



## **Spearfish Planning Commission Agenda**

05 July 2022 at 3:00 p.m.

**Meeting Location: City Council Chamber, 625 Fifth Street, Spearfish, SD  
And Zoom Online Meeting**

**Join Zoom Meeting**

<https://us02web.zoom.us/j/88567070608>

Meeting ID: 885 6707 0608

Or Dial in:

+1 669 900 9128 and enter Meeting ID

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**A. Call to Order**

**B. Roll Call**

**C. Approve Minutes from 07 June 2022**

**D. Declaration of Conflicts of Interest**

**E. Items for Action**

- Discuss development options along the Highway 85 corridor north of Interstate 90 relative to zoning and infrastructure

**F. City Council Update**

**G. Public Comment**

- Public comments are welcome at this time; however, no action will be taken by the Planning Commission

**H. Adjournment**



**Spearfish Planning Commission**  
Regular Session Minutes  
June 7, 2022 at 3:00 p.m.

The Spearfish Planning Commission met in regular session on Tuesday, June 7, 2022 at 3:00 p.m. in the council chamber of city hall and via Zoom video conference. Greg Kruskamp volunteered to serve as Chair and called the meeting to order at 3:05 p.m. Roll call was taken with the following members present: Greg Kruskamp, Bob Meyer, Larry Vavruska, and Barbara Zwetzig. Absent: Toby Bordewyk and Meghan Byrum. Also present: City Planner Jayna Watson, Planning Director Nick Broyles, City Attorney Ashley McDonald, City Administrator Steve McFarland, and Mayor John Senden.

**APPROVAL OF MINUTES:**

**Vavruska moved, Zwetzig seconded and all voted to approve the minutes of the May 17, 2022 Planning Commission meeting.**

**DECLARATIONS OF CONFLICTS OF INTEREST:**

Kruskamp called for any potential conflicts of interest to be identified. No conflicts were expressed.

1. **Appoint a volunteer to serve on Colorado Boulevard Corridor (roadway evaluation) and Highway 85 Study Group.** Kruskamp volunteered to serve on the Colorado Corridor study. Kruskamp and Zwetzig volunteered to serve on the Highway 85 study.
2. **Introduction of new planning director, Nick Broyles – roundtable discussion; no action required.** Introductions were made and discussion took place concerning the transition between Watson's and Broyles' leadership and individual planning commissioner perspectives. No action was taken.
3. **City Council Update** – Watson noted the presentation on June 6 by public works director Kyle Hinton concerning the Young Well and the ongoing effort to restore functionality. Possible water use restrictions during the summer may be required.
4. **Public Comment** – No comments were provided.
5. **Adjournment** - Kruskamp adjourned the meeting at 3:55 p.m.



## Spearfish Planning Discussion Item

05 July 2022 at 3:00 p.m.

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TO: Planning Commission

FROM: Nick Broyles, Planning Director

RE: Discussion of Highway 85 Development

In April 2022, the City Council denied a variance to City water/sewer requirements which would have allowed a 40-acre parcel to be split into two parcels. This denial resulted in the owner being unable to proceed with a change of zoning to commercial for a portion of the property.

On 08Jun22, and at the request of the City Council, staff met with landowners within the Highway 85 corridor to discuss possible options that would enable development of this area prior to the water/sewer infrastructure becoming available. The following are resultant recommendations from the meeting.

- Create a new 'Rural Commercial' zoning district similar to the Rural Large Lot Single family zoning, whereby, if certain criteria are followed, land could be divided without public water/sewer.
- Development of the planned street network should match, whenever possible, the City's water/sewer master plan major utility corridors.
- If on-site wells and private on-site wastewater systems are permitted, require the minimum lot size be greater than the one (1) acre standard of AG zoning.
- Require connection to utilities as they become available.
- Require standard streets Re: paving, curb/gutter etc.

Rather than create a new "Rural Commercial" zoning district, staff seeks the Planning Commission's input using a new provision in State law that allows a hybrid approach to land use and infrastructure, known as the "Special Permitted Use". Excerpts from applicable SDCL follow.

### **11-4-4.2. Conditional use defined.**

A conditional use is any use that, owing to certain special characteristics attendant to its operation, may be permitted in a zoning district subject to the evaluation and approval by the approving authority specified in § 11-4-4.1. A conditional use is su

subject to requirements that are different from the requirements imposed for any use permitted by right in the zoning district.

#### **11-4-4.3. Process for certification of special permitted uses upon meeting specified criteria.**

A zoning ordinance adopted pursuant to this chapter may also establish a process for certification of special permitted uses upon meeting specified criteria for the use. A use certified as a special permitted use under the zoning ordinance shall be approved if the applicant demonstrates that all specified criteria are met

#### **11-4-4.5. Special permitted uses--Exceptions.**

Any land use that meets the specified criteria for certification under any municipal zoning ordinance shall be considered a special permitted use. A special permitted use applicant is not subject to the requirements set forth in § 11-4-4.2. A special permitted use is not subject to any public hearing or other requirements for review and approval of conditional uses. Upon adoption of certification provisions, the land use is a special permitted use subject to enforcement in the same manner as a permitted use.

This method is similar to a conditional use permit; however, if certain specific conditions are met, the land use is administratively approved without public hearing. Staff has identified one key condition that this “Special Permitted Use” be limited exclusively to the Highway 85 corridor (Spearfish Prairie Addition), and not Colorado Boulevard since sewer service will be available in the next 18 months with the new Elkhorn Ridge lift station upgrade. Using the overall outline of the C2 zoning district, here is how it would fit into our present code ([see red text below](#)).

### **Section 7. C2 highway service commercial district.**

**A. General description. This district is established for the accommodation of retail and business service activities and are typically located and grouped along a major street, street intersection, or highway interchange, generating a considerable volume of vehicular traffic.**

**B. Primary uses permitted. Property and structures in the C2 highway service commercial district shall be used for the following purposes.**

1. All of the primary uses in C1 district
2. Gasoline, diesel, propane, and CNG service stations
3. Building material sales
4. Garden centers, greenhouses, and nurseries
5. Sales or leasing of new and used vehicles, recreational vehicles, trailers, or equipment
6. Monument sales
7. Sales and service of prefabricated and manufactured homes
8. Auction houses
9. Taxidermists

10. Campground
11. Outdoor storage uses either as a primary use or an accessory use which shall comply with the following requirements
  - a. All outdoor storage and outdoor sales display of merchandise, material and equipment shall be screened by a solid opaque fence eight feet high at the lot line which abuts any residential district. If this is not adequate to screen the view of storage and display, the zoning administrator is authorized to require additional landscaping or any other buffer technique.
  - b. If the outdoor storage is the primary use of the lot, and not in association with a retail type 1 or 2 land use, showroom, warehouse, commercial building, etc. on the same lot, a solid fence eight (8) feet in height shall be provided for all storage areas with the exception of lots where the primary use is the storage of RV's and boats, in which case the fence is not required provided the RV's and boats being stored are not junked nor inoperable.
  - c. Driveways used for ingress and egress shall not exceed forty (40) feet in width, exclusive of curb returns.
  - d. Outdoor lighting, when provided, shall have an arrangement of reflectors and an intensity of lighting which will not interfere with adjacent land uses or the use of adjacent streets.
12. Retail Type 2
13. Veterinary clinics for domesticated animals including pet daycare and overnight pet stays, provided that all care is provided within an enclosed structure and no outdoor runs or kennels are provided.
14. Small scale contractor
15. Cannabis product manufacturing facilities

**B. (a) *Special Permitted Uses.* For property meeting all the following criteria, the land uses allow, and are permitted for, private onsite water/wastewater treatment systems, and require no variance to zoning or subdivision codes:**

1. The property must be located within the Spearfish Prairie Addition to the City of Spearfish.
2. Streets must be constructed according to City of Spearfish standards.
3. Private water and wastewater systems must meet South Dakota Department of Agriculture and Natural Resources standards. (Staff note: engineering to provide additional detail/input)
4. Minimum lot size 8 acres, which cannot be reduced by a variance. (Staff note: similar to Rural Large Lot Single Family)
5. Connection to the municipal water and sewer system is required when located within 200 feet of the property line.
6. (Staff note: any other standards that should be included? Discussion required.)

**C. Uses eligible for conditional use permit. Conditional use permits may be granted to properties for the following land uses.**

1. Drop-off or transfer sites for household recyclables
2. Telecommunications facilities
3. Large scale contractor
4. Veterinary clinics for domesticated animals including pet daycare and overnight pet stays for which outdoor runs and kennels are provided.
5. Treatment center
6. Small wind energy systems (SWES)
7. Large scale solar energy conversion facility