

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 3, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 3, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Bob Ewing, Barb Mattson, Marty O'Dea, Bill Coburn, Tom Brady.

ABSENT: Craig Mickelson

Moved-Seconded (O'Dea-Ewing) motion to approve minutes from December 6, 2007. Motion Carried.

Moved-Seconded (Mattson-O'Dea) motion to approve the agenda with one change being: Delete plat for Dakota Resorts Management Group, as owner pulled the plat. Motion Carried.

Moved-Seconded (Brady-O'Dea) motion to appoint Bob Ewing acting Secretary for January 3, 2008 meeting. Motion Carried.

Moved-Seconded (Ewing-Mattson) motion to appoint Rick Tysdal Chairman for 2008. Motion Carried.

Moved-Seconded (Brady-Ewing) motion to appoint Bill Coburn Vice-Chairman for 2008. Motion Carried.

Moved-Seconded (Brady Ewing) motion to rescind motion to appoint Bob Ewing acting Secretary. Motion Carried.

Moved-Seconded (Brady-Mattson) motion to appoint Bill Coburn acting Secretary for January 3, 2008 meeting. Motion Carried.

Moved-Seconded (Brady-Mattson) motion to appoint Craig Mickelson Secretary for 2008. Motion Carried.

1. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Discussion

A Betty Reimer-addition of outside weddings to existing B&B

Vogt explained the Reimers asked, if under the present CUP, it would be permissible to have outdoor weddings at their Bed and Breakfast. The Board saw no conditions preventing this use.

B. Roo Ranch-move Ticket booth & gift shop to front building.

Vogt explained Beltec Inc and Roo Ranch, both owned by Kevin and Roxy Bell, each have a CUP. The Bell's request is to move the existing Roo Ranch office/ticket sales/gift shop, to the front of the Beltec building. The Board stated they would not require changes to either CUP, for this request.

C Windmills-proposed ordinance.

Outka stated he and Vogt are still working on a proposal and asked for the Boards input to his suggestion of using the CUP requirement, at this time, for wind energy conversion systems.

D Subdivision Ordinance-edits, additions, etc...

Vogt provided a hand-out of proposed subdivision regulation changes, and a timeline showing required hearings and publications to final adoption of the amendment. She suggested the Board set a special meeting to work on the document.

Moved-Seconded (Coburn-O'Dea) motion to set a Special Planning & Zoning meeting on January 24, 2008, at 1:30. Motion Carried.

E Fire Plan-New Ordinance.

Outka stated he had contacted Tim Eggers and will be contacting various people to help with a proposal for consideration.

F Weed Plan-New Ordinance.

Outka explained his thoughts on this proposal, and stated he has been in contact with the Weed Supervisor, Dave Heck.

2. PUBLIC HEARING-CUP #354 Gary Zimbleman - Windmill

Owner/Representative: Gary Zimbleman

Action Required: Approval/Denial

Legal Description: Lot E Blk 1, Hardy Subdivision Sec 32, T7N, R2E

Location: North of Spearfish on Old Belle Road

Purpose: Windmill

Zoning: SRD

Vogt presented an email from the City of Spearfish regarding the concerns of the Zimbleman request. She explained the location of the property being along Old Belle Road in the Hardy Subdivision, and proposed conditions.

Zimbleman agreed with the information presented by Vogt.

PROPOSERS: Dave Wickstrom stated he had just gone through the CUP process for a windmill, and supports Zimbleman's proposal. Wayne Reynolds stated he is also in favor of the request.

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Coburn-Ewing) motion to recommend approval of CUP #354 with attached conditions. Motion Carried.

The County Commission hearing is set for Jan 22, 2008 at 9:25 a.m.

3. PUBLIC HEARING-COZ #272 -Commercial- PF to HSC

Owner/Representative: Archie Roberts

Action Required: Approval/Denial

Legal Description: Lot A of Tract 3, Gray Subdivision, Sec 36, T6N, R4E.

Location: East of Whitewood, on Whitewood Service Road

Purpose: Commercial Property

Zoning: PF to HSC

Vogt stated she received an email from Jerry Bergum and letters from Barb & Mike Dusenberry, and Larry and Laura Parsons, as opposers to the request. She explained the location of the property along the Whitewood Service Road.

Mrs. Roberts stated they have no immediate plan for the property, but if they decided to sell, they would get a better price if zoned commercial.

PROPOSERS: None

OPPOSERS: Wayne Reynolds stated he is concerned with drainage and roads, and how a change of zoning would affect neighboring property.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Vogt read allowed uses and conditional uses under Highway Service Commercial zone, and development procedures required under this zoning. They discussed the concept that a change of zoning should not be considered solely to increase the value of property.

Moved-Seconded (Brady-Ewing) motion to recommend denial of COZ #272, as there is insufficient information to properly and fairly evaluate the merits of the application, as such would be done pursuant to Section 5.9.3., amendments to the zoning district. Motion Carried.

Vogt explained to Mrs. Roberts they had the option to take the request to County Commission with the recommendation of denial.

4. PUBLIC HEARING-CUP #355 Paul Dangel/Timothy Goldsmith

Owner/Representative: Timothy Goldsmith/Paul Dangel

Action Required: Approval/Denial

Legal Description: Tract I, portion of Nemo Placer MS 1368, Sec 28, T3N, R5E

Location: West of Nemo on Boxelder Forks Road

Purpose: Trail rides

Zoning: PF and SRD

Vogt explained this applicant presently has a trail ride business under a “grandfathered” use off of Nemo Road. He wants to move the business to adjacent, leased, property, and with this change, will need a CUP to continue. A letter from the property owner, expressing approval, was presented.

Dangel stated he wishes to continue the operation, and would like to extend his season into September with hay rides.

PROPOSERS: Troy Saye, owner of Nemo Guest Ranch, voiced in favor of granting the permit. He explained when the Nemo Mercantile burned, it was a great loss to the area, and he thinks Paul’s business will help keep Nemo alive.

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Bruce Outka questioned the number of signs in the area. Dangel explained that he has one sign on the property that is taken down in the fall, when the business is closed for the season. Vogt stated the other signs are on other property, and have been there for years.

Moved-Seconded (Brady-O'Dea) motion to recommend approval of CUP #355 with attached conditions. Motion Carried.

Vogt stated she had been contacted by a number of CUP holders who are required to feed Weed Free Certified hay. Those people are having trouble finding certified hay. She also stated that providers of certified hay are running out before the end of the season. Dangel explained the problems he has encountered with obtaining certified hay.

The County Commission hearing is set for January 22, 2008, at 9:15 a.m.

5. PUBLIC HEARING-CUP #356 Myron & Nadine Compton

Owner/Representative: Myron & Nadine Compton

Action Required: Approval/Denial

Legal Description: SE1/4 NE1/4, Section 11, T6N, R1E

Location: West of Spearfish on Crow Peak Bench Road

Purpose: Bed & Breakfast

Zoning: A-1

Vogt explained the location of the property, character of the area, and adjacent land use.

Mr. Compton asked if it was permissible to have a separate sign from his ranch sign, for the Bed and Breakfast. He also inquired about signs in the road right-of-way and was informed that off premise signage had to be located on Commercial property in the County or he could discuss signage with the DOT off of a State Highway.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Ewing-Coburn) motion to recommend approval of CUP #356 with attached conditions. Motion Carried.

A County Commission hearing is set for January 22, 2008 at 9:40 a.m.

6. INFORMATIONAL MEETING-COZ #273 – A-1 toA-2

Owner/Representative: Dave Fremont, Loren & Tammy Benedict and Kevin

Krog

Action Required: Discussion/ Set On-site

Legal Description: SW1/4 NE1/4, Section 35, T7N, R2E.

Location: East of Spearfish

Purpose: To bring existing legal descriptions and lots into compliance

Zoning: A-1 to A-2

Vogt explained the prior owner of the 40 acres, sold the property in three transactions, with a residence on one of the parcels, leaving other parcels with no building right. Mr. Fremont contacted the office to ask how to obtain a building right for his 12.5 acres. He contacted the owners of the rest of the 40 acres, and together they applied for the change of zoning. Vogt explained the property will have to be platted in order to obtain a building permit, if the zoning change is approved.

A Planning & Zoning hearing is set for February 7, 2008, at 1:30 p.m.

7. **INFORMATIONAL MEETING-COZ #274 - A-1 to A-2**

Owner/Representative: Layton Lensegrav

Action Required: Discussion/ Set On-site

Legal Description: S1/2 SW1/4 Except RW & Lot H-2, Section 10, T7N, R2E.

Location: North of Spearfish on Hwy 85 North.

Purpose: Subdivision

Zoning: A-1 to A-2

Vogt described the location of the property, along the Hwy 85 corridor. Lensegrav intends to subdivide and sell the property. Discussion included present access, the need for a development plan and preliminary plat, and the possibility of annexation to the city of Spearfish.

The Planning & Zoning hearing is set for February 7, 2008 at 1:30 p.m.

8. **INFORMATIONAL MEETING-COZ #275 - A-1 to RR**

Owner/Representative: Willow Creek Land Trust – Michael Sack

Action Required: Discussion/Set Onsite

Legal Description: W1/2 W1/2 NW1/4 SE1/4 and E1/2 SE1/4 NW1/4 Ex Tracts A&B – E1/2 NE1/4 SW ¼ all in Section 28, T7N, R2E

Location: North of Spearfish

Purpose: Subdivision

Zoning: A-1 to RR

Vogt explained the location of the property, being a total of 45 acres, and Sacks request for an additional building site.

Sack stated he wants to build a new residence and not have to tear down the present house.

He does not have enough acreage for two residences with the present zoning. Vogt explained he would have to plat the property into two lots, one for each house. The Board questioned the request for Rural Residential zoning for this plan, and explained they would require a development plan, plat and other

requirements with the possibility of the greater density of Rural Residential zone. Sack requested changing his application for change of zoning to A-2. The Planning & Zoning hearing will be held February 7, 2008, at 1:30 p.m.

PLATS IN ORDER AS LISTED

1. PRELIMINARY AND FINAL PLAT

Owner/Representative: David Hvistendahl/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 Jim Put Lode MS 1611, Sec. 9, 10 & 15, T4N, R3E (legal shortened)

Location: Yellow Creek Road

Purpose: Subdivision

Zoning: PF

Vogt stated she is recommending this plat be tabled, as Hvistendahl has not furnished the office with answers to questions regarding the plat.

Moved-Seconded (Ewing-Brady) motion to table the plat. Motion Carried.

2. FINAL PLAT

Owner/Representative: Ivan Shonley/Davis Engineering

Action Required: Approval/Denial

Legal Description: Plat of "Common Lot" of Blk 2, Boulder Canyon Subdivision, Sections 10,11,14 & 15, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Transfer to the Water District

Zoning: SRD

Vogt explained the reason for this plat is to transfer the lot to a water district. The plat contains a No Build statement.

Moved by Brady, motion to approve the plat, subject to conveyance to the water, or homeowners association. Motion died for lack of a second.

Motion-Seconded (Coburn-Brady) motion to table the plat until the correct entity was know for conveyance purposes.. Motion Carried.

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Brad Jones, Kelly & Bonnie Fuller/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lots A & B, NS 1276 Sec. 17, T5N, R3E (legal shortened)

Location: Boulder Canyon

Purpose: Reconfiguration of lot lines do to a legal matter

Zoning: PF

Brady abstained from this plat discussion and voting.

Jim Walker explained the reason for this plat was a lot line adjustment.

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

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

4. FINAL PLAT

Owner/Representative: Apple Springs/CETEC Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lots 8-13 Blk 3, and Lots 2-6, Blk 14, Apple Springs
Subdivision, Sec 14, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New Lots

Zoning: SRD

Moved-Seconded (Brady-O'Dea) motion to approve the final plat. Motion
Carried.

Vogt stated this plat will go to County Commission for their approval, because of
the number of lots.

5. FINAL PLAT

Owner/Representative: Apple Springs/CETEC Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lot 7, Blk 12 & Lot 8 Blk 13, Apple Springs
Subdivision, Sec 11, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New Lots

Zoning: SRD

Moved-Seconded (Brady-O'Dea) motion to approve the final plat. Motion
Carried.

Motion to adjourn at 3:50 pm (Coburn)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Bill Coburn, (Acting) SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 24, 2008

SPECIAL MEETING

Chairman Rick Tysdal called a special meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 24, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

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

ABSENT: Bob Ewing

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

2. **DISCUSSION ITEMS**

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

- A. Subdivision Ordinances,
- B. Fire Plan
- C. Weed Plan

Vogt presented copies of responses to the proposals from Brad Ellis from Ellis Engineering, Jim Walker and Neil Stodolski from NJS Engineering and Randy Deibert from Black Hills Surveying. The proposed ordinance was sent out to the engineers and surveyors in the community. She also explained the document layout was to be more user-friendly. Vogt started the discussion by bringing up points of concern regarding the platting procedure and from there, the Board started going through the document from page 1 to the end.

The following items were discussed throughout the afternoon:

1. Additions and clarification of all definitions.
2. Subdivision and Platting procedures.
3. Presentation requirements and supporting documentation.
4. The expiration of preliminary and final plats.
5. Fees shall be set by resolution, not within the document.
6. Highway standards set by County Highway Superintendent.
7. Wet land and wet meadows areas.
8. Fire Plans and Weed Plans as part of maintenance agreements, or supplementary documents, and the requirement for each.
9. Recording requirements for Covenants, Boundary and Final plats.

Moved-Seconded (Mickelson-Coburn) motion to set a Special meeting February 1, 2008, starting at Noon. Motion Carried.

NOTE: After this date was set by motion, scheduling conflicts were found and the meeting date was changed to January 30, 2008 at 12:00 p.m.

Motion to adjourn at 4.45pm (Coburn)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 30, 2008

SPECIAL MEETING

Chairman Rick Tysdal called a special meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 30, 2008 at 12:00 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Tom Brady, Barb Mattson (left at 3:52), Marty O'Dea (arrived at 12:07), Bill Coburn (arrived at 12:05).

ABSENT: Bob Ewing

Moved-Seconded (Brady-Mattson) motion to approve the agenda. Coburn and O'Dea absent. Motion Carried.

3. **DISCUSSION ITEMS**

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

D. Subdivision Ordinances,

E. Fire Plan

F. Weed Plan

Vogt explained she has updated the majority of the edits from the prior special meeting (January 24, 2008) using suggestions from the Board, local engineers and surveyors. She presented new suggestions from Kevin Espeland with SDDENR, and Neil Stodolski, NJS Engineering. She explained the changes made to the layout of the document, using Chapters, Articles, and Sections.

The following items were discussed throughout the afternoon:

1. Road and Street requirements for Subdivision Platting.
2. Length, width and grade requirements (Design Standards) of roads, cul-de-sacs, dead end roads, and easements.
3. Second Access (emergency) requirements.
4. Drainage and Storm Sewers
5. Water Facilities for domestic use and fire protection
6. Sewerage Facilities and Wastewater Disposal systems.
7. Pedestrian access and Utilities easements.
8. Completion and Maintenance of Improvements, including Fire and Weed plans.
9. Certification requirements for plats.
10. Subdivision Signage.

Motion to adjourn at 4.45pm (Brady)

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF February 7, 2008

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 7, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Bill Coburn, Craig Mickelson, Barb Mattson, Marty O'Dea, Tom Brady, Terry Weisenberg (arrived at 1:51).

ABSENT: Rick Tysdal, Bob Ewing

Moved-Seconded (O'Dea-Mickelson) motion to approve minutes from January 3, 2008. Motion Carried.

Moved-Seconded (Mickelson-Mattson) motion to approve minutes of the Special meeting of January 24, 2008. Motion Carried

Moved-Seconded (O'Dea-Mickelson) motion to approve minutes of the Special meeting of January 30, 2008. Motion Carried

Moved-Seconded (Mattson-O'Dea) motion to approve the agenda with the following changes:

1. Add the need to re-sign a preliminary plat, previously approved but damaged.
2. Plat #4 was pulled by Dave Winter as ownership was not transferred. Motion Carried.

4. **DISCUSSION ITEMS**

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Discussion

A. Change May meeting date from May 1, to May 8, 2008.

Vogt asked that the May meeting be changed from May 1 to May 8, as she would be attending the APA Conference and not back by the 1st.

Moved-Seconded (Brady-Mickelson) motion to change the Regular Planning & Zoning Meeting from May 1, to May 8, 2008. Motion Carried.

B. Apple Springs/Boulder Canyon Sub Open Space Exchange and Ideas.

Vogt explained Boulder Canyon Subdivision has two tracts set aside for storage units and open space. Apple Springs Subdivision has expressed interest in acquiring the property to add to the golf course and open space in their

development, for the benefit of both subdivisions. Both subdivisions are permitted as a PUD and the changes would affect both.

Doug Shonley, explained the circumstances of his taking over the responsibilities for his parents, and presented a proposal for the use of both tracts. He wanted the board aware of the possibility of these changes.

C. Ordinances

Vogt asked for clarification of wording on the proposed subdivision ordinance.

2. **PUBLIC HEARING -COZ #273 – A-1 toA-2**

Krog

Owner/Representative: Dave Fremont, Loren & Tammy Benedict and Kevin

Action Required: Approval/Denial

Legal Description: SW1/4 NE1/4, Section 35, T7N, R2E.

Location: Northeast of Spearfish, on Kerwin Lane

Purpose: To bring existing legal descriptions and lots into compliance

Zoning: A-1 to A-2

Vogt explained the reason for this request, the acreage of each parcel and the requirement that all three parcels be platted. Dave Fremont was present and agreed with Vogt's statements.

PROPOSERS: William Swan voiced approval of the request.

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of COZ #273 with the following conditions:

It is the City's understanding that the change of zoning requested by Mr. Fremont, etal. is in order to achieve a match between what has been to this point, a non-conforming plat, with current County A-2 zoning standards. Considering there is no change that would increase the number of lots or density on the parcel, the City has no concerns regarding the change of zoning.

Kevin Krog has an existing 20 +/- acre parcel, it will have (1) building right attached at the present time. He would be allowed a 2nd building right if he goes through the subdivision process in which case he would be allowed (1) more building right with the existing zoning of A-2. This 20 acres will have to be platted in order to receive a building permit.

Tammy & Loren Benedict have an existing 7.50 +/- acre parcel with a residence already located on it, the building right attached to this property with the A-2 Zoning has been used and they will be unable to subdivide without doing a COZ to a larger density. They will also have to obtain .50 acres from one of the surrounding property owners in order to meet the 8.00 acre minimum for the proposed A-2 zoning. Property will have to be platted.

Dave Fremont has an existing 12.50 +/- acre parcel which will have one building right attached to it with the proposed zoning of A-2 and will be required to plat the lot in order to obtain a building permit on the property. The only way he would be allowed to increase density on this 12.50 acres would be by obtaining a COZ to a larger density.

Plat must be approved and recorded by the City of Spearfish prior to this COZ taking effect.

Motion Carried.

3. **INFORMATIONAL MEETING – CUP #357 SPIRIT OF THE HILLS/David Elsom Vet Clinic/Crematory**
Owner/Representative: David Elsom/Spirit of the Hills Sanctuary
Action Required: Discussion/ Set On-site
Legal Description: NE1/4 SE1/4 SW1/4 SE1/4, Section 17, T6N, R2E (2.5 acres)
Location: Tinton Road
Purpose: Veterinary Clinic/Crematory
Zoning: A-1

Vogt explained Dr. Elsom is requesting a CUP for the same use as the previously granted CUP #351, that being a Veterinary Clinic and Crematorium. He believes the new location addresses all the concerns that were expressed at the meetings, specifically proximity to current housing, wind direction and property value concerns.

The Planning & Zoning public hearing is set for March 6, 2008. She further explained that there are no additional landowners within the 500 foot buffer zone, other than the Spirit of the Hills Sanctuary.

PLATS IN ORDER AS LISTED

1. **FINAL PLAT**
Owner/Representative: Ivan Shonley/Davis Engineering

Action Required: Approval/Denial

Legal Description: Plat of "Common Lot" of Blk 2, Boulder Canyon Subdivision, Sections 10,11,14 & 15, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Transfer to the Water District

Zoning: SRD

This plat had been presented at the last meeting. The Board had questioned to whom the lot would be transferred. A deed was presented transferring the lot to the Boulder Park Water Users Association.

Moved-Seconded (Brady-O'Dea) motion to approve the final plat. Motion Carried.

2.

FINAL PLAT

Owner/Representative: MJG, Inc/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lots 13 through 18 Blk 2, Wild Turkey Estates, Section 1, T6N, R1E, Section 31. T7N, R2E, Section 6, T6N, R2E (legal shortened)

Location: West of Spearfish

Purpose: New Lots

Zoning: PF & A-2

Moved-Seconded (Brady-Weisenberg) motion to approve the final plat with the condition that the planning department review and approve the roads. Motion Carried.

3.

FINAL PLAT

Owner/Representative: Two Bit Ranch Estates LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 24, Two Bit Ranch Estates, Section 30, T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: New Lots

Zoning: PF

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

4.

FINAL PLAT

Owner/Representative: Pillar Peak, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 6 & 12, Estates at Pillar Peak, Sections 20 & 21, T5N, R4E(legal shortened)

Location: Two Bit

Purpose: New Lots
Zoning: PF

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

5. FINAL PLAT

Owner/Representative: Maitland Partners LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 8, Paradise Acres, Sections 7, 17 & 18 T5N, R3E (legal shortened)

Location: Maitland

Purpose: New Lots

Zoning: PF

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

6. BOUNDARY PLAT

Owner/Representative: Don Hander/Two Bit LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tract A of MS 1261, 1707 etc, Section 25&36, T5N, R3E, Sections 30&31, T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: New Subdivision

Zoning: PF

Vogt explained this Boundary plat is of Golden Hills Subdivision, for which the preliminary plat was approved in 2005. Work has started on roads. Concern included access to the Iverson Tract, and also the fact there are presently two graves on the property. O'Dea stated his continuing concern regarding the need to improve the Two-Bit Road with development increasing.

Moved-Seconded (Mickelson-Mattson) motion to approve the boundary plat, contingent on an agreement that the graves will be marked and easement to them, be shown on the first final plat. Motion Carried.

7. FINAL PLAT

Owner/Representative: HES 125 LLC/Black Hills Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lots 19 & 21 Blk 4, Ironwood Estates, Sections 25 & 36, T4N, R2E and Sections 30 & 31, T4N, R3E (legal shortened)

Location: Off Rochford Road

Purpose: New Lots

Zoning: SRD

Vogt stated that at the present time, Bonding is not currently in place. She asked that if approval is granted, it be contingent on bond approval by the County Commission.

Moved-Seconded (Brady-Mickelson) motion to approve the final plat contingent on bond approval. Motion Carried.

Moved-Seconded (Brady/Mickelson) motion to adjourn at 3:00 pm. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF March 6, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 6, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Barb Mattson, Marty O’Dea, Tom Brady, Terry Weisenberg, Bill Coburn (arrived at 1:45 and left at 3:06).

ABSENT: None

Moved-Seconded (Mickelson-Mattson) motion to approve minutes from February 7, 2008. Motion Carried.

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

5. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Discussion

Ordinances

Vogt explained suggestions for changes in the proposed subdivision ordinance. She asked to move on to the public hearing and other items on the agenda, and to work on the changes at the end of the meeting, and possibly set a special meeting. After the last plat on the agenda was considered, Vogt reviewed wording for certificates on plats, and definitions for dead-end roads. A timeline was presented, with the Informational meeting being set for the April 3, 2008 Planning & Zoning Meeting, and final adoption of the Ordinance by June or July.

2. PUBLIC HEARING – CUP #357 SPIRIT OF THE HILLS/David Elsom Vet Clinic/Crematory

Owner/Representative: David Elsom/Spirit of the Hills Sanctuary

Action Required: Approval/Denial

Legal Description: NE1/4 SE1/4 SW1/4 SE1/4, Section 17, T6N, R2E (2.5 acres)

Location: Tinton Road

Purpose: Veterinary Clinic/Crematory

Zoning: A-1

Dr. Elsom is applying for this CUP, with a different location, to replace CUP #351. He explained this location is approximately one quarter of a mile away

from the prior. He stated the new proposal should address all the concerns expressed, and meets all the requirements.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of CUP #357. Motion Carried.

Vogt explained the procedure for canceling CUP #351 after County Commission approval of this request.

3. INFORMATIONAL MEETING-2006 International Building Code, Residential Code, Property Maintenance Code, Mechanical Code.

Owner/Representative: Amber Vogt

Action Required: Discussion

Purpose: Adoption of IBC, IMC, IRC

Vogt presented a proposed ordinance adopting the International Code Councils International Building Code, Residential Code, Property Maintenance Code, and Mechanical Code codes. She requested, and the Board set, a public hearing at the April 3, 2008 Planning and Zoning meeting. She explained the increase fees for building permits and further explained the timeline for final adoption.

O'Dea was concerned with adopting the Property Maintenance Code. Brady stated it would allow the procedure needed to remove hazardous structures.

The Public Hearing was set for April 3, 2008 at 1:30.

4. INFORMATIONAL MEETING-Fee Schedule

Owner/Representative: Amber Vogt

Action Required: Discussion

Purpose: Adoption of new Fee Schedule

Vogt explained the same fees have been in place for a number of years and with the increased amount of applications and platting taking place the fees were not sufficient for the amount of time it takes to review applications. Vogt presented

the new fee schedule which was formed from looking at other County and City entities.

The Board set a public hearing for April 3, 2008 at 1:30.

PLATS IN ORDER AS LISTED

1. FINAL PLAT

Owner/Representative: Maitland Partners LLC/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lot 49, of Tract K, Paradise Acres II, Sections 7, 8, 17 & 18 T5N, R3E (legal shortened)

Location: Maitland

Purpose: New Lot

Zoning: PF

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

2. PRELIMINARY AND FINAL PLAT

Owner/Representative: EMC Development/Melvin & Cathy Eaton/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 1A & 2A of Creek Run Subdivision, Section 18, T5N, R3E and Section 13, T5N, R2E (legal shortened)

Location: Maitland Road

Purpose: Subdivision

Zoning: PF

Vogt explained this subdivision was approved several years ago. Discussion pertained to access and questions arose regarding the road district and deletions of some subdivision roads from the road district.

Moved-Seconded (O'Dea-Mickelson) motion to table the plat until more explanation regarding access could be obtained. Motion Carried.

Loren Vrem, Ponderosa Land Surveys, arrived later in the meeting and explained that this plat is rearranging lot lines of two established lots. It does not increase density, and access to the lots is shown.

Moved-Seconded (O'Dea-Mickelson) motion to take the plat from the table. Motion Carried.

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

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

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: David Hvistendahl/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2 Jim Put Lode MS 1611, Sec. 9, 10 & 15, T4N, R3E (legal shortened)

Location: Yellow Creek Road

Purpose: Subdivision

Zoning: PF

Vogt explained this plat was first presented in December 2007. It was tabled until a fire plan was presented. Hvistendahl stated he plans to create a road district for the entire former Maitland Partners property. He is part owner in two other contingent lodes, totaling about 45 acres. He further stated he has no immediate development plans, but wishes to split this Lode. Vogt explained covenants and fire plan were approved when Maitland Partners originally requested subdivision.

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

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

4. FINAL PLAT

Owner/Representative: I & D Shonley/Davis Engineering

Action Required: Approval/Denial

Legal Description: Plat of Tract C of Blk 4 Boulder Canyon Subdivision, Sections 10,11,14 & 15, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Open Space Lot

Zoning: SRD

Vogt explained the reason for this request is to plat the remainder of the subdivision and deed it to the homeowners association.

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

5. PRELIMINARY PLAT

Owner/Representative: Dave Winter/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts A & B MS 1246, Section 36, T5N, R3 (legal shortened)

Location: Two Bit

Purpose: New Lots
Zoning: PF

Vogt stated this plat had been pulled from last month's agenda because of ownership questions and the deed from the previous owner has been recorded.

Moved-Seconded (Mickelson-Mattson) motion to approve the Preliminary Plat.
Aye: Mickelson, Mattson, Coburn, Brady, Weisenberg, Tysdal. Nay: O'Dea

O'Dea stated his concern with the Two Bit Road essentially being a dead end road. He would like to see the road be completed all the way through. Coburn stated he had talked to the Forest Service about the trail at the unimproved end of the road. He was told the County would have to agree to gain authority for the trail, from the Forest Service, so access could be upgraded to use for emergency travel during the fire season.

6.

FINAL PLAT

Owner/Representative: Two Bit Ranch Estates LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lot 9, Two Bit Ranch Estates, Section 30, T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: New Lot

Zoning: PF

Moved-Seconded (Brady-Mickelson) motion to approve Final Plat. Roll call vote.
Aye: Brady, Mickelson, Coburn, Mattson, Weisenberg, Tysdal. Nay: O'Dea.

O'Dea stated his concern regarding Two Bit Road.

7.

BOUNDARY PLAT

Owner/Representative: Mattson, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts A, B, & C of multiple Mineral Surveys in Sections 25&36, T5N, R3E, and Section 30, T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: New Subdivision

Zoning: PF

Barb Mattson abstained from discussion and vote on the following two plats owned by Mattson Inc.

Vogt explained the location of and access to the property. She pointed out there is a lot in the center of this plat, not owned by Mattson, and questioned access to it. Jon Mattson discussed his intention for the property, and the Two Bit Road

concerns. He stated that presently, he is not allowed to do any improvement work on the Forest Service portion of the road.

Moved-Seconded (Brady-Mickelson) to approve the Boundary Plat with a “No Building Right” statement placed on Tract C. Motion Carried.

8. PRELIMINARY PLAT

Owner/Representative: Mattson, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 1-13, Brighter Day Subdivision Sections 25 36, T5N, R2E and Section 30 T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: New Lots

Zoning: PF

Vogt stated that Dick Birk, Highway Superintendent, has some concerns with access on this Preliminary plat. She stated she is also concerned with some of the road grades shown on the profile of the emergency access roads. Jon Mattson had questions regarding the Board’s requirements for roads going to only one lot.

Moved-Seconded (Mickelson-Weisenberg) motion to table the Preliminary Plat until questions can be answered regarding the roads. Motion Carried

9. PRELIMINARY PLAT

Owner/Representative: James MacDougall/Clint Snook/Ellis Consultants

Action Required: Approval/Denial

Legal Description: HES 497, Sections 31 & 32, T3N, R1E, Section 5. T2N, R1E (legal shortened)

Location: SW of O’Neill Pass Hwy 85

Purpose: Subdivision

Zoning: PF

(The agenda mistakenly labeled this as a sketch plat)

Vogt described the location of the property. Brad Ellis presented a layout of the proposed subdivision, and explained access and the plan for supplying water for fire protection.

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

Motion to adjourn (Brady) at 4:55 pm. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF April 3, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, April 3, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Barb Mattson, Marty O’Dea, Bob Ewing, Bill Coburn

ABSENT: Tom Brady

Moved-Seconded (O’Dea-Mattson) motion to approve minutes from March 6, 2008. Motion Carried.

Moved-Seconded (Ewing-Mickelson) motion to approve the agenda with the addition of the need to resign corrected plats from the March meeting. Motion Carried.

6. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Discussion

Ordinances

Vogt stated after the new Subdivision Ordinance has been adopted, she and Outka plan to start work on changes in the Zoning Ordinance.

Special Events

Vogt requested suggestions for a permitting procedure for special event requests. Presently, there is no provision in the ordinance for such requests. Conditional Use Permits are not appropriate, as these events are not ongoing. Outka explained the CUP procedure is lengthy, and there have been times that a one day or weekend event has asked to be considered with only a month notice, and they have to be told no. Vogt suggested a permitting procedure, with a set of criteria, to be issued by her office.

Subdivision of Imo Claim, MS 1877

Vogt explained Chris Hills has inquired about his opportunity to acquire property which is a portion of a mineral survey, and the procedure required for this transaction to occur. Mr. Hills was present to explain his situation, and a letter was read from a representative of Tinton Partners, owners of the property. Platting the property will be required, but no master plan in this case.

2. **PUBLIC HEARING ORD #08-01-2006 International Building Code, Residential Code, Property Maintenance Code, Mechanical Code.**

Owner/Representative: Amber Vogt

Action Required: Approval/Denial

Purpose: Adoption of IBC, IMC, IRC

Vogt presented the documents being considered, and stated, for the record, that the County is not considering hiring a building inspector. The adoption of these codes, at this time, is for use by property owners.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING.

O'Dea stated he is hesitant to adopt the Property Maintenance Code. With the Building Codes, any new construction is up to date. The Property Maintenance Codes are applied to older, existing buildings. He stated his concern is that enforcement could get too extreme. He suggested adopting the Building Code now, and waiting to adopt the Property Maintenance Code. His concerns were discussed by other board members, but motion was made to adopt all items.

Moved-Seconded (Ewing-Coburn) motion to recommend adoption of Ordinance #08-02, The 2006 International Building Code, Residential Code, Property Maintenance Code, and Mechanical Code. Motion Carried.

Vogt stated the public hearing before the County Commission would probably be in May.

3. **PUBLIC HEARING ORD #08-02-Fee Schedule**

Owner/Representative: Amber Vogt

Action Required: Approval/Denial

Purpose: Adoption of new Fee Schedule

Vogt stated most fees have not been increased since the 1980's. She explained the process she used to arrive at the dollar amounts on the schedule.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: Randy Deibert stated he is neither for nor against the ordinance, but asked if it was appropriate to include a fee for the earlier mentioned Special Events permit. Deibert stated his idea was to not have to go through this process again, to add one fee. Vogt stated that since there has not been any consideration as to the process, it would be difficult to determine a fee at this time.

Jim Nelson asked for clarification regarding the building permit fee increase. Vogt stated the present fee is \$20.00 for the first \$1000.00 of the structures value, and \$2.00 for each additional \$1000.00. (\$20/\$2) The increase would be \$30.00 and \$3.00. She further explained at the present time, the applicant states the cost of construction on which the fee is based. With this change, the cost of construction will be calculated by the personnel issuing the permit.

OPPOSERS: None

CLOSED PUBLIC HEARING.

O'Dea added the national average price for a building permit is 1% of cost of construction, and Lawrence County is well under that.

Moved-Seconded (Mickelson-Coburn) motion to recommend adoption of Ordinance #08-02, Fee Schedule. Motion Carried.

4. **INFORMATIONAL MEETING -#08-03-Subdivision Regulations**
Owner/Representative: Amber Vogt/Bruce Outka
Action Required: Discussion/Set Public Hearing
Purpose: New subdivision regulations

Vogt stated some of the changes made since the last meeting included a request by Tom Brady to move the items under Certifications, to notes on the plat. Discussion also included Definitions, Roads, Cul-De-Sacs, Driveways, Dead-End Roads, Road Surfacing, and expiration dates of plats.

Moved-Seconded (Coburn-Ewing) motion to table discussion and continue at the end of the meeting. Motion Carried.

After the last scheduled plat was considered, the board continued discussion which included length of roads ending in a cul-de-sac, and future provisions for development of adjacent property.

5. **INFORMATIONAL MEETING-CUP #358 Archie Roberts – 2nd residence**
Owner/Representative: Archie Roberts
Action Required: Discussion/ Set On-site
Legal Description: Lot A of Tract 3, Gray Subdivision, Sec 36, T6N, R4E.
Location: East of Whitewood, on Whitewood Service Road
Purpose: Allow 2nd residence for family member

Zoning: PF

Vogt stated the Roberts request is to put a temporary second residence on the property for their daughter and family. This would be a mobile home. Mr. Roberts is out of town, but Anton Erkstam, their son-in-law, explained their wish to get permission for a new septic system and placement of a mobile home, until they can acquire suitable land of their own. A public hearing was set for May 8th.

6. INFORMATIONAL MEETING-CUP #303-08-David Cole-Amend CUP #303 SPECIALTY RESORT

Owner/Representative: **David B Cole**

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

Legal Description: **Lots 12, 13, 14, 15 & 16 of HES 137, Sec 18, T4N, R4E (Legal Shortened)**

Location: **Highway 385 across from Wild Bill Campground**

Purpose: **Addition of two lots to original CUP for the rental of cabins**

Vogt explained this request is to amend the original CUP to add two lots. A public hearing was set for May 8th.

7. **INFORMATIONAL MEETING-COZ #276 - A-1 to A-2**

Owner/Representative: Layton Lensegrav

Action Required: Discussion/ Set On-site

Legal Description: NW1/4 SE1/4, Sec 17, R7N, R2E

Location: North of Spearfish, West of Old Belle Road, off Creekside Loop

Purpose: Subdivision

Zoning: A-1 to A-2

Vogt showed the property and surrounding area. Lensegrav was present and described the topography, and water availability. A public hearing was set for May 8th.

PLATS IN ORDER AS LISTED

1. **FINAL PLAT**

Owner/Representative: Black Hills Forest Acres/Black Hills Surveying

Action Required: Approval/Denial

Legal Description: Plat of Lot 24 Blk 5, Whitewood Forest Addn #2, Sec 20, T6N, R4E (legal shortened)

Location: Northwest of Whitewood

Purpose: New Lot

Zoning: SRD

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

2. **SKETCH PLAN**

Owner/Representative: Aventure Estates/Mike Percevich/Ellis Consultants

Action Required: Discussion

Legal Description: Lot 12, of Aventure Estates, Sections 11 & 12, T4N, R2E (legal shortened)

Location: Terry Peak

Purpose: PUD for Town homes

Zoning: PF

Vogt explained the owners are proposing a multifamily structure on Lot 12. A PUD was the tool she had considered for this proposal. She questioned the density restrictions, and how a Condo unit is considered for density. Mike Percevich stated they had been approached regarding this type of building. Discussion pertained to common property ownership, and shared costs. Vogt stated that presently multifamily use is not allowed in any zoning district.

3. PRELIMINARY PLAT

Owner/Representative: Mattson, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 1-13, Brighter Day Subdivision Sections 25 36, T5N, R2E and Section 30 T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: New Lots

Zoning: PF

Barb Mattson abstained from discussion and vote.

Vogt pointed out the easement and access to the proposed lots, which had been approved by Dick Birk, Highway Superintendent. Jon Mattson explained access changes, not using the Two Bit Road. The road profiles have been re-engineered. An audience member voiced concern regarding springs and running water in the area being affected by increased development. Further discussion of the boards concerns pertained to conversation between developers and the County Commission to straighten out corners on the Two Bit Road, the emergency access at the south end of the Two Bit Road, and the ability of Two Bit Road to handle the increased traffic of all of the new and existing developments. Bruce Outka stated emergency access at the south end of the Two Bit Road, through Forest Service property, could be closed at any time. Vogt explained the property on this plat, is not using that emergency access route.

Moved-Seconded (Ewing-O'Dea) motion to table the plat until after the meeting between the Forest Service and County Commission on April 22nd, due to the following concerns: the corners on Two Bit, the possibility of the emergency access being closed by Forest Service and the increased traffic from the new and existing developments on Two Bit.. Motion Carried.

4. SKETCH PLAN

Owner/Representative: Greenview LLC/Ellis Consultants Inc
Action Required: Discussion
Legal Description: HES 500 PT, Sec 14, T3N, R1E
Location: HWY 85 before Tinton Road turnoff
Purpose: Subdivision
Zoning: PF

Vogt explained the location and acreage of the proposal. Brad Ellis explained easements and lot placement. Denny McKay described some concepts the owners are considering for the development.

5. **PRELIMINARY PLAT**
Owner/Representative: Granted Grace Inc/Kip Kalamaha/Ellis Engineering
Action Required: Approval/Denial
Legal Description: Plat of W1/2 Sec 1, T4N, R3E (legal shortened)
Location: Upper Two Bit
Purpose: Subdivision
Zoning: PF

Bruce Outka stated in light of the recent conversations regarding the Mattson plat and upcoming meeting on April 22nd, Kip Kalamaha requested his plat be tabled until after that meeting.

Moved-Seconded (Mickelson-Ewing) motion to table the Preliminary Plat. Motion Carried.

6. **FINAL PLAT**
Owner/Representative: Maitland Partners/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lot 11 of Paradise Acres, Sections 18, 7, & 17, T5N, R3E, and (legal shortened)
Location: Maitland
Purpose: New Lot
Zoning: PF

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

7. **FINAL PLAT**
Owner/Representative: Don & Karen Hander/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lot 21 of Country Club Estates, Sec 36, T4N, R2E and Sec 31 T4N, R3E (legal shortened)
Location: Rochford Road
Purpose: New Lot
Zoning: SRD

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

Motion to adjourn (Mickelson) at 5:30 pm. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF June 5, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, June 5, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Marty O’Dea, Bill Coburn. Barb Mattson arrived at 1:38.

ABSENT: Tom Brady, Bob Ewing

Moved-Seconded (O’Dea-Mickelson) motion to approve minutes from May 8, 2008. Motion Carried.

Moved-Seconded (Coburn-O’Dea) motion to approve the agenda with the following changes:

1. Add a discussion item, at the beginning of meeting, regarding Spearfish Canyon Homeowners Association Architectural Review Committee.
2. The need to resign the Greenview Estates plat, previously approved, with the corrected access. Motion Carried.

Declaration of Conflicts of Interest:

O’Dea abstained from discussion and vote on Item #11, COZ 279, and Plat #1, all regarding Rexco, LLC, as he rents pasture from them.

Tysdal abstained from discussion and vote on Item #12 for property owned by Sandford, as his firm has this property listed.

Vogt informed the board and audience of owning property within the 500 foot buffer of property owned by Dan & Sherri Johnson and being discussed as item #13. She will not abstain from this discussion, but wanted it known that she will be one of the recipients of the letter of notification of County Commission hearing.

When Barb Mattson arrived, she abstained from any matters involving Mattson Inc. property.

A statement will also show before the item minutes.

Vogt introduced Jeff Schroeder, recently hired as Code Enforcement Officer.

PUBLIC HEARINGS AND INFORMATIONAL MEETINGS:

1a. DISCUSSION ITEM- Spearfish Canyon Homeowners Association Architectural Review

Committee

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Discuss County agreement to withhold issuance of building permits until approval by Spearfish Canyon Owners Association Architectural Review Committee.

Vogt explained the 1996 County Commission motion requiring the Planning & Zoning office to obtain prior approval from the ARC before issuing building permits to property owners in this association area. She stated her concern of this HOA being the only one provided this service, and the appearance that the county, in effect, is enforcing covenants. She stated her opinion that either this service should be provided to all HOA's with Architectural Review Committees, or none. She had invited Jim Nelson, President of SCOA to attend to answer any questions the Board may have.

Bruce Outka explained there are numerous times a property owner may be required to obtain approval from other entities, not just County. One approval does not necessarily mean that the project can move forward. He explained that this agreement puts the County in a difficult position, and could include the County in potential disputes, of which they should not be a party.

Jim Nelson explained the history of the Homestake/Forest Service land exchange and how this Commission action came about.

Outka suggested a statement could be included on all building permit applications with wording advising that other rules or regulations may apply.

Chairman Tysdal stated he was not in favor of doing this for one and not for all.

Moved-Seconded (O'Dea-Mattson) motion to recommend the County Commission rescind the motion made in 1996, regarding SCOA, and include a generic caution on building permits advising further approval from other entities may be required. Motion Carried.

7. DISCUSSION ITEM- #08-3- Ordinance Updates in Chapter 7- Article 16 and 17

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: To make changes to the above articles

Vogt stated the County Commission had asked that the NFPA reference be deleted, as the County has not adopted this code, and insert wording needed. She, Rob Maddox and Bill Coburn reviewed NFPA codes #41, 42 & 44, and rewrote Article 16 and 17. The public hearing was continued to the June 10th Commission meeting, at which time she will present the requested changes and the second reading will take place.

2. INFORMATIONAL MEETING-# 08-4 Temporary Use Permits Ordinance

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: To allow Temporary Use Permits and make new Ordinance

Vogt presented a proposed ordinance 08-04, and explained her request to add an ordinance for Temporary Use Permits. She further explained some uses that may fall under this process, the application process with timeframe, requirements and exemptions. A public hearing was set for July 3, 2008.

**3.
System**

PUBLIC HEARING- CUP #359- Elvin Long-Wind Energy Conversion

Owner/Representative: Elvin Long

Action Required: Approval/Denial

Legal Description: Lot 1 of Strawberry Hill Subdivision, Section 18, T4N, R4E.

Location: Hwy 385

Purpose: Wind Energy Conversion System

Zoning: PF

Long explained with energy rates increasing, and need to reduce non-renewable energy use, he is requesting this permit for a system to generate energy for his own use. His lot is approximately three acres. Vogt described the area and showed a site plan, with set back requested at 60 feet. She also presented staff reports and explained the new format being implemented.

PROPOSERS: None

OPPOSERS: Ken Shabino presented a letter of opposition from Mike Shoener. Linda Hanna stated she will have a direct view of the tower, and does not want to see it or hear it. Mike Darling asked if Long had to abide by the covenants of the subdivision. Vogt explained covenants are enforced by the homeowners association. This CUP could only satisfy the County requirements.

The applicant stated the noise would be minimal with only the sound of the blades turning.

PROPOSERS: None

OPPOSERS: Linda Hanna stated she believes the noise level equals the decibel level of a single engine airplane. Ken Shabino stated that the intent is commendable, but anything that is a take-a-way from the neighbors in terms of peace and quiet should be considered.

CLOSED PUBLIC HEARING.

Mickelson questioned the decibel level of this unit as it is the same type of unit approved in the Spearfish area, and those were explained to have the noise level of an air conditioner.

Moved-Seconded (Mickelson-Mattson) motion to recommend approval of CUP #359 with conditions presented. Motion Carried

4. **PUBLIC HEARING- COZ #277-Denny Rehorst and Jason Richards-A-1 to RR**

Owner/Representative: Denny, Julie and Beulah Rehorst/Jason and Lindsey Richards

Action Required: Approval/Denial

Legal Description: SW ¼ NW ¼ including S 32' of NW ¼ NW ¼, Section 26, T7N, R3E.

Location: St. Onge

Purpose: Subdivision to allow family to live on same parcel, address floodplain issues. This coincides with a plat of property and a CUP for an existing 2nd residence use.

Zoning: Present Zoning A-1 Proposed Zoning RR

Vogt asked to include discussion on the informational meeting on CUP #363 and the sketch plat of this property, as it is related.

Moved-Seconded (Coburn-Mickelson) motion to combine information on CUP #363 and the sketch plat with the hearing for COZ #277. Motion Carried

Vogt explained that this property presently includes two homes of family members, and the request is to allow increase in density for an additional residence for a third generation. She explained the land issues, and stated the change of zoning would allow the additional residence to be on its own lot, after platting, and a conditional use permit would bring the present second residence into compliance. The CUP application, and the sketch plat, showing the 40 acre parcel platted into two parcels, were presented. She further explained that the Change of Zoning request was for the entire 40 acre parcel, with the platting and CUP having to wait until the COZ process is complete. If the COZ is approved, and after it takes effect, the plat can be considered and if approved, the CUP request will be for the parcel with the two present homes, which will have a new legal description.

Randy Deibert explained that this COZ excluded a one acre lot, as it is owned by a third party. Vogt explained a change of zoning of that parcel would be handled administratively.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Coburn-Mickelson) motion to recommend approval of COZ #277. Motion Carried.

5. **INFORMATIONAL MEETING- COZ # 278-Aventure Estates, LLC-Town homes-PF to SRD**
Owner/Representative: Aventure Estates, LLC/Mike Percevich
Action Required: Discussion/Set Onsite
Legal Description: MS 902, Mohock B in Section 12, T4N, R2E, (Legal Shortened)
Location: Terry Peak Summit
Purpose: Subdivison for Town homes
Zoning: PF to SRD

This informational meeting is also including information on PUD #13.

Vogt explained this request is for newly purchased property of approximately 6.9 acres, to build a six unit townhouse. She pointed out property in close proximity that is zoned SRD.

Percevich explained the plan for the septic disposal system, and the joint ownership of the common areas.

Coburn voiced concern regarding the Terry Peak Road, which is basically a long dead end road, and as population density increases, consideration should to be given to emergency access.

A public hearing is set for July 3, 2008 for both COZ #278 and PUD #13.

6. **INFORMATIONAL MEETING- PUD #13-Aventure Estates, LLC-Town homes**
Owner/Representative: Aventure Estates, LLC/Mike Percevich
Action Required: Discussion/Set Onsite
Legal Description: MS 902, Mohock B in Section 12, T4N, R2E, (Legal Shortened) **Location:** Terry Peak Summit
Purpose: Town homes
Zoning: PF

This informational meeting was included with COZ #278, and a hearing was set for July 3rd, 2008.

7. **INFORMATIONAL MEETING- CUP #361-Timothy Hauck-Energy Conversion System**
Owner/Representative: Timothy Hauck
Action Required: Discussion/Set Onsite
Legal Description: 74.8 acres in Section 21, T6N, R4E.(legal shortened)
Location: North of Spearfish
Purpose: Wind Energy Conversion System
Zoning: A-1

Vogt explained the application is to bring the use into compliance, as the windmill is in place, and a sign is also presently in place, with a small display model, near the highway right of way.

Hauck explained the sign was there to gain interest in the product, and the display model has been used at Christmas to power decorative lights. The actual generator for his house has a 100 foot setback from his property line.

Discussion pertained to whether this business would be considered a home based business, if the sign is allowed, and if the display model should be considered as a second windmill, in this request. Vogt explained the zoning ordinance does not allow a windmill business (which would allow him to have a small sign), and if it is decided this is a home based business, no signage is allowed. The CUP can be for two windmills, but a sign is not allowed in A-1 zones.

Moved-Seconded (Coburn-Mickelson) motion to amend CUP #361 to include two windmills.

Motion Carried.

A public hearing is set for July 3, 2008.

8. **INFORMATIONAL MEETING- CUP #362-Impervious Energy Systems LLC-Wind Energy Conversion Systems**
Owner/Representative: Charles Brown
Action Required: Discussion/Set Onsite
Legal Description: NW1/4SE1/4, Section 1, T5N, R3E.
Location: North of Deadwood
Purpose: Wind Energy Conversion Systems
Zoning: PF

Brown currently has a CUP for a windmill for his own residential use. This request is for an additional two windmills for commercial purposes. The energy will be sold to the electric company and Brown stated the windmills will be used as promotional products, as he is in the business of selling these units. He explained the three phase units will demonstrate parallel operation. Brown was questioned regarding the need to have two for display purposes. He stated that the system will produce revenue for his company while demonstrating the parallel operation. He also explained several applications for multiple units. The Board set a special meeting, to receive input regarding Wind Energy Conversion Systems, for July 8, 2008, starting at 1:30pm.

9. **INFORMATIONAL MEETING- CUP #363-Denny, Julie and Beulah Rehorst**
Owner/Representative: Denny, Julie and Beulah Rehorst
Action Required: Discussion/Set Onsite
Legal Description: TBD (per the plat which must come after the COZ takes effect) see COZ #277 above
Location: St. Onge

Purpose: Bringing into compliance a temporary 2nd residence
Zoning: A-1 (until such time the COZ #277 takes effect)

Discussion took place for this request during the public hearing for COZ #277. No public hearing for CUP #363 was set at this time.

10. RECOMMENDATION MEETING - VAR #117-Thomas Hoffman/ Setback Variance

Owner/Representative: Thomas Hoffman

Action Required: Recommendation of Approval/Denial

Legal Description: Lot 7 Blk 2, Pearson Subdivision Sec 4, T6N, R2E.

Location: Spearfish

Purpose: Extend Garage

Zoning: SRD

Vogt explained the Hoffman's request is for a 16 foot variance from the 25 foot setback requirement to extend the garage on their property in Pearson Subdivision. Hoffman's property is a corner lot with road frontage on two sides, requiring a 25 foot setback from each of those lot lines. This is the only presentation to the Planning & Zoning Board, as only one hearing, with the County Commission, is required.

Moved-Seconded (Coburn-Mickelson) motion to recommend approval of the Variance #117. Aye: Coburn, Mickelson, Mattson, Tysdal. Nay: O'Dea. Motion Carried.

11. INFORMATIONAL MEETING- COZ #279-Rexco LLC A-1 to C/LI

Owner/Representative: Jim Christianson

Action Required: Discussion/Set Onsite

Legal Description: TBD per the platting and discussion which take place to coincide with this informational meeting

Location: Whitewood

Purpose: To run a heavy equipment sales and repair operation

Zoning: A-1

O'Dea abstained from discussion and vote.

Vogt explained the location of the property, and Christianson's wish to change the zoning on a 5.86 acre parcel, presently included in a larger parcel. Christianson's wish is to run an equipment for hire, or sale business or repair. Platting the property is required, with the plat being considered later in the meeting under Plat #1. A public hearing is set for July 3, 2008.

12. INFORMATIONAL MEETING- COZ #280-Dan Sandford A-1 to A-2

Owner/Representative: Dan Sandford

Action Required: Discussion/Set Onsite

Legal Description: E1/2NE1/4NW1/4, E1/2SE1/4NW1/4, Section 12, T6N, R1E.

Location: West of Spearfish

Purpose: Subdivision

Zoning: A-1 to A-2

Tysdal abstained from discussion and vote.

Vogt explained this parcel is adjacent to the Crow Peak Bench Subdivision which is property presently zoned A-2.

A public hearing is set for July 3, 2008.

13. RECOMMENDATION MEETING- Development Plan for Dan & Sherri Johnson/Dan's Dumpsters

Owner/Representative: Dan & Sherri Johnson

Action Required: Recommendation of Approval/Denial

Legal Description: Lot 3 of Tract 1 NE1/4 NE1/4, Section 28, T6N, R4E.

Location: Whitewood Service Road/Next to Wheeler Lumber

Purpose: Storage Units, Dan's Dumpster and Cisco Trucks

Zoning: I-1 Industrial

Vogt stated she is an adjacent land owner who will receive notification of the Commission hearing.

Vogt explained the Development Plan procedure, and described the property's present use and the Johnson's plan to add storage units. Discussion pertained to drainage and placement of present and future buildings.

Moved-Seconded (Coburn-Mickelson) motion to recommend approval of the Development Plan for Dan & Sherri Johnson. Motion Carried.

PLATS IN ORDER AS LISTED

1. PRELIMINARY AND FINAL PLAT

Owner/Representative: RexCo LLC/J. S. Peters

Action Required: Approval/Denial

Legal Description: Plat of Tract A & B, in the N1/2 NW1/4, Sec 21, T6N, R4E (Legal Shortened)

Location: Whitewood

Purpose: Subdivision of lot for Re-zone to C/LI

Zoning: Presently A-1, in the process of zoning change request to C/LI

O'Dea abstained from discussion and vote.

This plat coincides with the COZ # 279, Rexco, Inc.

Moved-Seconded (Coburn-Mattson) motion to approve Preliminary Plat. Aye: Coburn, Mattson, Tysdal. Nay: Mickelson. Abstain: O'Dea. Motion Carried.

Moved-Seconded (Coburn-Mattson) motion to approve Final Plat. Aye: Coburn, Mattson, Tysdal. Nay: Mickelson. Abstain: O'Dea. Motion Carried.

2. SKETCH PLAT

Owner/Representative: Denny Rehorst/BH Surveying

Action Required: Discussion

Legal Description: Sketch Plat of Lot A & B parts of SW1/4NW1/4 & NW1/4NW1/4, Sec. 26, T7N, R3E (legal shortened)

Location: St Onge

Purpose: Subdivision

Zoning: presently A-1, in the process of zoning change request to RR, plat can

not be approved until after COZ goes into effect, hence the sketch plat to show their intention.

Discussion took place for this request during the public hearing for COZ #277.

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Donald Sautner/BH Surveying

Action Required: Approval/Denial

Legal Description: Plat of Tract 6-A & 6-B of V.W. Sub, Sec 16, T6N, R4E (legal shortened)

Location: Whitewood

Purpose: Subdivision

Zoning: A-1

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

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

4. REVISED PRELIMINARY PLAT

Owner/Representative: Saddlewood Land Co LLC/CETEC Engineering

Action Required: Approval/Denial

Legal Description: Lots in Blocks 1, 2, 5, 6, Apple Springs Sub Sec 14, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Revise Prior Preliminary to combine townhouse lots to single family residential-decreasing building density

Zoning: SRD

Moved-Seconded (Coburn-Mattson) motion to approve Revised Preliminary Plat. Motion Carried.

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: B Feeders/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Lots 5,6 & 7 of the Dolphin Tract Revised, Secs 10 & 15, T4N, R3E, (legal shortened)

Location: Off the Yellow Creek Road

Purpose: Subdivision
Zoning: PF

Moved-Seconded (O'Dea-Mickelson) motion to approve Preliminary Plat.
Motion Carried.

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

6. PRELIMINARY AND FINAL PLAT

Owner/Representative: Michael & Neda Joyce/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2, sub of Emma Lode MS 1741 Sec 34,
T4N, R3E (legal shortened)

Location: Off Pahkamaa Road

Purpose: Subdivision

Zoning: PF

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

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

7. PRELIMINARY AND FINAL PLAT

Owner/Representative: Gary & Lonnie Salmen/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2, sub of Lot 2, Sec 25, T5N, R2E, (legal
shortened)

Location: Cutting Mine Road

Purpose: New Lots

Zoning: PF

Moved-Seconded (Coburn-Mattson) motion to approve Preliminary Plat. Motion
Carried.

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

8. FINAL PLAT

Owner/Representative: Two Bit Ranch Estates, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Lot 10 of Two Bit Ranch Estates, Sec 30, T5N, R4E (legal
shortened)

Location: Boulder Canyon

Purpose: New Lot

Zoning: PF

Mattson abstained from discussion and vote.

Moved-Seconded (Coburn-Mickelson) motion to approve the Final Plat. Aye: 4.
Abstain: Mattson. Motion Carried.

9.

BOUNDARY/FINAL PLAT

Owner/Representative: Mattson, Inc/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts A & B Sections 25, 36 T5N, R2E and Section 30 T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: Boundary plats

Zoning: PF

Mattson abstained from discussion and vote.

Moved-Seconded (Mickelson-O'Dea) motion to table this plat until the July, 2008 meeting. Aye: 4. Abstain: Mattson. Motion Carried.

Motion to adjourn (O'Dea) 5:00 p.m. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF July 3, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, July 3, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Marty O’Dea, Barb Mattson, Bill Coburn (left at 2:11), Tom Brady, Bob Ewing

ABSENT: None

Moved-Seconded (Coburn-Mickelson) motion to approve minutes of June 5, 2008. Motion Carried.

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

Declaration of Conflicts of Interest:

Mattson abstained from discussion and vote on Plats #7 & #8 owned by Mattson Inc.

Tysdal abstained from discussion and vote on Item #6, Sandford COZ #280 and Plat #4, owned by MJG Inc.

O’Dea abstained from discussion and vote on Item #4, Rexco COZ #279.

A statement will also show before the item minutes.

Public Hearings and Informational Meetings.

8. **PUBLIC HEARING-# 08-4 Temporary Use Permits Ordinance**

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Approval/Denial

Purpose: To allow Temporary Use Permits and make new Ordinance

Vogt explained this new ordinance was created to allow the permitting of activities for which a Conditional Use Permit is not appropriate. The application and approval process was reviewed, with further explanation of conditions of approval and the appeal process.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Brady-Ewing) motion to recommend approval of Ordinance #08-4, with additional wording regarding fee waiver for charitable, non-profit, or similar activities. Motion Carried.

**2.
SRD**

PUBLIC HEARING- COZ # 278-Aventure Estates, LLC-Town homes-PF to

Owner/Representative: Aventure Estates, LLC/Mike Percevich

Action Required: Approval/Denial

Legal Description: MS 902, Mohock B in Section 12, T4N, R2E, (Legal Shortened)

Location: Terry Peak Summit

Purpose: Subdivision for Town homes

Zoning: PF to SRD

Vogt explained this request, and the next item, PUD #13, are for the same property. The discussion will pertain to both requests. She and Mike Percevich described the lot size, location, and the layout of the townhouse plan and joint sewage disposal system. The water system will be connected to the present Aventure Estates subdivision. Central water and sewer systems allow the smaller lots in an SRD zoning district.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Brady-Mattson) motion to recommend approval of COZ #278. Aye: Brady, Mattson, O'Dea, Coburn, Ewing, Tysdal. Nay: Mickelson. Motion Carried.

3.

PUBLIC HEARING- PUD #13-Aventure Estates, LLC-Town homes

Owner/Representative: Aventure Estates, LLC/Mike Percevich

Action Required: Approval/Denial

Legal Description: MS 902, Mohock B in Section 12, T4N, R2E, (Legal Shortened)

Location: Terry Peak Summit

Purpose: Town homes

Zoning: PF – in the COZ process to change to SRD.

Vogt stated the presentation is the same as given at the public hearing for COZ #278.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Vogt reviewed the Planned Unit Development requirements from the ordinance, and explained the steps involved in the process.

Moved-Seconded (Brady-Mattson) motion to recommend approval of PUD #13. Aye: Brady, Mattson, Ewing, Tysdal. Nay: Mickelson, Coburn, O'Dea. Motion Carried.

O'Dea abstained from discussion and vote on the following.

4. **PUBLIC HEARING - COZ #279-Rexco LLC A-1 to C/LI**
Owner/Representative: Jim Christensen
Action Required: Approval/Denial
Legal Description: Tract B located in the N1/2 of the NW1/4, Section 21, T6N, R4E.
Location: Whitewood
Purpose: To run equipment for hire, for sale and repair business.
Zoning: A-1

Vogt stated the plat of the entire 61 plus acre, A-1 zoned parcel has been recorded, legally describing the 5.86 acre tract requested for the zoning change, and the remainder. She further stated the parcel is appropriate for this zone, and his planned use is allowed in Commercial/Light industrial zones.

Christensen explained this land is not Ag ground, but gypsum, and would like to use this location for his business.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Mickelson-Coburn) motion to recommend approval of COZ #279. Motion Carried.

Coburn was absent for the rest of the meeting.

5. **PUBLIC HEARING- CUP #361-Timothy Hauck-2-Wind Energy Conversion Systems**

Owner/Representative: Timothy Hauck

Action Required: Approval/Denial

Legal Description: 74.8 acres in Section 21, T6N, R4E.(legal shortened)

Location: North of Spearfish

Purpose: Wind Energy Conversion Systems

Zoning: A-1

Vogt recommended this consideration be tabled in light of the special meeting planned to discuss Wind Energy Conversion Systems.

Moved-Seconded (Brady Mickelson) motion to table the hearing until the August 14th meeting. Motion Carried. Coburn Absent

Tysdal abstained from discussion and vote on the following.

6. **PUBLIC HEARING - COZ #280-Dan Sandford A-1 to A-2**

Owner/Representative: Dan Sandford

Action Required: Approval/Denial

Legal Description: E1/2NE1/4NW1/4, E1/2SE1/4NW1/4, Section 12, T6N, R1E.

Location: West of Spearfish

Purpose: Subdivision

Zoning: A-1 to A-2

Mr. Sandford was not present, and Vogt suggested tabling this matter until it is known if he wishes to continue with the request.

Moved-Seconded (Ewing-Mickelson) motion to table COZ #280. Motion Carried. Coburn Absent

7. **PUBLIC HEARING -COZ #275 – Mike Sack - A-1 to A-2**

Owner/Representative: Willow Creek Land Trust – Michael Sack

Action Required: Approval/Denial

Legal Description: W1/2 W1/2 NW1/4 SE1/4 and E1/2 SE1/4 NW1/4 Ex Tracts A&B – E1/2 NE1/4 SW ¼ all in Section 28, T7N, R2E

Location: North of Spearfish

Purpose: Subdivision to build one more home on property

Zoning: A-1 to A-2

Vogt reviewed this request, stating the plat has been approved by the City of Spearfish, and is ready to be recorded. An additional 33 feet has been obtained to add to the present 33 foot access easement, meeting the 66 foot access requirement. It was found in the Zoning Ordinance, Article 4.3.10, that no building permits for structures utilizing sewer systems in Sections 28 and 33, T7N, R2E, shall be issued. For this reason, the property is in the process of annexation into the Spearfish Valley Sanitary Sewer District. With approval of this change of zoning, Sack can obtain a building permit for a home on the newly platted lot, and keep the present house on the 2nd platted lot.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Ewing-Mickelson) motion to recommend approval of COZ #275. Motion Carried. Coburn Absent

8. **RECOMMENDATION MEETING- VAR #118 – Washechek – 24’ variance to the 25’ setback for an addition to an existing residence**
Owner/Representative: Daryl & Rita Washechek
Action Required: Recommendation
Legal Description: Tract 7 of Hay Springs Estates, Section 33, T4N, R4E. (Legal Shortened)
Location: Nemo Road
Purpose: 24’ variance to the 25’ setback for an addition to an existing residence
Zoning: PF

Vogt explained at the time the residence was built, there were minimal side setback requirements for Park Forest zoned property. The residence was built close to the property line. Washecheks recently purchased the property, and when proceeding to extend the house and garage, were informed of the setback requirements. Because of the placement of the septic system, the additions will be in the setback areas. This property borders Forest Service land. She stated the Forest Service will not consider a land swap, but have no concern with the variance, as long as the buildings do not encroach on Forest Service property. Washechek stated they were assured a letter stating these facts would be sent to them by the Forest Service.

Moved-Seconded (Mickelson-Mattson) motion to recommend approval for VAR #118. Aye: Mickelson, Mattson, Brady, Ewing, Tysdal. Nay: O'Dea. Absent: Coburn. Motion Carried.

9. **RECOMMENDATION MEETING- VAR #119 – Washechek – 17' variance to the 25' setback for an addition to an existing garage**
Owner/Representative: Daryl & Rita Washechek
Action Required: Recommendation
Legal Description: Tract 7 of Hay Springs Estates, Section 33, T4N, R4E. (Legal Shortened)
Location: Nemo Road
Purpose: 17' variance to the 25' setback for an addition to an existing garage
Zoning: PF

The presentation for VAR #119 was heard with VAR #118.

Moved-Seconded (Mickelson-Ewing) motion to recommend approval for VAR #119. Aye: Mickelson, Ewing, Mattson, Brady, Tysdal. Nay: O'Dea. Absent: Coburn. Motion Carried.

10. **INFORMATIONAL MEETING- ORD 08-05 Addition of Mechanical Repair, Iron Salvage and Fabrication to the SRD Zoning District**
Owner/Representative: Amber Vogt/Bruce Outka
Action Required: Discussion
Purpose: To add mechanical repair, iron salvage and fabrication businesses to the SRD zoning district

Vogt explained that currently, when an applicant requests a use not specifically stated in the Zoning Ordinance as allowed or conditionally allowed, she will initiate amending the ordinance to include the use. This request and CUP #364 and CUP #365 are related as those requests are not listed as uses in SRD zoned property. She further explained that the Adams property, in Nevada Gulch, has been the subject of nuisance complaints and they have been working with her and Outka. Adams had asked what he could do to continue a business on the property. She stated this procedure was what is allowed by ordinance. Millard is a neighbor who is requesting permission for the same sort of business. The board discussed concerns with allowing these types of uses in a suburban zone. Fencing and enclosures were discussed to keep items out of sight from the road. The line between personal use and commercial uses of property, and requirements for both, were discussed. Vogt explained to Adams and Millard if the ordinance addition is denied, their applications would also be denied. They were given the options and

will decide whether to continue.

11. **INFORMATIONAL MEETING- CUP #364- Chad & Pam Adams – Mechanical Repair and Fabrication**
Owner/Representative: Chad and Pam Adams
Action Required: Discussion/Set Onsite
Legal Description: Lot 1 of Tract 42, M.S. 1703 Lot M and Lot I of the Sarotoga Lode, Section 5 and 6, T4N, R3E. (Legal Shortened)
Location: Nevada Gulch Road
Purpose: For a mechanical repair and fabrication business
Zoning: SRD

Discussion is shown with Item #10.

12. INFORMATIONAL MEETING- CUP #365 – Clint Millard – Iron Salvage and Fabrication

Owner/Representative: Clint Millard

Action Required: Discussion/Set Onsite

Legal Description: MS 1703 Lot C, Section 5, T4N, R3E. (Legal Shortened)

Location: Nevada Gulch Road

Purpose: Iron Salvage and Fabrication

Zoning: SRD

Discussion is shown with Item #10.

PLATS IN ORDER AS LISTED

1. FINAL PLAT

Owner/Representative: I & D Shonley/Davis Engineering

Action Required: Approval/Denial

Legal Description: Plat of Tract A & B of Blk 4 Boulder Canyon Subdivision, Sections 10,11,14 & 15, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Open Space Lots

Zoning: SRD

Moved-Seconded (Ewing-Brady) motion to approve the Final plat. Motion Carried. Coburn absent.

2. PRELIMINARY AND FINAL PLAT

Owner/Representative: Gary & Lonnie Salmen/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tracts 2A, 2B, sub of Tract 2 of Pount #1, MS 1732, and

Tracts 1 & 2, sub of MS 1732, Secs 19 & 30, T5N, R2E, (legal shortened)

Location: Cutting Mine Road

Purpose: New Lots

Zoning: PF

Salmen explained these are the last two parcels he wishes to subdivide. The covenants have been revised to address some prior issues, and these lots are included in the covenants.

Moved-Seconded (Brady-Mickelson) motion to approve the Preliminary plat. Motion Carried. Coburn absent.

Moved-Seconded (Brady-O’Dea) motion to approve the Final plat. Motion Carried. Coburn absent.

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Homestake/Havlik/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Tract H, portions of lodes in MS 1338, Sec 4, T4N, R3E, (legal shortened)

Location: Yellow Creek Road

Purpose: Subdivision

Zoning: PF

Moved-Seconded (Brady-Mickelson) motion to approve the Preliminary plat. Motion Carried. Coburn absent.

Moved-Seconded (Brady-Ewing) motion to approve the Final plat. Motion Carried. Coburn absent.

Tysdal abstained from discussion and vote on the following plat.

4. FINAL PLAT

Owner/Representative: MJG INC/NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lot 8 BLK 3, Wild Turkey Estates, Sec 1, T6N, R1E, Sec 31, T7N, R2E, Sec 6, T6N, R2E (legal shortened)

Location: West of Spearfish

Purpose: New Lot

Zoning: PF & A-2

Moved-Seconded (Brady-Mickelson) motion to approve Final plat. Motion carried. Coburn absent. Tysdal abstained.

Brady abstained from discussion and vote on the following plat.

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Brad Jones/NJS Engineering

Action Required: Approval/Denial

Legal Description: Lot C & D of MS 1276, Secs 17 & 20, T5N, R3E (legal shortened)

Location: Off Maitland Road

Purpose: Subdivision

Zoning: PF

Moved-Seconded (O'Dea-Ewing) motion to approve the Preliminary plat. Motion Carried. Coburn absent. Brady abstained.

Moved-Seconded (Ewing-Mickelson) motion to approve the Final plat. Motion Carried. Coburn absent. Brady abstained.

6. PRELIMINARY AND FINAL PLAT

Owner/Representative: Tinton Partners/BH Surveying

Action Required: Approval/Denial

Legal Description: Plat of Monument Tract, a portion of lodes in MS 1877, Sec 30, T5N, R1E (legal shortened)

Location: Tinton

Purpose: Subdivision

Zoning: PF

Moved-Seconded (Mickelson-Mattson) motion to approve the Preliminary plat. Motion Carried. Coburn absent.

Moved-Seconded (Mickelson-O’Dea) motion to approve the Final plat. Motion Carried. Coburn absent.

Mattson abstained from discussion and vote on the following plat.

7. **BOUNDARY/FINAL PLAT**

Owner/Representative: Mattson, Inc/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts A & B Sections 25, 36 T5N, R2E and Section 30 T5N, R4E (legal shortened)

Location: Boulder Canyon/Two Bit Road

Purpose: Boundary plats

Zoning: PF

Moved-Seconded (Brady-Mickelson) motion to approve the Final plat. Motion Carried. Coburn absent. Mattson abstained.

Mattson abstained from discussion and vote on the following plat

8. **PRELIMINARY AND FINAL PLAT**

Owner/Representative: Latuseck, Mattson, Inc/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 1A, 1B & 2A, Sec 36, T5N, R3E (legal shortened)

Location: Two Bit Road

Purpose: New Lots

Zoning: PF

Moved-Seconded (Brady-O’Dea) motion to approve the Preliminary plat. Motion Carried. Coburn absent. Mattson abstained.

Moved-Seconded (Brady-O’Dea) motion to approve the Final plat. Motion Carried. Coburn absent. Mattson abstained.

9. **FINAL PLAT**

Owner/Representative: Saddlewood Land Co LLC/CETEC Engineering

Action Required: Approval/Denial

Legal Description: Lots in Blocks 1, 2, 5, 6, Apple Springs Sub Sec 14, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Revise Prior Preliminary to combine townhouse lots to single family residential-decreasing building density

Zoning: SRD

Moved-Seconded (Mickelson-O’Dea) motion to approve the Final plat. Motion Carried. Coburn absent.

10. PRELIMINARY AND FINAL PLAT

Owner/Representative: Colleen Popham/Bearlodge Ltd, Inc.

Action Required: Approval/Denial

Legal Description: Plat of Tracts 1 & 2, Popham Subdivision, MS 1361 Secs 7, 8 & 9, T2N, R1E (legal shortened)

Location: O’Neill Pass

Purpose: Subdivision

Zoning: PF

Moved-Seconded (Brady-O’Dea) motion to approve the Preliminary plat. Motion Carried. Coburn absent.

Moved-Seconded (Brady-Ewing) motion to approve the Final plat. Motion Carried. Coburn absent.

Motion to adjourn (Brady) 3:50 p.m. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF July 8, 2008

SPECIAL MEETING

Chairman Rick Tysdal called a special meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, July 8, 2008 at 1:30 p.m. in the Deadwood City Hall Meeting Room, 100 Sherman St., Deadwood, SD, Lawrence County.

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

ABSENT: Bob Ewing

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

9. DISCUSSION ITEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose:

Wind Energy Conversion Systems

The Board had reviewed information furnished by Vogt including other ordinances. Discussion

began with descriptions of wind generation systems. Wording included categories and sub categories for Personal, and Commercial uses. Height, location of individual systems, and lot size should be part of the deciding factor for approval of systems. Minimum acreage requirements and noise measurement specifications were discussed. Also considered were paint color, set back requirements and zoning district restrictions. There was concern regarding the need for continued maintenance, and remedies for possible abandonment.

Charles Brown explained the proposed South Dakota Rules definitions as a four tier distinction. The descriptions considered mega watts and height.

Vogt was asked to contact a few of the entities having ordinances to get opinions and suggestions of there rules. She will present information and a draft of proposals as time allows.

Moved-Seconded (Mattson-O’Dea) motion to adjourn at 3:07 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF August 14, 2008

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, August 14, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Craig Mickelson, Marty O’Dea, Barb Mattson, Bill Coburn, Bob Ewing

ABSENT: Rick Tysdal, Tom Brady

Moved-Seconded (O’Dea-Mickelson) motion to approve minutes of July 3, 2008. Motion Carried.

Moved-Seconded (Mickelson-O’Dea) motion to approve the special meeting minutes of July 8, 2008. Motion Carried.

Moved-Seconded (Mickelson-Mattson) motion to approve the agenda with the following correction: Adding a Revised Preliminary Plat for Gilded Mountain (Plat #1). Motion Carried.

Declaration of Conflicts of Interest: None

Public Hearings and Informational Meetings.

1. DISCUSSION ITEM-WIND ENERGY CONVERSION SYSTEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Vogt explained the progress of information gathering since the special meeting of July 8. She and Outka have reviewed ordinances and rules from other parts of the country, and she has gotten additional information from Charles Brown on the proposed state regulations. The Board asked Vogt to set a time convenient for owners of the two present WECS in the Spearfish area, Dave Wickstrom, and Gary Zimbleman, to visit their property to see the working system. Further discussion will take place at the September 4th meeting.

2. PUBLIC HEARING- COZ #280 – Tabled at July 3, 2008 meeting.

Owner/Representative: Dan Sandford

Action Required: Pull of Table and Cancellation by Property Owner

Legal Description: E1/2NE1/4NW1/4, E1/2SE1/4NW1/4, Section 12, T6N, R1E.

Location: West of Spearfish

Purpose: Subdivision

Zoning: A-1 to A-2

Conflicts of Interest: None

Moved-Seconded (Ewing-Mickelson) motion to take from the table COZ #280.
Motion Carried.

Vogt explained she spoke to Sandford on July 7, 2008, and he asked the request be pulled.

3. INFORMATIONAL MEETING-COZ #283 Administrative COZ on Massey and Redinger Properties

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: Administrative Change of Zonings

Conflicts of Interest: None

Vogt explained these properties are both approximately 1 acre parcels that had been broken out years ago. The zoning of the surrounding property has been changed recently, and these two administrative changes are to bring the small parcels into the same zoning classification. Both owners have been notified and she has heard no response from them. The Board and Council discussed separating these two Administrative COZ request into two separate requests, so they stand on their own. Vogt stated she could do this. The Public Hearing will be held in October.

4. PUBLIC HEARING- ORD 08-05 Addition of Mechanical Repair, Iron Salvage and Fabrication to the SRD Zoning District

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Approval/Denial

Purpose: To add mechanical repair, iron salvage and fabrication businesses to the SRD zoning district

Conflicts of Interest: **None**

Vogt explained the reason for this ordinance change was to add Mechanical Repair, Iron Salvage and Fabrication as conditional uses in the Suburban Residential Zoning District. The applicants, Chad Adams and Clint Millard have decided to pull the Iron Salvage request due to the discussion that took place at the informational meeting in July. The ORD 08-5 request will now only include mechanical repair and fabrication. These additions must be approved in order for the following two public hearings for Chad Adams and Clint Millard to be considered for Conditional Use Permits.

PROPOSERS: Chad Adams and Clint Millard spoke in favor of the change as they presently utilize their property for these activities, and this area has been used for these activities for a long time. They wish to have guidelines for the use. Adams explained the fabrication part would be to build and weld items.

OPPOSERS: Jerry Carter spoke against the change as residential property should not allow businesses.

NEUTRAL: Deb Tridle questioned the procedure and the expense on the County to check conformity.

PROPOSERS: Adams and Millard stated the present use is nothing new and they would like to comply with guidelines placed on a permit.

OPPOSERS: Carter stated this area is residential, and if one business like this is allowed, more will come, reducing the value of his property.

CLOSED PUBLIC HEARING

Ewing stated it is one thing to repair a private vehicle or neighbors, but this is a commercial use and does not fit into a Suburban Residential Zoning District. Mickelson supported Ewing's statements. Mickelson stated he would consider mechanical repair as long as it is done inside a garage, but doesn't support fabrication. Outka pointed out that even if these items are approved as conditional uses in the Suburban Residential Zoning District, each application would be considered by its own set of circumstances.

Moved-Seconded (Ewing-Mattson) motion to deny adding both Mechanical Repair and Fabrication as a conditional use in Suburban Residential Zoning District. Aye: Mattson, Ewing. Nay: Mickelson, O'Dea, Coburn. Motion Failed.

Moved-Seconded (Mickelson-O'Dea) motion to recommend approval of the addition of Mechanical Repair as a conditional use in Suburban Residential Zoning District. Motion Carried.

Moved-Seconded (Mickelson-Ewing) motion to recommend denial of the addition of Fabrication as a conditional use in Suburban Residential Zoning District. Motion Carried.

5. PUBLIC HEARING- CUP #364- Chad & Pam Adams – Mechanical Repair and Fabrication

Owner/Representative: Chad and Pam Adams

Action Required: Approval/Denial

Legal Description: Lot 1 of Tract 42, M.S. 1703 Lot M and Lot I of the Saratoga Lode, Section 5 and 6, T4N, R3E. (Legal Shortened)

Location: Nevada Gulch Road

Purpose: For a mechanical repair and fabrication business

Zoning: SRD

Conflicts of Interest: None

In light of the prior recommendations of the Ordinance Amendment 08-5, Vogt asked Adams and Millard if they wished to amend their applications to only Mechanical Repair. Adams stated he wishes to change his request to mechanical repair only.

Adams explained his business as automotive and small equipment repair. He stated he has several vehicles on premise until he has time to work on them. They are licensed and operable. He explained his plans for fencing and his wish to obtain a CUP with a set of conditions to follow.

Bruce Outka discussed the problem of continuing violations of the Junk Ordinance and the need to comply. Adams explained they had been working on cleaning up the place.

PROPOSERS: None

OPPOSERS: Jerry Carter stated he is not opposed to Chad doing mechanical repair in the garage, but he needs to clean things up. Right now it is a junk yard.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Vogt presented the staff report recommending denial. In light of today's decisions she asked that the board table the action in order to allow her time to work on possible conditions.

Moved-Seconded (Ewing-O'Dea) motion to table action on CUP # 364 until the September meeting to allow time to prepare conditions. Motion Carried.

Coburn encouraged Adams to get the property cleaned up as soon as possible.

6. **PUBLIC HEARING- CUP #365 – Clint Millard – Iron Salvage and Fabrication**

Owner/Representative: Clint Millard

Action Required: Approval/Denial

Legal Description: MS 1703 Lot C, Section 5, T4N, R3E. (Legal Shortened)

Location: Nevada Gulch Road

Purpose: Iron Salvage and Fabrication

Zoning: SRD

Conflicts of Interest: None

The applicant, Clint Millard, pulled his Conditional Use Permit # 365 in light of the discussion and decisions made today. .

7. **PUBLIC HEARING- CUP #361-Timothy Hauck-2-Wind Energy Conversion Systems—TABLED AT JULY 3, 2008 Meeting**

Owner/Representative: Timothy Hauck

Action Required: Approval/Denial

Legal Description: 74.8 acres in Section 21, T6N, R4E.(legal shortened)

Location: North of Spearfish

Purpose: Wind Energy Conversion Systems

Zoning: A-1

Conflicts of Interest: None

Moved-Seconded (O'Dea-Mickelson) motion to take from the table CUP #361. Motion Carried.

Vogt explained Hauck asked that with the ongoing Wind Energy Conversion Systems research, his request be tabled indefinitely.

Moved-Seconded (Mickelson-Mattson) motion to table CUP #361 indefinitely.
Motion Carried.

- 8. PUBLIC HEARING- CUP #363-Denny, Julie and Beulah Rehorst-
Temporary Second Residence**
Owner/Representative: Denny, Julie and Rehorst
Action Required: Approval/Denial
Legal Description: Tract A Plat of Lots B, Section 26, T7N, R3E (legal shortened)
Location: St. Onge
Purpose: Temporary Second Residence
Zoning: RR
Conflicts of Interest: None

Vogt presented the staff report recommending approval of CUP #363.

Rehorst asked about the process if the use would change in the future. It was explained that any change would need to be reviewed.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Moved-Seconded (Mickelson-Ewing) motion to recommend approval of CUP #363. Motion Carried.

- 9. PRELIMINARY AND FINAL PLAT**
Owner/Representative: Dennis Rehorst/Randy Deibert
Action Required: Approval/Denial
Legal Description: Plat of Lots A & B, Section 26, T7N, R3E (legal shortened)
Location: St Onge
Purpose: Subdivision
Zoning: RR
Conflicts of Interest: None

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

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

10. INFORMATIONAL MEETING-CUP # 366- Satterlee- Firearm Manufacturing

Owner/Representative: Stuart Saterlee/Satterlee Arms, LLC

Action Required: Discussion

Legal Description: Lot 3 of Idle Boy #1, MS 1917, and Horn Blen #2, MS 1935, Section 34, T4N, R3E, (legal shortened)

Location: Off Brownsville Road on Pahkamaa Road

Purpose: Firearms Manufacturing

Zoning: PF

Conflicts of Interest: None

Vogt explained the property is on Pahkamaa Road, and this business would qualify as a light manufacturing use as long as all activity was contained inside a building. Satterlee explained the history of his business and his decision to relocate to his own property. A public hearing is set for September 4, 2008.

11. RECOMMENDATION MEETING-VAR #120- J. D. Bell-

Owner/Representative: J. D. Bell

Action Required: Recommendation to County Commissioners

Legal Description: Tract 59, Section 7, T4N, R3E, (legal shortened)

Location: Hwy 14A south of Lead

Purpose: 22' and 24' variances to 25' setback to rebuild the Boars Nest restaurant and bar.

Zoning: HSC

Conflicts of Interest: None

Vogt explained a fire destroyed the building housing the Boar's Nest and Bell wishes to rebuild, but does not meet setback requirements. She showed pictures of the property with the present garage which was not damaged, and footprint of the prior building. The prior building had a permit to occupy the right-of-way. If he is allowed to rebuild, S.D. Dept of Transportation will not issue a permit to occupy, and he must stay out of the right-of-way. Because of the size and topography of the lot, he requests setback variances to replace the building. Vogt suggested a map of survey be done prior to making a recommendation. Outka recommended a parking plan be presented.

Moved-Seconded (Mickelson-Mattson) motion to table until receipt of a plot plan, square footage of the building and parking plan. Motion Carried.

12. INFORMATIONAL MEETING- CUP #367- D.J. CHORD/RINGER

Owner/Representative: Mike Ringer/D.J. Chord
Action Required: Discussion
Legal Description: Lot M-1 part of NE1/4SW1/4, Section 36, T6N, R4E
Location: East of Whitewood on service road
Purpose: Billboard
Zoning: HSC
Conflicts of Interest: None

ITEMS 12 and 13 were discussed simultaneously.

13. **INFORMATIONAL MEETING- CUP #368- D.J. CHORD/RINGER**
Owner/Representative: Mike Ringer/D.J. Chord
Action Required: Discussion
Legal Description: Lot M-1 part of NE1/4SW1/4, Section 36, T6N, R4E
Location: East of Whitewood on service road
Purpose: Billboard
Zoning: HSC
Conflicts of Interest: None

ITEMS 12 and 13 were discussed simultaneously.

Vogt explained Chord made application for two CUP's, each for a billboard on the same property owned by Mike Ringer. Mr. Chord was unable to attend and Vogt is presenting the information for both applications at this time. She reviewed some proposed conditions. Outka discussed possible placement and setback requirements. A hearing was set for Sept 4, for CUP #367 and CUP #368.

14. **INFORMATIONAL MEETING- MAJOR PUD AMENDMENT #05-08 APPLE SPRINGS**
Owner/Representative: Apple Springs Inc/Boulder Canyon Country Club
Action Required: Discussion
Legal Description: E ½ NE ¼ and Lot D Revised SW ¼ NW ¼ , Section 13 and 14, T5N, R4E.
Location: Boulder Canyon
Purpose: Additional buildable sites to the Apple Springs Resort and the addition to the Golf Course
Zoning: Approx. 43.22 of PF land and Approx. 57.03 of SRD land
Conflicts of Interest: None

ITEMS Number 14, 15, and 16 were discussed simultaneously.

15. **INFORMATIONAL MEETING-COZ #281 – Apple Springs and Boulder Canyon Country Club- PF to SRD**
Owner/Representative: Apple Springs Inc/Boulder Canyon Country Club
Action Required: Discussion

Legal Description: Portion of the E ½ NE ¼ and Portion of Lot D Revised SW ¼ NW ¼ not currently zoned Suburban Residential, Section 13 and 14, T5N, R4E.

Location: Boulder Canyon

Purpose: Part of PUD amendment and needs to change zoning on approx. 43.22 acres from PF to SRD to have additional buildable sites

Zoning: PF TO SRD

Conflicts of Interest: None

ITEMS Number 14, 15, and 16 were discussed simultaneously.

16. HSC INFORMATIONAL MEETING- COZ #282 – Apple Springs Resort- SRD to

Owner/Representative: Apple Springs Inc

Action Required: Discussion

Legal Description: Everything North of Hwy 14-A, West of Apple Springs Boulevard, South of Utility Lot 1, Lots 4-8 A & B, Blk 1, Lot 2-3, Blk 1 and Lot 1 A & B Blk 1 and East of Wildberger Road, all in Section 14, T5N, R4E.

Location: Boulder Canyon

Purpose: Convenience Store, Retail Establishments

Zoning: SRD to HSC

Conflicts of Interest: None

ITEMS Number 14, 15, and 16 were discussed simultaneously.

Vogt stated the information for this request, and the following two items, COZ #281 and COZ #282 can be discussed together as it all relates to Apple Springs Subdivision. Dave Simpson presented the plan to continue the Apple Springs development plan. Additional land has been purchased and that parcel has multiple zoning. Vogt explained that changing the zoning will allow the zoning boundary to be the same as the property line, as apposed to the tree line. COZ #282 will enable the development of a convenience store with concerns of highway traffic addressed by the construction of turning lanes off Hwy 14A into the property. Simpson stated the density per acre would stay about the same with the addition of property into the PUD. Vogt estimated a total of approximately 400 buildable lots with the added property to the PUD. Public hearings will be held Sept 4, 2008.

17. PRELIMINARY AND FINAL PLAT

Owner/Representative: Apple Springs Inc/CETEC Engineering

Action Required: Approval/Denial

Legal Description: Plat of lot 8 Block 14 of Apple Springs Subdivision, Section 14, T5N, R4E, (legal shortened)

Location: Boulder Canyon

Purpose: Lot line relocation

Zoning: SRD

Conflicts of Interest: None

Vogt explained this was a movement of lot line, not combining two lots into one.

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

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

18. INFORMATIONAL MEETING-POSSIBLE SUBDIVISION

Owner/Representative: Dick Seaman

Action Required: Discussion

Legal Description: Parcel V of HES 110, Section 33, T4N, R4E.

Location: Nemo Road

Purpose: Possible Subdivision

Zoning: PF

Conflicts of Interest: None

Seaman was not present so Vogt explained his discussion with her regarding his interest in developing his property. She presented a drawing showing approximate division of his acreage, with present access. Discussion pertained to the wet meadow areas and secondary access.

PLATS IN ORDER AS LISTED

1. REVISED PRELIMINARY AND FINAL PLAT

Owner/Representative: Gilded Mountain LLC/Randy Deibert

Action Required: Approval/Denial

Legal Description: Plat of lots 6,7,29,30,35,36 of Gilded Mountain Subdivision, Sections 5 & 6, T4N, R3E, (legal shortened)

Location: Hwy 85, south of Lead

Purpose: New Lots

Zoning: SRD

Conflicts of Interest: None

Vogt explained the road grade has been reduced. Deibert showed the road changes and explained there is no density change.

Moved-Seconded (Mickelson-Ewing) motion to approve the Revised Preliminary Plat. Motion Carried.

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

2. **PRELIMINARY AND FINAL PLAT**
Owner/Representative: Homestake Mining Co/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Plat of Sign Lot of Sawpit Tract, Sections 19, 20, 29 & 30, T5N, R3E, (legal shortened)
Location: Along Hwy 14A between Lead and Central City
Purpose: Use for City sign.
Zoning: PF
Conflicts of Interest: None

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

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

3. **PRELIMINARY AND FINAL PLAT**
Owner/Representative: Lois Sternhagen Estate/Charon & Verna Nelson/Ponderosa Land Surveying
Action Required: Approval/Denial
Legal Description: Plat of lot 1A and 2A-1, Cannonball lodes, MS 1832, Section 5, T4N, R3E, (legal shortened)
Location: Nevada Gulch Road
Purpose: Move lot lines because garage is on neighbors property
Zoning: PF
Conflicts of Interest: None

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

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

4. **FINAL PLAT**
Owner/Representative: Two Bit Ranch Estates/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of lot 24A of Two Bit Ranch Estates, Section 30, T5N, R4E, (legal shortened)
Location: Boulder Canyon off Two Bit Road
Purpose: Re-plat because of Road and Easement
Zoning: PF
Conflicts of Interest: None

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

5. **FINAL PLAT**
Owner/Representative: Two Bit Ranch Estates/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of lot 9A of Two Bit Ranch Estates, Section 30, T5N, R4E, (legal shortened)
Location: Boulder Canyon off Two Bit Road
Purpose: Re-plat because of Road and Easement
Zoning: PF
Conflicts of Interest: None

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

6. **FINAL BOUNDARY PLAT**
Owner/Representative: Greenview LLC/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Tract A of Greenview Estates, Section 14, T3N, R1E, (legal shortened)
Location: Hwy 85 south of O'Neill Pass
Purpose: Designate boundary of subdivision
Zoning: PF
Conflicts of Interest: None

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

7. **PRELIMINARY AND FINAL PLAT**
Owner/Representative: Thomas & Linda Sorenson/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of lots 4A, 4B, and 5B-1 of Wood Estate Subdivision, Section 7, T3N, R3E, (legal shortened)
Location: Off North Rochford Road
Purpose: Moving one lot line and making one new lot
Zoning: PF
Conflicts of Interest: None

one. No fire plan was included when the plan was presented, and the board requested

Moved-Seconded (Mickelson-Ewing) motion to Deny preliminary plat as no fire plan is included. Motion Carried.

8. **FINAL PLAT**
Owner/Representative: Hander, Don & Karen/Arleth & Associates
Action Required: Approval/Denial

Legal Description: Plat of lots 9 and 26 of Country Club Estates, Section 36, T4N, R2E, and Section 31, T4N, R3E, (legal shortened)

Location: Off Rochford Road, Lead Country Club

Purpose: New Lots

Zoning: SRD

Conflicts of Interest: None

Moved-Seconded (Ewing-Mickelson) motion to approve Final Plat. Motion Carried.

9. PRELIMINARY AND FINAL PLAT

Owner/Representative: Deadwood Stage Run LLC/Tom Johnson/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tracts D-1, D-2 & D-3, MS 696, Section 15, T5N, R3E, (legal shortened)

Location: Mt Roosevelt

Purpose: Transfer purposes

Zoning: PF

Conflicts of Interest: None

A final plat was approved previously, however easement issues required corrections.

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

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

10. FINAL PLAT

Owner/Representative: Granted Grace Inc/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of lots 1-12 of Tahencala Ridge, Section 1, T4N, R3E, (legal shortened)

Location: Upper Two Bit

Purpose: New Lots

Zoning: PF

Conflicts of Interest: None

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

Moved-Seconded (Mickelson-O'Dea) motion to adjourn at 5:22. Motion Carried.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF September 4, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, September 4, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O'Dea, Barb Mattson (left at 6:36), Bill Coburn, Tom Brady (left at 6:12)

ABSENT: Craig Mickelson, Bob Ewing

Moved-Seconded (Coburn-Mattson) motion to approve minutes of August 14, 2008. Motion Carried.

Moved-Seconded (O'Dea-Coburn) motion to approve the agenda with the following correction: Delete Dick Seaman sketch plat (plat #2) Motion Carried.

Declaration of Conflicts of Interest: Tom Brady abstained from discussion and vote on plat #6 owned by Pillar Peak.

Moved-Seconded (Brady-Mattson) motion to set the January meeting for January 8, 2009 due to the first Thursday being a holiday. Motion Carried.

PUBLIC HEARINGS AND INFORMATIONAL

1. DISCUSSION ITEM-Allison Hall-Possible Specialty Resort

Owner Representative: Allison Hall

Action Required: Discussion

Legal Description: M.S. 1902 Diamond, Diamond #2, Diamond Fraction,
Section 11, T3N, R4E.

Location: Diamond Dale Road, back of Pines at Benchmark (Nemo)

Purpose: Possible Specialty Resort or PUD

Zoning: PF

Hall explained her idea to build and rent six pedestal houses on her 55+/- acre parcel. Vogt asked for direction on how to proceed, as it is an unusual request. The two options available are a conditional use permit for a Specialty Resort or a Planned Unit Development. Also discussed was the possible need for platting, and access to the parcel. Hall will meet with Vogt to discuss specifics of her plans and decide what course to take.

2. RECOMMENDATION MEETING-VAR #120- J. D. Bell-tabled at August 14, 2008 meeting

Owner/Representative: J. D. Bell

Action Required: Recommendation to County Commission

Legal Description: Tract 59, Section 7, T4N, R3E, (legal shortened)
Location: Hwy 14A south of Lead
Purpose: 22' and 24' variances to 25' setback to rebuild the Boars Nest restaurant and bar.
Zoning: HSC
Conflicts of Interest: None

Vogt explained a request was made for a map of survey and a parking plan at the last meeting and this has been provided. After review of this plan with the SD DOT, Dan Staton and Gary Engel, issues have come to light. The South Dakota Dept of Transportation, are requesting at least a 3 foot setback from the ROW, a reduction of the exiting approach, no parking in the ROW, and no driveway to the garage is to be in the ROW. She further explained with the present building size, it does not appear that parking requirements can be met in light of the recommendations from the DOT. Vogt also stated the parking regulations would more than likely be able to be met if the size of the building was smaller. Randy Deibert with Four Front Designs also stated that it was his understanding that if the applicant decided to put the building back in the original footprint, it would be allowable.

Moved-Seconded (Brady-Coburn) motion to recommend approval of a 22 foot variance to the 25 foot setback for JD Bell, subject to the development plan meeting DOT access requirements, and meeting all of Lawrence County parking requirements.

O'Dea stated he thinks this building exceeds the physical limits of the property. Bell agreed he would accept the 22 foot request, but does not agree with being required to meet all DOT requirements.

Brady withdrew the motion and Coburn withdrew the second.

Moved-Seconded (Brady-O'Dea) motion to recommend denial of Variance #120. Motion Carried.

3. **PUBLIC HEARING- CUP #364- Chad & Pam Adams – Mechanical Repair – TABLED Aug 14, 2008**
Owner/Representative: Chad and Pam Adams
Action Required: Approval/Denial
Legal Description: Lot 1 of Tract 42, M.S. 1703 Lot M and Lot I of the Saratoga Lode, Section 5 and 6, T4N, R3E. (Legal Shortened)
Location: Nevada Gulch Road
Purpose: For a mechanical repair business
Zoning: SRD
Conflicts of Interest: None

Moved-Seconded (Coburn-Mattson) motion to take from the table CUP #364.
Motion Carried.

The Public Hearing was closed at the August 14, 2008 Planning and Zoning Meeting.

Vogt informed the Board that County Commission had a first reading on Ordinance 08-05, adding mechanical repair as a conditional use in Suburban Residential Zoning District. At that time, the change was made to state Mechanical Repair for Automobiles, and vehicles not over one ton. The history of non-conforming uses in the gulch was discussed and proposed conditions were reviewed. Deb Tridle stated she doesn't have a problem with their request but her concern is with the multiple vehicles and junk. The board discussed a condition that there be no outside storage, as opposed to junk cars or storage being screened or covered. Outka suggested conditions refer to compliance with the Junk Ordinance, and also suggested the property be brought to a certain standard before the board consider approval of the CUP. O'Dea asked if Adams' goal is to eventually have this property strictly his residence and the business moved to a site appropriately zoned. Adams stated he would like that to be the case, and eventually his shop to be for his own projects. Adams was asked if he would consider waiving the time requirement the board must meet to make a decision, and take 60 days to clean up the property. Adams agreed to waive the time requirement in order to comply with the wish of the Board to see improvement.

Moved-Seconded (Coburn-Brady) motion to accept Adams' waiving of the 45 day decision requirement and reconsider the request at the November 6th meeting.
Motion Carried.

An on-site will be held prior to the reconsideration of this request.

4. **PUBLIC HEARING-CUP # 366- Satterlee- Firearm Manufacturing**
Owner/Representative: Stuart Satterlee/Satterlee Arms, LLC
Action Required: Approval/Denial
Legal Description: Lot 3 of Idle Boy #1, MS 1917, and Horn Blen #2, MS 1935, Section 34, T4N, R3E, (legal shortened)
Location: Off Brownsville Road on Pahkamaa Road
Purpose: Firearms Manufacturing
Zoning: PF
Conflicts of Interest: None

Vogt presented the staff report and stated the manufacturing business currently located in the property is presently a non-conforming use which was brought to the P & Z's attention when Mr. Satterlee contacted this office during the process of changing to an LLC. The ATF required Mr. Satterlee to be in compliance prior to allowing him to change the name of his business.

PROPONENTS: Ed Erickson stated he has adjoining property, has visited with Satterlee and was assured that there would be no impact to water, that if there was a need to expand the building, it would only be 20 feet nearer to his property, all waste is picked up by Waste Management, and there would be no air or sound pollution. With these assurances, he supports the request.

PROPONENTS: None

OPPONENTS: None

PROPONENTS: None

OPPONENTS: None

CLOSE PUBLIC HEARING

The Board discussed conditions, and agreed to delete hours of operation, and to add a no on-site testing condition.

Moved-Seconded (O'Dea-Mattson) motion to recommend approval of CUP #366 with the deletion of the hours of operation condition and the addition of a no-on-site testing condition. Motion Carried.

5. **PUBLIC HEARING- CUP #367- D.J. CHORD/RINGER**
Owner/Representative: Mike Ringer/D.J. Chord
Action Required: Approval/Denial
Legal Description: Lot M-1 part of NE1/4SW1/4, Section 36, T6N, R4E
Location: East of Whitewood on service road
Purpose: Billboard
Zoning: HSC
Conflicts of Interest: None

ITEMS 5 and 6 were discussed simultaneously.

6. **PUBLIC HEARING- CUP #368- D.J. CHORD/RINGER**
Owner/Representative: Mike Ringer/D.J. Chord
Action Required: Approval/Denial
Legal Description: Lot M-1 part of NE1/4SW1/4, Section 36, T6N, R4E
Location: East of Whitewood on service road
Purpose: Billboard
Zoning: HSC

Conflicts of Interest: None

ITEMS 5 and 6 were discussed simultaneously.

Vogt explained there is one staff report for both CUP #367 & #368, each for a billboard on one piece of property, owned by Mike Ringer. Her staff recommendation is for approval and asked for input regarding proposed conditions.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Discussion pertained to up-lighting, bulb wattage, and spacing between the two billboards. Brady requested a condition that there be no more than two halogen lights of 400 watts each per side.

Moved-Seconded (Coburn-O'Dea) motion to recommend approval of CUP #367 with the additional condition that there be no more than two (2) halogen lights of no more than four hundred (400) watts per side and all other attached conditions. Aye four, Nay: Brady. Motion Carried.

Moved-Seconded (Coburn-O'Dea) motion to recommend approval of CUP #368 with the with the additional condition that there be no more than two (2) halogen lights of no more than four hundred (400) watts per side and all other attached conditions. Aye four, Nay: Brady. Motion Carried.

7. **PUBLIC HEARING- MAJOR PUD AMENDMENT #05-08 APPLE SPRINGS**

Owner/Representative: Apple Springs Inc/Boulder Canyon Country Club

Action Required: Approval/Denial

Legal Description: E ½ NE ¼ and Lot D Revised SW ¼ NW ¼ , Section 13 and 14, T5N, R4E.

Location: Boulder Canyon

Purpose: Additional buildable sites to the Apple Springs Resort and the addition to the Golf Course

Zoning: Approx. 43.22 of PF land and Approx. 57.03 of SRD land

Conflicts of Interest: **None**

ITEMS 7 and 8 were discussed simultaneously.

8. **PUBLIC HEARING- COZ #281 – Apple Springs and Boulder Canyon Country Club- PF to SRD**

Owner/Representative: Apple Springs Inc/Boulder Canyon Country Club

Action Required: Approval/Denial

Legal Description: Portion of the E ½ NE ¼ and Portion of Lot D Revised SW ¼ NW ¼ not currently zoned Suburban Residential, Section 13 and 14, T5N, R4E.

Location: Boulder Canyon

Purpose: Part of PUD amendment and needs to change zoning on approx. 43.22 acres from PF to SRD to have additional buildable sites

Zoning: PF TO SRD

Conflicts of Interest: None

ITEMS 7 and 8 were discussed simultaneously.

Vogt asked that the Board table the Public Hearings for both PUD Amendment #05-08, and COZ #281, as requested by the applicant. This was requested to allow more preparation time for both Apple Springs, and the Planning & Zoning office. The representatives did agree to answer questions from the audience regarding these requests.

Moved-Seconded (Coburn-O'Dea) motion to table PUD Amendment #05-08 and COZ #281. Motion Carried.

Moved-Seconded (Brady-Coburn) motion to allow an informational meeting on the changes, with questions from the audience. Motion Carried.

Dave Simpson and Kevin Klaprodt represented Apple Springs, and explained the history of, and future plans for, the Apple Springs Planned Unit Development. It was explained the zoning change is to move the line dividing the Park Forest and Suburban Residential District zones to a property line instead of an arbitrary tree line, changing the entire parcel to Suburban Residential District zone. They explained the present and future sewer system, and also the plan to expand the golf course.

9. **PUBLIC HEARING- COZ #282 – Apple Springs Resort- SRD to HSC**
Owner/Representative: Apple Springs Inc
Action Required: Approval/Denial
Legal Description: Everything North of Hwy 14-A, West of Apple Springs Boulevard, South of Utility Lot 1, Lots 4-8 A & B, Blk 1, Lot 2-3, Blk 1 and Lot 1 A & B Blk 1 and East of Wildberger Road, all in Section 14, T5N, R4E.
Location: Boulder Canyon
Purpose: Convenience Store, Retail Establishments
Zoning: SRD to HSC
Conflicts of Interest: None

Vogt explained this request had been in the original PUD proposal. It was withdrawn with the option to reapply. The change to Highway Service Commercial is to allow a convenience store and small retail establishments. If approved, a development plan will be required for the 14 acre parcel. Staff recommends approval.

Dave Simpson stated that originally the big concern regarded the traffic on Hwy 14A. He showed the proposed entrance with a turning lane. He explained the plan for lighting, being down-throw, eliminating light pollution. He further explained his intent to provide services without negatives. He stated he has no desire to have a gas station, but a pedestrian shopping area with a country store, and a variety of small shops.

PROPOSERS: None

OPPOSERS: Bob Derby objected stated once one commercial sight is introduced it will bring more. Michael Cogley stated there is no need for commercial development in the canyon, and the problem of increased traffic. Chuck Nelson is opposed to any commercial development in Boulder Canyon. Bette Cogley stated they moved to the hills and enjoy the beauty, and does not

think the shopping convenience is needed. Marguerite Kelly also stated her opposition to increased activity in the area.

APPLICANT: Simpson added the looks, signage and lighting are important to them. The plan is to incorporate services into a park like area with minimal tree removal, and not impact the beauty of the sight.

PROPOSERS: None

OPPOSERS: Donna Sedivy expressed concern with traffic and noise, and does not think this use is needed. Tom Dewey voiced concern of extra traffic and trash.

CLOSE PUBLIC HEARING

Brady asked about development standards regarding architectural issues. Simpson explained they do not want a strip mall, but more of a mountain home look. Vogt explained if the Change of Zoning was approved, nothing could be done without approval of a development plan for the entire parcel. O'Dea stated he could not imagine a development with the potential of 400 houses, not providing some services in the future, suggesting the need for a post office and fire station.

Moved-Seconded (Brady-Coburn) Motion to recommend approval of COZ #282 for property to be rezoned from SRD-Suburban Residential to HSC-Highway Service Commercial. Motion Carried.

PLATS IN ORDER AS LISTED

- 1. DISCUSSION PLAT**
Owner/Representative: Homestake Mining Co/ Ponderosa Land Surveys, LLC
Action Required: Discussion
Legal Description: Plat of Tract A of Open Cut Tract, Sections 27,28,29,32,33,34, T5N, R3E, (legal shortened)
Location: Off North Rochford Road
Purpose: Possible Annexation into Lead
Zoning: PF
Conflicts of Interest: None

This plat was pulled by Julie Stone for consideration at the next meeting.

- 2. SKETCH PLAT**
Owner/Representative: Dick Seaman
Action Required: Discussion
Legal Description: Parcel V of HES 110, Section 33, T4N, R4E.
Location: Nemo Road
Purpose: Possible Subdivision
Zoning: PF

Conflicts of Interest: None

This plat was pulled by Amber Vogt as she has been unable to contact Dick Seaman.

3. REVISED PRELIMINARY PLAT

Owner/Representative: Greenview, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Revised preliminary plat of Greenview Estates, Section 14, T3N, R1E, (legal shortened)

Location: HWY 85 South

Purpose: Changes to entrance and lots

Zoning: PF

Conflicts of Interest: None

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

4. FINAL PLAT

Owner/Representative: Greenview, LLC/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of lot 16 of Greenview Estates, Section 14, T3N, R1E, (legal shortened)

Location: HWY 85 South

Purpose: New Lot

Zoning: PF

Conflicts of Interest: None

Moved-Seconded (Brady-Mattson) motion to approve the Final Plat as bonding is in place and approved. Motion Carried.

5. PRELIMINARY AND FINAL PLAT

Owner/Representative: Louis & Janice Huffman/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of lot 6-A of the J.V. Subdivision, Section 33, T6N, R4E, (legal shortened)

Location: Crook City Road

Purpose: Subdivision

Zoning: PF

Conflicts of Interest: None

Moved-Seconded (Brady-O'Dea) motion to approve Preliminary Plat. Aye: 3. Nay: Tysdal, Coburn. Motion Carried.

Moved-Seconded (Brady-O'Dea) motion to approve Final Plat. Aye: 3. Nay: Tysdal, Coburn. Motion Carried.

6. **FINAL PLAT**
Owner/Representative: Pillar Peak, LLC/ Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of lots 3, 8, 9A, and Well Lot of The Estates at Pillar Peak, Sections 20 & 21, T5N, R4E, (legal shortened)
Location: Boulder Canyon
Purpose: New Lots
Zoning: PF
Conflicts of Interest: Brady

Moved-Seconded (Coburn-O’Dea) motion to approve the Final Plat. Aye: 4, Abstain: Brady. Motion Carried.

MORE INFORMATIONAL MEETINGS FOR CHANGES IN ORDINANCES:

10. **INFORMATIONAL MEETING-ORD 08-7 - SIGN REGULATIONS**
Owner/Representative: Amber Vogt/Bruce Outka
Action Required: Discussion/Set Public Hearing
Purpose: Amend and add sign regulations to Zoning Ordinance.

Vogt had been asked to provide possible regulations for signs several months ago during discussion of signs for home based businesses. The proposal included an ordinance and sign permit application. The Board reviewed wording for both on-premise and off-premise signs, relating to size, lighting, and placement. She explained the proposal was developed from wording in other entity regulations, and some portions may not be needed or wanted for this County. She also furnished a proposed sign permit application. The Board set a public hearing to be held on October 2, 2008.

11. **INFORMATIONAL MEETING-ORD 08-6-WIND ENERGY CONVERSION SYSTEMS**
Owner/Representative: Amber Vogt/Bruce Outka
Action Required: Discussion/Set Public Hearing

The Board considered a proposed ordinance regulating Wind Energy Conversion Systems. Some points considered were: Definitions, location and permit requirements. Lengthy discussion involved noise levels and measurement. A timeline for adoption was reviewed, and it was decided additional time was needed for discussion and research before setting a public hearing.

Motion to adjourn (O’Dea) at 6:49 pm. Motion Carried.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF October 2, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, October 2, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Marty O’Dea, Barb Mattson, Bill Coburn, Tom Brady, Bob Ewing.

ABSENT: None

Moved-Seconded (Coburn-O’Dea) motion to approve minutes of September 4, 2008. Motion Carried.

Moved-Seconded (Mickelson-Coburn) motion to approve the agenda with the following changes: Table Sorenson plat (#3), Pull from consideration Mutchler plat (#4) Motion Carried.

Declaration of Conflicts of Interest: Brady: Plat #9 (Gilded Mountain) and Plat #10 (Wild Turkey Estates). Tysdal: Plat #9 (Gilded Mountain) and Plat #10 (Wild Turkey Estates). Mattson: Plat #5 (Mattson Inc.)

PUBLIC HEARINGS AND INFORMATIONAL

1. RECOMMENDATION MEETING-Hwy 85 Corridor and the 3 mile Jurisdiction Infrastructure

Owner/Representative: Lawrence County Planning and Zoning/City of Spearfish

Action Required: Recommendation/Discussion

Vogt introduced Jayna Watson representing the City of Spearfish and explained the progress in the continuing discussions on guidelines to accommodate present and future land use along the Highway 85 Corridor between Spearfish and the Lawrence/Butte county lines. Watson gave an overview of the general area boundaries, and the parties who have contributed to the discussions. She explained the infrastructure considerations and assured that present use of property is not going to be affected and this is just a guideline for future possibilities.

Moved-Seconded (Brady-Coburn) motion to recommend approval of the Hwy 85 Corridor Land Use Plan as a working document. Motion Carried.

Watson also presented the proposed Three Mile Jurisdiction regulations for water and sewer systems in new developments, both contiguous and not contiguous to city limits. Vogt explained this would extend the City of Spearfish platting

jurisdiction. The County would still deal with Zoning change requests. The City of Spearfish is currently working on a Master Plan for Sewer Infrastructure and has decided this portion of the 3 mile jurisdiction plan should be tabled until they have more results from the Master plan.

2. PUBLIC HEARING- ADMINISTRATIVE COZ # 283-A-1 to RR to match surrounding zoning

Owner/Representative: Keith Massey/Planning and Zoning

Action Required: Approval/Denial

Legal Description: Tract A of the SW ¼ NW ¼ Section 35, T7N, R2E.

Location: Kerwin Lane/Hwy 85

Purpose: Bring lot into compliance

Zoning: A-1 to RR

Conflicts of Interest: None

ITEMS 2 and 3 were discussed and hearings held simultaneously.

3. PUBLIC HEARING- ADMINISTRATIVE COZ # 284-A-1 to RR to match surrounding zoning

Owner/Representative: Lance and Catherine Redinger/Planning and Zoning

Action Required: Approval/Denial

Legal Description: Tract F of Section 26, T7N, R3E.

Location: St. Onge

Purpose: Bring lot into compliance

Zoning: A-1 to RR

Conflicts of Interest: None

ITEMS 2 and 3 were discussed and hearings held simultaneously.

Vogt presented the staff report explaining both the Massey and Redinger properties are zoned

A-1, surrounded by property recently rezoned to RR. The intent of these changes is to bring existing lots into compliance with surrounding zoning. Each will continue to be a non-conforming lot, but the zoning will be consistent with adjacent property.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Moved-Seconded (Brady-Mickelson) motion to recommend approval of COZ #283 from A-1 (General Agriculture) to RR (Rural Residential). Motion Carried.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of COZ #284 A-1 (General Agriculture) to RR (Rural Residential). Motion Carried.

4. **PUBLIC HEARING- MAJOR PUD AMENDMENT #05-08 APPLE SPRINGS (tabled at September 4th meeting)**
Owner/Representative: Apple Springs Inc/Boulder Canyon Country Club
Action Required: Approval/Denial
Legal Description: E ½ NE ¼ and Lot D Revised SW ¼ NW ¼ , Section 13 and 14, T5N, R4E.
Location: Boulder Canyon
Purpose: Additional build-able sites to the Apple Springs Resort and the addition to the Golf Course
Zoning: Approx. 43.22 of PF land and Approx. 57.03 of SRD land
Conflicts of Interest: None

ITEMS 4 and 5 were discussed and hearings held simultaneously.

5. **PUBLIC HEARING- COZ #281 – Apple Springs and Boulder Canyon Country Club- PF to SRD (tabled at September 4th meeting)**
Owner/Representative: Apple Springs Inc/Boulder Canyon Country Club
Action Required: Approval/Denial
Legal Description: Portion of the E ½ NE ¼ and Portion of Lot D Revised SW ¼ NW ¼ not currently zoned Suburban Residential, Section 13 and 14, T5N, R4E.
Location: Boulder Canyon
Purpose: Part of PUD amendment and needs to change zoning on approx. 43.22 acres from PF to SRD to have additional build-able sites
Zoning: PF TO SRD
Conflicts of Interest: None

ITEMS 4 and 5 were discussed and hearings held simultaneously.

Moved-Seconded (O'Dea-Mattson) motion to take from the table consideration of COZ #281 and PUD Amendment #05-08. Motion Carried.

Dave Simpson explained the land swap arrangement with the Boulder Canyon Country Club, and the plan to develop some of the land into approximately 50 additional home-sites and the rest into an additional nine holes for the golf course. The PUD amendment will add this property to the current PUD boundary. All the plans and specifications of the original Apple Springs PUD will be continued with this additional property. All sewage treatment and water will have to be approved by the DENR.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Vogt asked for clarification of the waste water system. Ted Schultz with CETEC Engineering, explained the presently in place and future expansion of the central gravity sewer system. Collection will flow through municipal style sewer piping, then transfer to a treatment facility located in the southeast corner of the property. The system will treat the water to a cold water fishery standard. One of the systems they are considering is an extended aeration activated sub-systems including ultra-violet disinfection. The water would be transferred into storage ponds for golf course irrigation.

It was explained the zoning change is to move the line dividing the Park Forest and Suburban Residential District zones to a property line instead of an arbitrary tree line, changing the entire parcel to Suburban Residential District zone.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of PUD Amendment #05-08. Motion Carried.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of COZ #281 from PF-Park Forest to SRD-Suburban Residential. Motion Carried.

6. **PUBLIC HEARING- ORD 08-7 - SIGN REGULATIONS**
Owner/Representative: Amber Vogt/Bruce Outka
Action Required: Approval/Denial
Purpose: Amend and add sign regulations to Zoning Ordinance

Vogt explained this document includes specific regulations, including sizes, lighting and spacing. There is also a section on temporary signage and sign permits. She reviewed the sections regarding real estate for sale, real estate directional signs, and utility company signs.

PROPOSERS: None

OPPOSERS: Terry Olson, representing Lemar Outdoor Advertising, stated he is pro ordinance, but had several suggestions regarding billboards. Some being size, spacing, and setback measurements.

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Moved-Seconded (Ewing-Mickelson) motion to recommend approval of Ord. #08-7 with the following changes.:

4.2.4 #3 shall state: Off-premise signs shall be located no closer than a 1500 foot **radius from the center of the face** from all other off-premise signs.

4.2.4 #6 shall be changed in part to read: The maximum display area of any off-premise sign located adjacent to a two (2) or more lane highway shall not exceed two hundred forty (240) square feet on each face. The maximum display area of any off-premise sign located on the interstate shall not exceed three hundred seventy-eight (378) square feet on each face.

4.2.4 #7 shall be changed in part to read: The minimum front yard setback requirement for on-premise or off-premise signs shall be five (5) feet from the property line, measured from the outer face.

4.2.5 #1 to state: 1. Signs may be illuminated subject to the following restrictions:

- a. No revolving or rotating beam of light simulating an official emergency device is permitted. Signs with flashing lights of any color are not permitted, except illuminating signs giving such public service information as time, date, or temperature;
- b. External lighting, such as floodlights, thin-line and gooseneck reflectors, is permitted, if it is shielded so as to prevent the direction of rays of light to any part of the main-traveled way;
- c. No lighting is permitted which is of such brilliance or intensity so as to establish glare or reflection which would interfere with the effectiveness of any official traffic control device or official sign or interfere with the motorist's view of traffic conditions; and
- d. A changeable message sign is permitted as an off-premise sign, regardless of the technology used, if the message is changed not more than once every six seconds and if the message is not continuously scrolled.
- e. No off premise sign shall be lighted after 12:00 midnight, unless otherwise permitted through a Conditional Use Permit.

4.2.6 #1 to state: Any non conforming sign or sign structure in need of maintenance or repair beyond fifty (50) percent, the Administrative Official will send a certified letter to the sign owner with a copy to the landowner requesting removal of the sign within thirty (30) days. Damage will be assessed based on the total contents comprising the structure versus the damaged contents of the structure. For example, when a sign is supported by five (5) structural posts, if three (3) of those posts are damaged (broken) the sign is more than fifty (50) percent damaged.

4.2.8 #10 to state: Utility Signs: One (1) sign per utility, not to exceed six inches by twelve inches (6"x 12") mounted on a pole. Motion Carried.

7. **INFORMATIONAL MEETING-CUP # 369-Two Tone Cattle Company for a commercial feedlot**

Owner Representative: Two Tone Cattle Company

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

Legal Description: Lots 1,2,3,4,6,7,16 & 17, sub of NE1/4, Sec 20. T7N, R2E, and N1/2 of Lot 1, sub of N1/2 SE1/4 Sec 20, T7N, R2E.

Location: Old Belle Road

Purpose: Commercial Feedlot

Zoning: A-1

Amber Vogt stated that she is a relative of an owner of the engineering firm that prepared the presentation. Neither the Board nor the applicant felt this was a conflict of interest. She gave an overview of the existing feedlot, which has been in existence for at least 4 years at a much smaller stance. She stated the office had not received complaints until recently. In reviewing the complaints it was found that the company had applied to the state to enlarge the operation to approximately 4,000 cattle and with that increase a County CUP for a commercial feedlot would be required.

Harvey and Bart Krautschun presented information and the history of the agricultural business. Harvey explained the expansion to 4,000 head, would include both cattle on feed and cow/calf pairs. The State application information was furnished and Bart explained the State requirements for manure management and soil fertility. An on-site tour will be held Friday, October 10 at 4:00 p.m. County Commissioners will be invited to the onsite. An informational meeting was set for October 14, 2008 at 11:30 am in order to allow the County Commission to comment to the State regarding the State Permit if needed. The public hearing will be held November 6.

PLATS IN ORDER AS LISTED

1. **DISCUSSION PLAT**

Owner/Representative: Homestake Mining Co/ Ponderosa Land Surveys, LLC

Action Required: Discussion

Legal Description: Plat of Tract A of Open Cut Tract, Sections 27,28,29,32,33,34, T5N, R3E, (legal shortened)

Location: Off North Rochford Road

Purpose: Possible Annexation into Lead

Zoning: PF

Conflicts of Interest: None

Julie Stone called in the middle of the meeting and she would not be able to attend. She asked that it be added as a Preliminary and Final plat on the November 6th meeting.

2. **FINAL PLAT**

Owner/Representative: Maitland Partners LLC/Ponderosa Land Surveys
Action Required: Approval/Denial
Legal Description: Plat of Lot 66 Tract K, Paradise Acres II, Sections 18,7,8,17, T5N, R3E, (legal shortened)
Location: Maitland
Purpose: New Lots
Zoning: PF
Conflicts of Interest: None

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

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Thomas & Linda Sorenson/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of lots 4A, 4B, and 5B-1 of Wood Estate Subdivision, Section 7, T3N, R3E, (legal shortened)
Location: Off North Rochford Road
Purpose: Moving one lot line and making one new lot
Zoning: PF
Conflicts of Interest: None

Moved-Seconded (Ewing-Coburn) motion to table the plat until such time a fire mitigation plan is presented. Motion Carried.

4 FINAL PLAT

Owner/Representative: Thomas Mutchler/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lots 1A & 1B, sub of Lot 1 of Tract A of HES 500, in Section 14, T3N, R1E (legal shortened)
Location: Hwy 85 S, adjacent to Greenview Estates.
Purpose: Lots platted for transfer purposes only
Zoning: PF
Conflicts of Interest: None

Pulled from consideration by the Surveyor prior to the meeting.

5. FINAL PLAT

Owner/Representative: Mattson, Inc/Arleth & Associates
Action Required: Approval/Denial
Legal Description: Plat of Lot 8, Brighter Day Subdivision, Sections 25 & 36, T5N, R3E, and Section 30, T5N, R4E (legal shortened)
Location: Two Bit Road
Purpose: New Lot
Zoning: PF
Conflicts of Interest: Barb Mattson

Moved-Seconded (Brady-Ewing) motion to approve the Final Plat. Aye: 6, Abstain: Mattson. Motion Carried.

This is the first final plat out of the Brighter Day Subdivision, therefore it will be on the October 14, 2008 County Commission Agenda for approval/denial.

6.

FINAL PLAT

Owner/Representative: Don & Karen Hander/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 31 & 32 of Country Club Estates, Section 36, T4N, R2E, and Section 31, T4N, R3E (legal shortened)

Location: Off Hanna Road near Lead Country Club

Purpose: New Lots

Zoning: SRD

Conflicts of Interest: None

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

7.

PRELIMINARY AND FINAL PLAT

Owner/Representative: Delbert Boyd/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 16A, 16B, and 16C Blk 1 of Storey Lane Sub, Section 14, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: Move lot lines

Zoning: SRD

Conflicts of Interest: None

Vogt explained this plat is exempt from requirements for a fire plan as it is moving lot lines of three existing lots, not increasing density, and fixing the issue of a building sitting on the property lines.

Moved-Seconded (Ewing-Mickelson) motion to approve Preliminary Plat. Aye: 6, Nay: Coburn. Motion Carried.

Moved-Seconded (Mattson-O'Dea) motion to approve Final Plat. Aye: 6, Nay: Coburn. Motion Carried.

8.

FINAL PLAT

Owner/Representative: James MacDougall/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 1 & 2, Lost Meadows, Sections 31 & 32, T3N, R1E and Section 5, T2N, R1E (legal shortened)

Location: Hwy 85 South of O'Neill Pass

Purpose: New Lots

Zoning: PF
Conflicts of Interest: None

Vogt recommended either denial, because bonding for or infrastructure is not complete, or table until the November meeting.

Moved-Seconded (Mickelson-Brady) motion to table this plat. Motion Carried.

9. FINAL PLAT

Owner/Representative: Gilded Mountain LLC/Four Front Design Inc
Action Required: Approval/Denial
Legal Description: Plat of Lots 13, 21, 23, 24 of Gilded Mountain Sub, in Sections 6 & 5, T4N, R3E (legal shortened)
Location: Hwy 85 across from Whitetail Court.
Purpose: New Lots
Zoning: SRD
Conflicts of Interest: Brady and Tysdal

Bonding is in place for Gilded Mt. Subdivision.

Moved-Seconded (Mickelson-Mattson) motion to approve Final Plat. Aye: 5, Abstain: Brady and Tysdal. Motion Carried.

10. FINAL PLAT

Owner/Representative: Wild Turkey Estates/NJS Engineering
Action Required: Approval/Denial
Legal Description: Plat of Lot 6 Blk 3 of Wild Turkey Estates, Section 1, T6N, R1E, Section 31, T7N, R2E, and Section 6, T6N, R2E (legal shortened).
Location: Hillsvie Road
Purpose: New Lot
Zoning: PF
Conflicts of Interest: Brady and Tysdal

Moved-Seconded (Mickelson-Ewing) motion to approve Final Plat. Aye: 5, Abstain: Brady and Tysdal. Motion Carried.

MORE INFORMATIONAL MEETINGS FOR CHANGES IN ORDINANCES:

1.	INFORMATIONAL	MEETING-ORD	08-6-WIND	ENERGY
	CONVERSION	SYSTEMS		
	Owner/Representative: Amber Vogt/Bruce Outka			
	Action Required: Discussion/Set Public Hearing			

Vogt explained she has discussed this proposal with a representative of the Public Utilities Commission. Some changes were considered using the PUC guidelines and suggestions. A public hearing will be held November 6, 2008.

Motion to adjourn (Ewing) at 4:13 pm. Motion Carried.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF November 25, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, November 25, 2008 at 9:00 a.m. (rescheduled from November 6, due to the weather) in the Deadwood City Hall at 100 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Tysdal, Mickelson, Brady, Mattson (arrived at 9:15) Coburn (absent from 9:43 to 10:15), Ewing (arrived at 10:17)

ABSENT: None

Moved-Seconded (Coburn-O'Dea) motion to approve minutes of October 2, 2008. Aye: 5, Absent: Mattson, Ewing. Motion Carried.

Moved-Seconded (Brady-Mickelson) motion to approve the agenda Aye: 5, Absent: Mattson, Ewing. Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Plat #7 (Sugarloaf Village) Mattson: Plat #4 (Brighter Day) and recommendation meeting for Variance #121(Robert Kaeser)

PLATS IN ORDER AS LISTED

1. PRELIMINARY AND FINAL PLAT

Owner/Representative: Homestake Mining Co/ Ponderosa Land Surveys, LLC

Action Required: Approval/Denial

Legal Description: Plat of Tract A of Open Cut Tract, Sections 27,28,29,32,33,34, T5N, R3E, (legal shortened)

Location: Off North Rochford Road

Purpose: Possible Annexation into Lead

Zoning: PF

Conflicts of Interest: None

Julie Stone was present and explained this plat is for annexation purposes into the City of Lead. They would like to be able to plat prior to annexation so they have a true legal description.

Moved-Seconded (Brady-Coburn) motion to approve Preliminary Plat. Aye: 5, Absent: Mattson, Ewing. Motion Carried.

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

2. PRELIMINARY AND FINAL PLAT

Owner/Representative: Bob and Carla Schmidt, Jimmie Johnson, Michelle Hall/Ponderosa Land Surveys, LLC

Action Required: Approval/Denial

Legal Description: Plat Lots 44A & 45A, Black Forest Ranchettes #1 (Formerly Lots 44 & 45), Sections 17&18, T4N, R3E, (legal shortened)

Location: Northwest of Englewood

Purpose: Lot line change

Zoning: PF

Conflicts of Interest: None

Moved-Seconded (Brady-Coburn) motion to approve Preliminary Plat. Aye: 5, Absent: Mattson, Ewing. Motion Carried.

Mattson, Moved-Seconded (Brady-Coburn) motion to approve Final Plat. Aye: 5, Absent: Ewing. Motion Carried

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: Ronald Brandt/Ponderosa Land Surveys, LLC

Action Required: Approval/Denial

Legal Description: Plat of Brandt Tract a portion of Dublin Lode MS 1678, in Section 17, T5N, R3E (legal shortened)

Location: East of Maitland Road

Purpose: New Lot

Zoning: PF

Conflicts of Interest: None

Vogt explained this plat was submitted for financing requirements, and no fire plan was submitted. This property is surrounded by the Paradise Acres subdivisions, and was included in the original covenants and fire plan by Maitland Partners.

Moved-Seconded (Mickelson-Mattson) motion to table this plat. Aye 6, Absent: Ewing. Motion Carried.

4. FINAL PLAT

Owner/Representative: Mattson, Inc/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Lots 12 & 13, Brighter Day Subdivision, Sections 25 & 36, T5N, R3E, and Section 30, T5N, R4E (legal shortened)

Location: Two Bit Road

Purpose: New Lots

Zoning: PF

Conflicts of Interest: Mattson

Moved-Seconded (Brady-Mickelson) motion to approve Final Plat. Aye 5, Abstain: Mattson, Absent: Ewing. Motion Carried.

5. **FINAL PLAT**

Owner/Representative: Roger Riley/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of lot 5, Smokey Mountain Ranch Subdivision, Sections 28 & 33, T6N, R4E (legal shortened)

Location: Crook City Road

Purpose: New Lot

Zoning: SRD and PF

Conflicts of Interest: None

Vogt discussed the concern of the 19' driving surface of the asphalt in this subdivision. It should be a 24' driving surface. She asked the board approve this plat and give her the chance to discuss the problem with the developer and make sure that it is fixed prior to any other final plats being approved.

Moved-Seconded (Brady-Coburn) motion to approve Final Plat. Aye: 5, Nay: O'Dea, Absent, Ewing. Motion Carried

6. **REVISED PRELIMINARY AND FINAL PLAT**

Owner/Representative: Apple Springs Inc/CETEC Eng.

Action Required: Approval/Denial

Legal Description: Plat of Lots in blocks 11, 12 and 15, Apple Springs Subdivision, Section 11, T5N, R4E (legal shortened)

Location: Boulder Canyon

Purpose: New Lots

Zoning: SRD

Conflicts of Interest: None

Vogt explained issues with the size of some lots with two front setbacks required. She asked the _____ minutes show that no variances from setback requirements be allowed as the owners are aware of _____ her concerns. It was explained by Dave Simpson, that these lots are "Cottage Lots" and the size _____ of the residences will be restricted in the covenants.

6, Absent: Moved-Seconded (Mickelson-Mattson) motion to approve Preliminary Plat. Aye: Ewing. Motion Carried.

Absent: Moved-Seconded (Coburn0Mattson) motion to approve Final Plat. Aye: 6, Ewing. Motion Carried.

7. **REVISED PRELIMINARY PLAT**

Owner/Representative: Aberle Chandler Development Co/Ellis Consultants

Action Required: Approval/Denial

Legal Description: Revised Preliminary Plat of Lots 1-42 of Sugarloaf Village, in Section 19, T4N, R3E, and Section 24, T4N, R2E (legal shortened)

Location: Hwy 85
Purpose: Move lot lines
Zoning: SRD
Conflicts of Interest: Tysdal

Vogt explained this plat combines some townhome lots to create larger single family residence lots.

Moved-Seconded (Coburn-Mickelson) motion to approve Revised Preliminary Plat. Aye: 5, Abstain: Tysdal, Absent: Ewing. Motion Carried.

8. FINAL PLAT

Owner/Representative: HES 125 LLC/Four Front Design Inc

Action Required: Approval/Denial

Legal Description: Plat of Block 5, Ironwood Estates, Sections 25,36, T4N, R2E, and Sections 30,31, T4N, R3E (legal shortened).

Location: Off Rochford Road, Lead Country Club

Purpose: Plat the Golf Course for transfer of ownership

Zoning: SRD

Conflicts of Interest: None

Randy Deibert, Four Front Design, explained this plat as being the block set out in the original PUD as the Golf Course.

Moved-Seconded (Mattson-O'Dea) motion to approve Final Plat. Aye: 5, Absent: Coburn and Ewing. Motion Carried.

PUBLIC HEARINGS AND INFORMATIONAL

10:15 a.m. PUBLIC HEARING-ORD 08-6-WIND ENERGY SYSTEMS

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Approval/Denial

Purpose: To adopt a new Ordinance for Wind Energy Systems

Conflict of Interest: None

Vogt presented the Staff report which states that the Planning Department is trying to be pro-active with the increased use and the push from local and state agencies for more people to be active in the green aspects of wind energy. By setting up these Ordinances we will be one of the few Counties in South Dakota to have an Ordinance in effect before the boom is here, instead of waiting until it is upon us to deal with the issues that arise.

PROPOSERS: None

OPPONENTS: Charles Brown expressed concerns regarding set back requirements, and believes the table is in conflict with the textual description. He thinks these regulations will limit the resident's use of their property for small wind development projects.

Vogt mentioned that most counties do not require small WES to have a CUP. It is treated much like a building permit. She knows this Board did not wish to do that, and when creating this document for consideration, the height and setback requirements were only some of the areas that may need revising after implementation.

PROPOSERS: None

OPPONENTS: Charles Brown felt there was a consensus on 1.1 times the height being the setback, in Large Wind requirements, and believes the new wording to be excessive.

CLOSED PUBLIC HEARING

Tysdal stated he had no problem with this ordinance being more restrictive than what the State encourages. Brady does not see a conflict with the table and text as suggested by Brown.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of Ordinance #08-06. Motion Carried.

10:45 a.m. INFORMATIONAL MEETING- ORD 08-08 Addition of Concentrated Animal Feeding Operation (CAFO) Ordinances

Owner/Representative: Amber Vogt/Bruce Outka

Action Required: Discussion

Purpose: To adopt a new Ordinance related to Concentrated Animal Feeding Operations (CAFO)

Vogt presented the proposal for a new ordinance related to concentrated animal feeding operations. This document has been in the works for about 6 months and is just another example of the Planning Department trying to be pro-active instead of reactive. The Planning Department used examples Ordinances from Minnehaha County, Codington County, Brookings County, SD DENR and many other on-line sources to come up with the DRAFT ordinance presented today. The Board had extensive discussion on the intention of this Ordinance and the number of people it may affect. The Board made suggestions, revisions and asked the Planning Department to bring the examples used to the next meeting. A public hearing will be held at the Planning & Zoning meeting on January 8, 2009.

11:15 a.m. RECOMMENDATION MEETING-VAR #121- Robert Kaeser

Owner/Representative: Robert Kaeser/Tom Hildebrand
Action Required: Recommendation to County Commissioners
Legal Description: Lot 11, Two Bit Springs Subdivision, Section 1, T4N, R3E, (legal shortened)
Location: Boulder Canyon, on Two Bit Springs Loop
Purpose: Six (6) foot front and seventeen (17) foot side variances to the twenty-five (25) foot setback regulation.
Zoning: PF
Conflict of Interest: Mattson

Vogt explained the contractor installed the foundation without a building permit and with incorrect setback information. This property does have some physical barriers due to the drainage area at the back of the property, which required the drainfield for the septic system to be placed at a specific location. The foundation for the house meets the 25' setback requirement, but in order to have a front deck or porch, a setback variance would be required. The foundation for the attached garage is now in the side setback. O'Dea stated setback requirements are there for a reason, and are important.

Moved-Seconded (Mickelson-Ewing) motion to recommend denial of Variance #121. Aye: 6, Abstain: Mattson. Motion Carried.

11:30 a.m. INFORMATIONAL MEETING-CUP # 370- Warren Newton Jr.-Wind Energy Systems

Owner/Representative: Warren Newton Jr.
Action Required: Discussion/set on-site
Legal Description: N1/2 NE1/4 and S1/2 NE1/4 (160 acres), Section 16, T7N, R1E, (legal shortened)
Location: North of I-90 Exit 2,
Purpose: Single WES for personal use
Zoning: A-1
Conflict of Interest: None

Vogt explained the placement of the windmill on 160 acres close to the Butte County line. The Newton's will be out of the area during the public hearings, and are present today to answer any questions the Board may have, and there were none. This tower is already in existence and this is a compliance issue, they will be able to meet all required setbacks. A public hearing will be held at the Planning & Zoning meeting on December 4, 2008.

11:45 a.m. INFORMATIONAL MEETING-CUP # 371- Alltel Wireless

Owner/Representative: Andy Heitman/Ralph Wyngarden – Faulk & Foster Rep.
Action Required: Discussion/set on-site
Legal Description: W1/2 NW1/4 Lot 12A-1 and 12-A-2 (each 4.96 acres) Naomi Subdivision, Section 15, T5N, R4E, (legal shortened)
Location: Boulder Canyon North of Hwy 14A and west of Alice Subdivision.

Purpose: Cell Phone Tower
Zoning: PF
Conflict of Interest: None

Vogt explained the area for this request is off the Boulder Canyon road in the Three Sisters Subdivision. A public hearing will be held at the Planning & Zoning meeting December 4, 2008.

12:00 p.m. INFORMATION MEETING-CUP # 372 – Gene Deck

Owner/Representative: Gene Deck
Action Required: Discussion/set on-site
Legal Description: Lot 1, High Pines Subdivision, Section 22, T3N, R4E.
Location: Off Benchmark Road
Purpose: Antenna tower for amateur radio service
Zoning: PF
Conflict of Interest: None

Vogt explained this amateur radio tower is to be approximately 59 feet, and because of the height, would require a conditional use permit. Deck presently has a 10 foot test tower on the foundation, and will be utilizing the same foundation for the new tower. The public hearing will be held at the Planning & Zoning meeting December 4, 2008.

12:02 p.m. The Board recessed for lunch, with the public invited.

1:45 p.m. The Board reconvened.

1:45 p.m. DISCUSSION REGARDING FIRE PLAN

Owner/Representative: Amber Vogt
Action Required: Discussion

Vogt explained the need to address the section of the new Subdivision Ordinance regarding Chapter 7, Article 16 & 17. Issues have risen regarding the wording and requirements for fire plans. Since the adoption of the ordinance, no new subdivision plats have been presented, as there are many questions regarding the fire plan requirements. Rob Mattox, Wildland Urban

Interface Specialist, was present with questions and suggestions for recommendations. He stated each parcel is different, requiring a different plan. Vogt stated the ordinance wording is difficult to interpret. When the ordinance was adopted, it was known that some parts would need re-worked, and changes are needed in these sections. Coburn suggested the fire plan committee, which was set up before the adoption of this document, be re-formed and have them look at this area again and make new recommendations. An informational meeting will be set for the February meeting.

2:15 p.m. PUBLIC HEARING-CUP # 369-Two Tone Cattle Company for a commercial feedlot

Owner Representative: Two Tone Cattle Company

Action Required: Approval/Denial

Legal Description: Lots 1, 2, 3, 4, 6, 7, 16 & 17, sub of NE1/4, Sec 20. T7N, R2E, and N1/2 of Lot 1, sub of N1/2 SE1/4 Sec 20, T7N, R2E

Location: Old Belle Road

Purpose: Commercial Feedlot

Zoning: A-1

Conflict of Interest: None

Vogt provided the Board with a packet of information including the Staff report. Ken Barker, representing the Two Tone Cattle Company, owned by Bart and Harvey Krautschun, stated this land has always been designated for agricultural use, and that would be the center of his discussion. He stated the Krautschun's bought the land in 1987 and began feeding cattle in 1988, with a few hundred head, expanding to approximately 1000 head. Application was made to SD DENR for expansion and a plan for waste management was submitted. This plan has been revised that meets and exceeds regulation. It includes pumping fluids to a holding pond, planting trees, install monitoring wells, and cleaning pens monthly.

PROPOSERS: Gregg Dittman stated he has not seen an increase in odor or flies. He owns a commercial fish hatchery on property south of the Krautschun property. He stated he is strongly opposed to more residential development, and wants the valley to stay agriculture.

OPPONENTS: Lucille Cudmore, resident on Camp Comfort Road, voiced concern for water quality and also the quantity of water needed for 3000 to 4000 head of cattle.

Jayna Watson, Spearfish City Planner presented information regarding growth patterns and annexations, stating the City's commitment to maintaining quality ground water through separation of water and sewer systems.

Debra Cooper, owner of a 40 acre tract to the northwest, voiced concern for the future of the land and how it will affect future generations.

Terry Wolterstorff, Belle Fourche City Engineer, voiced concern of the Mayor and Council of Belle Fourche, for the water infiltration gallery. It is not known if the feed lot would have a direct impact on the ground water, and whether or not the safeguards put in place will work. They have asked the state to do an in-depth investigation. The City is not opposed or in favor of the feedlot.

Kurt Cleek explained he is formerly from Cherry County Nebraska, familiar with their regulations, and stated a facility of that size would not be allowed on that small acreage there. He questioned how the dead livestock would be disposed.

Jim Jennings, longtime resident of Spearfish Valley, expressed concern with contamination of ground water, air quality, and the quantity and smell of the manure. He considers a 4000 head feedlot as a commercial business, and is in favor of landowners rights, to the extent that it does not affect quality of life or the value of adjacent property.

Dan Vaplon, owner of Serenity Corner Assisted Living Center, which is located approximately ½ mile north and employs 7 people and serves 16 residents, expressed opposition to the expansion. Odor has increased significantly, and there is also an increase in truck traffic and noise. They have a surface well and he is concerned with water quality. He contacted the DENR about their water monitoring program, and was told their office responds to complaints. His business is required to have a 24-hour air circulation system, pulling air from outside. With no filters available to filter the foul odor, he occasionally has to shut the sensors down when the odor is especially bad, and could be found in violation. He could also be in violation if his water is bad. His business could be in jeopardy if potential clients decide against using their facility because of the close proximity of an expanded feedlot, and the affects from it.

Layton Lensegrav, adjacent landowner to the north, stated he does not like the looks or smell of the feedlot. He is concerned that the fluids will not flow to the collection ponds. He believes they will soak into the ground before ever getting to the ponds. As a landowner, he believes granting this CUP will adversely affect the market value of his property.

The applicant now has the opportunity to comment: Barker stated that things won't remain the same and either there is going to be agricultural operations that allow value enhancement, or there is going to be development. The water quality has been addressed by the waste collection design, and he explained the inspection procedure. He read a portion of the 1977 study done by Dr. Gries regarding the water gallery that charges the Belle Fourche water supply, and considers the conclusion as opposite the opinion of the city of Belle Fourche.

PROPOSERS: Jeff Sleep, owner of a feedlot approximately 1 1/2 miles west of Krautschun's, stated concern that stricter regulations may endanger his ability to expand his business in the future. He trusts Bart to address any problems that may arise.

Gregg Dittman added that he runs two business that consume large amounts of water, and trusts Krautschun with the plans he has to protect the water supplies. He also stated that the neighbors concerned with air quality control, should consider the local sand and gravel businesses producing dust and dirt.

OPPONENTS: Lucille Cudmore again stated she is concerned with the water quality and soil permeability.

CLOSE PUBLIC HEARING

Ewing asked what mechanism will be in place for collection at the feedlot site prior to going to the pond. Jason Hanson with Brosz Engineering showed the collection area. The reason for moving the storage pond was so the pond was out of sight from the road. Brady asked what the volume would be of 141,600 lbs of manure, this is the estimated amount produced daily as stated in the Brosz report. He questioned how large a storage pile this would generate by the time it could be spread. Barker explained the DENR calculates how much, and the appropriate type of land it takes for the manure to be spread and the adjoining neighbors welcome the opportunity to have this natural fertilizer applied to their land instead of having to purchase commercial fertilizer. Brady interprets the report to read the cattle are in the feedlot at a different time than when spreading of manure is to take place, so the manure has to be stored. Bart estimated they hauled about 30 semi loads this fall, for 1,000 head. Brady questioned the estimated number and size of trucks needed for manure hauling, feed delivery, and transporting cattle, for a 4,000 head operation. He questioned what affect this increased truck traffic would have on the county roads. Brady also asked what abatement in tax dollars was granted for the Loken property, which is surrounded by the feedlot. Darlene Piekola, Director of Equalization, estimated \$900 to \$1000. She stated according to the decision by the Board of Equalization they felt the feedlot had a negative economic impact on the Loken property. Their decision was to reduce the improvement value by 50%. Other discussion pertained to plans for tree planting and carcass disposal, facility inspection requirements, and fly and odor control plans. Dick Birk was asked about cost to the County for Highway maintenance and mentioned several things to consider. His concern, having not seen a road use plan, includes wear from truck travel, dust control, tracking manure and mud, and the possible need for additional approaches. Coburn stated he thinks it is important the valley is maintained as ag, but does not think this is the correct location for a commercial feedlot.

The following items are to be made part of the record:

1. Copy of Subpoena Duces Tecum – CUP #369 and Admissions of Service for Lawrence County Planning and Zoning Department, Lawrence County Assessor's Office, Lawrence County Board of Commissioners and Lawrence County Highway Department. 7 Pages.
2. Letter from Kenneth E. Barker to County Commission, dated October 23, 2008. 1 page.

3. Draft of Staff Report. 8 Pages, together with attachments:
 - a. Draft of Proposed Conditions. 6 Pages.
 - b. Copy of Original Conditional Use Permit Application with map and list of property owners within the 500 foot buffer around the property. 4 Pages.
 - c. October 27, 2008, Report from Darlene Piekkola to Lawrence County Commission with attachment. 9 Pages.
 - d. November 3, 2008, Report from Dick Birk to Amber Vogt. 1 Page.
 - e. Unapproved minutes of Lawrence County Planning & Zoning Commission meeting of October 2, 2008. 9 Pages.
 - f. Minutes of Lawrence County Commission meeting October 14, 2008. 9 Pages.
 - g. March 13, 2008, letter to Bart Krautschun from DENR. 2 Pages.
 - h. October 17, 2008, letter to Ben Myers DENR from Terry Weisenberg. 2 Pages.
 - i. October 22, 2008, letter to Ben Myers DENR from Jerry Krambeck with attached Resolution. 2 Pages.
 - j. October 21, 2008, letter to Steven Pirner DENR from City of Belle Fourche. 2 Pages.
 - k. October 23, 2008, letter to Steve Pirner DENR from Butte County Commissioners. 1 Page.
 - l. March 12, 2006, letter from Layton Lensegrav to Lawrence County Commissioners. 1 Page.
 - m. April 22, 2008, letter from Layton Lensegrav to Lawrence County Commissioners. 1 Page.
 - n. September 15, 2008, letter from Layton Lensegrav to Lawrence County Commissioners. 1 Page.
 - o. November 4, 2008, letter from Alan and Marla Loken to Lawrence County Planning and Zoning Commission. 2 Pages.

- p. October 14, 2008, letters from Jim Jennings to Lawrence County and DENR. 3 Pages.
- q. Undated letter from Donna Lie to Lawrence County Planning and Zoning Board Concerning the proposed expansion of a cattle feedlot between Belle Fourche and Spearfish. 1 Page.
- r. October 28, 2008, letter from Ed and Gloria Clark to Marlene Barrett. 1 Page.
- s. October 10, 2008, letter from Jim and Emily Jennings to Terry Weisenberg.
1 Page.
- t. October 21, 2008, letter to County from Kurt and Helen Cleek.
1 Page.
- u. November 7, 2008, letter to Lawrence County Planning and Zoning Commission from LaVon M. (Cindy) Colwell on behalf of the R.L. and Bernice Cundy Trust with attachments.
3 Pages.
- v. A title history of the Alan and Marla Loken property. 1 Page.
- w. Lawrence County Board of Equalization information regarding Alan and Marla Loken property assessment. 2 Pages.
- x. Arial photographs of the area. 2 Pages.
- y. A map showing property included within two miles of the Krautschun property. 1 Page.
- z. Two plats of the Krautschun property. 2 Pages.
- aa. Minutes of the Spearfish ETJ Meeting from December 8, 1982 (3 Pages) and January 12, 1983 meeting (2 Pages) and February 9, 1983, letter from the City of Belle Fourche to Spearfish ETJ. 1 Page.
- bb. Lawrence County Assessment Public View file Sheet of parcel #24000-00702-201-00, owned by Layton Lensegrav. 1 Page.
- cc. E-mailed version of the 2005 Revised Comprehensive Plan, and the August 2008 Lawrence County Zoning Ordinance. Emailed on November 13, 2008.

- dd. Objection to 2008 Real Property Assessment regarding Alan and Marla Loken 1 Page.
- ee. Lawrence County Valuation Screen regarding Alan and Marla Loken property 1 Page.
- ff. 2008 County Board of Equalization April 8 – 22, 2008, specifically concerning County Board Appeal # 33, page 8 regarding Alan and Marla Loken property. 26 Pages.
- gg. Copy of Subpoena Duces Tecum – CUP #369 for Layton Lensegrav. 3 Pages.
- hh. Certificate of Service. 4 Pages.

Additional items received at the Planning and Zoning Meeting on November 25, 2008 and thereby incorporated into the official record of the Planning Zoning Commission:

- 4. 1977 Report from Paul Gries regarding the Source of the Belle Fourche Water Supply. 5 Pages.
- 5. Brosz Engineering report Specifications for the Construction of CAFO
- 6. Maps provided by Jayna Watson, City of Spearfish, for convenience identified as map A, B, C. 3 Pages.
- 7. Hwy 85 Corridor Extension plan. 5 Pages.
- 8. Email version dated November 25, 2008, letter from Serenity Corners, 1 Page.
- 9. November 25, 2008, letter from South Dakota Real Estate and Housing Development, Inc. 1 Page.
- 10. COZ #275 – Copy of Official Planning and Zoning File for Mike Sack. 49 Pages.
- 11. Documentation and pictures provided by Lokens of their application for tax reduction. 8 Pages.
- 12. Lawrence County 2005 Comprehensive Plan
- 13. August 2008 Lawrence County Zoning Ordinance
- 14. Arial map and site plan introduced by Two Tone Cattle Company. 1 Page.

O'Dea asked Barker and Krautschun if they could meet all of the attached conditions. Krautschun and Barker both stated they had not seen the conditions. Vogt stated they were attached as a listed item in the documents subpoenaed from her office.

A motion was made by O'Dea to recommend approval of CUP #369 with conditions. The motion died for lack of a second.

Moved-Seconded (Brady-Mickelson) motion to recommend denial of CUP #369 and incorporate in the recommendation the Staff Report and the following:

A. The application for a Conditional Use Permit is not consistent with/or in conformance with the Lawrence County Comprehensive plan.

B. This proposal is not consistent with the Lawrence County Zoning Ordinance, Specifically A-1 General Agriculture.

C. This proposal does not meet the requirements for which a CUP may be granted under Section 5.11.2.a, b or c:

a. "Conditional use will not be injurious to the use or enjoyment of property in the immediate vicinity for uses already permitted, nor diminish or impair property values in the immediate vicinity."

In fact the proposed use will be injurious to the use and enjoyment of property in the immediate vicinity and has and will further diminish or impair property values to include Loken, Lensegrav and Vaplon.

b. "Establishment of conditional use will not impede the normal and orderly development improvement of surrounding vacant property for uses predominate in the area."

Such conditional use will impede such development.

c. "Adequate utilities, access roads, drainage and other necessary facilities have been or are being approved."

Access roads and the necessity to use county roads for operation makes the location inadequate.

Other reasons or specific findings as to why a Conditional Use Permit should not be granted and should be denied, each of which being a sufficient basis in and of itself:

1. The area's population (small lots).
2. The impact on County roads.
3. The devaluation of surrounding real estates.
4. The noxious odors.
5. The pollution concerns.
6. This operation would be detrimental to the health, safety and general welfare of the vicinity and County as a whole.

7. A feedlot at this location would be a nuisance in fact as such term is defined, because of the circumstances of the location and surroundings.

8. The location of a feedlot at this site infringes on the rights of other owners of property, including those immediately adjacent and even those more distant, even a mile or so away.

9. The size of this site is less than 50 acres. To place 4000 head of cattle at this location which is not surrounded by property owned by the Krautschun's but is next to and surrounded by property owned by others, is not a proper location.

10. This location on the Old Belle Road, as the maps show, is actually within 1.5 miles or less of the City limits of Spearfish and other significant residential developments.

Aye: Brady, Tysdal, Mattson, Coburn, Ewing, Mickelson **Nay:** O'Dea. Motion Carried.

Motion to adjourn (Brady) at 4:43 pm. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF DECEMBER 4, 2008

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, December 4, 2008 at 1:30 p.m. in the County Commissioners Room, 90 Sherman St., Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Barb Mattson, Tom Brady, Marty O’Dea, Bill Coburn (arrived at 1:41)

ABSENT: Bob Ewing

Moved-Seconded (Brady-Mickelson) motion to approve minutes of November 25, 2008. Aye: 5, Absent: Coburn & Ewing. Motion Carried.

Moved-Seconded (O’Dea-Mattson) motion to approve the agenda. Aye: 5, Absent: Coburn & Ewing. Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Plats #1, Owned by MJG, Inc. and Plat #4 owned by Gilded Mt, LLC. Brady: Plats #1, Owned by MJG, Inc. and Plat #4 owned by Gilded Mt, LLC.

The Board set meeting dates for 2009, being the first Thursday of each month, except January, changed to January 8th, and August, to August 13th. Vogt recommended a change in the agenda, allowing consideration of plats before the public hearings and informational meetings. The Board agreed to this change to begin January 8, 2009.

Chairman Tysdal stated Commissioner Ewing was unable to attend today’s meeting, but had informed him of the County Ag Board’s intention to attend the public hearing on the proposed CAFO ordinance to share suggestions and information from their meeting.

PUBLIC HEARINGS AND INFORMATIONAL MEETINGS

- 1. PUBLIC HEARING-CUP # 370- Warren Newton Jr.-Wind Energy Systems**
Owner/Representative: Warren Newton Jr.
Action Required: Recommend Approval/Denial
Legal Description: N1/2 NE1/4 and S1/2 NE1/4 (160 acres), Section 16, T7N, R1E, (legal shortened)
Location: North of I-90 Exit 2,
Purpose: Single WES for personal use
Zoning: A-1

Vogt presented the staff report explaining the location of the property and tower. She stated this application would meet all the regulations proposed for a WES, and recommends approval of the request.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Moved-Seconded (Mickelson-O’Dea) motion to recommend approval.

Motion Amended, Moved-Seconded (Brady-Mickelson) motion to recommend approval because it is in conformance with the proposed ordinance 08-08 Wind Energy System. Aye: 5, Absent: Coburn & Ewing. Motion Carried.

2.

PUBLIC HEARING-CUP # 371- Alltel Wireless

Owner/Representative: Andy Heitman/Ralph Wyngarden – Faulk & Foster Rep.

Action Required: Recommend Approval/Denial

Legal Description: W1/2 NW1/4 Lot 12A-1 and 12-A-2 (each 4.96 acres) Naomi Subdivision, Section 15, T5N, R4E, (legal shortened)

Location: Boulder Canyon North of Hwy 14A and west of Alice Subdivision.

Purpose: Cell Phone Tower

Zoning: PF

Vogt presented the staff report recommending approval. She explained a letter had been received by fax today from Debrah Sieck regarding covenants on the property in the subdivision that may apply to this use. The County does not enforce covenants, but she wanted the Board and applicant to be aware of the concern. David Newton with Faulk and Foster, stated they were aware of the concern and had found no covenants restricting the construction of this tower.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Brady asked about the ability of another cell phone company to use the tower. Newton explained as long as there is no interference in signal, the tower is available to co-locate antennas.

Moved-Seconded (Brady-Mickelson) motion to recommend approval of CUP #372 as it complies with the ordinance Sections 5.11.2, a. b. & c. thereof, with condition #14 to state: The area within the fence and underneath the tower shall be graveled and maintained by the lease holder, to prevent weeds and high grass. Aye: 6 Absent: Ewing. Motion Carried.

3. PUBLIC HEARING-CUP # 372 – Gene Deck

Owner/Representative: Gene Deck

Action Required: Recommend Approval/Denial

Legal Description: Lot 1, High Pines Subdivision, Section 22, T3N, R4E.

Location: Off Benchmark Road

Purpose: Antenna tower for amateur radio service

Zoning: PF

Vogt presented the staff report recommending approval. She explained the need for a CUP as the height of 59+ feet is greater than allowed for a structure by ordinance. Deck presented a presentation explaining the use of Amateur Radio and his request.

PROPOSERS: None

OPPOSERS: None

PROPOSERS: None

OPPOSERS: None

CLOSE PUBLIC HEARING

Mickelson stated that many Ham radio operators have more than one antenna or tower and these conditions limit Deck to one tower. It was agreed that he would need to apply for an amendment to the CUP if he wishes to add additional towers.

Moved-Seconded (Mickelson-Mattson) motion to recommend approval of CUP #372. Aye: 6, Absent: Ewing. Motion Carried.

4. DISCUSSION ITEM

tabled on Pending CUP # 361 Tim Hauck- 2 WES located on 75 acres along Hwy 85—
August 14, 2008

Vogt asked direction for CUP #361, tabled at the public hearing on July 3, 2008 until proposed ordinances were considered. The systems are one tower at his home, and a short tower by the road originally connected to a non-compliant sign that has been removed. Vogt will contact him for clarification of his intention for the second windmill. The matter will be pulled from the table and a decision will be considered at the January 8, 2009 meeting.

Pending CUP #362-Charles Brown- Multiple WES located North of Deadwood

Vogt explained Brown's request had also been put on hold during the proposed ordinance procedure, and with the possible requirements for a Large Wind Energy System, Brown has amended his request to comply with them. The Public Hearing was set for January 8, 2009.

PLATS

1.

FINAL PLAT

Owner/Representative: MJG, Inc./NJS Engineering

Action Required: Approval/Denial

Legal Description: Plat of Lot 11, Block 1 of Wild Turkey Estates, Sec 1, T6N, R1E, Sec 31, T7N, R2E, Sec 6, T6N, R2E (legal shortened)

Location: West of Spearfish

Purpose: New Lot

Zoning: PF & A-2

Conflicts of Interest: Tysdal, Brady

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

2.

PRELIMINARY AND FINAL PLAT

Owner/Representative: Golden Reward Mining Co/Ponderosa Land Surveys

Action Required: Approval/Denial

Legal Description: Plat of Terry Cemetery, a portion of Yuba and Eldora Lodes, MS 989, Section 4, T1N, R2E, (legal shortened)

Location: Off Nevada Gulch Road

Purpose: Cemetery Plat

Zoning: SRD

Conflicts of Interest: None

Jim Lessard, Golden Reward Mining Company, explained that using ground penetrating radar, approximately 400 remains have been found, with about half marked with grave stones, and they have since marked the remainder. The plan in platting is to eventually deed the cemetery to the Terry Cemetery Association. Mickelson asked if a No Build notation was needed, however, because of the large number of graves, no large area would be available for building, and no notation is required.

Moved-Seconded (Brady-Mickelson) motion to approve Preliminary Plat. Aye: 6
Absent: Ewing Motion Carried.

Moved-Seconded (Mickelson-Coburn) motion to approve Final Plat. Aye: 6
Absent: Ewing Motion Carried.

3. PRELIMINARY AND FINAL PLAT

Owner/Representative: James Halling, Doug Pogor/Arleth & Associates

Action Required: Approval/Denial

Legal Description: Plat of Tract 5A and Tract 1, portions of MS 1900, in Sections 11,12,13 and 14, T4N, R3E, (legal shortened)

Location: Off Nevada Gulch Road

Purpose: Moving Lot line between two parcels

Zoning: PF

Conflicts of Interest: None

Vogt explained this is an Exempt Plat, meaning exempt from covenant/fire plan requirements, as the purpose is to move a lot line, and assure legal access. Frank Dicesare, Arleth & Associates, stated the plat is to allow for a land swap and easement clarification.

Moved-Seconded (Brady-Mickelson) motion to approve Preliminary Plat. Aye: 6, Absent: Ewing. Motion Carried.

Moved-Seconded (Brady-Mattson) motion to approve Final Plat. Aye: 6, Absent: Ewing. Motion Carried.

4. FINAL PLAT

Owner/Representative: Gilded Mt, LLC/Four Front Design

Action Required: Approval/Denial

Legal Description: Plat of Lot 10 and Lot 37, Gilded Mountain Subdivision, Section 5 & 6, T4N, R3E (legal shortened)

Location: South of Lead

Purpose: New Lot

Zoning: SRD

Conflicts of Interest: Tysdal, Brady

Moved-Seconded (Mickelson-O'Dea) motion to approve Final Plat. Aye: 4,
Abstain: Tysdal, Brady, Absent: Ewing. Motion Carried

Motion to adjourn (Brady) at 2:25 pm. Motion Carried.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY