

LAWRENCE COUNTY PLANNING & ZONING BOARD
MINUTES OF: July 6, 2023, REGULAR MEETING

The regular meeting of the Lawrence County Planning & Zoning Board was called to order by Chairman Rick Tysdal on Thursday, July 6, 2023, at 1:30 P.M.

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

Absent: None.

Moved-Seconded (B Ewing -Schenk) to approve the Regular Meeting Minutes for June 1, 2023 meeting. Motion Carried.

Moved-Seconded (Schenk - Tj Ewing) to approve the Agenda. Motion Carried.

Conflicts: TJ Ewing & Bob Ewing-Item #14, Timm Comer-Item #6

PLATS:

PRELIMINARY PLAT ~ APPLICANT: Reliable Land Holdings LLC **LEGAL DESCRIPTION:** 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 **ACTION REQUIRED:** Fire Plan Submitted/Approval/Denial (CC July 11, 2023 @ 9:00 a.m.)

Vogt stated the roads would not need County approval as it is not a County road. The fire plan has been submitted, but there is still work to be completed.

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Green Acres Properties LLC/Jeff Moore and Donald & Linnea Wiliamson **LEGAL DESCRIPTION:** 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 **ACTION REQUIRED:** Exempt/Approval/Denial (CC July 11, 2023 @ 9:00 a.m.)

Vogt stated this plat was previously discussed as a layout plan. This plat is a lot line adjustment between two property owners.

Moved-Seconded (B Ewing-Schenk) motion to approve the Plat as Exempt. Motion Carried.

Moved-Seconded (Fuller-Tj Ewing) motion to approve the Preliminary Plat. Motion Carried.

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

FINAL PLAT ~ APPLICANT: BH properties LLC **LEGAL DESCRIPTION:** Plat of Lot 9, Blk 5 of South Ridge Estates being a subdivision of a portion of Tract 2 of Powder House Pass located in SE ¼ of Section 19 and the SW ¼ of Section 20, T4N, R3E. **VICINITY LOCATION:** Hwy 85/Rochford Road/Powder House Pass **SUMMARY:** New lots/Bond in place for roads & water/fire plan letter received **ZONING:** PUD **PARCEL ID:** 26451-00403-005-01 and 26450-00200-000-00 **ACTION REQUIRED:** Approval/Denial

Vogt stated that this plat matches the preliminary plat, no changes, single lot. This is one of those lots that septic was allowed per the 2 acre minimum requirement. Infrastructure is set to be complete by October of 2023

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

FINAL PLAT ~ APPLICANT: BH Properties LLC **LEGAL DESCRIPTION:** Lot 14 Blk 5 of Auburn Acres being a sub

of a portion of Tract 2 of Powder House Pass located in Section 18, 17, 19, 20 and T4N, R3E. **VICINITY LOCATION:** Hwy 85 **SUMMARY:** Creating new lots **ZONING:** PUD **PARCEL ID:** 26450-00200-000-00 **ACTION REQUIRED:** **Approval/Denial**

Vogt stated that the plat matches previously approved preliminary plat. Fire plan has been accounted for and submitted. The infrastructure is set to be completed by November of 2023.

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

PRELIMINARY & FINAL PLAT ~ APPLICANT: Maitland Partners LLC **LEGAL DESCRIPTION:** Tract B1 and B2, a sub of Lulu and Atlantis Lodes of M.S. 1611 located in the NW ¼ Section 22, T4N, R3E. **VICINITY LOCATION:** Yellow Creek Road **SUMMARY:** Lot line revision **ZONING:** PF **PARCEL ID:** 26680-01611-00-10 **ACTION REQUIRED:** **Approval/Denial (CC July 11, 2023 @ 9:00 a.m.)**

Comer recused himself from this item.

Vogt stated the plat is exempt for a lot line change. No increase in density as they started with two lodes and they are ending with two lots. There will be wells and septic on the lots.

Moved-Seconded (Schenk-Tj Ewing) motion to approve the Plat as Exempt. Motion Carried.

Moved-Seconded (Tj Ewing - Fuller) motion to approve the Preliminary Plat. Motion Carried.

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

FINAL PLAT ~ APPLICANT: Kimberly & Michael Loeffen and Quam Family Properties LLC **LEGAL DESCRIPTION:** Plat of Tract 2A and Tract 4 located in Section 5, T4N, R3E (legal shortened). **VICINITY LOCATION:** Hwy 14A & 85 **SUMMARY:** Moving lot lines **ZONING:** SRD **PARCEL ID:** 13000-00403-054-20 and 13000-00403-050-12 **ACTION REQUIRED:** **Exempt/Approval/Denial (CC July 11, 2023 @ 9:00 a.m.)**

Vogt stated that this is a lot line change between landowners which will be fixing an issue that has been ongoing for a couple of years. This property was part of a court case finding that a portion of their house did not sit on their property. This plat matches the preliminary exactly.

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

REVISED PRELIMINARY PLAT ~ APPLICANT: KR Deer Mt Club 2021 LLC **LEGAL DESCRIPTION:** Lots 1, 2, and 10-73 and 75-100 of Blk A of Deer Mt Village and Lots 3-9 and Lots 74, 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:** Revised Prelim Lots **ZONING:** PUD **PARCEL ID:** 26505-01356-001-00 **ACTION REQUIRED:** **Approval/Denial (CC July 11, 2023 @ 9:00 a.m.)**

Vogt stated this plat is a revision to the original preliminary plat. There was a narrative included in the original, it was accepted as part of PUD. The private road exception was previously approved. The applicant is requesting an exception to the cul-de-sac length, and it is changing the original layout. Eirik Heikes TerraSite stated this is a better plan for accessing the larger lots, the lower access roads give ability to approach from bottom not just the top. Alleges that the new road design is a little safer at 1200' as opposed to allowed 1000'.

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

Moved-Seconded (Whalen-Comer) motion to approve exception to cul-de-sac length of 1200'. Aye: Fuller; Comer; B Ewing; Whalen; Tysdal; Nay: Tj Ewing; Travis Schenk. Motion Carried.

APPLICATIONS:

PUBLIC HEARING ~ 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:** 26420-01153-000-05 **ACTION REQUIRED:** Approval/Denial (CC Public Hearing and 1st Reading for July 25, 2023 @ 9:30 a.m.)

Vogt stated the landowner is requesting a COZ to add storage units on the corner of Tract B, they are only requesting a rezone of Tract B. The rezone would permit storage units as an allowed use. The landowners would need to do a Development Plan which has been presented.

Applicant Eldon Kroh was present and agreed with Vogts introduction.

Proponents: None.

Opponents: Letter submitted by Jonathan and Jackie Grosdidier PO Box 858 Douglas, WY 82633

Closed Public Hearing.

Moved-Seconded (Whalen-Tj Ewing) motion to Approve COZ #361 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

RECOMMENDATION MEETING ~ DP # 2023-04 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 14A/Hwy 85 **SUMMARY:** Development Plan for Storage Units next to Powder House Pass **ZONING:** Proposed HSC **PARCEL ID:** 26420-01153-000-05 **ACTION REQUIRED: Recommendation to County Commission/Set Public Hearing (CC PH Scheduled for July 25, 2023 at 9:45 am)**

Vogt stated that this Development Plan is contingent on whether or not the COZ goes through and since property has not yet been developed, they have to go through a development plan. There was a site plan created showing the proposed structure areas. These will be storage units with no bathrooms, this lot is small enough that septic would not be allowed, there will be no water. They do have access off of the highway, the DOT has approved their highway access. Would not be utilizing the road in Powder House Pass for access. They will need to follow the regular building permit process when it comes time to build.

Moved-Seconded (Tj Ewing-Fuller) motion to Recommend Approval of DP #2023-04 with conditions in the staff report & contingent upon COZ #361 taking effect and per Lawrence County Zoning Ordinance CH 14. Motion Carried.

PUBLIC HEARING ~ 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 in order to subdivide **ACREAGE:** 26.613 acres **PARCEL ID:** 24000-00702-321-20 **ACTION REQUIRED: Approval/Denial (CC Public Hearing and 1st Reading for July 25, 2023 @ 10:00 a.m.)**

Vogt stated nothing has changed from the informational meeting. Access would stay the same and they would be looking at additional access, because this property is zoned A-1 it is already noncompliant so COZ would bring the property into compliance and allow subdivision at a later date and keep the old structure separate from the new structure. A Church would be allowed in SRD under continued use and is no longer allowed in the A-1 zoning district.

Applicant not present.

Proponents: None.

Opponents: None.

Closed Public Hearing.

Moved-Seconded (Whalen-TJ Ewing) motion to Approve COZ #362 per Lawrence County Zoning Ordinance Chapter 17. Motion Carried.

RECOMMENDATION MEETING ~ VAR #207 OWNER/APPLICANT: James Kobriger **LEGAL DESCRIPTION:** Lot 5 of Misty Meadows Sub located in Section 30, T3N, R5E. **VICINITY LOCATION:** Nemo **SUMMARY:** Request for

a 25' variance to the 25' rear setback, which would leave a 0' setback **ZONING: PF PARCEL ID: 10500-00305-300-30**
ACTION REQUIRED: Recommendation to County Commission/Set Public Hearing (CC PH Scheduled for July 25, 2023 at 10:15 am)

Vogt stated that the USFS brought this issue forward. The site plan for BP showed a 25' setback, USFS notified us that the house was within USFS land. Kobriger will have to work with the USFS going forward with the house going across the property line. The applicant is requesting a 0' rear setback on the USFS boundary. Bruce stated that the USFS took no position regarding the VAR. The structure sits approximately 4' on USFS property.

Jay Kobriger is present and stated that the plat and survey differ. Kobriger went by where the USFS signs were and they have since moved, he did not do this intentionally.

Proponent: Joyce Nelson 12445 Misty Meadows Rd. Claims USFS has moved her signs 4 different times including about a month ago. She has been to court re: the plat before. States that she would request the board approve the variance.

Moved-Seconded (Schenk-Whalen) motion to approve VAR # 207 to allow a 25' variance to the 25' rear setback, which would leave a 0' setback, due to the inaccuracy of the original plat. Motion carried.

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:** 81 acres **PARCEL ID:** 19000-00601-031-15; 23000-00701-344-15; 23000-00701-344-10 **ACTION REQUIRED:** Set Onsite/Continue (continued PH from May 4, 2023 and PZ: continue to July 6 @ 1:30 pm; Set Public Hearing for CC on Aug 22, 2023 @ 9:45 a.m)

Public Hearing was left open and continued to the July 6, 2023 meeting at the June 1, 2023 Planning & Zoning Meeting.

Vogt stated documentation submitted that was previously requested. The applicant has submitted the previously requested information. An On-Site was held June 26 at that time the public was notified of the continued public hearing today 7/6/2023. Additional letters from Ellerman, Dean Goetz, Jodi Forgey, were received. John Bey submitted his proposal for the haul route this morning.

Public Comments (In order as spoke):

Neil Bowman, 19864 Datum Creek - Owns property NW of proposed gravel pit. Closest house to proposed pit. Many concerns; proximity of crusher to his house, water drainage routes, 2-wells only 92' deep, health for him and his family, overall health, and blasting;

Molly Salcone, 134 Timberline Rd - Pine Oaks S/D - concerns include prevailing wind & dust, noise, overall well health, water health, and that there are currently 4 families sharing a 1252' well in Madison Creek;

William Johnson, 2011 Cody Ct - Cedar Berry Area - Concerns include consideration of gravel pit in general, prevailing winds & dust, pit size of all pits combined, and well water usage/sewage;

Les Turgeon, 19963 Merriam Loop - Requests rejection of CUP for permit requirements of Lawrence County, blasting, would like clarification on acreage used per year, truck loads, and concern with road safety with the trucks;

Nadine Compton, 20041 Crow Peak Bench Rd - Concerns with scenery disruption, quantity of gravel pits in the area, and the ½ mi proximity to residential;

Lynn Levengood, 10305 Homestake Rd - Concerns with trucks on the road/road safety, overall well health/output of well, traffic and stopping distances of trucks, engine brake noise, violation of rights of quiet enjoyment, and vehicle maintenance describing numerous cracked windshields;

Matt Polich (Applicant) - Estimates 20k tons a year. If the board puts a limit on them, they would be willing to have a conversation about that. In the first couple of years, 20k is not likely, this is just a number they would be working up to, est. 5 trucks a day 200 days a year. Transportation plan has been submitted. Any concerns brought to his attention have been addressed. Predicts there will be minimal effect on the Black Hills;

Bill Wells, 19968 Merriam Loop - Concerns with dust and winds will the 20 ft berm contain the dust with the winds;

Karen Turgeon, 19963 Merriam Loop - Requests a stipulation that caps them at 20k a year;

Ron Moeller, 11221 Sheep Tail Gulch - Refreshing P&Z on SURF mine dumping and the issues they had with the dust. This is an impact that will affect the residents in that area and need to consider environmental effects;

Neil Bowman, 19864 Datum Ct - Concerns with property sales and the unfairness of the neighbors wanting to subdivide/change zoning, concerns with buffer zone vicinity map, property value concerns, truck noise, and traffic;

Myron Compton, 20041 Crow Peak Bench Rd - Concerns with water usage for dust suppression/aquifer health, dust;

Jerry Rawlings, 715 Harding St - Concerns with elk migration effects;

Jeff Sleep, 10438 W Hwy 14 - Adjacent landowner uses and buys a lot of gravel-areas are limited, disappointed with houses being built, this is an industry that we all use and need and reap the benefits–beneficial to Lawrence Co, believes there will be minimal impact compared to residential traffic, there will be restrictions on the CUP where there are no restrictions on residents;

Rod Eide, 21069 Grizzly Gulch Rd, Old Belle Road - For the pit. Larson’s are good stewards to their property and they have had no problems within a half mile, understand Larson’s supplementing income with limited profit coming from farming now, would argue residential use outweighs gravel pit usage, concerns with septic on overall well health, questions fences and animals in residential areas effects on wildlife, light pollution coming from residences, concerns with open spaces being developed. Supports Larson’s and their gravel pits, the loss of their farm would be greater than the short use of a pit, need to help landowner;

Kari Zimmerman, 807 S 32nd St, Spearfish - Less advantages with the few that will profit from it, no shortage of gravel, there are 6 pits available, the issue is with having operators to deliver. More disadvantages outweighing the advantages of the gravel pits, don’t understand why we need 2 more;

Neil Bowman, 19864 Datum Creek - Concerns with crusher location in relation to his house, concerns with property value, and noise;

James Metzger, 10563 Homestake Rd - Concerns with trucks going to the Cedar Berry area, no objection to gravel pits, and will be good for the County, and employment;

Kristen Wing, 22986 Cedar Berry Ave - Concerns pitting commercial ventures against residents in a residential area;

Alan Pitto, 10580 Cedar Berry Ct - Concerns with overall well health/maintenance, and dust.

Tysdal questions the applicant about the crusher location. The applicant states that the crusher location will start at the West border and that the crusher will be fairly enclosed with a berm of 20’ and a highwall of 20’ there is a plan for available overburn. Extensive conversations regarding dust suppression. The applicant states that they identify problem areas and mitigate them. They are not planning on using local water, they plan on trucking water. They do not anticipate affecting the aquifer. Schenk questions if there will be a holding tank onsite. Polich states that this is a business venture but his motivation is to be able to continue conducting business in the Black Hills area with the limited supplies in this area.

Closed Public Hearing.

Moved-Seconded (Comer-TJ Ewing) motion to approve CUP # 484 based on the considerations of the size of the development and the effects of the proposed project upon the population base and the tax base of Lawrence County per Lawrence County Zoning Ordinance Chapter 20 and with 32 conditions stated in the Staff Report with amendments to condition # 12 to read: “There shall be a minimum of 10,000 gallons of water sources identified and developed to be used for dust control” and condition # 32 was added to read “ maximum of 30,000 tons a year.”

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
ACTION REQUIRED: Set Onsite/Continue (PZ PH: continue to July 6 @ 1:30 pm; Set Public Hearing for CC on Aug 22, 2023 @ 10:15 a.m.)

Bob and TJ Ewing Recused themselves from the table of CUP #487

Public Hearing was left open and continued to the July 6, 2023 meeting at the June 1, 2023 Planning & Zoning Meeting.

Vogt stated documentation submitted that was previously requested. The applicant has submitted the previously requested information. An OnSite was held June 26 at that time the public was notified of the continued public hearing today 7/6/2023. Additional letters from Ellerman, Dean Goetz, Jodi Forgey, were received. John Bey submitted his proposal for the haul route this morning.

Tysdal mentioned the Right to Farm Act which is in place in our County to let people know moving into Ag ground that Ag operations exist. Comer questioned the applicant and asked how the agriculture operation affects the wildlife, Larson stated it helps with the wildlife. Schenk questioned the silica dust, the applicant refers to MSHA report. Tysdal questioned how many tons per year will be used on a top year, the applicant said 35-40k tons tops, their intent is to utilize it as a public pit. The applicant stated a need for a commercial gravel source in the County. Schenk questioned shrinking the boundaries, the applicant stated 123ish acres of affected area Tysdal would like the 1000' boundary on the CUP with the option to amend in the future if needed. Same set of conditions as the GF Development/North Star. The applicant stated 25k ton in a week-10 weeks total if the conditions are good. Cautions against 1000' boundary. Tysdal questioned the crusher elevation throughout the property; the crusher would be 40' down and would come up, but would still be 40' below the surface area. Schenk would like a reduction in tonnage set in the conditions to make the CUP more palatable. Fuller would agree with choking down the tonnage approved in the CUP which could help mitigate some of the previously mentioned concerns. Schenk would also like to add a condition#12 will haul water with a min of 10k gal and will not utilize any local wells.

Public Comments (In order as spoke):

Cameron Larson, 10437 Homestake Rd - Ag Land has been in the family 120 years this land will continue to be used by his grandchildren, no issues for his livestock, and stated that the reclaiming of land is positive;

Lynn Levensgood, 10305 Homestake Rd - Thanks the board for amending the conditions, request also limiting this pit to a set amount of tonnage as well;

David Ellerman, 10519 Homestake Rd - Previous concerns stated stand, no empirical data on the need in the area, noise, dust, no assurances stated here that there will be mitigation to the concerns, impact on property values, health concerns, water quality, aquifer health;

Kasondra Brook, Lot 17 Cedar Berry Canyon Estates - Concerns in loss of a buyer, environmental concerns, financial hardship personally, and she indicated she'll need to mention on real estate disclosure;

Karen Turgeon, 19963 Merriam Loop - Former teacher concerned with P&Z considering risk that goes against common sense, requests considerations of health and welfare as a priority, concerns about silica movement with the winds;

Molly Salcone, 134 Timberline Rd - Concerned about doubling all of the same concerns from CUP #484 with this pit, length of time that this acreage would handle the pit, how can we tell future pits no if we say yes to these ones;

Barbara Running, 6093 Bridgewater Ct - Leases land to Larson's, concerns about water usage;

Frank Reuven, 20080 Bench Ln - Concerns around reclamation plan for this gravel pit;

Bart Krautchsun, 10784 Chicken Creek Rd - States that the board isn't going to approve a Conditional Use Permit that is harmful to the surrounding areas, the product is needed and used throughout the County, the CUP process is good for the County;

Mike MCGuigan, 2350 Dairy Ln - In support of gravel pit, lived by a 25yr gravel pit in the past with no issues, and if they need to do this to to keep their ranch do it;

Kristin Wing, 22986 Cedar Berry - 2030 Plan from the County is violated by these gravel pits, she will not be alive in 40 years so the reclamation plan won't help with that, she wants to enjoy the area now, and wants to live in the clean air, NIOSH report regarding dust control and the health effects of silica dust, concerns with water usage for dust control, health concerns from the dust, noise, overall well health, wildlife/livestock populations, impact on home values-submitted 2 documents to Amber;

Eric VanHorn, 20095 Bench Ln - Questions why a lower volume of production was approved in prior pit vote. Would request that be done for this pit as well. Concerns with property values, dust, concerns about property values in the next 20 years not after reclamation, road safety, overall well health, would request an impact study for the effects of the water usage on the aquifer before vote;

Brian Marchant (Applicant) - States 10 acres exposed and that would need to be reclaimed before they could continue, 2.5 acres a year is what would be used, the crusher would be outside the hole and then inside the hole once it opens up. Standing OnSite at ground elevation, could not see a house, crusher would be 40 ft down. MSHAW findings were submitted showing the effects of the workers from the dust. Dust will be seen, but it will be kept below the threshold. The water would come from the Ranch in Wyoming or from Spearfish, not from local wells. Studies were submitted showing the effects on wells. Gravel is needed for a community to grow and thrive;

Paula Holstead, 4425 Hillview Rd - Neighbor to the Larsons states they are good stewards of the lands the Mcguigan pit wasn't an issue and doesn't believe Larson will be either.

James Metzger, 10563 Homestake Rd - Doesn't see approving one and not the other;

Jeff Sleep, 10438 W Hwy 14 - Previous statement stands;
Lynn Levensgood, 10305 Homestake Rd - Concerns about how gravel will be hauled, truck traffic;
Donna Holstead, 126 Washington St - Approves;
Kasondra Brook, Lot 17 Cedar Berry - Environmental Studies show negative effects;
Gary Denker, 630 Mt View Rd - Approves;
Myron Compton, 20041 Crow Peak Bench Rd -Concerns about wildlife in the area and keep with the rural residential area;
Alice Spargur, 4315 W Hwy 14 - Approves;
Les Turgeon, 19963 Merriam Loop - Neither permit meets the County regulations, against the US Constitution in that the people aren't being considered;
Claire Christensen, 911 King St - Approves;
Jim Humphrey, 19583 Old Belle Rd - Approved the mines;
Kristin Wing, 22986 Cedar Berry Ave. - Concerns surrounding proponents not living in the area of the gravel pits, industry is necessary but at the expense of the health and wellbeing of the neighboring citizens, property value, why was the area approved for residential if they then were going to consider putting a mining operation in the same area.

Closed Public Hearing.

Moved-Seconded (Comer-Whalen) motion to approve CUP # 487 based on the considerations of the size of the development and the effects of the proposed project upon the population base and the tax base of Lawrence County per Lawrence County Zoning Ordinance Chapter 20 and with 31 conditions stated in the Staff Report with amendments to condition # 12 to read: "There shall be a minimum of 10,000 gallons of water sources identified and developed to be used for dust control". Aye: Comer Nay: Fuller; Schenk; Whalen. Motion Failed.

Moved-Seconded (Schenk-Whalen) motion to approve CUP # 487 based on the considerations of the size of the development and the effects of the proposed project upon the population base and the tax base of Lawrence County per Lawrence County Zoning Ordinance Chapter 20 and with 32 conditions stated in the Staff Report with amendments to condition # 12 to read: "There shall be a minimum of 10,000 gallons of water sources identified and developed to be used for dust control" and condition # 32 was added to read "150k tons in the first year with no significant issues and then would be allowed to increase to 250k tons the second year." Motion carried.

ITEMS FROM PLANNING & ZONING BOARD MEMBERS: None.

PUBLIC COMMENT: None.

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

ADJOURN: 5:19 p.m.

APPROVED: _____ Date: _____

Rick Tysdal, CHAIRMAN

ATTEST: _____ Date: _____

Kelly Fuller, SECRETARY