

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 4, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 4, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Barb Mattson, Marty O’Dea, Bill Coburn, Tom Brady, Rick Tysdal, Bob Ewing

ABSENT: Craig Mickelson

(Subject to changes announced at meeting time)

1:30 p.m. Call meeting to order / Approve Minutes of December 7, 2006

Election of Officers

Moved-Seconded (Mattson-Ewing) motion to appoint Rick Tysdal as Planning and Zoning Chairman for 2007. Motion Carried.

Moved-Seconded (Mattson-Ewing) motion to appoint Bill Coburn as Planning and Zoning Vice-Chairman for 2007. Motion Carried.

Moved-Seconded (Mattson-Ewing) motion to appoint Craig Mickelson as Planning and Zoning Secretary for 2007. Motion Carried.

Moved-Seconded (Mattson-Brady) motion to appoint Coburn as acting Secretary for January 4, 2007 meeting. Motion Carried.

Moved-Seconded (Brady-O’Dea) motion to approve minutes from December 7, 2006 meeting. Motion Carried.

Tysdal asked the board if we could change the meeting dates in May and October.

Moved-Seconded (Coburn-Mattson) motion to change May 3, 2007 meeting to May 10, 2007 and change October 4, 2007 meeting to October 11, 2007. Motion Carried.

Flanagan stated Coburn and Brady were re-appointed for 5 year terms.

1:30 p.m. ORDINANCE DISCUSSION

1:30 p.m. Owner/Representative: Brandon Flanagan, Director

Action Required: Discussion

Purpose: Proposed Ordinance Revisions

Flanagan gave an overview of vacation rentals and some of the issues related to vacation rentals. These issues include most ordinances dealing with vacation rentals are in municipalities, existing vacation rentals would be grandfathered and the enforcement of a vacation rental ordinance would be very difficult. Flanagan asked the Board whether or not they felt this is something the Board wants to pursue. The Board discussed vacation rentals. O’Dea and Ewing felt it is not something the County should pursue at this time. Coburn stated it is going to be a very prominent part of our community and feels that eventually it will have to be dealt with. Tysdal and Brady feel it should be enforced through the covenants. O’Dea stated whether you own it or rent it the occupancy is the same. Tysdal stated monitoring the situation is needed.

Moved-Seconded (Ewing-Coburn) motion to have the Planning and Zoning office do further research on vacation rentals. Motion Carried.

PUBLIC HEARING ALLOWED AND CONDITIONAL USES WITHIN ZONING DISTRICTS 06-04

Owner/Representative: Brandon Flanagan, Director

Action Required: Approval/Denial

Purpose: Proposed Ordinance Revisions

Flanagan explained that Ordinance 06-4 went to the County Commissioners last month and they sent it back to the Planning and Zoning Board for a do pass. Ewing stated it is a living document and can be changed.

PROPONENT: NONE

OPPONENT: NONE

Ray Ruff sent in a letter regarding concerns with Ordinance 06-4 and it is in the file.

CLOSED PUBLIC HEARING

Mattson asked for clarification on the amendment process. Flanagan explained the petitioner can ask for an amendment to the zoning ordinance to add a conditional use (or an allowed use) to the zoning district while simultaneously applying for a CUP. Mattson stated she wants the public to understand just because it is listed does not mean it will be granted.

Moved-Seconded (Mattson-O’Dea) motion to approve Allowed and Conditional Uses 06-4 as presented. Motion Carried.

2:00 p.m.
2:00 p.m.

PUBLIC HEARING-CONDITIONAL USE PERMIT # 337-FIREARM MANUFACTURING

Owner/Representative: Glen Harrison and Lisa Lund

Action Required: Approval/Denial

Legal Description: Tract A of NW1/4SW1/4, Section 8, T6N, R2E.

Location: Spearfish West

Purpose: Firearm Manufacturing

Zoning: PF

Amber Vogt, Deputy Director for Planning and Zoning gave an overview of the project. The petitioners would like to manufacture small firearm parts in an existing pole building. The business will not be open to the public. There will be no onsite sales, no signage, and no outside storage. They manufacture the receivers and bolts for guns, not the whole gun. Lisa Lund was present and stated they would not have more than 2 additional employees.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Brady stated he had done some counsel for Dakota Arms (a competitor) in the past, Lisa Lund stated she was ok with him voting on the CUP.

Moves-Seconded (Ewing-O'Dea) motion to approve CUP # 337 with the attached conditions. Motion Carried.

2:30 p.m.

PUBLIC HEARING-CHANGE OF ZONING #260-A-1 to A-2

2:30 p.m.

Owner/Representative: Fred and Gean Beets Trust/Neal Beets/NJS Engineering

Action Required: Approval/Denial

Legal Description: SE1/4SE1/4 of Section 1, T6N, R1E.

Location: W of Spearfish

Purpose: Residential Subdivision

Zoning: A-1

3:00 p.m.

PUBLIC HEARING-CHANGE OF ZONING #261-A-1 to PF

3:00 p.m.

Owner/Representative: Fred and Gean Beets Trust/Neal Beets/NJS Engineering

Action Required: Approval/Denial

Legal Description: NE1/4 and N1/2SE1/4 of Section 1, T6N, R1E.

Location: W of Spearfish

Purpose: Residential Subdivision

Zoning: A-1

The following pertains to both COZ #260 and #261.

Brady abstained from voting. Ewing stated he does run cattle on property to the West, no one in the board or the audience was concerned. Flanagan gave an

overview of the property and stated there will be no access through Pine Oaks Subdivision.

COZ #260:

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

O'Dea asked if the closed end of Moller Road on the section line can ever be opened, Flanagan stated it could be opened, but the petitioners do not want to explore this option.

Moved-Seconded (Coburn-Ewing) motion to approve COZ #260. Motion Carried.

COZ #261:

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Mattson asked what the acreage was, Flanagan stated 240 acres.

Moved-Seconded (Ewing-Mattson) motion to approve COZ #261. Motion Carried.

3:30 p.m. PUBLIC HEARING-ADMINISTRATIVE CHANGE OF ZONING #262-RR to A-2

3:30 p.m. Owner/Representative: Lawrence County/Ken Reinert

Action Required: Approval/Denial

Legal Description: N1/2NE1/4,N1/2S1/2NE1/4, Section 12, ZT6N, R1E.

Location: Crow Peak Bench

Purpose: Administrative Change- Down zoning

Zoning: RR

Brady abstained from voting. Flanagan explained at the time of the approval of COZ # 259, Ken Reinert self restricted himself to the 10 acre+/- lot size and agreed to change his current RR to the A-2 zoning once it was available.

Moved-Seconded (Ewing-Mattson) motion to approve COZ #262. Motion Carried.

3:50 p.m. INFORMATIONAL MEETING-CONDITIONAL USE PERMIT # 338-CAMPGROUND

3:50 p.m. Owner/Representative: Grant Sawyer/Roy Dishman
Action Required: Discussion/Set On-Site/Set Public Hearing
Legal Description: Lot A and Tract D, Tract H, and Tract I, of M.S. 1368, Section 27, T3N, R5E.
Location: Nemo
Purpose: Campground
Zoning: PF/SRD

Amber Vogt gave an overview of the location and property. Grant Sawyer presented a packet to the board with his plans for the property, including a campground, a lodge area, horseback rides, food, and a museum. Hillary Jackson from the Forest Service was present and would like to discuss options with Mr. Sawyer. Brady suggested looking at the State Campground Regulations, Forest Service Regulations and to get an Engineer involved.

4:05 p.m. FINAL PLAT
2:10 p.m. esentative: Aberle Chandler Development/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 19-22 of Sugarloaf Village, Section 19, T4N ,R3E and Section 24, T4N, R2E. (legal shortened)
Location: Hwy 85 by Rec. Springs
Purpose: New lots
Zoning: SRD

Moved-Seconded (Brady-O'Dea) motion to approve final plat. Motion Carried.

4:10 p.m. PRELIMINARY AND FINAL PLAT
2:15 p.m. Owner/Representative: Margery Ford/Bruce & Lynn Keller/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Tracts 6A & 6B of Section 27, T3N, R5E. (legal shortened)
Location: Nemo
Purpose: Moving lot lines
Zoning: PF/SRD

Moved-Seconded (Coburn-O'Dea) motion to approve preliminary plat. Motion Carried.

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

4:15 p.m. FINAL PLAT
2:20 p.m. Owner/Representative: BH Development/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lot 12 of Wilderness Estates, Section 7, 8, 17, T4N, R3E.(legal shortened)

Location: Hwy 85

Purpose: New lot

Zoning: PF

Wilderness Estates bond has been released, roads and dry hydrants are finished.

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

4:20 p.m.

PRELIMINARY AND FINAL PLAT

2:25 p.m.

Owner/Representative: Homes In The Hills, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts 4A, 4B, 4C located in Section 12, T6N, R1E. (legal shortened)

Location: Higgins Gulch

Purpose: New lots

Zoning: PF

Flanagan gave an overview of the property. Roger Riley gave a self restriction on the building rights (3 maximum) when this property went through a COZ.

Moved-Seconded (Ewing-Brady) motion to approve preliminary plat. Motion withdrawn until fire plan and covenants are produced.

Moved-Seconded (Brady-O'Dea) motion to table plat. Motion Carried.

Roger Riley withdrew plat.

4:30 p.m.

AMENDED PRELIMINARY PLAT

2:42 p.m.

Owner/Representative: Nagel/Dodds/Riggs/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 1-17 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened)

Location: Maitland Rd

Purpose: New Lots

Zoning: PF

The board discussed fire safety, open space, payment of taxes on the open space, moving lot lines to accommodate open space, adding easements and creating new lots. Coburn concerned with fire plan and covenants not being tied together. Brady suggested hiring an attorney and drawing up the correct documents.

Moved-Seconded (Brady-Coburn) motion to deny amended preliminary plat. Motion Carried.

4:35 p.m. FINAL PLAT
Owner/Representative: Nagel/Dodds/Riggs/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Plat of Lots 1,6,7,8,9,13,14 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened)
Location: Maitland Rd
Purpose: New Lots
Zoning: PF

No action taken due to the amended preliminary plat being denied.

4:40 p.m. FINAL PLAT
2:50 p.m. Owner/Representative: Maitland Partners/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Lot 52R of Paradise II, Section 7,8,17,18, T5N, R3E (legal shortened)
Location: Maitland Rd
Purpose: Revised Lot
Zoning: PF

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

4:45 p.m. FINAL PLAT
2:52 p.m. Owner/Representative: Maitland Partners/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Lot 41R of Paradise II, Section 7,8,17,18, T5N, R3E (legal shortened)
Location: Maitland Rd
Purpose: Revised Lot
Zoning: PF

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

4:50 p.m. PRELIMINARY AND FINAL PLAT
2:54 p.m. Owner/Representative: B Feeders LLC/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Lots 1 & 2 of the Dolphin Tract Revised, Section 10 & 15, T4N, R3E. (legal shortened)
Location: Yellow Creek Rd
Purpose: New lots
Zoning: PF

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

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

4:55 p.m. FINAL PLAT

2:55 p.m. Owner/Representative: Maitland Partners/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Tract M of Paradise Acres III, Section 17,18,19,20, T5N, R3E (legal shortened)
Location: Maitland Rd
Purpose: Boundary Plat
Zoning: PF

Moved-Seconded (Brady-O’Dea) motion to approve final plat. Motion Carried.

5:00 p.m. PRELIMINARY PLAT

3:15 p.m. Owner/Representative: Maitland Partners/Ellis Consultants
Action Required: Approval/Denial
Legal Description: Lots 67-92 of Paradise Acres III, Section 17,18,19,20, T5N, R3E (legal shortened)
Location: Maitland Rd
Purpose: New lots
Zoning: PF

(This plat was previously approved but had corrections to the plat)
Flanagan stated all roads are finished and fire hydrants are complete.

Moved-Seconded (Brady-Coburn) motion to approve preliminary plat with restricted access to lots 77, 78, 79, 80, and 81 and only once it has been approved by the Lawrence County Highway department, and that all “dog hair”, and dead and downed material shall be removed prior to sale of any lots. Motion Carried.

5:05 p.m. PRELIMINARY AND FINAL PLAT

4:05 p.m. Owner/Representative: James & Laura Gehner/Bobby & Ruth Derby/Precision Surveying
Action Required: Approval/Denial
Legal Description: Plat of Lot 37R-A and Lot 38R of Valhalla Sub, Section 13, T5N, R4E (legal shortened)
Location: Boulder Canyon
Purpose: Moving lot lines
Zoning: PF

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

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

5:10 p.m. FINAL PLAT

2:40 p.m. Owner/Representative: Frawley Ranches Inc/ NJS Engineering
Action Required: Approval/Denial
Legal Description: Lot 10 of Frawley Ranch East, Section 7, T6N, R4E. (legal shortened)
Location: Whitewood
Purpose: New lot
Zoning: A-1

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

5:15 p.m. PRELIMINARY PLAT
4:10 p.m. Owner/Representative: Frawley Ranches Inc/ NJS Engineering
Action Required: Approval/Denial
Legal Description: Frawley Ranch East Phase II, Sections 7 and 18, T6N, R4E. (legal shortened)
Location: Whitewood West
Purpose: Second Phase-Frawley Ranch PUD
Zoning: A-1

Roger Tellinghuisen tied the covenants and fire plan together. The Board would like to use these covenants as an example for future subdivisions. Flanagan stated the current Phase II falls within the original PUD plan. Coburn asked about a public water system and fire hydrants, Jim Walker (NJS Engineering) stated he thought the public water system was a new plan for Phase II. The board discussed the contractual agreement between the property owners and the developers. The board also discussed the addition of the public water system and fire hydrants.

Moved-Seconded (Coburn-Mattson) motion to approve the preliminary plat with standards stated in Roger Tellinghuisens' letter and the board highly recommends a public water system and fire hydrants with adequate spacing. Motion Carried.

DISCUSSION

At the end of the meeting the board assigned tasks for the following people and topics:

Coburn and O'Dea will work on proper wording and suggestions for topics to be included in fire plans.

Tysdal and Brady will work on proper wording and suggestions for topics to be included in covenants.

5:25 p.m. Brady motioned to adjourn.

APPROVED: _____

Date: _____

Rick Tysdal, CHAIR

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF February 1, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 1, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O’Dea, Bill Coburn, Tom Brady, Rick Tysdal

ABSENT: Craig Mickelson, Barb Mattson, Bob Ewing

(Subject to changes announced at meeting time)

1:30 p.m. Call meeting to order
Approve Minutes of January 4, 2006
Public Hearings and Informationals

1. INFORMATIONAL MEETING-AMENDMENT TO CONDITIONAL USE PERMIT # 298-07-CAMPGROUND

Owner/Representative: Steve Nothdurft

Action Required: Discussion/Set On-Site/Set Public Hearing

Legal Description: M.S. 1748 St. John No. 4, Section 1, T3N, R3E.

Location: Hwy 385/Custer Peak Road

Purpose: To add 5 full hookups

Zoning: PF

Steve Nothdurft would like to add 5 full hook up sites behind the existing lodge for full time campers. Public hearing set for March 1, 2007.

2. INFORMATIONAL MEETING-AMENDMENT TO PLANNED UNIT DEVELOPMENT #6-07-SUBDIVISION

Owner/Representative: Terry River Run LLC

Action Required: Discussion/Set On-Site/Set Public Hearing

Legal Description: Lot 1 and 2, Blk 1 of Tract 1 of Terry Peak Estates, Section 2, T4N, R2E.

Location: Terry Peak

Purpose: Town homes

Zoning: SRD

Flanagan explained the location and the original PUD development began as a ski-in, ski-out residential development. The petition today is to request lots 1 & 2 be changed from single family residential lots to town home lots. The water system and central sewer systems has been updated and approved by the State. Scott Pedersen, property owner, Chris Kenzy, project manager, and Ron Waldner, a local builder were all present. O’Dea concerned with fire safety. Public hearing set for March 1, 2007.

3. DISCUSSION ITEM -PLANNED UNIT DEVELOPMENT FOR LEAD COUNTRY CLUB (Metalwood Estates)

Owner/Representative: HES 125/Lead Country Club/ BH Surveying

Action Required: Discussion

Legal Description: HES 42, Section 31, T4N, R3E.

Location: Rochford Road

Purpose: Town homes/Residential Subdivision

Zoning: PF

Flanagan explained the location being off of Rochford Road, near Rochford Ridge Estates and Country Club Estates. Randy Deibert from Black Hills Surveying presented Metalwood Estates at the Lead Country Club, they would like to maintain the integrity of the golf course. They would like to have about 20 lots with a combination of single family residential and town homes and deed the remaining property back to the Lead Country Club. Deibert presented three different options: (1) current zone is PF which allows a golf course, and would allow 18 residences, (2) Rezone entire property to SRD, which would allow at least 22 lots and the smaller lot sizes, but SRD does not allow a golf course, (3) Mix zones into SRD and keep largest portion as PF. Flanagan explained the PUD and the flexibility of this tool, infrastructure for small lot sizes, and protection of the golf course. Deibert asked the board for some direction. Coburn concerned with density and suggested giving up building rights on the remaining golf course acreage. Brady informed the audience and the board that his partner represents the Country Club, Ralph Reausaw stated he is ok with Brady being involved in this topic. Deibert discussed the option of having the roads having private dedication. Reausaw stated Hander will dedicate an easement through his property for a fire exit. The board discussed the different options.

4. ORDINANCE DISCUSSION/UPDATES AND ITEMS FROM THE BOARD

Owner/Representative: Brandon Flanagan, Director

Action Required: Discussion/Set Hearings

Purpose: Proposed Ordinance Revisions

Flanagan introduced the new Highway Superintendent, Dick Birk. The board discussed covenants, fire plans, enforcement of these issues and the County Commissioners setting their own public hearings.

2:30 p.m. PLATS IN ORDER AS LISTED

1. FINAL PLAT

Owner/Representative: Apple Springs Development/Cetec Engineering

Action Required: Approval/Denial

Legal Description: Lots 1-7, Blk 8 / Lots 1-11, Blk 9 / Lots 1-9, Blk 10 of Apple Springs Subdivision of Section 14, T5N, R4E.

Location: Boulder Canyon

Purpose: New lots

Zoning: SRD

Flanagan explained the initial bond was released and new bond has been issued for these lots. Infrastructure is still under construction, but most of Phase I has been completed.

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

2. **~~PRELIMINARY AND FINAL PLAT~~**

~~**Owner/Representative:** Beets, Neil/ NJS Engineering~~

~~**Action Required:** Approval/Denial~~

~~**Legal Description:** Plat of Tract E & F of Beets Ranch Subdivision, Section 1, T6N, R1E. (legal shortened)~~

~~**Location:** Spearfish North West/ Crow Peak Bench Area~~

~~**Purpose:** Establish Hard Boundary for transfer purposes~~

~~**Zoning:** A-1~~

This plat was pulled prior to the meeting.

3. **FINAL PLAT**

Owner/Representative: Maitland Partners/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Lot 50 of Paradise II, Section 7,8,17,18, T5N, R3E (legal shortened)

Location: Maitland Rd

Purpose: New Lot

Zoning: PF

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

4. **PRELIMINARY AND FINAL PLAT**

Owner/Representative: B Feeders LLC/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Lots 3 & 4 of the Dolphin Tract Revised, Section 10 & 15, T4N, R3E. (legal shortened)

Location: Yellow Creek

Purpose: New lots

Zoning: PF

Flanagan stated this plat is ok, but any further subdivision of this property will require a fire plan and covenants.

Moved-Seconded (Brady-O'Dea) motion to approve preliminary plat. Motion Carried.

Moved-Seconded (Brady-O'Dea) motion to approve final plat. Motion Carried.

5. REVISED PRELIMINARY PLAT

Owner/Representative: Nagel/Dodds/Riggs/Schreier Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lots 1-17 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened)

Location: Maitland Rd

Purpose: Subdivision

Zoning: PF

Last month, when this plat was before the Board, they were concerned with the open space taxation and ownership, and the fire plan. Brady and Coburn stated the new covenants and fire plan alleviated their concerns.

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

6. FINAL PLAT

Owner/Representative: Nagel/Dodds/Riggs/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 1,8,9,10,13,14 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened)

Location: Maitland Rd

Purpose: New Lots

Zoning: PF

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

7. SUGARLOAF VILLAGE ROADS

Owner/Representative: Aberle Chandler Development/

Action Required: Approval/Denial

Legal Description: Sugarloaf Village, Section 19, T4N, R3E and Section 24, T4N, R2E. (legal shortened)

Location: Hwy 85 by Rec. Springs

Purpose: Request for private dedication of subdivision roads in Sugar Loaf Village

Zoning: SRD

Flanagan explained the 40' private access road showed up on the original preliminary plat and we should have had a motion to approve this variance from the subdivision ordinance.

Moved-Seconded (Brady-Coburn) motion to approve 40' private dedication of the roads on the approved preliminary plat. Motion Carried.

8. FINAL PLAT

Owner/Representative: Aberle Chandler Development/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 25-27 of Sugarloaf Village, Section 19, T4N ,R3E and Section 24, T4N, R2E. (legal shortened)
Location: Hwy 85 by Rec. Springs
Purpose: New lots
Zoning: SRD

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

9. PRELIMINARY AND FINAL PLAT

Owner/Representative: Homes In The Hills, LLC/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Tracts 4A & 4B of Higgins Lane Subdivision located in Section 12, T6N, R1E. (legal shortened)
Location: Higgins Gulch
Purpose: New lots
Zoning: PF

Moved-Seconded (Brady-O'Dea) motion to approve preliminary plat with the conditions that the legal description in the building rights note and the vicinity map are corrected. Motion Carried

Moved-Seconded (Brady-O'Dea) motion to approve final plat with the conditions that the legal description in the building rights note and the vicinity map are corrected. Motion Carried

Board discussed changes to the ordinance, fire protection in the County and a building inspector.

3:40 Brady motioned to adjourn.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF March 1, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 1, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O’Dea, Bill Coburn, Tom Brady, Rick Tysdal, Craig Mickelson, Barb Mattson, Terry Weisenberg

ABSENT: None

(Subject to changes announced at meeting time)

Moved-Seconded (Coburn-Mickelson) motion to approve minutes from February 1, 2007. Motion Carried.

1. PUBLIC HEARING-AMENDMENT TO CONDITIONAL USE PERMIT # 298-07-CAMPGROUND

Owner/Representative: Steve Nothdurft

Action Required: Approval/Denial

Legal Description: M.S. 1748 St. John No. 4, Section 1, T3N, R3E.

Location: Hwy 385/Custer Peak Road

Purpose: To add 5 full hookups

Zoning: PF

Steve Nothdurft would like to add 5 full hook up sites behind the existing lodge for full time campers.

OPPONENT: NONE

PROPONENT: NONE

CLOSED PUBLIC HEARING

Mickelson asked about the septic system, Nothdurft stated the new sites will have their own, new system.

Moved-Seconded (Brady-Mickelson) motion to approve CUP 298-07 amendment with the condition that a properly engineered septic systems is installed. Motion Carried.

2. PUBLIC HEARING-AMENDMENT TO PLANNED UNIT DEVELOPMENT #6-07-SUBDIVISION

Owner/Representative: Terry River Run LLC

Action Required: Approval/Denial

Legal Description: Lot 1 and 2, Blk 1 of Tract 1 of Terry Peak Estates, Section 2, T4N, R2E.

Location: Terry Peak

Purpose: Townhomes

Zoning: SRD

Flanagan explained the location and the original PUD development began as a ski-in, ski-out residential development. The petition today is to request lots 1 & 2 be changed from single family residential lots to town home lots, which would allow a “duplex” to be built on these lots. The centralized septic system design has been updated and approved by the State. Scott Pedersen, property owner, was unable to attend the meeting due to the weather. Chris Kenzy, project manager, Ron Waldner, a local builder, and Kevin Fischer, partner with Scott, were all present.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Tysdal abstained from voting.

Moved-Seconded (Brady-Weisenberg) motion to approve PUD 06-07 with the condition that a final review and approval letter from water district is in place, and approval/understanding of road maintenance issues are in place. Motion Carried.

Mickelson questioned the fire wise safety of building town homes, Kenzy stated the covenants cover all of these concerns.

The following PUD # 11 and COZ # 263 were discussed simultaneously.

3. **INFORMATIONAL MEETING –PUD #11-IRONWOOD ESTATES**
Owner/Representative: HES 125/Lead Country Club/ BH Surveying
Action Required: Discussion/Set On-Site/Set Public Hearing
Legal Description: HES 42, Section 31, T4N, R3E.
Location: Rochford Road
Purpose: Townhomes/Residential Subdivision
Zoning: PF

4. **INFORMATIONAL MEETING-CHANGE OF ZONING #263-IRONWOOD ESTATES-PF to SRD**
Owner/Representative: HES 125/Lead Country Club/ BH Surveying
Action Required: Discussion/Set On-Site/Set Public Hearing
Legal Description: HES 42, Section 31, T4N, R3E.
Location: Rochford Road

Purpose: Town homes/Residential Subdivision
Zoning: PF

Flanagan explained the location being along Hanna Road - off of Rochford Road, near Rochford Ridge Estates and Country Club Estates. Randy Deibert from Black Hills Surveying presented Metalwood Estates at the Lead Country Club, they would like to maintain the integrity of the golf course. They would like to have between 20-26 lots, with a combination of single family residential and town homes, and deed the remaining property back to the Lead Country Club. This subdivision will have a mixture of paved and gravel roads, a public water system, pressurized fire hydrants, a dry hydrant, a place to fill tanks, two ponds; a centralized septic system (shared between some of the lots), covenants and fire plan are in draft form. They will be requesting private road system dedication and 50' road widths. They will need variances for the paved road surface of some of the cul-de-sacs, gravel road surface on some roads, width of the roads, and length of the cul-de-sacs, building setbacks, and setbacks of existing structures.

Brady abstained from discussion.

Coburn concerned with lengths of the cul-de-sacs. An On-Site was set for April 4, 2007 at 3:00 p.m.

4. DISCUSSION ITEM-CHARLES EDWARDS-SMALL SCALE QUARRY

Owner/Representative: Charles Edwards

Action Required: Discussion

Legal Description: NE1/4 SW1/4, Section 34, T7N, R1E.

Location: Spearfish West

Purpose: Moving wall rock and rip rap

Zoning: A-1

Charles Edwards present. He would like to move and sell large rocks off of his property with a track hoe and trucks. There will be no crushing or blasting and he will have a state mine license.

Moved-Seconded (Mickelson-Coburn) motion that based upon information presented for operation, and the board discussion, it was determined that the nature of the operation does not require a CUP. Motion Carried.

6. DISCUSSION ITEM-CUP #270-TOM SCHRAMMEL-LOGS UNLIMITED

Owner/Representative: Tom & Bonnie Schrammel

Action Required: Discussion

Legal Description: Lot 1, T & M Sub, NW1/4 of Section 16, T6N, R4E.

Location: North of Whitewood

Purpose: Updating CUP

Zoning: A-1

Tom Schramel Present. Amber Vogt, Deputy Planning Director, explained the location of the property, and that the original CUP was issued in 2004, and, at that time, the owners wanted to build their office and their home in the same building, but since then they have changed their mind and would like to update their CUP so that they can build a new shop with office space and at a later date get a building permit for a new house. The house currently sitting on the property will be moved to the neighbors parcel and they will build the new house in the same location, they will have a 6 month time period to build the new one and remove the old one. This presentation was to explain to the Commission the change from the original plan, and that this new plan still falls within the conditions of the CUP and does not require an Amendment.

7. ORDINANCE DISCUSSION/UPDATES AND ITEMS FROM THE BOARD

Owner/Representative: Brandon Flanagan, Director

Action Required: Discussion/Set Hearings

Purpose: Proposed Ordinance Revisions

Flanagan discussed the County Commissioners setting their own public hearings, the time frame for decisions having to be made, and conditional use expirations. Brady suggested some terms in the public hearing document be changed so they all read uniformly. The Planning and Zoning Commission also discussed the need for a building inspector.

2:30 p.m. PLATS IN ORDER AS LISTED

1. PRELIMINARY PLAT

Owner/Representative: Apple Springs Development/Cetec Engineering

Action Required: Approval/Denial

Legal Description: Preliminary Plat of Phase I of Apple Springs Subdivision of Section 14, T5N, R4E.

Location: Boulder Canyon

Purpose: Phase I

Zoning: SRD

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

2. ~~PRELIMINARY AND FINAL PLAT~~

~~**Owner/Representative:** Beets, Neil/ NJS Engineering~~

~~**Action Required:** Approval/Denial~~

~~**Legal Description:** Plat of Tract E & F of Beets Ranch Subdivision, Section 1, T6N, R1E. (legal shortened)~~

~~**Location:** Spearfish West/ Crow Peak Bench Area~~

~~**Purpose:** Establish Hard Boundary for transfer purposes~~

~~**Zoning:** A 1~~

This plat was pulled prior to the meeting.

3. FINAL PLAT

Owner/Representative: Darryl Propp/ Frawley Ranch/ NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Tract P2 and dedicated ROW of Frawley Ranch East, located in the S1/2SW1/4 of Section 7 and the NW1/4, NE1/4SW1/4, W1/2NE1/4 & NW1/4SE1/4 of Section 18, T6N, R4E.

Location: Spearfish East

Purpose: Boundary Plat

Zoning: A-1

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

4. FINAL PLAT

Owner/Representative: Nagel/Dodds/Riggs/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 5, 6, & 7 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened)

Location: Maitland Rd

Purpose: New Lots

Zoning: PF

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

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Homestake Mining Co/ Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lot H4 being portions of Dennie Austin & St. Margaret Lodes M.S. 1285, St. James Lode M.S. 754 and Dakota Lode M.S. 1293, located in the SW1/4 of Section 27 and the NW1/4 of Section 34, T5N, R3E.

Location: Pluma - Hwy 85/385

Purpose: Highway lot

Zoning: PF & GC

Vrem stated this is a left over piece and will be deeded to the SD DOT.

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

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

6. FINAL PLAT

Owner/Representative: Aberle Chandler Development/ Arleth & Associates

Action Required: Approval/Denial
Legal Description: Sugarloaf Village, Section 19, T4N ,R3E and Section 24, T4N, R2E. (legal shortened)
Location: Hwy 85 by Rec. Springs
Purpose: plat of Roads
Zoning: SRD

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

7.

FINAL PLAT

Owner/Representative: Aberle Chandler Development/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 28-30 of Sugarloaf Village, Section 19, T4N ,R3E and Section 24, T4N, R2E. (legal shortened)
Location: Hwy 85/14A West of Recreational Springs
Purpose: New lots
Zoning: SRD

Moved-Seconded (O'Dea-Mattson) motion to approve final plat. Motion Carried.

BOARD DISCUSSION

Mickelson concerned with CUP #239 - the Captain Clean vehicles sitting on the property not moving, CUP # 295 - Tammy Benedict and the pet store, and the small trucks parked along the Old Belle Road in the ROW (at the industrial park). Vogt explained on 02/24/2005 Tammy called the office and canceled her CUP for the pet store because she was no longer using it. O'Dea concerned with the salvage yard outside of Whitewood on the old Broadax Property. The board asked Flanagan to look into these concerns.

3:40 Brady motioned to adjourn.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF April 5, 2007

REGULAR MEETING

Co-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, April 5, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O’Dea, Bill Coburn, Tom Brady, Craig Mickelson, Barb Mattson

ABSENT: Rick Tysdal, Bob Ewing

(Subject to changes announced at meeting time)

Moved-Seconded (Brady-Mickelson) motion to approve minutes from March 1, 2007. Motion Carried.

Moved-Seconded (Brady-Mattson) motion to appoint Coburn as acting chairman. Motion Carried.

The following COZ # 263 and PUD # 11 were discussed simultaneously.

1. PUBLIC HEARING-CHANGE OF ZONING #263-IRONWOOD ESTATES-PF to SRD

Owner/Representative: HES 125/Lead Country Club/ BH Surveying

Action Required: Approval/Denial

Legal Description: HES 42, Section 31, T4N, R3E.

Location: Rochford Road

Purpose: Town homes/Residential Subdivision

Zoning: PF to SRD

2. PUBLIC HEARING –PUD #11-IRONWOOD ESTATES

Owner/Representative: HES 125/Lead Country Club/ BH Surveying

Action Required: Approval/Denial

Legal Description: HES 42, Section 31, T4N, R3E.

Location: Rochford Road

Purpose: Townhomes/Residential Subdivision

Zoning: PF

Flanagan explained the location being along Hanna Road - off of Rochford Road, near Rochford Ridge Estates and Country Club Estates. Randy Deibert from Black Hills Surveying presented Ironwood Estates at the Lead Country Club, they would like to maintain the integrity of the golf course. They would like to have between 20-26 lots, with a combination of single family residential and town homes, and deed the remaining property back to the Lead Country Club. This subdivision will have a mixture of paved and gravel roads, a public water system, pressurized fire hydrants, a place to fill tanks, two ponds; a centralized septic

system (shared between some of the lots), covenants and fire plan are in final form, home owners association is in place, Tim Eggers gas approved the fire plan. They will be requesting private road system dedication and 50' road widths. They will need variances for the paved road surface of some of the cul-de-sacs, gravel road surface on some roads, width of the roads, and length of the cul-de-sacs, building setbacks, and setbacks of existing structures.

Brady abstained from both discussions regarding the PUD and the COZ.

COZ #263

PROPONENT: Bill Laskowski in favor of request.

OPPONENT: Dwayne Termes concerned with density, height of buildings, future development and building setbacks.

Flanagan explained the PUD and COZ process. Deibert explained that the buffer area will remain as open space, trees have been removed for fire safety and to ready the building sites, and all buildings will have a height restriction.

PROPONENT: NONE

OPPONENT: Dwayne Termes concerned with setbacks.

CLOSED PUBLIC HEARING

Mattson asked how much property will be re-zoned, Deibert answered 92 acres. Mattson asked if it could further be developed without coming before the Board again, Flanagan stated no.

Moved-Seconded (Mickelson-Mattson) motion to approve COZ #263 from PF to SRD. Motion Carried.

PUD #11

Mickelson, Coburn concerned with the building material section of the fire plan.

PROPONENT: NONE

OPPONENT: Dwayne Termes concerned with the placement of the drain fields.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Mickelson stated they have enough acreage to move drain fields if necessary. Mickelson asked about the private driveways, Deibert stated they would be differentiated somehow from the main roads.

Moved-Seconded (O'Dea-Mattson) motion to approve PUD #11.

3. INFORMATIONAL MEETING-ORDINANCE 07-1-PUBLIC HEARING PROCESS

Owner/Representative: Brandon Flanagan

Action Required: Discussion

Purpose: Public Hearing Process

Flanagan reviewed the 07-1, Public Hearing Process document. It will be a public hearing at the next meeting.

4. DISCUSSION ITEM-JOINT POWERS AGREEMENT

Owner/Representative: Bruce Outka

Action Required: Discussion

Purpose: Joint Power Agreement

Bruce Outka reviewed the Joint Powers Agreement. Primary discussion to re-do the boundary of the joint powers agreement. Need clarification between the Joint Powers and the 3-mile Jurisdiction.

5. ORDINANCE DISCUSSION

Owner/Representative: Amber Vogt

Action Required: Discussion

Purpose: Home based Business definition and criteria

Vogt explained the different definitions of Home Based Businesses and Commercial. Definition discussions will continue over the next several meetings.

6. REVIEW MEETING-CONDITIONAL USE PERMIT #320-ROO RANCH

Owner/Representative: Kevin Bell

Action Required: Discussion/Approval/Denial

Purpose: Approve signage per condition #6 of the CUP

Kevin Bell present, showed an example of the type of signage they would like to be approved for. The sign itself will be 4' in diameter with no lighting.

Moved-Seconded (Mickelson-Mattson) motion to approve sign design and location with the condition that there be no lighting. Motion Carried.

2:30 p.m. PLATS IN ORDER AS LISTED

1.

FINAL PLAT

Owner/Representative: MJG, Inc./NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Wild Turkey Estates located in Section 1, T6N, R1E and Section 31, T7N, R2E and Section 6, T6N, R2E. (legal shortened)

Location: Off Hillsview Road/Homestake Road and Moller Road/ Spearfish West

Purpose: Residential Subdivision-Boundary Plat

Zoning: A-2 & PF

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

2.

PRELIMINARY AND FINAL PLAT

Owner/Representative: Wes & Hope Hemmah/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1-3 of Tract G, Crook Mt Estates 2, located in Section 34, T6N, R4E. (legal shortened)

Location: Crook City Road

Purpose: New lots

Zoning: PF

Hope Hemmah present. Coburn and Mickelson concerned with the wording in the building materials section of the fire plan.

O'Dea abstained from voting.

Moved-Seconded (Brady-Mickelson) motion to approve preliminary plat with the condition that the plat not be released prior to the fire plan wording for building materials being changed and the fire plan in a recordable format. Motion Carried.

Moved-Seconded (Brady-Mickelson) motion to table final plat until next month. Motion Carried.

3.

FINAL PLAT

Owner/Representative: Nagel/Dodds/Riggs/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 15,16, & 17 of Tract A of Old Toboggan Hill Subdivision, Section 12 & 13, T5N, R2E. (legal shortened)

Location: Maitland Rd

Purpose: New Lots-Open Space Lots

Zoning: PF

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

4. **FINAL PLAT**
Owner/Representative: Roger Riley/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 6 & 7 of Smokey Mt Ranch Sub, Section 28 & 33, T6N, R4E.
Location: Crook City
Purpose: New lots
Zoning: PF

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

5. **FINAL PLAT**
Owner/Representative: Homes in the Hills/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of 4B-1 & 4B-2 of Higgins Lane Sub, Section 12, T6N, R2E. (legal shortened)
Location: Spearfish West
Purpose: New lots
Zoning: PF

Moved-Seconded (O'Dea-Mickelson) motion to approve the final plat. Motion Carried

6. **FINAL PLAT**
Owner/Representative: Maitland Partners/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lot 9 of Paradise Acres, Section 7, 17, 18 T5N, R3E (legal shortened)
Location: Maitland Rd
Purpose: New lot
Zoning: PF

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

7. **PRELIMINARY AND FINAL PLAT**
Owner/Representative: Michael McKay/Michael Oberlander/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Skier Solitude Tract, Section 2, T4N, R2E. (legal shortened)
Location: Terry Peak
Purpose: Platting a M & B Description-pre-existing lot of record
Zoning: SRD & PF

Vogt explained the acreage is 1.05 acres and it is an existing M & B description that they would like to plat in order to get a building permit. The original acreage does not change from the M & B description, which is considered a pre-existing lot of record. The 1 acre meets the state standard for a septic system, the septic system will have to be designed by an engineer. Located on Terry Peak next to the condominiums.

Brady concerned with the density and an approval of a lot without central water and central sewer. Board discussed the density issues on Terry Peak.

Moved-Seconded (Brady- O’Dea) motion to deny plat. Brady requested the proponent to come to the next meeting to discuss the plat. Called to a vote. Aye- Coburn, Mickelson, O’Dea, Brady Nay: Mattson

Board discussed putting together model covenants and fire plans and adding language in the platting stage to refer to the other information in Article 7 and 8.

4:30 Brady motioned to adjourn.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF May 10, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, May 10, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O’Dea, Bill Coburn (left at 4:45 p.m.), Tom Brady, Craig Mickelson, Barb Mattson, Rick Tysdal, Bob Ewing

ABSENT: None

(Subject to changes announced at meeting time)

Moved-Seconded (Mattson-O’Dea) motion to approve minutes from April 5, 2007. Motion Carried.

1. PUBLIC HEARING-ORDINANCE 07-1-PUBLIC HEARING PROCESS

Owner/Representative: Amber Vogt

Action Required: Approval/Denial

Purpose: Public Hearing Process

Vogt explained the changes to the publication times will be 10 days instead of 15, notification to property owners will be 7 days instead of 15 days, action required by commissioners will go from 31 days to 45 days, these changes will now match state statute. The last change will be expiration of CUP’s from 6 months to 12 months.

Randy Deibert questioned whether this would change due dates of documents and he was advised by the board that it did not.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Brady recommended change to the cost of the appeal fee or get rid of it.

Moved-Seconded (Brady-Mickelson) motion to raise the appeal fee from \$10.00 to \$250.00 as per section 5.17.3. Motion Carried.

Moved-Seconded (Mickelson-O’Dea) motion to approve the Ordinance 07-1 Public Hearing Process with the changes presented and the previous approved motion of change of fees. Motion Carried.

2. INFORMATIONAL MEETING-PLANNING & ZONING BY-LAWS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: By-Laws

Vogt presented the By-Laws and Outka explained the changes to the board. Roberts Rules of Order will be used for the meeting process. The chairman would vote only in the case of a tie on any item. Coburn felt the Chairman should vote on everything and Mickelson concurred.

A Public Hearing will be held on the changes at the June 7 meeting.

3. DISCUSSION ITEM-AMENDMENT TO ZONING ORDINANCE FOR SIGNAGE

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Amendment to zoning ordinance for signage

The City of Lead has brought forth a request for a change in the zoning ordinance to allow them to place a welcome sign on Property owned by Homestake. Vogt explained currently our zoning ordinances do not allow a “public sign” in any zoning. Outka recommended changing the ordinance to allow signs for Public Entities. This would be for government entities with approval. This ordinance would need to be amended to allow this change. Vogt will contact Lead to have them start the process and will bring it forth at the June 7 meeting as an informational item.

4. DISCUSSION ITEM-BOONDOCKS DEVELOPMENT PLAN

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Development Plan

Outka noted that he had sent out information, expectations and development guides to the owners noting that they would need to get a development plan approved before they have any activities such as they are indicating for a Father’s Day concert. The previous requested CUP’s were withdrawn.

5. DISCUSSION ITEM-UPDATE FROM P & Z

Owner/Representative: Amber Vogt

Action Required: Discussion

Purpose: Ordinance Review/Updates, Personnel

Vogt will bring ordinance review in for consideration in the fall due to the work load and new personnel in the office. Vogt also introduced the new Planning and Zoning secretary, Sherryl Schulz who transferred from the Deeds Office to this position.

6. **INFORMATIONAL MEETING-COZ # 264-SUBDIVISION-A-1 to RR**

Owner/Representative: Wayne Linsted/Ron Halvorson

Action Required: Discussion/Set On-Site/Set Public Hearing

Legal Description: SW1/4 NW1/4, Section 35, T7N, R2E

Location: Kerwin Lane/Spearfish North

Purpose: Residential Subdivision

Zoning: A-1 to RR

Vogt presented an overview of the property and noted that at this time Spearfish did not want to annex this property. The property is owned by Wayne Linsted with a purchase option by Ron Halvorson. This incorporates 41.29 acres. The plan includes a 1000 gal holding tank for fire suppression. Vogt will attempt to contact Keith Massy the other property owner of a small 1 acre parcel contiguous to this area to have a more complete zoning change on this acreage. The Board scheduled an on site for June 4 at 3:00 p.m. and a Public Hearing will be set for July 5.

7. **INFORMATIONAL MEETING-COZ # 265-SUBDIVISION-A-1 to RR**

Owner/Representative: Frank, Daphne Loup

Action Required: Discussion/Set On-Site/Set Public Hearing

Legal Description: NW1/4 NW1/4 of Section 35 and SE1/4 NE1/4, NE1/4NE1/4, Section 34, T7N, R2E.

Location: Kerwin Lane/Spearfish North

Purpose: Residential Subdivision

Zoning: A-1 to RR

Vogt explained the previous request was withdrawn before the commission visit which enabled them to come in again with a request. This zoning change will include 110.81 acres, Spearfish has written a letter which states they do not want to annex this property at this time. The Board set the onsite for June 4 at 3:00 p.m. and a Public Hearing on June 7.

COZ #266 and PUD #12 were discussed simultaneously.

8. **INFORMATIONAL MEETING-COZ # 266-SUBDIVISION-PF to SRD**

Owner/Representative: Scot Munro/BH Surveying

Action Required: Discussion/Set On-Site/Set Public Hearing

Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.

Location: Lead West-Hwy 14A-Across from Whitetail Court

Purpose: Residential Subdivision-Townhomes-Condos

Zoning: PF to SRD

Tysdal abstained from discussion.

The Guided Mountain subdivision will include 53 units single family residential, townhomes, and condos with a future commercial area. This project is planned on

a 3 year time frame with the engineer working on the plan for a central septic, water system and road grades and paving. The Board set the onsite for June 4 at 2:00 p.m. with a public hearing on June 7.

- 9. INFORMATIONAL MEETING-PUD #12-SUBDIVISION-PF**
Owner/Representative: Scot Munro/BH Surveying
Action Required: Discussion/Set On-Site/Set Public Hearing
Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.
Location: Lead West-Hwy 14A-Across from Whitetail Court
Purpose: Residential Subdivision-Townhomes-Condos
Zoning: PF

Tysdal abstained from discussion.

The Guided Mountain subdivision will include 53 units single family residential, townhomes, and condos with a future commercial area. This project is planned on a 3 year time frame with the engineer working on the plan for a central septic, water system and road grades and paving. The Board set the onsite for June 4 at 2:00 p.m. with a public hearing on June 7.

- 10. INFORMATIONAL MEETING-CUP # 340-SACRISON PAVING- ASPHALT PLANT**
Owner/Representative: Sacrison Paving Inc/Fisher Industries
Action Required: Discussion/Set On-Site/Set Public Hearing
Legal Description: SW1/4, S1/2 of NW1/4, W1/2, SE1/4 and SW1/4 of NE1/4 of Sec. 29 and SE1/4 of NE1/4, NW1/4 of SE1/4 and E1/2 SE ¼ of Sec. 30, T7N, R2E.
Location: NW of Spearfish-McGuigan
Purpose: Asphalt Plant
Zoning: A-1

Ms. Sacrison and Mr. Jolly presented the history of the McGuigan pit starting in 1983. They are seeking a permit to have a portable asphalt plant in the pit. The plant has been licensed and inspected by the state and meets all the guidelines for emissions. The Board requested a more detailed legal description of the location of the plant. No onsite was scheduled and the Public Hearing was set for June 7.

- 11. INFORMATIONAL MEETING-CUP # 342-DAN & SHERRI JOHNSON-STORAGE BUILDING**
Owner/Representative: Dan & Sherri Johnson
Action Required: Discussion/Set On-Site/Set Public Hearing
Legal Description: SW1/4SW1/4, Sec. 32, T7N, R2E.
Location: Diamond Dr/Spearfish North
Purpose: Storage building/units
Zoning: A-1

Vogt presented an overview of the area and the building that is already built, this building had previously been used as a gymnasium. The owners presented a request for recreational vehicles storage that will be accessed twice a year for each upcoming season. They would like to incorporate two different types of storage on two separate areas of the property one being the season storage and one being storage garages. The Board requested we change this informational into two separate CUP's, one for the existing building and one for the future storage units on the other side of the Highway. No onsite was scheduled and the Public Hearing was set for June 7.

3:30 p.m. PLATS IN ORDER AS LISTED

1. PRELIMINARY PLAT

Owner/Representative: Ironwood Estates/HES 125, LLC/BH Surveying

Action Required: Approval/Denial

Legal Description: Plat of Ironwood Estates, located in Sections 25 & 26, T4N, R2E and 30 & 31, T4N, R3E (legal shortened)

Location: Rochford Rd/Lead Country Club

Purpose: Lots

Zoning: SRD

Moved-Seconded (Ewing-Mickelson) motion to approve the preliminary plat for Ironwood Estates. Motion Carried.

2. FINAL PLAT

Owner/Representative: HES 125, LLC/BH Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lot 7 of Rochford Ridge Estates, Section 31 & 32, T4N, R3E. (legal shortened)

Location: Rochford Rd

Purpose: Lot

Zoning: PF

Coburn concerned with the roads in Rochford Ridge Estates and asked that Dick Burke, Highway Superintendent review the roads and come before the Board at the June 7 meeting and give his opinion on the condition of the roads at this time.

Moved-Seconded (Brady-Mickelson) motion to approve final plat with the condition that the County Highway Superintendent approve the roads. Called to a vote: Aye: Brady, Mickelson, Tysdal, O'Dea, Ewing Nay: Mattson, Coburn.

3. PRELIMINARY PLAT

Owner/Representative: MJG, Inc./NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Wild Turkey Estates located in Section 1, T6N, R1E and Section 31, T7N, R2E and Section 6, T6N, R2E. (legal shortened)

Location: Off Hillsview Road/Homestake Road and Moller Road/ Spearfish West

Purpose: Lots

Zoning: A-2 & PF

Tysdal abstained from this discussion.

Information on the plat indicated three 24000 gal storage tanks with one 25000 gal tank. The South Dakota Wild Land Fire Division, Tim Eggers, has been contacted and a fire plan has been included. The covenant document addresses green space to be preserved in a homeowners association held in a common tract. Spearfish City comments were included with the plat as they are within the three mile area. Lot 21 will be platted and conveyed to the Engelhardt's and held in escrow. A written and recorded easement from the Ellerman's for access to the open space in Block 2 is in place.

Moved-Seconded (Coburn-Ewing) motion to approve the preliminary plat with the condition that the grade of 12% on the curve be changed to a 10% grade. Motion Carried.

4. FINAL PLAT

Owner/Representative: J & K of Spearfish, LLC/Lookout Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 8, 9, 11 of Crow Peak Bench Sub, Section 12, T6N, R1E. (legal shortened)

Location: Crow Peak Bench/Moeller Rd

Purpose: 1st new lots in Sub

Zoning: A-2

Moved-Seconded (Ewing-Mattson) motion to approve the final plat with the condition that the roads be approved by Dick Burke, Highway Superintendent. Motion Carried.

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: David & Angeline Culver/ Precision Surveying

Action Required: Approval/Denial

Legal Description: Plat of Public ROW thru Lot A of Eddy Simon Sub, Sec 23, T5N, R4E. (legal shortened)

Location: Boulder Canyon

Purpose: to move platted road ROW

Zoning: SRD

Outka gave an overview of this plat and property. This property has a road that intersects through the garage. There is one seasonal tract past this property and if problems arise the garage will be required to be removed by the property owner. The existing road will be used to access the seasonal tract.

Moved-Seconded (Ewing-Mickelson) motion to approve the preliminary plat.
Motion Carried Moved-Seconded (Mickelson-Brady) motion to approve the final plat. Motion Carried.

6. PRELIMINARY AND FINAL PLAT

Owner/Representative: James & Laura Gehner/Bobby & Ruth Derby/Precision Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lot 37R-A and Lot 38R of Valhalla Sub, Section 13, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Moving lot lines

Zoning: PF

This is a revision of a former plat.

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

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

7. PRELIMINARY AND FINAL PLAT

Owner/Representative: Archie Roberts/Renner & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots A & B of Tract 3 of Gray Sub, Sec. 36, T6N, R4E. (legal shortened)

Location: Whitewood

Purpose: Lot will be for access purposes only

Zoning: PF

Moved-Seconded (Bray-O'Dea) motion to approve the preliminary plat. Motion Carried.

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

8. FINAL PLAT

Owner/Representative: Avalon Construction/CETEC Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lot 2R, Blk 3 of Apple Springs Sub, Sec. 14, T5N, R4E. (legal shortened)

Location: Boulder Canyon

Purpose: Moving lot lines

Zoning: SRD

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

9. PRELIMINARY AND FINAL PLAT

Owner/Representative: Dakota Resorts Mgmt/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots A & B of M.S. 1210 Havanna 1 & 2, Sec. 13, T4N, R2E (legal shortened)

Location: Deer Mt

Purpose: New lots

Zoning: PF

The Board discussed the access to this property, the length of the dead end road, and the breaking off of two lots here and another two lots next time, etc. Vogt attempted to explain the background on this lot, but the Board decided to hold off on a decision until Loren Vrem the surveyor showed up. Vrem explained the location is near the Deer Mt. parking lot and the tubing run, he is under the impression that lot A will be re-zoned into the tubing area and Lot B will be for a residence. Board discussed the road access and the size of the lot compared to a drain field being installed. Brady concerned that there is a lot of acreage with no overall plan of development and they continue to bring in two or three lots at a time.

Moved-Seconded (Brady-O'Dea) motion to approve the preliminary plat. Motion Carried.

Moved-Seconded (Mattson-Ewing) motion to deny final plat due to health and safety reasons due to common ownership of this property and all of the surrounding property without an overall plan. Motion Carried.

10. PRELIMINARY AND FINAL PLAT

Owner/Representative: Don Hander/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 & 2 a sub of Hander Tract, Sec. 18, T5N, R4E(legal shortened)

Location: Boulder Canyon

Purpose: New lots

Zoning: PF

Vogt recommended a denial of this plat due to the fact that over the past year Mr. Hander has been asked to remove the mobile home that currently sits on this property because he had two residences on one lot. Now he is attempting to break off the lot, but still has two residences sitting on one lot.

Moved-Seconded (Mickelson-Ewing) motion to deny preliminary plat. Motion Carried.

- 11. FINAL PLAT**
Owner/Representative: Wes & Hope Hemmah/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Plat of Lots 1-3 of Tract G, Crook Mt Estates 2, located in Section 34, T6N, R4E. (legal shortened)
Location: Crook City Road
Purpose: New lots
Zoning: PF

O'Dea abstained from discussion and voting.

Moved-Seconded (Mickelson-Mattson) motion to approve final plat. Called to a vote: Aye: Mickelson, Mattson, Ewing, Tysdal, Brady, Mattson Nay: Coburn

- 12. FINAL PLAT**
Owner/Representative: Roger Riley/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 3, 4, 5, 8 of Smokey Mt Ranch Sub, Section 28 & 33, T6N, R4E.
Location: Crook City
Purpose: New lots
Zoning: PF

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

- 13. FINAL PLAT**
Owner/Representative: Roger Riley/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Re-Plat of Lots 6 & 7 of Smokey Mt Ranch Sub, Section 28 & 33, T6N, R4E.
Location: Crook City
Purpose: Moved lot lines
Zoning: PF

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

- 14. FINAL PLAT**
Owner/Representative: Maitland Partners/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lot 3 & 20 of Paradise Acres, Section 7, 17, 18 T5N, R3E (legal shortened)
Location: Maitland Rd
Purpose: New lots

Zoning: PF

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

15. PRELIMINARY AND FINAL PLAT

Owner/Representative: Michael McKay/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Skier Solitude Tract, Section 2, T4N, R2E. (legal shortened)

Location: Terry Peak

Purpose: Platting a M & B Description-pre-existing lot of record

Zoning: SRD & PF

Brady questioned the lot size requirements and wanted a history of the lot. Vogt clarified the ordinance 4.9 on Existing Lot of Record and 5.4 building permits.

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

Moved-Seconded (Ewing-O'Dea) motion to approve final plat. Motion Carried.

16. PRELIMINARY AND FINAL PLAT

Owner/Representative: Holso Ranch LLC/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Holso Tract 1, Section 5, T3N, R4E. (legal shortened)

Location: Nemo/Hwy 385

Purpose: Platting off building site on a ranch for son

Zoning: PF

The original HES is 91 acres and they will be platting off a two acre tract for the son to be able to build a house on the acreage. There has been access provided to the remainder of the HES.

Moved-Seconded (Mickelson- O'Dea) motion to approve the preliminary plat. Motion Carried.

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

17. FINAL PLAT

Owner/Representative: Granted Grace Inc/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Strawberry's Edge Sub Lots 2-5, Sec 1 & 12, T4N, R3E and Sec. 6, T4N, R3E. (legal shortened)

Location: Hwy 385

Purpose: New lots

Zoning: PF

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

Motion to adjourn at 5:50 pm (O'Dea- Mickelson)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF June 7, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, June 7, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O’Dea, Bill Coburn (left at 2:56 p.m), Tom Brady (arrived at 2:10p.m.), Craig Mickelson, Barb Mattson, Rick Tysdal, Bob Ewing

ABSENT: None

(Subject to changes announced at meeting time)

Moved-Seconded (Mattson-O’Dea) motion to approve minutes from May 10, 2007. Motion Carried.

1. PUBLIC HEARING-PLANNING & ZONING BY-LAWS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Approval/Denial

Purpose: By-Laws

The discussion pertained to whether the Chairman should vote on all motions, or just to break tie votes, as is presently done.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Moved-Seconded (Coburn–O’Dea) motion to approve the modifications to the by-laws except that the Chairman should vote on all motions. Motion Carried.

Mickelson requested that Article VII, Section 6, be clarified and state majority present and not majority of total members.

Moved-Seconded (Mickelson-Mattson) to forward a recommendation of approval to the County Commission, with the following changes to Article VII, Section 5, the Chairman shall vote on all motions and Article VII Section 6 to be clarified to state majority present and not majority of total members. Motion Carried.

2. INFORMATIONAL MEETING-07-02-AMENDMENT TO ZONING ORDINANCE FOR PUBLIC SIGNAGE

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Amendment to zoning ordinance for public signage

Vogt explained the need for this amendment arose from a request from the City of Lead for an informational sign, that is not on City property, but on private land outside city limits. Since this is not an on-premise sign, the present ordinance does not apply. Outka is working on wording to clarify the intent.

A public hearing was set for July 5, 2007 at 1:30 pm.

3. DISCUSSION ITEM-JOINT POWERS AGREEMENT

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion/Recommendation

Purpose: Joint Powers Agreement

Vogt discussed the proposed changes in the Joint Powers boundaries. Outka, Vogt, Bob Ewing, and Connie Douglas, met with the City of Spearfish, who agreed to extend the present agreement until August 31, 2007. Outka stated, the City feels the change is needed because their staffing needs are such that they can not cover the area any longer.

more under
Outka discussed the idea of a building inspector for the County. This is discussed

Item #4: Discussion Item-Building Inspector

Three Mile
Vogt proposed that the boundary of the Joint Powers Agreement be equal to the
Jurisdiction.

Moved-Seconded (Brady-Coburn) motion to recommend to the Commission that the County adopt Building Codes similar to the City of Spearfish. Motion Carried

Moved-Seconded (Brady-Mickelson) motion to recommend the County Commission promptly explore a cooperative building inspection relationship with the City of Spearfish, and in the alternative, or the failure to accomplish that task, they hire their own building inspector to deal with building codes that they will have been adopted by then. Motion Carried.

4. DISCUSSION ITEM-BUILDING INSPECTOR

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion/Recommendation

Purpose: Building Inspector

The Board was in agreement that this item been discussed during item #3 Joint Powers Agreement. Coburn noted when the time comes to look at a building

inspector, that person should be qualified to do fuels inspections and apply and enforce the Urban Wildland Interface Code.

5. DISCUSSION ITEM-BOONDOCKS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Boondocks

Outka explained Boondocks would like to hold a concert on their parcel of land zoned

Highway Service Commercial over Father's Day weekend. Outka stated the HSC zoning includes preparing a Development Plan. To date, no development plan has been received, and he and Vogt will continue to work with the Jorgenson's to comply.

6. DISCUSSION ITEM-STEEL WHEEL CAMPGROUND

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Steel Wheel Campground

Vogt explained Steel Wheel Campground had plans for an outdoor concert, during a March of Dimes fund raiser, to be held at the end of the month. Vogt discussed the concert and the development plan process with the owners, and the owners have decided to cancel the outdoor music and move it inside. They will prepare a Development Plan for next years activities, about 3-4 months in advance.

7. DISCUSSION ITEMS-ORDINANCE REVISION-DEFINITIONS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Ordinance Revision and Definitions

Outka discussed the need to address definitions and wording throughout the Zoning Ordinances.

8. PUBLIC HEARING-COZ # 265-SUBDIVISION-A-1 to RR

Owner/Representative: Frank, Daphne Loup

Action Required: Approval/Denial

Legal Description: NW1/4 NW1/4 of Section 35 and SE1/4 NE1/4, NE1/4NE1/4, Section 34, T7N, R2E.

Location: Kerwin Lane/Spearfish North

Purpose: Residential Subdivision

Zoning: A-1 to RR

Vogt explained that a request had been made in 2003 and 2006 for the exact same zoning change. The 2006 petition was withdrawn so reconsideration can be done at this time. The platting will be done with the City of Spearfish.

Loup stated the property is 120 acres and would be divided into about 20 lots.

PROPONENT: NONE

OPPONENT: Guido DeLaVeccia, Dennis Zuercher, and Keith Massey are concerned with the AG use, roads, traffic, septic, and spot zoning.

Neil Stodolski, NJS Engineering, addressed the plans for septic systems, road standards, and the plan to meet all county standards for infrastructure.

PROPONENT: NONE

OPPONENT: Guido DeLaVeccia, Dennis Zuercher, and Keith Massey are concerned with the AG use, roads, traffic, septic, and spot zoning.

NEUTRAL: Sue Cramer asked if the buildings would be stick-built or would manufactured homes be allowed? Loup answered only stick-built.

CLOSED PUBLIC HEARING

Mickelson questioned Neil Stodolski about groundwater and gypsum issues. Tysdal questioned possibility of annexation and hooking into city services. Loup explained that the density would have to be much greater than the two to five acres to make it affordable.

Tysdal explained that annexation does not change the zoning designation.

Moved-Seconded (Coburn-Mattson) to approve the COZ #265 for rezone of property from A-1 to RR. Called to a vote. Aye: Coburn, Mattson. Nay: Mickelson, O'Dea, Tysdal. Motion Fails.

Mickelson and Tysdal stated they feel this is spot zoning.

COZ #266 and PUD #12 were discussed simultaneously.

9. **PUBLIC HEARING-COZ # 266-SUBDIVISION-PF to SRD**
Owner/Representative: Scot Munro/BH Surveying
Action Required: Approval/Denial
Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.
Location: Lead West-Hwy 14A-Across from Whitetail Court
Purpose: Residential Subdivision-Townhomes-Condos

Zoning: PF to SRD

Tysdal abstained. Coburn assumed Chairmanship.

Brandon Flanagan, Development Consultant, presented the Gilded Mountain Development plan, describing location, size (no more than 48 lots), and the combination of SRD and PF Zonings. He stated they reserve the right to request a COZ for a portion to Highway Service Commercial in the future. He explained the proposal is modeled after a historic mining town, with open space, central or clustered wells, and central septic system. He explained road design and lot placement.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Flanagan explained that the common space will incorporate infrastructure. Vogt explained the Staff Report recommends approval as presented, on both the COZ and PUD #12.

Moved-Seconded (Brady-Mattson) motion to approve COZ #266 with condition upon the PUD being approved for not more than 48 residential units, to incorporate the staff recommendations, and the plan substantially similar to that as presented in the Gilded Mountain Development Plan. Motion Carried.

10. PUBLIC HEARING-PUD #12-SUBDIVISION-PF and SRD

Owner/Representative: Scot Munro/BH Surveying

Action Required: Approval/Denial

Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E.

Location: Lead West-Hwy 14A-Across from Whitetail Court

Purpose: Residential Subdivision-Townhomes-Condos

Zoning: PF and SRD

Tysdal abstained.

Flanagan stated this presentation was covered in the COZ #266 hearing.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Moved-Seconded (Mickelson-Mattson) motion to approve PUD #12. Motion Carried.

11. PUBLIC HEARING-CUP # 340-SACRISON PAVING-ASPHALT PLANT

Owner/Representative: Sacrison Paving Inc/Fisher Industries

Action Required: Approval/Denial

Legal Description: SW ¼ of Section 29, T7N, R2E.

Location: NW of Spearfish-McGuigan Road

Purpose: Asphalt Plant

Zoning: A-1

Vogt explained the location of the portable asphalt plant would be in the McGuigan pit owned by Fisher Sand & Gravel. Nathan Jolly explained that the placement site has been narrowed down, however, they have not gotten written road commitment.

PROPONENT: NONE

OPPONENT: NONE

CLOSED PUBLIC HEARING

Vogt stated that another company has applied for a CUP for a temporary asphalt plant in the same area, for work being done on the McGuigan Road.

Mickelson asked if health concerns had been addressed. Jolly stated he met with Mr. Weaver, who did his own testing, and gave his OK.

Moved-Seconded (Brady-Mickelson) to approve CUP #340 in conformance with the application, staff recommendation and the condition on them getting their access easement resolved. Motion Carried

12. PUBLIC HEARING-CUP # 342-DAN & SHERRI JOHNSON-STORAGE BUILDING

Owner/Representative: Dan & Sherri Johnson

Action Required: Approval/Denial

Legal Description: SW1/4SW1/4, Sec. 32, T7N, R2E.

Location: Diamond Dr/Spearfish North

Purpose: Storage building

Zoning: A-1

Vogt reminded the board that at the informational meeting, they had asked the petitioners to split their requests into two separate CUP's, one for the existing building, and another for the future storage units on the other side of the Highway.

Sherry Johnson stated that her husband had met with all neighbors but one who is out of state.

PROPOSERS: NONE

OPPOSERS: Mark Braun, Larry Reuppel, Jim McGilvery, Gerald Drain, and Pat Kinghorn voiced concern regarding traffic and the poor condition of Diamond Drive. McGilvery was also concerned that this would change the zoning. Tysdal explained this permit would allow use for this building only, and would not change the zoning.

Johnson explained the past use of the building was as a gymnasium, and as many as 80 cars a night used to travel to and from. The planned storage is for enclosed RV storage. Access would be limited to two weekends in the spring and two weekends in the fall.

PROPOSERS: NONE

OPPOSERS: Reuppel said that kids playing basketball are one thing, but commercial use is another.

CLOSED PUBLIC HEARING.

Brady asked about outside storage, and was told there would be none. Outka stated that this permit is conditional and will be reviewed annually.

Moved-Seconded (Brady-O'Dea) to approve CUP #342 subject to no outside storage and limiting access to two weekends in the spring and two weekends in the fall.

Mattson would like to see exact dates in the conditions and has some concern with the loading and unloading regulations. Mickelson would like to take condition #7 & #8 out concerning on-premise signage and advertisement.

O'Dea withdrew his second, and Brady withdrew his motion.

Moved-Seconded (Brady-O'Dea) motion to approve CUP #342 with all attached conditions and the addition of condition which limits access to two weekends in the spring and two weekends in the fall and revise condition #7 & #8 to read no signage allowed.

Mattson concerned with condition #12 regarding loading and unloading and condition #13 regarding leased property. A citizen in the audience asked if the conditions could be read out loud for the audience. Tysdal read all of the conditions. Mickelson asked if condition #11 be changed to read down lighting instead of exterior lighting.

O'Dea withdrew his second, and Brady withdrew his motion.

Moved-Seconded (Brady-O'Dea) motion to approve CUP #342 with all attached conditions and the addition of a condition which limits access to two weekends in the spring and two weekends in the fall and to revise condition #7 & #8 to read no signage allowed and to change condition #11 from exterior lighting to down lighting. Motion Carried.

13. PUBLIC HEARING-CUP # 343-DAN & SHERRI JOHNSON-STORAGE UNITS

Owner/Representative: Dan & Sherri Johnson

Action Required: Approval/Denial

Legal Description: SW1/4SW1/4, Sec. 32, T7N, R2E.

Location: Diamond Dr/Spearfish North

Purpose: Storage units

Zoning: A-1

Vogt explained that the request is for storage units on a 12 acre parcel across Hwy 14.

Sherri Johnson explained that they want to have eight to ten units, probably portable. She stated that the Highway Department approved the entrance. She stated that fencing may be a problem because of access needed across their property to existing billboards. She discussed lighting, gravel driveway and parking.

PROPONENT: NONE

OPPONENT: Mr. Braun he feels this may be step one of industry moving in.

CLOSED PUBLIC HEARING

Brady believes the petitioners need a layout and a development plan for the entirety of the project. Mickelson agreed with Brady, he also thinks fencing is necessary and does not support portable storage units.

Moved-Seconded (Brady-Mattson) motion to deny CUP #343 because of an incomplete site plan, design of buffer zone, aesthetics. Motion Carried.

14. INFORMATIONAL MEETING-COZ # 267-SUBDIVISION-A-1 to SRD

Owner/Representative: J & B Development Co/Joe Jorgenson

Action Required: Discussion/Set an onsite

Legal Description: E1/2 SW1/4 of Section 5, T6N, R2E.

Location: Hillsvie Drive

Purpose: Residential Subdivision

Zoning: A-1 to SRD

Joe Jorgensen informed the board that of the 320 acres purchased, only an 80 acre tract is being included in this request for a COZ from AG to SRD. They are analyzing the costs to be included in the sanitation district, and also to tap into city water. A flood plain study will be done.

2:30 p.m. PLATS IN ORDER AS LISTED

1. PRELIMINARY AND FINAL PLAT

Owner/Representative: Alan Oedekoven/Allen Chaney/BH Surveying

Action Required: Approval/Denial

Legal Description: Plat of ODV Tract, located in the NE1/4SW1/4 of Section 14, T5N, R4E.

Location: Boulder Canyon

Purpose: New lot

Zoning: SRD

Moved-Seconded (Brady-Mickelson) motion to deny the preliminary plat as it leaves a remainder of property with no legal description. Motion Carried.

2. FINAL PLAT

Owner/Representative: Elite Properties, LLC/Bill Philips/Precision Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 thru 8 of Creekview Estates, located in E1/2 NE1/4 of Section 22, T6N, R4E. (legal shortened)

Location: Whitewood North/Jackson Rd

Purpose: New lots

Zoning: A-1 and PF

Vogt stated that Dick Birk has signed off on the roads, and that all 8 lots are being platted at once.

Moved-Seconded (Brady-Mattson) to approve the final plat for Creek View Estates. Called to a vote. Aye: Brady, Mattson, Mickelson. Nay: O'Dea. Motion Carried

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Don Hander/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 & 2 a sub of Hander Tract, Sec. 18, T5N, R4E(legal shortened)

Location: Boulder Canyon

Purpose: New lots

Zoning: PF

Vogt stated that the mobile home had been removed from the lot.

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

Moved-Seconded (Mickelson-Brady) to approve the final plat. Motion Carried.

4. PRELIMINARY AND FINAL PLAT

Owner/Representative: Tom Ventsam/Mike Anderson/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Lots 1 & 2 a subdivision of M.S. 1267, Section 9, T4N, R4E (legal shortened)

Moved-Seconded (Brady-O'Dea) motion to approve the preliminary plat. Motion Carried.

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

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Andy Holmes/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Lots 1-4 of M.S. 1109, Section 12, T4N, R2E (legal shortened)

Location: Deer Mt

Purpose: New lots

Zoning: PF

Brady abstained.

Vogt has concern with the steep access, and recommended the Board do an on-site.

Dennis Braunesreither discussed the two access roads, Cabin Road and Overlook Place and their placement. He also explained that he put in his own tank and pump for water pressure, and would install a 5000 gallon storage unit.

Moved-Seconded (Mickelson-O'Dea) motion to table the plat until July 5, 2007. Set an on-site for Thursday June 28th at 4:00. Motion Carried

6. PRELIMINARY AND FINAL PLAT

Owner/Representative: Larry Bergh/Ponderosa Land Survey

Action Required: Approval/Denial

Legal Description: Plat of Lots 1,2 & 3 of M.S. 1835 & M.S. 1682, Section 18 & 19, T5N, R3E (legal shortened)

Location: Maitland Rd

Purpose: New lots

Zoning: PF

Vogt explained this plat had previously been denied in 2005 due to insufficient access. The access issue has been addressed.

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

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

7. PRELIMINARY AND FINAL PLAT

Owner/Representative: Vic Utech/Ponderosa Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lot C of HES 613, Section 11, T5N, R3E (legal shortened)

Location: Hwy 85-Deadwood North

Purpose: Platting a remainder

Zoning: PF

Vogt explained that this plat was prepared to plat a remainder.

Brady abstained.

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

Moved-Seconded (Mattson- O'Dea) motion to approve the final plat. Motion Carried.

8. PRELIMINARY AND FINAL PLAT

Owner/Representative: Terry River Run LLC/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1A, 1B, 2A, 2B of Blk 1 of Terry Peak Estates, Section 2, T4N, R2E. (legal shortened)

Location: Terry Peak

Purpose: Lots for townhome units

Zoning: SRD

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

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

9. FINAL PLAT

Owner/Representative: BH Development LLC/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lot 26 of Wilderness Estates, Section 17, T4N, R3E.
(legal shortened)
Location: Hwy 85
Purpose: New lot
Zoning: PF

Vogt stated the infrastructure and the roads looked very good.

Moved-Seconded (Brady-O'Dea) motion to approve the final plat. Motion Carried.

10. FINAL PLAT

Owner/Representative: Pillar Peak LLC/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 5 & 14 of Pillar Peak Estates, Section 21, T5N, R4E (legal shortened)
Location: Boulder Canyon
Purpose: New lots
Zoning: PF

Moved-Seconded (O'Dea-Brady) motion to approve final plat. Motion Carried.

11. FINAL PLAT

Owner/Representative: Dan Gray/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 22A & 30 A of Shirttail Gulch Sub, Section 13, T5N, R3E(legal shortened)
Location: Boulder Canyon
Purpose: Moving lot lines
Zoning: PF

Moved-Seconded (Brady-O'Dea) motion to approve final plat. Motion Carried.

12. FINAL PLAT

Owner/Representative: Mattson Inc/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 2A, 2B, 2C, 6A, 6B, of Two Bit Springs #2, Section 1, T4N, R3E (legal shortened)
Location: Boulder Canyon
Purpose: Moving lot lines
Zoning: PF

Mattson abstained.

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

13.

FINAL PLAT

Owner/Representative: Mattson Inc/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 3A, 13A, 14A, 15A, of Two Bit Springs, Section 1, T4N, R3E (legal shortened)

Location: Boulder Canyon

Purpose: Moving lot lines

Zoning: PF

Mattson abstained.

Moved-Seconded (Brady-O’Dea) motion to approve the final plat. Motion Carried.

Motion to adjourn at 4:42 pm (Brady)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF July 5, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday July 5, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O’Dea, Bill Coburn, Tom Brady, Barb Mattson, Rick Tysdal, Terry Weisenberg

ABSENT: Craig Mickelson

(Subject to changes announced at meeting time)

Moved-Seconded (Coburn-Mattson) motion to approve minutes from June 7, 2007. Motion Carried.

1. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Joint Powers, Building Inspector, Ordinance, Building Code, Joint discussion meetings with Spearfish, Quart/Quarter descriptions -40 acres to plat

Vogt explained the discussions with the City of Spearfish and the plan to have one boundary for platting and building permits.

Vogt and Outka discussed the budget preparation which included adding a building inspector and/or a code enforcer. The need to adopt building codes was also considered.

Quarter/Quarter descriptions were discussed, with concern surrounding the need for a full 40 acres to assure a building right.

Moved-Seconded (Brady/Weisenberg) motion to recommend Planning & Zoning use reasonable discretion upon approving a building request on parcels that are less than 40 acres in A-1 General Ag Zoning and a permit could be issued without requiring platting. Motion Carried.

2. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/The Timbers

Action Required: Discussion

Purpose: Subdivision Signage

Tysdal abstained. Coburn assumed Chairmanship.

Vogt explained The Timbers would like to put up a subdivision sign, which is a 10 x 60 artistic sign. Brady asked if the sign ordinance section 4.2.3 would apply. Vogt stated the size of the sign is the issue.

Moved Seconded (Mattson/O'Dea) motion to table the decision until the August 2, 2007 meeting. Motion Carried

3. INFORMATIONAL MEETING-CUP #344-BITUMINOUS PAVING INC- ASPHALT PLANT

Owner/Representative: Bituminous Paving Inc

Action Required: Discussion/Set Onsite

Legal Description: SW1/4, Section 29, T7N, R2E.

Location: NW of Spearfish-McGuigan Road

Purpose: Asphalt Plant

Zoning: A-1

Vogt stated a CUP was needed because of emissions. Bill Krakowski explained the present McGuigan Road project, with a November 9, 2007 finish date. He also stated there could be other jobs bid during that time.

The public hearing was set for August 2, 2007, no on-site was scheduled.

4. INFORMATIONAL MEETING-COZ #268-SUBDIVISION-A-1 to PF

Owner/Representative: Rath Family Trust/Anthony & Brenda Rath

Action Required: Discussion/Set Onsite

Legal Description: SE ¼ & E1/2SW ¼ Section 30, T6N, R4E, NE ¼ , SE ¼ and E1/2, NE ¼ and NW ¼ of NE ¼, Section 31, T6N, R4E.

Location: Crook City Road

Purpose: Division of land among family members

Zoning: A-1 to PF

Toby Rath explained the property location, acquisition history, and the family's plan to divide the property.

The public hearing was set for August 2, 2007, no on-site was scheduled.

5. INFORMATIONAL MEETING-COZ #269-SUBDIVISION-RC to PF

Owner/Representative: Darrel Vig

Action Required: Discussion/Set Onsite

Legal Description: Tract 3 & 4 of M.S. 1158, Section 13 & 18, T4N, R3E.

Location: Deer Mt

Purpose: Deter Recreation commercial activity

Zoning: RC to PF

Darrell Vig requested the COZ #269 be amended to include only Tract 3. He asked that Tract 4 be deleted from the request.

Vogt explained the intent of the request is to change the property back to Park Forest Zoning.

The public hearing was set for August 2, 2007, no on-site was scheduled.

6. RECOMENDATION MEETING-VAR #113- 24'variance to the 25' setback

Owner/Representative: JD Bell

Action Required: Recommendation

Legal Description: Tract 59 of Section 7, T4N, R3E.

Location: Hwy 85/Bottom of Aztec Hill

Purpose: To build a detached garage

Zoning: HSC

Vogt explained the D.O.T. involvement. She was told written approval would be provided. She showed the placement of the proposed detached garage, the highway right of way, and the creek to the rear of the property.

Moved-Seconded (Brady/O'Dea) motion to recommend denial as does not comply with section 5.10 Variances. Motion Carried.

Moved-Seconded (Brady/O'Dea) motion to recommend denial because the requirements for granting a Variance Section 5.10.3 were not met:

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

Motion Carried.

2:30 p.m. PLATS IN ORDER AS LISTED

1. FINAL PLAT

Owner/Representative: MJG Inc/ NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 thru 6, Blk 1 and Lots 1 thru 3 Blk 2, Wild Turkey Estates, Section 1, T6N, R1E, and Section 6, T6N, R2E (legal shortened)

Location: Spearfish North

Purpose: New Lots

Zoning: A-2 & PF

Tysdal abstained. Brady abstained. Coburn assumed Chairmanship.

Vogt stated the bonding is in place for the water tank, and the roads in this portion are complete as per Dick Birk, Highway Authority.

Moved-Seconded (Mattson/O'Dea) motion to approve the Final Plat. Motion Carried.

2. BOUNDARY PLAT

Owner/Representative: Scot Munro/TSP Inc/Black Hills Surveying/Brandon Flanagan

Action Required: Approval/Denial

Legal Description: Boundary Plat of Gilded Mountain Subdivision, Section 5, T4N, R2E (legal shortened)

Location: Hwy 85

Purpose: Boundary Plat

Zoning: PF & SRD

Tysdal abstained. Coburn assumed Chairmanship.

Moved-Seconded (Brady/Mattson) motion to approve the Boundary Plat with the condition that PUD #12 and COZ #266 be approved by the County Commission on July 10, 2007. Motion Carried

3. PRELIMINARY PLAT

Owner/Representative: Scot Munro/TSP Inc/Brandon Flanagan

Action Required: Approval/Denial

Legal Description: Plat of Lots 1-36, G-1, G-2 & C-1, Gilded Mt Tract, Section 5, T4N, R3E (legal shortened)

Location: Hwy 85

Purpose: New Lots

Zoning: PF & SRD

Tysdal abstained. Coburn assumed Chairmanship

Moved-Seconded (O'Dea/Mattson) motion to approve the Preliminary Plat with condition that

PUD #12 and COZ #266 be approved by the County Commission on July 10, 2007. Motion Carried.

4. SKETCH PLAT

Owner/Representative: Bob & Sandra VanDeest/Black Hills Surveying

Action Required: Discussion

Legal Description: Plat of Lots 3A, 3B, & 4 Revised, O'Neil Pass Ranchettes, Section 20, T3N, R1E (legal shortened)

Location: O'Neill Pass

Purpose: New Lots

Zoning: HSC & PF

Randy Deibert, BH Surveying, explained the property has mixed zoning, and the platting is being done to create one new lot, and reconfigure two existing lots.

5. FINAL PLAT

Owner/Representative: St Onge Township/Lookout Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lot B, being a portion of vacated First Street and Emma Street, St Onge, SD NE1/4 NW1/4 Section 26, T7N, R3E

Location: St Onge

Purpose: Constructing new well

Zoning: SRD

Dan Deichert, Lookout Land Surveying, reviewed vacation document pertaining to this property, and explained St Onge's plan to transfer the property to the water company for a future well.

Moved-Seconded (Brady/O'Dea) motion to deny the Final Plat as it creates two lots. Motion Carried.

6. FINAL PLAT

Owner/Representative: J&K of Spearfish/Lookout Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of lots 1 and 4 of Crow Peak Bench Sub., Sec 12, T6N, R1E (legal shortened)

Location: Spearfish West

Purpose: New lots

Zoning: A-2

Moved-Second (O'Dea/Coburn) motion to approve Final Plat. Motion Carried.

7. FINAL PLAT

Owner/Representative: J&K of Spearfish/ Lookout Land Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 10 & 12 of Crow Peak Bench Sub., Sec 12, T6N, R1E (legal shortened)

Location: Spearfish West

Purpose: New lots

Zoning: A-2

Moved-Seconded (Mattson/Coburn) motion to approve Final Plat. Motion Carried.

8. PRELIMINARY AND FINAL PLAT

Owner/Representative: Darrell & Lois Vig/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 3A & 4A, Formerly Tracts 3 & 4, M.S. 1158, Section 13, T4N, R2E, and Section 18 T4N, R3E (legal shortened)

Location: Deer Mountain

Purpose: Move Lot Lines

Zoning: RC

Moved-Second (Brady/Mattson) motion to approve Preliminary Plat. Motion Carried.

Moved-Second (Weisenberg/Brady) motion to approve Final Plat. Motion Carried.

9. PRELIMINARY AND FINAL PLAT

Owner/Representative: Kevin & Carol Nothdurft/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 2A & 2B Sub of Tract 2, M.S. 1748, Section 1, T3N, R3E (legal shortened)

Location: Hwy 385-Custer Peak Rd

Purpose: New Lots

Zoning: PF

Moved-Seconded (Brady/O'Dea) motion to approve Preliminary Plat. Motion Carried.

Moved-Seconded (Brady/Mattson) motion to approve Final Plat. Motion Carried.

10. PRELIMINARY AND FINAL PLAT

Owner/Representative: Maitland Partners LLC/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lot 4A of Bellefish Sub#2, Section 19 & 20, T5N, R3E (legal shortened)

Location: Maitland Rd

Purpose: New lot

Zoning: PF

Moved-Second (Brady/Mattson) motion to approve Preliminary Plat. Motion Carried

Moved-Second (Mattson/Weisenberg) motion to approve Final Plat. Motion Carried

11. FINAL PLAT

Owner/Representative: Maitland Partners LLC/ Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 45 & 46 of Tract K, Paradise Acres II, Section 18, 7, 8 and 17, T5N, R3E (legal shortened)

Location: Maitland Road

Purpose: New Lots

Zoning: PF

Moved-Seconded (Brady/Weisenberg) motion to approve Final Plat. Motion Carried.

12. PRELIMINARY AND FINAL PLAT

Owner/Representative: Homestake Mining Co./Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots C1 & H1, being a portion of M.S. 67 etal, Section 29, T4N, R2E (legal shortened)

Location: Hwy 85 & Cutting Mine Road

Purpose: Road ROW

Zoning: I-1 & PF

Moved-Seconded (Brady/Mattson) motion to approve Preliminary Plat. Motion Carried

Moved-Seconded (Brady/O'Dea) motion to approve Final Plat. Motion Carried.

13. PRELIMINARY AND FINAL PLAT

Owner/Representative: Homes in the Hills, Roger Riley/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts 4B-1A & 4A-1, Higgins Lane Sub, Section 12, T6N, R1E (legal shortened)

Location: Spearfish North

Purpose: Move Lot Lines

Zoning: PF

Moved-Seconded (Brady/Mattson) motion to approve Preliminary Plat. Motion Carried

Moved-Seconded (Brady/O'Dea) motion to approve Final Plat, contingent upon it matching all preliminary plats and being checked by Planning and Zoning Office. Motion Carried

14. PRELIMINARY PLAT

Owner/Representative: Apple Springs, Inc/ CETEC Engineering Services

Action Required: Approval/Denial

Legal Description: Lots 1 through 8 Blk 12 Apple Springs Sub, Sec 11, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New lots
Zoning: SRD

Moved-Second (Brady/Mattson) motion to approve Preliminary Plat subject to clerical and grammatical changes. Motion Carried.

Vogt stated CETEC and Apple Springs need to be more aware of the due dates and the platting process.

15. **FINAL PLAT**
Owner/Representative: Ivan Shonley/Davis Eng.
Action Required: Approval/Denial
Legal Description: Lots 303 Boulder Canyon Sub Sec 10,11 & 14 Sec 15, T5N, R 4E (legal shortened)
Location: Boulder Canyon
Purpose: New lot
Zoning: SRD

Moved-Second (Brady/Mattson) motion to approve Final Plat. Motion Carried.

16. **FINAL PLAT**
Owner/Representative: Ivan Shonley/Davis Eng
Action Required: Approval/Denial
Legal Description: Plat of Lot 306, Boulder Canyon Sub, Section 15, T5N, R4E (legal shortened)
Location: Boulder Canyon
Purpose: New lot
Zoning: SRD

Moved-Second (Brady/Mattson) motion to approve Final Plat. Motion Carried.

17. **FINAL PLAT**
Owner/Representative: Ivan Shonley/Davis Eng
Action Required: Approval/Denial
Legal Description: Plat of Lot 307, Boulder Canyon Sub, Section 15, T5N, R4E (legal shortened)
Location: Boulder Canyon
Purpose: New lot
Zoning: SRD

Moved-Second (Brady/Mattson) motion to approve Final Plat. Motion Carried.

18. **FINAL PLAT**
Owner/Representative: Ivan Shonley/Davis Eng
Action Required: Approval/Denial

Legal Description: Plat of Lot 101 & 102, Boulder Canyon Sub, Section 15, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New lots

Zoning: SRD

Moved-Second (Brady/Mattson) motion to approve Final Plat. Motion Carried.

19. FINAL PLAT

Owner/Representative: Ivan Shonley/David Eng

Action Required: Approval/Denial

Legal Description: Plat of Lot 327, Boulder Canyon Sub, Section 15, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New lots

Zoning: SRD

Moved-Second (Brady/Mattson) motion to approve Final Plat. Motion Carried.

20. FINAL PLAT

Owner/Representative: Holly Stone & Robert & Laura LaFayette/Anderson Engineers

Action Required: Approval/Denial

Legal Description: Plat of Lots 11R & 12R, of Spruce Mountain Estates #2, Section 24, T6N, R4E (legal shortened)

Location: Whitewood

Purpose: New lots

Zoning: PF

Moved-Second (Coburn/O'Dea) motion to approve Final Plat. Motion Carried.

Motion to adjourn at 4:36 pm (Brady)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF August 2, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, August 2, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Marty O'Dea, Barb Mattson, Rick Tysdal, Terry Weisenberg, Craig Mickelson

ABSENT: Tom Brady, Bill Coburn

The agenda was approved with the following changes:

1. Public Hearing on COZ #269 was rescheduled to September 6, 2007.
2. Informational meeting on CUP #345 was rescheduled to September 6, 2007
3. Final Plat of Donald & Karen Hander for Lots 10 & 19 of Country Club Estates in Sections 36 & 31 T5N, R4E, was pulled.

Moved-Seconded (Mickelson-Mattson) motion to approve above changes to the agenda. Motion Carried.

Moved-Seconded (O'Dea/ Mickelson) motion to approve minutes from July 5, 2007. Motion Carried.

1. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: 40 Acre – Quarter/Quarter descriptions. Bonding required to enforce fire plans

Bruce Outka explained ongoing discussions regarding Quarter/Quarter descriptions and Amber presented a proposal and asked for suggestions. The Board tabled discussion or any decision until the Sept 6th meeting.

2. PUBLIC HEARING-COZ # 265-SUBDIVISION-A-1 to RR

Owner/Representative: Frank, Daphne Loup

Action Required: Approval/Denial

Legal Description: NW1/4 NW1/4 of Section 35 and SE1/4 NE1/4, NE1/4NE1/4, Section 34, T7N, R2E.

Location: Kerwin Lane/Spearfish North

Purpose: Residential Subdivision

Zoning: A-1 to RR

Vogt explained the need for another Public Hearing because of a procedural error by the County, and not anything done by the petitioner.

Daphne Loup explained the property is adjacent to Spearfish city limits. She stated this change would create a transition between the City density and Ag density.

PROPOSERS: Ron Halverson spoke in favor of the change.

OPPOSERS: William Bradford stated he would like to keep the property Ag. Anita and Gene Johnson questioned the lot size. Leo Orme stated this property should be annexed into the City of Spearfish. Ken Zuercher objects the change and said he thinks it would be spot zoning.

PROPOSERS: Ron Halverson stated the City of Spearfish did not wish to annex this property.

OPPOSERS: Ken Zuercher stated the County should turn down this request.

CLOSED PUBLIC HEARING.

Tysdal stated at the last meeting he had broken the tie and voted against the request based on spot zoning, but since then has seen that is not the case.

Weisenberg asked how many lots were allowed. Loup stated a total of 24 are allowed on the 120 acres, and there are now 3 residences, so no more than 21 could be added.

Moved-Seconded (Mattson/Weisenberg) motion to approve COZ #265. Roll call vote:

Aye: Mattson, Weisenberg, Mickelson. Nay: O'Dea. Motion Carried

3. **PUBLIC HEARING-COZ # 266-SUBDIVISION-PF to SRD**
Owner/Representative: Scot Munro/Brandon Flanagan
Action Required: Approval/Denial
Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E. (Shortened Legal)
Location: Lead West-Hwy 14A-Across from Whitetail Court
Purpose: Residential Subdivision-Town homes-Condos
Zoning: PF to SRD

Tysdal stated he will abstain from discussion but will conduct the hearing.

Vogt explained the need for another Public Hearing because of a procedural error by the County, and not anything done by the petitioner.

Brandon Flanagan, representing Scot Munro, BH Surveying, and TSP, stated the plan was for 48 residential units, a combination of single family,

townhouse/condominium style, with clustered wells for centralized water systems, pressurized hydrants, private dedication of the roadways, and centralized septic system with common drain fields.

PROPOSERS: None

OPPOSERS: Dale Peters spoke against the proposal and presented a letter from Romona Sieveke, also against the change. Judy Gray presented a letter from Mike Sunich, and spoke against the proposal. Concerns included disturbance of the land, road placement, increased traffic, water, and sewage disposal plans.

Flanagan clarified the acreage being approximately 48 acres, and this request is changing the zoning from Park Forest to Suburban Residential.

PROPOSERS: None

OPPOSERS: Jim Sternhagen stated he agrees with the other opponents. He questioned how the change can take place, as the owner of the property was not present. It was explained that contractual rights under a purchase agreement, allowed this procedure, and the property owner is aware of the request and has signed all required paperwork. Art Nelson questioned access onto Terry Gulch road. Gary Lance stated he likes where he lives and doesn't care to have that many people around.

CLOSED PUBLIC HEARING

Flanagan stated that any road issues have to go through the SDDOT, and the Terry Gulch access has to be approved by the County Highway Superintendent. At this time they have no issues with the proposal.

Mickelson asked about the possibility of a road district. Flanagan explained private dedication plan would keep the road of way narrower to keep traffic speeds down. He also stated that tree thinning needs done for fire protection.

Moved-Seconded (Weisenberg/Mattson) motion to approve COZ #266 as submitted. Roll call vote: Aye: Mattson, Weisenberg, Mickelson. Nay: O'Dea. Motion Carried.

4. **PUBLIC HEARING-PUD #12-SUBDIVISION-PF and SRD**
Owner/Representative: Scot Munro/Brandon Flanagan
Action Required: Approval/Denial
Legal Description: M.S. 1755 Grand Eastern, Section 6, T4N, R3E. (Shortened Legal)
Location: Lead West-Hwy 14A-Across from Whitetail Court
Purpose: Residential Subdivision-Town homes-Condos
Zoning: PF and SRD

Vogt explained the need for another Public Hearing because of a procedural error by the County, and not anything done by the petitioner.

Flanagan explained the concept of a mixed residential use subdivision. The vision is of an old mining town, including a Clubhouse. He asked to reserve the possibility for future commercial lot along the highway, stating that he is aware that would take another change of zoning, but requests it as part of the PUD approval so as not to have to amend the PUD in the future. He explained the plans for water, sewage disposal, and roads.

PROPOSERS: None

OPPOSERS: Judy Gray voiced concern with traffic and the commercial unit.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

The clubhouse proposal was questioned. Flanagan stated they hoped to get a building permit for that as soon as possible, to furnish a big room to provide vending machines, laundry facilities, hot tub, or possibly just a big meeting room to become a center focal point, with the homeowners having a deeded share. He also explained the infrastructure would also be integrated into the open spaces, giving these spaces value.

Moved-Seconded (Mickelson/Mattson) motion to approve PUD #12. Motion Carried.

5. PUBLIC HEARING -COZ # 264-SUBDIVISION-A-1 to RR

Owner/Representative: Wayne Linsted/Ron Halvorson

Action Required: Discussion/Set On-Site/Set Public Hearing

Legal Description: SW1/4 NW1/4, Section 35, T7N, R2E

Location: Kerwin Lane/Spearfish North

Purpose: Residential Subdivision

Zoning: A-1 to RR

Vogt stated the request is for approximately 41 acres, and excludes a one acre parcel owned by Massey. The Halvorson property is adjacent to the Loup property. She stated the City of Spearfish supports this change of zoning as it is a part of their growth area.

Ron Halverson stated the property would be a nice buffer between city lots and AG land. He proposes five home sites. He plans to grow grapes, and continue the trout operation.

PROPOSERS: Daphne Loup stated that she and Halverson have been working together to provide a united plan for their area. She supports this proposal.

OPPOSERS: Ken Zuercher asked if this change would take away his rights to put in a turkey or hog farm. He was told that whatever is allowed in Ag zoning, he would be allowed to do. He also asked about road maintenance. Leo Orme has concern with density. Gene Johnson voiced concern with the septic systems, the gypsum in the area, and the prior problems with the sewage lagoon.

Halverson reiterated that he plans to keep 32+ acres for himself and operate it the same as in the past.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Halverson stated he and Loup have a tentative agreement for access to his lots.

Moved-Seconded (Mattson/Mickelson) motion to approve COZ #264. Roll call vote:

Aye: Mattson, Mickelson, Weisenberg. Nay: O'Dea. Motion Carried.

6. PUBLIC HEARING-CUP #344-BITUMINOUS PAVING INC-ASPHALT PLANT

Owner/Representative: Bituminous Paving Inc

Action Required: Discussion/Set Onsite

Legal Description: SW1/4, Section 29, T7N, R2E.

Location: NW of Spearfish-McGuigan Road

Purpose: Asphalt Plant

Zoning: A-1

Vogt explained the need for the company to obtain a CUP because of emissions. This plant sits in the McGuigan Pit, operated by Fischer Sand & Gravel. Bill Krakowski, explained they have the project for McGuigan Road.

PROPOSERS None

OPPOSERS: None

PROPOSERS: None

OPPONENTS: None

CLOSED PUBLIC HEARING.

Mickelson suggested a condition stating a time limit for this permit.

Moved-Seconded (Mickelson/Weisenberg) motion to add condition #21 to CUP #344 that the CUP will expire thirty (30) days after the completion of the federal Iron Creek/Spearfish Road Project. Motion Carried

Moved-Seconded (Mickelson/Weisenberg) motion to approve CUP #344. Motion Carried.

7. PUBLIC HEARING-COZ #268-SUBDIVISION-A-1 to PF

Owner/Representative: Rath Family Trust/Anthony & Brenda Rath

Action Required: Discussion/Set Onsite

Legal Description: SE ¼ & E1/2SW ¼ Section 30, T6N, R4E, NE ¼ , SE ¼ and E1/2, NE ¼ and NW ¼ of NE ¼, Section 31, T6N, R4E.

Location: Crook City Road

Purpose: Division of land among family members

Zoning: A-1 to PF

Vogt explained the area requested is adjacent to Park Forest Zoned Land and stated the change of zoning is requested for future division between family members.

Toby Rath showed the area in proximity to Whitewood and the quarry along Hwy 85. The land is in a family trust and this change will help future dividing of land between family members and at this time there no plans to subdivide the property.

PROPONENTS None

OPPONENTS: Arlo Potter stated he hates to see development happening in the valley.

Rath stated they are taking care to beautify the area and intend to keep it that way.

PROPONENTS: None

OPPONENTS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (O'Dea/Mattson) motion to Deny COZ #268, on the grounds if they are not going to subdivide at this time, why change the zoning. Roll call vote: Aye: O'Dea, Mattson
Nay: Weisenberg, Mickelson, Tysdal. Motion Failed.

Moved-Seconded (Weisenberg/Mickelson) motion to approve COZ #268. Roll call vote: Aye: Mattson, Mickelson, Weisenberg. Nay: O'Dea. Motion Carried.

8. PUBLIC HEARING -07-02-AMENDMENT TO ZONING ORDINANCE FOR PUBLIC SIGNAGE

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Amendment to zoning ordinance for public signage

Vogt stated the request came about from the City of Lead to put a sign on Park Forest zoned land owned by Homestake. The property is between Central City and Lead, but not in city limits. The City applied to amend the Park Forest District allowed uses section.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Mickelson/Mattson) motion to approve Amendment to Zoning Ordinance for Public Signage #07-02. Motion Carried

9. INFORMATIONAL MEETING-CUP #346-Ted Thompson-2nd Residence

Owner/Representative: Ted Thompson

Action Required: Discussion/Set On-Site

Legal Description: Tract T-7 S1/2 SW1/4NW1/4 & NW1/4 SW1/4 Section 22,

T6N, R4E

Location: Whitewood

Purpose: 2nd Residence for a family member

Zoning: A-1

Vogt stated Ted approached the office about getting a building permit for a new mobile home.

He has less than 16 acres in the tract which has a mobile home and another house, which is grandfathered, but once he replaces the mobile, it is no longer a grandfathered purpose. There is no provision to allow it in Ag Zoning.

Thompson presented his request and explained the lay of the land. He stated he wants to upgrade the present mobile home, and the current home built in 1910 is in pretty rough shape and in time will probably be gone. Other property would have road issues and he does not want to start another building sight in his pasture.

10. INFORMATIONAL MEETING-COZ #270-SUBDIVISION A-1 TO A-2

Owner/Representative: David Elsom

Action Required: Discussion/On-Site

Legal Description: NE1/4SE1/4 Section 17, T6N, R2E

Location: Southwest of Spearfish on Tinton Road

Purpose: Subdivision

Zoning: A-1 to A-2

Megan Elsom presented her father's request. He provides the veterinary services for the Wildlife Sanctuary, and wishes to build three residences and a clinic on forty acres presently owned by

The Wildlife Sanctuary. She stated that the Sanctuary is going to be required to have an on-site veterinarian, and the change of zoning would provide for that.

2:30 p.m. PLATS IN ORDER AS LISTED

1. BOUNDARY PLAT

Owner/Representative: Cannon River Investments/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Tract A of the Timbers Subdivision, Sections 30 & 19, T6N, R2E (Shortened Legal)

Location: Spearfish West

Purpose: Boundary Plat

Zoning: PF

Tysdal abstained from discussion.

Moved- Seconded (O'Dea/Mattson) motion to approve the Boundary Plat.
Motion Carried

2. FINAL PLAT

Owner/Representative: Frawley Ranches Inc/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat Lot 6 and Lot E Frawley Ranch East Section 7 & 18 T6N, R4E

Location: North of Deadwood

Purpose: New Lots

Zoning: A-1

Moved- Seconded (Weisenberg/Mickelson) motion to approve the Final Plat.
Motion Carried.

3. PRELIMINARY

Owner/Representative: Bob & Sandra Vandeeest

Action Required: Approval/Denial

Legal Description: Plat of Lots 3A, 3B & 4 O'Neil Pass Ranchettes Section 20, T3N, R1E (legal shortened)

Location: Hwy 385

Purpose: Move Lot Lines

Zoning: PF & HSC

Moved-Seconded (Mickelson/O'Dea) motion to approve preliminary plat with the addition of the zoning districts listed on the plat for all lots. Motion Carried.

4. PRELIMINARY AND FINAL PLAT

Owner/Representative: Gary & Karon Larson & Sharon Woodle/Ponderosa Land Survey

Action Required: Approval/Denial

Legal Description: Plat of lots 1C, 1A-1 & 1B-a of Hill Sub, Sections 20, 21 & 28 T4N, R4E (Legal Shortened)

Location: Nemo Road

Purpose: Move lot lines

Zoning: PF

Moved-Seconded (Mattson/O'Dea) motion to approve the preliminary plat.
Motion Carried.

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

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Chad & Corinna Feeldy/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 sub of Nancy Hanks Lode MS 1611 Sections 9 & 10 T4N, R3E (legal shortened)

Location: Wasp Road-Yellow Creek Area

Purpose: New lots

Zoning: PF

Vogt read a letter written to Mr. Feeldy by the previous Director regarding the subdivision and re-platting of this property.

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

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

6. PRELIMINARY AND FINAL PLAT

Owner/Representative: David & Joetta Dickert/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts A & B of Lehigh Lode MS 1749, Section 9 T4N, R4E (legal shortened)

Location: Off Hwy 385

Purpose: New Lots

Zoning: PF

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

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

7. PRELIMINARY AND FINAL PLAT

Owner/Representative: Andrew & Carol Hubbeling/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2, sub of Bluebird Lode MS 928, Sections 6 & 7 T2N, R4E (legal shortened)

Location: Off of Hwy 385

Purpose: New lots

Zoning: PF

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

Moved-Seconded (Weisenberg/O'Dea) motion to approve final plat. Motion Carried.

8. FINAL PLAT

Owner/Representative: Charles Dodds/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 11 & 12 of Old Toboggan Hill Sub, Sections 12 & 13 T6N, R2E (legal shortened)

Location: Maitland Road

Purpose: New Lots

Zoning: PF

Tysdal stated that there needs to be proof that all other lots are of record and attached to covenants, and ownership is shown for all open area.

Moved-Seconded (Mickelson/O'Dea) motion to Deny final plat. Motion Carried

9. PRELIMINARY AND FINAL PLAT

Owner/Representative: Mykleby, Robert & Geraldine/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 7F-1, 7K-1 & 7K-2, Mt Stream Estates, Section 30 T4N, R3E (legal shortened)

Location: Rochford area

Purpose: Move Lot Lines

Zoning: PF

Moved-Seconded (Weisenberg/Mattson) motion to approve preliminary plat with the condition that a note be added on the plat that there could be no building of a residence on Lot 7K-2. Roll Call Vote: Aye: Weisenberg, Mattson, Mickelson. Nay: O'Dea. Motion Carried

Moved-Seconded (Mickelson/Weisenberg) motion to approve final plat with the condition that a note be added on the plat that there could be no building of a residence on Lot 7K-2. Motion Carried.

10. FINAL PLAT

Owner/Representative: Apple Springs, Inc/ CETEC Engineering Services

Action Required: Approval/Denial

Legal Description: Lots 1 through 8 Blk 11 Apple Springs Sub, Section 11, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New lots

Zoning: SRD

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

11. FINAL PLAT

Owner/Representative: Two Bit Ranch Estates/Bill Pearson/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 2 of Two Bit Ranch Estates, Section 30 T5N, R4E (Legal Shortened)

Location: Boulder Canyon-Off Two Bit Road

Purpose: New Lot

Zoning: PF

Vogt stated Dick Birk had some concern with the access to Lot 1, an adjacent lot, not on this particular plat, but wanted the board to be aware that he would be showing concern when Lot 1 was brought in for final platting.

Moved/Seconded (Weisenberg/Mickelson) moved to approve final plat. Roll call vote:

Aye: Mickelson, Weisenberg, Mattson. Nay: O'Dea: Motion Carried

Motion to adjourn at 4:50 pm (Weisenberg)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF September 6, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, September 6, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Bob Ewing, Tom Brady, Marty O'Dea, Bill Coburn, Barb Mattson.

ABSENT: None

Moved-Seconded (Mickelson-O'Dea) motion to approve minutes from August 2, 2007. Motion Carried

Moved-Seconded (Brady-Mickelson) motion to approve the agenda with the following change: The application for Variance #114 was withdrawn by petitioner. Motion Carried.

1. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

1. 40 Acre – Quarter/Quarter descriptions. Outka presented a summary of ideas regarding building rights in A-1 General Ag Zoning District. Further study is needed with additional input from the Board.
2. Bonding required to enforce fire plans. Vogt stated that work continues on wording to make this requirement part of the bonding process.
3. Sub-committee for Ordinance revisions. Outka asked for volunteers, with Tysdal, Coburn and O'Dea responding. He will have proposals prepared for consideration.
4. Amendments to CUP's. Vogt explained that requests for changes to conditions in Conditional Use Permits are not addressed in the Ordinance. She reported her discussion with the County Commission.

2. PUBLIC HEARING-CUP #346-Ted Thompson-2nd Residence

Owner/Representative: Ted Thompson

Action Required: Approval/Denial

Legal Description: Tract T-7 S1/2 SW1/4NW1/4 & NW1/4 SW1/4 Section 22,

T6N, R4E

Location: Whitewood

Purpose: 2nd Residence for a family member

Zoning: A-1

Vogt explained that the ordinance no longer allows for a second residence for a ranch hand, and

suggested Mr. Thompson apply for a conditional use permit. Thompson told the history of the property, and stated he is replacing an existing mobile home for himself, and this parcel has an old house that his son, who also works for him, resides.

PROPOSERS: Paul Thomson spoke in favor of the request as the use is staying the same, and just the size of the house is changing.

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Brady-Mickelson) motion to approve CUP #346 as it complies with the spirit and intent of the ordinance, and thus would be an undo hardship to deny it. Motion Carried.

3. PUBLIC HEARING-COZ #270-SUBDIVISION A-1 to A-2

Owner/Representative: David Elsom

Action Required: Approval/Denial

Legal Description: NE1/4SE1/4 Section 17, T6N, R2E

Location: Southwest of Spearfish on Tinton Road

Purpose: Subdivision

Zoning: A-1 to A-2

Vogt explained the petitioner wishes to build two or three residences on the 40 acre site, and plans to submit a CUP for a satellite veterinary clinic. Elsom stated his reason for the zoning change is to provide for the residences, and if approved, the CUP application would be for a vet. sub-station for the Wildlife Sanctuary, as required by the USDA for licensing the Sanctuary.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED HEARING

Moved-Seconded (Brady-Mattson) motion to approve COZ #270. Motion Carried.

4. **PUBLIC HEARING-COZ #269-SUBDIVISION-RC to PF**
Owner/Representative: Darrel Vig
Action Required: Approval/Denial
Legal Description: Tract 3A of M.S. 1158, Section 13 & 18, T4N, R3E.
Location: Deer Mt
Purpose: Deter recreational commercial activity
Zoning: RC to PF

Vogt explained this request is for only Tract 3A to “downzone” from Recreational/Commercial to Park Forest.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED HEARING

Moved-Seconded (Coburn-Ewing) motion to approve COZ #269. Motion Carried.

5. **INFORMATIONAL MEETING-CUP #345-Lyle & Rebecca Haak-B&B**
Owner/Representative: Lyle & Rebecca Haak
Action Required: Discussion/Set On-Site
Legal Description: Lot 4, Van Horn Subdivision, Sec 7, T6N, R2E.
Location: West of Spearfish in Higgins Gulch.
Purpose: Bed & Breakfast
Zoning: PF

Haak stated they built a garage with living quarters attached, planning to use it as an office after their house was built. Subsequently, they rented it, then found this was not allowed. Discussion included whether this use would be a Bed & Breakfast, or Specialty Resort. Vogt will check State definitions, and refer the information to Haak for a decision as to what to title the request.

6. **INFORMATIONAL MEETING-CUP#347- Rick Johnson-Home Occupation & Sign**
Owner/Representative: Deadwood Log Homes/Rick Johnson
Action Required: Discussion/ Set On-site
Legal Description: Lot B of HES 613, Sec 11 T5N, R3E
Location: Hwy 85 at McMasters Corner
Purpose: Sales office and Sign for same

Zoning: PF

Johnson requests a sales office and sign. He moved a portion of his company from Michigan, is presently building a model log home, and eventually wants to totally relocate to this area. He stated this home will include approximately 1400 square feet for showroom, engineering facilities, and offices. It will not be a manufacturing facility. He requests a sign, larger than allowed in the Park Forest zone. Vogt had suggested he apply for a CUP for a home occupation that may constitute a public nuisance, as the property is at McMasters Corner and there is concern regarding traffic. The Board did not agree and informed Johnson that he qualifies for the allowed use of a home occupation, and can have a sign, no bigger than 20 square feet, according to ordinance 4.2.3. The only other option may be trying to change the ordinance to include a Sales Office as a conditional use.

7. REVIEW MEETING-VAR #115-HES 125 LLC, Ralph Reusaw-Setbacks

Owner/Representative: Ralph Reusaw

Action Required: Recommendation

Legal Description: Tract 1A-1 a portion of HES 42 & 39, Sec 31, T4N, R3E, (Legal Shortened)

Location: Rochford Rd/Lead Country Club

Purpose: 24' variance to the 25' setback requirement for a storage shed

Zoning: SRD

Vogt showed the location of the present sheds, and the proposed replacement building, explaining where the present road is placed.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of VAR #115. Roll Call Vote: Aye: Brady, Mickelson, Mattson, Coburn, Ewing. Nay: O'Dea. Motion Carried.

8. REVIEW MEETING-Amendment to CUP #267-Performance Dev Group-Cell Tower

Owner/Representative: Performance Development Group/Amber Vogt

Action Required: Discussion/Recommendation

Legal Description: SW ¼ NE ¼, Sec 22 T7N, R1E

Location: West of Spearfish on land owned by Schenk.

Purpose: Revise number and size of buildings to allow an additional user.

Zoning: A-1

Vogt reviewed the present conditions for CUP #267, stating a maximum of five-10x20 buildings allowed. The requested change is to three-10x20 buildings and one 12x30 building.

Moved-Seconded (Brady-Coburn) motion to recommend approval of amendment to CUP #267. Motion Carried.

9. **REVIEW MEETING-Amendment to CUP #241-Madaline Custis-B&B**
Owner/Representative: Madaline Custis/Amber Vogt
Action Required: Discussion/Recommendation
Legal Description: Lot D, Cornell Sub, NW ¼, Sec 16, T6N, R2E
Location: West of Spearfish on McGuigan Road
Purpose: Add one additional room above attached garage..
Zoning: RR

Vogt reviewed the conditions for CUP #241, a current Bed & Breakfast. They wish to build a garage with living quarters, to be attached by a covered walkway to the house. The amendment would increase the number of bedrooms available to be used for the B&B. She also stated this property is in the City of Spearfish jurisdiction for building permits, and their building inspector had contacted her prior to issuing a permit.

Moved-Seconded (Brady-Coburn) motion to recommend approval of amendment to CUP #241. Motion Carried.

2:30 p.m. PLATS IN ORDER AS LISTED

1. **FINAL PLAT**
Owner/Representative: Frawley Ranches Inc./NJS Engineering
Action Required: Approval/Denial
Legal Description: Plat of Lot 48, Frawley Ranch East, Sec 7, 18 T6N, R4E (Shortened Legal)
Location: East of Spearfish
Purpose: New Lot
Zoning: A-1

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

2. **FINAL PLAT**
Owner/Representative: Frawley Ranches Inc/NJS Engineering
Action Required: Approval/Denial
Legal Description: Plat Lot 34, 39, 40, 41 & 43, Frawley Ranch East Section 7 & 18 T6N, R4E (Shortened Legal)
Location: East of Spearfish
Purpose: New Lots
Zoning: A-1

Moved- Seconded (Brady-Mickelson) motion to approve the Final Plat. Motion Carried.

3. **FNAL PLAT**

Owner/Representative: Cannon River Investments/NJS Engineering
Action Required: Approval/Denial
Legal Description: Plat of Lot 1 blk 1, 1-3 blk 2, 1-8 & 12-17 blk 3, 1-9 blk 4, 5-7 blk 5, The Timbers Section 30,19 T6N, R2E (legal shortened)
Location: West of Spearfish on Iron Creek Road.
Purpose: New Lots-First final will go to County Commission
Zoning: PF

Tysdal abstained from discussion.

Moved-Seconded (Mickelson-Mattson) motion to approve the Final Plat contingent on final bonding approval. Motion Carried

4. REVISED PRELIMINARY PLAT

Owner/Representative: Lynette Moe/NJS Engineering
Action Required: Approval/Denial
Legal Description: Plat of Lots 1-9, Northern Hills Industrial Park, Sections 6, T6N, R4E (Legal Shortened)
Location: North of Whitewood
Purpose: New lots
Zoning: C/LI

Moved-Seconded (Mickelson-Coburn) motion to approve the Revised Preliminary Plat. Roll Call Vote. Aye: Mickelson,, Mattson, Brady, Ewing. Nay: O'Dea, Coburn. Motion Carried

O'Dea was concerned with the lack of building codes and having zero setbacks for commercial buildings. He recommends changes in the set backs in this type of zoning.

5. LAYOUT PLAT

Owner/Representative: Dan Lemme/Ellis Engineering
Action Required: Discussion
Legal Description: Plat of Lot B, Frosty Meadows Subdivision, Section 25, T4N, R2E (legal shortened)
Location: Hwy 85
Purpose: Subdivision
Zoning: PF

Vogt explained the location of the property and prior division of the land. She stated there are issues with access. She recommended an onsite be done. Coburn stated that there needs to be two ways in and out, passable with a two wheel drive car.

6. PRELIMINARY PLAT

Owner/Representative: Granted Grace Inc/Kip Kalamaha/Ellis Engineering
Action Required: Approval/Denial

Legal Description: Plat of W1/2 Sec 1, T4N, R3E (legal shortened)
Location: Upper Two Bit
Purpose: Subdivision
Zoning: PF

Vogt stated an on-site was done about one or two years ago. She presented a new set of road profiles, and stated the access issues have been resolved. An onsite inspection is scheduled for October 3, 2007 at 4:00 pm.

7.

PRELIMINARY PLAT

Owner/Representative: DRD Enterprises/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Plat of Lots 1 through 4, Subdivision of Emery #4, MS 1856, Sec. 11, T4N, R2E (legal shortened)
Location: Terry Peak
Purpose: Subdivision
Zoning: SRD

Brady abstained from this portion of the meeting.

Vogt stated access is still not good, with no emergency way out, and long cul-de-sac. She stated the fire plans and covenants were received at noon and she has not had a chance to review them or get them to the board until now. Dennis Braunesreither voiced his intentions for access. The board discussed scheduling an onsite inspection, but was told there presently is no passable road. The property is accessible only on foot. Vogt also stated concern regarding the lack of recorded access documents.

Moved-Seconded (Coburn-Mickelson) motion to deny the Preliminary Plat. Motion Carried.

DS FINISHING

8.

FINAL PLAT

Owner/Representative: Charles Dodds/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Plat of Lots 2,3 &4 of Tract A Old Toboggan Hill Sub, Sec 13, T5N, R2E (legal shortened)
Location: Maitland Road
Purpose: New Lots
Zoning: PF

Vogt stated all of the documents pertaining to Old Toboggan Hill Subdivision Homeowners Association, covenants, and open space have been recorded.

Moved-Seconded (Brady-Coburn) motion to approve the Final Plat. Motion Carried.

9. **FINAL PLAT**
Owner/Representative: Charles Dodds/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Lots 11 & 12 of Tract A Old Toboggan Hill Suib, Section 13, T5N, R2E (legal shortened)
Location: Maitland Road
Purpose: New lots
Zoning: PF

Moved-Seconded (Brady-Mickelson) motion to approve the Final Plat. Motion Carried.

10. **PRELIMINARY AND FINAL PLAT**
Owner/Representative: Maryann Eddy/Michael & Marsha Nicholes/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Tracts 1A & 1B, Sub of Anaconda #23 & #2, MS 1881, Secs 25 & 36 T4N, R3E (Legal Shortened)
Location: Brownsville
Purpose: Move lot lines
Zoning: PF

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

Moved-Seconded (Mickelson-Brady) motion to approve the Final Plat. Motion Carried.

11. **FINAL PLAT**
Owner/Representative: Maitland Partners LLC/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Lot 54 of Track K, Paradise Acres II, Sec 17, T5N, R3E (legal shortened)
Location: Maitland Road
Purpose: New Lot
Zoning: PF

Moved-Seconded (Coburn-Brady) motion to approve the Final Plat. Motion Carried.

12. **FINAL PLAT**
Owner/Representative: David & Teresa Ciani/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Tracts 4A & 4B, Formerly Ciani Tract 4 Sec 32, T6N, R4E (legal shortened)
Location: Crook City Road

Purpose: New Lots
Zoning: PF

Moved-Seconded (Brady-Coburn) motion to approve the Final Plat. Motion Carried.

13. FINAL PLAT

Owner/Representative: Bob & Sandra Vandeeest/Black Hills Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 3A, 3B & 4 O'Neil Pass Ranchettes Section 20, T3N, R1E (legal shortened)

Location: Hwy 385

Purpose: Move Lot Lines

Zoning: PF & HSC

Moved-Seconded (Mickelson-O'Dea) motion to approve the Final Plat. Motion Carried.

Motion to adjourn at 4:20 pm (Brady)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF October 11, 2007

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, October 11, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Craig Mickelson, Bob Ewing, Tom Brady, Marty O’Dea, Bill Coburn.

ABSENT: Rick Tysdal, Barb Mattson.

Moved-Seconded (Brady-Mickelson) motion to approve minutes from September 6, 2007. Motion Carried

Moved-Seconded (Brady-Mickelson) motion to approve the agenda with the following changes: 1. Plat #7 be considered in conjunction with #3 Informational Meeting for CUP #348 (both for Mike Anderson)
2. Plat #6 for Paradise Acres III has changed to include only one lot. Motion Carried.

2. DISCUSSION ITEMS

Owner/Representative: Bruce Outka

Action Required: Discussion

Purpose: 1. CUP for storing explosives.

Bruce Outka explained that he was contacted by the a representative from the Federal Division of Alcohol, Tobacco, & Firearms, regarding a request by Roger Hudson for a permit for explosive storage on his property. Hudson would be providing a service to friends and family to blow up stumps or beaver dams. Hudson’s plan is to obtain and use only the amount needed per job, however, the ATF requires storage for any unused explosives. Outka asked if the board felt Hudson needed a CUP for this use. The board agreed that in this case, Hudson would need a Conditional Use Permit.

2. PUBLIC HEARING-CUP #345-Lyle & Rebecca Haak-Specialty Resort

Owner/Representative: Lyle & Rebecca Haak

Action Required: Approval/Denial

Legal Description: Lot 4, Van Horn Subdivision, Sec 7, T6N, R2E.

Location: West of Spearfish in Higgins Gulch.

Purpose: Specialty Resort

Zoning: PF

Haak presented a letter explaining his request. His garage has small living quarters on one side, and the plan was to use it as an office, however, when that use was not needed, and a teacher needed a place to live during the school year,

they agreed to let her stay there. When they were contacted that this use was not permitted, they quit charging her rent, and she left at the end of the school year.

PROPOSERS: NONE

OPPOSERS: Jack Jenkins stated he bought his property 30 years ago, because it was single family dwellings, and offered privacy. He is concerned with additional traffic from rental property. Mary Goddard stated she is against the request as this could open the area up to a lot of rentals. Gary Goddard is concerned with traffic on the narrow bridge and narrow road.

Mr. Haak stated they had planned to use it as an office. He has house guests living there presently while their home is being built.

PROPOSERS: NONE

OPPOSERS: Gary Goddard stated if this was for family, it would be fine.

CLOSED PUBLIC HEARING.

Discussion included the road issue, length of stay, and how this use may be better defined as a second residence.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of CUP #345 as it is in compliance with the ordinance Section 5.11.2 subsections A,B,C&D subject to conditions 1 through 22 as attached to the recommendation with 20 being amended to read any change in ownership shall result in the termination of this Conditional Use Permit, and with condition #7 being amended to add the following language: for a term not longer than 30 days. Roll Call Vote: Aye: Mickelson, Brady, Coburn. Nay: Ewing, O'Dea. Motion Carried.

3. INFORMATIONAL MEETING-CUP#348- Mike Anderson – Sanitation & Excavation Business

Owner/Representative: Mike Anderson

Action Required: Discussion/ Set On-site

Legal Description: Tr G of HES 54 & Tr 0165 SE1/4SE ¼, Sec 25, T4N, R3E.

Location: Brownsville

Purpose: Sanitation & Excavation Business

Zoning: PF & HSC

Mike Anderson described the history of the two businesses. He stated the M&M Sanitation business is based in the industrial park west of Spearfish, however the majority of his employees are from the area closer to the property described in the CUP request. It is handier for them to start and end their day there. He stated he keeps very few porta-potties at this site, with them kept to the back of the property. Also discussed were the boundaries of the PF & HSC lots.

A public hearing is set for November 1, 2007 at 1:30 pm. No on-site was scheduled.

The plat was also considered (listed as plat #7 on the agenda). See that part of the minutes for that consideration.

4. INFORMATIONAL MEETING-CUP#349- Douglas & Carla Marshall-2nd Residence

Owner/Representative: Douglas Marshall

Action Required: Discussion/ Set On-site

Legal Description: Lot 1A Block 3 Story Lane Subdivision, Sec 14, T5N, R4E

Location: Boulder Canyon

Purpose: 2nd Residence

Zoning: SRD

Bruce Drapeaux represented the Marshall request. It was explained that Mr Marshall purchased the property from his aunt, who lives in a mobile home on the lot, with an agreement that she would be able to live there for the rest of her live. He was told by the P&Z office that only one residence per lot was allowed. Brady suggested a title check for covenants. If there are covenants, the board would like to see a copy.

A public hearing is set for November 1, 2007. No on-site was scheduled.

5. INFORMATIONAL MEETING-CUP#350-Andy Holmes - Trail Rides

Owner/Representative: Andy Holmes

Action Required: Discussion/ Set On-site

Legal Description: Tract B-1 & Lot C HES 246, Sec 21, T3N, R4E

Location: Hwy 385

Purpose: Trail rides

Zoning: RC

Andy Holmes told the history of his trail ride business. He stated he did not realize he needed a CUP and when notified, he made application. He provides this service to the public and also several groups, such as Girl and Boy Scouts, and 4-H.

A hearing is set for November 1, 2007. No on-site is scheduled.

6. INFORMATIONAL MEETING-CUP#351- David Elsom - Vet Clinic/Crematory

Owner/Representative: David Elsom

Action Required: Discussion/ Set On-site

Legal Description: NE1/4SE1/4, SEC 19, T6N, R2E

Location: Tinton Road

Purpose: Veterinary Clinic/Crematory
Zoning:A-1 (COZ in process for A-2)

Dr. Elsom presented his plan for a veterinary clinic sub-station, and his wish to include an animal crematory to that building.

A public hearing is set for November 1, 2007. No on-site was scheduled.

7. **INFORMATIONAL MEETING-CUP#352 – David Wickstrom -Windmill**

Owner/Representative: David Wickstrom
Action Required: Discussion/ Set On-site
Legal Description: N 99' Lot 2, NE1/4SE1/4, Sec 4, T6N, R2E
Location: Evans Lane, Spearfish
Purpose: Windmill
Zoning: SRD

Mr Wickstrom explained his plan and site for a wind power windmill, and presented information on the proposed unit, built for residential use. He questioned the need to send notice to all land owners within 500 feet of his property. Bruce Outka explained the law requiring this notification.

A public hearing is set for November 1, 2007. No on-site was scheduled.

2:30 p.m. **PLATS IN ORDER AS LISTED**

1. **PRELIMINARY PLAT**

Owner/Representative: Granted Grace Inc/Kip Kalamaha/Ellis Engineering
Action Required: Approval/Denial
Legal Description: Plat of lots 1-12 of Tahencala Ridge, MS 2088, Sec 1, T5N, R3E (legal shortened)
Location: Upper Two Bit
Purpose: Subdivision
Zoning: PF

Brad Ellis explained the access through the Forest Service, and fire exits. The board questioned road maintenance, secondary access, and stated the fire plan and covenants are not adequate.

Moved-Seconded (Brady-Mickelson) motion to table this plat. Motion Carried.

2. **PRELIMINARY PLAT**

Owner/Representative: DRD Enterprises/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Plat of Lots 1 through 4, Subdivision of Emery #4, MS 1856, Sec. 11, T4N, R2E (legal shortened)
Location: Terry Peak

Purpose: Subdivision
Zoning: SRD

Brady abstained from discussion.

Dennis Braunesreither presented covenants and fire plan, and discussed access. The board stated legal access must be shown and granted by surrounding land owners.

Coburn stated the covenants are not adequate.

Moved by O'Dea to deny this Preliminary Plat. The motion died for lack of a second. Braunesreither withdrew the plat from consideration.

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Dave Benning/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 Sub of Pount #3 MS 1732, Secs 19 & 30 T5N, R3E (Shortened Legal)

Location: Off Maitland Road

Purpose: New Lots

Zoning: PF

The Board questioned where the property lies, and where there is access. The unnamed road shown is the Cutting Mine Road. There was concern about adequate access when increasing density.

Moved-Seconded (Brady-Mickelson) motion to table this plat until November 1, 2007. Motion Carried.

4. PRELIMINARY AND FNAL PLAT

Owner/Representative: Craig & Bruce Ordahl/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 Sub of MS 1270, Secs 30, 31 T5N, R4E (legal shortened)

Location:. Off Two Bit Road

Purpose: Subdivide

Zoning: PF

Brady abstained from discussion.

Jim Seward explained that this plat takes six mineral surveys and makes them into two tracts.

Moved-Seconded (Mickelson-Ewing) motion to approve Preliminary plat. Motion Carried

Moved-Seconded (Mickelson-Ewing) motion to approve Final plat. Motion Carried.

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Ken Larsen/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1,2 &3, Sections 21 & 16, T4N, R1E (Legal Shortened)

Location: Off Tinton Road

Purpose: Subdivide

Zoning: PF

Brady abstained from discussion.

Ken Larson explained a plat for this same property, had been approved in July, on further inspection, an error was found with the boundary of one of the lots. This plat is correcting that error.

Moved-Seconded (O'Dea-Ewing) motion to approve Preliminary plat. Motion Carried.

Moved-Seconded (Ewing-Mickelson) motion to approve Final plat. Motion Carried.

6. FINAL PLAT

Owner/Representative: Paradise Acres III/Maitland Partners/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat Lot 87 Paradise Acres III Subdivision, Secs 17,18,19 & 20, T5N, R3E (legal shortened)

Location: Maitland

Purpose: Subdivision

Zoning: PF

Moved-Seconded (Brady-Mickelson) motion to approve the Final Plat. Motion Carried.

7. PRELIMINARY AND FINAL PLAT

Owner/Representative: Michael Anderson/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1, 2 & 3 of Tract G, HES 54, Sec. 25, T4N, R3E (legal shortened)

Location: Brownsville

Purpose: Subdivision

Zoning: PF & HSC

A fire plan was not included with the plat. Mr Anderson will provide a fire plan before the next meeting.

Moved-Seconded (Mickelson-Brady) motion to table the Preliminary and Final Plat until November 1, 2007. Motion Carried.

8. FINAL PLAT

Owner/Representative: Christopher Bruns/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Tracts 30A & 30B Aspen Hills Subdivision, Secs 32 & 33, T6N, R2E (legal shortened)

Location: West of Spearfish

Purpose: New Lots

Zoning: PF

Jim Walker explained the mylar copy of the plat has not been received from the owners, and explained this parcel is approximately 10 acres to be divided into two lots. He explained the density maximum has not been exceeded for this area.

Moved-Seconded (Brady-Mickelson) motion to approve Final Plat. Motion Carried.

9. PRELIMINARY PLAT

Owner/Representative: Frawley Ranch East Phase III/ NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lots 51 through 66, Lot 37A, Lot N & R Frawley Ranch East, Secs 7 & 18, T6N, R4E (legal shortened)

Location: North East of Exit 17

Purpose: New lots

Zoning: A-1

Jim Walker stated that this is the last portion of the PUD. He explained the roads, water system, and covenants/fire plan. He stated that before a Final Plat can be presented, there will have to be bonding in place for the roads.

The plat is actually for Lots 51 through 72, not 66 as stated in the heading.

Moved-Seconded (Brady-Mickelson) motion to approve the Preliminary plat. Motion Carried.

10. FINAL PLAT

Owner/Representative: Frawley Ranch East/NJS Engineering

Action Required: Approval/Denial

Legal Description: Lot 37, Frawley Ranch East, Secs 7 & 18 T6N, R4E (Legal Shortened)

Location: North East of Exit 17
Purpose: New Lot
Zoning: A-1

Moved-Seconded (Mickelson-Brady) motion to approve the Final plat. Motion Carried.

11. FINAL PLAT

Owner/Representative: George Stone/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Lot 48B, Elkridge Subdivision Sec 33, T4N, R4E (legal shortened)
Location: Nemo Road
Purpose: Combine two lots into one.
Zoning: PF

Moved-Seconded (Brady-Mickelson) motion to approve the Final plat. Motion Carried.

12. FINAL PLAT

Owner/Representative: Rochford Ridge Estates/HES 125/ Black Hills Surveying
Action Required: Approval/Denial
Legal Description: Lot 15, Rochford Ridge Estates, Secs 32 & 31, T4N, R3E (legal shortened)
Location: Off Hwy 85
Purpose: New Lot
Zoning: PF

Coburn asked Carol Reausaw if the required tree thinning had been done on all the lots. She will check and get him an answer.

Moved-Seconded (O'Dea-Mickelson) motion to approve Final plat. Motion Carried.

13. PRELIMINARY AND FINAL PLAT

Owner/Representative: Apple Springs Inc/ CETEC Engineering
Action Required: Approval/Denial
Legal Description: Plat of Lots 1-6, Blk 12 & Lots 1-5 Blk 13, Sec 11, T5N, R4E (legal shortened)
Location: Boulder Canyon
Purpose: New Lots
Zoning: SRD

A new preliminary was submitted as the final originally presented, was substantially different than the original preliminary.

Moved-Seconded (Mickelson-O'Dea) motion to approve Preliminary plat.
Motion Carried.

Moved-Seconded (Mickelson-Ewing) motion to approve Final plat. Motion
Carried.

14.

FINAL PLAT

Owner/Representative: Spruce Mountain Estates #2/Dwight Ahlers/Andersen
Engineers

Action Required: Approval/Denial

Legal Description: Lot 58, Spruce Mountain Estates #2, Sec 13, T6N, R4E (legal
shortened)

Location: Whitewood

Purpose: New Lot

Zoning: PF

Moved-Seconded (Ewing-Mickelson) motion to approve Final plat. Motion
Carried.

Motion to adjourn at 4:35 pm (Mickelson)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF November 1, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, November 1, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Barb Mattson, Tom Brady, Marty O'Dea, Bill Coburn.

ABSENT: Bob Ewing

Moved-Seconded (O'Dea/Mickelson) motion to approve minutes from October 11, 2007. Motion Carried

Moved-Seconded (Brady-Mickelson) motion to approve the agenda with the following changes:

1. Discuss the upcoming SD Planners Association Meeting.
2. Plat #3, of Lots 1,2&3 of Tract G, HES 54, Sec 25, T4N, R3E, be considered in conjunction with #2, Public Hearing for CUP #348 (both for Mike Anderson) Motion Carried.

3. **DISCUSSION ITEMS**

Owner/Representative: Amber Vogt

Action Required: Discussion

Purpose:

1. The South Dakota Planners Association meeting is November 7 & 8. Those attending will be leaving Tuesday, November 6th in the afternoon. Vogt asked for topics for a round table discussion. Suggestions were: Windmills/Wind generators and Wildland Interface Issues.
2. Variance request by Deb Stewart. Stewart and Bruce Outka explained how this request came about. During the selling of the home, a survey showed the home, built in 1993, does not meet present setback requirements. The buyer is requiring variance approval. A public hearing will be held in front of the County Commission on November 13th.

Moved-Seconded (Brady/Coburn) motion to recommend approval of the variance to conform with the setbacks in 1993, due to the hardship that would be created by moving the house. Roll Call Vote: Aye, Brady, Mickelson, Mattson, Coburn, Tysdal. Nay: O'Dea. Motion Carried.

2. **PUBLIC HEARING-CUP#348- Mike Anderson – Sanitation & Excavation Business**

Owner/Representative: Mike Anderson

Action Required: Approval/Denial

Legal Description: Tr G of HES 54 & Tr 0165 SE1/4SE ¼, Sec 25, T4N, R3E.

Location: Brownsville
Purpose: Sanitation & Excavation Business
Zoning: PF & HSC

Vogt explained this property is being brought into compliance by creating a new CUP for the Excavation/Sanitation business and will cancel the prior CUP #153 for a second residence.

Anderson explained the property location and the businesses.

PROPOSERS: Gary Swenson stated he is probably the most affected by the business as far as sight, and has no problem with the business.

OPPOSERS: None

NEUTRAL: Ron Jorgenson stated he has no objection and is neither for nor against the request.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Brady/Mickelson) motion to approve CUP #348 with attached conditions, and the following changes: 1. #4 deleted. 2. #5 to state "No signage allowed." 3. #17 to state "All porta potties must be kept in a neat and uncluttered fashion and must be contained west of the building or inside the building." 4. #22 delete the last sentence. Motion Carried.

Plat #3 was considered at the same time as the above CUP. See #3 under plats.

- 3. PUBLIC HEARING-CUP#349- Douglas & Carla Marshall-2nd Residence**
Owner/Representative: Douglas Marshall
Action Required: Approval/Denial
Legal Description: Lot 1A Block 3 Story Lane Subdivision, Sec 14, T5N, R4E
Location: Boulder Canyon
Purpose: 2nd Residence
Zoning: SRD

Vogt explained Marshalls' would like to obtain approval for a second residence on the same lot on which their Aunt has a mobile home. They are aware this is a temporary situation, and once the Aunt has passed, they would have to remove the mobile home.

Bruce Drapeaux, representing the Marshalls, explained the owners Aunt presently lives in a mobile home on the lot.

PROPOSERS: None

OPPOSERS: Philomine Bakenburg asked if there was a time period after the Aunt no longer lived in the mobile home, for it to be removed. It was explained that would be addressed in the conditions.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Mattson/Mickelson) to approve CUP#349 with attached conditions, and the following changes: 1. #2 to read "The septic system must conform to the current standards and be an engineered system to include the capacity of the trailer house and new structure." 2. #5 to read "The Planning & Zoning Office will be notified when Helen Beck ceases to inhabit the residence. The permit holder shall have 6 months in which to remove the second residence." Roll Call Vote. Aye: Mattson, Mickelson, Brady, Coburn, Tysdal. Nay: O'Dea. Motion Carried.

4. PUBLIC HEARING-CUP#350-Andy Holmes - Trail Rides

Owner/Representative: Janell Andis/Custer Crossing Campground/Andy Holmes

Action Required: Approval/Denial

Legal Description: Tract B-1 & Lot C HES 246, Sec 21, T3N, R4E

Location: Hwy 385

Purpose: Trail rides

Zoning: RC

Vogt explained this property is currently zoned RC-Recreations Commercial, and the property owner, Janell Andis, is aware and has signed off on the CUP application.

Holmes explained his operation, and clarified that the property owned by Rantapaa, will not be used for access to Forest Service property.

PROPOSERS: Janell Andis, property owner, stated the trail rides are an asset to her business, and is in favor of the CUP. Michele Seaman spoke as a character reference and stated Holmes is good and conscience at what he does.

OPPOSERS: Virginia Rantapaa Brown stated she is not opposed to him getting the permit, but does not want him to use her property as access to the Forest Service.

Holmes explained his route from the Andis property directly onto Forest Service trails.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (O'Dea/Mickelson) motion to approve CUP #350 with attached conditions, and the following changes: 1. #7 to read "Owner/operator, to the extent he operates on Forest Service Property, shall obtain and maintain proper permit from the United States Forest Service and provide a copy to the Lawrence County Planning & Zoning Office. 2. #16 Delete the last sentence. 3. Add condition to read "Operator shall comply with the Andy's Trail Rides business plan and map of trails." Motion Carried.

5. PUBLIC HEARING-CUP#351- David Elsom - Vet Clinic/Crematory

Owner/Representative: David Elsom

Action Required: Approval/Denial

Legal Description: NE1/4SE1/4, SEC 19, T6N, R2E

Location: Tinton Road

Purpose: Veterinary Clinic/Crematory

Zoning: A-1 (COZ in process for A-2)

Elsom explained the Veterinary facility portion would be used only for the large carnivores at the Spirit of the Hills Sanctuary. It would primarily be a holding facility where medication can be administered. The Crematorium primary purpose would be as a private business. The anticipated level of operation would be about 400 cremations per year, being dogs and cats, requiring one 20 hour period once a week. He explained the increase of traffic may be two vehicles for each day the crematory was operating, those being employees. He feels this will provide a useful and necessary service to the area.

PROPOSERS: Johanna DellaVecchia, member of the Sanctuary board, stated that this project has been thoroughly examined by the South Dakota Animal Industry Board, and they are in favor of it. One reason being the lack of crematory facilities in the area.

OPPOSERS: Jim Beringer stated his concern with odors and noise. He questioned if this would add to the fly problem that came about after the sanctuary began.

Elsom stated this facility will add nothing to the fly problem. All animal waste will go into a septic system. The animals brought to the crematory, will come in frozen, and if stored, stored frozen.

PROPOSERS: DellaVecchia stated any time one is around animal facility, whether ranches or riding stables, there are flies, so it isn't specific to the Sanctuary.

OPPONENTS: Jim Beringer questioned the placement of the facility directly across from his home, and the prevailing wind direction carrying odor.

CLOSED PUBLIC HEARING

Moved-Seconded (Coburn/Brady) motion to approve CUP #351 with attached conditions and the following changes: 1. #5 to state “No Signage” 2. #7 add the words “Downthrow lighting.” 3. #10 to state “No animal boarding shall be allowed and there be no outside animal containment”. 4. #11 delete the last sentence. 5. add the following conditions: (1) Access must be approved by the Lawrence County Highway Superintendent. (2) Animal waste shall be disposed of through the septic system approved by USDA requirements. (3) The minimum setback from property lines will be 100 feet. (4) The owner will apply to the City of Spearfish, for the building permit. Motion Carried.

6. **PUBLIC HEARING-CUP#352 – David Wickstrom -Windmill**

Owner/Representative: David Wickstrom

Action Required: Approval/Denial

Legal Description: N 99’ Lot 2, NE1/4SE1/4, Sec 4, T6N, R2E

Location: Evans Lane, Spearfish

Purpose: Windmill

Zoning: SRD

Vogt and Outka explained the list of proposed conditions is a combination from other counties regulations.

Dave Wickstrom stated the total height as 39’. A representative of the windmill company, explained the workings of the unit.

PROPOSERS: None

OPPONENTS: Raymond Running stated he and his neighbor, Buster Vopat, are opposed to the issuance of the permit. Thomas Young stated his objection was because of esthetics. He does not want to see it.

PROPOSERS: None

OPPONENTS: None

CLOSED PUBLIC HEARING

Mr Wickstrom explained his planned location of the structure. Noise and visual comparisons and positive energy conservation were discussed.

Moved-Seconded (Coburn/Mattson) motion to approve CUP #352 with attached conditions and the following changes. 1. #3 the first sentence to read. “The

WECS shall not exceed a total height of 39 feet including blades and pole, to be constructed of gray galvanized steel monopole type construction. 2. #5 to add “a minimum setback from all property lines of forty feet.” 3. #6 deleted. 4. #10 deleted. 5. #14 deleted. 6. #15 change portion to read: building permits from the City of Spearfish. 7. #18. delete last sentence. 8. Add a condition to read: “Shall not result in evasive, unreasonable or offensive noise or otherwise create a private or public nuisance.” Motion Carried

7. INFORMATIONAL MEETING-CUP #353 Charles Brown-Windmill

Owner/Representative: Charles Brown

Action Required: Discussion/ Set On-site

Legal Description: NE1/4 SE1/4, Section 1, T5N, R3E

Location: North of Deadwood, East of Hwy 85 past Preacher Smith Monument

Purpose: Windmill

Zoning: PF

Mr. Brown explained his wish to build a utility grade windmill on a 75' tower, with a blade diameter of 50'. It will be a remanufactured, 50KW unit. A public hearing is set for December 6, 2007.

8. INFORMATIONAL MEETING-COZ #268-SUBDIVISION-A-1 to RR

Owner/Representative: Kenneth Price/Wilderness Trails, LLC

Action Required: Discussion/Set Onsite

Legal Description: Tract 4 of Sunset Sub, Sec 1, T6N, R2E, SE1/4 SW1/4, Sec 36, T7N, R2E, Tracts 3 & 4, of W1/2 SW1/4, Sec 36, T7N, R2E (legal shortened)

Location: NE of Spearfish on Lookout Mountain Road

Purpose: Subdivision

Zoning: A-1 to RR

Vogt reviewed the location of this property. Neil Stodolski, representing the owner, explained the request and plan. The board asked if a change to A-2 zoning had been considered. Access and water was discussed. An on-site was scheduled for November 19th at 3:00pm. A public hearing is set for December 6, 2007.

2:30 p.m. PLATS IN ORDER AS LISTED

1. PRELIMINARY PLAT

Owner/Representative: Granted Grace Inc/Kip Kalamaha/Ellis Engineering

Action Required: Approval/Denial

Legal Description: Plat of W1/2 Sec 1, T4N, R3E (legal shortened)

Location: Upper Two Bit

Purpose: Subdivision

Zoning: PF

Kip Kalamaha explained the road plan, and stated the Forest Service has given him one easement for access, and he has been working with them on an improvement request for a secondary access.

Coburn stated that secondary access by two wheel drive car is critical. Brady questioned the ability of a 12 lot subdivision to form a homeowner's association, and fund maintenance of roads.

Moved-Seconded (Brady/Mickelson) motion to table the Preliminary Plat. Motion Carried.

2. SKETCH PLAT

Owner/Representative: James MacDougall/Clint Snook/Ellis Engineering

Action Required: Discussion

Legal Description: HES 497, Sections 31 & 32, T3N, R1E, & SEC 5, T2N, R1E (legal shortened)

Location: SW of O'Neill Pass Hwy 85

Purpose: Subdivision

Zoning: PF

Brad Ellis explained this property southwest of Trailhead, along Hwy 85. An on-site was scheduled for November 19, 2007 at 1:30 pm.

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Michael Anderson/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1, 2 & 3 of Tract G, HES 54, Sec. 25, T4N, R3E (legal shortened)

Location: Brownsville

Purpose: Subdivision

Zoning: PF & HSC

Moved-Seconded (Brady/Mattson) motion to approve the Preliminary Plat. Motion Carried

Moved-Seconded (Coburn/Mickelson) motion to approve the Final Plat. Motion Carried.

4. PRELIMINARY AND FINAL PLAT

Owner/Representative: Dave Benning/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 Sub of Pount #3 MS 1732, Secs 19 & 30 T5N, R3E (Shortened Legal)

Location: North of Cutting Mine Road

Purpose: Subdivision

Zoning: PF

Loren Vrem presented this plat and included information on the Jacobs plat (#6) and the Salmen plat (#7), all being in the same area. He explained access, showing both improved and unimproved. The Board's concern involved the minor subdivision provision allowing dividing property, without road plans & covenants.

Moved-Seconded (Brady/Mickelson) motion to deny both Preliminary and Final Plats. Motion Carried. The reason for denial is; No way to: 1. Regulate or control roads. 2. Provide funding base to maintain the roads. 3. Deal with fire issues, and the health and safety related issues, water systems, secondary access issues. Motion Carried.

Brady stated this is a minor subdivision process to avoid major subdivision requirements.

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Mike Hale/Steven Fritzke (and others)/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 18A Blk 4 & Lot 3A Blk 1 of Lost Camp Valley Acreage,, Sections 2 & 11, T4N, R2E (Legal Shortened)

Location: Terry Peak

Purpose: Move Lot Lines

Zoning: SRD

Moved-Seconded (Coburn/Brady) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Brady/O'Dea) motion to approve the Final Plat. Motion Carried.

6. PRELIMINARY AND FINAL PLAT

Owner/Representative: Larry Jacobs/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat Tracts 1 & 2, Gold Edge #3 MS 1672, Sec 30, T5N, R3E (legal shortened)

Location: North of Cutting Mine Road

Purpose: Subdivision

Zoning: PF

Moved-Seconded (Brady/Mickelson) motion to deny both Preliminary and Final Plats. Motion Carried. The reason for denial is; No way to: 1. Regulate or control roads. 2. Provide funding base to maintain the roads. 3. Deal with fire issues, and the health and safety related issues, water systems, secondary access issues. Motion Carried.

Brady stated this is a minor subdivision process to avoid major subdivision requirements.

- 7. PRELIMINARY AND FINAL PLAT**
Owner/Representative: Gary & Lonnie Salmen/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Plat of Tracts 1 & 2, Pount #1 MS 1732, Sec. 30, T4N, R3E (legal shortened)
Location: North of Cutting Mine Road
Purpose: Subdivision
Zoning: PF

Moved-Seconded (Mickelson/Mattson) motion to deny both Preliminary and Final Plats. Motion Carried. The reason for denial is; No way to: 1. Regulate or control roads. 2. Provide funding base to maintain the roads. 3. Deal with fire issues, and the health and safety related issues, water systems, secondary access issues. Motion Carried.

Brady stated this is a minor subdivision process to avoid major subdivision requirements.

- 8. FINAL PLAT**
Owner/Representative: Country Club Estates/Hander/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 2,3,5,10,15,16,19,24 & 29, Country Club Subdivision, Sec 36, T4N, R2E & Sec 31 T4N, R3E (legal shortened)
Location: Adjacent to Lead County Club
Purpose: New Lots
Zoning: SRD

Moved-Seconded (Coburn/Brady) motion to approve Final Plat subject to the infrastructure being completed. Motion Carried.

- 9. BOUNDARY PLAT**
Owner/Representative: Frawley Ranch East Phase III/NJS Engineering
Action Required: Approval/Denial
Legal Description: Plat of Tract P3, Frawley Ranch East, Section 7 & 18, T6N, R4E (legal shortened)
Location: NE of Exit 17
Purpose: Boundary of New Phase
Zoning: A-1

Moved-Seconded (Mickelson/Brady) motion to approve the Boundary Plat. Motion Carried.

- 10. REVISED PRELIMINARY**
Owner/Representative: Wild Turkey Estates/MJG Inc/ NJS Engineering
Action Required: Approval/Denial

Legal Description: Lots 1-25, Blk 1, Lots 1-38, Blk 2, Lots 1-8, Blk 3, Lots 1-4, Blk 4, Wild Turkey Estates, Sec 1, T6N, R1E, Sec 31, T7N, R2E, Sec 6, T6N, R2E (legal shortened)

Location: West of Spearfish off Hillsview Rd

Purpose: New lots

Zoning: PF & A-2

Tysdal and Brady abstained from discussion and voting.

Moved-Seconded (Mattson/Mickelson) motion to approve the Revised Preliminary Plat.

Motion Carried.

11. FINAL PLAT

Owner/Representative: Wild Turkey Estates/MJG Inc/ NJS Engineering **Action**

Required: Approval/Denial

Legal Description: Lots 3A & 4A, Blk 1, Wild Turkey Estates, Sec 1, T6N, R1E, Sec 31, T7N, R2E, Sec 6, T6N, R2E (legal shortened)

Location: West of Spearfish off Hillsview Rd

Purpose: New lots

Zoning: PF & A-2

Tysdal and Brady abstained from discussion and voting.

Moved-Seconded (Mickelson/Coburn) motion to approve the Final plat. Motion Carried.

12. FINAL PLAT

Owner/Representative: Wild Turkey Estates/MJG Inc/ NJS Engineering

Action Required: Approval/Denial

Legal Description: Lot 21, Blk 2 Wild Turkey Estates, Sec 1, T6N, R1E, Sec 31, T7N, R2E, Sec 6, T6N, R2E (legal shortened)

Location: West of Spearfish off Hillsview Rd

Purpose: New lots

Zoning: PF & A-2

Tysdal and Brady abstained from discussion and voting.

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

Motion to adjourn at 5:55 pm (Brady)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF December 6, 2007

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, December 6, 2007 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Marty O’Dea, Bill Coburn. Tom Brady arrived at 1:55.

ABSENT: Bob Ewing, Barb Mattson

Moved-Seconded (Mickelson/O’Dea) motion to approve minutes from November 1, 2007. Motion Carried

Moved-Seconded (Mickelson/Coburn) motion to approve the first Thursday of each month in 2008, with the exception of August 14, 2008, as the dates set for Planning & Zoning meetings. Motion Carried.

Moved-Seconded (Coburn-Mickelson) motion to approve the agenda. Motion Carried.

4. **DISCUSSION ITEMS**

Owner/Representative: Amber Vogt

Action Required: Discussion

Purpose:

A. Windmills and Telecommunication Towers. Vogt explained that Minnehaha and Meade Counties have windmill ordinances in place, and she and Bruce Outka are reviewing those. They are asking for input from the Board, and plan on having a proposed document for consideration at the January 3, 2008 meeting.

B. Discussion of Planning in General. Vogt asked the board to become more active in planning in general. She offered to help the board become more familiar with the County GIS mapping system.

2. **PUBLIC HEARING-CUP #351- David Elsom - Vet Clinic/Crematory**

Owner/Representative: David Elsom

Action Required: Approval/Denial

Legal Description: NE1/4SE1/4, SEC 17, T6N, R2E

Location: Tinton Road/ McGuigan Road

Purpose: Veterinary Clinic/Crematory

Zoning: A-1 (COZ in process for A-2)

Vogt explained this CUP application was heard by Planning and Zoning on November 1, 2007 and was approved. Between that hearing and the County

Commission hearing it was found an adjacent piece of property had sold to a different property owner, therefore, we re-sent notification and the application was sent back to P & Z for another hearing. The County Commission hearing was re-scheduled for December 27, 2007.

Elsom explained the Veterinary facility portion would be used only for the large carnivores at the Spirit of the Hills Sanctuary. It would primarily be a holding facility where medication can be administered. The Crematorium primary purpose would be as a private business. The anticipated level of operation would be about 400 cremations per year, being dogs and cats, requiring one 20 hour period once a week. He explained the increase of traffic may be about twelve vehicles per week, those being employees. He feels this will provide a useful and necessary service to the area.

PROPOSERS: Guido DellaVecchia spoke in favor of the permit, as there won't be transportation of wild animals through town to get to the veterinarian. The crematorium will have minimal residue and odor.

OPPOSERS: Paul Pankonin stated he is not opposed to the crematorium or veterinary clinic, but is very concerned about its location, with the prevailing wind sending odors and noise to the subdivision. He also questioned the handling of the animals brought in for disposal and the fencing. He read a letter from Jim Beringer also stating concern for the location (see file).

Dr. Elsom explained the carcasses would be transported frozen, with no fluid or bloating problem. He explained the fencing is required by the USDA for security purposes. He further explained the proposed location of the building was due to the cost of excavation. Possible screening and buffering was discussed. The color of the building was also discussed.

PROPOSERS: Guido DellaVecchia voiced in favor of the color of the building blending into the area.

OPPOSERS: Leil Hayworth voiced concern for property and resale value of his property if a crematorium was across the street. Paul Pankonin requested the facility be placed up the road, further from their property, or if not possible, set back further from the road.

CLOSED PUBLIC HEARING.

Elsom stated the site location has not been set, and discussed one other possible location. The Board discussed the fact that this property is zoned AG, and as such could be used for many allowed uses that would be far more offensive than the proposal.

Moved-Seconded (Brady/Mickelson) motion to recommend approval of CUP #351 with attached conditions, and added conditions: 1. The building shall be an earth-tone to blend in with the colors of the area. 2. The security fence, required by the USDA, be located on the west side of the building, away from the county highway, if possible, and permitted by USDA requirements. Motion Carried.

3. PUBLIC HEARING-CUP #353 Charles Brown-Windmill

Owner/Representative: Charles Brown

Action Required: Approval/Denial

Legal Description: NE1/4 SE1/4, Section 1, T5N, R3E

Location: North of Deadwood, East of Hwy 85 past Preacher Smith Monument

Purpose: Windmill

Zoning: PF

Vogt explained the area, zoning and the proposed use.

Brown stated he owns 100 acres, 5 miles north of Deadwood, with the windmill to be located on one 40 acre parcel. The structure is a remanufactured, residential renewable energy system. The galvanized monopole tower is 74 feet, with blades a total of 101 feet. The blades rotate at a constant speed, and he stated the noise output was measured approximately 40 decibels at ground level. There is an interior maintenance ladder, with a lockable door.

PROPOSERS: Gary Zimbleman stated wind power is the future, and is in favor of the CUP.

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Mickelson/Brady) motion to recommend approval of CUP #353 with the attached conditions, and the following changes: 1. The total height of the unit be 101 feet, with the minimum setback from the property line to be at least the height of the unit. 2. shall state in part “a building permit shall be required from Lawrence County” 3. Condition #17 be deleted. Motion Carried.

4. PUBLIC HEARING-COZ #271-SUBDIVISION-A-1 to A-2

Owner/Representative: Kenneth Price/Wilderness Trails, LLC

Action Required: Approval/Denial

Legal Description: Tract 4 of Sunset Sub, Sec 1, T6N, R2E, SE1/4 SW1/4, Sec 36, T7N, R2E, Tracts 3 & 4, of W1/2 SW1/4, Sec 36, T7N, R2E (legal shortened)

Location: NE of Spearfish on Lookout Mountain Road

Purpose: Subdivision

Zoning: A-1 to A-2.

Vogt recommends denial of this change, due to the location not being near like zoning.

Jim Walker, NJS Engineering, represented the owner. He stated Price recently purchased this property, had originally requested the change to Rural Residential, but decided the A-2 zoning was more suitable for the property.

PROPOSERS: None

OPPOSERS: Leo Orme is concerned about the roads and traffic, not only to this property, but also the land behind it. Nancy Votroubeck, Lorna Richey, and Darin Wright all stated they moved to the country to not be in a development, and this is not a good place for development. They voiced concern regarding roads, fire prevention, water supply, and septic systems.

Walker stated the design issues on the roads, water, and septic systems, will be taken up at the subdivision process, if the change of zoning is approved. Those designs would have to be approved by the County.

PROPOSERS: None

OPPOSERS: Leo Orme stated lots around this property have not requested a rezone. Nancy Votroubeck voiced concern about land value, and Lorna Richey stated the only building sights appear to be along the road, as the rest of the acreage is rocky and subject to erosion.

CLOSED PUBLIC HEARING

Access and the zoning of surrounding property was discussed.

Moved-Seconded (O'Dea/Mickelson) motion to recommend denial of COZ #271. Motion carried.

5. **INFORMATIONAL MEETING-CUP #319-07 Bill Buchholz - Amendment**

Owner/Representative: Bill Buchholz

Action Required: Discussion/ Set On-site

Legal Description: Lot 5 Wards Corner Subdivision, Sec 27, T7N, R2E

Location: North of Spearfish on HWY 85

Purpose: Amend CUP to permit Auto Dealer License

Zoning: A-1

Buchholz explained he is trying to comply with the State Dealers License. During an inspection, a violation was noted that a company vehicle for sale was parked

on the lot. The State recommended he amend his license to include vehicles. He realized this was not permitted by his present CUP. A public hearing is scheduled for January 3, 2008.

Outka brought up that this property may be included in the current proposed annexation by the City of Spearfish.

6. INFORMATIONAL MEETING-CUP #354 Gary Zimbleman - Windmill

Owner/Representative: Gary Zimbleman

Action Required: Discussion/ Set On-site

Legal Description: Lot E Blk 1, Hardy Subdivision Sec 32, T7N, R2E

Location: North of Spearfish on Old Belle Road

Purpose: Windmill

Zoning: SRD

Zimbleman's request is for a windmill, much like the prior request by Dave Wickstrom. The tower is 35 feet tall, but he plans to bury the cement pad. He believes the total height including blades, will be about 34 feet. Set back from lot lines, were discussed. A public hearing is scheduled for January 3, 2008.

7. INFORMATIONAL MEETING-COZ #272 -Commercial- PF to HSC

Owner/Representative: Archie Roberts

Action Required: Discussion/ Set On-site

Legal Description: Lot A of Tract 3, Gray Subdivision, Sec 36, T6N, R4E.

Location: East of Whitewood, on Whitewood Service Road

Purpose: Commercial Property

Zoning: PF to HSC

Vogt explained the location of the property, and zoning of surrounding property. She further explained that Pete Lien and Sons have a contract for deed on property within 500 feet of the Roberts property. She stated she had inquiries by people of possible mining, and read a letter from Pete Lien and Sons explaining their present plans (copy of letter is in file), which does not include immediate mining at this site, and stating they have no ties or connection of any kind with the Roberts property. She also stated that the ordinance does not allow mining in Highway Service Commercial zoning, either as an allowed or conditional use.

John Yuill, representing the Roberts, stated the owners contacted him regarding selling the property. After a market analyses, he advised them the highest and best use would be commercial. This change of zoning would increase the value of their property. A public hearing is scheduled for January 3, 2008.

8. INFORMATIONAL MEETING-CUP #355 Paul Dangel/Timothy Goldsmith

Owner/Representative: Timothy Goldsmith/Paul Dangel

Action Required: Discussion/Set Onsite

Legal Description: Tract I, portion of Nemo Placer MS 1368, Sec 28, T3N, R5E

Location: West of Nemo on Boxelder Forks Road

Purpose: Trail rides

Zoning: PF and SRD

Vogt explained the petitioner presently has a “grandfathered” Trail Riding business. They have the opportunity to move the business to adjacent property and were advised to apply for a Conditional Use Permit, as moving the business would nullify their “grandfathered” status.

Dangel discussed the proposed conditions, questioning the requirement for certified weed-free hay. It was explained this condition was requested by the Lawrence County Weed Board. A public hearing is scheduled for January 3, 2008.

9. INFORMATIONAL MEETING-CUP #356 Myron & Nadine Compton

Owner/Representative: Myron & Nadine Compton

Action Required: Discussion/ Set On-site

Legal Description: SE1/4 NE1/4, Section 11, T6N, R1E

Location: West of Spearfish on Crow Peak Bench Road

Purpose: Bed & Breakfast

Zoning: A-1

Vogt explained the location of the Compton property. Mr. Compton explained the plan for their home. A public hearing is scheduled for January 3, 2008.

PLATS IN ORDER AS LISTED

1. PRELIMINARY AND FINAL PLAT

Owner/Representative: David Hvistendahl/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 Jim Put Lode MS 1611, Sec. 9, 10 & 15, T4N, R3E (legal shortened)

Location: Yellow Creek Road

Purpose: Subdivision

Zoning: PF

The Board questioned the wisdom in creating higher density, with the lack of a fire plan.

Moved-Seconded (Brady/Mickelson) to table the plat until a fire plan is provided.
Motion Carried.

2. PRELIMINARY AND FINAL PLAT

Owner/Representative: Douglas Bechen/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 2A & 2B of Lot 2, T & M Sub, Sec 16 T6N, R4E (Shortened Legal)

Location: North of Whitewood
Purpose: Subdivision
Zoning: RR

Vogt explained there are two houses on the 50+/- acre parcel. He is platting so each house is on its own lot, and for bank loan purposes.

Moved-Seconded (Coburn/Mickelson) motion to approve the Preliminary Plat.
Motion Carried

Moved-Seconded (Mickelson/O'Dea) motion to approve the Final Plat. Motion Carried.

3.

FINAL PLAT

Owner/Representative: Maitland Partners/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lot 58, Paradise Acres II, Sections 7, 8 & 17, T5N, R3E (Legal Shortened)

Location: Maitland Road

Purpose: New Lot

Zoning: PF

Moved-Seconded (Brady/Mickelson) motion to approve the Final Plat. Motion Carried.

4.

PRELIMINARY PLAT

Owner/Representative: Dakota Resorts Management Group/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 thru 9, Sun Run Subdivision, Sec 13, T4N, R2E (legal shortened)

Location: Deer Mountain

Purpose: Subdivision

Zoning: PF

Vogt explained the history of the property, first presented for subdivision, in 2005. That plat was denied because of the water and road issues. The property was later presented as a PUD, with the owners pulling the request for higher density, after hearing the concerns.

O'Neill explained the owners decided to leave the zoning as is and subdivide into the nine lots allowed on the 47 acres. He discussed the plan for a road district, well, hydrants, and water storage.

The board explained the need for an emergency escape route, and questioned the length of the cul-de-sac.

Joe Kosel, property owner in an adjoining development, stated at the present time, no access has been granted from the neighboring road district. He voiced concern regarding the plan for providing water, and the problem of adding density to the area.

Moved-Seconded (Mickelson/Brady) motion to table the plat. Motion carried.

5.

FINAL PLAT

Owner/Representative: Two Bit Ranch Estates LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 2A Two Bit Ranch Estates, Sec. 30, T5N, R4E (legal shortened)

Location: Two Bit Road

Purpose: New Lot

Zoning: PF

Moved-Seconded (Mickelson/O’Dea) motion to approve the Final Plat. Motion Carried.

6.

FINAL PLAT

Owner/Representative: Maitland Partners LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 26, Paradise Acres, Secs 7,17 & 18, T5N, R3E (legal shortened)

Location: Maitland Road

Purpose: New Lot

Zoning: PF

Moved-Seconded (Brady/Mickelson) motion to approve the Final Plat. Motion Carried.

7.

PRELIMINARY AND FINAL PLAT

Owner/Representative: Amanda Edwards/Black Hills Surveying

Action Required: Approval/Denial

Legal Description: Plat of Tract E, Section 3, T6N, R1E (legal shortened)

Location: West of Spearfish

Purpose: Combine two lots into one

Zoning: A-1

Tysdal abstained from discussion and vote. Coburn assumed the Chair.

Vogt stated she and Dick Birk had discussed concern regarding future placement of an approach for a driveway off the Homestake Road. She explained this will be addressed during the Building Permit process, not requiring a notation on the plat. Randy Deibert explained the area and history of the property.

Vogt also explained there would be one building right on the entire 40 acres, it would be issued on a first come first serve basis.

Moved-Seconded (Brady/Mickelson) motion to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Brady/Mickelson) motion to approve the Final Plat. Motion Carried.

Motion to adjourn at 4:35 pm (O'Dea)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY