

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION
MINUTES OF JANUARY 4, 2001**

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Derosier, on Thursday, January 4, 2001 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Kendall, Kullbom, Owens, Mickelson, Mattson and Coburn

ABSENT: None

MINUTES: *Coburn moved to approve the minutes of December 7, 2000.*

APPROVED: *Kullbom second, and the motion carried.*

APPOINTMENT OF OFFICERS FOR THE YEAR 2001

Nominations were heard and appointments of Planning Commission officers were made as follows: Chairman – Leo Derosier, Vice Chairman – Craig Mickelson and Secretary – Ramsey Kendall

REQUEST FOR CONDITIONAL USE PERMIT #270 – Tom and Bonnie Schramel aka Logs Unlimited – To allow for construction and shipment of log homes.

LEGAL: Lot 1, T and M Subdivision, NW¼ of Section 16, T6N, R4E, B.H.M.

LOCATION: Approximately 1 mile north of Whitewood on the east side of Highway 34

PRESENT ZONE: A-1 General Agriculture District

Tom and Bonnie Schramel, owners of Logs Unlimited, were present at the meeting. Tom Schramel summarized his proposal in regard to the conditional use permit request. Schramel indicated the location of the property and stated he planned to purchase the property from Sam and Betty Wesner. Schramel further stated that Logs Unlimited planned to construct a small log office that will be used as a “spec” building to exemplify the type of work he does. Logs Unlimited specializes in building handcrafted log homes, including restorations; custom building, design services, additions and modifications of existing log structures. Schramel estimated that he would construct (2) two to (4) four houses per year. The logs will be trucked into the location. There, the logs will be hand peeled and notched, then set as to the log home design specifications. After the logs were worked, they are marked and loaded onto trucks and delivered. The home is reassembled on the customer’s property. When the structure is set, the openings for the windows, doors and electrical channels are cut. The bark and other salvage materials from the logs are sold or given away as mulch or hauled away from the construction yard. Construction vehicles involved with the log home construction are cranes, loaders, dump trucks, skid steer, and the log transport trucks. Schramel stated that a mobile home that exists on the property would be removed to allow additional room to work the logs. Schramel will live in the existing residence, and the remaining pole buildings will be used as storage and workshop for the business. The Schramels indicated that they would also like to have some livestock on the property. Due to the relocation of the company, the company will recruit from the area: a full time carpenter, a part-time laborer, a bookkeeper and summer seasonal employees. Logs Unlimited will have a 4’X5’ sign on the property that will be visible from both directions on Highway 34. The South Dakota Department of Transportation will be contacted in regard to the sign location. Derosier asked Schramel where he obtained his logs? Schramel answered that most of the logs come from Montana. Owens mentioned the possibility of a change of zoning on the property due to the location of the property. Mickelson stated that the property owners would live on the property, which is unusual for a commercial property. Birk stated that a conditional permit allows the county more control over what is done on the property with the conditions attached to that permit. Coburn pointed out that in the new comprehensive plan this area is included in the City of Whitewood growth area. Mickelson asked how much of the land would actually be used as construction area? Schramel stated that he would probably use 5-7 acres for the actual business area. Coburn stated his concern in regard to the possibility of large piles of bark and salvage material being left on the property. Schramel assured the Commission that the log ends are sold for firewood and the mulch would be hauled away or given away. Erik

Birk, Planning and Zoning Administrator, read the conditions attached to the conditional use permit request. Mattson asked how many homes could be constructed in the yard at one time? Schramel answered that there could be two homes assembled at one time with an overlap period. An onsite inspection was scheduled for Tuesday, January 16, 2001 at 4:00 p.m.

REQUEST FOR CONDITIONAL USE PERMIT #269 – Fisher Sand and Gravel Company and Boyd Larson, property owner - To allow for a small-scale sand, gravel, and rock operation for mining limestone.

LEGAL: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T6N, R1E, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T7N, R1E, B.H.M.

LOCATION: Approximately 5 miles west of Spearfish on the north side of Homestake Road.

PRESENT ZONE: A-1 General Agriculture District

Ray Leahy and Kyle Frisinger of Fisher Sand and Gravel Company were present at the meeting. Leahy presented the summarized proposal for the conditional use permit request. Leahy stated that the company had located a site that would allow a new limestone source to supply future state and federal road projects. Leahy indicated the location of the proposed gravel pit, and showed the outline of the permit area, which will incorporate (80) eighty acres. The total area disturbed by the gravel operation will be less than (10) ten acres. A third map showed the road access to the pit area with access from State Highway 14A, Service road, and County Road #010, the Homestake Road. Leahy went on to say that a portable crushing plant would move in and out of the pit. In a good year, the crushing plant would be operational 6 to 9 months of the year. It is estimated the life of the quarry would be (20) twenty years. The truck traffic on the road will top 2,000 truckloads per year. Fisher Sand and Gravel will plan a 12-hour workday. The South Dakota Air Quality mandates dust control; water spray bars on the crushing plant will accomplish this. Topsoil from the pit area will be stockpiled and stabilized to prevent erosion. Agriculture land use will be continued after mining reclamation. Contractors hired by Fisher Sand and Gravel will perform drilling and blasting. If required by the County, drilling and blasting will be monitored for air and ground vibrations. Leahy felt that this location for the gravel pit operation was advantageous as the rock is deep and the topsoil overburden is minimal. The area is sparsely populated with no future plans of increased population. Kullbom asked about the proximity of neighbors? Leahy stated that the closest neighbor was 1700 feet away. Mickelson asked Chuck Williams, Lawrence County Highway Superintendent, for input on the condition of the road with the trucks using it. Williams stated depending on the weather conditions, there is a problem with washboard conditions on the road. Mickelson asked if the additional truck traffic would result in more maintenance to the road? Williams answered yes. Birk read the conditions attached to the gravel pit request. Mickelson suggested that condition #6 be removed, and the Board agreed. Kullbom questioned the last sentence in condition #16. Birk stated that there is no monitoring requirement for air or ground blasts. This condition would result in monitoring by request of the Lawrence County Commissioners. No action was taken on condition #16. Mickelson asked if Williams had a problem with condition #3? Leahy stated Fisher Sand and Gravel had a blade available to them to alleviate a washboard complaint if needed, possibly before the county could get to the problem. Coburn suggested that condition #3 be better described from point A to point B for the use of County Road #010. The change to condition #3 is documented in the conditional use permit file. Several neighbors that live in the area were present at the meeting. Questions and concerns ranged from possible well hazards to traffic safety on the Homestake Road. Leahy stated he would consult with the blasting contractor and have some answers at the public hearing. Mattson questioned the proposed asphalt or concrete plant that was mentioned in the presentation. Birk stated that a condition could be added that would state any change to the approved conditional use permit would require an amendment to that conditional use permit. Mickelson stated that an asphalt or concrete plant would drastically change the use of this conditional use permit and therefore, the new use would constitute a new conditional use permit. The Board agreed and requested that a condition be added to the proposed conditions stating as such. Kendall voiced his concern in regard to the additional traffic on the county road and particularly Highway 14A. An onsite inspection was scheduled for Tuesday, January 16, 2001 at 3:00 p.m.

REQUEST FOR VARIANCE #86 – Shane Blakney - To request a (9) nine foot variance into the (35) thirty-five foot front yard setback as required by Section 3.3.4.A.2 of the Lawrence County Zoning Ordinance, placing the proposed garage approximately (26) twenty-six feet back from the front lot line.

LEGAL: Lot 1 of Lot 3 of the SE¼NE¼ and the NE¼SE¼ of Section 4, T6N, R2E, B.H.M.

LOCATION: Southwest corner of Nickel Place and Evans Lane

PRESENT ZONE: SRD-Suburban Residential District

Shane Blakney, property owner, was present at the meeting. Birk explained that the Lawrence County Zoning Ordinance determines setback requirements. Therefore, the front yard setback for a proposed garage that Blakney wants to construct doesn't comply with the SRD – Suburban Residential District requirements of thirty-five feet. The City of Spearfish will not issue a building permit until a variance is approved by Lawrence County. A new access to the garage is planned off of Evans Lane and was approved by Chuck Williams, Lawrence County Highway Superintendent. Blakney plans to build a one story “L” shaped 24X48 building. Mickelson asked Blakney if there would be an “unusual use” (commercial) of the garage building? Blakney answered that the building would be used for woodworking, storage and parking. Mickelson moved to approve Variance #86. Kendall second and the motion carried unanimously. A public hearing with the County Commission will be held on February 13, 2001.

REQUEST FOR CONDITIONAL USE PERMIT #271 – Donna Carroll - To allow for a Bed and Breakfast.

LEGAL: Lot 22, Block 5, Tract A, Lost Camp Valley, Sections 2 and 11, T4N, R2E, B.H.M.

LOCATION: Terry Peak / Lookout Trail

PRESENT ZONE: SRD-Suburban Residential District

Donna Carroll, property owner, was present at the meeting. Carroll began by stating that she owned a two-story home, ¼ mile west of Terry Peak Ski Lodge. The lots near her home are heavily wooded with two homes visible from her residence. The homes that are visible are both used as vacation homes. As per the bed and breakfast regulations, the property owner plans to live in the home full-time. Carroll will rent one 14'X20' room that has an adjoining ¾ bathroom. The guests at the bed and breakfast will use the family room, with the TV, VCR, books and game table for entertainment. There will be one sign on the premise announcing the name of the bed and breakfast. Carroll stated the bed and breakfast would operate on a year around basis. Birk read the conditions attached to the conditional use request. Mickelson asked if there were legal egress windows in the bedroom? Carroll answered yes; the windows were “big”. The addition that was constructed in 1987 is where the bedroom is located, and Carroll felt the windows were adequate. Birk stated the windows would have to be looked at on the onsite inspection. Mattson asked if there would be a maximum of two people per night? Mickelson asked if there were other bedrooms that could be used in the future? Carroll stated that because the other bedroom is attached to the ¾ bathroom, she might be using that bedroom if a family were to use the bed and breakfast. Mickelson asked why we were determining the number of rooms being used by her when the definition of bed and breakfasts states the maximum number of bedrooms is four. Birk stated that the Board had required other bed and breakfast facilities to state the number of guest rooms being provided for use and therefore, we had set precedence. An onsite was scheduled for Wednesday, January 10, 2001 at 4:00 p.m.

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION
MINUTES OF FEBRUARY 1, 2001 **REGULAR MEETING**

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Derosier, on Thursday, February 1, 2001 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Kendall, Mickelson, Mattson and Coburn
ABSENT: Kullbom, Owens

MINUTES: *Kendall moved to approve the minutes of January 4, 2001.*
APPROVED: *Mickelson second, and the motion carried.*

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #270 – Tom and Bonnie Schramel aka Logs Unlimited – To allow for construction and shipment of log homes.

LEGAL: Lot 1, T and M Subdivision, NW¼ of Section 16, T6N, R4E, B.H.M.

LOCATION: Approximately 1 mile north of Whitewood on the east side of Highway 34

PRESENT ZONE: A-1 General Agriculture District

Tom and Bonnie Schramel, owners of Logs Unlimited, were present at the meeting. Tom Schramel summarized his proposal in regard to the conditional use permit request. Lance Hubbard and Del Kok, neighbors in the area, spoke of the potential problems with the trucks pulling out onto Highway 34 and questioned the removal of the salvage material. Derosier stated that those concerns had been addressed in the conditions attached to the conditional use permit request. Mickelson reminded Hubbard that a conditional use permit is approved with an annual review and can be looked at on an as needed basis if complaints are recorded. The conditions attached to conditional use permit #270 were read. Mattson asked Schramel if he had contacted the State Department of Transportation? Bonnie Schramel answered that she had spoken with the South Dakota Department of Transportation, and they had no problem with the trucks entering Highway 34 from that location. The State requested that Schramel contact them when they are ready to place a sign advertising the business. Mickelson asked about the size of the crane that will be used on the property? Schramel answered that it is a 12½-ton all-terrain crane with a 48-foot boom. Coburn asked about fire protection? Schramel answered that each vehicle and building has a fire extinguisher. Schramel stated that he had done this type of work for eighteen years and had never had a fire emergency. A private well exists on the property and there are (2) two residential water outlets for hoses. Mattson questioned how often there would be trucks entering Highway 34 from the location? Schramel answered that each house would average (2) two truckloads and there would be (2) two truckloads when the house is transported to its final destination. Schramel stated there would be other truck deliveries when the company does restoration work. ***Kendall moved to approve Conditional Use Permit #270. Coburn second and the motion carried unanimously.*** Mattson stated that Schramel should contact DOT and request signage pertaining to the truck traffic entering and leaving from that location. ***A public hearing was scheduled for February 27, 2000 with the Lawrence County Commission.***

PLAT – Preliminary and Final – Greg Bolt - Plat of Tract A and Tract B a subdivision of M.S. 1028, located in Section 6, T2N, R4E, B.H.M. (Tract A = ±3.24 acres and Tract B = ±7.03 acres)

LOCATION: Approximately 2 miles north of the Lawrence/Pennington County Border (Minnesota Ridge), lying ½ mile east of the Silver Creek Subdivision.

PRESENT ZONE: PF-Park Forest District

ACTION REQUIRED: 1) Approval/Denial by Planning and Zoning

Randy Deibert, Black Hills Surveying, represented the plat. Erik N. Birk, Lawrence County Planning and Zoning Administrator, indicated the location of the property. Birk stated he had

received a letter from the Forest Service acknowledging use of the road for access to the lots. Deibert stated the land is being used for recreation with a small cabin on one lot. The other lot will be for the property owner's children. ***Mickelson moved to approve the preliminary plat. Coburn second and the motion passed unanimously. Mickelson moved to approve the final plat. Coburn second and the motion passed unanimously.***

UPDATE – GUDITH PLAT – Randy Deibert, Black Hills Surveying – Deibert stated that the final plat will be brought forward when the family gets out to the Black Hills in the spring to finalize their plans for the property.

Coburn motioned to recess the meeting to relocate to the City of Deadwood conference room. Kendall second and the meeting was recessed.

Chairman Derosier called the meeting to order in the City of Deadwood conference room.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #269 – Fisher Sand and Gravel Company and Boyd Larson, property owner - To allow for a small-scale sand, gravel, and rock operation for mining limestone.

LEGAL: NE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T6N, R1E, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T7N, R1E, B.H.M.

LOCATION: Approximately 5 miles west of Spearfish on the north side of Homestake Road.

PRESENT ZONE: A-1 General Agriculture District

Scott LaFone, Fisher Sand and Gravel area manager, presented the plan for the proposed quarry. LaFone presented the original plan but stated that there were some extra details in this presentation, with more “detail on a couple of the maps.” LaFone stated that a rock crusher would be used to crush 50,000 to 100,000 tons of rock per year. Rock would be crushed as per sales projections to keep gravel production up to meet the planned Fisher Sand and Gravel projects. Fisher would accept responsibility for maintenance of the haul road from the quarry site to the county road. Fisher Sand and Gravel would work with Lawrence County on the maintenance of the Homestake Road. The pit site would be (10) ten acres, which would include the stockpile site, the crusher site and the actual mining area. There are no plans for an asphalt or concrete plant, but the company would like to keep the idea open if the need would come up. LaFone showed the maps attached to the proposed conditional use permit request. LaFone stated that there is a 500-foot buffer zone around the mine area. Charles Nicholas, a neighbor in the area, spoke in favor of the quarry by stating he would rather see this gravel pit than the “Frawley fiasco”. Tom Brady, an attorney representing the property owners in the area, stated that Fisher Sand and Gravel had presented an amended conditional use permit application and it was not proper to proceed with this request. Brady contended that new information was included in this application and therefore, Fisher Sand and Gravel was “procedurally defective”. Brady felt that this was not a “small mine application, it was a large mine application”, and Brady wanted the record to reflect “procedural errors”. Brady also stated that procedurally, the application had not been in the Planning and Zoning Office for (30) thirty days prior to the January 4, 2001 review meeting and that the publication notices were inadequate. Brady referred to the last paragraph of Section 5.11.6 in regard to a quarry producing gravel for a government entity without obtaining a conditional use permit. Brady stated that the Commission should not allow Fisher Sand and Gravel to “coerce” them to allow favorable attention to this proposal. Brady submitted (66) sixty-six names on a petition to the Commission along with the (37) thirty-seven additional names that the Planning and Zoning Office had made available to them. Brady supplied a map, which indicated the Homestake Road as not meeting the road standards according to the Lawrence County Zoning Ordinance. Brady stated his concern in regard to “fugitive dust”, which is dust that is left over that dries and is blown away. Brady stated a Socio-Economic study should be required. Brady stated that Fisher Sand and Gravel has no reclamation plan in the application. Twenty-two (22) neighbors in the area of the gravel pit spoke in opposition. (A copy of the names are attached to these minutes). The concerns brought forth were the speculation of toxic substances released in the air with the blown dust, the unsafe road conditions on the Homestake Road with the increased truck traffic, noise pollution, well safety, destruction of the pristine land and a decrease in property values. ***Mattson motioned to continue the Public Hearing to the next meeting on March 1, 2001. Coburn second and the motion carried***

unanimously. Mattson made a second motion requesting Fisher Sand and Gravel to do a socio-impact study. Kendall second and the motion carried unanimously.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #271 – Donna Carroll - To allow for a Bed and Breakfast.

LEGAL: Lot 22, Block 5, Tract A, Lost Camp Valley, Sections 2 and 11, T4N, R2E, B.H.M.

LOCATION: Terry Peak / Lookout Trail

PRESENT ZONE: SRD-Suburban Residential District

Donna Carroll, property owner, was present at the meeting. Carroll reviewed her proposal for the Bed and Breakfast. She stated that there were no changes to the plan that she presented at the review meeting. There were (4) four neighbors in the area that spoke in opposition. The concerns centered on the covenants for the Lost Camp Valley subdivision which states the community does not allow any commercial use. The subdivision covenants state that homes within the subdivision are to be of residential use only. Another concern was the parking for the bed and breakfast and the impact to the road condition with the additional traffic from a bed and breakfast. ***Mattson moved to deny Conditional Use Permit #271 until the property owner obtained approval from the Terry Valley Homeowners Association for the Bed and Breakfast. Coburn second and the motion carried unanimously.***

REQUEST FOR VARIANCE #87 – Joe and Marly Mechaley – To request a (5) five foot variance into the (8) eight foot side yard setback as required by Section 3.3.4.B.1 of the Lawrence County Zoning Ordinance, placing the proposed addition approximately (3) three feet back from the side lot line.

LEGAL: Lot 3 of Lot A of Lot 9 of the SE¼NE¼ of Section 4, T6N, R2E, B.H.M., Lawrence County, South Dakota

LOCATION: Approximately ¼ mile south on Evans Lane from Service Road, Highway 14A. Take a right onto Swan Lane, fifth lot on the left.

PRESENT ZONE: SRD – Suburban Residential District

Marly Mechaley, property owner, presented the information pertinent to the variance request. Mechaley stated that the property owners wanted to add an addition to the west side of the existing residence. The proposed addition will be in (2) two sections; one will be a 355 sq. ft. room on the lower level, the other addition will be a 255 sq. ft. addition on the upper level and will be an addition to the living room. The proposed addition will be (11) eleven feet away from the neighbor on the west side. Mechaley stated that they had been in contact with that neighbor and the neighbor had no objection to the proposed addition. The shared well is located on the south side of the residence and the addition will have no effect on the well. Mickelson questioned the utility easement between the lots? Mechaley stated that there were no utilities on the west side of the lot and stated the utility easement ran along the south side of the lot. ***Kendall moved to approve Variance #87. Mattson second and the motion passed 3-1 with Kendall, Mattson, Coburn voting aye and Mickelson voting nay.***

REQUEST FOR CONDITIONAL USE PERMIT #272 – Elkhorn Ridge Camping Center (Frawley Ranches, Inc.) – To allow for a campground.

LEGAL: NE¼ of Section 22 lying southwest of Highway 85, located in T6N, R3E, B.H.M., Lawrence County, South Dakota

LOCATION: South of Interstate I-90 Exit 17 Off-Ramp Area and southwest of Highway 85.

PRESENT ZONE: A-1 General Agriculture District

Pat Wyss, land planner and Roger Tellinghuisen, attorney representing the property owner presented the proposal for the campground request. Wyss began his review of the package presented to the Commission by indicating the location of the proposed full service campground.

Wyss stated that the plan is detailed in the booklet handed out to the Commission. There will be a gated entrance off of the I-90 Service Road. At present an ingress/egress from Highway 85 for emergency purposes is being considered. The campground will accommodate (500) five hundred campsites, (50) fifty cabin sites and (100) one hundred tent sites. It is anticipated that with an average of (3) three people to a campsite, there would be a potential for 1,950 visitors. The campground will encompass (87) eighty-seven acres. Wyss pointed out that as per the Lawrence County Zoning Ordinance, Section 4.7.3, Temporary Campgrounds, Section 2, Subsection G., there would be allowed (1) one person per 400 sq. ft. Wyss further stated that as a comparison, the campground on (87) eighty-seven acres could permit 9,400 people. This campground proposal allows 25% of that number. With the potential for 1,950 visitors and dividing it by (50) fifty it is required, as per the zoning ordinance, that there be (39) thirty-nine enclosed toilets, this campground proposal allows (40) forty. Wyss went on to say there would be full electrical, cable and telephone service supplied to this campground area. There will be a security team that will be coordinated through a Community Improvement District that will be utilized within the Elkhorn Ridge Business Park. Tellinghuisen stated that the details of this proposed Community Improvement District would be presented fully to the Lawrence County Commission. Tellinghuisen explained the Community Improvement District as a special unit of government that is given broad powers to govern a defined area containing at least 640 acres. Tellinghuisen further explained that a property owner or owners could petition a county to establish this governing district. A board of supervisors numbering from 5-7 is the governing body for the district, (5) five of the supervisors are chosen by the developer, one supervisor is chosen by the county and one supervisor is chosen by the City of Spearfish as the campground area falls within the area defined under the Joint Powers Agreement. A manager is then hired to maintain and run the district. After establishment of the Community Improvement District, the district has the ability to levy real estate property taxes within that district, and to charge and collect user fees. Wyss touched on plans for parking, the pool house and the retail shop, garbage removal and signage within the area. Wyss indicated that a fully landscaped berm would be along scenic Highway 85 to screen the RV parking and to be sensitive to the adjoining property owners. Miller Creek runs through the area with the width of the floodplain left as open area to include trails and picnic tables. ***An onsite inspection was scheduled for February 9, 2001 at 3:00 p.m.***

REQUEST FOR CHANGE OF ZONING #207 – Elkhorn Ridge Business Park (Frawley Ranches, Inc.) – To allow for a high-tech industrial park and business park development to occur on the land.

LEGAL: The E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15. The W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, lying north of the Interstate I-90 right-of-way. The NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, lying north of Interstate I-90 right-of-way. The NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, lying north of Interstate I-90 right-of-way. All located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: North of Interstate I-90 and Exit 17 On-ramp area.

PRESENT ZONE: A-1 General Agriculture District

Pat Wyss, land planner, and Roger Tellinghuisen, attorney representing the property owner, presented the plan for the business park proposal. Wyss indicated the business park location as being north of Exit 17 on Interstate 90. The land surrounding the location is zoned agriculture with a recently approved residential change of zoning property near the business park location. This business park location is also (87) eighty-seven acres and in close vicinity to Spearfish, Deadwood and Whitewood. Wyss went on to say the type of development would be a coordinated business office space and support facilities, such as a professional office building and a major retail outlet. Wyss stated the developer is looking for a long-term build-out with a 10-15 year time frame. The developer would allow structures no taller than (3) three stories. This area would also fall under the Community Improvement District, as explained with the Elkhorn Ridge Campground presentation. A fully contained mechanical wastewater treatment plant will handle the septic waste disposal within the business park. Mattson asked when the fundamentals of the Community Improvement District would be explained to the Commission? Tellinghuisen stated he would put together an outline in regard to the district and have it ready for the onsite inspection. ***An onsite inspection was scheduled for February 9, 2001 at 3:00 p.m.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING - Stanley Scheurer, Thomas and Holly Gunderson Trust and Eugene Gunderson Trust

LEGAL: S½S½NE¼, W½SE¼ of Section 12, and the NW¼NE¼ of Section 13, T6N, R1E, B.H.M., Lawrence County, South Dakota

LOCATION: Approximately 3 miles west of Spearfish off the Higgins Gulch Road

PRESENT ZONE: A-1 General Agriculture District

ACTION REQUIRED: 1) Approval/Denial by Planning and Zoning

Stan Scheurer, property owner, presented the material pertinent to the change of zoning request. Scheurer stated he had done a number of engineer studies since the last time he came before the Commission. These engineer studies addressed the suitability of the property as agriculture land, adequate water supply and proper installation of septic systems and traffic impacts on the portion of the road to the proposed subdivision; these concerns were brought forth at the time of the previous change of zoning request. Scheurer indicated the recommendations in regard to the road to the subdivision; these were removal of trees and resigning the road. Scheurer spoke of the money that the developer would donate to the county that could be used for the road improvements. Scheurer stated that as the utilities are brought to Higgins Gulch they would be put in as underground utilities. Scheurer went further and addressed the (9) nine criteria that are considered by the Lawrence County Commission when making a decision to approve a change of zoning. Scheurer as the developer planned 3-5 years to market the sale of the lots. Roger Tellinghuisen, attorney representing Stan Scheurer, spoke on the subject of the road. He stated that \$3,000.00 would be donated to the county as each lot is sold to aid in the improvement of the road. A fund of \$96,000.00 would be made available for the purpose of the road improvement after the sale of all of the lots. Tellinghuisen stated that there are (20) twenty platted lots in Higgins Gulch but that only (9) of the lots are developed. Tellinghuisen felt that the Elk Country Lots would be sold, the money would be donated to the county fund set up for the Higgins Gulch Road, but that actual development of the lots would be in the future, thus allowing the road improvements to be made before all of the lots are built on. Chuck Williams, Lawrence County Highway Superintendent, stated that the donation of the \$96,000.00 would be adequate to widen the road and to improve the drainage. There were (4) four neighbors in the area, Jack and Lonny Jenkins, James Bowers and Lyle Haak, that voiced concern to the proposed development. The major concern was the safety of the road, the s-curve as part of the structure of the road and the one lane bridge that exists on the road. Another concern was the installation of septic systems and the adverse impact of possible ground water pollution. Bowers stated concern for an area on the plat that showed a right-of-way that he felt was included to allow future development to land lying above the land involved in the requested change of zoning at this meeting. Haak stated that at this time he felt the road was safe. Haak felt that with additional traffic the gravel surface would not be able to withstand that traffic. Tellinghuisen stated that the safety of the road should be improved because of the public use of the road at this time, and not because a property owner is proposing a development off of the road. The bridge on the road, which is owned by the Forest Service, is (15) fifteen wide and the line of sight is adequate in the bridge area if you are driving at a reasonable rate of speed. The septic tanks will be meet State specifications and requirements by Lawrence County such as engineering of each septic system. Scheurer stated that a covenant would be attached to the subdivision that will require the septic systems to be inspected every (2) two years. Mattson asked Williams if trees could be cleared on each side of the road without acquiring land from bordering property owners? Williams answered that the widening would be done on the fill side of the road and Williams said some research would need to be done as to whether land would need to be acquired. Kendall requested clarification about acquiring land in order to widen the road. Williams answered that there is a 66-foot right of way that is equally split from the center of the road, so quite possibly the county could have to acquire land. Williams explained that this road was a secondary county road and that the road had no mill levy, therefore, the taxpayers do not pay for maintenance on this road. The money comes from the state for maintenance. Mattson asked if there could be an agreement from the developer to petition the county after a "certain point"? Tellinghuisen answered yes, but he felt the time to talk about a petition from the

property owners in regard to road improvements would be at the platting stage of the land. Mattson asked if the developer would be willing to put the donated money for the road improvements “up front” before any lots were sold? Scheurer felt an agreement could be made to donate the money “proportionately” to the county as lots were sold. Mattson made a point by saying that if (15) fifteen lots were sold, the entire amount of money would not be available for the county to use for road improvement. Coburn felt that the land is probably not suitable as agriculture land. Coburn said the gravel road as it is now, would not handle the additional traffic along with the multiple uses of the road now. Coburn felt he did not want to add more liability to the county for the responsibility of paving the road. Scheurer reminded the Commission that he felt the land was not agriculture land and the zone should be changed but he was willing to work together with the government entities to try to solve the road issue. Mattson stated she felt comfortable dealing with the road issue at the time of the zoning change and did not feel she wanted to wait for the platting stage. Williams stated that there was “no way to fund” the improvements for the road on the county level. Birk reminded the Commission that they could delay a decision for recommendation of approval or denial for (31) thirty-one days or they could make a decision at this meeting and set a public hearing with the Lawrence County Commission. ***Coburn moved to approve change of zoning #206. Mickelson second. Coburn and Mickelson voted aye and Kendall and Mattson voted nay. Derosier voted aye to break the tie. The motion passed 3-2. A public hearing was scheduled for February 27, 2001 with the Lawrence County Commission.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF MARCH 1, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Vice-Chairman Mickelson, on Thursday, March 1, 2001 at 10:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Kendall, Mickelson, Mattson, Owens, Kullbom and Coburn

ABSENT: None

MINUTES: ***Kendall moved to approve the minutes of February 1, 2001.***

APPROVED: ***Mattson second, and the motion carried.***

PLAT – Preliminary – Don Keough - Plat of Keough Tracts A, B, C, and D, a subdivision of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, all located in Section 9, T3N, R5E, B.H.M., Lawrence County, South Dakota (Tract A= \pm 25.20 acres, Tract B= \pm 5.07 acres, Tract C= \pm 5.04 acres and Tract D= \pm 6.30 acres)

LOCATION: Approximately 2 miles north of Nemo off the Vanocker Road

PRESENT ZONE: PF-Park Forest District

John Arleth, Arleth and Associates, represented the plat. Arleth stated that there is an easement that runs through the land and that the plat will meet the PF-Park Forest density. Erik N. Birk, Planning and Zoning Administrator, indicated the location of the property. Kendall asked who maintained the road through the property? Birk answered that Keough, the property owner, and the adjacent property owner, Sween, maintained the road and that the road dead-ends at the Sween property, which borders Forest Service land. ***Coburn moved to approve the preliminary plat. Mattson second and the motion carried. Coburn moved to approve the final plat. Kendall second and the motion carried unanimously. The final plat will be considered by the Lawrence County Commission on March 13, 2001.***

PLAT – Preliminary and Final – Plat of O’Connell Lot 1, located in the remaining portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T7N, R3E, B.H.M. (Lot 1= \pm 37.62 acres)

LOCATION: Approximately 4 $\frac{1}{2}$ miles northeast of Spearfish off of 196th Street (Spring Creek Road)

PRESENT ZONE: A-1 General Agriculture District

John Arleth of Arleth and Associates represented the plat. Arleth explained that after approval of this plat, the property owner would relinquish residential building rights on another 40-acre tract of land. Mickelson questioned how this is documented in regard to the relinquishment of building rights? Birk stated that the property owner signs an affidavit and registers the document at the Register of Deeds office. Birk stated that the property owner would need to meet with Tom Sandvick, the 911 Administrator, to name the subdivision road shown within the platted lot. Arleth stated that he would add the name of the road to the final plat. ***Kendall moved to approve the preliminary plat. Owens second and the motion carried unanimously. Owens moved to approve the final plat. Kendall second and the motion carried unanimously.***

PLAT – Preliminary and Final – Virginia Rantapaa – Plat of Lot R-2A and Lot R-2B of Lot R-2 of H.E.S. 246, located in Section 21, T3N, R4E, B.H.M. (Lot R-2A= \pm 2.99 acres and Lot R-2B= \pm 67.72 acres)

LOCATION: Approximately 11 miles south of Deadwood off of Highway 385

PRESENT ZONE: PF-Park Forest District

Rob Stagner, son-in-law of the property owner, was present at the meeting. Birk indicated the location of the property and explained that the property lies on the north and south side of Highway 385. Birk also noted that a Homestead Entry Survey (H.E.S.) was designated by the irregular boundaries of meadowland. Birk felt that the property owner wanted to keep the property to the north and south side of the highway as Lot R-2B in order to retain the agriculture assessment. Mickelson asked if the highway was considered an easement? Mickelson said this plat represented (2) two distinct parcels separated by State property, and he felt that a person could not describe the lot to the south with the same name as the lot to the north of the highway. The Commission decided to approve the preliminary plat but to table the final plat until the property owner renames the lot to the south as Lot R-2C. Birk stated that Tom Sandvick, the 911 Administrator, should be contacted to name the internal road indicated on the plat. ***Coburn moved to approve the preliminary plat with the stipulation that the lot to the south of the Highway 385 be called Lot R-2C and to remove (1) one building site from Lot R-2B. Kendall second and the motion carried unanimously.***

PLAT – Final – Plat of Lot 9, Block 4, of Whitewood Forest Addition #2, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T6N, R4E, B.H.M. (Lot 9 = ±1.00 acre)

LOCATION: Approximately $\frac{1}{2}$ mile west of Whitewood

PRESENT ZONE: SRD – Suburban Residential District

Erik N. Birk, Planning and Zoning Administrator, indicated the location of the lot on the approved preliminary plat showing Whitewood Forest Addition #2. This lot was previously approved on the preliminary plat, and each lot is brought to the Planning Commission for final approval as the lots are sold. ***Owens moved to approve the final plat. Kendall second and the motion carried unanimously.***

REQUEST FOR CHANGE OF ZONING #208 – Doug Bechen – To allow for subdividing the land.

LEGAL: Lot 2 of T and M Subdivision of Section 16, T6N, R4E, B.H.M.

LOCATION: Approximately $\frac{3}{4}$ mile north of Whitewood along the east side of Highway 34

PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: RR – Rural Residential District

Doug Bechen, property owner, represented the change of zoning proposal. Bechen is requesting this change of zoning to allow him to subdivide a parcel of land, which is 52.441 acres in size into four lots. Bechen will plat a 20-acre lot to sell in order to eliminate a bank loan. The remaining lots will average (10) ten acres in size and will be inherited by each of Bechen's (3) three sons. Bechen stated that access to the property is off Highway 34, and this access road would be utilized by all of the platted lots. Each lot would be on its own well and septic system. The property to the north and east of this property is zoned A-1 General Agriculture, the changes to neighboring property in the area include conditional use permits allowing a communication tower and a log home manufacturing business. ***The Commission members will conduct individual onsite inspections. A public hearing will be held with the Planning Commission on April 5, 2001.***

REQUEST FOR CHANGE OF ZONING #211 – Randy O'Neill – To allow for a presidents park.

LEGAL: Evangeline No. 1 and No. 2 of M.S. 1168 located in the SW $\frac{1}{4}$ of Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: Deer Mountain

PRESENT ZONE: PF – Park Forest District

PROPOSED ZONE: RC – Recreation Commercial District

Randy O'Neill, property owner, and David Adickes, sculptor, were present at the meeting. O'Neill began his proposal by stating the presidents park will contain sculptures of the busts of the 42 presidents of the United States. O'Neill further stated that the park would be located on (2) two mineral surveys totaling about 20 acres. The visitors coming to the park would enter and exit off of Highway 85 onto the Deer Mountain Road and travel ¼ mile to the park site. There would be no affect on the traffic pattern for the residential area of Deer Mountain. O'Neill stated that there would be a building housing a visitors center, café, gift shop, restrooms, video room and classroom area. The amount of land on these mineral surveys should allow adequate parking and room to see and read the interpretive material in regard to the sculptures. Adickes stated that the location in the Black Hills was chosen because of its close proximity to the Mount Rushmore monument and the feel of the tourist area and gaming attractions. Adickes wants to create a feeling of intimacy by allowing the busts to be available as a sort of "Garden Park" for visitors to meander through. Adickes stated that if the change of zoning is approved a small section of the park could be available for the local people by July of 2001. Mattson questioned the amount of land that was requested for this proposal and suggested that there should be more land proposed in the request. Birk stated that he and O'Neill, the property owner, had discussed this request and decided this portion of land would allow a large buffer zone between the residential area and the proposed park. ***The Commission members will conduct individual onsite inspections. A public hearing will be held with the Planning Commission on April 5, 2001.***

LUNCH BREAK

Chairman Derosier called the meeting to order in the City of Deadwood conference room at 1:30 p.m.

CONTINUATION OF PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #269 – Fisher Sand and Gravel Company and Boyd Larson, property owner - To allow for a small-scale sand, gravel, and rock operation for mining limestone.

LEGAL: NE¼NE¼ and E½NW¼NE¼ of Section 2, T6N, R1E, and the S½SE¼SE¼ of Section 35, T7N, R1E, B.H.M.

LOCATION: Approximately 5 miles west of Spearfish on the north side of Homestake Road.

PRESENT ZONE: A-1 General Agriculture District

Erik N. Birk, Planning and Zoning Administrator, explained that Conditional Use Permit #269 would be tabled after this public hearing is held. Birk further stated the reason for the tabling of the issue would be for Fisher Sand and Gravel to look for alternative sites on this property, to look at other methods of extracting gravel from this site or to find another site to extract gravel on a different piece of property. A time frame of (63) sixty three days from March 1, 2001 for the tabling of the issue was agreed upon by Fisher Sand and Gravel, Tom Brady, attorney representing property owners in opposition of the gravel pit, and Bruce Outka, Deputy States Attorney for Lawrence County. The continuation of this public hearing would resume on May 3, 2001 at a regularly scheduled Planning Commission meeting. Fisher Sand and Gravel also agreed to waive the requirement that a joint meeting of the Planning Commission and the Board of County Commissioners be held with in 60 days of the application appearing on the agenda of the Planning Commission pursuant to the Lawrence County Zoning Ordinance Section 5.11.6 Subparagraph F. In the event that another site for the gravel pit is located on a different piece of property, there will have to be a new conditional use permit application submitted to the Planning and Zoning Office. The public hearing was being held because the required publication notices had already been placed in the newspapers. Scott LaFond, Fisher Sand and Gravel Area

Manager, handed the Commission answers to several questions that were presented at the previous public hearing. LaFond touched on the answers to these questions for the benefit of the people attending the meeting: 1) LaFond clarified the fact that even though, the zoning ordinance allows extractive operations at gravel pits to benefit government projects without a conditional use permit, Fisher Sand and Gravel had no intention of mining in this area without a conditional use permit. 2) Fisher Sand and Gravel is a “good neighbor” with indication of the large payroll that supports the neighboring communities. 3) The company is a viable business and the reclamation of the Backens pit is a “tribute” to the company. 4) There is a large limestone formation in this area of the Black Hills, but it is not all that easily accessible. 5) LaFond felt confident that no wells would be damaged by the contractor hired by Fisher Sand and Gravel for the blasting in the mining area. 6) In reference to the haul road, LaFond felt that with the proper maintenance, there should not be much breakdown of the road as it was built for truck traffic. An alternative route for a haul road could be looked at. 7) Fisher Sand and Gravel operates under the strictest of guidelines in regard to dust pollution. LaFond stated that fugitive dust exists in the environment, with the operation of cars on gravel roads, tractors in the field, etc. 8) A new location on the property could be looked at to diminish the noise pollution caused by the extractive operation. Several concerned neighbors spoke in opposition of the location of the gravel pit. The concerns brought forward included the noise pollution, industrial use in an agriculture area, heavy truck traffic causing a hazard on the existing road, that the gravel pit would detract from the quality of life in the area and the loss of property value in the event of future resale. Gayle Schuster, property owner in the area, asked where the water for the dust suppression would come from? LaFond answered that it would be trucked in from the McGuigan pit or from the shop site by Exit #2 off of Interstate 90. An audience member asked if a socio-economic study was being done? Mattson answered that as per the Lawrence County Commission, it was decided that a socio-economic study would not be of help to them. Mattson stated that Fisher Sand and Gravel was given a list of questions to answer. LaFond handed a copy of those questions and answers to the Planning Commission at this meeting. ***Owens moved to table Conditional Use Permit #269 for the (63) sixty-three day time frame. Mickelson second and the motion carried unanimously.***

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #272 – Elkhorn Ridge Camping Center (Frawley Ranches, Inc.) – To allow for a campground.

LEGAL: NE¼ of Section 22 lying southwest of Highway 85, located in T6N, R3E, B.H.M., Lawrence County, South Dakota

LOCATION: South of Interstate I-90 Exit 17 Off-Ramp Area and southwest of Highway 85.

PRESENT ZONE: A-1 General Agriculture District

Pat Wyss of Wyss Associates, Inc., highlighted the proposal for the campground. Wyss indicated the location of the property. The campground will accommodate (500) five hundred campsites, (50) fifty cabin sites and (100) one hundred tent sites. Wyss stated the infrastructure of the campground will include paved roads, water, sewer, and a pool and will have a security gate into the area. Wyss stated that as part of the development at Exit #17, a Community Improvement District could be approved. Roger Tellinghuisen, attorney representing the property owner, gave an overview of this proposal. Tellinghuisen handed the Planning Commission documented information in regard to the Community Improvement District. Tellinghuisen explained the Community Improvement District as a special unit of government that is given broad powers to govern a defined area containing at least 640 acres. Tellinghuisen further explained that a property owner or owners could petition a county to establish this governing district. In this case, Daryll Propp, would be the only landowner required to sign that petition. A (7) seven member board of supervisors is the governing body for the district, (5) five of the supervisors are chosen by the developer, one supervisor is chosen by the county and one supervisor is chosen by the City of Spearfish as the campground area falls within the area defined under the Joint Powers Agreement. A district manager is then hired to maintain and run the district. After establishment of the Community Improvement District, the district has the ability to levy real estate property taxes within that district, and to charge and collect user’s fees. The County has control over the zoning matters, and the Joint Powers agreement allows the City of Spearfish to have subdivision control and building rights within the district. A vote by property owners within the district could allow the dissolution of the community improvement district. Wyss pointed out the ideal location of the proposed campground development, the improvement to the local tax base and

the additional job opportunities that will be offered. Wyss suggested that a condition in regard to the access off of the service road could provide a provision for a merging lane and turning lane. Karl Jensen, representing the Save Centennial Valley Association, summarized the concerns of the neighbors to the proposed conditional use permit. Jensen stated that this is "one more shot at trying something that was turned down by the citizens of Lawrence County a year ago". Jensen pointed out that the establishment of this campground would impinge on the already low occupancy rate of the existing campgrounds. Another point Jensen made was that another industrial park is not needed; there is room in the existing industrial parks in the county. Jensen reiterated that the comprehensive plan that was approved in 1998 specified development from the city centers outward, and he felt this was not being followed. He felt this was a "new city plopped" in agriculture land. Jensen pointed out that the development is near the Madison Aquifer and was concerned about surface run off. Randy Havlik, owner of the Fish and Fry campground on Highway 385, spoke of the occupancy rate for the existing campgrounds being 15% to 30%. Havlik stated he would like to see the marketing study that would show that a campground of this size would be feasible. Havlik felt the Northern Hills did not need another campground. Several other property owners in the area spoke of the large percentage of voters that voted in opposition to the previous proposal by the Frawley Ranches, Inc., water issues, trash issues and people trespassing and the historic preservation aspect in regard to the Frawley Ranch. Clarification as to why there had been a name change was requested. Other concerns brought forward were the lack of evidence of jobs prior to the approval of the request and the diminishment of the beauty of the countryside with the development of Exit #17. The neighboring property owners felt that the loss of the "gateway to the Northern Hills" would lose tourist revenue to the Hills. Reed Richards, attorney for the Save Centennial Valley Association, handed out the state law pertaining to comprehensive plans. Richards reiterated the concerns voiced by the previous speakers. Members of the City of Spearfish governing community spoke in favor of the proposed development. Jerry Kramback, Mayor of Spearfish, stated that the developer has proposed this project without requesting any state, federal or county money and felt that the area was contiguous with the city of Spearfish. It was also noted that with the loss of mining and logging employment in the area, this proposal would add new job opportunities to the area and would enhance the school enrollment. Wyss answered some of the concerns by stating that the developer has an open and good constructive dialogue with historic preservation in South Dakota. Wyss continued that with great respect for the electoral process the vote a year ago did not mean that this property would be taken out of private ownership and kept in its current state. The law has been followed with the applications being submitted at this time. Wyss further stated that with the Joint Powers Agreement this land falls within the (3) three mile limit of Spearfish and the State has identified that as a logical area to accomplish growth from a municipality. In regard to the water issues, the wastewater treatment facility would meet the State permitting process. The name was changed to the Elkhorn Ridge Campground because of the location of the campground. Tellinghuisen commented that competition is encouraged in our society and that you could not say "no" to an insurance agency, or a contractor coming to the area because we already have those businesses. He felt this campground was not unfair competition to the existing campgrounds. Tellinghuisen went on to say the wells and wastewater treatment plant are approved and regulated by the State of South Dakota Water Management Board. Mickelson asked if the facilities that the developer has constructed in Colorado were leased before they were built? Wyss replied that there were no leases in place before building but that within the last year, a 300,000 sq. ft. facility in Colorado had kept a 99.9 % occupancy rate. A complex that was just completed had, upon an opening date, a 60% occupancy in that building. Mattson stated that she felt agriculture land was a good place for a campground. Mattson stated that the campground could impact neighboring ranches but that there were ways to work these problems out. Mickelson asked about the flood hazard area? Wyss stated that the area around Miller Creek would have walking trails and picnic tables and there would be no camping within the flood hazard area. Mickelson asked about the seating capacity in the amphitheater? Wyss said it was planned to seat the occupants of the campground. Kendall asked about the perimeter of the campground and how they could prevent the trespassing issue? Wyss read condition #22 that would apply to this concern. Richards spoke of conserving the natural resources of the area, to protect the existing tax base and to follow the law as per the Comprehensive Plan approved in 1998. Coburn asked if there had been discussion with the City of Spearfish in regard to connecting to the city sewer system? Wyss stated the wastewater treatment plant would handle the waste disposal in the development but if the City of Spearfish showed an interest, the subject would be entertained. Wyss did state that the developer and the City of Spearfish had discussed the subject. Owens spoke of the opposition to the plan in regard to the election and respected the right of the people to be heard. Kullbom stated that he

has watched businesses in Lead close and residents leave neighborhoods; he felt that this development could stimulate growth in the northern hills area. Coburn stated that he voted against the proposed development the first time it was presented to Lawrence County. Coburn said that a suggestion he made at that time was a slow presentation of the development to allow the county to see “who the developer was”. Coburn felt this was not the approach the developer was taking at this time. Kendall pointed out that this development was not going to happen in “one big push”. Wyss stated that development would be done incrementally. Kendall felt that there would be positive impact to the county in the future. Kendall felt that this Commission had no authority to regulate competition with other people. Mattson reminded the audience that the Comprehensive Plan approved in 1998 could not be put into effect until there was an ordinance to implement the plan. The development of the ordinance is still in the process. Mattson stated that in that new plan she could indicate where it states that development should occur at exits and certain places in the county. Coburn read Section 4.1.1, No. 4 from the 1998 Comprehensive Plan in regard to development at exits and interchanges. ***Mattson moved to approve CUP #272 with the conditions attached. Kullbom second and the motion carried 5-1 with Owens voting in opposition.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #207 – Elkhorn Ridge Business Park (Frawley Ranches, Inc.) – To allow for a high-tech industrial park and business park development to occur on the land.

LEGAL: The E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 15. The W $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, lying north of the Interstate I-90 right-of-way. The NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, lying north of Interstate I-90 right-of-way. The NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, lying north of Interstate I-90 right-of-way. All located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: North of Interstate I-90 and Exit 17 On-ramp area.

PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: C/LI – Commercial/Light Industrial District

Pat Wyss, land planner, and Roger Tellinghuisen, attorney representing the property owner, highlighted the plan for the business park proposal. Wyss indicated the business park location as being north of Exit 17 off of Interstate 90. Wyss presented slides of pictures to indicate the type of structures Propp Realty has constructed in Colorado. Wyss stated the name of the zone that was appropriate for this change of zoning request was Commercial/Light Industrial. Wyss stated that Frawley Ranches, Inc. is proposing a “first rate corporate business park”. Mickelson requested clarification as to whether these types of buildings that were shown would typify the kind of structures that would be built in the development? Wyss reminded Mickelson that this was a request for a change of zoning and that the developer was not prepared at this time to present the covenants in regard to the structures. The building covenants will be reviewed by the National Trust For Historic Preservation to gain that input and guidance before beginning any structure. Mickelson felt that the audience might have thought the buildings shown in the slides may have represented the type of buildings that were going to be constructed. Wyss answered that he was using the pictures to show the quality of the structures built in Colorado. Wyss stated the business park proposal fell within the area under the Joint Powers Agreement and that platting and building permit applications would be the responsibility of the City of Spearfish. Brian Walker, Spearfish Economic Development, spoke in favor of the project. Walker stated that the Spearfish area lacked the amount of land that could be purchased to be developed into this type of Business Park and wanted to voice his support for the proposal. Reed Richards, attorney representing the Save Centennial Valley Association, felt that the change of zoning requests are being submitted separately so that if the change of zonings are approved, the citizens of Lawrence County will have to vote on each change of zoning item separately. Richards wanted the Commission to consider this idea when making their decision. Richards felt this was not proper planning and zoning, and the Commission should “put a stop to this”. Richards felt the type of jobs created by this development were not comparable to the jobs lost in mining, teaching and logging. Several adjoining property owners were present to voice their concerns. Some of the concerns that were offered were, the creation of a city in agriculture land, the development was not appropriate at Exit #17 because it was not developed from a city center outward, historic designation of the Frawley Ranch, the loss of beauty in the area at Exit #17 and

the recent vote last year in Lawrence County that said “no” to the project. Wyss went on record to state that Daryll Propp, the property owner was a “top notch” developer and Wyss resented the fact that Propp’s name was being “demonized” at these hearings. Wyss felt that with the proper plan to develop Exit #17, this project would not be an eyesore, the landowner has the ability to develop something “well more than a cut above”. Wyss stated that the business park administration will aggressively seek tenants to fill the buildings constructed and those tenants will do their jobs to keep people employed. Mattson stated that the county is expecting a loss in revenue; buildings such as those at Homestake will be removed from the tax roll in the county. Mattson felt this development will be advantageous to Lawrence County. Derosier felt change was coming and you could not stop it. Owens felt that if the developer had presented the office complex by itself last year it would have been approved. Mattson asked when the Community Improvement District would be put into place? Tellinghuisen answered that the plan for the Improvement District would be presented at the platting stage. Tellinghuisen stated that there has to be 640 acres involved to form the criteria for the district, also they would have to do an economic study and an environmental study. Derosier asked if the Community Improvement District had to be formed? Tellinghuisen answered that no, the district did not have to be implemented but that is was the developer’s belief that is was a good way to manage the water and sewer systems, the roads, and police protection. It provides a way to raise the revenue from the land in the district to provide these services. Coburn stated that again he was concerned with the speed of the way the applications for these changes are being delivered. Coburn felt that the affect on the neighboring ranches would be great and wanted to consider the vote that was held. ***Owens moved to approve Change of Zoning #207. Kendall second and the motion carried 3-2 with Coburn and Mickelson voting in opposition.***

REQUEST FOR CHANGE OF ZONING #209 – Elkhorn Ridge Guest Lodging (Frawley Ranches, Inc.) - To allow for hotel development to occur on the land.

LEGAL: That portion of the S½ of Section 15, lying south of Interstate I-90, east of Highway 85 and north of the centerline of Miller Creek, all located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: South of Interstate I-90 and Exit 17 on-ramp area

PRESENT ZONE: A-1 - General Agriculture District

PROPOSED ZONE: HSC – Highway Service Commercial District

Pat Wyss, land planner, and Roger Tellinghuisen, attorney representing the property owner, were present at the meeting. Wyss began by stating that the proposed hotel complex will be situated in the southeast corner of Exit #17. The size of the area for the requested change of zoning is 51.91 acres. The hotel building(s) will be constructed with the related support facilities. The property will be accessed from the north from Interstate 90 and from the east on the St. Onge road. The Community Improvement District discussed in the previous (2) two requests will also sustain this area within that district. The mechanical wastewater treatment plant will be utilized to handle the hotel complex. The Miller Creek flood hazard area will be left undeveloped and used as open space. Wyss continued that the area in the requested change of zoning falls within the growth area projected for the City of Spearfish, also Exit #17 is the gateway to Deadwood via Highway 85.

REQUEST FOR CHANGE OF ZONING #210 - Elkhorn Ridge Service Center (Frawley Ranches, Inc.) -To allow for a highway service center - retail development to occur on the land.

LEGAL: That portion of the E½SW¼ of Section 15, lying south of Interstate I-90, west of Highway 85 and north of the centerline of Miller Creek, all located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: South of Interstate I-90 and Exit 17 off-ramp area

PRESENT ZONE: A-1 - General Agriculture District

PROPOSED ZONE: HSC - Highway Service Commercial District

Pat Wyss, land planner, and Roger Tellinghuisen, attorney representing the property owner, were present at the meeting. Wyss began by stating that the proposed service center will lie in the southwest corner of Exit #17. The property will be accessed from the east directly off of Highway 85 and from the north off of Interstate 90. There is no flood hazard area in these 32.13 acres that is requested for the change of zoning. The Community Improvement District discussed in the previous (3) three requests will also sustain this area within that district. The mechanical wastewater treatment plant will be utilized to handle the hotel complex. Wyss continued that the area in the requested change of zoning falls within the growth area projected for the City of Spearfish, also Exit #17 is the gateway to Deadwood via Highway 85. The Commission decided that Birk should determine dates toward the end of March and contact the Commission members to set a date for the onsite inspection.

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF APRIL 5, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, April 5, 2001 at 10:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Kendall, Mickelson, Mattson, Owens, Kullbom and Coburn

ABSENT: None

MINUTES: ***Kullbom moved to approve the minutes of March 1, 2001.***

APPROVED: ***Mattson second, and the motion carried.***

PLAT – Preliminary and Final – Virginia Rantapaa – Plat of Lot R-2A, Lot R-2B and Lot R-2C of Lot R-2 of H.E.S. 246, located in Section 21, T3N, R4E, B.H.M. (Lot R-2A= ±2.99 acres, Lot R-2B= ± 50.76 acres and Lot R-2C= ±16.95 acres)

LOCATION: Approximately 11 miles south of Deadwood off of Highway 385

PRESENT ZONE: PF-Park Forest District

Erik N. Birk, Planning and Zoning Administrator, stated that Highway 385 dissects Lot R-2B. Therefore, the portion of land south of the Highway was renamed to Lot R-2C. The preliminary plat had been previously approved with the condition that the portion of the land south of the highway be named as an individual lot. Birk indicated the location of the land. He, also, stated that the lots do not exceed the (8) eight lots per (40) forty-acre density requirement for PF-Park Forest zoning. The property owner will not lose the agriculture designation as per tax assessment. ***Owens moved to approve the final plat. Kendall second and the motion carried unanimously.*** Birk stated that he had the preliminary plat with the new Lot R-2C on it. Birk stated that he wanted to void the previous preliminary plat and approve this plat with the correct name of the lot on it. ***Kendall moved to approve the preliminary plat with the correct lot name. Kullbom second and the motion carried unanimously.***

PLAT – Final – Black Hills Forest Acres – Plat of Lot 5, Block 5, of Whitewood Forest Addition #2, located in the NW¼SE¼ of Section 20, T6N, R4E, B.H.M. (Lot 5 = ±1.00 acre)

LOCATION: Approximately ½ mile west of Whitewood

PRESENT ZONE: SRD – Suburban Residential District

Birk indicated the location of the lot on the preliminary plat showing Whitewood Forest Addition #2. This lot was previously approved on the preliminary plat, and each lot is brought to the Planning Commission for final approval as the lots are sold. ***Kendall moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – Final – Randy O’Neill – Plat of Lot 12 and a replat of Lot 8A-1 into Lot 8A-2 of Deer Mountain Resort Development No. 4 being a subdivision of the Evangeline No. 7 and Evangeline No. 8 Lodes of M.S. 1158 and the Welcome, Derby, Seagull and Tiger Lodes of M.S.

1152, located in the NW¼ and the SW¼ of Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota (Lot 8A-2 = ±3.32 acres and Lot 12 = ±1.28 acres)

LOCATION: Deer Mountain

PRESENT ZONE: SRD – Suburban Residential District

Randy O'Neill, property owner and John Arleth of Arleth and Associates, presented the plat. O'Neill stated that the changes to the lots are to allow the property owner to obtain a building site that would allow them to meet the setback requirements in SRD-Suburban Residential District. The lots were previously approved on a preliminary plat, and each lot is brought to the Planning Commission for final approval as the lots are sold. O'Neill updated the Planning Commission on the water situation at Deer Mountain. He stated that the 25,000 gallon water tank was installed and a new pressure gage was going to be installed that would supersede the manual checking of the water pump. **Owens moved to approve the final plat. Kullbom second and the motion carried unanimously.**

PLAT – Preliminary and Final – Michael and Susan Davies - Plat of Lot Z-1, Z-2 and a 50' private access and utility easement, being a subdivision of Lot Z of Lot A-2a, a subdivision of Lot A of Tract 3 of the Nellie Terrill Ranchettes as recorded in Doc. No. 98-4032, located in Section 35, T6N, R4E, B.H.M. Lawrence County, South Dakota (Lot Z-1 = ±76.39 acres and Lot Z-2 = ±5.00 acres)

LOCATION: Approximately 1½ miles southeast of Whitewood on the south side of Interstate 90

PRESENT ZONE: PF- Park Forest

John Arleth of Arleth and Associates, presented the plat. Arleth stated that Lot Z-2 is being platted at (5) five acres for financial reasons. The road to Lot Z-2 is a platted access to Lot Z-2. The property owner also owns the remaining acreage on Lot Z-1. **Kendall moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Kullbom moved to approve the final plat. Owens second and the motion carried unanimously.**

REQUEST FOR CONDITIONAL USE PERMIT #273 – Carol Fitzgerald – To allow for a Bed and Breakfast.

LEGAL: Part of the Frisco and Deadbroke Lodes of M.S. 1876 and Lot 1, a part of the Fox Lode of M.S. 1852 in Section 12, T4N, R3E, B.H.M.

LOCATION: Approximately 3 miles south of Deadwood off of Highway 385

PRESENT ZONE: PF – Park Forest District

The applicant, Carol Fitzgerald, presented the Bed and Breakfast request. Ron Kocourek owns the subject property. Fitzgerald began by indicating the location of the house and property. There are three other property owners within the 500 feet requirement as per the Lawrence County Zoning Ordinance. The property is accessed off of Highway 385. Fitzgerald envisioned hiking on the 17-acre parcel of land as an amenity to the Bed and Breakfast. The house on the property has (2) sets of bedrooms that would share each of the two bathrooms. There is a fully equipped kitchen and washer and dryer available for use by the guests. Fitzgerald stated that she would live in the basement of the house during the summer months. Mattson asked if the absence of the owner living on the property fit the Bed and Breakfast definitions? Birk read the section of the ordinance that pertains to bed and breakfast requests. Mickelson suggested that the request be called a "Specialty Resort" instead of a Bed and Breakfast. With a "Specialty Resort" the owner of the property is not required to live on the property. Fitzgerald stated that she or her representative would definitely be on the premise if there were bed and breakfast reservations. Coburn stated that the owner should apply for the "Specialty Resort" and then Fitzgerald could operate the bed and breakfast for the property owner. **Coburn moved to change the Bed and Breakfast request to a "Specialty Resort". Kullbom second and the motion carried unanimously.** An onsite inspection was scheduled for April 30th at 3:00 p.m. **A public hearing will be scheduled on May 3, 2001 with the Planning and Zoning Commission.**

LUNCH BREAK

Chairman Derosier called the meeting to order in the third floor courtroom of the Lawrence County Courthouse at 1:00 p.m.

REQUEST FOR CHANGE OF ZONING #212 – Elkhorn Ridge Retail Center (Frawley Ranches, Inc.) – To allow for retail courtyard development to occur on the land.

LEGAL: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, which lies east of Highway 85, T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: Northeast of Highway 85 and South of Interstate 90 at Exit 17

PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: HSC – Highway Service Commercial District

Pat Wyss, Wyss Associates, Inc. and the land planner for the Elkhorn Ridge Development began his presentation by indicating the location of the approximate 31.60 acres for the retail courtyard request. Wyss stated that he would be requesting an access approach from the South Dakota Department of Transportation off of Hwy. 85. A previous access location that was suggested closer to the Baker property would be moved further north away from the Bakers property. The retail courtyard plan will provide an area outdoors to walk and to enter the shops in a courtyard arrangement. The proposal falls within the 3-mile limit of the City of Spearfish. Wyss presented a map to correct any assumptions that any historic sites on the Frawley Ranch were being disturbed by this development request. Kullbom asked how much tax revenue the 31.60 acres brought to Lawrence County as agriculture land? Wyss stated that it brought in about \$70.00 at this time. Birk asked what type of businesses had shown an interest in the courtyard retail development? Wyss answered that he had been contacted by “cottage industry” type ventures, such as small coffee shops, arts and crafts and small cafes. Owens asked Wyss if a small-scale business such as Wyss had described could afford the rent in the retail area? Wyss said “yes” that those types of businesses would be able to afford the rent if the development is done right, but that more extensive feasibility studies would be done to find that out. Birk asked if this retail development would utilize the water system that is planned for the entire Frawley Ranch Development? Wyss answered that the entire development would come in under the requirements discussed with the Community Improvement District in regard to the previous change of zoning requests. ***A public hearing will be scheduled on May 3, 2001 with the Planning and Zoning Commission.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #208 – Doug Bechen – To allow for subdividing the land.

LEGAL: Lot 2 of T and M Subdivision of Section 16, T6N, R4E, B.H.M.

LOCATION: Approximately $\frac{3}{4}$ mile north of Whitewood along the east side of Highway 34

PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: RR – Rural Residential District

Doug Bechen, property owner, presented the change of zoning request. Bechen requested this change of zoning to allow him to subdivide his property, which is approximately 52.441 acres into four lots. Bechen will plat a 20-acre lot to sell in order to eliminate a bank loan. The remaining lots will average (10) ten acres in size. Bechen stated that access to his property is from Highway 34, and this access road would be utilized by all of the platted lots. Each lot would be on its own well and septic system. The changes to neighboring property in the area include: commercial, commercial/light industrial, a subdivision grandfathered-in on A-1 General Agriculture, and conditional use permits allowing a communication tower and a log home manufacturing business. ***Owens moved to approve Change of Zoning #208. Kullbom second and motion carried unanimously.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #209 – Elkhorn Ridge Guest Lodging (Frawley Ranches, Inc.) - To allow for hotel development to occur on the land.

LEGAL: That portion of the S½ of Section 15, lying south of Interstate I-90, east of Highway 85 and north of the centerline of Miller Creek, all located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: South of Interstate I-90 and Exit 17 on-ramp area

PRESENT ZONE: A-1 - General Agriculture District

PROPOSED ZONE: HSC – Highway Service Commercial District

Pat Wyss, land planner, and Roger Tellinghuisen, attorney representing the property owner and Larry Mann of Mann Strategies, were present at the meeting. Mann made a statement in regard to the loss of jobs due to the closing of Homestake Mining Company. Mann spoke of the change in population impacting the schools and the recent census count, which indicated population loss in neighboring communities. Wyss began by stating that the proposed hotel complex will be situated in the southeast corner of Exit #17. The size of the area for the requested change of zoning is approximately 51.91 acres. The hotel building(s) will be constructed with the related support facilities. The property will be accessed from the west from Highway 85 and from the east off the St. Onge road. The Community Improvement District discussed in the previous requests will also sustain this area within that district. The mechanical wastewater treatment plant will be utilized to handle the hotel complex. The Miller Creek flood hazard area will be left undeveloped and used as open space. Wyss continued that the area in the requested change of zoning falls within the growth area projected from the City of Spearfish. Wyss stated this was a planned development that would eliminate “sprawl”. The land with (1) one hotel located on it will add \$262,175.00 to the Lawrence County tax base. The land with (2) two hotels located on it will add \$524,350.00 per year. Proponents spoke of their support for the well planned, well organized way the development would occur. Tellinghuisen reiterated that the infrastructure of the proposed development would be governed under the previously discussed Community Improvement District (CID). Opponent, Karl Jensen, who represents the Save Centennial Valley Association, felt that this was growth of a city in agriculture land. Marc Colby, Deer Mountain resident, spoke of the likelihood that the Community Improvement District was not adequately going to provide the complete line of services as per the State of South Dakota requirements for development of that type by this governing body. Colby referred to (4) four specific items: 1) the question of sufficient monies available to develop the property, 2) the economic impact to the area, 3) the lack of an environmental impact study and 4) and is this development consistent with other developments in the area? Colby suggested that the Planning Commission consider adding conditions to the change of zoning request in order to receive answers to the above questions. Bruce Outka, Deputy States Attorney, reminded the Planning Commission that this was a change of zoning request and as per the Lawrence County Zoning Ordinance; a Commission could not condition that sort of request. Tellinghuisen stated that the Community Improvement District (CID) is being proposed by the developer to address the concerns regarding water, sewer, police protection, etc. brought up in regard to the development. The developer felt that the (CID) will provide the “appropriate vehicle” to answer these concerns. Tellinghuisen stated that the approval of the change of zoning requests will allow the developer to facilitate the application for the CID and those studies that need to be conducted will be taken care of at that point in time. Coburn asked what would happen if the developer would decide not to establish a CID?

Tellinghuisen answered that the concerns would still need to be answered by the developer. Tellinghuisen stated that at the time of platting, the subdivision regulations would allow conditions to be attached prior to the approval of the plat. Coburn asked if the Community Improvement District would allow certain areas to be exempt from taxation? Tellinghuisen answered no, he used the water treatment plant as an example of tax exemption but said that the inhabitants of the CID could be taxed a real property tax but that tax would be in addition to the county tax assessments. Derosier asked if the CID was brought to the County Commission for approval? Tellinghuisen stated that the petition is submitted to the County, and they are required to hold a public hearing in regard to it. A CID requires the consent of 100% of the property owners within the 640 acres. ***Kullbom moved to approve Change of Zoning #209. Kendall second and the motion passed 5-1 with Coburn casting in opposition. A public hearing will be held on May 8, 2001 with the Lawrence County Commission.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #210 - Elkhorn Ridge Service Center (Frawley Ranches, Inc.) - To allow for a highway service center - retail development to occur on the land.

LEGAL: That portion of the E½SW¼ of Section 15, lying south of Interstate I-90, west of Highway 85 and north of the centerline of Miller Creek, all located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: South of Interstate I-90 and Exit 17 off-ramp area

PRESENT ZONE: A-1 - General Agriculture District

PROPOSED ZONE: HSC - Highway Service Commercial District

Pat Wyss, land planner, and Roger Tellinghuisen, attorney representing the property owner and Larry Mann of Mann Strategies, were present at the meeting. Wyss began by stating that the proposed service center will lie in the southwest corner of Exit #17. The service center will not be a truck stop, and there will be no overnight parking at the location. The property will be accessed from the east directly off of Highway 85. There is no flood hazard area in these approximate 32.13 acres that is requested for the change of zoning. The Community Improvement District discussed in the previous requests will also sustain this area within that district. Wyss reminded the Commission that the area in the requested change of zoning falls within the growth area projected from the City of Spearfish. Mann spoke of the opportunity the Elkhorn Ridge Development offered to sustain the jobs and families in the surrounding communities. He reiterated that this plan was well planned and organized and should be considered as such. Opponents spoke of the inappropriateness of the location for this type of growth, the additional traffic that a development of this size would add to the highway and interstate intersection along with the county roads coming off Highway 85. Wyss stated that the traffic issues would be handled and permitted through the South Dakota Department of Transportation. Wyss stated that covenants would be in place in regard to the type of building that will be constructed. Mickelson voiced his concern about the “looks” of the buildings constructed in this change of zoning request. Wyss assured him that if a McDonald’s, for instance, would build in the area it would follow the standards set forth in the covenants. Coburn felt the service center type of development was appropriate for this location as per the Comprehensive Plan approved in 1998. ***Kullbom moved to approve Change of Zoning #210. Owens second and the motion carried unanimously. A public hearing will be held on May 8, 2001 with the Lawrence County Commission.***

REQUEST FOR CHANGE OF ZONING #211 – Randy O’Neill – To allow for a presidents park.

LEGAL: Evangeline No. 1 and No. 2 of M.S. 1168 located in the SW¼ of Section 18, T4N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: Deer Mountain

PRESENT ZONE: PF – Park Forest District

PROPOSED ZONE: RC – Recreation Commercial District

Randy O’Neill, property owner, was present at the meeting. O’Neill began his proposal by stating the Presidents Park will contain sculptures of the busts of the 42 presidents of the United States. O’Neill further stated that the park would be located on (2) two mineral surveys totaling about 20 acres. The visitors coming to the park would enter and exit off of Highway 85 onto the Deer Mountain Road and travel ¼ mile to the park site. O’Neill stated they would construct a building that would be operated as a visitors center, café, gift shop, restrooms, video room and classroom area. The amount of land on these mineral surveys should allow adequate parking and room to see and read the interpretive material in regard to the sculptures. O’Neill’s presentation addressed each of the (9) nine points that the Commission considers prior to approval or denial of a change of zoning request as per the Lawrence County Zoning Ordinance. O’Neill stated that the Deer Mountain water system would not be providing water to this proposed project, the water needs would be supplied by a cistern and a well would be drilled. Joyce Carlsen and Chad Sebade, Deer Mountain property owners, voiced concerns in regard to the additional traffic and pedestrian traffic to the existing subdivision; the water shortages that the subdivision experiences at times; the deteriorated condition of the roads; and “the commercial creep” into the residential area. There was concern about the additional traffic entering Highway 14A from the entrance to Deer Mountain. O’Neill clarified that the new water storage tank was in use at this time and would be used as a water source for the residential area and the new campground. O’Neill spoke of the challenge of the road upkeep in the subdivision and stated that a newsletter to the residents has proposed an additional charge to be used for the road maintenance. He stated if a majority did not agree upon this, a road district could possibly be organized. There would be ¼ mile of the road that would be used before entering the road to the Presidents Park. O’Neill stated that he was looking into hard surfacing that portion of the road. ***Kendall moved to approve Change of Zoning #211. Coburn second and the motion carried unanimously. A public hearing will be held on May 8, 2001 with the Lawrence County Commission.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF MAY 3, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, May 3, 2001 at 12:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, , Mickelson, Mattson, Owens, Kendall, Kullbom and Coburn

ABSENT: None

MINUTES: ***Coburn moved to approve the minutes of April 5, 2001.***

APPROVED: ***Kullbom second, and the motion carried.***

Ray Jilek, President of Eagle Aviation, Inc., was present at the meeting. Jilek requested support from the Planning and Zoning Commission to allow replacement of a sign that was damaged in 2000 by the windstorm. The sign would be a 6X12 foot lighted pole sign that would indicate where to obtain fuel. The airport property is owned by the county and is zoned A-1 General Agriculture and exists commercially in that zone as a non-conforming use. ***Mickelson moved to support the placement of the sign at the airport. Kendall second, and the motion carried unanimously.***

PLAT – Preliminary and Final – Steven and Christine Christofferson – Plat of Tract S, located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T7N, R2E, B.H.M. (Tract S = \pm 3.25 acres)

LOCATION: Approximately 5 miles northwest of Spearfish on the west side of Ryther Road (054S)

ZONE: A-1 General Agriculture District

Randy Deibert of Black Hills Surveying represented the plat. Deibert indicated the location of the property as being west of the Humphreys and Cragos land and south of the Redwater River. The portion of the land is being platted for financial reasons and an affidavit was presented to relinquish the residential building rights on the remaining acreage. Kendall asked if there were any residences on the land now? Deibert answered that there were no homes on the land at this time. ***Owens moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Kendall moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – Final – Plat of Lot 2, Block 5, of Whitewood Forest Addition #2, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T6N, R4E, B.H.M. (Lot 2 = \pm 1.0 acres)

LOCATION: Approximately $\frac{1}{2}$ mile west of Whitewood

ZONE: SRD – Suburban Residential District

Deibert indicated the location of the lot on the preliminary plat showing Whitewood Forest Addition # 2. This lot was previously approved on the preliminary plat, and each lot is brought to the Planning Commission for final approval as the lots are sold. ***Kendall moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – Final – Homestake Mining Company – Plat of the Lodge Lot and public walk-in access easement, being a replat of Spearfish Canyon Lodge Lots 1,2,3,4,5,6 and 7 and public walk-in access easement, a subdivision of Spearfish Canyon Lot C-1 of the Wyoming Placer, MS. 991 and the Western Placer, M.S. 1590, located in the W $\frac{1}{2}$ of Section 9, T4N, R2E, B.H.M. (The Lodge Lot = \pm 11.06 acres)

LOCATION: Approximately 3 miles south of Savoy off Spearfish Canyon Hwy. 14A

ZONE: PF- Park Forest (PUD)

Julie Stone of Homestake Mining Company represented the plat. Birk indicated the location of the property. The plat of Spearfish Canyon Lodge Lots was approved in 1994. Homestake Mining Company felt it was in the best interest of Spearfish Canyon to plat this area into one 11.06 acre lot. Jack Cole, Spearfish Canyon Preservation Trust, asked if there were plans for a commercial operation on the lot? Stone answered that the lot was a residential lot and would require a Change of Zoning or a Conditional Use Permit to allow for any commercial activity. Cole stated that the Spearfish Preservation Trust group would prefer the lot be used as a residential lot. ***Kendall moved to approve the final plat. Kullbom second and the motion carried unanimously.***

FISHER SAND AND GRAVEL – CONDITIONAL USE PERMIT WITHDRAWAL

Birk read the letter from Fisher Sand and Gravel stating that they had withdrawn the Conditional Use Permit request for small-scale sand, gravel and rock quarry on the Boyd Larson property.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #273 – Carol Fitzgerald – To allow for a Specialty Resort.

LEGAL: Part of the Frisco and Deadbroke Lodes of M.S. 1876 and Lot 1, a part of the Fox Lode of M.S. 1852 in Section 12, T4N, R3E, B.H.M.

LOCATION: Approximately 3 miles south of Deadwood off of Highway 385

PRESENT ZONE: PF – Park Forest District

The applicant, Carol Fitzgerald, presented the Specialty Resort request. Ron Kocourek presently owns the subject property. Fitzgerald began by indicating the location of the house and property. There are three other property owners within the 500 feet requirement as per the Lawrence County Zoning Ordinance. The property is accessed off of Highway 385. Fitzgerald envisioned hiking on the 17-acre parcel of land as an amenity to the “Specialty Resort”. The house on the property has two (2) sets of bedrooms that would share each of the two bathrooms. There is a fully equipped kitchen and washer and dryer available for use by the guests. Fitzgerald stated that she could live in the basement of the house during the summer months. Coburn stated his concern in regard to the property owner not living on the property and operating a “Specialty Resort”. Birk read the conditions attached to the conditional use permit request. Suggestions were made to change conditions #4, #7, #8 and #17. These conditions, with the changes, are on file in the Planning and Zoning Office. A new condition was added that stated the applicant or a designated manager must be on the premise while specialty resort guests are present. Fitzgerald asked what time frame was allowed in order for the “Specialty Resort” to comply with the conditions set forth as part of the conditional use permit request? The Commission stated the conditions would have to be met before the opening of the “Specialty Resort”. Coburn also suggested stating the size of the fire extinguisher that was required. Another condition was added that would require the applicant to come before the Commission for approval when the basement of the home was ready to be rented. ***Owens moved to approve Conditional Use Permit #273 with the suggested changes to the conditions. Kullbom second. The motion carried 5-1 with Mickelson casting the opposing vote.*** A public hearing will be held with the Lawrence County Commission on June 7, 2000.

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #212 – Elkhorn Ridge Retail Center (Frawley Ranches, Inc.) – To allow for retail courtyard development to occur on the land.

LEGAL: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, which lies east of Highway 85, T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: Northeast of Highway 85 and South of Interstate 90 at Exit 17
PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: HSC – Highway Service Commercial District

Larry Mann of Mann Strategies and Pat Wyss of Wyss Associates, Inc., were present at the meeting. Wyss began his presentation by indicating the location of the approximate 31.60 acres for the retail courtyard request. Wyss stated that he would be requesting an access approach from the South Dakota Department of Transportation off of Hwy. 85. An access off of the St. Onge Road would also be utilized. The retail courtyard plan will provide an area outdoors to walk and to enter the shops in a courtyard arrangement. The proposal falls within the 3-mile limit of the City of Spearfish. Wyss stated that he had been contacted by “cottage industry” type ventures, such as small coffee shops, arts and crafts and small cafes. An addition to this plan today would be a pedestrian underpass that would connect the campground with the retail area. Wyss displayed a map showing what the land would look like if it were sold as (40) forty-acre tracts of land. Wyss felt this well planned development proposal would benefit Lawrence County. Wyss asked the Commission to consider leaving this public hearing open until the next Planning and Zoning meeting in order to allow this item to be considered after the referendum on June 5, 2001. Reed Richards, attorney representing Save Centennial Valley, stated that he felt (40) forty-acre tracts of land had worked well in Lawrence County previously. Richards felt that when you changed the zoning on land you would lose control of what is developed on that land. Richards asked what would become of the commercially zoned land if the owner would sell the land after the zoning on the land is changed? Richards also agreed to the request to continue this public hearing until after the referendum vote on June 5, 2001. Wyss responded by stating the sale of (40) forty-acre tracts could allow (10) ten different owners to present ten different applications. Wyss spoke of possible subdivision of the 40-acre tracts. Richards stated that the density in A-1 General Agriculture is one residence per forty acres and there could be no subdividing unless the zoning was changed. Birk clarified that if the zoning was changed on the land and the land was sold to a new owner, a zoning amendment application would have to be filed for both Commissions to approve before the change in the plan would be allowed on the land. Birk used a waterslide park as an example for consideration as an amendment to a plan for a previously approved change of zoning request such as the Elkhorn Ridge proposal. Mickelson asked about the galvanized lighting poles at Exit #17? Wyss stated that the contributing agencies involved in getting Exit #17 lighted, would have to agree to cover the additional cost of returning the existing galvanized poles and the additional costs of purchasing and delivering the new kortan poles. ***Mattson moved to request the public hearing in regard to Change of Zoning #212 remain open and that the applicant waive the (30) thirty days for continuation of the public hearing. Owens second. The motion carried unanimously.***

REQUEST FOR CHANGE OF ZONING #214 – Elkhorn Ridge Retirement Village (Frawley Ranches, Inc.) - To allow for a retirement center development to occur on the land.

LEGAL: The S½ of the SE¼ of Section 15 lying South of Miller Creek center line, East of Highway 85, and North and West of St. Onge Road, all in Township 6 North, Range 3 East, Black Hills Meridian, Lawrence County, South Dakota.

LOCATION: South of I-90, East of Highway 85, and north of the St. Onge Road

PRESENT ZONE: A-1 - General Agriculture District

PROPOSED ZONE: SRD – Suburban Residential District

Pat Wyss of Wyss Associates, Inc, began by stating that the proposed retirement center would be a mix of independent living, assisted living and recreational units and would be located on 47.54 acres. The proposed plan would offer medical services for geriatric and senior care. The access to the retirement center would be off of the St. Onge Road. The location of the retirement center would allow family members to stay at the nearby motels or at the campground facility. There would be a footbridge allowing access over Miller Creek from the motels to the retirement center. Wyss stated the existing historic buildings on the property could possibly allow a location for hobby activities such as woodworking etc.

REQUEST FOR CHANGE OF ZONING #213 - Elkhorn Ridge Golf Course and Elkhorn Ridge Subdivision (Frawley Ranches, Inc.) - To allow for residential and golf course development.

LEGAL: The NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, lying south of Interstate I-90 right-of-way; the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, lying south of Interstate I-90 right-of-way; the NE $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the south 979.34 feet of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15; the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 14; the NW $\frac{1}{4}$ of Section 14, lying south of Interstate I-90 right-of-way; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22; and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, all located in T6N, R3E, B.H.M., Lawrence County, South Dakota.

LOCATION: Vicinity of Exit 17, Interstate 90

PRESENT ZONE: A-1 - General Agriculture District

PROPOSED ZONE: SRD - Suburban Residential District

Pat Wyss of Wyss Associates, Inc, began his presentation by stating that the golf course proposal would be the last submittal for zoning this year. The golf course will be an (18) eighteen-hole course. The golf course and residential development property is completely surrounded by land owned by Frawley Ranches, Inc. and consists of 144.56 acres. The intent of the residential development would be to provide a series of single-family detached residential units fronting the 7,200 - yard golf course. There is no residential zone proposed for north of Interstate 90 at this time, the residential proposal has been decreased by 25%. Wyss stated that tax assessment indicated in the brown area on the map presented would be \$323.00 per year versus over \$700,000.00 annually after development. The proposed residential zone and golf clubhouse would fall outside the Joint Powers Agreement. ***Kullbom moved to allow a waiver to delay the scheduled June 7, 2000 public hearing on the two zoning requests heard by the Planning Commission today. Kendall second. The motion carried unanimously. Kullbom moved to defer the onsite inspections on the two zoning request heard by the Commission today. Owens second. The motion carried unanimously.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF JUNE 7, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, June 7, 2001 at 1:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mickelson, Mattson, Owens, and Coburn

ABSENT: Kendall and Kullbom

MINUTES: *Coburn moved to approve the minutes of May 3, 2001.*

APPROVED: *Mickelson second, and the motion carried.*

REQUEST FOR CONDITIONAL USE PERMIT #274 – C-5, LLC – Rod Galland - To allow for special events such as weddings, family reunions, youth group outings, professional group meetings, and recreational activities.

LEGAL: Spearfish Canyon Lot C-5, being portions of Meadow No. 1, 2, and 3, M.S. #1564, Sec. 22, T4N, R2E, B.H.M.

LOCATION: Approximately 6 miles southwest of Lead in Spearfish Canyon at State Hwy. 85 and Hanna Road.

PRESENT ZONE: PF – Park Forest District (PUD)

Rod Galland, property owner, represented the Conditional Use Permit request. Galland summarized his proposal by stating that he and his partners had purchased the Adelpia Club which had been used as a picnic and meeting location in the past. Galland stated that he would like to continue with seasonal use from April 15 through October 15. The existing building was constructed in the 1930's and that building would remain on the property but would be renovated with paint, etc. Galland intends to put in a septic system this year or possibly next year but until that time the outhouses on the property will be used. The outhouses are vaulted and could be utilized by up to (90) people. Galland stated he would keep the occupancy at (90) ninety until a septic system is installed, in the event the maximum occupancy of 150 people is anticipated he would utilize portable toilets. Galland will manage what is proposed in the conditional use permit request, he will oversee the collection and disposal of trash and the proper parking of the cars at the site so as not to obstruct the adjoining property owners access to their homes. There will be no food prepared at the Adelpia Club site, guests may have the food catered or bring the food along with them. Mickelson recommended that a condition be added that would state portable toilets would be used if the number of people exceeded (90) ninety. Erik N. Birk, Planning and Zoning Administrator, asked if the access through the Adelpia Club was public or private? Galland stated that the access was a private road and was used by (2) two different property owners for access. Galland assured the Commission that the people using the Adelpia Club would not block the access to the other properties. Birk stated that he wanted to add a condition to the conditional use permit stating the access must be kept clear. Birk asked whether the well water had been tested? Galland stated that he had sent in a water sample, but had not received the data back. Birk stated that a conditional use permit was tied to the legal description of the land and requested that the land be re-platted if additional acreage was to be added and that the new legal description be used as part of the conditional use permit application. Mickelson stated that the Conditional Use Permit could be approved with the additional ¼ acre platted to describe the land within the conditional use permit request. Jack Cole, a member of the Spearfish Canyon Homeowners Association, spoke in favor of this conditional use permit request. The Commission decided that they would perform on-site inspections of the property individually. A public hearing will be held on July 5, 2001 with the Planning and Zoning Commission.

REQUEST FOR CHANGE OF ZONING #215 – Jimmy and Patricia Hegdahl - To allow for subdividing a ±10.32 acre tract into two (2) residential lots.

LEGAL: Lot 17 of East Slope Estates, Sec. 16, T6N, R4E, B.H.M.

LOCATION: Approximately ±½ mile north of Whitewood on the west side of Highway 34

PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: RR – Rural Residential District

Jim and Patricia Hegdahl represented the change of zoning request. The Hegdahls have proposed dividing their property into (2) two lots, following the (2) two-acre minimum as per the Lawrence County Zoning Ordinance for rural residential zoning. One lot would contain the Hegdahls residence and the other lot would be used as a lot for placement of a mobile home for their son and his family to live in. The new lot will have utilities and a septic system. The placement of the mobile home will meet the setback requirements as per the RR-Rural Residential District zoning. The access to the new lot is a driveway existing on the property. Birk displayed a map showing developmental changes that have occurred in this area. The Commission decided that the Hegdahls should have the plat ready to show them before approval or denial at the public hearing on July 5, 2001.

PLAT – Final - Jon Mattson – Plat of Lots 3, 11, and 16 of Shirttail Gulch Subdivision, being a portion of the Theodor Placer, M.S. 777, in Section 13, T5N, R3E, B.H.M. (Lot 3 = ±2.80 acres, Lot 11 = ±2.10 acres and Lot 16 = ±2.95 acres)

LOCATION: Immediately east of Deadwood on the north side of Hwy. 14A

ZONE: PF-Park Forest District

Birk indicated the location of the lot on the preliminary plat showing Shirttail Gulch Subdivision. This lot was previously approved on the preliminary plat, and each lot is brought to the Planning and Zoning Commission for final approval as the lots are sold. ***Owens moved to approve the final plat. Mickelson second and the motion carried unanimously. Mattson abstained from the vote.***

PLAT – Preliminary and Final – Duane Rogers, Linda Rae Jens, Loren and Jacqueline Ritter – Plat of Tract HA and Tract HB of Tract H, a subdivision of the SW¼NW¼ of Section 14, T5N, R4E, B.H.M. (Tract HA = ±2.23 acres and Tract HB = ±2.23 acres)

LOCATION: Approximately 7 miles east of Deadwood on the south side of Highway 14A

ZONE: SRD – Suburban Residential District

Birk indicated the location of the property. The subdivision of Tract H meets the requirements of the SRD-Suburban Residential District zone. Discussion was held about the removal of the buildings on Tract HB but no decision was made. ***Owens moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Mickelson moved to approve the final plat. Owens second and the motion carried unanimously.***

PLAT – Final – Randy O’Neill – Plat of Lot 19 of Deer Mountain Resort Development No.4 being a subdivision of the Evangeline No. 7 and Evangeline No. 8 Lodes, M.S. 1158, and the Welcome Lode, M.S. 1152, located in the NW¼ and SW¼ of Section 18, T4N, R3E, B.H.M.

LOCATION: Deer Mountain

ZONE: SRD – Suburban Residential District

Birk indicated the location of the lot on the preliminary plat showing Deer Mountain No. 4 Subdivision. This lot was previously approved on the preliminary plat, and each lot is brought to the Planning and Zoning Commission for final approval as the lots are sold. ***Owens moved to approve the final plat. Mickelson second and the motion carried unanimously.***

REQUEST FOR A SECOND RESIDENCE – Scott Halverson - To request placement of a mobile home for an immediate family member.

LEGAL: NE¼SE¼ (Ex. 2 acres) of Section 17, T7N, R2E, B.H.M.

LOCATION: Approximately 3½ miles north of Spearfish off of the Old Belle Road

ZONE: A-1 General Agriculture District

Scott Halverson, property owner, represented this request. Halverson explained to the Commission that he would like to place a mobile home on his land as a second residence for his aging mother. Halverson said that having his mother living on the land would enable him to take her to doctor appointments, etc. Birk stated that the mobile home would sit across the Old Belle Road from the Halverson residence. The portion of the land has an existing well but a septic system would be installed if a mobile home were allowed to be placed on this portion of the land. *Mickelson moved to approve the request for a second residence with the condition that the mobile home be removed when the death of Halverson's mother occurs or if she would move from the mobile home. Coburn second and the motioned carried unanimously.*

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION
MINUTES OF JULY 5, 2001 **REGULAR MEETING**

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, July 5, 2001 at 1:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mickelson, Mattson, Owens, and Coburn
ABSENT: Kendall and Kullbom

MINUTES: *Mickelson moved to approve the minutes of June 7, 2001.*
APPROVED: *Mattson second, and the motion carried.*

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #274 – C-5, LLC – Rod Galland - To allow for special events such as weddings, family reunions, youth group outings, professional group meetings, and recreational activities.

LEGAL: Spearfish Canyon Lot C-5, being portions of Meadow No. 1, 2, and 3, M.S. #1564, Sec. 22, T4N, R2E, B.H.M.

LOCATION: Approximately 6 miles southwest of Lead in Spearfish Canyon at State Hwy. 85 and Hanna Road.

ZONE: PF – Park Forest District (PUD)

Rod Galland, property owner, presented the Conditional Use Permit request. Galland summarized his proposal by stating that he and his partners had purchased the Adelpia Club which had been used as a picnic and meeting location in the past. Galland stated that he would like to continue with seasonal use from April 15 through October 15. The existing building was constructed in the 1930's and that building would remain on the property but would be renovated with paint, etc. Galland stated that an engineer is looking at the septic system at this time and considering the best system for the property. The outdoor toilet facility on the property at this time is an enclosed vaulted out-building. Galland stated he would keep the occupancy at (90) ninety people until a septic system is installed. If the maximum occupancy of 150 people were met he would utilize portable toilets. Galland or his representative will manage the Adelpia Club; they will oversee the collection and disposal of trash and the proper parking of the cars. Galland stated that there would be no parking on the Hanna Road; there will be no food prepared at the Adelpia Club site; and guests may have the food catered or bring in the food. Several Spearfish Canyon property owners were in the audience to voice their concerns about the conditional use permit request. Those present were Jack Cole, Norm Nichols, Jack and Bob Morcom, Bob Geis, Linda Christianson, Bill Lease, Jack Kucera and Melvin Williams. Cole stated that the Spearfish Canyon residents would hold to the covenant restrictions in regard to commercial enterprises in Spearfish Canyon. Cole stated he understood the conditional use permit request would not allow the property to be used as an overnight campground; there would be no motorcycle camping; the property would not be used as an ATV area; the Adelpia Club would not promote gambling; there would be no sale of food or gifts; no loud music; and the lighting would be subdued. The remaining neighbors in the area of the Adelpia Club also voiced these same concerns. Morcom asked if a church group could use the club as an overnight retreat? Galland answered that he had no plans for any overnight activities at this time. There was a question of noise and the possibility of amplified music and the exact number of hours that the campground would operate. The need for a shower facility in Galland's presentation was questioned. It was brought to the Commission's attention that if there were no overnight activities planned why would a shower facility be needed? A question was asked in regard to adding more fire pits on the property? Galland stated he would use the existing fire pit and that no other fire pits would be added. Williams asked what would happen if the property was sold in the future? Galland stated that he would sell the property for residential use only. Galland stated that in regard to the lighting on the property, he did have a responsibility to light the area safely for people getting to and from their cars, etc. Mattson questioned where the water went from the

sink in the Adelpia Club? Galland stated that the water drained outside into a graveled area. Bob Morcom asked if the water on the property was potable water? Galland answered no. Mattson stated that if and when a shower facility was planned, Galland will need to come before the Commission for consideration of that proposal. Discussion was held in regard to an additional access to the Adelpia Club from Highway 85. Erik N. Birk, Planning and Zoning Administrator, stated that the S.D. Department of Transportation has established new requirements for accesses off of state highways; this property already had a direct access off of Hanna Road, and so any new access from Highway 85 would have to be approved by the S.D. Department of Transportation and himself. Birk read the conditions attached to the conditional use permit request. The Commission made changes to the conditions in order to address the concerns voiced at the meeting. The additional conditions and the changes made to existing conditions were documented and are included in the conditional use permit file in the Planning and Zoning Office. Birk stated the revised conditions would be sent to anyone requesting them prior to the County Commission meeting. ***Owens moved to approve Conditional Use Permit #274 with the additions and changes to the conditions. Coburn second and the motion carried unanimously. A public hearing will be held before the Lawrence County Commission on August 14, 2001.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #215 – Jimmy and Patricia Hegdahl - To allow for subdividing a ±10.32 acre tract into two (2) residential lots.

LEGAL: Lot 17 of East Slope Estates, Sec. 16, T6N, R4E, B.H.M.

LOCATION: Approximately ±½ mile north of Whitewood on the west side of Highway 34

PRESENT ZONE: A-1 General Agriculture District

PROPOSED ZONE: RR – Rural Residential District

Jim and Patricia Hegdahl presented the change of zoning request. Birk indicated the location of the property and indicated the other change of zonings and conditional use permits in the area. The Hegdahls have proposed dividing their property into (2) two lots. One lot would contain the Hegdahls residence and the other lot would be used as a lot for placement of a mobile home. The new lot will have utilities and a septic system. The placement of the mobile home will meet the setback requirements as per the RR-Rural Residential District zoning and will meet the (2) two-acre minimum requirement. ***Owens moved to approve Change of Zoning #215. Coburn second and the motion carried unanimously. A public hearing will be held before the Lawrence County Commission on August 14, 2001.***

PLAT – Preliminary and Final – Jimmy and Patricia Hegdahl – Plat of Lot 17A and 17B, East Slope Estates, Section 16, T6N, R4E, B.H.M.

LOCATION: Approximately ±½ mile north of Whitewood on the west side of Highway 34

ZONE: RR – Rural Residential District (after recommendation by Planning and Zoning Commission and approval by Lawrence County Commission.)

Randy Deibert of Black Hills Surveying presented the plat. This plat is being presented at this time in conjunction with Change of Zoning #215 and will not be registered until the Lawrence County Commission approves the Change of Zoning request. The access to the new lot is a common access from Highway 34. Lot 17B is a two (2) acre lot with Lot 17A being 8.35 acres. ***Coburn moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Mickelson moved to approve the final plat. Mattson second and the motion carried unanimously with the above condition.***

REQUEST FOR CONDITIONAL USE PERMIT #275 – Clayton and Mary Overland - To allow for manufacturing and selling of new and used flatbed and horse trailers.

LEGAL: Lots 6-9 of Block 8 and Lots 1-12 of Block 11 of Crook City Town Lots and a portion of a vacated street and alley adjacent of Section 33, T6N, R4E, B.H.M.

LOCATION: Approximately 1½ miles south of Whitewood on the south side of Crook City road.

ZONE: PF- Park Forest District

Clayton and Mary Overland, property owners, presented the conditional use permit request. Mary Overland began by stating that the conditional use request would not be for manufacturing trailers but that they wanted to sell up to (20) twenty new and used flatbed and horse trailers from this location. Overland stated that he had sold his building in Whitewood and needed this location off the Crook Mountain Road and the Crook City Road to display and sell these trailers. Overland expected that he would have 0 to 4 customers during the 8:00 a.m. to 4:00 p.m. on workdays. Overland further stated that there would be a 4X4 foot sign located on his property to advertise the business. Owens asked what the neighbors thought about the conditional use permit? Overland stated that the neighbors have indicated no objection to this proposal. Birk said he would correct the paperwork deleting “manufacturing” and replacing it with “displaying” and the paperwork would be re-mailed back to the property owners. ***An onsite review was scheduled for July 19, 2001. A public hearing will be held before the Lawrence County Planning Commission on August 2, 2001.***

REQUEST FOR CHANGE OF ZONING #216 – Joe B. Jorgensen, Spike C. Jorgensen and James A. Benning - To allow for a commercial business to include: a gas station, a convenience store, a fast food business and a motel.

LEGAL: HMC Lot E, being a portion of the NE¼SW¼ and the SE¼SW¼ of Section 34, T7N, R2E, B.H.M.

LOCATION: North of Spearfish at the Intersection of Highway 85 and Interstate 90 at Exit 10

PRESENT ZONE: A-1 General Agriculture

PROPOSED ZONE: HSC – Highway Service Commercial District

Joe Jorgensen and James Benning, developers, presented the change of zoning request. Jorgensen began by stating the location and size of the lot. The proposal for the 9.3 acre lot will be to build a 70X90 foot gas station that would contain a convenience store, an 80X120 foot restaurant, an 80-unit motel and other related commercial activities such as a car wash, storage units, etc. If the change of zoning is approved by Lawrence County, the building permits will be issued by the City of Spearfish and all requirements will be met in regard to the city regulations. Jorgensen stated that the septic system would be engineered and meet State requirements. There will be a well on the property and the well will meet all State requirements. Jorgensen felt this change of zoning request at this location was appropriate to the future growth along the Highway 85 corridor; the proposal is located at the Exit 10 interchange of Interstate 90; the traffic patterns in the area would benefit the commercial use; and there were no services like this in the area. The construction would begin in the fall of 2002 with completion of all of the related commercial ventures on the lot in 2006. ***An onsite review was scheduled for July 19, 2001. A public hearing will be held with the Planning Commission on August 2, 2001.***

REQUEST FOR CHANGE OF ZONING #217 – Robert & Connie Douglas - To change the property from a conditional use property to a commercial zone for commercial storage.

LEGAL: Lot 2, East Slope Estates, Section 16, T6N, R4E, B.H.M.

LOCATION: Approximately ½ mile north of Whitewood off the west side of Hwy. 34

PRESENT ZONE: A-1 General Agriculture

PROPOSED ZONE: HSC – Highway Service Commercial District

Robert Douglas, property owner, presented the change of zoning request. Douglas indicated that this property with the existing storage buildings operates under Conditional Use Permit #180. Douglas stated there was a proposed 30X60 foot building that he wanted to build on the south side of Lot 2. The use on the property will not change but the change of zoning, if approved, would conform to other commercial zones in the area. The storage area is operated at this time from 6:30 am until 8:00 p.m. on Monday through Saturday and these hours depend on weather conditions and work schedules. The parking is for employees only and there is no customer parking. Derosier asked what was stored on the property? Douglas answered that they store commercial and dump trailers and occasionally insulation needs to be stored. ***A public hearing with the Planning Commission will be held on August 2, 2001.***

REQUEST FOR CONDITIONAL USE PERMIT #276 – Jon and Diane Van Patten – To allow for a Bed and Breakfast.

LEGAL: Portion of Government Lot 2, lying south of the county road, Section 3, T3N, R4E, B.H.M.

LOCATION: Approximately 4 miles east of Brownsville on the south side of Nemo Rd.

ZONE: PF- Park Forest District

Jon and Diane Van Patten, property owners, and their attorney, John Frederickson, presented the conditional use permit request. Diane Van Patten began by stating the land is 86 acres with a house and several outbuildings on the property. Van Patten said they would be razing the old home and a couple of the small outbuildings to make room to construct a new log home. This home would have (5) five bedrooms to rent and each bedroom would have its own full or $\frac{3}{4}$ bathroom. There would be a common area for the guests to use and a private separate space would be set aside for the Van Patten's living area. The décor for the bed and breakfast will be a Scandinavian theme and one meal will be served per day. Van Patten stated she would like to operate from May through October. During those months, the guests will take advantage of the outdoor sports including hiking, biking, hunting, etc. The property allows enough acreage to provide adequate parking and the building will be partially visible from the Nemo Road. Mattson asked if they needed the approval of the conditional use permit before they would build. Van Patten responded by saying they would build the house anyway but without the proposed number of bedrooms. Frederickson stated that the Van Pattens would like to employ two people to help in the operation of the Bed and Breakfast if approved. ***A public hearing will be held with the Planning Commission on August 2, 2001.***

REQUEST FOR VARIANCE #88 – Michele R. Goodwin – To request an (8) eight foot variance into the (8) foot setback from the property line on the north and east side of the property as required by the Lawrence County Zoning Ordinance, constructing a (2) car garage with exactly the same placement as the single car garage which will be razed if the variance is granted.

LEGAL: Lot 9B of Lot 9 in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 4, T6N, R2E, B.H.M.

LOCATION: 238 Upper Valley Road, Spearfish

ZONE: SRD – Suburban Residential District

Peter and Michele Goodwin, property owners, presented their request for a variance and handed out pictures showing the extended footprint of the proposed garage from the existing garage. Goodwin stated the existing 22 $\frac{1}{2}$ X14 $\frac{1}{2}$ foot garage would be razed with a new 24X24 foot garage built in the same location from the side and rear property lines, but would extend out further along the back and towards the front. Goodwin indicated that different locations on the property were considered for the location of the garage, but these would not work because of their air conditioner's location and a set of trees at the other location. The proposed garage would extend 10 feet with the rear building setback not changed. ***Owens moved to approve Variance #88. Coburn second and the motion carried unanimously. A public hearing will be held before the Lawrence County Commission on July 23, 2001.***

REQUEST FOR VARIANCE #89 – Duane and Susan Drew – To allow a variance of 25 feet into the 25-foot front yard setback as per Lawrence County Zoning Ordinance, Section 3.2.4.B and to allow for construction up to the side yard property line.

LEGAL: Lot 1, Blacktail Subdivision, M.S. #55, Section 21, T5N, R3E, B.H.M.

LOCATION: Approximately 1½ miles north of Deadwood off of the Maitland Road

ZONE: PF – Park Forest District

Erik N. Birk, explained the circumstances in regard to this variance request. The proposed garage construction would require the entire front and side yard setback footage. There is a 50-foot access easement within Lot 1 as shown on the Blacktail subdivision plat, which restricts the buildable area on the property. The perspective buyer, the Drews, are requesting the variance contingent upon the purchase of this property. The Planning Commission decided to do an onsite review before making a decision and suggested that the perspective buyers find someone else to represent them, besides the Planning and Zoning Administrator. ***An onsite review was scheduled for July 19, 2001. A public meeting will be held with the Planning Commission on August 2, 2001.***

PLAT – Preliminary and Final – Josh and Coral Sand – Plat of Tract 1 and Tract 2 of the E½W½SE¼ of Section 22, T7N, R1E, B.H.M. (Tract 1 = ±10.00 acres and Tract 2 = ±23.60 acres)

LOCATION: Approximately ±7 miles northwest of Spearfish off of Hwy. 14A

ZONE: A-1 General Agriculture

Jim Walker of NJS Engineering presented the plat. Walker indicated the location of the land and stated that portions of this property had been originally excluded due to a highway service road running along the south part of the property and another piece on the north end was platted due to a court judgment. The 10.00 acres of Tract 1 is being platted for financial purposes. The property owner relinquished the residential building rights on Tract 2, which is 23.60 acres by affidavit of which will be filed with the Lawrence County Deeds Office. ***Mickelson moved to approve the preliminary plat. Coburn second and the motion carried unanimously. Owens moved to approve the final plat. Mickelson second and the motion carried unanimously.***

PLAT –Revised Preliminary – Jon Mattson – Plat of Lots 6, 17, 18, 19, 20, 22, 23, 30, 31, 32 and 33 of Shirttail Gulch Subdivision, being a portion of the Theodor Placer, M.S. 777 in Section 13, T5N, R3E, B.H.M. (Lot 6 = ±5.58 acres, Lot 17 = ±2.05 acres, Lot 18 = ±2.39 acres, Lot 19 = ±2.00 acres, Lot 20 = ±2.00 acres, Lot 22 = ±2.90 acres, Lot 23 = ±18.08 acres, Lot 30 = ±9.92 acres, Lot 31 = ±13.66 acres, Lot 32 = ±12.62 acres and Lot 33 = ±2.04 acres)

LOCATION: Immediately east of Deadwood on the north side of Hwy. 14A

ZONE: PF - Park Forest District

Jon Mattson, property owner, and John Arleth of Arleth and Associates, were present at the meeting. Birk displayed the preliminary plat that was approved in 1996. This plat would increase the number of lots in the subdivision. Birk indicated (1) one cul-de-sac and dead-end road within the revised plat. Birk reminded the Commission that the subdivision regulations state that there be no dead-ends or cul-de-sacs roads greater than 500 feet in length. The length of the road to the cul-de-sacs and the radius of the cul-de-sacs must meet the requirements of the Lawrence County Subdivision Ordinance. Birk had told Mattson that he would need to provide fire hydrants in this revised portion of the plat, as there are fire hydrants in the previously approved subdivision plat. Birk, also, stated that he had spoken with Mattson prior to the meeting and requested a road profile be done because of the steep terrain within this subdivision. Birk read from the Subdivision Ordinance to familiarize the Planning Commission with road design requirements, variances, and fire protection. Birk stated that there are (2) two other subdivisions on the agenda today for the Commission to consider in regard to the Subdivision Ordinance. The Planning Commission can grant variances that would have to be recorded with the plat to address the changes allowed on the plat being different from those requirements as

defined in the Subdivision Ordinance. Coburn stated that in working with the Lawrence County Fire Advisory Board, that Board would recommend (2) two exits out of Shirttail Gulch Subdivision as that is a critical area in the Black Hills. Coburn stated that if the two exits could not be provided then possibly the County could help in securing some sort of emergency access out of the subdivision. Coburn stated that the developer could reduce the vegetation and thin trees to alleviate some of the fire safety concerns in the area. Mattson requested clarification on what was required of him when he returned on August 2, 2001. Birk stated the concerns to be addressed are: 1) to provide a road profile with grades and culverts, 2) fire hydrant locations, 3) road names for 911 system, 4) variance on length of road to cul-de-sacs and grades, 5) to add a cul-de-sac to the second road which is a dead-end road, and 6) to look at providing a second access as a fire emergency exit.

PLAT – Preliminary – Roubaix Land and Timber (Clayton Johnson, Bill Pearson and Terrence Kullbom) – Plat of Lots 1 through 10 of Cloverleaf Estates Subdivision being a portion of the Badger, M.S. 1307, Black Prince, M.S. 827, Uncle Sam, M.S. 825, Ophir, M.S. 826, Vulgar Fractions, M.S. 1365, American Boy, M.S. 1365, Eagle Fraction, M.S. 1365, Golden Crown, M.S. 1365, Erie, M.S. 386, Legal Tender, M.S. 385, Union, M.S. 387, Buckeye, M.S. 1307, Boston, M.S. 1307, Fleur De Lis, M.S. 1307, and Lots 1 and 2 all located in Sections 29, 30 and 32, T4N, R4E, B.H.M. (Lot 1 = ±14.00 acres, Lot 2 = ± 6.00 acres, Lot 3 = ±6.00 acres, Lot 4 = ±9.00 acres, Lot 5 = ±10.00 acres, Lot 6 = ± 10.00 acres, Lot 7 = ±10.00 acres, Lot 8 = ±8.00 acres, Lot 9 = ±12.50 acres and Lot 10 = ±6.00 acres)

LOCATION: Old Town of Roubaix, approximately 1½ miles east of Brownsville on the south side of Nemo Road

ZONE: PF – Park Forest District

Bill Pearson and Clayton Johnson, property owners, and John Arleth of Arleth and Associates, and Brad Ellis, P.E., were present at the meeting. The plat copies were handed out along with road profile copies. Birk distributed copies of sections of the Subdivision Ordinance to the Planning Commission. Mickelson asked about a 14% stretch of road indicated on the road profile. Arleth explained that this portion of the road got them to the cul-de-sac and the road met the County subdivision regulations for short distance and got the road up the hill and made the adjoining lot sizes larger. Coburn asked what distance was at 14% grade? Arleth answered that there was 350-400 feet at 14% that allowed access to Lots 7 and 8. Coburn stated his concern for the length of the steep grade and stated that a tanker truck for fire emergencies can't make a 14% grade with a long distance. Mickelson asked if there could be access from the Elkridge Subdivision? Arleth answered that no, there was no access from Elk Ridge Subdivision. Arleth indicated an alternative way to access the (3) three lots that could be a better access but this would alter the size of the lots. Pearson stated that they were trying to make the lots fit the topography of the land; and therefore, this would cause less impact to the area. Arleth stated that they could come in with a revised preliminary plat in August. Owens said that would be a good idea. Birk asked if there was any way to get another access instead of this one long cul-de-sac? Arleth stated that there is a logging trail that could be used as an emergency exit. Coburn stated that the logging trail had a much better grade than the proposed road on the plat. He felt the grade was at 10-11% on that trail. Pearson stated that you could not access all the lots from the logging trail. Arleth stated it would be used as an emergency exit and would be noted on the plat. Birk asked what the Fire Advisory Board thought of these large lots and fire hydrants? Coburn answered that the biggest issue is fuel reduction, safety zones, two routes out of a subdivision and proper building materials, and he felt the developer could do this voluntarily. Pearson answered that these concerns could be addressed in the subdivision covenants. Birk stated that if the roads were not constructed and approved then when the lots come before the Commission they might not approve them because the roads are not complete. Pearson asked if there was still a bonding procedure in the County? Pearson felt the bond procedure was set up to allow the developer to have the lots within the entire subdivision approved on the final plat. Mattson asked if there had been any roads built within this subdivision? Pearson answered no. Pearson stated he had based beginning construction on the roads after approval of the preliminary and final plats. Arleth will address these concerns before returning on the August 2, 2001 meeting. Birk stated the concerns to be addressed are: 1) the fire access off of Lots 8 and 9, 2) reviewing the road grades, 3) to talk to Chuck Williams, Lawrence County Highway Superintendent, in regards to bonding the roads, and 4) variance on length of road to cul-de-sac and grades. ***The preliminary plat was tabled until August 2, 2001 meeting.***

PLAT – Preliminary – Bill Pearson – Plat of 1 through 15 of Ponderosa Ridge Subdivision located in the SE¼SW¼ and the SW¼SE¼ of Section 17, T5N, R4E, B.H.M. (Lot 1 = ±2.25 acres, Lot 2 = ±2.25 acres, Lot 3 = ±4.30 acres, Lot 4 = ±5.80 acres, Lot 5 = ±6.91 acres, Lot 6 = ± 3.75 acres, Lot 7 = ±2.05 acres, Lot 8 = ±2.75 acres, Lot 9 = ±2.75 acres, Lot 10 = ±2.00 acres, Lot 11 = ±2.00 acres, Lot 12 = ±2.00 acres, Lot 13 = ±2.75 acres, Lot 14 = ±12.86 acres and Lot 15 = ±12.86 acres)

LOCATION: Approximately 3½ miles east of Deadwood off of Hwy. 14A

ZONE: PF – Park Forest District

Bill Pearson, property owner, John Arleth of Arleth and Associates, and Brad Ellis, P.E., were present at the meeting. The plat copies were handed out along with road profile copies. Arleth indicated the location of the property. Lots 1-13 are smaller and easily accessed. Lots 14 and 15 are larger and have more acreage to work with in regard to the road. There is a 1000-foot length of road to a cul-de-sac on the section line. There is a level fire trail going to the south and west, which would lead to the Aspen View Subdivision as an emergency exit. There was discussion about an existing law that would allow access across private property in the event of an emergency such as a fire. No one was aware of where this law existed. Ellis stated the road grades would be at 10%. Mickelson asked what the chance of connecting the roads across Lot 5? Arleth answered there was “no real way” to meet the percent (%) of grades without losing a lot or two. Mickelson, in looking at the plat, thought you could come down the same contour line to connect the roads. Ellis stated that the curve radius would be too tight due to the steepness of the terrain if you came down to connect the roads. Coburn stated that his concern came from the location of the highway access and that if a variance had been allowed by the State there could have been an access straight in allowing for fewer grades on the subdivision road. There is an 11.47% grade for about 40 feet to the highway. Coburn asked if there was a way to get a variance? Would the developer go to Chuck Williams, Lawrence County Highway Superintendent for that? Birk asked if Lots 11-13 were coming off of the subdivision road? Arleth answered yes and stated the building sites were about 80 feet above the highway. Mattson asked if there would be central water in the subdivision? Pearson answered yes. Birk voiced his concerns in regard to the long grades exceeding 10% allowable grades out to the highway, not having two approved accesses out of the subdivision, the cul-de-sac exceeding 500 feet in length, not having guaranteed accesses across private lands in case of fires, and no fire hydrants locations shown on the road profiles. ***Mattson moved to approve the preliminary plat. Owens second. Mickelson cast the opposing vote with Coburn abstaining from the vote. Derosier did not vote.***

PLAT – Final – Black Hills Forest Acres, Julian Wolff – Plat of Lot 13, Block 4, Whitewood Forest Addition #2, located in the NW¼SE¼ of Section 20, T6N, R4E, B.H.M. (Lot 13 = ±2.5 acres)

LOCATION: Approximately ½ mile west of Whitewood

ZONE: SRD – Suburban Residential District

Birk indicated the location of the lot on the preliminary plat showing Whitewood Forest Addition # 2. This lot was previously approved on the preliminary plat, and each lot is brought to the Planning Commission for final approval as the lots are sold. ***Mickelson moved to approve the final plat. Owens second and the motion carried unanimously.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION
MINUTES OF AUGUST 2, 2001 **REGULAR MEETING**

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, August 2, 2001 at 1:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mickelson, Mattson, Owens, Kendall, Kullbom and Coburn
ABSENT: None

MINUTES: *Coburn moved to approve the minutes of July 5, 2001.*
APPROVED: *Kullbom second, and the motion carried.*

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #275 – Clayton and Mary Overland - To allow for displaying and selling of new and used flatbed and horse trailers – Crook Mountain Road.

Clayton and Mary Overland, property owners, presented the conditional use permit request. Mary Overland began by stating that they wanted to sell up to (20) twenty new and used flatbed and horse trailers from this location. Overland stated that he had sold his building in Whitewood and needed this location off of the Crook Mountain Road and the Crook City Road to display and sell these trailers. Overland expected that he would have 0 to 4 customers per day and would operate the business from 8:00 a.m. to 4:00 p.m. Overland also stated that there would be a black metal sign measuring 4X4 feet located on this property to advertise the business. Derosier asked how much property would be involved? Overland answered he owned about (20) acres but this area would be a display lot. Mickelson read the conditions attached to the conditional use permit. *Owens moved to approve Conditional Use Permit #275. Mickelson second and the motion carried unanimously.*

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #216 – Joe B. Jorgensen, Spike C. Jorgensen and James A. Benning - To allow for a commercial business to include: a gas station, a convenience store, a fast food business and a motel – Exit 10, north of Spearfish.

Joe Jorgensen and James Benning, developers, presented the change of zoning request. The property will be changed from A-1 General Agriculture to HSC – Highway Service Commercial. Jorgensen began by stating the location and size of the lot. The proposal for the 9.3 acre lot will be to build a 70X90 foot gas station that would contain a convenience store, an 80X120 foot restaurant, an 80-unit motel and other related commercial activities such as a car wash, storage units, etc. Jorgensen stated that at this time he was investigating the possibility of connecting into the City of Spearfish for the water and sewer but is proposing a well and septic system on the property at this time. These systems would fall under State requirements. Jorgensen stated that he felt this change of zoning request at this location was appropriate to the future growth along the Highway 85 corridor; the proposal is located at the Exit 10 interchange of Interstate 90; the traffic patterns in the area would benefit the commercial use; and there were no services like this in the area. The construction would begin in the fall of 2002 with completion of all of the related commercial ventures on the lot in 2006. Gerald Totten and Brian Gill, motel owners from Spearfish, and Vicky Hollinger, daughter of a motel owner from Belle Fourche, presented their concerns in regard to the construction of another motel outside the city limits. Statements were made in regard to the low occupancy numbers at Black Hills motels due to the large numbers of motels already existing. The motel owners felt another motel would critically impact small motel owners in the area. Hollinger asked if Jorgensen was required to study the impacts of another motel as part of his change of zoning request? Jorgensen stated that he would research the need for another motel; but also clarified that as per Lawrence County requirements as to what is planned for the property, he listed the motel as part of the proposal for the change of zoning. Jorgensen stated that he could not guarantee that a motel would be built as part of the change of zoning. Jorgensen also stated that he felt a gas station and convenience store would be built on the land if the change of zoning were approved. Jorgensen reminded the Commission that the task before them was to decide if this agriculture property was appropriate for a commercial zone. Gary Engel, South Dakota Department of Transportation, stated that the

department would require a traffic impact study in regard to the access with the additional amount traffic. Engel felt this would require a turn lane on Highway 85. Mickelson stated his concern for the length of the ramp and the speed off of the ramp. Mickelson felt it would take some “real engineering” to construct a turn lane on that portion of the highway to access this property. Jorgensen felt and asked Engel if he agreed, that the majority of the accidents on that portion of the highway occurred on the south side? Jorgensen pointed out that access to the property would come from the north side. Mickelson asked if the proposed changes to Highway 85 would include a lower speed limit. Engel answered he was not aware at this time of a lower speed limit. Owens asked at what point does Jorgensen get access approval from the State? Engel answered that they would sign off at the time of plat approval. Coburn stated that, as Commission member, he understood the motel owners concerns and also the safety concerns. He stated that it was the Commission’s job to decide if the property was appropriate for a commercial change of zoning. Coburn stated that with the safety concerns addressed by the South Dakota Department of Transportation, he felt the change of zoning would allow proper use of the land. Kullbom stated that the Commission had no power to limit competition and that the safety issues would be handled by the South Dakota Department of Transportation. ***Mickelson moved to approve Change of Zoning #216. Kullbom second and the motion carried unanimously. A public hearing will be held with the Lawrence County Commission on August 28, 2001.***

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #217 – Robert and Connie Douglas - To change the property from a conditional use property to a commercial zone for commercial storage – East Slope Estates, Whitewood.

Robert Douglas, property owner, presented the change of zoning request. Douglas indicated that this property with the existing storage buildings operates under Conditional Use Permit #180 which was granted in 1992. Douglas stated there was a proposed 30X60 foot building that he wanted to build on the south side of Lot 2. The use on the property will not change but the change of zoning, if approved, would conform to other commercial zones in the area. The storage area is operated at this time from 6:30 am until 8:00 p.m. on Monday through Saturday and these hours depend on weather conditions and work schedules. The parking is for employees only and there is no customer parking. Patricia Hegdahl, property owner in the East Slope Estates, questioned why there was a need for this commercial zone? Hegdahl felt the existing conditional use permit allowed “an edge” for county control as per the conditions attached to the conditional use permit and the annual review. Hegdahl stated, she was representing the residential community that resides within the subdivision. Hegdahl handed out photographs that showed large ruts in the road caused by the delivery trucks to the existing commercial building. Douglas stated that he had spent \$2,500.00 on the road to improve it after the trucks use it. Kendall asked if Douglas planned to change the use of the property if the change of zoning was approved? Douglas answered no. Mattson explained that the property owners are covered by the various ordinances that exist in Lawrence County in relation to nuisance; junk and noise and that the Commission was looking at what type of zone would be appropriate for this area. Owens felt if the property was being used commercially it should be zoned commercial and if it was used as residential it should be zoned residential. Mickelson pointed out that it was considered as part of the growth area attached to Whitewood. ***Mickelson moved to approve Change of Zoning #217. Owens second and the motion carried unanimously.***

REQUEST FOR VARIANCE #89 – Duane and Susan Drew – To allow a variance of 23 feet into the 25 foot front yard setback as per Lawrence County Zoning Ordinance, Section 3.2.4.B and to allow for construction up to the side yard property line – Maitland Road.

Mickelson explained that if the variance is approved it would allow a (3) three stall garage to be built within a (50) fifty foot road easement and the cars would back into the subdivision road and cause a hardship for snow removal and access to the existing property homeowners. Mickelson stated that after an on-site inspection, the Commission members at the on-site, determined that there was a possible location for the garage on the north side of the property. The Drews are requesting this variance contingent to purchase of the property. Kendall stated that if the County granted this variance and a car was backed out into the egress and an accident occurred; he felt that the County could be looking at potential liability. The applicants were contacted by telephone, as they were unable to get local representation for this variance request. At the July 5, 2001 meeting, Commission members requested that they have someone to represent them at this

meeting; the Drews visited with the Commission in a conference call at this meeting. Duane Drew stated a (3) car garage was requested because he uses a wheelchair and needed the additional space. Drew felt that the north side of the property was agreeable to them for a garage location. Drew stated that a neighbor in the subdivision adamantly opposed that location, so in order to keep “the peace with the neighbors” they looked at the location shown in this variance proposal. After discussion about the north location on the lot, Mickelson told Duane Drew that he would need to apply for a variance for the north location because it would also fall within the (50) fifty-foot access easement. Drew asked if they could submit an amended drawing with the garage in the north location at this meeting for approval or denial? The Commission answered no, that they would consider the new variance application at the September meeting. Duane Drew asked if they would be able to get approval or denial of the new application by the end of August? The Commission answered no. ***Mickelson moved to deny Variance #89. Kendall second and the motion carried unanimously.*** The Commission denied Variance #89 because of the safety issue of backing a car into the road and the potential liability to the county if an accident should occur.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #276 – Jon and Diane Van Patten – To allow for a Bed and Breakfast – Nemo.

Diane Van Patten, property owner, and John Frederickson, attorney, presented the conditional use permit request. Diane Van Patten began by stating the land is (86) eighty-six acres with a house and several outbuildings on the property. The existing home will be moved to another portion of land owned by the Van Pattens. The new home would have (5) five bedrooms to rent and each bedroom would have its own full or $\frac{3}{4}$ bathroom and there would be a common area for the guests to use. The Van Pattens will also reside in the new home. Outdoor activities will include hiking, biking, and hunting, etc. The property allows enough acreage to provide adequate parking and the building will be partially visible from the Nemo Road. Mickelson requested clarification about the Category #2 Bed and Breakfast. It was clarified that this Bed and Breakfast is being applied for as Category #2, therefore allowing up to (10) guests. Mickelson read the conditions attached to the conditional use permit. ***Kullbom moved to approve Conditional Use Permit #276. Mickelson second and the motion carried unanimously. A public hearing will be held with the Lawrence County Commission on August 28, 2001.***

PLAT – Randy Deibert, Black Hills Surveying – Plat of “The Pines at Benchmark” – Discussion item.

Randy Deibert, surveyor, presented a preliminary *sketch* of a subdivision on the Nemo Road that will be brought before the Planning and Zoning Commission in two phases. Deibert stated that he was showing the Commission a *sketch* at this time for them to consider and ask questions about the proposal and to add comments about changes that they would request being made. The ± 299 acres of land is zoned PF-Park Forest; if the subdivision is approved there will be over (40) lots. The Forest Service Road #198 also called Benchmark Road is maintained by Lawrence County and goes through Phase #1 of the proposed subdivision. Deibert further stated that the developer’s plan is to utilize this road, but to limit the approaches off of the road. Chuck Williams, Lawrence County Highway Superintendent, will be notified at a later date to get together and talk about the approaches. There will be a main entry into the subdivision off of F.S. Rd. #198 and there is a road that goes entirely through the property that could be used as an emergency fire exit. This interior road goes to a park area that will serve as a turn around; then the road will continue on to F.S. Rd. #582.1; also at the park area there is another F.S. Rd. #582.1I that goes through the gate into the public right-of-way. Deibert stated that, in addition, there is another road that will service Block 7 and Block 9, which are cul-de-sacs. The homeowner’s covenants will address maintaining the emergency exit road. Deibert is doing percolation tests on the land and also soil analysis for road construction. This information will be available at the time the preliminary plat is presented. Well shares will be encouraged in order to limit the number of wells. There is a dam on the property that can be used for fire protection. Flood elevations will be determined to aid in the sale of the lots. Coburn asked if the S.D. Division of Forestry had been contacted in regard to a fire plan. Deibert answered yes. An on-site review is scheduled for August 17 at 3:00 p.m.

PLAT –Revised Preliminary – Jon Mattson – Shirttail Gulch Subdivision – Boulder Canyon.

Jon Mattson, property owner, was present at the meeting. Mattson began by stating that the most important change in the previously approved preliminary plat for Shirttail Gulch was that he had taken a large lot and split it into smaller ones. Mattson indicated the emergency exit on the plat that leads from each of the cul-de-sacs. Mattson stated that the ingress and egress would be maintained by the owners. Mickelson suggested that the wording on the plat be changed to “maintained by developer”. Mattson stated, he had assumed that he would maintain the easement anyway but did not expect much maintenance on the road. It was decided by the Commission after later discussion to keep the original wording on the plat as “maintained by owners”. Mattson stated that a road profile had been completed by Brad Ellis and that the road had been roughed in and would be developed according to the road profile plan. Mattson stated that he intended to add a covenant to the registered covenants for the subdivision that would state that all owners of lots within the subdivision would comply with the Urban Wildland Interface Code when adopted by Lawrence County in regard to fire prevention. Mattson stated that he had drafted a fire protection plan that describes what has been done so far in the subdivision for fire protection and suppression. Mattson stated that a 20,000-gallon water tank is being purchased and will be installed prior to the time the lots are developed. Mickelson asked if there was a road district in effect? Mattson stated that he maintains the roads and water system and bills it back to the homeowners. Coburn stated that the subdivision did need a fire protection plan approved by the S.D. Division of Forestry. Coburn reiterated that the State Division of Forestry did want to make a recommendation. Coburn further stated, that as he understood it, the Lawrence County Fire Advisory Board does not feel it would want to recommend or approve these fire plans within subdivisions. Mattson will bring in an approved fire protection plan with the final plat. Coburn asked if there were 4” or 6” water lines in the subdivision? Ellis answered that there were 4” lines carrying the water but that there were 6” lines to the fire hydrants. ***Mickelson moved to approve the preliminary plat with the stipulation that a fire protection plan will be ready at the time the final plat is approved. Kullbom second and the motion carried unanimously with Mattson abstaining.***

PLAT – Preliminary and Final Plat of Cloverleaf Estates Subdivision – Roubaix Land and Timber (Clayton Johnson, Bill Pearson and Terrence Kullbom) – Nemo Road.

Bill Pearson and Clayton Johnson, property owners, and John Arleth of Arleth and Associates, were present at the meeting. Arleth handed the Commission members a copy of the fire protection plan. Arleth also presented a copy of the road profile. Arleth stated that the 400 feet of road at 14% on the preliminary plat is now reduced by moving the road over, and is now at 200 feet of road at 11%. Arleth also stated that the fire road with a 20-foot easement is shown on the plat. Derosier asked how many acres were included in the plat? Arleth answered 106 acres. Coburn asked if the developers planned to have the homeowners build on the ridge? Coburn’s voiced a concern about the steep driveways at 14% or 16% to these lots. Arleth answered that there was no way to tell where a lot owner may build his home. Coburn asked if there was a covenant that would restrict the property owners from putting in these steep driveways? Pearson answered no. Coburn said that his concern was getting fire trucks up to these lots. Pearson answered that the top ridge had access from the Elk Ridge Subdivision. Coburn asked if the developer could put access to the fence line? Pearson stated that there is road across the meadow from his property and the covenants state that the property owners will maintain the access. Coburn stated that a structure truck would not want to go cross-country unless they knew there was an access there. ***Kullbom abstained. Owens moved to approve the preliminary plat. Kendall second and the motion carried unanimously. Owens moved to approve the final plat. Mickelson second.***

PLAT –Final – Bill Pearson – Ponderosa Ridge Subdivision – Boulder Canyon.

Bill Pearson, property owner, John Arleth of Arleth and Associates presented the plat. Arleth began by handing out the fire protection plan under the recommendation of the S.D. Division of Forestry, this plan will also be part of the covenants. There are two fire exits on the plat, one easement leading to the south and one leading to the southwest between Lot 6 and Lot 7. Coburn asked if the decision had been made to use 6” pipe to the fire hydrants? Pearson answered yes. Pearson stated that the subdivision roads were at the preliminary stage. Coburn asked what grade the section of the road leading to the highway was. Mickelson answered that it was at 12%. ***Owens moved to approve the final plat. Kendall second and the motion carried unanimously.***

PLAT – Preliminary and Final – Randy O’Neill - Plat of Lot 1 of the Evangeline No. 2 of M.S. 1158 located in Section 18, T4N, R3E, B.H.M. (Lot 1 = ±10.04 acres) – Deer Mountain.

Randy O’Neill, property owner, and John Arleth, Arleth and Associates, were present at the meeting. Arleth indicated the location of the plat. Arleth further stated that a neighbor had purchased a small portion of the Evangeline No.2 about five years ago and that now that portion was being included in Lot 1. Lot 1 will be the location of the Presidents Park that was approved as part of Change of Zoning #211. ***Kullbom moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Mickelson moved to approve the final plat. Kendall second and the motion carried unanimously.***

PLAT – Final – Randy O’Neill - Replat of Lot 8A-2 into Lot 8A-3 of Deer Mountain Resort Development No. 4, being a subdivision of the Evangeline No. 7 and Evangeline No. 8 Lodes of M.S. 1158 and the Welcome, Derby, Seagull and Tiger Lodes of M.S. 1152, located in the NW¼ and the SW¼ of Section 18, T4N, R3E, B.H.M. (Lot 8A-3 = ±3.15 acres) – Deer Mountain.

Randy O’Neill, property owner and John Arleth, Arleth and Associates, were present at the meeting. Arleth began by stating that he is working with the owner of this lot to gain the exact setback for the proposed residence that will be built. Lot 8A-3 is being formed by removing 0.02 acres from the formerly platted Lot 8A-2. ***Owens moved to approve the final plat. Kendall second and the motion carried unanimously.***

PLAT – Preliminary and Final – Pam Adams – Plat of Lots 1 and 2 of Tract 42, located in the SE¼NE¼ of Section 6, T4N, R3E, B.H.M. (Lot 1= ±2.00 acres and Lot 2 = ±2.65 acres) – West of Hwy. 85 on the Nevada Gulch Road.

John Arleth, Arleth and Associates, presented the plat. Arleth stated that this land was platted in order to meet the (2) two-acre minimum. The property owner adjacent to this lot has purchased the lot to place a mobile home on it. The lot has an existing septic system and the mobile home will meet setback requirements as per the Lawrence County Zoning Ordinance. ***Kullbom moved to approve the preliminary plat. Owens second and the motion carried unanimously. Kullbom moved to approve the final plat. Kendall second and the motion carried unanimously.***

PLAT – Preliminary – Melvin Delzer - Plat of Delzer Tracts 1, 2, 3 and 4, located in the NW¼ and the SW¼ of Section 15; the NE¼, the S½SE¼NW¼SE¼, SW¼NE¼NW¼ of Section 16; the NW¼ of Section 22; the NE¼, the NW¼, N½SE¼, N½SW¼ of Section 21; and the vacation of Tract A of the SE¼ NW¼, Tract A of the NE¼SW¼, Tract A of the NW¼SE¼ of Section 21, as recorded in Plat Book 4, Page 125; the vacation of Lot 4 in the SW¼NE¼ and Lot 4 of the NW¼SE¼ of Section 21 as recorded in Plat Book 5, Page 103; the vacation of Lots 1 and 2 of the subdivision of the N½NW¼ of Section 21 as recorded in Plat Book 2, Page 26; and the vacation of Lots 1 and 2 of the subdivision of the SE¼NW¼ and the NE¼SW¼ of Section 21 as recorded in Plat Book 2, Page 26; all located in T7N, R2E, B.H.M. – North of Spearfish.

John Arleth, Arleth and Associates, presented the plat. This land was platted in order to divide the land among the surviving sons of the deceased property owner. Derosier asked what the inset portion of the plat was? Arleth answered that it was the property owned by Serenity Corner off of the Old Belle Road. Derosier asked if this plat was for development? Arleth answered no. ***Kendall moved to approve the preliminary plat. Kullbom second and the motion carried unanimously.***

PLAT – Preliminary and Final – Ron Island – Plat of Lot B-1, a replat of Lot B, being a portion of Silver Star, M.S. 150, Boggi, M.S. 1806 and Oro, M.S. 1543, as recorded in Document No. 88-467, located in the SW¼ of Section 29, T5N, R3E, B.H.M. (Lot B-1= ±0.932 acres) – Outside Central City on the lower road beneath the tunnel on Hwy. 14A.

This lot was approved as a larger lot to take in portions of mineral survey descriptions. Kendall moved to approve the preliminary plat. ***Kullbom second and the motion carried unanimously. Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.***

DISCUSSION ITEM: Mickelson informed the Commission that the City of Spearfish had a proposal for a location of a new communication tower before them. Mickelson felt that the size

of the tower would interfere with the view of Lookout Mountain and with the airport. Mickelson suggested that the Planning and Zoning Commission send a letter to the City informing them of the County Planning and Zonings concern. *Mattson moved to send a letter to the City of Spearfish Planning and Zoning Commission to state they were not in favor of the location of this proposed communication tower. Mickelson second and the motion carried unanimously.*

Ramsey Kendall bid farewell to the Planning and Zoning Commission, as he stated he was leaving the Commission and this was his last meeting.

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF SEPTEMBER 6, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, September 6, 2001 at 1:30 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mickelson, Owens, Kullbom, and Coburn

ABSENT: Mattson

MINUTES: *Mickelson moved to approve the minutes of August 2, 2001 with the change to page 4 of the minutes as indicated.*

APPROVED: *Kullbom second, and the motion carried unanimously.*

As per the resignation of Ramsey Kendall from the Planning and Zoning Commission, the position of Secretary was vacated. Craig Mickelson will fill the position until the end of the year 2001.

Erik N. Birk, Planning and Zoning Administrator, requested time to hold an executive session to discuss legal matters. *Coburn moved to enter an executive session. Kullbom second, and the motion carried unanimously.*

Kullbom moved to continue with the Planning and Zoning meeting after holding an executive session. Owens second, and the motion carried unanimously.

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #212 – Elkhorn Ridge Retail Center (Frawley Ranches, Inc.) – To allow for retail courtyard development to occur on the land. – Vicinity of Exit 17 off Hwy. 85.

Chairman Derosier opened the public hearing to both proponents and opponents of Change of Zoning #212. There was no discussion, as there were no audience members present. Chairman Derosier closed the public hearing. *Owens moved to recommend denial of Change of Zoning #212. Kullbom second, and the motion carried unanimously.*

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #213 - Elkhorn Ridge Golf Course and Elkhorn Ridge Subdivision (Frawley Ranches, Inc.) - To allow for residential and golf course development. - Vicinity of Exit 17 off Hwy. 85 and St. Onge Oil Road.

Chairman Derosier opened the public hearing to both proponents and opponents of Change of Zoning #213. There was no discussion, as there were no audience members present. Chairman Derosier closed the public hearing. *Kullbom moved to recommend denial of Change of Zoning #213. Mickelson second, and the motion carried unanimously.*

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #214 – Elkhorn Ridge Retirement Village (Frawley Ranches, Inc.) - To allow for a retirement center development to occur on the land. - Vicinity of Exit 17 off Hwy. 85 and St. Onge Oil Road.

Chairman Derosier opened the public hearing to both proponents and opponents of Change of Zoning #214. There was no discussion, as there were no audience members present. Chairman Derosier closed the public hearing. *Mickelson moved to recommend denial of Change of Zoning #214. Kullbom second, and the motion carried unanimously.*

OPEN ITEM:

Owens moved to rescind the previously signed preliminary plat of the Cloverleaf Subdivision and to sign the new plat with the proper floodplain area shown on the plat. Mickelson second, the motion carried unanimously. Kullbom abstained.

REQUEST FOR CHANGE OF ZONING #218 – Wayne Mayer – To change the property from a conditional use property to a commercial zone for commercial storage units. – South of Lead on the Kirk Road – Review and schedule onsite review.

Wayne Mayer, property owner, presented his proposal for the change of zoning request. Mayer stated he has storage units on his property that were approved as a conditional use permit in 1997. Mayer said that he wanted to increase the number of storage units, but the expansion was not allowed under his existing conditional use permit. Mayer stated he wanted to build five (5) new buildings and remove and replace two (2) buildings on the property. Mickelson asked why Mayer did not want to continue with the conditional use permit process? Mayer explained that his property is bordered by commercial property, which falls within the Lead City limits. The Commission asked about annexation into the city limits? Mayer said he had inquired about future annexation but did not receive a definite answer as to when the annexation would occur. Birk stated he had heard a concern from property owners who live in the subdivision on the hill above Mayer's property; there was a concern that Mayer would excavate into the hillside to build the storage units. Mayer answered that the hill was solid rock and excavating into the hillside was impossible, but he would be removing some loose dirt in front of the rock hillside. Mayer stated that his present building was built "back in" the hillside but that he went as far as he could before he hit rock. Birk asked if any of new buildings would be any closer to the Kirk Road? Mayer answered no, he would meet the setbacks required in the PF-Park Forest zone. Birk asked if the buildings would be within the fenced area on his property? Mayer answered yes. Coburn asked how close his property was to the Lead City limits? Mayer answered that his property was 50' from city limits and part of the property was within the city limits. Mickelson requested clarification as to what part of the property was being considered for the change of zoning? Mayer indicated on the maps provided to the Commission, that Lots 1, 2, and 3 were being considered for commercial if the request was approved. ***An onsite review was scheduled for October 3, 2001.***

REQUEST FOR CONDITIONAL USE PERMIT #277 – Gary and Janice Kaberna – To allow for a campground. – Approximately 1 mile south of Nemo – Review and schedule onsite review.

Janice Kaberna, property owner, was present at the meeting. Kaberna began by stating that she operated a horse camp on her land and during the rally week she allowed tent camping with 35 – 40 tents for a total of 75 campers. She also has space for 12 to 16 travel trailers with electrical hookups. Kaberna enters the land by two (2) existing accesses off of the Nemo road. There are two (2) 10X10 foot storage sheds that have been converted to shower facilities with an outside water hydrant that has been inspected by the DENR. The two (2) portable toilets (one additional toilet is available when needed) are cleaned daily. Family members run the campground, with Janice Kaberna supervising the cleaning of the portable toilets and showers, the trash collection and removal, etc. Janice's husband, Gary, is available at all times to handle any other maintenance and security. There is a 5X10 foot wrought iron sign at the entrance to the property, there are no security lights and the nearest neighbor is 200 feet away. Birk explained that as per the Lawrence County Commission, a horse camp and the related activities (boarding and feeding) do not require a conditional use permit. The Planning and Zoning Commission will be looking at a temporary campground request being operated during the motorcycle rally at this meeting. ***An onsite review was scheduled for October 3, 2001.***

PLATS – Burt Rowe- Preliminary and Final Plats - Near the old Whitewood railroad tunnel.

Burt Rowe, property owner, and Mike Manke, Apex Minerals, were present at the meeting. Birk explained that the Planning Commission had information from the Planning and Zoning Office in regard to the previous meeting held in April 6, 2000 when Rowe first brought the plats for approval to the Planning Commission. Birk indicated the location of the property on a map provided to the Commission. Rowe began by explaining that he had an access agreement from the Game, Fish and Parks Department for access to the lands being platted. Rowe explained that the access was one condition that he was directed to correct at the previous meeting. Rowe also presented quitclaim deeds from the county for purchase of the land. Ruth Weiers, Black Hills Land and Title, stated that about five years ago, the Lawrence County Commission hired her company to look at both mineral surveys, #921 and #952 to see if the county held any interest in the mineral surveys. The information she had prepared at that time was presented and explained to the Planning Commission. Weiers researched the county tax books from 1901 until the County sold it. Weiers concluded that the piece of property that was sold to Rowe was true as sold by the county. The designated acreage could have been recorded as an adjustment or could have been a mistake. Weiers stated that it was easy to follow the "chain of title" through the recorded documents. Owens stated that there was no question that Rowe had title to the property, but the

question was how much property did Rowe own. Weiers answered, "that was correct". Terry Krantz, representing the neighboring property owners, stated he had no problem with the access agreement between Rowe and the Game, Fish and Parks. Mickelson asked if the boundaries had changed? Mickelson asked if there was legal description to match what was platted? Rowe answered yes. Mickelson stated that if the measurements match what was legally described he did not understand where the dispute was. Krantz stated that Jon Mattson, the attorney representing the Dunrail, had requested the Commission postpone a decision on this plat until he could be at one of the meetings. Krantz proposed that the County deed this particular piece of property with a better description to Rowe to clear up these questions and get it taken care of correctly. Birk stated that the County Commission could approve this final plat after the corrective deed is issued to Rowe. Rowe will request a corrective deed from the county at the September 28, 2001 meeting of the Lawrence County Commission. ***Mickelson moved to approve the preliminary plat with the new easement indicated on the plat. Owens second, the motion carried unanimously. Owens moved to approve the final plat with the new easement indicated on the plat. Mickelson second, the motion carried unanimously.***

DISCUSSION - Ahlers Properties L.L.C. – Off of the Whitewood Valley Road – Schedule onsite review

Dwight Ahlers, property owner, and Keith Anderson, surveyor and engineer, were present at the meeting. Ahlers presented his plans for subdividing approximately 600 acres into 100 home sites. Ahlers stated that there would be two (2) phases to the proposed development. Ahlers stated that there were three (3) accesses off of the county road that would aid in an emergency fire evacuation. Mickelson asked if the lots were platted to the center of the road? Anderson stated that the plat could be done either way, lots platted to the center of the road or left outside the center of the road just to the lot line. Ahlers indicated the two (2) dams on the property and stated that one (1) dam would serve as a common area with a road leading to the dam for fire truck access in case of an emergency. The other dam had an existing access leading to it. Coburn stated his concern that this high-density development caused a high exposure to fire. Coburn felt that fire hydrants were appropriate to each lot and that the existing ponds were not going to be adequate. Coburn realized that the lot size could hinder using fire hydrants on each lot. Coburn also asked if the developer had spoken with the Whitewood Fire Department to see if they were equipped to fight fires in a high-density development or would they be willing to come out to that area to fight a fire? Mickelson said that central water would be required to service the fire hydrants if hydrants were installed. Chuck Williams, Lawrence County Highway Superintendent, questioned whether the fire concerns were being followed, for example, around Spearfish, where the subdivisions "keep coming one right after another." Coburn stated there were four things that needed to be looked at: water access points, road access, building materials and defensible space around homes. Ahlers stated that this land was a more "gentle" country and was not forested, as you would think of in a Park Forest zone. Derosier asked about the wells in the area. Ahlers answered the "old place" had a good well on it and he felt the water was good on the land. Birk recommended that the developer conduct some percolation tests on the property in regard to how the septic systems may work. Anderson requested guidelines from the Commission for the next meeting. Birk suggested that they bring in topography maps, road profiles, that the developer talk to the Whitewood Fire Department and get a fire plan from the S.D. Division of Forestry. The Commission members will contact Ahlers and do individual onsite reviews of the property at their convenience.

PLAT – Randy Deibert, Black Hills Surveying – Plat of "The Pines at Benchmark" – Discussion item.

Randy Deibert, surveyor, presented the preliminary plat and all items pertinent to the approval of the plat of "The Pines at Benchmark". Chuck Williams, Lawrence County Highway Superintendent, sanctioned the access easements off of the Benchmark Road, which is a county secondary road. Deibert indicated that the grades on the road plan meet the requirements of the county road standards. There are already fourteen (14) existing lots on the property, the developer has platted it to a possible total of fifty-two (52) lots. The lots are platted into "pods" and the developer's goal is to sell them as large parcels if possible. The intent is to show the high density allowed on the plat but to sell the lots in "pods" if possible to reduce the density. The "pods" are described as blocks on the plat. Deibert indicated the utility easements that are drawn on the plat as part of the subdivision ordinance. Deibert stated that if the wet meadowland on the property were used, the developer could plat fifty-five (55) lots; the developer does not

want to push that density. A dry hydrant and a water containment gallery will be provided for fire protection utilizing Box Elder creek. A water containment gallery contains enough water to allow a normal fire truck to fill and to fight a fire; the gallery also allows recharge from the creek. The covenants allow provisions for the maintenance of the gallery by the homeowners; the covenants also specify fire retardant materials to be used in construction of the building on the land. Coburn requested more specifics in regard to the ignition resistant materials. This condition would be referenced as part of covenant #9. Deibert stated that percolation tests had been done on the property with results that stated no mound systems would be required; soil borings were also done to determine the soil type to aid in construction of the roads. Perry Rahn, S.D. School of Mines and Technology, did a water study and his results are in the preliminary plat handout. Coburn asked how wide the roads are? Deibert answered that the roads are 24 foot wide. Birk asked if Block 8 were sold as one lot, would the cul-de-sac be shortened? Deibert answered yes. ***Owens moved to approve the preliminary plat. Mickelson second, the motion carried unanimously.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF OCTOBER 4, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, October 4, 2001 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mattson, Owens, Kullbom, Weisenberg, and Coburn

ABSENT: Mickelson

MINUTES: *Owens moved to approve the minutes of September 6, 2001.*

APPROVED: *Kullbom second, and the motion carried unanimously.*

Mattson moved to appoint Bill Coburn as Secretary due to the absence of Craig Mickelson. Kullbom second, and the motion carried unanimously.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #277 – Gary and Janice Kaberna – To allow for a campground. – Approximately 1 mile south of Nemo.

Gary and Janice Kaberna, property owners, were present at the meeting. Kaberna summarized her proposal by stating that she operated a horse camp on her land and during the Sturgis Motorcycle Classic week the property is used for camping by rally-goers. The horse camp is run from May until October. Brian Rech, the nearest neighbor, was present to state that he had no problem with the campground, and the campground is quiet and done in an orderly fashion. Several other members of the Nemo community were present to voice their approval for the campground. Erik N. Birk, Lawrence County Planning and Zoning Administrator, read the conditions attached to the conditional use permit. Changes were made to conditions #3, #5, #11, #12, and #19. The changes to the conditions are documented and are on file in the Planning and Zoning Office. Mattson asked Kaberna if she planned on having hunters camp on the property? Kaberna answered no. Janice Kaberna also, stated she would renew her CPR training as per the guidelines set forth by the South Dakota Department of Health. Birk brought attention to the question of noise in the campground by the motorcycles. Kaberna stated that if the motorcycles are out past twelve o'clock at night the rule is to shut off their engines and coast to their campsites. Birk asked Kaberna if she planned to serve alcoholic beverages? Kaberna stated no, she had no plans of serving any type of beverages, but that she had no control over the campers bringing in their own beverages. *Owens moved to approve Conditional Use Permit #277 with the changes to the conditions as stated. Kullbom second, and the motion carried unanimously. A public hearing will be held with the Lawrence County Commission on November 13, 2001.*

PLAT – Preliminary and Final – Shannon Rittberger – Approximately 8 miles west of Spearfish.

Birk indicated the location of the property. The property is zoned A-1 General Agriculture District. Birk presented the plats that had been done previously to this property. The original government lot was divided in half to make (2) two 40-acre tracts of land. Tract A was subdivided to accommodate a house presently on the land, and the residential building rights were relinquished from another 40-acre tract of land, the SW¹/₄NE¹/₄ of Section 5, T6N, R1E, all under the same ownership. The plat presented today is being platted to show the driveway to the house that will now be on Tract B1, which is the Rittberger property, and a new Tract C once described as Government Lot 1. *Coburn moved to approve the preliminary plat. Owens second, and the motion carried unanimously. Kullbom moved to approve the final plat. Owens second, and the motion carried unanimously.*

PLAT - Preliminary and Final – David Ryan and Tim Kruse – Nevada Gulch.

David Ryan and Tim Kruse, property owners, were present at the meeting. Birk indicated the location of the property. The property is zoned PF – Park Forest District and SRD – Suburban Residential District. Birk stated the lots along the Nevada Gulch Road are zoned SRD-Suburban Residential District because of the size of the lots and they were designated as such on the Lawrence County official zoning map. The property, mineral survey, M.S. Hidden Wealth No. 1, is being divided in half to give each property owner an equal share of the land. Each new

lot is greater than seven (7) acres in size. A small portion of the mineral survey is located across the road and called out as a new Lot C because of the road dividing it. The size of Lot C will prohibit any residential building to occur on property and the lot is for transfer purposes only, as noted on the plat. ***Owens moved to approve the preliminary plat. Kullbom second, and the motion carried unanimously. Owens moved to approve the final plat. Coburn second, and the motion carried unanimously.***

PLAT – Preliminary and Final - Steven and Patti Pendegraft – Terry Peak.

Birk indicated the location of the lot. The property is zoned SRD-Suburban Residential District. Birk explained that ownership of the property included in the plat was in question. Reid Kochel of Wharf Mining Company, was present and stated that the mining company is still investigating ownership of Lots 55 and 56 which is included as part of the property being platted. Steven and Patti Pendegraft hold warranty deeds and title insurance on these (2) two lots, but Wharf is still paying taxes on the property. Birk stated there are two other issues that need to be resolved on the plat besides the ownership: 1. If the Pendegraft do own Lots 55 and 56, then the plat needs to include the entire acreage of both of the lots; and 2. The plat needs a clear legal description of the property being platted for the Register of Deeds to file the plat correctly. After all these issues have been clarified, then the plat will be brought before the Planning and Zoning Commission for approval.

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #218 – Wayne Mayer – To change the property from a conditional use property to a commercial zone for commercial storage units. – South of Lead on the Kirk Road.

Wayne Mayer, property owner, summarized his proposal for the change of zoning request. Mayer wants to continue with the use of the property as described in the approved conditional use permit but he would expand his storage building business under this proposed change of zoning. Mayer stated there would be no blasting away of the hillside to accommodate his proposed buildings. Mayer also stated that he had visited with the residents in the subdivision on the property above his and he felt the residents there had no problem with his proposal. Derosier stated that the location was ideal for storage units because it was hidden away from sight. Birk made clear that under this change of zoning the only allowable use of the land would be for storage units as described in the presentation. Mayer stated that he understood that he could use the land for storage units only and any change would require a new application submitted to the Planning and Zoning Office. ***Kullbom moved to approve Change of Zoning #218. Owens second, and the motion carried unanimously. A public hearing will be held with the Lawrence County Commission on November 13, 2001.***

PLAT – Final - Plat of “The Pines at Benchmark Subdivision” – Benchmark Properties – Lot 1 of Block 5 – Benchmark Road.

Randy Deibert of Black Hills Surveying presented the plat. The land is zoned PF – Park Forest District. The property owner, Mike Alley, sold this lot to his sister along with the existing cabin on it. The access to this lot is an existing driveway off of the Benchmark Road. ***Kullbom moved to approve the final plat. Mattson second, and the motion carried unanimously.***

PLAT – Final - Plat of “The Pines at Benchmark Subdivision” – Benchmark Properties – Lot 4 of Block 7 - Benchmark Road.

Randy Deibert of Black Hills Surveying presented the plat. The land is zoned PF – Park Forest District. The access for this lot is off of the Benchmark Road. Birk noted that since the access is coming off of the Benchmark Road, which is a secondary county road, an access approach permit is required by Chuck Williams, Lawrence County Highway Superintendent. ***Kullbom moved to approve the final plat. Mattson second, and the motion carried unanimously.***

PLAT – Final - Plat of “The Pines at Benchmark Subdivision” – Benchmark Properties – Lot 1 of Block 1 – Benchmark Road.

Randy Deibert of Black Hills Surveying presented the plat. The land is zoned PF – Park Forest District. The access for this lot is off of the Benchmark Road. Birk noted that since the access is coming off of the Benchmark Road, which is a secondary county road, an access approach

permit is required by Chuck Williams, Lawrence County Highway Superintendent. ***Kullbom moved to approve the final plat. Mattson second, and the motion carried unanimously.***

PLAT – Final - Plat of “The Pines at Benchmark Subdivision” – Benchmark Properties - Lots 1, 2 and 3 of Block 6 and Lot 4 of Block 7 - Benchmark Road.

Randy Deibert of Black Hills Surveying presented the plat. The land is zoned PF – Park Forest District. Lots 2 and 3 were purchased by the same person and do not have access to the lots as of this presentation. Deibert stated that a stipulation could be attached to the plat that would allow no building permit to be issued for cabin construction on Lot 2 until the road is built. Deibert suggested this stipulation in order to have the plat approved before the road was constructed. The access to Lot 1 is an existing access off of the Benchmark Road. Deibert indicated the flood hazard area through the lots and stated that the property owners were aware of the flood hazard area and that the information is documented in the Planning and Zoning Office. Deibert suggested that a document to allow a temporary easement through Lot 1 could be filed and that the plat could be held at the Planning and Zoning Office until the document is presented. Birk agreed to this suggestion. ***Owens moved to approve the final plat with the stipulation that a building permit could not be issued for Lot 3 until the road is completed or another access is granted. Kullbom second, the motion carried unanimously.***

PLAT - Preliminary and Final – Robert Humphrey – Old Belle Road.

Randy Deibert of Black Hills Surveying presented the plat. The land is zoned A-1 General Agriculture District. Deibert reminded the Commission that a plat had been done previously that broke out a (15) fifteen acre tract of land for this property owner. The sale of that land fell through and that plat was not registered. This plat would allow the property owner to own 2.8 acres. Birk required (4) four stipulations before approval of the plat: 1) relinquishing residential building rights from the remaining portion of the 40 acre tract; 2) removal the agricultural building sitting on the southern lot line; 3) that the previous plat would not be recorded and the previous plat would be returned to the Office of Planning and Zoning; and 4) if the second trailer on the land is removed, then the trailer could never be replaced. There will be affidavits recorded to address the removal of the mobile home and the relinquishing of the residential building rights on the remaining acreage. ***Owens moved to approve the preliminary plat with the required affidavits. Kullbom second, and the motion carried unanimously. Kullbom moved to approve the final plat with the same stipulation. Coburn second, and the motion carried unanimously.***

PLAT - Preliminary and Final – Ted and Trisha Spencer – Approximately 5 miles east of Hwy. 85 off of Forest Service Road #231.

Randy Deibert of Black Hills Surveying presented the plat. The land is zoned PF - Park Forest District and surrounded by forest service land. This plat is to allow sale of 2.50 acres as Tract 2A. The Forest Service Road #232 is used as access to the lot and as access to Tract 2B, which is the remaining portion of H.E.S. #242. Discussion was held in regard to how many lots could be obtained from the remaining 22.15 acres known as Tract 2B. Birk stipulated that an affidavit could be attached to this plat stating that only (3) three lots could be subdivided from the remaining acreage. ***Owens moved to approve the preliminary plat with the corresponding affidavit. Coburn second, and the motion carried unanimously. Kullbom moved to approve the final plat with the same stipulation. Coburn second, and the motion carried unanimously.***

PLAT - Preliminary and Final – Blake and Brandie Bancroft – Approximately 5 miles southwest of Savoy off of Forest Service Road #105.

Blake and Brandie Bancroft, property owners, and Jim Walker, NJS Engineering, were present at the meeting. Blake Bancroft indicated the location of the property. The property is zoned PF-Park Forest District. The road, called Forest Service Road #105, travels through the property allowing access to both Lots 1A and 1B. Birk indicated that Lot 1A with the 10 acre lot size is allowable as per the Lawrence County Zoning Ordinance in regard to the stream running through it which designates the lot as a wet meadow. The plat is being done to allow the sale of Lot 1A. Birk indicated that Lot 1B could be subdivided with roads inside the property built to meet county road standards. The property owner stated that they were not planning to subdivide the land in the future. Mattson requested that an affidavit be filed that would state that Lot 1A could

not be further subdivided. ***Coburn moved to approve the preliminary plat with the corresponding affidavit. Kullbom second, and the motion carried unanimously. Coburn moved to approve the final plat with the same stipulation. Kullbom second, and the motion carried unanimously.***

PLATS – Burt Rowe- Preliminary and Final Plats - Near the old Whitewood railroad tunnel.

Burt Rowe, property owner, was present at the meeting. Birk indicated the location of the property and reminded the Commission of the history of the plats presented. The portions of the mineral surveys were purchased in 1989 from the county and were surveyed and platted more than a year ago. The plats were brought before the Planning Commission and were not approved at that time because of access and size questions in regard to the lots. Rowe again brought the plats to the Planning Commission at the September meeting with an access agreement that he had obtained from the Game, Fish and Parks Department that Rowe felt addressed the access question. Rowe requested an amended quit claim deed from the Lawrence County Commission with the new acreage documented on the deed, which he will be granted after the State Attorney's Office review. Derosier asked if there were any discrepancies in the acreage of the lot surrounding these lots. Rowe responded with "everything had been accounted for". Birk indicated the notes on the plat in regard to the flood hazard area, and that the deed is to be filed at the same time the plat is filed. ***Owens moved to approve the preliminary plat. Weisenberg second, and the motion carried unanimously. Owens moved to approve the final plat. Kullbom second, and the motion carried unanimously.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF NOVEMBER 1, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, November 1, 2001 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mattson, Owens, Kullbom, Weisenberg, Mickelson and Coburn

ABSENT: None

MINUTES: *Owens moved to approve the minutes of October 4, 2001.*

APPROVED: *Mickelson second, and the motion carried unanimously.*

PLAT - Preliminary and Final – Robert and Connie Douglas – Plat of Lots 1-7 of Douglas Acres, a subdivision of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T6N, R4E, B.H.M. – Crook City Road.

Robert Douglas, property owner, was present at the meeting. Erik N. Birk, Planning and Zoning Administrator, indicated the location of the property. Douglas stated that he was platting a lot for the existing residence with an additional (6) six lots. The Douglas residence will sit on Lot 1. A common access to Lots 3 and 4 and Lots 5 and 6 will come off the Crook City Road. A “hammerhead” driveway will serve Lots 1 and 2 with a driveway off of the approach to Lot 5. Mickelson asked if Robert anticipated subdividing Lots 1 and 2? Douglas answered that the topography of the land would not allow further subdivision. *Kullbom moved to approve the preliminary plat. Mickelson second and the motion carried. Weisenberg moved to approve the final plat. Kullbom second and the motion carried. This plat will be presented to the County Commission on November 20, 2001.*

REQUEST FOR CONDITIONAL USE PERMIT #279 – Mary J. Crawford – To allow for a Specialty Resort to include the following activities: weddings, retreats, meetings, special occasion parties, and family reunions – Eagle Ridge Estates, approximately 6 miles north of Deadwood off of the Maitland Road - Review and schedule onsite review.

Mary Crawford, property owner, was present at the meeting. Crawford began her presentation by indicating the location of the property. The lodge is 6000 sq. ft. and is situated on 6.1 acres. The main floor consists of three bedrooms, two bathrooms, a kitchen, a great room and a laundry/mud room. The second floor has (4) bedrooms, a bathroom and a large game room. The theme of the log lodge is rustic country. The expected occupancy could range from five to seventy-five guests with twenty guests as overnight guests as per State requirements. A continental breakfast will be served and the lodge will be managed by a company called “Awesome Events” when the Crawford’s are away from the area. The septic system was engineered for a seven - bedroom house. There are (2) two large parking areas that could hold thirty vehicles with a large meadow for overflow parking. The parking area will be maintained and snow will be removed during the winter months. There will be a sign at the arched entrance of the driveway that will measure 3X4 feet. Crawford stated the positive aspects to the Specialty Resort as being in close proximity to the Spearfish Airport and to the City of Spearfish. Crawford further stated that the rustic settings, the views from the lodge and the wildlife on the property are all positive reasons to share the lodge with people in the area. Mickelson asked if the septic system would be adequate for the maximum of seventy-five guests? Crawford stated that she felt the system would be adequate to handle that many people. Birk asked Crawford to contact the engineer who installed the septic system and return to the next meeting with a letter detailing the capacity of the septic system. Mickelson stated that portable toilets might have to be used when the number of people exceeds the septic system capacity. Owens asked where the nearest neighbor was located? Crawford explained that the lots are between 3 - 5 acres and that they still own the lots behind the lot that the lodge is located on. Mickelson asked about the outdoor activities? Crawford answered that some of the wedding ceremonies may be held outside and that the guests could use the volleyball court. Birk read the conditions attached to conditional use permit #279. Mickelson stated that he wanted a change in wording on condition #13 in regard to the noise regulation. These changes are documented in the file for Conditional Use Permit #279. *An onsite review was scheduled for Tuesday November 6, 2001 at 4:00 p.m.*

There will be a public hearing on December 6, 2001 with the Planning and Zoning Commission.

PLAT – Preliminary and Final – Homestake Mining Company – Plat of Lots F-1 and F-2 being a portion of the Little Spearfish Placer, M.S. 953, located in the NE¼ of Section 36, T5N, R1E, B.H.M. - Spearfish Canyon at Savoy

Julie Stone, Homestake Land Office, was present at the meeting. Stone indicated the location of the property. Stone stated that the land is being platted to be used as part of a land exchange with the Forest Service. The land being platted is a portion of land remaining in a mineral survey. Lot F-2 will be used for transfer purposes only as the size and topography won't allow it to be used as a building site or a site for signs. Birk noted the hiking trail on the plat and stated that the trail was used only for foot traffic. ***Mickelson moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Mickelson moved to approve the final plat. Weisenberg second and the motion carried unanimously.***

PLAT – Final - Ivan Shonley – Plat of Lot 218, Lot 224 and Lot 225 of Block 2, Boulder Canyon Subdivision, located in Sections 10, 11, 14 and 15, T5N, R4E, B.H.M. – Boulder Canyon

Ivan and Dorothy Shonley, property owners, were present at the meeting. Birk indicated the location of the property. These lots were previously approved as a preliminary plat and are brought before the Commission for final approval as they are sold. Mickelson asked if the number of lots that have been sold is getting close to the number required for paving the road? Shonley answered that he has sold 10 or 12 lots and that paving was to occur when he had sold 26 lots. ***Mickelson moved to approve the final plat. Owens second and the motion carried unanimously.***

PLAT – Preliminary and Final – Diane Van Patten – Plat of Tract 2 of Government Lot 2 and 3 of Section 3, T3N, R4E, B.H.M. – Nemo Road

John Arleth, Arleth and Associates, was present at the meeting. Birk indicated the location. This lot is being platted for financial purposes in order to build the new Van Patten residence that has been approved as a Specialty Resort in Conditional Use Permit #276. ***Owens moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT - Preliminary and Final – Jim Heath – Plat of Lot F-1 and F-2 being a replat of Lot F of the William Johnson Homestead located in Section 1, T3N, R3E and Section 6, T3N, R4E, B.H.M. – South of Deadwood on Highway 385

John Arleth, Arleth and Associates, was present at the meeting. Birk indicated the location of the property. Birk stated that the county road is #216S and is maintained but is not considered a primary county road. The road coming off the Custer Peak road goes through to a forest service road. The Forest Service considers this access as “grandfathered” in. The land is family owned and is being subdivided for a family member. ***Kullbom moved to approve the preliminary plat. Owens second and the motion carried unanimously. Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – Preliminary and Final – Beth Nash – Plat of Lot 1 and Lot 2, being a subdivision of the Herbert Lode #1, M.S. 1434, located in the SW¼ of Section 22, T5N, R3E, B.H.M. – North of Deadwood on the road to Mt. Roosevelt.

John Arleth, Arleth and Associates, was present at the meeting. Arleth indicated the location of the property. Arleth also indicated that the road bisects the land and the well to the home that sits on Lot 1 is on the new Lot 2, which is on the land across the road. The plat shows an easement to the well. The property is surrounded by BLM land. ***Mickelson moved to approve the preliminary plat. Owens second and the motion carried unanimously. Owens moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – Preliminary and Final – Maurice Hoffman – Plat of Tract 8-A being a subdivision of Tract 8 located in the NE¼SW¼ of Section 10, T7N, R3E, B.H.M. – North of St. Onge

John Arleth, Arleth and Associates, and Maurice Hoffman, property owner, were present at the meeting. Hoffman stated that he was subdividing the 40 acres tract for his daughter. Birk stated that the land is zoned A-1 General Agriculture and that Hoffman would relinquish the residential building rights on Tract A-1 as per the Lawrence County Zoning Ordinance for agriculture zoning. The road to the property is a county secondary road. **Weisenberg moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Weisenberg moved to approve the final plat. Mattson second and the motion carried unanimously.**

PLAT - Final – Robert Humphrey – Revised plat of Humphrey’s Tract A, located in the SE¼SE¼ of Section 17, T7N, R2E, B.H.M. - Old Belle Road

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert explained to the Commission the property owner decided to revise the plat to have the south boundary line moved ten feet to take in an existing fence. The plat that was approved at the Planning and Zoning meeting in October has not been registered yet and will be destroyed. **Coburn moved to approve the final plat. Mickelson second and the motion carried unanimously.**

PLAT - Final - Benchmark Properties - Revised plat of Lots 1, 2, and 3 of Block 6, The Pines at Benchmark Subdivision - Benchmark Road off of the Nemo Road

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert explained to the Commission that a perspective buyer wanted to own more of the creek frontage so Lot 1 was revised to allow the perspective landowners to own an equal portion of the creek frontage. The plat that was approved at the Planning and Zoning meeting in October has not been registered yet and will be destroyed. **Owens moved to approve the final plat. Mattson second and the motion carried unanimously.**

PLAT - Preliminary and Final – Tom and Debra Callaway and Frank and Belinda Pavich – Plat of Lots 2R and Lot 3R, Block 18, being a replat of Lots 2 and 3 of Block 18, located in Section 23, T7N, R3E, B.H.M. – St. Onge

Tom and Debra Callaway, property owners, were present at the meeting. Callaway explained that he had taken care of this small strip of land on the south side of his land since he had purchased the property fifteen years ago. There will be 7½ feet added to Lot 2R for purchase by the Callaway family from the Pavich family. **Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.**

PLAT - Final - Benchmark Properties - Plat of Lot 3 of Block 3, and Lot 4 of Block 4, The Pines at Benchmark Subdivision - Benchmark Road off of the Nemo Road

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert stated that the accesses to these lots are off of the Benchmark Road. The ingress and egress to the lot in the rear is dedicated on the plat as a driveway. These lots were previously approved as a preliminary plat and are brought before the Commission for final approval as they are sold. **Weisenberg moved to approve the final plat. Mickelson second and the motion carried unanimously.**

PLAT - Final - Benchmark Properties - Plat of Block 8, The Pines at Benchmark Subdivision - Benchmark Road off of the Nemo Road

Randy Deibert, Black Hills Surveying, was present at the meeting. Birk indicated the location of the lot and stated it was the large lot within the property that had the corrals on it. This lot was previously approved as a preliminary plat and is being brought before the Commission for final approval as it has a perspective buyer. **Mickelson moved to approve the final plat. Owens second and the motion carried unanimously.**

PLAT - Final – Plat of Lots 5, 6 and 11 of Block 4, and Lots 15, 23 and 28 of Block 5, Whitewood Forest Acres #2 located in Section 20, T6N, R4E, B.H.M. – West of Whitewood

Randy Deibert, Black Hills Surveying, was present at the meeting. Birk provided the preliminary plat that was approved previously by the Commission and indicated the location of the property. Deibert stated that the lots are the remaining lots that were left in the recent

settlement of the Hinker Estate. Deibert noted that Ravine Court had been dedicated on this plat. The roads to these lots are all constructed. The water to these lots is provided by the City of Whitewood. Deibert indicated, as per Coburn's inquiry, the emergency fire exits out of the subdivision. These lots were previously approved as a preliminary plat and are brought before the Commission for final approval as they are sold. ***Owens moved to approve the final plat. Mattson second and the motion carried unanimously. The plat will be presented to the county Commission on November 20, 2001 for approval.***

PLAT – Revised Preliminary and Final – Jon Mattson – Plat of Lots 5, 8 and 17 of Shirttail Gulch Subdivision, being a portion of the Theodore Placer, M.S. 777, located in Section 13, T5N, R3E, B.H.M. – Boulder Canyon

Jon Mattson, property owner, was present at the meeting. Birk asked Mattson if there had been a new road profile developed because these lots had been revised? Mattson answered that yes he would provide a new road profile. Birk asked Mattson to fix and clean out the culvert at the beginning of the new road and complimented Mattson on the roadwork and the cul-de-sac that was put in. Birk inquired about a fire hydrant that he wanted placed in the area of the new cul-de-sac? Mattson indicated that there was a fire hydrant that Mattson said was 500 feet from the new lot in another location. Coburn stated that international fire codes dictated a distance of 1000 feet and the Fire Advisory Committee formed within the County required a distance of 500 feet. Birk stated he would like the minutes to reflect his request for the culvert to be cleaned out at the entrance to the new road and that a fire hydrant be placed on the new road. ***Owens moved to approve the final plat. Mickelson second and the motion carried unanimously, with Mattson abstaining.***

PLAT – Preliminary – Dwight Ahlers – Plat of Spruce Mountain Estates – Off of the Whitewood Valley Road on Jackson Road

Dwight Ahlers, property owner, and Keith Anderson, engineer, were present at the meeting. Ahlers provided maps of the proposed Spruce Mountain Subdivision and indicated the change in the preliminary plat that was being presented. Ahlers stated that he was using legal descriptions to describe the subdivision in (2) two phases. Spruce Mountain Estates #1, the first phase, would include legal descriptions on the (34) thirty-four lots north of the county road indicated on the plat. Spruce Mountain Estates #2, the second phase, would include (63) sixty-three lots to the south of that road. Ahlers indicated the access to the lots off of the county road and the emergency escape routes on the north and south side of the county road. Anderson presented the table with the road profiles listed by road name on the document provided to the Commission, he stated the roads were all 66 foot wide right of ways. Anderson stated they were able to meet the 10% grade requirements but pointed out a road, Saddle Court, that would serve one lot that was coming in at 12% grade and a 70-foot cul-de-sac. Anderson also mentioned that the length of Spur Place would exceed the 500 feet distance but wanted to mention that the road existed in an open area. Anderson planned a dry hydrant in Spruce Mountain #1 to be utilized at the stock reservoir, which he felt was a reliable source of water. Anderson also stated that they would be vacating the section line that runs north and south in Spruce Mountain #1. Weisenberg asked if a road district was in place. Ahlers stated that yes, the property owner's association would address the formation of a road district and that information was available to the Planning Commission in their packets of information. Derosier asked about the Whitewood Fire Department responding to a fire emergency in the subdivision. Ahlers stated that he had met with the different fire departments and the forestry division; he, also, stated that those organizations had been on the property and reviewed the land for escape routes and water sources. Ahlers stated that a larger stand of pine was mandated as an area for thinning as per the fire department's recommendations. Mickelson asked what the timetable for the roads would be? Ahlers answered that they would be completing the roads as quickly as they could. Mickelson asked how the roads would be done? Ahlers answered that they would be gravel roads? Mickelson questioned the wording in the covenants in regard to the homeowners being responsible for the road improvement. Ahlers reiterated that the roads would be done to County specifications and would note on the covenants that the wording be changed. Coburn asked about a specific copy of a fire plan? Ahlers stated that he received no specific form in regard to the fire protection plan. Kullbom suggested that Ahlers use fire plan documents that were approved along with the other subdivisions that had been approved. Mattson stated that there will be a fire plan in place in the County at some time but that the plan is still being developed. Mattson asked if Ahlers planned central water? Ahlers answered that there was an abundance of

water for wells, but that he planned to encourage well shares. Coburn asked Ahlers if he could make reference in the covenants that when a lot is purchased that the property owner would follow the regulations of the Urban Wildland Interface Plan? Ahlers felt "it was a scary thing to do" as far as perspective buyers and scaring them off from any purchase of his subdivision lots. Mickelson felt that when the subdivision fire plan is developed and approved the property owner would abide by that plan. Coburn reiterated that the regulations of the Wildlife Interface Plan would follow the defensible space around the homes and non-combustible building materials being used. Coburn stated the plan seemed complicated but that when you understand it, the plan is flexible. Ahlers stated that he will use the examples of previously approved subdivision fire plans to present a fire plan to the Commission at the next meeting on December 6, 2001. Ahlers will also provide the road profiles to the Planning and Zoning Office for review before the meeting. Deibert asked if Ahlers could bring in some final plats at the same meeting that the preliminary plat is approved. Birk answered that, with the size of this subdivision, he wanted to see the roads complete before any final plats were approved. Birk also stated that he wanted to remind the Commission that there is a variance section in the subdivision regulations that needed to be followed in regard to approving plats. Ahlers asked Birk if the lots that border the County road could be approved as final plats after the preliminary plat is approved? Birk answered yes, but only if they have direct access off the county road. The preliminary plat will come before the Planning Commission at the December 6, 2001 meeting.

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION

MINUTES OF DECEMBER 6, 2001

REGULAR MEETING

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, December 6, 2001 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Owens, Kullbom, Mickelson and Coburn

ABSENT: Mattson and Weisenberg

MINUTES: ***Owens moved to approve the minutes of November 1, 2001.***

APPROVED: ***Mickelson second, and the motion carried unanimously.***

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #279 – Mary J. Crawford – To allow for a Specialty Resort to include the following activities: weddings, retreats, meetings, special occasion parties, and family reunions – Eagle Ridge Estates, approximately 6 miles north of Deadwood off of the Maitland Road

Mary Crawford, property owner, was present at the meeting. Crawford summarized her plans for the proposed Specialty Resort. Crawford stated that the existing septic system had been approved for fifteen (15) guests and a letter from Brad Ellis P.E. was handed to the Planning Commission. Dick Reid, property owner on the Maitland Road, was present and handed out a list of questions and concerns that pertained to the proposed Specialty Resort. Reid questioned if Crawford held liability insurance? Crawford stated that a specific request would be added to the existing homeowner's policy to cover the additional guests and to cover the proposed activities. The county would not be liable for accidents or problems at the Specialty Resort if the CUP were approved. The rest of the concerns brought forth by Reid were addressed in the conditions attached to the conditional use permit, and Reid stated that he was satisfied with that. Jack Cole, concerned citizen of Lawrence County, stated that generally this type of commercial activity has a negative impact to the area, by disturbing the living conditions of the neighboring residents, along with reducing the attractiveness and value of the already existing homes. Mickelson stated that in regard to the drain field the number of people in the house would be limited to fifteen (15) overnight guests, which does not include an assembly type gathering. Ellis would provide the numbers that would allow use of the existing septic system and the possibility of portable toilet use. Birk read the conditions attached to Conditional Use Permit #279. Kullbom stated that condition #14 would be addressed in regard to the septic system before approval of the conditional use permit. Mickelson also requested a change to condition #11 and #13 that is documented as part of the attached conditions. Coburn stated a concern about the additional traffic on the Maitland Road and felt the road needed to be addressed by the County in regard to the traffic conditions. ***Mickelson moved to approve Conditional Use Permit #279 with the recommended changes to the conditions. Coburn second and the motion carried unanimously. A public hearing with the County Commission will be held on December 31, 2001.***

REQUEST FOR CONDITIONAL USE PERMIT #280 – Amy S. Peterson - To allow treatment of specific issues through hypnotherapy - Approximately 4 miles east of Highway 85 on the Crook City Road - Review and schedule onsite review.

Amy S. Peterson, property owner, was present at the meeting. Peterson presented her plan for the proposed hypnotherapy clinic by stating that she would use a 10X10 cabin that exists on her land as the area to conduct hypnotherapy. Peterson uses hypnotherapy as a help to people to conquer, abuse, memory loss, weight loss, etc. Peterson will see clients individually or as a couple and she stated that if the time comes that she sees people as a group she would seek another location. Peterson has worked for the Domestic Crisis Outreach Program and for Jerry Davidson, Chief of Police for the City of Whitewood, and is willing to see people free of charge as a community service. There is a 3X4 foot sign on the property to aid in locating the property. Peterson stated that she sees clients from one (1) to three (3) hours at a time and anticipates a slow growth to her business. Peterson stated that at this time, she sees one (1) to two (2) people a day. Peterson stated that the property allows parking for at least seven (7) cars and that if a

bathroom facility is required, the bathroom in her home is used. *An onsite inspection was scheduled for December 11, 2001 at 3:30 p.m.*

PLAT – Preliminary and Final – Timothy and Kimberly Quaschnick and Michael and Valerie Cracco – Plat of Tract 1 and Tract 2 being a subdivision of the Deadbroke and Snow Lodes, M.S. 2023, located in the NE¼SE¼ of Section 21 and the NW¼SW¼ of Section 22, T4N, R3E, B.H.M. (Tract 1 = ±18.71 acres and Tract 2 = ±17.27 acres)

Timothy Quaschnick, property owner, was present at the meeting. Quaschnick indicated the location of the land and stated the land was purchased in one piece along with his brother-in-law and they were subdividing to clean up the legal description. Erik N. Birk, Planning and Zoning Administrator, pointed out that the property owner had purchased two mineral surveys and the subdividing allowed equal portions of the land to be owned between the two parties. The land is zoned PF-Park Forest and is bordered by Forest Service and land owned by Homestake Mining Company. Coburn asked if the land could be subdivided any more? Birk answered that yes it could be subdivided. Quaschnick answered that he had no plans for further subdivision. Kullbom moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Kullbom moved to approve the final plat. Mickelson second and the motion carried unanimously.

PLAT – Preliminary and Final - Gerald and Judith Jensen - Plat of Jensen's Tract, a consolidation of Lot 15, Lot 16 and Lot 17 of the Deadbroke Mining Co. subdivision No. 1 (Plat document #81-257) formerly known as the Chandra No. 5 Lode, M.S. 1657, located in the NW¼ of Section 13 and the NE¼ of Section 14, T5N, R2E, B.H.M. (Jensen's Tract = ±18.25 acres)

Gerald Jensen, property owner, and Dan Deichert, surveyor, were present at the meeting. Deichert stated that the property owner wanted to combine (3) three lots to alleviate the tax assessment for the road district in his subdivision. Coburn stated that since this was a new plat that Jensen should comply with the section of the Lawrence County Zoning Ordinance in regard to fire prevention. Coburn's concern came from the location of the subdivision and the dangerous conditions that exist on that land. Discussion was held as what was required of property owners in the future in regard to new plats. The Commission decided to set aside time on the January meeting agenda to address this topic. Deichert stated that the road district was working on improvement of the roads in the subdivision. Birk stated that the road into the (3) three lots would be considered a driveway because the road was going to (1) one lot. Birk clarified that a variance would not be required for the length of the road ending in a cul-de-sac because the road was constructed prior to the subdivision regulations. Owens moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Owens moved to approve the final plat. Kullbom second and the motion carried unanimously. cancelled

PLAT – Preliminary and Final – Kirk Robbins and Joe Muth - Plat of Lot 2A and 2B, a subdivision of Lot 2, Goldchest Subdivision, a subdivision of Goldchest and Goldchest #1, M.S. 1734, all located in Section 26, T5N, R2E, B.H.M. (Lot 2A = ±2.63 acres and Lot 2B = ±2.99 acres)

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert stated that this land is being subdivided to gain better building sites on the lots. The PF-Park Forest density has not been exceeded per the eight residences per forty (40) acre requirement and the lot is staying within the 2-acre minimum. The access to the lots is provided by the Wharf Road along with a dedicated utility easement in the road. Birk stated that there are five lots in the section and that possibly two more lots could be formed. Mickelson moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.

PLAT - Final - Benchmark Properties - Plat of Lot 2 and Lot 3 of Block 1; Lots 1 through 6 of Block 2; Lot 1, Lot 2 and Lot 4 of Block 3; Lot 3, Lot 5 and Park 1 of Block 4 of the Pines at Benchmark Subdivision, all located in Sections 11, 13 and 14, T3N, R4E, B.H.M. - Benchmark Road off of the Nemo Road

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert stated that the lots that are being platted are the lots along the county road, therefore, there are no roads that need to be constructed. Deibert stated that the internal roads within the subdivision are about 50%

complete. There is a 20' dedicated easement to the property in the rear through Lot 4 of Block 3. Birk asked how much land was located to the rear of the subdivision that would use this 20' easement? Deibert stated that there were (3) three mineral surveys. Birk said that if the land were ever platted to the rear, the access width through Lot 4, Block 4 would need to be increased. Deibert stated that he had no problem changing the access width to 40 feet on this plat to allow the access to the land to the rear. Birk stated that this access issue could become a problem in the future if the property to the rear was subdivided into more than four (4) lots, as the right-of-way should be a 66-foot right-of-way instead of a 40-foot. Mickelson stated that the Planning Commission would have to look at the access if a plat of that area was ever presented to the Commission. Coburn asked how the fire and water points were coming and would they be in place when homes are built. Deibert stated that they plan on having it complete prior to platting the internal lots. ***Coburn moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – Preliminary – Dwight Ahlers – Plat of Spruce Mountain Estates – Preliminary plat of Spruce Mountain Estates No.1, Lots 1-34, located in the W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13; E $\frac{1}{2}$ E $\frac{1}{2}$, Section 14 lying north of the County Road; T6N, R4E, B.H.M. and the preliminary plat of Spruce Mountain Estates No. 2, Lots 2-63, located in that part of the SW $\frac{1}{4}$ lying south of the County Road, W $\frac{1}{2}$ SE $\frac{1}{4}$ less 10 acres, all in Section 13, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Section 24, T6N, R4E, B.H.M.

Dwight Ahlers, property owner, and Keith Anderson, engineer, were present at the meeting. Ahlers began by stating that he was presenting a fire plan that the covenants will directly speak to and that each of the documents will work together. Ahlers stated that the Board of Directors within the subdivision would enforce the fire protection plan. Anderson stated that there had been no change in the platting of the (2) two phases of the subdivision. Birk indicated that a variance on the plat in regard to Spruce Mountain #1 on the north side of the county road would be needed on Spur Place as it is 995 feet in length. This length of the road exceeds the 500 feet requirement as per the Lawrence County subdivision ordinance. Anderson also indicated that the road called Saddle Court serves one lot but that the grade is at 12% and will exceed the 10% requirement as per the Lawrence County Subdivision Ordinance. Anderson also stated that in Spruce Mountain #2 which is south of the county road, Bridle Court serves (3) three lots but is 799 feet in length; therefore, another variance will be indicated on the plat. ***Mickelson moved to approve the preliminary plat and the two variances for Bridle Court and Spur Place. Coburn second and the motion carried unanimously.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY