

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION
MINUTES OF JANUARY 2, 2004**

REGULAR MEETING

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, January 2, 2004 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Flanagan, Kullbom, Fuller, Mickelson, Derosier

ABSENT: Mattson and Coburn

MINUTES: Kullbom moved to approve the minutes of December 4, 2003.

APPROVED: Fuller 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 – Bill Coburn and Secretary – Craig Mickelson.

PLAT – PRELIMINARY AND FINAL – Paul and Grace Redinger- Plat Lot VW-2C and Lot VW-3A of V.W. Subdivision, formerly known as Lots VW-2 and VW-3, located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T6N, R4E, B.H.M. (Lot VW-2C = \pm 12.53 acres and Lot VW-3A = \pm 4.02 acres).

Erik N. Birk, Lawrence County Planning and Zoning Administrator, indicated the location of the property. The property owner moved the lot line that separated the two lots to allow more acreage in Lot VW-3 which was originally 0.66 acres. The property owner will retain VW-3A and may eventually sell VW-2C. The lots are accessed off of the existing road called Sagebrush Lane. ***Flanagan moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Mickelson moved to approve the final plat. Flanagan second and the motion carried unanimously.***

PLAT – FINAL – Homestake Mining Company – Plat of Tracts 1A-1 and 1A-2 of the subdivision of Tract 1A being portions of H.E.S. 42 and H.E.S. 39 all located in Sections 25 and 26, T4N, R2E, and Sections 30 and 31, T4N, R3E, B.H.M. (Tract 1A-1 = \pm 92.09 acres and Tract 1A-2 = \pm 5.26 acres).

Birk indicated the location of the property. Homestake is selling 1A-2 to the owner of H.E.S. 39. Homestake will retain Lot 1A-1. ***Mickelson moved to approve the final plat. Flanagan second and the motion carried unanimously.***

PLAT – FINAL – Floyd Mount - Plat of Lot 12, Meadow Crest Subdivision, located in Section 17, T5N, R4E, B.H.M. (Lot 12 = \pm 2.91 acres).

Birk stated that the water system within the subdivision has the required approval from the State. The lot was previously approved as part of a preliminary plat and the lot is being brought before the Commission for final approval because the property has been sold. ***Flanagan moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT – FINAL - Benchmark Properties Inc.- Plat of Lot D, Block 13 of The Pines At Benchmark Subdivision, a subdivision of a portion of the Funston No.5 Lode and Funston No.6 of M.S. #1902, all located in Section 11, T3N, R4E, B.H.M. (Lot D = ±4.58 acres).

Randy Deibert, Black Hills Surveying, indicated the location of the property. Deibert stated the land falls within the second phase of the development and that the roads were completed. The lot was previously approved as part of a preliminary plat and the lot is being brought before the Commission for final approval because the property has been sold. ***Kullbom moved to approve the final plat. Fuller second and the motion carried unanimously.***

PLAT – PRELIMINARY AND FINAL - James Swaby – Plat of Tract A and Tract B of Crook Meadows Addition, including the unplatted remainder of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the unplatted remainder of the NW $\frac{1}{4}$ SE $\frac{1}{4}$, all lying south of the Crook City Road, all located in Section 32, T6N, R4E, B.H.M. (Tract A = ±19.13 acres and Tract B = ±5.02 acres).

Randy Deibert, Black Hills Surveying, indicated the location of the property. Deibert stated that in the future Tract A will be divided into (4) four lots. Deibert included covenants and a fire plan and indicated that the two new existing lots will be included in the development. There is a well on the land, which will be used as a source for the subdivision water system. The water system will service 5 lots. Birk asked about the 40-foot easement indicated on the plat? Deibert stated that when Tract A is further divided there would be a 66-foot easement. Deibert stated that at this time the road grades will meet county requirements and he would be in contact with Chuck Williams, Lawrence County Highway Superintendent, when they begin the roadwork. ***Mickelson moved to approve the preliminary plat. Kullbom second and the motion carried unanimously. Fuller moved to approve the final plat. Kullbom second and the motion carried unanimously.***

PLAT - PRELIMINARY AND FINAL – Jean Brakke - Plat of Tract 1A, Tract 1B, and Tract 4R of Gray Subdivision, formerly known as Tract 4 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, the remainder of Tract 1 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying west of Highway 14 Right-Of-Way in Section 36, all located in T6N, R4E, B.H.M. (Tract 1A = ±34.95 acres, Tract 1B = ±6.84 acres and Tract 4R = ±5.97 acres).

Shannon Vasknetz, Precision Surveying, indicated the location of the property. The reason for the abnormal lot configuration on Tract 4R is because the property owner wanted to keep the existing trees on the lot. Tract 4R, with the existing house on it, was made larger when creating Tracts 1A and 1B. Tract 1B has an existing mobile home on it, and Tract 1A has a horse arena on it. There is a well on Tract 1A that will service that lot. Tract 4R will share a well with Tract 1B. The property owner provided covenants and a fire plan because they have future plans to subdivide Tract 1A. ***Mickelson moved to approve the preliminary plat. Fuller second and the motion carried unanimously. Mickelson moved to approve the final plat. Fuller second and the motion carried unanimously.***

A discussion was held in regard to the number of septic systems that are within a mile of the Forest Service building in the Boulder Canyon area. Jacque Fuller voiced her concern about the number of systems that exist there.

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

**LAWRENCE COUNTY PLANNING AND ZONING COMMISSION
MINUTES OF FEBRUARY 5, 2004**

REGULAR MEETING

Chairman Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on Thursday, February 5, 2004 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Fuller, Derosier, and Mattson

ABSENT: Coburn, Flanagan, Mickelson, and Kullbom

MINUTES: Fuller moved to approve the minutes of January 2, 2004.

APPROVED: Mattson second and the motion carried unanimously.

Barb Mattson acted as Secretary for this meeting due to the absence of Craig Mickelson.

SIGN APPROVAL – CONDITIONAL USE PERMIT #291 - Mark and Karen Valdez - As per Condition #9 - Only one (1) on-premise sign advertising the retail store shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. The design, color(s), and actual location shall be first approved by the Planning and Zoning Commission prior to placement or construction. - McMasters corner

Mark and Karen Valdez were present at the meeting. Valdez handed out a sheet indicating the design for the sign, the colors he was considering to make the sign and the plat showing where the sign would be placed. Mattson requested clarification in regard to the State requirements for this sign. Erik N. Birk, Lawrence County Planning and Zoning Administrator, stated that the sign must follow the county sign regulations and that the state would not approve of anything yellow with black letters that would resemble a state warning sign or coloring that would resemble any other state highway sign. A copy of the Lawrence County Commissioners meeting minutes was given to the Planning and Zoning Commission to note the concern from Jim Seward, County Commissioner, about placing the sign on the building to eliminate the possibility of the sign looking like a 20X60 foot billboard. Mattson stated that the Commissioners have allowed on-premise signs before as part of Conditional Use Permits. The 4X5 foot size of the sign meets the county requirements for an on-premise sign. Mattson felt that the 4X5 size of the sign was “pretty modest”. Fuller stated, she felt the location of the sign was good. Discussion was held in regard to the location of the sign being outside the ROW enough so that it would not inhibit snow removal. Birk suggested that Valdez stake the location of the sign so the Planning Commission and himself could see the actual site of the location. Discussion was held in regard to the type of lighting that could be used to light the sign. It was suggested that Valdez use a covered tubular type of lighting on the bottom of the sign itself. ***Mattson moved to approve the sign for Conditional Use Permit #291 with the conditions that the location of the sign is posted prior to the sign being placed and that the South Dakota Department of Transportation look at the location to ensure the sign is out of the highway right-of-way. Fuller second and the motion carried unanimously.***

DISCUSSION OF PROPOSED STORAGE UNITS IN A COMMERCIAL/LIGHT INDUSTRIAL DISTRICT – Mike Weyrich – North of Whitewood off of Highway 34.

Birk explained to the Planning Commission that Change of Zoning #110A to Commercial/Light Industrial was approved in 1986 without any specific plan as to what was to be placed on the land as part of a commercial use. Mike Weyrich, property owner, has proposed building storage units on this land. Birk stated that normally when storage units are proposed they are brought before the Planning Commission as conditional use permit request. Birk felt that since there was no specific plan presented at the time of the change of zoning and that this particular zoning refers to storage units, storage units could be built and operate as a commercial use on this 10-acre parcel of land. Birk indicated several items within the Commercial/Light Industrial section of the county zoning ordinance that Weyrich would have to comply with in order to build the storage units. The Commission understood what was being proposed and Birks' position on the proposal. The Commission agreed that storage units were an allowed use under Commercial/Light Industrial zoning.

PLAT – FINAL – Benchmark Properties Inc.- Plat of Lot G, Block 13 of The Pines at Benchmark, a subdivision of portions of Funston No. 5 and Funston No. 6 Lodes of M.S. 1902, all located in Section 11, T3N, R4E, B.H.M. (Lot G = ±3.7 acres).

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert indicated the location of the property and reminded the Planning Commission that this lot is part of Phase II of The Pines at Benchmark subdivision. The lot was part of an approved preliminary plat and is being brought forward for final approval as the lot is being sold. The road to the lot is complete, and Deibert showed a pedestrian access that was located off the lot that would prohibit landowners from parking at a different location that could block the fire exit. Deibert pointed out the emergency fire exit to the north of the lot and explained the water storage system to Mattson after she questioned the distance from the dam in relation to this building site. There is fifteen hundred feet of improved road from the nearest water source. ***Mattson moved to approve the final plat. Fuller second and the motion carried unanimously.***

PLAT – FINAL – Benchmark Properties Inc. – Plat of Lot 3, Block 10 of The Pines at Benchmark, a subdivision of a portion of Lot 11 of Section 11 and a portion of Lot 6 of Section 12, all located in Section 11 and Section 12, T3N, R4E, B.H.M. (Lot 3 = ±2.02 acres).

Randy Deibert, Black Hills Surveying, was present at the meeting. This lot was approved as part of a preliminary plat and the lot is being brought before the Commission for final approval. Deibert explained that now the developer is in a position to vacate the section line south of Ship Rock Road. The remainder of the section line will be maintained to allow access to a Forest Service Road for emergency exit. This will be noted on the plat. Deibert stated that the developer will use the “relocation of a section line” as per State law that dedicates an alternate easement and then the developer will bring the petition before the County Commissioners for a public hearing. ***Fuller moved to approve the final plat. Mattson second and the motion carried unanimously.***

PLAT – PRELIMINARY – James Swaby – Plat of Lots 1 through 4 of Tract A of Crook Meadows Addition, located in the SW¼SE¼ and the NW¼SE¼, Section 32, T6N, R4E, B.H.M.

Randy Deibert, Black Hills Surveying, was present at the meeting. Deibert handed out copies of the covenants, fire protection plan, by-laws, homeowners association, and the road profile for this subdivision. Deibert asked for input after the Commissioners had read through these

documents so he could make changes. Deibert explained that at the previous meeting Tract A and Tract B were platted. The lots for the Crook Meadows Subdivision are platted from Tract A. The covenants for the lots will include Tract B and there is a well that will provide community water to the lots. Deibert indicated a dedicated 70-foot ROW on the plat that will coincide with an adjoining property owner boundary as an alternate access for that property owner. The cul-de-sac within the subdivision meets county specs and the 500-foot road meets county grade specs, but at this time the road is too narrow. Before approval of the final plat the road will be improved to meet county width specifications. Birk asked if the 40' access easement would be the primary access for Lot 2? Deibert answered no. He further indicated to the Commission where the better construction sites would be on the lots. The construction sites allowed several options for access to the lots that will be decided with Chuck Williams prior to final plat approval. Mattson asked about the railroad right-of way that exists through the property. Deibert pointed out the locations and showed the areas that were destroyed; the railroad right-of way was abandoned by the DOT in 1984. Birk wanted the 40-foot access easement that will be used as a driveway to be approved by the Planning Commission since it is shown on the plat. ***Fuller moved to approve the preliminary plat. Mattson second and the motion carried unanimously.***

There being no further business the meeting was adjourned.

ATTEST: _____
CHAIRMAN

SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION
MINUTES OF MARCH 4, 2004**

REGULAR MEETING

Chairmen Leo Derosier called the Regular Meeting of the Lawrence County Planning and Zoning Commission to order, on **Thursday, March 4th, 2004** at 1:00 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Mattson, Derosier, Mickelson, Coburn, Kullbom, Fuller, and Flanagan
ABSENT: None

MINUTES: Kullbom motioned to approve the minutes of February 5th, 2004.
APPROVED: Coburn second and the motion carried unanimously.

Also attending the meeting were Terry Weisenberg, Chairman of the County Commission, and Bruce Outka, County Attorney, with Bruce acting as Interim Director due to the resignation of Eric Birk.

Terry Weisenberg, the alternate to Brandon Flanagan for Planning and Zoning, spoke to the board members to inform them of what he (Terry) was going to bring to the previous Planning and Zoning Director's attention at the previous Commission meeting, so everyone is current on the situation. Lawrence County Board of Commissioners had received a letter from SD DOT, concerning Planning and Zoning that they were approving the plats incorrectly, which came from Bill Nevin who is attorney of the DOT. Also, received a separate letter from DOT, regarding blueprints being approved without an architect signing off. A C.U.P approval for a liquor license without going through the Lawrence County Planning & Zoning first, which it didn't. A letter from President's Park voicing some concerns with the Planning and Zoning Office and the last issue we were going to address was the Wild-Land Interface Ordinance. The previous Planning and Zoning Director had scheduled three public hearings on this issue, without coming to the County Commissioners. Weisenberg stated that he wasn't in favor of that, however, since they were public hearings according to state law once they have been published you not only had to have them you also had to take input from Planning and Zoning and by state law they then had to come before the County Commissioners with their findings. Terry,

not wanting to go against state law, he said, "Fine." Subsequent conversations showed they were not public hearings but simply informative hearings. Terry brought this to the previous Planning and Zonings Director's attention and then stated they were published anyway these informative three hearings and were going to have them, while also visiting with Bill Coburn throughout the process. Terry says he was fine with all of that, just for future reference inform the Commissioners and keep them up to date. Terry felt his point was made, then subsequent resignation and then Terry reads in the paper, again not consulting anyone on the County Commission not only has he resigned but he has canceled now the informative hearings. These hearings have been off, on, off, on. We will eventually have these hearings, once we get our feet underneath us. Terry states, he wasn't going to ask Eric to resign, he was just going to bring to his attention the matters that had been brought before him. Terry also states he just wanted to inform everyone here on the Planning and Zoning Board where the situation is at.

INFORMATIONAL - CONDITIONAL USE PERMIT #292 BLACK HILLS MINING LLC - Manager, Charles McKinney Sr. handed out copies of the Plan of Operation to all the members. Proposing to mine 27.55 acres over a period of 20 years if it remains economically feasible. They are requesting a buffer zone of 500 feet from the County and through the state permitting process due to the terrain and non-developed raw land. Charles also stated they would be working the reclamation as they finished each section of mining. Terry Weisenberg suggested to Charles to pick an on-site date so the Planning and Zoning Commission members can look it over. They decided on March 25th, at 2:00 p.m. weather permitting. (Terry Kranz was there to voice some concerns on this matter stating they would need an easement to his property.)

PLAT – Rod Colvin Re-plat of Tract 1 of Silver Creek Subdivision in Tract 1A of Sliver Creek Subdivision, located in NW1/4 NE1/4 of Section 12, T2N, R3E, B.H.M. (Tract 1A =± 2.46 acres).

Moving road right-of-way – simple re-alignment of the right-of-way North & East of Rochford. **Coburn moved to approve the Re-plat of Tract 1. Kullbom second and the motion carried unanimously.**

PLAT- FINAL- Rene Diebold Irrevocable Trust – Plat of Tract 2A and Tract 2B of Aspen Hills Development a Subdivision of Tract 2 of Aspen Hills Development located in the NE1/4 of Section 32,

T6N, R2E, B.H.M. (Tract 2A = ± 4.92 acres and Tract 2B = ± 4.96 acres).

Flanagan moved to approve the plat with a memo to the minutes being a note of concern in this area for future discussion on the possibility of density issues. Mickelson second and the motion carried, plat approved.

PLAT – FINAL- Floyd Mount Plat of Lot 11 of Meadow Crest located in the NE ¼ of the NE1/4 and the SE1/4 of the NE1/4 of Section 17, T5N, R4E, B.H.M (Lot 11 = ± 4.10 acres).

Flanagan moved to approve final Plat of Lot 11. Kullbom second and the motion carried unanimously.

PLAT – PRELIMINARY AND FINAL - Paul Swisher – Plat of Tract 1 and Tract 2 of Swisher tracts, located in NW1/4 SE1/4 of Section 32, T6N, R4E, B.H.M. (Tract 1 = ± 31.85 acres and Tract 2 = ± 3.71 acres)

Kullbom moved to approve the preliminary plat. Fuller second and the motion carried unanimously.

Flanagan moved to approve final plat with Kullbom seconding the move. Motion carried.

PLAT – FINAL – Jon Mattson- Plats of Lots 7A, 8A and 9A of the Ray Placer, M.S. 1208, formerly lots 7, 8 and 9 of the Ray Placer, M.S. 1208 located in the NE1/4 of Section 24, T5N, R3E, B.H.M. (Lot 7A=*, Lot 8A= ***, and Lot 9A= ***).**

No size difference on any of this, just adjusting the lot lines.

Moved by Fuller to approve the plat final. Kullbom second, motion carried. *A memo on this motion and approving that Barb Mattson did not vote on this issue.

PLAT – PRELIMINARY – Kinship Mountain Ministries - Plat of Tracts 1 through 8 of Mountain Ministries Estates, that portion of Myrtle No. 1,4,6,8, and 9 Lodes of M.S. No. 1730, located in W1/2 of Section 15 and E1/2 of Section 16, T3N, R4E, B.H.M. (Tract 1 = ± 58.90 ac., Tract 2 = ± 5.00 ac., Tract 3 = ± 7.00 ac., Tract 4 = ± 4.00 ac., Tract 5 = ± 3.07 ac., Tract 6 = ± 2.46 ac., Tract 7 = ± 9.13 ac., and Tract 8 = ± 5.00 ac.)

David Winters needs a new description of C.U.P. Bruce Outka checking into the possibility of an amendment or attachment. Will need to re-do C.U.P before final.

Flanagan moved to approve Preliminary plat. Fuller second and the motion carried unanimously.

PLAT – FINAL – Dwight Ahlers – Plat of Lot 5 and Lot 6 of Spruce Mountain Estates # 1, Section 13 and 14, T6N, R4E, B.H.M.

No Discussion.

Flanagan moved to approve the final plat. Fuller second and the motion carried unanimously.

PLAT – FINAL – Dwight Ahlers – Plat of Lot 59 of Spruce Mountain Estates #2, Section 13 and Section 24, T6N, R4E, B.H.M.

No Discussion.

Mattson moved to approve the final plat. Kullbom second and the motion carried unanimously.

PLAT – PRELIMINARY AND FINAL – Wharf Resources Inc. –Plat of Tracts 9 revised, 10 and 11: Tract 9 revised formerly known as Tract 9 of a portion of Ryan Fraction M.S. 2001, Tract 10 being a portion of North-Side M.S. 1173 and Kate Putnam M.S. 1172, Tract 11 being a portion of Hidden Fraction M.S. 1993, Martin Fraction M.S. 2069, Southerland M.S. 352, Snow Storm. M.S. 2075, Silver Plume M.S. 351, Santa Fe M.S. 402 and Star M.S. 1493, located in the NW ¼ of Section 1 and SE1/4NE ¼ and NE1/4SE1/4 of Section 2, T4N, R2E, B.H.M.

Mickelson moved to approve the preliminary and final plat. Mattson second and the motion carried unanimously. * Brandon Flanagan voices concern on density issues for future reference.

DISCUSSION ITEM – Randy Diebert – Proposed Plat for Rochford Ridge Estates. Information on 24 lots 1 mile South on left from Lead County Club. Randy Diebert displayed mapping and road access to the proposed plat. Discussion ensued and he answered questions.

There being no further business Mattson moved to adjourn at 3:40 p.m.

ATTEST: _____
CHAIRMAN

SECRETARY

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION
MINUTES OF APRIL 1, 2004**

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning and Zoning Commission to order on **Thursday, April 1, 2004** at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

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

ABSENT: Fuller

MINUTES: Moved-Seconded (Mickelson-Kullbom) to approve the minutes of March 4, 2004. Motion carried.

NEW DIRECTOR: Brandon Flanagan introduced himself as the new Planning and Zoning Director hired by the County Commissioners on March 29, 2004. He discussed some changes he would like to make in the office and also explained plat fees and other fees that weren't being charged according to the ordinance. He said all changes would be discussed with the Planning & Zoning Board for their comment.

DISCUSSION ON PROPSAL FROM MARK AND KAREN VALDEZ TO AMEND CONDITIONAL USE PERMIT #291: Mark Valdez met with the Board to discuss his proposal. Valdez wants to use an existing out-building as an addition to the retail store to be used as a small museum, storage, and sales outlet to sell merchandise, food, beverages, and gifts similar to a convenience store. He also wants to put in 50 tent campsites to be used from August 5th to August 20th of each year with a maximum number of 250 people. Water will be provided by a 2500-gallon cistern that will be tested on a regular basis. He said the toilet and bathing facilities would be provided and serviced by M&M Sanitation. Trash will be collected by Waste Connections every Friday. He has contacted the SD Dept. of Health and states all of their requirements will be met. Two security guards will be on property at all times and he submitted names and addresses of them.

Brandon Flanagan, Planning & Zoning Director, discussed his concerns about this proposal, those being: he feels Mr. Valdez needs a whole new conditional use permit because these proposed amendments have nothing to do with the original intent of just a jewelry store. He also suggested that he might need three separate permits, one for the jewelry store, one for the campground, and one for the museum/convenience store. Flanagan also noted there is no formal process to amend conditional use permits.

Concerns from Board members were presented:

KULLBOM: Conditional use permit is substantially different and questioned the need for a new one. He asked Valdez if he had a well to which Valdez replied "no" but he planned to drill one in the future.

MICKELSON: Questioned where water would come from - Valdez stated he would haul it from the Deadwood water system. He has concerns about the approach and said we would need

comment from the State on the approach for campground usage. The present permit from the State cites less than 10 cars per day for on/off approach usage.

MATTSON: Said historically we don't approve of temporary campgrounds and she also felt 250 people is too many to have on that corner. She said this was not an adequate water system.

COBURN: Discussed safety of corner approach and commercialization of Highway 85. No billboards are allowed now. He also said a fire plan is needed and approval needed from the State.

The Board members directed Valdez to meet with Flanagan if he wished to go forward with this proposal to remedy their concerns and formally apply for the permits.

DISCUSSION ON PROPOSAL FROM DICK SEAMAN TO SPLIT LOTS 10 AND 11 (10 ACRES EACH) OF HAY SPRINGS ESTATES INTO FOUR 5-ACRE LOTS: Dick Seaman met with the Board to discuss his proposal to split Lots 10 and 11 into 4 separate lots. He stated with the price of land now, people don't need 10 acres. He would like to submit a plat at the next meeting and has hired a surveyor to do the plat work. Seaman said he would revise the covenants and consider a road district. He has submitted a fire plan, which has been approved by the State. He has received permission from the County Highway Department for an access off of the Nemo Road and wants to change the road right-of-way to follow land contours. Mattson suggested doing an on-site to the area and also stated concerns about any wet meadow areas.

Flanagan questioned if a platted road right-of-way can be changed or vacated on a new plat.

Coburn asked Seaman to include requirements of fire resistant home building materials in the new covenants.

PLATS

FINAL – Plat of Lot 25 and 66' Dedicated Public Right-of-Way of Meadow Crest Subdivision located in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 17, T5N, R4E, BHM (Lot 25 = 5.18 acres).

Owner: Floyd Mount

Moved-Seconded (Kullbom-Mickelson) to approve final plat as submitted. Motion carried.

FINAL – Plat of Tract 13A and 13B of Aspen Hills Development, a Subdivision of Tract 13 of Aspen Hills Development located in the NE $\frac{1}{4}$ of Section 32, T6N, R2E, BHM (Tract 13A = 5.30 acres and Tract 13B = 4.57 acres).

Owner: Scott and Marilyn Gullickson

The Board discussed density issues in this development with the consensus being that it will be on a first-come first-serve basis when splitting lots. Once the density hits 8 lots per 40 acres, its done. It was noted by NJS Engineering that this present 40 acre area would only have 5 lots if this were approved. NJS explained these new lot lines would follow the road on this plat.

Moved-Seconded (Coburn-Mickelson) to approve final plat as submitted. Motion carried.

PRELIMINARY AND FINAL – Plat of Tracts 5 and 6 Revised of Aspen Hills Development, formerly Tract 5 and Tract 6 of Aspen Hills Development, all located in the NE $\frac{1}{4}$ of Section 32, T6N, R2E, BHM (Tract 5 Revised = 9.50 acres, Tract 6 Revised = 10.27 acres).

Owners: Tract 5 – Peter and Janet Thoreen Tract 6 – Fred and Ramona Irving

Randy Deibert, Black Hills Surveying, asked the Board to waive the preliminary plat requirement as precedence was set by approving the previous plat in Aspen Hills. He stated they were just moving internal lot lines between these two lots to follow the road. Board members discussed and decided that since the original preliminary plat was previously accepted, this preliminary plat requirement could be waived.

Moved-Seconded (Mickelson-Mattson) to waive the preliminary plat and approve the final plat as submitted. Motion carried.

PRELIMINARY AND FINAL – Plat of Tract 14 Revised of Aspen Hills Development, formerly Tract 11B and Tract 14 as Aspen Hills Development, all located in the NE $\frac{1}{4}$ of Section 32, T6N, R2E, BHM (Tract 14 Revised = 12.78 acres).

Owner: Randolph and Robin Barranger

Randy Deibert, Black Hills Surveying, explained the owner has recently purchased Tract 11B and wants to incorporate it in with Tract 14, which he presently owns.

Moved-Seconded (Kullbom-Mattson) to approve the preliminary plat as submitted. Motion carried.

Moved-Seconded (Coburn-Mattson) to approve the final plat as submitted. Motion carried.

FINAL – Plat of Lot 61 of Spruce Mountain Estates #2 Subdivision, located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 13, T6N, R4E, BHM (Lot 61 = 5.74 acres).

Owner: Dwight Ahlers

Dwight Ahlers was present and stated there were no changes from the preliminary plat.

Moved-Seconded (Mattson-Mickelson) to approve the final plat as submitted. Motion carried.

FINAL – Plat of Lot 217 of Block 2 of Boulder Canyon Subdivision, and the dedicated public rights-of-way etal located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 11, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T5N, R4E, BHM (Lot 217 = 1.10 acres).

Owner: I & D Shonley Revocable Trust

Ivan Shonley was present and said there was no changes from the preliminary plat.

Moved-Seconded (Mickelson-Weisenberg) to approve the final plat as submitted. Motion carried.

PRELIMINARY AND FINAL – Plat of Tract G-1, Being all of Tract G, located in Richards Fraction M.S. 1333 & Virginia M.S. 1678 and portions of Phillips No. 1 & Richards M.S. 1333 and Hudson M.S. 1678, located in the NW ¼ of Section 18, T5N, R3E, BHM (Tract G-1 = 5.02 acres).

Owner: Maitland Partners, LLC

Loren Vrem, Ponderosa Land Surveys, explained the plat was needed to show access to the property to prepare for selling.

Moved-Seconded (Mickelson-Weisenberg) to approve the preliminary plat as submitted. Motion carried.

Moved-Seconded (Mickelson-Kullbom) to approve the final plat as submitted. Motion carried.

PRELIMINARY AND FINAL - Plat of Buller Tract, Being all of Buller M.S. 1835 and a portion of Three V. M.S. 1835, located in the NE ¼ of Section 19, T5N, R3E, BHM (Buller Tract = 20.28 acres).

Owner: Maitland Partners, LLC

Loren Vrem, Ponderosa Land Survey, explained plat was needed to show access to the Maitland Road.

Moved-Seconded (Weisenberg-Kullbom) to approve preliminary plat as submitted. Motion carried.

Moved-Seconded (Mickelson-Kullbom) to approve final plat as submitted. Motion carried.

ORDINANCE REVIEW: Mattson requested a few minutes be set aside at each meeting to discuss different portions of the ordinance as a refresher for the Board members. The Board agreed and Flanagan will dedicate a few minutes at the end of each meeting for that discussion.

There being no further business, it was Moved-Seconded (Coburn-Mattson) to adjourn at 3:25 p.m.

APPROVED: _____
Leo Derosier, CHAIR

ATTEST: _____
Craig Mickelson, Secretary

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION
MINUTES OF MAY 6, 2004**

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning and Zoning Commission to order of **Thursday, May 6, 2004** at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Mattson, Derosier, Mickelson, Coburn, Kullbom.
ABSENT: Fuller, Weisenberg

MINUTES: Moved-Seconded (Mickelson-Kullbom) to approve the minutes of April 1, 2004. Motion carried.

BLACK HILLS MINING, LLC; REQUEST FOR CONDITIONAL USE PERMIT #292 – APPLICATION COMPLETION REVIEW, SCHEDULE ONSITE AND SET PUBLIC HEARING:

Owner: Black Hills Mining L.L.C. / Don Wandler, Owner / Charles McKinney, Manager

Location: Approximately 1 ½ miles northeast of Deadwood and less than ½ mile east of the Whitewood railroad tunnel.

Charles McKinney, Manager – Review from previous meeting. Mr. McKinney stated that the life of mine is to be 15-20 years. The mining will be done by mechanical extraction. He stated it would be ‘old style’ mining – comparing it to a sluice box. He further stated that nothing will be milled and that he will be using screens, and there will be no crushing or leaching. The under tailings will be disturbed and then replaced. There will be two employees, Charles McKinney and his son. From the audience, Jack Cole expressed concerns and posed a variety of questions to Charles and discussion ensued. An audience member stated that he believed the area to have been ‘worked over’. Mr. McKinney stated that the ‘gold is there, just need to go deep’. If he were to hit limestone or bedrock, he would be done. Mr. Cole stated that there are 41,000 abandoned mines in the Black Hills and he does not want to clean up any more mines. A question was posed as to if there is money set aside for restoration. Mr. McKinney stated that money for restoration would come from bonds. Bill Coburn expressed concerns on mining below the creek level, stating that arsenic and mercury levels if mobilized could be harmful. Brandon Flanagan suggested that anyone who has concerns or questions should address such on paper for public hearing. An on-site meeting was scheduled for Thursday, May 27th at 4:00. Mr. Flanagan instructed the group that one crossing is possible with a four wheel drive vehicle, but that water will have to be crossed on foot to get down to the actual proposed location.

REQUEST TO AMEND CONDITIONAL USE PERMIT #291 – APPROVAL/DENIAL TO USE THE EXISTING OUT-BUILDING AS AN ADDITION TO THE RETAIL STORE:

Owner: Mark and Karen ValDez

Location: Highway 85 North – McMasters Corner

Mark & Karen ValDez appeared stating that they would like to use an existing building for show room case as an addition to the retail store. It would be used as a small museum, storage and sales outlet to sell souvenirs and handmade jewelry. They are hoping to be open by Memorial Day. Mr. ValDez was instructed that if the Planning & Zoning board passes amendment, it will go to the Commissioners, and if the Commissioners approve, project will be a go. They are hoping it will be a year round business. The building is approximately 18x20. Chairman Derosier has no problems or concerns, Brandon Flanagan expressed no problems or concerns, and Bill Coburn expressed no problems or concerns. Craig Mickelson expressed concern over the fact that there be no food or beverage stand and suggested that there be a condition saying so. Mr. ValDez stated that beverages would only be available from a vending machine (i.e. Coke or Pepsi machine). Brandon Flanagan agreed that it shall be a condition of the permit that this will not be a 'convenience store'. Brandon stated that a condition might already be in place for this. A concern was voiced stating that if this were to be so busy that a turning lane is needed, Mr. & Mrs. ValDez would be financially responsible for any cost that would be accrued. Mr. ValDez said that he understood the fact that he would be responsible for costs, and if he were to refuse to do such, he would be in violation of his conditional use permit. Moved-Seconded (Kullbom-Mickelson) to amend conditional use permit. Motion carried.

REQUEST TO AMEND CONDITIONAL USE PERMIT #288 – APPROVAL/DENIAL TO ALLOW OPENING OF CAMPGROUND TO INCLUDE MEMORIAL DAY HOLIDAY:

Owner: Jan Kaberna

Location: 1 Mile South of Nemo

Brandon Flanagan spoke for the owner in her absence stating that they wish to open their campground, the HOM Camp a week early so that they may include the Memorial Day weekend. No objections were stated.

Moved-Seconded (Mickelson-Coburn) to approve amendment. Motion carried.

INFORMATIONAL/DISCUSSION ITEM – REQUEST FOR CHANGE OF ZONING #211-04 – TO ALLOW PLACEMENT OF SIGNAGE ALONG HIGHWAY 85/14A:

Owner: David Adickes / Presidents Park

Location: Deer Mountain

David Olmstead from President's appeared on behalf of President's Park. Bruce Outka has discussed with Adickes' lawyers and everything is all cleared up. Temporary signs were used, now looking at permanent signs. State says need commercial zoning. Bill Coburn is concerned about going across the highway with commercial zoning. Craig Mickelson notes that a parcel across the highway should be platted separately. Public hearing is scheduled for June 3, 2004.

Informational/Discussion Item – Request for Conditional USE PERMIT # - TO ALLOW FOR SPECIALTY RESORT (SPIRITUAL RETREAT)

Owner: Catherine L. Edler

Legal Description: M.S. 1137 Green Jacket Etal in Sections 9 & 16 T4N, R4E BHM.

Location: Galena Area on Little Elk Creek Road

Catherine L. Elder would like to build a spiritual retreat on logged areas. One level building with handicapped accessible (ADA compliant) that will include 8 rooms that would hold 4 people each. Residence would be attached to business. She stated that the plan calls for meditation trails that would be built on top of the hill and not visible from the road. Note one concern: CUP needs to be used in one year and this will need to address at pubic hearing. On site scheduled for May 27th @ 2:30; group will meet at Wild Bill's Campground and proceed from there. Public hearing scheduled for June 3, 2004.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: William and Jacqueline Pearson / Arleth & Associates

Legal Description: Plat of Tract 2A, Tract 3A-1 and Tract 4 Being a Replat of Tract 2, Tract 3A and a Portion of the SW ¼ NW ¼ of Section 20, T5N, R4E, BHM Tract 2A = 3.72 Acres; Tract 3A-1 = 10.20 Acres; Tract 4 = 10.00 Acres

Location: Radio Tower Road, Boulder Canyon

Re-platted two tracts and created one new one (see above description of tracts). Improvement of the section line would need approval of Commissioners. Discussion and questions ensued. There was a question about fire hazard, but did not seem to be a problem.

**Moved-Seconded (Mattson-Mickelson) for approval of preliminary. Motion carried.
Moved-Seconded (Kullbom-Mickelson) for approval of final. Motion carried.**

PLAT – AMENDED (CORRECTIVE) FINAL – Approval/Denial

Owner/Representative: Shane Sarver and Gloria Delzer / Arleth & Associates

Legal Description: Delzer Tracts 3 and 4, Located in the NW ¼ and the SW ¼ of Section 15; the NE ¼, the S ½ SE ¼, NW ¼ SE ¼, SW ¼, NE ¼ NW ¼, of Section 16; the NW ¼ of Section 22; the NE ¼, the NW ¼, N ½ SE ¼, N ½ SW ¼, of Section 21; and the Replat of Tract A of the SE ¼ NW ¼, Tract A of the NE ¼ SW ¼, Tract A of the NW ¼ SE ¼ of Section 21; the Replat of Lots 1 and 2 of the Subdivision of the N ½ NW ¼ of Section 21; and the Replat of Lots 1 and 2 of the Subdivision of the SE ¼ NW ¼ and the NE ¼ SW ¼ of Section 21; All Located in T7N, R2E, BHM

Tract 3 = 290.90 Acres; Tract 4 = 320.70 Acres

Location: North of Spearfish

Originally, the Delzer's believed that they owned the entire area in question, but in essence they did not. There is no problem between the two parties (Sarver's and Delzer's) as to an amended plat.

Moved-Seconded (Mickelson-Coburn) for to approve the corrected plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Donald Hander / Arleth & Associates

Legal Description: Hander Tract Located in the E ½ SE ¼ NE ¼ of Section 18 T5N, R4E, BHM Hander Tract = 20.00 Acres

Location: Boulder Canyon

He went for a building permit for a home and found out that when he placed a home six years ago, he was to have the 20 acres platted. When applying for a new building permit for a doublewide trailer, it was discovered that no plat existed. Meets requirements for plat approval and building permit issuance.

Moved-Seconded (Kullbom-Mickelson) to approve preliminary. Motion carried.

Moved-Seconded (Mickelson-Kullbom) to approve final. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Tim and Carla Peterson / Arleth & Associates

Legal Description: Tracts A, B and C of the Pendegraft Tract, A Subdivision of the Pendegraft Tract Being a Portion of the Busby Lode, M.S. 1942, Located in the SE ¼ of Section 3 and the SW ¼ of Section 2, T4N, R2E, BHM

Tract A = 4.01 Acres; Tract B = 2.01 Acres; Tract C = 2.02 Acres

Location: Last Chance Trail, Terry Peak

This plat is zoned suburban residential. It has been re-platted with a house building on tract A. Total acreage is around 8 acres. Four acres split two acre tracts, one being about 83 feet and the other about 89 feet. There was a question on deed restrictions, but no deed restrictions were found.

Moved-Seconded (Kullbom-Mattson) for approval of preliminary. Motion carried.

Moved-Seconded (Mickelson-Kullbom) for approval of final. Motion carried.

PLAT – AMENDED PRELIMINARY – Approval/Denial

Owner/Representative: James Swaby / Black Hills Surveying Inc.

Legal Description: Lots 1 through 5 of Tract A of Crook Meadows Addition, Located in the SW ¼ SE ¼, NW ¼ SE ¼, Section 32, T6N, R4E, BHM

Location: Crook City Road

Tom Brady was here to represent the Northern Hills Regional Railroad Authority. The land in question has a structure built on a railroad right-of-way. Mr. Brady came before the board and stated that it was his belief that Mr. Swaby did not own part of land on the railroad right-of-way. It was stated by Mr. Brady that anyone wishing to purchase or plat land in Whitewood or Deadwood should first check railroad right-of-way. Roger Tellinghuisen, attorney for Mr. Swaby informed Mr. Brady that they were seeking a quitclaim deed from the prior owner, Dr. Michael Sack. Mr. Brady informed the room that a quitclaim deed does not give title to the railroad right-of-way. Private owners do not own railroad right-of-ways. Mr. Brady stated that the Northern Hills Regional Railroad Authority possesses any right-of-way. Mr. Brady wants to be made aware of meetings concerning this. Brandon Flanagan stated that he emailed Tom Brady, Randy Deibert, and Roger Tellinghuisen regarding such and that is why Mr. Brady was appearing today. Brandon Flanagan stated that he felt Mr. Swaby did not own the railroad right-of-way and that he could not plat property he did not own. The ownership in this case is irrelevant to

Planning and Zoning. Mr. Flanagan stated he felt the right-of-way should have been on the plat. Mr. Flanagan also felt that the issue on this plat is that railroad right-of-way was omitted. There was a recommendation to hold existing plats. It was discussed that Mr. Swaby is platting land he does not own. Randy Deibert spoke on behalf of Mr. Swaby and stated that Mr. Swaby does indeed own the land in question. Randy Deibert expressed that it was his opinion that this issue needs to go through the courts. Brandon Flanagan questioned the information and it's accuracy. Tom Brady stated that he thinks Randy Deibert needs an attorney because he has an obligation to reflect these right-of-ways on all documents that he presents to the board despite of what owners say and don't say regarding ownership. Mr. Brady further stated that it is his opinion that Mr. Deibert has a legal responsibility that he has breached on plats as a land surveyor. Mr. Flanagan informed the board that the plat has been formally withdrawn and that any other plats in question will be held until the matter is settled.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Petitioner/Owner/Representative: John & Etta Finn / Fred & Ivy Gali / Black Hills Surveying Inc.

Legal Description: Plat of Finn Lot, Being a Portion of Lee No. 7, M.S. 1742, Located in Section 5, T4N, R2E, BHM Finn Lot = .72 Acre

Location: Spearfish Canyon

Randy Deibert spoke on behalf of the parties and stated that basically, a house was built over a lot line and they are trying to re-plat. Both parties agree to transfer deed. Moved-Seconded (Kullbom-Mattson) for approval of preliminary. Motion carried. Moved-Seconded (Mickelson-Kullbom) for approval of final. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Hank Pepin / Black Hills Surveying Inc.

Legal Description: Plat of DJ's Tract, Located in the SE ¼ NE ¼, Section 10, T7N, R2E, BHM DJ's Tract = 6.80 Acres

Location: Hardin Lane

Mr. Pepin is wanting to re-plat in order for their son to have some land. The owners understood that they would have to complete an affidavit relinquishing residential building rights. Moved-Seconded (Mickelson-Mattson) for approval of preliminary. Motion carried. Moved-Seconded (Mattson-Mickelson) for approval of final, with amendment. Motion carried.

PLAT – FINAL – Approval/Denial

Owner: Dwight Ahlers

Legal Description: Plat of Spruce Mountain Estates No. 2 Subdivision Lots 30, 34 and 43, Located in the S ½ SW ¼ of Section 13, and the NE ¼ NW ¼ and NW ¼ NE ¼ of Section 24, T6N, R4E, BHM Lot 30 = 5.46 Acres; Lot 34 = 5.79 Acres; Lot 43 = 6.04 Acres

Location: Whitewood Valley

There was no discussion on this item.

Moved-Seconded (Mattson-Kullbom) to approve final plat on three lots. Motion carried.

ORDINANCE REVIEW – DISCUSSION OF CONDITIONAL USE PERMIT AMENDMENT PROCESS

This was a discussion about the process of amending a conditional use permit. Just to make it a standard for each procedure and that each time an amendment was needed, that the process was streamlined and standard. Everyone wanted to be on the same page where this was concerned. Brandon Flanagan suggested that he write it first, possibly defining what would call for an amendment and what would not, and then schedule a public hearing to see if this process is acceptable. Brandon Flanagan stated that he would write an amendment.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner: Homestake Mining Co.

Legal Description: Plat of Novotny Tract, Block 4, Hidden Treasure Addition, Town of Central City, Located in Centennial Placer M.S. 892, NE ¼ of Section 29, T5N, R3E, BHM

Location: Central City (small portion of plat located in the county, outside town limits)

Julie Stone appeared on behalf of Homestake Mining Company. There is one acre of land in question and a small portion of which is under County Jurisdiction. Julie Stone stated that if the plat is approved, the town of Central City will annex the land. Julie Stone requested that the County waive the preliminary plat.

Moved-Seconded (Mattson-Mickelson) to waive the preliminary plat. Motion carried.

Moved-Seconded (Mickelson-Kullbom) to approve final plat. Motion carried.

At this point during the meeting, Barb Mattson excused herself as she had a prior obligation.

INFORMATIONAL/DISCUSSION ITEM – REQUEST FOR CHANGE OF ZONING FROM SRD TO I-1

Owner: Homestake Mining Co.

Location: Central City/County Highway Shop Area

Mark Tiezen appeared on behalf of Homestake Mining Company. He outlined a proposal for a treatment plant, which in turn would require rezoning. The change of zoning would include the water treatment plant. Homestake is hoping for construction to begin in early August, 2004. Julie Stone showed the board a map and explained the areas being discussed. A public hearing was set for June 3, 2004.

Bill Coburn also exited.

DUE TO CONFLICTING APPOINTMENTS, THE FORMAL MEETING WAS ADJOURNED AT 4:10 AND DISCUSSION WENT INFORMAL ON THE FOLLOWING ITEMS.

**INFORMATIONAL/DISCUSSION ITEM – PRELIMINARY PLAT OF CREEK RUN
SUBDIVISION LOTS 1
through 9**

Owner/Representative: Maitland Partners L.L.C./ Ponderosa Land Surveys L.L.C.

Legal Description: Creek Run Subdivision Lots 1 thru 9, Being all of Tract J of Rochester, Kahoka M.S. 1656 & Garden City M.S. 865 and Phillips No. 1 & Richards Fraction M.S. 1333, Hudson & Ohio, M.S. 1678 and all of Richards & Philips No. 3 M.S. 1333, located in Section 18, T5N, R3E, and NE ¼ of Section 13, T5N, R2E, BHM

Location: Maitland

The board will discuss this item in their next meeting to approve the preliminary plat.

As stated above, Chairman Leo Derosier had adjourned the meeting at 4:10 p.m. due to conflicting schedules among board members.

APPROVED: _____
Leo Derosier, CHAIR

ATTEST: _____
Craig Mickelson, Secretary

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JUNE 3, 2004**

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning and Zoning Commission to order on **Thursday, June 3, 2004** at 1:15 p.m. in the Meeting Room of Deadwood City Hall located at 108 Sherman Street, Deadwood, SD.

PRESENT: Mattson, Derosier, Weisenberg, Coburn, Kullbom, and Fuller.
ABSENT: Mickelson

MINUTES: Moved-Seconded (Mattson-Coburn) to approve the minutes of May 6, 2004. Motion carried.

Due to the confusion on the beginning time of the meeting, it was not called to order until 1:15.

PUBLIC HEARING - CHANGE OF ZONING #237 REQUEST FOR HOMESTAKE MINING COMPANY – TO CHANGE ZONING FROM SRD SUBURBAN RESIDENTIAL DISTRICT, HSC HIGHWAY SERVICE COMMERCIAL, I-1 GENERAL INDUSTRIAL TO C/LI COMMERCIAL/ LIGHT INDUSTRIAL

Owner/Representative: Homestake Mining Company / Julie Stone / Mark Tieszen / Karl Burke

Legal Description: Portions of the Bobtail lode, M.S. 1608, Placer 64,

Placer 255, Placer 282, Placer 62, Placer 51, the Goldstrum Fraction and the Skokum lodes, M.S. 1441, the Skookum No. 2 lode, M.S. 1271, bounded on the north by Hwy 14A and on the south

by the existing trail and comprising 13 acres, more or less.

Location: Central City/County Highway Shop Area

Julie Stone and Mark Tieszen represented Homestake Mining Company. Julie Stone had a handout for the board that detailed the proposed plan. Mark Tieszen began with opening statements on bringing the area in question into compliance to allow for the construction of a water treatment facility. The proposed facility would be located near Central City, in the area of the County Highway Shop. In the handout, it is stated that the treatment facility would treat any drainage as it comes from both the East and Sawpit Waste Rock Facilities and also water from the Open Cut. Construction is scheduled to begin in mid to late July. The facility design plan will be submitted to this board for their consideration on July 1st and then be presented to the County Commission at the Public Hearing on July 13th. After Mr. Tieszen was finished presenting the proposal, Brandon Flanagan, Planning and Zoning Director, suggested tabling the public hearing for Homestake Mining Company until later in the meeting to keep the remainder of the meeting and public hearings on schedule. It was agreed upon by the board to table the public hearing until the scheduled public hearings were done.

PUBLIC HEARING - CONDITIONAL USE PERMIT #293 FOR CATHERINE EDLER TO ALLOW FOR A SPECIALTY RESORT (SPIRITUAL RETREAT)

Owner: Catherine Edler

Legal Description: M.S. 1137 Green Jacket Etal in Sections 9 & 16 T4N, R4E

Location: Galena area on Little Elk Creek Road

Catherine Edler introduced herself to the board and explained to the board her proposal that would allow for a specialty resort on her property located near Galena. She stated that she is currently employed at Ft. Meade and, in the past, has implemented retreats with veterans similar to the one that she is proposing at this time. At the previous meeting, Ms. Edler presented her plans for building a 'spiritual retreat' on her property. It would include a one level building that is ADA compliant handicapped accessible. It would include 8 rooms that would hold 4 people each, and a residence would be attached to business. She stated that the plan calls for meditation trails that would be built on top of the hill on areas that have already been logged and not visible from the road. She stated that she currently owns 64 acres that are zoned Park Forest. She stated that access to the resort would be through the Erickson Ranch and on to Little Elk Road. At this time, Chairman Leo Derosier thanked Ms. Edler for her presentation and asked if anyone in the audience had any opinions one way or the other regarding the proposal. Margie Stoflet stood and identified herself as a homeowner in the area. She had concerns regarding the use of the road and wondered who would maintain the road. She stated it was a common understanding among neighbors that the maintenance of the road would be taken care of by landowners, but feels that there will be a larger amount of traffic due to the resort. Ms. Edler responded by saying that she would of course pitch in with maintaining the road and she was hoping to be able to visit with homeowners in the area in hopes to work out an agreement. She also stated that she did not believe the traffic would be too much heavier, adding that it was her belief that most people who would attend her retreat would carpool. Linda Schaeffbauer stated that she does not want this area to go commercial stating, 'What's next, Mini Mart?' At that time, Brandon Flanagan interjected by stating that this is for a Conditional Use Permit and before anything else were to happen, it would go before the commission in a public hearing similar to this and the permit, if not in compliance, could be revoked. An unidentified audience member asked 'what kind of people' would be attending the retreat. Edler stated that 95% of the people are from the area. She further stated that her concept of the retreat is basically for people who just need to get away. Not looking at a 'treatment facility'. Another unidentified person from the audience asked if there would be further expansion on the facility. Mr. Flanagan stated that before any expansion could take place, Ms. Edler would again need to go through the Conditional Use Permit process. An audience member that stated she had no objections to the resort, however, had some concerns the road condition. Ms. Edler did state that she has been in contact with Mr. Chuck Williams, Highway Superintendent, and the concerns are being addressed with the Highway Department.

At this time, Chairman Derosier closed the public hearing. Barb Mattson asked Mr. Flanagan to explain road right-of-ways. Brandon explained that while the road will need to be improved, it will be up to landowners to maintain it. Ms. Edler did say that she would be willing to improve the road to the condition needed in order for her retreat to be built. Terry Kullbom stated that because the roads had been logged previously, the roads could have suffered and not be in the greatest of shape. Mr. Flanagan said that it could be added as a condition that there would have to be road improvement completed by the petitioner. Bill Coburn stated that he would be hesitant to approve of the plan without a statement regarding road improvements put in writing. Terry Weisenberg stated before he would approve of the Conditional Use Permit, a road district would need to be in place. Barb Mattson suggested that because there was no Forest Service access, the discussion should be tabled.

At that time, Terry Weisenberg motioned that the Conditional Use Permit be denied until they know more on the road. Bill Coburn seconded that motion. There was no discussion and the motion carried.

Terry Kullbom encouraged Ms. Edler to keep trying and Mr. Weisenberg wished her well, but did say they needed more information on the road before this could be approved.

PUBLIC HEARING – CHANGE OF ZONING #211-04 REQUEST FOR PRESIDENT’S PARK TO ALLOW PLACEMENT OF SIGNAGE ALONG HIGHWAY 85/14A

Owner: David Adickes/ David Olmstead / Presidents Park

Legal Description: That portion of the McLeod and the Golden Key

Lodes lying west of State Highway 85/14A and all of the Bayard

Fraction, M.S. #1153, of Section 18, T4N, R3E, B.H.M.

Location: Deer Mountain

Dave Olmstead represented President’s Park at the meeting. He began by saying that there have been misunderstandings between this administration of the Planning & Zoning office and the previous one. He stated that President’s Park thought they were in compliance with everything, but apparently they were not. He stated that he had been made aware of a possible new solution only a few hours before the meeting. After Mr. Olmstead was finished speaking, Brandon Flanagan addressed the commission regarding a letter he received from Mr. Dan Cooper who is with the Department of Transportation that states the land in question could be included on one parcel. It could then be surveyed and put all in one lot. Planning and Zoning could change the zoning and retain the right to changes. Barb Mattson said it was unfair that President’s Park had to go through this process again. An audience member asked if the sign placed out front was considered ‘art’ and if it changed, what would that mean? Karl Burke asked how big the signs would be. Olmstead said they had permission for a 1200 square foot sign. Joyce Carlson, a homeowner in the area, voiced her displeasure and said that the park had never done anything it said it was going to do and that all the signs were still there. She asks that someone watch the signs and pleaded that they ‘not rezone’. Brandon Flanagan read a letter opposing from Wendall Rawlings. Mr. Olmstead stated that the only adjacent homeowner is Sherman Teigen. The audience objected stating that was not true. Chairman Derosier closed the public hearing and discussion commenced among the board. Terry Weisenberg asked Brandon Flanagan questions about the DOT and when this new plan came in to light. He said combining the parcels sounds like an easy solution. Mr. Olmstead stated this was the fourth time they have been before the board and that they have tried to do the right thing, and they did not want to have to come back a fifth time. Bill Coburn said to leave it Park Forest and combine the parcels. Jacque Fuller asked how long it would take the State to decide on this case. Bill Coburn made a motion to allow for a change of zoning and Jacque Fuller seconded the motion. Motion carried.

PUBLIC HEARING – CONDITIONAL USE PERMIT #292 - BLACK HILLS MINING

Owner: Don Wandler / Charles McKinney, Manager

Legal Description: Excelsior Placer Claim, M.S. 423, in Sections 1 and 12 of T5N, R3E, and Sections 6 and 7 of T5N, R4E, B.H.M.

Location: Approximately 1 ½ miles northeast of Deadwood and less than ½ mile east of the Whitewood railroad tunnel.

Charles McKinney presented his plan for the old Excelsior mine. Chairman Derosier asked if the audience had any supporting statements or objections. Dick Fort identified himself as the President of the ACTION for the Environment group. He said that he was against the mine for the following reasons: 1. He is against any more strip mines coming in to a riparian area. 2. The area is too attractive, this would shut off fishery, and railroad, and he is concerned for the area homeowners. 3. Potential for loss zone in Whitewood Creek. He gives credit to Mr. McKinney for 'going after the gold for money' but wonders what the County will get out of it. Asks that the permit be denied. Mr. McKinney stated that the land was private property and that the aquifer could be broken, but that Whitewood Creek would go back to the way nature intended it to be. Jack Cole from the audience called this 'a bag of worms', stating that too much damage would be done. Karl Burke stated that he opposed the concept of eliminating the 500 foot buffer zone. Said he wants to know the status of permits and bonds being issued. Charles Brown from the audience stated that noise from the proposed sight could be heard at all hours of the day and night and that was unacceptable. He stated that he lives 1,000 from the mine. He also questioned how the site would be accessed. Mr. McKinney stated that if allowed to mine, he could assure an 8 to 5 workday. Terry Kranz represented the Dunbar property, Black Hills Transportation and Brightwater. He believed that the Whitewood Creek Ordinance would protect the area from any mining, but Mr. Flanagan read the ordinance and the area in question is not within the boundary of the ordinance. Mr. Kranz told of how the previous owner had mined the land and found high levels of mercury and arsenic according to a test that was completed. He said that after a flood in 1976, the arsenic level at flood's end was 1,000 times higher due to mining in the area. He questioned if State permits have been issued and says that he does not agree with a CUP being granted without State permits. Mr. McKinney stated it was his plan to reclaim the tailings with lime, similar to the Butte Mine. Mr. Burke said as a chemist that would have to be proven to him that that could indeed be done. Nancy Hilding stood and voiced her strong opposition, she is worried about wildlife, and bald eagles in particular. Mr. Weisenberg questioned how much the Department of Environment and Natural Resources wanted for a reclamation bond. Mr. McKinney stated he is not opposed to waiting for this permit until the information that is needed from the State is obtained. Barb Mattson made a motion to table, and Jacque Fuller seconded the motion, but Bill Coburn said he was uncomfortable tabling. Suggested to amend until word comes from the State. Motion withdrawn. A new motion was made by Barb Mattson to table the matter until the application with the State is complete. Terry Kullbom seconded. Terry Weisenberg stated that even if the State were to approve, he would not waive the 500 foot buffer zone. Motion was carried with Leo Derosier and Bill Coburn opposed.

PUBLIC HEARING (REOPENED) - CHANGE OF ZONING #237 REQUEST FOR HOMESTAKE MINING COMPANY – TO CHANGE ZONING FROM SRD SUBURBAN RESIDENTIAL DISTRICT, HSC HIGHWAY SERVICE COMMERCIAL, I-1 GENERAL INDUSTRIAL TO C/LI COMMERCIAL/ LIGHT INDUSTRIAL

Owner/Representative: Homestake Mining Company / Julie Stone / Mark Tieszen / Karl Burke

Legal Description: Portions of the Bobtail lode, M.S. 1608, Placer 64, Placer 255, Placer 282, Placer 62, Placer 51, the Goldstrum Fraction and the Skokum lodes, M.S. 1441, the Skookum No. 2 lode, M.S. 1271, bounded on the north by Hwy 14A and on the south

by the existing trail and comprising 13 acres, more or less.

Location: Central City/County Highway Shop Area

At this time, the Homestake Mining Company Change of Zoning Request was reopened as a public hearing. Julie Stone stated that two houses would be removed, but that the Thoreson residence would remain if they wished. Karl Burke stated that the decision would be the Thoreson's and if they decided to move, Homestake would offer assistance. When questioned how long this plan would be for, Julie Stone stated that she would bring in a development plan. Barb Mattson asked if there were drainage issues. Ms. Stone stated that was across the road and there should be no implications. Barb Mattson asked if there were plans for Sawpit. Mr. Burke stated that they would continue to own that. Terry Weisenberg made a motion to approve as long as the Thoreson house was not included. Terry Kullbom seconded. Motion carried.

INFORMATIONAL/DISCUSSION ITEM – REQUEST FOR CONDITIONAL USE PERMIT #294 TO ALLOW FOR A BED AND BREAKFAST

Owner/Representative: Betty, Ronald, and Kay Reimer

Legal Description: M.S. 1246 Dublin Lot 2 in Section 36, T5N, R3E, BHM

Location: Two Bit Road

Betty Reimer and her children, Ronald Reimer and Kay Reimer appeared before the board and presented their proposal to use their existing home as a bed and breakfast. Betty informed the board that the home has 7,000 square feet of living area. The proposed bed and breakfast would have five (5) guest bedrooms and a family room on the second floor, as well as a library and a living room on the first floor. A maximum of ten (10) overnight guests would be allowed at this time. There was no support or opposition voiced from the audience. Barb Mattson stated that she is familiar with the home and that it was very nice. Terry Weisenberg asked if there was an engineered septic system that would support that many people. Betty Reimer stated that yes there was an engineered septic system on the premises and that the house is now home for eight people and they have had absolutely no problems. Chairman Leo Derosier asked Brandon Flanagan if he thought the plan looked ok, and Mr. Flanagan answered in the affirmative. Jacque Fuller questioned if this would be a year round operation. Betty Reimer stated that it was their intent to operate year round, but that her family would take priority if lodging was needed for any of them. Barb Mattson stated that there is another bed and breakfast operating in the two-bit area and that there are no problems that she is aware of. It was decided that the board would conduct independent on-site visits. A public hearing was schedule for July 1, 2004.

INFORMATIONAL/DISCUSSION ITEM – REQUEST FOR CONDITIONAL USE PERMIT #295 TO ALLOW FOR A PET STORE

Owner/Representative: Tammy Benedict

Legal Description: Lot 1 of Lots 10 & 11 W ½ SE ¼, Section 04, T6N, R2E, BHM

Location: Hillsvie Road

Brandon Flanagan spoke on behalf of Tammy Benedict and told the group that Tammy Benedict wanted to open a small pet store on her property in Spearfish. Terry Kullbom asked if it was in the three-mile joint powers zone. Brandon Flanagan stated that indeed it is on the border of the three-mile joint powers zone, but will have to have County setbacks. It is on a corner lot, but the question was asked if parking would be a problem.

At 4:10, the owner of the aforementioned property, Tammy Benedict, entered the meeting and apologized for her tardiness. She had informed Brandon Flanagan that she had a dentist

appointment in Rapid City. She gave a brief summary of what Brandon had explained to the board regarding her wishes to open a small pet store out of her garage at her home in Spearfish. Barb Mattson asked what kinds of pets she would be selling, and in particular, would she be selling dogs? Mrs. Benedict stated that she would not be selling dogs, but would be selling birds, fish and possibly hamsters/guinea pigs. Jacque Fuller asked if there had been any opposition from her neighbors. Tammy stated that there have been a couple of questions on parking. Terry Kullbom was concerned about barking dogs, but Mrs. Benedict stated that the only dogs that will be there are the dogs she currently owns. Brandon Flanagan stated his concern would be if they chose to expand things could get out of hand. Tammy Benedict stated that if and when they were able to expand to sell larger animals, they would look in to moving the store to a downtown location. It was decided that the board would conduct independent on-site visits. A public hearing was schedule for July 1, 2004.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Zweit & Scottie Bruch / Precision Surveying & Mapping Inc.

Legal Description: Plat of Lot ZB of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25 Located in Section 25, T6N, R4E, BHM. Lot ZB = 10.04 Acres

Location: Rural Whitewood

This plat was presented without any problems or objections.

Moved-Seconded (Weisenberg-Mattson) to approve preliminary. Motion carried.

Moved-Seconded (Kullbom-Mattson) to approve final. Motion carried.

PLAT – FINAL – Approval/Denial

Owner: Dwight Ahlers

Legal Description: Plat of Spruce Mountain Estates No. 2 Subdivision, Lots 31, 39, and 44, Located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T6N, R4E, BHM. Lot 31 = 5.25 Acres; Lot 39 = 7.99 Acres; Lot 44 = 10.72 Acres

Location: Whitewood Valley

There was no discussion on this item.

Moved-Seconded (Kullbom-Coburn) to approve final. Motion carried.

PLAT – FINAL – Approval/Denial

Owner: Ivan Shonley

Legal Description: Plat of Lot 322 of Block 3 of Boulder Canyon Subdivision. Located in Section 14, T5N, R4E, BHM. Lot 322 = 2.07 Acres

Location: Boulder Canyon

Brandon stated he still needed paper copies from Mr. Shonley. He would contact him.

Moved-Seconded (Kullbom-Weisenberg) to approve final. Motion carried.

PLAT – FINAL – Approval/Denial

Owner: Ivan Shonley

Legal Description: Plat of Lot 310 of Block 3 of Boulder Canyon Subdivision. Located in Section 14, T5N, R4E, BHM. Lot 310 = 2.07 Acres

Location: Boulder Canyon

Moved-Seconded (Mattson-Kullbom) to approve final. Motion carried.

PLAT – FINAL – Approval/Denial

Owner: Ivan Shonley

Legal Description: Plat of Lot 101 of Block 1 of Boulder Canyon Subdivision. Located in Section 14, T5N, R4E, BHM. Lot 101 = 1.62 Acres

Location: Boulder Canyon

Moved-Seconded (Kullbom-Fuller) to approve final. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Blake & Brandie Bancroft / NJS Engineering

Legal Description: Plat of Lot 2 and Lot 3 of HES 610 A Subdivision of Lot 1B of HES 610 Located in Section 8, T4N, R1E, BHM. Lot 2 = 10.00 Acres; Lot 3 = 20.00 Acres

Location: Spearfish Canyon

Bill Coburn had an easement question. Brandon Flanagan stated that he had talked to Chuck Williams and there were no problems.

Moved-Seconded (Kullbom-Fuller) to approve preliminary. Motion carried.

Moved-Seconded (Coburn-Mattson) to approve final. Motion carried.

PLAT – FINAL (REPLAT)– Approval/Denial

Owner/Representative: Ponderosa Ridge LLC / Arleth & Associates

Legal Description: Plat of Lots 14A & 15 A of Ponderosa Ridge Subdivision Formerly Lots 14 & 15 of Ponderosa Ridge Subdivision, Located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T5N, R4E, BHM. Lot 14A = 13.50 Acres; Lot 15A = 13.34 Acres

Location: Boulder Canyon

Moved-Seconded (Coburn-Weisenberg) to approve final. Motion carried.

PLAT – PRELIMINARY – Approval/Denial

Owner/Representative: Granted Grace Inc./ Arleth & Associates

Legal Description: Plat of Strawberry Edge Subdivision Lots 1 Thru 5 A Subdivision of Tract 1A, Formerly Tract 1 and Tract 3 Being All of the Standard, Silver Glance Lodes, and a Portion of the Mondamin and Ceroite Lodes, M.S. 1932, All Located in Sections 1 and 12, T4N, R3E, BHM. Tract 1 = 2.60 Acres; Tract 2 = 3.97 Acres; Tract 3 = 7.20 Acres; Tract 4 = 8.49 Acres; Tract 5 = 2.83 Acres

Location: Strawberry Edge Ridge

The question was raised as to if there was a fire plan with the plat. John Arleth represented Granted Grace, Inc. and stated that he would have one before the next meeting. Mr. Flanagan stated that the fire plan needs to be with the preliminary plat. The board did not take any action at this time. Mr. Arleth stated that he would bring in the fire plan when he comes in for the preliminary and final plats approval.

Moved-Seconded (Weisenberg-Kullbom) to table the matter. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Kinship Mountain Ministries / Arleth & Associates

Legal Description: Kinship Mountain Ministries – Plat of Tracts 1 through 8 of Mountain Ministries Estates, that portion of Myrtle No.1, 4, 6, 8, and 9 Lodes of M.S. No. 1730, located in the W½ of Section 15 and the E½ of Section 16, T3N, R4E, B.H.M.

Tract 1 = 58.90 Acres; Tract 2 = 5.00 Acres; Tract 3 = 7.00 Acres; Tract 4 = 4.00 Acres; Tract 5 = 3.07 Acres; Tract 6 = 2.46 Acres; Tract 7 = 9.13 Acres; and Tract 8 = 5.00 Acres

Location: Girl Scout Camp

This was brought in before and there were questions on the road plan. They now have the road plans in hand. Only dealing with plats two (2) and three (3).

Moved-Seconded (Mattson-Weisenberg) to approve final. Motion carried.

PLAT – PRELIMINARY – Approval/Denial

Owner/Representative: Dick & Rosie Seaman / Arleth & Associates

Legal Description: Plat of Lots A, B, C, and D of Hayspring Estates, A Subdivision of Tract 10 and Tract 11 of Hayspring Estates, located in the NW ¼ NW ¼ of Section 33, T4N, R4E, BHM. Lot A = 5.76 Acres; Lot B = 5.89 Acres; Lot C = 5.17 Acres; Lot D = 5.30 Acres

Location: Hwy 385 Elk Ridge Subdivision

A discussion ensued regarding the Seaman plat regarding if the area was or was not considered wet meadow. Mr. Flanagan stated it had previously been determined as such. Barb Mattson said the area needed to be designated. It was the general consensus of the board that the lots in

question were not wet meadow, but drainage easement will be required. The board will consider the plat at the next meeting on July 1, 2004.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Darrel Hohn / Ponderosa Land Surveys LLC

Legal Description: Plat of Lots D-1 and D-2 a Subdivision of Lot D Located in the SE ¼ SW ¼, Section 7, T2N, R5E, BHM. Lot D-1 = 26.09 Acres; Lot D-2 = 2.00 Acres

Location: Hwy 385 South

Moved-Seconded (Coburn-Kullbom) to approve preliminary. Motion carried.

Moved-Seconded (Mattson-Coburn) to approve final. Motion carried.

PLAT – PRELIMINARY –Approval/Denial

Owner/Representative: Maitland Partners L.L.C./ Ponderosa Land Surveys L.L.C.

Legal Description: Plat of Creek Run Subdivision Lots 1 thru 9, Being all of Tract J of Rochester, Kahoka M.S. 1656 & Garden City M.S. 865 and Phillips No. 1 & Richards Fraction M.S. 1333, Hudson & Ohio, M.S. 1678 and all of Richards & Philips No. 3 M.S. 1333, located in Section 18, T5N, R3E, and NE ¼ of Section 13, T5N, R2E, BHM

Location: Maitland

Land is at Deadbroke in Maitland. There was no fire plan with the plat. The item was tabled until a fire plan could be presented.

Moved-Seconded (Kullbom-Weisenberg) to table item until fire plan was brought in. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Benchmark Properties / Black Hills Surveying, Inc

Legal Description: Plat of Lot 2 Block 11 of the Pines at Benchmark Subdivision, a Subdivision of a Portion of Lot 11, Bird Lode and Bird No. 2 Lode of M.S. 1902. All located in Section 11, T3N, R4E, BHM. Lot 2 = 5.42 Acres

Location: Benchmark Subdivision - Nemo

Discussion ensued questioning why lots on same subdivision can't be on the same plat. John Walker from NJS Engineering offered that it is harder for scaling and also harder to file. At some point in time, this could be addressed?

Moved-Seconded (Coburn-Weisenberg) to approve final. Motion carried. Kullbom was absent for vote.

PLAT – FINAL – Approval/Denial

Owner/Representative: Benchmark Properties / Black Hills Surveying, Inc

Legal Description: Plat of Lot 2 Block 9 of the Pines at Benchmark Subdivision, a Subdivision of a Portion of Lot 6, Section 12, T3N R4E B.H.M., all located in Section 12, T3N, R4E, BHM. Lot 2 = 4.43 Acres

Location: Benchmark Subdivision - Nemo

Moved-Seconded (Mattson-Fuller) to approve final. Motion carried. Kullbom was absent for vote.

PLAT – FINAL – Approval/Denial

Owner/Representative: Benchmark Properties / Black Hills Surveying, Inc

Legal Description: Plat of Lot C, Block 13 of the Pines at Benchmark Subdivision, a Subdivision of a Portion of the Funston No. 5 Lode M.S. 1902, All located in Section 11, T.3N, R.4E, BHM. Lot 2 = 6.97 Acres

Location: Benchmark Subdivision - Nemo

Moved-Seconded (Weisenberg-Mattson) to approve final. Motion carried. Kullbom was absent for vote.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Dewayne & Brenda Peters / Black Hills Surveying, Inc

Legal Description: Plat of Lot A and B of Peters Addition, a subdivision of Viola and Viola No. 1 Lodes of M.S. 1135, located in Section 16, T4.N, R4.E B.H.M.

Lot A = 2.84 Acres; Lot B = 5.00 Acres

Location: Hwy 385

Brandon Flanagan spoke for Randy Deibert of Black Hills Surveying. Stated that they are changing a lot line.

Moved-Seconded (Coburn-Kullbom) to approve preliminary. Motion carried.

Moved-Seconded (Weisenberg-Fuller) to approve final. Motion carried.

There being no further business, Chairman Leo Derosier adjourned the meeting. Weisenberg approved and Fuller seconded. Motion carried.

APPROVED: _____
Leo Derosier, CHAIR

ATTEST: _____

Bill Coburn for Craig Mickelson, Secretary

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION
MINUTES OF JULY 1, 2004**

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning and Zoning Commission to order of **Thursday, July 1, 2004** at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mattson, Weisenberg, Coburn, Mickelson.

ABSENT: Kullbom and Fuller

MINUTES: Moved-Seconded (Mattson-Coburn) to approve the minutes of June 3, 2004.
Motion carried.

PUBLIC HEARING – REQUEST FOR CONDITIONAL USE PERMIT #294 TO ALLOW FOR A BED AND BREAKFAST

Owner/Representative: Betty, Ronald, and Kay Reimer

Legal Description: M.S. 1246 Dublin Lot 2 in Section 36, T5N, R3E, BHM

Location: Two Bit Road

Betty, Kay, and Ron Reimer appeared on behalf of themselves. Betty handed out pamphlets for the proposed Bed and Breakfast. They would be using is a newly constructed 7,000 square foot home located on Two Bit Road. The downstairs would be used as their private residence. Upstairs there are three bedrooms, three baths, and also there is a family suite with two bedrooms, and private bath. There is also a multi purpose room for guest use. Leo Derosier asked how far it is off the road. Betty Reimer responded that it was at least 1,000 feet off the road. Betty Reimer has completed the ServSafe Food Course. Kay Reimer stated that they had been advised by Brandon Flanagan to contact the fire department to make sure they are up to code, and stated there would be one fire extinguisher per floor in the residence. A comment was made by Craig Mickelson regarding the size of the extinguisher may have to be at least 10 pounds. Terry Weisenberg inquired about the septic system. Kay Reimer stated the sewer is fine and the water will be tested every three months. Brandon Flanagan added that he has a letter from Brad Ellis stating that everything is fine with the sewer/septic system and it was designed for heavy use. Craig Mickelson asked if the home was inspected and if there were egress windows in the home. Betty Reimer stated they were large windows. Craig Mickelson asked who built the house and Betty Reimer stated her son-in-law, David Winter built the home. Craig Mickelson stated that historically, inspections have taken place on homes being considered for a bed and breakfast. At that time, Brandon Flanagan read the conditions for a bed and breakfast. They are as follows:

PROPOSED CONDITIONS:

1. The owner/operator shall comply with all applicable County, State, and Federal regulations regarding a “Bed and Breakfast”.
2. The owner/operator shall comply with state law SDCL 34-18 as pertaining to a “Bed and Breakfast”.
3. The operator shall contact the South Dakota Department of Health for an inspection of the facility and gain a license before operating the bed and breakfast.
4. The operator shall obtain a South Dakota Sales Tax License.
5. Any new construction and the moving of buildings shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with 1997 Uniform Building Codes and 1994 Life Safety Codes.

6. The existing septic system MUST have been designed for heavy use and all information and design shall be submitted to the Office of Planning and Zoning to be included in the file.
7. The maximum number of overnight rooms shall be five (5) with a maximum occupancy of ten (10) guests.
8. There shall be no outdoor camping, including tents, campers, trailers, and recreational vehicle used by the Bed and Breakfast guests.
9. Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption.
10. Any outdoor fireplaces shall comply with the guidelines as set by the South Dakota Division of Forestry.
11. A minimum of one (1) fire extinguisher per floor and one (1) first aid kit shall be made accessible to the guests at all times.
12. Only one (1) on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance.
13. All lights used for exterior illumination shall be directed away from any nearby residences and subdivision roads.
14. Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance.
15. One telephone shall be made available in case of emergencies. A list of emergency numbers and sheriff department number shall be placed next to the phone.
16. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner(s) shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
17. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
18. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and be suspended or revoked.

The question was then posed as to if the 911 address was posted. Bill Coburn stated that it should be a condition that the 911 address be posted so it could be seen from the road. Craig Mickelson stated that it should be a condition also to specify the size of fire extinguishers required.

Moved-Seconded (Mickelson-Coburn) to approve the permit upon adding to the conditions that the 911 address be posted; safety codes are met and specifications on the fire extinguishers be listed. Motion carried.

The Reimer's will go before the County Commission on July 27, 2004.

PUBLIC HEARING - REQUEST FOR CONDITIONAL USE PERMIT #295 TO ALLOW

FOR A PET STORE

Owner/Representative: Tammy Benedict

Legal Description: Lot 1 of Lots 10 & 11 W ½ SE ¼, Section 4, T6N, R2E, BHM

Location: 440 Hillview Road

Tammy Benedict appeared on her own behalf and shared with the board her wishes to convert her garage in to a pet store. She would carry only small animals, some exotic animals, fish, hamsters, and also pet supplies. She also has toy poodles of her own and in the event they were to have puppies, she would sell those also. Leo Derosier asked about parking. Tammy Benedict stated that it could easily fit four cars in front of the garage which faces Hillview and that there were additional parking spaces on the Upper Valley Road side of the house. A logging truck that is currently parked in the driveway will be parked on a pad that will be built before the store opens. Barb Mattson asked if there were any health standards that needed to be followed. Tammy Benedict stated that the Department of Agriculture will be involved as well as inspections from a veterinarian and that the USDA will inspect periodically without notice. Leo

Derosier asked if there was any opposition. Brandon Flanagan read an email from Paul Thomson, it reads:

Only one item that I would like to make a comment on as a Spearfish City Councilperson - I think it would be unwise to approve any conditional use permit in the area proposed for the pet shop on Hillsvie. Number one: Customer access is poor. It is on the corner of Hillsvie and Upper Valley and traffic is heavy here. Customers will be backing out onto one of the streets at a point where traffic will be coming around the corner from either direction and will be a traffic hazard. They don't have enough room for customers to pull in and turn around and leave facing out so I would suggest creating a problem at a busy intersection. There is usually a logging truck parked in the driveway now that makes it hard to see traffic and there is hardly ever empty parking spaces available now - what will happen when customers stop on the street because there isn't enough parking off-street?

Second: There is a noise concern I am sure for the neighbors.

Thanks,

Paul Thomson

Brandon Flanagan also stated that Ms. Benedict had contacted her neighbors independent of direction from the Planning and Zoning office. In general, she found support and little opposition. Craig Mickelson asked if there were additions to the house already and Tammy Benedict stated that Tom Paisley, City of Spearfish Building Inspector would not issue a building permit until her conditional use permit was issued. If they approve the building permit, she will be adding on the backside of the garage and also to the east side. Craig Mickelson stated it was his belief that there was not enough room for parking. Tammy Benedict believes that traffic could actually slow down with cars pulling out from her parking lot.

Terry Weisenberg moved to approve the conditional use permit.

Craig Mickelson added that he would like to second as long as there was a condition added that addressed the condition of no on-street parking. The board agreed and Mickelson seconded the motion. Motion carried. Ms. Benedict will appear before the Lawrence County Commission on July 27, 2004.

REQUEST FOR VARIANCE #90

Owner/Representative: Travis & Darlene Sears

Legal Description: .25A in NE Corner of Lot 5 SE ¼ SE ¼ Section 4, T6N, R2E, BHM

Location: Lower Valley Road in Spearfish

Travis Sears appeared on behalf of himself. It is his wish to build a covered porch on to his house. By doing so, he would not be able to meet setbacks as the lot sits right now. He brought along pictures of the house and the adjacent roads. The house is at 231 Evans Lane and also sits on the corner of Apple Valley Lane. It was built in 1963, before Apple Valley Lane was added. He is required to have 25-foot setbacks on both the front and the side of the house. He would like to add the porch to make the house more appealing and also for the pleasure of his family. He has been in contact with Tom Paisley from the City of Spearfish Planning and Zoning office and Mr. Paisley has no objections, he just wants a letter from the Lawrence County Planning and Zoning Board with their approval. Leo Derosier asked if there was a lot of traffic. Travis Sears

responded that with 14 trailers in Apple Valley Lane there was a significant amount of traffic. Barb Mattson asked if Spearfish could still deny this. Brandon Flanagan stated that Spearfish would not deny if they had a letter stating that the Lawrence County board approved. Leo Derosier asked Brandon if he had any problem with this. Brandon Flanagan read a section from the ordinance book regarding variances. He read:

Standards for Variances:

In granting a Variance, the Count Commission shall ascertain that the following criteria are met: **A.** Variances shall be granted only where special circumstances or conditions (such as exceptional narrowness, topography, silting, etc.) fully described in the findings of the commission, do not apply generally in the district. **B.** Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested. **C.** For reasons fully set forth in the findings of the Commission, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a Variance; there must be a deprivation of beneficial use of land. **D.** Any variance granted under the provision of this section shall be the minimum adjustment necessary for the reasonable use of the land. **E.** The granting of any Variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, detrimental to the public welfare or in conflict with the Comprehensive Plan for development.

Barb Mattson asked if this would be better if they would just go through Spearfish. Craig Mickelson stated it is not their decision to make. Brandon Flanagan stated they are working on that right now to get situations like this changed to the City of Spearfish.

Moved-Seconded (Mattson-Coburn) to approve variance request. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Benchmark Properties, Inc./ Black Hills Surveying, Inc.

Legal Description: Lot 3, Block 11 of the Pines at Benchmark Subdivision, A Subdivision of

a Portion of Lot 11, Bird Lode and Bird No. 2 Lode of M.S. 1902, All Located in Section 11, T3N, R4E, BHM

Lot 3 = 7.89 Acres

Location: Nemo

Randy Deibert spoke to the board concerning this plat. The question was posed as to how many lots there were and how many remain un-platted. Randy stated that there were 54 lots and he believes there are still 15 left to plat. Bill Coburn asked if there had been water checks and had the fire hazards been tested. Randy Deibert stated that they had indeed been tested at construction but did not know how they had been tested. Leo Derosier asked how far the development was from Nemo. Randy said it was 4 ½ miles from the center of the project. Leo Derosier asked if any one had any questions. Bill Coburn stated it would be nice to know the functionality of the dry hydrants and water storage systems. There is a pond on the property and also a gallery. Randy Deibert said to drop a letter to Mike Alley. (*Brandon Flanagan has done so in the form on an email and will follow up*). It was requested that the Nemo Fire Department could test it. Leo Derosier asked if there was any more discussion, the board said there was not.

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

Brandon will be requesting a written summary of the Fire Prevention measures at Benchmark from Mike Alley, and request that the Nemo Fire Dept test the system and submit a report to this office.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Garry & Patricia Wilson / Black Hills Surveying Inc.

Legal Description: Wilson Tract Located in the S ½ N ½ SW ¼ SE ¼ and the S ½ N ½ SW ¼ NE ¼, Section 21, T4N, R1E, BHM

Wilson Tract = 3.00 Acres

Location: Near Little Spearfish Creek West of Savoy

Randy Deibert appeared to say that this was land that had two houses on one property and they were just re-platting to be in compliance.

Moved-Seconded (Mickelson-Weisenberg) to approve the preliminary plat. Motion carried.

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

At this point in the meeting, Randy Deibert addressed an issue regarding the Register of Deeds no longer accepting plats that are signed in blue ink or black erasable ink. He went on to say that when plats are being signed from out-of-state, they sometimes come back from the Register of Deeds office because they are not signed in permanent black ink and the whole process needs to begin again. He suggested to Brandon that there be a note attached stating that it must be signed in black permanent ink so that this would no longer be an issue. Brandon agreed to do such.

CHANGE OF ZONING #238 INFORMATIONAL / DISCUSSION

Owner/Representative: Paul Redinger

Legal Description: Lot VW-2C, Located in Section 16, T6N, R4E, BHM

From: A-1 General Agriculture **To:** C/LI Commercial/Light Industrial

Location: Whitewood

Brandon Flanagan addressed the board on behalf of Paul Redinger who was absent from the meeting. The lot is surrounded by land that is already zoned Commercial Light Industrial. Brandon explained to the board where the lot stood. He stated that there are 12 acres on the lot. He named some of the businesses in the area. Brandon Flanagan said that in talking with Mr. Redinger there is a plan to build a shop on the land. It was suggested an independent on-site be completed by the board members.

PLAT (REVISED) – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Jim Swaby / Black Hills Surveying, Inc.

Legal Description: Lots 1 through 5 of Tract A of Crook Meadows Addition, Located in the SW ¼ SE ¼, NW ¼ NE ¼, Section 32, T6N, R4E, BHM

Lot 1 = 2.22 Acres; Lot 2 = 4.55 Acres; Lot 3 = 3.79 Acres; Lot 4 = 3.43 Acres; Lot 5 = 5.11 Acres

Location: Crook City Road

Randy Deibert appeared and told the board that basically they were here to add the fifth lot. Lots 1-4 were approved in February and the road construction is completed and they now wish to include lot 5. Chuck Williams has been out to inspect the roads and has approved of them. There were some questions on density on the lot and Mr. Swaby is open to signing an affidavit regarding tract S. Craig Mickelson questioned the wording on the plat regarding the right-of-way. Mr. Deibert was in agreement with Craig Mickelson and said it would be resolved. Roger Tellinghuisen appeared as Mr. Swaby's attorney and stated that the right-of-way is in dispute and they do not have an agreement yet. What was shown on the plat was the original plat. Tom Brady is the opposing counsel in this case and was not present. Barb Mattson inquired as to if the land could be sold while the dispute was ongoing. Roger Tellinghuisen assured her that it could, but the new owner would have to be made aware of the situation. Leo Derosier asked how long the railroad right-of-way was. Roger Tellinghuisen said it was from Whitewood to Deadwood.

Mickelson moved to approve the preliminary plat if the wordage is changed on plat. Weisenberg seconded. Motion carried.

Weisenberg moved to approve the final plat, and Craig Mickelson asked what would become of the access to lots 4 and 5 should the right-of-way be contested and found to be valid. Roger Tellinghuisen stated the access would have to be moved. Mickelson seconded the motion. Motion carried.

PLAT – PRELIMINARY – Approval/Denial

Owner/Representative: Ralph Reusaw / Black Hills Surveying, Inc.

Legal Description: Rochford Ridge Estates Lots 1 through 27 and Dedicated Roads a Subdivision of HES 125, Located in the W ½ of Section 32 and the E ½ of Section 31, T4N, R3E, BHM

Lots 1-27 = 137.78 Acres

Location: Rochford Road

Ralph Reusaw, Randy Deibert, and Al Schreier appeared for this plat. They handed the board binders that were prepared showing phases of the project. Randy stated that water testing had been conducted and it was not real promising. They have had discussions regarding a water supply with the Lead-Deadwood Sanitary District, and are in the process of an agreement with them to have water taken from the Lead Country Club area. The proposal is for 10,000 gallons per day. There are more items to be approved such as the wastewater disposal system. Primary access to the subdivision would be off the Rochford Road. There would be roads throughout the subdivision, but those are not yet up to code. The road to the north is improved and leads to Brownsville. Discussions ensued regarding the water situation and also the roads and the plans in place. Talks centered on turnarounds and fire protection plans. A question was posed if they could make 'hammerhead' turnarounds. This was a possibility. Bill Coburn stated that a water

system would need to be in place and that they need a water supply for protection. Randy Deibert stated that they contemplated wells and that is when the Lead-Deadwood Sanitary District came in to play. Barb Mattson inquired as to if the utilities would be above or under ground. The utilities would be underground. Al Schreier took notes on what the board was requesting of him as far as fire protection plans, and water supply and read them back to the board. Terry Weisenberg moved to approve the motion on the condition that the fire plan is in place. Motion died due to lack of second. Motion (Mickelson-Mattson) to table the item. Motion carried.

PLAT – (REVISED) PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Mattson Inc. / Arleth & Associates

Legal Description: Lot 1, Lot 2 and Lot 4 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, BHM

Lot 1 = 6.51 Acres; Lot 2 = 9.96 Acres; Lot 4 = 8.76

Location: Two Bit

Jon Mattson and John Arleth appeared before the board and explained that the preliminary plat had been approved last fall. They discussed the fire plan and easements. Barb Mattson asked if there was a gallery in and Jon Mattson said there would be before anyone were to move in. Leo Derosier asked how much water was in the dam. Jon Mattson said that he was not positive, but that it was wider than deep. Bill Coburn stated that the gallery would need to be functioning before anyone was to build.

Barb Mattson asked that it be noted that she was not voting on this particular issue.

Moved-Seconded (Coburn-Mickelson) to approve the preliminary plat. Motion carried.

Moved-Seconded (Weisenberg-Mickelson) to approve the final plat. Motion carried.

Brandon Flanagan suggested that before it goes forward, a condition be added that a gallery be in place. Bill Coburn suggested the same and said that no building permits should be issued until there is a gallery and fire plan in place.

PLAT – PRELIMINARY – Approval/Denial

Owner/Representative: Granted Grace, Inc. / Arleth & Associates

Legal Description: Strawberry Edge Subdivision Lots 1 through 5, A Subdivision of Tract 1A, Being a Portion of the Standard, Silver Glance and Mondamin Lodes, M.S. 1932, All Located in Sections 1 and 12, T4N, R3E, and Section 6, T4N, R4E, BHM

Lot 1 = 2.60 Acres; Lot 2 = 3.97 Acres; Lot 3 = 7.20; Lot 4 = 8.49 Acres; Lot 5 = 2.83 Acres

Location: Strawberry Hill

Members of the Reif family were present along with Tom Adams, who is representing the Reif family as their council. There are issues with the road. It was noted that the Reif's had previously signed a road maintenance association agreement. The Reif's stated that they did not think there would be more households. Leo Derosier read a letter from Phil & Tammy Reif in opposition of this plat.

'We have some concerns regarding the above subdivision, which are our access roadways. According to the Lawrence county Subdivision ordinance (Street improvements #7.2.1.C) the criteria for a subdivision road is a 24 ft. gravel surface with 2 ft. shoulders, our existing road (Reif Lane) is only on average 13.3 ft. wide, the widest point being 16ft. with most places only 12-13 ft. The county road (Upper Two Bit) past Denny Thomas's place is only 12.8 ft. average with a blind narrow corner on a hill that has had two cars fo off of it and 1 head on accident on it, with numerous near misses on it.

'We feel that these roads are not capable of handling four more households on them (safely) without being substantially widened. These conditions mentioned above are summer conditions, it gets worse in the winter when it's slick and narrow from snow banks.

'If several more families with children were to move back on this proposed subdivision, then Lawrence county may have to take over maintaining Reif Lane. I do know that if there is school aged children in an area (there is already two) that the county has to maintain the road. Sincerely, Phillip & Tammy Reif.'

Brandon Flanagan said that he had spoken to Chuck Williams on similar issues and regarding subdivisions that occur on existing roads, people are not required to improve the existing road up to the subdivision, it is required that they improve the road within the subdivision. Tom Adams stated that he had gone to the Planning & Zoning office to retrieve documents that were filed concerning the Reif's. He stated that the road association in question was never intended to encompass more than the three lots it already encompasses. The subdivision proposed crosses the property of one of his clients. Tom Adams did not have any documents on the easement and he was going to try to obtain such information to present to the board. The Reif's stated that they had an agreement with the Forest Service, but nothing was in writing. Brandon Flanagan suggested that the board check the validity of the access up to the road. An on-site was scheduled for July 14, 2004 at 3:30. The board will meet at the Planning and Zoning office.

Moved-Seconded (Coburn-Mattson) to table the plat until the easement issue is addressed.

Update since meeting: Road status and easement documents for Strawberry Edge (Reif Lane)-The owners are going to have Black Hills Land Title gather all easement documents and pertinent plats. A copy of these will be submitted to this office.

REPLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Denny McKay / Arleth & Associates

Legal Description: Lots 1 through 16 and Tract A of Elk Meadow Estates Formerly Lots 1 through 16 and Tract A of Rifle Pit Canyon Estates, A Subdivision of that Portion of H.E.S. No. 615, Located in Section 17, T3N, R1E, BHM
Lots 1-16 = 81.64 Acres; Tract A = 7.80 Acres

Location: O'Neill Pass

Land is in an existing subdivision and they want to re-plat the lots to clean up the legal description. Bill Coburn asked if the board was requiring a fire plan and Brandon Flanagan said

that because it was actually a “consolidation” plat, and there was in actuality one fewer lot than had been previously approved, one was not required.

Moved-Seconded (Mattson-Weisenberg) to approve the preliminary plat. Motion carried.
Moved-Seconded (Mattson-Mickelson) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Dick & Rosie Seaman / Arleth & Associates

Legal Description: Lots A, B, C, and D of Hayspring Estates, A subdivision of Tract 10 and Tract 11 of Hayspring Estates, Located in the NW ¼ NW ¼ of Section 33, T4N, R4E, B.H.M. Lot A = 5.76 Acres; Lot B = 5.89 Acres; Lot C = 5.17 Acres; Lot D = 5.30 Acres

Location: Nemo Road

Did not have 300 foot wet meadows designation at last meeting. Chuck Williams and Brandon Flanagan have been out to see this land.

Moved-Seconded (Weisenberg-Mickelson) to approve the preliminary plat. Motion carried.
Moved-Seconded (Mattson-Weisenberg) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Ivan Shonley

Legal Description: Lot 226 of Block 2 of Boulder Canyon Subdivision and the Dedicated Public Rights-of-Way Located in SE ¼ SE ¼ of Section 10, T5N, R4E, BHM

Lot 226 = .847 Acre

Location: Boulder Canyon

Discussion ensued regarding the fact that the lot is less than one acre. Craig Mickelson stated that because it is in a central water supply that it should be in compliance with statute. Brandon Flanagan said that since the plats are over a year old they should be no longer valid, but with many plats that had been approved as preliminary and coming back over a year later, they have reached a ‘happy medium’ by not having to go through the entire process again and not having to pay for a complete re-plat. He also said he would check in to the statute.

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

Brandon researched this with the DENR. The following explains.

74:53:01:16. Minimum lot size required. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 20,000 square feet in surface area. A water-carriage wastewater system may not be installed or operated on a lot which is smaller than 43,560 square feet (1 acre) when potable water is supplied by a private water supply system located on the lot. A water-carriage wastewater treatment system may be installed and operated on a lot which is 20,000 square feet in surface area or larger if the requirements of § 74:53:01:19 are met and the premises are supplied by a public water supply system, a private water supply system not located on the lot, or by hauling and storage of potable water in a cistern. The requirements of this section do not apply if wastewater is emptied into a holding tank or an unconventional system is used i.e. Lots served by a community water source may be less than 1 acre (.46 acre min)

PLAT – FINAL – Approval/Denial

Owner/Representative: Ivan Shonley

Legal Description: Lot 222 of Block 2 of Boulder Canyon Subdivision and the Dedicated Public Rights-of-Way Located in SW ¼ SW ¼ Section 11, T5N, R4E, B.H.M.
Lot 222 = 1.32 Acres

Location: Boulder Canyon

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

PLAT – PRELIMINARY – Approval/Denial

Owner/Representative: **Stanley Scheurer, Thomas & Holly Gunderson, and Eugene Gunderson / Jerry Wendland, Surveyor**

Legal Description: Elk Country Estates Subdivision Including Tract 1, Tract 2, and Tract 3, located in the S1/2 S1/2 NE ¼, of Section 12, T6N R1E B.H.M.

Tract 1 = 19.80 Acres; Tract 2 = 9.90 Acres; Tract 3 = 9.89 Acres

Location: West of Spearfish

Stan Scheurer appeared and explained to the group that wished to make the lots smaller. There was discussion on the fact that with the land they have, it could be subdivided, but Mr. Scheurer explained that they did not wish to do that.

Moved-Seconded (Weisenberg-Mickelson) to approve the preliminary plat. Motion carried.

REPLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Rep: **Wharf Resources & Greg Akrop / Ponderosa Land Surveys, L.L.C.**

Legal Description: Lots W-1, 1-A and 2-A Lot W-1 Formerly known as Lot W, A Subdivision of Whale M.S. 1139 & Last Chance M.S. 1205, Lots 1-A & 2-A Formerly known as Lots 1 & 2 of Area B Revised, A Subdivision of Last Chance and Bunker Hill M.S. 1205 and Lincoln M.S. 1341 All Located in the NW ¼ of Section 2, T4N, R2E, BHM.

Lot W-1 = 1.45 Acres; Lot 1-A = 7.13 Acres; Lot 2-A = 3.02 Acres

Location: Terry Peak

Jim Lessard appeared on behalf of Wharf. Brandon Flanagan explained that they were simply redrawing lot lines.

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

Moved-Seconded (Mickelson-Weisenberg) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Maitland Partners / Ponderosa Land Surveys, L.L.C.

Legal Description: **Creek Run Subdivision Lots 1 through 9 Being all of Tract J Rochester, Kahoka M.S. 1656 & Garden City M.S. 865 and Phillips No. 1 & Richards Fraction, M.S. 1333, Hudson & Ohio, M.S. 1678 and all of Richards & Phillips No. 3 M.S. 1333, Located in Section 18, T5N, R3E, and the NE ¼ of Section 13, T5N, R2E, B.H.M.**

Lots 1-9 = 65.53 Acres

Location: Maitland

Don & Karen Hander appeared for this plat. This had been before the board before and they were asked to come back with the fire plan and they asked if they could bring the preliminary and final at the same time. Barb Mattson noted that they could not approve a final plat without the road plan and Chuck Williams' approval. Craig Mickelson asked if they would be joining the Deadbroke Road District and the Hander's said they would not be. There will be a homeowners association and they will be responsible for the roads.

Moved-Seconded (Weisenberg-Mickelson) to approve the preliminary plat. Motion carried.

It was discussed if they could approve a final without roads in place. At that time the petitioner withdrew their final plat until the road is constructed and the State has fire plan approved.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Rep: **Homestake Mining Company/Ponderosa Land Surveys, L.L.C.**

Legal Description: Tract C-3 Being Portions of Placer Claims 51, 62,64, 108, 252, & 255, Skookum No. 2 Lode, M.S. 1971, Goldstrom Fraction & Skokum Lodes, M.S. 1441, Markam, Sandberg & Mary Lodes, M.S. 1363, Bobtail No. 2 Lode, M.S. 1608 and all of Lots J & M, Located in the N ½ of Section 28, T5N, R3E B.H.M.

Tract C-3 = 11.77 Acres

Location: Central City/County Highway Shop Area

Karl Burke, Julie Stone, and Mark Teiszen appeared on behalf of Homestake Mining Company. Barb Mattson inquired if the Thoreson residence was a part of this plat. It was discussed that at the beginnings of this plan, the Thoreson's had chosen not to move and at this point in time, they are still staying, but Homestake is willing to work with them should they decide to move.

Moved-Seconded (Weisenberg-Mickelson) to approve the preliminary plat. Motion carried.

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

PRELIMINARY DEVELOPMENT PLAN FOR PROPOSED WATER TREATMENT FACILITY – Approval/Denial

Owner/Rep: Homestake Mining Company/ Julie Stone & Mark Teiszen

Legal Description: Tract C-3 Being Portions of Placer Claims 51, 62,64, 108, 252, & 255, Skookum No. 2 Lode, M.S. 1971, Goldstrom Fraction & Skokum Lodes, M.S. 1441, Markam, Sandberg & Mary Lodes, M.S. 1363, Bobtail No. 2 Lode, M.S. 1608 and all of Lots J & M, Located in the N ½ of Section 28, T5N, R3E B.H.M.

Tract C-3 = 11.77 Acres

Location: Central City/County Highway Shop Area

There were two options presented to the board regarding the development plan. One is to build a new road and the other is to build a pond and use the existing road. They are asking for approval on both plans and it will depend on what the Thoreson's decide as to which plan they will go with. Incorporated with the change of zoning. Building plan is in three phases in the case that standards are raised along the way. Homestake has talked to parties involved and feedback is positive. Details of their plan are laid out in the file kept in the Planning and Zoning office.

Moved-Seconded (Weisenberg-Mickelson) to approve both plans. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Dwight Ahlers

Legal Description: Spruce Mountain Estates No. 2 Subdivision, Lots 10, 33, and 42, Located in the SE ¼ SW ¼ of Section 13, and the NE ¼ NW ¼, NW ¼ NE ¼, SW ¼ NW ¼ of Section 24, T6N, R4E, BHM

Lot 10 = 5.71 Acres; Lot 33 = 4.73 Acres; Lot 42 = 7.33 Acres

Location: Whitewood Valley

Moved-Seconded (Mickelson-Weisenberg) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Frawley Ranches, Inc./NJS Engineering/Fred Enning

Legal Description: Lot 22 of Frawley Ranch East Located in the SW ¼ NE ¼ of Section 18, All in T6N, R4E, BHM

Lot 22 = 2.61 Acres

Location: Centennial Valley

Discussion on the road ensued. Craig Mickelson moved to approve upon seeing the finished road. Terry Weisenberg seconded. Motion carried.

There being no further business, Chairman Leo Derosier adjourned the meeting.

APPROVED: _____
Leo Derosier, CHAIR

ATTEST: _____
Craig Mickelson, Secretary

**LAWRENCE COUNTY PLANNING & ZONING COMMISSION
MINUTES OF AUGUST 5, 2004**

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning and Zoning Commission to order of **Thursday, August 5, 2004** at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Derosier, Mattson, Ewing (alternative for Terry Weisenberg), Coburn, Mickelson, and Fuller.

ABSENT: Kullbom

MINUTES: Moved-Seconded (Mickelson-Coburn) to approve the minutes of July 1, 2004. Motion carried.

CONDITIONAL USE PERMIT # 296 INFORMATIONAL/DISCUSSION – TO ALLOW STORAGE OF U-HAUL EQUIPMENT

Owner/Representative: Lyle Baumeister

Legal Description: SE1/4 SE1/4 TR 1B EX H1 (.12 AC) & LOT 1 OF TR 1A, located in Section 5, T6N, R2E, B.H.M.

Location: Spearfish

Brandon Flanagan explained to the board that the Baumeister's were seeking a conditional use permit that would allow them to store any overflow of U-Haul equipment they might have at their downtown Spearfish location at their private property. The property is located off of Hillsview and McGuigan toward Pope and Talbot. Craig Mickelson voiced that his concern would be that it was used more than just as overflow. He stated that the Baumeister's have a retail business in downtown Spearfish where the U-Haul business is run out of that is currently for sale. He is concerned that if they no longer have that storefront that they would in turn try to run the U-Haul business from their home. He wished to go on the record requesting that if the condition use permit was allowed that there be a condition added stating that this would be for an overflow situation only. Bill Coburn stated that he agreed and had the same concern. Brandon Flanagan stated that he would talk to Mr. Baumeister regarding the concerns that the board has.

After this hearing, the Higgins Gulch Land Auction was discussed and Brandon informed the board that the land sold for about \$6,500 per acre. It sold in three 40 acre tracts and and two 20 acre tracts. The final plat will come at the next meeting.

CONDITIONAL USE PERMIT # 297 INFORMATIONAL/DISCUSSION – TO ALLOW FOR A SECOND RESIDENCE

Owner/Representative: Rhea & Betty Trevino

Legal Description: Lot T of HES 297, located in Section 19, T4N, R4E, B.H.M.

Location: Hwy 385

Juno Sundstrom, Betty Trevino's father appeared before the board to request that he and his wife be permitted to put a 16'x70' single wide mobile home on the land that the Trevino's currently reside on. He explained that he is 84 years old and he and his wife currently reside in Moorcroft, Wyoming. It is their wish to move their mobile home so that they can be closer to their

daughter. He further explained that he is suffering from macular degeneration and he is somewhat certain he will not be able to drive much longer with this condition. The Trevino's are currently checking in to the water, septic, and power situations to see if this would be feasible. Mr. Sundstrom stated that if permission to move the mobile home, they will be cutting down some trees to remove fire hazards. This was a discussion item only but the board did express agreement for what Mr. Sundstrom is requesting. A public hearing will be held September 2, 2004.

PLAT – PRELIMINARY – Tabled from 1 July - Approval/Denial

Owner/Representative: Granted Grace, Inc. / Arleth & Associates

Legal Description: Strawberry Edge Subdivision Lots 1 through 5, a subdivision of Tract 1A, being a portion of the Standard, Silver Glance and Mondamin Lodes, M.S. 1932, all located in Sections 1 and 12, T4N, R3E, and Section 6, T4N, R4E, B.H.M.

Lot 1 = 2.60 Acres; Lot 2 = 3.97 Acres; Lot 3 = 7.20; Lot 4 = 8.49 Acres; Lot 5 = 2.83 Acres

Location: Strawberry Hill

Nicole Kalamaha was at the meeting representing Granted Grace. Tammy Reif, who currently owns land near the proposed subdivision, and her attorney Tom Adams, were also at the meeting to express their concerns. The plat was tabled at the July meeting because of concerns with the road plan and fire plan. Discussion of the road ensued and it was noted that while it is a nice, well-maintained road, it is not full width. Tom Adams stated that while a road district was formed, it was never really enforced because family members maintain the road. The applicant currently owns Tract 1 of this land. Bill Coburn stated that he has concerns regarding fire, stating that the road is basically nothing more than a long driveway. Brandon Flanagan stated there is an approved fire plan. A secondary escape way exists; it is a power line road. Bill Coburn also stated that if a four-wheel drive vehicle were not necessary to get out of the area, then he would be fine with it, but until such time, he is not in favor of the proposal. Craig Mickelson said he is not in favor of it because they are adding four more property owners that right now have no knowledge of the road district or any requirement that they join that. Nicole Kalamaha stated that she is interested in purchasing the house that currently sits on Tract 1, and that she is working with Granted Grace to make that happen. She is not opposed to helping fund a road district. Tammy Reif and Nicole Kalamaha got in to a heated discussion before the board disrupted the conversation. Craig Mickelson motioned for a denial and Barb Mattson seconded the motion. There was no further discussion and the motion was carried to deny the preliminary plat at this time. The board instructed Ms. Kalamaha they were denying until there are further improvements in the conditions and they instructed her to bring legal documents proving an access easement across Forest Service land for the secondary escape way.

PLAT – PRELIMINARY – Tabled from 1 July - Approval/Denial

Owner/Representative: Ralph Reausaw / Black Hills Surveying, Inc.

Legal Description: Rochford Ridge Estates Lots 1 through 27 and Dedicated Roads, a subdivision of HES 125, located in the W ½ of Section 32 and the E ½ of Section 31, T4N, R3E, B.H.M.

Lots 1-27 = 137.78 Acres

Location: Rochford Road

Ralph and Carol Reausaw, along with Al Schreier and Randy Deibert from Black Hills Surveying represented Rochford Ridge Estates. Three issues were addressed. They were the fire plan, road issues, and water concerns. Al Schreier stated that since the last meeting, at which the

plat was tabled, he has spoken to Tim Eggers, South Dakota Wildland Fire Management Officer, regarding issues that were discussed regarding the plan for the subdivision. Mr. Eggers has suggested the following for the development. A 30,000 gallon water storage tank somewhere on the property; a pond on the property that when full is at 25,000 gallons; a flush hydrant. At present, there is an agreement in principle with the Lead-Deadwood Sanitary District for 10,000 gallons per day. The district will have authority. The proposed pond would sit on one lot and be owned by one lot owner, but it would not be there for entertainment. It would be tax based and the person that owns the lot will not have rights to the pond. Mr. Eggers also stated that the roads should be up to the standards if Planning & Zoning and that there should be a limited access road going throughout the property, trimming of trees. To address the road issues, two turnoffs have been installed. They have proposed a treatment filtration plant down to the Lead Country Club. They are working with the Lead-Deadwood Sanitary District to hook on to a line for filtration. A utility permit will be requested and three (3) to six (6) inch lines to the tank. Bill Coburn asked if they have access through Forest Service land and Randy Diebert explained that though they have tried several times to get approval, the Forest Service has continuously denied them. Bill Coburn stated it was his wish to see the covenants tied in with the fire plan. Barb Mattson voiced her concerns about the road being parallel to the Mickelson Trail. Randy Diebert explained that although it does run parallel, the road and trail will be on different elevations and it should not be a major issue. Al Schreier told the board that the homeowner association rules and road maintenance agreement are in tact. Bill Coburn said he was pleased with the alternative road routes. The board had no further discussion.

Moved-Seconded (Mickelson-Coburn) to approve the preliminary plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Benchmark Properties, Inc./ Black Hills Surveying

Legal Description: Lot B and Lot E, Block 13 of the Pines at Benchmark Subdivision, a subdivision of portions of Funston No. 5 Lode and Funston No. 6 Lode, M.S. 1902, all located in Section 11, T3N, R4E, B.H.M.

Lot B = 5.98 Acres; Lot E = 5.45 Acres

Location: Nemo

Randy Diebert represented Benchmark Properties. He stated the preliminary plats were approved a year ago and they were bringing in two more lots to be sold. The roads are completed.

Moved-Seconded (Mattson-Ewing) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Maitland Partners / Ponderosa Land Surveys

Legal Description: Tracts 72A and 73A being portions of Tracts 72 & 73 and Last Chance M.S. 1775, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, and NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T4N, R3E, B.H.M.

Tract 72A = 5.03 Acres

Tract 73A = 5.04 Acres

Location: Yellow Creek Road

Brandon Flanagan explained to the board that when tracts 72 and 73 were purchased with the understanding it was 10 acres, but when it was surveyed, it came out to be about 7.7 acres. They cut the additional acreage it out from land behind them. Brandon said he believes they initially thought they owned a corner across the road that is zoned park forest and owned by Homestake. On the preliminary plat, 'center line of existing road', is shown passing through the lots, however, this is not on the final plat. The owners of the adjacent property have an easement to cross. Brandon stated that Don Hander (Maitland Partners) is hoping to relocate that. Brandon explained to Mr. Hander that he knew there was a road there, it shows up on the preliminary plat map, but not on the final. Brandon explained that it needed to be on there and Mr. Hander questioned that. He said he did not want it on there, but Brandon told him it was an "existing condition", so it should be on there. Hander doesn't think it's any of our business, but he did put it on the plat. Mr. Hander wants to make the neighbor clean up his property before he rearranges his easement. His intent is not to isolate his neighbor, but to get the access set up one way or the other. He didn't want to burden that lot with that easement, so he didn't want to put it on the final. He's buying a piece to the right of tract 74 and that is where he prefer to run that across. Loren Vrem, surveyor for Mr. Hander then came in to the meeting and went on to say it was his belief that this was a prescriptive easement, not a documented one. It was stated that if it were a recorded easement across that property, it would show up in the deed as a recorded easement. This does not show up this way. There are actually two roads. It was Mr. Vrem's belief that Mr. Hander intended on buying a piece of land from Homestake off the Maitland Road to give the neighbor a new easement. (Note to the minutes, Mr. Vrem is actually saying that Mr. Hander would buy land off the Yellow Creek Road, not the Maitland Road that was originally transcribed.) It was questioned by Craig Mickelson why the existing road is not shown on the plat. Mr. Vrem stated that they did not want to show the road on the plat because that implies that there is an easement there and he does not want to get locked in to having a road there because it could get changed. There was no further discussion.

Moved-Seconded (Mickelson-Mattson) to approve the preliminary plat. Motion carried.
Moved-Seconded (Mickelson-Fuller) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Gerald Aberle / Ponderosa Land Surveys

Legal Description: Tract 2 of Mountain Echo No. 1 M.S. 1869, Located in the N ½ of Section 12, T4N, R3E, B.H.M.

Tract 2 = 5.03 Acres

Location: Off Hwy 385

Cutting tract 2 out of the acreage and relocation of an access easement. Correcting the easement. There is also a power line easement where the road is. Currently, there is a mobile home on the property and a new home is in the process of being built. It is understood by the property owner that the mobile home will need to be removed upon completion of the new home. Craig Mickelson noted that it is his wish that it is a condition noted in the minutes that the mobile home is removed upon occupation of the new home.

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

PLAT – PRELIMINARY AND FINAL (Re-plat) – Approval/Denial

Owner/Representative: Clifford & Patti Weber / Brosz Engineering

Legal Description: Lot 15A, a re-plat of Lot 15 & 16, Block 1, Boulder Park, located in Section 14 & Section 15, T5N, R4E, B.H.M.

Lot 15 = .535 Acre

Lot 16 = .499 Acre

Location: Boulder Canyon

Brandon Flanagan asked that the board waive the preliminary plat as it is a consolidation plat. It is a consolidation of two lots inside Boulder Park Subdivision.

Moved-Seconded (Coburn-Mickelson) to consolidate the two lots. Motion carried.

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

PLAT – FINAL – Approval/Denial

Owner/Representative: Frawley Ranches, Inc. / NJS Engineering

Legal Description: Lot 20 of Frawley Ranch East, located in the NE ¼ of Section 18, T6N, R4E, B.H.M.

Lot 20 = 7.64 Acres

Location: Centennial Valley

There will be individual wells and septic. The moratorium boundary does not affect PUD.

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

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Larry David (Rally Park) / Davis Engineering

Legal Description: Replat of Tract D and Lot G-1-B Formerly: Tract D of HWS 297 of Section 18 & Section 19 of T4N, R4E, B.H.M.; and, Lot G-1-B of Lot G-1 of HES 297 in Section 18 & Section 19 of T4N, R4E, B.H.M., formerly Lot G-1-B of Lot G-1 of HES 297 in Section 18 & Section 19 of T4N, R4E, B.H.M.. All located in Section 18 & Section 19 of T4N, R4E, B.H.M. Tract D = 11.27 Acres; and Lot G-1-B = 3.16 Acres

Location: Hwy 385

Re-plat and a plat on the same drawing. There are two legal descriptions on the same plat. Tract D is the actual Rally Park and tract G-1-B is a campground. A portion of tract D is being cut out will be deeded to lot G-1-B to make that lot a little bigger. Tracts A, B, and C are the un-platted portion of the remainder of HES 297 that is being cut in to three lots. The reasoning is to create a lot for a sewage lagoon that would treat the campground and possibly the campground adjacent to it. Currently, sewage is being pumped over the hill into drain fields. All lots adjoin and this would put them all on one plat. Tracts D and G-1-B are both zoned Highway Service Commercial. These two tracts are closest to the highway. The adjacent lot owner, Charles Vig, is in agreement with this re-plat and is working with Mr. David on this re-plat. This is combined with the following item on the agenda. Bill Coburn questioned the zoning of the Rally Park as he has observed a restaurant being run on the premises. He states that it is called the Strawberry Hill Restaurant.

Moved-Seconded (Mickelson-Coburn) to **consolidate** the two lots. Motion carried.

Moved-Seconded (Fuller-Mickelson) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Larry David (Rally Park) / Davis Engineering

Legal Description: Tract A, Tract B, Tract C. Formerly: Un-platted portion of HES 297 of Section 18 & Section 19 of T4N, R4E, B.H.M., lying west of US Highway 385

Tract A = 40.00 Acres; Tract B = 40.00 Acres; Tract C = 11.41 Acres

Location: Hwy 385

Please see above notes. Items were combined.

Moved-Seconded (Mickelson-Fuller) to **approve the preliminary plat**. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Ivan Shonley

Legal Description: Lot 228 of Block 2 of Boulder Canyon Subdivision and the Dedicated Public Rights-of-Way Located in SE ¼ SE ¼ Section 10, T5N, R4E, B.H.M.

Lot 228 = 1.90 Acres

Location: Boulder Canyon

Moved-Seconded (Coburn-Ewing) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Ivan Shonley

Legal Description: Lot 229 of Block 2 of Boulder Canyon Subdivision and the Dedicated Public Rights-of-Way Located in SE ¼ SE ¼ Section 10, T5N, R4E, B.H.M.

Lot 228 = 1.54 Acres

Location: Boulder Canyon

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

PLAT – FINAL – Approval/Denial

Owner/Representative: Ivan Shonley

Legal Description: Lot 326 of Block 3 of Boulder Canyon Subdivision and the Dedicated Public Rights-of-Way Located in SW ¼ SW ¼ Section 11, T5N, R4E, B.H.M.

Lot 228 = 1.72 Acres

Location: Boulder Canyon

Moved-Seconded (Fuller-Mickelson) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Dwight Ahlers

Legal Description: Spruce Mountain Estates No. 2 Subdivision, Lots 3, 32, and 52, located in the W ½ SE ¼, and S ½ SW ¼ of Section 13, and the NW ¼ SW ¼ of Section 24, T6N, R4E, B.H.M.

Lot 3 = 8.95 Acres; Lot 32 = 6.44 Acres; Lot 52 = 11.67 Acres

Location: Whitewood Valley

Moved-Seconded (Mickelson-Fuller) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Floyd Mount / Arleth & Associates

Legal Description: Lot 24 and Well lot of Meadow Crest, located in the NW ¼ NE ¼ and the NE ¼ NW ¼ of Section 17, T5N, R4E, B.H.M.
Lot 24 = 5.88 Acres; Well lot = .25 Acre

Location: Whitewood

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

PLAT – FINAL – Approval/Denial

Owner/Representative: Maitland Partners / Ponderosa Land Surveys, L.L.C.

Legal Description: Creek Run Subdivision Lots 1 through 9 Being all of Tract J Rochester, Kahoka M.S. 1656 & Garden City M.S. 865 and Phillips No. 1 & Richards Fraction, M.S. 1333, Hudson & Ohio, M.S. 1678 and all of Richards & Phillips No. 3 M.S. 1333, Located in Section 18, T5N, R3E, and the NE ¼ of Section 13, T5N, R2E, B.H.M.

Lots 1-9 = 65.53 Acres

Location: Maitland

It was requested that the road be built before the final plat was approved. Brandon Flanagan and Chuck Williams have done an on-site visit and Chuck's only comment was that one little piece of ditch that needed to be touched up, but equipment is still sitting out there to do any work that is required. There is a road maintenance agreement instead of road district. The fire plan is approved.

Moved-Seconded (Mattson-Coburn) to approve the final plat. Motion carried.

There being no further business, Chairman Leo Derosier adjourned the meeting.

APPROVED: _____
Leo Derosier, CHAIR

ATTEST: _____
Craig Mickelson, Secretary

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF SEPTEMBER 2, 2004

REGULAR MEETING

Acting chairman Craig Mickelson called the regular meeting of the Lawrence County Planning and Zoning Commission to order on **Thursday, September 2, 2004** at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood, SD.

PRESENT: Mattson, Weisenberg, Mickelson, and Fuller.

ABSENT: Kullbom, Derosier, Coburn

MINUTES: Moved-Seconded (Mattson-Fuller) to approve the minutes of August 5, 2004. Motion carried.

PUBLIC HEARING - CHANGE OF ZONING #238

Owner/Representative: Paul Redinger

Legal Description: Lot VW-2C, Located in Section 16, T6N, R4E, BHM

From: A-1 General Agriculture To: C/LI Commercial/Light Industrial

Location: Whitewood

Paul Redinger appeared before the board. He explained that his son-in-law is in the construction business and if the zoning was changed, he could divide the land and sell his son-in-law part of his land so that he could use it for his construction business. Mr. Redinger then told the board that he wished to put storage sheds on the remaining property stating there was a need for such in Whitewood. The board questioned which businesses where in the vicinity and Mr. Redinger stated the businesses he could recall included a construction company, a repair shop, and a tire repair shop were some of those he could think of. There was no opposition from the audience.

Moved-Seconded (Mattson-Weisenberg) to approve the Change of Zoning. Motion carried. Mr. Redinger will appear before the Lawrence County Commissioners on October 12, 2004.

PUBLIC HEARING - CONDITIONAL USE PERMIT # 296 – TO ALLOW STORAGE OF U-HAUL EQUIPMENT

Owner/Representative: Lyle Baumeister

Legal Description: SE1/4 SE1/4 TR 1B EX H1 (.12 AC) & LOT 1 OF TR 1A, located in Section 5, T6N, R2E, B.H.M.

Location: Spearfish

Daisy Baumeister appeared before the board and said that her and her husband, Lyle are applying for a Conditional Use Permit for possible storage of overflow of U-Haul trucks/trailers from their downtown business. They currently have room at the industrial park to store trucks and trailers that come in to the business that is located in downtown Spearfish, and are asking to use their private property for emergency overflow situations only. Mrs. Baumeister stated that once in four years there has been an instance where private property was needed for such an occurrence. In the past, they used property that her mother owned, but she has since passed away and that property has sold. She stated it was her wish to be compliant as far as the county was concerned, and that is the reason for applying for a conditional use permit. Craig Mickelson inquired if this

would include the shelterbelt which is Lot 1B. Daisy said that they would not park anything in the shelterbelt because there was no room. Brandon Flanagan said that Lot 1B could be excluded from the Conditional Use Permit if need be. Discussion ensued as to if condition #6 regarding lights should be taken out or amended to say 'any'. An audience member, Eric Strawn, identified himself as a neighbor and was asking where the vehicles/trailers would be parked. Mrs. Baumeister explained that they would not create an eyesore and Mr. Strawn seemed satisfied with that answer. Brandon Flanagan did read a letter from Eric & Donna Lie. It reads as follows:

“To: Lawrence County Planning and Zoning Commission

From: Eric & Donna Lie

RE: Conditional Use Permit to allow a STORAGE request by Lyle Baumeister (September 2, 2004)

We are owners of the property at 2115 McGwigen Road, currently building a home at that site. Even though we are unable to attend the September 2 Hearing due to previously scheduled family commitments, we would like to express an objection to the proposed permit for the following reasons:

In General:

- We would like to express concern about the negative impact granting this permit would have on the surrounding residential area.
- Many beautiful homes have been built here because of the aesthetic beauty of the area.
- These homes represent a substantial financial investment to the owners.
- To allow such a storage site in view of these homes would make these homes less desirable and thus devalue surrounding property.

Specifically:

- The request is vague and thus open to a broad interpretation:
What is the definition of STORAGE?
What is the time duration?
- Granting the permit for this request would set a precedent for others to make similar requests.

The granting of this permit would significantly change the character of this residential area significantly reducing the aesthetic and monetary value of the adjacent property.

We respectfully submit our opinion,

Eric & Donna Lie” dated August 30, 2004

Craig Mickelson voiced no opposition to the conditional use permit, but did suggest that condition 1 & 2 be taken out. Brandon Flanagan suggested a condition be added that if the business were sold, the conditional use permit be null and void. Barb Mattson suggested removing condition #6 regarding lighting, so to enforce the fact that this is for emergency overflow only and not an actual business running out of their home. The board agreed. The conditions are as follows:

**CUP #296
Lyle Baumeister**

ATTACHED CONDITIONS:

Applicants are requesting that they be allowed to keep U-Haul vehicles on their property only at times when their primary storage facility is at capacity. It is not anticipated to be frequent, nor is it expected that such vehicles would be on the property for an extended period of time.

1. The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business.
2. The owner shall be required to obtain or maintain a South Dakota Sales Tax license.
3. The lot shall be kept in a neat and in an uncluttered fashion.
4. This permit shall be for Temporary Storage (Overflow) for U-Haul equipment. It is not intended to become the outlet for the U-Haul or any other business.
5. No signage shall be allowed for advertising of the business.
6. All lights used for security illumination shall be directed away from any nearby residences and roads.
7. Any loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance.

8. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
9. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
10. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

Moved-Seconded (Fuller-Weisenberg) to approve the Conditional Use permit with edits stated above. Motion carried. This will go to the County Commission on October 12th.

PUBLIC HEARING – CONDITIONAL USE PERMIT # 297 – TO ALLOW FOR A SECOND RESIDENCE

Owner/Representative: Rhea & Betty Trevino

Legal Description: Lot T of HES 297, located in Section 19, T4N, R4E, B.H.M.

Location: Hwy 385

Betty Trevino and her father, Juno Sundstrom, appeared before the board. It is their wish to move a mobile home on to Betty and Rhea's property so that Betty's parents can reside there. Betty showed the board pictures of her land and exactly where the mobile home will be placed. They are looking at a 16x70 mobile home from Centennial Homes. They are looking at replacing the drain field and having both residences use the same septic system. They have not had a volume test done at this time, but will do that immediately. There was no opposition presented. Brandon Flanagan read the conditions to the board. The well should not be a problem. Craig Mickelson asked that condition #6 be stricken from the conditions. Conditions are as follows:

**CUP #297
Trevino**

ATTACHED CONDITIONS:

Applicants are requesting the County allow a temporary 2nd residence on their property. This shall be a mobile home moved in for the purposes of allowing Betty Trevino's parents to be closer to the family (hardship).

1. This permit shall be for; allowing a second residence, for the parents of Betty Trevino, on a single lot. The permit shall NOT be allowed to continue past the use for which it was granted.
2. The septic system shall be inspected and updated or approved for the additional capacity prior to occupying the second residence.
3. Applicants shall get approval from utility companies prior to moving the second residence onto the property.
4. Applicants shall determine the availability of water (existing or new well) prior to moving the second residence onto the property.
5. At such time as the intended occupants cease to inhabit the residence, the permit holder shall have 6 months in which to remove the second residence from the property and shall notify the Planning and Zoning Office.
6. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
7. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
8. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

Moved-Seconded (Mattson-Fuller) to approve the Conditional Use permit with edits stated above. Motion carried. This will go to the County Commission October 12th.

REQUEST FOR VARIANCE #91 – REVIEW AND RECOMMENDATION

Owner/Representative: Leo Stewart

Legal Description: Lot 1 ex H1 (.05 acre) Whitewood Hollow, NE ¼ Sec 17, T5N, R4E, BHM Lawrence County, SD

Location: Boulder Canyon – Whitewood Hollow Road

Leo Stewart appeared before the board requesting a variance so that he can build a 30x48 pole building to store a motor home, a bobcat, and a car trailer. He was turned down for a building permit because he has three road frontages on his property and to put the building where he wishes, he would not be in compliance with setbacks. He brought blown up pictures of his plat to illustrate to the board what his plan was.

Moved-Seconded (Weisenberg-Mattson) to approve the variance. Motion carried. This will go to the County Commission on September 7th.

COZ #239 INFORMATIONAL MEETING – DEVELOPMENT PLAN FOR FORMER RANCHER RESTAURANT IN ST. ONGE

Legal Description: Lots 4, 5, 6, 7, and 8 of the original township of St. Onge. (214 Center Street, St. Onge, SD 57779)

Representative: Ken Nelms

Location: St. Onge

Ken Nelms presented his development plan to the board. He has purchased the building in St. Onge, which housed the former ‘Rancher’ Restaurant. Mr. Nelms owns a business called Epic Construction. His wish is to refurbish the building to a state to which it could be turned in to a restaurant, an office for his construction business, an outdoor movie theatre, and an antique shop/gift shop. He stated he would build a fence for privacy and to use as a sound barrier. Some equipment remains in the building and could be cleaned up and used. He stated he is presently working on possibly getting historical land use funds in order to help him finance his plan. He is planning to meet with the St. Onge water district because the building is on residential water, not commercial. He said his plan would take approximately five years. A public hearing before the Planning and Zoning Board will be set for October 7th.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Brett & Vicki Winsell / Ponderosa Land Surveyors, L.L.C.

Legal Description: Lots 1 and 2 of H.E.S. 296, located in the SE ¼ of Section 11, T4N R4E B.H.M.

Lot 1 = 3.50 Acres; Lot 2 = 3.18 Acres

Location: Off Hwy 385

They are dividing an HES, cutting two pieces out.

Moved-Seconded (Mattson-Weisenberg) to approve the preliminary plat. Motion carried.

Moved-Seconded (Mattson-Weisenberg) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: James Row / Ponderosa Land Surveyors, L.L.C.

Legal Description: Lot 1 of Hester A. M.S. 1446, located in the NW ¼ of Section 9, T4N R4E B.H.M.

Lot 1 = 2.75 Acres

Location: Off Hwy 385

Moved-Seconded (Weisenberg-Mattson) to approve the preliminary plat. Motion carried.
Moved-Seconded (Weisenberg-Mattson) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: **Dwight Ahlers / Anderson Engineers, Inc.**

Legal Description: Spruce Mountain Estates No. 2 Subdivision, Lots 26, 28, and 29, located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, T6N, R4E, B.H.M

Lot 26 = 5.34 Acres; Lot 28 = 5.45 Acres; Lot 29 = 5.56

Location: Whitewood

Moved-Seconded (Weisenberg-Fuller) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Mattson Inc. / Arleth & Associates

Legal Description: Lots 7, 8, and 12 of Two Bit Springs Subdivision, consisting of Yellow Jacket Fraction Lode 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.

Lot 7 = 3.47 Acres; Lot 8 = 3.23 Acres; Lot 12 = 5.72 Acres

Location: Two Bit Road

Moved-Seconded (Fuller-Weisenberg) to approve the final plat. Motion carried. Mattson abstained from the vote. Bill Coburn voted aye via teleconference call.

PLAT – Final – Approval/Denial (request waive preliminary)

Owner/Representative: Fairbanks-Karels / Arleth & Associates

Legal Description: Lot 8A and Lot 9A of Block F of Boulder Heights Subdivision, Formerly Lot 8 and Lot 9 of Block F of Boulder Heights Subdivision, located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T5N R4E B.H.M.

Lot 8A = .63 Acres; Lot 9A = 1.13 Acres

Location: Off Hwy 14A

They wish to waive the preliminary plat because it is a simple re-plat inside an existing subdivision. Land owner would like to build another storage shed or pole barn on ground.

Moved-Seconded (Fuller-Weisenberg) to waive the preliminary plat. Motion carried.

Moved-Seconded (Fuller-Weisenberg) to approve the final plat. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Kinship Mountain Ministries-David Winter / Arleth & Associates

Legal Description: Tract 4 and Tract 8 of Kinship Mountain Estates that portion of Myrtle No. 4 and 6 lodes of M.S. No. 1730, located in W ½ Section 15 and the E ½ of Section 16, T3N R4E B.H.M.

Tract 4 = 4.00 Acres; Tract 8 = 5.00

Location: Off Hwy 385

Moved-Seconded (Mattson-Fuller) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Maynard Seaman / Arleth & Associates

Legal Description: Tracts 4A, 4B, and 6A of Hay Springs Estates, and subdivision of Tracts 4 and 6 of Hay Springs Estates, a subdivision of H.E.S. No. 76 and H.E.S. No. 110, all located in the NW ¼ NW ¼ of Section 33, T4N R4E B.H.M.

Tract 4A = 6.71 Acres; Tract 4B = 5.00 Acres; Tract 6A = 7.48

Location: Nemo

There was a question as to if this was wet meadow. Brandon Flanagan stated that it is not in the flood plain, but it is ‘marshy’. The board decided to do independent on-site visits to the land.

Moved-Seconded (Fuller-Mattson) to table this matter. Motion carried.

PLAT – FINAL – Approval/Denial

Owner/Representative: Elk Country Estates / Stan Scheurer; Tom & Holly Gunderson; Eugene Gunderson

Legal Description: Elk Country Estates Subdivision Including Tracts 1 and 2, located in the S 1/2 S 1/2 NE ¼, of Section 12, T6N R1E B.H.M.

Tract 1 = 19.80 Acres; Tract 2 = 19.79 Acres

Location: West of Spearfish

Plat also dedicated easements to the public.

Moved-Seconded (Weisenberg-Fuller) to approve the final plat. Motion carried.

PLAT – PRELIMINARY – Informational

Owner/Representative: Roger Riley, Developer / Arleth & Associates

Legal Description: Tracts 1 through 6 of Higgins Gulch Subdivision, located in the NE ¼ NW ¼ of Section 13, T6N R1E B.H.M.

Tract 1 = 5.26 Acres; Tract 2 = 12.03 Acres; Tract 3 = 3.34; Tract 4 = 4.97 Acres; Tract 5 = 4.97 Acres; Tract 6 = 9.89 Acres

Location: West of Spearfish

Roger Riley and Mark Fuhr appeared before the board. They purchased some land from the Higgins Gulch land auction held in July. They asked the board what they can and cannot do with the land as far as selling lots. They are interested in keeping some of the land for themselves, and selling the rest off. The road is currently 18 feet wide and needs to be 24 feet. Roger indicated there could be a road district at some point. Roger and Mark have spoken to Tim Eggers regarding a fire plan and also creating a pond. There is currently a stream on the property, and the board indicated that a 404 permit would have to be obtained through the state because they are looking at modifying a stream. When asked if it would be shared water or separate wells, Mr. Riley indicated the latter.

PLAT – FINAL – Approval/Denial

Owner/Representative: Mike Alley - Benchmark / Black Hills Surveying

Legal Description: Lot A and Lot J, Block 13 of the Pines at Benchmark Subdivision, a subdivision of a portion of the Funston No. 5 Lode, Funston No. 6 Lode and Funston Fraction Lode of M.S. 1902, all located in Section 11, T3N R4E B.H.M.

Lot A = 5.01 Acres; Lot J = 4.14 Acres

Location: Off Hwy 385

Moved-Seconded (Mattson-Weisenberg) to approve the final plat. Motion carried.

PLAT – PRELIMINARY AND FINAL – Approval/Denial

Owner/Representative: Bruce Riley / Black Hills Surveying

Legal Description: Parcel R, located in the N ½ NE ¼ of Section 18, T7N R1E B.H.M.

Parcel R = 7.21 Acres

Location: Northwest of Spearfish

Plat requires building right affidavit

Moved-Seconded (Weisenberg-Fuller) to approve the preliminary plat. Motion carried.

Moved-Seconded (Weisenberg-Mattson) to approve the final plat. Motion carried.

PLAT – FINAL – Discussion of Surety - Approval/Denial of Plat

Owner/Representative: **Ralph Reausaw / Black Hills Surveying, Inc.**

Legal Description: Lots 3, 4, 11, 13, 14, 16, 17, 18, 20, 21 and Dedicated Public Access Easements of Rochford Ridge Estates, a subdivision of HES 125, located in the W ½ of Section 32 and the E ½ of Section 31, T4N, R3E, B.H.M.

Lot 3 = 5.31 Acres; Lot 4 = 4.07 Acres; Lot 11 = 2.84 Acres; Lot 13 = 6.37 Acres; Lot 14 = 7.49; Lot 16 = 7.74; Lot 17 = 7.21 Acres; Lot 18 = 10.56 Acres; Lot 20 = 3.90 Acres, Lot 21 = 4.40 Acres

Location: Rochford Road

Al Shreier appeared before the board indicating that one of the partners in the HES 125 group has a building in Sioux Falls worth \$900,000 that he will put up for collateral for surety of the

Rochford Ridge Estates. A condition with the owner of the building is that the roads will have to be done or they will pull the lien. Barb Mattson voiced her concerns about the Forest Service roads. They are estimating their costs to be around \$600,000.

Moved-Seconded (Weisenberg-Fuller) to approve the final plat with the condition that the surety is approved. Mattson voted to deny. Motion carried on a 3-1 vote.

There being no further business, acting chairman Craig Mickelson adjourned the meeting.

APPROVED: _____
Leo Derosier, CHAIR

ATTEST: _____
Craig Mickelson, Secretary

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF OCTOBER 7, 2004

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, October 7, 2004 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood. SD.

PRESENT: Derosier, Ewing (alternate Commission member), Mattson, Kullbom, Coburn, Fuller and Mickelson.

ABSENT: None

MINUTES: Moved-Seconded (Mattson-Kullbom) to approve the minutes of September 2, 2004. Motion carried.

PUBLIC HEARING - CHANGE OF ZONING #239 / DEVELOPMENT PLAN

Owner/Representative: Ken Nelms

Legal Description: Lots 4,5,6,7, and 8 of the Original Township of St. Onge

From: A-1 General Agriculture **To:** General Commercial

Location: St. Onge

Purpose: For Use as an Office and to Re-Establish a Restaurant/Entertainment Facility

Ken Nelms explained his proposed 5-year development plan for the former Rancher Restaurant building in St. Onge. He has purchased the property and would like to develop and refurbish the property into an outdoor movie theater, an office for his construction business, and a possible antique/gift shop. He stated he would first like to develop the outdoor movie theater. It would include the showing of family oriented movies, karaoke, and bands from time to time. He said the sound system will be designed to hold the sound within as much as possible. He has plans to build a fence for privacy and also to use as a sound barrier. He explained his plans include the construction of a new Victorian-style building in back. He also has plans to sell beer and wine.

Comments received:

Mike Leveque: Owns residential mobile home lots ½ block north. Mr. Leveque read a letter of support with a condition that complaints be handled in timely manner. He requested that if three complaints arise, he wants the change of zoning reviewed. Brandon Flanagan, Planning & Zoning Director, explained that changes of zoning are not subject to complaint reviews.

Greg Widener: Owns lots 9-15 and daughter lives in house next door. He explained his daughter has three children and they can see the Rancher building from their upstairs room. He questioned concerns with noise and policing of area. He stated he feels Mr. Nelms has good intentions but feels it will evolve into something more and undesirable.

Bill McDonald: Neighbor by Wideners since 1971. He remembers a few problems when the Rancher was operating and has concerns about a deputy sheriff getting there in a timely fashion. He has concerns about Sturgis Rally traffic and doesn't want another Hulett.

Lori Vineo: Questioned why a change of zoning was needed and expressed concerns about drinking customers.

Don Derosier: Questioned possible historic grants and supports doing something with the building.

Sonya Merrow: She is the neighbor next to the building. Concerned about the outdoor activities affecting her and her three children. Questioned what kind of movies, and expressed concerns about noise, drinking, and garbage.

Joe Snefenger: He feels the policing is adequate because they have been to see him about barking dogs and he has been to court for his roosters. Feels you would get more problems if serving hard liquor and they already have a business in town that sells hard liquor.

In response to the neighbor's testimony, **Mr. and Mrs. Nelms** said they would do their best to handle complaints in a timely fashion and don't envision any big problems. They want to gear their outdoor theater to a family oriented style. Mrs. Nelms said that in 5 years it will be the 100-year anniversary of that building and would like to have the project completed by then.

Hearing closed.

Brandon Flanagan explained that the County handles zoning issues in the St. Onge Township, but noise ordinances would have to be handled by the Township Board. He showed the other commercially zoned areas in St. Onge, which include a bar, store, beauty shop etc. All other areas are zoned agriculture.

Discussion was held on just changing the zoning of the two lots that the Rancher building sits on, and the other lots would be under a conditional use permit for the outdoor theater.

Moved-Seconded (Mattson-Mickelson) to recommend denial of the change of zoning. Aye-Derosier, Fuller, Kullbom, Mickelson, Mattson, Ewing. Nay-Coburn. Motion carried.

INFORMATION MEETING – CHANGE OF ZONING #240 / DEVELOPMENT PLAN – TO ALLOW BUILDING OF A SHOP FOR BUSINESS USE

Action Required: **Schedule Public Hearing**

Owner/Representative: **Donald & Karen Hander**

Legal Description: **N ½ SE ¼ SE ¼ located in Section 16, T6N, R4E, B.H.M.**

From: **A-1 Agriculture To: C/LI – Commercial Light Industrial**

Location: **North of I-90 and Whitewood**

Purpose: **To Build a Shop for Construction Business**

Brandon Flanagan explained the Handers have purchased this parcel from Homestake Mining Company and would like to use it for their construction business. It is contiguous to other commercially zoned parcels in the V.W. Subdivision. A public hearing will be scheduled at the next meeting.

INFORMATION MEETING – CHANGE OF ZONING #241 / DEVELOPMENT PLAN – TO ZONE COMMERCIAL FOR NEW BUSINESS LOCATION

Owner/Representative: **Robert Keller / Richards Rentals, Inc.**

Action Required: **Schedule Public Hearing**

Legal Description: M.S. 1200 Tract 2, a Subdivision of Jay #1, 2 & 3 & Fay #3, Albert Steele Fraction Hazard, Log Cabin & Violet #3, all located in Sections 19 and 24, T4N R3E, B.H.M.

From: PF – Park Forest **To:** RCD - Recreation Commercial District

Location: Off Hwy 85, Top of Aztec Hill

Purpose: Snowmobile/ATV Rental Business

Doug Richards appeared and explained he wants to move his business from Recreational Springs Resort to this lot across the highway and build a 30'x80' wood-sided shop. The Shop would house a repair shop, rentals, parts store, and a bar/restaurant. He would also have gas sales. He plans to build a split rail fence between them and the neighboring subdivision to prevent snowmobiles and ATVs from going there. He is also checking into drilling a well.

Mickelson questioned how he planned to access the snowmobile trails across the highway. Richards said he would mark the highway as a snowmobile crossing, much like Trailshead Lodge does and is the case in the Dumont parking area.

Coburn asked about ATV trails. Richards said they would ride in the road ditch for ¼ mile to access public property. He envisions an ATV trail system in the future like the snowmobile trail system now. He supports user fees to establish such a trail system for ATVs.

A public hearing will be scheduled for the next meeting.

INFORMATIONAL MEETING – CONDITIONAL USE PERMIT #298 – TO ALLOW FOR A CAMPGROUND

Owner/Representative: Steve Nothdurft

Action Required: Schedule Public Hearing

Legal Description: M.S. 1748 St. John Claim, Sec. 1, T3N, R3E, B.H.M.

Location: HWY 385 South; Custer Crossing Road

Purpose: Campground

Mr. Nothdurft has recently purchased 57 acres of property ¼ mile off Highway 385 on the Custer Crossing Road. He wants to put a campground on the parcel described as M.S. 1748 St. John Claim (9.56 Acres). He presented a design plan showing a lodge/ convenience store and tent camping on one side of Custer Crossing Road and RV parking, a shower house and cabins on the other side. He stated he wants to cater to RVs and older people. A public hearing will be scheduled at the next meeting.

INFORMATIONAL MEETING – CONDITIONAL USE PERMIT #299 – USE OF
FORMER FOREST SERVICE BUILDING

Owner/Representative: MPT Inc./Jim Kirby & Bill Pearson

Action Required: Schedule Public Hearing

Legal Description: Lot 3 Block 1 Except H1 Oak Mountain Country Estates, located in Section 18, T5N, R4E, B.H.M.

Location: Hwy 14A South of Deadwood

Purpose: To Allow for Offices and Storage

Jim Kirby, Pam Kirby and Bill Pearson are requesting a conditional use permit for their property that used to house the Forest Service Offices. The building has set empty for over 2 years. The

main building is 6600 sq. ft. and the garage facility has 4000 sq. ft. They envision multiple office renters. A public hearing will be scheduled at the next meeting.

REQUEST FOR RECOMMENDATION – VARIANCE #92

Owner/Representative: Travis Ruff

Action Required: Approval/Denial

Legal Description: Lot Y7 of Lots 3 & 4 SE1/4 NW1/4 located in Sec. 4, T6N, R2E, B.H.M.

Location: Spearfish Valley

Purpose: 2' Encroachment into 25' Front Set Back Requirement

Flanagan explained the owner purchased a ½ acre lot and is building a house. The contractor built the foundation/basement thinking the front lot line right-of-way was straight when the lot line actually crosses at an angle. The encroachment into the 25' front set back requirement is no more than 2'.

Moved-Seconded (Coburn-Mickelson) to approve a do-pass recommendation to the County Commissioners. Motion carried.

PRELIMINARY AND FINAL REPLAT OF PLANNED UNIT DEVELOPMENT

Owner/Representative: CMM Inc. / Al Schreier Engineering

Action Required: Approval/Denial

Legal Description: Lot 1R of Barefoot, A Replat of Lot 1 of Barefoot Condominium Units All Located in the NE1/4 Sec. 2 T4N, R2E, B.H.M.

Location: Terry Peak

Purpose: Adjust Boundary of Planned Unit Development

Flanagan explained the original planned unit development for the condominiums was done in 1984. This request is to change the boundary of ground without changing the density. It would also bring the present time-share home into the PUD and allow building of additional condo units without changing any conditions.

Moved-Seconded (Kullbom-Fuller) to approve the preliminary plat. Motion carried.

Moved-Seconded (Mattson-Coburn) to approve the final plat. Motion carried.

PRELIMINARY (WAIVE) AND FINAL PLAT

Owner/Representative: Blake Bancroft and Fred & Brenda Ramseier / NJS Engineering

Action Required: Approval/Denial

Legal Description: Lot 2A and Lot 3A of HES 610, A Replat of Lot 2 and Lot 3 of

HES 610, Located in Section 8 T4N, R1E, B.H.M.

Location: **West of Savoy/Spearfish Canyon**

Purpose: **Adjust Lot Lines, Lot 2A = 18.00 Acres and Lot 3A = 12.00 Acres**

Flanagan explained this plat is adjusting lot lines between two lots – one owner purchased additional acreage from the other owner.

Moved-Seconded (Coburn-Mattson) to waive preliminary plat. Motion carried.

Moved-Seconded (Kullbom-Mattson) to approve the final plat. Motion carried.

FINAL PLAT

Owner/Representative: **I & D Shonley Revocable Trust / Ivan Shonley**

Action Required: **Approval/Denial**

Legal Description: **Lot 214 of Block 2 of Boulder Canyon Subdivision**

Location: **Boulder Canyon**

Purpose: **New Lot .895 Acre**

Preliminary subdivision plat previously approved. Moved-Seconded (Mickelson-Fuller) to approve the final plat. Motion carried.

FINAL PLAT

Owner/Representative: **Dwight Ahlers**

Action Required: **Approval/Denial**

Legal Description: **Lot 13 of Spruce Mountain Estates #1 in the E1/2 NE1/4 of Sec. 14 T6N, R4E, B.H.M.**

Location: **Whitewood Valley**

Purpose: **New Lot 8.09 Acres**

Preliminary subdivision plat previously approved. Moved-Seconded (Mattson-Kullbom) to approve the final plat. Motion carried.

FINAL PLAT

Owner/Representative: **Dwight Ahlers**

Action Required: **Approval/Denial**

Legal Description: **Lots 18 and 19 Spruce Mountain Estates #2 in the N1/2 NW1/4 of Sec. 24, T6N, R4E, B.H.M.**

Location: **Whitewood Valley**

Purpose: **New Lot 18 = 5.84 Acres, Lot 19 = 6.10 Acres**

Preliminary subdivision plat previously approved. Moved-Seconded (Kullbom-Mattson) to approve the final plat. Motion carried.

PRELIMINARY AND FINAL PLAT

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

Action Required: **Approval/Denial**

Legal Description: **Municipality Tract, Being Portions of Bellville Lode, M.S. 1763, Hartford Fraction No. 2, Divide No. 5A, Hartford Frac., Wild Goose and Dubble Triangle Lodes, M.S. 1753, Divide No. 1 and Divide No. 4 Lodes, M.S. 1574 and all of Divide, Divide No. 2 and Divide No. 3 Lodes, M.S. 1574, Illinois No. 2 and Woodstock Lodes, M.S. 1452, Rock and Elgin Lodes, M.S. 1601, Located in the NE1/4 of Sec. 15 and W1/2 of Sec. 14, T4N, R3E, B.H.M.**

Location: **Yellow Creek / Grizzly Gulch Dam**

Purpose: **Municipality Tract = 174.034 Acres**

Flanagan and Ewing explained this plat is for the new rubble site for the Cities of Lead, Deadwood, Central City, and Lawrence County. The Wasp rubble site has been closed and will be reclaimed. Homestake will donate this site for the new rubble site.

Moved-Seconded (Coburn-Fuller) to approve the preliminary plat. Motion carried.

Moved-Seconded (Fuller-Kullbom) to approve the final plat. Motion carried.

PRELIMINARY AND FINAL PLAT (tabled at last meeting)

Owner/Representative: **Maynard and Dorothy Seaman / Arleth & Associates**

Action Required: **Determination of Wet Meadow / Approval or Denial of Plat**

Legal Description: **Tract 4A, Tract 4B, and Tract 6A of Hay Springs Estates, a Subdivision of Tract 4 and Tract 6 of Hay Springs Estates, A Subdivision of H.E.S. 76 & H.E.S. 110, in the NW1/4NW1/4 of Sec. 33, T4N, R4E, B.H.M.**

Location: **Nemo Road**

Purpose: **New Lots – Tract 4A = 6.71 Acres, Lot 4B = 5.00 Acres, Lot 6A = 7.48 Acres**

Dick Seaman appeared for the owners. Flanagan explained the original plat, done 25 years ago, showed a wet meadow area. This was tabled at the last meeting so Board members could view site. Mattson said she felt there were definitely building sites on all three lots. Coburn said there were definitely some wet areas that need to be recorded on this new plat and suggested a wetlands easement determination from an aerial photo. After discussion, it was determined that Dick Seaman's name should show on the plat, as he is one of the owners. The Board also requested the wetlands easements/areas be shown on the plat.

Moved-Seconded (Mickelson-Ewing) to table until next meeting. Motion carried

FINAL PLAT

Owner/Representative: **Floyd Mount/John Keene / Arleth & Associates**

Action Required: **Approval/Denial**

Legal Description: **Lot 3, Lot 4, Lot 17 and 66' Dedicated Public Right-of-Way of Meadow Crest Subdivision in the NW1/4NE1/4, NE1/4NE1/4, SE1/4NE1/4, SW1/4NE1/4 and the NW1/4SE1/4 Sec. 17, T5N, R4E, B.H.M.**

Location: **Boulder Canyon**

Purpose: **New Lots – Lot 3 = 3.99 Acres, Lot 4 = 2.29 Acres, Lot 17 = 2.98 Acres**

Preliminary plat previously approved. Moved-Seconded (Mickelson-Kullbom) to approve the final plat. Motion carried.

FINAL PLAT

Owner/Representative: **Kinship Mountain Ministries / Arleth & Associates**

Action Required: **Approval/Denial**

Legal Description: **Tract 5 and Tract 6 of Kinship Mountain Estates, that Portion of Myrtle No. 4 Lode of M.S. 1730, in the W1/2 of Sec. 15 and the E1/2 of Sec. 16, T3N, R4E, B.H.M.**

Location: **Off Highway 385 (old Girl Scout Camp)**

Purpose: **New Lots – Tract 5 = 3.07 Acres, Tract 6 = 2.46 Acres**

Preliminary plat previously approved. Moved-Seconded (Mickelson-Kullbom) to approve final plat. Motion carried.

Board discussion – Coburn notes we’ve now put subdivision on a narrow Forest Service Road that does not meet county specs and that issues like this need to be addressed with the County Commissioners. Board members agreed this was done skirting county regulations. Mickelson said this started out as a church camp with a few houses for camp owners/workers and now we have 8 home sites. Coburn felt we should have limited it to 2 sites. Mickelson agreed that this should have been a subdivision from the start.

PRELIMINARY PLAT

Owner/Representative: Roger Riley, Developer / Arleth & Associates

Action Required: Approval/Denial

Legal Description: Tracts 1 through 6 of Higgins Gulch Subdivision, located in the NE ¼ NW ¼ of Section 13, T6N R1E B.H.M.

Tract 1 = 5.26 Acres; Tract 2 = 12.03 Acres; Tract 3 = 3.34; Tract 4 = 4.97 Acres; Tract 5 = 4.97 Acres; Tract 6 = 9.89 Acres

Location: Higgins Gulch West of Spearfish

Roger Riley presented his preliminary plat showing 6 lots on this 40-acre parcel. He also questioned the \$3000 per lot charge for road improvements. John Fitzgerald, States Attorney, was present and said he reviewed County Commission minutes and it was clear to him that the County Commission approved the change of zoning for this land with every lot that is subdivided and sold bearing a cost of \$3000. He stated this cost will run with the land. Flanagan reiterated that anything less than 10 acres cannot be further subdivided. Mickelson suggested a stipulation that one of those lots cannot be further subdivided. Coburn noted that a proper fire plan has not been submitted because what was received were only suggestions from State Forestry. We also need to see the covenants. Flanagan entered into the record comments received from Lori Welbig who owns the parcel to the north noting scenic concerns.

Riley questioned permission to market lots prior to plat approval. He was reminded that

the ordinance states nothing could be marketed or sold until platting is complete. He

was directed to the County Commission if he wants to request a variance from the ordinance.

Moved-Seconded (Mickelson-Fuller) to table until next meeting. Motion carried.

PRELIMINARY AND FINAL PLAT

Owner/Representative: Scheurer/Gunderson Trust

Action Required: Approval/Denial

Legal Description: Tract 4 NE ¼ SW ¼ Sec. 12 T6N R1E B.H.M.

Tract 4 = 29.66 Acres

Location: Higgins Gulch West of Spearfish

Flanagan presented the plat and explained they are cutting a 29.66 acre piece out of a 40 acre parcel. Owner has signed an affidavit relinquishing building rights on the remaining acreage.

Moved-Seconded (Mickelson-Kullbom) to approve preliminary plat. Motion carried.

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

FINAL PLAT (Replat of Tract 2)

Owner/Representative: Scheurer/Gunderson Trust

Action Required: Approval/Denial

Legal Description: Tract 2A and 2B, formerly Tract 2, Elk Country Estates, Sec. 12, T6N, R1E, B.H.M.

Tract 2A = 9.9 Acres; Tract 2B = 9.89 Acres

Location: Higgins Gulch West of Spearfish

Moved-Seconded (Coburn-Mattson) to approve the final plat. Motion carried.

There being no further business, the meeting was adjourned at 4:50 p.m.

APPROVED: _____

Date: _____

Leo Derosier, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF NOVEMBER 4, 2004

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, November 4, 2004 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood. SD.

PRESENT: Craig Mickelson, Bob Ewing (alternate Commission member), Leo Derosier, Jacque Fuller, Terrence Kullbom, Barb Mattson, Bill Coburn

ABSENT: None

MINUTES: Moved-Seconded (Coburn-Kullbom) to approve the minutes of October 7, 2004. Motion carried.

The scheduled time is in parentheses and the actual time is bolded. The meeting times were altered due to cancellations in the Agenda.

1:30 p.m. PUBLIC HEARING - CHANGE OF ZONING # 240/ DEVELOPMENT PLAN

Action Required: Approval/Denial

Owner/Representative: Donald & Karen Hander

Legal Description: **W ½ N ½ SE ¼ SE ¼ and the W ½ E ½ N ½ SE ¼ SE ¼ of Section 16, T6N, R4E., B.H.M (Tract H)**

From: A-1 Agriculture To: C/LI – Commercial Light Industrial

Location: North of I-90 and Whitewood

Purpose: To build a shop for construction business

Don Hander explained his plan to operate a small construction business, with 6-7 employees they are currently renting a shop on the road between Whitewood and Sturgis and will be losing their ability to rent this building and would like to build a small shop of their own. Brandon Flanagan stated long legal will be changed after the approval goes through it will be known as Tract H. Also, Brandon reminded the board and Hander that if they would choose to change the use of the land or building they would have to come before the board again and go through the development plan process.

Hearing Closed.

Moved-Seconded (Mickelson-Mattson) to recommend approval of the change of zoning. Aye-Derosier, Fuller, Kullbom, Mickelson, Mattson, Ewing, Coburn. Motion carried.

1:50 p.m. PUBLIC HEARING – CHANGE OF ZONING #241/DEVELOPMENT PLAN

Owner/Representative: **Robert Keller / Richards Rentals, Inc. (Tera Richards)**

Action Required: **Approval/Denial**

Legal Description: M.S. 1200 Tract 2, a Subdivision of Jay #1, 2 & 3 & Fay #3, Albert Steele Fraction Hazard, Log Cabin & Violet #3, all located in Sections 19 and 24, T4N R3E, B.H.M.

From: PF – Park Forest **To:** RCD - Recreation Commercial District

Location: **Off Hwy 85, Top of Aztec Hill**

Purpose: **Snowmobile/ATV Rental Business**

Doug Richards cancelled this meeting and wants it to be held for 1 month.

2:15 p.m. PUBLIC HEARING – CONDITIONAL USE PERMIT #298

Owner/Representative: Steve Nothdurft/Walt Griffith

Action Required: Approval/Denial

Legal Description: St. John Claim M.S. 1748 Sec. 1, T3N, R3E, B.H.M.

Location: HWY 385 South; Custer Peak Road

Purpose: **Campground**

Walt Griffith explained that Steve and he have gone into a partnership to put in a campground containing cabins, a lodge, tent sites and full hookup RV sites. He is aware of all the primary issues of getting a campground license. He has been in contact with the Wildland Fire Suppression Division and is in the process of meeting with them to see what needs to be done at this site in order to have it meet standards. They will obtain the proper permits from the county to build. They plan on putting a well in.

Craig Lundorff from the Forest Service raised some concerns the property owners need to be aware of: the business must be contained on private property, any trails and roads that are on forest service property are not open to ATV's, specifically the snowmobile trail. Also, brought up that further land sale will not be entertained. He did say that there was no opposition from the forest service. Brandon brought up one of the conditions in the conditional use permit which stated that if you are using the forest service land you must have a permit, but Mickelson and Lundorff stated this was only if you are giving guided tours. Brandon then reiterated that one of the conditions of the CUP is if there are any complaints the CUP can be reviewed annually. Chuck Williams is not opposed, but wanted to express his concerns regarding the active gravel pit adjacent to this property. Chuck does not want to see the County being handicapped because of complaints from the campground. The gravel pit has been used for years and there is a lot of high truck traffic, which creates dust and noise and safety issues.

Hearing Closed.

Craig Mickelson had no opposition to the CUP, but suggested the setbacks be looked at more closely, the tent sites be moved, and look at the separation of the sites and the lodge. Kullbom suggested putting up speed limit signs, and attaching conditions to satisfy Chuck's concerns. Bob Ewing suggested adding conditions to the CUP in having the gravel pit this close to the campground. Barb Mattson remarked on the track record of campgrounds. Bill Coburn had concerns with the water supply in this area and the fire wise issues.

Moved-Seconded (Kullbom-Ewing) to recommend tabling CUP #298 for one month. Aye-Derosier, Fuller, Mickelson, Mattson, Coburn. Motion carried.

2:56 p.m. PUBLIC HEARING – CONDITIONAL USE PERMIT #299

(2:45 p.m.)

Owner/Representative: MPT Inc./Jim Kirby & Bill Pearson

Action Required: Approval/Denial

Legal Description: Lot 3 Block 1 Except H1 Oak Mountain Country Estates, located in Section 18, T5N, R4E, B.H.M.

Location: Hwy 14A East of Deadwood

Purpose: To Allow for Offices and Storage

Roger Tellinghuisen explained this CUP is for the old Forest Service Building and last year it was denied for a COZ, the owners are back for a CUP to use the building for office space and storage, similar to the original CUP. Dwight Peterson, a neighbor to the property had some concern regarding outside storage (i.e. campers, boats, etc.). The owners assured him they would not have any of this. After this he had no opposition. Another neighbor Jim Kratz had no opposition to using the facility for the purpose of office space.

Hearing Closed.

Craig Mickelson suggested adding a condition regarding no outside storage. Barb Mattson questioned landing pad used by life flight, was this going to be available? Owners assured her it would be, they have a contract with Rapid City Regional Hospital.

Brandon added one change since the COZ was originally asked for the City of Deadwood has said this area is now a high growth area. The past signage will be utilized.

CUP #299

MPT Inc.

ATTACHED CONDITIONS:

Applicants are requesting the County grant permit for the operating of "For Lease" office and storage space in an existing office building and existing storage building. This shall be to allow leasing of space to multiple individuals in either structure for office, retail, and/or storage space.

11. Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking area shall be located within designated areas.
12. One on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance.
13. Screen Planting shall be provided along the west and north property boundaries. A screen-planting plan shall be submitted by the principle operator with the building permit application. Said plan will require the Planning and Zoning Boards approval as to the location and time frame of the plantings.
14. Storage of paint, pesticides, fuels, or other hazardous materials shall conform to all state and federal regulations.
15. The landing of helicopters on the property shall be restricted to emergency situations only.
16. Exit signs, emergency lighting, fire extinguishers, fire detection or suppression systems will be installed as required by the State Fire Marshall's Office.
17. Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption.
18. Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The employees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand.

19. Any improvements to the septic system shall be designed, inspected and approved by a South Dakota certified professional engineer (PE).
20. All noxious weeds shall be controlled per the Lawrence County Weed Department regulations.
21. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
22. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
23. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

Moved-Seconded (Fuller-Ewing) to recommend approval of conditional use permit. Aye-Derosier, Kullbom, Mickelson, Mattson, Coburn.
Motion carried.

3:10 p.m. INFORMATIONAL MEETING – CONDITIONAL USE PERMIT #

(3:15 p.m.) 300 – TO ALLOW HORSE CAMP/CAMPGROUND

Owner/Representative: Lindgren, Doug and Jody

Action Required: Discussion and set Public Hearing

Legal Description: Lot 2 of HES 417

Location: Nemo

Purpose: To allow for a horse camp and campground

Brandon stated that access issues arose this morning regarding the property listed above. Doug is aware that a public hearing will not be scheduled until this matter has been taken care of.

Doug Lindgren purchased the above property in hopes of putting a horse campground in, much like Jan Kaberna's. There will be corals, a bunkhouse, and in the future a few cabins and a shower house and bathrooms.

The neighbor Gary Sparks is concerned with commercial use of a non-public access road.

3:33 p.m. INFORMATIONAL MEETING – CONDITIONAL USE PERMIT #

(3:30 p.m.) 301 – TO ALLOW A CONVENIENCE STORE

Owner/Representative: Martin, Dan

Action Required: Discussion and set Public Hearing

Legal Description: Tract 3 located in the NE ¼ of Section 27, T3N, R5E, B.H.M.,

Location: Nemo

Purpose: To allow for a convenience store

Dan Martin would like to put in a small convenience store with gas and an off-sale liquor license. A public hearing is scheduled for December 2, 2004 at 2:00 p.m.

1:45 p.m. FINAL PLAT

(3:45 p.m.) Owner/Representative: Floyd Mount/John Keene / Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lot 2, Lot 30, Lot 35 of Meadow Crest Subdivision in the SE ¼ NE ¼ and the SW ¼ NE ¼ of Section 17, T5N, R4E, BHM, Lawrence County, SD

Location: Boulder Canyon

Purpose: New Lots – Lot 2 = 3.47 Acres, Lot 30 = 2.92 Acres, Lot 35 = 2.29 Acres

Preliminary subdivision plat previously approved.

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

Motion carried.

1:47 p.m. FINAL PLAT

(3:50 p.m.) Owner/Representative: Mattson Inc. / Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lots 3, 5, and 9 of Two Bit Springs Subdivision, consisting of Yellow Jacket Fraction Lode of M.S. 1507; and Mary of M.S. 1248; 4884, Two Bit No. 1 and Two Bit No. 2 of M.S. 1507 all located in Section 1, T4N, R3E, B.H.M., Lawrence County, South Dakota

Location: Two Bit Road

Purpose: New Lots - Lot 3 = 5.18 Acres; Lot 5 = 4.66 Acres; Lot 9 = 5.44 Acres

Brandon stated that there was a condition on the final that the water gallery be in place prior to issuing any building permits, this has been done and first construction is already being done, everything is in line to build.

Preliminary subdivision plat previously approved.

Moved-Seconded (Kullbom-Fuller) to approve the final plat. Motion carried.

Barb Mattson did not vote.

1:55 p.m. PRELIMINARY AND FINAL PLAT (tabled at last meeting)

(3:55 p.m.) Owner/Representative: **Maynard and Dorothy Seaman / Arleth & Associates**

Action Required: **Determination of Wet Meadow Easement / Approval or Denial of Plat**

Legal Description: **Tract 4A, Tract 4B, and Tract 6A of Hay Springs Estates, a Subdivision of Tract 4 and Tract 6 of Hay Springs Estates, A Subdivision of H.E.S. 76 & H.E.S. 110, in the NW1/4NW1/4 of Sec. 33, T4N, R4E, B.H.M.**

Location: **Nemo Road**

Purpose: **New Lots – Tract 4A = 6.71 Acres, Lot 4B = 5.00 Acres, Lot 6A = 7.48 Acres**

Brandon asked the board to remember it needed to be determined the area was not a wet meadow area. Coburn previously pointed out there was a distinct vegetation line, which distinguished where the wetlands were. An aerial view of the property showed the vegetation line, this was extracted and applied it to the plat.

Moved-Seconded (Mickelson-Coburn) to approve the preliminary plat. Motion carried.

**Moved-Seconded (Kullbom-Mattson) to approve the final plat.
Motion carried.**

3:48 p.m. PRELIMINARY PLAT

(4:05 p.m.) Owner/Representative: Roger Riley, Developer / Arleth & Associates

Action Required: Approval/Denial

Legal Description: **Tracts 1 through 6 of Higgins Gulch Subdivision, located in the NE ¼ NW ¼ of Section 13, T6N R1E B.H.M.**

Location: **Higgins Gulch West of Spearfish**

Purpose: **New Tracts - Tract 1 = 5.26 Acres; Tract 2 = 12.03 Acres; Tract 3 = 3.34; Tract 4 = 4.97 Acres; Tract 5 = 4.97 Acres; Tract 6 = 9.89 Acres**

Mark Fuhr presented the Covenants and By-Laws and the fire plan asked for in the October Meeting.

Bob Ewing stated in Section 11-Weed Control- the county needs to be added. Terrence Kullbom shared with the board the email that was sent to him.

From: Carol Welbig

*To: Barb Mattson ; Bill Coburn ; Connie Douglas ; Craig Mickelson ; George Opitz; Jacque Fuller ; Jim Seward ; Kent Vucurevich ; Robert Ewing ; Terrence Killbom; Terry Weisenberg
Sent: Sunday, October 31, 2004 10:43 PM*

Subject: Re-zoning Higgin Gulch Area

I'm one of the partners who purchased "Tract # 5" in Higgins Gulch this past year. I understand the owner of "Tract # 6" would like to sub-divide his tract into less than 10 acre plots. I feel this would detract from the serene hills beauty and put undo traffic in this area. Please consider this an objection to subdividing this area into plots of less than 10 acre plots per 40 acre unit. Thank you for reading this E-mail regarding this matter.

*Sincerely,
Lloyd Welbig*

Bill Coburn suggested stronger wording in the last section of the fire wise-the word encouraged needs to be changed to must use fire resistant materials. Bruce Outka stated the \$3000 lot agreement should not be in the covenants and by-laws, but should be mentioned in the motion.

Moved-Seconded (Kullbom-Mattson) to approve the preliminary plat with notation that the prior contractual agreement of \$3000 is due to the county at time of closing on each lot. (as per COZ # 206)

Motion carried.

Moved-Seconded (Kullbom-Coburn) to approve the final plat with notation that the prior contractual agreement of \$3000 is due to the county at time of closing on each lot. Lawrence County will hold a check for \$2200 until road improvements into the subdivision are finished and meet all county spec requirements, no building permits will be issued in this subdivision until the road is completed.(surety subject to approval by County Commission)

Motion carried.

3:40 p.m. PRELIMINARY AND FINAL PLAT

(4:15 p.m.) Owner/Representative: Martin, Dan/ Arleth & Associates

Action Required: Approval/Denial

Legal Description: Tracts 1, 2, and 3 of the unplatted portion of Nemo Placer, M.S. 1368, Lots 1 & 2 of Block 1 and a dedication of ROW, all located in the NE ¼ of Section 27, T3N, R5E, B.H.M.,

Location: Nemo Road

Purpose: Subdivision

A 40-foot private road access easement was shown on the plat so that Margie can access her house.

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

Moved-Seconded (Kullbom-Mattson) to approve the final plat. Motion carried.

2:00 p.m. FINAL PLAT

(4:20 p.m.) Owner/Representative: Dwight Ahlers/ Arleth & Associates

Action Required: **Approval/Denial**

Legal Description: **Lots 23, 35, and 37 of Spruce Mountain Estates #2 in the SE ¼ SW ¼ of Section 13, and the N1/2NW1/4 of Section 24, T6N, R4E, BHM**

Location: **Whitewood Valley**

Purpose: **New Lot 23 = 6.15 Acres, Lot 35 = 4.77 Acres, Lot 37=5.53 Acres**

Discussion took place regarding the section line relocation in Regular Spruce Mt. #2, that this board will not see. The section line will drop down and fall onto Antler road and the section lines through those lots will be vacated at that time provided the commission accepts the condition.

Brandon stated that he would talk with Chuck about this more. He will talk with Bruce and they will look at this more.

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

4:10 p.m. PRELIMINARY AND FINAL PLAT

(4:25 p.m.) Owner/Representative: Huetcher, Mike and Marylin /Arleth & Associates

Action Required: **Approval/Denial**

Legal Description: **Tract 1 and Tract 2 consisting of St. Louis, Modeligo, and Cresco Lodes, M.S. 1219**

Location: **Upper Two Bit**

Purpose: **New Lot 23 = 6.15 Acres, Lot 35 = 4.77 Acres, Lot 37=5.53 Acres**

Moved-Seconded (Mickelson-Fuller) to approve preliminary plat. Motion carried.

Moved-Seconded (Fuller-Ewing) to approve the final plat. Motion carried.

Terrence Kullbom did not vote.

4:16 p.m. FINAL PLAT

(4:35 p.m.) **Owner/Representative:** Mike Alley - Benchmark / Black Hills Surveying

Action Required: Approval/Denial

Legal Description: Lot 1, Block 11 of the Pines at Benchmark Subdivision, a Subdivision of a Portion of Lot 11, Bird Lode, Bird No. 2 Lode and Funston Fraction Lode of M.S. 1902, all located in Section 11, T3N, R4E., B.H.M

Location: Nemo/Benchmark

Purpose: New Lot 1 = 6.23 Acres

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

4:19 p.m. PRELIMINARY AND FINAL PLATS

(4:40 p.m.) **Owner/Representative:** Cooper, Kent / Black Hills Surveying

Action Required: Approval/Denial

Legal Description: Lot 15A and 15B a Subdivision of Lot 15 of O'Neil Pass Ranchettes Subdivision of H.E.S. 617 Located in Section 20, T3N, R1E B.H.M

Location: Highway 85

Purpose: New Lots 15A=7.08 Acres, Lot 15B=5.00 Acres

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

Motion carried.

Moved-Seconded (Coburn-Ewing) to approve the final plat.

Motion carried.

4:25 p.m. PRELIMINARY AND FINAL PLAT

(4:50 p.m.) **Owner/Representative:** Bahneman, Rick – Lucan and Naomi Subdivisions/Black Hills Surveying

Action Required: Approval/Denial

Legal Description:

Lot 1R of the Lucan Subdivision – A replat of Lot 1 a Portion of the SW ¼ NE ¼ NW ¼, all located in the NE ¼ NW ¼ and the W ½ NW ¼, Section 15, T5N, R3E., B.H.M

Lot 7BR of the Naomi Subdivision – A replat of Lot 7B and a portion of the SW ¼ NE ¼ NW ¼, all located in the NE ¼ NW ¼ and the W ½ NW ¼, Section 15, T5N, R3E., B.H.M

Lot R and Lot M – Being the remainder of the SW ¼ NE ¼ NW ¼, Section 15, T5N, R4E., B.H.M

Location: **Boulder Canyon**

Purpose: **New Lots 1R=2.85 Acres, Lot 7BR=6.74 Acres, Lot R=3.95 Acres, Lot M=3.81 Acres**

Brandon explained the reasoning behind platting all three areas on one plat.

Discussion took place involving the dedicated road access into this subdivision. Bill Coburn discussed that this subdivision is not up to county standards and there is no road district. He voiced his concerns on the fire hazards in this area and whether or not the board should keep allowing subdividing in this area. He opposes this being approved until the board looks into it more. Craig Mickelson wanted to know if we were actually adding lots or just re-platting. We are adding one lot. Brandon proposed an on-site with the board and tabling this until the next meeting. Planning and Zoning Commission will do an on-site and discuss this matter on Friday, November 19, 2004 at 3:00 p.m.

Moved-Seconded (Ewing-Coburn) to table matter for one month. Motion Carried.

5:00 p.m. DISCUSSION FOR SUBDIVISION

Owner/Representative: **Anderson, Alan/Black Hills Surveying**

Action Required: **Discussion**

Legal Description: **E ½ NE ¼ SE 1/4, Section 8, T3N, R5E, B.H.M.**

Location: **Nemo**

Purpose: **Subdivision**

Cancelled morning of meeting.

1:40 p.m. PRELIMINARY AND FINAL PLATS

(5:10 p.m.) Owner/Representative: Hander, Don & Karen

Action Required: **Approval/Denial**

Legal Description: **Tract H, being the W ½ N ½ SE ¼ SE ¼ and the W ½ E ½ N ½ SE ¼ SE ¼ of Section 16, T6N, R4E., B.H.M**

Location: **Whitewood North**

Purpose: **Platting new lot Tract H=15.03 Acres**

Moved-Seconded (Mickelson-Kullbom) to approve preliminary plat. Motion carried.

Moved-Seconded (Kullbom-Fuller) to approve the final plat. Motion carried.

4:50 p.m. PRELIMINARY AND FINAL PLATS

(5:20 p.m.) Owner/Representative: Green, Mike

Action Required: Approval/Denial

Legal Description: Green Tract being a portion of Cannonball No. 3 M.S. 1832, Located in the SW ¼ of Section 5, T4N, R3E, B.H.M

Location: Deer Mountain

Purpose: New Lot Green Tract=5.98 Acres

Mike Green bought this property from Homestake and the County wants to clear up the unplatted portions.

Moved-Seconded (Mickelson-Kullbom) to approve preliminary plat. Motion carried.

Moved-Seconded (Mickelson-Kullbom) to approve the final plat. Motion carried.

2:10 p.m. FINAL PLAT (waive preliminary plat)

(5:30 p.m.) Owner/Representative: Vanhorn, Richard & Lydia/Aspen Hills Development

Action Required: Approval/Denial

Legal Description: Tract 3A and Tract 3B of Aspen Hills Development a Subdivision of Tract 3 of Aspen Hills Development located in the NE ¼ of Section 32, T6N, R2E, B.H.M

Location: Spearfish West

Purpose: New Lots 3A=3.12 Acres, Lot 3B=6.76 Acres

Brandon stated that the density was addressed before and this matches the overall density needed. Requesting that the preliminary be waived and approval of final.

Moved-Seconded (Mickelson-Mattson) to waive preliminary plat.

Motion carried.

Moved-Seconded (Mattson-Coburn) to approve the final plat.

Motion carried.

4:55 p.m. ORDINANCE DISCUSSION
(5:35 p.m.) Representative: **Brandon Flanagan**
 Action/Required: **Discussion**
 Purpose: **Discussion on various ordinances**

Brandon and Bruce presented the review/revision of the comprehensive plan and the review/revision of the ordinances. He presented the areas, which he thought needed the most work and asked the board for input on what areas they thought needed help. He specifically talked about a building inspector.

There being no further business, the meeting was adjourned at 5:37 p.m.

APPROVED: _____

Date: _____

Leo Derosier, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF DECEMBER 2, 2004

REGULAR MEETING

Chairman Leo Derosier called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, December 2, 2004 at 1:30 p.m. in the Administrative Annex Building of the Lawrence County Courthouse located at 90 Sherman Street, Deadwood. SD.

PRESENT: Craig Mickelson, Bill Coburn (left at 4:00pm for meeting in Rapid City), Terry Kullbom, Bob Ewing, Leo Derosier (Arrived at 2:00pm), Jacque Fuller (Arrived at 2:50 pm)

ABSENT: Barb Mattson

MINUTES: Moved-Seconded (Coburn,Ewing) to approve the minutes of November 4, 2004. Motion carried.

The following times are listed as scheduled then actual.

1:30 p.m.

1:30 p.m. PUBLIC HEARING – CHANGE OF ZONING #241/DEVELOPMENT PLAN Owner/Representative: **Robert Keller / Richards Rentals, Inc. (Tera Richards)**

Action Required: **Approval/Denial**

Legal Description: M.S. 1200 Tract 2, a Subdivision of Jay #1, 2 & 3 & Fay #3, Albert Steele Fraction Hazard, Log Cabin & Violet #3, all located in Sections 19 and 24, T4N R3E, B.H.M.

From: PF – Park Forest **To:** RCD - Recreation Commercial District

Location: **Off Hwy 85, Top of Aztec Hill**

Purpose: **Snowmobile/ATV Rental Business**

Doug Richards explained to the board the background information on the property and what they intend to do. They would like to build a small shop, office area, and provide gas for rentals of snowmobiles . He is aware of the concerns the surrounding neighbors have and he is willing to fence the property off to help control the snowmobilers from going into the subdivision. He also stated that he would be willing to post signs, which would tell snowmobilers where they can and cannot go.

There were no proponents to this COZ.

Opponents:

Mark and Jane Schwartz: they do not want commercial property near the subdivision or their home. He is adamantly opposed.

Forrest Goodwin: His is upset that the snowmobilers have already demolished his property and will continue to do so.

Joyce Carlson: Currently she watches the snowmobilers use her driveway as a jump causing damage to her property, she is concerned with the noise factor, water, and the fact that there is already a snowmobile place across from them.

Bertha Carlson: concerned with the caravans of snowmobilers, water, noise, and the devaluation of current lots.

Larry Peltier: he snowmobiles himself and understands that they will try to control it, but he knows it is uncontrollable; he bought the property for peace and serenity.

Wendall Rawlings: concerned with the smell of exhaust, noise, devaluation of property and water.

Doug Richards spoke again and tried to explain his view on their concerns. He understands that the subdivision does not allow fencing, so he knows he will have to fence his property. He does know that the noise of the snowmobilers is uncontrollable, but did explain that the rental snowmobiles are less noisy than private snowmobiles. He understands that water is a problem in that area, but the site currently has a hookup and he is willing to look at his own well. They would like to clear cut part of the land and leave a natural buffer of trees in order to help with the noise and deterring the snowmobiles from entering the subdivision. He has had a lot of experience and understands that there will be problems, but some of them he cannot control. Doug did state that there are a lot of rental properties in this subdivision and he thinks that the majority of the problems are coming from privately owned sleds not the rental sleds.

Opponents:

Joyce Carlson: She stated that there are not that many rental properties in the subdivision and that she has seen Recreational Springs sleds on her property and in the subdivision. She also has signs posted and they do not deter any of the sleds from entering her property.

Wendall Rawlings: He is concerned that once they are there for awhile and they decide to leave and the property is zoned commercial, then what else will be brought in.

Mark Schwartz: Concerned with the safety of the access to the snowmobile system.

Joe Moak: Owner of Recreational Springs , not opposed, but concerned for the safety of the riders with the planned access to the snowmobile system.

PUBLIC HEARING CLOSED

Ewing asked whether or not there was any commercial property adjoining this piece of property. Doug answered no. Coburn also asked about the water supply and locations where Richards had done this before.

Moved-Seconded (Mickelson-Coburn) to recommend denial of the change of zoning. Aye- Kullbom, Ewing. Motion carried.

**1:30 p.m. PUBLIC HEARING – CONDITIONAL USE PERMIT #224-
2:00 p.m. 04(Amended)**

Owner/Representative: Wharf Resources/Carol Koerner

Action Required: Approval/Denial

Legal Description: SW ¼ SW ¼ & SE ¼, Section 35 and SW ¼ SW ¼ Section 36, T5N, R2E Mineral 1035 thru 1135, B.H.M

Location: Terry Peak

Purpose: To allow onsite rubble disposal

Carol Koerner explained that they are applying for a general permit for rubble distraction only for Wharf generated waste. She understands that rubble disposal is not permitted in SRD, but part of the property is PF and rubble disposal is permitted there by CUP. They get inspected one time per year and they must list all material is dumped. All metal, paper, tires, and batteries must be attempted to be recycled or removed. Legal has been decreased to only the PF area.

Opened to Board:

Craig Mickelson questioned if something new has happened or have they been stockpiling the waste. Carol answered they used to get these permits under the Technical Revision, but now it is required to get a new CUP.

Brandon explained it will be a minor revision added onto the current conditions in the CUP.

Opponents:

Jack Cole: Wanted to know if the EPA has approved the rubble being dumped and stated that the DENR is unfair to the taxpayers of the county. He asked the board if he could prepare some information and present it to them.

Lynn Neminga: Gave a suggestion to Carol to offer the pallets to the community as free firewood.

Carol Koerner stated she will bring this suggestion up to her manager.

PUBLIC HEARING CLOSED

Bill Coburn: Would like to see firewood offered to the public.

Moved-Seconded (Kullbom-Mickelson) to recommend approval of the amendment to the conditional use permit. Motion Carried.

2:00 p.m PUBLIC HEARING – CONDITIONAL USE PERMIT # 301

2:20 p.m. **Owner/Representative:** Martin, Dan

Action Required: Approval/Denial

Legal Description: (Tract 3 of the un-platted portion of Nemo Placer, M.S. 1368, located in the NE ¼ of Section 27, T3N, R5E, B.H.M.,)

Location: Nemo

Purpose: To allow for a convenience store

Dan Martin explained his intent to establish a store in the Nemo community offering groceries, gas, and a place to sit down and talk. He will re-do the inside of the building, but keep the rustic exterior mostly intact. He will add a deck.

Proponents:

Jan Kaberna, Gary Lanton, and Margie Ford all spoke on behalf of Dan Martin. They would like to see a gathering place for the community of Nemo be available again. No opposition for this CUP. Dan also collected nearly 40 letters of support for this CUP.

PUBLIC HEARING CLOSED

**CUP #301
Dan Martin**

ATTACHED CONDITIONS:

Applicants are requesting the County grant permit for the operating of a convenience store, with or without fuel, in Nemo. This shall be to allow utilizing an existing structure located in the center of Nemo for the sales of products associated with convenience stores.

24. The owner and operator shall comply with all applicable County, State, and Federal regulations regarding the business.
25. The owner shall be required to obtain a South Dakota Sales Tax license.
26. The entire lot shall be kept in a neat and in an uncluttered fashion.
27. No outdoor storage shall be allowed.
28. Access off and onto the Nemo Road shall be coordinated and approved by the Lawrence County Highway Department.
29. The owner shall be required to contact the Nemo Fire Department to ensure that the retail store complies with fire and safety codes.
30. Only one (1) on-premise sign advertising the retail store, not attached to the store, shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance.
31. Outdoor advertisement signage (billboards) shall not be allowed on the property per state law. Grand fathered signage is exempted.
32. Litter containers, including dumpsters or trash cans, shall have lids and be strategically placed in and around the buildings. All trash containers shall be emptied on a regular basis or by demand.
33. All noxious weeds shall be controlled within the lot per the Lawrence County Invasive Species regulations.
34. All loading and unloading activities shall comply with Section 4.1 of the Lawrence County Zoning Ordinance.
35. Applicant is required to obtain a building permit prior to any new construction or significant alterations to the existing building.
36. In case of emergencies, the owner shall provide a point of contact with their name, address and telephone to the Lawrence County Office of Planning and Zoning and the Sheriff Department.
37. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
38. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
39. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.

Moved-Seconded (Mickleson,Ewing) to recommend approval of the the conditional use permit. Motion Carried.

2:30 p.m **CONDITIONAL USE PERMIT #298 (tabled from November 4, 2004)**

2:30 p.m. **Owner/Representative:** Steve Nothdurft/Walt Griffith

Action Required: Approval/Denial

Legal Description: St. John Claim M.S. 1748 Sec. 1, T3N, R3E, B.H.M.

Location: HWY 385 South; Custer Peak Road

Purpose: Campground

Walt Griffith stated they are brining the same proposal back to the board, with all the changes they were asked to make. They have adjusted all the setbacks, established a crosswalk for pedestrians, will post speed limit signs, moved the tent sites to the other side of the road, they intend to keep the natural barrier of trees between road and campground.

Brandon stated there is 1 cabin, which encroaches the setbacks of the road right-of-way. Chuck Williams stated he would take care of the signage for speed limits and one-way signs. Craig Mickelson suggested pedestrian crossing ahead signage and questioned whether or not during the rally will they have people in other places.

CUP #298

Steven Nothdurft

ATTACHED CONDITIONS:

Applicants are requesting the County grant permit for the operating of a campground along the Custer Peak Road. This shall be to allow construction and operation of a campground facility including; RV and tent sites, as well as small rental cabins and a Lodge.

1. The owner and operator shall comply with all applicable County, State, and Federal regulations regarding lodging and campground requirements.
2. The lodging accommodation's office shall normally be closed at 10:00 p.m. except for emergencies.
3. The maximum number of accommodations shall be one lodge, 13 cabins, 30 tent, and 22 RV spots.
4. Any new construction shall require a building permit from the Lawrence County Office of Planning and Zoning and comply with Building Codes and Life Safety Codes, specifically constructing with fire resistant materials.
5. The camp operator shall contact the South Dakota Department of Health for an inspection of the facility before opening up the camp to groups.
6. All outdoor fire pits shall be inspected and approved by the South Dakota Wildland Fire Suppression Division.
7. At least one fire extinguisher shall be placed in each cabin. The main lodge shall require two fire extinguishers. Smoke alarms shall also be required the lodge.
8. First aid kits will be made available and accessible to the public and employees.
9. Water quality testing shall be conducted by the operator according to the South Dakota DENR Water Quality Division regulations and found to be safe for public consumption.
10. One on-premise sign shall be allowed on the property and conform to Section 4.2 of the Lawrence County Zoning Ordinance. The operator may request directional signs from the South Dakota Department of Transportation for placement along State Highway #385.

11. Litter containers and trash barrels shall have lids and be strategically placed around the area so as to prevent free blowing trash. The camp employees shall police trash periodically. The trash containers shall be emptied on a regular basis or by demand.
12. All septic systems shall be designed, inspected and approved by a South Dakota certified professional engineer (PE).
13. The campground operator shall assign one or more persons to remain on the premise at all times to provide security when the campground is open.
14. All noxious weeds shall be controlled per the Lawrence County Weed Department regulations.
15. Exterior lights shall be placed strategically throughout the campground for lighting and security, and shall be directed away from the County/Forest Service Road.
16. Any parking pertaining to the operation shall comply with Section 4.1 of the Lawrence County Zoning Ordinance. The parking area shall be located within designated areas.
17. A minimum of one (1) telephone shall be available for emergency use. A list of emergency numbers and sheriff department number shall be placed next to the phones.
18. The camp operator shall apply for the appropriate U.S. Forest Service permits for those activities such as hiking, trail riding, snowmobiling, and cross-country skiing if the activities are done on adjacent forest service lands.
19. Any change of property ownership, with the proposed transfer of this subject Conditional Use Permit, shall be reported immediately to the Office of Planning and Zoning. The new owner shall meet with the Lawrence County Commission to review and accept the conditions of this Conditional Use Permit.
20. This permit shall be reviewed on an annual basis, or an as needed basis should complaints arise to assure compliance with the attached conditions, at which time additional conditions may be attached.
21. If any term, condition or regulation stipulated in the Conditional Use Permit, the Lawrence County Zoning Ordinance or applicable state and federal regulations are not fully complied with in all respects, this permit shall be reviewed and may be suspended or revoked.
22. The Applicants/Owners/Operators understand that the location of the proposed campground is adjacent to an operating gravel pit utilized by Lawrence County and the National Forest Service, and as such, is subject to the noises, dust, and any other inconveniences associated with rock crushing and extraction.

Mickelson would like to add to # 22 this condition shall negate any complaints arising. Also add signage and access to the conditions. Coburn wants to add 40 tent sites to #3.

Moved-Seconded (Kullbom-Coburn) to recommend approval of the conditional use permit. Motion Carried.

MEETING RECESSED FOR 5 MINUTES

2:50 p.m. INFORMATIONAL MEETING-CONDITIONAL USE PERMIT #

2:50 p.m. 302- ALLOW A TOWER FOR VERIZON WIRELESS

Owner/Representative: **John Rowe/Verizon Wireless**

Action Required: **Discussion of Placement – set public hearing**

Legal Description: **Lot 18 of East Slope Estates, all located in N ½ SW ¼ and S ½ NW ¼ of Section 16, T6N, R4E of B.H.M.**

Location: **West of Hwy 34**

Purpose: **To allow a tower for Verizon Wireless**

John Rower explained that he works for Verizon Wireless and is trying to set up a tower on David O’Neills property. It will be located halfway up the hill, close to the utilities; you will not have to create a road to get to the towers. It will be at about 3660 elevations, which will put it 80 feet above the top of the hill. It will be a self-supporting tower; public safety is allowed to use the towers.

Brandon recommended bringing more maps and a letter of support from Whitewood.

Kullbom brought up the issue of the lights on the towers and John assured him the lights are the ones that shine upwards.

3:05 p.m. INFORMATIONAL MEETING - CHANGE OF ZONING #242

3:05 p.m. ALLOW SHOP AND STORAGE

Owner/Representative: **Hemeyer Enterprises Inc.**

Action Required: **Discussion – set public hearing**

Legal Description: “Outlot A” of the unplatted remainder of the NE ¼ NE ¼ of Section 8, all located in T6N, R2E, B.H.M.

From: SRD-Suburban Residential **To:** C/LI-Commercial/Light Industrial

Location: **Spearfish/ Pope and Talbot**

Purpose: **Building of shop and storage**

Cody Hemeyer presented where the building will be located, and explained they would like to build a 5000 sq ft shop, with an office, and a bathroom. He stated the road will be widened next year which will take 20-40 feet of this property. They plan on putting up barrier of trees on 3 sides to help with the noise and the view. They plan on putting a burm around the back of the property to help the drainage to go towards the creek bottom.

3:20 p.m. FINAL PLAT

3:15 p.m. Owner/Representative: **Dwight Ahlers**

Action Required: **Approval/Denial**

Legal Description: Lots 4 and 16 of Spruce Mountain Estates #2 in the W ½ NW ¼ and the NW ¼ SW ¼ of Section 24, T6N, R4E, BHM.

Location: **Whitewood Valley**

Purpose: **New Lot 4 = 7.16 Acres, Lot 16 = 5.52 Acres**

Moved-Seconded (Mickelson-Coburn) to recommend approval of the Final plat. Motion Carried.

3:25 p.m. FINAL PLAT

3:17 p.m. Owner/Representative: **Dwight Ahlers**

Action Required: **Approval/Denial**

Legal Description: **Lot 6 of Spruce Mountain Estates #1 in the SE ¼ NE ¼ and NE ¼ SE ¼ of Section 14, T6N, R4E, B.H.M**

Location: **Whitewood Valley**

Purpose: **New Lot 6= 6.16 acres**

Moved-Seconded (Kullbom-Mickelson) to recommend approval of the Final plat. Motion Carried.

3:30 p.m. FINAL PLAT

3:25 p.m. Owner/Representative: **Floyd Mount/John Keene / Arleth & Associates**

Action Required: **Approval/Denial**

Legal Description: **Lot 33, Lot 34, Lot 40 of Meadow Crest Subdivision, Located in the NE ¼ and the SE ¼ of Section 17, T5N, R4E, B.H.M**

Location: **Boulder Canyon**

Purpose: **New Lots – Lot 33 = 2.19Acres, Lot 34 = 2.37Acres, Lot 40 = 5.91 Acres**

Moved-Seconded (Coburn-Fuller) to recommend approval of the Final plat. Motion Carried.

3:35 p.m. PRELIMINARY AND FINAL

3:26 p.m. Owner/Representative: **Mike Ollerich /Arleth & Associates**

Action Required: **Approval/Denial**

Legal Description: **Lot 7A and 9A of Block 1 of Deer Mountain Resort Development No. 3, Formerly Lot 7 and Lot 9 of Deer Mountain Resort Development No. 3, a Subdivision of M.S. 1217 and M.S. 1152, located in the E ½ of Section 13, T4N, R2E, B.H.M., and located in the W ½ of Section 18, T4N, R2E**

Location: **Deer Mountain**

Purpose: **New Lots – Lot 7A = 1.66 Acres, Lot 9A = .57Acres,**

Moved-Seconded (Coburn-Ewing) to recommend approval of the preliminary plat contingent upon it being hooked up to community water. Motion Carried.

Moved-Seconded (Mickelson-Fuller) to recommend approval of the Final plat contingent upon it being hooked up to community water. Motion Carried.

3:45 p.m. AMENDED PRELIMINARY PLAT

3:30 p.m. **Owner/Representative:** Donald and Karen Hander/Maitland Partners, L.L.C./Arleth & Associates

Action Required: Approval/Denial

Legal Description : Plat of Lots 1-37 of Paradise Acres Subdivision and dedicated right-of-way, all of the Rodman, L. Fraction, and Ibex Lodes of M.S. 1237; Edge, Goannex Fraction, Contention, Golden Slipper, Golden Ledge, Golden Age, Combination, Anticipation and Bessie Fraction Lodes of M.S. 1678, a portion of the Beulah No. 1 Lode of M.S. 1678; Tract H and Tract I, all located in the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 18, T5N, R3E, B.H.M. and the S $\frac{1}{2}$ of Section 7, T5N, R3E, B.H.M (legal will be amended)

Location: Maitland Road

Purpose: New subdivision

Adjustments in the lot layout required an amended preliminary plat.

Moved-Seconded (Mickelson-Fuller) to recommend approval of the amended preliminary plat. Motion Carried.

3:55 p.m. FINAL PLAT

3:40 p.m. **Owner/Representative:** Paradise Acres/Donald and Karen Hander / Maitland Partners L.L.C / Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plats of Lots 7, 32, 36, and 37 of Paradise Acres and Dedicated Right of Way, all of the Rodman, L. Fraction, and Ibex Lodes and portions of the Penobscot Fraction and Penobscot No. 2 Lodes of M.S. 1237; Annex Fraction, Contention, Golden Slipper, Golden Ledge, Golden Age, Combination, Anticipation and Bessie Fraction Lodes of M.S. 1678; Smoky City and Smoky City Fraction Lodes of M.S. 1662; Tract H and Tract I, all located in the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of Section 18, T5N, R3E, B.H.M. and the S $\frac{1}{2}$ of Section 7, T5N, R3E, B.H.M (legal will be amended)

Location: Maitland Road

Purpose: New lots

Moved-Seconded (Mickelson-Kullbom) to recommend approval of the Final plat. Motion Carried.

4:05 p.m. PRELIMINARY AND FINAL PLAT (tabled from November 4, 2004)

3:45 p.m. Owner/Representative: Bahneman, Rick – Lucan and Naomi Subdivisions/Black Hills Surveying

Action Required: **Approval/Denial**

Legal Description:

Lot 1R of the Lucan Subdivision – A replat of Lot 1 a Portion of the SW ¼ NE ¼ NW ¼, all located in the NE ¼ NW ¼ and the W ½ NW ¼, Section 15, T5N, R3E., B.H.M

Lot 7BR of the Naomi Subdivision – A replat of Lot 7B and a portion of the SW ¼ NE ¼ NW ¼, all located in the NE ¼ NW ¼ and the W ½ NW ¼, Section 15, T5N, R3E., B.H.M

Lot R and Lot M – Being the remainder of the SW ¼ NE ¼ NW ¼, Section 15, T5N, R4E., B.H.M

Location: **Boulder Canyon**

Purpose: **New Lots 1R=2.85 Acres, Lot 7BR=6.74 Acres, Lot R=3.95 Acres, Lot M=3.81 Acres**

Fuller stated she would like to know who was responsible for the road and it was answered that at this time no one was. She was also wondering about the portaporties that were seen up in that area. Brandon sated that the DENR would have to be contacted about this matter. Al Schreier from BH Surveying said he would bring this up to the owners of the property. Fuller strongly believes the board needs to do something about an area like this now. Brandon explained to the board that with this particular plat there are grounds for denial, but if the owners are to bring the plat back in under 2 different plats the board will not have grounds to deny. He made sure that the board was aware that if this matter were to go to court the county could be in a difficult position. Kullbom stated that there are 2 issues with this plat: the road and fire hazard, he wanted to put conditions on the plat being approved. Coburn was strongly against this plat being approved because of the fire hazard. Brandon explained that they could do an amortization schedule to bring the road into compliance.

Moved-Seconded (Ewing-Fuller) to recommend denial of the Preliminary plat. Motion Carried.

All board members denied the plat.

4:15 p.m. PRELIMINARY AND FINAL PLAT

4:03 p.m. Owner/Representative: Neil and Eileen Hodges/Rick Bush

Action Required: **Approval/Denial**

Legal Description: **Tract H of the SW ¼ SW ¼ NW ¼, Section 1, T5N, R4E, B.H.M.**

Location: **Whitewood**

Purpose: **Tract H = 9.94 Acres**

Moved-Seconded (Mickelson-Kullbom) to recommend approval of the preliminary plat. Motion Carried.

Moved-Seconded (Kullbom-Ewing) to recommend approval of the Final plat. Motion Carried.

4:20 p.m. PRELIMINARY AND FINAL PLAT

4:10 p.m. Owner/Representative: Brett & Vicki Winsell

Action Required: **Approval/Denial**

Legal Description: **Plat of Lot 3 of H.E.S. 296 Located in the NE ¼ of Section 11, T4N, R4E, B.H.M**

Location: **Galena East**

Purpose: **New Lot 3 = 5.00 acres**

Moved-Seconded (Kullbom-Mickelson) to recommend approval of the preliminary plat. Motion Carried.

Moved-Seconded (Ewing-Derosier) to recommend approval of the Final plat. Motion Carried.

4:25 p.m. FINAL PLAT

4:15 p.m. Owner/Representative: Ivan Shonley/ Boulder Canyon Sub.

Action Required: **Approval/Denial**

Legal Description: **Plat of Lot 322 of Block 3 of Boulder Canyon Subdivision. Located in Section 14, T5N, R4E, BHM**

Location: **Boulder Canyon**

Purpose: **New Lot 322 = 2.07 Acres**

Moved-Seconded (Kullbom-Mickelson) to recommend approval of the Final plat. Motion Carried.

4:30 p.m. FINAL PLAT

4:17 p.m. Owner/Representative: Ivan Shonley/ Boulder Canyon Sub.

Action Required: **Approval/Denial**

Legal Description: **Plat of Lot 310 of Block 3 of Boulder Canyon Subdivision. Located in Section 14, T5N, R4E, BHM**

Location: **Boulder Canyon**

Purpose: **Lot 310 = 2.07 Acres**

Moved-Seconded (Kullbom-Mickelson) to recommend approval of the Final plat. Motion Carried.

4:35 p.m. FINAL PLAT

4:19 p.m. Owner/Representative: Ivan Shonley/ Boulder Canyon Sub.

Action Required: **Approval/Denial**

Legal Description: **Plat of Lot 101 of Block 1 of Boulder Canyon Subdivision. Located in Section 14, T5N, R4E, BHM**

Location: **Boulder Canyon**

Purpose: **Lot 101 = 1.62 Acres**

Moved-Seconded (Kullbom-Mickelson) to recommend approval of the Final plat. Motion Carried.

4:20 p.m. Brandon gave a report to the board on the comprehensive plan. He explained the process of simple amendments to CUP's, number of building permits issued, and revisions done. He stated that both boards need to be aware of what is going on, but they do not necessarily need to see everything that happens. He would like to give a monthly staff report of what has happened with the administrative duties. He is expecting a full revision of the comprehensive plan by February 1st. He would like to have the zoning ordinances done by March 15th. He will send all revisions to the board to have their input. He explained that he has simplified some of the wording in the comp plan. He also explained the density, and bonuses in subdivision process. He asked the board to review the document and let him know what edits they might want.

There being no further business, the meeting was adjourned at 4:35 p.m.

APPROVED: _____

Date: _____

Leo Derosier, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY