

## LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 7, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 7, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O'Dea, Daryl Johnson, Craig Mickelson, Barb Mattson, Tom Brady

ABSENT: Bill Coburn

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (O'Dea-Mickelson) to approve minutes of the meeting, December 3, 2009. Motion Carried.

Moved-Seconded (Mickelson-Mattson) to approve the amended agenda with the following changes:

1. Move "Items from Planning and Zoning Board Members" to the end of the meeting.
2. Table #1 CUP #382 under Public Hearings until April 1, 2010 due to the Applicant and Petitioner not being able to agree on a location for the cell tower.
3. Cancel # 3 CUP #386 under Public Hearings per the applicants request due to differences between applicant and the City of Spearfish Building Department.

Motion Carried.

Declaration of Conflicts of Interest: None.

Election of Officers: Moved-Seconded (Mickelson-Mattson) motion to reappoint the present officers for 2010. (Chair-Rick Tysdal, Vice-Chair-Bill Coburn, Secretary-Craig Mickelson.) Motion Carried

## DISCUSSION

Dave heck, Lawrence County Invasive Species Management (LCISM) and LCISM Board Member, Jerry Boyer, were present to discuss the Weed Plan issues with platting and possible ways to fix the issues. Board discussed possible bonding for weed removal, enforcement issues related to bonding, state statutes related to weeds, and the number of enforcements in place in Lawrence County.

Outka will look into the bonding idea vs. a letter of credit. Vogt stated until such time there is a consensus on what needs to happen with the weed plans on individuals subdivision property she will not be requesting a weed plan from applicants.

## PLATS IN ORDER AS LISTED

1. **PRELIMINARY AND FINAL PLAT (tabled at December meeting)**  
**Owner/Representative:** Steve & Nadine Runquist / Ponderosa Land Surveys  
**Action Required:** Approval/Denial  
**Description:** Lots A-1A, A-2A & A-3, Sub of Lots A-1 & A-2 of Lot A & Remainder of lot A of Lot 1 of the Sub of Lots 1-5, in numerous Mineral Surveys, in Sections 3,4,9 & 10, T4N, R3E. (Legal shortened)

**Location:** Off Wasp Road and Yellow Creek Road, South of Lead

**Purpose:** Lot lines change & plat remainder

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained both plat # 1 and #2 at the same time due to the nature of the platting being related. The Runquist's have a remainder that they currently pay taxes on and own, but there was a discrepancy between the purchase agreement and the deed, so in order to fix this issue they have requested the platting of their current property into 3 lots and then the remainder will be transferred to Maitland Partners and in turn Maitland Partners will then be re-platting the remainder, plus Dewey M.S. and Govt Lot 4 into the 2 tracts on the 2<sup>nd</sup> plat. In the summary there were 5 lots to begin with and there will be 5 lots to end with basically, a re-configuration of lot lines. These plats would fall under the exemption clause, therefore not needing a fire plan.

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

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

2. **PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Steve & Nadine Runquist/Maitland Partners / Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Lot B and C and a sub of numerous Mineral Surveys, in Sections 10, T4N, R3E. (Legal shortened) (Legal Description may change)

**Location:** Off Wasp Road and Yellow Creek Road, South of Lead

**Purpose:** New lots, Lot lines change to fix Runquist Plat & Plat remainder

**Zoning:** PF

**Conflicts of Interest:** None

See explanation in # 1 above.

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

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

3. **PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Scott Bartlowe/Charlotte Cracco/Arleth & Associates

**Action Required:** Approval/Denial

**Description:** Lot A-1 and Lot A-2 of Lot A of the Anna Fredericksen Homestead, Section 27 and 34, T3N, R4E.

**Location:** Hwy 385

**Purpose:** To give a lot to her daughter and keep remaining lots for other daughter and her own home (both existing residences)

**Zoning:** PF

**Conflicts of Interest:** None

Vogt described the area requested to be platted, and the history of the buildings on the property. Presently Mrs. Cracco and her daughter each has a house on the acreage, which were placed there under different zoning regulations, and may remain as long as the use or structures do not change. Mrs. Cracco wishes an additional residence for another family member. The fire plan is done and Vogt was told by the Invasive Species Manager that a weed plan was not needed. Vogt reiterated to the Board that Mrs. Cracco is aware that the current residences on the property were ok as is, but if at anytime they wish to replace the existing mobile home, they would be

required to bring this home into compliance with the rules at the time. One possibility being a Conditional Use Permit or possibly splitting each home its own lot by platting.

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

Moved-Seconded (Brady-Mickelson) motion to approve final plat with the condition that the Fire Plan completion be submitted to the Planning and Zoning office, by Rob Mattox prior to the final plat being release for recording. Motion Carried.

## **PUBLIC HEARINGS AND INFORMATIONAL ITEMS**

### **1. PUBLIC HEARING- CUP #382-COMMUNICATION TOWER ( re-table until April 1, 2010)**

**Owner/Representative:** Ryther/Quaschnick/Alltel Communications/Faulk & Foster

**Action Required:** Pull off table - Approval/Denial

**Shortened Legal Description:** Lot 5 in Section 11, T3N, R3E.

**Location:** Custer Peak Road off HWY 385 South

**Purpose:** Wireless Facility (Communication Tower)

**Zoning:** PF

**Conflicts of Interest:** None

Tabled until April 1, 2010 per the applicant.

### **2. PUBLIC HEARING- CUP #385 Ted Bergan/Sand Creek Landscaping**

**Owner/Representative:** Ted Bergan

**Action Required:** Approval/Denial

**Description:** Lot Z of Lot 1 of the NE ¼ NW ¼ of Section 16, T6N, R2E.

**Location:** Tinton Road

**Purpose:** Holding yard for nursery and landscaping business

**Zoning:** RR

**Conflicts of Interest:** None

Vogt explained the location and circumstances surrounding the application. She stated that she had gotten a call regarding activity on this property, and discussed it with Mr. Bergan. At that time, she determined this use qualified as a home occupation/allowed use. Later, a complaint was received from a neighbor regarding traffic and activities on this property. Mr. Bergan was called and came in to explain what he was doing, and applied for a CUP.

Ted Bergan was present at the hearing and just stated that he bought the property with the intention of running his business on this property and did call and ask if it was ok to do what he would be doing. He was under the impression that it was, now he would like to try and work with the Board to make it right.

**Proponent:** None

**Opponent:** Tom Reid, complaine and neighbor. He stated the property is zoned Residential Agriculture and he does not think what Mr. Bergan is doing is allowed in this district. He has concern with noise, safety, increase in traffic, and value of property.

Ted Bergan had an opportunity to speak and brought up the other commercial operation directly down the road from him being All Star Plumbing and that he has been in operation for some

time, but many of the vehicles he is getting blamed for are actually Mr. Cudmore's deliveries.

Proponent: None

Opponent: Tom Reid discussed All Star Plumbing and stated that it has been in operation since before Mr. Reid bought in this area and he knew it was there when he bought, but when he saw another commercial operation coming in he felt he needed to voice his concerns.

#### CLOSED PUBLIC HEARING

Board discussed location of structure, trees burms, home occupation, allowed uses and conditional uses with in the zoning district.

Vogt asked for clarification based on the findings in the Staff Report if the board agrees or disagrees that this application even needs a CUP.

Moved-Seconded (Mattson-O'Dea) motion that the Board agrees this application requires a CUP as opposed to being an allowed use or a home occupation. Motion Carried.

Moved-Seconded (Brady-Mattson) motion to approve CUP #385 Sand Creek Landscaping with the conditions as modified.

11. All landscaping material except for the trees and shrubs shall be stored inside a structure.
13. There shall be an average of one truck trailer delivery per week and all deliveries shall be made between the hours of 8am-5pm Monday through Friday.
14. Operating hours shall be from 7:00 am to 7:00 pm Monday through-Friday and 8:00 am-7:00 pm on Saturday. All morning preparations which involve the bobcat or back up sirens and trucks running shall be completed the night before or not start until 8:00 am.
22. No parking or storage shall be allowed South of the driveway and this area shall be developed with a permanent buffer.
23. No retail shall be allowed on the property.

Aye-Brady, Mattson, O'Dea, Tysdal, and Johnson Nay-Mickelson

#### **3. PUBLIC HEARING- CUP #387 Monica Ell/Yoga and Massage Studio (pulled request on Jan 4, 2010)**

**Owner/Representative:** Kasey Campbell owner/ Monica Ell applicant

**Action Required:** Approval/Denial

**Description:** Lot A of SE1/4SW1/4, Section 15-6-2

**Location:** Spearfish

**Purpose:** Home Based Business to include Yoga and Massage

**Zoning:** PF

**Conflicts of Interest:** None

Applicant pulled request.

#### **4. INFORMATIONAL MEETING-COZ #289 Larry & Gayle Braun-A-1 to RR**

**Owner/Representative:** Larry & Gayle Braun

**Action Required:** Discussion/Set OnSite

**Description:** Tract A of the NE ¼ SW ¼ of Section 35, T7N, R2E.

**Location:** Hwy 85/Kerwin Lane

**Purpose:** Subdivision of lots for family

**Zoning:** A-1

**Conflicts of Interest:** None

Vogt explained the property was not a full 40 acres, therefore there are already 2 residences on this property and the zoning has been violated for years. Mr. Braun is trying to break out 3 lots in order to keep 2 for children and sell one so he can build on another lot. Mr. Braun has been watching the change of zonings in the direct vicinity of this property take place in the past 3 years, (Loup Subdivision, Dave Fremont and the City of Spearfish extension). He is aware that this property falls within the City of Spearfish platting jurisdiction and will need to discuss his platting requirements with the City of Spearfish and is aware that they will be requesting a Development Agreement on this property.

Public Hearing was scheduled for Thursday, February 4, 2010 at 1:30 pm.

**5. INFORMATIONAL MEETING-ORD 09-07 CAFO REGULATIONS AND MISC. CHANGES**

**Owner/Representative:** CAFO Task Force

**Action Required:** Discussion amongst Board-No Public Input/Set Public Hearing for February 5 at 1:30 pm.

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for CAFO's and other general farming/ranching operations, Existing Operations, Exceptions to rules, Registration, and update of zoning districts.

**Conflicts of Interest:** None

The CAFO Task Force presented the Ordinance to the Planning and Zoning Board. They were asked to review it and please refer any questions to the Planning and Zoning Office. There was a consensus from the Task Force that the document was ready for public review and comment.

Vogt stated that it would be available to the public per the Lawrence County website on Friday as well as printed copies available in the Auditors Office and the Planning and Zoning Office.

Public Hearing was scheduled for Thursday, February 4, 2010 at 1:30 pm.

**6. Opportunity for Public Comment:** None

**7. Items from Planning and Zoning Board Members:** O'dea asked for a clarification on wording in the CAFO Ordinance.

Motion by O'Dea to adjourn at 4:15 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF February 4, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 4, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman St., Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Marty O'Dea, Bill Coburn, Craig Mickelson, Barb Mattson, Tom Brady, Bob Ewing, County Commission Alternate for Daryl Johnson

**ABSENT:** None

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Mickelson-O'Dea) to approve minutes of the meeting, January 7, 2010.  
Motion Carried.

Moved-Seconded (Mickelson-Ewing) to approve the amended agenda with the following changes:

4. Move "Items from Planning and Zoning Board Members" to the end of the meeting.
5. Pull consideration of the Boundary Plat for BH Development as requested by the applicant.

Motion Carried.

Declaration of Conflicts of Interest: None

## PLATS IN ORDER AS LISTED

1. **FINAL PLAT**  
**Owner/Representative:** Frank Boyle/Britton Engineering  
**Action Required:** Approval/Denial  
**Description:** Lot 1 of Boyle Subdivision, located in the SW ¼ of the SW ¼ of Section 7, T2N, R5E. Both in Lawrence and Pennington County (Legal shortened)  
**Location:** Hwy 385  
**Purpose:** Creating one lot for development purposes in Pennington County  
**Zoning:** HSC  
**Conflicts of Interest:** None

Vogt explained this property is on the Lawrence/Pennington County boarder. Mr. Boyle is seeking a change of zoning from Pennington County to match the commercial zoning of his Lawrence County property. Part of the process agreed to with Pennington County is to plat all of his property, and receive plat approval from Lawrence County.

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

2. **FINAL PLAT**  
**Owner/Representative:** Roger Riley/Smokey Mountain Ranch LLC/Arleth & Associates  
**Action Required:** Approval/Denial  
**Description:** Lot 12 of Smokey Mountain Ranch Subdivision, in Section 28 and 33 of T6N, R4E (legal shortened)  
**Location:** Crook City Road  
**Purpose:** New Lot  
**Zoning:** SRD  
**Conflicts of Interest:** None

Discussion pertained to the road surface which has been widened from 19 feet, by adding gravel on each side of the pavement.

Moved-Seconded (Brady-O'Dea) to approve the Final Plat. Aye: 6, Nay: Ewing. Motion Carried.

**3. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** SD DOT/Homestake Mining Co./Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Lot H6 in Section 34. T5N, R3E. (legal shortened)

**Location:** Highway 85

**Purpose:** New Lot

**Zoning:** PF and GC

**Conflicts of Interest:** None

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

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

**4. LAYOUT PLAN**

**Owner/Representative:** Homestake Mining Co/Julie Stone

**Action Required:** Approval/Denial

**Description:** Re-plat of Grizzly Gulch Tract and Lot 1 of Grizzly Gulch Tract (Legal shortened)

**Location:** Yellow Creek Area

**Purpose:** 2 small acreage lots/consolidation of Govt lots and dedication of Yellow Creek Road

**Zoning:** PF

**Conflicts of Interest:** None

Julie Stone, representing Homestake Mining Company, described a proposal for the present Grizzly Gulch Tract, to incorporate a number of Government Lots into that Tract, and plat out two small lots, presently included in the Tract. This plat would also dedicate the Yellow Creek Road to the public. The Board saw no problem with this proposal.

**PUBLIC HEARINGS AND INFORMATIONAL ITEMS**

**1. PUBLIC HEARING-COZ #289 Larry & Gayle Braun-A-1 to RR**

**Owner/Representative:** Larry & Gayle Braun

**Action Required:** Approval/Denial

**Description:** Tract A of the NE ¼ SW ¼ of Section 35, T7N, R2E.

**Location:** Hwy 85/Kerwin Lane

**Purpose:** Subdivision of lots for family

**Zoning:** A-1

**Conflicts of Interest:** None

Vogt explained this property borders RR property at one corner, and A-2 at another. She explained the southern boundary of this property is Kerwin Lane, leaving this lot as 14.65+- acres. The Brauns are asking for this change in order to plat into three lots. The City of Spearfish has platting jurisdiction, and included a letter from the City in the staff report. She recommends approval of this change of zoning and further requests that at the time of platting, additional approval will be need by the County Commission because of density regulations. Also all access points depicted on the plat will need to be approved by the County Highway

Department.

Mr. Braun stated his reason for this request is to provide a lot for each of his children, still retaining a lot where they presently reside.

PROPOSERS: None

OPPOSERS: None

APPLICANT: Nothing further

PROPOSERS: None

OPPOSERS: None

The public hearing was closed.

Moved-Seconded (Coburn-Ewing) to recommend approval of COZ #289 with the recommendations made in the Staff Report. Motion Carried.

**2. PUBLIC HEARING- CUP #386 Jim and Tamara Montieth/Riding Arena**

**Owner/Representative:** Jim and Tamara Montieth

**Action Required:** Approval/Denial

**Description:** A portion of Section 10, T6N, R3E.

**Location:** St. Onge Road

**Purpose:** Arena to offer riding lessons

**Zoning:** A-1

**Conflicts of Interest:** None

Vogt explained the property is zoned A-1, and lies north of the new golf course at Exit 17. The Montieths presently raise and train horses on this property. They are requesting this permit in case they should decide to expand their use to include paid lessons, boarding and events.

PROPOSERS: Anita Hansen, representing Elk Horn Ridge Development, stated they have concerns with water and fencing, and ask the hearing be continued.

OPPOSERS: Don Hansen, Frawley Ranch Investors, stated across the fence from this property will be townhouses and houses, and they are concerned. Pat Meredith is concerned with concerts, campgrounds and traffic.

Applicant: Tamara Montieth stated at this time they are requesting permission to teach others how to care for and ride horses.

PROPOSERS: None

OPPOSERS: None

The public hearing was closed.

Vogt read an email received from Pat Wyss, Elkhorn Ridge Development Architect, requesting a continuance to address their concerns with the Montieth property being close to their residential development. She also provided a letter from Jayna Watson, City Planner for Spearfish,

addressing lighting and dust control. Brady clarified the property is zoned A-1 which allows more intense agricultural uses than this proposal with no conditional use permit. This use seems to be more of a buffer to the development than many allowed uses. Vogt also explained the owners have a church at Deer Mountain now, and if, in the future, they consider building a church on this property, it would have to be either a new CUP or an amendment to this one. Discussion also included lighting and dust control.

Moved-Seconded (Mickelson-Coburn) to recommend approval of CUP #386 with changes to the conditions as follows:

1. Change condition #12 to read: All outdoor lighting shall be created by a photometric plan, reviewed by the City of Spearfish, using light fixtures that are fully cut off and full shielded in order to protect the dark sky environment in this area.
2. Add a condition to read: Dust Control shall be done by applying mag-chloride to the driveway entering the property when needed and the arena containing a high sand content in order to keep dust down. (becoming condition #13)
3. Change the last two conditions from letters a. and b. to numbers. (becoming conditions 18 & 19).

Motion Carried.

### 3. **PUBLIC HEARING-ORD 09-07 CAFO REGULATIONS AND MISC. CHANGES**

**Owner/Representative:** CAFO Task Force

**Action Required:** Approval/Denial

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for CAFO's and other general farming/ranching operations, Existing Operations, Exceptions to rules, Registration, and update of zoning districts.

**Conflicts of Interest:** None

Vogt explained this ordinance was prepared by the County Commission appointed task force. Bob Ewing stated he and Richard Sleep had met with several members of the Ag community and that group provided suggestions for changes to the original document.

PROPONENT: NONE

OPPONENTS: Mike McGuigan stated he was one who assisted in the proposed changes to the document and Richard Sleep has a copy that had been signed by many people in favor of these changes. When this signed document arrives, it will be accepted into the file. Travis Schenk stated he thinks the set back numbers were a concern. Their thinking is that an engineered design should be considered instead of hard numbers for setbacks. Dan Schenk stated the County should adopt the State regulations, as the setbacks in this proposal would take away the opportunity to grow or improve most Ag operations in the County. Bart Krautschun agreed that he would like the County to adopt the State ordinances.

APPLICANT: Vogt clarified the levels shown on the tables of when a permit was and was not needed.

PROPONENTS: None

OPPONENTS: Dan Schenk has a concern with the nuisance clause. Vogt pointed out the

procedure spelled out in the ordinance. Travis Schenk stated he has not heard anyone in favor of any of the proposed CAFO ordinances.

The public hearing was closed.

Initial discussion pertained to how this ordinance came to be, and the reasoning for some portions. It was decided to review the document page by page and consider changes. Discussion included some definitions, setback requirements, some formatting and wording questions, and clarification of some terms. Vogt explained Allowed Special Uses and how they would pertain to some CAFOs.

Moved-Seconded (Brady-Mickelson) to recommend approval of Ordinance 09-07 with the suggested changes. Aye: 6, Nay: O'Dea. Motion Carried.

**4. DISCUSSION**

Weed Plan Items with Dave Heck and Invasive Species Board:  
Neither Dave Heck nor anyone from the Invasive species Board attended the meeting.

Rob Mattox - Fire Plan:  
Rob Mattox and Amber Vogt explained issues with Fire Plan requirements for platting. Since the Fire Plan requirement has been initiated, individual situations have come to light, raising questions of where and when needed and how intensive some plans should be. The completion requirement prior to platting was also discussed. Vogt asked that a task force be considered to address these issues in order to consider ordinance changes.

**5. Opportunity for Public Comment:** Rob Mattox discussed the organization of the Great Plains Firesafe Council, and would like to plan a conference this fall.

**6. Items from Planning and Zoning Board Members:** None

Motion by Brady to adjourn at 4:35 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF March 4, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 4, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O’Dea, Bill Coburn, Barb Mattson, Daryl Johnson

ABSENT: Craig Mickelson, Tom Brady

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Coburn-Mattson) to appoint Johnson acting secretary. Motion Carried.

Moved-Seconded (O’Dea-Mattson) to approve minutes of the meeting, February 4, 2010. Motion Carried.

Moved-Seconded (Johnson-Mattson) to approve the amended agenda with the following change: Move “Items from Planning and Zoning Board Members” to the end of the meeting. Motion Carried.

Declaration of Conflicts of Interest: None

**PLATS IN ORDER AS LISTED**

**1. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Jeff Burich, Delmore & Mary Jones, Kim & Darla Burich, Kerwin Buseman/Brosz Engineering

**Action Required:** Approval/Denial

**Description:** Plat of lot 6R, 7R & 8R Florence Subdivision and lot 6A & 6B Alice Subdivision, all located in Section 10, Section 15, T5N, R4E. (legal shortened)

**Location:** Boulder Canyon

**Purpose:** Re-plat lot lines due to road right of way

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained this plat is exempt from the Fire plan because it is moving existing lot lines to coincide with using the existing road for the lot boundaries. Coburn voiced concern with fire fuel issues. Jeff Burich explained tree thinning and clean-up has been on-going. They have also been improving the roads.

Moved-Seconded (O’Dea-Mattson) to approve the Preliminary Plat. Aye: 4, Nay: Coburn. Motion Carried.

Moved-Seconded (Mattson-Johnson) to approve the Final Plat. Aye: 4, Nay: Coburn. Motion Carried.

**2. LAYOUT PLAN**

**Owner/Representative:** Kevin Pummel/NJS Engineering

**Action Required:** Discussion

**Description:** Lots 1A and 1B of Jersey Springs Subdivision, Located in Section 18, T4N, R1E. (Legal shortened)

**Location:** Tinton Road to FDR 104 to Wagon Canyon Road...almost to Wyoming Border

**Purpose:** Subdivide into 2 lots

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained this property is just east of the Wyoming boarder. The lot shown to be divided is approximately 20 acres. The Board stated a fire plan will be required for this plat.

**3. FINAL PLAT**

**Owner/Representative:** Luella, LLC/Arleth & Associates

**Action Required:** Approval/Denial

**Description:** Lot 16 of Estates at Pillar Peak Section 20 & 21, T5N, R4E.

**Location:** Boulder Canyon

**Purpose:** New lot

**Zoning:** PF

**Conflicts of Interest:** None

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

**PUBLIC HEARINGS AND INFORMATIONAL ITEMS**

**1. INFORMATIONAL MEETING-COZ #290 Eric Hayenga-A-1 to A-2**

**Owner/Representative:** Eric & Molly Hayenga/Cal Hayenga/Bart Eastwood

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

**Description:** E ½ NE ¼ NW ¼ & E ½ SE ¼ NW ¼ Section 12, T6N, R1E.

**Location:** Moeller Road/Crow Peak Bench

**Purpose:** Change Zoning in order to be able to subdivide into 2 lots and plat property

**Zoning:** A-1

**Conflicts of Interest:** None

Vogt explained this 40 acre parcel, zoned A-1 is adjacent to A-2 zoned property. The owners are requesting the change of zoning to enable the property to be split into two lots, allowing a building right on the second lot.

A hearing was set for April 1, 2010.

**2. INFORMATIONAL MEETING- CUP #303-10 AMENDMENT Cole Cabins**

**Owner/Representative:** David Cole

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** Lot 17 except H1 of HES 137, Section 18, T7N, R4E.

**Location:** Hwy 385

**Purpose:** To add another cabin to his specialty resort CUP

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained Mr. Cole has purchased this lot with an existing structure, and wishes to add this parcel to his present CUP.

A hearing was set for April 1, 2010.

**3. INFORMATIONAL MEETING –ORD 10-01 Cemetery, BP and Fee Changes**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Discussion

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for Building Permit Fees, Cemeteries and misc changes

**Conflicts of Interest:** None

Vogt stated this zoning ordinance revision includes Cemeteries, Building Permit requirements and fees. She had been asked to introduce requirements and regulations related to cemeteries and grave sights.

Jeff Schroeder, Code Enforcer, explained the need for additional explanation and changes in fees that came about after implementation of the original ordinance.

A public hearing was set for April 1, 2010.

**4. INFORMATIONAL MEETING -ORD 10-02 Whitewood Superfund Site District Updates**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Discussion

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for Whitewood Superfund Site District

**Conflicts of Interest:** None

Vogt explained the present ordinance is vague and presents this amendment after review by Julie Stone and Todd Duex. This proposal contains more explanation and incorporates EPA rules and maps.

A public hearing was set for April 1, 2010.

**5. INFORMATIONAL MEETING -ORD 10-03 Building Permit Fee Changes to ICC (ORD 08-01)**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Discussion

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for Building Permit Fee changes in the International Code Council Ordinance

**Conflicts of Interest:** None

Vogt explained this amendment is needed to keep wording changes the same in Ordinance 08-1 and the Zoning Ordinance, regarding building permit regulations and fees.

A public hearing was set for April 1, 2010.

**6. Opportunity for Public Comment:** None

**7. Items from Planning and Zoning Board Members:** Coburn expressed his continuing concern with the need for fire-wise regulations on re-plats of older subdivisions.

Vogt reported on the progress of forming a task force regarding fire mitigation regulations.

Motion by O'Dea to adjourn at 3:05 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF April 1, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, April 1, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman St., Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Marty O’Dea, Bill Coburn, Barb Mattson, Daryl Johnson, Craig Mickelson, & Tom Brady

**ABSENT:** None

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Mattson-O’Dea) to approve minutes of the meeting, March 4, 2010.  
Motion Carried.

Moved-Seconded (O’Dea-Mattson) to approve the amended agenda with the following change: Move “Items from Planning and Zoning Board Members” to the end of the meeting. Motion Carried.

Declaration of Conflicts of Interest: Tom Brady and Rick Tysdal had a conflict with Plat #3-Gilden Mountain Lots 29R, 3A, 14 and open Space Lot.

## PLATS IN ORDER AS LISTED

- 1. PRELIMINARY AND FINAL PLAT**  
**Owner/Representative:** Homestake Mining Company  
**Action Required:** Approval/Denial  
**Description:** Plat of Lot 1A, 2 & 3 of Grizzly Gulch Tract  
**Location:** Grizzly Gulch  
**Purpose:** Adjust boundary plat to include some missed lots, and plat two small lots  
**Zoning:** PF & SRD  
**Conflicts of Interest:** None

Vogt explained this is a re-plat of the exiting Grizzly Gulch Tract, breaking out an addition to the Lab lot for the Hoist Room and breaking out a portion of a lot along the road.

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

- 2. LAYOUT PLAN**  
**Owner/Representative:** Dennis Sabo  
**Action Required:** Discussion  
**Description:** Etta May Lode, MS #1915  
**Location:** Strawberry Hill  
**Purpose:** Divide 14.53 acres into three lots  
**Zoning:** PF  
**Conflicts of Interest:** None

Vogt explained this layout plan is for the possibility of 3 lots. Discussion ensued regarding access and a fire plan. The Board stated they had some concern regarding the access and

emergency access. Vogt stated to the applicant that she would not add to the agenda until she heard from the applicant.

3. **FINAL PLAT**  
**Owner/Representative:** Gilded Mountain LLC  
**Action Required:** Approval/Denial  
**Description:** Lots 29R-2, 3A, 14 and an Open Space Lot of Gilded Mountain Subdivision  
**Location:** Off Hwy 85 South  
**Purpose:** Revise lots and new lots  
**Zoning:** SRD  
**Conflicts of Interest:** Rick Tysdal and Tom Brady

Vogt explained this was a re-plat of Lot 29R and an addition of 2 final lots, as well as the platting of the open space. Discussion ensued regarding fire plan completion, payment of taxes for the open space tract and covenants being recorded.

Moved-Seconded (Johnson-Coburn) to approve final plat as submitted. No more plats will be approved within Gilded Mountain Subdivision until such time as the property has been brought into compliance with the Fire Plan submitted. Motion Carried. Tysdal and Brady abstained from vote.

4. **FINAL PLAT**  
**Owner/Representative:** Frawley Ranches, Inc  
**Action Required:** Approval/Denial  
**Description:** Lot 26, Frawley Ranch East  
**Location:** East of Spearfish  
**Purpose:** New Lot  
**Zoning:** A-1  
**Conflicts of Interest:** None

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

5. **FINAL PLAT**  
**Owner/Representative:** Frawley Ranches, Inc  
**Action Required:** Approval/Denial  
**Description:** Lot 65, Frawley Ranch East  
**Location:** East of Spearfish  
**Purpose:** New Lot  
**Zoning:** A-1  
**Conflicts of Interest:** None

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

## **PUBLIC HEARINGS AND INFORMATIONAL ITEMS**

1. **Old Bell Road Planning Guidelines Document and Map**  
**Owner/Representative:** Lawrence County Planning and Zoning Department & City of Spearfish  
**Action Required:** Approval or Denial Recommendation  
**Description:** Old Belle Road Area  
**Purpose:** Proposed Planning Guidelines when looking at future growth in that area  
**Conflicts of Interest:** None

Vogt explained this is a joint planning document created with a group of people from the City of Spearfish and the County to use as a Planning Guideline when either entity is looking at changes in this area.

Moved-Seconded (Brady-Coburn) to approve the Old Belle Road Planning Guidelines and Map. Motion Carried.

2. **PUBLIC HEARING-COZ #290 Eric Hayenga-A-1 to A-2**  
**Owner/Representative:** Eric & Molly Hayenga/Cal Hayenga/Bart Eastwood  
**Action Required:** Approval or Denial Recommendation  
**Description:** E ½ NE ¼ NW ¼ & E ½ SE ¼ NW ¼ Section 12, T6N, R1E.  
**Location:** Moeller Road/Crow Peak Bench  
**Purpose:** Change Zoning in order to be able to subdivide into 2 lots and plat property  
**Zoning:** A-1  
**Conflicts of Interest:** None

Vogt explained this 40 acre parcel, zoned A-1 is adjacent to A-2 zoned property. The owners are requesting the change of zoning to enable the property to be split into two lots, allowing a building right on the second lot.

Opponents: None  
Proponents: None  
Applicant: None  
Opponents: None  
Proponents: None

Closed Public Hearing

Moved-Seconded (Brady-Mickelson) to recommend approval of COZ #290 with the recommendations made in the Staff Report. Motion Carried.

3. **PUBLIC HEARING- CUP #303-10 AMENDMENT Cole Cabins**  
**Owner/Representative:** David Cole  
**Action Required:** Approval or Denial Recommendation  
**Description:** Lot 17 except H1 of HES 137, Section 18, T7N, R4E.  
**Location:** Hwy 385  
**Purpose:** To add another cabin to his specialty resort CUP  
**Zoning:** PF  
**Conflicts of Interest:** None

Vogt explained Mr. Cole has purchased this lot with an existing structure, and wishes to add this parcel to his present CUP.

Opponents: None  
Proponents: None  
Applicant: None  
Opponents: None  
Proponents: None

Closed Public Hearing

Moved-Seconded (Mickelson-O’Dea) to recommend approval of CUP 303-10 with the recommendations made in the Staff Report. Motion Carried

**4. PUBLIC HEARING -ORD 10-01 Cemetery, BP and Fee Changes**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Approval or Denial Recommendation

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for Building Permit Fees, Cemeteries and misc changes

**Conflicts of Interest:** None

Vogt stated this zoning ordinance revision includes Cemeteries, Building Permit requirements and fees. She had been asked to introduce requirements and regulations related to cemeteries and grave sights.

Jeff Schroeder, Code Enforcer, explained the need for additional explanation and changes in fees that came about after implementation of the original ordinance.

Opponents: None

Proponents: None

Applicant: None

Opponents: None

Proponents: None

Closed Public Hearing

Moved-Seconded (Brady-Mickelson) to recommend approval of ORD 10-01 with the changes made to document at the meeting. Motion Carried

**5. PUBLIC HEARING -ORD 10-02 Whitewood Superfund Site District Updates**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Approval or Denial Recommendation

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for Whitewood Superfund Site District

**Conflicts of Interest:** None

Vogt explained the present ordinance is vague and presents this amendment after review by Julie Stone and Todd Duex. This proposal contains more explanation and incorporates EPA rules and maps. EPA and Homestake have given there verbal approval of the changes.

Opponents: None

Proponents: None

Applicant: None

Opponents: None

Proponents: None

Discussion took place regarding the wording and the exact boundary areas of the tailings deposits vs. the impacted soils.

Moved-Seconded (Brady-O’Dea) to recommend approval of ORD 10-02 with the changes made to document at the meeting. Motion Carried

**6. PUBLIC HEARING -ORD 10-03 Building Permit Fee Changes to ICC (ORD 08-01)**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Approval or Denial Recommendation

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for Building Permit Fee changes in the International Code Council Ordinance

**Conflicts of Interest:** None

Vogt explained this amendment is needed to keep wording changes the same in Ordinance 08-1 and the Zoning Ordinance, regarding building permit regulations and fees.

Opponents: None

Proponents: None

Applicant: None

Opponents: None

Proponents: None

Moved-Seconded (Mattson-Johnson) to recommend approval of ORD 10-03 with the changes made to document at the meeting. Motion Carried

7. **Opportunity for Public Comment:** None

8. **Items from Planning and Zoning Board Members:**

Vogt stated they would be working on updating portions of the Sign Ordinance in accordance with some state regulations. The Board discussed the letter they had received regarding a Community Improvement District. Vogt explained she would be going to Dakota Dunes (the only current CID in South Dakota) at the end of the month while attending a conference in Sioux Falls. The Fire Plan Task Force was also discussed.

Motion by O'Dea to adjourn at 3:54 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF May 6, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, May 6, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman St., Deadwood, SD, Lawrence County.

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

ABSENT: Barb Mattson

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (O'Dea-Mickelson) to approve minutes of the meeting, April 1, 2010.  
Motion Carried.

Moved-Seconded (Ewing-Mickelson) to approve the amended agenda with the following changes:

Pull plat consideration for Union Resorts and layout plan consideration for Rigsby, Wieczorek, Peters, Karels, Fairbanks, Marson and Jensen, all requested by the applicants. (shown on the agenda as plats #1 and #2)

Move "Items from Planning and Zoning Board Members" to the end of the meeting. Motion Carried.

Declaration of Conflicts of Interest:

1. Tom Brady with Recommendation item #1-Gilded Mountain Fire Plan requirements.
2. Marty O'Dea with the Layout Plan for Barb & Bert Oliver.

## PLATS IN ORDER AS LISTED

1. **LAYOUT PLAN**  
**Owner/Representative:** Jerry Plooster  
**Action Required:** Approval/Denial  
**Description:** Proposed Lots F-1A & F-1B, being a subdivision of Lot F-1 of the William Johnson Homestead  
**Location:** Hwy 385  
**Purpose:** New Lot  
**Zoning:** PF  
**Conflicts of Interest:** None

Vogt stated the question on this plan is whether a fire plan is needed for platting. The owner stated most of the acreage is open meadow. Brady stated with increasing density, fire plan issues must be considered. A fire plan will be required.

2. **FINAL PLAT**  
**Owner/Representative:** Jon Mattson  
**Action Required:** Approval/Denial  
**Description:** Lot 10 of Brighter Day Sub, Section 25 & 36, T5N, R3E and Sec 30, T5N, R4E.  
**Location:** Two Bit  
**Purpose:** New Lot  
**Zoning:** PF  
**Conflicts of Interest:** None

Vogt noted a sign easement on the plat as requested by her office for the Brighter Day Subdivision sign.

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

3. **FINAL PLAT**  
**Owner/Representative:** David Winter  
**Action Required:** Approval/Denial  
**Description:** Tracts A & B MS 1246, Section 36, T5N, R3E.  
**Location:** Two Bit  
**Purpose:** Preliminary Plat was approved March 6, 2008 (see minutes for more detail)  
**Zoning:** PF  
**Conflicts of Interest:** None

Vogt explained when the preliminary plat was approved there were issues with the Two Bit Road, and Winter was told a Final plat would not be approved until those were resolved. She has discussed the plat with the Highway Superintendent, and he OK'd the work done and signed the plat. A fire plan was not required when this Preliminary plat was originally approved.

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

4. **LAYOUT PLAN**  
**Owner/Representative:** Barb & Bert Oliver  
**Action Required:** Approval/Denial  
**Description:** Proposed Lots of Lot 1 & 2 of Oliver Addition, Section 28, T6N, R4E.  
**Location:** Crook City Road  
**Purpose:** Creating a 1 acre parcel for annexation and platting the remainder for the County.  
**Zoning:** PF  
**Conflicts of Interest:** O'Dea

Vogt and Randy Deibert explained this plat is required in order to annex the one acre parcel into the City of Whitewood, as a metes and bounds description is not accepted for recording purposes. The Board agreed the proposal would be acceptable.

## RECOMMENDATION ITEMS:

1. **Gilded Mountain Subdivision Fire Plan Requirements**  
**Owner/Representative:** Scot Munro  
**Action Required:** Approval/Denial of new Fire Plan  
**Description:** Entire Gilded Mountain Subdivision  
**Location:** Hwy 85  
**Purpose:** To update the existing fire plan  
**Zoning:** SRD/HSC  
**Conflicts of Interest:** Brady

Scot Munro explained this development was approved prior to the current fire plan regulations, therefore his subdivision does not fall under the current regulations. Due to the on-going concerns and questions from the Board regarding fire plan requirements each time a final plat is presented, he decided to hire Rob Mattox to prepare a new fire plan. He asks this Fire plan be accepted by the Board. Vogt stated the new fire plan presented today was not a requirement, but a choice made by the Developer.

Moved-Seconded (Ewing-Mickelson) approve the new Fire Plan. Brady Abstain. Motion Carried.

Vogt stated the motion made at the last meeting will not allow her to accept any final plats.

Moved-Seconded (Mickelson-Ewing) to rescind the motion made April 1, 2010 regarding holding approval of final plats for Gilded Mt., as approval of new fire plan satisfactorily establishes guidelines according to which subsequent final plats for the subdivision may be evaluated for approval. . Brady Abstain. Motion carried.

2.

**DP 10-01-Pathways Spiritual Sanctuary**

**Owner/Representative:** Dave Snyder

**Action Required:** Recommendation of Approval/Denial to CC

**Description:** E ½ SW ¼ of Section 4 & N ½ NW ¼ of Section 9, T3N, R3E and HES 114, in Section 4, T3N, R3E, Lawrence County, South Dakota

**Location:** Rochford Rd/Juso Ranch Rd

**Purpose:** The requested development plan is to create an 80 acre Sanctuary to be used for walking, sitting and contemplating by using a 1 mile pathway with sculptures and places to rest. This sanctuary will be open to the public but privately maintained.

**Zoning:** PF

**Conflicts of Interest:** None

Vogt stated she was not sure if this application is needed, but wanted to explain the plan to the Board for them to decide. Mr. Snyder plans a walking path along a portion of his property which will be open to the public at no charge, and privately maintained. He may install bathroom facilities in the future, and possibly a rain shelter or two. He has acquired permission from the Forest Service for access off Juso Road and a small parking lot. The Board determined this use did not require a development plan. Vogt asked for a motion to refund the money paid back to Mr. Snyder since it was decided a Development Plan would not be required.

Moved-Seconded (Brady-Mickelson) to refund the fee to Mr. Snyder. Motion Carried.

**DISCUSSION ITEMS:**

**CID-Community Improvement Districts**

Vogt described her informational trip to Dakota Dunes, which is the only CID in South Dakota. John Frederickson explained the concept as a kind of quasi-municipality. Bruce Outka explained general rules and powers allowed under State law. More conversation will take place during the presentation of COZ 291 by the Kaschmitters, as part of their plan is the creation of a CID.

**INFORMATIONAL ITEMS:**

1. **INFORMATIONAL MEETING-CUP # 388-William Swenson-Specialty Resort w/ Small Cabins**

**Owner/Representative:** William Swenson

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** Lot 1 of Swenson Subdivision, Section 8, T6N, R3E.

**Location:** Airport Road

**Purpose:** To create a specialty resort within existing home and add small cabins.

**Zoning:** RR

**Conflicts of Interest:** None

Vogt explained Mr. Swenson's plan is in phases eventually adding cabins and upgrading an existing barn for a multi-use guest facility. This property zoning was changed last year to allow the subdivision of the parcel left to three family members. Brady stated his opinion that if a developer had applied for a change of zoning of this property to develop, he would not have been in favor of approval. He is not in favor of what amounts to commercial use of this property. No on-site was scheduled, and a public hearing will be held for the June 3, 2010 meeting.

**2. INFORMATIONAL MEETING-COZ # 291- PF to PUD for a Multi Zoned Development**

**Owner/Representative:** BH Development LLC, BH Properties, Greg & Jennifer Kaschmitter

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** TBD

**Location:** Hwy 85 next to Wilderness Estates

**Purpose:** To create a multi zoned development

**Zoning:** PF

**Conflicts of Interest:** None

Vogt stated this is the second request for a change of zoning to PUD zoning. The land use map was prepared by the Kaschmitters. An informational plan was reviewed with some of the points being: location, infrastructure, highway beauty preservation, snowmobile & walking trails, density, covenants, and fire plan. Mr. Kaschmitter explained the Planned Use Development (PUD) must be approved by the County prior to the creation of a Community Improvement District (CID), and the plan also explained the creation and benefits of a CID.

The PUD process was discussed and Vogt also explained the plan is for Preliminary Plats to be presented in phases, with a Master Plan presented initially. A boundary plat is required for the entire acreage. An On-site inspection is scheduled for May 21 meeting at Recreational Springs Resort and a public hearing is set for the June 3, 2010 Planning & Zoning meeting.

**7. Opportunity for Public Comment:** None

**8. Items from Planning and Zoning Board Members:** None

Motion by Mickelson to adjourn at 2:51 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF June 3, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, June 3, 2010 at 1:30 p.m. in the Deadwood City Hall, 104 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O’Dea, Barb Mattson, Craig Mickelson, & Tom Brady

ABSENT: Bill Coburn & Daryl Johnson

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Brady-O’Dea) to approve minutes of the meeting, May 6, 2010.

Motion Carried.

Moved-Seconded (O’Dea-Mickelson) to approve the amended agenda with the following change:

Move “Items from Planning and Zoning Board Members” to the end of the meeting. Motion Carried.

Declaration of Conflicts of Interest:

3. Tom Brady: Plat #2 for Kevin Pummel.

4. Marty O’Dea: Plat #4 for Barb & Bert Oliver.

**PLATS IN ORDER AS LISTED**

**1. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Union Resorts/Dave Green/Joe Kosel

**Action Required:** Approval/Denial

**Description:** Lots 1 & 2 of Block 1 of the Mystic Miner Subdivision, located in the Mystic Miner Tract, Section 13, T4N, R2E.

**Location:** Deer Mountain

**Purpose:** To combine lots into existing Deer Mt. Subdivision lots to create a buffer between current owners and new subdivision

**Zoning:** PUD

**Conflicts of Interest:** None

Vogt explained this plat creates two lots for transfer purposes only, no residential or commercial building rights attached. They will then be re-platted and combined with the Deer Mt. Lots owned by Green and Kosel to provide a buffer between those properties and Mystic Miner.

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

Moved-Seconded (Brady-Mickelson) to approve the Final Plat with the condition that it be held and recorded in correct order with the final plat of the re-platting. Motion Carried.

**2. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Kevin & Lisa Pummel/NJS Engineering

**Action Required:** Approval/Denial

**Description:** Lots 1A & 1B of Jersey Springs Sub, in Section 18, T4N, R1E

**Location:** 10 miles straight East of Mystic Miner, close to Wyoming Border.

**Purpose:** Subdivide

**Zoning:** PF

**Conflicts of Interest:** Brady

Brady abstained from discussion and vote.

Vogt explained the fire plan had been completed, but not implemented. Pummel explained the prohibitive cost of hiring this work done. He asked to withdraw consideration of the Final Plat until this work is complete.

Moved-Seconded (O'Dea-Mattson) to approve the Preliminary Plat. Aye: 4, Brady abstained. Motion Carried.

**3. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Stuart & Linda Williams/NJS Engineering

**Action Required:** Approval/Denial

**Description:** Lots W-6 & W-7 of Tract A of HES 443 in Section 14, T5N, R1E

**Location:** Close to Tinton Road/Higgins Gulch Road intersection

**Purpose:** Combine four lots into two lots.

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained this exempt plat combines four lots into two, which is decreasing density in this area.

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

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

**4. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Barb & Bert Oliver

**Action Required:** Approval/Denial

**Description:** Lots of Lot 1 & 2 of Tract A, Section 28, T6N, R4E.

**Location:** Crook City Road

**Purpose:** Creating a 1 acre parcel for annexation and platting the remainder for the County.

**Zoning:** PF

**Conflicts of Interest:** O'Dea

O'Dea abstained from discussion and vote.

Vogt explained this plat was seen by the Board at the May meeting as a layout plan, and is required in order to annex the one acre parcel into the City of Whitewood, as a metes and bounds description is not accepted for recording purposes.

Moved-Seconded (Brady-Mattson) to approve the Preliminary Plat with the condition Lot 1 be annexed into the City of Whitewood. Aye: 4, O'Dea abstained. Motion Carried.

Moved-Seconded (Brady-Mickelson) to approve the Final Plat with the condition Lot 1 be annexed into the City of Whitewood. Aye: 4, O'Dea abstained. Motion Carried.

**5. LAYOUT PLAN**

**Owner/Representative:** Chris Kenzy

**Action Required:** Approval/Denial

**Description:** Deadbroke Tract B

**Location:** Off Carbonate Road, on Sunday Drive.

**Purpose:** Subdivide Tract back into four lots re-platted into one on plat #2002-05510.

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained the property had originally been platted as four lots in Deadbroke Mining Subdivision. Those four lots were re-platted in 2002 into one tract containing 19.37 acres. Mr. Kenzy wants to re-plat it back to the four lots. This would not be allowed under the present ordinance as he would have to have at least 20 acres to allow four lots. Mr. Kenzy asked for a variance from this requirement. Brady's opinion is that this situation does not meet the criteria for a variance. The consensus of the Board was they would not approve the division into four lots. Vogt explained to Mr. Kenzy that the next step would be to submit a Preliminary Plat with proposed lot layout. She also clarified that a fire plan would be required.

## **HEARINGS, INFORMATIONAL ITEMS and RECOMMENDATIONS:**

### **1. PUBLIC HEARING-CUP # 388-William Swenson-Specialty Resort**

**Owner/Representative:** William Swenson

**Action Required:** Recommendation of Approval or Denial

**Description:** Lot 1 of Swenson Subdivision, Section 8, T6N, R3E.

**Location:** Airport Road

**Purpose:** To create a Specialty Resort within existing home and add small cabins.

**Zoning:** RR

**Conflicts of Interest:** None

Swenson presented his plan to remodel his house and build five cabins on his 6.64+- acre lot east of the Airport. He wishes to keep the rural feel and look of the place with the cabins built behind the house less visible from the road.

Vogt stated one letter from Keith Swenson had been received with a concern being the possibility of a campground. This CUP request does not include a campground.

PROPOSERS: None

OPPOSERS: None

APPLICANT: Nothing more

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (O'Dea-Mickelson) to recommend approval with the conditions listed in the Staff Report. Aye: 4, Nay: Brady. Motion Carried.

### **2. PUBLIC HEARING-COZ # 291- PF to PUD for a Multi Zoned Development**

**Owner/Representative:** BH Development LLC, BH Properties, Greg & Jennifer Kaschmitter

**Action Required:** Recommendation of Approval or Denial of Concept Plan Only, table the COZ Public Hearing until Master Plan is received

**Description:** (See application for full legal description)

**Location:** Hwy 85 next to Wilderness Estates

**Purpose:** To create a multi zoned development

**Zoning:** PF

**Conflicts of Interest:** None

Vogt reviewed the General PUD requirements and intent as well as the procedure. She explained that only their Concept Plan is ready for review, not the Master Plan. She asked that comments be heard today and the hearing left open until the next meeting on July 1, 2010, enabling the applicants to consider comments and concerns when preparing the Master Plan.

The hearing was conducted informally with questions and concerns expressed by audience members.

Greg Kaschmitter presented the concept explaining location, area size, accessibility, and intent.

Brad Ellis, project engineer, explained the design layout by Rick Harrison.

The audience members speaking included: Richard Lee, Richard Fort, John Essink, Ron Shively, Georgette Ohayon, Robert Utecht, Larry Scherer, Geri Mykleby, Sandy Manderfield, and Jim Luze. Many concerns expressed regarded noise, water supply and usage, environmental protections, lifestyle infringement, the present number of open lots available for sale, effects on wildlife and the Mickelson Trail.

The Public Hearing was continued to the July 1, 2010 meeting. Vogt notified the audience members that they would not be receiving another mailing as the Public Hearing was continued, but that the notice would be published in the paper or anyone could call the office to discuss meeting dates and times.

**3. INFORMATIONAL MEETING-CUP # 389-Patrick Auer - Gun Shop**

**Owner/Representative:** Patrick Auer

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** Tract A of Auer Subdivision in Section 30, T6N, R4E

**Location:** Off Crook City Road

**Purpose:** Build custom rifles-gun repair-firearms dealer

**Zoning:** A-1

**Conflicts of Interest:** None

Auer explained his request is for a machine shop to custom build firearms, not a retail store. He will be using their machine repair shop building, presently permitted as a Condition Use. He asks for an additional CUP for this venture. No onsite inspection was scheduled and the Public Hearing will be held at the next P&Z meeting on July 1, 2010.

**4. INFORMATIONAL MEETING-CUP # 390-Saddle Mountain Church/ Jimmy & Tamara Montieth**

**Owner/Representative:** Jimmy & Tamara Montieth

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** 62.5 acres in Section10, T6N, R3E.

**Location:** North of Elkhorn Ridge Golf Course, off St Onge Road.

**Purpose:** Church

**Zoning:** A-1  
**Conflicts of Interest:** None

Vogt stated this request is to enable the property owners to hold church services on their property on the St. Onge road, when their present church property on Deer Mountain sells. No onsite inspection was scheduled and the Public Hearing will be held at the next P&Z meeting on July 1, 2010.

5. **INFORMATIONAL MEETING-CUP # 391-7<sup>th</sup> Day Adventist Church of Spearfish**  
**Owner/Representative:** 7<sup>th</sup> Day Adventist Church  
**Action Required:** Discussion/Set Onsite/Set Public Hearing  
**Description:** Lot 1 of SW1/4SE1/4 in Section 33, T7N, R2E  
**Location:** Corner of Hwy 14 & Terry Lane (Spearfish Valley)  
**Purpose:** Church  
**Zoning:** SRD  
**Conflicts of Interest:** None

Vogt explained the location of the lot owned by 7<sup>th</sup> Day Adventist Church on Hwy 14 across from Upper Valley Road. They are requesting a permit for a Church. No onsite inspection was scheduled and the Public Hearing will be held at the next P&Z meeting on July 1, 2010.

6. **INFORMATIONAL MEETING – ORD 10-05 Fire Protection**  
**Owner/Representative:** Lawrence County Planning and Zoning Department  
**Action Required:** Discussion/Set Public Hearing  
**Description:** All of Lawrence County  
**Purpose:** Proposed Regulations for Fire Protection requirements in Subdivision and Zoning Ordinances.  
**Conflicts of Interest:** None

Vogt provided the proposal prepared by the Task Force. This proposal increases the requirements for subdividing in the County to include a Phased Fire Plan, additional requirements for Defensible Space around ones residence and additional requirements for subdividing. A Public Hearing will be held at the next P&Z meeting on July 1, 2010.

7. **Opportunity for Public Comment:** None  
8. **Items from Planning and Zoning Board Members:** None

Motion by Brady to adjourn at 3:45 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF July 1, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, July 1, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Craig Mickelson, Marty O’Dea, Barb Mattson, Bill Coburn, Daryl Johnson, Tom Brady

**ABSENT:** None

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Coburn-Mattson) to approve minutes of the meeting, June 3, 2010. Aye: 6, Brady absent during vote. Motion Carried.

Moved-Seconded (Mickelson-Coburn) to approve the amended agenda with the following changes:

1. Move “Items from Planning and Zoning Board Members” to the end of the meeting.
2. Pull Plat #5 for Larry Roth as requested by applicant.
3. As clarification, Vogt explained the applicant has asked to pull from the agenda, the continued hearings for the Change of Zoning request #291, concept plan, master plan and zoning change until August 5, 2010.

Aye: 6, Brady absent during vote. Motion Carried.

Declaration of Conflicts of Interest: O’Dea-Plat #1 for James Christensen. Coburn-Plat #6 for Union Resorts, David Green & Joseph Kosel.

## 1. **FINAL PLAT**

**Owner/Representative:** James Christensen/John Peters

**Action Required:** Approval/Denial

**Description:** Lot C-1 & Tract A-1

**Location:** Whitewood

**Purpose:** move lot lines

**Zoning:** A-1

**Conflicts of Interest:** O’Dea

O’Dea abstained from discussion and vote. Vogt explained this plat combines a small portion of a lot divided by the railroad ROW into a larger lot on the same side of the ROW.

Moved-Seconded (Coburn-Mickelson) to approve the Final Plat. Aye: 6, O’Dea Abstained. Motion Carried

## 2. **PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Donna Sedivy/Baseline Surveying

**Action Required:** Approval/Denial

**Description:** Lot 9R & 11R in Blk 1, Boulder Park

**Location:** Boulder Park

**Purpose:** Combine four lots into two.

**Zoning:** SRD

**Conflicts of Interest:** None

Vogt explained this plat combines four lots into two. She also stated this property is in the proposed Sturgis 3-mile jurisdiction area. She has discussed with the owner that it would be beneficial for her to have it also considered by the City of Sturgis.

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

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

**3. FINAL PLAT**

**Owner/Representative:** Luella, Inc/Arleth & Associates

**Action Required:** Approval/Denial

**Description:** Lot 17 of the Estates at Pillar Peak

**Location:** Boulder Canyon

**Purpose:** New Lot

**Zoning:** PF

**Conflicts of Interest:** None

Moved-Seconded (Coburn-O'Dea) to approve Final Plat. Motion Carried.

**4. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Darrell Vig/Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Tract 4A-1, Crow Dog Tract K and Black Thunder Tract

**Location:** Deer Mountain

**Purpose:** move lot lines and plat remainders

**Zoning:** PF & RC

**Conflicts of Interest:** None

Vogt explained a Change of Zoning was approved for this property, however, the ordinance was not recorded waiting for the platting required which included completion of the fire plan. Vig has since asked that the COZ be rescinded, and this plat for three lots be approved.

Moved-Seconded (Brady-O'Dea) to approve the Preliminary plat subject to the change of zoning being rescinded by the County Commission. Aye: 5, Nay: Coburn, Mattson. Motion Carried.

Moved-Seconded (Mickelson-Brady) to approve the Final plat subject to the rescinding of the change of zoning by the County Commission. Aye: 5, Nay: Coburn, Mattson. Motion Carried.

**5. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Larry Roth/Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Tracts 1 & 2 sub of Transit & Selbie Lodes, MS 1209

**Location:** Deer Mountain

**Purpose:** Move lot line

**Zoning:** PF

**Conflicts of Interest:** None

This plat was pulled from consideration by Mike Perceovich, representing Mr. Roth.

**6. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Union Resorts, David Green, Joseph Kosel/ CETEC

**Action Required:** Approval/Denial

**Description:** Lots 3R & 4R Deer Mountain Dev #2

**Location:** Deer Mountain

**Purpose:** Combine lots created from Mystic Miner with Green & Kosel lots to form buffer.

**Zoning:** SRD & PUD

**Conflicts of Interest:** Coburn

Coburn abstained from discussion and vote. Vogt explained this plat combines two lots created by Union Resorts with present lots in Deer Mt. Subdivision owned by Green and Kosel to provide a buffer. There was a question of boundaries on this plat and the plat was withdrawn at this time. Later in the meeting, the property owners returned explaining this plat is agreeable with all of them.

Moved-Seconded (Brady-O'Dea) to approve the Preliminary plat. Aye: 6, Coburn Abstained.  
Motion Carried.

Moved-Seconded (Brady-Mickelson) to approve the Final plat. Aye: 6, Coburn Abstained.  
Motion Carried.

## **RECOMMENDATIONS, INFORMATIONAL ITEMS and PUBLIC HEARINGS:**

### **1. INFORMATIONAL MEETING-COZ # 292-SRD to HSC-Chad Adams**

**Owner/Representative:** Chad Adams

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

**Description:** Tract 61 Section 5, T4N, R3E.

**Location:** Hwy 14A-next to Edge Sports

**Purpose:** Operation of Automotive Repair and used care sales

**Zoning:** SRD-Suburban Residential District

**Conflicts of Interest:** None

Adams purchased property outside of Lead. The property has been used as commercial in the past and is adjacent to commercially zoned property. Discussion is ongoing with the DOT regarding highway right-of-way. No on-site inspection was scheduled and a public hearing was set for August 5, 2010.

### **2. PUBLIC HEARING-COZ # 291- Concept Plan, Master Plan, PF to PUD for Multi Zoned Development (continuation from June 3, 2010)**

**Owner/Representative:** BH Development LLC, BH Properties, Greg & Jennifer Kaschmitter

**Action Required:** Recommendation of Approval or Denial of Concept Plan

**Description:** (See application for full legal description)

**Location:** Hwy 85 next to Wilderness Estates

**Purpose:** To create a multi zoned development

**Zoning:** PF

**Conflicts of Interest:**

BH Development LLC contacted our office on Monday, June 21, 2010 and requested the Public Hearing be continued until the August 5, 2010 Regular Planning & Zoning Meeting. They decided to hold an informal public meeting at the Deadwood Gulch Convention Center for surrounding property owners on Tuesday, June 22, 2010. They will continue to gather the required information needed for the Concept Plan and the Master Plan.

Moved-Seconded (Brady-Coburn) table the public hearing for COZ #291 until August 5, 2010.

Motion Carried.

3. **PUBLIC HEARING-CUP # 389-Patrick Auer - Gunshop**  
**Owner/Representative:** Patrick Auer  
**Action Required:** Recommendation of Approval/Denial  
**Description:** Tract A of Auer Subdivision in Section 30, T6N, R4E  
**Location:** Off Crook City Road  
**Purpose:** Build custom rifles-gun repair-firearms dealer  
**Zoning:** A-1  
**Conflicts of Interest:** None

Vogt explained Auer wishes to use the present maintenance shop for building, repair and sale of firearms.

Toby Rath, adjacent landowner, stated they find the Auer family responsible and honest and they have no objection to this request. There was no other public input and the hearing was closed. The Board discussed hours of operation and test firing plan be added as conditions.

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #389 with the addition to conditions being hours of operation and test firing. Motion Carried.

4. **PUBLIC HEARING-CUP # 390-Saddle Mountain Church/ Jimmy & Tamara Montieth**  
**Owner/Representative:** Jimmy & Tamara Montieth  
**Action Required:** Recommendation of Approval/Denial  
**Description:** 62.5 acres in Section 10, T6N, R3E.  
**Location:** North of Elkhorn Ridge Golf Course, off St Onge Road.  
**Purpose:** Church  
**Zoning:** A-1  
**Conflicts of Interest:** None

Vogt described the area being off St Onge Road, and showed the proposed site plan. She explained the applicant has a present CUP for a church on Deer Mountain, and will not use this requested CUP until the discontinuance of the present one. She suggested this be a condition of approval. Brian Hall, representing Saddle Mountain Church, stated are asking for the CUP now in order to move church services to this site as soon as they either sell or rent the present property on Deer Mountain. The City of Spearfish requests that dust control measures be applied to the road on a regular basis.

Anita Hansen representing Elkhorn Ridge Golf Course and Resort, voiced concern with traffic and the approach to the road. She stated they also feel that this permit should not be considered until the other one is no longer in use. No other public input was given and the hearing was closed.

Board discussion included: what portion of this property would be designated as tax exempt, the possibility of requiring a Fire Mitigation Plan, the length and width of the driveway to the building site, and the need for dust control.

Moved-Seconded (O'Dea-Mattson) to recommend approval of CUP #390 with two additional conditions being 1. A 24' driving surface to County specifications, and 2. A wildfire mitigation plan will be required. Aye: 5, Nay: Johnson & Coburn. Motion Carried.

5. **PUBLIC HEARING-CUP # 391-7<sup>th</sup> Day Adventist Church of Spearfish**

**Owner/Representative:** 7<sup>th</sup> Day Adventist Church  
**Action Required:** Recommendation of Approval/Denial  
**Description:** Lot 1 of SW1/4SE1/4 in Section 33, T7N, R2E  
**Location:** Corner of Hwy 14 & Terry Lane (Spearfish Valley)  
**Purpose:** Church  
**Zoning:** SRD  
**Conflicts of Interest:** None

This property is on the corner of Hwy 14 and Terry Lane, north of Spearfish. Parking and access from both Hwy 14 and Terry Lane was discussed. This property is in the Spearfish building permit jurisdiction. Access will have to be approved by the County Highway Superintendent. The City of Spearfish commented on access and parking.

Judy Meverden asked if the Church would be willing to help maintain Terry Lane which is a private road with no organized road district. No other public input was given and the hearing was closed.

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #391 with two additional conditions being: 1. All access points off of HWY 14A be approved by the County Highway Superintendent. 2. Proof of a cooperative road maintenance agreement for Terry Lane with land owners to be provided. Motion Carried.

**6. PUBLIC HEARING – ORD 10-05 Fire Protection**

**Owner/Representative:** Lawrence County Planning and Zoning Department  
**Action Required:** Recommendation of Approval/Denial  
**Description:** All of Lawrence County  
**Purpose:** Proposed Regulations for Fire Protection requirements in Subdivision and Zoning Ordinances.  
**Conflicts of Interest:** None

There was no public input, the hearing was closed. Discussion pertained to wording changes, fire resistant material requirements, and Fire-wise requirements for new construction on established lots versus newly platted lots.

Moved-Seconded (Brady-Mickelson) to recommend approval of ORD 10-05 with proposed changes. Motion Carried.

**7. Opportunity for Public Comment: None**

**8. Items from Planning and Zoning Board Members:**

Vogt reported the County has been granted authorization for consideration of sign size, spacing and lighting along state and federal highways. The request had been sent to the State DOT to be forwarded to the Federal agency for approval. Recommendations were received for changes to sign regulations and these will be presented at the August 5, 2010 meeting.

Motion by O'Dea to adjourn at 4:06 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF August 5, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, August 5, 2010 at 1:30 p.m. in the Deadwood City Hall, 104 Sherman Street, Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Craig Mickelson, Tom Brady, Barb Mattson, Marty O’Dea, Daryl Johnson.  
Bill Coburn arrived at 2:17.

**ABSENT:** None

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Brady-Mattson) to approve minutes of the meeting, July 1, 2010. Aye: 6, Coburn absent. Motion Carried.

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

1. Move “Items from Planning and Zoning Board Members” to the end of the meeting.
2. Pull Item #6 Public Hearing for Ord. #10-06-Power House Pass Development agreement as requested by the applicant.

Aye: 6, Coburn absent. Motion Carried.

**Declaration of Conflicts of Interest:**

Chairman Tysdal stated he has two agents doing business with some of the applicants of COZ #291, declared a possible conflict, and asked if the Board considered this a conflict or if not, could he be allowed to proceed with involvement in this matter. The other members saw no conflict and agreed he could proceed.

Brady stated a conflict with item #4 - CUP #392 Schmitz, however later stated he was mistaken and had no conflict.

## PLATS IN ORDER AS LISTED

### 1. PRELIMINARY AND FINAL PLAT

**Owner/Representative:** Larry Roth/Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Tracts 1 & 2 sub of Transit & Selbie Lodes, MS 1209

**Location:** Deer Mountain

**Purpose:** Move lot line

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained this plat does not increase density as it is a lot line change, but her concern is with access. There is a proposed access easement, but nothing recorded or shown on the plat. Discussing pertained to alternate access and Mike Percevich, representing Roth, agreed to withdraw consideration of this plat and discuss re-issuance with possible changes in access with the owner.

## RECOMMENDATIONS, INFORMATIONAL ITEMS and PUBLIC HEARINGS:

**1. PUBLIC HEARING-COZ # 292-SRD to HSC-Chad Adams**

**Owner/Representative:** Chad Adams

**Action Required:** Recommendation of Approval/Denial

**Description:** Tract 61 Section 5, T4N, R3E.

**Location:** Hwy 14A-next to Edge Sports

**Purpose:** Operation of Automotive Repair and used care sales

**Zoning:** SRD-Suburban Residential District

**Conflicts of Interest:** None

Vogt explained the plan for a new building if the COZ is approved. She described the property's limitations because of flood plain, road right-of-way, and hillside. She also explained proposed placement of a new building, with no further encroachment into the right-of-way as the present structure except for the overhang that will not be replaced. Vogt further stated any new structure will require a variance from setback requirements.

There was no public input and the hearing was closed.

Moved-Seconded (O'Dea-Mickelson) to recommend approval of COZ #292 per staff recommendation and conditions. Aye: 6, Coburn Absent. Motion Carried.

**2. INFORMATIONAL MEETING– ORD 10-04 SIGN REGULATIONS**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Set Public Hearing

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for on premise, off premise and other signage

**Conflicts of Interest:** None

Vogt explained these changes are needed as a result of discussion with the State after requesting County regulations be adopted and enforced along State and Federal highways. A public hearing will be held Sept 2, 2010.

**3. INFORMATIONAL MEETING– ORD 10-07 Ordinance Text Change to Process of Hearings**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Set Public Hearing

**Description:** All of Lawrence County

**Purpose:** Proposed regulations for change to the Text Change Amendments process

**Conflicts of Interest:** None

Vogt stated this request was made by the County Commission to add wording in the Ordinance explaining options for additional readings, continuation of the hearing, or reopening of the public hearing, if substantial changes are made from one reading to the next. A public hearing will be held Sept 2, 2010.

**4. INFORMATIONAL MEETING-CUP #392 Terry & Colleen Schmitz-2<sup>nd</sup> Residence**

**Owner/Representative:** Terry & Colleen Schmitz

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** Lot 2, N1/2SW1/4NE1/4 Ex Lot A, Section 1, T2N, R5E

**Location:** Off Nemo Road in SE corner of County.

**Purpose:** Allow 2<sup>nd</sup> residence for family member

**Zoning:** PF

**Conflicts of Interest:** None

This request is for a second residence for their daughter and family on this 60+ acre lot. A public hearing will be held Sept 2, 2010.

5. **PUBLIC HEARING-COZ # 291- Concept Plan, Master Plan, PF to PUD for Multi Zoned Development (continuation from June 3, 2010)**

**Owner/Representative:** BH Development LLC, BH Properties, Greg & Jennifer Kaschmitter

**Action Required:** Recommendation of Approval or Denial of all items listed above

**Description:** (See application for full legal description)

**Location:** Hwy 85 next to Wilderness Estates

**Purpose:** To create a multi zoned development

**Zoning:** PF

**Conflicts of Interest:** None

One hearing was held on three requests being the Concept Plan, Master Plan and Change of Zoning, with the Board making separate recommendations on each item.

Vogt explained the Development Agreement portion of the request has been withdrawn as requested. She stated she received a packet of information from Jeri Mykleby, and some recent letters of support.

John Frederickson, representing the applicants, presented an overview of the project and explained the Community Improvement District concept that if the COZ is successful, the developers plan to create.

Jennifer Kaschmitter presented the history of their land development in Lawrence County and introduced the other members of their team, Joel Dykstra, Al Block, Brad Ellis, Rick Harrison and Rob Mattox. Each spoke about their particular portion of the project.

**PROPOSERS:** Bill Sandt, spoke in support of the development and stated BH Development has proven they are responsible developers and shown their commitment to the community. Jerry Aberle, stated this property has historically been treated like public land since mining companies have owned it, however, he thinks this plan is much better than several small developments.

**OPPOSED:** Richard Fort voiced concern with environmental issues, such as the amount of water needed, the increasing urbanization sprawl, and wildlife. Tom Huhnerkoch questioned environmental impacts and general tax increase for fire & police protection. Jason and Jennifer Erickson stated when they purchased their property in Wilderness Estates their intent was not to live in another town. Jeri Mykleby asked the zoning stay Park Forest and questioned if this is the type of community wanted or needed in the area. Phil Breland voiced concern for area roads during gravel hauling and the dust and noise this project will cause.

Board discussion included total acreage of the project, time frame of development and what may be involved in each phase of the plan. Fire protection and mitigation plans were considered along with plans to provide water and sewage disposal.

Moved-Seconded (Mickelson-Johnson) to table the consideration of COZ #291 PF to PUD, Concept Plan and Master Plan. Aye: 3, Nay 4. Motion Failed

Moved-Seconded (Brady-Mickelson) to approve the Concept Plan. Aye: 5, Nay 2. Motion Carried.

Moved-Seconded (Johnson-Coburn) to table consideration of the COZ #291 PF to PUD and the

Master Plan. Motion Carried.

- 7. **Opportunity for Public Comment:** None
- 8. **Items from Planning and Zoning Board Members:** None

Motion by Brady to adjourn at 5:00 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF September 2, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, September 2, 2010 at 1:30 p.m. in the Deadwood City Hall, 104 Sherman Street, Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Craig Mickelson, Tom Brady, Marty O’Dea, Daryl Johnson, Bill Coburn.

**ABSENT:** Barb Mattson

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Mickelson-Johnson) to approve minutes of the meeting, August 5, 2010.  
Motion Carried.

Moved-Seconded (Brady-Coburn) to approve the amended agenda with the following change:  
1. Move “Items from Planning and Zoning Board Members” to the end of the meeting.  
Motion Carried.

Declaration of Conflicts of Interest:

Tysdal: Plat #3 and Informational #7 both for Gilded Mountain. The Board approved him to continue to conduct the meeting during those items.

Brady: Plat #3 and Informational #7 both for Gilded Mountain.

## PLATS IN ORDER AS LISTED

### 1. PRELIMINARY AND FINAL PLAT

**Owner/Representative:** Larry Roth/Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Tracts 1 & 2 sub of Transit & Selbie Lodes, MS 1209

**Location:** Deer Mountain

**Purpose:** Move lot line

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained this is an exempt plat, as it is not increasing density, only moving a lot line. It was considered at the last meeting with access issues discussed. The plat now shows a 40’ private driveway easement to Tract 2 from Hwy 85/14A. An access easement document was also prepared giving a 40’ easement to Tract 1.

Moved-Seconded (Mickelson-O’Dea) to approve the Preliminary Plat with the condition that Access Easement document be recorded. Aye: 4, Nay: 2. Motion Carried.

Moved-Seconded (Johnson-Mickelson) to approve the Final Plat with the condition that Access Easement document be recorded. Aye: 4, Nay: 2. Motion Carried.

### 2. PRELIMINARY AND FINAL PLAT

**Owner/Representative:** Rigsby, Wieczorek, Peters, Karels, Fairbanks/ Arleth & Assoc  
**Action Required:** Approval/Denial  
**Description:** Lots 1R,3R,5R,8A-1,9A-1,&10R all in Blk F, Boulder Heights Addition  
**Location:** Boulder Canyon  
**Purpose:** Combine lot lines, required for Vacation of Section Line  
**Zoning:** SRD  
**Conflicts of Interest:** None

Vogt explained these property owners wish to vacate the portion of the section line along the border of the southern lots. A Vacation of Section Line petition was considered and approved by the Commission, but it was found the property should have been re-platted prior to approval. The vacation was rescinded and this plat is combining the southern lots with the lots with other road frontage, allowing the vacation of the section line.

Moved-Seconded (Mickelson-Brady) to approve the Preliminary Plat with the condition that the section line be vacated. Motion Carried.

Moved-Seconded (Mickelson-Brady) to approve the Final Plat with the condition that the section line be vacated. Motion Carried

### 3. FINAL PLAT

**Owner/Representative:** Gilded Mountain, LLC/Four Front Design  
**Action Required:** Approval/Denial  
**Description:** Lots 34-B, 34-C, 34-C, 34-D & Lot C-1, Gilded Mt.  
**Location:** Off Hwy 85S, South of Lead  
**Purpose:** New Lots  
**Zoning:** SRD  
**Conflicts of Interest:** Tysdal, Brady

Tysdal and Brady abstained from discussion and vote.

Moved-Seconded (Mickelson-Coburn) to approve Final Plat. Aye: 4. Abstain: Tysdal, Brady. Motion Carried.

### 4. PRELIMINARY AND FINAL PLAT

**Owner/Representative:** Union Resorts LLC/ CETEC  
**Action Required:** Approval/Denial  
**Description:** Eight tracts to Mystic Miner Subdivision  
**Location:** Deer Mountain  
**Purpose:** New Lots  
**Zoning:** PUD  
**Conflicts of Interest:** None

Kevin Klaprodt explained the need for platting these tracts is related to separate ownership issues, funding and legal description requirements. Vogt explained these Tracts will each show as a deduction in total units, and there will be no building rights attached to the tracts.

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

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

**5. LAYOUT PLAN**

**Owner/Representative:** Homestake Mining Co/ Julie Stone

**Action Required:** Consideration/Suggestions

**Description:** Remainder of PC 252, Section 28, T5N, R3E.

**Location:** Maitland Road

**Purpose:** Plat remainder

**Zoning:** SRD

**Conflicts of Interest:** None

Julie Stone, representing Homestake Mining Company, explained this property of about 3.7 acres with the majority of it being a portion of the Maitland road. The rest is access to five adjacent properties. The Board suggested the access portions be re-platted into the other five properties. Julie said she would discuss this option with the property owners.

**RECOMMENDATIONS, INFORMATIONAL ITEMS and PUBLIC HEARINGS:**

**1. PUBLIC HEARING -CUP #392 Terry & Colleen Schmitz-2<sup>nd</sup> Residence**

**Owner/Representative:** Terry & Colleen Schmitz

**Action Required:** Recommendation of Approval/Denial

**Description:** Lot 2, N1/2SW1/4NE1/4 Ex Lot A, Section 1, T2N, R5E

**Location:** Off Nemo Road in SE corner of County.

**Purpose:** Allow 2<sup>nd</sup> residence for family member

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained the present residence is a mobile home. The Schmitz' wish to place another home on the same 60+ acre parcel allowing their daughter to reside in the present residence. They have agreed to a condition on a new building permit that if or when the daughter moves, the mobile home would be removed or the property re-platted.

There was no public input and the hearing was closed.

Moved-Seconded (Brady-Coburn) to recommend approval of CUP #392. Motion Carried.

**2. PUBLIC HEARING – ORD 10-04 SIGN REGULATIONS**

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Recommendation of Approval/Denial

**Description:** All of Lawrence County

**Purpose:** Proposed Regulations for on premise, off premise and other signage

**Conflicts of Interest:** None

Vogt explained the updates to this regulation are based on SDCL Chapter 31-29 which allows the State to adopt County regulations based on size, lighting and spacing as well as format changes and staff suggested changes. There was no public input and no questions from the Board regarding this proposal and the public hearing was closed.

Moved-Seconded (O'Dea-Mickelson) to recommend approval of Ord #10-04. Motion Carried.

**3. PUBLIC HEARING – ORD 10-07 Ordinance Text Change to Process of**

## Hearings

**Owner/Representative:** Lawrence County Planning and Zoning Department

**Action Required:** Recommendation of Approval/Denial

**Description:** All of Lawrence County

**Purpose:** Proposed regulations for change to the Text Change Amendments process

**Conflicts of Interest:** None

These changes are to create an additional hearing if there are any substantial changes to a proposed text ordinance changes. There was no public input and no questions from the Board regarding this proposal and the public hearing was closed.

Moved-Seconded (Mickelson-Johnson) to recommend approval of Ord #10-07. Motion Carried.

### 4. **RECOMMENDATION MEETING – VAR 127 Chad Adams**

**Owner/Representative:** Chad Adams

**Action Required:** Recommendation of Approval/Denial

**Description:** Tract 61 Section 5, T4N, R3E

**Location:** Hwy 14A/85-Next to Edge Sports

**Purpose:** 17'7" and 6" variance from the 25' setback from ROW

**Zoning:** SRD

**Conflicts of Interest:** None

Vogt reminded the Board that discussion of the need for a variance was held during the change of zoning procedure. She explained the physical limitations of the lot and showed the proposed site plan.

Moved-Seconded (Brady-O'Dea) to recommend approval of VAR #127 contingent on the approval of the change of zoning of the property. Motion Carried.

### 5. **INFORMATIONAL MEETING-CUP #393 Marie Schneider-2<sup>nd</sup> Residence**

**Owner/Representative:** Marie Schneider

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** Tract 2C of Lot 2 of NW1/4NW1/4, Section 22, T7N, R3E

**Location:** NW of St Onge

**Purpose:** Allow 2<sup>nd</sup> residence for family member

**Zoning:** A-1

**Conflicts of Interest:** None

This request is for a temporary 2<sup>nd</sup> residence for Mrs. Schneider's daughter on her 19+/- acre parcel northwest of St Onge. An on-site inspection is scheduled for Oct 7 at noon. A public hearing will be held at the next P&Z meeting on Oct 7.

### 6. **INFORMATIONAL MEETING-CUP #394 Keith Schettler-Campground**

**Owner/Representative:** Keith Schettler

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** Lot Y of Lot A-2a in Section 35, T6N, R4E

**Location:** East of Whitewood

**Purpose:** Campground

**Zoning:** PF

**Conflicts of Interest:** None

Vogt explained this property has had a campground on it for a couple of years. She received a call questioning the use and asked Mr. Schettler to apply for a CUP to bring the use into compliance. An onsite inspection is scheduled for Oct 7 at 11:00 am. A public hearing will be held at the next P&Z meeting on Oct 7.

**7. INFORMATIONAL MEETING-COZ 293 Gilded Mt-SRD to HSC**

**Owner/Representative:** Gilded Mt, LLC, Scot Munro  
**Action Required:** Discussion/Set Onsite/Set Public Hearing  
**Description:** Lot C-1, Gilded Mt  
**Location:** Hwy 14A/85 South of Lead  
**Purpose:** Zoning Change to allow light retail on one lot.  
**Zoning:** SRD to HSC  
**Conflicts of Interest:** Tysdal, Brady

Tysdal & Brady abstained from discussion and vote.

Vogt reminded the Board this zoning change was part of the original PUD plan when the original acreage was rezoned prior to development. No on-site viewing was scheduled and a public hearing will be at the next P&Z meeting on Oct. 7.

**8. PUBLIC HEARING-COZ # 291- Master Plan & COZ from PF to PUD for Multi Zoned Development (continuation from August 5, 2010)**

**Owner/Representative:** BH Development LLC/Greg & Jennifer Kaschmitter  
**Action Required:** Recommendation of Approval/Denial  
**Description:** (See application for full legal description)  
**Location:** Hwy 85 next to Wilderness Estates  
**Purpose:** To create a multi zoned development  
**Zoning:** PF  
**Conflicts of Interest:**

The Master Plan and PUD Change of Zoning will all be discussed by the applicant together, but the Board will make separate recommendations on each item.

**Master Plan**

**Action Required:** Recommendation of Approval or Denial of Master Plan

**COZ # 291-PF to PUD for Multi-Zoned Development**

**Action Required:** Recommendation of Approval or Denial of COZ 291-PF to PUD

Vogt presented her updated staff report. The applicants Jennifer Kaschmitter, the Designer Rick Harrison, and the Project Manager Al Block, presented information on this proposal including the plan to create a Community Development District. There was no public input. Vogt explained a letter had been received from Jason Erickson in opposition. The public hearing was closed. Board discussion included topography of the area including that of the Erickson lot, lack of consideration of annexation by the City of Lead, secondary access and interior roads, phasing and fire protection plans. Also considered was that a well planned development such as this was preferable to an alternative that would allow over 200 homes with individual septic systems and wells. Development agreement options were also discussed.

Moved-Seconded (Mickelson-Coburn) to recommend approval of the Master Plan. Aye: 5, Nay:1. Motion Carried.

Moved-Seconded (Coburn-Mickelson) to recommend approval of COZ #291 following Staff Recommendations with the following deletions and amendments on pages 18 & 19 of the Staff Report:

Delete:

#5 (Proof of financial strength of the developer)

#11 (The easement located across Rochford Road shall be dedicated to the public)

Amend:

#8 to read: All infrastructure and plans may be reviewed by an inspector upon reasonable discretion of the County.

#9 to read: The developer shall construct turning lanes at the intersection on the Rochford Road at Highway 85 and on the Rochford Road at the Brownsville Road intersection when the traffic numbers on the Rochford Road reach 250+ vehicles per hour

#10 to read: The developer shall construct a turning lane on the Brownsville Road at the intersection with the Rochford Road when the vehicle count reaches 450+ vehicles per hour on the Brownsville Road.

Motion Carried.

**9. PUBLIC HEARING- Powder House Pass-Development Agreement (associated with COZ #291 continued from August 5, 2010)**

**Owner/Representative:** BH Development LLC, Greg & Jennifer Kaschmitter

**Action Required:** Recommendation of Approval or Denial of Development Agreement

**Description:** (See application for full legal description)

**Location:** Hwy 85 next to Wilderness Estates

**Purpose:** To create a Development Agreement to coincide with COZ #291

**Conflicts of Interest:** None

Vogt explained the work on the development agreement is still in the process of being completed and as a part of this process the discussion of whether it should be in an Ordinance Format or a Resolution Format has been considered. Vogt asked for the Board's thoughts on this and the Board stated it really did not matter as long as we have a development agreement. Vogt stated the Development Agreement would move forward in a resolution format and would be ready at a later date.

Moved-Seconded (Mickelson-Brady) to continue the public hearing on the development agreement until October 7, 2010 P&Z meeting. Motion Carried.

**10. Opportunity for Public Comment:** None

**11. Items from Planning and Zoning Board Members:**

Coburn informed the Board Healthy Forest/Healthy Communities Conference on October 21 & 22, 2010 at Deadwood Lodge. The Board also discussed the unfinished home on McMasters Corner owned by Deadwood Log Homes, and access and outdoor music at Crow Peak Brewery.

Motion by Mickelson to adjourn at 4:50 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

# LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF October 7, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, October 7, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Craig Mickelson, Tom Brady, Marty O’Dea, Daryl Johnson, Barb Mattson, and Bill Coburn.

**ABSENT:** None

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (O’Dea-Johnson) to approve minutes of the meeting, Sept 2, 2010. Motion Carried.

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

1. Add consideration of a Preliminary Plat for Michael & Kerry Greear.
2. Add the following discussion items at the end of the meeting: Consideration of Phil Grumstrup as a Wild Fire Mitigation Contractor, Temporary 2<sup>nd</sup> residence ordinance and Campground ordinances.

Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Public Hearing of COZ #293 Gilded Mt. Brady: Public Hearing of COZ #293 Gilded Mt.

## PLATS IN ORDER AS LISTED

- 1. FINAL PLAT**  
**Owner/Representative:** Smokey Mountain Ranch LLC/ Arleth & Associates  
**Action Required:** Approval/Denial  
**Description:** Plat of lot 11, Smokey Mountain Ranch Subdivision  
**Location:** Crook Mountain Road  
**Purpose:** New Lot  
**Zoning:** SRD

Vogt explained a small area of this lot is in the Whitewood Superfund designation and this designation is provided on the plat.

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

- 2. LAYOUT PLAN**  
**Owner/Representative:** Herbert Haist/ Arleth & Associates  
**Action Required:** Approval/Denial  
**Description:** Lots 3A-1, 3A-2 & 3A-3 sub of PC 848 in Section 13, T5N, R3E  
**Location:** Boulder Canyon  
**Purpose:** Subdivision

**Zoning:** PF

Concern regarding access was discussed as the Whitewood Creek Road goes through the middle of this property. Haist was told emergency access will be required for subdivision of this property. The question came up as to exactly who would control this road and who would be the responsible person to sign as the Road Supervisor.

**3. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Larry Jacobs, Homestake Mining Co. / Ponderosa Land Surveys

**Action Required:** Approval/Denial

**Description:** Lot B-1A Revised, in section 29, T5N, R3

**Location:** Between Maitland Road and Cutting Mine Road

**Purpose:** Enlarge Jacobs lot

**Zoning:** PF

Vogt explained the object of this plat is to enable the enlargement of the Jacobs lot allowing a buffer between the present structure and the Sawpit Tract.

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

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

**4. PRELIMINARY AND FINAL PLAT**

**Owner/Representative:** Michael & Kerry Greear

**Action Required:** Approval. Denial

**Description:** Lot 2A Revised & Lot 2B Revised of Nellie Terrill Ranchettes

**Location:** NE of Whitewood

**Purpose:** Lot Line Change

**Zoning:** PF

Vogt explained this plat moves a lot line and does not increase density. She also stated this property is in the proposed Sturgis 3-mile jurisdiction area.

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

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

**RECOMMENDATIONS, INFORMATIONAL ITEMS and PUBLIC HEARINGS:**

**1. PUBLIC HEARING-CUP #393 Marie Schneider-2<sup>nd</sup> Residence**

**Owner/Representative:** Marie Schneider

**Action Required:** Recommendation of Approval/Denial

**Description:** Tract 2C of Lot 2 of NW1/4NW1/4, Section 22, T7N, R3E

**Location:** NW of St Onge.

**Purpose:** Allow 2<sup>nd</sup> residence for family member

**Zoning:** A-1

**Acreage:** 19 +/- acres

Vogt explained this request for a 2<sup>nd</sup> residence would allow Mrs. Schneider's daughter to live on the same acreage and assist her with daily needs.

There was no public input and the hearing was closed

2. Moved-Seconded (Mickelson-Brady) to recommend approval of CUP #393. Motion Carried.  
**PUBLIC HEARING-CUP #394 Keith Schettler-Campground**  
**Owner/Representative:** Keith Schettler  
**Action Required:** Recommendation of Approval/Denial  
**Description:** Lot Y of Lot A-2a Section 35, T6N, R4E  
**Location:** East of Whitewood  
**Purpose:** Campground  
**Zoning:** PF  
**Acreage:** 41 +/- acres

Vogt described the location and presented her staff report containing proposed conditions. The campground would be open for a 14 day period during the Rally. She said several complaints have been received concerning this request. Copies of these complaints are on file in the Planning & Zoning Office and have been provided to the Board.

PROPOSERS: Barb Dusenberry stated she has never witnessed noise, garbage or excessive traffic. She has no problem with this request. Boyce Gillies stated nothing is in sight and sees nothing to complain about.

OPPOSERS: Candi Thomson with Morman Law Firm, representing Joan Lemmel, Mike & Ginger Johnson, Mike & Sue Davies, Dean Miller, and Larry & Laura Parsons, explained her clients concerns regarding this request. They include a decrease in their property values and loss of use and enjoyment of their property, liability pertaining to upkeep of the private road used by renters, fire danger and increased garbage. They oppose a commercial campground in this area.

APPLICANT: Schettler addressed the concerns stating the grills provided are electric and he maintains the road.

PROPOSERS: None

OPPOSERS: None

#### CLOSE PUBLIC HEARING

Brady questioned present use of the rentals and asked what fire mitigation steps have been taken. Keith Schettler responded to Brady stating that he does not rent out the cabins or other properties except during the Rally. He does have friends and family stay sometimes. Tysdal stated during the onsite, the perimeter around the structures seems to be at a reasonable standard for fire safety. Mickelson mentioned he was surprised that you can not see any neighbors from the location of this property. The Board discussed road usage and maintenance, but felt that this was an issue between the property owners not for the County. Proposed conditions were discussed.

Moved-Seconded (Mickelson-O'Dea) to recommend approval with the changes to condition #2, #5, #10 and #17 and the addition of 2 new conditions #22 and #23 all listed below.

2. This CUP shall be good only for the 14 days over the Sturgis Motorcycle Rally, concurrent with the State Temporary Permit. **A copy of this permit shall be provided with the Planning & Zoning Office prior to operation.**

5. The camp operator shall contact the South Dakota Department of Health for an inspection of the facility before opening up the camp to groups and **provide proof of such compliance to the Lawrence County Planning & Zoning Office.**
10. Any new septic systems, or modifications to the existing systems shall be designed, inspected and approved by a South Dakota certified professional engineer (PE). The existing system shall be inspected by a **qualified person** and a copy of the resulting report shall be submitted for the file.
17. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. **If a new owner wishes to continue operating the activities of the CUP as stated in these conditions they shall request a transfer of the CUP from the County Commission. The County Commission may approve or deny a transfer of the CUP.**
22. **Applicant shall be required to install a smoke detector in Unit A and replace hollow core door with a fire rated door or replace door area with a sheetrock wall.**
23. **This CUP DOES NOT allow: alcohol sales, amplified music, sound systems, outdoor entertainment, open flames, tents, RV's or pull type campers or any other use beyond the 14 day time period allowed.**

Aye: 6. Nay: 1-Brady. Motion Carried.

**3. PUBLIC HEARING-COZ #293 Gilded Mt-SRD to HSC**

**Owner/Representative:** Gilded Mt LLC, Scot Munro

**Action Required:** Recommendation of Approval/Denial

**Description:** Lot C-1, Gilded Mt.

**Location:** South of Lead

**Purpose:** Zoning change to allow light retail on one lot

**Zoning:** SRD to HSC

**Acreage:** 2 +/- acres

Tysdal & Brady abstained from discussion and vote, with Tysdal continuing to conduct the meeting.

Vogt explained when the original change of zoning and PUD was presented this proposal was discussed as a future possibility. The 2+ acre lot at the front of the subdivision is accessed by Gilded Mountain Road which is entered from Hwy 85/14A. She explained a development plan will be required prior to a building permit being issued for any commercial activity.

No proponents spoke and Dale Peters stated he was not opposed but asked what is considered light commercial and is concerned with neighboring property that is used for commercial purposes. He is also concerned with safety issues along the highway. Vogt responded to Peters stating that the Boar's Nest was actually zoned HSC and the access is a State Controlled Access. The public hearing was closed.

Moved-Seconded (Mickelson-Mattson) to recommend approval of COZ #293. Aye: 5. Abstain: Tysdal, Brady. Motion Carried.

**4. PUBLIC HEARING- Powder House Pass-Development Agreement (associated with COZ**

**#291 continued from August 5, 2010)**

**Owner/Representative:** BH Development LLC, Greg & Jennifer Kaschmitter

**Action Required:** Recommendation of Approval or Denial of Development Agreement

**Description:** (See COZ #291 application for full legal description)

**Location:** Hwy 85 next to Wilderness Estates

**Purpose:** To create a Development Agreement to coincide with COZ #291

**Acreage:** 1023 +/- acres

This agreement was tabled at the last meeting. A development agreement is required with a change of zoning and in this case a General Development Agreement has been requested with detailed final agreements presented relative to each development phase. There was no public input and the public hearing was closed.

Moved-Seconded (Mickelson-Coburn) to recommend approval of the General Development Agreement for Powder House Pass. Motion Carried.

**5. INFORMATIONAL MEETING-Mystic Hills Campground – CUP AMENDMENT #298-10**

**Owner/Representative:** Steve Nothdurft

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** MS 1748, St John Claim and St John Lodes #1, #3, & #4 in Section 1, T3N, R3E

**Location:** Hwy 385

**Purpose:** Add 20 sites on additional acreage

**Zoning:** PF

**Acreage:** 17 +/- acres added, for a total campground acreage of 36 +/- acres.

Vogt reviewed the history of the campground. This request is to extend the boundary of the present CUP and add 20 long term camping spots. No on-site was scheduled and a public hearing is set for November 4, 2010.

**6. INFORMATIONAL MEETING-CUP 395 – Bauer, Curtis & DaNette-Recreational Vehicle rentals at Mystic Hills Campground**

**Owner/Representative:** Curtis Bauer (Owner-Steve Nothdurft)

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** MS 1748, St John Claim and St John Lodes #1, #3, & #4 in Section 1, T3N, R3E

**Location:** Hwy 385

**Purpose:** Recreational Vehicle rentals

**Zoning:** PF

**Acreage:** 17 +/- acres added, for a total campground acreage of 36 +/- acres.

Vogt explained the rental business will be conducted in the Lodge at Mystic Hills Campground with no additional buildings erected. No on-site was scheduled and a public hearing is set for November 4, 2010.

**7. Opportunity for Public Comment: None**

**8. Discussion items:**

Vogt reviewed the qualifications of Phil Grumstrup who has asked to be considered a Certified Wildfire Mitigation Contractor.

Moved-Seconded (Brady-Johnson) to approve Phil Grumstrup as a Certified Wildfire Mitigation Contractor as he meets all the requirements. Motion Carried.

Vogt discussed concern she has regarding regulations for temporary 2<sup>nd</sup> residences and campgrounds. She also discussed the need to review and update the Zoning Ordinance Chapter 6, district regulations.

Motion by Mickelson to adjourn at 4:00 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF November 4, 2010

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, November 4, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Tom Brady, Marty O’Dea, Barb Mattson, and Bill Coburn.

ABSENT: Craig Mickelson, Daryl Johnson,

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (Brady-O’Dea) to appoint Bill Coburn acting Secretary. Motion Carried.

Moved-Seconded (O’Dea-Brady) to approve minutes of the meeting, Oct 7, 2010. Motion Carried.

Moved-Seconded (Brady-Coburn) to approve the amended agenda with the following change: Plat # 5 should read: Final Plat for Mystic Miner – not Mystic Hills. Motion Carried.

Declaration of Conflicts of Interest: Mattson: Plats #3 & #4 for Mattson Inc.

**PLATS IN ORDER AS LISTED**

**1. LAYOUT PLAN for Jeff Sleep**

Action Required:	Discussion
Description (Location):	2 lots from an HES located along Besant Park Road
Purpose:	Split of 20 acres and keep 50 acres
Zoning & Acreage:	PF / 70.50 acres

Vogt explained a discussion she had with Rob Mattox regarding fire plan requirements and access to the forested areas on this property. The Board agreed that the Fire Plan be submitted stating suggestions taking into consideration his concerns.

**2. PRELIMINARY & FINAL PLAT for Tom Ventsam / Ponderosa Land Surveys**

Action Required:	Approval/Denial
Description (Location):	Old Galena Town Lots
Purpose:	To combine 6 old town lots into 2 larger lots
Zoning & Acreage:	PF / .62 acres including all lots

Vogt explained this would be considered an exempt plat as it is combining six Galena Town lots into two. All structures will now meet setback requirements with the platting.

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

Moved-Seconded (Coburn-O’Dea) to approve the Final Plat. Motion Carried.

**3. FINAL PLAT for Mattson Inc/Wrangler Construction Co/Arleth & Associates**

Action Required: Approval/Denial  
Description (Location): Lot 5 of Brighter Day #2/Two Bit/Boulder Canyon  
Purpose: First final will need to get o CC  
Zoning & Acreage: PF/4.40 acres

Barb Mattson abstained from discussion and vote.

Vogt explained that she and Dick Birk, Highway Superintendent, had concerns with erosion and drainage problems in the Brighter Day and Brighter Day #2 subdivisions that may eventually affect the Two Bit Road. Jon Mattson explained steps he has taken to control runoff and stated one of the contributing factors was the 4 1/2" rain in less than an hour this summer.

Moved-Seconded (Brady-Coburn) to approve the Final Plat. 4 aye, Mattson abstained. Motion Carried.

**4. FINAL PLAT for Mattson Inc/Wrangler Construction Co/Arleth & Associates**

Action Required: Approval/Denial  
Description (Location): Lot 11, Brighter Day /Two Bit/Boulder Canyon  
Purpose: Another lot in Subdivision/ Matches approved Preliminary  
Zoning & Acreage: PF/5.28 acres

Moved-Seconded (Brady-O'Dea) to approve the Final Plat. 4 aye, Mattson abstained. Motion Carried.

**5. FINAL PLAT for Mystic Miner/Union Resorts/CETEC**

Action Required: Approval/Denial  
Description (Location): 2 lots in Mystic Miner/Deer Mt  
Purpose: Lots for transfer purposes and financing/no building rights attached  
Zoning & Acreage: PUD/2 and 26.234 acres

Vogt did not receive the mylar for this plat, and no one was present to represent it, so consideration will be delayed until the December meeting.

**PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:**

**1. PUBLIC HEARING-Mystic Hills Campground – CUP AMENDMENT #298-10**

**Owner/Representative:** Steve Nothdurft

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** MS 1748, St John Claim and St John Lodes #1, #3, & #4 in Section 1, T3N, R3E

**Location:** Hwy 385

**Purpose:** Add 20 sites on additional acreage

**Zoning:** PF

**Acreage:** 17 +/- acres added, for a total campground acreage of 36+/- acres.

Vogt presented the staff report including existing and new conditions, and reviewed the history of the campground. This request is to extend the boundary of the present CUP and add 20 long term camping spots. She explained the placement of the sites and drain fields. Nothdurft stated the sites will only be open from May to October.

There was no public input and the public hearing was closed.

Brady asked that down-throw lighting be added to the exterior lighting condition.

Moved-Seconded (Brady-O’Dea) to recommend approval of CUP Amendment #298-10 with the inclusion of the term down-throw lighting in the exterior lighting condition. Motion Carried.

**2. PUBLIC HEARING-CUP 395 – Bauer, Curtis & DaNette-Recreational Vehicle rentals at Mystic Hills Campground**

**Owner/Representative:** Curtis Bauer (Owner-Steve Nothdurft)

**Action Required:** Discussion/Set Onsite/Set Public Hearing

**Description:** MS 1748, St John Claim and St John Lodes #1, #3, & #4 in Section 1, T3N, R3E

**Location:** Hwy 385

**Purpose:** Recreational Vehicle rentals

**Zoning:** PF

**Acreage:** 17 +/- acres added, for a total campground acreage of 36+/- acres.

Vogt explained this request is for a recreational vehicle rental business to be operated at Mystic Hills Campground. Campground owner, Steve Nothdurft, stated the rental office would be in the building formerly used as a general store.

There was no public input and the public hearing was closed.

The Board reviewed the proposed conditions, adjusting the hours of operation.

Moved-Seconded (Coburn-Mattson) to recommend approval with the change in hours of operation. Motion Carried.

**3. Items from Board Members:** Discussion related to public and private roads and temporary second residences.

**4. Opportunity for Public Comment:** None

Motion by O’Dea to adjourn at 2:30 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF December 2, 2010

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, December 2, 2010 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Craig Mickelson, Daryl Johnson, Tom Brady, Marty O’Dea, and Bill Coburn.

ABSENT: Barb Mattson, Rick Tysdal.

All motions passed by unanimous vote of all members present unless otherwise noted.

Moved-Seconded (O’Dea-Brady) to approve minutes of the meeting, Nov 4, 2010. Motion Carried.

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

Declaration of Conflicts of Interest: Brady: Plat #4 for Gilded Mt.

**PLATS IN ORDER AS LISTED:**

**1. PRELIMINARY & FINAL PLAT for Jeff Sleep**

Action Required: Approval/Denial  
Description (Location): Tracts 1 & 2 of H.E.S. 69 - located along Besant Park Road  
Purpose: Split off 20 acres and keep 50 acres  
Zoning & Acreage: PF / 70.50 acres

Moved-Seconded (Brady-O’Dea) to approve the Preliminary Plat. Motion Carried.

Moved-Seconded (Brady-Mickelson) to approve the Final Plat but not release the plat for recording until confirmation of Fire Plan compliance is received. Motion Carried.

**2. BOUNDARY PLAT for Powder House Pass PUD/BH Development**

Action Required: Approval/Denial  
Description (Location): Tracts 1,2 & 3 - Hwy 85  
Purpose: Create large tracts of land  
Zoning & Acreage: PUD / 1023 acres +/-

This plat was pulled from consideration at this meeting by the applicant.

**3. FINAL PLAT for Mattson Inc/Wrangler Construction Co/Arleth & Associates**

Action Required: Approval/Denial  
Description (Location): Lots 13A-1 & 14A-1 of Two Bit Springs Sub/Two Bit/Boulder Canyon  
Purpose: Re-plat of existing lots  
Zoning & Acreage: PF/ 17.4 +/- acres

Moved-Seconded (Brady-O’Dea) to approve the Final Plat. Motion Carried.

**4. FINAL PLAT for Gilded Mt Sub/Scot Munro/4 Front Design**

Action Required: Approval/Denial  
Description (Location): Lots 8 & 9 Gilded Mt /Hwy 85  
Purpose: Lots in Subdivision/ Matches approved Preliminary  
Zoning & Acreage: PF

Brady abstained from discussion and vote.

Moved-Seconded (O'Dea-Johnson) to approve the final Plat. Aye: 4. Abstain: Brady. Motion Carried.

**5. FINAL PLAT for Joe & Marcia Mack/Ponderosa Land Surveys**

Action Required: Approval/Denial  
Description (Location) Lots C & D sub of Lot 2 of Tract 3, Sub of HES 242, /Rapid Creek Rd  
Purpose: Subdivide (Prelim approved-now fire plan complete)  
Zoning & Acreage PF/ 16.6 +/- acres

Vogt explained this plat had been held until notification of Fire Plan completion was received.

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

**PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:**

**1. INFORMATIONAL MEETING for COZ #294 – A-1 to A-2 Subdivision**

Owner/Applicant: Doug Koelfgren  
Action Required: Discussion/Set Onsite/Set Public Hearing  
Description (Location): Crow Peak Bench  
Purpose: Subdivision  
Zoning & Acreage: A-1/ 40 +/-acres

Mr. Koelfgren explained he wanted to change the zoning to enable him to subdivide this property. No onsite inspection was scheduled and a public hearing will be held at the next planning & zoning meeting on January 6, 2011.

**2. INFORMATIONAL MEETING for CUP #371-10 – Alltel/Andy Heitman-Tower Height**

Owner/Applicant: Andy Heitman/Ralph Wyngarden  
Action Required: Discussion/Set Onsite/Set Public Hearing  
Description (Location): Boulder Canyon/3 Sisters Sub  
Purpose: from 80' to 100' Tower Height  
Zoning & Acreage: PF/ 9.92 acres

Vogt explained that during discussion with Verizon to co-locate on this tower, it was discovered the tower which had been approved at 80 feet, was actually 100 feet. Mr. Wyngarden contacted her to ask what should be done. No onsite inspection was scheduled and a public hearing will be held at the next planning & zoning meeting on January 6, 2011.

**3. INFORMATIONAL MEETING for ORD 10-08 – Repeal Plat Expiration Date**

Owner/Applicant: Amber Vogt/P & Z  
Action Required: Discussion/Set Public Hearing  
Description (Location): County  
Purpose: Issues with Deeds and Titles  
Zoning & Acreage: All County Districts

Bruce Outka explained concern expressed by the Register of Deeds, who was unable to attend the meeting, regarding the plat expiration date requirement as adopted by county ordinance. A public hearing will be held at the next planning & zoning meeting on January 6, 2011.

**4. DISCUSSION: Temporary 2<sup>nd</sup> Residences**

Vogt has been researching the allowance of second residences on a single lot in the county. She explained the wording in the Comprehensive Plan and the Zoning Ordinance appear to conflict and asked for the Board's ideas of what they wish to see as regulations for this use. Discussion pertained to how second residences have evolved from the Comp Plan vision to the present allowances. The Board asked her to prepare a proposal for an ordinance change to be discussed at the next meeting.

**5. Items from Board Members:**

Brady shared wind velocity information as it pertains to wind generation systems that was considered by the city of Spearfish.

**6. Opportunity for Public Comment: None**

Motion by Brady to adjourn at 2:39 p.m.

APPROVED: \_\_\_\_\_  
Rick Tysdal, CHAIR

Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Craig Mickelson, SECRETARY