

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF January 5, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 5, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

**PRESENT:** Rick Tysdal, Bob Ewing Tom Brady, Marty O’Dea and newly appointed member Travis Schenk. Bill Coburn arrived at 1:39 pm.

**ABSENT:** Craig Mickelson

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

Moved-Seconded (Brady-O’Dea) to appoint Ewing acting secretary. Aye 5, Absent: 2. Motion Carried.

Moved-Seconded (Brady-Ewing) to approve minutes of the meeting, Dec 1, 2011. Aye: 5, Absent: 2. Motion Carried.

Moved-Seconded (O’Dea-Brady) to approve the agenda. Aye 5, Absent: 2. Motion Carried.

Election of Officers: Moved-seconded (Brady-Ewing) the present slate of officers (Chair: Tysdal, Vice-Chair: Coburn, Sec: Mickelson) be nominated and unanimous vote be cast. Aye 5, Absent: 2. Motion Carried.

Set Meeting Dates: Moved-Seconded (Brady-O’Dea) to set 2012 meeting dates on the first Thursday of each month with application due dates being 22 days prior to each meeting. Aye 5, Absent: 2. Motion Carried.

Declaration of Conflicts of Interest: None

**PLATS IN ORDER AS LISTED:**

1. **PRELIMINARY PLAT & FINAL PLAT** KLAS LLC/Pillar Peak LLC/Luella LLC/Bill Pearson / Arleth & Assoc.

Action Required:	Approval/Denial
Description (Location):	Lot 12A of the Estates at Pillar Peak/ Boulder Canyon
Purpose:	Add acreage to Lot 12 from un-platted portion
Zoning & Acreage:	PF / Lot 12A from 3+- acres to 5.49 +- acres

Vogt explained this plat is adding acreage from the un-platted tract to established lot 12 to increase the size.

Moved-Seconded (Brady-Ewing) to approve the Preliminary Plat. Aye 5, Absent: 2. Motion Carried.

Moved-Seconded (O’Dea-Brady) to approve the Final Plat. Aye 5, Absent: 2. Motion Carried.

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

1. **PUBLIC HEARING** for ORD #12-01 – Flood Damage Prevention Ordinance  
Action Required: Recommendation of Approval or Denial  
Description/Purpose: Update Flood Plain Ordinance so new maps can take affect

Amber Vogt explained this ordinance must be in place when the new Flood Plain map takes effect. There was no public input and the public hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of Ordinance #12-01. Motion carried.

2. **INFORMATIONAL MEETING** for COZ #295 Executive Lodging of the Black Hills  
Owner/Applicant: Beltek Inc/Executive Lodging of the Black Hills  
Action Required: Discussion/Set Public Hearing  
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Beltek/Roo Ranch building in Boulder Canyon)  
Purpose: Enable the use of the property for several businesses without the use of multiple CUP's  
Zoning & Acreage: PF to HSC / 4.72 acres +/-

Vogt explained this request was to enable the building on the property to be utilized for several office uses without having to get a CUP for each use. The Board asked the applicant, Ernie Rupp to reconsider a CUP for a Professional Office Park instead of continuing with a change of zoning. Discussed was the possibility of this use being added to the list of Conditional Uses in this zoning district, and considered for this property.

Moved-Seconded (Coburn-O'Dea) to transfer the fee paid for COZ #295 to a CUP application. Motion Carried.

3. **INFORMATIONAL MEETING** for CUP #405 Presbytery of SD  
Owner/Applicant: Presbytery of SD – the United Presbyterian Church  
Action Required: Discussion/Set Public Hearing  
Description (Location): Etna Lode #1, M.S. 1697 (Rochford Road)  
Purpose: Non-profit, Multi-use Facility - Campground  
Zoning & Acreage: PF / 193.82 acres +/-

Neil Stodolski represented the property owners and explained the property has been used for primitive camping for many years. This request is for improvements to be phased in over time. No on site inspection was scheduled and the public hearing was set for February 2, 2012.

4. **DISCUSSION ITEMS:** Variance Updates from last month

Jeff Schroeder reviewed variance procedures used in other jurisdictions, as requested by the Board.

5. **Items from Planning & Zoning Board members:** Wording on building permits and building inspection were discussed.

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

Motion by O'Dea to adjourn at 3:15 p.m.

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Rick Tysdal, CHAIR

Date:

ATTEST: \_\_\_\_\_

Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF February 2, 2012

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 2, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Tom Brady, Marty O’Dea, Travis Schenk, Bill Coburn, Craig Mickelson

ABSENT: Rick Tysdal, Bob Ewing

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

Moved-Seconded (Brady-Mickelson) to approve minutes of the meeting, January 5, 2011. Motion Carried.

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

Declaration of Conflicts of Interest: Brady: Variance #131 for Gilded Mt. LLC.

**PLATS IN ORDER AS LISTED:**

- FINAL PLAT** Miles, Jana & Michael, Redenius, Lynnae & Kent/JSA Engineers/Land Surveyors  
Action Required: Approval/Denial  
Description (Location): Tracts 1,2 & 3 of St John Lodes 5 & 6 MS 1748, Sec 1, T3N, R3E, (off Custer Peak Road)  
Purpose: Divide two lodes into three tracts  
Zoning & Acreage: PF – 17.7 acres +/-

A fire plan is being prepared but has not been completed.

Moved-Seconded (Brady-Mickelson) to approve the Final Plat subject to notification of completion of the fire plan. Aye: 3 (O’Dea, Brady, Coburn) Nay: 2 (Mickelson, Schenk). Motion Carried.

The plat will be held in the office and not recorded until Amber receives conformation.

- PRELIMINARY & FINAL PLAT** Jon & Barb Mattson/Arleth & Associates  
Action Required: Approval/Denial  
Description (Location): Lots 1 & 2 of Woodbine Placer MS 1208 (Boulder Canyon)  
Purpose: Plat a lot and remainder into two lots  
Zoning & Acreage: PF & HSC – 11.67 acres +/-

This plat creates two lots from one small lot and a remainder left from previous platting.

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

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

3. **FINAL PLAT** Smokey Mt. Ranch LLC/Arleth & Associates  
Action Required: Approval/Denial  
Description (Location): Lot 1 of Smokey Mt Ranch Subdivision (Crook City Road)  
Purpose: New Lot  
Zoning & Acreage: SRD – 3.03 acres +/-

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

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

1. **RECOMMENDATION MEETING:** VAR #131  
Owner/Applicant: Gilded Mt, LLC/Stuen Construction  
Action Required: Recommendation to County Commission  
Description (Location): Lot 5, Gilded Mt Subdivision (Off Hwy 14A/85)  
Request: 2 ½ ft variance from 25 ft front setback for residence (22 ½ ft set back)  
Zoning & Acreage: SRD - .36 acre

Brady abstained from discussion and vote.

The contractor had an as-built survey prepared and it was discovered there was one corner of the residence encroaching 2 ½ feet into the setback. He contacted the office to report the problem and was advised to apply for a variance.

Moved-Seconded (Mickelson-Schenk) to recommend approval of Variance #131. Aye: 3 (Mickelson, Schenk, Coburn), Nay: 1 (O'Dea), Abstain: 1 (Brady). Motion Carried.

2. **PUBLIC HEARING:** CUP #403 Presbytery of SD-Pioneer Camp Development  
Owner/Applicant: Presbytery of SD – the United Presbyterian Church  
Action Required: Approval/Denial  
Description (Location): Etna Lode #1, M.S. 1697 (Rochford Road)  
Purpose: Non-profit, Multi-use Facility - Campground  
Zoning & Acreage: PF / 193.82 acres +/-

Neil Stodolski represented the property owners and explained this property has been used for primitive camping for many years. He presented the plan for the church camp, not to be used as a commercial operation. The presentation shows improvements to be phased in over a long period of time.

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

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #403 with conditions as revised and on file in the Planning & Zoning Office. Motion Carried.

**3. PUBLIC HEARING** ORD 12-03 – amending Chapter 3: Definitions – and Chapter 6 Article 3, Sec 1.4 Conditional Uses.

Owner/Applicant:	Lawrence County P & Z/Amber Vogt
Action Required:	Approval/Denial
Description (Location):	All of Lawrence County
Purpose:	Add Professional Office Park & Business Park in Definitions and as a Conditional Uses in Park Forest District
Zoning	PF

Vogt explained the procedural requirement to add these uses to the ordinance prior to consideration of this use in the zoning district. The request for this use came from discussion at the January meeting with Executive Lodging of the Black Hills, who had requested a change of zoning but was asked by the Board to consider a CUP instead. The intended use was not specified in the ordinance.

Ernie Rupp, representing Executive Lodging, spoke in favor of the amendment. There was no other public input and the public hearing was closed.

Moved-Seconded (Brady-Schenk) to recommend approval of Ordinance Amendment #12-03. Motion Carried.

**4. PUBLIC HEARING:** CUP #404 Executive Lodging of the Black Hills

Owner/Applicant:	Beltek Inc/Executive Lodging of the Black Hills
Action Required:	Approval/Denial
Description (Location):	Lot 3 Blk 1, Oak Mountain Country Estates (Beltek/Roo Ranch building in Boulder Canyon)
Purpose:	Enable the use of the property for several businesses under one roof.
Zoning & Acreage:	PF to HSC / 4.72 acres +/-

Ernie Rupp explained he has an option to purchase the old Roo Ranch property and reviewed his request was for utilization of the property. He originally had asked for a change of zoning; however the Board requested he consider a conditional use permit for a business park or professional office park instead.

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

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP 404 for a business park with conditions as revised and on file in the Planning & Zoning office. Motion Carried.

**5. Items from Planning & Zoning Board members:** None

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

Motion by Brady to adjourn at 3:00 p.m.

APPROVED: \_\_\_\_\_

Date:

\_\_\_\_\_  
Rick Tysdal, CHAIR

ATTEST: \_\_\_\_\_

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Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF March 1, 2012

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 1, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Bob Ewing, Tom Brady, Bill Coburn, Craig Mickelson, Travis Schenk, Marty O’Dea arrived at 2:00.

ABSENT: Rick Tysdal

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

Moved-Seconded (Mickelson-Brady) to approve minutes of the meeting, Feb 2, 2011. Motion Carried.

Moved-Seconded (Brady-Mickelson) to approve the agenda with the following changes: Plats shown on agenda as #6 for Mystic Miner Subdivision was pulled by the applicant. The first Informational item for Ord. #12-05 was moved to the beginning of the meeting. Motion Carried.

Declaration of Conflicts of Interest: None

**PLATS IN ORDER AS LISTED:**

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- 1. **FINAL PLAT** Mattson Inc./Arleth & Associates  
 Action Required: Approval/Denial  
 Description (Location): Lot 9 of Brighter Day Sub #2 (Boulder Canyon)  
 Purpose: New Lot  
 Zoning & Acreage: PF – 8.32 ac +-

Moved-Seconded (Brady-Ewing) to approve the Final Plat. Aye: 5. Absent: O’Dea. Motion Carried.

- 2. **PRELIMINARY & FINAL PLAT** Cain/Schwartz/FourFront Design  
 Action Required: Approval/Denial  
 Description (Location): Extension Lot Revised and Poorman Lot Revised of Paradise Acres. (Maitland Road)  
 Purpose: Move one lot line  
 Zoning & Acreage: PF – total of two lots: 10.7 ac +-

Vogt explained this plat was approved as an Exempt Plat in September of 2011. The re-plat of these lots is only moving a lot line, therefore the exemption is ok.

Moved-Seconded (Mickelson-Schenk) to approve the Preliminary Plat. Aye: 5. Absent: O’Dea. Motion Carried.

Moved-Seconded (Ewing, Brady) to approve the Final Plat. Aye: 5. Absent: O’Dea. Motion Carried.

3. **PRELIMINARY & FINAL PLAT** Ed Hinker/FourFront Design  
 Action Required: Approval/Denial  
 Description (Location): Lots 12-A, 12-B, 12C Blk 4 of Whitewood Forest Acres (West of Whitewood)  
 Purpose: Subdivision  
 Zoning & Acreage: SRD – 7.7 ac +/-

Vogt explained this subdivision currently has City water, but not City Sewer. It will still meet the SRD zoning requirements.

Moved-Seconded (Mickelson-Ewing) to approve the Preliminary Plat. Aye: 5, Absent: O’Dea. Motion Carried.

Moved-Seconded (Ewing-Brady) to approve the Final Plat. Aye: 5, Absent: O’Dea. Motion Carried.

4. **FINAL PLAT** Mystic Miner Sub/CETEC  
 Action Required: Approval/Denial  
 Description (Location): Lot 1 Blk 4 of Mystic Miner Sub (Mystic Miner/Deer Mt)  
 Purpose: Create Mystic Miner lots to convey to Marshall (next plat), increasing his lot size.  
 Zoning & Acreage: PF / PUD - 8.66 ac +/-

Vogt explained the creation of this lot in the Mystic Miner Subdivision will decrease the number of overall units approved in the subdivision even though it is being transferred to an adjacent landowner. There is also a no build restriction listed on this lot.

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

5. **PRELIMINARY & FINAL PLAT** Kent Marshall/Mystic Miner Sub/CETEC  
 Action Required: Approval/Denial  
 Description (Location): Re-plat of lot VJ-2R of MS 1209 (Mystic Miner/Deer Mt)  
 Purpose: Increases his original lot size  
 Zoning & Acreage: PF / PUD - 8.66 ac +/-

Vogt explained there are corner monuments missing on the plat because of snow.

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

Moved-Seconded (Brady-Ewing) to approve the Final Plat with the agreement that the monuments be put in according to State Statute, and if monuments do not match the location on the plat, a new plat shall be presented for approval, not an affidavit. Motion Carried.

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

1. **INFORMATIONAL MEETING:** **CUP #405 Specialty Resort**  
 Owner/Applicant: Rob & Michelle Andresen/ Craig Hayes  
 Action Required: Discussion/Set Public Hearing  
 Description (Location): Tr 0092 of SE1/4NE1/4, 11-5-3, and HES 294 (Hwy 85)

top of hill between McMasters Corner and Preacher  
Smith Monument)  
Cabin Resort  
Purpose:  
Zoning & Acreage: PF – 14.25 ac +-)

Rob and Michelle Andresen explained their wish to create a small cabin resort on the property they currently rent which is owned by Craig Hayes. A public hearing is scheduled for the next Planning & Zoning meeting on April 5, 2012.

- 2. INFORMATIONAL MEETING: ORD #12-05**  
Owner/Applicant: Lawrence County Zoning Ordinance/ Dr. Sachau  
Action Required: Discussion/Set Public Hearing  
Description (Location): Add to “Allowed Uses” in A-1 & A-2 zoning districts,  
Personal Use Airstrip/Heliport  
Purpose: Include Personal Use Airstrip/Heliport to list of allowed  
uses in A-1 & A-2 zoning districts  
Zoning & Acreage: A-1 & A-2

Randy Sachau’s request was heard not in order of the agenda, but at the beginning of the meeting. It was discovered while researching land use for a private airstrip, that it was only listed as an allowed use in Park Forest Zone. Dr. Sachau is considering locations for this purpose, and asked that Ag Zoned property be amended to include these uses. After discussion it was decided this request should be considered an administrative change and refund the fee.

Moved-Seconded (Brady-Ewing) to refund the fee paid by Randy Sachau for the zoning ordinance amendment application with the Administrator preparing an amendment document for consideration. Aye: 5, Absent: O’Dea. Motion Carried.

A public hearing will be held at the next Planning & Zoning meeting on April 5, 2012.

**3. DISCUSSION ITEMS:**

Greg & Jennifer Kaschmitter presented information and a request for a Tax Increment Financing district at Powder House Pass. They explained plans for providing water and sewage treatment could benefit other developments in the area. The financing for these improvements would be provided by using a TIF. While discussion took place Vogt recommended we request the Developers to offer a \$1,000 Administrative Fee for the TIF, as this will be the first one that Lawrence County has dealt with and there is not a mechanism set up currently to help pay for this type of district. Greg & Jennifer Kaschmitter then proceeded to offer a \$1,000 administrative fee to help pay for the publishing and administrative items related to the TIF application.

Moved-Seconded (Ewing-Mickelson) to accept the offer of \$1,000 administrative fee from Powder House Pass Development, by Greg & Jennifer Kaschmitter. Motion Carried.

Jeff Schroeder explained he has been researching variance procedures used other places that allow the Board of Adjustment some leeway in granting variances. He is preparing an ordinance amendment for consideration.

- 4. Items from Planning and Zoning Board Members: None**

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

Motion by Mickelson to adjourn at 3:00 p.m.

APPROVED: \_\_\_\_\_

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Rick Tysdal, CHAIR

Date:

ATTEST: \_\_\_\_\_

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Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF April 5, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, April 5, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Bob Ewing, Tom Brady, Bill Coburn, Craig Mickelson, Travis Schenk,

ABSENT: Marty O’Dea

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

Moved-Seconded (Ewing-Mickelson) to approve minutes of the meeting, March 1, 2012. Motion Carried.

Moved-Seconded (Coburn-Mickelson) to approve the agenda with the following changes: Plats shown on agenda as #4 for Aberle/Chandler Dev was pulled by the applicant. Item #5 Recommendation meeting for a Variance for Lawrence Colson will be taken out of order. Motion Carried.

Declaration of Conflicts of Interest: Brady: Informational item #3 for the City of Spearfish.

**PLATS IN ORDER AS LISTED:**

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- 1. **LAYOUT PLAN** Larry & Gayle Braun/Interstate Engineering  
Action Required: Recommendation  
Description (Location): Lot A-1, A-2 & A-3 of Tract A (Kerwin Lane-Spearfish North)  
Purpose: New Lots  
Zoning & Acreage: RR – 12.92 ac +-

This property had been approved for a change of zoning in 2010. At that time the 14.65 +- acres had been requested to be subdivided to a maximum of three lots. Since that time it has been resurveyed and found to be less than 13 acres. The Brauns still want to subdivide it into three lots. This property is in the Spearfish Platting jurisdiction, however the County was consulted when they received his request, as the acreage does not meet the requirements for three lots.

Moved-Seconded (Mickelson-Brady) to recommend denial of subdividing the property into three lots. Motion Carried.

- 2. **LAYOUT PLAN** Bruce DeMarcus  
Action Required: Recommendation  
Description (Location): TRACT 2A & 2B (Upper Two Bit Road-Hwy 385)  
Purpose: Create 2 lots to fix issue with 2 houses  
Zoning & Acreage: PF – 5.00 ac +-

Vogt explained there are two houses on this 5 acre lot. The owner would like to subdivide it so each house is on its own lot. DeMarcus owns the surrounding 33 plus acres. The Board advised the remainder should also be platted and a fire plan would be required.

3. **FINAL PLAT** Cracco/Peyton/Arleth & Associates (submitted for approval as an exempt plat)
- Action Required: Approval/Denial  
 Description (Location): Lots B1A & B2A (Hwy 385 near Breezy Meadow Lane)  
 Purpose: Move one lot line  
 Zoning & Acreage: PF – total of two lots: 39.11 ac +-

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

4. **FINAL PLAT** Aberle/Chandler Development/Arleth & Associates

This plat was pulled from consideration by the applicant.

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

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1. **PUBLIC HEARING: ORD #12-04**
- Owner/Applicant: Lawrence County Planning & Zoning/Amber Vogt  
 Action Required: Recommendation of Approval/Denial  
 Description (Location): Add Airstrip/Heliport to certain districts and clarify a specific type of variance  
 Purpose: Clean Up and Additions to Zoning Ordinance  
 Zoning & Acreage: All districts

A public hearing was held on Ordinance amendment #12-04 regarding both Personal use Airstrip/Heliport and Variance Exceptions. No public input was voiced and the hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of ORD #12-04. Motion Carried.

2. **PUBLIC HEARING: CUP #405 Specialty Resort**
- Owner/Applicant: Rob & Michelle Andresen/ Craig Hayes  
 Action Required: Recommendation of Approval/Denial  
 Description (Location): Tr 0092 of SE1/4NE1/4, 11-5-3, and HES 294 (Hwy 85 top of hill between McMasters Corner and Preacher Smith Monument)  
 Purpose: Specialty Resort-small cabins  
 Zoning & Acreage: PF – 14.25 ac +-

A public hearing was held on CUP 405. The request is for the operation of a Specialty Resort for Rob & Michelle Andresen on property presently owned by Craig Hayes. Vogt presented the staff report recommending approval. There was no public input and the hearing was closed.

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #405. Motion Carried.

3. **INFORMATIONAL MEETING: CUP #406 City of Spearfish/Golliher for Water Tank**
- Owner/Applicant: Warren Golliher  
 Action Required: Discussion/Set Public Hearing  
 Description (Location): (to be platted) Tank Lot, SE ¼ SE ¼ Sec 8, T6N, R2E

Purpose: (West of Spearfish)  
Construction of a water storage tank and booster pump station

Zoning & Acreage: A-1 - 2.09 ac. +-

Tom Brady abstained from discussion.

Ted Schultz, CETEC Engineering, representing the City of Spearfish, presented the request for a Water Storage Tank. He stated after initial study, it was decided this location was the best and most economical site. The Board scheduled an on-site viewing on April 12, at 11:00 am and a public hearing at the next Planning & Zoning meeting on May 3<sup>rd</sup>, 2012.

4. **RECOMMENDATION MEETING: VAR #133 Lawrence & Kristi Colson**
- Owner/Applicant: Lawrence & Kristi Colson  
Action Required: Recommendation to County Commissioners  
Description (Location): Tract 2 of Mayflower #7 (Tinton-Beaver Creek Rd)  
Purpose: Build detached garage  
Zoning & Acreage: PF/ 2.00 Acres

This item was considered out of order of the agenda.

Mr. Colson is requesting a 24' variance (one foot setback) from the road right-of-way to build a garage. Vogt explained because of topography the building site is restricted.

Moved-Seconded (Brady-Mickelson) to recommend denial of the request even though it is a hardship to Colson that there is not space on the lot to build a garage, it is not how hardship is defined as a reason to grant a variance. Aye: 5, Nay: 1 (Coburn) Motion Carried.

5. **INFORMATIONAL MEETING: CUP #407 Executive Lodging/Ernie Rupp/ Storage Buildings**

Owner/Applicant: Executive Business Park of the BH/Ernie Rupp  
Action Required: Discussion/Set Public Hearing  
Description (Location): Lot 3, Blk 1 of Oak Mt Country Estates/Boulder Canyon-old Roo Ranch  
Purpose: Rental Storage Buildings  
Zoning & Acreage: PF/4.72 Acres

6. **INFORMATIONAL MEETING: ORD #12-05 Addition of Uses to PF District**

Owner/Applicant: Lawrence County Zoning Ordinance  
Action Required: Discussion/Set Public Hearing  
Description (Location): Addition of uses to PF District  
Purpose: To allow use of the existing building for commercial purposes  
Zoning & Acreage: PF

7. **INFORMATIONAL MEETING: CUP #408-410 for Multiple CUP's at old Roo Ranch**

Owner/Applicant: Executive Business Park of the Black Hills/Ernie Rupp  
Action Required: Discussion/Set Public Hearing  
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Roo Ranch building in Boulder Canyon)

Purpose: Enable the use of the property for several businesses  
(Licensed Professional Office Space, Retail of 1,000 sq  
ft per vendor & Childcare Center)  
Zoning & Acreage: PF / 4.72 acres +/-

Informational meetings for CUPs 407,408,409 & 410 and Ordinance amendment #12-05 were held together as the CUP's are all for one parcel of property, and the Ordinance amendment relates to some of the uses requested.

Vogt explained the County Commission had denied the previously P&Z Board approved amendment, and requested it be rewritten and resubmitted.

CUP 407 is a request for two buildings to be rented out for storage, which is listed as an allowed conditional use in Park Forest Zoning District.

CUP 408 is a request for the use of licensed professional office space, presently not allowed as an allowed or conditional use.

CUP 409 is a request for retail space of 1000 sq ft per vendor, also presently not allowed as an allowed or conditional use.

CUP 410 is a request for a childcare center, listed as an allowed conditional use in the Park Forest Zoning District.

Ordinance amendment #12-05 is being presented to add to the Park Forest Zoning District under allowed Conditional Uses, #41- Licensed Professional Offices (e.g. accountant, appraiser, architect, lawyer, real estate professionals, day spa) and #42-Retail Space under 1000 sq ft per vendor (e.g. diner, coffee shop, lunch counter, boutique space.)

No on-site inspection was scheduled and a public hearing was set for the next planning & zoning meeting on May 3, 2012.

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

Motion by Brady to adjourn at 3:05 p.m.

APPROVED: \_\_\_\_\_

Date:

\_\_\_\_\_  
Rick Tysdal, CHAIR

ATTEST: \_\_\_\_\_

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Craig Mickelson, SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION**

MINUTES OF May 3, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, May 3, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Bob Ewing, Marty O’Dea, Bill Coburn, Craig Mickelson, Travis Schenk, Tom Brady

ABSENT: None

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

Moved-Seconded (Brady-Mickelson) to approve minutes of the meeting, April 5, 2012. Motion Carried.

Moved-Seconded (Ewing-Mickelson) to approve the agenda with the following changes: Plat shown as #6 on the agenda for Margaret Kruzel was pulled by the applicant. Motion Carried.

Declaration of Conflicts of Interest: Brady: Public Hearing #1 for the City of Spearfish CUP #406.

**PLATS IN ORDER AS LISTED:**

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- 1. **FINAL PLAT** Mystic Miner Sub/CETEC  
 Action Required: Approval/Denial  
 Description (Location): Lot 1 Blk 4 of Mystic Miner Sub (Mystic Miner/Deer Mt)  
 Purpose: Create Mystic Miner lot to convey to Marshall (next plat), increasing his lot size.  
 Zoning & Acreage: PF / PUD - 2.00 ac +-

This plat had been approved at a previous meeting, however errors were found and the mylar needed to be reprinted.

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

- 2. **PRELIMINARY & FINAL PLAT** Kent Marshall/Mystic Miner Sub/CETEC  
 Action Required: Approval/Denial  
 Description (Location): Re-plat of lot VJ-2AR of MS 1209 (Mystic Miner/Deer Mt)  
 Purpose: Increases his original lot size  
 Zoning & Acreage: PF / PUD - 8.66 ac +-

This plat had been approved at a previous meeting, however errors were found and the mylar needed to be reprinted.

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

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

3. **PRELIMINARY & FINAL PLAT** Mystic Miner Sub/CETEC  
 Action Required: Approval/Denial  
 Description (Location): Tracts and easements in Mystic Miner Subdivision (Deer Mt)  
 Purpose: Plat out tracts to re-configure backside of development  
 Zoning & Acreage: PUD – 255.49 ac +-

Kevin Klapprodt explained the idea for creation of tracts on this plat. This varies from the original PUD plan as it designates tracts, assigning a number of PUD units to each enabling the developer to sell and transfer these tracts to other developers for improvement. Questions pertained to roads, escape routes, green space and PUD unit delegation. Vogt discussed the need for a PUD amendment and development agreement taking the place of the current Mystic Miner ordinance.

Moved-Seconded (Coburn-Ewing) to table a decision on this plat until the next Planning & Zoning meeting. Motion Carried.

Later in the meeting, the Board set an on-site inspection of the property for May 30<sup>th</sup> at Noon.

4. **PRELIMINARY & FINAL PLAT** Robert Johnson/Arleth & Associates  
 Action Required: Approval/Denial  
 Description (Location): Plat of Lot 4A of Blacktail Sub (off Maitland Road)  
 Purpose: Combine 2 lots  
 Zoning & Acreage: PF - 1.25 ac +-

Johnson wishes to combine two small lots to enable building a structure and meet setback.

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

5. **FINAL PLAT** Ken Larsen/Ponderosa Land Surveys  
 Action Required: Approval/Denial  
 Description (Location): Plat of Lots 1,2 & 3, Stolen Kiss Ranch (Crook City Road)  
 Purpose: Subdivision  
 Zoning & Acreage: PF – 42.7 ac +-

Larsen has an approved preliminary plat and this final plat matches it.

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

6. **PRELIMINARY & FINAL PLAT** Margaret Kruzel/Ponderosa Land Surveys  
 Action Required: Approval/Denial  
 Description (Location): Tracts K & K1, Blk 3 Annuet Coeptis (Elk Creek Rd, South of Galena Rd)  
 Purpose: Combine three lots into two  
 Zoning & Acreage: PF – 4.05 ac +-

This plat was pulled from consideration by the owner prior to this meeting.

7. **FINAL PLAT** Maitland Partners/Ponderosa Land Surveys  
 Action Required: Approval/Denial

Description (Location): Plat of Lot 20A, Paradise Acres (Off Maitland Road)  
Purpose: Add more acreage to existing lot from un-platted portion  
Zoning & Acreage: PF – 5.022 ac +-

Maitland Partners purchased Lot 20 and are re-platting to add acreage from the un-platted portion of the development.

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

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

1. **PUBLIC HEARING:** **CUP #406 City of Spearfish/Golliher for Water Tank**  
Owner/Applicant: Warren Golliher  
Action Required: Approval/Denial  
Description (Location): (to be platted) Tank Lot, SE ¼ SE ¼ Sec 8, T6N, R2E  
(West of Spearfish)  
Purpose: Construction of a water storage tank and booster pump station  
Zoning & Acreage: A-1 - 2.09 ac. +-

Tom Brady declared a conflict of interest and was not present for discussion or vote.

Amber presented the staff report and reported on the on-site inspection. Ted Schultz, CETEC Engineering, presented an overview of the plan explaining the procedure used in choosing the site and details for the tank and site.

Proponents: None

Opponents: Dylan Wilde, representing adjacent land owners, Orin & Marilyn Bader, explained their opposition to this site as it would impair the use and enjoyment of their property, and possibly diminish the value of surrounding property. He reviewed present water storage and possible alternative sites.

Ted Schultz explained the procedure and considerations in choosing this site. Cheryl Johnson commented on the life of the Tinton tank.

Proponents: Vogt shared a letter of support received from Neiman Enterprises.

Opponents: Dylan Wilde again spoke in opposition with additional testimony regarding view from the interstate and stated this use is not in conformance with the comprehensive plan.

Orin Bader asks that the City seek a more appropriate place for this tank. Pat Conger, representing Westfield Homeowners Association, spoke in opposition to the proposal as did William McDonald.

The Public Hearing was closed.

Moved-Seconded (Coburn-Schenk) to recommend approval of CUP #406 for the City of Spearfish for a water storage tank as recommended in the staff report. Aye: 6, Nay 1-Ewing. Motion Carried.

2. **PUBLIC HEARING:** **CUP #407 Executive Lodging/Ernie Rupp/ Storage Buildings**  
Owner/Applicant: Executive Business Park of the BH/Ernie Rupp  
Action Required: Approval/Denial  
Description (Location): Lot 3, Blk 1 of Oak Mt Country Estates/Boulder Canyon-old Roo Ranch  
Purpose: Rental Storage Buildings

Zoning & Acreage: PF/4.72 Acres

Vogt explained that CUP #406 plus Ordinance amendment #12-05, and CUP's 408-410 are related and the public hearings may be held together, however individual motions are required.

There was no public input and the hearing for CUP #407 was closed.  
Moved-Seconded (Mickelson-Ewing) to recommend approval of CUP #407 for Executive Lodging for Storage Buildings. Motion Carried.

3. **PUBLIC HEARING:** **ORD #12-05 Addition of Uses to PF District**  
Owner/Applicant: Lawrence County Zoning Ordinance  
Action Required: Approval/Denial  
Description (Location): Addition of uses to PF District  
Purpose: Add two uses in the list of conditional uses in the Park Forest Zone. Those being: Licensed Professional Offices and Retail Space with a maximum of 1000 sq ft per vendor.  
Zoning & Acreage: PF

The Public hearing for ORD 12-05 was held with the only person to speak being Ernie Rupp in favor of the ordinance as it will allow his property to be considered for the uses stated therein. The public hearing was closed.

