.-Yes, John W.-Yes, Albert E.-Yes.

Reports and Recommendation:

Duane K. reported that he attended the Commissioner's Public Hearing on the Eater Amendment and Weller Amendment. He stated that there was interest in the Weller Amendment with changing of language, but the board wanted additional information as to the effect the change would have on the Comprehensive Plan and Zoning Regulations.

Set Date and Time for Next Meeting

Chairman Swanson said that the Zoning Administrator will set a Special Meeting for Public Hearing on CUP 004/19 Schuele Golf Course. The next Regular meeting will be held June 4 at the Valentine Community School Auditorium.

Excused Absence:

Michael M. made a motion to excuse Herb P. from the meeting. Seconded by Duane K. Roll call vote was taken. Dave R.-Yes, Chelsea L.-Yes, Wade A.-Yes, Michael M.-Yes, Duane K.-Yes, Gary S.-Yes, John W.-Yes, Albert E.-Yes. Motion carried 8-0.

Chairman Swanson made a motion to adjourn the meeting at 5:57 PM CT.

Jessica Coyle

Zoning Administrator

APPROVED