

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF: June 1, 2023, REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, June 1, 2023, at 1:30 P.M.

Present: Kelly Fuller, Rick Tysdal, Bob Ewing, Mike Whalen, Timm Comer, and TJ Ewing,

Absent: Travis Schenk.

Moved-Seconded (B Ewing-Whalen) to approve the Regular Meeting Minutes for May 4, 2023 meeting. Motion Carried.

Moved-Seconded (TJ Ewing-Whalen) to approve the Agenda removing Items #6 & #9. Motion Carried.

Conflicts: TJ & Bob Ewing-Item #23

PLATS:

LAYOUT PLAN ~ APPLICANT: Reliable Land Holdings LLC *LEGAL DESCRIPTION:* Proposed Lots 1-6 of Tract E in the Crook Mt Estates 2 located in the E ½ of the SW ¼ of Section 34, T6N, R4E.

VICINITY LOCATION: Crook Mt Road *SUMMARY:* Creating new subdivision *ZONING:* PF *PARCEL ID:* 22850-00604-340-00. *Continued from May 4th P&Z meeting*

Amber clarified they have a fire plan and provided a document from the USFS re: access. Commission will need to determine who signs the plat.

LAYOUT PLAN ~ APPLICANT: Green Acres Properties LLC/Jeff Moore and Donald & Linnea Williamson *LEGAL DESCRIPTION:* Proposed Tract 1 and 2 of Crook Mountain Yak Ranch Sub; being a portion of Riley Wolff Tract 2 and that part of SW ¼ SE ¼ of Section 28 lying North of Centennial Estates, T6N, R4E. *VICINITY LOCATION:* Crook City Road *SUMMARY:* Creating new subdivision *ZONING:* PF *PARCEL ID:* 22000-00604-284-37; 40

Amber clarified that this is a lot line exchange and will not need a fire plan.

Moved-Seconded (Fuller-TJ Ewing) motion to approve the Layout Plan. Motion Carried

PRELIMINARY & FINAL PLAT ~ APPLICANT: Bourbon Valley, LLC *LEGAL DESCRIPTION:* Lots 1-6 of Tract B of HES 491; formerly USFS Small Tract 0190, located in the S ½ SE ¼ of Section 23,, the SW ¼ SW ¼ of Section 24, the NW ¼ NW ¼ of Section 25 and the N ½ NE ¼ of Section 26, T3N, R3E *VICINITY LOCATION:* Rocky Johnson Road *SUMMARY:* New subdivision *ZONING:* PF *PARCEL ID:* 08000-00303-260-00

Amber clarified that USFS has existing access points, the landowners will be asking for additional access points. Commission will need to determine who signs the plat. They have met all requirements of the fire plan. Bruce stated that John Bey will double check if Rocky Johnson Rd is a Forest Service Road contracted with the County, there has been no snow removal since 2014. If it is determined that this is not a County Rd, then there would need to be a Resolution in order to make it a County Rd. Landowner disputes that it is a County Rd per the 1994 plat and that highway department funds have been spent on it, and the landowners maintain it.

Moved-Seconded (Whalen-TJ Ewing) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Whalen-TJ Ewing) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT ~ APPLICANT: Josephson, Benjamin & Jimmie Lynn and Homiston, Jason and Kristy **LEGAL DESCRIPTION:** Tract 22A-1 Revised and Tract 22A-2 Revised formerly Tracts 21, 22A-1, 22A-2, 26, 27, 28, 29A and 29B all in the Aspen Hills Development, located in the NW ¼ of Section 33, T6N, R2E. **VICINITY LOCATION:** Spearfish area **SUMMARY:** Revision of lot lines/combination **ZONING:** PF **PARCEL ID:** 20900-00602-210-00 and 20900-00602-220-10

Amber clarified that this is a combination plat that would be decreasing density in Aspen Hills with existing access, and there is no fire plan needed.

Moved-Seconded (Whalen-Comer) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (TJ Ewing-Whalen) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT~ APPLICANT: Diamond R Trust **LEGAL DESCRIPTION:** Lot 4A-1 and 4A-2, a sub of Lot 4A, being a portion of Lot 6 in Section 7, all of Tract 0047 in Section 8 and all of Lot 4 in Section 8, all located in T3N, R4E. **VICINITY LOCATION:** Hwy 385 **SUMMARY:** New lot to build additional residence **ZONING:** PF **PARCEL ID:** 09000-00304-080-00.

Amber clarified this is a subdivision for the purpose of a residence. There is existing access that will need to go to DOT. The fire plan will include where the new structure will be located.

Moved-Seconded (Whalen-Comer) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Whalen-Comer) motion to approve the Final Plat. Motion Carried.

PRELIMINARY PLAT~ APPLICANT: Spearfish Mountain Ranch LLC **LEGAL DESCRIPTION:** Lots 1-34 of WildFlower Estates, formerly the S ½ SW ¼, except the highway right of way in Book 280, page 187, and except Lot H1 of the S ½ SW ¼, and that portion of the SE ¼ lying south of Lots H2 and H3 (a/k/a I-90 right of way) of the SE ¼, and except the railroad right of way as conveyed in Book 79, page 114, and except the highway right of way conveyed to Lawrence County, Book 273, page 59, and except the highway right of way conveyed to the State of South Dakota, in Warranty Deed book 280, page 240. All located in Section 17, T6N, R4E. **VICINITY LOCATION:** Whitewood **SUMMARY:** Replatting **ZONING:** PF **PARCEL ID:** 22000-00604-174-30 and 22000-00604-173-10.

Vogt explained this subdivision is receiving water from the City of Whitewood but will have individual septic tanks. There will be access into the adjacent subdivision as well to provide an alternative route out for fire purposes. They will not be bonding for much of the infrastructure, possibly the water tank. Prior to any final plats coming in they understand they will need to provide proof of all infrastructure being installed and in working order or bond for those items not completed. Deibert stated the water system has been approved by DANR and lines are almost 90% installed.

Moved-Seconded (B Ewing-Whalen) motion to approve the Preliminary Plat. Motion Carried.

PRELIMINARY & FINAL PLAT~ APPLICANT: Bret Merkle **LEGAL DESCRIPTION:** Lots 4A and 5A of Dancing Sky Addition, formerly Lots 4 & 5 being a portion of 2B of Wilderness Estates 2nd Addition and portions of Tract 2 and Tract 3 of Powder House Pass (legal shortened) **VICINITY LOCATION:** Hwy 85 **SUMMARY:** replat **ZONING:** PUD **PARCEL ID:** 26453-00403-000-05; 04

Amber clarified that this is a lot line adjustment in Powder House Pass

Moved-Seconded (Whalen-TJ Ewing) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Comer-B Ewing) motion to approve the Final Plat. Motion Carried.

FINAL PLAT ~ APPLICANT: BH Development LLC **LEGAL DESCRIPTION:** Lot 1 Blk 9 of Trailside Addition being a sub of a portion of Tract 2 and 2F of Powder House Pass located in Section 18,

T4N, R3E. **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Creating new lot for Commercial area
ZONING: PUD **PARCEL ID:** 26452-00403-009-01

Amber clarified that this is a corrective plat adjusting the lot line out of the ROW and into its correct location.

Moved-Seconded (B Ewing-Whalen) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT~ APPLICANT: Gregory & Collette Klein/ David & Karin Chipman
LEGAL DESCRIPTION: Tract K Revised and Chipman Tract located in Section 17, T4N, R2E (legal shortened) **VICINITY LOCATION:** Boulder Canyon **SUMMARY:** Lot line changes **ZONING:** PF **PARCEL ID:** 18000-00504-173-42; 18000-00504-173-40

Amber clarified that this plat will need to be signed by the road district for Mountain Meadow Dr.

Moved-Seconded (Whalen-B Ewing) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (B Ewing-Whalen) motion to approve the Final Plat. Motion Carried.

PRELIMINARY & FINAL PLAT ~ APPLICANT: Shining Dawn Element, LLC **LEGAL DESCRIPTION:** Plat of Tract of A and Tract B a subdivision of McLeod M.S. 1153 located in Section 18, T4N, R3E. **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Subdivision/Fire Plan needs to be implemented **ZONING:** RC **PARCEL ID:** 26420-01153-00-05

Amber clarified there was previously a question on the access and that we were able to obtain a copy of the DOT permit.

Moved-Seconded (B Ewing-Whalen) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Whalen-B Ewing) motion to approve the Final Plat. Motion Carried.

RECOMMENDATION MEETING ~ DP # 2023-02 OWNER/APPLICANT: KR Deer Mt Club 2021 LLC Plat of Blk A-1 of Deer Mt Village (LegalShortened) All located in Section 13, T4N, R2E and Section 18, T4N, R3E. **VICINITY LOCATION:** Deer Mt **SUMMARY:** Development Plan for Deer Mt Village **ZONING:** PUD **PARCEL ID:** 26505-01356-001-00

Vogt reviewed the application packet that is consistent with the approved Master Plan. Joe Kosel representing the water district involved presented concerns that had been submitted in a letter from Oz Enderby of the water district. The District would like a water environmental impact study done before a decision is made on the Development Plan. Eirik Heikes representing the developer noted agreements between the two entities and does not agree with discrepancies stated by Kosel. He believes everything should be handled through the SD DANR and that the water plan meets or exceeds the requirements for the state. Kosel disagreed and recommended a site visit.

Moved-Seconded (B Ewing-Whalen) motion to Recommend Approval of DP #2023-02 adding items 1-4 of staff recommendations from the staff report, per Lawrence County Zoning Ordinance CH 14. Motion Carried. **(CC PH Scheduled for June 27, 2023 at 10:30 am)**

INFORMATIONAL MEETING ~ COZ #361 OWNER/APPLICANT: Jennifer Kroh/Shining Dawn Element LLC **LEGAL DESCRIPTION:** Tract B, a subdivision of McLeod M.S. 1153 located in Section 18, T4N, R3E. **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Rezone from RC to HSC **ZONING:** RC **PARCEL ID:** 26420-01153-00-05.

Vogt clarified the location for this property being at the old President's Park and that they are trying to put in storage units which require HSC zoning. **(PZ Public Hearing for July 6, 2023, at 1:30 pm)**

INFORMATIONAL MEETING ~ COZ #362 OWNER/APPLICANT: Old Apostolic Lutheran Church/Donahue Williamson **LEGAL DESCRIPTION:** Tract 2 of the NE ¼ of Section 32, T7N, R2E. **VICINITY LOCATION:** Vista Hills Place/Old Belle Rd **SUMMARY:** Rezone from A-1 to SRD to subdivide **ACREAGE:** 26.613 acres **PARCEL ID:** 24000-00702-321-20.

Vogt clarified that the COZ would bring this lot into compliance and the cemetery would stay with the bigger portion. Representatives from the church were present. **(PZ Public Hearing for July 6, 2023, at 1:30 pm)**

PUBLIC HEARING ~ COZ #359 OWNER/APPLICANT: David Elsom and Margaret & Jeremy Elsom **LEGAL DESCRIPTION:** Tract B & C of NE¼ SE ¼ of Section 17, T6N, R2E. **VICINITY LOCATION:** Tinton Rd **SUMMARY:** Rezone from A-2 to PF to subdivide **ZONING:** A-2 to PF to create a lot for his daughter/sister **ACREAGE:** 16.00 acres **PARCEL ID:** 20000-00602-174-40 & 200000-00602-0174-20

Continued from the May 6th P&Z meeting. Vogt shared a letter from Mr. Blaine who had issues with the CUP at the last meeting and he has met with the other property owners and now supports the CUP.

Proponents: None.

Opponents: None.

Proponents: None.

Opponents: None.

Closed Public Hearing.

Moved-Seconded (TJ Ewing-Fuller) motion to Approve COZ #359 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried. **(CC Public Hearing for June 27th, 2023 at 9:15 am)**

PUBLIC HEARING: ORD 23-01 **APPLICANT:** Gael & Terry Johnsen **LEGAL DESCRIPTION:** All of SRD Zoned Property in Lawrence County **VICINITY LOCATION:** All of SRD Zoned Property in Lawrence County **SUMMARY:** Request an ordinance amendment to the existing SRD zoning district to add Wedding Venue as a Conditional Use Permit **ZONING:** SRD

Proponents: Gael Johnsen, gave an overview of her plans for continuing her wedding venue and making the property compliant for her business. She stated that she does not hold wedding receptions on the property, only the wedding service and photography.

Opponents: Andrew Tkach, 12243 Red Cliff Rd., has concerns with the current violations and wanted to know if there will be more. Anne Tkach, his wife said that she did some research on the internet and found an abandoned trademark application for another business that made her question the plans for the property beyond a wedding venue. She also had concerns about permitting alcohol service on the property. Russ Rigsby stated that he would like more specifics about the business. Amber Geuke, 20787, Starlight Ln, does not want a commercial business in SRD Zoning

Proponents: Mrs. Johnsen addressed the questioning of her business and the trademark application that was for a different property. She stated that she did not realize that she needed permits to do what she has been doing on her own property. States she only operates 3 months out of the year as they do not live there full time and there has never been a safety issue.

Opponents: Jerome Hoffman 12257 Stagecoach Trl. addresses concerns about the safety of the road at that particular intersection with 1 death already occurring there.

Closed Public Hearing

Discussion: B Ewing not in favor of opening it up County-wide, Fuller agreed.

Moved-Seconded (TJ Ewing-Comer) motion to Recommend Denial of ORD 2023-01, due to it not being a proper District to allow a Wedding Venue, per Lawrence County Zoning Ordinance Ch #18. Motion Carried. **(CC PH 1st Reading Scheduled for June 27, 2023, at 9:30 am)**

PUBLIC HEARING ~ CUP #485 OWNER/APPLICANT: Gael & Terry Johnsen *LEGAL DESCRIPTION*: Tract H excepting Lot H-1 SW ¼ NW ¼ of Section 14, T5N, R45E. *VICINITY LOCATION*: Boulder Canyon *SUMMARY*: to allow a Wedding Venue *ZONING*: SRD *ACREAGE*: 2.23 acres *PARCEL ID*: 18000-00504-142-34.

Vogt read the list of letters received by the P&Z Office for public record and they included letters from the following people: Jason Sjomeling; Michael Haugh; Sherry Spicer; Celena Sjomeling; Ann Tkach; Wes Hoeke (fiance of a P&Z employee that has no decision making power); Margaret Harrell; Cindy Stofferahn.

Proponents: Applicant Gael Johnsen discussed her backyard style wedding venue that has been operating prior to requesting a permit to do business on her property.

Opponents: Jerome Hoffman 12257 Stagecoach Trl. mentioned safety concerns with more traffic going on the highway at that location. Michael Haugh 20758 Fir Ln. shared that he did not have an issue with the business on the Johnsen property until he looked into the request for a campground and has concerns with electrical and plumbing inspections that he feels needs to be resolved before a decision is made. Anne Tkach, 12243 Red Cliff Rd., said that she did some research on the internet and found an abandoned trademark application for another business that makes her question the plans for the property beyond a wedding venue. She also had concerns about permitting alcohol service on the property. Alice Brunning, 12254 Gigear Rd. has concerns about noise and disruption of the peace and quiet of the neighborhood.

Proponents: Johnsen stated that she is against the request for CUP #486 for a campground. She does not think it belongs in her neighborhood, but does feel that her wedding venue has not caused disturbance or harm to her neighbors and will not if she continues her business.

Opponents: Amber Geuke, 20787 Starlight Ln. said that the Johnsens do not live at the property fulltime and that the business should not be considered being held out of the home when the other neighbors that live there full time will be affected. Lester Nelson 20733 Wildberger Rd., does not believe another campground is needed in the area nor are their signs. He has safety concerns during the Rally and is against both CUPS on the Johnsens property. Nicholas Brunning, 12254 Gigear Rd., stated that a wedding venue at that location would make the traffic on Gigear worse and would draw more vehicles up to his property to turn around.

Closed Public Hearing.

Moved-Seconded (TJ Ewing-Fuller) motion to Recommend Denial of CUP #485 due to the conflict with SRD zoning of the lot per Lawrence County Zoning Ordinance Chapter 19. Motion Carried. **(CC PH: 1st Reading Scheduled for June 27, 2023, at 9:45 am)**

PUBLIC HEARING: ORD 23-02 *APPLICANT*: Gael & Terry Johnsen *LEGAL DESCRIPTION*: All of SRD Zoned Property in Lawrence County *VICINITY LOCATION*: All of SRD Zoned Property in Lawrence County *SUMMARY*: Request an ordinance amendment to the existing SRD zoning district to add campgrounds as a Conditional Use Permit *ZONING*: SRD.

Gael Johnsen, property owner, formally withdrew the application.

PUBLIC HEARING ~ CUP #486 OWNER/APPLICANT: Gael & Terry Johnsen *LEGAL DESCRIPTION*: Tract H excepting Lot H-1 SW ¼ NW ¼ of Section 14, T5N, R45E. *VICINITY LOCATION*: Boulder Canyon *SUMMARY*: to allow a Campground *ZONING*: SRD *ACREAGE*: 2.23 acres *PARCEL ID*: 18000-00504-142-34.

Gael Johnsen, property owner, formally withdrew the application. A few present had questions: Nathan Maher 20757 Bauer Ave., questions state law stating 2+ campers is considered a campground. Vogt states that the County does not enforce State regulations. Anne Tkach 12243 Red Cliff Rd., questions the enforcement policy. Vogt stated that would be up to the court system.

PUBLIC HEARING ~ CUP # 484 OWNER/APPLICANT: GF Development LLC/North Star Construction Inc *LEGAL DESCRIPTION*: S ½ SE ¼ & SE ¼ SW ¼ of Section 34, T7N, R1E and N ½ of Govt Lot 1 & part of Govt Lot 2 lying North of Homestake Rd Section 3, T6N, R1E. *VICINITY LOCATION*: Homestake Rd *SUMMARY*: Small Scale Gravel Pit *ZONING*: A-1 *ACREAGE*: 192.00 acres *PARCEL ID*: 19000-00601-031-15; 23000-00701-344-15; 23000-00701-344-10.

Continued from the May 6th P&Z meeting. Vogt shared information from the updated application packet. She read the list of letters received by the P&Z Office for public record and they included letters from the following people: Pamela Mansfield; Richard Raichel (2); Jeff & Naomi Merchant (2); Barbara Running (3); Richard and Helen Tjader; Tom & Brenda Vennes (2); Calvin & Becky Tininenko(2); Cori Engelhardt; Robert and Karen Dies; Darceen Mitchell; Sarah Eklund; Bret & Jennifer Stephens; Jansen Culver; Jessy & Stacie Dietrich; Chanley DeCook; Bonnie Gebhardt(2); Nadine Compton; Lyle Griess; Neal Bowman (2); Teresa Bartlett; Bruce Wing (2); Mary Rittberger-Ellerman; Mike Ellerman; Carrie McClaughry; Betsy Biggerstaf; Judith Lamb.

Proponents: Applicant Matt Polich of North Star Construction Inc., presented details on the updated application. He said that the area is in need of gravel for all of the projects taking place. He thinks the pit request is in a good area to provide for the community and his business needs. He shared some new options for dust control and traffic and load limits for trucking. Operation hours will be from 6AM -6PM Mon-Fri.

Opponents: Neal Bowman, 19864 Datum Creek Pl, stated concern about his well being downhill from blasting and excavating and the health problems that may cause; along with air quality issues. He addressed land devaluation that he is seeing since the request for a quarry. He is worried about the amount of gravel pits near his home and the health impact on his family. Sandra Johnson, 20011 Cody Ct, asked about who monitors activity of gravel pits and the cost she would incur if she needed to dig a new well. Lynn Levensgood, 10305 Homestake Rd, stated that he appreciates the communications that the applicants have had with him since the last meeting. He has concerns about the sound barriers and recommends a water sprayer be used when crushing rock. He said that a gravel pit is in violation of the Covenant of Quiet Enjoyment and the neighbors right to quiet enjoyment of the land. He added that the roads and bridges are unsafe for the amount of truck hauling that will be required. Frank Rubin, 20080 Bench Lane, also has concerns about air quality and who monitors pollution. He wants to know the overall plan for the area. Philip Christian, 20105 Crow Peak Bench Rd, shared concern about road safety and the size and types of trucks being used to haul gravel. Kristin Wing, 22986 Cedarberry Canyon, is new to the area and has spent a lot of money on investment in her retirement home being built right now. She is heartbroken over the news that there may be a gravel pit disrupting her planned retirement with dust, noise and traffic.

Proponents: Property owner Heath Gran said that he talked to the closest neighbors and they expressed no problems with having the business in that location. He said that there would be 5-6 trucks a day and that they blasted to put in utilities and did not harm any wells near the property.

Opponents: Neal Bowman 19864 Datum Creek, said that the blasting done for the utilities was not close to his property like the operation is.

Public Hearing was left open and continued to the July 6, 2023 meeting.

(Onsite was set for 3PM on June 26, 2023 for P&Z and the County Commission and the public was invited to attend)

TJ Ewing & Bob Ewing recused themselves from the Public Hearing for CUP #487 and left the table.

PUBLIC HEARING ~ CUP #487 OWNER/APPLICANT: Larson Family LLP *LEGAL DESCRIPTION:* S1/2 SE ¼ of Section 35, T7B, R1E and NE ¼ of Section 2, T6N, R1E. *VICINITY LOCATION:* Spearfish/Off Homestake Rd *SUMMARY:* Small Scale Gravel Pit *ZONING:* A-1 *ACREAGE:* 129.60 acres *PARCEL ID:* 19000-00601-020-00.

Vogt shared updates to the original application. She read the list of letters received by the P&Z Office for public record and they included letters from the following people: Pamela Mansfield; Richard Raichel (2); Jeff & Naomi Merchant (2); Barbara Running (3); Richard and Helen Tjader; Tom & Brenda Vennes (2); Calvin & Becky Tininenko(2); Cori Engelhardt; Robert and Karen Dies; Darceen Mitchell; Sarah Eklund; Bret & Jennifer Stephens; Jansen Culver; Jessy & Stacie Dietrich; Chanley DeCook; Bonnie Gebhardt(2); Nadine Compton; Lyle Griess; Neal Bowman (2); Teresa Bartlett; Bruce Wing (2); Mary Rittberger-Ellerman; Mike Ellerman; Carrie McClaughry; Betsy Biggerstaf; Judith Lamb.

Proponents: Brian Marchant, general manager for Croell, present information on the limestone rock that would be mined and crushed for commercial use and sale to the public. He said they have made a change to the haul route per the LC Highway Dept. They would be mining 250,000 tons/year but only for a sent number of weeks and then would be done for the year. Croell will bring in a water tank so will not be using local ag water. As for concerns of silicate dust, the company's mines are inspected every 2-3 years. He shared a packet of information on past inspections at other Black Hills sites being used. There have not been any violations.

Opponents: Lynn Levensgood, 10305 Homestake Rd, stated discrepancies with the amount of rock per year vs amount of trucks hauling it. He again mentioned the violation to Covenants of Quiet Enjoyment and the neighbors right to quiet enjoyment of the land. He reported that he sees very large plumes of dust coming from other quarries and does not believe that gravel pits are a good neighbor for the community. He opposes the CUP. Les Turgeon, 19963 Merriam Loop, spoke to violations in Wyoming that he used to live by. He cited that the Boards main goal should be to protect the community members' lives. Karen Turgeon, his wife, shared that she expects the Board to have a conservative discussion about gravel pits and water as a priority. She discussed the difference in monetary value and beauty as value. She added her appreciation for the opportunity to have a Public Hearing. Erik VanHorn, 20095 Bench Ln, remarked on money vs. beauty value and health concerns. Don Simons, 20069 Crow Peak Bench Rd, feels bad for the new land buyers now that they are finding out about the requested changes to their neighborhood. He requested that the P&Z Board review zoning more often. Wayne Mundt, lives in Spearfish across from Danny and Hazel Adams, just Easy of the Larson property, thanked the Ewings for recusing themselves. He is opposed to the CUP and feels that projects like this don't often get review for performance once they propose a plan to the County. David Ellerman, 10519 Homestake Rd, has concerns about environmental problems that can be caused by gravel mining, He said that 20 years ago a request like this was denied by the County. Sandra Johnson, 20011 Cody Ct, has heard that environmental monitoring can be easily manipulated. Philip Christian, 20105 Crow Peak Bench Rd, believes the county road will not withstand the increased truck traffic.

Proponents: Marchant thanked the Board for their time and felt like some of the opposing comments were not fair when you look at the reports provided, which show the good record of the mining operations that Croell manages. He urged the Board and the public to call the entities that regulate gravel mining and find out more information on the company.

Opponents: Kristian Wing, 22986 Cedarberry Canyon, asked about resources for health effects. She

stated that the wildlife there will be affected. She feels cheated by the realtors, developers and builders that she worked with to purchase her retirement property, she thinks that there is a conflict of interest involved. She asked the Board, who is more important the companies that provide the County with funds or the people that support the community by living there. VanHorn questioned why the last request for a gravel pit was denied and Turgeon said that he has transcripts from the meetings if anyone was interested.

Public Hearing was left open and continued to the July 6, 2023 meeting.

(Onsite was set for 3PM on June 26, 2023 for P&Z and the County Commission and the public was invited to attend, they will go to the GF Development Permit first and then will come to this one.)

TJ & Bob Ewing returned to the table.

ITEMS FROM PLANNING & ZONING BOARD MEMBERS:

PUBLIC COMMENT: None.

SET DATE AND TIME FOR NEXT MEETING: July 6, 2023, at 1:30 p.m.

ADJOURN: 4:49 p.m.

APPROVED: _____ **Date:** _____

Rick Tysdal, CHAIRMAN

ATTEST: _____ **Date:** _____

Kelly Fuller, SECRETARY