

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 5, 2006

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 5, 2006 at 1:00 p.m. in the County Commissioners Room at 90 Sherman Street, Deadwood, Lawrence County.

PRESENT: Craig Mickelson, Leo Derosier (1:30 p.m.), Karl Burke, Rick Tysdal, Barb Mattson, Bob Ewing and Bill Coburn

ABSENT: NONE

(Burke-Mattson) motion to have Coburn be acting chair.

The following times are listed as scheduled then actual.

1:00 p.m. Call meeting to order / Approve Minutes of December 1, 2005

1:00 p.m. Election of Officers

MINUTES: Moved-Seconded (Tysdal-Mickelson) to approve the minutes of December 1, 2005 with amended change to motion on plat at 4:20 from (Burke-Mattson) to (Tysdal-Burke). Motion Carried.

ELECTIONS:

Moved-Seconded (Ewing-Coburn) motion to approve Rick Tysdal as Chairman for 1 year. Motion Carried

Moved-Seconded(Mickelson-Mattson) motion to approve Bill Coburn as Vice-Chairman, and Craig Mickelson as Secretary for 1 year. Motion Carried

Tysdal thanked Derosier for being a dedicated Planning and Zoning Board member for so many years and being a Chairman for the past 23 years.

1:00 p.m. **CONTINUATION OF PUBLIC HEARING –CHANGE OF ZONING #250-ZONING MAP**

1:00 p.m. **REVISIONS**

Owner/Representative: Brandon Flanagan

Action Required: Approval/Denial

Purpose: Zoning Map Revisions 2005

Flanagan explained the majority of the changes would bring non-compliant property into compliance. There are three properties with a down zoning recommendation and no comment has been received regarding these. The board can recommend approval as presented, adopt with excepted areas or adopt with exceptions to portions of areas. Burke asked about any written comments, Flanagan said there have been no new written comments since the last meeting.

PROPOSERS: NONE

OPPOSERS: Tim Toavs introduced a petition against the COZ from Ag to SRD (petition attached). Their concerns were increase in wells, septic tanks and water tables. Gordon Mercer concerned with water table, supply of water, wells, septic tanks. Farm animals are currently allowed in SRD, but they are concerned that this option will change with time. Ralph Manning concerned with reasoning behind re-zoning. Flanagan, stated compliance. Flanagan and Jayna Shewak, City of Spearfish put this recommendation together and there are other areas all over the county being looked at. Flanagan reiterated that the board could adopt or exclude specific areas. Burke asked without a city water supply the area can be blocked out in 2-acre lots, Flanagan stated yes.

CLOSED PUBLIC HEARING

Mickelson thinks the larger lots on the north side of Turtle lane should be excluded and at this time it is not a good idea to open up this area for subdivision without city services. Coburn stated he thought that this was going to be voluntary and if people don't want to change we should not force them change. Burke asked whether or not those that signed the petition live in the northern, southern or central block. Tim Toavs explained they live on Rainbow Road and North of Turtle Lane.

(Mickelson-Coburn) motion to approve COZ 250 in Area 3 leaving all the lots North of Turtle Lane as is and changing everything South of Turtle Lane from AG to SRD. Motion Carried

Coburn questions when you say those to the South, what classification is being used, Flanagan answered SRD. Outka asked Mickelson if this is included in the motion, Mickelson answered yes.

(Burke-Mickelson) motion to approve COZ 250 as recommended in the Staff Report, except the changes made to Area 3.

Julene Vargas came in late and Flanagan informed her that the West Acres Subdivision had been approved for the COZ and there would be another public hearing on January 24, 2006 in front of the County Commissioners.

1:30 p.m.

ORDINANCE DISCUSSION

1:30 p.m.

Owner/Representative: Brandon Flanagan

Action Required: Discussion

Purpose: Discuss upcoming ordinance changes

Flanagan proposed an ordinance be written making it a requirement to have a boundary plat for major subdivisions. Dave Heck from the Invasive Species

Department would like to come in and address the board regarding an addition to the subdivision requirements, which requires a weed control review process. Flanagan suggested at the time this process implemented, inviting developers, engineers and others who would like to have input into adding a weed management plan to subdivisions. Ewing, Tysdal and Burke all agree that it would be a good idea to add this process.

1:50 p.m. PUBLIC HEARING-CONDITIONAL USE PERMIT # 315-BED & BREAKFAST

Owner/Representative: Wes & Nancy Nelson

Action Required: Approval/Denial

Legal Description: M.S. 776 Coe Placer, Section 24, T5N, R3E.

Location: East of Deadwood

Purpose: Bed & Breakfast

Wes Nelson present and he explained they would like to expand their existing Legends Resort by adding onto their current residence so that 2 bedrooms and 2 bathrooms would be available for the Bed & Breakfast. Guests would be couples only, limited to 2 persons per room. The septic system was updated in 1999 and in 2001 a new well was put in. They do not want signage off of the road.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Burke asked about water testing and said he would be concerned with arsenic in the water. Nelson explained iron was tested, he thought that was all the state needed. Flanagan said he would do some checking into what the requirements are. Coburn asked when the original CUP was issued and if there had been any complaints, Flanagan stated June of 1999 and no. Mickelson asked about Condition #5 dealing with Life Safety Codes and said he would like to see that condition modified by taking out that last line.

Amended Condition #5 Any new construction and the moving of buildings shall require a building permit from the Lawrence County Office of Planning & Zoning and comply with 1997 Uniform Building Codes and 1994 Life Safety Codes. ~~Existing facilities shall be inspected to ensure that they meet Life Safety Codes.~~

Moved-Seconded (Coburn-Mattson) motion to approve CUP 315 Legends Bed & Breakfast as amended.

STAFF REPORT

Item for Consideration: Wes Nelson B&B CUP 315

Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Petitioner is asking for a Conditional Use Permit to utilize their existing home as a Bed and Breakfast. This CUP shall operate along side CUP 247 – Legends which has been in operation since June 22, 1999 on the adjacent property. The home is west of Deadwood just after Shirttail Gulch. The property is currently zoned PF – Park Forest District.

ISSUES

Access, Adjacent land use, Character of the Area

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan suggests this area is a growth area for the City of Deadwood. The character of the area and adjacent land use is mixed residential subdivision and small Ag operations, and the Existing “Specialty Resort”. Access is existing from the Boulder Canyon Highway to the property and the existing commercial use.

Staff recommends approval of CUP 315 as the increased impact to the area should not be significantly more than the current operation.

CUP #315
Wes Nelson

The CUP holder currently operates a “Specialty Resort” under CUP 247 on adjacent property. This CUP is to be an extension of the existing business.

South Dakota State Statute Reads;

34-18-9.1. Definition of terms. Terms as used in § 34-18-9.1 to 34-18-9.4, inclusive, mean:

- (1) **“Bed and breakfast establishment,”** any building or buildings run by an operator which is used to provide accommodations for a charge to the public, with at most five rental units (5 rooms) for up to an average of ten (10) guests per night and in which family style meals are provided;
- (2) **“Family style meal,”** any meal ordered by persons staying at a bed and breakfast establishment, which is served from common food service containers, as long as any food not consumed by those persons is not reused;
- (3) **“Operator,”** the owner or the owner's agent, who is required to reside in the bed and breakfast establishment or on contiguous property.

PROPOSED CONDITIONS:

1. The owner/operator shall comply with all applicable County, State, and Federal regulations regarding a “Bed and Breakfast”.
2. The owner/operator shall comply with state law SDCL 34-18 as pertaining to a “Bed and Breakfast”.
3. The operator shall contact the South Dakota Department of Health for an inspection of the facility and gain a license before operating the bed and breakfast.
4. The operator shall obtain a South Dakota Sales Tax License.
5. Any new construction and the moving of buildings shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with 1997 Uniform Building Codes and 1994 Life Safety Codes.
6. The maximum number of overnight rooms shall be two (2) with a maximum occupancy of four (4) guests.
7. There shall be no outdoor camping, including tents, campers, trailers, and recreational vehicle used by the Bed and Breakfast guests.

8. Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption.
9. A minimum one (1) first aid kit shall be made accessible to the guests at all times. Fire extinguishers shall be provided in a number and size as recommended by the Local Fire Authority.
10. Only signage as was approved under CUP shall be allowed on the property.
11. All lights used for exterior illumination shall be directed away from any nearby residences and subdivision roads.
12. The E911 address for the property shall be clearly displayed in a manner and location visible to emergency service vehicles.
13. Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance.
14. One telephone shall be made available in case of emergencies. A list of emergency numbers and sheriff department number shall be placed next to the phone.
15. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner(s) shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
16. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
17. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and be suspended or revoked.

2:10 p.m. PUBLIC HEARING –CHANGE OF ZONING #251-SUBDIVISION

Owner/Representative: Roger Riley

Action Required: Approval/Denial

Legal Description: Riley Wolff Tracts 1 & 3, Section 28, Section 33, T6N, R4E.

Location: Crook City Road

Purpose: Subdivision

Roger Riley, Fritz Wolff and Al Schreier present. Riley explained the location along Crook City Road and where the access points will be-lots 3-10 will be along the top and lots 1,2 and 11-14 will be along Crook City Road. Riley asked Wolff what Chuck Williams said about access off of Crook City, Wolff stated they were ok. Flanagan stated that today is a preliminary sketch, the consideration today is on the COZ, the platting will have to go through the full subdivision platting process and Chuck would have to sign off on the access.

PROPONENT: NONE

OPPONENT: Victor and Donna Fondy concerned with quality of life, higher property taxes, water levels, pollution of wells, highway safety and upkeep, and

noise (letter attached). Kelly McDaniels, concerned with traffic, quality of life, and the serenity of the view. Tracy McDaniels concerned with traffic.

PROPONENT: Al Schreier stated that wells and water quality are regulated by the state. Riley brought up that the original lots that were on this plat were much smaller than the new proposed lots. Coburn asked for clarification of the old Crook City town lots. Flanagan explained that parts of this plat were the Crook City proper, and this plat consolidated these smaller lots. The question came up about developing those lots, Outka and Flanagan have looked at these before and they are not really sure how to deal with them.

OPPONENT: Kelly McDaniels remarked that all 8 residences will be seen, and she asked that the board keep this area zoned as Park Forest and keep an average of 5 acres lots. Victor Fondy stated that Lawrence County is being destroyed by development and the quality of life is changing.

CLOSED PUBLIC HEARING

Mickelson questioned the road serving lots 7-10. Does it exist and where does it go? Schreier said it does not exist, it is a proposed road, and it will go across the railroad grade. Mickelson asked where is it terminating? Schreier stated it ends across the railroad grade. Mickelson stated that, as it is right now there is a cul-de-sac that is over the length the county requires. Mickelson stated that at this time he would not be comfortable approving a road into the railroad grade because of the current status with the railroad grade. He encouraged that the road be re designed to stay on the property. Schreier stated that Riley and Wolff have talked with the Railroad Company and they have verbal approval to go into the railroad ROW. Mickelson stated he will not approve this without seeing an agreement to that effect or the road located on the property. Burke asked if the road will cross the railroad ROW, and will it be future access to another development. Riley stated yes. Discussion ensued regarding the qualifications for the length of a cul-de-sac. Burke stated at the last meeting he had asked questions regarding the well and the water information and had asked for them to bring something in. Schreier stated we have not collected it yet; we will have an approved water system at the subdivision level. The water is good quality water. Burke asked how deep the well was? Riley and Wolff were not sure. Burke asked about the characterization of soils? Schreier stated the soils would percolate and are more the clay type soils. Coburn thinks this is a very significant development and recommends an on-site. Coburn also wants to make sure the board is aware of what the current zoning is and to make sure that spot zoning is not occurring. Ewing agrees with Coburn. Tysdal asked Flanagan to show them on the map. Mickelson asked if Shreier had identified the Whitewood Creek Superfund Area and how close this development will be to it. Shreier said he knows it is in the area, but does not think it is that close. Riley said Whitewood Creek is on the other side of the road. Burke stated he was disappointed that he asked for information and it was not provided. Coburn brought up the down

zoning from SRD to PF across the road and with this one we are looking at going from PF to SRD. Tysdal asked if we could table this decision until next month.

Moved-Seconded (Burke-Mickelson) motion to table COZ #251 until the next scheduled meeting. On site was scheduled for January 11, 2006 at 3:00 pm, meeting at the Crook Mt Angus Ranch house.

STAFF REPORT

Item for Consideration: Roger Riley COZ #251 Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Roger Riley is applying for a COZ to Suburban Residential (SRD) for subdivision along the Crook City Road, partially in the location of old "Crook City". This property was platted this summer when it sold. The plats took in several of the old "Crook City" town lots and combined them with land lying east and south of the Railroad right-of-way. This consolidation has helped to clean up several of the old non-conforming lots in that area and has helped to clean up the boundaries and legal descriptions in that area.

The Property is currently zoned PF – Park Forest District.

ISSUES

Access, Water, Character of the Area,

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan has no specific recommendation for this area. Its proximity to the town of Whitewood could place it in that growth area.

The Character of the area is a mix of small and large lot residential. This platting/replatting of the old Crook City properties has helped to clean up non-conforming lots and poor legal descriptions of the property.

Staff recommends approval after the following are addressed:

- 1) Water system/fire suppression
- 2) Access approval by Highway Department at time of platting.

2:30 p.m. PUBLIC HEARING –CHANGE OF ZONING #249-SUBDIVIDE

Owner/Representative: Roger Riley

Action Required: Approval/Denial

Legal Description: Proposed Tract 4, located in NE ¼ SW ¼, Section 12, T6N, R1E.

Location: Spearfish

Purpose: To subdivide property into 2 lots.

Roger Riley wants to take a piece and divide it into 2 lots or maybe 3. One lot is only 5 acres and the larger piece would be restricted to one home site unless it is a family member then they could have 2 home sites. Flanagan explained that the developer is requesting a COZ with a voluntary restriction with no more than 3 building sites. With this restriction it can be voluntarily done by the developer and would show up on the plat and in the zoning. Coburn asked if this was AG.

Flanagan said yes. Flanagan explained that this property is adjacent to the property which was sold by Schuerer/Gunderson along the Higgins Gulch Road, at the time that the Schurrer/Gunderson property went through it's COZ the developer voluntarily agreed to a \$3000 per lot upgrade fee at the time of closing to go towards improvements of Higgins Gulch Road. Riley asked whether or not the \$3,000 goes towards this property? Flanagan stated no, but he thought the board should be aware of it. Coburn asked if Riley was going to be putting a home on it? Riley stated no, he was going to sell it. Coburn asked if the property was zoned PF, Flanagan said no it is AG. Flanagan explained that the lower piece will be accessed off of Higgins Gulch and the upper piece will be accessed off of Crow Peak Bench Road. Burke asked if Flanagan brought of the aspect of the \$3,000 because the board can require it. Flanagan said no, this board cannot require the \$3,000, but he thought it should be a discussion item.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Coburn mentioned the controversy when the Schurrer/Gunderson property was re-zoned. Concerned that once we start re-zoning areas on top it will allow others to come in and start breaking up pieces. Coburn asked Riley where he was accessing it, Riley stated from the top. Discussion ensued regarding the access to the property. Mickelson said he thinks the \$3,000 road agreement should be looked at. Flanagan stated that the developer has to volunteer that the county cannot require you do that. Outka said it was a compromise between the developer and the county in order to do the original COZ. Riley said the most off of Higgins Gulch would be two home sites and maybe only 1 if it was not a family member. Burke asked if those further down the canyon would have been notified, Flanagan said only those within 500' of the property line. Flanagan clarified that his request is from AG to PF and he is going to self restrict himself to a maximum of three lots. Burke asked if the limitation would be a deed restriction. Flanagan suggested it show up in the motion and be on the plat. Outka said a deed restriction would be a good idea too.

Discussion ensued regarding the \$3,000 payment for the road improvements. Flanagan explained again that it couldn't be a requirement. Riley volunteered if someone buys the lower parcel and they do put a 2nd house on it they would have to pay the \$3,000. Riley does not think that the first one should be required. Mattson mentioned that this was a huge controversy when they originally re-zoned the property in this area, and she feels it is terribly important to keep that road safe. Mickelson said that they couldn't require it. Coburn asked for a commitment to volunteer the \$3,000 before we vote. Mattson thinks each home built should have to pay the \$3,000. Tysdal asked Outka for a suggestion. Outka stated we can not have a conditional change of zoning, whomever makes the

motion should recommend to the County Commissioners that they consider an agreement with regard to payment. Mickelson said he is volunteering that if there were to be a second home and we are encouraging it for both. Outka explained that Riley at the time of the County Commissioner meeting could then tell the County Commissioners he is prepared to do this and this for each house. Riley stated he would make a compromise that whoever buys this and if they put a second house on this property they would then pay the \$3,000. Outka asked if he would be willing to put that into covenants or something and Riley stated he would put it in writing. Tysdal and Burke recommended an on-site.

Moved-Seconded (Coburn-Ewing) motion to approve COZ #249 with stipulation that there be a deed restriction with no more than three building sites, a note on the plat which restricts no more than three building sites and if a second residence is built on the larger lot it must be for a family member. Derosier-Aye, Burke-Nay, Mickelson-Aye, Coburn-Nay, Ewing-Aye, Mattson-Nay, Tysdal-Aye.

STAFF REPORT

Item for Consideration: Roger Riley COZ #249 Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Roger Riley is applying for a COZ to Park Forest to subdivide property off the Higgins Gulch Road. He wishes to divide this 30-acre parcel in 2 or possibly 3 lots.

The Property is currently zoned A1 – General Agriculture District.

ISSUES

Access, Character of the Area,

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan has no specific recommendation for this area. This property is adjacent to the “Scheurer Property” that was auctioned a couple years ago which is subject to the \$3000 road improvement agreement that occurred at the time of that COZ. Access to the “lower portion” is off the Higgins Gulch Road. This access is intended to serve possibly 2 lots. The “upper portion” is intended to be served from the Crow Peak Bench Road, and will service only a single lot.

The Character of the area is large lot residential with some Ag operations near the upper portion of the property.

Staff has no recommendation, however, the following should be addressed:

- 1) The existing \$3000 road improvement agreement for Higgins Gulch Road.

2:50 p.m. PUBLIC HEARING –CONDITIONAL USE PERMIT #318-MASSAGE THERAPY

Owner/Representative: David Ruth Sr.

Action Required: Approval/Denial

Legal Description: Lot A of M.S. 108, Section 28, T5N, R3E.

Location: Central City

Purpose: To open Foot Zone Therapy Clinic.

David Ruth would like to put in a Foot Zone Therapy Clinic. He anticipates 8-10 clients per day about 1 per hour and does not think it will be a high impact on the area.

PROPONENT: NONE

OPPONENT: Steve Ice, owner of the KOA Campground, concerned with the access and the safety into and out of the property.

PROPONENT: David Ruth said there is a current resident and he may continue to live there while the business is in operation. Ruth will park at his residence and walk to work, he thinks about 1 car per hour and does not see that it will be problem.

OPPONENT: Steve Ice concerned with access, safety and parking.

CLOSED PUBLIC HEARING

Mickelson asked Ice if his driveway is platted coming off of the highway? Ice stated yes and he had a plat with him, Mickelson asked to look at this. Burke asked if the driveway to the KOA comes directly off of the state highway? Ice stated yes. Burke asked if the only access to this property was through the driveway, Ruth stated yes and it has been used for years. Ruth explained that this property was purchased in the 1950's when the poor farm was in the KOA spot, and this is the access that has always been used. Mickelson asked what the maximum square footage for signage is? Flanagan stated 4x8 or 4x6, he was not sure, but we could look at that. Mickelson asked if this area falls within the area in which the state has to approve signage, Flanagan stated no. Mattson asked about parking, Flanagan said 1 for each employee, and 2 spots one for the person there and one for the next client. Flanagan stated he was not aware of the concerns from Ice and was not aware of exactly where the property lines lay. Mickelson asked for a platted out parking area, including backing out areas. Ruth mentioned that it would be possible to add a new approach off of the other end of the trailer to use as parking. Tysdal brought up the occupant, and that would change parking to 4 spaces.

Moved-Seconded (Mickelson-Burke) motion to table CUP 318 with the condition that measurements from property line to trailer, and designated parking spaces and plat of ownership are provided.

Coburn suggested an on-site. Mattson said we could all drive by. Mickelson asked for an interpretation of square footage on signage.

STAFF REPORT

Item for Consideration: David Ruth Sr. Foot Therapy Massage CUP 318
Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Petitioner is asking for a Conditional Use Permit to open and operate an Massage Therapy business on a small parcel of land located between Deadwood and Central City near the intersection of Highway 14A and the entrance to the KOA (across from the County Shop). The property is currently zoned SRD – Suburban Residential District.

ISSUES

Access, Parking, Adjacent land use, Character of the Area

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan identifies this area as a growth area for Lead & Deadwood (Central City). The character of the area is mixed commercial zoning, grandfathered commercial uses, and residential subdivisions. The Comprehensive Plan calls for rezoning to commercial on a case-by-case basis. Parking is limited but is restricted by the size of the facility.

Staff recommends approval of CUP 318 upon review and approval of existing access off the highway by the SD DOT.

CUP #318
David Ruth

ATTACHED CONDITIONS:

Mr. Ruth is requesting a Conditional Use Permit to open and operate a Massage Therapy business on property located Highway 14A at the KOA turn off near Central City.

1. The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business.
2. The owner shall be required to obtain a South Dakota Sales Tax license.
3. The entire lot shall be kept in a neat and in an uncluttered fashion.
4. No parking shall be allowed along State Highway 14A or on the road leading to the KOA and other properties behind this property.
5. Access off and onto State Highway 14A shall be coordinated and approved by the South Dakota Department of Transportation.
6. The owner shall be required to contact the Deadwood Fire Department to ensure that the retail store complies with fire and safety codes.
7. Any signage shall conform to Section 4.2 of the Lawrence County Zoning Ordinance. The design, color(s), and actual location shall be first approved by the Planning and Zoning Commission prior to placement or construction.
8. Litter containers, including dumpsters or trash cans, shall have lids and be strategically placed in and around the buildings. All trash containers shall be emptied on a regular basis or by demand.
9. All noxious weeds shall be controlled within the lot per the Lawrence County Weed Department regulations.

10. All lights used for exterior illumination shall be directed away from any nearby residences and Highway 14A.
11. All loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance.
12. In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department.
13. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
14. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
15. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

3:10 p.m. PUBLIC HEARING –CHANGE OF ZONING #252-BOONDOCKS

Owner/Representative: Lisa Jorgenson

Action Required: Approval/Denial

Legal Description: M.S. 1302 West lode Except Tract A & H-1, Section 25, T4N, R4E.

