

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION**

**MINUTES OF JANUARY 4, 2002**

**REGULAR MEETING**

The Regular Meeting of the Lawrence County Planning and Zoning Commission was called to order by Chairman Leo Derosier, on Thursday, January 4, 2002 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, Weisenberg and Coburn

ABSENT: Mattson and Mickelson

MINUTES: ***Kullbom moved to approve the minutes of December 6, 2001.***

APPROVED: ***Owens second and the motion carried unanimously.***

ELECTION OF OFFICERS: Nominations were heard and Planning and Zoning officers were elected as follows: Chairman – Leo Derosier, Vice-Chairman – Craig Mickelson, and Secretary – Terry Weisenberg

PUBLIC HEARING - 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.

Amy S. Peterson, property owner, was present at the meeting. Peterson presented her plan for the proposed hypnotherapy clinic by stating that she uses a 10X10 foot cabin that exists on her land to conduct hypnotherapy. Peterson uses hypnotherapy to help people deal with abuse, memory loss, weight loss, etc. Peterson sees clients individually or as couples and if the time comes when she will see people in groups, she will 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 one (1) to two (2) people a day for one (1) to three (3) hours and anticipates a slow growth in her business. Peterson further stated that the property allows parking for at least seven (7) cars and if a bathroom facility is required, the bathroom in her home is used. Owens stated that after his onsite review, he felt there would be no problems with the proposed hypnotherapy clinic. ***Weisenberg moved to approve Conditional Use Permit #280. Kullbom second and the motion carried unanimously. A public hearing will be held on February 12, 2002 with the County Commission.***

PLAT – Final – Clarence Rath - Plat of Lot 29, 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 29 =  $\pm$ 1.69 acres)

Randy Deibert of Black Hills Surveying was present at the meeting and described the location of the lot within the subdivision. Deibert continued to state that the roads were complete in the subdivision and the water was available from the City of Whitewood water supply system. The preliminary plat of the subdivision was already approved. This final plat is being brought to the Planning Commission for final approval. ***Owens moved to approve the final plat. Coburn second and the motion carried unanimously.***

PLAT – Preliminary and Final - Paul Miller Sr. Trust, Butch Papka and Richard Hagerty – Plat of Tract M-1 and Tract M-2, being a subdivision of Tract M, being a portion of the Ong Lode, M.S. 1254 and Lot 5 of M.S. 758, all located in the NE $\frac{1}{4}$  of Section 34, T5N, R3E, B.H.M. (Tract M-1 =  $\pm$  6.11 acres and Tract M-2 =  $\pm$  4.77 acres)

Erik N. Birk, Lawrence County Planning and Zoning Administrator, described the location of the property behind Jackpot Charlie's off of State Hwy. 385. The land is zoned PF – Park Forest District. Birk stated that the plat of Tract M-1 included an unplatted portion of Placer Lode, M.S. 534, owned by Homestake Mining Company to allow access to both Tract M-1 and the backside of Tract M-2. Homestake Mining Company agreed to give this land, being 0.08 acres, to the property owner upon the property owner or the buyers of the tracts paying for the plat. Tract M-2 already has an existing mobile home on the tract with an access to Hwy. 85. Homestake Mining Company will sign the plat as one of the owners when the plat is filed.

***Weisenberg moved to approve the preliminary plat. Coburn second and the motion carried unanimously. Weisenberg moved to approve the final plat. Coburn second and the motion carried unanimously.***

DISCUSSION ITEM – Fire Plan requirements in regard to plats.

Birk reminded the Planning Commission of the time frame and process of the county approved Comprehensive Plan along with a recommended county modified Urban Wildland Interface Code developed originally from a fire code by the International Fire Code Institute (IFCI). A task force subcommittee was formed to develop a fire code that would coincide with the newly developed Lawrence County Zoning Ordinance. The County Fire Advisory Board was asked to review and provide recommendations to the fire code. At present, the Planning Commission uses a section from the Lawrence County Subdivision Regulations as a guideline for fire prevention requirements. Birk stated that the Commission could do the following: 1) develop fire safety requirements that the developers would need to follow at the time of platting, or 2) take a portion of the unapproved fire code and integrate it into the subdivision regulations to use as requirements by the developers. Coburn stated that the Fire Advisory Board is a recommendation board that advises the County Commission and the fire prevention plan is hinged on four things: 1) water supply; 2) access; 3) defensible space; and 4) fire retardant building materials. Coburn explained that the plan is set-up to allow a developer to have more of one fire prevention item and less of another. Coburn gave an example that the developer could choose to not have a fire hydrant but would need more defensible space and could use more fire retardant construction materials. Coburn felt that the plan was easy to implement after the public understood how the plan works. Tim Eggers, Fire Management Officer for the State of South Dakota, questioned how the enforcement of the fire plan requirements would be done in regard to new plats. Eggers felt that that by approving a plat with stipulated requirements could be a lot different than what happens “on the ground”. Weisenberg felt a moratorium could be “slapped” on the developer so that the developer could not proceed with the sale of his lots or anything else until the fire prevention requirements are complied with. Randy Deibert of Black Hills Surveying stated his concern that the technical data be specifically referenced in regard to the fire plan. Coburn stated that the fire plan would need to go through the public hearing process before the plan is adopted so there could be no resolution at this time to add any part of the fire code to the subdivision regulations. Coburn also stated that each residence would be different in regard to fire code requirements; for instance, a house in a meadow on a gentle slope would require less in fire prevention as compared to a home in a heavily wooded area on a steep hill. Coburn indicated flow charts in the fire code with different risk ratings that would be used for rating each residence. Eggers asked again who would enforce these requirements? Coburn stated that there was already available expertise in the area and that the county would be able to handle the enforcement. John Arleth of Arleth and Associates felt that the surveyors could provide the ingress and egress, water supply, fire escape, road widths on the plats, but the building materials would need to be addressed when a building permit was applied for. Eggers stated his concern about a lot in a subdivision could contain deadfall while the adjoining lot is being cleared properly to follow the fire code requirements. Weisenberg stated that the public hearings for the Lawrence County Zoning Ordinance and the fire code could be combined to follow the proper procedure to gain the Commission’s approval or denial. The suggested time frame is set for April 2002. In the interim, the Lawrence County Fire Advisory Board, the State Forestry recommendations, and the section from the Lawrence County Subdivision Regulations will continue as policy.

***There being no further business the meeting was adjourned.***

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

\_\_\_\_\_  
SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION**

**MINUTES OF FEBRUARY 7, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, February 7, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mickelson, Coburn and Mattson (County Commission representative)

ABSENT: Owens, Weisenberg, Douglas and Kullbom

MINUTES: *Coburn moved to approve the minutes of January 4, 2002.*

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

***Erik N. Birk, Planning and Zoning Administrator, reminded the Commission that the Planning and Zoning meeting is changed from Thursday, March 7, 2002 to Tuesday, March 5, 2002.***

REQUEST FOR CONDITIONAL USE PERMIT #281 - D. Scott Simpson for Black Hills Bible Camp - To operate a youth and family camp - Approximately 12 miles south of Deadwood and 4 miles southeast off of Highway 385 (Paha Sapa) – Review and schedule an onsite inspection.

D. Scott Simpson, Executive Director of Black Hills Bible Camp (BHBC), was present at the meeting. Simpson handed out brochures to the Commission with details of the Black Hills Bible Camp proposal. Simpson introduced Marvin Massey and Calvin Chapman as board members of the BHBC. Simpson stated that the BHBC organization has been in existence since 1968. The organization has found different locations to hold one-week functions through the years, but now, they have decided to purchase the former Paha Sapa Campground to use as their facility. The Paha Sapa campground site has been set up as a campground since 1939, and is located on 102 acres. The BHBC organization plans to be open year around with one-week sessions scheduled. A lodge was begun in 1991, but never completed. A septic system was installed at that time for the lodge. Renovation of the campground and completion of the lodge will be completed within a time frame from 2002 – 2007 with volunteer help from various church organizations. The maximum capacity will be ±400 campers in (5) five years, but at this time, the existing kitchen facilities and the renovation of the campground will allow only ±200 campers at the site. There will be (14) fourteen RV sites with electric hookups and (25) twenty-five tent sites. Simpson continued that the water testing would be conducted by the South Dakota Department of Health. Trash from the trashcans in clustered cabin areas will be placed in a (10) ten yard roll-off dumpster and removed by Waste Connections of Belle Fourche on demand. There would be approximately (2) two acres of parking within the campground, but Chapman reminded the Commission that when a group function is planned, the participants would usually arrive in vans or possibly a bus so the amount of traffic inside the campground would be diminished. A fire protection plan will be in place in regard to the operation of the campground with the appropriate fire permits obtained. The Paha Sapa kitchen staff will prepare all meals, and there will be no vendors on the campground site. There is the possibility a trail ride could be offered and in that case, another party would be brought in to provide that service. Simpson stated that activities offered would be campground related such as: volleyball, softball, tetherball, hiking, archery practice and canoeing, etc. There will be (1) one on-premise sign erected at the entrance to the campground on private land and permission will be requested from the SD Department of Transportation to erect a sign at a location on Highway 385 to direct guests to the campground. Mickelson suggested that the BHBC may want to use smaller covered dumpsters that could be removed more frequently than the time required to fill a (10) ten yard rolling dumpster. Simpson stated that they would look into that option and agreed that the trash should be removed more frequently. Mattson required clarification as to why a conditional use permit was required for the campground. Birk answered that the previous use of the campground was grandfathered-in as a non-conforming use in 1975 when the county comprehensive plan was approved. At this time, the property has not been used as a campground for (4) four years and the use of the land has reverted back to the PF- Park Forest zone. The facility will fall into the campground and lodging requirements as per the Lawrence County Zoning Ordinance; therefore, a conditional use permit is required to operate within the PF-Park Forest zone. ***An onsite was scheduled for Thursday, February 14, 2002 at 3:00 p.m.***

PLAT – FINAL – Richard and Lydia Van Horn - Replat of Tract 4 of Aspen Hills Development into Tract 4A and Tract 4B of Aspen Hills Development and reserving a 40' access and utility easement across part of Tract 4A and part of Tract 3 all in Aspen Hills Development located in the NE¼ of Section 32, T6N, R2E, B.H.M. – Approximately 3 miles south of Spearfish off the east side of Tinton Road. (Tract 4A = ±3.66 acres and Tract 4B = ±6.22 acres)

Jim Walker, NJS Engineering, was present at the meeting. Walker indicated the location of the lot on the previously approved preliminary plat of Aspen Hills Development. Walker stated that the subdividing of Tract 4 is allowed as per the subdivision covenants and the PF-Park Forest zoning. Walker stated that the access is across Tract 4A to Tract 4B with access also provided to Tract 3. ***Coburn moved to approve the final plat. Mickelson second and the motion carried unanimously.***

PLAT – FINAL – Homestake Mining Company - Plat of Lots 1 and 2 of Block A, and a portion of dedicated West Summit Street, in the Denver Addition to the City of Lead; being a replat of Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of Block 4 of Arlington Heights Addition, and being portions of the Wyoming, Montana and Dakota Lodes, M.S. 1242, the Baltimore Lode, M.S. 693, the Eureka Lode, M.S. 318, Government Lot 32 –16, the Humboldt Lode, M.S. 1220 and a portion of the previously vacated Arlington Street; and all being partially situated in the City of Lead and partially situated in Section 32, T5N, R3E, and Sections 4 and 5, T4N, R3E, B.H.M. (±0.86 acres and ±0.34 acres to be approved by Planning and Zoning Commission)

Julie Stone, Homestake Mining Company, was present at the meeting. Stone indicated the location of the property. The portion of the plat that falls within the county will be purchased by the City of Lead. The property is steep with a drop off from the street and will be used for dumping snow. ***Coburn moved to approve the final plat. Mickelson second and the motion carried unanimously.***

PLAT – FINAL - Jon Mattson - Plat of Lots 12, 14, and 15 of Shirttail Gulch Subdivision, being a portion of the Theodor Placer, M.S. 777 in Section 13, T5N, R3E, B.H.M. (Lot 12 = ±2.21 acres, Lot 14 = ±2.06 acres and Lot 15 = ±2.01 acres)

Jon Mattson, property owner, was present at the meeting. Mattson stated that the lots were previously approved on the preliminary plat of the Shirttail Subdivision. These lots are being brought before the Commission for final approval as they are sold. Mattson stated that these lots were located in the area of the subdivision where the roads are completed. Mattson stated that he had recently installed an 18,000-gallon water tank. Fire vehicles could use the water tank in the case of a fire emergency in the subdivision. Mattson also stated that he had come to an agreement with the neighbor to the south to allow an emergency exit from the Shirttail Subdivision through the neighbor's property as part of the fire prevention plan for the subdivision. ***Coburn moved to approve the final plat. Mickelson second and the motion carried unanimously.***

PLAT – PRELIMINARY AND FINAL - Kenneth Shabino - Plat of Tracts A, B and C of the Shabino Subdivision, consisting of a portion of the Fox Lode, M.S. 1852, Frisco Lode, M.S. 1876, Lot 3 of the Frisco Lode, M.S. 1876, and Dalton Fraction, Williams Fraction, Virgin Fraction and Wang Dudle Fraction Lode, M.S. 1991, located in the W½ of Section 12, T4N, R3E, B.H.M. (Tract A = ±15.00 acres, Tract B = ±16.30 acres and Tract C = ±2.60 acres)

Birk indicated the location of the property. The property owner is platting the property because of the State Highway 385 reconstruction. The SD Department of Transportation is working out the property distribution along the highway in order to move the highway work back and forth. The property owner plans to retain the property but needed to plat the (16) sixteen-acre tract for financial reasons. The access to Highway 385 shown on the plat does not extend out to the highway because the SD DOT has not determined where the driveway access off of Highway 385 will be located. ***Coburn moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Coburn moved to approve the final plat. Mickelson second and the motion carried unanimously.***

DISCUSSION OF PROPOSED PLAT – John Keene for Floyd Mount - Schedule onsite inspection.

John Keene, RE/Max of the Black Hills, was present at the meeting. Keene handed out a copy of the sketch of the proposed subdivision and indicated the location of the property. The land is located north of Boulder Canyon Highway 14A and east of the Whitewood Hollow Subdivision and consists of 211.44 acres. The property will be divided into (41) forty-one lots that will meet the PF-Park Forest density. Birk indicated the main road entering into the property from the highway and another road that connects to a Whitewood Hollow subdivision road. Birk pointed out the proposed placement of fire hydrants would be 500 feet from each lot in the subdivision. Birk indicated a location on the sketch where a road would be placed to allow a shorter distance going in and out of the subdivision and to minimize traffic from traveling the full length of the subdivision. Birk also showed where an existing trail that led to a forest service road as an emergency access needed to be placed on the sketch. Keene stated that the power line through the property is dead but that a utility easement remains. Keene did indicate where the power for the subdivision was located. Randy Deibert, Black Hills Surveying, noted that there is a large green space that seemed land locked and asked if there would be a dedicated easement to that area. Deibert asked how the land would be maintained without access to the green space? Deibert suggested a hiking trail through the area. Birk stated that a "pedestrian way" is defined as (10) ten feet in width as per the Lawrence County Zoning Ordinance. Birk stated that the proposed well on the sketch needed to be placed on a well lot with a shown access easement. Birk also stated the road names should be on the preliminary plat. Keene stated the proposed subdivision was to be on a community water system and with individual septic systems. Keene was going to obtain examples of the approved fire plans from the Planning and Zoning Office in order to compile a suitable fire plan for Commission approval at the time the preliminary plat is presented. ***An onsite inspection was scheduled for Thursday, February 14, 2002 at 1:00 p.m.***

DISCUSSION OF MCKEE PROPOSED PLAT – Roger McKee - Schedule onsite inspection.

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the property. The property consists of (56) fifty-six acres and will be subdivided into (9) nine lots that will fall within the PF-Park Forest density. Deibert indicated the flood hazard area in Lots 8 and 9 and stated that he could "hinge" the lots in order to obtain suitable building sites outside hazard area. The property is bordered to the south by Pennington County. Deibert stated that he would contact SD DOT to obtain the access permits needed off of Highway 385. Gimlet Road heading to the east and the highway will be utilized as emergency exits in case of fire, etc. ***The Commission decided to perform an onsite inspection at their convenience.***

OPEN DISCUSSION:

Jack Cole and Margarit Kelly, Board members of the Save Bear Butte Creek group, were present at the meeting to invite the Planning and Zoning Commission to the Sunlight Conference. The conference will discuss the possible affects that the proposed National Science Foundation will have on the water quality in the Black Hills and the possible burden on the taxpayers of the State of South Dakota.

Rob Mattox, GIS Analysis / Consultant for Black Hills Land Analysis was present to explained what his business could provide to the County and to the residents of the Black Hills.

***There being no further business the meeting was adjourned.***

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

\_\_\_\_\_  
SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION**

**MINUTES OF MARCH 5, 2002**

**REGULAR MEETING**

Acting Chairman for this meeting Bill Coburn called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Tuesday, March 5, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Coburn, Douglas and Weisenberg

ABSENT: Owens, Derosier, Mickelson and Kullbom

MINUTES *Weisenberg moved to approve the minutes of February 7, 2002.*

APPROVED: *Douglas second and the motion carried unanimously.*

**PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #281 - D. Scott Simpson for Black Hills Bible Camp - To operate a youth and family camp - Approximately 12 miles south of Deadwood and 4 miles southeast off of Highway 385 (Paha Sapa) – Approval/Denial by Planning Commission**

D. Scott Simpson, Executive Director of Black Hills Bible Camp (BHBC), was present at the meeting. Simpson handed out brochures to the Commission with details of the Black Hills Bible Camp proposal. Simpson stated that as per the suggestion of Craig Mickelson, the camp would be using multiple dumpsters with a weekly or as needed trash pickup agreement. The pump in the well on the property will be replaced and the well water will be tested to insure the safety of the drinking water. Simpson informed the Commission that there is a pumper hookup in the pond at the campground that could be used for emergency vehicles in the event of a fire. Douglas asked if there were R.V. hookups as part of the original campground? Simpson answered no, and explained that there is a volunteer labor group called the Sojourners that travel in R.V.'s and the group would provide ground maintenance for a number of weeks at the campground. Douglas asked if there would be a pump station for the R.V.'s? Simpson answered that the R.V.'s would leave the campground to eliminate the waste from the R.V.'s. Birk read the conditions attached to the conditional use permit. Changes were made to conditions #8, #18, #24 and an additional condition was added in regard to the leasing of the campground. Simpson said the BHBC had no intention of leasing the campground to another group. These changes are documented as part of the conditional use permit file. Birk stated that Don Murray with the U.S. Forest Service wanted assurance that the road to the campground would be the primary access to the property. Simpson agreed to use only the access road as the primary access. Douglas asked if the 200 overnight guests would include the R.V. campers? Simpson stated "yes", the number would include those R.V. guests. Simpson said the typical size of the groups at the camp would be between 130 and 140, and the R.V. campers would be included in that number. ***Weisenberg moved to approve Conditional Use Permit #281 with the corrections to the attached conditions. Douglas second and motion carried unanimously. A public hearing will be held with the Lawrence County Commission on April 9, 2002.***

**PLAT – PRELIMINARY – John Keene for Floyd Mount – Plat of Lots 1- 41 of the Meadow Crest Subdivision in the NE¼, E½NE¼NW¼, NW¼SE¼ lying north of Highway 14A except Lot H-1, and approximately 300 sq. ft. in the NE¼SW¼ all located in Section 17, T5N, R4E, B.H.M.**

John Keene, Re/Max in the Hills, representing Floyd Mount and Brad Ellis of Ellis Engineering were present at the meeting. Keene handed out a booklet with the documents required as per Section 5.4 of the Lawrence County Subdivision Regulations that are needed prior to approval of a preliminary plat. The booklet included Covenants and Restrictions, Homeowners Association Incorporation and By-Laws, Road District Petition and Application, Road District By-Laws, Wildland Fire Suppression letter, and Fire Protection Plan. Keene summarized what was included in the booklet, and that Roger Tellinghuisen, attorney representing Floyd Mount, wanted to remind the Commission that this booklet was a draft document, (a working document). The covenants could have additions and even, some of the covenants could be eliminated. Keene stated that in regard to fire suppression, grant money could be available to clean out the potential fuels on the property. This would occur after the logging operations. Birk stated that there were (3) three issues that needed to be addressed in regard to the preliminary plat: 1) the signature lines for the Planning Commission had been left off of the plat; 2) Chuck Williams,

Lawrence County Highway Superintendent, required that variances of both the horizontals and verticals of the road profile needed to be listed for the Planning Commission's approval; and 3) Birk felt the 26 foot island in the middle of the cul-de-sac was a deviation from the 70-foot radius requirement as per Section 6.2.2 of the Subdivision Regulations. Birk stated that the regulations did not specify what the driving surface width should be within the 70-foot right-of-way radius and also the regulations did not talk about islands within the cul-del-sac radius. Birk felt there could be a safety issue involved with a fire truck trying to make the turn radius in the cul-de-sac with the island in the center. Birk asked for comments from Rob Mattox, a member of the Lawrence County Fire Advisory Board. Mattox answered that the Fire Advisory Board required a 70-foot radius cul-de-sac. Mattox also stated that if you have that 70-foot radius and you have a "30-foot island in the middle than you loose the 70-foot radius". Coburn did not see a problem with the island, as there was a 24-foot running surface within the 70-foot radius. Douglas commented that if the regulations required a 70-foot right-of-way radius than the Commission should "go by that" and the island would not make a difference. Birk felt that when the Subdivision Regulations is rewritten the Commissions should consider specifying what the hard surface would be within a cul-de-sac. Coburn stated that Tim Eggers, Fire Management Officer for the State, required a 30,000-gallon water tank and questioned why a 20,000-gallon tank was listed? Keene stated that the document had been written prior to the letter that he had received back from Eggers and then discussed the letter with Brad Ellis as to what was required. Ellis stated that what was needed for maximum water storage was a 20,000-gallon tank but there would be no problem with a 30,000-gallon tank in the subdivision. Coburn asked Keene to explain the ingress and egress from the property. Keene stated that the exit to the north was through U.S. Forest Service land and came out onto the Crook City Road, and the exit to the east was being worked on with the U.S. Forest Service to come out in Boulder Canyon onto Highway 14A. The exit to the west goes through private land, and the developer was working with the property owner for a mutual agreement on the ingress and egress. These exits are for emergency use as part of the fire plan. Birk asked about the dead power line easement? Keene answered yes; it was assumed Black Hills Power and Light had the easement. The developer was working on an agreement with BHP&L to cut the ROW easement for a power line "up along the outside boundary line" to keep the transmission line from coming through the development. Keene stated the company was planning a "high electric transmission line" through the property in (2) two years. Birk recommended that an amended preliminary plat be brought before the Commission after the BHP&L easement is in place because the easement may change the size of some of the lots. ***Weisenberg moved to approve the plat with the stipulations to the plat. Douglas second and the motion carried unanimously.***

REQUEST FOR CHANGE OF ZONING #220 – Butte Electric Cooperative Inc., Kenneth Wetz, General Manager – To allow construction of a branch office/warehouse/storage area - North of I-90 off the eastside of the Old Belle Highway – Review and schedule onsite inspection.

Ken Wetz, General Manager of Butte Electric Cooperative, was present at the meeting. The change of zoning request is for C/LI – Commercial/Light Industrial District from A-1 General Agriculture District zoning. Wetz handed out copies of the change of zoning proposal. Wetz began by indicating the location of the property and stated the reasons for the change of zoning would be to relocate the district office/warehouse/storage area onto Lot BE-1 from their lot in the Industrial Park because of the construction of Exit 8 off of I-90. Wetz plans to construct a 50X100 foot building with (4) four parking bays next to their existing electrical substation, which Butte Electric has owned since 1967. Four employees would utilize the office space by reporting to work at the building but leaving the site to do the company's electrical work. Wetz further stated that another building might be constructed in the future. Wetz told the Commission that a well would be drilled on the lot and an individual septic system would be installed. A landscape plan was presented for the lot. Wetz stated that the overhead power lines would be taken into consideration so that the planned foliage would not interfere with the lines. Butte Electric provides services to portions of the City of Spearfish and rural Lawrence County so this location was very desirable because of the construction of Exit 8. Birk was asked if a conditional use permit was considered for this property? Birk answered that a conditional use permit could have been requested but after the Exit 8 has been constructed; this area will become a highly developable area with many requests for commercial change of zonings. Douglas answered that she had no problem with a zoning change at this location. Onsite inspections will be conducted at the convenience of the Planning Commission. ***A public hearing was scheduled for April 4, 2002.***

PLAT – FINAL - Jon Mattson - Plat of Lots 6, 18, and 20 of Shirttail Gulch Subdivision, being a portion of the Theodor Placer, M.S. 777 in Section 13, T5N, R3E, B.H.M. (Lot 6 = ±5.78 acres, Lot 18 = ±2.14 acres and Lot 20 = ±2.00 acres)

Jon and Barb Mattson, property owners, were present at the meeting. The lots are being presented for final approval, as the lots could be marketed and ready for sale. A portion of Lot 6 falls within the city limits of Deadwood so the plat will be approved by the city too. ***Weisenberg moved to approve the final plat. Douglas second and the motion carried unanimously.***

PLAT – FINAL –Delzer Family - Plat of Delzer Tracts 1, 2, 3, and 4, located in the NW<sup>1</sup>/<sub>4</sub> and the SW<sup>1</sup>/<sub>4</sub> of Section 15; the NE<sup>1</sup>/<sub>4</sub>, the S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 16; the NW<sup>1</sup>/<sub>4</sub> of Section 22; the NE<sup>1</sup>/<sub>4</sub>, the NW<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub>, N<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub> of Section 21; and the replat of Tract A of the SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, Tract A of the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub>, Tract A of the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 21, the replat of Lot 4 in the SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> and Lot 4 of the NW<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 21; the replat of Lots 1 and 2 of the subdivision of the N<sup>1</sup>/<sub>2</sub>NW<sup>1</sup>/<sub>4</sub> of Section 21; and the replat of Lots 1 and 2 of the subdivision of the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> of Section 21; all located in T7N, R2E, B.H.M. (Delzer Tract 1= ±527.25 acres, Delzer Tract 2 = ±290.10 acres, Delzer Tract 3 = 291.38 acres and Delzer Tract 4 = ±320.83 acres)

John Arleth of Arleth and Associates was present at the meeting. Arleth indicated the location of the property. Arleth also reminded the Commission that the preliminary plat was previously approved. The land was subdivided as part of an estate settlement between family members. ***Weisenberg moved to approve the final plat. Douglas second and the motion carried unanimously.***

PLAT – PRELIMINARY – Tom Campbell – Plat of Campbell Lots 1, 2, 3 and 4, a subdivision of Tract 1 of Government Lot 3, located in the NW<sup>1</sup>/<sub>4</sub> of Section 3, T3N, R4E, B.H.M. (Lot 1 = 0±4.82 acres, Lot 2 = ±5.18 acres, Lot 3 = ±6.54 acres and Lot 4 = ±6.54 acres)

John Arleth of Arleth and Associates and Tom Campbell, property owner, were present at the meeting. The property was subdivided for possible sale to family members. The property owner decided to have the preliminary plat approved at this time and then each lot would be brought forward for final approval at the time of sale. Campbell agreed to build the road according to County road specifications at the time the other lots are sold. ***Douglas moved to approve the preliminary plat. Weisenberg 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 APRIL 4, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, April 4, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Coburn, Douglas, Weisenberg, Derosier, Kullbom and Mickelson.

ABSENT: Owens.

MINUTES *Weisenberg moved to approve the minutes of March 7, 2002.*

APPROVED: *Douglas second and the motion carried unanimously.*

PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #220 – Butte Electric Cooperative, Inc., Kenneth Wetz, General Manager – To allow construction of a branch office/warehouse/storage area - North of I-90 off the eastside of the Old Belle Highway – Approval/Denial by Planning and Zoning Commission.

Ken Wetz, General Manager of Butte Electric Cooperative, was present at the meeting. The change of zoning request is for C/LI – Commercial/Light Industrial District from A-1 General Agriculture District zoning. Wetz handed out copies of the change of zoning proposal. Wetz began by indicating the location of the property. Butte Electric plans to relocate the district office/warehouse/storage area onto Lot BE-1 from their lot in the Industrial Park because of the construction of Exit 8 off of I-90. Wetz plans to construct a 50X100 foot building with (4) four parking bays next to their existing electric substation, which Butte Electric has owned since 1967. Five employees would utilize the office space by reporting to the building and then leaving the site to begin work. Wetz further stated that another building might be constructed in the future. A landscape plan was presented for the lot. Wetz stated that an overhead power line would be taken into consideration so that the planned foliage would not interfere with the lines. Wetz stated that the sight distances from the new Exit 8 ramp were adequate. There will be a 4X4 wood sign attached to the west side of the building. Kullbom asked if there were any concerns from the neighbors? Wetz stated that one gentleman had phoned him but after they visited about the proposal, the caller understood and had no problem. Mickelson stated that he had a concern about “jumping the industrial park across the highway into a residential and agriculture area”. Mickelson asked if the lights would be mounted on the building? Wetz answered yes, the lights would be mounted on the building. Mickelson stated that the new comprehensive plan required more in the way of landscaping on commercial property and recommended that Wetz do more in regard to the landscape. Wayne Klein, adjoining property owner, stated that he had no objection to the concept of the facility but felt that a better location on the east side of the substation and to the north of the property could be looked at. Klein also, felt that there could be as much screening and fencing of the property as possible. Mickelson stressed his desire for more evergreen trees rather than shrubbery as a screen for the property. Coburn stated that he felt the area around the new Exit 8 will change and felt that consistency in the approach to the future change of zoning requests is what the Commission needs to remember. ***Weisenberg moved to approve Change of Zoning #220. Kullbom second and the motion carried unanimously. A public hearing with the County Commissioners will be held on April 23, 2002.***

REQUEST FOR CONDITIONAL USE PERMIT #282 – Zandstra Construction, Inc. – To allow for the sale of aggregate gravel - North of Whitewood along the south side of I-90 – Review and set an onsite review.

Pete Gannon, Zandstra Construction, was present at the meeting. Gannon stated his company had removed the concrete from the eastbound lane during the I-90 reconstruction; the concrete was crushed and stockpiled on Jim Christensen’s land north of Whitewood. Zandstra Construction will let bids for the gravel to Federal, State and County projects and also for sale to private individuals. The lease agreement on the Christensen land is for (5) five years. Gannon stated that the land would be reseeded and the dust on the road would be controlled by the use of magnesium chloride water. Gannon felt the stockpiled concrete would not cause a dust problem as he stated the concrete forms a crust over itself. The state permit allows the company to use the water out of the Whitewood creek for dust control when the trucks are hauling. Erik N. Birk,

Planning and Zoning Administrator, explained to the Commission that a conditional use permit is required because the gravel will be sold to the public; if the gravel had been used only for federal, state and county highway projects, a conditional use permit would not be needed. Birk asked if more crushing of the gravel on the land would occur? Gannon answered no. Birk asked if there would be mining of rock on the land? Gannon answered no. Birk asked if the conditional use permit request would cover only the sale of this gravel on the property at this time? Gannon answered yes. Mickelson asked what the company would do if they were awarded the contract on the next stretch of the interstate construction? Gannon answered that they would have to find another piece of property to stockpile the gravel on. Mickelson asked about run-off in regard to the gravel pile? Gannon answered that they had a berm on the north side of the pile so that all runoff would stay on the property. Coburn stated that the Planning Commission should address the impact of the run-off (lime, etc.) by adding the proper conditions to the conditional use permit. The Commission members decided to perform an onsite review at their own convenience. ***A public hearing with the Planning and Zoning Commission will be on May 2, 2002.***

PLAT – FINAL – Rex and Lynda Gudith - Plat of Tracts A1, A2, and A3, a subdivision of Lot A of Frosty Meadows Subdivision, a subdivision of Tract 37 and H.E.S. 541, all located in Section 25, T4N, R2E, B.H.M. (Tract A1 = ±2.30 acres, Tract A2 = ±6.51 acres and Tract A3 = ±6.84 acres)

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the land and reminded the Commission that this plat was approved as a preliminary plat in September of 2000. The cul-de-sac turnaround will facilitate emergency vehicles and a stipulation was added to the plat that stated that no building permit would be issued for Tract A3 until the cul-de-sac was completed. ***Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT- PRELIMINARY – Kevin McKee – Plat of Lots 1 through 8 of Haven Meadows Subdivision, a subdivision of that portion of the NE¼SE¼ of Section 12 lying west of Highway 385 and the SE¼SE¼ of Section 12, T2N, R4E, lying in Lawrence County, except Tract A, and the SW¼SW¼ of Section 7, T2N, R5E, lying west of Highway 385 and north of Tract A, all located in B.H.M. (Lot 1 = ±7.28 acres, Lot 2 = ±5.53 acres, Lot 3 = ±5.58 acres, Lot 4 = ±4.94 acres, Lot 5 = ±6.86 acres, Lot 6 = ±5.04 acres, Lot 7 = ±7.20 acres and Lot 8 = ±8.95 acres)

Randy Deibert, Black Hills Surveying, was present at the meeting. The proposed plat had previously been before the Commission as a discussion item and Deibert explained the changes made to the preliminary plat since that time. Lot 7 is the lot that will be allowed to be subdivided one more time to obtain the total density. Lot 8 was originally (2) two lots and is now being presented as (1) one lot. The change to Lot 8 was determined to allow a suitable building site outside the flood hazard area. Deibert spoke with the S.D. DOT and (2) two access permits off of Highway 385 were granted as indicated on the plat. Chuck Williams, Lawrence County Highway Superintendent, stated he had no concerns with the access off of the East Gimlet Road, which is a county road. Deibert stated the fire plan is incorporated into the covenants because there is no homeowners association planned for the subdivision. The developer decided that a homeowners association was not needed because there is no internal road to maintain within the subdivision. The fire protection plan emphasizes the use of the proper fire retardant materials, tree thinning and maintenance of new growth. Mickelson questioned a 20-foot easement indicated on the plat. Deibert answered that the easement was to allow access to the forest service land to use for hiking, horseback riding etc. John Arleth, Arleth and Associates, asked the Planning Commission to clarify whether a homeowners association was required when you plat more than (3) three lots. Arleth was under the impression that the Lawrence County Subdivision Regulations stated that this was a requirement. Birk read Section 5.4 of the Subdivision Regulations in regard to supplementary documents presented with a preliminary plat of a subdivision. Kullbom stated that there could be covenants to a subdivision but that a homeowners association may never be formed in that subdivision, and therefore, there would be no organization to enforce those covenants. Coburn felt that the Commission should delay signing the preliminary plat until these questions were cleared up. Deibert felt that the developer would have no problem with development of a homeowners association. Coburn stated that a homeowners association is an important element in the implication of the fire protection plan. The Commission voted on the first motion. ***Mickelson moved to approve the preliminary plat. Weisenberg second. The motion failed 3-2. Kullbom***

*made a second motion to tentatively approve the preliminary plat with the condition that a homeowners association would be formed by the time the final plat is presented. Mickelson second. The motion carried 4-1.* Weisenberg cast a nay vote because he felt there was “no teeth” in what was recommended in the motion.

Douglas requested Birk to research from the subdivision regulations and SDCLs, to obtain an answer in regard to the homeowner’s association question by the May 2, 2002 Planning and Zoning Commission meeting.

PLAT – PRELIMINARY AND FINAL - Steven and Patti Pendegraft – Plat of Lot 56A of Block 2, Tract “C”, Lost Camp Valley Acreage and Pendegraft Tract being a portion of the Busby Lode, M.S. 1942, and including remaining portions of Lots 48, 49, 50, 51, 52, 53, 55 and 56, Block 2, Tract “C”, Lost Camp Valley Acreage lying within the Busby Lode, M.S. 1942, located in the SE¼ of Section 3 and the SW¼ of Section 2, T4N, R2E, B.H.M., Lawrence County, South Dakota (Lot 56A = ±0.15 acres and Pendegraft Tract = ±8.04 acres)

John Arleth, Arleth and Associates, was present at the meeting. Arleth indicated the location of the property. Arleth stated that Lot 56 was previously described as a metes and bounds description with Wharf Resources, Inc., owning a ½ interest in the lot. This plat will allow Lot 56A to be platted for transfer purposes only and will still be retained by Wharf. Arleth stated that Wharf did transfer ownership of Lot 55 and that portion of Lot 56 contained within the boundaries of the Busby Lode into the Pendegraft Tract after a title search and a Quit Claim Deed. *Weisenberg moved to approve the preliminary plat. Coburn second and the motion carried. Mickelson moved to approve the final plat. Weisenberg second and the motion carried.*

PLAT - PRELIMINARY AND FINAL – John Skvicalo - Plat of Lot A-1, being a replat of a portion of Lot A of the Winchester Placer, M.S. 1004, and an unplatted portions of the Winchester Placer, M.S. 1004, located in the S½ of Section 17 and the NW¼ of Section 20, all in T4N, R3E, B.H.M. (Lot A-1 = ±11.83 acres)

John Arleth, Arleth and Associates, was present at the meeting. Arleth indicated the location of the property. The property has a road dissecting Lot A, therefore the new plat will allow the new Lot A-1 to lie north of the road with the unplatted portion of the mineral survey lying to the south. Lot A was replatted into Lot A-1 because of the son’s new home was built outside of his property, Lot A, and on his father’s land, M.S. 1004. Therefore, the lot was reconfigured to bring the house into Lot A-1 with the acreage remaining the same at ±11.83 acres. *Douglas moved to approve the preliminary plat. Weisenberg second and the motion carried. Mickelson moved to approve the final plat. Kullbom second and the motion carried.*

*The Commission signed the previously approved preliminary plat for the Meadow Crest Subdivision. The plat copies were presented at the last meeting of March 5<sup>th</sup>, 2002, without signature spaces for the Planning Commission to sign.*

**OPEN:**

Coburn updated the Planning Commission on the Firewise Workshop that will be held the end of May 2002. Coburn stated that Governor Janklow would be the primary speaker. There will be a presentation on the work done by the BLM outside the Heart Subdivision in Lead that was designed to mitigate the fire danger there. Coburn stated that there is some successful fire mitigation being done in the County without the regulations being in place.

*There being no further business the meeting was adjourned.*

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

\_\_\_\_\_  
SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION**

**MINUTES OF MAY 2, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, May 2, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Douglas, Weisenberg, Derosier, Kullbom and Owens.

ABSENT: Coburn and Mickelson.

MINUTES *Kullbom moved to approve the minutes of April 4, 2002 as corrected.*

APPROVED: *Weisenberg second and the motion carried unanimously.*

Terry Weisenberg agreed to fill in as Secretary for this meeting in the absence of Craig Mickelson.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #282 – Zandstra Construction, Inc. – To allow for the sale of aggregate gravel - North of Whitewood along the south side of I-90.

Pete Gannon, Zandstra Construction, was present at the meeting. Gannon stated that there were no changes in his proposal from the previous meeting. Erik N. Birk, Planning and Zoning Administrator, read the conditions attached to the conditional use permit. Birk asked if Zandstra was going to take responsibility for maintaining the access road off of Highway 34? Gannon answered that the company's intention was to maintain the entire road into the gravel pit from Highway 34 by applying a base material to the road surface and mag water to control the dust. Birk asked Gannon to contact Gary Engel with the South Dakota DOT and let him know what the company's plans are for the road. Gannon answered, affirmatively. Birk asked if the hours stated in the conditions were agreeable with the company? Gannon answered that he would like the hours on Saturday to be 6 a.m. to 6 p.m. so that if work is rained out during the week he could work the Saturday hours. The Commission agreed to this request. Douglas asked how the portable toilets at the location would be maintained? Gannon stated that depending on the season if the pit is shut down then the toilets would be picked up; otherwise, when the pit is operating, M & M Sanitation will maintain the toilets. ***Owens moved to approve Conditional Use Permit #282. Douglas second and the motion carried unanimously. A public hearing with the County Commissioners was scheduled for May 21, 2002.***

OPEN DISCUSSION:

A short discussion was held in regard to the requirement of an established homeowner's association at the time a developer presents a subdivision's preliminary plat for approval. The Planning Commission decided that because the homeowner's association is not specifically stated in the Subdivision Regulations, the County Zoning Ordinance and the South Dakota Codified Laws, the county could not require a homeowner's association be in place at the time of the preliminary plat approval. The new Subdivision Ordinance that is being developed at present could require a homeowner's association be in place before approval of the preliminary plat.

PLAT - PRELIMINARY AND FINAL – Homestake Mining Company – Julie Stone – Plat of the Buxton Mill Site Tract being a portion of the Buxton Mill Site, M.S. 517B, and the Bryan, M.S. 1832, located in the N½ of Section 5, T4N, R3E, B.H.M. (Buxton Mill Site Tract = ±1.51 acres) - South of Lead.

Birk described the location of the property. The plat was presented to combine Lot 2 and Lot 3 into one tract of land. The property is surrounded by the city limits of Lead but the property owner has no intentions of being annexed into the city. ***Douglas moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Owens moved to approve the final plat and the motion carried unanimously.***

PLAT – FINAL – Ivan Shonley - Plat of Lot 210 of Block 2, Boulder Canyon Subdivision, located in Sections 10, 11, 14 and 15, T5N, R4E, B.H.M. (Lot 210 =± 1.28 acres) – Boulder Canyon.

This lot was previously approved as part of a preliminary plat for Boulder Canyon Subdivision. The lots are brought before the Planning Commission for final approval as they are individually sold. There have been twelve (12) lots sold in the Boulder Canyon Subdivision and when 24 lots have been sold then the developer is required to pave the access road from Hwy. 14A to the entrance of the subdivision. The lot complies with the zoning of SRD – Suburban Residential District and PUD – Planned Unit Development. ***Owens moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT - PRELIMINARY AND FINAL – Dennis and Sandra Gasper – Plat of Tract 9A and Tract 9B, being a replat of Tract 9, Aspen Hills Development, a subdivision of the NE¼ of Section 32 and the NW¼ of Section 33, T6N, R2E, B.H.M. (Tract 9A = ±2.48 acres and Tract 9B = ±7.36 acres) – Tinton Road.

John Arleth of Arleth and Associates was present at the meeting. Arleth indicated the location of the property. Birk explained the location of the property and presented the previously approved preliminary plat of the Aspen Hills Development subdivision. Birk stated that at the time of the preliminary plat approval for Aspen Hills Subdivision, Roger Tellinghuisen, attorney for the developer, stated that each lot could be subdivided into one more lot even though the lots were less than ten (10) acres. Hence, the combined lots would still meet the eight (8) residences per forty (40) acre requirement as stated in the PF -Park Forest District zoning of the Lawrence County Zoning Ordinance. The lot is being subdivided to the south of the subdivision road that travels through this lot. ***Owens moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Kullbom moved to approve the final plat. Douglas second and the motion carried unanimously.***

RESCHEDULE OF THE PLANNING MEETING IN JULY:

***The Planning and Zoning Commission decided to meet on July 3<sup>rd</sup> at 9:00 a.m. because the meeting for July falls on the July 4<sup>th</sup> holiday.***

***There being no further business the meeting was adjourned.***

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

\_\_\_\_\_  
SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION**

**MINUTES OF JUNE 6, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, June 6, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

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

ABSENT: Douglas.

MINUTES *Mickelson moved to approve the minutes of May 2, 2002*

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

**REQUEST FOR A SECOND RESIDENCE – Ed Kapsa – Tract 1, V.W. Subdivision, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 16, T6N, R4E, B.H.M.**

Ed Kapsa, prospective property owner, was present at the meeting. Kapsa stated his intention to purchase a 40-acre parcel of land near Whitewood. Kapsa plans to build a home on the land for himself but wanted to build a second home for his in-laws on the same 40-acre tract. It was explained that a temporary residence such as a mobile home was considered for a second residence because it could be removed after the use by the immediate family member, thus keeping the one residence per 40-acre density requirement in A-1 General Agriculture. Kapsa asked if a separate living quarters could be attached to the new home that Kapsa was building for his in-laws to live in? The Commission said that would be acceptable. A change of zoning to RR-Rural Residential was discussed as an option to placing more than one home on the land. Kapsa left the meeting with the understanding of what was required in Lawrence County in regard to a second residence on agriculture land.

**PLAT- FINAL – Kevin McKee – Plat of Lots 6, 7 and 8 of Haven Meadows Subdivision, located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 12, T2N, R5E, B.H.M. (Lot 6 =  $\pm$  6.05 acres, Lot 7 =  $\pm$  6.43 acres and Lot 8 =  $\pm$  8.95 acres) - Off of Hwy. 385, north of the Pennington County line.**

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert stated that there were three changes to the preliminary plat: 1) the line between Lots 6 and 7 was changed and therefore changed the acreage on the lots; 2) the S.D. DOT changed the access approach to gain the 1000 feet from the road intersection; and 3) Lot 8 showed a 40 foot access and utility easement going through the lot and into a property in Pennington County. Deibert handed out the drafts of the Homeowners Association, the By-Laws and the Covenants for the Haven Meadows Subdivision. The documents did not cover any road standards as there are no roads through the subdivision, the approaches to the lots are off of a county road or Highway 385. John Percevich, a neighboring property owner, stated his concerns about the lack of water in regard to dry wells in the area, the potential runoff from septic systems because of the drainage in the area, the number of approaches to the lots, and if the lots meet the wet meadow density of Park Forest zoning. Deibert stated that the concerns that Percevich has were addressed at the time the preliminary plat was approved. Deibert reiterated that septic systems are engineered, designed, and approved by professional engineers, and Lot 6 will share the Lot 7 approach, and there are (2) two approaches off of Highway 385. Deibert answered that the density was met as per the Lawrence County Zoning Ordinance in regard to the wet meadow requirements. Deibert also stated that the developer would encourage well shares. Coburn suggested some changes to the wording in the fire plan. Deibert noted the changes that needed to be made. Coburn encouraged the homeowners to form a fire protection district. He stated that there were federal grants available to aid in the formation of the district. Birk asked Deibert to bring a new copy of the preliminary plat with the changes on it to the July meeting to get the signatures of the Planning and Zoning Commission. *Mickelson moved to approve the plat with the changes made to the covenants. Weisenberg second and the motion carried unanimously.*

**PLAT – PRELIMINARY AND FINAL** – John Lausser and Deborah Hayes – Plat of Tracts 22 A-1 and 22 A-2 of Aspen Hills Development, a subdivision of Tract 22A, located in the NW¼ of Section 33, T6N, R2E, B.H.M. (Tract 22A-1 = ±2.56 acres and Tract 22A-2 = ±17.15 acres)

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated how originally the tract had been platted as (2) two tracts, Tract 22 and Tract 26. The two tracts were later combined to make one tract, Tract 22A. The tract is now being subdivided into Tract 22A-1 and Tract 22B-1 which does not exceed the allowable density for PF- Park Forest zoning. ***Coburn moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Weisenberg moved to approve the final plat. Mickelson second and the motion carried unanimously.***

**PLAT - FINAL** – Michael and Mary Statz – Plat of Lot 2A and Lot 2B of Wolff Subdivision formerly Lot 2 of Wolff Subdivision, located in Section 3, T2N, R3E, B.H.M. (Lot 2A = ±10.68 acres and Lot 2B = ±10.28 acres).

Rick Bush, Precision Surveying, was present at the meeting. Bush stated that the property owner wanted to subdivide the lot in order to have another lot to build on. Lot 2A has an existing summer cabin and septic system on it. The property owner has sold Lot 2A and has plans for future cabin on Lot 2B. Birk stated, the two new lots comply with the residential density requirement for PF-Park Forest zoning. ***Kullbom moved to approve the final plat. Owens second and the motion carried unanimously.***

**PLAT – FINAL** – Mark Reed – Replat of Tract 18 of Aspen Hills Development into Tract 18A and Tract 18B of Aspen Hills Development located in the NW¼ of Section 33, T6N, R2E, B.H.M. (Tract 18A = ±6.91 acres and Tract 18B = ±2.96 acres).

Jim Walker, NJS Engineering, was present at the meeting. Walker indicated the location of the tracts and stated the two tracts, Tract 18A and Tract 18B were created by the road that divided the original Tract 18. Walker also stated that an access was platted to Tract 19. The new tracts complied with the residential density requirement for PF-Park Forest zoning. ***Owens moved to approve the final plat. Kullbom second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL** – Sonja Crowser and Scott Crowser - Plat of Tract 4A and 4B, a subdivision of Tract 4 of Nellie Terrill Ranchettes, located in the SE¼SW¼ of Section 26, T6N, R4E, B.H.M.

Tanya Vig, Arleth and Associates, was present at the meeting. Vig indicated the location of the property and stated that the tract is being created to allow bank financing for a new home. The new home will be constructed on Tract 4B and the mobile home existing on the plat will be removed after the new home is constructed. The tracts meet the PF-Park Forest density. ***Kullbom moved to approve the preliminary plat. Coburn second and the motion carried unanimously. Weisenberg 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 JULY 3, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Wednesday, July 3, 2002 at 9:00 a.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Coburn, Mickelson, Douglas and Owens.

ABSENT: Kullbom and Weisenberg

MINUTES *Owens moved to approve the minutes of June 6, 2002*

APPROVED: *Coburn second and the motion carried unanimously.*

DISCUSSION ITEM: Charlie Vig, who recently purchased the Melody Lane Campground off of Highway 385, met with the Commission to explain his plans for development on that property. The property is zoned HSC – Highway Service Commercial. Vig plans to construct a building for showers and bathroom facilities and a living space for his use on the property. Vig also explained that he would be installing concrete R.V. pads and provide services for R.V. camping. Vig is working with the S.D. DOT in regard to the access off of Hwy. 385 and obtaining fill dirt for the low spots on the property and NJS Engineering for campground design and floodplain evaluation. Vig stated that if the existing cabins were worth salvaging he would follow the criteria needed to bring them outside the flood hazard zone. Vig stated that he might be open before the (3) three-year time frame he had originally planned. Erik N. Birk, Lawrence County Planning and Zoning Administrator, stated this discussion was for information purposes only because the property was already zoned commercial for this type of use. Birk continued that Mr. Vig would still have to follow state requirements in regard to campgrounds regulations.

PLAT- FINAL – Clarence Rath – Plat of Lot 2, Block 4 of Whitewood Forest Addition #2, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 20, T6N, R4E, B.H.M. – Approximately 1 mile west of Whitewood (Lot 2 =  $\pm$ 1.16 acres)

Erik N. Birk, Lawrence County Planning and Zoning Administrator, described the location of this lot using the county approved preliminary plat. This lot is brought before the Commission for final approval because the lot is being sold and complies with SRD – Suburban Residential District zoning. *Mickelson moved to approve the final plat. Coburn second and the motion carried unanimously.*

PLAT – PRELIMINARY AND FINAL – Homestake Mining Company, Julie Stone – Plat of Lot C, being a portion of Hell Gulch Lode, M.S. 1430, Quirt Lode, M.S. 1805, Oro Lode, M.S. 1543 and Silver Star Lode, M.S. 150, located in the SW $\frac{1}{4}$  of Section 29, T5N, R3E, B.H.M. – Off of Hwy 14A between Central City and Lead (Lot C =  $\pm$ 7.12 acres)

Julie Stone, Homestake Mining Company, stated the lot was located on the Cutting Mine Road and would consist of seven (7) acres complying with Park Forest zoning. The property is part of a land deal between Homestake and a prospective buyer for possible construction of garages on the land. *Coburn moved to approve the preliminary plat. Mickelson second and the motion carried unanimously. Coburn moved to approve the final plat. Owens second and the motion carried unanimously.*

PLAT – Sign the Haven Meadows preliminary plat with the changes made to the plat.

The Commission previously approved Haven Meadows preliminary plat on June 6, 2002 with changes, but the Planning Commission's signature spaces were not provided on the plat. Birk, therefore, requested the surveyor provide a new preliminary plat with signature spaces to be signed at this meeting.

*There being no further business the meeting was adjourned.*

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

\_\_\_\_\_  
SECRETARY



**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION**

**MINUTES OF AUGUST 1, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, August 1, 2002 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 and Weisenberg

ABSENT: Kullbom, Mickelson, Douglas and Coburn

MINUTES *Owens moved to approve the minutes of July 3, 2002.*

APPROVED: *Weisenberg second and the motion carried unanimously.*

Weisenberg was temporarily elected as Secretary for the meeting.

**REQUEST FOR CHANGE OF ZONING #221** - Joseph G. Henry - To allow for a commercial business complex - South of I-90 off of the Old Belle Road at Exit 8 – Review and schedule onsite inspection.

Darrell Johnson, realtor and potential buyer for this property, was present at the meeting. Johnson indicated the location of the property at the new Exit 8 of Interstate 90 west of Spearfish. The property is zoned A-1 General Agriculture, and the proposed change of zoning would be to a HSC – Highway Service Commercial zone. Johnson explained that the proposed uses were “ambitious”, but that was due to the ordinance requirement that states you must indicate all that you are planning for the property prior to the time of approval. Johnson stated that he planned a gas station/convenience store/car wash, business rentals, eighty (80) individual storage units, a fifty (50)-unit motel, a restaurant and a storage/warehouse building. If the County approves the change of zoning proposal, the building permits, setbacks, parking requirements, etc. will fall under the City of Spearfish jurisdiction. The storage units would be constructed by 2004. Johnson stated that the storage unit doors on both buildings would be installed facing each other from the inside road away from the residential subdivision; Johnson reminded the Commission that storage units offer low traffic; therefore, the impact to the area is low. The property lies in the Valley Sanitary District and therefore, would be connected to the public sewer system. In regard to water, presently the property would have to have an individual well unless they were able to connect to an existing well within the Industrial park. Erik N. Bark, Lawrence County Planning and Zoning Administrator, asked if the property would be paved? Johnson stated that he understood that the city would require pavement and that the nature of the project would necessitate pavement within the lot. Birk also asked if the property owner had contacted the SD DOT about access improvements to the Old Belle Road? Johnson stated that the plans would be to improve the existing road. Johnson stated that he had been working with the DOT on the approach to the subject property and DOT was presently putting in the access now. An onsite review was scheduled for August 13, 2002 at 3 p.m.

**PLAT- ADDENDUM TO THE PRELIMINARY PLAT OF THE PINES AT BENCHMARK SUBDIVISION**, a subdivision of Funston Fraction, Funston No.5, Funston No.6, Hazel, Lillian, Black Horse, Bird, Bird No.2, and except Tract 2 and Tract H of Lot 6, Section 12, Bird No.3, White Horse and Diamond No.3 Lodes of Mineral Survey No. 1902, located in Sections 11, 12, 13 and 14, and Lot 11 of Section 11, Lot 6 of Section 12, including Tract 1 of Lot 6, Section 12, all located in T3N, R4E, B.H.M. (± 299.11 acres)

Randy Deibert of Black Hills Surveying was present at the meeting. Deibert indicated the first change to the preliminary plat; combined three (3) lots into one (1) lot because of the road construction in the subdivision. Deibert indicated the “hammerhead” that was shown on the plat. Birk asked how many lots the 40-foot easement provided access to? Deibert answered that Lot 4 would share the access with another lot. Deibert showed another change on the plat with a blue area shown as the road profile and a larger “hammerhead” in that area. A “hammerhead” is, in this case, a 52X72 area for vehicles to turnaround. A third road improvement was shown on the plat in the area of the dam, which provides good access to Lot 5. Deibert stated that the dry hydrant and the gallery was on-site and would be installed soon. Birk asked Deibert to point out the 40-foot access easements that need to be approved. Deibert indicated Block 9 which would serve one lot, Lot 1, Block 7 and Lot 2, Block 11. *Weisenberg moved to approve the 40-foot*

***easements shown on the plat. Owens second and the motion carried unanimously. Owens moved to approve the addendum to the preliminary plat. Weisenberg second and the motion carried unanimously.***

**PLAT – FINAL – Mike Alley - Plat of Lot 1, Block 7 of The Pines at Benchmark Subdivision, a subdivision of a portion of Lot 6, Section 12, T3N, R4E, B.H.M. (Lot 1, Block 7 = ± 12.03 acres)**

Randy Deibert of Black Hills Surveying was present at the meeting. Deibert indicated the 66-foot right-of-way and stated that if this lot is subdivided the property owner will be responsible for constructing the road to the other lots. ***Owens moved to approve the final plat. Weisenberg second and the motion carried.***

**PLAT – FINAL – Mike Alley - Plat of Lot 3 Revised and Lot 4, Block 6 of The Pines at Benchmark Subdivision, a subdivision including Lot 3, Block 6 of The Pines at Benchmark Subdivision and a portion of Lot 6, Section 12, T3N, R4E, B.H.M. (Lot 3 Revised, Block 6 = ±2.87 acres and Lot 4, Block 6 = ±4.74 acres)**

Randy Deibert of Black Hills Surveying was present at the meeting. Deibert stated that during the construction of the road they needed to acquire more land. The property owner of Lot 3 agreed to swap square footage of land in order to obtain enough land for the road access into Lot 4. ***Owens moved to approve the final plat. Weisenberg second and the motion carried.***

**PLAT – FINAL - Mike Alley - Plat of Lots 1 and 2, Block 4, and Lot 2, Block 5 of The Pines at Benchmark Subdivision, a subdivision of portions of Bird No. 2 of M.S. 1902, Lot 11, Section 11 and Lot 6, Section 12, T3N, R4E, B.H.M. (Lot 1, Block 4 = ± 3.27 acres, Lot 2, Block 4 = ±4.76 acres and Lot 2, Block 5 = ±3.65 acres)**

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the lots on the preliminary plat and said that since the road is completed the lots are being brought forth as final plats. ***Weisenberg moved to approve the final plat. Owens second and the motion carried.***

**PLAT – FINAL – Mike Alley - Plat of Lot 1, Block 10 of The Pines at Benchmark Subdivision, a subdivision of a portion of Lot 6, Section 12, T3N, R4E, B.H.M. (Lot 1, Block 10 = ± 4.02 acres)**

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated that Lot 1 and Lot 2 had been increased in size and Lot 3 had been moved across the road. The road was moved slightly to the south because of the rocky conditions encountered when the road was being constructed. ***Weisenberg moved to approve the final plat. Owens second and the motion carried.***

**PLAT – PRELIMINARY AND FINAL – Vincent Pfeifle - Plat of Pfeifle Tract, a portion of H.E.S. 542, all located in Section 3, T3N, R5E, B.H.M. (Pfeifle Tract = ±13.41 acres)**

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the property. Pfeifle is purchasing a portion of H.E.S. 542 from the Wold family so that portion is being platted. ***Owens moved to approve the preliminary plat. Weisenberg second and the motion carried. Weisenberg moved to approve the final plat. Owens second and the motion carried.***

**PLAT – FINAL – Ivan Shonley - Plat of Lot 314 of Block 3 of Boulder Canyon Subdivision, located in Section 10, T5N, R4E, (Lot 314 = ±.913 acres)**

Ivan and Dottie Shonley, property owners, were present at the meeting. Lot 314 of Block 3 was previously approved as part of a preliminary plat. Lot 314 of Block 3 is being brought forward to the Commission for final approval as it is being sold. ***Owens moved to approve the final plat. Weisenberg second and the motion carried.***

**PLAT – PRELIMINARY AND FINAL – Golden Reward Mining Company, L.P. – Plat of Lots 1, 2, and 3 of the Sol Star Subdivision, a subdivision of the Guild, Golden Eagle, Mose**

Lyon Fraction and Sol Star Lodes, Mineral Survey 1058, located in Sections 7 and 8, T4N, R3E, B.H.M. (Lot 1 = ±6.97 acres, Lot 2 = ±16.60 acres, Lot 3 = ±6.15 acres)

Jim Lessard, Wharf Resources and Golden Reward Mining Company, and Ken Ross of the South Dakota Game Fish and Parks, were present at the meeting. Lessard stated that the intention of the plat was to transfer the gravel quarry on Lot 2 to the SD Parks and Wildlife Foundation. The reclamation obligation will also be transferred to the Wildlife Foundation. Wharf Resources will retain the additional lots that are included in the plat. The gravel quarry holds a State mining license and the access is off of Highway 85; the quarry is gated and fenced and the SD Game Fish and Parks take out about 10-15 truckloads annually. The type of gravel is a lightweight aggregate that packs well on the Mickelson Trail. ***Weisenberg moved to approve the preliminary plat. Owens second and the motion carried. Owens moved to approve the final plat. Weisenberg second and the motion carried.***

**PLAT – FINAL** – Jon Mattson - Plat of Lots 22, 23, and 32 of Shirttail Gulch Subdivision, being a portion of the Theodor Placer, M.S. 777 and Lot 2 of M.S. 166, and a portion within the City of Deadwood, all located in Section 13, T5N, R3E, B.H.M. (Lot 22 = ±4.62 acres, Lot 23 = ±17.57 acres and Lot 32 = ±19.74 acres)

Jon Mattson, property owner, was present at the meeting. Lots 22, 23 and 32 were previously approved as part of a preliminary plat and are being brought to the Commission for final approval as they are being sold. Mattson stated that he had taken out the steep hill as part of the emergency access road to make the access better. ***Owens moved to approve the final plat. Weisenberg second and the motion carried.***

**PLAT – PRELIMINARY** – Jon Mattson – Plat of Lots 1 through 15 of the Two Bit Gulch Subdivision, being a portion of Two Bit No.1, Two Bit No. 2 and Yellow Jacket Fraction Lodes of M.S. 1507; Mary, Union, Smith, Power No. 2 and Power Lodes of M.S. 1248, all located in Section 1, T4N, R3E, B.H.M.

Jon Mattson, property owner, was present at the meeting. Mattson stated that he had a Forest Service easement from Two Bit Road, which is a County road into this property. The property has been logged according to fire mitigation requirements. The property will be further thinned to facilitate removal of the burned trees from the Grizzley Gulch fire. The roads have been roughed in but are not complete. Along with the north access to the county road, there is access to the south on a forest service road to Highway 385 and access to the east on a power line easement. Mattson stated that this was presented to the Commission at this time as a discussion item to allow him to proceed correctly with the development. Birk asked about installation of fire hydrants? Mattson said he assumed he would install hydrants. Birk asked about a water storage tank? Mattson answered yes, he was planning water storage. Mattson stated that he had reconstructed several old dams in the creek with the permission of the State Corp. of Engineers. Birk stated that the dams would need to be shown on the preliminary plat. Birk asked for paper work on the common easement. Mattson stated that he would have all of that included in the covenants when the plat is presented again. An onsite was scheduled for August 13, 2002.

**DISCUSSION ITEM** – Dan Hefner – Concerns in regard to The Spruce Mountain Estates developed by Dwight Ahlers.

Dan Hefner, property owner off the Whitewood Valley Road, passed out petition signatures and written concerns that are documented and filed in the Lawrence County Planning and Zoning Office. Hefner also stated that he felt it was rude that there were only three (3) members of the seven (7) member board in attendance for this meeting. The significant concern for the property owners in the area is water. Hefner presented an aquifer map showing the Lakota Aquifer; which is a recharge area for the wells in the east and north and including the Spruce Mountain Estates. The depth of the aquifer is from 100 feet to 600-900 feet. The concern is that the size of the Spruce Mountain development is that of a small city in the area of the Lakota aquifer. Hefner also stated that the soils are so porous they would not be adequate for septic systems or for the construction of roads. Hefner also stated that both the Whitewood and Sturgis fire departments had written a letter endorsing this development. Hefner stated that, those departments had thought that the lots would be 20 and 40 acres in size. Tom Smith, property owner, stated that the fire departments were hoping they could re-evaluate the fire plan for the subdivision because of the number of proposed lots. Smith stated that the locations of the dry

hydrants are in good water sources and should be adequate but that the adequacy would be determined in the event of a structure fire or a wild land fire. Smith questioned what would be adequate? Smith suggested that a water storage tank or a central water system with a constant source of water. Smith stated that the development is planned with a fire plan that is based on temporary water sources. Myron Anderson, property owner, spoke of the poor soil ratings on the land and showed a visual presentation of the different formations to demonstrate how the water levels drop off. Anderson recommended doing a study to determine the volume of water available and what kind of effect the development would have on the neighbors. Bob Kaufman, property owner to the east of the development, stated that he has three (3) wells on his property. Kaufman explained the average use of water by a residence in a year. Kaufman recommended that the recharge rate be studied to determine whether the water volume would be adequate. Kaufman reiterated that his facts were documented in a letter that will be on file in the Lawrence County Planning and Zoning Office. Hefner, commented that 20% of the percolation holes were not permutable as per state regulations. Hefner summarized that each person who signed the petition would be satisfied with the one (1) residence per forty (40) acre density and if that was not possible then they would request that an independent study be done to determine if the aquifer and the soils were adequate for this high density development. Hefner recommended a central water system from a deeper aquifer so that the neighbor's wells would not be affected. Tom Quinn, conservationist from Belle Fourche, stated that there are experts out there that can be used to conduct these studies. Quinn stated that the poor soil was hazardous to septic systems, proper roads and foundations for homes. Dwight Ahlers, the developer for Spruce Mountain Estates, answered the concerns that were voiced by stating that certainly his intent was to get along with the neighbors in the area of the development. Ahlers read from a letter that stated the percolation tests turned out "quite well" in the area that they were conducted. Ahlers said that he showed and he also discussed with the fire departments the size of the lots. Ahlers stated that the representatives of the forest service spent hours on the site discussing roads, lots and fire mitigation. Ahlers went on to say the well on the north side of the property is a flowing well and that is "turned way down". The well near the dam is "turned way down", the well next to it is much shallower and is a pumping well but it is shut off. There were seven flowing wells on the property when it was purchased and the wells are all flowing at this time. Ahlers felt that the entire number of lots would never be sold and that many people buy multiple lots, reducing the impact of the development to the area. Ahlers further stated that some people may elect to use a cistern and not have a well and some lot owners may share a well. Ahlers stated the property owners association would run the well on the north side. Ahlers stated that the hydrant is a six-inch hydrant and reduces to the fire truck connection. Ahlers felt that he had done what was asked of him by the Zoning Commission to meet the development requirements. A property owner suggested that a well be dug into the Madison aquifer to allow a central water system; that property owner felt his well(s) would then be protected. Hefner stated that both telephone conversations with Dwight Ahlers lead him to believe that the land would be sold off in 40-acre tracts. Ahlers stated that a portion of the north property was to be sold off in 40-acre tracts. The property to the south was considered for purchase at a later date and was zoned as Park Forest of which he and his surveyor checked out a couple of times with the county planning and zoning office. Weisenberg asked if Hefner would be willing to visit with the developer about their concerns. Doug Pavel, property owner, reiterated that a study had to be done to determine if there would be enough water to sustain the increase in density and keep the existing wells flowing. Leo Derosier, Planning Commissioner, asked who would pay for the study? Hefner replied that the developer should pay since they are subdividing. Tommy Thompson, adjoining property owner, reiterated that he had a well failure in the area due to the soils. Hefner stated that the county was not following its approved Comprehensive Plan for development. Erik N. Birk, Lawrence County Planning and Zoning Administrator, responded that the Comprehensive Plan is a plan and only a plan covering countywide development for the next 20 to 50 years. The zoning ordinance once approved by the public through public hearings will become the enforcement tool of the county, but until the new ordinance is approved, the present zoning ordinance is what the county is required to follow. Hefner replied that the Planning Commission members are the stewards of the county and need to do their jobs. Hefner asked if it would be okay if the neighbors met with the County Commissioners? Weisenberg answered, of course, it would be okay, but asked the developer, Dwight Ahler, if he could first meet with the neighbors to iron out some of their difference. Ahler replied that that would be okay with him.

***There being no further business the meeting was adjourned.***

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

CHAIRMAN

SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION  
MINUTES OF SEPTEMBER 5, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, September 5, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Weisenberg, Douglas, Coburn, Mickelson, Derosier and Kullbom

ABSENT: Owens

MINUTES *Mickelson moved to approve the minutes of August 1, 2002.*

APPROVED: *Coburn second and the motion carried unanimously.*

**PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #221** - Joseph G. Henry - To allow for a commercial business complex - South of I-90 off of the Old Belle Road at Exit 8 – Review and schedule onsite inspection.

Darrell Johnson, realtor and potential buyer for this property, was present at the meeting. Johnson indicated the location of the property at the new Exit 8 of Interstate 90 west of Spearfish. The property is zoned A-1 General Agriculture, and the proposed change of zoning would be changed to a HSC – Highway Service Commercial zone. Johnson stated that he planned a gas station/convenience store/car wash, business rentals, eighty (80) individual storage units, a fifty (50)-unit motel, a restaurant and a storage/warehouse building. If the County approves the change of zoning proposal, the building permits, setbacks, parking requirements, etc. will fall under the City of Spearfish jurisdiction. Johnson stated, the storage units would be constructed by 2004 and installed, as a buffer between this lot and the residential area nearby, and the waste system will be hooked up to the Valley Sanitation District. Johnson mentioned that there is an “outside chance” that he could buy water from the Industrial Park; which would be his preference. Johnson continued that if the water connection option did not become available, he would have to drill a well. Mickelson asked what he planned on the west side of the storage units as landscaping? Johnson answered that he was thinking of some kind of foliage, which is a requirement of the City of Spearfish. Terry Cronister, Steve Christofferson, Cecilia Kline, Chris Williams, Jamie Hopner, and Rex Moyer, opponents to the change of zoning related their concerns to the Commission. Their concerns included the location of the commercial development in close proximity to their existing residential subdivision, Spearfish Meadows. Their subdivision is elevated above the proposed development, which brought up the concern of height of signs and lighting disturbing the surrounding residents. Water was a concern, transient traffic with 24-hour businesses such as a motel, etc., noise and signage off of the interstate indicating an exit to the City of Spearfish. A concern was brought up that the change of zoning could be approved with this proposed plan, and the property could be sold to a new owner who will put in a “major truck stop” on the property. Erik N. Birk, Lawrence County Planning and Zoning Administrator, clarified the fact that any new owner would have to file an amendment to this change of zoning if they proposed a different plan than what was being approved by the county. Birk referred to Section 3.4 HSC- Highway Service-Commercial District of the Lawrence County Zoning Ordinance and especially subsection H. The zoning ordinance stipulates what is required from the petitioner when a change of zoning is requested in order for the Planning Commission and the County Commission to a decision of either approving or denying the request. As stipulated in subsection H., “Any change of approved plan shall be processed similar to an amendment to this ordinance.” The neighbors understood that Exit 8 was going in to alleviate the logging truck traffic; they did not agree that just because there was an exit, the land near it should be changed to commercial. Derosier presented the petition that was given to him by the opponents and read the letter from the Spearfish Planning Commission that approves the change of zoning. Douglas voiced her concern about the paving of the property and the fact that the county will not have control over the development. Douglas stated that the subject land was not conducive to residential development because of the lot size. Coburn stated his concern that the City of Spearfish would have the control of what is completed on the property and that the county would have no control if the change of zoning were approved. Mickelson stated his concern about the lack of control the county has after the change of zoning is approved in the Joint Powers Agreement area. His concern was based on “some of the things” that he has seen the City of Spearfish do in the past. Douglas asked Birk if there was any way that the City of Spearfish could take over the zoning within their jurisdiction? Birk stated that

state law dictated zoning jurisdiction outside of municipalities to the counties. ***Mickelson moved to approve Change of Zoning #221. Weisenberg second. The motion carried 4-1 with Kullbom voting nay.*** Weisenberg moved to send a letter to the City of Spearfish about the Planning and Zoning Commission's concerns that have been discussed at this meeting and requested a member of the city board attend the public hearing with the County Commission. Kullbom second and the motion carried unanimously. Douglas stated that if there is no cooperation by the City of Spearfish, the zoning issues may be dropped until they can sit down together and take back the County's authority or get them to sign off on some things. She felt this sort of issue would be coming up too often and some things needed to be resolved.

**PLAT – FINAL – Ivan Shonley - Plat of Lot 331, Block 3 of Boulder Canyon Subdivision, located in Section 10, T5N, R4E, B.H.M. (Lot 331 = ± 2.48 acres)**

Ivan Shonley, property owner, was present at the meeting. Lot 331 of Block 3 was previously approved as part of a preliminary plat. Lot 331 of Block 3 is being brought forward to the Commission for final approval as the lot is being sold. ***Kullbom moved to approve the final plat. Weisenberg second and the motion carried.***

**PLAT – FINAL – Dwight Ahlers – Plat of Lot 60 of Spruce Mountain Estates No. 2, a portion of the N½SW¼ of Section 13, T6N, R4E, B.H.M. (Lot 60 = ±4.97 acres)**

Dwight Ahlers, developer, was present at the meeting. Ahlers stated that the lot size had changed slightly because of the construction on some of the subdivision roads. The lot line to the east was changed. The access to this lot will come off the county road. So, there is a low impact to the subdivision roads since the subdivision roads are still under construction. Birk stated that Chuck Williams, Lawrence County Highway Superintendent, had already been out to the subdivision to review the roads and had given his recommendations for Ahlers on fixing them. ***Mickelson moved to approve the final plat. Douglas second and the motion carried unanimously.***

**PLAT – FINAL – Dwight Ahlers – Plat of Lots 18 and 19 of Spruce Mountain Estates No. 1, a portion of the S½NW¼ of Section 13, T6N, R4E, B.H.M. (Lot 18 = ±5.59 acres and Lot 19 = ±5.30 acres)**

Dwight Ahlers, developer, was present at the meeting. Birk indicated the location of the lot. The access to these lots will be off of the county road. Coburn asked how the fire protection efforts were doing within the subdivision? Ahlers answered that the south hydrant is in and the north hydrant will be in place soon and the timber in the area has been thinned. Chuck Williams, Lawrence County Highway Superintendent, had also performed an onsite inspection to view the subdivision roads. ***Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL - Maurice Hoffman – Plat of Tract 2-A and Tract 2-B, being a subdivision of NE¼SE¼ and the SE¼NE¼; and Tract 2, located in the S½NE¼ and the N½SE¼; all located in Section 9, T7N, R3E, B.H.M. (Tract 2-A = ±73.29 acres and Tract 2-B = ±10.00 acres)**

John Arleth, Arleth and Associates, was present at the meeting. Birk indicated the location of the property. The ten acres is platted to give to one of his Hoffman's children. The building rights on the remaining acreage will be relinquished in order to keep the A-1 General Agriculture density as (1) one residence per forty. ***Weisenberg moved to approve the final plat. Mickelson second and the motion carried unanimously. Arleth and Associates did not deliver the preliminary plat to the Planning Commission meeting. So, the preliminary plat will be reviewed at the next meeting on October 3, 2002.***

**PLAT – FINAL - Floyd Mount – Plat of Lot 7 and Lot 41 of the Meadow Crest Subdivision, located in the NE¼; E½NE¼NW¼; a portion of the NW¼SE¼ lying north of Highway 14, except Lot H-1 and a portion of the NE¼SW¼, all located in Section 17, T5N, R4E, B.H.M. (Lot 7 = ±3.65 acres and Lot 41 = ±3.42 acres)**

John Arleth, Arleth and Associates, was present at the meeting. Birk indicated the location of the property and showed the portion of the easement on the plat that is owned by the South Dakota Department of Transportation. Birk stated that the roads are good and that the fire hydrants are being put in. There are plans for paving the roads within the subdivision next year. Mickelson asked if the water tank was in? Birk stated that the tank was not in. Arleth showed a change that will be made in the preliminary plat. Black Hills Power & Light approved a 60-foot right-of-way so a subdivision road will be moved in order to avoid the utility easement. ***Weisenberg moved to approve the final plat. Mickelson second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL – Janet Thoresen and Ron Chyba – Plat of Chyba Tract located in the Golden Triangle Lode of M.S. 2105, all located in the SE½ of Section 20, T5N, R3E, B.H.M. (Chyba Tract = ±2.29 acres)**

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the lot and stated that the lot is being platted in order for Chyba to build on it. Deibert further stated that there is drainage through the property but that the property falls outside the flood hazard area. *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 – Kay Hinker, Trustee – Plat of Lots 5A and 6A, Block 4, formerly Lots 5 and 6, Block 4, Whitewood Forest Addition #2, located in the SW¼NE¼ and the NW¼SE¼ of Section 20, T6N, R4E, B.H.M. (Lot 5A = ±1.13 acres and Lot 6A = ±1.15 acres)**

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the property and that the preliminary plat had already been approved by the county. The property line separating Lots 5 and 6 was moved to allow construction of a new home on the newly configured Lot 6A. Lot 5 was changed and renamed to Lot 5A. *Mickelson moved to approve the final plat. Kullbom second and the motion carried unanimously.*

**DISCUSSION ITEM – Savoy Fire Department Lot – Spearfish Canyon**

Randy Deibert of Black Hills Surveying stated that Dunn, a property owner in Spearfish Canyon, and Homestake Mining Company has offered properties in Spearfish Canyon to get a fire station built in Savoy. The Homestake property is located between the Dunn's property and Highway 14A. Birk stated that the properties did not meet the (2) two-acre minimum lot requirement for a residential lot by the county, but the lot could be considered a utility lot or a public service lot since the Fire Station is only used on a temporary basis. Deibert stated that the subject properties may require two plats and after the transfer of property to the Savoy Fire Department the two lots may be combined into one lot and presented on one plat. The purpose of this discussion was to inform the Commission that the plat or plats will come in under the 2-acre requirement. Mickelson stated that he felt it was "to everyone's advantage to see this get done". Birk stated if need be, the plats could be indicated on the plat for transfer purposes only.

**DISCUSSION ITEM – Jon Mattson – Plat of Lots 1 through 15 of the Two Bit Gulch Subdivision, being a portion of Two Bit No.1, Two Bit No. 2 and Yellow Jacket Fraction Lodes of M.S. 1507; Mary, Union, Smith, Power No. 2 and Power Lodes of M.S. 1248, all located in Section 1, T4N, R3E, B.H.M.**

Jon Mattson, property owner, was present at the meeting. Mattson began that the property has been thinned and since the Grizzly Gulch fire, the land was thinned again to remove the burned trees. New brush piles will be burned this winter. The local fire department is familiar with the creek existing on the property. Mattson had constructed several dams in the creek and would install dry hydrants in these dams. Mattson stated that he did not know yet if there would be a common water system due to how the lots are setout on the preliminary plat. Mattson said he just received the Forest Service easement agreement to allow access over 500 feet of their ground into the proposed subdivision. Mickelson asked about the cul-de-sac into Lots 11 and 12. The length of the cul-de-sac is 900 feet from the main road which exceeds the zoning requirement for subdivision development. Mattson said they could bring the cul-de-sac "back a little bit" but that the road would still exceed the required 500 feet. Mickelson stated that he did not see a "big problem" with the length of the cul-de-sac since the subdivision road would only be serving one lot. Mattson indicated the emergency access roads that lead out of the subdivision. Mickelson asked about the topography between Lot 9 and Lot 12? Mattson stated that the land was meadowland. Mickelson asked if a road could be connected up to Lot 9 and to Lot 12? Mattson said the meadow was a wet meadow and he hated to put a road through there; he also did not want to ruin the beauty of the property by crossing the meadow. Mickelson asked why the 40-foot private access to Lot 11 was denoted? Mattson answered that the access was to one lot and not considered a subdivision road. Mickelson then said that the cul-de-sac must be "tight one" then. Mattson answered that there was enough room for fire trucks to turn around because the cul-de-sac was right under a power line and the utility easement would allow room



to turn around. The roads are roughed in but not completed yet. Mattson stated that at Lots 14 and 15, the road would require “an awful lot of fill”. Douglas asked if there was going to be a road district? Mattson answered yes. Mickelson asked if the road district was going to maintain the private access easement to Lot 11? Mattson stated that he felt that the owner of Lot 11 would maintain it. Mickelson felt the private drive should not be platted and because of the road district, that access should be considered a subdivision road.

REQUEST FOR A SECOND RESIDENCE – Leil Hayworth, property owner west of Spearfish, came before the Commission to state that he had received a building permit to place a “governor’s house” as a second residence on his property that is 26.36 acres in size in the Joint Powers Agreement Area. After the building permit was received by the Hayworths, the City of Spearfish sent a letter stating that he could not place the second residence until they received a letter from the Lawrence County Office of Planning and Zoning stating that the home would be in compliance of their zoning ordinance. The Lawrence County Zoning Ordinance allows a temporary second residence on A-1 General Agriculture zoning land, but only allowing a mobile home that can be removed in the event of a death or the relative has moved off the property. Birk had suggested that Hayworth approach the city about platting a piece of ground for the home. Mickelson agreed because the lot would border the Cornell subdivision. The Commission recommended that a letter be sent to the City of Spearfish and worded to state that the house would be in compliance after the land is platted.

*There being no further business the meeting was adjourned.*

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

\_\_\_\_\_  
SECRETARY

LAWRENCE COUNTY PLANNING AND ZONING COMMISSION  
MINUTES OF OCTOBER 3, 2002

REGULAR MEETING

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, October 3, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

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

ABSENT: Mickelson

MINUTES *Coburn moved to approve the minutes of September 5, 2002.*

APPROVED: *Owens second and the motion carried unanimously.*

*REQUEST FOR CONDITIONAL USE PERMIT #284 - David B. Nielsen - Lot A of Section 28, T3N, R3E, B.H.M. - To allow for a Specialty Resort - Approximately 12 miles south of Lead on the Nahant Road branching to the southwest off of Rochford Road.*

*Cyrena Koster, manager of the proposed resort, represented the property owner. Koster began by stating the location of the property. The lodge and conference center will be called 2 Dot Lodge. The conference center will be in a 23X23 foot room on the upper level of an existing building. The conference room will also offer a 2X5 foot kitchen area that will contain a refrigerator, microwave, coffee pot and toaster. There will be no meals prepared at the 2 Dot Lodge, the meals would have to be catered or the guests would have to dine out. Telephone and computer outlets are also available. Koster stated that there are four (4) 6X8 foot windows in the conference room for viewing the scenery on the property. There will be no horse rental or boarding available at the 2 Dot Lodge. The lodging facility will be in the lower level of the building. There are two (2) bedrooms available, one bedroom is 14X14 foot including an 8X8 foot bathroom; the other bedroom is 9X14 foot and will use the second bathroom that is located near the 7X13 foot dining room. All of the rooms offer closet space, linens and large windows for viewing the property. Koster plans two (2) guests per bedroom and 20 guests using the conference center. The center could be used for small business meetings, birthday parties, weddings, receptions and family reunions. The well water will be monitored and sampled as per the State of South Dakota guidelines. Koster continued to state that the existing septic system is adequate to handle the guests at the 2 Dot Lodge. The property owner will maintain the road leading to the lodge. Coburn asked if Koster had building inspectors inspect the building to assure that the building was up to code. Because there are no county building inspectors, Koster said she contacted the architect who assured her that the building was up to code. Kullbom asked about the fire extinguishers. Koster answered that there is the one fire extinguisher in the lower level and that another fire extinguisher is located in the upper level by the kitchen area. Birk handed out a list of the conditions that would apply to the conditional use permit. Douglas asked about limiting the maximum number of people at the lodge? Koster stated that she wanted (4) four guests maximum staying at the lodge. Condition #8 was written to state there would be (2) two guest rooms. Condition #9 was written to state the total number of guests in the lodge. Owens asked if noise would bother anyone? Koster answered that the neighbors were far enough away to not be bothered by noise. Koster answered that a family type environment was preferred along with medical conferences etc. Birk stated that he wanted to set a maximum number of people at the conference center. The Commission decided to limit the number of people to 100 people. Koster agreed with that number. State guidelines require one (1) bathroom per fifty (50) people. An onsite inspection was scheduled for October 24<sup>th</sup> at 2:00 p.m. and a public hearing before the Planning Commission will be set for November 7<sup>th</sup> at 1:30 p.m.*

**REQUEST FOR CHANGE OF ZONING #222 - Dakota Resorts Management Group, Inc. - Israel, Belt, Bryan and Dolphin Lodes of M.S. 1217, Sections 13 and 24, T4N, R2E, B.H.M.- To allow higher density development - Deer Mountain.**

*Randy O'Neill, property owner, was present at the meeting. O'Neill is requesting a change of zoning for approximately thirty (30) acres of land to SRD - Suburban Residential District to allow for one or two acre residential home sites. The land is surrounded by PF - Park Forest zoning to the west and south and Suburban Residential to the north and east where the Deer Mountain Subdivisions #2 and #3 exist. O'Neill stated that a road district and a homeowner's association would be created if this land is rezoned and thereby subdivided. The access to the proposed subdivision would be off of Birch Drive, which is a Deer Mountain subdivision road. O'Neill felt that there is a need for additional home sites for recreation homes in the county. The Deer Mountain water system would provide the water for the subdivision. O'Neill stated that an additional 25,000 gallon water storage tank would be installed and fire hydrants would be placed every 1000 feet in the proposed subdivision. The additional water storage tank would bring the water storage to 105,000 gallons. The roads will have a 60-foot right-of-way; the roads will be constructed according to county road specifications and will be hard surfaced. O'Neill stated there would be clean up and removal of the excess fuel left by the tree thinning, after the utilities are in and the road would be hard surfaced. O'Neill stated that there are (2) two major concerns in the development, one is the water and the other is the roads. O'Neill invited the Commission and the residents of the subdivision to tour the water system on October 26<sup>th</sup> at 1:00 p.m. O'Neill also planned to send a notice out to residents to meet about the roads in the subdivision at 2:30 p.m. on October 26<sup>th</sup>. O'Neill stated that there had been an attempt to form a road district in the existing subdivisions but that there were not enough signatures in favor of the road district to put it on a ballot. The roads in the new subdivision will be under a road district. Connie Douglas excused herself from the meeting, as she owns property adjacent to this property. Weisenberg asked what the fee would be on the road district? O'Neill stated he would need to get a final plat and see how long the road would be to get a cost estimate. Weisenberg wanted to know what the main concern was about not forming a road district? O'Neill said that one reason would be that to form a road district you have to be a registered voter in the road district and that there are about 50% of the residents who are ineligible to vote for the road district because they do not live in the development year around. Derosier asked how many lots would be developed? O'Neill answered "maybe" 20 lots, but the road district would be formed prior to buying the lots. Coburn stated that the fire hydrants should be placed within 1000 feet of the home, not the lot itself. Coburn also requested fuel mitigation and specified building materials as part of the subdivision requirements. Kullbom asked about the paving of the road to the President's Park and to the ski area that had been promised? O'Neill answered that David Adikes had health problems and the President's Park project was delayed and that the road would be paved prior to the opening in the spring of 2003. Jan Baldwin, Dave Green, Joe Kosel and Chad Sebade, residents of the Deer Mountain Subdivision, expressed their concerns in regard to: 1) adequate water supply if new lots are developed; 2) the connection of the President's Park onto the Deer Mountain water supply after a promise to not use the Deer Mountain water system; 3) the lack of a promised fire hydrant; 4) an access road that was being used through the Baldwin property to get to the President's Park; 5) plumbing in Green's house ruined because of water line break; 6) the access to the new development through the existing subdivision roads; and 7) the condition of the existing subdivision roads. An onsite inspection was scheduled for October 24<sup>th</sup> at 3:00 p.m. and a public hearing before the Planning Commission will be set for November 7<sup>th</sup> at 2:00 p.m.*

**REQUEST FOR CHANGE OF ZONING #223** - Dakota Resorts Management Group, Inc. - Evangeline Lodes 4, 5 and 6 of M.S. 1158 and Lot 1 of Sitting Bull Lode of M.S. 1152, Section 18, T4N, T3E, B.H.M. - To allow higher density development - Deer Mountain.

Randy O'Neill, property owner, asked that this request be postponed until December 2002.

**PLAT** – Sign the previously approved Shirrtail Subdivision final plat of Lots 22, 23 and 32.

The City of Deadwood needed to sign the plat as part of one lot is within the city limits. ***Coburn moved to sign the previously approved plat. Kullbom second and the motion carried unanimously.***

**PLAT – FINAL** – Dwight Ahlers – Plat of Lot 21 and Lot 22 of Spruce Mountain Estates No. 1, a portion of the NW¼ of Section 13, T6N, R4E, B.H.M. (Lot 21 = ±9.49 acres and Lot 22 = ±7.33 acres).

Dwight Ahlers, developer and property owner, was present at the meeting. Douglas asked what the advantage was with the developer bringing in a plat of two lots at a time? Birk explained that when the lots are brought in for approval two or three at a time it allows the county control of the subdivision roads meeting county road specifications and that the plat complies with subdivision regulations. Also, if the developer would plat all of the lots he would be responsible for the taxes on each lot before the lots were sold, and the county would no longer have any control except for building permits and setbacks. Birk stated that the roads in the north part of the Spruce Mountain Subdivision are done. Coburn asked about fire protection measures? Ahlers answered that the hydrant on the north side had been placed into a much deeper portion of the pond. Coburn asked if the tankers could be filled easily at that location? Ahlers answered, "yes". ***Owens moved to approve the final plat. Kullbom second and the motion carried unanimously.***

**REQUEST FOR CHANGE OF ZONING #224** - Dennis and Brenda Sabo - Lot A of Whangdoodle Lode, M.S. 1845, of Section 12, T4N, R3E, B.H.M. - South of Deadwood off of Highway 385 (Top of Strawberry Hill).

*Dennis and Brenda Sabo, property owner, were present at the meeting. Brenda Sabo began by indicating the location of the proposed change of zoning on the exhibits that she handed out to the Planning Commission. The acreage involved in the change of zoning will be approximately eleven (11) acres, with approximately six (6) acres of the lot used for the location of the restaurant/steakhouse. The remaining acreage has an existing residence that their parents live in. The restaurant building will be 40ft.X110ft. and constructed of log or rough siding with large windows and a wrap around deck. There will be a lounge area and supper club seating. The capacity will be 40-100 people with banquet facilities available in the basement. Restaurant parking will be on a 60ft.X300ft.area with a 60ft.X60ft.area for approximately 20 employees. Sabo further stated that the hours of operations would be from 5:00 p.m. to 10:00 p.m., Tuesday through Thursday with a luncheon buffet planned for Sundays. During the Sturgis Motorcycle Rally, they would like to serve three (3) meals a day with a full day of operation. There are neighbors within 300 feet to 1000 feet of the proposed location of the restaurant. Access to the property is off of Highway 385 and signage would be on the property near the access approach and would meet County and State requirements. Sabo went on to say the septic system would be engineered as per State requirements, and a well would be drilled for the restaurant and tested as per State requirements. Construction would begin in the spring of 2003 and the business would begin in the late summer of 2003. Derosier asked how far off of the highway the restaurant would be? Sabo answered 150-200 feet. The Planning Commission requested a floor plan of the building for the next meeting. An onsite inspection was scheduled for October 24<sup>th</sup> at 12:30 p.m. and a public hearing before the Planning Commission will be set for November 7<sup>th</sup> at 3:00 p.m.*

**PLAT – FINAL** – Deadbroke Mining Company, Inc. – Plat of Deadbroke Tract A, a consolidation of Lot 13 and Lot 14 of Deadbroke Mining Company Subdivision No.1, Mineral Survey No. 1657, located in the W½ of Section 13, T5N, R2E, B.H.M. (Tract A = ±10.35 acres).

Dan Deichert, surveyor, was present at the meeting. Deichert explained that this plat and the following plats for Deadbroke Mining Company, Inc. are a consolidation of lots within the Deadbroke Subdivision and that he will be discussing all the plats under this one discussion. Owens asked if there were houses on the lots? Deichert answered no. Owens asked why the plats were being combined? Deichert answered that it would allow a choice of building sights in order to make the lots more desirable for sale. Deichert stated the fire protection plan pertains to the road district that is being worked on at this time. There are (4) four fulltime residences and (19) nineteen structures in the subdivision. Lynn Stitch and Bob Madsen residents of the subdivision spoke in opposition of the approval of the plats as presented. Madsen stated that the developer has never brought the subdivision roads up to county specifications after it was approved in 1981. In 2000, an attorney was hired to form a road district by the developer, and in 2001, it was learned that the developer was responsible for the required road improvements and now the burden is being shifted to the subdivision lot owners with a \$500 charge for road improvements. Madsen felt there should be no more building permits or platting allowed until the roads are brought up to county standards. Stitch stated that since 2000, there has been one mile of road improved in the subdivision and the trustees include the developer of the subdivision and another property owner and herself. Stitch blamed the other two trustees for the lack of action in the road district. Stitch stated that if the plats are approved the possibility of sale of the lots exists, building permits etc. will be applied for and still there have been no

significant improvements to the road. Douglas pointed out that there have been lawsuits over this matter already and she did not feel that this Commission had any enforcement to back up their decision to deny the plats. Douglas did not feel the county could get involved in a road district dispute. Lester Nies, attorney representing the developer, stated that new buyers in the subdivision “assume the knowledge” of the roads at the time of sale and reminded the people in attendance of the private property rights are “at stake”. Bruce Outka, Deputy State Attorney, stated the primary concern when approving a plat is the accessibility to the lots as per the statutes he has reviewed. Coburn spoke of the high risk of fire in that area, access and terrain is all part of that risk. ***Weisenberg moved to approve Tract A. Owens second and the motion carried 4-1 with Coburn voting nay.***

**PLAT – FINAL –** Deadbroke Mining Company, Inc. – Plat of Deadbroke Tract B, a consolidation of Lot 4, Lot 5, Lot 6 and Lot 7 of Deadbroke Mining Company Subdivision No.1, Mineral Survey No. 1657, located in the SW¼ of Section 13 and the NW¼ of Section 24, T5N, R2E, B.H.M. (Tract B = ±19.37 acres). ***Kullbom moved to approve Tract B. Weisenberg second and the motion carried 4-1 with Coburn voting nay.***

**PLAT – FINAL –** Deadbroke Mining Company, Inc. – Plat of Deadbroke Tract C, a consolidation of Lot 8 of Deadbroke Mining Company Subdivision No.1, Mineral Survey No. 1657, and Tract 3 and Tract 4, replat of Rich Hill, Rich Hill No.1, and Rich Hill No. 2, M.S. 1914 located in the SW¼ of Section 13, T5N, R2E, B.H.M. (Tract C = ±12.70 acres). ***Owens moved to approve Tract C with the typographical correction made to the plat. Kullbom second and the motion carried and the motion carried 4-1 with Coburn voting nay.***

**PLAT – FINAL –** Deadbroke Mining Company, Inc. – Plat of Deadbroke Tract D, a consolidation of Lot 3 and Lot 5 of Deadbroke Mining Company Subdivision No.2, Mineral Survey No. 1833, located in the NW¼ of Section 24, T5N, R2E, B.H.M. (Tract D = ±6.08 acres). ***Weisenberg moved to approve Tract D. Owens second and the motion carried and the motion carried 4-1 with Coburn voting nay.***

**PLAT – PRELIMINARY AND FINAL -** Brian and Kelly Dahl – Plat of Tract 11-A and Tract 11-B of Aspen Hills Development, formerly Tract 11 of Aspen Hills Development, all located in the NE¼ of Section 32, T6N, R2E, B.H.M. (Tract 11-A = ±7.76 acres and Tract 11-B = ±2.11 acres).

Randy Deibert of Black Hills Surveying was present at the meeting. Deibert stated that the covenants attached to the Aspen Hills Development stipulate that the lot sizes are to be 2.5 acres. So, the lot line was moved from the center of road to the west side of the road, and therefore, the entire subdivision road will be included in Tract 11-B. Deibert stated that there is 260 feet of usable space to allow a building site with the septic system site to the north. Douglas mentioned the fact that the property owner would be paying taxes on 66 feet of non-usable ground because of the road. ***Owens moved to approve the preliminary plat. Weisenberg second and the motion carried unanimously. Kullbom moved to approve the final plat. Weisenberg second and the motion carried unanimously.***

**PLAT – FINAL -** Floyd Mount – Plat of Lot 36 and Lot 37; and 66’ dedicated public right-of-way of Meadow Crest Subdivision, located in the NE¼; E½NE¼NW¼; a portion of the NW¼SE¼ lying north of Highway 14A, except Lot H-1; and a portion of the NE¼SW¼; all in Section 17, T5N, R4E, B.H.M. (Lot 36 = ±2.39 acres and Lot 37 = ±2.01 acres).

John Arleth of Arleth and Associates was present at the meeting. The lots were previously approved as part of the preliminary plat for the Meadow Crest Subdivision. These lots are being brought before the Commission for final approval as they are being sold. ***Douglas moved to approve the final plat. Owens second and the motion carried unanimously.***

**PLAT – FINAL –** Larry and Jana Brendtro – Plat of Lot 3A, a replat of Lot 3 of Elk Ridge Subdivision and a portion of Lot 7, Cloverleaf Estates Subdivision, all located in Section 32, T4N, R4E, B.H.M. (Lot 3A = ±9.53 acres).

John Arleth of Arleth and Associates was present at the meeting. Arleth stated that the property owners were selling a portion of their Elk Ridge property to another property owner in the adjoining Cloverleaf Subdivision for use as part of an access road. ***Owens moved to approve the***

*final plat. Weisenberg second and the motion carried unanimously. Kullbom abstained from voting due to his affiliation with the Cloverleaf subdivision.*

**PLAT – FINAL** – Doris E. Forbes – Plat of Lot 7A, a replat of Lot 7 of Cloverleaf Estates Subdivision, located in Section 32, T4N, R4E, B.H.M. (Lot 7A = ±11.01 acres).

John Arleth of Arleth and Associates was present at the meeting. Arleth stated that the property owners were purchasing a portion of the Elk Ridge property for use as part of an access road. *Owens moved to approve the final plat. Coburn second and the motion carried unanimously. Kullbom abstained from voting due to his affiliation with the Cloverleaf subdivision.*

**PLAT – FINAL** – Homestake Mining Company and Wendall Dunn – Plat of Lot 2 being a portion of Lee No. 5 M.S. 1742 and a portion of HMC Lot 1 of Wyoming M.S. 991, located in the NE¼ of Section 6, T4N, R2E, B.H.M. (Lot 2 = ±1.14 acres).

Erik N. Birk, Lawrence County Planning and Zoning Administrator, indicated the location of the property. Birk explained that Dunn and the Homestake Mining Company had donated a portion of their lands for the Savoy Fire Department to build a new fire hall on the land. *Owens moved to approve the preliminary plat. Weisenberg second and the motion carried unanimously. Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.*

**ZONING ORDINANCE** – Planning Commission to review and comment on the Lawrence County Zoning ordinance for next month’s public hearing.

Birk handed out the copies of the Lawrence County Zoning Ordinance to the Commission members and requested their comments in regard to the ordinance.

*There being no further business the meeting was adjourned.*

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

\_\_\_\_\_  
SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION  
MINUTES OF NOVEMBER 7, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, November 7, 2002 at 1:00 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Douglas, Kullbom, Derosier, Coburn, and Weisenberg

ABSENT: Mickelson

MINUTES *Weisenberg moved to approve the minutes of October 3, 2002.*

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

**PLAT – PRELIMINARY** – Jon Mattson – Plat of Lots 1 through 14 of Two Bit Springs Subdivision, consisting of Two Bit No.1, Two Bit No. 2., 4884, and Yellow Jacket Fraction Lodes of M.S. 1507; and Mary, Union, Smith, Power No.2 and Power Lodes of M.S. 1248, all located in Section 1, T4N, R3E, B.H.M.

Jon Mattson, property owner, was present at the meeting. Mattson handed out information pertaining to the proposed Two Bit Springs subdivision. The packet contained: scaled-down plat, road profile, covenants, easements, by-laws for a road district, a fire protection plan with letters, criteria required by the Lawrence County Subdivision regulations. The main access to the subdivision will be off of the Two Bit Road. Mattson indicated that a Forest Service road leaving Lot 9 of the subdivision would go ½ mile to a county road located on Strawberry Hill and then another 1 mile to Highway 385 from that county road. Mattson stated that he had looked into community water but with the number of lots in the subdivision, community water would not be feasible. Mattson is considering installing a large gallery cistern with (2) 30” diameter pipes installed near an existing pond with the gallery placed four (4) feet below the surface of the water. This would provide a 4000-5000 gallon water storage facility for use by fire emergency vehicles. Mattson said he would make one change to this storage facility as per Tim Eggers, State Fire Management Officer, and that would be to install another 2½ inch pipe for the smaller Forest Service trucks to hook-up to. The larger trucks would use the 6 inch pipe as their water source. Mattson stated that there had been no standard percolation tests performed but that he had done some percolation tests and found no clay and acceptable soils for septic systems. The land has been logged and slash piles removed as per the State Fire requirements. Mattson stated the roads are “roughed in” but are not complete. Erik N. Birk stated that Mattson would need to provide an “as built” road profile, as the roads are complete for final plat approval due to the sale of each lot. Birk pointed out that a couple of the roads exceeded the 10% grade requirement in the subdivision. Weisenberg asked if Chuck Williams had seen the roads in the subdivision? Birk answered no. Weisenberg asked when the road district would be in place? Birk answered that the road district should be formed before the final plats are approved. Birk voiced a concern about the ground within the subdivision that was burned in the Grizzly Gulch fire. Coburn answered that the area was a “low intensity burn” and that some vegetation had returned to the land already. Douglas asked if the “concerns” listed in the letter from Tim Eggers, State Fire Management Officer, had been taken care of? Mattson went over each item and stated that Eggers was satisfied with what was done. ***Kullbom moved to approve the preliminary plat. Weisenberg second and the motion carried unanimously.*** Weisenberg requested Mattson provide documentation as to approval from Tim Eggers in regard to the fire protection items listed in his letter before any lots are brought forward for final approval.

*PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #284 - David B. Nielsen - Lot A of Section 28, T3N, R3E, B.H.M. – To allow for a Specialty Resort – Approximately 12 miles south of Lead on the Nahant Road branching to the southwest off of Rochford Road.*

*Cyrena Koster, manager of the proposed resort, represented the property owner, David Nielsen. Koster began by stating the location of the property. The lodge and conference center will be called 2 Dot Lodge. The center could be used for small business meetings, birthday parties, weddings, receptions and family reunions. The conference center will handle 10-12 people. Koster stated that the maximum number of people to use the 2 Dot Lodge will be (25) twenty-five with only two (2) bedrooms for up to four (4) people staying overnight. The lodge will not be handicapped accessible. The well water will be monitored and sampled as per the State of South Dakota guidelines. The property owner will maintain the road leading to the lodge. During the winter months, a neighbor, Dan Carsten will plow the road. Condition #10 was changed to reflect the maximum number of people that will be allowed at the lodge. Coburn asked about the certification from the State requirement as per the water testing? Koster stated that she did not have official results of the testing but that DENR was working on it. A discussion followed in regard to the water on the property being previously tested and Birk stated that the DENR Drinking Water Program requires testing for commercial, quasi-commercial and subdivision endeavors. Birk stated he would contact the State program and have the report sent directly to the Planning and Zoning office. Kullbom moved to approve Conditional Use Permit #284. Coburn second and the*

motion carried unanimously. A public hearing scheduled for December 10<sup>th</sup> with the Lawrence County Commission was postponed and will be scheduled at a later date.

**PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #222 - Dakota Resorts Management Group, Inc. - Israel, Belt, Bryan and Dolphin Lodes of M.S. 1217, Sections 13 and 24, T4N, R2E, B.H.M.- To allow higher density development - Deer Mountain.**

Randy O'Neill, property owner, was present at the meeting. O'Neill is requesting a change of zoning for approximately thirty (30) acres of land to SRD - Suburban Residential District to allow for one or two acre residential home sites. The land is surrounded by PF - Park Forest zoning to the west and south and SRD - Suburban Residential to the north and east where the Deer Mountain Subdivisions #2 and #3 exist. O'Neill stated that a road district and a homeowner's association would be created if this land is rezoned and thereby subdivided. The entire proposal was presented at the October 3, 2002 meeting and is reflected in the minutes of that meeting. Since that review meeting O'Neill stated that there had been a meeting of homeowners in the subdivision with him and a tour of the Deer Mountain Water facility offered to the homeowners. Several subdivision residents voiced their concerns in regard to: 1) the water and the concern that there would not be adequate water to handle 23 to 25 new lots; 2) the condition of the existing roads and the impact a new subdivision would have on those roads since the existing subdivision roads would be used as access to the new lots; 3) a lack of promised fire hydrants; and 4) a promise that the President's Park facility would not be connected to the subdivision water system, which has been done. Many letters of opposition from the subdivision residents with their concerns were received by the Planning and Zoning Office and all were presented to the Planning Commission for their review. These letters will be part of the COZ file. **Weisenberg made a motion to deny COZ #222 and read a list of reasons explaining his decision.** Weisenberg stated, "1) Fire hydrants placed within a 1000 feet of each residence in the entire subdivision, 2) Convert the 4 inch water lines to 6 inch water lines leading to the fire hydrants. The reason for that is that when a fire truck comes up from Lead and tries to pump from a 4 inch water line, it collapses, 3) The formation of a road district, 4) The addition of a 50,000 - gallon water tank to increase the water storage to 130,000 gallons, 5) As per the previous agreement, the President's Park should be on its own water system, and 6) The entrance road from Highway 85 to Deer Mountain should be paved." Kullbom stated with only one fire hydrant in the whole subdivision a pumper truck could hook up to that hydrant, collapse the lines and there would be no water throughout the subdivision in the event of a fire. Coburn felt that the property owners and the developer should "ban together" to straighten things out. Coburn stated that they could not continue the situation they were in now because it was not going to improve. Coburn stated that it was a "mess now" and would be "a worse mess if the development went through". Coburn wanted to "avoid this type of problem in Lawrence County going forward". Derosier stated if there were no other questions from the zoning board he would entertain a motion. Weisenberg reminded Derosier that he had made a motion to deny. **Kullbom second and the motion carried. Douglas abstained from the vote.** This was a recommendation by the Planning and Zoning Commission. The proposal can be brought before the County Commission on December 10, 2002.

**REQUEST FOR CHANGE OF ZONING – Duane Nicholas - Pt. NE¼NE¼, except Lots 1 through 6 and except Lot H-1 and Lot H-2, of Section 8, T6N, R2E, B.H.M. – To allow higher density development – Spearfish area west of Pope and Talbot.**

Randy Deibert of Black Hills Surveying represented the property owner. Deibert indicated the location of the property. Deibert stated that the land is owned by Carl Deranleau and would be purchased by Duane Nicholas if the change of zoning is approved. The land is presently zoned A-1 General Agriculture District, and the requested change of zoning would be changed to SRD – Suburban Residential District. The suburban residential zone is being requested because there are already six small lots within this quarter-quarter description. So, rural residential district zone could not be requested because any more dividing of this land would only allow one more lot to stay within the eight residences allowance within a forty-acre parcel. The land adjacent to this proposed change of zoning property is a mixture of suburban residential, rural residential, agriculture and industrial. The Spearfish city limits are 100 feet northeast of this property. There is a large flood hazard area through the property, which at the time of platting, the lot size will be larger and will reflect the food hazard on the land. The water system will be decided at

the time of development. Weisenberg stated that fire hydrants should be required every 1000 feet from each residence. Deibert stated, there is an operating 30-gallon per minute well on the land, the maximum density could be seventeen (17) lots, and county roads border the property on three sides. Birk reminded the Planning Commission that once the change of zoning is approved the subdivision of the land would be under the City of Spearfish jurisdiction. Deibert stated that he felt he was in "limbo" on a lot of issues with trying to comply with what the city requires and what the county requires. ***A public hearing is scheduled for Dec. 5, 2002 with the Planning and Zoning Commission.***

**PLAT – FINAL – Clarence Rath – Plat of Lot 26, Block 5, of Whitewood Forest Acres #2, located in the NE¼ of Section 20, T6N, R4E, B.H.M. (Lot 26 = ±1.01 acres).**

Randy Deibert of Black Hills Surveying was present at the meeting. Deibert stated that Lot 26 had already been approved on a preliminary plat for Whitewood Forest Acres #2 subdivision, and the lot is being brought forth for final approval. Deibert continued that the subdivision road to the lot is complete. ***Douglas moved to approve the final plat. Weisenberg second and the motion carried unanimously.***

**PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING #224 - Dennis and Brenda Sabo - Lot A of Whangdoodle Lode, M.S. 1845, of Section 12, T4N, R3E, B.H.M. - South of Deadwood off of Highway 385 (Top of Strawberry Hill).**

Dennis and Brenda Sabo, property owners, were present at the meeting. The Sabo's went through their proposal for the Planning Commission. The details of that proposal are documented in the minutes of the October 3, 2002 Planning and Zoning meeting; there were no changes to that proposal. Ken Shabino, Andy and Mary Ann Nord, Larry Ruth, Dean Pock, Larry Lane and Brian Winter, all property owners in the area, voiced their concerns in regard to the change of zoning. Their concerns were: 1) loss of serenity in the area, 2) the smell from the commercial restaurant exhaust, 3) turning into the restaurant area causing a safety hazard at the top of the recently reconstructed State Highway 385, 4) the high causality rate of the restaurant business with the possibility of the building being left empty, and 5) no commercialization of the existing residential area. Brenda and Dennis Sabo felt that there would not be too much noise with the restaurant business. Brenda Sabo stated that this is based on an early closing time and opening at 5:00 p.m. to eliminate any danger to an existing bus stop. Brenda stated that she had received a lot of positive local support from Deadwood residents who felt a nice restaurant was needed. Douglas stated that this property was not an appropriate location for a commercial change of zoning; she felt a precedence would be set if the zoning was changed at this location. Coburn stated that he "echoed" the concerns voiced by Douglas. ***Coburn moved to deny COZ #224. Douglas second and the motion carried unanimously.*** This was a recommendation by the Planning and Zoning Commission. The proposal may be brought before the County Commission on December 10, 2002 at their regular meeting.

**REQUEST FOR AMENDED CHANGE OF ZONING #189 – Charles C. Snyder – Lot 16A and Lot 16B-1, subdivision of Lot 16 of the subdivision of the W½ of the SE¼ of Section 4, T6N, R2E, B.H.M. – 398 Hillsvie Drive, Spearfish, SD (Prairie Harvest Building).**

Charles and Barbara Snyder, were present at the meeting. Snyder handed out information pertaining to his proposal. Charles Snyder stated that he currently runs his one-man (there is a possibility of an extra employee) business out of his home and has run out of space. He is going to rent this space from Steve Hauff who owns the Prairie Harvest Building. Snyder will rent a 15X23 foot space with an 8X10 foot storage area. Snyder continued that there will be (2) two restroom facilities available, access is on the west side of the building from Sunshine Drive, there are six (6) parking spaces, adequate space for delivery vehicles, one sign placed at the entrance to the business complying with county requirements and one streetlight outside the rental property door which provides excellent lighting. Snyder stated that the hours of operation will be from 8 a.m. to 5 p.m., Monday through Friday. There is room for expansion for more metal fabrication equipment or room for an additional employee if the need should arise. Douglas asked what the zone is now? Birk answered that it is zoned HSC - Highway Service Commercial but this request is for a change from what Prairie Harvest does, which is shipping processed food, and therefore, requires an amendment to an existing Change of Zoning #189. Coburn asked if you could allow light manufacturing in HSC – Highway Service Commercial zone? Birk did not know the answer and referred to the Lawrence County Zoning Ordinance.



Birk read, under the HSC – Highway Service Commercial section of the ordinance, manufacturing and fabricating were allowed under this zone upon issuance by the Planning Commission of a Conditional Use Permit. Coburn felt that the Snyders should come back in under a Conditional Use Permit request in order to process their request correctly. ***On December 5, 2002 the Snyder's will present the same proposal as a Conditional Use Permit. This will be a review meeting.***

**PLAT – FINAL** – Dwight Ahlers – Plat of Lot 4 and Lot 5 of Spruce Mountain Estates No. 1, a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T6N, R4E, B.H.M. (Lot 4 =  $\pm$ 4.75 acres and Lot 5 =  $\pm$ 5.66 acres).

Birk stated that these lots were previously approved as part of a preliminary plat of Spruce Mountain Estates No. 1 subdivision and are being brought forth for final approval. The lots are located off of Jackson Road, a county primary road, and the subdivision road bordering the lots is completed and complies with the subdivision regulations requirements. ***Coburn moved to approve the final plat. Kullbom second and the motion carried unanimously.***

**PLAT – FINAL** – Dwight Ahlers – Plat of Lot 20 of Spruce Mountain Estates No. 1, a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, T6N, R4E, B.H.M. (Lot 20 =  $\pm$ 16.77 acres).

Birk again stated that this lot was previously approved as part of a preliminary plat of Spruce Mountain Estates No. 1 subdivision and is being brought forth for final approval. The lot is located off of Jackson Road, which is the county road and the subdivision road bordering the lot is completed and complies with the subdivision regulations requirements. ***Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL** – Carolyn J. Tippey - Plat of Tract A-1 and Tract A-2, a subdivision of Tract A of the SW $\frac{1}{4}$  of Section 27, T6N, R4E, B.H.M. (Tract A-1 =  $\pm$ 4.00 acres and Tract A-2 = 56.61 acres).

Birk indicated the location of the property off of Crook City Road south of Whitewood. The tract is being platted into two tracts; one, for the daughter and her husband who already have been given permission by the county for a second residence on the original tract as her parent's residence and the second tract, would be for the mother's residence. Therefore, each residence would lie on its own tract. Birk further explained the Tippey's adjoining property was part of the Whitewood Creek Superfund Site and could not be built on. ***Coburn moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Coburn moved to approve the final plat. Kullbom second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL** – Rodney C. and Darlene Kincaid, Jayne Kincaid, Carl and Le Etta Shaffner and the Spearfish Canyon Land Trust – Plat of Tract 1 and Tract 2 a subdivision of Elkhorn #1 and Elkhorn #2 of M.S. 1488, located in SE $\frac{1}{4}$  of Section 9 and the NE $\frac{1}{4}$  of Section 16, T5N, R2E, B.H.M. (Tract 1 =  $\pm$ 9.81 acres and Tract 2 =  $\pm$ 8.24 acres).

Jerry Boyer, Spearfish Canyon Land Trust, was present at the meeting. Boyer stated that the Trust along with the Kincaid family would be selling their interest to the U.S. Forest Service for land conservancy. The Forest Service will acquire 60 acres. The Shaffner property is being subdivided at this time to hold as their interest. ***Kullbom moved to approve the preliminary plat. Coburn second and the motion carried unanimously. Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.***

**PLAT – FINAL** - Floyd Mount – Plat of Lot 9; and 66' dedicated public right-of-way of Meadow Crest Subdivision, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 17, T5N, R4E, B.H.M. (Lot 9 =  $\pm$ 2.99 acres).

This lot was previously approved as part of a preliminary plat of Meadow Crest Subdivision and is being brought forth for the final approval. The utility and water lines are being completed and the road to the lot is complete. ***Kullbom moved to approve the final plat. Douglas second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL** – Anton J. and Rita J. Martin Trust - Plat of Ford Tract a part of the unplatted portion of Nemo Placer, M.S. 1368, located in the NE¼ of Section 27, T3N, R5E, B.H.M. (±5.00 acres).

John Arleth of Arleth and Associates was present at the meeting. Arleth indicated the location of the lot immediately north of Nemo. This land is being platted as part of a sale of land from mother to daughter. Birk stated that the property is zoned suburban residential district and there exists a 24 foot roadway from the Nemo Road to the subject property as shown on a previous plat. A flood plain is indicated on the preliminary plat. ***Coburn moved to approve the preliminary plat. Douglas second and the motion carried unanimously. Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.***

**RE-SIGN** the previously approved Savoy Fire Department preliminary and final plats. The plat was brought back to the Commission after the surveyor made corrections to the legal description. The plat had been previously approved at the October 3, 2002 meeting and was signed at this meeting with the corrections made.

***There being no further business the meeting was adjourned.***

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

\_\_\_\_\_  
SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION  
MINUTES OF DECEMBER 5, 2002**

**REGULAR MEETING**

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, December 5, 2002 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Douglas, Kullbom, Derosier, Coburn, Weisenberg and Fuller

ABSENT: Mickelson

*Jacque Fuller was introduced as the new member of the Planning and Zoning Commission.*

**REQUEST FOR CONDITIONAL USE PERMIT #285** – Charles C. Snyder – Lot 16A and Lot 16B-1, subdivision of Lot 16 of the subdivision of the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 4, T6N, R2E, B.H.M. – 398 Hillsvie Drive, Spearfish, SD (Prairie Harvest Building).

*Charles Snyder was present at the meeting. Snyder handed out information pertaining to his proposal. Snyder stated that he currently runs his business out of his home and has run out of space. He is going to rent space from Steve Hauff who owns the Prairie Harvest Building. Snyder will rent a 15X23 sq. foot area with a 8X10 sq. foot storage space. Snyder continued that there will be two (2) restrooms available, access is on the west side of the building from Sunshine Drive, there are six (6) parking spaces, adequate space for delivery vehicles, one sign placed at the entrance to the business complying with county requirements and one streetlight outside the rental property door which provides excellent lighting. Snyder stated that the hours of operation will be from 8 a.m. to 5 p.m., Monday through Friday. There is room for expansion for more metal fabrication equipment or room for an additional employee if the need should arise. Erik N. Birk, Lawrence County Planning and Zoning Administrator, read the conditions attached to the conditional use permit. The manufacturing business is allowed within the HSC – Highway Service Commercial zone as a conditional use permit. Weisenberg asked if there were other businesses around Snyder? Snyder answered yes, and explained that Prairie Harvest is a meatpacking and shipping business and that Pat's Moving and Storage is also there. Prairie Harvest was changed to HSC – Highway Service Commercial to bring the business into compliance. Pat's Moving and Storage is "grandfathered-in" as a nonconforming use. A public hearing will be held with the Lawrence County Planning and Zoning Commission on January 2, 2003.*

**PLAT - PRELIMINARY AND FINAL** – Lance and Peggy Hubbard – Plat of Lot B and Lot C located in the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 16, T6N, R4E, B.H.M. (Lot B =  $\pm$ 14.72 acres and Lot C =  $\pm$ 13.72 acres).

Steve Peters, surveyor, was present at the meeting. Peters indicated that Lot A shown on the plat was where Northern Hills Homes is located. Peters stated that the land was described as the remaining portion of the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 16 and Interstate 90 divides the land. The property owner is dividing it into (2) two lots in order to have a legal description to transfer land back and forth. The "long tail" shown to the east on the plat is a deeded piece of property that was kept rather than having an easement. Birk stated the property is zoned A-1 General Agriculture and because of Interstate 90 dividing the property, this plat will act as a "clean up" of two existing pieces of property into two legally described lots. ***Coburn moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.***

**PLAT - PRELIMINARY AND FINAL** – Douglas and Elizabeth Symonds – Plat of Symonds Tract, including Government Lot 4, Section 3, T6N, R1E, B.H.M. (Symonds Tract =  $\pm$ 41.20 acres).

Randy Deibert, Black Hills Surveying, was present at the meeting and indicated the location of the property. Deibert stated that Government Lot 4 was created in the 1880's and was shown as being 40.85 acres. Deibert retraced the survey and is showing the Government Lot at 41.20 acres, which is now called Symond's Tract. The plat will allow the property owner to request a tax break on the property for an agriculture designation from the Equalization office. ***Weisenberg moved to approve the preliminary plat. Coburn second and the motion carried unanimously. Kullbom moved to approve the final plat. Coburn second and the motion carried unanimously.***

**PLAT – PRELIMINARY** – Benchmark Properties Ltd. – Plat of Lots A through I, Block 13 of The Pines at Benchmark Subdivision, a subdivision of Funston Fraction, Funston No.5, Funston No. 6, Hazel, and Black Horse Lodes, M.S. No. 1902, located in Section 11, T3N, R4E, B.H.M.

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the property off of the Benchmark Road. The land is zoned PF-Park Forest. The plat

is Phase II of The Pines at Benchmark Subdivision. A flood study was done in Phase I but the property within Phase II is high ground, which is “vertically different” from the land in the first phase. The road will be continued about ½ mile to the north from the existing road in Phase I. All of the thinning of trees within the land is complete as far as the proposed fire plan indicated. The road profile that was included shows the road grades at 4 - 8%. Deibert continued that Chuck Williams, Lawrence County Highway Superintendent, was “happy” with the type of work done by the developer in regard to the subdivision roads. The two (2) underground water gallery hydrants are operating. Weisenberg asked if a road district was in place? Deibert answered that the road district for Phase II was under what was approved in Phase I. Coburn stated that he felt the developer had done an excellent job with fuel mitigation within the subdivision. ***Coburn moved to approve the preliminary plat. Kullbom second and the motion carried unanimously.***

**PLAT – PRELIMINARY AND FINAL** – Homestake Mining Company – Plat of Hannah Tract being a portion of Hannah Fraction M.S. 1366, located in the NE¼SW¼ and NW¼SE¼ of Section 35, T4N, R2E, B.H.M. (Hannah Tract = ±11.95 acres).

Julie Stone of Homestake Mining Company was present at the meeting. Stone indicated the location of the property down Hannah road. The property is zoned PF – Park Forest District (PUD). Stone explained that the plat was created to allow transfer of the Hannah Tract to the Lead-Deadwood Sanitary District. Stone stated that the entire water system and pump station building would be conveyed from Homestake to the Lead-Deadwood sanitary district. Stone continued that even though the tract is located on both sides of Hannah road, the tract would never be divided into two (2) lots because the water lines go underground from one side of the tract to the other side. ***Weisenberg moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Kullbom moved to approve the final plat. Weisenberg second and the motion carried unanimously.***

**PLAT – FINAL** – Jon Mattson – Plat of Lots 19, 30 and 31 of Shirttail Gulch Subdivision, being a portion of the Theodor Placer, M.S. 777; all located in Section 13, T5N, R3E, B.H.M. (Lot 19 = ±2.00 acres, Lot 30 = ±12.14 acres and Lot 31 = ±7.27 acres).

Eirk N. Birk, Lawrence County Planning and Zoning Administrator, indicated the location of the property and stated that the lots were zoned PF-Park Forest. The lots were approved as part of the preliminary plat and are being brought forth for final approval as they are sold. ***Kullbom moved to approve the final plat. Weisenberg second and the motion carried unanimously.***

**PUBLIC HEARING - REQUEST FOR CHANGE OF ZONING** – Duane Nicholas – Part of the NE¼NE¼, except Lots 1 through 6 and except Lot H-1 and Lot H-2, of Section 8, T6N, R2E, B.H.M. – To allow higher density development – Spearfish area west of Pope and Talbot.

Randy Deibert, Black Hills Surveying, was at the meeting to represent the property owner. Deibert indicated the location of the property. Deibert stated that the land is owned by Carl Deranleau and would be purchased by Duane Nicholas if the change of zoning were approved. The land is presently zoned A-1 General Agriculture District, and the requested change of zoning would be changed to SRD-Suburban Residential District. Deibert explained that the suburban residential zone is being requested because there are already six small lots within this quarter-quarter description. So, rural residential district zone could not be requested because any more dividing of this land would only allow one more lot to stay within the eight residences allowance within a forty-acre parcel. The land adjacent to this proposed change of zoning property is a mixture of suburban residential, rural residential, agriculture and industrial. A flood study throughout the property will be conducted if the zoning is changed. At that time, the lot sizes will be determined by the flood hazard area. Chuck Williams, Lawrence County Highway Superintendent, has given an approval of the existing approaches and would allow for the installation of another approach after the flood study is complete. Deibert stated that there might be shared wells or a water system that will be decided after the flood study is completed. The city water is a half-mile away, as is the sanitary district. Deibert stated that, as he understood the City of Spearfish at the time of their informal approval of this plan, they wanted to require the developer to bring together the existing subdivisions in the area, along with the small existing lots to join into the sanitary district. Deibert stated that he felt the proposed lots would be large enough to handle septic systems. Kullbom stated that he had received a letter from Craig Mickelson in regard to the existing approaches. Mickelson pointed out that one access is at the bottom of a long hill and the other approach is off of the entry road leading to Pope and Talbot.

Mickelson stated he was in favor of an access to the west. Deibert stated that the Federal Highway Department would pave the existing road, and that the vertical line of sight is enough off of the approaches. Deibert added that the developer would have a fund available to pave the roads in the subdivision after the last house is built. Douglas stated that the plan should be looked at with the idea that it would be feasible to subdivide the land. Coburn expressed his concerns about the large amount of logging trucks, etc. using the existing road and the noise from the manufacturing facility impacting the proposed lots that are near Pope and Talbot. Kullbom asked that when the city approves the plat, could there be a "different arrangement" of the lots? Deibert answered that the arrangement would be dictated by the floodplain. Douglas asked if there was a way to request a buffer area from the City of Spearfish between the subdivision and the Pope and Talbot plant at the time of platting. Weisenberg stated that the change of zoning could be approved with that recommendation. The Commission felt there was a distinguishable ridge that could be used as a buffer. Coburn was concerned about the high traffic area and an existing hill and no line of sight. ***Kullbom moved to approve the change of zoning with the concerns that were voiced be itemized and sent to the County Commissioners for their consideration. Fuller second and the motion carried. Coburn abstained from the vote. There will be a public hearing with the County Commission on December 30, 2002.***

***There being no further business the meeting was adjourned.***

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

\_\_\_\_\_  
SECRETARY