

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 6, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 6, 2011 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

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

ABSENT: None

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

Moved-Seconded (Brady-Mickelson) to approve minutes of the meeting, Dec 2, 2010. Motion Carried.

Moved-Seconded (Mickelson-O’Dea) to approve the agenda with the following change: Plat #1 for Powder House Pass/BH Development was pulled until the February meeting by the applicant. Motion Carried.

Election of Officers: Moved-seconded (Brady-O’Dea) the present slate of officers (Chair: Tysdal, Vice-Chair: Coburn, Sec: Mickelson) be nominated and unanimous vote be cast. Motion Carried.

Set Meeting Dates: Moved-Seconded (O’Dea-Mickelson) to set 2011 meeting dates on the first Thursday of each month. Motion Carried.

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

1. BOUNDARY PLAT for Powder House Pass PUD/BH Development

Action Required:	Approval/Denial
Description (Location):	Tracts 1,2,3 & 4 of Powder House Pass - Hwy 85
Purpose:	Create large tracts of land
Zoning & Acreage:	PUD /

Consideration of this plat was requested to be pulled, however Greg & Jennifer Kaschmitter, partners in BH Development, introduced Michael Kuno and Alec Boyce of SEH, project engineers for the development and Jim Aberle, consultant.

2. FINAL PLAT for Crow Peak Bench Subdivision/Bryan & Jill Johnson

Action Required:	Approval/Denial
Description (Location):	Lots 2,3,5,6 & 7 of Crow Peak Bench Sub-West of Spearfish
Purpose:	Platting final lots in subdivision
Zoning & Acreage:	A-2/ 53.97 +- acres

Vogt explained this plats the remaining lots in this subdivision and matches the original preliminary

plat.

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

3. PRELIMINARY PLAT for Lloyd & Lori Welbig/Arleth & Associates

Action Required:	Approval/Denial
Description (Location):	Lots 1-4 of Welbig Subdivision – West of Spearfish
Purpose:	Subdivision
Zoning & Acreage:	PF/ 40 +- acres

Vogt stated the access for this property division may be problematic as it is a forest service road, and there is floodplain (Zone AE) which has specific requirements for access. She stated Lori Welbig has been advised of these concerns. Copies of the fire plan and covenants have been received.

Moved-Seconded (Mickelson-O’Dea) to approve the preliminary plat. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. PUBLIC HEARING for COZ #294 – A-1 to A-2 Subdivision

Owner/Applicant:	Doug Koelfgen
Action Required:	Approval/Denial
Description (Location):	Crow Peak Bench
Purpose:	Subdivision
Zoning & Acreage:	A-1/ 40 +/-acres

Vogt reviewed the area and surrounding zoning history. Koelfgen explained his wish is to plat and sell some of the acreage as he hasn’t been successful selling the forty acre tract.

PROPOSERS: None

OPPOSERS: Vogt stated letters of opposition were received from Myron & Nadine Compton, Frank Rubin, Don Simons and Barb Running. Jerry Ellerman stated he is not in favor of the request and thinks there is enough development. Don Simons voiced concern regarding the water table and the possibility of present wells drying up if more wells are drilled. He is also concerned with property values and wildlife migration trails. Frank Rubin stated his concerns for the water table and with losing the pristine views with more development.

APPLICANT: Koelfgen stated he has a 600 foot well and is considering the possibility of well share agreements for any new homes.

PROPOSERS: None

OPPOSERS: None

CLOSED PUBLIC HEARING

Brady stated his opinion that this area has lousy development with no interconnecting roads, no HOA’s, and this would make a worse mess. Coburn stated he was not in favor of change of zonings in this area in the past, but changes have been approved with density increasing as a result. He

thinks it will be hard to deny requests now.

Moved-Seconded (Brady-Mickelson) to recommend denial of COZ #294 because this would promote bad development with no plan. Aye: 5, Nay: 2 (Johnson, Mattson). Motion carried.

2. PUBLIC HEARING for CUP #371-10 – Alltel/Andy Heitman-Tower Height

Owner/Applicant: Andy Heitman/Ralph Wyngarden
Action Required: Approval/Denial
Description (Location): Boulder Canyon/3 Sisters Sub
Purpose: from 80' to 100' Tower Height
Zoning & Acreage: PF/ 9.92 acres

Ralph Wyngarden, Faulk & Foster representative for Alltel Communications, explained the circumstances causing the tower height built to 100 feet. Quest Communications was unable to provide commercial land line service for the tower so microwave service was required, necessitating the higher tower. This requirement was not relayed to his department, and was only discovered when co-location was requested. Vogt presented two letters of opposition from Joseph Hunt and Roger Sieck. There was no other public input at the hearing and the hearing was closed.

Moved by Brady to recommend approval subject to the co-location actually occurring. The Motion died for lack of a second.

Moved-Seconded (Johnson-Brady) to recommend approval of amendment CUP #371-10 with the recommendations of the staff report with a fine being imposed. Motion Carried.

3. PUBLIC HEARING for ORD 10-08 – Repeal Plat Expiration Date

Owner/Applicant: Amber Vogt/P & Z
Action Required: Approval/Denial
Description (Location): County
Purpose: Issues with Deeds and Titles
Zoning & Acreage: All County Districts

Vogt explained that concern has been expressed by the Register of Deeds (ROD) recording plats with expiration dates. She also reviewed the reasons this requirement was adopted. Sheree Green, ROD, explained that other documents coming to her office to record do not expire. If they are in proper form, she has to record them. She suggested if the County wishes to keep the expiration date requirement, they consider the procedure for plat recording that the City of Spearfish uses. The Board agreed final plats should expire if not recorded in a timely manner, but if recording was done by the P&Z staff after notification by the property owner of taxes paid, this would be a more satisfactory solution. If notification and recording fee was not received by the expiration date, the plat would be considered void and destroyed. No other public input was received and the public hearing was closed.

Moved-Seconded (Brady-Mickelson) to recommend denial of ORD 10-08. Motion Carried.

4. INFORMATIONAL MEETING for ORD 11-01 – Temporary 2nd Residence Regulations and Change

Owner/Applicant: Amber Vogt/P & Z

Action Required: Discussion/Set Public Hearing
Description (Location): County
Purpose: Change to current Ordinance/Match Com Plan
Zoning & Acreages: All County Districts

Vogt presented a proposal for an ordinance defining and tightening requirements for temporary second residences. The public hearing will be held Feb 3, 2011.

5. Items from Board Members: None

6. Opportunity for Public Comment: None

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

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF February 3, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 3, 2011 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

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

ABSENT: None

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

Moved-Seconded (Brady-Mattson) to approve minutes of the meeting, January 6, 2011. Motion Carried.

Moved-Seconded (O’Dea-Ewing) to approve the agenda with the following change: Informational Meeting for CUP #396 for Utech/D’Amico was pulled by the applicant. Motion Carried.

Declaration of Conflicts of Interest: Tysdal: Plat # 1 for Apple Springs, but with the Boards approval will continue to chair the meeting but not contribute to discussion or vote.

PLATS IN ORDER AS LISTED:

1. FINAL PLAT for Apple Springs/Davis Eng

Action Required:	Approval/Denial
Description (Location):	Lots 8A, 8B, 9A,9B,10A,10B,11A,11B of Blk 7, Apple Springs Sub-Boulder Canyon
Purpose:	New Townhouse Lots
Zoning & Acreage:	PUD / SRD-each lot approx 0.19 +/- acres

Tysdal abstained from discussion and vote.

Moved-Seconded (Brady-Coburn) to approve the Final Plat. Aye: 6, Abstain: Tysdal. Motion Carried.

2. FINAL PLAT for Maitland Partners/Ponderosa Land Surveys

Action Required:	Approval/Denial
Description (Location):	Lot 43 of Paradise Acres II – Maitland Road
Purpose:	New Lot
Zoning & Acreage:	PF/16 +/- acres

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

3. LAYOUT PLAN for Brett Winsell/Ponderosa Land Surveys

Action Required: Discussion
Description (Location): Lots 10-15 of HES 296 – East of Galena in 11&14-4-4.
Purpose: New Lots & plat remainders
Zoning & Acreage: PF/88 +/- acres

Vogt and Winsell explained the location and reason for the proposed plat. Questions pertained to access. Vogt also stated a petition to vacate the section line on this property has been presented for Commission consideration. There is already access provided so the section line access is not needed, and will allow better building sights on some of the proposed lots. The Board had no concern with his plan.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. PUBLIC HEARING for ORD 11-01 – Temporary 2nd Residence Regulations and Change

Owner/Applicant: Amber Vogt/P & Z
Action Required: Approval/Denial
Description (Location): County
Purpose: Change to current Ordinance/Match Com Plan
Zoning & Acreages: All County Districts

Vogt reviewed the proposed amendment and stated it is consistent with the Comprehensive Plan. There was no public input and the public hearing was closed.

Moved-Seconded (Coburn-Brady) to recommend approval of ORD 11-01 with modifications made regarding clarification of Medical Hardship and Ranch Hand definitions. Motion Carried.

2. INFORMATIONAL MEETING for CUP #396 – Martial arts training facility

Owner/Applicant: Vic Utech/Derek D' Amico
Action Required: Discussion/Set On-Site/Set Public Hearing
Description (Location): McMaster's Corner, Hwy 85S
Purpose: Private Mixed Martial Arts Trailing Facility & Recreational Use
Zoning & Acreage: PF/5.86 +/- acres

This request was pulled from the agenda at this time by the applicant.

3. INFORMATIONAL MEETING for CUP #397 – Specialty Resort

Owner/Applicant: Jim & Carol Boke/Art & Char Andersen
Action Required: Discussion/Set On-Site/ Set Public Hearing
Description (Location): NE1/4NW1/4Sec 9-6-3/NW of Exit 17, East of Rainbow Road
Purpose: Specialty Resort
Zoning & Acreage: RR/40 +/- acres

Vogt described the location of this request. Art Andersen explained his proposal to build a new residence where the old house is and possibly a few cabins to provide lodging for guests. Questions

pertained to the private road improvement plan, requested capacity, and what other activities are planned. The Board explained to Andersen that he should prepare a detailed plan before the hearing so proposed conditions can be considered by both the Board and the Andersen's.

4. **Items from Board Members:** The Board discussed Deadwood Log Homes unfinished structure on Hwy 85 and McMaster's Corner and the old Stage Stop residence on Hwy 85 by the rock quarry.
5. **Opportunity for Public Comment:** Marjorie Bender asked if the proposed specialty resort would include pheasant hunting. Vogt stated the current proposal does not include pheasant hunting.

Motion by Ewing to adjourn 2:23 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF March 3, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 3, 2011 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Bob Ewing, Tom Brady (arrived at 1:40), Barb Mattson and Bill Coburn.

ABSENT: Marty O’Dea

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

Moved-Seconded (Coburn-Mattson) to approve minutes of the meeting, February 3, 2011. Absent: O’Dea, Brady. Motion Carried.

Moved-Seconded (Ewing-Mickelson) to approve the agenda with the following change: Plat # 3 being a Layout Plan for David Adickes was pulled by the applicant. Also a motion was made (Mickelson-Coburn) to table the Public Hearing for CUP 397 as requested by the applicant. Absent: O’Dea, Brady. Motions Carried.

Declaration of Conflicts of Interest: Tysdal: Plat #1 for Gilded Mt, #2 for Whitewood Forest Addition #2, and Plat #6 for Apple Springs, and with the Boards approval continued to chair the meeting but not contribute to discussion or vote. Brady: Plat #1 for Gilded Mt.

PLATS IN ORDER AS LISTED:

1. FINAL PLAT for Gilded Mountain/Scot Munro

Action Required:	Approval/Denial
Description (Location):	Lot 12 of Gilded Mt.- Hwy 85
Purpose:	New Lot
Zoning & Acreage:	SRD - 0.40 acre +/-

Tysdal abstained from discussion and vote.

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

2. PRELIMINARY AND FINAL PLAT for Whitewood Forest Addition #2/Fred Wolff Trust

Action Required:	Approval/Denial
Description (Location):	Lot 8 revised, Block 5, Whitewood Forest Addition #2 – NW of Whitewood
Purpose:	Combine two lots into one/designate access to Lot 8A
Zoning & Acreage:	SRD - 1.22 acres to 2.27 acres

Tysdal abstained from discussion and vote.

Moved-Seconded (Brady-Mickelson) to approve the Preliminary Plat. Abstain: Tysdal. Absent:

O'Dea. Motion Carried.

Moved-Seconded (Brady-Mickelson) to approve the Final Plat. Abstain: Tysdal. Absent: O'Dea. Motion Carried.

4. LAYOUT PLAN for Presidents Park/David Adickes

Action Required: Discussion
Description (Location): Layout of Lots 1 and 3 of Evangeline #3 MS 1158 – Deer Mt Road
Purpose: Subdivision
Zoning & Acreage: PF - 10 acres +/-

This layout plan was pulled as requested by the applicant.

4. PRELIMINARY AND FINAL PLAT for Winsell Ranch/Brett Winsell

Action Required: Approval/Denial
Description (Location): Prelim= Lots 1-6, Final= Lot 4 of Winsell Ranch Sub – Erickson Road in Section 11-4-4
Purpose: Subdivision
Zoning & Acreage: PF – 88.61 acres +/-

Vogt and Winsell explained proposed access to Lot 6 is shown on the plat. Winsell asked that he not be required to improve the road at this time. It is not needed now but should be platted to access lots in case of future division of Lot 6. The Board agreed to this provision. Winsell will be required to build the cul-de-sac road to County specifications. If Lot 6 is subdivided at a future date the 66' public access ROW from the cul-de-sac to Lot 6 will be required to be built to county specifications at that time.

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

Moved-Seconded (Brady-Ewing) to approve the Final Plat for Lot 4. Absent: O'Dea. Motion Carried. This is the first final for this subdivision therefore it will be required to go to County Commission on March 8, 2011.

5. PRELIMINARY AND FINAL PLAT for Mystic Miner/Union Resort LLC

Action Required: Approval/Denial
Description (Location): Mystic Miner Tracts A-1 & A-2, A replat of Tract A - Deer Mountain
Purpose: Lots for transfer purposes and financing/no building rights attached
Zoning & Acreage: PUD – 28 acres +/-

Kevin Klapprodt explained the financing requirements as the reason for re-platting the Tract. Notations are on the plat regarding no building rights.

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

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

6. FINAL PLAT for Apple Springs

Action Required: Approval/Denial
Description (Location): Lots 13,14 & 15 Blk 4 and Lot 9 Blk 14 Apple Springs – Boulder Canyon
Purpose: New Lots
Zoning & Acreage: SRD – 2.53 acres +/-

Tysdal abstained from discussion and vote.

Moved-Seconded (Brady-Coburn) to approve the Final Plat. Abstain: Tysdal. Absent: O’Dea. Motion Carried.

Dave Simpson gave an update on the progress of infrastructure, explaining requirements for the utilization of a sewage treatment plant. They do have a Road District and a Sanitary Sewer District set up at this point in time. Assessments are being made for the roads and the sewer treatment currently. Vogt asked the Boards opinion on whether the bond could be released at this time. The only thing not completed within the subdivision for infrastructure at this time is the sewer treatment plant, and the original bond did not include this part of the project. The Board discussed the current bond in place for Apple Springs and determined that the current bond should be allowed to be released due to the original bond not including it. No bond is recommended for the plant because the subdivision does have an active sewer district.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. PUBLIC HEARING for CUP #397 – Specialty Resort

Owner/Applicant: Jim & Carol Boke/Art & Char Andersen
Action Required: Recommendation of Approval/Denial
Description (Location): N1/4NW1/4 Sec 9-6-3/NW of Exit 17, East of Rainbow Road
Purpose: Specialty Resort
Zoning & Acreage: RR/40 +/- acres

This hearing was tabled at the request of the applicant. The motion is included in the approval of the agenda.

2. Discussion Items:

Vogt discussed the current Junk Ordinance and state laws regarding junk. The Board discussed that the support of the Commission, the P & Z Board, the Sheriff’s Office and the States Attorneys Office is needed in order to deal with junk issues. Vogt and Outka will provide a copy of the current junk ordinance and the state laws at the next meeting to start the discussion on how best to deal with the issues.

Vogt also discussed the current zoning book and that we are for the most part all caught up with updates. There are some grammatical errors that need to be fixed and the following items need to be

looked at: Home Occupations, Telecommunications, Campgrounds, Temporary Campgrounds, and Conditional use Permits within each Zoning District. The Planning and Zoning Office will work on these and bring them forward as time permits.

3. Items from Board Members: None

4. Opportunity for Public Comment: None

Motion by Ewing to adjourn 2:40 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF April 7, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, April 7, 2011 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Bob Ewing, Barb Mattson, Bill Coburn, Marty O’Dea. Tom Brady arrived at 1:34.

ABSENT: None

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

Moved-Seconded (Mickelson-Coburn) to approve minutes of the March 3, 2011 meeting. Aye: 6 Absent: Brady. Motion Carried.

Moved-Seconded (Mickelson-O’Dea) to approve the agenda. Aye: 6 Absent: Brady. Motion Carried.

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

1. FINAL PLAT for City of Deadwood/Bob Nelson Jr.

Action Required:	Approval/Denial
Description (Location):	Plat of Tract A-1 and Dedicated ROW-Maitland Road/Blacktail Bench Rd
Purpose:	Combine lots and dedicate ROW/Exempt Plat
Zoning & Acreage:	SRD-2.10 acres +/-

Vogt explained this exempt plat combines two small tracts and dedicates the road right-of-way.

Moved-Seconded (O’Dea-Coburn) to approve the Final Plat. Aye: 6 Absent: Brady. Motion Carried.

2. FINAL PLAT for Lori Welbig Etal

Action Required:	Approval/Denial
Description (Location):	Plats of Lots 1-4 of Welbig Subdivision-Higgins Gulch Rd
Purpose:	Final lots
Zoning & Acreage:	PF-39.43 acres +/-

Prior approval of the Preliminary Plat was discussed with a letter of completion of the fire plan received, and notification of approval by the Army Corp of Engineers for the driveway through the drainage area.

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

3. PRELIMINARY AND FINAL PLAT for Betty Trevino and Jim Sutherland

Action Required: Approval/Denial
Description (Location): Lots A-1 & A-2 of HES 297/Hwy 385
Purpose: Re-plat Sutherland lot from .31 to .67 acres & Re-plat 2 existing small lots into larger lot/Exempt Plat
Zoning & Acreage: PF/HSC-1.41 acres

Vogt explained the two land owners are platting four small lots into two with no increase in density.

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

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

4. FINAL/BOUNDARY PLAT for Powder House Pass

Action Required: Approval/Denial
Description (Location): Tracts 1-3 and Common Areas A & B-Hwy 85/14A & Black Forest Road
Purpose: Boundary Plat for PUD
Zoning & Acreage: PUD-967 acres +/-

Vogt explained the size and location of the three tracts and two common lot areas of this plat. She also stated that with the recording of this plat, the mineral survey descriptions are gone and they can no longer be sold individually.

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

5. LAYOUT PLAN for Phase 1 of Powder House Pass (PHP) PUD/Wilderness Estates 2nd Addition

Action Required: Approval/Denial
Description (Location): Lots 1-9 Blk 1, Lots 1 & 2 Blk 2, Lots 1-16 Blk 3, Lots 1-5 Blk 4, Lots 1 & 2 Blk 5 & Blk 6 - Hwy 85/14A
Purpose: Layout Plan for Phase 1 of PHP PUD
Zoning & Acreage: PUD-967 acres +/- 1st Phase is 78 acres +/-

This is the Layout of the first phase of the development. Vogt listed what will be needed prior to presenting a preliminary plat: 1. A Development Agreement in place, 2. Specific plans for Water & Sewer. 3. Decision on Bonding requirements and clarification of the CID. 4. Fire Mitigation requirements. Also discussed was emergency access with the Board requesting this be shown on Preliminary Plats. Housing placement was questioned as the PUD was approved with the Coving concept. The possibility of structure placement shown on the plat was discussed. The Board agreed that this layout plan followed the basic concept originally presented.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. PUBLIC HEARING for CUP #397 – Specialty Resort

Owner/Applicant: Jim & Carol Boke/Art & Char Andersen
Action Required: Recommendation of Approval/Denial
Description (Location): NE1/4NW1/4 Sec 9-6-3/NW of Exit 17, East of Rainbow Road
Purpose: Specialty Resort
Zoning & Acreage: RR/40 +/- acres

The applicants have requested this hearing be tabled again.

Moved-Seconded (Brady-Mickelson) to Table the public hearing for CUP #397. Motion Carried.

This will be the last time the application will be allowed to be tabled. Action will be taken at the next meeting.

2. INFORMATIONAL for CUP # 371-11 – Alltel Tower Amendment in Boulder Canyon

Owner/Applicant: Andy Heitman-Property Owner/Alltel-Tower Owner/Verizon-Co-Location on Tower with Alltel
Action Required: Discussion/Set Onsite/Set Public Hearing
Description (Location): Lot 12A-1 & 12a-2 of Naomi Sub in Boulder Canyon
Purpose: Amend current condition #5 to allow additional equipment shelters
Zoning & Acreage: PF/9.92 acres +/-

Vogt explained when the prior amendment to CUP 371 was requested, it was only for the additional twenty feet of tower height. A co-location requires a separate equipment building and that request was not included in that amendment. This request is for one additional equipment shelter to be added to the conditions. A public hearing is set for the next meeting on May 5, 2011.

3. RECOMMENDATION for VAR #129 – Brad Pollard/Deck Variance

Owner/Applicant: Brad Pollard
Action Required: Recommendation of Approval/Denial
Description (Location): Lot 1, Blk G, Bowman Sub in Section 34, T5N, R3E-Base of Hwy 385
Purpose: 16' Variance to the 25' setback from ROW & 2' Variance from 25' setback from ROW
Zoning & Acreage: SRD/.39 acres +/-

Vogt described the circumstances regarding this request. The State had acquired addition ROW footage in front of Mr. Pollard's residence to build a retaining wall. His deck/carport was damaged by a vehicle that left the road. He wishes to replace the deck with a slightly larger one which will also increase coverage below as a carport. The lot is small with steep hillside in back not allowing any room for construction.

Moved-Seconded (Brady-Ewing) to recommend approval as the request meets the criteria of Chapter 16-Variations with the unique circumstances of the State acquiring right of way to build the retaining wall on his property thus causing encroachment into the setbacks with the replacement of his deck. Motion Carried.

4. INFORMATIONAL for CUP #398 – Large Scale Mine Permit-Wharf Resources

Owner/Applicant: Wharf Resources
Action Required: Discussion/Set Onsite/Set Public Hearing
Description (Location):
Purpose: Large Scale Mining
Zoning & Acreage:

Ken Nelson representing Wharf Resources, explained their application for the expansion of mining including areas of the previously mined Golden Reward Mine. He reviewed the acreage affected, plans to replace and improve road 473, and the time frame of plans. An onsite is scheduled for April 19 at 1:00 p.m. for P&Z Board and County Commission. If members of the public wish to attend they are asked to call the P&Z office by April 15 in order for Wharf to make accommodations. A public hearing is set for the next meeting, May 5, 2011 at 3:00 at the Deadwood City Hall.

5. Discussion Items: Junk Ordinances and State Laws

Discussion regarding the Junk Ordinance, last revised in 1988, ranged from possible wording changes to the option of repealing it completely and following state laws and procedures when enforcement is needed. Vogt suggested if an ordinance change is decided, it be added in the Zoning Ordinance as additional use regulations.

6. Items from Planning and Zoning Board Member

Vogt shared information received from the developers of Apple Springs that despite rumors, there are no foreclosure proceedings. However they are presently suspending construction. She has been in contact with them regarding plans and requirements.

7. Opportunity for Public Comment: None

Motion by Ewing to adjourn 3:25 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF May 5, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, May 5, 2011 at 1:30 p.m. in the Deadwood City Council Room, 108 Sherman Street, Deadwood, SD, Lawrence County.

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

ABSENT: Craig Mickelson, Tom Brady

Bob Ewing was appointed acting Secretary.

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

Moved-Seconded (O’Dea-Ewing) to approve minutes of the April 7, 2011 meeting. Motion Carried.

Moved-Seconded (Coburn-Ewing) to approve the agenda with the following changes: Plat #1 for Danny Gray was pulled at the request of the property owner. Public Hearing for CUP #397 for Boke & Andersen was tabled until the June 2nd meeting. Motion Carried.

Declaration of Conflicts of Interest: Coburn stated he may have a conflict regarding the Wharf Resources application as the company he works for has a contract with Wharf.

PLATS IN ORDER AS LISTED:

1. PRELIMINARY PLAT for Ken Larsen/Stolen Kiss Ranch

Action Required:	Approval/Denial
Description (Location):	Lots 1(20.08), Lot 2 (14.69)& Lot 3 (8.00) of Stolen Kiss Ranch/Crook City Road
Purpose:	Subdivision of lots, Fire Plan & Covenants Completed
Zoning & Acreage:	42.70 acres

Amber Vogt reviewed this property explaining the location of the paved road with cul-de-sac and emergency access. The fire plan has been largely completed.

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. PUBLIC HEARING for CUP #397 – Specialty Resort

Owner/Applicant: Jim & Carol Boke/Art & Char Andersen

Action Required: Table Until June 2, 2011
Description (Location): NE1/4NW1/4 Sec 9-6-3/NW of Exit 17, East of Rainbow Road
Purpose: Specialty Resort
Zoning & Acreage: RR/40 +/- acres

Moved-Seconded (O'Dea-Ewing) to table the public hearing for CUP #397. Motion Carried.

2. PUBLIC HEARING for CUP # 371-11 – Alltel Tower Amendment in Boulder Canyon

Owner/Applicant: Andy Heitman-Property Owner/Alltel-Tower Owner/Verizon-Co-Location on Tower with Alltel
Action Required: Discussion/Set Onsite/Set Public Hearing
Description (Location): Lot 12A-1 & 12a-2 of Naomi Sub in Boulder Canyon
Purpose: Amend current condition #5 to allow additional equipment shelters
Zoning & Acreage: PF/9.92 acres +/-

Vogt explained the original CUP request was for the tower and one equipment shelter. When the amendment was presented it was only to extend the height of the tower and did not include an additional shelter needed for the co-location. This change in conditions is needed in order to issue a building permit. John Rowe, representing Buell Consulting, the agents for Verizon Wireless was present for questions.

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

Moved-Seconded (Coburn-Ewing) recommend approval of CUP #371-11. Motion Carried.

3. INFORMATIONAL MEETING for CUP #399 Allen Adams

Owner/Applicant: Allen Adams
Action Required: Discussion/Set Onsite/Set Public Hearing
Description (Location): Lot 4 of Roubaix Lots/Nemo Road
Purpose: Set up 3 Teepees to have a road side resting area-no public restrooms
Zoning & Acreage: PF/3.45 acres +/-

Vogt explained the request is for the erection of three teepees on the Adams property for personal use. There will be no signage or public facilities, however Adams will welcome anyone interested in the structures to stop. Vogt asked if the Board feels this use requires a conditional use permit.

Moved-Seconded (Coburn-Ewing) that no CUP is required for this use, and authorizes return of the fee. Motion Carried.

4. INFORMATIONAL MEETING for CUP #400 for Billy Evans/Johner & Sons

Owner/Applicant: Billy Evans Trust/Johner & Sons
Action Required: Discussion/Set Onsite/Set Public Hearing
Description (Location): N ½ SW ¼ SE ¼ and the S ½ NW ¼ SE ¼ of Section 19, T7M, R2E/Chicken Creek Rd
Purpose: Gravel Processing on less than 10 acres
Zoning & Acreage: A-1/40 +/- acres

Vogt described the location and explained that all the surrounding property within 500 feet of the site is owned by Evans. A public hearing is set for the June 2nd meeting.

5. INFORMATIONAL MEETING for CUP Amendment #288-11 for Jan Kaberna/Big Mommas

Owner/Applicant: Jan Kaberna
Action Required: Discussion/Set Onsite/Set Public Hearing
Description (Location): Lot A of CRM/Nemo Rd
Purpose: Outdoor Bands during Sturgis Rally at Existing Beer Garden
Zoning & Acreage: PF/63.57 +/- acres

Vogt explained this requested amendment was suggested to take the place of an annual temporary use permit. A TUP was acquired for this use last year and no complaints were received. A public hearing is set for the June 2nd meeting.

6. Discussion Items:

Vogt reported no further work has been done on a junk ordinance proposal. Bruce Outka and Vogt have been considering options and discussion will continue.

Vogt also updated the Board on Powder House Pass activity and that a preliminary plat will be before the Board at the June 2nd meeting.

3:00 p.m.

7. PUBLIC HEARING for CUP #398 – Large Scale Mine Permit-Wharf Resources

Owner/Applicant: Wharf Resources
Action Required: Hold Public Hearing, table any recommendation until May 24, 2011 at Golden Hills Resort at 1:00 p.m. (Joint Hearing between P & Z and County Commission)
Description (Location): NE of Terry Peak
Purpose: Large Scale Mining
Zoning & Acreage: PF/SRD and 616 +/- acres

No minutes were taken of this hearing as Teresa Fink, a court reporter was present to prepare a transcript of this portion of the meeting. When said transcript is received, a copy will become a part of these minutes.

8. Items from Planning and Zoning Board Members: Marty O’Dea voiced concern with pieces of old mobile homes blowing around on property in the Whitewood area. Amber reminded the Board that anyone can make a formal complaint to the office to be investigated.

9. Opportunity for Public Comment: None

Moved-Seconded (Ewing-Coburn) to adjourn 4:20 p.m. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF May 24, 2011

Special Joint Hearing

No Planning & Zoning minutes were taken.

Below is the excerpt of the County Commission minutes.

WHARF RESOURCES EXPANSION MINING CONDITIONAL USE PERMIT #398: A joint meeting and Public Hearing was held with Planning and Zoning at the Golden Hills Inn in Lead, SD for the WHARF RESOURCES EXPANSION MINING CONDITIONAL USE PERMIT #398. Representatives for Wharf Resources were introduced and Bill Shand presented a slide show on the expansion request. Input was voiced from proponents and opponents. No minutes were taken of this hearing as Teresa Fink, a court reporter was present to prepare a transcript of this portion of the meeting and will be on file in the Auditor's Office. Moved-Seconded (Flanagan-Ewing) to close the public hearing. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF June 2, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, June 2, 2011 at 1:30 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Barb Mattson, Marty O’Dea.

ABSENT: Tom Brady, Bill Coburn, Bob Ewing

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

Moved-Seconded (O’Dea-Mickelson) to approve minutes of the May 5, 2011 meeting.
Motion Carried.

Moved-Seconded (Mickelson-O’Dea) to approve minutes of the May 24, 2011 meeting.
Motion Carried.

Moved-Seconded (O’Dea-Mickelson) to approve the agenda with the following changes:
The plat for Danny Gray was again pulled at the request of the property owner. Motion Carried.

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

1. PRELIMINARY & FINAL PLAT for City of Deadwood

Action Required: Approval/Denial
Description (Location): Oakridge Cemetery (see plat for full legal)
Purpose: To plat on plots in cemetery
Zoning & Acreage: PF & 30.11 acres

Vogt explained this exempt plat is simply platting the cemetery.

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

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

2. FINAL PLATS for Winsell Ranch/Brett Winsell

Action Required: Approval/Denial
Description (Location): Lots 1-3 of Winsell Ranch Sub – Erickson Road in Section 11-4-4
Purpose: Subdivision
Zoning & Acreage: PF –14.66 acres +/-

Vogt stated although she is certain the required Fire Plan Phase has been completed, she has received no confirmation from Rob Mattox.

Moved-Seconded (Mickelson-Mattson) to table this plat until the July meeting. Motion Carried.

3. PRELIMINARY PLAT for Phase 1 of Powder House Pass (PHP) PUD/Wilderness Estates 2nd Addition

Action Required: Approval/Denial
Description (Location): Lots 1-9, Blk 1- Lots 1 & 2, Blk 2- Lots 1-16, Blk 3-Lots 1-5, Blk 4-Lots 1 & 2, Blk 5 -Hwy 85/14A
Purpose: Preliminary Plat for Phase 1 of PHP PUD (includes 34 lots)
Zoning & Acreage: PUD-967 acres +/- 1st Phase is 78 acres +/-

Vogt explained this first preliminary plat is for 34 lots in the Wilderness Estates portion of Powder House Pass. The roads are in place from the previous development. No final development agreement is in place yet, however one was submitted as an example. A final development agreement will have to be approved prior to any final plats being approved. Greg Kaschmitter explained the water supply will come from the Lead-Deadwood Water supply. The waste treatment at this time is a proposed mound system with a drainfield for all 34 lots, it is still considered a community system which meets the requirements of the Ordinance. The state will only allow 28 homes to be built on this system until they will be required to provide more drainfield or an alternative treatment plant. The developers understand that the Planning & Zoning Office will only issue 28 building permits in this Phase 1, and before any more will be issued they will have to have proof of the alternative system and/or an addition to existing system. He reviewed the lot sizes and answered questions regarding the “coving” concept of home placement. The “coving” concept was presented as part of the Master plan for this development and should be viewed as part of the approval and shall be looked at each time plats are approved. Primary and secondary access was discussed.

Moved-Seconded (Mickelson-Mattson) to approve the Preliminary Plat of Phase One of Power House Pass. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. PUBLIC HEARING for CUP #397 – Specialty Resort

Owner/Applicant: Jim & Carol Boke/Art & Char Andersen
Action Required: Table Until June 2, 2011
Description (Location): NE1/4NW1/4 Sec 9-6-3/NW of Exit 17, East of Rainbow Road
Purpose: Specialty Resort
Zoning & Acreage: RR/40 +/- acres

Vogt explained this application was tabled on March 3, April 7 and May 5, 2011 in order to work with the Anderson’s to complete the required information. Vogt explained she has no information to present for this hearing and there is no one representing the applicants present. Her staff recommendation is to deny the request and refund the remaining portion of the application fee after subtracting the cost of legal publication. There was no public input and the hearing was closed.

Moved-Seconded (Mickelson-O’Dea) to deny the request for CUP #397 with no refund of any portion of the application fee. Motion carried.

2. PUBLIC HEARING for CUP Amendment #288-11 for Jan Kaberna/Big Mommas

Owner/Applicant: Jan Kaberna
Action Required: Recommend Approval/Denial
Description (Location): Lot A of CRM/Nemo Rd
Purpose: Outdoor Bands during Sturgis Rally at Existing Beer Garden
Zoning & Acreage: PF/63.57 +/- acres

Vogt presented the staff report recommending approval of the amendment and reviewed the conditions. She stated Kaberna has had this CUP for several years (since 2003) and last year got a temporary use permit for outdoor music. There have been no complaints received by the office regarding Kaberna's enterprise. Jan Kaberna presented correspondence from Pete Lien & Sons stating the use would not interfere with their operations.

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

Moved-Seconded (O'Dea-Mickelson) to recommend approval of CUP #288-11 with all proposed conditions. Motion Carried.

3. PUBLIC HEARING for CUP #400 for Billy Evans/Johner & Sons

Owner/Applicant: Billy Evans Trust/Johner & Sons
Action Required: Hold Hearing, adjourn P & Z until June 28, 2011 at 11:00 a.m. for Joint Hearing between P & Z and CC
Description (Location): N ½ SW ¼ SE ¼ and the S ½ NW ¼ SE ¼ of Section 19, T7M, R2E/Chicken Creek Rd
Purpose: Gravel Processing on less than 10 acres
Zoning & Acreage: A-1/40 +/- acres

Vogt explained this request would actually re-open a previously mined pit. The location was primarily used by the County in the 80's. The applicant stated they are asking to mine 20,000 to 40,000 ton annually. The actual acreage to be mined will be less than 10 acres. There was no public input. The hearing was left open until the Joint Public hearing with the County Commission on June 28, at 11:00am.

4. Discussion Items:

- a. Junk Ordinances and State Laws: Vogt stated no further work has been done on revising the Junk Ordinance.
- b. Extractive Industry CUP Ordinance: Vogt discussed the need to revise that portion of the ordinance regarding extractive industries to comply with present policies and procedures.
- c. Temporary Use Permit ordinance revision regarding Temporary Alcohol Licenses: Vogt told the board of the County Commission's request to consider what procedures may be needed if they decide to issue temporary alcohol licenses which are allowed by state law. The Board recommended even though they may not all be in favor of issuance, if the Commission approved issuing these licenses, they should be tied to a Temporary Use Permit, located on commercially zoned property only, and only applicants with non-profit status be considered.

5. Items from Planning and Zoning Board Members: O'Dea reported that after last months discussion

of blowing trash in the Whitewood area, the property appears to be cleaned up.

6. Opportunity for Public Comment: None

Motion by Mickelson to adjourn 3:05 p.m. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF June 14, 2011, 7:00 a.m.

Special Meeting

Members Present: Rick Tysdal, Craig Mickelson, Bob Ewing, Tom Brady, Marty O'Dea, Barb Mattson

Member Absent: Bill Coburn

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

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

Declaration of Conflicts of Interest: None

WHARF RESOURCES EXPANSION OF MINING OPERATION - CONDITIONAL USE PERMIT #398:

At the conclusion of the joint public hearing on May 24th before the Lawrence County Planning & Zoning Board and County Commission, the Planning & Zoning Board and County Commission closed the public hearing. The ordinance allows ten (10) days to receive comments from the public before further action may be taken. Amber Vogt reported she had received one letter from Betty Ryan which was made part of the record.

Bruce Outka, Deputy States Attorney, advised the order for consideration was First, the application for CUP #398 and Second, if the application was recommended for approval, the Waiver requests.

Moved-Seconded (Brady-Mickelson) Based on the Public Hearing and having fully considered the transcripts of the public hearing, having considered all documents filed in regard to this matter from the date of the application to this morning, including documentation submitted by Wharf, all of which has been available for public review and inspection in the Planning & Zoning Office and County Auditors Office, I would:

Move to approve the application for CUP #398 for the reasons as contained in items One through Ten of the Motion to Approve submitted by Wharf Resources; adopt Findings One through Forty-three as submitted by Wharf Resources on May 27, 2011; adopt the Decision with attached conditions One through Thirty-four as submitted by Wharf Resources on June 10, 2011 and upon the Staff recommendations and analyses.

Bruce Outka, Deputy States Attorney interjected to report that a fax was just received from Bangs, McCullen Law Firm representing Randy Schold and family regarding property values at Terry Peak. The letter was dated June 13, 2011. It was made part of the record.

Brady noted that the public records of the County show that since Wharf's mining operations, the value of lots which were selling for as little as \$1,000 now sell for as much as \$20,000 to \$30,000. Construction has gone from eight foot wide trailers to multi-hundred thousand dollar residences; Wharf has been instrumental on Terry Peak developing it to make a true ski hill, to include water and snow making. All of this has happened since Wharf has been mining there. There were no expert opinions or appraisals to the contrary. After this discussion Brady stated his original motion stands.

All members voted Aye. Motion Carried.

Moved-Seconded (Brady-Ewing) Based on the Public Hearing and having fully considered the transcripts of the public hearing, having considered all documents filed in regard to this matter from the date of the application to this morning, including documentation submitted by Wharf, all of which has been available for public review and inspection in the Planning & Zoning Office and County Auditors Office, and the Motion to approve CUP #398 made above. I would:

Move to approve the Waiver of the Buffer Zones as set forth in #13 of the Findings submitted by Wharf Resources on May 27, 2011 as Wharf has addressed all the concerns regarding health, safety and welfare of

Lawrence County and its citizens. All members voted Aye, Motion Carried.

Moved-Seconded (Mickelson-Ewing) to adjourn at 7:12 a.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF June 28, 2011

Special Joint Hearing

Present: Rick Tysdal, Marty O’Dea, Bill Coburn, Barb Mattson, Bob Ewing

Absent: Tom Brady, Craig Mickelson

The special meeting of the Board was called to order by Chairman Tysdal to address the application for CUP #400 by owner: Billie Evans Trust, applicant: Johner & Sons Earthmoving.

Amber Vogt presented the Staff report and explained the history of this property and stated the Applicant has applied for a State mine permit which requires issuance of a County Conditional Use Permit before consideration can proceed.

A representative from Johner & Sons was present to explain that they have been in contact with the County Highway Superintendent regarding the road maintenance plans and he also explained the planned reclamation.

There was no public input and the hearing was closed.

The Board asked what was expected to be the life of the mine and who the potential customers might be. Six to seven years was the life expectancy, and the Johners will be using this pit for their projects and welcome any end users, including the County, that may need their products.

Moved-Seconded (Coburn-Ewing) to recommend approval of CUP #400 with attached conditions as listed in the Staff Report. Aye: 5, Absent: Brady, Mickelson. Motion Carried.

Moved-Seconded (Coburn-Ewing) to adjourn at 11:11 a.m. Aye: 5, Absent: Brady, Mickelson. Motion Carried.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF July 7, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, July 7, 2011 at 1:30 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Barb Mattson, Marty O’Dea.

ABSENT: Tom Brady, Bill Coburn, Bob Ewing

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

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

Moved-Seconded (O’Dea-Mickelson) to approve minutes of the June 14, 2011 meeting. Motion Carried.

Moved-Seconded (Mickelson- O’Dea) to approve the agenda with the following change: The plat for Golden Hills Subdivision was tabled. Motion Carried.

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

FINAL PLAT for Winsell Ranch/Brett Winsell/Ponderosa Land Surveys

Action Required: Approval/Denial
Description (Location): Lots 1-3 of Winsell Ranch Sub – Erickson Road in Section 11-4-4
Purpose: Subdivision
Zoning & Acreage: PF –14.66 acres +/-

Amber Vogt reported she had received confirmation regarding completion of the fire plan for this plat.

Moved-Seconded (O’Dea-Mattson) to approve the Final plat. Motion Carried.

LAYOUT PLAN for Jo Dickert/Ponderosa Land Surveys

Action Required: Discussion
Description (Location): Tracts 2A, 2B, & 2C (possibility of a 4th lot) (Off Galena Road / Hidden Treasure Lane)
Purpose: Subdivision
Zoning & Acreage: PF / 37.5 acres +/-

Vogt explained the presented layout plan is for 3 lots, however, the owners are also considering 4 lots. Presently, the property is four legal parcels, and Vogt considers this to be lot line changes making it an exempt plat (exempt from sub-division requirements such as fire plan). There are terrain concerns with this property, and access was also discussed. Vogt suggested presenting two preliminary plats for consideration, one with the four lots as discussed.

FINAL PLAT for Kevin & Lisa Pummel/NJS Engineering

Action Required: Approval/Denial
Description (Location): Lots 1A & 1B of Jersey Springs Sub –(Close to WY border in 18-4-1)

Purpose: Subdivision
Zoning & Acreage: PF / 20.09 acres +/-

Vogt reported she had received confirmation regarding completion of the fire plan for this plat.

Moved-Seconded (Mickelson-Mattson) to approve the Final plat. Motion Carried.

CORRECTIVE PLAT for Meadow Crest H.O.A./Arleth & Associates

Action Required: Approval/Denial
Description (Location): Well Lot of Meadow Crest –(Boulder Canyon)
Purpose: Correct lot line
Zoning & Acreage: PF / .19 acres +/-

When an adjacent lot was being sold, a lot line error in platting this well lot was found.

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

LAYOUT PLAN for A & G Jensen Land LLC/Brosz Engineering

Action Required: Discussion
Description (Location): St Onge Substation – (SE of St Onge off Weisman Road)
Purpose: BHP Substation location
Zoning & Acreage: A-1 / 6.68 acres +/-

Vogt explained the proposed sub-station and the need to plat a non-conforming lot to legally describe the property for transfer purposes. Several requirements will have to be met for a plat to be approved, such as a No Residential Building Right statement. There was also discussion regarding platting the remainder.

7. PRELIMINARY & FINAL PLAT for Mike Alley and Steven Pletan/Randy Deibert

Action Required: Approval/Denial
Description (Location): Lot 3R Blk 11 & Lot 5R blk 4 of Pines at Benchmark (Between Nemo Road and Hwy 385 on Ingileif Lane)
Purpose: Move Lot Lines
Zoning & Acreage: PF / 14.32 acres +/-

Vogt stated the owners are moving their adjoining lot line.

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

Moved-Seconded (Mickelson-Mattson) to approve the Final plat. Motion Carried.

8. PRELIMINARY & FINAL PLAT for Larry & Renee Trautman

Action Required: Approval/Denial
Description (Location): Lots A-1 & A-2 sub of Lot A – (East of I90 Exit 2 and McNenny Road)
Purpose: Subdivision
Zoning & Acreage: A-1 / 130 total acres +/-

Vogt explained the need to plat this A-1 zoned property in order to sell 2/3 of the acreage because it is now one legally described lot (Lot A) as opposed to a quarter/quarter description.

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

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

9. FINAL PLAT for Black Hills Forest Acres/Gregg Wolff/Randy Deibert

Action Required: Approval/Denial
Description (Location): Lot 6 Blk 5 of Whitewood Forest Addition #2 (Whitewood)

Purpose: New Lot
Zoning & Acreage: SRD / 1.00 acres +/-

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

- 10. LAYOUT PLAN** for Drake Company/Brian Drake/Randy Deibert
Action Required: Discussion
Description (Location): Division of Lot 4 Blk 3, The Pines at Benchmark (Between Nemo Road and Hwy 385 on Diamond Dale Place)
Purpose: Subdivision
Zoning & Acreage: PF / 10 total acres +/-

Randy Deibert explained the owners wish to divide the ten acre tract using a proposed driveway as a dividing line. Vogt stated the portion of the section line that runs through the lot needs to be vacated before a plat is considered.

- 11. PRELIMINARY PLAT** for Union Resorts/Mystic Miner Sub/CETEC
Action Required: Approval/Denial
Description (Location): Lots 1 thru 10 Blk 2 & Lots 1-4 Blk 3 of Mystic Miner (Deer Mountain Rd)
Purpose: Subdivision
Zoning & Acreage: PUD / 4.94 acres +/-

Kevin Klapprodt explained progress at Deer Mountain and presented this first preliminary plat of 14 lots for Mystic Miner.

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. INFORMATIONAL MEETING of ORD 11-02 Extractive Industry

Owner/Applicant: Lawrence County P & Z/Amber Vogt/Bruce Outka
Action Required: Discussion/Set Public Hearing for August 4
Description (Location): All of Lawrence County
Purpose: Update Extractive Industry CUP Ordinance
Zoning & Acreage: All zoning

Vogt presented a proposed amendment to the zoning ordinance updating extractive industry CUP’s and Buffer Zone Waivers. She explained the overall layout matches the other ordinances, fees are updated, and procedures have been updated to match present regulations. It was decided to have an additional informational meeting next month before setting a public hearing.

2. RECOMMENDATION MEETING for Repeal of Lawrence County Junk Ordinance

Owner/Applicant: Planning & Zoning Department
Action Required: Discussion/Make Recommendation
Description (Location): All of Lawrence County
Purpose: Repeal Current Junk Ordinance and Use State Laws for Enforcement
Zoning & Acreage: All Zoning Districts

Bruce Outka, County Attorney, explained the outdated ordinance is ineffective. At this time he suggests that the Board recommend repealing the Junk Ordinance.

Moved-Seconded (Mickelson-O’Dea) to recommend the repeal of the Lawrence County Junk Ordinance.

Motion Carried.

3. Discussion Item: Fire Plans for Ag Areas or Areas not Needing Treatment (Rob Mattox)

Amber Vogt and Rob Mattox asked for direction regarding how detailed a “fire plan” needs to be. In some cases there is no need for a plan other than to continue what is being done. The Board agreed that the amount of detail required should depend on the individual piece of property.

4. Items from Planning and Zoning Board Members:

Quarter-Quarter/40acre/1/16 of 640 acres legal descriptions and Government Lots were discussed.

5. Opportunity for Public Comment: None

Motion by Mickelson to adjourn 3:45 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF August 4, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, August 4, 2011 at 1:30 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

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

ABSENT: Bob Ewing

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

Moved-Seconded (Mattson-O’Dea) to approve minutes of the July 7, 2011 meeting. Motion Carried.

Moved-Seconded (Mickelson- Coburn) to approve the agenda with the following change: The plats shown as Option #2 for Jo Dickert were pulled by the applicant. Motion Carried.

Declaration of Conflicts of Interest: Brady-Plats for Joe Dickert

PLATS IN ORDER AS LISTED:

LAYOUT PLAN for Richard Lewis/Steve Peters

Action Required: Recommendation/Discussion
Description (Location): Nemo-Tract 3A of HES 162, Section 12, T3N, R4E.
Purpose: Additional of 75 feet to existing lot in order to meet setbacks and stay out of floodplain area/Exempt Plat no increase in density
Zoning & Acreage: PF / 14.25 acres

Vogt explained after starting to build, it was discovered that Lewis was building over a lot line. The owners of that property have agreed to sell 75 feet of their property to allow continuation of the building. The Board agreed to this plan.

LAYOUT PLAN for Tom & Judy Frazier

Action Required: Recommendation/Discussion
Description (Location): Nemo- Portion of Lots 1-2-3 and Lying N of County Rd, Section 3, T3N, R4E
Purpose: Movement of lot line/Exempt Plat no increase in density
Zoning & Acreage: PF / 43.00 acres

The plan is to move one lot line and the Board was in agreement with it.

PRELIMINARY PLAT for A & G Jensen Land LLC/Brosz Engineering

Action Required: Approval/Denial
Description (Location): St Onge Substation – (SE of St Onge off Weisman Road)
Purpose: BHP Substation location
Zoning & Acreage: A-1 / 6.68 acres +/-

It was pointed out there will be a No Residential Build restriction on this lot for a utility substation.

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

PRELIMINARY & FINAL PLAT (Option #1) for Jo Dickert/Ponderosa Land Surveys

Action Required: Approval/Denial (Pick Option 1 or 2)
Description (Location): Tracts 2A, 2B, & 2C (Off Galena Road / Hidden Treasure Lane)
Purpose: Subdivision
Zoning & Acreage: PF / 43.00 acres

Brady abstained from discussion and vote.

This plat combined four parcels into three lots making it an exempt plat as described in the Subdivision ordinance. The Board discussed the need for a fire mitigation plan for this high fire hazard area, which the owner has contracted Rob Mattox to do. Rob had contacted Amber Vogt regarding his progress and will have the report to her within a week. Coburn stated he thinks the fire plan should be completed prior to approval of this plat.

Moved-Seconded (Michelson-Mattson) to table until the September meeting. Aye: 5, Abstain: Brady, Absent: Ewing. Motion Carried.

Later in the meeting, the owner's representative explained the need for a decision sooner than September.

Moved-Seconded (Mickelson-Mattson) to pull from the table, consideration of the Dickert plat. Aye: 5, Abstain: Brady, Absent: Ewing. Motion Carried.

The Board agreed to make concessions for this plat.

Moved-Seconded (Coburn-Mickelson) to approve the Preliminary plat Aye: 5, Abstain: Brady, Absent: Ewing. Motion Carried.

Moved-Seconded (Mickelson-O'Dea) to approve the Final Plat with the condition that the fire plan be submitted from Rob Mattox. Aye: 5, Abstain: Brady, Absent: Ewing. Motion Carried.

Vogt will hold the final plat until the fire plan is received.

PRELIMINARY and FINAL PLAT for Don Derosier/Ponderosa Land Surveys

Action Required: Approval/Denial
Description (Location): St. Onge-Lots A & B St. Onge Township
Purpose: Combining town lots 7-12 into A & B-decreasing density
Zoning & Acreage: SRD/.306 and .657 acres +/-

This plat combines six town lots into two.

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

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

FINAL (Boundary) PLAT for Powder House Pass/Ponderosa Land Surveys

Action Required: Approval/Denial

Description (Location): Tracts 2A & 2B of Tract 2 of Wilderness Estates 2nd Addition-Hwy 85
Purpose: Creating 2 larger parcels within the original boundary for financing purposes/setting up boundaries for phases
Zoning & Acreage: PUD/Tract 2A 34.668 acres & Tract 2B 43.394 acres

Vogt explained the owners asked to break up the acreage of Tract 2 into smaller (approx 40 ac.) tracts instead of the big 500 acre tract for financing purposes.

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

PRELIMINARY PLAT for Phase 1 of Powder House Pass (PHP) PUD

Action Required: Approval/Denial
Description (Location): Lots 1-9, Blk 1- Lots 1 & 2, Blk 2- Lots 1-16, Blk 3-Lots 1-5, Blk 4- Lots 1 & 2, Blk 5 -Hwy 85/14A
Purpose: Re-approval of Preliminary Plat due to change in legal description-plat layout stays exactly the same as original approval from June 2, 2011
Zoning & Acreage: PUD-967 acres +/- 1st Phase is 78 acres +/-

The only change on this preliminary plat is legal description needed as the legal description changed with the approval of the Boundary plat.

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

FINAL PLAT for Country Club Estates/Karen Dilts/Arleth & Associates

Action Required: Approval/Denial
Description (Location): Lot 12 of Country Club Estates (Rochford Road)
Purpose: New Lot/Matches Approved Preliminary
Zoning & Acreage: PF/1.18 acres

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

FINAL PLAT for Greenview Estates Lot 5/Arleth & Associates

Action Required: Approval/Denial
Description (Location): Lot 5 of Greenview Estates (O'Neill Pass)
Purpose: New Lot/Matches Preliminary Exactly
Zoning & Acreage: PF/2.50 acres

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

INFORMATIONAL MEETING of ORD 11-02 Extractive Industry

Owner/Applicant: Lawrence County P & Z/Amber Vogt/Bruce Outka
Action Required: Discussion/Review Public Input/Set Public Hearing for September 1
Description (Location): All of Lawrence County
Purpose: Update Extractive Industry CUP Ordinance
Zoning & Acreage: All zoning

The Board discussed proposed wording in this new ordinance. Discussion also pertained to the

Waiver requirements. A public hearing will be held September 1, 2011.

INFORMATIONAL MEETING for CUP #401 Sue Ames/Green Star Recycling/Green Star Recycling

Owner/Applicant: Sue Ames/Green Star Recycling
Action Required: Discussion/Set Public Hearing for September 1
Description (Location): Lot B of Lot 1 of NE ¼ NW ¼, Sec 16, T6N, R2E (N Tinton Rd)
Purpose: Allow Green Star Recycling to use Polebarn on this property for storage of material
Zoning & Acreage: RR (Rural Residential)-5.62 acres +/-

Vogt explained Green Star Recycling rents a pole building from Ames. The Office had received a complaint regarding a commercial business in an area zoned residential. Ames was contacted and she applied for a conditional use permit. David Raad from Green Star is representing the request. A public hearing will be held September 1, 2011.

Items from Planning and Zoning Board Members:

1. What discretion the P & Z Board really has when making decisions regarding exempt plats or other items in the Ordinances.
2. The need for consistency in all matters and decisions made.

Opportunity for Public Comment: None

Motion by Mattson to adjourn 4:45 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF September 1, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, September 1, 2011 at 2:18 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Barb Mattson, Bob Ewing, Marty O’Dea arrived at 2:18 making a quorum.

ABSENT: Bill Coburn, Tom Brady, Craig Mickelson

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

Moved-Seconded (Mattson-O’Dea) to appoint Bob Ewing acting secretary. Motion Carried.

Moved-Seconded (Mattson-Ewing) to approve minutes of the August 4, 2011 meeting. Motion Carried.

Moved-Seconded (O’Dea-Ewing) to approve the agenda with the following change: Vogt stated Sue Ames has pulled her CUP request. Motion Carried.

Declaration of Conflicts of Interest: No conflicts were declared at this time, however later in the meeting, Bob Ewing declared a possible conflict regarding the last agenda item: a road easement discussion for Jim & Kathy Benson.

PLATS IN ORDER AS LISTED:

Amber Vogt explained the criteria that must be met for a plat to be considered exempt from subdivision regulations. These are stated in the Subdivision Ordinance Chapter 4. She requests that when any plat is presented as an exempt plat, the Board make a motion stating whether the plat meets the exempt plat ordinance.

- 1. **PRELIMINARY/FINAL PLAT (submitted for approval as an exempt plat)** for Heather Cain and others / Randy Deibert

Action Required: Approval/Denial
Description (Location): Lot 36R, Extension Lot & Poorman Lot – (Maitland Road)
Purpose: Reconfigure lot lines, making four parcels or portions of parcels, into three lots
Zoning & Acreage: PF / 14.76 +- acres

Moved-Seconded (Mattson-O’Dea) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

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

- 2. **PRELIMINARY/FINAL PLAT (submitted for approval as an exempt plat)** for Sharon M. Regan, Trustee / Randy Deibert

Action Required: Approval/Denial
Description (Location): Lot AR of Peters Addition – (South of Galena Road in 16-4-4)

Purpose: Combining two lots into one.
Zoning & Acreage: PF / 7.84 acres

Moved-Seconded (Mattson-Ewing) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

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

3. **PRELIMINARY/FINAL PLAT (submitted for approval as an exempt plat)** for Michael Meidinger / Randy Deibert

Action Required: Approval/Denial
Description (Location): Meidinger Lot (St. Onge town lots)
Purpose: Combining four lots into one.
Zoning & Acreage: SRD / combined into a .30 ac. Lot

Moved-Seconded (Mattson-O’Dea) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

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

4. **FINAL PLAT** for Golden Hills Sub/ Two Bit LLC/Arleth & Associates

Action Required: Approval/Denial
Description (Location): Lot 54 of Golden Hills Sub – (Two Bit Road across from Brighter Day Sub)
Purpose: First Final of Subdivision
Zoning & Acreage: PF / 2.47 acres +/-

Vogt explained this is the first final to be presented in this subdivision. The water system was checked and is in working order. Dick Birk approved the shape and base of the road, and the developer has a contractor scheduled to update the maintenance and apply gravel.

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

5. **PRELIMINARY AND FINAL PLAT (submitted for approval as an exempt plat)** for Tom & Judy Frazier / Arleth & Associates

Action Required: Approval/Denial
Description (Location): Tracts A and B, (Nemo Road) Section 3, T3N, R4E
Purpose: Movement of lot line
Zoning & Acreage: PF / 36.88 acres

Moved-Seconded (Mattson-O’Dea) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

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

6. **FINAL PLAT** for A & G Jensen Land LLC/Brosz Engineering
 Action Required: Approval/Denial
 Description (Location): St Onge Substation – (SE of St Onge off Weisman Road)
 Purpose: BHP Substation location
 Zoning & Acreage: A-1 / 6.68 acres +/-

Discussion pertained to the request to plat the remainder, however in this case there will be a “No residential building right” statement on the plat and this acreage is specifically for a future utility substation.

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

7. **FINAL PLAT (submitted for approval as an exempt plat)** for Richard Lewis/Steve Peters
 Action Required: Approval/Denial
 Description (Location): Nemo-Tract 3R of HES 162, Section 12, T3N, R4E.
 Purpose: Additional of 75 feet to existing lot in order to meet setbacks and stay out of floodplain area /Exempt Plat no increase in density
 Zoning & Acreage: PF / 14.25 acres

This plat was created to allow a structure already in progress, to meet setback requirements.

Moved-Seconded (Ewing-O’Dea) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (O’Dea-Mattson) to approve the Final Plat. Motion carried.

8. **PRELIMINARY PLAT** for N.H. Industrial Park/Mitch Moe
 Action Required: Extension of approval of preliminary plat
 Description (Location): Lots 1-9 of Northern Hills Industrial Park – (north of whitewood)
 Purpose: Present Prelim. Plat expires and they are asking for an extension of two more years.
 Zoning & Acreage: C/LI / 12.53 acres

This previously approved preliminary plat has been extended once and now is due to expire again. Moe asked that another extension be approved as there are no changes in the plat and there have been no interested buyers in this potential commercial development.

Moved-Seconded (Ewing-Mattson) to approve the Preliminary Plat for two years. Motion Carried.

9. **PRELIMINARY AND FINAL PLAT** (submitted for approval as an exempt plat) for Jeri & John Fahrni / Interstate Eng.
 Action Required: Approval/Denial
 Description (Location): Tract A of Gertie Subdivision – (Galena)
 Purpose: Combine two lots into one to allow building a structure with correct setbacks and no variance request.
 Zoning & Acreage: PF / 14.74 acres

Moved-Seconded (Mattson-Ewing) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-seconded (Mattson-Ewing) to approve the Preliminary Plat. Motion Carried.

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

The Board decided to change the order of the agenda and consider the item listed as #3 Informational meeting for CUP #402 before items #1 & #2.

INFORMATIONAL MEETING for CUP #402 Nicole DeCook for a Temporary Second residence

Owner/Applicant: Nicole DeCook
Action Required: Discussion/On Site/Set Public Hearing
Description (Location): SE1/4SW1/4 Section 33, T7N, R1E (South of Exit #2 on Homestake Road)
Zoning & Acreage: A-1 / 40 acres

Vogt explained the applicant is asking for a temporary 2nd residence for Nicole DeCook's parents-in-law. This 40 acre tract presently has one home in which Nicole's parents live. The DeCooks live on an adjacent 40 acres. There had been an old mobile home which was removed, on the site where they wish to place a newer one. No on-site inspection was scheduled and the hearing was set for the Planning & Zoning meeting October 6, 2011.

PUBLIC HEARING of ORD 11-02 Extractive Industry

Owner/Applicant: Lawrence County P & Z/Amber Vogt/Bruce Outka
Action Required: Approval/Denial
Description (Location): All of Lawrence County
Purpose: Update Extractive Industry CUP Ordinance
Zoning & Acreage: All zoning

Vogt reviewed proposed changes including buffer zone waivers and submittal of findings. Jim Nelson asked if State Laws are referenced in the ordinance and if the ordinance is consistent with state rules. Vogt explained the first condition in all CUP's is: "The owner/operator shall comply with all applicable County, State, and Federal regulations regarding the operation...." There was no further input from the public and the Public Hearing was closed.

Moved-Seconded (Ewing-Mattson) to recommend approval of Ordinance amendment #11-02. Motion Carried.

PUBLIC HEARING for CUP #401 Sue Ames/Green Star Recycling/David Raad

Owner/Applicant: Sue Ames/Green Star Recycling
Action Required: Approval/Denial
Description (Location): Lot B of Lot 1 of NE ¼ NW ¼, Sec 16, T6N, R2E (N Tinton Rd)
Purpose: Allow Green Star Recycling to use Polebarn on this property for storage of material
Zoning & Acreage: RR (Rural Residential)-5.62 acres +/-

Vogt explained that Sue Ames has withdrawn the request and has told the tenant to find other accommodations. Vogt recommends giving the applicant 60 days to have the tenant moved and also to return the application fee less the publication cost of notice of this hearing.

Moved-Seconded- (Ewing-O'Dea) to support the recommendation of the staff and approve the removal time frame and refund. Motion Carried.

DISCUSSION ITEM for Jim & Kathy Benson/Jackass Gulch Private Road Easement

Bob Ewing abstained from discussion and vote, still leaving a quorum of members present.

Vogt explained this request is for a recommendation to the County Commission for approval of a private access driveway agreement, correcting an error. This error occurred in the early 1990's during the process of Homestake Mining Company and US Forest Service land trade and easement grants. The recorded easement showed the road in the wrong place than what was intended.

Moved-Seconded (Mattson-O'Dea) to recommend to the County Commission approval and signing of the Private Access Driveway Agreement. Aye: 3, Abstain: Ewing. Motion Carried.

Items from Planning and Zoning Board Members: None

Opportunity for Public Comment: None

Motion by Mattson to adjourn 3:40 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF October 6, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, October 6, 2011 at 1:30 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Craig Mickelson, Tom Brady, Barb Mattson, Daryl Johnson

ABSENT: Bill Coburn, Marty O’Dea

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

Moved-Seconded (Mattson/ Mickelson) to approve minutes of the September 1, 2011 meeting. Motion Carried.

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

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

1. **PRELIMINARY/FINAL PLAT** (submitted for approval as an exempt plat) Javersak & Rubicon Rentals/Ponderosa Land Surveys
 Action Required: Approval/Denial
 Description (Location): Lots 2A & 3A Blk 16 of Tract A of Lost Camp Valley Acreage (Terry Peak)
 Purpose: Move lot line in order to meet the HOA setbacks
 Zoning & Acreage: SRD - .392 acre each lot

Moved-Seconded (Brady/Mattson) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

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

2. **PRELIMINARY/FINAL PLAT** (submitted for approval as an exempt plat) Gwen Brandhagen/Ponderosa Land Surveys
 Action Required: Approval/Denial
 Description (Location): Ruby’s End (Galena)
 Purpose: Combine 10 Galena town lots, vacated street, and one tract into one lot
 Zoning & Acreage: PF – 1+ acre

Moved-Seconded (Brady/Mickelson) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

Moved-Seconded (Mickelson/Mattson) to approve the Preliminary plat. Motion Carried.

Moved-Seconded (Mickelson/Mattson) to approve the Final plat. Motion Carried.

3. **PRELIMINARY/FINAL PLAT** (submitted for approval as an exempt plat) Greear & Bruch/ Baseline

Surveying
Action Required: Approval/Denial
Description (Location): Lot 2A-R2 of Nellie Terrill Ranchettes, and Lot F revised of NW1/4 SW1/4, & 66' public ROW, 25-6-4 (West of Whitewood on Eden Road)
Purpose: Move lot line to match historical ownership and ROW lines
Zoning & Acreage: PF – 38 acres +/-

The final plat was not available for this meeting.

Moved-Seconded (Brady/Mickelson) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

Moved-Seconded (Brady/Mickelson) to approve the Final plat with the condition that it matches the preliminary plat and all signatures are provided and plat is returned to the Lawrence County Planning & Zoning Office for recording. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **PUBLIC HEARING** for CUP #402 Nicole DeCook for a Temporary Second Residence

Owner/Applicant: Nicole DeCook
Action Required: Approval/Denial
Description (Location): SE1/4SW1/4 Section 33, T7N, R1E (South of Exit #2 on Homestake Road)
Zoning & Acreage: A-1 / 40 acres

Vogt explained the location and size of the property and the reason for the request all meet the requirements of the ordinance. There was no public input and the public hearing was closed.

Moved-Seconded (Mickelson/Mattson) to recommend approval of CUP #402 with all attached conditions and with an additional condition adding that the existing historic farmhouse not be used as a residence. Motion Carried.

Items from Planning and Zoning Board Members: None

Opportunity for Public Comment: None

Motion by Mickelson to adjourn 2:15p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF November 3, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, November 3, 2011 at 1:30 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

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

ABSENT: None

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

Moved-Seconded (Mickelson-Mattson) to approve minutes of the October 6, 2011 meeting. Motion Carried.

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

Declaration of Conflicts of Interest: Tysdal-Plat #2 for Gilded Mt.

PLATS IN ORDER AS LISTED:

- 1. **FINAL PLAT** Country Club Estates/Karen Dilts/Arleth & Associates
 Action Required: Approval/Denial
 Description (Location): Lot 18 of Country Club Estates
 Purpose: New Lot
 Zoning & Acreage: SRD – 1.25 acre

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

- 2. **FINAL PLAT** Gilded Mountain Sub/Gilded Mt LLC/ Four Front Design
 Action Required: Approval/Denial
 Description (Location): Lot 5, Gilded Mountain Subdivision
 Purpose: New Lot
 Zoning & Acreage: SRD - .36 acre

Tysdal abstained, but with the Boards approval will continue to chair the meeting but not contribute to discussion or vote.

Moved-Seconded (Ewing-O’Dea) to approve the Final plat. Aye: 6, Abstain: Tysdal. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

- 1. **RECOMMENDATION MEETING:** VAR #130/Larry Christopherson
 Owner/Applicant: Larry Christopherson
 Action Required: Recommendation to County Commission
 Description (Location): Upper Valley Road, Spearfish
 Purpose: 20’ 6” Front and 18” side setback variances for an attached garage
 Zoning & Acreage: SRD - .57 acre

Deputy Director Jeff Schroeder presented the staff report explaining the requested setback variances. He stated the request does not meet ordinance requirements for approval. For this reason, Staff recommends denial of the request.

Larry Christopherson explained his reasoning for placement of the extension. The Board agreed that many structures along Upper Valley Road are non-conforming and this would not encroach any more if as much as many of them.

Moved-Seconded (Brady-O'Dea) move to recommend denial of Variance #130 request and follow the Staff Recommendation as the Ordinance does not allow this request. Aye: 5, Nay: Ewing Mattson. Motion Carried.

2. DISCUSSION ITEMS

JUNK ORDINANCE: Schroeder reported he was given this project as part of his duties as Code Enforcement Officer. He and County Attorney Bruce Outka will prepare a proposal to present. Board asked why the Commissioners had not yet repealed the current Junk Ordinance and it was explained that they would rather have a new proposal come forward before the old one was repealed.

FEMA MAP UPDATE: Vogt explained the need to update the Floodplain Ordinance as the new FEMA map takes affect April 17, 2012. She is preparing a proposal in the Ordinance format using wording required by FEMA and is sending it to the FEMA representative, Matt Buddie for content approval. There will be an informational meeting at the December meeting.

Items from Planning and Zoning Board Members: None

Opportunity for Public Comment: None

Motion-Seconded (Ewing-Mickelson) to adjourn 2:06p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING BOARD

MINUTES OF December 1, 2011

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Board to order on Thursday, December 1, 2011 at 1:30 p.m. in the County Commission meeting room 90 Sherman St, Deadwood, SD, Lawrence County.

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

ABSENT: None

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

Moved-Seconded (Ewing-Mickelson) to approve minutes of the November 3, 2011 meeting. Motion Carried.

Moved-Seconded (O’Dea-Coburn) to approve the agenda with the following change: Pulled plats for Mark & Karen ValDez. Motion Carried.

Declaration of Conflicts of Interest: Mattson-Plat #5 for Brighter Day Subdivision.

PLATS IN ORDER AS LISTED:

- 1. **PRELIMINARY PLAT** (submitted for approval as an exempt plat) Centennial Prairie Ranch, Inc/Interstate Eng
 - Action Required: Approval/Denial
 - Description (Location): Tracts D & E in 23-6-3
 - Purpose: Tr D for Home-site and Tr E for transfer purposes
 - Zoning & Acreage: A-1 - 42.93 ac +/-

Vogt explained this plan to plat a portion of this A-1 zoned property for a family member and also to do a land swap of two small parcels.

Moved-Seconded (Brady-Mattson) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

- 2. **PRELIMINARY & FINAL PLAT** Mark & Karen ValDez: Was pulled from consideration

- 3. **FINAL PLAT** Winsell Ranch Sub/Brett Winsell/Ponderosa Land Surveys
 - Action Required: Approval/Denial
 - Description (Location): Lot 5, Winsell Ranch
 - Purpose: New Lot
 - Zoning & Acreage: PF - 5 ac +/-

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

- 4. **PRELIMINARY & FINAL PLAT** (submitted for approval as an exempt plat) Homestake Mining Co/Ponderosa Land Surveys
 - Action Required: Approval/Denial
 - Description (Location): Tracts E thru L in a portion of Placer 252 in 28-5-3
 - Purpose: Plat un-platted portion into tracts for transfer purposes

Zoning & Acreage: SRD - 1.531 ac +/- total

Vogt explained this plat is the final product of a long running project to correct the access and easement placement and also plat HMCO property on both sides of the Blacktail Bench Road for transfer purposes only.

Moved-Seconded (Brady-Mickelson) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.

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

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

5. **FINAL PLAT** Brighter Day Subdivision/Arleth & Associates

Action Required: Approval/Denial
Description (Location): Lot 3
Purpose: New Lot
Zoning & Acreage: PF - 9.15 ac +/-

Barb Mattson abstained from discussion and vote.

Vogt explained this plat also plats a 20' emergency egress easement.

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

6. **FINAL PLAT** Robert & Mary Kupper / Arleth & Associates

Action Required: Approval/Denial
Description (Location): Lot 35A of Meadow Crest
Purpose: Combine two lots into one
Zoning & Acreage: PF - 4.68 ac +/-

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **INFORMATIONAL MEETING:** ORD #12-01 – Flood Damage Prevention Ordinance

Action Required: Set Public Hearing/Discussion
Description/Purpose: Update Flood Plain Ordinance so new maps can take affect

Vogt gave a brief outline of the proposal that has been approved by FEMA. A public hearing is scheduled for January 5, 2012.

2. **DISCUSSION ITEMS**

Variance procedures were discussed pertaining to whether or not to consider changes in the County ordinance regarding consideration of variance requests. The Board asked Vogt to research variance exemptions and procedures.

Regular Planning & Zoning meeting dates were approved as the First Thursday of each month for the year 2012.

3. **Items from Board Members:**

Board Member Barb Mattson is retiring from the Planning & Zoning Board after 25 years of service

to the County. Her commitment was recognized and appreciation was extended.

4. Opportunity for Public Comment: None

Motion by Mickelson to adjourn 2:15p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date: _____

ATTEST: _____
Craig Mickelson, SECRETARY