Location: Hwy 385

Purpose: For gardens, additional parking, picnic area, miniature golf, entertainment area, camping, amusement and vending.

Lisa Jorgenson explained that they would like to see the space used for parking, car shows, an indian village, a train area, 50's area, frontier town with facades-not actual buildings, no late night activities, no blaring lights, daytime only activities. They are aware of the floodplain issues.

PROPONENT: NONE

OPPONENT: Charles Donner present and he reads a letter from David Baade, his concerns are the floodplain and the wildlife (attached). Gene Ruff introduced a petition against the COZ from PF to HSC. Their concerns are the floodplain, highway safety, excessive noise, aesthetics, property values, and the septic systems. Ruff explains that by doing a COZ it really opens the door for them to do a lot of things on this property, they think that a CUP would be a better route. Jon VanPatten agrees that a COZ is too drastic and CUP is a better option and parking is a problem. Marcia Abell is concerned that it does not fit in with the Black Hills area.

PROPONENT: Lisa Jorgenson says that change is not bad and our plan is a 50's theme and it is not meant to annoy. Pollution of the creek will be watched and the areas in the floodway will not be built in.

OPPONENT: Louray Donner concerned with the corner and safety on the roads. Becky Berg concerned with safety. Raymond Ruff concerned with property values, parking, safety and disturbance of the creek and he does not feel it fits in with the property.

CLOSED PUBLIC HEARING

Flanagan explained we have letters from David Baade, Dennis Anderson and Jessie Sundstrom in opposition of the COZ. Gary Engle from the DOT would like to see a parking plan. Mattson asked if everything around there is zoned PF? Flanagan explained that Boondocks itself is zoned HSC, the property behind it is zoned PF. Burke asked whether or not the applicant has done any wetland studies, Lisa stated they are aware that an engineer will have to look at this property to determine where they can build. Burke asked Outka once it is zoned HSC are there restrictions that can limit them. Outka stated no, once it is zoned commercial options are wide open as to what they can do. Coburn does not think this COZ is compatible with the area. Burke asked the applicant whether or not they have considered a CUP vs. the COZ. Lisa Jorgenson stated yes. Burke asked what their decision was, Jorgenson said they could do a CUP, but they would like to do it as a COZ. Mattson asked if everything there is legal, Flanagan stated yes. Mattson remarked that the current problem is parking. Ewing thinks a CUP would be better. Mattson is not in favor of zoning it commercial, a CUP would be better.

Moved-Seconded (Ewing-Coburn) motion to deny COZ #251 from PF to HSC. Motion Carried.

Flanagan explained to Lisa Jorgenson that she does have the option to go to County Commission with a "Deny" recommendation from Planning & Zoning Board.

STAFF REPORT

Item for Consideration: Ron & Lisa Jorgenson COZ #252 Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Ron & Lisa Jorgenson are applying for a COZ to Highway Service Commercial (HSC) for a parcel of land located behind Boondocks. They wish to expand on their business (Boondocks) and create an amusement park, campground, outdoor concert venue, etc. This parcel is a mineral survey, MS 1302 West Lode, consisting of 10.77 acres +/-.

The Property is currently zoned PF – Park Forest District.

ISSUES

Access, Flood Plain, Character of the Area, Impact to Area

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan has no specific recommendation for this area. It does call for commercial zoning to occur along arterial corridors.

The Character of the area is a mix of small lot residential, the commercial area of Brownsville, and some agricultural operations. It is located near the intersection of Highway 385, Nemo Road, and Brownsville Road. Approximately 80% of this 10 acre parcel is identified as Flood Plain by FIRM Maps.

The topography and location of this area, including sight distances on Highway 385 and the Flood Plain, make this change of zoning problematic. Its location adjacent to the existing commercial area and at this intersection along Highway 385 provides high visibility for business.

Staff has no recommendation but recommends the following be addressed:

- 1) Flood Plain.
- 2) Access review and approval by SD DOT and Lawrence County Highway Department.
- 3) Adequate parking for the entirety of the business.
- 4) Lighting/signage considerations for road traffic and residences.

3:50 p.m. REVIEW MEETING –VARIANCE #104-SIDE SETBACKS FOR EXISTING CAPORT

Owner/Representative: Stan James

Action Required: Recommendation

Legal Description: Lot 8 of Lots 8 & 9 of SE1/4NE1/4, Section 4, T6N, R2E.

Location: Spearfish/Lower Valley

Purpose: Side setbacks/compliance/requested by City of Spearfish

Stan James is not in attendance, he asked Flanagan to explain the situation. Flanagan explained that there was a building permit issued by the City of Spearfish for a garage. The building plans showed a garage and a carport, but the site plan showed the garage, but not the carport. Mr. James added a carport and Tom Paisley from the City of Spearfish put a stop work order on it and it does not meet SRD setbacks. Paisley told James to tear it down or to get a variance from the County.

Mickelson asked if the garage and carport would be right up to the property line, Flanagan said yes. Tysdal asked if there were any neighbors concerned, and Derosier asked about the traffic, Flanagan stated it is a dead end road.

Moved-Seconded (Coburn-Burke) motion to approve Variance # 104. Motion Carried.

STAFF REPORT

Item for Consideration: Stan James VAR 104 Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

This property is located on Tom Ral Drive off Lower Valley Road (Evans Lane).

Petitioner obtained a building permit from the City of Spearfish for a detached garage. The plan for the garage had a carport off one side but the carport was not depicted on the site plan. Petitioner is asking for a 5' variance to the 5' side setback in SRD - Suburban Residential District, for the existing carport.

STAFF ANALYSIS/RECOMMENDATION

5.10.3 Requirements for the granting of a Variance:

Before the County Commission shall have the authority to grant a Variance, the person claiming the Variance has the burden of showing:

- A. That the granting of the Variance will not be contrary to the public interest;
- B. That the literal enforcement of the Ordinance will result in unnecessary hardship;
- C. That by granting the Variance contrary to the provisions of the Ordinance the spirit of the Ordinance will be observed; and
- D. That by granting the Variance, justice will be done.

This Variance request was the result of a request from the City of Spearfish to either bring the structure into compliance or remove it.

Staff has no recommendation.

4:05 p.m. REVIEW MEETING –VARIANCE #105-COST PROHIBITIVE

Owner/Representative: Ken Halsey

Action Required: Recommendation

Legal Description: M.S. 1708 PT Nest Lode, Section 21, T5N, R3E.

Location: Mt. Roosevelt/Upper Denver St.

Purpose: Cost prohibitive/lot configuration

Flanagan explained this property is located on upper Denver Street, about 3.5 acres with an odd shape and terrain. There is a dugout area and a bank along most of it. Flanagan's recommendation was to cut into the side of the bank and put in a road and go to the upper area and have a buildable site, Halsey feels this way is cost prohibitive and would like to build into the dugout area by cutting into the side of the hill more. Ken Halsey present and he would like to use this property as a recreational area, he would like to put in a crude cabin and a place to park his motor home. The topography is very steep and he would like to excavate an area to park the motor home and to build a cabin. Halsey read a letter from Pedersen Excavating (attached). Halsey stated any structure built will be at least 33 feet from the center of the road. Mickelson asked for a better drawing, Halsey explained it again. Burke was concerned with a building making it a site problem for the corner. Burke asked about the ROW, Flanagan explained he will build right up to the it, but not in it. Coburn asked if there was a chance of the road being widened. Ewing said all the homes along Denver Street would be in the ROW if it were ever widened.

Moved-Seconded (Coburn-Derosier) motion to approve Variance #105. Derosier-Aye, Burke-Nay, Mickelson-Nay, Coburn-Aye, Ewing- Aye, Mattson-Nay, Tysdal-Aye

STAFF REPORT

Item for Consideration: Ken Halsey VAR 105 Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

This property is located along the County Road going up Mt. Roosevelt from Deadwood (Denver St.). Petitioner was given a formal letter of denial (attached) which outlined some of Staff's concerns. Petitioner is asking for a 25' Plus variance to the 25' setback from a road right-of-way in PF – Park Forest District, to construct a house. The site plan presented also included encroaching 8 feet into the road right-of-way which the Lawrence County Highway Department is not inclined to grant.

STAFF ANALYSIS/RECOMMENDATION

5.10.3 Requirements for the granting of a Variance:

Before the County Commission shall have the authority to grant a Variance, the person claiming the Variance has the burden of showing:

- A. That the granting of the Variance will not be contrary to the public interest;
- B. That the literal enforcement of the Ordinance will result in unnecessary hardship;
- C. That by granting the Variance contrary to the provisions of the Ordinance the spirit of the Ordinance will be observed; and
- D. That by granting the Variance, justice will be done.

Because of the restrictive nature of the proposal with regards to a “buildable area” in the “dugout”, and specific concerns with parking and, locating and installing a septic system in the that area, Staff recommends denial of this request.

4:20 p.m. PRELIMINARY AND FINAL PLAT
1:41 p.m. Owner/Representative: Robert & Sharon Bell/Ponderosa Land Surveys
2:05 p.m. Action Required: Approval/Denial
Legal Description: Lots 1,2,and 3 a subdivision of Hannibal M.S. 1611, Section 15, T4N, R3E. (legal shortened)
Location: Yellow Creek
Purpose: New lots

Flanagan explained that we have received a fire plan and the covenants.

Moved-Seconded (Mickelson-Derosier) motion to approve preliminary plat.
Motion Carried

Coburn asked for more time to read the covenants and the fire plan before voting on the final plat. Continued with CUP #315 Public Hearing and came back to final plat afterwards.

Moved-Seconded (Ewing-Derosier) motion to approve final plat. Motion Carried

4:25 p.m. PRELIMINARY AND FINAL PLAT
4:35 p.m. Owner/Representative: Rodney & Sheila Aspen/ Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Tracts A-1 & A-2 of Hill Subdivision, Section 20,21,28, T4N, R4E. (legal shortened)

Location: Off of Elk Creek Road

Purpose: New lots

Moved-Seconded (Mickelson-Coburn) motion to approve preliminary plat.
Motion Carried.

Moved-Seconded (Coburn-Derosier) motion to approve final plat. Motion Carried

4:30 p.m.

REVISED PRELIMINARY PLAT

4:38 p.m.

Owner/Representative: Mattson, Inc/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Amended Preliminary Plat of Lots 1 thru 10 of two Bit Springs No. 2 Subdivision, Section 1, T4N, R3E and Section 6, T4N, R4E. (legal shortened)

Location: Boulder Canyon

Purpose: Revised Lots

Jon Mattson stated all roads and water gallery are in place.

Moved-Seconded (Burke-Mickelson) motion to approve revised preliminary plat.
Motion Carried.

Mattson abstained from voting.

4:35 p.m.

FINAL PLAT

4:40 p.m.

Owner/Representative: Maitland Partners/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lot 17 of Paradise Acres, Section 7,17,18, T5N, R3E. (legal shortened)

Location: Maitland Road

Purpose: New Lot

Moved-Seconded (Mattson-Burke) motion to approve final plat. Motion Carried

4:37 p.m.

FINAL PLAT

4:42 p.m.

Owner/Representative: Aventure Estates LLC/Mike Percevich/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Tract A of Aventure Estates, Sections 11,12, T4N, R2E. (legal shortened)

Location: Terry Peak Summit Road

Purpose: Boundary Plat

Moved-Seconded (Burke-Coburn) motion to approve final plat. Motion Carried

4:40 p.m.

FINAL PLAT

4:45 p.m. **Owner/Representative:** Aventure Estates LLC/Mike Perceovich/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lots 6,7,8 of Aventure Estates, Sections 11,12, T4N, R2E. (legal shortened)

Location: Terry Peak Summit Road

Purpose: New lots

Moved-Seconded (Mickelson-Burke) motion to approve final plat. Motion Carried

4:45 p.m. **FINAL PLAT**

4:46 p.m. **Owner/Representative:** Pillar Peak LLC/ Bill Pearson/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Elk Tracts A, B, and C of the Estates at Pillar Peak, Section 20 and 21, T5N, R4E. (legal shortened)

Location: Boulder Canyon

Purpose: Rocky Mt Elk Foundation Lots

Flanagan stated for the Elk Foundation the parcels have to be in 40-acre parcels. The Developer has agreed to put on the plat that there is only 1 building right per 40-acre tract and that the access issue regarding these lots has been looked at and agreed to.

Moved-Seconded (Burke-Mickelson) motion to approve final plat. Motion Carried

4:50 p.m. **PRELIMINARY AND FINAL PLAT**

4:50 p.m. **Owner/Representative:** Wallace Fisk/ NJS Engineering

Action Required: Approval/Denial

Legal Description: Tract B-1 and Tract B-2 of the John R. Connors Homestead, Section 10, T3N, R4E. (legal shortened)

Location: Off of Benchmark Road

Purpose: Platting for financing

Moved-Seconded (Ewing-Burke) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Burke-Mattson) motion to approve final plat. Motion Carried

4:55 p.m. **FINAL PLAT**

4:53 p.m. **Owner/Representative:** Dwight Ahlers/Anderson Engineering

Action Required: Approval/Denial

Legal Description: Lot 54 of Spruce Mt Estates #2, Section 13, T6N, R4E. (legal shortened)

Location: Whitewood

Purpose: New Lot

Moved-Seconded (Derosier-Ewing) motion to approve final plat. Motion Carried

EXTRA DISCUSSION: Board discussed the new changes to the subdivision process. Onsites will be done on any plats that the board wishes to do so. Four or more lots will come before the P & Z Board, Flanagan has the option to sign off on these plats without them going to County Commission.

5:00 p.m. Ewing motioned to adjourn meeting.

APPROVED: _____ Date: _____
Leo Derosier, CHAIR

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF February 2, 2006

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 2, 2006 at 1:30 p.m. in the County Commissioners Room at 90 Sherman Street, Deadwood, Lawrence County.

PRESENT: Craig Mickelson, Leo Derosier, Karl Burke, Rick Tysdal, Barb Mattson(left at 3:00 p.m.), Bob Ewing and Bill Coburn

ABSENT: NONE

The following times are listed as scheduled then actual.

1:30 p.m. Call meeting to order / Approve Minutes of January 6, 2006

MINUTES: Moved-Seconded (Mattson-Ewing) to approve the minutes of January 6, 2006. Motion Carried.

1:30 p.m. DISCUSSION

1:33 p.m. Owner/Representative: Brandon Flanagan

Action Required: Discussion

Purpose: Discussion on Boundary Plat Ordinance

Flanagan summarized the boundary plat ordinance and discussed making it a requirement to have the road network done at the time of the boundary plat. Burke asked if the Whitewood Tailings Area could be added into the boundary plat ordinance. Coburn is concerned with consistency. Board discussed negative and positive of dedicating roads, collecting more information from developers, engineers, etc, and grammatical changes.

Flanagan suggested that the next area in the ordinances to look at would be the Conditional Use Permits, specifically the laundry lists and the Planned Unit Developments. The Board asked for state information regarding the laundry lists and any info we currently have. Flanagan asked the Board to set up an additional meeting this month to discuss these ordinances. Meeting set for February 16, 2006 at 1:30 p.m.

Mickelson suggested that the next time we have a Variance through the City of Spearfish, Tom Paisley should be present or at least give a letter with his view on what is happening. Tysdal asked Outka whether or not he should be involved in the meetings when it relates to clients or other agents from his company. Outka said it is a good idea to excuse himself when those situations arise.

1:45 p.m. DISCUSSION OF INVASIVE SPECIES

1:55 p.m. Owner/Representative: Dave Heck

Action Required: Discussion

Purpose: Provisions in Ordinance regarding Invasive Species

Dave Heck present and he introduced his proposal for Weed Management. This process will help developers and property owners receive more awareness and education on weed management. The Invasive Species Board would like to see this process as an addition in the ordinances for Major Subdivision. Heck stated it would be about a 1-2 week turnaround. Flanagan would like to ask the developers and engineers for input and he will put something together.

2:00 p.m. CONTINUATION OF APPLICATION FOR CHANGE OF ZONING #251-SUBDIVISION

2:10 p.m. Owner/Representative: Roger Riley

Action Required: Approval/Denial

Legal Description: Riley Wolff Tracts 1 & 3, Section 28, Section 33, T6N, R4E.

Location: Crook City Road

Purpose: Subdivision

Burke recused himself from the discussion. Flanagan read letter from Julie Stone from Homestake Mining Co. regarding Whitewood Tailings Area (attached). Burke introduced a map showing the Whitewood Superfund Site in comparison to this property. Schreier explained that the Mercury and Arsenic had been tested and it was safe under the EPA standards. Tim Eggers has given his recommendation. Mattson questioned if it would be a central water system, Riley stated no, it has a well. Mickelson asked about easement across Railroad property, Riley stated they do not have the actual easement at this time, but have a letter of understanding which says they will grant it. Mattson asked about the zoning, Flanagan stated now PF wants to change to SRD.

Moved-Seconded (Coburn-Mattson) motion to approve COZ #251 from PF to SRD Zoning. Motion Carried.

Burke abstained from voting.

STAFF REPORT

Item for Consideration: Roger Riley COZ #251 Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Roger Riley is applying for a COZ to Suburban Residential (SRD) for subdivision along the Crook City Road, partially in the location of old "Crook City". This property was platted this summer when it sold. The plats took in several of the old "Crook City" town lots and combined them with land lying east and south of the Railroad right-of-way. This consolidation has helped to clean up several of the old non-conforming lots in that area and has helped to clean up the boundaries and legal descriptions in that area.

The Property is currently zoned PF – Park Forest District.

ISSUES

Access, Water, Character of the Area,

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan has no specific recommendation for this area. Its proximity to the town of Whitewood could place it in that growth area.

The Character of the area is a mix of small and large lot residential. This platting/replatting of the old Crook City properties has helped to clean up non-conforming lots and poor legal descriptions of the property.

Staff recommends approval after the following are addressed:

- 1) Water system/fire suppression
- 2) Access approval by Highway Department at time of platting.

2:30 p.m. CONTINUATION OF APPLICATION FOR CONDITIONAL USE PERMIT #318-MASSAGE THERAPY

2:30 p.m. Owner/Representative: David Ruth Sr.

Action Required: Approval/Denial

Legal Description: Lot A of M.S. 108, Section 28, T5N, R3E.

Location: Central City

Purpose: To open Foot Zone Therapy Clinic.

Flanagan and Outka visited the property and believe there are at least 2 parking spots, possibly 3 tight ones. Mr. Ice did call the office and Flanagan explained that this meeting would be taking place today, but the Public Hearing was closed. Outka explained it would be impractical to have 2 access points off of the Highway. Flanagan explained that after talking with Mr. Ice he felt the Mr. Ice was not happy with using the existing access across his "lot" for the use of this property. The Board discussed the access. Ewing asked how long the current access had been used and Mr. Ruth answered since the 1950's.

Moved-Seconded (Ewing-Mickelson) motion to approve CUP #318 for a Foot Zone Therapy Clinic with attached conditions. Motion Carried.

David Ruth mentioned he would like to have his father at the County Commission meeting, so he will more than likely postpone the Commissioner's Hearing until May.

**CUP #318
David Ruth**

ATTACHED CONDITIONS:

Mr. Ruth is requesting a Conditional Use Permit to open and operate a Massage Therapy business on property located Highway 14A at the KOA turn off near Central City.

16. The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business.
17. The owner shall be required to obtain a South Dakota Sales Tax license.
18. The entire lot shall be kept in a neat and in an uncluttered fashion.
19. No parking shall be allowed along State Highway 14A or on the road leading to the KOA and other properties behind this property.
20. Access off and onto State Highway 14A shall be coordinated and approved by the South Dakota Department of Transportation.

21. The owner shall be required to contact the Deadwood Fire Department to ensure that the retail store complies with fire and safety codes.
22. Any signage shall conform to Section 4.2 of the Lawrence County Zoning Ordinance. The design, color(s), and actual location shall be first approved by the Planning and Zoning Commission prior to placement or construction.
23. Litter containers, including dumpsters or trash cans, shall have lids and be strategically placed in and around the buildings. All trash containers shall be emptied on a regular basis or by demand.
24. All noxious weeds shall be controlled within the lot per the Lawrence County Weed Department regulations.
25. All lights used for exterior illumination shall be directed away from any nearby residences and Highway 14A.
26. All loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance.
27. In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department.
28. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
29. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
30. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

STAFF REPORT

Item for Consideration: David Ruth Sr. Foot Therapy Massage CUP 318

Meeting Date: 5 January, 2006

HISTORY/BACKGROUND

Petitioner is asking for a Conditional Use Permit to open and operate an Massage Therapy business on a small parcel of land located between Deadwood and Central City near the intersection of Highway 14A and the entrance to the KOA (across from the County Shop). The property is currently zoned SRD – Suburban Residential District.

ISSUES

Access, Parking, Adjacent land use, Character of the Area

STAFF ANALYSIS/RECOMMENDATION

The Comprehensive Plan identifies this area as a growth area for Lead & Deadwood (Central City). The character of the area is mixed commercial zoning, grandfathered commercial uses, and residential subdivisions. The Comprehensive Plan calls for rezoning to commercial on a case-by-case basis. Parking is limited but is restricted by the size of the facility.

Staff recommends approval of CUP 318 upon review and approval of existing access off the highway by the SD DOT.

2:50 p.m. FINAL PLAT

2:40 p.m. Owner/Representative: BH Development LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Tract A of Wilderness Estates consisting of portions of M.S. 1834, M.S. 1195, M.S. 1159. All located in Sections 7, 8, 17, T4N, R3E. (legal shortened)

Location: Hwy 85/ Top of Aztec Hill
Purpose: Boundary Plat

Moved-Seconded (Burke Mattson) motion to approve final plat. Motion Carried

2:55 p.m. FINAL PLAT

2:45 p.m. Owner/Representative: Mattson, Inc/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tract A of Two Bit Springs No. 2, Section 1, T4N, R3E and Section 6, T4N, R4E. (legal shortened)

Location: Two Bit

Purpose: Boundary Plat

Moved-Seconded (Mickelson-Derosier) motion to approve final plat. Motion Carried

Mattson abstained from voting.

3:00 p.m. FINAL PLAT

2:47 p.m. Owner/Representative: Mattson, Inc/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 and 6 thru 10 of Two Bit Springs No. 2, Section 1, T4N, R3E and Section 6, T4N, R4E. (legal shortened)

Location: Two Bit

Purpose: New lots

Moved-Seconded (Mickelson-Burke) motion to approve final plat. Motion Carried

Mattson abstained from voting.

3:05 p.m. FINAL PLAT

2:50 p.m. Owner/Representative: Maitland Partners/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lot 2 & 23 of Paradise Acres, Section 7,17,18, T5N, R3E. (legal shortened)

Location: Maitland Road

Purpose: New Lots

Moved-Seconded (Derosier-Burke) motion to approve final plat. Motion Carried

3:10 p.m. PRELIMINARY AND FINAL PLAT

2:51 p.m. Owner/Representative: Steve Risdall/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of tract 3A-1 & 3A-2 a subdivision of Tract 3A of a portion of the SW1/4 NW1/4 of Section 20, T5N, R4E.

Location: Boulder Canyon-Radio Tower Road

Purpose: New lots

Moved-Seconded (Mickelson-Derosier) motion to approve preliminary plat with correct spelling of Preliminary. Motion Carried.

Moved-Seconded (Derosier-Burke) motion to approve final plat. Motion Carried

3:15 p.m.

PRELIMINARY AND FINAL PLAT

2:55 p.m.

Owner/Representative: Steve & Nadine Runquist/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 and 2 being a portion of Rambler M.S. 1950, located in the W1/2 of Section 10, T4N, R3E.

Location: Yellow Creek Road

Purpose: New lots

Moved-Seconded (Derosier-Ewing) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Mickelson-Burke) motion to approve final plat. Motion Carried

3:20 p.m.

PRELIMINARY AND FINAL PLAT

2:56 p.m.

Owner/Representative: Darrel Vig/ Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Bull Eagle Tract Revised and Tract C-1 formerly know as Bull Eagle Tract and Tract C of Bull Eagle and Crow Dog M.S. 1158, located in the NW ¼ of Section 18, T4N, R3E.

Location: Deer Mountain

Purpose: Revise lot lines

Moved-Seconded (Mickelson-Burke) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Coburn-Burke) motion to approve final plat. Motion Carried

3:25 p.m.

PRELIMINARY AND FINAL PLAT

3:00 p.m.

Owner/Representative: Ken Halsey/ Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lot 1 a portion of Nest M.S. 1708, located in the SW1/4NE1/4 of Section 21, T5N, R3E.

Location: Off of Denver Street-Mt. Roosevelt

Purpose: Existing Lot

Moved-Seconded (Derosier-Ewing) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Derosier-Mickelson) motion to approve final plat. Motion Carried

3:30 p.m. PRELIMINARY PLAT

3:12 p.m. Owner/Representative: Mitch and Lynette Moe/ Traditional Home Builders/
NJS Engineering

Action Required: Approval/Denial/Onsite

Legal Description: Plat of Lots 1-12 of Northern Hills Industrial Park, located in the NW1/4 SE1/4 of Section 16, T6N, R4E. (Legal shortened)

Location: Whitewood North

Purpose: Industrial Park

Flanagan explained this lot was zoned Commercial Light Industrial. Fay Bueno from City of Whitewood is ok with all of it. It will have a central water system and fire hydrant(s) and he does not feel that the cul-de-sac length is inappropriate because of the flat, open terrain.

Moved-Seconded (Mickelson-Burke) motion to waive cul-de-sac length. Motion Carried.

Moved-Seconded (Coburn-Mickelson) motion to waive fire plan. Motion Carried
Moved-Seconded (Mickelson-Burke) motion to approve preliminary plat. Motion Carried

3:40 p.m. FINAL PLAT

3:10 p.m. Owner/Representative: Dwight Ahlers/Anderson Engineering

Action Required: Approval/Denial

Legal Description: Lot 27 of Spruce Mt Estates #2, Section 13, T6N, R4E. (legal shortened)

Location: Whitewood North

Purpose: New Lot

Moved-Seconded (Derosier-Mickelson) motion to approve final plat. Motion Carried

3:45 p.m. DISCUSSION

3:25 p.m. Owner/Representative: Brandon Flanagan

Action Required: Discussion

Purpose: Discussion on Ordinance Revisions

Flanagan asked for suggestions on the Weed Management. Tysdal recommend that the Homeowners Associations control the weed management.

Karl Burke resigned from the Planning Zoning Board effective immediately. He thinks it is a great board, but because his job duties are changing he is not able to put as much time into it as he would like.

4:00 p.m. APPRECIATION AWARD

3:30 p.m. Owner/Representative: Leo Derosier

Action Required: Presentation

Purpose: To recognize Leo Derosier for serving 23 years as P & Z Chairman

3:30 p.m. Burke motioned to adjourn meeting.

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF March 2, 2006

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 2, 2006 at 1:30 p.m. in the County Commissioners Room at 90 Sherman Street, Deadwood, Lawrence County.

PRESENT: Craig Mickelson, Leo Derosier, Rick Tysdal, Barb Mattson, Terry Weisenberg and Bill Coburn

ABSENT: NONE

The following times are listed as scheduled then actual.

1:30 p.m. Call meeting to order / Approve Minutes of February 2, 2006

MINUTES: (Derosier-Mickelson) motion to approve minutes of February 2, 2006. Motion Carried

1:30 p.m. ORDINANCE DISCUSSION

Owner/Representative: Brandon Flanagan

Action Required: Discussion

Purpose: Discussion on Conditional Use Permits

Flanagan summarized land use and development in the Spearfish Urban Growth Area (UGA), specifically the Hwy 85 corridor north to Belle Fourche. The City of Spearfish, Jayna Shewak, requested that Flanagan look into this area. Flanagan requested that the P & Z Board make a recommendation to the County Commissioners to appoint a committee to work with the City of Spearfish and look into developing a Future Use Map in the Spearfish UGA. Coburn and Mickelson both stated they would volunteer for this committee.

(Coburn-Derosier) motion to make recommendation to the County Commissioners to appoint a committee to look into Spearfish's UGA. Motion Carried.

The board discussed the CUP laundry list recommendations and there concerns with the different allowed and conditional uses within each zoning district.

The board asked that at the April 6, 2006 meeting the CUP laundry lists be put on the end of the agenda so they will have more time for discussion.

2:00 p.m. INFORMATIONAL MEETING-CONDITIONAL USE PERMIT # 319-FOR TRAILER MANUFACTURING

Owner/Representative: Edna Mae Ward/Bill Bucholz/

Action Required: Discussion – set Public Hearing

Legal Description: A subdivision of the remainder of Lot 5, Section 27, T7N, R2E.

Location: Corner of Johnson Lane and Hwy 85

Purpose: Trailer Manufacturing

Bill Bucholz present, he explained they would like to build a new building outside of Spearfish on Johnson Lane, to house their Toolmaster Trailer manufacturing business. City of Spearfish, Jayna Shewak has given her recommendations (attached).

Set Public Hearing for April 6, 2006 at 2:00 p.m.

**2:15 p.m. INFORMATIONAL MEETING-CONDITIONAL USE PERMIT # 317-FOR
2:15 p.m. ENTERTAINMENT/AMUSEMENT/PICNIC/PARKING AREAS**

Owner/Representative: Ron & Lisa Jorgenson

Action Required: Discussion - set Public Hearing

Legal Description: M.S. 1302 West Lode, Section 25, T4N, R4E (legal shortened)

Location: Hwy 385

Purpose: To have overflow parking, amusement rides, entertainments events, moveable sets, etc...

Lisa and Ron Jorgenson present. They currently have a 50's theme diner, store, photo shop and museum. Lisa presented items from the museum and magazines that Boondocks have been listed in. Brad Ellis has started a flood study for the piece of property in question, they presented one of the maps. She explained, using these maps where they would like to locate the rides, the parking area, the picnic grounds, the games and the garden area. Concrete anchors will be used for all rides. They would like to build a 26x32-garage area. There has been 1 event scheduled for June 17 & 18 with a band, a car show, and other entertainment. The board and Lisa went over the suggested conditions.

Mattson concerned with camping being in this CUP. Ron stated they would not necessarily need this part. Mickelson asked about the toilet and whether or not it could be permanent. Lisa stated yes, but they would like to see how it went for at least a year.

Public hearing set for April 6, 2006 at 2:20 p.m.

**2:30 p.m. INFORMATIONAL MEETING-CHANGE OF ZONING # 253-NEW
SUBDIVISION**

2:35 p.m. Owner/Representative: Frank & Dianna Loup/Brosz Engineering

Action Required: Discussion - set Public Hearing

Legal Description: SE ¼ NE ¼, Section 34, T7N, R2E.

Location: Off Hwy 85

Purpose: New Subdivision

Dianna and Daphne Loup present. Flanagan explained the location and that the Loup's has tried for a COZ a couple of years back from A-1 to SRD, which was denied. At this time they are trying to go from A-1 to RR. Mickelson asked if they owned the property to the North and if the road would continue-yes they own the property to the North and the road is set up this way by recommendation of the City of Spearfish (attached letter).

Set an on-site for March 14, 2006 at 4:30 p.m., meeting at the turnoff to the county shop.

Set public hearing for April 6, 2006 at 3:00 p.m.

2:45 p.m. REVIEW MEETING-VARIANCE # 106- 25' VARIANCE TO THE 25' SETBACK

2:50 p.m. Owner/Representative: Troy Schultes
Action Required: Discussion/Review/Recommendation
Legal Description: LOTS 47 & 48 Blk H, Section 18, T5N, R3E.
Location: Maitland Road
Purpose: To build a deck

Troy Schultes present. A couple of months back Schultes came in for a variance to build a new structure, it was approved at the P & Z level and denied at the County Commission. Now he would like to get a variance to build a deck onto the back of the existing structure, a bridge over the creek w/ a small deck on the other side. Outka explained this will be going off the back of the property, it will not encroach into the ROW.

Moved-Seconded (Weisenberg-Derosier) motion to approve Variance # 106 with only the first 8 feet covered on the deck. Motion Carried.

3:00 p.m. FINAL PLAT

2:55 p.m. Owner/Representative: Aventure Estates LLC/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 1, 2 and 9 of Aventure Estates, Section 11, 12, T4N, R2E (legal shortened)
Location: Terry Peak Summit Road
Purpose: New lots

Moved-Seconded (Weisenberg-Mickelson) motion to approve final plat. Motion Carried

3:05 p.m. FINAL PLAT

3:00 p.m. Owner/Representative: BH Development LLC/ Arleth & Associates
Action Required: Approval/Denial

Legal Description: Plat of Lots 8, 10, 11 and 25 of Wilderness Estates, Section 7, 8, & 17, T4N, R3E (legal shortened)

Location: Hwy 85/ Top of Aztec Hill

Purpose: New Lots

Moved-Seconded (Mattson-Derosier) motion to approve final plat. Motion Carried

3:10 p.m.

FINAL PLAT

3:05 p.m.

Owner/Representative: Maitland Partners LLC/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 12, 18, & 22 of Paradise Acres, Section 7, 17, & 18, T5N, R3E (legal shortened)

Location: Maitland

Purpose: New lots

Moved-Seconded (Derosier-Mickelson) motion to approve final plat. Motion Carried.

3:15 p.m.

FINAL PLAT

3:08 p.m.

Owner/Representative: Pillar Peak LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 18 of the Estates at Pillar Peak, Section 20 and 21 T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New Lots

Moved-Seconded (Weisenberg-Mattson) motion to approve final plat. Motion Carried.

3:20 p.m.

PRELIMINARY AND FINAL PLAT

3:10 p.m.

Owner/Representative: Black Hills Chairlift/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lot A, por of Gov't Lot 6 of Section 2, T4N, R2E.

Location: Terry Peak

Purpose: Clean up lot ownership

This plat has no building rights and is for land transfer purposes only.

Moved-Seconded (Mickelson-Mattson) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Mickelson-Mattson) motion to approve final plat. Motion Carried

3:25 p.m.

PRELIMINARY AND FINAL PLAT

3:12p.m.

Owner/Representative: Glen & Mary Hoff/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lot 10A & 10B of Aspen Hills Development, Section 32, T6N, R2E (legal shortened)

Location: Aspen Hills Sub

Purpose: New lots

Moved-Seconded (Coburn-Weisenberg) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Derosier-Mickelson) motion to approve final plat. Motion Carried

3:30 p.m.
3:30 p.m.
Engineering

PRELIMINARY PLAT

Owner/Representative: Cannon River Investments/Reed Real Estate/ NJS

Action Required: Discussion/Onsite

Legal Description: The Pines, Section 19 and 30, T6N, R2E (legal shortened)

Location: Spearfish/Tinton Road

Purpose: New subdivision

Neil Stodolski, NJS Engineering and Mark Reed, Canon River Investments present. This subdivision will have 48 lots on 240 acres, located on Tinton Road by the gravel pit, primary access will be off of Tinton Road, all permits are in place for access, and the stream going thru the property will be used as fire protection. He listed the variances to lengths of cul-de-sacs and grades of roads.

Coburn suggested a water system. Weisenberg asked about the taxes on the green space, Mark Reed stated the Homeowners Association and Road District will be responsible. Mickelson and Coburn concerned with grades of roads and lengths of cul-de-sacs.

Rick Tysdal excused himself from discussion.

Set on-site for March 29, 2006 at 3:00 p.m. meeting at the gravel pit.

3:50 p.m.
3:45 p.m.

PRELIMINARY PLAT

Owner/Representative: Jerikodie Inc, Gerald Aberle/ Ellis Consultants

Action Required: Approval/Denial

Legal Description: Plat of Cheyenne Crossing Village, Lots 1-42, Section 24, T4N, R3E (legal shortened)

Location: Hwy 85

Purpose: New lots

Gerald Aberle and Brad Ellis present. The infrastructure for the entire development will be done by this summer. The subdivision will be done in 3 phases. Weisenberg asked about the previous water concerns with the homeowners in that area, Aberle stated he has not heard any complaints. Coburn

asked about fire plan, Aberle stated it was done in the original COZ. Mickelson asked about ownership of the lodge in the middle, Aberle stated the Homeowners Association will hold this. Flanagan stated he would like to see the lodge on it's own lot.

Moved-Seconded (Weisenberg-Mattson) motion to approve preliminary plat.
Motion Carried.

4:00 p.m. SKETCH PLAT/INFORMATIONAL MEETING

Owner/Representative: BH Development/ Ellis Consultants

Action Required: Discussion

Legal Description: Johnson Gulch Property

Location: North and West of Terry Peak/Wharf

Purpose: New subdivision

Paul Eisenschenk, developer, Eric Jensen, geologist, and Max Main, lawyer, were all present. Eisenschenk did an overview of the location and the background of the property. It is an existing mine site and it needs reclamation in order to make it safe for home site development. Eisenschenk stated they would like to ask the board to issue a CUP to mine with no on-site processing, he explained that the State mine permit is currently in place. Jensen explained the type of ore on the property and that it was not an acid producing ore. The board discussed the old mining that occurred on this property, the type of ore, the amount of ore, the permitting process, and the public input into a mine permit. Main explained the reclamation bonds must be 100% cost bond now, if something were to happen and this would not get finished, the state would have the reclamation bond to come in and clean it up.

Rick Tysdal excused himself from discussion.

4:35 p.m. Coburn motion to adjourn meeting.

APPROVED: _____ Date: _____
Rick Tysdal, CHAIR

ATTEST: _____
Craig Mickelson, SECRETARY