

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF January 5, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, January 5, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Bob Ewing Tom Brady, Marty O’Dea and newly appointed member Travis Schenk. Bill Coburn arrived at 1:39 pm.

ABSENT: Craig Mickelson

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

Moved-Seconded (Brady-O’Dea) to appoint Ewing acting secretary. Aye 5, Absent: 2. Motion Carried.

Moved-Seconded (Brady-Ewing) to approve minutes of the meeting, Dec 1, 2011. Aye: 5, Absent: 2. Motion Carried.

Moved-Seconded (O’Dea-Brady) to approve the agenda. Aye 5, Absent: 2. Motion Carried.

Election of Officers: Moved-seconded (Brady-Ewing) the present slate of officers (Chair: Tysdal, Vice-Chair: Coburn, Sec: Mickelson) be nominated and unanimous vote be cast. Aye 5, Absent: 2. Motion Carried.

Set Meeting Dates: Moved-Seconded (Brady-O’Dea) to set 2012 meeting dates on the first Thursday of each month with application due dates being 22 days prior to each meeting. Aye 5, Absent: 2. Motion Carried.

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

1. **PRELIMINARY PLAT & FINAL PLAT** KLAS LLC/Pillar Peak LLC/Luella LLC/Bill Pearson / Arleth & Assoc.

Action Required:	Approval/Denial
Description (Location):	Lot 12A of the Estates at Pillar Peak/ Boulder Canyon
Purpose:	Add acreage to Lot 12 from un-platted portion
Zoning & Acreage:	PF / Lot 12A from 3+- acres to 5.49 +- acres

Vogt explained this plat is adding acreage from the un-platted tract to established lot 12 to increase the size.

Moved-Seconded (Brady-Ewing) to approve the Preliminary Plat. Aye 5, Absent: 2. Motion Carried.

Moved-Seconded (O’Dea-Brady) to approve the Final Plat. Aye 5, Absent: 2. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **PUBLIC HEARING** for ORD #12-01 – Flood Damage Prevention Ordinance
Action Required: Recommendation of Approval or Denial
Description/Purpose: Update Flood Plain Ordinance so new maps can take affect

Amber Vogt explained this ordinance must be in place when the new Flood Plain map takes effect. There was no public input and the public hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of Ordinance #12-01. Motion carried.

2. **INFORMATIONAL MEETING** for COZ #295 Executive Lodging of the Black Hills
Owner/Applicant: Beltek Inc/Executive Lodging of the Black Hills
Action Required: Discussion/Set Public Hearing
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Beltek/Roo Ranch building in Boulder Canyon)
Purpose: Enable the use of the property for several businesses without the use of multiple CUP's
Zoning & Acreage: PF to HSC / 4.72 acres +/-

Vogt explained this request was to enable the building on the property to be utilized for several office uses without having to get a CUP for each use. The Board asked the applicant, Ernie Rupp to reconsider a CUP for a Professional Office Park instead of continuing with a change of zoning. Discussed was the possibility of this use being added to the list of Conditional Uses in this zoning district, and considered for this property.

Moved-Seconded (Coburn-O'Dea) to transfer the fee paid for COZ #295 to a CUP application. Motion Carried.

3. **INFORMATIONAL MEETING** for CUP #405 Presbytery of SD
Owner/Applicant: Presbytery of SD – the United Presbyterian Church
Action Required: Discussion/Set Public Hearing
Description (Location): Etna Lode #1, M.S. 1697 (Rochford Road)
Purpose: Non-profit, Multi-use Facility - Campground
Zoning & Acreage: PF / 193.82 acres +/-

Neil Stodolski represented the property owners and explained the property has been used for primitive camping for many years. This request is for improvements to be phased in over time. No on site inspection was scheduled and the public hearing was set for February 2, 2012.

4. **DISCUSSION ITEMS:** Variance Updates from last month

Jeff Schroeder reviewed variance procedures used in other jurisdictions, as requested by the Board.

5. **Items from Planning & Zoning Board members:** Wording on building permits and building inspection were discussed.

6. **Opportunity for Public Comment:** None

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

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF February 2, 2012

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, February 2, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Tom Brady, Marty O’Dea, Travis Schenk, Bill Coburn, Craig Mickelson

ABSENT: Rick Tysdal, Bob Ewing

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

Moved-Seconded (Brady-Mickelson) to approve minutes of the meeting, January 5, 2011. Motion Carried.

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

Declaration of Conflicts of Interest: Brady: Variance #131 for Gilded Mt. LLC.

PLATS IN ORDER AS LISTED:

- FINAL PLAT** Miles, Jana & Michael, Redenius, Lynnae & Kent/JSA Engineers/Land Surveyors
Action Required: Approval/Denial
Description (Location): Tracts 1,2 & 3 of St John Lodes 5 & 6 MS 1748, Sec 1, T3N, R3E, (off Custer Peak Road)
Purpose: Divide two lodes into three tracts
Zoning & Acreage: PF – 17.7 acres +/-

A fire plan is being prepared but has not been completed.

Moved-Seconded (Brady-Mickelson) to approve the Final Plat subject to notification of completion of the fire plan. Aye: 3 (O’Dea, Brady, Coburn) Nay: 2 (Mickelson, Schenk). Motion Carried.

The plat will be held in the office and not recorded until Amber receives conformation.

- PRELIMINARY & FINAL PLAT** Jon & Barb Mattson/Arleth & Associates
Action Required: Approval/Denial
Description (Location): Lots 1 & 2 of Woodbine Placer MS 1208 (Boulder Canyon)
Purpose: Plat a lot and remainder into two lots
Zoning & Acreage: PF & HSC – 11.67 acres +/-

This plat creates two lots from one small lot and a remainder left from previous platting.

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

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

3. **FINAL PLAT** Smokey Mt. Ranch LLC/Arleth & Associates
Action Required: Approval/Denial
Description (Location): Lot 1 of Smokey Mt Ranch Subdivision (Crook City Road)
Purpose: New Lot
Zoning & Acreage: SRD – 3.03 acres +/-

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **RECOMMENDATION MEETING:** VAR #131
Owner/Applicant: Gilded Mt, LLC/Stuen Construction
Action Required: Recommendation to County Commission
Description (Location): Lot 5, Gilded Mt Subdivision (Off Hwy 14A/85)
Request: 2 ½ ft variance from 25 ft front setback for residence (22 ½ ft set back)
Zoning & Acreage: SRD - .36 acre

Brady abstained from discussion and vote.

The contractor had an as-built survey prepared and it was discovered there was one corner of the residence encroaching 2 ½ feet into the setback. He contacted the office to report the problem and was advised to apply for a variance.

Moved-Seconded (Mickelson-Schenk) to recommend approval of Variance #131. Aye: 3 (Mickelson, Schenk, Coburn), Nay: 1 (O'Dea), Abstain: 1 (Brady). Motion Carried.

2. **PUBLIC HEARING:** CUP #403 Presbytery of SD-Pioneer Camp Development
Owner/Applicant: Presbytery of SD – the United Presbyterian Church
Action Required: Approval/Denial
Description (Location): Etna Lode #1, M.S. 1697 (Rochford Road)
Purpose: Non-profit, Multi-use Facility - Campground
Zoning & Acreage: PF / 193.82 acres +/-

Neil Stodolski represented the property owners and explained this property has been used for primitive camping for many years. He presented the plan for the church camp, not to be used as a commercial operation. The presentation shows improvements to be phased in over a long period of time.

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

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #403 with conditions as revised and on file in the Planning & Zoning Office. Motion Carried.

3. PUBLIC HEARING ORD 12-03 – amending Chapter 3: Definitions – and Chapter 6 Article 3, Sec 1.4 Conditional Uses.

Owner/Applicant: Lawrence County P & Z/Amber Vogt
Action Required: Approval/Denial
Description (Location): All of Lawrence County
Purpose: Add Professional Office Park & Business Park in Definitions and as a Conditional Uses in Park Forest District
Zoning PF

Vogt explained the procedural requirement to add these uses to the ordinance prior to consideration of this use in the zoning district. The request for this use came from discussion at the January meeting with Executive Lodging of the Black Hills, who had requested a change of zoning but was asked by the Board to consider a CUP instead. The intended use was not specified in the ordinance.

Ernie Rupp, representing Executive Lodging, spoke in favor of the amendment. There was no other public input and the public hearing was closed.

Moved-Seconded (Brady-Schenk) to recommend approval of Ordinance Amendment #12-03. Motion Carried.

4. PUBLIC HEARING: CUP #404 Executive Lodging of the Black Hills

Owner/Applicant: Beltek Inc/Executive Lodging of the Black Hills
Action Required: Approval/Denial
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Beltek/Roo Ranch building in Boulder Canyon)
Purpose: Enable the use of the property for several businesses under one roof.
Zoning & Acreage: PF to HSC / 4.72 acres +/-

Ernie Rupp explained he has an option to purchase the old Roo Ranch property and reviewed his request was for utilization of the property. He originally had asked for a change of zoning; however the Board requested he consider a conditional use permit for a business park or professional office park instead.

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

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP 404 for a business park with conditions as revised and on file in the Planning & Zoning office. Motion Carried.

5. Items from Planning & Zoning Board members: None

6. Opportunity for Public Comment: None

Motion by Brady to adjourn at 3:00 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF March 1, 2012

REGULAR MEETING

Vice-Chairman Bill Coburn called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, March 1, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Bob Ewing, Tom Brady, Bill Coburn, Craig Mickelson, Travis Schenk, Marty O’Dea arrived at 2:00.

ABSENT: Rick Tysdal

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

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

Moved-Seconded (Brady-Mickelson) to approve the agenda with the following changes: Plats shown on agenda as #6 for Mystic Miner Subdivision was pulled by the applicant. The first Informational item for Ord. #12-05 was moved to the beginning of the meeting. Motion Carried.

Declaration of Conflicts of Interest: None

PLATS IN ORDER AS LISTED:

- 1. **FINAL PLAT** Mattson Inc./Arleth & Associates
 Action Required: Approval/Denial
 Description (Location): Lot 9 of Brighter Day Sub #2 (Boulder Canyon)
 Purpose: New Lot
 Zoning & Acreage: PF – 8.32 ac +-

Moved-Seconded (Brady-Ewing) to approve the Final Plat. Aye: 5. Absent: O’Dea. Motion Carried.

- 2. **PRELIMINARY & FINAL PLAT** Cain/Schwartz/FourFront Design
 Action Required: Approval/Denial
 Description (Location): Extension Lot Revised and Poorman Lot Revised of Paradise Acres. (Maitland Road)
 Purpose: Move one lot line
 Zoning & Acreage: PF – total of two lots: 10.7 ac +-

Vogt explained this plat was approved as an Exempt Plat in September of 2011. The re-plat of these lots is only moving a lot line, therefore the exemption is ok.

Moved-Seconded (Mickelson-Schenk) to approve the Preliminary Plat. Aye: 5. Absent: O’Dea. Motion Carried.

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

3. **PRELIMINARY & FINAL PLAT** Ed Hinker/FourFront Design
 Action Required: Approval/Denial
 Description (Location): Lots 12-A, 12-B, 12C Blk 4 of Whitewood Forest Acres (West of Whitewood)
 Purpose: Subdivision
 Zoning & Acreage: SRD – 7.7 ac +/-

Vogt explained this subdivision currently has City water, but not City Sewer. It will still meet the SRD zoning requirements.

Moved-Seconded (Mickelson-Ewing) to approve the Preliminary Plat. Aye: 5, Absent: O’Dea. Motion Carried.

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

4. **FINAL PLAT** Mystic Miner Sub/CETEC
 Action Required: Approval/Denial
 Description (Location): Lot 1 Blk 4 of Mystic Miner Sub (Mystic Miner/Deer Mt)
 Purpose: Create Mystic Miner lots to convey to Marshall (next plat), increasing his lot size.
 Zoning & Acreage: PF / PUD - 8.66 ac +/-

Vogt explained the creation of this lot in the Mystic Miner Subdivision will decrease the number of overall units approved in the subdivision even though it is being transferred to an adjacent landowner. There is also a no build restriction listed on this lot.

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

5. **PRELIMINARY & FINAL PLAT** Kent Marshall/Mystic Miner Sub/CETEC
 Action Required: Approval/Denial
 Description (Location): Re-plat of lot VJ-2R of MS 1209 (Mystic Miner/Deer Mt)
 Purpose: Increases his original lot size
 Zoning & Acreage: PF / PUD - 8.66 ac +/-

Vogt explained there are corner monuments missing on the plat because of snow.

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

Moved-Seconded (Brady-Ewing) to approve the Final Plat with the agreement that the monuments be put in according to State Statute, and if monuments do not match the location on the plat, a new plat shall be presented for approval, not an affidavit. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **INFORMATIONAL MEETING:** **CUP #405 Specialty Resort**
 Owner/Applicant: Rob & Michelle Andresen/ Craig Hayes
 Action Required: Discussion/Set Public Hearing
 Description (Location): Tr 0092 of SE1/4NE1/4, 11-5-3, and HES 294 (Hwy 85)

top of hill between McMasters Corner and Preacher
Smith Monument)
Cabin Resort
Purpose:
Zoning & Acreage: PF – 14.25 ac +-
Zoning & Acreage:

Rob and Michelle Andresen explained their wish to create a small cabin resort on the property they currently rent which is owned by Craig Hayes. A public hearing is scheduled for the next Planning & Zoning meeting on April 5, 2012.

- 2. INFORMATIONAL MEETING: ORD #12-05**
Owner/Applicant: Lawrence County Zoning Ordinance/ Dr. Sachau
Action Required: Discussion/Set Public Hearing
Description (Location): Add to “Allowed Uses” in A-1 & A-2 zoning districts,
Personal Use Airstrip/Heliport
Purpose: Include Personal Use Airstrip/Heliport to list of allowed
uses in A-1 & A-2 zoning districts
Zoning & Acreage: A-1 & A-2

Randy Sachau’s request was heard not in order of the agenda, but at the beginning of the meeting. It was discovered while researching land use for a private airstrip, that it was only listed as an allowed use in Park Forest Zone. Dr. Sachau is considering locations for this purpose, and asked that Ag Zoned property be amended to include these uses. After discussion it was decided this request should be considered an administrative change and refund the fee.

Moved-Seconded (Brady-Ewing) to refund the fee paid by Randy Sachau for the zoning ordinance amendment application with the Administrator preparing an amendment document for consideration. Aye: 5, Absent: O’Dea. Motion Carried.

A public hearing will be held at the next Planning & Zoning meeting on April 5, 2012.

3. DISCUSSION ITEMS:

Greg & Jennifer Kaschmitter presented information and a request for a Tax Increment Financing district at Powder House Pass. They explained plans for providing water and sewage treatment could benefit other developments in the area. The financing for these improvements would be provided by using a TIF. While discussion took place Vogt recommended we request the Developers to offer a \$1,000 Administrative Fee for the TIF, as this will be the first one that Lawrence County has dealt with and there is not a mechanism set up currently to help pay for this type of district. Greg & Jennifer Kaschmitter then proceeded to offer a \$1,000 administrative fee to help pay for the publishing and administrative items related to the TIF application.

Moved-Seconded (Ewing-Mickelson) to accept the offer of \$1,000 administrative fee from Powder House Pass Development, by Greg & Jennifer Kaschmitter. Motion Carried.

Jeff Schroeder explained he has been researching variance procedures used other places that allow the Board of Adjustment some leeway in granting variances. He is preparing an ordinance amendment for consideration.

- 4. Items from Planning and Zoning Board Members: None**

5. **Opportunity for Public Comment:** None

Motion by Mickelson to adjourn at 3:00 p.m.

APPROVED: _____

Rick Tysdal, CHAIR

Date:

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF April 5, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, April 5, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Bob Ewing, Tom Brady, Bill Coburn, Craig Mickelson, Travis Schenk,

ABSENT: Marty O’Dea

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

Moved-Seconded (Ewing-Mickelson) to approve minutes of the meeting, March 1, 2012. Motion Carried.

Moved-Seconded (Coburn-Mickelson) to approve the agenda with the following changes: Plats shown on agenda as #4 for Aberle/Chandler Dev was pulled by the applicant. Item #5 Recommendation meeting for a Variance for Lawrence Colson will be taken out of order. Motion Carried.

Declaration of Conflicts of Interest: Brady: Informational item #3 for the City of Spearfish.

PLATS IN ORDER AS LISTED:

- | | | |
|----|-------------------------|---|
| 1. | LAYOUT PLAN | Larry & Gayle Braun/Interstate Engineering |
| | Action Required: | Recommendation |
| | Description (Location): | Lot A-1, A-2 & A-3 of Tract A (Kerwin Lane-Spearfish North) |
| | Purpose: | New Lots |
| | Zoning & Acreage: | RR – 12.92 ac +- |

This property had been approved for a change of zoning in 2010. At that time the 14.65 +- acres had been requested to be subdivided to a maximum of three lots. Since that time it has been resurveyed and found to be less than 13 acres. The Brauns still want to subdivide it into three lots. This property is in the Spearfish Platting jurisdiction, however the County was consulted when they received his request, as the acreage does not meet the requirements for three lots.

Moved-Seconded (Mickelson-Brady) to recommend denial of subdividing the property into three lots. Motion Carried.

- | | | |
|----|-------------------------|--|
| 2. | LAYOUT PLAN | Bruce DeMarcus |
| | Action Required: | Recommendation |
| | Description (Location): | TRACT 2A & 2B (Upper Two Bit Road-Hwy 385) |
| | Purpose: | Create 2 lots to fix issue with 2 houses |
| | Zoning & Acreage: | PF – 5.00 ac +- |

Vogt explained there are two houses on this 5 acre lot. The owner would like to subdivide it so each house is on its own lot. DeMarcus owns the surrounding 33 plus acres. The Board advised the remainder should also be platted and a fire plan would be required.

3. **FINAL PLAT** Cracco/Peyton/Arleth & Associates (submitted for approval as an exempt plat)
- Action Required: Approval/Denial
 Description (Location): Lots B1A & B2A (Hwy 385 near Breezy Meadow Lane)
 Purpose: Move one lot line
 Zoning & Acreage: PF – total of two lots: 39.11 ac +-

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

4. **FINAL PLAT** Aberle/Chandler Development/Arleth & Associates

This plat was pulled from consideration by the applicant.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **PUBLIC HEARING: ORD #12-04**
- Owner/Applicant: Lawrence County Planning & Zoning/Amber Vogt
 Action Required: Recommendation of Approval/Denial
 Description (Location): Add Airstrip/Heliport to certain districts and clarify a specific type of variance
 Purpose: Clean Up and Additions to Zoning Ordinance
 Zoning & Acreage: All districts

A public hearing was held on Ordinance amendment #12-04 regarding both Personal use Airstrip/Heliport and Variance Exceptions. No public input was voiced and the hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of ORD #12-04. Motion Carried.

2. **PUBLIC HEARING: CUP #405 Specialty Resort**
- Owner/Applicant: Rob & Michelle Andresen/ Craig Hayes
 Action Required: Recommendation of Approval/Denial
 Description (Location): Tr 0092 of SE1/4NE1/4, 11-5-3, and HES 294 (Hwy 85 top of hill between McMasters Corner and Preacher Smith Monument)
 Purpose: Specialty Resort-small cabins
 Zoning & Acreage: PF – 14.25 ac +-

A public hearing was held on CUP 405. The request is for the operation of a Specialty Resort for Rob & Michelle Andresen on property presently owned by Craig Hayes. Vogt presented the staff report recommending approval. There was no public input and the hearing was closed.

Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #405. Motion Carried.

3. **INFORMATIONAL MEETING: CUP #406 City of Spearfish/Golliher for Water Tank**
- Owner/Applicant: Warren Golliher
 Action Required: Discussion/Set Public Hearing
 Description (Location): (to be platted) Tank Lot, SE ¼ SE ¼ Sec 8, T6N, R2E

Purpose: (West of Spearfish)
Construction of a water storage tank and booster pump station

Zoning & Acreage: A-1 - 2.09 ac. +-

Tom Brady abstained from discussion.

Ted Schultz, CETEC Engineering, representing the City of Spearfish, presented the request for a Water Storage Tank. He stated after initial study, it was decided this location was the best and most economical site. The Board scheduled an on-site viewing on April 12, at 11:00 am and a public hearing at the next Planning & Zoning meeting on May 3rd, 2012.

4. **RECOMMENDATION MEETING: VAR #133 Lawrence & Kristi Colson**
- Owner/Applicant: Lawrence & Kristi Colson
Action Required: Recommendation to County Commissioners
Description (Location): Tract 2 of Mayflower #7 (Tinton-Beaver Creek Rd)
Purpose: Build detached garage
Zoning & Acreage: PF/ 2.00 Acres

This item was considered out of order of the agenda.

Mr. Colson is requesting a 24' variance (one foot setback) from the road right-of-way to build a garage. Vogt explained because of topography the building site is restricted.

Moved-Seconded (Brady-Mickelson) to recommend denial of the request even though it is a hardship to Colson that there is not space on the lot to build a garage, it is not how hardship is defined as a reason to grant a variance. Aye: 5, Nay: 1 (Coburn) Motion Carried.

5. **INFORMATIONAL MEETING: CUP #407 Executive Lodging/Ernie Rupp/ Storage Buildings**

Owner/Applicant: Executive Business Park of the BH/Ernie Rupp
Action Required: Discussion/Set Public Hearing
Description (Location): Lot 3, Blk 1 of Oak Mt Country Estates/Boulder Canyon-old Roo Ranch
Purpose: Rental Storage Buildings
Zoning & Acreage: PF/4.72 Acres

6. **INFORMATIONAL MEETING: ORD #12-05 Addition of Uses to PF District**

Owner/Applicant: Lawrence County Zoning Ordinance
Action Required: Discussion/Set Public Hearing
Description (Location): Addition of uses to PF District
Purpose: To allow use of the existing building for commercial purposes
Zoning & Acreage: PF

7. **INFORMATIONAL MEETING: CUP #408-410 for Multiple CUP's at old Roo Ranch**

Owner/Applicant: Executive Business Park of the Black Hills/Ernie Rupp
Action Required: Discussion/Set Public Hearing
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Roo Ranch building in Boulder Canyon)

Purpose: Enable the use of the property for several businesses (Licensed Professional Office Space, Retail of 1,000 sq ft per vendor & Childcare Center)

Zoning & Acreage: PF / 4.72 acres +/-

Informational meetings for CUPs 407,408,409 & 410 and Ordinance amendment #12-05 were held together as the CUP's are all for one parcel of property, and the Ordinance amendment relates to some of the uses requested.

Vogt explained the County Commission had denied the previously P&Z Board approved amendment, and requested it be rewritten and resubmitted.

CUP 407 is a request for two buildings to be rented out for storage, which is listed as an allowed conditional use in Park Forest Zoning District.

CUP 408 is a request for the use of licensed professional office space, presently not allowed as an allowed or conditional use.

CUP 409 is a request for retail space of 1000 sq ft per vendor, also presently not allowed as an allowed or conditional use.

CUP 410 is a request for a childcare center, listed as an allowed conditional use in the Park Forest Zoning District.

Ordinance amendment #12-05 is being presented to add to the Park Forest Zoning District under allowed Conditional Uses, #41- Licensed Professional Offices (e.g. accountant, appraiser, architect, lawyer, real estate professionals, day spa) and #42-Retail Space under 1000 sq ft per vendor (e.g. diner, coffee shop, lunch counter, boutique space.)

No on-site inspection was scheduled and a public hearing was set for the next planning & zoning meeting on May 3, 2012.

- 8. **Items from Planning and Zoning Board Members:** None
- 9. **Opportunity for Public Comment:** None

Motion by Brady to adjourn at 3:05 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF May 3, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, May 3, 2012 at 1:30 p.m. in the County Commission Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

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

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, April 5, 2012. Motion Carried.

Moved-Seconded (Ewing-Mickelson) to approve the agenda with the following changes: Plat shown as #6 on the agenda for Margaret Kruzel was pulled by the applicant. Motion Carried.

Declaration of Conflicts of Interest: Brady: Public Hearing #1 for the City of Spearfish CUP #406.

PLATS IN ORDER AS LISTED:

- 1. **FINAL PLAT** Mystic Miner Sub/CETEC
 Action Required: Approval/Denial
 Description (Location): Lot 1 Blk 4 of Mystic Miner Sub (Mystic Miner/Deer Mt)
 Purpose: Create Mystic Miner lot to convey to Marshall (next plat), increasing his lot size.
 Zoning & Acreage: PF / PUD - 2.00 ac +-

This plat had been approved at a previous meeting, however errors were found and the mylar needed to be reprinted.

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

- 2. **PRELIMINARY & FINAL PLAT** Kent Marshall/Mystic Miner Sub/CETEC
 Action Required: Approval/Denial
 Description (Location): Re-plat of lot VJ-2AR of MS 1209 (Mystic Miner/Deer Mt)
 Purpose: Increases his original lot size
 Zoning & Acreage: PF / PUD - 8.66 ac +-

This plat had been approved at a previous meeting, however errors were found and the mylar needed to be reprinted.

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

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

3. **PRELIMINARY & FINAL PLAT** Mystic Miner Sub/CETEC
 Action Required: Approval/Denial
 Description (Location): Tracts and easements in Mystic Miner Subdivision (Deer Mt)
 Purpose: Plat out tracts to re-configure backside of development
 Zoning & Acreage: PUD – 255.49 ac +-

Kevin Klapprodt explained the idea for creation of tracts on this plat. This varies from the original PUD plan as it designates tracts, assigning a number of PUD units to each enabling the developer to sell and transfer these tracts to other developers for improvement. Questions pertained to roads, escape routes, green space and PUD unit delegation. Vogt discussed the need for a PUD amendment and development agreement taking the place of the current Mystic Miner ordinance.

Moved-Seconded (Coburn-Ewing) to table a decision on this plat until the next Planning & Zoning meeting. Motion Carried.

Later in the meeting, the Board set an on-site inspection of the property for May 30th at Noon.

4. **PRELIMINARY & FINAL PLAT** Robert Johnson/Arleth & Associates
 Action Required: Approval/Denial
 Description (Location): Plat of Lot 4A of Blacktail Sub (off Maitland Road)
 Purpose: Combine 2 lots
 Zoning & Acreage: PF - 1.25 ac +-

Johnson wishes to combine two small lots to enable building a structure and meet setback.

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

5. **FINAL PLAT** Ken Larsen/Ponderosa Land Surveys
 Action Required: Approval/Denial
 Description (Location): Plat of Lots 1,2 & 3, Stolen Kiss Ranch (Crook City Road)
 Purpose: Subdivision
 Zoning & Acreage: PF – 42.7 ac +-

Larsen has an approved preliminary plat and this final plat matches it.

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

6. **PRELIMINARY & FINAL PLAT** Margaret Kruzel/Ponderosa Land Surveys
 Action Required: Approval/Denial
 Description (Location): Tracts K & K1, Blk 3 Annuet Coeptis (Elk Creek Rd, South of Galena Rd)
 Purpose: Combine three lots into two
 Zoning & Acreage: PF – 4.05 ac +-

This plat was pulled from consideration by the owner prior to this meeting.

7. **FINAL PLAT** Maitland Partners/Ponderosa Land Surveys
 Action Required: Approval/Denial

Description (Location): Plat of Lot 20A, Paradise Acres (Off Maitland Road)
Purpose: Add more acreage to existing lot from un-platted portion
Zoning & Acreage: PF – 5.022 ac +-

Maitland Partners purchased Lot 20 and are re-platting to add acreage from the un-platted portion of the development.

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **PUBLIC HEARING:** **CUP #406 City of Spearfish/Golliher for Water Tank**
Owner/Applicant: Warren Golliher
Action Required: Approval/Denial
Description (Location): (to be platted) Tank Lot, SE ¼ SE ¼ Sec 8, T6N, R2E
(West of Spearfish)
Purpose: Construction of a water storage tank and booster pump station
Zoning & Acreage: A-1 - 2.09 ac. +-

Tom Brady declared a conflict of interest and was not present for discussion or vote.

Amber presented the staff report and reported on the on-site inspection. Ted Schultz, CETEC Engineering, presented an overview of the plan explaining the procedure used in choosing the site and details for the tank and site.

Proponents: None

Opponents: Dylan Wilde, representing adjacent land owners, Orin & Marilyn Bader, explained their opposition to this site as it would impair the use and enjoyment of their property, and possibly diminish the value of surrounding property. He reviewed present water storage and possible alternative sites.

Ted Schultz explained the procedure and considerations in choosing this site. Cheryl Johnson commented on the life of the Tinton tank.

Proponents: Vogt shared a letter of support received from Neiman Enterprises.

Opponents: Dylan Wilde again spoke in opposition with additional testimony regarding view from the interstate and stated this use is not in conformance with the comprehensive plan.

Orin Bader asks that the City seek a more appropriate place for this tank. Pat Conger, representing Westfield Homeowners Association, spoke in opposition to the proposal as did William McDonald.

The Public Hearing was closed.

Moved-Seconded (Coburn-Schenk) to recommend approval of CUP #406 for the City of Spearfish for a water storage tank as recommended in the staff report. Aye: 6, Nay 1-Ewing. Motion Carried.

2. **PUBLIC HEARING:** **CUP #407 Executive Lodging/Ernie Rupp/ Storage Buildings**
Owner/Applicant: Executive Business Park of the BH/Ernie Rupp
Action Required: Approval/Denial
Description (Location): Lot 3, Blk 1 of Oak Mt Country Estates/Boulder Canyon-old Roo Ranch
Purpose: Rental Storage Buildings

Zoning & Acreage: PF/4.72 Acres

Vogt explained that CUP #406 plus Ordinance amendment #12-05, and CUP's 408-410 are related and the public hearings may be held together, however individual motions are required.

There was no public input and the hearing for CUP #407 was closed.
Moved-Seconded (Mickelson-Ewing) to recommend approval of CUP #407 for Executive Lodging for Storage Buildings. Motion Carried.

3. **PUBLIC HEARING:** **ORD #12-05 Addition of Uses to PF District**
Owner/Applicant: Lawrence County Zoning Ordinance
Action Required: Approval/Denial
Description (Location): Addition of uses to PF District
Purpose: Add two uses in the list of conditional uses in the Park Forest Zone. Those being: Licensed Professional Offices and Retail Space with a maximum of 1000 sq ft per vendor.
Zoning & Acreage: PF

The Public hearing for ORD 12-05 was held with the only person to speak being Ernie Rupp in favor of the ordinance as it will allow his property to be considered for the uses stated therein. The public hearing was closed.

Moved-Seconded (Brady-Mickelson) to recommend approval of Ordinance amendment #12-05. Motion Carried.

4. **PUBLIC HEARING:** **CUP #408-410 for Multiple CUP's at old Roo Ranch**
Owner/Applicant: Executive Business Park of the Black Hills/Ernie Rupp
Action Required: Approval/Denial
Description (Location): Lot 3 Blk 1, Oak Mountain Country Estates (Roo Ranch building in Boulder Canyon)
Purpose: Enable the use of the property for several businesses (Licensed Professional Office Space, Retail of 1,000 sq ft per vendor & Childcare Center)
Zoning & Acreage: PF / 4.72 acres +/-

The Public Hearing for CUP's numbered 408, 409, and 410 was held with no public input and the hearing was closed.

Moved-Seconded (Ewing-Brady) to recommend approval of CUP 408 for Executive Lodging for Professional Services. Motion Carried.

Moved-Seconded (Ewing-Brady) to recommend approval of CUP 409 for Executive Lodging for Retail Space. Motion Carried.

Moved-Seconded (Ewing-Brady) to recommend approval of CUP 410 Executive Lodging for Child Care Center. Motion Carried.

- 5. INFORMATIONAL MEETING: COZ #296 Levi Humbracht A-1 to A-2**
 Owner/Applicant: Levi & Katie Humbracht
 Action Required: Discussion/Set Public Hearing
 Description (Location): SW1/4 NE1/4, Sec 31, T7N, R2E (west of Spearfish)
 Purpose: Subdivision
 Zoning & Acreage: A-1 – 40 ac +-

The location of this property was discussed and Mr. Humbracht’s wish to change the zoning of this 40 acre tract to enable subdivision was explained. No on-site inspection was scheduled and the public hearing will be held at the next Planning & Zoning meeting on June 7, 2012

- 6. INFORMATIONAL MEETING: CUP #411 Deadwood Standard Project-Large Scale Mining**
 Owner/Applicant: VMC LLC
 Action Required: Discussion/Set Public Hearing
 Description (Location): Numerous Mineral Surveys in Sections 29,30,31 and 32, T5N, R2E (West of Wharf mine, East of Hwy 14A, Spearfish Canyon)
 Purpose: Mineral Extraction
 Zoning & Acreage: PF – 173 ac +-

John Frederickson introduced Don Valentine, Mark Nelson, and Ted Husted who presented information regarding the Deadwood Standard Project. Valentine explained his history with the property, Nelson, a geologist and mine environmental specialist, gave a brief overview of the project, and Ted Husted explained the economic advantages of the project. An on-site visit was scheduled for May 30th at 2:00 pm for the Board, and will accommodate members of the public wishing to attend as long as the Planning and Zoning office is notified by May 23rd.

- 7. INFORMATIONAL MEETING: ORD #12-06 911 Address Signage**
 Owner/Applicant: Lawrence County Zoning Ordinance
 Action Required: Discussion/Set Public Hearing
 Purpose: To require specific signs to be installed to show addressing
 Zoning & Acreage: All zonings

Vogt stated she had been asked to work on this ordinance by the County Commission, but does not think this pertains to either the zoning or subdivision ordinances. She suggested the County Sign ordinance could be amended to include some 911 sign information, but is unsure about enforcement of regulations. She prepared this proposal from information provided by Tom Sandvick, the prior 911 coordinator, and information she received from sign manufacturers.

Moved by Brady to permanently table this request. The motion died for lack of a second.

Moved-Seconded (Coburn-Ewing) to table the request until the June 7th meeting and request EMS providers to attend the meeting. Aye: 6, Nay: 1, Brady. Motion Carried.

8. **INFORMATIONAL MEETING:** **ORD #12-07 TIF Review Ordinance**
Owner/Applicant: Lawrence County
Action Required: Discussion/Set Public Hearing
Purpose: To create a TIF Review Procedure

Amber explained this proposal was not written with Powder House Pass TIF request in mind, but since their request, she has been contacted by other parties interested in applying for a TIFD. Her opinion is that this type of ordinance will be helpful and necessary in the near future.

Moved-Seconded (Ewing-Mickelson) to set a public hearing for the next meeting on June 7th.
Motion Carried.

Moved-Seconded (Brady-Schenk) to schedule a public hearing on the boundary of PHP TIF#1 for the next meeting on June 7th.

9. **Items from Planning and Zoning Board Members:** None

10. **Opportunity for Public Comment:** None

Motion by O'Dea to adjourn at 4:39 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF June 7, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, June 7, 2012 at 1:30 p.m. in the Deadwood Council Meeting Room, 108 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Bob Ewing, Marty O’Dea, Bill Coburn, Travis Schenk. Tom Brady arrived at 1:37 p.m.

ABSENT: Craig Mickelson

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

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

Moved-Seconded (Ewing-Schenk) to approve minutes of the meeting, May 3, 2012. Motion Carried.

Moved-Seconded (Schenk-Ewing) to approve the agenda with the following changes: The Public Hearing for TIFD #1 PHP Dist Boundary, and Discussion of TIFD #1 PHP Project Plan be continued to the July 5th meeting. Motion Carried.

Declaration of Conflicts of Interest: Brady: Informational #7 regarding COZ #297 for Alan Crago.

PLATS IN ORDER AS LISTED:

- 1. **FINAL PLAT** Aberle/Chandler Development/Arleth & Associates
 Action Required: Approval/Denial
 Description (Location): Lot 31 of Sugarloaf Village (Hwy 85-Near Deer Mt)
 Purpose: New Lot
 Zoning & Acreage: SRD – .21 ac +-

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

- 2. **FINAL PLAT** B.H. Forest Acres/Gregg Wolff/Randy Deibert
 Action Required: Approval/Denial
 Description (Location): Lot 4, Blk 5 Whitewood Forest Addn #2 (NW of Whitewood)
 Purpose: New Lot
 Zoning & Acreage: SRD – 1.00 ac +-

Moved-Seconded (Coburn-Schenk) to approve the Final Plat. Aye: 5, Absent: Mickelson, Brady. Motion Carried.

- 3. **PRELIMINARY & FINAL PLAT** HMCo/Raymond Ryan/ Ponderosa Land Surveys

(submitted for approval as an exempt plat)
 Action Required: Approval/Denial
 Description (Location): Ryan Tract Revised (Kirk Road/Yellow Creek Road)
 Purpose: Increase size of Ryan Tract
 Zoning & Acreage: PF – 2.925 ac +-

Moved-Seconded (Brady-O’Dea) to declare that this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Motion Carried.
 Moved-Seconded (Brady-Schenk) to approve the Preliminary Plat. Motion Carried.
 Moved-Seconded (O’Dea-Ewing) to approve the Final Plat. Motion Carried.

4. FINAL PLAT Jennifer Greenwood/Arleth & Associates

Action Required: Approval/Denial
 Description (Location): Tract A (South of Crook City Road, on Timber Ridge Lane)
 Purpose: Plat required to obtain building permit for 5 acre tract purchased.
 Zoning & Acreage: PF – 4.98 ac +-

Amber explained this property was deeded using an aliquot description. Since the acreage is less than 40 acres, a plat is required to obtain a building permit. She also stated the fire plan has not been completed.

Moved-Seconded (Brady-Ewing) to defer a decision on this plat until confirmation of completion of the fire plan. Motion Carried.

5. PRELIMINARY & FINAL PLAT Mystic Miner Sub/CETEC

Action Required: Approval/Denial
 Description (Location): Tracts and easements in Mystic Miner Subdivision (Deer Mt)
 Purpose: Plat out tracts to re-configure backside of development
 Zoning & Acreage: PUD – 255.49 ac +-

An on-site viewing was held May 30th and Kevin Klapprodt explained the decision to re-plat this portion of the development.

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

Moved-Seconded (Ewing-O’Dea) to approve the Final Plat with the fire plan to be completed as agreed in the original plan. Motion Carried.

- 6. Plat Discussion Items:** Vogt discussed platting requests from Herb Haist, regarding emergency access issue and Chad Adams, creating new lots by decreasing density and combining and rearranging existing lots.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

- 1. PUBLIC HEARING:** **COZ #296 Levi Humbracht A-1 to A-2**
 Owner/Applicant: Levi & Katie Humbracht
 Action Required: Recommendation of Approval or Denial
 Description (Location): SW1/4 NE1/4, Sec 31, T7N, R2E (west of Spearfish)
 Purpose: Subdivision

Zoning & Acreage: A-1 – 40 ac +-

Amber explained the location of this property and Humbracht's plan to plat this 40 acre tract into two, twenty acre parcels, requiring this zoning change. If approved, the property is in the Spearfish platting jurisdiction and would not come before the Board. There was no public input and the hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of COZ #296. Motion Carried.

2. PUBLIC HEARING: T.I.F.D #1 Powder House Pass District Boundary

Moved-Seconded (Brady-O'Dea) to postpone and continue this public hearing until July 5, 2012. Motion Carried.

3. DISCUSSION ITEM: TIFD #1 Project Plan for Powder House Pass

Moved-Seconded (Brady-Ewing) to postpone and continue this discussion item until July 5, 2012. Motion Carried.

4. INFORMATIONAL MEETING: ORD #12-06 911 Address Signage

Owner/Applicant: Lawrence County Zoning Ordinance
Action Required: Discussion w/ Emergency Personnel/Set Public Hearing
Purpose: To require specific signs to be installed to show addressing
Zoning & Acreage: All zonings

The Board had requested input from emergency management/ search & rescue members regarding the need for an ordinance addressing 911 address signing. Dale Donat, Mike Stahl, Brian Hambek, Paul Thomson, and Gary Bennett voiced concern with the lack of such signage in many areas.

Amber will send a proposal to Paul Thomson to share with other members, and have it ready for the next meeting. No hearing was set.

5. INFORMATIONAL MEETING: ORD #12-07 TIF Review Ordinance

Owner/Applicant: Lawrence County
Action Required: Discussion/Review of Ordinance
Purpose: To create a TIF Review Procedure

Vogt stated she was unable to complete a proposal and requests this be considered at the next meeting.

6. INFORMATIONAL MEETING: PUD Amendment COZ #243-12

Owner/Applicant: Apple Springs Inc
Action Required: Discussion/Set Public Hearing
Description (Location): PUD Development Plan (Boulder Canyon)
Purpose: Amending the PUD to allow the use of drain fields
Zoning & Acreage: SRD

Vogt explained the issues concerning the original PUD plan for the septic system. The change in plan from a treatment plant to a community drain field(s) will require an amendment. In addition,

a change in a portion of the original PUD to allow larger lots in areas that have not yet been developed and along with that, not requiring paved roads on that back portion. A public hearing for the two amendments will be July 5, 2012.

- 7. INFORMATIONAL MEETING: COZ #297 - A-1 to C/LI**
Owner/Applicant: One Diamond Inc. / Alan Crago
Action Required: Discussion/Set Public Hearing
Description (Location): Tract 2, Sec 15, T7N, R2E (North of Spearfish, East of Hwy 85)
Purpose: Business/Industrial Park
Zoning & Acreage: A-1 – 46.70 +-

Tom Brady abstained from discussion.

Vogt explained the requested property borders the Spearfish City limits on the south, and is in the Hwy 85 corridor study. A public hearing is scheduled for July 5, 2012.

- 8. PUBLIC HEARING: CUP #411 Deadwood Standard Project-Large Scale Mining**
Owner/Applicant: VMC LLC
Action Required: Recommendation of Approval or Denial
Description (Location): Numerous Mineral Surveys in Sections 29,30,31 and 32, T5N, R2E (West of Wharf mine, East of Hwy 14A, Spearfish Canyon)
Purpose: Mineral Extraction
Zoning & Acreage: PF – 173 ac +-

No minutes were taken of this hearing as Cindy Pfingston, a court reporter was present to prepare a transcript of this portion of the meeting. When this transcript is received, a copy will be on file in the Planning & Zoning office.

- 9. Items from Planning and Zoning Board Members: None**
10. Opportunity for Public Comment: None

Motion by O’Dea to adjourn at 6:30 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF July 5, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, July 5, 2012 at 1:30 p.m. in the Deadwood Council Meeting Room, 108 Sherman Street, Deadwood, SD, Lawrence County.

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

ABSENT: Bob Ewing

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

Moved-Seconded (Brady-Schenk) to approve minutes of the meeting, June 7, 2012. Motion Carried.

Moved-Seconded (Brady-Mickelson) to approve the agenda with the following changes: Continue the Public Hearing for TIFD #1 PHP Dist Boundary, and Discussion of TIFD #1 PHP Project Plan. Motion Carried.

Declaration of Conflicts of Interest: Brady: Hearing #6 regarding COZ #297 for Alan Crago. Tysdal: Hearing #6 regarding COZ #297 for Alan Crago. O’Dea: Info #7 regarding CUP 329-12 for Cindy Gillies.

PLATS IN ORDER AS LISTED:

- 1. **FINAL PLAT** Frawley Ranches East/ Interstate Eng.
Action Required: Approval/Denial
Description (Location): Lot 44 of Frawley Ranch East (East of Spearfish)
Purpose: New Lot
Zoning & Acreage: A-1 - 5.14 ac +-

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

- 2. **PRELIMINARY & FINAL PLAT** Adams, Chad/Ponderosa Land Surveys
(submitted as an exempt plat)
Action Required: Approval/Denial
Description (Location): Lots 1A, 2A, M1, MS 1703 Sec 6-4-3 (Nevada Gulch)
Purpose: Combine 2 small lots & re-plat with 2 adjacent lots into three.
Zoning & Acreage: SRD - 4.8 ac +-

Vogt explained the location of the property and conditions considered when this plat was being prepared.

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

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

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

3. **PRELIMINARY & FINAL PLAT** Thompson/Vavruska, Ponderosa Land Surveys
(submitted as an exempt plat)
Action Required: Approval/Denial
Description (Location): Lots 35A, 37A and Eagle #6 Tract, and Public Road ROW (Maitland Road)
Purpose: Combine three small lots, a remainder and a Lode.
Zoning & Acreage: PF - 21.25 ac +/-

Vogt explained the location and pointed out that presently the property south of the road is several small lots re-platting into two. The property north of the road is included in the plat to designate the road right-of-way and not leave a remainder.

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

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

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

4. **PRELIMINARY PLAT** DeMarcus, Bruce/Ponderosa Land Surveys
Action Required: Approval/Denial
Description (Location): Tracts 2A, 2B & 2C, of MS 1869, Sec. 12 & 1-4-3 (Upper Two Bit Road)
Purpose: Subdivide
Zoning & Acreage: PF – 38.32 ac +/-

Mr. DeMarcus discussed the fire plan for the entire property. Rob Mattox spoke to the condition of fuels on the entire acreage.

Moved-Seconded (Brady-Mickelson) to approve the Preliminary Plat, however no building permit may be issued on the larger parcel until the fire plan is implemented. Motion Carried.

5. **PRELIMINARY PLAT** Haist, Herb/Arleth & Associates
Action Required: Approval/Denial
Description (Location): Lots 3A-1, 3A-2, & 3A-3, MS 848 (Whitewood Creek Road)
Purpose: Subdivide
Zoning & Acreage: PF - 20.00 ac +/-

Emergency access routes were discussed. Haist stated he has no legal access but has discussed with Charles Brown the availability of an emergency escape route through his property. A fire plan has been completed on the property.

Moved-Seconded (Brady-Mickelson) to approve the Preliminary Plat. Coburn voted Nay. Motion carried.

6. **FINAL PLAT** Two Bit LLC/Arleth & Associates
Action Required: Approval/Denial
Description (Location): Lots 5 & 14, Golden Hills (Boulder Canyon off two bit road)

Purpose: New Lots
Zoning & Acreage: PF - 7.22 ac +/-

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

7. **FINAL PLAT** (from June meeting) Jennifer Greenwood/Arleth & Associates -
Action Required: Approval/Denial
Description (Location): Tract A (South of Crook City Road, on Timber Ridge Lane)
Purpose: Plat required to obtain building permit for 5 acre tract purchased.
Zoning & Acreage: PF - 4.98 ac +/-

Vogt explained this plat was discussed at the last meeting and consideration was deferred until the completion of the fire plan. Also requested was widening of the access easement. She further stated the parcel has been deeded to Greenwood described by Quarter/Quarter description. County Ordinance requires platting of less than 40 acres for application of a building permit. Greenwood acquired the property from Charles Brown, her father. Brown is representing Greenwood today. He provided easement documents and the plat shows a 66' easement. A fire plan was prepared and is in progress on the 5 acre parcel. Brady commented that in his opinion this plat circumvents the County Subdivision Ordinance. Vogt stated she finds no ordinance violation with the plat presented.

Moved-Seconded (Brady-Coburn) to deny approval of this plat until there is a plat for the balance of the 40 acres presented. O'Dea voted Nay. Motion Carried.

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

1. **Continuation of Public Hearing:** **CUP #411 Deadwood Standard Project-Large Scale Mining**
Owner/Applicant: VMC LLC
Action Required: Recommendation of Approval or Denial
Description (Location): Numerous Mineral Surveys in Sections 29,30,31 and 32, T5N, R2E (West of Wharf mine, East of Hwy 14A, Spearfish Canyon)
Purpose: Mineral Extraction
Zoning & Acreage: PF - 173 ac +/-

At the June 7th hearing this matter was tabled after closing the public hearing.

Moved-Seconded (Brady-Mickelson) to take CUP #411 from the table. Motion Carried.

No minutes were taken of this hearing as Cindy Pffingston, a court reporter was present at the meeting and will submit a transcript as soon as it is completed. When this transcript is received, a copy will be on file in the Planning & Zoning office.

There was a motion by Brady, Seconded by Schenk to recommend approval of CUP #411 with a list of changes to conditions. Motion Carried.

2. **PUBLIC HEARING:** **T.I.F.D #1 Powder House Pass District Boundary**
Owner/Applicant: BH Development LLC, Greg & Jennifer Kaschmitter,

Action Required: Powder House Pass Community Improvement District
Designate/Approve boundary of
district/Recommendation to County Commission
Purpose: Finance water and sewer trunk lines from Lead.
Zoning: PUD

Moved-Seconded (Brady-Mickelson) to grant a continuance of hearing for the Boundary and Project Plan until the next meeting August 2, 2012. Motion Carried.

3. **DISCUSSION ITEM:** **TIFD #1 Project Plan for Powder House Pass**
Owner/Applicant: BH Development LLC, Greg & Jennifer Kaschmitter,
Powder House Pass Community Improvement District
Action Required: Consideration/Adoption of Project Plan
Purpose: Finance water and sewer trunk lines from Lead.
Zoning: PUD

Moved-Seconded (Brady-Mickelson) to grant a continuance of hearing for the Boundary and Project Plan until the next meeting August 2, 2012. Motion Carried

4. **PUBLIC HEARING:** **PUD Amendment COZ #243-12**
Owner/Applicant: Apple Springs Inc
Action Required: Recommendation of Approval/Denial
Description (Location): PUD Development Plan (Boulder Canyon)
Purpose: Amending the PUD to allow the use of drain fields
Zoning & Acreage: SRD

A public hearing was held for one portion of the amendment request to allow for the use of community drain fields in place of a treatment plant until such time as building a treatment plant becomes feasible. Presently the homeowners are paying to have the holding tanks pumped. Dave Simpson explained the four phase plan with each phase serving approximately 35 homes. John Lovald and Mike Kliewer spoke in favor of the proposal. There was no other public input and the public hearing was closed.

Moved-Seconded (Schenk-Mickelson) to recommend approval of phase one of the drain-field plan for the existing homeowners. Aye: Four. Nay: O'Dea and Brady. Motion Carried.

Moved-Seconded (O'Dea-Schenk) to instruct the Planning & Zoning office to issue no additional building permits in Apple Springs at this time. Aye: Four. Nay: Brady and Tysdal. Motion Carried.

5. **PUBLIC HEARING:** **PUD Amendment COZ #243-12**
Owner/Applicant: Apple Springs Inc
Action Required: Recommendation of Approval/Denial
Description (Location): PUD Development Plan (Boulder Canyon)
Purpose: Amending the PUD to change the North West portion of
the property to only have to meet the Lawrence County
Zoning and Subdivision Regulations (i.e. possible
change in lots sizes, possibility of no asphalt
requirement)
Zoning & Acreage: SRD

A public hearing was held for the amendment request for the North-West undeveloped portion of the PUD. This request would allow platting of larger lots and not require paving, still meeting all County regulations, but deleting some previously approved requirements from the PUD plan. There was no public input and the hearing was closed.

Moved-Seconded (Brady-Coburn) to recommend approval of the PUD Amendment COZ 243-12 for the North-West undeveloped area and prepare a Boundary Plat for that area. O’Dea voted Nay. Motion Carried.

6. **PUBLIC HEARING:** **COZ #297 - A-1 to C/LI**
Owner/Applicant: One Diamond Inc. / Alan Crago
Action Required: Recommendation of Approval/Denial
Description (Location): Tract 2, Sec 15, T7N, R2E (North of Spearfish, East of Hwy 85)
Purpose: Business/Industrial Park
Zoning & Acreage: A-1 – 46.70 +-

Tysdal and Brady abstained from discussion and vote. The Board approved Tysdal to continue to conduct the meeting.

A public hearing was held on a request to change the zoning from A-1 to C/LI of a 46 plus acre parcel bordering Spearfish City limits on Hwy 85. Crago requested this change to create an area for business development that requires large lot sites. No one spoke in favor of the proposal. Those voicing opposition, Jerry & Sue Gollither and Diana Doyle stated concern for proper septic disposal, security, access off Hwy 85 and lack of demand for this use as other industrial parks are not fully in use. Jayna Watson, Spearfish City Planner stated concern with compliance to the Hwy 85 guidelines, lack of public water and sewer services and the possibility of heavy uses that do not fit the vision for this corridor considering the existing rural context. Crago stated his plan was for six to eight large lots, not many individual small lots each with septic tanks. The public hearing was closed.

Moved-Seconded (Coburn-O’Dea) to recommend Denial of the request based on the concerns of the City of Spearfish. Aye: 4. Abstain: Brady, Tysdal. Motion Carried.

7. **INFORMATIONAL MEETING:** **CUP Amendment #329-12 Gillies, Cindy**
Owner/Applicant: Cindy & Boyce Gillies
Action Required: Discussion/Set Public Hearing
Purpose: Amend present 2nd residence CUP to be used for hired hand.
Zoning & Acreage: PF - 181.3 ac +- owned and leased –

O’Dea abstained from discussion and vote.

The requested amendment is to change the temporary 2nd residence allowed from use by a family member to use for a hired hand. A hearing was set for the next meeting on August 2, 2012.

8. **WORK SESSION:** **ORD #12-06 911 Address Signage**
Owner/Applicant: Lawrence County Zoning Ordinance
Action Required: Discussion/Review of Ordinance
Purpose: To require specific signs to be installed to show addressing

Zoning & Acreage: All zonings

It was decided to continue this work session to the next meeting.

9. **WORK SESSION:** **ORD #12-07 TIF Review Ordinance**
Owner/Applicant: Lawrence County
Action Required: Discussion/Review of Ordinance
Purpose: To create a TIF Review Procedure

It was decided to continue this work session to the next meeting.

10. **Items from Planning and Zoning Board Members/Staff**

Amber Vogt explained Mike McGuigan on Dairy Lane, presently has three residences on 40 acres of A-1 zoned land, and wishes to add a fourth for his daughter. The Board recommended he consider a request for a change of zoning to A-2, allowing up to four residences on a 40 acre tract after platting.

11. **Opportunity for Public Comment:** None

Motion by O'Dea to adjourn at 6:10 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF Aug 2, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, August 2, 2012 at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O’Dea, Bill Coburn, Tom Brady,

ABSENT: Bob Ewing, Travis Schenk, Craig Mickelson

Moved-Seconded (Brady-O’Dea) to appoint Bill Coburn acting secretary. Motion Carried.

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

Moved-Seconded (Coburn-Brady) to approve minutes of the meeting, July 5, 2012. Motion Carried.

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

Declaration of Conflicts of Interest: O’Dea: CUP 329-12 for Cindy Gillies.

PLATS IN ORDER AS LISTED:

FINAL PLAT for Bruce De Marcus to subdivide land on Upper Two Bit Road. Tracts 2A, 2B & 2C, of MS

1869, Sec. 12 & 1-4-3, land is zoned PF. A No-Build clause was noted on the plat for Tract 2C until such time as the Fire Mitigation plan is complete.

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

FINAL PLAT for Northern Hills Industrial Park, LLC to create 2 new lots (7 & 8) off Hwy 34 on Sagebrush Lane, land is zoned C/LI. This is the first Final plat of this subdivision.

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

PUBLIC HEARINGS, RECOMMENDATIONS, and INFORMATIONAL ITEMS:

PUBLIC HEARING for TIF #1 Powder House Pass Request

Moved-Seconded (Coburn-Brady) to grant a continuance of hearing for the Boundary and Project Plan until the next meeting Sept 6, 2012. Motion Carried.

PUBLIC HEARING for CUP Amendment #329-12 Cindy Gillies to amend present 2nd residence CUP to be used for hired hand instead of a family member, land is zoned PF. O’Dea abstained from discussion and vote. There was no public input and the hearing was closed. Gillies will provide the name of the employee to the office.

Moved-Seconded (Brady-Coburn) to recommend approval of the amendment to CUP #329-12. O’Dea abstained. Motion Carried.

INFORMATIONAL MEETING for CUP #412 Randy Sachau for a Personal Use Airstrip in the A-2 District in

the Crow Peak Bench Subdivision off of Moeller Road. No on-site review was needed and a public hearing was set for the next Planning & Zoning meeting Sept. 6, 2012

RECOMMENDATION MEETING for COZ 243-12 Apple Springs Revised Drain field Plan. Vogt explained at the last meeting, the Board recommended approval of phase one of the drain-field plan. The applicant requested the County Commission postpone the hearing and instead, discussed reorganized plans for development of the sewer system at Apple Springs. Several parties involved met to work on possible solutions and considerations needed for the system. The Commission asked that the P&Z Board be advised of additional considerations. Discussion pertained to capacity of drain-fields, taking into consideration additional use from Vacation Rentals, On-going funding plans, Sanitary District functions and the need for a detailed development agreement. Vogt asked for a recommendation to the Commission. Brady suggested the Board recommend support as long as the Sanitary District obtains control of the infrastructure (water & sewer systems) and easements for such, and allow the first drain-field installation to provide relief for the present homeowners. This should be done as soon as possible before winter. The public hearing will be held at the Aug 21, 2012 County Commission meeting.

WORK SESSION for ORD #12-06 911 Address Signage to require specific signs to be installed to show addressing. The County Commission had requested Planning & Zoning to prepare a proposal for a 911 address signage ordinance. The Board has heard input from emergency management personnel and discussed possible wording. Vogt and the Board is questioned why this is a Planning & Zoning project.

Moved-Seconded (Coburn O’Dea) this ordinance should be presented by Emergency Management to County Commission, as this is not a Planning & Zoning responsibility. Motion Carried.

WORK SESSION for ORD #12-07 TIF Review Ordinance to create a TIF Review process. Vogt presented a proposal that sets up a review process for Tax Increment Financing Districts. Wording changes to the proposal were discussed.

Items from Planning and Zoning Board Members/Staff: None

Opportunity for Public Comment: None

Adjourn: Motion by Coburn to adjourn at 4:22 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF September 6, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, September 6, 2012 at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O’Dea, Travis Schenk, Craig Mickelson, Richard Sleep (alternate), Tom Brady arrived at 1:40 p.m.

ABSENT: Bill Coburn, Bob Ewing

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

Moved-Seconded (Mickelson-O’Dea) to approve minutes of the meeting, August 2, 2012. Motion Carried.

Moved-Seconded (Schenk-Sleep) to approve the agenda. Motion Carried.

Declaration of Conflicts of Interest: Tysdal-Discussion item regarding Alan Crago.

Previously approved plats for Mystic Miner and Kent Marshall were re-signed that were destroyed by fire prior to recording.

FINAL PLAT for Charles Brown to plat 35 +/- acres off Crook City Road. Tract B NW $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 1-5-3, land is zoned PF. Vogt reminded the Board of the prior plat of a five acre parcel Brown had sold to his daughter. The Commission approved the plat after it was denied by the P&Z Board and Mr. Brown had agreed to plat this remaining 35 acres.

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

FINAL PLAT for Jon & Barb Mattson to change lot lines. Lot 1A & 2A located in Boulder Canyon,

zoned PF and HSC. This property had been platted several months ago. Mattson is requesting a lot line adjustment requiring re-platting.

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

FINAL PLAT for Centennial Prairie Ranch/Hank Frawley to final plat lots for exchange of land located along Hwy 85, Sec 23-6-3, zoned A-1.

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

LAYOUT PLAN for Randall Wheaton to subdivide 9.84 acres along Greens Gulch Loop, zoned PF.

Vogt explained the request does not meet ordinance as 10 acres are required to subdivide Park Forest zoned property. However, the County has approved prior requests as “close enough” to 10 acres. Wheaton explained access and work already done thinning trees. The Board voiced no opposition.

UPDATE for TIF #1 Powder House Pass and Request continuance. John Frederickson, representing the applicants, explained the on-going negotiations with the Lead Deadwood Sanitation District and the delays that have resulted. He asked for an additional continuation until the next Planning & Zoning meeting. Moved-Seconded (Brady-Mickelson) to table the Public Hearing until October 4, 2012. Motion Carried.

PUBLIC HEARING for CUP #412 Randy Sachau for a Personal Use Airstrip in the A-2 District in the Crow Peak Bench Subdivision off of Moeller Road. Sachau explained his plan to re-contour lot 7 which is now a hay field and would continue to be, and use it for his personal use airstrip. He plans to build his home on the adjacent lot 10. The airstrip would be approximately 1000 feet running from northwest to southeast. Don Simons and Frank Rubin spoke in opposition asking the size of plane to use the strip and what type of air traffic should be expected. Rubin asked how this might affect neighboring lots. An email was received from Erik Hayenga objecting to the request. Sachau explained the planned aircraft would probably hold two passengers and weight approximately 1300 lbs. It would be for hobby use and the small aircraft should cause no more noise than any vehicle using the road. There was no other public input and the hearing was closed. The Board questioned how many private strips are presently in the county? There appear to be many but Dr. Sachau is the first to apply for a permit for this conditional use. Moved-Seconded (Brady-Mickelson) to recommend approval of CUP #412. Motion Carried.

RECOMMENDATION MEETING for VAR #133 Thomas & Nyla Griffith in Shirtail Gulch SD for a 1.25' variance to the 25' front setback. Nyla explained this encroachment was discovered when the property was surveyed as part of an offer to purchase, which has since been withdrawn. Vogt stated this is the most recent of many setback infringements by the builder. Moved-Seconded (Mickelson-Brady) since this request meets land hardship criteria, to recommend approval of VAR #133. Motion Carried.

DISCUSSION ITEM for Alan Crago/Kellem Property for possible change of zoning. Tysdal and Brady abstained from discussion. Tysdal continued to conduct the meeting. Randy Deibert explained Mr. Crago had been denied approval of a change of zoning request to highway service commercial zoning by the Board. Crago chose to pull his request from consideration by the County Commission which, if denied, would allow no further consideration of a zoning change for one year. Deibert shared Crago's idea of developing the 46+- acre parcel for mixed light/industrial, commercial uses and presented a list of economic development requests for possible business locations. He has been working on capturing concerns and land owner issues.

INFORMATIONAL MEETING for ORD #12-07 TIF Review Ordinance to create a TIF Review process. Amber explained changes considered since the last meeting. A public hearing was set for the next meeting on October 4, 2012.

Items from Planning and Zoning Board Members/Staff: Amber invited the Board to attend the SDPA conference which is held this year in Lead in October.

Opportunity for Public Comment: None

Adjourn: Motion by O'Dea to adjourn at 2:55 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF October 4, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, October 4, 2012 at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O’Dea, Travis Schenk, Bob Ewing, Tom Brady

ABSENT: Bill Coburn, Craig Mickelson

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

Moved-Seconded (O’Dea-Ewing) to nominate Travis Schenk as acting secretary. Motion Carried

Moved-Seconded (Ewing-O’Dea) to approve minutes of the meeting, September 6, 2012. Motion Carried.

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

Declaration of Conflicts of Interest: None

FINAL PLAT: Jon Mattson to plat Lot 6 of Brighter Day Subdivision in Boulder Canyon off Two Bit Road, zoned PF.

Vogt stated roads are done and any entrance point off of Two Bit will need to be approved by the Lawrence County Highway Department.

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

UPDATE for TIF #1 Powder House Pass and Request continuance.

Vogt explained the on-going negotiations with the Lead Deadwood Sanitation District and the delays that have resulted. She asked for an additional continuation until the next Planning & Zoning meeting. Moved-Seconded (Ewing-Brady) to postpone the Public Hearing until November 1, 2012. Motion Carried.

PUBLIC HEARING for ORD #12-07 TIF Review Ordinance to create a TIF Review process.

Vogt reviewed the proposed Ordinance. No opponents or proponents present. Closed the Public Hearing. Moved-Seconded (Brady –Schenk) to approve ORD 12-07 to create a TIF review process. Motion Carried.

INFORMATIONAL MEETING for COZ #298 Michael McGuigan, McGuigan Inc to change zoning of 40 acre parcel from A-1 to A-2 to add new residence and bring property into compliance. **Action Required:**

Discussion/Set date
for On-site if needed, and date for public hearing.

Vogt explained location of proposal, change would be from A-1 to A-2 zoning in order to bring 3 existing residences into compliance and allow 1 additional residence be built for family. No onsite needed. Public Hearing set for November 1, 2012.

INFORMATIONAL MEETING for CUP #413 Velocitel Inc for AT&T for co-location and equipment shelter at existing tower on Lost Irishman Road outside of Lead. **Action Required:** Discussion/Set date for On-site if needed, and date for public hearing.

Vogt explained location of proposal, this proposal is co-locating AT&T and Verizon on the same tower and allowing an additional equipments helter to be built. No onsite needed. Public Hearing set for November 1, 2012.

Items from Planning and Zoning Board Members/Staff: Discussion regarding the Powder House Pass Developments issues with the Sanitary District; the P & Z Board Terms; the update on the Apple Springs Utility Project and the COZ Application for drain fields; and private vs. public roads.

Opportunity for Public Comment: None

Adjourn: Motion by O’Dea to adjourn at 2:20 p.m.

APPROVED: _____
Rick Tysdal, CHAIR

Date:

ATTEST: _____
Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF November 1, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, November 1, 2012 at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

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

ABSENT: Travis Schenk

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

Moved-Seconded (Brady/Mickelson) to approve minutes of the meeting, Oct 4, 2012. Motion Carried.

Moved-Seconded (Ewing/Mickelson) to approve the agenda with the following amendment: The informational meeting for COZ #299 to be rescheduled to the December meeting. Motion Carried.

Declaration of Conflicts of Interest: None

PRELIMINARY & FINAL PLAT (Exempt Plat) for James & Janet Shevling, Tracts 1 & 2, Lot line adjustment of the two lodes, started with 2 lots ended with 2 lots, off of Long Valley Lane.

Loren Vrem, surveyor, explained the circumstances of this correction. Coburn expressed disagreement with the exemption designation.

Moved-Seconded (Brady-Mickelson) to declare this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Aye 5, Nay 1. Motion Carried.

Moved-Seconded (Ewing-Mickelson) to approve the Preliminary Plat. Aye 5, Nay 1. Motion Carried.

Moved-Seconded (Ewing-O'Dea) to approve the Final Plat. Aye 5, Nay 1. Motion Carried.

PRELIMINARY & FINAL PLAT (Exempt Plat) for Doug & Denise Miller, Tracts D-1 & C-1, Lot Line Adjustment for financing purposes, started with 2 ended with 2, off of Nemo Road.

Loren Vrem, surveyor, explained the circumstances of this change. Coburn expressed disagreement with the exemption designation.

Moved-Seconded (Brady-Ewing) to declare this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Aye 5, Nay 1. Motion Carried.

Moved-Seconded (Mickelson-Ewing) to approve the Preliminary Plat. Aye 5, Nay 1. Motion Carried.

Moved-Seconded (Mickelson-Ewing) to approve the Final Plat. Aye 5, Nay 1. Motion Carried.

UPDATE for TIF #1 Powder House Pass (Greg & Jennifer Kaschmitter) District Boundary and Project Plan in order to finance water and sewer trunk lines from Lead, zoned PUD. Postponed from Oct 4, 2012.

Greg & Jennifer Kaschmitter explained the on-going negotiations with Lead-Deadwood Sanitary district. They do not think that an agreement will be reached that will be affordable for Powder House Pass to be included in the district. At this time they ask that their application for a Tax Increment Financing District be withdrawn.

Moved-Seconded (Ewing-Mickelson) to accept withdrawal of TIF #1 application. Further, application fee will be waived if the applicant should reapply within five years. Motion Carried.

PUBLIC HEARING for COZ #298 Michael McGuigan, McGuigan Inc to change zoning of 40 acre parcel from A-1 to A-2 to add new residence and bring property into compliance.

There was no public input and the hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of COZ #298. Motion Carried.

PUBLIC HEARING for CUP #413 Velocitel Inc for AT&T for co-location and equipment shelter at existing tower on Lost Irishman Road outside of Lead.

There was no public input and the hearing was closed.

Moved-Seconded (Brady-Ewing) to recommend approval of CUP #413. Motion Carried.

RECOMMENDATION MEETING on a request for Variance #134 from Brian Jurgens to allow a 5' variance (20' setback) of the front SW corner for residence remodel/addition and 16' variance (9' setback) of the front S corner for an existing garage.

Moved-Seconded (Brady-Ewing) to recommend approval of VAR #134 for the existing footprint of present structures but not for any additional building as this would not meet the definition of a hardship. Motion Carried.

Items from Planning and Zoning Board Members/Staff: The Board expressed concern regarding the unfinished residence at McMasters Corner.

Opportunity for Public Comment: None

Adjourn: Motion by Ewing to adjourn at 2:25 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY

LAWRENCE COUNTY PLANNING & ZONING COMMISSION

MINUTES OF December 6, 2012

REGULAR MEETING

Chairman Rick Tysdal called the regular meeting of the Lawrence County Planning & Zoning Commission to order on Thursday, December 6, 2012 at 1:30 p.m. in the County Commission Meeting Room, 90 Sherman Street, Deadwood, SD, Lawrence County.

PRESENT: Rick Tysdal, Marty O’Dea, Richard Sleep, Bill Coburn, Craig Mickelson, Travis Schenk

ABSENT: Tom Brady

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

Moved-Seconded (O’Dea-Mickelson) to approve minutes of the meeting, Nov 1, 2012. Motion Carried.

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

Declaration of Conflicts of Interest: Tysdal-Informational meeting for COZ #299.

PRELIMINARY & FINAL PLAT for Randall Wheaton, Lots 1 & 2. Creating 2 lots off Minnesota Ridge on Greens Gulch Loop.

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

Moved-Seconded (Mickelson-Sleep) to table the decision on the final until the end of the meeting. Motion Carried.

Moved-Seconded (Mickelson-Sleep) to take final plat consideration from the table. Motion Carried.

Rob Mattox reported the fire plan for the Wheaton property was finished but for slash piles to be burned at a later date. Vogt requested a letter from Rob regarding the above information.

Moved-Seconded (Mickelson-Schenk) to approve the final plat. Motion Carried.

FINAL PLAT for Greg Wolf, Lot 16, Blk 5 of Whitewood Forest Acres. New lot of previously approved preliminary plat.

Moved-Seconded (Mickelson-Schenk) to approve the final plat. Motion Carried.

FINAL PLAT for Brett Winsell, Lot 2 A & 3A of Winsell Ranch Sub. Move lot line between original lots, located off of Erickson Road. Fire plan was completed.

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

PRELIMINARY & FINAL PLAT (Exempt Plat) for Lorna Mix & Gary Behrman, Lots 5A & 5B, Block 1 of Storey Lane Sub. Move lot line between original Lot 5 & 6, off Boulder Canyon Road.

Moved-Seconded (Mickelson-O’Dea) to declare this plat meets exemption criteria per Subdivision Ordinance, Chapter 4. Aye: 5, Nay: Coburn. Motion Carried.

Moved-Seconded (O’Dea-Mickelson) to approve the preliminary plat. Aye: 5, Nay: Coburn. Motion Carried.

Moved-Seconded (Mickelson-Schenk) to approve the final plat. Aye: 5, Nay: Coburn. Motion Carried.

FINAL PLAT for 2 Bit LLC, Golden Hills Sub, Lots 6 and 11. New lots of previously approved preliminary plat.

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

INFORMATIONAL MEETING for COZ #299 for Edgar Kellem and Alan Crago to change zoning of 46.70 acre parcel of currently zoned A-1 to Commercial Light Industrial, located on Tract 2 of 15-007-02, N of Spearfish.

Chairman Tysdal declared a conflict and did not participate in discussion, however with the Boards' approval, he continued to conduct the meeting. Randy Deibert, representing Mr. Crago, explained the progress made on this new request since denial of the previous one. A development plan/agreement has been discussed between the owner & City of Spearfish. He explained that annexation into Spearfish is not possible as the City does not want to annex, and infrastructure improvements would not be possible until property owners to the south construct their lines to connect to city services. No on-site was scheduled and a public hearing will be held Jan 3, 2013 if the applicant wishes to continue.

INFORMATIONAL MEETING to adopt new official printed zoning map.

Vogt explained the present zoning map needs re-adopted to better show the changes of zoning that have taken place since the last adoption in 2006. This adoption will not make changes in zoning, but just reflect the present zoning of parcels throughout the County. The public hearing will be held January 3, 2013.

RECOMENDATION MEETING for an Administrative VAR #135 for Pete Rowe/City of Spearfish and Lawrence County. 19' variance on the north side and 9' variance on west side from the 25' setback.

Amber explained the circumstances of this request. This property is in the Spearfish building permit jurisdiction, and a permit was issued for a pole building, erroneously allowing five foot side and back setbacks. After the building was up, the error was realized and Tom Paisley contacted the County to explain his mistake.

Moved-Seconded (Mickelson-Coburn) to recommend approval of VAR #135 to the County Commission. Aye: 5, Nay: O'Dea. Motion Carried.

DISCUSSION ITEMS:

- ◆ Review Proposed Schedule for 2013

The Board approved meeting dates for 2013 being the first Thursday of each month except for July which will be July 11, as the first Thursday is a holiday.

- ◆ Review ordinance for Fire Plan Procedure and Exempt Plats

Coburn expressed his view on exempting plats from the fire mitigation requirement when the plat only moves a lot line. He feels any time the County has an opportunity to require action to reduce fire danger it should. Presently, Fire Mitigation Plans are required on all plats that have the potential to increase density. Rob Mattox was present to explain costs associated with

having a Fire Plan prepared. The Board decided that each plat can be looked at and decided whether it is an exempt plat or if further work needs to be done under the current Ordinance.

◆ Review Ordinance for Personal Airstrips as a Conditional Use

The County Commission expressed concern regarding the need for setbacks for Personal Airstrips, when approved as a Conditional Use. Amber is asking if the P&Z Board wishes to prepare an ordinance amendment concerning this change. The Board suggested a setback requirement could be placed as a condition on permits. They agreed that the current Ordinance is ok as is.

◆ Review Possible Building Inspector Data

The P&Z Office has been researching requirements and costs associated with having a building inspector. Amber explained some recent instances that may have been alleviated if the County had an Inspector. She also asked the Boards opinion on requiring Contractor Licensing. Her idea is that the present Code Enforcer/Deputy could receive training in the next year and be ready to perform inspections starting in 2014. No additional personnel would be needed. The Board was in favor of both Contractor Licensing and Building Inspector. Moved-Seconded (Coburn-Mickelson) to recommend the County Commission consider approval of the designation of a County Building Inspector. Motion Carried.

Items from Planning and Zoning Board Members/Staff: None

Opportunity for Public Comment: None

Adjourn: Motion by Coburn to adjourn at 4:02 p.m.

APPROVED: _____

Date:

Rick Tysdal, CHAIR

ATTEST: _____

Craig Mickelson, SECRETARY