Moved-Seconded (Brady-Mickelson) to recommend approval of Ordinance amendment #12-05. Motion Carried.

4. **PUBLIC HEARING:** **CUP #408-410 for Multiple CUP's at old Roo Ranch**  
Owner/Applicant: Executive Business Park of the Black Hills/Ernie Rupp  
Action Required: Approval/Denial  
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Roo Ranch building in Boulder Canyon)  
Purpose: Enable the use of the property for several businesses (Licensed Professional Office Space, Retail of 1,000 sq ft per vendor & Childcare Center)  
Zoning & Acreage: PF / 4.72 acres +/-

The Public Hearing for CUP's numbered 408, 409, and 410 was held with no public input and the hearing was closed.

Moved-Seconded (Ewing-Brady) to recommend approval of CUP 408 for Executive Lodging for Professional Services. Motion Carried.

Moved-Seconded (Ewing-Brady) to recommend approval of CUP 409 for Executive Lodging for Retail Space. Motion Carried.

Moved-Seconded (Ewing-Brady) to recommend approval of CUP 410 Executive Lodging for Child Care Center. Motion Carried.

- 5. INFORMATIONAL MEETING: COZ #296 Levi Humbracht A-1 to A-2**  
 Owner/Applicant: Levi & Katie Humbracht  
 Action Required: Discussion/Set Public Hearing  
 Description (Location): SW1/4 NE1/4, Sec 31, T7N, R2E (west of Spearfish)  
 Purpose: Subdivision  
 Zoning & Acreage: A-1 – 40 ac +-

The location of this property was discussed and Mr. Humbracht's wish to change the zoning of this 40 acre tract to enable subdivision was explained. No on-site inspection was scheduled and the public hearing will be held at the next Planning & Zoning meeting on June 7, 2012

- 6. INFORMATIONAL MEETING: CUP #411 Deadwood Standard Project-Large Scale Mining**  
 Owner/Applicant: VMC LLC  
 Action Required: Discussion/Set Public Hearing  
 Description (Location): Numerous Mineral Surveys in Sections 29,30,31 and 32, T5N, R2E (West of Wharf mine, East of Hwy 14A, Spearfish Canyon)  
 Purpose: Mineral Extraction  
 Zoning & Acreage: PF – 173 ac +-

John Frederickson introduced Don Valentine, Mark Nelson, and Ted Husted who presented information regarding the Deadwood Standard Project. Valentine explained his history with the property, Nelson, a geologist and mine environmental specialist, gave a brief overview of the project, and Ted Husted explained the economic advantages of the project. An on-site visit was scheduled for May 30<sup>th</sup> at 2:00 pm for the Board, and will accommodate members of the public wishing to attend as long as the Planning and Zoning office is notified by May 23<sup>rd</sup>.

- 7. INFORMATIONAL MEETING: ORD #12-06 911 Address Signage**  
 Owner/Applicant: Lawrence County Zoning Ordinance  
 Action Required: Discussion/Set Public Hearing  
 Purpose: To require specific signs to be installed to show addressing  
 Zoning & Acreage: All zonings

Vogt stated she had been asked to work on this ordinance by the County Commission, but does not think this pertains to either the zoning or subdivision ordinances. She suggested the County Sign ordinance could be amended to include some 911 sign information, but is unsure about enforcement of regulations. She prepared this proposal from information provided by Tom Sandvick, the prior 911 coordinator, and information she received from sign manufacturers.

Moved by Brady to permanently table this request. The motion died for lack of a second.

Moved-Seconded (Coburn-Ewing) to table the request until the June 7<sup>th</sup> meeting and request EMS providers to attend the meeting. Aye: 6, Nay: 1, Brady. Motion Carried.

8. **INFORMATIONAL MEETING:** **ORD #12-07 TIF Review Ordinance**  
Owner/Applicant: Lawrence County  
Action Required: Discussion/Set Public Hearing  
Purpose: To create a TIF Review Procedure

Amber explained this proposal was not written with Powder House Pass TIF request in mind, but since their request, she has been contacted by other parties interested in applying for a TIFD. Her opinion is that this type of ordinance will be helpful and necessary in the near future.

Moved-Seconded (Ewing-Mickelson) to set a public hearing for the next meeting on June 7<sup>th</sup>.  
Motion Carried.

Moved-Seconded (Brady-Schenk) to schedule a public hearing on the boundary of PHP TIF#1 for the next meeting on June 7<sup>th</sup>.

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

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

Motion by O'Dea to adjourn at 4:39 p.m.

APPROVED: \_\_\_\_\_

Date:

\_\_\_\_\_  
Rick Tysdal, CHAIR

ATTEST: \_\_\_\_\_

Craig Mickelson, SECRETARY